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PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES

FRIDAY, SEPTEMBER 24, 1965

The House met at 11 o'clock a.m.

The Reverend V. L. Daughtry, Jr., First Methodist Church, Cuthbert, Ga., offered the following prayer:

God, grant the gifts of historical insight and understanding to this assembly of representative government.

Give to it a sensitivity to the failure and glory of the past.

Give to it an awareness of duty and mission in the present.

Give to it a vision of hope and confidence for the future.

Give to it the courageous ability to distinguish each time from the other. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 2091. An act relating to the establishment of concession policies in the areas administered by National Park Service, and for other purposes;

H.R. 2358. An act for the relief of Tony Boone;

H.R. 2772. An act for the relief of Ksenija Popovic;

H.R. 8035. An act to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd estate, for addition to the Fire Island National Seashore, and for other purposes;

H.R. 9417. An act to revise the boundary of Jewel Cave National Monument in the State of South Dakota, and for other purposes;

H.J. Res. 309. Joint resolution to amend the joint resolution of March 25, 1953, to increase the number of electric typewriters which may be furnished to Members by the Clerk of the House.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7059. An act to amend the act of July 2, 1940 (54 Stat. 724; 20 U.S.C. 79–79e), to authorize such appropriations to the Smithsonian Institution as are necessary in carrying out its functions under said act, and for other purposes; and

H.R. 10871. An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10871) entitled "An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. HAYDEN, Mr. RUSSELL of Georgia, Mr. ELLENDER, Mr. MAGNUSON, Mr. HOLLAND, Mr. SALTONSTALL, Mr. YOUNG of North Dakota, and Mr. MUNDT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1855. An act to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes;

S. 2126. An act for the relief of Sook Ja Kim, Ai Ja Kim, and Min Ja Kim; and

S. Con. Res. 53. Concurrent resolution authorizing the printing of the report of the proceedings of the 42d biennial meetings of the Convention of American Instructors of the Deaf as a Senate document.

The message also announced that the Vice President, pursuant to Public Law 84–689, appointed Mr. Moss as an alternate delegate to the 11th North Atlantic Treaty Organization Parliamentary Conference to be held in New York, N.Y., October 4 to 9, 1965.

THE LATE HON. WILLIAM C. COLE

Mr. HULL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HULL. Mr. Speaker, I rise to give expression to the sadness and deep regret which all who knew him feel upon the passing of our former colleague, William C. Cole.

Bill Cole served four terms in the House of Representatives. He represented the old Third District of Missouri from 1943 to 1949, and the present Sixth District in 1953 and 1954. During those terms, he served on the House Committees on Invalid Pensions, on Rivers and Harbors, on House Administration, on Post Office and Post Roads and its successor Post Office and Civil Service.

Bill Cole was a patriot who not only served his country in the Congress and later as a member of the Board of Veterans Appeals, but also had the distinction of defending his Nation with service in both the Army and the Navy.

In 1916 he served in the Army under Gen. John J. Pershing in the Mexican campaign against Pancho Villa. He was mustered out shortly before the United States entered World War I, and he enlisted in the Navy only 8 days after this country declared war.

Bill Cole was a Republican. He was a good Republican. He was loyal to his party, and he served his party well both in public office and out. He was especially active in veterans' legislation, and in support of rural electrification programs, soil conservation, and a balanced farm economy.

From this side of the aisle, and from a person who at one time opposed him in an election campaign, let it be stated that Bill Cole placed country before any political consideration.

I am sure that his lovely wife, Esther Cole, and his daughter, Mrs. Mary Schofield, can take great comfort in the knowledge that he won a niche in the hearts of all who knew him, and that his service to his fellow man will forever be a monument to his memory.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. HULL. I yield to my colleague from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman's yielding. I want to join him, from this side of the aisle, in paying last respects to our former colleague, Bill Cole. Although it was not my privilege to serve in this House when he was here, I knew him through the State organization. My wife joins me in extending heartfelt sympathy and prayers of understanding, in this time of bereavement to his lovely lady, Esther.

I especially compliment the gentleman on his generous statement and on assuming this sad duty to appear in the well of the House today and express sentiments in his own inimitable way with which we all associate ourselves.

We pray the Almighty will cast mercy on the soul of our departed friend.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HULL. I am glad to yield to the gentleman.

Mr. GROSS. Mr. Speaker, I greatly regret to hear from the gentleman from Missouri [Mr. HULL] of the death of our former colleague and my friend of other years, Bill Cole.

It was with credit and distinction that he served his district, the State of Missouri, and the Nation, and he has been missed in the Halls of Congress.

I extend my condolences to the members of his family.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. HULL. I yield to the distinguished minority whip.

Mr. ARENDS. Mr. Speaker, I had the privilege of serving in Congress with my good friend, Bill Cole. It was a pleasure and a privilege to know him and to work with him.

Mr. Speaker, I am deeply distressed to learn of the passing of my good friend and former colleague, Bill Cole. During his service in the House I had occasion to work with him on many legislative problems. He demonstrated that he was not only a man of ability but a man of character and convictions. And he always had the courage of his convictions. Perhaps this accounts in some measure for the fact that his service in the Congress was not continuous. He was not the type of man who would sacrifice his principles—the things in which he firmly believed—for political expediency.

Bill Cole indeed made a substantial contribution to the work of the Congress. While he is no longer with us, he has left a legacy of a job well done.

I extend my sincerest sympathy to his family.

Mr. HULL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks at this point in the RECORD.

The SPEAKER. Without objection it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. DEVINE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 323]

Abbitt
Adair
Adams
Addabbo
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Aspinall
Bandstra
Baring
Betts
Boggs
Bolling
Bolton
Bonner
Brock
Burton, Utah
Callaway
Casey
Clausen, Don H.
Clawson, Del
Colmer
Corbett
Corman
Dawson
Diggs
Dorn
Dowdy
Duncan, Oreg.
Edwards, Calif.
Farnsley
Farnum
Fino
Ford, William D.
Frelinghuysen
Goodell
Grabowski
Gray
Gubser
Hagan, Ga.
Halleck
Hansen, Iowa
Hays
Hébert
Henderson
Herlong
Hicks
Holifield
Holland
Hosmer
Johnson, Calif.
Johnson, Okla.
Keogh
Kirwan
Kluczynski
Landrum
Latta
Lindsay
Lipscomb
Long, Md.
McEwen
Madden
Mailliard
Miller
Moeller
Monagan
Morton
Moss
Murray
O'Brien
O'Hara, Ill.
Olson, Minn.
Ottinger
Pirnie
Powell
Pucinski
Reinecke
Resnick
Rhodes, Ariz.
Rivers, S.C.
Roberts
Roosevelt
Scott
Senner
Shriver
Sikes
Smith, Calif.
Springer
Stalbaum
Talcott
Teague, Calif.
Thomas
Thompson, Tex.
Toll
Tuck
Udall
Utt
Whitten
Williams
Willis
Wilson, Bob
Wyatt
Yates
Younger

The SPEAKER. On this rollcall 328 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ANNOUNCEMENT

Mr. SAYLOR. Mr. Speaker, on rollcall 322 I was not present, and arrived just after the vote was announced. Had I been present I would have voted "yea."

VESSEL EXCHANGE AMENDMENTS

Mr. GARMATZ. Mr. Speaker, I call up the conference report on the bill (H.R. 728) to amend section 510 of the Merchant Marine Act of 1936, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1085)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 728) to amend Section 510 of the Merchant Marine Act, 1936, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That (a) the first sentence of subsection (i) of section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160(i)), is amended as follows:

"(1) By striking out 'within five years from the date of enactment of this Act war-built vessels (which are defined for purposes of this subsection as oceangoing' and inserting in lieu thereof the following: 'before July 5, 1970,'.

"(2) By striking out 'during the period beginning September 3, 1939, and ending September 2, 1945)' and inserting in lieu thereof the following: 'before September 3, 1945,'.

"(3) By inserting immediately before the words 'owned by the United States' the following: '(which are defined for purposes of this subsection as oceangoing vessels of one thousand five hundred gross tons or over which were constructed or contracted for by the United States shipyards during the period beginning September 3, 1939, and ending September 2, 1945)'.

"(b) Paragraph (1) of subsection (i) of section 510 of the Merchant Marine Act, 1936, as amended, is amended to read as follows:

"'(1) The traded-in vessel shall have been owned by a citizen or citizens of the United States, documented under the laws of the United States, and shall not have been operated with operating-differential subsidy under title VI of this Act by the applicant or any affiliate of the applicant for at least three years immediately prior to the date of the exchange.'

"(c) Paragraph (2) of subsection (i) of section 510 of the Merchant Marine Act, 1936, as amended, is amended by inserting after the period at the end thereof the following: 'The value of a vessel when traded out shall be calculated in the same manner as its value was determined when it was traded in, except that vessels traded in prior to October 1, 1960, shall be valued on the basis yielding the highest fair return to the Government commensurate with the purposes of this subsection. In each exchange of vessels under this subsection, the value of the vessel traded-in, unless based on scrap value, and the value of the vessel traded-out shall be calculated in the same manner.'

"(d) Paragraph (9) of subsection (i) of section 510 of the Merchant Marine Act, 1936, as amended, is amended to read as follows:

"'(9) Except where traded out for use exclusively in trade and commerce on the Great Lakes, including the Saint Lawrence River and Gulf, tanker vessels may be traded out under the provisions of this subsection only for major conversions into dry cargo carriers or liquid bulk carriers, including natural gas carriers but excluding bulk petroleum carriers.'

"SEC. 2. Section 510 of the Merchant Marine Act, 1936, is further amended by adding at the end thereof the following new subsection:

"'(j) Any vessel heretofore or hereafter acquired under this section, or otherwise acquired by the Secretary of Commerce under any other authority shall be placed in the national defense reserve fleet established under authority of section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and shall not be traded out or sold from such reserve fleet, except as provided for in subsections (g) and (i) of this section. This limitation shall not affect the rights of the Secretary of Commerce to dispose of a vessel as provided in other sections of this title or in titles VII or XI of this Act.'"

And the Senate agree to the same.

EDWARD A. GARMATZ,
THOMAS L. ASHLEY,
THOMAS N. DOWNING,
WILLIAM S. MAILLIARD,
THOMAS M. PELLY,
Managers on the Part of the House.

WARREN G. MAGNUSON,
E. L. BARTLETT,
DANIEL B. BREWSTER,
WINSTON L. PROUTY,
PETER H. DOMINICK,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 728) to amend the Merchant Marine Act, 1936, as amended, to broaden the vessel exchange provisions of section 510 of the act, to extend such provisions for an additional 5 years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the text of the House bill and the text of the Senate amendment and that the Senate agree to the same.

Except for clerical and minor drafting changes, the differences between the Senate amendment and the substitute agreed to in conference are noted below.

Section 4 of the Senate amendment amended paragraph (3) of subsection 510(i) of the Merchant Marine Act of 1936, as amended, by providing that: "The value of a vessel when traded out shall be calculated in the same manner as its value was determined when it was traded in."

No comparable provision appeared in the House bill.

The House receded from its disagreement to this provision of the Senate amendment, countering with a substitute. It was this substitute which was accepted, serving to amend paragraph (2) of subsection 510(i) of the Merchant Marine Act of 1936, as amended, which will read as follows:

"(2) The value of the vessel when traded out shall be calculated in the same manner as its value was determined when it was traded in, except vessels traded in prior to October 1, 1960, shall be calculated on the basis yielding the highest fair return to the Government commensurate with the purposes of this subsection. In each exchange of vessels under this subsection, the value of the vessel traded in, unless based on scrap value, and the value of the vessel traded out shall be calculated in the same manner."

It is not intended that this amendment will affect the present law concerning the valuation of vessels of the military type, as provided for in paragraph (3) of subsection 510(i) of the Merchant Marine Act of 1936, as amended.

Section 1(c) of the House bill amended paragraph (9) of subsection 510(i) of the Merchant Marine Act of 1936, as amended, so as to remove the absolute prohibition against trading out tanker vessels, subject to certain conditions. Section 3 of the Senate bill provided for a similar amendment removing the absolute prohibition against trading out tanker vessels. The position of the managers on the part of the House was that the Senate version was not sufficiently definitive since it provided that:

"(9) Tanker vessels may be traded out under the provisions of this subsection only for nontanker use."

But failed to adequately define "nontanker use."

Section 1(c) of the House bill, on the other hand, provided that:

"(9) Tanker vessels may be traded out under the provisions of this subsection only for conversion into dry bulk carriers to be operated only in the domestic trades, except where traded out for use exclusively in trade and commerce on the Great Lakes, including the Saint Lawrence River and Gulf. No tanker vessel so traded out, or any part thereof, shall be used in the construction or reconstruction of a vessel."

The House receded from its provision restricting the operation of such tanker vessels to the dometsic trades. The Senate agreed to the inclusion of the exception for the Great Lakes. There was mutual agreement to delete the restriction in the last sentence of the House version barring the use of such tanker vessels for the construction or reconstruction of a vessel.

The following language was agreed upon as an amendment to paragraph (9) of subsection 510(i) of the Merchant Marine Act of 1936, as amended:

"(9) Except where traded out for use exclusively in trade and commerce on the Great Lakes, including the Saint Lawrence River and Gulf, tanker vessels may be traded out under the provisions of this subsection only for major conversion into dry cargo carriers or liquid bulk carriers, including natural gas carriers but excluding bulk petroleum carriers."

The language "for major conversion into dry cargo carriers or liquid bulk carriers, including natural gas carriers but excluding bulk petroleum carriers," was agreed upon in recognition of technological changes within the maritime industry. Under this provision tanker vessels may be traded out for use as dry cargo carriers and liquid bulk carriers. However, tankers so traded out cannot be used for employment as carriers of crude oil, diesel oil, gasoline, kerosene, and naphtha. It is intended that tanker vessels traded out can be converted so as to carry all dry cargoes, inclusive of conversion into container ships. Tanker vessels would also be permitted to be converted to carry liquid bulk cargoes such as liquefied gases (including anhydrous ammonia, methane, butane, butadiene, and propane, etc.), liquid sulphur and phosphoric acid and other organic and inorganic chemical products.

Section 2 of the House bill provided a new subsection (j) to section 510 of the Merchant Marine Act of 1936, as amended, which reads as follows:

"(j) Any vessel heretofore or hereafter acquired under this section, or otherwise acquired by the Secretary of Commerce under any other authority shall be placed in the National Defense Reserve Fleet established under authority of section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744) and shall not be traded out or sold from such reserve fleet, except as provided for in subsections (g) and (i) of this section. This limitation shall not affect the rights of the Secretary of Commerce to dispose of a vessel as provided in section 1105(d) of this Act (46 U.S.C. 1275(d)) and section 508(i)."

No comparable provision appeared in the Senate version of the bill.

The substitute agreed to in conference follows the House bill except that the last sentence was changed to read as follows:

"This limitation shall not affect the rights of the Secretary of Commerce to dispose of a vessel as provided for under any other section of this title, or under titles VII and XI of this Act."

It was the position of the managers for the House that this amendment was necessary to close a loophole in the law under which the Maritime Administrator proposed to sell certain ships in contravention of the intent of the Congress when it established the reserve fleet under the Merchant Ship Sales Act, although in a technical and legal sense such authority may have existed.

The managers on the part of the House believe that the conference substitute achieves the proper objectives of both the House bill and the Senate bill effectively and equitably.

Edward A. Garmatz,
Thomas L. Ashley,
Thomas N. Downing,
William S. Mailliard,
Thomas M. Pelly,
Managers on the Part of the House.

The SPEAKER. The gentleman from Maryland [Mr. Garmatz] is recognized for 1 hour.

Mr. GARMATZ. Mr. Speaker, I yield to the gentleman from Virginia [Mr. Downing] such time as he may consume.

Mr. DOWNING. Mr. Speaker, the Government has a very excellent trade-out, trade-in program for vessels which have been placed in the national defense fleet. This trade-out, trade-in program was provided by section 510 of the Merchant Marine Act of 1936 as amended. The provisions in the program expire this year and the purpose of the bill, H.R. 728, is to broaden certain provisions to cover some problems that we are meeting with today and also to extend the life of section 510 and the provisions thereof for a period of an additional 5 years.

The House and Senate have no substantial disagreement and the conferees agreed to substitute a text for both the Senate bill and the House bill.

There are several items that might be mentioned, one of which concerns the calculation of the trade-out value of the vessel. The conferees thought that vessels which had been traded into the defense fleet prior to 1960 should be calculated differently than those which were acquired after 1960. This is for the reason that these ships are old and are not likely to be used. In the past we would calculate their value either on the domestic market or world market or scrap value or a combination of such values.

The conferees agreed to submit language which would state that the Maritime Administration would select that calculation which would yield the fairest high return to the Government. The conferees of the Senate and House agreed to this provision.

Another provision which I would mention is the conferees thought that trading-out for nontanker use should be explained more fully in light of the present-day conditions and the nontanker use is defined.

Mr. Speaker, I think basically that covers the agreement of the conferees on this bill. I fully support the conference report and yield back the balance of my time.

Mr. GARMATZ. Mr. Speaker, I yield such time as he may require to the gentleman from Washington [Mr. Pelly].

Mr. PELLY. Mr. Speaker, I just want to state for the record that the conference report was unanimously agreed to. There is full agreement on the part of the minority. We think it is a good report and we urge that the House accept it as it comes to the House for approval today.

Mr. GARMATZ. Mr. Speaker, we have no further requests for time and move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GARMATZ. Mr. Speaker, it has come to my attention that because of the emergency in Vietnam the Defense Department has first call upon the most desirable vessels in the Reserve fleet. For that reason, and also because in any event the Department of Defense must approve the release of any vessel for exchange pursuant to the vessel exchange statute, the Maritime Administration will probably not process pending vessel exchange applications after the passage of this legislation which extends the program for 5 years, and even if it does, I believe that the Department of Defense will be reluctant to release the desirable vessels. I am further informed that the cost of reactivating Reserve fleet vessels for operation under general agency operation for MSTS is running as high as $500,000 and perhaps will exceed that amount in certain cases.

It would seem to me that in the interests of economy and also the expansion of our private merchant marine, the Administration and MSTS would be well advised to permit trade-out of these vessels under the Vessel Exchange Act. This would eliminate any cost of reactivation to the Government as the applicant receives a reduction from the valuation of the traded-out vessel equivalent to the cost of placing the vessel in class. But the applicant must expend his own funds to restore the vessel. This would also serve to upgrade our privately owned fleet on a permanent basis. The private owners, after reactivation, would either charter the vessels to MSTS or operate the vessel in other trades which would release additional desirable vessels for use by the military. I hope that the Maritime Administration and MSTS will consider this proposal and continue to implement the vessel exchange program.

HEART DISEASE, CANCER, AND STROKE AMENDMENTS OF 1965

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3140) to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and other major diseases.

The **SPEAKER.** The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3140) with Mr. FLOOD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN.** Under the rule, the gentleman from Arkansas [Mr. HARRIS] will be recognized for 1½ hours and the gentleman from Minnesota [Mr. NELSEN] will be recognized for 1½ hours.

The Chair recognizes the gentleman from Arkansas, but pending that, the Chair asks the gentleman to suspend for 1 minute. The Chair has two announcements to make and a couple of ground rules to lay down.

First, the Members are aware that last evening the majority leader advised us that since today is Friday, at the end of the day's business he would ask consent to go over until Monday noon. It has been a long, hard, hot week. All Members wish to be with their families. I do not blame you. That is an important announcement to the Members

The second announcement is much more important to the Chair. The Chair advises the Members that this is the wedding anniversary of the gentleman from Pennsylvania and Mrs. Flood. [Applause, Members rising.]

You are very kind. I assume that out of deference to Mrs. Flood you are applauding. However, all the necessary festivities have been arranged. Need I say more?

The gentleman about to address the Committee has been a member of this Committee and the House for 25 years. He has announced that he is retiring from the House. This is our loss. The gentleman has been nominated by the President and confirmed by the Senate unanimously as a Federal judge. He has been chairman of the great Committee on Interstate and Foreign Commerce for many, many years. He has presented many bills of vital import to the Nation. I am not sure of the date of his retirement, but the two bills he is about to present might possibly be his last major presentation. The greatest compliment and the tribute you can pay is to give him your rapt attention.

The Chair recognizes the gentleman from Arkansas.

Mr. HARRIS. Mr. Chairman, I yield myself such time as I may consume.

First. May I say to you, Mr. Chairman, and to my colleagues, I am grateful for the expression of esteem, which has just been manifested by the distinguished Chairman of this Committee. I do not know what the date is going to be myself.

Second. On behalf of all of our colleagues let me congratulate the distinguished Chairman of this Committee and his wonderful and lovely wife on this occasion of their anniversary. We offer our felicitations to them on this important occasion and extend to them our wishes for many, many, many more happy and joyous years together.

Mr. Chairman, this is one of the last of three major legislative proposals that I shall have the honor of presenting to my colleagues in the House.

Mr. Chairman, it has been my honor and privilege to have served with our colleagues in this House over the last quarter of a century. This is no time to discuss some of the feelings I may have, but during that time it has been my honor and privilege to bring to you, along with the members of the great Committee on Interstate and Foreign Commerce, over the years many highly important legislative programs.

In my considered and humble judgment, this bill which we bring to you today is undoubtedly one of the most important of the legislative proposals it has been our privilege to submit to this House. As a matter of fact, I do not believe there is anyone in this House or anyone in the country who can object to or does object to, the objectives of this legislative proposal, H.R. 3140.

Our committee has had jurisdiction over matters of public health since 1795. The very first legislative proposal which was referred to the committee which is today the Committee on Interstate and Foreign Commerce was a public health bill to protect the health and welfare of the merchant marine of this country. Down through the years there have been many important legislative programs to improve the health of our people and to eradicate certain of the dreaded and terrible diseases which have wrought burdens and tragedies upon the people of this country.

Let me recall to you that with regard to some of these diseases that we have faced in the past, such as yellow fever and malaria, today we think there is not much to them, but many years ago there was. Many of us here can recall the tragedy that poliomyelitis brought to the people of our Nation. What we have been able to do about that disease in our generation in the last decade is a revelation. What a wonderful feeling it is for you and for me, for all of us, who have just had a little part to play in improving the health and welfare of all of the people of this country. We can rightly be proud of contributing something to the relief of the suffering of humanity.

So today we have facing the people of this Nation the very dread disease of cancer. Which one of us has not seen our loved ones, our neighbors, and our friends as they have lingered and finally passed on to their reward because of this dread scourge? Which one of us has not seen those nearest to us suffering from heart disease, which brings to the minds of our people the suffering that humanity endures? Just this morning I learned that our former colleague in this House, the Honorable Clyde Ellis, a former Member from my State, who served here for many years, was stricken with a heart condition and is now in a hospital here in Washington. Which one of us has not seen those near and dear and close to us stricken down by stroke? Those are the three dread diseases that we are attacking here today. I do not believe that there will be any opposition to this effort as we present it here to you today.

Mr. Chairman, this legislation as originally introduced was highly controversial. It was highly controversial because we had persons who felt this legislation was in conflict with the fundamental philosophy of the Government. They felt the legislation was bringing into existence what in this country we have been somewhat fearful about over the years; namely, what has been termed "socialized medicine."

Now this legislation does not provide for a program that will now, or at any time in the future, lead to socialized medicine.

My hat is off to the medical profession. I think we owe them more than we can possibly pay them. We have a member of that profession on our committee. He has been invaluable, in my judgment, and I have appreciated the contribution that our colleague, the gentleman from Kentucky, Dr. CARTER, has made to this program as we bring it here to you today.

In this proposed legislation, Mr. Chairman, we attack the condition that represents the cause of 71 percent, or a little more, of the deaths of the people of this Nation. I believe we do it in a way that is consistent with our philosophy.

Our committee, in the final analysis, by a voice vote unanimously reported this amended bill to you for your consideration.

Under the bill, a program will be established under which applications will be made to the Surgeon General for planning grants to aid people in working out programs of cooperation between medical schools, research institutions, hospitals, and practicing physicians to help in meeting problems in the areas of these three diseases. The program set out under the legislation would support cooperative arrangements between medical schools and their affiliated teaching hospitals with research centers, local hospitals, and practicing physicians, under which patients could be provided the latest advances in diagnosis and treatment, and programs of continuing education would be made available to practicing physicians in forms more convenient than existing arrangements provide. Our report points out a number of programs already being conducted in the United States which are similar to the programs proposed under this bill.

The purpose of this legislation is to help meet the problem faced by our Nation arising out of heart diseases, stroke, and cancer. In March 1964, the President appointed a Commission under the chairmanship of Dr. Michael De Bakey, known as the Commission on Heart Disease, Cancer, and Stroke. This Commission studied the problems of these three diseases for 9 months and submitted a report in December 1964, which included a number of recommendations. Legislation was introduced to carry out some of the recommendations of the Commission, and after hearings on this legislation, our committee reported the present bill to the House.

A lot of opposition was expressed to the bill during the course of the hearings, principally by representatives of organized medicine. We amended the bill very substantially, in accordance with the recommendations by the American Medical Association, and thereby met many of the objections which were expressed to the bill.

Most of the amendments that the committee adopted are intended to strengthen local control of programs established under the bill. Under the bill as we reported it, local groups must get together and decide for themselves if they want to accelerate heart, cancer, and stroke control programs by increased cooperation between local medical schools and their teaching hospitals, clinical research facilities, community hospitals, and practicing physicians. An advisory committee will have to be appointed which will include practicing physicians, medical school officials, hospital administrators, representatives from appropriate medical societies, voluntary health agencies, public health officials, and members of the public. Many State and local public health departments now have existing heart, cancer, and stroke control programs with personnel and facilities which would be valuable assets to this program both in the prevention of disease and in the network of diagnosis, referral, and aftercare. If the National Advisory Council on Regional Medical Programs considers the proposed program sound enough to merit assistance, and recommends approval to the Surgeon General, the Surgeon General can make a planning grant to the local group to meet the expense of developing plans for establishing a local program of cooperation. The local group will then make studies and determine whether the establishment of such a program is feasible, and if they determine that it is, they will then work out a program tailored to the needs of the locality. Obviously, a program to meet the needs of a sparsely populated State such as Wyoming would differ from the plan worked out in a State such as Illinois, which in turn would differ from the type of program needed in a State such as Connecticut.

Once the local plans have been worked out, it will be necessary for these plans to be approved by the local advisory group. At this point an application can be made to the Surgeon General for funds to establish and operate the program at the local level. If the National Advisory Council recommends approval of the program, the Surgeon General can make a grant to meet the expenses of establishing and operating the program at the local level.

Primarily the program will consist of cooperative arrangements among existing institutions. For example, the program might pay part of the expenses of establishing at community hospitals in the local area directors of continuing education. The program could pay expenses of programs of continuing education involving visits by personnel from the participating medical school and its affiliated teaching hospitals to community hospitals. There are many ways in which programs of continuing education are carried on today, and under the bill these programs can be expanded and strengthened.

Under the program, new and sophisticated equipment can be procured for community hospitals, and doctors and supporting paramedical personnel can be trained in its use.

Research programs can be conducted at affiliated research institutions and the training of medical students, graduate students, and researchers can be improved through programs of cooperation between the medical schools, the research institutions, local hospitals, and practicing physicians.

There is nothing really new in the program proposed by this bill which we have reported to you. A program very similar to that set out in the bill has been carried on in Maine since 1931. It is called the Bingham Associates program, and Members will find it described on page 5 of our committee's report. A similar program is conducted in New York; a similar program is centered around Columbus, Ohio; a similar program is conducted in Wisconsin; there is a very successful and imaginative program of continuing education conducted in Minnesota; and a program similar to the one set out in the reported bill has been carried out in the State of Iowa since 1915.

Mr. Chairman, the American people are fortunate in having the best medical care in the world available to them in this country. It is an unfortunate fact, however, that the most modern advances and the best techniques in medical care are not always available to all of our citizens. The program established under this bill will help bring the latest advances in the care, treatment, as well as the prevention, of the three greatest killers in our country today—heart disease, cancer, and stroke. We think the program to be established under the reported bill will go a long way towards making more generally available to our citizens the very best in medical care.

Mr. LAIRD. Mr. Chairman, will the gentleman from Arkansas yield to me?

Mr. HARRIS. I should be glad to yield to the gentleman, knowing of his interest in the field of public health and the tremendous contribution that he has made in his position on the Subcommittee on Appropriations having to do with matters of public health.

Mr. LAIRD. I thank the gentleman. We are going to miss the gentleman from Arkansas as chairman of this committee. He has a great understanding of and has made an outstanding contribution to the health legislation that this Congress has enacted over the last 25 years. We shall miss him as a Member of this body, but our loss is the gain of the judicial branch.

I should like to ask the gentleman from Arkansas this question. After going over this bill, and the various things which are provided for the various aspects of the heart, cancer and stroke program, it seems to me the authority which is contained in this bill is merely a restatement in different words of the authority presently existing in Public Health Service statutes, particularly as regards the National Institutes of Health.

The authority which we presently have in the National Institutes of Health would allow all of these programs. I believe there is some need to put them together in one place so that they can be reviewed by the legislative committee on a regular basis, but does not the gentleman agree that there is authority to carry on at least most of the program set out in this bill?

Mr. HARRIS. No; the gentleman cannot agree to that because that is not the purpose or the objective of this legislation. Even though there are provisions in this proposed legislation for certain research in the field of medicine it in no way conflicts with the present authorizations for research which we have under the established policy of NIH.

If the gentleman would refer to the report, on page 12 he will find a discussion of the relationship of this program to existing Federal health programs. This is to implement and supplement existing programs. It would in no way conflict with or try to supersede them.

Mr. LAIRD. I am afraid the gentleman from Arkansas misunderstood my comment. I do not believe that it is in conflict with existing programs. But the authority in present law does give the right to carry on these programs in the Public Health Service. We have established several regional centers for various activities of the National Institutes of Health and also for medically oriented activities of vocational rehabilitation.

Take the De Bakey Center at Houston, Tex. This center is regional in scope, and we are supporting a good many beds at that institution. Then take the McArdle Center in Wisconsin.

Mr. HARRIS. I know what the gentleman has reference to. There are several, which the report refers to. There are a few programs that are already set up. These serve as an example of what we intend to do.

Mr. LAIRD. But the controversy over this bill, I think, has been over the fact this has brought a new program, a new authorization into existence, something that the National Institutes of Health do not already have.

Mr. HARRIS. The National Institutes of Health, I may say to the gentleman, has a setup for the purpose of research in the field of medicine and public health. One of the purposes of this legislation here is to bring about the fullest utilization of the results of research in these fields—that is to fill the gap that exists between research and application. What we do here is to try to bring about a program that will accomplish in the various sections of our country the same thing the gentleman speaks of in the New England area, in the Texas area, and the in the Wisconsin area.

Mr. LAIRD. These have been tried. The gentleman from Arkansas will certainly admit very similar programs have been tried in certain areas. They have been successful, the clinical application of research, the clinical data we have made available. We have given the opportunity through the clinical application of research in many areas of the country. It has been tried, and it has been successful.

Mr. HARRIS. We have given assistance under these programs the gentleman speaks of. They are programs, fortunately, that have had heavy endowments and contributions made to them. Therefore we have tried to bring about this kind of cooperation or cooperative arrangement among the medical schools, the clinical operations in the area, and the hospitals in the area. I would cite the gentleman to the example at Tufts Medical School in the New England area. That program goes back as far as 1931. They have had many years of this kind of an arrangement, under which the various public health group hospitals and medical centers cooperate together.

I repeat, Mr. Chairman, I do not believe that there is any conflict or overlapping whatsoever. This supplements and complements existing situations we have had in this country, to bring to as many people as possible throughout the country this cooperative effort in the field of medicine and medical care.

We have tried to overcome the objections that have been raised to this proposal. As I said a moment ago, when the bill started out it was highly controversial. But as a result of the hearings we have held on this legislation and the innumerable hours and days that we spent in executive session in our efforts to clarify certain of the misunderstandings and objections, we have in my judgment brought to you a bill that is fairly well accepted.

The American Medical Association is the organization that submitted the greatest objection. They testified at length. Their witnesses were outstanding people. The president of that great organization, Dr. Appel, testified at length and we discussed almost section by section the provisions and then obtained information as to what their fears and objections were.

In addition to that, while the president and the president-elect of the AMA were in Washington and spent an entire day with the HEW, there was a meeting that was held at the White House at which the Secretary of HEW and other members of the staff, Dr. Appel, president of the American Medical Association, the president-elect and several of their associates and their technical people participated at a conference with the President on this matter. They had a very frank discussion as to what their fears were.

The President met with this distinguished group. They wanted the bill postponed until next year.

As a result of the conference to which I have referred and other conferences, innumerable amendments were offered. I shall not take the time of the Members to go into them further, but I shall state some of the major modifications that we made.

First. A statement in the title of the new part 9 indicated that the legislation was designed to get at heart, cancer, stroke, and other major diseases. There was some feeling that the title indicated that we were going far afield, and we would not know where it stopped. So we amended the title to provide for heart, cancer, stroke, and related diseases. We limited it to those three major diseases and any related problems thereto.

Second. There were great fears that there would be a major Government medical program set up with clinics, categorical centers, administrative centers, hospitals, and so forth operated by the Government. So we decided that instead of calling these by the term "complexes," which had developed an image of that kind, we would refer to them in the bill as "programs." The bill provides for programs utilizing existing medical centers, hospitals and institutions. We provide for cooperative arrangements whereby medical schools in cooperation with clinical centers in the area and with the hospitals in the area, and other health activities, shall set up an advisory local committee. That advisory local committee will decide. It will be autonomous, and will decide this program within an area. That program will then be submitted to the national council.

We amended the recommendation for the national council, so that in addition to other people expert in the field, there shall be two practicing physicians on the council, and they will submit their recommendations to the national council. The national council will then advise with the Secretary in determining these programs. We think it is a built-in protection to accomplish the greatest good under the concept that we have developed in this country over the years, and I think that is a good arrangement.

There is a third very important item providing a built-in protection under the bill. We did not provide for new construction. We amended the bill and left out the request for new construction. We have construction programs set up under other provisions that we have brought to the House recently and over the last few years, including the Hospital Construction Act that began back in 1945 and 1946, and others down through the years since then. We have already provided those programs and they have worked out very well.

As I said to the Rules Committee the other day—and I stand on the statement today—there has been no bill in my experience which has become a part of our public health program, reported by the Committee on Interstate and Foreign Commerce, that has not worked out satisfactorily to all segments, including the medical profession themselves. I stand on that record and I stand on my experience in this House that the proposed program will likewise turn out to be such a satisfactory and very important program.

Instead of providing for new construction, we provided for the situation in which there might be a medical school, a hospital, a diagnostic treatment center, a clinical center, and so forth, with an advisory committee approving plans. This is a local advisory committee. It might determine there was needed a modification of an existing structure, or a new wing for a medical school, as an example, in which new equipment would be necessary, for dealing with these diseases.

That kind of program is permitted and authorized. There is to be modification and extension as necessary to carry the program out, including equipment, and including personnel who would be trained and expert in these fields.

Mr. WAGGONNER. Mr. Chairman will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Louisiana, before I go to the next major point.

Mr. WAGGONNER. This was the point I wished to discuss. The gentleman has, to a great extent, answered my question.

Section 902 of the bill is the definitions section. Subparagraph (f) defines the term "construction" and reads:

> The term "construction" includes alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

The term "includes alteration," in view of the explanation just given, means it really is limited to that sort of thing?

Mr. HARRIS. The gentleman is correct.

I refer the gentleman to the report. We place a lot of emphasis on planning by the local advisory committee, which will be composed of people who know what the conditions are locally and what is available and how we can better meet these problems. I believe that is a very good approach.

Mr. WAGGONNER. I thank the gentleman for yielding. That was not quite clear in my mind, and I wanted to ask the question.

If the gentleman will yield further, I express my personal regret, as a neighboring colleague from the adjoining State of Louisiana, that my good friend from Arkansas is leaving the Congress. I can say only that the people of Arkansas are losing a voice in Washington which I do not believe they will be able to replace.

Mr. HARRIS. I thank the gentleman very much for his generous comment. I am grateful for it.

Mr. Chairman, there were a good many other amendments. A moment ago the gentleman from Wisconsin [Mr. LAIRD] mentioned something about objections of certain people to this. I realize that what he was attempting to do is to bring out in the debate all facets of the program, to show how there might be conflicts or overlapping.

In order to make a legislative history, I believe that is a good thing. I thank the gentleman for bringing it to our attention.

One of the objections to this proposal related to how the program might interfere with the doctor-patient relationship.

That is very important. That is terribly important from the standpoint of the people who are knowledgeable in the field and have the know-how under our present programs and the approaches to these programs which we have brought to the people of this Nation. We have the finest health of any people in all the world in all history.

We do not intend—and I want to make this abundantly clear—to cause any disruption or interference in any way with the doctor-patient relationship. We not only make this sure by amendments to the original bill, but we later provide that no patient will be accepted by any of these programs unless he has been referred by a practicing physician. So we approach that problem head-on in order to make it abundantly clear that there will not be any disruption of this traditional approach to the treatment of our health problems in this country.

Mr. GROSS. Mr. Chairman, will the gentleman from Arkansas yield?

Mr. HARRIS. I will be glad to yield to the distinguished gentleman from Iowa.

Mr. GROSS. I note in the report that the Comptroller General suggested that his office be written into this bill for the purpose of checking on the expenditure of funds. Is the Comptroller General's Office specifically written into the bill as it is now before the House?

Mr. HARRIS. No. I know the subject was discussed and the gentleman from California [Mr. MOSS] who is usually interested in these matters, did go into it with the committee. We decided that there was sufficient authority under the Public Health Service Act for this information to be made available to them.

Mr. GROSS. I would hope, if it is not to be found in the legislation, that the gentleman from Arkansas would have no objection to an amendment which would provide that the Comptroller General would have such authority.

Mr. HARRIS. If I recall, in the discussions we had in the committee in order to meet this problem we found that there was existing authority under the present Public Health Service law.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Is this not taken care of in the Public Health Service Act itself?

Mr. HARRIS. I think that is what we decided. We usually do that in new legislative programs that come out of our committee. I do recall that this matter was brought up for discusssion within the committee. If my memory serves me correctly, we decided that under a previous program which provided amendments to the Public Health Service Act, it was included and, therefore, it is so intended here, I will say to the gentleman.

Now, there are just two other matters that I want to discuss. One is a matter which, not to be sentimental at all, just recognizes the facts of life as we talked about it earlier. Heart disease, cancer, and stroke, as I have previously stated, account for 71 percent of the deaths in the United States. In the case of people under the age of 65 they account for 51 percent of the deaths. For example, in 1963, over 1.1 million Americans died of heart disease, cancer, or stroke. The economic cost to this country of these three diseases amounted to over $30 billion in 1962. This is both in direct cost of care and treatment as well as the indirect cost associated with the loss of earnings. Now, this is a tremendously important item to be kept in mind—$30 billion in 1 year.

An estimated 25 to 30 million individuals suffered from heart disease in the United States in 1963. In the case of over 700,000 of these individuals their illnesses terminated in death. The direct cost in medical care and treatment for heart disease in 1962 was $2.6 billion, and the indirect cost due to loss of income because of disability and premature death amounted to over $19 billion. These facts cannot be disputed.

Cancer is the second greatest killer by a wide margin. Among children between 1 and 14 years of age it is one of the most common causes of death. Deaths due to cancer have increased in recent years. In 1962, 278,000 Americans died of cancer. In 1963 the figure is 285,000, and in 1964 it exceeded 300,000.

Cancer caused 4 percent of the deaths in 1900, but in 1963 16 percent of the deaths were caused by cancer.

Mr. Chairman, we must have vision. We must have courage. We must face the facts now and for 10 and 20 years hence. The cost of cancer in this country now is $8 billion each year, of which $1.2 billion is the direct cost for treatment and care, and $6.8 billion represents the indirect cost due to disability and premature death.

The third leading cause of death in the United States is stroke, which is estimated to affect 2 million Americans. In 1963 over 200,000 persons died of stroke. The direct cost of care and treatment of victims of stroke amounted to over $400 million, and the indirect cost due to disability and premature deaths over $700 million.

These are the facts with which we are faced today. Our population is expanding. We have become an urbanized nation and we are going to be faced with more and more of these problems. We have got to do something today.

We have got to organize against these diseases that are attacking and will continue to attack our people.

Now, Mr. Chairman, giving you that information, we provide a beginning for the cooperative arrangements under the bill.

Here is an example: There is a fine institution set up in New Orleans, La. There you have the Tulane Medical School, the LSU Medical School, you have Charity Hospital, and you have other great hospitals within the area. Nearby you have Baton Rouge. Then not too far away you have Shreveport with its wonderful institutions.

All of these can work together in an organized effort that will make available, if requested, information on these particular diseases to every community.

Mr. Chairman, as an example, in the State of Louisiana now you can propose a united effort of this kind. And what do we authorize? What is the estimated cost to undertake this terrific program? Three hundred and forty-five million dollars. That is all, for 3 years.

Mr. Chairman, you see, if we could have a measure of success you could see, even if you put it on the hard core of economics, how it would pay for itself over and over again.

But, Mr. Chairman, I would like to say to you and the Members, our committee is not only concerned, but we are determined, that these programs are going to be carried out in accordance with the traditions we have established in this country over the years in order that we might continue to bring to our people the finest medical attention of any people throughout the world or any people in all history.

Mr. Chairman, in my judgment this is one of the finest programs in the history of this country. We could give examples which exist all around us. If we could do something for people who have experienced dreaded attacks of stroke, what a wonderful blessing it would be.

Mr. Chairman, we can say to our children and our children's children that this will contribute to the future health of the people of this country.

Mr. CRAMER. Mr. Chairman, will the gentleman yield for a question.

Mr. HARRIS. I should be glad to yield to the gentleman from Florida.

Mr. CRAMER. With reference to these regional medical programs, is there any benefit or are there substantial funds involved for requiring that these types of programs to be carried on, those programs that the area is desiring, be spread throughout the United States and not all concentrated in one area?

Is there anything to prevent these programs from being concentrated in one area rather than spread throughout the country?

Mr. HARRIS. If the gentleman will yield, first, we emphasize planning. We examined every area in the country and asked them to organize an established planning program, with local advisory committees, to start a program in connection with the people in the area, whether it be one State or more States.

Second. We expect that planning program to be submitted to the National Advisory Council. This National Advisory Council will be composed of people who will be responsible for seeing that this program is organized in a way that information will be disseminated as early as possible throughout the whole of the United States.

Third. We provide that that be done more or less on a regional basis. For example, if you want to establish a program in Florida it would not be anticipated that another would be established in Florida because we would expect that one to serve the general area.

Fourth. It is estimated one of the programs will cost approximately $4.5 million a year. We would start out the first year, from what we know, with approximately eight that will be established, and for the second and third years some 17 or more.

These would serve as pilot projects distributed as equitably as possible throughout the United States whereby it would encourage others, and they would be able to establish similar programs in an effort to ultimately make this available throughout the whole country.

Mr. CRAMER. I thank the gentleman. I think that fully clarifies that point.

I would like to ask one other question. I have introduced for a number of years a bill that would establish a geriatrics and gerontology research, relating to the diseases that are consistent with senior citizens and older age. Of course, heart disease, cancer, stroke, are of that nature.

Is it the gentleman's opinion as this bill is drafted and some of these institutions would determine that geriatrics and gerontology were such that were included in these diseases and studied on a regional basis, that they could qualify under the terms of this legislation?

Mr. HARRIS. Only as it would be related in some way to heart, cancer, and stroke.

Mr. CRAMER. To heart, cancer, and stroke, and related diseases; is that correct?

Mr. HARRIS. That is correct.

Mr. CRAMER. Of course, those are the diseases that are connected with growing old; therefore, if they were related to those diseases they could qualify?

Mr. HARRIS. That is true.

Mr. CRAMER. I thank the gentleman.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, first I would on the part of the minority want to extend congratulations to the gentleman from Pennsylvania now in the chair. I noticed when he came in he was so immaculately dressed, as usual, then I learned it is his wedding anniversary. I am sure that the minority would want to join with me in extending congratulations and best wishes to the gentleman.

The CHAIRMAN. I might assure the gentleman that in my house I am the minority.

Mr. NELSEN. Welcome to the ranks.

I would also like to take this opportunity as long as it has been mentioned that our chairman, the gentleman from Arkansas [Mr. OREN HARRIS] will go to other fields. Those of us on the minority, of course, want to wish him well. He has been an outstanding Member of this body and a wonderful chairman.

First, let us look briefly at the recommendation which was directly responsible for H.R. 3140 and S. 596. The committee and indeed the entire Congress, as well as the medical profession and the public-at-large, had every right to expect a lucid, well-reasoned, well-supported explanation of the programs suggested to carry out the President's order to the De Bakey Commission to "do something about it." Let us look at them. They come from the resulting 114 page summary entitled "A National Program To Conquer Heart Disease, Cancer, and Stroke."

The program had five levels of interrelated activity. First were centers of excellence—$40 million in nonmatching grants would be used by institutions at their discretion to strengthen various aspects of their academic and research programs. It was intended to "raise a number of institutions of demonstrated potential to a level of excellence comparable to the few outstanding medical centers of the Nation."

At the second level would be 30 medical complexes, costing $250 million. They are described thus:

> Specifically, the Commission recommends a major program of institutional grants to university medical schools for the creation of medical complexes which would involve participation by community hospitals and other health care facilities, by some of the regional heart, cancer, and stroke centers, and stations developed in proximity to each medical center, and by other community agencies and institutions.

Now that you know what a medical complex is, we shall go on to the next level, the regional centers. Of these there would be 25 for heart disease at $166 million, 20 for cancer at $600 million, and 15 for stroke at $85.5 million. They are described as follows:

Each of the proposed regional centers for heart disease, cancer, or stroke would provide a stable organizational framework for clinical and laboratory investigation, teaching, and patient care related to the disease under study. It would be staffed by specialists from all the clinical disciplines and the sciences basic to medicine necessary for a comprehensive attack on problems associated with the disease. These specialists would have at their disposal all necessary diagnostic, treatment, and research equipment and resources. The center would also provide bed support for the patients under investigation as part of their total care.

Now we are getting down to the local level. The Commission recommended establishment of a national network of diagnostic and treatment stations in communities across the Nation, to bring the highest medical skills within the reach of every citizen. There were to be 150 such stations altogether. One hundred and fifty stations would be for heart disease and cost $117.5 million. Cancer stations would number 200 and cost $225 million, and the 100 stroke stations would cost $77.7 million. To illustrate what would be done in such a place the report gives an example of what might be expected of a typical heart station:

First. Immediate and emergency care for patients with acute cardiovascular emergencies.

Second. Provision of diagnostic facilities for the screening of patients with cardiovascular, including peripheral vascular, diseases to determine whether they will require the more highly technical facilities available at the larger medical centers.

Third. Outpatient services for patients with cardiovascular and peripheral vascular diseases.

Fourth. Stimulation of interest of medical students and practitioners.

Fifth. Training of physicians in the community.

Sixth. Education of the general public concerning prevention and treatment of heart disease.

And there we have the basic units of the system H.R. 3140 was meant to implement. At first I was concerned because no matter how I read the report or the bill I could not make much sense out of it.

Dr. Dempsey of HEW, under questioning, finally indicated that the Department had not bought the recommendations of the Commission after all. The legislation combined the 30 medical complexes and the 60 regional centers of the De Bakey proposals in one level called regional medical complexes and had limited them to 30. When it came to diagnostic and treatment stations the administration spokesmen were mighty unclear about what they were and how they would operate.

By this time I had begun to realize only too well why most of the practicing physicians across the country were deeply concerned about the so-called De Bakey proposals. They suspected that a whole new concept of medical care was about to be brought forth. They visualized the downgrading of the local hospital and the private doctor in favor of Government subsidized and controlled centers reaching down to the community and drawing all patients in these three categories into a huge integrated medical machine. They could not be sure about all this because no two people, doctors or otherwise, could arrive at identical conclusions about the program.

I have every reason to listen to my personal physician, Dr. Shepherd. If I had listened to him more carefully over the years I would be far better off physically than I am. He knows that no program we devise here, even a good one, will solve the basic problem of bringing health services to the smaller communities of this Nation. All the talk of the clinical approach, of advanced techniques and sophisticated devices for diagnosis and treatment are just conversation in such areas. They will not and cannot become realities for them. Their needs are more basic. They need doctors on hand.

As the hearings went along and more and more testimony accumulated it became very clear that general practitioners are not being created because the great emphasis on specialization and the categorical approach to medical problems discourages it. In fact, it began to appear that general practice is being consciously downgraded by those of the medical profession who should be most anxious to encourage it—the medical schools and the professional men of the health sciences who make up panels like the De Bakey Commission.

Dr. Shepherd and doctors like him need support. The medical schools should help the general practitioner increase his competance in every way possible. This seems to be underway. But a new generation of general practitioners must be trained and encouraged.

I have the greatest respect for the distinguished members of the President's Commission. They are gifted practitioners of the healing arts. I also have great respect for the local doctor who is ministering daily to the members of his community. His thoughts and his concerns about medical matters are also of great importance to us.

And here is where we determined to make some sense out of this legislation which was brought to us out of a blue cloud. Most practicing doctors wanted the matter deferred until some of the cloud banks could be penetrated and the daylight of examination and discussion could begin to press it into some recognizable form. It seemed that it hung over them like a shapeless genie, perhaps good, perhaps evil. All of the phrases thrown out, like rose petals at a wedding, about preserving the present patterns of patient care and medical practice did not allay those fears. I agreed that more time would be useful to allow the discussion to run its course and supported a motion to defer action until next session of the Congress. This did not prevail because the White House cannot let Congress do its work in orderly fashion these days and apparently it was ready to settle for anything containing the words heart, stroke and cancer. Despite misgivings on the part of many of its members, the committee settled down to write some legislation which could meet the objections and still make a start in the direction indicated in the original charge of the President's Commission. The result is the bill before you today, which came from the committee with full support.

The changes are many and they are not mere clarifications or exercises in semantics. They change an amorphous mass of objectives into a recognizable program which deals with units and controls thoroughly understood by those who must work with them. The bill now talks in terms of medical programs, put together by existing institutions under the eye of a local advisory board. It talks about cooperation and not coordination. The former means voluntary involvement and the latter infers an imposed plan. It talks of hospitals and not of diagnostic and treatment stations. The latter is an entity not familiar to practitioners, but we can all visualize a hospital and have a definite idea what it does, what it looks like, and who runs it.

So the De Bakey proposals were scrapped for lack of clarity and suspicion of subversion to the American system of medical care.

What did the committee substitute and what changes were made? The report on the bill accurately states:

> Numerous changes were made in the introduced bill by the committee designed generally to better define the scope of the program and to clarify the intent so as to guarantee that the legislation will accomplish its purpose without interfering with the patterns or methods of financing of patient care or professional practice or with the administration of hospitals.

This statement alone indicates the magnitude of the changes and the fact that the legislation as introduced was miles off the mark. Here are the specific changes:

First. Regional medical complexes were mentioned earlier in my statement. No one could even now define what they are or how they would operate. The committee substituted the term "regional medical program." At the same time, all authority to use funds for new construction, including replacement of existing buildings was removed. These are referred to in the report as primarily semantic changes. Do not believe it. They remove the specter of huge, new, autonomous institutions which receive their funds directly from the Government and quickly dominate every phase of medical practice and hospital practice in the fields of heart, stroke, and cancer.

Second. The original legislation allowed for expansion for other major diseases. The committee restricted the scope of this legislation to related diseases. That too is something more than a refinement. We have no idea that plans devised by the various States will be the ultimate answer in conquering the three diseases named. This is experimental. It cannot guarantee success in the war on heart disease, stroke, and cancer. It will do well if, from the many medical programs devised, we discover one or two which have real promise. There is little reason to leave room for expansion into other fields.

Third. The term "cooperative" was substituted for "coordinated" wherever the latter appeared. This helps to remove the prospect of domination of the program by one large institution. A program can be beautifully coordinated if all the power is concentrated at the head. What we are striving for here can only work if all elements participate through cooperative arrangements.

Fourth. Grants will be used for planning, conducting feasibility studies and operating pilot projects for the establishment of regional medical programs of research, training and demonstration activities.

Fifth. Diagnostic and treatment stations have been eliminated. The bill now speaks of hospitals which participate in the program. This also demonstrates the basic character of the changes made in committee. Now the bill refers to the local hospital participating in a cooperative program. We can explain to anyone what a hospital is by merely mentioning its name. Any citizen has a definite idea of how a hospital operates, what it looks like, what kind of people service it, and who runs it. The fight against heart, stroke and cancer will come to the local patient through the people he knows and trusts and through an institution with which he is thoroughly familiar.

Sixth. This legislation provides for advisory councils at both the local and national level and in each case the council must recommend a program before it can be implemented or funded. Of these two, however, the council at the local level is by far the more important. First of all, its membership is important. It must include practicing physicians, medical center officials, hospital administrators, medical society representatives, voluntary health agency personnel, as well as people from other organizations concerned with the program. But even the best council will not guarantee a sound program if that program is set up before the council is organized and has a chance to act upon it. For this reason the bill provides that the advisory council must be organized and must pass upon the local program before it may be considered by the Surgeon General. This should guarantee that the plan worked out in a State will not be lopsided, concentrating too heavily upon one area of activity or placing too much authority or responsibility with any one institution.

One might also object to the spending of $340 million in this fashion. It is difficult to justify any certain amount in detail. Grants will depend upon the nature of the programs submitted for approval. Probably they would soak up any amount made available. The Debakey proposals suggested appropriations of over $1.4 billion. S. 596 provides for authorizations of $650 million. The authorizations contained in this bill are not small, although they do not loom large when considered in conjunction with all funds available to NIH. If the program outlined in H.R. 3140 is to go forward it is the best judgment of our committee that the authorizations set forth are about right.

I am proud of the fine work done by the Committee on Interstate and Foreign Commerce. The result of its deliberations can be accepted with confidence by the House. If it is decided that action is necessary now I recommend the passage of H.R. 3140.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to our distinguished chairman.

Mr. HARRIS. I mentioned a moment ago that among the things I would like to call to the attention of the House is the thoroughness with which we went into this program and developed information on these matters.

One of the things that I believe is very important is the fact that in March of 1964 the President set up a Commission which had as its Chairman the distinguished Dr. De Bakey, to whom the gentleman from Minnesota referred earlier. There were 28 members of the Commission, and on the Commission there were

14 well-selected doctors from points throughout the United States. They were men who are eminent in the field.

They included such eminent doctors with lifetime experience behind them as Dr. Mayo from the Mayo Clinic. Other famous doctors and surgeons were included.

We had people who specialized in the field of heart, cancer, and stroke, some of whom came and testified in a panel with Dr. De Bakey on this program.

I thought that the gentleman ought to have the benefit of that information. The Presidential Commission conducted hearings which lasted for about 9 months. The Commission heard 165 witnesses, if I remember correctly. They developed a tremendous volume of testimony, approximating 7,500 pages.

That famous, important, and highly specialized Commission of medical experts made its report in December 1964. It made specific recommendations; it also made general recommendations. Out of the recommendations of that Commission came the bill which I introduced as the administration bill submitted by the President. There was brought to us the original recommendation that we have for our purpose and objective today.

We conducted hearings which lasted a total of 8 days in July of this year. Many of those hearings ran from morning until late afternoon; then a number of days were devoted to consideration by the committee itself in executive session.

I thought probably we should make that history abundantly clear to those who will administer the program, as well as those who are to receive the benefit of it. I thought that, with the gentleman's permission, this information ought to be brought to the attention of the House.

Mr. NELSEN. I thank the chairman. After the original bill had been considered, the chairman did an outstanding job and the bill was much improved.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Indiana.

Mr. ROUDEBUSH. I should like to ask the gentleman a question. I refer specifically to the Veterans' Administration hospital system. In the case where a Veterans' Administration hospital system has a teaching staff, assuming the organization furnishing the teaching staff—such as a State university—is participating in the program proposed by this legislation, would this program in any way modify the entrance or eligibility requirements for entering a Veterans' Hospital?

Mr. NELSEN. I do not believe so. If the gentleman will restate his question for the chairman, perhaps the chairman can respond.

Mr. ROUDEBUSH. I ask this question for the purpose of writing legislative history. I specifically direct my remarks to the Veterans' Administration hospital system throughout the United States. Let us assume a VA Hospital has a participating program, a teaching program where a State university or some other hospital may work with them in treating patients of the type covered by this bill. Would this legislation in any way modify the eligibility or entrance requirements to enter a veterans hospital?

Mr. HARRIS. No, sir; it would not at all.

Mr. ROUDEBUSH. In other words, the VA could use this program without modifying the rules and regulations pertaining to admission to Veterans' Administration Hospitals?

Mr. HARRIS. Yes, indeed. This would not conflict.

Mr. ROUDEBUSH. Would it modify the requirements of any private institution, such as a Masonic group or an Elk group?

Mr. HARRIS. No, sir; it would not. This is purely a voluntary program of cooperative arrangements with institutions in a given area.

Mr. ROUDEBUSH. I thank the gentleman for his answer.

Mr. HARVEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Michigan.

Mr. HARVEY of Michigan. I should like to ask the gentleman a question. As one who serves on the Committee on Interstate and Foreign Commerce I have been somewhat disturbed by the attitude of the officers of the American Medical Association in opposing this particular bill at this particular time. As the gentleman knows, I sit on this committee next to Dr. TIM LEE CARTER, who is himself a practicing physician, whom I respect highly and to whom I do not hesitate to look for guidance on this bill, as I did while we were conducting hearings.

I have before me page 19 from the Journal of the American Medical Association dated September 20, 1965, volume 193, No. 12. On this particular page the Medical Association discusses the bill we have before us. It discusses in detail the 20 changes which the American Medical Association suggested to the bill and which we on the committee readily adopted. Yet in conclusion this statement is made:

> While we cannot support H.R. 3140 as amended, because we believe it still introduces an undesirable concept, the amendments agreed to by the administration and now adopted by the House Committee on Interstate and Foreign Commerce certainly make the bill much less objectionable.

My question to the gentleman is: Does he know of any other amendments that were suggested to our committee, other than these 20 we adopted, suggested by the American Medical Association to make this a better bill? I sat through the hearings and listened intently. I, as one Member, know of no other suggestions which were made. I believe we adopted all that were suggested to make this a better bill.

I ask the gentleman if he knows of any others that were not adopted?

Mr. NELSEN. In response to the question, I know of no suggestions that were made to the committee. I will yield to our chairman for a further answer. I believe a representative of the AMA did consult with some of the staff people, and perhaps with the chairman, to try to arrive at some position relative to the objections of the AMA. I hope the chairman will enlarge on that. It is my understanding that an agreement was largely reached on most of the points.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the chairman.

Mr. HARRIS. Let me say to the gentleman as chairman of the committee I am indeed grateful for the valuable contribution made both by the gentleman from Michigan [Mr. HARVEY], and the gentleman from Minnesota [Mr. NELSEN], to this program.

I am glad the gentleman has brought up this subject matter. There were other amendments, of course, that were proposed, and they were very important amendments.

The American Heart Association, if my colleague will recall, did submit a document in which they included several amendments, some of them similar to some of the amendments that the American Medical Association proposed, and which were worked out in cooperation between myself and the HEW people so as to fit within the framework of this legislative proposal. There were certain other amendments that were proposed to us during the course of the hearings. As we considered this matter within the committee itself, several members of our committee offered amendments to the bill as we went along.

So I will say to the gentleman that there were a number of proposals from various sources. While we are talking about this, in view of the fact that the gentleman from Michigan brought up this bulletin of the AMA of September 2 and a news release by the AMA, if the gentleman will permit, I would like to call the attention of the Members to the fact that you will find the entire bulletin in the committee report at the bottom of page 7 and the top of page 8. I would like to read three sentences from this report. On page 8 of the report the bulletin contains this sentence:

> Many of the changes are substantial and will allay many of the fears the medical profession had about the original bill.

To me that is a very significant statement, which refers to the 20 amendments to the bill that have been recommended by the AMA committee.

Also in the news release it is stated:

> Dr. Appel said he told administration officials—

Relating to the conference I referred to earlier in the debate with the President and the HEW people—

> Dr. Appel said he told administration officials that passage of the original bill would have been followed by a severe adverse reaction from the medical profession.
>
> Most medical leaders felt that the establishment of the series of medical complexes initially conceived would have had a more serious long-term effect on medical practice than the recently enacted medicare law.

I referred to that earlier in debate. We met the problem by establishing a cooperative program, or rather emphasizing that this is a cooperative program.

Finally, here is what he says:

> We feel we were successful in getting a number of major changes in the bill which

will help to preserve the high quality of medical care and the freedom of hospitals and physicians.

So to me there is a recognition of the fact that the committee has worked in cooperation with those whom we know we must depend upon to make this program successful so as to try to meet their own recommendations and philosophy.

Mr. HARVEY of Michigan. Mr. Chairman, will the gentleman yield further?

Mr. NELSEN. I yield to the gentleman.

Mr. HARVEY of Michigan. Let me see if I can expand on that record. On page 8 of the report quoted by the chairman, which is taken from the same journal of the AMA here, it would indicate that the committee accepted, as Dr. Appel says, 20 amendments to the bill as recommended by the AMA. Now, by my count, I have some 22 amendments that we accepted. Could the chairman or a member of the staff tell me whether 20 or 22 is the correct figure?

Mr. HARRIS. Well, I would say to the gentleman I believe the correct estimate is there were probably 40 or 50 amendments which we considered, but some of them were similar. As a result, we did merge them within the bill itself.

Mr. HARVEY of Michigan. Mr. Chairman, I thank the gentleman. I want him to know that it has been a very great pleasure to the gentleman from Michigan to serve with him as chairman of this committee, and that I intend to support this legislation wholeheartedly.

Mr. HARRIS. I thank the gentleman and again compliment the gentleman from Michigan, the gentleman from Minnesota, and all members of the committee for the tremendous amount of work they have put into this legislative program in order to bring out something that this House, in my judgment, should unanimously accept.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. ROGERS of Florida. Mr. Chairman, I want to say, too, as the chairman has stated very clearly I think, that the committee considered this legislation as carefully as any we have ever considered, to try to take in all viewpoints. And as has just been brought out in the very recent colloquy, the practicing physicians were definitely brought into consideration.

I know that I had physicians from my own area come to talk about this. We talked about this program and I think we have allayed their concern because, when the legislation came out of the Senate, I think there was the general feeling that this was going to be a program to build tremendous new complexes all over the country. This is not true. The committee wrote this into the bill that this would not be the case. Rather we are developing cooperative programs for continuing education to bring the latest methods to our local community hospitals. That is the thrust of this program as it comes out of our committee.

Further I think the doctors were concerned that Washington was going to say where these regional programs would go, and so the committee took that into consideration and we have made the legislation provide that it will be the local groups—and we have even provided that the local practicing physicians must be a part of this local group, to make the plan before it is put into being. It cannot be done in Washington. It has got to be done in the local areas. This is a very reassuring approach in this whole field.

I think, too, the local practicing physician that has to treat the patient all over this country was afraid that his patient was going to be taken to a great complex and then he would never know what happened to him, he would never have any more contact with his patient. To prevent that from ever happening, we have written into the legislation as a safeguard, in response to the physicians themselves, that every patient who can get any benefit from this program will have to be referred by his own physician. This assures the continuing patient-physician relationship that we have always known in this country.

Furthermore, to give greater assurance we have provided, as the chairman has stated, that there must be practicing physicians on the National Advisory Committee. Safeguards have been written by the committee to assure the practicing physician as well as the Congress itself that we have in this legislation an effective program to bring the latest methods to the community hospital for the benefit of the local physician to treat his patients in the local community.

I think it is an excellent program. I think you are going to see this program have real benefit in bringing the latest treatment in heart, cancer, and stroke to the average community all over this country so that people will not necessarily have to endure the expense of going to a big medical center, of which there may be only a few throughout the country, such as the De Bakey Heart Center or other such outstanding centers.

So, Mr. Chairman, I would urge strong support of this measure, and I am very certain it is going to bring about the great benefits that we can see even today.

I thank the gentleman for yielding.

Mr. NELSEN. Mr. Chairman, I would like to emphasize the point that has been made by my friend, the gentleman from Florida [Mr. ROGERS], that early in the hearings I believe the general practitioner felt a wee bit on the outside, probably because of lack of communication. But under the terms of this bill he will be made a part of that team, and that is emphasized in the language that presently is contained in the format of procedure under this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. HARRIS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. TENZER].

Mr. TENZER. Mr. Chairman, I rise to support H.R. 3140 and to congratulate the distinguished chairman, the gentleman from Arkansas [Mr. OREN HARRIS], who has for many years distinguished himself as the guardian of the Nation's health, for helping us take another giant step in that direction.

For many years before I came to the Congress I was identified with organizations engaged in support of your chairman's dedication to a fifth freedom for all Americans—freedom from illness, disease, and disability. For more than 28 years I served as a voting member of the New York City Cancer Committee of the American Cancer Society. For 35 years I have been active in the Federation of Jewish Philanthropists in New York City, a volunteer agency supporting 116 institutions, including hospitals, homes for the aged, and institutions for the disabled and chronically ill. For 16 years I have been an officer and director, and for the past 9 years, president of the National Council to Combat Blindness—Fight for Sight. I am a director of the Chronic Disease Hospital of Brooklyn, one of the largest private institutions for the chronically ill in the United States. Because of these affiliations and others, I was motivated to introduce H.R. 9318, a companion bill to H.R. 3140, and to appear before your committee in support of this legislation.

In recent days, as in the past months and years, we have experienced the passing of dedicated public servants, important personalities, a close friend or neighbor, an associate, a member of the family—a victim of one of the Nation's three most devastating killers—cancer, heart disease, and stroke. Such incidents serve as a constant reminder that our struggle against premature death is the Nation's most urgent unfinished business. These three killers take a toll of 1,300,000 of the 1,700,000 Americans who die each year from diseases of all kinds.

This Nation, the richest and most powerful Nation in the world, blessed with citizens of great skill, ingenuity, and capacity—capable of launching its Mariner IV into space to travel 133 million miles to photograph the surface of the planet Mars while it continues on its predetermined course.

This Nation, engaged in a war on poverty, a program which seeks to eradicate a condition experienced by a significant segment of the world's population from the time of creation to the present day.

This Nation with its deep sense of responsibility not only to the underfed, the underclothed, the underhoused, within its own borders but which has responded with great concern to the needs of the poor beyond its boundaries and throughout the world.

Such a Nation cannot and must not accept defeat in the war against the dreaded and devastating killers—cancer, heart disease, and stroke.

Health is a basic human right. Its enemy—disease—respects no geographical boundaries. It discriminates against no one, irrespective of political belief, social or economic status, race or religion.

Every program to protect the Nation's health merits the unqualified support of every citizen. Such efforts are not Government handout programs, they represent a businesslike investment in our most important national asset, our most valuable natural resource, the people of the United States. Every program for Federal aid to medical research, for the aid of the mentally ill and mentally retarded, for the training of doctors and nurses, for the building of medical colleges, hospitals and institutions for the care of those less fortunate than ourselves, represents a compassionate recognition of our fellow men.

The history and record of medical research is one which has paid off in great dividends in lives and dollars. In the last 20 years death rates from the following causes have shown significant percentage declines as a result of research:

	Percent
Polio	100
Tuberculosis	87
Influenza	88
Appendicitis	85
Acute rheumatic fever	90
Maternal deaths	85
Whooping cough	83
Syphillis	82

While significant achievements in the field of mental health have been made, there is still much to be done. Countless men and women have been returned to their homes, their families, their businesses—their usefulness to society restored.

Medical research is responsible for a decline in the death rate during this same period, during which 2½ million lives have been spared—actually this is the number of additional people who would have died if the 1944–45 death rate had prevailed through 1964–65. Included in these 2½ million lives are more than 1 million wage earners whose combined earnings are over $6 billion annually and on which the Federal Treasury receives in income, gift, and excise taxes an estimated $1 billion a year.

The marked advance in the science and technology of medicine and its principal byproduct—the Nation's health—resulted in increasing the life span from 49 years in 1900 to 60 years in 1937, and to 70 years in 1962—yet the late President Kennedy stated that "America's health remains unfinished business" and it is so regarded by President Johnson. In 1961 in the first of three annual health messages to Congress, President Kennedy stated:

> The health of the American people must ever be safeguarded; it must ever be improved. As long as people are stricken by a disease which we have the ability to prevent, as long as people are chained by a disability which can be reversed, as long as needless death takes its toll, then American health will be unfinished business. It is to the unfinished business in health—which affects every person and home and community in this land—that we must now direct our best efforts.

This recognition of the urgency and seriousness of the problem of the Nation's health has ofttimes merited the recognition from those in high places. The drive to raise the standards of health in the United States through medical research will represent the most exciting stories in the pages of our history.

Federal aid and recognition of the problems of our Nation's health is not a new concept. In 1916, the Democratic platform adopted at the convention held in St. Louis, Mo., at which Woodrow Wilson was nominated for President contained the following lines:

> We favor the establishment by the Federal Government of tuberculosis sanitariums for the need of tubercular patients.

President Truman said 9 years ago:

> In this battle there is no room for political or professional rivalries. In a war against disease we cannot tolerate false economy—we cannot tolerate timidity—we will not tolerate indifference.

In President Johnson's historic message to Congress on January 7, 1965, "Advancing the Nation's Health" the conclusion reads as follows:

> I believe we have come to a rare moment of opportunity and challenge in the evolution of our society. In the message I have presented to you—and in other messages I shall be sending—my purpose is to outline the attainable horizons of a greater society which a confident and prudent people can begin to build for the future.
>
> Whatever we aspire to do together, our success in those enterprises—and our enjoyment of the fruits that result—will rest finally upon the health of our people. We cannot and will not overcome all the barriers—or surmount all the obstacles—in one effort, no matter how intensive. But in all the sectors I have mentioned we are already behind our capacity and our potential. Further delay will only compound our problems and deny our people the health and happiness that could be theirs.
>
> The 88th Congress wrote a proud and significant record of accomplishments in the field of health legislation. I have every confidence that this Congress will write an even finer record that will be remembered with honor by generations of Americans to come.

On May 25, 1964, I had the privilege of appearing at the public hearing held by the State Delegation Platform Committee at the Garden City Hotel, at which time I proposed that the Democratic national platform include a statement in support of legislation designed for an all-out attack on the three biggest national killers—cancer—heart disease—and stroke—and for increased support for medical research to guarantee to every American citizen a fifth freedom—freedom from illness, disease, and disability.

Accordingly, Mr. Chairman, I was pleased beyond my poor ability to express, when the President of the United States on January 7, 1965, sent to the Congress of the United States his health message, which included a specific recommendation for legislation authorizing a 5-year program for grants to develop multipurpose regional medical complexes for an all-out attack on heart disease, cancer, stroke and other major diseases.

The legislation which this distinguished committee is now considering provides for the establishment of regional medical centers—affiliated with medical schools and teaching hospitals—to ensure the most advanced diagnosis and treatment for patients, as well as accelerated research and development of training skills. Proper health care depends upon the availability and accessibility of modern, conveniently located, well organized, and supervised medical facilities and services.

This legislation authorizes appropriations of $340 million over a period of 3 years—a sum of less than $1.75 for every American man, woman, and child to start this program of education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and related diseases.

Mr. Chairman, I urge my colleagues to join in support of this legislation.

Mr. HARRIS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming [Mr. RONCALIO].

Mr. RONCALIO. I thank the distinguished chairman of the Committee on Interstate and Foreign Commerce for yielding.

Mr. Chairman, I wish to associate myself with the statement of the gentleman from Minnesota; I concur with the expressions of the gentleman from Florida [Mr. ROGERS], and I am particularly grateful to the full committee chairman for having produced in several months of deliberations what at first appeared to be the work of an entire winter, in consideration of the 20 amendments which have been added to this original bill.

Mr. Chairman, I am one of the Members of the House who also met with the physicians and citizens of my district. Throughout Wyoming I found the doctors deeply concerned with the original provisions of this bill and I now find them relieved, and several have expressed some gratitude that this bill has been so amended by the full committee. It is now much more palatable to the members of the medical profession in my State, if not admittedly acceptable to the Wyoming Medical Association. It was in the hope that these amendments would be adopted that I had originally requested that this bill be allowed to remain in committee until the 2d session of this 89th Congress.

Mr. Chairman, I do hope the President of the United States will be pleased with this bill; I hope he can appreciate the tremendous work that has gone into it and I hope he will accept it as a capstone of an unprecedented first session of a Congress whose Members now feel that we ought to adjourn and go home.

Mr. HARRIS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wish to thank the gentleman from Wyoming as well as the gentleman from New York for their generous compliments and their fine statements on this legislative program.

Mr. Chairman, I believe I can say, without fear of contradiction, that the President would be very happy to have this bill as it has been reported by the committee and as we are considering it here in the Committee of the Whole House on the State of the Union today.

Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FARBSTEIN].

Mr. FARBSTEIN. Mr. Chairman, I want to congratulate the committee and say that I am in wholehearted support of this bill.

Mr. Chairman, in reading on page 8 of the report, I see a statement from the American Medical Association, as contained in its letter, to the effect that it says this bill introduces an undesirable concept.

Mr. Chairman, of course, I look with a jaundiced eye myself as to any position taken by the American Medical Association. So I cannot understand wherein, despite the fact so many amendments of theirs were accepted, the American Medical Association still expresses some doubts about this legislation. This is what I cannot understand, and I believe I shall never be able to understand the ideas, the views, and the concepts of the American Medical Association.

Nevertheless, as I understand the bill, it certainly represents a great step forward.

Mr. Chairman, I wish to compliment the committee for its efforts and I support the legislation.

I am certain it will pass unanimously.

Mr. **HARRIS**. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, in view of the fact there has been so much discussion over the amendments which were proposed by the American Medical Association and accepted by the committee, I might explain further that many of these amendments were also recommended by other groups and organizations, such as the American Heart Association, and other well-known organizations in this country.

I want to make it abundantly clear that even though we did work out this bill with these innumerable amendments referred to, we did not by doing so in any way adversely affect or jeopardize what was originally intended as the objectives of this legislation. I want to make it abundantly clear that in our judgment the committee improved the legislative program to accomplish what was sought. I think we should keep this in mind. We did not at any time accept any amendment that would take anything from the bill in order to accomplish what we sought to accomplish as a legislative program.

Mr. **ROGERS** of Florida. Mr. Chairman, will the gentleman yield?

Mr. **HARRIS**. I yield to the gentleman from Florida.

Mr. **ROGERS** of Florida. Mr. Chairman, I would like to back up the chairman in the statement he has just made. It is absolutely correct. I want to say also I feel that the chairman did a magnificent job in bringing this legislation to its present point before the House today because, as has been mentioned, this legislation came to us with great controversy. I do not know of anyone in the House of Representatives who has exhibited more skill in bringing about the adverse parties to a consensus of what should be done and what has been approved by our committee than our chairman, and I want to compliment him.

I am sure all of the committee will agree with me, when I say he did a magnificent job in making this piece of legislation an effective piece of legislation, in conformity with what was originally intended to help solve the problems of heart, cancer, and stroke.

Mr. **HARRIS**. I thank the gentleman, and I compliment him highly for the valuable contribution he has made to this program.

Mr. **ROGERS** of Florida. Mr. Chairman, in support of this important legislation, the Heart Disease, Cancer, and Stroke Amendments of 1965, we are called upon to consider many vital issues, but it is difficult to imagine any problem which is more deserving of our best efforts than the scourges of heart disease, cancer, and stroke. Medical experts estimate that more than 70 percent of all deaths in this country are attributable to these diseases, and in 1963 these three diseases claimed more than 1.2 million American lives. Certainly we can agree that the victims of these ailments should be assured of the benefits of the latest advances in medical science.

In recognition of the magnitude of this problem, the President appointed a Commission on Heart Disease, Cancer, and Stroke to recommend steps to reduce the incidence of these diseases through new knowledge and more complete utilization of the medical knowledge already in existence. That Commission, which included many eminent medical experts in the fields of heart disease, cancer, and stroke, issued its report last December, and the bill which we are considering today is intended to meet some of the needs cited by the Commission. The essential finding of the Commission was that many lives could be saved and much suffering could be prevented if the most advanced knowledge already in existence concerning the diagnosis and treatment of these diseases could be applied more widely. The Commission report also held out the hope that the extensive medical research activities now underway would be the basis of continued progress in the development of improved means of diagnosing and curing these dread diseases, and that the need to transmit these advances to the benefit of patients called for additional efforts by our medical institutions and personnel. The purpose of this legislation is to meet these needs in providing opportunities to make available to more patients the latest advances in the diagnosis and treatment of heart disease, cancer, and stroke. The proposed program is a natural outgrowth of the great medical research effort of this Nation which has been stimulated over the years by the actions of this Congress. This program should assist significantly in the final payoff of these research activities.

This legislation will carry out these purposes by providing support for cooperative arrangements which would link medical schools, clinical research centers, and community hospitals in regional medical programs providing for research, training, and for related demonstrations of patient care in the fields of heart disease, cancer, stroke, and related diseases. These regional programs will provide a setting for improved means of continuing education for practicing physicians in advanced diagnostic and treatment techniques. The program will make more widely available the trained teams of medical personnel and the specialized equipment to assist the practicing physician in applying these advanced techniques. Patient referrals will be facilitated in order to provide access to the specialized techniques necessary for a particular case. Interchange of personnel between community hospitals, medical schools, and other medical centers will be encouraged. These activities will provide assurances that a close relationship is established between the community hospital and its related practicing physicians and the medical schools and other medical centers where advanced diagnostic and treatment techniques are being developed and perfected through clinical research and teaching activities.

There can be little argument with the objectives of this legislation; however, our committee felt that the means of carrying out these objectives deserved the most careful consideration. We recognized the already great accomplishments of American medicine, and we wanted to be able to assure our colleagues that the legislation which we presented to you would not in any way jeopardize the medical system of this country which is already the envy of the world. We held extensive hearings on this bill and heard testimony from many leading medical experts, representatives of medical schools, and practicing physicians. We heard a number of objections and fears expressed about the possible impact of this proposed program on the practice of medicine. My colleagues on the committee and I were determined to examine this bill closely and to make the necessary modifications to allay these fears and objections. I want to express to you my personal belief that the bill which we bring before you today has been carefully modified as the result of our deliberations and is a much sounder piece of legislation.

I want to specifically mention a number of the changes which the committee made in the bill. It was clear to us in our consideration of this proposal that the success of this program depended upon the active participation of practicing physicians who are the first line in our battle against disease. We wanted to emphasize in this legislation the need to involve the practicing physician. The bill already provided that a local advisory group be designated to assist in the planning and operation of a regional medical program. We added the requirement that this group must include practicing physicians and representatives from appropriate medical societies, as well as representatives of medical institutions and agencies. We also added to the bill the requirement that an application for a grant under this program must be approved by this local advisory group. We specified that the National Advisory Council established under this legislation must contain at least two practicing physicians, and we added the requirement that the National Advisory Council must approve all applications before a grant can be awarded by the Surgeon General.

The committee also amended the bill to specify that patients provided care under this program shall have been referred by a practicing physician. We added a provision which requires the Surgeon General to publish a list of facilities which provide the most advanced methods and techniques in the diagnosis and treatment of these diseases and to make such list available to licensed practitioners. We also made a number of changes in the bill which emphasize the cooperative nature of these regional medical programs.

Your committee also acted to correct some of the misunderstandings concerning the purposes and objectives of this legislation. The title of these regional programs was changed to correct the misunderstanding that this program provided for the construction of a large number of new medical facilities that would compete with existing institutions and personnel. To further clarify the emphasis of the program, we eliminated from the bill the provision authorizing the construction of new facilities. It was our belief that the initial emphasis of this program should be on the provision of assistance to existing institutions, and that the program could be implemented through the utilization of presently existing facilities or through the use of existing construction authorities.

We amended the bill to sharpen the focus of these programs on the three major diseases which were the initial basis of the justification of this proposal. We made changes which clarified the importance of training and continuing education in the effectiveness of this program. The testimony which we received emphasized the importance of these educational activities in carrying out the objectives of the bill. We also changed the bill to make sure that research activities related to these programs would involve the application of the advances of science to the problems of patient care. To further delineate the program and to emphasize the involvement of existing institutions, we eliminated the provision for diagnostic and treatment stations and specified that the regional programs would include hospitals.

Finally, in order to insure an orderly development of this program, the committee has amended the bill to provide grants for planning, feasibility studies, and pilot projects, and we have limited the authorization to 3 years and have provided specific appropriation ceilings for each of the 3 years. We believe that these amendments provide a sound basis on which to proceed with the development of the program. The experience gained from the regional medical programs planned and established in these 3 years will provide solid grounds for reevaluating the program at the end of the 3-year authorization. During these years, extensive experience should be developed in implementing this program in a number of different areas of the country. The committee intends to watch these developments very carefully.

I want to thank the representatives of the medical societies of my own district for their counsel and advice. I also want to thank representatives of the Department of Health, Education, and Welfare, especially Under Secretary Wilbur J. Cohen and Dr. Edward W. Dempsey for their assistance during the remolding of this legislation. They met with the representatives of the American Medical Association and discussed the legislation and various modifications at length. They were firm in their convictions and articulate in supporting their views on this important program. However, when those of us on the committee requested technical assistance in shaping amendments the full competence of these men and their staffs was used to make those amendments meaningful and effective.

I believe that this bill, as amended in committee, is a splendid indication of the constructive results which can be achieved when the medical profession is willing to consult and work with Government in a productive manner.

I am convinced that the bill that we are considering today is a better bill because of that cooperation. It provides for a substantial beginning in seeking to accomplish these worthy objectives, but it emphasizes the need to proceed carefully and to evaluate this major new effort in our battle against disease. It is my pleasure to urge the passage of this legislation.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. I am sure there is not a Member of this body who does not want to do all he can in the field of heart, cancer, and stroke. Certainly I do. I know this committee, of which I am a member, worked very hard on this legislation. That was brought out in the testimony.

I would like to ask the gentleman whether or not there might be a severe shortage of research people who would be needed to carry out this program? I am wondering if it can be met adequately so that if the program is enacted into law we will have capable people in this field, and it will not take away from the other research institutions that are conducting work in this area?

Mr. HARRIS. The gentleman is correct. We did have the question of manpower raised during the course of the hearings and during our consideration of the program. We feel the authorization which we have provided will cause additional manpower to be trained to carry out these programs without interfering with the manpower needs in other fields of health, and in the medical profession. We feel that we have met that situation.

Mr. CUNNINGHAM. Would the gentleman say that it is going to be a problem to get this additional manpower; that it will take a little time?

Mr. HARRIS. It is always a problem to obtain manpower because you have to train them. That is why we provide in this legislation a training program for people who are to be trained in the medical profession and in the medical schools themselves.

In that way we think we can increase the manpower available and at the same time give valuable educational training to those who are preparing themselves for this particular field.

Mr. CUNNINGHAM. I thank the gentleman.

Mr. NELSEN. Mr. Chairman, I yield the gentleman from Kansas [Mr. SKUBITZ] 2 minutes.

Mr. SKUBITZ. I would like to ask the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS] a question. Did I understand the gentleman to say that there would be eight regional medical programs started in the first year under this program?

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman.

Mr. HARRIS. It is believed from the record we have made that adequate planning can be accomplished for recommendations to be made to the National Advisory Council for approximately eight of these pilot plant operations during this fiscal year. We therefore provided the authorization in the hope that that will be accomplished.

Mr. SKUBITZ. On page 10 of the committee report, it states:

> The committee has been informed that there are eight programs in the United States already in the planning stage which are well enough worked out so that it will be feasible to start these programs within the fairly near future.

Will the chairman please tell us in what States these eight programs are located?

Mr. HARRIS. I will say to the distinguished gentleman from Kansas, from the hearings and the information developed for the record, it was indicated that sufficient planning and consideration has been given to indicate the possibility of establishing such programs in the States of North Carolina, Virginia, Ohio, Vermont, Iowa, Missouri, and Wisconsin.

Mr. SKUBITZ. I thank the gentleman.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. KEITH].

Mr. KEITH. Mr. Chairman, I rise in support of this legislation. I would like the record to indicate the part that was played by the Massachusetts Medical Society and in particular by its representative, Dr. Robert Browning, of the town of Plymouth, our Nation's first community.

When Dr. Browning first contacted me about this legislation, he was very much concerned with the fact that it authorized new construction of regional medical complexes which conceivably could be imposed upon the existing medical facilities of Greater Boston. In Boston, as most of you know, we have already a most outstanding medical profession which is already furnishing extraordinarily fine service in the field of heart, stroke, and cancer as well as in other diseases.

They were concerned that rival facilities would be established in which fees could be more modest because the facilities would be federally supported, and they could have an adverse effect upon the medical services that were already in existence.

They came down here and presented their case to me and in turn to the committee. I believe that in large measure their observations have been helpful in the committee's efforts to avoid the kind of problem that could have been created had we not amended the original proposal.

It is my recollection that the De Bakey Commission recommended the appropriation of about $1.4 million and it authorized, or would have authorized, the creation of brandnew facilities that could have been separate and distinct and, in fact, a rival to existing facilities.

The Senate cut the appropriation down to slightly more than $600 million, but still authorized the construction of new complexes.

Your committee, further examining this proposal, has eliminated new construction and has cut the amount of money down to what we believe is reasonable and adequate to do the job. Your committee recognized the need to coordinate existing programs, and have recognized particularly the role of local medical societies and other responsible local authorities in contributing to the planning, development, and operation of the facilities that would be developed around the existing medical plants.

I think perhaps one of our greatest contributions is in setting up an advisory group at the local level, which has to be in on the planning phase as well as in the operational phase. This advisory group will include practicing physicians, medical center officials, hospital administrators, representatives from appropriate medical societies, voluntary health agencies, and representatives from other organizations, institutions, and agencies concerned with activities of the kind to be carried on under the program.

There was an absence of such qualifications among those who initially studied the problem. I believe that the absence from that commission of those who had experience at the local level caused some difficulty and concern on the part of State and local medical societies. I believe that, once they become acquainted with the program which we have outlined in this legislation, they should be satisfied and pleased with the efforts of the committee.

Mr. NELSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. DOLE].

Mr. DOLE. Mr. Chairman, I take this time to pursue what my colleague from Kansas was discussing with the distinguished chairman, and that is with reference to the number of projects that may be initiated the first year. On page 10 of the report, I understand there is an indication there will be sufficient funds available for a total of eight programs the first year. Does any member of the committee have any idea or estimate as to how many programs might be in operation by the end of the third year of this bill?

Mr. HARRIS. Yes. As was previously pointed out during debate, a 3-year authorization for approximately 25 programs was made. I also state, for the gentleman's information, that these are supposed to be pilot projects in order to demonstrate throughout the country, as much as possible, what can be done, so that similar programs will be encouraged.

The administration originally requested about 32. After consideration by the committee, and after hearings, the committee felt this would accomplish the purposes sought in this program.

Mr. DOLE. I also understand there is a provision which would permit some construction in this bill. Could you explain this?

Mr. HARRIS. Yes. That is what we are trying to do. We want to make a distinction between what would be considered new construction and alterations or modifications, remodeling, and so forth.

As an example, an existing facility might need a new wing. Under this authorization the new wing, or whatever the addition might be, for the support of this kind of program—training, demonstrations, and so forth—could be a part of the construction program.

The gentleman from Texas [Mr. PICKLE] has suggested an expansion of the definition of "construction" which would permit, as an example, a hospital which wished to add two complete new floors to the existing facility to add these floors with aid under this legislation. As I see it, that would come in the category of new construction.

If the facility is a medical school, construction could be proceeded with under the program we provided recently for construction and expansion of medical schools. If it is a research center it would come under the construction program we recently provided for research facilities. If it were a hospital, it would come under the Hill-Burton program, as we refer to it. I appreciate the fact that my name recently has been tagged on to that, for whatever that may mean to the program. Construction could be obtained under that program to take care of the kind of expansion, for a new construction program, as proposed.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HARRIS. Mr. Chairman, I yield the gentleman 2 additional minutes, so that we may thrash this out.

What we are trying to do is to assure the medical profession and those involved in these programs throughout the country that we do not have any intention of going into a complete new complex idea, of which they were fearful. We would limit it to expansion and alteration and modification and so forth to meet the needs of the program.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Texas.

Mr. PICKLE. With reference to the expansion situation the gentleman from Arkansas mentioned, the situation I had in mind is not new construction in the general sense. As a member of the committee, I agree that on committee we agreed not to get into that field. I believe we should not.

The situation I make reference to is one in which there is a research facility being built now which is in the field of research for cancer alone. I do not envision or make reference to a situation in which there is new hospital construction. Under the term "construction," under both the Hill-Burton Act and the Public Health Service Act, I recognize that generally speaking "expansion" would be covered.

I am hopeful there might be an interpretation of the word "expansion" that the situation I mentioned might be included.

Mr. HARRIS. Mr. Chairman, if the gentleman will yield, I would say in that regard, in order to make the legislative history, if that does not come within the purview of the Research Facilities Act, which we recently extended, and in no way interferes with or attempts to duplicate that program, but comes within the purview of this regional concept cooperative arrangement, then the addition would come under the concept of alteration and modification, for this purpose.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes or as much time as he may desire to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, as one who lost both parents by the ravages of cancer, I certainly have a great interest in the subject of cancer, its origin, its cure, and so on and so forth. I am not necessarily opposed to this bill, but I wish the report had contained some figures as to the amounts of money presently being expended through various programs in projects and research with respect to cancer and heart afflictions. I regret that the report gives no evidence of the hundreds of millions of dollars presently being expended for this purpose. Was this information developed in your hearings on this pending bill?

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I am glad to yield.

Mr. HARRIS. This question was brought up during the course of the hearings, and I believe that the gentleman from Nebraska raised the question within the committee. We do have an estimate that I would say is as nearly correct as is possible. I think you will find that in the hearings on pages 52, 53, and 54. I think that will give the gentleman some idea about the extent of the program on the part of the Federal Government in this field. Now, insofar as the total amount of funds being expended in this country is concerned, when you take into account the philanthropic organizational programs, the National Cancer Institute, and the various regional, private, and local programs that are giving a lot of study and spending a lot of money for this particular dreaded killer, I think it would be impossible to say just how much the people of the United States are giving to this problem at this time. However, it is a terrific amount, which shows just how hard we are trying to meet the problem in order to do something about it.

Mr. GROSS. Of course, there is such a thing as overfunding programs. I want them to have all of the money that can properly be used for this purpose, but here we are expending another $340 million over a period of 3 years. This is no small amount of money, and there is no indication that this will be the extent of the expenditure. I would have no quarrel with this if I could believe that we were not, through this new program, today initiating duplicating research and other studies that are already being carried on. I am sure the Committee on Appropriations with respect to the Department of Health, Education, and Welfare has been more than liberal in the granting of funds for this and other purposes. This is my deep concern with this matter here today.

Mr. HARRIS. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes. I am glad to yield.

Mr. HARRIS. I want to thank the gentleman for bringing this important point to the attention of the House.

For about 17 years we have been appropriating large sums of money for research. A great deal has been accomplished thereby. We have had many breakthroughs. This program is to meet a gap that exists in order that the results of this research effort will be made available to the people throughout the country.

The gentleman is very familiar with the program in his own State. The gentleman may take pride in the fact that in Iowa they started one of these very programs away back in 1915.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. HARRIS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GROSS. I thank the gentleman.

Mr. HARRIS. Away back in 1915 you started the nucleus of a program in the State of Iowa that has developed over these 50 years into the kind of a cooperative arrangement that we hope will be made applicable to other areas of this great country of ours.

I could name many people, as I am sure the gentleman could—in fact, one of our most beloved and distinguished colleagues had the benefit of this great institution in Iowa and, thank God, he is still with us even today. But I know, and I know other Members know, that from these 50 years of effort in the gentleman's own State there are many thousands of people in this country who have received the benefits of this program, of which I know the gentleman is proud, that has come from his own people.

Mr. GROSS. I am well aware of the program in Iowa and of the work that has been done. Of course, it was done without this program. That is not to say that I do not believe that program based upon the achievements in Iowa and elsewhere would not be good for the rest of the country. I am not saying that at all. But I do not want to see duplication where duplication can be avoided. Your own report recognizes that there can be duplication. This I do not want to see because we desperately need to conserve the financial resources of this country.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. DINGELL. Mr. Chairman, I want to commend the gentleman from Iowa for raising this question. I want to assure him that this is one of the questions that very much concerned me during the consideration of this legislation in the committee. But I would like to say, as has the chairman of the committee, that we went through this very carefully to assure the membership of the committee that this will not duplicate existing programs—that is attested to by the fact that the bill came out with the strong support of the membership of the committee, which was well satisfied that this will not represent duplication of existing programs.

I should like to point to programs like Hill-Burton. There is abundant need for more hospital construction than we are able to fund under Hill-Burton.

With regard to the research programs I thoroughly agree with the gentleman. These are well funded both in the public and the private sector. I would point out to my good friend that it is not the intention of the committee that we shall duplicate research or that this will actually be a research program. It is not going to be. It is going to be a program to disseminate information, to assist the members of the medical profession to obtain the fruits of research most readily available to them, to have the new devices readily available to them, to have the new methods and the new machines and the new laboratory facilities available to them on a regional basis for the treatment and care of their patients.

For example, the gentleman mentioned the misfortune that his family had with cancer. I have had in my family a similar misfortune.

I would point out that this will make available facilities for new devices and new methods for identifying cancer at an early date so we can stave it off; new devices for the treatment of heart, stroke, and similar conditions that afflict human beings, so that these will be readily available to members of the medical profession.

Mr. Chairman, I would point out to the gentleman that the AMA had grave reservations about this legislation earlier but, by and large, we have accepted the comments and recommendations of the AMA and have adopted amendments suggested by them to assure that we will not intrude into the practice of medicine and will not engage in unwholesome and unwise legislating in this field.

I share the concern of the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for his comment.

It is my hope—and unfortunately we are losing the chairman of this committee, Mr. HARRIS, at the end of the year and I regret seeing him go—it is my hope that whoever succeeds him will watch closely the expenditure of these funds in order that there be no duplication in spending for this program.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HARVEY of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. HARVEY of Indiana. Mr. Chairman, I am interested to know what will be the application of the provisions of this act, assuming it is enacted, and what the impact will be upon an institution like the great Mayo Clinic, for example. I know that Dr. Charles Mayo is on the Advisory Commission. But I still wonder, because a great many people from my community, when they are confronted with a real health hazard or problem, the first thing about which they think is going to Mayo's.

I just wonder what will be the impact upon a great institution of this kind if this legislation is enacted.

Mr. GROSS. I would say to the gentleman from Indiana, if he is addressing the question to me, that I am unable to answer it.

I would like to inquire, very briefly, of the chairman of the committee concerning President Johnson's Commission on Heard Disease, Cancer, and Stroke.

Am I correctly informed that individual members of this Commission hold contracts, Government contracts, for research?

Mr. HARRIS. Mr. Chairman, if the gentleman will yield, there are some who have their own clinics associated with the existing programs. There are some associated with existing institutions, which institutions have some contracts for certain research projects; yes.

Mr. GROSS. Well, now, does the gentleman think that this is proper? Does the gentleman not believe that under these circumstances there can exist a substantial conflict of interest, when members of a Government commission, recommending a $340 million program of this kind, themselves hold contracts, research contracts, involving perhaps $1 million or more each? This has the elements of lucrative self-perpetuation.

Does the gentleman think that this is a healthy situation?

Mr. HARRIS. Well, in the first place, if the gentleman will permit——

Mr. GROSS. Yes, of course.

Mr. HARRIS. I do not believe the President would have appointed either one of these eminent gentlemen in this field had there been any inclination or indication that there was any conflict of interest.

I do not think there is any conflict of interest involved whatsoever because this is an entirely different program, and neither of these gentlemen have anything to do with any existing projects on research at any particular location of either one of these so-called regional programs.

Mr. GROSS. I can only add that I do not think it is proper that members of a Federal commission, charged with the formulation of a program involving the expenditure of millions of dollars, should themselves hold Federal contracts of any kind. Certainly they should hold no contracts related in any way to the subject matter of this bill and the fields it is designed to cover.

Mr. NELSEN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in answer to the question asked by the gentleman relative to whether or not this would affect, for example, the Mayo Clinic, the answer, I think, is emphatically "No." It would not in any way damage the operation at Rochester. Actually, they would become a part of the plan for further development to extend to the country some of the research and clinical application research that they are presently employed in there.

Mr. HARVEY of Indiana. I thank the gentleman for his response.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. RHODES].

Mr. RHODES of Pennsylvania. Mr. Chairman, I support this meritorious legislation and wish to commend the distinguished gentleman from Arkansas [Mr. HARRIS] and his committee for bringing H.R. 3140 to the House floor.

As a former member of the Committee on Interstate and Foreign Commerce and a member of the Health and Safety Subcommittee, I had the opportunity to participate in the study of the problem which this legislation seeks to meet.

I recall the testimony a few years ago by health specialists who told our subcommittee that many thousands of people die each year of cancer in this country who could live many more years if we could make use of the information and know-how we already have and if necessary facilities to help these people were available.

This is also true of heart disease which annually kills thousands of citizens whose lives could be lengthened.

According to public health specialists, thousands are being crippled for life every year by strokes who need not be crippled if we could apply present know-how and provide needed facilities to meet the problem.

Many citizens are receiving benefits of our medical research programs, but many still go to early graves and suffer crippling strokes.

This legislation for community health centers, facilities, and personnel will bridge the gap between research and application of our know-how.

It is a good investment in the health of our citizens and a valuable contribution in seeking the cause and cure of crippling and killing diseases.

The bill deserves unanimous support of the Congress.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia [Mr. MACKAY].

Mr. MACKAY. Mr. Chairman, I take great pleasure in joining my distinguished colleagues in recommending for passage H.R. 3140, as amended by the House Committee on Interstate and Foreign Commerce.

I am particularly pleased with the substantial changes in the introduced bill which have been made by the committee to define the scope of the program more precisely and to clarify its intent. These amendments guarantee that the legislation will accomplish its purposes without interfering with present patterns of patient care and professional practice. Our medical care is among the best in the world. Our physicians have made tremendous contributions to the well-being of our citizens. It would indeed be foolish for the Congress to attempt to impose on our medical scientists or practitioners any program which, in any way, would attempt to restrict or direct from Washington their activities to promote the health of Americans, young and old.

The local nature of the program authorized under the proposed legislation is clearly stressed. Its primary thrust is to facilitate arrangements among existing institutions. No large Federal facilities, staffed by Federal employees, will be constructed throughout the country according to a master plan developed in Washington. Instead, local community hospitals and practicing physicians will be linked, at their request, with medical schools and affiliated teaching hospitals. These cooperative arrangements will enable the family doctor to put within reach of each of his patients the latest advances in diagnosing and treating disease.

The committee has taken great care to spell out ways by which local control of the programs conducted under the proposed bill is assured. Their concern is most evident in the designation of advisory groups on the local level which must approve any grant application before it can be acted upon by the National Advisory Council and the Surgeon General. The bill states that these local advisory groups must include practicing physicians, medical center officials, hospital administrators, representatives from appropriate medical societies, voluntary health agencies and other organizations concerned with the program.

It is intended that there will be careful planning before a program is approved in any area. The planning, the conduct of feasibility studies, and the operation of pilot projects will all be carried out by local participating institutions and professional organizations. It is anticipated that projects to be undertaken will be quite varied, depending upon the region of the country and the nature of existing facilities. Even when a regional medical program has been funded under this legislation, planning will continue in the area which it serves. In this manner, those closest to a program will be able to modify or expand arrangements in order to meet changing problems in local communities.

The bill further specifies that patients provided care under the regional medical programs must be referred by a practicing physician. I am told that this is a customary arrangement at research institutions such as the Clinical Center at the National Institutes of Health. Thus, in the words of the committee report:

> Except in the case of those patients who, after referral to a facility, receive care incident to research, training, or demonstrations, the legislation will have no effect one way or the other upon the patterns, or methods of financing, of patient care.

It is my understanding, Mr. Chairman, that there are already in existence a number of programs similar to those proposed under this bill. My distinguished colleagues from Maine and other New England States could tell us of the Bingham Associates program begun in 1931. Others could describe imaginative cooperative medical research, education, and service programs in such States as New York, Wisconsin, and Iowa.

In every instance the development of these cooperative programs has enhanced the quality and quantity of medical care available to all patients in the communities within reach. Such development has not interfered with the practice of medicine in these localities other than to attract physicians to them. For alert, forward-looking practitioners cannot help but be drawn by the opportunities such programs provide for continuing education, specialized training, and supportive services.

Mr. Chairman, I am convinced that this bill, as amended, is designed to strengthen the Nation's health resources, to make the best use of the resources we now have, and to assist the doctor in the care of his patient. I urge its adoption.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all Members who desire to do so may extend their remarks at this point in the RECORD on the pending legislation.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DINGELL. Mr. Chairman, I am pleased to speak in behalf of H.R. 3140, a bill to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and related diseases through a program of grants. The principal purpose of the bill is to provide for the establishment of locally administered programs of cooperation between medical schools, clinical research institutions, and hospitals. It is hoped that through these programs research may be advanced, personnel trained, and the latest advances brought to the care of patients suffering from these disorders.

The bill is of great importance, because of the appalling toll exacted by these diseases from the people of the United States in death, disability, and economic burden. Heart disease, cancer, and stroke are overwhelmingly the leading causes of death today. In 1963, these diseases accounted for 71 percent of all deaths in the Nation. Compared with them, all the other hazards of man—infectious diseases, accidents, congenital, and nutritional disorders—fade into insignificance.

Heart disease and stroke accounted for 994,747 recorded deaths in 1963. In addition to their dominance as a cause of death, these diseases are the cause of extremely widespread illness and disability. Studies conducted by the National Health Survey of the U.S. Public Health Service in 1960–62 indicate that an estimated 14.6 million adults suffered from definite heart disease, and nearly as many were suspected cases. Over 2 million Americans are currently disabled because of stroke and there are over 400,000 new cases each year.

The economic cost to the Nation of any disease may be measured in terms of its direct costs in diagnosis, treatment, and rehabilitation, and the indirect costs associated with loss of earnings due to disability and premature death. Heart disease, with its enormous death toll and still greater prevalence as a chronic disabling condition, imposes a multibillion dollar burden on the economy each year. Direct expenditures for hospital and nursing home care, physicians' services, drugs, and other medical services for persons with heart disease amounted to $2.6 billion in 1962. To this must be added the immense economic burden of lost output. In 1962, 540,000 man-years, or the equivalent of $2.5 billion, were lost during that year through disability from heart disease. Calculations of losses resulting from premature deaths reach really astronomic proportions, amounting, when added to direct costs and output losses, to 4 percent of GNP.

Cancer is the cause of 16 percent of all deaths in the United States, amounting to about 300,000 in 1964, and the rate is rising. About 830,000 people in the Nation are under treatment for cancer, and on the basis of current trends, it can be assumed that about 48 million people now living will become cancer sufferers. While the rise of cancer as a health menace can be charged in large part to the changing age composition of our population, substantial percentages of cancer deaths are in the younger age groups. In 1963, 45 percent were in age groups under 65, and 9 percent were in age groups under 45. Cancer is a leading cause of death in children between 1 and 14 years.

The economic toll from cancer also runs into billions annually. Direct costs of diagnosis, treatment, and care were estimated at $1.2 billion in 1962. The estimate for lost output was 221,000 man-years, or $1 billion. Summing direct costs and losses of output through disability, we get an estimate of $8 billion, or 1.4 percent of GNP for 1962.

More sudden and dramatic than cancer, and usually more sudden than heart disease, stroke looms as the third great health menace of our generation. Its death toll is not far behind that of cancer, and more than double that of accidents, the fourth-ranking cause. The proportion of disabled persons in relation to the total stricken is high in the case of stroke, as 8 out of 10 stroke victims survive the acute initial phase of the disease.

Direct costs of stroke are estimated on the same bases as above at $440 million annually. Output losses resulting from disability and premature death are estimated at $700 million for 1962.

Statistics are useful tools for reviewing the problem of heart disease, cancer, and stroke in terms of deaths, disability, and financial loss. They are of course quite useless for measuring the suffering and the human loss. There are no measures for these.

Fully as great a problem as the simple fact of the existence of these three health menaces is the problem of applying what knowledge we have to them. Several hundred thousand unnecessary deaths occur each year from heart disease, cancer, and stroke. Even the well-publicized advances are not reaching all of our people. Until a few years ago, victims of certain congenital heart defects were doomed to die in infancy; now they are growing up toward productive adulthood. Until recently, 9 out of 10 persons who developed the disease known as aneurysm were dead within 5 years; now 7 out of 10 who receive the benefit of new surgical advances are alive and well at the end of 5 years. Until development of the smear test, cancer of the cervix could rarely be diagnosed until too late for successful treatment. Now there is almost 100 percent survival and cure for those who receive early diagnosis and treatment. But tragically, babies still die of congenital defects; patients still die of aneurysms; 14,000 women still die each year of uterine cancer. Of the more than 2 million Americans currently disabled because of stroke, a large majority could be helped through intensive modern rehabilitative care. Many of these people have not been reached by scientific medicine.

As a nation we can look with pride on our health resources, and particularly on the rapid increase in the rate of their development in the past 20 years. But it has not been enough. Thanks in large measure to the Hill-Burton program, more than 7,000 hospitals and other centers for medical service, providing more than 300,000 beds, have been built since World War II. But there are serious bed shortages in many suburban areas; many older hospitals have deteriorated physically; and many beds in general hospitals are being occupied by patients with long-term illness who could be better and more economically served in facilities specially designed to meet their needs. Thanks to the Health Professions Educational Assistance Act, substantial financial assistance can now begin to be brought to bear on the construction of new medical schools and the expansion of existing schools. There is thus the prospect that our physician output can be increased from the present figure of about 7,700 per year to about 9,000 per year by 1975. But this will fall far short of meeting the need arising from population growth.

Faced both with shortages and some maldistribution of our health resources, we are struck with the obvious and overriding need for coordination of effort. H.R. 3140 seeks to aid in achieving precisely this. It is an imaginative response to an immense national challenge. We can well afford this program and the people will enthusiastically support increased expenditures intended to save lives today and produce more lifesaving knowledge for tomorrow.

Mr. BURLESON. Mr. Chairman, this bill proposes to establish a massive Federal arrangement of medical centers to deal with the problems of heart disease, cancer, stroke, and other related diseases.

All of us agree with the stated objective of this proposed legislation. All of us are against heart disease, all of us are against stroke, all of us are against cancer. If I thought that this bill actually would make any headway, however slight, against these serious health problems, I would be the first to support it.

This bill will not prevent heart attacks. It will not prevent strokes. It will not prevent cancer. In fact, it is by no means beyond the realm of possibility that the program proposed in this bill, if adopted, would make it even more difficult for many Americans to get a doctor quickly when they are stricken by a serious ailment.

There are fundamental reasons why this bill is bad legislation, why it should be rejected by the House of Representatives and sent back to the Committee on Interstate and Foreign Committee for more study and evaluation.

I shall confine myself to comment on one aspect of H.R. 3140 which is in itself full and sufficient reason to vote "no" on this proposal.

I refer to the fact that this proposal, if adopted and fully implemented, would sweep a large group of American physicians into these regional centers and leave the rest of the Nation with few doctors.

The creation of regional medical centers will discourage physicians from locating in suburban or rural areas.

The Subcommittee on Manpower of the President's Commission recognized the need for a wide distribution of general practitioners. The enactment of H.R. 3140, in the face of this need, would have the effect of stimulating heavy emphasis toward the medical centers and away from local practice.

The rural areas of this Nation, in which there already is widespread need for the upgrading of medical care, would suffer the most. This legislation, with its heavy emphasis on concentration of the best doctors in these medical centers, would undoubtedly make it even more difficult to persuade young physicians to settle in the small towns and smaller cities across the land.

In fact, the whole program would stimulate the decline of the family doctor. He would become a second-class citizen in the medical world. He would be consulted only for colds and flu, or to lance a carbuncle, or to remove a fishhook. For anything more complicated, his patients would head for the nearest big medical center.

Those concerned with physician placement, with the programs of obtaining physicians to practice in smaller communities, tell me that many communities already have lost their physicians because they called him only in emergencies, going to physicians in large metropolitan areas the remainder of the time.

The doctor does not want to be a second-class citizen in his profession any more than the rest of us. When a young man completing his medical education looks around for a place to begin his practice, do you think he will move to a community in which his practice will be largely the treating of trivial ailments?

Do you think he will be interested in spending long hours stitching up the cuts and salving the bruises of the children in his community, only to have his patients leave him when they become really sick?

The American doctor is a highly trained scientist. He spends many years learning how to do all that medical science can do for victims of heart disease, stroke, cancer, and all of the other ailments that beset mankind. He reads the professional journals, he attends medical conventions, he confers with his colleagues—all so that he can bring the best possible care to his patients. If the opportunity to apply these years of research and study and learning is restricted or largely denied him, his natural inclination will be to go where the opportunity is broader.

And the sad thing about a situation like this is that the chances are very good that the patient will not be much, if any, better off by going hundreds of miles away to a regional medical center. The men and women in that center would not be able to prevent heart disease, they would not be able to cure a stroke victim, they would not be able to cure most cancers.

If H.R. 3140 should become law, it would be only a few years until most rural areas, many small towns, many suburbs would be almost without any doctors at all. The bright young men would head for the new Federal center, and in some parts of the country these would be far, far away.

We need more doctors in the country and in the small towns, not less. We need to encourage young physicians to practice in the small towns and in the country, not discourage them. We need to keep physicians close to their patients, not send them far away.

Mr. Chairman, I urge that you join with me in voting that H.R. 3140 be returned to the Committee on Interstate and Foreign Commerce in order that sufficient time to study and evaluate this important subject can be made.

Mr. HELSTOSKI. Mr. Chairman, I rise in support of H.R. 3140, legislation to encourage and assist in the establishment of regional centers for research, training, and demonstration of patient care primarily in the fields of heart disease, cancer, and stroke.

My support of this legislation has been previously indicated through the introduction of my bill (H.R. 9536), dealing with this subject.

This is a matter which painfully touches our lives. Nearly 15 million people suffer from heart disease which, together with strokes, is the cause of more than half the deaths in this country each year.

In 1962, deaths from arteriosclerosis, including heart attacks and strokes and hypertension totaled nearly 889,000, or 51 percent of all the deaths reported in that year. Over 215,000 or 24.2 percent of these deaths were in the working group, that is in the 25 to 64 age group. Over 672,000 deaths were in the over 65 years of age group, and only 1,510 deaths occurred in the age groups under 25.

What does this loss in the working age group mean to our national economy? If these 215,000 people who died between the ages of 25 and 64 had been able to live an extra, healthy year, they could have earned over $1 billion in that year alone. The Federal Government could have gained in that 1 year approximately $190 million in income tax revenue on these earnings.

What are the needs in the fight of combating heart disease?

First. More funds for research training, community health services, and education in this field are urgently needed both in the United States and worldwide.

Second. A simple method for early detection and diagnosis of this disease must be found, as well as better methods of treatment cures and methods of prevention.

Third. It is essential that the technical language presently in use in the field of heart disease be simplified and the terminology made uniform and understandable to the lay public.

The No. 2 killer of our people is cancer. There were 277,110 Americans who died of cancer in 1962, or about 1 out of every 6 deaths. It is estimated that 48 million people now alive in this country will eventually have cancer unless preventative measures are found. Unless new treatments and cures are found, one person in every six will die from cancer.

What is the economic loss from cancer? Each year cancer costs the national economy nearly 50,000 man-years of productivity. Cancer also costs American business and industry the loss of valuable executives at the peak of their efficiency and trained workers at the height of their productivity. The dollar loss is inestimable.

Again, if these Americans had been alive and able to work an extra year, they could have earned over $368 million and paid taxes to the Federal Government on this income totaling over $54.5 million.

Each of us has seen or experienced the anguish these diseases cause. The stark fact is that much of this pain is needless. A man's suffering, his family's sorrow, the Nation's loss of talent and productive capacity—all are to a great extent avoidable. In a great measure, we already possess the knowledge to help the victims of these diseases; our failure is in its application.

The report of the President's Commission on Heart Disease and Stroke and Cancer speaks of "our new intolerance," intolerance that a human being die when he need not, or that his life be circumscribed because knowledge and skills that could preserve its fullness are simply not available to him. H.R. 3140 grows out of this intolerance. It proposes that the Federal Government encourage and assist in the establishment of regionally coordinated arrangements among medical schools, research institutions, and hospitals for research and training and demonstration of patient care in these three diseases. I believe that such regional centers will work to close the present gap between research and treatment and so to dramatically reduce disability and loss of life.

We already have considerable experience indicating that the best medical care is provided where research and education are an integral part of medical care. For this reason, the Veterans' Administration affiliated its hospitals with medical schools and involved them with other medical resources in the communities. The National Institutes of Health operate 10 clinical research centers which admits patients who will contribute to a specific study. And there are active programs designed to integrate medical schools with community hospitals and other medical care resources in New England, New York, Michigan, Ohio, and Kansas, to name only a few. From all of these—but especially from the voluntary programs involving medical schools with their communities—we can draw encouragement and valuable experience in the planning and administration of the complex arrangements envisioned in this bill.

We are also greatly aided toward our goal by the quality of the research institutions in this country and their striking contributions to health and longer life. As a result of their efforts, infants born with congenital heart defects can grow to adulthood, cancer of the cervix can be detected early enough for successful treatment, other cancer can be treated by radiation and chemotherapy, and hypertension related to heart disease can be relieved with drugs. These and other techniques discovered through research can be extended to thousands of people through the regional centers proposed; the research efforts, in turn, will gain impetus and be nourished by their close contact with diagnosis and treatment procedures. I expect this will be particularly true of research on strokes, which has been neglected in the past.

One of the difficulties in implementing the provisions proposed by the bill will be the critical shortage of doctors and other health personnel. Roughly 3 to 4 million people are engaged in the health services, but this will not be sufficient for a large-scale attack on heart disease, cancer, and stroke. In fact, success in the attack is predicated on an expansion of all phases of medical manpower.

The shortage of doctors is most critical. The Health Professions Educational Assistance Act, which Congress dealt with in 1963 and 1964 and for which we considered and passed amendments on September 1, is an important beginning to what must become a concerted national effort to recruit and train young people for the medical profession. We must keep this factor in mind as we debate the present bill.

But with this reservation aside, we can accomplish what we set out to do with a system of regional centers: To cultivate communication between research and clinical specialists, to place diagnostic and treatment facilities within reasonable distance of all citizens. The needs of different applicants, predicably, vary greatly. There are a number of medical centers in the country that are in many ways already functioning as regional complexes that we propose. There are other areas, particularly where there are no medical schools, where the initial steps will be difficult and costly—and it is these areas which most need assistance. The $50 million proposed by this bill for 1966 will be directed mainly for planning and development costs; as specific plans are formed, we will get more precise guidelines with which to estimate the extent of our financial commitment in future years. I look forward to following this development with keen interest.

In total, Mr. Chairman, what we propose to do with this bill is, as President Johnson's Commission said, "to develop new patterns of partnership" between public and private resources for health—patterns demanded by accelerating developments in research, medical care, medical education, and public expectations—patterns which I expect to be most fruitful for the health and long life of the people of the United States.

Mr. FOGARTY. Mr. Chairman, last March I introduced in the House a measure (H.R. 5999) designed to benefit the health of the American people. It was intended to provide a solid basis for the great aim of the President's Commission on Heart Disease, Cancer, and Stroke: To match medical research potential with public health achievement by making the advances of medical science more readily available to our people.

At that time I reminded all of you that heart disease, cancer, and stroke together accounted for 7 out of every 10 deaths in the United States each year. I reminded you that this toll could be sharply reduced—if only the medical profession and medical institutions could make available to their patients the latest advances in the diagnosis and treatment of these diseases.

A lot has happened since March to the various proposals—introduced into the Senate by Senator HILL and into the House by myself and the gentleman from Arkansas [Mr. HARRIS]—to implement a program for regional centers to combat these three killer diseases. On June 28 the Senate passed the measure and earlier this month the House Interstate Commerce Committee—after extensive hearings—reported out H.R. 3140, the Heart Disease, Cancer, and Stroke Amendments of 1965. It is this measure that I wish to rise to support today.

It is a tribute to the remarkable understanding and dedication to matters of health by the chairman of the House of Interstate Commerce Committee—that a measure that was at one time considered controversial has now gained such acceptance that it may fairly be said that a consensus has been reached regarding it.

This measure now enjoys the support of such voluntary agencies as the American Heart Association and the American Cancer Society. It also enjoys the support of such respected professional organizations as the American Hospital Association and the Association of American Medical Colleges. It enjoys the support of numerous deans and officers of medical schools.

In addition, it now enjoys the qualified support of the American Medical Association. In a news release from the AMA on September 2 that organization reported that an AMA advisory committee had met with President Johnson to discuss this measure. AMA President James Appel said he was gratified that as a result of these meetings some 20 amendments to the bill were accepted by the administration and that—and I quote:

> Many of the changes are substantial and will allay many of the fears the medical profession had about the original bill.

The AMA president was also quoted as saying:

> We feel that we were successful in getting a number of major changes in the bill which will help preserve the high quality of medical care and the freedom of hospitals and physicians.

Now, the amendment we are considering is a complete substitute for the original bills and incorporates numerous changes intended to define the scope of the program and to guarantee that the legislation will accomplish its stated purpose without in any way interfering with the patterns or the methods of financing of patient care or professional practice or with the administration of hospitals.

I will not embark upon a section-by-section analysis of this bill—into which so much thoughtful compromise has gone. I will instead point out the significant elements of the bill that have emerged from compromises agreeable to both proponents and critics of the original measure.

One of the changes is in the title of the bill. We will hear no more of "regional medical complexes," but rather, of "regional medical programs." This is an important change. It is intended to make it unmistakably clear that it is not intended to amount a new construction program but rather to rely on existing facilities. Thus we emphasize the local nature of this program, its limited scope, and a firm base which includes local hospitals and local medical facilities. The construction authorized under this bill will be alteration, major repair, or renovation of existing buildings or replacement of obsolete built-in equipment. No new construction will be permitted from any funds provided by this bill.

Another change undergone by the regional medical program has been to provide language so that this program will be concerned with heart disease, cancer, stroke, and "related diseases," instead of—as in the original wording—"other diseases." My medical friends assure me that this in no way impairs the intent of this bill, but that the present wording is essential as a practical consideration. They cite heart disease as an example. A program of research, training, and demonstrations relating to heart disease, which did not include work on diabetes—when there is an apparent relationship between diabetes with its complicating arteriosclerosis and heart disease—would be incomplete. This seems eminently sound and above critcism.

A major limiting change made in the original measure was its reduction in size and scope from 5 years to 3 and from what some called an open-end authorization to $340 million authorization.

The emphasis in the bill is now upon pilot projects and feasibility studies—in short, upon planning and exploration of mechanics. Section 903 of this bill authorizes grants to assist in the planning of regional medical programs. It is the intent of the bill's sponsors to take full advantage of the extensive planning and organization that have already been carried out in some areas of this country. Nor is this planning to be a one-time thing. After regional medical programs have been funded and some experience has accumulated, the Surgeon General is required to submit a full report on or before June 30, 1967. In the light of that report this House will consider extension or expansion of the present tentative effort.

Certainly one of the major reasons for the acceptability of the present bill by members of the medical profession is the new and clear-cut emphasis it gives to the participation of community physicians and health organizations. Borrowing from the experience of the great clinical center at the National Institutes of Health, all patients who will be treated under this program must be referred by practicing physicians. Thus, except in the case of patients who are referred by their physicians to a facility to receive care incident to research, training or demonstration, this bill will have no effect on the patterns or the methods of financing of patient care.

Related to this is a significant change in the composition of the National Advisory Council which enlarges physician participation. Of the 12 Council members 1 must be an authority in heart disease; 1 in cancer; 1 in stroke—and at least 2 other members must be physicians. The Surgeon General may not make a grant for any program except upon the recommendation of this Council.

The establishment of a National Advisory Council on regional medical programs is based upon the successful experience of the NIH with this reviewing mechanism for grants—an experience that extends over the past 25 years and more. I am confident that no wiser course of action could have been taken by the committee, chaired by my able colleague, the gentleman from Arkansas [Mr. HARRIS]. I am equally confident that one of the best assurances of the success of this program is to draw upon the excellent record of the NIH in its program administration and to concur in the Senate recommendation in this matter. There is no doubt in anyone's mind but that the NIH shall and will administer this program as ably as it has administered its many other pioneering research and health programs.

The Members of this House are considering today a bill which modifies the administration proposal as the result of constructive criticism by many diverse groups. It is one of the most carefully reworked measures I have encountered in the course of my years in Congress. I believe that this measure is no longer controversial but acceptable to all reasonable men. I urge its passage by this House, today.

Mr. FULTON of Tennessee. Mr. Chairman, in this century, the marvels of scientific research augmented by man's dreams, aspirations and desire for knowledge of the unknown, have led us into worlds heretofore undreamed.

In this century, man has learned the secret of propelled flight, has charted vast parched deserts of the world, mapped the dense jungles and carved cities where less than a century ago only wilderness abounded.

Today men not only go down to the sea in ships, they go beneath the sea in modern scientific vessels to plot the unknown depths and, through research, seek to unlock their hidden treasures which may well be required to sustain life on land in the decades to come.

Research and discovery are essential for the preservation of man.

In the field of medical research, man's accomplishments over recent decades are truly scientific miracles. In that time we have conquered such killers as tuberculosis, scarlet fever, diphtheria, and that cruel child crippler, polio. The list is even longer and the diseases conquered equally as impressive.

These achievements have not been total, however, nor will they ever be as long as man remains mortal.

But as man seeks spiritual perfection, he will continue to seek remedies for those infirmities which weaken the body. And this is proper. For why should man, created in the image of God, not seek to prolong his productive years, safeguard the security of his family, and contribute to the welfare of his community?

Obviously the individual is powerless to conduct this search in his own behalf. Great knowledge and personal dedication on the part of thousands of highly skilled men and women combined with vast, complex and expensive research centers and facilities are required.

These facilities, large and small, and these dedicated professional persons exist in this country. They stand ready and most ably prepared to launch a concerted attack against the most prolific killers of our time, heart disease, cancer, and strokes.

We are today being asked to join in this battle. The legislation before us would combine the assistance of the Federal Government with facilities of nonprofit private institutions to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals for research and training and for related demonstrations of patient care in the fields of heart disease, cancer, stroke, and related diseases.

This legislation is no bold step forward. It is not a crash program. Nor can it be considered, in any sense, an all-out attack against these maladies. It is, however, a commonsense and rational first step toward the goal of cure and prevention.

This is not an expensive program. We are not asking billions for years to come. The administration's original request for $1.2 billion over 6 years was not unreasonable. Yet this bill asks only $340 million over 3 years. A modest sum by any standard for such important work, and surely the cure and prevention of these diseases is as important to mankind as the first spaceship on the moon or a dozen or more communications satellites for which we are spending thousands of millions of dollars.

This is not to be a Government dominated or controlled program. The House committee has made every effort and spared no counsel in its determination to assure that the program control remains in competent local hands. Indeed, the cornerstone of this program is cooperation, not coordination.

Mr. Chairman, I would be less than candid if I were to say that this bill is as comprehensive as I would wish. It is my feeling that with more funds and a broader program, the efforts directed at the goals which we seek might be accelerated.

Nonetheless, this is a reasonable and worthy first step. The committee has done a commendable job in its efforts to reach a consensus among the bill's supporters and adversaries.

Gentlemen, the hour has come for us now to demonstrate to the Nation that the Congress is as interested in medicine as in missiles, or in life research as in lunar rockets. We have a great opportunity on this occasion to assist in making more secure not only our generation but generations for years to come. Let us not fail them.

Mr. CORMAN. Mr. Chairman, I rise in support of H.R. 3140 as reported by the Committee on Interstate and Foreign Commerce, and urge its adoption. The Heart Disease, Cancer, and Stroke Amendments of 1965 comprise a program which is intended to make the benefits of medical research more widely available to our citizens. The purpose of this legislation is to launch a major assault on our Nation's three greatest killers—heart disease, cancer, and stroke—which today exact such a staggering toll in human life and suffering.

In order to combat heart disease, cancer, and stroke, we have before us a program of grants to foster cooperation among the medical institutions and practitioners in the regions of our Nation. These regional medical programs are to be established locally to best utilize the capabilities and resources of a region in meeting its own needs and goals related to heart disease, cancer, and stroke.

This program will serve a twofold purpose. It will provide for grants for cooperative arrangements among key medical resources, including medical centers, research institutions, hospitals, and other health agencies, for the conduct of research and training, and for demonstrations of patient care in the fields of heart disease, cancer, and stroke. These cooperative arrangements then are to be the means to afford physicians the more abundant opportunity to make available to their patients the latest advances in the diagnosis and treatment of these three major killers and cripplers.

According to testimony received by the committee, the projects to be carried out under these regional medical programs will be quite varied, since the regions of the country are so varied in problems and resources. As you well know, the problems of congested urban areas are very different from those of a sparsely settled rural area, and the means to the solution of those problems must be very different too. This program is founded on the concept of local initiative so vital to our Federal system of government.

The regional medical program can provide for the referral of patients to specialized medical centers, continuing education, and advanced training for physicians, new equipment and interchange of medical personnel among institutions, all of which are recognized needs in the modern age of medicine. These are all vital factors in the application of research discoveries to the care of sick patients which can be made possible throughout the country by the enactment of this legislation.

Under this plan we hope to see to it that the best diagnosis and treatment is available to all of our citizens. Millions of tax dollars have gone to support medical reserach over the years, and these dollars have produced fantastic new advances in the diagnosis, treatment, and prevention of disease.

We are now riding the crest of a scientific and technological revolution that has recorded an amazing list of achievements. Biomedical research has all but erased yesterday's dread diseases and has harnessed the crippling infections of childhood, thereby prolonging and shaping the very character of our lives. It is time this wealth was shared by all of our people.

We look forward to these new training opportunities for the medical profession, to the new and more intensive research into the mysteries of disease, but most of all we look forward to the brighter future the provisions of this bill will provide to victims and potential victims of heart disease, cancer, and stroke.

Mr. Chairman, I urge passage of this legislation as amended by the Committee on Interstate and Foreign Commerce.

Mr. VAN DEERLIN. Mr. Chairman, as we come to final consideration of H.R. 3140, I hope that the American people will understand and appreciate the full significance of the important legislation embodied in this measure.

The United States has become the outstanding Nation of the world in the advancement of medical science, and in the abundance and quality of medical services available to our people. The Public Health Service, one of the oldest agencies of the Federal establishment, has made a distinguished record in the control of disease, particularly in cooperation with the State health departments. Since the mid-1930's we have seen the development, with the willing support of Congress, of the National Institutes of Health as the greatest medical research organization in the world today.

We have reached a stage, however, where something must be done to see that the benefits of this huge medical research effort are made available as quickly and as thoroughly as possible to the people in every part of this land. We are all familiar, I am sure, with the great medical centers in our metropolitan areas and larger cities. These hospitals, with their fine staffs of well-trained and experienced doctors and nurses, are making the finest and most advanced equipment, facilities, and medical care available to those within their reach. But there are many parts of the country which do not have these fine, modern establishments. They have good hospitals and good doctors, but their facilities are limited and they cannot operate with the degree of sophistication that has been developed in the larger institutions.

The bill that we are about to act upon can correct this imbalance by making possible the establishment of regional cooperative arrangements, to use the language of the bill, "among medical schools, research institutions, and hospitals for research and training, and for related demonstrations of patient care in the fields of heart disease, cancer, stroke, and related diseases."

It has been pointed out, Mr. Chairman, that this language—altering substantially the original wording of the bill—was inserted with fullest participation and approval of legal counsel for the American Medical Association.

In a meeting last weekend with top officers of the county medical society in my home community of San Diego, Calif., I ascertained that many previously held objections to the bill have now been met. It would be incorrect to say that these physicians are yet enthusiastic for it—but they feel that our committee has come more than halfway toward the resolution of conflicting viewpoints.

One remaining doubt, I was advised, concerns the direct pipeline that will exist between participants in the regional programs and officials at the National Institutes of Health, here in Washington. It is felt that without fuller contacts between and among adjoining areas, there is danger that overlapping functions could result in a waste of both time and money.

I have taken up this question with officials at HEW. They lead me to hope that section 907 of the bill, providing a system of disseminating information by the Surgeon General, may offset the fears voiced by my constituent doctors. It seems to me this is a phase of the upcoming operation that we should watch very closely.

I want to emphasize that what this bill stands for is the welfare of every citizen irrespective of his age, his race, his religion, his geographical location, or his politics. This is not a measure designed to benefit any selected group or any particular State or district. Heart disease is blind to a person's color or national origin. Cancer strikes the young, the middle-aged and the old, wherever they may be. Stroke, resulting in paralysis or death, can occur not only in the elderly, but in young mothers and young wage-earning fathers as well.

In a democracy such as ours we govern ourselves through political procedures which involve the most intensive party rivalry. Only so long as this rivalry exists and is encouraged will our society remain secure and our freedom assured. We want no dictatorship or one-party rule in the United States. Yet, as firmly established as this system is in spirit and in practice, there are two situations in which it gives way under the pressure of overriding concern: one, an external threat to national security; the other, the health and welfare of our people.

Yes, there are times to forget politics, and one of those times is now, when we are considering a measure so important to the fulfillment of our responsibility to see that every American shall have the benefits of what is being accomplished, with Federal support, toward the advancement of medical science and the improvement of medical practice and patient care.

Again, to quote the bill before us, its purposes include these:

> To afford to the medical profession and the medical institutions of the Nation, through such cooperative arrangements, the opportunity of making available to their patients the latest advances in the diagnosis and treatment of these diseases.
>
> By these means, to improve generally the health manpower and facilities available to the Nation, and to accomplish these ends without interfering with the patterns, or the methods of financing, of patient care or professional practice, or with the administration of hospitals, and in cooperation with practicing physicians, medical center officials, hospital administrators, and representatives from appropriate voluntary health agencies.

This is a splendid charge and a great challenge. Mr. Chairman, I wish to second the proposals enumerated in H.R. 3140 as amended and reported by the Committee on Interstate and Foreign Commerce, and I urge upon my distinguished colleagues of the House their approval of it.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge this House to speedily and overwhelmingly approve this measure now before us, H.R. 3140, the Heart Disease, Cancer, and Stroke Amendments of 1965.

In connection with our consideration of this vitally important bill I think it is very pertinent to note that the President's Commission on Heart Disease, Cancer, and Stroke pointed out in their report, of December 1964, that over 70 percent of all deaths occurring in the United States each year result from these three dread diseases. It was further emphasized in that report that the effect upon our economy, due to premature disability and death caused by these three diseases, is close to $30 billion in losses each year.

The authoritative statistics clearly reveal these three diseases are the major cripplers and killers within our society. Beyond and above their adverse economic impact they cause untold and immeasurable human hardship, anguish, and suffering.

However, the history of medical science definitely indicates that they, like other dreaded diseases in the past, can be subjected to control and cure by organized scientific attack; that is the basic reason for this bill.

The principal purpose of the measure is to provide for the establishment of programs of cooperation between medical schools, clinical research institutions, and hospitals by means of which the latest advances in the care of patients suffering from heart disease, stroke, cancer, and related diseases may be afforded through locally administered programs of research, training, and continuing education and related demonstrations of patient care.

I think it is of major interest and moment to us, and the committee chairman and members surely merit our admiration and gratitude on this point, to note that the committee has included provisions in the bill designed to guarantee that it will accomplish its purposes without unwarranted and unwise interference with the patterns, or the methods of financing, of patient care or professional medical practice or with the administration of hospitals.

Mr. Chairman, I submit that the objectives of this bill are undoubtedly in the best interests of the American people; the manner provided for the realization of these objectives is prudent; the appropriations involved are, indeed, quite reasonable, and in view of the increasingly adverse effect these particular diseases is having on our society the legislation is most timely. Therefore, I again urge my colleagues to overwhelmingly approve this measure without further delay.

Mr. KASTENMEIER. Mr. Chairman, even though I am in support of the bill H.R. 3140 to assist in combating heart disease, cancer, stroke, and related diseases, I am concerned about one aspect of it. What a number of people fear, including myself, is that the increased tendency to categorize medicine along the lines of particular diseases will be destructive of efforts in many cases to provide a broad medical education. Whereas we still expect to train and educate young doctors to fight diseases and illness of many types, the creation of institutes of specialization will surely inhibit and curtail this type of education. Nowhere have I seen a critical, yet understanding, view of this better expressed than in the following paragraph from a letter from a member of the University of Wisconsin Medical School faculty:

> As a member of a medical school faculty, I am intensely aware of the impact of mental retardation programs and categorical programs for heart disease, cancer and stroke on medical education and practice. These programs always cause me to pause and consider the implications for medical education in the United States and the development of our medical educational system. Categorical programs tend to isolate and specialize medicine. It is unrealistic to think that the passage of these various bills will not affect medicine through increased specialization, and make it increasingly difficult to produce broad programs. For example, these programs at the University of Wisconsin could create a situation whereby the medical school would be composed largely of institutes. Even though this would further medical research in categorical disease areas, it would work to the detriment of educational effort. The pediatrician must necessarily have knowledge about many areas. He cannot simply be a cardiologist, a neurologist, or a mental retardation expert. In order to see these categorical problems in their proper setting, he must also see children with other disease processes and understand the broad problems of child development, growth and disease. Thus, categorical programs threaten us some, but this threat is not insurmountable if we can turn it into a unifying and strengthening force rather than a divisive force for our various disciplines. For example, to have categorical disease research and care and teaching institutes widely separated over the University of Wisconsin would be lethal to the concept of medical education. To have them all participate as a unifying measure in one physical setting would be less divisive and would actually be an aid to our future growth and development. Therefore, it is really our problem to put these programs to good use in the future, if any of the money should come

our way, but I think that our Representatives in Congress should be aware of this aspect of the problem. Whereas most of us in academic medicine are for welfare legislation, we are concerned about the impact this will have on medical education.

It is perhaps somewhat reassuring that the bill has been changed in committee from including "other major diseases" to "and related diseases"—related referring to heart diseases, cancer, and stroke. This would at least prevent overspecialization in too many other areas than those specifically mentioned. Yet, Mr. Chairman, I think it is well that we be aware of the effect on medical education that wholly well-meaning congressional action can entail with respect to the type of medical education which I am sure we all agree we would like to preserve and maintain throughout this great country.

Mr. PHILBIN. Mr. Chairman, passing a bill to assist in combating heart disease, cancer, and stroke and other major diseases is, in my opinion, of highest priority, and I congratulate and compliment the Committee for bringing it to the floor of the House.

The principal purpose of the bill is to provide for the establishment of programs of cooperation between medical schools, research institutions, and hospitals for research and training for the care of patients suffering from heart disease, cancer, stroke and related diseases.

This fine bill does not compete with other bills passed in the area of research and development which are numerous and which are doing tremendously valuable work in trying to unlock the secrets of cure and rehabilitation of the so-called killer diseases that are steadily demanding the lives of larger numbers of our fellow citizens. Most regrettably, the death rates for these diseases seem to be rising despite the vigorous attack which we are making upon them at so many levels of government, science, education and medicine, nuclear surgery and nuclear therapy.

There is little danger, in my understanding, that this bill would interfere in any way with the freedom of our great medical profession, or our hospital system, or related institutions since it entails cooperative arrangements for local participation of existing institutions and medical practitioners.

Basically, through the program provided by this bill, the results, fruits, and benefits of our great research and development programs can be channeled through medical and hospital facilities and institutions to local practitioners and ultimately to suffering patients who in many cases can be assisted and cured, it is our hope.

Programs of this kind have been conducted for more than 50 years, not only in my own great State of Massachusetts, but in Iowa and other places throughout the country and the experience with them has been excellent. They have proved valuable in acquainting the medical profession with latest modern up-to-date techniques, therapies, and methods and thus, in a sense, have constituted not only reeducation, but constant updating of everything that is new and functionally desirable in modern medicine and scientific advancement.

The board which studied the subject matter of this bill was comprised of some of the outstanding doctors, administrators, and public figures of the Nation, and the committee has done an outstanding piece of work in the elimination of practically all objections to the bill.

I have great confidence that this bill will work out well, and it has been very carefully considered by the committee and has received the attention of all the leading experts and authors in the field, and I believe that it will be extremely helpful in strengthening our determined fight against all the killer diseases that are taking such a sorrowful toll of our people.

Some people think that the Government is already spending enough money in the area of controlling and eliminating these killer diseases, but I am of the opinion that we should spare no expense, no determined effort to aid humanity and strengthen our country by doing everything we can to eradicate or bring every possible measure of control over, the terrible diseases that are blighting humanity and causing untold suffering and misery to many fine people and their dear ones. Many of our families have known grievous loss we can never forget.

But this is not a sentimental matter, Mr. Chairman; it is a great human matter and a question of putting our every effort and energy behind measures eliminating the killer diseases, all related diseases, and every disease and malady to which the human flesh is heir that the Members of this great body possibly can effect.

I strongly favor this bill and urge its adoption by the House. We should have crash programs to fight killer disease. Let us move to that end with all possible speed without regard to the cost.

Mr. GILBERT. Mr. Chairman, in his health message to Congress last January, President Johnson asked for legislation authorizing a program of grants to develop multipurpose regional medical programs for an all-out attack on cancer, stroke, and heart diseases, the three dreaded diseases which cause over 70 percent of the deaths in our country each year. The President had appointed a Commission on Heart Disease, Cancer, and Stroke early in 1964, and in its report the Commission recommended steps to reduce the incidence of these diseases through new knowledge and more complete utilization of the medical knowledge we have already.

I am pleased that the President's request and recommendations of the Commission are incorporated in H.R. 3140. I commend the chairman and members of the House Interstate and Foreign Commerce Committee for the thorough and careful attention they gave to preparing this legislation.

Mr. Chairman, we are fortunate to have the best medical care in the world in our country. Unfortunately, however, our most modern techniques and our best medical care are not available to all who need them. The program provided in this bill will bring the latest in medical advances in the prevention, treatment, and cure to all who are afflicted with cancer, stroke, and heart diseases.

Congress can well be proud of its record in improving the health and welfare of our citizens. In the past few years we have passed the Health Professions Educational Assistance Act, the Community Health Services Act, programs of assistance for our mentally ill and retarded, extended vocational rehabilitation, and provided many other programs for Federal participation in medical research and health facilities. And, of course, just recently we enacted a program of medical care for our aged.

While we can look with pride on our achievements and our present health resources and medical advancement, the battle is far from won. Thousands of hospitals have been built since World War II; there are bed shortages and doctor shortages. We are faced with a maldistribution of our health resources, and we must expand and develop new approaches and provide the continuity that is essential for an effective medical-education program.

H.R. 3140 will provide for the establishment of locally administered programs of cooperation between medical schools, clinical research institutions and hospitals. It will advance research, train more personnel, and make the latest techniques and advances available to all suffering from these three diseases which bring premature death to so many annually.

Grants will be available to public or nonprofit private institutions or agencies for planning, establishing, and operating regional medical programs. The regional medical programs will be cooperative arrangements and they will link existing medical schools and affiliated teaching hospitals with their highly developed capabilities in diagnosis training, and treatment with existing clinical research centers, local community hospitals, and practicing physicians within the same geographical area. Cooperative arrangements will permit an interchange of personnel and patients and will provide for more effective flow of information concerning the latest advances in diagnosis and treatment. Local control of all programs is insured in the bill. A 12-member National Advisory Council on Regional Medical Programs will consider applications and make recommendations before an application to establish and operate a regional medical program may be approved.

Mr. Chairman, I strongly support H.R. 3140 to amend the Public Health Service Act to assist in combating heart disease, cancer, and stroke.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the substitute amendment as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 3140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Heart Disease, Cancer, and Stroke Amendments of 1965".

SEC. 2. The Public Health Service Act (42 U.S.C. ch. 6A) is amended by adding at the end thereof the following new title:

"TITLE IX—EDUCATION, RESEARCH, TRAINING, AND DEMONSTRATIONS IN THE FIELDS OF HEART DISEASE, CANCER, STROKE, AND RELATED DISEASES

"Purposes

"SEC. 900. The purposes of this title are—

"(a) Through grants, to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals for research and training (including continuing education) and for related demonstrations of patient care in the fields of heart disease, cancer, stroke, and related diseases;

"(b) To afford to the medical profession and the medical institutions of the Nation, through such cooperative arrangements, the opportunity of making available to their patients the latest advances in the diagnosis and treatment of these diseases; and

"(c) By these means, to improve generally the health manpower and facilities available to the Nation, and to accomplish these ends without interfering with the patterns, or the methods of financing, of patient care or professional practice, or with the administration of hospitals, and in cooperation with practicing physicians, medical center officials, hospital administrators, and represenatives from appropriate voluntary health agencies.

"Authorization of appropriations

"SEC. 901. (a) There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1966, $90,000,000 for the fiscal year ending June 30, 1967, and $200,000,000 for the fiscal year ending June 30, 1968, for grants to assist public or nonprofit private universities, medical schools, research institutions, and other public or nonprofit private institutions and agencies in planning, in conducting feasibility studies, and in operating pilot projects for the establishment, of regional medical programs of research, training, and demonstration activities for carrying out the purposes of this title. Sums appropriated under this section for any fiscal year shall remain available for making such grants until the end of the fiscal year following the fiscal year for which the appropriation is made.

"(b) A grant under this title shall be for part or all of the cost of the planning or other activities with respect to which the application is made, except that any such grant with respect to construction of, or provision of built-in (as determined in accordance with regulations) equipment for, any facility may not exceed 90 per centum of the cost of such construction or equipment.

"(c) Funds appropriated pursuant to this title shall not be available to pay the cost of hospital, medical, or other care of patients except to the extent it is, as determined in accordance with regulations, incident to those research, training, or demonstration activities which are encompassed by the purposes of this title. No patient shall be furnished hospital, medical, or other care at any facility incident to research, training, or demonstration activities carried out with funds appropriated pursuant to this title, unless he has been referred to such facility by a practicing physician.

"Definitions

"SEC. 902. For the purposes of this title—

"(a) The term 'regional medical program' means a cooperative arrangement among a group of public or nonprofit private institutions or agencies engaged in research training, diagnosis, and treatment relating to heart disease, cancer, or stroke, and, at the option of the applicant, related disease or diseases; but only if such group—

"(1) is situated within a geographic area, composed of any part or parts of any one or more States, which the Surgeon General determines, in accordance with regulations, to be appropriate for carrying out the purposes of this title;

"(2) consists of one or more medical centers, one or more clinical research centers, and one or more hospitals; and

"(3) has in effect cooperative arrangements among its component units which the Surgeon General finds will be adequate for effectively carrying out the purposes of this title.

"(b) The term 'medical center' means a medical school and one or more hospitals affiliated therewith for teaching, research, and demonstration purposes.

"(c) The term 'clinical research center' means an institution (or part of an institution) the primary function of which is research, training of specialists, and demonstrations and which, in connection therewith, provides specialized, high-quality diagnostic and treatment services for inpatients and outpatients.

"(d) The term 'hospital' means a hospital as defined in section 625(c) or other health facility in which local capability for diagnosis and treatment is supported and augmented by the program established under this title.

"(e) The term 'nonprofit' as applied to any institution or agency means an institution or agency which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(f) The term 'construction' includes alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

"Grants for planning

"SEC. 903. (a) The Surgeon General, upon the recommendation of the National Advisory Council or Regional Medical Programs established by section 905 (hereafter in this title referred to as the 'Council'), is authorized to make grants to public or nonprofit private universities, medical schools, research institutions, and other public or nonprofit private agencies and institutions to assist them in planning the development of regional medical programs.

"(b) Grants under this section may be made only upon application therefor approved by the Surgeon General. Any such application may be approved only if it contains or is supported by—

"(1) reasonable assurances that Federal funds paid pursuant to any such grant will be used only for the purposes for which paid and in accordance with the applicable provisions of this title and the regulations thereunder;

"(2) reasonable assurances that the applicant will provide for such fiscal control and fund accounting procedures as are required by the Surgeon General to assure proper disbursement of and accounting for such Federal funds;

"(3) reasonable assurances that the applicant will make such reports, in such form and containing such information as the Surgeon General may from time to time reasonably require, and will keep such records and afford such access thereto as the Surgeon General may find necessary to assure the correctness and verification of such reports; and

"(4) a satisfactory showing that the applicant has designated an advisory group, to advise the applicant (and the institutions and agencies participating in the resulting regional medical program) in formulating and carrying out the plan for the establishment and operation of such regional medical program, which advisory group includes practicing physicians, medical center officials, hospital administrators, representatives from appropriate medical societies, voluntary health agencies, and representatives of other organizations, institutions, and agencies concerned with activities of the kind to be carried on under the program and members of the public familiar with the need for the services provided under the program.

"Grants for establishment and operation of regional medical programs

"SEC. 904. (a) The Surgeon General, upon the recommendation of the Council, is authorized to make grants to public or nonprofit private universities, medical schools, research institutions, and other public or nonprofit private agencies and institutions to assist in establishment and operation of regional medical programs, including construction and equipment of facilities in connection therewith.

"(b) Grants under this section may be made only upon application therefor approved by the Surgeon General. Any such application may be approved only if it is recommended by the advisory group described in section 903(b)(4) and contains or is supported by reasonable assurances that—

"(1) Federal funds paid pursuant to any such grant (A) will be used only for the purposes for which paid and in accordance with the applicable provisions of this title and the regulations thereunder, and (B) will not supplant funds that are otherwise available for establishment or operation of the regional medical program with respect to which the grant is made;

"(2) the applicant will provide for such fiscal control and fund accounting procedures as are required by the Surgeon General to assure proper disbursement of and accounting for such Federal funds;

"(3) the applicant will make such reports, in such form and containing such information as the Surgeon General may from time to time reasonably require, and will keep such records and afford such access thereto as the Surgeon General may find necessary to assure the correctness and verification of such reports; and

"(4) any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5; and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"National Advisory Council on Regional Medical Programs

"SEC. 905. (a) The Surgeon General, with the approval of the Secretary, may appoint, without regard to the civil service laws, a National Advisory Council on Regional Medical Programs. The Council shall consist of the Surgeon General, who shall be the chairman, and twelve members, not otherwise in the regular full-time employ of the United States, who are leaders in the fields of the fundamental sciences, the medical sciences, or public affairs. At least two of the appointed members shall be practicing physicians, one shall be outstanding in the study, diagnosis, or treatment of heart disease, one shall be outstanding in the study, diagnosis, or treatment of cancer, and one shall be outstanding in the study, diagnosis, or treatment of stroke.

"(b) Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Surgeon General at the time of appointment, four at the end of the first year, four at the end of the second year, and four at the end of the third year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(c) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(d) The Council shall advise and assist the Surgeon General in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this title and shall make recommendations to the Surgeon General with respect to approval of applications for and the amounts of grants under this title.

"Regulations

"SEC. 906. The Surgeon General, after consultation with the Council, shall prescribe general regulations covering the terms and conditions for approving applications for grants under this title and the coordination of programs assisted under this title with programs for training, research, and demonstrations relating to the same diseases assisted or authorized under other titles of this Act or other Acts of Congress.

"Information on special treatment and training centers

"SEC. 907. The Surgeon General shall establish, and maintain on a current basis, a list or lists of facilities in the United States equipped and staffed to provide the most advanced specialty training in such facilities, diagnosis and treatment of heart disease, cancer, or stroke, together with such related information, including the availability of advanced speciality training in such facilities, as he deems useful, and shall make such list or lists and related information readily available to licensed practitioners and other persons requiring such information. To the end of making such list or lists and other information most useful, the Surgeon General shall from time to time consult with interested national professional organizations.

"Report

"SEC. 908. On or before June 30, 1967, the Surgeon General, after consultation with the Council, shall submit to the Secretary for transmission to the President and then to the Congress, a report of the activities under this title together with (1) a statement of the relationship between Federal financing and financing from other sources of the activities undertaken pursuant to this title, (2) an appraisal of the activities assisted under this title in the light of their effectiveness in carrying out the purposes of this title, and (3) recommendations with respect to extension or modification of this title in the light thereof."

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross: Page 23, line 6, strike out the quotation marks, and immediately after line 6 insert the following:

"Records and audit

"SEC. 909. (a) Each recipient of a grant under this title shall keep such records as the Surgeon General may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant under this title which are pertinent to any such grant."

The CHAIRMAN. The gentleman from Iowa [Mr. GROSS] is recognized in support of his amendment.

Mr. GROSS. Mr. Chairman, I would hope that the distinguished chairman of the committee would accept this amendment which is basically section 11 of Public Law 88–206 which is to follow as the next order of business this afternoon. This would give to the Comptroller General authority to audit the books and records of this program. The money to be expended in this program will be widely distributed over the country and I certainly think it is very much in order to give the Comptroller General full power to scrutinize what is being done. Again, Mr. Chairman, I urge the gentleman from Arkansas to accept the amendment.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. HARRIS. First, let me thank the gentleman for providing me in advance with a copy of the amendment he has just proposed. I have had an opportunity to look it over and I observe that it is identical to section 11 of the Clean Air Act which was approved by our committee and adopted by the House and the Congress, and is a part of the present law. I believe a similar amendment is included in some of the other public health acts. I do know that only a few days ago the committee included a similar amendment to the Library Act that we have reported out.

Mr. GROSS. As well as the national parks and concessionaires bill.

Mr. HARRIS. Yes, that is true, and on various other legislative proposals. I compliment the gentleman for offering the amendment.

As I indicated earlier, the distinguished gentleman from California [Mr. MOSS], a member of the committee, usually sees to it that these proposals are included. I am not in a position to speak for other members of the committee except that I have had occasion to talk briefly to some members here at the table, but personally I am prepared to accept the amendment and I shall be glad on my own account to accept the gentleman's amendment. I think it is a good amendment.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. Does the gentleman accept the amendment?

Mr. HARRIS. As I say, Mr. Chairman, on my own I accept the gentleman's amendment.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

AMENDMENT OFFERED BY MR. WHITE OF TEXAS

Mr. WHITE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. White of Texas: On page 15, line 11, after "medical school" insert the following: "or other medical institution involved in postgraduate medical training".

Mr. WHITE of Texas. Mr. Chairman, the amendment I am proposing is the same as that adopted by the Senate committee. Its purpose is to make possible the establishment of a regional medical complex in an area where no medical-school is located, provided there is some other medical institution involved in postgraduate medical training.

I believe my home city of El Paso, Tex., is an excellent example of such a location. It is the largest city in a radius of more than 400 miles. Together with its sister city of Juarez, Mexico, it forms a metropolitan community with a population of more than 600,000. While it has no medical school, it is the site of a major U.S. Army Hospital which also serves for treatment of veterans, of the only school of nursing within a 300-mile radius, and of a medical community consisting of outstanding doctors and hospital facilities. Because of its border location, El Paso has special opportunities for research and for cooperation with outstanding medical advances in the Republic of Mexico. With proper organization and preparation, El Paso could meet every criterion mentioned in this bill, except for the presence of a medical school.

I believe the same situation exists in many other important metropolitan areas. Dr. Murray M. Copeland in his statement to the Senate Committee on Labor and Public Welfare said:

> We believe the committee should recognize that specialized institutions, referred to in this bill as Categorical Research Centers, now in existence, are performing much of the program which is envisioned in this bill, and in the cancer field have been the source of much of the strength of the present progress against cancer. We recommend, therefore, in the language of the bill it be made clear that they can furnish essential planning and administrative leadership in regional complexes, and that they are furnishing and should continue to furnish, the type of teaching and training of manpower which is particularly necessary for the successful functioning of the proposed complexes.

And note especially these words of Dr. Copeland:

> There do exist areas in which such manpower can best be planned for through teaching institutions not directly affiliated with medical schools.

The Senate saw fit to amend its bill in keeping with the suggestion of Dr. Copeland. I respectfully ask that the House broaden the results of the proposed health program by adopting this amendment.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Texas. I yield.

Mr. HARRIS. The gentleman will observe that on page 15 of the committee bill, in section 902(b), the definition of a medical center is a "medical school and one or more hospitals affiliated therewith for teaching, research, and demonstration purposes."

The gentleman's amendment would add the words "or other medical institution involved in post graduate medical training." That is the precise language that is included in the Senate-passed bill.

Mr. WHITE of Texas. That is correct.

Mr. HARRIS. As I analyze the language, in my judgment, the amendment would be complementary to the terms included in the definition of "other institutions affiliated therewith," though we do use the term "hospitals affiliated therewith for teaching," and so forth. I can see no conflict and, so far as I am personally concerned, having discussed it briefly with other Members who are here, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Texas [Mr. WHITE].

The amendment to the committee amendment was agreed to.

(By unanimous consent, Mr. ALBERT was granted permission to address the House for 5 minutes and to speak out of order.)

JOINT STATEMENT BY PRESIDENT OF THE UNITED STATES AND PRESIDENT OF PANAMA ON AREAS OF AGREEMENT REACHED IN CURRENT TREATY NEGOTIATIONS

Mr. ALBERT. Mr. Chairman, I take this time only to advise the House that President Johnson and President Robles, of Panama, have just issued a joint announcement in which they outlined areas of agreement that have been reached in the current treaty negotiations concerning the Panama Canal. Once again the United States has proclaimed to the world that we intend to abide by our commitments with full respect for the rights of others. The commitment I refer to is the bold yet prudent statement delivered by President Johnson on December 18, 1964, in which he proposed that the United States should press forward with Panama and other interested governments in plans and preparations for a sea level canal in this area and that the United States should negotiate with Panama an entirely new treaty to govern the operation of the existing Panama Canal during the remainder of its life.

In my judgment, these bold proposals recognized the forward thinking of our country without in any way belittling the magnificent achievement of those Americans who built the Panama Canal and those who have taken part so efficiently in the operation of the canal as a service to world commerce for the past half century.

The joint statement just issued indicated that the United States and Panama have reached a significant phase in what is manifestly an orderly negotiating process in this very complex matter. It is clear that both countries are making every effort to understand and meet the needs of both the present and the future with full recognition of the rights as well as the responsibilities of each country.

With the abrogation of the 1903 treaty and the recognition of Panama's sovereignty over the area of the present Canal Zone, the United States has shown its complete awareness of the "winds of change" prevailing throughout the world. At the same time, participation by both countries in the administration of the canal demonstrates graphically the mutual sense of responsibility and cooperation prevalent in the negotiations.

We are delighted to note the genuine concern of both countries for the welfare of the present employees of the canal organization and to see the affirmation that arrangements will be made to insure that their rights and interests are safeguarded.

I strongly endorse this joint statement as eloquent proof of the friendship and good will existing between our two countries and I am confident that the negotiations will proceed in this same harmonious atmosphere to the mutual benefit of Panama, the United States, and world commerce.

The joint statement follows:

JOINT STATEMENT OF THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE PRESIDENT OF THE REPUBLIC OF PANAMA, SEPTEMBER 24, 1965

The President of the United States of America and the President of the Republic of Panama announced today that areas of agreement have been reached in the current treaty negotiations along the following lines:

In order to meet their present and future needs the two countries are negotiating separately a new and modern treaty to replace the 1903 treaty and its amendments, a base rights and status of forces agreement and a treaty under which there might be constructed across Panama a new sea level canal.

The two countries recognize that the primary interest of both countries lies in insuring that arrangements are provided for effective operation and defense of the existing Panama Canal and any new canal which may be constructed in Panama in the future.

With respect to the status of the negotiations on a new treaty to replace the 1903 treaty and its amendments, general areas of agreement have been reached. The details of these areas of agreements are the subject of current negotiations.

The purpose is to insure that Panama will share with the United States responsibility in the administration, management, and operation of the canal as may be provided in the treaty. Panama will also share with the United States in the direct and indirect benefits from the existence of the canal on its territory.

The areas of agreement reached are the following:

1. The 1903 treaty will be abrogated.

2. The new treaty will effectively recognize Panama's sovereignty over the area of the present Canal Zone.

3. The new treaty will terminate after a specified number of years or on the date of the opening of the sea level canal whichever occurs first.

4. A primary objective of the new treaty will be to provide for an appropriate political, economic, and social integration of the area used in the canal operation with the rest of the Republic of Panama. Both countries recognize there is need for an orderly transition to avoid abrupt and possibly harmful dislocations. We also recognize that certain changes should be made over a period of time. The new canal administration will be empowered to make such changes in accordance with guidelines in the new treaty.

5. Both countries recognize the important responsibility they have to be fair and helpful to the employees of all nationalities who are serving so efficiently and well in the operation of the canal. Appropriate arrangements will be made to insure that the rights and interests of these employees are safeguarded.

The new treaties will provide for the defense of the existing canal and any sea level canal which may be constructed in Panama. U.S. forces and military facilities will be maintained under a base rights and status of forces agreement.

With respect to the sea level canal, the United States will make studies and site surveys of possible routes in Panama. Negotiations are continuing with respect to the methods and conditions of financing, constructing, and operating a sea level canal, in the light of the importance of such a canal to the Republic of Panama, to the United States of America, to world commerce and to the progress of mankind.

The United States and Panama will seek the necessary solutions to the economic problems which would be caused by the construction of a sea level canal.

The present canal and any new canal which may be constructed in the future shall be open at all times to the vessels of all nations on a nondiscriminatory basis. The tolls would be reasonable in the light of the contribution of the Republic of Panama and the United States of America and of the interest of world commerce.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"SECTION 1. Titles I to IX, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title IX (as in effect prior to the enactment of this Act) as title X, and by renumbering sections 901 through 914 (as in effect prior to the enactment of this Act), and references thereto, as sections 1001 through 1014, respectively.

Mr. KEE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. KEE. Mr. Chairman, it is a real privilege today to have this opportunity to enthusiastically support H.R. 3140, a bill to amend the Public Health Service Act to assist in combating heart disase, cancer, stroke, and other major diseases.

In this connection, for more than two decades, the Federal Government has made generous contributions to the twin purposes of public health and medical research with gratifying results. In this sense, the program before the House for consideration today, is an enlargement and development of the programs now in effect.

Perhaps the most striking feature of this proposed enlarged program is that a massive campaign will be waged against the three great killers of modern times—cancer, heart disease, and stroke. These three enemies of the human race will cause 7 out of every 10 deaths in the United States in 1965. These three killers are the successors to the old plague diseases which took heavy toll in former centuries, but which have been very nearly extinguished by the advance of modern science. But while poliomyelitis, smallpox, yellow fever, and malaria had been common in the past, medical experts estimate that 48 million citizens—that is approximately one-fourth of our present population now living—will become cancer victims during their lifetime. The elimination of this killer, through the joint efforts of the medical profession and the Government, could be the greatest boon ever conferred upon the American people. This health plan would establish regional health centers to make available the latest means of combating heart disease, stroke, and cancer. These regional centers are not designed to work independently but are designed to assist medical schools and to assist teaching hospitals and local medical centers in doing the job that must be done.

Another important feature of this extremely essential proposed legislation is the provision designed to help the medical profession meet the growing needs of trained personnel. Ten years, hence, the Nation will need 50,000 more doctors than today. Already there is an acute shortage of dentists and 10 years hence the country will need 100 percent more dentists than we have today. Obviously, privately owned and operated medical and dental schools cannot bear the great expense needed for this expansion.

Mr. Chairman, no man can deny the fact that the future of our Nation—the future in our children—will be dependent upon the expanded joint efforts proposed in H.R. 3140 in order to provide the best possible care for the three great killers of modern times. By approving this measure today, we will take a tremendous step forward in providing more effective measures that will insure a healthy America of tomorrow.

Therefore, Mr. Chairman, from the bottom of my heart, I believe that Chairman HARRIS and the members of the Committee on Interstate and Foreign Commerce of the U.S. House of Representatives are to be highly commended for the effective program presented today.

In conclusion, Mr. Chairman, it is my deep hope that the Members of the House will unanimously approve H.R. 3140 and, by such action, each of us will leave the Chamber today with the conviction in our hearts that we have made a substantial contribution that will benefit not only the younger generations of America, but those yet to come.

The CHAIRMAN. The question is on the committee amendment as a substitute for the bill.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FLOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3140) to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and other major diseases, pursuant to House Resolution 586, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and related diseases."

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 586, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill S. 596.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Motion offered by Mr. HARRIS: Strike out all after the enacting clause of S. 596 and insert in lieu thereof the provisions of H.R. 3140 as passed.

The motion was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and related diseases."

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks at the appropriate place on H.R. 3140 and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CLEAN AIR AND SOLID WASTE DISPOSAL ACT

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 306) to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 306, with Mr. FLOOD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. HARRIS] will be recognized for 1 hour and the gentleman from Nebraska [Mr. CUNNINGHAM] will be recognized for 1 hour.

The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this is a bill that is highly important to the health of the Nation. We have just finished, after considerable debate, a bill highly important to the future health of our people. This bill does not appear to be the type of bill that offers the same sentimental attraction, but there is nothing more important to the health of our people than having wholesome, clean air to breathe. That is what this bill is designed to do. It proposes to meet, as far as possible, the problem of pollution of the air in a way that will not interfere with our economy or with our industry, but will continue to serve the needs of the people of our Nation. It does, however, seek to meet what we are going to have to come to a decision on.

We have observed over the years that the problem of air pollution is growing each year.

It will be remembered that in the 88th Congress our committee reported and the Congress passed a bill to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution. That was a very important program. It was something new, something visionary.

It presented a step toward meeting the problems that are absolutely a must insofar as the future of our people are concerned. We tried to meet certain of these problems that we knew existed insofar as air pollution is concerned and attempted, in a limited way, to provide for the abatement of this problem.

Now, Mr. Chairman, we have today a bill which deals primarily with two public health problems.

First, air pollution resulting from emissions from automobiles. Now, Mr. Chairman, this is very important I suppose to every family or almost every family in the United States.

Then, second, the problems involved in the disposal of solid waste. Our committee was unanimous in reporting title I of this bill which deals with automotive air pollution.

However, I frankly admit, Mr. Chairman, that there was a great deal of controversy in the committee, and probably will be here in the Committee of the Whole House on the State of the Union today, over title II of the bill dealing with solid waste disposal.

Mr. Chairman, title I of this bill deals with air pollution resulting from the operation of motor vehicles and provides authority for the Secretary of the Department of Health, Education, and Welfare to establish standards for emission from new gasoline-powered and new diesel-powered motor vehicles. These standards, Mr. Chairman, will apply to the motor vehicles manufactured on and after the date established by the Secretary.

The automotive industry has informed our committee that the industry will be able to meet the nationwide standards by 1968, which means that it is anticipated automobiles sold throughout the United States during the fall of 1967 and thereafter will very likely meet such standards prescribed by the Secretary to meet this problem.

There were many bills introduced and referred to our committee. Under some of them specific standards were established for motor vehicles. We have not adopted specific standards in the legislation for obvious reasons, but have left the criteria flexible so that the Secretary would be able to prescribe feasible and reasonable standards.

We have to recognize that we will have problems in the future that we cannot precisely see today. Ideally, the only type of emissions that would occur from gasoline powered or diesel engines would be carbon dioxide and water. Unfortunately, the process of burning of fuel that takes place inside the engine of a motor vehicle is not complete enough to lead to this result. This means, then, that the exhaust from the automobile, or from trucks or buses, contain some of the fuel that is not completely burned. It is therefore discharged into the atmosphere as hydrocarbons. Due to incomplete combustion some carbon monoxide is discharged. Oxides of nitrogen are also formed, and when weather conditions are such that the exhaust fumes from the automobiles tend to accumulate, they are acted on by the sunlight, resulting in what is familiarly known as "smog." Due to local geographic and weather conditions, smog exists in Los Angeles to a worse extent than in any other city in the United States.

However, from our hearings we have developed that many of your larger cities are beginning to have problems arising out of air pollution, to which the automobile exhaust is making a significant contribution.

Speaking of Los Angeles, I was in Los Angeles in 1960 during the National Democratic Convention. I had heard a great deal about the smog in Los Angeles. I frankly had some doubts about it myself. I was there about 3 days with no results. My doubts were confirmed, that all of this talk about smog in Los Angeles was a bit of publicity. But about the fourth or fifth day something happened to me. My eyes began to burn. I thought somebody had thrown some dust or something in my face I did not know about, or they had squirted something, and it got in my eyes.

I remember I was driving out of Los Angeles, about 60 miles down toward San Diego. This thing was bothering me no little bit. Then I suddenly came to fully realize that the smog had hit.

I then became thoroughly convinced that all of these reports we had been receiving as to the problem in California were actually not a figment of the imagination.

Polluted air constitutes not only a nuisance—it is a health problem as well. Just recently, a study was conducted of the excess deaths attributable to air pollution in New York City during the period January 29 to February 12, 1963—a period during which weather conditions were such as to lead to concentrations of pollutants in the air at that city.

This study revealed that during that particular 2-week period of unusually high air pollution, over 400 of the 4,596 deaths that occurred in the city were attributable primarily to air pollution. This was not all caused by emissions from automobiles. It was caused from other activities within that great metropolitan city.

So there are many sources of air pollution in addition to automobile exhaust and these other factors contributed significantly to the excess deaths during this episode that occurred in New York City during 1963. It must be realized, however, that air pollution attributable to automobiles played a significant part in this episode.

In addition to dealing with the problems of automotive air pollution, title I of this bill would also provide that the Secretary may call a conference with respect to air pollution adversely affecting persons in Mexico or Canada. Where such a conference has been called, the representatives of those two nations, Mexico and Canada, would have all the rights of a State air pollution control agency. But this provision contained in the bill as provided by the other body was amended to provide that a foreign country would have such rights as provided in this section only if reciprocal rights are provided for persons in the United States by such foreign countries.

We think that is a reasonable provision and a reasonable requirement.

In addition, the committee added a section to the bill providing that if the Secretary determines an air pollution problem may result from discharges in the atmosphere, he may call a conference in which all interested persons are to be given an opportunity to be heard. After the conference the Secretary may make findings and recommendations. These recommendations, of course, would be advisory in character but would be admitted together with the record of the conference as a part of any abatement proceedings brought thereafter.

Now the bill, as passed by the Senate, would have authorized the Secretary to construct, staff and equip a Federal air pollution control laboratory. Our committee amended this authority to make it more flexible and to permit the Secretary to establish, equip and staff such facilities as he determines to be necessary to carry out this authority.

We think under the circumstances since we are just entering on this program and there are many problems that are going to develop which we cannot foresee at this time that there should be more flexibility for the Secretary to meet such problems as they develop.

One other feature of the bill relating to air pollution deserves some mention. This is the provision providing for accelerated research programs relating to, first, the control of hydrocarbon emissions from motor vehicles and, secondly, to low-cost techniques to reduce emissions of oxide of sulfur produced by combustion of sulfur-containing fuel.

Let me deviate for just a moment. There was a bill that I introduced in connection with this program that would give the Secretary authority to control the fuel used in any Federal buildings within the United States. That had to do with any expansion or new construction in the future.

Obviously what would have occurred in that regard is that we would have legislated the use of other fuels than coal or fuel oil. The information that we developed during the hearings of the committee provided that if this authority, which is rather general, was given to the Secretary and the Secretary would carry out what was proposed, that, along with a program that had been proposed for adoption by the Bureau of the Budget, it would have meant difficulties for the coal and fuel oil industries.

So, during the course of the hearings, we tried to clarify what was involved. The Bureau of the Budget apparently was not satisfied with what was proposed. Conferences were held, and they did not approve the proposed order. But there was information that came to us that although the Bureau of the Budget had not approved this order, they were going to proceed anyway to put this principle into effect. We were told that it was proposed to inaugurate a program which would virtually say that any new buildings of the Federal Government in the future could not use coal or residual fuel oil substantially because of the sulfur content. The reason for that is that most of the coal and imported residual fuel oil used has such a sulfur content that it would be beyond what the regulation would provide.

This created quite a controversy, and I believe appropriately so. We pursued the subject and sought to make it abundantly clear by getting a letter from the Department, which Members will find incorporated on pages 2 and 3 of the report. In that letter the Department assures the committee and the Congress that it will undertake no further effort to invoke such a broad, general policy merely by regulation. In that way we eliminate the serious objection that was offered by the coal industry and the fuel oil industry.

I believe it is important to mention that point because of the attitude of some in the Department who had arbitrarily taken it upon themselves to try to bring about, through regulation, such a principle without having it cleared as it should be through the regular, established order, if not by congressional action, then through the Bureau of the Budget.

We would expect—and, of course, I know we can expect—the Department to carry out its policy in that regard.

Mr. Chairman, title II of the bill deals with the problem of the disposal of solid waste. There are those who feel that this is an unnecessary invasion and interference by the Government into a problem that should be primarily local.

If we accepted the viewpoint of those who feel that the Federal Government is going to assume the responsibility and the obligation of disposing of garbage and all solid waste of municipalities all over this country, then they would be right, but I want to make it abundantly clear here and now that that is not the purpose of the program.

The purpose of this program is research, investigations, experiments, training, surveys, studies and demonstrations, relating to the operation of financing and otherwise disposing of this solid waste product. That is what this program involves.

This program was contained in the bill passed by the Senate. It is included in legislation proposed by many of our colleagues. The report mentions the various Members who have introduced legislation along this line, all of which bills were referred to the committee.

Other than the bill to which I referred a moment ago, having to do with Federal facilities, the bill given most consideration was that offered by the distinguished chairman of the House Committee on Public Works, the gentleman from Maryland [Mr. FALLON], and the bill which passed the Senate, being considered today, S. 306.

What we did was along the lines generally proposed in S. 306, which is the bill most acceptable to the Department of Health, Education, and Welfare, to the President and his administration. Many of the provisions of the gentleman's bill are included in this.

This is a highly important title to this bill. Even though it is going to be somewhat controversial, I believe that when we conclude the debate the overwhelming sentiment in the House will be behind it. We should understand what is proposed. We should be farsighted enough to take this advanced step toward doing something about solid waste disposal through incineration and other means which might be developed, some of which are not in existence today. This should be of great interest to the overwhelming majority of the House.

Remember that more than one-half of all the cities in the United States, with populations in excess of 2,500 have inadequate or improper waste disposal practices. Smaller communities in particular have had to resort to open dumps and equally unhealthful and unsanitary methods. Such practices are menaces both to the communities themselves and to the rural countryside.

As a result many communities have been subject to litigation, which has been brought by many people because of highly unsatisfactory conditions caused by mounting volumes of garbage, refuse, and debris which must be disposed of. Fly- and rodent-breeding places, water and air pollution and general nuisances are all directly associated with these situations. More and more, these cities of all sizes are confronted with insoluble problems and are requesting the types of assistance provided by S. 306. Many of the smaller cities are requesting assistance from the Federal Government. If these problems continue to grow unattended, they can only get worse—and costlier—to solve in the long run. For these important reasons, the establishment of a national program of research and demonstration as provided in S. 306 is a vital need to communities, small and large, and to rural residents as well.

I urge Members to get a copy of the report and turn to page 7 and just read the information which we have developed here about the accumulation of litter and refuse and junk which causes fire hazards and contributes to accidents and destroys the beauty of the cities and countryside. What is the use of having a beautification program which is going to be brought to this House in a few days if at the same time we are going to permit a situation to exist where there is no proper method for dealing with such rubbish as demolition debris, construction refuse, or abandoned material, such as old refrigerators, waste from slaughterhouses, canneries, and manufacturing plants, and all of this other stuff that is dumped in this country every day. What we are trying to do here is to develop some method of new techniques whereby these cities can have available methods to use besides taking it out in the countryside and dumping it, which creates a condition that I know the people of this country just do not want. This is highly important and I think it should be seriously considered by this Committee.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be glad to yield to the gentleman from Oklahoma.

Mr. STEED. I thank the gentleman for yielding.

Let me say first a few years ago when I served as a member of the subcommittee which held hearings on the smog situation in Los Angeles I was privileged to hear the scientists from UCLA give a detailed report on the research they had done. After hearing that and ever since I have been a strong advocate of this type of legislation in the field of air pollution.

I would like to address my question to the part of title II of the bill concerning solid waste disposal and to call attention to the second paragraph of your report on page 8 where you make mention of the fact that the committee does not want anything in this legislation to duplicate work being done in this area by the secondary materials industry. I have in my district a company, the International Disposal Corp., which for many years has been spending large sums of money experimenting with a process which is now perfected and which is now in the process of being put into commercial production, which deals with one phase of solid waste disposal. What I would like to know from the chairman is this: Do you think the terms of this bill are broad enough to cover an activity of this sort and protect it from having their activities duplicated by the provisions of this bill? Or does it require additional language in the bill to include this type of activity along with the secondary materials industry?

Mr. HARRIS. The committee thought in its deliberate consideration of this problem that it had sufficiently resolved this question. I would like to quote the sentence following the sentence that the gentleman read in the House report on page 8. I think this explains the attitude of the committee and what we intended, anyway. If we do not do it to the satisfaction of the gentleman and other Members, we will be glad to do so in order to make it clear that that is what we intend. We said there:

> The committee, therefore, expects that the funds authorized under this act will be used to demonstrate new and improved methods in solid waste disposal and not for facilities that would duplicate—

And I repeat—

> not for facilities that would duplicate those operated by the secondary materials industry.

We did not intend to interfere with the magnificent effort of such companies as the gentleman has referred to in his own State.

Mr. STEED. Mr. Chairman, I appreciate what the chairman has said. I am in hopes that the Department will realize that any activity under this bill, if it becomes law, that duplicates this sort of thing would not be in keeping with the spirit and intent of the committee and the bill and would also be a foolish waste of public funds.

Mr. HARRIS. The gentleman has accurately stated the committee's intention.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have a constituent who has written me about title II of this legislation. This gentleman appears to be in the scrap iron business and he writes in part as follows:

> S. 306 in its present form needs more study and certainly a new definition of "solid waste." Scrap iron that feeds our steel mills and paper stock that conserves our forests and feeds the paper mills certainly is not "waste" or "junk."

The question I have to ask of the gentleman is whether or not the gentleman would consider that scrap iron which is for use in steel mills is to be included within the definition as a solid waste.

Mr. HARRIS. We had some discussion of that particular program. I think it was decided that to single out any one product or commodity might make it necessary to go on ad infinitum and single out others; that it would be obvious that scrap iron and even such matters as could be baled and utilized as we do in this country would not be considered as solid waste as we define in this legislation.

Mr. McCLORY. In other words, it is the intention to provide research and studies in cooperation with local and State governments with regard to solid waste that we want to get rid of and not solid waste which we want to sell and utilize in industry in some other way.

Mr. HARRIS. Yes. I might say the kind of solid waste that would be referred to as trash or rubbish or garbage that they get from homes and so forth and which pose a problem to a community, particularly in the metropolitan areas where there are governmental entities all intertwined, represent a different matter. Here you have a governmental entity in this vicinity, and in an adjoining vicinity another one, and the maybe another one. This presents a health problem in solid waste disposal. There is no way in which these governmental entities can deal with this problem as it should be dealt with except by agreement, and that is always difficult.

We had testimony from certain of our cities that have this problem where certain entities of Government felt that another one should assume more responsibility, and that one said, "No, this one should do it," and the first thing you know they go around in circles and nothing is done, which creates these hazardous health problems.

I feel that we can by demonstration and experiment and new techniques deal with those Government entities and come up with new methods of disposal to meet this ever-growing problem in our society.

Mr. McCLORY. That is the way I understand it.

Mr. HARRIS. What the gentleman has referred to is a product that does not come from a municipality as solid waste, as such, but is a product that is utilized in our industrial, private endeavors in this country. We do talk in the record about reclaiming certain solid waste, but that means reclaiming this kind of solid waste that I am talking about and not reclaiming such items as scrap iron, which would, through the processes we know of in this country, be utilized again in our industrial output.

Mr. McCLORY. I thank the gentleman.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the chairman, because it has been a distinct pleasure to hear this presentation by the distinguished chairman of the great committee which has brought this bill to the floor of the House. I have had the feeling once again that we are listening to one of the really statesmanlike legislators of this body in the presentation that has been made.

Mr. Chairman, the report of the committee makes reference to a problem which undoubtedly is a growing national problem with reference to the effective control of motor vehicle pollution and it states—and I believe that probably it is going to take several years to get to a point of effective control—but it goes on and states that the techniques now available provide only a partial reduction in motor vehicle emission and for the future better methods of control will clearly be needed.

The question I would like to address to the gentleman is with reference to the letter which is reprinted in the report at pages 38 and the following pages, in which the Secretary of the Department of the Interior points out the program which has been conducted in this field for some time by the Department of the Interior, and points out that the expertise of the Department of the Interior is available to the Secretary of the Department of Health, Education, and Welfare in connection with the solution of this problem.

I would like to make quite certain, based upon a reading of this bill, that the committee does intend that the Secretary of the Department of Health, Education, and Welfare continue to avail himself of the expertise of other departments and to seek their judgment and assistance in connection with this very serious national problem. I believe the Department of the Interior is in a position to make a very distinct contribution in this field. I know that the Bureau of Mines with its facilities in particular have been working on this for a very long time and have come up in my opinion with some outstanding contributions.

It is my hope that when title I is placed completely under the authority of the Secretary of the Department of Health, Education, and Welfare, that it is, nonetheless, the intention of this great committee and its chairman that the Secretary of the Department of Health, Education, and Welfare continue to make full use of the facilities and personnel as well as the expertise of the Department of the Interior in connection with this problem.

Mr. HARRIS. The gentleman is correct, that it is the intention that the Department of Health, Education, and Welfare—the Secretary—utilize the services of any and all of the Government agencies, of industry, local governments, State governments, and any source whatsoever which can be of assistance in this field.

The bill provides that the Secretary must consider these views that will be submitted from other sources in connection with these air pollution programs.

With respect to solid wastes, I will say further to the gentleman, if he will observe the bill itself, in title II there is $92 million authorized to deal with this problem over a period of 4 years.

Also approximately $60 million of this authorization is made available to the Secretary of Health, Education, and Welfare, and the other $32 million is made available to the Secretary of the Department of the Interior, to carry out work in the field of solid-waste disposal.

Mr. EDMONDSON. If I understand correctly, the effective working relationship between those two departments as they now exist would continue. A good deal of the work of the Department of Interior has been conducted at times with funds made available by the Department of Health, Education, and Welfare to carry out projects of the Department of Health, Education, and Welfare. I was hoping, with some very understandable instances of the role of the Secretaries of Health, Education, and Welfare in this air pollution field, it was still the intention of this committee that effective working relationships of this type would utilize the experts of other departments in the future.

Mr. HARRIS. The gentleman is correct. It was made very clear in the original act passed in the 88th Congress on abatement of air pollution that we intended for that principle to be carried out.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. McCARTHY. Mr. Chairman, I am most interested in section 102 providing for the international control of of air pollution. Since I come from Buffalo, which is on the United States-Canadian border, with only about a half-mile of water separating us, can the gentleman cite a case of how section 102 would work in this instance of pollution emanating from the United States in the Buffalo area and going over to Fort Erie in Ontario, right across the Niagara River?

Mr. HARRIS. There would be a problem from Buffalo into Canada. That problem would be recognized. The people in Canada affected would raise some objection. They would through the regular procedures make a complaint to our country. Before they could proceed to bring about any program to deal with the subject they would have to be in agreement for reciprocal treatment. On the agreement of reciprocity there would be inaugurated a program by the Secretary to deal with that particular problem, and similar to the problem existing in Chicago and other places.

Mr. McCARTHY. The Secretary of HEW upon request of the Secretary of State would convene a conference; is that correct?

Mr. HARRIS. That would be one approach to it. We do not say precisely that is the way it is going to be done, but I am sure our own Government would require any official complaint to be brought through regular channels. It is entirely possible that the municipality across from Buffalo, Fort Erie, Ontario, the municipality itself would make the complaint direct to the Secretary. Then the Secretary would investigate and declare what procedure was necessary to bring about reciprocity. Then after that had been established the program as provided in this bill would come into play, and they would through public hearings and regular procedures develop the problem and see if there were some way it could be reached.

Mr. McCARTHY. I thank the chairman very much.

Mr. HARRIS. Mr. Chairman, I want to make it clear again that this does not mean that the Federal Government is taking over the solid waste disposal problem. To the contrary, the Solid Waste Disposal Act is, I repeat, aimed at mobilization of all levels of government, Federal, State, and local, recruiting the talents of scientists and other specialists in industry to participate in a nationwide program affecting the health and well-being of most of our citizens.

It is traditional in this country for the Federal Government to lend assistance in eliminating a national problem. This is a national problem—do not overlook that. And it is traditional for the Federal Government to aid in meeting problems through supporting research demonstrations and training when local, State and private sources are unable to cope with the magnitude of the problem.

So let me emphasize that the Federal moneys are only a small fraction of the governmental expenditures in this field. But even so they would be directed at across-the-board activities which are intended to be beneficial to all of our great country.

Let us not overlook the fact that solid wastes are related to and contribute to our air and water pollution problems. Certainly if this Congress can provide national programs for action against air and water pollution, we can at least do something about this problem that is as significant as in all respects of the same magnitude as the problem of solid wastes disposal throughout the Nation today.

Our committee by an overwhelming majority commends this legislative program as one of the great forward steps in an attempt to deal with a national problem. We hope that the House will approve this bill in its entirety.

The CHAIRMAN. The gentleman from Arkansas has consumed 50 minutes and has 10 minutes remaining.

The Chair recognizes the gentleman from Nebraska [Mr. CUNNINGHAM] for 1 hour.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend our distinguished chairman who has very carefully and in detail explained this very important piece of legislation. A little while ago we passed a bill on heart, cancer, and stroke—an important piece of legislation I am sure. But to me there is very little legislation that I can think of that is more important than the bill we now have under consideration. Because today we have a polluted atmosphere and this particular bill gets at one of the root causes of certain types of cancer including lung cancer.

We passed a bill not long ago where our committee brought before the House and the House passed the bill, to stamp a cigarette package with a warning saying that smoking is dangerous to your health, and so forth. There is no proof and there was no proof before our committee that we could rely upon, that cigarette smoking causes lung cancer. But there is proof that certain types of noxious fumes from automobiles and diesel trucks and chemical plants, and so forth do cause and are the cause of certain types of lung cancer. So this bill is very important.

What this country needs is good, clean, pure air. I remember when I came here about 10 years ago our distinguished colleague, the gentleman from Minnesota [Mr. BLATNIK], made a statement to this body and said:

> Within 10 years the most important problem this country will face is the problem of having an ample supply of good, clean, pure water.

Through his efforts and the support of this House we have made great strides, so that today we are on the road to victory in this battle for good, clean, pure, water. So this bill today is beginning that same type of battle so that maybe 10 years hence we will be able to have good, clean, pure air to breathe.

Doctors tell us that the finest form of exercise is just walking around in the out of doors. But how many of us can walk outdoors without inhaling all of these lousy, obnoxious fumes? One cannot walk around the block without breathing them in. So the people are not exercising as they should because so many of them know that this is true.

I wish to speak just a moment on the subject of solid waste disposal. I am favorable that that provision should remain in this bill. I wonder if I could direct a question to the distinguished chairman. I was going to ask if he might answer the following inquiry: Under the definition of "solid waste," would the chairman think that the term would include leaves that fall in the autumn time?

Mr. HARRIS. It is conceivable that it could include refuse that might come from leaves, because they would become a part of waste disposal, which I know the gentleman has experienced in great metropolitan areas. I know at my own home we burn our leaves in a wire basket or similar container in the back yard. It creates certain disposal waste that we must do something with. So in that way leaves could become a solid waste.

Mr. CUNNINGHAM. I appreciate that response. That is the way I read the legislation. I understand that it would be included.

Mr. HARRIS. Mr. Chairman, if the gentleman would yield further, I wish to reiterate that it is not the intention to take over the problem of waste disposal. The program is designed to find new ways, methods, and techniques of disposing of solid wastes in order that we can make those ways, methods, and so forth available to the municipalities and the communities of our country for waste disposal.

Mr. CUNNINGHAM. I thank the chairman. I understand that perfectly. Where I come from, and I am not speaking only of leaf disposal but of the burning of leaves, we are not allowed to burn leaves willy-nilly at any time of the day. They must be burned in a certain type of container, and only during a certain period of the day.

My temporary home here in Arlington County has no such restrictions. Any Member who lives in Arlington County knows what a terrible situation we have over there when everyone is burning their leaves out in the street, on the sidewalk, or in their backyards. Those fumes hang over the neighborhood for hours upon hours.

So I think that is an important point that should be researched because I believe that it, too, has something to do with lung cancer and related diseases.

Mr. Chairman, as I said, our distinguished chairman has amply described this legislation. It is most desirable legislation. If the day ever comes that we can breathe good, pure, clean air, then I think we shall really have accomplished a great deal toward the good health of the American people.

Mr. Chairman, I yield as much time as he might consume to the gentleman from Minnesota [Mr. NELSEN].

Mr. NELSEN. Mr. Chairman, I shall not use much time.

I wish to point out that there was complete agreement on most parts of this bill. The automotive industry has been quite concerned, because there are many proposals on legislative fronts dealing with these problems, they fear that we might be running into situations in which many States would come up with regulatory legislation setting up standards for control of exhaust fumes and so forth. There also seemed to be some need for national standards in this field in other related areas. Of course, by enactment of a law such as this this problem would be eliminated.

We did find in the committee some disagreement as to the part of the bill relating to disposal of solid waste.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Arkansas.

Mr. HARRIS. One matter I overlooked, which I believe ought to be called to the attention of the Members, is the cost to the public of a program dealing with the matter of emissions from automobiles.

Representatives of the automobile industry appeared before the committee, and testified at length on the program, and in support of it. It was their general estimate, as I recall, that this might entail an additional cost of approximately $50 per automobile.

It should be mentioned also that the industry has developed a device for control of emissions from automobiles which is a State requirement in California for 1966 because of conditions in Los Angeles.

There are those who feel perhaps this will entail an increased cost to the consumer in the price of an automobile. It is entirely possible an additional cost may be required. We provide that at the appropriate time, when standards are provided by the Secretary, under the well-established procedures that we develop here, these devices must be included to solve the problem. We provide that it may be a built-in device, ultimately, instead of a different attachment, say a device attached to the carburetor or the crankcase or the engine head, as the case may be. This has to come sooner or later, to take care of the problem with respect to exhaust fumes. This will add some cost.

It may be that as time goes on these built-in devices within motors will take care of the problem. How much the increased cost might be at that time we cannot say.

We could very well afford to do without some of the very elaborate things which are included in the automobiles of the country today, in order to take care of this kind of problem which presents a health hazard.

Mr. NELSEN. I thank the gentleman.

I might point out that in the committee the section of the bill dealing with solid waste was the only section which seemed to be in some dispute. We found there were those who had the opinion that it should not be in this bill and should be treated as a separate subject. I believe the Senate took it out of its bill. However, it has been considered in another measure there.

We did feel we should make one suggestion, contained in our minority views. The Department of Health, Education, and Welfare made this statement:

> The collection and disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies.

We continued:

> We do not agree, however, with its final conclusion because it is our position that the Federal Government should not participate in solid waste disposal by providing financial aid including construction money and technical assistance, as the bill provides.

Now, as the chairman has pointed out, the purpose which he seeks to gain is experimental, to determine ways in which we can handle this solid waste, not primarily to give assistance to communities to eliminate their personal or local problems but more in the direction of finding a method that all communities could finally follow. However, I might mention the language on page 34 of the bill is rather broad, but I do think that the legislative history will pretty well nail down what the intent of the Congress is. I might say, however, that there is a minority view in the report which I have personally signed. I think there is considerable controversy relative to this particular section and considerable misunderstanding.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I will be happy to yield to the gentleman.

Mr. ROGERS of Florida. I would like to join the gentleman also in establishing the legislative history which the chairman attempted to establish and which he has done so effectively here by saying that the solid waste disposal program is one for research and finding new methods of trying to handle the problem rather than, as you just stated, going out and trying to solve the individual community problems of disposing of solid waste. So I think this is firmly understood in the debate today and there should be no area for misunderstanding what we intend. With this in mind I would very strongly support this proposal as well as this legislation and urge its passage.

Mr. Chairman, only recently in the administration of another President this Congress gave initial recognition to the serious problems which our society must face in regard to the control of the quality of air around us. I speak of the Clean Air Act of 1963 which was one of the last major bills signed into law by President Kennedy. The passage of that legislation firmly established the concern of the Congress and the bill now before this body is a further manifestation and extension of our desire to insure clean air for the generations of Americans yet to come.

This legislation has two primary areas of concern: the abatement of air pollution and the development of a national program of research into new and improved methods of proper and economic solid waste disposal. These two provisions are in a sense interdependent on one another. For if we are to conquer the problems of providing a clean atmosphere we must be prepared to meet the exigencies of all situations which are contributing to the contamination of that atmosphere.

The air pollution title of the bill centers primarily on attacking the problem of motor vehicle pollution. In the next 10 years the amount of pollution emitted in the air will increase by approximately 75 percent. The legislation before us requires the Secretary to prescribe allowable standards of emissions for new motor vehicles. These standards will insure that the minimum amount of pollution is being emitted.

Once these standards have been established it shall then be illegal for any motor vehicles to be manufactured which do not contain the necessary modifications to guarantee that the standards are being complied with. During our hearings on the legislation the automotive industry indicated a willingness to both aid in the determination of what the allowable standards should be and comply with those standards once the Secretary had determined their adequacy. I think this cooperation on the part of the manufacturers is both commendable and indicative of the fact that they too recognize the urgency of the problem.

The committee has recognized that the collection and disposal of solid wastes is, and should remain, primarily a function of State, regional, and local agencies. But our hearings on this matter also brought out the increased need in this area for new methods and processes. It has therefore become necessary to conduct studies on the national level to develop new and improved methods of proper and economic solid-waste disposal. The bill will also provide assistance to State governments and interstate agencies in planning, developing, and conducting solid-waste disposal programs. These programs are not an encroachment upon the reserve prerogatives of the States, but rather an effort at assisting the States in an area that is fast outgrowing the present methods of treatment. In comparison with the $3 billion figure that is being spent on refuse collection and disposal, the $500,000 being spent on studying advanced methods of disposal is far and away inadequate.

Currently Federal efforts in this field are confined solely to the Public Health Service Act and it is not sufficiently broad in scope to aid the States in providing assistance for their programs. Nor are the current Federal efforts in this field sufficiently adequate to meet the pressing needs for research in this area.

In short, Mr. Chairman, the magnitude of the problem we are attempting to deal with makes this legislation vitally necessary. When we consider the number of motor vehicles on our highways, the vast concentration of people and industry in our urban areas, and the projected increases in both of these factors we can then, and only then, get some idea of the goals of this undertaking. I urge passage of this farsighted measure to insure that the current problems in air pollution and solid-waste disposal are adequately met.

Mr. NELSEN. Mr. Chairman, I would point out that the cost will be $92.5 million for this purpose in the next 3 years. Of course, as I stated earlier in the consideration of other legislation before the committee, I think without question there are many, many things that would have great merit which we could do. However, we do need to proceed with caution wherever possible in the way of the expenditure of taxpayer dollars. Our country continues to go deeper into debt, and we want to be sure every dollar we spend is properly spent.

Mr. Chairman, I have no further requests for time.

Mr. CUNNINGHAM. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I am pleased indeed to lend my support to S. 306, for I believe that this bill represents the first major step toward defeating the menace of air pollution. Coming from a large metropolitan area, I am well aware of the enormity of this problem, and I feel that the Federal Government must join in the efforts already undertaken by State and municipal governments to overcome this situation. The American people want clean, healthful, invigorating air, and it is our responsibility to translate that aspiration into a reality by passing this bill.

I am not a member of the committee which has labored long and effectively for this legislation. I appreciate the privilege of joining in the debate, but I have had a deep concern.

I want to commend the distinguished chairman, the gentleman from Arkansas [Mr. HARRIS] and extend my compliments to the minority spokesman, the gentleman from Nebraska [Mr. CUNNINGHAM] for their enlightened and superb work in this field and I wish to congratulate the committee for bringing before us the legislation we are debating today.

One of the key provisions of this bill is that which authorizes the Secretary of Health, Education, and Welfare to establish safe standards for automobile exhaust, and requires the automobile industry to equip new engines with emission control devices capable of meeting these standards. I am addressing my remarks today to title I of the bill, since it is similar in language to the bill I introduced earlier in the session to provide just this authority and testified on the proposal before this fine committee. I am gratified to see such a provision in the bill before us today. For fully 50 percent of the Nation's air pollution is attributable to the exhaust which pours incessantly from our 84 million vehicles.

All the carbon monoxide and most of the nitrogen dioxide which poisons our air comes from the tailpipes of automobiles, and this has been growing worse every year. The Department of Air Pollution Control in New York City issued a report at the end of 1963 which revealed that the carbon monoxide content of the city's air had increased by 50 percent that year, and the nitrogen dioxide content, by 87.5 percent—and this has been growing steadily worse each year. I have watched and studied the statistics which document the growth of the air pollution problem, and I want to see that trend reversed.

The property damage wrought by air pollution defies credibility. Arthur Benline, the able commissioner of New York City's Department of Air Pollution Control, has estimated that air pollution accounts for an economic loss to New York property owners of over $520 million annually. But the toll this takes in the health of our people, is even more serious. This has been carefully studied last year by the New York Academy of Medicine, and before that, at the National Council on Air Pollution. The evidence amassed demonstrates overwhelmingly that air pollution contributes to chronic respiratory disease. Even though no direct causal relationship has been established between automotive exhaust and any particular disease, ample evidence has been accumulated which would link air pollution to various respiratory ailments. For example, a definite relationship has been demonstrated between asthma attacks and the level of sulfur dioxide in urban air, and a similar correlation has been shown to exist between lung cancer and urban air pollution. I think if we can provide for control of the pollution caused by cars, trucks, and buses, we will be taking a giant stride forward in safeguarding the health of all Americans.

There can be no doubt that this is a Federal responsibility. Though traditionally, air pollution control has been within the province of State and local governments, two factors impinge the problem on us. First, if States were left to establish independent standards for automobile exhaust emission, for example, chaos would ensue. Manufacturers would be burdened with producing cars which would have to meet 50 different standards, and if an automobile owner moved from one State to another, his vehicle would have to be overhauled. Second, if one State were to promulgate and enforce effective pollution control regulations, and a neighboring State were lax, the former would still have to contend with the dirt, foreign particles, and noxious fumes carried by the wind from the latter State. Thus, uniformity is absolutely necessary, and the Congress must accept this responsibility, and should welcome the opportunity to help our people purify their air.

Equipping new engines with emission control devices will not be prohibitively expensive. The Chrysler Corp., for example, has produced a clean air kit costing only $13 to $24, which would reduce total emissions by 65 to 70 percent, and spokesmen for the auto industry agree that such a device can be mass-produced in time for the 1968 models. This small addition to the cost of a new car is but a fraction of the savings which result from the repeal of the excise tax on automobiles, and a very modest price indeed for clean air.

Finally, Mr. Chairman, I would like to say that I fully support the other major provision of this bill which provides for fuller Federal participation in research and experimental programs designed to assist the States in developing sound solid waste disposal projects. This Federal help is desperately needed, and I believe that the nature of the assistance provided in this bill is well tailored to meet this pressing need.

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. Lindsay] may extend his remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LINDSAY. Mr. Chairman, I shall come directly to the point: The bill before us today will not do the job. It approaches the urgent, critical problem of air pollution with hesitation and timidity.

It provides no money whatever to States or cities for a frontal attack on their defiled atmospheres.

Air pollution is a national concern. It affects, in varying degrees, every one of our largest cities. Its resolution demands strong, effective national legislation.

Our fresh air is a precious national resource which, in common with many of our natural resources, has been misused, demeaned and in many instances contaminated. Only 2 years ago, 405 New Yorkers died during a 15-day period of intense air pollution. Most of the victims were aged and ill. But life was as precious to them as to the young.

Hundreds of similar but less severe incidents caused by polluted air have been reported across the country. Bad air not only affects our health, but costs us billions of dollars yearly in cleaning and laundry bills. At best, it is unsightly.

Air pollution is a silent and largely invisible enemy, one we have not even begun to fight. In my judgment, this bill (S. 306) is not much more than a beginning.

My first criticism of the bill is that it establishes no deadline whatever for national control of insidious motor vehicle fumes. These emissions account for about 40 percent of the pollution in New York City's air.

The bill simply directs the Department of Health, Education, and Welfare to prescribe its emission standards "as soon as practicable." The establishment and enforcement of national controls upon pollutants cars and trucks spew into our air forms the heart of any Federal air pollution abatement program. Yet the language of this bill is unhurried and even lackadaisical.

The bill I introduced earlier this year to amend the Clean Air Act would have required the Department of Health, Education, and Welfare to prescribe the California maximum emission standards for all new cars and trucks to take effect 1 year after enactment of the bill. As passed by the Senate, S. 306 directed that national standards be adopted no later than September 1, 1967. The Senate deadline was eliminated.

I appreciate the reluctance of the Committee on Interstate and Foreign Commerce to write into the bill fixed standards of a highly technical nature. I believe, however, that a firm date should be set for the application of antipollution regulations to motor vehicle manufacturers. The Department of Health, Education, and Welfare can be instructed to set standards administratively; they need not be spelled out in the act.

If standards are imposed administratively, I see no reason why maximums cannot be placed on the emission of hydrocarbons and carbon monoxide by cars and trucks manufactured in the United States next year.

A second criticism of this bill is that it contains no followup enforcement period. It provides fines for manufacturers who fail to meet Federal standards on exhaust emission, but it is silenced thereafter. My bill, H.R. 7065, authorizes Federal grants of $15 million a year to States to help them inspect control devices and engine modifications to determine whether vehicles in use actually meet national criteria. Many of the States could perform this duty in conjunction with existing safety inspection programs. I think it regrettable that this provision was not adopted.

Third, the bill virtually ignores one of the most obvious sources of air pollution in our cities: Incinerators. New York City alone has almost 20,000 incinerators, and they contribute enormously to the city's often foul air. Incinerators are responsible for much of the soot afflicting all our major cities. In New York, 60 tons of flyash and other debris falls on every square mile each month.

My bill authorized $100 million a year in grants to assist cities in the acquisition and installation of air pollution control devices to minimize the dirty discharges from solid waste disposal plants.

The committee bill bypasses incinerator smoke and embarks upon a $92.5 million program to develop better methods of disposing of solid wastes, which is largely tangential to our objective of clean air.

The disposal of trash and garbage presents growing difficulties for cities, particularly New York. Almost 520 million pounds of refuse must be collected in our urban areas every day of the year. We must develop efficient low-cost methods of disposing of this gigantic pile of refuse.

While I applaud the assistance the bill provides for waste disposal I lament the failure to attack the immediate source of air pollution, which is the smoke produced by incinerators now burning off solid wastes.

Fourth, I strongly object to the retention of the 12½-percent limitation on the amount of grants that may be awarded to any one State under the Clean Air Act of 1963. Congress almost automatically places a State limitation on funds authorized in national legislation, and the unvarying effect is to discriminate against our larger States. More precisely, it is unfair to the Nation's largest cities.

The limitation in this bill is perhaps the most foolish of all. The most acute air pollution problems in the United States are in New York City and Los Angeles. Under the limitation, New York and California can qualify for no more assistance than New Mexico, which has no discernible difficulty with polluted air.

The policy may possess a certain amount of logic in other legislation; but when we are dealing with a problem which manifestly is most serious in our largest cities the formula makes no sense whatever. I do not suggest that the appropriations under this or any other nationwide congressional program be allocated on a first come, first served basis, for it would discriminate against our smaller cities and States. My bill calls for the State limitation to be raised only slightly, from 12½ percent to 20 percent. I am disappointed that the section was discarded.

Fifth, my bill would have awarded business and industry a form of investment credit or an accelerated depreciation schedule on purchases of air pollution control facilities. The objective was to stimulate antipollution efforts by such businesses as Consolidated Edison in New York City. The provision was eliminated, apparently on the recommendation of the Bureau of the Budget, which said:

> We believe that tax measures should generally not be proposed as portions of substantive legislation.

The Bureau's position has merit. Congress should not make piecemeal tax revisions, but should initiate a complete reform of the Nation's tax structure. I should point out, at the same time, that Congress enacted two major amendments to the Internal Revenue Code, both dealing with medical expense deductions, when it passed the Medicare Act earlier this year. The procedure hardly followed the Bureau's stated philosophy.

While I am far from satisfied with the bill as presented to the House, I shall vote for it and I urge my colleagues to do so. I think it ironic, however, that the strongest passage in the bill, the one that will most benefit New York City, concerns solid waste disposal and not air pollution. While the disposal of the city's waste is highly important, I do not believe it should take priority over a meaningful attack on the far more pressing danger of poisoned air.

It is my intention, accordingly, to continue to work for a better bill, one which will recognize the growing peril inherent in defiled air and direct forceful action against it.

Mr. HARRIS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Colorado [Mr. McVicker].

Mr. McVICKER. Mr. Chairman, I am extremely pleased to join with so many of my colleagues in support of S. 306.

Earlier this year I introduced a bill H.R. 7394, which had a similar purpose. I am gratified that many of the provisions of my bill are incorporated in the measure which we are considering here today.

My interest in this subject extends back many years. In fact I fought for air pollution legislation when I served in the Colorado General Assembly. Any effective action in this area is going to require the energetic effort and close cooperation of government agencies at all levels—Federal, State, and local. This bill will make that kind of cooperation possible.

I am equally concerned with the disposal of solid waste, inasmuch as that is one of the most pressing problems confronting my fast-growing suburban district. In that connection I would like to acquaint my colleagues of the House with the constructive steps taken by one of my progressive communities to cope with this problem.

The discussion thus far clearly demonstrates that the Members of this body are acutely aware of the urgent need to purge our cities of the deadly contaminants which foul their atmosphere. I am confident the Congress will lend concrete support to State and local efforts in this area.

How ridiculous such a problem would have seemed to our forebears. How ridiculous even to the Congress of a decade ago. Clean air? We take it for granted, we could say up until just a few years ago. To think that legislators would have to discuss ways and means of preserving air, the one thing the world is full of.

The very fact that we have come to the point in our civilization where legislators discuss the matter is serious in itself. It is serious, nay perilous, because in the course of the workings of our democracy matters reach the legislation stage only at the last critical moment. That means that experts view a given situation with alarm for years before the public picks up the cry and by the time the cry reaches the legislative halls the situation has reached a point where it may or may not be too late to do something about.

The real question before us is not, or should not be, whether or not to enact legislation to control air pollution. The question that hangs before our civilization is whether or not it is too late to do anything at all. Think for a moment of the news stories over the last few years about air pollution. The fogs, the smogs, the hazes, the smazes. The increase of respiratory diseases. The decline of vegetation and wildlife in our urban areas due, among other things, to bad air.

My State of Colorado has long been noted for its crystal-pure air. In recent years the air pollution in Denver has become a problem. Denver is a thriving metropolis, but the Denver area does not have nearly the population concentration of some of these eastern megalopolises. So suddenly there is air pollution a mile above sea level in only a moderately large population center. And Boulder, a city of some 50,000 souls 27 miles northwest of Denver, now has an air-pollution problem.

Where does it end? Soon there will be no hamlet safe from the poisonous fumes spewing from our modern industrial civilization. There is no course open to us but to enact legislation. Then we sit back and hope and pray that this legislation does not come too late.

I would like to discuss another aspect of the measure which we are considering here today.

The provisions of title II of S. 306, which is known as the Solid Waste Disposal Act, will be of tremendous benefit to the people of the Second District of Colorado. The four major counties I have the good fortune to represent, once predominantly rural in character, are urbanizing at an extremely rapid rate. With the growth and concentration of population the disposal of solid waste has become one of the area's most critical problems. The municipalities and counties in my district are responsible for providing, at the minimum, safe and sanitary places for the disposal of solid wastes, and many of the cities and towns collect refuse as well. In addition, the modified sanitary landfill operation where the city and county of Denver puts most of its solid waste is located in Adams County, part of the Second District. Thus, the counties within my district are the recipients of the solid waste from another jurisdiction as well as being required to provide disposal facilities for waste material from their own jurisdiction. For many years, Denver's refuse was deposited in an open, burning dump which is surrounded by fine residential areas. Fortunately, the practice of open burning by the city and county of Denver at this site was terminated earlier this year. Consequently, the problem of disposing of solid wastes is serious in my district and has placed an overwhelming burden upon its people and local governments.

The local governments of the Second District are not standing by and waiting for someone to solve this problem for them. Instead they are beginning the long, slow, tedious, and costly process of developing better and less expensive methods of collecting and disposing of garbage and refuse. They look to us today to help them by authorizing a nationwide research and demonstration program in this field, a program which will bring the attention of sanitation experts across the country to bear on a situation which will have all of us inundated with waste materials if more adequate methods are not discovered. I believe the programs which have been started by local governments in my district, when coupled with other local programs around the country, will fulfill the purpose of this important legislation.

With your permission, Mr. Chairman, I would like to take a few moments to describe a solid waste disposal program which has just been started on a cooperative basis by the city of Boulder and the county of Boulder. As you know, Boulder County is one of the most beautiful in our Nation, and the city of Boulder, the county seat and home of the University of Colorado, with a population of approximately 50,000, is located at the foot of the Rocky Mountains below the picturesque red sandstone flatirons about 30 miles northwest of Denver.

As early as 1954, the surrounding property owners sued the city of Boulder and asked that the practice of open burning be stopped. Late in 1962, the city was named defendant in a lawsuit in which the plaintiffs asked $750,000 in property damages. As a result of the program which the city has undertaken to correct the hazardous operation of the modified sanitary landfill, the case was recently settled out of court for only $4,000.

In 1962, the Public Health Service, in conjunction with the Boulder City-County Department of Health, conducted an environmental health survey for Boulder County. PHS reported, at the conclusion of the man survey, that the modified sanitary landfill operated by the city of Boulder in an unincorporated portion of Boulder County posed a serious health hazard for the entire county. The refuse deposited at the site was burned in an open pit before being buried, and rats, other rodents, and insects thrived at the dump. Smoke from the burning dump posed a nuisance to surrounding property owners and residents, and rodents and insects invaded surrounding property and homes.

In an effort to provide a sanitary method of disposing of solid wastes in Boulder County, the city and county jointly undertook a comprehensive study of the matter with the assistance of the Federal Government which was provided through the Housing and Home Finance Agency's 701 planning program. As a result of this study, it was discovered that the soil conditions and high water table in Boulder County prevented the successful use of sanitary landfill methods. The high ground water in almost every area of the county led to the conclusion that landfill operations would result in the serious problem of polluting part of the water supply for the county. The poor soil conditions were brought about by shale beds underlying most of the county at very high levels. Consequently, sufficient quantities of desirable cover materials were not available for successful sanitary landfill operations.

These problems were further magnified by the fact that land, the primary ingredient for a successful sanitary landfill operation, is not available in sufficient quantity on an economical basis. Boulder is a growing community, and land values have soared beyond the point where it is economical for the city or the county to acquire land close to concentrated areas of population to devote to this use. To go farther away from the community where the solid waste is produced, would present other problems. The planning study indicated that the cost of hauling refuse to a sanitary landfill site which the city or the county could afford to purchase would range from 25 cents to 40 cents per mile. These hauling costs would unreasonably increase the cost of service for the home and business owner. These facts led city and county officials to search for another, less expensive means of solid waste disposal.

In an effort to overcome the health hazards existing as a result of the several open, burning dumps in the county, the board of county commissioners established minimum standards for sanitary landfill operations, and, to date, all of the cities and private operators have made their disposal facilities conform. The county then entered into a contract with a private firm for the operation of a composting facility at the county-designated disposal site. The city of Boulder has designated this disposal site as the only place where the private haulers licensed by the city may deposit refuse they collect. The city of Lafayette has taken similar action, and it is hoped that other cities will also abandon their present dump sites and designate the new county disposal area.

The change in Boulder County's appearance has been dramatic since all of this has taken place. The new county disposal site is operated under the close supervision of the Boulder City-County Department of Health, and is a vast improvement over the old sites in terms of public health standards and esthetics. The county, the cities, and the private operator realize that the value of a composting operation in the field of solid waste disposal lies in finding a market for the finished product. Consequently, they have approached Colorado State University with the idea of developing a research and demonstration project at this site for the purpose of illustrating how new ideas of composting can reduce the cost of the final product. I understand that this is just the sort of thing that this legislation is designed to encourage.

We are not authorizing another Federal-aid program by enacting S. 306. Instead, we are recognizing that our Nation is faced with a very serious problem, a problem which will require the imagination and hard work of people at all levels of government if the solution is to be found in time to save the Nation from its devastating effects. Local governments are simply not equipped financially to find this solution by themselves. But their efforts, based on financial and technical assistance from the Federal Government and coordination on a nationwide basis, will be productive.

Gentleman, there is no single, simple satisfactory solution to the problem of solid waste disposal, as in indicated by the study which the local governments in my district have undertaken. What may work in Boulder County might not be successful in other areas of the country. But enactment of this legislation will permit the exchange of Boulder's ideas with those from other parts of the country, to the end that all parts of the Nation will receive the benefits of this important legislation. Mayor Paul Crouch; his city council; Boulder County Commissioners Joe Smith, W. D. "Ted" McCaslin, and G. B. Akins, Jr.; Robert Turner and Robert Quinlin, the former and present city managers in Boulder; James Kean, assistant city manager in Boulder; and Archie Twitchel, Boulder's assistant director of planning, should be complimented for their devotion to searching for a solution to the solid waste disposal problems of Boulder County, Colo.

Their research and action demonstrates the importance of this problem to local governments of all sizes, and it illustrates to me the importance of our favorable action on S. 306 today.

Mr. HARRIS. Mr. Chairman, I am pleased to yield to the gentleman from New York [Mr. BINGHAM] such time as he may consume.

Mr. BINGHAM. Mr. Chairman, I rise in support of S. 306, the Clean Air Act of 1965. I know of no piece of legislation which has come before this Congress which has wider support among the people of my district. In June of this year, I polled the voters of the 23d Congressional District of New York and asked them whether they favored requiring devices on automobiles to reduce air pollution, even if it resulted in increase of the retail price of cars. Among the 8,000 who responded, 93 percent were in favor of such action, only 4 percent in opposition, and 3 percent were undecided. This was the greatest degree of unanimity expressed on any of the dozen queries in my questionnaire.

Mr. Chairman, I believe this demonstrates the fact that the country, at least as far as my district in New York City is concerned, is enthusiastically behind such legislation as this and I join in complimenting the chairman and the members of the committee for bringing forth this worthwhile legislation.

Our concern about air pollution is based on both the increased poisoning of the very air we breathe and our increased awareness of the dangers posed by air pollution. One prime offender is, of course, the automobile.

An excellent study, "Air Pollution in New York City," was issued on June 22, 1965, based on an investigation led by Councilman Robert A. Low. The study concluded:

> There can be no doubt that emissions from automobile engines and diesel engines are a major contributing factor to the increasingly undesirable atmospheric conditions existing in New York City and in every city throughout the country.

It has been estimated that 50 percent of our air pollution is caused by the 85 million motor vehicles now being operated in the United States. In view of predictions made this week that automobile sales next year would exceed sales of the 1965 models and the projection for future sales, we can anticipate that the hazards posed by automobile exhaust fumes will increase markedly unless legislation such as S. 306 is adopted and implemented.

Mr. Chairman, this problem is intense in cities such as New York where we have a high concentration of population and an ever-increasing reliance on automobiles. The problem is especially acute for our older citizens who are more prone to respiratory disorders.

Passage of this legislation is vital to the people I am privileged to represent, but I must confess that I am not satisfied that the bill goes far enough, so far as the Federal Government's obligation is concerned.

I think it unfortunate that there is no statutory prohibition against Federal Government purchase of vehicles which do not conform to minimum health standards. There is no provision for controlling pollutants from Federal buildings and installations. There is no provision for changes in the Internal Revenue Code to give tax incentive for expenditures and increased investment for the acquisition, construction, or installation of air pollution devices.

I heartily support the pending bill because I regard it as an excellent start in the effort to reduce and control air pollution, but additional legislation will be needed to accelerate the program.

Mr. CUNNINGHAM. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, as I have listened, and I might say I listened with great interest, to the extended discussion, explanation, and debate on this so-called Clean Air Act, I have felt impelled to express my appreciation to the committee and its chairman for reporting out this legislation.

I do not believe there is any question about the fact that one of the most serious problems facing our society today is the increasing contamination of our environment and air pollution, especially that emanating from motor vehicles which certainly represents a threat to public health.

Mr. Chairman, I have been particularly interested in the fact that title II was added to this bill, having to do with the disposal of solid waste.

Mr. Chairman, the congressional district which it is my honor to represent, the city of Seattle, has been struggling for months seeking to arrive at the most efficient and effective way to dispose of its garbage and waste.

Mr. Chairman, I was particularly gratified to have the chairman of the committee, the distinguished gentleman from Arkansas [Mr. HARRIS], state that this bill basically was a bill to develop research and help the local communities with this problem, but not tell them what to do.

Mr. Chairman, I realize that this is a very difficult problem and that each community should study different ways of meeting it.

I repeat I am very gratified to have the chairman of the committee state that this is basically a research bill and not one of the Federal Government dictating to local communities as to how best to meet this problem.

Mr. CUNNINGHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Chairman, I think I ought to make the observation I am just as anxious to be home and not in Washington on this Friday afternoon as anyone here. Obviously, most of our colleagues have chosen not to be here. Like the rest of us present, I have canceled various speaking engagements. Yet this bill is a serious one. It involves in part II, $90 million.

Before I go to the critical aspect, let me say I am very much impressed with the work done by the committee, the clean air part of the bill, part I.

I think there have been some difficult problems here, and the committee, along with the other body, has done an excellent job. I say that on the basis of the debate on the bill, and also the hearings on the Clean Air Act amendments. What disturbs me is the statement in the minority report, found on page 66. I presume this is a fair statement:

> Section 202 of title II—solid waste disposal—is a long introduction which attempts to rationalize and justify the whole scheme. This language was not in the bill passed by the other body or in any House bill, but was suggested to the committee by the Department of Health, Education, and Welfare after the hearings.

I presume, therefore, that the committee did not hold hearings on section 202 and, looking at the committee hearings, I find about the extent of the comment on the solid waste proposition consists of letters put in the record, but no cross-examination of any of the witnesses which, in my judgment, is required if there is to be a study.

I originally was attracted to the problems by the language on page 7 of the committee report itself, where this statement was made—and I am going to read it. Frankly, I would like to know its verification, referring to the problems of solid waste disposal:

> This is a challenge which State and local governments cannot meet without assistance from the Federal Government. The handling and disposal of solid wastes are costly operations that strain the resources of State and local agencies.

That is the issue and there has been no substantiation for the statement. I must say to the Members of the House it is the Federal income tax that is under great pressure as far as strain is concerned. It is the Federal Government that is not meeting its bills, and we have to continue to increase the debt ceiling. There certainly has been a great strain on local and State governments with their resources, but they have been meeting their obligations. I was curious to know how the committee could have reached this conclusion that the State and local governments cannot meet this problem without assistance from the Federal Government.

Then, going on, the following statement is made:

> Approximately $3 billion a year is being spent today for refuse collection and disposal through services provided by local governments and private entrepreneurs.

I suspect it is probably about that amount of money.

The next statement is the one I want to point up:

> In contrast, less than $500,000 annually is being spent to improve methods of solid waste disposal.

That is something that is surely being pulled out of the air, because there are some companies that spend that amount of money themselves in trying to figure out improved methods of solid waste disposal. I can tell you that the $500,000 figure is inaccurate, that it is closer to hundreds of millions a year spent trying to improve the methods of solid waste disposal.

I have introduced bills to give tax credits to private enterprise that will put money into the kind of capital investment necessary to take care of disposing of waste that goes into streams and I might say the disposition of solid wastes. Although a great deal of money is being spent in this area, a great deal of it I will say is on research and development, but a great deal more needs to be spent. In my judgment it would be spent if we would enact legislation similar to the 1962 tax incentive act to encourage our private corporations to invest in modern machinery and get rid of obsolescence. This act gave them an extra tax credit—a tax credit I might say beyond normal depreciation schedules. If this is a good policy, I argue that it would be a better policy to move forward in this area of solid waste disposal in the same fashion.

I do note in the committee report in the letter of the Department of Health, Education, and Welfare which appears on page 20, there is reference to some bills that have been introduced in the tax incentive area—but they just go ahead and dismiss it by saying:

> However, we defer to the views of the Treasury Department as to the consistency of the proposed amendments with national tax policy as well as the technical adequacy of these provisions.

Well, there are many ways to skin a rabbit; if we want to move forward in our society, and we all do, to solve this great problem of solid waste disposal, I think the committee has accurately described it, as an increasingly great problem. This needs to be thought of from many angles. We need to develop what really is being done in the private sector and what is being done by our local and State governments rather than simply beg the question as is done in the committee report by saying this is a challenge which State and local governments cannot meet without assistance from the Federal Government.

I again want to call attention to what is increasingly proving to be true, the Curtis corollary to Gresham's law—Gresham's law saying that bad money draws out good money. The Curtis corollary simply says that Government money drives out private money. It does not have to do this but if we are not careful, and we have not been careful, when we move forward with Federal programs instead of encouraging and benefiting the private sector and local and State governments, we will bring about a situation that will lead to the deterioration of the private sector and local and State governments. There will be a substitution of the Federal Government for the local and State governments and private initiative.

Mr. HARRIS. Mr. Chairman, I yield myself such time as I may require. I do so because I think it is important to comment on some of the statements made by the gentleman from Missouri.

Let me say I appreciate the gentleman's bringing these points to the attention of the committee. First I would refer to the tax credit matter. It is true that the statement which was included in the Department's report deferred to the Treasury. I would remind the gentleman that the Treasury has also given us a letter which is included in the report on pages 50 and 51 and I think it would be important to take note of that.

In the second place, with reference to tax credits, that is a matter that is with another committee and with which we cannot deal in connection with this program. Like the Department when it deferred to the Treasury, we of the Interstate and Foreign Commerce Committee, defer to the Committee on Ways and Means that has jurisdiction over these problems.

Next, the gentleman from Missouri, I believe, did give the impression, though not intentionally, in reading the language in the report about the challenge which the State and local governments cannot meet, that this has reference to the entire problem of waste disposal.

The gentleman did not include in the statement the first sentence of the paragraph, occurring immediately prior to the sentence he started off reading. The gentleman referred to the challenge and its importance. The first sentence states:

> In the opinion of the committee, immediate action must be taken to initiate a national program directed toward finding and applying new solutions to the waste disposal problem.

That is the challenge which the State and local governments are unable to meet. It is not the actual disposal program itself. It is finding new methods and techniques dealing with the problem.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Missouri.

Mr. CURTIS. The gentleman is making a proper point. Indeed that is so. But you then go on, in the final sentence, to say:

> In contrast, less than $500,000 annually is being spent to improve methods of solid waste disposal.

That is the point I was contesting.

Mr. HARRIS. The gentleman did make that very appropriate point. We did not intend to convey the impression that that amount was all of the funds being spent in that field. We had in mind that this amount is what the Government is spending in the field.

Mr. CURTIS. I see.

Mr. HARRIS. What we had reference to was that in the 1965 budget the total of all solid waste research would include 12 grants amounting to $393,747. We did not include or attempt to include what was being spent in the private sector.

Mr. CURTIS. Mr. Chairman, will the gentleman yield further?

Mr. HARRIS. I yield.

Mr. CURTIS. I thank the gentleman. In other words, that is what the Federal Government has been spending.

Mr. HARRIS. Yes. That is the information we intended to convey.

Mr. CURTIS. I think the gentleman acted properly in directing attention to that sentence I did not read. I was not trying to confuse the matter. The gentleman has clarified it.

Mr. HARRIS. Yes; I understand thoroughly. I thank the gentleman for calling the point to the attention of Members, particularly the reference to the total amount of the research expenditure, which is included in the report. We intended to mean the amount of Government funds going into that field.

Mr. CUNNINGHAM. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CHAMBERLAIN].

(By unanimous consent, Mr. CHAMBERLAIN was granted permission to speak out of order.)

SHIPPING TO NORTH VIETNAM

Mr. CHAMBERLAIN. Mr. Chairman, yesterday the other body acted on the foreign aid appropriations bill and I have asked for this time to direct the attention of my colleagues to a change in the House-passed version which I regard as being of major significance. I refer to the amendment adopted in the House to prohibit aid to any nation permitting ships under its flag to carry cargoes to North Vietnam.

By way of background, it will be recalled that such appropriation was included in the authorization bill and it, too, was deleted by the other body. In conference, language was agreed upon to the effect that the President should "consider denying aid" to any country whose ships under its registry were trading with North Vietnam. You will recall that I then protested the acceptance of such a change because it really did not even amount to a slap on the wrist. More recently, during our debate on the foreign aid appropriations bill, I indicated my intention to offer an amendment to prohibit aid to any country trading with North Vietnam and in the very same paragraph in which we prohibit aid to countries which are trading with Communist Cuba. During the course of my remarks, the gentleman from New York [Mr. ROONEY], advised that he, too, intended to sponsor such an amendment. I commended him and assured him of my support. At the proper time, the gentleman offered his amendment and it was agreed to without dissent.

Yesterday, the other body in its wisdom refused to accept the House language but included a watered-down provision which in essence states that it is the sense of Congress that aid should be denied to countries that fail to take appropriate steps to prevent its ships from trading with North Vietnam.

This, in effect, makes it possible for aid to be continued to several countries whose ships are helping to supply North Vietnam. In other words, the acceptance of this language will maintain the status quo. This is what disturbs me, for it is that status quo that has permitted this trade to come into being, it is this status quo that has permitted this trade to flourish, it is this status quo that enabled 401 ships—more than a ship a day—from free world nations to carry their cargoes to North Vietnam last year.

I think it is time the Members of this House and the other body, and the American people as well, know just what this administration thinks of this trade and what can be expected if we in the Congress do not take some strong and positive action to stop it. Back in July, shortly after returning from Vietnam with the members of a special subcommittee of the Armed Services Committee, I addressed a letter to the President asking that he give this situation his urgent attention. In the fullness of time, the letter was referred to the State Department and weeks later, I received a reply from their congressional liaison office that I feel every Member of this House should know about.

Mr. Chairman, I want to discuss this letter from the State Department, which was dated August 12, 1965, and I point out again that it should be of more than casual interest because it was in response to a communication addressed to the President of the United States asking for an explanation of the U.S. policy on free world shipping to North Vietnam. I reject outright the pathetic response made with respect to the serious and urgent question of free world shipping to North Vietnam.

This letter from the State Department, which I shall include in its entirety, with related correspondence, at the conclusion of my remarks, says, in essence, that this trade is really not too important for three basic reasons:

First. That "no military or strategic shipments are moving to North Vietnam on free world vessels" and that imports are nonstrategic and not critical to the North Vietnamese economy.

Second. That a great majority of free world ships arriving in North Vietnam are in ballast, chartered to pick up cargoes for free world destination.

Third. That to the extent sea transport is necessary, this trade could be fully accomplished with Communist-flag vessels.

Mr. Chairman, I reject every single one of these points and am alarmed to realize that anyone in a high position in the State Department would seriously offer such lamentable excuses in defense of trading with the enemy.

Let me reply briefly to each of these.

To say these ships are not supplying the enemy is downright preposterous. In fact, it is untrue. This is war. The President has said this is real war. There is no argument about it. North Vietnam has been identified time and time again by our Government as the enemy. There is no argument about that. In a state of war, no matter what goes into the enemy's country contributes to its war effort. Whether a piece of merchandise can be classified as strategic or nonstrategic does not matter, for these are nebulous terms at best, and in some way, all trade can contribute to that country's economy, its stability, its ability to divert attention to other products, its capacity to trade with other nations, or even its ability to release certain segments of manpower into other pursuits. Everything and anything that helps a country, helps in any way, helps that country to engage in and carry out its nonpeaceful pursuits. I cannot understand how our Department of State can face the realities of the present wartime situation and draw the conclusion that goods entering the ports of the enemy are not helping the enemy.

Even if we accept this distinction between strategic and nonstrategic goods, we must view with astonishment the fact that the conference report accompanying the Foreign Assistance Act of 1965 told us bluntly that free world ships carry 45 percent of North Vietnam seaborne imports and 85 percent of its seaborne exports. And to think our official policy is to see this as nonhelp to the enemy. To stop such flow of goods would serve one very useful purpose in bringing about a solution to the war effort in Vietnam; namely, it would make North Vietnam's supply problems just that much more difficult. It would have a nonmilitary side effect too in that it would prevent these merchants of war flying the flags of our friends from becoming financially fat while Americans die in Vietnam.

If it is the manifest will of this country to use its strength in a responsible manner to decrease the ability of the North Vietnamese to aid and abet the Vietcong, then it becomes obligatory upon us to do something about the trade with North Vietnam.

The second excuse the State Department recites to substantiate its claim that this shipping is unimportant is so ridiculous on its face that it can be summarily dismissed. If it is so that a great majority of the free world ships arriving in North Vietnam are in ballast, it likewise disturbs me that it is our friends who are helping the enemy to carry on and maintain its foreign trade, and ease its balance-of-payments problems by earning the exchange necessary to purchase whatever may be needed to keep the war going. It is elemental that you do not assist an avowed enemy in any way and you can be sure that North Vietnam with all its problems would not be exporting anything that was not to its advantage to export.

The third point the State Department made to me was something of an indiscrete one; namely, that even if our efforts to stop allied-flag vessels from trading with North Vietnam were successful, the Communists have the capability to pick up the slack. So why do we not give them this opportunity, instead of willy-nilly saying, if the free world stops trading, the Communists will get the business? That they can move the goods carried by these ships overland is ridiculous as well, because our bombers are making land routes extremely difficult to use. When railroads and rail centers are knocked out, it only increases the importance of the ports.

The State Department claims that this trade has been diminishing and their efforts to curb it have met with some success. This may be so, and I hope it is. I hope they will have more success, for this is absolutely necessary. It is claimed that free world shipping to North Vietnam during the first half of 1965 has declined as compared with the first half of 1964, but we are not told how much. With the wrath of the U.S. Air Force that has been unleashed in North Vietnam, I should think it would. As a matter of fact, I would think it would be reduced far more than it has been. No one likes to talk about the extent of this trade. It is just too unpleasant. During the first 6 months of this year, 75 free world ships called at North Vietnam ports and I say to you that this is 75 too many. The secret reports reflect a much greater volume of trade. But what Members of Congress and what the American people should know is that the ships of free world nations calling at North Vietnam outnumber the ships arriving from Communist countries. This is beyond comprehension.

I would urge my colleagues to read this letter from the State Department with care and ask yourself whether or not we should leave this problem in the hands of those who want to maintain the status quo. Do we want to say that it is the sense of Congress that no aid should go to countries trading with North Vietnam but that we in the Congress are too timid and do not have the courage to stop it? Why, I ask, should we have a prohibition in this bill denying aid to countries that would trade with Castro and then have a milder treatment for those shipping to North Vietnam at a time when we have more than 125,000 of our crack combat troops in Vietnam and are in daily contact with the enemy. This will be hard to explain to the folks at home who are putting up their tax money for this foreign aid.

I most respectfully and most sincerely urge our colleagues who will be serving on the conference committee to insist upon the amendment adopted by this House that would prohibit any foreign aid to any country trading with North Vietnam. To do any less when American lives are being lost, when American planes are being shot down, and when our American bases are being attacked, would not be keeping faith with the American people. Some means must be found to stop this free world shipping to North Vietnam. I urge your support to make certain that this is done.

Congress of the United States,
House of Representatives,
Washington, D.C., July 20, 1965.

Hon. Lyndon B. Johnson,
The President of the United States,
The White House,
Washington, D.C.

Dear Mr. President: As we become more deeply involved each day in the struggle in South Vietnam, with approximately 75,000 American servicemen in the area now and our commitments mounting, I am astounded by the continuing reports of the shipping being carried to North Vietnam by vessels flying flags of free world nations.

Unclassified reports from Defense Department sources indicate that 401 free world ships arrived at North Vietnam ports during 1964 and that there have been 74 such arrivals so far this year, with June figures incomplete. Even more shocking are the classified reports which I implore you to study with care. I particularly ask that you compare the shipping carried by our friends with that of the Communist-bloc countries. This defies any explanation.

I feel very deeply that something more must be done without delay to stop this supplying of the enemy and that this is a matter that needs and deserves your urgent attention.

Respectfully yours,
Charles E. Chamberlain.

The White House,
Washington, July 21, 1965.

Hon. Charles E. Chamberlain,
House of Representatives,
Washington, D.C.

Dear Congressman: May I acknowledge your letter of July 20 to the President regarding free world shipping to North Vietnam.

Your letter is receiving careful attention and will be responded to in the near future.

Sincerely yours,
Lawrence F. O'Brien,
Special Assistant to the President.

Department of State,
Washington, August 12, 1965.

Hon. Charles E. Chamberlain,
House of Representatives.

Dear Congressman Chamberlain: Thank you for your letter to the President of July 20 regarding free world shipping to North Vietnam. Your letter was referred to the Department because the problem of free world commerce with North Vietnam has been given intensive study here and has been the subject of continuing discussion with the countries involved.

Your concern at continued voyages by free world ships to North Vietnam is understandable. The presence of free world vessels in North Vietnam ports is, as you imply in your letter, a gage of the extent of free world support for U.S. policies in that area. For this reason, we would certainly prefer that all such voyages stop. The Department of State is, therefore, making continuing efforts to reduce free world participation in shipping to North Vietnam. The NATO countries that have been involved in the trade are being urged to take steps to remove their vessels from that trade. Similar high-level approaches are being made to non-NATO countries involved in this shipping.

These efforts have met with some success and the number of free world vessels in the trade has been diminishing. Free world shipping in the Vietnam trade during the first half of 1965 declined as compared with the same period in 1964. At the same time, of course, Communist-flag vessels in that trade have increased. We believe we can anticipate a continuation of this trend. It is a direct reflection of the fact that even if all free world vessels were removed, the Communist countries have the capability to carry all North Vietnam's imports and exports in their own ships and planes and over the rail link with Communist China.

At the same time, we must recognize that we shall have difficulties in persuading other free world countries to remove all their ships from this trade. The principal problem will be the absence of a legal basis for other governments to require their flag vessels to withdraw from Vietnam waters. With the removal of Japanese-flag ships (previously the second-largest category) from the North Vietnam service since last April, small British-flag ships of Hong Kong registry constitute the majority of free world ships trading with North Vietnam. The British Government maintains that it has no legal authority to control the movement of British-flag vessels to countries with which the United Kingdom is not at war. Other governments face similar limitations of legal authority. These governments are, however, willing to take such action as they can within their respective administrative frameworks to meet U.S. wishes.

In addition to the efforts by other free world countries to remove their ships from the Vietnam trade, there is also the fact that for all practical purposes, North Vietnam waters are a zone of hostilities. Shipowners are exhibiting reluctance to permit their vessels to continue in this trade and are taking advantage of war zone clauses in their charter contracts to cancel voyages to North Vietnam ports. Crews are reluctant to sign on, and the rates for shipping and insurance are moving up.

Concerned as we are at the continuation of free world voyages as a matter of principle and policy, we also recognize that there are a number of considerations that reduce the importance of the contribution that these voyages makes to the "supplying of the enemy" about which you express concern in the last paragraph of your letter.

1. In the first place, we are very sure that no military or strategic shipments are moving to North Vietnam on free world vessels. All the evidence is that most military equipment is brought into North Vietnam over rail lines from the Communist Chinese mainland. Some small quantities of ammunition and arms may be moving on Chinese coastal vessels, but no large or significant military shipments are moving to North Vietnam by sea. Almost all petroleum products are being brought in on Communist-flag vessels.

2. Recent evidence indicates that the great majority of free world ships arriving at Vietnam ports are in ballast, chartered to pick up cargoes—principally of coal and apatite—for free world destinations.

3. North Vietnam's foreign trade is already heavily oriented toward Communist China and the Soviet Union, and this trade can move entirely by land, if necessary. In any event, to the extent that transport by sea is necessary, it could be fully accomplished in Communist-flag vessels.

4. Imports into North Vietnam from the free world are, insofar as we can determine, nonstrategic in character and are not critical to the North Vietnamese economy.

I hope that this explanation of our thinking and of the actions we have undertaken will be useful to you. If the Department can be of further assistance, please let me know.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman from Kansas.

Mr. MIZE. I received a similar letter from the State Department in answer to a letter which I sent about the same subject. I got the same wishy-washy answer. I am in complete accord with the gentleman's position. I wish to heaven we could get other Members of the House to be as disturbed about this vital matter as we are.

Mr. CHAMBERLAIN. I thank the gentleman for his contribution.

Mr. KING of Utah. Mr. Chairman, I wish to express my support for S. 306 on behalf of the smaller and medium-sized cities and counties of my district. The municipal and county officials of my district are confronted with the overwhelming problem of disposing of solid wastes, and they are, therefore, extremely interested in our action on what is known as the Solid Waste Disposal Act portion of this legislation.

During my travels throughout my district, I have noted that there are far too many open, burning dumps scarring the countryside. However, I recognize fully that the local governments of such communities as Provo, Salt Lake City, and Orem lack the financial resources to research the disposal of this waste material by more suitable methods. This legislation, if acted upon favorably, will authorize the expenditure of funds for the development and demonstration of new and less expensive solid waste disposal techniques. Even if the cities and counties of my district do not actively participate in the program, this legislation will help develop and make available new techniques which will be available to all cities. The new techniques should make solid waste disposal less expensive and more effective for all. For these reasons I urge the adoption of S. 306 as reported by the Committee on Interstate and Foreign Commerce.

Mr. HELSTOSKI. Mr. Chairman, the Clean Air Act of 1963, Public Law 206 of the 88th Congress was signed by President Johnson on December 17, 1963, and set into motion a process of stimulating our national efforts to control and abate the pollution of our Nation's air.

Although this act was far reaching in its effects, such as financial aid for control programs, expanded research into the sources and control of air pollution from the gaseous emissions of automobiles and fuel consumption of industrial plants, it was only the beginning of a program which requires the attention of Congress to further enhance the effectiveness of the present law.

The legislation which we have before us today would help meet the objectives as proposed by President Johnson that we end "the poisoning of the air we breathe" and called upon us to "prevent the pollution of our air before it happens."

The millions of motor vehicles which jam the highways and expressways of this country are the main culprits in the pollution of our air and some efforts should be taken to reduce these pollutants.

While our national air pollution, at the present time, is due chiefly to automobile exhausts, smoke discharges from industrial plants, and disposal of solid wastes contribute much to the overall picture of air pollution. Our increasing population, the expansion of urban and suburban areas, the additional consumption of energy-producing fuels and industrial development and expansion have all added to the creation of solid wastes which are disposed of by burning in open dumps or land fills. These methods are a prime factor in creating a polluted atmosphere for miles around such a disposal facility.

With the rise of cities, human beings have been forced to think of air as a resource, for air pollution is a sickness of the cities. It comes about almost entirely through the burning of fuels and wastes. The cure for the worst kinds of air pollution is to prevent noxious combustion products from entering the air. But the laws of physics make it virtually impossible to keep carbon dioxide, which is the principal product of combustion, out of the air.

It has been predicted that by the year 2000, the amount of atmospheric carbon dioxide may have increased by about 50 percent; and many believe that this will have a considerable effect on the world's climate, but nobody has been able to make a convincing guess about just what that effect will be.

The effects of air pollution on the lives and well-being of our population are numerous and burdensome. Air pollution endangers public health, damages and destroys property, offends the senses, and frustrates the universal desire for clean and comfortable surroundings.

The past decade has seen a change in the public's attitude toward air pollution. Formerly the tendency was to deplore the contamination of the air but to regard it as one of the inescapable adjuncts of urban life. Now there is a growing realization that our polluted air is more than a nuisance, and presents hazards to health, and that in any case the pollution of the air will grow worse unless something is done about it.

The legislation before us today will provide for the necessary programs to combat air pollution and aid in the proper disposal of solid wastes, which contribute greatly to contamination of the air.

Another problem which we must face and make every effort to correct is the emission of fumes and smoke from industrial plants. This is a major factor in the pollution of air in the communities in which such industry is located and very costly to the residents of these areas because of the corrosion effect on buildings and paints.

The soot, ash, and chemical components of the smoke and fumes emitted by the smokestacks of industrial concerns cause many respiratory ailments. We must take action to make sure that these industrial concerns will be the beneficiaries of some incentive to install devices which will lessen or completely eliminate this particular source of air pollution.

In my own district, the Ninth of New Jersey, there are 39 separate communities. Each of them has the same common problem of combating air pollution, which constitutes a substantial everyday experience. Any assistance which the Federal Government can give these communities will be a great step forward in the development of systems which will curtail or greatly diminish the air pollution created by harmful emission of various types of pollutants.

Any money which the Government will spend for research of this topic is money well spent and can be justified when the research is for the benefit of all the citizens of this country.

Polluted air combined with stagnant air is not only costly, but hazardous. Such a combination, by reducing visibility, creates a very real danger to air and land transportation.

As an example, the New Jersey Turnpike Authority is compelled to close that superhighway at least 20 times a year when smog aggravates conditions already made bad by weather situations. Where the turnpike continues through the highly industrialized northeast section of the State, smog causes many motorists to miss their desired exits.

Last November, a two-car collision on the turnpike was blamed directly on poor visibility because of smog. And, there were many incidents where car pileups occurred because the visibility was reduced to zero. And who was the villain in these incidents? Smog—a combination of smoke and fog.

Aircraft operations out of Newark were also hampered by reduced visibility. As far back as 1946, a survey was conducted on this matter and it showed that smoke, alone or in combination with fog, lowered the visibility to less than 6 miles every second day of the year.

Aggravation of poor weather conditions by pollution results in delays in landings and takeoffs at busy airports. At times entire flights are cancelled because of the difficulty of making a safe takeoff due to poor visibility. This is an inconvenience to the traveler and very costly to the carrier.

The average individual, on the streets of any community in these United States does not care to take up the fight for the principle of clean air. We are surrounded not only by dirty air but by public apathy. Because of this, we as Members of Congress, representing the people of the entire United States should take the initiative and provide for legislation which will clean up the air we breathe at the rate of 15,000 gallons per day.

For a richer and healthier life, under clean skies, we should take a three-step approach to this problem.

First. Impress upon the automobile manufacturers to install antipollutant devices upon every motor vehicle leaving the factory. If this cannot be done on a voluntary basis then this Congress should enact legislation to make such installations mandatory.

Second. Take steps to find a method to reduce the sulfur content in fuels used by industry which contribute so much to the pollution of the air around these industrial centers.

Third. Waste disposal problems should be solved in such a way so as to end the overburdening of our cities' incinerators and the open burning of rubbish.

If we do anything less than this we are neglect in our duty to the people of our Nation. I am sure that the legislation before us at this time will be far reaching toward finding a solution to this problem to provide a healthier climate around us.

Mr. GIBBONS. Mr. Chairman, today this House has an opportunity to take a significant step forward in the battle to eliminate air pollution.

The great 89th Congress can add another major accomplishment for the good of the American people to its already lengthy list. For today, we deal with the most basic ingredient there is—the very air we breathe and its pollution which causes untold human suffering and the loss of millions of dollars each year in property and crop loss.

Today, we have before us for consideration, S. 306, which would direct the Secretary of Health, Education, and Welfare to prescribe a set of standards requiring all cars manufactured or imported into the United States, to be equipped with exhaust-control devices which will limit the amount of pollutants emitted into the atmosphere.

There is an obvious national need for this legislation. For there is a mountain of scientific evidence linking air pollution to the aggravation of heart conditions, and increases in susceptibility to chronic respiratory diseases, particularly among older persons, eye irritation, and even rickets. More recently, there is growing evidence that air pollution may play an important role in the growth of cancer among the American people.

This bill, reported out by the House Interstate and Foreign Commerce Committee, last month, would empower the Secretary of Health, Education, and Welfare to establish these standards for control of air pollution caused by gasoline and diesel engine exhaust. No time limit was set in the bill reported by the committee, but the standards are to be established as soon as practicable.

After establishment, manufacturers of automobiles must apply to the Secretary of HEW for certification to see if their products conform to the standards. The standards must be met, either by redesign of engines, or application of devices. The bill, as reported, sets penalties if these standards are not met.

Mr. Chairman, air pollution is a major national problem. It is a curse, affecting the lives and the fortunes of untold millions of our fellow Americans. Air knows no State lines or city limits. Economic damage from air pollution amounts to as much as $11 billion annually. That is more than 10 percent of the entire money we spend in 1 year to run the Federal Government.

The State of California, to its great credit, through legislation, has had the foresight to establish such standards for all cars manufactured or imported in that State with the 1966 model year. The question which I should like to pose is this: Why, if the American auto industry is required by one State to implement such standards, should not the entire country have the benefit of them also?

Cars take us everywhere today. They criss-cross State lines in hours or even minutes. Here in the vast complex centered about the Nation's Capital, with the help of our wonderful Federal Interstate System, an individual can cross into three different jurisdictions, Virginia, the District of Columbia, and Maryland in mere seconds.

We have wasted far too much time as it is. I, for one, do not believe we can afford to waste any more. Far too much of far too great a value depends upon this course of action. The American auto industry has the technical know-how to do the job. They have had to do it in the State of California. Why should not all the American people have the benefit of this knowledge?

Earlier this week, this House took action for more effective prevention of pollution of our Nation's waterways. Today, we have a great opportunity to go on record as firmly committed to fighting the pollution of our most precious ingredient for life itself, the very air we breathe.

Mr. Chairman, I look upon this legislation, not as Federal interference. Rather, I look upon it as a sane, national policy approach to a problem of national scope.

As author of legislation similar in nature to S. 306, I strongly urge my colleagues to support this bill's passage. Poisonous air threatens to choke this Nation. Let us fight back. Let us overcome this problem.

Mr. HOWARD. Mr. Chairman, today we are being given the opportunity to pass one of the most important pieces of legislation in the history of this body, the Clean Air and Solid Waste Disposal Act.

This Congress has made great strides in such areas as medical care for the aged, water pollution control, and civil rights. Yet, there can be no pride in our past achievements unless we meet one of the most serious challenges which faces this country today—air pollution.

On June 28, of this year I introduced H.R. 9479 which would make it mandatory that a number of new devices, including an air-pollution control unit, be included on all new cars. Passage of this bill today will not satisfy all of the provisions of my legislation but it will force compliance with the air pollution control section.

I draw upon testimony taken in my own State of New Jersey to show that even the automobile manufacturers favor such Federal legislation as we are to vote on here today.

In May a legislative commission concerned with air pollution control in New Jersey heard testimony from Karl M. Richards of the Automobile Manufacturers Association. Mr. Richards said that chaos would result if the automobile industry had to meet different standards as proposed by different States. Therefore, Mr. Chairman, I think this indicates that we must handle this problem at the Federal level today.

In our society we are always concerned with the living conditions of those in this country and abroad. We commiserate with those less fortunate. And yet, we allow our entire Nation to live in an open-air sewer, with some areas of concentration worse than others.

Today there are more than 85 million motor vehicles in use in the United States and each and every year that figure increases. Pollution-control devices on such vehicles would not end our air pollution problem but it would go a long way toward easing this problem.

There are those who will not support the bill, claiming they are not against air pollution control but merely want "more study." In my opinion "more study" is an excuse to slow down or to completely postpone the legislation we need today.

Only last month, meteorologist Morris Neiburger, a University of California professor, had some shocking facts about air pollution.

He said:

> All civilization will pass away, not from a sudden cataclysm like a nuclear war, but from gradual suffocation in its own wastes.

This professor predicted that if mankind continues as it is filling the atmosphere with the poisonous fumes of automobiles, it will make the planet uninhabitable within 100 years.

I do not quote this professor to frighten anyone into voting in favor of this legislation. I quote him and list a number of other reasons to dramatize how serious a problem air pollution is in this great Nation today.

I urge everyone in this House to support this bill today and all other effective antiair pollution measures which come before us in the future.

Mr. ROOSEVELT. Mr. Chairman, I rise in support of the Clean Air and Solid Waste Disposal Acts. As my colleagues know, I am not an engineer, nor am I a specialist in the various ways of disposing of the mountains of solid waste accumulated each day in our country. I became interested in the subject, however, because the problem is daily becoming more acute in California and in other States which are experiencing rapid growth in terms of population, agriculture, industry, and commerce.

In statements presented to the House of Representatives at the time I introduced legislation on solid waste disposal last year and again early in this session, I described the national solid waste situation in some detail, based on information I had received from conversations with, and through reading articles by, many people who know most about this problem. I learned that we have within our means the technological resources to grapple with the problem and work toward a solution, and I am very gratified that the bill now under consideration gives recognition to the urgency for immediate attention.

Mr. RYAN. Mr. Chairman, in this country we can no longer afford to exploit our natural environment and waste its resources, whether those resources be our forests, our soil, our water—or our air.

We have known for some time that air pollution is a killer. It is a catalyst for some of our most serious respiratory and other diseases; it is an allergen; it is an irritant. The contaminants which pollute our air are not only dangers to our health; they cause economic losses amounting to nearly $12 billion per year in damaged property and crops. Air pollution affects our weather, our appearance, and even our outlook.

At first air pollution was tolerated out of sheer ignorance. Now it is tolerated out of an unwillingness to spend the money necessary to combat it.

Air pollution shortens our life span, darkens our skies and dims our landscape.

We cannot afford not to combat it.

In New York City there is no such thing as a breath of fresh air. We have the dirtiest air of any major city in America. Sixty tons of large particles fall on every square mile every month in our city. We breathe 50 percent more sulphur dioxide, a potential killer, than residents of any other major city.

Every day 500,000 automobiles come into New York, spewing hydrocarbons, nitrogen oxides, and aldehydes into our air. These automobiles cause between a third and a half of our air pollution. Many of these automobiles are from out of State, and New York needs help in controlling the exhaust from these motor vehicles.

We are not alone. All major cities have this problem. With a burgeoning and mobile population, air pollution cannot be adequately controlled or finally eliminated by sporadic local action.

Mr. Chairman, the bill before us today to amend the Clean Air Act of 1963 is a necessary adjunct to the program to arrest and eliminate air pollution.

This bill will enable us to begin the elimination of pollution from motor vehicles by the encouragement of research and the establishment of standards for minimum pollution. It will authorize the Secretary of Health, Education, and Welfare to accomplish that task and to assist in the institution and conduct of research toward better methods of disposing of solid wastes from industry and domestic living.

Large metropolitan areas like New York are having increasing difficulty finding ways of disposing of vast quantities of waste materials from home and industry. Our yellow-green rivers and brown skies are adequate testament to that difficulty.

In addition to the ordinary 5 million tons of refuse which New York must dispose of every year, the city has to find ways of disposing of another million tons of construction wastes. Large timbers and concrete blocks, and other materials do not lend themselves to use as land fill. Shredding, breaking and burning, the current methods, add cinders and pulver to the air and refuse to the sea.

There is an urgent need for new solutions.

Earlier this session, the President sent to the Congress a persuasive message on the need for water and air pollution control and other conservation programs. He stated:

> The increasing tempo of urbanization and growth is already depriving many Americans of the right to live in decent surroundings. The modern technology which has added much to our lives, can also have a darker side. Its uncontrolled waste products are menacing the world we live in, our enjoyment, and our health.

I have spoken on this subject many times, dealing with the acute problems of New York in particular. It is essential to control pollution from motor vehicles. This bill will help to control it. We need research for good economic methods of effecting that control. This bill will provide assistance for this research.

We need solutions to our solid waste disposal problems. This bill will provide the assistance for that research.

At last Congress has recognized this problem and begun to deal with it. The problem becomes more complex, difficult and expensive with every day that passes. This legislation will begin to cope with the disposal of wastes that cause 50 percent of our air pollution.

Mr. Chairman, it is time we stopped killing ourselves.

Mr. TUPPER. Mr. Chairman, it is most satisfying to have the privilege of voting for legislation that will improve the purity of the air we breathe. For far too long we have allowed our atmosphere to be polluted and the health of our citizens endangered. For too many years we have permitted automobile manufacturers to sell a product that emitted the most harmful agents into the air.

There is no subject that deserves more attention than the matter of environmental pollution. The hour is getting late and Congress must do much more to attack this serious problem. This legislation, S. 306, is desperately needed, and we owe it to those we represent to support it wholeheartedly.

Mr. REUSS. Mr. Chairman, I rise in support of S. 306, the Clean Air and Solid Waste Disposal Acts. I particularly want to stress the importance of those sections of title I of the bill, which amends the Clean Air Act of 1963, authorizing the Secretary of the Department of Health, Education, and Welfare to establish standards for controlling the emission of air polluting substances from the engines of automotive vehicles.

Polluted air in metropolitan areas is a health hazard which cannot be ignored any longer. Most frequently it is the automobile which is the predominant contaminator. As the automobile population grows the problem becomes more acute.

The immediate problem is serious. One substance from automobile exhaust that becomes a part of the air is a hydrocarbon known as benzpyrene, which tends to induce cancer. Carbon monoxide and oxides of nitrogen, both of which have varying degrees of ill effect on health, are also emitted into the air by automobiles. Breathing New York City air, for instance, is like smoking two packs of cigarettes a day. Furthermore, lead poisoning can result from the breathing of air polluted by the exhaust of automobiles burning leaded gasoline.

The long-term consequences could also be serious. Prof. Morris Neiburger, of the University of California, at Los Angeles, an expert on air pollution, has predicted that polluted air could, over a long period of time, smother civilization to death unless the problem is brought under control.

Therefore, the bill before us today is extremely important to the health and welfare of Americans. Air pollution by automobiles needs to be reduced as much as possible. This can only be accomplished if the Federal Government sets standards applicable throughout the country. The bill should be enacted promptly.

PROPOSAL WILL NOT ELIMINATE THE PROBLEM

However, we would be deluding ourselves if we believed that the enactment of this legislation will completely eliminate automotive air pollution. No device is currently available, nor is one anticipated, which will totally eliminate the emission from automobiles of substances which pollute the air.

In a paper presented at a panel discussion on air pollution at the board of directors meeting, National Petroleum

Refiners Association, Washington D.C., on September 20, V. G. MacKenzie, Assistant Surgeon General, Chief of the Division of Air Pollution, Public Health Service, Department of Health, Education, and Welfare, described the problem. He said:

> A limited technical capability has been developed for the reduction of certain emissions (hydrocarbons and carbon monoxide) from automobiles but for certain other pollutants no such capability is yet available. As we look into the future two elements of the problem demand action and planning:
>
> (a) As the automobile population rises in the future there is justifiable reason for technical concern that the problems inherent in controlling hydrocarbons and carbon monoxide from the current type of spark ignition engine may necessitate the development of propulsion systems for automobiles radically different from those which are currently in use. Some estimates have been made which show that the application of carbon monoxide and hydrocarbon controls to the type of engine currently may be expected to hold the line until about 1980, after which time the increased number of motor vehicles on our streets and highways would result in a worsening of the situation.
>
> (b) We cannot be complacent either about certain of those pollutants from motor vehicles for which we do not now have technical means of control. Prominent among these are oxides of nitrogen and lead contamination. As the great increase in the use of fossil fuels forecast for the next half century materializes, oxides of nitrogen emissions will have to be controlled; these are ubiquitous pollutants which arise from all combustion processes and are already of concern in some jurisdictions of this country.
>
> With respect to lead contamination, studies indicate that the margin of safety against physiologic damage among some elements of our population is relatively narrow; indeed, there are those who claim that this margin is already too small. In any event when we consider the increase in the use of motor vehicles forecast for the future, simple arithmetic suggests that if we continue on our present path this margin of safety inevitably will disappear.

Maintenance of emission control devices is an additional problem. Even if the device is 100 percent effective when new, it will, like all other parts of the automobile, deteriorate with use. The device will have to be properly serviced and periodically replaced in order to insure that it is operating to maximum effectiveness. Periodic inspections by local officials could provide some control over this problem, but that would not be sufficient. The truth is that the automotive air pollution problem cannot be eliminated entirely through the approach prescribed in this legislation; it can only be alleviated.

The problem is compounded by the fact that the automobile population is growing at a rapid rate. In 1963 there were 80 million automobiles in the country. By 1980 there will be an estimated 120 million, an increase of 50 percent. The combination of these two factors—the lack of complete effectiveness on the part of the automotive devices and the rapid rise in the number of automobiles—will probably leave us no better off in 1980 than we are today. And the situation today simply is not good enough.

NEW MODES OF URBAN TRANSPORT NEEDED

The major reason that polluted air hangs so heavily over our cities is that the automobile is the principal mode of intraurban transportation. If cities had better systems of public transportation, systems that were more attractive to the urban traveler than the automobile, he would leave his automobile at home and take the public transport system.

Unfortunately, the public transportation systems available today are not more desirable than the automobile because they do not offer the same convenience. What people want in a transport system is an individual vehicle which is ready to leave when they are and will take them directly to their destination without the need of transferring. Until such a system, with vehicles powered other than by the internal combustion engine, is developed, the urban traveler will continue to rely heavily on the automobile, and we will continue to breathe air that is damaging to our health.

RESEARCH COULD DEVELOP NEW TRANSPORT SYSTEMS

There are on the drawing boards today plans for new modes of urban transport which could meet the problem. The commucar designed by a group at the Massachusetts Institute of Technology, the starrcar proposed by the Alden Self Transit Corp. in Westboro, Mass., and the teletrans system conceived by the Teletrans Corp., of Detroit, could possibly satisfy the requirements for good urban transport. But much more work needs to be done on them before they can be fully developed, or made operational. Because of the expense involved in this undertaking, it is virtually impossible for private corporations to complete this task without financial assistance from the Federal Government, but none is forthcoming under existing programs.

In order to make it possible for the Federal Government to assist in the research and development of these systems, I recently introduced legislation—H.R. 9200—authorizing a 2-year, $20 million program to achieve a technological breakthrough in the development of new modes of urban transport. The bill would amend the Mass Transportation Act of 1964, the only Federal program directed at alleviating the urban transport problem, and make it mandatory that the research be undertaken. The program contains a mandate to develop new systems which can carry people quickly, safely, and economically from place to place within urban areas, without polluting the air, and in such a way as to meet the needs of the people for individual transport, while at the same time contributing to good city planning.

To date 21 other Members have introduced identical legislation: the gentleman from Ohio [Mr. ASHLEY], the gentleman from Texas [Mr. CABELL], the gentleman from New York [Mr. FARBSTEIN], the gentleman from Minnesota [Mr. FRASER], the gentleman from Ohio [Mr. GILLIGAN], the gentlewoman from Michigan [Mrs. GRIFFITHS], the gentleman from New York [Mr. HALPERN], the gentleman from New Jersey [Mr. JOELSON], the gentleman from Maryland [Mr. LONG], the gentleman from New York [Mr. MCCARTHY], the gentleman from New Jersey [Mr. MINISH], the gentleman from Pennsylvania [Mr. MOORHEAD], the gentleman from New York [Mr. MULTER], the gentleman from Illinois [Mr. RONAN], the gentleman from California [Mr. ROOSEVELT], the gentleman from New York [Mr. ROSENTHAL], the gentleman from Wisconsin [Mr. STALBAUM], the gentlewoman from Missouri [Mrs. SULLIVAN], the gentleman from Ohio [Mr. VANIK], the gentleman from Georgia [Mr. WELTNER], and the gentleman from Illinois [Mr. YATES].

The administration this year has committed itself to the development of new high-speed ground transportation systems for between-city travel at an estimated cost of $90 million over a 3-year period. It has also recently earmarked an additional $140 million in Federal funds for the research and development of a supersonic transport. It is time it took the same initiative in supporting a program for improvement of transportation within cities, the most critical transportation problem that confronts us today.

Mrs. DWYER. Mr. Chairman, there are many and compelling reasons for supporting the pending bill, S. 306, the Clean Air Act amendments.

Air pollution has become in recent years perhaps the most serious threat to the health, welfare, and comfort of the American people which faces us today. The contamination of the atmosphere on which we depend for lifegiving air comes from a variety of sources—auto exhaust, waste disposal, industrial powerplants, manufacturing facilities, and many others—and the damage it does to property of all kinds has reached an estimated $18 billion a year. More important, medical authorities now consider air pollution to be a cause or major contributing factor in such killing and crippling diseases as cancer, heart and lung disease, and respiratory problems generally.

In the context of the danger, relatively little has been done to control and eliminate air pollution and to conserve clean, fresh air. Consequently, the problem has greatly outpaced our meager efforts to solve it. Pollution levels, in fact, have exceeded the rate of growth of our population, which means that the average American is putting a greater volume of poisons into his and his neighbor's air than ever before.

The principal means by which this dubious record has been reached has been automotive exhaust—the source, according to almost all authorities, of approximately 50 percent of the national air pollution problem. We have today about 83 million automobiles, trucks and buses in use in the United States, and the ratio of motor vehicles to human beings has been growing rapidly. Any place inhabited by 50,000 or more people has an automatically serious air pollution problem. And no area of the country, urban, suburban or rural, is free from the hazard.

Close behind the motor vehicle are the powerplants, incinerators, and smokestacks of industry which contribute nearly an equal proportion of the fumes and filth which clog our air and choke our throats.

The present bill would deal with both sources of pollution, auto exhaust, and solid waste disposal. It will help bring closer the mandatory installation on new cars of devices to reduce the volume of harmful hydrocarbons and carbon monoxide which have poured unimpeded from the exhausts of tens of millions of cars. It will also help prevent new air pollution before it gets out of hand, improve research and development facilities, and initiate an attempt to find new, safer, and more sanitary ways of disposing of solid wastes like garbage, rubbish, refuse, debris, and so forth, which pollute both the air and water.

This is not a very radical bill, Mr. Chairman, nor does it go as far as many of us—alarmed at the speed with which air pollution is endangering the total environment—believe we should go in simple self-defense. It is a welcome step forward, albeit a modest one, and if it is backed by adequate funds and effective enforcement it can make a substantial difference in the battle against pollution.

We who live in the intensely populated and heavily industrialized areas of the Nation—and New Jersey is first on both counts—are especially sensitive, not to say vulnerable, to air pollution. We produce on a daily basis an enormous volume of pollutants and when air inversions trap the pollutants under layers of warm air, the entire area becomes a vast aerial garbage heap. In New Jersey, this happens about 40 times a year.

The nature of the danger has been dramatically and tragically illustrated in the smog attacks of recent years in Donora, Pa., London, and New York City, where hundreds of people have died and thousands more were seriously ill as a direct result of prolonged exposure to concentrated poisons in the air. Less than 3 years ago, much of our east coast was caught in a giant air inversion situation which, had it lasted just a few more days, would have resulted in mass death and sickness. Older people and those suffering from respiratory weaknesses of one kind or another are the first victims. But air pollution knows no boundaries and its impact on the young and healthy can be just as destructive, just as disabling on a long-term basis even at low concentrations.

Faced with such dangers, Mr. Chairman, our efforts to date have been paltry indeed. Today's legislation will help, but much more needs to be done at all levels of government, Federal, State, and local. The threat is great and it is growing. Air pollution is an enemy to all and it must be fought by all.

Mr. CUNNINGHAM. Mr. Chairman, I have no further requests for time.

Mr. HARRIS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO CLEAN AIR ACT

SEC. 101. The Clean Air Act is amended (1) by inserting immediately above the heading of section 1: "TITLE I—AIR POLLUTION PREVENTION AND CONTROL"; (2) by changing the words "this Act" wherever they appear in sections 1 through 7 to "this title"; (3) by redesignating sections 1 through 7 and references thereto as sections 101 through 107; (4) by redesignating sections 8 through 14 and references thereto as sections 301 through 307; (5) by inserting immediately above the heading of the so redesignated section 301: "TITLE III—GENERAL"; (6) by striking out subsection (a) of the so redesignated section 306 and striking out the letter (b) at the beginning of subsection (b) in the so redesignated section 306; (7) by striking out "this Act" in the so redesignated section 306 and inserting in lieu thereof "title I"; and (8) by inserting after the so redesignated section 107 and before the heading of such title III the following new title:

"TITLE II—CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES

"Short title

"SEC. 201. This title may be cited as the 'Motor Vehicle Air Pollution Control Act'.

"Establishment of standards

"SEC. 202. (a) The Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable standards, applicable to the emission of any kind of substance, from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the health or welfare of any persons, and such standards shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution.

"(b) Any regulations initially prescribed under this section, and amendments thereto, with respect to any class of new motor vehicles or new motor vehicle engines shall become effective on the effective date specified in the order promulgating such regulations which date shall be determined by the Secretary after consideration of the period reasonably necessary for industry compliance.

"Prohibited acts

"SEC. 203. (a) The following acts and the causing thereof are prohibited—

"(1) in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the manufacture for sale, the sale, or the offering for sale, or the introduction or delivery for introduction into commerce, or the importation into the United States for sale or resale, of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this title which are applicable to such vehicle or engine unless it is in conformity with regulations prescribed under section 202 (except as provided in subsection (b));

"(2) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information, delivery to the ultimate purchaser.

"(3) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser.

"(b)(1) The Secretary may exempt any new motor vehicle or new motor vehicle engine, or class thereof, from subsection (a), upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons for national security.

"(2) A new motor vehicle or new motor vehicle engine offered for importation by a manufacturer in violation of subsection (a) shall be refused admission into the United States, but the Secretary of the Treasury and the Secretary of Health, Education, and Welfare may, by joint regulation, provide for deferring final determination as to admission and authorizing the delivery of such a motor vehicle or engine offered for import to the owner or consignee thereof upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle or engine will be brought into conformity with the standards, requirements, and limitations applicable to it under this title. The Secretary of the Treasury shall, if a motor vehicle or engine is finally refused admission under this paragraph, cause disposition thereof in accordance with the customs laws unless it is exported under regulations prescribed by such Secretary, within ninety days of the date of notice of such refusal or such additional time as may be permitted pursuant to such regulations, except that disposition in accordance with the customs laws may not be made in such manner as may result, directly or indirectly, in the sale, to the ultimate consumer, of a new motor vehicle or new motor vehicle engine that fails to comply with applicable standards of the Secretary of Health, Education, and Welfare under this title.

"(3) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall not be subject to the provisions of subsection (a).

"Injunction proceedings

"SEC. 204. (a) The district courts of the United States shall have jurisdiction to restrain violations of paragraph (1), (2), or (3) of section 203(a).

"(b) Actions to restrain such violations shall be brought by and in the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

"Penalties

"SEC. 205. Any person who violates paragraph (1), (2), or (3) of section 203(a) shall be subject to a fine of not more than $1,000. Such violation with respect to section 203(a)(1) and 203(a)(3) shall constitute a separate offense with respect to each new motor vehicle or new motor vehicle engine.

"Certification

"SEC. 206. (a) Upon application of the manufacturer, the Secretary shall test, or require to be tested, in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by such manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this title. If such vehicle or engine conforms to such regulations the Secretary shall issue a certificate of conformity, upon such terms, and for such period not less than one year, as he may prescribe.

"(b) Any new motor vehicle or any motor vehicle engine sold by such manufacturer which is in all material respects substantially the same construction as the test vehicle or engine for which a certificate has been issued under subsection (a), shall for the purposes of this Act be deemed to be in conformity with the regulations issued under section 202 of this title.

"Records and reports

"SEC. 207. (a) Every manufacturer shall establish and maintain such records, make such reports, and provide such information, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee at reasonable times, to have access to and copy such records.

"(b) All information reported or otherwise obtained by the Secretary or his representative pursuant to subsection (a), which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of such section 1905, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Secretary of any officer or employee under his control, from the duly authorized committees of the Congress.

"Definitions for title II

"SEC. 208. As used in this title—

"(1) The term 'manufacturer' means any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or importing such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles or new motor vehicle engines, but shall not include any dealer with respect to new motor vehicles or new motor vehicle engines received by him in commerce.

"(2) The term 'motor vehicle' means any self-propelled vehicle designed for transporting persons or property on a street or highway.

"(3) The term 'new motor vehicle' means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser; and the term 'new motor vehicle engine' means an engine in a new motor vehicle or a motor vehicle engine the equitable or legal title to which has never been transferred to the ultimate purchaser.

"(4) The term 'dealer' means any person who is engaged in the sale or the distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.

"(5) The term 'ultimate purchaser' means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

"(6) The term 'commerce' means (A) commerce between any place in any State and any place outside thereof; and (B) commerce wholly within the District of Columbia.

"Appropriations

"SEC. 209. There is hereby authorized to be appropriated to carry out this title II, not to exceed $470,000 for the fiscal year ending June 30, 1966, not to exceed $845,000 for the fiscal year ending June 30, 1967, not to exceed $1,195,000 for the fiscal year ending June 30, 1968, and not to exceed $1,470,000 for the fiscal year ending June 30, 1969."

SEC. 102. (a) Paragraph (1) of subsection (c) of the redesignated section 105 of the Clean Air Act (which relates to abatement of air pollution) is amended by adding at the end thereof the following new subparagraph:

"(D) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) which endangers the health or welfare of persons in a foreign country is occurring, or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Secretary of Health, Education, and Welfare shall give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in the jurisdictional area of which such municipality is located, and shall call promptly a conference of such agency or agencies. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State air pollution control agency. This subparagraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights to the prevention or control of air pollution occurring in that country as is given that country by this subparagraph."

(b) So much of subsection (f) of such redesignated section 105 as precedes clause (2) of such subsection is amended to read as follows:

"(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

"(1) in the case of pollution of air which is endangering the health or welfare of persons (A) in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, or (B) in a foreign country which has participated in a conference called under subparagraph (D) of subsection (c) of this section and in all proceedings under this section resulting from such conference, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution, and".

SEC. 103. Redesignated section 103 of the Clean Air Act (which relates to research, investigations, and training) is amended—

(1) by striking out the word "and" at the end of paragraphs (1), (2), and (3) of subsection (a) thereof;

(2) by striking out the period at the end of paragraph (4) of subsection (a) thereof and inserting in lieu thereof "; and";

(3) by adding after paragraph (4) of subsection (a) thereof the following new paragraph (5):

"(5) conduct and accelerate research programs (A) relating to the means of controlling hydrocarbon emissions resulting from the evaporation of gasoline in carburetors and fuel tanks, and the means of controlling emissions of oxides of nitrogen and aldehydes from gasoline-powered or diesel-powered vehicles, and to carry out such research the Secretary shall consult with the technical committee established under section 106 of this Act, and for research concerning diesel-powered vehicles he may add to such committee such representatives from the diesel-powered vehicle industry as he deems appropriate; and (B) directed toward the development of improved low-cost techniques designed to reduce emissions of oxides of sulfur produced by the combustion of sulfur-containing fuels."; and

(4) by adding at the end of such section the following new subsections:

"(d) The Secretary is authorized to construct such facilities and staff and equip them as he determines to be necessary to carry out his functions under this Act.

"(e) If, in the judgment of the Secretary, an air pollution problem of substantial significance may result from discharge or discharges into the atmosphere, he may call a conference concerning this potential air pollution problem to be held in or near one or more of the places where such discharge or discharges are occurring or will occur. All interested persons shall be given an opportunity to be heard at such conference, either orally or in writing, and shall be permitted to appear in person or by representative in accordance with procedures prescribed by the Secretary. If the Secretary finds, on the basis of the evidence presented at such conference, that the discharge or discharges if permitted to take place or continue are likely to cause or contribute to air pollution subject to abatement under section 105(a), he shall send such findings, together with recommendations concerning the measures which he finds reasonable and suitable to prevent such pollution, to the person or persons whose actions will result in the discharge or discharges involved; to air pollution agencies of the State or States and of the municipality or municipalities where such discharge or discharges will originate; and to the interstate air pollution control agency, if any, in the jurisdictional area of which any such municipality is located. Such findings and recommendations shall be advisory only, but shall be admitted, together with the record of the conference, as part of the record of proceedings under subsections (c), (d), and (e) of section 105."

Mr. HARRIS (interrupting the reading of the bill). Mr. Chairman, in view of the fact that we want to make it certain that we conclude consideration of this legislation in time for our distinguished Chairman to carry out his program this evening in connection with his wedding anniversary; and in view of the fact that this title has to do with a great many technical provisions and reaches the problem of automobile emission, I ask unanimous consent that further reading of this title be dispensed with, that it be printed in the RECORD at this point, and open for amendment.

I might say to my colleague that this title begins on page 20 of the bill and goes down through line 10 on page 32.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. Are there any other amendments to be offered to title I? If not, the Clerk will read.

The CLERK. Page 32, line 11:

TITLE II—SOLID WASTE DISPOSAL

Short title

SEC. 201. This title (hereinafter referred to as "this Act") may be cited as the "Solid Waste Disposal Act".

Findings and purposes

SEC. 202. (a) The Congress finds—

(1) that the continuing technological progress and improvement in methods of manufacture, packaging, and marketing of consumer products has resulted in an ever-mounting increase, and in a change in the characteristics, of the mass of material discarded by the purchaser of such products;

(2) that the economic and population growth of our Nation, and the improvements in the standard of living enjoyed by our population, have required increased industrial production to meet our needs, and have made necessary the demolition of old buildings, the construction of new buildings, and the provision of highways and other avenues of transportation, which, together with related industrial, commercial, and agricultural operations, have resulted in a rising tide of scrap, discarded, and waste materials;

(3) that the continuing concentration of our population in expanding metropolitan and other urban areas has presented these communities with serious financial, manage-

ment, intergovernmental, and technical problems in the disposal of solid wastes resulting from the industrial, commercial, domestic, and other activities carried on in such areas;

(4) that inefficient and improper methods of disposal of solid wastes result in scenic blights, create serious hazards to the public health, including pollution of air and water resources, accident hazards, and increase in rodent and insect vectors of disease, have an adverse effect on land values, create public nuisances, otherwise interfere with community life and development;

(5) that the failure or inability to salvage and reuse such materials economically results in the unnecessary waste and depletion of our natural resources; and

(6) that while the collection and disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies, the problems of waste disposal as set forth above have become a matter national in scope and in concern and necessitate Federal action through financial and technical assistance and leadership in the development, demonstration, and application of new and improved methods and processes to reduce the amount of waste and unsalvageable materials and to provide for proper and economical solid-waste disposal practices.

(b) The purposes of this Act therefore are—

(1) to initiate and accelerate a national research and development program for new and improved methods of proper and economic solid-waste disposal, including studies directed toward the conservation of natural resources by reducing the amount of waste and unsalvageable materials and by recovery and utilization of potential resources in solid wastes; and

(2) to provide technical and financial assistance to State and local governments and interstate agencies in the planning, development, and conduct of solid-waste disposal programs.

Definitions

SEC. 203. When used in this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare; except that such term means the Secretary of the Interior with respect to problems of solid waste resulting from the extraction, processing, or utilization of minerals or fossil fuels where the generation, production, or reuse of such waste is or may be controlled within the extraction, processing, or utilization facility or facilities and where such control is a feature of the technology or economy of the operation of such facility or facilities.

(2) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(3) The term "interstate agency" means an agency of two or more municipalities in different States, or an agency established by two or more States, with authority to provide for the disposal of solid wastes and serving two or more municipalities located in different States.

(4) The term "solid waste" means garbage, refuse, and other discarded solid materials, including solid-waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

(5) The term "solid-waste disposal" means the collection, storage, treatment, utilization, processing, or final disposal of solid waste.

(6) The term "construction", with respect to any project of construction under this Act, means (A) the erection or building of new structures and acquisition of lands or interests therein, or the acquisition, replacement, expansion, remodeling, alteration, modernization, or extension of existing structures, and (B) the acquisition and installation of initial equipment of, or required in connection with, new or newly acquired structures or the expanded, remodeled, altered, modernized or extended part of existing structures (including trucks and other motor vehicles, and tractors, cranes, and other machinery) necessary for the proper utilization and operation of the facility after completion of the project; and includes preliminary planning to determine the economic and engineering feasibility and the public health and safety aspects of the project, the engineering, architectural, legal, fiscal, and economic investigations and studies, and any surveys, designs, plans, working drawings, specifications, and other action necessary for the carrying out of the project, and (C) the inspection and supervision of the process of carrying out the project to completion.

Research, demonstrations, training, and other activities

SEC. 204. (a) The Secretary shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the operation and financing of solid-waste disposal programs, the development and application of new and improved methods of solid-waste disposal (including devices and facilities therefor), and the reduction of the amount of such waste and unsalvageable waste materials.

(b) In carrying out the provisions of the preceding subsection, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of, and other information pertaining to, such research and other activities, including appropriate recommendations in connection therewith;

(2) cooperate with public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and the conduct of such research and other activities; and

(3) make grants-in-aid to public or private agencies and institutions and to individuals for research, training projects, surveys, and demonstrations (including construction of facilities), and provide for the conduct of research, training, surveys, and demonstrations by contract with public or private agencies and institutions and with individuals; and such contracts for research or demonstrations or both (including contracts for construction) may be made in accordance with and subject to the limitations provided with respect to research contracts of the military departments in title 10, United States Code, section 2353, except that the determination, approval, and certification required thereby shall be made by the Secretary.

(c) Any grant, agreement, or contract made or entered into under this section shall contain provisions effective to insure that all information, uses, processes, patents and other developments resulting from any activity undertaken pursuant to such grant, agreement, or contract will be made readily available on fair and equitable terms to industries utilizing methods of solid-waste disposal and industries engaging in furnishing devices, facilities, equipment, and supplies to be used in connection with solid-waste disposal.

(d) Notwithstanding any other provision of this Act, the United States shall not make any grant to pay more than two-thirds of the cost of construction of any facility under this Act.

Interstate and interlocal cooperation

SEC. 205. The Secretary shall encourage cooperative activities by the States and local governments in connection with solid-waste disposal programs; encourage, where practicable, interstate, interlocal, and regional planning for, and the conduct of, interstate, interlocal, and regional solid-waste disposal programs; and encourage the enactment of improved and, so far as practicable, uniform State and local laws governing solid-waste disposal.

Grants for State and interstate planning

SEC. 206. (a) The Secretary may from time to time, upon such terms and conditions consistent with this section as he finds appropriate to carry out the purposes of this Act, make grants to State and interstate agencies of not to exceed 50 per centum of the cost of making surveys of solid-waste disposal practices and problems within the jurisdictional areas of such States or agencies, and of developing solid-waste disposal plans for such areas.

(b) In order to be eligible for a grant under this section the State, or the interstate agency, must submit an application therefor which—

(1) designates or establishes a single State agency (which may be an interdepartmental agency) or, in the case of an interstate agency, such interstate agency, as the sole agency for carrying out the purposes of this section;

(2) indicates the manner in which provision will be made to assure full consideration of all aspects of planning essential to statewide planning (or in the case of an interstate agency jurisdictionwide planning) for proper and effective solid-waste disposal consistent with the protection of the public health, including such factors as population growth, urban and metropolitan development, land use planning, water pollution control, air pollution control, and the feasibility of regional disposal programs;

(3) sets forth its plans for expenditure of such grant, which plans provide reasonable assurance of carrying out the purposes of this section;

(4) provides for submission of a final report of the activities of the State or interstate agency in carrying out the purposes of this section, and for the submission of such other reports, in such form and containing such information, as the Secretary may from time to time find necessary for carrying out the purposes of this section and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports; and

(5) provides for such fiscal-control and fund-accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the State or interstate agency under this section.

(c) The Secretary shall make a grant under this section only if he finds that there is satisfactory assurance that the planning of solid-waste disposal will be coordinated, so far as practicable, with other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954.

Labor standards

SEC. 207. No grant for a project of construction under this Act shall be made unless the Secretary finds that the application contains or is supported by reasonable assurance that all laborers and mechanics employed by contractors or subcontractors on projects of the type covered by the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with that Act; and the Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

Other authority not affected

SEC. 208. This Act shall not be construed as superseding or limiting the authorities and responsibilities, under any other provisions of law, of the Secretary of Health, Education, and Welfare, the Secretary of the Interior, or any other Federal officer, department, or agency.

Payments

SEC. 209. Payments of grants under this Act may be made (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary may determine.

Appropriations

SEC. 210. (a) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare, to carry out this Act, not to exceed $7,000,000 for the fiscal year ending June 30, 1966, not to exceed $14,000,000 for the fiscal year ending June 30, 1967, not to exceed $19,200,000 for the fiscal year ending June 30, 1968, and not to exceed $20,000,000 for the fiscal year ending June 30, 1969.

(b) There is hereby authorized to be appropriated to the Secretary of the Interior, to carry out this Act, not to exceed $3,000,000 for the fiscal year ending June 30, 1966, not to exceed $6,000,000 for the fiscal year ending June 30, 1967, not to exceed $10,800,000 for the fiscal year ending June 30, 1968, and not to exceed $12,500,000 for the fiscal year ending June 30, 1969.

Mr. HARRIS (interrupting the reading of the bill). Mr. Chairman, title II, which begins at page 32, line 11, and goes through the remainder of the bill on page 43, has to do with solid waste disposal. We have thoroughly debated this title and what is intended in all of its provisions. Therefore, I ask unanimous consent that the title be considered as read, printed at this point in the RECORD, and open for amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

AMENDMENT OFFERED BY MR. NELSEN

Mr. NELSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. NELSEN: Page 32, strike out line 11 and all that follows down through and including line 6 on page 43.

Mr. NELSEN. Mr. Chairman, this amendment bears out the wishes of the minority as expressed in the minority views on page 66 of the report. However, there was some mention by one member of the group that there may have been some basis for a more favorable report than indicated. I might point out that in our minority views we stated that we felt this particular portion of the bill should have been separately considered; and, it was not logically a part of this legislation. We also point out in our view that we felt this was primarily a function of local governments and not the responsibility of the Federal Government. Therefore, Mr. Chairman, I have offered the amendment in support of the minority view and move its adoption.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall take only a few minutes, in view of the extensive discussion which we had on this question during the general debate.

Mr. Chairman, I hope this amendment will not prevail. I believe that this Congress has the vision and the courage to recognize the facts with which we are faced in this country. I do not believe that even those who are opposed to this would question the need and the desirability for a program of new techniques and methods of disposing of one-half billion pounds of refuse and waste disposal that we have in this country every day.

Now, Mr. Chairman, if the members of the Committee do not believe that adds up to a sizable amount, just stop for 1 minute and think about it. Every day, one-half billion pounds of garbage is dumped on this country of ours.

Mr. Chairman, we have made it very clear that there has been some very fine work in this field by private companies and the efforts of others.

There are examples to which we can point, but as I stated in general debate, over one-half of the cities in the United States with populations of 2,500 or more do not have a program to adequately dispose of this material without there being a real health hazard to the people of the areas.

Now, Mr. Chairman, are we going to stick our heads in the sand? Are we going to close our eyes to this problem when we know that the local communities and States are unable to combat and meet the problem of developing new techniques?

Mr. Chairman, if we do not have some new method or way of meeting this problem, then 10 years from now, let me tell you, my colleagues, we will be confronted with a most serious situation.

Mr. Chairman, we are undertaking, today, to provide a program to meet the imperative need 10, 20, and even more years in the future and not just today.

Mr. Chairman, I just believe that this House of Representatives has the courage and the foresight to look down the road and to leave something to which our own children will point with pride and say, "I thank God for what my dad did 10 years ago or 20 years ago," because believe me, otherwise a serious problem is going to be here.

Mr. Chairman, all we attempt to do here is to set up a program through research, studies, investigations, and demonstrations to develop new methods and techniques in this field.

There is no problem that faces us today that is more imperative than that one.

I hope the pending amendment will be defeated.

Mr. GROSS. Mr. Chairman, I rise in support of the pending amendment.

I may say to the gentleman from Arkansas [Mr. HARRIS], that I support this amendment for the reason that I want to take a look down the road. I want to take a look at the bill that is coming out of the Committee on Public Works with respect to so-called highway beautification, the elimination of automobile junkyards, and that sort of thing.

I notice in your report on page 7 that that is one of the things you plan to go into with this bill.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arkansas.

Mr. HARRIS. I believe that is the wrong construction. It is not our intention to go into a program involving automobile—I do not want to say "junkyard," because the industry objects to that term—but automobile disposal belongs to another committee.

Mr. GROSS. Let me read what you say on page 7:

> Solid wastes include a great variety of things that individuals, manufacturers, commercial establishments, and communities discard as no longer usable, such as garbage, rubbish, ashes, street refuse, demolition debris, construction refuse, abandoned automobile hulks, old refrigerators, and furniture.

It is clear that under this bill it is planned to go into the business of eliminating junkyards. You go further, and say:

> Accumulations of litter, refuse, and junk cause fire hazards, contribute to accidents and destroy the beauty of cities and the countryside.

I repeat, a beautification bill is coming from the Public Works Committee. Why not dispense with this $90-million provision of the present bill? We can all agree on the necessity and the hope that title I will provide clean air. I sometimes wonder if we should not apply it to the House of Representatives as well as the countryside. But why not postpone this expensive phase of the bill until we see how far they are going to roam with the beautification bill coming out of the Committee on Public Works. On the basis of your report you are certainly getting into that field.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arkansas.

Mr. HARRIS. In the first place, we have air conditioned the House Chamber in an effort to meet the problem that the gentleman refers to.

Mr. GROSS. I did not know it was proposed to deal with air conditioning. I thought it was a question of purifying the air.

Mr. HARRIS. I will say again that the gentleman and those who have serious objections, that we are not going to get into the business of disposing of these things. We leave that to the other committee and other legislation. What we are doing is providing a program for the discovery of new methods and techniques for the disposal of such waste disposal. We do not get into the field of actually setting up a program to dispose of it.

Mr. GROSS. Is the gentleman trying to say that the Committee on Public Works is going to bring a bill out, providing for spending a considerable amount of money as I understand it, without having discovered any techniques for getting rid of junkyards? Incidentally, I am informed that the State of Texas leads all States in the number of automobile junkyards.

Can it be possible the Public Works Committee will bring a bill out here without having gone into the necessary techniques for the elimination of junk yards?

Mr. HARRIS. In the first place, if the gentleman will permit, I doubt very seriously that our colleague from Texas would admit that statement that the gentleman just made is correct.

Mr. GROSS. I would not expect him to and I would not want him to.

Mr. HARRIS. I think at least there would be some argument about it. But again, there we go. We get these health hazards that develop from such things as old refrigerators and things of that kind that we do not know what to do with except to take them off and dump them in a hole somewhere. As a result, some areas of the country are running out of holes and we have to devise some new means and methods of disposing of such waste that create these health hazards.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURTIS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as the chairman of the legislative committee has said, we have had some debate on this and indeed we have. But the whole point is, as I have tried to say in general debate, this matter has not been studied by the committee:

> Section 202 of title II was not in the bill passed by the other body or in any House bill. But it was suggested to the committee by the Department of HEW after the committee hearings.

I am reading from the minority report which I assume is accurate. Certainly this is a matter of great concern—$3 billion apparently is spent a year by our local communities and private enterprises in the disposal of this waste. This bill would authorize $92 million on a research program where there has not been any coordination with other programs. It is very clear just from the colloquy that went on between the gentleman from Iowa and the chairman of the committee that there is no coordination of this suggested program here and of the programs that exist.

It is very true that we cannot expect the Committee on Interstate and Foreign Commerce to coordinate programs that are not within its jurisdiction, such as the one I mentioned on the tax credit approach through the Committee on Ways and Means and the one which the gentleman from Iowa mentioned that is coming to us under the public works bill. But I certainly would expect the executive department, the Department of Health, Education, and Welfare, for example, to have coordinated this program with the other programs that exist in the executive department. This has not been done.

The reason I support the amendment is because I think this matter ought to go back to the committee for hearings, which hearings have not been held, to find out what other programs there are where it might need coordination. It is only in this way that we can intelligently spend, I suggest, $92 million over a period of the next 4 years in research and development. I, myself, would like to know and have a better idea of the sums of money presently being spent on research and development in this area now by both private enterprise and local and State governments.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman.

Mr. HARRIS. The gentleman has referred again to the fact that this provision was not included in the bill that came from the other body.

Mr. CURTIS. I simply say this is what the minority views say and that has not been contested so I assume it is so.

Mr. HARRIS. I should have referred to this earlier. But notwithstanding what is included in the minority views, if the gentleman has a copy of the bill, and will refer to page 11, showing where the whole matter from the other body was stricken out and a new bill was written by the House, he will find that a statement of purpose is included in section 202 of the Senate passed bill.

It has to do with the same problem that we include in section 202 of our bill, which the gentleman will find on page 32.

We made other changes in title II. The principal change that was made from what was then in the Senate bill was that the Senate bill provided that our pollution control agencies of the States should be in charge of waste disposal research studies and surveys. We feel that this problem ought to be attacked by those who have the expertise in the field of solid waste disposal instead of the highly technical problem of air pollution.

So, consequently our version of the bill does not provide for this new program to be carried out by the air pollution boards of the States. We feel that it was a justified change. After calling this matter to the attention of the Department and the Administration, they agreed and accepted that viewpoint. That is the reason for the change.

Mr. CURTIS. I think there is great merit to that change.

Yet I still come back to the basic point. In looking at the hearings and listening to the debate, I find that little evidence has been developed and has been made available to us as to what is being done by local and State governments and private enterprise in this area of solid waste disposal.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 10 minutes.

The CHAIRMAN. Without objection, it is so ordered.

Mr. JONAS. Mr. Chairman, I move to strike out the last word.

I shall not take 5 minutes but asked for this time in order not to interrupt a speaker and to direct a question or two to the chairman of the committee.

First, I fully support title I. I have not made up my mind on the current amendment, but would like to know why it is necessary to authorize appropriations 4 years in advance if the sole purpose of title II is to engage in research in order to develop new techniques for the disposal of solid waste. As I understood the gentleman from Arkansas, the purpose of that title is to do what I have just said. There is no intention or purpose in this title to participate in the actual disposal of waste. That is a matter for the local communities, the cities, and the municipalities concerned. The intention is to limit the activity of the Federal Government to the financing of research in order to develop new techniques.

Mr. HARRIS. And some demonstrations.

Mr. JONAS. What if they come up with a satisfactory new technique that will solve this problem in a year? You would not need to continue to spend money on the program then.

Mr. HARRIS. If, within a year, there is a breakthrough of great importance, the Appropriations Committee and the Congress would have no need to make any further appropriation in that field. The proposal is merely an authorization. We would undertake the program on a limited basis from year to year for a period of 4 years. Only two-thirds of the fund—approximately $60 million—would be for that particular type of program. The other one-third—approximately $30 million or thereabouts—would be appropriated to the Department of the Interior during this time because, as the gentleman knows, as one travels throughout this country, he sees certain areas of the country which are filled with great holes and all kinds of hazards which have developed. For example, in my own State we have the bauxite area, which is a most terrible looking thing.

We made it very clear that they were not going to have programs of trying to beautify all these areas. This is a program to develop methods by which industry can prevent such from happening in the future.

Mr. JONAS. It is not intended to be related to the elimination of these hazards?

Mr. HARRIS. It is intended to include research, studies and demonstrations to develop techniques and methods which will eliminate these hazards.

Mr. JONAS. How can we eliminate such a hazard without filling the hole up?

Mr. HARRIS. That is one of the problems we hope to solve. There will be contracts the Secretary will enter into with people who will be involved. Then these methods would be applied.

Mr. JONAS. I understood the gentleman from Arkansas to say that a substantial number of cities in the United States—I do not recall the percentage—do not have any effective plans for the elimination of solid waste. I would assume from that the other cities do have effective plans. I could not imagine the great cities of New York, Chicago, Philadelphia, and others I might name, not having spent considerable time and effort trying to develop new methods and techniques for eliminating solid waste. Can the gentleman tell me whether they have been derelict in that?

Mr. HARRIS. I would not want to say there has been dereliction. I believe it has been a matter of capability, in respect to all the gentleman mentioned.

Mr. JONAS. I could have named others.

Mr. HARRIS. Yes. In the field of disposal of waste, Milwaukee, Wis., has established the kind of program that would be desirable. That is an example which should not be overlooked.

Mr. ROGERS of Texas. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. COLLIER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLIER. Do I correctly understand that an agreement has been entered to limit debate to 10 minutes? I presume there is at the desk the names of Members who were on their feet at the time the unanimous-consent request was granted.

The CHAIRMAN. The gentleman was standing. The Chair will recognize the gentleman from Texas for 2½ minutes.

Mr. JONAS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONAS. I believe I was recognized by the Chair before the unanimous consent was granted. I believe each of the gentlemen now should be entitled to 5 minutes.

The CHAIRMAN. The gentleman makes a proper statement of the case. The Chair recognizes the gentleman from Texas for 5 minutes, and will later recognize the gentleman from Illinois for 5 minutes.

Mr. ROGERS of Texas. Mr. Chairman, I want to say at this point that I supported title I of this measure vigorously, as I have for many years. However, I feel there are some things which should be said concerning title II.

No one doubts that we need a program in this country for the disposal of solid waste. No one would deny that.

However, the manner in which this has been approached is contrary to my views as to how the program should be approached. In the first instance, we are providing over $90 million for research in this field. This is a problem that has been faced by every city in the country large or small. Much work has been done by private agencies and is being done now. This $90 million can be handed out to any Tom, Dick, or Harry that might appeal to these departments that are being handed these funds. I object to that, and I do not think that much money ought to be spent. To show you the significance of it, for a period of well over 10 years the program to desalt water, which is one of the most important programs in the history of mankind, has not spent more money than is proposed here. And I call your attention to the fact that this $90 million is only for a period of 3 years.

The next thing I want to point out is this: This bill is the authorization of funds to be appropriated up to June 1969. I oppose this type of authorization, because it takes away from the legislative committee the right to go into these matters further if they are not being handled in a proper manner and in a manner that the Congress wants them to be handled in during the first year of the program. We made this change in the desalinization program so that these departments downtown must not only come back to our Committee on Appropriations, for which I have full respect, but to the legislative committee which has the power in the first instance. I do not believe the best interest of the taxpayer will be served by this procedure.

For those reasons I expect to support the amendment to strike out title II.

In my opinion this type of program handled under this procedure is an open invitation to corruption and scandal.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. COLLIER] for 5 minutes.

Mr. COLLIER. I thank the chairman. I am delighted that the Chair recognized the gentleman from Texas first, because I rise to echo the sentiments he has expressed, but I would add thereto the fact that the colloquy earlier in this debate today together with the debate on the legislation on this floor yesterday certainly makes it eminently clear to me—and it should to every Member of this House—that the manner in which we have been scoop shoveling legislation through this House this year is creating a very serious problem with regard to conflicts, overlap and duplication not only within the sprawling agencies, commissions, and bureaus set up by the Congress day in and day out. In fact similar conflicts and overlap of duties and responsibilities have occurred in areas that have been traditionally those of the States and local governments.

If this Congress proceeds in the next few months the way it has in the past 9 months, we will have to establish a new agency in this Government just to coordinate the programs and bureaus, because the left bureaucratic hand does not know what the right bureaucratic hand is doing any more. Then we may be faced with the further problem of creating a coordinating agency to coordinate the coordinators. It is just getting that bad.

In conclusion, Mr. Chairman, I would say that I think this body would act wisely today to support the pending amendment so that we can move on to support title I of the bill, which I think, of course, is necessary and good legislation.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I will be delighted to yield to my good friend from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I would like to take issue with the gentleman on the fact that title II is not needed. I think the chairman pointed out very vividly the problem that exists today of solid waste disposal which we have. We have to face 500 million pounds of solid waste disposal in this country every day. In 15 years they estimate this problem will triple, so it will be 1.5 billion pounds every day. Now, all that this title does, as has been pointed out here, is to provide research funds to try to find out how to solve the problem; that is, not to get into the garbage business and dispose of it but simply to find some new knowledge as to what we can do and, further, to find new knowledge as to how this material can be reused and money obtained from it, perhaps, to pay more back into this country than we can put into the research program which this one section would allow.

Mr. Chairman, I would urge very strongly the defeat of this amendment.

Mr. COLLIER. Mr. Chairman, I would say that the gentleman from Florida has merely reiterated what the distinguished chairman has said. The question involved here, it seems to me, is not necessarily in recognizing the problem which we face but in attempting to coordinate many programs in the private sector as well as in the areas of our educational effort in this Government that are already working on similar programs or programs akin to the one proposed in title II of this bill.

Mr. DOLE. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. DOLE. I agree with the gentleman that we are all against waste, and I think this is a good opportunity to dispose of about $92 million of it by supporting this amendment.

I thank the gentleman.

Mr. COLLIER. I thank the gentleman for his contribution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. NELSEN].

The question was taken; and on a division (demanded by Mr. NELSEN) there were—ayes 29, noes 101.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DADDARIO

Mr. DADDARIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DADDARIO: Line 25, page 38, after the word "disposal.", add the following: "In carrying out the provisions of this section, the Secretary and each department, agency, and officer of the Federal Government having functions or duties under this Act shall make use of and adhere to the Statement of Government Patent Policy which was promulgated by the President in his memorandum of October 10, 1963. (3 CFR, 1963 Supp., p. 238.)"

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the chairman of the committee.

Mr. HARRIS. Mr. Chairman, I believe we can dispose of this amendment very briefly. The gentleman proposes an amendment to the committee amendment in the bill that was worked out by the committee primarily under the leadership of the gentleman from California

[Mr. Moss]. The gentleman from Connecticut will recall that when we had S. 1588, the transportation research bill, there was an amendment in that bill similar to the amendment included in this bill. The gentleman from Connecticut and I had a colloquy on it at that time.

Here in the Senate-passed bill the so-called Long amendment on patents was included in the bill. Now, our committee struck out the so-called Long provision of the Senate-passed bill, and we included the amendment that had been worked out similar to the one contained in S. 1588, the transportation research bill, and it is included in this bill.

So, therefore, this will involve a possible conference between the House and the other body as to a resolution of the matter between the two provisions.

Mr. Chairman, in view of that, the gentleman from Connecticut proposes an amendment that would refer to the Government patent policy promulgated by the President in his memorandum of October 10, 1963. In view of the fact that it brings this limited provision within the rule promulgated by that memorandum, it seems to me that it would be in keeping with the provision that was intended.

Mr. Chairman, I have discussed the matter with the gentleman from California [Mr. Moss] in view of the fact that he did take the major part in developing the amendment and it is satisfactory to him. The gentleman from California has indicated that he is willing to accept the amendment of the gentleman from Connecticut.

Therefore, Mr. Chairman, I am perfectly willing to accept the amendment.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. I would like to agree with the chairman and say those of us on the minority side also accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The amendment was agreed to.

The CHAIRMAN. The question now is on the committee substitute.

The committee substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Flood, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 306) to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes, pursuant to House Resolution 587, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. DEVINE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DEVINE. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Devine moves to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to report it back forthwith with an amendment as follows: Page 32, strike out line 11 and all that follows down through and including line 6 on page 43.

Mr. HARRIS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 80, nays 220, not voting 132, as follows:

[Roll No. 324]

YEAS—80

Abernethy
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Bates
Battin
Belcher
Berry
Bow
Broyhill, N.C.
Buchanan
Cabell
Casey
Chamberlain
Collier
Conable
Cooley
Cramer
Curtin
Curtis
Davis, Wis.
Derwinski
Devine
Dickinson
Dole
Duncan, Tenn.
Erlenborn
Findley
Fisher
Ford, Gerald R.
Fountain
Griffin
Gross
Gurney
Haley
Hansen, Idaho
Harsha
Harvey, Ind.
Harvey, Mich.
Hutchinson
Jonas
Jones, Mo.
Keith
Kunkel
Laird
Langen
Lennon
McClory
McCulloch
Mahon
Marsh
Martin, Mass.
Martin, Nebr.
May
Michel
Minshall
Mize
Nelsen
O'Konski
Pickle
Poage
Poff
Pool
Purcell
Quie
Reid, Ill.
Reifel
Robison
Rogers, Tex.
Roudebush
Rumsfeld
Satterfield
Schneebeli
Selden
Skubitz
Thomson, Wis.
Watkins
Watson
Williams

NAYS—220

Albert
Anderson, Tenn.
Annunzio
Ashley
Ashmore
Baring
Barrett
Beckworth
Bell
Bennett
Bingham
Blatnik
Boland
Brooks
Brown, Calif.
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cahill
Callan
Cameron
Carter
Cederberg
Chelf
Clancy
Cleveland
Clevenger
Cohelan
Conte
Conyers
Craley
Culver
Cunningham
Daddario
Dague
Davis, Ga.
de la Garza
Delaney
Denton
Dingell
Downing
Dwyer
Edmondson
Evans, Colo.
Farbstein
Fascell
Feighan
Flood
Fogarty
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Green, Pa
Greigg
Grider
Griffiths
Grover
Hagan, Ga.
Hagen, Calif.
Halpern
Hamilton
Hanley
Hanna
Hardy
Harris
Hathaway
Hawkins
Hechler
Helstoski
Horton
Hull
Hungate
Huot
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Pa.
Karsten
Karth
Kastenmeier
Kelly
King, Calif.
King, N.Y.
King, Utah
Kornegay
Krebs
Leggett
Long, Md.
Love
McCarthy
McDade
McDowell
McFall
McGrath
McMillan
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Matsunaga
Matthews
Meeds
Miller
Mills
Minish
Mink
Moore
Moorhead
Morgan
Morris
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
O'Hara, Mich.
Olsen, Mont.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pike
Powell
Price
Pucinski
Race
Randall
Redlin
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schweiker
Secrest
Sickles
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Smith, Va.
Stafford
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Teague, Tex.
Tenzer
Thompson, N.J.
Todd
Trimble
Tunney
Tupper
Tuten
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Widnall
Wilson, Charles H.
Wolff
Wright
Young
Zablocki

NOT VOTING—132

Abbitt
Adair
Adams
Addabbo
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Aspinall
Baldwin
Bandstra
Betts
Boggs
Bolling
Bolton
Bonner
Brademas
Bray
Brock
Broomfield
Burton, Utah
Callaway
Carey
Celler
Clark
Clausen, Don H.
Clawson, Del
Colmer
Corbett
Corman
Daniels
Dawson
Dent
Diggs
Donohue
Dorn
Dow
Dowdy
Dulski
Duncan, Oreg.
Dyal
Edwards, Ala.
Edwards, Calif.
Ellsworth
Everett
Evins, Tenn.
Fallon
Farnsley
Farnum
Fino
Flynt
Frelinghuysen
Gilbert
Gilligan
Goodell
Grabowski
Gray
Gubser
Hall
Halleck
Hansen, Iowa
Hansen, Wash.
Hays
Hébert
Henderson
Herlong
Hicks
Holifield
Holland
Hosmer
Howard
Johnson, Calif.
Johnson, Okla.
Jones, Ala.
Kee
Keogh
Kirwan
Kluczynski
Landrum
Latta
Lindsay
Lipscomb
Long, La.
McEwen
Madden
Mailliard
Martin, Ala.
Mathias
Moeller
Monagan
Morrison
Morton
Nix
O'Brien
O'Hara, Ill.
Olson, Minn.
O'Neill, Mass.
Philbin
Pirnie
Quillen
Reinecke
Resnick
Rhodes, Ariz.
Rivers, S.C.
Roberts
Roosevelt
Schmidhauser
Scott
Senner
Shipley
Shriver
Sikes
Smith, Calif.
Springer
Stalbaum
Stanton
Sweeney
Talcott
Teague, Calif.
Thomas
Thompson, Tex.
Toll
Tuck
Udall
Utt
Walker, Miss.
Whitten
Willis
Wilson, Bob
Wyatt
Wydler
Yates
Younger

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Keogh with Mr. Fino.

Mr. O'Neill of Massachusetts with Mr. Corbett.

Mr. Kirwan with Mr. Halleck.

Mr. Gilligan with Mr. Stanton.

Mr. Addabbo with Mr. Broomfield.

Mr. Gilbert with Mr. Lindsay.

Mr. Morrison with Mr. Callaway.

Mr. Madden with Mr. Burton of Utah.

Mr. Long of Louisiana with Mr. Martin of Alabama.

Mr. Howard with Mr. Mailliard.

Mr. Hicks with Mr. Goodell.

Mr. Hébert with Mr. McEwen.

Mr. Senner with Mr. Hall.

Mr. Sikes with Mr. Edwards of Alabama.

Mr. Shipley with Mr. Don H. Clausen.

Mr. Sweeney with Mr. Morton.

Mr. Daniels with Mr. Bray.

Mr. Dent with Mr. Andrews of North Dakota.

Mr. Dorn with Mr. Walker of Mississippi.

Mr. Evins of Tennessee with Mr. Brock.

Mr. Fallon with Mr. Mathias.

Mr. Monagan with Mrs. Bolton.

Mr. Moeller with Mr. Del Clawson.

Mr. Yates with Mr. Adair.

Mr. Whitten with Mr. Betts.

Mr. Toll with Mr. Shriver.

Mr. Gray with Mr. Anderson of Illinois.

Mr. Colmer with Mr. Quillen.

Mr. Corman with Mr. Reinecke.

Mr. Aspinall with Mr. Wyatt.

Mr. Bandstra with Talcott.

Mr. George W. Andrews with Mr. Younger.

Mr. Johnson of California with Mr. Bob Wilson.

Mr. Holifield with Mr. Teague of California.

Mr. Hays with Mr. Pirnie.

Mr. Kee with Mr. Ellsworth.

Mr. Boggs with Mr. Smith of California.

Mr. Adams with Mr. Wydler.

Mr. Bonner with Mr. Baldwin.

Mr. Brademas with Mr. Latta.

Mr. Celler with Mr. Gubser.

Mr. Stalbaum with Mr. Rhodes of Arizona.

Mr. Carey with Mr. Hosmer.

Mr. Roosevelt with Mr. Frelinghuysen.

Mr. Clark with Mr. Lipscomb.

Mr. Dulski with Mr. Utt.

Mr. Dow with Mr. Springer.

Mr. O'Hara of Illinois with Mr. Nix.

Mr. O'Brien with Mr. Edwards of California.

Mr. Dyal with Mr. Donohue.

Mr. Kluczynski with Mr. Schmidhauser.

Mr. Scott with Mr. Udall.

Mr. Thomas with Mr. Tuck.

Mr. Willis with Mr. Duncan of Oregon.

Mr. Thompson of Texas with Mr. Farnum.

Mr. Flynt with Mr. Grabowski.

Mr. Farnsley with Mr. Hansen of Iowa.

Mr. Rivers of South Carolina with Mrs. Hansen of Washington.

Mr. Dawson with Mr. Resnick.

Mr. Roberts with Mr. Abbitt.

Mr. Olson of Minnesota with Mr. Diggs.

Mr. Landrum with Mr. Herlong.

Mr. Henderson with Mr. Jones of Alabama.

Mr. Philbin with Mr. Everett.

Mr. McFALL, Mr. BYRNES of Wisconsin, and Mr. REID of New York changed their vote from "yea" to "nay."

Mr. COOLEY, Mr. FOUNTAIN, Mr. CHAMBERLAIN, Mr. CABELL, and Mr. DUNCAN of Tennessee changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 294, nays 4, answered "present" 1, not voting 133, as follows:

[Roll No. 325]

YEAS—294

Abernethy
Albert
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Ayres
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Bingham
Blatnik
Boland
Bow
Brooks
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Cameron
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Cooley
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denton
Derwinsi
Dickinson
Dingell
Downing
Duncan, Tenn.
Dwyer
Edmondson
Erlenborn
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Fisher
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gurney
Hagan, Ga.
Haley
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hardy
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Horton
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Pa.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kornegay
Krebs
Kunkel
Laird
Langen
Leggett
Lennon
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McFall
McGrath
McMillan
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Mahon
Marsh
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Mize
Moore
Moorhead
Morgan
Morris
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
O'Hara, Mich.
O'Konski
Olsen, Mont.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Poff
Pool
Powell
Price
Pucinski
Quie
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Rivers, Alaska
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schneebeli
Schweiker
Secrest
Selden
Sickles
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Smith, Va.
Stafford
Staggers
Steed
Stratton
Stubblefield
Sullivan
Taylor
Teague, Tex.
Tenzer
Thompson, N.J.
Thomson, Wis.
Todd
Trimble
Tunney
Tupper
Tuten
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watkins
Watson
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Widnall
Williams
Wilson, Charles H.
Wolff
Wright
Young
Zablocki

NAYS—4

Dole
Findley
Poage
Purcell

ANSWERED "PRESENT"—1

Devine

NOT VOTING—133

Abbitt
Adair
Adams
Addabbo
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Aspinall
Baldwin
Bandstra
Betts
Boggs
Bolling
Bolton
Bonner
Brademas
Bray
Brock
Broomfield
Burton, Utah
Callaway
Carey
Celler
Clark
Clausen, Don H.
Clawson, Del
Colmer
Corbett
Corman
Daniels
Dawson
Dent
Diggs
Donohue
Dorn
Dow
Dowdy
Dulski
Duncan, Oreg.
Dyal
Edwards, Ala.
Edwards, Calif.
Ellsworth
Everett
Fallon
Farnsley
Farnum
Fino
Flynt
Frelinghuysen
Gilbert
Gilligan
Goodell
Grabowsi
Gray
Gubser
Hagen, Calif.
Hall
Halleck
Hansen, Iowa
Hansen, Wash.
Hays
Hébert
Henderson
Herlong
Hicks
Holifield
Holland
Hosmer
Howard
Johnson, Calif.
Johnson, Ola.
Jones, Ala.
Kee
Keogh
Kirwan
Kluczynski
Landrum
Latta
Lindsay
Lipscomb
Long, La.
McEwen
Madden
Mailliard
Martin, Ala.
Mathias
Moeller
Monagan
Morrison
Morton
Nix
O'Brien
O'Hara, Ill.
Olson, Minn.
O'Neill, Mass.
Philbin
Pirnie
Quillen
Reinecke
Resnick
Rhodes, Ariz.
Rivers, S.C.
Roberts
Roosevelt
Schmidhauser
Scott
Senner
Shipley
Shriver
Sikes
Smith, Calif.
Springer
Stalbaum
Stanton
Stephens
Sweeney
Talcott
Teague, Calif.
Thomas
Thompson, Tex.
Toll
Tuck
Udall
Utt
Walker, Miss.
Whitten
Willis
Wilson, Bob
Wyatt
Wydler
Yates
Younger

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Mathias for, with Mr. Devine against.

Until further notice:

Mr. Keogh with Mr. Fino.

Mr. O'Neill of Massachusetts with Mr. Corbett.

Mr. Kirwan with Mr. Halleck.

Mr. Gilligan with Mr. Stanton.

Mr. Addabbo with Mr. Broomfield.

Mr. Gilbert with Mr. Lindsay.

Mr. Morrison with Mr. Callaway.

Mr. Madden with Mr. Burton of Utah.

Mr. Long of Louisiana with Mr. Martin of Alabama.

Mr. Howard with Mr. Mailliard.

Mr. Hicks with Mr. Goodell.

Mr. Hébert with Mr. McEwen.

Mr. Senner with Mr. Hall.

Mr. Sikes with Mr. Edwards of Alabama.

Mr. Shipley with Mr. Don H. Clausen.

Mr. Sweeney with Mr. Morton.

Mr. Daniels with Mr. Bray.

Mr. Dent with Mr. Hagan of California.

Mr. Dorn with Mr. Walker of Mississippi.

Mr. Stephens with Mr. Brock.

Mr. Fallon with Mr. Johnson of Oklahoma.

Mr. Monagan with Mrs. Bolton.

Mr. Moeller with Mr. Del Clawson.

Mr. Yates with Mr. Adair.

Mr. Whitten with Mr. Betts.

Mr. Toll with Mr. Shriver.

Mr. Gray with Mr. Anderson of Illinois.

Mr. Colmer with Mr. Quillen.

Mr. Corman with Mr. Reinecke.
Mr. Aspinall with Mr. Wyatt.
Mr. Bandstra with Mr. Talcott.
Mr. George W. Andrews with Mr. Younger.
Mr. Johnson of California with Mr. Bob Wilson.
Mr. Holifield with Mr. Teague of California.
Mr. Hays with Mr. Pirnie.
Mr. Kee with Mr. Ellsworth.
Mr. Boggs with Mr. Smith of California.
Mr. Adams with Mr. Wydler.
Mr. Bonner with Mr. Baldwin.
Mr. Brademas with Mr. Latta.
Mr. Celler with Mr. Gubser.
Mr. Stalbaum with Mr. Rhodes of Arizona.
Mr. Carey with Mr. Hosmer.
Mr. Roosevelt with Mr. Frelinghuysen.
Mr. Clark with Mr. Lipscomb.
Mr. Dulski with Mr. Utt.
Mr. Dow with Mr. Springer.
Mr. O'Hara of Illinois with Mr. Nix.
Mr. O'Brien with Mr. Edwards of California.
Mr. Dyal with Mr. Donohue.
Mr. Kluczynski with Mr. Schmidhauser.
Mr. Scott with Mr. Udall.
Mr. Thomas with Mr. Tuck.
Mr. Willis with Mr. Duncan of Oregon.
Mr. Thompson of Texas with Mr. Farnum.
Mr. Flynt with Mr. Grabowski.
Mr. Farnsley with Mr. Hansen of Iowa.
Mr. Rivers of South Carolina with Mrs. Hansen of Washington.
Mr. Dawson with Mr. Resnick.
Mr. Roberts with Mr. Abbitt.
Mr. Olsen of Minnesota with Mr. Diggs.
Mr. Landrum with Mr. Herlong.
Mr. Henderson with Mr. Jones of Alabama.
Mr. Philbin with Mr. Everett.

Mr. DEVINE. Mr. Speaker, I have a live pair with the gentleman from Maryland [Mr. MATHIAS]. If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The title was amended so as to read: "An Act to amend the Clean Air Act to require standards for controlling the emission of pollutants from certain motor vehicles, to authorize a research and development program with respect to solid-waste disposal, and for other purposes."

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8283) entitled "An act to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964.

GENERAL LEAVE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so may have 5 legislative days in which to extend their remarks in the RECORD and to include extraneous matter, on the bill S. 306, at the appropriate place.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CONTINUING APPROPRIATIONS, 1966

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order any day next week to consider a House joint resolution making continuing appropriations.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, somewhere along the line this evening—late afternoon or early evening—I wanted to propound a question to someone as to whether there is any thought of ever adjourning this session of Congress. Since the gentleman asked for another 30-day extension, I am beginning to wonder whether we are ever going to get out of this place. In the course of arranging for this, does the gentleman have any idea as to whether we are ever going to see a sine die adjournment?

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. BOW. I believe, in respect to the request the gentleman has made, there is no limitation set. That is a matter which the committee will determine. I am hoping it will not be a 30-day continuation.

Mr. MAHON. I would say that the only regular appropriation bills remaining for final consideration by the Congress are as follows:

The agriculture appropriation bill. That has been in conference now for many weeks. There has been some difficulty in coming to agreement.

The foreign assistance appropriation bill, which passed the other body yesterday. That was delayed because there was no authorization for some time.

Mr. GROSS. If we never get that it will be too soon, I say to the gentleman.

Mr. MAHON. Then there is the public works appropriation bill, which will probably be disposed of next week. We hope so. There is some authorization there that has been pending for some time.

I hope we are moving rapidly toward adjournment, as I know the gentleman does.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I hope the public works bill will include the gentleman's project for his State and his district. I understand there is even a possible platform there for belly dancers.

Mr. GROSS. I have not researched the records, but I suspect that the State of New Jersey and the gentleman's district probably have gotten more money by accident than the district of the gentleman from Iowa will ever get on purpose.

Mr. THOMPSON of New Jersey. If the gentleman will yield, not only by accident but by design, and I hope on a continuous basis, and with my support, always.

Mr. GROSS. The gentleman knows that only a few days ago the House saw fit to approve, in behalf of the gentleman, $21 million a year for 3 years for culture.

Mr. THOMPSON of New Jersey. That is only the beginning.

Mr. GROSS. God knows what else; I do not.

Mr. THOMPSON of New Jersey. It is only the beginning. We are going to keep an eye on the gentleman's project.

Mr. GROSS. I hope the gentleman will.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONSOLIDATE JUDICIAL DISTRICTS OF SOUTH CAROLINA

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1620) to consolidate the two judicial districts of the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There being no objection, the Clerk read the bill as follows:

S. 1620

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 121 of title 28 of the United States Code is amended to read as follows:

"§ 121. South Carolina

"South Carolina constitutes one judicial district comprising ten divisions.

"(1) The Charleston Division comprises the counties of Beaufort, Berkeley, Charleston, Clarendon, Colleton, Dorchester, Georgetown, and Jasper.

"Court for the Charleston Division shall be held at Charleston.

"(2) The Columbia Division comprises the counties of Kershaw, Lee, Lexington, Richland, and Sumter.

"Court for the Columbia Division shall be held at Columbia.

"(3) The Florence Division comprises the counties of Chesterfield, Darlington, Dillon, Florence, Horry, Marion, Marlboro, and Williamsburg.

"Court for the Florence Division shall be held at Florence.

"(4) The Aiken Division comprises the counties of Aiken, Allendale, Barnwell, and Hampton.

"Court for the Aiken Division shall be held at Aiken.

"(5) The Orangeburg Division comprises the counties of Bamberg, Calhoun, and Orangeburg.

"Court for the Orangeburg Division shall be held at Orangeburg.

"(6) The Greenville Division comprises the counties of Greenville and Laurens.

"Court for the Greenville Division shall be held at Greenville.

"(7) The Rock Hill Division comprises the counties of Chester, Fairfield, Lancaster, and York.

"Court for the Rock Hill Division shall be held at Rock Hill.

"(8) The Greenwood Division comprises the counties of Abbeville, Edgefield, Greenwood, McCormick, Newberry, and Saluda.

"Court for the Greenwood Division shall be held at Greenwood.

"(9) The Anderson Division comprises the counties of Anderson, Oconee, and Pickens.

"Court for the Anderson Division shall be held at Anderson.

"(10) The Spartanburg Division comprises the counties of Cherokee, Spartanburg, and Union.

"Court for the Spartanburg Division shall be held at Spartanburg."

(b) The existing district judgeships for the Eastern District of South Carolina, the Western District of South Carolina, and the Eastern and Western Districts of South Carolina heretofore provided for by section 133 of title 28 of the United States Code shall hereafter be district judgeships for the District of South Carolina and the present incumbents of such judgeships shall henceforth hold their offices under section 133, as amended by this Act.

(c) In order that the table contained in section 133 of title 28 of the United States Code will reflect the change made by this section in the number of districts in the State of South Carolina, such table is amended by striking out the following:

"South Carolina:	
Eastern	1
Western	1
Eastern and Western	2"

and inserting in lieu thereof the following:

"South Carolina	4".

SEC. 2. In compliance with section 132 of title 28 of the United States Code the District Court for the Eastern and Western Districts of South Carolina are hereby consolidated into, and shall henceforth constitute, a single District Court for the District of South Carolina. No loss or interruption of the jurisdiction of the consolidated District Court for the District of South Carolina over cases and controversies heretofore decided by or now pending in the District Courts for the Eastern and Western Districts of South Carolina shall result from such consolidation. The District Court for the District of South Carolina shall appoint a clerk who shall supersede the clerks of the District Courts for the Eastern and Western Districts of South Carolina and who shall maintain his office at Columbia until the court otherwise directs pursuant to sections 457 and 751(c) of title 28 of the United States Code. The presently existing records of the District Court for the Eastern and Western Districts of South Carolina shall be placed in his custody.

SEC. 3. When the term of office of either the United States attorney for the Eastern District of South Carolina or the United States attorney for the Western District of South Carolina, holding office on the date of enactment of this Act, has expired, the President is authorized to appoint a United States attorney for the District of South Carolina as provided by section 501 of title 28 of the United States Code. Until the United States attorney for the District of South Carolina has been appointed as herein authorized and has qualified, the United States attorney for the Eastern District of South Carolina holding office on the date of enactment of this Act shall continue to serve as a United States attorney and to perform the duties of such office in the Charleston, Columbia, Orangeburg, Florence, and Aiken divisions of the District of South Carolina, and the United States attorney for the Western District of South Carolina holding office on the date of enactment of this Act shall continue to serve as a United States attorney and to perform the duties of such office in the Greenville, Rock Hill, Greenwood, Spartanburg, and Anderson divisions of the District of South Carolina. In the event a vacancy, other than a vacancy resulting from expiration of term, arises in either of such offices prior to the appointment as herein authorized and qualification, of a United States attorney for the District of South Carolina the incumbent of the other such office shall also perform the duties of the office in which the vacancy occurs until such appointment and qualification.

SEC. 4. When the term of office of either the United States marshal for the Eastern District of South Carolina or the United States marshal for the Western District of South Carolina, holding office on the date of enactment of this Act, has expired, the President is authorized to appoint a United States marshal for the District of South Carolina as provided by section 541(a) of title 28 of the United States Code. Until the United States marshal for the District of South Carolina has been appointed as herein authorized and has qualified, the United States marshal for the Eastern District of South Carolina holding office on the date of enactment of this Act shall continue to serve as a United States marshal and to perform the duties of such office in the Charleston, Columbia, Orangeburg, Florence, and Aiken divisions of the District of South Carolina, and the United States marshal for the Western District of South Carolina holding office on the date of enactment of this Act shall continue to serve as a United States marshal and to perform the duties of such office in the Greenville, Rock Hill, Greenwood, Spartanburg, and Anderson divisions of the District of South Carolina. In the event a vacancy, other than a vacancy resulting from expiration of term, arises in either of such offices prior to the appointment as herein authorized and qualification of a United States marshal for the District of South Carolina the incumbent of the other such office shall also perform the duties of the office in which the vacancy occurs until such appointment and qualification.

SEC. 5. All deputy clerks, clerical assistants, and other employees of the clerks, all court reporters, all probation officers and their clerical assistants, all referees in bankruptcy and their clerical assistants, all United States commissioners and all other presently serving officers and employees of the United States District Courts for the Eastern and Western Districts of South Carolina shall henceforth be officers or employees, as the case may be, of the United States District Court for the District of South Carolina and shall hold their offices or employment under and perform their duties for that court. All presently serving assistant United States attorneys and clerical assistants of the United States attorneys and all presently serving deputy marshals and clerical assistants of the United States marshals appointed for the Eastern or Western District of South Carolina shall henceforth hold their offices or employment for the District of South Carolina.

With the following committee amendments:

Page 4, line 15, delete the period and insert: "and prosecutions for offenses committed within the Eastern and Western Districts of South Carolina prior to the effective date of this Act shall be commenced and proceeded with the same as if such consolidation had not occurred. For the purpose of the trial of such offenses, the District Courts for the Eastern and Western Districts of South Carolina are continued in existence and the judges of the District Court for the District of South Carolina shall sit as judges in such courts according to assignment made by the chief judge of the United States District Court for the District of South Carolina or the chief judge of the United States Court of Appeals for the Fourth Circuit."

Page 8, after line 4, insert:

"SEC. 6. The provisions of this Act shall become effective the first day of the month following the date of enactment of this Act."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CONSTRUCTION, ETC., OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2300) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, with House amendments, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none and appoints the following conferees: Messrs. FALLON, BLATNIK, JONES of Alabama, EDMONDSON, WRIGHT, CRAMER, BALDWIN, and HARSHA.

LEGISLATIVE PROGRAM FOR WEEK OF SEPTEMBER 27

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the house for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished majority leader as to the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield to me?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the minority leader, we have finished the program for this week, and it will be our purpose to ask to go over to Monday after the announcement of the program for next week, which is as follows:

House Resolution 515, providing for the consideration of the bill (H.R. 4644) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

H.R. 3142: Medical Library Assistance Act of 1965, with an open rule and 2 hours of debate.

H.R. 10281: Government Employees Salary Comparability Act. An open rule and 4 hours of debate.

S. 2084: Highway Beautification Act of 1965.

H.R. 11135: Sugar Act Amendments of 1965.

We do not yet have rules on either of these bills, but rules are expected next week.

House Joint Resolution 642: Library of Congress James Madison Memorial Building. An open rule with 1 hour of debate.

H.R. 6519: Amending the act of May 17, 1954, as amended, providing for the construction of the Jefferson National Expansion Memorial at the site of old St. Louis, Mo., and for other purposes, with an open rule and 1 hour of debate.

Of course, this is made subject to the usual announcement that conference reports may be brought up at any time and any further program will be announced later.

Mr. GERALD R. FORD. Is it the intention of the leadership to bring the bills up in this order?

Mr. ALBERT. The order is subject to change, of course, but we will start with the home rule bill. A lot depends upon how long the disposition of that bill requires. Also, we do not yet have rules on two bills. However, subject to that, I think that the House can pretty well depend on this announcement, and we will keep the Members of the House advised of any changes as soon as they occur.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, with all respect and humility, may I ask the distinguished gentleman from Oklahoma whether he can shed any light upon the business of sine die adjournment.

Mr. ALBERT. Of course, the gentleman pays me a compliment, because his question assumes that I am a seer as well as a Member of Congress. The best I can say to the gentleman is that we have pretty well completed the program of the House of Representatives, and I should think with good luck we should be able to complete it in a very few weeks.

ADJOURNMENT OVER UNTIL MONDAY, SEPTEMBER 27

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS NEXT WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection

LET US GO HOME

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, this has indeed been a historic session of Congress but now it is time to go home. We have established a good reputation, a progressive Congress, and to delay adjournment will only result in taking the glitter from that reputation. Why we must stay is not clear. We have handled the President's program and if I do say so we have done right well by him. We have displayed an awareness of the need to find solutions to problems and again I would say that we have done quite well in solving them. But now I am weary, I find that my colleagues are weary, the Congress is weary and before the country grows weary of our activity, I think it might be wise for us to take a break.

FULL HEARING CANNOT BE TERMED "STALLING"

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, this morning's issue of the American Banker carries a highly distorted editorial entitled "Ritual of Stalling." The pretext of this 12-paragraph gossip statement is that the Honorable WRIGHT PATMAN, the distinguished chairman of the House Banking and Currency Committee, is conducting a stall campaign against S. 1698, a bill to clarify the bank merger situation.

Mr. Speaker, I wholeheartedly support S. 1698, and I wholeheartedly support my chairman. S. 1698 directly affects a bank in my district; and, because of this, I feel that I am closer to the legislation than any member of either the Domestic Finance Subcommittee, which is conducting hearings on the bill, or the full Banking and Currency Committee.

I want to say categorically that I am fully satisfied Chairman PATMAN is not stalling on the bill, but is conducting full and adequate hearings on a piece of legislation that, contrary to what the American Banker erroneously reports, has not been subject to one word of testimony at the committee level on the Senate side. The American Banker both in its editorial and news columns is probably best noted for its distortion of accuracies. I do not expect this newspaper to ascertain the facts before it makes up its mind. However, it might be nice if it bothered to learn the facts after it has made up its mind.

A copy of the editorial follows:

RITUAL OF STALLING

The chairman of the House Banking and Currency Committee has his own reasons for opposing passage of the bank merger bill, and he has his own techniques for stalling it. And while the substantial majority of the banking and industry which supports this proposed legislation may rankle under the delays, there is a realization that this is the way the game is played, and some resignation to it as a kind of ritual performance.

And it seems that Congressman WRIGHT PATMAN, Democrat of Texas, may well make his stalling tactics work during the present session of Congress.

If this happens, however, it does not mean that the merger bill will be dead. On the contrary, there appears to be building a sentiment in the House that the banking industry has been hung up on Mr. PATMAN's obstructionism long enough, and that there is sufficient merit in the bill, which is widely recognized as primarily a reaffirmation of the intent of Congress as expressed in the Bank Merger Act of 1960, for it to be enacted. So no matter what Mr. PATMAN does in the current session, there is some basis for hope that some useful legislation on bank mergers will be forthcoming when Congress reconvenes.

Some resentment also has been building against Mr. PATMAN for the stalling tactics he has been using this summer, by dragging out hearings on a piece of legislation which already has been thoroughly discussed in Senate hearings before its passage by that body.

Indeed, there is a strong feeling that many of the witnesses have been called primarily for the time that they would kill, rather than for the freshness or strength of their views.

Now Mr. PATMAN tends to confirm that feeling, at this point, late in the session, after the hearings have been squeezed dry of new ideas, when he makes a statement that in his view "it would be a grave mistake and disservice to the public if we do not give this bill at least the same amount of consideration that was given the Bank Merger Act of 1960."

That bill took 5 years to get through the Congress; but Mr. PATMAN says that he does not really mean to take that long this time. He thinks that the 48 days of hearings held on the 1960 legislation suggests a suitable time span for the hearings over which he is now presiding. Therefore, with 21 days already spent in hearings, Mr. PATMAN's judgment as to an appropriate investment in time would put the current hearings well into November, past the latest date yet suggested for the adjournment of this session of Congress.

Whether he can keep the hearings going until November, given the restiveness of a majority of the members of both his committee and the subcommittee which is conducting the hearings under his chairmanship, is a matter for some speculation.

Even if he does, however, this same restiveness among the committee members is likely to result in action during the next session of Congress. There is a kind of saturation point for stalling, even by a powerful committee chairman, and so a successful stall this fall does not necessarily mean permanent defeat for the bill.

In passing, it should be noted that while stalling tactics may be acceptable as part of the peculiar ritual of legislation, bad manners are a different matter entirely.

This week Mr. PATMAN took advantage of his position as chairman of the subcommittee to try to overwhelm the chairman of the Federal Deposit Insurance Corporation with a 13,000-word indictment of the performance of his agency. FDIC Chairman K. A. Randall had to sit, exposed and silent in the witness chair, for nearly one and a half hours while Mr. PATMAN droned through his charges. When he was given a chance to reply, Mr. Randall simply stated that he denied the charges, and would submit a statement for the record.

If Mr. PATMAN were serious about his charges against the FDIC, he might do better by conducting hearings to investigate the agency. The relevance of these charges to the bill under discussion is not apparent. What is apparent is Mr. Patman's determination to stall, and the shabby way he went about it in this instance.

RELIEF FOR THE TRUCKING INDUSTRY

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, I have introduced legislation in this session of Congress in behalf of the trucking industry, since the railroads have lost interest in their own industry, and have interest in other modes of transportation. It appears the railroads expect the Government to subsidize the entire cost of their operation.

I sympathize with the people employed by the railroads, but they know they have definitely been let down by management which has been complacent in the last few years.

I read a very interesting editorial concerning the railroads which was heard on radio station WGR in our great city of Buffalo, N.Y. Under leave to extend my remarks, I submit the editorial for inclusion in the Record:

> Railroads, once the most important form of transportation, now find cars, planes and trucks, pretty rough competition. Government, rightly or wrongly, has bent over backwards in every effort to help the railroads.
>
> Thinking that the Federal Government is so thoroughly conditioned to favor the railroads on each decision, a trucker is enjoying a big laugh at the expense of the Interstate Commerce Commission.
>
> The trucker, Leroy Hilt of Nebraska, firmly believed that the ICC would automatically rule for the railroads, and against truckers, every time. To test his theory, he submitted a schedule of rate changes to the ICC proposing a large shipment of "yak fat" from Omaha to Chicago. Mr. Hilt said his trucking company would do the job for just 45 cents a hundred pounds—a bargain rate.
>
> (In case you've forgotten your school days, yak are oxen from Tibet. Yak fat isn't available anywhere on this continent, nor is anyone demanding a supply. Consequently, none of our country's transportation companies ship yak fat anywhere.)
>
> But the railroads immediately objected to the low shipping rates suggested by the Nebraskan trucker. And the ICC, after a so-called examination, backed the railroads; said the rates were "unjust and unreasonable" and declared that yak fat could not be shipped for only 45 cents a hundred pounds.
>
> It appears that Mr. Hilt's theory has been proven correct. The ICC, conditioned in its responses, seems to favor the railroads automatically.
>
> Which leaves us wondering about a lot of other Government decisions.

ADVERSE HARVEST CONDITIONS IN NORTH DAKOTA

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a table.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Speaker, North Dakota farmers are being hard hit by the most adverse harvest conditions our State has ever known. Many people estimate that 20 percent of our spring wheat crop and perhaps more of our Durum will not be harvested because of the continuing rain and wet weather. This is a potentially great economic loss to thousands of individual farm families.

Because of this unique harvest condition, the cash market of wheat has risen and will give our farmers the opportunity to make up in increased price a small share of what they are losing through this adverse weather.

While I know that Congress has turned down our pleas to increase the resale price of wheat, the need becomes even greater in this harvest time emergency. I certainly want to urge the Secretary of Agriculture to hold back marketing of CCC wheat in order to maintain the better cash market position that will in a small way compensate our farmers for the fewer bushels they will harvest and the lower quality that will result.

I am including a chart prepared for me by the Farmers Union Grain Terminal Association showing the present CCC loan price, the cash market closing, and the present resale value if the Secretary were to sell under the 105-percent formula. This chart indicates roughly a direct across-the-board drop of 10 cents a bushel average if the Secretary should begin selling from his stockpile at the 105-percent formula.

I sincerely hope he will sense the need of our farmers and refrain from these price-destroying sales.

Terminal loan, Minneapolis or Duluth, Northern Spring $1.58

Protein	Price (CCC loan)	Spot closing tonight's closing	Resale value if under 105 percent formula
1,200 to 1,240	$1.59½	$1.81	$1.69½
1,250 to 1,290	1.61	1.82	1.72
1,300 to 1,340	1.62½	1.83	1.73½
1,350 to 1,390	1.64	1.83	1.75
1,400 to 1,440	1.65½	1.84	1.76¾
1,450 to 1,490	1.67	1.86	1.78½
1,500 to 1,540	1.68½	1.89	1.80
1,550 to 1,590	1.70	1.94	1.81½
1,600 to 1,640	1.71¼	2.01	1.83½
1,650 to 1,690	1.73	2.07	1.85
1,700 to 1,740	1.74½	2.12	1.87
1,750 and above	1.76	2.17	1.88½

ON CHRISTIAN OBEDIENCE

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, Episcopal clergy in the diocese of Los Angeles have been disturbed over misinterpretations of church policy which they feel may be drawn from a recent insertion in the Record.

On September 3, our Louisiana colleague [Mr. Waggonner] caused to be printed extracts from a sermon preached by the Reverend Robert Watts, of La Jolla, Calif. That material appears on page 22888 of the Record. It conveys a strong denunciation of the theory that certain conditions justify the defiance of bad laws.

The Reverend Robert T. Stellar, D.D., executive secretary in the department of social relations for the Episcopal Church in southern California, has asked my assistance in clarifying the church's position on Christian obedience. Father Stellar feels that Dr. Watts, while of course free to express a dissenting viewpoint, misunderstands his church's concern for civil rights—and, more especially, is out of step with the House of Bishops of the Protestant Episcopal Church. That body adopted the following position paper on Christian obedience at the church's 1964 general convention in St. Louis:

POSITION PAPER ON CHRISTIAN OBEDIENCE OF THE HOUSE OF BISHOPS

(Christian Social Relations at General Convention, 1964)

THE CHURCH SPEAKS

> Christian teaching holds that civil authority is given by God to provide order in human society, and that just human law is a reflection of immutable divine law which man did not devise. Under all normal circumstances, therefore, Christians obey the civil law, seeing in it the will of God. Yet it must be recognized that laws exist which deny these eternal and immutable laws. In such circumstances, the church and its members, faithful to Scripture, reserve the right to obey God rather than man.
>
> Thus, the church recognizes the rights of any persons to urge the repeal of unjust laws by all lawful means, including participation in peaceful demonstrations. If and when the means of legal recourse have been exhausted, or are demonstrably inadequate, the church recognizes the right of all persons, for reasons of informed conscience, to disobey such laws, so long as such persons:
>
> (a) Accept the legal penalty for their action;
>
> (b) Carry out their protest in a nonviolent manner, and;
>
> (c) Exercise severe restraints in using this privilege of conscience, because of the danger of lawlessness attendant thereon.
>
> Before Christians participate in such actions, they should seek the will of God in prayer and the counsel of their fellow Christians.

HEALTHY STEPS IN THE CIVIL RIGHTS FIELD

Mr. KREBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KREBS. Mr. Speaker, since becoming Chairman of the President's Committee on Equal Employment Opportunity, Vice President Hubert Humphrey has been conducting—at the President's request—a continuing review of the Government's civil rights efforts.

Now he has recommended, and the President has acted upon, several major changes designed to strengthen the operation and direction of the Government's civil rights program.

Under the new plan, there will be greater emphasis on the duties and performance of the operating departments and agencies of the Federal Government. Power and responsibility to act on civil rights matters, heretofore diffused among various interagency committees, will now be given directly to the officials and administrators who operate the Government.

The functions of the President's Committee on Equal Employment Opportunity, for example, will now be transferred to existing agencies. Each Cabinet officer, agency head, and executive of the Federal Government will now have responsibility for enforcing compliance with our civil rights laws.

The Civil Service Commission, which controls Federal personnel policies, will now have direct responsibility for enforcing nondiscrimination. The Secretary of Labor, who as Vice Chairman of the Equal Employment Opportunity Committee has had the primary responsibility for insuring compliance by Government contractors, will now have the authority to insure that compliance directly as part of his responsibilities in administering the Department of Labor.

As the Vice President has pointed out in his recommendations to the President, the termination of the Council of Equal Opportunity and the Committee on Equal Employment Opportunity does not mean that we have eliminated all the civil rights problems in this country. Indeed, in his words:

> The more difficult and complicated part of the journey to our national goal of a prejudice-free society lies ahead of us.

What these recommendations do mean, however, is that we are streamlining the civil rights programs and procedures of the Government so as to achieve even more in the fight for civil rights, and to do so with thoroughness and efficiency.

The Vice President, as the President's No. 1 adviser and counselor on matters of civil rights, deserves the thanks and the gratitude of the people and the Congress. He has labored long hours on behalf of full freedom and equal opportunity for all our citizens. These latest recommendations are merely another addition to a long and admirable record of achievement in this field.

STATE AND LOCAL GOVERNMENT AS OPPOSED TO FEDERAL GOVERNMENT

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. BERRY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BERRY. Mr. Speaker, last night's news reports were a little sickening to one who believes in State and local government as opposed to the Federal Government being all things to all people.

These reports carried two more instances of invasion—one in the proposal banning billboards—the other in the law which the President will probably sign today, controlling water pollution.

Without some amendment, the Secretary of Commerce will be the billboard boss and, even in commercial areas, where signs will be permitted, he will have complete regulation over the size and the number of billboards to be permitted. As bad as is the taking away of local controls of billboards is the law which provides that final word on water pollution control is given to a new Assistant Secretary of Health, Education, and Welfare to set all standards and make all regulations on water quality standards.

Mr. Speaker, at the rate this Congress has gone this year, in a few years State lines will be nothing but geographic markers, with Federal bureaucrats deciding what is good for the people in every area of this vast Nation.

THE ADMINISTRATION MAY HAVE BEEN POORLY ADVISED IN NOT SEEKING SENATE CONFIRMATION OF THE CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE ARTS

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WIDNALL. Mr. Speaker, the administration may have been poorly advised in not seeking Senate confirmation of the Chairman of the National Endowment for the Arts.

The House took up H.R. 9460, the National Foundation on the Arts and the Humanities Act of 1965 on September 15, at which time the gentleman from Minnesota [Mr. QUIE] offered an amendment providing that the Chairman of the National Endowment for the Arts "shall be appointed by the President, by and with the advice and consent of the Senate."

Two days later, on September 17, the person slated, according to some reports, to be Chairman of the National Endowment for the Arts, Roger L. Stevens, who is now the Special Assistant on the Arts at the White House, resigned from the Board of the National Symphony Orchestra and cited, as his reason for doing so, the fact that—

> One Congressman raised a point about possible conflict of interest.

The gentleman from Minnesota [Mr. QUIE], in offering his amendment requiring Senate confirmation of the Chairman of the National Endowment for the Arts, said that:

> President Johnson himself has put his radio and television properties in trust while he is serving as President. But the Special Assistant on the Arts in the White House, so far as I know, is still receiving royalties from the Broadway farce-comedies in which he has a major interest.

The Chairman of the National Endowment for the Humanities will be required to be confirmed by the Senate. In view of the resignation of Mr. Stevens from the board of the National Symphony Orchestra because of what he cites as a "possible conflict of interest," questions will undoubtedly continue to be raised as to whether he has resigned from the board of the Metropolitan Opera, and if he has put his commercial interests in trust.

Surely, in as sensitive an area as the arts, the Chairman of the National Endowment for the Arts, with millions of dollars to spend, and the authority to do so without the approval of the members of the Federal Council on the Arts and the Humanities and the National Council on the Arts, should be as clean as a "hound's tooth," and as free of suspicion as Caesar's wife.

I include as part of my remarks an exchange of correspondence between the Special Assistant on the Arts at the White House, and the president of the National Symphony Orchestra Association, which sheds light on the matter I have been discussing:

MEMORANDUM

NATIONAL SYMPHONY ORCHESTRA,
Washington, D.C.

To: The Board of Directors.
From: Osby L. Weir, president.
Date: September 22, 1965.

I enclose copies of correspondence with Roger L. Stevens regarding his resignation from the board of the National Symphony Orchestra Association.

The letters speak for themselves and I am confident that you join with me in my deep regret over the circumstances that caused Mr. Stevens to reconsider his acceptance of election to our board. I have read the congressional debate to which Mr. Stevens refers and I can well understand his desire to avoid controversy over his dedicated service to privately operated cultural organizations.

Enclosures.

THE WHITE HOUSE,
Washington, D.C., September 17, 1965.

Mr. OSCAR L. WEIR,
President, National Symphony Orchestra Association, Washington, D.C.

DEAR MR. WEIR: I regret that I must resign from the board of the National Symphony Orchestra.

During the recent debate on the House floor, one Congressman raised a point about possible conflict of interest with regard to my being a director of the National Symphony.

This would not be so bad, but there may be problems in this area when the Kennedy Center is completed. When I accepted membership, I thought we could worry about such a situation when the building was finished.

Also, if by chance the National Symphony should qualify for funds under the National Endowment and since the question has already been raised in Congress, the orchestra might be prevented from receiving some necessary money.

Thus, although I deeply regret this action, I must herewith tender my resignation.

Sincerely,

ROGER L. STEVENS,
Special Assistant on the Arts.

SEPTEMBER 21, 1965.

The Honorable ROGER L. STEVENS,
Special Assistant on the Arts,
The White House, Washington, D.C.

DEAR MR. STEVENS: I have received your letter of September 17 in which you resign from the board of the National Symphony Orchestra Association. This is a matter of the greatest regret to me, as I know it will be to our colleagues on the board. I would do my best to try to persuade you to reconsider if it were not for the compelling reasons that you give which relate to national policy and to the future chances of the Washington National Symphony to qualify for funds under the newly passed National Endowment for the Arts.

In any case, I know that we can count on your friendly, though objective, interest in any proposals made by the Washington National Symphony that might be referred to you either in connection with the Kennedy Center or the forthcoming National Endowment.

Thank you for having been willing to accept election to our board in the first place and before the current circumstances arose. Your participation was a notable vote of confidence in our organization.

Ordinarily I would withhold notifying our colleagues of your decision until the next board meeting, but in view of your distinguished position there is bound to be talk and I therefore think it advisable to send copies of our exchange of letters to our fellow board members.

With kindest personal regards, I am,
Sincerely,
OSBY L. WEIR,
President.

WIDNALL PREDICTS CONGRESSIONAL ACTION IF NEW COMMERCE DEPARTMENT REGULATIONS DIRECTED AGAINST ARAB BOYCOTT DO NOT PRODUCE QUICK RESULTS

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WIDNALL. Mr. Speaker, yesterday, the Department of Commerce announced regulations bringing into force a new export policy designed to discourage U.S. companies involuntarily from assisting and being a party to the vicious trade practices imposed by the Arab boycott. This new policy, as it appeared in yesterday's Federal Register, fulfills the statutory requirement included in the 1965 extension of the Export Control Act. It was precipitated entirely by Members of Congress from both sides of the aisle who for years have demanded that the practices involved in the Arab boycott be prohibited if they involved involuntary participation by American companies. Earlier this year extensive hearings were held on this aspect of the Export Control Act and after hearing several top administration officials request merely a rather weak declaration of policy, a majority of the Committee on Banking and Currency on May 29 insisted that such a statement of U.S. policy against the Arab boycott, by itself, was completely insufficient. These 17 members of the committee in their supplemental views to H.R. 7105 demanded that the Department of Commerce prohibit all U.S. companies from furnishing information or signing agreements which would further the interests of the Arab boycott.

When the bill came before the House on June 8, the Johnson administration was face to face with an outright congressional rebuke of its weak solution to a vicious situation. The fact that a majority of the House was in favor of an outright prohibition against any and all forms of involuntary assistance to the Arab boycott request was made clear in several press reports preceding the day of debate. Within minutes before the bill came to the floor, however, a deal was worked out with the State and Commerce Departments and those of us who supported outright prohibition were defeated in a nonrecord vote on our amendment.

Nevertheless, the new Commerce Department regulations declare it to be the policy of the U.S. Government to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States, together with a statement that our Government will "encourage and request" U.S. exporters to refuse to take any action, including the furnishing of information or signing agreements supporting such foreign boycotts or restrictive practices.

Under yesterday's regulations, U.S. companies will be required to report to the Secretary of Commerce any requests for the furnishing of information or the signing of agreements helpful to such restrictive trade practices as the Arab boycott. Failure to comply with these requirements could bring a penalty of up to $1,000.

Mr. Speaker, I concede that this may be a step in the right direction. Nevertheless, the regulations make clear that U.S. companies, while being encouraged and requested to refuse to be a party to Arab boycott requests, are not legally prohibited from doing so. Therefore, the opportunity for the Arab boycott to continue to blackjack U.S. companies still remains.

It has been said that a journey of a thousand miles requires that a first step be taken. While these new regulations might constitute such a first step, they nevertheless represent the first step on a completely needless journey of compromise and dilly-dallying. I remain convinced that the only way to treat this thorn in the side of free international trade is for the U.S. Government to prohibit outright such practices. Only in this manner can blackmailed U.S. companies secure the needed protection from their Government.

Those of us who insisted upon an outright prohibition will watch carefully the results of the new Commerce Department regulations. If they have no real effect upon the Arab boycott as it affects American exporters, I want to serve notice on the administration that new legislation will be offered in the second session of this Congress. I have no doubt whatsoever that if these regulations do not quickly produce significant results, both the House and the Senate will vote overwhelmingly for an outright prohibition.

NEW ENGLAND "JOB-PIRACY" CHARGE UNSUPPORTED BY FIGURES IN "RIGHT-TO-WORK" REPEAL ISSUE

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, on July 28, during the debate on H.R. 77, to repeal section 14(b) of the Taft-Hartley Labor Act, I stated—page 18620 of the RECORD—that, as a Representative from a Northern State which does not have a right-to-work law, I was concerned lest the existence of such laws in other States operate to entice jobs and industries away from my State. In some detail, I described the research I conducted into this aspect of this very complex question and I reported my findings, based on the expert studies of economic specialists, that no such danger existed.

Further study since that time bears out this finding and I wish to take this opportunity of presenting these observations to my colleagues.

A careful examination of the latest reports of the Labor Department's Bureau of Labor Statistics shows that, if wages were the determining factor, many New England States actually should be pirating industry away from the higher-wage right-to-work States, and not the other way around.

Average wage rates for production workers in manufacturing for 1964, as reported in employment and earnings of the U.S. Department of Labor for May 1965, shows the following—based on 20 right-to-work States including Indiana, which had such a law in 1964 but does not now:

Seven of the 20 right-to-work States have higher wage rates than Connecticut.

Eight have higher wage rates than Massachusetts.

Twelve have higher wage rates than Rhode Island and Vermont.

Fifteen have higher wage rates than New Hampshire and Maine.

Wage rates in Florida and Rhode Island are exactly the same.

The southern right-to-work States of Alabama, Florida, Virginia, and Tennessee all have higher wage rates than New Hampshire and Maine.

The hourly wage rates listed for New England are:

New Hampshire, $2; Maine, $2; Massachusetts, $2.37; Vermont, $2.08; Rhode Island, $2.11; Connecticut, $2.62.

The hourly wage rates listed for the right-to-work States are given as: Nevada, $3.16; Wyoming, $2.82; Indiana, $2.81; Utah, $2.77; Arizona, $2.72; Iowa, $2.71; Kansas, $2.65; Texas, $2.42; Nebraska, $2.36; South Dakota, $2.34; North Dakota, $2.31; Alabama, $2.17; Florida, $2.11; Virginia, $2.04; Tennessee, $2.03.

Thus, as I stated during the debate on the bill, there is no factual basis for charges that right-to-work laws in other States have ever harmed, are harming now or ever will harm States that do not have right-to-work laws. Indeed, wage rates are far down the list of economic factors that determine where an individual industry decides to locate.

The "job-piracy" charge in connection with this legislation simply has no basis in fact.

SELF-HELP APPRENTICE PROGRAM FOR INDUSTRY

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Keith] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KEITH. Mr. Speaker, I have today introduced legislation to spur job training by private industry. Titled the "Human Investment Act of 1965," the bill would provide a 7-percent tax credit to employers for certain authorized expenses of training their employees in new job skills.

When Congress 3 years ago enacted a tax credit to encourage plant modernization and investment in new equipment, I think we failed to realize at that time the fact that the most important kind of capital a nation can have is its human capital—the skills, experience, and capabilities of its working men and women.

This bill is companion to a host of similar measures filed within recent weeks in the House and Senate. House cosponsors include seven members of the Ways and Means Committee and all three Republican House members of the Joint Economic Committee.

This bill is designed to give employers incentive to broaden and expand apprenticeship training, on-the-job training, cooperative work-study programs, tuition-refund programs, and the expenses of organized group and classroom instruction.

This approach places the responsibility for increased job training, not on the Federal or State Governments, but where it rightfully belongs—on the Nation's greatest job trainer, the private enterprise system.

It can be of equal benefit to employer and employee.

The bill's language is virtually parallel to that of the investment credit provisions of the Revenue Act of 1962, as amended last year. By requiring that a trainee be on the employer's payroll for at least 3 months after the completion of training—with exceptions for disability, voluntary separation, or firing for cause—the bill helps to insure that trainees will actually be put on the payroll after the training period. This provision would overcome the objection to government-run training programs, to the effect that trainees are often not able to find appropriate work even after completing Government-sponsored training programs.

This is an attempt to meet the increasingly serious problems of structural unemployment caused by a labor force ill-fitted for existing and developing job opportunities. Its intent is to advance workers up the skill ladder and thereby open vacancies at the bottom for the currently unskilled and unemployed.

Its major premise is that private business has—over the years—learned how to obtain the most results per training dollar, and should be encouraged to broaden its training programs to meet a growing national need.

The idea of a reasonable tax incentive is—to me—a much preferable alternative to the creation of further Government programs, with all their inherent bureaucracy, inefficiency, and administrative expense.

I would like to take this opportunity to commend my colleague in the House, the gentleman from Missouri, Tom Curtis, for his outstanding work on this proposal, and equally, Senator Prouty, who has organized and led the concurrent effort in the Senate.

Mr. Speaker, the distinguished Senator from Vermont has prepared a fact sheet explaining the purpose and mechanics of this legislation. It would be helpful to Members who would like to know more about this commendable program to include that information at this point, and so it follows:

THE HUMAN INVESTMENT ACT OF 1965

(Revised version of S. 1130, first introduced by Senator Winston L. Prouty, Republican of Vermont, on Feb. 17, 1965.)

Purpose: "To provide an incentive to American business to invest in the improvement of the Nation's human resources by hiring, training, and employing presently unemployed workers lacking needed job skills, and by upgrading the job skills of and providing new job opportunities for workers presently employed."

Method: The act offers employers a tax credit toward certain expenses of programs designed to train prospective employees for jobs with the company or retrain current employees for more demanding jobs with the company.

Amount of tax credit: 7 percent of the allowable training expenses, with a maximum of $25,000 plus 25 percent of the taxpayer's tax liability in excess of $25,000. This credit would be in addition to credits provided for by other parts of the tax code.

Allowable employee training expenses:

1. Wages and salaries of employees who are apprentices in registered programs.
2. Wages and salaries of employees enrolled in on-the-job training projects under section 204 of the Manpower Development and Training Act of 1962.
3. Wages and salaries of employees participating in cooperative education programs involving alternate periods of work and study.
4. Tuition and course fees paid by the employer to colleges or business or trade schools for the training of employees and prospective employees.
5. Home study course fees paid by the employer to colleges or accredited correspondence schools for the training of employees and prospective employees.
6. Expenses to the taxpayer of organized group instruction, including classroom instruction, of employees and prospective employees, including instructors' salaries, books, equipment, etc., but not the salaries of trainees.

Other provisions:

1. Allowable expenses would have to be tax deductible under section 162 of the code, trade or business expenses.
2. To claim credit for training a given individual, that person would have to remain on the payroll for at least three months after completion of the training. Exceptions are made for death, disability, voluntary separation, and firing for cause.
3. The tax credit could be carried back 3 years and carried forward five years.
4. No credit would be allowed for the training of managerial, professional, or advanced scientific employees. The intent of the act is to encourage business to upgrade the skills of those at the bottom end of the skill and income ladder, not middle management or professional employees.

LOBBYING MOST DISTRESSING ASPECT OF SUGAR BILL

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Findley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the cost of the Sugar Act proposal which is now before the Committee on Rules is staggering—about $700 million a year above present world prices, or $3.5 billion for the 5-year term. This comes to about $14 premium a year for the average family of four, or $70 for the life of the legislation.

But an aspect of the proposal which is far more distressing than the cost to consumers is the influence of lobbyists.

In the first day's hearings of the Committee on Rules, the gentleman from Missouri [Mr. Bolling] asked some searching and proper questions. They arose from information I placed in my opposing views published as a part of the committee report. The information compared the country quotas allocated by the Committee on Agriculture with those requested by the administration.

The administration quotas were computed entirely on the history of deliveries of sugar to the United States in 1963 and 1964. Whether the base chosen was the best or not, at least it was a guideline which treated all on the same ground rules. The administration, can explain just how it arrived at individual country quotas and why.

Since the Committee on Agriculture came up with substantial changes, explanations are in order. Presumably, changes were not desired by the State Department so that makes full explanation all the more important.

Did lobbyists influence the details of the legislation, and particularly the country quotas, and if so, to what extent? That unpleasant question cannot be dodged, and the sooner applicable information is laid on the record, the better for all concerned. If the lobbyists were not influential this fact should be known, in order to clear away this cloud.

If the lobbyists were influential, the Congress take steps to eliminate future influence.

At this point it would be well to recall the questionable activities of two of the men presently registered as sugar lobbyists—John A. O'Donnell and Ernest Schein. They were both involved in a Senate investigation which showed, among other things, that O'Donnell had distributed to certain Members of Congress for campaign purposes thousands of dollars provided to him for that purpose by the Philippine Government. This sorry chapter is recorded in Congressional Quarterly Almanac of 1963 beginning on page 303.

Here are brief sketches of the foreign sugar lobbyists as published August 27, 1965 by Congressional Quarterly:

FOREIGN LOBBYISTS

Reports filed with the Justice Department under the Foreign Agents Registration Act, as summarized in the press, and registrations made under the 1946 Federal Regulation of Lobbying Act, as recorded by CQ, gave the following picture of lobbying by spokesmen for foreign governments and companies seeking larger sugar quotas. Lobbyists registrations mentioned below are those filed under the Federal Regulation of Lobbying Act. In some cases, the same firm registered several times for a client; the latest such registration is given.

HAITI

The Haitian American Sugar Co. was represented by James H. Rowe, Jr., of the Washington law firm of Corcoran, Foley, Youngman & Rowe. Both Rowe and the firm's senior partner, Thomas G. Corcoran, were said to be close friends and advisers of President Johnson. Rowe registered as a lobbyist for Haitian American March 23, 1962.

INDIA

India Sugar Mills Association of Calcutta was represented by the law firm of Dawson, Griffin, Pickens & Riddle, which registered as a lobbyist for the association June 30, 1964. Donald S. Dawson of the firm was a former Truman administration official. The firm's compensation for representing the association was listed as $20,000 a year, with a ceiling of $100,000 over the life of the revised Sugar Act.

AUSTRALIA

The Colonial Sugar Refining Co., Ltd., of Sydney, Australia, was represented by the law firm of Cleary, Gottlieb, Steen & Hamilton (of which Under Secretary of State George W. Ball was formerly a member); by Robert C. Barnard; and by ex-Representative Charles H. Brown, Democrat, of Missouri, 1957–61. Cleary, Gottlieb, Steen & Hamilton registered on several occasions as a lobbyist for Colonial, most recently August 16, 1965, when the firm stated that it represented the interests of the entire Australian sugar industry. Also on August 16, Barnard registered as a lobbyist for Cleary, Gottlieb, Steen & Hamilton, giving his legislative interest as "legislation affecting (the) Australian sugar industry." Ex-Representative Brown registered May 22, 1961, as a lobbyist for Colonial. Press reports said his compensation was $2,000 a month.

THAILAND

Representing Thailand was former Representative George M. Grant, Democrat, of Alabama, 1938–65. He was said to be receiving $1,500 to appear before the committee, plus $3,100 for other expenses.

VENEZUELA

Press reports said Charles Patrick Clark had agreed in June to represent Venezuelan interests for $50,000.

MEXICO

The law firm of former Secretary of Interior Oscar L. Chapman (1949–53) had, since 1955, represented the Union Nacional de Productores de Azucar, Mexico, for which it registered as a lobbyist January 31, 1955, and February 14, 1961. The firm, currently called Chapman, Friedman, Shea, Clubb & Duff, was said to have signed an agreement in 1961 under which it received $50,000 a year, plus 25 cents for each ton increase in Mexico's quota over the 1961 level, for its services. The contract was reportedly renewed in 1964 without the 25-cent contingency provision.

GUADELOUPE AND MARTINIQUE

The law firm of Surrey, Karasik, Gould & Greene registered August 16, 1965, as a lobbyist for Associated Sugar Producers of Guadeloupe and Martinique.

DOMINICAN REPUBLIC

Walter Sterling Surrey, of Surrey, Karasik, Gould & Greene, acted as counsel at the hearings to the South Puerto Rican Sugar Co., a U.S.-owned firm with large holdings of sugar in the Dominican Republic.

BRITISH WEST INDIES, BRITISH HONDURAS, ECUADOR, AND PANAMA

The law firm of Quinn & Quinn, June 3, 1965, registered as a lobbyist for sugar interests in several Latin American countries: British West Indies Sugar Association; Compania Azucarera Valdez, Ecuador; Azucarera Nacional, Panama; and Corozal Sugar Co., British Honduras. The firm's Arthur L. Quinn registered personally in 1962 for the British West Indies Sugar Association. Press reports said Quinn & Quinn was receiving $20,000 a year for representing the British West Indian sugar interests, $1,000 a month for the Ecuadorian, and $18,000 a year for the Panamanian.

PERU

Arnold Shaw, a Washington attorney, registered April 26, 1965, as a lobbyist for the Comite de Productores de Azucar, Lima, Peru, stating his compensation for 1965 for lobbying as $11,250. Press reports said he was to receive $15,000 a year overall from the Peruvian sugar interests when Sugar Act legislation was before Congress, and $7,500 in other years.

CENTRAL AMERICA

Press reports said Sheldon Kaplan and Rocco Sicilliano (who served as a personnel aid to President Eisenhower) had formed a Latin American Sugar Council in November 1962 to represent Costa Rica, Guatemala, Nicaragua, and El Salvador sugar interests, at $5,000 a year each, and Honduran sugar interests, at $2,500. CQ records showed that Kaplan registered as a lobbyist in 1960 for the Guatemala sugar producers.

BRAZIL

The firm of A. S. Nemir Associates reportedly was representing Brazilian sugar interests.

PHILIPPINES

John A. O'Donnell, a former member of the Philippine War Damage Commission (1947–51), registered February 17, 1965, as a lobbyist for the Philippine Sugar Association and the National Federation Sugar Cane Planters, Manila. O'Donnell's activities on behalf of Philippine war claims applicants were the subject of a congressional investigation in 1963. (1963 Almanac, p. 303.)

COLOMBIA

Ernest Schein, a former employee of the Philippine War Damage Commission and associate of O'Donnell, registered as a lobbyist May 21, 1962, for the Distribuidora de Azucares, Bogotá, Colombia. Press reports said Schein was receiving $15,000 a year to represent Colombian sugar interests. His name also figured in the 1963 congressional investigation involving O'Donnell.

SOUTHERN RHODESIA

The firm of Purcell and Nelson registered as a lobbyist March 20, 1964, for Sugar Sales Ltd., of Southern Rhodesia. Reports said the firm was receiving $5,000 from Rhodesian sugar interests to present their case.

TAIWAN

Robert L. Farrington, a former Agriculture Department official (solicitor, 1954–56; general counsel, 1956–59, among other jobs) registered May 8, 1964, as a lobbyist for the Chinese Government Procurement and Services Mission, Division for Taiwan Sugar Corp. Press reports said he was receiving $250 a month to represent Taiwanese sugar interests.

MAURITIUS

Washington lawyer James N. Earnest, registered as a lobbyist September 1, 1964, for the Mauritius Sugar Syndicate. Press reports said he was receiving 5,000 British pounds ($14,000).

SOUTH AFRICA

The law firm of Casey, Lane & Mittendorf registered as a lobbyist June 22, 1962, for the South African Sugar Association. In 1964 the firm reportedly received a fee of $24,000 from the association.

MADAGASCAR

Seymour S. Guthman registered as a lobbyist May 12, 1964, for the Syndicat des Distillateurs et Producteurs de Sucre de Madagascar, which was said to be paying him $625 a month.

ADDRESS OF MR. STANISLAW MIKOLAJCZYK

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, as we know, the situation in foreign affairs continues to deteriorate, in substantial part due to the failure of the Department of State and the President's foreign policy advisors to recognize the fundamental problems in Eastern Europe. This is especially tragic since there are outstanding exile leaders of the respective captive peoples of Eastern Europe who can properly advise the administration of true conditions within their countries.

One of these outstanding leaders is Mr. Stanislaw Mikolajczyk, chairman of the Polish Peasant Party and former Prime Minister of Poland. I enclose as a continuation of my remarks excerpts from his address before the annual Harvest Thanksgiving Day sponsored by the Alliance of Friends of the Polish Village in America, held in Chicago on September 5:

> I myself came from the part of Poland, which enjoyed a relatively higher standard of living—not, because peasants were in majority in this part of Poland, but, because of the advanced industrialization based on the processing of their own agricultural products. In this part of Poland the peasants were quickly adopting the new methods of production in agriculture, and therefore receiving better harvests from their soil, and higher income from their work in the village. In fact the rural population in that part of Poland was in the minority.
>
> The unfavorable climatic and poor soil conditions were overcome by the independ-

ent agricultural organizations and the cooperatives. Also we were helping ourselves by the wide territorial self-government. This is the way it was before the Second World War and this part of Poland is today still leading in the national agricultural production.

Can a citizen of today's Poland even dream about the just cutting of the national loaf of bread?

Certainly, not.

There are no free elections in Poland.

There are no independent agricultural organizations.

And the free territorial self-government does not exist any more.

The last elections in Poland, like the previous ones, were only a Communist comedy. The citizens did not have a right to elect or to choose, but only a right to vote for the Communist agents of Moscow, who were brought to Poland and imposed by Moscow on the Polish nation.

Not Poles, but the Communist agents are deciding about the cutting of the national loaf of bread. In addition, the Communists are using the work of Poles and the income of the Polish Nation to subsidize the Communist aggression against the peoples of the free world.

What is even worse, the Poles deprived of their freedom by the Moscow aggressors are forced to pay for the Communist poisoning of the younger generation and for the Godless education full of lies and immoral depravations.

Poles have to defend Cardinal Wyszynski, Polish clergy and the Catholic Church and help them in their fight against the communization of Poland.

We should increase our efforts, and intensify our fight for the just division of the nation's loaf of bread in Poland, because of the great injustice being committed against the Polish nation.

Today, however, we have to think in global terms. When the Communist aggression against the free world is constantly spreading, you in Chicago took a right stand in your resolutions on the Polish Peasant Day.

You supported in those resolutions the efforts of President Johnson to stop the Communist aggression against the free world—in Tibet where the people were deprived of their freedom and independence—in Vietnam, and in the Dominican Republic.

We wish the President, as we wish our brothers in Poland, that the efforts and sacrifices of the American people could bring as early as possible the expected results. We wish that out of this fight and sacrifices could also come a relief for our brothers in Poland. We wish that the will and determined fight for equal rights and freedom of all peoples, regardless of their color or origin will also include the Polish people.

We believe that the Polish nation celebrating a thousand years of its Christianity has the same right to independence and freedom as the nations of Far East and Africa, which justly obtained their independence in recent years.

Seventy years of the organized work of the Polish peasant movement is not only an enormous effort of our forefathers with Wincenty Witos as a leader at the top but long years of fight and work for the enlightenment and education in the civil rights of all the common people in Poland. This work has already paid good dividends: After the First World War—free and independent Poland with an access to the Baltic Sea; the acceptance of the first democratic constitution in 1921; the land reform; the establishment and the organization of the state administration are just a few examples.

This education and tradition have guided us in our fight against the Nazis during World War II, and it helped us very much in the fight against the new Communist occupants of Poland after the war.

The most important result of those 70 years of work and fight of the Polish peasant movement is the fact that out of all the nations behind the Iron Curtain, Poland has today the smallest percentage of the land in the Communist collectives, and Communists have most troubles in their efforts to communize the Polish villages. The few existing Kolchozes in Poland were liquidated by the Polish peasants immediately after Stalin's death.

The ideals of the Polish peasant movement are so deeply rooted in the souls and hearts of the people of Poland, that even the long years of the occupation by the enemy were unable to destroy them.

This is the most important heritage of the Polish peasant movement in its 70 years of work and fight.

We believe that in this heritage lies the power, which in the future will bring to Poland the just cutting of the nations loaf of bread. Today this heritage forms the base for the great drive of the Polish people toward freedom and independence.

There is no doubt that the Polish nation meets already today all the requirements to qualify her for help from the great free nations of the world in their struggle for independence and freedom.

Mr. Speaker, Mr. Mikolajczyk's address was delivered to leaders of Albania, Bulgaria, Czechoslovakia, Lithuania, Serbia, and Ukraine peasant movements who likewise with great authenticity speak for their oppressed brethren held in bondage by the Communist colonial dictatorships. It is my hope that their words and observations will receive more respect and review from our foreign diplomats than they have heretofore.

SPECIAL ORDER GRANTED

Mr. GROSS. Mr. Speaker, in view of the remarks of the distinguished majority leader, I ask unanimous consent that after completion of the legislative business of the day and special orders previously entered, I be permitted to address the House for 1 hour on December 24, 1965.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MEMORIAL TO FORMER SENATOR ELBERT THOMAS

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. PEPPER. Mr. Speaker, because of my great affection and regard for former Senator Elbert Thomas I would like to insert in body of the RECORD a copy of a letter I recently wrote his son on the passing of the Senator, and an article from the Washington Post on his death.

SEPTEMBER 21, 1965.

Mr. W. S. THOMAS,
Lawton, Okla.

DEAR MR. THOMAS: Your loss of your great father and our cherished friend and neighbor for so long in Washington saddened Mrs. Pepper and me very much. I was not only the colleague of your father in the Senate but Mrs. Pepper and I were warm friends of Senator and Mrs. Thomas. Your father was a great statesman, a dedicated American, a devoted public servant, a gracious and charming gentleman.

Mrs. Pepper and I shall ever cherish the memory of our happy associations and friendship with the Senator and Mrs. Thomas. Please extend to the other members of your family our deepest sympathy.

Believe me,

Always sincerely,

CLAUDE PEPPER,
Member of Congress.

[From the Washington (D.C.) Post, Sept. 20, 1965]

ELMER THOMAS DIES, 24 YEARS A SENATOR

Former U.S. Senator Elmer Thomas, 89, a Member of Congress for 28 years, died yesterday in a Lawton, Okla., hospital after surgery.

The lifelong Democrat represented Oklahoma in the Senate for 24 years until his defeat in the 1950 primary by Senator MIKE MONRONEY, Democrat, of Oklahoma.

After losing his last senatorial campaign, Mr. Thomas practiced law in Washington until he returned to Oklahoma with his wife in 1957. He once explained why he stayed in Washington even though he was no longer a Senator.

"I'm a bit like a prizefighter—it takes a little time to cool him off before he goes home."

But Mr. Thomas never visited the Senate Chamber where he spent so many years.

"In my time," he said, "I saw so many former Senators hanging around lobbying and asking favors, that it disgusted me."

During his last years in Washington, Mr. Thomas spent much of his time writing three books—"Financial Engineering," "Forty Years a Legislator," and "Legislative History of the Atom Bomb."

He was recognized as an authority on financial affairs, Indian legislation, agriculture, and oil while he was in the Senate.

During the New Deal he was a strong supporter of inflating the currency and making silver legal tender.

"We have taken 43 cents of value out of the dollar during this (the Roosevelt) administration," he said in 1935. "We have got to further cheapen the dollar before we have prosperity."

Mr. Thomas served for many years as chairman of the Senate Agriculture Committee.

Before entering the Senate in 1927, he represented Oklahoma's Sixth District in the House.

Mr. Thomas is survived by a son, W. S. Thomas, of Lawton, and three grandchildren.

INTERAMA—H.R. 30

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. PEPPER. Mr. Speaker, in the debate on H.R. 30 in the House on September 22 I inadvertently failed to comment on the absence from H.R. 30 as amended by the House Foreign Affairs Committee, of the provisions of my H.R. 30 as originally introduced relative to the applicability of the Bacon-Davis Act, as amended (40 U.S.C., sec. 276a–276a–5). I am informed the reason those provisions were deleted from H.R. 30 as amended by the House Foreign Affairs Committee was that the provisions of the Bacon-Davis Act would apply to any contract for the construction, repair, or rehabilitation of any exhibit by the United States under H.R. 30 without specific reference thereto being made in H.R. 30.

I wish it definitely understood that I am speaking by the authority of the chairman of the board of trustees of the Inter-American Cultural and Trade Center, the State agency which is the legal authority for the operation of the center, that it commits itself, insofar as it may have legal authority in the matter, to see to it that the Bacon-Davis Act does apply to any construction, repair, or rehabilitation in the center under H.R. 30 as amended.

I am further authorized by the chairman of the Inter-American Cultural and Trade Center Authority to state that the authority commits itself to apply the principles of the Davis-Bacon Act to all construction, repairs, or rehabilitation done by the authority at the center with the use of any funds obtained as a loan from the Community Facilities Administration, an agency of the United States; and agrees to the inclusion of a provision to that effect in the formal agreement evidencing the loan of the Community Facilities Administration to the Inter-American Cultural and Trade Center Authority in respect to any construction, repairs, or rehabilitation upon the center premises.

CEASE-FIRE IN KASHMIR

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. PEPPER. Mr. Speaker, the people of the world have breathed a prayer of gratitude to the United Nations for bringing about a cease-fire in the enlarging war between India and Pakistan in which Communist China was threatening to take a part. All honor and tribute to our great President to whom the principal credit for this mighty achievement is due and to the United Nations which brought it about.

These two great countries of India and Pakistan, like all countries, cannot afford the cost of war in treasure not to speak of the priceless assets of human life. Already it is reported that in the war thus far each country has spent enough to build a great steel mill—enough to furnish needed food for millions of hungry people and a better life for countless numbers. It is the earnest hope of the world that the United Nations will continue its good offices until there shall be a fair and honorable settlement of the controversy respecting Kashmir between these two great states.

But aside from the termination of the hostilities between India and Pakistan three other great events have emerged from this episode:

First. The resurgence of the power and authority of the United Nations as the peacekeeping organ of the world—a high in the experience of the United Nations dramatically following the saddening low which only a little while ago brought so much concern to the hearts of the peace-loving people of the world.

Second. The cooperation of the United States and the Soviet Union through the United Nations in terminating this tragic and dangerous war—a momentous example of what these two great countries can do in keeping the peace of the world if they will work together as it was intended they should do when the United Nations was formed.

Third. The setback to the aggressive designs of Communist China against India, and after India vast areas beyond, through the strong voice of the United Nations supported in unity and determination by the United States and the Soviet Union—indeed by the great powers which assumed the obligation to work together in the inception of the United Nations.

Mr. Speaker, let us hope that upon the foundation of this meaningful achievement the edifice of the United Nations shall rise to greater and greater majesty as the instrument of peace, justice, and the promotion of human welfare and dignity in the world.

And let us hope most fervidly, Mr. Speaker, that the Soviet Union will see in this experience the reward of working for peace in the world with the United States and the other peaceloving powers and will in the future dedicate itself to following that course. For if the United States and the Soviet Union with their great might and power will honorably and earnestly work together for the peace and the betterment of mankind, of course with the cooperation of most of the other nations of the world anxious for such a course they can stop war, reduce the danger of a nuclear holocaust, bring about disarmament to the point where no nation shall longer be a dangerous aggressor, and lift all mankind to walk on higher ground than its feet have ever trod.

AIR POLLUTION AND ENVIRONMENTAL HEALTH

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SCHEUER. Mr. Speaker, contamination of the environment is now widely recognized as one of the most important problems of our age. Hardly a day passes when the mass media do not carry news about how air and water pollution affects environmental health.

People in New York City are concerned about the exacerbation of the New York City water crisis by the pollution of the Hudson River. City Councilman Robert Low's important hearings feature the report by Dr. Leonard Greenberg of the Albert Einstein College of Medicine on the deleterious effects of air pollution. The New York State Department of Health reported that:

> The evidence that air pollution contributes to the pathogenesis of chronic respiratory diseases is overwhelming.

These include emphysema, bronchitis, and asthma, although the exact pollutants causing these conditions are unknown. The emphysema rate alone has jumped 400 percent in the last decade. Dr. Frank Rosen, of Maplewood, N.J., has spoken often of the increasing number of Americans affected by allergies.

My district, along with every major metropolitan area throughout the world, is faced with a serious air and water pollution problem.

The scientific problems are complex and require intensive research. Pollution is an inevitable byproduct of our increasingly industrialized society. There are no simple solutions, no panaceas, no magic formulas.

This worldwide environmental health problem demands the attention of all our citizens. It must be attacked by both physical and social science. Biologists, biochemists, physicists, physicians, and sanitary engineers must cooperate with political scientists and communication specialists to find realistic, practical and comprehensive answers to the problems posed by the contamination of our environment.

There is an increasing need to keep informed of the major developments occurring daily in this field. The New York Times in particular should be commended for its excellent, overall coverage of pollution news. Reporters Gladwin Hill and Walter Sullivan have done a remarkable job in giving the public a broad view of developments in this area. But even the New York Times cannot publish all the news needed by the scientific community and I am happy to note that the Environmental Bulletin, a promising new publication, will soon be giving a biweekly review of news and developments in the field of pollution control and environmental health. This will be helpful to both the experts in the scientific community and to those of us in Government who are deeply concerned with this problem.

JOINT STATEMENT OF PRESIDENT OF THE UNITED STATES AND PRESIDENT OF PANAMA ON AREAS OF AGREEMENT REACHED IN CURRENT TREATY NEGOTIATIONS

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I note with great pleasure and a deep sense of pride, that the United States and Panama have just issued a joint announcement covering areas of agreement which have been reached in the current treaty negotiations. This announcement represents a major step toward the fulfillment of a pledge made by President Johnson in a statement on December 18, 1964. In his remarks the President announced two bold yet prudent decisions regarding the Panama Canal. He said in effect that the United States should press forward, with Panama and other interested governments, in plans and preparations for a sea level canal in this area. The President's second decision was to propose to the Government of Panama the negotiation of an entirely new treaty on the existing Panama Canal.

In order to meet these needs of the future, negotiations between the United States and Panama have been proceeding in a climate of friendship and mutual regard.

In this joint statement of progress the two countries clearly recognize their mutual responsibility for the effective operation and defense of the existing Panama Canal and any new canal which may be constructed in the future.

I heartily endorse these substantive agreements that have been reached so far by the United States and Panama and I look forward with confidence to the new treaties which will benefit the welfare of the hemisphere and provide for the protection and the promotion of peaceful world trade.

THE ANSWERS TO QUESTIONS ASKED ABOUT HOME RULE

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MULTER. Mr. Speaker, in the staff synopsis forwarded to our colleagues by the chairman of the House District Committee are 65 questions, reproduced on pages 68 to 71 of that document, which were propounded during the course of the hearing in the other body on S. 268 and S. 1118, the latter being the bill passed by the Senate.

It should be borne in mind that the questions were propounded with reference to the bills pending before the Senate and not with reference to the bill as passed by the Senate. They are further outdated by the introduction on Wednesday, September 22, of H.R. 11218 which I will offer as a substitute when the home rule bill is read for amendment.

Since some of our colleagues may nevertheless be interested in the answers to those questions we have every right to expect that the answers would be set forth in the staff synopsis together with the questions so as to avoid the inference that these questions were left unanswered. The questions were fully and completely answered and appear in the record of the printed hearings at pages 300 to 321 thereof. Copies of the printed record are available.

In order to expedite access thereto I am pleased to set forth the answers to those questions exactly as they appear in the printed record of the hearings, as follows:

GOVERNMENT OF THE DISTRICT
OF COLUMBIA, EXECUTIVE OFFICE,
Washington, D.C., March 23, 1965.

Hon. ALAN BIBLE,
Chairman, Committee on the District of Columbia, U.S. Senate, Washington, D.C.

DEAR SENATOR BIBLE: Reference is made to your letter dated March 11, 1965, enclosing a copy of questions presented to the committee by Senator WINSTON PROUTY regarding S. 1118, the home rule bill.

In accordance with the committee's request, I enclose a statement setting forth our views regarding each of the questions. These views have been discussed in detail with representatives of the Bureau of the Budget and are consistent with the views of the administration.

Sincerely yours,
WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

1. On page 7, line 12, "publish" is defined.

Question. Wouldn't it be wise to define "publish" so that one newspaper is not rewarded with all the District's legal notices?

Answer. Except where competitive bids are required for the more expensive advertisements, any possibility of one newspaper acquiring a monopoly of the District's legal notices is avoided by the rotating of the placement of notices on the basis of dollar volume. At the discretion of the District Council, this policy may be continued. A specific statement on this point in S. 1118 is neither necessary nor desirable.

Question. Why not require publication in two or more newspapers of general circulation or by radio or television, as is done in some Western States?

Answer. The definition is broad enough to permit publication in two or more newspapers successively. Regarding the use of radio and TV as a means of serving public notice, each of these media has disadvantages. A facsimile ballot, for example, cannot be transmitted by radio; extensive texts cannot effectively be presented over either radio or TV. Both media have in the past given wide publicity to civic events in spot announcements and regular programs of 15 to 30 minutes' duration. The legal community, however, has not come to rely on either radio or TV for the detailed printed information it needs. In any event, the reference to newspapers in a definition of "publication" would not appear to be a bar to the use of other news media in those specific instances where such use would prove to be more effective.

1. On page 8, beginning with line 5, the status of the District after enactment is set out. Included in the discussion of status is this sentence: "The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to said District." Now a decision construing that section, *United States ex rel. Daly* v. *Macfarland,* 28 App. D.C. 552, pointed out that the District was to possess no sovereign or legislative power. Clearly, it is not the intent of the framers of the bill to include that interpretation of section 2 of the Revised Statutes of the District of Columbia when the section is incorporated by reference into the charter.

Question. What description of the District's sovereign and legislative powers would you suggest including instead?

How should this section of the bill be amended?

Answer. The act of February 21, 1871 (16 Stat. 419), provided for a Governor, a secretary, a board of public works, and a legislative assembly for the District. The first section of that act provided—

"* * * That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this Act."

The act approved June 20, 1874 (18 Stat. 116), repealed provisions of law relating to the government established by the act of 1871 and established a temporary commission form of government.

The Revised Statutes of the District of Columbia was a codification of District of Columbia laws, restating provision of the act of 1871 which created the territorial form of government. This revision was in preparation over a considerable period of time, and carries the legend "Approved June 22, 1874."

The paradoxical situation of Congress on June 20, 1874, repealing the territorial form of government, and on June 22, 1874, recreating that territorial form, is clarified by the Supreme Court decision, *District of Columbia* v. *Thompson,* 346 U.S. 100 at page 110, where, in footnote 7, the Court said:

"Although the compilation of these statutes carries the notation 'Approved June 22, 1874,' it appears that the President actually approved the bill on June 20, 1874. See House Journal, 43d Congress, 1st sess., pp. 1286–1287."

Section 2 of the Revised Statutes provided:

"The District is created a government by the name of the District of Columbia, by which name it is constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this title."

It is clear that on June 20, 1874, by the two enactments of that date, Congress abolished the territorial form of government for the District of Columbia, but retained the corporate shell of a municipal corporation, thus making it possible for Congress to provide another form of government.

Thus, by the act of June 20, 1874 (18 Stat. 116), Congress provided a temporary commission form of government for the municipal corporation. By the act of June 11, 1878 (20 Stat. 102), established the commission form of government on a permanent basis.

S. 1118, if enacted, would again change the form of the government of the District of Columbia. The draftsmen of the bill felt it necessary to preserve and continue the status of the District of Columbia as a municipal corporation, established by section 2 of the Revised Statutes.

Question 2 implies that the bill should constitute the District of Columbia as a separate sovereignty. This is beyond the power of the Congress. Article 1, section 8, clause 17, of the Constitution provides that the Congress shall have power * * * To exercise exclusive legislation in all cases whatsoever, over * * * the seat of the Government of the United States * * *."

On the matter of sovereignty within the geographical area known as the District of Columbia, attention is called to *Metropolitan Railroad Company* v. *District of Columbia,* 132 U.S. 1, at pages 3 and 9, reading as follows:

"1. The first question, therefore, will be, whether the Disirct of Columbia is, or is not, a municipal body merely, or whether it has such a sovereign character, or is so idenfied with or representative of the sovereignty of the United States as to be entitled to the prerogatives and exemptions of sovereignty."

* * * * *

"It is undoubtedly true that the District of Columbia is a separate political community in a certain sense, and in that sense may be called a State; but the sovereign power of this qualified State is not lodged in the corporation of the District of Columbia, but in the Government of the United States. Its supreme legislative body is Congress. The subordinate legislative powers of a municipal character which have been or may be lodged in the city corporations, or in the District corporation, do not make those bodies sovereign. Crimes committed in the District are not crimes against the District, but against the United States. Therefore, whilst the District may, in a sense, be called a State, it is such in a very qualified sense * * *."

The fact that the bill would change the form of the government of the District does not alter its status as a municipal corporation. It was pointed out in *Barnes* v. *District of Columbia*, 91 U.S. 540, at page 544–554, that:

"A municipal corporation, in the exercise of all its duties, including those most strictly local or internal, is but a department of the State. The Legislature may give it all the powers such a being is capable of receiving, making it a miniature State within its locality. Again, it may strip it of every power, leaving it a corporation in name only; and it may create and recreate these changes as often as it chooses, or it may itself exercise directly within the locality any or all the powers usually committed to a municipality. We do not regard its acts as sometimes those of an agency of the State, and at others those of a municipality, but that, its character and nature remaining at all times the same, it is great or small according as the Legislature shall extend or contract the sphere of its action."

The District of Columbia does not have, and cannot be given, sovereign power unless the Constitution be amended. Therefore, no suggestion for amending section 201 is offered.

3. On page 9, commencing with line 9, there is provided a council of 15 members from 15 different wards. There is no guarantee whatsoever that there will be two-party representation in the council.

Question. Do you see any need for a two-party system in the District and how would you amend this bill, if at all, to guarantee two-party participation?

Answer. A two-party system in the District of Columbia is desirable. However, two-party participation in the government cannot be legislated. You can only legislate to provide every opportunity for two-party representation. Therefore, specific provision guaranteeing two-party representation would be inappropriate.

Question. What would be your reaction to providing for a five-ward system with five persons elected from each ward, no more than four of whom would be of the same party?

Answer. At least one councilman of the proposed five elected from each ward to be a different party has some merit in that the 4-to-1 representation roughly equates the present registration ratio of the two major national parties in the District of Columbia. However, if this registration should change to, say, 9 to 1, the situation may result in having one-fifth of the council represent only one-tenth of the registered voters. Consequently, the language of section 301 of S. 1118, as presently written, is preferred.

4. On page 9, line 22, restrictions are put on those desirous of becoming members of the council. They cannot hold other elective public office or an appointive position paid for out of District of Columbia funds. "Appointive" here is not defined.

Question. It would not mean one holding a District government position as an employee under a civil service or merit system, would it?

Answer. All employees of the District government, including members of the Board of Commissioners, hold appointive offices. Therefore, District of Columbia employees, including those holding District positions under a civil service or merit system, would not be eligible for membership on the District Council under present terms of section 302 of S. 1118. This section does not prohibit any such person from standing for election to the council, but if elected, resignation from the appointive office held would be mandatory.

Question. Could a member of the President's Cabinet with the proper residence and voting qualifications be a member of the council?

Answer. Yes, but it is understood that he could not remain a member of the President's Cabinet if he also held such a local office.

Question. Could the head of any of the independent regulatory agencies also hold membership on the city council?

Answer. Yes; but it is understood that he could not remain head of the independent regulatory agency if he also held such a local office.

It would seem to me that any nonelected Federal official who met the residence and voting requirements might also be a member of the city council; additionally, any District or Columbia government employee who didn't hold an appointive office could also be on the city council.

Question. Because the new city government and the Federal Government are both competing and concurrent sovereigns wouldn't this arrangement open up grave questions of ethics and loyalty between masters?

Answer. The question presented contemplates that the Federal and District Governments are "competing and concurrent sovereigns" and that such an arrangement could open up questions of ethics and loyalty between masters. This is an erroneous assumption. The District government is not a sovereign. The only sovereign in the District is the Federal Government. See answer to question 2 preceding. Also, it is to be noted that District employees cannot serve on the council.

5. Each member of the council, except the chairman, is to get $9,000 per year; yet he can also be a District or Federal employee. If public employees are excluded from membership on the council a large segment of the city's population will be made ineligible for participation. (It is estimated that 213,000 out of a total of 803,000 residents are public employees.)

Question. Should the council be available for moonlighting by those already on public salary?

Answer. Yes; if they can do so without detriment to their jobs. The District council should not be deprived of their reservoir of talent. However, District employees could not serve in view of the provisions of section 302.

Question. Would you recommend that public employees participating as council members have their compensation reduced by their salary from public funds? See section 903 on bottom of page 76 and top of page 77.

Answer. No; because it is assumed that their council work would not be detrimental to their performance as public employees.

6. How do these council salaries compare with the salaries paid persons in similar capacities in cities of comparable size?

Salaries of councilmen in cities with 500,000 or more population

Name of city	1960 population (in thousands)	City council	
		Number of members	Annual salary
New York City	7,782	35	$10,000
Chicago, Ill	3,550	50	8,000
Los Angeles, Calif	2,479	15	12,000
Philadelphia, Pa	2,003	17	5,000
Detroit, Mich	1,670	9	12,000
Baltimore, Md	939	21	6,500
Houston, Tex	938	9	3,600
Cleveland, Ohio	876	33	5,000
Washington, D.C	763	--------	--------
St. Louis, Mo	750	29	5,000
Milwaukee, Wis	741	20	9,000
San Francisco, Calif	740	11	4,800
Boston, Mass	697	9	5,000
Dallas, Tex	679	9	1,040
New Orleans, La	627	7	10,000
Pittsburgh, Pa	604	9	--------
San Antonio, Tex	[1] 587	9	1,040
San Diego, Calif	573	7	5,000
Seattle, Wash	557	9	10,000
Buffalo, N.Y	532	15	8,500
Cincinnati, Ohio	502	9	8,000

[1] City manager form.

Source: The Municipal Yearbook, 1964, pp. 92–93.

7. Question. Should some limit be placed on the so-called additional allowances for expenses available for the Council's use on its own motion?

Answer. See answer to No. 38.

8. On page 11, beginning on line 5, the Board of Commissioners is abolished, and all provisions of law relating to the Board or the individual Commissioners and their assistants are repealed.

Question. What happens to the employees of the Board and the individual Commissioners and their assistants? What job security and protection are provided for them?

It is my reading of section 1001(c), appearing on pages 78 and 79 that the new city government is under no obligation to keep them. Technically, they are transferred to the Council along with the property, records, and unappropriated funds but the Council can fire them if they find them unnecessary to the performance of Council functions.

What appeals procedures are open to them? Section 1001(d) implies that their civil service status is protected only if they are transferred to other jobs but is not protected when they are fired.

Answer. Employees transferred to the Council who have civil service status prior to transfer, would retain their civil service status, rights, and protections after transfer. As to the individual Commissioners, no job protection is specified for them. However, since the Commissioners are appointed by the President with the advice and consent of the Senate, it does not seem justified that such a law as is proposed in S. 1118 should furnish protection to Presidential appointees. As to employees separated after transfer to the Council, such employees would retain all protection now held by them by virtue of section 402(4) of the bill (including such appeal rights to the U.S. Civil Service Commission as they now have if fired), or would be given coverage under a system provided for by the proposed Council.

9. Section 321(b) on page 11 reads like the 10th Amendment to the U.S. Constitution. All the powers of the former Board of Commissioners not specifically conferred on the Mayor are reserved to the Council. One of the powers specifically conferred on the Mayor appears on page 30, line 17, to-wit: "He is authorized to issue and enforce such administrative orders, not inconsistent with any act of the Congress or any act of the Council, as are necessary to carry out his functions and duties." Read these two pro-

visions together and all that is said is the Council can do everything the Board of Commissioners did that the Mayor isn't delegated and the Mayor can do everything the Board could do that the Council isn't delegated. But with few exceptions there is nowhere in the bill a clear delineation of responsibilities belonging to the Council and a delineation of responsibilities belonging to the Mayor.

Question. What amendment would you offer to prevent a vacuum of power or a stalemate of power between the Mayor and Council?

Answer. The bill clearly gives to the Council the legislative power and to the Mayor the executive function. Amendments are not believed necessary.

10. Section 322, on page 11, calls for the abolishment of the Board of Education and gives the Council the power to exercise its function in such manner and with such persons as it sees fit.

Question. What becomes of the employees of the Board?

Answer. The status of the employees of the Board of Education is covered under section 402(3) of S. 1118, which reads in part:

"* * * The officers and employees of each agency with respect to which legislative power is delegated by this act and which, immediately prior to the effective date of this section, was not subject to the administrative control of the Board of Commisioners of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system or systems based on merit, pursuant to section 402(4)."

Question. Do they get the same summary treatment as the employees of the Board of Commissioners?

Answer. Employees of the Board of Commissioners would not be given "summary treatment" under S. 1118. Section 402(4) provides that the District merit system to be established by legislation of the Council "shall provide for persons employed by the District government immediately preceding the effective date of such system or systems personnel benefits, including but not limited to pay, tenure, leave, retirement, health, and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress and applicable to such officers and employees immediately prior to the effective date of the system or systems established pursuant to this act."

Section 1001(a) provides for transfer of personnel from abolished agencies to the agencies succeeding to their functions.

Section 1001(c) specifies procedures for retransferring "excess" personnel to other positions in the District or Federal Governments or for separation from the service.

Question. Are no standards to be imposed for the exercise of the functions now held by the Board?

Answer. Such standards as are now prescribed in existing law remain unchanged. Decisions as to new or additional standards should be left to the judgment of the Council and the Mayor. Under present law a Board member has to be a resident of the District for 5 years preceding appointment to the Board.

Question. Under this bill the Council could appoint someone to the Board who had just that day moved into the District; could it not?

Answer. It is possible but highly improbable. In any event, it is intended that this be decided by the Council.

One-third of the Board members now are women.

Question. Is there no requirement to continue this practice in the bill?

Answer. There is no such requirement in the bill. However, if and when the Mayor and Council set up a new "education agency," there is nothing to preclude them from prescribing specific qualifications for its members such as residency or sex.

Question. In fact, the Council is not even required to appoint a new Board, is it?

Answer. No, it is not.

Question. It could perform those functions forever under this bill, couldn't it?

Answer. Yes, it could, but it is improbable that it would.

Question. What would become of the Superintendent who held office on the effective date of this section?

Answer. He would be retained under section 402(3), although the Council could remove him in accordance with applicable law. (Sec. 31-108, District of Columbia Code.)

Question. If no new Board of Education were created, but its functions were instead delegated to some third body what would happen to all the laws and regulations dependent upon the existence of a Board of Education? (Secs. 31-105 et seq. of the District of Columbia Code.)

Answer. The problem is adequately taken care of by section 1002, continuing in effect statutes and regulations (and "other actions") after functions are transferred and relating references to the abolished agency to the agency to which the functions are transferred.

11. Section 322(a)(2) at page 12 abolishes the Zoning Commission and transfers its functions to the Council. Now under existing law the Architect of the Capitol and the Director of the National Park Service sit with the Commissioners.

Question. If this Commission is abolished, what assurances can you give me that the interests of the Federal Government in the beauty and livability of this Federal District will be adequately represented and protected in the exercise of these important functions?

Answer. The Federal interest would be protected through the development of the comprehensive plan by the National Capital Planning Commission—a Federal agency. The comprehensive plan includes zoning and land uses. Also, nothing would preclude the mayor from appointing the Architects of the Capitol and the Director of National Capital Parks to any agency to which the functions of the abolished Zoning Commission might be delegated.

In addition, section 337(a), prescribing procedure for zoning acts, requires submission of each act to the Planning Commission. Should the Council, after receiving recommendations from the Planning Commission, act contrary thereto, the act could be vetoed by the President if he felt the Federal interest would be adversely affected.

12. Likewise, section 322(a)(3) diminishes the Federal representation on Boards having power over Federal interests. This section turns the power of appointment to the Armory Board over to the mayor. Presently, the Congress, operating through its District Committee, has the power to appoint the third member to the Armory Board; the bill would take Federal representation away, leaving it to the mayor's discretion whether or not the Federal interest was represented.

Question. How can the Federal Government be expected to retain an enlightened concurrent interest in the conduct of affairs in the District if it is to be so carefully excluded from its current offices jointly held with local authorities?

Answer. The Federal Government is not excluded from holding office on the new Armory Board. The bill merely does not specify its representative as a member of any such new agency. The mayor and council could request the Commanding General of the National Guard or any other Federal official to serve on the new agency.

Section 2-1705, District of Columbia Code requires the setting aside for the exclusive use of the militia of parts of the Armory, which shall be under the control of the Commanding General, District of Columbia National Guard. The section also provides that the drill hall and parts of the Armory not set aside for the exclusive use of the militia shall be available to the militia under schedules for joint use made by the Armory Board so as to carry out the intent of the act. The District National Guard is under the control of the President and is a Federal agency. (*O'Toole* v. *U.S.*, 206 F. 2d 913.)

13. Again in subparagraph 5 of section 322(a) the Federal participation is extinguished. The Redevelopment Land Agency presently has five members: two appointed by the President and three appointed by the Board of Commissioners. All five were to be appointed with the advice and consent of the Senate. Now this bill eliminates the President's influence entirely, gives the mayor the right of appointment over all five and eliminates the Senate's role of advice and consent.

Question. What power would the Federal Government have to control the redevelopment of the Capitol Hill area?

Question. Since the Federal Government is the largest property holder in the District shouldn't some means be provided for protection of its interests in the redevelopment field?

Question. Is the Federal Government reduced to appearing at public hearings as just another constituent of the District Government?

Answer. The National Capital Planning Commission, a Federal agency, is vested with the authority both to designate redevelopment project boundaries and to adopt redevelopment plans (5 D.C. Code 705(b) (1) and (2)). Therefore, RLA could not unilaterally undertake redevelopment without Federal approval of the Capital Hill area or any other area of the District. Moreover, the President could veto approval action by the Council (required by HHFA) respecting any redevelopment project. Therefore, the allegation that the President's influence is eliminated entirely is incorrect. Finally, action of Congress could nullify any such proposed redevelopment.

14. This same section transferring the entire Redevelopment Land Agency to the District keeps intact some of the guidelines for appointment to the Agency that appear in the present law. Namely, the appointee must have residence in the District and three of them shall have been engaged in private industry, business, and practice.

Question. Why impose guidelines for appointments to the RLA on the mayor and impose no guidelines for transfer of the functions of the Board of Education on the Council?

Is urban renewal somehow a more sensitive area than education?

Answer. The Redevelopment Land Agency is a Government corporation. However, it does carry on what is essentially a municipal function. Therefore, it was deemed desirable to bring it more closely under the District government. However, as a corporation, it could not be abolished and transferred without doing damage to its fiscal structure and casting a shadow on its outstanding obligations. Therefore, it was transferred intact as a corporation to the District government and its management changed by providing for all appointments by the mayor. This is comparable to practice in most cities where the redevelopment agency is generally a Government corporation with its board appointed by the mayor by and with the advice and consent of the city council.

This was not the case with the Board of Education. There abolition and transfer of functions will enable the new government to organize the educational function along lines consonant with best current municipal practice.

15. Subparagraph 6 of section 322(a) abolishes the Public Service Commission, the Recreation Board, the Board of Zoning Adjustment and the Zoning Advisory Council; all their functions are transferred to the Council. Let's take a look at the Federal interest with respect to each of these.

The Public Service Commission now consists of three members, all, in effect, appointed by the President. The Federal Government is far and away the largest user of utility services in the District. Yet, Federal participation on this Commission is totally eliminated unless the District Council later sees fit to invite participation.

Question. Is my understanding correct, that the Federal Government's interest in utility service and rates can only be protected by attendance as a constituent at public hearings, if any, are held by the successor to the Public Services Commission, or by congressional legislation or Presidential veto?

Do you think it is fitting for the National Government to be reduced to the role of constituent in utility rate proceedings?

Should the only ultimate Federal remedy be the assumption of the rate regulation functions through congressional action?

Answer. The Federal Government's only connection with the Public Service Commission is through the appointment process. However, neither the Engineer Commission nor the two public members appointed directly to the Commission by the President are there as representatives of the Federal Government. Their function is to regulate services and charges to the optimum interest of both the utilities and the consumers, the latter of which includes the Federal Government. Similarly, before Federal and State regulatory bodies the Federal Government appears as a consumer, albeit frequently the largest single consumer, but without any special status. This legislation would not change the existing relationship between the Federal Government and the Public Service Commission or such successor organization as might be established under the home rule legislation.

The Recreation Board presently has representatives from the Board of Education (which is abolished by this bill and not otherwise provided for), and the Superintendent of National Capital Parks, ex officio, representing the interests of the National Capital Region of the National Park Service. It is particularly important to have Federal representation on the Recreation Board to act as liaison with Federal officials of the National Capital Planning Commission, who, acting as a body under title I of the District of Columbia Code, section 1012, determine the Federal participation in land acquisition and development for parks for the National Capital area. Under that section the National Capital Planning Commission may, in its discretion, turn control of some of the park land over to the District for playground areas.

Question. What happens when this liaison is eliminated?

What happens to park planning and development for the District?

Does the new government have the power to acquire and develop park land and recreational facilities?

Or, will park land acquisition and development still be up to the National Capital Planning Commission? I note that the NCPC is not abolished by this bill if enacted.

Does that mean that all its power over District affairs that it now exercises it will retain?

Can you foresee any conflicting or competing functions of the National Capital Planning Commission and the new government?

Who will be in charge of the overall parks and recreation planning for the District?

Answer. The Recreation Board is abolished and its functions transferred to the council. It is reasonable to assume that the council in providing for carrying out the functions now carried on by the Commission will recognize the need for liaison with the Park Service and the National Capital Planning Commission with respect to parks and recreation, even as it will have a variety of functions where close coordination with Federal agencies is obviously necessary. There is no agency presently with overall responsibility for park and recreation planning. However, these functions are coordinated under a Technical Coordinating Committee in which various Federal and District agencies participate. The new government would, of course, have authority to acquire and develop parks and recreational facilities even as does the present government.

Without dwelling too long on the role of the National Capital Planning Commission let me clarify one area. This agency is left essentially intact by this bill, isn't it? And, it is charged with very broad authority in municipal affairs, isn't it? For example, it is charged with "preparing and adopting a comprehensive, consistent, and coordinated plan" which "shall include * * * recommendations or proposals for Federal and District developments or projects in the environs" and may deal with, among other things the general location, arrangement, character, and extent of highways, streets, bridges, viaducts, subways, major thoroughfares, and other facilities for handling traffic; parks, parkways, and recreation areas, and the facilities for their development and use; public buildings and structures including monuments and memorials, public reservations or property, such as airports and parking areas, institutions and open spaces; land use, zoning and the density or distribution of population; public utilities and services for the transportation of people and goods or the supply of community facilities, etc." (40 U.S.C., sec. 71c(b)). Additionally, it recommends 6-year public works projects and amendments to the zoning code, and reviews changes or additions to the regulations dealing with the platting or subdivision of the land as are submitted to it by the District government. Its work is supported with appropriations out of the Federal Treasury. It is empowered to buy lands for park purposes; it can lease land; the District government must get the approval of the Commission before it can dispose of real estate owned in fee simple by the District but no longer required for public purposes.

The National Capital Planning Commission consists of five eminent citizens appointed by the President and only two of whom need be bona fide residents of the District or environs. Only one of such residents shall be selected out of three nominated by the District Council set up by this bill. The President designates a Chairman of the Commission. Ex officio members of the Commission are the Chief of Engineers of the Army, someone appointed by the mayor under this bill to fill the seat formerly held by the Engineer Commissioner for the District, the Director of the National Park Service, the Commissioner of Public Buildings, Federal Highway Administrator, and the House and Senate District Committee Chairmen. So, out of 12 members of the Commission, the District government set up by this bill has only 2 representatives, and 1 of them is an ex officio member.

Question. Do you know of any other municipal government which lacks control of its municipal planning process and relinquishes such extensive powers of land use control and acquisition to an independent body such as the National Capital Planning Commission?

Here the balance of interest seems to be overweighted in favor of the Federal Government to the detriment of the local government which can hardly be expected to properly run its own affairs without power over its municipal planning and land use.

Question. Yet, it would seem imprudent for the Federal Government to completely relinquish its control over planning and land-use questions, wouldn't it?

Answer. The National Capital Planning Commission remains as a Federal agency with its statutory authority virtually untouched (except as with respect to zoning and membership on agencies abolished or transferred by S. 1118).

In the response of the Deputy Director of the Bureau of the Budget to Senator BIBLE's letter of March 12, they point out that the administration recognizes the importance of the planning function to municipal government. However, since the local and Federal interests are so closely intertwined in current organization for this function, they recommend that any reorganization should be undertaken separately after careful study by the Federal Government and the new District government.

16. It is interesting to note that the subparagraph 6 of section 322(a), which touched off the whole discussion of the role of the National Planning Commission vis-a-vis the new government, abolishes the Board of Zoning Adjustment and the Zoning Advisory Council, which under present law have representatives from the National Capital Planning Commission. So, while the powers and authorities of the NCPC are preserved, their liaison with corresponding offices in the new government is eliminated.

Question. How do you explain the reasoning behind this treatment?

Answer. Since a close connection exists between zoning and planning, it is reasonable to assume that the Council, when providing the organizational means for carrying out the zoning function, will also provide for appropriate liaison with the National Capital Planning Commission.

For all agencies abolished and functions transferred to the Council there is provision in S. 1118 for a transitional period, so that there is no break in the performance of those functions. (See section 321(b) and 1301(b)(1).)

17. Section 322(b) provides a 180-day transition period after the effective date of the section, during which time the agencies abolished by the section shall continue to operate unless otherwise directed by the District Council. In that interim period, where existing law read "Commissioner" or Board of Commissioners, their function is to be carried out by the Mayor or his delegate. As I read this subsection, while one of these agencies is abolished on the effective date of the section and the Council, in several instances, has 6 months to set up a successor organization, the Mayor can joyfully spend that time making 6-month appointments to an agency that will later fall under the domain of the Council.

Question. Why wasn't the Council permitted to perform the functions it would inherit at the end of the interim period?

Answer. Under this section the Council may exercise its control immediately, or at any time within the 180-day period. The 180-day period, therefore, is a time limit within which the Council may assume its responsibilities. It is entirely possible that the Mayor may be called upon to make a limited number of short-term appointments to fill vacancies pending the time when the Council takes definitive action, but this is likely to happen only in the event the positions became vacant after the Mayor takes office and before the Council exercises its authority.

This subsection does not appear to do anything more than provide an orderly means of accommodating the transition.

18. Read section 323 on page 14.

Question. What would prevent a hypothetical vindictive Board of Commissioners, Mayor, or Council from delegating, revoking, and redelegating powers just prior to the effective date of the section, during the interim period or after the interim period? Such conduct might result if the outgoing Board were of a different party than the Mayor or Council, or both. What guards should be written into this section? Could a lame duck Board do substantial damage to the orderly transfer of powers under this section?

Answer. The problem posed by the questions in number 18 is inherent in any form of government. It is believed that the present wording of section 323 is reasonable in the light of its objective of providing an orderly transition to the new form of government.

19. Section 324 deals in part with the legislative scope of powers of the Council. The new local government is made subject to section 10 of article I of the U.S. Constitution as though it were made a State by this Charter Act.

Answer. Section 324(a) qualifies the grant of legislative power to the District, among other things, as being "subject, nevertheless, to all restrictions and limitations imposed upon States by the 10th section of the 1st article of the Constitution of the United States * * *."

The quoted language is not an attempt to constitute the District a State.

Question. Is it to be deemed a State for any other purposes?

Answer. The District of Columbia may be treated as a State in legislative enactments of the Congress, and has been so treated for many purposes, such as laws providing Federal grants and loans for urban renewal, health programs, Social Security Act, and regulating interstate commerce. In those instances, the legislation usually defines the term "State" as including the District of Columbia.

Question. Is commerce between the District and Virginia to constitute interstate commerce for constitutional purposes?

Answer. See the answer to the first question under this number.

Question. Will the first 10 amendments to the Constitution be directly applicable against the District of Columbia because of its relationship to the Federal Government, or will those amendments be applicable against the District only insofar as the 14th amendment applies?

Answer. The first 10 amendments to the Constitution are applicable in the District of Columbia. Neither the Congress nor the Council may pass a bill of attainder or an ex post facto law, or dispense with trial by jury or establish a religion. The 14th amendment does not apply. *Hamilton National Bank* v. *District of Columbia*, 81 U.S. App. D.C. 200; *Bolling* v. *Sharpe*, 347 U.S. 497.

Question. Is the District to have the powers reserved to the States by the 10th amendment to the Constitution?

Answer. The powers granted to the District are those which the charter gives. See section 324(a) providing that, subject to limitations, the legislative power "shall extend to all rightful subjects of legislation within said District, consistent with the Constitution of the United States and the provisions of this act * * *."

Question. Will the District's change in status affect in any way existing compacts between the District and neighboring jurisdictions?

Answer. To avoid any question as to whether the change in status respecting the form of government in the District will affect existing compacts between the District and neighboring jurisdictions, section 1002(b), should be amended by inserting "compact" in line 22, page 79, immediately before the word "contract".

20. In section 324, mention is made that the new District Government is not to have any new authority over the Washington Aqueduct which, I understand, is presently under the jurisdiction of the Army Corps of Engineers.

Question. Why was it felt desirable not to turn over to the new government control of its water system?

Answer. A history of the Washington Aqueduct is summarized in House Document No. 480, 79th Congress, at pages 178 and 179. It is there stated in the early history of Washington the water supply was by numerous springs and wells. With the growth of the city an adequate water supply became increasingly important. The acts of Congress of September 30, 1850, and August 31, 1852, provided for a study and report on the water supply problem. The resulting report recommended construction of the Washington Aqueduct.

The act of March 3, 1853, authorized construction of the original water supply structures under the direction of the Corps of Engineers, U.S. Army.

In 1882 by congressional action, control of the distribution system was placed under the District Commissioners and responsibility for supply continued under the Chief of Engineers. Numerous acts of Congress over the years continued the arrangement mentioned above. Apparently Congress felt it desirable that responsibility for the aqueduct or the supply system be continued in the Corps of Engineers and that the responsibility for the distribution system remain in the District government. These arrangements include the handling of the sale and distribution of water from this system to suburban jurisdictions such as Arlington County and to the Pentagon.

The relationship has been a long and satisfactory one and since there seemed to be nothing to be gained from removing the Army Corps of Engineers from their historical responsibility, the legislation was drafted in this manner.

21. Likewise, the section states that the new government is to have no greater authority over the National Zoological Park, which is presently under the Smithsonian Institution, but the funds for which pass through the Appropriations Subcommittee for the District.

Question. Is it the intention of the framers of this bill that Congress shall no longer have to appropriate for the zoo, but its share of the cost of operation will be represented in the new Federal payment scheme provided for in the bill?

Under this new Federal payment formula, federally held lands are assessed as if they were taxable. But excluded from computation are federally owned parklands.

Question. Do you consider the zoo as parkland?

Question. Would the zoo property be excluded from the assessment formula of the Federal payment plan but still be financed solely out of the District's funds?

Answer. Existing arrangements regarding the zoo will be unchanged, therefore under the provisions of this bill the operating expenses of the zoo would be included in the District budget by the mayor and submitted to the council. Upon adoption of the budget by the council funds will be transferred to the Smithsonian Institution for the operation of the zoo for the ensuing year. Funds required for capital outlay would remain the responsibility of the Federal Government through the Smithsonian Institution.

The zoo is considered parkland and therefore is not included in the assessment formula used to determine the Federal payment.

22. This section also says that the new government shall have no new authority over the National Guard for the District. Yet, section 322 removes the commanding general of the District of Columbia Militia from the armory board and puts all appointments to the board in the hands of the mayor.

Question. How is the National Guard to be protected in its use of the armory with its commander off the board?

Answer. The basic law pertaining to the use of the armory is not modified by this charter and therefore the National Guard would continue to have its rights and privileges. (See sec. 2–1705, District of Columbia Code.) (See also question 12 and the answer.)

23. Question. Outside of the question of enforcement, what is the practical difference between assessing the Federal Government for real and personal property taxes lost because of the presence of Federal property in the District and imposing a tax directly on Federal Government property?

Answer. There is an implication here that the District is taxing the Federal Government, directly or indirectly. This is simply not so. Rather, the taxable value of Federal property if it were privately owned is used as a measure of what would be an equitable payment for the Federal Government to make to the District. Some other formula conceivably could be developed which would provide a better measure. Earlier Congresses used 50 percent of the cost of running the District as an equitable measure.

However, the most practical difference is that the Federal Government, as taxpayer, can unilaterally change the formula or the payment by legislation. The District government as "taxing power" cannot. Thus, we have the exact reverse of the normal situation where the taxing power decides and the taxpayer has as his only remedy if he objects recourse to the courts or the polls. This voluntary quality clearly distinguishes the payment from a tax.

24. Question. Would the prohibition against the lending of public credit for a private undertaking which appears on page 15, line 21, conflict with any urban renewal objective of the District or impair a plan for rent subsidies to the needy?

Answer. No. Urban renewal is a combined public and private undertaking. The public undertaking is confined to recognized public aspects of projects designed to facilitate and attract private capital. Rent subsidies are outright public expenditures and do not involve lending the public credit.

25. Question. Does a local tax exemption for private schools work to use public money for the support of private or sectarian schools in violation of the provision on pages 15 and 16?

Answer. No. The existing tax exemptions for private schools are not "a use of public money for the support of any private or sectarian school." In any event, the exemptions which now exist must be continued under the clause "except as now or hereafter authorized by Congress."

26. Section 324(b)(5) prohibits the District Council from enactig any legislation which is not restricted in its application exclusively in or to the District.

Question. Would this bar legislation authorizing the District to undertake a cooperative sewer or water agreement with neighboring jurisdictions?

Answer. The language is intended to prohibit the District from legislating extraterritorially and not to prohibit such things as cooperative sewer and water agreements. There would be no objection to clarifying language if the committee feels it desirable.

27. Does the term "publish" which appears in section 324(c) have the same meaning it has in section 101(16)? Now suppose the District had not yet adopted the Uniform Commercial Code (which it has). This measure takes up 105 pages in the current supplement to the District of Columbia Code.

Question. Had this been passed after enactment of this bill would the whole unintelligible mass have to have been printed in a newspaper of general circulation?

Answer. The second sentence of section 324(c) beginning at line 3, page 17, reads as follows:

"* * * Every act (of the council) shall be published within seven days of its passage, as the council may direct."

This subsection permits the council and the mayor to publish either a complete text or one in condensed form with appropriate advice as to where the complete text can be obtained in order to achieve a satisfactory balance of adequate notification to the public but at reasonable expense to the city.

28. Section 324(d) requires that once the council has passed an act and the mayor has approved it it is presented to the President.

Question. If Congress has the power to modify or repeal that legislation shouldn't it also be presented to the Congress?

Likewise, if the bill goes to the President without the mayor's signature but after the 10-day period for his approval or disapproval has expired, shouldn't it also come to the Congress?

Anytime one of your bills goes to the President shouldn't it come to us?

Should Congress have the same power to disapprove an act of the council within 10 days of presentation (or longer) as is extended to the President?

Answer. One of the major purposes of home rule legislation is the streamlining of administration of the Federal Capital, to relieve the Congress of the burden of legislating on the vast array of municipal minutiae that is necessary for carrying on the business of a city. If the Congress were to have to review and pass upon every act of council, this objective would not be achieved. As a matter of fact, the process would be even more cumbersome than it now is, for legislation would have to go through two legislative bodies, council and Congress.

Presidential review and veto power does not interject an extra step in the process. This function is now carried on in the case of all District legislation. To the contrary, even the burden of the Executive Office will be lightened since action will only have to be taken on those matters on which the District council has taken positive action rather than consideration being given to the whole array of legislative proposals being considered by Congress.

29. The bill says that Congress may legislate concurrently on any subject with the District council. But nowhere does the bill set out the effect of legislation by both bodies on the same subject which is complementary in part and conflicting in part.

Question. What happens where the same objectives are reached by both bodies but through different mechanisms?

Which is the law?

Does the congressional legislation preempt the field, occupy the field or otherwise relate to the local legislation?

Answer. Assuming that the word "concurrently" in the question does not mean literally "at the same instant," the legislation which is later in point of time would be effective.

Subsection (f) of section 324, however, provides that Congress reserves the right to legislate for the District on any subject, whether or not it is within the scope of legislative power granted by the charter, including acts to amend or repeal any law in force in the District prior to or after passage of the bill and any act passed by the council.

In view of the scope of legislative power Congress is delegating by section 324 of the bill, question as to whether Congress has, by a particular act, preempted a field would have to be determined on the basis of whether Congress has in passing the act intended to preempt the field.

30. Section 324(g) vests control over the municipal courts in the District Council. Under existing law the U.S. district court and the U.S. court of appeals perform certain functions which would ordinarily be performed by the State courts.

Question. Because nothing in that section is to be construed to curtail the jurisdiction of these U.S. courts, they will continue to perform certain local functions, such as probate administration and the trial of major criminal matters?

Answer. The answer to the question is in the affirmative.

Question. Additionally, will the U.S. attorney's office and the U.S. marshal continue to perform certain local functions?

Answer. Yes, the bill does not change this arrangement. Reimbursement for the cost of their services would continue, as at present.

Question. Do you see any difficulty in having some local judicial problems under the control of different sovereigns?

Answer. As previously stated, there cannot be two sovereigns in the District of Columbia. The sole sovereign is the United States.

There is concurrent jurisdiction over certain criminal and civil matters between the court of general sessions and the U.S. district court. Additionally, appeals may be taken from the municipal courts to the U.S. courts in certain situations.

Question. When these two judicial systems are under different sovereigns is there the possibility that hostility could develop?

Answer. Previous comment regarding the sole sovereign in the District of Columbia applies to this question.

A crime tried by a local tribunal may be appealed to a Federal tribunal solely on local issues.

Question. Will the Federal courts have any administrative control over the local courts?

Answer. Existing conditions are not changed by the bill.

Question. Can the local courts, under this bill, elect not to continue to abide by the Federal Rules of Civil or Criminal Procedure?

Answer. The municipal courts, as defined in the bill, include the District of Columbia court of appeals, the District of Columbia court of general sessions, the juvenile court, and the tax court. All of these courts presently have rules of procedure made by the courts themselves and are presently not required to abide by the Federal Rules of Civil or Criminal Procedure. This authority to make rules is given to the respective courts by acts of Congress. The bill makes no change.

Question. Even if the Federal courts would retain supervisory powers over the local courts under this bill, the District Council could change that relationship, couldn't it?

Answer. The supervisory powers over the local courts cannot be changed by the Council.

Question. What is the local Council's power to legislate with respect to the judicial powers of the District? Where does this bill spell out the extent of these powers?

Answer. The power to legislate respecting judicial powers of the District is included in section 324, which states that—

"The legislative power of the District shall extend to all rightful subjects of legislation within said District * * *."

Subject to comment in the following paragraphs, further definition of the power is unnecessary and inappropriate.

By the act of August 31, 1954 (68 Stat. 1048) Congress vested in the District of Columbia Court of Appeals exclusive jurisdiction to review actions of administrative agencies of the District government in eight categories of cases involving denial, revocation, suspension or refusal to renew licenses or registrations necessary to engage in certain professions, vocations, trades or businesses and actions denying, revoking, or suspending motor-vehicle operators' permits. The 1954 act is now codified in section 11-742, District of Columbia Code, and includes a 10th category—orders of the Public Service Commission. The act of September 6, 1960 (74 Stat. 803), authorizes licensing of practical nurses, and the act approved September 22, 1961 (75 Stat. 578), provides for licensing physical therapists. In both acts, Congress provided for review by the District of Columbia Court of Appeals of acts of the licensing agencies in accordance with the act of August 31, 1954 (secs. 2-434 and 2-463, D.C. Code).

Prior to the 1954 act persons desiring judicial review of administrative actions in license matters were required, in all cases, to seek relief in the U.S. District Court for the District of Columbia. To the extent indicated above, Congress has transferred to the District of Columbia Court of Appeals exclusive jurisdiction to grant relief.

However, it is felt that the bill should permit the Council to provide by legislation for exclusive jurisdiction in the District of Columbia Court of Appeals to review actions in all license cases. The following amendments are, therefore, suggested: page 19, line 14, strike "subsection (g) of"; and page 19, line 18, add the following:

"Nothing in this section shall be construed as prohibiting the Council from enacting legislation conferring upon the District of Columbia court of appeals exclusive jurisdiction to review orders and decisions of administrative agencies of the District denying, revoking, suspending or refusing to renew or restore any license or registration to engage in any profession, vocation, trade, calling, or business, which under law is now or hereafter required to be licensed or registered."

31. Section 332 on page 20 provides for the Council's administrative staff employed under compensation and terms decided on by the Council.

Question. Is it the intent of this section to exclude the Council employees from the civil service or merit system of employment to be established?

Is there no limit on what the Council employees can be paid?

Answer. It is the intent of this section of the bill to leave to the discretion of the Council the question of compensation of its own employees and whether they shall be subject to a merit system.

32. Question. Is it the intention of the framers of this bill that each ward shall be apportioned so that all wards will be of approximately equal size?

Answer. Section 801(5) beginning at line 8, page 56, charges the Board of Elections with responsibility for dividing the District into 15 wards "as nearly equal as possible in population and of geographic proportions as nearly regular, contiguous, and compact as possible * * *." It is to be noted, therefore, that the act addresses itself to having each ward substantially equal to all other wards as to population. The geographic size of the wards is not a point and the only requirement on geographic size is to reasonable shape with the objective of avoiding gerrymandering.

Question. Where does the bill provide guarantees that the wards will be properly apportioned?

Answer. The bill contains no specific language in the nature of a "guarantee." Any qualified District voter aggrieved by alleged improper apportionment may bring suit challenging the act.

33. Section 333(b) provides that the Council shall meet once a week except during July and August when it shall hold at least two regular meetings in each month.

Question. Would this subsection prohibit the Council from adjourning for vacations?

Answer. It would appear that the longest span of time that the Council could adjourn for a vacation would be by having the two regular meetings in July scheduled for the first 2 weeks in July and the two regular meetings in August scheduled for the last 2 weeks in August—thus leaving approximately 4 weeks during which the Council could adjourn for vacation.

Question. Should the Council be required to hold a portion of its public hearings at night so as to insure citizen participation?

Answer. This should be left optional. The demands of the voters would inevitably determine the procedures of the Council.

34. Section 336 provides for a mandatory 13-day delay between the introduction of a bill and its enactment unless waived by a unanimous vote of the members present.

Question. Are the municipal governments of other jurisdictions in this area so restricted?

Answer. Yes. It is not unusual to have a mandatory waiting period between the introduction and enactment of legislation in the nearby Maryland and Virginia counties. In general, the periods are longer than 13 days. Emergency legislation or ordinances can be enacted on less notice. In Virginia, an emergency ordinance can be effective for not more than 60 days.

Question. In your view, would this section impede the adoption of emergency legislation which had the slightest tinge of controversiality?

Answer. If truly an emergency, a unanimous vote to deal with it could be expected for some solution.

35. Question. Am I to understand that while the National Capital Planning Commission has authority for planning the development of the District of Columbia, it has no control functions to guarantee that the plan is adhered to? Is there anything in this bill which would dictate that adopted plans be followed?

Answer. NCPC control functions to guarantee that the plans it makes are adhered to, are not affected by S. 1118, either in terms of weakening or strengthening them.

See elsewhere in supplemental testimony for discussions of NCPC.

36. Section 338 gives the District Council broad powers of investigation.

Question. Do any of the other local governments have these powers?

Answer. Investigative powers given to the District Council by S. 1118 are similar to those held by the governing bodies of counties in nearby Virginia and Maryland which have the power to subpena employees or officials of the local government and private citizens, provided the inquiry is concomitant with the powers of the governing body.

Protection against abuse of these powers is afforded by the courts in the same manner as for other legislative investigative bodies. Of course, investigative power under S. 1118 would be restricted to matters relating to District affairs, so there is the test of relevancy.

Power of the Council to compel any Federal official to come and testify would, of course, be conditioned by relevancy of the circumstances of the investigation to District affairs.

37. Question. Could a member of the President's Cabinet or the head of a Federal agency run for the office of Mayor?

Answer. Yes. Such persons are exempt from the political activity restrictions of the Hatch Act and from those of civil service rule IV. They are in the same category as the President and Vice President with respect to political activity. However, it is understood that a member of the President's Cabinet or the head of a Federal agency would not be permitted to hold the office of Mayor and the Federal position simultaneously.

38. Section 401(c) provides for a limit of $2,500 on the expense allowance of the Mayor.

Question. Why are the Mayor's expenses limited by law while those for the Council are not?

Answer. An expense account of $2,500 is provided the Mayor to help defray official reception and representation expenses that he will incur as the official representative of the District of Columbia. The allowance is expected to cover expenses normally associated with entertainment, and related items connected with visiting officials and dignitaries. In addition, the Mayor is expected to receive per diem and travel expenses as authorized by law for government employees.

It was intended that expense allowances for individual Council members would be minimal, and should be approved by the whole Council.

39. Question. Does section 402 provide that the employees in the office of the Mayor shall have no employment security other than the good will and discretion of the Mayor? (See lines 21–23, on p. 26.)

Answer. No. According to section 402, employees in the office of the Mayor, personnel in District departments, and members of boards, commissions, and other agencies, will continue to be subject to the same acts of Congress to which they are subject on the date this bill becomes law, and until such time as the Council provides similar or comparable personnel laws to replace the present system.

40. Question. Does the Mayor have greater power to remove one of his appointments than was held by the Board of Commissioners? If so, why?

Answer. Not with respect to officers and employees of the proposed merit system, since their removal would remain subject to present law or to similar or comparable provisions of the new merit system, except that members of the Armory Board and Redevelopment Land Agency would serve at the pleasure of the Mayor.

41. I notice on page 28, line 19, that the merit systems of employment adopted by the new District government "may" provide for continued participation in the Federal civil service system.

Question. How do District employees currently participate in the Federal civil service system? Do any of them have vested rights which might be destroyed if the new District of Columbia government elected not to continue participation in the Federal civil service system?

Answer. Personnel of those District departments which by statute are subject to the competitive civil service system are a part of the Federal civil service system to the extent that they are accorded the same rights, benefits, and protection accorded by law to Federal employees. Certain other employees in District departments which are subject to the joint agreement between the District of Columbia Commissioners and the U.S. Civil Service Commission are by law accorded the same fringe benefits, and essentially the same rights and protection, as are employees in the competitive civil service. Under the terms of the bill, if the Council elects not to continue under the Federal civil service system, employees on the rolls of the District government immediately preceding the effective date of the new merit system established by the Council would not lose vested rights such as those relating to veterans' preference, eligibility for competitive civil service status, accrued retirement benefits, and accrued leave benefits.

42. Question. Am I to read subparagraph 11 of section 402 which appears at line 7 on page 30 as prohibiting the mayor or council from proposing to the President or the Congress local legislation which for some reason the local government may feel reluctant to handle?

Answer. It is not clear what type of legislation the mayor and council would feel reluctant to handle for some reason.

This subsection states that the mayor or council may propose to the executive or legislative branches of the U.S. Government legislation or other action "dealing with any subject not falling within the authority of the District government. * * *" The section was not intended to prohibit the mayor or council from proposing to the President or the Congress any legislation.

43. Question. Does subparagraph 9 of that same section empower the council to impose unlimited duties on the mayor? Could this subparagraph be abused if the council wanted to harass the mayor?

Answer. No more so than any legislative body can impose on the chief executive of its government.

44. Title V sets out District of Columbia budgetary procedures.

Question. Is the U.S. Bureau of the Budget and its resources to be utilized in any manner by District of Columbia budget officials?

Answer. The resources of the Bureau of the Budget will be available to the District of Columbia at its request. In addition, the legislation provides, in section 901(a), on page 75, that the mayor and the Director of the Bureau of the Budget with the approval of the council may make agreements for the purpose of preventing duplication of effort or otherwise promoting efficiency and economy in those cases where a Federal officer or agency may furnish services to the District or that a District officer or agency may furnish services to the Federal Government.

Question. Because of the Federal interest in the sound fiscal management of the District, shouldn't the Bureau of the Budget review the District budget?

Answer. To require that the Bureau of the Budget review the budget of the District of Columbia would negate some of the significant objectives of the legislation. The legislation would establish an independent city government, with certain specified exceptions. A review of the city's budget by the Federal Government would to a large degree remove from the mayor and council the responsibility for the operations of the city that the legislation is intended to provide. This would mean that the citizens of the District could not in this respect hold their elected officials responsible.

45. Title VI provides for the District to incur bonded indebtedness. The aggregate indebtedness is not to exceed 12 percent of the aggregate of the assessed values of certain properties in the District. Included among these properties are real and personal property owned and used by the Federal Government with certain exceptions for park lands, museums, memorials, and the like. This property is also taken into consideration in calculating the Federal payment to the District. To further identify the property, it is that which is referred to in section 741(a), paragraphs (A) and (B).

Question. What is the total value of this Federal property?

Answer. The value of the property referred to in section 741(a), paragraphs (A) and (B), is as follows (in millions):

Real property owned and used by the Federal Government	$1,208.7
Real property exempt from taxation by special acts of Congress	47.2
Tangible personal property owned by the Federal Government (exclusive of objects of art, museum pieces, and libraries)	550.0
Total	1,805.9

Question. What percentage of total assets, both Federal and District, does it represent?

Answer. It is estimated that the relationship of Federal assets to total assets is as follows:

	Amount (millions)	Percent
Federal assets	$1,806	36
Taxable assets	3,213	64
Total assets	5,019	100

Question. What is the present dollar limitation on bonded indebtedness and how much would that limit be raised by the enactment of this bill?

Answer. It should also be pointed out that the current limitations are limitations on borrowing, while the legislation would provide limitations on indebtedness. For this reason the limitations under existing law and those proposed in the legislation are not comparable.

The current limits on borrowing (the District must borrow from the Federal Treasury) are as follows (in millions):

General fund	$175.0
Highway fund	50.2
Water fund	35.0
Sanitary sewerage works fund	32.0
Other	29.6
Total, limit on borrowing	321.85

The limitation on bonded indebtedness under this legislation would be $488 million in 1966 and is expected to increase to $586 million by 1970, for example.

Question. What is the justification for increasing this bonded indebtedness limitation when there are no specific capital projects requiring this expansion set forth in the bill?

Answer. The legislation is intended to be the continuing legal basis for capital financing by the District of Columbia government. It would not be appropriate to include in it a listing capital requirements. This District does develop and update annually a 6-year public works program. The current 6-year plan indicates capital outlay needs in excess of the District's capacity to fund them, either from current revenues or within the current limitations on borrowing. The legislation would increase the District's ability to borrow, and by placing the responsibility for borrowing in the District government, rather than in Congress, would enable the District to program public works projects on a scheduled basis.

46. Section 631(a) authorizes the Council where necessary to provide for the annual levy of a special tax "without limitation as to rate or amount upon all the taxable real and personal tangible property within the District * * *" which taken together with other revenues of the District will be sufficient to pay the principal and interest on bonds.

Question. Would the Federal payment formula reflect the imposition of this special tax? In other words, is this special tax to take into account all property, both Federal and private, located within the District?

Answer. The Federal payment formula reflects the imposition of any tax on real and tangible personal property in the District. However, the language clearly indicates the special tax will apply to "taxable" property. The Federal Government is not subject to tax on its property.

Question. I would gather that from the language on line 20 of page 33 additional bonds could issue to meet this obligation without a referendum. Is that your understanding?

Answer. Yes. Up to a total aggregate indebtedness of 2 percent of all assessed values.

Question. Are only refinancing bonds issuable without a referendum or would any bond issued by the District in amounts not exceeding 2 percent of the assessed value of property also be issuable without referendum?

Answer. Issuance of any bonds which would raise the total aggregate indebtedness consisting of bonds issued without referendum above 2 percent of all assessed values would be subject to referendum.

Question. Are there any other times that bonds may issue without a referendum?

Answer. No. Negotiable notes may be issued, however, for short-term borrowing.

47. Section 604, paragraph 3, provides that no court shall have jurisdiction in any proceeding to question the validity of a municipal bond except during the 20-day period between the date of publication of the notice of the enactment by the Council of a bond issue measure and the lapse of the 20-day or during the 20-day period following the acceptance by the voters of such a bond issue. Section 604 also sets forth certain presumptions of regular legislative procedure and stipulations of factual correctness in matters relating to the issuance of the bonds.

Question. Why are such stringent exclusions of judicial review imposed on both the voter (bond issue) and any party seeking to challenge the bond issue?

Can you foresee any constitutional challenge to the stipulations, presumptions and exclusions set forth in section 604?

Answer. The exclusions are imposed to expedite financing of essential projects and to insure investors that the legality of their bonds will not be questioned.

Since the prohibitions relate to the period of time for raising issues and not to the right to do so, constitutional challenges are not likely to be successful.

48. Question. Are the local governments of the nearby jurisdictions restricted to issuing bonds bearing the full faith and credit of that jurisdiction? Are they authorized to impose special taxes without limitation as provided in section 631?

Answer. Montgomery County as a matter of practice issues only full faith and credit obligations to minimize the cost of borrowing although the county may have some authority to issue other types of indebtedness. Other jurisdictions reportedly are restricted to issuing bonds bearing the full faith and credit of that jurisdiction.

There is no necessity to impose special taxes in these jurisdictions since there is no limitation on the amount of real and personal property taxes they may impose.

49. Question. Is section 606 clear and unequivocal as to whether a securities house seeking to participate in the public sale of District municipal bonds acts as a buyer of those bonds or an agent for their sale? If such a house put up a performance bond equal to 2 percent of the par amount of the bond bid for, would that suffice in lieu of a certified or cashier's check for such amount?

Answer. The language of section 606 would not permit a performance bond in lieu of a certified or cashier's check.

50. Sections 621 and 622 talk about the issuance by the District of negotiable notes to meet supplemental appropriations when there are no available unappropriated revenues or when government wants to raise funds in anticipation of revenues from the next fiscal year.

Question. What is the justification for requesting this type of revenue production, what other jurisdictions utilize this approach, and what has been their experience to date?

Answer. Anticipatory borrowing is justified because timing of income is not always synchronized with timing of expenditures. Short-term borrowing thus enables government, as it does business, to meet emergencies and to maintain program continuity. The District is currently authorized to use this technique. In recent years it has been necessary from time to time to obtain advances from the U.S. Treasury in anticipation of peak real estate and other tax collections. These advances have been repaid promptly when the revenue was received. Only extensive research would reveal what other jurisdictions utilize this approach since it is standby type of authority and useful only in specific situations, but it is understood to be used by numerous local governments, particularly in the State of New York.

51. Section 641 provides that the bonds and notes issued by the Council shall be exempt from all Federal and District taxation except the estate, inheritance, and gift taxes.

Question. It would seem clear from the language that such securities would be exempt from both District and Federal transfer taxes. Is that the intent of the framers?

Is it clear from section 641, without further language, that District bonds and notes shall be treated as if they were issued by a subdivision of a State and exempt for that reason?

Answer. From the language of section 641, it would seem clear that it was the intent of the framers of the section that bonds and notes issued by the Council pursuant to the authority contained in the bill will be exempt from both Federal and District transfer taxes, but will not be exempt from estate, inheritance, and gift taxes. The language of the section may not, however, be sufficient to prevent bonds and notes issued by the Council, or the interest thereon, from being subjected to a later taxing statute not expressly providing for the exemption.

Nothing in section 641 refers to the treatment of bonds and notes issued by the Council, as though they were issued by a subdivision of a State. There would be no objection to clarifying section 641 by adding language comparable to that used for Armory Board bonds so as to provide that bonds and notes issued by the Council and the interest thereon "shall be exempt from all Federal and District taxation (now or hereafter imposed) except estate, inheritance, and gift taxes."

52. Section 642 puts District of Columbia bonds on the legal list for investment by executors, administrators, and other fiduciaries.

Question. Is this procedure at variance with the practice in other jurisdictions where an official of the court reviews the history, stability, and character of a security before it is added to the legal list?

Would a beneficiary of any trust have recourse against his fiduciary for investment in District of Columbia obligations which went sour?

Answer. No. The statutes of several States, Virginia and Wisconsin, for example, provide that indebtedness of the State, counties, cities, towns, and school districts are legal investments. It appears to be common practice of probate courts in most States to include State and local bond issues in their legal lists of investments with only a minimum investigation.

No, since his fiduciary would have made a legally authorized investment in District of Columbia obligations.

53. Section 702 provides in part that the Council may designate depositories for District funds.

Question. Could a depository be a private institution and if so, should the institutions bid for the District's business?

Answer. Depository could be a private institution. The institutions probably should bid for the District's business and in all likelihood bids would be requested to assure that the service is provided at the lowest cost or at the maximum income to the local government. This is the type of matter that was intended to be left to the discretion of the mayor and Council.

54. Section 703 empowers the Council to transfer appropriation balances from one account to another without limitation.

Question. Do other jurisdictions impose limits on this power?

Answer. Some jurisdictions impose limits on the transfer of appropriation balances between accounts and others do not. Of four governments in the Washington area, two limit transfers and two do not. The authorization proposed is important to provide flexibility of fiscal operations.

55. Section 721 provides that the General Accounting Office shall audit the District's books and the expenses of the audit shall be reimbursed by the District in an amount agreed upon by the mayor and the Comptroller General.

Question. What if they fail to reach an agreement on the amount to be reimbursed? Why does the District merely reimburse GAO for the cost of the audit?

Answer. It is not conceivable that an impasse would be reached on the amount of reimbursement for the audit performed. In the end result, the reasonable judgment of the mayor and the Comptroller General must be depended upon.

Relative to reimbursement to GAO, it is only appropriate that the District pay the GAO for the costs incurred by that Office in auditing District financial transactions.

Question. The GAO submits its report to the mayor and the council. Why aren't the Congress and the President also designated to receive this report? I note that Congress receives a report on the audit from the council but not directly from GAO. Why is this?

Answer. The legislation contemplates that the GAO audit will be submitted directly to the mayor and the council, as the responsible parties for taking corrective action, and that the city government would respond directly to Congress in connection with the results of the audit.

56. Section 722 removes the District of Columbia from the Budget and Accounting Act.

Question. To protect the Federal interest in the District, why isn't this new government left under the act until it has time to test its ways?

Answer. The Budget and Accounting Act of 1921, as amended, requires that the President review, approve, and transmit the budgets of the various agencies of the executive branch to the Congress. It also provides that the Bureau of the Budget maintain a continuing review and evaluation of the various programs of departments and agencies and the organization for carrying out such programs. To continue application of the act to the District would adversely affect the objectives of the home rule legislation. It would remove from the mayor and the council the final responsibility for the budgetary and financial affairs of the city.

57. Section 741 provides that the Federal Government shall authorize regular annual payments to the District calculated on the basis of tax revenues lost because of the presence of nontaxable Federal installations in the District. The amount of any such authorized payment takes into consideration a number of factors. Apparently the real estate tax assessment office of the District is to assess all Federal buildings and property except park lands, museums, memorials, and like areas to determine the tax base lost on those buildings. The mayor develops methods for determining the amount of personal property taxes lost by the presence of Federal personal property located in the District, excluding objects of art, statuary, books, etc. The District income and franchise tax section computes income tax and franchise tax losses occurring because of the number of Federal employees in the District paying taxes elsewhere, and finally, the Federal Government's sewer and water service fees are computed.

Question. On page 51, lines 6 through 9, the amount authorized is specified as being based upon all these factors. What formula is used to determine the weight of each of these factors, or is the maximum tax loss for each factor taken into account in calculating the amount? (For example, New York City receives no Federal payment for tax loss because of Federal installations; nor do they receive reimbursement from people working there who pay taxes in New Jersey.)

Answer. The estimated actual tax loss for each factor is taken into account in calculating the amount of the payment. The business tax factor is not a measure of the tax loss resulting from the number of Federal employees in the District paying taxes elsewhere as in the example cited. It is rather a measure of what amount of tax private businesses in the District pay in support of the District government. The ratio of Federal to private employment is the means of deflating the overall tax payments to a usable denominator; namely, so many business tax dollars per employee in private employment in taxpaying businesses.

Question. Some Federal installations include both museum space and Federal working space (for example, the Medical Museum at Seventh Street and Independence Avenue). Does the bill take into account any proration of uses for real property tax purposes?

Answer. The bill does not take into account any proration of uses of Federal real property for purposes of computing the Federal payment. The entire Medical Museum is omitted from the computation, however, as an example.

Question. Certain Federal offices are run in good part for the benefit of the local citizens, such as the zoo, National Park Service, and VA hospital. Would the employment in these offices be taken into account in subparagraph (C) on page 53?

Answer. Subparagraph (C) on page 53 does not differentiate among Federal employees in different types of Federal activities. Nor is it felt that the formula would be improved by doing so since the ratio of Federal to private employment is a fraction used to adjust the business tax factor to so many business tax dollars per employee in private employment in taxpaying businesses in the District.

Question. Doesn't the mayor have awfully broad authority to develop personal property tax equivalents under subparagraph (B) on pages 52 and 53?

After the District officials compute the tax loss from all factors and present their findings to the General Services Administration for certification and payment, what happens if the Administrator of GSA disagrees in whole or in part with the revenue loss findings of the District government? What procedure does the bill set out for adjusting or settling differences of opinion on revenue loss?

Answer. Yes, the mayor has broad authority to develop personal property tax equivalents because the Federal Government does not maintain records on personal property as private business does and, therefore, a formula is the only feasible method of developing this factor.

Every attempt will be made to reconcile differences of opinion between the District and the General Services Administration regarding revenue loss. If these differences cannot be resolved, the decision of GSA will be final and will be reflected in the amount of payment determined by the formula which the General Services Administrator will certify to the Secretary of the Treasury for payment. The bill does not set out procedures for settling differences of opinion on revenue loss.

Question. This bill merely authorized Federal payment (see line 24, page 50), but the Secretary of the Treasury is directed to make payment on no later than September 1 of each fiscal year. Is it the intent of the framers to treat this bill both as an authorization and an appropriation?

Answer. Yes. It is a "permanent, indefinite appropriation" based on the formula specified.

58. Title VIII sets forth the manner of elections in the District.

Question. For how many consecutive terms may the mayor, a member of the District Council, or the District Delegate be elected?

Answer. No limitation on consecutive terms of office served is provided in S. 1118.

Question. Is it unusual for a public official to be subject to recall by a simple majority of people voting on a petition to recall?

Answer. A simple majority vote in a recall referendum appears to be customary.

Question. Is it the intent of the framers to establish two registration lists, one under section VII of the District Election Act of 1955 and one under this bill? Section 807 is not clear whether it is amendatory of section VII of the District Election Act of 1955 or not in terms of residence requirements.

Answer. The intent of the framers of the legislation was to establish uniform qualifications for voting in all elections held under existing law and pursuant to S. 1118. The 6 months' residence requirement and the minimum age of 18 years provided for in S. 1118 were intended to apply in all elections.

Section 808(d) should be deleted since qualifications for voting are to be uniform as provided in section 807, second sentence beginning at page 64, line 15.

59. Section 807 disqualifies a voter who has voted in any election in any State or territory of the United States other than the District.

Question. Puerto Rico is neither a State nor a territory but is an independent Commonwealth. What happens to someone voting in Puerto Rico?

Answer. "Commonwealth" should be added to section 807.

60. Section 808(b) provides that the court of general sessions may entertain an appeal from a decision of the Board of Elections relating to the registration or want of registration of any candidate. At line 6 on page 66, this section says "The decision of such court shall be final and not appealable."

Question. Is it the intent of this section to limit any voter's right to challenge voting procedures under the Civil Rights Act of 1957 as amended or under any other provisions of Federal law or the Constitution?

Answer. It was not the intent.

Question. Why is the decision of this court not appealable?

Answer. Subsection (b) is identical with comparable subsection of the act of September 12, 1955, except that the name of the court of final appeal has since then been changed to the District of Columbia court of general sessions. The finality of the decision in that court is undoubtedly dictated by the fact that time would not normally be available to carry an appeal through additional courts. In the 3 election years—1956, 1960, and 1964—no appeals on refusal of the right to register have been brought to the District of Columbia Board of Elections.

61. Balloting and voting machines may show party affiliations, emblems, or slogans.

Question. Does this section (sec. 810(a)) operate to the disadvantage of the independent candidate?

Answer. Section 810(a) would permit ballots and voting machines to show party affiliations, emblems and slogans. This would not necessarily operate to the disadvantage of the independent candidate. A political party is simply an organization behind a candidate for political office. Presumably an "independent" candidate would have some sort of organization of the people working on his behalf which could be identified by a name, an emblem, or a slogan. In general parlance, an "independent" candidate is thought to be a candidate not affiliated with the two major parties or with other established or continuing political parties in a community. For example, "Arlingtonians for a Better County" in neighboring Arlington is considered to be an "independent" political organization and its candidates "independents" by the Civil Service Commission even though it is a political organization of many years' standing.

Question. Section 810(c) makes inapplicable to elections held under this act that section of the Hatch Act which provides: "No officer or employer in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or political campaigns." Section 1501(c)(5) makes criminal efforts by a Federal employee, using his official authority, to affect the nomination or the election of any candidate for the office of Delegate. When does campaigning by the head of a Federal agency for the election or nomination of a friend to the office of District Delegate not by the fact of his campaigning itself imply the support of his office or his authority?

Answer. Section 1501(c)(5) amends 18 U.S.C. 595 which prohibits Federal officers or employees from using their office to affect the election of the President, Vice President, Members and Delegates to Congress, by including the District of Columbia among the States and territories covered by the prohibition. The Hatch Act does not cover persons paid out of funds appropriated to the President or heads of Federal departments and agencies appointed by the President. Thus the heads of agencies stand in the same relationship to elections for District Delegate as they do to other national elections.

62. Question. When a voter goes to the polls on election day in his precinct will he find a list of all the candidates for the District council or will he be asked only to vote for the candidate from his ward?

Answer. A list of all the candidates for council membership from all 15 wards could be posted at all the voting places throughout the city. Whether or not the names of all candidates in all wards would appear on every ballot, however, should probably be left to the discretion of the board of elections.

63. Section 811(g) provides for the board of elections disposition of challenged votes. If a voter's ballot is challenged and thrown out by the board of elections, this subsection does not provide for an appeal.

Question. Is there any mechanism under existing law for a voter to appeal from having his ballot voided?

Answer. 811(g) is identical with the comparable section of the act of August 12, 1955 (District of Columbia Code, 1-1109(e)), except that there is no provision that appeals from an unfavorable decision by the board of elections on a challenged ballot may be carried to the District of Columbia Court of General Sessions and that decisions by that court shall be final and unappealable. If considered desirable, similar provisions could be inserted in this bill.

64. Section 813 prohibits the interference with the registration or voting of a person because of his race, color, sex, religious belief or want of property or income.

Question. Was it the intent of the framers that a voter could be interfered with because of his national origin?

Answer. No. There would be no objection to the inclusion of the phrase "national origin" in the second sentence of section 813 (a).

65. Question. Isn't it an unusual procedure for the Congress to be presented with a charter act for the District of Columbia without such act having first been subject to two separate determinations by the voters of the District; namely, whether or not the voters want a charter act and a determination by the voters of what that act should contain? Charter acts usually originate from the people themselves.

Answer. Since shortly after World War II, proposals for home rule in the District of Columbia have originated in Congress or in the office of the President. The present bill, S. 1118, is the product of an evolutionary process in the course of which many public hearings have been held in Congress, before the District Commissioners or before their advisory bodies.

As recently as December 29, 1964, for example, a public hearing on home rule legislation was held by the Citizens Council of the District of Columbia. Statements were received from 24 organizations and 12 individual citizens, and were considered in drafting this bill. Although witnesses differed on some of the details, many expressed their intention, despite these differences, to support home rule legislation when it reached Congress. In elections held in 1956, 1960, and 1964, thousands of voters voted overwhelmingly in favor of home rule in the District. Proposals for a preliminary study by a charter commission have been rare and met with no apparent significant support.

This historical process has, in effect, achieved that which takes place in many other cities and would appear to have provided a full and complete opportunity for the residents of Washington to express their wishes.

In the three elections held since 1956 in the District of Columbia the following votes were cast in response to questions on the desirability of some form of home rule:

	For	Against
1956	18,333	1,234
1960	26,094	3,651
1964	72,674	12,106

HOME RULE SELLOUT

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WAGGONNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, the Washington Star brought the clamor for so-called home rule for the District of Columbia into sharp and undeniable focus yesterday with an editorial entitled "Home Rule Sellout."

With remarkable clarity, the Star cut through all the verbiage surrounding this issue and got right to the heart of the question with this sentence:

> For the new compromise bill, if enacted, will accomplish nothing more than to permit this administration to rack up a few more Brownie points in the civil rights game.

How true that sentence is.

I would like every Member to have the opportunity to read this editorial before we are asked to consider this bill, and I make it available to any who might have missed it in yesterday's Star by inserting it here in the RECORD.

HOME RULE SELLOUT

The so-called bipartisan compromise bill introduced in the House last night, presumably with the administration's blessings, is advanced as a reasonable, acceptable basis for giving the District of Columbia home rule.

The unfortunate fact, moreover, is that in view of its political concessions this atrocious legislation might actually appeal to many Members of the House. But by no stretch of anyone's imagination could it be called reasonable, desirable, or beneficial.

It is an outrageous bill. Its pretensions toward meaningful self-government are illusory. Its enactment would be the cruelest sort of deception to play on this city and the people who live here.

The whole business of attempting to split the direct control of the Nation's Capital into separate Federal and local parts—which in the final analysis is what home rule is all about—is an exceedingly dubious proposition, with nothing in the entire 165-year history of this city to recommend its chances of success. Under the best of circumstances, we have no enthusiasm for the experiment.

President Johnson's original home rule bill, however, and the version in which it passed the Senate, at least attempted to provide a rational system of financial stability. Its crucial provision would determine the amount of the Federal Government's annual share of the cost of running the city, according to a in-lieu-of-taxes formula specified in the bill. It would make these amounts automatically available each year to the District, without the need for annual appropriation action by Congress. This would serve the essential purpose of assuring an adequate Federal payment to complement local taxes. Equally important to the concept of home rule, it would offer a basis on which an elected city council could draft and adopt, on its own authority, a city budget.

In abandoning the automatic financing feature, however, the new bipartisan bill commits the Federal Government to no continuing financial responsibility whatever to the city under home rule. And it reduces the claim of local fiscal responsibility to the level of a farce. Asked to explain the retrenchment, Representative MULTER, of New York, candidly told reporters last night that a head count of House Members' positions on the bill with the automatic financing feature included was "uncomfortably close." With this bone of contention removed, he said, there would be votes to spare.

This is no compromise. It is a crass political sellout.

And the most incredible thing of all is the report that President Johnson is likewise prepared to abandon the financing proposal—if he must in order to pass some kind of bill. How could this be? Last April, in sending the bill to Congress, the President defined this same feature as "essential to the proper assignment" of fiscal responsibility between the Federal Government and local citizens.

After their own intensive study, the liberal Democrats on the Senate District Committee agreed unanimously that the financing provision was "the heart of the entire home rule proposal." Schuyler Lowe, who has managed city-Federal fiscal affairs for many years as the District's chief administrative officer, says flatly that home rule government would be unworkable in the absence of such a provision. Without it, Representative SISK, of California, one of the leading liberal voices in the House, believes home rule would be a "hollow shell."

And last week in a confidential letter to the President, the District Commissioners expressed their own urgent concern about reports that the financing feature might be negotiable in the House. Their letter implied that home rule would be better killed than passed without adequate financial protection for the District, and of course, they were precisely right.

Yet, in the fever of political maneuvering, with the showdown vote in the House only 4 days away, all the legitimate concerns about the basic issues of home rule now seem to have gone by the boards. Why? The answer lies in Mr. MULTER's comments, quoted above. The whole thrust of the home rule drive now, it seems, is to pass a bill—any bill, at any cost.

We trust, however, that this will not be the sense of the House next Monday. For the new compromise bill, if enacted, will accomplish nothing more than to permit this administration to rack up a few more "Brownie" points in the civil rights game. It will do so at incalculable cost to the future of the Nation's Capital.

REALINEMENT OF CIVIL RIGHTS ACTIVITIES

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. HATHAWAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HATHAWAY. Mr. Speaker, the recommended reassignment of civil rights functions throughout the Government which the Vice President has recommended to the President—and in which the President has concurred—constitute an opportunity for strengthening and streamlining of the entire civil rights effort of this administration.

As Members know, the Vice President, as Chairman of the President's Committee on Equal Employment Opportunity, has been engaged for some time in a careful review of the operations of all of the various Federal agencies involved in the field of civil rights.

His recommendation is based upon the conclusions of this review.

In essence the Vice President's study shows that the time has now come when operating functions for civil rights can and should be performed by departments and agencies with clearly defined responsibilities for the basic program.

This means that the responsibilities for administering these functions to achieve the goals desired will be placed even more directly upon individual Cabinet and agency heads in furthering civil rights achievements within their own programs.

This consolidation is to be one of the most far-reaching moves that this administration could take. Besides eliminating overlapping responsibilities the recommendation to place the responsibility for the civil rights program on each officer and employee of the Federal Government will lead to an even more effective consideration of our objectives—equal opportunity for all Americans.

HOUSE RESOLUTION 560—THE EFFECT ON LATIN AMERICA

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. OTTINGER. Mr. Speaker, I would like to address myself today to House Resolution 560, which I voted against on Monday, September 20, 1965.

This resolution in the form in which it was presented to the House, authorizes unilateral military intervention by any Western Hemisphere nation into the internal affairs of any other nation in the Western Hemisphere if, in the sole opinion of the intervenor, Communists are involved. The resolution authorizes such military intervention with or without the consent of the nation concerned.

House Resolution 560 has already done great harm to the U.S. interests in the Western Hemisphere. The reaction, from all points on the political spectrum, has been overwhelmingly negative. The Congresses of Peru and Colombia have passed unanimous resolutions denouncing House Resolution 560 and there is widespread concern in Latin America that our policy is shifting from one which emphasized collective security to one of gunboat diplomacy. Anger is rising in every Latin American capitol, and justly so.

House Resolution 560 nullifies our treaty commitments under the Charters of the Organization of American States and the United Nations. It lessens our ability to deal effectively with the Communist menace in Latin America. It already has aroused our Latin neighbors' fears that we intend to return to a militaristic policy.

The resolution will be food for the Communist gristmills in Latin America. The Communists will use it to prove that we neither respect nor trust our Latin neighbors' sovereignty or ability to manage their own affairs. It is likely to cause the conversion of many Latin Americans to communism and infinitely impede our efforts in the struggle with the Communists for control of the Latin American nations.

This is not the Monroe Doctrine, which for so many years protected the Latins from European interference. It speaks of internal affairs, not just external threats. It is not compatible with the Consultation of Ministers of Foreign Affairs Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance which the resolution cites, for that declaration spoke only of external aggression and outside intervention. It was based on Cuba's recent arms shipments to Communist elements in Venezuela.

To be sure, the Latin Americans respect strength. But they respect only strength used in a just cause, not naked power rawly wielded irrespective of their interests.

The whole Latin effort has been to become respected as partners with "the colossus of the north" and to prevent unilateral intervention in their internal affairs. These sentiments are loudly echoed at every inter-American conference and the United States has respected them.

Establishment of the Alliance for Progress and the Organization of American States brought us far along the road to securing Latin confidence in our espousal of those principles. House Resolution 560 undermines our commitment to these principles and institutions. It is misguided and mischievous and has already begun to harm us and our neighbors to the south.

HOUSE RESOLUTION ON LATIN AMERICA

Mr. REID of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Speaker, the reaction in Latin America to House Resolution 560 recently passed by this House has been critical, and I might say predictable.

The point that the distinguished minority leader made the other day with regard to the report has been highlighted by unanimous resolutions passed by the legislative bodies in both Colombia and Peru, and has been the subject of sharp criticism in Brazil, Mexico, Argentina, Venezuela, and Chile.

Two things are indicated: The State Department should be forthright with regard to its position on the resolution—over and beyond its clarification of September 21—and it should reaffirm its commitment to the principle of collective security.

Second. I think this House should consider a resolution which would reaffirm our commitment to the collective security system of the Americas under the Inter-American Treaty of Reciprocal Assistance and the Charter of the Organization of American States; our determination to maintain a common defense against aggression and subversion within the Americas, including efforts to subvert free institutions by infiltration and other forms of interference in the internal affairs of any nation in the Americas; and our active support of the Alliance for Progress with emphasis on self-help and mutual cooperation, economic integration of the Americas through common markets, free trade areas, or other appropriate means. Moreover, in my judgment, the resolution should state our intention to improve the authority and capability of the OAS to take timely action in emergencies affecting the peace and security of any nation in the Americas.

I intend to introduce on Monday a concurrent resolution along these lines with Members from both sides of the aisle.

As of possible interest to Members, under unanimous consent I include reports on the reaction to House Resolution 560 in a number of Latin American countries and in the United States:

[From the Washington (D.C.) Star, Sept. 23, 1965]

HOUSE STAND ON FORCE IS DENOUNCED BY LATINS

LIMA, PERU.—Some Latin American countries have reacted angrily to a resolution passed by the U.S. House of Representatives approving the use of force in any American nation threatened by a Communist takeover.

The Congresses of both Peru and Colombia passed unanimous resolutions of their own condemning it. Newspapers from left to right were hostile and there has been no favorable comment.

The U.S. resolution said "acts possessing characteristics of aggression and intervention carried out against one or more of the member states of the Organization of American States may be responded to either in individual or collective form, which could go as far as resort to armed force."

The resolution merely expresses the feeling of the House. It does not require Senate action and does not fix administration policy.

"AMERICAN IMPERIALISM"

Peru's lower House of Parliament voted to "protest and reject" the resolution, saying it was "American imperialism in hemisphere affairs." It called the U.S. move "pretentious."

An Argentine Government official said he found the U.S. resolution "baffling."

"It will give Communists and leftists fresh ammunition. It can result in renewed attacks against the United States and charges of intervention and imperialism at the United Nations General Assembly," he said.

Communist Cuba's government-controlled newspapers called the resolution "another example of North American interventionist imperialism."

The Colombian Congress voted a unanimous denunciation of the U.S. House resolution Tuesday. The Colombian Congress called it "openly regressive and contrary to the juridical and political system of Latin America."

The Colombian Congress demanded that legislators meet to decide what action to take.

Liberal Senator Julio Cesar Turbay, former Foreign Minister, said, "The U.S. House resolution provokes every kind of doubt and misgivings."

In Venezuela, the governing Democratic Action Party condemned the resolution.

Brazilian newspapers of all parties denounced the resolution. "Precipitate, indefinate and unilateral," the Journal do Brasil called it. Ultima Hora said it "reduced the Charter of the Organization of American States to a dead letter."

"UNITED STATES DOESN'T CARE"

All shades of public opinion in Mexico denounced the House resolution.

"It's a clear indication that the United States doesn't care about the opinions or the rights of the rest of the countries of our hemisphere," said a spokesman for the Popular Socialist Party.

"The unilateral declaration of the United States that this or that country was threatened of falling under communism would be enough for that country to be invaded by the Yankee army," said the spokesman, Francisco Ortiz Mendoza, a member of the Chamber of Deputies.

Both conservative Excelsior and Novedades newspapers disagreed with the resolution.

[From the Washington Post, Sept. 24, 1965]

LATIN AMERICAN ANGER BRINGS REACTION ON HILL

(By John M. Goshko)

Administration efforts to affirm good will toward Latin America are being swamped in a flood of Latin anger over a House of Representatives resolution approving the use of force in any American nation threatened by a Communist takeover.

As of last night, the Congresses of two Latin countries—Peru and Colombia—had passed unanimous resolutions of their own denouncing the House action.

And the press and political sector in the rest of Latin America have started to produce anti-American criticism more intense than anything since the U.S. intervention in the Dominican Republic last April.

CLARIFICATION ASKED

So intense has been the outcry that Senator Jacob K. Javits, Republican, of New York, rose in the Senate yesterday to appeal for clarification of the confusion "about what our policy now really is toward Latin America."

On Monday, after almost no discussion, the resolution passed the House by an overwhelming vote. It says that any hemispheric country is justified in unilateral use of force to combat Communist subversion. Before passage the State Department expressed neither approval nor dissent.

The resolution merely expresses the feeling of the House and is not binding on administration policy. However, the Latins seem to regard it as an invitation to ignore the provisions in the Organization of American States Charter forbidding intervention in the internal affairs of any member state.

CONFERENCE MAY BE DELAYED

For this reason, several Latin governments already have suggested privately that the Inter-American Conference of Foreign Ministers, unofficially expected to begin in November, be put off until next March. Otherwise, these governments have warned, the Conference probably will bog down in anti-U.S. recrimination.

If the postponement takes place, it would mark an ironic ending to a month that the administration had earmarked as a time for reemphasizing hemispheric solidarity.

To this end, the administration staged a glittering White House reception and a major speech by President Johnson to mark the fourth anniversary of the Alliance for Progress. Mr. Johnson also sent Jack Hood Vaughn, Assistant Secretary of State for Inter-American Affairs, on a whirlwind goodwill tour of Latin America.

Things began coming apart 2 weeks ago, however, when Senator J. William Fulbright, chairman of the Senate Foreign Relations Committee, delivered his attack on the Santo Domingo intervention. Then, in the midst of the controversy surrounding Fulbright's speech, the House pushed through the resolution sponsored by Representative Armistead I. Selden, Jr., Democrat, of Alabama, chairman of its Inter-American Affairs Subcommittee.

Yesterday, as reports from almost every Latin capital told of rising anger, the subject continued to occupy the attention of U.S. Congressmen.

Javits criticized the House resolution as "particularly unfortunate" and said that if U.S. policy was as stated in the resolution, it would justify criticism that Washington is opposed to progressive forces in Latin America.

The New York Republican called for clarification of the U.S. stance through a Senate resolution that would reaffirm the faith of Congress in the Alliance for Progress as "the framework for nonviolent but accelerated social and economic development of Latin America."

In the House, however, Selden continued to press the view of the congressional faction concerned about communism in the hemisphere. In a lengthy speech, he defended the administration against Fulbright's attack and reechoed charges that a background document published by Fulbright's committee was compiled primarily from press sources hostile to U.S. actions in Santo Domingo.

While this battling went on, the administration continued to maintain its almost total silence about the resolution. The State Department's only comment has been to say it agrees with the aims but feels that the wording is open to unfortunate interpretations.

What some of these interpretations are was made clear by yesterday's reports from Latin America. The resolution passed by the Peruvian Parliament called the House action "American imperialism in hemisphere affairs," while that adopted in Colombia described it as "openly regressive and contrary to the juridical and political system of Latin America."

The Televisora Nacional network in Panama City on September 22, 1965, broadcast a station commentary entitled "An Unacceptable Resolution" which reads as follows:

With great astonishment, we have found out that the U.S. House of Representatives approved a resolution that says the United States or any other American state has a right of unilateral military intervention in order to keep communism out of the Western Hemisphere. This resolution is unacceptable for any country that considers itself free and a master of its own destiny. To accept such an idea would be the same as trampling on the national dignity and decorum of the Latin American countries. Although it lacks the force of a law, this resolution involves a serious danger for the inter-American system and for maintaining the principle of nonintervention and self-determination of peoples, a principle on which is based our continental legal organization.

The State Department has rushed to say that the resolution is not in harmony with U.S. foreign policy. Nevertheless, one cannot underestimate the importance of this resolution. To try to establish the old interventionist policy as a legislative measure is just the same as insisting upon disregarding the lessons of history. It is a good idea to say once again that neither now or ever, or for any reason, will the Latin American countries tolerate foreign intervention in the domestic affairs of our nations.

True to the long struggle of the Panamanians to defend and uphold sovereignty and national independence, we wish to publicly state our most energetic protest over the resolution approved by the U.S. House of Representatives since it is contrary to the interests of our republics and because its approval is an insult to the dignity and decorum of Latin America.

Radio Cadena Nacional in Bogotá, Colombia, said:

By an absolute majority vote last night the [Colombian] Senate approved a motion to repudiate the U.S. House of Representatives' granting President Johnson authorization to intervene unilaterally, and when he so deems it necessary, in any American country which, in the opinion of the U.S. Government, is menaced by communism.

The [Colombian] Senate resolution likewise invited Latin American Congressmen to meet on a near-future date in Bogotá to study the U.S. decision, which was considered in the Congress as "absurd, out of line, and perilously hostile."

Julio Cesar Turbay Ayala and Alfonso Lopez Michelsen bitterly censured the North American move and demanded an opinion on it from the National Government. They were the main backers of the motion.

A report from Santiago, Chile reads:

We are fully confident that the Chilean Government, and especially the President of the Republic, who directs the nation's foreign relations, will defend with dignity and firmness the principles of self-determination, says a declaration by the Christian Democratic Senators. They were protesting a motion adopted by the U.S. House of Representatives stating that armed intervention is justifiable against any Communist subversion in any country in America.

The influential daily El Mercurio also terms the motion adopted by the U.S. Chamber as unusual. "It is not the prerogative of the signers of the Mutual Assistance Treaty," says the paper, "or of any others to decide unilaterally on the occasion or the measure to be taken to quell or fight foreign intervention in the hemisphere. If it were so, a determination of the circumstances or the procedures would be left to the subjective appreciation of whoever felt himself under the obligation of acting in real or supposed protection of another. This would lead to unrestricted intervention."

What Latin America should do, adds the editorialist, is to define in its juridical system and its international organisms, the formula with which to fight jointly against this new danger—subversive infiltration—and to constitute a joint force, to be placed at the command of an authority elected by all, in order to organize a real defense against foreign aggression and to maintain a nonintervention which would prevent the trampling of sovereignties.

And another from Caracas, Venezuela also repudiates House Resolution 560:

Democratic Action Party leader Salom Meza stated today that he opposes the resolution just approved by the U.S. House of Representatives, a resolution which endorses U.S. intervention in any country of the hemisphere. He said: "We reject the resolution because we have always repudiated the interference of a foreign country in our internal affairs."

Senator Lorenzo Zamora stated the resolution of the U.S. House of Representatives "means a manifest violation of the principles of the self-determination of nations, nations which will not tolerate any intervention in their affairs or a violation of their sovereignty."

"IN TIMES LIKE THESE"

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. PRICE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. PRICE. Mr. Speaker, every generation is fortunately entitled to a few great men and women and more fortunately even to a few Christ-like individuals. I ask unanimous consent that the article by Dr. and Mrs. George S. Reuter, Jr., be printed in the CONGRESSIONAL RECORD. Dr. Reuter is professor of education at Southern Illinois University at Edwardsville, and Dr. Henry H. Halley, Jr., a well-known physician of Alton, is the son of one of the major characters in the article "In Times Like These":

IN TIMES LIKE THESE

(By Dr. and Mrs. George S. Reuter, Jr.)

Dr. C. Gordon Brownville, of Boston—one of God's greatest creatures of all time—recently stressed the importance and beauty of the song entitled "In Times Like These." In the weeks that have followed, this song has returned to our thinking in the departure from this world on May 23, 1965, of Dr. Henry Hampton Halley, at the age of 91, and the passing of Ambassador Adlai Ewing Stevenson on July 14, 1965, at the age of 65. Yes, and C. Norman Dold at the age of 67 on August 3, 1965.

Dr. Halley, a nephew of the English scientist who named Halley's Comet, was the famed author of "Halley's Bible Handbook." Dr. Halley began the book in 1924 as a 16-page leaflet of favorite scriptures, designed for memorization by readers, and it has grown to about 1,000 pages. This book is now in its 24th edition with a distribution of over 2,500,000 copies. It represents the finest scholarship of a lifetime dedicated to the Bible and its message. Dr. Halley was born in Kentucky, but was a long-time resident of Chicago.

Governor Stevenson really uttered the epitaph for himself, Dr. Halley, and Mr. Dold on November 3, 1952, when he said: "I have said what I meant and meant what I said. I have not done as well as I should like to have done, but I have done my best, frankly and forthrightly; no man can do more, and you are entitled to no less."

Mr. Dold was a past president of the Executive Association of Chicago, the Central Lions Club, the Chicago Baptist Association, and the National Pest Control Association. He was chairman of the board of the Schneibel Co. of Detroit, a director of Oatman Dairy Co., of the official board of North Shore Baptist Church, a vice chairman of Commercial Point Camp, Lake Geneva, Wis., a member of the board of the Chicago Bible Society, and a member of the board of Northern Baptist Theological Seminary.

In times like these everything is laid aside except the knowledge that Dr. Halley's pen, Governor Stevenson's voice, and Mr. Dold's kindness were as eloquent as mankind has ever known in all of Christian history. Every American can be proud that these distinguished citizens epitomized in their persons and in their advocacy the idealism, the practical content, the great influence, the sheer force of character, the intellect, the integrity, and the ideas that humanity will never forget. The public will, however, reap the greatest benefits from these three noble lives by reviewing our historical heritage, their contributions, and then working for a greater tomorrow.

YESTERDAY'S WORLD

The Old Testament depicts God as the Creator, the giver of a man's spirit, and as forever bestowing His spirit upon man in beneficence. Man today, no less than Old Testament man and the New Testament successors, stands woefully in need of renewal of spirit. Only as we understand history can we improve the future.

Fly with us across Greece, looking down on jumbled ruins of the age when democracy was born, only to die from cancerous cells in the body politic. Then, go to Istanbul and view the ruins left by conquering Romans. Think of Constantine who gave his name to that seat of temporary empire for it, too, rose and fell. Think of the vast Ottoman Empire that flourished and decayed. These are but a few examples that are recorded in history.

Let's pause and consider our own Nation, because we have the God-given chance to avert the course of history. We believe Governor Stevenson is still right as when he stated: "I do not believe in the words of Winston Churchill 'that God has despaired of His children.'" In fact, our precedents, traditions, and institutions are the bone and sinew of history. Our Fathers in founding a government of, by, and for the people earnestly sought the guidance of Almighty God. The Mayflower compact was signed, "In the name of God, amen." The Declaration of Independence was concluded "with a firm reliance on the protection of divine providence."

On June 7, 1776, a slender, keen-eyed Virginia aristocrat named Richard Henry Lee rose, against his better judgment, to place a resolution before the Second Continental Congress, meeting in Statehouse in Philadelphia. He proposed: "That these united colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

Then, the signing of the Declaration of Independence brought to the English-speaking world its second, and perhaps the most important document. Like the Magna Carta, it bespoke the rights and aspirations of free men. Finally, the men who composed the Constitutional Convention of 1787 were wise men. They knew that the surest way to protect the fundamentals of the Government they desired to establish and the liberties of the citizens they wished to secure was to enshrine them in a written constitution.

It is thus easy to see the spirit of God at work as great thinkers, great writers, great composers, great painters, and great citizens burst forth with a renewal of spirit. Ultimately, indeed, it is in the present spirit of God that man finds renewal of his spirit. It is for this reason that we, like biblical man, find renewal most often when we seek the presence of God in worship, private or collective.

Educated individuals cannot be insensitive to the countless millions who go to bed hungry at night or to the social injustice of racial discrimination. It is our individual and collective responsibility to seek understanding and resolution of these problems which threaten the peace and security of the world and the welfare of the individual. In fact, the future of our Nation and our civilization rests upon the ability of our educated men and women to provide the leadership and philosophy to carry us forward to what could be a great new world. Governor Stevenson has described the proper attitude: "We travel together, passengers on a little space ship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and I will say the love we give our fragile craft. We cannot maintain it half fortunate, half miserable, half confident, half despairing, half slave—to the ancient enemies of man—half free in a liberation of resources undreamed of until this day. No craft, no crew can travel safely with such vast contradictions. On their resolution depends the survival of us all."

Dean Samuel Miller of Harvard Divinity School has added these ideas: "The revolutionary changes that have been wrought in our world demand a new kind of person. Whatever form it takes, it will matter little if we, in all our suffering, cannot produce a person having such inner magnitude as to pull the mad chaos of our world into some kind of new shape, to put the impress of a larger spirit on it." And Julian Huxley has reminded us that evolution is now a cultural rather than a purely biological process and that man has the fearful responsibility of guiding it.

We must realize, however, man is bound by his own prejudices, his own insensitivity, his failure to assimilate the cumulative experiences of life. Attitudes and philosophies influence our perception and human behavior. It is the result of the stimuli of the external world upon the internal functions of the mind. One needs look at only two examples. First, in 1691, the charter adopted by Massachusetts required that a voter possess a 40 shilling freehold; that is, real estate that rented for 40 shillings a year, or any property, other than real estate, that was worth 40 pounds sterling, approximately 54 pounds in colonial money. The second example concerns the famous Wendell Phillips who once said: "I will come and lecture on ancient civilization for $500 and expenses. I will come and lecture on the abolition of slavery for nothing and pay my own expenses."

Of course Historian Carl Becker has noted: "Every generation will understand the past and anticipate the future in the light of its own restricted experience. It must inevitably play the dead whatever tricks it finds necessary for its own peace of mind—a necessary effort on the part of society to understand what it is doing in the light of what it has done and what it hopes to do."

Currently America discriminates among nations on the basis of birthplace. The national origins provisions are harmful to our international interests, because they breed hatred and hostility toward the United States. Comity among nations is blocked without serving any national need or international purpose.

Finally, we must remember that America will help destroy the foul growth of atheistic communism, not merely by the denunciation of the things she is set to deplore, but with the blazing torch of the things she is for. There is nothing we need more in our Nation and in Christianity than to be aware of the futility of the negative. Yes, and one of our greatest responsibilities is to develop personal values which will create some kind of order and harmony and proportion in our own lives and in a world afflicted by unrest and uncertainty, by a breakdown of many of our standards of excellence. In the past, when our Nation seemed to be in peril, Americans rallied around. But when danger lessens, many of us do some backsliding. We are indeed living in a dangerous age. The passing of Dr. Halley, Mr. Dold, and Governor Stevenson from this world should cause humanity to restudy goals and thus prepare to move forward.

WITH THE GREAT

For several years we shared the honor with Dr. and Mrs. Halley and Mr. and Mrs. Dold of being members of the famed North Shore Baptist Church of Chicago. We witnessed the 1961 Gutenberg Award to Dr. Halley by the Chicago Bible Society. Later, we saw Northern Baptist Theological Seminary give him an important citation, along with Dr. Billy Graham. Finally, in the fall of 1964, we returned to Chicago to see Dr. Halley cited by the Church Federation of Greater Chicago before a mutitude of all denominations. Yes, and this great "Bible scholar, faithful follower of Christ, and benefactor of the Bible cause," and his dear saintly wife, gave us choice times of conversation. They were our guests, with Dr. and Mrs. John Roy Wolfe, at dinner in the summer of 1964, where many gems were gleaned in conversation. Finally, after Dr. Halley's death and burial in Lexington, Ky., we had the rare opportunity of reviewing his career with Mrs. Halley on two occasions.

Dr. Halley reminds us of Charles Kingsley in many ways. Kingsley went to Eversley, England, after he had been graduated from Cambridge—graduated with top honors. He was highly endowed. So much so that people thought he would become Archbishop of Canterbury. Kingsley went to Eversley, however, with its little broken down church and its ignorant population. He stayed 33 years—his entire ministry. He never would go anywhere else. Yet, England wore a pathway to that little church to hear him preach. He wrote books in the rectory next door that were read around the world. He went up and down England as a prophet of social reform. He was chaplain to the Queen. He preached in the cathedrals. But never would he take any honor that would have taken him out of Eversley.

Probably our greatest experience with Governor Stevenson happened on March 13, 1965, when we were invited by the United Federation of Teachers to come to the annual John Dewey Award banquet in New York City. The famous son of Illinois was given this important award. The meeting was held in the New York Hilton; the grand ballroom was crowded; Governor Stevenson delivered a great address, and our cousin, Jerry Cervantes, agrees with us that the event was one of the greatest days in our lives.

A BRIGHT TOMORROW

We may go through this big, buzzing confusion that we call life and partake of its joys and sorrows, its triumphs and defeats, and one day go through that little black door called death, yet having missed life almost completely. Galsworthy said of one of his characters that he had experienced everything else but life itself.

Instead, let us draw again a bit of pure water from the well of life. There is enough for all of us if we will praise the Lord as we draw out the water, because man has the choice of being a nonbeliever or a dedicated servant of his God-given heritage. A free society hinges on what we decide to select.

Some day when the last cruiser is scrapped as old iron and the last dictator releases his iron hold on regimented people, the words of Jesus will stand unrefuted and irrefutable. The future is with Him.

"Subtlest thought may change
  And learning falter
Churches change, forms perish, systems go,
  But our human needs, they do not alter.
Christ, no after age can e'er outgrow."

To Dr. Halley's widow and his children, to Mr. Dold's widow and his children, and to Governor Stevenson's children and sister, the world owes a great debt and must express a deep emotion in times like these, but mankind should remember the favorite prayer of Governor Stevenson in the days ahead. It is the prayer of St. Francis of Assisi:

"Lord, make me an instrument of Thy peace; where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

"O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood, as to understand; to be loved, as to love; for it is in giving that we receive, it is in pardoning that we are pardoned and it is in dying that we are born to eternal life."

TRIBUTE TO SENATOR EDWARD M. KENNEDY FOR LEADERSHIP ON IMMIGRATION REFORM

Mr. GETTYS. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Boland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BOLAND. Mr. Speaker, it is indeed gratifying to me, and, I am sure, to many other Members of the House, that the Senate has passed the immigation reform bill, and the legislation is now in a Senate-House conference. This legislation removes the offensive national origins quota system which has been the basis for our immigration laws for more than 40 years. Ever since coming to Congress 13 years ago, I have advocated liberalization of the immigration laws and sponsored legislation to carry out this proposal.

Our late beloved President, John Fitzgerald Kennedy. sponsored similar bills in the Senate, for he recognized that the national origins quota system was discriminatory. As President of the United States, John F. Kennedy sent to Congress in 1963 immigration legislation that called for major reforms in U.S. immigration policy, including abolition of the national origins quota system. President Lyndon Johnson has been a strong supporter of these proposals, and marked the immigration bill as one of his "must" pieces of legislation in the 1st session of the 89th Congress.

Mr. Speaker, I think it was quite appropriate that our late President's brother, Senator Edward M. Kennedy, of Massachusetts, played a leading role in forging this legislation in the Senate Judiciary Committee and then was assigned to floor manage the bill in the Senate this week. Senator Kennedy is to be commended for his leadership in the fight to reform our immigration laws. I want to pay tribute to him at this time, for he has proven himself to be a prepared, knowledgeable, and skilled debater. He has demonstrated his maturity and outstanding ability to floor manage an important and complex piece of national legislation. And Senators and the Senate leadership on both sides of the aisle have recognized Senator Kennedy's extraordinary capacity to handle such important assignments in the Senate.

Mr. Speaker, I include with my remarks an editorial on the immigration reform bill, printed in the Springfield, (Mass.) Union on September 22, and an excellent article by James S. Doyle, Washington correspondent, in the Boston Globe of September 23, entitled "Kennedys Triumph on Quota Bill":

[From the Springfield (Mass.) Union, Sept. 2, 1965]

IMPROVING IMMIGRATION

Congress is completing action on the first major reform of immigration policy in more than 40 years. The measure now emerging is the product of decades of study and debate. Though still controversial in a few respects, it is basically wise legislation, and certainly more equitable than the policy it will replace.

It will abolish the national quota system imposed in the early 1920's to reduce the flow into the historic "melting pot" and stabilize the ethnic makeup of American society. But it will not, as some have feared, reopen the gates indiscriminately and flood the labor market to the point of tragically increasing the employment rolls.

Foreigners wishing to come to America will be placed on a generally equal footing as far as nationality is concerned (the present quota system heavily favors northern Europe). But one of the several priority brackets covers members of the arts and professions, and artisans whose skills are in demand. Another favors young children of parents already naturalized in this country. Still another would ease the way for refugees from racial or political persecution.

All in all, the potentially harmful effects are hard to find. Trained, talented and useful persons will fit readily into the existing national fabric. Youngsters not yet ready for jobs will not displace anyone else immediately. And the humanitarian philosophy underlying the measure is in the great American tradition. That tradition became somewhat tarnished while countries with large quotas were no longer able to fill them and countries with small quotas built up huge waiting lists of nationals anxious to test the New World's promise.

The House found ample reason for reform when it passed the immigration measure 318 to 95 last month. Notably, Senate passage now is being urged by both Senators Kennedy and Saltonstall, of Massachusetts, a State whose population is more than two-fifths foreign-born or first generation residents. The Senators' efforts merit support, now, and applause after the deserved success is achieved.

[From the Boston (Mass.) Globe, Sept. 23, 1965]

KENNEDY'S TRIUMPH ON QUOTA BILL

(By James S. Doyle)

WASHINGTON.—The Senate ended a week's debate Wednesday with an overwhelming vote to strike down the 41-year-old national origins immigration laws and increase present immigrant quotas by about 50,000 a year.

The vote was 76 to 18. It came after the 18 opponents, mostly southerners, had dragged their feet in extended debate since last Thursday. Eleven New England Senators were recorded in favor; only one, NORRIS COTTON, Republican, of New Hampshire, against.

It represented another victory for the Johnson administration, but even more so, a victory for the Kennedy brothers.

John F. Kennedy, author of an eloquent plea for reforming the immigration laws ("A Nation of Immigrants"), had fought for the bill through his time in Congress and the Presidency.

And his brothers ROBERT and EDWARD continued the fight during the past 5 days, joining in debate against opponents who sought both delay and crippling amendments.

Senator EDWARD M. KENNEDY, Democrat, of Massachusetts, made his debut as floor manager of major legislation with this bill. He had nursed it through months of hearings before a Judiciary Subcommittee, and was given the floor manager's assignment by Senator JAMES O. EASTLAND, Democrat, of Mississippi, head of the Judiciary Committee.

EASTLAND was an opponent of the immigration reform, and one of the principal reasons why passage took so much time near the end of a session, despite the topheavy Senate support for the measure.

KENNEDY and Senator JACOB K. JAVITS, of New York, the Republican floor manager, had to accept one big amendment in order to avoid chances of an all-out filibuster.

This amendment puts limitations on immigration from the Western Hemisphere—Canada and Latin America—for the first time.

These limitations would go into effect in July 1968, after a lengthy study of how to allocate the hemisphere quota of 120,000 persons among the countries, based on maintaining current immigration rates whenever possible.

The bill must now go to a House-Senate conference committee, since the House earlier rejected hemispheric limitations.

The old principle of favoring Western Europeans, especially over Asians and Africans, would end when the bill finally becomes law, and a policy stressing the reunification of families, valuable working skills and general fitness of the immigrant would replace it.

The bill, sponsored by Senator PHILIP A. HART, Democrat of Michigan, would maintain an annual immigration total of 170,000, plus another 50,000 to 70,000 that would enter outside that quota because they are members of immediate families of U.S. citizens.

All unused quotas under the new priorities established would not be canceled, as happened under national origin quotas. They would go into a pool for "new seed" immigrants.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DYAL, for September 24–26, on account of official business.

Mr. DUNCAN of Oregon (at the request of Mrs. GREEN of Oregon), for September 24, on account of official business in district.

Mr. TUCK (at the request of Mr. ALBERT), for Friday, September 24, on account of death in the family.

Mr. HANSEN of Iowa (at the request of Mr. ALBERT), for the remainder of this week, on account of official business.

Mr. BOGGS (at the request of Mr. ALBERT), for the remainder of the week, on account of official business.

Mr. STALBAUM (at the request of Mr. ALBERT), for the remainder of the week, on account of official business in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. GETTYS) to revise and extend their remarks and to include extraneous matter:

Mr. FEIGHAN, for 30 minutes, on September 27.

Mr. CAMERON, for 60 minutes, on September 29.

Mr. MOSS, for 60 minutes, on September 29.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ALBERT to revise and extend his remarks made in the Committee of the Whole during debate on H.R. 3140 and to include a copy of the joint statement of the President of the United States and the President of Panama.

Mr. CHAMBERLAIN his remarks today and to include extraneous matter.

(The following Members (at the request of Mr. DEVINE) and to include extraneous matter:)

Mr. WYDLER.
Mr. MICHEL.

(The following Members (at the request of Mr. GETTYS) and to include extraneous matter:)

Mr. BROOKS.
Mrs. KELLY.
Mr. PATTEN.
Mr. SICKLES.
Mr. MCVICKER.
Mr. NIX.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2126. An act for relief of Sook Ja Kim, Ai Ja Kim, and Min Ja Kim; to the Committee on the Judiciary.

S. Con. Res. 53. Concurrent resolution authorizing the printing of the report of the proceedings of the 42d biennial meetings of the Convention of American Instructors of the Deaf as a Senate document; to the Committee on House Administration.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 2127. An act to amend title 38, United States Code, in order to provide special indemnity insurance for members of the Armed Forces serving in combat zones, and for other purposes.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7969. An act to correct certain errors in the tariff schedules of the United States, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On September 23, 1965:

H.R. 1221. An act for the relief of Betty H. Going;

H.R. 2414. An act to authorize the Administrator of Veterans' Affairs to convey certain lands situated in the State of Oregon to the city of Roseburg, Oreg.;

H.R. 4152. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933 to provide means for expediting the retirement of Government capital in the Federal intermediate credit banks, including an increase in the debt permitted such banks in relation to their capital and provision for the production credit associations to acquire additional capital stock therein, to provide for allocating certain earnings of such banks and associations to their users, and for other purposes;

H.R. 4603. An act for the relief of Lt. (jg.) Harold Edward Henning, U.S. Navy;

H.R. 7090. An act for the relief of certain individuals;

H.R. 8715. An act to authorize a contribution by the United States to the International Committee of the Red Cross;

H.R. 9877. An act to amend the act of January 30, 1913, as amended, to remove certain restrictions on the American Hospital of Paris; and

H.R. 10323. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes.

On September 24, 1965:

H.R. 5842. An act to amend the Lead-Zinc Small Producers Stabilization Act of October 3, 1961; and

H.R. 9221. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes.

ADJOURNMENT

Mr. GETTYS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, September 27, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1620. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 2, 1965, submitting a report, together with accompanying papers and illustrations on an interim hurricane survey of the Massachusetts coastal and tidal areas, authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 293); to the Committee on Public Works and ordered to be printed with six illustrations.

1621. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 2, 1965, submitting a report, together with accompanying papers and an illustration, on an interim hurricane survey of the New Hampshire coastal and tidal areas, authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 294); to the Committee on Public Works and ordered to be printed with one illustration.

1622. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend the act providing for the economic and social development in the Ryukyu Islands; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASHMORE: Committee on the Judiciary. S. 1620. An act to consolidate the two judicial districts of the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto; with an amendment (Rept. No. 1094). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 11256. A bill to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes; to the Committee on Ways and Means.

By Mr. MULTER:

H.R. 11257. A bill relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 11258. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. KEITH:

H.R. 11259. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. BRADEMAS:

H.R. 11260. A bill to amend the Tariff Act of 1930 to provide that bagpipes and parts thereof shall be admitted free of duty; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 11261. A bill to provide for a program to advance the humane care, comfort, and welfare of laboratory animals used in scientific study; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS:

H.R. 11262. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. MULTER:

H.R. 11263. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 11264. A bill to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extensions of credit; to the Committee on Banking and Currency.

H.R. 11265. A bill to amend the Clayton Act to prohibit restraints of trade carried into effect through the use of unfair and deceptive methods of packaging or labeling certain consumer commodities distributed in commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 11266. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees, to the Committee on Ways and Means.

By Mr. JONES of Missouri:

H.R. 11267. A bill to amend the joint resolution of March 25, 1953, relating to electrical and mechanical office equipment for the use of Members, officers, and committees of the House of Representatives, to remove certain limitations; to the Committee on House Administration.

By Mr. WHALLEY:

H.R. 11268. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. DYAL:

H. Con. Res. 515. Concurrent resolution requesting the President to refer the matter of the diversion of surplus arctic water to the International Joint Commission; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 11269. A bill for the relief of Mrs. Dorothy E. Kelley; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee:

H.R. 11270. A bill for the relief of Carmen Taal; to the Committee on the Judiciary.

By Mr. GRIDER:

H.R. 11271. A bill for the relief of certain individuals employed by the Department of Defense at the Granite City Defense Depot, Granite City, Ill.; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 11272. A bill for the relief of Clement Lalezari; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 11273. A bill for the relief of Dr. Ivan Dimich and his wife, Dr. Aleksandra Bajsanki Dimich; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 11274. A bill for the relief of Seima Ibayashi; to the Committee on the Judiciary.

By Mr. KING of Utah:

H.R. 11275. A bill to provide for the free entry of one photomicroscope for the use of the Utah State Training School, American Fork, Utah; to the Committee on Ways and Means.

By Mr. KREBS:

H.R. 11276. A bill for the relief of Ning Sheng Huang; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 11277. A bill for the relief of Maria Fernandes Carvalho; to the Committee on the Judiciary.

SENATE

FRIDAY, SEPTEMBER 24, 1965

(Legislative day of Monday, September 20, 1965)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, from whom all holy desires and all good counsels do proceed, rise mercifully with the morning upon our darkened hearts. In this tragic and despairing world we are conscious of our woeful inadequacy to sit in the seats of judgment, to balance the scales of justice and to respond with equity to the myriad causes of human need. Wilt Thou crown our deliberations with Thy wisdom and with spacious thinking as we view human problems in terms of the whole globe. Light our eyes, we pray, with sympathy for all mankind as we face the questions which confront us and almost confound us. Quicken within us, we beseech Thee, every noble impulse and sanctify for Thy glory and for human good our best endeavors.

We lift our prayer in the dear Redeemer's name. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on September 22, 1965, the President had approved and signed the following acts:

S. 192. An act for the relief of Maria Liberty Burnett;

S. 586. An act for the relief of Maria Tsilis;

S. 653. An act for the relief of George Paluras (Georgios Palouras);

S. 703. An act for the relief of Kimie Okamoto Addington;

S. 861. An act for the relief of Alva Arlington Garnes; and

S. 1919. An act for the relief of Laura MacArthur Goditiabois-Deacon.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1965

The Chair laid before the Senate the unfinished business, the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8283) to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964.

Mr. McNAMARA obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield to the Senator from Montana.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent for all committees to file reports, including minority, individual, and separate views, during the adjournment of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The legislative clerk read the nomination of U. Alexis Johnson, of California, to be a Deputy Under Secretary of State.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

DEPARTMENT OF DEFENSE

The legislative clerk read the nomination of John S. Foster, Jr., of California, to be Director of Research and Engineering.

Mr. KUCHEL. Mr. President, while I do not have the pleasure of knowing Mr. Johnson personally, I am very glad, on this occasion, to salute the appointment of John S. Foster, Jr., to be Director of Defense Research and Engineering. Over the last several years he has demonstrated a supreme capacity to be of service to the American people and to the needs of their defense.

I observe on this occasion, that as a fellow California citizen, I am delighted to see him and Mr. Johnson given these new areas of responsibility.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

DEPARTMENT OF THE ARMY

The legislative clerk read the nomination of Robert A. Brooks, of Massachusetts, to be Assistant Secretary of the Army.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. NAVY

The legislative clerk proceeded to read sundry nominations for promotion in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER (Mr. BASS in the chair). Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1965

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8283) to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964.

Mr. McNAMARA. Mr. President, I should like to make a brief statement regarding the conference report.

First, I wish to thank my colleagues who served with me on the conference, the Senator from Oregon [Mr. MORSE], the Senator from Texas [Mr. YARBOROUGH], the Senator from Wisconsin [Mr. NELSON], the Senator from New York [Mr. JAVITS], and the Senator from Vermont [Mr. PROUTY].

The major difference between the two versions of the bill is the authorization by title, resulting in a total authorization of $1.895 billion in the House bill, and $1.650 billion in the Senate bill.

The conferees arrived at a compromise figure of $1.785 billion, which represents an increase of $135 million over the authorization in the Senate bill, and a decrease of $110 million from the authorization in the House bill.

The primary difference may be found in title I, where the conferees increased the authorization $165 million.

The reason for this increase was to provide more money for the Neighborhood Youth Corps, which has had great success both in the number of youths participating, and the benefits resulting from their participation.

The conferees received telegrams from many State officials urging that the authorization for this program be increased.

The Senate conferees have receded from the Senate position in section 209(c) in regard to the Governor's veto power.

As the Senate will recall, during Senate consideration of the bill the Governor's veto was dropped from the bill and the Senate rejected seven or eight amendments to reinstate some form of it.

The Senate position was adopted in conference, in lieu of the House language which permitted the Governor's veto but which permitted the Director of OEO to reconsider such actions and override them.

However, the House subsequently voted to recommit the conference report to conference, with instructions to its conferees to insist on the House position.

On returning to conference, the Senate conferees were reluctant to reconsider and recede on this point.

However, in view of the House action, the Senate conferees agreed to recede and to accept the House language.

The Senate conferees receded from the Senate position which provided for Hatch Act coverage to VISTA volunteers and persons employed by agencies administering or carrying on community action programs, and whose salaries are paid in principal part from funds appropriated under the act.

The exclusion of these provisions was based upon the difficulty of applying the existing statutory restrictions to organizations and agencies for which they were not designed.

In no way did the conferees intend any retreat from the principle that these programs must be conducted in a completely impartial manner, free of any partisan political activity or any activity designed to further the election or defeat of any candidate for public office.

In addition, a letter was received from John W. Macy, Jr., Chairman of the U.S. Civil Service Commission, opposing this Senate amendment.

I ask unanimous consent that Mr. Macy's letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McNAMARA. Mr. President, the remaining differences resolved by the House and Senate conferees were relatively minor in nature.

An explanation of the action taken on these amendments is contained in the statement of the managers on the part of the House.

I ask unanimous consent that the portion of the House conferees' statement in explanation of the conferees' action be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. McNAMARA. Mr. President, in conclusion, this bill, the Economic Opportunity Amendments of 1965, provides an authorization of funds for fiscal year

1966, and a 1-year extension of the Federal share of financing at 90 percent for programs under title I, parts B and C, and title II of the act.

The legislation was enacted on August 20, 1964, and not funded until October 8, 1964. Involved in its many programs are new concepts to assist in the war on poverty. The progress made thus far deserves our continuing support.

I believe we arrived at an excellent bill in conference, and I urge Senate approval of the conference report.

EXHIBIT 1

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., September 1, 1965.
Hon. PAT McNAMARA,
U.S. Senate.

DEAR SENATOR McNAMARA: The Civil Service Commission respectfully submits the following views regarding section 18 of H.R. 8283, added by the Senate, making the Hatch Political Activities Act applicable to employees of private nongovernmental agencies which administer or conduct community action programs under the Economic Opportunity Act of 1964, as amended. The amendment adopted by the Senate would revise section 211 of the Economic Opportunity Act of 1964 by inserting a new subsection (a) as follows:

"(a) Any person who is employed by any agency administering or conducting a community action program receiving assistance under this part and whose salary is paid in principal part from funds appropriated pursuant to this part, shall be deemed to be an officer or employee of a State or local agency for the purposes and within the meaning of the Act entitled 'An Act to prevent pernicious political activities,' approved August 2, 1939 (53 Stat. 1147) as amended."

The Commission believes that it would be unwise to extend the general political activity restrictions of the Hatch Act to such a sizable group of persons in the private sector of community life.

Before action is taken on the bill the conference managers should appreciate the full scope and impact of this provision which would constitute a major departure from long-standing precedent in legislation of this type, as established by the Hatch Act. Whereas the Hatch Act covers those who occupy positions of public trust as employees of executive agencies of the Federal Government or of State or local governments, the amendment as adopted by the Senate would prohibit certain employees of private organizations from taking any active part in partisan political affairs. The Senate amendment can be read so as to include, potentially, employees of such organizations as legal aid societies, religious and charitable organizations, and other groups which we believe do not normally have any substantial political involvement.

The primary justification for the restrictive provisions of the Hatch Act is found in the fact that those whose political freedom is curtailed are governmental employees who are expected by the general public to refrain from active political partisanship.

Under the 1940 amendments of the Hatch Act, such restrictions are applied to employees of State and local governmental agencies whose principal employment is in connection with activities financed by Federal loans or grants. There again the Congress directed the prohibitions to officers and employees of governmental agencies only.

Of course, the Commission concurs in the view that partisan politics should be kept out of community action programs financed by Federal grants. In this regard it should be noted that existing law goes far to proscribe partisan political activity in community action programs. Section 12 of the Hatch Act prohibits partisan political activity on the part of any officer or employee of a public agency who is principally employed in connection with such an activity financed by Federal loans or grants. The same section of the Hatch Act would also prohibit such an officer or employee from using his official authority or influence for the purpose of interfering with an election or promoting the solicitation of money for political purposes. It is the Commission's position that the Hatch Act will deter most of those engaged in community action programs who otherwise might be inclined to become active in partisan political campaigns.

The Commission believes that the Congress should seriously consider the effect of a legislative prohibition against political activity on the part of private employees. We urge that the amendment be rejected.

By direction of the Commission.

Sincerely yours,

JOHN W. MACY, Jr.,
Chairman.

EXHIBIT 2

JOB CORPS—DISPLACEMENT OF EMPLOYED WORKERS

The Senate amendment contained a provision, which had no counterpart in the House bill, which prohibited the Director from authorizing a Job Corps program which would result in the displacement of employed workers or impair existing contracts for services. The conferees have agreed upon a compromise under which the Director is required to prescribe regulations to prevent Job Corps programs from displacing presently employed workers or the impairment of existing contracts for services.

JOB CORPS—PAYMENTS TO RECRUITERS

The Senate amendment prohibited the Director from making payments to any individual or organization for the service of referring candidates for enrollment in the Job Corps or names of such candidates. The House bill contained no similar provision. The conference report contains a substitute which provides that the Director shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for the Corps.

COMMUNITY ACTION PROGRAMS—ACCESS OF PUBLIC TO INFORMATION

The Senate amendment provided that community action programs must include provisions for feasible access of the public to information, including but not limited to, reasonable opportunity for public hearings at the request of appropriate local community groups. The House bill contained no comparable provision. The conference agreement adopts the Senate provision, except that the word "feasible" is changed to "reasonable."

COMMUNITY ACTION PROGRAMS—TYPES OF PROGRAMS

The present act contains examples of programs which fall within the purposes of community action programs. The Senate amendment added to the list the fields of family planning, consumer credit education, and consumer debt counseling programs. It also gave emphasis to the fact that the list is merely to give examples by providing that the programs falling within the purpose of the part include, but are not limited to, the listed fields. The House bill contained no comparable provision. The conference substitute omits the listing of additional examples of types of permissible programs. It adopts, however, the Senate provision insuring that the listed fields are not the only ones in which programs may be carried. The managers on the part of the House wish it to be understood that the omission of the Senate provision in no way indicates that it is their intention or the intention of the Senate conferees to discourage the continuation and expansion of programs in these fields. Programs in these fields are now being carried on, and are to be encouraged.

COMMUNITY ACTION PROGRAMS—SPECIAL PROGRAMS FOR THE CHRONICALLY UNEMPLOYED POOR

The Senate amendment authorized the Director to make grants for special programs directed at the needs of those chronically unemployed poor persons who have poor employment prospects, and are unable, because of age or otherwise to obtain appropriate employment or training assistance under other programs. These programs, in addition to other services, will enable such persons to participate in projects for the betterment or beautification of the community served by the program, including activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands. The program must be conducted in accordance with standards adequate to assure that the program is in the public interest and otherwise consistent with policies applicable under the act for the protection of employed workers and the maintenance of basic rates of pay and other suitable conditions of employment. It was also provided that $150 million of the funds appropriated for carrying out title II of the act for the fiscal year 1966 could be used for this purpose. The House bill contained no similar provision. The provisions for these special programs are retained in the substitute agreed upon in conference. However, the provision for earmarking a portion of the funds appropriated for title II for this purpose was not retained.

COMMUNITY ACTION PROGRAMS—SELF-HELP HOUSING REHABILITATION

The Senate amendment contained a provision requiring the Director to give special consideration to programs which would, through self-help, rehabilitate substandard housing and provide instruction in basic skills associated with such rehabilitation. This provision is not included in the substitute agreed upon in conference. However, programs in these fields are now being carried on and are to be encouraged.

Participation of State agencies

The Senate amendment provided for continuing consultation with approximate State agencies in the development, conduct, and administration of community action programs. The conference substitute includes this provision except for the word "continuing."

Disapproval of plans

The present act provides that no assistance can be made available for work-training programs or community action programs until the Governor of the State in which they are to be carried on has been given notice of the plan for the assistance and has not disapproved it within 30 days.

The House bill amended this provision so that, in the event of the disapproval of a plan by a Governor, the Director could reconsider it, and if he found it fully consistent with the provisions and in furtherance of the purposes of this act, could override the Governor's disapproval.

Pursuant to the instructions of the House, the House conferees have insisted on the inclusion of the House provision in the conference report. The conferees expect that the procedures established by the Director of the Office of Economic Opportunity under section 209(a) will include provision for informal hearings held by the Director at the request of the Governor of a State or other interested parties.

COMMUNITY ACTION PROGRAMS—PRIVATE NONPROFIT AGENCIES

The House bill provided that when the Director receives an application for a community action program to be carried out in a community in which a community action agency is carrying on a program consisting of several component programs, he must give notice to that agency. The Senate amendment added a requirement that the Director also give notice to the Governor of the State. The Senate amendment also provided that when the Director determines that a separate contract or grant is desirable and practical and that special cause has been shown, he may make a grant directly to, or contract directly with, such agency.

The conference substitute includes both of these Senate provisions, except that the requirement that "special" cause must be shown before the Director may contract directly has been altered to require "good" cause to be shown.

Voluntary assistance program for needy children

The House bill struck out part C of title II of the act providing for the establishment in the Office of Economic Opportunity a center to encourage voluntary assistance for deserving and needy children. The Senate amendment retained part C, but deleted the provision under which the center was directed to collect the names of persons who voluntarily desire to assist such children financially, and to obtain information concerning deserving and needy children from social welfare agencies.

The conference report adopts the Senate provision.

Indemnity payments to dairy farmers

The Senate amendment extended until June 30, 1966, the program provided for by the act for making indemnity payments to dairy farmers who have been directed to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use at the time of such use. The conference substitute adopts the Senate provision.

Programs for the elderly poor

The Senate amendment added a provision to the act stating the intention of Congress that whenever feasible the special problems of the elderly poor should be considered in the development, conduct, and administration of programs under the act. The conference report retains this provision of the Senate amendment.

The Senate amendment also provided for the establishment in the Office of Economic Opportunity of a Task Force on Programs for the Elderly Poor. The conference substitute does not include this provision.

National Advisory Council

The Senate amendment provided for a National Advisory Council of 21 members with the Director an ex-officio member to review and to make recommendations of the programs under the act. The House bill increased the members from 14 to 20 but made no other changes in the provisions of the act. The House bill provision was accepted by the conferees.

Transfer of funds between titles

The Senate amendment added a section to the act permitting up to 10 percent of the amount appropriated or allocated for any title to be transferred for use in carrying out other titles, but the amount available for use for any title could not be increased by more than 10 percent. The conference substitute includes this provision.

Equitable distribution of benefits between urban and rural areas

The Senate amendment required the Director to adopt such administrative measures as are necessary to assure that benefits of the act will be distributed equitably between residents of rural and urban areas. The substitute agreed upon in conference contains a modification of the Senate provision under which the Director is required to adopt appropriate administrative measures to assure such equitable distribution.

Authorization of appropriations

The House bill authorized the appropriation for fiscal year 1966 of $825 million to carry out title I of the act. The Senate amendment authorized the appropriation for such year of $535 million for such purpose. The amount fixed in conference is $700 million.

The House bill authorized the appropriation for fiscal year 1966 of $680 million to carry out title II of the act. The Senate amendment authorized the appropriation for such year of $880 million for such purpose. The conference substitute authorizes the appropriation for such purpose for such year of $850 million.

The House bill authorized the appropriation for the fiscal year 1966 of $70 million to carry out title III. The Senate amendment authorized the appropriation for such year of $55 million for such purpose. The conference substitute adopts the Senate figure.

The House bill authorized the appropriation for the fiscal year 1966 of $300 million to carry out title V. The Senate amendment authorized the appropriation for such year of $150 million for such purpose. The conference report contains the Senate figure.

The House bill authorized the appropriation for the fiscal year 1966 of $20 million to carry out title VI. The Senate amendment authorized the appropriation for such year of $30 million for such purpose. The substitute agreed upon in conference adopts the Senate figure.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield 3 minutes to the Senator from Wisconsin [Mr. PROXMIRE] without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIA-PAKISTAN: ANOTHER UNITED NATIONS SUCCESS

Mr. PROXMIRE. Mr. President, it has been a long, dry 1965 for the United Nations. The U.N. has been unable to contribute significantly to peace in Vietnam. The U.N. Assembly has been unable even to cast a substantive vote.

But now, thanks to the great skill of the Johnson administration, the forbearing cooperation of the Soviet Union, and the quiet but vigorous efforts of the United Kingdom and others, the United Nations has achieved what appears to be a 10-strike for peace in successfully winning a cease-fire between India and Pakistan.

The war between these two major non-Communist countries of Asia was not only developing into the tragedy of violence and death that characterizes all war, but also threatened to collapse the major bastions of freedom in Asia, with Red China picking up the pieces.

A few days ago, it seemed impossible for the U.N. or any other force to call India or Pakistan back from this religious war.

President Johnson should be especially singled out for commendation. It must have been tempting to step into this controversy as the peacemaker—as, indeed, he was urged to do by the belligerents. His credentials for this peace-directing role as the President of the principal source of economic aid for both countries, and the major supplier of arms for Pakistan, were mighty impressive.

But the President had the wisdom to restrain the Nation from the glory and the danger of such a role. He wisely recognized the part that the Soviet Union and the United Kingdom could and should play, and he especially perceived how very important this role could be and should be for the United Nations.

The success of the United Nations in serving as the agency that has brought a cease-fire in this war will serve mankind far better than a U.S. unilaterally enforced peace, even if we could have achieved it. This gives confidence to the United Nations and in the United Nations.

As the Washington Post put it in its headline yesterday, "U.N. Makes Peace in Its Finest Hour," the U.N. achievement can be a real harbinger of strength—along with the U.N. success in Korea, the Suez, Cyprus, the Congo, and elsewhere.

Americans should be proud that this Nation, under the leadership of President Johnson, made this U.N. success possible.

I ask unanimous consent to have the article published in the Washington Post, and written by Louis Fleming, to which I have referred, printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.N. MAKES PEACE IN ITS FINEST HOUR

(By Louis B. Fleming)

UNITED NATIONS, N.Y., September 22.—There was a glow of satisfaction and the return of a long-lost sense of confidence at the United Nations today following the early morning agreement on a cease-fire between India and Pakistan.

The United Nations had made peace—and so had Arthur J. Goldberg. Corridors buzzed about both.

Only a handful of hearty diplomats had been on hand in the Council chamber at 3 a.m. to hear Pakistan Foreign Minister Zulfikar Ali Bhutto read the cease-fire agreement.

Only eight reporters had stood in the corridor an hour later to hear U.S. Ambassador Goldberg say: "This is a great moment in the history of the United Nations."

CLOSE SHAVE FOR PEACE

And only a few persons knew how close to disaster the path to peace had come in the tense hours between 1:45 a.m. Monday, when the Council demanded a cease-fire, and 3 a.m. Wednesday, when Bhutto agreed.

There was almost universal agreement among diplomats that this was the Security Council's finest hour. The threat of this war, with the backstage role of Communist China, had an importance that most thought greater than earlier Council peace actions.

Most of the delegates agreed that much of the credit belonged to Goldberg, even though he had risked a mutiny by some of the members, and even though the final agreement was threatened by a walkout of some of the same angry members early today.

Goldberg himself was convinced that the agreement early Monday morning was the fruit of continuous negotiations he had demanded as Council president.

SIX THREATENED TO QUIT

At the crucial moment in these negotiations Monday, the six nonpermanent members of the Council handed Goldberg a letter threatening to walk out and challenging his extended talks alone with France, the Soviet Union and Britain while they cooled their heels outside. Fortunately, he had just won agreement from the Big Four on a resolution almost identical to one he had negotiated earlier in the day with the six.

Their mutiny was abandoned and the Council adopted the resolution.

Council members themselves were kept in a state of suspense by Pakistan until Bhutto read the agreement of his government at the exact hour set for the cease-fire in the Council's Monday resolution.

At 2:36 a.m. Goldberg invited Bhutto to address the Council. At this point, no one on the Council yet knew what the Pakistani would do.

BITTER CHARGES

For 20 minutes, the Foreign Minister gave a traditional Kashmir dispute speech, ringing oratory, bitter charges against India, protests of absolute innocence on the part of Pakistan, a threat to fight for 1,000 years if necessary to defend the right of self-determination for the people of Kashmir.

But he kept looking at the clock. Just at 3 a.m., the hour of the cease-fire deadline, he halted his speech, pulled out a piece of paper, and carefully read the following message from Pakistani President Ayub Khan: "Pakistan considers Security Council Resolution 211 of September 20 as unsatisfactory. However, in the interest of international peace and in order to enable the Security Council to evolve a self-executing procedure which will lead to an honorable settlement of the root cause of the present conflict; namely, the Jammu and Kashmir dispute, I have issued the following order to the Pakistan armed forces * * *."

Pakistan would stop shooting in 5 minutes, he informed the Council.

Council members recessed to draft their acceptance. The final cease-fire deadline was postponed for 15 hours to give both armies time for implementation.

Elation over the peace agreement was tempered with a realization that, as Goldberg said, the cease-fire was just the beginning. Pakistan obviously was dead serious when it said it would quit the United Nations if the Council allows the question of Kashmir to drift as it has for 16 years.

But it was impossible to exaggerate the achievement in terms of revived prestige for the organization. It was a credit to Secretary General U Thant, whose 9-day peace mission to India and Pakistan laid the foundation for the cease-fire agreement.

And, for the Council, it was a moment particularly significant for the unity of the big four that succeeded in isolating the conflict from the opportunism of Peiping.

(The U.N. General Assembly's steering committee recommended—without taking a formal vote—that the Assembly again take up the issue of a seat for Red China, Associated Press reported. U.S. Ambassador Charles Y. Yost said the United States had no objection to full-scale Assembly debate, but added that in the light of recent events he believed the debate "would serve no useful purposes." The steering committee also overrode Communist objections and recommended that the Assembly again take up the Tibet issue.)

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Pennsylvania [Mr. CLARK] for so graciously yielding to me.

Mr. CLARK. I commend the Senator from Wisconsin for the comments he has just made. I invite his attention to what I hope is the beginning of a real peace offensive, as the result of our success in bringing about a cease-fire between India and Pakistan.

This peace offensive got underway 2 weeks ago at the Washington World Conference on "World Peace Through World Law," which was addressed by the President of the United States, the Chief Justice of the United States, and by Ambassador Arthur Goldberg who, by the way, is reported in the press this morning as having delivered an excellent speech at the United Nations in connection with the cease-fire between India and Pakistan in which he also indicated his intention to support the views of President Johnson that we should now get going on a peace offensive which would include a number of measures on disarmament.

Mr. President, I hope to have something to say about that later in the day. I commend my friend the Senator from Wisconsin for his activity in this regard.

Mr. PROXMIRE. Let me say to the Senator from Pennsylvania that I agree with him wholeheartedly in his remarks. I also invite attention once again to the brilliant speech made at that conference by the Senator from Pennsylvania, on arms control and disarmament. I though so highly of it that I inserted it in the RECORD. I thought it was a great contribution to the peace offensive to which he has referred.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 23, 1965, was dispensed with.

AUTHORIZATION TO RECEIVE MESSAGES AND SIGN BILLS DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages, and that the Vice President be authorized to sign bills and resolutions during the adjournment of the Senate, which is anticipated until next Tuesday, September 28, 1965.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

On request by Mr. CLARK, and by unanimous consent, the Committee on Interior and Insular Affairs was authorized to meet during the session of the Senate today.

FOREIGN STEEL FLOWS INTO UNITED STATES AT NEW HIGH RATE, 16 TONS A MINUTE

Mr. SYMINGTON. Mr. President, as everyone knows, coal—coke—is essential to the production of steel.

Recently the American Iron and Steel Institute put out a statement showing that foreign steel now flows into the United States at the new high rate of 16 tons a minute.

Nevertheless, according to the Nathan Report, West Germany, the Netherlands, France, and in this case the United Kingdom, have almost prohibitive quantitative restrictions, quotas, licensing arrangements, and so forth, on the imports of coal.

According to this report, these nontariff barriers cost the United States up to $500 million a year on coal alone.

I believe it just and proper that we ask for more economic cooperation from our friends and allies of the free world. We are all in this one together.

I ask unanimous consent that the article in question be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREIGN STEEL FLOWS INTO UNITED STATES AT NEW HIGH RATE, 16 TONS A MINUTE

Foreign steel mill products entered the United States at the rate of 16 tons per minute during the first 4 months of 1965. That record was set despite the January-February dock strike on the east and gulf coasts.

In comparison, imports averaged a little less than 11 tons per minute during the same 4 months of 1964 and about 12 tons per minute for the full year. A decade ago, the rate was less than 2 tons per minute.

Within the general increase in steel mill product imports which, at current rates, could bring the 1965 total to almost 8 million tons, significant changes are in progress.

Prior to 1959—the year in which this country became a net importer of steel for the first time in half a century—sheets and strip comprised a negligible item in the total import picture. For example, in 1955, sheets and strip brought in from foreign countries came to a little more than 54,000 tons, or 5.5 percent of the 973,000-ton total. The United States was then, as it is now, the world's largest producer of sheet and strip.

In the steel strike year of 1959 when many domestic steel consumers had to turn abroad for supplies to keep their factories running, sheet and strip imports jumped to over 8 percent of total imports, or 386,000 tons. During 1964 the tonnage of sheet and strip brought into this country from foreign sources increased to almost 1.2 million tons which was 18 percent of total imports.

Through the first 4 months of this year, sheet and strip accounted for 28 percent of all imported mill products—766,000 out of 2,732,000 net tons.

JAPANESE MAKE BIG GAIN

Among the foreign sources of imported steel mill products, Japan has shown the most remarkable gain. During 1955, the 96,000 tons of imports originating in that country accounted for a little less than 10 percent of the total. By 1959, the tonnage had increased to 626,000 net tons (14 percent) and Japanese products have accounted for a larger percentage of total imports in each year since then. In 1964, imports of 2,446,000 tons from Japan represented 38 percent of the total.

Through the first quarter of this year, imports from Japan accounted for nearly 44 percent of all steel mill products entering the United States, and that country is by far the largest single source of sheet and strip.

All sections of the country are affected by the inroads of foreign steel into the domestic economy, as shown below.

Particularly noteworthy among the data shown is the high rank of Japan as a source of steel mill products at the end of such long shipping routes as the Atlantic and gulf coasts and even in customs districts along the "north coast" created by the St. Lawrence Seaway.

In that latter connection, the Michigan customs district (with Detroit primary) ranked third in tonnage of foreign steel received last year—exceeded only by Los Angeles and Galveston districts. New York and New Orleans were the next largest, followed by Chicago.

Together, the great industrial centers in the vicinity of Detroit and Chicago were the targets of more than a million tons of foreign steel last year. Buffalo received 306,000 tons.

OUR UNFAVORABLE BALANCE OF PAYMENTS

Mr. SYMINGTON. Mr. President, everyone is becoming interested in the problem of our continuing unfavorable balance of payments, and its relationship to liquidity in the promotion of world trade.

In this connection, I ask unanimous consent that an editorial from the Kansas City Star, entitled, "Secretary Scores Points for Monetary Reform," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Secretary Scores Points for Monetary Reform

Henry H. Fowler, Secretary of the Treasury and traveler, returned from Europe with a fever and a reasonably optimistic report on the prospects for reform in the international monetary system. Armed with proof that the United States is successfully grappling with its own balance-of-payments problem, and bolstered by the momentum of the U.S. initiative, Fowler has obtained agreement from the major nations to get the show on the road. Presumably this will be done at conversations which will begin in October. We are sorry about the fever but we must say that the Secretary turned in a fine piece of work.

In the simplest of terms, the immediate problem—and by immediate, we do not mean tomorrow or the day after, but within the decade to come—stems in part from the U.S. success in bringing its payments balance into line in the second quarter of the year. But the dollars that constituted the American deficit for so many years were the chief fountain of international liquidity. That simply means that dollars dispatched overseas for various purposes were used to finance world development. Not just dollars, of course; but mostly dollars.

It is obvious that the United States does not intend to—and cannot afford to—let its payments balance get so badly out of line for such a prolonged period. Thus there will be fewer dollars to go around. Moreover, with the expansion of the various national economies and with the rapid growth of the population, there is a need for more funds to assure orderly growth. The question is thus proposed: Where are the funds to come from?

This is the crux of the issue at the moment when Fowler can report that the so-called group of 10—the United States, Belgium, Canada, France, Germany, Great Britain, Italy, Japan, the Netherlands, and Sweden—will begin negotiations next month. These will be preliminary in nature. And Fowler has been extremely careful in assuring the underdeveloped nations that the intention is not to create a rich man's club to take charge of reform. Rather, all the members of the International Monetary Fund will be considered and in due time will be consulted. This must be so even though only a few nations—in all probability the group of 10 itself—will provide the bulk of the funds to be used in any monetary reform. That is the way it must be. Nevertheless, the industrial nations have a large stake in the development of the new and poor nations, and the interest of those nations must be considered.

It thus is a matter of extreme delicacy, involving the intricacies of international finance and the pride of nations. Fowler, as we see it, has so far handled the matter masterfully. And the talks that begin next month could be the opening of a genuine monetary reform that would give new stability to the entire free world.

EUGENE ZUCKERT, SECRETARY OF THE AIR FORCE

Mr. SYMINGTON. Mr. President, some of us plan to pay our respects and tribute to one of the great public servants of our time, Secretary of the Air Force, Eugene M. Zuckert, who is retiring next week.

We planned to do so next Monday, but inasmuch as I understand the Senate will not be in session on that day, I should like all Senators to know that immediately after the morning hour on Wednesday, September 29, it is our intention to pay tribute to Mr. Zuckert.

I thank my friend the Senator from Pennsylvania [Mr. Clark], for his typical courtesy in yielding to me.

Mr. CLARK. The Senator is most welcome.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1965

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8283) to expand the war on poverty.

Mr. CLARK. Mr. President, I address myself to the conference report on the Economic Opportunity Act amendments of 1965.

The Senate version of this act added in section 205(a), "family planning," which is illustrative of the programs which the Director is authorized to make grants to, or to contract for with local public or private nonprofit agencies. This addition to the major programs initially authorized by the act was included in the legislation in the Committee on Labor and Public Welfare, on my motion.

There was very little discussion within the committee presumably because the members agreed that programs of family planning were, indeed, essential to an adequate attack on poverty in this country.

When the bill reached the floor of the Senate again, there was no discussion on this insertion in the act.

I happened to be unavoidably out of Washington during the course of debate, but the Senator from Texas [Mr. Yarborough], at my request, placed in the Record a speech in support of the amendment which I had prepared for delivery.

When the bill went to conference with the House, the provision explicitly authorizing family planning, as one type of program which was to be encouraged, was deleted. I have attempted to find out why it was deleted, and I have been quite unsuccessful.

In the Senate report, the statement is made that the bill would add consumer credit education, consumer debt counseling, and family planning to the list of the types of components eligible for inclusion in community action programs.

The Senate report states:

> The committee is aware that services of these types are already being provided in some community action programs. The amendment, however, would underscore the interest of the Congress in these fields of activities and, subject to the principle that programs should be locally planned to meet local needs, would serve to emphasize the importance of inaugurating components involving consumer protection and family planning.

Of course, the Senate never makes a conference report. It relies on the report made by the managers of the House to their body for a statement of the views of the conferees. The only paragraph which might shed some light on why family planning was eliminated by the conferees appears on page 11 of the report of the House managers, and reads as follows:

> The present act contains examples of programs which fall within the purposes of community action programs. The Senate amendment added to the list the fields of family planning, consumer credit education, and consumer debt counseling programs. It also gave emphasis to the fact that the list is merely to give examples by providing that the programs falling within the purpose of the part include, but are not limited to, the listed fields. The House bill contained no comparable provision. The conference substitute omits the listing of additional examples of types of permissible programs. It adopts, however, the Senate provision insuring that the listed fields are not the only ones in which programs may be carried. The managers on the part of the House wish it to be understood that the omission of the Senate provision in no way indicates that it is their intention or the intention of the Senate conferees to discourage the continuation and expansion of these programs. Programs in these fields are now being carried on and are to be encouraged.

That is a very nice, fair, and helpful statement, but one wonders why these phrases, and particularly family planning, were deleted from the bill. There is no explanation, and one can only guess.

My guess would be that there were some members among the House conferees who felt that the subject of family planning had only recently become respectable. This occurred 2 or 3 years ago, as a result of the activities of an eminent Catholic physician, Dr. John Rock, the tolerant position taken by Cardinal Cushing, of Boston, and the speeches made on the floor of this body by the distinguished Senator from Alaska [Mr. Gruening], myself, and a number of other Senators. But perhaps it was thought by one or more of the House conferees that family planning is still so controversial a subject that to include it in the poverty legislation as a permissible, and, indeed, an encouraged program might disturb the calm contentment of some of their constituents who still believe that where ignorance is, for them personally, bliss, it is folly to permit individuals to be wise.

If the matter could be swept under the rug in this fashion, a subject whose mere mention offends the sensibilities of some individuals unwilling to face up to the economic and social consequences of the problem of unwanted children, the House conferees may have thought we had better get rid of that subject without any floor discussion.

I regret that the decision of the conferees to attempt to soft-pedal the Senate action, which candidly faced up to one of the most serious problems confronting our country, makes it desirable to explain why this provision in the Senate version of the bill appeared to me and to the members of the Senate committee, and indeed to the Senate itself, to be a wise one.

The present policy of the Federal Government has been to encourage the research and development of family planning techniques in a number of Federal agencies, and to give assistance to individuals, countries, and groups interested in attaining adequate information on the subject, whether at home or abroad.

Thus, the foreign aid program several years ago was bolstered by a provision introduced in the legislation, at the urging of the chairman of the Foreign Relations Committee [Mr. FULBRIGHT], which authorized technical assistance and research to be made available to countries overseas which were interested in curtailing their birth rate in the interest of their overall economic growth, and were also anxious to dispel that ignorance which is all too often the principal cause of large families of unwanted children.

The Secretary of the Interior, Mr. Udall, has launched a program making family planning information and services available to Indians, Eskimos, Polynesians, and others who are natives of the Pacific islands which the United States holds in trust and which are under the jurisdiction of the Department of the Interior.

One wonders why, if these people are entitled to the right to know with respect to the subject of family planning, it should not be equally wise to encourage the administrators of the war against poverty to make the same information available in the interests of millions of Americans who do not presently have the pertinent information.

The Children's Bureau in the Department of Health, Education, and Welfare is providing research and demonstration grants in the field of family planning and supporting the training of personnel for various disciplines involved in family planning programs.

In an address before the Fall Conference on Public Family Planning Clinics in New York City, the very able chief of the Children's Bureau, Mrs. Katherine Oettinger, recently outlined activities of the Federal Government, the States, and private organizations in the field of family planning.

I ask unanimous consent that a copy of the address of Mrs. Oettinger may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CLARK. I call particular attention to the final comments in that address in which Mrs. Oettinger points out the obvious fact that healthy mothers and babies are a paramount part of our national concern, and that we are greatly concerned that we now rank 10th among the leading nations of the world in reducing the infant mortality rate.

President Johnson, who in his state of the Union message spoke up most courageously in support of spreading information about family planning, has also called for a drastic reduction in the infant mortality rate by the end of this decade.

Mrs. Oettinger raises the question whether it is a mere coincidence that in all but one of the nine nations which rank ahead of us in reducing infant mortality, the birth rate is lower than that of the United States. She concludes that:

> Many of us here are working together at a new rapid pace as dimensions of our problem become clearer in reaching the goal of providing better health for the mothers and children of this Nation. If family planning is a useful tool in achieving this goal, then it should be available on a universal basis as a right—

The word "right" being underlined—

> to parents without coercion, but with a genuine and sympathetic attention to the needs of each human being.

The National Institute of Child Health and Human Development, also in the Department of Health, Education, and Welfare, is currently spending a rather paltry sum, $500,000 a year, in supporting research on population problems, including surveys designed to determine the number of children parents desire.

I commend all the various and widespread efforts by the Federal Government to educate the people of the United States in the techniques which are necessary to enable them to decide of their own free will how many children they wish.

It should also be mentioned that the Office of Economic Opportunity on occasion has approved local programs of family planning as part of the war on poverty where the local community is completely unanimous in supporting the request for the grant.

Thus, in Corpus Christi and Austin, Tex., in Oakland, Calif., in St. Louis, Mo., in Buffalo, N.Y., and in Nashville, Tenn., programs are presently going forward. By now it may be that other communities have also received the approval for such grants.

But one must ask why these programs are not spreading to the larger cities where the need in social and economic terms is at least as great as, if not greater, than in the generally smaller sized cities—St. Louis excepted—the names of which I have just read. Why not Brooklyn? Why not Harlem? Why not Philadelphia? Why not Pittsburgh? Why not Watts in Los Angeles? These are the places where family planning services are desperately needed.

Does anybody think there is no right to know the facts of life in those communities? I suggest that the Office of Economic Opportunity should be less timid and more aggressive in its family planning activities.

Specifically I believe, first, that OEO funds should be permitted to be used to advertise the availability of a family planning program founded by an OEO grant.

Second, positive encouragement from Washington should be given to local community action programs to help persuade them to include family planning services in these programs in the war against poverty.

Third, I believe the OEO should modify its present administrative rules to encourage, instead of discourage, doctors in the program to advocate family planning. In particular, doctors should be permitted to suggest methods which in their view are most suited for particular patients, so long as these methods do not conflict with the religious beliefs of the patient.

Fourth, I suggest that the Office of Economic Opportunity should reconsider the policy which precludes giving information and devices to unmarried women, who, unfortunately in a moral sense, but clearly factually, are an important part of the childbearing impoverished class which increases materially the cost of the poverty program and aid to dependent children. The real question, in my opinion, is the right to know the facts of life. Americans are entitled to decide for themselves the number of children they desire to have. Unfortunately, under present conditions, in many poverty stricken areas, they have no such right today.

I suggest that we take a look at the evidence which establishes the importance of family planning as a weapon in the war on poverty. The correlation between poverty and high fertility is amply established. The following facts cannot be controverted:

First, the poor are more likely than any other group to have large families.

One out of every three families with six or more children has an annual income of less than $3,000, and that is the rough and ready standard by which those who are living in poverty are determined, $3,000 being the ceiling below which the poverty classes fall.

One out of every seven families with four or five children has an annual income of less than $3,000. Only 1 of every 10 families with 2 or 3 children has an income of less than $3,000 a year.

Consider it in another way. The median income of parents having large families is substantially lower than the median income of other families. Thus, the annual income of two-children families is $6,900; of four-children families, $6,500; of six children families, $5,000. Thus the income goes down as the size of the family increases.

Since large families exist most frequently among those who can least afford to maintain them, they tend to become a burden on the State. A population increase which could be largely sustained by those who produce it would bring problems enough; but a population increase whose major incidence is among those who cannot individually afford it could spell disaster. One-third of the poor are children—approximately 10 million children.

High fertility among the poor is the prime cause of multigenerational poverty. As anyone who has studied the history of the present condition in Appalachia well knows, when a family which lacks resources to sustain a single child has to try to rear six children, their upbringing is almost certain to be totally inadequate to the task of fitting them for a productive role in society. They are the people who remain destitute to the *n*th generation. They are the families, in Appalachia and elsewhere, where grandfather, father, and grandson are all on relief, and the minor children in the family are receiving aid to dependent children.

Aid to dependent children has increased, and is increasing, instead of diminishing. In the last 10 years its burden has grown by 104 percent; and the 4 million people on its roll outnumber the combined total of everybody else on relief—the old, the blind, the disabled, and the other subjects of the public bounty.

High fertility deepens the poverty of the poor, and spreads and intensifies hopeless poverty. In its trend and in its wake come, all too frequently, as was so well demonstrated at Watts just the other day, violent crime, juvenile delinquency, child abuse and neglect, malnutrition, slum housing, and social alienation.

There is not the slightest reason to believe that most of the poor are more anxious than other people to have large families. Many of them do not want all their children. The only difference in this respect between the poor and the middle class is that the poor cannot always exercise their choice, because they are not sufficiently aware that there is a choice. There can be no doubt that poor families are as eager as rich families and middle-class families to have adequate instruction in family planning. Therefore, I say that any war on poverty which either ignores the matter of fertility or tends to soft pedal it is reducing automatically the impacts of its investment; and the investment, of course, comes from the Federal Government and, therefore, from all the people of the United States.

Surely all would agree that programs aimed at reducing poverty cannot achieve their objective unless the impoverished families are helped to have only the number of children they may desire. I am keenly aware of the criticism which has been made of the views of those tens of millions of Americans who happen to agree with me that we are animated by questions of racial or religious bigotry; that we want to maintain the supremacy of the white Protestant ethic, by which the family size is relatively small; and that we are afraid of being overwhelmed by minority groups.

I am aware of the other argument which is made, that we desire to limit the freedom and liberty of others, but not of ourselves. I reject those arguments. I base my case on the right to know.

It is fairly clear that every American family having an income of $10,000 or more a year has access to all the family planning information it wants, and most of them get it. I want to see the right to know spread to those millions of unfortunate Americans who have been denied access to the basic information. This program must be voluntary. Nobody should have family restrictions forced on him. Nobody's religious beliefs should be adversely affected in any way. But in my judgment, every American, regardless of his or her economic, social, racial, religious, or political status, has the right to the basic facts of life which will enable people to plan their families the way they want to plan them. Accordingly, I regret that that provision of the Senate bill was eliminated in conference. These items must, however, be put in balance. This is a good bill. It is a far better bill than the bill we passed a year or two ago. It provides for many useful programs. It provides adequate financing for those programs. I regret that the conferees have modified, if they did not entirely eliminate, the provision in the Senate bill which would have removed the right of Governors to veto the poverty programs. But even with the right to veto still in the bill, this is a first-class program for every State which has a 20th century government. The way to remedy the situation in States which still have 18th and 19th century governments is perhaps at the ballot box.

I regret also that a provision in the Senate bill which would have encouraged the training of individuals in the poverty community to enable them, through training and self-help, to rehabilitate their housing, was dropped by the conferees. I hope that, through adequate coordination by the Director of the OEO program and his staff with the new Secretary of Housing and Urban Affairs, operating under the Housing Act of 1965, administrative regulations will be adopted which will permit, without in the slightest way displacing present workers, poverty-stricken families to attain skills which will enable them to obtain Federal assistance to rehabilitate the housing which they rent or own.

Mr. President, I shall vote to support the conference report. My sole effort today has been to bring out from under the rug the problem and a method of dealing with it which I believe merits the fullest public discussion.

EXHIBIT 1

THIS MOST PROFOUND CHALLENGE

(By Mrs. Katherine Brownell Oettinger, Chief, Children's Bureau)

I am indeed happy to be here with you tonight for it seems to me that this meeting is a symbol of our national response to one of the most crucial questions confronting the future of this Nation and of the world.

The rapidity of this response can be measured by the rising chorus of our national dialog as all segments of our society seek to make a contribution to the most appropriate national solution of the problem confronting us—the population explosion and its allied problems of health and welfare.

What has been produced, in the short span of 3 years, has been a series of policy expressions from powerful national groups and individuals which represent a convergence of conviction like beams of light melded together in a prismatic reflection.

Let us consider some of these expressions:

Late last year, the trustees of the American Medical Association urged it to update its stand to "conform to changes in society" and to cooperate with nonprofessional birth control groups which had "adequate medical direction" in dispensing information about family planning.

The AMA trustees asserted: "An intelligent recognition of the problems that relate to human reproduction, including the need for population control, is more than a matter of responsible parenthood; it is a matter of responsible medical practice."

Similarly, last year the American Public Health Association not only reaffirmed its 1959 position "that public and private programs concerned with population growth and family size should be integral parts of the health program but urged that Federal, State, and local governments in the United States include family planning as an integral part of their health programs, make sufficient funds and personnel available for this purpose, and insure such freedom of choice of methods that persons of all faiths have equal opportunities to exercise their choice in accordance with their conscientious beliefs."

In 1962, the National Association of Social Workers called upon social workers everywhere to give attention to the need for family planning services.

In 1964, the American Public Welfare Association's Board of Directors stressed the "importance of family planning to assist families to attain the highest potential and stated that welfare clients should be referred for this kind of assistance if they requested it. "Family planning," the APWA said, "is an individual decision * * * and a fundamental human right."

This spring, the chorus from practitioners in various disciplines was swelled by the scientific findings of the National Academy of Sciences, National Research Council, as it reported on the growth of the U.S. population.

"The freedom to limit family size to the number of children wanted when they are wanted is, in our view, a basic human right * * *. Most Americans of higher income and better education exercise this right as a matter of course, but * * * many of the poor and uneducated are, in effect, deprived of the right. No family should be fated through poverty or ignorance to have children they do not want and cannot properly care for. Responsible parenthood requires that couples of all social strata have the ability and means to limit births when they wish to do so, in accordance with their personal convictions. In short, this basic freedom for the individual family should be made effective throughout American society."

The continuing thread running through this dialog has been respect for the conscience of individuals from all faiths to determine freely if they wish to space their families by methods morally acceptable to them.

In his state of the Union message last January, President Johnson said, "I will seek new ways to use our knowledge to help deal with the explosion in the world population and the growing scarcity in world resources."

This summer, he was even more specific in asking us to "face forthrightly the multiplying problems of our multiplying populations and seek the answers to this most profound challenge to the future of the world."

Former President Eisenhower mounted a further thrust by vigorously reversing his previous position and stating unequivocally, "I cannot help believe that the prevention of human degradation and starvation is * * * a moral—as well as a material—obligation resting upon every enlightened government.

If we now ignore the plight of those unborn generations which, because of our unreadiness to take corrective action in controlling population growth, will be denied any expectations beyond abject poverty and suffering, then history will rightly condemn us."

Let us look at the current role of the Federal Government in meeting this "most profound challenge to the future of the world."

Secretary of the Interior Stewart Udall has launched a program making contraceptive advice and services available, where desired, to American Indians, Eskimos and natives of the islands the United States hold in trust in the Pacific.

This action prompted the New England Journal of Medicine to comment editorially: "Now the Secretary of the Interior Udall has announced this program perhaps the time is nearing when natives of Massachusetts will share in the new freedom."

The Office of Economic Opportunity now will approve Federal funding for family planning services under its community action programs if the community wishes to undertake that activity. This program is just getting underway, so there is no way yet to know how many communities will place an emphasis on family planning.

The Department of Health, Education, and Welfare is the appropriate Federal agency to carry forward all three elements of research, training, and service which must be achieved if we are to illuminate the nature of population changes, to provide new and better methods of controlling fertility and investigate the social and psychological aspects of family planning.

For example, its National Institute of Child Health and Human Development supports basic research in reproductive biology which will lead to better understanding of those factors leading to the creation and development of healthy, new individuals. It is currently spending about $500,000 a year to support research directly related to population problems.

Most recently, it awarded a grant to Princeton University to survey birth control practices. This study will provide a base for other studies of the influence of birth control practices on the health of women and children. While earlier fertility studies were conducted in 1955 and 1960, the results of the 1955 survey could vary considerably from the current study since oral contraceptives only entered the market in 1960. One of the most interesting aspects of the study is that it should give us reliable national data on the size of the family desired by parents.

The Children's Bureau, as a part of its program related research, is undertaking research and demonstration grants on various phases of family planning. To get at the complexities surrounding the question of motivation for family planning, the Bureau has awarded a grant to the Community and Family Study Center in Chicago to find answers to these two basic questions.

1. Why do some low-income families totally reject family planning or accept it only on a limited or temporary basis?

2. How do prevailing community attitudes and the individual's own psychology work to promote or impede the adoption of birth control measures?

Another grant now underway with the support of Bureau funds has gone to the Hudson Institute in New York, to project what U.S. birth rates might be in 1975 as a basis for developing alternative planning requirements for future maternal and child health services throughout the country.

Still a third grant has gone to the Tulane University School of Medicine, New Orleans, to continue its study of fertility and attitudes relevant to fertility and family planning among a group of 1,000 mothers living in the New Orleans metropolitan area.

President Johnson has pointed out that "In all sectors of health care, the need for trained personnel continues to outstrip the supply."

In the field of training to meet the Nation's health needs, many parts of the Department are supporting grants, institutes, fellowships and other means of augmenting our supply of trained personnel.

The Children's Bureau has long recognized that there must be a steady and continuing process of upgrading the professional skills of the medical, parimedical, and social work personnel offering services in the three grants programs it administers. In the maternal and child health and crippled children's programs, for example, practically all the States are using some of their Federal funds to provide special training opportunities to physicians, nurses, nutritionists, medical social workers, and other professional personnel.

As you know, maternal and child health programs in schools of public health now have family planning in their programs but much more concentration on this aspect of public health is needed in many teaching hospitals.

The Children's Bureau is supporting training programs specifically geared to the roles which various disciplines must play in the most effective planning and carrying forward of family planning programs. It also is interested in the work which the Ford Foundation is financing to establish a university center for population planning in Michigan which includes public health, sociological, obstetric, and gynecological components.

In October, we plan to offer a 4-week course to about a dozen American registered professional nurses to study family planning at the graduate school of nursing of the New York Medical College.

This course, to be given concurrently with the training program for nurses from other countries which is sponsored by the Agency for International Development and the Children's Bureau, will enable both groups of nurses to participate in classroom and clinical experience, including study of the use of specific contraceptive devices.

In a few State maternal and child health programs, inservice training is going forward to supply a pool of physicians able to give consultation on up-to-date methods of application of contraceptive techniques from the medical points of view. On the paramount uses of this pool of technicians is as consultants to counties who want to upgrade their programs. In a very efficient way, this method gives all physicians in a given community the opportunity to take advantage of the most advanced medical knowledge in this area. If this form of inservice training were extended on a national basis, the potential benefit could be immeasurable.

The Children's Bureau is in a key position in the Department of Health, Education, and Welfare in its involvement in helping to support service programs of family planning. Our basic concern has been, and always will be, to improve the social and physical health of mothers and children throughout the country. Our obligation under the Social Security Act is to assist the States in promoting these health services.

A marked change in attitudes toward family planning and an improvement from the findings of research about various methods that can be offered in very recent years has made it possible for States, many of which already provided such services as an integral part of their maternal and child health programs, to expand these activities and for other States to initiate family-planning programs.

This expansion would not have been possible without the unstinting efforts of voluntary organizations interested in family planning in giving demonstrations, which have always maintained high standards, a valid scientific approach, and excellent interpretations, about the true meaning of family planning as a part of responsible parenthood.

Research foundations have poured millions into studies focused on family planning and pharmaceutical firms have made an immense contribution by developing resource material and inservice training teaching tools which not only enrich the individual efforts to inform parents about spacing their children but can be used by professional personnel as valuable tools in both public and voluntary programs of family planning.

It is against this background that public health has truly become involved in family programs as the numbers of families seeking this service and vast urban and rural areas to be covered outstripped available voluntary efforts. Moreover, the conviction has grown that education and instruction in effective family planning should be an essential component of both the health and welfare agencies responsible for the payment of health services for the dependent families. For it is the families of the poor who too long have suffered spiritual dejection and demoralization after bearing successive babies without hope of these children being able to achieve their full potential or breaking the cycle of poverty.

Federal matching funds are available for medical services connected with family planning under the public assistance titles of the Social Security Act. Such services may include inpatient and outpatient hospital services, physicians' services, clinical services, prescriptions for drugs and devices, and other preventative and rehabilitative services associated with a comprehensive program for family planning.

Further impetus for expanded activities came with the enactment, in 1963, of maternal and child health amendments which authorize a new project program of maternity care for women in low-income families. These projects were intended primarily to give the States a chance for intensified attention to reducing the incidence of mental retardation caused by premature births and complications associated with childbearing, especially among concentrations of economically, educationally, and socially deprived low-income groups.

The method is to increase the number of prenatal clinics in neighborhoods where they will be more accessible to pregnant women, and to provide hospital care of good quality for women with complications of pregnancy. The amendments also called for an expansion of services to attend to any health complications of infants cared for under this program.

Most of the States and localities which have chosen to take advantage of the maternity and infant care program have included family planning as a part of their comprehensive care efforts. During fiscal year 1965, 27 States spent some $1,835,000 for family planning services in relation to maternal health programs.

From State plans submitted to the Bureau for the current fiscal year, it is apparent that in some States they are planning to double the amounts they are spending for family planning services in their comprehensive programs of maternity and infant care. Project directors report a great deal of enthusiasm on the part of the staff concerned in these projects, and have particularly noted the high quality of trained obstetrical personnel who are relating their knowledge and skills, for the first time, to community problems as being necessarily schematic in the proper execution of their role in a planned approach to maternal health.

The Children's Bureau has just added a staff member to obtain further factual information about family planning services provided by State and local health departments. Hopefully, her findings will enrich future program planning in this field. Additionally, beginning with the current fiscal year, we are asking the States to give us basic information about the numbers of persons receiving family planning services which will indicate the scope of the program and where additional new approaches may be needed in some areas if it appears that these programs are not now meeting the needs of all persons requesting service.

Our experience so far in the maternity and infant care programs gives us hopeful indications that the institution of family planning services more than doubles attendance at postpartum clinics and, in some programs at least, seems to have a favorable influence in attracting women to prenatal clinics early, as word gets around that the services are available.

One graphic example of this has been the experience at Augusta, Ga., where in a rural area, between 85 and 90 percent of the women served in a maternity and infant care program return for the critical postpartum examination, and 90 percent of those who do return ask for family planning advice.

We are aware that we are still at the beginning of a learning experience; but early evidence indicates we will come to know much more about the physical aspects of family planning; the usefulness of the devices themselves; peoples' attitudes toward their use; the continuity of interest in this subject.

It should be quite clear, too, that our definition of family planning is not limited to the spacing of children but also includes a concept of service to those couples who seek to correct their infertility in order to have a family.

As a part of this definition, it is a goal—but certainly not a reality—to have services available in communities, not just as a part of the postpartum clinic service, but as a part of regular maternal services which women could use at other times than during the maternity cycle. There is a beginning in this direction—but only a beginning.

Most importantly, we need to know how to communicate with families so that they internally accept family planning as a part of their family pattern. I would like to emphasize, too, that when we speak of family planning, we are talking about both parents—the base of family life. Our efforts will be both futile and misdirected if we fail to involve the husband and father in family planning. To the extent that this is possible, it now is being done in the maternal care programs but greater progress needs to be made in this direction.

I can think of no more concrete example of the need for the involvement of both parents than a letter which came to the Children's Bureau a few years ago written by a mountaineer. It read, in part, as follows:

"DEAR SIR: I am writing to ask your advice. I want some personal advice and not just some little papers or pamphlets." He went on to say that when his wife had given birth to their first and second children she had gotten up in a day or two and begun helping him in the fields. Then he related what happened to her in each successive pregnancy—her third, fourth, and fifth; her sixth ended in a miscarriage. By the end of the first page she had had nine pregnancies. In her 10th, she had a convulsion, then followed her 11th, 12th, and 13th. And now she was pregnant for the 14th time. She didn't want to do anything except lay around all the time. He didn't know whether she was getting lazy or not. He had heard when women had grown children they liked to sit down and let their children wait on them. The letter ended with the question, "Can it be that my faithful wife don't want to help me anymore?"

We are forced to recognize that men who father children with the very best of intentions of giving them adequate care can be overwhelmed at the economic burden which each successive child brings to the end that family adequacy flounders and the burdens under which the family struggles finally make the family itself a casualty. Even if they take "moonlight" jobs, many of these men cannot make ends meet. In administering the companion obligation for child welfare services which is an integral part of the Children's Bureau's total approach to maternal and child welfare, this situation continues to exist. Despite the principle so long advanced in child welfare that no child shall be separated from his family for economic reasons only, often wind up in public institutions, seriously dislocated from the society of which they must some day be a part.

Daily, social welfare workers are confronted with situations in families where they are forced to search for palliatives rather than solutions to real problems. For example, as a society we must take far more forceful steps than we have, if we are to reduce the growing problem of babies abandoned in our great cities by mothers who do not have the means to care for them. For example, in the first 9 months of 1964 in New York City alone there were 443 well babies left in hospitals by mothers who simply walked out because they had no way of caring for their new babies.

When emergency placement measures are undertaken to clear the hospital beds they occupy so that others can be served, these young infants too frequently spend their growing years in so-called temporary shelters.

The enormous impact of this problem is reflected in our child welfare services program in many ways. In a recent year, 36 percent of all children receiving services by public child welfare agencies were neglected by their parents. The second largest group in the caseload—17 percent—needed care because of illness, desertion or other loss of their parents.

In both Children's Bureau maternal and child welfare programs we are acutely aware that among the most vulnerable women are the young unmarried mothers. We have a special obligation to see to it that they get every special help they need, for we have proof that their children are frequently more susceptible to physical impairments, as well as the indisputable social implications which attend these fatherless home situations.

All these factors point for more attention to the crucial period surrounding the conception, birth and aftercare of the infant. The seriousness of this problem is vividly pointed up by Dr. Allan C. Barnes, obstetrician-in-chief at Johns Hopkins University in Baltimore: "In hospital practice the removal of a brain tumor calls for a surgeon with two assistants, a scrub nurse and two circulating nurses, an anesthetist and an assistant. The patient's prognosis is about 18 months and the hospital investment is tremendous. The birth of a new baby at 4 a.m., more often is attended by one physician, no scrub nurse, one circulating nurse and inadequate or haphazard anesthesia coverage. The combined predictable life span of the two patients is over a hundred years, but the hospital investment is minimal."

If the baby is born into a low-income family, he may stay in the hospital 48 hours or less and the unique opportunity to discover congenital malformations and recognize high risk infants during the first days of life may be lost.

There is a discernible gap between what we expect of each new generation and what we have been doing to help meet rising expectation. It is an exciting prospect to think of the opportunities that now lie before us to remove or ameliorate those health and welfare barriers which now make the future so bleak for many children.

Healthy mothers and babies are a paramount part of our national concern for the future well-being of all our citizens. We are, of course, greatly concerned that we now rank 10th among leading nations of the world in reducing the infant mortality rate. President Johnson has called for a drastic reduction in this rate by the end of this decade.

Could it be mere coincidence that in all but one of the nine nations which now rank ahead of us in reducing infant mortality, the birth rate is lower than that of the United States? Sweden, which reports the lowest infant mortality rate, had a birth rate per 1,000 population in 1961 of 13.9 compared with 23.7 for the United States. Only New Zealand, which ranks directly ahead of us in the standing, had a higher birth rate—27.1.

Many of us here are working together at a new rapid pace as dimensions of our problem become clearer in reaching the goal of providing better health for the mothers and children of this Nation. If family planning is a useful tool in achieving this goal, then it should be available on a universal basis as a right to parents, without coercion, but with a genuine and sympathetic attention to the needs of each human being.

Mr. CLARK. Mr. President, I am prepared to yield the floor. I had told the Senator from Vermont [Mr. PROUTY] that if he were not in the Chamber when I concluded, I would suggest the absence of a quorum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, when the war on poverty legislation came before the Senate last year I was one of those who heard the testimony, as a member of the Select Committee on Poverty. I studied the proposed legislation carefully and came to the conclusion that, although there were some things in it I thought unsound, by and large there was much good in the measure. I supported the antipoverty legislation on the Senate floor last year and I voted for the appropriations.

This year, when the Congress was asked to continue and expand the authorizations for the war on poverty, I was a good deal more skeptical. The press for months has been carrying disturbing reports of political chicanery, social unrest, administrative bungling, needless waste, and many other disheartening aspects of what I had hoped would be a strong effort to get at the real roots of poverty.

But despite the disappointing record of OEO—all the more disappointing because it reveals so much lost opportunity for helping the poor—I again cast my vote in favor of continuing the war on poverty. And, although I thought the requested authorizations were in some cases higher than they should reasonably have been, I even voted to defeat an amendment here on the floor which would have held next year's authorizations to this year's level.

Yes, Mr. President, I have approached the war on poverty with an open mind. I believe that it deserves a chance to succeed, so long as those operating the program are making a sincere effort to achieve the lofty goals embodied in the legislation.

In considering and approving this legislation this year, Mr. President, the Senate Committee on Labor and Public Welfare adopted two amendments which I consider to be of very substantial importance in attempting to insure the proper operation of this multibillion-dollar program.

One, proposed by Senator MURPHY and myself, brought under the prohibitions on political activity of the Hatch Act the VISTA volunteers and those persons in the employ of local nonpublic community action organizations whose principal salary is paid from Federal funds.

The other, proposed by myself, completely revamped and restructured the National Advisory Council established by the original legislation to insure that it could provide an effective overview and critique of this sprawling poverty empire.

Later, on the floor, the Senate accepted my amendment to give statutory authority to the task force on problems of the elderly poor, which Mr. Shriver established on June 14 under his general administrative authority. My amendment would also have required an annual report to Congress by this task force.

The conference committee, however, deleted this amendment from the bill. Presumably there will still be a low-level study within OEO, but the study group will not have the prestige that goes with statutory authority, and there is no assurance that its findings will ever be made public to Congress and the American people.

My amendment would not have created any new body, Mr. President. It would not have required any additional Government personnel. It would not have cost any more money. All it would have done was focus public attention on the problems of our older citizens by upgrading what is presently an obscure study group, and by giving that group a tangible goal—a report to be submitted to the critical eyes of Congress and the public.

Now, Mr. President, this low-level group is free to fool around, out of the public eye, with little or no incentive to do the kind of job that needs to be done in this important field. If rejection of this amendment were one isolated incident, Mr. President, I might be able to accept it with less anguish. But, as I have pointed out time and again on this floor, this administration, while attempting to pose as the champion of America's senior citizens, in reality is unsympathetic to the very real problems of the elderly poor. Rejection of this amendment—which would have cost nothing and to which no one could seriously have raised an objection—is just another event in a recurring pattern—a pattern of neglect of those who, in their more vigorous years, did so much to build the America we live in today.

For let us never forget, Mr. President, the plight of some 13 million of our elderly poor who live under the dark shadow of poverty. Of all those in America who are poor, no group has less opportunity to climb up to a decent level of income than do the elderly poor.

Even with the recent, inadequate increase in monthly benefits, the average retired couple on social security receives only about $110 a month, or $1,320 a year, in benefits. Millions must still exist on a preposterous minimum—$44 a month for a single recipient, $66 a month for a retired couple. Unless they are lucky enough to find some employment or have outside sources of income, they must make this pittance suffice for food, housing, transportation, and recreation. If a person elects to participate in the new voluntary medical insurance program, $3 a month goes for that. Is it any wonder, Mr. President, that 37 percent of the Nation's welfare recipients are older citizens receiving social security payments?

Senators will remember that when the social security amendments were before this body, I fought to provide a meaningful increase in monthly benefits, and to broaden the coverage to help more of the elderly poor. I asked that minimum benefits be upped to $70 a month, with corresponding increases across the board. At that time, I recall, everyone wanted to help the elderly poor, but thought that my amendments would be too costly to the Treasury. I say now to those Members, "Here is an amendment which would, in a small way, help to focus public attention and concern on the problems of the elderly poor—and it would not have cost the Treasury a dime." I am saddened and dismayed, Mr. President, that the Senate conferees backed down so quickly. The Congress must face the ugly facts on poverty among our older citizens, which a conscientious study could not fail to uncover. We need to be reminded of elderly widows who have to plan ahead for months to be able to put just one roast in the oven, or of older couples trying to decide what to give up so they can buy a pound of fresh coffee, or of retired workers shivering in the cold New England winter for want of a warm, sturdy overcoat.

Since the Senate and House conferees have failed to approve even this extremely modest step to help the elderly poor, we can only hope that this obscure study group within the Office of Economic Opportunity—a group whose priority is so low in the eyes of Mr. Shriver that it took him 10 months even to appoint its members—will labor as conscientiously as they can and make a formal report to Congress even though they are not required to do so.

I recall the words of the poet, "Grow old along with me, the best is yet to be." In view of what the conference committee did, these words contain a trace of mockery.

Although I sincerely regret the action of the conferees in rejecting my amendment on the task force on problems of the elderly poor, that action was not as shocking as the cavalier manner in which two vitally important Senate amendments were scrapped: the amendment sponsored by the junior Senator from California [Mr. MURPHY] and myself applying the Hatch Act to antipoverty community action field workers and staff members; and the amendment I offered to revise the National Advisory Council on Economic Opportunity to insure that it could effectively conduct its function of reviewing the war on poverty and making recommendations for its improvement.

By throwing out the Murphy-Prouty amendment prohibiting political activities in community action programs, the conferees left open the door to wholesale manipulation of the community action programs for partisan political ends.

By throwing the National Advisory Council amendment into the ashcan, the conferees have given new life to a somewhat phony institution, chaired by the very man whose administration it is supposed to review, groveling under his thumb, bereft of staff assistance except the pittance he may allow, free from any accountability to Congress for its operations, and serving only as a high-powered, high-paid transmission belt for the euphoric propaganda perpetually pumped forth by the laboring Munchausens of the poverty headquarters.

The deletion of these two amendments, Mr. President, was accomplished with all the passion, drama, and suspense of the two Liston-Patterson fights. The chairman of the House conferees announced that he wanted no part of either amendment in any way, shape, or form, and the majority members of the Senate conferees quickly acceded to his point of view.

Let me read for the edification of the Senate, Mr. President, the very incisive, perceptive statement, said by the chairman of the House conference delegation to be the position of the President on the proposed revision of the National Advisory Council. It says in its entirety:

> Oppose Senate amendment. The proposed council is not an appropriate tool for the purpose apparently intended.

There it is, in all its hard hitting, irrefutable logic. What the administration should have said—to be perfectly honest—was, "We do not want any prestigious body with independent views and means to be able to look closely into the seamier aspects of the war on poverty. We favor continuing with the present yea-sayers, which should do us a great deal of good in selling our plans to the captive aggregation of drumbeaters and voting public."

I am surprised and dismayed, Mr. President, at the role the Civil Service Commission has been prevailed upon to play in this shoddy performance. During my 15 years on Capitol Hill, I have not known a case where this independent Commission, justly hailed as the agency for maintaining the political neutrality of our public servants, has appeared among the administration's army of arm twisters. Yet on the day the poverty conferees were scheduled to meet for the first time, each member of the conference committee received a letter from the Commission Chairman, Mr. John Macy, Jr., advising him that the Commission is firmly opposed, on policy grounds, to including the proposed persons under the Hatch Act prohibitions. Note, Mr. President, that the chairman did not tell us that the proposed legislation would be unworkable from an administrative standpoint, which would have been within his responsibilities, but that it was bad policy. I submit that it is the business of agencies created by Congress to advise Congress on the technical ramifications of legislative proposals, but I take a very dim view of such an agency taking it upon itself to advise Congress what is or is not wise policy. I think this matter bears some further looking into.

Senators will recall the rather heated debate that transpired in this body with regard to the Governor's veto. During that debate, the distinguished senior Senator from Texas [Mr. YARBOROUGH] a member of the Labor and Public Welfare and Conference Committees, had this to say:

> Our friends across the aisle forget to mention what the Democratic Members, who are in the majority, adopted in committee. They should give us credit for what we did. We voted to have the Hatch Act apply.
>
> I call attention to page 20, section 17, in which we apply the Hatch Act to take the Poverty Corps out of politics.
>
> So, to try to make the poverty program work, we wrote the Hatch Act into it.
>
> I appeal to the Senators across the aisle and remind them that we of the Democratic majority took their amendments applying the Hatch Act to the program, as well as provisions for continuing consultation with the appropriate agencies, to make this program work harmoniously. We took out, however, the arbitrary, absolute veto power. We greatly improved the bill, with the minorities' recommendations, because we wished to make it work.
>
> I say in good faith that we should leave all three provisions in. If we are to give the Governor the veto power, other amendments should come out, too.

Now, in a nutshell, the Senator from Texas told us that because the committee had agreed to bring these potential ward heelers within the prohibitions of the Hatch Act, it was no longer necessary to lodge a veto power with the Governors. Well, now the conference committee has stricken the Hatch Act provisions from the bill. If the principal proponent of deleting the veto power says the Hatch Act provisions made that power unnecessary, and then we strike the Hatch Act language, does this not lead to the conclusion that an effective Governor's veto is really necessary?

Now, the Senator from Texas will say, "The House has now forced us to put the Governor's veto back in the bill, so now we do not need the Hatch Act provisions."

Mr. President, let me point out at this juncture that it is such a limited veto as to be almost meaningless. I shall elaborate on that later.

But this line of reasoning ignores the basic fallacy in the argument advanced by the Senator from Texas: though the veto and the Hatch Act may well be politically related, they are not functionally or administratively related.

What is the purpose of the Governor's veto in the existing law? It is simply to give the elected Governor of a State some say about what kinds of Neighborhood Youth Corps and community action programs the Federal Government may finance in his State. The veto operates prior to the beginning of a project. Once the project escapes the Governor's veto, the Governor has no further authority under the act to modify or cancel the project. The veto applies only to the plan; once the plan is approved, the Governor may not veto its execution by the organizations participating in it.

Now, Mr. President, when would the Hatch Act provisions apply? They would apply after the proposed project has been put into operation, and individuals begin to receive pay from Federal funds for antipoverty operations.

Suppose, under the existing law, a community action program is proposed for one town in a State. After reviewing the plan, the Governor gives it his approval, or at least he does not express his disapproval, within the allowed 30-day period. The plan is put into operation with Federal money. Three months later, the Governor learns that the antipoverty fieldworkers under this community action program are devoting a great deal of their spare time to organizing the poor people into political clubs—perhaps clubs of the opposition party, or perhaps clubs pledged to support an opposition faction of the Governor's party, or perhaps clubs working to overthrow the incumbent town administration at the ballot box. What can the Governor do, Mr. President? Can he veto this sort of activity? He can not. Under this act he has no power to intercede once the plan for this project is approved. He may, of course, accept the challenge and wage political war, with his political supporters vying with these federally paid antipoverty workers for the allegiance of the poor. But under the act there is nothing he can do once he has permitted the plan to go into operation.

All this assumes the existing veto power, as originally provided for in the Economic Opportunity Act of 1964. Even with an absolute veto, the Governor has no power under this Act to prevent the subversion of ongoing community action programs for political purposes at the grassroots level.

Inclusion of the Hatch Act language in the bill would have struck to the heart of this problem. It would have made these local precinct organizers, the people who help the poor during the day at Federal expense and organize them for political activity on their own time, liable to sudden unemployment. I have always been a stanch foe of unemployment, Mr. President, but I confess that I am not unduly alarmed when I contemplate the removal from the Federal payroll of persons who are using the good will generated by their distribution of the taxpayer's money as capital for building a partisan political machine.

To sum up, Mr. President, the Governor's veto and the Hatch Act provisions are not related issues. The former applies only at the inception of the plan for a community action program; the latter apply only when the program has actually been put into operation and funds are flowing from the Federal Treasury into the pockets of antipoverty workers. It is illogical to say that restoration of a veto—especially the sham veto provided for by the House language—obviates the need for the Hatch Act language. These two provisions are directed at two different evils. Even a true veto would not make the Hatch Act provisions superfluous any more than the Hatch Act provisions would make the veto superfluous.

Far from being a true veto, the language in the bill before us provides that the so-called veto can be overridden, not by the President of the United States, not by the Congress of the United States, but by one appointed Federal bureaucrat not chosen by and not responsible to the American people.

Let me give just a few examples of the insidious subversion of community action programs by the politicians.

CHICAGO

I am reading from an article by Lois Wille in the Chicago Daily News of April 8, 1965, entitled "Political Feelers Start To Go Out for Plums in Poverty War Pie":

> A few weeks ago one of Alderman Claude B. Holman's young fourth ward precinct captains conducted a peculiar survey. He began the way Holman's precinct captains begin all of their customary house calls: "How do you think the alderman is doing? Any suggestions? Any complaints?"
>
> But then he added: "As you may know, the alderman is one of four aldermen involved in the war on poverty. * * * There will be 200 paid jobs from this area. * * * Are you interested?"
>
> One of the people he visited, an employee of a private youth welfare agency, says the precinct captain was very vague about what the jobs were. "But he had a form to write down names of people who said they were interested. And he suggested that if we wanted to apply, we should go directly to Alderman Holman's office."
>
> Holman and Deton J. Brooks, Jr., director of Chicago's multimillion-dollar war on poverty, have steadfastly denied that political patronage will swallow up the hundreds of new poverty jobs. "Whatever rumors you may have heard are completely unfounded," Brooks says. "Only the most objective techniques that are available will be used to select staff."
>
> That may be true. Aldermen may have nothing at all to do with filling the jobs. But some of them certainly give a strong impression that they have a hand in it.
>
> This is what happened when a reporter telephoned Alderman Holman's office, explaining that the captain of the 32d precinct said jobs were available:
>
> "Question. He's your regular captain?
>
> "Answer. Yes.
>
> "Question. Yes, we're taking names now. I'll have your captain call on you, and he'll give you a letter to bring here to the alderman's office, between 3 and 7 p.m. Can you come then?
>
> "Answer. I think so.
>
> "Question. You come here with your letter and the alderman's secretary will give you a letter of approval from the alderman. That's what you take for your job interview.
>
> Now I'll need your name and address."
>
> The letter system is flourishing all over the south side, according to William H. Robinson, former State representative and

> now a welfare consultant to the Church Federation of Greater Chicago.
>
> Robinson, Republican committeeman for the second ward, says he is also referring people to Brooks' office at 1 North Wacker Drive for job interviews, but adds:
>
> "The ones who come in with sponsoring letters from aldermen are given long interviews and appointments for tests. The ones I send are told, don't call us, we'll call you."
>
> Job interviewing has just begun, and it is probably too early to tell how significant the sponsoring letters will be. But Robinson says: "The poverty program already has become a tool for powerful aldermen to use to control the poor. That's what concerns me. The aldermen and their captains can use it as they use public housing and public aid, just by dropping the hint—You want a poverty job? Just go see your alderman."
>
> The jobs in question are hundreds of what Brooks calls subprofessional community representatives who will work out of the urban progress centers that will be the backbone of Chicago's war on poverty. "They'll be people living in the communities, because it seems to us they should be peers of theirs in the community," Brooks says. They'll help to create a communications structure * * *. We want representative people, through whom the voice of the community will filter."

Mr. President, these are precisely the people the Murphy-Prouty political activities amendment is aimed at. There is no way that the Federal Government can prevent private citizens from becoming political organizers. But for 25 years and more the Congress has agreed to the principle that political organizers at the local level should not be at the same time on the public payroll. The Murphy-Prouty amendment will make these so-called community representatives choose between political legwork for their alderman and an antipoverty job. They cannot and should not be allowed to do both.

NEWARK, N.J.

Or consider this testimony from Newark, N.J. It is from Tom Hayden, who is on the staff of the Newark Community Union project, sponsored by a very liberal group called Students for a Democratic Society. He quotes one of the trustees of the Newark antipoverty group:

> Local, county, and State elected and appointed officials would view with jaundiced eye the emergence of a new power force, with money, prestige, and jobs. However, when this natural fear is compounded because of the participation in leadership roles of recognized political opponents, then it must be anticipated that efforts to weaken or destroy the (United Community Corp.) will occur * * *. The purpose of the UCC is to wage war on poverty. The cooperation of the established power structure is a prerequisite for success. That the existing power structure would derive political dividends and enhancement is a fact of life, and we must accept this if we are serious about our determination to launch attacks on poverty. * * * Our chief and indispensable ingredient is money from Washington.

It is of course impossible to extinguish all political benefits from these programs, Mr. President, but the Murphy-Prouty amendment would at least exclude soft jobs as political henchmen from the list of benefits.

WASHINGTON, D.C.

Or let us look right here in Washington. The liberal Washington Post, which supported the poverty legislation when it became law, had this to say in an editorial on April 27:

> The war on poverty will have a profound effect on the politics of the cities where it is most successful. The battle is already loudly joined in New York City, where the new social programs got off to an early start. The same battle is now beginning in the other large cities, even in voteless Washington.
>
> There are two contenders in each city for control of these community action organizations. One is a conservative city administration, representing the middle class consensus. The other contender is, of course, the neighborhood level political leadership of the slums, bitter and impatient, representing the poor.
>
> The war on poverty to be successful will have to recreate the more useful features of the old political machines. Does the community organizer find that Mrs. X needs relief? He takes her to the public assistance division worker in the neighborhood development center. Is Mr. Y's son in trouble with the police? He is put in touch with the lawyer from the Legal Aid Society. Stripped of jargon, the description recalls very accurately the daily work of the old machines. The ghosts of the bosses would be vastly amused to see the reformers sweating now to rebuild what they spent 50 years tearing down.
>
> Artificial though the machines may be, they carry political power. Their networks of community organizers are an invaluable communications system, very much like the old wardheelers.

Under the Murphy-Prouty amendment, Mr. President, these community organizers, paid from Federal funds, could not at the same time be wardheelers.

PHILADELPHIA

As one last example, Mr. President, I would like to read from a story that appeared in the Philadelphia Bulletin on April 25, 1965, by John McCullough:

> Philadelphia's practicing politicians, Democrats and Republicans, are warily observing the preparations for the unprecedented town meetings and neighborhood elections to be held as part of the city's war on poverty. For the most part, it appeared yesterday, the politicians are watching one another.
>
> Each party explained carefully that it wants the program to succeed and thus must make certain that the other side makes no effort to take political advantage of the federally supported plan that will bring hundreds of thousands of people together under new leaders.
>
> Beyond this, as Republican City Chairman William J. Devlin acknowledged yesterday, both the GOP and the Democratic leadership wants to see who will be running this program at the neighborhood level. Devlin said he has directed GOP ward leaders in the areas involved to be present as observers at the neighborhood town meetings scheduled in 12 sections of Philadelphia next Wednesday night.
>
> "We are acting in the open," Devlin said, "to show our interest in and support for this aid project for the city's poor. We want this program to work. We also want to know whether or not some one, or some group, will try to move in and use this project for their own advantage. This is something that must be guarded against."
>
> There was no corresponding order to ward leaders from Democratic Party headquarters, but individual ward leaders said they were keeping a close watch on every development in the war on poverty program.
>
> One ward leader, a councilman in whose district there will be a town meeting next week as well as a community election on May 26, said that he or one of his aids has attended every neighborhood session thus far held in connection with the program. "You have to remember," he said, "that the parties here are organized along neighborhood lines. Anything new in the community is important to us. We're not trying to take over. We've been told that this is a program that is off limits to politics. But we want to make certain that the Republicans don't try to move in or that someone doesn't try to set himself up as a neighborhood power through this program."
>
> Devlin said that his organization's ward leaders in the areas designated as pockets of poverty already have been attending meetings. He said they have reported that Democratic Party ward leaders and division committeemen always are in attendance.

Mr. President, I cite these newspaper stories only to make the point that the Murphy-Prouty amendment was not prompted by idle fears. If the Federal Government is going to spend the better part of $2 billion a year to combat poverty, we should do everything within our power to make sure that the program is not destroyed by pernicious influences. The Murphy-Prouty amendment was written into the bill by the unanimous agreement of the Labor and Public Welfare Committee specifically to help keep politics out of the poverty program. We have no illusions that our amendment would purge politics from the poverty program altogether; there are a number of areas susceptible to political subversion that our amendment, with its limited scope, could not reach. But it could have, at the very least, assured that the armies of community organizers and antipoverty fieldworkers be kept out of partisan political action.

I challenge any Senator to rise this afternoon and tell this body that partisan political activity by federally paid community organizers will help strengthen the antipoverty program. I challenge any Senator to rise and state to the Senate that there is no evidence of the political activity that the Murphy-Prouty amendment would prohibit.

You will look about in vain, Mr. President, because no Senator will rise to make those statements. This amendment was scuttled by the Democratic conferees because they envision a political profit to be made. I say to them, whatever profit they foresee for their party is far, far outweighed by the disastrous effects that will be produced in the war on poverty by the action of scheming politicians seeking to exploit the poor.

Mr. President, I have stood by the antipoverty program, often in spite of what I thought was better judgment to the contrary. If the poverty warriors are sincere in their efforts, I say let us give them a fair chance. But the actions taken by this conference committee, I assume at the specific request of the administration, have led me to question the sincerity of the povercrats. They do not want strong provisions of law to prevent the program from becoming a political feeding trough. They do not want any independent group empowered to give the whole program a conscientious review.

At some point every original supporter of the war on poverty must draw the line. I have come to that point, Mr. President. I have gone along as long and as far as I could. I have tried to overlook glaring deficiencies and bunglings. I have tried to lean over backward to recognize the difficulties posed by the intricate and stubborn causes of poverty in America, and the difficulties of getting a billion dollar program off the ground. But now, with this administration-directed action of the conference committee, my support of the war on poverty is for the time being at an end. I shall vote against approval of the conference report, and I urge every Member of the Senate to do the same. If the conference report thus fails of approval, I shall move to request another conference with instructions to the Senate conferees to stand firm on the Hatch Act language and the revised National Advisory Council. If those provisions are returned to the bill, it will again have my support, if not my full confidence.

I want the war on poverty to succeed. It cannot succeed if its benefits are channeled way from the poor and into the pockets of the politicians. It cannot succeed if the administration strives to bury its dirty laundry far from the view of friendly but independent critics.

I appeal to the Senate to act now to recover for the poverty program some sense of respectability in the eyes of the American people. If we do not do so, we shall perpetrate a cruel hoax on the poor and grand larceny on the taxpayer. The time has come to save the poverty program from its misguided advocates, and I hope the Senate will not shirk its responsibility for so doing.

Mr. President, if the conference report is rejected I shall move that the Senate insist upon its amendment, and request a further conference with the House of Representatives thereon.

Second. I will move that the Senate conferees be instructed to insist on the language in section 18 of the Senate bill, which includes certain persons within the political prohibitions of the Hatch Act, and section 23, which amends the provision of the Economic Opportunity Act with respect to the National Advisory Council. Then, I shall move that the Chair be authorized to appoint conferees on the part of the Senate.

Mr. MURPHY. Mr. President, I rise at this time to join the Senator from Vermont [Mr. PROUTY] in urging the Senate to reject the report of the conferees in the hope that these two sections which he has mentioned will be restored to the bill.

Mr. President, 2 weeks ago this great body sent to conference legislation covering the poverty program. It included a Hatch Act provision to keep politics out of the poverty war.

I am very disappointed that the conferees refused to give the taxpayers of our Nation that protection and rejected the Murphy-Prouty Hatch Act amendment. As the legislation exists now, paid executives of the community action program and the VISTA projects are permitted to engage in partisan political activity. I believe that the American people—who are going to pay the bills for this multi-billion dollar Government program—are as disappointed in the conferees' decision as I am.

I am pleased that all Republican members and one Democratic member of the conference committee voted to keep the Murphy-Prouty Hatch Act amendment in the bill. The others, however, must stand accountable for permitting overeager politicians to grab plush poverty jobs and use them for political purposes.

I feel it is appropriate and necessary that the Senate return the poverty legislation to conference and insist that the Murphy-Prouty amendment be included. This is certainly proper in view of the mounting evidence throughout the country that local political battles are keeping the entire poverty program from accomplishing any degree of help to the unfortunate and needy of this country.

While admittedly it is too early to evaluate the effectiveness of the many Office of Economic Opportunity programs—and I frankly feel that some have real potential and I hope they are successful—it is clear that it is not too early to see that the program has produced a real political struggle between politicians at the local level, between local and State politicians, and between local and State politicians and Federal politicians.

In Los Angeles, Chicago, New York, Cleveland, Omaha, Albany, and many other cities across the Nation, the program has produced sharp controversy and has been embroiled in political power struggles unmatched in intensity in recent years.

In no State has the program faced greater problems and produced more controversy than in the State of California, the No. 1 State in the Union. Democrats and Republicans alike have criticized it. Gov. Edmund Brown said at the Western Governors' Conference it was "scandalous" that politicians, including elected officials, were fighting each other for "fat-salaried" war on poverty jobs for themselves and their friends solely to enhance their patronage.

Mayor Yorty, of Los Angeles, has charged that the war on poverty is a "huge political porkbarrel."

Democratic Congressman B. F. SISK said that the antipoverty program is "not working well" in California, and that "the program is bogged down in nine different directions."

In San Francisco the controversy over the makeup of the commission to administer funds delayed the program for months, and a total deadlock was averted only by the resourcefulness of Mayor Shelley.

In Fresno, Calif., antipoverty funds have been threatened by a similar dispute over control of the program.

In Oakland, according to a recent article in the Oakland Tribune, the antipoverty program is a "snafu," a "confusing and bewildering operation." The problem was largely attributed to the fact that there has been "undue haste to get something started."

In Contra Costa County, according to reports of the Richmond Independent, the program is "divided, clumsy, and costly," and after 9 months "has yet to help a significant number of the county's poor." I received a lengthy letter from the Richmond Chapter of CORE asking that the funds be withheld until the mess could be straightened out.

In a telegram to me last month, State superintendent of public instruction of California, Dr. Max Rafferty, said that coordination between Federal Government and local applicants have been poor, that "advance planning has been almost nil," that "project approvals have been on a hit-or-miss basis."

Most of California's leading newspapers have editorialized on the war on poverty and have provided incisive analysis and criticism of the program. To cite a few, the Los Angeles Times, of July 4, 1965, stated:

> The poor of Los Angeles County have already paid a high price for the failure of local and State governmental agencies to agree on how to administer antipoverty program funds * * *. In recent months the poor have been all but forgotten in the power struggle for control of the antipoverty effort.

The Long Beach Press Telegram, in an editorial of July 12, entitled "A Stalled Poverty War," calls attention to administrative decisionmaking and control problems involved in allocating poverty funds. The editorial concludes:

> One thing is certain. Nobody will benefit from the antipoverty war if the program remains bogged down in disagreement over the makeup of the general staff.

The San Francisco News Call Bulletin reached a similar conclusion on July 12, when it stated:

> Pursuit of the poverty war in San Francisco—and elsewhere—calls for dedication on the part of everyone involved. It must not be allowed to become an arena for a power struggle.

And the San Diego Union on July 20, in an editorial entitled. "War on Poverty Tastes Defeat," states:

> It is becoming increasingly apparent as the so-called war on poverty unfolds that the only unemployment solved today is that of Washington bureaucrats desperately trying to spend appropriated funds * * *.
>
> The inflexible and poor administration has been a mark of the war on poverty since its inception. It has arbitrarily assumed a set of conditions and tried to fit all problems into the boundaries, regardless of local conditions and pleas. As a result, vast sums have been spent on administration instead of the poor. Local wishes have succumbed to pressures that fit them into the preconceived mold. Flexibility has all but vanished.

And finally, the Oakland Tribune, on August 12, in an editorial on "Politics and Poverty" states:

> All the unsavory grubbiness of the political spoils system have plagued operations of the war on poverty since it was authorized. High-salaried jobs, and the right to decide who should get them are the prize sought by local politicians fighting for control of the program in many areas. There is a very real danger that this money-dispensing program may become merely a war chest for big city political machines.

A survey of the situation in California reveals that the criticism is well founded. In Los Angeles, the war on poverty was stalled for months in a major political struggle between two factions of the Democratic Party. The poor of Los Angeles, like the poverty stricken all across the Nation, received promise after promise when the Economic Opportunity Act was passed last year. But nothing happened. The frustration, the disappointment, the feeling of having been taken in again—these emotions are not hard to imagine, and they have become widespread. The House Subcommittee on Poverty got a glimpse of the bitterness and tension in Los Angeles when it held hearings on the antipoverty program just 4 days before the tragic riots in the Watts area ripped that city. The chairman of that subcommittee, Congressman AUGUSTUS F. HAWKINS, has tied the violence to the failure of officials to get the poverty program moving.

On June 28, during the hearings before the Senate Select Subcommittee on Poverty, on page 130 of these hearings, I questioned Sargent Shriver regarding this delay, apparently resulting over the question of who was going to run the program in Los Angeles. Mr. Shriver replied that "the situation" that I described, "was resolved last week." Further, he stated that the problem "no longer exists." That was 12 weeks ago. In reality, this was not the case at all.

I, in turn, wired Mr. Shriver forwarding Mayor Yorty's telegram and requesting that Mr. Shriver personally visit the riot-stricken area to resolve the dispute. Whether Mr. Shriver was too busy pushing public relations for OEO or preoccupied with the Peace Corps, I cannot say. But I do know he failed to give me the common curtesy of an acknowledgment until September 9, which was 74 days later. Even today, the dispute is yet to be fully resolved.

Warnings about the political nonsense in the program have been expressed by newspapers, magazines, and over radio and television throughout the Nation. Mr. Shriver's lone voice of denial is unconvincing to me, and I am certain unconvincing to the American people.

Despite all this criticism, I read in the Sacramento Bee on Sunday, September 5, that Mr. Shriver insists that the poverty battle is doing well. Of course, the question that we might ask is, "Doing well for whom?"

We would have to admit that for the many supergrade chiefs who administer the program, the program has been doing well. It has been reported that 85 percent of the $5.5 million that has been budgeted under this program has gone for personnel and administrative expenses at OEO. At this stage, Mr. President, it might be said that never in the history of our Nation has the Congress appropriated so much to accomplish so little for so few of those for whom it was desired.

Mr. President, I would also direct the attention to my colleagues to another article which appeared in the same September 5 Sacramento Bee. This article compliments the distinguished Senator from Delaware [Mr. WILLIAMS], for now turning his recognized ability for uncovering corruption and nonsense in the Federal Government to the poverty program. Judging from Senator WILLIAMS' shocking disclosure that the poverty war chiefs arranged for themselves a 2-day conference in the plush Suffern, N.Y., area, perhaps this is what the Director meant when he said that the poverty battle is "doing well."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article, entitled "Senate Hawkshaw Eyes Poverty War Expense Account," written by Edward H. Dickson, and published in the Sacramento Bee of September 5, 1965.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ECHOES FROM CAPITAL HILL: SENATE HAWKSHAW EYES POVERTY WAR EXPENSE ACCOUNT

(By Edward H. Dickson)

Should Senator JOHN J. WILLIAMS, of Delaware, ever get tired of being a Member of the Senate—an unlikely possibility, as anybody familiar with the feeding and care of Senators knows full well—he would not necessarily have to retire to his grain business.

The Senator has a real talent for investigative work, much to the dismay of evildoers in the Federal "Gumment."

While he is a Republican, WILLIAMS puts the microscope on the carrying-ons by bad guys without regard to political affiliations.

His revelations have resulted in a number of employees of the Internal Revenue Service either being sent to the pokey or being stripped of their epaulettes and form 1040's.

It was WILLIAMS who precipitated the investigation of Bobby Baker, secretary of the Senate Democratic majority and as far as Bobby's official connection is concerned, the present situation can be paraphrased in the words of the old melody:

"Bobby doesn't live here any more."

What puzzles any number of people is how WILLIAMS digs up his information.

Some suspect he has sort of an espionage system all of his own which functions even better than the farflung and expensive Central Intelligence Agency.

Although he is by no means an imposing person and is no spellbinder with a high pitched voice, the people of his State appear proud of the reputation he has won as a sort of national hawkshaw.

He won reelection last year over formidable opposition and despite President Lyndon B. Johnson's landslide victory.

WILLIAMS now has turned his attention on the Office of Economic Opportunity and the war on poverty program, and it is causing uneasiness among even friendly Democrats who feel there are too many chiefs and not enough Indians engaged in the battle.

The Senator has not uncovered anything as yet which might be of interest to an inquisitive grand jury, yet he has dug up some expense accounts which indicate that some of the warriors are living high off the hog in developing their plans for the antipoverty war.

WILLIAMS says a $230,000 grant was made for a skirmish in the New York area.

Disregarding the old military maxim that a council of war never fights, the poverty generals, WILLIAMS claims, immediately hied themselves for a 2-day conference in the plush Sulfern, N.Y., area.

The conference cost $2,168.26 for the weekend, including motel rooms, meals, and "refreshments."

WILLIAMS says he wanted to make it clear that "refreshments" were synonymous with "booze."

The expenses, WILLIAMS declared, included $228.30 for dinner at the Restaurant on the Mountain and $63.20 for floral decorations from Lucille's Flowers.

There was an item of $12.85 for the rental of a tuxedo by an official drawing a salary of $12,500 per year, $331 for telephones, and $26 for a table reservation for an unidentified 25th anniversary meeting.

WILLIAMS concludes:

"This is the meetingest group I ever heard of. Apparently they were meeting morning, noon, and night with breakfast, lunch, and dinner, all charged to the taxpayers.

"As to the tuxedo, I suppose the official who rented it thought it necessary so he could get down to the level where he could discuss poverty.

"I do not know who they were telephoning unless they were calling Washington to explain what a terrific job they were doing or is it possible they were calling to discuss what a wonderful time they were having?

"They have just gotten the program started and they already are planning a 25th anniversary meeting of some kind.

"Who says the Great Society is not planning ahead?"

Mr. MURPHY. Mr. President, I offered my amendment in an honest effort to eliminate the political confusion taking place across the country. My amendment was a simple one. It merely extended the coverage of the Hatch Act to VISTA volunteers and to employees of the community action program who receive the principal part of their salary from Federal funds. The Senate Committee on Labor and Public Welfare unanimously agreed with me after this issue was fully discussed. I should like to read from pages 13 and 14 of the Senate committee report, where an explanation of my amendment appears:

> The committee has added a subsection to section 211 designed to make the Hatch Act applicable to employees of community action agencies. Under the committee amendment, these employees would be prohibited from engaging in political activity where they are paid in principal part from Federal funds.
>
> When public agencies are recognized as the local community action agencies, the Hatch Act is already applicable. When private, nonprofit agencies are recognized, however, the act does not apply. The committee's amendment reflects the belief that the success of community action programs could be adversely affected if local antipoverty officials were actively engaged in partisan politics. Such engagement could impart a partisan character to a program which should be based on a broad spectrum of support within the community.

Also, Mr. President, on page 16, the Senate report discusses my amendment as applicable to the VISTA volunteers, and I read from the report:

> The bill includes, finally, one additional amendment relating to VISTA which was adopted by the committee. This would make the Hatch Political Activities Act applicable to volunteers. Although volunteers for many purposes are not deemed employees of the Federal Government, their relationship with the Government has many characteristics of an employment relationship. The committee believes that they should be subject to the same restrictions on political activity as regular Federal employees.

There is nothing complicated about it. It is completely in keeping with the present wishes of Congress and of its wishes during many years past.

During the 5 days that the poverty bill was before the Senate, not a single voice was raised in opposition to my amendment. OEO lieutenants sulked in the galleries. The response to my amendment editorially and from the American people was most favorable.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD two articles, one by Rowland Evans and Robert Novak, published in the August 22 issue of the Washington Post, and one by Jack McDowell, published in the August 24 issue of the San Francisco News Call Bulletin.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Aug. 22, 1965]

POVERTY AND POLITICS: ADMINISTRATION SOUGHT TO BEAT BAN ON POLITICS IN SPITE OF CONTRARY PUBLIC COMMENTS

(By Rowland Evans and Robert Novak)

In conflict with public utterances that it wants the poverty program divorced from politics, the Johnson administration attempted a futile fight against such a prohibition.

The poverty bill passed last week by the Senate puts all local poverty workers under the Hatch Act. That means Federal law—not merely agency regulations—will bar local poverty officials from partisan politics.

This amendment to the Poverty Act, sponsored by Senator GEORGE MURPHY, Republican, of California, zipped through the Senate Labor Committee and the Senate itself without apparent opposition.

Behind the scenes, however, two Democratic Labor Committee members were asked privately by the White House to kill the Murphy amendment. One was summoned from a Labor Committee meeting by an urgent telephone request.

Although they usually follow the administration line, the two Senators turned down the White House. They actively supported the Murphy amendment. Consequently, the White House made no public fight.

What makes this particularly interesting are public utterances of poverty chief Sargent Shriver and other officials when confronted with examples of local poverty workers playing politics (including the case we reported of a Philadelphia antipoverty leader lobbying in Harrisburg).

These Federal officials said they would prevent such conduct if Congress would write a prohibition into law.

Hence, the administration's veiled effort to block the prohibition comes as a surprise.

[From the San Francisco (Calif.) News Call Bulletin, Aug. 24, 1965]

MURPHY PUT DAMPER ON POVERTY POLITICKING

(By Jack S. McDowell)

In San Francisco, Los Angeles, and many major areas of the Nation there are tremendous battles over who's going to control the Federal war on poverty program.

In most cases, the squabble boils down to the struggle of who will get the various supervisory jobs the program provides and, through this sort of control, who derives the largest number of political green stamps.

There is another important factor. When part of the tab for the poverty war begins to shift from Federal to local pocketbooks, those responsible for local tax rates want a hand on the controls. If control is in the hands of the recipients, they argue, local taxpayers could be spent into bankruptcy and local officials could be spent right out of office.

This fiscal problem, however, seems not to enter into the burning desire of many local politicians to get their cohorts and themselves nailed into the Federal payroll where they would be occupying positions of influence in the spending of millions of dollars. Such positions of fiscal affluence and influence normally evolve into positions of political influence.

MURPHY AMENDMENT

What most of the eager politicians involved have overlooked is the language of a simple amendment to the poverty war act, placed into it by Senator GEORGE MURPHY, California's freshman Republican in the upper House.

This provision declares that employees of the poverty war program clearly and definitely are subject to all provisions of the Hatch Act.

This means, we're informed, that any poverty war soldier who receives most of his income from that position is covered by the act which prohibits Federal employees from participation in political campaigns.

While this is a Federal law and does, indeed, apply directly to campaigns for Federal offices such as Congress, U.S. Senate, and President, it also has been interpreted to apply to include all partisan races such as those for the State legislature and statewide constitutional officers.

PENALTIES TOUGH

Penalty for violation ranges from a minimum of 90 days' suspension from the offender's Federal job to a maximum of permanent removal from the payroll.

This raises a question of whether so many would-be political empire builders would be so anxious to place themselves and their lieutenants on the poverty war payroll if they were aware of the ominous provisions of the Murphy amendment.

It is possible, of course, that the courts would have interpreted employment by the poverty war program as being subject to the Hatch Act. But this would have consumed time and no test could have been possible until the campaign season when a violation could be alleged.

MURPHY's language answers the question in advance. This means that politically inclined poverty war officials will know their enemies will be looking over their shoulders, ready to hit them with a Hatch hatchet.

Mr. MURPHY. Mr. President, following the passage of the bill, I did not have the vaguest idea that my amendment faced any difficulty. Why should it? It was noncontroversial. It had been accepted unanimously by the committee. It had passed the Senate without opposition. But, Mr. President, a funny thing happened to the Murphy-Prouty amendment on the way to conference. Apparently, following Senate approval of the poverty bill, the Shriver forces diverted their attention from the poor, sought additional troops, and secured the highest of chiefs to battle the Murphy-Prouty amendment.

At 1 minute before midnight, so to speak, Chairman John W. Macy, Jr., of the Civil Service Commission, in a letter dated September 1, 1965, to the Senate and House conferees urged the deletion of the Murphy-Prouty amendment. I might say at this point that I was not given a copy of his letter. In Chairman Macy's letter he says:

> The Commission believes that it would be unwise to extend the general political activity restrictions of the Hatch Act to such a sizable group of persons in the private sector of community life.

Mr. President, why would my amendment be unwise? I find the Civil Service Commission's reasoning unpersuasive.

While it is true that the acceptance of the Murphy-Prouty amendment would result in an extension of the Hatch Act, it would be a desirable extension and one that could be administered without any difficulty. Although my amendment for the first time extends the Hatch Act to cover persons in the private sector, we must realize that the poverty program itself breaks with tradition by involving the Federal Government greatly in local efforts to assist the needy in communities across the Nation. We must also remember that in 1940, the Congress amended the Hatch Act to extend its restrictions to employees of State and local governments, whose principal employment is in connection with activities by Federal loans and grants. I know that the dangers of political manipulation in 1940 did not begin to approach the potential for abuse that exists under the present poverty program.

Chairman Macy also stated:

> The Commission concurs in the view that partisan politics should be kept out of the community action programs financed by Federal grants.

And after citing that the current law does prohibit political activity on the part of State and local government employees in the community action programs, Chairman Macy concludes, "that the Hatch Act will deter most of those engaged in community action programs."

The obvious answer to Chairman Macy's statement can be found by simple examination of what has been happening across the country. My amendment was aimed at preventing political activity on the part of those who received over half of their salary from the Federal Government regardless of whether they were employed by Federal, State or local governments or by a private organization. Its purpose was to prevent all political activity. It was based on the premise that the program is bigger, more important than politics, and should be so preserved.

Also, Mr. President, I was interested in the comments of the House conferees when they said that "their insistence on the exclusion of these provisions was based on the difficulty of applying the existing statutory restrictions to organizations and agencies for which they were not designed."

I cannot understand any difficulty on the part of the Civil Service Commission in administering the act's provisions to employees of VISTA and the community action programs who receive the principal part of their salaries from Federal funds.

In conclusion, Chairman Macy urged "that the Congress should seriously consider the effect of a legislative prohibition against political activity on the part of private employees." What would be the effect, Mr. President? The effect clearly would be to make it law that those who are receiving taxpayers' dollars to operate the local poverty programs would stay out of politics and see that the programs benefit the poor and the needy. The effect would clearly be to keep politics out of the poverty program, which is the wish that has been expressed by many of the leaders of the administration and many Senators on both sides of the aisle.

Mr. President, I urge that Senators read the debate that occurred on the Senate floor during the consideration of the poverty legislation. I am confident that in so doing, Members of this body will reach the same conclusion as that reached by the distinguished Senator from Ohio [Mr. LAUSCHE], when he stated:

> In my whole political career, I have never seen a program so loaded with the ability of political manipulations and deviousness.

The Senator from Ohio further declared that the "arguments have not been about the poor but about who is going to control the loot."

The Senator from Ohio was only confirming what newspapers, editorials, and magazines have reported since the program's inception.

Mr. President, I am truly sorry, as I am sure the American people must be, that the administration seems bent on keeping politics in the poverty program. With the rejection by the Senate and the House conferees of the Murphy-Prouty amendment which would have taken politics out of the poverty program, a Pandora's box has been opened and the politicians are left free to use poverty funds for pure political leverage. I only hope that the committee's action will not result in closing the door on the hopes of the poor—the very people for whom the program was designed.

Since the administration rejected my amendment, I cannot help but wonder about the true purposes of the program. Is it for the poor or is it for the politicians?

In addition, Mr. President, I recently read a rather complimentary article in the September 13 edition of Newsweek entitled, "Shriver and the War on Poverty." I was particularly intrigued with the concluding paragraph:

> The new assault in an age-old crusade has just been launched. Last week, Congress authorized a second-year appropriation of $1.8 billion to underwrite the vanguard of the attack. The sniping from the rear mounts even before the first reports from the front are in. Yet Sargent Shriver, the commandant of the war on poverty, imperturbably predicts total victory. How long will it take to win? A decade, predicts the top OEO general. A generation, says another. Forever, says a third with an uncertain smile. You just continue to upgrade the definition of poverty.

I would hope that my colleagues would ponder these reported remarks of a top OEO general stating that the program may last forever and that they would merely continue to upgrade the definition of poverty. I find this shocking.

Mr. President, although I for one hope that the administration does not share the views of the these OEO chiefs, I hope that the Senate will recommit the poverty bill with instructions to reinstate the Murphy-Prouty amendment. By so doing the Senate will at least assure that the political confusion and competition that accompany this program will not continue for a moment longer even if the program lasts for a decade, generation, or forever, as the OEO chiefs envision. We will be taking a proper and necessary step in seeing that the billions of taxpayers' dollars requested by the administration for the poverty program will actually go to the needy and the unfortunate of our country.

I urge that the Murphy-Prouty amendment be restored to the bill.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I congratulate the Senator for his remarks and his effort, even though he was unsuccessful, to have his Hatch Act amendment kept in the bill.

I, too, regret that the administration has seen fit to insist upon the deletion of the amendment which would have prohibited employees administering the poverty program from participating in politics. I cannot understand why the administration insists on the Hatch Act not applying in this instance, unless it is because they are willing to admit that what they are really after is not a solution to poverty but rather an army of paid political workers out in the field on election day serving as an adjunct to the Democratic National Committee.

Mr. MURPHY. Mr. President, in reply to the remarks of the Senator, I sincerely hope that this is not the case since the President of the United States saw fit to send a personal representative of his to Los Angeles to attempt to straighten out the mess which existed there. People are confused about these affairs. Some Senators are confused. This is a program which has the greatest enthusiastic following of everybody that I know. The program is necessary. Yet we find that, after nearly a year, the progress of the entire program is held up, stymied, confused, and distorted, at least in my State, merely because groups of politicians are fighting over who is to control the money.

I believe that the simplest, most effective, and most direct way to take care of the situation, eliminate the confusion, and write the best insurance that this program can and will succeed is to restore the Hatch Act amendment.

I sincerely hope that this will be done. I thank my colleague. I yield the floor.

Mr. DOMINICK. Mr. President, I congratulate my very distinguished colleagues, the junior Senator from California and the junior Senator from Vermont [Mr. PROUTY] for their comments.

I know that it was not easy for the Senator from Vermont, after having voted for the original bill and after having gone so far as to sign the first conference report, to come back from the second conference and say, "No; I will not sign the report and I will not vote for the measure." This is not an easy position to take.

I admire the courage of the Senator in doing this. I believe that it exemplifies the problem that is being discussed today.

I admire the courage of my distinguished colleague the Senator from California for his frankness in discussing what is going on in his State, as well as in other areas, with regard to the political manipulation of the war on poverty.

It seems to me that, when we went into conference, we had three or four major points in the Senate bill. I should like to review them for the benefit of my colleagues.

First of all, we had the issue of the Governor's veto. We fought desperately for the Governor's veto on the floor. Time and again as the various issues unfolded we were defeated by one or two votes, or by a tie-breaking vote cast by the Vice President.

We debated the Governor's veto because those of us who were supporting the right of the Governor's veto felt that this was imperative if we were to get any kind of proper cooperative poverty program activities within the respective States.

We felt very strongly that, without this provision, there would be an injection of Federal power into the local area without any coordination with the local or State authorities who were involved in a similar effort to try to do something about poverty in their area.

We did not win. We were narrowly defeated. We went to conference, and, at that point, it was said, "We will eliminate the veto entirely in the community activities program." However, the House of Representatives would not accept that. They rejected the conference report and sent the measure back to a second conference and said, "We want some form of Governor's veto left in the bill."

What did we get? We got the completely anomalous situation of having a Governor being given the right to veto activities of the Federal Government in his State, which activities he did not like, and an appointive executive being given the power to override a Governor's veto.

That is the type of situation we have now where under the pending measure an appointive Federal agent is given the right to overrule a Governor's veto. I know of no other situation in our legislative history in which that has occurred. Perhaps it did occur in connection with some of the emergency wartime powers during World War II. But I cannot conceive of a situation in peacetime in which an executive appointive official can overrule the elected Governor of a State on activities within that Governor's State. It is incomprehensible to me that such a procedure could be agreed to. But the conference committee so agreed.

My second point concerns the Hatch Act.

Mr. President, the Hatch Act provision, as my distinguished friend the Senator from California has cogently stated, was not even questioned on the floor of the Senate. It was brought up in conference, and is one of the things that the conference committee eliminated in both conferences. It does not make sense to me. If we are trying to do something for the poor, and not for the politicians, it seems to me the very best thing we could do in expanding the poverty war would be to include the Hatch Act provision.

What was the third? It was the advisory council, carefully worked out by members of the committee, to try to form a study group which could correlate the activities of the various departments of Government involved in the poverty war. In S. 600, the higher education bill which the Senate recently passed, we took the work-study program out of the Department of Labor, and put it into the Department of Education. We have, as I recall, as to student funds, used an override of jurisdiction of some 24 departments and agencies under the war on poverty program. Yet all we provide by way of an advisory committee to assist the director of the program is a committee appointed by him, controlled by him, and designed, as it is said, to act as a kind of sounding board for his ideas, as far as I am able to determine.

Such an advisory committee is not going to be beneficial. It is not going to give the director outside sources for advice to help him better correlate the activity for which he is responsible, and work effectively with other departments and agencies. It is only another method of saying, "Here is a nice bunch of people you can run, and we can get out more propaganda."

The fourth point was the money to be spent in the coming fiscal year on the war on poverty. The authorization for fiscal 1965 was $947 million. This year, the request from the administration was $1.5 billion. The Senate bill, as passed, provided $1.650 billion. We went into the conference and acepted a figure of $1.785 billion. That is $838 million more than was authorized in 1965. It is $135 million more than the Senate approved in its bill. It is $285 million more than the administration requested. It is $992 million, almost a billion dollars, more than was spent in 1965. It represents perhaps the most colossal expansion of any governmental program in 1 year that we have ever had in our peacetime history. It is perhaps the most rapidly expanded program we have ever had in the domestic field. I do not know of any other program which has mushroomed to that degree, particularly a program with the problems and the troubles that this one has had in trying to get organized and get underway.

I offered an amendment during the debate designed to cut the program back to a little more than $1 billion—last year's authorization plus $150 million to take care of Senator Nelson's ideas on title II.

My amendment was rejected by a close vote of the Senate. But at no time did anyone ever indicate that it was the consensus of Senators that the amount the Senate authorized should be increased. But that was done by the conference committee. It was increased, as I stated, by $135 million.

Furthermore, as to the $150 million provided in the bill as authorization limits for the Nelson program, it is my understanding that the earmarking of that amount for that purpose has been eliminated, and it is entirely possible that that additional $150 million will find its way into the community action program, where there have been so many problems already.

Mr. President, there have been a great number of newspaper comments and editorials on this subject. I should like to make reference to some of them, because I believe they bring up the problems that we have, which, in my opinion, have not been dealt with either by the bill that we had before us originally in the Senate or by the conference report.

First of all, I read from an article entitled "Washington Wonderland," in the Reader's Digest, quoting an excerpt from an editorial published in the Seattle Times and reprinted in the Reader's Digest. It reads:

INSPIRATIONAL LITERATURE?

> Millions of dollars will be spent this year to develop new teaching materials for teenage dropouts and adult illiterates. A paragraph from one of the new remedial-reading textbooks written for Job Corps campers reads: "Together Pete and Joey slugged away at Hank until his nose was bleeding and one of his eyes was black and blue. Then Pete landed two blows in the pit of Hank's stomach and Hank doubled over. He slumped slowly to the sidewalk. The fight had ended."

Is this the type of material that we are trying to develop in order to train individuals? It strikes me it is a strange way of going about it.

Another brief article, entitled "Whose Welfare?" was originally printed in the Milwaukee Sentinel. It reads in part:

WHOSE WELFARE?

> Administrative costs of the antipoverty program, critics say, may exceed the money going to the poor. At Washington headquarters, 44 top officials draw close to a million dollars a year in pay. Director Sargent Shriver's deputy is listed at $28,500, with three assistants getting $27,000 each. Of 40 other assistants, 9 get $24,400 a year, 11 get $21,445, and 20 draw $18,935. A staff of 1,150 is planned—as a starter.
>
> Out in the field, the New Jersey director is being paid $25,000 annually, more than any member of the Governor's cabinet. In Gum Springs, Va., the antipoverty program is to spend $82,150, with $56,723 going for salaries and only $25,427 earmarked for the poor. In New York City, a woman lawyer is getting $500 a week as a poverty "consultant."

I shall ask unanimous consent to place in the Record at this point a letter to the editor written by a man in Pueblo, Colo., whom I do not know. It reads in part—and I believe this is a rather interesting observation:

> Mr. Johnson's Great Society has now provided Project Head Start for the poverty-stricken children, youth camps for their big brothers and sisters, welfare for their parents, and now taxpaid babysitting jobs for their grandparents. It's time now that he did something for the forgotten group, the taxpayer.

Mr. President, I ask unanimous consent to have this letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

BABYSITTING

> To the Editor:
>
> It seems that every time I pick up a newspaper or turn on the radio, there's a new and more idiotic scheme out of Washington.
>
> We've had all kinds of crazy ideas foisted off on us in the name of the Great Society, but this one is the nuttiest by far. Now Mr. Johnson wants to hire 5 million people over the age of 60 years to act as "companions" to neglected children from poverty-stricken homes. In other words, the taxpayers are now being forced to pay for 5 million babysitters. It used to be that if parents neglected their children, they were arrested and taken into court where they were fined for child neglect. Now the Federal Government sends around a professional companion for the children.
>
> Most of these companions would evidently be persons who never worked enough in their lives to qualify for social security. If they are on social security and need more money, then I say it's time to cut out all the other Socialist hogwash like medicare which Johnson has tacked onto social security, and start paying these people the money they were supposed to get under the original social security law. But taxpaid nursemaids—ugh.
>
> Almost 20 years ago, John T. Flynn wrote a book, "The Road Ahead," in which he made the statement that the Communists encourage our spending programs because the sooner we spend ourselves into bankruptcy, the sooner they can take over. Mr. Johnson is well on the way toward their goal.
>
> Mr. Johnson's Great Society has now provided Project Head Start for the poverty-stricken children, youth camps for their big brothers and sisters, welfare for their parents, and now taxpaid babysitting jobs for their grandparents. It's time now that he did something for the forgotten group, the taxpayer. Oh, I forgot, he does have a nice gift for us—eventual bankruptcy in the name of service to suffering humanity at home and abroad.
>
> Robert Egnor.
>
> Pueblo.

Mr. DOMINICK. On August 21, we had a very difficult situation crop up in the Breckenridge, Ky., area youth camp. I hold in my hand two articles from Morganfield, Ky., dated August 21, compiled from UPI and AP dispatches. In brief, they show that the camp was being operated by a group of "hoods" from beginning to end, at taxpayer's expense, many people were being beaten up and physically assaulted, and many were leaving in fear of their lives.

The article reads in part:

> Morganfield, Ky., August 21.—Hundreds of youths, who had come to a nearby Federal Job Corps center, with hopes high, left it today, driven by fear.
>
> "They [hoodlums] threatened to kill me three different times," said Gilbert Blankenship, 18, of Jamestown, Ky., as he boarded a bus to leave.

Mr. President, I ask unanimous consent to have these two articles printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

RIOT FEAR DRIVES YOUTHS FROM JOB CORPS CENTER

> Morganfield, Ky., August 21.—Hundreds of youths, who had come to a nearby Federal Job Corps Center with hopes high, left it today, driven by fear.
>
> "They (hoodlums) threatened to kill me three different times," said Gilbert Blankenship, 18, of Jamestown, Ky., as he boarded a bus to leave.
>
> About 150 poured out of the center at Camp Breckinridge last night, along with most of the teaching staff, after a 3-hour riot in which 10 were injured. Another 100 left today and more were expected to leave.

OVER 500 INVOLVED

> Up to 500 of the 650 white and Negro youths at the center were involved in the rioting. State troopers, FBI agents, and U.S. marshals remained near the center today.

Seven youths were arrested for drunkenness and brought before a magistrate in Owensboro, who dismissed the charges at the request of Job Corps officials.

Blankenship said, "There were eight guys (Negroes) in my dorm who threatened to kill me. I'm leaving here until I think it is safe to come back."

"DON'T DO NOTHING"

Blankenship said his locker was broken into and clothing and money were stolen. Ralph Allen, 18, of Pascagoula, Miss., another who is leaving, also said his locker had been broken into and clothing and money taken.

"If the officials here had taken a stand before this would never have happened," Allen said. "They were always giving these guys a second chance."

A Negro youth from New York, who did not wish to be identified, said:

"Man, we don't do nothing here. That's the trouble. I want to be a mechanic but they say there's no room in the mechanics class. Man, there's nothing to do here."

Job Corps officials put up some of the trainees in an Evansville, Ind., hotel in hopes they would return later.

APPEAL BY MAYOR

Morganfield Mayor J. Earl Bell appealed to center officials to rid the corps of "the racketeering and hoodlum element" before it happens again.

"They have got to operate that center on a basis where people are not afraid to go there to work," Bell said. "I'm in favor of the Job Corps. There are some nice kids up there but unless these centers are properly policed they have missed the boat."

Charles Singer, a member of the security guard, said the camp's teaching staff is gone.

"When you're a resident and you have 40 students gang up on you the way they did, well, you can see why they'd want to leave," he said.

RIOT DRIVES TEENS FROM JOB CAMP

MORGANFIELD, KY.—Hundreds of youths, who had come to a nearby Federal Job Corps center with hopes high, left it Saturday driven by fear.

Seven youths involved in Friday night's rioting were arrested for drunkenness and brought before a magistrate in Owensboro, who dismissed the charges at the request of Job Corps officials.

About 150 corpsmen poured out of the center at Camp Breckinridge Friday night, along with most of the teaching staff, after a 3-hour riot in which 10 were injured. Another 100 left Saturday and more were expected to leave.

Up to 500 of the 650 white and Negro youths at the center were involved in the rioting. State troopers, FBI agents and U.S. marshals remained near the center Saturday.

Purpose of the $10.7-million center, part of the U.S. war on poverty, is to train disadvantaged youths for 10 months to a year. Basic training includes 3 hours of general education and 3 hours of work experience a day.

In nearby Morganfield, Ky., one resident described the center as "the damndest mess you've ever seen."

"It's just like a Sunday school," said Bob Hite, manager of a Morganfield radio station. "If the kids do something, they (the camp officials) say, 'now if you boys don't behave we'll take your pie away.'"

Six angry young Job Corps men told their story.

As the six crossed a dusty field toward a Red Cross hut where they would ask for a transfer to another Job Corps center, one said, "I ain't going to stay here and get my throat cut."

Another added, in reference to a camp protection racket, "After I got off the bus" (on his return from a weekend trip) "they ask me if I had any life insurance, and I said 'Hell, no.'"

Another student told of watching a beating in the messhall Wednesday: "They just took his head, pushed it in a plate of food, then stomped his face in."

One boy said he told a camp official Thursday night there was trouble brewing at the camp. "They didn't do nothin'," the boy said.

Most of the camp's boys are staying in motels and hotels. The six boys said their stay at a hotel last night was paid for by the Federal Government.

They said the riot sources were:

The protection racket which the six boys said was "nipped in the bud" in their dorm area but may have continued elsewhere.

The boys said they were forced to pay $13.50 a month—one-half of their monthly take-home salary—in return for "life insurance" to avoid beatings.

A civil rights demonstration August 13 triggered by Negro comedian Dick Gregory, who claimed the camp hired only persons with college degrees. Some students felt that charges of discrimination in hiring were false and staged a counterdemonstration.

Rioting in Los Angeles, creating fear between races.

Dissatisfaction among students. Said one of the six: "I've been here 2 months and I've been to all the classes and haven't learned a damn thing."

The six were Philip Lefferman, 16, New York City; Larry David, 13, Athens, Ga.; Ronnie Stone, 16, Marietta, Ga.; Edward Mattock, 17, Beckley, W. Va.; Antoine Monette, 20, Los Angeles, and Harvey Bunker, 21, Little Rock, Ark.

A mob of about 75 attacked a firetruck they apparently thought was coming to settle Friday's fighting which began between swirling knots of people, said Seymour Bryson, director of student security.

It was determined later that the firetruck had arrived because of a false alarm.

Ten Job Corpsmen were treated at a camp hospital. Most of them had stab wounds, many had cuts and bruises, authorities said.

Mr. DOMINICK. Mr. President, it is an interesting feature that one of the first things that happened in the war on poverty, one of the first programs that was announced, was reported last October in Time magazine, in January, that in the administration's opening salvo on poverty spending last month, "one project, for example, was a $25,000 loan to a fruitcake manufacturer in Lafayette, La." The magazine commented further, "Standards certainly must have been flexible."

Let me say, with all due deference, that every bit of factual information which we have received from beginning to end points up one problem after another of this kind.

Here is an article published in the New York Times on June 2, 1965, with a St. Louis dateline, dealing with the problems that the mayors of our towns have been having. Again I should like to quote:

> A group of angry big-city mayors failed today in a move to get the U.S. Conference of Mayors to back their charge that the Federal Office of Economic Opportunity was "trying to wreck local government by setting the poor against city hall."
>
> The controversy was shifted to the politically less exposed channel of private consultation with Vice President HUMPHREY.
>
> A strongly worded resolution—accusing administrators of the Federal antipoverty program of creating tensions among the poor against mayors and of "fostering class struggle" against city administrations—was bottled up today in the resolutions committee.
>
> The resolution was drafted by Mayors John F. Shelley of San Francisco and Samuel W. Yorty of Los Angeles, both Democrats. It had seemed almost certain of passage by the conference at a final plenary session tomorrow.
>
> Mr. Shelley said he had been urged by Mayor Richard J. Daley of Chicago, who is not at the conference, to "make the resolution even stronger."
>
> In Syracuse, Mayor Walsh said, federally financed antipoverty workers refer to city officials as "the enemy." He said the poor in Syracuse "are being urged to storm city hall."
>
> Mayor Shelley read to the committee excerpts from the Office of Economic Opportunity's "Community Action Agency Workbook," published last March under the name of Theodore M. Berry, the agency's director of community action programs. The book stressed the importance of "organizing low-income residents for political effectiveness."
>
> Mayor Shelley said the Federal agency's insistence that "the poor must dominate this thing" would have the effect of "wrecking the program" by removing it from the control of elected city officials "who are responsible to the taxpayers."
>
> "Look," he said. "I'm a liberal. I was poor. I came out of the labor movement. I am in complete sympathy with what they are trying to do. But they are saying that we can have no voice in the control of expenditures (by local governments) that will be 10 percent of the program this year and 50 percent next year. That creates a situation in which no local government can exist."

Mr. LAUSCHE. Mr. President, will the Senator from Colorado yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator is now discussing that aspect of the program with respect to which I stated, when the bill was originally before the Senate:

> In my whole political career, I have never seen a program so loaded with the ability of political manipulation and deviousness.

I believe that rather accurately describes what can be done politically under the types of organizations which are substituted for the performance of functions which properly belong to the Government; does not the Senator agree?

Mr. DOMINICK. I completely agree with the Senator from Ohio. We welcomed his support in the original debate on the bill. He was extremely effective in presenting his ideas, thoughts, and rationale on the subject. But, as he knows, the Hatch Act amendment which was in the bill, and which would have helped as an effective weapon in trying to keep out politics, was eliminated by the conference committee, even though the possibility of eliminating it was never even discussed on the floor of the Senate.

Mr. President, I hold in my hand a number of other articles, a whole series of papers from the State of Arizona, the Phoenix Gazette, the Arizona Republic, the Tucson Daily Citizen, and a variety of other newspapers, all of which have been referred to prior to this time by the distinguished Senator from Arizona [Mr. FANNIN], on the problems they have been having in Arizona with the programs which have been initiated there. Frankly, they depict one horror after another. There are accounts of recently released convicts running the program. The fact is, they cannot find any rationale or motivation for the people they are placing in these camps.

Mr. President, I was entertained, and I believe other Senators might be entertained also, by the report of June 11 in the Arizona Republic, as follows:

> Boys recruited for the Job Corps may elect to go home when they please and the government is required to provide transportation.
>
> The other day, at the Winslow camp, an eastern boy arrived and almost immediately asked to return home. Why?
>
> "I can't wait to get back on that jet airplane," he said. "That's the most fun I ever had in my life."

Mr. President, here is a boy being taken out to Arizona at Government expense. He went to Winslow and soon came back at taxpayers' expense merely to enjoy another airplane ride.

It does not strike me that this is doing much about the poverty program as such.

Here is another one:

POVERTY PROGRAM MONEY TO DEVELOP ROCK AND ROLL GROUPS

> Latest announcement from the "Nothing-May-Surprise-You-Department" of the poverty program: A program to use Federal poverty funds to develop rock and roll choral groups was announced in Chicago July 19 by Denton J. Brooks, Jr., executive director of the Chicago Committee on Urban Opportunity.
>
> Mr. Brooks said development of rock and roll groups has "cultural implications but also a definite economic effect in the war on poverty because it will give jobs to persons who would not otherwise have jobs."

Perhaps this is a useful endeavor. I do not know. But it does not seem to me to be something on which general tax funds should be spent.

All kinds of groups want to promote rock and roll, but the idea of spending Federal funds on it is beyond me.

Here is another article, dated July 23, 1965, from the Denver Post:

> Three of five Job Corpsmen in San Marcos, Tex., charged with felonies in the shooting of two airmen, returned to the job center after being released from jail on a habeas corpus writ.

Here are a couple of fellows who did not like sitting in the camp. They went out on the town and shot two airmen, were released, and returned to the Job Corps camp.

The Wisconsin State Chamber of Commerce, in August of this year, did a kind of lineup of some of the problems.

I am reciting incidents from various areas of the country to try to indicate to the Senate the kind of problems we have run into.

The Wisconsin State Chamber of Commerce reported:

> In Ypsilanti, Mich., a local teacher described a Federal grant of $188,000 in nearby Willow Run village as "a fraud and a disgrace." One antipoverty project planned was a weight-losing class for women who were told "now that summer's coming on, don't fry in your own fat."

It is inconceivable that we are spending Federal funds for that.

The next item relates to St. Petersburg, Fla., about which we heard a great deal before:

> The Job Corps Director has resigned. Of the 270 young girls training at the Center, 90 percent were school dropouts.
>
> Blaming the Federal Government for not screening the candidates properly, the Director said one girl arrived emotionally ill, another 5 months pregnant. Six girls were kicked out for drunkenness, several refused to obey regulations; 20 more left because they weren't "motivated."

In New York City—and I am glad to see the distinguished Senator from New York [Mr. JAVITS] present—

> The 22-year-old neighborhood investigator in Harlem was charged with the stabbing (fatal) of a 16-year-old white boy. The investigator was on the Federal payroll for $36.50 a week, checking on neighborhood poverty complaints. At the same time he was a member of a gang of rowdies known as the Barbarian Knights.

So the first three States involved that I have mentioned are Michigan, Florida, and New York. The report goes on. It does not stop there. It covers all areas of the country.

> LEWISTON, CALIF.—Citizens complain that they are being terrorized by volunteers at the local Job Corps Center. Residents were told that no young volunteer with a criminal record would come to the Center. "Now we learn that parolees are being sent here and that there is almost no supervision," said one Lewiston city official. (A Job Corps official said the "rules got changed—at the Presidential level.")

The next one is from Portsmouth, Ohio.

Mr. LAUSCHE. Where?

Mr. DOMINICK. Portsmouth, Ohio.

> Community action program officials had allowed $45,000 to rent meeting rooms when, as Congressman WILLIAM H. HARSHA, Republican, of Ohio, reported, "There is plenty of free space they could use." The money is now being held up, pending investigation.

I do not happen to know what happened with respect to that.

Mr. LAUSCHE. Mr. President, if the Senator will yield, where was the rock-and-roll program?

Mr. DOMINICK. That was in Chicago, Ill.

Mr. LAUSCHE. And that is a part of an economic opportunity program on which the taxpayers' money is being spent?

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. Where was the program in which the taxpayers' money was being spent to teach how weight can be reduced? Was that in Ypsilanti?

Mr. DOMINICK. Yes; that was in Ypsilanti, Mich.

Mr. LAUSCHE. Those programs are now a part of the general laws?

Mr. DOMINICK. That is correct—the so-called poverty program.

The next item mentioned in this report refers to Indianapolis, Ind.

> The local Project Head Start has a $1,094,000 budget for a preschool center. Fully two-thirds of that budget is going for salaries of administrators, consultants, coordinators, teachers, aides, office help.

Here is one from Gum Springs, Va.:

> Citizens are up in arms over a $74,000 local poverty budget. Of that budget, $56,722 is going for salaries for the staff.

Then we get down to Washington, D.C.:

> The Public Health Service, with a budget of $2 billion per year, has wide-ranging health programs for the general public throughout the United States. But poverty program officials aren't satisfied. They are launching their own health service in the form of nursery school setup, complete with medical, dental, and eye benefits. Costing initially $17 million a year, it will zoom shortly to $150 million annually. Obviously it will compete with the existing Public Health Service.

The one I have just referred to relates to Washington, D.C. The next one relates to New York City. It is reported that:

> The powerful United Federation of Teachers has forced local poverty officials to pay $8 to $9.20 per hour to summer nursery school teachers.

I have already referred to the Syracuse, N.Y., blast by Mayor Walsh.

There is another program going on in Washington, D.C., which is thus described.

> Poverty officials admitted paying $87,000 to a private research group "to compile a catalog of more than 170 Federal programs—in addition to those set up by the antipoverty program—which helps the poor.
>
> The Washington Daily News reported the catalog is thicker than New York's Manhattan phone book.

So far we have included the States of Michigan, New York, Florida, California, Ohio, Indiana, Virginia, and Washington, D.C. The areas I mentioned before included Kentucky and Texas. I know that there have been problems in my own State of Colorado.

The Washington Post had this to say when we passed the bill in August. This article appeared on August 23:

> Mounting concern across the country that the war on poverty has yet to establish an effective beachhead was ignored in the Senate where administration forces crushed opposition 61 to 29 and passed a 1-year, $1.65 billion extension of the program.
>
> The time has come to throw away the quantitative yardstick and the tub-thumping press release that tells only how much or how many or how big, and to concentrate on how effective, how lasting is the war to help people lift themselves above poverty and stay there.

I was really interested in my own State. I believe I previously placed in the RECORD an article which was published in the Denver Post which referred to one of the centers of the Job Corps in western Colorado and stated that it had really been successful. When one read below the headlines he learned that one-fourth of those who had gone out there at the Government's expense had already left the camp after they had been there for only 2 weeks. This was supposed to have been a successful camp. I have some more examples of what went on in Colorado.

Here is an article from the Rocky Mountain News dated September 2, 1965, in regard to the new head of the Denver war on poverty. He was elected by a 11-to-7 margin after a secret ballot and after a motion to postpone the election another month had been beaten down, 8 to 7. The new director is a fellow that I know from my home State, and is an able person.

But once again the political situation, largely within the Democratic Party, has created such a force they have been unable to get anything done that meets with the approval of Washington. That is why when this gentleman, whose name is Corky Gonzales, and incidentally a fine guy, was elected. One of the first things done was to fire the executive director. They have not yet found a new one.

Here is the comment made by another director of the Denver war on poverty. This comes from the Rocky Mountain News of September 3, 1965. He said that the local program can work despite the current internal bickering hampering achievement:

> Herick Roth, president of the Colorado Labor Council, said possibilities for the future are excellent.
>
> Speaking to the Young Democrats of Denver, Roth claimed the issue is who shall be the local spokesman and through whose eyes poverty seen.
>
> "We can take some progressive steps while we're fighting these petty battles," he predicted.

When he got through he said, "I trust it will not be a boondoggle."

Mr. President, I ask unanimous consent that these two articles be inserted in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CORKY GONZALES ELECTED HEAD OF DENVER'S WAR ON POVERTY

(By Fritz Lalendorf)

Rudolph (Corky) Gonzales, former bail bondsman and professional boxer, is the new general of Denver's war on poverty.

He was elected Wednesday as chairman of the Denver war on poverty board to succeed Dr. James Galvin, who resigned the top post because of friction with several of his coworkers. Galvin will remain on the board.

Gonzales won by an 11-to-7 margin after a secret ballot and after a motion to postpone the election another month had been beaten down 8-to-7.

The board has been racked by dissension for the past 2 months since Mayor Currigan publicly called for the removal of then Executive Director Robert E. Allen for alleged ineffective leadership.

Allen has since been demoted to community relations director, although he is serving as acting executive director until a successor is chosen.

The local program has bogged down amid personality clashes and differences of opinion on how the program should be conducted and which way it should move.

The Office of Economic Opportunity (OEO) in Washington has been slow to approve needed poverty funds until the leadership hassle is straightened out and the program is revitalized.

Only 19 of the 33 board members were on hand for the regular monthly meeting Wednesday night.

Gonzales, 37, is director of the Neighborhood Youth Corps program, a part of the war on poverty.

His salary in that job is $9,636 a year. The chairman of the Denver war on poverty board is a nonpaying position.

William Blackburn, an oil executive and chairman of the nominating committee, reported the committee favored Walter E. Emery, president of the Bank of Denver, for the top post.

The vote was 4 to 1, he said, with Mrs. Mary Chavez, board member representing "the disadvantaged community," opposed.

Mrs. Chavez said she believed Emery would be unable to communicate with residents of poverty areas.

Blackburn quoted Emery as saying he would be unwilling to serve as chairman if there were opposition to his election, preferring to encourage board unity rather than disunity.

Then followed a motion to postpone the election until the nominating committee could talk it over.

TRIGGERS BLAST

That triggered a blast from Herrick Roth, president of the Colorado Labor Council, AFL-CIO, who has been leading the fight to get the program off dead center.

"How long do we intend to bicker on and on about this?" he asked. "Caution has been part of our problems with this program."

Further postponements, he said, means the war on poverty "does not go forward for a while."

The 8-7 vote closely followed economic lines with the so-called disadvantaged representatives prevailing over the other board members. Emery, however, abstained from the balloting.

After Gonzales was nominated by Mrs. Chavez, Mrs. Lloyd M. Joshel said the board should dissolve itself and start all over again.

"The board is badly split," she said, "in I don't know how many ways."

She suggested appointing a chairman from outside the board "who might be able to pull these patches together."

Attorney A. Edgar Benton called it "a sad commentary" that a community of 500,000 people could not find someone willing and able to take on the responsibility of running the war on poverty program.

He announced he would vote against Gonzales "simply because I don't think he's qualified."

After the election Gonzales said he did not intend to get involved in "politics behind closed doors."

"I don't say that I know everything there is to know but I can learn," he declared. "I do know that we must help the poor people.'

COMPLETE SHAKEUP

The board has approved a complete structural shakeup, revamping the administrative hierarchy from top to bottom.

The executive director will oversee six divisions dealing with community relations, education, employment and training, health, home management and research and analysis.

The divisions will be staffed by board members plus professional outsiders subject to board approval.

POVERTY FIGHTER EXUDES CONFIDENCE

A director of the Denver War on Poverty (DWOP) board said Thursday the local program can work despite the current internal bickering hampering achievements.

Herrick Roth, president of the Colorado Labor Council, said possibilities for the future are excellent.

Speaking to the Young Democrats of Denver, Roth claimed the issue is who shall be the local spokesman and through whose eyes is poverty seen.

"We can take some progressive steps while we're fighting these petty battles," he predicted.

MIDDLE GROUND

The labor leader claimed the Denver board, under fire for its ineffectiveness, is neither far behind nor far ahead of other communities.

He said the poverty representatives on the board don't know what their role is and neither does the "power structure."

"In fact," he said, "the power structure probably has less understanding."

He said the current board hassle is a matter of the poverty people being hampered by the "society people who know how to run boards."

He said all the haggling is going on amid the power structure and not the so-called disadvantaged board members who are continually being talked down to.

"I have been critical of the power structure," Roth conceded, "because I don't like to see this bulldozing going on."

FINDING A TRUST

Roth said the election of Rudolph (Corky) Gonzales, a representative of the Spanish-American community, as board chairman Wednesday night amounted to "finding a trust."

"If we walk away from Corky we will be doing him and the war on poverty a disservice," he declared.

Roth said he was sure the board, despite the division in leadership, was united in wanting to move ahead with the program.

Nationally, he said the Johnson administration "may hang its hat or lose it" on the antipoverty war.

"I trust it will not be a boondoggle," he added.

Mr. DOMINICK. Here is an editorial from the Rocky Mountain News headed "Boondoggle." "I trust it will not be a boondoggle," Herrick Roth said.

The Rocky Mountain News said very pungently:

> We certainly trust so, too, but we must admit that nothing in the record so far gives us much cheer.

I ask unanimous consent to have printed in the RECORD the editorial from the Rocky Mountain News.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOONDOGGLE?

Herrick Roth in commenting on the strife-ridden organization of the Denver War on Poverty, of which he is a director, expressed this hope:

"I trust it will not be a boondoggle."

We certainly trust so, too. But we must admit that nothing in the record so far gives us much cheer.

Mr. DOMINICK. I thought I was through the parade of horrors on this matter until I got a new one the other day. Here is one dated September 7 from the Dixon Evening Telegraph in Dixon, Ill. It is an editorial entitled "The War on Poverty Invades Lee County, Ill."

Mr. President, I would ask unanimous consent that the entire editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Dixon (Ill.) Evening Telegraph, Sept. 7, 1965]

THE WAR ON POVERTY INVADES LEE COUNTY, ILL.

The war on poverty is to be fought on home grounds in Lee, Ogle, and Whiteside Counties, three of the most prosperous farming and industrial counties in northwestern Illinois.

A great number of the citizens of our community are aghast and utterly disgusted after reading in this newspaper of the press conference called by Rev. Alden R. Hickman, assistant pastor of the First Presbyterian Church of Dixon. It has been reported that this committee is a self-appointed, self-perpetuating group controlled by about 10 persons. None of these persons are responsible to county or city voters.

At this meeting the Reverend Mr. Hickman announced that he and his group that he calls the Tri-County Opportunities Council (TCOC) has requested a grant from the Federal Government of more than $38,000 "to finance a study which will determine the extent and nature of poverty in the Lee-Ogle-Whiteside Counties area."

If approved by the Government the grant will be used specifically to "discover incidents of poverty, resources available, and the possibilities of eliminating or alleviating poverty in this area" * * * said the Reverend Mr. Hickman. Budget information released at this press conference specified that the program director will receive $10,200 a year. Two assistant directors will receive $7,200 each. The remainder left in the budget salary allotments will be used for secretarial salaries and for neighborhood aides, whatever that means, and these are the ones he says will benefit. Also included is travel expense of $7,200 and $1,800 for consultants who are supposed to evaluate the completed survey. Then there is allotted $1,950 for office rent, $2,000 for supplies and postage and $1,300 for equipment rental.

We can think of better initials to be used for the Great Society than TCOC. We suggest they change their name to the "Payrollers Everlasting Utopia" and call it by its initials (PEU) which would be more appropriate because of this senseless squandering of Federal funds just to put a few people on the payroll.

We were informed by a member of the Presbyterian Church that Reverend Hickman's coming to Dixon and the church was contingent upon his being on this boondoggle payroll at $10,200 salary. If this information is incorrect we will be happy to correct same.

If this committee, whoever they are, will come to us or any number of people in our community we will tell them why we think some people have less than others—we will tell them for free and save taxpayers $38,000.

We will even throw in something as a bonus and for free—we will tell why some people have more than others in case these men are planning to spend taxpayers' money in the future to find out why some people have made money and saved it.

We are sure that almost everyone has compassion for people who are unfortunate because of reasons of sickness or of something beyond their control. Our county board of supervisors has a setup that has been in force for years to take up and care for hardship cases.

We have a suggestion. If these men are so willing to get this $38,000 and use it we would like to be so bold as to say—get it and give it to those who need it but do it through the county supervisors and township men who are already set up and have been doing this over many years. Let's not pay it out in fat salaries for a favored few.

Mr. DOMINICK. In effect what is said here is that the Tri-County Opportunities Council requested a grant from the Federal Government of more than $38,000 to finance a study which will determine the extent and nature of poverty in the Lee-Ogle-Whiteside Counties area.

The editorial starts out by saying that these three counties are the most prosperous farming and industrial counties in northwestern Illinois.

The editorial goes on to say who is going to get the $38,000. The program director will receive $10,200 a year, the two assistant directors will receive $7,200 a year.

That is $24,600 out of the $38,000. The remainder left in the budget salary allotments will be used for secretarial salaries and for neighborhood aides, whatever that means, and these are the ones who will benefit.

Also included is travel expense of $7,200 and $1,800 for consultants who are supposed to evaluate the completed survey. Then, there is allotted $1,950 for office rent, $2,000 for supplies and proceeds, and $1,300 for equipment rental.

The editor suggests the name be changed from the TCOC, which is Tri-County Opportunities Council, and that it be called PEU, which is Payrollers Everlasting Utopia.

I do not know whether that situation is going to be changed or not. The editorial is dated September 7, 1965. I presume it will.

The Ypsilanti, Mich., program went through despite determined opposition of everybody in the area.

Then, we have this article of September 9 from the Washington Daily News, and an article by Jack Steele in the Rocky Mountain News. The first one is dated September 9, 1965, and the last one is dated September 12, 1965. I would ask unanimous consent that these be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Sept 9, 1965]

HEAD STARTERS STARTLE PROBERS: "FREE" USE OF CHURCH, $532 IN "RENTALS"

Senate investigators have reported that a Mississippi Head Start project paid $100 rent to use a bathroom toilet in a church for 8 weeks.

The project also paid the owner of the church $10 in rent for use of a garbage can, $100 to rent a sink, $120 to use a refrigerator, $110 for a store, and $92 for a carpet during the same 8-week period.

One of the project's officials chartered a twin-engine plane for a 200-mile flight to address a "graduating class of 5- and 6-year-old Head Start pupils. Another chartered a plane to attend a meeting of the project's board of directors, they said.

LEFT HASTILY

And when the Senate staff employees started their investigation, bookkeepers for a New York firm which had received a $35,000 contract to audit the project, left Mississippi hastily, taking the books and records with them.

These and other alleged irregularities in the project's operations have turned up in the course of an investigation sparked by Senator JOHN STENNIS, Democrat, of Mississippi.

Senator STENNIS is preparing a detailed report to present to the Senate Appropriations Committee, of which he is a member, when it considers the administration's request for $1.5 billion to run the antipoverty program.

MADE PUBLIC

Results of the probe were first made public in dispatches by Morris Cunningham, Washington correspondent for the Memphis Commercial-Appeal, a Scripps-Howard newspaper.

The project involved is the Child Development Group, which was granted $1,460,748 by the Office of Economic Opportunity to run Head Start classes in 65 Mississippi communities this summer.

Senator STENNIS has charged that the project's facilities were being used as a "staging area" for civil rights demonstrators rather than for their intended preschool educational purpose, and that Head Start funds were used to provide bail and pay fines for demonstrators.

FIRST HAND

In late July, Senator STENNIS asked OEO Director Sargent Shriver for an accounting of the child development group's use of Federal funds. When Mr. Shriver reported his accountants could find no serious irregularities, Senator STENNIS and Appropriations Committee Chairman CARL HAYDEN, Democrat, of Arizona, sent committee investigators to Mississippi for a firsthand look.

When they arrived August 26, they reported they at first were denied admittance to the group's headquarters. After Senators STENNIS and HAYDEN protested to Mr. Shriver, the staff aides were let in and staff accountant William J. Miller started an audit.

VANISHED

When he arrived to continue his work August 30, the records had vanished and so had three bookkeepers for Spokny-Gersten Co., a New York City firm which had the $35,000 accounting contract, investigators said.

The books were later returned by air express from New York but the bookkeepers never did show up again, the investigators said.

Mr. Shriver's office later announced the contract had been canceled and the routine auditing assigned to another New York City firm, but Spokny-Gersten had received nearly $27,000 of the $35,000 in advance.

The Senate investigator, meanwhile, found a check had been paid to the Reverend Harry Howard, listed as owner of St. Peter's Baptist Church, Pascagoula, Miss. Reverend Howard had "donated" use of his church for a Head Start class for the 8-week session, they were told.

"FREE"

However, according to Mr. Miller, an invoice filed in support of the check revealed that although use of the church was "free," Reverend Howard had been paid $100 for use of a "bathroom commode" (toilet), $10 for use of a garbage can, $100 for use of a sink, $120 for use of a refrigerator, $110 for use of a stove, and $92 for use of a carpet during the 8 weeks.

OEO officials here said the rental charges appeared to be exorbitant—and if so, would not be allowed. Presumably, the money can be recovered either from Reverend Howard or from Mary Holmes Junior College of West Point, Miss., official sponsor of the child development group.

The chartered air flights, investigators said, were taken by the Reverend Willie Brown, assistant director of the group, who flew from Jackson to Holly Springs to speak before a Head Start graduating class, and by Dr. Tom Levin, former director, who flew from Jackson to West Point for a board of directors' meeting. Washington officials said Mr. Levin's flight was authorized as necessary.

ABUSES IN HEAD START PROGRAM REVEALED

(By Jack Steele)

WASHINGTON, September 11.—The antipoverty program's own audit of a big Mississippi Head Start project disclosed "questionable and improper" expenditure of portions of the $1.4 million in Federal funds poured into the project.

Sargent Shriver, Director of the Office of Economic Opportunity, made public Friday night a sketchy summary of a July 31 audit report, which charged that $87,778 in "questionable expenditures" were uncovered at this midway point in the 8-week program to provide nursery schools for underprivileged children.

Shriver made public the audit summary after Nathan Cutler, OEO's chief auditor, had denied reports by Senate investigators, which were published by Scripps-Howard newspapers, of waste and mismanagement in the Head Start project in Mississippi.

Yet Cutler himself stated in the audit summary that "significant weaknesses," which included possible conflict of interest, were uncovered by his auditors.

USED TO PAY FINES

The OEO auditors found that $1,129 in Head Start funds were used to pay bail and fines for Head Start employees arrested for civil rights activities. They insisted all but $329 had been recovered.

Shriver himself earlier admitted some OEO employees engaged in civil rights activities "on their own time" and added: "I hope they do it." He insisted they were not intermingling their antipoverty and civil rights activities, however.

The big issue of whether OEO paid high-priced "rentals" on such items as a toilet, a rug, refrigerators, and garbage cans in two Negro churches in Pascagoula, Miss., used as Head Start centers was left unresolved.

Cutler earlier denied the charges—insisting that OEO had purchased these items.

After release of the audit report, Cutler admitted that invoices found in the files of the Mississippi project covering these items used the word "rentals." But he insisted this was a mistake.

SEEK ADJUSTMENTS

Cutler said OEO was trying to work out adjustments in the prices of these articles rather than rip out the toilet and take possession of the other items.

Investigators for the Senate Appropriations Committee, sent to audit the project by Senator JOHN STENNIS, Democrat, of Mississippi, made the "rental" charges on the basis of the invoices.

Shriver refused to release the full audit report on grounds that it was an internal document of OEO and might contain unsubstantiated charges involving some individuals.

But the audit summary, although all specific charges were deleted, disclosed evidence of wholesale mismanagement of Head Start funds in the Mississippi project, which was operated by the Child Development Group of Mississippi from a center at Edwards, Miss., near Jackson.

WEEK TO CORRECT

Cutler considered the lack of control over the Federal funds so serious that he recommended that the project be curtailed or halted unless the faults were corrected within 1 week.

The report listed among "questionable" expenditures:

Cost of teacher orientation: $30,710.

Accounting and financial services: $35,000.

Administrative expenses: $12,380.

Printing agreement: $7,188.

Retainer legal services: $2,500.

The report also charged the project had violated conditions of its grant by improper use of funds, by failing to identify the non-Federal share (10 percent) of its costs and by buying furniture and services before the grant was approved.

CONTROL LACKING

It charged the OEO auditors had found no control over petty-cash funds, accounting system deficiencies, and such mysterious other "weaknesses" as "special bank account" and "possible conflict of interest." These were not further explained.

The report stated:

"Our audit indicated the existence of a relatively lax and uncontrolled system of management both at the grantee and subcontractor levels.

"Essential functions involving cash and check disbursements, purchases, material control, and recordkeeping were informally accomplished and inadequately supervised."

Mr. DOMINICK. I believe most of us have seen these, but this article relates to the Head Start program in Mississippi which paid $100 to rent a bathroom toilet in a church for 8 weeks, and it went into details of what was being paid out: Scrap basket rental, toilet rental, and screen rental, and all of these things that are plain idiotic use of funds when we are trying to help the poor in this kind of program.

I do not intend to outline all of these things in order to show the difficulties of the program. Of course, there will be difficulties. No program can get started in this way without difficulties and without problems. We all know that.

The point is, to take a program that is already nationally in trouble in all areas of this country and then say we are going to give $285 million more than the administration wanted and $135 million more than the Senate provided and millions more than was spent last year in expanding this type of program, without getting administrative help or supervision, it seems to me, is absolute nonsense. If this conference report can be defeated we will have an opportunity to go back to conference and insist on the Hatch provisions, and insist on a fair monetary amount and try to get some kind of advisory council that will be of assistance in this program.

I yield the floor.

Mr. JAVITS. Mr. President, I intend to address myself in some detail to this situation, as I believe I am the only Member of my party who signed the conference report. With the indulgence of the Members of the Senate who are present, I would like the privilege of inserting several matters in the RECORD. I ask unanimous consent that I may do so although they are not germane to the pending business. Then I shall ask for a quorum call for the brief time that Members are notified that this debate will be coming to a close.

I ask for such unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF SECRETARY ZUCKERT

Mr. JAVITS. Mr. President, at the end of this month, the Honorable Eugene Zuckert, Secretary of the Air Force, will leave his post in the Government.

Secretary Zuckert has served in that high post longer than any other Secretary in history and, undoubtedly, his contributions have been extraordinary. In 1946, he served as Special Assistant to the Assistant Secretary of War for Air, and, when the new Department was formed the following year he became Assistant Secretary. His experience had qualified him well for the leadership position to which he was appointed by President Kennedy in 1961.

During his tenure as Secretary we have not always agreed on matters affecting installations in New York, but I respect his dedication to the public service. I applaud his contributions to the growth of the Air Force and the defense of the Nation, and I admire his unquestioned ability and patriotism.

The Air Force will miss his leadership and the Federal Government his dedicated service. I join Senators in wishing him success, health, and happiness in the future.

ACCEPTANCE SPEECH BY FORMER NEW YORK ATTORNEY GENERAL GOLDSTEIN

Mr. JAVITS. Mr. President, former New York State Attorney General Nathaniel L. Goldstein was installed as President of the American Friends of the Hebrew University last Sunday. Mr. Goldstein is one of New York's most distinguished citizens. He served the State as Attorney General from 1942 to 1954 and was my immediate predecessor in that post. During his terms of office under Gov. Thomas E. Dewey, New York moved forward and led the Nation in many areas of government concern, including civil rights, education, and health. Also during that time, Mr. Goldstein was a leading figure in the National Association of Attorneys General. In addition to the bar, he has also distinguished himself in philanthropy and community service.

I ask unanimous consent that excerpts from the acceptance speech of Attorney General Goldstein on the occasion of his installation be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE ACCEPTANCE REMARKS OF FORMER ATTORNEY GENERAL NATHANIEL L. GOLDSTEIN OF NEW YORK, UPON HIS INDUCTION AS PRESIDENT OF THE AMERICAN FRIENDS OF THE HEBREW UNIVERSITY, SEPTEMBER 19, 1965

Thank you, Mr. Chairman, for your very kind introduction. May I also express my deep appreciation to the Minister of Commerce of the State of Israel, His Excellency, the Honorable Haim Zadok, for his most gracious remarks. Were I, in turn, to present him to you, I should characterize him succinctly as a brilliant lawyer, a superb public servant and, above all, a gentleman of the highest order.

I accept the idicia of office today with due humility, realizing the duty which goes with it and the accompanying obligation to that great citadel of learning, standing at the crossroads of the Middle East, in all of its majestic glory, beaming its rays of knowledge throughout the civilized world.

The Hebrew University performs a dual function. It supplies the professions to administer to the needs of the people of Israel, the scientists, the doctors, and the lawyers. It produces the teachers so essential to man the primary and secondary schools, for brick and mortar without teachers can be of no avail. I know I need not stress its importance, for it is self-evident and axiomatic.

For the next few minutes, I should, therefore, like to tell you what impelled me, with all of my manifold duties and obligations, to accept the presidency of the American Friends. It is inherent in the second great historic mission of the Hebrew University.

We are the people of the Book, and learning has sustained us throughout the ages, in all of our travail and suffering—and it is learning which can bring peace and tranquillity to the world.

Nuclear weaponry is not the answer, for in a span of 50 years we have fought and won two World Wars, steeped in blood, sweat, and tears. Checkerboard diplomacy will not do it, for with all our statesmanship and diplomatic maneuvering, we find ourselves on the brink of world war III.

Knowledge, learning, education, and understanding must supply the tools, by which the human race can survive, in a world of plenty and splendor.

Unfortunately, America, the most powerful nation on earth, which has done so much good for so many people, has been unable to reach the underdeveloped and newly developed countries of Asia and Africa. Unless there is a rapport with them, I fear that mistrust and misunderstanding will continue. Unless we can infuse them with our democratic way of life, we shall be groping in the dark and in the abyss of dismal failure. We, who are living under the best form of government conceived by man, cannot transmit our good and our blessing to these people.

But there is one ray of hope. In an era when the use of force as a weapon in diplomacy has become an anachronism, the example of Israel stands forth as a guiding light. The diplomacy of economic and technical assistance waged so badly by Israel is doing much to win the hearts and the minds of the people of these developing countries. Dedicated young people trained by the Hebrew University are now practicing the diplomatic art and setting an example which the free countries of the world can follow and learn from.

Let me name a few specifics where the Hebrew University is now playing its important role, helping their Asian and African neighbors. There is, at the university, a unique program for training Africans in modern medicine, under the auspices of the World Health Organization, an arm of the United Nations. The program, now in its third year, will soon graduate the first group of physicians, who will return to their native lands in Africa and head hospitals, research centers, and, before long, be training physicians and technicians essential to the health of their people.

Similarly, there are African and Asian students in economics, social work, the law school, as well as in the multifaceted fields of modern science.

There is presently underway a newly created Institute for American Studies. Although less than a month old, this institute is teaching American history and an appreciation of the guiding principles of American democracy. I can think of no more direct channel to the consciousness of the people of the emerging nations than through the tutelage of another new democracy which has benefited so dramatically from the American experience.

This little State of Israel has been able, in a short time, to reach the eyes and the ears of these Asians and Africans. It has been able to gain their confidence and trust. And this little State, through the Hebrew University must be the catalyst by which these people can be reached.

To eradicate poverty of the body is all-important, but to feed the poverty of the mind is also important, if we are to live in a world of rule by law.

We, in America, must provide the wherewithal, for the Hebrew University can supply the manpower and the brains. All that we are being asked for is dollars, and dollars, unless put to good use, lie fallow and helpless. This, believe me, my friends, is the cheapest insurance premium we can pay for the survival of civilization.

SCURRILOUS TELEPHONE CALLS BY THE ORGANIZATION "LET FREEDOM RING"

Mr. JAVITS. Mr. President, the news media yesterday and today have once again brought to public attention the irrational, scurrilous attacks being employed by the rightwing group called Let Freedom Ring. The current attack is against the National Congress of Parents and Teachers but for the past 3 years this same organization has used the telephone lines of the Nation to attack in the most personal and vicious manner the integrity, and the patriotism of such outstanding, loyal Americans as former Presidents Eisenhower and Kennedy, Chief Justice Earl Warren, and U.N. Ambassador Adlai Stevenson.

Now, of course, the method used by Let Freedom Ring—which seems determined to bring hate and fear within the reach of all—is faceless, and anonymous. A voice on the telephone. Not even the written word where the inaccuracies and innuendoes can at least become apparent to reasonable people on considered reading. Just the short message over the phone, which leaves you asking what exactly was said, but with just enough of the message to cause suspicions and doubt.

Telephone officials in many parts of the country feel that there is nothing they can do under the law to regulate the use of their equipment, except in cases of overt criminal activity. But what is strange is that it is almost impossible for the individual telephone customer to find out from his local company just who rents the equipment for Let Freedom Ring broadcasts. On occasions it has even taken the press months to find out who is responsible for these messages.

The public has a right to know who sponsors these messages just as much as who publishes a newspaper or a radio or television broadcast.

I hope to be able to introduce suitable legislation before the end of the current session of Congress to deal with this situation. The public has a right to know who sponsors these messages just as much as it has a right to know who publishes a newspaper or pays for a political radio broadcast. Such persons should be accessible to public attention and to suit for slander.

Just about a year ago, I informed the Senate of the activities of this organization. At that time I said that Let Freedom Ring was plugged into the telephone systems in at least six States. Since that time, this organization has grown. The Anti-Defamation League of B'nai B'rith, which has filed a complaint with the Federal Communications Commission concerning Let Freedom Ring's "abusive and extremist attacks and libels on individuals and institutions," now estimates it is active in more than 30 cities.

This means, of course, that residents of these 30 cities this week can be exposed to the statement that the PTA is "basically a lobby for leftwing educators who work closely with the bureaucrats in the Office of Education to federalize our schools in the Russian manner."

This use of innuendo and half-truth is an old tactic of both the Nazis and the Communists, and Americans have long consigned this type of attack when issued in the radical press or from the platform, to the oblivion it deserves. But when this sort of message is constantly repeated, in all parts of the United States simultaneously, it could do what it is designed by the propagandists to do: Cast the cloud of suspicion over the loyalty of community leaders and elected officials and doubt over the capability of our form of government to defend us from communism.

Mr. President, I ask unanimous consent to place in the RECORD a report of the Anti-Defamation League concerning the history and activities of Let Freedom Ring, an article from this morning's Baltimore Sun on the attack on the PTA and a series of articles from Miami newspapers concerning Let Freedom Ring activities in Florida.

There being no objection, the report and articles were ordered to be printed in the RECORD, as follows:

[From Facts, August 1965]

(Published by the Anti-Defamation League of B'nai B'rith)

"LET FREEDOM RING"

"Let freedom ring," a new voice of the radical right in America, whispers—in an area where so many shout raucously. It is a quiet recorded voice on the telephone, the constantly changing and always anonymous voice of a man or a woman with a 90-second sermon of fear called a "patriotic message." It can be dialed at any hour of the day or night in some 30 or more cities. For extremists it is a most promising device in their growing store of propaganda techniques.

On April 6, 1965, after the Selma to Montgomery civil rights march, a man in Baltimore, promised a revealing message, dialed a much-publicized number to hear:

"The carnival in Alabama is over and the result is increased hatred between the races, two dead, and a Constitution that is about to be ripped to shreds by a panicky Congress bowing to mob rule and White House tyranny."

A New Yorker dealing a Yukon exchange number heard a similar report. Another man in Chicago, or still another in Miami or in Southern Pines, N.C., could hear much the same thing. In each city the listener was alone and attentive, the speaker nameless but of seeming authority, the message provocative and extremist.

Let Freedom Ring, with national headquarters at Post Office Box 1775 in Sarasota, Fla., is the creation of William Campbell Douglass, M.D., a Sarasota physician who is a member of the John Birch Society. Douglass explains his operation in a mimeographed prospectus:

"Let Freedom Ring is a nonprofit corporation established to disseminate anti-Communist, anti-Socialist, pro-American broadcasts via a telephone tape recording. Your 'customer' dials a number (just like time and weather) and gets 2 minutes of anti-Communist dynamite.

"Let Freedom Ring brings to your area a hard-hitting, often shocking program that is on the air 24 hours a day. * * * You will be amazed at the frantic reaction that you will get from your enemies—they will hate it."

THE FRIGHT NETWORK

By the summer of 1965, after less than 3 years in business, Dr. Douglass' network of telephone stations had spread to many of the major cities across the Nation. Let Freedom Ring message stations now operate in New York, Philadelphia, Chicago, Detroit (which boasts 10 tape machines with 10 telephone numbers), Baltimore, Miami, Dallas, Kansas City, Indianapolis, Wichita, Sacramento, and in several cities in the Los Angeles area. In addition, there are stations in Decatur, Bedford, and Calumet City, Ill.; Jacksonville, Sarasota, and Clearwater, Fla.; Knoxville, Tenn.; Boulder, Colo.; Port Arthur, Tex.; Long Beach, Calif.; Brockton, Mass.; Summit, N.J.; Nashua, N.H.; and Southern Pines, N.C. Even as this list is compiled, a dozen additional franchise applications are pending.

Each week, each of these outlets presents a new "patriotic message" to callers in its area—each spoken calmly but so worded as to arouse suspicion, fear and anger, or the urge to enlist in organized radical right activity.

Each message continues for a minute and a half, or sometimes 2 minutes. It is recorded on tape and played automatically to anyone who dials an advertised phone number. This is done by using the Bell Telephone System's automatic announcement service equipment, an apparatus incorporating recorder, playback, and telephone connections in a single unit. This equipment can be rented from local telephone companies at costs varying from $20 to $45 monthly (multiple numbers and other optional devices being available). All such arrangements are made and paid for by the local Let Freedom Ring subscriber.

RADICAL RIGHTIST SCRIPTS

The automatic phone-tape service is available to anyone, is easily installed, and is cheap enough to make it an economical medium for propaganda. The scripts are supplied by Dr. Douglass—his single responsibility under the franchise agreement—and they cost the subscriber $24 the first year, $12 a year thereafter. The local outlet agrees to use at least 40 of the 52 scripts supplied each year. This leaves an average of one broadcast per month for the subscriber to air local issues in his immediate area.

Let Freedom Ring scripts, like most of the output of the radical right, are lurid visions of a Communist conspiracy lurking behind civil rights, the U.N., the Supreme Court, the last three U.S. Presidents, the State Department, the press, the National Council of Churches, the ACLU, the ADL, and on and on. Early in Let Freedom Ring's history—at the time of the Cuban crisis in 1962—the telephone messages from Sarasota asked:

"How long will the American people put up with treason right in the White House itself? How long before the American people demand the impeachment of John F. Kennedy?"

And more recently (January 26, 1965):

"America will soon be in a position of hopeless military inferiority to the beasts of Russia because of deliberate disarmament by traitors in the Johnson administration."

From such scripts it is easily understandable that Let Freedom Ring has been recommended by Robert Welch, founder of the John Birch Society, as a worthwhile interest for his members. Dr. Douglass writes the Let Freedom Ring scripts, compiling his data from "intelligence reports" and other esoteric-sounding sources which he says are "not generally available." The usual Birch line is discernible in much of the material although Let Freedom Ring has on occasions unearthed a "conspiracy" the nature of which suggests that at least some of the doctor's "intelligence" has been derived from the more excited bulletins and tracts of the far-out fringe.

In his script for the week of April 28, 1964, for example, Dr. Douglass stirred some of his callers' deeper fears:

"The pro-Communist toadies within the Johnson administration must at all costs keep the truth from the American electorate. If they win the election, they will no longer care what you think, for by 1966 America will have ceased to exist. * * * There are only three possible answers to Lyndon Johnson's criminal neglect of these problems that bear so heavily on our very survival:

"One: Ignorance * * * With our multimillion dollar intelligence establishment this would seem hardly possible.

"Two: Cowardice on the part of the President and his State Department pink ladies in striped trousers.

"Three: Treason, with the President being a captive or willing tool of the Communist conspiracy.

"Americans can no longer trust the Executive branch of our Government."

SEEDS OF DISTRUST

Such seeds of distrust have been spread by the recorded telephone voices through ever-widening circles. During the week of May 12, 1964, the unseen patriotic experts parroted the following dire warning of Mr. Douglass:

"Another fact ignored by the press is that the Communist-lining National Council of Churches is openly promoting bloodshed through armed revolution by Negroes. There is documented proof that Negroes are being armed for open revolution this summer.

"The Communists, working through their errand boys in Congress and the White House, are working feverishly to have passed a bill that will outlaw the ownership of guns by private citizens while at the same time they are urging armed rebellion by Negroes. These carefully coordinated drives are aimed at simultaneously disarming the American people and overwhelming them through Communist-controlled revolts * * * and we also urge our listeners to purchase a rifle or a pistol for home defense. We are not—we repeat—we are not promoting insurrection as does the National Council of Churches. We are merely urging you to exercise your constitutional and God-given right to protect yourself * * *."

The incitement to anti-Communist arms gathering had been buttressed by tales of a weird Government plot against such God-given rights (Let Freedom Ring broadcast in February 1964):

"At the University of Michigan a plan is being developed for the systematic house-to-house search of the entire United States for arms of any kind. The search is to be made by the U.S. Army by blocking off five States at a time, beginning in the western part of the country. The entire civilian population is to be disarmed by the end of 1965."

That horror story so incensed Senator JACOB K. JAVITS, Republican, of New York, that he queried officials of the Defense Department to establish the truth as a matter of public record. The Senator inserted the following official Department reply in the CONGRESSIONAL RECORD of October 2, 1964:

"This charge is absurd, completely false, and reflects the hallucinations of an aberrated mind."

JAVITS added an interesting note: the story appeared to have been taken bodily from the October 1963 issue of On Target, official publication of the paramilitary Minutemen organization.

William Campbell Douglass, M.D., conceived of recorded telephone messages as an unstoppable anti-Communist weapon during a long tour of active duty as a U.S. Navy doctor (1957–62). The Navy years did not dull his ideological zeal, and soon after leaving the service he set up the first station of Let Freedom Ring in Sarasota. Apparently failing to establish his organization as a common-law trust, he finally incorporated Let Freedom Ring in the State of Florida as an educational organization on July 20, 1964.

Douglass was born in Port Deposit, Md., on June 2, 1926. He graduated from Sarasota Senior High School, where he was an average student, in 1944. After years spent at many jobs in many States, Douglass entered the University of Miami Medical School, graduating in 1957. After his 5-year Navy tour he settled at 6916 Point of Rocks Road in Sarasota, where he now lives with his wife and two children.

In the reception room of Douglass' professional offices at 1812 Hillview Street, there are stacks of right wing propaganda materials which make possible, for each patient, an educational hour of waiting. These include the latest issues of the Birchite American Opinion magazine and the Dan Smoot Report, and flyers advertising the Christian Crusade radio program of Dr. Billy James Hargis.

At one time Douglass was warned to end his practice of distributing such radical rightist material to patients at the local hospital—not merely to his own patients—and he stopped doing so. He continues, however, to supply local news vendors in Sarasota with books such as John Stormer's "None Dare Call it Treason" and "The Strange Death of Marilyn Monroe" by Frank A. Capell.

Douglass is a political activist. In addition to his Birch Society membership, he is a member of the advisory board of the Conservative Society of America, the radical right political crusade headed by Kent and Phoebe Courtney of New Orleans. The Courtneys have for some years sought formation of a far right third political party, which Douglass himself sees as the ultimate answer to the crowding Red conspiracy.

THIRD PARTY ADVOCATE

When, on the last weekend of April 1965, the Courtneys rallied a "Congress of Conservatives" in Chicago to lay the foundation for a national right wing party, Dr. Douglass was listed as one of their featured speakers, along with Birch Society founder Robert Welch, former Maj. Gen. Edwin A. Walker, and Medford Evans of the White Citizens' Councils. Home from Chicago, Douglass began drawing plans for a third political party in his own State, which he hoped would offer a slate of candidates in the 1966 State elections and become the Florida unit of an eventual national third party. Late in May he held a meeting with about 300 supporters and announced formation of the Constitution Party of Florida, designed to "resurrect the hopes of anti-Communists throughout this State and the world."

To the founder of Let Freedom Ring, the greatest cause for terror in this country has been the recent chain of developments in the civil rights struggle. He has met the challenge with near hysteria. To the picture of civil anarchy etched in gunsmoke, Douglass has added the cold, contradictory vision of the air-tight police state; in February 1964, his local outlets were urged to broadcast to their callers the following alarm:

"The 'Civil Rights Act' now before the U.S. Senate, will, if passed * * * turn America into a Fascist state practically overnight * * *. No business; no church; no club, public or private, would be free of the evil smell of BOBBY KENNEDY's marshals and spies."

At another time Let Freedom Ring voices suggested to callers that "It's likely that those three civil rights workers in Mississippi were kidnapped and murdered by their own kind to drum up sympathy for their cause."

While thus stimulating baseless suspicions in propaganda for political goals, Dr. Douglass sets a lofty image for his telephone network, particularly in statements to the press. In January 1965, he said of Let Freedom Ring: "We want to keep it on a high level—out of the hands of racists, for example." Yet in his script of May 12, 1964, in describing a supposed "secret Negro army," the doctor had cited, as a reference, The Councilor, an openly racist weekly published in Shreveport by the Citizens' Council of Louisiana, Inc.

Like many of the radical right's propagandists, Douglass has often been wildly inconsistent in his assaults. In a press release issued in August 1963, for example, he argued that "the Communist Party is tickled to death with our playboy President"—and then, barely 4 months later, he could find reason to pin that same President's murder on "the internal Communist conspiracy." The effects of a telephone message are often lasting, its facts easily forgotten.

THE BIRCH LINKS

The slant, the novelty, and the unique possibilities of Let Freedom Ring have had a natural appeal for people in the John Birch Society as a tool for education and recruitment. The operations of the two organizations have been connected at many stations along Douglass' network, and the alliance has been advantageous to them and to him.

Let Freedom Ring scripts have recommended Robert Welch's American Opinion magazine as well as his book, The Politician ("to fully understand the perfidy and deceit of Dwight Eisenhower"). In the Birch Society's Bulletin of March 1965, Welch wrote that Let Freedom Ring "has been catching on quite well, spreading gradually, and transmitting some very worthwhile messages"—and he added that Dr. Douglass "will welcome your inquiry."

The Decatur, Ill., Let Freedom Ring station is sponsored by Freedom House, a rightwing bookstore run by members of the Birch Society.

In Philadelphia, callers are told to send money to a certain post office box for printed copies of the weekly messages. The Philadelphia Inquirer of August 15, 1964, reported that Paul Corbett, a Birch Society "section leader," had rented the box in question. A check mailed to this outlet as a contribution was endorsed by the local American Opinion bookstore.

In the Los Angeles area, a saleslady at an American Opinion Library, which sponsors one of the local Let Freedom Ring outlets, told reporter Paul Coates of the Los Angeles Times that funds for the phone operation had been "donated by a John Birch chapter in North Hollywood."

The box number of Let Freedom Ring's Miami station (Box 21, Miami Shores) was formerly listed under the name of the John Birch Society.

The Summit, N.J., Let Freedom Ring address (P.O. Box 715) is that of an American Opinion Library there. Summit's telephone equipment stands in the 40-foot finished basement in the home of Dr. Forster G. Ruhl, an active local John Bircher. Next to Ruhl's Let Freedom Ring phone equipment stands an almost duplicate set of equipment which, using a different phone number, send John Birch Society recruiting messages to its callers.

When telephone use of a Let Freedom Ring tape was halted by officials of the Pacific Telephone Co., in Canoga Park, Calif., after many serious complaints, the American Opinion Bookshop (which ran Canoga Park's Let Freedom Ring operation) was represented in conversations with the telephone company by John Rousselot, national relations director of the John Birch Society.

When Dr. William C. Douglass himself was asked in a letter (quoted in Let Freedom Ring's script for December 17, 1963) about the best source of anti-Communist information, Douglass replied: "We suggest * * * 'A World Gone Crazy' which can be obtained for $1 from American Opinion, Belmont, that's B-e-l-m-o-n-t, Belmont 78, Mass."

EVALUATION

Let Freedom Ring services the radical right, from its isolated ax-grinders to its largest national membership organization, with a weekly propaganda scare available around the clock. This, as Dr. Douglass has pointed out, makes the Let Freedom Ring message a broadcast schedule at the callers convenience—and it is one with a personal and therefore more persuasive touch. Moreover, the telephone message is a quick exhortation which is just as quickly finished, affording the caller no chance for rereading or analysis. this allows the use of some of the bluntest of propaganda tricks. On May 23, 1965, for example, Dr. Douglass' script read, in part:

"Under the provisions of the Civil Rights Act, a convicted rapist applying for a job in a girl's school could file suit against the school if they requested a picture with his application. * * * Does this sound crazy?"

Crazy, no—but clever, perhaps, in that the caller has no time to evaluate the words spoken to him so quickly and in so sincere a voice. He hangs up—the Let Freedom Ring equipment has an automatic cutoff, anyway—and all that remains is the image of a rapist roaming the corridors of a girls' school, plus the seeds of confusion and hate.

A further element of Let Freedom Ring appeal lies in the fact that the subscriber's name and address can often remain a secret, buried in the telephone company's files. His number, though widely publicized, is technically an unlisted one, its holder therefore a legitimate albeit hypocritical claimant to anonymity—and the ironic "privacy" of telephone mesages—insulates the local Let Freedom Ring sponsor against personal responsibility. (Contrast this to the identification and responsibility demanded of publishers and broadcasters.) Let Freedom Rings' nameless voices change from week to week, spreading messages of fright and suspicion that no individual person need answer for.

The question of responsibility nettles many who are concerned about the use of a public communications medium for the spreading of hate. Can nothing be done? The telephone companies, passive but unquestionably unwilling partners in Dr. Douglass' operation, have pointed to the dilemma posed by the question of civil liberties. Their position has been succinctly stated by the Bell Telephone Co. of Pennsylvania in a letter to the city of Philadephia Commission on Human Relations:

"1. It is the duty of the telphone company to furnish services and facilities to anyone who will use the service in a lawful manner. * * * The Pennsylvania Supreme Court has made it clear that public utilities are not censors. * * *

"2. Automatic announcement service is a regular telephone service which is available to any customers. * * * A user of automatic announcement service determines for himself the content of the messages handled by the service.

"3. Regardless of its views on the contents of recorded messages, the telephone company is prohibited from interfering with the lawful exercise of a customer's right of free speech."

Bell System officials have pointed out that public utilities are prohibited under Federal statutes from discriminating—i.e., in offering preferential service or in withholding services at will—and further, that they are forbidden to censor or even to monitor private calls. True, the telephone company may intervene in the case of messages which violate criminal laws (e.g., bookmaking operations or obscene calls) when requested to do so by police agencies. Various courts have held, moreover, that the company may act when it has reasonable cause to believe that the telephone is being used for illegal purposes, even without a specific police request. The crucial difficulty is in proving an "illegal" purpose.

In the present case, this would necessitate a reasonable cause for belief that the material of Let Freedom Ring's tapes constitutes criminal libel. Telephone officials are hesitant to admit that such reasonable cause exists. Mindful that evidence of criminal libel must usually show a tendency to create a breach of the peace, and fully aware that the courts extend the broadest protection to freedom of speech, these company officials say that they would take action only if advised by law enforcement agencies of the existence of criminal libel in specific cases.

One remedial suggestion that has been offered is to extend to this type of telephonic public announcements the Federal Communications Commission's regulations which are applicable to radio and television broadcasting. Such controls, thoroughly tested and upheld in the courts, provide for a certain degree of Federal control under license requirements to maintain "standards of public convenience, interest, and necessity." Is there not, in the telephone company's automatic announcement service, a potential that is profoundly similar to that of a radio station—in that such service provides for the increasingly public use of a public communications medium? The promoter so believes since he speaks of "broadcasts via a telephone tape recording" and of a "program that is 'on the air' 24 hours a day."

The telephone company's answer is that phone messages reach only those persons who wish to hear them, thus limiting the broadcast nature of Dr. Douglass' programs and negating any tendency on the part of those broadcasts to create a general breach of the peace. (But no one is forced to listen to radio or TV broadcasts either.)

Such arguments, of course, would not invalidate suggestions of the possible need for new Federal legislation—or for a whole new approach, considering the expanding electronic possibilities in the area of telephone communications. For such arguments do not answer the possibility that wide publicity and advertising of the appropriate phone numbers have given the anonymous broadcasters of Let Freedom Ring a greater daily audience in some cities than many a radio news broadcast. Here, the case for privacy may indeed be a shaky one.

Dr. Douglass feels confident, from seeing the recent impact of his operation on various key cities, that Let Freedom Ring cannot be stopped and that it will become one of the major rightwing influences within the next 2 years.

"You will be amazed at the influence that you have on public opinion almost immediately," he states in his prospectus. "Last year, for instance, we were given credit for having killed the UNICEF Christmas Card drive locally—an accomplishment of which we are very proud."

Against the doctor's pride stands a growing indignation among persons and organizations who recognize the perils inherent in the "Let Freedom Ring" technique, which Senator Javits has called a pushbutton approach to mass libel.

Javits warned in the Senate on October 2, 1964, that the Douglass network was a nationwide organization not run by professionals but by enthusiastic amateurs and apparently inaugurated and dedicated to bringing hate and fear within the reach of all.

The usually conservative California Federation of Republican Women, on May 13, 1965, adopted a resolution calling Let Freedom Ring's messages "false and treacherous propaganda" and asked the FBI to look into the "origin, sponsorship, and objectives of this vicious activity." (The federation had been particularly angered by a Let Freedom Ring script labeling General Eisenhower "pro-Communist" and accusing the former President of having attended a meeting at which he supposedly had joined in a discussion on "the best way to surrender you and your family to the Reds.")

The question of free speech is bound to arise in any discussion of Let Freedom Ring's gross misuses of public utilities. It is noteworthy, then, that a strong statement on the issue of Dr. Douglass' operation has been broadcast by a leading radio station, for broadcasters certainly have a special interest in the preservation of freedom in communications. WCAU, an important radio voice in Philadelphia, has stated:

"WCAU believes that such hate messages * * * are feeding the fires of race hatred and possible violence. And we call upon all decent people to renounce such tactics * * *."

Upon all decent people. Here is where the matter most obviously will rest, as so often it does in a free society—a society whose concept of liberty is broad enough to allow for its own abuse.

[From the Baltimore Sun, Sept. 24, 1965]

Phone Calls Smear PTA, Leader Says—Let Freedom Ring Is Called Irrational and Vicious Attacker

Chicago, September 23.—The president of the National Congress of Parents and Teachers said today the organization is the object of scurrilous attacks from an unidentified source.

Mrs. Jennelle Moorhead, the PTA president, said the attacks, which she characterized as similar to "Communist smear tactics," emanate from a recorded anonymous message played from telephones in Chicago, Detroit, Indianapolis, Des Moines and other cities.

Heard in Chicago, the recording describes the PTA as "basically a lobby for left-wing educators who work closely with the bureaucrats in the (United States) Office of Education to federalize our schools in the Russian manner."

IMPLICATION CALLED VICIOUS

"To imply that the PTA works 'to federalize our schools in the Russian manner' is vicious, untrue and irrational," Mrs. Moorhead said in a statement. "What's more, this venomous strategy smacks of Communist smear tactics so abhorrent to every loyal American."

Mrs. Moorhead said she had protested to Frederick R. Kappel, chairman of the American Telephone & Telegraph Co., regarding the use of company equipment "to attack an organization that has devoted itself so effectively for 68 years to securing for every American child the highest advantages in physical, mental, social and spiritual education."

The message is broadcast by the organization called Let Freedom Ring. It closes its 1-minute message by urging callers to write to a Sarasota, Fla., box number for anti-PTA literature.

Mrs. Moorhead said both the box number and the telephone listings are anonymous.

Let Freedom Ring was founded 3 years ago in Sarasota by Dr. William C. Douglass, a 39-year-old general practitioner and former Navy flight surgeon.

AWAKENING SOUGHT

Its purpose, Dr. Douglass says, "is to awaken Americans to the extreme danger of communism within and without."

Senator Javits, Republican of New York, the object of a Let Freedom Ring recording a year ago, charged on the Senate floor that the organization was a radical rightwing group spreading suspicion, hate and invective.

Douglass replied, "Mr. Javits always calls any group effectively fighting communism a radical rightwing group. That's standard procedure for liberals in both parties."

In New York, a spokesman for the Bell Telephone Co. said State laws regulating public utilities do not permit the company to take any action against such telephone subscriber, but added:

"We are taking steps to make it possible to provide the names of sponsors of these anonymous services when we are asked for them."

[From the Miami News]

A View of the News—Ring of the Radicals

(By Jack Kassewitz)

The recent attack on the U.S. Peace Corps by the Let Freedom Ring telephone network comes as no surprise to those who have closely watched this rightwing propaganda machine.

In more than 30 cities, one only has to dial a telephone number (Miami's CA 1–6767) to hear an anti-Communist, anti-Socialist, pro-American tape recording which generally is either attacking the United Nations, the civil rights movement, the Supreme Court, the State Department, Presidents Johnson, Kennedy, or Eisenhower, the newspapers, National Council of Churches, American Civil Liberties Union, and/or the Anti-Defamation League.

Let Freedom Ring is the idea of a Sarasota doctor, William C. Douglass who says, "A lot of people are listening to us" after only 3 years of operation. The radical right line sees a Communist conspiracy in the pulpit, the school, and the libraries. Therefore, it is not surprising that Robert Welch, founder of the John Birch Society, recommended Let Freedom Ring to his followers.

HALLUCINATIONS

One message of Let Freedom Ring bears repeating to illustrate the line of the far-out paramilitary groups also associated with Dr. Douglass' efforts. The telephone listener was told:

"At the University of Michigan a plan is being developed for the systematic house-to-house search of the entire United States for arms of any kind. The search is to be made by the U.S. Army by blocking off five States at a time, beginning in the western part of the country. The entire civilian population is to be disarmed by the end of 1965."

Senator Jacob Javits, the New York Republican, was so angered he asked the Defense Department to establish the truth as a matter of public record. This reply was inserted in the Congressional Record.

"This charge is absurd, completely false, and reflects the hallucinations of an aberrated mind."

The Michigan story, Senator Javits discovered, was derived almost verbatim from an issue of On Target, official publication of the radical Minutemen organization. The Senator went on to warn:

"Let Freedom Ring is a nationwide organization not run by professionals but by enthusiastic amateurs and apparently inaugurated and dedicated to bringing hate and fear within the reach of all."

A THIRD PARTY

Dr. Douglass is a member of the board of the Conservative Society of America, political crusade headed by Kent and Phoebe Courtney of New Orleans. Dr. Douglass was a speaker at the recent less than successful congress of conservatives convention in Chicago, and designed to offer the foundation for a national rightwing party.

The doctor is hoping to start a third political party in Florida which would select a slate of candidates in the 1966 State elections. All he needs to do is to find 7,500 registered voters who will admit they are followers of the radical right and sign his petitions to create a new faction.

[From the Miami Herald, Sept. 6, 1965]

Telephone Message—Far Right "Voice" Raps Peace Corps

(By Miller Davis)

A South Dade telephone number that offers uncharitable opinions about the Peace Corps and the State Department is plugged into a national network of way-out rightists, the FBI disclosed Sunday.

The program is "Let Freedom Ring." The Dade number is CA 1–6767. It is usually busy.

It is sponsored by a 39-year-old Navy man turned doctor who lives in Sarasota and says he sees Communists coming out of the woodwork in 45 U.S. cities.

"I have no apologies about this," says Dr. William Campbell Douglass, founder of the "Let Freedom Ring" broadcasts. "A lot of people are listening to us."

A lot of people in Miami are dialing the home of friendly locksmith L. T. Gacek, 8541 Southwest Third Terrace, where the telephone company reports the recordings originate.

Gacek said the "number won't be here much longer" and referred a reporter to Sarasota and Dr. Douglass.

Beginning with, "This Is Let Freedom Ring," the taped message launches immediately into the theme, "The Peace Corps Tragedy."

"One gets the uneasy feeling," the carefully modulated male voice goes on, "that the Peace Corps is something akin to the Hitler Youth Movement with a Communist twist. It is a taxpayer-financed anti-American, brain-washing operation for American youth."

Pause:

"Peace corpsmen are engaged in open treason in the Dominican Republic, aiding the rebel Communists who are killing U.S. marines.

"Yet no one in the Peace Corps has been tried for treason, and Sargent Shriver (Corps Director) has not been fired for incompetence."

The recording charges Syracuse University in New York with harboring a leader of African terrorists groups who is indoctrinating Peace Corps students there. It identified him as Euardo Montaigne.

It accuses a Peace Corps adviser, the Reverend James H. Robinson, of "10 Communist-front affiliations," and says a Congressman asked that Robinson be removed. Shriver ignored the demand the message says.

The tape concludes with the apparently irrelevant observation that the State Department made very little effort to hide its involvement in the Berkeley (University of California) riots.

The Let Freedom Ring phone number in Dade County appears from time to time in newspaper ads and pops up on bulletin boards, on some churches, civic clubs and even in an occasional police station.

An FBI spokesman in Washington Sunday identified the recordings as originating in Omaha, with wide distribution in major cities.

The spokesman described the group as "extreme rightwing," adding that, "We're aware of what they're doing." He did not elaborate.

Peace Corps Director of Public Affairs Donovan McClure said his office became aware of the national character of the organization when telephone calls from "Denver, Baltimore and other places" began flooding Corps switchboards in Washington.

"Many were corps parents, frightened after hearing the messages, and wanting to know what they are about," McClure said.

McClure added, "Radio Moscow and Peiping have been labeling the Peace Corps capitalist imperialism, for some time.

"But this is the first time we've been called Communists," he said.

Joseph Reap, a State Department information officer, said, "I can't figure out what they mean, about the University of California riots. The State Department had nothing to do with the rioting. What possibly could they mean?"

The occupants of the home from where the freedom messages originate were not at home Sunday, and neighbors were unaware of the voice in their block.

[From the Miami News, Sept. 15, 1965]

FCC Cracking Down—Anonymous Phone Setups Rapped

(By Louise Blanchard)

Federal Communications Commission attorneys, prompted by questions raised here, are seeking a way to regulate anonymous recorded telephone messages.

They will attempt to find a legal way to make available the identities of local sponsors of such messages, if the messages discuss public issues or attack individuals, groups, or institutions.

The idea is that the sponsors—like newspapers, magazines, and radio and television stations—should be identifiable to sue for libel if the recorded messages justify such a suit.

Miami is one of about 30 cities where it is possible to dial a telephone number and get a recorded right-wing message.

Dr. William Campbell Douglass, Sarasota physician who furnishes the Let Freedom Ring messages, is a member of the rightist John Birch Society.

Harry P. Cain of Miami, former Republican Senator from Washington, raised the question with the FCC after an anonymous recorded telephone message here attacked the University of Miami.

Senator Cain said the attack on the university "was cowardly, scurrilous, distorted, misleading, and inaccurate" and that it made him so angry he talked to FCC Chairman E. William Henry.

"I posed this question," Senator Cain said: "Is there or should there be an opportunity for slander and libel by telephone that is not tolerated or possible on radio or television?"

John F. Cushman, Henry's administrative assistant, said in Washington today:

"We're going to do what we can. Our authority is questionable under present law. We have relatively little jurisdiction over telephone calls within a State."

Cushman said FCC attorneys are conferring with officials of the American Telephone and Telegraph Co. and that they are working to determine what kind of legislation would be needed to deal with the problem.

"If it can't be corrected administratively," Senator Cain added, "I have been strongly led to believe that many Senators would view with favor any legislation that does not seek to prevent what a person wants to say but does seek to make certain that person can be held legally responsible for what he says."

He said he has discussed the problem with half a dozen Senators who would support such legislation.

In New York City, the Anti-Defamation League of B'nai B'rith has filed a formal complaint with the FCC against "the use of anonymous recorded telephone messages for abusive and extremist attacks and libels on individuals and institutions."

The ADL's general counsel, Arnold Forster, said the organization wants to correct a legal situation that gives libel victims "little chance to seek redress."

In Miami, this week's message accused the National Council of Churches of being "Communist-dominated." It suggested that listeners mail 25 cents to a Miami Shores post office box for a publication called "The NCC Story." Postal authorities refused to identify the renter of the box.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. **Mr. President, I ask** unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1965

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8283) to expand the war on poverty.

Mr. JAVITS. Mr. President, I yield, without losing my right to the floor, to the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, on the adoption of the conference report, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, first, I yield to no one in the extent to which I fought, in committee, on the Senate floor, and in the conference, for the very things which other Senators have raised in their extremely valid objections to the omissions in the conference report.

I pay tribute to the distinguished Senator from Vermont [Mr. PROUTY], who stood fast to his position, whose heart is as big as that of any other Senator, and who, in the final analysis, in the best of conscience, felt that he could not—much as he felt for those who are affected by the program—sign the conference report. Although I came to a contrary conclusion, I wish to affirm the seriousness with which he regarded the decision, and the pain and reluctance he felt when he found he just could not go along. I respect and honor that kind of intellectual integrity.

Mr. PROUTY. Mr. President, I am grateful to the distinguished Senator from New York for his kind words. The Senator from New York fought by my side throughout the efforts to make changes which we believed were desirable. I appreciate his cooperation.

Mr. JAVITS. I thank the Senator from Vermont.

Mr. President, I made a special trip here because I knew the roll would be called on this question, and I felt it my duty to lay before the Senate the considerations which induced me to take a somewhat different road and at the same time to pay tribute to those who did not take that road but who, I believe, had valid reasons for so doing.

The issues involved in this matter are four: First, the improvidence of the program; second, the effort to immunize it from political handling, namely, the Hatch Act provisions; third, the effort to introduce public scrutiny through a more independent National Advisory Council; and fourth, the Governor's veto provision. I should like to address myself, briefly, to each of these subjects.

First, as to the improvidence of the program, there is no question that there are improvidences that have continued; that they have been severe; and that, notwithstanding notice, they have not been adequately dealt with.

The whole question is: What is the weight of the evidence? What is the preponderance of the evidence? Is there enough evidence of improvidence to require that the program be stricken down? That becomes a question of judgment and factual evaluation. I came to the conclusion that there was not such evidence. I could readily understand how someone else might come to the conclusion that there was. But there is no question whatever that there is improvidence, misuse, abuse, and stupidity in the program.

This is a very widespread program, probably one of the largest scale direct aid programs that the country has ever had. Six million eight hundred thousand families, whose annual income is less than $3,000 a year, are affected. Another 5.3 million individuals, not in families, are also in that income bracket. The total of persons potentially affected by the program is 34.3 million.

The latter figure is enough of an indication of the scope of this program to show that there is plenty of room for difficulties, improvidences, excesses, frauds, and so on, still to leave a great deal that is being done and needs to be done.

I point out—and this information is based on the Senate report—that if we add up the number of people who are directly affected by the first year's work, including the Job Corps, Neighborhood Youth Corps, work study, community action, adult basic education, rural loans, migrants, and work experience, the total, in round figures, is 1,300,000. When we consider the Head Start program, which has been so widely advertised—and I think quite properly so—with preschool opportunities for well over half a million children, many of whom are children of working mothers, and when we consider the programs which has taken so many youths off the streets, reaching almost 280,000, we become impressed with the magnitude of what we are about.

I believe, with all due respect, that almost every American must glow with pride that we at least have a nation on earth which can, without looking ridiculous, undertake to fight a war to eliminate poverty. We have the productive power and economic resources and spirit of national sacrifice and the national will to make an effort which has probably never been made on this earth by any government.

I am very proud of our having undertaken that effort, whatever comes of it. I believe that every American ought to feel the same way.

I should like to give one other instance which I think is rather important, to be balanced against the improvidence in the program; I will not try to draw too much of a conclusion, but still I believe it is a legitimate point. In New York City, which is a racial tinderbox, we had riots in 1964, as everybody knows. I believe that, in part because so many youths were taken off the streets and put to work, we did not have such trouble in 1965.

I am sad that that same was not true in Los Angeles. I do not know whether the program would have helped a bit there. However, I am sorry that it was not true there, so that we might have seen whether this program would help.

I can affirm that it helped materially in New York City when it was tried.

I realize that, like a war—and this has some of the aspects of a war—all is confusion in such a field of activity. We are dealing with people who have been denied an appreciation of opportunities which should have been available to them for so many years, and in some cases for generations. We must expect at least confusion, let alone a lack of appreciation and cooperation. Yet, everyone who has worked on the poverty program—and I know hundreds of distinguished social scientists and doctors and case workers—is proud of the degree of cooperation and resources which are found among the poor when we begin to open the doors of opportunity in a very appreciable way.

As one who has worked in philanthropy in the most ardent way, it is clear to me that our effort has not been sufficient to meet the present needs. I am active in an organization in New York which raises over $100 million a year for hospitals, homes, and community action efforts very much like these. It has been engaged in this effort for years. It is the Federation of Jewish Philanthropies. It is operated probably as well as any organization anywhere in the world on a local level. However, the effort is not enough. We have had and continue to have an endemic poor population of 30,000 or 40,000 families in the New York area, which experience most of the narcotics addiction, the crime, the degradation, and the denigration of the entire society in which they live. This situation is attributable to the fact that these families are endemically poor.

Mr. President, while accepting the improvidence of the program in so many areas, I must affirm that the weight of the evidence so far is in favor of continuing, rather than discontinuing this noble—and I use that word advisedly—and historic effort of which no nation on earth was capable, in my judgment, until the United States came along.

It is the duty of my colleagues and it is my duty to unearth every instance of improvidence and foolishness and dishonesty, and to endeavor to correct it. This is the function of legislative oversight. I know and everybody else knows that if the administration is not agile and quick and active on that score, the program will go down the drain because the weight of the evidence will turn in the other direction.

This is merely the second year, and already there is great promise, but there is also great difficulty. I believe that, so far, the weight of the evidence is on the side of the maintenance of the program.

Mr. President, the amount involved is $1.785 billion. We arrived at this amount in conference. It is a great deal of money in itself, but it is not a great deal of money when considered in proportion to the program. I am satisfied that it is not lush, and that, if it is well administered, it can be tremendously effective.

I point out, in answer to the arguments made against this figure, that even the Senate figure was $1.65 billion. When one gets up into that range, an increase of approximately 10 percent—which is what we have come back to the Senate with—does not change the order of magnitude. The result is approximately a split between the House and Senate figures. It is approximately the order of magnitude of the bill which was reported to and passed by the Senate. I do not believe that we can condemn the program on that ground.

Mr. President, the next issue concerns the Hatch Act. I am highly sympathetic to the criticism of the conference report in that regard. I do not agree at all with the Chairman of the Civil Service Commission, Mr. Macy, who wrote to the conferees on this subject. I think very highly of Mr. Macy, but I do not agree with him at all in this particular case.

I believe that there is the danger of political abuse of the poverty program by workers who receive their principal salary from the Federal Government, though they work for local organizations. I believe that the Hatch Act provision, authored by the Senator from California [Mr. MURPHY], was a very intelligent way in which to approach the matter.

I believe that the Senate committee and the Senate as a whole were absolutely correct in going along with the amendment of the Senator from California. I believe that the conference committee should have gone along with this amendment. I believe that that was the correct thing to do and a very wise thing. It would have saved us much trouble in the future.

However, this is a bicameral national legislature. I participated in the conference, as did the chairman, who is present in the Chamber at this time, the Senator from Michigan [Mr. MCNAMARA]. We were faced with a hard-rock situation. If we wanted the poverty program, we could not have the Hatch Act provision. I believe there are other provisions in the bill concerning which the Senate would have acted in exactly the same manner and said, "if you want the program, you will have to go along with us on these particular matters."

Mr. President, I am in thorough accord with my colleagues on that subject. We had to decide in that conference whether we did or did not want the program.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. May I just finish my thought? I believe the Senator will then find his observation to be more pertinent.

If I had felt that we were wrong in this respect, I would have voted against the conference report and I would be here now advocating a vote against it. However, I believe that the power of legislative oversight by a committee such as ours is so great that we can haul in anybody in the country at any time. I believe that the disposition of our committee is clear. We said so in our report to the Senate on this bill, that we can bring in anyone from anywhere in the country when we have the remotest glimmer of suspicion that there is political abuse of the program.

I feel that that is, for the moment, not satisfactory, but at least a way in which to approach a solution to the problem. That is the reason why I felt that we had to go along.

Mr. LAUSCHE. Mr. President, relating to what the Senator just said concerning the fact that, if we wanted a poverty program, we must eliminate the Hatch Act supervision over what might be political activities of workers engaged in administering the program, why would the opponents of the application of the Hatch Act provisions advocate its elimination?

Mr. JAVITS. The opponents said that the Hatch Act was designed to deal only with government employees, either Federal or State or local, who draw the preponderant parts of their salaries from the Federal Government. They refused to extend it to private persons and private agencies, notwithstanding the fact—and I believe our position is absolutely correct on this—that in this case, the private agency becomes a governmental means, and therefore acquires a governmental character. The Hatch Act should reach those employees; I do not think there is any question about it.

The most we could get out of them was the provision contained in the conference report, which reads as follows:

> POLITICAL ACTIVITIES
>
> The Senate amendment contained provisions, which had no counterpart in the House bill, relating to the application of the Hatch Political Activities Act to persons employed by agencies administering or carrying on community action programs and to persons serving in the VISTA volunteers.
>
> The managers on the part of the House wish to make it clear that their insistence on the exclusion of these provisions was based upon the difficulty of applying the existing statutory restrictions to organizations and agencies for which they were not designed. They in no way intend to depart from the principle that these programs must be conducted on a nonpolitical basis, free of any activity designed to further the election or defeat of any candidate for public office.

Mr. LAUSCHE. That principle can be declared, but the fact remains that the law now provides that employees of volunteer nongovernmental agencies, though paid in part by Federal money, shall be free to engage in political activity.

Mr. JAVITS. It certainly does. To make it even stronger for the Senator, we did not even attempt in the Senate to extend the Hatch Act to those "paid in part by Federal money." We provided that it applied only where the preponderant part of their compensation came from Federal money. We were very careful and very restrictive about it, and yet we could not get anywhere even with that. They were adamant.

The question then was, "Shall we let that be the rock upon which we crash, or not?" As I say, it was my feeling, and apparently that of the majority of the conferees, that it should not be the rock on which we failed to get a report.

Mr. LAUSCHE. I thank the Senator.

Mr. JAVITS. The next point to which I address myself is the National Advisory Council.

Here again, in my judgment, our case is irrefutable. There is an Advisory Council in the poverty program today, but it is absolutely ridiculous. It meets only at the request of the Director. It reports to the Director only upon matters upon which he asks it to report. It is as powerless, weak, and ineffective an advisory committee as I have ever seen provided by any statute. I can hardly believe we turned this bill out in the first place with that kind of provision.

We tried to get a stronger Advisory Council, which our committee and the Senate had agreed to. As the Senator from Vermont [Mr. Prouty] knows, we tried constantly in conference and could not get to first base with it, because the attitude of the conferees from the House was, "You do not need an Advisory Council. You can always haul them up here. You have two legislative committees, and you can examine them to your heart's content."

Again, it was a question of deciding whether this was the rock upon which we break. I decided one way, Senator Prouty decided another. Only the Lord knows who is right.

Finally, the Governor's veto. Here, as has been said time and again, I think it is fair to say that the Senate feeling was evenly divided on whether or not to have a veto. But I certainly feel that a majority of Senators wanted the Governor to have a strong voice in the matter. Personally, I was disappointed, and I think it was only because of the legislative situation, that the bill was sent to conference without at least the House provision, plus a provision for hearings. I think that, at the least, was the majority sentiment in the Senate. Nonetheless, it was sent with only the provision for hearings. On the first conference, the House did not insist, and hence the Senate provision prevailed. But when the measure went from conference to the House, it voted affirmatively for the conditional veto which it had written into the bill, and that is the way conference went.

I point out that we have firmed that up somewhat by affording public hearings to those who would complain about the fact that a Governor is seeking to veto a provision, and to the Governor himself. I call to the attention of the Senate the express provision in the report of the managers for the House, found at page 10 of the conference report, which says:

> The conferees expect that the procedures established by the Director of the Office of Economic Opportunity under section 209 (a) will include provision for informal hearings held by the Director at the request of the Governor of a State or other interested parties.

The 30-day stay which a Governor can obtain is retained in the bill absolutely, and I honestly believe that on the Governor's veto, we have come as close to a consensus as is possible. The Governor is entitled to such opportunity and such authority, and I think, within reason, we have retained it.

Finally, we have also retained adequate publicity in the community action program, including hearings for those who are denied participation at the citywide level. We have retained a channel for desirable programs to go directly to the director for funding if their proponents feel aggrieved by denial at the citywide level. And we have provided for greater coordination with cooperative State agencies throughout the planning and administration processes. I believe that in every other respect which I have mentioned, the bill is a sound one.

In my judgment, the weight of the evidence so far, notwithstanding all the things which have been said about this program—with many of which I agree—is that we should continue it in the form in which it is outlined in the conference report. As one Senator who signed the report with grave concern, I pledge myself to join others who have reservations to exercise the most scrupulous care in terms of legislative oversight, to assure that our fears—many of which have been realized—are dealt with in the work of our committee, and in its scrutiny of what is done by the Office of Economic Opportunity.

I close by expressing the hope that the President, at long last, may decide to take Sargent Shriver off his two jobs, namely, the Peace Corps and the poverty program, and put him on the poverty program alone. That, too, would give us some measure of assurance that every effort is being made to see that the job is well done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. And may I suggest that attachés on both sides call their Senators and ask them to be present.

Mr. PROUTY. And explain to them that a vote will occur very soon.

Mr. MANSFIELD. Exactly.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Bartlett in the chair). Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I ask unanimous consent to have printed in the Record at this point an article entitled "Poverty and Politics," written by Rowland Evans and Robert Novak and published in the Washington Post on Sunday, August 22, 1965.

There being no objection, the article was ordered to be printed in the Record, as follows:

Poverty and Politics—Administration Sought To Beat Ban on Politics in Spite of Contrary Public Comments

(By Rowland Evans and Robert Novak)

In conflict with public utterances that it wants the poverty program divorced from politics, the Johnson administration attempted a futile fight against such a prohibition.

The poverty bill passed last week by the Senate puts all local poverty workers under the Hatch Act. That means Federal law—not merely agency regulations—will bar local poverty officials from partisan politics.

This amendment to the Poverty Act, sponsored by Senator George Murphy, Republican, of California, zipped through the Senate Labor Committee and the Senate itself without apparent opposition.

Behind the scenes, however, two Democratic Labor Committee members were asked privately by the White House to kill the Murphy amendment. One was summoned from a Labor Committee meeting by an urgent telephone request.

Although they usually follow the administration line, the two Senators turned down the White House. They actively supported the Murphy amendment. Consequently, the White House made no public fight.

What makes this particularly interesting are public utterances of poverty chief Sargent Shriver and other officials when confronted with examples of local poverty workers playing politics (including the case we reported of a Philadelphia antipoverty leader lobbying in Harrisburg).

These Federal officials said they would prevent such conduct if Congress would write a prohibition into law.

Hence, the administration's veiled effort to block the prohibition comes as a surprise.

Mr. DOMINICK. Mr. President, I have a short item which I think is of interest in connection with the debate we are having today. It is a news ticker item, and reads as follows:

> News conference, 11 a.m.: Three Job Corpsmen joining the private business firm of the Mechanical and Engineering Service Division, Consolidated American, suite 200, 1726 M Street NW. Subject: These are reported to be the first Corps trainees to go to work outside. Press contact: W. C. Hobbs, 659–1990.

This is ironic. The organization has been in operation for about a year. I do not know how many people have gone to Job Corps camps, but I believe they number in the hundreds, if not in the thousands.

Finally, three Job Corpsmen, in a great publicity announcement, are going to get a job with a private business firm, after having had some Job Corps training.

THE WAR ON POVERTY IS NOW FREE FROM THE TYRANNY OF THE GOVERNOR'S VETO

Mr. YARBOROUGH. Mr. President, as one of the Senate conferees with the House on the 1965 antipoverty law, I wish to note that the bill as finally agreed upon effectively curtails the power of Governors to frustrate the purposes of the war on poverty.

Under the new law the Governor of a State will have 30 days in which to study a Neighborhood Youth Corps, community action program, or adult basic education program. If he vetoes a project, the Director of the Office of Economic Opportunity will reconsider the application, and if he finds it to be consistent with the provisions and in furtherance of the purposes of the war on poverty, he shall override the Governor's veto and the project will go forward.

In other words, under this bill the Director of OEO can veto the Governor's veto. A Governor no longer has a final veto. He can delay but he cannot kill or destroy a program, as he could under the old law.

While most Governors in the Nation cooperated with and supported the antipoverty program so well that no curtailment of the Governor's veto power would have been thought of or necessary, a few Governors in the United States vetoed projects, or held them up, or purged participants under the threat of a complete veto. It was the crippling actions of a few Governors which have caused this veto power to be taken away from the Governors of all 50 States, most of whom did not misuse this power.

A few Governors have used veto power to cut wages down on projects, to purge people they did not like from serving on local boards on projects, and in one extreme to absolutely veto an 11-county rural antipoverty project, said to be the best planned rural antipoverty project in America. It was such irresponsible action that forced me to devote much time to aid in eliminating the Governor's unrestricted veto over poverty projects, which has now been done.

This antipoverty bill, by ending irresponsible and unreviewable Governor's vetoes, and making every such veto subject to administrative review in Washington, has greatly strengthened this antipoverty law.

We are now entering the second year of the war on poverty. The first year of our campaign has produced good results, considering the unique nature of what we are attempting to do here, and the shortness of time available. But weaknesses have become apparent. If we can correct these, and if those who administer the program will go forward with dedication and imigination, willing to try new things, as I know many of them already are, this program can make a great contribution to the continuing American revolution, which has always stood for justice and equal opportunity for all Americans.

AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

The **PRESIDING OFFICER** laid before the Senate the amendments of the House of Representatives to the bill (S. 1766) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes, which were to strike out all after the enacting clause and insert:

That section 306(a) of the Consolidated Farmers Home Administration Act is amended to read as follows:

"(1) The Secretary is also authorized to make or insure loans to associations, including corporations not operated for profit, and public and quasi-public agencies to provide for the application or establishment of soil conservation practices, shifts in land use, the conservation, development, use, and control of water, and the installation or improvement of drainage or waste disposal facilities, and recreational developments, all primarily serving farmers, ranchers, farm tenants, farm laborers, and other rural residents, and to furnish financial assistance or other aid in planning projects for such purposes.

"(2) The Secretary is authorized to make grants aggregating not to exceed $50,000,000 in any fiscal year to such associations to finance specific projects for works for the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas. The amount of any grant made under the authority of this paragraph shall not exceed 50 per centum of the development cost of the project to serve the area which the association determines can be feasibly served by the facility and to adequately serve the reasonably foreseeable growth needs of the area.

"(3) No grant shall be made under paragraph 2 of this subsection in connection with any facility unless the Secretary determines that the project (i) will serve a rural area which is not likely to decline in population below that for which the facility was designed, (ii) is designed and constructed so that adequate capacity will be or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area, or (iii) is necessary for orderly community development consistent with a comprehensive community water or sewer development plan of the rural area and not inconsistent with any planned development under State, county, or municipal plans approved as official plans by competent authority for the area in which the rural community is located and the Secretary shall establish regulations requiring the submission of all applications for financial assistance under this Act to the county or municipal government in which the proposed project is to be located for review and comment by such agency within a designated period of time. Until October 1, 1968, the Secretary may make grants prior to the completion of the comprehensive plan, if the preparation of such plan has been undertaken for the area.

"(4) a. The term 'development cost' means the cost of construction of a facility and the land, easements, and rights-of-way, and water rights necessary to the construction and operation of the facility.

"(b) The term 'project' shall include facilities providing central service or facilities serving individual properties, or both.

"(5) No loan or grant shall be made under this subsection which would cause the unpaid principal indebtedness of any association under this Act and under the Act of August 28, 1937, as amended, together with the amount of any assistance in the form of a grant to exceed $4,000,000 at any one time.

"(6) The Secretary may make grants aggregating not to exceed $5,000,000 in any fiscal year to public bodies or such other agencies as the Secretary may determine having authority to prepare official comprehensive plans for the development of water or sewer systems in rural areas which do not have funds available for immediate undertaking of the preparation of such plan.

"(7) Rural areas, for the purposes of water and waste disposal projects shall not include any area in any city or town which has a population in excess of 5,500 inhabitants."

(8) In each instance where the Secretary receives two or more applications for financial assistance for projects that would serve substantially the same group of residents within a single rural area, and one such application is submitted by a city, town, county or other unit of general local government, he shall, in the absence of substantial reasons to the contrary, provide such assistance to such city, town, county or other unit of general local government.

(9) *Provided further,* That no Federal funds shall be authorized for use unless it be certified by the appropriate State water pollution control agency that the water supply system authorized will not result in pollution of waters of the State in excess of standards established by that agency.

In the case of sewers and waste disposal systems, no Federal funds shall be advanced hereunder unless the appropriate State water pollution control agency shall certify that the effluent therefrom shall conform with appropriate State and Federal water pollution control standards when and where established.

SEC. 2. (a) Section 308 of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) striking out "$200,000,000" and inserting in lieu thereof "$450,000,000";

(2) in clause (a) striking out "except that no agreement shall provide for purchase by the Secretary at a date sooner than three years from the date of the note"; and

(3) striking out clause (b) and inserting in lieu thereof "(b) may retain out of payments by the borrower a charge at a rate specified in the insurance agreement applicable to the loan".

(b) Section 309(e) of such loan is amended by striking out "such portion of the charge collected in connection with the insurance of loans at least equal to a rate of one-half of 1 per centum per annum on the outstanding principal obligations and the remainder of such charge" and inserting in lieu thereof "all or a portion, not to exceed one-half of 1 per centum of the unpaid principal balance of the loan, of any charge collected in connection with the insurance of loan; and any remainder of any such charge".

(c) Section 309(f)(1) of such Act is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

And to amend the title so as to read: "An Act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply, water systems, and waste disposal systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes."

Mr. AIKEN. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Is this the Aiken water bill which was introduced and cosponsored by 93 Senators?

Mr. AIKEN. This is the multiple-sponsored rural water facilities bill.

Mr. MANSFIELD. I move that the vote by which the House amendments were concurred in be reconsidered.

Mr. AIKEN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. BASS. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. BASS. As one of the cosponsors of the Aiken water bill, I commend the Senator from Vermont for the outstanding work he has done, and express my personal appreciation to him for passage of this bill.

Mr. AIKEN. I thank the Senator from Tennessee. He was one of the earliest cosponsors of the bill, which was sponsored by 63 Democrats and 30 Republicans.

Mr. BASS. It is called the Aiken-Bass bill.

Mr. AIKEN. I appreciate the compliment, and I accept it.

ON THE SUBJECT OF LOYALTY

Mr. ALLOTT. Mr. President, on September 16, 1965, Lt. Gen. Thomas S. Moorman delivered an address at the Air Force Academy at Colorado Springs, Colo., on the subject of loyalty.

While in this day and age, as he points out, loyalty is supposed to be a very common subject to talk about, which is supposed to be much understood, General Moorman has been successful in defining and analyzing the components of loyalty, and what it means, especially to the members of the Armed Forces.

Mr. President, I ask unanimous consent to have this address printed in the RECORD, and I recommend its reading to all Senators.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY LT. GEN. THOMAS S. MOORMAN FOR AIR FORCE ACADEMY OFFICERS' DINING-IN, SEPTEMBER 16, 1965

My remarks this evening will be directed to the subject of loyalty. Because the subject does not lend itself easily to levity, it could become deadly dull. Loyalty, as with patriotism and national pride, is a subject that is too often approached with pomposity or embarrassment. Neither is fitting, and I shall attempt to avoid both pitfalls.

Because loyalty is a word so common, it is often misunderstood. As with so many other things that are present in our everyday lives, even its meaning is perhaps misunderstood.

Webster defines "loyalty" as the act of being faithful to a cause, an ideal, a custom or a person and goes further in definition with two phrases—in this order:

Faithful in allegiance to one's government;

Faithful to a private person to whom loyalty is due.

In selecting that descending order of importance on things to whom loyalty is due, I believe the compilers of the dictionary have unveiled the key to true loyalty.

First, loyalty to our Nation and its national purposes. Next, to our service, its mission and customs. Then to our own organization or unit. And, lastly, to each other.

In our growth as individuals as well as members of the military, we find that we build our loyalties in reverse order. Our initial loyalty as youngsters was to our parents, our brothers and sisters, our immediate family. Then, as we grew older, our loyalties extended to our school, our city, and our State.

This is a normal progression.

It has been said that in all human enterprises, the whole is greater than the sum of its parts. This is certainly true in the military service. We join a new unit. We gain respect for our fellow airmen and our commander. We then progress from respect to loyalty to these individuals. As we become more knowledgeable concerning the purposes of our unit and our service, we gain a greater respect for them and transfer our greater loyalty to them. Thus it is that in the final analysis, our greatest loyalty should, and must, be to our national goals and purposes.

We cannot be loyal to that which we do not understand, respect and believe in. It is through this pattern that the proper order of loyalties is established and maintained.

You will remember that the White Committee pinpointed as a contributing factor in the cheating incident the fact that there was confusion in the minds of the individual cadets as to the mission of the Academy. This led to a situation in which cadet loyalties were brought into conflict with one another. The respect, understanding, transference pattern broke down. In the final analysis, faced with a choice between loyalty to other individuals or loyalty to the honor code and thus to the Academy's mission, the Air Force and the Nation, the cadet chose loyalty to other individuals as his course of action.

If we are to instill this pattern as our way of life, we must understand the meaning behind our national purpose and respect the reasons for that purpose.

The cause we serve would not be loyally served if ours was a blind, unquestioning obedience.

The great danger and tragedy of the Communist movement is the fact that it has become a perfect instrument for a fanatical and insensitive loyalty.

The military has been included among the three great dedicated callings of our time. The other two are the religious and the educational. In our capacity as members of the staff and faculty at the Air Force Academy, we find that our endeavors really place us within the parameters of two of these callings.

It is certainly not chance that has molded these callings into similar structures. The growth of the professional scale and the knowledge of any individual who enters the callings is designated by a grade, a title that we call rank, and that these ranks have universal meaning, not only within a given society or culture but within any society or culture, for these professions have similar characteristics in all societies and cultures.

Each is controlled by a rigid and conditional discipline that includes the orientation of the individual to the requirements of his profession as a whole. And the profession vests judgment concerning the requirements of its practitioners in those of senior rank. This, in turn, involves the acceptance of limits of personal reward and, in effect, allows rewards only in terms of increasing responsibilities and ever deepening dedication.

Military leadership has been defined as the management of violence, which is indeed a paradoxical definition, for violence always carries a connotation of unmanageability. Now we are faced with the certainty that violence, if it is again released on a large scale, will be unmanageable.

In this strange situation, military organization must be increasingly compact, increasingly skilled, increasingly disciplined in order to avoid tragic error. It also must become increasingly dedicated to its basic purposes.

Consider the nature of the responsibility which the individual officer will have to assume in a combat role of the future. One young officer alone and unsupervised may be responsible for executing an extremely difficult and hazardous mission which may destroy a vital segment of enemy strength.

One officer may have the responsibility for stopping an enemy aircraft which is capable of wrecking one of our cities.

The officers of the Air Force must be men to whom responsibilities such as these can be entrusted with complete confidence.

Just what are the qualities in a man that enable us to give to him, with confidence, responsibilities such as these? When we think of such men, we think of courage and endurance and integrity and all that is included in the term "leadership." These traits are somewhat descriptive of what we are trying to determine, but they do not add up to the whole man. The element of purposeful meaning must be included.

Courage for what?

Endurance in what service?

Integrity with respect to what ideas?

What purpose in life must a man have that will permit these human qualities to appear before us in action as the performance of duty? For the answers to these questions we must look into the things officers live by and for. And it would seem logical that we would seek to identify these things within ourselves.

One thing I think we will all find—that we have neither the strength nor the will to live alone. We have need for a purpose; for a cause bigger than ourselves; something that requires us to take strenuous action if necessary, to face danger if necessary, against the opposition of instinctive impulses to avoid such discomfort or danger.

Each of us making such an inquiry will come up with somewhat similar findings. When I look at officers in the Air Force whom I know and respect, I feel sure that I can detect things they hold in common. One of these common denominators is the need of which I have been speaking. Those officers who command our instant and continuing respect are invariably those who, whatever their abilities and whatever position of responsibility, put their responsibility first and foremost in all they do.

This common attribute may be best described as loyalty. If I am right in this assumption, these men have shared the common human experience of needing a goal in life and have found that goal in their loyalty to a cause they serve—a loyalty that serves them both as an incentive and a guide, and sometimes as a very hard taskmaster.

Loyalty has always been considered a warrior's virtue. Throughout history a legion of men have been true to their colors and died for their causes, and some were pretty small causes, and many were lost causes. The one noble thing that shines forth from all the bloody pages of history is this capacity of man for loyalty. Perhaps this is proof enough that we are talking about one of man's greatest needs as well as one of his attributes of greatness.

The causes we serve must be tangible and concrete enough to be a specific guide for decision and for action. It must be a cause that we can comprehend, that we can make our own in a personal way, and to which our own personal contribution, however small, will be of some significance.

I believe we have all espoused such a common cause when we took the oath of office as commissioned officers of the U.S. Air Force. In that oath we swear faith and allegiance to a cause which commands our loyalty and our lives.

Let us examine this cause for a moment. I believe that a study of the Constitution will show that it proceeds from several fundamental ideas.

One is a conviction that man amounts to something as an individual, that the individual is good and can become better and stronger and wiser. It is a belief that the American people can build a nation that can endure and that can offer to each of its citizens an abundant life, personal liberty, and the fellowship of freemen.

Despite the many changes in economic theory and international relations, this marvelously flexible instrument still stands for the enduring ideals and the aspirations of the American people.

At the moment, it seems clear that we can serve humanity best by serving our country well.

Our cause has been well and truly served by loyal men throughout the history of our country. Such progress as we have made toward our national goals can be attributed to the sacrifice and the service of these loyal men. Today the country, and particularly the Air Force, has need of such men in greater numbers than ever before. To meet this need, we of the Air Force Academy faculty and staff must direct our training toward the development of loyalty in its deepest sense.

We still have much to learn about the problem of developing in the young men who enter our training program a willing acceptance of these ideals of loyalty and service.

Dr. John A. Hannah, in testifying for an Air Academy before Congress, said that he had not been in favor of an academy because he felt that the civilian colleges could meet the need, but that he had since become convinced that they could not, because they do not attempt to develop the qualities of character and integrity required for that service.

The other service academies and similar institutions have for a long time, by traditional methods, produced great leaders—not always many and not always soon, but enough loyal men to lead us through the great emergencies. Effectiveness of traditional methods and of precedent would appear to be historically demonstrated. The problem is to keep tradition and precedent in tune with changing requirements and situations.

Fortunately, most of us need to tie our loyalty, not only to a cause, but to an organization. Morally and intellectually, our objectives may be clear, but practically and personally speaking, we need a team to which we can belong.

Perhaps this intense identification with the Air Force is a human weakness, certainly it is a source of greater strength. In the unit, pride and esprit de corps of any good combat organization is to be found, perhaps the greater expression of human genius for loyalty.

In differentiating between our way of life and that of the Communist nations, our loyalty requires that we be critical of ourselves, of one another, and of our service and country, while at the same time it must insure a discipline based on willing obedience derived from confidence in the moral integrity in our leaders and the essential soundness of our cause.

I believe our objective of building a stronger loyalty can be accomplished by traditional means. I include in this traditional means the intellectual problem of establishing the country's need for loyal officers. I include moral problems, which can best be solved by powers of example. I include disciplinary training based on a man's pride in his powers, his unit and his country.

We cannot make officers in any training program. All we can do is present the challenge, point out those obstacles in the way that must be overcome, and give the help and guidance to the individual in overcoming them. In this way and subject always to the power of example, the young men in our training program who have the potential, will make themselves into the officers the Air Force needs. This is a continuous process which will not stop when a man is commissioned a second lieutenant.

We are all shot through with human imperfections and we shall all fall short of our highest ideals; but if in this loyal brotherhood we find helpful understanding, human sympathy, and affection, then the strong will help make the weakest of us stronger and together we will find our powers multiplied many times over.

We must direct our efforts here at the Academy toward the development of loyalty in its deepest, truest sense—in the cadets, in our associates, and in ourselves.

In establishing a basis for loyalty, I set down respect as one of the foundation blocks. Actually, in obtaining respect from a subordinate, you do so by showing respect for him and his views. I believe that one of the first responsibilities of a junior officer to his superior officer is to present his point of view.

I heard a general officer instruct a new junior staff officer many years ago on this subject.

He said, "I expect—no, I demand—that you argue like hell with me on any subject under discussion—before the decision. Translate the courage of your convictions into words and let me have the benefit of them. I'll make the decision and then you have one other responsibility which I will also hold you to just as strongly. You will abide by and defend my decision as if it were your own. In this way we will demonstrate our loyalty to each other and to the mission."

In searching for methods of imbuing the wing with a deep sense of loyalty to the Air Force and the Nation, we must be continually aware that our purpose can only be served by our own loyalty to the mission of the Air Force Academy. Our program must be a strong, integrated union of the major departments: the academic, the military, and the athletic, with each of us demonstrating the finest traits of loyalty in wholeheartedly supporting the efforts of the other departments.

In closing, permit me to quote Mr. Elbert Hubbard, learned essayist, concerning the philosophy of loyalty:

"If you work for a man, in Heaven's name work for him. If he pays your wages that supply your bread and butter, work for him, speak well of him, think well of him, stand by him and stand by the institution he represents."

Thank you.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1965

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8283) to expand the war on poverty.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask the attachés to notify all Senators to come into the Chamber because there will shortly be a vote.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. PROUTY. I know that many Senators have other engagements and are anxious to leave the Chamber, but I should like to explain the proposal which I am making in greater detail. I shall try to be as brief as possible, and then we can have the yea-and-nay vote.

Mr. President, the only thing we are trying to do here is to insist on the Hatch Act provisions in the Senate bill which were approved by the Committee on Labor and Public Welfare and by the Senate; and to insist on the Senate language restructuring the National Advisory Council to make it an independent, impartial, conscientious body for reviewing the operations of the war on poverty and making recommendations to the Director, the President, and Congress for its improvement.

I had originally intended to move to recommit the conference report, with instructions to the Senate conferees to stand firm on these two provisions. I have been advised by the Parliamentarian that such a motion is not in order, and that instead the Senate must reject the conference report. Once the conference report fails of adoption, motions will be in order to request a new conference with the House and to instruct the Senate conferees to insist on the Senate provisions regarding the Hatch Act and the National Advisory Council. If the conference report is rejected, Mr. President, I will make these subsequent motions, the practical effect of which will be to recommit the bill to conference with instructions.

As a Senator who has always cast his vote in favor of the antipoverty program, I should like to take special care to point out that a "nay" vote on acceptance of the conference report should not be construed as a vote against the continuation of the war on poverty. On the contrary, I believe a rejection of the conference report leading to the reinstatement in the bill of the Hatch Act and National Advisory Council provisions adopted earlier by the Senate would be a course of action that would strengthen the bill and enhance the prospects of the entire antipoverty operation.

Mr. President, I believe that these two amendments will do much to make the program work as it should. Without them, we will find that the antipoverty programs will all too frequently succumb to the schemes of the professional ward bosses and machine politicians. Then, unhappily for those for whom the antipoverty program has kindled a spark of hope, the people of this country will rise up in righteous protest against the abuses the present law is not designed to prevent.

If the Senate follows the course of action I have outlined, Mr. President, and the new conference reports a bill including the Hatch Act and National Advisory Council provisions, then I will again cast my vote in favor of the continuation of the war on poverty program. If the conference report is approved at this time, however, it will be approved over my opposition—not because I am opposed to the basic purpose of this legislation, but because I want to make sure that the law is written so that its purpose may be achieved.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). Mr. President, on this vote I have a pair with the Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. INOUYE. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Louisiana [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Virginia [Mr. ROBERTSON], the Senator from Maryland [Mr. TYDINGS], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New Hampshire [Mr. McINTYRE], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New Mexico [Mr. MONTOYA], the Senator from Florida [Mr. SMATHERS], and the Senator from New Hampshire [Mr. McINTYRE] would each vote "yea."

On this vote, the Senator from Indiana [Mr. BAYH] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Virginia would vote "nay," and the Senator from West Virginia would vote "yea."

On this vote, the Senator from Louisiana [Mr. LONG] is paired with the Senator from Arizona [Mr. FANNIN]. If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Minnesota [Mr. MONDALE] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from Minnesota would vote "yea," and the Senator from Kentucky would vote "nay."

On this vote, the Senator from Rhode Island [Mr. PASTORE] is paired with the Senator from Wyoming [Mr. SIMPSON]. If present and voting, the Senator from Rhode Island would vote "yea," and the Senator from Wyoming would vote "nay."

On this vote, the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Connecticut [Mr. RIBICOFF] is paired with the Senator from Mississippi [Mr. STENNIS]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from Mississippi would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent on official business of the Joint Committee on Atomic Energy.

The Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. FANNIN], the Senator from Kentucky [Mr. MORTON], the Senator from Kansas [Mr. PEARSON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Pennsylvania [Mr. SCOTT] is absent on official business.

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Indiana [Mr. BAYH]. If present and voting, the Senator from Utah would vote "nay" and the Senator from Indiana would vote "yea."

On this vote, the Senator from Arizona [Mr. FANNIN] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting, the Senator from Arizona would vote "nay" and the Senator from Louisiana would vote "yea."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Minnesota [Mr. MONDALE]. If present and voting, the Senator from Kentucky would vote "nay" and the Senator from Minnesota would vote "yea."

On this vote the Senator from Wyoming [Mr. SIMPSON] is paired with the Senator from Rhode Island [Mr. PASTORE]. If present and voting, the Senator from Wyoming would vote "nay" and the Senator from Rhode Island would vote "yea."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Nebraska would vote "nay" and the Senator from Maryland would vote "yea."

The result was announced—yeas 46, nays 22, as follows:

[No. 275 Leg.]

YEAS—46

Aiken
Bartlett
Bass
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Dodd
Douglas
Ervin
Fong
Gruening
Harris
Hartke
Hayden
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Magnuson
McCarthy
McGee
McGovern
McNamara
Metcalf
Monroney
Moss
Muskie
Nelson
Pell
Proxmire
Russell, S.C.
Smith
Talmadge
Williams, N.J.
Yarborough
Young, Ohio

NAYS—22

Allott
Boggs
Carlson
Dirksen
Dominick
Eastland
Ellender
Hickenlooper
Hill
Holland
Hruska
Jordan, Idaho
Lausche
McClellan
Miller
Mundt
Murphy
Prouty
Russell, Ga.
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—32

Anderson
Bayh
Bennett
Byrd, Va.
Cotton
Curtis
Fannin
Fulbright
Gore
Hart
Long, La.
Mansfield
McIntyre
Mondale
Montoya
Morse
Morton
Neuberger
Pastore
Pearson
Randolph
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smathers
Sparkman
Stennis
Symington
Tower
Tydings

So the conference report was agreed to.

Mr. MANSFIELD. Mr. President, we have just completed final action on a most controversial piece of legislation in the Senate's acceptance of the conference report on the so-called antipoverty act. In an area of our society where so much can be done and where so little attention has been directed heretofore, the range of viewpoint could well be expected to be as it was. Great credit very justly goes to the senior Senator from Michigan [Mr. McNAMARA] who so diligently, skillfully, and expeditiously piloted this bill through every stage of the sometimes seemingly tedious legislative process. He has demonstrated again not only his great concern for the segment of our society to be benefited by this bill but also the value and benefits of his long experience in this body.

In similar fashion, I commend the junior Senator from Vermont [Mr. PROUTY], the junior Senator from Colorado [Mr. DOMINICK], and the junior Senator from California [Mr. MURPHY] for presenting their views and constructive criticism with such precision. I know that the inefficiencies they have claimed exist will not go uninvestigated and that the country has benefited from their scrutiny of this issue. To the senior Senator from New York [Mr. JAVITS] we owe our thanks for the attention and assistance he has given to the completion of this bill.

I commend the Senate as a whole for demonstrating again that thorough and deliberative action can be accomplished expeditiously.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1766) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants-to-aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 728) to amend section 510 of the Merchant Marine Act, 1936.

The message further announced that the House had passed a bill (H.R. 7371) to amend the Bank Holding Company Act of 1956, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2127) to amend title 38, United States Code, in order to provide special indemnity insurance for members of the Armed Forces serving in combat zones, and for other purposes, and it was signed by the Vice President.

HOUSE BILL REFERRED

The bill (H.R. 7371) to amend the Bank Holding Company Act of 1956, was read twice by its title and referred to the Committee on Banking and Currency.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. McGOVERN (for himself, Mr. Bible, Mr. Cannon, Mr. Dominick, Mr. Metcalf, Mr. Montoya, and Mr. Mundt):

S. 2562. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGovern when he introduced the above bill, which appear under a separate heading.)

By Mr. METCALF:

S. 2563. A bill for the relief of Yu Yu Ma; to the Committee on the Judiciary.

By Mr. SIMPSON:

S. 2564. A bill for the relief of Yoshio Sumida; to the Committee on the Judiciary.

By Mr. RUSSELL of Georgia:

S. 2565. A bill to provide for the establishment of the Savannah Revolutionary Battle Site National Monument; to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 2566. A bill for the relief of Ngan Hok Ng; to the Committee on the Judiciary.

By Mr. HARTKE:

S.J. Res. 113. Joint resolution to establish a commission to formulate plans for memorials to the past Presidents of the United States; to the Committee on Rules and Administration.

(See the remarks of Mr. Hartke when he introduced the above joint resolution, which appear under a separate heading.)

GOLD MINES ASSISTANCE ACT OF 1965

Mr. McGOVERN. Mr. President, on behalf of myself and Senators Bible, Cannon, Dominick, Metcalf, Montoya, and Mundt, I introduce, for appropriate reference, a bill providing for financial assistance payments to present and potential domestic gold producers based upon cost of production experience.

The purpose of this measure is to stabilize and increase the life of existing gold properties, provide financial inducement sufficiently attractive to reopen our dormant gold mines, and stimulate an aggressive search for new gold ore reserves. I believe the time has arrived for the Congress to recognize the fact that due to almost constant escalating costs of production our once thriving domestic gold industry is facing extinction. This segment of the mining industry, just prior to World War II, supplied jobs to thousands of miners in the Western States and provided economic stability for a number of western mining towns. In 1940, American gold mines produced nearly 5 million ounces of gold, exclusive of the Philippines. Today, our annual production in the United States has dropped to approximately 1.5 million ounces of which 40 percent is produced by one mine, the Homestake, located in my State of South Dakota. A few other mining properties are devoted exclusively to mining gold, but most of the remainder of our domestic production is derived as a byproduct from the copper mines of the Nation.

I need scarcely remind my colleagues of our dwindling silver supply since the Senate was so recently confronted with the necessity of passing legislation to resolve our critical coinage problem arising from our fast dwindling supply of silver. Silver production did not keep pace with the increasing demands for the use of this precious metal for industrial and coinage requirements, with the result that the Congress had to take emergency remedial action.

It would be tragic indeed were this Congress to ignore the storm signals with respect to our fast disappearing gold mines. The Members of this body are well aware that the flight of gold from our shores has reduced our gold reserves some 23 billion in the last 8 years. The solution to our balance of payments deficit is a matter of vital importance to the economic well-being of the people of the United States.

Treasury officials agree that they would like to see an increase in our U.S. gold holdings and profess sympathy for the plight of our gold miners. However, in the past, they have objected to legislation providing incentive payments to domestic gold producers on the ground that such action might be interpreted by foreign central bankers as an indication that the Federal Government is tampering with the monetary price of gold. If this appraisal be correct, I believe this fear is psychological rather than realistic. The Gold Mines Assistance Act, which I am introducing, is purely domestic legislation to provide financial assistance payments to domestic producers based upon a domestic costs of production formula. It does not, in any manner, seek to change the monetary price of gold.

To allay both Treasury fears and foreign apprehension, the will provides that it is the intent of the Congress that the Act shall have no relation to the monetary price for gold paid by the Treasury of the United States.

For current domestic gold producers, including Homestake, who have demonstrated a capability of remaining in operation despite the ravages of increased production costs, this bill provides very modest financial assistance payments. For example, in the case of Homestake, the subsidy payments would amount to somewhere between 1½ to 2 percent of invested capital, or, together with net earnings, 7 percent on invested capital.

In the case of dormant gold mines, or as a stimulus to the search for new gold ore reserves, my bill provides much more generous payments. From a realistic standpoint, financial assistance payments must be provided which will definitely encourage reopening our closed gold properties and lend real incentives to a search for new gold mines. These incentives are provided in section 3(b) of the proposed legislation. It is logical to assume with the realistic incentives provided in my bill that domestic gold production will attain a rate as high, and quite probably higher, than the situation which existed in 1940, particularly in view of improved techniques in discovery methods in the past 20 years.

The Canadian Government has paid a cost of production bonus to its gold mines since 1948. British Columbia has gone one step further and adopted a statute which provides for a 3-year tax exemption for income derived from new mines producing any minerals except clay, shale, and stone quarries. Australia pays a subsidy to its gold producers. Foreign banking interests have not exhibited any concern over the Canadian or Australian gold subsidies which relate to the internal affairs of those two countries.

Under this bill, dormant properties reopened and new mines would be paid $35 per ounce for their gold when sold to the U.S. Treasury, but, in addition, would receive financial assistance payments made under the direction of the Gold Mines Assistance Commission amounting to 125 percent of their total gold bullion receipts produced from such properties for the year preceding the date of their application.

The Consumers' Price Index, U.S. Department of Labor, has increased by 126 percent since January 1, 1940. Provision is made in the bill for constructive cost determination of the differential between 1939 and the date of application which must show 125 percent increase to enable the applicant to be eligible for subsidy payments. There should be no difficulty in applying the 125 percent financial assistance payment to the last year's total gold bullion receipts because any dormant mines with known substantial marginal ores, or new properties with demonstrable valuable ore reserves, should have no difficulty with financing in order to permit them to open and operate for 1 year to provide a base as to which the subsidy formula will apply.

Furthermore, taking a long-term view, those who are interested in adding to our national gold reserve should not overlook the fact that under this bill existing gold producers will be enabled to mine marginal ores which are currently being lost forever. In short, this bill will aid greater utilization of our natural resources by stimulating extraction of marginal gold ores not now being mined.

I believe this legislation is in the national interest particularly in view of the excessive gold drain of our reserves. I have no doubt that the mining industry will be able to demonstrate that this bill provides the necessary incentives to reactivate the gold mining districts of the West. I hope that hearings will be held on this measure by the Senate Interior and Insular Affairs Committee early in 1966, and trust that as a result of such hearings the Treasury Department will reappraise its position with reference to remedial legislation for our domestic gold industry.

The PRESIDING OFFICER (Mr. Bass in the chair). The bill will be received and appropriately referred.

The bill (S. 2562) to preserve the domestic gold mining industry and to increase the domestic production of gold, introduced by Mr. McGovern (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. McGOVERN subsequently said: Mr. President, I ask unanimous consent that the bill I introduced earlier today to provide assistance to the gold-mining industry be permitted to lie at the desk for additional sponsors for 5 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL MEMORIAL COMMISSION

Mr. HARTKE. Mr. President, I introduce again a joint resolution substantially the same as that which was first offered on September 8, 1959, on my behalf by then Senator Lyndon B. Johnson.

This resolution, which I again introduced on May 4, 1962, provides for the establishment of a commission to formulate plans for memorials to past Presidents of the United States.

Mr. President, it is my belief that any man who has been so highly regarded by his fellow citizens as to be elected as the President of the United States ought not to be unremarked and unrecalled in this Capital City of the Nation. Yet of all the 35 Presidents who have served this Nation, only 7 have received a memorial or a statue in this city. Three great monuments are dedicated to three of our greatest leaders—the Washington Monument, the Lincoln Memorial, and the Jefferson Memorial. Statutes may be found here of Washington and Lincoln, and of Buchanan, Garfield, Grant, and Jackson. It is expected that the planned Franklin D. Roosevelt Memorial will some day become a reality; the John F. Kennedy Center is well on its way; and James Madison is to be honored in the new building of the Library of Congress which has recently received attention. We have Theodore Roosevelt Island, and there have been some plans to erect a memorial to him there.

But what of John Adams, James Monroe, Woodrow Wilson, Dwight D. Eisenhower, and all the others? To the tourists who come here by the hundreds of thousands, there is no evident recognition for them. The Memorial Commission called for by my resolution would be authorized to plan for a permanent memorial to all of our past Presidents, to accept gifts for use in construction or other expense, to work with the Commission of Fine Arts, the National Capitol Planning Commission, and the National Capital Regional Planning Council, or others. Four of the 12 Commissioners would be Members of this body appointed by the President of the Senate, 4 would be Members of the House of Representatives appointed by the Speaker of the House, and 4 would be appointed by the President. None of the Commissioners would receive salary, but expenses would be reimbursed. The initial authorization is a very modest $10,000.

There are ample precedents for the procedures embodied in this bill, including the authorization of the Commission to receive private gifts for use in such a project.

Public subscriptions amounting to $300,000 helped finance the Washington Monument, together with congressional appropriations of $1,094,000. The Lincoln Memorial Commission was established by an act approved February 9, 1911, leading to dedication of the memorial 11 years later, on May 30, 1922. Cost of the Lincoln Memorial, all paid for by Federal funds, was $3,678,000.

The resolution establishing the Thomas Jefferson Memorial Commission in 1934 specified that it might accept money or property from either public or private sources to finance its activities, which resulted in dedication of the Jefferson Memorial on the 200th anniversary of his birth, April 13, 1943.

Other than the three memorials which are such an integral part of the Washington scene, those to Washington, Lincoln, and Jefferson, there is the 1853 statue to Andrew Jackson in an equestrian pose located in Lafayette Park; the statue of James Garfield at First Street and Maryland Avenue SW., erected in 1887; a 1922 equestrian statue of Ulysses S. Grant at the Mall and First Street SW.; and a statue of James Buchanan to be found in Meridian Hill Park, dating from 1930. There are also two statues of Abraham Lincoln, one dating from 1868 in Judiciary Square and another dedicated in 1876 in Lincoln Park. The equestrian statue of George Washington to be found in Washington Circle dates to 1860.

Aside from these few, we have not honored our long list of Presidents in this, the Capital of our Nation. It is time we recognized them. We have Halls of Fame for our sports heroes in baseball and in professional football, but we have neglected men far greater who live in history, who led our Nation in the nearly 2 centuries of its history. Let us now remedy the defects of the past with a memorial which will in one place give them the honor that is their due.

Mr. President, I ask unanimous consent that the joint resolution may be printed in the Congressional Record.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 113) to establish a commission to formulate plans for memorials to the past Presidents of the United States, introduced by Mr. Hartke, was received, read twice by its title, referred to the Committee on Rules and Administriation, and ordered to be printed in the Record, as follows:

Resolved by the Senate (the House of Representatives concurring), That (a) there is hereby established a commission, to be known as the "Presidential Memorial Commission" (hereinafter referred to as the "Commission"), for the purpose of considering and formulating plans for the design, construction, and location, in the city of Washington, District of Columbia, or in its immediate environs, of a permanent memorial to past Presidents of the United States.

(b) The Commission shall be composed of twelve Commissioners appointed as follows: Four persons to be appointed by the President of the United States, four Senators by the President of the Senate, and four Members of the House of Representatives by the Speaker of the House of Representatives.

(c) The Commissioners shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(d) The Commission shall report such plans, together with its recommendations, to the President and Congress at the earliest practicable date, and in the interim shall make annual reports of its progress to the President and Congress.

(e) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(f) The President shall designate a chairman of the Commission.

Sec. 2. The Commission is authorized to—

(a) appoint and fix the compensation of such personnel as it deems advisable in accordance with the provisions of the civil service laws and the Classification Act of 1949;

(b) procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as authorized for the departments by section 15 of the act of August 2, 1946 (5 U.S.C. 55a), but at rates not to exceed $75 per diem for individuals;

(c) make such expenditures for the purpose of carrying out the provisions of this joint resolution as it may deem advisable from funds appropriated or received as gifts for such purposes;

(d) accept gifts to be used in carrying out the provisions of this joint resolution or to be used in connection with the construction or other expenses of such memorial;

(e) hold hearings, organize contests, enter into contracts for personal services and otherwise, and do such other things as may be necessary to carry out the provisions of this joint resolution; and

(f) avail itself of the assistance and advice of the Commission of Fine Arts, the National Capital Planning Commission, and the National Capital Regional Planning Council, and such Commissions and Council are authorized, upon request to render such assistance and advice.

SEC. 3. There is authorized to be appropriated not more than $10,000 to carry out the provisions of this joint resolution.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the joint resolution introduced earlier today by the Senator from Indiana [Mr. HARTKE] be held at the desk for cosponsors until the close of business on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP (S. DOC. NO. 59)

Mr. AIKEN. Mr. President, I send to the desk the report of the Senate delegation to the eighth meeting of the Canada-United States Interparliamentary Group, of which I was chairman, held in Ottawa and Montreal last May. The report is under 50 pages, and I ask unanimous consent that it be printed as a Senate document.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 24, 1965, he presented to the President of the United States the enrolled bill (S. 2127) to amend title 38, United States Code, in order to provide special indemnity insurance for members of the Armed Forces serving in combat zones, and for other purposes.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Robert H. Cowen, of North Carolina, to be U.S. attorney, eastern district of North Carolina, term of 4 years. (Reappointment.)

Thomas L. Robinson, of Tennessee, to be U.S. attorney, western district of Tennessee, term of 4 years. (Reappointment.)

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, October 1, 1965, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATION OF DAN MONROE RUSSELL, JR., OF MISSISSIPPI, TO BE U.S. DISTRICT JUDGE, SOUTHERN DISTRICT OF MISSISSIPPI

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, October 1, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Dan Monroe Russell, Jr., of Mississippi, to be U.S. district judge, for the southern district of Mississippi, vice Sidney C. Mize, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Carolina [Mr. ERVIN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

PROMINENT WASHINGTONIANS URGE CAUTION ON KENNEDY SITE

Mr. MUNDT. Mr. President, 2 weeks ago I introduced Senate Joint Resolution 109, which would require the National Capital Planning Commission to make a detailed study and to hold public hearings on the subject of the best possible site for the John F. Kennedy Center for the Performing Arts.

Since introducing this legislation I have received numerous phone calls and letters supporting such a proposal. It is becoming more and more evident that there is a sizable block of knowledgeable individuals in the Washington area that have serious reservations as to suitability of the proposed Potomac River site. This was illustrated again last Tuesday when 78 prominent Washingtonians, all of whom are donors to and supporters of the Center, submitted a petition to the Center's board of trustees urging a 60-day moratorium on work toward the construction of the Center. Such a moratorium could then be utilized to enable a review committee to hear, study, and make recommendations concerning all questions relating to the location of the Center.

Mr. President, the signers of this petition represent a segment of the Washington community that has kept a close watch on the developments of the Cultural Center and I believe their views should be heard. I ask unanimous consent to have printed in the RECORD the petition, together with the list of signers and the background information which prompted their petition.

There being no objection, the petition and statement were ordered to be printed in the RECORD, as follows:

SEPTEMBER 20, 1965.

CHAIRMAN AND TRUSTEES OF THE BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS,
1701 Pennsylvania Avenue NW.,
Washington D.C.

DEAR SIRS: We, representing the persons listed thereon, request that you consider and respond to the enclosed petition.

Yours very truly,
E. FULTON BRYLAWSKI,
Mrs. W. JOHN KENNEY,
Rear Adm. NEILL PHILLIPS.

A PETITION RELATING TO THE LOCATION OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Whereas the location of the John F. Kennedy Center for the Performing Arts is of utmost importance to the future of the city and to its inhabitants and visitors; and

Whereas questions have been raised about the suitability of the river site as proposed;

We, whose names appear below, urge a 60-day moratorium on work toward the construction of the Center to enable a review committee, appointed for the purpose, to hear, study, and make recommendations concerning all questions relating to the location of the Center.

Alice S. Acheson.
Mr. and Mrs. Charles Arrott.
Mrs. Christopher Bramwell.
E. Fulton Brylawski.
Mrs. Douglas Burden.
B. Bernei Burgunder.
Edward Burling, Jr.
Mr. and Mrs. Albert B. Carter, Jr.
Aldus H. Chapin.
David Sanders Clark.
Mr. and Mrs. Jack Coopersmith.
Andre deLimur.
James A. Donohoe, Jr.
Mr. and Mrs. Richard Dudman.
Mr. and Mrs. Clive L. Duval II.
Mr. and Mrs. Robert Eichholz.
Mr. and Mrs. Edward Finkenstaedt.
Jean Friendly.
Mr. and Mrs. Gerhard A. Gesell.
Mrs. John Timberlake Gibson.
Charles C. Glover III.
John I. Immer.
Mr. and Mrs. Andrew Keck.
Mrs. W. John Kenney.
Katharine McCook Knox.
Sidney Lansburgh.
Mrs. Casanove Lee.
Mrs. Newbold LeGendre.
Miss Janet LeGendre.
Mr. and Mrs. H. Gates Lloyd.
Alice Longworth.
Arthur T. Lyon.
Mrs. Edward Macauley.
Mrs. Atherton Macondray.
Arthur K. Mason.
Mr. and Mrs. Frank W. McCulloch.
Constance Mellen.
Rt. Rev. Paul Moore, Jr.
Mr. and Mrs. Edward P. Morgan.
Mr. and Mrs. Leroy Morgan.
Mr. and Mrs. James Newmeyer, Jr.
Laughlin Phillips.
Rear Adm. Neill Phillips.
Mr. and Mrs. John A. Pope.
Mrs. Merriweather Post.
Robert Rosenthal.
Mr. and Mrs. David Rust.
John H. Safer.
Richard Sinclair.
Mr. and Mrs. Francis Spalding.
Mr. and Mrs. Philip M. Stern.
Mr. and Mrs. John Stillman.
Mr. and Mrs. Carlton Swift, Jr.
A. Lloyd Symington.
Mrs. Cyrus Vance.
Mr. and Mrs. DeForest Van Slyck.
Morton H. Wilner.
Mr. and Mrs. Calvert Carey.

LOCATION OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

1. The subscribers to the petition are donors to and supporters of the Center, or representatives of organizations which have made donations.

2. Questions have been raised and opinions expressed about the suitability of the proposed location, and about the desirability of a downtown location. These questions and opinions are of sufficient import to justify careful consideration by a review body before any construction is begun at the proposed site. The request for such a review is the basis for the petition signed by Center supporters and the subject of three bills introduced in the House (Representatives WIDNALL, CURTIS, and MATHIAS) and one in the Senate (Senator MUNDT), with the probability of more forthcoming.

(a) Critics have raised the following objections to the proposed location:

1. Physical site: Now that the roadway system and the large Watergate complex are

partially completed, it is apparent that the Center structure (which could house two Dulles terminals with room to spare) would crowd its site, and create a wall between the city and the river. The building and its access roads would destroy the park-like setting. The Center site would be little more than a "traffic island."

2. Road system: Access and egress to and from the Center present "tricky problems of design." New Hampshire Avenue—the only apparent access to the Center—will be chocked with traffic before and after performances. Though it appears that the approach from Virginia is direct, in fact, it too must fuel into New Hampshire Avenue. New Hampshire Avenue, an important boulevard, terminates as a garage ramp. To accommodate the Center, the existing Parkway must be relocated and rebuilt. The Los Angeles cultural center approach system is so inadequate that it takes as much as 1½ hours to get to it, and as much to leave. Washington should avoid a similar mistake.

3. Parking: According to congressional testimony, the 1,600 underground parking spaces will be inadequate to serve its full capacity of 7,000 patrons. No relief parking is available on the surrounding streets. The garage, located in a relatively isolated area, would serve only the Center. There is no pedestrian approach.

4. Rapid transit: No subway stop in the recently approved rapid transit plan will serve the Center. The nearest stop is ½ mile away at 23d and H Streets.

5. Air traffic: Because the Center is in the path of planes serving National Airport, excessive measures must be taken to insulate the Center against this noise.

(b) Downtown location: Several persuasive arguments have been advanced for a downtown location for the Center. It would be more central to the city and therefore more convenient to reach from most areas. It would greatly reinforce current efforts to revitalize the central city area, drawing people downtown, particularly at night. It would be easily accessible to all, would be served by the new proposed subway system.

3. Late hour criticism: It is believed that there are several compelling considerations which fully justify the raising of these 11th hour questions. When the site was selected, the physical reality of the highway complex and the Watergate development were not yet apparent. The Pennsylvania Avenue plan, opening up site possibilities, had not come into being. Assistance for downtown construction under urban renewal was not then available, as it now is. Finally, the mass transit plan, which provides for no stop at the riversite, was not in existence.

4. Location: While the petitioners feel that a specific site should not be chosen without careful review of all factors by the review committee, the best arguments so far presented support a downtown location. With the current intensive interest in the Cultural Center, the time loss should be minimal. Primarily, the petitioners urge that expediency and hurried decisions not be allowed to squander this unique opportunity for a great experiment. Because of the overwhelming criticism of the Kennedy Center as now planned, a final review of its merits and liabilities in the light of the developments mentioned above is imperative.

The petitioners will welcome additional support from all who are interested in insuring that the Kennedy Cultural Center, when built, will be the great national institution it should be.

THE CALENDAR

On request of Mr. MANSFIELD, and by unanimous consent, the following calendar measures were considered and acted upon as indicated, and excerpts from the reports thereon were ordered to be printed in the RECORD, as follows:

LEASE OF PORTION OF CERTAIN REAL PROPERTY CONVEYED TO THE CITY OF CLARINDA, IOWA, FOR AIRPORT PURPOSES

The Senate proceeded to consider the bill (S. 2434) to clarify authorization for the approval by the Federal Aviation Agency of the lease of a portion of certain real property conveyed to the city of Clarinda, Iowa, for airport purpose, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding section 16 of the Federal Airport Act, the Administrator of the Federal Aviation Agency is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated March 26, 1947, under which the United States conveyed certain property to the city of Clarinda, Iowa, for airport purposes.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCERPT FROM THE COMMITTEE REPORT (No. 772)

PURPOSE OF THE BILL

The purpose of the bill is to authorize the Administrator of the Federal Aviation Agency to permit the city of Clarinda, Iowa, to lease certain real property, previously conveyed to Clarinda, for nonairport purposes. This authorization would be accomplished by treating the subject property as though it had originally been conveyed pursuant to the Surplus Property Act rather than the Federal Airport Act.

BACKGROUND AND NEED FOR LEGISLATION

The subject property which the city of Clarinda, Iowa, seeks authority to lease for nonairport purposes consistent of approximately 36 acres and is a portion of a larger parcel conveyed by quitclam deed to the city of Clarinda on March 26, 1947, by the War Assets Administrator. The property was conveyed with the agreement that it would be used for airport purposes. The conveyance was made pursuant to section 16 of the Federal Airport Act (49 U.S.C. 1115) which authorizes the Administrator of the Federal Aviation Agency to request conveyance of U.S.-owned property to local airport sponsors if such land is deemed necessary to the airport project and is otherwise consistent with the objectives of the Federal Airport Act. Such a request is submitted to the Government agency having control over the particular property necessary to the accomplishment of the airport project. If the agency having such control determines that the conveyance is not inconsistent with the needs of the department or agency, it is authorized and directed, with the approval of the President and the Attorney General, to make the conveyance requested. All conveyances made pursuant to section 16 contain a reversionary clause which provides that in the event the property conveyed is not developed, or ceases to be used, for airport purposes, it automatically reverts to the United States. In this connection, it should be pointed out that property conveyed under the terms of section 16 of the Federal Airport Act does not require a determination that the property is surplus to the needs of the Federal Government. It requires only a determination that the land is necessary for airport purposes and that the transfer would not be inconsistent with the needs of the agency having control of the land. Land is not declared surplus unless it is determined that no other department or agency of the Federal Government has a need for it. If such determination is made, the property is disposed of in accordance with the provisions of the Federal Property and Administrative Services Act or the Surplus Property Act, as amended.

In this particular case, it is significant to note that prior to conveyance of the subject property to Clarinda, the War Assets Administrator had declared the property surplus. However, at the time of conveyance, section 13(g) of the Surplus Property Act, Public Law 289, July 30, 1947, had not yet been enacted. As both the Federal Aviation Agency and the General Accounting Office observe, had section 13(g) been law at the time of conveyance—March 26, 1947—of the property to Clarinda, it would logically have been conveyed under that provision as opposed to section 16 of the Federal Airport Act since, as noted previously, the property had been declared surplus at the time of conveyance.

At the suggestion of the Federal Aviation Agency, the committee has incorporated a technical amendment, in the nature of a substitute, to make the conveyance subject to section 4 of the Federal Property and Administrative Services Act. This section, in effect, requires that before property is released for nonairport purposes it must be determined that the property is no longer necessary to accomplish the purpose for which it was originally transferred and is not necessary to protect or advance U.S. civil aviation. It further provides that the Administrator of the Federal Aviation Agency may impose such conditions on the conveyance as he deems necessary so as to insure that any proceeds arising from nonairport use of the property will be used for the development and maintenance of the airport.

Under the circumstances outlined above, the committee feels that this bill is fair and reasonable and accordingly recommends enactment.

INVESTIGATION AND STUDY TO DETERMINE A SITE FOR THE CONSTRUCTION OF A NEW SEA LEVEL CANAL CONNECTING ATLANTIC AND PACIFIC OCEANS

The bill (S. 2469) amending sections 2 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a new sea level canal connecting the Atlantic and Pacific Oceans was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. RUSSELL of Georgia. Mr. President, does the bill in anywise favor one site over another?

Mr. MANSFIELD. It does not. The President on April 18, pursuant to the terms of Public Law 88–609, appointed the Atlantic-Pacific Inter-Oceanic Canal Study Commission to make a full study of the most suitable site for and best means of constructing a sea level canal connecting the Atlantic and Pacific Oceans. That law was the result of an original bill unanimously reported by the Commerce Committee last year.

The Chief of Engineers has been selected to conduct the required engineering feasibility study with the assistance of consultants retained by the Commission. In its first annual report to the Congress, the Commission stated that it expects to begin on-site surveys of possible routes early in 1966.

It is not confined to any one site.

Mr. RUSSELL of Georgia. I understood we had already granted authority to create this Commission and that it had been appointed and was perhaps functioning.

Mr. MANSFIELD. It is my understanding, if the distinguished Senator will yield, that this bill makes only minor technical changes in the law and that the Commission still functions.

Mr. RUSSELL of Georgia. On that assurance from the distinguished majority leader, I shall not object.

Mr. DIRKSEN. Mr. President, the President of the United States and the President of Panama are simultaneously making a statement with respect to the Panama problem, based in large measure on the work being done by special Ambassador Anderson, former Secretary of the Treasury.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third time, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Act approved September 22, 1964 (78 Stat. 990), is hereby amended as follows:

(1) delete section 2 in its entirety and substitute the following therefor:

"SEC. 2. (a) In order to carry out the purposes of this Act, the Commission may—

"(1) utilize the facilities of any department, agency, or instrumentality of the executive branch of the United States Government;

"(2) employ services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not in excess of $100 per diem;

"(b) The members of the Commission, including the Chairman, shall receive compensation at the rate of $100 per diem. The members of the Commission, including the Chairman, shall receive travel expenses as authorized by law (5 U.S.C. 73b–2) for persons employed intermittently."

(2) The following is added after the word "appropriated" in section 4: ", without fiscal year limitation,".

EXCERPT FROM THE COMMITTEE REPORT
(No. 773)

SUMMARY OF PROPOSED LEGISLATION

S. 2469 would authorize compensation to the members of the Atlantic-Pacific Interoceanic Canal Study Commission at a per diem rate of $100 plus travel expenses and would permit the Commission to employ experts and consultants at rates not in excess of $100 per day.

The bill would also make the funds authorized for use by the Commission available without regard to fiscal year limitations.

BACKGROUND

The President, on April 18, 1965, pursuant to the terms of Public Law 88–609, appointed the Atlantic-Pacific Interoceanic Canal Study Commission to make a full study of the most suitable site for, and best means of constructing a sea level canal connecting the Atlantic and Pacific Oceans. That law was the result of an original bill unanimously reported by the Commerce Committee last year.

The Chief of Engineers, U.S. Army, has been selected to conduct the required engineering feasibility study with the assistance of consultants retained by the Commission. In its first annual report to the Congress, the Commission stated that it expects to begin on-site surveys of possible routes early in 1966.

NEED FOR LEGISLATION

Under the present law (Classification Act of 1949) the Commission may retain consultants at a maximum per diem rate of $83.04. However, the Corps of Engineers is authorized under the civil works program to pay consultants at the rate of $100 per day for the same type of work. The Commission expects to retain many of these same consultants on the canal study and desires authority to compensate them at the same per diem rate. The Bureau of the Budget advised the committee that 22 Federal agencies have authority to hire consultants at the rate of $100 per diem.

The authority to compensate Commissioners under the general law has also been questioned. The bill, therefore, establishes the rate of compensation at $100 per day for each member of the Commission and authorizes payment of travel expenses.

The present law requires that funds appropriated for service in any fiscal year must be spent or obligated to meet needs that arise within that fiscal year unless the enabling legislation expressly permits the appropriation to be carried over (31 U.S.C. 712a et seq.). Rivers and harbors projects are excepted from the rule.

Public Law 88–609 authorized the expenditure of $17.5 million in general terms. The canal study which closely parallels rivers and harbors projects must be completed within a relatively short period of time, no later than June 30, 1968. In order to provide orderly planning and programing of the study, the reported bill would make the authorized funds available without regard to fiscal year limitations.

DISPOSAL OF CHROMIUM METAL, ACID GRADE FLUORSPAR, AND SILICON CARBIDE FROM THE SUPPLEMENTAL STOCKPILE

The joint resolution (H.J. Res. 330) to authorize the disposal of chromium metal, acid grade fluorspar, and silicon carbide from the supplemental stockpile was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM THE COMMITTEE REPORT
(No. 774)

PURPOSE

This resolution would (1) grant congressional consent to the disposal of three items of substandard and contaminated materials now held in the supplemental stockpile, and (2) waive the 6-month waiting period normally required before such disposal could be started. The materials are (1) chromium metal, (2) acid grade fluorspar, and (3) silicon carbide.

EXPLANATION

Why congressional action required

Under existing law congressional approval is required for materials in the supplemental stockpile, except when the proposed disposal action is based on the determination that the material has become obsolescent for use in time of war. The proposed disposal of these materials is a result of their not meeting quality specifications. Consequently, congressional approval for the disposal is required.

Chromium metal

The chromium metal held in the supplemental stockpile is a part of the quantity delivered to the Government under contract BSD–SM–57–48 with Continental Ore Corp. pursuant to the barter program of the Commodity Credit Corporation, Public Law 480. The acquisition cost of the specification grade metal under this contract was $1.1135 per pound of contained chromium, f.o.b. carriers conveyances at Baltimore or Philadelphia.

Since this 17 tons of metal contains excess sulfur and oxygen, it was accepted with a $0.15 per pound allowance.

The Director of the Office of Emergency Planning established a revised stockpile objective for chemical grade chromite on March 19, 1964, at 600,000 short dry tons. Included in this objective is 2,500 short tons of aluminothermic chromium metal. As of March 31, 1964, the quantity of chemical grade chromite excess to this objective was 659,036 short dry tons; and the aluminothermic chromium metal excess to the subobjective was 1,924 short tons of specification grade and the 17 short tons of nonstockpile grade material. This latter quantity is the material proposed for disposal.

Chromium metal is used in the production of a wide variety of chromium-bearing alloys, among which are electrical resistance alloys, high-temperature and corrosion-resistant alloys, nonferrous metal-cutting tools, chromium bronzes, hard-facing materials, welding electrode tips, and certain high-strength aluminum alloys.

The U.S. consumption of chromium metal is about 2,000 short tons annually. The proposed sale of this small quantity of metal should have no significant impact on producers, processors, distributors, or consumers of chromium metal.

Flourspar, acid grade (contaminated)

Fluorspar is one of the strategic nonmetallic minerals in our industrial economy. Classed according to grades, acid grade fluorspar is the commercial source of hydrofluoric acid which is an essential raw material in the chemical industry.

Acid grade fluorspar is a very finely divided flotation concentrate normally stored in large piles in outside storage. When delivery to the piles has been completed they have been covered to protect the fluorspar from wind and water erosion. During the formation of the piles in the delivery period and before coverings have been placed some material has at times been washed off the piles onto the adjacent ground. In picking up the material washed off the piles some of it has become contaminated with the dirt, sand, or gravel of the area surrounding the storage pad. Similar washouts have occurred due to failure of the coverings after the piles have been formed. All of this material that has thus been contaminated has been segregated from the main fluorspar piles and this is the contaminated material proposed for disposal. It will require some reprocessing before being usable for the purpose for which it was acquired.

The three major quantities involved are at storage depots at Curtis Bay, Baltimore, Md.; Memphis, Tenn., and Granite City, Ill.

Other storage sites contain contaminated material in lesser amounts.

The average acquisition cost of the supplemental stockpile inventory was $49.80 per short dry ton including accessorial costs.

The Director of the Office of Emergency Planning established a revised stockpile objective for acid grade fluorspar on February 28, 1964, at 540,000 short dry tons. As of March 31, 1964, the quantity excess to this objective was 604,090 short tons of specification grade and 11,890 short tons of nonstockpile grade material.

U.S. consumption of acid grade fluorspar in 1963 is estimated as 414,000 short tons, an increase of 41,000 tons over 1962 consumption, but not quite equaling the record 424,000 tons in 1961.

Decreased production of domestic fluorspar that started in 1959 continued in 1963, according to reports from producers to the Bureau of Mines, U.S. Department of the Interior. The quantity and value of shipments of finished acid grade fluorspar from domestic mines have decreased for 5 years. In 1962 the quantity shipped was 141,277 short tone valued at $6.9 million, and estimated 1963 shipments were 119,000 tons valued at $6.2 million. Fluorspar imports for consumption have come mainly from Mexico, Spain, and Italy. Imports were lower in 1963 than in 1962, but the estimated 1963 quantity of acid grade was 369,000 short tons.

The tonnage of contaminated fluorspar to be disposed of represents less than 1½ percent of the annual consumption of acid grade flourspar. It comprises a very small portion of the quantity of fluorspar in excess of national stockpile requirements.

Based upon previous GSA experience in offerings of contaminated fluorspar from another inventory and other locations, there is little interest shown by the industry in reprocessing the small quantities. The impact on the markets of producers, processors, or consumers is minimal.

Silicon carbide, crude, nonstockpile grade (contaminated)

Silicon carbide is an artificial crystalline mineral that is of commercial use chiefly because of its extreme hardness and heat resistance. Crushed to five grain sizes it is used as an abrasive, but nonabrasive uses account for approximately one-third of its production.

The artificial abrasive industry in North America has largely migrated from production plants originally established around Niagara Falls, N.Y., to Canada where advantage is taken of lower power costs. Most of the crude abrasives produced in Canada are sent to the United States for processing.

The material for disposal is of Canadian origin. The acquisition cost was approximately $203.50 per short ton, including accessorial costs.

The Director of the Office of Emergency Planning established a revised stockpile objective on April 2, 1964, for crude silicon carbide at 30,000 short tons. As of March 31, 1964, the quantity excess to this objective was 166,445 short tons of specification grade and 56 short tons of nonstockpile grade material. This latter quantity is the material proposed for disposal.

At Romulus, N.Y., some of the silicon carbide is stored in canvas-covered piles. Difficulties have been encountered with the coverings, and an estimated 50 short tons have become contaminated by being windblown. This material has been salvaged off the ground and placed in two piles designated A and B.

In evacuating the GSA-DMS Depot, Buffalo, N.Y., this bulk material was moved from warehouse storage to outside storage. Approximately 12,275 pounds became contaminated with dirt. This contaminated silicon carbide was salvaged and placed in drums for outside storage until disposal is authorized.

Production of crude silicon carbide in the United States and Canada was 115,716 short tons in 1962. There is no published market price for the crude form, but from sales reported in 1962 and the first 9 months of 1963 an appropriate $198 per short ton is indicated. There should be no difficulty in the market absorbing this contaminated material. It can be upgraded into a usable form.

TRANSFER OF COPPER FROM THE NATIONAL STOCKPILE TO THE BUREAU OF THE MINT

The bill (H.R. 10748) to authorize the transfer of copper from the national stockpile to the Bureau of the Mint was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM THE COMMITTEE REPORT
(No. 775)

PURPOSE

This bill would (1) grant congressional approval of the transfer to the Bureau of the Mint of approximately 110,000 short tons of copper now held in the national stockpile; and (2) waive the 6-month waiting period ordinarily required before such a transfer could be accomplished.

EXPLANATION

Why congressional action required

Under existing law congressional approval is required for the disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of copper is based on the determination that the inventory of copper is excess to stockpile requirements and not because copper is obsolescent for use in time of war. Consequently the proposed disposal requires the express approval of the Congress.

Moreover, disposals from the national stockpile normally may be accomplished only after a waiting period of 6 months following publication of a disposal notice in the Federal Register. Waiver of this requirement will permit immediate transfer of excess copper to the Bureau of the Mint.

Why disposal is proposed

The current stockpile objective for copper, which was established by the Office of Emergency Planning, is 775,000 short tons. The national stockpile inventory of copper exceeds this objective by approximately 156,000 short tons.

The Bureau of the Mint requires copper for coinage. Until now the mint's requirements for copper have been met from the Defense Production Act inventory, but all the copper remaining in this inventory has been committed for use by the mint and an additional 110,000 short tons are needed to meet planned requirements.

The copper to be made available from the stockpile must be refined before it can be used by the Bureau of the Mint for coinage. Since this refinement requires time, a waiver of the 6-month waiting period will allow the necessary refining to proceed.

Financial information

The Bureau of the Mint will reimburse the General Services Administration for the copper at its fair market value. The current average domestic market price is 36 cents per pound. Approval of this legislation will avoid Government expenditure of approximately $80 million that otherwise would be required for the purchase of copper and it will also result in storage and maintenance savings.

DISPOSAL OF CHEMICAL GRADE CHROMITE FROM THE SUPPLEMENTAL STOCKPILE

The bill (H.R. 10715) to authorize the disposal of chemical grade chromite from the supplemental stockpile was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM THE COMMITTEE REPORT
(No. 776)

PURPOSE

This bill would (1) grant congressional approval of the disposal of approximately 659,100 short tons of chemical grade chromite now held in the supplemental stockpile, and (2) waive the 6-month waiting period normally required before disposals from the national stockpile can be begun.

EXPLANATION

Why congressional action required

Existing law requires congressional approval for the disposal of materials in the supplemental stockpile unless the proposed disposal is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of chemical grade chromite is based solely on a determination that the quantity of this material in the supplemental stockpile is excess to requirements. Consequently, the proposed disposal requires the express approval of the Congress.

Why disposal is proposed

The quantity of chemical grade chromite in the national stockpile and the supplemental stockpile is 1,259,036 short dry tons. The stockpile objective is 600,000 short dry tons and thus approximately 659,100 short dry tons are excess to current requirements.

Chemical grade chromite is an ore that is converted into sodium bichromite, from which other chrome chemicals are derived. These chemicals are used for such purposes as plating, anodizing for metal protection, paint pigments, tanning of leather, and textile and chemical manufacturing.

The proposed disposal of this material will probably require 20 to 25 years to complete. The sales for the first year will be about 20,000 short tons.

Financial information

The chemical chromite in the supplemental stockpile was acquired at an average cost of $17.80 per short dry ton. The current market price is quoted at $17 per short dry ton, f.o.b. Atlantic ports.

DISPOSAL OF COLEMANITE

The bill (H.R. 10714) to authorize the disposal of colemanite from the supplemental stockpile was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM THE COMMITTEE REPORT
(No. 777)

PURPOSE

This bill would (1) grant congressional approval for the disposal of approximately 67,600 long dry tons of colemanite now held in the supplemental stockpile, and (2) waive the 6-month waiting period normally required before disposals from the supplemental stockpile can be started.

EXPLANATION

Why congressional action required

Under existing law congressional approval is required for the disposal of materials in the supplemental stockpile except when the proposed disposal is based on determination that the material has become obsolescent for use in time of war.

The proposed disposal of colemanite is based on a determination that the quantity of colemanite in the supplemental stockpile is excess to stockpile requirements and not because colemanite is obsolescent for use in time of war. Consequently, congressional approval is required for the disposal.

Why disposal is proposed

The colemanite that is in the supplemental stockpile was acquired through the barter of surplus agricultural products and was placed in the supplemental stockpile under authority contained in the Agricultural Act of 1956, as amended. A national stockpile objective was never established for this material.

Colemanite is a mineral that is the source of boron compounds, such as borax and boric acid.

Financial information

The colemanite was acquired at an average cost of $39 per long dry ton. There is no domestic market for this material but European prices are quoted at $25 to $27 per metric ton, f.o.b. Turkish ports.

DISPOSAL OF VEGETABLE TANNIN

The bill (H.R. 10516) authorizing the disposal of vegetable tannin extracts from the national stockpile was considered, ordered to a third reading, read the third time, and passed.

PURPOSE

This bill would (1) grant congressional approval for the disposal of (a) 15,000 long tons of chestnut tannin extract, (b) 111,457 long tons of quebracho tannin extract, and (c) 23,962 long tons of wattle tannin extract; and (2) waive the 6-month waiting period ordinarily before disposals from the national stockpile may be accomplished.

EXPLANATION

Why congressional action required

Under existing law congressional approval is required for the disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of the vegetable tannin extracts that are named in this bill is based on a determination that the quantity of these extracts now in the national stockpile is excess to requirements and not because they are obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize the immediate disposal of these vegetable tannin extracts by waiving the normal requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

In recent years U.S. consumption of all vegetable tannin extracts has declined to less than one-half of the quantities consumed 20 years ago. This decline is primarily a result of a diminishing use of heavy leather instead of its being a result of the use of substitutes. The increased use of rubber, plastic, and synthetic shoe soles has had the greatest impact on tannin consumption; less than 30 percent of the shoes produced today have leather soles. This downward trend in the production of heavy leather is expected to continue. Substitute materials, such as Corfam, have displaced lighter leather, but these substitutes have not substantially affected the use of vegetable tannin extracts.

The stockpile objective for chestnut extract is 15,000 long tons. The inventory is 33,544 long tons, of which 3,544 long tons have been authorized for disposal under earlier congressional authorization. The remaining excess of approximately 15,000 long tons would be made available for disposal by this bill.

The stockpile objective for quebracho tannin extract is 86,000 long tons. The inventory is 197,457 long tons and thus 111,457 long tons are excess to current requirements.

The stockpile objective for wattle tannin extract is 15,000 long tons. The inventory is 38,962 long tons and thus approximately 23,962 long tons are excess to current requirements.

Financial information

The chestnut extract was acquired at an average cost of $279 per long ton and the current market price is $207 per long ton.

The quebracho cost $247 per long ton on the average, and the current market price is $201 per long ton.

The average cost of the wattle was $252 per long ton and the current market price is $199 per long ton.

Approval of this bill will enable the Government to sell surplus quantities of these materials for cash.

DISPOSAL OF ABACA

The bill (H.R. 6852) to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 47 million pounds of abaca from the national stockpile was considered, ordered to a third reading, read the third time, and passed.

The title was amended, so as to read: "An Act to authorize the disposal, without regard to the prescribed six-month waiting period, of approximately ninety-seven million pounds of abaca from the national stockpile."

EXCERPT FROM THE COMMITTEE REPORT (No. 779)

PURPOSE

This bill would (1) grant congressional consent to the disposal of approximately 97 million pounds of abaca now held in the national stockpile and (2) waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION

Why congressional action required

Under existing law, congressional approach is required for the disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of abaca is based on a determination that the quantity of this material in the national stockpile is excess to requirements and not because the abaca is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of abaca by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The current stockpile objective for abaca is 50 million pounds. The national stockpile inventory is 147 million pounds. Hence 97 million pounds of abaca are surplus to stockpile objectives.

Abaca is subject to deterioration. Most of the surplus abaca is 7 years old or older. Unless disposal is authorized, rotation of the older fiber may be required to avoid loss of the Government investment of about $24 million in the quantity of fiber that is surplus. The rotation of 9.5 million pounds annually would cost the Government approximately $500,000 each year. The annual cost of storing the surplus of 97 million pounds is approximately $240,000.

Information on abaca

The principal use for abaca fiber is in the manufacture of rope for marine, industrial, and farm purposes. Some quantities of the fiber are also used in the manufacture of various products.

World production of abaca now is at a rate of about 250 million pounds annually. More than 95 percent of this product is from the Philippine Islands.

The United States, Canada, Japan, Europe, and the United Kingdom are the principal consumers of abaca fiber. Consumption in the United States and Canada is at a rate of about 70 million pounds annually, almost half the consumption rate for North America of 10 years ago before the use of synthetic fibers became extensive.

Under congressional authority granted earlier, the General Services Administration sold 5 million pounds of abaca between July and September of 1962 and about 16 million pounds between September 1959 and June 1960. Consumption levels in the United States and Canada at the time of those disposals were not materially different from now. The earlier sales were made without adverse impact upon markets and the General Services Administration is of the opinion that the present surplus can be disposed of without seriously disrupting current markets.

The committee was informed that disposals in the first year will be limited to 5.5 million pounds and that after the initial disposal there will be additional consultation in an attempt to keep disruption of markets at a minimum.

Financial information

The surplus abaca was acquired at an average cost of $0.2525 per pound. The current market price is quoted at $0.22 per pound for Philippine grade, Davao SJ-1, landed New York.

DISPOSAL OF NICKEL

The bill (H.R. 10305) to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 124,220,000 pounds of nickel from the national stockpile which had been reported from the Committee on Armed Services with an amendment on page 1, line 4, after the word "approximately", to strike out "one" and insert "two".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to authorize the disposal, without regard to the prescribed six-month waiting period, of approximately two hundred and twenty-four million two hundred thousand pounds of nickel from the national stockpile."

EXCERPT FROM THE COMMITTEE REPORT (No. 780)

PURPOSE

This bill would (1) grant congressional consent to the disposal of approximately 224,200,000 pounds of nickel now held in the national stockpile, and (2) waive the 6-month waiting period normally required beforse such disposal could be started.

EXPLANATION

Why congressional action required

Under existing law congressional approval is required for the disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of nickel is based on a determination that the quantity of this material in the national stockpile is excess to requirements and not because the nickel is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of nickel by waiving the normal requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The current stockpile objective for nickel is 100 million pounds. The national stockpile inventory is approximately 324,200,000 pounds. Hence, 224,200,000 pounds of nickel are surplus to stockpile objectives.

In November of 1964 the General Services Administration formulated a long-range disposal program for all surplus nickel, including that held in the Defense Production Act inventory. In developing this disposal plan the General Services Administration consulted extensively with all segments of the nickel-producing and the nickel-consuming industries. The initial disposal rate was set at 15 million pounds annually, with specific limitations on the several types of nickel such as electrolytic, cathodes, ferronickel, and nickel oxide powder. Three quarterly offerings have been made and participation has been better than expected. Because of a strong market the disposal rate has been raised to 25 million pounds for fiscal year 1966. Sales of balanced quantities of the several forms of nickel will help to prevent disruption of normal markets and authority to dispose of nickel from the surplus in the national stockpile is needed to permit balanced sales beginning with the second quarter of this fiscal year.

Financial information

Nickel in the national sockpile was acquired at an average cost of 54 cents per pound. The current market price is 79 cents per pound. If this price remains stable, the Government could realize receipts of more than $177 million, of which more than $50 million would be a profit from the sale of surplus nickel.

COMMITTEE ACTION

As referred to the committee the bill authorized the disposal of 124,200,000 pounds of nickel, 100 million pounds less than the entire surplus.

In its original request to the Congress the General Services Administration had sought authority for the disposal of the entire surplus of 224,200,000 pounds.

During a hearing on this bill a nickel industry witness urged that a portion of the surplus should be retained in the stockpile to provide for the possibility that the stockpile objective for nickel might be raised in the future. The committee requested the General Services Administration and Office of Emergency Planning to submit additional information justifying the request for authority to dispose of all the surplus. Letters from these agencies in response to this request appear at the end of this report.

After considering the additional information submitted, the committee concurred in the desirability of authorizing the disposal of 224,200,000 pounds of nickel.

THE LOAN OF NAVAL VESSELS TO FRIENDLY FOREIGN COUNTRIES

The Senate proceeded to consider the bill (H.R. 7812) to authorize the loan of naval vessels to friendly foreign countries, and for other purposes, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I

SEC. 101. Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may lend to friendly foreign nations, on such terms and conditions as he deems appropriate, ships from the reserve fleet as follows:

(1) Italy, two submarines, and (2) Spain, one helicopter carrier.

SEC. 102. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of vessels transferred under this title shall be charged to funds provided by the recipient government under the reimbursable provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation.

TITLE II

SEC. 201. Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may sell or lend, at his discretion, to friendly foreign nations of Latin America from the reserve fleet, on such terms and conditions as he deems appropriate, destroyers as follows:

(1) Argentina, two destroyers, Brazil, three destroyers.

SEC. 202. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of vessels transferred under this title shall be charged to funds provided by the recipient government under the reimbursable provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation.

SEC. 203. Notwithstanding sections 7304 and 7305 of title 10, United States Code, should the President determine that the vessel or vessels shall be sold to the recipient government, said vessel or vessels shall be stricken from the Naval Vessel Register. The vessel or vessels shall be sold at not less than $1,000,000 each over and above any cost of activation, overhaul, or modification. All sales will be made pursuant to the Foreign Assistance Act of 1961, as amended, or successor legislation.

TITLE III

SEC. 301. Notwithstanding section 7307 of title 10, United States Code, or any other law, the President may lend to friendly foreign nations, on such terms and conditions as he deems appropriate ships from the reserve fleet as follows:

(1) Turkey, two destroyers, and (2) Philippines, one destroyer escort.

SEC. 302. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of vessels transferred under this title, shall be charged to funds programed for the recipient government as grant military assistance, or as reimbursable, under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation.

TITLE IV

SEC. 401. Loans executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. They shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States.

SEC. 402. No sale or loan may be made under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such sale or loan is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all sales or loans made under authority of this Act.

SEC. 403. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 404. The authority of the President to sell or lend naval vessels under this Act terminates on December 31, 1967.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXCERPT FROM THE COMMITTEE REPORT (No. 781)

PURPOSE

The bill as amended would authorize the loan of 11 ships to the following countries:

Argentina (destroyers)	2
Brazil (destroyers)	3
Italy (submarines)	2
Spain (helicopter carrier)	1
Philippines (destroyer escort)	1
Turkey (destroyers)	2

The destroyers to be loaned or sold are of the *Fletcher* class (2,100 tons), and the submarine is of the *Balao* class (1,500 tons).

BACKGROUND

The law

Before 1961 U.S. naval vessels could be transferred to friendly foreign nations under the provisions of the Mutual Assistance Defense Act of 1949, as amended. Public Law 82-3, which was approved in 1951, the text of which appears in section 7307 of title 10, United States Code, requires that a battleship, carrier, cruiser, destroyer, or submarine that has not been struck from the Naval Register may not be sold, transferred, or otherwise disposed of without express congressional approval.

Since 1951 Congress has enacted 17 laws relating to ship transfers. Eleven of these laws provided authority for new loans and extensions of existing loans and the other six dealt with loan extensions only.

Summary of transfers

The 17 laws relating to ship transfers enacted since 1951 have authorized the loan of 94 ships, the transfer of 9 ships, and the sale of 4 ships. Of the 94 ships authorized for loan, 72 have actually been loaned. Of the four ships authorized for sale, one has been sold. All of the nine ships authorized for transfer have been transferred.

Requests received

Since World War II the United States has received many requests for ships from foreign countries. These requests have been evaluated in terms of the needs of the requesting countries, mobilization requirements of the United States, worldwide demands on our resources, and the availability of mutual defense assistance funds.

Ships proposed for loan under this bill will satisfy some of the more urgent requests that have been considered. The ships that are proposed for loan under the bill are part of our mobilization base, but they will be in the possession of allies and not lost by the United States.

Definition of a "friendly foreign nation"

Responsibility for determination of a "friendly foreign nation" is vested in the President by sections 503, 506, and 507 of the Foreign Assistance Act of 1961.

TITLE I

This title authorizes the loan of two submarines to Italy and a helicopter carrier to Spain.

The submarines will be used by Italy to replace obsolete submarines now in its navy. The vessels to be loaned would improve the proficiency of the Italian antisubmarine warfare forces. Limited activation of the submarines will be accomplished in the United States before transfer to Italy where they will receive extensive overhaul and modernization.

The helicopter carrier will be used by Spain to build an antisubmarine warfare capability that would be helpful to the United States in combating the threat posed by the submarine forces of potentially hostile nations. The Spanish Government will pay the cost of activation, overhaul, and modernization in U.S. shipyards and will buy helicopters for the carrier from the United States.

TITLE II

This title authorizes the loan of two destroyers to Argentina and three destroyers to Brazil.

These ships will be used by the recipient countries to replace obsolete ships and to standardize on general purpose vessels that are suitable and effective for peacetime surveillance of coastal waters, support of counterinsurgency operations in coastal areas, and wartime patrol of convoy routes along the coasts.

The bill gives Argentina and Brazil the option to purchase the ships at a price of not less than $1 million per ship.

TITLE III

This title would authorize the loan of one destroyer escort to the Philippines and two destroyers to Turkey.

The destroyers will be used by Turkey to meet responsibilities assigned to it by the North Atlantic Treaty Organization.

The destroyer escort for the Philippines is intended as a replacement for the Philippine Navy flagship that was sunk during a typhoon in the summer of 1964. This vessel will also provide a quicker response and a greater force than can now be provided by Philippine patrol ships.

GENERAL PROVISIONS

The loan of the ships under authority of this bill may be for periods not exceeding 5 years and the President may extend the period of the loans for an additional period of not more than 5 years. All loan agreements must contain a provision that the loan can be terminated if necessitated by defense requirements of the United States.

The loan or sale of the vessels must be preceded by a determination by the Secretary of Defense, after consultation with the Joint Chiefs of Staff, that the loan or sale is in the best interest of the United States. The Secretary of Defense is required to keep the Congress currently informed of transfers made under authority of the bill.

The authority to sell or lend vessels would terminate on December 31, 1967. This period of time is needed to provide for negotiation and the orderly planning of activations and overhauls.

FINANCIAL INFORMATION

The cost of the limited activation of the two submarines to be loaned to Italy will be borne by the Italian Government. The Spanish Government will pay the cost of activating the carrier—approximately $10 million—and in addition, will buy helicopters costing $10 million from the United States. Hence there will be an inflow of gold of more than $20 million.

The ships for Argentina and Brazil would result in a minimum of $14.5 million or a maximum of $28.5 million favorable flow of gold, depending on the extent of overhaul and modification and whether the recipient countries desire to purchase the ships.

Even the expense associated with ship loans that is grant aid would be paid by the United States for work done in our own shipyards. Consequently, there is no gold outflow.

The cost of activating, overhauling, and rehabilitating a destroyer varies between $3.3 and $5.7 million and similar costs for a destroyer escort are between $2 and $2.7 million. These costs are typical and vary somewhat from ship to ship.

VIEW OF EXECUTIVE BRANCH

The executive branch originally recommended ship loan legislation in three separate bills. This bill, as amended, does not contain all the loans recommended but the committee was informed that the executive branch supports authority for all the loans contained in the bill.

BILL PASSED OVER

At the request of Mr. MANSFIELD, and by unanimous consent, the following bill was passed over:

H.R. 9247, to provide for participation of the United States in the HemisFair of 1968 Exposition to be held in San Antonio, Tex., and for other purposes.

ORDER FOR ADJOURNMENT UNTIL TUESDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEMISFAIR 1968 EXPOSITION, SAN ANTONIO, TEX.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 759, H.R. 9247; that it be laid before the Senate and made the pending business, not to be acted on before Tuesday next.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 9247) to provide for participation of the United States in the HemisFair of 1968 Exposition to be held in San Antonio, Tex., in 1968, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

OIL CONSUMERS HIT AND HURT BY HOEHN APPOINTMENT

Mr. PROXMIRE. Mr. President, this morning when I opened the Washington Post, I was shocked to read that Secretary Udall has said that if newly appointed oil import administrator Elmer L. Hoehn should lean too far in the direction of industry in administering oil imports he—Udall—and Hoehn's predecessor, J. Cordell Moore, newly appointed Assistant Secretary for Mineral Resources would supply the "corrective."

Now keep in mind, Mr. President, this is the same Elmer Hoehn who was executive secretary of the Independent Oil Producers and Land Owners Association in Kentucky, Illinois, and Indiana, and that has been hammering away at cutting imports of oil.

So Hoehn has just been the hired hand for the special interest dedicated to cutting imports to get their own price to American consumers up.

This is the Hoehn whose job is to allocate oil imports among qualified applicants. He is the man who will issue licenses on the basis of these allocations.

And the Secretary of the Interior says that if Hoehn lives up to his advance billing, in favor of the oil industry, the Secretary and Assistant Secretary Moore will lean on him—will correct him.

Now I ask you, what kind of way is this to run a Department; Secretary Udall is saying, in effect that he will oversee Hoehn's operation, that Hoehn will be closely watched to see that he does not favor industry.

If there is any simple truth in administrative operation it is that in these immense Federal departments with their farflung responsibilities and their thousands of employees, the Secretary as head of the Department cannot possibly watch his subordinates carefully. Nor in fact can his Assistant Secretary. This is exactly why these appointments are so immensely important.

Does Secretary Udall imply that he will issue the import licenses, that he will make the oil import allocations? Of course he won't.

Mr. President, it has been said: "Let me write the songs for a nation and I care not who writes its laws."

Well Mr. President, let me determine who serves in these key subordinate positions in this or any administration and I care not who are in the higher positions. It is the hundreds of Elmer Hoehns who run this Government.

Any efficient executive must delegate to subordinates the authority to make the decisions within the responsibility of that subordinate; and it is clear that the big decisions on imports of oil are delegated to Elmer Hoehn by clear Department policy and experience and directive.

Furthermore, Mr. President, the American oil consumer does not deserve to have a man in this position whose actions must be carefully watched. I pointed out earlier this week that Hoehn's appointment was an insult to the American consumer and now Secretary Udall has confirmed this opinion.

I deeply hope that Secretary Udall will reconsider this rash move. Cordell Moore, Mr. Hoehn's predecessor is a career civil servant. He exemplified the type of man who was beholden to no special interest group.

There is no reason on the face of the earth why another man of this disinterested caliber could not have been chosen for the job.

I am not impugning Mr. Hoehn's character. However, no man can escape his background and his preconvictions and associations. Think of the pressure Mr. Hoehn will be subjected to by his old compatriots. Think of the point of view with which he will undoubtedly approach all policy decisions.

Mr. President, Secretary Udall should make a public, not a special interest appointment to replace Mr. Hoehn. Then there would be no question of "correctives."

The Secretary of the Interior should not be a probation officer.

I ask unanimous consent to have printed in the RECORD the Washington Post article entitled "Udall is Delighted With Oil Import Chief."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UDALL IS "DELIGHTED" WITH OIL IMPORT CHIEF

Secretary of the Interior Stewart L. Udall told a news conference yesterday that he is "delighted" with the appointment of Elmer L. Hoehn as oil import administrator.

Hoehn, a former member of the Indiana House of Representatives, has for the last decade been executive secretary of the Independent Oil Producers and Land Users Association, Tri-State.

When the appointment was announced, Senator WILLIAM PROXMIRE, Democrat, of Wisconsin, scored it as an "unethical betrayal of the consumers' interests. PROXMIRE said the Tri-State group had played an active role in advocating the cutting of oil imports.

"I am delighted that we have someone who has an insight into the oil problem," Udall said yesterday. He said that Hoehn had prepared, at Udall's request, a signed statement that neither he nor any member of his family had any financial interest in oil companies.

The oil import program has been under review for the last 6 months and is now being studied by the White House. Udall said the program, "a very tight, compact, compartmentalized program dedicated to protecting consumers' interests," is now in the final stages of examination.

In response to questions, Udall said that if Hoehn should lean too far in the direction of the industry in administering oil imports, he and Hoehn's predecessor, J. Cordell Moore, newly appointed Assistant Secretary for Mineral Resources, would supply the "corrective."

L.B.J.-H.H.H. STRIKE ANOTHER BLOW FOR CIVIL RIGHTS

Mr. PROXMIRE. Mr. President, the President has today announced several changes in the Government's civil rights program designed to improve our efforts in this field. Among those recommendations is the suggestion that the Community Relations Service be transferred from the Department of Commerce to the Department of Justice. I should like to point out that this recommendation shows, by implication, what remarkable progress we have been making in the field of civil rights.

I know that my colleagues will applaud the recommended reassignment of civil rights functions which Vice President HUMPHREY has made to the President.

I believe that this is one of the most far-reaching proposals for the strengthening and clarification of the goals of this administration within the area of civil rights.

It is indicative of the administrative talents of the Vice President because it brings into clear focus the fact that what we have been doing in the field of civil rights can be continued and even improved by the changes that he has proposed.

By his concurrence in these recommendations, the President has indicated his own feeling that it is of great importance to attach responsibility for effective civil rights programs to each and every official of the Federal Government. As you know, during his term as Vice President, the President served as Chairman of the President's Committee on Equal Employment Opportunity. Because of the heavy workload which he brought to this office and because of the big strides made by the Committee during his chairmanship, he has remarkable understanding of the problems involved in the field of civil rights.

I am sure that Members will agree that his suggested reorganization will allow us to move ahead faster and further in this most important field.

The Community Relations Service was located in the Department of Commerce by the Congress when it enacted the Civil Rights Act of 1964. We did this on the assumption that the primary role of that Service would be to conciliate disputes arising out of the public accommodations title of the act. But the acceptance of the public accommodations provision, even in those areas of our country where those provisions constituted a reversal of generations of local custom and practice, has far exceeded our most optimistic predictions.

Thus, what we expected to be the primary function of the Community Relations Service has all but disappeared. The President's proposal—which was recommended by the Vice President in his capacity as Chairman of the President's Committee on Equal Opportunity—seeks to locate this valuable service where it can make greater contributions to other aspects of the race relations problem. Locating the service in the Attorney General's office will enable it to supplement the broad and deep experience of the Department of Justice in racial matters. From that vantage point, the Service can call upon the appropriate departments of the Government to conciliate any disputes which arise.

At the same time, the clearinghouse and data-gathering functions, currently performed by the Community Relations Service, will be taken over by the Civil Rights Commission, which already has similar responsibilities.

These and other changes will be coming before the Congress as part of a reorganization plan to be submitted at the next session. Not only will such a plan eliminate costly duplication of effort, but it will greatly strengthen the Government's ability to fulfill its civil rights responsibilities under the law. It represents another step closer to our goal of assuring equal opportunity and full freedom for all our citizens.

A WELCOME TO MADAME CHIANG KAI-SHEK AND DEFENSE MINISTER CHIANG CHING-KUO

Mr. FONG. Mr. President, the Washington community is privileged at this time to be the host for two distinguished citizens of the Republic of China. The gracious First Lady, Madame Chiang Kai-shek, is here on an unofficial visit, while her stepson, Defense Minister Chiang Ching-kuo, is the guest of the Secretary of Defense.

Today I wish to extend my personal aloha to Madame Chiang Kai-shek and to Defense Minister Chiang Ching-kuo, and to commend them for helping to keep the Republic of China "the guardian rock in the western Pacific standing watch in a tossing, churning, treacherous sea."

A concrete manifestation of the strength of the Republic of China is its economic stability, which prompted the United States to terminate our economic assistance programs to Taiwan earlier this year. I congratulate the Republic of China for its economic victory over years of struggle against overwhelming odds, and I am confident that the energy, foresight, diligence, and skills which the free people of Taiwan and their great enlightened leaders have demonstrated will lead them to even greater progress and prosperity in the future.

I am happy to note that Dr. Diosdado M. Yap, president and editor of Capital Publishers, Inc., and a well-known scholar on the problems of the Far East corroborates my optimistic outlook of the Taiwan economy. In his brief, but extremely comprehensive, study entitled "What Now For Free China?" Dr. Yap wrote:

> Despite the termination of U.S. aid at the end of June, the prospects for industrial development were never better.

Mr. President, I ask unanimous consent that the following excerpt from Dr. Yap's timely booklet be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

INVESTMENT OPPORTUNITIES IN TAIWAN

Taiwan never had it so good. Despite the termination of U.S. aid at the end of June, the prospects for industrial development were never better.

In the last decade, the private sector of Taiwan's economy has been hustling and bustling toward an Asian prosperity that is unprecedented except in Japan.

In only 10 years, the gross national product has risen 45 percent. Foreign exchange reserves are at an alltime high. Exports are climbing. Per capita income exceeds U.S.$150.

Not long ago, agricultural products were the major export items. Now the leading products include textiles, timber and products, ores, metals and manufacturers, and cement.

As the fourth 4-year economic development plan got underway in January of this year, Taiwan had reached the point of having to make the leap from high-profit, low-investment small industry to low-profit, high-investment heavy industry. The need is for steel, petrochemicals, synthetics, and other highly sophisticated products requiring huge capital and immense know-how.

Natural gas, a raw material that can provide petrochemical intermediates, has an estimated reserve of 18.5 billion cubic meters. Its abundant supply and a fast-growing, man-made fiber and plastics industries assures rapid development of petrochemicals. Natural gas also can be used as fuel in making steel.

The Chinese Petroleum Corp.'s refinery in Kaohsiung produces naphtha, the other basic material of petrochemicals. The government's development program calls for joint private-public investment to expand the production of natural gas and naphtha.

Foreign investment will be welcomed and helped to establish heavy industries. The Allied Chemical Corp. of the United States, which is already making urea fertilizer from natural gas in Taiwan, is investing U.S.$28 million to produce petrochemical intermediates for dacron and nylon fibers.

The National Distillers & Chemical Corp., also of the United States, will build a plant costing more than U.S.$7 million to make polyethylene, a raw material of plastics.

Polypropylene, a petrochemical raw material for fibers, can also be made from natural gas. The construction of a polypropylene plant with capacity of 15 million pounds a year is projected.

Most of some 50 steel mills in Taiwan are small and poorly equipped. As industrial development accelerates, the need for iron and steel products will soar to the point where an integrated steel plant should be profitable. A plant with annual output of 170,000 tons of rolled steel products would require investment of U.S.$60 million.

Metal processing also requires considerable investment and development. The Metal Industries Development Center, established with the financial assistance of the U.N. Special Fund, is helping with employee training, improving cost control and plant equipment, and developing new products. Growth of this industry will lead to reduction in machinery imports and enable Taiwan to manufacture machinery and parts for foreign factories.

The government will encourage the export processing industry in an attempt to maintain the annual rate of industrial growth at 11 percent. The construction of an export processing zone has begun at Kaohsiung. Factories will be entitled to all tax benefits available under the existing investment law and also will be exempted from paying import duty on equipment, raw materials and semifinished components. Commodity taxes will not be levied, and import and export licensing requirements will be reduced to a minimum.

Nor has the saturation point been reached for light industry. Investment studies have recommended plants making optical products. Watches and clocks also are sure profitmakers.

For any size plant, a profitable future is assured by such advantages as low-cost skilled labor, sites at reasonable prices, a stable social and political environment, and government cooperation and assistance.

AN ILL-CONSIDERED ACTION

Mr. YOUNG of Ohio. Mr. President, our late, great President John F. Kennedy was proud of his accomplishments in connection with the creation, organization and strengthening of the Alliance for Progress and it was largely by reason of his leadership and farsightedness that we overcame the enmity of people of Latin America and stilled the slogans "Yankee, go home," "Viva, Castro," and the charge of Yankee aggression and Yankee imperialism.

In fact, never since the time of the good neighbor policy of Secretary of State Cordell Hull was our relationship so close and so friendly with Latin American people and rulers as was accomplished by the Organization of American States in the exercise of individual and collective defense of the Western Hemisphere and joint action of all members to prevent, or combat, Communist subversion in all areas of South and Central America.

Unfortunately, recently in the other body, House Resolution 560, with a lot of "hoopla" and evidently very little thought, was adopted by a vote of 312 to 52. This resolution was not requested by our President who certainly has the prime responsibility for the conduct of our foreign affairs. It was a gratuitous slap at the governing officials of all Latin American republics. This resolution asserted that our Nation would go anywhere that it chooses in the Western Hemisphere without consulting heads of state of our neighbor nations to take any action we, as one nation of the Organization of American States, decided to take to halt Communist subversion in this hemisphere. Unfortunately, passage of this resolution no doubt pleased and encouraged Communist elements in countries such as Peru, Brazil, and, of course, in Castro's Cuba. The only nation really harmed by the adoption of this resolution was the United States of America. It is to be hoped that no such resolution will be introduced, or seriously considered, in the Senate. Such action as was taken in the other body has been, and should have been, resented by our Latin American friends. Its net effect would make Communists rather than prevent communism.

Furthermore, as a matter of propaganda, reading from this resolution one's attention is immediately called to the following utterly false statement:

> The subversive forces known as international communism, operating secretly and openly, directly and indirectly, threaten the sovereignty and political independence of all the Western Hemisphere nations.

It seems fantastic for a majority of Members of either body of the Congress to broadcast to the world that communism threatens the sovereignty and political independence of all nations in the Western Hemisphere which would include Canada and the United States. I repudiate and deny as absurd any statement that "subversive forces known as international communism, operating secretly and openly threaten the sovereignty and political independence" of the United States or Canada. Of course communism thrives on misery, unemployment, hunger and in nations where the ruling oligarchy keeps peasants and laborers in conditions of helplessness, squalor, misery, and servitude.

If the other body of this Congress has nothing more constructive to do than pass such a resolution then it should adopt a resolution to recess or adjourn sine die.

BIG BROTHER: LIE DETECTORS

Mr. LONG of Missouri. Mr. President, one aspect of invasions of privacy is the growing use of polygraphs—the so-called lie detector—both for law enforcement work and in many other fields of activity. One of the latter is the use of polygraphs to test the reliability of prospective employees, both in Government and industry.

In my view, the lack of professional training of operators is one of the weakest links in the use of this privacy invader. This and other shortcomings of the polygraph have been brought to the attention of the Congress and the public in a set of most interesting and valuable hearings which have been conducted by the able Representative from California, Mr. JOHN MOSS.

Recently, Mr. Lee M. Burkey, of the Illinois bar, wrote a most enlightening article on this subject in the September 1965 issue of the American Bar Association Journal. I ask consent that this fine article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE AGAINST THE POLYGRAPH

(By Lee M. Burkey, of the Illinois bar
(Chicago))

Public attention frequently has been drawn to the polygraph through press reports of its use by law enforcement agencies or by politicians who propose it be used to settle disputed points of fact arising from the fervor of political debate. Interest has been heightened recently by the efforts of organized labor to ban its use in industry.

The polygraph, better known as the lie detector, is an electronic device that, on being applied to the human body, graphically records blood pressure, pulse, respiration and perspiration. Its use as an investigative technique is based on these assumptions: (1) that lying leads to conflict, (2) that conflict causes fear and anxiety, (3) that this mental state is the direct cause of measureable physical changes that can be accurately recorded on the polygraph and (4) that the polygraph operator by a study of these reactions can tell whether the subject is being deceptive or truthful. None of these assumptions is wholly true. Even the most enthusiastic supporters of the polygraph readily concede that errors are made.

Since efforts were first made to introduce lie detector results in evidence, the great majority of State and Federal courts, believing the method to be scientifically unreliable, have refused to permit them to be introduced either in criminal or civil proceedings.[1] With few exceptions,[2] courts have also denied admission of test results even though the parties have stipulated to their use.[3] Illinois, by statute, not only forbids the court's requiring that a litigant submit to a lie test in any civil trial or pretrial proceeding,[4] but in a criminal trial also forbids the court's making such a suggestion.[5]

COMMERCIAL OPERATORS SELL POLYGRAPH'S USE

Commercial polygraph interests, finding their methods rejected by the courts, have nevertheless continued to foster the myth that the polygraph is an extremely accurate, if not infallible, method of getting at the truth. A vigorous campaign has been waged in the last decade among employers to secure its adoption as a supplement to other traditional methods of plant security. The result is that more and more employers, assuming that use of the polygraph is an efficient and relatively simple method of stopping thefts within the plant, are requiring their employees to take the tests. Some employers also subject all job applicants to a preemployment screening that includes a polygraph examination. It has been estimated that there are now approximately 3,000 polygraph operators in the United States who give between 200,000 to 300,000 tests each year. In 1963 the U.S. Government alone gave over 19,000 tests.

Unlike suspects taken into custody by the police, who may not have lie tests used against them in judicial proceedings, employers with no evidence other than the test results frequently discharge employees suspected of unlawful conduct. As the loss of a job under these circumstances means the loss of reputation and may effectively bar a worker from future employment, it is no surprise that labor opposes its use. At first labor's opposition was expressed only by contending in labor arbitration proceedings that under a labor contract an employer did not have "just cause" for the discharge of an employee when the evidence of wrongdoing was based solely on the employee's failure to pass a lie test or on his refusal to take one. Most arbitrators have agreed.[6] Administrative bodies, such as civil service commissions, unemployment compensation boards of review, and the National Labor Relations Board, after some hesitancy, are also taking a similar position.[7]

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[1] *Frye* v. *United States*, 293 Fed. 1013 (D.C. Cir 1923.)

[2] *People* v. *Houser*, 193 P. 2d 937 (Cal. 1948); *State* v. *McNamara*, 104 N. W. 2d 568 (Iowa 1960); *State* v. *Valdez*, 371 P. 2d 894 (Ariz. 1943).

[3] *LeFevre* v. *State*, 8 N. W. 2d 288 (Wis. 1943).

[4] Illinois Revised Statutes ch. 110, sec. 54,1.

[5] Illinois Revised Statutes ch. 38, sec. 736.2.

Concurrently with these developments, labor groups at local and State levels also have sought legislation forbidding the use of the lie detector either on employees or job applicants. Six States now forbid the imposition of polygraph tests on employees by employers as a condition of employment[8] and similar legislation is being considered by the legislatures of several others. Early this year polygraph testing suffered another setback when the Executive Council of the American Federation of Labor-Congress of Industrial Organizations initiated a national campaign to prohibit the use of the lie detector in labor relations.

In response to the criticism implicit in the opposition of organized labor, the proponents of lie detectors are trying to raise qualifications of polygraph examiners, whose standards are still so deplorably low that one authority, Fred E. Inbau, professor of law at Northwestern University, has publicly stated that 80 percent of the polygraph operators are not qualified to interpret the results.[9] Of the three States now requiring licensing of polygraph operators, Illinois has adopted what is regarded as a model act. Under it a polygraph operator must have "an academic degree at least at the baccalaureate level" and have "satisfactorily completed not less than 6 months of internship."[10] Because this act permits persons who have administered "detection of deception examinations for a period of 2 years" prior to the passage of the act to continue to do so, it is obvious that many years must pass before the unqualified are eliminated. Furthermore, it is doubtful that the act really upgrades the standards of examiners, for the mere possession of an academic degree does little, if anything, to qualify an operator unless the degrees are advanced ones in the physiological or psychological sciences.

Despite growing public interest in the subject, few impartial studies have been made on the validity of polygraphic investigation, probably because of the difficulty in checking the results against irrefutable extrinsic facts. The suspect who beats the lie box does not say so, and even confessions themselves are frequently misleading, as those experienced in criminal investigation know. Several years ago a Chicago judge bitterly criticized a nationally known polygraph firm for obtaining a confession from a 13-year-old boy that he had set fire to a school, thus causing the death of nearly a hundred people. The judge rejected the confession as inconsistent with all the other evidence in the case. Unlike the cardiograph and other techniques for diagnosing illness, the validity of which can be verified by autopsy, there is no independent means of confirming whether a person who is cleared or condemned by the polygraph has or has not told the truth.

Illustrative of the hazards of the polygraph to the emotionally disturbed is a report in the American Journal of Psychiatry of a young bank officer who, while taking a routine lie test, violently reacted to questions about ever having stolen money from the bank or its customers. Believing that the polygraph could not be wrong, he confessed to thefts that subsequent audits revealed had not taken place. Finally, on receiving psychiatric treatment, he was found to have deep guilt feelings about his wife and mother, both of whom were bank customers. The psyhiatrists who examined him criticized the polygraph examiner, saying:

"Psychological factors other than conscious deception causing deviant autonomic responses include such situations or stimuli that produce frustration, surprise, pain, shame, embarrassment, etc. Some of these stimuli (e.g., startle and pain) are almost universal (though there are some exceptions), whereas others (frustration, shame and embarrassment) tend to be more idiosyncratic. The polygraph examiner may not and the commercial operations usually do not, know enough about their clients to evaluate these idiosyncratic factors. This aspect is even more complex when the client is, himself, unconscious of the emotional quality of the stimuli."[11]

The Warren Commission likewise conclude that physiological responses due to factors other than deception, such as fear, anxiety, neurosis and other emotions, had to be given consideration in evaluating the polygraph.[12]

A team of professional psychologists who had been engaged in extensive research on polygraph techniques and the claims of commercial operators recently came up with this startling conclusion: "* * * there exists no public body of knowledge to support the enthusiastic claim of operators. There are no publications in reputable journals, no facts, no figures, tables or graphs. In short, there is nothing to document the claims to accuracy or effectiveness except bald assertions."[13]

They reported that the only adequately controlled studies of the effectiveness of the lie detector that have been made by physiological psychologists indicate that the degree of success is close to 70 percent—a much lower figure than the usual 95 to 99 percent estimate made by the commercial polygraph operators.

If the lie detector is wrong 3 out of 10 times, it certainly carries a margin of error that justifies the continued reluctance of the courts to permit its use and that explains labor's strenuous effort to ban its use in industry.

CONGRESSIONAL HEARINGS RESULT IN CRITICISM

Extensive hearings on the use of the polygraph were held in 1964 by a subcommittee of the Committee on Government Operations of the House of Representatives, under the chairmanship of Congressman JOHN E. MOSS, of California, after the propriety of the conduct of some of the Government's polygraph operators was questioned. When those hearings were concluded, the committee issued a scathing report in which it said there is no such thing as a "lie detector".[14] This view seems to coincide with that of J. Edgar Hoover, Director of the Federal Bureau of Investigation, who in connection with the Ruby investigation made this comment:

"It should be pointed out that the polygraph, often referred to as 'lie detector,' is not in fact such a device. * * * The FBI feels that the polygraph technique is not sufficiently precise to permit absolute judgments of deception or truth without qualifications."[15]

The Committee on Government Operations emphasized that many physical and psychological factors make it possible for an individual either to beat the polygraph when guilty or to fail to pass it when innocent. It also decried the fact that the polygraph technique forces an individual to incriminate himself and often to confess to past conduct not pertinent to the original purpose of the examination.[16]

One distinguished authority, after careful analysis of the theory of lie detection by polygraph, has said: "There seems to be little evidence that upholds the claim to a regular relationship between lying and emotion; there is even less to support the conclusion that precise inferences can be drawn from the relationship between emotional change and physiological response." He added that because of these basic theoretical limitations he saw "little reason for supposing that a test with very high unconditional accuracy will ever be developed."[17]

To the frequent suggestion that suspects should be permitted "voluntarily" to take lie tests, the committee replied that as long as notations are made in any official file on an individual that he has refused to take a polygraph test, the examination is in no sense "voluntary."[18] All too often a refusal to take the test is regarded as additional evidence of guilt. It is obvious, though, that none of the defects of the polygraph method are overcome merely because a person voluntarily submits to it. The innocent volunteer may rue his naivete when the results are released.

USE BY EMPLOYERS CANNOT BE JUSTIFIED

No doubt the polygraph will continue to be regarded in some quarters as a valuable investigative aid, particularly when it evokes confessions from those who believe in its infallibility, but its use by civil authorities and employers, to the exclusion of a sound and thorough investigation of extrinsic facts, cannot be justified. The argument advanced by advocates of the use of the lie detector that to resist its use is to protect the guilty becomes specious once the defects of the machine and the false assumptions of the method are recognized.

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[6] For representative cases, see *General American Transportation Corporation*, 31 Lab. Arb. 355 (1958); *B. F. Goodrich Company*, 36 Lab. Arb. 552 (1961); *Continental Air Transport Company*, 38 Lab. Arb. 778 (1962); *Louis Zahn Drug Company*, 40 Lab. Arb. 352; *Lag Drug Company*, 39 Lab. Arb. 1121 (1963).

[7] *Stape* v. *Civil Service Commission*, 172 A. 2d 161 (Pa. 1961); *Swope* v. *Florida Industrial Commission*, 159 So. 653 (Fla. 1964); *Lone Star Company*, 149 NLRB No. 67 (1964).

[8] Massachusetts, Oregon, California, Rhode Island, Alaska, and Washington.

[9] Hearings Before the Subcommittee of the House Committee on Government Operations ("Use of Polygraphs as 'Lie Detectors' by the Federal Government"), 88th Cong., 1st sess. pt. 1, at 8 (1964).

[10] Illinois Revised Statutes ch. 38, sec. 961.

[11] Dearman & Smith, "Unconscious Motivation and the Polygraph Test," American Journal of Psychiatry 1017 (May 1963).

[12] Report of the President's Commission on the Assassination of President Kennedy, 813 (official ed. 1964).

[13] Sternbach, Gustafson & Colier, "Don't Trust the Lie Detector," Harvard Business Review, November-December, 1962, page 127, 130.

[14] H. Rept. Doc. No. 198, 89th Cong., 1st sess. 13 (1965).

[15] Warren Commission Report, op. cit. supra note 12, at 815.

[16] H. Rept. Doc. No. 198, 89th Cong., 1st sess. 12, 19, 20 (1965).

[17] Skolnick, "Scientific Theory and Scientific Evidence: An Analysis of Lie Detection," 70 Yale L. J. 694, 726, 727 (1961).

[18] H. Rept. Doc. No. 198, 89th Cong., 1st sess. 20 (1965).

The delicate problem of balancing the protection of property against the preservation of human rights will become more urgent as Americans seek to combat the increase in crime, but if the price of its reduction is the destruction of innocent men, the price is too great. The reason for our concern for the rights of the innocent was never better explained than by that stanch lawyer-patriot, John Adams, when in defense of the British soldiers involved in the Boston Massacre he reminded the jury that in their zeal to punish the guilty they should not disregard their duty to protect the innocent, and said: "* * * it may be proper to recollect with what temper the law requires we should proceed * * * we find it laid down by the greatest English judges * * * we are to look upon it as more beneficial that many guilty persons should escape unpunished than one innocent person should suffer. The reason is because it is of more importance to the community that innocence should be protected than it is that guilt should be punished."[19]

WHY LIE TEST RESULTS ARE NOT EVIDENCE

The courts, arbitrators and administrative bodies have usually justified their refusal to admit lie test results in evidence for the following reasons:

1. The machine's operation and interpretation depend wholly upon the skill of the operator, many of whom have little or no training in either the psychological or physiological sciences.
2. The emotional state of a sensitive person may render the test less accurate or in some instances useless.
3. The machine itself is not free from error.
4. There is no conclusive proof that a physical response correlates with the mental state of the subject.

In addition to finding the polygraph to be an essentially unscientific and unreliable investigative method, many recent administrative decisions also hold that its use violates the right of privacy and the right against self-incrimination. If these decisions are any guide, emphasis will probably continue to shift from science to civil rights in future cases.

THE RECENT CIVIL DISTURBANCE IN THE WATTS AREA OF LOS ANGELES

Mr. MURPHY. Mr. President, tragic riots in the Watts area of Los Angeles have attracted the attention of the Nation and have caused much speculation as to the causes of the riots and as to the conditions in that area. Since those terrible events, I have myself visited the area and discussed the situation with many community leaders, including the able mayor and chief of police of Los Angeles.

Recently my attention has been drawn by two articles in U.S. News & World Report which I believe deserve reading by interested persons—and I think all our citizens should be interested in this matter.

Morton B. Jackson, a very capable young Los Angeles attorney, who also conducts a weekly radio program, broadcast a speech which contained a frank and extremely articulate discussion of the riots. That speech was reprinted in the September 20 issue of U.S. News & World Report. The September 27 issue of the same publication contains an article by the distinguished Director of the Federal Bureau of Investigation, J. Edgar Hoover, entitled "Police Brutality: How Much Truth—How Much Fiction?" In view of the fact that this issue has been raised in the Los Angeles riots and Chief Parker, who commands the respect of law enforcement officers and understanding citizens across the Nation for his efficient administration of the Los Angeles Police Department, has had to deal with it, this article has a timely application to the Los Angeles situation. I ask unanimous consent that these two articles be printed in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report,
Sept. 20, 1965]

"SECOND CIVIL WAR"—A CLOSER LOOK AT LOS ANGELES RIOTS

(Following are excerpts, reproduced by special permission, from the transcript of an address, "The Second Civil War," broadcast by M. B. Jackson over radio station KMPC and TV station KTLA, Los Angeles, Aug. 15 and 16, 1965.)

One hundred years ago the Civil War ended and, with it, the bloodiest episode in our country's history. Not many realize it, but the Civil War toll in dead and wounded was greater than that in all other wars in which we have been involved put together—including World War II and the Korean War.

Recently, Los Angeles has witnessed and been the victim of a state of anarchy and virtual civil insurrection probably unmatched since the last one.

To deny that it was racial in character or motivation—as some have attempted to do—would be like denying that slavery was an issue in the Civil War. It erupted in a depressed, heavily Negro area, and has been fought and carried on by Negro mobs and gangs consisting of young and old alike.

Slavery was a secondary issue in the Civil War. The preservation of the Union was the principal one. By the same token, the racial aspect of this second one is a secondary, albeit important, issue. The preservation of the fabric of our society and our type of government is the principal one here.

The consequences of the Los Angeles rioting sound like a catalog of major crimes: riots, pillage, arson, looting, murder, aggravated assault, armed robbery, beatings, burglary—you name it. Scenes of fire and destruction remind one of London during the Battle of Britain—and they call to my mind many vivid combat scenes during the war in the Pacific.

The extraordinary thing is that this should have happened in California. This is not the Deep South. Los Angeles has an enviable record for good race relations among its citizens, and they are justifiably proud of it. It has its poorer sections—no large city is without them—but they are nothing compared to some of the slum areas in the large northern cities of this country—to say nothing of other large cities in the world.

Why did it happen here? What caused it? What is the answer? What is the cure?

As usual with anything as cataclysimic as this, there are no easy answers. But many of the basic factors involved are not difficult to identify. The trouble is, however, that they are unpleasant to face, and people in positions of responsibility and leadership in the community—National and State as well as local—frequently try to sidestep them or avoid coming directly to grips with them in the terms they require.

We might start off by eliminating a few shopworn excuses that are invariably offered up when situations like this break out, and are beginning to be peddled about in this one.

The first of these, and probably the most vicious, is that police brutality—that old bugaboo—is responsible for the whole mess. A few eastern commentators have already played this tune. But it just doesn't play this time.

Los Angeles has probably the finest metropolitan police force in the country, if not the world—and I am familiar with many of them. Its record and efforts in the field of community and race relations is practicularly noteworthy, and it is there on the record for anyone who is interested in facts to check. I made a point of this myself a year or so back and spoke not only with Chief [William H.] Parker and several of his people, but also with several prominent members of the Negro community, including one who is now a member of the city council.

At that time, complaints of police brutality were among the reasons cited by those who favored the creation of a police review board. When asked for examples of this, they invariably boiled down to complaints of "verbal brutality"—use of offensive language, or at least language offensive to Negro sensitivities. I was cited to not one example of actual, physical brutality. Even this complaint was met by a special training course given to police officers who were instructed in the niceties of language to be employed when dealing with Negroes, and particularly when handling Negro suspects.

Actually, no better evidence of the lack of police brutality is furnished than the very restraint with which our law enforcement officers have conducted themselves under conditions of extreme provocation during the rioting * * *.

Parenthetically, I frequently wonder how it is that those who get themselves so worked up over "police brutality," so-called, can feel so little apparent corresponding concern over the brutality practiced on hundreds of innocent citizens by lawless mobs.

The second cliche which is being offered up is that the Negro is simply reacting by giving vent to long-pent-up frustrations—that he has been held down and mistreated too long, and the inevitable reaction is setting in. One is given the impression that this has been the result of a deliberate, almost single-minded conspiracy on the part of the white community. The utterance comes as a sort of breastbeating, a mea culpa, and it is heard from white and Negro apologists alike who, incredibly, seem to justify and excuse, in their own minds, murder, arson, assault, armed robbery, and every other crime in the book by the mere fact of social maladjustment or economic underprivilege.

Again, this one does not play, because it does not square with the facts—nor does it face them.

The opinionmakers in our society today—the journalists, writers, political leaders, etc.—seem to have a preoccupation with sickness, social and physical * * *. However, let's consider for the moment a different type of citizen from the one we have heard so much about recently. He is the one you never hear of, and seldom hear from, but, contrary to the impression that might be gained from reading the papers, he represents the vast majority of the people in this country.

This citizen has educated himself—has taken advantage of the marvelous schools this country affords. He works for a living and supports himself and his family. He pays his taxes, and he doesn't complain too loudly over the fact that they are high and that a large part of them goes to pay the cost of maintaining programs for the relief of those who haven't gone at things the way he has. He is probably making payments on his own home, but the property taxes are getting so high that he wonders if he will be able to hang on to it. Welfare programs, which soak up over half of this State's budget, alone keep pushing them further and further up.

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[19] 1 Smith, John Adams 124 (1962).

Our Mr. Citizen obeys the law. He may grumble at an occasional traffic ticket, but he has respect for the officer nevertheless. He probably uses his seat belt when he drives but, more importantly, he respects the rights of others on the highway. He supports and stays with his wife and children, and he is concerned to see that his children receive a good education, hopefully at the college level, so that they may do better in life than he has done. He probably belongs to his local PTA, and very likely is a member of his community church. The likelihood, also, is that he put in a weary and dangerous stint fighting for his country, and that his son may possibly be in Vietnam now, or at least available for the draft. Neither he nor his son relishes the idea, but they accept the obligation.

This Mr. Citizen we have been talking about has a quality that is part of the root structure of our society—a sense of responsibility. He is a vital and accepted part of his community because of his contribution to it. This is the essence of his identity with it. He doesn't take or demand—he gives, contributes, in the best sense of our common Judeo-Christian tradition. As a consequence he is respected.

It was this sense of obligation, this notion of personal responsibility, and this type of contribution to the community, which gave rise to our Nation and gave it the character which has kept it stable and thriving for 200 years. * * *

You will notice that the Mr. Citizen I am talking about is not white or black or yellow or red, because his qualities still characterize the vast majority of our countrymen, including the vast majority of our so-called minority communities—Negro, Jewish, Chinese, Japanese, Mexican, Polish, Italian, Irish, Scandinavian, or what have you.

These citizens contribute to their communities. And they ask only to be secure in the equal protection of the law which it is the government's obligation to extend to them. They don't bother their neighbors, but they demand, and have a right to expect, protection from injury by neighbors who would bother them.

STARTLING CONTRAST IN MINORITIES

These citizens stand out in startling contrast to those in that community which spawned the bath of fire and blood recently witnessed here: one where crime is rampant; where over 1,000 felonies have been logged in the last few months, including 196 murders and other major crimes; with an illegitimacy rate of 25 perent or higher and a divorce rate of 33 percent or higher; an area containing at least 500 probationers from the commission of major crimes and a large proportion of whose population lives on relief.

The lawless fringe of this same community in the Nation as a whole is responsible for over 50 percent of the crimes of violence committed in the country.

Their insurrection is indeed connected with these conditions. But to cite these conditions as the cause of what occurred here is, I think, to confuse the symptoms with the sickness.

The Negro has very legitimate grievances in certain parts of the country, and most certainly has every right to demand equal treatment under the laws of our country. He has just witnessed a massive and historic Federal legislative accomplishment designed to secure to him these very things in the diminishing areas where they have been denied, and to secure to him equality of opportunity in every area where he can legitimately expect it.

Parenthetically, it might be noted that the principal sectors of recent Federal civil rights legislation have already been on the books as State law in California for many years.

But the demands have gone beyond this, and they have received encouragement and even incitement from various political and community figures on the local and national scene. On the fringes of the rights' cause one hears these shrill voices on every hand demanding equal this and equal that, with no corresponding note of the obligation, contribution or responsibility which economic or social stature inevitably requires.

TO LAWLESS, AN INVITATION TO RIOT

To the lawless and irresponsible elements of the Negro community—and I emphasize again that, as with other sections of our national community, they represent a minority—these incitements and exhortations amount to an invitation to lash out and take by force that which they are constantly told has been denied them and withheld from them. They receive encouragement from all sides to disregard the law—pay no attention to it—to treat our law-enforcement officers with contempt or worse. Our youth and theirs have been invited to challenge and question authority. Our police are systematically restricted further and further in the fundamental tools of law enforcement they may employ in order to maintain public safety and arrest and punish criminals.

Small wonder then that, when the occasion arose on a steamy night in Watts, this lawless, irresponsible element of the Negro community decided to give it a try—and have a ball. Which is just exactly what they did.

They had been encouraged to believe that they were only taking what was rightfully theirs and what had been wrongfully withheld from them all these years. They had been told they were being willfully suppressed, so they were getting even.

One could see it written on their faces as they emerged from gutted stores loaded down with loot. They seemed actually to be proud of what they were getting away with.

It was a tragedy for the entire community. It was a tragedy for the poor fools who delighted in the rampage—tragic because they didn't realize they were destroying the very things they want most to gain.

The even greater tragedy, however, lies with the responsible members—the great majority—of the Negro community who must live and suffer with the humiliation done them by their own people, as well as the incalculable hurt this has done to their own cause.

What is the answer?

Taking first things first, the immediate answer, quite simply, is force: sufficient force to restore law and order and to fulfill government's primary obligation to insure the safety and protection of the public. Here is one situation where the obligation to the law-abiding citizen and the community must take precedence over feelings of concern for the salvation of the criminal. * * *

Secondly, every effort should be made to assure the capture, the conviction and punishment of those whose crimes can be identified and proved. The restoration of order will be merely temporary if those who caused it—or are disposed to emulate it—are not swiftly and surely convinced that they will wind up behind bars for their pains, instead of being fawned upon or even lionized as social misfits.

Thirdly, and most importantly, we need some basic rethinking among our own community leadership and among the Negro community on new approaches to the Negro's final goals: an approach with a little less "gimme" and a lot more give, an approach which emphasizes responsibility rather than privilege.

It is an approach which has worked before, and the only one which can produce lasting results. A shining example is our Japanese community, which has known discrimination—official and unofficial—as deep, as unyielding and as vicious as any in our midst, but one which has, by its own integrity, hard work, sense of responsibility, and by the magnitude of its contribution to the community as a whole, earned a well-merited respect and an honored and accepted place in that community. Dwelling on the senselessness of the prejudice and the baseless suspicion and animosity they had to overcome in the process is a useless exercise; it is merely accentuating the negative, a mistake which the Japanese never made. The important thing and the one which should attract our attention now is how they overcame it—the positive action they took to pierce that curtain of prejudice and to shred it.

Another community in our midst that knows these truths very well is the Jewish one. They have known this problem for centuries. Their situation in our society today is the postive and eloquent evidence of how well they have learned and practiced these same truths. Their contribution to our society in every field—business, arts, sciences—is immeasurable and this country would be poorer without them, considerably poorer.

Each of us has the right to expect equality of opportunity: the right to start out from the same starting line, to be judged on his own performance, on the merits, by the same ground rules, and to harvest the reward of patient and diligent effort, and to be secure in those fruits.

But none of us has the right to demand, of society or anyone else, that these fruits, without the commensurate effort, be handed over on a platter.

REAL AIM OF CIVIL RIGHTS LAW

The civil rights legislation recently passed is designed to insure, to the Negro and to everyone else, precisely such equality of opportunity. And it means to say: If there have been obstacles in your path, we have done our best to remove them; now it's up to you.

The law does not say, and could not safely attempt to do or say, that equality of accomplishment or equality of wealth is yours, as a matter of right, and will be guaranteed to you. But this, in effect, is precisely what many of these shrill voices are demanding, and what many of the lawless and ignorant, as a consequence, have been led to expect. They see visions of television sets and other goodies, private homes with views and two cars in each garage in sections of their own choosing, etc., now as a matter of right.

These things can be had when they are earned—and only then—as others who enjoy them have learned. To insist otherwise is to sound the death knell of our society. It's worth recalling that the funds allocated by government to relief and welfare programs and to rehabilitation projects are there to be used only because other citizens earned them and were responsible enough to pay their taxes. If the responsible are taxed to subsidize irresponsibility, society takes a downturn.

But the important thing is that all the demands and petitions and grievances and demonstrations in the world cannot give to the Negro the thing he most wants—respect: the respect of others and, almost more important, self-respect. Even though society as a whole might gladly bestow it, if only to solve the problem, it cannot be done. Respect cannot be demanded or given. It has to be earned. It has to be merited.

Here is where the basic rethinking must start. It must, I think, start with the Negro leaders themselves. They must say to their own people: "We have fought hard for laws which will insure to us a fair shake, and we are on the threshold of a new day. Now it is up to us to make the most of the opportunity this gives us. It's time to roll up your sleeves, spit on your hands and go to work. Keep your children in school. Reeducate yourselves. Keep your homes together. Learn to know your community and learn to know its police and other peace officers—they're not bad types at all when you get to know them; they would like to help you, if you would give them a chance. And, above all, don't let yourself be suckered into the temptation or the luxury of claiming that every setback or disappointment is the fault of some white man or some brutal cop. It may seem comforting to tell yourself that, but it's phony comfort and one that will betray you. If you want decent things—good housing, good jobs, good education—then work for them—put out. The opportunities are there, but the job is up to you."

This is largely the job of the Negro leaders themselves, for such advice from the white community would probably be ill received. Dutch uncles are sometimes listened to; outsiders, seldom.

But the community leadership as a whole, from the President on down, has a tremendous role to play also in redirecting and reorienting this basic thinking: a little less negativism, a little more positive approach; a little less political emotionalism, and a little more commonsense. Educational and vocational-rehabilitation programs now on the boards should be given every push, but with wise and sensible administration and without political coloration.

Welfare programs should be reshaped and directed toward the relief of the needy, yes. But funds should be used on an open-ended ad infinitum basis to support only those who are permanently indigent through no fault of their own or through the consequences of some incurable handicap.

For those in temporary need, relief funds should, on the contrary, be administered in such a way as to encourage rehabilitation and to stimulate and furnish incentives toward self-help, readjustment and eventual self-reliance. They should not be poured out to subsidize irresponsibility and insolence, or to perpetuate maladjustment. Subsidies can be good things, but they have an inevitable tendency to perpetuate the very problems they are designed to relieve.

THE CHOICE THE NATION FACES

Perhaps the shock of the riots, not simply to Los Angeles and California but to the Nation, may be great enough to produce the genesis of just such a new look. If so, and if it takes hold, we could be on the threshold of a national rebirth of sorts; a clear morning after a night of terror.

If not, however, we can expect more of the same, whether here or elsewhere, in a mounting crescendo which will continue, make no mistake about it, until these facts are faced.

For as long as we continue to hear from the demagogues the tired cries of police brutality, enforced underprivilege and deprivation, just so long will the ignorant and lawless on the fringe of the Negro community continue to believe that it is not their fault. And they will continue to respond in precisely the same manner, while their decent, hard-working, law-abiding brothers suffer along with the rest of the community—perhaps even more.

As an optimist, I believe and hope that the turning point has come, and that responsibility and not demagoguery may once again become the fashionable and respected point of view.

[From U.S. News & World Report,
Sept. 27, 1965]

Police Brutality: How Much Truth—How Much Fiction?

(By J. Edgar Hoover, Director of the Federal Bureau of Investigation)

The cry of "police brutality" is being heard all across the land with increasing frequency.

It is a charge which strikes fear into the heart of every freedom-loving man.

Is it, however, a charge which is justified in the United States? Or is it a charge made with malicious intent by some individuals who have little concern for the truth so long as their interests are served?

Yes, there is police brutality in the United States, but certainly not to the extent which some would have you believe.

Like all conscientious law-enforcement officials, I abhor any misuse of police authority. It is inexcusable and cannot be tolerated. Thankfully, it is not tolerated, for in most instances the few misfits and unsuited individuals who get into law enforcement and improperly use their authority are ferreted out and eliminated as soon as possible.

How extensive is police brutality? We can only gage this on the basis of complaints received by the FBI from the victims or other sources. At this point, I want again to state clearly and without equivocation that I am opposed to police brutality in any shape or form. We know that there are instances of police brutality, particularly in the less progressive police organizations. I want to emphasize that any allegations of police brutality coming within this Bureau's jurisdiction will receive immediate and thorough investigative attention, and that the facts developed in these investigations will be furnished to the Department of Justice for prosecutive consideration. Statistics of these investigations in the last 3 fiscal years present the following picture:

In fiscal year 1963, there were 1,376 allegations of brutality received by the FBI. Investigations of these complaints resulted in indictments being returned in 12 of the cases involving 20 officers. Convictions were recorded in three cases involving four officers.

In fiscal year 1964, there were 1,592 complaints of police brutality. Sixteen of these cases resulted in indictments against 28 officers, and convictions were recorded in two cases involving 4 officers.

Fiscal year 1965 brought 1,787 allegations of police brutality with indictments being returned in 13 cases involving 23 officers. Convictions resulted in five cases involving six officers.

While many complaints of police brutality are made sincerely and in good faith, some charges are unfounded, and irresponsible. Often it is obvious they are made purely for the purpose of intimidating local law-enforcement agencies and harassing the FBI.

FBI agents in our southern offices have been referred from one civil rights worker to another in their efforts to run down allegations of police brutality. Individuals who allegedly possess the facts often are "unavailable for interview" when agents arrive to investigate.

Earlier this year, FBI agents interviewed one person who had sent a telegram to a Government official containing, among other things, allegations of police brutality. He stated he had objected to these allegations being included in the telegram, since they did not have merit. Another official of the organization concerned, however, had insisted the irresponsible charges be included, he said.

There have been irresponsible and brutal acts by certain law-enforcement officials and, because of them, it has been easy to spread the impression that many or all law-enforcement officers operate in the same manner.

However, some changes are unfounded. Occasionally, allegations of police brutality result in prosecution of the complainant when it can be conclusively shown that he has purposely filed a false complaint. FBI investigations into such complaints, therefore, can result in prosecution of the accused or the accuser.

Many complaints of police brutality, however, are never officially lodged with the FBI or any other law-enforcement organization. They are indiscriminately made to representatives of various news media, shouted from the soap box at a street corner rally, proclaimed from the podium and often from the pulpit, and circulated through printed pamphlets.

Rarely is proof offered to support these blatant accusations, which are designed mainly to incite the listener or the reader. Many riots or near riots which have occurred in this country in recent months have been preceded by such charges.

Charges of police brutality also have been heard with great frequency before, during, and after the drunken orgies and youth riots which have occurred at some of our resort areas in recent years.

Allegations of police brutality have been "supported" by still and motion pictures which invariably show one or more policemen subduing or carrying away some participant in the disorder. Rarely do these pictures reveal the full story—the unprovoked attacks on the officers involved which necessitated their use of force.

It is a known tactic of international communism to take advantage of both real and contrived opportunities to undermine constituted law-enforcement authorities with charges of brutality. We know the Communist Party, U.S.A., as well as various splinter Communist organizations in this country have used this tactic. Communist adherents have fanned the flames of passion wherever unrest against law enforcement has been prevalent. Frequently, Communist agitators have been sent into areas of unrest to sow their seeds of treason through the spoken and printed word. The Communist press continually grinds forth distortions, often outright falsehoods, about police intimidation and brutality. The Communists miss no opportunity to blacken the name of a representative of law enforcement or the profession as a whole.

Not only do the Communists directly exploit unrest, but they frequently spread their germs of subversion through front groups and dupes. This tactic has become increasingly evident in recent demonstrations by young people where police have been charged with brutality in handling picket lines or demonstrations involving racial matters or protests against U.S. involvement in Vietnam.

Communist adherents are schooled in methods of intimidating law enforcement. Whenever they are confronted by a law-enforcement officer, the word brutality is foremost upon their lips. It is their aim to humiliate, exasperate and provoke the law-enforcement officer in an effort to prevent his judicious and calm enforcement of the laws he is to uphold.

I am not implying that all charges of police brutality emanate from the Communists or their dupes. If this were true the problem could more easily be solved. The fact is, however, such charges are coming from many well-meaning, if ill-informed and poorly advised, citizens.

On the other hand, I recognize that one of the greatest preventives of brutality is a responsible and alert citizenry which is quick to complain.

The conflict resulting from the fake charges of police brutality is a problem which must be solved, for it is eroding the already declining repect for law and order in our great Nation. When our laws no longer enjoy the respect of our citizens, then our present form of government will be lost. It is just as important that the enforcers of the law be given respect, for without it their task will be insurmountable.

There is no panacea, no pat solution to this problem, for it exists primarily in the hearts and minds of men. It is a problem in human nature, a problem in man's relation to man and his physical surroundings.

An efficient police force is the first line of protection for the law-abiding citizen. The conscientious law-abiding citizen should rise in righteous anger against those who falsely cry "police brutality" to cover their insidious scheming to gain something they covet but are not willing to acquire the judicial way.

There is a constant barrage of brutality allegations and obvious attempts by certain elements to control the police through "citizen review boards" to hear charges, many of them fabricated. It is a wonder that men are willing to don a policeman's uniform and put their lives on the line every time they step out onto the street.

It should be noted that the majority of advocates of this solution are members of, or are alined with, the minority groups which most frequently allege police brutality. They contend such boards would help convince minority groups that they can receive fair treatment, would act as a deterrent on the few police officers tempted to abuse their powers, would result in reasonable restraints being imposed on officers, and would be an impartial means of clearing the air of irresponsible charges.

On the opposite side are the vast majority of law-enforcement officers, including myself. There already is sufficiently adequate machinery to handle complaints against law-enforcement officers established within the framework of the agencies themselves and the constituted government under which they operate. An independent review board would abridge the administrative authority which should rest with the responsible officials of the agency; it would undermine the efficiency and sap the morale of the agency; and it would deter officers in the proper performance of their duties for fear of having charges placed against them which would be judged by individuals wholly unfamiliar with law enforcement work. Naturally, every special-interest group in a community would demand representation on any such board.

Some self-styled spokesmen for the civil rights movement have advocated the establishment of an independent Federal agency to handle all investigations relating to civil rights matters. They are openly critical of the FBI's objective handling of such investigations, and apparently will be satisfied only with some super-Federal agency available at their beck and call. Objectivity and impartiality are not their aim. Rather, they seek a rubber-stamp agency which will approve their claims without regard for facts. Certainly, there is no place for such an organization in a democratic society.

What has been accomplished in the civil rights field under the FBI's policy of strict objectivity? In the last several years FBI investigations in 170 counties in 6 Southern States resulted in numerous suits being filed by the Department of Justice which enabled thousands of previously disenfranchised Negroes to register to vote.

The FBI investigation of the brutal murder of three civil rights workers in Philadelphia, Miss., in June 1964, resulted in 21 individuals being arrested in connection with this crime. Elsewhere in Mississippi, FBI investigations brought a halt to a series of bombings of Negro churches and homes. Nine men were arrested and subsequently pleaded guilty or nolo contendere. They were, however, released on probation after being given suspended sentences by a local court.

THE FBI HAS PENETRATED THE KLAN

Today, the FBI has effectively penetrated the Ku Klux Klan and thus is aware of many of its activities and plans. An FBI informant in the Klan enabled almost immediate arrest of the individuals charged in connection with the recent murder of Mrs. Viola Liuzzo on a lonely road between Selma and Montgomery, Ala. We shall continue pressing every investigation in the civil rights field, but objectivity will always be our standard.

Great strides have been made in elevating law enforcement to a professional status worthy of respect. But more can be done. Personnel standards of law-enforcement officers need to be raised in some areas. It is doubtful this can ever be accomplished so long as society neglects the law-enforcement officer in terms of salary. Here, positive action can be taken, but many who profess to be seeking solutions have totally ignored this need.

The police officer is human. He has a family which looks to him for the necessities of life. He feels pain when he is struck, indignation when he is cursed, anger when he is spat upon, and humiliation when he and his fellow officers are ridiculed. His work the streets and in the dark alleys where danis not in an air-conditioned office—it is on ger lurks at every moment. He is the first person called when trouble arises and the first one condemned when something goes wrong.

Such are the requirements of law enforcement, and, if one member of the profession commits some wrong, his guilt is shared by all. Law enforcement needs trained men. Neither his school nor college education alone will make a good law-enforcement officer. He must be trained in the techniques of enforcement, schooled in the legal responsibilities of his job, and taught the rudiments of human relations as they relate to law enforcement. Above all, he must learn self-control, lest he be baited into some foolish deed.

HOW DEMONSTRATIONS ARE EXPLOITED

On the opposite side of this issue there is need for some elimination, also, for there are misfits and irresponsible individuals who are most active in fostering unrest. The civil rights movement has made great strides but not without cost. A few spokesmen for the movement have been among those who have made irresponsible and inflammatory statements. There is good evidence, in fact, that some so-called civil rights demonstrations have been designed specifically with the hope of coercing law-enforcement authorities into taking action which could be exploited as a "cause" and used to gain publicity.

The true leaders of the civil rights movement should promptly put a stop to such irrational and irresponsible activities, just as the responsible officials of law enforcement must continually strive to eliminate the few irresponsible members in its ranks.

Who will be the winner if, in the drive to attain civil rights, the laws and their enforcers are destroyed? This, of course, is what our Communist enemies would like to see.

One of the greatest achievements of American law enforcement has been in preserving, nurturing, and strengthening the proper relationship of the individual to the state.

This Nation emerged on the basic principle that the individual must be protected from the tyranny of the state. Law enforcement has assumed a frontline role in fighting to preserve and strengthen the integrity of free government, the dignity of man, the supremacy of law over force, the basic freedoms we hold priceless. It is a continuing challenge to define and preserve the proper balance between the rights of the individual and those of society, and to prevent the forces of crime and communism from upsetting or undermining this balance.

If we destroy the integrity, the effectiveness of our local law enforcement agencies, whence do we turn for protection from the evil forces which stand ever ready to devour us? We have no national police force foisting its will on an unwilling local entity. Our Nation depends on the sanctity of its local police agencies. We cannot afford their destruction, their weakening through unreal, unfounded charges.

Our investigations indicate that a large number of police brutality allegations have no basis in fact. Police brutality and police misuse of authority are rapidly becoming issues of the past. Responsible law enforcement officials are dealing with these transgressions quickly and emphatically.

The great specter of police brutality is being exploited by some selfish-minded, irresponsible men who apparently are concerned only with what they can gain today and who are totally oblivious to the great disservice they are doing to their country.

Mr. HRUSKA. Mr. President, I wish to associate myself with the remarks of the Senator from California [Mr. Murphy].

It has become all too common a practice in recent months to attack and criticize the courageous men we pay to enforce our laws and maintain order.

All too infrequently are there voices raised in defense of these men, largely underpaid and overworked, who literally risk their necks in behalf of the society they serve.

Much of these recent waves of criticism have come from so-called leaders of the widespread series of demonstrations which have contaminated our campuses and our streets. Cries of police brutality have been raised with no more foundation than that arresting officers were enforcing the law.

The leaders of these lawless demonstrations seek to enlist public support by casting themselves and their followers in the role of the persecuted. The truth, of course, is that they are performing a disservice to the causes they represent, but more ominously, they are encouraging lawlessness, mob violence, and criminal activity.

The U.S. News & World Report interview with the Director of the Federal Bureau of Investigation which the junior Senator from California had printed in the Record is a most worthwhile and informative analysis of the often emotional and frequently groundless charge of police brutality.

Of particular significance is Mr. Hoover's observation that the policeman "is the first person called when trouble arises and the first one condemned when something goes wrong."

This was true in the case of the Los Angeles riots. In the wake of the riots, charges of police brutality and other accusations were made against the Los Angeles Police Department and the resignation of its chief, William H. Parker, was demanded.

It was my good fortune to have met and conferred with Chief Parker on

Monday of this week while in Los Angeles for a scheduled hearing of one of the Senate judiciary subcommittees. I came away with the impression that here is one of the most able, dedicated, and competent law enforcement officials in the country—a view that is shared widely in law enforcement circles throughout the country.

Chief Parker is a lawyer and has been a member of the Los Angeles Police Department for 38 years. He has been its chief for the past 15 years. He is one of the few chiefs of police of a major city who is a career civil servant.

He presides over a progressive, highly trained force of 5,000 police officers who have the staggering task of trying to enforce law and order in a booming city of more than 2½ million population with a land area of 456 square miles. By contrast, Washington, D.C. has an officer corps of about 3,000 for a city of about 800,000 population and an area of 61 square miles.

Mr. President, this Senator can personally attest to the progressive nature of the Los Angeles Police Department. During consideration of the Law Enforcement Assistance Act, I obtained firsthand knowledge of some of the pioneering done by the Los Angeles Police Department in bringing scientific technology to bear on the problems of law enforcement. Police Lt. William Herrmann, who incidentally is a doctor of philosophy, shared with my staff and me the benefit of his experience in this field.

One of the department's projects, involving the application of advanced computer technology and crime information retrieval, has been reported recently in Western City magazine.

Charges have been made that the Los Angeles Police Department discriminates against Negroes in its hiring policies. While it is a fact that only 200 out of the 5,000-man force are Negroes, Chief Parker has assured me that there is now an absolute policy of nondiscrimination in hiring practices and has been for many years. While the officer corps is only about 4 percent Negro, the administrative staff is about 20 percent Negro. Recruiting campaigns have been and are being conducted to get qualified Negroes to join the force, but without much success. Qualified Negroes are particularly in demand in the large defense and space industries in southern California. These industries, responsive to Federal procurement policies, are aggressively recruiting qualified Negroes at top wage scales far exceeding those offered by police agencies.

Charges have been made of police brutality against the Los Angeles Police Department. A few have proved to be substantial and the offending officers have been subjected to appropriate punishment or court action. But overlooked is the fact that last year alone there were 695 assaults committed on Los Angeles police officers. In contrast 122 complaints of the use of excessive force by police officers have been filed, 10 of which were sustained.

Charges have been made that certain Southern States were the home States of the preponderance of the officer corps of the Los Angeles Police Department. Further, officers with this background were prone to discriminate against Negroes. This accusation was at variance with the facts. While the State of original residence had not been and is not a factor in the hiring policies of the department, a complete check of personnel records was made. It was found that the South had the least representation of the whole country on the force. This fact was made known to the public. Yet the charge was repeated and is still being repeated in Los Angeles today.

Mr. President, Chief Parker recently appeared on the television program, Meet the Press. The text of that appearance is well worth reading. I ask unanimous consent that it be included in the Record.

Mr. President, I salute the junior Senator from California for calling Mr. Hoover's interview to the attention of the Senate. It is high time that informed voices be raised in defense of our overworked, undermanned, and shockingly underpaid law enforcement officials.

There being no objection, the text of the program was ordered to be printed in the Record, as follows:

MEET THE PRESS

The National Broadcasting Co. presents "Meet the Press," America's Press Conference of the Air, produced by Lawrence E. Spivak.

Guest: William H. Parker, chief of police, city of Los Angeles.

Panel: Len O'Connor, NBC News, Chalmers Roberts, the Washington Post, Wallace Terry, Time magazine, Lawrence E. Spivak, permanent panel member.

Moderator: Ned Brooks.

Mr. Brooks. Our guest today on "Meet the Press" is the chief of police of Los Angeles, William H. Parker, a storm center of the recent riots in that city, which have been described as the worst of this century. A lawyer and a member of the Los Angeles Police Department for 38 years, he has been its chief for the past 15. He has been called the most respected law enforcement officer in the country, after J. Edgar Hoover, and at the same time the most controversial. The recent Los Angeles riots have brought charges of police brutality against his department and demands for his resignation, as well as high praise and wide support.

We will have the first question now from Lawrence E. Spivak, permanent member of the "Meet the Press" panel.

Mr. Spivak. Chief Parker, some reporters have placed the blame for the Los Angeles riots on your police department. Where do you place the blame?

Chief Parker. I think, Mr. Spivak, there are two situations involved here that have to be treated in combination. One is that [of] the area itself and the conflicts within it and the potential difficulty that is constantly within the area, and, then, a situation which triggered the outburst and the violence that has been classified as a riot.

I believe that if our officers had made this arrest, which marked the beginning of this, that this riot would not have occurred. I have had an opportunity to study deeply the reports, and I believe that the lack of training and experience on the part of the officers who made the arrest in that area——

Mr. Spivak. I don't quite understand; who were the officers who made the arrest?

Chief Parker. The California Highway Patrol, which is essentially a highway enforcement organization, began their activity out in the county and pursued the suspected drunken driver into the city. It was at 116th and Avalon in the city of Los Angeles where this arrest was made. But we make hundreds of thousands of arrests like this in this area without riots, and I don't believe that they have the training and experience to handle that kind of a situation in that area, and I think this case discloses that.

Mr. Spivak. Am I to understand from what you said that your own officers were not involved in triggering the riots but that the California State police were?

Chief Parker. The California Highway Patrol was the involved agency, and our officers did not come upon that scene until a considerable period of time after the original contact and after the arrestees were already handcuffed and in the highway patrol vehicle.

Mr. Spivak. Other cities, Chief Parker, might profit from your experience in Los Angeles. Do you think the Los Angeles riots could have been prevented or were they really inevitable?

Chief Parker. Of course, in retrospect it would be well if we could have found some way to prevent them. I think all of the experts in the field, which will probably have to include myself—have all sorts of answers to that, but the fact remains that no one anticipated the riots. If they did, no one was notified that should be that they were coming, and perhaps if this had not triggered them, something else would. This type of an outburst, what Dr. King calls a social revolution, I suppose was inevitable. I only hope that from this we can learn not one but many lessons.

Mr. Spivak. Were you surprised by the riots? Didn't you anticipate them at all? Didn't you expect them? Didn't you know conditions in Watts that might have triggered them?

Chief Parker. We were surprised by the form that this situation took. We were not surprised about the problem because over a year ago I had discussed the matter with the Governor after the riots occurred in the East, and at that time I realized that because we had a small department in comparison to the magnitude of our task, we couldn't possibly handle any large riot without assistance, and I talked with him about the National Guard then. We even developed liaison with the adjutant general of the State of California, so that if the Guard was required, we would not have to go through preliminaries that could have been dispensed with. At that time I acquired helmets for all of the men in the field that were mobile, although I did not permit them to wear them, and the helmets were carried in the back of the vehicle, concealed. Those things were done in anticipation that we might have a problem.

Mr. Spivak. But Chief Parker, one of the most frequent given reasons today for the riots in Los Angeles was the frustration and utter hopelessness of the ghetto-locked Negro. Do you agree that frustration and hopelessness of the Negro played an important role in the riot?

Chief Parker. I would imagine that this is an element, but I think this has been exaggerated because according to the Urban League, the Los Angeles Negro was in a superior economic position to those of the rest of the Nation. So if this were the major factor, then these riots should have occurred somewhere else.

I might add that in relation to your former question that the course this riot took was very unusual. It started, it stopped, it started again, and this was very puzzling to us.

Mr. Roberts. Chief Parker, one of the sore points I found in Los Angeles had to do with the number of Negroes on your police force. As I gather from your officials, you have a force of about 5,000 men of whom about 200 are Negroes. However, there are no lieutenants or captains in contrast to a number of other cities. Why is this, and do you intend, as the Los Angeles Times has urged, to increase recruitment of Negroes on your police force?

Chief **Parker**. We have been concentrating on attempting to get qualified young Negroes to come to our force. We realize that 4 percent of the force does not compare to the 16 percent of the population. We did have lieutenants in our department, people who could have gone up to higher ranks, but they left our department for other jobs, and this seems to be the fate of them. They seem to be so much in demand in private industry and other areas that they can take their pensions within 20 years and go out and do other things and make additional money. So, it hasn't been a lack of progress; it has just been that as these men move up in ranks—we had three lieutenants at one time, all of whom retired, one is now a councilman of the city of Los Angeles.

There are many factors that dissuade the qualified young Negro from becoming a police officer, and I think before anyone reaches any rapid conclusions as to why there are only 200 out of a force of 5,000 that we should go into some of these details, which I am sure you don't have time to do now. We are very willing to accept all of the qualified Negro officers that we can get.

Mr. **Roberts**. Chief Parker, in all the discussion about so-called police brutality which you and the mayor have denied during this recent rioting, there is another aspect I would like to ask you about—and that perhaps relates to the question of Negroes on the force—some of the phrases you yourself have used, I found quite a bit of anger that you had made a statement, as I understand it, referring at one point in the riot to people acting like "monkeys in a zoo." What did you actually mean by that? Did you mean to cast an aspersion on Negroes in general, as it was interpreted?

Chief **Parker**. I know better than to cast aspersions on any people in our city. I was referring to the history of riots and particularly the Boston riot where 2 hours after the police were taken out of Boston someone broke a window and stole a pair of shoes. And then everyone emulated this activity and followed suit, and within 2 hours the city was totally looted, and this was not a Negro riot. And I am sure the men who were there and heard that statement understood it. It was explained, but for some reason someone took the phrase out of context and twisted it around to make it appear that I was casting aspersions at the people involved.

Mr. **Terry**. Chief Parker, next to unemployment, the Negro people in the Watts community that I have talked to complained most about the handling of the police department of them. Three years ago you told the California Advisory Committee to the U.S. Commission on Civil Rights that basically you did not believe there was any difficult problem existing between the Los Angeles Police Department and the Negro community. Nevertheless, this same Committee concluded after public hearings on charges of police brutality that a substantial number of Negroes lack confidence in the police and that they are at the mercy of bigoted policemen. Do you still believe there is no difficult problem, and what explains this lack of confidence which Negroes today still claim exists?

Chief **Parker**. My answer, Mr. Terry, I think, had better be given this way: On July 27, 1964, Governor Brown, of California, called me from the mansion in Sacramento to discuss the National Guard, and at that time he told me—and this is almost a direct quote—"Judge Miller tells me, chief, that you have the hundred percent support of the Negro community with the exception of a few red hots."

I said "Well, Governor, that is very gratifying. I have no way of measuring it." And he repeated the phrase, that "Judge Miller" referring to Loren Miller, who at one time was a publisher of a large Negro newspaper in Los Angeles, "tells me," said the Governor, "that you have a hundred percent support of the Negro community with the exception of a few red hots."

There was also a California poll that was conducted a year after Yorty was in office that indicated that the resentment among the Negroes toward the police department was very small compared to the support. I think it was about 8 percent out of 100 percent, and the balance of the Negro people interviewed had no criticism of the police department. I could go on again in great detail as to how this particular advisory committee arrived at its decision, but I would prefer to quote the Governor.

Mr. **Terry**. Chief, you must have been alarmed by some of the findings in the course of that committee's investigation, because your force issued a press release announcing a number of changes, including a course in human relations at the police academy and a series of training bulletins in the use of proper language in dealing with minorities.

I have listened to the people at Watts, and they say that still 3 years later Negroes are being referred to by your officers by their first names or in derogatory expressions. Why haven't these changes come about?

Chief **Parker**. Of course your first conclusion is in error—that this course was instituted because of that committee's report. A number of Negro lawyers in the city of Los Angeles volunteered their services to the Negro community to investigate brutality complaints, and they spent several months, nights and weekends, after advertising for these complaints, and at the conclusion they were unable to bring one single, solitary complaint upon which action could be taken. Then it was suggested that our problem was verbal brutality and not physical brutality, and that was the basis for this course in which we attempted to take these high school graduates of ours who come from all over the United States and redesign their vocabulary.

I am not aware of these complaints that you refer to recently, because they haven't reached me, but we did a complete readjustment of vocabulary of the men of our force in a unilateral approach to adjust to this Negro community on a better basis so that we would have less trouble in it.

Mr. **O'Connor**. Chief Parker, you have been quoted as having said that you might go down in history as "the only police chief that they ever sacked a whole city to get rid of." If you said this what did you mean by that?

Chief **Parker**. Well, the embers hadn't cooled yet but what it was decided in some quarters by the same people who had demanded my resignation, removal, doing away with or however you do it for the past 5 or 6 years, that I was the cause of the riot and would have to go. And so apparently my removal was associated in their minds with this riot.

Mr. **O'Connor**. How does that associate with the sacking of the whole city?

Chief **Parker**. This, as I am sure you are aware, was probably a facetious remark indicating that the two seemed to go together, the firing of Parker and the burning of Los Angeles.

Mr. **O'Connor**. A facetious remark?

Chief **Parker**. I am sure they didn't burn Los Angeles because of Parker.

I will tell you this, sir, that if I believed that my removal from that office would bring peace to the city of Los Angeles, I wouldn't even return to that office from here. But I am convinced and so is the majority of the people of the city of Los Angeles that it would only result in a deterioration of security in the city of Los Angeles, and thus, because of their opinions, I am forced to remain.

Mr. **O'Connor**. You are taking the whole thing out of the context, then, of a racial problem, exclusively?

Chief **Parker**. The only reason that I would say it is a racial problem is because the only people who have demanded my resignation represent one race.

Mr. **O'Connor**. Do you think there is any basis for allegations that certain civil rights people have made that Negroes who live where the riots occurred hate the Los Angeles Police Department?

Chief **Parker**. We processed 2,500 of those arrested and found that 76 percent of them had criminal records prior to the riot, and this might be the genesis of the answer to your question.

Mr. **Spivak**. Chief Parker, there are some people who think that the rioting in Los Angeles is not over because the reason for the rioting, whatever it is, is still there. What do you think?

Chief **Parker**. Of course, again, based upon the Urban League's report and other facts, I think that Los Angeles offers more for the Negro citizens than any other city in the world, and it is hard, therefore, to associate these two things together. We in California have gained nothing out of the Federal legislation because all of the gains in civil rights in the recent years have already existed in Los Angeles for a number of years. As long as people are there, the ingredients are there. Of course we have had to assimilate a tremendous number of people who have come into Los Angeles and where employment was not available to them—I don't know whose responsibility it is to care for these people, but Watts was the gravitation point where this particular group came into, and when you have people who have nothing to do and they listen to all of the speeches about their dislocations and they are sitting around day and night, I suppose that in time they will become convinced that there is justification in lashing out against the people who have impeded their progress.

Mr. **Spivak**. Did Newsweek quote you accurately when they said that you said, "We had better give the police the support they deserve or the next time this happens, they will move in and sack the whole city"?

Chief **Parker**. Yes, they certainly did.

Mr. **Spivak**. What do you mean when you say they will move in? Who will move in?

Chief **Parker**. I mean by that that the difficulty we are having in getting young men in America to become police officers—and this is going on all over the United States, even to the point where New York is apparently now trying to train high school dropouts to take care of their vacancies—that unless the people begin to support the rule of law and the men who represent the force that represses crime, why then eventually the permissiveness of this society will overwhelm the police. These attacks upon the police and these repetitive charges of police brutality and so forth, I think, are designed sort of to deaden the police and to drive them into a sense of inactivity. The result of it is—and we had it in this riot—that it is very difficult for them to regain aggression.

Mr. **Spivak**. Chief, I have one more question. On television the other day President Johnson said he asked himself, "What can I do so that we don't have any more Los Angeles riots in this country?" What do you think he can do?

Chief **Parker**. If the President of the United States doesn't have the answer, I am sure that I don't. I wish I knew what could be done. I think that it will take a great many people with knowledge pooling their resources to bring about the conditions that will eliminate the dissatisfaction that will cause people to do this sort of thing. No simple answers, no one agency can do it, and I only hope that all the emotion is scraped away when we try to look at this thing in reality and find out exactly what its component parts are and how we can replace them so that the community can be spared any future violence.

Mr. Roberts. Chief, is it a fair summary of your position that in the first place the police department has no blame coming due to it for these riots taking place, and therefore, you don't intend to do anything in terms of how you run your police force differently than you did before? Is that what you are saying?

Chief Parker. You have a question there and a statement, Mr. Roberts. Which would you like to have me address myself to?

Mr. Roberts. Is it your position that the police department has no share of the blame for what took place?

Chief Parker. It depends on how you use the word "blame." The police department, of course, is in the business of repressing crime, and this particular area is a high-crime area, and so the police department is in presence there in somewhat greater strength than it is in other parts of the city. This produces a frictional situation, particularly as I pointed out, where 76 percent of the people arrested have already had criminal records. If this is "blame"—because the police go in and enforce the law—then we will have to take part of the blame.

But as far as triggering this riot, we have made hundreds and hundreds of arrests under emotional situations just as difficult as this without having any riot, so on the basis of that, I would have to conclude that we are not responsible for triggering the riot. On the other hand we suffered some injuries, but the firemen suffered as many as we did. There were some 80 policemen injured and some 80 firemen injured, so we get into a situation here where the attempt to fix this responsibility on the police begins to lose definition.

I suppose that somewhere some policeman has done something that irritated someone, but this seems to be a unilateral situation, because we have tried very, very hard to produce a department that does not create unnecessary frictions. But we are in the business of enforcing the law, and it is a tough business. We have had over 800 men assaulted last year, and that means physical contact in which force is used. So you could sit back and pontificate and say, "Well, because force is used by the police in the community, they must share some of the blame," and if this is your conclusion, then I would have to agree with you.

Mr. Terry. Chief Parker, in the current issue of U.S. News & World Report you are quoted as saying, "You can't blame some of these people for buying guns." Here you are referring to white people in Los Angeles who heard a 16-year-old Negro boy say on television that "We are coming into white areas." A couple of thousand guns were purchased by whites, you are quoted as saying, ostensibly to protect themselves.

Chief Parker. I don't know anything about the number of guns that were purchased, Mr. Terry, but go ahead.

Mr. Terry. It is correct that you said "I don't blame them one bit?"

Chief Parker. That is correct.

Mr. Terry. Then, do you believe a police chief on the strength of what a youngster says or on the strength of what the rumor might say, should encourage vigilante action when normally the police in any crime outbreak discourages any army on any side?

Chief Parker. Mr. Terry, I think it would be well if you would look at Los Angeles in this magnitude, where we had 46 square miles of county and city under occupation, and there wasn't a single assault by a Caucasian upon a Negro. Go back to the Detroit riots. You were very young then, where whites invaded the Negro district and killed Negroes. The Los Angeles community stood quiet and allowed its law enforcement to handle this situation, which is unique in the history of riots in this country.

At the time the Governor discussed with me an order taking all the arms away from the people, there were a number of merchants lying in their stores in that area attempting to protect their merchandise with guns, and this was the basis of this discussion, not what the 16-year-old boy said on television.

Mr. O'Connor. Chief, when you speak of having 4 percent of the force nonwhite——

Chief Parker. No, Negro.

Mr. O'Connor. Four percent of the—well, Negro.

Chief Parker. Yes.

Mr. O'Connor. Four percent of the force are Negro. It means, does it not, that you are policing submarginal Negro neighborhoods with white policemen exclusively?

Chief Parker. That doesn't quite square away, Mr. O'Connor, because actually the Negro police are not working in the Negro area, except a very few, because years ago we were requested and urged to infiltrate them throughout the department, so even the 200 that we have don't work there. Actually our total force is over 20 percent Negro, but that includes the clerical force as well. We have had no difficulty recruiting there, but not policemen, that is right.

Mr. O'Connor. May I ask you this, sir, there have been rumors that the Los Angeles department has acquired a lot of former policemen from Georgia, Mississippi, and so forth.

Chief Parker. This was a very vicious thing, and I don't know why the answer is never published, because we then went to the difficulty of determining the place of birth of every one of our officers, and then we published that. This was a shotgun charge out of whole cloth, and we found that the South is the most poorly represented section of the country on a population ratio basis insofar as the members of the Los Angeles Police Department are concerned. This is another situation where the police are charged without substance and then are put to the difficulty of having to prove that the charge is false.

Mr. Spivak. Chief Parker, Dr. Martin Luther King was quoted as saying that Negroes found guilty of rioting in Los Angeles should be placed on probation rather than jailed because jailing them would only embitter them further. What is your reaction to that?

Chief Parker. I had a long discussion with Dr. King about that, but that was a private discussion. I might say we didn't agree, but I would rather not go into it.

Mr. Spivak. I am asking you the question, though.

Chief Parker. You certainly can't give people probation who burned out an entire market and beat people half to death, that were moving stolen property across State lines to the east, that already had probation and were on parole. There were 26 of these people on parole at the time they were arrested.

Mr. Brooks. I am sorry to interrupt, but I see that our time is up. Thank you very much, Chief Parker, for being with us today on Meet the Press.

EVERY CHILD MUST GET THE BEST EDUCATION THE NATION CAN OFFER

Mr. HARTKE. Mr. President, I would like to call the attention of my colleagues to an excellent editorial which appeared in the September 12 edition of the Louisville Courier-Journal.

Lauding the President's educational program and recent Senate approval of the $4.7 billion higher education bill, the article reviews the congressional achievements in this field. Appropriately, the editorial concludes with the admonition that the development of our human resources is the "most indispensable element" of our greatness. Indeed, the cost of education is an investment yielding significant returns.

One of my specific legislative interests has been to make possible a college education for every qualified student; and I am particularly pleased with the progress we have made in this direction during this session.

It is gratifying, I know, to the President and my fellow lawmakers that Courier-Journal gives recognition to this progress.

Mr. President, I ask unanimous consent that this editorial be printed in full in the Congressional Record, for I wholeheartedly concur with the principle stated in its title that "Every Child Must Get the Best Education the Nation Can Offer."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Courier-Journal, Sept. 12, 1965]

Every Child Must Get the Best Education the Nation Can Offer

To his string of dazzling legislative triumphs, President Johnson added one of the most remarkable with Senate approval, 79 to 3, of the $4.7 billion higher education bill. Like the House version, its provision of the first Federal scholarships for undergraduate study, no less than the creation of a teacher corps to improve educational opportunities for disadvantaged youngsters, makes it a landmark in the recognition of national responsibility for national education.

The Senate vote, with only two Mississippians and one Virginian opposing the overwhelming bipartisan majority, is fit testimony to Mr. Johnson's success in winning converts to his belief that the Nation must provide education of the highest quality for all its people, that every child must have the best education our Nation can provide. So, too, is the Senate's first-year authorization for the 4-year program of more than twice the $250 million the President proposed—greater, by a few million, than the House allocation.

MASSIVE AID IS CERTAIN

Since the House version differs little from the Senate's and also won overwhelming endorsement (367 to 22), there is no doubt that the compromise measure now being hammered out will provide massive aid to needy students and to institutions of higher education throughout the Nation. An estimated 140,000 needy students will get opportunity grants or Federal scholarships averaging $500 the first year, with such grants going eventually as high as $1,000, the kind of Federal scholarship program approved several times in the past by the Senate, but until now always clobbered in the House.

Also certain to be included in the compromise bill are Federal insurance for private low-interest loans to college students (a field in which some operators have been exacting usurious rates), with some 900,000 students expected to get loans of up to $1,000 in the first year; a work-study program expected to provide jobs for 260,000 students; funds to improve college libraries and train librarians; a new program of aid to small and newly developing colleges; additional funds for the construction of more college classrooms; a new program of grants to colleges to buy television, audio-visual and other teaching aids; fellowships for teachers seeking graduate degrees; and a new program of university-community service projects for urban areas similar to the extension service program in rural areas.

The Senate vote caps 20 months in which Congress has passed seven major education bills, including the $1.2 billion Elementary and Secondary Education Act of 1965, the most sweeping commitment to education in the Nation's history. All speed the day when, to the satisfaction of the great majority of Americans and of a President who describes himself as a teacher "still on leave from Houston Public School," poverty will bar no educational opportunity to any qualified and ambitious American—from kindergarten to university and graduate school.

The program will cost billions, but this richest of all nations will be the richer for it in that most indispensable element of its greatness, its human resources. For it is true, as the President said more than a year ago, that "the guardian genius of our democracy and our freedom is * * * an educated mind."

IOWA VETERAN CITES NEED FOR NEW GI EDUCATION BILL

Mr. YARBOROUGH. Mr. President, the antipoverty bill, just passed by the Senate, is a distinct improvement over last year's bill. The bill sharply limits the power of Governors and gives the Office of Economic Opportunity the power to veto a Governor's veto. Thus the 89th Congress has passed measures to help practically all of the underprivileged people of the country except the cold war GI veterans. They constitute one group that the Government itself pulls out of their normal way of life and puts into an abnormal life for 24 months, making it impossible for them to earn a livelihood. The result is that twice as high a percentage of cold war veterans are unemployed as are persons in the same age brackets who have not served or do not serve in the Armed Forces.

Although attention has been called to the availability of some inservice educational programs for veterans, the experience of hundreds of thousands of veterans has established the fact that significant academic advancement and serious military duties are not compatible with military life. It is said that the men in service can go to college while they are serving. But who can go to college in Vietnam? To obtain a college education while in the service is absolutely incompatible with full military service.

The only realistic method of making intellectual progress for these hundreds of thousands of able men and women, who have had from 2 to 4 years taken from their civilian lives while they have served their Nation, is the enactment by Congress of the readjustment provisions of the cold war GI education bill, S. 9, which has passed the Senate by a vote of more than 4 to 1, and is now pending in the House Committee on Veterans' Affairs.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated September 6, 1965, which I have received from Mr. Robert F. Bina, 1654 West 29th Street, Davenport, Iowa. The letter relates to testimony by college professors and the showing that Senator ROBERT KENNEDY made before the committee that the objections to the measure by the Department of Defense are absolutely untenable.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DAVENPORT, IOWA,
September 6, 1965.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: In reading the hearing record on S. 9, the cold war GI education bill, I was particularly interested in the testimony of Dr. Eugene Garbee, president of Upper Iowa University at Fayette, Iowa, and of course the commentary by Senator ROBERT KENNEDY in reference to comments by the Defense Department witness.

I agree very much with the views expressed by Senator KENNEDY. The Veterans' Administration is certainly not making a sincere effort to help itself in its own program. I enlisted in the U.S. Army within 1 week after I graduated from high school. My idea of a college education in the military did not materialize. I spent the majority of my service time in an overseas command and found that there was very little time available to work toward such a degree and in my particular situation very few courses were offered. I was stationed on a particularly small post.

My college education came after completion of my military obligation. I had made an E-5 pay rank within my first 3 years and had thought of reenlistment, but it appeared that college would not be any more a reality if I did. Then, too, study of academic subjects is extremely difficult while in the service.

In order that I might obtain a college education I found myself holding at least three part-time jobs at the same time. I was able to gain some assistance from the National Defense Loan program, but this depended to a great extent on the number of people or students who applied for loans.

I certainly have hopes that the Government of this country will someday come to realize the fact that people who serve their Nation are entitled to a bit more than a cynical comment and a slap in the face. Korea and Vietnam are not very important if you do not have to serve.

Sincerely,

ROBERT F. BINA.

A MOVE FORWARD ON CIVIL RIGHTS

Mr. YARBOROUGH. Mr. President, the President has today taken a major step toward streamlining and strengthening the civil rights effort of this administration. Under the reorganization just announced, as a result of an intensive study by our distinguished Vice President, each officer and employee of the Federal Government who administers the Federal program will be charged with responsibility for making certain that his program is administered without discrimination and with full consideration of our objective—equal opportunity for all Americans.

The President's Committee on Equal Employment Opportunity, chaired first by President Johnson when he was Vice President, and now by Vice President HUMPHREY, has made a valuable and lasting contribution to eliminating discrimination in employment. Thanks largely to its efforts, we now have a blueprint of procedures which will enable every agency of the Federal Government to apply the principles of nondiscrimination to its day-to-day work.

For example, the Department of Labor will now be directly responsible for reviewing complaints and insuring nondiscrimination by Government contractors.

Similarly, the Civil Service Commission will now directly insure that the Federal Government does not discriminate in its employment and promotion policies. Under President Johnson's leadership, with the magnificent contributions of our Vice President, the executive branch and Congress, together, have made greater strides in the area of civil rights than ever before in our history. As a result of the reorganization of our Government-wide civil rights activities, we are now preparing to make still greater strides in the months and years ahead.

THE BOBBY BAKER CASE

Mr. MILLER. Mr. President, the Chicago Tribune of September 23, sharply and critically discusses what an editorialist feels is the continuing coverup in the Bobby Baker case.

The newspaper views with some concern the proposed appointment of David Bress as U.S. attorney for the District of Columbia. It correctly points out that this is the office which would normally handle the prosecution of Bobby Baker, if he were indicted as the result of the current investigation into his background. Two questions are raised:

First. As a former attorney for Baker's Serv-U Corp. "it would be unethical for him—Bress—to make available all of his knowledge of Baker's affairs and that this would prevent him from properly carrying out his duties."

Second. The alternative statement by the Attorney General—that Mr. Bress would be bypassed in handling the case—would result in the case being brought directly under the "watchful eye of the administration."

The lid—

The writer said—

could be clamped down quickly whenever any unpleasant information threatened to arise linking the Johnson clique with Baker's affairs.

Mr. President, these questions are serious. Unless the administration takes action to quiet such fears and such concern over the whitewash of the Baker case, the necessary public confidence will be lacking.

I ask unanimous consent that the editorial, entitled "The Baker Cover-Up Continues," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE BAKER COVER-UP CONTINUES

The Johnson administration has committed two wrongs in order to make what it considers one right; namely, the prevention of any further embarrassing disclosures in the Bobby Baker case.

The first wrong was the appointment of David Bress, a former lawyer for Baker's Serv-U Corp., as U.S. attorney for the District of Columbia. This is the office which would normally handle the prosecution of Baker, if he is indicted in connection with his various influence-peddling schemes. The proceedings would be public, and a good many influential brows might perspire.

Senators WILLIAMS of Delaware and MILLER of Iowa, both Republicans, objected to the nomination of Bress, pointing out that as an erstwhile lawyer for Baker it would be unethical for him to make available all of his knowledge of Baker's affairs and that this would prevent him from properly carrying out his duties.

Instead of withdrawing the nomination, Attorney General Katzenbach came up with a neat alternative—one which looks suspiciously like what the White House intended to do all along. Mr. Katzenbach told the Senate committee considering the appointment that there was no need to worry: Bress wouldn't have to handle the Baker case. The Justice Department would bypass him and handle the case in its own criminal division. Here, needless to say, it would be directly under the watchful eye of the administration. The lid could be clamped down quickly whenever any unpleasant information threatened to arise linking the Johnson clique with Baker's affairs.

We have to admire the ingenuity of the administration troubleshooters in devising means of keeping the Baker case out of public sight, but it's getting a little tedious. We shudder to think how bad the truth must be to warrant all this hocus-pocus. Senator WILLIAMS has all the more reason to keep up his investigations.

"SHUNPIKE" TRAVELOG

Mr. BYRD of West Virginia. Mr. President, much has been written and said about the success of the campaign to "See the U.S.A." Mr. and Mrs. Ralph E. Fisher, publishers of the Moorefield, W. Va., Examiner, have taken the time to write of their trip through great sections of the United States and Canada.

I found their account, which was published on September 22, 1965, to be most enjoyable and worthy of study by other Members of the Senate.

They entitled the report "Shunpike" Travelog, because they "shunned" the turnpikes for the roads through valleys and along rivers.

I ask unanimous consent to insert in the RECORD at this point the entire article from the Moorefield Examiner.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"SHUNPIKE" TRAVELOG

We took a trip last week, which is no big thing for everybody travels these days. But ours was the aimless type, no destination, no itinerary and no time schedule. To give you an idea, we started out by going through the Trough. Since our area is going all out for tourists, we decided to become the typical gawking country tourist to evaluate the treatment we received, so that we could return home and recommend emulating that treatment to the tourists and vistors here.

As it turned out we went north, across the St. Lawrence into the Canadian Province of Ontario, back across the St. Lawrence and through northern New York State, Vermont, Maine, to the seacoast and down the coast to Cape May, across the ferry and back to West Virginia. We deliberately stayed off the turnpikes—except for the crowded megalopolis from New Haven, Conn., to Atlantic City, N.J., and it was a godsend through that area. To give you an idea, we went from Mount Vernon, N.Y., to the Jersey flats in 28 minutes, all the way across New York City.

To get back to our study of people and their treatment of tourists, the Canadians won hands down. They were kind and polite, went out of their way to be nice and helpful and everyone seemed to know the history of the area. We went into Canada at Ogdensburg, N.Y., and followed the St. Lawrence to Cornwall. This is called "Upper Canada." We found out that it simply meant the upper St. Lawrence. Of course, there is a turnpike to Montreal but we were on a "shunpike" tour so we went along the river road. This was literally a park for a hundred miles. We passed a place called the Upper Canada Village and decided to investigate. When the power and navigational dams were built on the St. Lawrence starting in 1958 many of the historic villages were inundated by the dammed-up water. The parks commission tore down and rebuilt historic buildings or moved them intact to the model village. A water-powered woolen mill, a water-powered sawmill, the blacksmith shop, typical homes, early settlers' huts, a church, an inn, a store and tavern, a school, a fort, a canal with bateau pulled by a horse, a farm with sheep, oxen, cattle and swine, a cheese factory, everything you could find in a village in the early 1800's. The furniture was not necessarily from the original buildings but were from the period. Everything was as authentic as could be and the people in the buildings were dressed in period clothes and costumes, going about their chores of making blankets, baking bread, making cheese, sewing, carpeting, shoeing horses—just as if you had walked into the village in 1840. They explained what they were doing, how and why, and seemed real pleased to be able to answer all the questions. As an example, the church had plain glass windows, beautiful things made of diamond-shaped glass about 10 inches high. The rector explained that the stained glass windows were not available or used until about 1857.

The upper Canada area was settled by people from the States who were loyal to King George III. They built a string of forts along the St. Lawrence expecting an invasion from the United States, again in 1812 and as late as the Civil War. We cannot recall from our history that the United States ever seriously considered invading Canada but apparently we did and we were soundly defeated in a battle on the Crysler farm. Probably that is why we never read about it in our history books. Anyway, the Canadians protected their own, the American forces retreated across the river, and the Canadians weren't bothered again by the United States.

The upper Canada village is in the Crysler Farm Battlefield Park.

One of the most interesting features in the complex is the Memorial Garden. When the eight villages were inundated, the cemeteries were covered too. Most of the remains in those ancient burial grounds had returned to the dust from whence they came but the headstones were intact. Records from all the stones were carefully copied and are available for researchers or descendants. Some 300 stones were selected from the eight villages and imbedded in a brick wall. The wall consists of four rectangles about the size of a house lot around a center square. Flagstone walks led around the inside of the wall with beautifully kept sod and flowers in the center of the five plots. The headstones of various shapes and sizes were a permanent part of the wall, which was about 6 feet high. A tiny number cataloged the cemetery from which it was taken. It was an impressive and beautiful solution of preserving the cemeteries. We thought a similar memorial park would be an ideal way of preserving the abandoned and forgotten burial plots scattered around our hills in Hardy County.

Most of the visitors in the village and the Memorial Garden were Canadians, as the U.S. tourists haven't found this newly opened representation of a bygone America. Incidentally the Canadian dollar is worth 92.20 cents and the business firms, stations, inns, restaurants and motels are meticulous about giving you the discount. If you tender, for example, a $10 bill for a $4 purchase you will get $6 change and then they will hand you an extra 70 cents with the words "And this is your exchange, sir." Canadian money is readily acceptable all along the U.S. border States, at a discount of course. Anything you buy or spend in Canada, for all practical purposes, is at 7 percent discount.

We came down Lake Champlain below Montreal traveling on the islands, linked by bridges, and spent the night in Montpelier, Vt., in an ancient hotel next to the capitol building where La Fayette was entertained. We visited a maple sugar candy factory and a maple sirup museum, crossed New Hampshire where we bought a State lottery ticket, and headed for the Maine coast. We found that lobster costs just about as much in New England on the cost as it does in Washington. A shortage this year. Wandering on south on the coastal roads, we went through fishing villages and resorts and were astonished to learn, after all these years, that New Hampshire has a seacoast.

We got lost in Boston trying to get through, found that the Naval air station we flew out of during World War II was now a marina and a manufacturing complex, went on to Cape Cod, were astonished again at the number of Negroes living in the small towns on Cape Cod. We didn't get to see the Kennedy compound at Hyannis Port for the simple reason they wouldn't let us in. We went to the Whaling Museum in New Bedford, gawked at the fabulous homes at Newport of an era which will never be duplicated because of today's tax system and went through every college campus we passed.

We came down the Jersey coast through Atlantic City to Cape May and crossed the Delaware Bay on the ferry. An hour and a half trip, escorted by a school of porpoises. The porpoises were not on the schedule.

All States have signs along the roads warning of the fine for littering. They ranged from a low of $20 in luxurious Newport and Rhode Island to the high of $300 in Maryland. Other signs that intrigued us were the ones at Atlantic City and Ocean City in New Jersey. They simply say "Criminals must register." Anyone with a record must report and register with the authorities. Not a bad idea and maybe all States and towns should adopt that requirement for anyone with a record.

Quite naturally we were interested in the farms and farming in that northern area. We wondered where all the labor came from to harvest the apples in New York and the truck garden crops. We were told that migrant workers came in, mostly Puerto Ricans, because they were the only ones who would work. We know why pumpkin pie is a New England dish for we saw fields of them as large as 50 acres. And 50 acres of pumpkins is quite a spectacle.

We recommend a "shunpike" tour, and we found that a good many other folks were finding the back roads more interesting. The turnpikes are all right to get from one place to another, but they are highly monotonous and you never get to see anything.

To get back to one of the objectives of our little tour and what we could suggest as something for our Hardy County folk to do to encourage more tourists, we came up with people. It is the people that make a place and not the things. When people are courteous, friendly, and helpful that place automatically becomes a place to which you want to return. No matter what the attraction is if people are discourteous, grabby, and greedy, it is a lousy place you won't urge your friends to go to. A pleasant smile and a friendly, pleasant word really makes a place if you are a stranger. Please remember that this weekend when we have the house and garden tour and crafts exhibits visitors.

WHEELING (W. VA.) NEWS-REGISTER CELEBRATES 75TH BIRTHDAY

Mr. BYRD of West Virginia. Mr. President, it is with pleasure that I call the attention of the Senate to the 75th anniversary of the Wheeling, W. Va., News-Register. The News-Register is an afternoon newspaper and, as the largest daily publication in the upper Ohio Valley region, it has won justifiable acclaim for its outstanding reporting of news events, for its leadership in civic affairs, and, of special interest to many people, for its never-ending drive to expose crime and lawlessness.

Mr. President, I personally believe that the efforts of the News-Register to focus the attention of its readers on the need for better respect for the law, stands as one of the brightest beacons in our Nation.

I believe that Mr. Austin V. Wood, publisher, Mr. Harry Hamm, editor, and the many others who daily produce this great newspaper, should receive highly deserved credit for meritorious service to the public.

I ask unanimous consent to insert in the RECORD at this point an appropriate editorial from the News-Register of September 22, 1965.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ON THIS OUR 75TH BIRTHDAY

With the ambition and confidence of youth, the late Herschel C. Ogden, 75 years ago today watched the first edition of his Wheeling News come off an ancient press.

Mr. Ogden was then but 21 years of age, but already he was demonstrating the foresight which was to mark his outstanding newspaper career. At that time all over the country the leading newspapers were morning publications, yet Mr. Ogden saw the possibilities of the evening newspaper field.

Newspapers had been coming and going in Wheeling for nearly a century before Mr. Ogden appeared on the scene after graduating from West Virginia University. Only two—the Intelligencer and Register—had stood the test of time. Both were published in the morning, leaving the evening field wide open for a new publication.

The Wheeling News started in a modest way and had to overcome fire, floods, and finances in its battle for circulation. Aggressive local reporting and innovation insured continuous and steady growth. The News originated surveys and forecasts on political elections and began a weekly industrial report gathered by reporters who visited the mills and factories in the area.

In August 1935 the News was merged with the Wheeling Register to become the Wheeling News-Register. Today it is the largest daily newspaper in this upper Ohio Valley region.

To the present day, the News-Register has carried on the policy of its founder, to provide the fullest possible community coverage and to foster local progress. This newspaper has never deviated from its advocacy of good government. During its 75 years the files will show that its searchlight has been frequently turned upon official conduct of public officials.

In the area of civic enterprise, the News-Register has been a leader. One of the most interesting episodes in the history of the early Wheeling News was the campaign conducted for the establishment of a high school for the children of Wheeling. There was no such institution when the paper was founded. Finally, in 1897, the News, strongly supporting citizens groups behind the movement, had the satisfaction of seeing the city's first high school opened in September.

Similar campaigns were waged in behalf of a public library, parks and recreation, highways and industrial and commercial expansion. An example of the outstanding enterprise of the News, undoubtedly, was the leading part it played in the great tax reform fight beginning in 1904.

The campaign was centered on the inadequacy of the tax assessments of railroads and public utilities, depletion of natural resources of the State and the inequitable share of taxation carried by the owners of real estate. The battle was won and among the first fruits of the 1904 victory was the reassessment of utility property. For the first time in the history of the State the coal companies began to contribute something to the public treasury in taxes on leaseholds.

Other notable campaigns by the News and News-Register included the adoption of the Workman's Compensation Act, recognition of the area's highway problems, elimination of tolls on the Ohio River bridges, fight for a new river bridge, municipal parking garage, air pollution control, urban renewal, razing of the Market Auditorium and establishment of a downtown park, flood control, construction of a new city-county building, various city charter reforms, industrial development, antigambling and racketeering crusades, advocacy of parole reforms and public housing projects for low-income families. These are but a few of the many causes in which this newspaper has taken the lead over the years.

The true measure of a newspaper's greatness is in its service to the community. After 75 years the News-Register proudly stands on its record. It has resisted the temptation of popularity for popularity's sake. It never has hesitated to dig out the facts which have been so cleverly covered by those who hold the public trust. It never has been afraid to take a stand.

On this anniversary day, the News-Register welcomes and appreciates the faith you, the reader, place in it, and pledges continuing service and a vigilance, without fear or favor.

A HEALTH MAINTENANCE PROGRAM FOR ADULT AMERICANS

Mr. WILLIAMS of New Jersey. Mr. President, in just a few months, some 19 million Americans who are 65 years of age or older will become eligible to receive the wide variety of hospital, extended care, and home health services made available by the historic expansion of the social security program authorized by this Congress.

Unquestionably, medicare represents a most significant milestone in the Nation's march toward longer life, to be enjoyed with a vastly increased freedom from the tragic cost of catastrophic illness and its destructive impact on individuals, their families, and their communities.

Let me offer this proposition, however, that by means of medicare—and all the other essential health legislation which this Congress has enacted—we are able to attack only the visible portions of the disease and disability problems which block progress toward optimum health and well-being for all Americans.

We have approved the expenditure of billions of dollars for research, for the expansion of community health facilities, for the development of new treatment resources; more billions will be forthcoming through the health insurance benefits mechanisms of social security to alleviate the burden on individuals of the high cost of modern medical care. But none of these actions provide for any concerted effort to protect the health of the aged and aging before obvious signs of illness and disability appear.

If we compare the Nation's health needs to an iceberg, we might say that our major current efforts are in large measure directed toward the tip, the visible portion—the known sick and disabled for whom we can and will provide treatment and other necessary care services. The hidden portion, much larger than the tip, represents the undetected diseases, the potential for future crippling or total impairment of persons who might otherwise be self-sustaining, in command of their own lives, earning income, or managing retirement annuities successfully.

To ignore the hidden segment of national health needs would inevitably impose increasingly heavy medical care responsibilities on our health service professions—and we are already hard pressed to recruit and train enough physicians and nurses and other specialized personnel. Further, we might ask how much more our economy can be taxed to support more and more community health facilities where medical and related care services can be given.

Medicare is a vital first step, but only part of a complete program of health care for our adult population.

What we must have now is a national program for health maintenance.

It is not enough to provide financial assistance after illness occurs. It is equally essential to protect health before costly illness strikes.

We can take pride in our participation in planning for more and better medical care. But the pursuit of health, like the pursuit of happiness, is endless. Therefore, as we look ahead to future national health needs, let us not overlook the hidden mass of the iceberg, the undetected diseases or proneness to disease.

By unmasking early danger signals, we know that steps may be taken to prevent, halt, or delay the costly process of illness and accompanying disability.

What I am saying, of course, is that an ounce of prevention is worth a pound of cure.

About a hundred years ago, Dr. Henry Dobell, in his London lectures, rather mildly asserted the belief that early disease detection would lead to "immense benefit to the public." We have seen this concept applied to the control of the communicable diseases—so effectively, in fact, that during the past half century they have virtually been subdued. Improvements in diagnosis and treatment, sanitation, nutrition, housing, and working conditions, as well as specific preventive measures such as immunization, have aided the conquest of communicable disease.

But this victory produced a new challenge, the challenge of chronic illness. People are living longer. They have a better chance to survive acute illness—but also a greater chance to fall victim to the onslaught of one or more chronic diseases. These conditions are most common during our middle and later years and they have become our No. 1 national health problem. A few facts demonstrate why.

Our aging population is increasing at the rate of 800 per day, according to figures supplied by the Office of Aging in HEW. The Public Health Service informs me that by 1970 there will be enough Americans aged 65 or older to fill cities the size of Boston, New York, Philadelphia, Detroit, Chicago, and Los Angeles.

An estimated 74 million Americans are afflicted by 1 or more chronic disorders—and more than half of those over 65 years of age are limited, to some extent, in their activities.

Two out of every three deaths in the Nation result from heart and circulatory disorders or from cancer. Cardiovascular diseases alone claim more than 900,000 lives each year, and cancer adds another quarter of a million to this grim harvest.

Allied with these and other "killer" diseases are a host of cripplers. More than 20 million Americans are affected by blindness, deafness, epilepsy, mental retardation, and other neurological or sensory diseases; 12 million have some form of arthritis or rheumatism; 2 million are known diabetics and an equal number are believed to have diabetes which is undetected and untreated. Also, 1.3 million Americans over 40 years old have glaucoma; half of these do not know that the disease is present and may lose their eyesight if it is not detected and treated.

So, we are faced with a rapidly increasing aging population whose needs for medical and related care may be expected to increase in proportion to our neglect of their potential susceptibility to chronic illness.

The final answer to the health problems of the aging and aged is surely not limited to the provision of a broad range of care services to all who need them. We must also envisage a more comprehensive effort to identify and control, during our productive years, those chronic diseases which, if ignored, take such high toll in later life.

Who among us would not choose, if we could, to learn about an incipient disease in time to be treated successfully by our own physicians, often without hospitalization and without substantial absence from work or interruption of community and social activities? Industry agrees that this kind of preventive medicine is a good investment—hence, the numerous employee health programs which are being maintained, and the policy of many organizations to safeguard executive health by periodic physical examinations. Such regular health checkups are expensive and time consuming, but they invariably uncover many conditions which, if ignored, would drastically reduce the number of years through which essential manpower might continue to contribute creative ideas, managerial know-how, and the technical skills acquired through training and experience.

Think of the lives we might save, the disabilities we might prevent, if we could place 10 million Americans a year in a planned program of screening for hidden, asymptomatic disease, followed by treatment and continued health maintenance through periodic reexaminations and medical evaluation of individual needs.

Only a major national commitment to apply the principles and techniques of preventive medicine on a mass basis will stem the rising tide of an increasing burden of medical care in terms of manpower, facilities, and dollars.

We have the technological capacity to do this.

Recently, I was informed of an unusual project underway in California Assisted by a grant from the Division of Chronic Diseases, Public Health Service, the Kaiser Foundation health plan in Oakland has developed a multitest laboratory in which patients receive automated tests and personally fill out health history questionnaires. The tests and the health history data are fed into a computer which is programed to print out a compilation of the results indicating normal and abnormal values. The entire procedure requires only about 2½ hours of the participant's time, during which he receives a battery of more than 20 automated or semiautomated health tests. Most of these are tests that would be done by a physician giving a complete physical examination to rule out or discover sources of disease or impairment. If performed by conventional methods they would take 2 days to complete and cost about $300 per person. The automated testing, however, costs only a fraction of this amount. I am told that it is also immensely accurate, eliminating the margin for human error occurring when laboratory reports and other diagnostic information is read, recorded, and summarized by technicians.

Some 40,000 Kaiser-Permanente health plan beneficiaries are participating in this pilot health appraisal program. In part, it is a research venture which will demonstrate the feasibility of applying our best technological knowledge to perfect a quick and economical method for providing high-quality periodic health examinations. But the project is also discovering heretofore unknown cases of diabetes, glaucoma, heart disease, and other chronic diseases which need medical treatment.

If such a program were available to general population groups, the results of the automated tests would be referred to the participant's physician who would then be responsible to prescribe and treat or to do whatever additional diagnostic work was indicated. Thus, the overburdened practitioner could function at the highest level of his capability for which he was prepared during long and costly medical education. He could also be spared the time-consuming work of taking lengthy personal histories, and his diagnostic facilities could be kept free for definitive testing of patients with complex or severe medical care problems.

The Kaiser program has already demonstrated that automated health appraisal need not be impersonal. During the 2½ hours the participant is being tested, he is in constant and close personal relationship with nurses, technicians, and medical specialists trained to conduct the various tests. The purpose of each test is explained—what the electrocardiogram is for, for example—and how simultaneous mechanical reading of heart data makes it possible to get a complete EKG in about 5 minutes.

I am sure that this is heart-warming news to all of us who have spent so many hours in going through the accepted normal procedures of these days.

The Senate doctor has been after me to take an electrocardiogram for some time. The burden of work has been such that I have not found that hour in which to go to the doctor's office. These new devices certainly can make preventive health care almost a simplified procedure.

A marvelously complicated device is able to separate instantly a single blood specimen, taken by one technician, into eight or more units for automated measurements of protein, cholesterol, calcium, glucose, and other significant blood content, as well as to determine hemoglobin and white cell count. A retinal photograph is made in 2 minutes, as is the tonometer test for glaucoma. Nothing is overlooked, from height and weight measurements to tests for cancer and cardiovascular conditions and chest X-rays.

It seems to me to be the time, now, to consider putting our national health resources to work more effectively to prevent the onset of crippling and long-term illnesses. Technological developments—such as the one program I have mentioned briefly—are available for almost unlimited application, if we have the foresight and courage to move ahead with a large-scale health appraisal system for older adults.

We have battled in the Congress of the United States for better than a decade for medicare. It seems to me that now would be the time to consider this matter, and I do not expect it to be a long struggle. I believe that logic indicates that it is time for us to avail ourselves of what may be considered in the field of medicine to be a program of preventicare.

Certainly, one group of citizens who should immediately welcome the opportunity for speedy, thorough, and economical periodic health checkups are those 65 and older who are becoming eligible for health insurance benefits under Social Security. By the same token, the early detection of illness, or the quick and effective determination of potential disease, should offer tremendous dividends to Medicare officials in the Department of Health, Education, and Welfare and in the States who are to be faced with an endless procession of applicants seeking minor as well as major care services of all kinds.

Automation, of course, is not the only answer. But I cannot see where we are going to get the large numbers of technical and professional personnel we would need to offer manually conducted health appraisal programs—or how our communities could afford to pay their salaries.

Automated systems have proved themselves to be efficient and economical, and have enabled science and industry to achieve phenomenal progress in a single generation.

I would like to see equally modern methods applied to protect and improve our most precious resource—the health of our people.

Every dollar we spend in health maintenance, every dollar we spend to detect incipient disease, to prevent the development of long term chronic conditions needing constant surveillance and care, will pay off in savings of millions of dollars which would otherwise have to be spent in often futile attempts to save or restore damaged lives.

Let us not hesitate to add another milestone beyond Medicare.

Let us not hesitate to recommend to the proper authorities a thorough investigation of the opportunities available to us for health protection and health maintenance for our aging and aged citizens.

Let us give medicare its next logical handmaiden, preventicare.

Mr. President, I ask unanimous consent that letters I have received from Dr. Morris F. Collen of the Permanente Medical Group, Dr. Arnold B. Kurlander of the Sinai Hospital of Baltimore, and Dr. Wilson T. Sowder, State health officer of Florida be included in the RECORD at the conclusion of my remarks. I am sure their commentary on the importance of preventive medicine will be interesting to my colleagues.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SINAI HOSPITAL OF BALTIMORE, INC.,
Baltimore, Md., August 31, 1965.
Hon. HARRISON WILLIAMS,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: During the past several years emphasis has been placed on the medical care problem of older people. The recent monumental amendments to the Social Security Act will have a favorable impact on the health of the Nation.

While it is important and necessary to see that medical care is available when needed, it is equally important to do everything possible to prevent the onset of disease. In some instances complete prevention is possible; in other instances only intervention is possible to prevent or delay the development of disability or the occurrence of premature death. For many years I have been involved in the development and promotion of methods and techniques of preventing or detecting chronic disease, I was, therefore, delighted to learn of your interest in early detection programs, and certainly want to lend my support.

On February 10, 1965, I presented a worldwide broadcast on chronic and degenerative disease under the sponsorship of the Voice of America health forum series. The following excerpts from that paper may be of interest to you:

"The active search for chronic disease among apparently healthy people is a fundamental aspect of prevention. Case finding or early detection programs are mainly directed toward the middle-aged. Frequently diseases which might produce noticeable signs or symptoms in children and adolescents do not do so in the middle-aged or older adult. Thus the disease process may begin and progress for some time before producing symptoms severe enough to cause the individual to seek aid. Irreparable damage may be done. Discovered sufficiently early, many of the disease processes can be reversed or ameliorated.

"The annual health maintenance examination, especially for persons 35 years and over, is productive in the early detection of hidden chronic disease. An increasing number of people are undergoing such examinations. However, there are difficult logistics problems related to the number of persons requiring such examinations and the availability of qualified physicians with the time to perform them.

"To help solve this problem and to bring preventive examinations to large masses of people with minimal expenditures of time and money, a number of alternative approaches are in use. They are based primarily on conserving the physician's time for those things that only he can do, diagnosis and treatment, and having technicians administer simple, inexpensive laboratory tests and operate other measuring devices. Screening programs are of all types and combinations, some simple, others complex and highly organized. They range from the individual-centered streamlined health maintenance examination, with a self-completed medical history and laboratory tests administered by technicians; to the mass use of a single test for the detection of a single categorical disease; to the application of multiple tests to large numbers of people for the detection of many conditions. When valid and reliable screening tests are properly applied and effective followup procedures are incorporated to assure diagnosis and treatment, screening programs are practical and productive attacks upon the problem.

"The most promising approaches to the prevention of cancer are techniques of detection applied to the uterine cervix, the oral cavity, the breast, the colon-rectum area, the lungs, and the skin. Microscopic examination of cells cast off into body fluids affords the best possibility to discover cancer of the uterine cervix at a stage when complete cure can usually be assured. In initial projects, one may expect positive findings in 5 of every 1,000 women examined. This technique is being used more and more in the offices of practicing physicians and in community hospitals. In addition, there are at least 20 full-scale organized community projects now in existence.

"Better techniques of screening for cancer of the colon and rectum and for cancer of the lung are being developed. The use of soft-tissue X-rays of the breast is being evaluated as an aid in the detection of breast cancer.

"Screening programs for the early detection of diabetes, by both blood and urine examinations, are now widely used in all parts of the country. Increasing attention is being placed on screening for glaucoma, a condition responsible for 15 percent of the blindness in this country which, if found early, is susceptible in most instances to amelioration.

"Certain screening techniques for the early detection of heart disease are being refined. Of particular interest are the efforts to improve utilization of the electrocardiogram, one of the most widely used and often the most significant diagnostic tests in the management of heart disease. Methods are being developed to permit automated analysis of electrocardiograms and thereby save millions of hours of cardiologists' time which might be better used for the diagnosis and care of patients."

Sincerely yours,
ARNOLD B. KURLANDER, M.D.,
Executive Director.

THE PERMANENTE MEDICAL GROUP,
Oakland, Calif., September 3, 1965.
Senator HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: Knowing of your interests in preventive health services for older age groups, I thought you might care to know of some of the experiences of the Kaiser-Permanente medical care program in the field of preventive medicine.

Since its inception in 1942, the Kaiser Foundation health plan, a prepaid comprehensive medical plan, has included preventive medicine as one of its basic principles.[1]

In the care of older age groups, in whom it may be assumed that the majority have some chronic degenerative disease, preventive medicine can be effectively practiced by utilizing periodic health examinations directed to detecting early abnormalities and measuring the extent of clinical disease; then attempting to prevent progression of disease and disability by instituting appropriate therapy.

To meet increasing requests for periodic health checkups from our health plan members and provide such examinations at a reasonable cost, multiphasic screening techniques were first utilized in our Oakland Permanente Medical Group offices in 1951. Our multiphasic health checkup consists of a battery of test procedures and a physical examination by an internist. In an attempt to further improve services, refine procedures, and conduct preventive medical research, our enlarged automated multiphasic screening project[2] was initiated in our Oakland and San Francisco medical centers in 1962. We are presently examining approximately 4,000 adults monthly in these two facilities, of which about 10 percent are over the age of 65. In the Kaiser-Permanente program, periodic health examinations are also provided in the traditional manner.

We believe that there is a great need for intensive research in preventive health services in the adult. Utilizing the established automated multiphasic screening project and the resources of our medical care program, with the support of a community health project grant (CH 05-8 D-66) and a grant from the chronic disease division (CD-00142-01) of the Bureau of State Services, we are involved in an extensive research program directed to investigating preventive medical methods for more effective detection, prevention, and control of chronic disease and disability.

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[1] Cutting, C. C.: "Medical Care: Its Social and Organizational Aspects; Group Medical Practice and Prepayment"; New England Journal of Medicine, 269: 729-736, Oct. 3, 1963.

[2] Collen, et al: "Automated Multiphasic Screening and Diagnosis," American Journal of Public Health, 54:741-750, May 1964; "Computers in Multiphasic Screening," chapter 14, "Computers in Biomedical Research," vol. 1, Academic Press, Inc., New York, 1965; "Periodic Health Examinations Utilizing an Automated Multitest Laboratory," read before the joint meeting of the section on preventive medicine and section on general practice, American Medical Association, June 23, 1965.

Although we are investigating improved medical methods and conducting preventive medical research, conclusive statistical data from our studies are not yet available. However, based upon our experience, we can express the following opinions:

1. Periodic health examinations are popular and in demand by the public. In total, about 40 percent of our members avail themselves of this service.

2. Periodic health examinations uncover a large hidden reservoir of asymptomatic disease. In the adult, period health examinations provides an effective means for detection of important, common chronic diseases (such as hypertension detected in about 7 percent of our examinees, diabetes in 4 percent, glaucoma in 1 percent). This permits early institution of medical care and often helps to prevent or postpone serious, and even permanent disability.

3. If periodic health examinations are to be provided to large numbers of people at a reasonable cost, the utilization of an automated multitest laboratory such as ours has several advantages, namely:

(a) Conservation of time and money of patients is accomplished through improved efficiency of services by close integration of many test procedures. For a working population, the arrangement of convenient hours to receive a battery of tests conserves time from their work.

(b) Conservation of time of physicians results from transferring many routine and repetitive procedures to paramedical personnel and instrumentation. It is becoming increasingly important to optimize the time and efforts of the doctor, since physician time is our most expensive cost factor. Utilizing an automated multitest laboratory decreases the need for the doctor to spend time doing routine repetitive history taking and measurement recording; the physician can utilize this time more productively in counseling, treating and talking with the patient.

(c) Standardization of procedures, better quality control and accuracy results in overall improvement in quality.

I appreciate the opportunity to outline our activities and present our opinions in the field of preventive medicine for the aging. I should be pleased to elaborate any areas which may be of interest to you.

Sincerely yours,

MORRIS F. COLLEN, M.D.,
Director, Medical Methods Research.

FLORIDA STATE BOARD OF HEALTH,
Jacksonville, September 2, 1965.

Hon. HARRISON WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: With the passage of Public Law 89–97 (medicare) great effort, attention, and money will be expended in helping people who are sick; but as you know, this law does not provide any means for preventing illness. Also, although the pending bill on heart, cancer, and stroke has an inserted and tangential reference to prevention, its central focus is on the application of methods of treatment for known diseases already developed.

As State health officer of the State of Florida—where great numbers of older people live either permanently or seasonally—I am painfully aware that over 80 percent of our senior citizens suffer from one or more chronic illnesses.

In Florida we have conducted programs of screening for diabetes, heart disease, and glaucoma that have detected many cases of disease which were unknown to the individual. In many instances these could be treated successfully at this stage in a doctor's office or an outpatient clinic, thereby making costly hospital admissions at later stages unnecessary. Early identification of chronic disease can do much toward preventing the disabling effects in later life. In fact it is impossible to overestimate the benefits of early identification in terms of suffering prevented and the prolonging of useful life.

Public Law 89–97 provides for the treatment of illness. However, the prevention of illness is certainly of at least equal importance. There is a great need for a system of health appraisal facilities and programs leading to the early detection of disease in the interest of preventing or modifying the illness before intensive care is required. Frequent health appraisal is the nucleus of good health practice, for only through examinations can chronic disease be identified early.

Moreover, such examinations should be available to the middle-aged adult as health in older years is most certainly influenced by health practices earlier in life.

Early detection and prevention of illness is absolutely necessary in providing health protection for our senior citizens.

If, as I understand, you are quite interested in the health and well-being of our older Americans, you may wish to insure that future legislation contains this necessary emphasis on casefinding and prevention.

Sincerely,

WILSON T. SOWDER, M.D.,
State Health Officer.

NEW PANAMA CANAL TREATY

Mr. MANSFIELD. Mr. President, this afternoon President Lyndon B. Johnson and President Marco A. Robles of Panama issued a joint statement in their respective countries concerning the status of negotiations over a new treaty for the Panama Canal. These talks have been going on now for some 18 months and seem to have made great progress toward a new and mutually acceptable agreement to replace the old treaty, which has been in force since 1903. It is notable that the heat of the tempers which raged so strongly for weeks during the costly riots in Panama in January of 1964, has been conspicuously absent from the negotiating table these last months. It is obvious that negotiators on both sides have acted responsibly, honorably and with mutual self-respect—dedicated to reaching a satisfactory agreement within the context of the inter-American system. Our own representative, Ambassador Robert B. Anderson, and his staff are to be congratulated for their outstanding work to date.

We can be proud of their achievements just as Panamanians can be justly proud of their representatives at the negotiating table.

The areas of agreement so far reached are particularly significant in that they are a true sign of the spirit of justice and fair play which have governed the talks between two sovereign nations but even more, as friend to friend, once again reasonable men have sought reasonable solutions and have found them.

The free and unobstructed flow of traffic through the canal is vital to the interests of almost every trading nation in the world. If these interests are to be served a just and lasting agreement is a necessity. I believe we now have the basis for it.

Whatever decision is made concerning the construction of a new canal, whether it be in Panama or elsewhere, its proper operation will greatly depend on what has been done here. Good engineering and good construction are not enough if good statesmanship is forgotten. President Johnson has kept this in mind and I commend him most highly for the guidance, the understanding and the statesmanship he has shown.

Mr. President, I ask unanimous consent that the joint statement issued by President Johnson and President Robles be printed at this point in the RECORD.

There being no objection, the joint statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE PRESIDENT OF THE REPUBLIC OF PANAMA, SEPTEMBER 24, 1965

The President of the United States of America and the President of the Republic of Panama announced today that areas of agreement have been reached in the current treaty negotiations along the following lines:

In order to meet their present and future needs the two countries are negotiating separately a new and modern treaty to replace the 1903 treaty and its amendments, a base rights and status of forces agreement and a treaty under which there might be constructed across Panama a new sea level canal.

The two countries recognize that the primary interest of both countries lies in insuring that arrangements are provided for effective operation and defense of the existing Panama Canal and any new canal which may be constructed in Panama in the future.

With respect to the status of the negotiations on a new treaty to replace the 1903 treaty and its amendments, general areas of agreement have been reached. The details of these areas of agreement are the subject of current negotiations.

The purpose is to insure that Panama will share with the United States responsibility in the administration, management, and operation of the canal as may be provided in the treaty. Panama will also share with the United States in the direct and indirect benefits from the existence of this canal on its territory.

The areas of agreement reached are the following:

1. The 1903 treaty will be abrogated.

2. The new treaty will effectively recognize Panama's sovereignty over the area of the present Canal Zone.

3. The new treaty will terminate after a specified number of years or on about the date of the opening of the sea level canal, whichever occurs first.

4. A primary objective of the new treaty will be to provide for an appropriate political, economic and social integration of the area used in the canal operation with the rest of the Republic of Panama. Both countries recognize there is need for an orderly transition to avoid abrupt and possibly harmful dislocations. We also recognize that certain changes should be made over a period of time. The new canal administration will be empowered to make such changes in accordance with guidelines in the new treaty.

5. Both countries recognize the important responsibility they have to be fair and helpful to the employees of all nationalities who are serving so efficiently and well in the operation of the canal. Appropriate arrangements will be made to insure that the rights and interests of these employees are safeguarded.

The new treaties will provide for the defense of the existing canal and any sea level canal which may be constructed in Panama. U.S. forces and military facilities will be maintained under a base rights and status of forces agreement.

With respect to the sea level canal, the United States will make studies and site surveys of possible routes in Panama. Negotiations are continuing with respect to the methods and conditions of financing, constructing and operating a sea level canal, in the light of the importance of such a canal to the Republic of Panama, to the United States of America, to world commerce and to the progress of mankind.

The United States and Panama will seek the necessary solutions to the economic problems which would be caused by the construction of a sea level canal.

The present canal and any new canal which may be constructed in the future shall be open at all times to the vessels of all nations on an nondiscriminatory basis. The tolls would be reasonable in the light of the contribution of the Republic of Panama and the United States of America and of the interest of world commerce.

ADJOURNMENT TO TUESDAY

Mr. **MANSFIELD**. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the previous order, that the Senate stand in adjournment until 12 o'clock noon on Tuesday next.

The motion was agreed to; and (at 3 o'clock and 4 minutes p.m.) the Senate adjourned, under the order previously entered, until Tuesday, September 28, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 24 (legislative day of September 20), 1965:

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of lieutenant commander:

Edward L. Bailey
Raymond E. Womack
John P. Sanken
Donald L. Sherman
Frank E. Braman
Kearney L. Yancey, Jr.
John V. A. Thompson
Roger V. Millett
Charles S. Wetherell
Hugh L. Murphy, Jr.
Richard A. DeCorps, Jr.
Mitchell J. Whiting
John B. Lynn
John W. Kime
Harlan D. Hanson
Richard J. Green
Thomas D. Combs, Jr.
James E. Brown, Jr.
George D. Pasamore, Jr.
Louis K. Bragaw, Jr.
Richard J. Collins
Charles S. Niederman
George P. Vance
Ronald A. McClellan
John C. Wirtz
David R. Markey
Robert A. Johnson
William C. Parish
Richard W. Michaels
Douglas B. Thurnher
Henry J. Harris, Jr.
James C. Osborn
Keith D. Ripley
John M. Cece
Harold E. Fallon, Jr.
Richard D. Thompson
Arnold B. Beren
Donald M. Morrison, Jr.
Donald B. Davis
Ronald G. Malone
Thomas P. Nolan
Tommy G. Woodworth
Peter J. Rots
Robert L. DeMichiell
Matthew J. Ahearn
John I. Maloney, Jr.
Everett L. Crowell
Ralph Z. Del-Giorno
John R. Erickson
Thomas T. Matteson
William R. Babineau
Richard Buell
Harry J. Reckitt
John P. Flaherty, Jr.
Carol E. Conry
John R. Mitchell
Richard J. Marcott
Andrew R. Rippel
Edward B. Holtzman
William E. Morris, III
Dick G. Taylor
Warren J. Frederick
Weymond Davis
Dale H. Huff
Gordon D. Crandall
Maurice V. Goodroe
Bruno A. Forsterer
Milton J. Thompson
Jack A. O'Donnell
Herman G. Pinter
Walter H. Riddle, Jr.
Carlton D. Leonard
Floyd A. Rice
Edward V. Dempsey, Jr.
Charles H. Denmark
Charles B. Morrison
Russell D. Edens
Benjamin S. Beach, Jr.
James J. Gaughan
Albert D. Grantham
George T. Kulick
Roy E. Nichols, Jr.
Ara E. Midgett, Jr.
Thomas D. Keith
Russell E. Sawyer
Richard N. Westcott
Richard J. Briggs
Wallace A. Herrington
Sanford H. Pierpoint
Samuel A. McDowell, Jr.
Vern R. Potter
Richard F. Eiden
Paul E. Peterson
Rea F. Fetzer
James G. Glasgow
Richard B. Eldridge
William P. Penney
Rudolph T. Sommer
Robert C. Nichols
Robert P. Knauff
Aaron W. Rogers
Richard M. Connor
Lee I. Levy
Costa J. Alton
Robert Farmer
John C. Hanson
Karl F. Welty, Jr.
Robert S. Cutler
Richard H. Wight
Gene N. Cooper
Ronald G. Eastman
Robert O. Slade
Herbert D. McQuarrie, Jr.
Noel G. Ballinger
Mark W. Byrd
Robert H. Elkins
Donald P. Nachtwey
Theottis Wood
Duane P. Gatto
Jack W. Dunn
Luther L. Barr
Ralph T. Martin
John R. Bosk
Alfred H. F. Marchant
Robert E. Hynds
Kenneth R. Rider
Bruce C. Timmerman
Dorwin W. Newman
James D. Lombard
Dan S. Meginley
Philip P. Coady
Robert A. Janecek
Alvin J. Arnett
Franklin E. Thrall
James G. Lang
Galen B. Nielsen
John J. Janda, Jr.
William H. Dotson
Hugh T. Williams, Jr.
Philip R. Spiker
Charles H. Leckrone

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284, 3304, and 3305.

To be colonels

Abernathy, Sterling H., O32401.
Ackerson, Duane W., O45068.
Adams, William L., Jr., O43651.
Adams, Willis J., O34197.
Adcock, Charles W., O24287.
Aerni, Francis J., O31920.
Agnew, Robert H., O45102.
Alcorn, James P., O44844.
Alexander, Charles R., O87464.
Alexander, Joseph P., Jr., O34481.
Allen, Fred C., O34104.
Almquist, Elmer H., Jr., O24228.
Anderson, Ben L., O24616.
Anderson, Lawrence R., O40461.
Andresen, Carroll W., O34388.
Andrews, Theodore H., O33688.
Appel, John G., O40700.
Arnold, Henry H., Jr., 023299.
Arntz, John P., O39126.
Arthur, John E., Jr., 024457.
Atteberry, Roy L., Jr., O23899.
Austin, Charles F., O45239.
Ayres, Harold B., O34732.
Bailey, Claude E., Jr., O24420.
Bailey, Frederick J., Jr., O33982.
Balkman, John P., O33766.
Ball, Frank E., O33944.
Ballard, James L., Jr., O24215.
Balthis, Jack, L., O34706.
Bangert, Athel, O25202.
Barfield, Thomas H., O35425.
Barney, John C., Jr., O23963.
Barnhart, Norvel H., O34105.
Barrett, William S., O34939.
Barsanti, Olinto M., O34037.
Barthle, Robert C., O24246.
Barton, Claude D., O33663.
Bauch, Alfred R., O34401.
Bautz, Edward, Jr., O34750.
Beatty, George S., Jr., O25268.
Beaudry, Charles L., O23077.
Becker, Marshall O., O24473.
Becker, William A., O24267.
Bennett, Robert B., O44977.
Benson, John S., O33954.
Berry, John T., O25284.
Best, George W., Jr., O25074.
Bestor, Richard J., O33972.
Biggs, Richard C., O45688.
Bird, Daniel C., O35264.
Birdsong, William H., Jr., O33945.
Blackburn, Donald D., O33734.
Blacker, Kemuel K., O44956.
Blakefield, William H., O33927.
Blazzard, Howard C., O35453.
Blinn, Ashley A., O35322.
Bloch, Orville E., O32736.
Blom, Arthur R., O79744.
Blomgren, Holton E., O44964.
Boatwright, Linton S., O23968.
Boggs, Adelbert D., O34569.
Boggs, William M., O34087.
Bone, George A., O81890.
Borman, Robert C., O23922.
Boswell, Henry, Jr., O23913.
Boulger, Jack A., O33935.
Bowen, Thomas J., O33333.
Bowlby, Lawrence, O45718.
Boyce, Wilbur C., Jr., O24460.
Boyer, Donald P., Jr., O24563.
Boykin, James H., O45838.
Boyle, Herman B., Jr., O34090.
Branch, James S., O40494.
Brand, William F., Jr., O25323.
Branson, Boyd L., O25254.
Brice, Charles S., Jr., O23029.
Bristol, Delbert L., O34340.
Brodbeck, William D., O34565.
Brooks, John M., O53449.
Brown, Earl V., O24044.
Brown, Harry C., O33556.
Brown, Horace M., Jr., O23886.
Brown, James H., O25024.
Browning, James M., O35220.
Buchanan, Earl K., O24080.
Buerschinger, Harold F., O46015.
Bunte, Donald W., O39122.
Burgess, Albert F., Jr., O35280.
Burke, James L., O35047.
Burney, Samuel M., O34956.
Burns, Kenneth P., O25194.
Burtchaell, John W., O23764.
Burton, William E., O44526.
Bushway, Collin, O33330.
Callaway, John W., O24081.
Camp, Thomas J., Jr., O24603.
Campbell, Raymond P., Jr., O23861.
Canella, Charles J., O23865.
Cannady, Preston B., O34101.
Cannon, Charles A., Jr., O23835.
Caprino, Charles T., O33808.
Carlisle, Gerald, O40324.
Carpenter, Sidney C., O80381.
Carr, Frank F., O24504.
Carroll, Charles A., O25250.
Carter, George W., O24556.
Carter, Lamar G., O79769.
Carter, Washington C., O35390.
Cary, Victor L., O24600.
Cason, Duane S., O25334.
Castle, Edmund, O35299.
Cauble, Gordon B., O24239.
Chamberlain, Clifton H., Jr., O56907.
Chapman, Daniel T., O34086.
Chapman, Ernest W., O40704.
Charlton, George F., O25107.
Chenault, James K., O45678.
Chesley, John W., Jr., O53264.
Chrietzberg, Abb, O34838.
Ciccolella, Richard G., O34117.
Clark, Harry A., Jr., O33937.
Clark, Howard W., O23698.
Clarke, Fred DeM., Jr., O45673.
Clayton, George A., O24196.
Cleary, Thomas J., Jr., O23998.
Clifford, William E., O23853.
Coakley, Robert J., O23919.
Cobb, William W., O45651.
Cochran, Harrington W., Jr., O23731.
Coffey, Alfred E., O53220.
Coffin, Robert E., O25234.
Cogswell, David G., O33393.
Coleman, Robert M., O22008.
Colkitt, Thompson McC., O33690.
Collins, Fred W., O33425.
Collins, Leroy P., Jr., O24031.
Colquitt, Rawlins M., Jr., O24189.
Conaty, Francis S., Jr., O34965.
Condon, Jack G., O45542.

Condy, William, O25220.
Connor, John E., Jr., O33933.
Connor, Robert E., O33960.
Conroy, Raymond C., O33276.
Cook, Benjamin F., Jr., O32801.
Cook, Julian A., O23290.
Cooper, Thomas H., O45975.
Corey, Robert R., O34006.
Costabile, Raymond C., O44814.
Covert, John R. M., O45998.
Cowan, Alvin E., O24171.
Cox, William E., O25105.
Crane, Glenn, O46186.
Crawford, Grover L., Jr., O79784.
Crawford, Harold M., O21840.
Crayton, Robert B., O34682.
Creek, Roy E., O39099.
Crosby, Ralph D., O33981.
Cross, James C., O39092.
Cross, Thomas R., O24610.
Crown, Francis J., O23031.
Culhane, Roger J., O25083.
Cumings, Charles S., O25120.
Cummins, George M., O24418.
Curtis, Clifford A., O33462.
Curtis, Elmer P., O25028.
Curtis, Homer K., O51918.
Dailey, Paul P., O52682.
DalPonte, Peter L., O34486.
Dalton, Ralph L., O34488.
Davidoff, James E., O33460.
Davies, Walter J., O53328.
Davis, Art H., O34693.
Davis, Charles W., O34046.
Davis, Clarence E., Jr., O53041.
Davis, Don, O45687.
Davis, Franklin M., Jr., O24491.
Davis, Gerald W., O33888.
Davis, Oscar E., O39136.
Day, Paul C., O23866.
DeLuca, Arthur J., O24400.
DeNoya, Louis L., O53352.
DePuy, William E., O34710.
DeYoung, Guy O., Jr., O33925.
Dean, John W., Jr., O35420.
Dean, William A., O46007.
deSaussure, Edward H., Jr., O23790.
Desobry, William R., O24262.
Di Meo, Frank G., O44074.
Dickerson, George W., O34189.
Dickson, Ned R., O34091.
Dickson, Robert S., 3d, O80396.
Dillon, Wilbur S., O32807.
Dingeman, David R., O53468.
Dingle, Robert S., Jr., O80397.
Doherty, Paul E., O25212.
Donley, Edwin I., O34887.
Donnell, Francis S., O33295.
Downing, Edward P., O33917.
Drewry, Guy H., Jr., O35274.
DuParc, Jules M., O24192.
DuBois, Edmund L., O24265.
Duda, Frank, O52768.
Duffie, Johnnie D., O33474.
Duke, Robert W., O33373.
Dukes, Dan K., Jr., O34283.
Duncan, Jack M., O34647.
Dunlop, Donald D., O24284.
Dunn, George R., O34084.
Dunn, Jerry F., O34342.
Durrenberger, William J., O25099.
Dwan, John E., 2d, O25354.
Dwight, William A., O35305.
Dyer, William B., O53095.
Dyson, James H., O33799.
Eberhardt, Leo H., O53435.
Eddy, Dayton W., O24565.
Edger, Robert H., O23921.
Edmondson, Carl C., O44982.
Edwards, Bob E., O33844.
Edwards, Richard A., Jr., O34116.
Eicher, Roger A., O40665.
Eisiminger, Sterling K., O40651.
Elder, John H., Jr., O53453.
Elder, John W., O25068.
Elliott, Glenn P., O40658.
Emerson, Kary C., O33991.
Erickson, Kenneth W., O24474.
Farrar, William L., O34053.
Faust, Robert J., O40641.
Featherston, Howard H., O34339.
Fee, Henry J., O34705.
Feeman, William E., O24243.
Ferguson, Thomas G., O24464.
Ferrari, Robert S., O44810.
Feyereisen, Paul A., O39089.
Finley, Gibson R., O34837.
Finley, Glenn S., Jr., O24117.
Fischer, Frank O., O45412.
Fisher, Paul A., O53311.
Fitzpatrick, Francis C., O23927.
Fives, Paul E., O32170.
Flanders, Charles L., Jr., O24006.
Flegeal, Foster F., O39118.
Fleming, Elmer P., Jr., O33975.
Fletcher, Charles W., O23839.
Flynn, Ralph M., O39133.
Fonk, Elwyn J., O44015.
Forbes, Robert C., O24511.
Ford John A., O24497.
Ford, John M., O79813.
Forsythe, George I., 024510.
Foss, Erling J., 039127.
Foster, Hugh F., Jr., O23837.
Fragala, Augustine M., O81899.
France, Douglas C., Jr., O34967.
Franklin, Wesley C., O45565.
Franks, Edward R., O53431.
Franz, Robert W., O53425.
Frazier, Douglas P., O46344.
Freeman, Robert F., O44823.
Freeman, Wilson, O24234.
Fritter, Lee W., O23217.
Garbacz, Joseph F., O40548.
Gardiner, William D., O45175.
Gardner, Glenn H., O33665.
Garrett, Leonard E., O35307.
Garrett, Robert W., O23971.
Gattis, Floyd D., O34269.
Gauvreau, David G., O23789.
Geer, Donald L., O34675.
Geise, Jack P., O25131.
Georgelas, John G., O33978.
Gerace, Felix J., O23954.
Gibbons, James J., O25355.
Gilchrist, Frank, O45818.
Gildart, William J., O23264.
Gile, David A., O24477.
Gillespie, Hubert W., Jr., O24264.
Girard, Charles J., O34110.
Gleason, William T., O23956.
Glover, William C., O34122.
Goers, Melvin A., O25265.
Gold, Norman H., O34862.
Golladay, Howard O., O25062.
Gompf, Clayton N., O34716.
Gonseth, Kenneth M., O24417.
Goodman, John M., O33323.
Gordon, Donald B., O32573.
Gordon, William T., O34397.
Grace, Denis B., O23760.
Grady, John W., O33940.
Graham, Charles R., O24605.
Graham, Erwin M., Jr., O53182.
Gray, Asa P., Jr., O34096.
Gray, Paul, Jr., O23935.
Greeley, Donald H., O35144.
Green, Robert W., O34332.
Greene, Lawrence V., O23872.
Greene, Michael J. L., O23887.
Greer, Howard W., O35426.
Gregg, Francis H., O32037.
Gribble, William C., Jr., O23695.
Griffin, James S., O53096.
Grimsley, Ralph J., O39119.
Grinnell, Richard A., O53260.
Griscti, Walter E., O34666.
Grove, Robert N., O25104.
Grygiel, Joseph S., O23737.
Guerin, Vincent C., O34052.
Guest, James W., O24133.
Gunn, Frank L., O34734.
Gustafson, Karl W., O45560.
Haley, James W., O24244.
Halper, Maurice J., O39072.
Hamilton, Robert C., O95031.
Hamilton, Robert M., O24621.
Hammer, James E., O24599.
Hanes, Lloyd LeR., O24191.
Hanes, Wallace M., O33384.
Hannah, Paul V., O24539.
Hansen, John C., O34333.
Harbert, John E., O44833.
Harden, John H., O34977.
Harper, James H., O40735.
Harrington, Patrick W., O33372.
Harris, Frederick V., O33595.
Harris, James F., Jr., O34242.
Harris, William N., O40659.
Hart, William F., Jr., O45792.
Harvey, Glenn M., O46210.
Harvey, William W., Jr., O24598.
Hatch, James J., O45096.
Hatch, Merrill G., O33918.
Hathaway, Edward N., O25366.
Hauser, Auburon P., O23908.
Hay, John H., Jr., O25290.
Hayes, John, O53437.
Healy, James G., O23816.
Healy, Richard W., O25275.
Heatwole, James W., O35215.
Hebbeler, James A., O24518.
Heffelfinger, Hugo W., O46143.
Helena, Cecil C., O53271.
Henderson, William H., Jr., O45534.
Herrington, Jay W., O34121.
Herstad, John O., O22068.
Hickman, Mahlon D., O32355.
Hicks, Herbert C., Jr., O40598.
Hicks, Thomas A., Jr., O53246.
Hidalgo, Stanley P., O35049.
Hines, Jack G., O46117.
Hinkley, Paul P., O40675.
Hinman, John M., O33822.
Hislop, Albert H., O34034.
Hitchcock, Raymond H., O34708.
Hoag, Robert E., O84370.
Hogoboom, Dale D., Jr., O34085.
Hoile, John D., O33580.
Holbrook, Charles C., O33501.
Holland, James G., Jr., O24573.
Holliman, Earl J., O25298.
Hollingsworth, James F., O34155.
Holly, George J., Jr., O46075.
Holmes, William E., O46227.
Hough, Parkhurst C., O33836.
Howell, Harry R., Jr., O46248.
Howton, James R., O40613.
Hubbard, William H., O34111.
Huffman, Burnside E., Jr., O23759.
Hughes, James F., Jr., O33956.
Hughes, John S., O34271.
Hunnicutt, Cecil F., O33442.
Hunt, James W., O79635.
Inge, Andrew V., O21448.
Ingerski, Jerome A., O40531.
Inman, Roy L., O34102.
Irving, John W., O53276.
Irving, Thurman A., O79866.
Irwin, Wilburt J., O24179.
Irzyk, Albin F., O24158.
Jackson, Bennett L., O80426.
Jeffries, Charles C., O34093.
Jeffries, James C., Jr., O25020.
Jenkins, Edward N., O40561.
Jenkins, Francis L., Jr., O32684.
Jenkins, John F., O53168.
Jennings, Edward B., O24251.
Jennings, Gregg N., O45454.
Johnson, Allan G. W., O23769.
Johnson, Lynnwood M., Jr., O35199.
Johnson, Malcolm C., O23794.
Johnston, Myron T., O24525.
Jones, Bruce B., O34239.
Jones, Grant E., O40649.
Jones, James O., O34059.
Jones, Leo B., O24255.
Jones, Luther, G., Jr., O40575.
Jones, Morton M., Jr., O23879.
Joseph, Vern L., O53375.
Kaiser, James L., O24085.
Kane, Roy A., O34140.
Karnosky, Benedict A., O44878.
Karstedt, Warren H., O33849.
Katherman, Elliott T., O53023.
Keirsy, Jim D., O34681.
Keller, Lucien F., O24399.
Kelley, Roy S., O23703.
Kemp, Harry M., O39146.
Kennedy, Kenneth W., O23716.
Kent, Harold R., O34103.
Kent, James R., O34678.
Kernan, William F., O25023.

Kerns, Merlin C., O87989.
Kerr, Billy H., O34655.
Kessler, Roy M., O34723.
Kight, Harry D., O56904.
Kimball, Robert E., O24586.
King, James H., O23884.
King, John J., Jr., O33329.
Kirkbride, Max V., O33485.
Kirkpatrick, Byron M., O24257.
Kisiel, Edwin C., O23984.
Kloos, Edward J., O53291.
Knowles, Richard T., O35418.
Knowlton, Joseph L., O23869.
Knox, Jack C., O45402.
Kobayashi, Thomas M., O52745.
Koepcke, Henry, Jr., O24581.
Kolb, Roland L., O25184.
Koob, William L., Jr., O25132.
Kovalevsky, Vitaly, O24488.
Kramer, Robert S., O23729.
Kramers, John T., O33890.
Krampitz, Charles T., O33630.
Kreutzer, Richard B., O25037.
Kugler, William R., O34663.
Kuzell, Ralph E., O23766.
Kuznicki, John F., O83819.
Kyle, David McV., O33263.
LaHatte, William F., O24206.
Lacey, Peter J., Jr., O33668.
Laiche, Weldon E., O34295.
Lancey, William S., O33997.
Land, Leroy C., O25084.
Lane, Douglas H., O40338.
Lang, Clarence J., O40705.
Langland, Kenneth F., O52505.
Langley, William C., O40691.
Lanigan, Robert E., O23896.
Lanterman, John V. S., O33983.
Larson, Robert W., O45964.
Lash, Frederick F., O40574.
Latimer, Raymond LaV., O34833.
Lavin, John J., O45613.
Lawrence, Leon S., O34286.
Lawson, Joel W., O33298.
Lawson, Melvin M., O45475.
Lawson, Roger L., O23852.
Leary, Francis X., O24427.
Leber, Walter P., O25130.
Lee, James H., O35428.
Lee, John C. H., Jr., O23688.
Leeney, Lewis W., O25206.
Legare, Ben W., Senior, O39034.
Lent, Morris A., O33469.
Leonard, Theodore, O34124.
Liggett, John C., O24410.
Lind, William J., O45230.
Lindjord, Haakon, O25340.
Lindley, Harold C., O45614.
Lindner, Kenneth R., O34650.
Linn, James W., O34653.
Linnell, Frank H., 024089.
Loiselle, Postford A., O33321.
Long, Glen C., O24170.
Looney, Ned I., O40776.
Loop, Paul A., O45735.
Love, James W., O34026.
Lucree, Morris J., O33401.
Lundy, William G., O32692.
Lynch, William R., Jr., O34268.
Mabry, George L., Jr., O34047.
MacFeeters, Donald W., O25300.
MacKenzie, Stuart A., O40618.
MacMillan, Latimer W., Jr., O25100.
Maixner, Harold V., O24439.
Maline, Paul J., O24402.
Maling, Robert C., 034745.
Maliszewski, George M., O20759.
Mancuso, Stephen J., O22006.
Maness, Lewis E., O39135.
Mantz, William M., O33403.
Manzolillo, Russell J., O23304.
Maples, Herron N., O45920.
Marfing, Thomas E., O34713.
Marsh, Harley T., Jr., O23901.
Martasin, William N., O44997.
Martin, Robert A., O24180.
Mataxis, Theodore C., O34035.
Mather, Walter E., O23749.
Matthews, Clinton F., O24503.
Matthews, Jack B., O34721.
Maxwell, James S., O53163.
Mayo, Joseph B., O46024.
McBride, Edward E., Jr., O34347.
McBride, Francis G., O33539.
McCachern, William Y., O25190.
McCaffrey, George W., O25256.
McCartney, Robert W., O39052.
McConnell, C. W., O40381.
McConnell, John A., O79917.
McCorkle, Philip H., O45867.
McCoy, Jim H., O52796.
McCulloch, Joseph A., Jr., O23786.
McDannel, Carlyle F., O33271.
McDowell, James E., O40674.
McDowell, William D., O35204.
McGrane, Edward J., Jr., O24027.
McGrath, Vincent J., O79921.
McGraw, Robert E., O39107.
McGregor, Edward W., O39096.
McIntosh, Charles A., Jr., O45816.
McIntyre, George W., O23841.
McKean, Sterling J., O79924.
Meacham, Joseph R., O53374.
Meanor, James B., Jr., O34981.
Mehaffie, Louis H., O40761.
Meyer, Arthur L., O23871.
Michael, George P., O40689.
Mickelson, Rolf E., O45184.
Middleworth, Henry V., O24226.
Milano, James V., O46052.
Miller, Crosby P., O34151.
Miller, Joseph G. K., Jr., O24285.
Miller, Olaf G., O53184.
Millikin, John Jr., O23781.
Mist, Ellis H., O52255.
Mitchell, Burt L., Jr., O24219.
Mitchell, Joseph D., O24286.
Mitman, Floyd B., Jr., O25330.
Mobley, James H., O25053.
Montrone, Alfred J., O32737.
Moody, Alfred J. F., O23685.
Moore, Felton H., O34724.
Moore, George B., O23804.
Moore, Harley L., Jr., O40729.
Moore, Robert S., O25253.
Moran, Edward E., O39108.
Moran, Richard C., O25027.
Morgan, Charles A., Jr., O45520.
Morgan, John J., O35260.
Morgan, William O., O34049.
Moucha, Miroslav F., O23877.
Mueller, Arndt L., O34700.
Mueller, Edmund L., O34292.
Muggelberg, Glenn E., O33812.
Mulcahy, James P., O24227.
Muller, Frank M., O34715.
Muller, Henry J., Jr., O24508.
Mundy, Reuben W., O25063.
Munster, Daniel F., O24467.
Murphy, James O., O34193.
Murphy, Robert E., O34080.
Naselroad, Winfred C., O35259.
Nathan, Aubrey P., 034270.
Nawn, Leo J., Jr., O53200.
Neary, Elmer J., O34964.
Nelson, Harold E., O24487.
Newland, Jess E., O45793.
Newlin, Charles A., O32983.
Newman, John T., O24281.
Newton, Albert, O40742.
Nichols, Edwin A., O25192.
Nilsson, Paul A., O25274.
Nolan, Hubert L., O39111.
Northington, Hartsell H., O33275.
Norton, John, O23858.
O'Farrell, Hugh R., O43888.
Ohl, William C., O34078.
Olliver, Leonard F., O40586.
O'Neill, Richard J., O33536.
Ortenzi, Anthony H., O33383.
Osgard, James L., O35315.
Ostrom, Charles D. Y., O25331.
Oswalt, John R., Jr., O23690.
Packman, James L., O34761.
Page, Robert W., Jr., O22120.
Palmblad, Frederic H., O34845.
Panke, Robert E., O23831.
Parker, Harold E., O34951.
Parker, James C., O34123.
Parsons, Albro L., Jr., O24259.
Parsons, Marcus L., O45699.
Patterson, Douglas H., O34979.
Patterson, George D., O32702.
Peabody, Herbert G., O39098.
Pearson, Raymond L. V., O34869.
Peeples, Edward T., O24537.
Penson, David, O33787.
Penzkofer, Claire B., O46282.
Pepke, Donn R., O25188.
Phelps, Robert E., O24165.
Philbin, Tobias R., Jr., O34406.
Philp, John F., O53061.
Phipps, Charles H., O39087.
Pickard, Andrew D., O34639.
Pickering, Ellis E., O53113.
Pickett, George B., Jr., O23932.
Pierce, Fred A., Jr., O24172.
Pillsbury, Glenn T., O34125.
Piper, Robert M., O34674.
Pitts, George T., Jr., O34036.
Pixton, Allan G., O24137.
Plant, Ottis M., O40714.
Poffenberger, John T., O45197.
Porter, Howard E., O34480.
Powell, Edwin L., Jr., O23689.
Powell, Marcus L., Jr., O34558.
Pratt, John B., O34186.
Preer, Carleton, Jr., O45567.
Prendergast, Joseph T., O45327.
Prewitt, Daniel W., O33301.
Pribnow, Andy W., O25292.
Pridgen, Robert B., O53197.
Prusaitis, Joseph J., Jr., O34402.
Purdy, William A., O23973.
Purnell, Sterling E., O44875.
Quashnock, Enro J., O34321.
Quigley, Hugh E., O46420.
Quirey, William O., O39102.
Raffaeli, Raymond J., O53170.
Rall, Lloyd L., O40632.
Ramee, Paul W., O23704.
Ramey, Stanley M., O23726.
Randall, Burr J., Jr., O35611.
Raney, Maynard C., O24517.
Ransone, Alexander L., O34142.
Ray, John, O21821.
Read, Beverly M., O46180.
Redfern, Ira C., Jr., O34109.
Redmon, John G., O23802.
Reed, Wilson R., O23824.
Reid, John E., O25108.
Reid, Samuel LaF., O35160.
Reilly, William R., O22163.
Renfro, Charles G., O24567.
Rice, Arnold E., O45730.
Rice, Edward S., O25119.
Rice, Irvin M., O24414.
Rice, Johnny M., O34094.
Rich, Arthur A., Jr., O79966.
Richeson, Hugh A., O34725.
Riegle, Charles A., O33325.
Riley, Jacob L., Jr., O53161.
Riley, Thomas W., Jr., O33658.
Roberts, John K., Jr., O23195.
Roberts, Paul F., O33825.
Robinson, John H., O44984.
Rogers, Jack A., O34572.
Rogers, Maurice A., O40555.
Rogers, William C., O31602.
Rollins, Andrew P., Jr., O24237.
Root, Paul C., Jr., O23979.
Roper, Willard, O33605.
Ross, Samuel R., O34278.
Roth, Robert C., O39095.
Roton, William F., O23961.
Rowny, Edward L., O23744.
Rubottom, Donald C., O35286.
Ruffner, Clifford H., Jr., O39017.
Russi, Gilbert C., O33264.
Ruwet, Vincent L., O24524.
Sablitz, Henry H., O40532.
Sage, Jerry M., O35326.
Sage, Rex R., O34061.
Salisbury, Lloyd R., O23797.
Sallee, Donald L., O33951.
Samusson, Ernest, Jr., O24260.
Sanden, James V., O24213.
Sanders, Cecil M., O33923.
Saunders, William W., O23296.
Savilla, Roland, O40563.
Sawbridge, John J., O79987.
Schaad, Carl W., O25087.
Schaf, Frank L., Jr., O45860.

Schmedemann, Keith M., O34742.
Schmidt, Graham E., O34348.
Schmierer, Elmer, O24531.
Schreiber, William L., O34043.
Schremp, John E., O23709.
Schuler, Richard H., O33414.
Schulz, Robert H., O25303.
Schutz, Albert D., O25054.
Schweiter, Leo H., O34334.
Scott, Emmett G., O43760.
Scott, Richard P., O23787.
Seitz, Richard J., O33979.
Seneff, George P., Jr., O23738.
Servis, John D., O52747.
Sewell, Harry B., O45491.
Sharp, Hobert W., O43678.
Sharpe, Granville A., O34986.
Sharpe, Thomas J., 024181.
Shaw, Robert C., O33626.
Shea, Gerald H., O34882.
Shettle, Charles G., O40706.
Shurtleff, Carlyle H., O44288.
Sidle, Winant, O33651.
Sifford, Wilson, O33920.
Simmons, James E., O24521.
Simpson, Paul A., O25368.
Skinner, William G., Jr., O53044.
Skowronek, Paul G., O23822.
Sloan, Nicholas E., O33117.
Sloan, William N., Jr., O24235.
Smith, Albert H., Jr., O34044.
Smith, Aley L., O35044.
Smith, Bill G., O53387.
Smith, Herbert A., Jr., O34081.
Smith, Jack D., O33260.
Smith, Magnus L., O40698.
Smith, Robert B., O46241.
Smith, Willard A., O34637.
Smith, William M., Jr., O40724.
Smoak, Robert A., O46267.
Snapp, Elbridge L., O24622.
Snetzer, Robert E., O35458.
Snoddy, Cecil C., Jr., O34690.
Sparra, Charls R., O32712.
Speaks, Robert J., O34196.
Spencer, Thomas F., O24559.
Spiller, Benjamin A., O24023.
Spillner, Siegfried H., O35300.
St. Clair, Harold J., O25369.
Stafford, Robert S., O34556.
Stanford, Marvin N., O35182.
Starr, James C., O79640.
Starr, William F., O23843.
Steichen, Woodrow J., O34392.
Steinbacher, Raymond L., O32709.
Stern, Herbert I., O23957.
Stewart, Lee L., O34184.
Stewart, Thomas N., O34712.
Stillman, Richard J., O25038.
Stone, Frank H., O24397.
Stone, William W., Jr., O40712.
Storey, Robert C., O24433.
Stout, Morris C., O24166.
Strain, James W., O23719.
Strait, Lewis J., Jr., O44735.
Strider, Nicholas S., O45589.
Strok, Michael J., O52838.
Strong, John L., O34088.
Strother, Tom B., O24429.
Strunk, Robert W., O40581.
Sullivan, John L., Jr., O25299.
Sullivan, Martin F., O25332.
Sullivan, William G., O39097.
Sutherland, James W., Jr., O24202.
Sweeney, Francis P., O34485.
Swenson, J. Elmore, O33380.
Swope, Francis A., O32774.
Tabb, Jack S., O33721.
Taber, Robert C., O25270.
Talbott, Orwin C., O24617.
Tansey, Patrick H., Jr., O23915.
Tarbox, Robert M., O23715.
Tarkenton, James C., Jr., O33283.
Taylor, George I., O24209.
Taynton, Lewis C., O34007.
Teir, William, O40701.
Terrell, Cader C., O34555.
Terrell, Joseph S., Jr., O53118.
Terry, James K., O33375.
Thomas, Charles R., Jr., O45667.
Thompson, James B., O36635.
Thompson, John R., O25047.
Thompson, Lowell E., O25252.
Tobey, Nelson W., O33778.
Todd, Walter B., O25051.
Tonetti, Oscar C., O23864.
Traylor, John P., O25060.
Triplett, Austin, Jr., O34030.
Tyler, Max C., O23809.
Tyner, Layton C., O33640.
Unger, James F., O34056.
Urban, Peter L., O24163.
Vallery, Joy K., O34241.
Van de Voort, Leo D., O39071.
Van Sandt, William A., O40762.
Vanderpool, Jay D., O34570.
Vaughan, William J. D., O23978.
Vidlak, Frank J., O46142.
Vilhauer, Jonas A., O32732.
Vincent, Dale L., O33948.
Vinquist, Glenn M., O44867.
Walker, Glenn D., O33282.
Walker, John K., Jr., O34744.
Walker, Lawrence H., Jr., O34243.
Wallace, Victor M., O53124.
Wallace, Winston E., O34766.
Ward, Donald R., O33646.
Ward, Kenneth A., O34415.
Ward, Linus P., O53191.
Warden, Irving D., O53379.
Warren, Robert E., O76845.
Washington, William R., O34042.
Watson, Thomas E., Jr., O24283.
Webb, William E., O34092.
Weber, Milton J., Jr., O53319.
Welch, Lamar A., O24391.
Wellems, Edward N., O24484.
Wells, Robert B., O24275.
Wells, William L., O33641.
Welsh, Robert J., O25096.
West, Arthur L., Jr., O25269.
Weyand, Frederick C., O33736.
Wheeler, Sheldon H., O34949.
Wheelis, Reuben E., O24184.
White, Stanley W., O35250.
White, Stephen H., O81934.
Whitsitt, Menon W., O31384.
Williams, Floyd D., O39139.
Williams, John W., O34107.
Williams, Ralph I., O34960.
Williamson, Ellis W., O34484.
Wilson, Eugene A., O33818.
Wilson, John M., O33026.
Wilson, Leroy B., O25106.
Witcover, Henry W., O45522.
Witte, Carl G., O32303.
Wohner, John H., O23142.
Wojcik, Walter K., O33802.
Wood, Edgar C., O34051.
Woods, David H., O25101.
Woodward, William H., O23900.
Woolwine, Walter J., O23795.
Wootton, William B., Jr., O24261.
Yates, Elmer P., O23686.
Yoder, Donn W., O34664.
York, Dantes, A., O45549.
Yourtee, Leon R., Jr., O44329.
Zais, Melvin, O33471.
Zaumeyer, Lawrence M., O32906.

To be colonel, Chaplain

Bell, Richard R., 043201.
Betzold, John W., O76785.
Donnelly, Augustine P., O23681.
Fitzgerald, William R., O76786.
Sullivan, Maurice L., O43165.
Taylor, Newell E., O52031.

To be colonel, Medical Corps

Austin, Richard B., 3d, O67983.
Barron, Thomas S., O56862.
Brennan, James T., O31183.
Maret, Raymond, O63666.
Miller, Elsworth L., O31191.
Mordecai, Lindley R., O73970.
Offutt, Harry D., Jr., O31196.
Reed, Paul A., O65411.
Travis, LeRoy O., O24368.

To be colonel, Dental Corps

Burke, Allyn D., O78039.
Enmeier, James M., O43168.
Grundler, Richard A., O43188.
Mosley, George W., O43175.
Sumnicht, Russell W., O31208.

To be colonel, Veterinary Corps

Gochenour, William S., Jr., O31211.
Lord, Willys E., O31144.
Reid, Joseph E., O31237.

To be colonel, Medical Service Corps

Bryan, Roy A., O37455.
Caldbeck, Raymond J., O41130.
Chapelle, Francis O., O37399.
Colyer, Andrew J., O41138.
Cowgill, Charles J., O37457.
DeSautels, Francis O., O39337.
Dowless, Joseph D., Jr., O37460.
Edwards, Sam A., O37466.
Francis, James R., O37440.
Frick, Lyman P., O43239.
Hack, Vincent I., O43206.
Hilcken, John A., O37417.
Hitchings, Donald L., O52081.
Jetland, Robert I., O43256.
Leibovitz, Albert, O37407.
Levesque, Paul M., O37415.
Marks, Edward, O41139.
Medwed, John D., O37410.
Mendenhall, John V., O37416.
Rattan, Volney H., O39328.
Southard, William W., Jr., O37465.
Stabile, Joseph N., O43218.
Stewart, Thomas B., O39335.
Thornton, William H., O37394.
Ware, Marvin A., 056203.
Wolf, Charles R., Jr., O37467.

To be colonel, Army Nurse Corps

Jump, Katherine R., N341.
Rosasco. Louise C.. N2450.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be major

Comiskey, Donald N., O84599.
Manjeot, Lloyd H., O65761.
Sheehan, John J., O92540.

To be captain

Catron, Robert L., OF102156.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenant

Anderson, Edwin P., OF101182.
Armstrong, David B., OF102400.
Baer, James T., OF102401.
Bartlett, LeRoy, 3d, O96859.
Bianco, Frederick A., OF102408.
Blouin, James O., Jr., O93151.
Brooks, Joseph H., OF101199.
Brookshire, Robert R., 2d, O95450.
Brown, Russell D., O97425.
Bulger, John P., OF103805.
Bushong, James T., OF100697.
Cannan, Patrick F., O97094.
Carey, Roland, O98389.
Carlson, Robert L., O97440.
Carlton, Charles A., Jr., OF100870.
Causer, Wilburn R., Jr., OF102829.
Chapman, Michael G., OF103809.
Christian, Donnie G., OF101804.
Clements, Lawrence J., OF103660.
Cowan, Ronald L., O97468.
Craddock, Ollie C., Jr., OF101034.
Crews, Norman A., OF101117.
Cullum, Bobbie J., OF102166.
Dales, Betram B., 3d, O97477.
Davis, William I., OF102170.
Dickison, Daniel R., O95503.
Donelan, James J., OF100468.
Donoghue, Glen M., OF102314.
Dortch, John D., OF103821.
Duncan, James L., OF103822.
Easum, Thomas P., Jr., OF101042.
Ernest, Marion D., OF101947.
Evans, Richard F., OF102865.
Everly, Julian R., OF102866.
Feerick, Martin S., Jr., O93331.

Fincher, Hubert T., Jr., OF102872.
Frederick, Gilbert H., Jr., OF102876.
Freeman, Donald W., O96344.
Frierson, Donald M., OF101040.
Ginsburg, Norman I., OF102882.
Goodwin, Bobby A., O98436.
Greer, Robert H., OF102477.
Guenzburger, Albert, OF102889.
Gustafson, Jan A., O96774.
Hadawat, Bobby G., O97126.
Hadley, Miles B., OF102894.
Hagerty, Neil M., OF102483.
Haines, Charles O., OF101173.
Hammett, Grady E., O96698.
Hammock, Millard E., OF102312.
Harrell, George L., 2d, O99174.
Harvey, Joe B., OF103702.
Haslemann, Walter, OF103842.
Henson, William R., OF102909.
Howerton, William R., OF101141.
Johnson, Andrew J., O95440.
Kalinowski, Donald D., OF103859.
Kampf, Michael E., OF100729.
Killebrew, James E., O97620.
King, Earle E., Jr., OF102942.
Leach, Frank J., OF103867.
Leyda, Craig H., OF103869.
Lindsey, David H., OF102531.
Love, Earnest E., OF102537.
Mann, Carl A., O97069.
Mann, Robert E., O98501.
Mathis, Foy M., OF102969.
Matje, Robert W., O94807.
McClure, William M., O95673.
McDaniel, Quannah L., OF102549.
McLemore, Oran F., OF102975.
McPherson, Arthur R., OF102553.
Moentmann, Werner A., O97236.
Moore, Alan L., Jr., O97690.
Moss, Pat L., OF102986.
Mullis, Harry E., OF102988.
Murphee, John D., O97697.
Murray, David B., OF102574.
Myatt, John E., OF102992.
Nicolai, Larry D., OF102995.
Noel, Albert E., O95132.
Novembre, Peter J., OF100702.
Ortiz, Luis, O97239.
Owen, Charles S., O97242.
Pabst, David A., O97179.
Parlow, Robert J., O97243.
Pastor, John D., Jr., O97244.
Patterson, Jerry R., OF102239.
Peffer, William D., Jr., O97727.
Poff, Gary L., OF103009.
Powell, Horace W., OF102708.
Pritchett, Charles H., O97736.
Reed, Arthur W., OF102607.
Reilly, William F., Jr., O97252.
Rutz, Stephen F., OF102620.
Samas, Frank R., OF100344.
Seldomridge, John A. A., OF103030.
Showalter, James V., OF103733.
Shurtleff, Billy K., O97074.
Smith, Charles F., OF103040.
Spencer, William P., Jr., OF103042.
Stevens, William L., O97800.
Stutz, Darvel C., O97807.
Swearengen, Mark A., O97263.
Sydes, Thomas A., OF103749.
Towne, Thomas J., O97266.
Van Loon, Weston O., OF100363.
Wagner, Ronald E., OF103063.
Waters, John K., Jr., O98331.
Whitehead, Charlie L., O95288.
Whitehead, Robert W., OF100041.
Williamson, Clyde T., Jr., OF103778.
Windsor, Thomas C., O97868.
Winslow, William R., OF102679.

To be first lieutenant, Women's Army Corps

Higgins, Betty L., L630.

To be first lieutenant, Medical Service Corps

Brown, Carl D., OF102422.
Colbert, Bill N., OF102833.
Damian, Kenneth J., O94200.
Davis, Charles T., O95475.
Gatens, Paul D., 097543.
Gmelich, James R., OF102715.
Hallisey, John J., O93492.
Harrington, Jack O., Jr., OF100464.
Hartman, Thomas E., 2d, OF103841.
Humma, Patrick J., OF102989.
Iwamoto, Raymond S., O95570.
Kitchin, David J., 3d, OF102943.
Lightfoot, Donald R., O97188.
Pauley, Richard E., O97724.
Powell, Frederick C., O97246.
Van Broekhoven, Rollin A., O96653.
White, Joseph S., O97081.
Williams, David G., OF103777.
Yamanouchi, Kenneth K., OF103787.

To be first lieutenant, Army Nurse Corps

Jackson, Lelia J., N3145.
Knox, Rhona M., N3159.
Nace, Patricia A., N3176.
Thompson, Andrea B., N3163.
Williams, Karyn S., N3166.

The following-named person for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list under the provisions of title 10, United States Code, section 1211:

To be captain

Chamberlain, Smith B., O27587.

The following-named persons for appointment in the Regular Army by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3292:

To be first lieutenant, Judge Advocate General's Corps

Rohn, Gordon (Armor), O96613.

To be first lieutenant

Russillo, Michael P., Jr. (MSC), O88307.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be major

Becker, Eugene T., O1540947.
Burress, James H., Jr., O1876667.
Garrant, George F., O1340877.
Grundset, Arvid G., O1922503.
Hamlett, Archie, Jr., O995484.
Hilburn, Percy B., Jr., O1918825.
Lee, Chew-Mon, O1341886.
McDonald, Donald T., O1876567.
Pinckard, Robert L., O1919261.
Thomas, John W., O2028355.
Weeks, Charles R., Jr., O2028648.

To be captain

Abel, Kenneth B., O4045357.
Baker, William, O5202921.
Bernd, Roy B., O4077235.
Berry, Joe D., O5301577.
Bottorff, Gerald L., O4010110.
Burbules, Peter G., O4006755.
Chandler, Robert P., O4021104.
Clemmons, Robert H., Jr., O2268035.
Clemons, Charles H., O4016881.
Cromer, Aldine, O4074593.
Danno, Ronald M., O4084856.
Davis, Bobby G., O5301513.
Deis, Donald R., O4006836.
Doerer, Richard C., O1886134.
Drake, Charles E., O4026602.
Dramis, George J., Jr., O5503630.
Elliott, Roy P., O4074681.
Fultz, Forrest G., O1885662.
Garretson, Edmund S., O1932525.
Gaudreau, Ronald P., O5001258.
Gourley, Richard M., O4084783.
Greer, James A., O5401629.
Greschel, Bill F., O5700045.
Hord, Ben F., III, O4070135.
Kitterman, James H., O4074832.
Knapp, Peter T., O5201386.
Kramer, Leslie J., O4017490.
Lotz, Alvin W., O1932454.
Mathison, Theodore R., O4017791.
McCarty, Billy W., O5305150.
McWhorter, James H., Jr., O4005014.
Nelson, Russell D., O4021329.
Plagianis, Gus S., O4075748.
Randall, Richard D., O4006469.
Ranieri, Larry D., O4049825.
Roark, Billy R., O5400292.
Robers, Alfred, O4064996.
Rogers, David K., O4071717.
Roverse, Eugene O., O4009977.
Sims, Harold R., O4072228.
Sink, Herbert T., O4030622.
Stout, Kenneth O., O4074560.
Sutton, Jerry W., O5405114.
Tagge, Robert W., O4041396.
Thomas, Joel F., O5402721.
Trankovich, John J., O2263891.
Vining, Ray E., O4005636.
Wynne, Thomas L., O4068532.

To be first lieutenant

Battey, Bruce T., O5219075.
Bradham, John R., O5313422.
Brooks, Lawrence D., O2313723.
Burdick, Mario A., O5315063.
Burkett, Jimmy D., O5409027.
Caldwell, Haskell W., Jr., O5409152.
Canady, Robert G., O5300952.
Carrington, John R., Jr., O2296369.
Childers, Jerry W., O5314722.
Chura, Howard J., O5311180.
Clark, Paul C., Jr., O5307445.
Conrad, Paul F., O5515115.
Cooke, Joseph D., Jr., O5310485.
Cote, Albert H., Jr., O5217934.
Cothran, James M., O5205635.
Currie, Aubrey G., O5311162.
Curtis, Myron F., O5316682.
Daws, Robert N., Jr., O5314629.
Detrio, Richard, O5314947.
Dorrance, James M., O5512188.
Earhart, Larry L., O5706338.
Eck, Carleton L., O5011893.
Edwards, George W., Jr., O5412744.
Fetkenhour, Gordon K., O5209953.
Folcher, Albert G., Jr., O5314194.
Foster, Charles B., O5315085.
Foster, Francis H., O4047342.
Georges, Thomas N., O5313737.
Gray, William T., O5511120.
Habel, James W., O5515848.
Hahn, Richard O., O5517914.
Hammerbeck, Allan W., O5405520.
Heath, Roderick C., O5007919.
Hepler, James M., O5209279.
Herrera, Angel, O5404281.
Higdon, George P., Jr., O5309188.
Hooper, Lynn C., O5413203.
Hopkins, Norman P., O5213181.
Hosman, Patrick M., O5405946.
Huff, William J., O5705039.
Johnson, Edward J., O5405801.
Keller, Richard F., O5705959.
Kilkenny, John M., O5218402.
Kimball, Gerald W., O5706918.
Kyle, George W., O5213303.
Laska, James N., O5514807.
Lee, Edward, Jr., O5311974.
Lethcoe, Gerald E., Jr., O5309151.
Mayhue, Don W., Jr., O5410073.
McAllister, Robert L., O5508642.
McBride, Hugh M., O2309921.
McDonough, William G., Jr., O5308948.
McRee, Marshall R., O5313678.
Merlino, Carl S., O5207966.
Miller, Frank L., III., O5306268.
Newell, Thomas K., Jr., O5707051.
O'Dwyer, Roger P. J., O5405450.
Ogden, Royden K., Jr., O5403706.
O'Keefe, Thomas C., O4067197.
Paris, William F. M., II, O5875207.
Parker, Walter T., O5707113.
Pegueros, Albert C., O5705199.
Pigaty, Leo J., O5214832.
Powers, Richard J., Jr., O5005466.
Riley, Daniel R., O5707625.
Ruggerio, Dominic W., O5010034.
Sagedy, Robert A., O5214896.
Schneider, Michael M., O5413517.
Scott, Robert L., O5514139.
Shires, Charles D., O5215851.
Sines, Kenneth A., O5310680.
Strickland, Morris G., O5312213.
Sullivan, James L., O2313413.
Szeremi, Robert C., O5313348.

Thompson, Robert W., O5412994.
Walker, Gerald S., O2304408.
Webster, Robert H., O5009654.
Williams, Kenneth D., O5309910.
Wolff, Keith B., O5211028.
Yetman, Robert R., O5001196.
Zimmerman, Guy G., O5412237.

To be second lieutenant

Bartholomew, Daniel E., O5406492.
Bonial, Edwin J., O5415380.
Bordenet, John P., O5321629.
Bourne, Robert R., O5315015.
Burroughs, Bruce G., O5219173.
Giles, Raymond C., O5406056.
Goerig, Patrick M., O5221450.
Hall, George D., O5406888.
Hart, Robert C., Jr., O5313835.
Huntley, Edward G., O5320324.
Irving, John W., O5708345.
Jones, Michael C., O5223374.
Judge, Robert M., O5012338.
Knapp, Richard E., O5709685.
Knowles, Richard W., O5709315.
Kratz, Paul J., O5709551.
Lewis, Allen L., O5532166.
Lewis, Edgar C., Jr., O5315517.
Lind, Gary C., O5318369.
Miller, Fred Q., O5412738.
Montei, Terry R., O5321595.
Morris, Alton D., O2313507.
Ohall, Carl J., O5316502.
Pahland, Richard C., O2309708.
Piersall, Grady C., O5531017.
Reynolds, Harvey J., O5316870.
Riley, Daniel C., Jr., O5320842.
Sharpe, Gerald W., O5406578.
Smith, Edward C., O5318089.
Stephens, Thomas E., O5218548.
Walker, John G., O5517874.
Wiggins, John D., Jr., O5216599.
Youell, Charles C., III, O5219275.

The following named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294 and 3311:

To be lieutenant colonel, Medical Corps

Peyton, Alton B.

To be major, Medical Corps

Cowgill, Herbert F.
Walton, Spencer, O73250.

To be captain, Army Nurse Corps

Ebert, Maureen A., N2296268.
Labbe, Elizabeth A., N902402.
Nelson, Dorothy I., N805476.
Stephenson, Elizabeth J., N804677.

To be captain, Chaplain

Allen, Eugene E., O2306167.

To be captain, Dental Corps

Axinn, Sherman, O5408229.
Heid, Theodore H., O5407598.
Jackson, Lloyd C., O5518931.
Lamers, Edward M., O5518075.
Mullins, Billy P., O2211633.
Snyder, Alvin J., O5206715.

To be captain, Medical Corps

Aarestad, Norman O., O4073880.
Barnes, Asa, Jr., O4064636.
Burr, Bill D.
Campbell, Neil P., O5220103.
O'Brien, Michael T., O5707317.

To be captain, Medical Service Corps

Roy, Edward E., O4006296.

To be first lieutenant, Army Nurse Corps

Fenlon, Eileen M., N5407485.
Frank, Rita M., N2319359.
Mantooth, Jerry M., N2300180.
Rossi, Marguarite J., N2308003.

To be first lieutenant, Dental Corps

Beatty, Edward J., O2316544.
Dean, Richard J., O5711593.
Wehmeyer, Thomas E., O2316572.

To be first lieutenant, Judge Advocate General's Corps

Aldinger, Robert R., O2292859.
Barnes, Holman J., Jr., O5704381.
Leek, Jerry C., O5313981.

To be first lieutenant, Medical Corps

Buhrow, William L., O2313120.
Lefko, Andrew G., Jr., O2316978.
Shaw, Jon A., O2316865.
Wilson, Don E., O2316893.

To be first lieutenant, Medical Service Corps

Betasso, Joseph J., O2305710.
Delap, Edward H., O5402081.
Jeffers, James A., O2310226.
McPherson, Darrell G., O2308622.

To be first lieutenant, Women's Army Corps

Stallings, Betty J., L2313379.

To be second lieutenant, Army Nurse Corps

Bennett, Mary M., N2316205.
Henry, O. Marie M., N2313810.
Pok, Heather A., N5015415.

To be second lieutenant, Medical Service Corps

Baucom, Jerome V., O5319312.
Baumiller, Charles R., Jr., O2314367.
Eason, Lloyd J., Jr., O5702068.
Fadhl, Robert J., O2311351.
Freeman, Eldon V., O5517889.
Hassell, William B., O2311853.
Hilliard, Robert W., O5317000.
Holway, William K., Jr., O5708248.
Hopkins, Clarence E., Jr., O5312028.
Larsen, James H., O5708643.
LaRue, Scottie J., O5320784.
Letchworth, James R., O5414523.
Miller, Gerald G., O5511769.
Severson, Richard W., O5517354.
Smith, Robert L., O5320237.
Sylvester, Ernest J., O5317821.

To be second lieutenant, Women's Army Corps

DeLora, Jo Ann, L2316500.

The following named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Dalton, Bruce A., Jr.
Harrison, John D.
Havens, Leslie T.
Heiss, Thomas L.
Makarevich, Robert
Maloney, Alfred S., O5328292.
McMasters, Bernard E., Jr.
Omori, Wallace Y.
Smithee, Robert W.

The following named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, and 3288:

Allen, John E.
Allen, William M., Jr.
Allred, Kenneth L.
Aquino, Paschal A.
Aux, George W., Jr.
Bailey, Bobby H.
Bales, Robert M.
Bates, Bert H., Jr.
Bentel, Robert J.
Berry, Michael A.
Birge, Charles M.
Bodelson, Patrick J.
Bourassa, Richard N.
Brede, Lawrence, Jr.
Bryant, John T., III
Burbidge, John M.
Campi, William P.
Carlton, John W.
Chalfant, Jerry E.
Christo, Dennis V.
Christopher, John E.
Coleman, Larry K.
Collins, Roger W.
Collinsworth, Robert W.
Conoboy, Richard J.
Cook, Joseph L.
Coupe, Dennis F., O5713207.
Culbreth, Larry M.
Davis, Grayson L.
DeLorme, Leon T., Jr.
DeSarpa, Richard J.
deTreville, John R.
Dewey, Robert A.
Dobbs, Norman A.
Duhon, Maurice D.
Duncan, Franklin E.
Eaton, Bruce R.
Elder, Edwin W., III
Fairchild, Robert S., Jr.
Feldman, Marshall H.
Ferguson, Walter N., III
Fischer, Thomas C.
Flynn, Ronald B.
Gesick, Edward J., Jr.
Gibb, James
Gillaspie, Richard L.
Gipson, Arthur J.
Gray, Malcolm G., Jr.
Greatorex, Richard R.
Greene, William P., Jr.
Greenwood, Dean M.
Grimsley, Frank J.
Hale, Clyde J.
Hall, Caleb L., Jr.
Hamilton, Ronnie C.
Harbison, Larry J.
Hass, Charles J.
Hayes, Herbert W., III
Heathcock, John H., Jr.
Heeney, Joseph F.
Higgins, William J.
Hogan Cleo, C., Jr.
Hollinger, Gregg N., O5710928.
Hudson, John M., Jr.
Ivanjack, Walter F.
Janssen, Charles J.
Jewett, Gary E.
Johnson, Robert A.
Johnson, Russel L., II
Johnston, Ronald T.
Jones, Dale G.
Kaul, Michael A., O5535448.
Kemp, Robert N.
Kimberling, Cecil P.
Kober, Stanley A., Jr.
Kokenes, Gerald P.
Kovacs, Stephen Z.
Krasnomowitz, Richard A.
Kubasko, Wayne P.
Latham, George A.
Law. Michael G.
Lawless, Bernard J.
Lawrence, Thomas A.
Lawrie, Thomas J.
Liebl, Hans
Long, William J., III
Lopez, Kenneth E.
Macaluso, Mario A.
Macnamara, Gary L.
Macon, Kenneth W.
Marshall, John L.
Mathis, Larry L.
McAllister, Howard W., Jr.
McAteer, David M.
McCarthy, John T.
McCormick, Thomas W., O5327646.
McCoy, James W., Jr.
McGurk, Donald F.
Mellgren, John J., Jr.
Mesikep, Mati.
Miller, Kenneth R.
Mistler, J. Douglas.
Monforton, Thomas W.
Moore, Robert C.
Moyer, Richard H.
Mukoyama, James H., Jr.
Munoz, Juan M.
Otis, Norman K.
Oxford, Cecil H., Jr.
Pantalion, Charles A., Jr.
Parr, Arthur J., Jr.
Peters, David A., O5418188.
Pittman, Robert C.

Plunkett, John R.
Prior, Richard P.
Prosser, John R.
Purcell, Lawrence L.
Quick, Burnet R.
Rathje, David F.
Reed, Rodney P.
Reinkober, Thomas E.
Robie, Richard D.
Rogers, Charles R.
Rollins, John W.
Romano, Michael A.
Rosenberg, Peter A.
Rosser, Henry E.
Rosten, Clyde D.
Rutledge, John H.
Schulz, Robert H., Jr.
Schwartz, Eino A.
Scott, Gregory P.
Shaw, Clarence R., Jr.
Shope, John T.
Smith, Jessie R., Jr.
Southern, Richard D.
Stake, John K.
Stephens, Robert B.
Storey, William D., III.
Stream, Joel.
Terrel, Douglas.
Thomas, John P., Jr.
Vaughn, Charles G.
Vick, Jerry D.
Vincent, Arnold T.
Visel, Frederick.
Wallace, Norman W.
Whiteker, Jerry N.
Willhoite, Howard W.
Williams, Welborn J., Jr.
Williamson, Rex P.
Wilson, John L.
Wirtz, David W.
Witczak, Chester W.
Woodley, Glenn H.
Wright, Donald A.
Zakaluk, Stephen C. M.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination as required by law.

First lieutenant to captain
(*Line of the Air Force*)

Abe, Harry H., 56360A.
Abel, David R., 56026A.
Abraham, Victor E., Jr., 71889A.
Adamczyk, Edmund J., 56068A.
Adams, Charles D., 68022A.
Adams, John R., 68209A.
Adamson, Herbert A., 55400A.
Adley, Francis, 72958A.
Affholder, David J., 67364A.
Ahearne, John F., 63228A.
Aho, Wallace E., 67657A.
Ahrens, Steven M., 67733A.
Akers, Brian L., 63297A.
Akers, Howard T., 55401A.
Albo, Charles W., 72476A.
Albright, Ray E., 71178A.
Alden, Gary L., 72960A.
Alderman, Duaine E., 72477A.
Aldrich, Fred E., 67967A.
Alewine, Walter M., 68630A.
Alger, Harold C., 56383A.
All, William D., 68373A.
Allen, Don K., 67771A.
Allen, Emmett E., Jr., 67466A.
Allen, John R., 67676A.
Allen, John R., Jr., 67452A.
Allen, Richard H., 72961A.
Allison, Robert F., 56095A.
Allison, Robert G., 71514A.
Allred, Leron H., 68361A.
Alsup, Willie, III, 56028A.
Ames, George B., Jr, 62026A.
Amos, Robert C., 67345A.
Anania, Frank J., 67244A.
Anders, Ronald A., 67519A.
Anderson, Claude R., 68391A.
Anderson, David D., 55402A.
Anderson, Donald W., 56527A.
Anderson, Frank E., 67833A.
Anderson, Frederick C., 55648A.
Anderson, Gene H., 76680A.
Anderson, James. A., 67295A.
Anderson, James R., 55649A.
Anderson, Larry L., 67619A.
Anderson, Lee A., 68471A.
Anderson, Ronald M., 67468A.
Anderson, Roy A., 71894A.
Anderson, Russell M., 55650A.
Anderson, Thomas I., 55403A.
Andres, Howard J., 67537A.
Andress, Harold W., Jr., 72963A.
Andrews, Charles T., 72964A.
Andring, Robert D., 68477A.
Angle, Larry R., 67817A.
Appel, John E., 68588A.
Archer, Curtis F., Jr., 67735A.
Archino, David T., 55404A.
Arcieri, Joseph D., 74339A.
Arendts, Darrell E., 67425A.
Arens, Richard F., 68580A.
Arlt, John R., 67313A.
Armbruster, John A., 63226A.
Armbruster, Joseph W., 71179A.
Armenakis, Demetrios A., 67499A.
Armentrout, Robert E., 71896A.
Armistead, Sam E., Jr., 56094A.
Armstrong, Arthur J., 63322A.
Armstrong Leroy W., 67826A.
Arseneault, Gerard J., 62031A.
Arthur, Linwood L., 67607A.
Atkins, Kenneth L., 61933A.
Atkinson, John C., Jr., 61930A.
Auclair, Michael D., 73557A.
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Smith, Josh M., Jr., 61934A.
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Smith, Wayne O., Jr., 55976A.
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Spillman, Barton L., 77563A.
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Spring, Richard C., 67543A.
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Stamm, Robert W., 67328A.
Stanley, Roy M., II, 56237A.
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Stark, Lewis R., 75142A.
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Starrett, Samuel D., 55611A.
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Taylor, Allan A., 61942A.
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Taylor, Bruce G., 59522A.
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Terry, Jane E., 67376W.
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Tetmeyer, Donald C., 68495A.
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Thelin, George W., II, 67883A.
Thieman, Gayle F., 68616A.
Thomas, Harry A., Jr., 55759A.
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Wolpert, Donald G., 55995A.
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Wood, Dean C., 55644A.
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Wylie, Jimmy W., 75271A.
Wynn, Frederick B., 55646A.
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Yantis, Albert L., Jr., 68129A.
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Yon, Thomas P., 68110A.
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Yoshinaga, Gene N., 67948A.
Young, Francis J., Jr., 63270A.
Young, Martin L., 61905A.
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Zara, Philip E., 67472A.
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Zimmerman, Albert R., Jr., 55998A.
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Zint, William L., Jr., 56002A.
Zlotnicki, Bogdan M., 67690A.
Zoeller, Herbert O., 56270A.

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Bretscher, Forrest F., 76638A.
Carroll, Joseph L., 76640A.
Chace, Alston R., 76641A.
Donahue, John P., 76643A.
Edwards, Walter D., Jr., 82069A.
Hill, Raymond J., 77283A.
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Husmann, Henry J., 78096A.
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Lynch, John R., 76647A.
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Seiber, Richard A., 78099A.
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Sheeran, Patrick J., 76650A.
Sinclair, Alexander B., 76653A.
Stork, Wayne L., 76654A.
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Thorsen, Henry B., 76657A.
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Vickers, William D., 77555A.
Wantz, Earl B., 77556A.
Zumwalt, Vasten E., 77557A.

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Barrick, Alan K., 82009A.
Betancesrojas, Peter A., 82017A.
Boke, Bruce R., 82025A.
Carroll, Daniel F., 82038A.
Davis, Jerry N., 82053A.
Dayampert, Porter L., 82058A.
Ervin, Rex H., 82074A.
Gilliland, Robert F., 79623A.
Gordon, Glenn E., 78086A.
Hellier, Charles E., 82105A.
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Tepper, Maurice J., 80979A.
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Vogue, Harvey L., 82274A.
Wilson, Aaron H., Jr., 82284A.

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Anderson, John A., 82003A.
Anderson, Rodney A., 82004A.
Beisaw, Norman E., 80973A.
Buono, Francis L., 82383A.
Burns, Matthew L., 76729A.
Dake, Theodore, Jr., 82051A.
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Hooks, George E., Jr., 82110A.
Koenig, Charles F., 82133A.
Lewis, Sidney T., 79202A.
Long, Paul D., 82148A.
Lordon, Robert E., 82149A.
McGrath, John J., 82419A.
Nelson, Manfred R., 82187A.
Palma, William E., 82195A.
Parker, Warren M., 82196A.
Payne, James E., Jr., 76606A.
Ringler, Harold L., Jr., 82218A.
Root, David E., 82222A.
Runkle, William M., 82225A.
Seman, Charles F., 82238A.
Stevenson, Onex D., 82254A.
Takamoto, Robert M., 79099A.
Victor, Martin I., 82273A.
Walker, Michael J., 82275A.
Young, Robert L., 82290A.
Yount, Ira M., 82291A.

NURSE CORPS

Allen, Constance A., 76739W.
Armstrong, Shirley A., 76468W.
Baker, Olive M., 76389W.
Bareford, Betsy J., 82404W.
Brinkmann, Joanne M., 76391W.
Bullington, Lydia A., 76294W.
Buyher, Dorothea C., 76318W.
Carroll, Darla J., 69824W.
Craft, Kathryn L., 82395W.
Danis, Patricia M., 76472W.
Dodd, Darlene M., 70402W.
Donnelly, Grace E., 78088W.
Efford, Charlotte R., 69777W.
Emmerth, Margaret C., 75770W.
Engleman, Shirley E., 78415W.
Fox, Marjorie R., 82316W.
Frye, Bobbie S., 69775W.
Furlong, Lorena J., 76473W.
Gagne, Valida T., 77294W.
Gerrard, Elsie M., 79152W.
Haggard, Ann D., 82163W.
Halley, Norma D., 63071W.
Heck, Mary J., 79204W.
Husarik, Pauline J., 79153W.
Jacobson, Doris M., 76587W.
Jenkins, Mary A., 76323W.
Jones, Ernestine M., 78089W.
Keirl, Harry J., 76305A.
Kennedy, Joan A., 76306W.
Locke, Christene, 76478W.
Lomax, Johnnie O., 76310W.
Lumsden, Nancy S.. 76479W.
Luuru, Helen A.. 76480W.
Martin, Barbara J., 76481W.
Martinsek, Laura, 78277W.
McCann, Mary C., 69776W.
Morton, Carol A., 75774W.
Munto, Peter L., 76314A.
Murphy, Barbara E., 76315W.
Ogle, Janet E., 76614W.
Oleson, Eunice J., 79155W.
Perkins, Earline, 82358W.
Plott, Clarideth J., 70403W.
Remmes, Elizabeth J., 82362W.
Ryan, Margaret A., 69774W.
Schaefer, Mary A., 76313W.
Schulz, Beverly A., 76591W.
Seitz, Mary K.. 76485W.
Snuggs, Katherine C., 70400W.
Sorge, Joseph J., 66044A.
Thompson, Mary E., 76325W.
Thorington, Myrtle A., 76744W.
Ulrich, Audrey V., 82375W.
Varner, Lentha J., 76404W.
Yous, Carole J., 82402W.

MEDICAL SERVICE CORPS

Ayars, Richard W., 61201A.
Barry, William E., 55408A.
Brady, Gene F., 65945A.
Buss, Mervin F., 65944A.
Cornelius, Ronald E., 65949A.
Dorey, Lee R., 55457A.
Elliott, Eugene L., 70098A.
Good, Donald S., 70918A.
Hendley, James W., 56226A.
Heyart, Richard T. 65957A.
Kehoe, James J. Jr., 65948A.
McDougald, Donald H., 65963A.
Montague, Francis, 65960A.
Nantz, William C., 61200A.
Park, Clinton R., 65955A.
Ragland, Mitchell C., 65946A.
Riedle, Robert R., 70922A.
Riley, John F., 70921A.

Sanderson, Cecil O., 68696A.
Seese, Vernon L., 56224A.
Stacey, Foye O., 70919A.
Tillery, Dean, 65959A.
Tuleja, Donald R., 70925A.
Ussery, Wendell O., 70926A.
White, Joe B., 65958A.
Williams, Robert A., 70923A.
Woodward, Robert L., 65962A.
Young, Robert M., 56223A.

VETERINARY CORPS

Armstrong, Robert E., 76531A.
Bonney, Charles H., 82027A.
Chandler, Edward L., III, 76457A.
Hinkle, Donald K., 76282A.
Kruchko, Gay D., 78071A.
Peguesse, James E., 76532A.
Schmidt, Robert E., 76458A.
Taylor, Gale D., 71002A.

BIOMEDICAL SCIENCE

Bailey, Ronald B., 78279A.
Beatty, David C., 70920A.
Caldwell, Arthur P., 56222A.
Carpenter, Bob L., 70916A.
Collins, Raymond J., 70917A.
Fortune, Miriam W., 76330W.
Friedmeyer, Martha S., 76331W.
Giron, David J., 61198A.
Gregory, Marvin G., 56221A.
Gundaker, Walter E., 76567A.
Harkleroad, Lione E., 76568A.
Houston, Robert G., 65951A.
Jurgiel, John A., 76598A.
Kopp, David T., 76374A.
Krutz, Robert W., Jr., 76449A.
Laney, Sherrill G., 56220A.
Mabson, William E., 56329A.
Moll, Marlene J., 76410W.
Moyer, William B., 65950A.
Nickerson, Howard W., 65952A.
Ohlbaum, Morton K., 76267A.
Quinn, Juliana, 82360W.
Rogers, Donald J., 76452A.
Rothman, Torsten, 65953A.
Schmitt, Richard G., 70924A.
Tatera, Bernard S., 65954A.
Thomas, Robert G., 76720A.
Walker, William J., Jr., 61186A.
Wasserzieher, Gilbert D., 82278A.
Witzgall, Fred L., 61199A

The Judiciary

Dan Monroe Russell, Jr., of Mississippi to be U.S. district judge for the southern district of Mississippi vice Sidney C. Mize, deceased.

Public Health Service

William H. Stewart, of Maryland, to be Surgeon General of the Public Health Service for a term of 4 years, vice Luther L. Terry.

Diplomatic and Foreign Service

The following-named persons for appointment as Foreign Service officers of class 1, consuls general, and secretaries in the Diplomatic Service of the United States of America:

Verne B. Lewis, of Maryland.
Leonard J. Saccio, of Connecticut.

The following-named persons, now Foreign Service officers of class 2 and secretaries in the Diplomatic Service, to be also consuls general of the United States of America.

Ben F. Dixon, of North Carolina.
George Dolgin, of Florida.
Thomas R. Favell, of Wisconsin.
Seaborn P. Foster, of Florida.
Donald L. Ranard, of Vermont.

The following-named persons for appointment as Foreign Service officers of class 2, consuls, and secretaries in the Diplomatic Service of the United States of America:

Frederick W. Flott, of Illinois.
Wilbur H. Ziehl, of Wisconsin.

The following-named persons, now Foreign Service officers of class 3 and secretaries in the Diplomatic Service, to be also consuls general of the United States of America:

Paul F. DuVivier, of New York.
Curtis F. Jones, of Maine.

Richard K. Fox, Jr., of Minnesota, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the Diplomatic Service of the United States of America.

Richard L. Williams, of Indiana, for reappointment in the Foreign Service as a Foreign Service officer of class 5, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as Foreign Service officers of class 5, consuls, and secretaries in the diplomatic service of the United States of America:

Willard B. Devlin, of Pennsylvania.
Richard L. K. Jung, of New York.

The following-named persons, now Foreign Service officers of class 6 and secretaries in the diplomatic service, to be also consuls of the United States of America:

Samuel B. Thomsen, of California.
Lannon Walker, of California.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Kenneth H. Bailey, Jr., of New York.
William G. Barraclough, of Pennsylvania.
Michael V. Connors, of Washington.
Stephen P. Dawkins, of New Jersey.
Joseph B. De Cola, of Ohio.
William S. Diedrich, of New York.
John P. Ferriter, of New York.
John D. Hope, of California.
Peter B. Johnson, of California.
Richard B. Johnson, of Connecticut.
James J. Johnston, of Arkansas.
T. Patrick Killough, of Texas.
James S. Landbergh, of Washington.
Mark McCormack, of Pennsylvania.
Miss JulieAnn McGrath, of Illinois.
Jack W. Mendelsohn, of Illinois.
Joseph Meresman, of New York.
Franz H. Misch, of California.
David T. Morrison, of Michigan.
James H. Morton, of Illinois.
Edward G. Murphy, of Massachusetts.
Jerrold M. North, of Illinois.
Robert Rackmales, of Maryland.
Philip J. Rizik, of the District of Columbia.
Dudley G. Sipprelle, of California.
John C. Stephans, of Colorado.
Lawrence R. Tharp, of Michigan.
Andrew G. Thoms, Jr., of New Jersey.
Archelaus R. Turrentine, of Arkansas.
W. Robert Warne, of California.
John L. Washburn, of Maine.
James O. Westmoreland, of Tennessee.
A. Joseph Williams, Jr., of Georgia.
Donald R. Woodward, of California.

Gerald G. Oplinger, of Pennsylvania, for reappointment as a Foreign Service officer of class 6, a vice consul of career, and a secretary in the Diplomatic Service of the United States of America.

The following-named Foreign Service officers for promotion from class 8 to class 7:

Richard C. Alvarado, of Texas.
Michael G. Beckett, of California.
James L. Clunan, of New Jersey.
L. Selwyn Coates, of Ohio.
Peter Collins, of New York.
Charles L. Daris, of California.
E. Bliss Eldridge, of New York.
Miss Yvone P. Fonvielle, of Illinois.
Samuel C. Fromowitz, of New York.
John H. Hawes, of New Jersey.
Gordon G. Kaplan, of Illinois.
Peter R. Keller, of Connecticut.
Miss Gail A. Kelts, of New York.
Brian S. Kirkpatrick, of the District of Columbia.
Miss Sylvia Manjarrez, of Illinois.
Joel Evan Marsh, of New York.
Thomas J. McGee, Jr., of New York.
Roger B. Merrick, of Colorado.
Stephen Harwood Miller, of Ohio.
Miss Sarah Louise Nathness, of Ohio.
Richard M. Ogden, of Connecticut.
Robie M. H. Palmer, of Vermont.
Mrs. Kirsten C. Paulos, of New Jersey.
Karl S. Richardson, of Nebraska.
Thomas A. Schlenker, of California.
David H. Shinn, of Washington.
Thomas W. Sonandres, of Michigan.
Miss Judith D. Trunzo, of Virginia.
Miss Theresa A. Tull, of New Jersey.
Joseph H. Weiss, of California.
John M. Yates, of Washington.

The following-named persons for appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

Bradford Bishop, Jr., of California.
Parker W. Borg, of Minnesota.
Timothy C. Brown, of Nevada.
Stephen W. Buck, of New York.
Leo F. Cecchini, Jr., of Maryland.
Martin L. Cheshes, of New York.
Harold F. Colebaugh, of California.
Alford W. Cooley, of Connecticut.
Conrad M. Drescher, of New York.
Miss Nancy E. Fitch, of New York.
Maurice N. Gralnek, of Illinois.
W. Nathaniel Howell, Jr., of Virginia.
Henry H. Janin, of California.
Kenton W. Keith, of Missouri.
Harvey I. Leifert, of California.
David L. Mack, of Oregon.
Keith D. Martin, of New York.
Richard H. Milton, of West Virginia.
Joseph V. Montville, of New Jersey.
Edmund M. Parsons, of Texas.
John D. Peterson, of Nebraska.
David S. Raycroft, of New York.
Charles W. Reynolds, of Oregon.
Richard L. Schott, of Kansas.
John D. Stempel, of Indiana.
H. Francis Wanning III, of Pennsylvania.
Stephen E. Ward, of New Jersey.
Miss Virginia L. Warfield, of California.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

J. Richard Bock, of Washington.
Terence C. Brennan, of New York.
Robert D. Brown, of Idaho.
Malcolm Heaton Butler, of Texas.
Donald B. Cofman, of Colorado.
William Ross Creach, of Missouri.
Timothy E. Deal, of California.
T. McAdams Deford, of Maryland.
Michael W. Donovan, of Indiana.
Thomas P. Doubleday, Jr., of New York.
John A. Fredenburg, of New York.
John A. Graham, of Washington.
Terry D. Hansen, of Utah.
Miss Katherine A. Horberg, of Illinois.
Thomas C. Hubbard, of Alabama.
Donald E. Huth, of Missouri.
M. Gordon Jones, of California.
Miss Louise E. Kelleher, of Massachusetts.
Louis A. Kunzig III, of Texas.
Stephen L. Lande, of New York.
Howard A. Lane, of Illinois.
Alan M. Lester, of Louisiana.
E. Mark Linton, of California.
David M. Lowrey, of Hawaii.
Miss Donna M. Millons, of Washington.
Steven J. Monblatt, of New York.
Patrick A. Mulloy, of Pennsylvania.
Dell F. Pendergrast, of Illinois.
Robert Petersen, of Ohio.
Richard R. Peterson, of Illinois.
Paul P. Pilkauskas, of New York.
Miss Maureen E. Ryan, of Pennsylvania.
David L. Schiele, of California.
S. Dickson Tenney, of the District of Columbia.

Miss Elizabeth J. Townsend, of Connecticut.
Miss Katherine A. Verebelyi, of Texas.
Miss Sandra L. Vogelgesang, of Ohio.

The following-named Foreign Service Reserve officers to be consuls general of the United States of America:

Richard C. Salvatierra, of Arizona.
Rafael Sancho-Bonet, of Puerto Rico.

The following-named Foreign Service Reserve officers to be consuls of the United States of America:

Edward R. Brown, of Montana.
Paul R. Brown, of Ohio.
Wheaton B. Byers, of Maryland.
Darrell A. Dance, of Virginia.
Leo Espy, of Florida.
Robert F. Franklin, of California.
Randall S. Jessee, of Missouri.
Robert R. Johnson, of Pennsylvania.
Robert O. Jones, of Pennsylvania.
Robert M. Keith, of Virginia.
Theodore Kobrin, of Connecticut.
Robert Lindquist, of California.
William B. Lonam, of Maryland.
James M. Macfarland, of New Jersey.
William M. McGhee, of the District of Columbia.
Robert W. Mount, of Nevada.
Andrew Ness, Jr., of Michigan.
E. Victor Niemeyer, Jr., of Texas.
Thomas Prince of Illinois.
Gray M. Randall, of Virginia.
Wolfgang F. Robinow, of Pennsylvania.
Aristides K. Rounes, of the District of Columbia.
Roger W. Severt, of Maryland.
Miss Virginia Torosan, of New Jersey.
Robert D. Wiecha, of Michigan.

The following-named Foreign Service Reserve officers to be consuls and secretaries in the diplomatic service of the United States of America:

Henry C. Barringer, of Michigan.
W. Lehman Smith, of Pennsylvania.

The following-named Foreign Service Reserve officers to be vice consuls of the United States of America:

William B. Amis, of Oklahoma.
Charles E. Courtney, of California.
Miss Joanne Curtis, of Washington.
Peter B. Dodge, of Massachusetts.
George A. T. Donely, of New Jersey.
Stuart F. Halpine, of Connecticut.
Francis R. Herder, of Washington.
Roscoe N. Sandlin, Jr., of Texas.
Bruce T. Howe, of Maryland.
Frederick L. Wettering, of Illinois.

The following-named Foreign Service Reserve officers to be vice consuls and secretaries in the diplomatic service of the United States of America:

Ronald E. Estes, of Virginia.
Frederic H. Sabin, of Virginia.

The following-named Foreign Service Reserve officers to be secretaries in the Diplomatic service of the United States of America:

Cecil V. Albertsen, of Maryland.
Donald C. Baker, of Virginia.
Charles E. Behrens, of Pennsylvania.
Harold D. Bengelsdorf, of Maryland.
Milton R. Bissegger, Jr., of Utah.
Lewis E. Bradshaw, of Pennsylvania.
Allan W. Brown, of Virginia.
William D. Carey, of Virginia.
Adrian B. Ciazza, of Nebraska.
Kent B. Crane, of Virginia.
Allan Price Daw, of Ohio.
Gerald L. Engle, of Michigan.
David W. Forden, of New York.
David K. Grinwis, of New Jersey.
Rolfe A. Haatvedt, of Virginia.
David B. B. Hall, of the District of Columbia.
Albert W. Hennig, of Massachusetts.
Franklin P. Holcomb, of the District of Columbia.
Lucius H. Horiuchi, of Washington.
John R. Horton, of Maryland.
Arthur W. Hummel, Jr., of Maryland.
Grant H. Ichikawa, of Virginia.
James D. Keegan, of the District of Columbia.
George Kirk, of Maryland.
Thomas W. Lamb, of California.
Charles E. Luckett, Jr., of Virginia.
Sanford S. Marlowe, of Texas.
Gorden B. Mason, of Ohio.
Charles C. Penney, of Massachusetts.
Robert F. Rayle, of Iowa.
John Ritz, of Virginia.
Louis F. Rosso, of Rhode Island.
Henry J. Sandri, of Pennsylvania.
Charles A. Schmitz, of Missouri.
Allan G. Seal, of Nevada.
Hugo E. Simonson, of Pennsylvania.
Calvin M. Smyth, of Pennsylvania.
John H. Stein, of Rhode Island.
Rodney B. Wagner, of the District of Columbia.
Richard F. Ware, Jr., of the District of Columbia.
Thomas W. Wilson, Jr., of the District of Columbia.
Alexis V. Yurevitch, of Maryland.
Benjamin M. Zook, of West Virginia.

The following-named Foreign Service staff officers to be consuls of the United States of America:

Richard B. Andrews, of Illinois.
James O. Belden, of New York.
Josiah H. Brownell, of Illinois.
Walter S. Burke, of California.
Gordon R. Firth, of New York.
Miss Edna T. Flach, of Texas.
Ellis V. Glynn, of Pennsylvania.
Oscar H. Guerra. of Texas.
George C. Jenkins, of California.
Miss Nancy S. Koch, of Florida.
Donald C. Lautz. of Illinois.
Miss Roberta McKay, of Michigan.
Larry G. Piper, of Texas.
Miss Evelyn M. Schwarztrauber, of Illinois.
Raymond J. Swanson, of California.
John C. Thornburg, of Nebraska.
Christopher P. Vlachos, of Maryland.
Otto H. Wagner, of Michigan.
Robert C. Yore, of Virginia.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 24 (legislative day of September 20), 1965:

DEPARTMENT OF STATE

U. Alexis Johnson, of California, a Foreign Service officer of the class of career ambassador, to be a Deputy Under Secretary of State.

DEPARTMENT OF DEFENSE

John S. Foster, Jr., of California, to be Director of Defense Research and Engineering.

DEPARTMENT OF THE ARMY

Robert A. Brooks, of Massachusetts, to be Assistant Secretary of the Army.

U.S. NAVY

Vice Adm. Paul D. Stroop, U.S. Navy, when retired, for appointment to the grade indicated pursuant to title 10, United States Code, section 5233, to be vice admiral.

Lt. Comdr. Charles Conrad, Jr., U.S. Navy, for permanent appointment to the grade indicated in the Navy, in accordance with article II, section 2, clause 2 of the Constitution, to be commander.

IN THE NAVY AND MARINE CORPS

The nominations beginning Lynn "W" Adams, to be a captain in the Navy, and ending Robert R. Stout, to be a second lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 15, 1965.

EXTENSIONS OF REMARKS

The Long Island Commercial Review

EXTENSION OF REMARKS

OF

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1965

Mr. WYDLER. Mr. Speaker, recently the Long Island Commercial Review, an outstanding daily newspaper published in Nassau County, Long Island, celebrated its 12th birthday. The publisher of this newspaper, Paul Townsend, has reported that the newspaper started as a controlled circulation weekly tabloid in September 1953. The Review later changed to all-paid circulation, and daily—weekdays—offset publication with cold-type composition in July 1962.

Today it has 10,000 distribution with a 3½ persons-per-copy pass-along readership, 51 employees in its own 10,000-square-foot building, and averages 15.2 tabloid offset pages daily. Each week, it publishes at least two supplements including a monthly Long Island Heritage and guide to recreation, quarterly Long Island Almanac of economic and government data, quarterly Long Island Investment Directory of publicly owned local corporations, semiannual Long Island Financial Institutions Report, and bimonthly Long Island Executive Home Selector.

This newspaper has made great strides in keeping with the area it comes from. I am proud of this newspaper and wish to congratulate its editor and publisher, Paul B. Townsend, and the wonderful staff of writers who have made it such an outstanding success. I feel confident that it will reach new greatness in the years ahead.

Rosh Hashanah

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1965

Mrs. KELLY. Mr. Speaker, it is appropriate during these, their days of awe, that we extend our most sincere wishes to those of the Jewish faith. Rosh Hashanah, meaning "first of the year" in Hebrew, begins their High Holidays which end 10 days later on Yom Kippur, the Day of Atonement.

Rosh Hashanah is the day on which, according to Jewish tradition, God judges the deeds of each individual. An ancient Jewish legend tells us that on Rosh Hashanah three books are placed before the heavenly judge. One of the books is thin; in it are written the names of all the people in the world who are entirely wicked, and these are immediately sentenced on Rosh Hashanah to a year of trouble and unhappiness. An even thinner book contains the names of all of those who are completely good; these are awarded a year of peace and happiness. By far the largest of the three books is the one in which are written the names of those who are neither entirely good nor completely bad. Their fate is decided by the sincerity of their repentance and their conduct during the holy season begun by Rosh Hashanah and terminated by Yom Kippur.

May divine forgiveness be gained by all of those who observe this solemn period of prayer and repentance. May divine favor always be with those of the Jewish faith. May each and all of us strive to merit God's blessings.

Progress in Civil Rights

EXTENSION OF REMARKS

OF

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1965

Mr. NIX. Mr. Speaker, the RECORD bears out the evidence that under no other administration has as much progress been made in the field of human rights as in the administration of President Johnson.

But I would like to predict that this RECORD will be carried even further when action is taken on the recommendations made to the President by the Vice President to strengthen and streamline the machinery for administering the civil rights program in every part of this Nation. I urge your keen review of these recommendations. They were made by Vice President HUMPHREY only after a long and deliberative review of the activities of each of the Federal agencies whose functions embrace our civil rights program. By recommending the elimination of some of the committees and agencies which up to this time have been instrumental in bringing about the great gains in civil rights, and by suggesting the transferral of duties of other integral activities, both the President and the Vice President have made it clear that all of our programs can continue in even stronger fashion and with greater effectiveness.

At the same time the proposals by the Vice President, which the President has adopted, will prevent duplication of effort, make civil rights responsibilities an integral part of operating responsibility of each major Federal administrator and will result in substantial savings.

I think it is of extreme significance that these proposals should come from the two men who, better than anybody in this Government, know the importance for the need to consolidate and strengthen our efforts. Certainly, the recommendations are to the everlasting credit of the Vice President and to his talents for administration. It is obvious that the President will continue to look to Vice President HUMPHREY as his principal guide and counselor in the field of civil rights in order that the goals he has set may be reached—equal opportunity and greater freedom for every person in this land.

Public Law 480 Program and Discrimination

EXTENSION OF REMARKS

OF

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1965

Mr. MICHEL. Mr. Speaker, title IV of Public Law 480, as amended in 1963, enables us to sell our farm products on long-term dollar credit to private citizens or organizations in eligible countries that are showing marked improvement. I was pleased to note that our recent agreement with Spain will result in a permanently larger market for our farm products. The Spanish farm product cooperatives, in addition to the $35 million credit purchase, which will be repaid in dollars in 10 annual installments, also has agreed to buy commercially during the next 3 years a minimum of about $18 million worth of U.S. feed grains, plus an additional $7.4 million worth from free world sources, including the United States. The co-ops also plan to buy substantial amounts of U.S. soybean meal and other feed ingredients, live cattle, and supplies and equipment. This is the type of contract we like to see and I am sure our friends from Spain did not feel we were discriminating against them because we asked them to pay in dollars.

Now let us examine another Public Law 480 program regarding the purchase of $4.5 million worth of petroleum under the barter program. The following letter shows that $4.5 million of Commodity Credit Corporation commodities were sold to fund a Tunisian debt and the money was used to buy oil from the government-owned British petroleum, rather than American companies, which, since 1957, have financed Tunisia's oil product and crude oil needs.

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., September 15, 1965.

Hon. ROBERT H. MICHEL,
House of Representatives,
Washington, D.C.

Attention: Mr. James Cromwell, Administrative Assistant

DEAR CONGRESSMAN MICHEL: This is in reply to the telephone request of August 16, 1965, of Mr. Cromwell, your administrative assistant, for information regarding the Tunisia PA/PR H-024-01 for $4.5 million worth of petroleum under the barter program.

We are informed by our mission in Tunisia that before AID funds were made available to Tunisia, the Government of Tunisia found it necessary to establish a source for a long-term supply of crude oil. Tunisia requested prices and credit terms from 10 suppliers, 6 of which submitted offers. Five U.S. firms were solicited and three of them submitted offers.

British Petroleum offered the lowest price as well as the most favorable credit terms and its offer was accepted by the Tunisian Government. The pending barter arrangement will cover less than 20 percent of the total quantity involved.

Since the contract with British Petroleum did result from competition, our mission in Tunisia recommended and the Agency approved, the conversion of a portion of the contract to AID financing under barter. An appropriate discount from the price quoted on a credit basis will be required.

If we can be of further assistance to you, please let us know.

Sincerely yours,

WILLIAM C. GIBBONS,
Director, Congressional Liaison.

Mr. Speaker, the background of the Tunisian situation is quite interesting. According to Mr. Raymond Ioanes, vice president of the Commodity Credit Corporation, the economic counselor of the Embassy of Tunisia called at the CCC office and asked whether CCC would be prepared to absorb about one half of what it considers to be the prevailing barter cost. The counselor was reminded that under the previous procurements, Tunisia has absorbed all the costs and obviously was proud to make public this information. The counselor advised the CCC that his Government was not prepared to do that again and wanted on the gravy train.

According to Mr. Ioanes:

> CCC would not wish to be put in the position of discriminating against the Government of Tunisia by refusing to absorb a barter cost, when in other instances CCC is prepared to absorb such cost.

Well, Mr. Speaker, we certainly do not want to be guilty of discrimination, but it is indeed unfortunate that U.S. oil companies will lose the business because of our generosity to Tunisia.

It would be most interesting I am sure if we could extract from the State Department an exact financial accounting of this entire transaction and all other data that will give us a clue as to why American companies were discriminated against.

Streamlining Our Civil Rights Function

EXTENSION OF REMARKS

OF

HON. ROY H. McVICKER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1965

Mr. McVICKER. Mr. Speaker, as members will recall, President Johnson has called again and again for the streamlining of Government operations wherever possible.

The recommendations which he has now received from Vice President HUMPHREY for the reassignment of civil rights functions within departments and agencies, with clearly defined responsibilities, is in keeping with this request.

Furthermore, in this particular case, the streamlining will lead to a far more effective administration of the civil rights program of the Federal Government.

The recommendations made by the Vice President are of extreme importance, involving as they do a number of interagency committees. By transferring the responsibilities for a number of these, and, by recommending the elimination of others, the structure of our civil rights program would be greatly tightened.

I very definitely want to point out, as the Vice President has done, that this streamlining does not represent any lessening of our civil rights program. It does not mean that our civil rights problems have been resolved. It does not mean that we shall deviate from the very strong force which the President and this administration have adopted. On the contrary, it means that each arm of the entire Federal structure will be in a better position to meet and solve the very difficult and complicated problems that lie before us.

Copper Smelters Need Safety Measure

EXTENSION OF REMARKS
OF

HON. EDWARD J. PATTEN

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, September 24, 1965

Mr. PATTEN. Mr. Speaker, Middlesex County, comprising the 15th Congressional District of the State of New Jersey, is the major primary copper refining center of the United States. Twenty-eight percent of the electrolytic copper refining capacity of this country is located in Middlesex County. More copper is refined in Middlesex County than in any other State of the Union or any other country in the world.

Mr. Speaker, I was happy to introduce earlier in this session H.R. 4711, a bill to authorize the Department of the Interior to administer a program of health and safety enforcement for metallic and nonmetallic mines and integrated smelter and refineries. I introduced this bill at the request of the International Union of Mine, Mill & Smelter Workers, which has about 4,500 members in Middlesex County.

Last May I was happy to submit a statement in support of the administration mine safety bill, H.R. 6961, at hearings before the Select Subcommittee on Labor. This bill was subsequently passed by the House with amendments as H.R. 8989 on September 2. I wish to pay tribute to the outstanding testimony presented at the hearings by witnesses representing the Mine, Mill & Smelter Workers and other unions concerned with this legislation.

I was personally disappointed that, despite the urgings of Mine-Mill and other unions, the bill was reported out without providing coverage for smelter and refineries including the refineries in Middlesex County. But I pledge my continued support for legislation that may be considered in the future looking toward such coverage.

Computers and Government

EXTENSION OF REMARKS
OF

HON. JACK BROOKS

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, September 24, 1965

Mr. BROOKS. Mr. Speaker on September 22, 1965, our distinguished colleague from Pennsylvania, WILLIAM S. MOORHEAD, addressed the 10th anniversary banquet of the Univac Users Association, in Pittsburgh, Pa.

Speaking to this group he discussed the use of computers by the Federal Government and the need for coordination of automatic data processing management on a Government-wide basis. As a ranking majority member on the Government Activities Subcommittee, he has studied this matter thoroughly and has done much to perfect legislation recently approved by the House of Representatives which would bring about a more efficient, businesslike management of our Government ADP equipment.

His address, which reflects the findings of the committee, follows:

> Today, men stand in awe—and even in fear—of the great computing machines which can do so much.
>
> We know our own frailties, the great machines appear to have none.
>
> We hear people wondering about the relationship of man and the machine—who is master, who is servant? Is it the infallible machine or the only too fallible man?
>
> Some lines that the great poet laureate, John Mansfield, wrote may help us decide. He said:
>
> "Man consists of body, mind, and imagination. His body is faulty his mind untrustworthy, but his imagination has made him remarkable."
>
> The story of the great mathematician, Karl Frederick Gauss, illustrates this precept. In the year 1809 his imagination led him to develop the formula for computing the orbits of the planets in the solar system. Subsequently, he spent 20 years computing the orbits of the various planets. His greatness depends not upon his 20 years of computations, but upon his one remarkable formula. Today, Gauss' 20 years of computations could be accomplished in less than a week on a modern computer. Imagine to what greater heights the imagination of this great mathematician might have soared had he had a computer to do his unimaginative work of calculation.
>
> So tonight, I stand not so much in awe of your machines, but in awe of you who use the machines. I stand in awe of you who have the imagination to devise the input and who have the imagination to use the output of these great machines.
>
> The first all-electronic computer was constructed during World War II and delivered to the Army Ordnance Corps in 1945. Univac I, the first computer with general data processing capability, was installed at the Bureau of the Census in 1951. In 1954, there were 10 computer systems in operation within the Federal Government. By 1962, the number had increased to 1,000. There are now at least 2,000.
>
> Today, your U.S. Government is the largest user of computing machines in the entire world. Your 10 years of experience in the use of these machines can be of inestimable value to your Government in the two problems which I would like to discuss with you tonight: (1) managing the use of these machines in the most efficient and economical manner and (2) realizing the maximum benefit from their use.
>
> Under the rules of the House of Representatives, the duty of "studying the operation of Government activities at all levels with a view to determining its economy and efficiency" is assigned to the Government Operations Committee on which I serve. With respect to automatic data processing, this duty is specifically assigned to the Brooks Subcommittee on Government Activities.
>
> For several years this subcommittee, on which I am the ranking majority member, has been concerned about the deficiencies in the manner in which the Federal Government has been acquiring and using ADP equipment.
>
> In 1963 Congressman BROOKS, of Texas, chairman of the subcommittee, introduced legislation to make it possible for those agencies in Government with ADP management responsibilities to do a better job. This bill was passed by the House but no action was taken by the Senate and it died at the end of the 88th Congress.
>
> Soon after the 89th Congress convened in January this year, this legislation was reintroduced. Comprehensive hearings were held, the testimony evaluated, and a bill, H.R. 4845, was reported to the House of Representatives in July. A few weeks ago, the House of Representatives unanimously approved this measure and there is still time for action in the Senate although I personally do not expect action until the next session of Congress.
>
> Under provisions of this bill, the General Services Administration, which presently has governmentwide responsibilities for the procurement of common use items for the civil agencies of Government, is extended authority to coordinate ADP management on a governmentwide basis. The GSA, is not given arbitrary or dictatorial powers. But, operating under the policy and fiscal control of the Bureau of the Budget and the President, GSA would coordinate those aspects of ADP management which extend beyond the confines of any particular agency and develop the information the Bureau of the Budget and other Federal officials need for policy and decisionmaking purposes. To perform this function, this legislation establishes in GSA a revolving fund which would have three principal purposes. First, it would consolidate Government accounting of disbursements and capital investment in ADP so that Federal managers would have this information available to them. Second, the GSA would use this fiscal information, plus the data obtained from a comprehensive governmentwide inventory of ADP which would be maintained through the use of a data processing system, to increase use of equipment the Government now has. Third, the revolving fund would be used to consolidate Government procurement of ADP.
>
> As ADP users, I believe that you will be interested in some of the more pronounced problems we have found in Government ADP management. To some of you, especially those representing the larger organizations, some of these problems may sound familiar.

A principal deficiency in present ADP acquisition and use is the lack of governmentwide coordination in management. Although the selection and the use of equipment must logically remain within the province of the using agency, certain aspects of ADP management require a coordinated effort if the Government as a whole is to achieve the most efficient acquisition and use.

During the recent hearings, we learned of a case where the Air Force sold what was characterized as an old, obsolete, useless ADP system for a thousand dollars. Yet, at the same time, the Army was leasing the same type of system for approximately $50,000—a month. Approximately 18 months later, the Army purchased the system for about a quarter of a million dollars. We could not determine whether the surplus system could have been substituted for the equipment under lease, but at the time the surplus system was sold, no serious attempt was made to determine the feasibility of substituting the surplus for the leased system. As a result, the Government may well have lost a valuable option. A possibility was ignored which could have saved the taxpayer many, many dollars.

I cite this example not so much in criticism of the Defense Department but to demonstrate the very real need for coordination in Government management of such equipment.

During the hearings, we also found that the three military services have each designed and are procuring worldwide inventory systems using ADP. Yet, design and procurement of these three inventory systems, according to the Defense Department witnesses appearing before the subcommittee, were in no way coordinated and are not necessarily compatible.

As a result of this lack of coordination the opportunity to save millions of dollars through the standardization of these inventory systems may have been lost.

The Comptroller General, in approximately 100 audit reports over the past 7 years has given strong documentary support to the case for coordinated governmentwide ADP management. These GAO reports reveal some of the costly deficiencies of trying to manage this equipment on an agency-by-agency basis. And, from your own professional experience, I am sure that you are aware of many occasions where organizationwide coordination in the management of common-use items of equipment or in the performance of similar functions has led to greater efficiency and economy.

Another serious deficiency is the lack of adequate information. I need not emphasize to you the paramount need for timely, pertinent, accurate information.

In Government, there is no adequate information as to ADP acquisition or use. Funds for ADP are scattered throughout the Federal Budget and there is no consolidated fiscal data on ADP investment, costs or expenditures. The only governmentwide information available is in the form of highly speculative estimates. As an example, at this time, no one can give an estimate of total Government ADP expenditures accurate within hundreds of millions of dollars without having the estimate subject to serious challenge.

Through the use of the revolving fund provided in our legislation and the comprehensive ADP inventory that would be established, the Government would have the benefits which logically flow from more adequate management information essential to effective policy and decisionmaking and management control.

A low rate of equipment use resulting from inadequate Government-wide coordination is extremely costly to the taxpayers. The most recent inventory of ADP equipment indicates that in the period of 1 year, the unused ADP capacity in Government has risen from 500,000 to 640,000 hours. The General Accounting Office estimates that is worth approximately $400 million. Every hour of ADP capacity in the hands of the Federal Government that can efficiently and effectively be used must be used. The Government Operations Committee does not suggest that unused ADP capacity be arbitrarily assigned to meet agency requirements. Express provisions of our legislation preclude such an approach. But, with an annual investment of up to $400 million in unused capacity, a sum which is approximately one-half of 1 percent of the total Federal budget, there is a compelling need for prompt and efficient action.

Under the legislation passed by the House, the Government's sharing program would be vastly improved. With accurate, up-to-date information as to equipment availability, new Government ADP requirements hopefully could be matched with unused capacity so as to avoid the acquisition of additional systems whenever possible.

There have also been countless occasions brought to the attention of the committee where, through the exercise of purchase options, agencies could have bought equipment under lease for sums less than the annual payment. There are numerous examples where several highly sophisticated systems have been located in the same geographical area, owned or leased by various agencies, the total usage of which has not exceeded the capacity of one system. One agency installed duplicate systems in the same building side by side when the total capacity required was less than that of one system.

During the hearings on this legislation last spring, the Comptroller General of the United States, a man who by the very nature of his personality and his position is not given to making unreliable statements, estimated that savings from this legislation as ultimately approved by the Houes of Representatives would amount to approximately a quarter of a billion dollars annually and could be expected to increase each year thereafter for an indefinite period in the future.

The importance of efficient and economic management of ADP equipment will increase in the future because we are now approaching what many people refer to as the third generation of ADP equipment.

A leading ADP expert describes this coming generation: "Huge new machines with fantastic memories and arithmetical capacities linked to numerous smaller satellite machines and serving literally dozens of users simultaneously, are on the horizon at even lower cost."

With the arrival of third-generation ADP equipment, communications systems will link large, fast, high-capacity data processing systems to offices and laboratories of numerous users. These users, instead of acquiring an ADP system or visiting an ADP service center, will feed problems or information to be processed into the central computer system over a communications system. The user would have installed in his office or laboratory an input-output component no more conspicuous than commonly used teletype units found in business offices throughout the world. The user could either receive an immediate response over this unit installed in his office or laboratory or the information could be accumulated for periodic processing, recorded on tape or punched cards at the ADP center, or a printed response could be prepared at the center and mailed or otherwise delivered to him.

These larger computers are more efficient per unit of work. They process information faster and have larger processing capacities—but they cost more. So, to obtain the efficiency inherent in these larger new computers, they must be kept busy. As a result, fewer units of Government or business or industry will have sufficient requirements for processing capacity to justify sole use of individual systems. The potentials of the larger computers now in the offing which can be integrated with communications is so great that full use of one system's maximum capability is sufficient to fit the needs of scores of potential users. And, the use of the maximum potential of a third-generation system under conditions of optimum efficiency can result in a phenomenal reduction in ADP costs to individual users. This greater potential and lower cost cannot be ignored by either Government or business or industry.

But lower cost of acquisition and operation is not the only problem in the field of Government and computers.

At a time when decisions which Government must make can have such a powerful impact on the lives of each and every one of us and when these decisions must be based on an almost infinite number of interrelated factors—the question we must ask is—is the Government getting the maximum benefit from computer technology? With a few exceptions the answer is "No."

To help to correct this situation, I introduced yesterday House Joint Resolution 666 providing for the establishment of an agency in the Executive Office of the President to be known as the President's Advisory Staff on Scientific Information Management.

The purpose of the resolution is to assemble at the highest level of Government an extremely high caliber staff of economists, sociologists, mathematicians, and scientists to develop decision-aiding systems, for use by the Government.

Such action is necessary, because ever since World War II the rapid rate of change, the breadth and depth of new knowledge, and the complexity and interdependence of today's sociological, technological, economical and governmental factors has exceeded the normal capacity of the human mind for assimilation on a scale equal to the demands of this new environment.

Responsible decisionmakers in Government and in industry need new techniques and systems for organizing, storing, retrieving, integrating, analyzing, and testing the multitude of factors upon which a rational decision must rest.

Certain areas of industry and certain areas of Government have developed information structures and decision-aiding techniques. Some of these new techniques make substantial use of mathematics and the computer sciences, mathematical programing, mathematical simulation, and econometrics.

Now is the time to use these techniques at the highest level of Government where the mass of relevant and important information is the largest, where the complexity of the interrelationships is the greatest and, hence, where the decisionmaking is most difficult.

The agency which this resolution would establish will give us a start on discovering and applying new information management techniques to the major unsolved problems of our society.

This proposal was first put forward a year ago by the then Senator HUBERT HUMPHREY. In introducing then such a resolution Mr. HUMPHREY said:

"Many of the current and impending problems of our society will remain insolvable until we discover and adapt information management and decision-aiding techniques which are commensurate with the changes which have occurred and will occur in our national and international environment."

Mr. HUMPHREY found it evident that "we have many serious unsolved problems which exceed in scope and complexity present information management and problem-solving structures."

Experts say that the human mind has difficulty in considering more than 10 or 20 factors at the same time in making decisions.

Yet, the unsolved problems of our society may require thousands or hundreds of thousands of factors or subfactors to be considered. Industry has learned to simulate mathematically a given environment. By varying the input assumptions or by varying subdecisions the decisionmaker can be given rational basis on which to make alternative decisions.

It should be emphasized that such decision-aiding techniques are only to aid decisionmakers by providing them with the type of information which will, along with other factors, including their own judgment and experience, assist them in establishing sound policies and in making meaningful decisions.

Thus, these modern techniques are consistent with the processes of democratic government. The use of them may be necessary for the survival of democratic government.

It is equally important that we efficiently manage ADP as we use this equipment to manage our other affairs. To Government, business, or industry, the waste inherent in unused ADP potential and errors in equipment application or selection will be staggering. Fortunately, this fantastic equipment offers in itself the means for its own efficient management. Those of us with primary responsibilities for the efficiency and economy of Government operations are doing everything that we can to constantly improve the management of the world's largest user of ADP so that Federal operations in this area can match the sound businesslike approach which the competitive free enterprise system requires of ADP users in business and industry.

When I think of the subject of Government and computers—I can only plagiarize your program—"The field is growing. The present—challenging, the future—exciting."

Home Rule for Washington

EXTENSION OF REMARKS

OF

HON. CARLTON R. SICKLES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1965

Mr. SICKLES. Mr. Speaker, Attorney General Nicholas deB. Katzenbach has prepared two informative letters on home rule for the District of Columbia. One letter is in regard to the constitutionality of congressional delegation of home rule to the District of Columbia, which should, I believe, answer any questions on this subject.

The second letter concerns itself with the many constitutional questions arising in connection with retrocession proposed in H.R. 10115.

With your permission, I insert these two letters in the Record.

September 21, 1965.

Hon. Carlton R. Sickles,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Sickles: You have requested my views on whether the provision of the Constitution granting to Congress the power "to exercise exclusive legislation" over the District of Columbia precludes Congress from delegating legislative power to a local council elected by the inhabitants of the District. That question was debated at length less than 2 years ago in hearings before a subcommittee of the House District Committee, and there is little I can add to the statement made by my predecessor or to the meticulous and exhaustive legal study submitted by Congressman Reuss at those hearings. Nevertheless, I am pleased to have the opportunity to endorse their views and to express my own conviction that a grant of the power of self-government to the people of the District of Columbia would be fully consistent with the Constitution.

Article I, section 8, clause 17 of the Constitution vests in Congress the power:

"To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States * * *."

The question is whether, in conferring on Congress exclusive legislative power, the Founding Fathers meant merely to make Congress power exclusive of that of the ceding States or whether they also meant to make the power nondelegable and thus to require that Congress itself enact all the detailed legislation, of purely local concern, necessary for the government of the District. On such questions, as Mr. Justice Holmes said, "a page of history is worth a volume of logic," and in this instance history leaves no doubt about the answer.

Article I, section 8, clause 17, can be traced back to an unhappy incident in our history. In 1783, some unpaid soldiers mutinied in Philadelphia and threatened the Continental Congress then located in that city. The Pennsylvania State authorities, asked to take the measures necessary "for supporting the public authority," were either unable or unwilling to provide protection, and Congress was forced temporarily to move its sessions to Princeton (2 Story, Constitution, section 1219).

In order to avoid the repetition of such humiliating incidents, the Congress appointed a committee to consider what jurisdiction ought to be established at the seat of the Government. "Journals of the Continental Congress," vol. XXIV (1783), p. 420. The committee concluded that "the United States in Congress assembled ought to enjoy an exclusive jurisdiction over the district which may be ceded to and accepted for the permanent residence." Id., vol. XXV (1783), p. 603. James Madison, a member of the committee, similarly recommended: "that the district which may be ceded to and accepted by Congress for the permanent resident ought to be entirely exempted from the authority of the State ceding the same, and the organization and administration of the powers of government within the said district concerted between Congress and the inhabitants thereof." (Id., pp. 603–604.)

Arthur Lee, another member of the committee, urged specifically that the people inhabiting the district should enjoy the privilege of being governed by laws made by representatives of their own election. (Id., p. 604.)

The recommendations of the committee was reflected in article I, section 8, clause 17 of the proposed Constitution. Madison defended the proposed provision both in the debates in the Virginia convention and in the Federalist. In the Virginia convention, he recalled the Philadelphia incident and emphasized the need for a jurisdiction over the seat of the Government which was wholly exclusive of the power of the States:

"* * * If it were at the pleasure of a particular State to control the session or deliberations of Congress, would they be secure from insult, or the influence of such State?" (3 Elliot, "Debates" 432–433.)

And in the Federalist, he made clear that the exclusion of the States in no way implied a denial of self-government to the inhabitants of the District (No. 43): "* * * as the inhabitants will find sufficient inducement of interest to become willing parties to the cession; as they will have had their voice in the election of the Government which is to exercise authority over them; as a municipal legislature for local purpose, derived from their own suffrages, will of course be allowed them; * * *, every imaginable objection [to the cession] seems to be obviated."

After the Constitution was adopted and during the formative years of the Republic it was uniformly assumed that the exclusive jurisdiction of Congress over the District of Columbia was fully consistent with local self-government. That assumption is evident, for example, in the following statement in the opinion rendered by Thomas Jefferson as Secretary of State to President Washington on March 11, 1791, concerning the location of the District of Columbia: "As there is not as yet a town legislature, and things may be done before there is one to prevent them * * *." Most conclusive of the uniform understanding, however, is the fact that for the first 85 years of our Republic Congress did in fact allow the inhabitants of the District to govern themselves.

The act of July 16, 1790, 1 Stat. 130, which accepted the secession of the District of Columbia from the State of Virginia, provided that the laws of the State should remain in effect in the District "until Congress shall otherwise by law provide." The effect was to continue in force the acts of incorporation of the cities of Georgetown and Alexandria, each of which provided for an elective city government with the power to enact local by-laws and ordinances. Virginia laws for 1779, ch. 25; Maryland act of December 25, 1789. In 1801, Congress expressly confirmed the rights granted or derived from the acts of incorporation (Act of February 27, 1801, sec. 16, 2 Stat. 108), and during the next 4 years, Congress on two occasions increased the legislative powers of the two cities (Acts of February 25, 1804, 2 Stat. 255, and March 3, 1805, 2 Stat. 332).

In 1802, Congress itself incorporated a third city in the District, the city of Washington, and vested substantial legislative authority in an elected city council (Act of May 3, 1802, 2 Stat. 197). During the next three-quarters of a century, Congress steadily broadened and extended the powers of the various legislative bodies in the District of Columbia. The culmination of the development was the act of February 21, 1871, 16 Stat. 419, which established a territorial Government for the whole of the District and vested extensive legislative powers in an elected legislature.

It was not until 1874 that representative government for the District of Columbia was abolished and replaced by the commissioner form of government that persists today. And even then no doubts were expressed as to the constitutionality of home rule, the change being prompted instead by dissatisfaction with the management of the financial affairs of the city by the appointed Governor.

The practical construction of the Constitution by Congress during the first 85 years of its existence has been confirmed also by numerous decisions of the courts upholding the validity of the acts of Congress which granted to the people of the District of Columbia the power to manage their own local affairs. The decisions are discussed at length in the memorandums to which I have already referred submitted by my predecessor and by Congressman Reuss, and it is enough for present purposes to refer to the earliest and the most recent decision of the Supreme Court.

The 1804 charter of the city of Washington had empowered the city to conduct lotteries "for effecting important improvements in the city." In holding, in 1821, that Congress had the power to confer that authority on the city, the Supreme Court said (*Cohens* v. *Virginia*, 6 Wheat. 264, 442):

"The subject on which Congress was employed when framing this act was a local subject; it was * * * the formation of a separate body for the management of the internal affairs of the city, for its internal government, for its police. Congress must have considered itself as delegating to this corporate body powers for these objects * * *."

Since the act was upheld, it is evident that Chief Justice Marshall, the author of the opinion, did not regard the grant to Congress of the power of "exclusive legislation" over the District as preventing it from forming "a separate body for the management of the internal affairs of the city" and delegating to that body, composed of elected representatives, the power to enact local legislation.

One hundred and thirty-two years later, the Court, in *District of Columbia* v. *Thompson Co.*, 346 U.S. 100, 109–110, even more expressly rejected the notion that the word "exclusive" in article I, section 8, clause 17, was used in the sense of "nondelegable." The Court held:

"* * * it is clear from the history of the provision that the word 'exclusive' was employed to eliminate any possibility that the legislative power of Congress over the District was to be concurrent with that of the ceding States—

And concluded—

"That the Congress had the authority under article I, section 8, clause 17 of the Constitution to delegate its lawmaking authority to the Legislative Assembly of the municipal corporation which was created by the Organic Act of 1871 * * *."

In view of the history of self-government and the authoritative decisions of the Supreme Court, additional arguments to support the constitutionality of home rule legislation seem hardly necessary. There is, however, one further point I should like to make, if only because it has generally been overlooked—namely, that, if Congress may not delegate legislative power to a local governmental body in the District, it would mean not only that the home rule proposals are unconstitutional but that the existing system of government, which has been in effect since 1874, is also unconstitutional.

The argument of the opponents of home rule, as I understand it, is not that it is somehow worse for Congress to delegate legislative power over the District to an elected legislature than it is to delegate it to some other body, but that Congress cannot delegate such power at all. The fact, however, is that the existing government of the District is premised on just such a delegation of "legislative" powers—to wit, the delegation to the Commissioners of the District of Columbia of the power to make regulations on matters of local concern. (See District of Columbia Code secs. 1–221 to 1–231 and the authorities cited in the notes to sec. 1–226.) The powers granted the Commissioners include the sweeping—and undeniably "legislative"—power "* * * to make and enforce all such reasonable and usual police regulations * * * as they may deem necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia." (District of Columbia Code, sec. 1–226.)

If Congress may not delegate to another body power to legislate for the District, it seems apparent that the District of Columbia Commissioners could not be given the powers they now exercise.

The delegation of legislative power in home rule legislation would differ from that made under present law in only two respects: (1) the body to whom the power is delegated would be elected by the people instead of being appointed by the President; and (2) the power would extend to a considerably broader range of matters. Neither of those differences can affect the constitutional argument. Surely delegation to a representative government is no more objectionable than is delegation to an appointed one. And the power given Congress by article I, section 8, clause 17, since it extends to "all Cases whatsoever," is necessarily as "exclusive" on one matter as it is on another. If the prescription that Congress' legislative power in the District was to be "exclusive" meant not only that the ceding States should be without power but also that the power could not be delegated to a local governmental body, it would mean that Congress could not delegate a power to legislate on any matter. If, on the other hand, Congress can delegate power to legislate on some matters—as it has to the Commissioners—it must be because "exclusive" means only "exclusive of the ceding States" and not "nondelegable." And in that event Congress can make as broad a delegation as it chooses to make. In short, if the "exclusivity" of Congress' power under article I, section 8, clause 17, is not a barrier to the existing District of Columbia government, it is not a barrier to home rule.

I have shown that the framers of the Constitution expressly anticipated that self-government would be allowed in the District; that Congress in fact allowed it for 85 years; that the Supreme Court has expressly upheld Congress' power to allow it; and that the argument against that power would equally invalidate the present District government. Few constitutional questions are susceptible of so conclusive an answer. There is, I believe, no longer room for any doubt that Congress has the constitutional power to provide for an elected council for the District of Columbia, and to confer upon that body all the legislative power which could be exercised by a State or territorial legislature.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

SEPTEMBER 24, 1965.

Hon. CARLETON R. SICKLES,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SICKLES: This is in response to your letter of September 9, 1965, requesting a memorandum on the constitutionality of title I of H.R. 10115 as reported to the House. That title provides that approximately 85 percent of the District of Columbia be retroceded to Maryland. You also requested our view on a question raised by Congressman MCMILLAN regarding the constitutionality of authorizing a Presidential veto of legislation adopted by a proposed District of Columbia legislative body.

As you mentioned in your letter, this Department prepared a memorandum in 1963 discussing the constitutionality of retrocession. At that time we noted that the particular question of retroceding portions of the District of Columbia had never been judicially determined but that serious doubts had been raised in the past regarding the constitutionality of retrocession. We pointed out that the ratification of the 23d amendment, providing representation for the District of Columbia in the electoral college, presented additional constitutional problems with respect to retrocession since the amendment was passed by Congress and ratified by the States in order to provide electoral representation for a population larger than that of 11 States. We commented that the amendment might never have been passed and ratified if the population of the District were radically reduced by retrocession.

Although title I of H.R. 10115 differs from H.R. 5564, the bill discussed in the 1963 memorandum, the basic points raised in that memorandum are equally applicable to the present bill. In brief, title I would retrocede to Maryland, with that State's acceptance, all rights and jurisdiction to the area of the District of Columbia north of P Street NW. and Florida Avenue and east of 15th Street NE. and the Anacostia River. This is the area which historically comprised the District of Columbia as distinguished from the Federal City. The earlier bill, H.R. 5564, would have retroceded all but a very narrow strip of territory around the Mall.

In our 1963 memorandum we noted that the constitutionality of an 1846 retrocession of a small portion of land to Virginia was challenged but that the Supreme Court had refused to pass on it because of the passage of time and the de facto control which had been exercised by Virginia over that property for more than 25 years. We reviewed the constitutional challenges raised at that time and noted that similar challenges might again be raised if a new retrocession were to be enacted. This portion of the memorandum is equally applicable to title I of H.R. 10115.

We also discussed the constitutional status of the District and the intent of the framers of the Constitution. We concluded that a good argument could be made to support the view that the District, once created, could not thereafter be abolished. This discussion is also applicable to title I.

We reviewed the history of the District and pointed out that an area of fair size and considerable population was considered necessary for the seat of Government. We pointed out that H.R. 5564 would be contrary to this intent. While title I of H.R. 10115 would not reduce the size or population of the District as greatly as the earlier bill, it would reduce the territory of the District by approximately 85 percent and would retain in the District an area consisting primarily of Government buildings and business establishments. The population of the District would be substantially reduced as well. Accordingly, the discussion in that portion of the 1963 memorandum would also apply to title I of H.R. 10115.

In our discussion of the possible impact of the 23d amendment on the constitutionality of retrocession we emphasized that that amendment was designed to provide electoral representation for a city of substantial size and population—a city of equal or greater population than several States. We noted that H.R. 5564 would have reduced the population to approximately 75 families and expressed grave doubts that Congress or the States would ever have approved the amendment if such a small population were to control three electoral votes. While the population reduction resulting from title I of H.R. 10115 would not be as great as that proposed earlier, it would be substantial. Accordingly, the general discussion in part III of the memorandum is also pertinent to this bill.

Similarly the related discussion of the Supreme Court's reapportionment decisions in part IV of our memorandum would also apply to the present bill even though the reduction in population would not result in such disproportionate electoral representation as would the earlier bill.

Anything we might add to the 1963 memorandum would be merely cumulative. That memorandum represents the views of this Department and we consider it fully applicable to title I of H.R. 10115.

In our view, a provision authorizing the President to veto acts of any local legislative body which may be established in the District presents no serious constitutional problem. The only provision of the Constitution relating to the veto is article I, section 7. It provides that every bill passed by Congress shall be submitted to the President; that he may disapprove a bill and return it to the House in which it originated together with his objections; and that Congress may, by vote of two-thirds of each House, override a Presidential veto. Similarly, orders and resolutions of Congress, requiring the concurrence of both Houses, are submitted to the President for his approval or disapproval. Nothing in article I, section 7, expressly or impliedly prohibits the submission to the President, for approval or disapproval, of acts of a subordinate body created by Congress to legislate for the District.

It must be remembered that the District of Columbia Council proposed in S. 1118 would remain subject to the overall supervision of Congress which has and would retain the power "to exercise exclusive legislation" over the District. When Congress enacts laws for the District of Columbia the enactments are submitted to the President for approval. It is entirely appropriate that the acts of a subordinate legislative body to which Congress has delegated power to enact provisions for the government of the District should also submit its enactments to the President for his approval. Such a provision is consistent with the purpose and intent of article I, section 7, clause 17 of the Constitution.

It might also be noted that provisions authorizing a Presidential veto of acts of territorial legislatures established by Congress are not uncommon. Section 19 of the 1916 Jones Act, 39 Stat. 551, establishing a government for the Philippines, provided that acts of the legislature be submitted to the Governor General. If he vetoed an act, the legislature might, by two-thirds vote of each House, override the veto. If the Governor General again disapproved, he was required to submit the act to the President for approval or disapproval.

A similar provision was contained in section 34 of the 1917 Jones Act, 39 Stat. 960, which established a government for Puerto Rico. Similar provisions are also found in the organic acts for Guam, 64 Stat. 389, 48 U.S.C. 1423i, and the Virgin Islands, 68 Stat. 502, 48 U.S.C. 1575(d). To the best of our knowledge the constitutionality of these Presidential veto provisions has never been challenged.

It is true that the authority to make laws governing the territories is derived from article IV, section 3 of the Constitution while the authority to legislate for the District is derived from article I, section 8. Nevertheless, the Supreme Court has indicated that there are similarities between the congressional authority to provide local government for the District and the authority to govern the territories, cf. *District of Columbia* v. *John R. Thompson Co.*, 346 U.S. 100 (1953). The organic acts cited above, then, would seem to provide ample precedent for a Presidential veto provision in District of Columbia home rule legislation.

Finally, we might point out that the substitute bill reported by the House District Committee, H.R. 10115, likewise contains a provision for a Presidential veto of acts of any legislative body established under the Charter Board provisions (section 205(b) (2)). The committee report, House Report 957, indicates that the purpose of the bill is "to provide the maximum local self-government, consistent with the provisions of the Constitution * * *" (p. 6). It must be assumed, then, that the House District Committee also considered a Presidential veto provision to be consistent with the Constitution.

I hope the foregoing information is helpful to you and that it constitutes an adequate response to the questions you presented. If further details are required please let me know.

Sincerely,

——— ———,
Attorney General.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 27, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., prefaced his prayer with these words of Scripture: Luke 17: 5: *Lord, increase our faith.*

Eternal God, Thou knowest how much we daily need Thee to live radiantly and reverently.

Inspire us to establish an effective unity, amity, and fraternity among men and nations.

Thou alone art the secret and hope of mankind's solidarity and salvation.

We need Thy spirit within our hearts if our civilization is to be kept from falling to pieces.

Grant that we may learn to have faith in Thee for Thou canst satisfy our mortal needs and our immortal longings.

May it be our highest aim to trust and love Thee and may this truth warm our hearts and cause us to bow before Thee in humility.

Grant that our minds may be the sanctuaries of Thy light and as we discharge our duties faithfully may we feel Thy kingdom slowly emerging out of the welter of the confusion in which we labor.

May we possess that peace which is begotten of simple trust in Thee and faithful service to needy humanity.

In Christ's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, September 24, 1965, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 10516. An act authorizing the disposal of vegetable tannin extracts from the national stockpile;

H.R. 10714. An act to authorize the disposal of colemanite from the supplemental stockpile;

H.R. 10715. An act to authorize the disposal of chemical grade chromite from the supplemental stockpile;

H.R. 10748. An act to authorize the transfer of copper from the national stockpile to the Bureau of the Mint; and

H.J. Res. 330. Joint resolution to authorize the disposal of chromium metal, acid grade fluorspar, and silicon carbide from the supplemental stockpile.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6852. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 47 million pounds of abaca from the national stockpile;

H.R. 7812. An act to authorize the loan of naval vessels to friendly foreign countries, and for other purposes; and

H.R. 10305. An act to authorize the disposal, without regard to the prescribed 6-month waiting period of approximately 124,200,000 pounds of nickel from the national stockpile.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2434. An act to clarify authorization of the Federal Aviation Agency of the lease of a portion of certain real property conveyed to the city of Clarinda, Iowa, for airport purposes; and

S. 2469. An act amending sections 2 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a new sea level canal connecting the Atlantic and Pacific Oceans.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 326]

Anderson, Ill.
Andrews,
  George W.
Andrews,
  Glenn
Ashley
Aspinall
Bolton
Brock
Callaway
Clancy
Clawson, Del
Colmer
Devine
Donohue
Farnsley
Fascell
Frelinghuysen
Gilligan
Goodell
Gurney
Halleck
Hébert
Holifield
Hosmer
Johnson, Okla.
Kee
King, N.Y.
Landrum
McEwen
Morrison
Murray
O'Hara, Ill.
O'Neill, Mass.
Patman
Philbin
Pickle
Powell
Roosevelt
St Germain
St. Onge
Scott
Stafford
Stephens
Teague, Tex.
Thomas
Thompson, Tex.
Toll
Tuck
Willis
Wilson,
  Charles H.
Wright

The SPEAKER. On this rollcall 380 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. MULTER].

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. MULTER. Mr. Speaker, pursuant to clause 4, rule 27, I call up Motion No. 5, to discharge the Committee on Rules from the further consideration of House Resolution 515, providing for the consideration of H.R. 4644, to provide an elected Mayor, City Council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

The SPEAKER. Did the gentleman from New York sign the petition?

Mr. MULTER. I did, sir.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read the title of the resolution.

Mr. SMITH of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SMITH of Virginia. Mr. Speaker, this motion to discharge is directed at the Committee on Rules. If adopted, it will discharge the Committee on Rules from the consideration of the resolution which has just been brought up; am I correct in that?

The SPEAKER. The gentleman's statement is correct.

Mr. SMITH of Virginia. And, Mr. Speaker, after that happens, the next question will be on the resolution itself, which has just been referred to, which has just been called up?

The SPEAKER. The gentleman's statement is correct.

Mr. SMITH of Virginia. Now, Mr. Speaker, that resolution waives points of order. There are grave points of order in the bill that is to be recognized. The question I want to ask is whether there will be an opportunity in debate on the rule to advise the House of the facts that it does waive the points of order and that there are points of order with which the House ought to be made familiar.

The SPEAKER. The Chair will state that under the rule on the question of discharge there is 20 minutes, 10 minutes to the side, and that will close debate on the motion. The House will then vote on the adoption of House Resolution 515 without debate or other intervening motions.

Mr. SMITH of Virginia. And, as I understand it, then there will be no opportunity to discuss the resolution itself on which we are about to vote?

The SPEAKER. Not under the standing rules of the House.

Mr. SMITH of Virginia. Now, Mr. Speaker, a further parliamentary inquiry. Will it be in order to move the previous question on the resolution?

The SPEAKER. The Chair will state that under the rules of the House in a matter of this kind there is no debate and the previous question will not be in order.

Mr. SMITH of Virginia. Would be in order?

The SPEAKER. Would not be in order.

Mr. SMITH of Virginia. It looks like you are going to roll over us right fast, does it not?

The SPEAKER. We are operating under the standing rules of the House.

Mr. VIGORITO. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. VIGORITO. A parliamentary inquiry, sir.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. VIGORITO. Would I be in order to move that the House clear the galleries? I am afraid that this bill will generate more heat than light and that emotions will be stirred up. I believe it would be better to clear the galleries.

The SPEAKER. The Chair will state that the gentleman's observation is hardly a parliamentary inquiry.

Under the rule, the gentleman from New York [Mr. MULTER] will be recognized for 10 minutes and the gentleman from South Carolina [Mr. MCMILLAN] will be recognized for 10 minutes.

Mr. MULTER. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. SICKLES].

Mr. SICKLES. Mr. Speaker, having been raised and schooled in the District of Columbia, I have long had an interest in the affairs and government of the District. And I have long been an advocate of home rule for the District. Although I can become quite emotional, in light of the admonition we received in the last parliamentary inquiry, I will keep my remarks as restrained as can be. The arguments for and against home rule have been explored and propounded for many years. I do not believe I have heard a new argument on either side of the issue in the last 10 years, although there are indeed many ways of expressing the same arguments. I am impressed by most of the arguments in favor of home rule. I guess that most of all I think it is a matter of simple justice that District residents ought to, as a matter of right, be allowed to choose their own officials, and also I believe that if we allow them to do so we will breathe life into a rather dormant city, and we will all be better off for it, the city, the Congress, and the Nation.

I have never allowed myself the luxury of being wed to any particular form of home rule and have generally supported that which was the consensus at a particular time. I am mindful that any bill to establish a new form of government in the District of Columbia should be constitutional. The Attorney General has said the one proposed is. It should protect the Federal interest, and I believe the proposed bill does by providing a presidential veto over the District council acts which veto the Attorney General has likewise interpreted as constitutional, and which may not be overridden by the District council; and by expressly reserving the power of the Congress to legislate on all local matters; and by expressly authorizing the President to use Federal troops or to take over the local police force if necessary to protect the Federal district; and by providing for an annual congressional appropriation of the Federal payment to the District.

I think it should be recognized that the nature of the community requires the participation of Government employees, and they should be given an opportunity to be active in the election process.

This bill provides for that.

It should have general support in the community as well as in the Congress, and this bill does have strong support in the community, including the spokesmen for both major parties and, what is more important, it provides for a referendum after passage to determine if the local citizens approve the charter. The proposed legislation has passed the Senate as S. 1118, and I believe, as now modified, has the support of the majority of this House. Time alone will tell.

We are proposing an open rule with 5 hours of debate which should give this House an opportunity to work its will on the specific features of the bill.

I am satisfied with the bill as proposed. I suppose if we were of a mind to we could spend the next 3 weeks arguing about the number of members of the council, what their salaries should be, and the nature of their wards, or a myriad of other details. But this does not dampen my desire for an open rule because I feel that this House will give great weight to the contents of the bill as it has already passed the other body, and I feel that this House is more concerned with, and will focus its attention on those matters of major importance.

The alternatives proposed are not attractive.

Retrocession cannot be supported because I do not believe that this Congress wants to give up its ultimate and exclusive control over a major part of the District of Columbia. The State of Maryland has no inclination to acquire this territory. The election of a charter board would only delay the entire subject matter and create such an atmosphere of uncertainty that I cannot imagine how a charter board could function in any way effectively.

I think one of the most important facts to remember is that what we are proposing today is legislative home rule and not constitutional home rule, and what the legislature giveth away the legislature can take away. I think this very fact is going to affect the conduct of the local citizens and I think further the fact that we do have this protection should remind us that we can make any changes slight or entire by changing the entire charter if we so please.

Mr. Speaker, I think the time for home rule is now. I am hopeful this body will support your great leadership in this area and pass this motion so that we can go ahead with a complete discussion for home rule for the District of Columbia.

The SPEAKER. The time of the gentleman has expired.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. WHITENER] 4 minutes.

Mr. WHITENER. Mr. Speaker, at the outset I would urge all of our colleagues to join with those of us who oppose this sledge hammer resolution which is now before us. As chairman of the subcommittee of the Committee on the District of Columbia, to which home rule legislation was assigned, I can report to you that we were engaged in very splendid hearings and proceeding in an orderly fashion when the legislative package of some 29 or 30 bills was summarily taken away from our committee. The hearings were designed to give to the Congress an opportunity to hear from the citizenship of this area as to their views on the general issue of whether the constitutional system of control of the seat of Government by the Congress as prescribed in article I, section 8 of the Constitution should be interfered with. We heard from many outstanding groups such as the General Federation of Women's Clubs of America with 11 million members who oppose any change in the situation here. We heard from the Federation of Citizens Association of the District of Columbia whose spokesman testified in opposition to any change in the present method of government in the District of Columbia. We heard from the board of trade in opposition. We also heard from our colleagues in the House who desired to be heard.

Today you are asked to move to the consideration of legislation with a hoodwink over the eyes of the Congress because an opportunity has not been had for this matter to be fully developed. I urge that you join with us in defeating this move which comes to us under circumstances with which you are all familiar.

I read a few days ago that following the signing of the discharge petition, one of the principal architects of this movement in the District of Columbia made the statement that the late Speaker Rayburn had said to him in his office here in the Capitol that so long as he was Speaker of the House of Representatives, there would be no home rule in the District of Columbia. I say to you, it is a poor monument to that great American that we are here today without adequate opportunity to know what the issues are to strike down the wisdom which he had developed over a long period of time. This same local politician, I am told, said last night on television that he did not care, as a leader of this movement, what was done in the House of Representatives—that all they wanted was some kind of bill in order that they could go to a conference with the other body and write whatever they wanted to regardless of what the majority of the Members of the House of Representatives thinks is best.

This is a critical issue for the Nation. It is not merely local in nature.

This is an issue which should be approached with all seriousness and should be approached only after mature consideration based upon full and complete hearings.

I urge that all Members give serious consideration to what we are about to do. It is my hope that after you have conferred among yourselves and have given this matter prayerful and serious consideration, you will join with us in saying that this matter should not be considered in this way but should be postponed until a later date, until the usual procedures have been complied with.

Mr. MULTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Speaker, I rise in support of the resolution, and I ask the Members of the House to support this House Resolution 515.

This is the House of Representatives. It is the principle of representative government which breathes life into this House. This is our reason for being here.

In the primary election held in the District of Columbia in May of 1964, 85 percent of those who voted on the question of home rule voted in favor of it. This is an amazing thing, because it is seldom that more than 90 percent of those who vote in elections take the trouble to mark referendum questions, but this was the fact with respect to the home rule question on the ballot last year. This overwhelming vote in favor of home rule cries out for your response today. If you believe that the will of the people matters I urge that you vote for this resolution so that we can have a meaningful debate on the question of home rule in the House and have it now. It is a question long postponed. The hour is now. This is the duty of the House. I think that we should measure ourselves and perform it.

Mr. McMILLAN. Mr. Speaker, I yield myself 1 minute.

When I was in high school I learned that the city of Washington was a Federal City. It was my understanding, and I was taught to believe, that this was the only city in the United States that was created for a special purpose.

We are here today to consider whether we are going to give this city away to some political group. I have had no expression from any responsible taxpayer for home rule. Mr. Rauh and the one Mr. Charley Horsky, and the Washington newspapers have made the mad rush for home rule. If you want to turn this city over to that group, you have an opportunity to do so today. If you want to keep the Capital as it is—and I believe it is one of the most beautiful capitals in the world, one which, in my opinion, has progressed more than any other city in the United States—I ask you to vote down this resolution.

This is no time to be turning the city over to any group, my State, or any other State.

Mr. Speaker, I hope that the petition will be voted down. This is the first time since I have been in Congress that any bill has been taken away from a committee during the hearings.

BACKGROUND OF THE LEGISLATION

Mr. Speaker, what is all the rush or urgency to get so-called home rule legislation adopted today, or before this session ends?

As chairman of the House committee, I several times stated during this session of the Congress that hearings would be held on so-called home rule bills after the committee and the Congress disposed of some legislation which the committee considered to be of far greater importance to the District of Columbia, legislation such as the omnibus anticrime bill—twice passed by the House in the last 2 years—and the rapid transit bill. Also, the new minimum wage law, and automobile insurance legislation, which we considered and passed, both urged by the District of Columbia Commissioners as requiring high priority. These are only a few of the 34 bills which our committee in this session has passed, most of which are waiting action by the other body.

I merely point all this out as answer to those Members who have insisted here on bypassing the House District Committee in order to railroad through the House home rule legislation which has not had the benefit of full hearings. These Members seem insistent that this legislation must be jammed through the House before the Members have a thorough opportunity to study the many detailed provisions of this bill. They must be fearful that on close look the Members will find reasons to oppose the legislation.

I should also point out that 35 so-called home rule bills have been referred to the House District Committee this year. These bills embrace some 2,416 printed pages. The two so-called administration bills alone cover 190 pages—H.R. 4644 has 89 pages, and S. 1118 has 101 pages. It is just a physical impossibility in the time allotted for any Member to read, much less study, many of the sections—except the most controversial ones—of even the bills before the House today.

Again, I say, What is all the rush?

The Senate committee had two bills before it for over 7 months. Even after 2 days of hearings—March 9 and 10—the committee took 3½ months to consider, and agree upon, and report out a bill.

In connection with the hearings of the other body, it is interesting to note that its committee heard 17 witnesses, 4 of whom were Government people, and the remainder were from the general public. All but 2 of the 13 public witnesses heard were proponents of home rule. Others desiring to be heard could only file statements.

The other body considered the bill at various times during the 2 days it was debated, and only a small number participated in the debate.

Within 3 weeks of receipt of the Senate-passed bill, the House District Committee commenced hearings on it and the other home rule bills referred to it.

Again, what is all the rush?

Many of the House Members have participated in the efforts of their own legislatures in rewriting their State constitutions, or in drafting amendments to their constitutions, such as the recent reapportionment battles and so forth. You know what an involved undertaking it is to write or rewrite constitutional provisions, or to draft any delegations of authority such as are proposed in the bills here today, which set up a brand new and different form of government for the District of Columbia.

This is not something to be undertaken lightly, or in some pell-mell rush before adjournment. In all fairness, as responsible and experienced Members of the Congress know, you cannot write or rewrite a 100-page bill of this kind on the floor of the House. You all recall the time and efforts which were necessary in committee after prolonged hearings to perfect legislation for the admissions of our latest States, Alaska and Hawaii.

Contrary to what has been and may be represented to you, the bills before us do not represent the work of any widespread or representative group of the Washington community, but rather, they were drafted by, and satisfy only, a small clique who want to take over the city of Washington for their own purposes, under the guise of merely giving a voice in local affairs to the people of the District of Columbia.

There has been no commission appointed for this purpose, no effort fairly to secure the testimony of all the citizens or of representative groups in the District; no long, drafting sessions of all interested parties, citizen organizations, businesses, and other agencies in the District of Columbia, to come up with a bill which best reflects the wishes of the majority of the citizens and taxpayers of the District.

The other body, as stated, heard only one group in opposition, the Federation of Citizens Association. By contrast, it did not hear the Metropolitan Washington Board of Trade with over 7,000 members who pay 90 percent of the real taxes in the District of Columbia. It and other such groups who are opposed to the provisions of these bills, in whole or in part, were not given a chance publicly to present their case, only to file statements.

What is the rush?

The House committee held 7 days of hearings, which were terminated when the committee was summarily discharged. Each Member has been sent a copy of these hearings. If you have had the time to glance through them, you will see the very respectable testimony which was presented by responsible citizens and responsible groups who offered very serious objections to enactment of this legislation by the House. There were at least 40 to 50 other witnesses who desired to be heard, cut off by this kangaroo discharge effort.

The House committee heard the proponents fully in the last Congress, and this year devoted the first 3½ days to proponents and then started to hear other witnesses in opposition. As stated, there remains a considerable number of persons, groups, and organizations who have not been heard either by the Senate or House committees, and yet who have huge stakes in the District. But the clique downtown insisted on getting this to the House before the hearings could be concluded, before the subcommittee—chaired by one of the most able lawyers in this body—could even evaluate the very provisions, or perfect or modify or amend the language, where necessary.

I can hardly believe that it is the will of the majority of this distinguished body that we agree to legislation by default, that we accept blindly the parcel before us, to the detriment of this fine Capital City, to the detriment of those whom we are here to represent.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. Broyhill].

Mr. BROYHILL of Virginia. Mr. Speaker, today the House is being called upon to act in haste on one of the most complicated, confusing, misunderstood problems that we have had before the House of Representatives during this session. We are being asked to consider a bill on this vital and important subject which not only has been denied the consideration and hearings of a duly constituted committee of the House of Representatives, but which the proponents themselves admit is a bad bill and which must be rewritten or changed in clandestine meetings or smoke-filled rooms.

Mr. Speaker, let me assure the Members of the House that these proposed alleged changes will not improve this legislation one iota. They will not even begin to overcome the many objections that have been raised to the legislation. They do not even try to overcome those objections. The proponents want to make just enough changes to lure enough additional votes to get this legislation across the finish line.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I neglected to state a moment ago that there is a home rule bill on the calendar, and it can be called up any District day.

Mr. BROYHILL of Virginia. I thank the gentleman.

Mr. Speaker, this is not the proper way to legislate—in a piecemeal, patchwork manner—particularly on legislation which is so complicated, and which has engendered so much emotion.

I do not know all of the reasons for the 218 Members signing the discharge petition, but I imagine they all had a right to expect that they were signing to discharge a sound bill, a bill on which all of the details had been worked out.

We have just had an assurance from the chairman of the Committee on the District of Columbia that the House will have an opportunity to vote on this subject, to act on this subject, through a bill reported out by the duly-constituted committee of this House.

I submit to you, Mr. Speaker, that regardless of how this legislation is amended, it will not meet and overcome all of the objections raised to this legislation.

In view of the assurance on the part of the chairman, I urge the Members of the House to vote down the motion to discharge the committee.

Mr. MULTER. Mr. Speaker, I yield 1 minute to our distinguished colleague from New York [Mr. Horton].

Mr. HORTON. Mr. Speaker, I am one of those 218 who signed the discharge petition. I also am the ranking Republican on the Subcommittee of the District of Columbia Committee which was hearing the question of home rule.

I can say to Members that it is my judgment that we would not be having an opportunity to express our will on this question were it not for the discharge petition. The reason I signed it was so that the House of Representatives could have an opportunity to express its will on this very important question.

On this question of home rule for the District of Columbia, I should like to read from a statement of Senator Robert A. Taft, made in the Senate in May 1949, at which time he said:

> Washington is a great city, one of the greatest cities in the United States, a city of 900,000 people, and a city which has the same qualification for local home rule as has any other city in the United States.

Senator Robert A. Taft continued:

> Here is a city in which Americans are born, and grow up without any right of home rule whatsoever, without any right to participate in the government which controls their daily affairs and has to do with their daily lives. I myself believe that local, self-government is almost as important to liberty as is National Government.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MULTER. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. HORTON. Senator Taft continued:

> I do not believe we can have real freedom in this country without local self-government and the right of people to determine the matters which affect them in their daily lives, such as the administration of their schools, the condition of their streets, their various public services, and other things in which every community has a vital interest.

That is the reason why I signed the discharge petition, and that is the reason why I believe we should give self-rule to the people of the District of Columbia.

I urge the Members of the House to permit the House to exercise its will by voting for the resolution.

Mr. McMILLAN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Sisk].

Mr. SISK. Mr. Speaker, as a supporter of self-government for the District of Columbia, I come to the well today to urge Members to vote against the pending resolution. We have assurance that a bill will be called up early next year to consider this subject in an atmosphere which, in my opinion, will be far more conducive to good government and to giving these people the type and kind of government they should have.

I would urge my colleagues on this occasion for a number of reasons—first, because it is almost October—second, that we not be "patsies" for a few people downtown who have a personal ax to grind, and that the Congress assert its will today and work its judgment and vote down this motion, to let us proceed to take care of the Nation's business for the balance of this year and then get this House adjourned.

Mr. McMILLAN. Mr. Speaker, I yield 2 minutes to the distinguished minority leader [Mr. Gerald R. Ford].

Mr. GERALD R. FORD. Mr. Speaker, I have traditionally opposed the discharge petition method for the consideration of legislation. For this reason I did not sign the discharge petition on this occasion. Inasmuch as I oppose the discharge method, it is not my intention today to vote for the resolution that will shortly be before us.

Furthermore, it seems to me that inasmuch as the Committee on the District of Columbia has now acted, even though I personally have many reservations about the legislation the committee has approved, it does mean in the regular course of events the House of Representatives will have an opportunity to consider home rule legislation and work its will on the next District day, which is October 11. I am also encouraged by the assurance given that the Committee on the District of Columbia will bring forth home rule legislation for certain in this Congress.

Let me add this footnote, however. I personally would hope that the House of Representatives, if we do have an opportunity to work our will, will approve some legislation that will give an autonomy, some home rule, to the District of Columbia. To achieve this and to satisfy myself I think perhaps there must be certain changes made in the various bills that have come to my attention.

First, I think it is mandatory that we have nonpartisan elections. The overwhelming majority of communities, the metropolitan areas of this country, do have nonpartisan municipal elections. My hometown of Grand Rapids, Mich., and the communities from which most of us come have nonpartisan elections. This is the growing trend and a sound one. According to studies made by specialists in political science, the trend is this way. Why should we go in opposition or contrary to that trend when we are taking or may take this step in the Nation's Capital?

Second, I believe it is essential and mandatory that we have an annual review of the amount that the Federal Government must pay to the District of Columbia for the services that are rendered for the National Government. Such a provision I understand is included in one of the compromises. Such a provision for annual review by the House and Senate Committees on Appropriations is mandatory.

Ladies and gentlemen of the House, I hope one, we defeat the resolution; and two, if the resolution is approved, we must work our will, we must incorporate these provisions and several others that have been recommended by the House Republican policy committee.

The SPEAKER. The gentleman from South Carolina's time has expired. The gentleman from New York has 2½ minutes remaining.

Mr. MULTER. Mr. Speaker, I yield that time to myself.

Mr. Speaker, the time of decision is nigh. I believe that the Congress has never before witnessed, and I doubt whether it will ever again witness, a motion to discharge a committee from the consideration of a bill that is more appropriate, more proper, more necessary, more desirable than the motion now before the House. For the 10 terms that I have served in this House I have joined colleagues on both sides of the aisle in introducing home rule bills. During the Eisenhower administration I joined our Republican colleagues in introducing the Eisenhower bill for home rule. During the Kennedy administration they joined me in offering the Kennedy proposal for home rule. Again in this session we have joined together, Republicans and Democrats, and it is a pledge of the platform of both major parties, in introducing President Johnson's home rule bill for the District of Columbia.

Each year I asked the District Committee to hold hearings on these bills. I did it this year orally and in writing. Each time I was politely put off.

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me?

Mr. MULTER. Surely; I yield to the majority leader.

Mr. ALBERT. I want to commend the gentleman on the stand he is making and add that the procedure under which this bill comes to the floor of the House is a democratic procedure. It represents the manifestation of the will of a majority of the Members. If we ever lose majority rule in this House, we will lose the power to act as a representative body. Democratically brought forward this is a bill to extend the democratic principle to the residents of the District of Columbia. I hope the resolution is agreed to.

Mr. MULTER. I thank our able and distinguished majority leader for that fine contribution.

Mr. WHITENER. Mr. Speaker, will the gentleman yield to me?

Mr. MULTER. I cannot yield, I do not have enough time; I should like to very much.

Mr. WHITENER. Will the gentleman yield for a brief question?

Mr. MULTER. Permit me to finish my statement and, if I have time, I will be glad to yield.

No hearings were started this year before the District Committee until we had introduced the resolution that is before us and announced that a discharge petition would be placed upon the desk.

The other body had passed its home rule bill, S. 1118, on July 22, 1965.

Hearings in the House committee were started on August 18, 1965. The committee compiled a printed record of the hearings of 572 pages.

When the 216th signature was affixed to the discharge petition on September 2, 1965, the distinguished chairman of the House District Committee tried to hastily convene an executive session of that committee to report out an alleged home rule bill.

Although no proper notice was given, that committee claims to have reported a bill. The bill reported had not even been introduced. It was dropped in the hopper the next day, September 3, 1965 and was assigned the number H.R. 10115. It is that bill that House Report No. 957 of September 3, 1965 refers to.

The report was never submitted to the committee for approval and most committee members never saw it until it was printed.

One of the architects of that plan to divert attention from a true home rule bill referred to H.R. 4644 and H.R. 11218 as having been clandestinely put together.

Nothing could have been more clandestine than the report of the committee on H.R. 10115 or the so-called staff synopsis subsequently distributed by the chairman.

Permit me to caution those that have read that document, that it is inaccurate, unfair, and incomplete.

Incidentally for the answers to questions culled from the Senate hearings, please refer to the CONGRESSIONAL RECORD of September 24, beginning at page 25083 thereof. I set forth these answers which appear in the Senate record, at pages 300 to 321 of that body's hearings.

I urge adoption of the pending motion.

The SPEAKER. The time of the gentleman from New York [Mr. MULTER] has expired. All time has expired.

The question is on the motion of the gentleman from New York [Mr. MULTER] to discharge the Committee on Rules from further consideration of House Resolution 515.

Mr. BROYHILL of Virginia. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 213, nays 183, not voting 36, as follows:

[Roll No. 327]

YEAS—213

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Baldwin
Bandstra
Barrett
Bell
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Broomfield
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cahill
Callan
Cameron
Carey
Celler
Clark
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Craley
Culver
Daddario
Daniels
Dawson
Delaney
Dent
Denton
Diggs
Dow
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Flood
Fogarty
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Hagen, Calif.
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Hicks
Holland
Horton
Howard
Hungate
Huot
Irwin
Jacobs
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Keogh
King, Calif.
King, Utah
Kluczynski
Krebs
Leggett
Lindsay
Long, Md.
Love
McCarthy
McClory
McDowell
McFall
McGrath
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Mailliard
Mathias
Matsunaga
May
Meeds
Miller
Minish
Mink
Moeller
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Brien
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
Ottinger
Patten
Pelly
Pepper
Perkins
Powell
Price
Pucinski
Race
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Robison
Rodino
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schweiker
Secrest
Senner
Shipley
Sickles
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stalbaum
Stratton
Sullivan
Sweeney
Tenzer
Thompson, N.J.
Todd
Tunney
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Weltner
Widnall
Wolff
Wyatt
Yates
Zablocki

NAYS—183

Abbitt
Abernethy
Adair
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Baring
Bates
Battin
Beckworth
Belcher
Bennett
Berry
Betts
Bonner
Bow
Bray
Brock
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clausen, Don H.
Collier
Cooley
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dingell
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Everett
Evins, Tenn.
Findley
Fino
Fisher
Flynt
Ford, Gerald R.
Fountain

Fuqua
Gathings
Gettys
Gross
Grover
Gubser
Hagan, Ga.
Haley
Hall
Hansen, Idaho
Hardy
Harris
Harsha
Harvey, Ind.
Hays
Henderson
Herlong
Hull
Hutchinson
Ichord
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Keith
Kelly
Kirwan
Kornegay
Kunkel
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
McCulloch
McDade
McMillan
MacGregor
Mahon
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matthews
Michel
Mills
Minshall
Mize
Moore
Morris
Morton
Murray
Natcher
Nelsen
O'Konski
O'Neal, Ga.
Passman
Patman
Pike
Pirnie
Poage
Poff
Pool
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reifel
Rhodes, Ariz.
Rivers, S.C.
Roberts
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Roudebush
Rumsfeld
Satterfield
Saylor
Schneebeli
Selden
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Va.
Springer
Stanton
Steed
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Trimble
Tuck
Tuten
Utt
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Williams
Wilson, Bob
Wydler
Young
Younger

NOT VOTING—36

Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Ashley
Aspinall
Bolton
Callaway
Clawson, Del
Colmer
Donohue
Frelinghuysen
Goodell
Gurney
Halleck
Hébert
Holifield
Hosmer
Johnson, Okla.
Kee
King, N.Y.
Landrum
McEwen
Morrison
O'Hara, Ill.
O'Neill, Mass.
Philbin
Pickle
Reinecke
Scott
Stephens
Thomas
Thompson, Tex.
Toll
Willis
Wilson, Charles H.
Wright

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Hébert against.

Mr. Charles H. Wilson for, with Mr. Colmer against.

Mr. Toll for, with Mr. George W. Andrews against.

Mr. Holifield for, with Mr. Hosmer against.

Mr. Donohue for, with Mr. Scott against.

Mr. Philbin for, with Mr. Stephens against.

Mr. Morrison for, with Mr. Landrum against.

Mr. Kee for, with Mr. King of New York against.

Mr. Ashley for, with Mr. Halleck against.

Mr. O'Hara of Illinois for, with Mr. Glenn Andrews against.

Until further notice:

Mr. Aspinall with Mr. McEwen.

Mr. Johnson of Oklahoma with Mr. Anderson of Illinois.

Mr. Pickle with Mr. Goodell.

Mr. Thomas with Mr. Del Clawson.

Mr. Wright with Mrs. Bolton.

Mr. Thompson of Texas with Mr. Callaway.

Mr. Willis with Mr. Gurney.

Mr. PELLY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution the Speaker shall recognize Representative ABRAHAM J. MULTER, or Representative CARLTON R. SICKLES, or Representative CHARLES McC. MATHIAS, JUNIOR, or Representative FRANK J. HORTON to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4644) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed five hours, to be equally divided and controlled by one of the aforementioned Members and a Member who is opposed to said bill to be designated by the Speaker, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions. After the passage of H.R. 4644, the Committee on the District of Columbia shall be discharged from the further consideration of the bill S. 1118, and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 4644 as passed. This special order shall be a continuing order until the bill is finally disposed of.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SMITH of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 223, nays 179, not voting 30, as follows:

[Roll No. 328]

YEAS—223

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Baldwin
Bandstra
Barrett
Bell
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Broomfield
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cahill
Callan
Cameron
Carey
Celler
Clark
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Craley
Culver
Daddario
Daniels
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dow
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Flood
Fogarty
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Hagen, Calif.
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Hicks
Holland
Horton
Howard
Hungate
Huot
Ichord
Irwin
Jacobs
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Keogh
King, Calif.
King, Utah
Kluczynski
Krebs
Leggett
Lindsay
Long, Md.
Love
McCarthy
McClory
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mailliard
Mathias
Matsunaga
May
Meeds
Miller
Minish
Mink
Mize
Moeller
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Brien
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Powell
Price
Pucinski
Quie
Race
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Robison
Rodino
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schweiker
Secrest
Senner
Shipley
Shriver
Sickles
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stalbaum
Stratton
Sullivan
Sweeney
Tenzer
Thompson, N.J.
Todd
Trimble
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Weltner
Widnall
Wolff
Wyatt
Yates
Zablocki

NAYS—179

Abbitt
Abernethy
Adair
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Baring
Bates
Battin
Beckworth
Belcher
Bennett
Berry
Betts
Bonner
Bow
Bray
Brock
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Callaway
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clausen, Don H.
Collier
Cooley
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Everett
Findley
Fino
Fisher
Flynt
Ford, Gerald R.
Fountain
Fuqua
Gathings
Gettys
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Hansen, Idaho
Hardy
Harris
Harsha
Harvey, Ind.
Hays
Henderson
Herlong
Hull
Hutchinson
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Keith
Kelly
King, N.Y.
Kirwan
Kornegay
Kunkel
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
McCulloch
McMillan
Mahon
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matthews
Michel
Mills
Minshall
Moore
Morris
Morton
Murray
Natcher
Nelsen
O'Konski
O'Neal, Ga.
Passman
Patman
Pike
Pirnie
Poage
Poff
Pool
Purcell
Quillen
Randall
Reid, Ill.
Reifel
Rhodes, Ariz.
Rivers, S.C.
Roberts
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Roudebush
Rumsfeld
Satterfield
Saylor
Schneebeli
Selden
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Va.
Springer
Stanton
Steed
Stephens
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tuck
Tuten
Utt
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Williams
Wilson, Bob
Wydler
Young
Younger

NOT VOTING—30

Anderson, Ill.
Andrews, George W.
Ashley
Aspinall
Bolton
Clawson, Del
Colmer
Frelinghuysen
Goodell
Halleck
Hébert
Holifield
Hosmer
Johnson, Okla.
Kee
Landrum
McEwen
Morrison
O'Hara, Ill.
O'Neill, Mass.

Pickle
Reinecke
Scott
Thomas
Thompson, Tex.
Toll
Tupper
Willis
Wilson, Charles H.
Wright

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Hébert against.

Mr. Charles H. Wilson for, with Mr. Colmer against.

Mr. Toll for, with Mr. George W. Andrews against.

Mr. Holifield for, with Mr. Hosmer against.

Mr. Morrison for, with Mr. Scott against.

Mr. Kee for, with Mr. Landrum against.

Mr. Ashley for, with Mr. Halleck against.

Until further notice:

Mr. Thomas with Mrs. Bolton.

Mr. Thompson of Texas with Mr. Del Clawson.

Mr. Aspinall with Mr. McEwen.

Mr. Pickle with Mr. Anderson of Illinois.

Mr. Willis with Mr. Goodell.

Mr. Wright with Mr. Frelinghuysen.

Mr. O'Hara of Illinois with Mr. Johnson of Oklahoma.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of the resolution (H. Res. 515), the Chair designates the gentleman from South Carolina [Mr. McMillan] to control the time in opposition to the bill, H.R. 4644.

The Chair recognizes the gentleman from New York [Mr. Multer].

Mr. MULTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4644) to provide an elected Mayor, City Council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

CALL OF THE HOUSE

Mr. McMILLAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from South Carolina [Mr. McMillan] makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 329]

Anderson, Ill.
Andrews, George W.
Ashley
Aspinall
Bolton
Bonner
Brown, Calif.
Clawson, Del
Cleveland
Colmer
Conyers
Davis, Wis.
Frelinghuysen
Goodell
Halleck
Hanna
Harsha
Hébert
Holifield
Hosmer
Irwin
Johnson, Okla.
Kee
Landrum
McEwen
Morrison
O'Hara, Ill.
O'Neill, Mass.
Pickle
Powell
Reinecke
Resnick
Scott
Smith, Calif.
Thomas
Thompson, Tex.
Toll
Williams
Willis
Wilson, Charles H.
Wright

The SPEAKER pro tempore (Mr. Albert). On this rollcall, 388 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOME RULE FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. Multer] that the House resolve itself into the Committee on the Whole House on the State of the Union for the consideration of the bill H.R. 4644.

The question was taken.

Mr. WAGGONNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. Albert). The Chair will count. [After counting.] Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 234, nays 155, not voting 44, as follows:

[Roll No. 330]

YEAS—234

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Baldwin
Bandstra
Barrett
Bates
Bell
Bingham
Blatnik
Boland
Bolling
Brademas
Broyhill, N.C.
Burke
Burton, Calif.
Byrne, Pa.
Cahill
Callan
Cameron
Carey
Celler
Clark
Clausen, Don H.
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Craley
Culver
Curtis
Daddario
Daniels
Dawson
Delaney
Dent
Denton
Diggs
Donohue
Dow
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Hagen, Calif.
Halpern
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Hicks
Holland
Horton
Howard
Hungate
Huot
Ichord
Jacobs
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Keith
Keogh
King, Calif.
King, Utah
Kluczynski
Krebs
Leggett
Lindsay
Long, Md.
Love
McCarthy
McClory
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Mathias
Matsunaga
May
Meeds
Miller
Minish
Mink
Mize
Moeller
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Brien
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pirnie
Powell
Price
Pucinski
Quie
Race
Randall
Redlin
Reid, N.Y.
Reifel
Resnick
Reuss
Rhodes, Pa.
Robison
Rodino
Rogers, Colo.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schweiker
Secrest
Senner
Shipley
Shriver
Sickles
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stalbaum
Steed
Stratton
Sullivan
Sweeney
Teague, Calif.
Tenzer
Thompson, N.J.
Todd
Trimble
Tunney
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Watts
Weltner
White, Idaho
Wolff
Wyatt
Wydler
Yates
Zablocki

NAYS—155

Abbitt
Abernethy
Adair
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Battin
Beckworth
Belcher
Bennett
Berry
Betts
Bonner
Bow
Bray
Brock
Brooks
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Callaway
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Collier
Cooley
Cramer
Cunningham
Curtin
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Everett
Findley
Fino
Fisher
Flynt
Fountain
Fuqua
Gathings
Gettys
Gross
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Hansen, Idaho
Hardy
Harris
Harvey, Ind.
Hays
Henderson
Herlong
Hull
Hutchinson
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Mo.
Kelly
King, N.Y.
Kirwan
Kornegay
Kunkel
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
McCulloch
McMillan
MacGregor
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matthews
Michel
Mills
Minshall
Moore
Morris
Murray
Natcher
Nelsen
O'Konski
O'Neal, Ga.
Passman
Patman
Pike
Poage
Poff
Pool
Purcell
Quillen
Reid, Ill.
Rhodes, Ariz.
Rivers, S.C.
Roberts
Rogers, Fla.
Rogers, Tex.
Roudebush
Satterfield
Saylor
Schneebeli
Selden
Sikes
Smith, Va.
Springer
Stanton
Stephens
Stubblefield
Talcott
Taylor
Teague, Tex.
Thomson, Wis.
Tuck
Tuten
Utt
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Whalley
White, Tex.
Whitener
Whitten
Williams
Wilson, Bob
Young
Younger

NOT VOTING—44

Anderson, Ill.
Andrews, George W.
Ashley
Aspinall
Baring
Boggs
Bolton
Broomfield
Brown, Calif.
Clawson, Del
Colmer
Dingell
Evins, Tenn.
Frelinghuysen
Goodell
Halleck
Hanna
Harsha
Hébert
Holifield
Hosmer
Irwin
Johnson, Okla.
Jones, Ala.
Kee
Landrum
McEwen
Morrison
O'Hara, Ill.
O'Neill, Mass.
Pickle
Reinecke
Rivers, Alaska
Scott
Skubitz
Smith, Calif.
Thomas
Thompson, Tex.
Toll
Widnall
Willis
Wilson, Charles H.
Wright

So the motion was agreed to.

The result of the vote was announced as above recorded.

The doors were opened.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4644, with Mr. Keogh in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MULTER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, L'Shanah Tovah Tikosevu. Those three Hebrew words are the traditional New Year's greeting of my coreligionists who observed the beginning of New Year, beginning last night at sunset. Its relevance will become clear in a moment.

Mr. ALBERT. Mr. Chairman, will the gentleman yield to me?

Mr. MULTER. I will be very happy to yield to our majority leader.

Mr. ALBERT. Mr. Chairman, we appreciate our distinguished colleague wishing us a Happy New Year. I would like to say to the House that while we may have differences on legislative matters, there is one matter, speaking of happiness, with respect to which there is no disagreement among us, and that is the happiness we share in noting the presence on the floor today of our valued, lovable colleague, that great warrior who has been waging a successful battle against illness, the distinguished and able gentleman from North Carolina [Mr. BONNER].

Mr. MULTER. Mr. Chairman, the traditional greeting I gave you a moment ago is even more apropos, and we extend it not only to all of our colleagues but particularly to the gentleman from North Carolina [Mr. BONNER].

The translation of that greeting is:

> May you be inscribed in the Book of Life for a good year, a year of good health, prosperity and peace.

The reason this greeting came into being is because we believe that the Lord on high judges every one of us during this period of the year, and if He finds that we are truly pentinent of our sins both against God and against man, and that we have consecrated ourselves to Him and rededicated ourselves to His cause of freedom, justice, and peace, then He will inscribe us in the Book of Life for a good year.

If you recall theologians and historians alike agree that Moses caused the establishment upon this earth of the first constitutional republican form of government, and the second such establishment of a constitutional republic came about when this country, these United States of America, were brought into being. I dare prophesy that if we adhere to those important principles, these great United States of America will be as everlasting as the Old Testament which laid down the precept, as enunciated in Exodus:

> Choose ye able men who love God, men of truth, hating covetousness, dedicated to the reign of freedom, justice and peace and select as your rulers these men to rule over thousands, over hundreds, over fifties, over tens.

Here, too, theologians and historians agree that we can relate the thousands to nations, the hundreds to states, the fifties to cities and the tens to towns and villages. And in these United States we have followed that divine directive these many years.

We have allowed the people to select their rulers of the Nation. We have allowed them to pick their rulers of the States. We have allowed them to pick their rulers of their cities and towns and villages, except in the District of Columbia, in the great city of Washington.

Here, Mr. Chairman, these many years we have denied them that right.

Mr. Chairman, in using the word "rulers" we interpret it in its broadest sense to include Presidents, Governors, mayors, and legislators, whether they sit on the town board or the city council, in State legislatures, or in the U.S. Congress.

So, Mr. Chairman, I exhort our fellow Members today to return to that covenant and give to the city of Washington, the District of Columbia, that which we recognize as our right throughout the country, that for which we fought at home and for which we fight in other countries.

I trust that in the hours ahead when we debate this bill, we shall address ourselves to the merits or, if you please, the lack of merits of the bill, without rancor and without loss of temper; that we do it fairly and justly so that we can arrive at the kind of result of which we can be proud; that when we pass this bill and when it finally goes to the President for his approval, we shall be proud of the job that we have done in restoring—and I repeat and emphasize "restoring"—to the people of the city of Washington and the District of Columbia their right to govern themselves, by electing a city council, a city mayor, and by carrying out the other provisions of this bill.

Now, Mr. Chairman, a word about the legislative situation. Many bills have been introduced providing for home rule for the District of Columbia. The so-called retrocession bill is not a home rule bill; the so-called referendum bill that calls for a referendum and the election of a charter commission and a referendum upon that, and then a vote by this Congress, is not a home rule bill.

The bills that provide for a charter for the District of Columbia, such as we have pending before us now, will give home rule to the District of Columbia and to its people. There can be differences of opinion as to the various provisions of the bill, and I imagine that there will be considerable discussion about those differences, but if we keep in mind that our purpose is to give true home rule to the people of the District of Columbia, retaining unto us, the Congress, the constitutional mandate that we will oversee and make sure that at all times it does that which is right and proper and constitutional, retaining at all times the right to change, modify, or repeal anything that they may do on the local level. We can entrust unto them the right to elect their local officials to try to do the job that should be done for themselves by themselves.

Mr. Chairman, I wonder how many of our colleagues know that we in this Congress have spend our time determining how long a leash a dog may be led by on the streets of the District of Columbia.

I wonder if the members of the committee recall that we had to spend time here on a bill which concerned itself with the privilege of a clergyman not to disclose that which his congregrant had confessed to him? I wonder if you can recall the many, many bills of inconsequential effect that we here have had to pass upon and enact with reference to the streets and the houses of the District of Columbia?

Surely your constituents have a right to expect us to give our time and energy to the important things that are of national concern and not of local concern.

I have enjoyed my service on the District of Columbia Committee, but I assure you that every last member of that committee can be devoting their time much more effectively to matters of national concern and merely oversee that which is done at the local level.

In order that other members who have worked so hard to bring to this body a bipartisan bill, I shall take no further time now so that they can participate in this debate. They should have the opportunity to present their views on this important legislation. I hope then you will join us in this effort to bring home rule to the District of Columbia.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman has made a very interesting statement about everything, but none about the legislation that is pending. The gentleman has introduced five bills on so-called home rule. I was wondering on which rock is he resting today. Could he give us some explanation?

Mr. MULTER. Before the debate is closed we will give you a complete explanation of all of the bills. The five bills I have introduced have been introduced to get before the committee and the Congress every version of home rule—the Eisenhower version, the Kennedy version, the Johnson version, and the last bill introduced by me will be offered as a substitute for H.R. 4644. That is the bill which we hope the House will adopt.

Mr. WHITENER. I wonder if the gentleman will be kind enough to tell us what effect these last two bills will have on the District court system?

Mr. MULTER. They will do nothing to the court system. The court system continues as it exists now until such time as the City Council may adopt some law to the contrary, if they ever see fit to do so.

Mr. WHITENER. If they saw fit to do so, then they would take away from the District judges who have now jurisdiction over felonies and over civil cases involving more than $10,000, their jurisdiction completely.

Mr. MULTER. How do we know what the City Council will do, and what effect and what form that law will have, until they introduce it? There is no indication they will make any change.

Mr. WHITENER. Does it not follow that if we are going to give consideration to the provisions of article I, section 8 of the Constitution, we have a bounden duty to know what is happening to the courts?

Mr. MULTER. We are bound to know that as it may happen. We do not have to project our minds forward to try to imagine some law that has not even as yet been written. We retain jurisdiction to change anything that the City Council may hereafter attempt to provide.

Mr. WHITENER. Would the gentleman tell us what would happen to the District of Columbia water system which, as I understand it, is owned by the Corps of Army Engineers, and operated by them, if either of your five, six, or whatever the number of bills you have introduced, is passed?

Mr. MULTER. Let us try to address ourselves to the substitute that we hope will be passed. H.R. 4644 was introduced here as the administration bill. S. 1118 was introduced in the other body as the administration bill. S. 1118 as passed by the other body was the administration bill with amendments. We seek to further amend that basic administration bill by the bill which we will offer as a substitute for H.R. 4644. None of those bills will in any way whatsoever interfere or take away from the Congress its right to legislate on any subject it pleases with respect to the District of Columbia.

Mr. WHITENER. Would the gentleman answer this question if he can: How much of a fund would we be required to use to cover the possible tax rate increases under your City Council and Mayor, on the Capitol Building and other buildings and grounds in the Capitol complex, which is valued at $58 million and $157 million, respectively?

Mr. MULTER. The District of Columbia will not appropriate or spend a 5-cent piece on any building which is owned and controlled by the U.S. Government, by the Federal Government. They will have no jurisdiction over the Capitol, the White House, or any other Federal building which is used in the national interest by the Nation.

They will have jurisdiction only over those buildings that belong to the District government.

Mr. WHITENER. The gentleman certainly is not trying to leave the impression that they have not already agreed on an evaluation of $58,092,680 on the Capitol and $157,381,447 on the other Capitol buildings and grounds and the present tax rate is $2.70 per $100 on property in Washington.

Mr. MULTER. Let us not confuse the issue. An assessed valuation is not a tax, but it is the basis on which you may tax. An evaluation is not a tax. An appraisal is not a tax. Let us not try to create the illusion that under the substitute bill, which is identical with H.R. 11218, for the bill that is before you, that there is going to be any tax of any kind imposed upon the U.S. Government by the District government.

Mr. WHITENER. I had hoped the gentleman would at least have used a shotgun since I did not expect him to use a rifle in getting at any of these matters. But I wonder, did the gentleman lose faith in this proposed city government when he came up with the so-called compromise about the Police Department?

Mr. MULTER. Let us look the political facts of life in the face.

Mr. WHITENER. What are those political facts of life?

Mr. MULTER. The facts are very simple. Everybody knows that we could not pass a bill providing for an automatic payment and that we did not have enough votes to pass the bill with an automatic payment.

That is what I would prefer to see and that is what my colleagues on both sides of the aisle who have worked on the bill would want to see. We do not have the votes for that and therefore have eliminated it from the bill.

Mr. WHITENER. I asked the gentleman about the police department. The fact that in this so-called compromise there were four proponents apparently who met in a room to make up this compromise and that they came up with an expression of no confidence in the proposed city government to supervise the police department.

Mr. MULTER. That is not so at all. Obviously I misunderstood your questions. In the first place we did not need any closed room to meet in. We met in the open. We invited anybody who had any ideas to contribute to come and contribute them. Everything we did was publicized. We talked to everybody who listened to us and we listened to everybody who talked to us.

There was no lack of confidence in the police department by the amendment we have offered in this substitute.

The following is the analyses of all of the home rule bills prepared under the direction of the chairman of the House District Committee. It was sent by him to every Member of the House. It appears as a part of the printed hearings. It plainly shows the changes made by the Senate when that body passed 1118. All of the bills are set forth verbatim in the House committee hearings:

HOME RULE BILLS, 89TH CONGRESS (HOUSE DISTRICT COMMITTEE)

I. APPOINTED GOVERNOR AND SECRETARY

Elected Assembly—Nonvoting Delegate to House

H.R. 628 (MULTER).
H.R. 630 (MULTER).

These identical bills provide for appointment of a Governor and a Secretary by the President, with the advice and consent of the Senate, and election of a Legislative Assembly to replace the Board of Commissioners. Said Assembly is to be composed of 15 elected members, 3 from each one of 5 wards. The number of members of the Assembly may be changed by act of the Assembly approved by a majority of the qualified voters. All elections are to be nonpartisan elections.

Provision is included for a Presidential veto of measures adopted by the Legislative Assembly which the Governor has disapproved as adversely affecting a Federal interest. Congress retains the right to legislate for the District, including the right to modify and repeal acts adopted by the Legislative Assembly. Election of a nonvoting Delegate to the House of Representatives is also authorized.

No formula for a Federal payment to the District is included, but the bills state it is intended that the Federal Government will annually pay an equitable share of the expenses of the District government.

II. APPOINTED GOVERNOR AND SECRETARY

Elected assembly—Minority party representation—Nonvoting Delegate to House

H.R. 5800 (MATHIAS).
H.R. 5801 (CAHILL).
H.R. 5802 (CLEVELAND).
H.R. 5803 (CONTE).
H.R. 5804 (DWYER).
H.R. 5805 (ELLSWORTH).
H.R. 5806 (FRELINGHUYSEN).
H.R. 5807 (HALPERN).
H.R. 5808 (HORTON).
H.R. 5809 (LINDSAY).
H.R. 5810 (MORSE).
H.R. 5811 (REID).
H.R. 5812 (STAFFORD).
H.R. 5813 (TUPPER).

These identical bills are similar to H.R. 628 and H.R. 630 as outlined above, but they differ from these two bills in the following respects:

They provide for an elected legislative assembly of 25 members, 5 from each of the 5 wards, but they do not provide for change in total membership of the assembly.

All elections are to be partisan elections; the bills provide for minority party representation, and no more than four members elected from any ward could be members of the same political party.

The District budget would be adopted by the assembly after its submission to the Director of the U.S. Bureau of the Budget for approval.

No provision is made for Federal payment formula, but included in the bills is the statement that it is intended that the Federal Government will annually pay an equitable share of the expenses of the District government.

III. ELECTED MAYOR AND COUNCIL

Nonvoting delegate to House—Federal payment formula

H.R. 4644 (MULTER).
H.R. 8090 (BELL).
S. 1118 (BIBLE).

These bills provide for an elected mayor to serve a 4-year term of office. He is given administrative and executive powers and duties, including the power to disapprove acts of the Council of the District of Columbia which the bill establishes. The Council consists of 15 members, one from each of 15 wards who are to be elected at large, each member being elected to a 2-year term of office. The Council is given local legislative power including taxing and borrowing powers within specified limits.

Legislative review and control of the local government is proposed to be retained by the Congress and the President. Congress is to have the right to repeal, amend, or initiate local legislation. However, enactments by the home rule legislature, approved by the President, could result in law which might not receive a majority vote in either House of Congress.

The mandate to the Congress in the Constitution would be limited to the expression of one-third plus one of the Members of either House of Congress plus a presidential veto. Thus, while a one-third plus one vote of the members of either body of the Congress, with presidential approval cannot enact laws, the wishes of the majority of Congress could be avoided through the actions of the home rule legislature, with presidential approval.

The President is empowered to review acts passed by the Council and to disapprove any act which he finds may adversely affect the Federal interest.

The bills further authorize the election of a Delegate to a 2-year term to represent the District in the House of Representatives. The District Delegate is given the right to participate in House debate but it is not given the power to vote.

The bills provide for an annual payment out of the U.S. Treasury to the general fund of the District, to be based on a specific formula, the elements of which substantially reflect the taxes which District officials estimate should be paid to the District as a result of the presence of the Federal Government within the District. Under the formula, District officials would establish the assessed valuation of Federal property and determine the tax rate on all real estate. The elements of the formula are: (1) Real estate taxes based on federally owned and used property, excluding such lands as parks and monuments; (2) taxes on other real property exempted from taxation by special provision of Congress; (3) personal property taxes based on federally owned tangible property, excluding objects of art, museum pieces, statuary, and libraries; and (4) business income and related taxes based on the number of Federal employees whose places of employment are within the District. The Mayor and the Council, through the General Services Administration, would submit an annual request for Federal payment (based upon District of Columbia officials' assessments of Federal properties and their determinations of the total payment due by the formula) to the Secretary of the Treasury, who would make payment to the District out of the U.S. Treasury. The payment would be automatic, without any action by the Congress or by its appropriation committees.

These bills also authorize the District to borrow money by the issuance of bonds. They place a limitation on debt, including debt to the United States, fixed at not more than 12 percent of the average assessed value of the real and tangible personal property (including Federal) in the District as of the first day of July of the 10 most recent fiscal years. Included are requirements that, with certain exceptions, bond issues be approved by the voters.

These bills abolish a number of agencies, including the Board of Education, the Zoning Commission, the Public Service Commission, Recreation Board, and Board of Zoning Adjustment, and transfers their functions to the Council.

The bills exempt Government employees residing in Washington from the provisions of the Hatch Act, thus authorizing them to participate in partisan elections in the District of Columbia.

S. 1118 (originally identical to H.R. 4644 and H.R. 8090, above), as passed by the Senate, differs from these bills as follows:

Under S. 1118, the council would consist of 19 members elected for 4-year terms, 1 from each of 14 wards and 5 elected at large. Of the five councilmen-at-large, no more than three may be members of the same political party.

S. 1118 provides for a school board consisting of 14 members elected for 4-year terms on a nonpartisan basis. The House bills abolish the Board of Education.

S. 1118 permits recall of "any elected officer," whereas the House bills permit recall of the mayor only.

S. 1118 contains provisions for initiative under which the voters of the District would have power, independent of the mayor and the council, to propose and enact legislation. Any act resulting from the exercise of the initiative is subject to disapproval by the President in the same manner as an act passed by the council. The House bills do not provide for initiative.

With respect to the Federal payment, S. 1118 provides that the Administrator of General Services shall certify that the amount computed under the formula and requested for payment is "based upon a reasonable and fair assessment of real and personal property of the United States and a proper and accurate computation of the factors" which enter into the computation. The House bill does not so provide.

Also elected school board

H.R. 629 (Multer).

This bill has many similarities to H.R. 4644 and H.R. 8090, above, but also provides for an elected school board.

The bill provides for an elected mayor, a District Council composed of 9 members elected at large with 3 from each of 3 wards (instead of 15 members as in H.R. 4644 and H.R. 8090), a nonvoting Delegate to the House, and a school board composed of 9 members elected at large with 3 from each of 3 wards.

This bill does not contain any provision for a Presidential veto of acts of the District Council, although it does retain in the Congress the authority to amend or repeal acts of the District Council and to legislate for the District. Neither does it contain any provision for a Federal payment, but the bill states it is intended that the Federal Government annually pay an equitable share of the expenses of the District government.

Referendum

H.R. 640 (Multer).

H.R. 640 is identical to H.R. 4644 and H.R. 8090, outlined above.

In addition, however, H.R. 640 provides for referendum giving qualified voters of the District the right to approve or reject any act of the District Council.

Referendum may be had if, within 45 days after such act has been enacted, a petition is signed by at least 10 percent of the qualified voters who voted in the last preceding general election.

If a majority of the qualified voters voting thereon do not approve the act, it shall be deemed to be repealed.

IV. SELF-GOVERNMENT REFERENDUM

Elected charter board—Charter referendum—Municipal government

H.R. 10115. (Sisk).

This bill provides for a referendum, not later than 100 days after enactment, to determine if the residents of the District of Columbia want self-government.

If a majority of qualified voters approves the referendum, a District of Columbia Charter Board would be set up, consisting of 15 persons, nominated by a petition of at least 300 voters and elected at large in a nonpartisan election.

The charter board is empowered within 7 months of election to prepare a District of Columbia Charter establishing a municipal government for the District of Columbia, which would then be submitted to the voters for approval or disapproval. If approved, it would be transmitted to Congress and would take effect within 90 days thereafter, unless meanwhile it had been disapproved by either House; or if both Houses approved, it would take effect thereupon.

Complete legislative power over the District would be provided by such charter within the scope of the power of Congress acting as a legislature for the District, and consistent with the constitutional requirement that Congress retains ultimate legislative authority over the Nation's Capital.

Reservation is also provided for the Congress at any time to amend the charter, or for the people of the District to do so by referendum unless disapproved by Congress. Provision is included for veto by the President of any legislation enacted by the municipal government.

The bill does not contain any provision for a Federal payment to the District.

V. DELEGATE TO HOUSE

H.R. 2622 (Mathias).

H.R. 4765 (Diggs).

These similar bills authorize the election of a delegate from the District to the House.

Said delegate shall be elected from candidates chosen from primary elections.

The delegate is given the right to debate but not the right to vote.

H.R. 2622, in addition, contains provision for a special election of a delegate to serve during the remainder of the 89th Congress, in a general election, after primaries to be no later than November 16, 1965.

VI. ELECTED INDEPENDENT SCHOOL BOARD

H.R. 5719 (Broyhill of Virginia).

H.R. 5720 (Nelsen).

H.R. 6008 (Horton).

These identical bills would create a 10-member independent School Board for the District of Columbia, subject to acceptance of the legislation by District voters at a charter referendum. The members of the School Board would be elected for 2-year terms.

The bills abolish the present Board of Education, and transfer to the School Board all functions of the present Board of Education, together with property, records, and funds relating to such functions.

The School Board is denominated as an independent agency of the government of the District with authority to contract, and to sue and be sued in its own name and capacity.

The School Board would be authorized to cause real estate, sales, and personal income taxes to be levied and to issue bonds to raise revenues which it could expend for the District School System. However, the Board may not issue bonds or transfer funds from its capital construction account unless the electors have approved same in a referendum.

In addition, the School Board would be given authority to assess the value of real property located in the District, take private property for public use, and initiate a referendum on any subject on which it is empowered to act.

VII. RETROCEDE PART OF DISTRICT OF COLUMBIA TO MARYLAND

H.R. 10264 (Broyhill of Virginia).

This bill authorizes the retrocession of that part of the District which was ceded to the United States by the State of Maryland, excluding that area bounded roughly by Rock Creek Park, Florida Avenue, 15th Street NE., C Street NE., and the Anacostia and Potomac Rivers.

It provides that the United States shall retain jurisdiction over the real and personal property held by it within the portions of the District retroceded to the State of Maryland.

It further provides that from the date of such retrocession, the State of Maryland shall be entitled to one additional Representative in the Congress, until the next reapportionment of the State shall become effective. Unless the State otherwise provides, such additional Representative shall be elected from the Federal area retroceded by this bill to Maryland.

VIII. THREE CIVILIAN COMMISSIONERS

House Joint Resolution 117 (Holland).

This resolution amends existing law by eliminating the requirement that one of the three members of the Board of Commissioners of the District of Columbia be an officer of the Corps of Engineers of the U.S. Army.

The resolution provides that the Board of Commissioners shall consist of "three persons from civil life, one of whom shall be a qualified engineer."

A detailed summary of S. 1118 as passed by the other body is as follows:

Detailed Summary of S. 1118—Senate Version of District Home Rule Bill

S. 1118 provides for the District of Columbia an elected Mayor, City Council, Board of Education, and a nonvoting Delegate to the House of Representatives.

A. DISTRICT MEMBERSHIP

1. Creation and membership:

(a) Council shall consist of 19 members, 1 elected from each of 14 wards and 5 elected at large.

(b) Qualifications—Person must have resided in District for 3 years, resided in ward for 1 year if he is to be qualified.

(1) Cannot hold any other position while he is serving.

(c) Each member shall receive $9,000 salary, Chairman shall receive $10,000.

2. Functions of District Council:

(a) Board of Commissioners, Office of Commissioner, Engineer Commissioner, Assistants to Engineer Commissioner are abolished.

(b) Powers of Board of Commissioners transferred to District Council—except those powers relating to Mayor.

(c) Board of Education continues under new District Council.

(d) Zoning commissions abolished.

(e) Armory Board, three men, to be appointed by Mayor.

(f) District of Columbia Redevelopment Land Agency's powers transferred to municipal District of Columbia government.

(1) Voluntary positions to be the rule on Redevelopment Agency—members appointed by Mayor.

(g) Public Service Commission, Recreation Board, Board of Zoning Adjustment, and Zoning Advisory Council are abolished—powers transferred to District Council.

3. Limitations of District Council:

(a) No greater powers than presently held by Commissioners are vested in District Council over Commission on Mental Health, National Zoological Park, National Guard of District of Columbia, of the Washington aqueduct.

(b) Council may not tax any property of U.S. Government.

(c) May not lend the public credit for support of any private undertaking.

(d) May not use public money to support sectarian, denominational, or private schools.

(e) May not amend or repeal any act of Congress which concerns functions or property of United States which is not restricted in its use exclusively to the District.

(f) Council may not restrict or end powers of National Capital Planning Commission except as they encompass Engineering Commissioner or Board of Commissioners.

(g) Every act passed by the District Council shall include preamble or be accompanied by a report.

(h) Act passed by Council shall be presented by Chairman of Council to the Mayor, who shall take action on measure within 10 days of its presentation to him.

(i) If Mayor approves act, he shall present it to the President.

(j) If Mayor doesn't approve act, he shall present it back to the Council within 10 days or it will be deemed approved.

(k) If Council reapproves act by a two-thirds vote within a 30-day period, measure passes by Mayor and goes to President.

(l) Congress reserves right to enact legislation for the District of Columbia; Congress may also repeal any law in force in the District prior to or after the enactment of the Home Rule Act.

(m) Powers of U.S. Attorney for the District are left untouched by this act.

(n) District Council shall have the powers of organization and composition of the municipal courts of the District of Columbia and the appointment of municipal court judges.

(o) Nothing can be done to change the composition or organization of the U.S. District Court of the District of Columbia—only municipal courts can be changed.

(p) Council allowed to pass legislation concerning District of Columbia Court of Appeals—District of Columbia Appeals Court may be given powers to review decisions and orders to administrative agencies in connection with licensing and registrations.

B. ORGANIZATION AND PROCEDURES OF THE DISTRICT COUNCIL

1. The Chairman and Vice Chairman:

(a) Chairman presides over meeting of District Council.

(b) Chairman acts instead of Mayor when Mayor is absent or unable to act.

(c) Chairman serves as long as his term on the District Council.

(d) Vice chairman takes over in the absence of the chairman.

(e) Secretary of District Council—recordkeeping and recording of votes on legislation—secretary and clerical assistants appointed by council.

3. Meetings of council; first meeting called by member who received highest vote in first election—he shall preside until a regular chairman is chosen.

(a) Following election of chairman, secretary sets date of next session of council.

(b) Council holds at least one regular meeting a week—during July and August holds at least two regular meetings a week. Special meetings may be called by chairman, members of council or by mayor.

4. Committees: Chairman determines, with advice and consent from members of council, what are the standing and the select committees.

5. Procedures for zoning acts:

(a) Council must first deposit zoning acts in introduced form, to National Capital Planning Commission. Commission must submit its comment to council on bill within 30 days, including advice as to whether the proposed legislation is in accordance with the comprehensive plan for the District of Columbia.

(b) After comments are received by council from National Capital Planning Commission, public hearings are then held on the act (acts) which are passed and deposited with Capital Planning Commission.

(c) Council has the powers of investigating affairs of the District committees or full council may carry on investigations into handling of finances, etc.

C. MAYOR

1. Person elected to mayorship can hold no other appointed office at time of his election—must have resided in District for 3 years.

2. Powers and duties:

(a) Executive power of District invested in mayor.

(b) Mayor shall designate officer or officers of the executive department of the District who, during periods of absence of the mayor, the chairman, or the vice chairman from the city administration, shall execute and perform the duties of mayor.

(c) Acts as head of District for ceremonial purposes and is official spokesman for the District.

(d) Mayor shall administer laws relating to the appointment, promotion, etc. of all personnel employed in the office of mayor and of personnel in the executive departments of the city administration.

(e) Mayor administers personnel functions covering employees of all District departments, boards, commissions, agencies, etc.

(f) Through heads of administrative boards, offices, and agencies, shall supervise and direct such boards, offices, and agencies.

(g) Prepares, at the end of each fiscal year, reports on (1) finances, (2) administrative activities of the executive office of mayor and the executive departments of the District.

(h) Keep council advised of financial condition and future needs of the District and make such recommendations to the council as seem to him desirable.

(i) May submit drafts of acts to the council.

(j) Performs other duties as the council may vote to let him direct.

(k) Mayor may delegate some of his functions, if he so desires, except for function of approving or disapproving acts of council and for contracts between the District and the Federal Government, to any officer, employee, or agency of the executive department who may, upon approval of mayor, make further delegations of power.

(l) City administrator shall be appointed by mayor and may be removed by mayor who shall be chief managerial aid to mayor.

(m) Mayor or council may propose to Congress or to the executive branch legislation or other action not falling within authority of District government as defined by act.

(n) Mayor may issue administrative orders to carry out or enforce acts of city council.

D. DISTRICT BUDGET

1. Mayor must prepare and submit, not later than April 1, annual budget estimates to District council.

2. Mayor shall work with council to achieve (1) consistency of accounting and budget classifications, (2) synchronization between accounting and budgeting and organizational structure, (3) information on programs included in budget.

3. Council must adopt a budget not later than May 15.

4. Five-year Capitol program: (a) Capital program shall include (1) list of all capital improvements proposed to be undertaken in next 5 fiscal years, with information as to the necessity of these improvements, (2) cost estimates, methods of financing, time schedules for each improvement, (3) estimated annual cost of operating and maintaining facilities to be constructed and/or equipped actual capital expenditures shall be carried out each year as capital outlay section of current budget.

5. Council may adopt acts to give supplemental appropriations for any of capital projects budgeted in annual budget.

E. BORROWING

1. District may incur indebtedness of District at any time outstanding and to pay cost of constructing or acquiring any capital projects requiring expenditures greater than amount of taxes or other revenues.

2. No bonds can be issued which exceed 12 percent of assessed value of taxable real and tangible personal property located in the District and real and tangible property excluding certain Federal Government facilities located in the District.

(a) Bonds can be either long-term used to finance highway construction, mass transit, water and sanitary sewage projects, etc. Bonds for projects determined by Council to be self-liquidating cannot exceed 6 percent.

(b) Bonds proposed and approved by Council and mayor must be subjected to referendum of qualified voters (determined by Board of Elections). Boards of elections shall determine polling places, election ward supervisors, etc., for referendum and for regular elections.

3. Short-term borrowing: (a) Council may act to issue short-term bonds not to exceed 5 percent of total appropriations for the current fiscal year—each of which would have been designed as supplemental (i.e. supplemental appropriations tacked on to the budgetary requests).

4. Surety bonds: (a) Each officer and employee of district required to do so by Council shall provide a bond with such surety

and in such amount as the Council may require.

5. Financial duties of the mayor: (a) Mayor shall be in charge of financial affairs of the District, has power to:

(1) Prepare and submit annual budget estimates and and budget message.

(2) Supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations aren't exceeded.

(3) Maintain systems of accounting and internal control of financial information and financial assets and debits.

(4) Submit monthly financial statement to the District Council.

(5) Supervise and be responsible for assessment of all property within District capable of taxation.

(6) Assess and collect taxes.

F. ELECTIONS IN THE DISTRICT

1. District divided into 14 wards.

2. Terms of office:

(a) Members of District Council serve for 4 years beginning on odd-numbered calendar years following such election.

(b) Term of Mayor is 4 years beginning on odd-numbered year following his election.

(c) Terms of members of Board of Education are for 4 years beginning on odd-numbered years following their election; however, of those first elected shall serve 2 year terms.

(d) Term of office of District Delegate is for 2 years beginning on odd-numbered year following his election.

(e) Board of Education has 14 members when 14 are elected, lots are drawn to determine which 7 will serve 2-year terms.

(f) Mayor appoints Delegate to Congress when vacancy occurs in that office, with advice and consent of Council.

(g) When vacancy in Mayorship occurs, special is called (candidates may be nominated beforehand) to fill vacancy. Until election can be held, appointment is made by District Council to serve as temporary Mayor.

(h) Mayor can appoint person to fill vacancy in Council when such a vacancy arises with at-large seats. Mayor must appoint person of same political party as that of person who vacated office.

(i) Vacancy in Board of Education filled by Mayor, without regard for political affiliation. Board of Education elections are nonpartisan.

3. Board of Elections to be established to supervise elections—each member paid salary of $1,500.

G. INTERGOVERNMENTAL COOPERATION

1. District offices or officers are allowed to furnish services to the Federal Government and Federal agencies or officers may provide services for the District. This prevents duplication of functions and services by the Federal and District governments.

2. In financing, the Treasury Department will assess a certain percentage from Federal property deemed "taxable" and pay that appropriate tax annually to the District.

H. INITIATIVE

1. Qualified voters of District have the right to propose and enact legislation, independent of the Mayor or District Council.

Mr. Speaker, a concise statement of the changes sought to be made by H.R. 11218 which will be offered as a substitute to the Senate-passed version of H.R. 4644 are as follows:

1. The bill provides for annual congressional appropriation of the Federal payment to the District, eliminating the so-called automatic payment provisions, while retaining the basic formula to determine the amount of the payment.

2. The bill meets objections raised to possible encroachment on Hatch Act protections or undue partisanship in District of Columbia elections by providing for a 4-year term for Mayor and District Council members, to be held in the even-numbered (nonpresidential) election years.

3. The bill eliminates the provision for age 18 voting (raising it to age 21) and requires a 1-year District residence for voting (instead of 6 months).

4. The bill gives the President authority to use Federal troops or to take over the local police force when he deems it necessary to protect the Federal interest or to preserve order.

A more detailed explanation of those changes appear in the CONGRESSIONAL RECORD of September 23, 1965, at pages 25013 and 25014.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McMILLAN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I would like to direct a question to the gentleman from New York. Several so-called home rule bills have been before us in the last few weeks. All quite different except for the one exception that they all provide for partisan elections for mayor and city council. The gentleman from New York knows my position regarding partisan elections for these offices. First we had the Senate bill, then the bill under a discharge petition, now a completely new substitute for consideration today and word is now out that we will have another substitute unveiled tomorrow.

Is there another new substitute to be unveiled tomorrow here in the House?

Mr. MULTER. I know nothing about that.

Mr. LAIRD. Who drafted this third bill and will the gentleman tell the Committee who is going to draft and unveil the new bill tomorrow?

Mr. MULTER. I know nothing about that.

Mr. LAIRD. I understood the gentleman from New York might unveil another substitute tomorrow.

Mr. MULTER. The gentleman in the well?

Mr. LAIRD. Yes.

Mr. MULTER. Well somebody has dreamed up something that I have not even begun to think about.

Mr. LAIRD. Does the gentleman have another substitute providing for nonpartisan elections?

Mr. MULTER. Certainly not.

Mr. LAIRD. This is the last?

Mr. MULTER. This is the only one that I know about that is going to be offered.

Mr. LAIRD. That clears up the matter so far as I am concerned, and I thank the gentleman.

Mr. MULTER. Mr. Chairman, I yield myself 1 minute.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I will yield myself 1 minute in order to yield to the gentleman.

Mr. HAYS. I want to ask the gentleman about this statement of Mr. Schuyler Lowe that the first piece of legislation that the new council will be called upon to pass will be a payroll tax on all of the Federal employees who live in Virginia and Maryland and presumably on the 435 of us who live in the other 50 States.

Mr. MULTER. I know nothing about it. I do no think that is going to happen. I think this is some more of the illusions that are being created in an effort to defeat this bill.

Mr. HAYS. Could it happen?

Mr. MULTER. Of course it could. But if it did we would not stand for it for 1 minute, and you know that. If any such attempt as that was made by the city council the Congress would override it immediately, assuming that the President did not veto it first.

Mr. HAYS. I would not stand for it—I do not know whether the gentleman would or not.

Mr. MULTER. I am telling you that I would not stand for it either, nor would any other Member of either body of the Congress.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield to the gentleman.

Mr. WHITENER. In the conference in connection with the rapid transit legislation, one of the principal thrusts of some of the District officials was that we impose such a tax in order to finance the rapid transit system. I know that the gentleman from Ohio is on solid ground.

Mr. MULTER. Will the gentleman support that kind of bill?

Mr. WHITENER. I told them at that time I would not even introduce a bill with that in.

Mr. MULTER. I am sure that neither will any other Member of this House do so.

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, lately we have been legislating by slogan. If you have a pretty slogan, you can elect someone to office or you can pass a bill.

We have a very pretty slogan this afternoon in connection with the pending legislation. The slogan is, "Home rule."

Mr. Chairman, I propound a question: Whose hometown is this? Does it belong to the casual residents who are here now and who will be gone tomorrow, or does it belong, under the Constitution, to all the people of the United States?

Washington, D.C., is one place where every citizen of the United States can come and feel that he is at home in this city. This is his home. What is being undertaken today is an attempt to fritter away, by the persuasiveness of a pretty slogan, the rights of all the people of the United States who by the way, are represented by you Members who are voting for this monstrosity in the Congress of the United States.

I had hoped that the author of the bill—I mean the gentleman who introduced the bill, for I do not know who was the author of it—in making his opening speech would discuss the bill itself. We have 5 hours of debate before us. I hope that the Members will remain, listen, and get themselves informed, because I know a lot of people signed that petition who did not know what was in the bill, and you ought to know what is in the bill before you give away the public home of all of your constituents in the United States.

Others will talk about other aspects of the bill, but I am going to talk about the so-called formula, the fiscal provisions in the bill. And I am not going to talk about some new fancy formula that may have been dreamed up because they were afraid they could not get this measure through. I am going to talk about the bill that is before the House, the bill that you have been solemnly requested to pass, and as to which you were begged to sign a petition to take it away from the legislative committee that at that time was holding hearings on the subject.

What is the formula in this bill for raising taxes? I know that what I shall state will sound extraordinary, but some people will say, "That is not right. That is not true. That is not correct." I am going to ask you to look at the bill itself if you have any questions about what I am going to say to you relative to the tax—and I call it a tax because it is a tax—that the city council and the mayor of the city of Washington would be authorized under the bill to impose upon all the property, with minor exceptions such as statues, and so forth, of the U.S. Government, the property that belongs to your constituents. That tax will be based upon the tax rate fixed by the city of Washington, which tax rate is today $2.70 per hundred in value.

Tomorrow it will be what the city council chooses to fix.

How will they determine what is the value of this Capitol? There is not anything in this bill that excepts the Capitol of the United States.

I will have to take time to read that to you, because the gentleman who preceded me said it would not tax the Capitol. This is what it says that they are going to tax:

> The amount of real property taxes lost to the District during the fiscal year immediately preceding the fiscal year for which the annual Federal payment is being requested, based upon the assessed value and rate of tax in effect on January 1 of said preceding year, as a result of the exemption from real property taxation of the following properties:

Here is what they are going to tax:

> Real property in the District owned and used by the United States for the purpose of providing Federal governmental services—

I thought this Capitol was supposed to provide governmental services. Perhaps I am mistaken about it. I have had cause to doubt that in recent years. Perhaps my friends are correct, and we are not supposed to furnish Government services.

I did not read all of this:

> or performing Federal governmental functions.

If we are not performing a Federal governmental function here today, what are we doing here? This is the Capitol of the United States.

Let us not play on words. I had hoped that the gentleman would explain this formula, because it is the one thing they insist they have to have to survive; the right to tax the Government of the United States at the tax rate which they shall fix, and without approval by the Congress of the amount.

I want to see somebody get up here and make a logical argument disputing the fact that they are going to tax the Capitol.

They are going to tax the White House. They are going to tax the chairs you gentlemen sit in today, because the next provision in this bill is that they will tax all personal property owned by the Federal Government. That includes the automobiles.

The Speaker has an automobile assigned to him, but it belongs to the Government, so the Speaker's automobile is going to be taxed.

The majority leader enjoys a nice automobile, but it belongs to the Government and does not belong to the majority leader. His automobile is going to be taxed.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. They will not have to pay the tax, but the Federal Government will pay the tax on the automobiles, will it not?

Mr. SMITH of Virginia. Yes.

I do not want to slight the minority leader. He has a nice automobile and a chauffeur, and his automobile is going to be taxed, because it belongs to the U.S. Government and is situated in Washington.

Let somebody get up here and dispute that statement.

Do you know what they are going to do? There is another clause here. I wish I had an hour to explain some of the things in this bill.

You know, the city of Washington has a 5-percent tax on what we call corporations and unincorporated businesses. That is all the private businesses in Washington. They employ a great many people, of course. But they pay a tax on their net profit. They could not figure that out so as to make the Government pay a tax on its net profit, because it has not had any net profit since I have been around here, for 35 years. That would not do.

Do you know what they did? They worked out a formula. When they cannot find anything else to do they work out a formula. There are more formulas here than a dog has fleas, floating all around town. Nobody knows what they mean until they get downtown, and they put some kind of construction on them.

What kind of formula is it? They add up all the people who work for private industry; let us say 200,000. Then they add up all the people who work for—not live here, but work for—the Government in Washington. Let us say, for instance, that is 400,000.

Then they figure that if there are 200,000 people in private industry and the tax on profits comes to $100 million, then the tax on the Government comes to $200 million, because they have 400,000 people. Can you follow that? Can you believe it? I do not think you believe it. Well, read the book. There it is. It is on page 50.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. SMITH of Virginia. I want to get this in the RECORD so that nobody can say they did not have a chance to know what I was talking about. Just read page 50—annual Federal payment to the District—and the 2 or 3 pages following that tell you the things I have been telling you. Read it. Do you not have enough interest in this to know what you are doing? Have you? I notice a great number on the other side, our conservative Republican Party, voted for this monstrosity this morning and an almost equal number signed to discharge this regular committee in order to bring it up. Read this stuff, will you please? You are not going to vote for this if you know what you are voting for.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. I want to point out what the gentleman is referring to appears on page 57 of the so-called substitute bill.

Mr. SMITH of Virginia. I am not talking about the substitute bill. I am talking about the bill that is before us. There may not ever be any substitute bill and I do not want to discuss it.

Mr. ROGERS of Colorado. It is not only in the substitute bill but it is in H.R. 4644 and in the Senate bill. The language you have been talking about is in all of these bills and particularly the formula that you refer to as it relates to a fraction arrived at in determining how many people work for the Federal Government within the District of Columbia.

Mr. SMITH of Virginia. It is all in the bill if the gentlemen will just take the time to read it. I am sorry that I cannot yield any further, and the reason is I have only 2 or 3 minutes and I just cannot explain it in that time. There is the question of bonding Washington, your home city and the home city of all the American people. Do you know what they can do? All right. This bill gives them the authority to issue bonds. They can issue bonds under this bill up to 12 percent of the appraised value of the property. Private property. Yes. How about Uncle Sam's property? Oh, yes. That has already been appraised. They have a book here with the appraisal in it. I think it comes to something over a billion and a half, but that is not as much as it ought to be. Yes. Your people's property is going to be included in the amount of bonds that this city council can issue. That is the fact and here it is in the book. How are they going to arrive at what this appraisal is going to be? And how about this tax rate? What is the tax rate going to be? Sensible people are sitting here voting to bring this monstrosity, this crazy, unprecedented proposal to the floor. The nerve of anybody to draw up such a bill. My good friend from New York, I know, never wrote this bill, and I will yield to him to affirm that he did if he wants to or that he did not if he wants to. If he does, I am going to ask him who did write the bill. That is the great mystery of it. Who did it and who wrote it?

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I will have to.

Mr. MULTER. This is the product of many hands and many minds. I participated in the writing of a home rule bill that had many of these same provisions here and throughout the years we tried to improve on it. It is the work of the gentleman from New York [Mr. Horton], the gentleman from Maryland [Mr. Mathias], the gentleman from Maryland [Mr. Sickles]——

Mr. SMITH of Virginia. None of them has been here for many years.

Mr. MULTER. And dozens of others. We have all participated in trying to write a bill that would be acceptable to a great majority of the House. Legislative counsel, to whom we pay good salaries to do such work, have also been very helpful.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. DON H. CLAUSEN. Mr. Chairman, the distinguished gentleman from Virginia has made a point about the impact on the District of Columbia if this formula goes into effect. Personally I am a bit concerned about some of the property that I have in my own congressional district; namely, a national park and some of the other Federal buildings. I wonder if the gentleman could touch on that.

Mr. SMITH of Virginia. I was coming to that next, and I shall discuss it if I have the time. What is going to happen to your districts? Are not your people going to get up and say, "Look at this big post office building down here. Why can we not tax that? You fellows have taxed Government property in the District. Why are we not going to tax Government property here?"

That question has already been stirred up. It has happened in my own congressional district and right around Washington in Mr. Broyhill's congressional district where there are millions upon millions of dollars of property owned by the Federal Government—buildings and furniture, if you please, and automobiles. What is the gentleman from Virginia [Mr. Broyhill] going to say when his people say to him, "Congress passed a bill taxing all the property of the Government in Washington. We want you to get up and get ours; get the property taxed in Arlington."

And that is not an idle dream. Someone sent me a clipping, and it mentioned Congressman Sickles' district in Maryland and also Mr. Mathias' district. They are both mentioned in here and both are supporting this bill. This article calls attention to the fact that they are about to put a tax on Government property in the District of Columbia. And they say in this article, in effect, "Now, boys, where is our piece of pie?" They are telling them that they have got to get up and get this property appraised out here—these post offices and these great Government installations in that area.

Now, you may think this is an easy thing to do, to pass this bill. I know there has been a lot of arm-wringing around here to get this petition signed. I know that it was painful. And I know that there is going to be a lot more arm-wringing on the other arm before you pass this bill. And I know that that is going to be painful. But how painful is it going to be when you get back home any they say, "Well, where is our share of taxes on Government property here in our district?" That might be real painful. That might be so painful that some faces that smile here today will not be smiling here when the next Congress convenes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. WHITENER. The gentleman from Virginia in his very fine statement referred to a figure of $157 million. But according to the summary of federally owned property reviewed for Federal payment which appears in the appendix of the staff study, this figure is $1,611 million.

Mr. SMITH of Virginia. That was a slip of the tongue. The $157 million was for this building. The other figure is $1,600 million and more.

Mr. WHITENER. For this building, the Capitol building itself, it is $58,092,680; and for the other Capitol buildings and grounds there is a further amount of $157,381,447.

Mr. SMITH of Virginia. And Lord knows what the furniture is going to be. Look at these sumptuous easy chairs that they sit in out here in the Cloak Room. Some folks spend time out there that they might better spend listening to what is going on here. How much are those big leather chairs going to be appraised for when the Washington City government agents come up here? What about that sumptuous furniture they have over in the Rayburn Building, and all that kitchen equipment and various and sundry do-dads, and so forth?

What is that going to be appraised at when the Washington appraisers get turned loose on you?

Mr. Chairman, there is just one other thing I want to say to you, because my friend, the gentleman from Colorado [Mr. Rogers], raised the question about the compromise bill. Well, there is not any compromise bill. That is another effort dreamed up to get away from these objections, but they do not do it.

Mr. Chairman, I want to say to you that there is a gentleman downtown named "Rauh" or "Rowe" who is supposed to be the leading proponent of this fight. He is the fellow pulling the strings and making the changes in this bill. I suspect that he had his arm in the drafting of this bill up to his shoulder, but I do not know. Anyway, he was on the television last night and he let the cat out of the bag. He told us, if you wanted to listen, why this supposed compromise that they had worked out by themselves was introduced, so as to get a bill through the House and over to the other body, and he made the statement that no bill would be any good unless they had this right that I have been telling you about, which is taxing the Government of the United States, and, when they get it back over to the Senate that has already passed this monstrosity, they will begin twisting both arms at the same time then and send it to conference and get you who have voted for it, who voted for this bill when you signed that petition to take it away from its legislative committee, then they would put it back in. He says that no bill is any good unless they get this.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield to me?

Mr. SMITH of Virginia. Yes, I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman from Virginia has made a very fine explanation of the so-called formula, but I believe there is one aspect of the formula which the gentleman inadvertently failed to mention, and that appears on page 52, where it provides:

> Real property in the District exempt from taxation by special act of Congress—

Or by other actions——

Mr. SMITH of Virginia. May I answer the gentleman?

Mr. WHITENER. Yes.

Mr. SMITH of Virginia. I did overlook it. There are so many booby traps in this bill that you cannot cover them all in 15 minutes. I really overlooked that one. But, this one is a "lulu."

You know, you have a lot of buildings here that belong to private societies and things that we want to make free of taxes, and we pass these bills here to do that at every session of Congress. Take, for instance, the Daughters of the American Revolution. They have an ornate building down here. It is exempt from taxes. If you taxed it, what you would hear from those ladies would be something to make the ears burn, because I know a lot of them. But, they do not do that. They do not tax that. They say, "Oh, no, Uncle Sam will pick up the tab on that tax."

So, Mr. Chairman, they have a provision in here to appraise for taxation all of that tax-exempt property and to apply the tax rate of the District of Columbia, whatever it may be at the time, to these items at whatever rate they choose to make. They will apply that tax rate to the Daughters of the American Revolution and all the other tax-exempt properties. They have not taken that out of the bill. It is in there now. It will be added to the tax bill that will be presented. They say they are going to compromise, but even if they compromised under this new—and I will repeat this—monstrosity, it provides that they shall present their bill through the General Services and the General Services shall review it and then shall certify to

Congress and then it will go to the Appropriations Committee.

Mr. Chairman, all the members of the committee know that when a thing has gone through the General Services and has been certified for payment by the Government, it has a mandate to pay the bill.

That is what these boys want. They do not want anything else, and they are not going to take anything else.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Does not this formula also provide that the District may levy or make an assessment against properties here owned by the VFW, American Legion, the American Red Cross, and various religious societies, such as the Methodist Building over here, and collect taxes on these buildings, and the property, from the Federal Government?

Mr. SMITH of Virginia. Yes. I do not think anybody disputes that.

Mr. ABERNETHY. That also goes for the various labor union buildings here.

Mr. SMITH of Virginia. They are going to make "Uncle Sap" pay. They do not make it only on those buildings.

Mr. MULTER. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. Sickles].

Mr. SICKLES. Mr. Chairman, I think maybe they sent a boy here to do a man's job because, like many in this House, I was impressed by the remarks of the previous speaker in the well. Naturally I am a little bit concerned about the impression that was created by the remarks of the gentleman. You will have to be the judges as to whether or not the proper impression has been created.

Mr. Chairman, the reason why we have a Federal payment formula in the bill is because we feel that the continuation of the principle of Federal payment or Federal contribution to the activities and the financing of the District of Columbia was desirable. Once we had arrived at this general judgment, we then looked to a method of determining what the amount should be. It is true that there have been different methods of the computation of the payment over the years.

There was a time when 50 percent of the District budget was paid for by the Federal Government. More recently there has been an amount established by the Congress as a maximum amount payable, but, then, the appropriations procedure was followed, and the District did not get the full amount.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The gentleman from Maryland knows my strong feeling that any home rule bill should include a provision for annual review of the Federal contribution. As I understand it, in the substitute or the compromise an attempt has been made to make provision for such an annual review.

May I ask the gentleman from Maryland if the language on page 58, lines 20 to 24, of H.R. 11218 is the language which seeks to accomplish that result?

Mr. SICKLES. I will answer the gentleman by saying "Yes, it is."

Mr. GERALD R. FORD. If that is the language, I think it ought to be crystal clear from one of the authors of this bill or sponsors that the language intends that when the mayor submits the requests that the House and Senate Committees on Appropriations will review the request, and that the House and Senate will then be called upon to pass judgment on the amount recommended by those committees.

Mr. SICKLES. You have stated accurately what was the intention of the sponsor of the bill and those of us who are the prime movers in this effort to pass the bill intend.

Mr. GERALD R. FORD. Even though the language here is not too complete, and it is not too clear, such an interpretation is a proper one from a person who is a joint sponsor of this particular provision.

Mr. SICKLES. I can only tell you, I agree entirely with what you said. It is my understanding that all the sponsors understand that this was the intention.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman.

Mr. MULTER. If there is any doubt, let me resolve that doubt by saying that each of us who put in the bill with identical language, the gentleman from New York [Mr. Horton] and the gentlemen from Maryland [Mr. Mathias and Mr. Sickles] and I intend and we believe the language does as explicitly as possible require—not permit—require the U.S. Congress each year to review and determine how much if anything they will appropriate and pay to the District of Columbia as a contribution toward the cost of government of the District of Columbia.

May I add one other thing further. Regardless of what anybody on the outside may say, there is no commitment of any kind by any of the sponsors of this bill as to what we will do in conference. This is the bill we are asking the House to pass, and if the House passes this bill and it goes to conference, then every conferee is bound to fight for the bill.

Mr. GERALD R. FORD. Will the gentleman from Maryland yield so that I may ask the gentleman from New York one further question?

Mr. SICKLES. I yield to the gentleman.

Mr. GERALD R. FORD. I am glad to hear the statement by the gentleman from Maryland backed up by the statement made by the gentleman from New York. Let me be crystal clear now so that we all know what we are talking about. I would like to read the language to which I referred and I read at page 58, line 20, of H.R. 11218. The language is as follows: "and is in conformity with the provisions of this section, the Administrator shall certify the amount of such authorization to the Mayor who shall submit it to the Congress, together with any request for the appropriation of such payment."

In other words, the answer given by the distinguished gentleman from Maryland and the answer given by the distinguished gentleman from New York pertains and refers specifically to this language.

Mr. MULTER. There is no doubt about that at all. Bear in mind also that not only as to the appropriations but this bill specifically retains in the Congress of the United States all of the constitutional and legislative authority that it has over the District of Columbia. We are merely by this charter temporarily delegating to the city council and the Mayor some of the powers that we have, with a complete retention and right of review at all times to change, to modify, or to repeal any action whether it be an appropriation or anything else. So I would go even further and say not only must the Congress appropriate money each year but, to the extent that any appropriation is unexpended, this Congress retains the right to recall it.

Mr. GERALD R. FORD. Any such language does not mean that the Congress has to appropriate any amount, from zero on up—we have the final authority on an annual basis to make our own determination and to use our own judgment regardless of the formula?

Mr. MULTER. The gentleman is absolutely and completely correct.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from North Carolina.

Mr. WHITENER. Notwithstanding the answer which the gentleman from Maryland and the gentleman from New York gave to the gentleman from Michigan [Mr. Gerald R. Ford], I will ask the gentleman if it is not correct that the Congress will never have any right or opportunity to evaluate the budget of the District of Columbia but that in fact the situation will be as stated on page 58, that the mayor with the approval of the city council will merely submit to the General Services Administrator a computation based on whatever the tax rate is that is fixed in the District of Columbia, and that Congress could not go behind that at all if they found they were buying eskimo pies for folks working in icehouses and we could not do a thing about it; could we?

Mr. SICKLES. I would hope they would not have to become that concerned with the sale of Eskimo pies in ice houses. But it would seem to me that the Appropriations Committee would request the budget and review the budget thoroughly before it made is final judgment and recommendations to the House.

Mr. WHITENER. Why, then, does not the gentleman provide that the Mayor and the City Council would submit to the Appropriations Committee or to the Congress the budget?

Mr. SICKLES. Because we wish to make sure that the computation would be made properly. In the way the bill was originally drafted, the administrator would certify that an account was correct. All we are now doing is adding the additional step, which is a most important step insofar as the House is concerned, that they would not get a penny until we would appropriate the money. We would not appropriate the money until the Appropriations Committee had reported out the bill. They will not report it until they have looked at the entire budget as they have in the past.

Mr. WHITENER. The gentleman is saying that the formula does not mean a thing?

Mr. SICKLES. I was getting to that point when we got engaged in the colloquy. I shall not say that the formula does not mean a thing, but it has been greatly affected by this language. I wish to explain it.

Mr. WHITENER. May I ask the gentleman one other question? When the gentleman testified before our subcommittee, before we were ungallused, he did not seem to know the answer to this question. I am sure he must know it now. You have a formula provided in the bill. We are told that the figures show that this year there will be around $175 million of Federal money spent—$175 million will be spent—in the District of Columbia by the Federal Government, a part of which would be for strictly local services which are not included in the present Federal payment. Are we to understand that this formula envisions that there will be no appropriated funds for things like hospitals which are confined for the use of the District of Columbia and some of these other agencies which are strictly for the District of Columbia, and that the only money they can expect would be from this so-called formula?

Mr. SICKLES. I do not quite understand the question.

Mr. WHITENER. I shall try to make it clear. The St. Elizabeths Hospital is one of the institutions to which I refer. Recently in our committee we considered legislation, which was passed by the House, which provided that, if any nonresident of the District of Columbia was hospitalized in that hospital, a claim would be filed by the District Commissioners against the family of the individual or against the State of that individual's residence. The Federal taxpayers pay every penny of the operation of St. Elizabeths Hospital, and not only that, under your rather phenomenal formula, we will pay taxes on a building in order to have the privilege of spending the taxpayers' money from all over the United States. Does the gentleman say that in the future we shall not have to take St. Elizabeths Hospital under the Appropriations Committee's wing—that it will come under the formula?

Mr. SICKLES. We will continue to handle the St. Elizabeth's appropriation as we have in the past unless we decide to do otherwise.

Mr. WHITENER. So they will have two bites at the cherry.

Mr. SICKLES. Unless you change the rules, the rules will be as you have described them.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from New York.

Mr. MULTER. I think we should try to make it abundantly clear that despite all the talk here, there is no tax on any Government property, real or personal. All we are doing in the substitute is providing a formula to authorize a maximum amount of money that may be appropriated. I emphasize and underline the words "may be appropriated."

So when the Appropriation Committees of both Houses consider the matter, they will have the same free hand which they now have. There would be no limitation of any kind whatsoever in the pending bill, or in the proposed bill which we hope the House will pass, which will in any way delimit or prevent the Appropriations Committee from reviewing every last dollar that is requested by the District government, and appropriating only so much as the Congress decides they should have.

Mr. SICKLES. The purpose of establishing the formula that we have was to try to come up with some reasonable basis, a formula that would be fair and equitable, one that would be flexible, one which would be automatically adjusted. We came up with the formula which is in the bill.

Mr. WILLIAMS. Will the gentleman yield?

Mr. SICKLES. I am glad to yield to the gentleman from Mississippi.

Mr. WILLIAMS. If the gentleman will look at the bottom of page 57 of the bill he will see, in subparagraph (2) a stipulation with respect to the formula by which charges will be worked out for water services in the District to be paid by the Federal Government. It is my understanding that the U.S. Corps of Engineers operates a waterplant and furnishes the District of Columbia water. This subparagraph (2), it would appear, would provide that the Federal Government would pay taxes to the District for the privilege of furnishing it water. Is that a fair interpretation of that language?

Mr. SICKLES. I do not believe that would be a fair interpretation.

Mr. WILLIAMS. I suggest that the gentleman read subparagraph (2) and try to find some other interpretation.

Mr. SICKLES. The amount of money that is going to be paid is to pay for the cost of the water, to reimburse the cost of the water.

Mr. WILLIAMS. The Federal Government, as I understand it, furnishes the water.

Mr. SICKLES. If the Federal Government furnishes the water, then I am sure it charges the District for it. We will go all around the circle.

Mr. WILLIAMS. Is it not also correct that the Federal Government fixes the mains?

Mr. SICKLES. I do not believe there is a problem.

Mr. WILLIAMS. I believe they maintain them.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from New York.

Mr. MULTER. Let us look at the language to which I believe the gentleman referred. Page 57, line 22. This is the language. It says:

> The amount of the charges for water services furnished to the Federal Government by the District.

And not the reverse.

Mr. SICKLES. We felt that there was a need to come up with an automatic formula which would take into consideration all of the uncertainties and would be fair and equitable. It was recognized that, of course, the Federal Government is not an industry and is not a business, but it certainly stands in that stead here in the District of Columbia. So a formula was determined.

This is not a tax. It is specifically so stated in the bill.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. MULTER. Mr. Chairman, I yield the gentleman from Maryland an additional 5 minutes.

Mr. SICKLES. Section 324(b) says:

> Neither the Council—

That is the elected District Council—

> nor the qualified voters of the District of Columbia—

Who have a right to petition—

> may pass any act contrary to the provisions of this Act, or—
>
> (1) impose any tax on property of the United States;

So the bill specifically says that there will be no tax on the property of the United States.

In order to have a payment in lieu of taxes we have developed a formula. We take the real estate assessment, with some exceptions, of all Federal property, and the personal property assessment, with some exceptions, for all personal property, and apply to that the local rates, in order to establish what the payment will be.

They tell me that a long time ago if something looked like a duck, waddled like a duck and quacked like a duck then it must be a duck. The difference here is that there is everything except the quacking like a duck. There is a difference. This difference is that this is a formula established by that person or thing which is supposed to be taxed. This formula can be changed at any time.

We have added—and this is the important factor—by our subsequent change, in this modification which everybody has been referring to, that we recognize the Congress was not of a mind to have this appropriation automatic, so our bill has been amended, as indicated by the minority leader, to the point where there will be an annual appropriation.

All this entire formula will do, at this point, is establish a maximum. The appropriation will be annual as determined by the Congress of the United States.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from North Carolina.

Mr. WHITENER. Since the gentleman has said that this quacking is not going on in the District of Columbia but there is a little bit of waddling, I wonder if the gentleman would support an amendment which would let this same tax formula waddle through the 50 States and into the various cities where there is Federal property?

Mr. SICKLES. I do not believe so. I believe the situation in the District of Columbia is different. What we have done in the past, for more than 150 years, is establish the principle of the Federal payment. This is a method of determining on an automatic basis what a fair amount should be.

Mr. WHITENER. So if I should offer an amendment giving Maryland this same priivlege, the gentleman says he will vote against that?

Mr. SICKLES. I will vote against it with a smile, because I know all it will do is kill the bill.

Mr. KORNEGAY. Mr. Chairman, will the gentleman yield to me?

Mr. SICKLES. I yield to the gentleman from North Carolina.

Mr. KORNEGAY. The point I would like to raise is, if the District of Columbia is emancipated from the Federal Government by home rule, then what is the justification as far as the sponsors of this bill are concerned for the Federal payment?

Mr. SICKLES. The justification as established over the years is because of the very presence of the Nation's Capital here and the major function and role in this area of the Nation's Capital with the great concentration of major public buildings.

Mr. KORNEGAY. Is that not the source of wealth of the District of Columbia to begin with? The Federal Government?

Mr. SICKLES. It is a source of wealth and it is a source of problems, also. Like any major industry in any large city it brings a lot to it and it also generates a lot of problems. In the past this has been recognized as far as the Nation's Capital and the Federal Government are concerned.

Mr. KORNEGAY. Will the gentleman not concede that the private property here, or most of it anyway, is here by reason of the fact that the Federal Government is here in the District of Columbia?

Mr. SICKLES. That is right.

Mr. KORNEGAY. And that the 185,000 civilian Federal employees who in 1960 received $1,476 million in pay from the Federal Government live here and buy homes here and acquire taxable property and that sort of thing.

Mr. SICKLES. That is right, but I do not think it is really suggested that we should not continue the Federal formula or payment. It is merely a question of determining how it should be measured and under what circumstances it should be paid. I do not think we should propose to apply this principle to the rest of the cities of the country.

Mr. KORNEGAY. If the gentleman will yield for a further question. In my district and in fact in my hometown, the Federal Government is building a very fine post office building costing about $5 million. I am sure we are glad to have it and are not planning to charge the Federal Government any taxes on it, but I would be hard put to answer a constituent on how we can justify the fact that this property in North Carolina is tax free, yet in the District of Columbia, under home rule, property of the Federal Government is taxed according to the schedule in the report. That concerns me. I thank the gentleman.

Mr. SICKLES. I do not think you will have a problem because what will happen is whenever the formula develops, assuming that the bill is passed, when it goes through the appropriations process there will be some shrinkage. The actual payment will be less, and you can tell your constituents they forgot about the post offices in the District of Columbia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MULTER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman.

Mr. WAGGONNER. I thank the gentleman for yielding. Section 337 of the proposed act has to do with the procedure of zoning acts. I have read this section carefully and I find the National Capital Planning Commission has no veto authority whatsoever over proposed zoning to be made by the Council. What is to protect the U.S. Capitol or Pennsylvania Avenue, for example, and Independence Avenue, for example, from an invasion by billboards, service stations, liquor stores, and that sort of thing?

There is considerable interest on the part of some in beautifying our highways around the country these days and keeping junkyards out of sight, but who is going to have the veto authority when that sort of thing is allowed to invade the area surrounding Capitol Hill?

Mr. SICKLES. The current situation, of course, is that the District of Columbia Commissioners are the zoning authority. The only real impact or influence on them, I suppose, is that they are appointees of the President of the United States, who would have some influence on them. We would not change the law except, of course, it would give to the District Council the zoning authority power. They would still have to refer and, as a matter of law now they will have to refer any recommended zoning changes to the Commission and give them ample time, I think it is 30 days, in which to make a report. But before this act could be consummated there would be a right to veto by the President of the United States, which is not there any more, or we could pass a law here, which we always reserve and retain the right to do. So it seems to me there are many adequate safeguards still there.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. SICKLES. I am glad to yield.

Mr. WAGGONNER. How would the Congress of the United States become informed when the procedures prescribed under this section of the law do not require that any notification be given them when zoning proposals are to be changed?

Mr. SICKLES. I would assume that we would continue to have both District Committees with a great many functions to perform. I am sure they would be very mindful what is going on.

Mr. WAGGONNER. The gentleman's assumption is one for which he has no basis. There is no requirement for the Council to inform the District Committee either of the House or of the Senate of anything, only that they inform the National Capital Planning Commission, and even then the National Capital Planning Commission has no authority; they may only comment.

Mr. SICKLES. This is the only authority they have at present. I am sure they would keep us wired in as to what was going on if they thought that the local officials were going to do something different.

Mr. WAGGONNER. Then it would be possible without the Congress knowing anything about it to build high-rise apartments overshadowing the dome of this Capitol?

Mr. SICKLES. I cannot imagine anything like that happening without our knowing about it either from appropriate groups or an aroused citizenry, and then we would have the opportunity to look into it.

Mr. WAGGONNER. The gentleman says he cannot imagine its happening, but it could happen.

Mr. SICKLES. I do not think it is really within the realm of possibility.

Mr. WAGGONNER. There are many things happening today that I did not think 2 years ago were in the realm of possibility.

Mr. SICKLES. Mr. Chairman, I would say that the gentleman raises a point, but I think there is a good answer to it.

I have tried to speak to it, but with respect to the bill there are just a great many areas that if we could look 10 or 15 years ahead we might be in sympathy with this point or other points, or we might be alarmed about them, and maybe unduly alarmed. But we have to assume that there are reasonable and decent people in the District of Columbia and that they would elect reasonable and decent people to do this job. I am willing to put my trust in these people, and I hope the rest of us will go along with that.

Mr. WAGGONNER. Let me say specifically for this one Member that I am not at all willing. But will the gentleman answer this one other question?

Mr. SICKLES. Briefly.

Mr. WAGGONNER. How are the liquor licenses to be controlled under the authority granted the Council for Zoning?

Mr. SICKLES. I think that they would come under the authority of the Liquor Board. The Council would have that authority and could keep it to themselves or establish a Liquor Board that would continue to operate as the current Liquor Board operates now. It seems to me that this is a proper legislative function for them, to determine the manner in which liquor licenses will be granted.

Mr. WAGGONNER. Do I understand the gentleman to say that a Liquor Board that is to be created will operate under the same restrictions which presently exist with respect to the granting of liquor licenses in the District of Columbia?

Mr. SICKLES. The gentleman is asking me to outguess what future authorities will do with respect to liquor licenses. When this District Council passes local regulations they will pass regulations with respect to this subject matter as they do others.

Mr. Chairman, I want to emphasize that this formula is merely a formula. As a matter of fact, the local District government does not tax, but the formula is there only to give reasonableness in determining what the amount of the payment should be. There is a precedent for that. It is interesting that the House Appropriations Committee some few years ago, in determining what they thought an adequate payment should be, used a formula substantially the same as the one we have in the bill, as one that would be equitable. Then they determined the amount of the appropriation. It would be based upon substantially the same formula we have here today.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield.

Mr. ROGERS of Colorado. We are talking about the formula which begins as part 4, on page 54 of the so-called compromise bill, H.R. 11218. On line 19 it says: "are hereby authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the government of the District."

Will the gentleman agree that when we turn to page 58 we find a section where the mayor and the General Services Administrator get together and arrive at some figure?

Will the gentleman agree that that is an authorization for an appropriation?

Mr. SICKLES. If the thrust of the gentleman's question is that does lines 20 through 24 on page 58 restrict the application of the language on page 54, line 19, so that you do not have automatic appropriations, then I agree with the gentleman.

Mr. ROGERS of Colorado. No; the question is not that. My question is that under the wording of this language when the General Services Administration and the mayor of the District of Columbia arrive at a conclusion, does that constitute authorization for an appropriation at the amount upon which they agree?

Mr. SICKLES. No; it does not, because——

Mr. ROGERS of Colorado. Well, now, if it does not, then will the gentleman not agree that the rules of the House provide that before an appropriation can be had there must be legislation authorizing it?

Mr. SICKLES. Yes.

Mr. ROGERS of Colorado. If that be true, when does Congress authorize the appropriation, unless you intend to slip it through here by delegating to the General Services Administration and the mayor of the city of Washington the authority to make a law for Congress which is to authorize the appropriation, and that appropriation is the amount that they agree to?

Is not that a reasonable interpretation to be placed upon this compromise bill?

Mr. SICKLES. I do not believe that we are, in effect, trying to sneak something through. I think everyone understands that if we pass this bill, this is the authority for the payment, but there still must be the appropriation, and not 1 penny will be paid unless we pass an appropriation bill.

Mr. ROGERS of Colorado. Will the gentleman not agree that before there can be an appropriation there must be an authorization for the same?

Mr. SICKLES. This will be the authorization, it seems to me.

Mr. ROGERS of Colorado. This? That is the point. This is the authorization?

Mr. SICKLES. Yes.

Mr. ROGERS of Colorado. But ordinarily Congress would approve it. But here you have assigned the responsibility for this authorization to be performed by whom? The mayor to be elected under this setup and the General Services Administration, neither of whom Congress has any control over.

Mr. SICKLES. We are setting up the rules here by this authorization bill, and it seems to me this is not shocking, as long as they follow the rules set out here. But since we have the additional protection of not 1 penny being paid before going through the appropriations process, I do not see any need for alarm.

Mr. Chairman, let me conclude my remarks by saying that we do have a letter from the Deputy Attorney General which states that this formula is constitutional. It is similar to the one which the Atomic Energy Commission has used with reference to this kind of formula where they have automatic payment. It is merely a formula. We are not taxing the Capitol of the United States, we are not taxing flagpoles, we are not even taxing the chairs out in the Speaker's lobby where we rest so comfortably.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. McMILLAN. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. NELSEN].

Mr. NELSEN. Mr. Chairman and Members of the Committee, early in the session I proceeded—relative to the questions of home rule—with the idea in mind that there would be some reasonable middle road where some of the congressional responsibilities for the District of Columbia could be transferred to a local District of Columbia Government, having in mind that the judicious delegation of responsibility might create a more efficient and democratic government.

Mr. Chairman, as time went on we, on the minority side, held discussions on what we might be able to do to improve the home rule bills to make them workable. Certain glaring points came into very sharp focus in our discussions and research on this delicate issue.

I would like to point out that we proceeded diligently with the idea of trying to work something out to protect and improve our Federal City in every respect. Certainly we did not want the Capital City of the United States of America to become a political vassalage for anybody. We have seen many of our large cities where graft-ridden organizations have taken over. Such should not be permitted in our Capital City as happens in other cities where the black bag operator goes around soliciting and arm-twisting in every imaginable way.

The District Committee was in the process of holding hearings on the various home rule bills when the discharge procedure interrupted. Thus, your committee did not have ample opportunity to examine and discuss the myriad proposals before it so as to find the most workable and judicious approach to a measure of home rule for the District of Columbia.

After our hearings were interrupted, I took it upon myself to research each of the home rule bills. Summing up, I found many glaring defects, some of which have been discussed today. However, some have been overlooked, which I will touch on. For example, under these bills, the Federal employees are de-Hatched for local elections. The Hatch Act provides that Federal employees shall not take part in partisan politics. These bills would both de-Hatch and allow partisan elections. In addition, the bill exempts the candidates for Mayor and Council from the Federal Corrupt Practices Act.

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair will count. [After counting.] One hundred Members are present, a quorum.

Mr. NELSEN. Mr. Chairman, I would point out that, first, these home rule bills will set up elections on a partisan basis; second, these bills will de-Hatch Federal employees. As a result, you can expect that the ward heelers will move in on the Federal Government employees to solicit money and political muscle for District political campaigns. You can expect a Federal employee will feel a heavy and immediate obligation to make a contribution, because he will fear for his job if he fails to cooperate. The threat is implicit. The General Counsel of the Civil Service Commission endorses this position and I include at this point in my remarks an article by Joe Young reporting the General Counsel's comments:

[From the Evening Star, Sept. 24, 1965]

MERIT SYSTEM THREAT SEEN IN PLAN FOR WASHINGTON PARTISAN POLITICS

(By Joseph Young)

The Civil Service Commission's General Counsel believes provisions in the District's home rule bill that permits Federal and District government employees to take an active part in Washington's municipal elections on a partisan basis pose a "grave threat" to the merit system.

Lawrence Meloy, who has been more closely associated with enforcement of the Hatch Act than any other Government official since its enactment in 1939, says the home rule legislation could open the door for eventual repeal of political activity restrictions for Federal workers in national elections as well.

Furthermore, Meloy contends that by permitting Federal employees to campaign actively in municipal elections here they will be subjected to intense political pressures to contribute to candidates and political parties.

"Their chances of promotion and even keeping their jobs would depend on their political activities in many cases," Meloy said. "And should a political change of administration occur, their chances of keeping their jobs would rest on how little they did for the previous party in power. Thus, Government workers here would be jeopardizing their careers, no matter what they did."

Meloy believes that Federal employees' political activities in municipal elections in Washington would be justified if the elections were held on a nonpartisan basis. But the legislation provides that elections be held on a partisan basis—with candidates running under the labels of the Democratic and Republican Parties.

Thus, the CSC General Counsel said, Federal workers can't help but get mixed up in partisan politics.

Meloy pointed out that Hatch Act rules now permit Federal workers to participate actively in nonpartisan municipal elections throughout the country and that this has worked out fine.

"We have never had any trouble as a result of Federal workers participating actively in nonpartisan elections in cities such as Los Angeles, Detroit, Cincinnati, Dallas, Milwaukee, and many others," Meloy said. "There's no reason why the District of Columbia's elections can't also be on a nonpartisan basis."

The widely held view is that President Johnson and the Democratic controlled Congress, well aware of the overwhelming Democratic vote in the District, want to capitalize on this by holding partisan elections, rather than dispensing with party labels on a nonpartisan basis.

Consequently, Meloy's views are not getting much of a response from CSC or at the White House.

Meloy also thinks that if Federal employees are permitted to campaign actively on a partisan basis in the District, they will have to be given such rights in Montgomery and Arlington Counties. In turn, this will spread to all partisan municipal and other State contests thoughout the country, he believes.

"After that, it will only be a matter of time before legislation would be enacted to allow Government workers to participate actively in national politics and elections," Meloy predicted. "I don't think the merit system as we know it could survive this."

Federal and District government employees living in the District of Columbia would not be the only workers eligible to participate and campaign actively in the District's mayoralty and city council and perhaps delegate elections. Federal and District employees living in nearby Maryland and Virginia also could participate and campaign actively, thus subjecting themselves to possible pressure from their bosses to take an active role.

If we are going to permit such a dangerous bill to be passed in this Congress, we would be derelict in our responsibility. We of the minority discussed these dangerous provisions and begged the bill's authors to consider them, but we have been completely ignored.

When you start talking about amending the Hatch Act, that is section 9 of the Hatch Act, as it applies to District elections, I would remind you that under present law there have been flagrant and repeated violations of the Corrupt Practices Act and there have been flagrant and repeated violations of the Hatch Act.

To document what I say I will include in the Record at this point material relative to this discussion including correspondence between myself and the Civil Service Commission:

POLITICAL SHAKEDOWNS IN THE REA

Mr. Nelsen. Mr. Speaker, the May 28 issue of the Washington Star contained a front page story by Walter Pincus indicating that the political arm twisters are at work again trying to pressure Federal employees into buying $100 tickets to the 1965 Democratic congressional dinner on June 24 at the National Armory. I include this article at this point in my remarks, along with a Washington Star editorial of June 1 commenting on these disclosures:

"U.S. WORKERS TARGETS AGAIN

"(By Walter Pincus)

"Machinery to solicit political contributions from Federal employees again has been set in motion by Democratic Party officials given the job of selling $100 tickets to the 1965 Democratic congressional dinner on June 24 at the National Armory.

"The aim this year, through mailings and personal contact, apparently is to get those employees who contributed last year during the presidential campaign to contribute again.

"As part of their program, the Democrats again appear to be planning to push ticket sales within Federal departments and agencies—a practice that previously has stirred up criticism from within the civil service.

"This year, however, it's the 'salesmen' selected to do the pushing who appear disturbed.

" 'You have a choice—break the Justice Department's law or Maguire's law,' one political appointee said Wednesday. He had just been made part of his agency's team to push sales of $100 tickets to the dinner to a list of his colleagues.

"The 'Justice Department's law' is a section of the Federal code which makes it illegal for one Federal employee to 'directly or indirectly' solicit, receive 'or * * * in any manner (be) concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever * * *' from another Federal employee. The penalties: a fine of not more than $5,000 or a sentence of not more than 3 years in jail or both.

" 'Maguire's law' refers to Democratic Party Treasurer Richard Maguire, the man credited with setting up the machinery for systematic solicitation within Federal agencies.

"The 'in-house' salesmen, for the most part, are the agency's political appointees whose futures depend in large part on the good will of party officials.

"In the past, the Federal law has pretty much been winked at. This year, however, the Justice Department is weighing a Federal Bureau of Investigation report to determine whether several officials of the Rural Electrification Administration violated Federal law in their promotion last year, of $100 tickets to the Democratic fundraising gala.

"The Civil Service Commission, after a preliminary inquiry into the matter last fall, determined the facts were such to warrant study for prosecution.

"Despite the Justice Department inquiry, Democratic Party aids have begun to distribute lists of last year's contributors to Federal agencies to aid in selling this year's dinner tickets.

"Officials at both the State and Commerce Departments reportedly not only have received such lists, but have discussed promotion of ticket sales with selected top staff members.

"At the State Department, a meeting reportedly took place within the past week and the list of last year's contributors was broken down among a group of eight political appointee 'salesmen.' Their job was to keep to the 'strictly political' jobholders, but to encourage them to again contribute to the party.

"Reports that a similar meeting took place at Commerce could not be confirmed.

"At one point in the State meeting, a suggestion that solicitation letters be sent to Ambassadors overseas was vetoed.

"Complementing the direct solicitation effort is a mailing to lists of contributors over the signature of Party Chairman John M. Bailey inviting the recipient to the dinner and enclosing a pledge card.

"The card contains a code number that permits the dinner committee to identify a Government employee's agency and so seat him with his coworkers.

"Milder than 1964 effort

"This year's in-house solicitation appears to be much milder in its approach than was the effort made last year to sell gala tickets.

"At that time, top agency officials scheduled cocktail parties to precede the event and agency 'salesmen' went down their assigned lists asking fellowworkers if they were coming to the party.

"From the party, buses took those present to the gala where they all sat together—usually with the front row of their section filled with the highest ranking agency officials from the Secretary down.

"How much actual 'pressure' is involved in ticket sales? Some civil servants considered the very fact they received an invitation at home implied 'pressure.'

"One agency salesman said the belief that President Johnson was the kind of politician who watched officeholder contributor lists was a form of 'pressure.'

"New element now

"Adds a Democratic National Committee spokesman: 'The biggest pressure came from repeated news stories that employees were being threatened as to what would happen if they didn't come through.'

"This year there appears to be a new element of resentment among the 'salesmen.' They have a fear that should someone report them—as happened in the REA case—no one, particularly party officials, could come to their defense.

"Party officials who hand out contributor lists in no way violate the law. Only the Federal employee who approaches a colleague faces trouble."

"MAGUIRE'S LAW

"Well, the time for another of the Democrats' $100-a-plate fundraising dinners is once more drawing near. And once more the party hierarchy in Government offices all over town is revving up the machinery to put the arm on Federal employees for contributions—in clear violation of Federal law.

"Thus far, as the Star's Walter Pincus noted the other day, the main complaints are coming from employees recruited to push the congressional dinner ticket sales. Their concern is understandable. For the Federal code is quite specific in making it a crime for any Federal employee 'directly or indirectly' to solicit funds from another Federal employee 'for any political purpose whatever.' And while this is not a new provision, most of the ticket pushers are fully aware that the Justice Department is examining an FBI report on complaints which arose in connection with a similar party gala last year.

"The trouble is, as one anonymous political appointee put it, that he and many of his colleagues are placed in a position of breaking either 'the Justice Department's law or Maguire's law'—the latter referring to the solicitation plans reportedly set up by Richard Maguire, the Democratic treasurer.

"There is no question, of course, about what action is called for here. 'Maguire's law' ought to be repealed, fast, and no congressional action is required to do it. Legislation may well be desirable to encourage wider financial support of political candidates and their parties, possibly through tax credits or tax deductions. But in the meantime Federal employees should be protected against the pressures to give which are inevitably present under the sort of solicitation program which is now getting underway."

Mr. Speaker, I wish to publicly commend Mr. Pincus and his newspaper for bringing these shocking political shakedowns into the open, and exposing them to public view. I believe it is a great public service.

As Members of this body know, similar complaints of illegal political fundraising solicitations by Federal officials were brought to me many months ago by Federal workers in the Rural Electrification Administration of the Department of Agriculture because I once served as REA Administrator.

After much badgering, the Civil Service Commission agreed to look into the charges and documentation which had been provided to me, and the very first Civil Service Commission investigation of its kind was begun. Finally, on October 8, 1964, I was advised that the Commission had found four REA officials to be "involved." Three of the officials are in excepted positions and one is in the classified service.

In the October 8 letter, the Commission's General Counsel also advised me that the results of the investigation were being turned over to the Justice Department for determination of possible criminal violations. I include the text of this October 8 letter at this point in my remarks:

"U.S. Civil Service Commission,
"*Washington, D.C., October 8, 1964.*

"Hon. Ancher Nelsen,
"*House of Representatives.*

"Dear Mr. Nelsen: This is in response to your letter of September 22, 1964, concerning the investigation of alleged Hatch Act violations in the Rural Electrification Administration and your telephone calls of September 28 and October 1. As I told you on the phone, I was somewhat handicapped in my endeavor to obtain the information you wanted because of the hospitalization of Mr. Meloy, who was personally supervising the conduct of the investigation.

"As you know, we conducted an investigation of the alleged Hatch Act violations in the Rural Electrification Administration. There are four individuals involved. One is in the competitive service and subject to our jurisdiction; the other three are in excepted positions and subject to the jurisdiction of the Department of Agriculture. In an effort to coordinate action we have notified the Secretary of Agriculture of our investigation. We have not been advised as to what they plan to do.

"In addition, we have furnished the Department of Justice with a copy of our investigation. That Department has jurisdiction to determine whether to prosecute for violation of the criminal laws. It has been our practice in this kind of a situation to defer administrative action until the criminal aspects of the case have been fully explored.

"I am not in a position at this time to express an opinion as to a violation of the Hatch Act by the employee who is subject to our jurisdiction. Under the procedure we follow such a decision is made initially only after a letter of charges has been served and the employee's answer has been considered.

"Sincerely yours,
"John J. McCarthy,
"*Assistant General Counsel.*"

Mr. Speaker, in January of this year I inquired of the then Acting Attorney General as to the progress of the Justice Department consideration of the civil service findings. Mr. Katzenbach replied to my letter of January 12 on February 4 stating that the Federal Bureau of Investigation had been requested to investigate the facts in the case. This exchange of correspondence is included at this point in my remarks as a further documentation of the chronological development of this investigation:

"January 12, 1965.

"Hon. Nicholas deB. Katzenbach,
"*Acting Attorney General,*
"*Department of Justice,*
"*Washington, D.C.*

"Dear Mr. Katzenbach: Enclosed you will find a copy of a letter which I received from the Assistant General Counsel of the U.S. Civil Service Commission under date of October 8, 1964, reporting on their investigation of alleged Hatch Act violations in the Rural Electrification Administration.

"You will note that three individuals involved in this investigation are in excepted positions and subject to possible prosecution for violation of the Corrupt Practices Act.

"You will note further that a copy of the Civil Service Commission investigation was furnished the Department of Justice.

"At this point, I would be interested in knowing if your Department has determined whether to prosecute for violation of criminal laws and whether any report has been made to the Civil Service Commission of your consideration.

"I am fully cognizant of the necessity for protection of the rights of individuals involved in such procedures, and at this point I am not asking that I be provided with a detailed report which would divulge the identity of the Federal employees involved. In the interest of protecting and fostering the merit system in Federal employment, however, I do feel that cases such as these should have prompt and expeditious consideration.

"Thank you for your kind cooperation.

"Sincerely yours,
"Ancher Nelsen,
"*Member of Congress.*"

"February 4, 1965.

"Hon. Ancher Nelsen,
"*House of Representatives,*
"*Washington, D.C.*

"Dear Congressman Nelsen: This will reply to your letter of January 12, 1965, with which you enclosed a copy of a letter to you from the Assistant General Counsel of the U.S. Civil Service Commission, referring to an investigation of alleged violations of the Hatch Act in the Rural Electrification Administration of the Department of Agriculture.

"We have requested the Federal Bureau of Investigation to investigate the facts in this matter following which a determination will be made whether any violations of Federal criminal statutes relating to the solicitation of political contributions by Federal employees have occurred which would warrant prosecution. You are undoubtedly aware that in addition to possible criminal violations there are also involved possible administrative penalties, the imposition of which is within the responsibility of the Civil Service Commission and the employing agency.

"Sincerely,
"Nicholas deB. Katzenbach,
"*Acting Attorney General.*"

After a time lapse of almost 2 more months, I again contacted the Justice Department for a report. At the same time I addressed a letter to Chairman Macy, of the Civil Service Commission. My deep concern over the apparent lack of expeditious resolution of this case was expressed to both Attorney General Katzenbach and Chairman Macy. Acting Assistant Attorney General John Doar responded to my letter of March 26 on April 5, stating in part:

"I have received the results of the FBI investigation into this matter. This report is being carefully reviewed by this Division and it is expected that this review will be completed in the near future."

I include my letters of March 26 and the Justice Department reply of April 5 at this point in my remarks:

"March 26, 1965.

"Hon. Nicholas deB. Katzenbach,
"*Attorney General of the United States,*
"*Department of Justice,*
"*Washington, D.C.*

"My Dear Mr. Attorney General: This is with further reference to my letter of January 12 and your reply dated February 4, 1965, concerning the investigation of alleged violations of the Hatch Act and Corrupt Practices Act in the Rural Electrification Administration of the Department of Agriculture.

"In your letter of February 4, you informed me that the Federal Bureau of Investigation had been requested to investigate facts in this case preliminary to a determination as to whether criminal violations had occurred which would warrant prosecution. It is evident that no such determination has yet been made, since no action has been taken by the Civil Service Commission within its responsibility of an administrative nature concerning violations of the Hatch Act in the classified service. It has been my understanding, and I am so informed, that it is Commission policy to defer its action in a case pending resolution of criminal aspects by the Department of Justice.

"I am concerned that any possible delay in the handling of this case by the Department of Justice would be the cause of any default in the expeditious consideration of a matter so important to the preservation of the integrity of our Federal Civil Service.

"I would hope that I would have your report on this matter in the very near future.

"Sincerely yours,
"Ancher Nelsen."

"April 5, 1965.

"Hon. Ancher Nelsen,
"*House of Representatives,*
"*Washington, D.C.*

"Dear Congressman Nelsen: In your letter of March 26, 1965, to the Attorney General you expressed concern over possible delay by the Department of Justice in handling the investigation of alleged violations of the Hatch Act and Corrupt Practices Act in the Rural Electrification Administration of the Department of Agriculture.

"I have received the results of the FBI investigation into this matter. This report is being carefully reviewed by this Division and it is expected that this review will be completed in the near future.

"I will keep you advised of any developments in this matter.

"Sincerely,
"John Doar,
"*Acting Assistant Attorney General,*
"*Civil Rights Division.*"

"March 26, 1965.

"Hon. John W. Macy,
"*Chairman, Civil Service Commission,*
"*Washington, D.C.*

"Dear Mr. Chairman: Enclosed is a copy of my letter to Attorney General Nicholas deB. Katzenbach concerning the current Justice Department consideration of alleged violations of the Hatch Act and Corrupt Practices Act in the Rural Electrification Administration of the Department of Agriculture.

"I first made public reference to this situation back in 1961, and finally in 1964 was challenged by your Commission to provide documented evidence of my charges. This I did, and a Commission investigation was instituted in June of last year. The results of this investigation were reported to me by the Commission's General Counsel by letter dated October 8, 1964.

"Mr. Meloy reported that four individuals were found to be involved, one of whom was in the classified service and three of whom were in the excepted service. His letter goes on to state that final action by the Commission under its jurisdiction in the case would not be taken until all criminal aspects of the case had been determined by the Department of Justice.

"More than 2 months have now elapsed since the Attorney General's advising me that the Federal Bureau of Investigation had been requested to look into the case. It is now going on 6 months since your General Counsel's advising me that the results of the Commission investigation had been referred to the Justice Department. It is now over 4 years since my having revealed this situation in a public statement.

"The primary duty and responsibility of the Civil Service Commission being to maintain and protect the independence of our Federal merit system, I feel it incumbent upon me to impress you and your Commission of my concern over the lack of dispatch in the handling of this case. It would be my understanding that you would be in constant contact with the Justice Department in the interest of expediting the fair and just determination of this entire matter and that you are keenly aware of the significance of this case to the merit system employees throughout the Federal Government.

"Sincerely yours,

"ANCHER NELSEN,
"Member of Congress."

We are now in the first of June, and this is where the matter continues to lie 9 long months after the Civil Service Commission report showing involvement in possible violations of the Hatch Act and the Corrupt Practices Act. These investigations by the Justice Department and Civil Service Commission have turned into a long stall.

The Washington Star article shows clearly that failure to take corrective action has served as an open invitation to the money-hungry politicians in Federal jobs to go right ahead with their harassment and pressures on employees in the service of their Government.

Obviously, the best way to deter such activities is to take proper action against those who have already been found to have been engaging in political fundraising among civil service employees. I would hope the effect of these latest disclosures will be to awaken officials in the Civil Service Commission and the Justice Department to their responsibilities to protect our Federal workers from further shakedowns and arm twisting.

You will note that the Civil Service Commission admits violations have been found and the cases have been referred to the Department of Justice. To date absolutely nothing has been done to bring the culprits to justice. It is incomprehensible to me why the Justice Department refuses to move. Time and again, I have tried to contact the Civil Service Commission and the Department of Justice trying to find out why no action has been taken. No satisfactory answer has been forthcoming.

Under the so-called compromise bill, we still allow partisan elections. We still have a provision there exempting the Federal employee from the application of the Hatch Act. Nothing, I repeat, nothing has been compromised except the entire civil service.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I am happy to yield to the gentleman.

Mr. McCLORY. I think the point the gentleman is making is extremely important insofar as the corrupt practices law is concerned. It seems to indicate that some supplemental legislation might be necessary in order to provide for the situation that the gentleman refers to.

But the inquiry I have is more with regard to the subject of partisan and nonpartisan elections. In the city of Chicago, we have nonpartisan elections. But that does not prevent people from knowing in every instance what party the aldermen belong to. I think in many respects it adversely affects my party, the Republican Party. I would think an opportunity for partisan elections in the District of Columbia might give the Republican Party an opportunity to organize a little better at the precinct and at the local level and so build up our party strength which would be virtually impossible under a nonpartisan election system.

I know in my own State of Illinois, we have elected township officials for many years on a nonpartisan basis. While we did that we were able to elect a great many Republicans. But recently we have gone to the partisan type of election and as a result the Democrats in my area have organized strongly at the local level and they are gaining strength because we have discarded the nonpartisan type of election and invoked the partisan election idea.

So I think this is a double-edged sword. I think it is a question which can be presented either way. I note that the Republican District chairman of the District of Columbia is supporting this legislation and I would imagine he would have in mind the aspects of partisanship at the local level. I did want to bring out that point and call it to the gentleman's attention.

Mr. NELSEN. I thank the gentleman, for his contribution.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. CEDERBERG. I think one of the great tragedies that could take place would be to have partisan elections in the Nation's Capital. We have the headquarters here of both political parties. I do not care what the political complexion of the District of Columbia might be in one way or the other. But I think it would be most tragic to have partisan elections in the Nation's Capital. We sit here as partisans in the governing body in the Congress of the United States. We are very apt to be in session when such partisan elections may be taking place in the District of Columbia. Some Members of the House of Representatives might be called on to take part in these elections by attending partisan meetings, and so forth. I think that is the most tragic thing that could happen regardless of what the political complexion of the District of Columbia would be. As I say, it would be a most tragic thing to have partisan elections here.

I am ready to support a home rule bill if this change can be made, but as long as partisan elections are going to be held, I cannot support a home rule bill.

I served as mayor of my city—a city of about 60,000 people—in a nonpartisan election. Everyone knew I was a Republican. I realized that. I think what the gentleman from Illinois is saying is correct, but that misses the point. The point is that to make a partisan political jungle out of the District of Columbia would be something that we in this Congress would live long, in my opinion, to regret.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Ninety Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 331]

Anderson, Ill.
Andrews, George W.
Aspinall
Baring
Bolton
Bonner
Clawson, Del
Colmer
Edwards, Calif.
Everett
Evins, Tenn.
Farnum
Fogarty
Frelinghuysen
Goodell
Halleck
Hanna
Hébert
Holifield
Hosmer
Johnson, Okla.
Jones, Ala.
Kee
Landrum
McCarthy
McEwen
Morrison
Murray
O'Hara, Ill.
Powell
Reinecke
Roncalio
Scott
Steed
Thomas
Thompson, Tex.
Toll
Willis
Wilson, Charles H.
Wright

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 4644, and finding itself without a quorum, he had directed the roll to be called, when 391 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The distinguished gentleman from Minnesota [Mr. NELSEN] has 5 minutes remaining. The gentleman is recognized.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. WHITENER. The gentleman from Minnesota was discussing, before the quorum call, the Hatch Act situation. I know this is consistent with the apprehension that the gentleman expressed during our hearings before the subcommittee. I think it may be well to point out that at that time when the gentleman from Maryland [Mr. SICKLES] was testifying, we had a report from the trial division of the United States Civil Service Commission in which it was stated that although exceptions from certain restrictions in the Hatch Act had been granted in a number of jurisdictions where the percentage of Federal Government employees among the electorate justified such concession, in every instance, so the trial counsel office told us, those exemptions have permitted Government employees to participate in elections held only on a nonpartisan basis and that there was never a case where exemptions had been given in partisan elections. Is that not correct?

Mr. NELSEN. That is exactly right.

Mr. WHITENER. May I ask the gentleman another question. I know the gentleman is thoroughly familiar with the various legislative proposals that have been made on this subject. Is there anything in any of these bills that provides guidelines for the running of elections and particularly the avoiding of corrupt practices in elections?

Mr. NELSEN. There are none that I know of. My information is that what you allude to is not covered in the bill.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. QUIE. I want to commend the gentleman from Minnesota for making an excellent statement and for pointing out that in the State of Minnesota since 1913, we have had nonpartisan elections in all the municipalities, and this has worked well. I just wanted to point out in the bill it is recognized it would be unwise for the Councilmen or the Mayor to be running at the same time there was a national election for President. The new bill, the new compromise bill, now provides that the Mayor and Councilmen would not be running in the year that the President was running. But there is one shortcoming about this compromise in that all of the Councilmen would be up for reelection in the same year, once every 4 years. If the same thing happened in the District of Columbia as happened not too long ago in Montgomery County, you could have a complete change in the entire Council in one election. This is not very wise. When we write a home rule bill, we ought to take into consideration any eventuality and this would lead to unstable government if it happened. However, we could have staggered elections and have nonpartisan elections and have a complete separation from the issues that confront us on a national basis and have a much better municipal government thereby. So I commend the gentleman from Minnesota for pointing out this situation very clearly. I would point out it is no answer to exempt Federal employees from the Hatch Act if we do have nonpartisan elections. This then would be left to the Chairman of the Civil Service Commission as the gentleman has well pointed out.

Mr. NELSEN. I thank the gentleman for his contribution.

Mr. Chairman, I would like to point out that under existing law, the Civil Service Commission has the authority to grant certain exemptions so that Federal employees may engage in nonpartisan elections. Those exemptions have been granted in Alexandria, Arlington, Montgomery County and other surrounding Washington metropolitan areas where there is a heavy percentage of Federal employees. The premise being that a nonpartisan office would not be tied in with partisan political activities and therefore would not jeopardize the impartiality and objectivity of the civil servant.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from New York.

Mr. HORTON. I wish to try to correct something that might be misunderstood. I think the gentleman said that the civil service permitted participation in nonpartisan elections. I do not believe that that statement is quite accurate.

Mr. NELSEN. Under certain circumstances, I said.

Mr. HORTON. Is the gentleman aware of section 18 of the so-called Hatch Act, which is section 118(n) of title 5 United States Code, which provides that in the event there is a nonpartisan election there is no Hatch Act exemption?

Mr. NELSEN. Mr. Chairman, under this bill the Congress of the United States is allowing Federal employees to participate in partisan elections. This is most extraordinary and has no precedent. I wish to point out that the Civil Service Commission at this time has discretionary authority, where there is a heavy population of Federal employees, to permit Federal employee participation in nonpartisan elections. And the Commission has repeatedly done so. The Civil Service Commission likewise has the right to withdraw that permission if it has been abused. Under this bill, the Congress itself de-Hatches the Federal employees, permitting activities in partisan elections; the Civil Service Commission would be precluded from re-Hatching in an emergency situation. The Congress itself would have to act.

There is a case that has been before a U.S. district court, an action brought by several Federal employees, to allow Federal employees to engage in partisan elections. The brief supplied by the Department of Justice supported the Civil Service Commission's refusal to allow active participation of employees of the Federal Government in a partisan election. In support of the Commission's ruling, the Justice Department's brief stated in part:

> To permit only nonpartisan local political activity, one need only consider the problems at which the Hatch Act was aimed and the realities of party politics as currently practiced in the United States. Party politics are not conducted in separately sealed compartments neatly labelled "local," "State," and "National." Political organizations grow from the grassroots in the precincts to the great quadrennial nominating conventions. The integrated nature of party organization is most strikingly reflected right in the name of the plaintiff political association: the "Democratic State Central Committee for Montgomery County, Md." Party workers are constantly exhorted and continuously tempted to join in putting over their party's ticket at every level of government. From the candidates' teas before the primaries to the poll watchers' coffee, on election day, the politics of community, State and Nation are inextricably linked. Local politics are the ladder which our national leaders must climb. This is both a political and an economic necessity of the party system, as any American who has ever answered a political canvasser's knock at his door can testify. Were it otherwise plaintiffs would not be here, for they could easily organize an independent "Democratic" or "Republican" party whose interest stopped at the county line.
>
> It is the integrated aspect of party politics which poses the great danger and the great temptation to the integrity of the government worker. First, there is the possibility that the national political party controlling the Federal Government—be it Democrat, Republican, Whig, or Federalist—might coerce Federal employees to work for that party and its local affiliates. Such things are not unknown in American history. By barring any partisan political activity, the Commission protects the Federal employees from this possibility while providing his community with a method by which he may participate in its affairs.
>
> Second, career civil servants must serve with equal devotion successive department heads with different views and political affiliations. If a Federal employee campaigned, even at the local level, for one national party, it could inhibit his best efforts for an administration controlled by another party, thus harming the efficiency of the executive civil service. Such a danger is avoided by a clean and clear restriction to local, nonpartisan activity, independent of any National and State affiliation.
>
> Third, the Civil Service as an institution could be completely demoralized by the specter of politically linked advancement—assignment or promotion directly or indirectly influenced by support of the department head's political party. But the Commission's retention of section 9's ban on partisan politics reinforces the statute's prohibition of such conduct by making it impossible for any employee to render such support.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from North Carolina.

Mr. WHITENER. Is not the statement which the gentleman is reading a part of a brief filed by the Justice Department of the United States in a case in the State of Maryland, in which case the Justice Department was trying to prevent participation by civil servants of the Federal Government?

Mr. NELSEN. That is exactly correct. I have a copy of the entire brief before me, which I will include in the RECORD at this point:

(U.S. District Court for the District of Maryland, Civil Action No. 16460, memorandum in support of the defendants' motion to dismiss or in the alternative for summary judgment)

DEMOCRATIC STATE CENTRAL COMMITTEE FOR MONTGOMERY COUNTY, MD., 26 EAST MONTGOMERY AVENUE, ROCKVILLE MD., GEORGE NORMAN, 3215 EMORY CHURCH ROAD, OLNEY, MD., LEVON A. TERRIAN, 4212 GLEN ROSE STREET, KENSINGTON, MD.; H. ROBERT BORDEN, SR., 12517 VALLEYWOOD DRIVE, SILVER SPRING, MD.; WILLIAM R. THOMAS III, 4710 ALBEMARLE AVENUE, GARRETT PARK, MD., PLAINTIFFS *v.* LUDWIG J. ANDOLSEK AND ROBERT E. HAMPTON, MEMBERS, AND JOHN W. MACY, JR., CHAIRMAN, U.S. CIVIL SERVICE COMMISSION, 1900 E STREET, NW., WASHINGTON, D.C., 20415, DEFENDANTS.

STATEMENT OF THE CASE

This is a suit for a declaratory judgment and an injunction attacking the regulations of the Civil Service Commission which grant Montgomery County, Maryland a limited exemption from the prohibitions against political activities by federal employees set forth in Section 9 of the Hatch Act (5 U.S.C. 1181). Defendants are the Civil Service Commissioners. Plaintiffs are the Democratic State Central Committee for Montgomery County; and four individuals employed by the Executive Branch of the Federal Government who reside in Montgomery County and who desire to run for County office as Democrats or to campaign on behalf of a Democratic candidate for such an office. They allege that the Commission's refusal to grant them a hearing on their proposal to modify the exemption, so as to permit them to engage in partisan political activities, was an arbitrary abuse of discretion. They further allege that omission of authority for partisan political activities from the exemption renders it invalid under the Section 16 (5 U.S.C. 118m) of the Act; and, alternatively, if it is valid, that Section 16 is unconstitutional under the First, Fifth and Ninth Amendments. Plaintiffs have moved for summary judgment. Defendants have moved to dismiss and in the alternative have cross-moved for summary judgment.

FACTS

A. The Hatch Act

Section 9 of the Hatch Act (53 Stat. 1148, as amended, 5 U.S.C. 118i) prohibits officers and employees in the Executive Branch of the Federal Government from "taking any active part in political management or in political campaigns." Under section 16 of the Act, however (54 Stat. 767, 5 U.S.C. 118m), the Civil Service Commission may promulgate regulations which permit Federal employees residing in communities around the National Capital to take an active part in political management or political campaigns involving their municipalities or political subdivisions "to the extent the Commission deems to be in the domestic interests of such persons."

The Commission has exercised its authority under the provisions of section 16 by granting a limited exemption to many political subdivisions in Maryland and Virginia counties near Washington, D.C. 5 C.F.R. 733.301. However, the Commission has uniformly, and without exception, restricted this exemption to independent, non-partisan activities of a purely local nature. Its exemption provides that: "an employee shall not * * * engage in non-local partisan political activities"; that employees may not run as a candidate for a political party or become involved in political management in connection with the campaign of a party candidate; and that an employee who is a candidate for local elective office shall run as an independent. 5 C.F.R. 733.301(a).

B. Montgomery County's Exemption

Montgomery County, Maryland, had not been included among the political divisions which were exempted from section 9. On May 5, 1964, the Commission considered two requests by different groups of citizens that Federal employees residing in Montgomery County be exempted (Exhibit B, p. 29, not printed in Record). The first request called for an exemption which would have permitted residents of Montgomery County to participate in county elections as partisan candidates. The second request would have permitted participation in local elections at the county level but only on a non-partisan basis. The Commission held that its regulations permitted participation on a non-partisan basis only.[1] It therefore denied the first request and granted the second. The exemption granted to Federal employees residing in Montgomery County was thus on the same terms and conditions that the Commission has uniformly applied to all other communities which have been granted exemptions.

C. Plaintiffs' Petition for Modification of the Exemption

On March 2, 1965, the plaintiffs petitioned the Civil Service Commission to hold a public rulemaking hearing, so that the plaintiffs and other interested persons could attempt to persuade the Commission to amend Rule 733.301(a), so as to allow federal employees who are exempted pursuant to Section 16 of the Hatch Act to run for local political office as party candidates or to campaign for party candidates on the local level (Exhibit A, p. 3–4 (not printed in Record)). This petition was accompanied by a brief and appendices A–L (Exhibit A, pp. 17–71 (not printed in Record)).

The individual plaintiffs were stated to be members of the Democratic Party. (Exhibit A, p. 5 (not printed in Record).) Plaintiff George Norman alleged that he intends to file in the 1966 Democratic primary election to secure that party's nomination as a candidate for the Montgomery County Council. (Exhibit A, p. 5 (not printed in Record).) The remaining individual plaintiffs alleged an intent to campaign actively and publicly in support of Democratic Party candidates. (Exhibit A, pp. 5–6 (not printed in Record).)

On March 22, 1965, the plaintiffs submitted a supplemental petition with appendices M–R (Exhibit A, pp. 72–91 (not printed in Record)) followed by appendix S on April 1, 1965. (Exhibit A, pp. 92–93 (not printed in Record).) On April 8, 1965, the plaintiffs were notified that their petition for a public rulemaking proceeding was denied. In a letter to plaintiffs' counsel the Chairman of the Commission explained:

"In the interest of preserving and strengthening the career service, the Commission has, in granting privileges under Section 16 of the Hatch Act, consistently held to the principle that federal officers and employees may be candidates for local elective office in a partisan election but must run as independent candidates. From the very beginning of the civil service system partisan political activity has been prohibited because a question would arise as to whether those participating in such activity were discharging their duties in an impartial and objective manner independent of partisanship. The Commission's present regulations conform with the essential policy of the Hatch Act that employees in the executive branch should refrain from active participation in political activity involving national political parties. Therefore, your request for Amendment of Commission Rule and for Declaratory Order Granting Exemption Thereunder is denied.

"It is felt that any fundamental change in longstanding policy adhering to statutory authority would more appropriately be considered by the legislature. On March 10, 1965, Senator Brewster of Maryland filed a bill (S. 1474) 'To create a bipartisan commission to study federal laws limiting political activity by officers and employees of the Government.' The Commission favors such legislation as the proper procedure if changes are desired in the prohibition of the Hatch Act" (Exhibit A, p. 95 (not printed in Record)).

The plaintiffs filed a petition for reconsideration on April 13, 1965 (Exhibit A, pp. 98–100 (not printed in the Record)) followed by a supplement with an appendix S (sic) on April 23, 1965 (Exhibit A, pp. 100–106 (not printed in Record)). The Commission denied the petition for reconsideration before the supplemental material of April 23, 1965, was received (Exhibit A, pp. 105–107 (not printed in Record)); however, the Commission subsequently informed the plaintiffs that the supplemental material provided by the plaintiffs had been available to the Commission when the petition was being considered. (Exhibit A, p. 108 (not printed in Record).)

STATUTES AND REGULATIONS INVOLVED

Sections 9, 16, and 18 of the Hatch Act (53 Stat. 1148 as amended, 54 Stat. 757, 767, 5 U.S.C. 118i, 118m 118n) and the pertinent regulations of the Civil Service Commission 5 C.F.R. 733.301 (with 1965 Supp.) are set forth in the appendix to this brief.

ARGUMENT

I. Neither plaintiff political organization nor the individual plaintiffs have standing to maintain this action

A. The Individual Plaintiffs

But for the exemption set forth in the Committee's regulations (5 C.F.R. 733.301), the individual plaintiffs would be totally foreclosed from participating in any political activity by the express provisions in the second sentence of Section 9 of the Hatch Act, which provides:

"No officer or employee in the executive branch of the Federal Government, or any agency or department thereof shall take any active part in political management or political campaigns."

Plaintiffs do not attack the constitutional validity of the foregoing prohibition, which was sustained by the Supreme Court in *United Public Workers* v. *Mitchell,* 330 U.S. 75. Yet they urge that unless the Commission's limited exemption from this prohibition is amended so as to permit them to engage in partisan political activity, the operation of the exemption in Montgomery County must be enjoined (Complaint, prayer (4)). Thus, they would in effect subject themselves or other employees in Montgomery County (including those who wish to engage in non-partisan political activities) to the total prohibition of Section 9. Their contention seems to be that they must be granted all or nothing. Under the decided cases, the individual plaintiffs have no more standing to attack the exemption than they would to attack the basic prohibition in Section 9.

The Supreme Court has ruled that federal employees in exactly the same position as the individual plaintiffs do not have standing to contest the validity of political activity restrictions applicable to them under the Hatch Act. *United Public Workers* v. *Mitchell, supra*. The Court's ruling is equally applicable to the individual plaintiffs in the instant case. It held (330 U.S. at 89–90):

"For adjudication of constitutional issues 'concrete legal issues, presented in actual cases, not abstractions,' are requisite. This is as true of declaratory judgments as any other field. These appellants seem clearly to seek advisory opinions upon broad claims of rights protected by the First, Fifth, Ninth and Tenth Amendments to the Constitution. As these appellants are classified employees, they have a right superior to the generality of citizens, compare *Fairchild* v. *Hughes,* 258 U.S. 126, but the facts of their personal interest in their civil rights, of the general threat of possible interference with those rights by the Civil Service Commission under its rules, if specified things are done by appellants, does not make a justiciable case or controversy. Appellants want to engage in 'political management and political campaigns,' to persuade others to follow appellants' views by discussion, speeches, articles and other acts reasonably designed to secure the selection of appellant's political choices. Such generality of objection is really an attack on the political expediency of the Hatch Act, not the presentation of legal issues. It is beyond the competence of courts to render such a decision. *Texas* v. *Interstate Commerce Commission,* 258 U.S. 158, 162.

"The power of courts, and ultimately of this Court, to pass upon the constitutionality of acts of Congress arises only when the interests of litigants require the use of this judicial authority for their protection against actual interference. A hypothetical threat is not enough. We can only speculate as to the kinds of political activity the appellants desire to engage in or as to the contents of their proposed public statements or the circumstances of their publication. It would not accord with judicial responsibility to adjudge, in a matter involving constitutionality, between the freedom of the individual and the requirements of public order except when definite rights appear upon the one side and definite prejudicial interferences upon the other. *United Public Workers* v. *Mitchell, supra,* at 89–90."

The plaintiffs seek to avoid the holding of Mitchell on the issue of standing in several ways. First they contend that Mitchell is distinguishable from the instant case in that they are primarily attacking administrative regulations rather than the provisions of the Hatch Act itself. It is difficult to see what, if anything, this adds to plaintiffs' standing. The regulations do not require plaintiffs to do anything and, of themselves, they do not prohibit plaintiffs from doing anything. It is the prohibition of section 9, to the extent that it has not been waived by the Commission, which bars plaintiffs from partisan politicking. The regulations under section 16 simply allow them to do something—engage in local nonpartisan politics—which section 9 would otherwise forbid them from doing. Thus not only do plaintiffs lack standing because they have not engaged in the prohibited activities (*United Public Workers* v. *Mitchell, supra*) but also they lack it because the regulations do not injure them in any way. On the contrary, the regulations enlarge the range of their lawful political activities.

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[1] The term "non-partisan" refers to local political activities which are completely independent of national or State political parties. (Exhibit B, p. 29 (not printed in Record).)

Plaintiffs attempted to escape the rationale of *United Public Workers* v. *Mitchell, supra,* by suggesting that its holding on standing was overruled in *Adler* v. *Board of Education,* 342 U.S. 485 (1952); and *Connecticut Insurance Company* v. *Moore,* 333 U.S. 541 (1947). But the Supreme Court does not overrule landmark cases *sub-silentio.* The majority opinion in neither of the two cases cited refers to *United Public Workers* v. *Mitchell.* Moreover, the Supreme Court has cited *United Public Workers* v. *Mitchell* for the proposition of standing in cases decided long after the decisions in which it was allegedly overruled. See *Longshoremen's Union* v. *Boyd,* 347 U.S. 222, 224; *Poe* v. *Ullman,* 367 U.S. 497, 501.

In *United Public Workers* v. *Mitchell, supra,* it was also pointed out that the disagreement between the individual employees and the Civil Service Commission was not ripe for judicial review. 330 U.S. at 91. Until the individual plaintiffs in this case take some action which results in a final, adverse decision of the Civil Service Commission, under its administrative procedures for investigating or reviewing violations (5 C.F.R. 733.601 through 733.710) there exists no controversy upon which this Court can render a decision.

Plaintiffs cite numerous cases which purport to show that the Commission's regulations are ripe for review. *American Trucking Assn.* v. *United States,* 344 U.S. 298 (1953); *American Tel. & Tel. Co.* v. *United States,* 299 U.S. 232; *Pacific States Box and Basket Co.* v. *White,* 296 U.S. 176 (1935). But in these cases the administrative regulations involved subjected the party attacking them to immediate criminal penalties or to civil fines. In each case it was clear that defendants would have to change the operation of their private business in order to comply.

In the instant case, plaintiffs are not subject to any criminal penalties, plaintiffs are not violating Section 9 of the Act; and plaintiffs' political intentions may or may not materialize in a manner which would constitute a violation.

Plaintiffs miss the mark in attempting to find standing under decisions construing the Federal Communications Act (*United States* v. *Storer Broadcasting Co.,* 351 U.S. 192; *F.C.C.* v. *American Broadcasting Co.,* 347 U.S. 284; *Columbia Broadcasting System* v. *United States,* 316 U.S. 407). The Communications Act provides for regulation of a private industry—radio broadcasting; and also provides a special method of statutory review for orders of the Commission (47 U.S.C. 402). Here, on the contrary, there is no statutory provision whatever for judicial review of regulations granting exemptions under the Hatch Act. Moreover, such regulations concern standards of conduct for executive employees and not standards for private industry or private persons generally.

The review provisions of the Administrative Procedure Act do not furnish any standing whatever to the individual plaintiffs. As already noted, the Hatch Act and administrative exceptions to its prohibitions relate solely to the conduct and tenure of Federal executive employees. The review provisions of the Administrative Procedure Act (5 U.S.C. 1009) are not applicable to the administration of the Federal Civil Service. *Cappolino* v. *Kelly,* 236 F. Supp. 955, aff'd per curiam, 339 F. 2d 1023 (C.A. 2, 1965); *Hofflund* v. *Seaton,* 265 F. 2d 363 (C.A.D.C.), cert. denied, 361 U.S. 837. Indeed, the Act expressly exempts matters relating to the selection and tenure of Federal employees (5 U.S.C. 1004). The decision of the Fourth Circuit in *McEachern* v. *United States,* 321 F. 2d 31 (C.A. 4, 1963), explains the basis upon which the Supreme Court reviewed the regulations relating to hearing examiners in *Ramspeck* v. *Trial Examiner's Conference,* 345 U.S. 128: namely, that examiners have special statutory status under that Act. Status accorded hearing examiners by the Administrative Procedure Act is not in issue here, and Ramspeck is thus inapplicable.

Finally, the Act does not confer standing to seek review of matters—such as whether or not to issue regulations—which are committed by law to agency discretion. The Act expressly excepts such matters from Section 10 (5 U.S.C. 1009). Thus the individual plaintiffs lack standing.

B. The Democratic State Central Committee for Montgomery County Lacks Standing

Since the individual plaintiffs, who are the Federal employees upon whom the prohibitions of the Hatch Act directly operate, have no standing, the Democratic State Central Committee for Montgomery County has no standing. It cannot appear in a representative capacity since the individuals who might be represented have no justiciable claim. And it cannot appear in its own right because its complaint does not show any injury to a legally protected right.

It is well established that allegation of a legally protected right is a constitutional predicate of standing to attack governmental action. *Joint Anti-Fascist Refugee Committee* v. *McGrath,* 341 U.S. 123, 140. *Pennsylvania Railroad Co.* v. *Dillon,* 335 F. 2d 292, 294 (C.A.D.C. 1964), cert. denied 379 U.S. 945. None is alleged here.

Section 9 of the Hatch Act does not impose any restriction whatever on the plantiff association not does it require it to take any form of action. It does not deny to the committee the political support of Federal employees, if they desire to grant it, through membership votes or through lawfully solicited contributions. The association appears to recognize this, since it does not attack the validity of Section 9 of the Act. Instead, like the individual plaintiffs it attacks the Civil Service Commission's exemption which permits Federal employees to engage in nonpartisan local politics. Thus it would be satisfied if the total prohibition of section 9 remained in effect. Its real complaint is that it may face competition from an independent local group on whose behalf Federal employees may campaign or run for office. Unquestionably, the sole basis for its complaint is the political campaign which the Democratic Central Committee fears will be advanced by independent candidates for local office. It sets forth no other interest or injury.

However, neither Section 9 of the Hatch Act nor the Civil Service's exemption under Section 16 undertake to regulate the Committee in any way. It has not been compelled to abandon any of its activities or deprive of any legally protected interest which it possessed prior to the Commission's exemption of Montgomery County from the Hatch Act. It has not been subject to any obligation or duty or disadvantage which might give it legal standing under any relevant statute, including the Administrative Procedure Act. *Kansas City Power and Light Co.* v. *McKay,* 225 F. 2d 924 (C.A.D.C. 1955), *cert. denied* 350 U.S. 884. It has long been recognized that freedom from economic competition is not a legally protected interest. *Pennsylvania Railroad Company* v. *Dillon, supra.* The same considerations necessarily extend to the possibility of future political competition, for political competition is the very essence of our democracy.

The plaintiff association nevertheless contends that if it must face competition from non-partisan groups for which federal employees may actively campaign, the same class of persons should be permitted to campaign for it. But this is an argument directed to the wisdom of the policy underlying the Hatch Act—a policy of non-partisanship for federal workers—and not a claim of legal right. It has no legally enforceable right to the potential campaign support of any group and certainly not of government workers. That was established in *United Public Workers* v. *Mitchell,* 330 U.S. 75. For in that case, the Supreme Court held in effect, that partisan political parties could be denied the active campaign support of government workers. That holding demonstrates that there is no legal right in the Committee upon which it can claim standing to attack the Commission's decision to limit political activity of government workers to independent, non-partisan groups.

Like the individual plaintiffs, the association purports to base its standing upon the contention that it is adversely affected or aggrieved within the meaning of Section 10(a) of the Administrative Procedure Act (5 U.S.C. 1009(a)). But the same considerations which foreclose the individual plaintiffs from relying upon the Act apply to the association.

II. The Commission's decisions not to modify its regulations is committed by law to its unreviewable discretion

A. There is No Judicial Review of Civil Service Actions of the Nature Involved in This Case

1. No judicial review of Civil Service Commission denial of a petition for a public rule making hearing

The plaintiffs seek a declaratory judgment that defendants acted arbitrarily and abused their discretion by denying plaintiffs' petition for a public rule making hearing. (Plaintiffs' Complaint, p. 10, first prayer for relief.) Section 4(d) of the APA, 5 U.S.C. 1003(d) provides: "Every agency shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule."

But the Act does not require that a petition be granted nor is action under § 4(d) reviewable. According to the Attorney General's Manual on the Administrative Procedure Act, 39 (1947), "neither the denial of a petition under section 4(d), nor an agency's refusal to hold public rule making proceedings thereon, is subject to judicial review." Citing Sen. Rep. #752, page 44 (79th Cong., First Session).[3] And as plaintiffs concede (Brief, p. 18), there is no constitutional right to a hearing as a condition precedent to issuance of a rule. *Willapoint Oysters* v. *Ewing,* 174 F. 2d 676 (C.A. 9, 1949) *cert. denied* 338 U.S. 60. Section 4(d) of the APA requires only that the agency receive petitions and consider them—nothing more.[3] In this case the plaintiffs submitted a petition which was considered and denied (Exhibit A, p. 95, not printed in RECORD). The plaintiffs' petition for reconsideration was also considered and denied with the reasons transmitted to the plaintiffs' attorneys by letter (Exhibit A, pp. 106, 107, not printed in RECORD). The plaintiffs have received every consideration intended under section 4(d) and have no procedural grounds for complaint. The legislative history coupled with the Attorney General's contemporaneous construction of section 4(d) demonstrate that there is no judicial review of an agency's decision to deny a petition for modification of a regulation.

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[3] The Attorney General had interpreted sec. 4(d) in the same manner when asked to comment on the APA prior to its enactment by the chairman of the Senate Judiciary Committee, Senator Pat McCarran. "Administrative Procedure Act, Legislative History," S. Doc. No. 248, p. 226 (79th Cong., 2d sess.).

The plaintiffs have failed to cite any authority whatever to support the availability of judicial review of an agency decision to deny a petition which it has received and considered.

The same principles apply to plaintiffs' petition for a declaratory order, as shown by *M. J. Dilliner Transfer Company* v. *McAndrew,* 226 F. Supp. 850, 864 (D.C. W.D. Pa., 1963), aff'd 328 F. 2d 601 (3rd Cir. 1964):

"Neither does the Commission's denial of plaintiff's attempts to secure a declaratory order entitle plaintiff to a judicial review. A court does not have jurisdiction to review an agency's denial of a declaratory order which denial is discretionary with the agency. Title 5 U.S.C.A. §§ 1004(d) and 1009. *Continental Oil Company* v. *Federal Power Commission,* 285 F. 2d 527 (5th Cir. 1961). The Commission's discretionary refusal of declaratory relief does not require plaintiff to do or refrain from doing anything, fix any liability or responsibility, civil or criminal, upon plaintiff, or finally determine its rights or obligations. *United Gas Pipe Line Co.* v. *Federal Power Commission,* 203 F. 2d 78 (5th Cir. 1953); *Motor Freight Express* v. *United States,* 60 F. Supp. 238 (statutory court E.D. Pa. 1945)."

Accordingly, the first prayer for relief in the plaintiffs' complaint should be dismissed.[4] Cf. *Schilling* v. *Rogers,* 363 U.S. 666 (1959).

Apart from the fact that section 4(d) precludes review of the denial of the plaintiffs' petition it is clear that the regulations referred to in plaintiffs' petition are within the exception to section 4, "any matter relating to agency management or personnel * * *." The Attorney General's Manual concludes that the exception applies to the internal management of the Government rather than merely to the affairs of one agency. Attorney General's Manual on the Administrative Procedure Act, 27 (1947). As noted by the Senate Judiciary Committee, the agencies are given a complete discretion "to decide what, if any, public rule making procedures they will adopt in a given [excepted] situation * * *." Senate Document #248, supra, at 199.

Thus, section 4(d) of the APA appears to be inapplicable to agency regulations governing the political activities of Federal employees. For this reason and the lack of judicial review of agency decisions made under section 4(d) the plaintiffs' request for a declaratory judgment concerning the denial of plaintiffs' petition should be dismissed.

2. Judicial review of Civil Service Commission's regulations adopted pursuant to section 16 of the Hatch Act is not available or appropriate

Section 16 of the Hatch Act provides that the Civil Service Commission may allow Federal employees to participate in local partisan politics "to the extent the Commission deems to be in the domestic interest of such persons." 5 U.S.C. § 118m. Since the Hatch Act does not provide for judicial review of any regulations adopted by the Civil Service Commission there is no basis for review.

Section 10 of the APA provides for judicial review of agency action "except so far as * * * agency action is by law committed to agency discretion." A reading of section 16 of the Hatch Act indicates that Congress intended that the extent of the political activity to be engaged in by federal employees was committed to the discretion of the Civil Service Commission. This interpretation of section 16 is strengthened by the fact that section 12 of the Hatch Act enacted at the same time does provide for judicial review of Commission actions taken under that section. 54 Stat. 767, 5 U.S.C. 3118(k)(c). In *Stark* v. *Wickard,* 321 U.S. 288 (1944), the Supreme Court in allowing judicial review of certain agency orders observed that "even where a complainant possesses a claim to executive action beneficial to him, created by federal statute, it does not necessarily follow that actions of administrative officials, * * * are cognizable in appropriate federal courts of first instance * * *. To reach the dignity of a legal right in the strict sense, it must appear from the nature and character of the legislation that Congress intended to create a statutory privilege protected by judicial remedies." *Stark* v. *Wickard, supra,* at 306.

Section 9 of the Hatch Act bars any participation by federal employees in partisan politics. 5 U.S.C. 3118i. Section 16 authorizes the Commission to alleviate the blanket prohibition on partisan politics in instances where and to the extent that the Commission deems appropriate. Since this is a matter "by law committed to agency discretion" it is expressly excluded from judicial review by the Administrative Procedure Act. 5 U.S.C. 1009. See *Arrow Transportation Co.* v. *Southern Ry. Co.,* 372 U.S. 658 (1963) and *Schilling* v. *Rogers, Attorney General,* 363 U.S. 666, 677 (1960), where the Court denied judicial review of matters committed to agency or executive discretion.

III. The individual plaintiffs are not entitled to injunctive relief because they have not exhausted their administrative remedies and have an adequate remedy at law

Civil Service Regulations provide two procedures for alleged violations of the Hatch Act. Violations by employees in the competitive service are investigated by the Commission. Investigation may result in closing of the case or written charges to the employee which he may answer in writing. The case may then be closed or a hearing may be conducted. The Commission makes the final decision. (5 C.F.R. 733.601–733.608.) Violations by employees in the excepted service are investigated by the agency which, on written charges and answer, makes the final decision. The employee may appeal to the Commission, which, after a hearing, makes the final decision on the appeal and notifies the agency. (5 C.F.R. 733.701–733.710.)

Should the Civil Service Commission determine that the individual plaintiffs had violated the Hatch Act after according them the administrative procedures provided in 5 C.F.R. 733.601, et seq., and 5 C.F.R. 733.701, they could file an action in this Court pursuant to 28 U.S.C. 1361 and 1391(e) against the individual Civil Service Commissioners for reinstatement and against the United States (28 U.S.C. 1346(a)) for back pay where in the issues prematurely raised in this action could be litigated. *Brown* v. *Macy,* 222 F. Supp. 639 (E.D. La., 1963), aff'd 340 F. 2d 115 (C.A. 5, 1965). Consequently, the individual plaintiffs have elaborate administrative remedies; have an adequate remedy at law; cannot make a showing of irreparable injury upon which to support their prayer for injunctive relief; and pending exhaustion of administrative remedies, they are incapable of showing any injury whatsoever. Cf. *May* v. *Glore,* 132 F. Supp. 327 (E.D. N.Y., 1955).

IV. The exemption from section 9 contained in the Civil Service Commission's regulations is valid in every respect

A. The Exemption Complies With the Requirements of Section 16 of the Hatch Act

Plaintiffs contend that the exemption for Montgomery County set forth in 5 C.F.R. 733.301 (Supp. 1964) violates section 16 of the Hatch Act (5 U.S.C. 118m) because, in their view, section 16 does not permit any distinction between partisan and nonpartisan political activity at the local level. They attempt to support this interpretation on three grounds: 1) that the Commission's regulations allegedly permit federal employees "to interfere" with local elections; 2) that the legislative history of section 16 supports their interpretation; and 3) that when construed in the light of section 18 of the Act (5 U.S.C. 118n), section 16 must be read to permit partisan political activity. In addition, they contend that the Commission violated section 16 by failing to make findings allegedly required by the statute. None of these contentions has the slightest support.

1. The Commission's regulations do not authorize the kind of "interference" with elections prohibited by section 9 of the act

Section 16 of the Act authorizes the Commission to grant exemptions, as it deems appropriate, from so much of section 9 as forbids federal employees to engage in political management or political campaigns—i.e., from the prohibitions in the second sentence of section 9. No exemption authority is provided with respect to the first sentence of section 9, which declares (5 U.S.C. 118i):

"It shall be unlawful for any person employed in the executive branch of the Federal Government *to use his official authority or influence* for the purpose of interfering with an election or affecting the result thereof."

Nothing in the Commission's exemption permitting nonpartisan, local political activity permits any employee—Democrat, Republican, or Independent—to "use his official authority or influence" in connection with participation in local politics. Plaintiffs' argument (Brief, p. 8) that the regulations have this effect is a misreading of both the statute and the regulations. Their contention simply ignores the key words in the first sentence which show that the unlawful conduct referred to is the use of federal office for political purposes. This argument is as unsupported as it is inaccurate.

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[3] Both Senate and House of Representative Judiciary Committees agreed that sec. 4(d) of the APA was intended to insure that interested persons had access to the administrative agencies. The reports of these committees make it clear that an agency must receive petitions and give them a bona fide consideration. However, it is equally clear that the agency is under no obligation "to grant a petition, or to hold a hearing, or engage in any other public rulemaking proceedings. The refusal of an agency to grant the petition or to hold rulemaking proceedings, therefore, would not per se be subject to judicial reversal." S. Rept. No. 752 contained in S. Doc. No. 248: Administrative Procedure Act, Legislative History, 201 (prepared by Senator McCarran, 79th Cong., 2d sess., U.S. Printing Office, 1946). For the House Judiciary report see H. Rept. No. 1980 contained in S. Doc. No. 248, supra, at 260.

[4] The lack of judicial review concerning an agency refusal to issue a declaratory order under sec. 5(d) of the APA is readily apparent. Both the Senate and House Judiciary Committees agreed that "agencies are not required to issue declaratory orders merely because request is made therefor." S. Doc. No. 248, supra, at 204, 263. Furthermore, matters involving the selection or tenure of Federal officers or employees are excluded from the provisions of sec. 5 so that a declaratory order would not be appropriate. APA § 5(a). For this reason sec. 5(d) need not be considered any further.

2. The legislative history does not support plaintiffs' interpretation of section 16

Section 16 of the Hatch Act was born in an amendment introduced from the floor of the Senate by Senator BYRD of Virginia after consultation with Senator Hatch, during the 1940 debates on extension of the Act. Senator Hatch stated, in support of the amendment: "Inasmuch as the amendment which the Senator now offers merely restores to the Civil Service Commission the power which it had and which it exercised before the passage of the [original] Act last year, I thought it was wise to give general authority to meet local or domestic situations." (86 Congressional Record 2977.)

Senator Hatch was referring to authority which the Civil Service Commission had exercised prior to the Hatch Act, to waive the provisions of Civil Service Rule I, which prohibited employees in the competitive civil service from participating in political management or political campaigns. This principle had been established by President Theodore Roosevelt in Executive Order No. 642 of June 3, 1907 (exhibit B, p. 1, not printed in the Record), from which Civil Service Rule I was derived. By subsequent Executive Orders issued by Presidents Taft, Wilson, Coolidge and Hoover, the waiver was extended to various communities in Maryland and Virginia near the National Capital. All such waivers, however, incorporated a prohibition against participation in general partisan politics (see Ex. Orders 1472, 1930, 4048, 5627 (exhibit B, pp. 3–7, not printed in the Record)).

In Executive Order No. 4048 of July 12, 1927, the President granted to the Civil Service Commission authority to extend the waiver to other incorporated municipalities, subject to the prohibition against partisan politics.

When the Hatch Act was passed in 1939, however, these executive orders and the authority of the Commission were, in effect, overruled by the flat prohibition in the second sentence of section 9. As Senator Hatch indicated, the purpose of section 16 was to correct this situation and to restore to Federal civil servants residing in the Capital area their pre-1939 privilege of participating in non-partisan local politics. Significantly, two amendments which would have permitted Federal employees to participate in local politics on a partisan basis were defeated in the House at the time that the 1940 additions to the act were under consideration. (86 Congressional Record 9460. 9462.)

Immediately after the passage of section 16, the Commission adopted regulations implementing it. Those regulations incorporated the principle which had prevailed before the Hatch Act: Participation in local politics by Federal employees had to be nonpartisan (Exhibit B, p. 10, not printed in the Record). This principle, restated in 1943 in the Commission's pamphlet on political activities (Exhibit B, p. 14, 18, not printed in the Record), and never departed from, is now embodied in the regulations currently under attack.

The correctness of the Commission's interpretation of the statute is thus supported by the purpose of section 16 to restore the pre-1939 practice, by the history of that practice, and by the Commission's uniform and unmodified application of the non-partisan requirement in all instances. Indeed, the Commission's contemporaneous construction of the statute, which has never been effectively modified by the Congress, is an independent ground for sustaining the Commission's interpretation, as embodied in its regulations. *Udall* v. *Tallman*, 380 U.S. 1, 16; *Power Reactor Co.* v. *Electricians*, 367 U.S. 396, 408; *Norwegian Nitrogen Co.* v. *United States*, 288 U.S. 294, 315.

Plaintiffs attempt to support their view with certain remarks made by Senator BYRD during debate in a later Congress on H.R. 1243, 81st Cong., 1st Sess., which would have permitted partisan political activity at the local level. The bill passed both houses but was vetoed by President Truman on the grounds, inter alia, that in states where local branches are required to support the state and national tickets, i.e., party plan states, the principles of the Hatch Act would be violated. 96 Congressional Record 9604. Congress did not override the President's veto.

This "legislative history" can hardly serve as evidence of the meaning of section 16. As the Supreme Court recently held in a similar situation involving a veto of an alleged "clarifying amendment," "the abortive action of the subsequent Congress would not supplant the contemporaneous intent of the Congress which enacted the * * * Act." *Waterman S.S. Corp.* v. *United States*, 381 U.S. 252, 269 (citing *Fogarty* v. *United States*, 340 U.S. 8, 14; *United States* v. *Wise*, 370 U.S. 405, 411). Obviously, "the views of a subsequent Congress form a hazardous basis for inferring the intent of an earlier one." *United States* v. *Price*, 361 U.S. 304. 313; *United States* v. *Philadelphia Bank*, 374 U.S. 321, 348–349.

3. Section 18 of the Hatch Act does not support plaintiffs' construction of section 16

Plaintiffs attempt to show that section 16 must require that exemptions authorize partisan politicking because, as they read it, section 18 is the exclusive exemption for nonpartisan activity (Brief. pp. 9–10). But the plain language of section 18 (set forth in the Appendix hereto) shows that it is limited to situations in which none of the candidates or issues are identified with national or state parties. Thus section 18, of itself, would not authorize any form of political activity by government workers in any local election in which national or state parties fielded candidates. That is why section 16 was enacted: to give the Commission authority "to the extent the Commission deems it to be in the domestic interest of such persons" (5 U.S.C. 118m) to allow federal employees to participate in such elections. There is nothing in the language of either section 16 or section 18 which manifests an intent to prohibit the Commission from continuing the policy of non-partisanship by government workers which had been pursued without deviation since the days of President Theodore Roosevelt.

4. Section 16 does not require any formal findings or determination by the Civil Service Commission

Neither section 16 nor any other provision of the Hatch Act requires that the Commission make any formal findings in support of its determination that an exemption under section 16 is in the domestic interest of government workers in a particular community. The rule making provisions in section 4 of the Administrative Procedure Act (5 U.S.C. 1003) do not apply because Civil Service regulations are expressly excepted by that section as a matter relating to agency personnel. Yet even under that Act, which is a codification of decisions on administrative procedure, there is no requirement that regulations be accompanied by findings unless the substantive statute involved requires such findings. Section 8(b) of the APA (5 U.S.C. 1007(b)), which sets forth a requirement for administrative findings, applies only "where rules are required by a statute to be made on the record after opportunity for any agency hearing." § 4(b) of APA, 5 U.S.C. 1003(b). There is no such requirement in the Hatch Act or any other relevant statute.

Plaintiffs correctly concede (Brief, p. 18) that there is no constitutional requirement that rules be accompanied by findings, citing *Pacific States Box and Basket Co.* v. *White*, 296 U.S. 176, 185. Since their contention that the Commission should have made findings lacks both statutory and constitutional support, their argument collapses.

The cases cited by plaintiffs (Brief, p. 18) to show that findings should have been made either involved quasi-judicial proceedings resulting in an order affecting private rights, as in *Morgan* v. *United States*, 298 U.S. 498; or a proceeding required by statute to be conducted on a record which is subject to the requirements of sections 7 and 8 of the APA (5 U.S.C. 1006, 1007, as the Interstate Commerce Act proceeding involved in *Burlington Truck Lines* v. *United States*, 371 U.S. 156. Such cases are wholly inapposite here.

The plain fact is that the Commission made the requisite determination on the basis of two petitions before it which sought an exemption for Montgomery County. Its determination was aided by a careful memorandum from its General Counsel which reviewed the Commission's past practice and current regulations (Exhibit B, pp. 21–28). That plaintiffs prefer a different conclusion does not nullify the Commission's determination.

B. The Regulations Do Not Constitute An Unconstitutional Discrimination Against Plaintiffs

In *United Public Workers* v. *Mitchell*, *supra*, 330 U.S. at p. 99, the Supreme Court held: "Congress and the President are responsible for an efficient public service. If, in their judgment, efficiency may be best obtained by prohibiting active participation by classified employees in politics as party officers or workers, we see no constitutional objection.

"Another Congress may determine that, on the whole, limitations on active political management by federal personnel are unwise. The teaching of experience has evidently led Congress to enact the Hatch Act provisions. To declare that the present supposed evils of political activity are beyond the power of Congress to redress would leave the nation impotent to deal with what many sincere men believe is a material threat to the democratic system. Congress is not politically naive or regardless of public welfare or that of the employees. It leaves untouched full participation by employees in political decisions at the ballot box and forbids only the partisan activity of federal personnel deemed offensive to efficiency. With that limitation only, employees may make their contributions to public affairs or protect their own interests, as before the passage of the Act."

Thus the Court upheld the validity of complete restrictions on any political participation by executive employees. There, as here, it was claimed that the political rights claimed were being infringed in violation of the First, Fifth, Ninth, and Tenth Amendments. But since, as the Supreme Court has made clear, a complete prohibition of active political participation does not violate these constitutional rights of federal employees, a partial relaxation of this rule which preserves the basic principle of nonpartisanship does not violate them. The immunization of executive employees from partisan politics is a rational requirement which is more than justified by the vital public interest in the integrity of the career civil service.

To recognize the reasonableness of the Commission's decision to permit only nonpartisan local political activity, one need only consider the problems at which the Hatch Act was aimed and the realities of parties politics as currently practiced in the United States. Party politics are not conducted in separately sealed compartments requires only that the agency receive petitions and consider them—nothing more.[3] In this case the plaintiffs submitted a petition which was considered and denied (Exhibit A, p. 95, not printed in RECORD). The plaintiffs' petition for reconsideration was also considered and denied with the reasons transmitted to the plaintiffs' attorneys by letter (Exhibit A, pp. 106, 107, not printed in RECORD). The plaintiffs have received every consideration intended under section 4(d) and have no procedural grounds for complaint. The legislative history coupled with the Attorney General's contemporaneous construction of section 4(d) demonstrate that there is no judicial review of an agency's decision to deny a petition for modification of a regulation.

The plaintiffs have failed to cite any authority whatever to support the availability of judicial review of an agency decision to deny a petition which it has received and considered.

The same principles apply to plaintiffs' petition for a declaratory order, as shown by *M. J. Dilliner Transfer Company* v. *McAndrew,* 226 F. Supp. 850, 864 (D.C. W.D. Pa., 1963), aff'd 328 F. 2d 601 (3rd Cir. 1964):

"Neither does the Commission's denial of plaintiff's attempts to secure a declaratory order entitle plaintiff to a judicial review. A court does not have jurisdiction to review an agency's denial of a declaratory order which denial is discretionary with the agency. Title 5 U.S.C.A. §§ 1004(d) and 1009. *Continental Oil Company* v. *Federal Power Commission,* 285 F. 2d 527 (5th Cir. 1961). The Commission's discretionary refusal of declaratory relief does not require plaintiff to do or refrain from doing anything, fix any liability or responsibility, civil or criminal, upon plaintiff, or finally determine its rights or obligations. *United Gas Pipe Line Co.* v. *Federal Power Commission,* 203 F. 2d 78 (5th Cir. 1953); *Motor Freight Express* v. *United States,* 60 F. Supp. 238 (statutory court E.D. Pa. 1945)."

Accordingly, the first prayer for relief in the plaintiffs' complaint should be dismissed.[4] Cf. *Schilling* v. *Rogers,* 363 U.S. 666 (1959).

Apart from the fact that section 4(d) precludes review of the denial of the plaintiffs' petition it is clear that the regulations referred to in plaintiffs' petition are within the exception to section 4, "any matter relating to agency management or personnel * * *." The Attorney General's Manual concludes that the exception applies to the internal management of the Government rather than merely to the affairs of one agency. Attorney General's Manual on the Administrative Procedure Act, 27 (1947). As noted by the Senate Judiciary Committee, the agencies are given a complete discretion "to decide what, if any, public rule making procedures they will adopt in a given [excepted] situation * * *." Senate Document #248, supra, at 199.

Thus, section 4(d) of the APA appears to be inapplicable to agency regulations governing the political activities of Federal employees. For this reason and the lack of judicial review of agency decisions made under section 4(d) the plaintiffs' request for a declaratory judgment concerning the denial of plaintiffs' petition should be dismissed.

2. Judicial review of Civil Service Commission's regulations adopted pursuant to section 16 of the Hatch Act is not available or appropriate

Section 16 of the Hatch Act provides that the Civil Service Commission may allow Federal employees to participate in local partisan politics "to the extent the Commission deems to be in the domestic interest of such persons." 5 U.S.C. § 118m. Since the Hatch Act does not provide for judicial review of any regulations adopted by the Civil Service Commission there is no basis for review.

Section 10 of the APA provides for judicial review of agency action "except so far as * * * agency action is by law committed to agency discretion." A reading of section 16 of the Hatch Act indicates that Congress intended that the extent of the political activity to be engaged in by federal employees was committed to the discretion of the Civil Service Commission. This interpretation of section 16 is strengthened by the fact that section 12 of the Hatch Act enacted at the same time does provide for judicial review of Commission actions taken under that section. 54 Stat. 767, 5 U.S.C. 3118(k)(c). In *Stark* v. *Wickard,* 321 U.S. 288 (1944), the Supreme Court in allowing judicial review of certain agency orders observed that "even where a complainant possesses a claim to executive action beneficial to him, created by federal statute, it does not necessarily follow that actions of administrative officials, * * * are cognizable in appropriate federal courts of first instance * * *. To reach the dignity of a legal right in the strict sense, it must appear from the nature and character of the legislation that Congress intended to create a statutory privilege protected by judicial remedies." *Stark* v. *Wickard, supra,* at 306.

Section 9 of the Hatch Act bars any participation by federal employees in partisan politics. 5 U.S.C. 3118i. Section 16 authorizes the Commission to alleviate the blanket prohibition on partisan politics in instances where and to the extent that the Commission deems appropriate. Since this is a matter "by law committed to agency discretion" it is expressly excluded from judicial review by the Administrative Procedure Act. 5 U.S.C. 1009. See *Arrow Transportation Co.* v. *Southern Ry. Co.,* 372 U.S. 658 (1963) and *Schilling* v. *Rogers, Attorney General,* 363 U.S. 666, 677 (1960), where the Court denied judicial review of matters committed to agency or executive discretion.

III. The individual plaintiffs are not entitled to injunctive relief because they have not exhausted their administrative remedies and have an adequate remedy at law

Civil Service Regulations provide two procedures for alleged violations of the Hatch Act. Violations by employees in the competitive service are investigated by the Commission. Investigation may result in closing of the case or written charges to the employee which he may answer in writing. The case may then be closed or a hearing may be conducted. The Commission makes the final decision. (5 C.F.R. 733.601–733.606.) Violations by employees in the excepted service are investigated by the agency which, on written charges and answer, makes the final decision. The employee may appeal to the Commission, which, after a hearing, makes the final decision on the appeal and notifies the agency. (5 C.F.R. 733.701–733.710.)

Should the Civil Service Commission determine that the individual plaintiffs had violated the Hatch Act after according them the administrative procedures provided in 5 C.F.R. 733.601, et seq., and 5 C.F.R. 733.701, they could file an action in this Court pursuant to 28 U.S.C. 1361 and 1391(e) against the individual Civil Service Commissioners for reinstatement and against the United States (28 U.S.C. 1346(a)) for back pay wherein the issues prematurely raised in this action could be litigated. *Brown* v. *Macy,* 222 F. Supp. 639 (E.D. La., 1963), aff'd 340 F. 2d 115 (C.A. 5, 1965). Consequently, the individual plaintiffs have elaborate administrative remedies; have an adequate remedy at law; cannot make a showing of irreparable injury upon which to support their prayer for injunctive relief; and pending exhaustion of administrative remedies, they are incapable of showing any injury whatsoever. Cf. *May* v. *Glore,* 132 F. Supp. 327 (E.D. N.Y., 1955).

IV. The exemption from section 9 contained in the Civil Service Commission's regulations is valid in every respect

A. The Exemption Complies With the Requirements of Section 16 of the Hatch Act

Plaintiffs contend that the exemption for Montgomery County set forth in 5 C.F.R. 733.301 (Supp. 1964) violates section 16 of the Hatch Act (5 U.S.C. 118m) because, in their view, section 16 does not permit any distinction between partisan and nonpartisan political activity at the local level. They attempt to support this interpretation on three grounds: 1) that the Commission's regulations allegedly permit federal employees "to interfere" with local elections; 2) that the legislative history of section 16 supports their interpretation; and 3) that when construed in the light of section 18 of the Act (5 U.S.C. 118n), section 16 must be read to permit partisan political activity. In addition, they contend that the Commission violated section 16 by failing to make findings allegedly required by the statute. None of these contentions has the slightest support.

1. The Commission's regulations do not authorize the kind of "interference" with elections prohibited by section 9 of the act

Section 16 of the Act authorizes the Commission to grant exemptions, as it deems appropriate, from so much of section 9 as forbids federal employees to engage in political management or political campaigns—i.e., from the prohibitions in the second sentence of section 9. No exemption authority is provided with respect to the first sentence of section 9, which declares (5 U.S.C. 118i):

"It shall be unlawful for any person employed in the executive branch of the Federal Government *to use his official authority or influence* for the purpose of interfering with an election or affecting the result thereof."

Nothing in the Commission's exemption permitting nonpartisan, local political activity permits any employee—Democrat, Republican, or Independent—to "use his official authority or influence" in connection with participation in local politics. Plaintiffs' argument (Brief, p. 8) that the regulations have this effect is a misreading of both the statute and the regulations. Their contention simply ignores the key words in the first sentence which show that the unlawful conduct referred to is the use of federal office for political purposes. This argument is as unsupported as it is inaccurate.

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[3] Both Senate and House of Representative Judiciary Committees agreed that sec. 4(d) of the APA was intended to insure that interested persons had access to the administrative agencies. The reports of these committees make it clear that an agency must receive petitions and give them a bona fide consideration. However, it is equally clear that the agency is under no obligation "to grant a petition, or to hold a hearing, or engage in any other public rulemaking proceedings. The refusal of an agency to grant the petition or to hold rulemaking proceedings, therefore, would not per se be subject to judicial reversal." S. Rept. No. 752 contained in S. Doc. No. 248: Administrative Procedure Act, Legislative History, 201 (prepared by Senator McCarran, 79th Cong., 2d sess., U.S. Printing Office, 1946). For the House Judiciary report see H. Rept. No. 1980 contained in S. Doc. No. 248, supra, at 260.

[4] The lack of judicial review concerning an agency refusal to issue a declaratory order under sec. 5(d) of the APA is readily apparent. Both the Senate and House Judiciary Committees agreed that "agencies are not required to issue declaratory orders merely because request is made therefor." S. Doc. No. 248, supra, at 204, 263. Furthermore, matters involving the selection or tenure of Federal officers or employees are excluded from the provisions of sec. 5 so that a declaratory order would not be appropriate. APA § 5(a). For this reason sec. 5(d) need not be considered any further.

2. The legislative history does not support plaintiffs' interpretation of section 16

Section 16 of the Hatch Act was born in an amendment introduced from the floor of the Senate by Senator BYRD of Virginia after consultation with Senator Hatch, during the 1940 debates on extension of the Act. Senator Hatch stated, in support of the amendment: "Inasmuch as the amendment which the Senator now offers merely restores to the Civil Service Commission the power which it had and which it exercised before the passage of the [original] Act last year, I thought it was wise to give general authority to meet local or domestic situations." (86 CONGRESSIONAL RECORD 2977.)

Senator Hatch was referring to authority which the Civil Service Commission had exercised prior to the Hatch Act, to waive the provisions of Civil Service Rule I, which prohibited employees in the competitive civil service from participating in political management or political campaigns. This principle had been established by President Theodore Roosevelt in Executive Order No. 642 of June 3, 1907 (exhibit B, p. 1, not printed in the RECORD), from which Civil Service Rule I was derived. By subsequent Executive Orders issued by Presidents Taft, Wilson, Coolidge and Hoover, the waiver was extended to various communities in Maryland and Virginia near the National Capital. All such waivers, however, incorporated a prohibition against participation in general partisan politics (see Ex. Orders 1472, 1930, 4048, 5627 (exhibit B, pp. 3–7, not printed in the RECORD)).

In Executive Order No. 4048 of July 12, 1927, the President granted to the Civil Service Commission authority to extend the waiver to other incorporated municipalities, subject to the prohibition against partisan politics.

When the Hatch Act was passed in 1939, however, these executive orders and the authority of the Commission were, in effect, overruled by the flat prohibition in the second sentence of section 9. As Senator Hatch indicated, the purpose of section 16 was to correct this situation and to restore to Federal civil servants residing in the Capital area their pre-1939 privilege of participating in non-partisan local politics. Significantly, two amendments which would have permitted Federal employees to participate in local politics on a partisan basis were defeated in the House at the time that the 1940 additions to the act were under consideration. (86 CONGRESSIONAL RECORD 9460, 9462.)

Immediately after the passage of section 16, the Commission adopted regulations implementing it. Those regulations incorporated the principle which had prevailed before the Hatch Act: Participation in local politics by Federal employees had to be nonpartisan (Exhibit B, p. 10, not printed in the RECORD). This principle, restated in 1943 in the Commission's pamphlet on political activities (Exhibit B, p. 14, 18, not printed in the RECORD), and never departed from, is now embodied in the regulations currently under attack.

The correctness of the Commission's interpretation of the statute is thus supported by the purpose of section 16 to restore the pre-1939 practice, by the history of that practice, and by the Commission's uniform and unmodified application of the non-partisan requirement in all instances. Indeed, the Commission's contemporaneous construction of the statute, which has never been effectively modified by the Congress, is an independent ground for sustaining the Commission's interpretation, as embodied in its regulations. *Udall* v. *Tallman*, 380 U.S. 1, 16; *Power Reactor Co.* v. *Electricians*, 367 U.S. 396, 408; *Norwegian Nitrogen Co.* v. *United States*, 288 U.S. 294, 315.

Plaintiffs attempt to support their view with certain remarks made by Senator BYRD during debate in a later Congress on H.R. 1243, 81st Cong., 1st Sess., which would have permitted partisan political activity at the local level. The bill passed both houses but was vetoed by President Truman on the grounds, inter alia, that in states where local branches are required to support the state and national tickets, i.e., party plan states, the principles of the Hatch Act would be violated. 96 CONGRESSIONAL RECORD 9604. Congress did not override the President's veto.

This "legislative history" can hardly serve as evidence of the meaning of section 16. As the Supreme Court recently held in a similar situation involving a veto of an alleged "clarifying amendment," "the abortive action of the subsequent Congress would not supplant the contemporaneous intent of the Congress which enacted the * * * Act." *Waterman S.S. Corp.* v. *United States*, 381 U.S. 252, 269 (citing *Fogarty* v. *United States*, 340 U.S. 8, 14; *United States* v. *Wise*, 370 U.S. 405, 411). Obviously, "the views of a subsequent Congress form a hazardous basis for inferring the intent of an earlier one." *United States* v. *Price*, 361 U.S. 304, 313; *United States* v. *Philadelphia Bank*, 374 U.S. 321, 348–349.

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4. Section 16 does not require any formal findings or determination by the Civil Service Commission

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Plaintiffs correctly concede (Brief, p. 18) that there is no constitutional requirement that rules be accompanied by findings, citing *Pacific States Box and Basket Co.* v. *White*, 296 U.S. 176, 185. Since their contention that the Commission should have made findings lacks both statutory and constitutional support, their argument collapses.

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"Another Congress may determine that, on the whole, limitations on active political management by federal personnel are unwise. The teaching of experience has evidently led Congress to enact the Hatch Act provisions. To declare that the present supposed evils of political activity are beyond the power of Congress to redress would leave the nation impotent to deal with what many sincere men believe is a material threat to the democratic system. Congress is not politically naive or regardless of public welfare or that of the employees. It leaves untouched full participation by employees in political decisions at the ballot box and forbids only the partisan activity of federal personnel deemed offensive to efficiency. With that limitation only, employees may make their contributions to public affairs or protect their own interests, as before the passage of the Act."

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To recognize the reasonableness of the Commission's decision to permit only nonpartisan local political activity, one need only consider the problems at which the Hatch Act was aimed and the realities of parties politics as currently practiced in the United States. Party politics are not conducted in separately sealed compartments neatly labelled "local," "State," and "national." Political organizations grow from the grassroots in the precincts to the great quadrennial nominating conventions. The integrated nature of party organization is most strikingly reflected right in the name of the plaintiff political association: the "Democratic State Central Committee for Montgomery County, Md." Party workers are constantly exhorted and continuously tempted to join in putting over their party's ticket at every level of government. From the candidates' teas before the primaries to the poll watchers' coffee, on election day, the politics of community, State and Nation are inextricably linked. Local politics are the ladder which our national leaders must climb. This is both a political and an economic necessity of the party system, as any American who has ever answered a political canvasser's knock at his door can testify. Were it otherwise plaintiffs would not be here, for they could easily organize an independent "Democratic" or "Republican" party whose interest stopped at the county line.

It is the integrated aspect of party politics which poses the great danger and the great temptation to the integrity of the government worker. First, there is the possibility that the national political party controlling the Federal Government—be it Democrat, Republican, Whig, or Federalist—might coerce Federal employees to work for that party and its local affiliates. Such things are not unknown in American history. By barring any partisan political activity, the Commission protects the Federal employee from this possibility while providing his community with a method by which he may participate in its affairs.

Second, career civil servants must serve with equal devotion successive department heads with different views and political affiliations. If a federal employee campaigned, even at the local level, for one national party, it could inhibit his best efforts for an administration controlled by another party, thus harming the efficiency of the executive civil service. Such a danger is avoided by a clean and clear restriction to local, nonpartisan activity, independent of any national and state affiliation.

Third, the Civil Service as an institution could be completely demoralized by the spectre of politically-linked advancement—assignment or promotion directly or indirectly influenced by support of the department head's political party. But the Commission's retention of section 9's ban on partisan politics reenforces the statute's prohibition of such conduct by making it impossible for any employee to render such support.

Thus the classification between partisan and non-partisan local politics rests on a completely rational basis—a basis in which the federal employee, the executive civil service and the nation at large have a vital stake.

It may well be that there are valid competing interests represented by political groups such as plaintiffs', which would justify application of the Hatch Act on terms of all or nothing. But the needs of communities heavily populated by government workers also must be weighed, and into the balance must be thrown the values to the nation of a non-partisan career civil service. The balancing of these interests has been committed to the political branches of our government, and by them under section 16 of the Act, to the Commission. The latter's decision in favor of a continued non-partisanship represents a reasonable classification. That is all that the constitution requires. *Detroit Bank* v. *United States,* 317 U.S. 329, 337–338 (1943); *Sunshine Coal Co.* v. *Adkins,* 310 U.S. 381, 401 (1940); *Currin* v. *Wallace,* 306 U.S. 1, 14 (1939); *Steward Machine Co.* v. *Davis,* 301 U.S. 548, 584–585 (1937).

C. Section 16 of the Hatch Act is Not Unconstitutional

The arguments set forth above also demonstrate the constitutionality of section 16, under which the regulations under attack were issued. As the Supreme Court recently held in *Communist Party* v. *Control Board,* 367 U.S. 1, 97 (1961): "Especially where Congress, in seeking to reconcile competing and urgently demanding values within our social institutions, legislates not to prohibit individuals from organizing for the effectuation of ends found to be menacing to the very existence of those institutions, but only to prescribe the conditions under which such organization is permitted, the legislative determination must be respected. *United Public Workers* v. *Mitchell,* 330 U.S. 75."

These considerations, taken in the light of the decision in *United Public Workers* v. *Mitchell,* 330 U.S. 75, and the history, purpose and necessity for the Hatch Act, clearly demonstrate the constitutionality of section 16. Every President since William Howard Taft has concluded that government employees in the National Capital area should be permitted to participate in the politics of their local communities—but only on a non-partisan basis. Surely such an honored tradition is consistent with the Constitution. If the federal employee is to become a participant in partisan politics at any level, it is for Congress to make the decision.[5]

CONCLUSION

For the foregoing reasons defendants' motion to dismiss, or in the alternative, cross-motion for summary judgment should be granted.

Respectfully submitted.

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APPENDIX

1. The Hatch Act, 53 Stat. 1148, as amended July 19, 1940, 54 Stat. 767; 5 U.S.C. §§ 118i, 118m, and 118n (1950) provides in pertinent part as follows:

" § 118i. Executive employees; use of official authority political activity; penalties; reports to Congress:

"(a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. * * *

* * * * * *

"§ 118m. Political campaigns in localities where majority of voters are Government employees:

"Whenever the U.S. Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this subchapter are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

* * * * *

"§ 118n. Elections not specifically identified with National or State issues or political parties:

"Nothing in the second sentence of section 118i(a) or in the second sentence of section 118k(a) of this title shall be construed to prevent or prohibit any person subject to the provisions of this Act from engaging in any political activity (1) in connection with any election and the preceding campaign if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected, or (2) in connection with any question which is not specifically identified with any National or State political party. For the purposes of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, shall not be deemed to be specifically identified with any National or State political party."

2. The Civil Service Commission Regulations, 5 C.F.R. § 733.301 (1964) provides in pertinent part as follows:

"§ 733.301 Grant of privilege to residents of certain localities.

"(a) Under section 16 of the Act the Commission has excepted employee residents of certain municipalities and political subdivisions from the prohibitions of section 9 of the Act, subject to the following conditions:

"(1) An employee shall not neglect his official duties or engage in nonlocal partisan political activities.

"(2) An employee shall not run for local office as a candidate representing a political party or become involved in political management in connection with the campaign of a party candidate for office.

"(3) An employee who is a candidate for local elective office shall run as an independent candidate.

* * * * *

"(b) The exceptions referred to in paragraph (a) of this section are effective for employee residents in each municipality and political subdivision named in this paragraph from and after the date specified.

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[5] Plaintiffs contend that several recent Supreme Court cases impair the validity of *Mitchell's* holding that the Hatch Act is a reasonable and constitutional limitation on the rights of federal employees. The first case cited by plaintiffs, *Wood* v. *Georgia,* 370 U.S. 375 (1962) at page 14, n.10 of plaintiffs' brief, involved a state court conviction of an elected sheriff for alleged contempt of court. In reversing the conviction the Supreme Court expressly reaffirmed the validity of *Mitchell* as follows (370 U.S. at 395):

"Petitioner was not a civil servant, but an elected official, and hence this case is not like *United Public Workers* v. *Mitchell,* 330 U.S. 75, in which this Court held that Congress has the power to circumscribe the political activities of federal employees in the career public service."

Plaintiffs cite two other cases where the Supreme Court reversed various state actions; however, the grounds for reversal in both cases were that the state or local action bore no reasonable connection to the valid purposes for which the action was taken. *Gibson* v. *Florida Legislative Investigation Committee,* 372 U.S. 539 (1963); *Bates* v. *Little Rock,* 361 U.S. 516 (1960). That is not the case here.

"In Maryland

* * * * *

"Montgomery County (Apr. 30, 1964). (1965 Supp.)"

This is the interpretation of the Justice Department in support of the wisdom of the Civil Service Commission in denying the request to permit Federal employee activities in partisan political elections.

Mr. WHITENER. In that case, the Justice Department supported the Civil Service Commission.

Mr. NELSEN. The gentleman is exactly correct.

SUMMARY OF DEPARTMENT OF JUSTICE BRIEF CONCERNING SUIT PENDING IN U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND (CIVIL ACTION NO. 16460) RELATING TO THE HATCH ACT

FACTS

The U.S. Civil Service Commission has granted to Montgomery County, Md. residents an exemption to section 16 of the Hatch Act to engage in nonpartisan political activities or to become independent or nonpartisan candidates for office. The Civil Service Commission has uniformly, and without exception, restricted such exemptions to independent nonpartiasn activities of a purely local nature. The code of Federal regulations—5 C.F.R. 733.301(a)—provides in effect: First, that an employee shall not engage in local partisan political activities; second, that employees may not run as a candidate for a political party or become involved in political management in connection with the campaign of a party candidate; third, that an employee who is a candidate for local elective office shall run as an independent.

Early in 1964 parties in Montgomery County filed requests with the Civil Service Commission for an exemption for Federal employees residing in that county to participate in local partisan elections and become partisan candidates. The Commission denied the requests.

In March 1965 parties petitioned the Civil Service Commission to hold a further hearing to review the denied requests. The Commission denied this request. In April 1965 the parties filed a petition for reconsideration which petition was denied by the Commission. Thereafter the parties filed suit in the U.S. District Court for the District of Maryland attacking the action of the Civil Service Commission and the constitutionality of the prohibition against engaging in partisan politics.

LEGISLATIVE HISTORY

Section 16 of the Hatch Act was born in an amendment introduced from the floor of the Senate by Senator BYRD of Virginia, after consultation with Senator Hatch, during the 1940 debates on extension of the act. Senator Hatch stated, in support of the amendment:

> Inasmuch as the amendment which the Senator now offers merely restores to the Civil Service Commission the power which it had and which it exercised before the passage of the (original) act last year, I thought it was wise to give general authority to meet local or domestic situation (86 CONGRESSIONAL RECORD 2977).

Senator Hatch was referring to authority which the Civil Service Commission had exercised prior to the Hatch Act, to waive the provisions of Civil Service rule I, which prohibited employees in the competitive civil service from participating in political management of political campaigns. This principle had been established by President Theodore Roosevelt, in Executive Order No. 642, of June 3, 1907, from which Civil Service rule I was derived. By subsequent Executive orders issued by Presidents Taft, Wilson, Coolidge, and Hoover, the waiver was extended to various communities in Maryland and Virginia near the National Capital. All such waivers, however, incorporated a prohibition against participation in general partisan politics.

In Executive Order 4048 of July 12, 1927, the President granted to the Civil Service Commission authority to extend the waiver to other incorporated municipalities, subject to the prohibition against partisan politics.

In the 81st Congress an amendment was introduced to the Hatch Act which would have permitted partisan political activity at the local level. The bill was vetoed by President Truman. President Truman, in his veto message, observed that in States where local branches of political parties are required to support State and National tickets, the principles of the Hatch Act would be violated. The historic application of the principle of Federal employees in participating in partisan political campaigns has not been changed by the Commission nor by the Congress to this date.

JUSTICE DEPARTMENT DEFENSE OF THE HATCH ACT

The brief filed by the Justice Department in defense of the action of the Civil Service Commission in denying local partisan participation by Federal employees clearly supports the position of those opposing the provision in the home rule bill which would exempt, for the first time, Federal employees from the provisions of the Hatch Act so as to permit partisan participation in elections.

In the brief at the bottom of page 25, the Justice Department states that the Supreme Court has held that complete prohibition of political participation does not violate employees' rights and, therefore, there is no question as to the right of the Commission, under the Hatch Act, to limit its exemptions to nonpartisan activity. "The immunization of executive employees from partisan politics is a rational requirement which is more than justified by the vital public interest in the integrity of the career civil service."

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. NELSEN. Ladies and gentleman of the Committee, I have had some experience with respect to what happens in Government. I was the Administrator of the Rural Electrification Administration from 1953 to 1956. I have never known a more dedicated group of people or a finer agency, and not one of those people was ever approached by me for political contributions.

Since that time a change has come. Even under the law, which is supposed to make the career civil service sacrosanct from solicitation, pocket picking, and arm twisting for campaign funds is rife throughout the Government. The situation is incredibly serious. Intimidation is rife and morale is very low.

I have been called off of this floor, back to the retiring room, back among the statutes, to be told by my old employees of the incredible problems which exist at the present time. Employees of the agency which I headed have been called up to the Administrator's level, and funds have been boldly solicited for dinner tickets, at $100 a piece, $50 down and $10 a month. Many of those people bought tickets, because they were fearful of losing their jobs if they did not.

These things have been reported. They have been investigated and substantiated by the FBI, by the Justice Department, and by the Civil Service Commission, and nothing has been done. Prosecutions have not been undertaken.

Are we in this Congress going to sit here and, under the guise of home rule, pass a bill which will put the stamp of congressional approval on more of the same? If we do that we will not be passing a bill for home rule. We will only be passing a bill to give the politicians the pocketbooks of the Federal employees.

All we will be doing is opening the door for the destruction of a civil service system which we all understand must be maintained if the integrity of the Federal Service is to continue.

I feel this would be a tragic thing. I have appealed time after time to the authorities to properly and forcefully insure the application of the Hatch Act. We must not permit activities in partisan elections, as this bill would do.

I can only suspect that the proponents of this bill see a golden harvest from the pockets of the Federal employees.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Michigan.

Mr. GRIFFIN. I rise to commend the gentleman for the great work he has done and the perseverance he has evidenced in this field. He is doing a great service for all Federal employees.

I should like to focus attention on another closely related aspect of this. An article appeared in the Saturday Washington Star, written by Walter Pincus, who I believe is a competent and reliable reporter, who points out that under these bills apparently there is no prohibition against corporations or labor unions making contributions to candidates running for office in the elections. Can the gentleman tell me whether or not that statement is correct as he understands the bill?

Mr. NELSEN. As the gentleman says, I regard the reporter who wrote the article to be a very reliable reporter who researches the statements he makes. I have found him to be accurate in all instances.

At this point in the RECORD, I will include the article to which the gentleman alludes:

MONEY AND POLITICS—HOME RULE BILL LOOPHOLE

(By Walter Pincus)

The District of Columbia home rule bill—as now written—contains no provisions to govern campaign financing of the elections for mayor, city council, and board of education set up by the measure.

Without specific legislative language to cover the new elective situations, District election officials believe these candidates may not be legally bound by any District campaign fund statutes now on the books.

If that is the case, District mayorality candidates in 1966, for example, would not have to publicly report their contributions and expenditures, could receive unlimited funds from any sources—including corporations and unions—and could spend any amount on the campaign they could afford.

Even if the District statute were applicable, information filed would be useless for the 1966 voter since the reports are not required until 10 days after the election.

COULD BE COSTLY

In a sharply contested election with the District of Columbia City Hall at stake, campaigns could become costly and their financing could be an important issue.

Last year's Democratic primary provided an insight into what may be ahead. Prior to that election, there were allegations made that the Convention Democrats' slate was being financed by the late Frank Luchs of the real estate firm of Shannon & Luchs. Convention Democrats' officials—and Luchs—denied the allegations.

It was only after the election, when the reports showing a $12,000 deficit were filed, that the extent of Luchs' role became apparent. Some bills are still outstanding.

The 1964 primary campaign reports show another potential District of Columbia election financing problem. Two Democratic States received money from District business firms—particularly liquor stores. For example, according to the filed reports the Convention Democrats received $100 from Sheriff Liquors, Inc., and the Dedmon-Gerr slate got $25 from Epstein Liquors and $25 from Kojak Liquors.

The International Electrical Workers Union was listed as giving $150 to the winning United Democrats for the Johnson slate while the Dedmon group reported $50 from the Journeyman Barber Union.

Federal election laws prohibit unions and corporations from contributing to Federal elections—prohibitions that would apply to the District delegate candidates. But under present and proposed District law, such contributions would be legal in the District of Columbia mayor's race for example.

ISSUE NEVER RAISED

Apparently the question of campaign finance regulations for the home rule bill has never been brought up during Capitol Hill consideration of the measure.

The Board of Elections, which was established by the District Primary Act, has not discussed the matter either.

"You would think the Nation's Capital would be a model for this sort of thing," a District of Columbia official said yesterday.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. NELSEN. Mr. Chairman, I might point out the parade of bills that has been introduced relative to home rule. I doubt very much that many of us know what is exactly in them. I might add also that I have an amendment prepared for the bill that hopefully will take care of the point the gentleman from Michigan alluded to.

Mr. GRIFFIN. I will say if the gentleman's amendment does not cover it, then I have an amendment which will.

Mr. NELSEN. Thank you.

Mr. MULTER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. NIX].

Mr. NIX. Mr. Chairman, home rule for the District of Columbia raises the problem of the Hatch Act. This act prohibits Federal employees in the executive branch from taking an active part in political affairs.

Federal employees constitute from 10 to 15 percent of the District's population and about 20 percent of District residents who are 18 or over. The number of Federal employees in relation to eligible electors is possibly as high as 35 percent.

To foreclose these people from participation in the political affairs of the District is to deny the District the benefit of the wisdom and experience of, probably, its most sophisticated political element. This just does not make any sense.

The home rule bill before us recognizes the problem by permitting Federal employees to engage in political activity in connection with elections for District Mayor and District Council. Stated simply this home rule bill permits Federal employees living in the District to engage in political activity in connection with elections for local officials held under the bill.

Let there be no mistake—these employees still continue under the restraint of the Hatch Act in connection with elections for President, Vice President, and Delegate to Congress for membership in the Democratic or Republican Party, District central committees, and for delegates to the convention of these parties. Since election to these offices is not held under the home rule bill, it comes within the restraint of the Hatch Act.

Under the home rule bill, members of the Board of Education are required to be nonpartisan. Elections for this office are exempt from the Hatch Act which by its terms excludes nonpartisan elections. That act exempts election of candidates who do not represent a party whose presidential elector candidates received votes in the last preceding election for presidential electors.

Referendums on the adoption of the home rule bill or on bond issues under the bill are exempt. This is true also under section 18 of the Hatch Act, which excepts constitutional amendments, referendums and approval of municipal ordinances.

Federal employees continue under Hatch Act restraint to refrain from using their official authority to interfere with an election or to effect its result. They also continue to be subject to the penalties of the Criminal Code with reference to such political activity as solicitation of political contributions in Federal buildings or from any person receiving funds appropriated by the Congress for relief or for solicitation of anything of value for personal reward or as a political contribution in return for the promise to use influence to secure an appointive office—to mention but a few.

District government employees also are prohibited from using their authority to interfere with an election or to effect its results and also are subject to all the penalties of the criminal code in respect to prohibited political activity.

Why is it necessary to exempt elections held under the home rule bill from the Hatch Act? Section 16 of the Hatch Act confers authority on the Civil Service Commission to allow Federal employees to engage in political activity when it is in the domestic interest of such employees or under certain unusual circumstances. It may and does allow them to engage in such activity in the immediate vicinity of the National Capital, in Maryland, Virginia, or in municipalities where the majority of the voters are Federal employees. The Commission is also authorized to regulate the extent to which Federal employees may take part in such political activity.

The Commission has extended these privileges to 40 communities in the Maryland suburbs of Washington and to 9 communities in the Virginia suburbs. Similar privileges have been extended to nine other cities in Washington, California, Georgia, Arizona, and Tennessee. It has, however, prescribed limits on the use of this privilege.

For example, a Federal employee may run as an independent candidate where permitted by State law even though he is the candidate of a permanent political organization and he may do so in partisan elections where the Republicans and Democrats likewise file a slate of candidates. The candidate is independent so long as no name like Democratic or Republican is attached to his group and it is not connected with a State or National party. Such group as Arlingtonian's for a Better County—ABC's—is an example of this.

In any event, present law operating under the exception to the Hatch Act and through the Commission recognizes the need for an escape under certain circumstances from the flat prohibition of the Hatch Act. It should be remembered that this escape mechanism was enacted a quarter of a century ago when possible home rule for the District was not taken into account. The Congress then failed to give the Commission the authority to extend the same relief to Federal employees residing in the District that it authorized for them in nearby Maryland and Virginia.

To meet this problem, section 810(c) was written into the home rule bill. It extends the same privileges of political activity to the District which are extended to Maryland and Virginia suburbs under section 16 of the Hatch Act.

It differs from section 16 in two ways. First, Congress rather than the Commission, makes the decision to extend the privilege of political activity. Second, it does not limit political activity to campaigns for independent candidates. This second difference is not really a difference. For section 16 of the Hatch Act does not by its terms apply only to independent and nonpartisan candidates. The limitation in that respect is imposed by Commission regulation.

In any event the home rule bill allows political participation in partisan District elections and even provides for minority representation on the District Council. In this respect the home rule bill applies the section 16 principle to Federal employees in the District.

Once before when Congress was confronted with a similar problem, it made the same determination that is made by the home rule bill. In that instance, the Congress wrote into the Hatch Act an exemption in favor of Alaska railroad employees residing in communities along the line of the railroad in respect to political activity. A similar exemption is contained in the home rule bill in favor of Federal employees residing in the District.

The problem of political activity by Federal employees in the District represents the unusual circumstances contemplated in the Hatch Act to warrant exemption from its restraint. Under these circumstances, it would appear to be perfectly reasonable to allow Federal employees residing in the District to participate in political activity in connection with elections held under the District home rule bill.

Mr. DON H. CLAUSEN. Mr. Chairman will the gentleman yield?

Mr. NIX. I yield, briefly.

Mr. DON H. CLAUSEN. I should like to ask a question. The gentleman made the point that the school board was going to be elected on a nonpartisan basis. Why would it not be a good idea to have the local elective body for the city of Washington itself elected on a nonpartisan basis?

Mr. NIX. I answer the gentleman in this way. It might be a good idea; many other suggestions might be good ideas. But this, I take it, has been deemed to be the best idea by those who formulated this legislation.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, there has been a lot of discussion on home rule since I have been a Member of Congress. Heretofore I have taken the position—and it is still my position—that the people of the District are entitled to govern themselves. However, that is limited in the Constitution which says that the Congress shall have exclusive jurisdiction over the 10-mile area that was ceded by Maryland and Virginia to the Federal Government. That gave Congress exclusive jurisdiction and, whether we like it or not, we in Congress are stuck with it until the people change the Constitution. If one studies this a little further, one will find that any action that has ever been taken by Congress in this regard has been a delegation of authority from Congress, and that delegation of authority has existed in various forms throughout the history of this Nation.

Now, Mr. Chairman, in effect, what we would do in any delegation of authority is to give a revocable proxy.

Mr. Chairman, when one studies the proposals that are submitted here—and I studied them and I arrived at the conclusion that to enfranchise the people of this District for the right to govern themselves, we would disenfranchise all of the balance of the people of the United States as this relates to the money in the Treasury of the United States.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. Let me finish and then I shall be glad to yield to the gentleman from New York.

If one will examine the original bill that was in the discharge petition, H.R. 4644, one will find that under the procedure provided for in this formula, and once the General Services Administration and the mayor and city council that is being created have arrived at the amount of money they wanted, all they had to do was to go down here to the Treasury of the United States and the Treasury was obligated to pay it.

Now, Mr. Chairman, that disenfranchised the rest of the people of this country.

When the other body considered S. 1118, they made certain amendments that improved the proposal. They required the mayor and the administrator to make a reasonable and fair assessment. This is the only control before the mayor would go to the Treasury of the United States to get the money for the District.

Mr. Chairman, there is no telling under the original bill, H.R. 4644, what amount of money they would have available and that could be pulled out of the Treasury of the United States.

For that reason, Mr. Chairman, I did not sign the discharge petition.

Now, when the bill was approved in the other body, they improved it to some extent. They at least said that the General Services Administration and the mayor should have a reasonable and fair valuation upon the property that they proposed to assess. But now what happens in the so-called substitute, H.R. 11218? You have the same formula and by the words and the conditions set forth in part IV you authorize—now, Congress, mind you, has passed to and given authority to the General Services Administration and the mayor the right to make a determination. Once having made that determination and certifying it to Congress, that constitutes legislation authorizing an appropriation for the amount to which they agree.

Mr. Chairman, how much authority must we give if people are to have home rule in the District of Columbia?

Now let us go one step further. I mentioned the formula and they have at least four different parts which the gentleman from Virginia [Mr. SMITH] has explained.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

The formula is to real estate, one is to personal property, and the other is the fraction arrived at by the number of Government employees employed in the District of Columbia as compared with private employees. That is the formula that is used to arrive at the assessed valuation.

So what happens, and how is it used? We give to the city council and the mayor the right to prepare a budget; we also give to them the right to issue bonds without any election from the people of the District of Columbia up to 2 percent of the valuation. Can anybody tell me how much they are authorized to issue under that 2-percent valuation?

The other part of the legislation which is obnoxious and not according to regular form is that once the budget has been determined, and the amount of money needed for the District determined, if the city council so determines they may without any action whatsoever increase that at least 5 percent. You have a proposed budget of approximately $331 million for the fiscal year 1966. If you take 5 percent of that then you permit the city council to issue short-term notes to the tune of $15 million without any reference to the people whatsoever.

The additional point I want to make is that nobody can tell you under this formula what they are going to come up with as to valuation. How can you say what is 2 percent of the assessed valuation, and how can you say what is 5 percent of the amount of the budget which they may have prepared? Those are authorities given to the council which could very easily within a short period of time permit the council to issue short-term notes and bonds and I would anticipate of not less than $50 million.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. The gentleman is a very distinguished constitutional lawyer. Does the gentleman think under our constitutional responsibilities we can delegate these things to a self-government, and do so constitutionally?

Mr. ROGERS of Colorado. We have an opinion on that.

Mr. RIVERS of South Carolina. I am coming to that. The gentleman has said we accept this responsibility whether we like it or not.

Mr. ROGERS of Colorado. Yes.

Mr. RIVERS of South Carolina. Does the gentleman think we can delegate that responsibility?

Mr. ROGERS of Colorado. We can delegate a certain amount of it, but whatever we delegate we should not delegate it so as to knock a hole in the Treasury of the United States and receive the money without Congress acting.

Mr. RIVERS of South Carolina. An unconstitutional responsibility, and in violation of the responsibility we owe to the rest of the people of America by way of referendums.

Mr. ROGERS of Colorado. Yes.

Mr. RIVERS of South Carolina. Does the gentleman agree with the decision of the Attorney General of the United States on the constitutionality of this matter?

Mr. ROGERS of Colorado. I will have to say I have not had an opportunity to fully examine it. I agree that we as a Congress have the authority to make certain delegations. In other words, we have a right to give a proxy, a revocable proxy.

Mr. RIVERS of South Carolina. You cannot revoke it and therefore, you cannot, from what you know about the decision of this Attorney General at this point, agree with him; can you?

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentlewoman from New York.

Mrs. KELLY. I want to take this opportunity to associate myself with the remarks of the gentleman from Colorado and would like to ask him a question that I think is quite pertinent in view of the discussion that has taken place here. Is it possible that this formula, since so many have disagreed with it, be stricken from the bill and that the elected officials be given the authority to submit a budgetary estimate of the needs for running the District of Columbia and to submit that report to the proper committee of the House of Representatives for an authorization and an appropriation.

Mr. ROGERS of Colorado. The answer to the gentlewoman's question is—Yes, we could. I think if people are really interested in home rule rather than taking money from the Treasury of the United States, they will agree to strike titles VI and VII from this bill.

Mrs. KELLY. In further reference to a statement made by a Member of the House who spoke previously, do you agree with me that the question before the House today is not one of not trusting the elected officials but a question of making sure that those officials who are elected have the proper formula and the proper means to operate the government of the District of Columbia?

Mr. ROGERS of Colorado. The question is how to grant the people in the District of Columbia legislation to govern themselves. We should not approve a formula that permits any government to take money from the Treasury without an act of Congress.

Mrs. KELLY. Is it not true then that the answer given by one of the authors or sponsors of this bill in reply to the question raised by the gentleman from Michigan [Mr. GERALD R. FORD] in regard to the language of the bill to be found on page 58, lines 20 to 24—the answer given by the committee and by the authors of the bill is correct, and it is not contradictory to the previous remarks made with reference to title VII of the bill on page 55 so far as real property is concerned and on the following page so far as personal property is concerned.

Mr. ROGERS of Colorado. May I say, it may be contradictory but we should not give authority to the District authorizing appropriation. Congress alone should grant that right.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. MULTER. Did I understand the gentleman to say when the other body passed the bill, S. 1118, they had amended it so as to satisfy the gentleman as to the formula?

Mr. ROGERS of Colorado. No. I said they had improved it because you see in your original bill, H.R. 4644, you made no requirement as to what is to be considered reasonable or fair. The other body at least said that the evaluation should be reasonable and fair.

Mr. MULTER. Does that satisfy you?

Mr. ROGERS of Colorado. No, it does not and because of this simple reason—I do not believe that the formula you have developed here should be saddled on the people by an authorization for an appropriation without the permission of Congress. I will say to the gentleman again, if those who are interested in home rule rather than in getting money out of the Treasury of the United States, then you just strike these two sections out and see how fast it is approved.

Mr. MULTER. Then does the gentleman agree with the principle that this Congress has laid down time and time again that the District of Columbia cannot survive unless the Treasury of the United States makes appropriations out of the Treasury funds to the District of Columbia so as to help maintain the District?

Mr. ROGERS of Colorado. I have no quarrel with the proposition that the Congress of the United States should be the one to make the determination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MULTER. Mr. Chairman, I yield 1 additional minute to the gentleman from Colorado.

The principle has been laid down time after time—this year to the extent of $50 million—that the U.S. Treasury must supplement the income of the District government if it is to finance itself. That is the principle that has been laid down time and time again. Does the gentleman subscribe to that principle?

Mr. ROGERS of Colorado. From time to time, by the working of our will in the Congress, we have made the determination of what we would appropriate to the District of Columbia to help them out.

Incidentally, that assistance is not extended to my area. If it were, I am sure that the council and the mayor would soon find that the valuation of the Denver Mint, the Federal Reserve Building, the Post Office, the two big office buildings, the Air Force Finance Center, and Lowry Air Force Base would certainly be in excess of $100 million, and if the 67 mill rate were applied to that evaluation, the gentleman would see how much Denver would get.

Mr. MULTER. Have the people in the gentleman's district complained about the $50 million that we have authorized and appropriated for the District of Columbia this year out of the U.S. Treasury, which would be the funds of the taxpayers in your district as well as the funds of the taxpayers of New York?

Mr. ROGERS of Colorado. In 1953, I tried to get about $8,000 or $9,000 in connection with a road which the city and county of Denver built around Lowry Air Force Base. The Air Force said, "We cannot pay it because we have no authority to do so." So I introduced a little old bill, and being on the Judiciary Committee, and talking long, loud, and fast, before the session was over, I was able to get it through.

President Eisenhower went to Denver and had his summer headquarters at Lowry Air Force Base. While there he vetoed the bill that would pay the Government part of improving its street. The reason given was that no city should assess the Federal Government.

Mr. MULTER. That is completely beside the point. The taxpayers of the United States are paying the District this money every year.

Mr. ROGERS of Colorado. I must disagree with the gentleman. It does not beg the question. After all, I have one point of view; you have another.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from New York yield 1 minute to the gentleman from Colorado so I might ask him a question on a comment which he made during his discussion?

Mr. MULTER. I am happy to do so.

Mr. GERALD R. FORD. In the comment made by the gentleman from Colorado, he mentioned a 2-percent, short-term bonding provision.

Mr. ROGERS of Colorado. Yes.

Mr. GERALD R. FORD. Would that 2 percent be 2 percent per year cumulative? What is the restriction, if any?

Mr. ROGERS of Colorado. I direct attention to page 36, line 12, of the bill. First, there is the formula in section 741 of the bill. That section brings in this formula. Already they have it up to in excess of $1 billion.

On page 33, line 14, the following provision appears:

> Bonds or other evidences of indebtedness may be issued by the District pursuant to an act of the Council from time to time in amounts in the aggregate at any time outstanding not exceeding 2 per centum of said assessed value—

Mr. GERALD R. FORD. I read that provision. That is 2 percent aggregate, not 2 percent per year.

Mr. ROGERS of Colorado. No. If I said 2 percent a year, then I was in error. The gentleman misunderstood me. What I meant in relation to the short-term provision is clarified on page 43. The gentleman will find that the council may by act authorize the issuance of negotiable notes in an amount not to exceed 5 percent of the total appropriation for the current fiscal year, each of which shall be designated supplemental.

That can be done every year. If there is a budget of $400 million, which they anticipate at least by 1970, that will mean $20 million. Once we permit these things to be issued, you know who is going to pick up the check.

Mr. MULTER. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, I have been a little puzzled by the debate today. I cannot quite understand the opponents of home rule. I have heard all of them, since I have been in this body, make speeches telling us that the Federal

Government was bad and evil, and that State and local governments were good, and that the best government was the government closest to the people, and that we must avoid at all times—I remember these speeches—Federal interference with local schools, with local zoning, and with local problems.

On nearly every bill that comes before us we are told how bad Federal interference is.

Apparently these principles apply in North Carolina, and South Carolina, and apply in Virginia, but they do not apply in the District of Columbia, because here Federal interference is very good, Federal control is very good, and we must have it at all times; and local community control is not good for zoning, dog leashes, and whether one stands up or sits down to drink his beer. That is all very bad.

I remember the remarks of the minority leader. I did not want to ignore him in this little oration. I remember when we tried to enlarge the Rules Committee, when we wanted the 21-day rule, we were told that we did not need these things, that we had democracy, that any time 218 Members wanted to bring up a bill they could sign a discharge petition. Because we had this "out" we were told we did not need to do anything about the Rules Committee.

Now we are told here today that the minority leader cannot possibly vote even to have debate on home rule because this is an irregular and unusual procedure, and this bill ought to come out through the regular processes of the District Committee.

So I was puzzled by those two things. Then I was puzzled today when the gentleman from North Carolina, the very able advocate and my good friend, said we should not be legislating in haste here.

Let me tell you about the haste we have had. We have had so much haste on home rule that while the other body has passed a bill of this kind I believe eight times now in the past 15 years this is the first debate we have ever had on home rule in the House of Representatives in modern times.

Mr. WHITENER. Mr. Chairman, will the gentleman yield at that point?

Mr. UDALL. I yield to the gentleman from North Carolina.

Mr. WHITENER. I am sure the gentleman is speaking in all intentional honesty, but the fact happens to be that in 1948 this House debated this issue for 3 days.

Mr. UDALL. I withdraw my charge. I say it has been 17 years. We have debated this matter one time in 17 years. The gentleman is correct.

Mr. WHITENER. Mr. Chairman, will the gentleman yield again?

Mr. UDALL. Briefly. I had a couple of other friendly observations I wanted to make.

Mr. WHITENER. The gentleman has made some reference to not understanding what is going on. I am sure the gentleman is being entirely too modest, because he is a man of great understanding. I am sure also, distinguished lawyer that he is, that he is familiar with the Constitution. Certainly he would not recommend that any local community be given authority to establish post offices or to declare war or to raise and support armies or to provide and maintain a navy, yet the very section of the Constitution which puts that responsibility upon the Congress in its opening statement says that Congress shall have the power to do these certain acts and among those acts its says "to exercise exclusive legislation in all cases whatsoever, over such District."

Mr. UDALL. The gentleman is using up my time. He knows I do not advocate letting the District of Columbia City Council declare war or establish post offices or anything of that sort, and these bills do not do anything of that sort.

Mr. WHITENER. Will the gentleman permit me to say this——

Mr. UDALL. The gentleman has used almost all of my time.

Mr. WHITENER. I think I can prevail on the gentleman from South Carolina to yield you some more time, because I think you are helping our cause.

Mr. UDALL. That was not my intention, I assure you.

Mr. WHITENER. As I said earlier, the gentleman is a man of good intentions, but the substitute places on this Congress a direct responsibility which the gentleman now advocates we abandon, because he says we shall exercise exclusive jurisdiction over the District of Columbia.

Mr. UDALL. No, not at all. Your committee does not lose one bit of power nor does the Congress. All we say to the local people in this bill is, "friends, you get the first shot to legislate on dog leashes and on schools and do your own local zoning and do what every other community does in your State and in mine. If we do not like it, here in Congress any Monday afternoon we can repeal, revise, or otherwise take care of it."

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. UDALL. The people of the District are getting a very limited, modest, half-loaf kind of home rule. All they are getting is a first shot, some little voice, and some little first shot at what kind of schools they have and how they will handle their own local problems.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to my good friend from California.

Mr. SISK. Mr. Chairman, I appreciate the remarks of the gentleman, but that last statement he made before I asked him to yield was completely in accord with my substitute which I propose to offer tomorrow. I wonder if this is what he proposes to wind up with in his pledge to give the power to the people in the District just like to all of the people across the country and in his State and mine.

Mr. UDALL. The gentleman is known throughout central California as a great optomist and I feel he is that in this case because I support the bipartisan bill the gentleman from New York is going to offer as a substitute.

Mr. SISK. I have been curious to find out just what is in that bill.

Mr. UDALL. Mr. Chairman, I decline to yield further, because I am running out of time. I would like to continue the discussion. Let me continue with one other point here. I think there has been a really serious misunderstanding. A lot of my friends who are sincere say they cannot be for this bill because Washington is a Federal city and belongs to all of the people of the United States and we will give that away in these bills. They are partly right. There are portions that do belong to all of the people and I do not want some city council telling us what goes on in the White House or what goes on in the Capitol, but the point I make is you can separate the parts of Washington as a city which have a national interest and the parts of Washington which do not have a national interest. Congress does have an overriding concern with what goes on in the Capitol and these great Federal buildings, but the voters in Tombstone, Ariz., have no real concern about zoning at 49th and Upshur Street or dog leashes or liquor laws and other things that I have referred to. This bill very carefully lets the people of the District legislate on things that are local and reserves to the Congress and the President the right to legislate on things that have a national interest.

Mr. MULTER. Mr. Chairman, I am going to yield myself 1 minute before moving that the Committee do rise.

Mr. HORTON. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. MULTER. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Chairman, self-government for the citizens of our Nation's Capital has been too long denied and should not be further delayed. In recent years, I have been proud to participate in drafting and enacting legislation to secure for all Americans the fundamental right of full participation in our democratic process. I am proud today to speak in favor of home rule, which extends this right to those citizens who call the District of Columbia their home.

The legislation which is before this House today is the product of months of hard work by the gentleman from Maryland [Mr. MATHIAS], the gentleman from New York [Mr. HORTON], and other leaders in this fight. They have invested a great deal of time and effort, and have succeeded in bringing before us a measure which represents the best attainable form of home rule. I commend them for their dedication and persistence in this cause.

Most Americans take for granted the opportunity to elect municipal officials, to contact their aldermen or councilmen about neighborhood or city problems, and to be represented at city hall by officials who are responsible to the people and responsive to their views. The 800,000 citizens of Washington do not have these privileges. Their city executives today are appointed, and their city council is the Congress of the United States, elected by Americans living in every part of the land except the District of Columbia. There is no public official elected by the people of Washington to whom they can turn. There is no forum in which they can express their needs, and there is no machinery through which they can take part in municipal government. This bill would provide such a forum and such machinery, by establishing in Washington an elected mayor and a city council of 19 members, of whom 14 will be elected in wards and 5 at large.

There is, of course, a unique national interest in the District of Columbia, the District created and maintained as the National Capital and the seat of our Federal Government. This measure, I believe, provides completely adequate safeguards for that unique national interest. In accordance with the Constitution, the Congress will maintain, as it now maintains, ultimate legislative power over the District of Columbia, including the power to amend or repeal any law now in force in the District, or any act passed by the council. In addition, the President will have the power to disapprove any act of the council if he is satisfied that that act adversely affects a Federal interest. The bipartisan bill introduced last week also provides an additional means of Federal oversight, by providing for annual congressional appropriations of the Federal contribution to the District of Columbia budget.

The special need for the protection of public officials and the maintenance of public order in Washington is recognized, too, by provisions authorizing the President to assume command of the police force of the District and to designate additional police when he feels such steps are necessary or appropriate.

This bill also solves the problem of maintaining the integrity of municipal elections in Washington, without depriving qualified citizens of participation in local government simply because they are Federal employees. The requirement that municipal elections shall take place in nonpresidential election years is, I believe, an effective safeguard.

In short, this is a workable bill. It is a necessary bill, for the citizens of Washington should no longer be denied full participation in the governing of their city. The problems of Washington—problems of housing, of schools, of law enforcement, of transportation, of recreation and other public facilities—can best be attacked by elected officials who are familiar with local needs and are responsible to their local constituents. Through self-government, the citizens of the District of Columbia will be able to play, at long last, their full part in making the National Capital the progressive and exciting city it should be. Passage of this bill will reaffirm, finally, the American commitment to the democratic process and to equal rights and equal civic responsibilities for all Americans.

I am proud to support this bill.

Mr. FASCELL. Mr. Chairman, in his book, "The Public Philosophy," which appeared a few years ago, Walter Lippmann analyzed the basic ideas that underlie English and American political institutions. These ideas were embodied in the Magna Carta, the English Bill of Rights, the Declaration of Independence, the Federal Constitution, and our own Bill of Rights.

The ideas set forth in these constituent documents concerning the natural rights of man and the proper conduct of government make up what Lippmann calls the public philosophy.

> It is the soverign principle of the public philosophy—

He says—

> that we live in a rational order in which by sincere inquiry and rational debate we can distinguish the true and the false, the right and the wrong.

One of the cardinal tenets of the public philosophy is the principle of local self-government by the elective process. Inherited from medieval England and incorporated in our State constitutions, this principle is now practiced throughout the United States, except in Washington, D.C.

We know from James Madison's statement on the subject in the Federalist Papers No. 43 that the framers of the American Constitution contemplated that the inhabitants of the Federal City would enjoy local self-government. Writing in 1788 he said:

> A municipal legislature for local purposes, derived from their own suffrage, will of course be allowed them.

Congress carried out the promise of the Founding Fathers and granted local autonomy to the District of Columbia down to 1875. In that year the continuity of the democratic tradition was ruptured and the rupture has not been repaired for 90 years. For nine decades the city of Washington has suffered from the eclipse of this basic principle of the public philosophy.

During the past 20 years there has been a locally inspired effort to revive and restore local self-government in the Nation's Capital City. This effort is based not only on the intrinsic validity of the principle of local autonomy, but also upon awareness that self-rule for the District of Columbia would relieve Congress of an onerous work load. Serious local problems accumulate and remain unsolved because Congress is internally too preoccupied with more urgent matters to function effectively as a city council for Washington. The growing demand for home rule has also been reenforced by a recognition of the vital educative effect on the people of representative local institutions.

This movement has been encouraged by endorsements of the principle of local self-government for the District of Columbia in the national platforms of both political parties, by supporting statements by both Republican and Democratic Presidents, and by the action of the U.S. Senate which six times has passed home rule bills with strong bipartisan support.

Twenty years of sincere inquiry and rational debate have enabled us to distinguish the true and the false, the right and the wrong. Honest reflection on our common experience, past and present, have led me and many of my colleagues in this House to conclude that home rule should be restored to the people of the District of Columbia. I favor the pending bill and hope that it will become law.

Mr. MULTER. Mr. Chairman, after listening to the debate thus far, it would appear to me that there are none so blind as those who will not see and none so deaf as those who will not hear. The bills that we are considering have been set forth in full in the hearings of the House District Committee. In the same hearings are also set forth in full the Senate bill as passed by the Senate. In those hearings is a tabulation indicating specifically the changes and the differences between the various bills, those introduced here and that passed by the other body. In addition to that we have placed in the RECORD and sent a communication to every Member of the House indicating precisely what changes are sought to be made by the substitute that will be offered.

For the benefit of those Members who desire to read these things again, I shall ask permission when we get back into the House to include them in a revision of my remarks so that they will be once more in the RECORD in full and available for convenient reference.

The CHAIRMAN. The time of the gentleman from New York [Mr. MULTER] has expired.

Mr. MULTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4644) to provide an elected Mayor, City Council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, had come to resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. MULTER. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks made in Committee of the Whole today and include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

THE 260-INCH SOLID-PROPELLANT BOOSTER

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. **HECHLER.** Mr. Speaker, I am very proud to report to the House on the spectacular success of the test firing of the 260-inch solid-propellant booster. Seven Members of the House were privileged to attend Saturday's test firing of the world's largest rocket at Homestead, Fla. Those attending were Representative GEORGE P. MILLER, Democrat, of California, chairman of the House Committee on Science and Astronautics; Representative JOSEPH E. KARTH, Democrat, of Minnesota; Representative EDWARD J. GURNEY, Republican, of Flordia; Representative GALE SCHISLER, Democrat, of Illinois; Representative DANTE B. FASCELL, Democrat, of Florida; Representative CLAUDE PEPPER, Democrat, of Florida, and myself.

This successful test fully vindicates the judgment of this House in supporting the long fight of the House Committee on Science and Astronautics to urge greater development and use of solid propellants in the Nation's space program. As chairman of the Subcommittee on Advanced Research and Technology, I am very proud of the recommendation of our committee that $6.2 million be expended beyond the President's fiscal 1966 budget, for the purpose of developing and testing a full-length 260-inch-diameter booster. Saturday's firing, which produced a thrust of 3.5 million pounds, tested a half-length booster. A second half-length booster will be fired in January, and when the full-length booster is developed it is expected to produce a thrust of close to 7 million pounds.

Mr. Speaker, it is a tribute to the preliminary work of the Air Force, NASA, and Aerojet General Corp., and its subcontractors that this solid rocket motor has been developed so successfully. In presenting to the House the results of the work of our subcommittee on advanced research and technology, I stated on this floor on May 6, 1965:

> Solid boosters are inherently cheaper, more reliable, simpler in design, construction and operation. In addition, the solid-propellant booster is likely to cost us about 50 percent of the money expended on the Saturn V in order to bring it to a man-rated system. Actually, when you count termination costs and overruns which were incurred when the program was initially under the Air Force, it is far cheaper to the Government to go ahead with this 260-inch program than it would be to terminate it. It is a very simple development in comparison with all the highly complex group of engines, pumps, turbines, etc., you have in the Saturn chemical propulsion system, and I believe it is worth the comparatively small investment it would take to complete it.

Now is the time to press forward with the development of the full-length booster, as contemplated when Congress appropriated the $6.2 million for that purpose. I hope that the National Aeronautics and Space Administration will proceed without further delay to expend the $6.2 million which Congress appropriated to carry forward the full development of the 260-inch solid-propellant booster.

NEIGHBORHOOD YOUTH CORPS: A WEST VIRGINIA TRIUMPH

Mr. **HECHLER.** Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. **HECHLER.** Mr. Speaker, along with Project Head Start, which operated in each of West Virginia's 55 counties, the Neighborhood Youth Corps has scored the most outstanding success of any phase of the War on Poverty. I am proud of the West Virginia record of the Neighborhood Youth Corps during the past summer, some phases of which are detailed in the following article written for United Press International by Fanny Seiler:

> CHARLESTON, W. VA.—The work—varying from painting bridges to clearing brush—was hard, but 2,750 economically disadvantaged youths enrolled in the Neighborhood Youth Corps did a good job, according to statistics from the State Road Commission.
>
> The corpsmen also apparently impressed their 110 supervisors.
>
> Two-thirds of the supervisors, generally coaches or athletic instructors, recommended that the program be expanded or enlarged next year.
>
> However, expansion of the program, conducted this summer as part of the war on poverty, appears dim.
>
> Its popularity and success as a pilot program this year in West Virginia and one other State has led the Federal Government to extend it to the other States.
>
> But a spokesman for the SRC said the increased number of States will all share in the same amount of money which was available this year to the two States.
>
> A $60 million statewide program was submitted this summer by West Virginia to the Federal Government to provide part-time jobs for impoverished youths under various State and county agencies which participated in the NYC program.
>
> But that proposal was rejected by the U.S. Labor Department because of a lack of money.
>
> In addition to the SRC, a number of counties, and the State Departments of Education and Natural Resources employed 8,711 young persons under NYC this summer.
>
> The SRC employed 200 women as office aides and 2,550 young men between the ages of 16 and 21 to perform such jobs as painting, clearing and cleaning drains, landscaping, and brush clearing.
>
> The young men cleared brush from 4,538 miles of rights-of-way, 45 percent of it on secondary roads.
>
> The work on secondary roads represented 20 percent of a total of 26,000 miles of the State's rural network. In the process, brush clearers killed 460 poisonous snakes.
>
> They worked at landscaping adjacent areas to roads including clearing surrounding banks a total of 9,569 man-hours.
>
> Enrollees in the SRC projects generally had a good opinion of the program, according to the report.
>
> Ninety-three percent of them expressed a favorable opinion and their supervisors estimated 91 percent of the enrollees had excellent attendance records for the 12-week project that started June 1.
>
> The work accident rate was 0.7 percent.
>
> Supervisors nearly unanimously agreed that the program improved the young people's work habits and attitudes. The report said 33⅓ percent gained a sense of responsibility and maturity.
>
> The supervisors felt about 60 percent would further their education.
>
> But they suggested closer screening of applicants, smaller groups compared with this summer's 23-member teams, and more and different type of jobs for future programs.
>
> The enrollees were screened from 10,999 applicants in the 55 counties. A total of 57,180 persons were eligible to apply under a requirement which set $3,000 as the maximum family income per year.
>
> The greatest number of enrollees came from Doddridge, 125; Kanawha, 200; Logan, 100; McDowell, 125; and Raleigh, 125. All other counties contributed less than 100 enrollees.

SCHOOL TUITION AND NONRESIDENTS

Mr. **WILLIAMS.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. **WILLIAMS.** Mr. Speaker, on September 15 at page 24009 of the CONGRESSIONAL RECORD, the gentleman from Michigan [Mr. FARNUM] expressed concern over a Mississippi statute which requires tuition for children of nonresident parents. This statute was enacted by the Mississippi Legislature earlier this year.

We Mississippians appreciate very much Representative FARNUM's interest in the quality of education in our State. We share his concern over the poor.

His remarks would leave the impression that Mississippi is the only State that requires tuition from nonresident parents. He infers that the statute is a newly found way to harass Negro parents who leave their children with friends and relatives while employed in another State.

Mr. FARNUM's comments inspired me to do a little research on the subject of tuition requirements of nonresidents. I will have to admit my research has been superficial because of the limitation of time. The Library of Congress furnished the basic source material.

Mississippi is often accused of being backward and unprogressive. In this matter I suppose we must plead guilty, because 22 other States and the District of Columbia enacted laws requiring the payment of school tuition by nonresidents long before Mississippi got around to it.

To my great surprise, even Mr. FARNUM's State of Michigan has a system of tuition payments.

A Michigan court has ruled, even, that the remedy of a grade school district for nonpayment of tuition by a nonresident pupil is not limited to expulsion of the pupil—*Fractional School District No. 1, Paw Paw and Antwerp Townships* v. *Yerrington*, 108 Michigan 414.

Presumably, this means that in Michigan a school district not only can expel a pupil for not paying tuition, but can take legal steps to collect. Mississippi's law is much weaker and less harsh by comparison.

As stated earlier, time has not permitted thorough research on this subject, so

Michigan's law may no longer exist. Moreover, because of Mr. FARNUM's manifested interest, he may have prevailed on the Michigan Legislature to repeal its law. He was connected with the State government for several years so I assume he made such recommendations to his own State prior to his public criticism of Mississippi.

Mr. Speaker, for the record I would like to make it clear that I offer no condemnation of any statute duly enacted by the legislature of Michigan or any other State. What they do is their business—not mine.

I do not wish to provoke Mr. FARNUM into attacking other State laws on this subject. However, for his enlightenment I invite his attention to a rule of law established by the courts of New Jersey in a decision involving that State's statutory requirements for nonresident tuition. In Mansfield Township Board of Education against State Board of Education, the court held:

> Public policy forbids admission in public schools of pupils from other States, and whose parents reside there, to be educated at expense of local taxpayers, irrespective of length of time pupils have been living in State with friends or relatives or as pupils in private schools.

Even the Nation's Capital requires tuition of nonresidents. Congress passed such a law for the District of Columbia in 1960. Public Law 86-725 requires payment to the board of education of tuition for each child who attends a public school and does not have a parent or guardian who resides in the District of Columbia. Orphans are exempted.

Somehow, Mr. FARNUM neglected to direct his indignation toward the legislature of Michigan or the U.S. Congress for doing much earlier the same thing the Mississippi Legislature has done.

Mr. FARNUM failed to tell the House that a total of 23 States have laws on this subject. They are: Arizona, Connecticut, Florida, Iowa, Kentucky, Massachusetts, Michigan, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Vermont, Virginia, Wisconsin, and Mississippi.

Many States have wrestled with the problem of providing an education to children whose parents do not pay taxes in the State. Mississippi spends more of its income on education than any other State. Because Mississippi has the lowest per capita income of all the States, we have to stretch our tax dollar as far as possible. Every citizen must bear his share of the burden. Parents who prefer to live in another State without their children should have no misgivings over contributing to the education of their children. It is their responsibility.

The Mississippi Legislature needs no defense from me. The Michigan Legislature in its wisdom has passed judgment on this matter and it should be subject to the same criticism as the other 22 States which have acted on this subject matter.

The people of Mississippi welcome honest and constructive criticism. However, we dislike being scorned in such a manner wherein it is made to appear that Mississippi alone requires tuition from nonresidents. Describing Mississippi's law as "extraordinary" is quite misleading, and is an injustice to a State of this Union.

In the future, I hope the gentleman from Michigan will disclose the full story before attempting arbitrarily to single out one State as a scapegoat for a political tirade.

LOAN OF NAVAL VESSELS TO FRIENDLY FOREIGN COUNTRIES

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7812) to authorize the loan of naval vessels to friendly foreign countries, and for other purposes, with a Senate amendment thereto, disagree to the amendment and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

The Chair hears none, and appoints the following conferees: Messrs. RIVERS of South Carolina, PHILBIN, PRICE, FISHER, BATES, and ARENDS.

HON. EUGENE M. ZUCKERT, SECRETARY OF THE AIR FORCE

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, on September 17, the Air Force Association sponsored a banquet commemorating the 18th anniversary of the creation of the U.S. Air Force as a separate branch of our Armed Forces. The honored guest on that occasion was the Honorable Eugene M. Zuckert, who on September 30 will have completed 4 years, 8 months, and 8 days as Secretary of the Air Force. He will have served for a longer period of time in that post than has any Secretary before him. I believe also that within recent time this will constitute a record of continuous service as the civilian leader of any of the military services.

On the occasion of the anniversary banquet to which I have referred, the Vice President of the United States paid the following tribute to Gene Zuckert:

> It is fitting and proper that you are honoring a great man, a dedicated public servant—our departing Secretary of the Air Force—who has worked with such distinction—my friend, Gene Zuckert. He has served and led the Air Force with outstanding devotion and brilliance during times of stress, of change, and of challenge. This country is indebted to him for his leadership. We wish him well and Godspeed in the years ahead.

Mr. Speaker, I wish to identify myself with the Vice President in this tribute to my friend, Eugene Zuckert, and I am sure that my colleagues in this House join me in this tribute and in wishing him "Godspeed in the years ahead."

Eugene Zuckert has spent most of the years of his adult life in the public service. He was the strong right arm of the first Secretary of the Air Force and now the senior Senator from Missouri, Senator STUART SYMINGTON. As assistant Secretary, he helped formulate and mold the policies that have guided the Air Force in its formative years and in its maturity. As a member of the Atomic Energy Commission, he exemplified the highest type of devotion to his country in his performance of his duties as a member of that great Commission. As Secretary of the Air Force, he leaves us with a global Air Force whose high state of efficiency is the strongest bulwark for the assurance of peace in the free world.

Too often a devoted and dedicated public servant slips quietly out of the limelight and into the anonymity of private life without notice or recognition of his fine contribution to the public welfare. In the case of Eugene Zuckert we of the House of Representatives want him to know that we recognize and deeply appreciate the many contributions he has made in his public service. Likewise, we appreciate him as a friend who has shown patience and understanding of our problems as Members of Congress. It is indeed with heartfelt thanks that we say goodby to you, Gene.

A WHIPPED PUP

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HARSHA. Mr. Speaker, President Johnson's concession to Panama and abrogation of the 1903 treaty by granting Panama sovereignty over the Canal Zone is indeed a severe blow to the prestige of this Nation.

The U.S. Government has completely capitulated to the demands of Panama concerning the canal and we have come home from the so-called negotiations like a whipped pup with its tail between its legs.

The country of Panama owes its entire existence to the United States and we have continually given friendship and economic support to it.

The grant by Panama to the United States of exclusive sovereignty over the Canal Zone in perpetuity for construction of the canal and its perpetual maintenance, operation, and protection was an absolute, indispensable condition precedent to the great task undertaken by the United States, and the United States has fully performed its responsibilities under the treaty of 1903. Therefore, there was nothing to negotiate, and this country should have stood firm; instead the United States capitulated.

This Nation has paid Panama the full indemnity and annuities agreed upon by the two nations, has completely carried out the terms of the treaty, and stands on firm moral and legal footing in this dispute, and under no circumstances should it have conceded to the Communist-inspired demands of Panama.

How do we expect other nations to have any respect for the United States when we do not even have enough self-respect to stand firm when we are on solid, legal, and moral footing?

HIGHER INTEREST RATES DO NOT DAMPEN BUSINESS EXPANSION

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURTIS. Mr. Speaker, the reason given by administration officials for failing to reflect the market demand to tighten interest rates in the United States and so alleviate our international balance-of-payments problems—is that higher rates would inevitably curb business plans for investment and thus lead to a leveling off or even a recession in the U.S. economy. An article in the September 22, 1965, Journal of Commerce calls this theory into question.

The voluntary program for restraint of U.S. foreign lending and investing in context with the compulsory restraints in the interest equalization tax law calls upon American companies operating abroad to borrow overseas instead of in the United States. The cost of borrowing abroad is at least 20 percent more than in the United States, and maybe as much as 50 percent more. In spite of these higher rates major corporations are willing to pay the price. The fact that American corporations are borrowing abroad at these higher rates is an excellent demonstration that high money rates are not necessarily harmful and not much feared by larger companies. Under unanimous consent, I include the article from the Journal of Commerce in the Record at this point:

Corporate Finance: Money Abroad Is Worth Cost

(By Ed Tyng)

Financing expansion abroad by borrowing overseas instead of in the United States, such as is encouraged by the voluntary program for restraint upon U.S. foreign lending and investing, costs considerably more, but most businesses will gladly pay.

This cost is at least 20 percent more, expressed in interest rates, may be as much as 50 percent more and in time may go still higher if there is any flooding of European capital markets, which have limited capacity, with American offerings.

Incidentally, the willingness of major corporations to pay as much as 50 percent more interest cost on debt created abroad is an excellent demonstration that high money rates are not necessarily harmful and are not much feared by larger companies.

COMPARATIVE RATES

A good example of what a high-credit U.S. company has to pay for foreign money is the coming issue of $25 million of bonds due in 1985 by the Luxembourg subsidiary of the Standard Oil Co. of Indiana. This issue, by AMCO Oil Holdings, S.A., will bear a coupon rate of 5¾ percent. On the basis of recent yields in the U.S. corporate bond market it is probable that Standard Oil of Indiana could have easily obtained $25 million here at, say, 4⅝ percent.

A recent Dun & Bradstreet survey of 300 top ranking corporation executives appearing in September Dun's Review showed no concern over the higher cost of foreign money, which would not be a barrier except for marginal operations where profits were narrow. Borrowing is much preferred to other ways of raising funds such as, for example, the sale of minority interests in stock in a foreign subsidiary.

A foreign minority interest in a subsidiary of an American company, some executives feel, can produce legal and pricing problems. Nor is there much enthusiasm, overall, for pulling back to this country, foreign subsidiaries' earnings in the form of dividends. This has been encouraged under the restraint program but it runs counter to the widespread feeling that most earnings of foreign subsidiaries should be reinvested in the foreign sphere if the foreign operation is to prosper and keep up with competitors.

For large amounts of money foreign corporations often find that it is cheaper to borrow through the international facilities of U.S. investment bankers than it is to float new issues at home. An example was the $55 million private placement that BP North American Finance Corp., subsidiary of British Petroleum, arranged here about the same time that Standard Oil of Indiana's subsidiary was arranging for $25 million foreign money.

The British Petroleum subsidiary, on notes repayable from 1971–85, paid 5½ percent interest. Since U.S. investors were subject to the U.S. interest equalization tax, it is presumed that much of the issue was placed with foreign institutions or U.S. subsidiaries of foreign organizations. It appears that British Petroleum got its funds here cheaper than the U.S. oil company got funds abroad.

Up to now the capacity of foreign capital markets has been but a small fraction of that of the U.S. capital market. Foreign capital issues in Europe last year were about $1 billion and are likely to be less this year.

PORTENTS OF INFLATION

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURTIS. Mr. Speaker, in an editorial on September 22, 1965, the Journal of Commerce suggested that within the very near future, signs of burgeoning inflation will be more obvious than they are now. The Journal noted that between July 1964, and July 1965, the wholesale price index rose by 2.5 percent. Since February 1965, the increase in the index has been more than 3 percent.

Other evidence of the rebirth of inflation that was cited included the sharp advance in bank credit, the Vietnam war, the tremendous rise in all kinds of debt, the growing liquidity of nonbank lenders and the persistent rise in personal income.

In the light of these inflationary tendencies in the economy, the Journal believes that it is increasingly difficult to see how there can be much more justification for keeping interest rates as easy as they are now through Government intervention. This is particularly true in view of the evidence that the U.S. balance of payments is worsening again after a brief improvement in the second quarter.

To illustrate how much our interest rates are out of line with those in Europe, the Journal cited the ability of an European oil company to borrow here, despite the interest equalization tax, at 5.5 percent, while at the same time an American oil company, loyally cooperating with the foreign loan restraint program, floated a loan in Europe at 5.75 percent.

Under unanimous consent, I insert the editorial referred to from the Journal of Commerce in the Record at this point:

Portents of Inflation

Fundamental economic trends still are inconclusive enough to permit argument about whether inflation is here again or whether it isn't. We are almost willing to concede that within the very near future signs of burgeoning inflation will be more obvious than they now are and that they may even become sufficiently evident to convince a reluctant Federal Reserve Board that it better act.

For example, as leading commentators have observed, it now is no longer possible to cite the stability of the Bureau of Labor Statistics wholesale commodity index and ask where is the inflation. This index broke out on the upside in July to rise to 102.9, against 100.4 12 months earlier, up some 2½ percent, after rocking along with only minor changes since 1958. Contributing to the overall rise of 2½ percent was a jump in farm products of some 6.3 percent. In the 5 months since last February the increase in the total index has not been 2½ percent but more than 3 percent.

If other evidence is needed of the rebirth of inflation, look at bank credit. While the advance in bank loans and investments in the second quarter was not quite as rapid as was the 12.4 percent increase in the first 3 months, it was well above the average of the past 4 years and for the 6 months averaged around 11 percent, against the 8 percent annual rate of recent years.

What is significant, economists have noted, is that what rise in bank credit has occurred has been in the face of a more restrictive Federal Reserve policy which has kept banks almost continually operating on reserves borrowed from the Reserve System.

The Federal Reserve particularly watches price trends and some argument can be made that the average price level is going to advance still further and more rapidly. It has been forecast that steel mills, in the wake of the wage contract settlement that the President has held to be noninflationary, will be slow and selective in increasing their prices. But users of steel whose wage rates are largely conditioned by the steelworker's contract, have indicated that they will increase prices.

Then there is the possible effects of the Vietnam war. One leading economist, Robert Van Cleave, has made the point that up to July Vietnam played no part in what signs of inflation have since become visible, for as recently as June worries about an economic letdown were rife and ex-Chairman Walter Heller of the President's Council of Economic Advisers was calling for expansionary Goverment policies for 1966.

But now the outlook has greatly changed: Vietnam seems likely to cost a minimum of $3 billion and maybe much more by the time supplemental appropriations are asked for next January.

There will be strains in providing both guns and butter. And fighter planes which cost $60,000 each in World War II, as Senator Russell has noted, now cost $3 million each. They are being lost quite regularly. In short, price levels must soon reflect war and any increased Government budget deficit will be, overall, inflationary.

What is ahead in the way of stability, which up to now has justified too easy money and expansionary Federal policies, promises to be only relative stability in the sense that our inflation may be kept less than that in other nations. But it will still be inflation.

So it is increasingly difficult to see how there can be much longer justification for keeping money rates as easy as they are, particularly now that there is ample evidence that the U.S. balance of payments is worsening again after brief improvement in the second quarter.

How much out of line are our short-term money rates has been shown, not only through comparisons with those in Europe—including the advance in Euro-dollar interest rates—but also in the persistent advance in some of our own short-term money rates to the highest in 5 years. Another illustration recently was afforded by the ability of a European oil company to borrow here despite the equalization tax at 5½ percent, while at the same time an American oil company, loyally cooperating with the foreign loan restraint program, floated a loan in Europe at 5¾ percent.

Incidentally, the willingness of top American corporations to pay fancy interest rates to borrow in Europe more or less vitiates the argument that high interest rates by themselves are inimical to continued business progress here.

The persistent rise in personal incomes to new highs and the tremendous rise in all kinds of debt—to say nothing of the immense and growing liquidity of nonbank lenders—are other inflationary influences that will have future effects if they are not already having such influence.

Of course, it is always possible to find flies in the ointment and stray things to disprove the seeming trend. For example, the pace of housing starts is officially described as very disappointing and there has been some falling off in durable goods orders. And steel orders naturally are not as good as they were and won't be until users pare down inventories accumulated in fear of a strike that didn't occur.

One sign of the inflationary surge, it would seem, is that there is less talk of that horrible "fiscal drag" that would come from the Government balancing its budget and taking out of the economy as much money as it put in. The budget balance seems more unlikely and so does the fiscal drag.

WYMAN SPACE ADVICE PROPHETIC: ADMINISTRATION 2 YEARS LATE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, in the 88th Congress, my counterpart from the New Hampshire First District was then Congressman Louis C. Wyman, of Manchester. Congressman Wyman was a member of the Appropriations Committee and of its Subcommittee on Independent Offices, which handles the appropriations for the National Aeronautics and Space Administration.

Although limited as a freshman Member of the House, Mr. Wyman sought to increase American emphasis on the military role in space. He served as chairman of a subcommittee of the Republican space and aeronautics task force on the military role in space and twice filed minority views accompanying the Independent Offices Appropriations Subcommittee reports of 1963 and 1964 urging a priority for a U.S. weapons system in space.

These minority views, submitted by himself alone, appear in Report No. 824, 88th Congress, 1st session, October 7, 1963, and in the committee print of the independent offices appropriations bill, May 18, 1964. Congressman Wyman warned, in these reports 2 years ago, of the Communist space program's prime military orientation. This was prophetic in relation to our military space program and the recent decision of the Secretary of Defense and of the President to request funds for a manned orbiting laboratory from this Congress.

Congressman Wyman, in October 1963, filed minority views in part as follows:

> As a first priority rather than racing to the moon, the United States should establish and maintain an integrated weapons system in inner space within manned space capsules that have a capability to observe, intercept and, if necessary, destroy other objects in space. Properly related to capacity to rendezvous with other capsules and ultimately with a manned space platform, our emphasis should be upon the military control of inner space as a prime and necessary objective * * *.
>
> Deferment to priority military considerations is a policy "must" in view of money requirements and limited (fiscal) ability * * *.
>
> The Soviet space program does not differentiate between military and civilian space efforts. Communist space exploration is integrated with their ballistic missile operations. Support and tracking facilities and personnel are military, as well as space, personnel. Their entire space operations are oriented toward their military potential.
>
> Communist emphasis upon the military aspects in inner space programs renders present U.S. policy not to put weapons in space highly vulnerable to the serious objection that it is not in the best interest of our national security. It also raises the specter of possibility that the Communists may find and develop an entirely new method of warfare in space. This is a major concern in light of Communist objectives of world domination by force * * *.

And on May 18, 1964:

> Maneuverable capsules in inner space, with military capabilities of observation and intercept, are an obvious necessity with responsible indication that the Communist space program is oriented toward just such a capability. We will look foolish with our two- and three-stage boosters behind a scientific junket should Communists continue their march toward world supremacy by having devised some new method of space warfare.

This month, in a nationwide column, the distinguished columnist, David Lawrence, in reference to the belated decision of the Defense Department to proceed with the MOL, said that former Congressman Wyman's minority views would "go down in history as a remarkable prophecy as well as an interesting example of how often minority reports become majority opinion."

Under unanimous consent, I am inserting the David Lawrence article, "Belated Decision on Space Defense," in the Congressional Record at this point. I commend its reading to all of my colleagues:

[From the Washington (D.C.) Star, Sept. 15, 1965]

BELATED DECISION ON SPACE DEFENSE

(By David Lawrence)

A belated decision—to spend billions for the defense of the United States in near space rather than concentrate solely on civilian trips to the moon—has at least been reached.

Military men have been arguing for a long time that Russia's primary interest in space development is military. The United States, on the other hand, has been emphasizing scientific research, the lunar exploration, and possible discoveries in the planetary field.

But it has begun to dawn on official Washington that, while it may not be as efficient to use nuclear weapons from space as it is from missile bases, there is a distinct opportunity to carry on accurate observation and other military missions from high altitudes.

President Johnson has just approved the building of a manned orbiting laboratory by the military after years of bickering inside the Government and continuous expressions of skepticism about the military value of space. But a closer look at Soviet programs and a satisfactory experiment with two Americans flying around the earth for 8 days have opened the eyes of everyone to the military possibilities.

Up to now, more than $12 billion has been set aside for manned space flights to the moon, and it has been planned to spend an additional $10 billion in that direction, together with billions more in other nonmilitary space programs.

But now the emphasis is changing. Although few details have been revealed, it is known that at least five or six major military-satellite programs now are underway. U.S. News & World Report, in a recent article, said:

"The Samos photo-intelligence satellites have exceeded all expectations, keeping the United States informed of Soviet missile sites, nuclear progress in Red China, and Communist troop movements in both countries. They parachute back pictures with 1,000 times the resolution of standard TV images.

"After an uncertain start, Midas infrared detectors are now able to detect Soviet rocket launchings by picking up telltale exhaust gases and translating them into electronic signals.

"The Ferret is a version of Samos, equipped for electronic intelligence and communications eavesdropping. It is said to be useful for monitoring radar and radio traffic near Russia's major rocket-testing sites, tracking down coded or scrambled transmissions and relaying them to U.S. listening posts.

"Other satellite systems are proving equally useful. * * *

"Transit satellites are furnishing missle-carrying Polaris submarines with precise navigation. Six Vela satellites—equipped with radiation detectors—are in orbit to make certain that Russia cannot, undetected, break the nuclear-test ban in space * * *.

"What is envisioned now are giant national space platforms at the center of military operations, directing fleets of interceptors and destroyers, rescue, and logistic vehicles. Each platform would carry 10 to 20 men, stay up for months and possibly years."

There are other plans having to do with possible futuristic weapons that might destroy enemy targets from outer space. These are still in the theoretical stage. But one thing is clear—control of space by a single nation or group of nations would mean an end to any balance of power on earth.

It is interesting to note that on October 7, 1963, Louis C. Wyman, Republican, who was then a Member of Congress and formerly was attorney general of New Hampshire, submitted alone a minority report to the House Appropriations Committee, in which he criticized at length the administration's indifference to the military significance of space developments. He said:

"As a first priority rather than racing to the moon, the United States should establish and maintain an integrated weapons system in inner space within manned space capsules that have a capability to observe, intercept and, if necessary, destroy other objects in space."

Wyman's extensive report will go down in history as a remarkable prophecy as well as an interesting example of how often minority reports become majority opinion.

SUGAR PROPOSAL IS $1.4 BILLION BONANZA—RECORD OF SEVERAL SUGAR LOBBYISTS UNSAVORY

The SPEAKER. Under previous order of the House the gentleman from Illinois [Mr. FINDLEY] is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, the U.S. sugar market is temptation spelled in capital letters.

Under the 5-year Sugar Act proposal now before the Rules Committee, the Federal Government would distribute to certain foreign countries franchises of fantastic value.

At present prices, the 5-year value comes to about $1.4 billion. Assuming the foreign firms at least break even at the world market price, the $1.4 billion is pure profit—less lobbyist expense of course.

CHART A.—*Hourly wages paid to workers by foreign sugar producers*

Country	Agricultural workers	Industrial workers (refinery)
British West Indies:		
Barbados	$0.20-$0.22	[1] $0.17-$0.42
British Guinea	.22	[2] .19
Jamaica	.19-.21	.20-.50
Colombia	.18	.18
Guatemala	.10	.18
Philippine Republic	.12	[3] .26
Ecuador	.22	.21
Brazil	.18	(4)
Costa Rica	.15	.14-.18
Panama	.20-.21	.50
Peru	.12	.13
El Salvador	.07	.12-.45
Dominican Republic	.08-.30	.20-1.75

[1] Depending upon skill.

[2] Unskilled.

[3] Average.

[4] Not available.

NOTE.—On top of these wages there are some fringe benefits provided in these areas. Difficult to assess in money terms.

These figures are estimates and from a survey conducted by the Bureau of Labor Statistics. Survey provided by asking attachés abroad. Some are from a daily rate and are computed on the basis of an 8-hour day.

This $1.4 billion bonanza takes the form of quotas enumerated in the bill which entitled the lucky countries to sell specific amounts of sugar in the United States at our Government-controlled premium price.

They get almost as much per ton as U.S. producers who have much higher production costs.

To illustrate, Hawaiian canefield workers get over $2.50 an hour in pay and benefits.

Wages of farmworkers in foreign sugar producing areas in 1961 ranged from 7 cents to 30 cents an hour.

This means tremendous profit to foreigners lucky enough to get a U.S. quota.

At present prices, sugar brings $70 a ton more in the U.S. market than at world price. With the world price currently about $40 a ton, the comparable U.S. price—at $110 a ton—is nearly three times as high.

Assuming that foreign producers at least break even at the world price, the extra $70 a ton they get in the U.S. market is therefore pure profit. This is big money. One illustration of how big is an analysis of the dollar value of quota increases voted by the Committee on Agriculture. The committee increased quotas to 14 different foreign countries, compared with administration recommendations.

At present prices, the 5-year premium value of the increases is as follows:

CHART B.—*Countries which got sugar quotas in committee bill higher than recommended by administration*

[Short tons; raw value]

Country	H.R. 11135 as reported by House Agriculture Committee	H.R. 10496 as recommended by administration	Difference in tons	Premium value of difference (1 year)	5-year premium value of difference	Registered lobbyist
Brazil	340,925	221,558	119,367	$8,355,690	$41,778,450	Albert S. Nemir, 1016 Warner Bldg., Washington, D.C.
Peru	272,013	240,824	31,189	2,183,230	10,916,150	Arnold F. Shaw, 503 D St. NW., Washington, D.C.
British West Indies	150,397	122,017	28,380	1,986,600	9,933,000	Arthur L. Quinn, 1625 K St. NW., Washington, D.C.
Ecuador	50,267	49,770	497	34,790	173,950	Do.
Colombia	42,970	27,829	15,141	1,059,870	5,299,350	Ernest Schein, 815 15th St. NW., Washington, D.C.
Costa Rica	42,159	34,786	7,373	516,110	2,580,550	Sheldon Z. Kaplan, 1616 H St. NW., Washington, D.C.
Venezuela	30,809	2,676	28,133	1,969,310	9,846,550	Charles Patrick Clark, 500 World Center Bldg., Washington, D.C.
El Salvador	30,403	17,125	13,278	929,460	4,647,300	Sheldon Z. Kaplan, 1616 H St. NW., Washington, D.C.
Haiti	28,782	18,731	10,051	703,570	3,517,850	No lobbyist registered.[1]
Panama	25,134	14,449	10,685	747,950	3,739,750	Arthur L. Quinn, 1625 K St. NW., Washington, D.C.
British Honduras	19,864	4,281	15,583	1,090,810	5,454,050	Do.
Bolivia	4,054	None	4,054	283,780	1,418,900	Edward McCabe, of Hamel, Morgan, Park & Saunders, 888 17th St. NW., Washington, D.C.
Honduras	4,054	None	4,054	283,780	1,418,900	Sheldon Z. Kaplan, 1616 H St. NW., Washington, D.C.
Thailand	19,864	None	19,864	1,390,480	6,952,400	George M. Grant, 1619 Massachusetts Ave. NW., Washington, D.C.
Total					107,677,150	

[1] Haiti-American Sugar Co. has no registered lobbyist. Firm reportedly owned by a New York firm headed by Bradley Clark.

NOTE.—Premium value is computed at the rate of $70 a ton, which is the approximate quota. Premium value reported by USDA for the 6-month period ending July 31.

Of course, quotas to other countries were cut correspondingly. Some lobbyists and their clients were disappointed, while others were delighted.

I list this data only to show that what might appear to be relatively modest increases in quotas actually are worth millions of dollars.

This quota-increase value of course is only part of the temptation. As mentioned earlier, at present prices the premium value of all foreign quotas for the 5-year period is $1.4 billion.

That is a lot of temptation. It accounts for the zealous activity in Washington of highly paid lobbyists for foreign producers.

The only way to get rid of these influence-peddling lobbyists is to take the temptation out of the bill.

This can be accomplished by means of a recapture—or import—fee. This device was first used on a limited basis by President Eisenhower. It was later advocated by President Kennedy for the entire foreign quota, and in somewhat modified form enacted into law. Authority for the recapture expired January 1, 1965. Although the administration, by administrative action, extended the foreign quotas, it did not extend the recapture provision. Asked for an explanation, the General Counsel for the U.S. Department of Agriculture, Mr. John Bagwell, told me the basic Sugar Act granted general powers of sufficient latitude to extend the quotas, but the authority for the recapture was specifically limited to 1962, 1963, and 1964, and in his opinion could not be extended.

This means that the countries with quotas have had a bonanza this year never intended by Congress. This windfall will come to over $100 million before the year is over. A bill to prevent this unintended bonanza was introduced early this year by Congresswoman CATHERINE MAY, but was not called up for hearing in the Agricultural Committee.

A recapture provision was recommended last March to the administration and to Congress by a group of U.S. sugar interests called the sugar industry.

It was actually a watered-down version of the recapture provision which expired in 1964. It would have yielded to the U.S. Treasury about $80 million a year, or $400 million for the 5-year term of the bill.

This recommendation was at first embraced by the Johnson administration, then later dropped. One of the sugar lobbyists, Mr. Arthur L. Quinn, has been given credit publicly by Chairman COOLEY, of the Agriculture Committee, for rallying a Latin American protest of such magnitude that the administration dropped the recapture fee.

Why the protest was easily organized can be seen in the amount of pure profit involved. Who would not howl against a provision that would cut out $80 million a year?

WHO ARE THESE LOBBYISTS?

In my remarks to the House last Wednesday I dealt in some detail with the activities of the highly paid lobbyists who try to peddle influence in a way to get quotas for their foreign clients.

Members of the House should take an interest in these lobbyists. Several of them have been in the sugar barn, so to speak, for years. Several formerly got paid partly on a contingency basis, but the contingency provisions were dropped after they were severely criticized in a Senate hearing.

Two others have records that are especially unappealing. They are John A. O'Donnell, who represents Philippine sugar interests, and Ernest Schein, who represent Colombia sugar interests.

O'Donnell sugar clients are extremely well represented in the proposed legislation, as I mentioned last Wednesday.

Schein's client, you note in the table above, was put down for a quota of 27,829 tons in the administration bill, and was boosted to 42,970 in the bill reported by the Agriculture Committee. Five-year premium value of just the increase is $5,299,350.

For the convenience of the Members, I place below extracts from the O'Donnell and Schein record as summarized in the Congressional Quarterly 1963 Almanac, beginning on page 303.

Chairman FULBRIGHT, of the Senate Foreign Relations Committee, spoke of deceit, concealment, and subversion in describing O'Donnell's activities on Philippine war claims.

Senate hearings showed that O'Donnell had made contributions totaling $9,300 to 1960 congressional campaigns, using funds provided by the Philippine Government.

Schein was O'Donnell's associate. They split fees.

O'Donnell was charged with failing to comply fully with the Foreign Agents Registration Act.

So was the law firm of Surrey, Karasik, Gould & Greene, of Washington, a firm headed by Walter S. Surrey which represents sugar interests and testified in behalf of clients before the Agriculture Committee in connection with the current legislation.

Here are the extracts from the Congressional Quarterly:

PHILIPPINE WAR CLAIMS AMENDMENT BARRING LOBBYIST FEES

After prolonged debate, Congress in 1963 adopted an "anti-profiteering" amendment to the 1962 Philippine War Claims Act. The 1962 act had authorized $73 million to compensate Philippine citizens and firms for still-unpaid World War II damage claims. Sponsored by Senate Foreign Relations Committee Chairman J. W. FULBRIGHT, Democrat of Arkansas, the "anti-profiteering" amendment was first inserted in a supplemental funds bill (H.R. 5517) but was dropped from that measure at House insistence. FULBRIGHT then attached his amendment as a Senate rider to a minor, unrelated bill (H.R. 5207) authorizing overseas buildings for the Foreign Service. Somewhat revised in conference, the rider was retained in the final version of H.R. 5207. As enacted into law, the Fulbright rider had two major provisions:

1. It forbade any former member or employee of the defunct Philippine War Damage Commission to receive fees or commissions for helping individuals or firms submit benefit claims under the 1962 Philippine War Claims Act. Though couched in general language, this provision was aimed primarily against John A. O'Donnell, a former Philippine War Damage Commission member (1947–51), and Ernest Schein, a former Commission employee who had been O'Donnell's business associate since 1953 or 1954. After leaving the Commission in 1951, O'Donnell had worked actively for the legislation ultimately enacted as the 1962 Philippine War Claims Act. He also had represented numerous potential claimants under that Act. Under a provision of the 1962 Act, representatives of claimants could receive fees amounting to 5 percent of the award. According to the Senate Foreign Relations Committee, O'Donnell stood to gain $150,000 in fees from claimants as a result of the Act's 1962 passage. The 1963 Fulbright rider, however, blocked O'Donnell from receiving these fees. FULBRIGHT said O'Donnell and his associates deserved to be deprived of the fees because O'Donnell, while pressuring Congress over the years for enactment of the 1962 Philippine War Claims Act, had concealed from the legislative committees the fact that he stood to gain heavy fees from the bill's passage, and thus had deceived Congress and subverted the legislative process.

2. The Fulbright rider also forbade any claimant under the 1962 Philippine War Claims Act from receiving more than $25,000 on his claim. The $20 million or more which, because of reduced total payments resulting from the $25,000 limitation, was expected to be left over from the $73 million provided by the 1962 act, was to be set aside for Philippine-United States educational exchange programs. This provision was designed to prevent firms with very large claims from receiving most of the benefits under the 1962 claims bill. Instead, a large portion of the money was to be channeled (in effect) to the Philippine Government for the exchange programs. The provision reflected Fulbright's contention that the moral commitments underlying the 1962 claims legislation were to restore and aid the Philippine economy, and not to repay individual claimants as such.

Moreover, it was believed the $25,000 limitation would prevent Philippine firms with large claims from paying O'Donnell and his associates large commissions despite the prohibition in H.R. 5207, as they might if they collected a high proportion of their claims.

INVESTIGATION LED TO LEGISLATION

The 1963 Fulbright rider resulted from a Senate Foreign Relations Committee investigation of lobbying by persons representing foreign interests. FULBRIGHT April 26, 1963, said testimony showed that O'Donnell and his associates had, up to 1960, collected $1 million for representing Philippine interests in various capacities in connection with U.S. legislation and war claims, in addition to the $150,000 in anticipated fees under the 1962 Philippine War Claims Act. The hearings showed that while working for passage of the war claims legislation, O'Donnell had made 1960 congressional campaign contributions totaling $9,300 with funds received from the Philippine Ambassador.

* * *

THE 1963 PHILIPPINE CLAIMS HEARINGS

Congressional attention was drawn to the 1962 Philippine War Claims Act by the Senate Foreign Relations Committee's 1962–63 investigation of the nondiplomatic activities of foreign agents. Portions of the hearings involving Philippine claims are given directly below.

Documents and testimony from the committee's March 1 and April 18, 1963, hearings on the activities of Washington lawyer and lobbyist John A. O'Donnell showed that:

O'Donnell and Francisco A. Delgado, a Filipino and also a former Philippine War Damage Commission member, had corresponded in December 1951 and January 1952 concerning the establishment of an association of war damage claimants to obtain additional aid from the United States. In a January 13, 1952, letter to Delgado, O'Donnell said he would make "an effort to arouse enthusiasm and start the ball rolling" even though "I am afraid that enthusiasm on the part of the interested parties and the (Philippine) Government here have cooled off." At the March 1 hearing, O'Donnell testified that the association was "a figment of the imagination" and "just Delgado's idea" designed "to win some support or try to get a retainer to be actually honest about this thing."

O'Donnell listed the "Philippine-American War Damage Claimants" or the "Philippine War Damage Claimants Association" as an employer in registering with the Clerk of the House under the Federal Regulation of Lobbying Act but did not mention this connection, and was not questioned about it, when he testified in favor of the war damage bills before congressional committees in 1959, 1960, and 1962. He testified instead in the capacity of a former member of the Philippine War Damage Commission.

O'Donnell did not list his connection with the Philippines War Damage Claimants Association in registrations with the Justice Department under the Foreign Agents Registration Act of 1938.

He did, however, register with the Justice Department as an agent for the Philippine Sugar Association, and did note that he pressed for enactment of the war damage bill on behalf of the Philippine sugar industry, but for the period covering the payments to Congressmen in 1960 he did not detail his expenditures and did not include names of recipients as required by the act.

O'Donnell, October 7, 1960, received two checks totaling $18,000 from Ambassador Carlos P. Romulo at the Philippine Embassy in Washington. O'Donnell said he "assumed" the money had come from Philippine sugar interests.

* * * * *

Ernest Schein, former Philippine War Damage Commission chief examiner, had been O'Donnell's business associate since 1953 or 1954. They split fees on a 40–60 or 50–50 basis.

O'DONNELL CAMPAIGN CONTRIBUTIONS

Representatives: O'Donnell's testimony on the $9,300 in campaign contributions showed that 18 House Members received funds from him in 1960. Four were not reelected that year. Of the remainder, nine later supported the 1962 bill to repay individual Philippine claimants the $73 million in the May 9, 1962 rollcall vote, four opposed it and one was unrecorded. The bill was defeated on the May 9 rollcall but was subsequently passed without further rollcalls. O'Donnell said the contributions were accompanied by a letter saying that "neither I nor my friends in the Philippines, for whom I occasionally speak, are expecting any favored position by reason of my small help."

FULBRIGHT STATEMENTS

Commenting April 18 on the hearings, FULBRIGHT said "the record is clear" that "very soon" after leaving the Philippine War Damage Commission, O'Donnell and Delgado had "conceived the purpose of obtaining enactment of further [Philippine war claims] legislation which would result in great financial benefit to themselves." In a July 9 floor speech he said, "The hearings * * * show that the drive both here and in the Philippines for last year's $73 million bill was promoted in large part by lobbyists who wrapped themselves in [the] respectability of their employment with the former Philippine War Damage Commission but in fact were being paid to represent some of the largest claimants."

FULBRIGHT, April 18, said the hearings had revealed "significant weaknesses" in the Foreign Agents Registration Act because "Congress, the State Department, and the Justice Department did not know that a powerful moving force" behind the legislation was "private gain rather than public welfare or national security." FULBRIGHT said the "legislative process has been subverted" and "both Congress and the Executive deceived" by persons seeking "personal gain." On April 26 he said that when testifying to congressional committees on war claims legislation, O'Donnell "always * * * left the impression that he was testifying as a former Commissioner and nowhere did he voluntarily disclose his personal financial interest."

FULBRIGHT added: "Our records show that in July of 1951, less than 4 months after Mr. O'Donnell left the Philippine War Damage Commission, he entered into arrangements for payments to him for work on further legislation and for representation on behalf of Philippine claimants (under the 1946 act) upon whose claims he had so recently passed judgment."

"These arrangements," FULBRIGHT said, together with fees for representing claimants under the later 1948–56 Philippine claims bills "ultimately resulted in payments to him and his associates by 1960 of over $1 million. I wish to emphasize that this amount does not include [an estimated $150,000 expected in fee] payments * * * under the bill passed in 1962."

Following the April 18 release of testimony, FULBRIGHT said he would press for legislation immediately to deprive O'Donnell and his associates of any commissions or fees under the 1962 Philippine War Claims Act. He also said that since the real purpose of the 1946 Philippine Rehabilitation Act had been to restore the Philippine economy, and not simply to pay off individual claims, he favored amending the 1962 Philippine War Claims Act, so that the $73 million payments it authorized would go directly to the Philippine Government, instead of to individual claimants. The Philippine Government could then use the funds as it chose, either to pay off individual claimants or for some worthwhile public purpose. FULBRIGHT said immediate action on his proposals was needed because payments of some claims under the 1962 law was imminent, but "no action should be taken by Congress or the administration which would violate any understandings or pledges" between the United States and the Philippines.

* * * * *

FOREIGN AGENT INVESTIGATION

The Senate, July 12, 1962, adopted Senate Resolution 362, authorizing $50,000 through January 31, 1963, for a Senate Foreign Relations Committee study of lobbyists in the United States representing foreign interests and the extent to which they attempted to influence U.S. policies.

An important feature of the study concerned the scope and effectiveness of the Foreign Agents Registration Act of 1938, as amended, which requires firms and persons (other than diplomats) who represent a foreign government or other foreign principal in the United States, to register with the Justice Department. The registrant must describe the nature of the work he plans to do for the principal, list all his offices and employees, list the principal's activities and report all funds received and spent in the United States and propaganda disseminated. Violation can bring up to 5 years in jail and a $10,000 fine.

A staff study issued July 22, 1962, by the committee said the Justice Department had only sporadically enforced disclosure requirements under the act, with strict enforcement limited to agents of Communist countries. Chairman J. W. FULBRIGHT, Democrat, of Arkansas, said there had been an increasing number of incidents involving attempts by foreign governments, or their agents, to influence the conduct of American foreign policy by techniques outside the normal diplomatic channels.

The commitee conducted studies but held no open hearings in 1962 on foreign lobbying. Its mandate for the investigation was extended to January 31, 1964, by Senate Resolution 26, adopted March 14, 1963, by the Senate.

In February and March 1963, the committee continued investigations and held closed hearings on foreign lobbying, later releasing the testimony. It began open hearings June 14, 1963.

* * * * *

June 30: The committee released testimony taken earlier in executive session from members of the Washington, D.C., law firm of Surrey, Karasik, Gould & Greene. Testimony alleged that the firm, under contract to the Dominican Republic Sugar Commission from 1954 to 1956 to lobby for a larger Dominican share of the U.S. sugar import quota, had failed to fully report the terms of its contract to the Justice Department; had not reported the complete fee which it received for its services; and had attempted to engage an Alexandria, Va., law firm to influence Senate Finance Committee Chairman HARRY FLOOD BYRD, Democrat, of Virginia, before whose committee sugar legislation was pending.

Walter Sterling Surrey and Monroe Karasik, partners in the law firm, were questioned at length about their relationship with the Trujillo regime, especially about a memorandum sent to the head of the Sugar Commission under Karasik's signature. The memorandum said that Karasik's firm had contacted a powerful law firm in BYRD's home State which would work with the Sugar Commission to arouse the Senator's sympathy for a larger Dominican sugar quota.

Karasik was shown evidence that he endorsed a $2,500 retainer check drawn by the Dominican Republic for the Virginia firm, but said he could not remember the memorandum or the check. Senator BOURKE B. HICKENLOOPER, Republican, of Iowa, said he found Karasik's loss of memory hard to believe and my disgust is complete. (Karasik later testified that the check might have been faked by the Dominicans. He said it was common practice for the Trujillo regime to siphon off public funds by showing the money to have gone to a legitimate business endeavor.)

Samuel Efron, a former member of the law firm and currently a New York attorney, testified on the second day of hearings that it was he who had attempted to enlist the support of the Virginia law firm of Bendheim, Fagelson, Bragg, and Giammittorio, but that they declined the offer. Efron said he puffed up the firm's relationship with BYRD in a cable to Karasik who was in the Dominican Republic and Karasik may have puffed a bit to impress Dominican officials. (Bernard M. Fagelson, senior member of the Alexandria firm, testified that Efron's reference to his firm as powerful and influential with BYRD was absolutely ridiculous.)

July 2—The committee released testimony taken earlier from Michael B. Deane, a Washington public relations man contracted by the Dominican Sugar Commission from August 1960 to September 1961 to lobby against withdrawal of the 321,857 tons of sugar reallocated to the Dominican Republic from the former Cuban sugar quota.

At the outset of the hearing FULBRIGHT cited the Deane case as one in which a public relations adviser "apparently filed exaggerated and sometimes inaccurate reports to his (foreign) principal * * *" which could lead "not only to an increase in the lobbyist's remuneration but also to contempt on the part of the foreign client for U.S. institutions."

Deane testified that he, too, may have "puffed" about his influence among Members of Congress and administration officials but that he was hired by the Dominicans because "I am a pretty knowledgeable fellow around Washington." He agreed, when queried further by FULBRIGHT, that he had misrepresented his influence by falsely writing officials of the Sugar Commission that he had been "invited by the President" to a White House luncheon and had "talked with" Agriculture Secretary Orville L. Freeman, Deane said he occasionally gave himself "too much credit," but "one tends to do that a little bit when they have a client who is outside of Washington."

* * * * *

Related development: November 27, the Justice Department released its annual report to Congress on the admiinstration of the Foreign Agents Registration Act. It showed that in calendar year 1962, nearly $30 million, the greatest proportion of which went for legal services and public relations, was reported as being received by persons and firms in the United States representing foreign governments and principals. Of the $30 million, Washington lobbyist John A. O'Donnell reported receipt of $45,584 from the Philippine Sugar Association and the National Federation of Sugarcane Planters of Manila, Ernest Schein reported receipt of $28,122 for representing three Colombian sugar firms.

CONTINGENCY FEES DELETED

The practice of basing representation fees partly on contingency was in vogue until the 1963 Senate hearings. Since then, according to information filed with the Justice Department, none of the compensation is based on contingency.

Compensation payments, however, are sometimes irregular.

For example, a statement filed by O'Donnell for the 6-month period ending January 29, 1965, shows a considerable amount of extra income. The report includes this statement by O'Donnell:

> January 1965 representation allowance and expenses shows an increase from $3,000

> to $4,000. This is not in my opinion a modification of my agreement with the planters. It was a material expression of gratitude—a voluntary act of generosity for my services in connection with their work on cooperatives.

O'Donnell's compensation from the Philippine Sugar Association is reported at $1,500 a month salary with expense account "not exceeding $500 a month for transportation and $500 a month for office expense." However, his statements filed February 18, 1965, and September 2, 1965, show $2,100 a month from this group for "representation allowance, salary, office, and general expenses."

In addition, he reported getting $3,000 from the National Federation of Sugarcane Planters—Philippines—on May 19, 1965, and $4,000 on January 4.

His February 18 report showed two compensation payments on December 21, each in the amount of $1,000.

Lobbyists who formerly got contingency fees include Oscar L. Chapman of Chapman and Friedman, representing Mexico. An agreement dated December 30, 1954, by the Mexican Government showed remuneration at $20,000 a year plus 25 cents per ton in increase in basic or permanent sugar quota. An agreement dated January 11, 1961, increased this annual fee to $50,000, and the contingency arrangement was later deleted.

The Dawson, Griffin, Pickens & Riddell firm, representing Indian Sugar Mills Association, under an agreement signed May 21, 1962, was to get $50,000 if the Sugar Act Amendments of 1962 extended the Sugar Act of 1948 for a period of only 1 year. If the extension amounted to 2 years or more then payment would be $33,000 a year, not to exceed $99,000, with expenses not to exceed $5,000 a year and not to exceed a total of $15,000. This agreement was modified by a letter dated June 21, 1965, which set for the compensation "at a rate of $20,000 per year, not to exceed $100,000 for so long a period of time as the foreign quota provisions of the Sugar Act. If the act is not extended, then compensation shall be $20,000 a year, expenses not to exceed $5,000 a year in either event."

Albert S. Nemir, representing Brazilian Sugar and Alcohol Institute, was to get a minimum fee of $35,100 per year for 1962 and 1963. The agreement also provided a commission of 25 cents per metric ton of Brazilian sugar effectively shipped from Brazil to the U.S. consumers market. The compensation agreement filed with Justice Department said:

> The commission referred to in the present clause, plus the minimum fee for 1 year as established under clause 2, cannot under any condition exceed yearly the sum of $95,200.

A memo filed March 9, 1963, indicated the agreement covered a period to December 31, 1963, and provided a minimum fee of $25,000 a year. No fee income has been reported since December 31, 1962.

The most recent income reported was $31,511.06 received December 31, 1962. This was for the 6-month period which ended March 9, 1963.

JUAN BOSCH'S DEMAND FOR U.S. DAMAGES IS ARROGANT

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. ROGERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, former Dominican President Juan Bosch's demand that the United States pay $1 billion in damages for its role in preventing the Red takeover of Santo Domingo is arrogant.

This demand is nothing but an attempt to boost Bosch. While other Dominicans are trying to be constructive in their country, Bosch is adding to chaos by acting in his own self-interest. If he is such a Dominican patriot why did he wait until the shooting stopped to return to his country.

A total of over $15 million in U.S. aid was extended to the Dominican Republic last year.

That country still owes us over $100 million in loans. While they are being repaid according to schedule, Bosch is doing little to further cooperation between the United States and the Dominican Republic.

RETIREMENT OF DR. LUTHER L. TERRY

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. JONES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, I wish to pay tribute today to an eminent Alabamian, who has achieved a remarkable and enviable record in the field of health and medicine. I refer to Dr. Luther L. Terry, who retires as Surgeon General of the U.S. Public Health Service on September 30.

Dr. Terry leaves his post to take up new duties as vice president in charge of medical affairs of the University of Pennsylvania, where he will continue to contribute effectively to the strength and skills of the medical profession. He will administer the affairs of the schools of medicine, dental medicine, veterinary medicine, nursing, and allied professions as well as the activities of the university hospital and the graduate hospital. Each year he will be responsible for the professional training of some 2,000 men and women.

In recent years, Mr. Speaker, the Congress has recognized through legislation the critical need for expanded training opportunities in the medical profession. It is indeed gratifying to know that a leader of the caliber of Dr. Terry is enlisting in this tremendously vital drive to bring the American people improved and advanced medical services.

Dr. Terry is a native of Red Level, Ala., where his father was a general practitioner of medicine. Much of his earlier instruction in medicine and medical training was received in Alabama schools and hospitals. Alabama is justifiably proud of this.

Dr. Terry made his mark at the National Institutes of Health where after 8 years of distinguished service he was named Assistant Director of the National Heart Institute. President Kennedy appointed him Surgeon General in 1961.

I have worked with Dr. Terry on legislation but more importantly I know him as a friend. He has given much to the medical profession, to his State, and to his Nation.

He has been a dedicated and conscientious public servant, Mr. Speaker, and the Public Health Service will miss his leadership.

But knowing the man, I know he will continue to serve his country and his profession. I salute Dr. Terry and wish him Godspeed.

AN ANALYSIS OF THE ANTIPOVERTY PROGRAM

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, one of the most important achievements of this Congress, in my humble opinion, was the passage of the antipoverty legislation. The commitment of this administration to fight to end poverty in our midst—a new idea in organized government—was met, as are all new ideas, with controversy, and criticism. Criticism of the program is ofttimes based upon a complete ignorance of the concept of poverty.

When I was a small boy in a coal mining camp, many of our citizens considered poverty a way of life and not a blight upon the body politic or a serious concern of the Nation as it really was and is now. It is refreshing, therefore, to read a series of articles not specifically an out-and-out endorsement of the program as it is in being, but at least an analysis to be absorbed in the evaluation the articles undertake.

Petty political bickering and expansive publicity that appeared early in the administration of the program have acted as a deterrent in getting it on its way to achieving the goals intended.

I believe every Member of Congress should read these articles from the National Observer, a national newspaper covering the subject not on a local or regional basis, but from a view of national impact. These articles should be read so that blind criticism may be tempered with a better understanding of the problems involved.

I myself have been critical of some of the specifics in the administration, particularly under Head Start where we are attempting to teach fundamental language, reading, and writing in a vast area of need. This criticism, however, is only because of my impatience as well as that of many others to get on with the job and to get the program in full swing, and is not aimed at the persons charged with the responsibility of administration.

I pray that Members will read these articles and then take a firm look at the antipoverty war and take a little pride in the knowledge that they have been a part of the first drive made in human history to relegate poverty as such to the dark days of the past, a part of the drive to move forward with hope and desire to eliminate want and need so that ignorance and hunger may no longer be a part of the American scene.

Mr. Speaker, the articles from the National Observer follow:

[From the National Observer, Aug. 16, 1965]

LEARNING ABOUT SLUM LIFE: EYE-OPENING TRAINING FOR VISTA's VOLUNTEERS

BALTIMORE.—"A bunch of us went downtown to a movie. We saw people nicely dressed; and, in a way, it was a nice feeling to be back with this kind of people. But then, after the movie, here we were walking down Pratt Street back to the slum. It made us realize how blind we were in the past—bypassing everything by taking the expressway back to the suburbs."

These comments come from 20-year-old Wayne Dorris of Boston, who recently graduated from an intensive 6-week training course conducted here by the University of Maryland School of Social Work. Mr. Dorris and his 26 fellowgraduates are now at work in a variety of assignments: Employment counseling in Atlanta, youth work in Detroit, legal counseling in San Francisco, or neighborhood-center work in Durham, N.C. They are among the more than 1,000 VISTA (Volunteers in Service to America) volunteers now in the field as part of the Office of Economic Opportunity's war on poverty.

All of the VISTA volunteers have received instruction at one of 20 training centers over the country. The Baltimore center was one of the first established and has influenced the pattern of the other centers, which are aimed at preparing volunteers to face the problems of urban poverty.

THE MOST LASTING LESSON

Mr. Dorris' recognition that his eyes were previously closed to the poverty around him is perhaps the most lasting lesson the volunteers can be taught at these centers. "We are dealing with middle-class people coming out of the middle-class background," says Ernest M. Kahn, the 39-year-old social worker who heads the training center. "They must face the question: 'How do I really feel when I get involved with the dirt and grime of poverty?' "

Adds Mrs. Patricia M. Keith, assistant director: "A good part of the purpose of the assignments is to get the trainees used to observing and seeing. We are trying to help them learn how to see what's happening around them."

The assignments Mrs. Keith alludes to include fieldwork 3 days a week in which the trainees are placed with a number of social or welfare agencies to work on actual cases under direction of agency staff members. The assignment might be to a boys' club, city hospital, family and children's society office, or neighborhood community center.

OBSERVE, TALK, AND REPORT

Then there are the weekly observation assignments in which the trainees in small groups take the bus to places where they can learn how the poor live—public-housing projects, public markets, health clinics, pool halls, or flophouses. The trainees are asked to observe and talk to people and write a report on what they have seen.

"We want these people to develop some ability and some skill at visiting with the poor," says Mr. Kahn. "They get so they're not shocked at the stench of urine, for example. And they begin to deal with these people as people; after a while they are able to offer some specific help. Often, they have the time to do things that the harassed regular social worker for the agency just doesn't have time to do."

Mr. Kahn cites the case of a girl assigned to Hopkins Hospital, who was told to follow up a case of a mother who failed to give her child medicine prescribed by the hospital. The trainee found that the mother wasn't following instructions because she didn't know how to tell time. In half an hour the trainee was able to teach her and straighten out the problem.

The training program also includes lectures by social work professors and welfare-agency executives on various aspects of the poverty problem: Mental health and poverty, family life in the slums, health services for the poor, and the like. There are also Saturday morning workshops at which specific skills are taught, such as tutoring, homemaking, group leadership, community organization, folk dancing, and creative arts. Each week in three 2-hour seminars, led by experienced social workers, the trainees discuss questions raised in their fieldwork, observation, and lecture assignments, and also talk about their own attitudes about poverty and the training program.

These sessions not only enable the volunteers to crystallize their impressions, but allow VISTA officials to evaluate the volunteers preparatory to the inevitable screening-out process, which includes several interviews with a clinical psychologist. Out of the 34 candidates who started this particular 6-week cycle, 4 were dropped and 3 others quit. The final decision on dropping a volunteer is made by a six-man board of three training-center staff members and three VISTA staffers from Washington. The sessions also help the volunteers gain an insight into their own motives for joining VISTA.

Says Oscar Carter, the training placement officer: "For one thing, they're getting away from parental domination. For a lot of them it's their first time away from home on their own. Secondarily, there's an altruistic motive; they want to help people less fortunate than themselves. And there are quite a few who are trying to determine their professional direction. They are using this as a practical test of whether they want to work for a public service agency."

A CLEAN SHEET OVER THE BEDBUGS

"I haven't been as excited about anything in my life," says Ann Weinhold, 22, of Ithaca, N.Y. Miss Weinhold describes one 3-week effort to clean up a three-story house where an 81-year-old woman, crippled by arthritis, and her 69-year-old diabetic husband lived.

"There were ratholes in the kitchen. And when we came to change the bed linen, there were literally thousands of bedbugs crawling on the beds. To get rid of them, you'd have had to destroy the mattress and burn the sheets. We didn't have the authority to do that; so we put clean sheets on top of the bedbugs and at that point, it was up to the sanitation department and the public health nurse."

Says another of this crop of trainees, 20-year-old Marilou Hunt of Lehman, Pa., "I had never seen a slum until I came to Baltimore. The first time I walked in that kind of neighborhood, I got called nasty names, and it really shocked me."

The problem of developing meaningful communication with the poor struck home to a number of the trainees. Eric Metzner, 24, of Tucson, did his field work in a Negro boys' club. "There was a tremendous problem in trying to talk to the boys on a level of other than 'Let's play ping-pong,' " Mr. Metzner says. "They were all colored kids—and you're white. So they assume you're a social worker; and why talk to a social worker?"

THEY WERE WORLDS APART

Twenty-year-old Henry Garland of Bergenfield, N.J., who developed a tutoring program at the same boys' club, reported a similar experience. "The kids were very reluctant to talk to a white person," Mr. Garland says. "It was their world and our world; they had a way of communicating among themselves that set them apart. Many of them had a sense of being satisfied with what they had; they knew they would grow up to be the useless black males you'd see around that area, and that was that."

But with a few of the youngsters, Mr. Garland was able to make real headway as a tutor. And this gives him hope. "If you can establish ties like that in only 6 weeks, in the year we're going to be working, well, poverty won't be unheard of after the year," he says, "but some few people might have been helped."

GETTING NEW PERSPECTIVES

Preconceptions about the poor were altered for many of the trainees by the 6-week course. Says David Meador, 21, of San Antonio, who joined VISTA after 2 years of college:

"I had read all these books, and I thought I had these people pegged. But I found the people I met to be intelligent and sensitive to a tremendous degree, to have great concern for their families, and to want to better themselves—characteristics which I didn't expect to find. There were those who were unintelligent and lazy, but not to the degree I anticipated. Many were people who really wanted to do something for themselves and their kids, and were just not able to do it."

Adds 19-year-old Marilyn Watts of Denver, a former Colorado University freshman, "I doubt very much that I'll ever be able to go back and think like my friends again."

The trainees had indeed changed over the 6-week period. And, if most of them would carry little in the way of skills or work experience to their VISTA assignments, they might well make up for that deficiency in the enthusiasm and dedication of youth.

In his final talk to them, the day before they left for their permanent VISTA assignments in the field, Mr. Kahn warned them not to expect Utopia: "All kinds of things can happen. Don't expect the fire department band to be on hand, and everything laid out for you when you arrive."

JAMES R. CONANT.

[From the National Observer, Aug. 16, 1965]

HOW PROJECT HEAD START IS WORKING: YELL COUNTY GETS A HANDLE ON POVERTY PROBLEM

OLA, ARK.—Cindy is a 5-year-old girl with delicate features and flowing black hair who had never seen an elephant. But last month she and her 39 classmates at a local school in Yell County here boarded a bus, clutching their picnic lunches, and drove to Little Rock, 90 miles to the east. There, at the zoo, she saw an elephant. "It had a long nose," she exclaimed last week. "It was bigger than a turtle. Bigger than my daddy." Now she draws pictures of elephants in watercolors, and pictures of herself, which show a girl with spindly legs, a round stomach, and a grin on her face.

Cindy doesn't know it, but the trip to the zoo, the watercolors, the songs she's taught to sing, the nourishing lunch she's served in school, the games she's taught to play—even the contests to see who can wash his hands the cleanest—all are designed to prepare her for entering first grade next month. For Cindy is one of those 500,000 children who are enrolled in the Federal antipoverty program's Project Head Start, the program aimed at bringing youngsters from what sociologists call "culturally deprived" homes closer to the level of the classmates they will soon meet. The program originally was planned as an 8-week summer project, but the response has been so good, said Federal Antipoverty Director R. Sargent Shriver last week, that the Government will make Head Start a year-round project.

Rural Yell County, where a steadily declining population (now 12,000) exists on an average family income of $2,600 a year, is a good place to see Project Head Start in operation. It is a county where girls and boys from homes like Cindy's have traditionally quit school long before graduation. There are as many adults here with less than an eighth-grade education as there are with more.

SCANT SCHOOLING IS NO BAR

One reason for the high dropout rate is that a limited education has never served as much of a handicap. Yell County residents could make a living on family farms growing row crops like corn and cotton, or find employment in one of the sawmills and woodpulp factories that process timber from the area's deep forests.

But things are changing, here as in other rural areas. Increasingly, larger farms are squeezing out the small producer, and cutbacks in the timber industry have idled many. To provide steady employment and curb the steady population loss to the cities (15 percent since 1950), county leaders are seeking to attract new industry and develop the area's lakes and woods for recreation. Industry's demands for a skilled labor supply have spurred the county to establish an antipoverty program, with the emphasis on education. Project Head Start is part of the effort.

Explains Mrs. Hazel Marcum, a fourth grade teacher, who directs the local Head Start project: "A lot of kids show up for the first day of school showing serious effects from neglect. They don't have shoes, or they're not clean. Some from large families can't say more than a few words. They can't keep up in class, and they're laughed at. It doesn't take long before they lose interest."

WHAT THE CHILDREN ARE TAUGHT

To prevent this year's crop of first graders from being laughed at, the Federal Government is pouring $84 million in antipoverty funds into Head Start projects in 2,300 communities. Yell County's program cost $49,000, 90 percent of it to be paid by the Federal Government. The county will pay the rest. At half-day sessions in the county's 7 schools, 233 pupils learn to recognize colors and shapes, to use scissors, listen to music, recite nursery rhymes, and identify simple household objects like a toothbrush and a bar of soap.

In addition to the zoo, the youngsters have been taken on trips to a supermarket, a dam, a movie (Walt Disney's "Cinderella"), a library, and to Arkansas Polytechnic College in nearby Russellville, where an unexpected attraction proved to be the public restrooms. "Many of them had never seen indoor plumbing before," a teacher explained.

Visit the Ola School here, and you get an idea of the problem. A few faces are gaunt. One child has burns on her chin, which her teachers think might have come from huddling too close to a stove to keep warm. Mrs. Marcum points to a thin girl at the corner of a table who is rubbing her eyes, and whose dress hangs down almost to her ankles.

"We had a devil of a time getting her here," she says. "It took three visits to the home before her mother would let her come. Some of the other children in the family have never been to school. Their mother said there was no use sending them.

SHE'S GETTING ANIMATED

"When we finally got her, she didn't eat her snack (of milk and cookies) in the morning, or her lunch for 3 days. Just chewed bubble gum off in a corner and rubbed her eyes. Now she's eating and beginning to talk to the other children. At the zoo, she jumped around like crazy, and she talked the whole way back on the bus."

But these children are exceptions. Most are normal, healthy, and active. "Want to look at my coloring book?" one of the class' two Negro pupils asks. He wants a visitor to see a crayon drawing he did, a caged hamster, and a plant that he and other youngsters take turns watering.

If you judge Head Start as an experiment in cultural enrichment, it seems to be working well here. The children benefiting by 8 weeks of special summer schooling are indeed from impoverished homes. A ratio of 1 teacher for each 16 pupils assures personal attention to each child's needs, and the work of the teachers is supplemented by 14 teacher aides, most of them college students or graduates.

But Head Start is not without its problems here, and those problems are reflected in the experiences of other Head Start communities across the Nation.

Antipoverty officials in Washington argue that if the opportunity offered to Head Start youth is to have any lasting effect, it must be reinforced in the home. The program, therefore, provides for employing parents of the children as paid volunteers in the schools (as teacher aides and recreation leaders, for example), and for extending community services to help parents with family problems. Under the Yell County program, five home economists have been hired to teach low-income mothers proper budgeting, cooking skills, nutrition, and health care.

But this part of the program has met with little success. Says Boss Mitchell, Yell County antipoverty director: "When some of these mothers are working 8 or 9 hours a day they don't feel like going to a meeting at night to learn how to run their home. Some who aren't working wouldn't be good examples for the kids in school. Or they have a feeling that their clothes aren't good enough or their hair's not fixed right."

Medical treatment is another problem. Every youngster in Head Start is to be given a complete health checkup. Under Yell County's budget, local physicians are paid $2 and local dentists $2 for each examination they give. But Washington has made no allowance for correcting the deficiencies detected. Examinations on local children here have revealed deficiencies, including bad teeth, malnutrition, possible tuberculosis, and one child suffering from a heart defect. Mrs. Marcum hopes that local welfare funds will be made available to treat some children, but she has no assurance of it.

Head Start officials in Washington acknowledge these problems. "This parental involvement thing has not gone as well as we think it can go," says Jule M. Sugarman, the program's deputy associate director, "but we've made a start." Head Start administrators say they anticipated that some medical problems might go uncorrected, but they reason that uncovering the deficiencies is an achievement nonetheless.

SOME SIDE EFFECTS

Though it is too early to assess the results of Head Start, the program has already had some notable side effects in Yell County. It is the first major project undertaken jointly by the county's seven autonomous school districts. In the past, programs such as foreign-language instruction or music that no single school district could support have sometimes been abandoned because of lack of cooperation among the districts. Head Start also appears to have wiped out the last vestiges of racial segregation in county schools. Washington insisted on countywide integration as a condition of releasing Head Start funds. Finally, the project has set precedent by keeping school doors open during the summer months.

Local officials now seek to employ county schools as a year-round weapon in the antipoverty program. Twenty-six adults are learning to read and write in new basic education classes. Vocational-training courses have been proposed to teach new skills to the jobless. Remedial reading classes for potential school dropouts, begun this summer, will be expanded when the fall term begins. And if Washington approves the county's $150,000 request for a continuation of Head Start, next year's crop of low-income first-graders may get a heavier dose of preschool training than was available this summer.

"I don't guess we have any more of a poverty problem than a lot of other areas," says county antipoverty chief, Mitchell. "But we've got a handle on our problem. With a little bit of education, maybe we can lick it."

MARK R. ARNOLD.

[From the National Observer, Aug. 30, 1965]

"SUBPROFESSIONAL"—THREAT TO WELFARE WORKERS?: HOW SELF-HELP IS A KEY IN THE WAR ON POVERTY

PITTSBURGH.—A vast army of antipoverty workers is prowling the Nation's slums, invading schoolrooms and hospitals, and providing in the process both a service and a challenge to the professionals who guard the Nation's traditional health, education, and welfare institutions.

In the war on poverty's most direct self-help effort, local community-action agencies across the country have recruited 15,000 slum residents—people whose knowledge of poverty is firsthand. Fresh from the welfare rolls or the ranks of the unemployed, they are whisked through quickie training courses, put on salaries of $4,000 to $5,000 a year, and sent back to the slums where they grew up to help lift their neighbors from poverty. Washington officials say their ability to communicate with the poor often makes these grass-roots antipoverty workers more effective than trained professionals who have worked the same areas for years.

In Pittsburgh, 250 of these neighborhood workers, or "subprofessionals," already are on the antipoverty payroll. They are helping the needy find jobs and housing, assisting slow learners in slum classrooms, directing troubled families to agencies that can help them, and teaching homemaking skills to needy mothers.

A THREAT TO STANDARDS?

The practice has serious implications for the professionals in the field of social welfare. Some social workers see a potential threat in the prospect of untrained workers performing the tasks they spent years preparing for. Many local school boards are resisting pressure to let subprofessionals into the classrooms. The major professional organizations have met with Sargent Shriver, Director of the antipoverty program, to seek assurances that they will not be bypassed by the program.

So far, however, Mr. Shriver's lieutenants have encountered less resistance than they anticipated. They stress that neighborhood workers can free the professional from routine chores—recordkeeping in hospitals, lunchroom supervision in schools—that prevent him from making full-time use of his training. They argue, too, that the work of the neighborhood workers can help bridge the gap between the demand and supply of trained health aides, teachers, and social workers. Antipoverty officials estimate that 10,000 vacancies for social workers exist in the Nation.

WHERE THEY MAY EXCEL

But the criticism could grow in the next few months. The number of subprofessionals will rise to 66,000 by mid-1966. As these workers advance through the ranks of local community-action programs, they will increasingly be seated opposite the professionals on decisionmaking boards. Obviously, no one intends that amateurs should try their hand at treating mental or physical disorders, or tackle other sensitive problems requiring a high degree of specialization. But Washington suspects there are many jobs traditionally held down by professionals at which neighborhood workers can excel. Direct-contact social work is one. Teaching slum children is another. Says a Federal community-action official: "Sometimes a school dropout can communicate better with a poorly motivated slum kid than the teacher can. Why shouldn't he be allowed to try?"

If nothing else, the use of subprofessionals will test the validity of the standards that professionals set up as qualifications for entry into their ranks. Some critics contend these standards are artificially high, and serve only to deny needed services to the poor.

Pittsburgh's community action program gives some clues to the variety of ways in which the poor are being recruited to help their neighbors.

Under a $95,000 contract with the mayor's committee on human resources, the local antipoverty agency, the board of public assistance has taken 30 mothers off relief and trained them to teach cooking, sanitation, and other skills to needy mothers in the home. The board's usual qualification for such work: a college degree in home economics.

Pittsburgh's Board of Education is using antipoverty funds to hire 167 subprofessionals to work with regular teachers in the classrooms. The usual qualification for teachers: A college degree with 18 hours of education courses.

Antipoverty lawyers will break new ground in the next few weeks by hiring subprofessionals to set up interviews, gather information, and interview parties in welfare, credit, and housing disputes.

The county health department has hired 56 subprofessionals to interview welfare families needing health care, to comfort the sick, to identify basic illness, and to staff mobile clinics in impoverished neighborhoods.

WORKING IN EIGHT TARGET AREAS

Other local agencies with antipoverty contracts from the mayor's committee are training the poor to work out of neighborhood service centers in the city's eight target areas—the areas where the city is waging its antipoverty war. These subprofessionals are conducting job-placement interviews, helping the needy find clothing and housing, leading night classes in consumer counseling and home repairs, and serving as caseworkers.

Mrs. Audrey Glenn, 31, the mother of three, is a caseworker. A high school dropout, she was a welfare recipient for 7 years before being plucked from the relief rolls by the mayor's committee. After 3 weeks of training, she was sent back to the slums of the city's Hill district, where she grew up, to help her neighbors.

Mrs. Glenn sees her role as "part counselor, part real estate agent (she finds housing for people), part taxi driver to take people who need help to the hospital, and part traffic cop to direct them to the services that are available."

David G. Hill, Pittsburgh's 32-year-old community-action director, considers Mrs. Glenn and her fellow neighborhood workers the nucleus of the city's $9 million antipoverty program—and the chief hope for its success. "The biggest problem when you're dealing with the poor is one of communication," he says. "All kinds of agencies have been seeking to help the poor for years. At the same time you have all these people who need help and don't know where to turn. They don't read the papers. They don't get the message on TV. They're suspicious of outsiders. These subprofessionals are our connecting link. They have faced the same barriers and speak the same language. People open up to them."

Mrs. Glenn has met little resistance to help on her rounds in the Hill district. She recalls a Negro woman she met pushing a baby carriage down a cobblestone street. "I said, 'What a cute baby you have.' She said, 'It's not mine, it's my daughter's.' I asked, 'Where's your daughter?' And she said her daughter was in the hospital having another baby." With a few more questions, Mrs. Glenn learned that the baby's father was about to be drafted, that the couple was not legally married, and that the rent might not be paid on time. Since then she has been working with the family and city agencies to help straighten out their problems.

AIMING FOR INSTITUTIONAL CHANGE

But the neighborhood workers have a role that goes beyond breaking down the barriers of suspicion that many troubled families erect toward outsiders.

Often, antipoverty warriers insist, traditional welfare programs have ignored the people who needed their services most. This happens, they say, either because the programs are designed to conform to the administrators' concept—often mistaken—of the needs of the poor, or because of arbitrary bureaucratic restrictions. The neighborhood workers "identify with the poor," says an antipoverty official.

With the bait of antipoverty funds, Mr. Hill's agency is trying to entice welfare services—from Salvation Army to public assistance and Traveler's Aid—to reexamine their programs. In a sense, the city's antipoverty program is the tail that seeks to wag the welfare dog.

FATHER IS DISHWASHER

Wagging the welfare dog is not always easy, as Mrs. Glenn knows from her own experience and that of the people with whom she now works. She cites the example of the woman she met with the baby carriage:

"When the daughter came home from the hospital, I went to visit her. She and the children's father have a two-room apartment that's horrible, and it costs them $100 a month. He's making $40 a week as a dishwasher. His mother had been on welfare. He's a high school graduate and bright enough to be in college, but no one ever took an interest in him. Now that he's about to be drafted, he could be deferred since he has a family to support. But he can't prove he's got to support his family to the draft board unless he produces a marriage license or a notarized statement saying they're his children. I want to get them married, but he doesn't have the $15 for a blood test, which you need to get married. I'm trying to get welfare to lend him the money for the blood test, but they're dragging their feet."

Much of Mrs. Glenn's work—and that of Mr. Hill—involves persuading agencies to be more responsive to people who need help. One official calls this "breaking down the bureaucratic mentality that makes some administrators consider human problems as just more paperwork."

AN INCENTIVE TO REFORM

Mr. Hill concedes that "promoting institutional change" is a difficult job. "Some of the agencies resist new ideas," he says, "and new ways of dealing with problems. The whole idea of citizen participation is foreign to them." But he believes that the threat of cutting off an agency's antipoverty subsidy will prove a powerful incentive to reform.

Some traditional administrators see the subprofessionals as a divisive force, raising false hopes in the community, and breeding disillusionment with established institutions. "They're sending people in here looking for handouts," moans a welfare official in Pittsburgh, "and when they don't get them, we get the blame."

Too, neighborhood workers sometimes overstep the bounds of their competence. "Not only are some of these people giving legal advice," complains an antipoverty lawyer in Washington, D.C., "they're giving bad legal advice."

AND WHEN THE POOR AREN'T POOR?

And some enthusiastic supporters of the neighborhood-worker program wonder how long the formerly impoverished can maintain the identification with the poor, an identification that is the key to their usefulness. Asks Aaron Schmais, Mr. Shriver's watchdog on local community-action employment of subprofessionals: "When you take a poor person and pay him $4,000 or $5,000 a year, does he represent the interests of the poor anymore? What happens when he starts wanting buttons on his phone, plush bookcases, and the other office status symbols?"

Despite these problems, Washington is so hopeful that the idea will work that planners are studying ways of using subprofessionals to open up vast new fields of employment. Besides working in "human services," Mr. Schmais says, the subprofessionals could be used in such fields as conservation, air pollution, and urban renewal.

Mr. Schmais argues that the subprofessional concept is actually an extension of efforts that have been accepted for years. He cites hospitals, "First you had the doctors, then the nurses, then nurses' aides. In the antipoverty program, we're doing the same thing: Breaking down traditional jobs and opening them up to new kinds of personnel to meet a growing need." Nor is he surprised that there is resistance: "All the major institutional systems are loath to let in anyone who has less than the set credentials," he says.

Mr. Schmais is by training a psychologist. Before joining the antipoverty program, he spent several years as a social worker in East Harlem, where he learned that professional training often can be something less than an indispensable tool in helping the poor.

"What credentials do you really need to work with a poor family?" he asks. "Do you really need 2 years of graduate study for some kinds of work? We want to get the professionals thinking about questions like these. Maybe some of the skills you really need are those the professionals don't have because they've never been faced with poverty."

MARK R. ARNOLD.

[From the National Observer, Aug. 30, 1965]

A STEP-UP IN AID FOR LOS ANGELES; THE MOSK PROPHECY

Fifteen months ago Stanley Mosk, then California's attorney general, wrote a report warning that Los Angeles Police Chief William H. Parker and his department were likely targets of Negro resentment.

Mr. Mosk predicted that "in Los Angeles if demonstrators are joined by the Negro community at large," the militia would have to be called in. "Millions in property damage may ensue, untold lives may be lost, and California will have received an unsurpassed injury to her reputation."

Mr. Mosk's prophecy came true. But last week the Federal Government, the California State administration, and others were trying to make sure that it wouldn't happen again.

President Johnson named a special task force of Federal officials, headed by Deputy Attorney General Ramsey Clark, to formulate a rehabilitation plan for the devastated Watts area, the scene of the heaviest rioting. The Government anticipates programs for expanding surplus food distribution, accelerating construction of low-income housing, increasing health and medical services, and enrolling jobless youths in vocational training.

A political deadlock between Los Angeles Mayor Samuel W. Yorty and Sargent Shriver's Federal Office of Economic Opportunity was broken, releasing $20 million in antipoverty funds in time to benefit slum children returning to city schools next month.

Gov. Edmund G. Brown's eight-man investigating panel, headed by John A. McCone, former director of the Central Intelligence Agency, began an inquiry into the underlying causes of the riots. At least two other investigations were underway. One was under the direction of the Los Angeles city council; the other by a group of Protestant churchmen.

These efforts will be augmented by others in the next few weeks. The Congress of Racial Equality intends to set up consumer cooperatives and credit unions in the 45-square-mile Watts area. Other civil rights groups are planning to help in the rehabilitation. The city council will reconsider its decision last October against establishing a human relations commission to deal with racial problems.

President Johnson, commenting on the riot, said last week that all these efforts are "too late. The tragedy has already occurred, the dead cannot be revived, and the scars of inaction over many years have begun to show themselves."

"The Boys Who Last 30 Days Usually Stay On": At a Job Corps Center, Discipline Improves, but Many Problems Persist

(By Mark R. Arnold)

Royal, Ark.—A year ago, Albert Ziegler, a bright, eager, athletic Negro school dropout, was washing dishes in a hamburger stand in San Antonio, convinced he was "going nowhere" in life. Last week, shortly after I talked to him at the Ouachita Job Corps Conservation Center here, Alberte ("Zig" to his friends) left for Washington, D.C., where he and 43 other promising Job Corps recruits will take up residence for 6 months of work in Government offices. When his 6 months are up, Zig will go into a vocational training program at a large urban Job Corps center, into military service, or maybe to a well-paying job back in San Antonio.

I remember Zig from my visit last March to this U.S. Forest Service camp in days living and working with many of these boys, searching for some clues to whether the basic educational and work skills they are learning can give a permanent uplift to youths from rural backwaters and urban slums. My return visit last week raised more questions than it answered about this key part of President Johnson's poverty program.

The most obvious change about the boys is that they look healthier. Those who have been here for more than 5 months have gained an average of 11 pounds. I was struck too by several other things: The barracks are cleaner, discipline is much improved, and morale is generally quite high. "Coming here was the best thing I ever did," says 18-year-old Jim McNease, who left 12 brothers and sisters behind in northern Arkansas when he moved to Ouachita. Other boys echo his comments.

ONE BOY'S SUCCESS STORY

A few boys who were self-conscious, suspicious, or homesick, are now more sociable, and better adjusted to camp life. One of them, the subject of derisive jokes when I worked with him, has done so well that he was named an assistant group leader, which means he gives orders and those who once ridiculed him obey.

On the other hand, the camp has been plagued by a dropout rate of 40 percent; bureaucratic snarls and lack of facilities continue to retard the corpsmen's progress. And, worst of all, many who need special attention are not getting it owing to a shortage of skilled professionals on the camp's staff.

These problems, and others I encountered at the camp, are not confined to Ouachita. Hopefully, many of them can be traced to the speed with which the administration moved to mobilize its war on poverty, and may in time be corrected. In the past 8 months, Sargent Shriver's Office of Economic Opportunity (OEO), the Federal antipoverty agency, has opened up 38 conservation centers like Ouachita, 7 urban centers for advanced vocational training, and 5 women's centers, enrolling a total of 10,800 youngsters ages 16 to 21. Now the emphasis is shifting from opening new camps and filling them with corpsmen to what private industry calls "quality control." Antipoverty administrators in Washington are reassessing the content of the Job Corps training and revamping it to better meet the needs of the youths:

WHY THE HIGH DROPOUT RATE?

Steps have already been taken to curb the dropout problem, which is running about 15 percent nationwide, considerably below the figure at Ouachita. Ouachita's crewcut director, Ralph Kunz, a career forestry official, explains why his camp has lost so many youths:

"At the beginning we were just an extension of the screening process. Some boys came here just for the airplane ride. Quite a few got homesick. We lost a half dozen when we said everyone would have to receive shots (for diphtheria, typhoid, tetanus, etc.). They were afraid to * * *. Out of one group of 24 that came in we lost 18 within a week. They had no clear idea what the Job Corps was all about, and when the leaders among them went, they all did. But those who last 30 days are usually sure bets to stay on."

Of the 180 boys who have filed into Ouachita since the camp opened in February, 71 have left. Some quit because they didn't think they were getting anything out of the training. Eleven, including several who threatened a group of local youths in Hot Springs with a gun, were discharged as troublemakers. One boy of low intelligence whom I knew quite well left by mutual agreement. "He just wandered from pillar to post; we couldn't get through to him," explained a member of the camp's staff.

Another reason for the high dropout rate is that local recruiting agencies, usually State employment services or community antipoverty groups, have sometimes painted glowing pictures of life at the camps in their eagerness to sign up recruits, for which they are paid an average of $80 a head by Washington. "I was told they'd give you a high school diploma and guarantee you a job," Ouachita Corpsman James P. Van Volkenburg said at a barracks bull session. "Now I learn that's not true." "You mean they don't?" asked an astonished camper.

To trim the dropout rates, Washington now sends all new recruits to special induction centers for 3 weeks of indoctrination, tests, and health shots. Those who don't like what they're in for usually drop out at that time.

Establishment of the induction centers may bring the dropout problem under control. But other deficiencies persist.

Take education. Each of the 105 corpsmen at Ouachita spends 3 days a week following, at his own speed, a course of programed instruction in reading and arithmetic under the guidance of 11 teachers. With the youngsters who came to camp with a basic education this program has proved remarkably effective. Many of the youths have advanced the equivalent of two or three school grades. But most of the illiterates are floundering. "They have short attention spans, and after a while they lose interest entirely," says one instructor. "We need material that will hold their interest—flash cards, audiovisual aids. But you have to go through channels to get everything, and that takes time."

A LOSS ON EITHER SIDE

Camp instructors are unable to give the nonreaders the attention they require. Says Instructor Cecil Tackett: "If you take care of the kid who really has problems, you're neglecting the bulk of the boys. So you work most with those in the middle, they're the largest number, and you lose those on either end."

Nor will the problem be solved by hiring more teachers. "Some of these kids have very serious speech impediments," says Guidance Director Don Cogdill. "There's nothing we can do for them. We're not trained to handle this type of problem. Others need psychiatric care, and it's holding up their progress that they're not getting it." He suggests, and Director Kunz agrees, that the camp should hire a consulting speech therapist and a consulting psychiatrist, for which funds are only now becoming available. But because the camp has not had these services, valuable months have been lost.

Or take counseling. Mr. Cogdill, a former junior high school guidance coordinator in St. Petersburg, Fla., is acutely conscious of the fact that most of the youths, away from home for the first time and plagued by self-doubt, desperately need to discuss their problems with someone. I found many of them hungry for advice—and reassurance. But as the camp's only professional counselor, Mr. Cogdill complains he's too busy administering psychological and aptitude tests to fill the need. His administrative bureau will be eased now that the new recruits are taking the tests in induction centers.

THE WORLD OF WORK

The closest thing to counseling now offered is a course called World of Work, a combination free wheeling discussion and group therapy session in which the youths are encouraged to discuss their problems. On one day last week the conversation touched on such subjects as preparing for a job interview, budgeting, use of a checkbook, taxes, and basic hygiene. But the class is a poor substitute for personal counseling, and the boys seem to notice it. Most of those who recently filled out a form evaluating their training said they didn't feel that the staff took enough interest in their problems.

In the absence of intensive counseling, many of the boys continue to drift. Carl Ward, a modest, personable 16-year-old from Poplar Bluff, Mo., told me in March he thought he might like to be a truckdriver. When I asked a camp official about him at that time, I was told: "A lot of them come here thinking they want to drive a truck. They don't know about a lot of other jobs. What we'll try to do is open their minds to other opportunities." Now, 15 pounds heavier, Carl works in the camp kitchen as a cook's helper. I asked him last week what he'd like to do when he finishes his training. "I don't know, maybe drive a truck," he said.

On the days that the boys are not in the classrooms, they break off into groups for work training. The idea is not to teach them mastery of a specific trade, but to expose them to various types of constructive work. Eleven boys besides Carl Ward work as cook's helpers. Three boys, who hope to become X-ray technicians, work in the camp dispensary. A surveying team, working under a civil engineer, laid out a basketball court at the camp and a dirt road. Three boys, operating the camp's bulldozer and road-grader, helped to build a 2-mile road in the Ouachita National Forest. One crew has dug the foundations and poured concrete to erect two quonset huts at a ranger station. Another group, working under a carpenter hired by the camp as a consultant, is building carports for the permanent homes at the camp, and several of the boys have laid topsoil, built rock-and-mortar drainage ditches, and prepared campsites at a nearby public recreation area.

There are fewer loafers at Quachita than there were in March, and the corpsmen take more pride in what they are doing. "I feel good to see people actually using what we built," said Corpsman Harry Duckworth, who pointed out to me the parking walls and campsites his crew had prepared.

This work sounds impressive, and it is. But there have been times when campers have been featherbedded onto make-work maintenance crews to keep them busy. Machinery and tools to outfit woodworking and welding shops stand unused because the building to house them is not completed. And several boys complained to me that the most constructive work always goes to a few boys (who they admitted were good workers) while they are left to do custodial chores around the camp.

How do you measure the camp's success—and the success of the Job Corps?

The corps is obviously giving a chance to many youths who never had a chance before. Albert Ziegler is a prime example. But he, as has been noted, was bright and eager to start with. The legion of dropouts, on the other hand, indicates that many youths who needed a chance as much or perhaps more than Albert Ziegler did not find it in the Job Corps.

It is safe to say that everyone at Ouachita has learned something. This became clear to me when I asked a nonreader at lunch one day to spell his name. He hesitatingly scrawled a signature on his napkin, rather than write it into my notebook where his possible mistakes would take on a look of permanence.

What is the yardstick?

Asks Dr. Howard Brighton, Ouachita's chief on instruction: "How do you measure the fact that X now knows what a toothbrush is for and that he takes his shoes off before getting into bed, and that Y can make change for a dollar? Or that a boy who said 'I ain't gonna do nothin' ' whenever he was asked to do anything at all is now a willing worker? Or take R. He couldn't read the alphabet when he got here 5 months ago. Now every day he reads over and over again, 'I am a man. I am not an ant.' He's trying, I know he's trying, and someday he's going to get it."

How indeed do you measure this kind of progress?

Yet there are doubts about the program among educators on the Job Corps staff. It is expected that most youths who have acquired basic work and study skills at conservation camps like Ouachita will go on to an urban Job Corps center for training in occupations ranging from medical technology to auto mechanics and landscaping. But many will join the Armed Forces or return home after their initial training, which runs from 6 months to 2 years.

Worries one educator: "There is a real question whether some of these kids aren't going to be more frustrated than they were before when they get out and find they face some of the same barriers they faced before—no high school diploma, no marketable skill, racial discrimination." These doubts are reinforced by the fact that Washington has not yet clearly spelled out the machinery for placement of Job Corps graduates, because, a spokesman notes, "We've had only a few so far." Job Corps officials intend to rely heavily for placement on State employment agencies, which may not pursue opportunities for the graduates as aggressively as Washington would like.

The boys at Ouachita are only dimly aware of the continuing question mark in their future. They're confident that their training here will enable them to land a good job, and if they have trouble, the Job Corps will help them out. This confidence leaves them free to indulge their fancy for less weighty matters, like how they will look in the Corps blazers and slacks they'll soon be able to buy. "I hope I get mine before I go home on leave," said one of my roommates as we lay on our bunks enjoying a last cigaret long after lights out. "That way, when I go home, and when people say, 'Where you been?' they'll know where you been without thinkin' maybe you been in jail or somethin'."

Mark R. Arnold.

NATIONAL MARITIME POLICY

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Garmatz] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GARMATZ. Mr. Speaker, I was utterly flabbergasted yesterday when I read in the Baltimore Sunday Sun an account of the report of the Interagency Maritime Task Force which was appointed sometime ago to study and make recommendations with respect to a proposed new national maritime policy.

I have this morning dispatched a telegram to Secretary of Commerce Connor, the Chairman of the President's Maritime Advisory Committee, voicing my consternation over the general tenor of the Interagency Task Force's recommendations, asking him for a statement clarifying the Government's position, inasmuch as parts of the task force report are in such direct conflict with the Secretary's own statements over recent months.

Even more surprisingly, the recommendations seem to have ignored those already made by the President's Maritime Advisory Board, which will have final say in the matter.

Only last week I directed the attention of the Members of the House to a report on maritime policy proposed by Ernst & Ernst, a financial research organization of national standing, which is as positive and promising for the future of American shipping industry as this report is destructive.

While not prepared to take on the task force item by item until I have had the opportunity to read the full report, I can say that it is in almost complete conflict with the current national maritime policy as laid down in the basic Merchant Marine Act of 1936. That policy has been consistently reaffirmed by supplementing legislation and by official studies of the Commerce Department itself.

I realize that this task force report must now go to the President's Maritime Committee for consideration, and I have every hope that the many objectionable—I might even say, destructive—recommendations will be removed or brought into reasonable prospective.

It goes without saying that the report takes no notice of the certain worsening of our balance-of-payment position if we turn over to foreign cruise ships the many hundreds of thousands of dollars spent by U.S. citizens in travel and cruise on American passenger vessels.

Nor does the task force report take cognizance of the baleful effect upon the national economy that would result from this proposed reduction of thousands of jobs in shipping lines, the shipyards that are to be phased out, and of their countless supporting industries.

If a final official advisory committee report should go along with certain recommendations made by the task force, I feel justified in saying most positively that the House Merchant Marine and Fisheries Committee, whose duties and responsibility under the congressional mandate of 1936 is to further the maintenance and development of American shipping will devote its full time and attention to any such recommendations.

And it is certain that we shall demand full justification of any or all of them before putting the committee's stamp of approval on the necessary implementing legislation.

At this point, Mr. Speaker, I place in the Record the telegram sent this morning to Secretary of Commerce Connor:

September 27, 1965.

Hon. John T. Connor,
Secretary of Commerce,
Department of Commerce,
Washington, D.C.:

Regarding news accounts over weekend concerning alleged new merchant marine policy and denials in this morning's press by administration's spokesmen, respectfully suggest that you clear the air once and for all, specifically on question of foreign shipbuilding. Confusion being created by contradictory reports and statements is destroying stability in our shipyard industry and is driving skilled workers away. You instructed Kheel Subcommittee of Maritime Advisory Committee to base its considerations and recommendations on assumptions that national policy would continue to contemplate construction of all U.S.-flag ships in U.S. shipyards. Unequivocal statement to same effect from you at this time would help in restoring confidence in future for U.S. shipbuilding.

Congressman Edward A. Garmatz.

TREATY NEGOTIATIONS WITH PANAMA

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, the President's announcement on September 24, 1965, about the status of current treaty negotiations with Panama fully justify my fears for the security of our position on the isthmus and confirm my predictions on this subject. It means a complete and abject surrender to Panama of our indispensable sovereignty and authority with respect to the Panama Canal in favor of a so-called dual governmental and managerial setup for it in an area of endless bloody revolution and political instability. This can only lead to unending conflicts and recriminations that always accompany intraterritorial jurisdictions where two masters are involved.

The Canal Zone is a territorial possession of the United States with sovereignty granted by treaty in perpetuity and ownership of all land in the zone obtained by private purchase at a total cost of some $144 million. Our investment in the canal enterprise and defense installations is in billions of dollars furnished by the American taxpayers but in the indicated agreements not a dollar is to be repaid to us.

Under existing treaty, the United States is obligated to Panama for the perpetual operation and maintenance of the canal. The issues involved in the agreements under negotiations are so grave, that candor is required. Panama gets everything it desires and the United States nothing but losses and ignominy.

The Panamanian negotiators have written out what they demanded and our negotiators, figuratively speaking, have merely signed on the dotted line. We certainly should not have agreed to Panamanian sovereignty but, on the other hand, should have demanded the extension of the Canal Zone to include the watershed of the Chagres River.

The grant of complete jurisdiction of Panama over the Canal Zone, means that all laws made by the Congress for the Government of the zone and the operation and maintenance of the canal may be scrapped at any time by Panama, and superseded by Panamanian law. Also all civil activities in the zone—courts, police and fire, schools, roads, and utilities—will be taken over by Panama.

All this means, sooner or later, the elimination of U.S. citizen employees in the canal enterprise with substitutions by Panamanians. It will be inevitable that all these positions will become political plums eagerly sought by Panamanian politicians with gross confusion and embarrassment. Yet, our negotiators were unable, or unwilling to deal with the situation realistically and have agreed to leave our Government with responsibility without any adequate authority. Think what this means in time of war or other grave emergency. Even as to the matter of land in the zone, which may be required for canal purposes, we should have to buy back at exorbitant prices areas we already own by actual purchases from the owners. What a ridiculous situation.

Panama, having secured such outstanding results in its claims, will, inevitably, demand all control over the canal enterprise with withdrawal by the United States. If such abandonment occurs, Panama and all of Latin America will go down the Communist drain.

For our officials to proclaim that Panama, which since 1955 has not been able to collect its own garbage from the streets of Panama City and Colon, as a partner of this great interoceanic public utility is, to say the least, unrealistic and really astounding; and it will evoke serious reactions from maritime countries as regards the fixing of tolls.

The President's announcement, indeed, marks a sad day for the United States, although it may bring rejoicing at Peiping and Moscow. He has completely yielded to the counsel of his advisers, sappers, and appeasers, who must be made to bear basic responsibility for what has occurred. Moreover, I predict that the expressed willingness to surrender control over the Panama Canal will be taken as a signal for accelerated activity among communistic revolutionary elements all over Latin America and the Caribbean.

There should be only one flag over the Panama Canal—the flag of the United States—and the proposed treaties should be defeated.

CONNECTICUT RIVER NATIONAL PARKWAY AND RECREATION AREA

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOLAND. Mr. Speaker, Mark Twain spoke of the Mississippi River Basin as "the body of the Nation." I hope that with equal accuracy I may speak of the Connecticut River as "the body of New England."

The Connecticut is the longest river in New England. From the spillway of the First Connecticut Lake in New Hampshire the river plunges enthusiastically into an approximately 400-mile journey through the heart of New England to Long Island Sound at Old Saybrook, Conn., touching in its course the lives of many hundreds of thousands of people who work or study or play along its banks. It outstretches dozens of rivers which are more famous and more sung about. It is longer by far than the Jordan, the Tiber, the Thames, the Suwanee, the Hudson, and the Potomac.

The Connecticut River, it is agreed by travelers with an eye for beauty, flows through one of the most scenic valleys in the world. In fact, Timothy Dwight, for more than 20 years the president of Yale, who became the most traveled New Englander of his day, wrote in 1837:

> This stream may perhaps with more propriety than any other in the world be named the beautiful river. From Stuart to the sound it uniformly maintains this character. The purity, salubrity, and sweetness of its waters; the frequency and elegance of its meanders; its absolute freedom from all aquatic vegetables; the uncommon and universal beauty of its banks, here a smooth and winding beach, there covered with green verdure now fringed with bushes covered with lofty trees, and now formed by the intruding hill and rude bluff and the shaggy mountain—are objects which no traveler can thoroughly describe.

There is a marked contrast between the above description of peace and beauty by Timothy Dwight and the present story of awesome destruction brought about by man's own ingenuity.

Today the river flows through unsightly industrial developments—past ancient factories and junkyards, oil tank farms, and powerplants. The river valley like so many other beautiful parts of our United States, is slowly but surely being eaten away. The land developers are moving in—carving out great chunks of landscape. We are witnessing an unplanned, leapfrogging sprawl of industrial and commercial development and its inevitable handmaiden, water pollution. One recent observer called the Connecticut River the world's most beautifully landscaped cesspool.

Tremendous pressures are building up. New highways and bridges are providing more access to the land along the river and there is going to be much more intensive use of the river itself. The flotilla of boats one sees on the river is only a foretaste of what is to come. With the explosive growth in recreational boating that is ahead, the river is going to become a great recreational highway, and there will be a rash of commercial facilities and camps along the banks to serve it.

Mr. Speaker, the touch of man's hand has been heavy. At first the river valley was a route for commerce, until in the late 1790's Middletown—then the principal river port—was the largest community in Connecticut. The river carried freight, not only in ships but in great log drives. And it carried passengers up to 24,000 a year at Hartford, arriving in 2,500 vessels.

However, those days are now gone. Highway transport, railroads and planes have replaced the slower river boats. Our people have become more mobile and as our population crowds together in ever-increasing metropolitan areas, the need for additional park and recreation space grows. There are questions we must now ask ourselves. Will we confine our children and grandchildren to a life to be spent in an asphalt playground surrounded by neon lights? Do we really want a society bounded by concrete highways and filled to the horizon with the miscellany of an industrial civilization?

Man does need the cities, but he also needs breathing space—the view of a majestic river and of open skies. Man needs all these things, and we today must do our part to provide them.

A clean and beautiful Connecticut River Valley future must be reestablished to provide enjoyment for future generations. In an increasingly urbanized America urban rivers should no longer be neglected but should be revitalized to provide an uplifting force in our lives.

The Connecticut River and its valley are priceless assets. They have been placed in this generation's care. We must preserve what we have before it is too late. The destruction of priceless resources is irrevocable; once lost they remain lost forever.

For these reasons, Mr. Speaker, I introduce for appropriate reference a bill to authorize the establishment of the Connecticut River national parkway and recreation area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire.

The proposed legislation is designed to be as flexible as possible in meeting the needs that exist and in establishing a suitable scenic and recreation area for the public benefit.

Since this area is already served by high-speed highways, one of the provisions of the bill authorizes the inclusion of scenic roads and parkways, "shunpikes" as they are sometimes referred to. This provision will allow for more leisurely type driving at greatly reduced speeds, thereby allowing people to drive for pleasure.

This area would also be administered for the preservation of natural beauty and for the many different forms of outdoor recreation. These would include walking, hiking, bicycling, picnicking, scenic and historic preservation, fishing, hunting, boating, camping, riding, winter sports and other forms of public recreation which the Secretary of the Interior considers to be compatible with the preservation and administration of an area of this type in the public interest.

Mr. Speaker, this bill will give to New England, what the great Western States have for so long enjoyed—breathing space, protected land and a place where man can seek refuge from the crowded city streets.

I urge its early and favorable consideration. I am happy to join my colleagues, Senator RIBICOFF and Congressman ST. ONGE, who have sponsored similar legislation in the Senate and the House. I also include with my remarks at this point editorials from the Springfield Daily News of September 15 and the Springfield Union of September 16 concerning this legislative proposal.

[From the Springfield (Mass.) Daily News, Sept. 15, 1965]

CONNECTICUT RIVER, EVERYWHERE SALUBRIOUS?

The Connecticut River, about which, in the last century, Timothy Dwight, president of Yale University, wrote that it was "everywhere pure, potable, everywhere salubrious," just isn't that any more, but it may be again. And if this objective is attained, in which we here are keenly interested, U.S. Senator ABRAHAM RIBICOFF, of Connecticut, can, in large measure, be thanked for it.

The junior Senator of the Nutmeg State has embarked on a personal crusade to restore the Connecticut River to its onetime splendor, to erase pollution, to retain unspoiled at most notable points the character of the landscape and to preserve historic landmarks. To this end, Senator RIBICOFF has filed in the Congress two bills: One to establish a national parkway and recreation area along the shoreline, preferably as a four-State project, with the Federal Government acting jointly with Connecticut, Massachusetts, Vermont, and New Hampshire; and the second bill to increase the Federal contribution to antipollution programs. Under the legislation proposed, a study of the Connecticut River Valley as a national parkway would be authorized with Secretary of the Interior Stewart L. Udall enabled to move ahead if the study justifies action. U.S. Representative WILLIAM ST. ONGE, of Connecticut, plans to introduce similar bills in the House later this week and has indicated he expects strong support in the lower Chamber.

Senator RIBICOFF moved his program a long step forward Monday by conducting Secretary Udall on a 60-mile cruise along the Connecticut River to give the latter a firsthand look at what some have called "the world's most beautifully landscaped cesspool." It was not the best day, weatherwise, for the cruise, which began with showers at the winding river's mouth at Saybrook, and proceeded north in pouring rain to Hartford, but Secretary Udall was impressed, nevertheless. He disembarked from the river boat *Dolly Madison,* saying, "I come off this boat with a feeling of enthusiasm." He went on to note that the conservation idea is moving eastward and that Connecticut is one of the few States in which the Federal Government has not taken a part in project developments. "It makes the Ribicoff project most timely," Secretary Udall said. The long stretches of the river relatively unspoiled, came as a surprise to him. "There is an opportunity to do a model job with the river—to make it a scenic centerpiece," he observed. He praised the leadership in Connecticut and declared: "You have a running start. This is a great opportunity for Connecticut to set an example for the East in terms of conservation. But population is crowding in and time is running out. What we do in the next decade will be decisive for the river's future."

With this encouragement, the Ribicoff bills and the matching House bills by Representative ST. ONGE, merit wide support in Congress and, especially from the Massachusetts delegation. For this is something in which we have a vital stake. Although Connecticut dominated the scene Monday, we have a strong interest and should be counted in on any national parkway program. There are now nine national parkways projected or in existence, including such locations as the Natchez Trace, the Colonial Parkway at Williamsburg and the George Washington National Parkway leading to Mount Vermon. By every test of history and attractiveness, the inclusion of the Connecticut River Valley in the national program certainly seems appropriate.

[From the Springfield (Mass.) Union, Sept. 16, 1965]

HOW BEST TO SAVE THE RIVER?

If the Connecticut River were easily navigable north of Hartford, Secretary Udall's trip up from Long Island Sound aboard the *Dolly Madison* might have been a more genuinely interior affair, proceeding through Massachusetts and perhaps into the two upstream riparian States.

But the invitation to join Mr. Udall and Senator RIBICOFF in their Connecticut River national parkway plan is by no means limited to the portions of the Nutmeg State they viewed from a rain-washed deck last Monday. If the plan is to be meaningful, all four States will have a part to play in the joint State-Federal enterprise.

While details are still lacking, the objective goes far beyond securing the still unspoiled sections of the riverbank against commercial encroachment and exploitation, although that is an important part of it. New England's mighty stream, and the conservationists' fond hopes for it, present a more complicated problem than, say, preserving forever the lovely dunes of the Outer Cape, soon to be dedicated as the Cape Cod National Seashore.

Senator RIBICOFF and Mr. Udall are talking in terms of reclamation as well as preservation. It is one thing to seal off the remaining stretches of natural scenic beauty. It is quite another to bring the water itself from a State of near-uselessness so that fish can flourish and swimmers bathe.

Putting it quite simply, the river is filthy despite some significant forward steps in pollution control. Articulate efforts of conservation groups, interstate compacts, State and Federal aid with sewage-treatment costs—all have helped, but not enough. Unless pollution is (1) brought under control and (2) gradually reduced, a national parkway and recreation area would be more of a national disgrace than a national asset.

The clean-water bill finally breaking out of Congress, designed to strengthen (though not make invincible) the Federal hand in curbing sources of pollution, is a big step in a necessary direction. But the fact that its full impact will not be felt for 2 years is just one example of the preliminary character of the Udall-Ribicoff approach as it affects the Connecticut.

Nevertheless, now is the time for Massachusetts to examine itself and the river. Shall we leave the pristine shoreline footage to town zoning decisions or welcome a sort of perpetualization by nationalization? Would our lovely valley—not just the river but the State parks and reservations already established on the hills beside it—be better publicized as a tourist attraction if it had national status? Would we enjoy it more or less ourselves if some Federal program got the water laundered where other programs have failed?

We have nothing to lose by finding out just what a "national parkway" would mean. It could mean gaining a lot.

Mr. Speaker, in May 1958, I was one of the original sponsors of the first bill to provide for the Cape Cod National Seashore Park in Massachusetts. My colleague, Congressman THOMAS P. O'NEILL, of Cambridge, joined me in cosponsoring the bill. The following year our late beloved President, John Fitzgerald Kennedy, then the junior Senator from Massachusetts, and Senator LEVERETT SALTONSTALL, Congressmen SILVIO CONTE, and HASTINGS KEITH, who represent the Cape Cod area, joined with us in sponsoring the national seashore bill. This legislation was eventually enacted and signed into law by President Kennedy. We are all proud that one of the few remaining unspoiled seashore areas in the Nation has now been preserved for all Americans to enjoy. I would like to have printed with my remarks at this point an editorial from the Holyoke, Mass., Transcript-Telegram of September 16 entitled "An Example of Federal Excellence" in describing the Cape Cod National Seashore Park, and pointing out what can be done for the Connecticut Valley if the Connecticut River National Parkway and Recreation Area is enacted into law:

AN EXAMPLE OF FEDERAL EXCELLENCE

Though we belong to the "I'd rather do it myself" school in preference to the "Let Uncle Sam do it" crowd, there are some things the Federal Government must get credit for doing extremely well. One of these is the Cape Cod National Seashore.

The national park being developed on the lower cape represents an 11th-hour effort to save the Great Nauset Beach, the freshwater ponds, and the rolling dunelands of the area from Orleans to Provincetown from greedy commercial exploitation. The towns would not do it themselves—"it" being zoning and other restrictions on development that would destroy the beauty that makes that part of Cape Cod a treasured vacationland.

In 2 years the national seashore has been able to acquire enough land that already belonged to the State or Federal Governments to show what it can do. While the slow process of acquisition of private land in the seashore area goes on, four areas have been quickly prepared for public use. This was a wise move, for the national seashore has made such a good impression in these areas that support for it is growing fast, and the Federal example of recreation area management has spurred the towns to better control of their own beach areas.

The national seashore has established two public beaches with bathhouse facilities and lifeguards, in Provincetown and Eastham, and has initiated a program of guided walks and marked trails through the most interesting sections from the natural history or historical point of view—through a magic white cedar swamp, through the Pilgrim Spring area where the Pilgrims walked, to the remnants of the old Marconi telegraph station—and it offers illustrated lectures on Cape Cod history and geography at its new center in Eastham. These talks are so popular that only early arrivals can get seats.

A particular triumph of the national seashore is the architecture of the simple buildings that have been constructed so far. A basic pattern is used for all—a modern design using traditional materials: unpainted cedar and a brick the color of sand. All buildings and signs use the colors of the landscape, mostly a light warm gray. They are plain without being stark and are remarkably beautiful.

The national park personnel who man these stations are also impressive: trim, quiet, courteous, and happy to answer endless questions with full information.

When the seashore was first proposed, a cry of alarm went up that it would attract droves of litterbugs, messy campers, and other undesirables to the unspoiled lower cape. Traffic has indeed increased there. But the seashore has halted the bulldozers digging away at the great dunes overlooking the 30-mile sweep of Atlantic beach; it has checked the spread of pizza parlors and miniature golf courses; it has kept the beach buggies and the tenting beatniks away from the places where people swim. And the areas the national seashore operates itself are so attractive and so spotlessly maintained that no one would dare drop a gumwrapper on the ground. The public beaches owned by the towns are littered with beer cans and every other kind of trash, on the other hand.

We have no idea what will come of Senator RIBICOFF's proposal to make a national parkway out of the Connecticut River—this would be a reclamation project far more difficult than the fortuitous saving of what was unspoiled on Cape Cod—but having seen what the Department of the Interior has done in very short time on Cape Cod, we can project magnificent dreams of what could be done in our valley.

Mr. Speaker, as a member of the House Public Works Appropriations Subcommittee, I initiated a request to the Army Corps of Engineers to make a 3-year comprehensive study of the Connecticut River Basin, to determine how this vast river in New England can best be developed for future generations. This study also includes the possibility of dredging the river from Hartford to Holyoke so that it will be navigable for recreation boating. The Army Engineers expect to have the comprehensive study completed within another year. I am sure that the information and facts gathered in this study will be of use to the Secrtary of Interior in the establishment of the Connecticut River national parkway and recreation area.

ALLEGED SHORTCOMINGS IN THE ADMINISTRATION OF WALTER REED HOSPITAL

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DANIELS. Mr. Speaker, last week the Washington Post published a column by Jack Anderson which outlined certain alleged shortcomings in the administration of Walter Reed Hospital.

Mr. Speaker, I ask unanimous consent that this column be printed at this point in the RECORD:

VETS GIVEN ROUGH TIME IN HOSPITAL

(By Jack Anderson)

(EDITOR'S NOTE: Drew Pearson is on a news-gathering tour of Africa. In his absence this column is written by his associate, Jack Anderson.)

WASHINGTON.—The Army's Walter Reed Hospital, where wounded GI's from Vietnam get their plastic surgery and artificial limbs, is a picturesque complex of buildings, shrubbery, and fountains. The grounds are parklike, the grass trim, the atmosphere serene.

On warm days, soldiers in blue pajamas lounge on the benches, and birds nestle in the maple and oak trees lining the paths. The marble steps at the main entrance are fit for a President, and indeed, Presidents come here for their hospital care. The lobby is dazzling white.

But behind the impressive front, there are drab halls, low-hanging water pipes and dingy rooms that reek of alcohol.

You visit an enlisted men's ward. Forty-five beds are crowded in one room. Young men, missing arms and legs blown off in Vietnam, hobble and jostle around the packed quarters.

There are only one shower and four wash basins for all the men in the ward. Dirty uniforms have been tossed in a bin 10 feet from the basins. The floor is covered with filth.

The patients say there is only one nurse and one orderly on duty during the night. They tell how a man, suffering from a stroke, struggled out of bed to call the nurse after being awakened by the cries of a fellow patient.

The orderly was asleep, the nurse doing paperwork in her office. She heard nothing.

As you leave, you wonder about a sign on the door: "Air conditioned, please do not leave open." For the room is unbearably warm.

Downstairs in the officers' quarters, the ward is partitioned into semiprivate rooms. The toilet facilities are adequate and clean. The air is comfortably cool. You learn that the cool air from the officers' quarters is supposed to be channelled into the enlisted men's wards. But the chill is lost somewhere en route.

Back outside, you wonder why so much money is spent keeping the outside freshly painted when the wards look as if they hadn't seen paint in years.

You drive along curving roads to the gate, and a guard salutes smartly. But as you pull away, your mind is back in the dismal wards with the neglected heroes of the Vietnam war.

Among the many newspapers that publish Mr. Anderson's syndicated column is the Jersey Journal which is published in Jersey City, N.J.

The allegation that a new generation of young Americans wounded in the Vietnamese conflict were not receiving treatment worthy of their services caused considerable consternation in veterans' circles.

The Hudson County American Legion of the State of New Jersey, sent to Washington a blue ribbon group to investigate conditions at Walter Reed and to find out first hand if the Anderson charges were factual.

Among those who arrived Friday from New Jersey were: Philip Rossiter, Jersey City, a leg amputee in World War II; Hamilton Irving, Jersey City, commander of the Hudson County American Legion; Frank Riccardi, Jersey City, vice commander of the Hudson County American Legion; Clayton Petty, Bayonne, past commander of the F. A. McKenzie Post, American Legion; and Stephen Gregg, of Bayonne, who was awarded the Congressional Medal of Honor during his service in Southern France in 1944.

These five men accompanied by my legislative assistant, Gerard F. Devlin, made a detailed investigation of the hospital facilities at Walter Reed.

Their finding, I am unhappy to say, bears out much that Mr. Anderson pointed out in this column.

The Hudson County legionnaires and Mr. Devlin browsed for several hours among the patients and talked with dozens of hospitalized soldiers, many of whom were men whose limbs has been amputated as a result of service in Vietnam.

They noted that the patients had nothing but praise for the doctors, nurses, and corpsmen serving at the hospital. However, almost to a man they pointed out that the hospital is woefully understaffed. It was the prevailing view that the staff is making Herculean efforts but there simply are not enough nurses and corpsmen to carry out the tasks assigned them.

They reported that the enlisted facilities were inadequate and antiquated. As Mr. Anderson noted "45 beds are crowded into 1 room." There is only 1 latrine for these 45 men. This latrine contains only a single shower, two urinals, three toilet bowls, and four wash basins.

Mr. Speaker, whose fault is this? I do not rise in this House to lay the blame on any one person. But when you have an institution which is more than half a century old, and on top of that one which is understaffed, you have a situation which ought not to be endured.

Mr. Speaker, a new generation of young Americans is going forth to face its time of trial in the steaming jungles of South Vietnam. These young men who are in a very literal sense guarding the frontiers of freedom deserve to know that if they are wounded they will receive the best care that this Nation can give. I am not satisfied with conditions at Walter Reed and I feel that it is incumbent upon the Department of the Army to take immediate steps to correct the situation.

If it is a question of money, I say the Army ought to come before this Congress and ask for sufficient funds to take care of those who have fallen in battle. I do not wish to pick a quarrel with the Department of the Army but I do say that the best is none too good for our young men in Army hospitals and if conditions are not improved then the American people have a right to know who is responsible for these conditions.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. HANSEN of Washington, for September 28, 29, and 30, on account of official district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. HORTON) to revise and extend their remarks and to include extraneous matter:

Mr. FINDLEY, for 30 minutes, today.

Mr. GROSS, for 30 minutes, on September 29.

The following Member (at the request of Mr. VIGORITO):

Mr. DENT, for 30 minutes, on September 29; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. MARTIN of Alabama.

Mr. NELSEN his remarks in Committee of the Whole today and to include extraneous matter.

(The following Members (at the request of Mr. HORTON) and to include extraneous matter:)

Mr. CLEVELAND.

Mr. MIZE.

Mr. PELLY.

(The following Members (at the request of Mr. VIGORITO) and to include extraneous matter:)

Mr. HUOT.

Mr. EDWARDS of California in two instances.

Mr. RIVERS of South Carolina in two instances.

Mr. ROSTENKOWSKI.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2434. An act to clarify authorization of the Federal Aviation Agency of the lease of a portion of certain real property conveyed to the city of Clarinda, Iowa, for airport purposes; to the Committee on Interstate and Foreign Commerce.

S. 2469. An act amending sections 2 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a new sea level canal connecting the Atlantic and Pacific Oceans; to the Committee on Merchant Marine and Fisheries.

ADJOURNMENT

Mr. VIGORITO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 28, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1623. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal pursuant to 63 Stat. 377; to the Committee on House Administration.

1624. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a revolving fund for the Southeastern Power Administration; to the Committee on Interior and Insular Affairs.

1625. A letter from the Deputy Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation relating to applications for writs of habeas corpus by persons in custody pursuant to judgments of State courts; to the Committee on the Judiciary.

1626. A letter from the Director, U.S. Information Agency, transmitting an annual report on claims settled during period September 1, 1964, to August 31, 1965, pursuant to section 3, Military Personnel and Civilian Employees' Claims Act of 1964 (Public Law 88–558); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Commerce on Appropriations. House Joint Resolution 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes; without amendment (Rept. No. 1095). Referred to the Committee of the Whole House on the State of the Union.

Mr. JENNINGS: Committee on Ways and Means. H.R. 318. A bill to amend section 4071 of the Internal Revenue Code of 1954; without amendment (Rept. No. 1096). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 11278. A bill to authorize the establishment of the Connecticut River National Parkway and Recreation Areas in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA:

H.R. 11279. A bill to amend title 39, United States Code, to provide certain mailing privileges with respect to members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MARTIN of Alabama:

H.R. 11280. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. ROBISON:

H.R. 11281. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. TUPPER:

H.R. 11282. A bill to amend section 214 of the Immigration and Nationality Act to permit the Attorney General to admit nonimmigrant aliens to the United States for agricultural employment after consultation with a National Committee on Foreign Agricultural Workers; to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 11283. A bill to amend the Internal Revenue Code of 1954 to treat sintering or burning as a mining process in the cases of shale, clay, and slate used or sold for use, as lightweight concrete aggregates; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 11284. A bill to amend the Housing Act of 1937 to reduce from 62 to 60 the age at which widows may be occupants of low-rent public housing units; to the Committee on Banking and Currency.

By Mr. MACKAY:

H.R. 11285. a bill to establish a Federal Commission on Alcoholism, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOELLER:

H.R. 11286. A bill to amend the District of Columbia Alcoholic Beverage Control Act to prohibit the sales of alcoholic beverages to persons under 21 years of age; to the Committee on the District of Columbia.

H.R. 11287. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 11288. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which a woman may earn while receiving mother's insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. ADAMS:

H.R. 11289. A bill to amend the Public Health Service Act to provide grants to the several States for the acquisition and operation of artificial kidney machines; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNES of Wisconsin:

H.R. 11290. A bill to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 11291. A bill to provide for the compensation of persons injured by certain criminal acts; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes; to the Committee on Appropriations.

By Mr. ROOSEVELT:

H.J. Res. 674. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. CONTE:

H. Con. Res. 516. Concurrent resolution to express the sense of Congress with respect to strengthening the inter-American system; to the Committee on Foreign Affairs.

By Mr. BURTON of Utah:

H. Con. Res. 517. Concurrent resolution relative to Captive Nations Days; to the Committee on the Judiciary.

By Mr. WYDLER:

H. Res. 591. Resolution to authorize the Committee on House Administration to conduct an investigation and study with respect to the establishment of a Visitors' Center for the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FINO:

H.R. 11292. A bill for the relief of Ineke Hendriks; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 11293. A bill for the relief of Sybil Alexander Andrews; to the Committee on the Judiciary.

By Mr. MARTIN of Alabama:

H.R. 11294. A bill for the relief of Claud Ferguson; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 11295. A bill for the relief of Dr. Suk Zo An; his wife, Mrs. Ki Suk An; their daughter, Yung Sook An; their son, Duck Wan An; and their son, Dong Won An; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 11296. A bill for the relief of Miss Elba Luz Cors Montano; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Interagency Maritime Task Force Report Jeopardizes National Security

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1965

Mr. PELLY. Mr. Speaker, newspaper reports regarding a 60-page Maritime task force report confirm what many advocates of a strong American merchant marine had feared. Nicholas Johnson, Maritime Administrator, in speeches and conversation, has openly been supporting many of these radical changes.

The Johnson administration is about to call for a new maritime policy of eliminating American-flag passenger ships. In addition, it would call for eliminating all but a few American shipyards and permitting American steamship operators to build their ships in foreign shipyards. And in this connection, it suggests the Government subsidize American operators of both American and foreign-built ships.

Mr. Speaker, members of the House Committee on Merchant Marine and Fisheries, I believe, favor the present policy set forth in the Merchant Marine Act of 1936, which provides for an adequate and up-to-date U.S. merchant marine in the interest of national defense. A study of this act by Congress may well be in order, but with the Soviet Union in the process of building up a great modern fleet of new ships, I do not believe it is time for the United States to determine that our merchant marine is expendable.

To depend on foreign-flag ships is unthinkable. Only the other day certain foreign ships from presumably friendly countries refused to transport American military cargoes to Vietnam.

As a member of the House Committee on Merchant Marine and Fisheries, I stand firmly—and I believe other members do too—for a strong and modern merchant marine including sufficient passenger ships to transfer American citizens and military dependents home and military personnel overseas in the event of hostilities.

This administration is recklessly spending hundreds of millions of dollars of the taxpayers' money for unnecessary but politically expedient projects.

I favor curtailment of Federal spending but not in the vital areas of preserving our shipbuilding capacity and maintaining an adequate fleet of American-flag vessels to meet any future situations like the Korean war. Our merchant marine can be maintained at an annual cost of no more than the cost of one pork-barrel project such as the House cut out of the flood control bill last week.

Let us economize in the Nation's interest but in so doing let us not jeopardize the national security. To change our maritime policy as suggested by the Task Force report, I consider unwise and completely unjustified.

A Spiritual Development for the Youth of America

EXTENSION OF REMARKS

OF

HON. J. OLIVA HUOT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1965

Mr. HUOT. Mr. Speaker, on November 18 next, at Chicago, Ill., there will begin a convention of the National Federation of Catholic Youth Organizations. I desire to call the attention of my distinguished colleagues to the fine work which the Catholic Youth Organizations are undertaking for the social and spiritual development of a large sector of American youth.

In New Hampshire, more than 10,000 young people, under the generous and capable guidance of adult advisers, strive to develop the qualities of leadership and responsibility to take over the conduct of the affairs of this Nation when we have passed from the scene. Their program seeks to supplement their education by a fourfold program of spiritual, cultural, social, and physical activities.

The New Hampshire council is privileged to have effective and responsible leadership on both adult and youth levels. Moreover, the New Hampshire council proposes to present for the consideration of the national convention at Chicago, a young lady for the office of vice president of the young adult section of the federation. Miss Mary Clancy, of Dover, N.H., has distinguished herself in the service of the New Hampshire council, as a personable, capable, and effective young leader, of whom all of us in New Hampshire can be justly proud.

I wholeheartedly support the work of the Catholic Youth Organizations, and urge all of my colleagues to support the efforts of the youth organizations of this country, and of their respective faiths. The future of this Nation is in its youth, and it is only through our active support of our many youth organizations that we can insure that future generations will display the same courage and dedication which has characterized the leaders of the past.

Legislation With 4.5-Percent Increase for Federal Employees Should Be Passed

EXTENSION OF REMARKS

OF

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1965

Mr. MIZE. Mr. Speaker, the schedule of legislative activity for the week of September 27 to October 1, indicates that the Government Employees Salary Comparability Act will be up in the House for debate and a vote before the end of this week.

Because I have a series of commitments in the Second Congressional District of Kansas which may require my presence in Kansas at the time this particular bill comes up for a vote, I wish to state that in general I support the comparability principle which has been incorporated in this bill, and I plan to support the legislation if certain amendments are approved which will delete the provision to include Members of Congress in the increases. Despite the sound arguments which have been made in favor of additional pay for Members of Congress, I am not in favor of including them at this time.

As far as the other employees are concerned, I support the 4.5-percent increase which the House bill proposes. I am aware of the move which will be made to decrease this figure. I would hope that the House, in its wisdom, will approve a figure as close to 4.5 percent as possible.

It should be stated that although I am in favor of the purposes of this bill with the exception of the proposed increase for Members of Congress, I was not in favor of invoking the 21-day rule in order to bring it to the floor. When a resolution was offered on September 13 for the purposes of granting this bill a rule without Rules Committee action, I voted against bringing it to the floor in this manner. Unfortunately, this was interpreted by some of my constituents to indicate that I was against the bill because I was against the increase for Members of Congress. I am sorry about this misinterpretation. I wish to state that I do favor the increase for other Government employees and will support a bill which carries the proposed increase. I trust that my schedule permits me to be present when such a vote is taken. If not, I want to make sure that there is no misunderstanding about my position.

Alviso, Calif.

EXTENSION OF REMARKS

OF

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1965

Mr. EDWARDS of California. Mr. Speaker, I would like to call the attention of my colleagues to the small and little-known town of Alviso, Calif., which now stands on the edge of an expanding vital future.

A primary reason for the impending importance of Alviso is its strategic location—at the very southern tip of the magnificent San Francisco Bay. Much of Alviso's history, its settlement, and its development, can be traced to this geographic fact.

In the early 19th century, this area was still untouched by both Spanish and American pioneers. The wide plain was to a large extent marshland—fields for miles and miles were covered with bright yellow mustard, and wild animals and fowl roamed undisturbed.

But by 1840, the first evidence of settlement was to appear—three adobe homes built on land grants by the Spanish Crown. In the next decade, the port of Alviso rapidly became an important center for importing and exporting hides, tallow, and other native products including quicksilver from the New Almaden mine. And with the heavy influx of gold-seeking miners, the population of the bay area was greatly increased as many decided to stay on and settle down.

A regular steamer route was soon established between Alviso and San Francisco. For $40, a man could go by boat from the southernmost tip of the bay to the bustling city of San Francisco in 10 hours—the time it now takes to drive from the southernmost border of the State of California to the same city. On March 26, 1852, Alviso became the first town to be incorporated in the new State.

Lying immediately north of the city of San Jose, Alviso is ideally situated as the prime waterway to the lush Santa Clara Valley. The valley has long been noted for its fertile soil and favorable climate which produces an amazing variety of fruits and vegetables. Santa Clara County is emerging from a primarily agricultural county to a major industrial complex and the population is one of the fastest growing in the entire Nation.

Because of this ideal location and the rapid growth of the surrounding area, Alviso faces a bright future as its enlightened and hard working local leaders plan its development.

The Army Corps of Engineers are presently conducting a new study of the southern portion of San Francisco Bay, on San Jose deep-draft and Alviso light-draft waterway improvements. These studies may well result in Alviso once again becoming the major seaport which it was many years ago.

The city of Alviso is also busy. The local body is now in the process of adopting a general plan which is aimed at establishing Alviso as a recreational and residential center.

The city is working with Federal agencies here in Washington under the provisions of the new Housing and Urban Development Act recently passed by the Congress and signed by the President.

Through local initiative and Federal programs, Alviso is about to emerge from its historical past and once again play an important part in California's continuing expansion.

Officer Promotion System

EXTENSION OF REMARKS

OF

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1965

Mr. RIVERS of South Carolina. Mr. Speaker, because of the numerous inquiries I have had concerning a letter I addressed to the Secretary of Defense on the subject of officer promotions, I ask unanimous consent to insert in the CONGRESSIONAL RECORD my letter to Secretary McNamara, dated September 7, 1965.

I would also like to insert an article which appeared in various newspapers throughout the United States, by Gen. Ira C. Eaker, U.S. Air Force, retired, concerning the so-called below-the-zone selection fad which seems to be sweeping the Department of Defense. General Eaker had a distinguished military career and he is well qualified to express the opinions so well stated in his article in defense of normal promotion procedures.

I have communicated with the Secretary of Defense on several occasions concerning below-the-zone selections, for I am thoroughly convinced that personnel planners in the Pentagon are being carried away by the so-called youth movement. If it is not stopped, we are going to destroy morale. In addition, we will create a hump in our promotion system which will prove very costly in the years ahead.

I am well aware of the fascination that below-the-zone selection has for those who recommend its use without studying its consequences. When it is used sparingly, in outstanding cases, it is highly commendable. When it becomes the rule rather than the exception, it creates many serious problems which I am afraid are not being seriously considered by the personnel planners in the Department of Defense.

The Committee on Armed Services will look into this matter in the next session of Congress if this trend continues.

The insertions follow:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., September 7, 1965.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: The more I look into the so-called below-the-zone selection system, the more I am convinced that it is being used as the rule rather than the exception, and will eventually create a situation comparable to the "hump" problem that has plagued all the services since World War II.

As I have indicated on previous occasions, I have no objection to a below-the-zone system which is used sparingly as an exception to normal promotion policies. But when it is utilized to the extent that practically all Navy promotions to flag officers are from below the zone, then, in my opinion, the system is being abused. When flag and general officers are selected from below the zone, they obviously have a longer career ahead of them as flag or general officers than do those selected at normal promotion points. Since there is a limited number who may serve in these grades, this of course tends to create, over the years, a reduction in the number of persons who may be selected to flag or general officer rank.

In addition, I am now convinced that excessive below-the-zone selections destroy the incentive of many officers who, through no fault of their own, have not had an opportunity to demonstrate their capabilities in positions of higher responsibility until too late in their careers.

I recognize the objectives and advantages of a below-the-zone selection system, but I don't believe the ill effects of excessive use have been thoroughly analyzed. If this continues, it is quite possible that the Committee on Armed Services may seek to amend the law so as to place a limitation on the number of officers that may be selected from below the zone, particularly in the general and flag officer grades. We may do this by specifying, without exception, the number of years of service required as a captain or a colonel before being eligible for promotion, or by just putting a flat limitation on the number of officers who may be so selected.

I am well aware of the charge, unfounded as it is, that the seniority system is archaic. That system was eliminated for the Army in 1947, and has not been in existence in the Navy for many years.

As I stated in my letter of July 2, 1965, I believe that maturity and experience are valuable assets that are being downgraded by the below-the-zone selection system. This could become apparent in the years ahead when we may end up with many flag and general officers who are long on brains, but short on leadership.

I am sure you will agree with me that people are still the most important asset we possess in our armed services.

Sincerely yours,

L. MENDEL RIVERS,
Chairman.

HOW GENERALS AND ADMIRALS ARE MADE

(By Ira C. Eaker)

Secretary of Defense McNamara, in a letter to the service secretaries, has expressed concern "that age in grade and seniority criteria are having a deleterious impact on the caliber of our generals and flag officers and on the morale and retention of promising younger officers."

Much of the editorial comment I have seen has praised the Secretary for sacking the lockstep, seniority system of promotion. This attitude seems to be based on the mistaken notion that if a military officer lives long enough, he must eventually be the senior colonel of the Army, Air Force, or Marine Corps, or the senior captain in the Navy when his promotion to star or flag rank will be automatic.

Seniority was never the sole criteria for the selection of generals and admirals. Since 1940 seniority has not been very high on the criteria list by which they are chosen.

Generals and admirals currently are selected by this process: Boards composed of the most experienced officers of each service thoroughly review the efficiency reports of all officers eligible for promotion, and select from several thousand available a hundred or so who are clearly outstanding. These recommended promotion lists are sent in turn to the Chief of Staff and the Secretary of the service concerned, to the Secretary of Defense and the President, each of whom exercises his opportunity and privilege of review, alteration, or approval. The President then sends his nominations to the Senate, whose Armed Services Committee holds hearings before confirmation by the Senate.

One objection to the current obsession to reach down and pick less experienced officers in the lower ranks is the inference that our present generals and admirals are inferior. I have known most of the senior generals and flag officers and observed their commands. All are clearly adequate, most are outstanding.

The concern about the morale of promising youngsters will not stand up under careful examination. Each of these brilliant young men knew, when he selected the military career, that he would be expected to serve in all the ranks from lieutenant to colonel.

What the average human being wants in a career is predictable stability. He wants to look down the road and see certain definite milestones along the way to eventual preferment and promotion. Every labor union jealously guards its seniority system.

Some people now presume that generals and admirals are senile, doddering old men. Air Force generals average 50 years of age, Army generals 51 years, and Navy admirals 55 years. This is less than the average age of those at the top in civil professions.

What is wanted in generals and admirals far above all else is the wisdom to make sound decisions since the lives of many men, indeed the fate of the Nation, can turn on those decisions. Wisdom is a function of age and experience. There are no young patriarchs. History discloses that the tribal groups which survived and prospered in their time were usually led by their elders, their wise men.

In all our history, only two top generals possessed academic brilliance, early demonstrated by graduating at the head of their respective classes at the Military Academy, Robert E. Lee and Douglas MacArthur.

If generals and admirals were selected from dean's list, the first 10 percent of their class, Grant, Pershing, and Eisenhower would not have qualified. All the 5-star generals and admirals of the last war also would have missed.

If I were a German, a Japanese, or a Frenchman, or a member of any nationality which had suffered military defeats, I would be deeply concerned about the system for selecting military leaders. Since the United States has won all its wars, our method of selecting our generals and admirals has demonstrated reasonable success. It should be modified with caution.

What may be needed in the Pentagon is not more youthful brilliance but more mature wisdom.

Washington Report

EXTENSION OF REMARKS
OF
HON. JAMES D. MARTIN
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 27, 1965

Mr. MARTIN of Alabama. Mr. Speaker, under permission to extend by remarks in the RECORD I would like to include my newsletter to the people of the Seventh District of Alabama for September 27, 1965:

WASHINGTON REPORT

(By Congressman JIM MARTIN, Seventh District, Alabama)

MINIMUM WAGE INCREASE—WILL IT HELP OR HURT?

L.B.J. is demanding that Congress pass a bill increasing minimum wages and expanding the Wage and Hour Act to cover 7.9 million additional workers on farms, retailing, hotels and restaurants, laundering and drycleaning establishments, and other businesses. The bill as reported from committee would increase the minimum wage to $1.75 an hour. Like many of the other Great Society measures, this legislation will hurt mostly those it is supposed to help. It will endanger the jobs of thousands of unskilled workers; it may force small farmers and small businessmen out of business, and it will add billions of dollars to the cost of doing business—which means consumer prices, especially food, will skyrocket.

No one really knows, including the administration, just what this bill will cost, or how many jobs it will abolish. Estimates from such authoritative sources as the U.S. News & World Report, put the estimated direct increase in business cost at $9 billion, and it could mean another $18 billion in indirect cost when wages are adjusted to separate the most productive workers from the least productive. As for loss of jobs, it is recalled that when the minimum wage jumped from $1.15 to $1.25 an hour, 18 crab-packing plants in North Carolina shut down and the workers lost their jobs. Many other industries, unable to meet the cost of this added Federal standard were closed in every section of the country. Workers thrown out of work at that time are still unemployed in many cases and are on the relief rolls being supported from the taxes taken from the workers in Alabama and other States. Always, when such layoffs take place, it is the least skilled workers who lose their jobs, also the handicapped, the young workers, and the elderly.

Hardest hit by the new minimum wage demands will be small farmers and farmworkers. Extending minimum wage legislation to include farm labor would stimulate a crash program to mechanize farms. Experience shows that when machinery replaces farm manpower, those employed in hand cultivation for harvest are not usually the ones employed to handle expensive machinery. Small farmers and marginal farmers of high labor requirement crops would be forced to mechanize to the same extent as large growers and would, therefore, be squeezed out. Agriculture experts figure the new bill will raise the present cost of $15 for ginning a bale of cotton by an additional $5.

The hotel-motel industry is the largest single employer of the young, the handicapped, and the elderly. Under the President's minimum wage bill the very people it is supposed to help, the so-called marginal workers, would be priced out of the labor market, thus adding to the unemployment and relief rolls. Restaurant workers would be affected in the same way, as would employees of laundries and drycleaners.

The L.B.J. minimum wage bill is bad legislation because it is highly inflationary and may well shake our economy to its roots, bringing disaster to thousands of workers, small businessmen, and small farmers.

Housewives alarmed at rising food costs

The reckless policies of the Johnson administration are hitting the American people where it hurts—the cost of food.

This was first brought to my attention in no uncertain terms in my own home by my wife, Pat. Now I am besieged with mail from irate housewives from all over the country who find that their grocery dollars are buying less and less. Passage of the L.B.J. minimum wage bill and more of the L.B.J. spending programs will further add to the cost of food. Again those who are least able to pay are hurt most, workers with large families, workers on fixed salaries and older folks living on pensions.

When the dollar in your pocket buys less milk, bread, fruits and vegetables for your children, we do not have real prosperity. Getting an increase in wages doesn't mean a thing if the increase is put into one pocket and taken out of the other because of higher prices caused by Government spending.

Instead of White House press releases and TV performances by the President telling us how well off we are, we need responsibility in Government to cut Federal spending and protect the buying power of the dollar in your pocket. We should be working to get people jobs and take them off the relief rolls instead of starting new programs to add more to the already heavy welfare load.

By following the Johnson policies of promising something to everybody, we are not only playing fast and loose with your money, but we are robbing good people of their character. The result is the ridiculous situation we now have where it is necessary to import workers from Jamaica to pick apples in northern Virginia and within an hour and a half drive thousands of workers are on welfare in the District of Columbia. They refuse to take the apple picking jobs, but would rather sit at home and draw a welfare check. This is unfair to those who are willing to work and have to foot the bills, and it is unfair to those we keep on relief rolls when work is available. To rob a man of his self-respect is one of the worst crimes a paternal government commits.

Teddy Roosevelt said it

"The things that will destroy America are peace at any price, prosperity at any price, safety first instead of duty first, love of soft living and the get-rich-quick theory of life."

Drive against right-to-work continues

Senate opposition to repeal section 14(b) remains strong, and there is a chance the bill may yet be defeated. Many of the same groups which have been the loudest in leading the demonstrations demanding equal rights are now the same groups leading the battle to take away from the individual worker his most sacred right, the right to work.

Sincerely yours,

JIM MARTIN,
Member of Congress.

Congressman Grover Blames Too-Compliant Congress for Creation of Unquestioned One-Man Rule

EXTENSION OF REMARKS
OF

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES
Monday, September 27, 1965

Mr. CLEVELAND. Mr. Speaker, our colleague, the gentleman from New York [Mr. GROVER], in a column appearing in the September 23 issue of Roll Call, has expressed concisely the concern of many private citizens as well as Members of Congress over the current domination of the Congress by the executive branch. Although Congress is intended by the Constitution to be a separate and equal branch of the Government, for the precise purpose of preventing one-person rule, there can be little argument that effective debate on many issues has been pretty well stifled in this session of Congress. When this happens, we get one-man rule and the purposes of the Constitution are effectively thwarted. The situation today is profoundly disturbing. The comments of the gentleman from New York are worth pondering. They are perceptive. I offer them at this point in the RECORD for the earnest consideration of all Members:

NO INK ON ME

(By Representative JAMES R. GROVER, JR., of New York)

Many observers of the political scene feel that the government by consensus, which President Johnson is attempting, is a good thing. How much more efficiently we are being governed, they point out, when Congress agrees with all the programs being originated by the President and passes them without wasteful discussion or argument.

What is emerging, however, is a rubber-stamp Congress and I find, to my alarm, that many members of the majority party are actually priding themselves on this development. There is none of the President's ink on me and I'm occasionally chided by more pliable colleagues for voting my own mind. I often agree with the President but reserve the right to disagree. It is so much easier to go along but then, why bother to have a Congress? We could save a great many salaries by giving the President an "out" basket in which to drop his bills as he prepares them, and a clerk to ship them to the printers. Of course, we would lose a great deal too, because our system of checks and balances would go down the drain. Not much of the system has survived this government by consensus.

The people who set up our form of Government feared one-man rule. Our Government, in its historical development, evolved into a three-way balance between the executive, legislative, and judicial branches. Over recent years, with the withering away of the dissent by the legislative branch, the executive and judicial branches have gradually imposed a Federal rule which is erasing State boundaries, which is imposing Federal authority into almost every field of activity.

The liberal Congressmen who have been most active in abdicating their authority, if they were true civil libertarians, should be the most zealous in fighting this loss of individual freedom. But I don't believe they realize what is happening. Certainly, the President appears to have no desire for a public appraisal of his programs in Congress. Those of us who attempt to introduce alternative programs, compromises or constructive plans which have not originated with the White House are voted down. We are often blocked from even the opportunity for a rational discussion by "gag" rules.

The President is undoubtedly a master politician and a masterful handler of men. He is continually being congratulated by political columnists for the control he exercises over Congress.

I wonder whether this centralizing and totalizing of power in one individual was ever contemplated by our Founding Fathers? I wonder if many people in this country want to entrust one fallible human with so much power today? And I wonder whether many people even realize that Congress except for a few stubborn lawmakers like myself, has already given up its right to disagree with the President?

Oh for the good old inefficient days of argument and debate! There was some time wasted but ideas were hammered out in the process. Peace—in Congress—isn't necessarily wonderful.

Panama Canal Agreement

EXTENSION OF REMARKS
OF

HON. DON EDWARDS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 27, 1965

Mr. EDWARDS of California. Mr. Speaker, last September 24, the President reported to the Nation on the progress of negotiations between Panama and the United States on the 1903 Panama Canal agreement. I commend the President for the judicious and statesmanlike way in which these discussions are being conducted.

The talks revolve about the central idea that we recognize the importance and rightness of sharing responsibility for the efficient operation of the canal. This is the antithesis of the image of paternalism and imperialism which the the 1903 treaty represented to the people of Panama.

With the guidance of President Johnson and President Robles, I am confident that a new treaty will emerge which will result in the successful social, political, and economic integration of the Canal Zone with the Republic of Panama. We will soon be able to see an end to the anachronism of a major part of a nation's geography and economy wholly out of that nation's control, while the necessity to maintain defense of the canal is guaranteed.

I am encouraged by President Johnson's statement which shows a far-sighted and sensible approach to our relations with our neighbors to the South. It is of the utmost necessity that these relations be based upon mutual respect, upon collective action in accordance with the honor and dignity becoming all sovereign nations. I fully support these negotiations and President Johnson's leadership in reworking the present outmoded agreement and I look forward to the day when the new treaty is a reality.

Address of Representative John M. Murphy, of New York, at the General Casimir Pulaski Memorial Day Ceremonies, Staten Island, N.Y.

EXTENSION OF REMARKS
OF

HON. DANIEL D. ROSTENKOWSKI

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, September 27, 1965

Mr. ROSTENKOWSKI. Mr. Speaker, in the following address by Representative JOHN M. MURPHY at the Pulaski Day ceremonies, Mr. MURPHY points out the similarity of the struggle for freedom not only in this country and Poland, but the struggle that takes place in every country that has a love of freedom.

I commend this speech to my colleagues for it is of outstanding value made by an outstanding young American:

ADDRESS OF REPRESENTATIVE JOHN M. MURPHY AT THE GENERAL CASIMIR PULASKI MEMORIAL DAY CEREMONIES, STATEN ISLAND, N.Y., SEPTEMBER 26, 1965

Thank you, Toastmaster Sigmund A. Grajewski, for your gracious introduction.

I want to congratulate Yolanda Brach and the Staten Island Musicians Band for the very beautiful rendition of the United States and Polish national anthems.

I would like to extend my greetings to Msgr. Stanislaus J. Malinowski, Msgr. John S. Felczak, Grand Marshal William Kosciow, Grand Marshal Frieda Majewski, Henry Wazeter, Borough President Maniscalco, Councilman Robert G. Lindsay, Judge Frank D. Paulo, Comdr. Edward Ringel, Comdr. Edward Markowski, Councilman Conner, Councilman Curry, Judge Costantino, Candidate Armoury, State Senate Candidate Vito Titone, and Miss Polonia. I also want to greet Theodore Pulaski, who through congressional oversight was not included in the christening ceremonies of the nuclear submarine *Casimir Pulaski* which at the present time is patroling enemy waters in defense of the free world.

My close associate and colleague, Hon. DAN ROSTENKOWSKI, leader of the Illinois congressional delegation and one of our national political leaders, has graciously suggested that he include this address in the CONGRESSIONAL RECORD.

For the benefit of our many schoolchildren here today, I would like to furnish them with a copy of this address.

Looking out upon today's America, one is struck by the vastness and diversity of its scene. We see a picture not only of material grandeur, but of mental adventure, artistic achievement, and spiritual growth. We see a land which has challenged the spirit and tested ingenuity of men from every nation and race on earth. We see a living demonstration of the truth that warring mankind can be welded together into a single unwarlike family. We see what is perhaps the first international nation in history, standing as a powerful, thriving monument to the ideals of democracy and freedom.

Our Founding Fathers were blessed with the opportunities of a new world. But the ideals to which they hoped to give reality had long been bedded in the hearts of men. The secret of America has been that it represents a nation of people with vivid memories and the determination to build anew old traditions and aspirations.

In 1776, when our Republic was struggling for birth, the State of Poland was already eight centuries old. Her people knew well the thirst for freedom and liberty. Only 4 years before, that nation, once the largest in Europe, had suffered the shock of the first partition in 1772. Prussia, Austria, and Russia had divided the land and imposed a new humiliating constitution upon that mutilated country.

The surge of heroic patriotism and deep resolve for independence that followed transcended Polish borders. The sons of Poland embraced the lasting truth that the fight for freedom is universal.

One such son was Count Casimir Pulaski. A Polish nobleman, beloved patriot, and brigadier-general in the American Revolution, he gave his life and fortune for the principles of liberty.

As a young man in Poland, he and his family watched in horror as the foreign powers began to overcome their country. Submission would have been the easier, safer course, but his family chose to fight.

In about 1768 his father, one of the country's most able jurists, joined in forming the famed Confederation of the Bar, pledged to Poland's redemption. This act of resistance resulted in his arrest and death.

Determined to pursue the struggle for freedom, young Casimir became the life of the Polish movement. Still in his early twenties, he and his brother, Francis, carried the revolt across Poland and into Lithuania. Fortified in the mountains of Galicia, their band became a constant terror to the Russians. The temporary success of this small group against great odds caused the name of Pulaski to spread throughout Europe.

He became famed as a cavalry officer and as Poland's leading military patriot. But as his reputation grew, so did the strength of his adversary. The overwhelming courage of a few men was no longer enough. His usefulness to his country was at an end. With his forces crushed, his estates confiscated, and death imminent, he escaped into Turkey and eventually made his way to Paris.

All men have a potential for greatness, yet we are still amazed and awed by those who develop it. Man is basically a selfish creature, but, occasionally, because of his ability to reason and to think, he finds himself the possessor of something he feels is greater than himself—a cause, or a country, or a child, perhaps. It is purpose which gives man his nobility. Yet, it is not always an easy path to follow.

When Count Pulaski came to Paris, he could easily have felt that he had done enough. But it would have been inconsistent with his Polish mind and temperament. It would have been inconsistent with the Polish acceptance of the belief that the fight for freedom is universal. As he wrote in later life, "I could not submit to stoop before the sovereigns of Europe, so I came here to hazard all for the freedom of America."

Through the influence of Benjamin Franklin, he joined the American Revolutionary Forces as a volunteer in 1777. He eventually commanded four regiments, proving his military abilities to such an extent that he has often been called the "Father of the American Cavalry." By bold cavalry attacks he saved Washington's Army from destruction at Brandywine and at Warren Tavern. In fact, General Washington was so impressed that within days the Polish count became a brigadier general in the Continental Army.

Later it was at the head of his famed "Pulaski Legion," organized, equipped and fed largely with the assistance of his own private fortune, that he marched into South Carolina and lifted by sheer bravery the impending siege of Charleston.

Then on October 9, 1779, he led his legion, together with the American and French cavalry, against the British at Savannah, Ga. In that charge, Count Casimir Pulaski was mortally wounded. Two days later on October 11, at the age of 31, he gave his life for a country he scarcely knew. But his memory and the cause for which he fought were immortalized. His heroic death has served to remind succeeding generations that the quest for freedom knows no national boundaries, that the hope for liberty has no native tongue. It is mankind's silent prayer.

The Polish-Americans of today can be justifiably proud of the legacy left by this great man. They can be proud, also, of the Polish spirit and courage which have been a constant contribution to the development and progress of this Nation. Men and women of Polish extraction have entered with distinction into every area of our national life. They have maintained two priceless possessions: an astounding capacity for hard work and a flaming love of freedom. And by refusing to give up the hope of liberty for their enslaved homeland they have broadened the scope of American political thinking.

I cannot help but feel that mankind struggles only for one thing—for the future, for the hope of something better tomorrow for our children and grandchildren as well as for ourselves. Today on General Pulaski Memorial Day, as we lend special memory to one of the many men and women who have given life to our past, who have struggled and built—sometimes succeeding, sometimes failing—who have passed on to us the opportunities for all that we have, let us renew our own determination.

As President Johnson said in his State of the Union Message last January: "Our own freedom and growth have never been the final goal of the American dream.

"We were never meant to be an oasis of liberty in a worldwide desert of disappointed dreams. Our Nation was created to help strike away the chains of ignorance and misery and tyranny wherever they keep man less than God means him to be."

The problems we face today cannot be solved overnight. It will take the patient and determined efforts of the free peoples of the world. We must try with every creative spark that the divine providence has blessed us with to flind better answers and new ways to achieve the peace and freedom we so desparately hope for mankind.

The Polish-Americans have consistently remained in the forefront of this quest. And to Americans everywhere, their devotion stands as an inspiration and a challenge.

Address by Hon. Robert L. F. Sikes, of Florida

EXTENSION OF REMARKS

OF

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1965

Mr. RIVERS of South Carolina. Mr. Speaker, I am very pleased to have the privilege of inserting in the Congressional Record a speech delivered by my good friend and distinguished colleague, Hon. Robert L. F. Sikes, of Florida, a few days ago. The occasion was a countywide celebration held in Fort Walton Beach, Fla., on September 24. On this occasion, his home county, Okaloosa, commemorated his 25 years of service in Congress by observing Bob Sikes Day with appropriate ceremonies throughout the county and terminating with a massive celebration in Fort Walton Beach:

Address by Congressman Bob Sikes, 25th Year Celebration, Fort Walton Beach

I am tremendously grateful to all of you for your presence here. For the honor you do me by sharing this occasion with me. I am especially grateful to those who have accepted the responsibility for the tremendous amount of work necessary for success on an occasion like this. That includes Elbert Davis, who is general chairman, and each of the rest of you, who have so generously helped throughout the county. I am happy that Fort Walton claims the privilege of being the host city. Fort Walton is a great, thriving, forward-looking, forward-thinking city. I never cease to be amazed at the progress that I see here each time that I return. I am proud of all my home county—all of its people.

I am delighted to see many old friends here. Also, those who are here that I don't even know. I appreciate your presence. Our county has grown so fast that it hasn't been possible for me to keep up with all the new people. This I regret. I want to know all of you. I want to be your friend and I want you to be mine. I would like to spend much more time here with you, for this is home. But the work which you have elected me to do is in the Nation's Capital. The efforts which must be put forth to hold our military bases, to secure improvements for them, to seek additional personnel, all must be done in the Nation's Capital. The efforts which I engage in to bring new projects to the district, to stimulate new industrial activities, to encourage improvements and recreational advantages, all are done most effectively from my office in the Capital. And that is where my paramount responsibility—that of legislating—must also be done. It doesn't leave much time for visiting with my people back home. I can assure you, I am proud of the district which I represent. Proud of its people, proud of the progress, proud of the opportunity given me to work for you and with you.

I take a great deal of pride in the progress that we are making. Florida is clearly the leader among the Southeastern States in personal income, in wages and salaries paid, and in industrial expansion. This becomes more significant when one considers the fact that the Southeast is leading the Nation in industrial progress. In this bright picture, Okaloosa County stands out as a solid, substantial market according to a national survey of business activity. We show significant gains in nearly every field of activity. Our people have confidence. They are going ahead.

Those of you who remember Okaloosa County and Fort Walton Beach 25 years ago can fully appreciate the significance of this situation. We were far, far down the list in actuality and not many were optimistic enough to admit the promise of the future. We had only a few years before been listed as 43d in the State in automobile registration and this was a pretty good indicator of our standing statewide. The changes have been almost miraculous. Roads, bridges, recreational facilities, education, industry, shopping centers; you name it, we've got it.

Then the question becomes—have we reached the end of the line? Are we going to continue that development? Is the past a prelude to the future? These things depend on people, they depend on promise.

The promise is here. It is even brighter than it was in 1940. It is just as bright as we want it to be. We have come a long ways—we can go much further. There still are problems to be overcome, but I doubt they are as serious as the problems we have already overcome. But whatever we do in the future, we can do it better as a team. We can blaze a broader path, reach greater heights, broaden our horizons infinitely better if we are working together, if all our communities cooperate to help each other.

Twenty-five years is a long time—a quarter of a century, a generation, and for some, a lifetime. Few men have been privileged to serve 25 years in Congress. For this privilege, I am very proud and very humble. It is one of the highest posts which the people can bestow. For a great many people the Congress is their only voice in today's big, complicated and cumbersome Federal Government. It is not an easy post to fill. Seldom are the issues clearly discernible, or the decisions easy. It isn't often that a bill is all black or all white. Most of the important ones have gray areas and a Congressman must choose between what he thinks is right and best, and what the administration wants or even what his own people want.

I think the first issue of great moment of this nature which confronted me was the vote on extending the draft in October of 1941. It was not my first major decision. Almost as soon as I reached Congress I was picked for the House Foreign Affairs Committee when it was given the momentous task of writing the lend-lease bill. This marked an entirely new departure in U.S. foreign policy and it permitted the arming of our allies during the dark days of the struggle with Germany. It was hard-fought issue, but the decision of supporting lend-lease gave me no particular problem. We were on the side of the allies even though we weren't at war and I have always believed in helping my friends.

The vote on the extension of the draft was an entirely different matter. We were at that time operating under a universal draft act which would expire at the end of 1941. The question of extension of the act was before Congress. Now it has become a routine thing to accept the draft as something necessary to insure proper strength levels for our military forces. At that time a different attitude prevailed. The draft had never before been used in peacetime. A very strong sentiment had been built up against it. My mail was nearly all antidraft. In the House the battle was long and hard fought and we went right down to the wire with the issue undecided on the final vote. That was one vote I really sweated out. But, after a paternal lecture by Sam Rayburn on my responsibilities to the Nation, I voted for the extension of the draft. The bill carried by one vote—203 to 202. A month later we were at war.

Memories dim in 25 years, but I recall something else that made a lasting impression on me. I had been in Congress little more than a month when a Congressman from one of the northern industrial centers took the floor to speak out against things that were being done to the oppressed in other parts of the world. He made an impassioned appeal for tolerance which carried such a forceful message that his voice stilled the normal hubbub of the House. Then his message completed, he stepped back from the microphone, collapsed, and died. It seemed to me that he knew that all he would ever have an opportunity to say for humanity had to be said in those last few moments of his life. It made a lasting impression on me—on the importance of the responsibilities which are mine in the work I do.

I have passed many bills, some minor, some important. The ones I remember best are the ones which have helped people or created progress. My greatest satisfaction has been derived from the growth and development of this district. This is home; this is where my heart is. I have been offered administrative positions by more than one administration in Washington and none of them have had the slightest appeal to me. I note that most of my colleagues upon leaving Congress remain in Washington as lobbyists or lawyers or in any other capacity that they may find themselves. I have had industrialists say to me, "If ever you leave Congress, let us talk with you about a place in our organization." On these things my mind is perfectly clear. When my work as a Member of Congress for the First District is done, I am coming home. I have no interest in living anywhere else or being anything other than a citizen of Florida and of this county.

So, if some day I should write a book as every ex-politician seems determined to do, it will be very full of memories, memories richer than most men are privileged to know. Memories of efforts to do for you and my district all the things that a grateful heart would want to do. Of the steps we have taken together to build here a great land which will constantly grow in prosperity and happiness, and beauty; memories which you have given to me in these 25 years.

We have for many years been primarily a defense community and, as such, we have been intimately associated with the history and the development, and with the benefits of, Eglin Air Force Base. It has been mainstay of our economy for so long that most people have forgotten what it was like to make a living here before Eglin. I was here, and I can tell you it is much better this way. Eglin now enjoys a position of great affluence among military establishments and, just in case you need reminding, your Congressman isn't hurting Eglin while serving as chairman of military construction and vice chairman of defense appropriations. Some of the most important contributions to community life are made by the people who work and serve at Eglin. Each of us should bow thrice daily in the direction of Eglin Air Force Base.

For our friends in the military, let me say I am particularly proud this year of two things. One—for the military pay bill. The Congress has given to military personnel a meaningful pay raise. It will be reflected in a very substantial boost for the economy of the local communities. More particularly, it will help to give to those who wear the uniform a standard of living comparable to that for which they fight. I helped pass this year's pay bill, and I am proud of it. Then, there is the matter of places for people in uniform to live. Barracks and BOQ facilities have in many areas gone downhill to the point where they simply aren't fit for habitation. Yet, we have expected highly trained, highly schooled personnel to exist in these quarters. This year, my Military Construction Committee helped give the Nation the biggest boost we have had in 20 years toward improved barracks and BOQ's throughout the Nation.

The fight that you have made and that I have made for stronger military bases, for a continuing national defense, for better pay, and better living and working conditions for both civilian and uniformed personnel, is justified each time our Nation is called upon to risk its prestige in the defense of freedom. Without the strength imparted to our policies by both uniformed and civilian groups, it would not be possible to face up to our world responsibilities or to successfully wage war if that is required.

Let's talk about water and recreation. This is of countrywide importance and nothing is of more immediate importance. In many cities and towns a dwindling water supply poses a serious threat for the future. You in Fort Walton Beach know of what I speak. Even here we have learned that water is not inexhaustible. But countywide we have an almost unlimited supply of fresh, clean water. The development of a statewide water resources conservation program based on an inventory of existing supplies and the needs of future years has now taken shape. Certainly, we will stand high on any list of areas amply provided with water for industrial, municipal, or recreational expansion. An adequate water supply is one of the richest blessings which any area can enjoy. We have it in full measure; in such full measure that we have never given thought to the tremendous quantities which daily flow to the sea.

We have heard it said that squandered resources are lost forever. Water and recreational resources that aren't properly utilized also are lost forever. We have had so much of both for so many years that we are only barely beginning to comprehend the plight of people who have neither. Let's be doubly certain that we are never confronted with this problem by getting ready now. Here and throughout my district there is a continuing need for modern, carefully planned and designed, up-to-the-minute recreational areas and one of these days there will be need for a source of water also. Greater than anything else at the moment is the unfulfilled need to meet the growing, insistent demand of the public for wholesome, pleasant places for recreation. It would be my suggestion that your leaders confer about joint-use recreational areas whose development would not interfere with the Eglin mission and which would be equally valuable to Eglin personnel. Let's get these projects in motion all over Okaloosa County. In Florida, water and recreation inevitably are found together.

It came as a surprise to a great many people to find that Panama City, for instance, is second to Florida in summer tourism and third in the number of year-around tourists. That tells you want can be done. This serves to illustrate positively the fact that Florida has year-around attraction to offer visitors. Northwest Florida has its beaches—and they are the finest in the world. But northwest Florida has summer and winter recreation to offer. These attractions are not confined to the coastline. There is boating, fishing, and hunting; hiking, swimming and sightseeing. History abounds in northwest Florida. Florida's earliest settlements were recorded in northwest Florida and there are a hundred sights, and more, of historical interest awaiting the tourist who wants to know about our 400-year history. Florida has something to offer all year around, and it is better in northwest Florida.

You will be glad to know that completion of legislation on the omnibus rivers and harbors bill containing the new East Pass channel and jetties at Destin has opened the door to efforts to secure a budget item for funding the project next year. I have already forwarded to the President, to the Chief of Engineers, and to the Director of the Bureau of the Budget, full details on the project and the need for its early implementation. With the help of our two U.S. Senators, I hope to have the administration recommend a budget item for initiating constuction next year. It has been a long and difficult task to get the new channel approved, principally because of circumstances which prevented the passage for 3 years of an omnibus rivers and harbors bill. Consequently, there was no way in which to get the new project authorized—an essential step before funding. The Federal share of the cost is $1,151,000 and the local contribution is $460,000.

Fort Walton Beach is still in the running for the new AEC site, a tremendous undertaking. I do not anticipate there will be additional information available until the end of the year. Selection of the site has taken much more time than had been expected. When I say that you are in the running, I am not seeking to appear either optimistic or pessimistic. There are many other sites that are under consideration, nearly a hundred all totaled.

And now to turn to world problems; things have taken a turn for the better in Vietnam. The power of U.S. forces and equipment is being used to very good advantage. The realistic training which has prompted me to say for years that ours are the best forces in the world is proving itself in conflict. Campaigns to date have been well planned, well coordinated, and well carried out. Actually, they have been few and the results conclusive only in the areas where they took place. It is possible to state, however, that this change has resulted in a tremendous boost of morale for the Vietnamese and the corresponding drop in morale for the Vietcong. North Vietnam is definitely worried about the prospect of fighting alone and there is nothing to indicate that help in the form of manpower will be forthcoming either from Russia or Red China.

It is easy to take comfort from this situation and assume that we will soon be out of the woods. This would be an extremely dangerous conclusion. The Communists use consummate skill to achieve their purposes. They will draw out fighting, use terrorism, adopt whatever tactics will serve to extricate them from difficult situations. If they feel there is no hope of victory through conflict, they will agree to negotiate. Negotiations with Communists historically have been endless and largely meaningless. We will be a long time getting out of Vietnam victorious. There always is the prospect of an intervention of the Red Chinese, in one guise or another. Regardless of all this, we have demonstrated that we can win and, thus far, we have made it plain we intend to win. Both are extremely important.

Meantime there is concern about the growing threat of widening conflict in Asia. The world has witnessed the amazing spectacle of Russia attempting to pour oil on the troubled waters while Red China continues to foment strife. I have pointed out for years that America's real enemy and the real enemy of world peace is now Red China not Russia. China has threatened India's farflung outposts. This placed India in double jeopardy and if ever carried out the result inevitably would be India's crushing defeat unless there were massive intervention by the United States. World leaders who seek peace have worked overtime thus far successfully—in an effort to checkmate Red China's moves. It is doubtful that full scale war will develop, but under the present circumstances, Red China is calling the turn and has gained in world prestige.

Let me leave this final thought with you. We are now in a period of great change. But the responsibilities of the citizen to his country and to his government have not changed. Our country and our government are no better or no worse than the people who make it up. It may very well be true that at no time in the history of mankind has it been more important for people who love and cherish the true blessings of democracy to determine to protect those blessings. You, like all the others who make up this Nation, can help.

Perhaps it is best expressed in a thing called patriotism—belief in America. Some people think patriotism is going out of style in this country—along with prayer in the schools. To many, the Fourth of July is just another day when they don't have to work. Patriotism, more than anything else is what holds a nation together. We need to work a little harder at generating patriotism, and less at placating rabble rousers and demonstrators.

Mr. Speaker, 2,500 years ago the Greek poet, Alcaous, laid down the principles which best sum up the greatness of any area:

> Not houses firmly roofed—

He wrote—

> or the stones of walls well builded, may nor canals and dockyards make the city—but men able to use their opportunities.

We have been blessed to have such men, and I trust that in the years ahead northwest Florida will continue to be peopled by "men able to use their opportunities."

SENATE

Tuesday, September 28, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, for the glory of the earth in the haunting beauty of which we walk, for the gifts of love and of friendship, for sacred and sunny memories of human fellowship, and for every radiant hope which inspires us on our pilgrim way, at the noontide of this new day, we lift our paean of grateful praise.

In Thy presence our arrogance is rebuked, our pride of opinion is mocked as we confess that left to ourselves we but grope in the darkness of ignorance, that our sight is dimmed and our judgments fallible.

As in this forum of freedom so many tangled problems converge which plague the wisest councils of men, may Thy servants here, devoted to the stewardship of public trust, be honest and honorable enough to follow the truth as it beckons wherever it may lead and thus to scorn all forms of pretense.

We pray that in these grave days of global concern in the affairs of nations that the instrumentalities of justice and concord which have been set up to unite peoples in the preservation and pursuit of peace may be the channels of thy providence, in cooperative endeavor to bring this fear-haunted, divided earth nearer to the ancient prophet's dream, "Violence shall no more be heard in thy lands, wasting nor destruction within thy borders."

In the name of the Prince of Peace we pray. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 24, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on September 25, 1965, the President had approved and signed the following acts and joint resolution:

S. 76. An act for the relief of Anna Maria Heiland;

S. 517. An act for the relief of John William Daugherty, Jr.;

S. 573. An act for the relief of Dr. Sedat M. Ayata;

S. 584. An act for the relief of Ming Chup Chau;

S. 614. An act for the relief of Evangelia Moshou Kantas;

S. 1736. An act for the relief of Jennifer Ellen John Mojdara; and

S.J. Res. 5. Joint resolution designating the bridge crossing the Washington Channel near the intersection of the extension of 13th and G Streets SW. the Francis Case Memorial Bridge.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Robert R. Mease, to be postmaster at Springtown, Pa.; which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 306. An act to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes;

S. 596. An act to amend the Public Health Service Act to assist in combating heart disease, cancer, and stroke, and other major diseases; and

S. 1620. An act to consolidate the two judicial districts of the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto.

The message also announced that the House insisted upon its amendment to the bill (S. 2300) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Fallon, Mr. Blatnik, Mr. Jones of Alabama, Mr. Edmondson, Mr. Wright, Mr. Cramer, Mr. Baldwin, and Mr. Harsha were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7812) to authorize the loan of naval vessels to friendly foreign countries, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Rivers of South Carolina, Mr. Philbin, Mr. Price, Mr. Fisher, Mr. Bates, and Mr. Arends were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7969) to correct certain errors in the Tariff Schedules of the United States, and for other purposes, and it was signed by the Vice President.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of September 24, 1965, the following report of a committee was submitted on September 27, 1965:

Mr. BYRD, from the Committee on Finance, reported favorably, with amendments, the bill (H.R. 9042) to provide for the implementation of the agreement concerning automotive products between the Government of the United States of America and the Government of Canada, and for other purposes, and submitted a report (No. 782) thereon, together with the minority views of Senators Ribicoff, Hartke, and Gore; which report was printed.

AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider its action taken on Friday, September 24, in agreeing to the House amendments to S. 1766, better known as the Aiken bill, to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations, not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I offer amendments to the House amendments and ask that they be stated.

The VICE PRESIDENT. The amendments will be stated.

The legislative clerk read as follows:

On page 3, line 12, change the subsection designation "(4)a." to "(4)(A)".

On page 3, line 16, change the subsection designation "(b)" to "(B)".

On page 4, line 18, strike out the words "*Provided further*, That no" and insert in lieu thereof the word "No".

On page 4, line 23, before the word "In", insert paragraph number "(10)".

On page 5, line 16, change the word "loan" to "Act".

The VICE PRESIDENT. The question is on agreeing to the amendments offered by the Senator from Montana [Mr. Mansfield], to the House amendments.

The amendments to the House amendments were agreed to.

The VICE PRESIDENT. The question now recurs on concurring in the House amendments as amended.

The amendments of the House, as amended, were concurred in.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. Long of Louisiana, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

JOINT RESOLUTION OF OHIO LEGISLATURE

The VICE PRESIDENT laid before the Senate a joint resolution of the Legislature of the State of Ohio, which was referred to the Committee on the Judiciary, as follows:

S.J. Res. 16

Joint resolution to the Congress of the United States pursuant to article V of the Constitution of the United States to call a convention for the purpose of proposing an amendment to return a portion of the income tax to the political subdivision in which it was collected

Resolved by the Senate of the State of Ohio, the House of Representatives concurring: That the Legislature of the State of Ohio, pursuant to article V of the Constitution of the United States, hereby makes application to the Congress of the United States to call a convention to propose the following article as an amendment to the Constitution of the United States:

"Article —

"Section 1. Fifteen percent of the tax on the income of each citizen collected by the United States shall be returned by the United States to the State in which such citizen has his principal place of residence one-third of which shall be distributed by such State to the municipal government in which such residence is located if any, another one-third of which shall be distributed by such State to the school district in which such residence is located and the balance to be retained by such State for State purposes;

"*Resolved further*, That this application shall constitute a continuing application for such convention, under article V, of the Constitution of the United States, until the legislatures of two-thirds of the several States shall have made like applications and such convention shall have been called by the Congress of the United States, unless the Congress itself proposes the amendment herein set forth;

"*Resolved further*, That certified copies of this resolution be transmitted forthwith to the Senate and House of Representatives of the Congress of the United States and to each House of the legislature of each of the several States, attesting the adoption of this resolution by the legislature of this State.

"Roger Cloud,
"*Speaker of the House of Representatives.*
"John W. Brown,
"*President of the Senate.*

"Adopted July 29, 1965.

"Ted W. Brown,
"*Secretary of State.*"

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MORSE, from the Committee on Labor and Public Welfare, with amendments:

H.R. 9022. An act to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to eliminate inequities in the application of Public Law 815 in certain military base closings; to make uniform eligibility requirements for school districts in Public Law 874; and for other purposes (Rept. No. 783).

By Mr. MORSE, from the Committee on the District of Columbia, with an amendment:

H.R. 1778. An act to amend the act entitled "An Act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes", approved May 1, 1906, as amended (Rept. No. 784);

H.R. 3314. An act to require premarital examinations in the District of Columbia, and for other purposes (Rept. No. 785); and

H.R. 5597. An act to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia (Rept. No. 786).

By Mr. MORSE, from the Committee on the District of Columbia, with amendments:

H.R. 9985. An act to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons (Rept. No. 787); and

H.R. 10304. An act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children (Rept. No. 788).

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

S. 1314. A bill to amend the Street Readjustment Act of the District of Columbia so as to authorize the Commissioners of the District of Columbia to close all or part of a street, road, highway, or alley in accordance with the requirements of an approved redevelopment or urban renewal plan, without regard to the notice provisions of such act, and for other purposes (Rept. No. 791).

By Mr. HILL, from the Committee on Labor and Public Welfare, with amendments:

H.R. 3141. An act to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes (Rept. No. 789).

AMENDMENT OF SECTION 18, CIVIL SERVICE RETIREMENT ACT, AS AMENDED—REPORT OF A COMMITTEE (S. REPT. NO. 790)

Mr. MONRONEY, from the Committee on Post Office and Civil Service, reported an original bill (S. 2572) to amend section 18 of the Civil Service Retirement Act, as amended, and submitted a report thereon; which bill was read twice by its title and placed on the calendar, and the report was ordered to be printed.

RESERVATION OF CERTAIN PUBLIC LANDS FOR A NATIONAL WILD RIVERS SYSTEM—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 792)

Mr. CHURCH. Mr. President, from the Committee on Interior and Insular Affairs, I report favorably, with an amendment in the nature of a substitute, the bill (S. 1446) to reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the minority views of Senators Kuchel, Allott, Jordan of Idaho, Simpson, and Fannin.

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Idaho.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. HILL, from the Committee on Labor and Public Welfare:

Francis Keppel, of Massachusetts, to be an Assistant Secretary of Health, Education, and Welfare.

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

One hundred and twenty-one postmaster nominations.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONG of Louisiana (for himself, Mr. Bennett, and Mr. Carlson):

S. 2567. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Finance.

(See the remarks of Mr. Long of Louisiana when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 2568. A bill to strengthen the antitrust laws by prohibiting the payment to or receipt by persons licensed to engage in the practice of medicine, of profit, rebates, refunds, commissions, discounts, rentals or other valuable considerations in connection with the supplying to patients of drugs, devices, or other products prescribed by such licensees; to the Committee on the Judiciary.

(See the remarks of Mr. Hart when he introduced the above bill, which appear under a separate heading.)

By Mr. METCALF:

S. 2569. A bill to repeal the provisions of the Federal Power Act which exempt from Federal Power Commission regulation the issuance of securities by public utilities subject to certain State regulation; to the Committee on Commerce.

(See the remarks of Mr. Metcalf when he introduced the above bill, which appear under a separate heading.)

By Mr. McINTYRE:

S. 2570. A bill for the relief of Gianfranco Zambelli; and

S. 2571. A bill for the relief of Guiseppe Cucinotta; to the Committee on the Judiciary.

By Mr. MONRONEY:

S. 2572. A bill to amend section 18 of the Civil Service Retirement Act, as amended; placed on the calendar.

(See the remarks of Mr. Monroney when he reported the above bill, which appear under the heading "Reports of Committees.")

By Mr. MONRONEY (by request):

S. 2573. A bill to validate the action of the Acting Superintendent, Yosemite National Park, in extending the 1955 leave year for certain Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Monroney when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 2574. A bill to amend the District of Columbia Teachers' Salary Act of 1955, as amended; to the Committee on the District of Columbia.

(See the remarks of Mr. Morse when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

STUDY BY DEPARTMENT OF COMMERCE OF IMPORTS OF STEEL MILL PRODUCTS

Mr. HARTKE (for himself, Mr. Allott, Mr. Bayh, Mr. Brewster, Mr. Boggs, Mr. Clark, Mr. Gruening, Mr. Long of Missouri, Mr. Moss, Mr. Scott, and Mr. Yarborough) submitted a resolution (S. Res. 149) requesting the President to cause a study of imports of steel mill products to be undertaken by the Department of Commerce, which was referred to the Committee on Finance.

AMENDMENT AND EXTENSION OF PROVISIONS OF SUGAR ACT OF 1948

Mr. LONG of Louisiana. Mr. President, on behalf of myself, and Senators Bennett and Carlson, I introduce, for appropriate reference, a bill to amend and extend the provisions of the Sugar Act of 1948, as amended. I ask unanimous consent that the bill remain at the desk for the remainder of the day, in the event other Senators would care to add their names as cosponsors.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be held at the desk, as requested by the Senator from Louisiana.

The bill (S. 2567) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by Mr. Long of Louisiana—for himself and other Senators—was received, read twice by its title, and referred to the Committee on Finance.

Subsequently, the names of Senators Allott, Brewster, Ellender, Fong, Holland, Magnuson, Mondale, Simpson, Smathers, and Young of North Dakota were added as additional cosponsors of Senate bill 2567.

PROHIBITION OF DOCTORS PROFITING FROM SALE OF CERTAIN PRODUCTS

Mr. HART. Mr. President, today, I turn to Congress in its not-infrequent role of a court of last resort.

As the prolog indicates, I am fully aware of the complexity—and delicacy—of the problem I present, and would not present it if I thought a solution could be found elsewhere.

The problem, briefly, is this: Is the public interest served when a doctor profits not only from fees for his professional services but also from the sale of products he prescribes?

Naturally and assuredly he is entitled to full reimbursement for his professional services. The question centers on profits made when the doctor—using his prescription power—steps into the role of merchant.

Last year, alerted by complaints from businessmen and consumers, the Antitrust and Monopoly Subcommittee undertook an investigation of the effect doctor-merchants have on competition and consumers. Hearings were conducted in 1964 on doctor ownership of pharmacies and drug repackaging companies. This year, we held hearings on doctors selling eyeglasses.

No reader of these records, I feel sure, could wish away the fact that there is a real problem—caused by physicians who abuse their legal prescription monopoly.

Let me make clear at this point that I do not believe all physicians who sell products to their patients are operating in an unethical manner; many are properly motivated. Many, I am sure, do so because they believe this is the best way to serve their patients. For example, where there are no other sources which would supply the product, the doctor would, quite understandably, supply it.

But the record indicates that a substantial number do not operate from this motivation only. As a result, consumers suffer. Competition suffers.

Last week, the subcommittee released its report on the doctor-owned pharmacy and doctor-owned drug firm investigation. I commend the report to Senators as a factual presentation of the problem as the subcommittee found it in this one area.

Based on the distressing picture of the harm done competition and consumers which evolved during our investigation, I today introduce legislation which would prohibit physicians from profiting from the sale of any product he prescribes. It would not prohibit them from profiting from the fee for professional services nor from supplying the products—at no profit—as a service to patients when other suppliers are not available.

I want to emphasize that the bill is not intended to prevent a doctor from owning shares in a company such as Merck or Pfizer where stockownership is widely dispersed and the connection between his prescriptions and possible profits is negligible at best.

Legislation which mixes in the doctor-patient relationship is, indeed, ticklish and a good case must be presented before most of us would care to venture into this sacrosanct area. This I realize. So, let me share with the Senate some of the information from the record which caused me to have this bill drafted:

The first question to be answered is how prevalent is the practice.

Drug firms: The subcommittee located 140 doctor-owner drug repackaging companies in 30 States. Five thousand doctors were involved. The true figure is undoubtedly many time that—as witness the facts in Texas. There State records showed 74 physicians connected with pharmaceutical companies. Yet, 1 company alone had 266 doctor stockholders.

Pharmacies: The subcommittee located only 3,000 doctor-owners of pharmacies. Yet, we are told that in Hawaii, for example, 60 to 70 percent of all drugs are dispensed by doctors, or doctor-owned pharmacies.

Eyeglasses: It is generally agreed that 40 percent of the 6,200 practicing ophthalmologists—or approximately 2,500—sell eyeglasses.

Thus, a surface investigation in two product areas—drugs and glasses—reveals a bare minimum of 10,500 doctors, of the Nation's 200,000 doctors, who are selling products they prescribe. It would be reasonable to assume that the true figure runs many times higher.

Also, present indications are that the practice will continue to grow.

The second question is, do doctor-owners use their prescription power to increase profits of their financial enterprises? On this one, let me quote the record:

First we have reports back to their different companies from doctor-stockholders:

> When I was a practitioner in Malvern, Ark., I wrote all Carrtone prescriptions.
>
> I do agree to prescribe and to encourage my associates to use our products.

From the records of the Kansas State Department of Welfare:

> In one Kansas county with two pharmacies, one owned by a physician and one by a pharmacist, the doctor-owned pharmacy in the second quarter of 1964 submitted 94 percent of all the welfare prescription claims originated from the two pharmacies.

From an independent dispensing optician:

> The income of my company has gone down by 40 percent since last year since the practice of doctor-dispensing began.

The third question is how do prices charged consumers range when the doctor profits from the sale of the products prescribed?

> Deseret—a doctor-owned drug company—sells dextroamphetamine-sulfate under the name of Deserex tablets for $11.30 a thousand or 13 times the price—85 cents a thousand—charged by Wolins, a well-known generic wholesaler. Both companies purchase the same product from the same supplier.

On eyeglasses, one survey showed that in one area consumers paid $7.50 to $15.10 more for glasses from a doctor than they would have from an optician.

Fourth question, how are independent businessmen affected by doctor-merchants?

Ophthalmologists began selling eyeglasses in number after the consent decrees in the 1951 Department of Justice cases outlawed rebates from opticians to the doctors. Since 1957, retail optical stores have a failure rate 10 times that of other retail stores. Fifty-eight percent of dispensing optician stores claim to have been substantially harmed by doctor-sellers.

Figures presented on Wisconsin pharmacies give an indication of the effect of doctor-ownership of independent pharmacies:

> In 3 communities of less than 5,000 population there are 7 pharmacies of which 3 are physician-owned. In these 7 pharmacies there are 125,302 prescriptions filled annually of which 100,047 are filled in the 3 physician-owned pharmacies.

No doubt there are some who will say I have picked the most spectacular examples. While I will not deny that the ones mentioned here are spectacular, I believe that any reader of the record will find many others like them.

It is because of their number—and the size of the problem they depict—and the apparent expanding trend—that I introduce this bill today. As I said at the beginning, I turn to Congress as a court of last resort. The Department of Justice and the Federal Trade Commission have told me that they cannot move in this area. The American Medical Association, in recent years, has consistently turned down efforts its judicial council has made which might have reversed the trend toward more and more doctor-ownership. Interprofessional negotiations have been fruitless for 10 years.

One point should be emphasized as this prepared legislation is introduced: There is nothing radical about it. Until the summer of 1955, the American Medical Association recognized the dangers inherent in doctor-ownership. It dealt with them with one simple ethic:

> An ethical physician does not engage in barter or trade in the appliances, devices or remedies prescribed for patients, but limits the sources of his professional income to professional services rendered the patient.

All this bill would do would make that ethic binding on all physicians.

In the files of the subcommittee is a letter in support of this type of legislation from an ophthalmologist. First, he explains that between 1929 and the time he went in the Army—about 1942—he earned an estimated $100,000 from rebates from opticians. Then, he turns to the 1955 change in the AMA code of ethics with a statement typifying the vehemence with which doctor-opponents of this practice speak:

> It is a shame that the American Medical Association has not taken a stand against these abuses, but ethics are apt to be weak where profits are large * * *. Unfortunately, we are not always willing to regulate our own abuses, and in this case the Government is needed to make us ethical by legislation.

Actually, it is needed only with respect to some, by no means all.

Mr. President, the high cost of medical care has been of concern to Americans for years. Congress, it seems to me, has an obligation to take any appropriate step necessary to bring down this cost so far as humanly possible, and in a way which will not reduce the quality of medical service.

In my view, this bill is one such step—a step identical to the code of ethics of the AMA until the recent past. Because of the varying professional relationships involved, it is not sound to argue that the bill is or should be thought the final or best answer. If it can be the starting point, it will justify its introduction.

Mr. President, I introduce this bill and ask unanimous consent to have it printed in full in the RECORD, and that it be appropriately referred.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2568) to strengthen the antitrust laws by prohibiting the payment to or receipt by persons licensed to engage in the practice of medicine, of profit, rebates, refunds, commissions, discounts, rentals or other valuable considerations in connection with the supplying to patients drugs, devices, or other products prescribed by such licensees, introduced by Mr. HART, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medical Restraint of Trade Act".

FINDINGS OF FACT

SEC. 2. The Congress finds and declares that the payment to and receipt by persons licensed to engage in the practice of medicine, of profit in connection with the furnishing to patients of drugs, devices, or other products prescribed for consumption or use by patients tends to lessen competition and substantially to restrain and to monopolize trade and commerce and constitutes a burden upon interstate commerce in such products.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "person" shall mean any natural person, firm, corporation, or association of any kind;

(b) The term "licensee" shall mean any person licensed by any State, any governmental division thereof, or any association or society authorized under any State law to issue such a license, to engage in the practice of medicine;

(c) The term "professional service" shall mean services rendered in the practice of his profession by the licensee;

(d) The term "profit" shall mean any markup above actual cost of the product to the licensee, discount, refund, rebate, commission, rental for space leased from a licensee based in whole or in part on a percentage of income from drugs or devices sold or furnished by the tenant or unreasonably high rental in lieu thereof, or other valuable consideration; and

The term "drug or device" shall mean drug or device as defined in the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 321), and other products prescribed by a licensee for consumption or use by man.

PROHIBITION OF MEDICAL RESTRAINTS OF TRADE

SEC. 4. (a) It shall be unlawful—

(1) for any person to pay, offer to pay, or allow, directly or indirectly, to any licensee, or for a licensee to knowingly receive directly or indirectly, any profit for or in connection with the referral of patients of the licensee to such person for the furnishing of any drug or device; or

(2) for any licensee to accept or receive directly or indirectly from any person any profit on or resulting from the sale, rental, furnishing, or supplying by such licensee of any drug or device to such person in connection with or as a result of the rendition by such licensee of professional service to or for such person, except that nothing herein shall apply to a licensee furnishing to his patient such drug or device when an emergency exists or shall apply to the administration of a unit dose of a drug in any form to a patient by the licensee or by a nurse or assistant under direction of the licensee.

(b) Every person, firm, corporation, or association who shall violate this Act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court.

(c) The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of this Act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceeding may be by way of complaint setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such complaint the court shall proceed, as soon as may be, to the hearing and determination of the case.

Mr. DIRKSEN. Mr. President, I have learned from a press release issued yesterday by the Senator from Michigan [Mr. HART], and also his appearance on television yesterday, that he proposed to introduced a bill in which doctors would be barred from making a profit on products they prescribe. It is apparent that this bill has resulted from hearings conducted by the Senate Antitrust and Monopoly Subcommittee referred to as, "Physician Ownership in Pharmacies and Drug Companies" and, further, the hearings conducted pertaining to ophthalmologists dispensing eyeglasses. It appears to me most unusual and unnecessary that Congress consider passage of legislation that would bar anyone from making a profit in any product that he deals with. It would be the greatest form of discrimination to pass such a bill affecting doctors only.

Mr. President, I believe it would be well at this time to place in the RECORD comments made by the distinguished senior Senator from Nebraska [Mr. HRUSKA] and myself, in answer to the report submitted by the majority under the title of "Physician Ownership in Pharmacies and Drug Companies." Also, I ask unanimous consent to have printed in the RECORD the report from Rand L. Dixon, Chairman of the Federal Trade Commission, to the subcommittee as to his comments on "Physician Ownership in Pharmacies and Drug Companies." Mr. President, at a later date I may have further comments on this bill introduced by the Senator from Michigan [Mr. HART].

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF SENATORS EVERETT MCKINLEY DIRKSEN AND ROMAN L. HRUSKA [1]

I

The minority states that the basic principle of Government of the people, by the people, and for the people is involved herein. Members of Congress on both sides of the aisle are increasingly voicing the dangers of the immense concentration of economic and political power in the Federal Government and its octopus-like encroachment into domains that have been "reserved to the States respectively or to the people" by the 10th amendment to the Constitution of the United States. The Members of Congress are commenting that we must draw the line somewhere, and soon, and thus apply the brakes to this enormous growth of Federal power that has slowly but surely chipped away many of our basic individual rights and privileges.

The minority, in its opening statement at the beginning of the hearings on doctor-owned drug repackaging firms and pharmacies, stated that at a time when our Government was greatly concerned over major world crises and significant domestic problems, it appeared inappropriate for congressional committees to inquire into hearings of minor antitrust consequence.[1a] We noted then that the medical associations and pharmacist groups were negotiating for a better understanding toward amending the codes of ethics to eliminate any possible ethical violations by doctors who invest in drug enterprises or pharmacists who operate doctor-owned pharmacies. Also, it was noted that the States have jurisdiction over the licensing of doctors and pharmacists, and several States have enacted laws which could curtail or completely eradicate the problem. The States are capable of doing more legislatively, and through State boards having jurisdiction over the parties concerned.[1b]

After 6 days of hearings and 610 pages of testimony and exhibits, we have seen very little evidence to change our original position and we reiterate that the serious problems created by doctor-owned drug enterprises can be solved by State action, by negotiation between the medical associations and pharmacists groups, and further, whatever antitrust aspects there are to the problem, they can be solved by the Department of Justice and FTC under existing antitrust laws.

The unusual aspect of this majority report's conclusions is that it agrees very much with the minority position. We quote from the majority report:

"There are four possible courses of action by which the obvious conflict of interest portrayed here could be stopped. The first is through 'interprofessional negotiations' between druggist organization (the APHA and the NARD) and the AMA. The second is for the AMA's house of delegates to reverse itself, accept the longstanding position of its own judicial council and reinstate its pre-1955 principle. The third is through antitrust action. Finally, there is the possibility of legislation—both at the State and Federal level.[2]"

Thus, one major difference is in the issue of whether additional Federal legislation is necessary.

The majority would urge that Federal legislation is required to suppress the allegedly unethical practices. However, after 6 days of hearing testimony from a good cross section of witnesses, the report is silent as to how these Federal laws or rules and regulations are to be formulated, and omits to point out which phase of the alleged unethical practices must be regulated on a nationwide basis.

These hearings were terminated on August 14, 1964, 1 year ago. The record of the hearings was sent to the Department of Justice and the Federal Trade Commission to determine whether present antitrust laws were being violated. The majority report in chapter IV reviews antitrust proceedings, citing the *American Optical Company* case and referring to the degree of effectiveness in these matters under the Sherman Act, the Federal Trade Commission Act, and section 3 of the Clayton Act. The report concludes: [3]

"It would appear, therefore, that effective action in many cases under presently constituted antitrust statutes is at least questionable. Certainly it would raise some highly argumentative legal issues which undoubtedly could not be resolved for a considerable period of time."

Our answer to this is twofold: If there are serious antitrust aspects to the alleged problem, then appropriate cases should be filed by the Federal Trade Commission or the Justice Department to resolve the question; and as for the time involved, Congress takes just as long—if not longer—to pass legislation on a given issue as the agencies or courts take to resolve a legal issue.

It should be noted that the effectiveness of our antitrust laws herein has been well established, and there is little need for amendments. The minority reiterates what it has often said in other reports, and we quote:

"One judge thought that the Sherman and Clayton Acts state a broad, general policy which, as judicially interpreted over the years, is about as clear and certain as we could hope to make it. * * *

Continuing the quote, the Supreme Court said:

"The Sherman Act has received long and careful application by the Court to achieve for the Nation the freedom of enterprise from monopoly or restraint envisaged by the Congress that passed the act in 1890. Because the act is couched in broad terms, it is adaptable to the changing types of commercial production and distribution that have evolved since its passage. Chief Justice Hughes wrote for the Court that as a charter of freedom, the act has a generality and adaptability comparable to that found to be desirable in constitutional provisions."[4]

Section 5 of the Federal Trade Commission Act has been declared by the courts to state a broad, general policy also, and has been proven even more effective than the Sherman and Clayton Acts in certain cases.

II

The undersigned having commented on the suggested recommendations for future action in the majority report believes very little comment is necessary to the first three chapters of this majority report.

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[1] Senator HIRAM L. FONG was not a member of this subcommittee at the time of said hearings.

[1a] Printed hearings, "Physician Ownership in Pharmacies and Drug Companies," 88th Cong. 2d sess., 1964, p. 3.

[1b] See comments of FTC Chairman Paul Rand Dixon, appendix of report, p. 59.

[2] Majority report, "Doctor-Owned Drug Enterprises," 1965, p. 47.

[3] Majority report, 'Doctor-Owned Drug Enterprises," 1965, p. 52.

[4] Report, "Prices of Hearing Aids," 87th Cong., 2d sess., Rept. 2216, 1962, p. 111.

Chapter I pertains to a review of the testimony on doctor-owned repackaging companies. The record as noted in the printed hearings speaks for itself. Its treatment in the majority report as to the pricing policies by doctor-owned repackaging firms tends to mislead the readers. We quote the first example noted in the report:

"For example, Deseret sells dextro-amphetamine-sulfate under the name of Deserex tablets for $11.30 a thousand (1 penny per tablet) or 13 times the price—85 cents a thousand—charged by Wolins, a well-known generic wholesaler. Both companies purchase the same product from the same supplier."

The above quote does not state the witness' testimony of the greater research and distribution costs and other expenses by Deseret Pharmaceutical Co. We are certain that no one expouses legislation that would stabilize the costs of doing business, the price a businessman wishes to charge for his product, and/or the profit he can earn. In the instant case, the Deseret Co. was losing money on its drugs sold and distributed in certain territories, even established ones. The above argument applies to many other references in the report relating to the pricing policies of doctor-owned repackaging companies.

Chapter II deals with doctor-owned pharmacies. Dr. William S. Apple, APHA executive director, and Philip Jehle, associate general counsel of NARD, discussed the problem presented to independent druggists by the doctor-owned pharmacies. However, both witnesses agreed that the solution to the problems created by doctor-owned pharmacies should be resolved by continued negotiations between the pharmacist groups and the American Medical Association to improve the code of ethics so that the problem will be completely alleviated or sufficiently curtailed to the satisfaction of all concerned.

Chapter III relates to the positions of the American Medical Association on repackaging drug companies and doctor-owned pharmacies and reviews a series of actions taken by the American Medical Association to express said positions. On the issue of doctor-owned repackaging firms, Robert B. Throckmorton, general counsel, Americal Medical Association, stated that the AMA flatly condemned physician ownership in drug repackaging companies. He defined a doctor-owned drug repackaging company as a company "which markets under its own label or trade names drug products manufactured by others with the objective that physicians having a financial interest in the drug company will prescribe its drugs to the patient."

As to the doctor-owned pharmacies, the position of the AMA is stated in the following colloquy between Chairman HART and the AMA general counsel, Mr. Throckmorton:[5]

"Senator HART. But again in mid-1950 you said it was not good except where the community was so remote that the doctor had to do it.

"Mr. THROCKMORTON. That was what our house of delegates said.

"Senator HART. You yourselves have faced up to the fact that there is a real problem.

"Mr. THROCKMORTON. There are just two schools of thought on this, Senator, and this may very well be resolved one way or another. One school of thought is that the profession should be like Caesar's wife—above suspicion.

"But if I were Dr. Gunnar Gundersen or others with a pharmacy, I would resent the implication that I couldn't be trusted to own a pharmacy and conduct it for the welfare of my patients. So you get rather bitter and emotional feelings engendered by the fact that it is only the physician that is being pointed at here.

"And then they use the ethical club to beat down medicine when actually it is not a matter of ethics at all, but a matter of raw economic competition.

"We feel that no Federal action is required, that by working with the pharmacy profession, by improving our own grievance procedures, and by educating our own members we can resolve this problem.

"If legislation is desired then physicians and pharmacists can join hands and go to a legislature, or they may do it independently.

"I jotted down four conclusions. First, the repackaging problems are small. It is condemned by the American Medical Association, and will be eliminated by the profession.

"Second the physician-ownership of pharmacies is a relatively small problem, and the observance and enforcement of ethical principles fully protects the public and avoids the possibility of restraint of trade or unfair trade practices.

"Third the problems of pharmacy run far deeper than physician-ownership. These can more readily be resolved by cooperation with the medical profession rather than by pushing for State or Federal legislation and employing tactics which are derogatory to and which alienate the medical profession.

"Lastly, the medical profession can be trusted to serve the best interests of patients and to keep its own house in order.

"Thank you.

"Senator HART. Thank you, sir.

"I think the question as it relates to this committee it whether the competitive effects of these practices that we have been reviewing should be prohibited by law.

"You said it very well and you reach the conclusion which in your summary you stated well. You feel that is not the way to approach it."

CONCLUSION

Members of Congress are finding themselves in a difficult position on serious problems brought to the attention of Congress. Many people urge Congress to take action in enacting Federal laws affecting the general welfare of our people or a particular segment thereof, when traditionally those areas were left to the State legislatures or State authorities to resolve.

But where do we draw the line between Federal jurisdiction and State jurisdiction in specific matters? Many believe Congress has gone much too far in assuming Federal jurisdiction in areas historically resolved to the States by the 10th amendment to the Constitution.

We close with reflection that the record in these hearings supports our position that no new Federal law or amendment is necessary because the States and the medical and pharmacists associations are capable of resolving the issues.

APPENDIX

AGENCIES' COMMENTS

Chairman PHILIP A. HART asked the Federal Trade Commission and the Department of Justice to study the transcripts following the hearings and to supply the subcommittee with their comments.

These follow:

FEDERAL TRADE COMMISSION,
Washington, D.C., July 8, 1965.

Hon. PHILIP A. HART,
Chairman, Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of February 3, 1965, transmitting to me a copy of the record of hearings held by the subcommittee in August 1964 on the subject of "Physician Ownership in Pharmacies and Drug Companies" and requesting our staff to study the record and advise you of what action, if any, we feel is possible or required in this area.

Pardon the delay in answering your letter, but the Federal Trade Commission's staff was asked to, and has made, a study of the transcript of the hearing's which required considerable time.

As our staff interpreted the evidence adduced at the hearings, it indicates practices in the distribution of prescription drugs in two areas which may be inimical to the interest of purchases of such drugs.

One area involves the distribution of drugs by certain drug companies (herein referred to as physician-dominated drug companies) to pharmacies for resale. It appears that the physician stockholders of the companies constitute a substantial proportion of the total stockholders of these companies. Such physicians, to a greater or lesser extent take active parts as directors or in other official capacities in the management of the companies and, generally speaking, such companies are dominated by physicians.

The drug companies are referred to as "repackaging" or redistributing companies. Whatever their classification, however, the pertinent factors with respect to their distribution of drugs, as shown by the hearings before the committee, are described hereinafter.

They distribute drugs under their own brand names. To a substantial extent, if not always, their drugs have been manufactured by major pharmaceutical manufacturing companies. The drugs distributed by these companies are available from other drug companies either as brand-named drugs or as generic drugs. Some companies also carry on some manufacturing of drugs. The testimony at the hearings also indicates that in addition to "new" drugs, they manufacture copies of products already on the market and market such copies under their own label. They do little, if any, research.

It further appears that prices of drugs of the physician-dominated drug company are generally competitive with prices of brand-name drugs of major pharmaceutical companies but generally are substantially higher (sometimes in excess of 10 times) than the drugs available by their generic names from drug suppliers. Most pharmacies stock a supply of generic drugs. A substantial proportion of brand-named drugs are available as generic drugs.

The evidence, so the staff informs me, indicates instances where the physician-dominated drug company makes use of its physician stockholders to aid in the sale of the company's drugs by the following practices:

(a) Solicitation of physicians to become stockholders of the company with the objective that such physicians will be influenced to write prescriptions for the company's drugs. Subsidiary drug companies were purchased because of the number of their physician stockholders.

(b) Physicians who were stockholders of the company were urged to write prescriptions of the company's products in order to increase the company's profits. There was cooperation by physicians who agreed to prescribe the company's drugs and recommend them to other physicians. In one instance, contact was made with officials of North Carolina for the purpose of setting up an arrangement whereby physicians serving the prison system of that State would be sold stock and would thereafter prescribe the drugs of the company for prisoner medication.

(c) Dividends were declared (while the company was in financial difficulties) in order to increase the physician stockholders' enthusiasm in prescribing the company's drugs.

(d) In one instance, a partnership agreement was entered into between detailmen

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[5] Printed hearings, "Physician Ownership in Pharmacies and Drug Companies," 88th Cong., 2d sess., 1964, p. 229.

(salesmen) of the drug company and physicians in the area to promote the company's products. The physicians received a percentage of the profits from sale of the drugs.

The other area relating to practices in the sale of ethical drugs of disadvantage to the purchasers of such drugs has to do with physician ownership of pharmacies and the directing of prescriptions prescribed by the physician-owners to the pharmacies owned by them. Included in this category of the physician-owned pharmacies are the following:

(a) Ownership of a pharmacy by an individual physician;

(b) Ownership of a pharmacy by a physician-owned clinic; and

(c) Lease of pharmacy space by physician-owned clinic at rental based on gross sales of the pharmacy.

The staff interpreted the evidence at the hearings as indicating that the methods utilized by the physician in directing the patient to the physician-owned pharmacy, included the following:

(a) Prescribing the drug by a code devised by the physician and the pharmacy so that only the physician-owned pharmacy can read and fill the prescription;

(b) Transmission of the prescription by the physician directly to his pharmacy by telephone or otherwise (in one instance via a pneumatic tube system);

(c) Using prescription blanks with the name of the physician-owned pharmacy printed on them; and

(d) Verbally directing the patient to the physician-owned pharmacy.

Apparently, the most feasible approaches to the solution of these problems are: First, self-regulation by medical associations through the promulgation of ethical rules prohibiting the possible conflict of the physician's interest in the welfare of his patients and profits from the drug companies and pharmacies; and second, by the enactment of proper legislation by the States. The practices involved are intimately connected with and embrace the physician's practice of his profession. Regulation of medical practice historically and inherently has been by the States.

It appears from the hearings that statutes restricting physician-ownership of pharmacies have been enacted in California, North Dakota, and Maryland.

The staff found that the evidence at the hearings indicates that medical associations, both at the local and the appellate levels of the American Medical Association, have condemned the practices we have discussed. The American Medical Association's ethical rules for the profession show more latitude than do the rules of many local medical associations. The American Medical Association does not forbid physician-ownership of pharmacies although such ownership does raise the problem of possible conflict of interests. The association has laid down "guidelines" for physicians to follow in connection with such ownership, viz: The physician must not steer patients to his pharmacy; the patient is entitled to a copy of his prescription; and it is unethical for the physician to dispense prescriptions in code or to telephone the prescription to his pharmacy. The American Medical Association suggests that physicians use prescription blanks advising the patient that the prescription may be filled at the pharmacy of the patient's choice. The American Medical Association's rules also provide that a physician may not have a financial interest in a drug repackaging company with the objective of prescribing its drugs to his patients; and the rules of the association further provide that he should not own stock in a pharmaceutical company which he can, or does, control.

The Commission will continue its study and interest in this matter.

Your committee is to be commended in bringing to the attention of the medical profession and all interested agencies and parties, practices which adversely affect the consumers of ethical drugs.

Sincerely yours,

PAUL RAND DIXON,
Chairman.

Mr. DIRKSEN. Mr. President, although the hearing on doctor dispensing eyeglasses has been terminated, no report has been issued. The record reveals the comments of Chairman HART in the above hearings. In order that Senators may have the other side of the story, I ask unanimous consent that the statement of the American Medical Association given before the Subcommittee on Antitrust and Monopoly by Dr. William O. Lamotte, Jr., be printed in the RECORD, as well as the statement of Ralph W. Ryan on behalf of the National Medical Foundation for Eyecare presented before the subcommittee.

Mr. President, sending a man to jail for making a profit on a product runs contrary to the American way of life.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. WILLIAM O. LAMOTTE, JR., ON BEHALF OF THE AMERICAN MEDICAL ASSOCIATION, ACCOMPANIED BY EDWIN J. HOLMAN, STAFF ATTORNEY, AMERICAN MEDICAL ASSOCIATION

Dr. LAMOTTE. I am William O. Lamotte, Jr. I am a physician in the active practice of medicine and surgery in the field of ophthalmology in Wilmington, Del., and I am also a member of the American Medicial Association's Council on Legislative Activities.

With me here is Mr. Edwin J. Holman, an AMA staff attorney.

We appear here today, Senator, in response to this subcommittee's invitation that we present information which may assist the subcommittee in its consideration of the questions announced in the subcommittee's press release. You will recall that in the press release announcing these hearings issued by this subcommittee, you, sir, the chairman, are quoted as saying that "the consumer is deprived of a chance to shop for price, if he is given no choice but to buy his glasses from the doctor who prescribed them."

With this statement I personally agree. With this statement the American Medical Association is in full accord. The right of free choice of physician and the right of the patient to determine who will supply the eyeglasses prescribed by the physician is inherent in all aspects of medicine's ethics and, Mr. Chairman, I hope to develop this thought a little in the course of my testimony here today.

At the outset, let me confirm a fact which is certainly known to this subcommittee. There is a difference of opinion, even among physicians, on this and many issues on this issue as to whether the ethics of the profession should permit a practicing physician to dispense eyeglasses.

The American Medical Association reflects the majority opinion of physicians as expressed through the association's House of Delegates. This opinion is that "drugs, remedies or appliances may be dispensed by the physician provided it is in the best interest of the patient."

We believe this position to be a reasonable and responsible one.

Now, the Oath of Hippocrates, the Code of Hammurabi, which goes back to 2500 B.C. nor Percival's Code of Medical Ethics contains any guidelines regarding the dispensing of glasses by physicians. This is not surprising since the common, widespread use of glasses has developed during the late 19th and the present centuries.

Even the early versions of the principles of medical ethics of the American Medical Association are silent regarding dispensing of glasses, although there has been an ethical ban against the acceptance of rebates on prescriptions or surgical appliances since 1847, when the AMA first adopted its principles of medical ethics. It may be of interest to note that in about 1940 the word "surgical" was dropped as a modifier of appliances so that the ban applied to the acceptance of rebates on prescriptions for appliances, and not merely on surgical appliances.

During the late 1940's and the 1950's, there was considerable discussion within the medical profession concerning the relations among physicians, optometrists, and opticians, and with the question of the physician's ethical privilege of including in his practice the sale of appliances. In 1946, the AMA House of Delegates requested a review and revision of the Association's principles of medical ethics, and in 1948, a proposed revision of the principles was discussed by the House and committed to the judicial council, which is a committee of the house of delegates, for further study.

In 1949, the house of delegates adopted the statement (ch. 1, sec. 6) that a physician should limit the sources of his professional income to professional services rendered the patients.

Later, in 1954, the AMA House of Delegates amended the principles by establishing a separate section on the ethics of physician ownership of drugstores and physician dispensing of drugs and appliances. As adopted in June 1954, it read:

"Ownership of drugstores and dispensing of drugs and appliances by physicians.

"Section 8: It is unethical for a physician to participate in the ownership of a drugstore in his medical practice area unless adequate drugstore facilities are otherwise unavailable. This inadequacy must be confirmed by his component medical society. The same principle applies to physicians who dispense drugs or appliances. In both instances, the practice is unethical if secrecy and coercion are employed or if financial interest is placed above the quality of medical care. On the other hand, sometimes it may be advisable and even necessary for physicians to provide certain appliances or remedies without profit which patients cannot procure from other sources."

In June 1955, chapter I, section 8 was amended to read:

"It is not unethical for a physican to prescribe or supply drugs, remedies or appliances as long as there is no exploitation of the patient."

This revision was prompted by the introduction of some 10 resolutions before the house of delegates. These related to both ownership of pharmacies and dispensing glasses. The "whereas" clauses of those relating specifically to the dispensing of eyeglasses suggested a number of things, including:

Patients benefit immeasurably from the responsible physician's control over the quality and accuracy of dispensing as well as intelligent fitting services.

The prescribing physician has the sole responsibility for the patient's vision and comfort.

Many ethical ophthalmologists feel the responsibility for their patients' glasses is a medical problem and cannot be separated from the eye examination.

All physicians are responsible for the quality of remedies, appliances or services which they prescribe for their patients and should be diligent to protect their patients from poor quality or excessive prices by those who furnish these ancillary services.

The right to dispense has been the right of physicians from time immemorial and, today, in many areas, is an absolute necessity for proper patient care.

In 1957, the principles were again revised to their present format and language. The current version provides in part: "Drugs, remedies or appliances may be dispensed by the physician provided it is in the best interest of the patient."

Finally, in June 1963, the AMA House of Delegates affirmed a 1958 statement of the judicial council. The 1958 report, as it relates to dispensing glasses, is current AMA policy and reads:

"The council calls the attention of the house to the following statement concerning the meaning of the words 'drugs, remedies, or appliances may be dispensed or supplied by the physician provided it is in the best interest of the patient' which was adopted by the council on June 26, 1958.

"It is the opinion of the judicial council that this language was adopted to permit both the practicing physician and the local medical societies to evaluate the many factual situations incident to prescribing and dispensing which are bound to arise in the practice of medicine. Under this language the doctor is permitted to exercise his own best judgment when caring for his patients. It is known that there will be situations when it is necessary or desirable for a physician to dispense or supply what he has prescribed. The principles permit this to be done. On the other hand this broad language provides a means by which a component medical society can inquire into the facts of a particular practice. The profession thus can act to prevent abuse of discretion and protect patients from exploitation. In essence this language means that a physician in the exercise of sound discretion may dispense 'in the the best interest of his patient'; it does not authorize him to dispense solely for his convenience or for the purpose of supplementing his income."

If I have spent apparently an unseemly amount of time discussing the ethical point of view, it was only to emphasize that the medical profession has given a great deal of thought to this matter over a considerable period of time. The record clearly establishes that from the 1940's on through 1963, the medical profession has studied and discussed fully and freely the ethical aspects of dispensing by physicians. In its deliberations, it has recognized that practices differ among physicians; that the rendering of medical service is influenced by geographical, social, and traditional considerations; and that in establishing guidelines to protect the patient's interest, all these factors must be taken into account. A universal proscription by the medical profession against physicians dispensing eyeglasses could deny some patients glasses, force some others to deal with an incompetent dispenser, and cause still other patients personal inconvenience.

In my opening remarks, I referred to the subcommittee's press release which announced the start of these hearings, and to the chairman's statement as to the consumer's right of free choice.

In this area, the consumer does have a wide choice. Optometrists examine eyes and dispense glasses. This practice is common, widespread, and well established. In addition, in many communities it is possible for the individual to go into a department store and there are many examples here in Washington and elsewhere, to have his eyes examined and his prescription filled, and be billed for this service by presenting his chargeplate or membership card. Discount centers throughout the country have optical departments where one may have his eyes examined and obtain his glasses at discount.

In many instances, the individual is not aware that his glasses are dispensed from a prescription. He considers his examination and glasses to be one integral service and when seeking eyeglasses may select an ophthalmologist, an optometrist, a department store, or a discount center, a freedom of choice.

Sometimes the selection may be limited because the community is sparsely populated and has either no optician at all or none within a reasonable distance; here, the physician finds it necessary to prescribe and dispense.

In some communities the prescribing physician has been unable to accept the product of an optician who is not competent, and the physician dispenses to insure that his patients receive properly filled prescriptions.

In other communities, patients, being human beings with definite ideas of their own, feel that a single service (refracting and dispensing) is more convenient and prefer that the ophthalmologist dispense as well as prescribe.

All of these situations—lack of opticians or optical shops; traditional patterns of conduct, patient desires and wishes, unqualified opticians, etc.—vary from community to community and from time to time.

The needs and desires of the patient are the elements that make up his free choice. We believe that when he visits the ophthalmologist who dispenses eyeglasses, the patient exercises a free and independent choice.

In this regard permit me to further quote the opinions of the American Medical Association's Judicial Council. The council has said:

"One of the most important principles of the association has been free choice of physician; and that the definition of free choice, which formerly appeared in the principles of medical ethics, was 'that degree of freedom in choosing a physician which can be exercised under usual conditions of employment between patients and physicians.' This principle should apply to choice of optician, choice of pharmacist, etc."

And, in an opinion published in 1963:

"A patient is entitled to a copy of his or her prescription for glasses, drugs, or appliances and he has the privilege of having the prescription filled wherever he wishes."

These two opinions are part of the policy of the association today.

In conclusion, let me summarize and emphasize the following:

1. The medical profession has given a great deal of thought to this matter. In its deliberations, it has recognized that practices differ among physicians as they provide services to their patients. Medicine has recognized that the rendering of medical service may be influenced by geographical, social, and traditional considerations. The record clearly establishes that for many years the medical profession has studied and discussed fully and freely the ethical aspects of dispensing by physicians so that guidelines could be established to protect the patients' interests. A universal prescription by the medical profession against physician dispensing would deny some patients glasses, require other patients to seek incompetent dispensers, and cause still other patients personal inconvenience.

2. There is a divergence in medical thinking regarding the dispensing of glasses by physicians. While some members of the American Medical Association believe that physicians should not dispense, apparently under any circumstances, the AMA house of delegates, by a majority vote and after many years of study and discussion, has declared that the dispensing of eyeglasses by a physician is not unethical if it is in the best interest of the patient.

3. The medical profession believes it has an obligation to render optimum medical service to its patients.

4. While some ophthalmologists do dispense, it is AMA policy that the patient be entitled to a copy of his prescription from the physician who refracts the eyes.

5. Under existing practices in the prescribing and dispensing of glasses, the patient has an extremely wide choice of alternatives. He may go to an optometrist or an ophthalmologist or an eye, ear, nose, and throat specialist, a department store or a discount center for his glasses. He may even buy reading glasses at many stores like the 10-cent stores, without any examination. Of all these alternatives, however, it is only within medicine that the patient has complete freedom of choice. Whereas one department store will not fill the prescription written in another department store, and whereas optometrists usually examine and dispense as a single service, only the patient of the physician usually receives a prescription which may be filled wherever he wishes.

Mr. Chairman, I have attempted to briefly trace the history of the American Medical Association's policy with respect to the dispensing of eyeglasses by physicians. We hope that we have shown that while there exists a difference of opinion among members of the medical profession, the association's position, which represents the majority view of its members, as shown in the action of delegates is both reasonable and equitable.

Since the committee may require some additional information, Mr. Chairman, or explanation, my colleague here, Mr. Holman, and I will certainly be pleased to answer any questions if we can that you may have.

Thank you, sir.

Statement of Ralph W. Ryan, M.D., on Behalf of the National Medical Foundation for Eye Care to the Senate Subcommittee on Antitrust and Monopoly Thursday, August 5, 1965

Mr. Chairman and members of the committee, I am Dr. Ralph W. Ryan, of 158 High Street, Morgantown, W. Va. My profession is the private practice of ophthalmology in a small town.

My training included 5 years in chemistry, physics, and mathematics at West Virginia University.

My medical training was at the University of Michigan. After a year of general internship I had 2 years in eye residency at Wayne County General Hospital at Eloise, Mich. I then had 2 more years training at the University of Michigan and received the master of science degree in ophthalmology in 1953. I also had special training in the Academy of Ophthalmology and Otolaryngology basic science courses and in pathology at the Armed Forces Institute of Pathology.

I am a diplomate of the American Board of Ophthalmology and a member of various medical organizations.

During the years 1953–55, I was in charge of eye research at the National Institutes of Health and held the rank of surgeon in the Public Health Service Reserve.

I am treasurer of the National Medical Foundation for Eye Care and chairman of the Foundation's Committee on Ophthalmic Assistants. I am also president-elect of the West Virginia Academy of Ophthalmology and Otolaryngology.

The National Medical Foundation for Eye Care is the national professional society of physicians in ophthalmology with which the State ophthalmological societies and academies are affiliated. Ophthalmology is the branch of medicine dealing with all matters pertaining to the eye and vision.

An ophthalmologist or oculist is a physician—a doctor of medicine—who specializes in the care of the eye and all its related structures. He has first completed the full course of general medical studies (which include the eye), received an M.D. (doctor of medicine) degree, and served an internship in general medicine and surgery in an approved hospital. He has then taken additional specialized training ophthalmology—the branch of medical science dealing with the structure, functions, and diseases of the eye and of the visual system. The ophthalmologist has spent a minimum of 12 years after graduation from high school before he is eligible to be certified as a qualified eye physician and surgeon. The ophthalmologist is the only person legally and professionally qualified to diagnose and treat all eye disorders, whether blurred vision, injuries, cross-eyes, burns, or foreign bodies, glaucoma, cataract, retinal detachment, or any other eye ailment.

The ophthalmologist (M.D.) diagnoses and treats all visual problems and eye disorders. He prescribes whatever eye treatment is necessary, including the fitting of eyeglasses, contact lenses, optical aids for the partially sighted, and eye exercises (vision training, orthoptics).

The ophthalmologist uses eyeglasses, eye drops, eye ointments, and other medications, if necessary, in the examination and treatment of the eye. He diagnoses the need for eye surgery and performs eye surgery when it is required.

We will now consider the medical rights and responsibilities of a physician, and the basic factors in supplying optical aids that determine the best interests of the patient.

LEGAL AUTHORITY OF THE PHYSICIAN TO USE, FIT, AND SUPPLY GLASSES IN THE TREATMENT OF HIS PATIENTS

The legal authority of the physician to use, fit, and supply glasses in the treatment of his patient derives from his license to practice medicine. The practice of medicine embraces the use of any and all devices, means, and methods of treatment of mental or bodily ills, defect, or deformity. The majority of State statutes specifically so state. In no State is the physician limited. Indeed, it is unlikely that the courts in any State would relieve him of responsibility if he failed to use as indicated, medically accepted treatment on the excuse that either by law or by practice someone not a physician is permitted to engage in the act. The use of eyeglasses includes their fitting and supply. The States of Michigan, Ohio, Vermont, and South Carolina have been even more specific and have included in the definition of the practice of medicine the "furnishing" or "dispensing" or "supplying" of appliances used in the treatment of the patient.

Physician's responsibility and right: We direct attention to some fundamental principles which apply to the activities of the physician and his practice of medicine.

1. Every physician is legally, morally, and ethically obligated to render his services toward the best medical interests of his patient.

2. This service is performed under authority granted the physician by duly constituted State authority under whose jurisdiction he remains in all of his relations with his patients.

3. The physician has the obligation to exercise his right to supply any drug, therapeutic modality, or other item, or to supply and fit any product or prosthesis, or recommend or designate what person or persons shall carry out his orders in this connection toward the best medical interest of his patients, and he should discharge this obligation without restriction imposed by any other interest. The physician is ultimately legally and morally responsible for glasses he prescribes regardless of who supplies them.

4. Implementation of the physician's instructions toward his patient's best medical interest should not be impaired by any other consideration or the economic interests of any third party.

5. A physician is engaged in medical practice and not in trade or commerce, interstate or intrastate, in any of his relationships with his patients, whether or not he supplies drugs, spectacles, contact lens prostheses, or any other item indicated for his patient's medical welfare.

EYEGLASSES A FORM OF TREATMENT

Eyeglasses are a form of treatment of a physical condition which is a departure from the normal (error of refraction). Such abnormal conditions commonly give rise to symptoms. (In the absence of symptoms there is commonly no need for eyeglasses.)

The treatment of errors of refraction consists of:

1. Determining the nature of the optical defect and its significance per se, and determining the lens which will optically compensate for it.

2. Diagnosing the significance of this departure from the normal relative to all other departures from the normal (diseases) which may be present, and which, of course, must first be diagnosed.

3. Prescribing the optical characteristics of the lens when relief of the abnormal optical condition by eyeglasses or other visual aids is indicated.

4. Measuring the facial anatomical characteristics and stipulating the laboratory specifications for preparing the eyeglasses—frame and lenses—on the basis of the optical prescription date and the facial measurements so that when the glasses are properly prepared and adjusted the optical effect will be that prescribed by the physician.

5. Supplying the eyeglasses in conformity with the specifications.

6. Fitting the eyeglasses by adjusting the frame, with reference to the eyes, to the anatomy of the head, especially the nose and ears, and maintaining this fitting over a period of years.

7. Contact lenses have become an important means of treating errors of refraction. Such lenses fit directly on the delicate corneal tissue where the slightest abrasion due to poor fit, to accident, or to lack of sanitation may lead to infection and scarring with loss of vision or the loss of the eye. The State of Michigan has seen fit to prohibit opticians from dispensing or assisting in dispensing of contact lenses.

8. Lenses of inert plastic placed inside the front of the eye or in the cornea are now in use. These optical aids are obviously not in the province of the best trained dispensing opticians to supply, fit, or maintain.

Clearly such treatment is encompassed within the practice of medicine and all of these procedures are within the province of the physician. Clearly the joint performance of all of these acts is the prerogative of the physician alone, and in the course of such treatment the physician is continuously engaged in the practice of medicine. When the physician supplies glasses to his patient this is not a sale in the commercial sense of this term, but a service incidental to his general care of the patient. The glasses have no intrinsic value; they are provided incidental to the professional service of the taking of measurements, the writing of specifications, and fitting of glasses when physician and patient have agreed that this service is to be performed in the physician's office, and the supply of the glasses is a necessary incident to that service. The supply of glasses is comparable to the dentist's supply of a denture.

The physician has also the legal right to delegate the performance of the simple manual acts such as are described in parts 4, 5, and 6 above, to a nonphysician whose technical competence he has determined and who may or may not be in his employ, but over whom he exercises supervision in either case.

In the 1860's it first became possible to prescribe glasses scientifically, and by the latter part of the 19th century it was common practice. By the beginning of the present century physicians were frequently exercising their right personally to supply and to fit or control the fitting of glasses. This has been the continuous practice in many ophthalmological offices for over 50 years. It grew with the growth of the country in the Midwest and West.

In 1935 this was a very common practice and the medical profession vigorously and successfully opposed attempts of the Optical Retail Trade Code Authority under the National Industrial Recovery Act to levy assessments on physicians for each employee in the service of those physicians who supplied their patients with glasses. The American Medical Association was forthright in declaring that the physician who provided glasses solely for patients for whom he prescribes them "is not within the terms of that code. The fact that the physician charges for his professional service in prescribing and fitting glasses and spectacles does not alter the situation." (The Journal of the American Medical Association Mar. 9, 1935, editorial.) There has been no change in the medical position of the propriety and professional character of this service, although a change was proposed in December 1954 and was rejected after due consideration in June 1955.

It is not true that the American Medical Association made any major change in policy in 1955 or since then with reference to the ethical principles governing the supply of glasses. The medical profession has always held that a physician should derive his income from the rendering of services to his patient. Determining specifications for supplying, and fitting, and maintaining the adjustment of glasses is a professional service whether it is rendered in or out of the physician's office. What the medical profession has done in recent years is to make it unmistakably clear that this is a service.

There is evidence that the physician's practice of supplying glasses to his patient became more prevalent in the late 1940's after World War II with the shifting of population and the resultant changes in our American culture and moves. Following the Justice Department decree in 1954 (governing the relations between opticians and those physicians who did not supply glasses), there was a sharp rise in the cost of glasses in retail optical stores, and subsequent to this some physicians adopted the practice of direct supply. In 1955 a study of optical prescription laboratories indicated about 50 percent or more of American ophthalmologists supplied at least some of their patients with glasses directly.

In 1963 the National Medical Foundation for Eye Care conducted an ophthalmic practice survey. Over 25 percent of the Nation's ophthalmologists responded. The questions included practice regarding the supply of glasses. We are able to say on the basis of the reports that 41 percent of ophthalmologists do provide glasses directly.

When the question was repeated in another study on ophthalmic assistants in 1964 the figure was confirmed at 40.6.

We are not able to say whether any significant increase in the number of ophthalmologists who supply glasses to their patients has occurred in the last 10 years.

DELEGATION OF FITTING TO PHYSICIAN'S ASSISTANT

The optical fitting technician employed by the physician, is an ophthalmic assistant. Such ophthalmic assistants may also have other assigned duties to assist the physician in one or more of the many other areas of clinical ophthalmology in which the physician is supported by auxiliary medical personnel. Among these are the general ophthalmic assistant, the orthoptic technician, the nurse, and the perimetrist. Like these, the optical fitter serves the physician, assisting him to render medical care to the patient.

DELEGATION OF SUPPLY TO DISPENSING OPTICIAN

An optician is a technician employed in a retail optical establishment, who, on the order of a physician, measures the face for, supplies, and fits glasses. He may or may not engage in any one or more steps of the fabrication of those glasses. He may be self-employed or employed by an individual or a corporation.

The relation of the physician to the dispensing optician fitter not in his employ is unlike the relation between physician and pharmacist. There are important differences. Although the physician cannot verify the work of the pharmacist in compounding and supplying medications, he can verify the accuracy of the work of the optician and determine whether or not his prescription order has been carried out. Thus he has responsibility for supervising the activities of the independent optician not in his employ. In turn the optician is responsible directly to the physician for the technical performance of his work as well as to the physician's patient, the optician's customer, for the business performance. The physician is the final judge of the optician's work and accepts or rejects the optician's work. It is the responsibility of the optician to supply those glasses and only those glasses which the physician has prescribed. In delegating the supply and fitting and measuring to the optician, the physician has assumed a responsibility for service outside his office and has not relieved himself of responsibility in the matter of the fitting and supply of eyeglasses. The courts have, on occasion, held that the mere facts of State licensure and self-employment of ancillary personnel does not relieve the physician of responsibility to select ancillary personnel competent to carry out his instructions. Opticians may strive for high standards of service; the physician maintains the standards; licensure has no bearing.

OPHTHALMIC PRACTICE SURVEY

Reference has been made to the ophthalmic practice survey of the National Medical Foundation for Eye Care conducted in 1963. Among findings of that survey were the following:

1. Forty-one percent of the ophthalmologists were in cities over 100,000 population, 16 percent in cities of about 100,000, and the remaining 43 percent are in cities of from 5,000 to 50,000.

2. Sixteen percent of ophthalmologists reported no optical store in their community. Another 10 percent reported none in their neighborhood.

3. Fifty-nine percent of the ophthalmologists reported they delegated the fitting and supply of all spectacles to persons not in their employ.

4. Forty-one percent of the responding ophthalmologists reported that they provided in their own offices for the fitting and supply and inspection of some or all of the spectacles that they provided.

FACTORS INFLUENCING THE INTEREST OF THE PATIENT IN THE SUPPLY OF GLASSES

Many factors enter into the determination of the patient's interest in the supply of glasses in the physician's office.

1. The most obvious circumstance in the absence of available commercial source of glasses. We do not consider this necessarily the most important factor. However, in small towns and rural areas patients may have to travel as much as 100 miles to a dispensing optician.

2. The patient is spared the inconvenience of making multiple trips to multiple locations to obtain his complete medical care from examination to inspection and delivery of glasses when glasses are a part of that care. Most patients with experience with both types of service prefer direct supply. There is a special advantage in this respect for the elderly and infirm.

3. Despite contrary claims the cost of glasses supplied through the office of the physician has been found to be from $2 to $10 or $15 less than through commercial sources. This differential does not represent any difference in the glasses. Some optical firms who operate stores where they supply glasses to the public also operate laboratories to supply glasses to the physicians. Our figures are based on the optician's price to the patient and the doctor's charge to the patient for the same glasses made by the same optician. In the case of cataract glasses the saving may be as much as $25.

4. The ophthalmologist is able to exercise more rigid control over quality of the workmanship and the excellence of the fitting and adjustment.

5. There is frequently an additional savings to the patient in that he is not encouraged, frequently discouraged, from purchasing a new frame when he has glasses which require only a change of lenses. (Opticians whose charges are entirely reasonable have informed us that they make a practice of encouraging the patient to consider the acquisition of a new frame in similar circumstances.) A further savings to the patient may occur as a result of his procuring a single pair of glasses when sometimes with less supervision by the physician the patient is supplied with additional pairs of glasses not made mandatory by the prescription.

6. The patient has the distinct advantage of being able to hold one person completely responsible for his total care. Many patients have indicated that this is an element of great importance to them.

7. Avoidance of interference with the cultural pattern of the community: Many patients have long been accustomed to getting their glasses from the prescriber, who may not have been a physician. The general trend in America today is to seek an upgraded health service and more people are turning to the ophthalmologist. They frequently do not welcome the idea of being advised to go elsewhere for their glasses after the physician has prescribed them. (There are also the cultural patterns of individual community groups. Thus, one ophthalmologist in Pennsylvania has a practice which comprises two distinct groups. The one comes from the suburban area, with many of the patients working in Philadelphia. A substantial number of these patients, he finds, are happy to visit an optical store. The other large element in his practice is from a rural area occupied by a minority group who avoid all city ways; they would never think of consulting him if he did not provide their glasses in his office.)

8. In addition to the benefits which accrue to the patient for whom the physician supplies glasses, patients whose physicians do not supply their glasses also benefit. We believe the physician's potential for supplying those glasses tends to reduce the cost of glasses from commercial sources.

SOURCES OF GLASSES IN AMERICA

On the basis of information from optical manufacturers regarding their distribution of eyeglasses it is known that in 1955 ophthalmologists prescribed about half the glasses in the United States. The ophthalmologists supplied directly to the patient about 20 percent of the total glasses, dispensing optical establishments supplied approximately 25 percent of the total, and approximately 55 percent were supplied by optometrists. Most of the glasses supplied by optometrists are prescribed by optometrists; the remainder of those they supply are prescribed by physicians. They do not prescribe glasses to be supplied by other persons except in those circumstances where the optometrist is himself employed by a retail optical establishment.

REMUNERATION FOR THE SERVICES OF MEASURING, FITTING, AND CONTINUED MAINTENANCE-ADJUSTMENT OF EYEGLASSES

The cost of the optical service for eyeglasses supplied by the physician, is determined by the value of the service of measuring, fitting, and continued maintenance-adjustment for several years, relative to the value of other medical services in the physician's office, plus the actual laboratory cost of the glasses.

Opticians appearing as witnesses before the Senate subcommittee have seen fit to make charges of improper conduct on the part of physicians. Some of these statements we have good reason to believe to be false and others we know to be false. Others we know do not accurately represent all of the facts. It has also been reported that some physicians who did not themselves supply glasses to their patients proposed improper relations with opticians. The remedy for charges of improper conduct whether by physicians who do not suuply to their patients or who do supply glasses to the patient is for the optician to supply whatever factual information he has to the local county medical society. The only complaints which have been filed with county medical societies in recent years in this connection, to our knowledge, are charges that the physician supplied glasses in cities where the optician who sought to render this service to that physician's patient. This is not a charge of improper conduct by the physician but a charge of conduct not in the interest of the optician.

It is significant that when similar charges of improper conduct were presented to representatives of the medical profession by spokesmen for the opticians, the opticians were asked whether the objectionable situations that were described were the basic problem, or whether the problem was primarily one of the supplying of glasses by physicians to their patients in areas where there were optical stores available to supply the glasses. The reply of the opticians was, "The major problem is a second case."

NONMEDICAL FACTORS AFFECTING THE DISTRIBUTION OF GLASSES BY OPTICIANS

The service of measuring and fitting is a substantial service, although not requiring the same degree of knowledge and skill that is required for services which the physician must himself entirely perform. A charge for the service, no matter by whom it is performed, is entirely proper. If this were not so, no optician could conceivably justify what he terms the "price of glasses."

We make no attempt to explain the reasons for the failure of any one or more or any percentage of optical establishments. We do wish to direct attention, however, to the numerous factors which opticians, perhaps through oversight, have not brought to the attention of the committee.

1. In the last 10 or 15 years a number of changes have occurred affecting the distribution of glasses by opticians. One of these has been the move of a large proportion of the population to the suburbs.

2. A second has been the move of ophthalmologists to the suburbs.

3. A third has been the increasing trend for ophthalmologists to move or establish de novo their practices in small communities. This has been made possible by the wisdom of the Congress in establishing the Hill-Burton program which made it possible for many small communities to establish adequate hospitals which are necessary to the practice of medicine in the branch of ophthalmology. Prior to the Hill-Burton program, many towns did not have adequate hospital facilities. Without such facilities, ophthalmologists could not move to the smaller communities. These communities

the ophthalmologists frequently found to be without opticians.

4. People in these smaller communities had frequently been obtaining their glasses without prior examination by a physician. There has been an upgraded demand for optimum health services. When such patients turned to the physician for complete eye examination, they looked to the physician also to provide the convenience of the direct supply of glasses to which they are accustomed. The cultural pattern of these communities is a major factor in determining the manner in which the physician provides for his patients to obtain their glasses when he moves into such a situation. Finally, there is a growing trend on the part of industrial employers to provide their employees with prescription eyeglasses which are paid for in whole or in part by the employer and are purchased by the employer from the manufacturer or laboratory. Industrial employers commonly do not make adequate provisions for the fitting of these glasses. As a result the opticians, in large urban areas where this practice affects a significant portion of the population, are deprived of the business of providing this service and deprived of the income they would otherwise receive for this service on glasses they would supply.

SUMMARY

The supplying and fitting of eyeglasses, which the physician has prescribed, is never an improper service, whether it is performed in or out of the physician's office so long as it is done pursuant to the physician's order. To receive remuneration for furnishing this service, no matter who furnishes it, is not improper. To supply glasses to his patient is the right of the physician where he finds it indicated in the patient's interest, and this determination of interest is the responsibility of the physician.

Any inference with or restriction of this right of the physician would be in conflict with the physician's legal responsibility in his practice of medicine to the proper State authorities, would be against the interest of the patient. This is true also of the patients of physicians who do not include this service of fitting and supply in their practices, for their patients benefit from the beneficial effect on the cost of glasses from opticians which naturally results from the fact that the physician may legally and ethically provide glasses whenever the patient's interest indicates. In the case of patients in the smaller communities, to prohibit the supplying of glasses by the physician would be to ask the patient to choose between abandoning medical care in favor of local sources of glasses without prior examination by a physician on the one hand, and traveling long distances—often 50 miles and more—to a commercial source of supply of eyeglasses.

Ophthalmological service would not be possible in small communities if the physician were prohibited from supplying glasses. If ophthalmologists are obliged to abandon practice in the rural communities, there will be an increased interval between the onset of disease and the time that the patient arrives in the office of the ophthalmologist. The vast majority of patients in whom the diagnosis of eye disease is made by the ophthalmologist come to the ophthalmologist thinking they need only glasses to relieve their symptoms, and they frequently come to him because they recognize his office as a source of medical care with which the provision of glasses is associated. If the ophthalmologist, who has been brought closer to the people in the smaller towns by the Hill-Burton program, is now to be driven back to the city, it can only be to the detriment of the public. It would mean an increase in preventable blindness with the human misery and suffering that accompanies it.

To conclude we stress the following facts:

1. The use of visual aids whether spectacles, sunglasses, prisms, contact lenses, intraocular lenses, or intracorneal lenses are part of the medical treatment which a physician may use to treat eye disorders.

2. Since the proper fabrication, placement, and maintenance of these visual aids determines their effectiveness, it is clearly within the legal and ethical province of the physician to either carry out or to supervise others in carrying out these services to patients.

3. Since these aids are furnished as a service, it is ethical for a commensurate charge to be made for such service just as in any service a physician gives.

4. Since the physician is responsible for the entire visual aid service regardless of who actually places the aids on the patient's eyes, it is entirely within his right to insist that the ophthalmic assistants whom he utilizes be within reach of his constant and effective supervision.

5. There is no one more competent to give medical services than the physician who has many years of training in this field. Only the physician responsible for the individual patient is qualified to determine what service for that patient may be delegated to one who assists a physician.

6. To prohibit physicians from furnishing visual aids to their patients in the best way they can will be against the best interests of their patients:

(a) It will create unnecessary inconvenience for patients in many rural areas and small towns.

(b) It will prohibit the physician from carrying out a medical function which nonmedical personnel, such as optometrist and opticians, are permitted to carry out.

(c) It will limit the choice of the patient as to where and how he obtains his visual aids.

(d) It will act as a deterrent to eye physicians practicing in the smaller communities, thus making medical eye care difficult to obtain. As a result it would adversely affect the implementation of the philosophy of the medical profession and the policy of the present Government administration that the best medical care shall be made available to all communities.

(e) It will give a group of men with limited technical training and with an interest only in a commercial enterprise a monopoly of the furnishing of the visual aids that physicians prescribe. This will surely increase the cost of such aids to the public.

(f) It will encourage other types of paramedical personnel to try by legislation to take control of various portions of medical care to the exclusion of the trained medical specialist in that field.

(g) It will surely make more difficult the effective control of eye diseases and disorders and will increase blindness with its misery throughout the United States.

Mr. Chairman, I wish to thank you for this opportunity of presenting the views of the National Medical Foundation for Eye Care. I will now be pleased to attempt to answer any questions which the committee may have.

REPEAL OF SECTION 204(f) OF FEDERAL POWER ACT

Mr. METCALF. Mr. President, I am today introducing legislation to repeal section 204(f) of the Federal Power Act. That is the provision which excludes from Federal Power Commission jurisdiction the regulation of security issues by an electric utility "organized and operating in a State under the laws of which its security issues are regulated by a State commission."

The effect of section 204(f) is to prohibit Federal Power Commission regulation of security issues of most power companies. There are only four States in which there is no State commission with power to regulate security issues by public utilities. Those States are South Dakota, Minnesota, Texas, and Iowa. The FPC claims jurisdiction over security issues of 17 power companies in these four States. Five of the seventeen companies contend that they are not under FPC jurisdiction. In addition, FPC has jurisdiction over the security issues of 11 power companies which are incorporated in one State but operate in another, and of one company whose charter makes it not subject to State regulation. These 29 power companies whose securities are subject to FPC regulation constitute approximately 13 percent of the 216 major power companies in the Nation.

Section 204(f) was apparently based on the presumption that State regulatory commissions could and would regulate security issues of utilities within their States. Unfortunately, in many instances, the presumption has been proven invalid. The failure of State regulatory commissions in this respect is illustrated by the rapid growth of restricted stock option plans within the electric power industry.

A restricted stock option is a right, extended by a company to a limited number of persons, to purchase common stock in the future, at the price for which the stock sold when the option was granted. A case can be made for granting stock options in risk enterprises whose success or failure depends largely on the ability of executives to develop and sell a product profitably in a competitive market. However, electric utilities are not in that category. They have a monopoly within their service area. They sell an essential product. Their revenue is related more to the size of their investment than it is to competition in the marketplace. The law requires that the utilities' rates be sufficient to cover all expenses, including taxes and salaries, plus profit. Free enterprise businesses fail at the rate of more than 15,000 a year. In contrast, electric utilities, as agents of the State, are not permitted to fail or even to fail to make a profit.

Generally speaking, stock option plans can lead to extraordinarily high income which is not necessarily related to executive performance. Factors other than executive ability lead to bright prospects for an industry and higher and higher market prices of stock. This is especially true in the case of electric utilities. Our expanding economy requires a doubling of electric energy every 10 years. The market value of electric utility stocks has been consistently, and in some cases spectacularly, climbing upward. Utility issues are often recommended by investors as "growth" stocks.

When millions of dollars worth of stock are sold to power company officials holding stock options at a fraction of the market value, both the stockholder and the electric consumer suffer. The loss of capital, because of the sale of stock at the below-market option price, amounts to capital foregone. Capital has to be raised somewhere else. Increasingly, that money comes from the electric consumers.

The industry phrase for this practice is "internal cash generation." The consumer is forced to contribute capital through his electricity bill. But the consumer receives no stock, no dividends, no equity, no options.

In 1954 internal cash generation provided one-third of the power industry's total construction expenditures. By 1963, internal cash generation provided almost two-thirds of the industry's construction needs. Electricity rates are so high, in proportion to need for utility operations, expansion, and profit, that relatively little or no stock has to be sold in order to raise money. About half of the power companies in this country do not plan to sell any more common stock during the rest of the sixties. Some companies are "internally generating" up to 120 percent of the funds they need for new construction. This revolution in utility financing makes the market for utility stocks even more attractive. And, of course, the company insiders who bought their stock at $25 or $50 per share receive as large a dividend as the ordinary stockholder who paid $100 for his share, purchased on the same day.

Mr. President, ordinary power company stockholders are powerless to stop this dilution of their equity by issuance of restricted stock options. Power companies are run by management, by proxy. At the 1963 annual meetings and elections of the then 222 major power companies, every single vote was cast by proxy or by holding company in almost 60 percent of the cases. More than 99 percent of the votes were cast by proxy or holding company in about 85 percent of the meetings. More than 90 percent were cast by proxy or holding company in about 94 percent of the meetings. In the remaining 6 percent, a few individuals or companies together cast a majority of the vote.

Electric consumers are likewise powerless to prevent dilution of stock by options and consequent forced contributions of capital by the consumers. The regulatory commissions are supposed to protect the interests of both the stockholder and the ratepayer. But in a number of States regulatory commissions have nevertheless approved stock option plans for investor-owned utilities.

Use of restricted stock options by utilities is a relatively new development. It began in the early fifties, after Congress permitted profits from sale of stock to be taxed as a capital gain, at a maximum rate of 25 percent, rather than as ordinary income.

In 1953, an option plan was approved by stockholder proxy votes for Texas Utilities, the holding company which controls Dallas Power & Light, Texas Electric, and Texas Power & Light. Texas is one of the four States which does not have a State commission with power to regulate security issues by public utilities—in fact there is no State commission regulation of electric utilities in any way in Texas. Texas Utilities did not have to go before any commission to start its stock option plan. During that same year a stock option plan was initiated by Eastern Gas and Fuel Associates, one of whose subsidiaries is an electric utility, Boston Gas. Central Kansas Power and Montana Power initiated their option plans in 1954 Green Mountain Power, Vermont, and Nevada Power in 1955, Southwestern Public Service, Texas, in 1956. Cleveland Electric Illuminating, Missouri Utilities and United Gas Improvement—a combination electric-gas company in Philadelphia—joined the option club in 1957, Kansas City Power & Light, New Mexico Electric Service, and Washington Water Power in 1958, Tampa Electric in 1960.

Because of the relief from FPC regulation granted by section 204(f) of the Federal Power Act, only one of those companies had to obtain Federal Power Commission approval of its stock option plan. That one exception was Montana Power. It was then headquartered in New Jersey, but operating principally in Montana, and thus came under FPC jurisdiction. In 1956, when its stock option plan was considered by the FPC, approval was not difficult to obtain from the FPC. The Commission approved the Montana Power stock option plan without even holding a hearing. Let me point out here that none of the present members of the Commission were on it at that time.

Utility use of stock options accelerated about 6 years ago. Holding companies subject to jurisdiction of the Securities and Exchange Commission had not been able to initiate option plans by simply going to the State regulatory commissions. The big holding companies had to obtain approval of the SEC. Shortly before the 1960 election Middle South Utilities, the New York holding company which controls Arkansas Power & Light, Louisiana Power & Light, Mississippi Power & Light, and New Orleans Public Service, asked the SEC for approval of its proposed stock option plan. SEC overruled strong staff objections to the proposal and approved it on February 7, 1961. A few days later, SEC approved the stock option plan of Ohio Edison, which controls Pennsylvania Power. The following year SEC approved the stock option plan of Central and Southwest, a Delaware holding company which, from a Chicago office, controls four southern and southwest power companies—Central Power & Light, Corpus Christi, Public Service Co. of Oklahoma, Southwestern Electric Power, Shreveport, and West Texas Utilities. During the early sixties two more companies, whose security issues are not subject to Federal regulation, initiated stock option plans. They are Central Louisiana Power and Florida Public Utilities.

Thus 32 power companies, at least, now have stock option plans. I say at least because there may be others. The literature in this field is scant. For some reason, power company officials do not issue press releases or make speeches about stock options. One may find some footnoted references to stock option plans in small type in annual reports of utilities. Sometimes the annual reports make no mention at all of the scope or even the existence of the option plans.

It is impossible to determine the profits obtained through utility stock options and to consider these profits in ratemaking. The entire system of utility regulation rests on the accounting system. No one knows what the future price of stock will be. Therefore, option profits are over and above the salaries and fringe benefits which are considered in establishment of rates. Those salaries and fringe benefits are not inadequate. Median annual salary for chief executives of the largest municipal power systems—those city-owned systems with gross revenues exceeding $10 million annually—was $20,000 in 1963. In contrast, in 1963, the average salary of chief executives of investor-owned utilities was $89,000. Their annual retirement benefits averaged 42 percent of annual pay.

Officials of some investor-owned utilities receive, in addition to their generous salaries and retirement plans, hundreds of thousands of dollars each, in stock option benefits. For example:

G. L. MacGregor, president of Texas Utilities, has picked up about $350,000 in windfall option profits since 1957. The $350,000 windfall is the difference between what he paid for stock and the prices which ordinary stockholders paid for the same number of shares purchased when he bought his.

President W. W. Lynch, of Texas Power & Light, has picked up about $200,000 in option windfalls since 1957.

Chairman of the Board H. L. Nichols, of Southwestern Public Service, has made about $200,000 on options.

Southwestern's president, A. R. Watson, has made about $180,000 on options.

President C. A. Tatum, Jr., of Dallas Power & Light, has made about $100,000 on options.

R. O. Linville, vice president and controller of Kansas City Power & Light, made about $100,000 in one stock option transaction last year.

Chairman of the Board Elmer L. Lindseth, of Cleveland Electric Illuminating, has received approximately $225,000 in windfall profits from options since 1962.

Chairman of the Board Kinsey Robinson, of Washington Water Power, made approximately $78,000 in one stock option transaction last year.

Stock option beneficiaries are accorded tender tax treatment. When the stock is sold the tax is at the long-term capital gains rate, of 25 percent or less. If the executive is well-advised by tax experts he gives some of his stock away, to his wife, his children, to a family foundation, his favorite charity, or even—in the case of one Texas utility executive—to a prospective daughter-in-law. In these cases the optioned executive does not pay any tax at all. Furthermore, in many cases, the market value of the stock, rather than the lesser option price which he paid, can be deducted from his own personal income before taxes.

In this way his family is happy, his favorite charities are happy and he becomes known as a great philanthropist, viewed with reverence and respect by the ordinary power company stockholders and customers, who are blissfully unaware that it was in a sense their money which he gave away.

Last year the Federal Power Commission came to grips with the stock option abuse. In a landmark decision, which I shall later insert in the RECORD, the Commission disapproved a stock option plan proposed by the Black Hills Power & Light Co. Thus, the Commission now has a public interest policy. However, because of section 204(f) of the Federal Power Act, the Commission has few places to apply this sound policy.

The Black Hills Power & Light Co. was only the second stock option plan to come before the FPC. As indicated previously, the Commission now has jurisdiction over security issues of only 28 power companies. Commission jurisdiction fails to reach almost 200 of the major companies.

A power company, thanks to section 204(f), can escape from FPC jurisdiction over security issues by doing two things: First, simply moving company headquarters to the State where it operates; and second, getting through the State legislature a law vesting authority over utility security issues in the State public service commission.

To illustrate how a company escapes jurisdiction, and the consequent detriment to the public interest, I cite the case of the utility which serves my Helena home.

In 1951 a law satisfying the second provision of section 204(f) slipped through the Montana Legislature. The Governor of Montana was then John W. Bonner. He vetoed the bill. Governor Bonner states in his veto message of March 1, 1951:

> The Montana Public Service Commission does not have the facilities or the personnel to pass upon the issuance of securities of any corporation. * * * The existing Federal agencies have the trained personnel and the experience necessary for the uniform examination, investigation, and regulation of public utility corporations, and the interest of the people will be better safeguarded by retention of the present system.

Ten years later, in 1961, a similar bill slipped through the Montana Legislature. John W. Bonner was no longer Governor. The bill was signed into law.

That same year the Montana Power Co. moved its headquarters from New Jersey to Montana, thus satisfying the other condition set forth in section 204(f). The company, whose first stock option plan had been approved without hearing by the Federal Power Commission in 1956, by 1961 had obtained stockholder approval—by proxy—of a second stock option plan. Because of the new State legislation and the move home from New Jersey to Montana, the company did not have to obtain approval of the Federal Power Commission in 1961, a commission which, under Chairman Joseph Swidler, was safeguarding the interests of the electric consumers and the ordinary stockholders. All the company had to do was obtain the approval of the Montana Railroad and Public Service Commission which, as Governor Bonner had observed, did not "have the facilities or the personnel to pass upon issuance of securities of any corporation."

The approval of the State commission was obtained. Company officials began to exercise options granted under the company's second stock option plan.

Mr. President, the enormity of this stock-watering option scheme is staggering. This one company has set aside 750,000 shares of stock, about 10 percent of the company's total stock, about $30 million worth of stock for sale to company insiders at the option prices. Some of them can buy stock for approximately one-third or one-fourth of its price to ordinary stockholders. More than 100 persons are participating in the stock option plan. Already approximately 500,000 shares—7 percent of the total stock—have been purchased by company insiders at a fraction of their market value through exercise of options.

The president of the Montana Power Co. has already acquired or has options on about $3 million worth of stock. In one day he picked up $370,000 on a stock option transaction. He made more in that one transaction than the three members of the State public service commission and its 18 staff members make in salary in 2 years.

The company has not disclosed who most of the optioned elite are. This failure to disclose option beneficiaries is not uncommon among power companies.

Mr. President, utility regulator commissions in many other States are as poorly equipped as the one in mine to delve into and evaluate the intricate financial proposals of the Nation's largest industry. Regulatory commissions in about half the States have staffs of less than 50 persons. Yet these commissions are charged with regulating from 2 to 19 different types of business, involving hundreds, sometimes thousands of companies. In one State, Delaware, the commission staff consists of eight people. The commissioners there receive a salary of $4,500 a year, or $86.54 per week. In Nevada the commission recently asked the legislature for enough funds to hire a full-time attorney. In a number of States the commissions rely on data submitted by the utilities because the commissions simply do not have the staff to make independent studies.

Mr. President, the bill which the cosponsors of this legislation and I introduce today is in the public interest. It is time to assign regulatory responsibility to a commission which has the facilities and competence to evaluate proposed security issues and the fortitude to say "No" to powerful persons who seek special favor at the expense of power company investors and the millions of electric consumers who are unable to shop for a bargain in electricity.

Mischievous section 204(f) was not a part of the legislation originally proposed by Senator B. K. Wheeler and the late Speaker Sam Rayburn, who coauthored the Federal Power Act of 1935. Section 204(f) has led to abuse and it should be repealed.

Mr. President, I ask unanimous consent to insert immediately following these remarks a list of those few companies whose security issues are now subject to FPC regulation, the text of the FPC order and opinion number 433 dated June 30, 1964, in which the objections to a stock option plan by a public service company are elaborated, and the text of my bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, list, and opinion will be printed in the RECORD.

The bill (S. 2569) to repeal the provisions of the Federal Power Act which exempt from Federal Power Commission regulation the issuance of securities by public utilities subject to certain State regulation, introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective on the thirtieth day after the date of enactment of this Act, subsection (f) of section 204 of the Federal Power Act (16 U.S.C. 824c (f)) is repealed.

The list and opinion presented by Mr. METCALF are as follows:

SUMMARY OF FPC JURISDICTION OVER SECURITY ISSUES UNDER SECTIONS 204 AND 318 OF THE FEDERAL POWER ACT

I. STATES IN WHICH FPC HAS JURISDICTION BECAUSE THERE IS NO STATE COMMISSION WITH POWER TO REGULATE SECURITY ISSUES BY PUBLIC UTILITIES

[Companies affected and State of incorporation in parentheses]

South Dakota: Black Hills Power & Light Co. (South Dakota).

Minnesota: Minnesota Power & Light Co. (Minneapolis); Northern States Power Co. (Minnesota); Otter Tail Power Co. (Minnesota).

Texas: Community Public Service Co. (Texas); Dallas Power & Light Co.[1] (Texas); El Paso Electric Co. (Texas); Gulf States Utilities Co. (Texas); Houston Lighting & Power Co.[1] (Texas); Southwestern Electric Service Co.[1] (Texas); Texas Electric Service Co.[1] (Texas); Texas Power & Light Co.[1] (Texas).

Iowa: Iowa Electric Light and Power Co. (Iowa); Iowa-Illinois Gas & Electric Co. (Iowa); Iowa Power and Light Co. (Iowa); Iowa Public Service Co. (Iowa); Iowa Southern Utilities Co. (Delaware).

II. COMPANIES INCORPORATED IN ONE STATE BUT OPERATING IN ANOTHER (EXCEPTING THOSE OTHERWISE EXEMPT)

Idaho Power Co. (incorporated in Maine, operating in Idaho).

Interstate Power Co. (incorporated in Delaware, operating in Illinois, Iowa, etc.).

Iowa Southern Utilities Co. (incorporated in Delaware, operating in Iowa).

Kansas Gas and Electric Co. (incorporated in West Virginia, operating in Kansas).

Consumers Power Co.[1] (incorporated in Maine, operating in Michigan).

Detroit Edison Co.[1] (incorporated in New York, operating in Michigan).

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[1] These companies are jurisdictional according to the Bureau of Power list of January 1, 1963; formerly they had been classified as intrastate. The companies maintain they are not jurisdictional and they have not sought FPC approval of their security issues.

Citizens Utilities, Inc. (incorporated in Delaware, operating in Arizona, Idaho, Vermont).

Montana-Dakota Utilities, Inc. (incorporated in Maine, operating in Montana, North Dakota, South Dakota, Wyoming).

Pacific Power & Light Co. (incorporated in Maine, operating in five other States).

Northwestern Public Service Co. (incorporated in Delaware, operating in South Dakota).

Western Power & Gas Co. (incorporated in Delaware, operating in Colorado).

Special situation: Holyoke Water Power Co. (Massachusetts).

This company is subject to FPC regulation with regard to security issuance because provisions of its charter make it not subject to Massachusetts public utility regulation.

Holding company subsidiaries

Utilities whose security offerings are subject to SEC review under the Public Utility Holding Company Act are not required to seek FPC approval thereof despite any of the foregoing conditions.

UNITED STATES OF AMERICA,
FEDERAL POWER COMMISSION.

BLACK HILLS POWER & LIGHT CO., DOCKET No. E-7046, OPINION No. 433—OPINION AND ORDER DENYING AUTHORITY FOR ISSUANCE OF COMMON STOCK (ISSUED JUNE 30, 1964)

(Before Commissioners Joseph C. Swidler, Chairman; L. J. O'Connor, Jr., Charles R. Ross, Harold C. Woodward, and Davis S. Black.)

Chairman SWIDLER. This case involves an application by Black Hills Power & Light Co. (Black Hills or applicant) for authorization under section 204 of the Federal Power Act to issue and sell up to 10,000 shares of common stock to executives and key employees under a restricted stock option plan approved by the Black Hills stockholders in April 1962.[1] In June 1962, options to purchase 7,400 shares were granted to 16 key officers and employees at a price of $37.25. Options on 2,600 shares were reserved for future use.

Briefly, the plan provides for the issuance and sale of up to 10,000 shares of optioned stock prior to February 1, 1982. Options for terms of up to 10 years may be granted at any time before February 1, 1972. The price for the optioned shares, which is fixed at the time of issue of the option, is to be not less than 95 percent of the market price of the stock on the date of the grant, the limit provided in the Internal Revenue Code of 1954 for realization of the full tax benefit under section 421. The options are exercisable only by the grantees during their respective lifetimes (or in the event of death by their heirs within 1 year); are not exercisable for 1 year from the date of grant; and are exercisable to the extent of 25 percent of the optioned shares for each year after the first year, provided the grantee remains in the employ of the applicant or a subsidiary. The plan is to be administered by a committee comprised of members of the board of directors.[2] This committee will determine when and to which employees options shall be granted.

The application was filed July 23, 1962, in accordance with our rules but without detailed information as to the justification for the plan. The Commission initially disposed of the application without hearing, denying approval of the applicant's plan by a vote of 3 to 2.[3] The Commission found that "* * * where a company proposes to sell stock for purposes other than the raising of needed funds, and particularly where the beneficiaries are top management officials of the company, we should authorize the proposal, if at all, only after a comprehensive showing that the proposal, in its mode of operation as well as basic intent, is reasonably necessary or appropriate to achieve some lawful object of the company and otherwise compatible with the public interest."[4]

On January 24, 1963, Black Hills applied for rehearing, indicating that it was prepared to show that the criteria of section 204 had been met. Rehearing was granted February 21, 1963, and a hearing was ordered so that both the applicant and the Commission staff might have an opportunity to introduce comprehensive evidence. The hearing was held in June 1963, and on November 26, 1963, the presiding examiner issued his initial decision (1) authorizing the issuance and sale of 7,400 shares upon condition that the option price be changed from $37.25 per share to not less than $43.60 per share, and (2) denying authorization for the remaining 2,600 shares without prejudice to the filing of further applications at such times as options for such stock are granted. Exceptions to the examiner's decision were filed by staff, and the applicant filed a reply to staff's exceptions.

The issues in this case are framed by the provisions of section 204 of the act, under which the Commission is employed to authorize the issuance of securities by a public utility. Section 204(a) provides:

"No public utility shall issue any security * * * unless and until, and then only to the extent that, upon application by the public utility, the Commission by order authorizes such issue or assumption of liability. The Commission shall make such order only if it finds that such issue * * * (a) is for some lawful object, within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant of service as a public utility and which will not impair its ability to perform that service, and (b) is reasonably necessary or appropriate for such purposes."

Under the criteria set forth in the quoted paragraph, the Commission must give consideration first to the object or purpose of the stock issue, and second to its use as a means of accomplishing that object or purpose. With respect to the object or purpose, the Commission must determine the following: (1) That it is lawful; (2) that it is within the corporate purposes of the applicant; (3) that it is compatible with the public interest; and (4) that it is necessary or appropriate for or consistent with the proper performance by the applicant of service as a public utility and will not impair its ability to perform that service. With respect to using a stock issue as a means of accomplishing that object or purpose, the Commission must determine that it is reasonably necessary or appropriate to that end. Unless the Commission can make these statutory findings, the application must be denied.

Although applicant indicates that it will utilize the net proceeds from the stock sales for additions and improvements to its properties, the stock option plan is not designed to secure additional capital. The fundamental and admitted purpose of the issue is to provide for additional compensation for key executives beyond present salaries by allowing optionees to purchase stock, at a discount and under favorable tax conditions, and to share in company profits through dividends and capital gains. The plan purports to provide an incentive for such personnel to remain with the company and for qualified new people to seek employment. The issue in this case is whether this plan is compatible with the public interest within the meaning of section 204.

The Commission staff raises serious questions with respect to (a) the compatibility of stock options with the public interest, (b) their consistency with the performance of the applicant's services as a public utility, and (c) the reasonable necessity or appropriateness of using stock options to accomplish the stated purpose of the plan. Staff's objections are directed both to Black Hills' specific proposal and to all restricted stock options plans for regulated public utilities.

The applicant presented three witnesses who urged the approval of stock options as a means of executive compensation. They stated that the option plan was adopted only after prolonged study of the need to retain and attract key personnel and of the possible alternative methods of providing the necessary incentive; and that it was approved at the annual meeting of stockholders held on April 10, 1962. Further, they noted that the plan has since been favorably received by the optionees. They testified that the option plan offers benefits to both the optionees and the company which are absent in increased salary compensation, and that the company is already paying salaries as high as its economics will permit. The witnesses emphasized that Black Hills is a small company, operating in a rugged terrain and in competition with the service furnished by rural cooperatives, as well as with natural gas service; that the company needs an aggressive management to insure its growth and prosperity; that, being a small company, key personnel have broad responsibilities, thus making the company dependent upon their services at the same time that their broad experience made them highly attractive to other companies looking for executive talent; and that Black Hills must compete for managerial and executive talent with companies paying higher salaries and offering employee stock options. They also presented testimony to show that consideration was given to the impact of the stock options on the company's financial situation; that, since the option price exceeds the book value of the outstanding shares, in their view there would be no impairment of the capital structure; and that the number of shares subject to options is small in relation to the number of outstanding shares, thus precluding the possibility of any serious dilution of the per-share earnings or of any substantial adverse impact on the cost of equity capital and the rates charged to the company's utility customers, pointing out that the proposed issue of 10,000 shares represents 2.22 percent of the approximately 450,000 shares currently outstanding.

Staff's presentation, while directed to the specific proposal by Black Hills, was designed also to show that public utilities generally should not be permitted to use restricted stock option plans. The staff witness took the position that the inevitable inability to determine the cost of such plans violates public utility accounting principles and frustrates regulatory supervision and control; and that because of the difficulty of evaluating the dollar impact of such plans, executives may be inclined to a philosophy in which they would be preoccupied with obtaining excessive compensation to the detriment of both consumers and shareholders. He stated that there is no direct relationship between executive efficiency and stock market prices for regulated utilities, so that it cannot be assumed that the stock option type of compensation will encourage such efficiency.

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[1] The recent amendments to the Internal Revenue Code, secs. 421–425, 78 Stat. 19, 63–71, placing further limitations on the terms of stock option plans for income tax purposes would necessitate some changes in the instant application.

[2] Article III of the plan provides that neither the members of the committee nor any member of the Board of Directors who is not an officer or employee of the company shall be eligible for options under the plan.—

[3] 28 FPC 1121 (1962).

[4] Id. at 1125.

The staff witness emphasized the hidden nature of option costs, the dominance of factors other than managerial efficiency in determining earning power and profits, and the possibilities of dilution as the primary reasons for denial of stock options to regulated utilities. He further testified that these public interest considerations warrant a denial of Black Hills' application even though in this case dilution is not a "particularly significant problem," because of the possibility that approval of one such plan was likely to encourage the filing of more ambitious plans with hidden and cumulative costs equally difficult to appraise.

For these reasons staff argues that such plans are not appropriate to compensate management and would impair the company's ability to perform the services of a public utility and are, therefore, not compatible with the public interest within the meaning of section 204(a).

The examiner, reviewing the testimony of the applicant's witness with respect to the need for the stock option plan and the advantages which prompted the company to adopt the plan, found the plan to be reasonably necessary or appropriate for its intended purpose. He accepted the testimony of the applicant's witnesses that the company is paying salaries as high as its financial situation warrants, making further increases impracticable. He further noted the impossibility of making a meaningful comparison of benefits between stock options and salary increases, since many benefits, other than the additional dollars received, must be considered in connection with the stock options. He concluded that even if it were possible reasonably to calculate the profit possibilities to the optionees and compare them with salary increases, it would be futile if the optionees in fact preferred the options; and in his judgment the evidence revealed that dollar for dollar the stock option plan is more attractive than a pay raise. Also, in terms of benefits to the company, he found that as a device for retaining key people the stock option plan has advantages not matched by a salary increase program of like dimensions.

On the question of dilution, the examiner found that there would be no adverse effect on the average net asset value of the company's stock, which at the end of 1962 was about $25 per share, by the granting of options to purchase new stock at $37.25. However, the possibility of some dilution of the earning power of the company's stock led the examiner to modify the option price to $43.60 as a condition of his approval of the plan. This is the price which he computed would, as new investment, return the same earnings as were realized on the company's rate base for the year 1962, the last year for which figures were available at the hearing. Finding that the company earned 6.33 percent on its rate base in 1962, and that its earnings per share for 1962 were $2.76, he concluded that the option price should be the amount of new investment which at 6.33 percent would produce earnings of $2.76; i.e., $43.60. It was his judgment that at this price the company's stock would continue to hold its value, other things being equal and the sale of the optioned shares at a discount would not detract from the company's ability to render service. With respect to the 2,600 shares not yet included in option grants, the examiner said that authority to issue and sell such shares should be withheld until such time as the company desires to grant the options, when the proper option price can be determined on the basis indicated above.

Staff's exceptions charge that the examiner misconstrued the issues and that he did not consider the important questions raised by it. Staff is especially concerned with his failure to consider the question of the inability to determine the cost of and the proper accounting for option costs in a regulated industry. Staff also cites his failure to consider the question of the relationship or, rather, lack of relationship between executive service and the stock prices which measure the reward under the option plan.

In our view the record in this case raises serious questions of the compatibility of stock option plans of public utilities with the responsibilities of a regulated enterprise under the Federal Power Act. We are not of the opinion that executive stock options are prohibited by section 305(a) of the act which makes it unlawful for officers and directors to benefit from the sale of securities. A public utility is free to apply for approval of such a stock issue if it believes that its proposal can be justified under section 204(a). Our objections go rather to the merits of the requirements of the act that security issues must be compatible with the public interest. As we view the evidence the applicant has not made out a case for approval under section 204(a). As the Commission recently held, "the plain purpose of section 204 is to prevent the issuance of securities which might impair the company's financial integrity or its ability to perform its public utility responsibility."[5] It is by this standard that the present application is to be judged and it is by this standard that applicant's plan fails.

Electric utilities are public service companies serving under franchises and certificates granted by agencies of Government and possessing the power of eminent domain and other special privileges not available to ordinary companies. While there is an increasing amount of competition between the various forms of energy, electric service maintains a monopoly position for many uses and, even where subject to competition from other energy sources, the rivalry is not of the kind that normally assures reasonable prices for goods and services in a free enterprise situation. For this reason electric utilities are subject to regulation; otherwise they could take advantage of their monopoly position to charge excessive rates and make exorbitant profits. The function of regulatory agencies is to exercise a positive influence on the welfare and growth of this industry which is fundamental to the progress of our entire economy by controlling rates and profits and by focusing the attention of management on their public service responsibilities. The incentives under stock option plans, however, tend naturally to divert management from their responsibilities to the public and to focus their attention on maximizing prices and earnings in order to push stock quotations ever higher.

In nonregulated industry the ostensible reason for stock option plans is simple.[6] It is to maximize profits. Whether they fulfill this purpose is another question, but the purpose is unchallenged. The maximization of profits over the long term is an important management responsibility. Indeed, in those where price is controlled by the free interplay of competitive forces, perhaps the outstanding measure of management's competence is to be found in its ability to produce the highest earnings and greatest return on the shareholder's investment. In regulated industry this purpose cannot be accepted. The goal here must rather be effectiveness in the performance of a public service and the measure of executive endeavor is and must remain not the judgment of the stock market on present and future profits but success in providing a service upon which our entire economy is dependent, not at the highest prices which can be obtained but at the lowest rates consistent with the health of the industry and its ability to care for the future needs of its customers. An overriding personal stake in the stock market is doubtfully compatible with the public service responsibilities of the management of a public utility. The electric power industry of today recognizes that it must perform its work with a broad regard for the interests of consumers and the general public, as well as the interests of stockholders and management. Stock option plans do not lend themselves to this balanced management attitude.

The record made in this proceeding affords no basis for concluding that there is any positive relationship between the companies in the vanguard of the electric power industry on the technology and policy levels and those which have adopted stock option plans. There is also no basis for concluding that such plans either lead to or have evolved from distinguished performance in the public interest. Presumably the lack of any such relationship is at least one of the reasons that although 57 percent of the companies listed on the New York and American stock exchanges have adopted stock option schemes, only 11 percent of the class A and B electric companies have employed this device.[7] This evidence of the consensus of judgment within the industry that stock options are not necessary or appropriate for public utilities is to be respected and weighed against the views of the management of the applicant in this case.

The record in this case reveals a number of specific objections to a stock option plan for a public service company. First, such plans disguise the extent of managerial compensation and thus make it easy for the top managers to receive excessive compensation. As the staff showed in this case, there is no practical method of accounting for stock options which will give a clear indication of their cost to the company. Over the years the accounting for costs has been made the foundation of knowledgeable regulatory control. Since there is no disclosure of service costs under these plans in the accounts of the utility, the use of the stock option form of executive compensation distorts the real cost of electric utility service. On the other hand, increases in cash salary payments are immediately evident. Entered into the books of account, they are disclosed and understood by investors, consumers, and regulatory officials alike.

Second, stock options usually prefer the top executives and ignore the important role of the lower and middle management group. On a companywide basis they may create a morale problem for the many which offsets their claimed incentive value to the few.

Third, such plans lead to executive compensation which is often irrational, erratic, and unrelated to the performance of the executive. General market trends and the growth of the economy in the company's market area may play a larger role in determining the value of the options than the efforts of the option holders themselves.

Fourth, as discussed above, such options tend to make management focus more on common stock prices than on the service obligations of the company.

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[5] Pacific Power & Light Co., opinion No. 354, 27 FPC 623, 626.

[6] A rich literature is accumulating on this intriguing subject. See J. A. Livingston, "The American Stockholder" (J. P. Lippincott Co., 1958); "The Mysterious Stock Option," Erwin N. Griswold, Dean, Harvard Law School, in "Tax Revision Compendium," Nov. 16, 1959, vol. 2, pp. 1327–1335, House Committee on Ways and Means; "Executive Compensation: Taxation of Stock Options," Vanderbilt Law Review 475 (1960); Leslie Gould, "Directors Responsibility: Two Schools of Thought on One Board," New York Journal-American, Apr. 6, 1960; Dean Erwin N. Griswold, "Are Stock Options Getting Out of Hand?" Harvard Business Review, November–December 1960.

[7] Ex. 12, schedules 1 and 2.

Finally, the impact of such options is to dilute the equity of the company.

It is argued that applicant proposes only a small issue in relation to total capitalization. While initial plans, such as that of Black Hills, may be sufficiently modest to avoid serious dilution, stock options tend to be habit forming and the first plans are usually followed by more and bigger ones which cannot be rejected by management or the regulatory agency if future company officials are to be treated like their predecessors. Adoption of this course of supplementary executive compensation is almost irreversible and thus the initial decision is the crucial one, irrespective of the size or impact of the initial plan.

Black Hills' argument that the stock option plan is needed in order to retain top management staff can hardly be accepted since the record shows that without stock options the company has lost no employees with a salary in excess of $7,000 per year except by death or retirement.[8] Of the 3 options which have been granted for 1,000 shares or more, 1 of the recipients is 72 years old and 1 is 66. Of the remaining 13 recipients, 5 are between the ages of 55 and 65. It could hardly be contended that the options are needed to retain the services of these veterans. Options on only 1,850 shares of stock have been received by employees under the age of 50.[9]

What is clear from this evidence is that since most of the present options are to be granted to older employees additional stock options will soon have to be proposed, and authorizations requested, to attract and retain the services of younger men. Thus, the fact that the initial dilution would be relatively small in this case is not determinative, particularly where the cumulative effect may be substantial. Having once permitted the plan to go into operation, it would be doubly difficult, if not impossible, to find any future increment was in itself not compatible with the public interest.[10]

The growth and results of the only stock option previously approved by this Commission are instructive. The Montana Power Co.'s plan which had a limit of 100,000 shares when approved by the Commission in 1956[11] had increased to 750,000 shares by January 1, 1962, equal to 10 percent of Montana's common stock. The record shows that if all these options are exercised Montana Power will forgo over $9 million in additional capital which the company would have received from the sale of the same stock at the market price rather than the option price.[12]

To illustrate the possible impact of the dilution problem further, the evidence in this proceeding also shows that on the average electric utilities stocks have increased in market value by 150 percent in the last 10 years. If the same trend is assumed for the future, an option granted today will be exercised 10 years from now at 40 percent of the then market price.

A further problem is presented by the timing factor of the option form of compensation. The general rule for regulated companies is that each generation of consumers should pay its own way as the costs are incurred and that the consumer of today should not be asked to pay for the services provided in earlier years nor should later generations of consumers pay for services performed currently. Stock options are a form of deferred compensation which impose a share of the burdens of compensating present management upon the stockholders and consumers at a later date when the options are exercised.

We find nothing in the presentation of Black Hills which indicates that theirs is an exceptional case or in any way immune from the foregoing objections.

We of course are aware that stock option plans have been accorded favorable treatment under the Internal Revenue Code and have been approved by two other Federal regulatory agencies[13] and by the regulatory commissions of 16 States. We note that at least three State regulatory agencies have refused to approve stock option plans for public utilities.[14] Our concern in this case is limited to a determination whether such plans meet the standard set by section 204(a) of the Federal Power Act. We find that applicant's actual experience in recruiting and retaining management without stock options, the comparison on the record of its salary scale with that of comparable companies, and the evidence as to the expected future life with the company of those who have received the bulk of the options, all fail to establish applicant's case for a restricted stock option plan. We further find that the fact that stock options involve a "no cost" method of accounting; that actual costs are hidden from the shareholders and consumers; that the reward may have little, if any, relationship to the value of executive performance; that a conflict of interest may be created in the duty of those optionees who establish the rate policy of the company; and that the normal growth of such options tends to dilute the equity of the company, establish that the use of the stock option as a device for executive compensation is not consistent with the proper performance by a utility of its public service obligation.

On the record in this case we conclude that the restricted stock option plan of applicant Black Hills is not compatible with the public interest. Accordingly, the application for authority for the issuance of stock will be denied.

The Commission finds:

1. Black Hills Power & Light Co., a corporation organized under the laws of the State of South Dakota and the applicant herein, is a public utility within the meaning of section 204 of the Federal Power Act, subject to the jurisdiction of the Commission, as heretofore described and set forth in the Commission's order issued November 2, 1962, in this docket, 28 FPC 785.

2. The proposed issuance and sale of up to a maximum of 10,000 shares of common stock, par value $1 per share, pursuant to the provisions of the above-described restricted stock option plan will constitute an issuance of securities within the purview of section 204 of the act.

3. The applicant is not organized and operating in a State under the laws of which the security issue here involved is regulated by a State commission within the meaning of section 204(f) of the act; and the proposed issuance of common stock, as described above, is, therefore, not exempt by virtue of that subsection from the requirements of section 204 of the act.

4. The proposed issuance of 10,000 shares of common stock pursuant to applicant's restricted stock option plan (a) is not compatible with the public interest, is not necessary or appropriate for or consistent with the proper performance by the applicant of service as a public utility, and will impair its ability to perform such service, and (b) is not reasonably necessary or appropriate for the accomplishment of the corporate purposes of the applicant.

The Commission orders:

The application by Black Hills Power & Light Co. for authorization to issue 10,000 shares of common stock pursuant to the restricted stock option plan is denied.

By the Commission:

Commissioner O'Connor dissenting filed a separate statement appended hereto.

Commissioner Woodward dissenting joins in Commissioner O'Connor's statement.

JOSEPH H. GUTRIDE,
Secretary.

BLACK HILLS POWER & LIGHT CO., DOCKET NO. E-7046 (ISSUED JUNE 30, 1964)

Commissioner O'CONNOR (dissenting). In the first of this two-stage proceeding I carefully explained what the legislative history and judicial interpretation dictate as the proper criteria for section 204(a).[1] I strongly urged that the very plan, here again rejected, met those criteria and that the Commission had exceeded its statutory authority in holding to the contrary. I have not altered my views. However, lest the absence of their repetition be misconstrued, I hereby reindorse them.

The thrust of my comments will be toward the highly speculative nature of the majority's statement, and at a significant, and unfortunate, consequence to which it may well lead.

The majority holds that stock options are incompatible with the responsibilities of electric utilities. As a result, they are hereinafter proscribed for those utilities.

The majority fears that options will result in higher power prices. Higher prices, they reason, by producing higher earnings, will ultimately produce higher market demand for common equity. Thus managers can, and would, effect market escalations. Notwithstanding this conclusion's variance with their statement that general market trends and area growth—and not individual efforts—produce market fluctuations, it is emphatically repudiated by the record upon which this opinion ostensibly rests. Testimony reveals that subsequent to the option's adoption by 77 percent of the Black Hills' shareholders; i.e., at a time when the majority anticipates higher rates, company managers voluntarily reduced rates in one service area, and, at the time of the hearing, had announced a further reduction in its general service rate.[2] The evidence simply will not support any inference that Commission authorization of the Black Hills option would inevitably have, or tend to have, effects detrimental to the public interest.

Moreover, one legitimately wonders how optionees of well-regulated utilities could violate their public trust to the extent sufficent to create market repercussions. Fallacious surplus accounts, alluring to the unsophisticated investor, are proscribed by our uniform system of accounts. Excessive rates of return, productive of larger dividends, are proscribed by the general provisions of section 205(a). Inflated rate bases, by which reasonable rates of return could produce excessive dollars of return, and reasonable rate bases containing fees paid to controlling interests, are proscribed by section 3(13). Any violation of the uniform system of accounts would be noticed upon the filing of the company's first annual report, and any violation of section 205(a) would be exposed the first time a company initiated a section 205(e) proceeding, or the Commission initiated a periodic actual rate of return spot check. Violations of section 3(13) would be revealed in either section 205(e) or 206(a) proceedings. Slight violations of section 3(13) could escape unnoticed, but slight violations would have absolutely no effect on the market.

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[8] Ex. 12, schedule 10: The reply brief of Black Hills indicates that the witness Walrafen resigned from his position as of Sept. 1, 1963. The fact that the applicant has been forced to go outside the record to find one lone employee who, for one reason or another, has left the company only serves to point up the weakness of the company's case.

[9] Ex. 3.

[10] Although the present plan is limited to 10,000 shares, applicant conceded in the hearing that there is nothing in the plan to prohibit their coming in with a supplemental application at any time.

[11] The Montana Power Co., 16 FPC 863 (1956).

[12] Ex. 12, schedule 7, sheet 5.

[13] Chicago & Northwestern Ry. Co., 295 ICC 277, 454 (1956); Middle South Utilities Co., SEC release No. 14367, 37 PUR 3d 461 (1961).

[14] Re Baltimore Transit Co., 4 PUR 3d 151 (Maryland PSC, 1954), affirmed 9 PUR 3d 1, 114 A. 2d 834 (1955); Re South Atlantic Gas Co., 13 PUR 3d 230 (Georgia PSC, 1956); Re the Brooklyn Union Gas Co., 24 PUR 3d 445 (New York PSC, 1958), affirmed 29 PUR 3d 388, 187 N.Y.S. 2d 207 (1959).

[1] Black Hills Power & Light Co., 8 FPC 1121, 1134–40 (1962).

[2] Record, vol. 1, p. 129.

The majority also fears that stock option plans disguise their costs, the implication being that disguised costs lead to excessive costs. The majority defines "costs" several ways, on of which is as "capital foregone." "Capital foregone" represents the difference between the option price and the market price on the date of exercise, and is synonymous with "dilution." Referring to this dilution as a cost is more fanciful than accurate because the dilution resulting from the regulated issuance of stock options would cost consumers nothing and shareholders very little.

True costs, in the sense that more capital need be raised to generate the same income, are envisioned by the majority's indication that the exercise of an option will burden future consumers. Deciphered, this is an endorsement of staff's Montana Power Co. exhibit whereby they calculated the annual earnings requirement of the "excess shares" issued under the option.[3] Staff's exhibit reasoned that as n shares earned x dollars per share, the issuance of $n+$ shares, where the ± constituted excess shares, would continue to earn x dollars per share. The conclusion is fallacious. As staff witness Beidatsch recognized, the initial impact of minor dilution is on shareholders, not consumers.[4] Unlike the issuance of paid-for shares which create an investment and thus a return, a reasonable amount of excess shares would result in a corresponding, but minute, decrease in earnings per share. Before earnings could remain constant; i.e., the dollar-impact be shifted to consumers, rates must be increased. Thus, the unfortunate consequence of staff's exhibit is that return on equity becomes directly translated into return on investment for ratemaking purposes. This is a position to which the Commission has not committed itself but one which, if they believe that option-exercise will inevitably burden consumers, is indicated by the majority's statement. Aside from its undesirable consequences, the Montana Power Co. exhibit was premised upon assumptions too speculative for even witness Beidatsch to accept.[5] One of its assumptions, viz, that this agency would have authorized the additional 450,000 shares to be optioned, is by itself sufficient to dismiss its dollar-conclusions as meaningless.[6]

Thus, before stock options could create costs borne by consumers, two conditions must exist: First, the equity dilution must be so extensive that the market price of the company's equity is substantially depressed; and second, the applicable regulatory agency must determine that an increased rate of return is needed as compensation. Apparently conceding the desirability of the second condition, the majority indicates its helplessness to prevent the first. The rationale is that stock options are uncontrolable; once an initial application is approved, subsequent applications become impossible to reject. The majority envisions no consideration of degrees; no leeway to accept what is reasonable and to reject what is not. It thus becomes better to proscribe all options—even the unquestionably reasonable Black Hills option—than to attempt to identify and reject only the unreasonable or inappropriate applications.

Their position is totally meritless. There is no legal or practical restriction upon the denial of stock option applications. Whether a particular application be initial or secondary, it may be denied. Clearly, whenever its approval would result in the extent of dilution necessary to impair substantially the cost of capital, it must be denied.

The majority seeks to shore-up their position with the suggestion that, due to the age of the Black Hills' optionees, other Black Hills' applications are soon forthcoming. Again they ignore the evidence. Six of the fifteen optionees are under 64 years of age, which, assuming retirement at age 65, gives them an estimated future employment of from 21 to 29 years. These are not veterans soon to retire. Moreover, the present plan is without restriction as to the age, department, or length of service requirement for its optionees. The present optionees include line superintendents, the general sales manager, the sales production manager, the production superintendent, the distribution engineer, and the chief revenue accountant. Consequently, any intimation that the scope of the present plan is insufficiently narrow is inaccurate. Further still, there are 3,200 unoptioned shares under the present plan. Inasmuch as the average share per optionee below the level of senior vice president is 275, this indicates that 12 more options could be granted before another application need be filed. The majority's clairvoyance in the face of this evidence regrettably escapes me.

Commission approval of proposals which involve potential, de minimis dilution is neither unusual nor improper when, as here, there are counterbalancing considerations. Examples can be found in financing plans whereby bonds are issued with warrants to convert to common shares. Thus in January of 1960, this Commission approved a financing plan for Midwestern Gas Transmission Co. (Midwestern) whereby $1,000 first mortgage bonds were issued with warrants to purchase four shares of Midwestern's common stock at $15. The warrants could be exercised between 1964 and 1973, and were admittedly "sweetners" added solely to attract potential investors away from more secure investments.[7] Midwestern common is now selling around $19 per share.

Other straws to which the majority clings can be disposed of briefly. First, their apprehension that stock options ignore lower and middle management groups is curious in the context of Black Hills which doesn't have such groups. Moreover, it ignores the employee welfare and savings plan which, although less attractive than the restricted stock option plan, is open to all employees.[8] More curious, a unanimous Commission approved the employee welfare plan even though the shares were to be issued at 90 percent of their market value on the granting date. Thus, as of the date of issuance, 10 percent of the market value of the shares is likely to be foregone. Moreover, the majority's concern for the morale of this nonexistant group is touching, unconvincing, and hardly dispositive, and smacks of their position of rubber stamping subsequent applications. If a serious morale problem could be shown in any application, either initial or secondary, likely to impair the ability of the company to perform its public utility operations, obviously the application should be denied.

Their contention of "compensation unrelated to performance" is unacceptable for two reasons. First, stock values, they say, appreciate because of general market trends and area growth. True. Area growth, however, often appreciates because of readily available sources of cheap power, which, in turn, is often the result of efficient management. The majority has yet to contend that better management won't produce cheaper power. To do so would be astonishing, not only because of its patent invalidity, but also because it would hard press this Commission to justify its current project to measure the performance of public utility managers. Second, however, and with more ominous implications, cash salaries are no more related to performance than are stock option tax benefits. Thus, although the instant decision purportedly deals only with a method of compensation and not the amount, the "unrelated compensation" test will inevitably be read as a mandate to prescribe salary levels, and, in fact, the number of personnel a utility may employ. Such far-reaching regulation is ideologically impalatable to most individuals, but it is the inevitable conclusion—in fact, the next short step—from the majority's statement.

Equally weighty is their argument that if industry vanguards have no option plans, no industry component, regardless of how small, can justify one. The rebuttal is obvious: stock options are enticements to attract and keep qualified personnel, and industry vanguards do not need these enticements. Their standing offer of security, prestige, large salaries, and opportunities to work with other capable personnel are, in themselves, sufficient attractions. Any speculative elaboration on Black Hills' need is unnecessary, inasmuch as the record itself establishes it. At the time of the examiner's hearing Mr. L. Duane Walrafen was vice president and secretary-treasurer of Black Hills. He was also the chief accounting officer, and was described as having "primary responsibility for accounting, rates, financing, budgeting, forecasting, corporate records, stockholder relations, taxes, and Commission regulation."[9] He was then 39 years of age, and, although his salary had more than doubled in his 7 years at Black Hills, he admitted that he would be compelled to consider other offers. Our public files, of which I take official notice, now reveal that Mr. L. Duane Walrafen is a vice president of the Kansas Power & Light Co. Kansas Power & Light has a stock option in effect for its key employees.[10]

The majority's conclusion that all stock options are not prohibited by section 305(a) of the Federal Power Act does little to conceal their conclusion that all such options are prohibited by section 204. When the generalities relied upon to reject this application are weighed against the applicant's impressive presentation, it becomes clear that no stock option will ever be approved for an electric utility under the jurisdiction of this Commission. No applicant will ever be able to rebut the hazy rationale of this decision. This is a regrettable outcome; one that is compelled by neither law nor reason. It is reached because of a vague apprehension, confirmed by neither the record nor the fabricated supports, that all optionees will inevitably cease functioning in the public interest. It is made with inadequate consideration of the fact that potential optionees can always acquire a personal interest in their company on the open market, and that the compulsory first offer requirement precludes any get-rich-quick scheme.[11] It is directed at the conflict-of-interest of stock owning utility managers, and never pinpoints the evils inherent in stock options. It minimizes the fact that smaller utilities need extra blandishments to attract and retain qualified personnel; that the cost of salaries are unquestionably borne by consumers whereas reasonable stock options seldom are; and that, at any rate, there is evidence that salary increases are seldom as attractive as stock options. In short, it has accentuated the problem faced by public utilities in employing and retaining qualified personnel. It admits the absence of equity dilution in this case, but relies upon an unfounded infirmity to prevent it in subsequent applications. Lastly, by giving section 204 the most stringent of interpretations, it unquestionably has obstructed the passage of pending legislation S. 1700 and H.R. 6790. These bills would amend section 12 of the Natural Gas Act to give us the identical security-issuance jurisdiction we now possess under section 204 of the Federal Power Act. If this legislation is passed, and the instant decision stands, the fate of the pipeline company stock option becomes fixed.

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[3] "Excess shares" are defined as being "* * * the number of shares * * * exercised by optionees in excess of the number required to raise on the market on the * * * dates of * * * exercise the equivalent amount of capital contributed by the optionees." Staff schedule 7, sheet 1.

[4] Record, vol. 2, p. 330.

[5] Record, vol. 2, at 41–42.

[6] Unmentioned in the majority's statement is that Montana Power Co. common stock underwent a 3-for-1 split in 1959.

[7] Record, vol. 10, p. 1473, Midwestern Gas Transmission Co., Docket No. RP61–19.

[8] Approved 28 FPC 785 (1962).

[9] Record, vol. 2, p. 216.

[10] The Montana Power Co., which operates in the neighboring States of Montana, Wyoming, and Idaho, and the Washington Water Power Co., which operates in Washington and Idaho also have stock option plans in effect.

To a decision by which everyone loses, I must respectfully dissent. It is my firm belief that the Black Hills plan should be approved. I would, however, condition it to require the issuance of shares at 100 percent of their market value on the granting date, in lieu of the 95-percent price now proposed. This condition would preclude dilution as of this date, and would comply with the Revenue Act of 1964 whereby Congress reiterated its impetus to the adoption of these plans.

Commissioner Woodward joins me in this dissent.

L. J. O'Connor, Jr.,
Commissioner.

EXTENSION OF THE 1955 LEAVE YEAR FOR CERTAIN FEDERAL EMPLOYEES

Mr. MONRONEY. Mr. President, I send to the desk for appropriate reference a bill requested by the Department of the Interior to validate the action of the Acting Superintendent of Yosemite National Park in extending the 1955 leave year for certain Federal employees.

During a severe flood emergency in December 1955, the Acting Superintendent of Yosemite National Park recalled to duty several employees on annual leave and canceled additional leave requests. This made it impossible for several employees to use their annual leave before the end of the year when, if not used, it must be forfeited. To prevent the inequity to these employees, the Acting Superintendent issued an order extending the leave year to March 15, 1955. This order was later held invalid by the Comptroller General.

The Department of the Interior believes these employees should not be penalized for giving up their annual leave to provide disaster assistance.

I ask unanimous consent that the text of a letter from the Assistant Secretary of the Interior explaining the need for this measure, together with a copy of the bill be printed in the Record at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 2573) to validate the action of the Acting Superintendent, Yosemite National Park, in extending the 1955 leave year for certain Federal employees, and for other purposes, introduced by Mr. Monroney, by request, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That inasmuch as the administrative order issued by the Acting Superintendent of the Yosemite National Park recalling to duty certain Federal employees to assist in meeting the storm and flood emergency which existed in late 1955 and early 1956 was in the public interest, his action purporting to extend to March 15, 1956, the time within which leave available for the 1955 leave year could be used is hereby validated.

The letter presented by Mr. Monroney is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., July 30, 1965.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "To validate the action of the Acting Superintendent, Yosemite National Park, in extending the 1955 leave year for certain Federal employees, and for other purposes."

We recommend that the bill be referred to the appropriate committee, and we recommend that it be enacted.

The Acting Superintendent, Yosemite National Park, during a severe storm and flood emergency in December 1955, recalled to duty several employees on annual leave and denied requests for annual leave of other employees, thus making it impossible for some employees to use their annual leave before the date on which it had to be used or forfeited. To alleviate hardship on the employees, the Acting Superintendent issued an order which purported to extend to March 15, 1956, the period within which these employees could carry over and use their annual leave without forfeiture.

This action of the Acting Superintendent was held to be invalid by the Comptroller General in a decision dated July 7, 1958, No. B-136254. Although recognizing the practicalities of the situation that prompted the order, the decision concluded that the administrative order was invalid insofar as it concerned with the extension of the 1955 leave year. The Comptroller General advised that in the absence of legislation validating the order the leave account of each of the employees concerned must be adjusted as of the close of the 1955 leave year to reflect a forfeiture of any annual leave to his credit as of that time which was in excess of the authorized annual leave ceiling. Although the order extending the period within which annual leave could be used without forfeiture has been held to be without specific statutory authority insofar as the annual leave laws and regulations are concerned, the park was within the area included in the Presidential designation as a major disaster area during the period, thereby coming within the broad provisions of the act of September 30, 1950 (64 Stat. 1109).

Employees at Yosemite National Park are encouraged to take their vacation leave at times other than during the busy travel season when they can least be spared. Hence, the employees are denied leave during the summer months which many consider as the most desirable time for vacations, and much of their leave must be scheduled for the late fall and over the Christmas holidays.

When the disastrous flood of December 1955 struck Yosemite National Park, leaves previously approved were canceled and additional requests were disallowed. This was necessary in order to hold property damage to a minimum and relieve dangerous highway and public health situations. Much of the emergency work, for example, the removal of log and brush jams on the upstream side of the bridges, was highly dangerous. During this emergency all of the park's available personnel, equipment, supplies, facilities, and other resources were mobilized and used to the maximum to provide disaster assistance.

The proposed legislation affects 23 persons. Eleven persons have been separated from Federal service and eight of them were overpaid terminal leave. Seven have been transferred from the Yosemite National Park. The remaining five are still employed at Yosemite. The lists are as follows:

Employees overpaid terminal leave

Employee	Basis	Date	Overpaid			Voucher No.
			Hours	Rate	Amount	
Abbott, Oren D.[1]	Death	Nov. 31, 1959	28	$3.20	$89.60	44-1429
Bingaman, John W	Retirement	Oct. 31, 1956	8	2.69	21.52	44-3357
Charron, Jean B	do	May 31, 1957	6	2.75	16.50	44-4999
Clark, Peter A	do	Aug. 31, 1963	12	2.57	30.84	44-450
Clark, Samuel	do	Feb. 28, 1963	36	3.57	128.52	41-1622
Ellis, William J	do	Mar. 30, 1965	19	3.01	57.19	44-1332
Seasholtz, Julia K	Resignation	July 16, 1956	2	1.89	3.78	44-2404
Stevenson, William A	Retirement	Apr. 30, 1959	4	3.04	12.16	44-1480
Total					360.11	

[1] Terminal leave check issued to widow Beatrice T. Abbott.

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[11] "Shares purchased upon exercise of an option may not be sold or transferred within 6 months of the date of issue of the certificate therefor, unless they are first offered to the corporation at the option price of such shares, and the certificate or certificates for such shares shall be endorsed to reflect such restriction." Art. V of the stock option plan. This restriction is also contained in condition 1 of each individual option.

Employees paid terminal leave without credit for invalid leave [1]

Employee	Basis	Date	Value of uncredited leave		
			Hours	Rate	Amount
Logoland, Selmer J	Retirement	Oct. 10, 1964	36	$3.17	$114.12
Quist, Fred E	do	Dec. 12, 1964	16	3.71	59.36
Rhoan, Alvin T	do	May 25, 1965	40	3.28	131.20
Total					304.68

[1] These 3 employees retired after the Comptroller General's decision of July 7, 1958, and the invalid leave was not included in their terminal leave payments.

Value of overstated leave of employees transferred computed at rate of pay on date of transfer

Employee	Grade	Hourly rate of pay	Amount
Gallison, Glenn D	GS-11a	$3.07	$9.21
Holmes, Arthur G	GS-7x	2.63	23.67
Murdock, Nelson	GS-12a	4.01	80.20
Nelson, Dan S	GS-11a	3.89	7.78
Seasholtz, Lloyd W	Ungraded	3.01	120.40
Sedergren, Oscar A	GS-12a	4.24	165.36
Westley, Volney J	GS-12b	4.59	91.80
Total			498.42

Value of overstated leave of employees still at Yosemite at rate of pay current July 26, 1965

Employee	Hours	Hourly rate of pay	Amount
Breckenkamp, William H	16	$5.44	$87.04
Byers, Ernest H	8	3.74	29.92
Castro, Stanley	21	3.67	77.07
Moe, Lester M	12	5.78	69.36
Waldron, Edwin J	36	3.38	121.68
Total			385.07

The leave granted without specific authority is not large in dollars and cents, $1,548.28. The savings to the Government while they cannot be measured exactly, are far in excess of this amount. We believe that the Acting Superintendent would have been remiss in his duties if he had not taken prompt action to utilize all available manpower to save lives and property as a result of the disaster. The employees who responded to the call of this governmental official who acted in good faith and in the best interest of the United States should not be penalized.

Accordingly, we recommend enactment of the proposed legislation which would validate the purported extension of the leave year in question.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

D. OTIS BEASLEY,
Assistant Secretary of the Interior.

EXTRA DUTY PAY FOR DISTRICT OF COLUMBIA SCHOOLTEACHERS

Mr. MORSE. Mr. President, I introduce, for appropriate reference, a bill giving the District of Columbia Board of Education authority to pay teachers for extra duties performed beyond the regularly assigned schedule of responsibilities. The bill applies to all teachers who may be called upon or volunteer to accept additional responsibilities. It will be recalled that I have consistently opposed legislation which would be limited in application to coaches and other specified personnel. I am, however, in full support of legislation which will apply to all teachers at any level of the school system who are assigned by the Board of Education to perform extra duties.

It is a generally accepted fact that school responsibilities are rapidly broadening. The District of Columbia public schools are now conducting many programs in the early morning hours, in the late afternoon and evening hours, and on Saturdays. I am advised that school sessions are planned for summer and other holiday periods.

In my judgment, this is the direction which education should be encouraged to take both nationally and locally. The new programs, however, cannot be fully implemented unless the District of Columbia Board of Education has the authority to employ teachers after regular hours and on days when school is not in session.

The following are some examples of possible extra duty assignments of elementary level teachers:

First. Assignment to sponsorships of cultural enrichment activities, such as library clubs, glee clubs, orchestra, science, dramatics, and so forth.

Second. Instruction for mothers in child care.

Third. Conducting Saturday classes for mothers of preschool children and their children preliminary to the entrance of these children in kindergarten.

Fourth. Conducting parent-education classes, for example, in mathematics, English, reading, and homemaking, as was done, I am advised, in the Young Elementary School last year when 300 parents voluntarily enrolled in classes in these subjects conducted by the school.

Fifth. Enlisting master teachers in demonstrations and teacher-training activities compensable as extra duties.

Sixth. Organizing and instructing after-school tutoring groups in areas of the city where children do not have adequate home conditions for study.

Seventh. Conducting excursions within and outside Washington to broaden the horizons of boys and girls who, in many cases, do not get out of their own ghetto neighborhoods.

In the secondary schools, programs similar to those described in the elementary schools are being developed and should certainly be expanded. In addition, the following categories of new programs, in my judgment, should be considered compensable:

First. Extending the schoolday for pupils and adults who wish to return for tutoring in special activities both academic and vocational. The District of Columbia public school system is developing the program at this time, but is handicapped because of its inability to employ regular staff to contribute to the program after school hours.

Second. Development of intramural physical education activities, particularly sports, for after school and holidays so that every boy will have an opportunity to participate directly in a sports activity under teacher guidance and supervision. I do not believe anyone seriously questions the fact that wholesome sports activities reduce the juvenile delinquency rate.

Third. A new high school running from 3:30 to 8:30 p.m. for dropout returnees is a most successful operation now underway at Spingarn High School. To adequately man classes in such fields as mathematics, science, history, and English, classroom teachers need to be employed beyond the regular assignment of duties.

Fourth. Organizing seminar groups for pupils with special talents for creative writing, research and science, study of social, political, and economic problems, participating in forensics, et cetera.

Fifth. Developing choral and orchestra groups on a citywide basis with rehearsals on Saturdays in centrally located schools. To develop this kind of program, regular teachers need to be employed on Saturdays. Many teachers are now giving time which they could be using for their personal benefits in order to rehearse the orchestra and choral groups.

Sixth. Preparation of teachers for work in impoverished urban centers through internship experience under the direction of master teachers.

The foregoing activities illustrate the range and variety of offerings which can be made available to the youth of Washington if the District of Columbia Board of Education has the authority to employ teachers for these extra duties. The bill I just introduced will provide broad authority to expand the school offerings, as well as to employ coaches and other specialists in extracurricular activities for their special programs.

The new programs and services which will be made available by the Elementary and Secondary Education Act, the Vocational Education Act, and the National Defense Education Act are strengthening the school services to the children of the Nation's Capital in a highly constructive manner. I hope that additional money for local school needs will be appropriated next year so that the Board of Education and Dr. Carl Hansen, our outstanding Superintendent of Schools will be better able to cope with the educational crisis that has been allowed to build up over a good many years through a denial of adequate appropriations by Congress.

The legislation I am proposing today will grant the District of Columbia Board of Education the authority needed to make maximum use of new Federal school funds granted to the District of Columbia.

Mr. President, I ask unanimous consent to have printed at this point in my remarks the bill and a very excellent letter I received on September 3 from Dr. Carl F. Hansen, District of Columbia

Superintendent of Schools, in which he makes a strong plea for extra duty pay for educators who work beyond the regular schoolday.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 2574) to amend the District of Columbia Teachers' Salary Act of 1955, as amended, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

S. 2574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers and other employees of the Board of Education of the District of Columbia, and for other purposes", approved August 5, 1955 (69 Stat. 521, 529; D.C. Code, sec. 31-1542), as amended, is amended by adding at the end thereof the following subsection:

"(d)(1) The Board of Education of the District of Columbia is hereby authorized to pay additional compensation, over and above the salaries in the salary schedules in section 1 of this Act, in the amounts hereafter fixed or prescribed in accordance with the provisions of this subsection, to classroom teachers in salary class 15, at the indicated levels, who are assigned to perform extra duties, on a continuing basis: *Provided,* That a teacher, to be eligible for such additional compensation, must also be assigned the standard load for a regular day school teacher at his respective school level. The Board of Education is further authorized, with the approval of the Board of Commissioners of the District of Columbia, on the written recommendation of the Superintendent of Schools, to fix or prescribe the amount of additional compensation for teachers who perform such extra duty.

"(2) Payment of such additional compensation shall be made monthly following the rendering of such service. Such additional compensation shall not be subject to deduction or withholding for retirement or insurance, and such additional compensation shall not be considered as salary (i) for the purpose of computing annuities pursuant to the Act entitled 'An Act for the retirement of public school teachers in the District of Columbia', approved August 7, 1946 (60 Stat. 875; D.C. Code, sec. 31-721 et seq.), as amended, and the Civil Service Retirement Act, or (ii) for the purpose of computing insurance coverage under the Act entitled 'An Act to authorize the Civil Service Commission to make available group life insurance for civilian officers and employees in the Federal service, and for other purposes', approved August 17, 1954 (68 Stat. 736), as amended. Such additional compensation may be paid for more than one activity assigned to a classroom teacher so long as such activities are not performed concurrently."

SEC. 2. The Board of Education of the District of Columbia is hereby authorized to make such regulations as may be necessary to carry out the purposes of this Act.

SEC. 3. This Act shall take effect September 1, 1965.

The letter presented by Mr. MORSE is as follows:

WASHINGTON, D.C.,
September 3, 1965.

The Honorable WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: The extra duty pay bill which passed the House of Representatives in the 86th Congress delegates authority to the Board of Education for the performance of extra duties on a continuing basis during hours beyond the regular school day and to fix or prescribe the amount of additional compensation for teachers.

The proposed bill submitted to the Commissioners specifies the amounts to be paid for certain extra duty assignments. The bill does provide, however, that the Board of Education, "may include other activities meeting the eligibility requirements stipulated in this subsection * * *" thus providing a fairly high degree of flexibility. However, it would seem fairly logical to go the whole way and allow the Board of Education to specify extra duties which may be compensable and to set the rates for such compensation.

Rate setting, I think, should be done by a most careful study of time and responsibility levels in the various activities. Where time can be equated with teaching loads, say to be the equivalent of teaching one class, a pay rate should be relative to the regular salary schedule. Thus, for example, if being head coach or being the director of forensics requires the equivalent of two periods of teaching, then for the duration of the season the pay rate should be two-fifths of the median salary for regular full-time teaching. This is done on the assumption that the normal teaching load is five periods per day.

Dr. Carroll is working on a possible schedule which I hope will be complete by the time hearings are called on the proposed bill.

The following are justifications for the extra duty pay bill:

1. Authority to employ teachers beyond the regular schedule of hours provides flexibility for the development of new programs.

With the increasing revenues particularly from impact aid and the education bill, the Board of Education is extending its educational offerings to late afternoon, evening, and Saturday periods, providing special classes, tutorial and remedial work, and creative activities in art and music to an extent which cannot be provided during the limited 9 to 3 period of the schoolday.

In order to make the program efficient, it is necessary to use the talents of regular teachers who are willing to accept additional duties and who should be entitled to extra compensation for such duties when they are related to the regular classroom functions.

2. The present method of supplying compensation for extra duties in such activities as athletics, newspapers, yearbooks, etc., is educationally unsound. The specific reason is that changes in schedules are required as seasons change. This creates disruption in the continuity of instruction. It puts the classes on the shuffleboard to be pushed around as schedules are changed particularly in the physical education section of the school program.

3. Payment for extra duties is widely practiced in the industrial field, although ideally, sufficient staff should be provided to make extra duty work unnecessary. Practically, this is not possible in the schools because of a shortage of personnel and funds. Moreover, the actual administration of a special staff for extra duty functions would be almost impossible to manage for the reason that short-term employment is not attractive to competent professional personnel.

4. There is equity in paying staff for work beyond the regular school hours and on nonschool days. Many teachers who do not have extra duty assignments use their extra time for outside employment which is not available to teachers who assume extra curricular duties. As long as teachers' salaries are substandard teachers must be permitted to accept outside part-time employment provided it does not significantly interfere with their regular work. As long as this policy is followed, teachers who work extended periods of time on extra duties should also be paid.

I should be glad to supply any further information or justifications that you may wish. I am deeply appreciative of your support in respect to all school programs and in this instance, specifically, the extra duty pay bill.

Very sincerely yours,

CARL F. HANSEN,
Superintendent of Schools.

STUDY OF STEEL MILL PRODUCTS IMPORTS

Mr. HARTKE. Mr. President, I submit on behalf of myself and Senators BAYH, BREWSTER, BOGGS, ALLOTT, CLARK, GRUENING, LONG of Missouri, SCOTT, MOSS, and YARBOROUGH, a resolution to require the Department of Commerce and other appropriate agencies to study the effects of the rapid rise in volume of steel imports, first, on our domestic steel industry, employment, income and tax revenues generated by the industry; second, on the possibility of unfair below cost pricing of steel mill product imports to the United States; third, on the impact of such imports upon the U.S. balance of international payments; and fourth, on the effect of Government efforts to restrict capital going to foreign countries to pay for these purchases.

The rise of steel imports is not a slight increase, Mr. President. Projected figures bring the imports of steel mill products by the end of 1965 to 10 million tons, compared to 3,163,233 tons in 1961. The tonnage for 1965 will be 55.5 percent above the 1964 level. The 10 million tons of imported steel for 1965 constitutes an increase of 216.1 percent over 1961 imports. Exports of steel mill products decline as the imports increase. The loss of steel, a major U.S. industry, from the substantial plus side of the trade balance figures is indeed alarming.

Of significance also are the import increases on some specific products. The Iron & Steel Institute reports percentage figures of exports to domestic production of certain products for 1964 and the first 7 months of 1965.

Imports of steel shapes and pilings moved from 10.6 percent in 1964 to 13.2 percent during the first 7 months of 1965.

Imports of steel sheets and strips doubled, rising from 3.4 percent in 1964 to 7.4 percent by the end of July 1965.

The ratio of steel plates imported to domestic production is 6.7 percent in the first 7 months of 1965, while the percentage for the year in 1964 was 5 percent.

Steel mill product imports from France, Italy, and the Netherlands in 1965 have already exceeded their totals for the entire 12 months of 1964. I submit that the rising levels of unemployment in France and in Great Britain constitute a probability that increasing quantities of foreign steel will be dumped in the United States at depressed prices which can only pose a serious problem to the continued level of domestic production.

The greatest significance to the national economy is that the absorption of this great inflow of depressed European steel will, at current steel prices, cause a drain on U.S. balance of payments of more than 1.25 billion in calendar year 1965.

I ask that the Department of Commerce act immediately to assess the impact of such below price steel imports upon the maintenance of equilibrium in the balance of international payments of the United States and to advise this body of the effect on the domestic economy as well as the effect upon foreign economies of restrictions by our Government on the outflow of capital to pay for these products.

I ask unanimous consent for insertion in the RECORD of a table of figures prepared by the Business and Defense Services Administration, U.S. Department of Commerce, setting forth the tonnage and dollar values of steel exports and imports in recent years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Tons and dollar value of imports and exports of steel mill products (U.S. Department of Commerce, BDSA)

Year	Imports (tons)	Imports (value)	Exports (tons)	Exports (value)
1957	1,144,685	$169,913,184	5,347,678	$996,698,526
1961	3,163,233	382,455,994	1,989,552	423,378,572
1962	4,100,039	484,276,983	2,012,590	423,976,780
1963	5,452,300	633,188,338	2,223,675	470,472,975
1964	6,439,508	748,820,068	3,435,204	621,421,928
1965 (1st quarter)	1,823,720	218,191,371	557,764	109,965,552
1965 (6-month total)	4,938,461	571,901,215	1,166,054	243,340,569
July 1965	1,094,171	119,203,346	187,578	39,374,345
Projected for total, 1965	10,000,000	(1)	(1)	(1)

	Percent
Percentage increase in exports, 1961 through 1964	72.7
Percentage increase in imports, 1961 through 1964	103.6
Projected percentage increase in imports, 1961 through 1965	216.1
Projected percentage increase in imports, 1964 through 1965	55.3

[1] Not available.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 149) was referred to the Committee on Finance, as follows:

S. RES. 149

Whereas imports of foreign steel mill products have increased from 3,163,233 tons in 1961 to 6,439,508 tons in 1964 and are currently running at an annual rate of nearly 10,000,000 tons;

Whereas with the exception of Canada, South America, Sweden, and Australia, all foreign suppliers of steel mill products have increased their shipments, at annual rates, to the United States during the first half of 1965 over the rates recorded in 1964;

Whereas in the first six months of 1965, steel mill product imports from France, Italy, and the Netherlands actually exceeded imports of steel mill products from these nations for the entire twelve months of 1964;

Whereas at current steel prices and at the current annual rate of steel mill product imports, such imports will amount to a drain on the United States balance of payments of more than $1.25 billion in 1965;

Whereas, economic contraction and rising unemployment in Great Britain and France threaten to divert increasing quantities of steel mill products to the United States at prices below United States market prices; and

Whereas, despite the increasing profits of the steel industry of the United States during the current year the rapid increases in both the absolute volume and the rate of increase of imports of steel mill products will, if present trends continue, pose a serious threat to the profitability of the steel industry and to the employment, income, and tax revenues generated by the steel industry: Now, therefore, be it

Resolved, That the President is requested to cause a study of imports of steel mill products to be undertaken by the Department of Commerce, utilizing other appropriate Federal agencies, with particular respect to: (1) the possibility of unfair, below-cost pricing of steel mill product imports to the United States; (2) the impact of rapidly increasing imports of steel mill products upon the profitability of the domestic steel industry and the employment, income, and tax revenues generated by that industry; (3) the impact of such imports upon the maintenance of equilibrium in the balance of international payments of the United States; and (4) the effects of efforts of the Government to restrict the outflow of private capital upon the demand for steel products in foreign countries affected thereby.

AMENDMENT OF VOCATIONAL REHABILITATION ACT TO ASSIST IN PROVIDING MORE FLEXIBILITY IN THE STATE REHABILITATION PROGRAMS—AMENDMENTS

AMENDMENT NO. 460

Mr. INOUYE submitted amendments, intended to be proposed by him, to the bill (H.R. 8310) to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of September 13, 1965:

S. 2516. A bill to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States: Mr. CLARK, Mr. COOPER, Mr. GRUENING, Mr. INOUYE, Mr. JAVITS, Mr. MCGEE, Mr. MONTOYA, and Mr. RANDOLPH.

Authority of September 20, 1965:

S. 2546. A bill to amend the Immigration and Nationality Act to impose a limitation upon the time for the institution of deportation proceedings, and a limitation upon the time for the loss of U.S. nationality: Mr. LONG of Missouri.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Donald E. O'Brien, of Iowa, to be U.S. attorney, northern district of Iowa, term of 4 years—reappointment.

John T. Curtin, of New York, to be U.S. attorney, western district of New York, term of 4 years—reappointment.

Cecil F. Poole, of California, to be U.S. attorney, northern district of California, term of 4 years—reappointment.

Merle M. McCurdy, of Ohio, to be U.S. attorney, northern district of Ohio, term of 4 years—reappointment.

Philip E. Mangan, of Maryland, to be an Examiner in Chief, U.S. Patent Office, vice Hyman Freehof.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, October 5, 1965, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 673) making continuing appropriations for the fiscal year 1966, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

H.R. 2091. An act relating to the establishment of concession policies in the areas administered by National Park Service and for other purposes;

H.R. 2358. An act for the relief of Tony Boone;

H.R. 2772. An act for the relief of Ksenija Popovic;

H.R. 4750. An act to provide an extension of the interest equalization tax, and for other purposes;

H.R. 8035. An act to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes;

H.R. 8283. An act to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964;

H.R. 9417. An act to revise the boundary of Jewel Cave National Monument in the State of South Dakota, and for other purposes;

H.R. 10516. An act authorizing the disposal of vegetable tannin extracts from the national stockpile;

H.R. 10714. An act to authorize the disposal of colemanite from the supplemental stockpile;

H.R. 10715. An act to authorize the disposal of chemical grade chromite from the supplemental stockpile;

H.R. 10748. An act to authorize the transfer of copper from the national stockpile to the Bureau of the Mint;

H.J. Res. 309. Joint resolution to amend the joint resolution of March 25, 1953, to increase the number of electric typewriters which may be furnished to Members by the Clerk of the House; and

H.J. Res. 330. Joint resolution to authorize the disposal of chromium metal, acid grade fluorspar, and silicon carbide from the supplemental stockpile.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 673) making continuing appropriations for the fiscal year 1966, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

GREAT ECONOMIC ACHIEVEMENT: UNEMPLOYMENT DROPS WHILE WORK FORCE SOARS

Mr. PROXMIRE. Mr. President, there was no domestic economic problem to which John F. Kennedy addressed himself 4 years ago more emphatically than the specter of rising unemployment in a progressing and otherwise prospering society.

How clearly we recall those speeches in which the President would spell out the appalling statistics—the tens of thousands of new jobs the Nation would be required to create every single week—week after week—just to stay even with the avalanche of new workers coming on the market.

President Kennedy pleaded for programs to meet this apparently hopeless problem. President Lyndon Johnson has pressed these programs and other proposals including the war on poverty to legislative success.

The result is that the American people are now enjoying the happy spectacle of a nation not only able to create these tens of thousands of new jobs every week, but to do even more, The result: unemployment is actually declining. It has been dropping sharply.

It is astonishing that there are always many voices crying out when the economic situation is deteriorating, but few pay much attention when a truly remarkable development, an economic achievement of the first rank, takes place.

Imagine the speeches we would have today if unemployment had gone the other way, had increased in the past few years in the same proportion it has decreased. In that event we would today have had about 9 percent of our work force out of work, and the caterwauling would drown out every other problem.

That, of course, does not mean that we have solved our major economic problem: unemployment. It does mean that we are making excellent progress.

Yesterday the Wall Street Journal covered this remarkable economic development in an excellent front-page feature story. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WANING JOB WORRY—UNEMPLOYMENT DECLINES DESPITE SURGE OF YOUTHS INTO THE LABOR MARKET—MATURING POSTWAR BABIES FAIL TO LIFT JOBLESS RATE AS ANALYSTS HAD PREDICTED—A NEW LOOK AT AUTOMATION

(By Alfred L. Malabre, Jr.)

The economy is getting through the first year of a long-expected surge in the number of jobseekers with surprising—and encouraging—ease.

That's the judgment of many economists and employment analysts who previously had feared 1965 would see the start of a hard-to-halt increase in American joblessness. Their apprehension had been based largely on a demographic quirk: The first massive wave of the post-World War II baby crop would turn 18 in 1965. The flood of these youths into the labor market, it had been feared, would far outstrip the number of additional jobs the economy could provide. As a result, the country's already worrisome unemployment rate would climb sharply.

But—so far at least—things aren't working out that way. Unemployment in August, the latest period available, stood at a seasonally adjusted rate of 4.5 percent of the labor force, down from an even 5 percent as recently as February and 5.1 percent in August 1964. The latest rate, in fact, is as low as at any time during the present business expansion; in 1961, the first year of the current upturn, unemployment for the full year amounted to 6.7 percent of the labor force.

A HEARTENING DEVELOPMENT

"It's a most heartening performance," says Albert T. Sommers, director of economic research at the National Industrial Conference Board, a nonprofit business research organization based in New York City. "The unemployment rate this year is holding well below the levels many observers, including myself, had originally thought possible." A year ago, Mr. Sommers recalls, he had estimated that unemployment in mid-1965 would be "up in the 5 percent range."

The 1965 record is leading some economists to conclude the administration's long-sought "interim goal" of a 4 percent unemployment rate actually is coming into reach. "A year ago, I simply didn't believe it could be done," says a Labor Department analyst. "Now I'm convinced we can really get down to 4 percent, perhaps before this year is out."

To understand why 1965 has long been regarded as a crucial testing period for the U.S. economy, a few statistics are worth noting. Last year some 2.7 million Americans turned 18. This year, however, nearly two decades after the start of the postwar baby boom, 3.7 million youths are celebrating their 18th birthdays. And the number turning 18 will remain at the sharply higher level right through the next 10 years, Government population projections indicate.

GENERATING NEW JOBS

To accommodate these youths, as well as an increasing number of job-seeking women, U.S. employment must grow dramatically in the period beginning this year, Government studies have predicted. Simply to hold unemployment down at about the 4-percent level, according to these studies, the economy through 1965–75 must generate 1.5 million additional jobs each year. This projected increase dwarfs the actual growth of U.S. employment in 1954–64, a generally prosperous period. In that span, employment expanded by only 900,000 jobs annually.

The sharp rise in teenage jobseekers, moreover, comes on the heels of much fretting about the possible impact of automation on jobs. This fretting is based on the argument that automation cuts down employment, especially the relatively low-skilled laboring jobs most suited for many of the youths crowding into the labor force.

In the face of such pressures, why is the unemployment rate as low as it is?

The central fact appears to be that the economy is creating jobs at a rate many economists believed impossible a year or two ago. From 1961 to 1964 U.S. employment climbed by roughly 1 million jobs a year—hardly the sort of rise to prompt much optimism about future unemployment levels. This year, however, the job total is spurting by more than 2 million, nearly twice the 1961–64 rate. This speedup, which gives no indication of abating—the latest figures are for August—causes an ebullient Government economist to confess that "the recent performance comes as a most unexpected and most happy surprise."

THE FEDERAL ROLE

This happy surprise, of course, reflects in part the efforts of Federal authorities to keep the economy expanding through such devices as tax reductions and relatively low interest rates. There can be little doubt, for example, that the 1964–65 cuts in personal and corporate income tax rates have propelled consumer and business spending to heights that otherwise probably would not have been reached.

It is also clear that the country's intensifying military activity in Asia is tending to cut down joblessness. Increased military outlays, recent surveys by this newspaper have shown, are providing unexpected extra business to a wide range of companies. In addition, of course, rising draft calls are taking more young men out of the civilian labor market. A few days ago, defense officials issued a November call for 36,450 young men, the largest callup since the Korean war month of May 1953 and far above early 1965 rates of as low as 3,000 per month.

Obviously, the military's manpower requirements could alter quickly and drastically. If the fighting in Asia spreads, its manpower needs could swell so swiftly that the question of unemployment would evaporate. On the other hand, peace in Asia could put considerable new pressure on the country's civilian economy to generate jobs.

Beyond such unpredictable factors, however, there are important long-term developments tending to keep unemployment in check.

There are clear signs, for example, that among certain key groups the percentage of persons seeking work or working is declining. As recently as 1947 some 54 percent of American teenage males were in the labor force. Largely because more youths are staying in school, however, this rate now is down to 43 percent and, Government economists are convinced, will continue to drop. The decline may even accelerate, some analysts predict, if such Federal "poverty" programs as the Job Corps and other training projects for teenagers prove successful. (A teenager in the Job Corps, who otherwise probably would be among the unemployed, is not classed in the labor force by Government statisticians.)

For very different reasons, the proportion of elderly men and women participating in the labor force also is dropping. Some 27 percent of U.S. males ages 65 and over work or are seeking work, according to the Government. This is down from 47 percent in 1947 and from nearly 50 percent as recently as 1962.

Other groups whose participation rates are declining include men in the 55 through 64 age bracket and, since 1960, women in the 65 and over category. Economists attribute these declines to the proliferation of pension plans and other programs geared to make retirement easier.

To some degree, declining participation rates were taken into account in the Government studies indicating the economy must generate 1.5 million additional jobs yearly in 1965–75. At least some of the recent developments, however, come as a surprise to Federal planners. A big surprise: So far this year, the participation rate for women in the key 45 through 54 age group has been running behind the comparable 1964 levels. This is an abrupt change from earlier years. From 1947 to 1964, for instance, this group's participation rate soared from 32 to 51 percent.

JOBLESS RATE FOR LABORERS

The recent employment record also suggests that automation is not the destroyer of jobs it was once feared to be. For instance, the unemployment rate for laborers, a blue-collar job category that would seem a prime target for automation, has actually declined sharply—from 15.7 percent in 1961, at the start of the current expansion, to an estimated 7.6 percent at present.

To be sure, this year is only the start of a long period of rapid expansion in the labor force. "The big question is whether the economy can continue to absorb jobseekers as readily as it has done so far," says an economist who keeps tab on employment trends at the Federal Reserve Board. This analyst flatly doubts it can, unless military manpower needs rise substantially. "I think the unemployment rate is about as low as it's going to get," he declares.

One reason the pessimists doubt the economy can keep up its present performance is the threat of inflation. U.S. factories are operating at approximately 91 percent of full capacity, according to Federal estimates. At such a level, history shows, prices begin to move up rapidly, as inefficient, high-cost equipment is pressed into use. To counter the price spiral they believe is developing, these pessimists fear that the Government will be forced to seek measures that will restrict economic growth, such as higher interest rates.

HOEHN TO MAKE POLICY DECISION ON RESIDUAL OIL IMPORTS

Mr. PROXMIRE. Mr. President, twice in the last few days I have stood on the floor of the Senate to raise my voice in protest against the appointment of oil lobbyist Elmer Hoehn to the Oil Import Administration.

It is obvious to me from reading two articles that appeared in Monday's Oil Daily that this appointment is the death knell for increased oil imports and decreased consumer costs. The first article points out that the Oil Import Administration is now analyzing all data sent to it by the Office of Emergency Planning on residual fuel oil import controls. There is no doubt that the Oil Import Administration will also write up Interior's views on the need for continuing residual fuel oil import controls. And there is no doubt that ex-oil lobbyist Hoehn, who fought against higher imports as an executive for a tristate trade association, will play a large part in drafting the recommendation. Can anyone doubt that continued import controls will be recommended? This deck is stacked, and stacked with a vengeance, against the consumer.

The second article states that the pending Presidential proclamation on oil import controls may be held up until after the Canadian election November 8. In Secretary Udall's words "we may not promulgate it, or announce it, even if it is made in advance, until after an election that is being held in a country nearby."

Oil Daily goes on to say, "The only implication that can be drawn from Udall's remarks about delaying the Presidential order until after the Canadian election is that the draft order proposes to tighten up on the flow of oil from Canada into the United States and that this could become a political issue between the opposing parties in Canada before the election."

Mr. President, as the article points out, this second decision has been in the works for some time before Mr. Hoehn's appointment. But Hoehn certainly will feel at home. His appointment coincides almost to the day with this tacit admission that Canadian imports will be decreased.

In view of the substantial policy decisions involving the Oil Import Administration in the months ahead I again express my hope that the Hoehn appointment will be reconsidered.

Mr. President, I ask unanimous consent that the articles from Oil Daily headlined "Interior Is Planning Residual Recommendations for OEP," and "Udall Links Canada Election to Timing of New Imports Plan," be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Interior is Preparing Residual Recommendations for the OEP

Washington.—The Interior Department is now analyzing all of the data sent to it by the Office of Emergency Planning—consisting of public statements filed with OEP last spring and summer—and expects now to file Interior's views on the need for continuing residual fuel oil import controls in the near future.

Material received by OEP after it launched its investigation last spring was transmitted to Interior for analysis as it came in to the OEP—but Interior never offered any comments on it.

On August 13, OEP sent Secretary Udall a letter urging that Interior expedite its analysis of all the material sent to it during the previous 4 months and advise OEP of its views and recommendations so that the matter could be resolved quickly.

On September 7, Interior Assistant Secretary Moore responded to OEP, saying all of the data involved was being analyzed by the Oil Import Administration. Moore told the Oil Daily that he expected a substantive response, with an advisory opinion, would go to OEP in the near future.

Some confusion developed over the OEP-Interior exchange of letters on residual controls at Secretary Udall's press conference September 23. In response to a question, Udall said he was not aware of a request from OEP for a special report on residual—but that his views and those of the department on this issue were well known.

Moore explained, however, that OEP's request has never been sent to Udall since it was a request for analysis that would have to be made by the staff. He said that when a final response is made to OEP it will be sent by the Secretary—and that should be fairly soon.

Udall Links Canada Election to Timing of New Imports Plan

(By Jim Collins)

Washington.—Interior Secretary Udall has let the cat out of the bag—that the pending Presidential proclamation on oil import controls may be held up until after the Canadian elections November 8.

Udall's comment about the Canadian election came in response to a simple question at his news conference September 23, asking him when he expected the new imports proclamation to be issued.

Responding, the Interior Secretary said: "Well, we are in the final stages on this now. I cannot give you a date at this time except to say that I am satisfied with the progress that we are making.

"It may be—and I don't want to comment further on that for obvious reasons—we may not promulgate it, or announce it, even if it is made in advance, until after an election that is being held in a country nearby—but I think that we are developing a very good program and I think that we are moving ahead about as we had expected."

He was asked if he was referring to an election in Venezuela. Udall replied: "Canada."

The only implication that can be drawn from Udall's remarks about delaying the Presidential order until after the Canadian election is that the draft order proposes to tighten up on the flow of oil from Canada into the United States and that this could become a political issue between the opposing parties in Canada before the election.

If Prime Minister Pearson's opponents, the Conservatives, want to use the U.S. oil imports control program as a political issue, Udall has given them a handle.

The Conservatives could point with pride to the fact that they succeeded in maintaining a control-free flow of Canadian oil into the United States when they were in power, but now the country faces restrictions on one of its most important growth commodities, petroleum, in a natural market, the United States.

Former Prime Minister Diefenbaker, opposing Pearson, could also make medicine out of the fact that a conference between U.S. officials and members of Pearson's cabinet was held in Ottawa early in September and at that time the U.S. officials discussed the "need" to put brakes on the growth of oil movements into the United States, particularly districts I to IV.

Linking that meeting with Udall's more recent remarks at his press conference, Diefenbaker might try to make it appear that Pearson's administration is willing to go along with a tighter control by the United States on Canadian oil shipments—but wants to keep it quiet until after the election is over in November.

HUMPHREY: ENERGETIC BACKSTOP

Mr. HARRIS. Mr. President, those in the past who looked upon the vice-presidency as a ceremonial office at best—and a place for political eclipse at worse—did not reckon on the skill, the energy and the dedication of Hubert Humphrey. Nor did they reckon the determination of President Lyndon B. Johnson to make the vice-presidency a vital instrument of our Government.

Today we have a President and Vice President working in close harmony, in an atmosphere of profound mutual respect. And the Nation as a whole is better off as a result.

An article in a recent issue of the Christian Science Monitor by Mr. Godfrey Sperling, Jr., examines this phenomenon in some detail. The article states:

> A position that constrained and frustrated many a predecessor has found more than a match in Mr. Humphrey.

Implicit in the article is the fact that the position of Vice President has found a great admirer of Lyndon B. Johnson, Mr. Humphrey is quoted as describing the President as "a man of meticulous detail" who "spends hundreds of hours in building a friendly environment for legislation."

Because of the fascinating insights it gives of these two unusual American statesmen, I bring this article to the attention of the Senate.

Mr. President, I ask unanimous consent that the article be printed in the Record.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

Humphrey: Energetic Backstop

(By Godfrey Sperling, Jr.)

Washington.—To be close to the Vice President for just an hour or two is enough to discover that this amazingly energetic man has in no way lost the spring in his step.

A position that constrained and frustrated many a predecessor has found more than a match in Mr. Humphrey.

"Completely satisfying, completely satisfying," he was describing his new life to this reporter, while, almost at the same time, he was showing us how a Vice President, too, can be an effective force in helping the administration push legislation along.

The phone was buzzing. Mr. Humphrey was talking to Congressmen, using all of his well-known persuasive powers to get enough petition signatures to wrest the Washington home rule bill out of committee.

SIGNATURE ACQUIRED

"My role is a backstop one," he told us, "when it comes to getting votes for legislation. The leaders in both Houses and Larry O'Brien carry the ball on this. But once in a while they call on me."

Out in the reception room, before we were ushered into the Humphrey office, the tide of legislative battle had been apparent.

Said one secretary, after Mr. Humphrey had hung up from a call: "The Vice President is really tickled. He got that Congressman to agree to sign."

Said another: "Yes, and this is one who had alread said 'No' to the Speaker, the majority leader, and, just a few minutes ago, to the President himself."

Said another: "I bet the Vice President will be kidding the President about this one."

Now in with Mr. Humphrey, we asked: What of the pending legislation? Would the Vice President make an assessment of those administration bills that were encountering difficulty? Quickly, Mr. Humphrey gave these answers, indicating first that he is keeping in the closest touch with Members of both Houses. He knows where all the votes are—or where they are buried.

Agriculture: "We'll come out of this with a fairly good program. There'll be a good feed-grain program, reducing the feed-grain surplus. There'll be a good wheat program. The main argument is about cotton. We want one-price cotton. This one is most difficult. But we'll come out all right."

THE VOTES ARE HERE

Immigration: "We've got this one. The long struggle to get rid of the national origins limitations now is over. When the legislation has passed you will find that the President has gotten the basic elements of his bill."

Repeal of 14(b) of Taft-Hartley: "It's a difficult one, but the votes are here."

Home rule for Washington, D.C.: "You can see that we are going to get this discharge petition through. And, out of the district committee, we have the votes to win this one."

His evaluation of the legislative session? "In all my experience," Mr. Humphrey said, "this has been the most productive." Further, he said it was a session that had been marked with the "least amount of bitterness" of any he had known.

DEALINGS WITH CONGRESS

He said that the Democratic leadership of Mike Mansfield, John W. McCormack, and Carl Albert had been important in this legislative achievement. But he also credited Ev Dirksen and Tommy Kuchel as GOP Senators who played important roles. "They naturally took different positions and led partisan battles," he said. "But, at no time were they ever obstructionists.

"But it really was the climate established by the President," he said. "The favorable climate for this legislation: this was all-important.

"We couldn't have gotten it all through had not the President made it possible, through his dealings with various elements in our society, through his dealings with Members of Congress."

Here Mr. Humphrey said that he would like to challenge those who describe the President as one who leans on those he would like to do his bidding, who twists arms to get people to agree to his wishes.

"I've known him a long time," said Mr. Humphrey, "and I've never seen this.

"Actually the President pats people on the back when they do a good job. He doesn't use the 'You must do this' approach.

"A MAN OF DETAIL

"He knows that you can't tell a Senator he must do something or other.

"The President," he said, "is a man of meticulous detail when it comes to legislation. He knows every bill and what is going on.

"The President spends hundreds of hours in building a friendly environment for legislation.

"Take medicare. The President spent hundreds of hours with leaders in Congress. He eased their apprehensions. Now, after the bill was passed, he is working to ease the apprehensions of the American Medical Association."

CLIMATE STRESSED

Further, he said, the President has a keen sense of anticipating where opposition might develop—and he moves in quickly, but in a quiet, friendly way, to prevent this from happening.

He said that the President had done this with the business community on certain legislation.

"It doesn't take much for us to lose our majority in the Senate," Mr. Humphrey said. Here he praised Senator Mansfield's skill in keeping this a working majority. But he again talked of the importance of the "friendly climate" maintained by the President within Congress, on both sides of the aisle.

Of his own busy days, the Vice President said: "I don't think my staff in the White House has any idea what goes on over here in the Capitol—how many people I see, how much I have to do.

"Every day I see from 10 to 50 Members of Congress. Just yesterday I kept count and I saw 38 Members of Congress."

He said this was all on top of conferring with the President, keeping abreast of all the highly classified documents, working with members of the Cabinet, presiding in the Senate, being Chairman of the Space Committee, and sitting in with the National Security Council. And seeing visitors.

"I REALLY MEAN IT"

"I like being Vice President," he said. "People will say, 'You talk this way'—but I really mean it. I enjoy my work. There is an extra pleasure in conferring with Members of Congress and being with the President."

What of the next legislative session?

"I feel that next year we must refine and improve the legislation we have just passed—wherever this is needed. Also we need to tool up the Government—the executive branch—to carry out the assignments of these new programs.

"We need good people, many more good people, to carry out these assignments.

"We must have better management.

"These programs will cost a lot more money—yet they cannot go beyond a certain point. The President is hot as a pistol on this, on holding down the spending."

DECLINE IN PURCHASING POWER OF THE DOLLAR

Mr. DIRKSEN. Mr. President, if memory serves me correctly, it was Leon Henderson, Price Administrator during World War II, who often said that a little inflation was like a woman a little pregnant. This observation, like many other of Mr. Henderson's, lends itself well to further quips on the subject of budgets and deficits and the virtue or vice of continuous creeping inflation.

But to the housewife, inflation is the price of beef at the supermarket, and this is not funny. To the average man, inflation is the $10,000 insurance policy he bought 20 years ago which is not worth half that much today, and this is not funny. To the citizen over 65, inflation is his inability to live in dignity on a retirement income which seemed rather generous 25 years ago, and this is not funny.

The truth of the matter is that the sophisticated economics of the sixties, grounded in expansionary policies, have sacrificed the housewife, the average man, and the old age pensioner on the altar of growth; glorious, continuous, everlasting growth with higher and higher levels of Federal spending and lower and lower values of savings, of pensions, of pay checks, and insurance policies.

The effects of this information can be readily illustrated, using the experience of 1 month alone; the experience of June 1965.

For instance, $10,000 invested at 6 percent lost in buying power all it earned in interest during the 30 days of June 1965 alone.

For instance, $10,000 in life insurance lost $50 in general purchasing power during those 30 days in June alone.

For instance, $10,000 in a savings account bought $220 less at the corner grocery store after the inflation that took place during the 30 days of June 1965 alone.

For instance, all pensions, all wages, all dividends and all other income shrunk accordingly during those 30 days of June 1965.

As the Republican National Committee recently asked: "Why did it happen?"

Answered the Wall Street Journal:

> It appears that many of those responsible for the preservation of the dollar have simply lost all comprehension of the meaning of money. In their unthinking and unending outpourings they behave as if they couldn't care less what happens to the dollar's purchasing power or to the national economy."

Mr. President, 2 weeks ago, a small pamphlet from the U.S. Department of Commerce crossed my desk announcing publication of the new Statistical Abstract of the United States for 1965. In the wonderful prose of the Department of Commerce, this year's Statistical Abstract is said to present, "authoritative and comprehensive statistics on the current economic, social, and political structure of the United States."

Taking them at their word, I ask unanimous consent to have printed in the RECORD, table No. 489 from this marvelous new Statistical Abstract. This table appears on page 356, and measures purchasing power of the dollar from 1940 to 1964. This table paints a far better picture of the "current economic, social, and political structure of the United States" than any number of spoken words could hope to do.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

No. 489. Purchasing power of the dollar, 1940–64

[1957–59=$1. Beginning 1961, wholesale prices include data for Alaska and Hawaii; and, beginning 1964, consumer prices include them. Obtained by dividing the average price index for the 1957–59 base period (100) by the price index for a given period and expressing the result in dollars and cents]

Year	Monthly average as measured by—	
	Wholesale prices	Consumer prices
1940	$2.326	$2.048
1944	1.757	1.632
1945	1.727	1.595
1946	1.513	1.471
1947	1.232	1.285
1948	1.138	1.194
1949	1.198	1.205
1950	1.152	1.194
1951	1.034	1.106
1952	1.064	1.081
1953	1.079	1.072
1954	1.076	1.069
1955	1.073	1.071
1956	1.040	1.056
1957	1.010	1.021
1958	.996	.994
1959	.994	.985
1960	.993	.971
1961	.997	.960
1962	.994	.949
1963	.997	.937
1964	.995	.925

Source: Department of Labor, Bureau of Labor Statistics. Monthly data in Department of Commerce, Office of Business Economics; Survey of Current Business

ANNUAL CONVENTION OF STATE FIRST AID SQUADS OF VIRGINIA

Mr. STENNIS. Mr. President, on September 25, 1965, the distinguished Senator from Virginia [Mr. ROBERTSON] delivered an address to the annual convention of State First Aid Squads of Virginia.

In his speech, entitled "The Good Neighbor," the Senator from Virginia relates the history of volunteer fire companies and the more recent development of volunteer first aid and rescue squads. Through the use of interesting historical facts, related as only the Senator from Virginia can, and also through the presentation of current statistical data, the Senator from Virginia demonstrated the importance of the valuable and timely work being done by these splendid voluntary rescue units.

I believe that the remarks of the esteemed Senator from Virginia are worthy of consideration by each Member of this body, not only because of the attention they direct to the outstanding contribution of the rescue units, but also because they again illustrate so clearly the philosophy of our distinguished colleague who so ably represents the State of Virginia in this body. In his every endeavor, he is guided first and foremost by the Christian principle of unselfish service to our fellow man and, as he so well stated, "the spirit of self-reliance which enabled our forefathers to build a great Nation out of a wilderness."

I ask unanimous consent to have the remarks of the Senator from Virginia printed in the RECORD, and I commend them to every Senator.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE GOOD NEIGHBOR

(Remarks of Senator A. WILLIS ROBERTSON, Democrat, of Virginia, before the annual convention of State First Aid Squads of Virginia, at the Natural Bridge Hotel, Natural Bridge, Va., Sept. 25, 1965)

It is an honor and a coveted privilege to address an organization whose members through unselfish service to their fellow man dramatize the Christian principle of a good neighbor.

Cynics are often heard to say that in this world we never get something for nothing. But you who volunteer as members of local first aid and rescue squads belie that statement, because you are giving your time and energy to perform errands of mercy for your fellow men, with no thought of reward except the inward satisfaction that comes from the performance of a good deed or the discharge of a voluntarily assumed civic duty.

I was especially glad to accept your invitation because the service you are performing in all parts of the Old Dominion makes me realize that the spirit of self-reliance which enabled our forefathers to build a great nation out of a wilderness is not dead.

In a sense, you deserve even more credit than the pioneer settlers, because they had no choice but to do things for each other if they wanted to survive, once they reached the New World. But you could have held back and said, "Let some government agency take care of the first aid problem."

In comparison with the political turmoil of our National Capital, the quiet beauty of a valley area where the massive peaks of the Blue Ridge invite the heavens to rest upon their stately columns is like the balm of Gilead. And it does my heart good, and strengthens my faith in democratic processes, to associate with men like you, because in the Halls of Congress hardly a day passes without a plea from some group to have the Federal Government take over, or at least pour out money for some function that the States and cities used to do for themselves.

Your volunteer rescue squads put these special pleaders to shame, for you are providing a striking example of how people can do things for themselves when they have the proper spirit.

I suppose the modern first aid and rescue squad is an offshoot of the volunteer fire department, which has been a part of the American scene since the Pilgrims built their first stockades.

In fact, ever since man discovered the uses of fire he has had to be on the alert to combat its dangers. Even the early civilizations of Greece and Rome depended upon volunteer firemen, and historians say that Emperor Augustus had a force of 7,000 firefighters. I don't know how many there were when Rome caught fire, during the reign of Nero, but evidently not enough. That fire burned for 9 days and destroyed about three-fourths of Rome.

Among the early American colonists, men used to volunteer to patrol the roads at night to guard against fire. George Washington was one of the pioneer volunteer firemen in Virginia. He helped organize the Friendship Veterans Fire Engine Company in Alexandria before the American Revolution. While on a visit to Philadelphia, he purchased a fire engine for 80 pounds and 10 shillings, and gave it to the Alexandria company.

After serving two terms as President, Washington retired to Mount Vernon, and renewed his enrollment in the Alexandria fire department.

On one occasion shortly before his death the first President was riding his horse through Alexandria when a fire broke out. Noticing that the fire apparatus was undermanned, Washington jumped from his horse and called to a number of bystanders: "Why are you idle, gentlemen? It is your business to lead in these matters." He took hold of the engine, and all who could find room followed his example.

I am happy to be listed as an honorary and life member of the historic Friendship Fire Company of Alexandria.

In 1934, as a Member of the House, I supported a tax bill which authorized corporations, as well as individuals, in computing net taxable income, to deduct contributions to volunteer fire companies. Later the Bureau of Internal Revenue expanded that provision to include volunteer first aid and rescue squads.

Again, in 1944, during World War II, we were considering a bill in the House to regulate the disposal of surplus Government property, and I offered an amendment adding volunteer fire companies to the tax-supported agencies entitled to priority to purchase surplus firefighting equipment.

Later, I secured a provision for the donation of ambulances and other first-aid equipment to these rescue squads.

Back in the horse and buggy days, when people were content to jog along dirt roads at a leisurely pace, there was not much need for rescue squads. Highway accidents were confined to an occasional runaway horse.

But when mass production brought the automobile within the means of nearly every family and we began building hard-surfaced highways across the entire country, we created traffic hazards that make first-aid squads more necessary and important than the volunteer fire brigades.

I dare say highway accidents alone would keep you busy even if there were no other types of accidents to required first aid.

During 1964 there were 47,800 traffic fatalities in this country, and I am sure you will not be surprised to hear that 1,047 of them occurred in Virginia. In the first 6 months of 1965 the records show that 480 persons were killed on Virginia highways.

I have no doubt these figures would be even higher if it were not for the prompt and efficient action of your members, and similar first aid squads across the Nation, in rushing to the scene of accidents to help get the injured quickly to hospitals.

The need for volunteer first aid and rescue squads is demonstrated more dramatically by a calculation made by the National Safety Council.

The Council found that in 1963 accidents of all kinds cause one death every 5 minutes, and one person injured every 3 seconds.

For motor vehicles alone, the rates were a death every 12 minutes and an injury every 20 seconds.

At work, the rates were a death every 37 minutes and an injury every 16 seconds.

At home, a death every 18 minutes and an injury every 7 seconds.

In 1963 the Department of Health, Education, and Welfare found that accidents of all kinds kill 95,000 persons and injure 45 million a year. This means that approximately one person in four sustains some type of injury each year. The figures may be slightly higher now than they were 2 years ago.

Although motor vehicle accidents are an important cause of death in all age brackets, they are especially significant in the group from 15 through 24 years of age. In this bracket, 38 persons per hundred thousand are killed in motor vehicle accidents annually, the highest rate for any group less than 75 years old.

Only three conditions exceed accidents as a cause of death. They are heart disease, cancer, and vascular lesions affecting the central nervous system.

After delving into these statistics I had a new realization of the importance of your volunteer first aid and rescue squads, not only to the communities in which they are organized, but to the thousands of tourists who visit Virginia's historic spots and scenic attractions each year.

I want to make a special mention of Capt. Julian Wise of Roanoke, who in 1928, founded the Roanoke Life Saving and First Aid Crew—the Nation's first of such organizations. Today, they are nationwide. In Virginia, there are now 101 squads, with about 3,500 volunteer members.

But the real pioneer of this movement was the Good Samaritan, of whom Christ spoke nearly 2,000 years ago. I am sure that you remember the story, in the Gospel according to St. Luke, about the man who was traveling from Jerusalem to Jericho, when he fell among robbers. They stripped him and left him wounded by the side of the road.

Then we are told of travelers who went their way without lending a helping hand to the wounded man. But a Samaritan was moved to compassion. He bound up the man's wounds, placed him on his own beast and took him to the nearest inn.

The Samaritan gave the innkeeper some coins and instructed him to take care of the wounded man. The Samaritan also assured the innkeeper he would stop on his return journey and make up any deficit in the wounded man's bill.

In the busy world of the 20th century you men are doing exactly what the Good Samaritan did on the road to Jericho, and, while you do not expect material rewards for your service, we can be sure that your generosity and compassion for your fellow man is not going unnoticed by the God who watches over all of us, and has given to the civilized world its present concept of a good neighbor.

PROSPERITY BOOMS BUT FARMERS KEEP GETTING LESS

Mr. PROXMIRE. Mr. President, in recent months, there has been some increase in food prices. Many thoughtless people might blame that on the farmer. The fact is that the farmer now, and for a number of years—in fact, throughout the current unparalleled prosperity, has been taking it on the chin.

As the housewife's prices have increased, the amount the farmer receives has been going down. The farmer has not only received a smaller share, he has also been getting less absolutely.

Just think of it—retail food prices have been going up every year without exception since 1959, and farm prices—what the farmer receives for that food—have been going down every year without exception since 1959.

One of the finest farm publications in the country, the Wisconsin Agriculturalist & Farmer in its September 25 edition tells this story briefly, but eloquently.

As the Agriculturalist sums it up:

> The retailer asked more and got it. Farmers on the other hand have taken less. They have not had the bargaining power that rests in the hands of the food chains.

I ask unanimous consent to have the editorial entitled, "Farmers Keep Getting Less" printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FARMERS KEEP GETTING LESS

The U.S. Department of Agriculture measures the retail cost of food by what it calls the "farm food market basket." This includes typical foods that a housewife might purchase during the year. The retail cost has gone up every one of the last 6 years.

Year:	
1959	$985
1960	991
1961	997
1962	1,006
1963	1,013
1964	1,015

The farm value—the price received by farmers—for these items has been going down.

Year:	
1959	$377
1960	383
1961	380
1962	384
1963	374
1964	373

The farmer's share of the housewife's dollar shrunk from 43 percent in 1954 to 38 percent in 1959. It is now 37 percent.

People in the food industry have often tried to explain away these trends by saying that retailers have fixed costs, such as labor, transportation, packaging, rent, and so on. They point to rising costs. So they say retailers cannot reduce prices in the store when farm prices go down.

But the price to the housewife has gone up at almost a constant rate, as this chart shows. This in spite of the fact that the downward trend of farm prices had varied from year to year.

RETAIL PRICES

Years:	*Percent*
1959 to 1960 increased	0.6
1960 to 1961 increased	.6
1961 to 1962 increased	.9
1962 to 1963 increased	.7
1963 to 1964 increased	.2

FARM PRICES

Years:	
1959 to 1960 decreased	3.6
1960 to 1961 decreased	.8
1961 to 1962 increased	1.0
1962 to 1963 decreased	2.6
1963 to 1964 decreased	.3

The argument of fixed rising costs isn't the answer. Farmers have had fixed costs that were rising too.

We will not argue that the retailer should not have gotten more money for the food he sold. But it is clear that retail stores have been able to counteract rising costs by charging higher prices—even when farm prices went down.

The retailer asked more and got it. Farmers on the other hand have taken less. They have not had the bargaining power that rests in the hands of the food chains.

SHRIVER'S INDEPENDENT AUDITS BRING UNUSUAL EFFICIENCY TO ANTIPOVERTY PROGRAM

Mr. PROXMIRE. Mr. President, almost everyone applauds the objectives of the antipoverty program, but some on this floor and elsewhere have criticized its administration. This was particularly true this year, when the antipoverty bill and conference report came before the Senate.

Mr. President, how can a Senator or any other interested citizen appraise a vast, complex, new program like this? If the program were a business operation, the first thing an experienced businessman would do would be to call in a competent, reliable, independent auditor, or a private accounting firm to go over the operation and identify the waste, the extravagance, and if there is any—the illegal or even criminal activity.

Why not apply this to the antipoverty program?

The answer, Mr. President, is that this is exactly what Director Sargent Shriver has done.

As Lyman Bryan, director of the Washington office of the American Institute of CPA's has written:

> Sargent Shriver, Director of the OEO, brought to Government a good deal of experience acquired in private business and a healthy respect for the skills of accountants. His decision to use independent auditors was based on personal knowledge of their skills and an unusual awareness of an opportunity for outside accountants to perform a significant public service.

Mr. President, I ask unanimous consent to have printed in the RECORD the Bryan column published in the September 1965 issue of the Journal of Accountancy. Incidentally, the Journal is the official organ of the American Institute of Certified Public Accountants.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON BACKGROUND—ANTIPOVERTY: THE ACCOUNTANT'S RESPONSIBILITY

Being against poverty is like being against sin. Hardly anyone disagrees with the basic sentiment expressed. On the antipoverty question, however, the fighting starts early, as to the action, the timing, the methods, and the targets.

The current Federal antipoverty program is the case in point. Federal policy is clear. With nearly $2 billion already allocated, and with a clear-cut Presidential and congressional mandate in favor of the general idea, the most difficult problem of the administering Office of Economic Opportunity now will be to achieve maximum use of massive resources. It has again enlisted accountants to help it do so.

Washington Background (June, p. 26) has already reported that, by administrative action, accountants would be involved in the program, particularly in the case of pre-grant attestations of accounting systems of certain grantees. This current column announces a more recent and far larger involvement, in the case of audits (after award) of grants to certain private nonprofit grantees under the Community Action Program of the OEO (described in vol. II, Financial Instructions, CAP Guide, Office of Economic Opportunity).

The cited document contains the following proviso, conveying the OEO action:

"Audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants or by independent public accountants who are licensed by a regulatory authority of a State or other political subdivision of the United States."

These audits will apply to several hundred grants (averaging well into six figures) already made or about to be made during the current year. The program is expected to accelerate. Some typical recipients would include settlement houses, youth planning groups and vocational training centers. Grantees are responsible for engaging the auditors. Up to 90 percent of the funds, in each such grant, are Federal. Some grantees are newly created. Others have operated for years. Since the program is in the antipoverty area, all fees to grantees will be closely perused by the agency.

Sargent Shriver, Director of the OEO, has attracted congressional respect during his period as Peace Corps administrator. He brought to Government a good deal of experience acquired in private business and a healthy respect for the skills of accountants. His decision to use independent auditors was based on personal knowledge of their skills, and an unusual awareness of an opportunity for outside accountants to perform a significant public service.

Commenting after the earlier announcement in June Washington Background, Mr. Shriver said: "I am gratified to learn of the accounting profession's awareness of the challenges presented to it by the President's antipoverty program * * *. I am particularly happy to learn of the arrangements that are being planned between the AICPA and the OEO Audit Division, to facilitate appropriate audits of OEO private nonprofit grantees."

Here Mr. Shriver was referring to the then-pending establishment of an AICPA committee on relations with the Office of Economic Opportunity (reporting to a senior committee). Created by President Thomas D. Flynn following the agency's decision to use independent auditors, it is designed to help the agency create an environment in which independent audits can be most effective. Eugene C. Moyer, Washington, D.C., chairman of the committee, has already held preliminary meetings with his committee and with OEO officials, with additional exchanges scheduled as this is written.

The intriguing and challenging responsibility for establishing and maintaining sound financial controls over Federal grants in the OEO program rest primarily on Nathan Cutler, director of audits for OEO, and his underlying professional staff. In this context, Mr. Cutler has also cited the particular importance of independent audits, followed by his own agency's comprehensive review and use of such reports, as a key factor in the community action program.

Two general volumes of instructional guides (both available from OEO) have already been produced, and still others are in process. Some changes will inevitably occur in existing instructions, to reflect changes in the program and to take advantage of added experience.

The agency is also planning use of outside accountants in certain related compliance areas. As background for further decisions, the American Institute has noted a general policy, summarized by the statement that "compliance work should be encouraged, as long as the accountant's area of responsibility is clearly defined, and where the accountant's skills equip him for the task." Chairman Moyer's committee will, of course, discuss all existing and future OEO guidelines as to the independent audit program with Mr. Cutler and his staff, as one of the characteristic functions of AICPA committees working within Federal agency programs involving independent auditors.

Given the clear Federal decision to appropriate money in a massive campaign to stimulate a "war on poverty," and given OEO's decisions as to how and in what ways this money can best achieve statutory objectives, the independent auditor will be significantly involved in helping OEO to see that private nonprofit grant recipients establish and maintain effective accounting.

LYMAN BRYAN.

NELSON'S FIGHT FOR APOSTLE ISLANDS AS NATIONAL RECREATION AREA WINS RECOGNITION

Mr. PROXMIRE. Mr. President, my colleague from Wisconsin, Mr. NELSON, has made a superlative fight to make the Apostle Islands a national recreational area. These beautiful islands lie a scant 450 miles from Chicago, just off Ashland, Wis., in Lake Superior. Lovers of the out of doors will find few places in the world with more delightful, wild beauty.

As the Chicago Tribune wrote just last Sunday:

> They're lonely, beautiful, and only 450 miles from Chicago, the Apostle Islands. There are 22 of them, virtually uninhabited, thick with evergreen and hardwood, alive with deer and bear * * * the islands in the first green of spring, in the cool fullness of summer, or the many-colored radiance of autumn are well worth a visit.

I ask unanimous consent to have the article written by Jeanne Barry and published in Sunday's Chicago Tribune printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APOSTLE ISLANDS: WILD, BEAUTIFUL—LAKE SUPERIOR'S 22 GEMS

(By Jeanne Barry)

BAYFIELD, WIS.—They're lonely, wildly beautiful, and only 450 miles from Chicago: the Apostle Islands. There are 22 of them, virtually uninhabited, thick with evergreen and hardwood, alive with deer and bear. They occupy that part of Lake Superior that lies off Bayfield, at Wisconsin's northernmost tip. Exciting plans are now afoot to make them a national recreational area. Regardless of how that comes out, the islands in the first green of spring, in the cool fullness of summer, or the many-colored radiance of autumn are well worth a visit.

The drive to Bayfield is over superlative toll and freeways (U.S. 51 or Wisconsin 13). As soon as you cross the 45th parallel just north of Wausau, central Wisconsin's rolling green countryside ever so subtly takes on the look of the north. The evergreen, the pines, the spruce, and white birch are grander and more frequent. The air is keener, and there's a just-discernible change in the quality of light. The ribbon of road becomes progressively empty and on either side are the woods—lovely, dark, and deep.

Bayfield, the jumping-off place for the islands, is a jaggedly attractive town of some 980 persons, with steep hills and quiet streets and a breathtaking view of the largest body of fresh water in the world. Any place you stay in Bayfield, in cabins, motels, or an inn, you can see the sparkling waters of Lake Superior. The gull's wheel and the gull's cry are part of each day's delight.

Almost everybody's headquarters seems to be an aging inn and restaurant run by Vic and Irene Greunke. A sign over the door reads "Fishing spoken here," and sets the friendly tone and outdoors quality of the whole region.

Talk centers on the vagaries of the lake and the condition of the fishing (one neophyte went trolling in the bright blue waters, hooked 11 trout and a lifelong affinity for the sport), and the prospects for hunting. The deer season opens in mid-October and lasts for a month. Deer are abundant and bear can be seen.

Besides the sportsmen, the commercial fishermen steam out into the cold, blue water seeking the great whitefish for which the area is famous. A ruinous period for the commercial fishermen began 12 years ago when the lamprey eel slithered from the ocean into Lake Superior and destroyed the trout.

Bayfield's fishing fleet of a couple of hundred boats was reduced to a current 20. However, the fight against the lamprey is bearing fruit, and a kind of wild ecstasy can be detected in Bayfield voices: "The trout's coming back," they say. The commercial catch of this fish is still rigidly limited, but the outlook is optimistic. Mute evidence of what happened can be easily seen. A large dockside building, once a fishery, is marked: For Rent or Sale. And fishing boats with names that sang of high hopes or adventure, or honored a lady, lie askew in a kind of graveyard-by-the-lake, overgrown with sandspit grass and spiky magenta knotweed.

The best way to see the islands is to start with the largest, Madeline, and spend a day or stay overnight. Two small ferries, the *Nichevo* and the *Har Gow*, make the 3-mile run at frequent intervals from the Bayfield docks. Each carry 9 cars and as many as 150 passengers.

Madeline is the only one of the islands with a permanent population. It varies from 1,000 in the summer to 250 in the winter. A visit to the museum at LaPointe on the island will orient the visitor historically. The Chippewa (Ojibway) ranged the island from around 1490 and called it the Island of the Golden Breasted Woodpeckers. Then came the French Voyageurs, the early hunters, trappers, fur traders, loggers, and fishermen. Some place Etienne Brule's visit to Madeline as early as 1618, 2 years before the Pilgrims landed at Plymouth Rock. The museum's mementos include a recent acquisition: a contraband whisky still that was left anonymously one moonlight night on the museum's frame porch. Visitors include old fishermen and loggers, one of whom noted in passing that they only used the big potato masher exhibited when the group was small. "When the camp was really crowded, we'd use somebody's wooden leg," he said.

A drive on the 50 miles of road that crisscross the island reveals startlingly beautiful second growths of pine and hardwood and vista after vista of sparkling water, framed in pine boughs. It's a good idea to park on Hagen Road and wander down to the picturesque cove named after the island's oldest fisherman, John Hagen, who died recently after fishing the waters for 65 years. Time was when he and his brother used to bring in as much as 2,600 pounds of lake trout in a day, and the cove was alive with boats and hungry herring gulls. Today, next to the gone-to-rust gear, are a few wisps of torn net and an occasional loon. Almost everywhere around the island are miles and miles of deserted golden sand. Those of us used to Lake Michigan off Chicago found the clarity of Lake Superior a joy. While its average August temperature is 47, the shoals around the island were warm and delightful to swim in. A word of caution: If you wish to stay overnight on Madeline, reservations are important. There is one hotel and about two dozen cabins sprawled over the 13,000-acre island.

Each of the islands, a few of which are privately owned, has something to recommend it.

Stockton is one of the loveliest, with water-worn caves and extensive beaches. One has sand that sings as you scrunch along it.

The northernmost of the islands is Devil's, and it's only when the lake is calm that the Chippewa visit it. An important Coast Guard station, Devil's Island has felt the full fury of Lake Superior's awesome storms and looks it: Pounding water has battered some of the deepest and most dramatic cave formations to be seen anywhere. In fair weather or foul, the Coast Guard mans the station, flashing a comforting beacon to Duluth or Ashland-bound freighters.

Off Bayfield, the lake is rapidly becoming a favorite with sailors. There's nearly always a fair wind during the day.

You take the Kennedy Expressway to the Northwest Tollway, and that to the Wisconsin line. A freeway carries you to U.S. 51 or Wisconsin 13. The going is easy on either of them.

THE STRANGE TACTICS OF EXTREMISM

Mr. KUCHEL. Mr. President, recently I was asked by the American Political Science Review to comment on an excellent book written by Harry and Bonaro Overstreet entitled "The Strange Tactics of Extremism." As I stated in my review which appeared in the June 1965 issue of the American Political Science Review this is "a needed, perceptive, and readable book." I ask consent that this review be printed in the Record.

There being no objection, the book review was ordered to be printed in the Record, as follows:

Review of "The Strange Tactics of Extremism" by Harry and Bonaro Overstreet

(Reviewed by U.S. Senator Thomas H. Kuchel)

Harry and Bonaro Overstreet's "The Strange Tactics of Extremism" is a needed, perceptive, and readable book. It is a needed book because American society is once again under attack—as it has been at various times in our history—by a small, dedicated handful of zealots, in whose breasts flames the most virulent of hatred, who would advance their own distorted views of public policy and their own thirst for personal power by playing on the fears of, as well as seeking to intimidate, some of their fellow citizens. The know-nothings, the Ku Klux Klan, the Communists, and now the multiple front elements of the radical right: all have had, and some continue to have, their moments on the American scene. Public awareness of their real aims, and an aroused recognition of the danger have meant, and hopefully, will always mean, their sure demise.

It is a perceptive book because the Overstreets are no strangers to the strategies and tactics of those whose anachronistic views of the world about them leads them to jeer at almost anyone who seeks progress in this age of science and space. Three books and years of research on communism and the tactics of Marxism-Leninism provide an excellent background to analyze and explore the tactics of the radical rightist movement.

It is a readable book because the Overstreets are the Overstreets and they seek to communicate their thought and their findings to the many rather than to the select few. They write not merely for the professional students of radical groups but for the laymen in cities and towns across America who, if they are to help preserve our Nation, must be provided with the intellectual tools which will expose the fallacies in the thinking of those on both the far left and the far right.

The Overstreets are biased. So am I, for they believe, as I believe, in the concept of a democracy in a republic. They believe, as I believe, in the values of free and decent discussion. They have faith, as I have faith, that an American people, given the facts, will, in the long run, come to grips with the problem and make the right decision. Most Americans, I think, share this bias. The current problem is: What must we as Americans do to preserve a system of free discussion when it is undermined by radicals on both ends of the political spectrum.

Before one can act with wisdom, one must understand. The Overstreets assist in providing that understanding, as they take you through the labyrinth of ideology and tactics as practiced by Robert Welch and the John Birch Society, Dan Smoot in his report, Carl McIntire and his 20th Century Reformation Hour, Myers G. Lowman and his Circuit Riders, Edgar C. Bundy and his Church League of America, and Billy James Hargis and his Christian Crusade.

Prof. Revilo P. Oliver, associate editor of the John Birch Society magazine, American Opinion, believes, according to the Overstreets, that President John F. Kennedy was assassinated because he was falling behind in "delivering the assigned quota of conspiratorial gains" (p. 239). Is this too far removed from Robert Welch's incredible statement that Dwight D. Eisenhower, the last Republican President, was "a conscious agent of the Communist conspiracy"? Of course not.

The Overstreets note early in the book (p. 17) that both Lenin and Hitler set down their aims and tactics for all the world to see, but few paid attention until acts were committed, and by that time it was almost too late. The Overstreets want us to begin our homework on the radical right now, and note that "the materials we need to read are being published in our midst every day of the week. The problem we have to cope with is that of our own unawareness of the need to learn" (p. 18). They state that while the John Birch Society "is in the American scene, it is not of it: certainly not in the relationship it defines between leader and led" (p. 36). To its leader, Mr. Welch, democracy is "a perennial fraud" (p. 36). As my colleague, Senator Milton Young, Republican, of North Dakota, noted when he revealed some of the activities of the John Birch Society, a high percentage of those whom Mr. Welch attacks are "middle-of-the-road, and even conservative, Republicans" (p. 42).

The Overstreets ask what is the worst that men can say of extremism? Their tentative answer is in accord with the values of Western man which have slowly been attained over the ages and that is that "extremism * * * pronounces a death sentence upon honest communication" (p. 54). They analyze the nature of the extremist communication and skillfully reveal the illogic of its structure and the misleading innuendo which is drawn from the irrelevant fact. In this regard, perhaps the understatement of the book is that "one key to Welch's success is his remarkable power to use the tools of scholarship without letting them cramp his style" (p. 85).

The tactics of the far right are similar to those of the far left: The reading rooms, the periodicals, the radio and TV programs, speakers bureau, all serve to inculcate the faithful; the letter writing and petition passing serve to keep them busy, and the fronts to confuse the opposition and attract the willing dupe. The radical right is against, rather than for something. Thus, they oppose the United Nations, NATO, the income tax, civil rights, the Supreme Court, Radio Free Europe, and the Peace Corps, and so on. They deal in stereotypes rather than problems (p. 123). Perhaps the radical right's basic disservice is, as the authors note, that he treats the term "communism" as a spacious container that can be made to hold all the religious, social, political, and economic attitudes and policies of which he disapproves (p. 191).

The Overstreets correctly make it clear that conservatism should not be equated with radicalism of the right, any more than liberalism should be equated with communism. They note that "at the risk of being repetitious, we would stress again that not everyone who sees danger in the growth of centralized government or who opposes Federal housing and aid to education is thereby proved to be an extremist. What counts is the manner in which these issues are interpreted" (p. 212).

The radical rightist is against any area of agreement between America's two great political parties, he seeks to politicalize every aspect of life as does the totalitarian, he seeks to infect related groups in society and create intolerance to all who oppose his aims, he believes in secrecy, and also in a double standard of conduct (pp. 224–225). The Overstreets urge conservatives to learn what the radical right can do as the liberals were educated to what the radical left could do in the 1930's and 1940's. What is the best way to do this? Ask the radical rightists "to substantiate every charge they make and * * * then (give) the fullest possible publicity * * * to their responses" (p. 249). The authors note that the schools, the PTA's, the mental health movement, and the public libraries have long been particular right-wing targets (pp. 266–267). To protect these institutions from the onslaught of the extremists, and to expose the contradictory nature of extremist beliefs, the Overstreets advocate full and free discussions. They note that labeling the radical right as fascist or anarchic is not only emotional, but incorrect. If any label can be applied to these extremists it is that of anarchic totalitarianism (p. 268). The radical rightist line conclude the authors "is not underwritten by any coherent theory. It is a product of anger, not of thought; of anger, and of a will to be on top of some heap. It expresses a determination to climb up and to pull down" (p. 268).

While noting that the strength of the Nation is in its liberal-conservative or conservative-liberal center, perhaps the authors place too great a stress here and there on the liberal or the conservative in American society. Such labels even though we admit their lack of preciseness connote an emphasis on and commitment to ideology which I do not believe exists. I hope also that the authors will some day undertake a further work dealing with extremism in our society and attempt to determine the causes of the frustrations which have provided the material upon which such groups thrive.

Of particular interest to educators, and a sentiment with which this reviewer concurs, is the Overstreets' admonition to those in charge of our schools that perhaps our young people should have more familiarity with "the great words of our tradition so that they will have, all their lives, the supportive companionship of these words when they need them" (p. 296). The authors are thinking of the Declaration of Independence and the Gettysburg Address. While such a plea might sound corny to some who have devoted their lives to the fine points of analyzing the governmental processes and dealing with the sophisticated methodologies of the behavioral sciences, it is time all of us realized that there is more to government in a free society than the analysis of particular issues or the statistical predictability of particular decisionmakers. There is a spirit of freedom which must be conveyed in terms of our past if we are to keep faith with the future. That is the challenge of the Overstreets, not only to their fellow Americans, but to all who seek, through service and through instruction, to set an example for the young men and women of our land.

The radical reactionary right in the United States poses a danger for our country. It is constantly seeking to undermine faith in government and in public servants. Anyone who disagrees with its fanatical beliefs is in danger of false and venomous attack and abuse. The time for all decent, reasonable citizens to stand up against radicals, left and right, is certainly here. The Overstreets have shown how this stand can be intelligently, responsibly, and patriotically taken.

THE NATION'S CAPITAL AS A REPORTING LABORATORY FOR GRADUATE JOURNALISM STUDENTS

Mr. MANSFIELD. Mr. President, several weeks ago I made reference in the Senate to a program for Washington student correspondents which was being planned at the Medill School of Journalism of Northwestern University. I am delighted to learn that these plans are now complete. Next spring we will welcome to Washington graduate students from the school who will be reporting as accredited correspondents for several small daily newspapers.

This exceptional program will not only give these young journalists a profound experience in the gathering of the news as it is generated in the Capital of the Nation but it will also provide the smaller participating newspapers with working correspondents in this city. The young reporters will have access to the Senate galleries as any other accredited correspondents and they will also cover the White House and Federal agencies.

The student journalists will be under the guidance and supervision of Prof. Neil V. McNeil who has been highly instrumental in arranging for this project which has had such wide acclaim and acceptance in journalistic circles. I should like to congratulate all those who have participated in the planning of this excellent program and to wish the young "Washington Correspondents" a most successful tour of duty here next spring.

Mr. President, I ask unanimous consent that a press release describing the program be included at this point in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

New Journalism Program at Northwestern University To Make Nation's Capital a Reporting Laboratory for Graduate Students

A select number of graduate students in Northwestern University's Medill School of Journalism will become "Washington correspondents" for several smaller daily newspapers in the spring quarter 1966. At the same time they will be earning academic credit toward their master of science in journalism degrees.

The plan to send students to report affairs in Washington, D.C., was announced today by Ira W. Cole, dean of the school. It is believed to be the first of its scope in Washington.

Dean Cole said that Northwestern is instituting this program in an attempt to better educate student journalists about the increasing interconnection between Federal programs and local problems.

"The plan is not intended," Dean Cole added, "to develop Washington correspondents. It can't be done in the time we have nor is it our purpose to do so. Our purpose, instead, is, hopefully, to provide the student with knowledge of programs, plans, people, and places to get information which will be of value to him when he starts reporting 'back home.' "

The students, he said, will act as "regionals" covering Congress, the White House, and Federal agencies with specific attention to the problems and interests of the geographical area of the newspapers they represent.

The cooperating newspapers have agreed to take copy from the student-correspondents who will be on tap to answer queries and cover whatever the paper wants, as well as covering Washington as a "beat" for the papers.

In preparing the experimental program, officials in Washington were contacted to see how it would be received.

President Lyndon B. Johnson, after reviewing the plan, instructed his press secretary to give the project "proper consideration."

Senator Mike Mansfield (Democrat, of Montana), the Senate majority leader, called the proposed program "a fine idea." He added:

"The experience of covering Federal news under professional supervision for actual use should be especially valuable for young journalists. It is one thing to read about 'The news conference,' etc., and another thing entirely to pull information from a reluctant official and prevail upon a reluctant editor to use it.

"This kind of training is essential, it seems to me, in keeping the press as sharp, perceptive, and necessarily cantankerous as it is today. Nothing is more important in the long run to the health of the Nation."

Senator Everett M. Dirksen, the Senate minority leader, said the project as planned seemed to him to have "great merit." "The experience that these young journalism students would have in the Nation's Capital would be invaluable and not only give them the right kind of seasoning but a far better understanding of the operations of Government agencies and those interrelationships between the White House, Congress, and the agencies which is so necessary to intelligently do a reporting job."

Officials of 10 agencies and departments have agreed to cooperate in the program, taking part in seminar-type meetings with the students.

The students also will be able to use the facilities of the House and Senate press galleries. "There was unanimous agreement" among the five members of the committee of Washington correspondents which sets policy for the galleries "that the idea is commendable and that the students taking part should have access to the two galleries," Robert N. Branson, chairman, said.

The National Press Club's board of governors endorsed the plan, William M. Blair, president, said. He added: "We have long sought to find a means of accommodating and even gearing some of our program to students and younger reporters. We are grateful to you for enabling us to make a start."

The students will be supervised by Assistant Prof. Neil V. McNeil, who will be in Washington with the students. McNeil, a former Washington correspondent, said 10 graduate students will be accepted for the Washington work. They will live, work, and study in Washington from mid-March to mid-June.

The project is an outgrowth of class programs developed by the late Prof. David Botter, of Medill, who in the late 1950's and early 1960's, took groups of graduate students to Washington for a week or 10 days' work. Professor Botter, a former Washington correspondent, headed the editorial department of the school until his death 2 years ago.

AMERICAN EDUCATORS VISIT AFRICAN INSTITUTIONS OF HIGHER EDUCATION

Mr. BAYH. Mr. President, it seems to me that ultimate peaceful solution of many international tensions and problems will depend upon the acquisition of increased understanding and knowledge by the peoples of the world. It is especially important that the newly emerging nations develop higher educational systems which will enable them to train their own leaders in science, the arts, politics, education, and other fields.

I was pleased to learn that recently three distinguished American educators, under the sponsorship of the U.S. Department of State and the Great Lakes Colleges Association, visited nine African nations to investigate the possibility of American colleges establishing cooperative programs with African institutions of higher education. Although the official report of this group is not yet available, one of the educators, Dr. William E. Kerstetter, president of DePauw University, Greencastle, Ind., recently made some very interesting comments on his findings during the month-long tour. Especially revealing are President Kerstetter's description of his discussions with Jomo Kenyatta, President of Kenya, and his evaluation of the contributions by the Peace Corps, AID, and other American programs to African education.

Mr. President, I ask unanimous consent that the complete article describing this important visit and containing excerpts from Dr. Kerstetter's remarks be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Greencastle, Ind.—Jomo Kenyatta, incarcerated in 1953 for his connection with Mau Mau activities in Kenya, is president today of the large East African nation where he was held captive over 6 years.

Last month Kenyatta and his government rolled out the red carpet for DePauw University president Dr. William E. Kerstetter and two American colleagues during a 5-day visit there.

Kerstetter and two more Midwestern educational leaders were in Africa throughout August as specialists in higher education for the U.S. State Department.

They visited nine African nations, exploring ways private American colleges and African schools could cooperate in the business of higher education. The trio returned to the United States a week ago.

Minister for Education Peter Mbiyu Koinange accompanied Kerstetter and his party to Kenyatta's country home some 15 miles outside Nairobi. Introduced to the 76-year-old president and his wife, the three Americans and the two African leaders spent the next hour discussing mutual educational needs and directions.

"One of his most fundamental concerns," Kerstetter said, "is that in the present and foreseeable future it is imperative young Africans secure their undergraduate work—where facilities permit it—in African colleges and universities."

"He pointed out to us that the young people's absence, if they go overseas to study then stay for graduate work, may continue for 5 to 8 years. He believes they are exposed to the danger of being separated from their own culture and background to which they may not then return."

Kerstetter quoted Kenyatta as suggesting, on the other hand, that "if they do take their undergraduate work in Africa they by then have matured enough presumably to have roots deep in their own nation and thus go fruitfully to other nations and return as dedicated and competent leaders to their own country which urgently needs them."

American-educated Koinange, whose temporary exclusion from a Kenyan-British constitutional parley in London in 1960 nearly torpedoed the talks, is representative of the high caliber of educational leader coming to the front in Africa, Kerstetter observed.

"I was surprised at the high degree of sophistication and efficiency of African educational leaders, many of whom have been educated in the colleges and universities of America and the United Kingdom. Some of them would be presidents of leading universities in America."

Most African nations recognize a significant difference between Britain and American education to this point, Dr. Kerstetter said, because the United Kingdom has had almost exclusive influence in these emerging nations.

"But," he predicted, "there is a very keen recognition of the American conception of education. Therefore, it looks to me that American influence is becoming very strong at a very rapid pace and has a very important contribution to make to African education."

Dr. Kerstetter spent 3 days in Nigeria. He cited a University of Illinois project as characteristic of the notable work being carried on by American institutions.

"At Njala, Nigeria, Illinois is establishing and developing an impressive agricultural college. Here I discussed the program with a number of able and dedicated specialists from the university faculty who are spending not less than 2 years there each.

"The program is supported by the U.S. Agency for International Development, as are many other educational programs in Africa. I was struck by the almost completely humanitarian aspects of the university's work and commitment there."

The impact of American efforts to assist Africa with its educational problems is being multiplied in a number of ways.

"The Christian missionary movement has, in a sense, been expanded in that the Peace Corps, the Agency for International Development, several foundations and many schools in the United States have undertaken extensive programs in development of educational institutions of many kinds—liberal arts, sciences, agricultural and teachers colleges," the President said.

One African official in an emerging nation confided to Kerstetter that the nation's struggling high school education program would collapse were it not for the Peace Corps. Everywhere, in fact, Kerstetter said he found lavish praise, gratitude, and good will for the Peace Corps program.

"Yet, with these manifold efforts, there is an urgent need for lightning-like progress in these developing nations so that if possible almost overnight they can meet the demands of international life in the modern world," the President said.

The trio's itinerary, arranged by the State Department, hopscotched the three educators across Sierre Leone, Liberia, Nigeria, Ethiopia, Kenya, Uganda, Malawi, Egypt, and Tanzania.

Their wrapup reports will go to the State Department and the Great Lakes Colleges Association which is comprised of a dozen private Midwestern colleges. Practical application may come at DePauw which is in the process of developing an African Studies Center.

AN OFFICIAL RESIDENCE FOR THE VICE PRESIDENT

Mr. SMATHERS. Mr. President, national interest in efforts to provide an official home for the Vice President of the United States recently prompted Bert Collier, an editorial writer for the Miami Herald, to look into history and report on the changing role of the office of Vice President.

Mr. Collier's article, published in the September 20 edition of the Miami Herald, gives in a brief space some interesting capsule commentary on the Vice-Presidency.

I ask unanimous consent that the article by Bert Collier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN UPGRADING FOR THE VICE-PRESIDENCY—AND IN THE PAST, IT'S BEEN A REAL NEED

(By Bert Collier)

The efforts of Senator GEORGE SMATHERS to provide an official residence for the Vice President have stirred considerable interest. The Florida Senator says it has attracted more comment than anything he has proposed in some time.

As explained at a public hearing last week, the bill would make the present quarters of the Chief of Naval Operations, on the grounds of the Naval Observatory, the No. 2 White House.

This is an attractive Victorian mansion of 33 rooms and spacious grounds on Massachusetts Avenue, in the heart of Washington's Embassy Row.

It is fully adequate for official functions and it has the immense advantage of being available for immediate occupancy, without great expense and/or costly studies and construction.

Senator SMATHERS' purpose is to upgrade the office of Vice President and recognize its growing importance.

He is not the first to try this. Both President Coolidge and President Eisenhower recommended official quarters for the Vice President and almost a score of bills have been offered over the years. All of these, calling for surveys and preliminary planning, died without action.

The dignity of an official residence, with a permanent staff and a gradual accumulation of tradition, as Senator SMATHERS sees it, would help give the office the status intended by the Founding Fathers.

It had that status in the beginning. The first two Vice Presidents stepped up to the Presidency and both John Adams and Thomas Jefferson performed brilliantly in both jobs. It is ironic that the office began its slide into the shadows under Thomas Jefferson, who well understood its importance.

After the eclipse of Aaron Burr, Jefferson accepted George Clinton of New York for this position. Vice President Clinton was so inept he plunged the Senate into parliamentary snarls when he presided. He once asked Senators to let him know in advance when they intended to make long speeches so he could remain cozily by the fire in the Senate cloakroom.

Clinton, who carried over to the Madison administration, didn't even bother to show up at his second inauguration.

Andrew Jackson's first Vice President was Richard Menton Thompson, who wore flaming red vests and claimed to have killed Tecumseh. The Senate doorkeeper called him "the most vulgar man of all the vulgar men in the world." He had three slave mistresses and after retiring from office became an innkeeper.

Six men wanted to be Vice President under President Grant and a contemporary politician called them "a very common lot." The job went to "Smiler" Schuyler Colfax who quickly got involved in the Credit Mobilier scandal. Revealed as a stockholder in that incredible confidence scheme, Colfax said he bought the shares with a $1,000 bill he found one day by the side of his breakfast plate.

Grant's second try was Henry Wilson, who began life as Jeremiah J. Colbaith and for some unknown reason changed his name. He went to North Carolina as a carpetbagger and organized former slaves as "Heroes of America." This Vice President, too, was enmeshed in Credit Mobilier.

When Rutherford B. Hayes was informed the GOP convention had picked William Almon Wheeler to be his running mate, the future President exclaimed, "Who in the world is he?"

Chester Alan Arthur, who became President when Garfield was assassinated, was a protege of Roscoe Conkling, political boss of New York. Arthur ran his errands like an office boy. But when they fell out, Conkling charged that he "enjoyed nocturnal conferences at which decanters were frequently emptied."

The Vice-Presidency began an upward turn when Grover Cleveland tapped Adlai Ewing Stevenson, grandfather of our late envoy to the United Nations. It continued upward through Garret Augustus Hobart, who was McKinley's assistant President, and the dynamic Teddy Roosevelt.

There was a setback under Wilson when Thomas R. Marshall wasn't even told how sick the President was during his long illness.

But a Nixon, a Johnson, and a HUMPHREY have given the office new dimensions and it is not likely to fade again.

Senator SMATHERS told his colleagues last week he is tired of the stale old jokes and wants to see the Vice President recognized as the "deputy President in every sense of the word."

His bill is a good start in that direction.

LIONS IN ALASKA

Mr. BARTLETT. Mr. President, Port Lions might seem to be a strange name for a town on Kodiak Island, many thousands of miles distant from the home of the king of the beasts.

But the people of the village had good reason for selecting that name, for to them, members of Lions Clubs throughout the Nation are kings among men.

Residents of Port Lions used to live at Afognak, on an island of the same name adjacent to Kodiak. On March 27, 1964, the village was first crushed with tons of water and then smashed by debris sucked seaward by retreating waves. The pattern was repeated three times.

When the sea, churned into a fury of awful proportion by the great earthquake, had spent its energy, the villagers returned to their homes from high hills behind the town. Only 15 of 38 homes were still usable.

Then came the job of digging out and the agonizing decision to rebuild or relocate.

Federal help was available for rebuilding, but not for moving to a new and safer site.

By this time another type of flood was reaching officers of the Anchorage Lions Club—offers to help from fellow Lions across the Nation.

It was decided to make the relocation of Afognak a Lions' project.

The result is Port Lions, a modern village of new homes, public utilities, boat facilities, a school, and a church.

The Lions did not do it all by themselves. Many organizations, Federal agencies, and individuals, including the industrious villagers, took part. The list is too long to credit here all who did help, but special mention should be made of the Salvation Army, the Mennonite Disaster Service, the U.S. Navy, the Bureau of Indian Affairs, the Federal Housing Administration, and the Public Health Service.

At a time when we hear a lot of talk about man's inhumanity to man, their assistance stands out as a shining example of man's concern for his fellow man.

Herb Hilscher, a member of the Anchorage Lions Club, has written an excellent article about Port Lions in the October 1965 edition of Pageant magazine.

I was honored last week to have presented to me a bound copy of this issue of Pageant by Don Berry. Mr. Berry is one of 26 directors of Lions International. He was here from his home at Juneau, Alaska, for the meeting of the international board, which was climaxed by the Lions International banquet last Friday evening.

Mr. President, I ask unanimous consent that the Pageant article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOWN ON THE BRINK OF EXTINCTION—HOW 723,000 LIONS SAVED AFOGNAK

(By Herb Hilscher)

If you think that the milk of human kindness has run dry, visit Port Lions, Alaska. Here you can have your faith in your fellow man renewed.

With deep emotion, Harry Knagin, 40-year-old chairman of the village council, explains it this way:

"For many years we had lived a quiet, uneventful life in the little town of Afognak—just as the generations before us had lived.

"Then disaster struck—last year's Good Friday earthquake and tidal waves—and our whole way of life was wiped out, along with most of our homes. We were stunned, bewildered. We didn't know where to turn.

"A few days later Providence, in the guise of 23 Lions Club members from Anchorage, arrived in a snowstorm. They told our council that they wanted to build us a new town—new homes, everything. And they would pay for it.

"We learned that afternoon that many of these Lions had lost their own homes or had suffered great damage to their businesses. Yet they wanted to help us—people they didn't even know.

"After the Lions had left, my wife and I walked back to our temporary quarters," Knagin says. "We just stood there. I saw her not too clearly. I was having trouble with my eyes. Then it occurred to both of us at the same moment.

"We lighted new candles in front of our family icon of the Virgin Mother and Child hanging on the wall. We crossed ourselves three times. Then somehow we felt better. Our voices came back to us. We were very thankful for the good people God had put into this world."

The Knagins and other villagers were thankful then, but they are even more thankful today. Their new town is a reality—the bustling, growing community of Port Lions, a planned village of 40 homes.

I was privileged to visit this new community, and as I walked up and down the well-designed streets, I felt proud to be a member of the Anchorage Lions Club that had helped to get this project underway.

Surveyors were completing their sights and driving beribboned stakes for the new $200,000 school that would overlook the village and the fishing boats moored in the harbor. Backhoes were noisily digging trenches for the town's water system. Crews of workmen were hooking up pole lines and cables for the power grid of the village. Dynamite blasts reverberated from the other side of town where sewer lines and a treatment plant were being put underground. On Hillside Drive volunteer workmen were framing in the Russian Orthodox Church, which will be a replica of the beloved, onion-domed church at Afognak, which was destroyed by the earthquake.

Some 40 sacred icons and holy pictures were rescued from the old Afognak church, and these temporarily adorn a one-bedroom home next to the church. Serge Sheratine, the 72-year-old white-haired lay reader, chants services here on Saturday nights, on Sunday mornings, and on holy days—just as he has been doing for the past 16 years.

Everything is brand new in Port Lions, whereas everything in Afognak had been old. That ancient settlement lay about 12 nautical miles across an arm of the Pacific Ocean, facing the open sea. It was built there generations ago behind a dangerous, roaring reef and stretched for nearly 6 miles along the beachline. At one time more than a thousand Aleuts lived there. But in recent years the young people did not return to the old village after schooling elsewhere. They moved to towns in Alaska that offered more excitement. The remaining 178 residents of Afognak lived quietly in their small cabins and frame houses, depending mostly on fishing for their income.

Then came the quake. It began at 5:36 p.m. on March 27, 1964. For 4½ minutes the earth convulsed. Then the sea drew away from the land, leaving the reefs bare. The ocean floor was without water for 2 miles. The fishermen of Afognak knew what that meant. A tidal wave. How far it would sweep ashore, no one knew.

Frightened mothers wrapped their children in their warmest clothes. Grabbing blankets, tossing food into boxes, piling their possessions into cars and trucks, the citizens of Afognak set off for the mountains behind the village.

The first tidal wave came in successive 3-foot rollers. In less than an hour the highest tide marker was under water. In a rampaging torrent rollers crossed the road, smashed homes, crashed into the lagoon and the lowlands. Before it spent its fury, the ocean surged 6 feet deep over the land.

Suddenly the ocean reversed itself and became a monstrous suction pump. What the waves had not destroyed, the retreating sea and debris obliterated en route back to the broad expanse of the Pacific.

Two hours later the second tidal wave came—in rollers like the first. It leveled off at more than 9 feet above high-water mark. The third and largest wave—more than 12 feet high—crashed ashore shortly before midnight.

Most of the people of Afognak stayed in the mountains for 3 days, huddled in the snow and cold, waiting fearfully for even more gigantic waves. On the radio they learned that Kodiak had been virtually swept clean and that Valdez and Seward had fared little better. The land mass of their part of Alaska had sunk from 6 to 7 feet into the sea.

When the villagers finally returned to the beach, they found that 23 of their 38 homes were totally destroyed or uninhabitable.

While the homeless moved in with relatives or friends and started digging through mud, snow, and debris for salvageable articles and possessions, the Afognak village council met to decide what could be done to rebuild the town.

The council soon found itself enmeshed in redtape. Government agencies, the villagers were informed, could only rehabilitate the homes that were destroyed or damaged. Federal agencies could not move the population of an entire village to a safe location as long as portions of the village were still habitable.

As soon as word of the quake and tidal waves reached the outside world, offers of assistance to earthquake victims poured in from all over the United States. Communications from Lions Clubs asked which specific towns they could aid.

"The hearts of people everywhere opened up to Alaska," said Ross Wood of Anchorage, Lions governor of district 49. "Telephone calls and telegrams came to me around the clock. Everyone offered help."

Wood met with the Governor of Alaska and various public service agencies.

"Where can we be of most help?" Wood asked. "We have offers of money, men, and materials, but we don't know where to start."

Out of these meetings came the answer, Afognak.

With the help of their own Alaskan members, assistance from outside Lions Clubs, and skilled community planners from the Bureau of Indian Affairs, FHA, the Public Health Service, and the Salvation Army, the Lions Club decided that Afognak's entire population could be moved and a new town built for them.

Then the 23 Lions flew to Afognak to present their plan to the village council.

The villagers realized it would mean abandoning their village graveyard, their history and heritage, and starting tradition anew.

But it would also mean that they would live in a modern village, with a master plan for power, sanitation, and water system, a new school, airstrip, facilities that they had never had.

"There wasn't a dry eye at the meeting when the citizens unanimously accepted our offer," Wood related. "For some of the old-timers we could see it was a heartrending decision."

A site on high ground at Settler's Cove on Kodiak Island, 12 miles from Afognak, was chosen for the new village. It had a southern exposure, good drainage, a sheltered harbor, a sizable stream, good tall timber, and protection from heavy storms.

The grateful townspeople voted to name the new town Port Lions.

Building a new community far off in western Alaska posed many problems. Lumber, windows, bathtubs, water heaters, furnaces, insulation, nails, wiring, sewer pipes—all were at least 1,500 miles away. Lions International put out a call for materials, fittings, furniture, and equipment to build a village of 40 homes. The response was tremendous.

Tents, utensils, and equipment came on loan for the construction camp. U.S. Navy vessels at Kodiak brought over heavy equipment. The Salvation Army furnished hard hats. And a crew of nine carpenters and helpers from the Mennonite Disaster Service arrived from Canada, Ohio, and Iowa. The Lions paid their air fare to Alaska.

Until the homes at Port Lions were ready for occupancy, the Mennonites gave almost $400,000 in labor time toward building the new village. Every 2 weeks a new group of Mennonite volunteers came to Alaska to help in the project.

Afognak fishermen had always made the bulk of their yearly income in July and August, fishing for salmon and king crab. After the quake canneries and the nearby king crab plant at Port Wakefield came to the rescue. Lowell Wakefield, who has hired two generations of Afognak residents, told them, "Any resident of Port Lions who wants to work has a job waiting at Port Wakefield."

While some fished, others worked on the new village. They labored around the clock until they could no longer stand, and then slept in utter exhaustion. They worked through the rainy fall and into winter.

Early in December, in snowy, blustery weather, the Alaska Command of the Salvation Army spent $8,400 to hire barges to move all the Afognak villagers' possessions from the old site to the new Port Lions—and 40 families moved into their new homes. On December 11, 1964, dedication ceremonies were held in the community hall, with Orthodox services chanted by Serge Sheratine.

When the townsite was chosen, lot locations had been drawn out of a hat, and each family was given several house plans to choose from, according to the needs and the size of the family. A four-bedroom family home contained 1,056 square feet, a bachelor's home 480 feet. But the bachelor's establishment was so designed that, if he married, additional units could be added.

Although none of the homes were completely finished when the families moved in, all were livable. Since only two homes at Afognak had had inside plumbing, bathroom fixtures, colored bathtubs, and toilets were a new experience. Residents immediately ordered interior paneling, storm doors, weather stripping, furniture, Bibles, and encyclopedias.

Living in a new community with so much yet to be done has put new life into the residents. "As long as construction lasts, every boy in town can have a job as a helper," Harry Knagin says. "We've been fortunate that our two schoolteachers, Rex Roby and Art Hamilton, have trained the youngsters so well and have given them an incentive to work and make something of themselves."

The most active group in town is the Port Lions 4–H Club. The girls carry out projects in photography, sewing, cooking, and handcraft, and the boys are now carving house numbers for the homes in Port Lions. This is bringing them club spending money, and they are anxious for more customers. A busy entrepreneur is 12-year-old Janice Nelson, who is making a nest egg for college by baking homemade bread for the village residents.

Are there any complaints in the new village? The Honda motor bike crowd (there are 10 of these chariots in town and more on the way) complain that the 2-mile road to the new airport gets mighty tiresome as the only speedway to burn up gas and tires. And Bill Anderson, a 47-year-old bachelor who lives in the last house on Hillside Drive and Birch Street, can't get used to the long distances. "My house is more than 1,000 feet from the harbor where I anchor my fishing boat," Bill says wryly. "I've never walked that far in my life. I'm going to have to get me a motorcycle or a truck."

The 39 kids presently in school in Port Lions want a popcorn stand or a soda fountain. But they'll have to wait, the city fathers say. Grading the streets and putting up mercury vapor lights seem more important.

In the meantime, Mrs. Mullen's new general store and grocery will handle everything from disposable diapers to ax handles—just as the old store did in Afognak. And, if tradition holds, it will be the only store in town for some time to come.

Another tradition has been continued in the new village: Port Lions does not have a jail. Somehow Afognak never required one, and the Port Lions village council is not going to provide such a luxury until its need has been established.

The villagers are proud of their new town. They take pride in their spic-and-span homes—the first new homes most of them ever had. They take pride in their new church, school, and airport.

Mrs. Oscar Ellison, who operates the local radio transmitter for airplane dispatch to Kodiak, and whose husband was the village council chairman at Afognak, has her own philosophy about what happened.

She was calling Kodiak to send a plane for me when she said, "You know, the Lord takes away and the Lord gives. We thought we could never survive the Afognak disaster. But thanks to the thousands and thousands of good people the Lord put into this world, Port Lions is a living example of the warmth and capacity of the human heart."

WHITHER STATE GOVERNMENT: RESPONSIBILITY OR OBLIVION?

Mr. KUCHEL. Mr. President, I have long been concerned regarding the responsibilities carried out by our State governments. Earlier in my public service, I was honored to be a member of each house of the California Legislature, and, after the Second World War, State controller. If the careful balance between Federal and State relations and the principle of federalism is to survive in the United States, each of the 50 States of this land must be concerned not merely with States rights, but with States responsibilities. Recently the Los Angeles County Bar Association asked for my views on this question and I was happy to comply. They appear in the October 1965 issue of the Los Angeles Bar Bulletin. I ask consent that the article which I submitted be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITHER STATE GOVERNMENT: RESPONSIBILITY OR OBLIVION?

(By THOMAS H. KUCHEL, U.S. Senator)

At the outset of the Godkin Lectures at Harvard University in 1962, Nelson Rockefeller noted Harold Laski's remarks concerning the future of American federalism. Professor Laski's comments, made in 1939, the New York Governor said, all but consigned the "Federal principle" to the proverbial "junkpile." Rockefeller concluded that "it has become clear that the true source of decisions is no longer at the circumference, but at the center of the State."

Certainly, in taking a look at the past 25 years, it is a fact that the Federal Government has assumed more and more of the responsibility for those programs that the States could not financially support, or were reluctant to pursue.

Nonetheless, State budgets have doubled and tripled in an effort to keep up with the demands of a growing urban population; and some States, in fact, have shown the way to the Federal Government by launching ambitious State-run and State-financed public service programs. But the prophets of the coming downfall of the States are still with us.

Ferdinand Lundberg, in his work, "The Coming World Transformation," remarked:

"The general change in this system is going to be one from federalism to a unitary government, with power that is now local, regional, and particularly concentrated increasingly and finally, definitely in the Central Government. In view of the American bias against big and concentrated government such a prediction may seem farfetched. But it will be under the repeated pressure of crises of various kinds, arising from social, economic, and foreign policy problems, that the mood may confidently be expected to change. Such crises will relate to unemployment, one-sided educational opportunities, family disintegration, overpopulation, minority persecutions, medical care, housing, uncontrolled crime, and other problems."[1]

U.S. News & World Report echoed similar sentiments in a recent issue:

"States of the United States, once recognized as independent in most matters, at this time find themselves nearing the end of the road as political entities able to set their own courses.

"Individual States, in effect, are found to be going the way counties went in an earlier period. States find themselves becoming chiefly agencies for administration of national highway, school and welfare programs rather than policy-shaping entities.

"States find that the Federal system in which a national government of limited power would cooperate with States of broad power is changed. More and more it's an all-powerful Central Government in which State power is narrowly limited."[2]

Even such a presumedly "conservative" columnist, as David Lawrence, said in his column of August 3, 1965, that "the real answer may come through a system of regional governments by which the entire State and local structures of taxation would be reconstituted, reserving to the Federal Government certain fields, with specified categories left to the local governments."[3]

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[1] New York, Doubleday & Co., 1963, p. 167.

[2] "End of Road in Sight for the States?" U.S. News & World Report (Washington, D.C.) Mar. 29, 1965, p. 41.

Mr. Lawrence makes his startling suggestion, not to strengthen the central government, but to cope with already increasing centralization and what he believes to be the ineffectiveness of State governments in carrying out their functions because of the diversity of resources upon which they can draw.

Clearly, this type of criticism cannot be dismissed simply as the isolated opinion of a small segment of the intellectual community. These arguments too often have some validity; and it is important, if we are to preserve and strengthen the Federal concept, that a concrete and logical defense of the "shared sovereignty" and "dual responsibility" theories of government be implemented without delay.

It is not enough to stand still and cry for the preservation of States rights. These can only be meaningful if they are permanently married to the concept of State responsibility. And unless the States are willing to meet this responsibility, it is clear that the Federal Government and/or the local governments will continue to play an increasingly expanding role in the Federal system.

Governor Rockefeller makes this point in commenting:

"For if the States ignore or evade their responsibility to act * * * there will be alternative [recourse] to direct Federal-local action. If State inaction creates a vacuum, the Federal Government, under the pressure of public opinion, will fill it. Even without State inaction, however, there is ever-present danger of direct Federal-local action bypassing the States. And any such tendency would be a giant step toward unitary, monolithic government."[4]

The danger, then, to federalism is identified. The question remains—are the States combating the danger; and if not, what are the difficulties?

Part of the problem faced by the States today is the changing character of the world. Modern developments in science and technology, and improved methods of communication and transportation have contributed to reducing markedly the size of the world. Distance becomes less important; and under these circumstances, government is compelled to function in larger units than was formerly necessary.

Because of this technological contraction of the world, it becomes increasingly difficult to deal with problems on the basis of fragmented solutions. Roads are a good example of this phenomenon. California has been a leader in building and maintaining an excellent system of State highways. But with the demand for a connecting system of transcontinental interstate thoroughfares, it is obvious that the Federal Government must step into the picture and provide the planning and finance for a comprehensive national road system, representing a national interest.

Public health is another area where the State was once the dominant Government agency. But here, again, centralization has effected a change. William Riker discusses this in his book on federalism.

"Every locality has its public health officers; but the crucial programs seem to be in the hands of the National Government. Owing to the explosion of medical knowledge in the last century, public health has become a concern of all levels of government. Initially, local and State governments undertook to report deaths and to regulate the response to epidemics, e.g., vaccination and isolation.

"Later, as the facts of disease transmission were recognized, pure food and drug statutes were passed by most governments, including the Federal. Since national markets existed for most foods and drugs, Federal supervision of these matters largely superseded State supervision. As industrial diseases and hazards were recognized, safety programs were established to deal with them; and since most of the industries were national (e.g., mining), so were the safety and health programs. As drug manufacturing came to be recognized as a major health factor, inspection and supervision programs were established, chiefly under Federal agencies since the drug market, too, is national in nature."[5]

"SHARED RESPONSIBILITY" THEORY TAXED

The States, then have been confronted with the increasing pressures of a complex and changing world. Often, this pressure has imposed a burden on the equilibrium of the "shared responsibility" concept that is at the heart of the Federal structure in this country. This burden is not the fault of the States, nor is it the fault of the National Government. It is simply a trend that has existed and will continue to do so in the future.

The important question is, are the States adjusting to, and compensating for, this trend? To date, most of the States have not answered this question satisfactorily. It is one thing to recognize a changing world, but it is quite another thing to be ready to change with the world.

To begin with, most of the States have been painfully slow to revise obsolete and outdated State constitutions. Even if a State has demonstrated a desire to meet its public service responsibilities, it cannot hope to perform these functions efficiently while operating under an outmoded constitution. Too often, State executive power is fragmented by impossible constitutional limitations. Other State operations are bogged down in a similar dilemma that results in a low-level response to growing State problems. Prof. John J. Flynn of the University of Utah College of Law comments:

"Most State constitutions are relics of the era of popular mistrust and hostility toward government * * *. Executive power is fragmented among several popularly elected officials with the result that affirmative executive action is impossible. In fact, one may question whether most States have a 'chief executive' at all, since most State constitutions vest an individual with the title of 'Governor' but with little or no power to carry out the responsibilities the popular mind attributes to that title.

"Attempts to analyze the crippling provisions of State constitutions that render the fulfillment of State responsibilities impossible would be endless. State constitutional provisions governing the judiciary, elections, apportionment, taxing and finance, State administrative agencies, corporations, local government, and an infinite number of other basic fields of State government read like the statutes of the latter part of the 19th century rather than the constitution of a modern and viable State government."[6]

Another problem that only a few of the States have been willing to tackle is in the area of tax reform. Contrary to popular conception, State expenditures rose from 12 percent of the gross national product in 1956 to more than 14 percent in 1962. During the same period, the Federal share remained steady at 16 percent.

The reasons behind this increase in State expenditures are not difficult to define. In the past few years the States have had to bear the brunt of the population explosion—an explosion which has called for drastic increases in the cost of State-sponsored education, welfare, and health facilities. The problem of finding means to finance these expanding State responsibilities has been severely complicated by the refusal of many of the States to update their tax systems. California is no exception. Tax reform is a priority in the Nation's largest State. Some interesting facts concerning California's present tax structure are revealed in a study made by the California Assembly's Interim Committee on Revenue and Taxation:

"California's rate of population growth has been three times the average of other States. Our growth of roughly 60 percent between 1950 and 1962 compares with 19.6 percent in the 47 other States, 18.1 percent in the other industrial States taken together, and 16.7 percent in New York, the only other State of comparable size today.

"As a result of this population boom, it would be reasonable to assume a similar trend in comparative State tax burden as between California and these other States. This has not been the case.

"According to the Census Bureau data, the increase in California's State tax burden between fiscal 1951 and fiscal 1962 was 6.1 percent. This compares with an all-State average of 26.3 percent, an industrial State average of 33.9 percent, and an increase of 47.2 percent in New York, where it can be reasoned that, except for growth, the problems of State government are of a magnitude similar to those in California."[7]

We know from this kind of study that California's tax system urgently requires a complete overhaul. But we are still faced with the question of how to juggle the tax structure to meet sufficiently the responsibilities of California while maintaining equitable assessments for all levels of the population. This is never an easy problem to deal with; but whatever workable formula is finally achieved, we, in California, must insure that the tax climate will continue to encourage future industrial development.

California and her sister States must begin to take a more realistic look at their fiscal position. In the past decade, the growing burden of public service programs on the State and local level have resulted in an increase in State and local expenditures of 128 percent. This desperate need for additional money has been further complicated by a limited tax base; and of course, by the reluctance of the States to grapple with the problem of fiscal reform.

GRANTS-IN-AID CONCEPT

Some relief has come in the form of Federal grants-in-aid programs. Most of these programs have been properly administered. Some have been abused, but the fact is that the grant-in-aid concept has been largely responsible for strengthening the delicate balance of shared sovereignty that is at the core of the Federal system. Governor Rockefeller supports this noting:

"One of the major factors in preserving the balance in the Federal system—and averting the growth of arbitrary central authority, while meeting essential social and economic needs requiring Federal participation—has been the Federal program of grants-in-aid to the States.

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[3] Lawrence, David. "A New Regional Administration System," New York Herald Tribune, Aug. 3, 1965.

[4] Rockefeller, Nelson A. "The Future of Federalism," Cambridge, Harvard University Press, 1962, pp. 42–43.

[5] Riker, William H. "Federalism: Origin, Operation, Significance." Boston, Little, Brown & Co., 1964, p. 80.

[6] Flynn, John J. "The Crisis of Federalism: Who Is Responsible?" American Bar Association Journal, March 1965, vol. 51, pp. 231–232.

[7] California Assembly Interim Committee on Revenue and Taxation. California's Tax Structure: 1964. January 1964, vol. 4, No. 8, pp. 25–26.

"Rather than promote arbitrary central authority, the grant-in-aid has served to strengthen the weaker States fiscally, to equalize opportunity for participation in social programs, and to establish certain minimum standards of performance. A State like Wyoming draws almost one-third of its budget from such grants. The comparable figure for New York State is barely 8 percent."[8]

It is clear that Federal financial support to the States will continue in the future. Exactly how that support will be manifested is a question now under careful study.

One interesting proposal recently suggested by Mr. Walter W. Heller, the former chairman of the Council of Economic Advisors, would make direct Federal payments to the States with little or no strings attached. This is a revolutionary approach, but it is one that certainly deserves competent study. Some factors favorable to such a program are expressed in a recent article by Alan K. Campbell:

"The program is designed to take advantage of the superior revenue base of the National Government. The factors which lead to this recommendation include the rapidly growing tax burden in the State and local parts of the governmental system, the superior and more progressive tax system of the National Government, recognition of the growing interdependence of the American governmental system, and the fiscal policy needs of the National Government."[9]

But we are forced to return to the fact, that Federal aid to the States, in a form such as the Heller proposal, would not correct the basic problem of State finances. Rather, such an approach may only serve to delay the need for the States to push ahead with comprehensive programs of fiscal reform. At the same time, this failure of the States to find a fair means of financing reflects their equally stubborn reluctance to modernize their State constitutions, and ultimately, their entire governmental structure.

Another area where the States have not always fully met their responsibilities is that of State legislative apportionment. On June 15, 1964, the Supreme Court of the United States handed down six decisions dealing with reapportionment in as many States. The first case, *Reynolds* v. *Sims*[10] promulgated a rule for apportioning all State legislatures:

"* * * we necessarily hold that the equal protection clause requires both houses of a State legislature to be apportioned on a population basis."[11]

This decision, too, righted a wrong. Since 1900, the Alabama Legislature, based under its own State constitution on a population basis in both houses, had failed to reapportion itself. In this instance I do not believe the Supreme Court had any choice but to apply the principle of one man, one vote in accordance with the equal protection clause of the 14th amendment to the Constitution. The legislature's failure to act in terms of the constitutional mandate of its own citizens was inexcusable.

In *Lucas* v. *Forty-fourth General Assembly of Colorado*[12] decided the same day, the Supreme Court applied the one-man, one-vote principle to an apportionment which had been approved by a majority of the people of Colorado who voted in a statewide referendum. Students of constitutional law can argue that the Court, under these circumstances, did not have to reach the same result. But it did, and one can argue that a constitutional vacuum did clearly exist since that greater charter failed to specify the representational relationship which should exist between the citizens of a State and their State legislature.

ONE MAN, ONE VOTE VERSUS MAJORITY RULE

The heart of this issue is not what type of reapportionment but what type of representation is desired at the State level. In the discussions on this issue there has been a great deal of confusion between one man, one vote and majority rule, and between both and effective representation for our citizens under the equal protection clause. Mr. Justice Stewart, for example, in dissenting in *Lucas* v. *The Forty-fourth General Assembly of the State of Colorado* notes that representative government is:

"A process of accommodating group interest through democratic institutional arrangements. Appropriate legislative apportionment, therefore, should ideally be designed to insure effective representation in the State's legislature * * * of the various groups and interests making up the electorate."[13]

That is a reasonable and realistic position in accord with some of the best thinking of modern political science. Certainly in many States, as was true in Colorado, there are distinct regions and interests based on economics or geography which do not lend themselves to a strict "one-man, one-vote" rule.

Grouping people as mere census statistics does not solve the representation problem. Almost all American legislators at the local, State, and Federal levels are elected in the single-member district where the winner takes all. Certainly, it is just as possible in a State where there is vigorous two-party competition as in a State which is "safe" for one party to deprive members of the losing party of "one man, one vote" in the sense of representation.

Perhaps only proportional representation—which I do not advocate for other reasons—would resolve this issue in a realistic way. "One man, one vote" certainly does not.

The objective of the so-called Dirksen reapportionment proposal which I coauthored was to guarantee that when a majority of voters of any State, by a "one-man, one-vote" expression, have so declared, one house of their State legislature—and only one—may reflect factors other than population. (I might add that the language of the proposed amendment specifically limited these factors to "population, geography, or political subdivisions.") Should the voters reject such a plan, both houses would be apportioned on a strict population basis. Further, if the current legislature chooses not to submit such a plan, strict population apportionment will automatically prevail in each chamber. On August 4, 1965, in the Senate that proposal, although attaining well over a majority, failed by a vote of 57 to 39 to secure the two-thirds vote necessary for submission of a constitutional amendment. Senator DIRKSEN has now submitted a slightly revised version which conceivably will be considered later in this session or early in the next.

Regardless of action by Congress and the States on the Dirksen amendment, I do not foresee any "massive retreat" from the advances made for better urban representation under the sundry court decisions. There is no doubt in my mind but that the Dirksen amendment, if added to the Constitution, would be implemented only in those States where the need for balanced representation is so great as to transcend party and factional interests.

I have long been impressed with the wisdom uttered by Justice Brandeis when he dissented in *New York Ice Co.* v. *Liebmann:*

"To stay experimentation in things social and economic is a grave responsibility. Denial of the right to experiment may be fraught with serious consequences to the Nation. It is one of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country. This Court has the power to prevent an experiment. We may strike down the statute which embodies it on the ground that, in our opinion, the measure is arbitrary, capricious or unreasonable. We have power to do this, because the due process clause has been held by the Court applicable to matters of substantive law as well as to matters of procedure. But in the exercise of this high power, we must be ever on our guard, lest we erect our prejudices into legal principles. If we would guide by the light of reason, we must let our minds be bold."[14]

STATE EXPERIMENTAL LABORATORY

Both in governmental organization and in the policies which it seeks to carry out, a State should have the opportunity, if its people so desire, to serve as a laboratory and to experiment with the relationship between the elected and the electorate which might best fit its needs. Thus, Congress has a duty to render a decision on basic policy by submitting a constitutional amendment dealing with apportionment to permit the people in each State to decide on a continuing basis what form of legislative representation they desire. The people may, if they desire, choose the criterion of "one man, one vote." It is possible that because of overriding historic, geographic, economic, and other factors in their State, that they would wish to select a system of apportionment which adequately takes such factors into account. But let the choice be the people's provided, of course, that the system selected does not violate other constitutional and statutory guarantees such as those prohibiting discrimination because of race, color, religion, national origin, or sex, among others. Any reapportionment provision of the Constitution, must, of course, continue to be subject to judicial review in its use by the people of the several States as to reasonableness and as to fidelity with constitutional guarantees.

The basic choice is: Will we let the people decide? My answer is that we should, and I hope before too long, we will.

We have been discussing here some of the problems the States have had to face. We have seen that some of the States have not always met these problems with the proper response. But this is not to say that these problems cannot be tackled in the future. The fact is that the survival of the Federal concept depends on just how effectively the States meet their responsibilities in the coming decade. It is encouraging to know that today there is evidence that the job can be done.

In Michigan, Governor Romney was instrumental in the adoption of a new and modern State constitution. The Governor discussed some of the factors which helped mold that new constitution in an article in the National Civic Review:

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[8] Rockefeller, op. cit., pp. 43–44.

[9] Campbell, Alan K. National-State-Local Systems of Government and Intergovernmental Aid. The Annals, May 1965, p. 98.

[10] 377 U.S. 533.

[11] Id. at 576.

[12] Id. at 713.

[13] Id. at 749.

[14] 285 U.S. 262 (1932).

"I have no doubt that Michigan would still have its horse-and-buggy constitution if it were not for our political and financial crisis that resulted in payless paydays back in 1959. That aroused Michigan people to the fact that there were some very fundamental shortcomings in the way their State government was doing business and that the tools the constitution provided its public officials were simply not honed for the job they were expected to do. The most important of these deficiencies was the hamstringing of State and local government and bad legislative apportionment." [15]

The States can also cope with the problem of a Rube Goldberg tax structure. This fact is emphasized in a comment of Governor Branigin of Indiana:

"Since we enacted new tax legislation in 1963, we are no longer in a financial bind. We estimate a $60 million surplus at the end of this biennium, a $30 million surplus at the end of the next biennium." [16]

Some States have even shown the way in coping with the massive requirements of an expanding urgan population Governor Rockefeller explains what the State of New York has been doing:

"I offer further proof by referring simply to the magnitude of certain programs of the government of the State of New York—and their comparative relation to matching efforts by the Government of the United States:

"In education: State aid to elementary and secondary education in the State of New York totaled $753 million in the 1961–62 fiscal year, or $87 million more than the President requested of the Congress for the whole Nation in 1961 (and, as you know, what was requested on the national level far surpassed what was appropriated).

"In power development: The State Power Authority of New York has built more hydroelectric generating capacity on the Niagara and St. Lawrence Rivers in the past 10 years, with the funds of private bondholders, than all the hydroelectric dams of the TVA system." [17]

The point is that with a progressive State administration the job can be handled and the burgeoning growth of the Federal Government contained. These are a few examples of the kind of State action that is required if we expect to preserve the States as individual political entities. The States must be preserved. They contribute the keystone to the governmental process in this Republic. The functions they perform and the responsiveness to constituent desires they embody cannot be replaced by one central government or even several regional governments. As an American, I devotedly approve our constitutional system.

We have noted that improved transportation and communication has served to encourage the development of larger governmental units; but regardless of how many technological advances are made, we can be sure that Maine will never be quite like Utah and California will never be quite like Georgia. Each State will continue to have its unique problems and the solutions to these individual and distinctly separate problems are best found in separate, responsible State governments. George C. S. Benson, the president of Claremont Men's College, touches on this in the following manner:

"Not only national bureaucrats but also national legislators may fall into the error of excessive uniformity. However manifest the evils of alcoholism, it is clear that nationwide prohibition was perhaps a noble, but certainly a misguided, experiment * * *. National legislation of this sort, however, is less likely than national legislation, nationally administered, which attempts to apply uniform economic rules to sections differing widely in psychological, agricultural, climatic and industrial milieu. Soil conservation benefits reasonable in one State are sheer extravagance in others * * *. A system of public assistance grants which is workable in Connecticut has proven almost ludicrous in Louisiana and Colorado." [18]

SAFEGUARD AGAINST TYRANNY

States perform an important role in the administration of unlike geographic areas. But that is only a small part of their total contribution. They also serve as a safeguard against the hazards of a tyrannical central government. In their dual sovereignty role, they protect individual liberty. They serve as experimental laboratories testing new concepts at the State and local level. Finally, at the State and community level a testing ground is provided for the development of political leadership in both the legislative and executive arena.

The decentralization of government under the States has many advantages. The primary advantage is the growth of individual freedom.

Under our federal system, each citizen has an opportunity to participate in government at every level—National, State, and local. Today, we find that federalism is under attack. Ultimately, it will be up to the States—to the people—to insure the defeat of that attack. To succeed, the States must step forward and assume the responsibility of government; otherwise, they will lose the power to govern and the result will surely be an expanding weakness akin to oblivion. They must begin to take that step today, for the longer they wait the more difficult the step will become. Historically, the road to centralization has always been easier to travel than the road back.

BIG BROTHER—LAW ENFORCEMENT EAVESDROPPING

Mr. LONG of Missouri. Mr. President, the New York Civil Liberties Union recently published an article by John J. McAvoy on law enforcement wiretapping and eavesdropping. It is a most interesting and timely discussion of this subject.

I ask unanimous consent that the article which appeared in Civil Liberties in New York be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Civil Liberties in New York, June, 1965]

COURT ORDERS DON'T MAKE "BUGS" AND WIRETAPS CONSTITUTIONAL—STOP POLICE EAVESDROPPING

(By John J. McAvoy)

The next time you let off steam after an annoying telephone conversation, you'd better think twice about your language. If you should happen to have used one of the phones the police have turned into a constant transmitter, even when it is in its cradle, your choice afterthoughts will be shared by some eavesdropping policeman down the street, or in another part of the city.

This is only one of the more dramatic illustrations of relatively new police techniques of investigation that encroach on our fundamental, and constitutionally protected, right of privacy. Wired and wireless transmitters, concealed in homes, hospitals, and private offices all over the country, make "Big Brother" a reality.

The danger of these devices to a free society is becoming more recognized as the frequency of their use is better known. The Senate Judiciary Committee has been conducting hearings on the question of the violation of constitutional rights by wiretapping and the use of concealed microphones. And here in New York, where a 1942 statute authorizes police eavesdropping, if done under court order, three cases have presented the opportunity for a new review of the problem by the State courts and the U.S. Supreme Court.

There is a complex pattern of Federal and State constitutional provisions, of statutes and judicial opinions for the courts to consider, and the outcome of review is hard to predict. But it seems certain that some of the constitutional questions will be answered.

Among the cases now in various stages of trial and appeal are *People* v. *Pugach, People* v. *Grossman,* and *People* v. *Habel.*

Burton N. Pugach was convicted in 1960 of violation of the Sullivan law. An unregistered pistol was found in his possession when he was searched after his arrest on an assault charge. That charge was based on conversations between Pugach and others which were overheard by the police through a microphone secretly installed in his law offices under a court order obtained in (questionable) compliance with the New York Code of Criminal Procedure. The eavesdropping had continued for a number of months, and Pugach's telephone also was tapped.

BUG NOT MENTIONED

The district attorney disclosed the wiretap, but did not disclose the "bugging" of Pugach's office until after the trial and appeal on the Sullivan law conviction. Recently Pugach sought a review of his conviction, challenging the arrest and the admissibility into evidence of the gun discovered in the search, on the grounds that "probable cause" for arrest depended on a conversation overheard by eavesdropping.

People v. *Grossman* involves essentially the same question. Two electronic listening devices were installed by the police for 5 months. Court orders for eavesdropping had been obtained after 3 months of investigation which had included other wirings and "buggings." In both instances the transmitter was installed and concealed by the police by breaking into private offices at night.

POLICE DIVIDEND

On the basis of conversations overheard through one of the "bugs," a search warrant was obtained which, when executed, disclosed two unregistered guns in the automobile owned by Grossman. Neither "bug" had been installed on property of Grossman's, and appear to have been installed to investigate two other persons for another crime. The information thus obtained might be characterized as a "dividend" received by the police.

In the third case, *People* v. *Habel,* one eavesdropping device was installed, under court order, in the offices of local 1101 of the Communications Workers of America; another in an office of the Teamsters Union, and a third in a hotel room. In addition, the police used a portable recording device on the person of an informer, and an induction coil device was used to listen to a telephone conversation between one of the defendants and the informer.

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[15] Romney, George. Reform without Crisis. National Civic Review, March 1965, p. 128.

[16] The Christian Science Monitor. Apr. 28, 1965, p. 3.

[17] Rockefeller, op. cit., p. 13. The comments on education were made prior to the passage of the secondary and elementary education bill of the 89th Congress.

[18] Benson, George C. S. "Values of Decentralized Government—1961" in Essays in Federalism. The Institute for Studies in Federalism, 1961, pp. 11–12.

A DIRTY BUSINESS

Thirty-five years ago, Justice Holmes condemned eavesdropping as "dirty business." And so it remains. But if the issue is studied more carefully, there are arguments for police eavesdropping that must be answered.

The first obstacle a civil libertarian has in showing that these devices are not lawful is that they are relatively free of any charge of hiding the truth. Likening electronic eavesdropping to coerced confessions misses one vital difference: coercion makes confessions terribly unreliable. In many instances, there will be unreliability in recordings too. But if one assumes that nothing but the truth is recorded, what are the legal and policy objections to discovery of this truth, and its use by the police to prevent crime, catch suspects and convict them?

One of the first objections to secret eavesdropping by the police is the failure to inform a suspect of the right to remain silent that is formalized in the fifth amendment. This amendment began as a protection applicable only in criminal trials, but the strength of its policy has extended it to all sworn statements. Once society finds it offensive to force a man to get on a stand and say things which would convict him, the same values prohibit the use of statements obtained by police through eavesdropping.

RIGHT TO PRIVACY

Another serious constitutional objection is the deterioration of the right to privacy, and the consequent impact on the first amendment right to free speech. The answer that is usually given to objections based on the first amendment is that criminal speech is not protected. This misses the point: we do not protect criminal suspects from unreasonable search because the materials likely to be found are not subject to seizure; we do it because it is the only way we can be sure that the innocent are free from such intrusion. We should also be protected from eavesdropping on any and all conversations, for commonplace eavesdropping will deter free conversation.

It could be argued that authority should be given to the state to open the mail of persons suspected of crimes. Yet this is so offensive that discovery of such conduct by the authorities brings widespread condemnation. The reason again is a judgment based on the inseparable values of free speech and privacy.

A third major avenue of constitutional challenge is the fourth amendment. In New York this is particularly appropriate because the only permissible eavesdropping or wiretapping without the consent of the parties involved is that done pursuant to court order, or in an emergency period during which the order is to be obtained. Two Supreme Court cases are particularly important to this argument. In the first, *Olmstead* v. *United States* (1928), the Supreme Court indicated that it did not believe wiretapping or eavesdropping were unreasonable searches or seizures as contemplated by the fourth amendment. This decision is modified to an uncertain degree by *Silverman* v. *United States*, which held that such conduct, if accompanied by trespass into a home, office or other private property, does violate the fourth amendment.

Wiretapping, even by court order, is prohibited by Federal statute and, despite previous State court decisions, it seems certain that evidence obtained in this fashion is excluded in State as well as Federal trials.

Thus far, however, neither the New York Court of Appeals nor the U.S. Supreme Court, has expressly considered the effect of the statute authorizing eavesdropping orders. In February, Justice Nathan R. Sobel of the Brooklyn Supreme Court, in the Grossman case mentioned above, held that eavesdropping, even if done under the statute, violated the fourth amendment, if accomplished through trespass. In Habel the trial court upheld the eavesdropping, even though the devices were installed by trespass. Both cases undoubtedly will be appealed.

Police departments and prosecutors' offices argue for these devices with great sincerity, and often they recognize the "problem" of privacy. Our legislatures and public officials, however, feel that they must provide the public with the safety it demands. We are a statistics-minded society, and law enforcement personnel, from the policeman on the beat to the Attorney General, have learned that those who have control over their professional advancement judge the "efficiency" of law enforcement by arrests and convictions. And we should make no mistake about it: there are likely to be more arrests and convictions if the police are permitted to use electronic listening devices.

Unfortunately, the grinding of these administrative axes does not induce a dispassionate discussion of the direction law enforcement activities are taking and their consequences for individual liberty.

Our Bill of Rights was an expression of a people which had suffered from having no voice in government. There was great consciousness of the need for protection against officialdom. Today, however, so many people have an interest in the status quo, and a formal role in the selection of government officials, that to insure that status quo they are willing to forego certain individual prerogatives, privacy among them.

NOT ENOUGH OUTRAGE

Eavesdropping, with its attendant deteriorating effect on the right to privacy, does not outrage enough Americans. Inured to the compromises a complex society requires, there is no challenge made to successive official claims to the "need" to sacrifice individual interest to the claimed social one. Yet, many authorities, including Joseph D. Lohman, former sheriff of Cook County, Illinois, and present dean of the University of California School of Criminology, have said that wiretapping and eavesdropping are not effective in dealing with organized crime.

One of the serious obstacles to a proper consideration of this subject is that argument has been conducted in a fact vacuum. There is no public disclosure of the number of eavesdroppings ordered, and information is retrieved only when it suits the arguments of law enforcement officials. Just as the priests and medicine men in primitive societies were most secretive about the efficacy of their prayers, and resisted any thoughtful analysis of their practices, prosecutors today say that a disclosure of the details of these methods and a thorough study of them would destroy their efficacy.

Recently, however, NYCLU put together a couple of separate arguments made by law enforcement officials on behalf of eavesdropping. Some interesting statistics resulted.

ONLY 20 PERCENT ARRESTED

Last February, John Shanley, supervising chief inspector of the New York City police, appeared before the Illinois Crime and Investigating Commission to testify on the effectiveness of wiretapping. Inspector Shanley noted that 221 arrests had resulted from court-ordered wiretaps during 1963 and 1964 in New York City.

On March 2, 1964, the New York Law Journal carried an article by Elliot Golden, chief assistant district attorney of Kings County in New York. Golden reported that there were 451 court-ordered wiretaps obtained by the New York City police in 1963 and 671 such orders in 1964.

Information as to how many multiple arrests resulted from particular wiretaps is unavailable. Also unavailable, since the police and prosecuting offices haven't chosen to make it available, is the number of these arrests that resulted in convictions.

TO BE LET ALONE

Disregarding the time-lag factor in arrests, it appears that at least four out of every five court-ordered wiretaps simply result in the invasion of privacy without ever leading to arrests, let alone convictions.

In his dissent in Olmstead, Mr. Justice Brandeis observed: "The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness * * *. They conferred as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized man."

After all the rest has been said, perhaps the things that makes eavesdropping so objectionable is its flagrant implication that somehow, somewhere we may have lost our right to be let alone. That the intrusion will be done secretly makes it more objectionable, not less.

GI'S APPLY FOR TRANSFER TO VIETNAM

Mr. BAYH. Mr. President, I would like to direct the Senate's attention to an article appearing recently in the New York Times entitled "2,000 GI's at Bases in Europe Apply for Transfer to Vietnam."

It is gratifying to learn that more than 2,000 members of the U.S. Army in Europe have applied for these transfers. These men, eager to be stationed where they can actively defend the freedoms we sometimes take for granted, reflect the traditional attitude of Americans that when a call to arms is sounded for a good cause it must be and is answered.

The people of this country have shown resolute willingness to support a course of action required to protect the freedoms they cherish. They have repeatedly stood ready to make the sacrifices necessary to make this world a better place in which to live.

These soldiers show that same willingness to act. Answering President Johnson's recent call for a military buildup in Vietnam, these men have asked to be a part of the added forces.

Already serving their country in important positions, they have asked to be given extra responsibility—to be placed in a combat situation. These soldiers are to be commended for their eagerness to serve despite the dangers they might confront. They set an example for us all.

I ask that the article to which I referred previously be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Aug. 24, 1965]

TWO THOUSAND GI'S AT BASES IN EUROPE APPLY FOR TRANSFERS TO VIETNAM

(By Thomas J. Hamilton)

HEIDELBERG, GERMANY, August 23.—More than 2,000 voluntary applications for transfer to Vietnam have been received from members of the U.S. Army in Europe, a spokesman said today.

The spokesman said the applications had been received and processed by headquarters here under a policy of transferring officers and men to Vietnam on the basis of individual applications.

Of the 2,000 applications, 500 have been approved and the Department of the Army has issued orders for the transfer of applicants to Vietnam, according to the spokesman. He was unable to say how many had actually left for Vietnam, or when. However, assignments on the basis of individual applications started last year.

The spokesman said the Army had inaugurated a policy of transferring some individuals from Europe directly to Vietnam when they are due for rotation. The spokesman said, however, that no transfer under the new regulation had yet taken effect. Previously, a serviceman in Europe could not be transferred to such a theater as Vietnam without serving an intervening stage in the United States.

Since the great increase in the U.S. commitment in Vietnam began, some West German newspapers have discussed the possibility that U.S. forces in West Germany would be sharply reduced after the West German election on September 19.

However, the spokesman insisted that the Department of Defense was standing by its statement that no units or equipment of U.S. forces in Europe would be diverted to Vietnam, and that the numerical strength on July 30, 1966, would be exactly equal to that of last month.

On the other hand, the buildup of U.S. Army strength in Europe that began with the intensification of the Berlin crisis in 1961, which raised the total to about 275,000 men, has been dropped. The total is again about 230,000, the average for the 3 years preceding 1961, the spokesman said.

He explained that one armored battalion, three artillery regiments, and one armored cavalry regiment assigned to Europe at that time were returned last year after the Berlin crisis eased off.

OTHER REDUCTIONS EFFECTED

Other reductions have been effected in the U.S. Army area command, composed of noncombat troops in West Germany, and in communications zone personnel in France, the spokesman said.

In addition, the number of German civilians used for guard and security duty has been reduced from 87,000 in September 1963 to 71,000 under economy orders issued by Secretary of Defense Robert S. McNamara at the end of 1963, it was explained.

Some U.S. field commanders have expressed concern over these reductions on the ground that troops are now having to spend time on housekeeping duties instead of devoting the time to training.

The Army spokesman insisted that the reductions had not affected the combat readiness of the five divisions that make up the 7th Army. These, he said, are spending 200 days a year in the field as before and have shared in the new items included in the Army modernization program.

HERBERT E. WOLFE—MAN OF THE WEEK

Mr. SMATHERS. Mr. President, the city of St. Augustine, Fla., and the Catholic Church recently jointly celebrated the 400th anniversary of the founding of St. Augustine and the establishment of the Catholic Church in America.

I was privileged to participate in the observance on September 8, 1965—400 years to the day from that moment in history when Pedro Menendez de Aviles, admiral of the Spanish Fleet, came ashore at St. Augustine.

The anniversary ceremonies, however, do not end the commemoration. A vast program of restoration, begun in 1959, is continuing both in the old city and on the grounds of Mission Nombre de Dios.

Much of the success of efforts to date is attributable to Herbert E. Wolfe, chairman of the Federal quadricentennial committee and the St. Augustine Historical Restoration and Preservation Commission.

Such is the energy of Herb Wolfe that I am confident that the restoration of St. Augustine will equal or surpass that of Williamsburg, Va., when it is completed.

Mr. President, the September 12 issue of the Orlando Sentinel's Florida magazine paid well-deserved tribute to Herbert E. Wolfe as "Man of the Week." I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ST. AUGUSTINE TURNS BACK HISTORY'S PAGES: 400TH BIRTHDAY

(By Elvis Lane)

Herbert E. Wolfe, a 67-year-old self-made millionaire, has an intense, almost patriarchal interest in the history of St. Augustine, the city he has called home since 1917.

Though he claims not to be a reader, his knowledge of early St. Augustine is as detailed as a history book. "Of course I read newspapers and magazines," Wolfe said, but his tireless effort to restore part of his adopted home to its traditional charm leaves little library time.

Wolfe is chairman of two commissions—one Federal, the other State—to restore part of the oldest city in North America to the way it looked in the beginning. And this year, the 400th anniversary of St. Augustine, his civic posts have kept him especially occupied.

It was about 10 years ago that Wolfe first became interested in St. Augustine's restoration.

"The city was losing its charm," he recalled. "Its attractiveness was based on its age and these landmarks from the past had to be restored and preserved."

At the time, Wolfe didn't exactly know how this was to be done.

LeRoy Collins, while Governor, appointed Wolfe chairman of the St. Augustine Historical Restoration and Preservation Commission. Next, President John F. Kennedy named him Chairman of the Federal Quadricentennial Committee for St. Augustine.

For the past few years Wolfe and countless others have been toiling to see that St. Augustine was, in Wolfe's words, "restored for posterity so that today's and tomorrow's generations can enjoy the city."

The quadricentennial celebration of St. Augustine started in late August this year. Its primary purpose is to focus national and worldwide attention on the Hispanic origins of the United States. Here are the major projects which have been accomplished to do this:

The National Park Service has restored the town's massive fort—Castillo de San Marcos—along with its moat and defense lines. The State of Florida has provided funds so that the north end of the city, behind the old city gates, now appears as it did in Colonial times.

And the diocese of St. Augustine has erected on the grounds at the Mission of Nombre de Dios a research library, a votive church and is in the process of building the tallest cross in the Western Hemisphere. When finished, this stainless steel cross will be 20 stories high. At night the cross, rising like a conquistador's sword wrought into a cruciform and illuminated by powerful floodlights, will be visible from 14 miles away.

It was on what is now these mission grounds that Pedro Menendez de Aviles, admiral of the Spanish Fleet, stepped ashore on September 8, 1565, to found the first settlement in what is now the United States—55 years before the Pilgrims landed at Plymouth Rock.

And, immediately after the landing, Father Lopez de Mendoza, before an altar of logs, said mass.

That was the first mass in the United States.

Restoration work actually began in 1959 and much already is completed. But St. Augustine is prepared to continue restoration work, perhaps for 20 years if necessary, to get the job done.

Some 200 houses are earmarked for restoration or reconstruction. The layout of the old city is ascertained from maps dating back to 1763, accurately locating the sites, size, and shapes of the old houses.

Any private buyers or renters of the 200 restored homes and buildings will have to agree to maintain them in their original form.

Wolfe is proud of all the activity connected with the quadricentennial celebration. But most of all he is elated because St. Augustine is finally receiving its just historical recognition.

"From now on St. Augustine will attract more and more tourists," he predicted. "About 800,000 people will visit our city this year. And soon that figure will reach a million."

Wolfe still professes surprise that he, of all people, was named chairman of both the Federal and the State committees to commemorate St. Augustine.

He really shouldn't be surprised. Because his life has been a constant record of accomplishment. And for this reason he was a logical choice for such work.

The 6-foot, 190-pound Wolfe was born near Nashville, Tenn. He was the eldest of nine boys in a family which he described as "quite poor."

But everything he is today, the white-haired Wolfe said, he owes to his parents, Edward F. and Mattie Phelan Wolfe. "They taught me honesty, devotion and how to work hard." They were devout Methodists, as Wolfe is today, and he can remember always "going to church on Sundays."

"We had a blind horse named Alex who pulled the buggy to church," Wolfe recalled. "The rest of the week Alex pulled a plow."

Wolfe was 20 when his father decided to move to Florida. He settled near St. Augustine and commenced raising potatoes. "My father thought all of us boys would have a better future here than we did in Tennessee." Wolfe related. "And he was correct."

Five of the nine Wolfe sons, in addition to Herbert, are still living. They are: Claude, owner of an appliance business in Orlando; Fred, operator of a building supply firm in Clermont; W. F., a farmer at Hastings; O. D., a motel operator at St. Augustine, and Wilburn, a farmer near St. Augustine.

TRUCK OWNER

Wolfe married the year he came to Florida and his bride was the former Virgie May Parrish. They have three children: Marshal E. Wolfe, Helen Wolfe Ross, and Charles C. Wolfe.

Wolfe never stopped raising potatoes after his arrival in Florida until this year. "I'll miss it," he said. "And that's a good business for a young man who is willing to work," he insisted. "But he really has to be willing to work."

But Wolfe did more than raise potatoes. When he was 25, he bought a secondhand truck. He already owned a shovel. That, he recalled, was his start in the construction business.

"I'd shovel rock from railroad gondolas into my truck and deliver it to roadbuilding crews." Soon he owned two trucks. And by World War II his construction firm was doing business throughout the South and was large enough to construct airfields.

Until 1934, St. Augustine had only one bank. That year Wolfe organized the Exchange Bank of that city. He has, in turn, been the bank's president, its chairman of the board, and a director. He later organized two other banks in Florida, one at Hastings and the other at Palatka.

He also started the Rogers Manufacturing Co., Inc., at Nashville, which produces heavy trailers and truck bodies. And, in 1943, he established the H. E. Wolfe Ranch in St. Johns County. It consists of 6,500 acres and has 4,500 head of beef cattle.

These are just part of Wolfe's many activities. He's president of the board of trustees at Florida Southern College at Lakeland, a vice president of a railroad, and a director of an insurance company. In 1948, he was mayor of St. Augustine. The list could continue for several more paragraphs. The amazing thing is how does Wolfe find the time to do so much?

"As a boy I learned to work from sunrise until late at night," he explained.

Of his many and varied interests, Wolfe can't decide which he likes the best.

"I'm like the man who put fish on top of his watermelon," he narrated. "It didn't spoil the watermelon because the man liked both fish and watermelon."

TRUE VALUE

Wolfe is somewhat reluctant to admit that he is a millionaire.

"Today's prices are inflated," he insisted, as if that would explain that his wealth is overstated. "If prices were at their true value, I don't really know what I'd be worth." Wolfe did not attempt to clarify what he meant by true value.

But he did say that it is much harder to become a millionaire nowadays than it was when he was a young man.

"It requires more capital to start and today is the era of the big corporation," he said. "It's more difficult for a person to compete, much less get started on his own."

Also, the young men of today aren't used to the hard work and the long hours as the youth of his generation were, Wolfe continued. But why should they be? he asked.

LUXURIES

Even with an average job the young men of today can obtain luxuries that were unheard of when he was in his early manhood, Wolfe stressed. They can usually buy a home and that home will have a bathroom. They can also own a car, a TV set, purchase air-conditioning.

Times have changed, Wolfe pointed out, and so have demands and answers.

"I've always agreed with Senator HARRY BYRD's economic philosophy and I have been opposed to HUBERT HUMPHREY's views," he commenced. "Yet, I'd vote for HUMPHREY to be President over Senator BYRD."

The reason? Wolfe smiled. "HUMPHREY knows what is needed today and what must be done now," he answered. "BYRD's philosophy is good for the past generation."

Has Wolfe succeeded in getting everything he has sought?

Not quite. Every autumn he journeys to Wyoming to hunt. So far he has bagged elk, moose, deer and antelope. But no bear.

"Maybe I'll shoot a bear this fall," he said.

THE GI BILL: KNOCK OF OPPORTUNITY NEEDED FOR COLD WAR GI'S NOW

Mr. YARBOROUGH. Mr. President, when President Franklin D. Roosevelt signed the original World War GI bill, he said:

> It gives emphatic notice to our servicemen that the American people do not intend to let them down.

As support of the American people increases for the presently pending cold war GI bill, I urge that the 89th Congress not let down our cold war veterans. One of the most vocal opposition forces to the cold war GI bill has been the Veterans' Administration, yet in the September 1965, issue of the American Federationist magazine, Mr. Driver hailed the original GI bill as the "loudest knock of opportunity ever heard in America." Similarly the cold war GI bill would be the loudest knock of opportunity heard in the entire lives of our cold war veterans.

Mr. President, I ask unanimous consent that this article entitled, "V–J Day Plus 20: The Veteran Today," beginning on page 1 of the Federationist, be printed at this point in the RECORD, to illustrate the inconsistant position that the Veterans' Administration and its Administrator have taken on GI bills. It is time the Administrator got back on the side of the veterans.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

V–J DAY PLUS 20—THE VETERAN TODAY

(By William J. Driver)

Twenty years ago the unleashing of the power of the atom signaled the end of one stage in man's history and the beginning of another.

The power of the atom did more than end World War II. It opened possibilities of either a brilliant future in which cheap, unlimited power would help free the world's weary laborer or a flaming future in which swift, unlimited destruction would turn our globe into a cinder.

But there were few in September 1945 who worried about the full implications of atomic power. There were more immediate problems. Our military force, once numbering 16 million men and women, was being dismantled at a record pace. At the peak of demobilization, over a million men a month were passing through the separation centers.

Meanwhile, factories created specially to feed the insatiable maw of war were faced with cancellation of orders, a rapid drying up of demand and, at best, the painful prospect of reconversion to meet the uncertain demands of the postwar economy.

Would there be enough work to satisfy the job hunger of so many veterans? Or would veterans who, on the average, had spent 2½ years overseas compared to their fathers' 10 months during World War I, be interested in the prosaic problems of making a living? Could you keep them at the lathe after they had seen Casablanca, Naples, Rome, Honolulu, Tarawa, Saipan, and Hill 309, as well as Paris?

There were some who viewed the returning stream of veterans with deep concern. These alarmists recalled that the Black Shirts who shouted for Mussolini and fascism and the private Stahlhelm army whose violence paved the way for Hitler were composed largely of disgruntled war veterans. One sociologist foresaw dangerous days ahead. "Veterans," he warned, "have written many a bloody page of history and those pages have stood forever as a record of their days of anger."

Now, 20 years later, we see that those who in 1945 viewed the unfolding of the American dream with foreboding and fear were wrong—as they have so often been in the past history of this Nation.

The doubters of the post-World War II era were very wrong. For, instead of the energies of veterans turning to anger and a reliance on trained trigger fingers, they were turned to a mighty effort to open wider the door of opportunity.

Helping them in this effort was the most remarkable series of laws for veterans ever enacted in the world. In ancient Greece and Rome, the best a maimed veteran could expect was a special place to beg at the marketplace. The new laws for veterans passed during World War II were almost as much an advance over the prewar concepts of veterans' benefits as the first veterans' pensions provided by the Pilgrims in 1636, were over the alms treatment accorded veterans in the ancient world.

The cornerstone of these new laws was the Servicemen's Readjustment Act of 1944, better known as the GI bill. As he signed it, President Roosevelt said that "it gives emphatic notice to our servicemen that the American people do not intend to let them down." The key to this new concept of veterans' benefits was one familiar to Franklin D. Roosevelt, for it was a reflection of his own philosophy. It was part and parcel of the same optimistic view of man that was reflected in his support of landmark labor legislation. The GI bill belonged to the same family tree as the Wagner-Connery Labor Relations Act and the Fair Labor Standards Act. That family tree thrives on a native American word called "opportunity."

Opportunity to organize and to grow was at the core of the Wagner Act. Opportunity to earn a living wage was the essence of the Fair Labor Standards Act. And opportunity was the very foundation of the GI bill.

Opportunity was found in each major section of the new law. Through its educational provisions, veterans could return to school to strengthen old skills and abilities or to learn new ones. Through its housing provisions, veterans could build homes and find decent places for their families to grow. And, through provision for temporary unemployment pay and job retention rights, veterans had the opportunity to regain their old positions or receive an allowance that permitted them to find a job commensurate with their abilities and training.

The GI bill was the loudest knock of opportunity ever heard in America. How did veterans respond to that knock?

First, almost half of all World War II veterans—nearly 8 million of them—decided to improve themselves by advancing their education and training.

Second, World War II veterans expressed their faith in America by securing more than $45 billion in GI home, farm, and business loans.

Third, far from exhausting the maximum "52–20" benefits available during the initial period of unemployment, veterans reacted in a typically hardheaded fashion, asking: "Why accept $20 a week from the Government when jobs are available at $100 a week?" The average veteran used but 19 weeks of his allowance out of a total potential of 52 weeks. He wanted work, not handouts.

But how about achievement? Did the performance record match the expectation?

The answer is that the record more than matched the expectation. The labor force has been enriched by 383,000 veteran-trained construction workers, 288,000 metalworkers, 138,000 electricians, and 61,000 printers and typesetters, and tens of thousands of others with a myriad of skills. These workers helped build American production during a cold war period when the Nation's ability to produce received its greatest challenge and achieved its greatest record.

A similar record of achievement is found in the home loan program. Twenty-one years ago, when the loan provision was included in the GI bill, there were some who were frankly skeptical. Would veterans who had passed through so many unsettling experiences turn out to be responsible homeowners willing to meet the monthly mortgage payments?

The end result confounded both the out-and-out pessimists who foresaw failure and those lukewarm optimists who expected but passable success. Altogether, 6.7 million home loans, and 300,000 other loans with a face value of $65 billion were guaranteed or made by the VA under the World War II and Korean GI bills. Nearly 3 million loans have been paid in full.

Recently I received a letter from the president of a New York savings and loan association which recounted the experience of his organization with veterans' loans. It was a typical experience. For he told me that total claims during a period of 19 years against the association's insurance fund for losses represented but eighty-nine thousandths of 1 percent on the original amount of the insured GI mortgages. This, he said, is an "extraordinary" record.

Veterans are an extraordinary group of Americans.

How has the typical veteran fared since that bright day in Tokyo Bay 20 years ago when the Japanese emissaries met General MacArthur on the U.S.S. *Missouri*?

Some have found unusual success. For example, President Lyndon B. Johnson is a decorated veteran and one who has the unusual distinction of having also voted in Congress for the GI bill.

There are three characteristics that World War II veterans seem to share generally. One is "overachievement." During the postwar period, when veterans were flooding the Nation's schools and colleges, educators considered them to be the most ambitious, hardworking, and effective students in their experience. A recent study of "Who's Who in America" reveals that those qualities were not restricted to the campus and trade school. A sample of this volume of influential Americans showed that a high proportion of veterans educated with the help of the GI bill has risen to leadership rank in the union, business, scientific, cultural, and political worlds. Since World War II, veterans are far below the average age of "Who's Who" listings, the proportion of GI bill-trained veterans reflects the same overachievement that won them distinction in the classrooms—and on the battlefield.

The second characteristic of veterans is that, in large measure due to GI bill training, their average earnings exceed those of nonveterans of the same age group. Census statistics show that veterans make from $2,000 to $3,000 more each year than their nonveteran contemporaries and this gap is increasing each year.

The third characteristic is perhaps the most important. The average veteran is a workingman. In fact, about half of all employed males are veterans. A high proportion of veterans is still in the labor force and their employment rate is far above average. Their comparative youth, vigor, and higher than average education would help explain an extraordinary record of employment and contribution to the national economy. But, in my estimation, "motivation" has been the key element.

Recently the VA published the results of a unique training program for veterans wounded so seriously during the war that they could not even leave their homes for vocational training. The VA felt that somehow these men should be reached and helped. A program was designed to use whatever remaining faculties the veteran possessed, even if only the power to move two fingers. A troublesome question remained. Would these men, all of whom were guaranteed compensation payments, be willing to undergo what was often a period of painful training?

We found that these veterans welcomed our initiative, not because of the extra income that their self-employment training might bring, but because they were eager for the chance to do productive, satisfying work. As one terribly disabled veteran said on completion of his homebound training program: "I have found something greater than greatness. I have found something to do."

This, in my view is the essence of the typical American veteran 20 years after V–J Day. He is a man who wants above all to work together with his fellow Americans in building a better land. He is a man who knows firsthand the gruesome face of war and who has a vital stake in a world of peace. All in all, he is a man very much like his fellow workers in the most productive labor force in the world.

The veteran sees himself as do his fellow workingmen—first as an American and secondly as a veteran or member of a profession, skill group, industry or organization.

For the Nation's nearly 22 million veterans, as for her 18 million union members, it is, and always will be, "America first."

"If it weren't for the GI bill, I'm sure I wouldn't be Administrator today."

This comment came from the first career civil servant to head the giant Veterans' Administration. William J. Driver is a veteran of both World War II and the Korean conflict. He joined the VA in 1946 and earned a law degree by attending night classes under the GI bill. He also holds a degree in business administration and a masters degree in public administration.

GI loans guaranteed or insured[1] (*1944–65*)

	Percent
Number of loans (6.7 million):	
Outstanding	53.3
Paid in full	44.0
Terminated with claims	2.7
Amount of loans ($62 billion):	
Outstanding	49.1
Repaid	48.2
Terminated with claims[2]	2.7

[1] Guaranteed by VA, program has been almost entirely home loans.

[2] Loss is smaller than even this low rate. When holders foreclose, title usually goes to VA which then sells property and takes back mortgage; such salvage reduced cumulative net loss to only $41.3 million.

Source: Veterans' Administration.

HOW ABOUT THE NON-NEGRO POOR?

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the Record at this point an article from the October 4 issue of U.S. News & World Report entitled "How About the Non-Negro Poor?", which constitute more than one-half of those in that category but for whom at the present, no briny tears are being shed.

There being no objection, the article was ordered to be printed in the Record, as follows:

How About the Non-Negro Poor?—An Untold Story

(Note.—Do poverty and rioting always go together? The record does not support that idea. The United States has twice as many poor whites as poor nonwhites. The impoverished Negroes—making most demands and getting most attention—are a small minority.)

Poverty among Negroes is often given as a reason for riots which have rocked city after city of the United States.

The impression appears to be widespread that the Nation's poor are mostly in Negro ghettos, which, says a Negro psychologist, Dr. Kenneth B. Clark, "now represent a nuclear stockpile which can annihilate the very foundations of America."

Negroes are demanding—and getting—influential roles in antipoverty programs. "Poverty action" blocs in big cities are being organized by activists of the Negro-rights movement.

LO, THE POOR WHITES

Statistics of the Federal Government show, however, that there are more than twice as many poor whites as poor nonwhites in the United States.

Also brought out is this fact: Descendants of the American Indians, who were holding the country when the white men arrived, are poorest of all—far worse off than Negroes.

In 1963, the last year for which details by color are available, the Social Security Administration reported that there were 23.9 million poor whites and 10.7 million poor nonwhites in this country.

Negroes make up about 92 percent of the nonwhite population; American Indians, 2½ percent. Japanese, Chinese, Filipinos and other nonwhites among whom poverty is not a great problem account for the remaining 5½ percent.

MEASURE OF POVERTY

The gage of poverty used by the Government was income below about $3,100 a year for a four-person family. For an individual, the figure is $1,540.

No "insurrections" such as those staged by Negro mobs in Los Angeles, New York, Chicago, Philadelphia, Rochester and other cities have occurred among the non-Negro poor. In that category are, for example, the American Indians; Puerto Ricans in slums of New York City; Mexican-Americans in the Southwest; jobless whites in the Nation's largest depressed area, Appalachia, and the "refugees" from Appalachia who live under conditions of dire poverty in Chicago and other cities.

Questions arise: How do these people differ from rioting Negroes in outlook and in "rights" and opportunities? What is their attitude toward society? Toward family responsibilities? Toward police? Are efforts made to organize them for "protests" against poverty?

To get answers, members of the staff of U.S. News & World Report investigated conditions and attitudes among the non-

Negro poor in various parts of the country. Their reports follow:

AMERICAN INDIANS

Without question, the American Indians are the most poverty-stricken ethnic group found in the United States.

Surviving now are about 550,000 Indians. Of these, an estimated 380,000 live on or near reservations, with a median family income of $1,500—less than half the median family income for Negroes, and about one-fourth the median figure for all U.S. families.

Unemployment on most reservations runs 40 to 50 percent. Indians lack the education and skills needed to compete for jobs. There are exceptions—such as the Indians of the Mohawk tribe who earn high pay as structural-steel workers. But the exceptions are few.

HOVELS, SHANTIES, SHACKS

Nine out of ten dwellings in which Indian families live on or adjacent to reservations—where summers usually are blistering hot, winters bleak and cold—are far below minimum standards for urban housing. They are hovels, shantylike hogans, tar-paper shacks.

Compared to non-Indian babies, the Indian child born on a reservation has one one-half the chance of reaching his first birthday. Life expectancy for reservation-dwelling Indians is two-thirds of the U.S. average.

Indians are not "wards of the Government." They are American citizens, free to work and live where they please. But efforts by the Government to integrate Indians by encouraging them to move to cities have not been very successful.

Of the estimated 170,000 who have left reservations to take jobs in cities and towns, not many have prospered. Most live in slums. About one-third of the Indians who have been persuaded to relocate in cities wind up back on a reservation.

A PROUD RACE

Unlike Negroes, Indians are not much interested in racial "integration." They are proud of their ancestry, willing to let the white man go his way while they go theirs.

Since most Indians find it hard to adjust to the white man's ways, those who do remain in cities tend to live close together. They do not complain of "segregation."

Indians, it is found, do have some advantages over poverty-stricken whites and Negroes. A number of special Government programs have been set up to aid Indians. Among such programs:

The U.S. Public Health Service provides complete medical attention for Indians on reservations. Indians who live nearby are eligible, too.

Education of most Indian children is wholly or partly subsidized by the Federal Government.

The Government manages the timber and mineral resources of Indian-owned lands, valued at $6 billion. Some tribes—Navajos, for example—reap profits from oil, uranium and timber.

Some vocational training is provided and some assistance is given in finding jobs.

Special inducements are offered to employers who will locate plants near Indian reservations.

POVERTY NOT LICKED

In the last 15 years, more than $2 billion has been spent by the Government to help Indians. This exceeds the total spent for that purpose in the preceding 150 years.

Yet, by and large, Indians remain desperately poor. Along with the problems of poverty, they sometimes find themselves discriminated against by whites in some parts of the West.

But no demonstrations are organized for "Indian rights."

PUERTO RICANS

Hundreds of thousands of Puerto Ricans have come north in search of a better life. Many, however, have been unable to escape from the clutches of poverty.

Among big cities, New York has the largest concentration of Puerto Ricans—about 750,000. Most of them are poor.

Problems faced by Puerto Ricans are described in a paper presented recently by three officers of the Puerto Rican Bar Association of New York:

"Seeking the pot of gold at the end of the rainbow, the Puerto Rican has gambled away his customs, norms, and mores. He has accepted the challenge of living in a new environment which is regulated by different standards of behavior, many foreign to his own. He has thrust himself from a rural environment to a highly complex urban society, which has, as an added barrier, a different language of communication.

"The migrant Puerto Rican has inherited from earlier migrants to the urban metropolis of the United States the slum dwellings, the unskilled jobs, the high rate of unemployment, the prejudices and other maladies inherent in the lives of the poverty stricken."

Many Puerto Ricans in New York City suffer the same privations that were blamed for Negro riots in the summer of 1964—rat-infested tenements, lack of job opportunities, a ghetto existence. Puerto Ricans, however, have not vented their frustrations in demonstrations and large-scale violence. Why?

Joseph Monserrat, a Puerto Rican whose job is to help fellow Puerto Ricans adjust to the pressures of big-city life, says this:

"One thing to remember about Puerto Ricans is that as yet we do not have ingrained in us the fact that we are a minority. In Puerto Rico when you hear people talking about 'la minoria'—the minority—they are talking about the losing party in an election; they're not talking about a group of people."

PREFER TO NEGOTIATE

The direct-action methods that militant Negro leaders advocate in drives to achieve gains for Negroes are shunned by most leaders of New York City's Puerto Ricans.

"Historically, we have been negotiators," one Puerto Rican commented. "We tend to feel that negotiation, rather than direct action, is a more appropriate approach to the solution of our problems."

From Julius Hernandez, who for years has been prominent in New York City's Puerto Rican community:

"Puerto Ricans haven't rioted because our attitude is different from that of the Negro. With us, racial prejudice is not a factor. The Puerto Rican just hasn't experienced it the way the Negro has.

"Also, we have strong family ties, a respect for the father and the older members of a family. I think that strong parental influence has been the main force in preventing disorderly outbursts by Puerto Ricans."

"Police brutality" is a charge often heard among Puerto Ricans, as among Negroes. But many Puerto Ricans, according to Mr. Hernandez, feel that "the police department is doing everything possible to achieve better relations."

MEXICAN-AMERICANS

People with Spanish surnames—most of them Mexican-Americans—number more than 3.5 million in the 5 States where the census makes this distinction. The States are California, Texas, New Mexico, Arizona, and Colorado.

A great many of these people are classed, by Federal standards, as poor.

In California, they lag behind both whites and Negroes in education and housing.

Most authorities agree that anarchy of the type that erupted in the Los Angeles Negro district of Watts is not likely to explode among Mexican-Americans—although there have been clashes between gangs of Mexican-American youths and police in the past.

It is pointed out that in the Southwest, which was pioneered by Spanish-speaking explorers, the Spanish language still is widely used and found in historical and place names; as a result, many Mexican-Americans do not consider themselves in a minority group.

THEY FEEL THEY BELONG

Also, a sociologist said, strong family ties give Mexican-Americans a "feeling of belonging," often lacking among impoverished Negroes. Attitudes toward religion, including opposition to divorce, are said to contribute to family unity.

Because his skin color does not set him apart, the Mexican-American usually is not subjected to overt discrimination. José Castorena, an employee of the California Fair Employment Practice Commission, says that "most Mexicans probably are able to find housing anywhere they can afford it." Antonio Rios, president of the Los Angeles County Community Service Organizations, comments that "the Mexican group tends to mix with others very easily." This means, according to Cruz Reynosa, deputy director of the State FEPC, that "it is very easy to drop the Mexican ways."

Through the years, many Mexican-Americans in Los Angeles have felt, as one put it, that "the police are there to protect the white Anglo-Saxon community and to see that Negroes and Mexican-Americans don't get out of hand."

It is generally conceded, however, according to Mr. Rios, that, of late, "a better feeling exists between police and the Mexican-American community."

THE TEXAS WAY

Texas, which has more than 1.5 million Mexican-Americans, provides examples of the kind of assimilation that eliminates reasons for protests, demonstrations, or riots.

San Antonio, for instance, is 45 percent Mexican-American. Many of the city's "Latinos" are poor, but this does not cause tension.

"The Mexican-Americans here," said one, "do not take to the streets to protest something. As voters, they feel they can get better results at the polls."

"Success" stories seemingly have much to do with the nontruculent attitude of the Mexican-American poor. One such story was told recently by U.S. District Judge Reynaldo Garza, a Mexican-American who was appointed to the Federal bench in 1961. The story was about a Mexican girl who entered the United States by swimming across the Rio Grande.

As Judge Garza told it—

"My family once hired a Mexican maid who had first come to my home as a wetback. She was dripping wet. I had to get her papers for her. Today, this maid and her husband live in Los Angeles, own an apartment and store, and the wife has a chauffeur to drive her around. Keep in mind that this was a little wetback who came to my house in 1946. Is not that a success story? It is happening all over the country. Where else in the world would people have such an opportunity?"

Negroes, Judge Garza said, should give the Civil Rights Acts of 1964 and 1965 "a chance to work." He added:

"I do not subscribe to the philosophy that we should placate people because they have been kept down too long. All wrongs can be righted within the framework of government."

POOR WHITES

Problems of poverty among Negroes have been dramatized again and again—not only in riots that have flared suddenly, but by massive "demonstrations," carefully organized.

There have been no "poor white" riots, however. No huge demonstrations have been organized to draw attention to the plight of poverty-stricken whites.

Millions of people in this category live in rural areas. Appalachia is one example, with its total of 1.2 million poor families.

Many millions more live in cities, most of them in neighborhoods that are congested and deteriorating, though not called "ghettos."

One of the largest concentrations of poor whites is in Chicago. An antipoverty official there says that a majority are "refugees" from the mountain regions of southern Appalachia.

A northside Chicago neighborhood called Uptown has long been the "port of entry" for newcomers from Appalachia. The story of the poor whites of Uptown was told by Raleigh Campbell, executive director of the Council of the Southern Mountains, Inc., a private organization.

A WHITE EXODUS

When automation and the decline of coal mining hit southern mountain areas after World War II, white inhabitants began to leave.

At first, Mr. Campbell said, they tended to move into such nearby cities as Cincinnati and Dayton, looking for unskilled or semiskilled jobs. There still are large numbers of poor-white mountain people in those cities. But in the last 10 years, as jobs became more and more scarce, many moved to larger cities, notably Chicago. They ran into the same problem—no jobs.

Thousands headed for Chicago's Uptown, where they might find kinfolk and old friends.

What are their problems? One, of course, is unemployment. Another is housing.

"The housing is unbelievable," Mr. Campbell said. "The people are crowded into small apartments. The furniture is old and dingy. Rents are extremely high. But the people live there because the apartments are available without leases and tenants can pay by the week."

Another problem is education. Many of the white parents are functionally or completely illiterate. This affects their children, who fall behind in school.

"Impoverished Negroes here are in some ways better off than the poor whites," Mr. Campbell said. "Negroes know the city and can take advantage of some of its services. They are urbanized. The poverty-stricken southern white comes in with no idea of what to expect. He doesn't even know how to use public transportation here."

UNWANTED WELFARE

According to Mr. Campbell, the attitude of the mountain people toward welfare handouts appears to be unusual. He said:

"You hear that the hillbillies come to Chicago to get on the welfare rolls because they can make more from welfare than they can earn in the mountains. But the public-aid department says that fewer Appalachians are on welfare than other groups.

"Some of them in Chicago do finally give up and go on welfare. But many of them say 'No' to welfare and struggle on."

Do the Appalachians indicate any desire to organize and demonstrate?

No, said Mr. Campbell, adding:

"They have pride in their background and in each other. They try to help one another. Many of them are succeeding on their own, and then moving out."

Summing up, you find:

1. The non-Negro poor, for the most part, do not consider themselves oppressed or abused.

2. They are not organized to exert pressure or demonstrate. They have no such nationwide organizations as the National Association for the Advancement of Colored People, the Congress of Racial Equality, the Urban League.

3. The kind of resentment that sparks riots is not widespread among the non-Negro poor. The chief reason appears to be that a white person, no matter how poverty stricken, can move up the ladder more easily than a Negro.

A GALLANT LEADER OF A COURAGEOUS STATE

Mr. BARTLETT. Mr. President, on October 8 Alaska Gov. William A. Egan will celebrate his 51st birthday. Later in the year he and his wife, Neva, will mark their silver wedding anniversary. Also, he will begin his 25th year of public service.

The Governor's autumn of anniversaries comes at the end of what has been a big year for Alaska. With significant aid from the Federal Government, Alaska has moved impressively toward complete recovery from the 1964 earthquake.

Oilfields of record quantity have been discovered, and plans have been launched to enlarge the State's timber operations. Fishing, the State's basic industry, enjoyed a banner year, as did Alaska's evergrowing tourist trade.

Yes, it was a big year for Alaska, and Governor Egan played an important role in the events that made it big. It is fitting that the Governor celebrate three personal milestones at the end of a year which will be remembered as a milestone in the history of the State he loves so well.

President Johnson called him "a gallant leader of a courageous State."

An equally correct description of the Governor is included in a fine article in the October 1965 edition of Harper's magazine entitled "The Most Powerful Governor in the United States of America."

As a youth, Bill Egan flew with Bob Reeve, a famous glacier pilot, on trips to airdrop supplies to isolated camps. Egan pitched supplies from the plane as it flew low over the campsites.

Reeve was quoted as saying:

> Bill Egan had the best eye and steadiest hand of all the boys who flew with me. A damn good man. A real Alaskan.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MOST POWERFUL GOVERNOR IN THE U.S.A.

(By Murray Morgan)

(NOTE.—Alaska's new constitution (which he helped write) gives Bill Egan a unique armory of political weapons—a report on how he is using them and what he wants to win for his fledgling State.)

The most powerful Governor in the United States is a shy man, self-made, a smalltown grocer, immensely popular with his constituents but little known outside his home State: William A. Egan of Alaska. He's the only Governor Alaskans have ever elected.

Bill Egan's strength is as the strength of 10 other Governors because he is girded with a State constitution which, in the words of an Alaskan newspaper editor, "would make a sabertooth out of Dagwood Bumstead." The constitution, which Egan helped write, is (according to who is talking) either the most effective existing instrument of American government—or a license to totalitarian rule. "This constitution would be all right if the Governor was a combination of Winston Churchill, Mahatma Gandhi, and Herbert Hoover," says a Republican legislator who covets Egan's job, "but what we've got is another damn Pat Brown."

"Alaska needs strong central government," says Henry Hedberg, a former Seattle newspaperman who has become labor's chief lobbyist in the 49th State. "Big State, small population, and only a tiny pool of trained administrators. I don't see how Alaska could have recovered from the quake if we hadn't had a system that gives the Governor power to get things done."

Among the things the Governor can do is appoint all but one of the State officers. The exception is the secretary of state, who campaigns independently for nomination in the primary but in the general election runs unobtrusively on the ticket with the party's gubernatorial nominee. After election he tends the Great Seal.

The Governor names the attorney general, who in turn appoints the State district attorneys. The Governor appoints the judges at both trial and appellate levels. All State financial records are kept by appointees of the Governor and inspected by appointees of the Governor. There is no independent auditing or investigating force.

The constitution calls for Alaska to be redistricted every 10 years—and for the Governor to do the job. (The first redistricting since statehood is now in progress.) Egan receives advice from a committee (which he appointed) but he is not obliged to follow their recommendations. The legislature does not pass on redistricting; the Governor simply draws the lines, and the legislators' only appeal is to the courts.

"Under this system, the legislature is neutered," complains Representative Bruce Kendall, blunt, broad-faced Republican from Anchorage, one of two men who have served in every session since statehood. "When the Governor feels a sneeze coming on, the legislature opens its mouth in anticipation."

In person, Egan is the antithesis of a dictator. A short man with a big head and thick body, he gives a first impression of embarrassment; he moves nervously as he talks, bouncing around in his chair, nibbling at the small end of a pen as if it were a cigar. But once he has settled down into conversation, his nervousness recedes, and when he is talking about Alaska, his large brown eyes normally brooding, light up with enthusiasm. He is a great persuader.

SHELIKOF TO MOSCOW

Bill Egan not only dominates the legislature, he sometimes pursues a foreign policy independent of Washington, D.C. His ventures into diplomacy have all been to protect the fishing industry, Alaska's greatest source of revenue, and his adversaries have included the Japanese, the Russians, the U.S. Department of State—and the canning "interests" of the U.S. mainland.

In the spring of 1962, a Japanese herring fleet was reported approaching Shelikof Strait, a body of water 20 to 30 miles wide, which separates bleak Kodiak Island from the Alaska Peninsula, the finger of land pointing westward to the Aleutians. Alaskans consider the strait an inland sea, all

American; the Japanese consider it international.

Getting no response from the State Department when he asked them to warn the Japanese away, Egan mobilized the "Alaskan Navy." He manned the State fish and game department's patrol boats *Teal* and *Widgeon* with National Guardsmen and State police officers and ordered them to intercept the invading fleet. Capt. E. L. Mayfield of the Alaska State police flagged down, boarded, and ordered into port the 65-foot herring catcher *Ohtori Maru* on charges of "willfully and unlawfully operating a commercial fishing enterprise in Alaskan waters."

Tokyo protested. The State Department stalled. Inconclusive hearings were held in Alaska State courts. The Washington Post editorialized that, "Whatever the final outcome, Governor Egan needs to be taught a lesson to the effect that international relations are handled by the Department of State." But the Japanese withdrew from the disputed waters, Alaska's claim to Shelikof Strait, if not confirmed, at least remained open, and it was the State Department which seemed to have learned most from the incident.

When a dispute with Russian fishermen in 1963 reached the stage where Alaskans were thumbing through arms dealers' catalogs for surplus bazookas and machineguns to mount on their crab boats, the State Department named Egan to a negotiating team. Their mission to Moscow fared well. The Russians not only signed a statement of agreement on general principles; they promised to send negotiators to the United States to work out specific ways of avoiding new conflicts—and they wanted the sessions held not in Washington but in Juneau. The State Department, with some misgivings, agreed.

After 2 weeks of table-hanging negotiations and reciprocal vodka and whiskey receptions—some on the Russians' big, white, ocean-going tug *Orel*, others in the Governor's handsome colonial mansion overlooking the narrow harbor and the restless fishing boats—the negotiators came up with an agreement under which the Russians agreed not to use tangle nets where they might foul up American crab pots. Egan said of the confrontation, "It was the first occasion in which Soviets were willing to sit down with any fishing group in the world and talk over problems and work out a solution."

Last year in another unorthodox maneuver, Egan defied American packers on the mainland by inviting Japan to buy the entire catch of pink salmon on Prince William Sound. The Alaska Packers Association of San Francisco and the New England Fish Co. of Seattle had said they would close their canneries on the Sound unless Alaskans accepted a 2½-cents-per-pound cut in the price of the fish. The Japanese paid the higher price, while Seattle and San Francisco screamed treason. Most Alaskans—who regard the out-of-State packers with the affection of a Dublin tenant for an English landlord—were delighted that the local fishermen had found a counterweight to the economic power of the canners. This spring the New England Fish Co. reached an early agreement with the Prince William Sound fishermen on the price for pink salmon.

Egan's latest diplomatic moves have been designed to prevent Japanese fishermen from catching on the high seas huge numbers of red salmon that would otherwise return to the streams of Bristol Bay to spawn. On his initiative (or that of the State Department) the Coast Guard this June increased its patrol of the area east of the 175th meridian in which the Japanese are treaty-bound not to fish, and they caught one poacher. Egan has even threatened to keep the salmon home by damming Bristol Bay.

Japan accused Egan of "seeing ghosts"; Seattle fishermen (who each summer go to Bristol Bay in large numbers to exploit the red salmon run) called the dam idea "madness"; and scientists expressed doubt that the bay, if dammed, could support the captive salmon in the grand style to which the wide Pacific has accustomed them. But Egan, who learned his poker in smalltown, high-stake Alaska, kept his hole card face down, while scattering hints of where the dams might be placed, how they might be financed, and how the captive salmon might be artificially fed with carcasses from the annual fur-seal harvest.

Nearly everyone (even the delighted local fishermen) believes Egan is bluffing in his proposal to turn Bristol Bay into a giant rearing pond for salmon. No one can be positive. For one thing, Japanese fishing interests have suddenly begun to emphasize their interest in salmon conservation. The 1965 catch in Bristol Bay was unexpectedly large, and Egan has not mentioned the dams in recent speeches.

What the State Department thinks about Egan's fishing diplomacy has not been expressed for publication. "My relations with State are, uh, correct," Egan replied when I asked him about Washington reaction. Then he bobbed his head in a characteristic gesture of pleased embarrassment. "Of course, there are a couple of Under Secretaries who probably wish the Governor of Alaska were somebody else.'

Some Alaskans worry that Egan will overreach himself—and "get us scalded," an Anchorage editor predicted glumly. He added, however, a typical postscript:

"It's hard to criticize him for what he's done. At least he's for Alaska. We're accustomed to being sold out back in Washington."

All criticism of Bill Egan is tempered this way. Although the Alaska constitution looks like a license to steal, no one has ever questioned his integrity. The worst his foes find to say about him is that he is stubborn and opinionated—"an unsuccessful smalltown grocer," says an influential publisher. (Egan's friends contend that he made more as grocer than he does as Governor.) "A prisoner of political attitudes ground into him in boyhood and early manhood," says a political rival. "A good man but without grasp," says a businessman. Each adds, "Of course I like Bill. He's a friend of mine."

It would be hard not to like Bill Egan. He is a friendly man with a quiet, self-deprecating style of humor. He never forgets a name and seems to know everyone in Alaska, which is the more remarkable considering that Alaska's quarter-million population is scattered over an area equal to that of all three Pacific coast States, plus Texas.

Alaska is a land of small towns. Even Anchorage, the metropolis, which seems certain by its fast growth to dominate the State politically, has only 48,000 inhabitants, with another 50,000 in the suburbs. It is hard for residents of the south 48 to realize how small are the towns of familiar name in the 49th State. Fairbanks up by the Arctic Circle has a populaton of 14,500; Ketchikan down at the tip of the Panhandle, 6,800; Juneau, the capital, 7,000. No other community has more than 5,000 and fewer than a half dozen more than 1,000.

Twice in recent years Anchorage has sought to have the capital transferred there, arguing that Juneau, isolated off in southeastern Alaska, is inconvenient at best, often inaccessible by air (the Alaskan way of travel), out of touch physically and spiritually with the new Alaska of the mainland. Each time, the small towns coalesced into alliance against the largest, and defeated the proposal. Juneau, with its two movie houses, numerous bars, its mountain-guarded harbor and short highways ending in wilderness, is typical of many small Alaskan towns, and Bill Egan is typical of small-town Alaska.

He was born in 1914 in the old gold rush port of Valdez, a picturesque community spread out on the moraine of a great glacier that empties into Prince William Sound. His father, a hardrock miner, was killed in a snowslide on Easter Sunday, 1921, and though his mother kept the family together, Bill was no stranger to hard times. His struggles with money have left him with a quick sympathy for the workingman—but a cautious approach to government spending.

Egan was graduated from Valdez High School in 1932. That ended his formal education, but like many Alaskans he is an omnivorous reader. (Those long winter nights.) After school he worked in a CCC camp, clerked in a grocery, packed supplies on his back over Valdez Glacier to a mine. His favorite job was acting as a bombardier when Bob Reeve, a glacier pilot, would bomb isolated camps with supplies—groceries, lumber, and sometimes boxed dynamite.

"Bill Egan had the best eye and steadiest hand of all the boys who flew with me." Reeve recalled recently. "A damn good man. A real Alaskan." (Egan is a lifelong Democrat; Reeve, a Republican of such ray serene that his house in Anchorage still sports a defiant Goldwater poster.)

What money Egan earned from odd jobs and the family grocery he spent on books, magazines—and a plane of his own. The plane was destroyed in a hangar fire in 1939 to the relief of the pretty schoolteacher, Neva McKendrick, whom he later married. He was already in politics, having been elected to the Valdez town council in 1937, and—a few weeks before the wedding—to the legislature.

During his freshman term in the house, Egan introduced the first bill demanding a territorial referendum on statehood for Alaska. It was sidetracked, but he persisted through successive terms in house and senate, battling against the well-financed machinations of W. C. Arnold, the able lobbyist for the salmon canners, who feared statehood would load them with new regulations and taxes. During the war Egan dropped out of the legislature and served as an enlisted man in the Army and the Air Corps. While still in the service he was elected mayor of Valdez in absentia, then went back to the senate.

When in 1955 the territorial legislature at last voted to force the statehood issue by calling a convention to draw up a proposed constitution, Egan felt his work was done. He stated his intention to give up politics and tend the grocery store in Valdez. But he couldn't resist, as a last fling, running for delegate to the convention. Not only was he elected, but the 54 other members chose him as president.

FAIRBANKS TO DISTRICT OF COLUMBIA AND BACK

The delegates who assembled in the Fairbanks suburb of College (home of the University of Alaska) to write the proposed constitution were widely diverse. They ranged from bankers to fur trappers, from sourdoughs to cheechakos (newcomers), from white Anglo-Saxon Protestants to Russian Orthodox Eskimos. But they were in substantial agreement on one thing: they objected to the divided authority that characterized territorial government.

The U.S. Congress controlled Alaska's purse strings; its Governor was appointed by the

President; the most important regulations were issued by the Interior, Agriculture, and Commerce Departments in Washington, and the most important economic decisions were made by the salmon canners in Seattle and San Francisco. Alaskans were positive they weren't masters of their own destiny but they couldn't decide exactly who was. "In territorial days," Bill Snedden, publisher of the lively Fairbanks News-Miner recalls, "responsibility was the pea in a thimble game."

After 75 days of work under President Egan, the convention produced a document in which the lines of authority stood out stark as utility poles. They ran straight to the Governor's desk. This was just what Alaskans wanted. They voted overwhelmingly in favor of the constitution, and approved a "Tennessee plan" campaign to win statehood. The strategy got its name from the plan used first by the territory of Tennessee, later by six other territories, in convincing Congress they were ready for admission to the Union. A shadow delegation, popularly elected, consisting of two senators and a representative, went to Washington to lobby for a statehood.

Democratic since New Deal days, Alaskans chose Bill Egan and former Territorial Governor Ernest Gruening (an FDR appointee) as Tennessee plan Senators, and Ralph Rivers as Representatives. They opened offices in Washington and, along with the territory's voteless delegate to Congress, Bob Bartlett, they mounted the campaign which finally got a statehood bill passed in 1958.

Egan planned to run for the Senate but Bartlett and Gruening filed first. To avoid the risk of splitting the party with a primary fight, Egan settled for the statehouse. Democrats go into Alaskan elections with a heavy advantage in registration and Egan, an untiring campaigner, has never lost an election.

ANCHORAGE TO CHICKEN

As Governor, Egan has advocated progressive social legislation. For example, Alaska has the Nation's strongest civil-rights laws. It is true there are few Negroes residents outside the military, but approximately one-sixth of the population is Eskimo, Indian, or Aleut. The State's statutory prohibitions against discrimination in places of public accommodation and in employment are rarely violated. Nevertheless, Alaskan Eskimos and other native peoples are disadvantaged. Living in small communities, their children attend one-teacher schools and few finish high school. At home they find jobs scarce and in town they must compete with the better educated. Hence a considerable portion of the native population must live virtually outside the money economy.

Labor legislation also is liberal; a union lobbyist told me at the last legislative session, "There's not much more we can ask for for at this time. We're here to guard what we've won and to wait for the economy to catch up."

The economy is Egan's biggest problem. The tax base is narrow and there is not much money to power the governmental machine. Federal funds for repairing damage done by the Good Friday earthquake of 1964 are currently stimulating the economy, and the State looks hopefully to the development of new oil discoveries as a source of increased taxes in the near future. But until the oil fields are producing, Egan has to guard the State budget carefully.

"The Governor is a very slow man with a buck," one of his assistants remarked ruefully. "He's a paper-clip counter at heart."

This attitude toward the State's funds may reflect his own financial woes, caused in recent years by medical bills, the ruin of his Valdez home and a business building he owned there, in the tidal wave after the earthquake, and the flooding of a cabin in which furniture saved from the quake was stored. He usually walks to work from the Governor's mansion, and when he uses the State car, which is seldom, he drives it himself and competes on equal terms in the downtown scramble for parking. He avoids elevators in the dowdy old capital because he feels he is more likely to have a chance to chat with constituents on the stairs. When staying in hotels around the State he seldom has meals sent to his room. "People who wouldn't come to the office to tell me their problems will stop by my table," he says.

In the course of incessantly flying around the State, he works diligently at meeting people. At a reception I once heard him ask on a first-name basis about people in Haines, King Salmon, Atka, Anchorage, Kotzebue, Circle, and—so help me—a town called Chicken. I asked if there really was such a place. He bobbed his head. "Oh, yes. It was named by some prospectors during the gold rush. They had shot a ptarmigan and were going to call the Camp Ptarmigan." He ducked his head again. "None of them could spell it."

Egan is currently acting much like a politician heading into another campaign. The constitution he helped draft prohibits more than two full terms for a Governor, but because the regular inauguration date is December and President Eisenhower's proclamation of statehood was not made until January 1959, Egan's first term fell a month short of being technically full. As a result most politicians and lawyers in Alaska think he is technically eligible for a third term and that he will run again in 1966. He will probably be opposed in the Democratic primary by Anchorage attorney Wendell P. Kay.

Republican possibilities include Lowell Thomas, Jr., who lost a close race for Congress in 1964, former Territorial Governor Mike Stepovich, and Representative Bruce Kendall. They are already hammering away on the third-term issue (which may irritate some fellow Democrats as well). Here is a typical comment from one of them: "Bill Egan is called the father of this constitution. It's a hell of a note when he has to twist his offspring's arm all out of shape in order to hold power."

ALL GREAT WORLD CAPITALS

For his part, Egan avoids any statement about his intentions, though he concedes that he enjoys public service and that there are no apparent openings except the governorship. Senator Bob Bartlett, whose term expires in 1967, is in the full flower of his effectiveness and popularity. Senator Gruening, though in his seventies, is untiring and unretiring. Ralph Rivers has announced he will run again for Congress. Egan's talk is not that of a 51-year-old resigned to private life:

"Alaska has come through the formative years of statehood," he told me one day at breakfast in the Anchorage Westward. "I don't think any of us comprehend the full importance of the role Alaska is destined to play in the future. I mean the near future. Alaska is the aviation crossroads of the world. The next generation of planes, the supersonic transports, will put us within a few hours of all great world capitals."

He spoke of "limitless" resources now catching the attention of the world; of pioneering ventures in the establishment of international industries; of the Japanese pulp interests building plants that employ Alaskans and pay Alaska taxes; of Japanese fisheries associating themselves with American canners to operate facilities on Prince William Sound; of the resulting interest of American capital in Alaskan resources.

"Alaska is no longer looked on as a cold storage container," he said earnestly. "The thaw has started. In the near future Alaska will be on the front burner."

The Governor undoubtedly expects to be stirring the pot.

NO LETUP IN RADICAL RIGHT PROPAGANDA EFFORTS

Mr. McGOVERN. Mr. President, there is seemingly no end to the hair-brained propaganda schemes of the radical right.

Yesterday I received a letter from an organization which calls itself the Americanism Educational League, under the signature of former FBI counterspy Herbert Philbrick, soliciting tax-deductible contributions to finance the distribution on college campuses of 500,000 copies of John Stormer's propaganda trash, "None Dare Call It Treason." My Senate colleagues will undoubtedly remember this as the book so widely circulated by rightwingers during the 1964 campaign. It is filled with distortions, phony charges, misleading references, and base falsehoods. In a word, it is an insult to the intelligence of the thoughtful, reasonable American citizen. I have no doubt but that most college students will file it where it deserves to be filed, in the nearest wastebasket.

But, Mr. President, I fail to understand why an organization such as the Americanism Educational League which engages in this kind of outright political propaganda should enjoy a Federal tax exemption. Why should other taxpayers subsidize the operations of this radical political outfit? I urge officials of the Internal Revenue Service to take immediate action to remedy this situation.

In yesterday's Washington Post, Rowland Evans and Robert Novak thoughtfully discuss this latest propaganda project of the radical right. I ask unanimous consent that this excellent column, entitled "The Birch Book," be printed at this point in the Record, together with Mr. Philbrick's letter.

I also ask unanimous consent that a fine editorial from the Minneapolis Tribune, condemning the destructive tactics and strategy of the John Birch Society, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Sept. 27, 1965]

THE BIRCH BOOK

(By Rowland Evans and Robert Novak)

The ever diligent rightwing has concocted a new scheme for peddling propaganda among American college youth under an indirect subsidy from none other than the Federal Treasury.

The Federal subsidy stems from the fact that an obscure rightwing organization in Inglewood, Calif., called the Americanism Educational League enjoys a Federal tax exemption as an "educational" organization.

Contributors to AEL can claim their contributions as a Federal income tax deduction.

The league is now soliciting tax-deductible contributions to finance the distribution on college campuses of half a million copies of "None Dare Call It Treason" by John Stormer. An extremist Birchite warning of an imminent Communist takeover in the United States, this book was bought by the millions by rightwing backers of Barry Goldwater during the 1964 campaign.

The campus distribution of this propaganda is no isolated endeavor of a few Californians. It exactly coincides with a major project of the John Birch Society itself in pushing "None Dare Call It Treason" among college students. Thus, the Federal Treasury is in the unwitting position of underwriting the far right's top propaganda campaign of this autumn.

Until recently, the Americanism Educational League was one of the oldest (founded in 1927) but least effective of the proliferating rightist groups. That was before millionaire Walter Knott, proprietor of Knott's berry farm in Orange County, Calif., and generous benefactor of rightwing causes, took a personal interest. Fueled by Knott's ample funds, the league surged forward.

Last week it displayed its new zeal by mailing out a fund appeal for the Stormer book project in a letter signed by former FBI counterspy Herbert A. Philbrick, who now makes his living as a rightwing lecturer.

Philbrick's letter, expressing a desire "to stimulate millions of students into reading and discussing important books on individual liberty and freedom," seems innocuous enough to the uninitiated. What they wouldn't know about is the John Birch Society link.

For instance, it is not coincidental that the September national bulletin of the Birch Society reveals that each Birch chapter is being issued 25 copies of "None Dare Call It Treason" for distribution on U.S. campuses. Birch members are urged to give copies of the Stormer book to college students and describe it as different than the "optimistic and deceptive trivia he is so likely to find in most of the academic halls today."

The John Birch Society has reason to love "None Dare Call It Treason." In a concluding chapter titled "What Can You Do?" Stormer cautions the readers not to form their own organizations but instead to join "well established national organizations—such as the John Birch Society. He even lists the society's mailing address. In fact, Stormer occasionally lectures for the Birch-sponsored American Opinion Speakers Bureau.

The irony for U.S. taxpayers is that the tax-exempt status of the Americanism Educational League is being used to reinforce the society's campaign to put "None Dare Call It Treason" into the hands of college students.

Philbrick's letter emphasizes the tax-deductible feature. He urges: "Please use the enclosed postage paid return envelope today to speed your maximum tax deductible contribution toward this worthy project."

The enclosed envelope stresses: "All contributions are tax deductible."

Other rightist "educational" organizations have lost their tax-exempt status on the solid grounds that a substantial portion of their activities is political, not educational. Accordingly, the Americanism Educational League may be endangering its own tax exemption by peddling a product so blatantly noneducational as Stormer's book.

But even if the Government this very day brings proceedings against the league aimed at stripping away its tax exemption, the entire process would consume 6 months to 2 years (exclusive of court appeals). Moreover, this could have no effect whatever on deductions claimed by individual taxpayers on contributions made now in behalf of the Stormer book project. There is just no remedy. Uncle Sam is stuck with part of the tab for dispensing the rightist propaganda.

[From the Minneapolis (Minn.) Tribune, September 9, 1965]

WE AND THE JOHN BIRCH SOCIETY

Into each life some rain * * * etc. Our bit of pitter patter for the day came in the form of a note (anonymous) from a newcomer to the upper Midwest who had, he (or she) said, planned to subscribe to the Tribune but then decided against us because of our editorial policy.

All newspapers occasionally lose readers for that reason, but in this case the policy ascribed to us was something of a shocker.

We have, our once-potential reader avers, been engaged in subtly creating "an aura of dignity around" and in otherwise supporting the John Birch Society.

It is fairly certain that if anyone is more surprised by that allegation than we, it must be the local members of the society.

Once and for all, for the benefit of other newcomers to the area—and even at the risk of losing some Birch Society member-readers —let's have it clear: We think the society's views, its aims, and the tactics by which it seeks to achieve its aims, need to be aired continually and thoroughly, and exposed to public examination. Just as the views, aims, tactics, etc., of organizations operating out of the other (leftward) extreme of the political spectrum need to be aired and examined.

But * * * at the same time, we have yet to hear of a proposition put forward by such organizations, left or right and including the Birch group, with which we agree. Often, it is true, their aims are couched in lofty and seemingly venerable terms. But just as often their tactics and strategy are destructive of their stated aims and of the fundamentals on which our society has been built.

AMERICANISM EDUCATIONAL LEAGUE,
Inglewood, Calif., September 20, 1965.

DEAR FRIEND: One morning this October, hundreds of thousands of college students throughout America will awake to find at their door a copy of John Stormer's best-selling book, "None Dare Call It Treason." These young people will have been exposed to one of the most important books since J Edgar Hoover's "Masters of Deceit."

Before the semester ends they will be competing for over $6,000 in prizes in an essay contest based upon this book. The purpose of the contest is to encourage students to consider material which is critical of, as well as favorable to "None Dare Call It Treason," in the confident expectation that, when carefully weighed, the powerful arguments contained in this book will enable the students to make intelligent, far-reaching conclusions.

This fall the Americanism Educational League is sponsoring the first in a series of essay contests designed to stimulate millions of students into reading and discussing important books on individual liberty and freedom. A plan for distributing 500,000 copies of "None Dare Call It Treason" on approximately 700 college campuses is now in progress.

I am enclosing a brochure in order that you may better understand how the contest will be run. This same brochure will be distributed to the students along with the book.

The cost of conducting the essay contest is only 25 cents per student or $125,000 for 500,000. This includes the cost of the books, the brochures, and the prizes. The number of students will be increased according to money received in excess of $125,000.

As you can imagine, a program of this magnitude requires planning well in advance, therefore, necessary funds must be received immediately. The money we receive during the next few weeks will determine whether we can proceed with the distribution of 500,000, 1 million, or 2 million books, or must sharply curtail our plans.

Please use the enclosed postage paid return envelope today to speed your maximum tax deductible contribution toward this worthy project.

There is no more important work than seeing that the youth of America are aware of the issues facing us today. Your contribution can help distribute the book that has been more effective in exposing communism than any other book in the last 30 years.

Sincerely,

HERBERT A. PHILBRICK.

REINSURANCE FOR PRIVATE PENSION PLANS

Mr. HARTKE. Mr. President, since the closing of Studebaker in South Bend I have been very much concerned with the need for a reinsurance program to prevent the loss of benefits from private pension plans when plans are abruptly terminated.

In an address before the Chicago Actuarial Club on April 19, 1965, Mr. Howard Young, the actuarial consultant for the United Auto Workers, probed into the issues involved in such a reinsurance program and provided an excellent summary of the bill I introduced this year, S. 1575. In answering critics of such a proposal, Mr. Young brings to the fore his own constructive criticisms, recognizing in particular the necessity for intensive debate and study of the matter.

Mr. President, Mr. Young's reasoned approach to this publicly neglected problem of private pension plans is worthy of much consideration. Therefore, I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FEDERAL REINSURANCE OF PRIVATE PENSION PLANS[1]

(By Howard Young)[2]

For some years now, there have been proposals that the Federal Government establish a reinsurance program for private pension plans to assure payment of benefits even if the assets of the plan are inadequate to provide such benefits due to termination of the plan. In 1964, a bill was introduced in the Senate by Mr. HARTKE and others: Senator HARTKE reintroduced the bill, with minor modifications, on March 18, 1965, as S. 1575.[3]

* * * * *

The establishment of pension plans, and the periodic improvement of such plans, results in most plans having assets at any particular time which are less than the value of benefits accrued to that time.[4] While some people have suggested that this problem be avoided by confining changes in the plan to affect only benefits which will accrue in the future and to fully fund all benefits as accrued, this is somewhat like suggesting that the best way to protect a valuable jewel from possible loss is never to wear it. A large part of the value of the jewel lies in the ability to display it, even if this entails some risk of loss.

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[1] A talk prepared for presentation to the Chicago Actuarial Club, Apr. 19, 1965.

[2] Actuarial Consultant, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW.

[3] A corresponding bill was introduced in the House (H.R. 6944) by Mr. BRADEMAS.

Similarly, the major value of a group pension plan—as opposed to a collection of individual annuity programs for a group of people—lies in the ability to modify the plan to meet changing conditions, and to act as a mechanism for transmitting income from current to prior generations of workers, thus eliminating the features which involve risk would also prevent the most significant utilization of private pension plans.

In explaining the partially funded status of a pension plan, I frequently compare it to the situation of owning a home with a mortgage. If the house is sold before the mortgage is fully amortized, not all of the purchase payment is payable to the owner of the house; he only receives his funded portion of the equity. Similarly in pension plans, at any time only the funded equity is available to the owners (participants and beneficiaries) of the fund. The analogy can be carried one step further: if the mortgage mechanism were never used in purchasing a home, the problems of foreclosure would be avoided, but few of us could enjoy the advantages of homeownership. Similarly, if the unfunded liability mechanism were not utilized, few employee groups would have adequate pension benefits.

Unfortunately, the magnitude of the termination problem is not known. Little data is available on the true relationship between assets of pension plans and the reserves needed for accrued benefits. Even for the plans which terminate, such data is not generally available. Furthermore, as Frank Griffen showed in his recent study,[5] the usual basis of reporting such data does not give a realistic picture.

While it is my belief that for most plans a significant gap exists between the value of plan assets and the amount required to provide accrued benefits, I support the Cabinet Committee's recommendation[6] that there is need for research in this area.

Finally, there seems to be growing feeling—although it is of necessity based on immature data—that technological change will increase the rate of business sales, mergers, and terminations with a consequent increase in the rate of plan terminations. Thus we have a problem which is likely to grow in importance.

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All of us are familiar with the Studebaker closing in South Bend. The insistence of the UAW on "funded" pension plans at least resulted in the ability to assure lifetime benefits to all persons over age 60. There was even a little money left over, which will be distributed to those age 50 to 60. However, the commitment to fund past service liabilities over 30-year periods was obviously not adequate to assure full benefits.

In this case "funding" may not even have been the best answer. The fact that Studebaker will continue to exist as a corporation and probably make money, raises the possibility that a corporate guarantee of benefits would have been of greater value. One cannot be sure, however; the remainder of the corporation might go out of business next year. Certainly, for the more typical case, the existence of an independent fund is the best assurance employees can currently get that benefits will be paid.

I only raise questions about the assumption that "funding" is the best answer, because it must be viewed in light of the alternatives. At the present time, for the usual case, "funding" is best. However, if a reinsurance mechanism were available the need for "funding" would be much less. In addition, the usual quid-pro-quo for "funding"—the fact that the corporation has no liability other than its annual contributions—is difficult to rationalize when compared to the other areas in which the corporation's decision to cease operations will presumably cause some future cost: for example, loss on sale of plant and equipment.

The Studebaker situation is cited not only because it is well known, but also because it was the stimulus to Senator HARTKE's action. He cited this when introducing the bill in 1964, and when submitting S. 1575 this year.

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I have prepared an outline of S. 1575. If you will look that over, it will give you a general idea—without getting into every detail—of the proposal.

An even faster—and less detailed—description of the bill would be the following:

1. All employee plans would have to pay a reinsurance premium to continue to get special tax treatment.

2. After the plan has been reinsured at least 3 years, certain benefits would be guaranteed even if the assets were inadequate due to losses or termination of the plan because the employment unit is shut down.

3. There is a maximum amount which would be guaranteed for any individual, and there are provisions for covering only older employees if that seems necessary to keep the costs of the program at a reasonable level.

Let us now take a longer look at some of the more important provisions.

First, the requirement for compulsory participation. Aside from the usual objections to new Federal programs, the major cry here has been against the requirement that all plans be reinsured.

The fact is, of course, that very few employee groups can be certain they will never need help from the reinsurance fund. It is quite likely that A.T. & T. and GM and a handful of others will never cease operations; but where do we go from there?

Who would have thought in 1950 that Packard—"the symbol of excellence"—would be out of business by 1955? Insurance texts on investment policy point out that in 1900 street railways (trolley cars) were considered among the most secure investments; today few are in existence. It is easy to imagine that a "dream company" such as IBM might be hard put to maintain its employee benefit programs, and even its existence, if some technological discovery by a competitor were to open new areas of data processing.

In other words, as in all forms of insurance, coverage is needed simply because we cannot be sure whether or when a loss will occur.

There is another argument for requiring all plans to pay the reinsurance premium. In our interdependent economy, the closing of a plant is frequently the result of actions by others. The decision of a major purchaser to shift its business will often result in the shutdown of a supplier. The decision of a large company to operate on a smaller profit margin or to expand into new areas will often result in the shutdown of competitors. Thus all employment groups must bear some cost of the shutdown of any group.

Second, the coverage of asset losses. This is a relatively minor problem since the only loss covered is one that occurs when assets must be liquidated to pay current benefits. Very few plans ever have to sell assets to pay benefits; this can generally be accomplished by using current income.

The provision is very interesting, however, because it reminds one of the Federal Deposit Insurance Corporation (FDIC): a reinsurance arrangement for banks. I did some research on the arguments which were advanced in the 1930's against FDIC; they sound very much like those currently being advanced against reinsurance of pension funds. To quote only two sources:

"At the inception of the FDIC, it was criticized as violating recognized principles of insurance, since the rate of assessments is not scaled to the apparent risk of loss among those insured and assessments are paid on deposits in excess of $10,000 even though they are not accorded protection. It was argued that the protection afforded depositors would make it unnecessary for banks to maintain high standards in order to attract business, thereby encouraging lax banking methods.[7] Opponents of the plan have advanced several arguments against deposit insurance. One is that it will encourage bad banking and inefficient administration of local instituitons by removing the necessity for each bank to preserve itself through good management. Another, that the present plan of assessment places an unfair burden upon large metropolitan banks. This is, their likelihood of failure is less than that of smaller, less diversified rural banks, and so their contribution to the fund should be relatively less."[8] The current appraisal—as one of these same sources points out—is that "FDIC has become a prized and permanent feature of the country's financial structure."[9]

Third, the coverage of unfunded liabilities. A primary concept is that the bill would guarantee benefits, not the unfunded amount shown in the plan actuary's valuation. Since the premium is intended to be proportional to the amount reinsured, standards would be established as a basis for determining the amount. The plan actuary would not be required to use these standards in determining current contributions; they would only be required for the purpose of determining the reinsurance premium.

To establish these standards an Advisory Council is to be appointed by the President. It would also consider the difficult questions of premium rates—on which the bill establishes a maximum—and of the possible limitation of coverage to classes of older workers if needed to keep the premium within the limits established.

The bill also addresses itself to the question of partial terminations, where there is a shutdown of only one of several employment units covered by a single plan. It is proposed that an appropriate portion of the assets be "spun off" for the benefit of this unit, with the reinsurance fund assuming any excess liabilities. The remainder of the units could continue to operate their plan independently of the group which had been terminated.

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[4] The concept of an employee's accrued benefit is not always explicitly defined in a pension plan, but generally it represents the benefit payable to someone currently retiring (as a normal retiree) with the same prior employment record as the employee.

[5] Pension Security and Funding Regulation by Frank L. Griffen, Jr. The Proceedings of the Conference of Actuaries in Public Practice, vol. XIV, 1964–65.

[6] Public Policy and Private Pension Programs by President's Committee on Corporate Pension Funds, etc., January 1965.

[7] Money and Banking by Whittlesey, Freedman, and Herman, The Macmillan Co., New York, N.Y., 1963, p. 528.

[8] Financial Institutions, by Robinson and others, Richard D. Irwin, Inc., Homeward, Ill., 1960, p. 149.

[9] Op. cit., Whittlesey, p. 528.

No requirement is established with respect to funding of past service liabilities; although the minimum IRS requirements would, of course, have to be met to maintain qualification. This has created controversy, even among those who are strongly in favor of the bill.

The main argument in favor of requiring funding is based on the assumption that the risk of termination increases with the passage of time. If this is true then the rate of claims would increase each year and soon require very high reinsurance premiums. As in the case of permanent life insurance, funding would alleviate this by reducing the amount at risk as each plan grows older.

My own feeling is that we need more facts. I have been persuaded by some of my economist friends that the true situation may be that after the first few years the probability that a business firm terminates actually decreases.

There are those who feel that funding is not an unmixed blessing. It limits the flexibility of designing programs. It also ties up a substantial amount of assets. The $225 billion level of anticipated pension fund assets by 1980 raises questions concerning the availability of good investments for other forms of saving.

In any event, it must be recognized that the goal is security of benefit expectations and a realistic recognition of costs. Funding is merely a means to that end; if other mechanisms—particularly the reinsurance proposed—can achieve the goal, then our present ideas about the need for funding must be reassessed.

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There can be little doubt that the need exists for a new pension mechanism to meet the termination problem. It also seems clear that the Federal Government should establish the program because the cost is one which should be spread to all employment units whether or not they are willing to recognize their own need and obligation to participate.

Whether S. 1575 is the answer should be a subject of intensive debate. In introducing the bill Senator HARTKE himself said "I do not claim that the bill I present is the one and only ultimate answer to the need. But it is at least an effort to devise a means to prevent the kind of situation which too often occurs with the departure of a defunct business." [10]

Actuaries and others should work toward the development of a sound solution, rather than expending energy on denying the problem. If the private pension system is to survive, a means must be developed to assure those currently providing money to pay benefits that their benefits will in fact be paid when they reach retirement age.

FEDERAL REINSURANCE OF PRIVATE PENSION PLANS ACT

(NOTE.—The following is a brief outline of the bill, S. 1575, as introduced by Senator HARTKE on March 18, 1965. It is intended to indicate the major features of the proposal rather than to serve as a comprehensive summary.)

I. PLANS COVERED

(a) Only "IRS qualified plans," excluding certain self-employed and owner-employee programs, are eligible.

(b) All eligible plans would be required to reinsure in order to maintain future "qualifications."

(c) During first 3 years after establishment of a plan, or of a "substantial amendment," reinsurance would not be in effect.

II. ASSET PROTECTION

(a) If assets must be liquidated to pay current benefits, reinsurance would cover loss.

(b) Premium rates could vary by class of assets: Government bonds, common stocks, etc. No other variation in premium rate.

(c) Maximum annual charge to any plan is one-quarter of 1 percent of assets.

III. LIABILITY PROTECTION

(a) If there is a "partial" or "complete" termination due to cessation of one or more operations in one or more facilities.

(b) Uniform premium rate for all plans not to exceed 1 percent of unfunded liabilities.

(c) If it is not practical, financially or administratively, to reinsure benefits for all participants, priorities may be established.

1. Those retired prior to claim for reinsurance, and those over "normal retirement age."
2. Those over "early retirement age."
3. Those over age 45.
4. Those over age 40.
5. Others.

IV. LIMITS ON BENEFITS REINSURED

(a) Employee's monthly income up to lesser of $500 per month or 50 percent of best 5-year average monthly wage.

(b) Survivor benefits (monthly income or lump-sum), an amount "reasonably related" to the employee's limit.

V. MECHANISM

(a) Operate as a "program" in Department of Health, Education, and Welfare.

(b) Disbursements to be made from premium income and loans from U.S. Treasury.

(c) Funds not currently needed to pay benefits are to be invested in securities guaranteed by the United States.

(d) An Advisory Council to be appointed by President to advise on:

1. Premium rates.
2. Determinations of assets and unfunded liabilities.
3. Imposition of priority classes.

WORK OF SENATOR SPARKMAN AND SMALL BUSINESS COMMITTEE BENEFITS SOUTHERN CATTLE INDUSTRY

Mr. TALMADGE. Mr. President, the livestock and cattle industry is becoming increasingly important throughout the South. Experts forecast that the combination of favorable climate, rising population, and falling railroad freight rates from the Midwest on feed grains will mean increases in sales for the southern livestock industry which may go as high as $3 to $4 billion. As this trade develops, the South will attract new industry—investments in packing plants, storage, supply facilities, banking, and insurance, which will be needed to support the growth and marketing of cattle and livestock.

A recent decision by the Interstate Commerce Commission, allowing railroads to charge lower and more competitive rates into the South for feed grains in their new "Big John" aluminum freight cars, will be one of the foundations of the boom.

The President of the Southern Railroad Co., Mr. D. W. Brosnan, has remarked that livestock production, made less costly by these new rates "will take off like a rocket."

I ask unanimous consent that an article which appeared in the Journal of Commerce on September 13, 1965, and which gives more details as to this ICC action, be printed in the RECORD for information following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TALMADGE. Mr. President, the South will need to find markets for this new production. We will be looking to the increasing population of our own States and to the rest of the Nation as a market. Beyond this, however, lie profitable and attractive export markets. Western Europe alone has almost twice the population of the United States, while its beef consumption is only one-half of our own. Wholesale prices for beef in some parts of Europe are nearly double those in Chicago. The Department of Agriculture has estimated that the market open to U.S. beef in Europe may thus be as high as $170 million per year. Furthermore, this market is increasing in proportion to the spectacular increases in prosperity there. An example of what the American beef industry can do to serve this market was the shipment of 1,873 live cattle from the port of Mobile, Ala., to Italy in February. This was the largest cargo of live animals ever to be exported from this country.

As the Senator from Alabama [Mr. SPARKMAN] pointed out on the floor of the Senate earlier this year, the authorities, such as Mr. Jay Taylor, chairman of the 1964 U.S. Beef Mission to Europe, and Mr. Charles Shuman, president of the American Farm Bureau Federation, agree that small farmers and businesses as well as large ones can take advantage of exports of both live cattle and dressed beef. In short, trade in beef is the kind of economic development which will help everyone and harm no one.

With great foresight, Senator SPARKMAN began investigating these possibilities over a year ago. Since then, ocean freight rates on beef have been reduced 20 to 25 percent, and airfreight rates have been reduced 25 to 30 percent to Western Europe and the Mediterranean areas. Aircargo rates on live cattle, which were $1.39 per pound in the summer of 1964, have been cut down to 38 to 41 cents. Together with the "Big John" domestic rate reductions, these improvements in foreign transportation rates can be a turning point in the economy of the entire South.

The story of Senator SPARKMAN's leadership in this field is worth telling at some length. After calling attention to the potentials for beef exports last year, the junior Senator from Alabama consulted with the executives of the beef, livestock and shipping industries and with the Government agencies involved, in order to decide whether Senate hearings would serve a useful purpose.

As a result, when hearings were held in February 24 and 25, 1965, they took place in an atmosphere of cooperation in which all could join to improve our trading position in these commodities. The success of this approach was quick to show itself in the rate reductions which, of course, improved the prospects of establishing permanent trade on a commercial basis, to the benefit of both the beef industry and the shipping lines.

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[10] CONGRESSIONAL RECORD, Senate, Sept. 18, 1965.

The respect that the steamship industry has for the Senate Small Business Committee and its chairman was again shown by the fact that when a general rate increase went into effect in April of this year, the rates on beef and beef products were exempted and allowed to remain at the lower levels. Further, when the rates were scheduled to expire on September 30, they were extended for several months at the chairman's request, and the indications are that they will not be returned to the higher levels in the foreseeable future.

The figures available for the first 4 months of 1965 show that beef exports were 66 percent above last year's totals and live cattle exports were up over 68 percent. This movement amounts to the largest breakthrough in beef exports since before World War I. If our industry is able to consolidate and broaden these gains, our country could be on its way to winning major new markets abroad for American beef. In the face of difficulties which this country has had on the waterfront this year, these are remarkable achievements.

However, the Senator from Alabama was not content with this. Senator Sparkman made several speeches to the Senate, informing the Members of these developments, and seeking to enlist their active support. He has also met with the leaders of the national farm, beef, and livestock industries to obtain their advice and counsel.

On September 9, Senator Sparkman held another hearing to review the political bariers to agricultural imports set up by the European Common Market. These are matters that will be dealt with in the trade negotiations about to begin in Geneva. In view of the importance of these issues, the Senate Committee on Agriculture and Forestry, under the chairmanship of the Senator from Louisiana [Mr. Ellender] joined in the sponsorship and support of this meeting. The U.S. negotiators who appeared before the Sparkman-Ellender inquiry were urged to take a strong stand on beef and beef products.

In addition to being a member of the Agriculture Committee, the junior Senator from Georgia has been selected as one of the Senators who will accompany our negotiators in Geneva. I can thus say that the work of the Senate Small Business Committee will be most helpful, both in mobilizing congressional support for our beef industry, and in putting together information and statistics in its hearings and interim report. Both will be of use in the hard bargaining that will take place.

In another milestone, the National Provisioner magazine published its first issue especially devoted to exports on September 11, 1965. This leading publication of the meatpacking and allied industries noted that these industries are just beginning to enter international trade and that "the export course is not fully charted."

The magazine states that the industry will be looking forward to the help and guidance of the Senate Small Business Committee, and, particularly, to its forthcoming interim report. I ask unanimous consent that the lead editorial from this issue entitled "Exports Ahoy" also be printed following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. TALMADGE. Mr. President, I am pleased to say that in my opinion, Senator Sparkman is making an historic contribution to reducing the barriers and encouraging the expansion of U.S. beef exports. He has done much to make the Senate, and indeed the Nation, aware of the vast and profitable potential. He has already brought about substantial improvements in the level of freight rates. And he has encouraged the steamship and beef industries to search actively for ways of increasing this trade in an atmosphere described by the president of an important steampship organization as one of "concert rather than acrimony." The State of Alabama, the South, and the Nation should be grateful for the gifted and continuing leadership of the Senator from Alabama in this field.

Exhibit 1

[From the Journal of Commerce, Sept. 13, 1965]

Prodded by High Court: ICC Reverses Self on "Big John" Rates

(By Gus Constantine)

Washington, September 12.—In reversing itself—under the pointed prodding of adverse Federal district and Supreme Court decisions—on Southern Railway's "Big John" grain rates, the Interstate Commerce Commission stated plainly for the first time a willingness to consider the effect of future traffic on a carrier's costs in judging whether proposed rates will be compensative.

"While recent and pertinent cost experience often furnishes an appropriate guide," the Commission said, if a carrier's costs "have been high because of low volume of traffic, the use of such costs to determine the reasonableness of a proposed rate, the very purpose of which is to increase the carrier's business, should of necessity be weighed most carefully."

Past traffic

On the basis of past traffic, the Commission had found Southern's proposed 60 percent slash in grain rates some 16 percent too low on the first go-around. A Cincinnati Federal District Court later disagreed, however, and on appeal, the Supreme Court sent the case back to the agency for another look.

Using the new criterion, the Commission not only found the full Southern reduction justified, but also found similar rates asked by rival carriers for application in normal-size freight cars unlawful.

"In any event, it should be emphasized that we are here judging rates for the future," the Commission said.

The intriguing phrase, in which the agency appeared to be saying that the record before it could not adequately tell the story of what it would cost Southern to ship the grain, was repeated in a concurring opinion by ICC Vice Chairman John W. Bush.

And just to prove that the Federal agency's conclusion could lead to tantalizing consequences, Mr. Bush used the phrase to tell the Commission that it should have also approved the rates asked by rival railroads.

What had, in fact, weakened the cost record, was that it had been built up for traffic conditions which Southern was trying to alter radically.

Southern contended that it had a low volume of traffic because itinerant truckers, bringing profitable freight from the South across the Ohio and Mississippi, were able to haul back grain at rockbottom prices. Its proposal was designed to meet such competition and increase its volume of traffic, a fact which would obviously lower its costs.

"While recent and pertinent cost experience often furnishes an appropriate guide," the Commission said, if a carrier's costs "have been high because of low volume of traffic, the use of such costs to determine the reasonableness of a proposed rate, the very purpose of which is to increase the carrier's business, should of necessity be weighed most carefully."

Southern Railway was naturally elated over the victory. President D. W. Brosnan said the Interstate Commerce Commission "deserves the highest praise and thanks of the American people" for its approval.

"This is regulation in the public interest, benefiting all consumers, and particularly the grain-deficit South and farmers in the grain-surplus Midwest," the rail executive added. He predicted that livestock production, made less costly by the rail rates for feed grains, "will take off like a rocket."

The South, historically a greater consumer of grain than it is a producer, relies heavily on shipments from Ohio, the Midwest, and the Southwest. The grain has poured through the Mississippi and Ohio River gateways, where millers and processors do a thriving business converting it to grain products before it is shipped across the two rivers into southern markets.

Southern began its battle to haul the grain directly into the South in 1961, when it came up with the lightweight aluminum hopper car which later came to be known as the Big John.

It proposed to ship the grain, without any transit, 450 tons (five cars) at a time. Another feature of the proposal, which eventually was to stir heated controversy was that grain coming from anywhere closer than 6 miles would be charged 2.40 per ton. It was designed to draw grain from long distances, and drew howls from interests located in the nearby Tennessee River ports.

In its latest decision the Commission also had to grapple with its earlier conclusion that this rate feature created a prejudice to Tennessee River interests. While it had earlier ordered this condition corrected, its new conclusion is that such action is unnecessary.

It so concluded by ruling that receivers on the Tennessee River ports were served by large barge operators with many of the customers not even on rail lines. It also decided that there was not enough proof to substantiate claims that truckers would be hurt.

The case presumbaly is now over. It has swung the full circle—approval by ICC's rates and practices division, partial reversal by the full Commission with the requirement that the rates be raised 16 percent, a rebuff of this stand by an Ohio Federal court, a decision by the Supreme Court to throw the whole matter back into ICC's lap, Commission action the same as that taken by the division in the first place.

But the new element with its revolutionary implications for transportation ratemaking, is the Commission's reasoning that "in judging rates for the future, reasonable prognostications should be given weight."

Exhibit 2

Exports Ahoy

As noted by several writers in this special export issue, the first ever published for the U.S. meat industry, the American Meat Institute and U.S. Department of Agriculture were in strange waters for this country when they embarked on their joint market development program in Europe a little more than a year ago.

Except for byproducts, little exporting had been done by the U.S. industry, and that by a relatively few of the approximately 1,700 federally inspected plants whose products are eligible to enter foreign commerce. U.S. packers didn't know "the language" of the overseas traders, nor they ours, and many other barriers were encountered.

All is not now "smooth sailing" ahead, but a good start has been made to acquaint Europeans with U.S. product and the U.S. industry with the needs and desires of the overseas trade. And as reported in the story beginning on page 33, this promotional effort is being stepped up in the weeks ahead.

The export course is not yet fully charted, naturally, but U.S. packers interested in exporting now can turn to a number of sources for aid in getting started. They are prescribed and listed in this issue.

More help and direction is on the way. The Senate Small Business Committee, headed by Senator JOHN SPARKMAN, Democrat, of Alabama, is planning to issue an interim report soon on its investigation of ocean freight rates and other barriers to expanding exports of U.S. beef and beef products, which began last February with hearings in Washington, D.C. It will contain recommendations for packers.

Dr. Alvin Carpenter of the University of California is to report to the AMI and USDA at the end of October on his economic analysis and forward projection of the European market with respect to the beef demand 5 to 10 years ahead.

Many valuable suggestions should emanate from the U.S. variety meats conference in London late this month.

We'll continue to do our part to keep you informed. Exports ahoy.

"GRANT PROGRAMS FOR FISCAL 1966" BY GENEVIEVE O. DANE

Mr. MORSE. Mr. President, the July-August 1965 issue of American Education, a publication of the Office of Education of the Department of Health, Education, and Welfare, contains an article by Mrs. Genevieve O. Dane, entitled, "Grant Programs for Fiscal 1966."

This article and the tables which follow it, which detail the Federal money which is available for education through programs administered by the U.S. Office of Education, is one which I believe can be most helpful to all senatorial offices for the reason that in short compass there is set forth a most comprehensive picture of the current Federal effort under the various acts which the Congress has authorized in the field of education.

Mr. President, I ask unanimous consent that the article and the tables to which I have alluded be printed at this point in my remarks.

There being no objection, the article and tables were ordered to be printed in the RECORD, as follows:

GRANT PROGRAMS FOR FISCAL 1966

(By Genevieve O. Dane)

(NOTE.—Mrs. Dane is Chief of the Budget Management Section of the U.S. Office of Education. Her position makes her familiar with the processes by which Federal money flows from the Office of Education to local schools, colleges, and universities, and students and teachers.)

During fiscal year 1966 more than $3 billion in Federal funds will flow from the Federal Treasury through the U.S. Office of Education to schools and colleges, to teachers and students, and to libraries and librarians. These funds are authorized under 19 laws, the earliest enacted in 1890 and the latest in 1965.

Despite the span of years they cover, the laws have similar features:

They have a single purpose: to help the people of this country get the education they need.

They recognize the diversity of the Nation and the national commitment to Federal-State-local cooperation in education.

They make funds available in one of three forms—grants-in-aid, loan, or contracts for work done.

They define in precise terms the channels through which funds are to reach recipients. Most laws spell out the amount of money that may be appropriated for a given purpose and the formula the administrative agency is to use in distributing it.

They designate both the recipient and the immediate beneficiaries. Most of the early laws and many of the later ones designate the State education agency as the recipient of grants-in-aid, though college and university students and students in vocational education are the beneficiaries. Since World War II a few of the laws name colleges and universities as recipients, others name local educational agencies, and one or two others permit payments to individuals or institutions other than colleges.

Under such circumstances one might think it would be a fairly simple matter to get the funds to the beneficiaries in a hurry. In fact, it is a complicated process, a process the public generally calls redtape.

In any transaction involving Federal dollars redtape is not only necessary but protective. It insures the beneficiaries of grants that they will get their share, that they will be free of Federal control. And it insures the Congress that its intent is being followed.

Such redtape takes time. Speed in getting the money into circulation is important, for most legislation specifies that funds must be spent in the year for which they are appropriated, but speed is not the first consideration. The first consideration is that both the Office of Education, as the administrative agency, and the recipient meet the requirements of the law, requirements that are specific and time consuming. Let me illustrate.

After the Congress enacts legislation authorizing aid, it must enact separate legislation appropriating funds. Not until the appropriation has been made can the Office get the administrative wheels rolling. The Office must then get legal interpretation of the intent of the Congress in certain words or phrases, issue regulations under which it will administer the law, employ or reassign staff members to handle the work, prepare and publish application forms, and in the meantime answer endless queries.

In addition the Office must get together the data required by the formula or formulas the law prescribes for allocating the funds. (The laws direct the Office to get these data from the Census Bureau, U.S. Department of Commerce.) A formula may be based on total population, a particular segment of the population, or it may be based on both population and income per capita or on some other measure of need.

By writing such formulas into legislation the Congress makes sure that Federal aid goes where it is most needed. Take two examples. Under Public Laws 874 and 815, which provide assistance to areas affected by Federal programs, the formula is based on the number of children who live on or who live with a parent employed on Federal property. Under Public Law 874 the rate of payment is based on expenditure from local revenue for current operating expenses by a comparable community in the same State. Under the Vocational Education Act of 1963 the formula is based on population and per capita income, which means that a State with a large population between the ages of 15 and 65 and low per capita income gets proportionately more funds than a State with a smaller population and a higher per capita income.

Legislation requires the beneficiaries of Federal aid as well as the Office to comply with the terms of the act under which the grants are made; this means that the beneficiaries too must take action before they receive a Federal grant or loan. A State education agency, for example, may have to obtain authority from its legislature to accept Federal funds. If the legislature is not in session, the agency must wait on authority. If the law requires the State to match Federal funds, the agency may have to wait for the State to appropriate them.

Some laws, the Smith-Hughes Library Service Act, and Vocational Education Act of 1963, for example, require the State to submit a "State plan"—a description of the program to be supported with details on how the funds are to be used—to the Commissioner of Education for his approval. Such a plan is, in effect, a contract between the State agency and the Office of Education.

When such details have been cleared away and the Office has computed the amount to be allocated to each recipient, funds can go out.

Assume for the moment that funds are to be distributed under the National Defense Education Act of 1958—an act that authorizes programs involving State education agencies, local school districts, colleges and universities, college students, individual contractors for research (title VII). Assume too that the recipients have complied with all requirements. The Commissioner of Education certifies to the Secretary of the Treasury the amount to be paid to each. In turn the Treasury makes the payments to the State agencies for their own use and for local schools; to colleges and universities for fellowships, institutes, research, and student loans; and to a few individuals under contract.

A new letter of credit system makes it possible for the recipient to draw on the U.S. Treasury Department on a monthly basis for his actual cash requirements for Federal activities. This procedure eliminates large cash balances in States or universities which accrued under the old procedure of making advance payments.

The distribution of funds does not, however, end here.

Some of the laws, particularly those enacted since World War II, provide for some flexibility in administration. Three different types of provisions apply to grants: They authorize the Commissioner of Education (1) to reallot funds that States do not claim or cannot use in the year for which they were appropriated; (2) to divide funds equitably among qualified applicants if the appropriation is insufficient to satisfy all justifiable claims; or (3) to rank applicants on an objective basis before dividing insufficient funds.

Federal funds are not intended to supply all the funds required for a specific job. To make sure that Federal grants do not cause States or local districts to slacken their efforts, the Congress sometimes writes a maintenance of effort clause into the law requiring a State or local community to spend as much for a given purpose as it spent the preceding year, or the States to match funds or to pay a specified proportion of the cost of a project.

By all counts, Federal grants in past years have stimulated the States to make greater efforts for education. Year after year they have overmatched Federal funds.

Federal money for education: Programs administered by the U.S. Office of Education, fiscal year 1966

Program	Authorization	Purpose	How disbursed	Federal share [1]	Who may apply	Administrative office
Smith-Hughes Act	$7,161,455	Provide for vocational education and teacher training in agriculture, trade and industry, and home economics.	Grants	50 percent	Public schools through State boards of vocational education.	Division of Vocational and Technical Education, Bureau of Adult and Vocational Education.
George-Barden Act:						
Title I	29,991,000	Extend Smith-Hughes Act to include distributive occupations, fishery trades, and vocational guidance.	do	do	do	Do.
Title II	5,000,000	Develop training programs for health occupations.	do	do	do	Do.
Title III	15,000,000	Train highly skilled technicians	do	do	do	Do.
Vocational Education Act of 1963	159,750,000	Maintain, extend, and improve vocational education programs; develop new programs.	do	do	Public schools through State boards of vocational education; contracts with private, commercial institutions.	Do.
Research and training	17,750,000	Develop research and training programs, and experimental and pilot programs for special needs.	do	No specific minimum, matching required.	State education agencies, colleges and universities, local education agencies.	Division of Adult and Vocational Research, Bureau of Research.
Work-study program	50,000,000	Provide part-time employment for young people to help them begin or continue vocational training.	do	100 percent 1st 2 years, 75 percent next 2 years.	State education agencies	Division of Vocational and Technical Education, Bureau of Adult and Vocational Education.
Residential schools		Prepare young people for employment	do	100 percent	Public schools through State boards of vocational education.	Do.
Appalachian regional development program.	8,000,000	Construct vocational education facilities in the Appalachian region.	do	50 percent	State education agencies	Do.
Manpower Development and Training Act.	(2)	Train skilled workers in all sections of the Nation	do	100 percent	Persons referred by State employment services.	Do.
Higher Education Facilities Act of 1963:						
Title I: Community colleges, technical institutes.	[3] 101,200,000	Construct or improve academic facilities at public community colleges and technical institutes.	do	Up to 40 percent	Public community colleges and technical institutes.	Division of College Programs, Bureau of Higher Education.
Other undergraduate facilities	[4] 358,800,000	Construct or improve undergraduate academic facilities.	do	Up to 33⅓ percent	Public and private, nonprofit colleges and universities, except community colleges and technical institutes.	Do.
Title II. Graduate facilities	60,000,000	Construct or improve graduate academic facilities	do	do	Public, private nonprofit, and cooperative graduate centers of high learning.	Division of Graduate Programs, Bureau of Higher Education.
Title III. Construction loans	[5] 190,750,000	Construct or improve undergraduate and graduate academic facilities.	Loans	Up to 75 percent	Public and private, nonprofit colleges and universities, cooperative graduate centers, boards of higher education.	Division of College Programs, Bureau of Higher Education.
State administration	3,000,000	Help States administer program under title I	Grants	100 percent	State commissions set up to administer the program.	Do.
Endowment of colleges of agriculture and mechanic arts.	14,500,000	Support instruction in agriculture and mechanic arts in land-grant colleges.	do	do	The 68 land-grant colleges	Do.
Library Services and Construction Act:						
Title I. Extension of services	(2)	Extend and improve public library services	do	Matching grants based on State per capita income.	State library administrative agencies	Division of Library Services and Educational Facilities. Bureau of Adult and Vocational Education.
Title II. Construction	(2)	Aid construction of public libraries	do	do	do	Do.
Aid to federally impacted areas:						
Public Law 874. Maintenance and operation:						
School districts	(2)	Aid school districts on which Federal activities have placed a financial burden.	do	100 percent	Local school districts	Division of School Assistance in Federally Affected Areas, Bureau of Elementary and Secondary Education.
Federal agencies	(2)	Aid Federal agencies such as Department of Defense in providing schools for children who live on Federal property.	do	do	Federal agencies operating schools	Do.
Public Law 815. Construction: School district.	(2)	Aid school districts in providing minimum school facilities in federally impacted areas.	do	do	Local school districts	Do.
Federal agencies	(2)	Aid other Federal agencies in building schools for children living on Federal property.	do	do	Other Federal agencies	Do.
Technical services	(2)	Provide funds for technical services in the construction of schools in federally impacted areas.	Payments to HHFA	do	Not applicable	Do.
National Defense Education Act of 1958:						
Title II. Student loans:						
Contribution to loan fund	179,300,000	Provide for low-interest loans to college students	Loans	90 percent	Accredited nonprofit institutions including any accredited business school or technical institute.	Division of Student Financial Aid, Bureau of Higher Education.
Loans to institutions	(6)	Provide for loans to colleges and universities that cannot meet matching obligation.	do	100 percent	Colleges and universities and other institutions taking part in student loan program.	Do.
Cancellation of loans	(2)	Reimburse institutions for their portion of principal and interest canceled for teachers.	Grants	do	Participating institutions	Do.

Title III. Strengthening of instruction:						
Public schools	90,000,000	Strengthen instruction in critical subjects in elementary and secondary schools.	100 percent	50 percent	States get allotments; school districts apply to State.	Division of Plans and Supplementary Centers, Bureau of Elementary and Secondary Education.
Loans to private schools		Improve instruction in critical subjects in private schools	Loans	100 percent	Nonprofit private elementary and secondary schools.	Do.
Supervision and instruction	10,000,000	Strengthen supervision and administration in State education agencies.	Grants	50 percent	States get allotments	Do.
Title IV. Graduate fellowships	(2)	Prepare more teachers	do	100 percent	Prospective college teachers working for Ph. D. degrees.	Division of Graduate Programs, Bureau of Higher Education.
Title V-A. Guidance, counseling, and testing: State programs.	24,500,000	Provide for guidance, counseling, and testing in public elementary and secondary schools; testing in private schools.	do	50 percent	States get allotments	Division of Planning and Supplementary Centers, Bureau of Elementary and Secondary Education.
Title V-B. Counseling institutes	7,250,000	Improve qualifications of guidance workers and counselors in schools and colleges.	Contracts	100 percent	Accredited public and private nonprofit colleges and universities.	Division of Educational Personnel Training, Bureau of Elementary and Secondary Education.
Title VI. Language and area centers	14,000,000	Increase amount of study of uncommon languages and area subjects and improve quality of instruction.	do	50 percent	do	Division of Foreign Studies, Bureau of Higher Education.
Foreign language fellowships		Train college teachers of modern foreign languages and area studies.	Grants	100 percent	Persons trained in modern foreign languages with the exception of French, German, Italian, and European Spanish.	Do.
Research and studies		Support research on improved instruction in modern foreign languages and teaching methods.	Contracts	do	Colleges, universities, professional associations, public school systems, and individual persons.	Division of Higher Education Research, Bureau of Research.
Title VII. Media research	5,000,000	Support research on educational uses of television, radio, motion pictures, and other media.	do	Some matching required.	Grants: Public or nonprofit institutions; individual persons. Contracts: Public agencies; individual persons.	Division of Research Training and Dissemination, Bureau of Research.
Title X. State statistical services	2,800,000	Improve statistical services of State education agencies	Grants	50 percent	State education agencies	Division of Data Sources and Standards, National Center for Educational Statistics.
Title XI. Institutes for advanced study.	32,750,000	Improve qualifications of the elementary and secondary school teachers.	Contracts, stipends.	100 percent	Colleges and universities	Division of Educational Personnel Training, Bureau of Elementary and Secondary Education.
Education of the handicapped (Public Law 88-164, title III):						
Teacher training	19,500,000	Prepare teachers and others who work with handicapped	Grants	do	State education agencies, colleges, and universities.	Do.
Research and demonstration	6,000,000	Promote research and demonstration on the education of the handicapped.	do	do	State education agencies, local school districts, nonprofit private organizations, public groups.	Division of Elementary-Secondary Research, Bureau of Research.
Captioned films for the deaf	1,500,000	Provide cultural and educational services to the deaf through films.	Contracts	do	Usually by invitation	Division of Research Training and Dissemination, Bureau of Research.
Cooperative research program:						
Arts and humanities	(2)	Support research on education in the arts and humanities at all levels.	Contracts, grants.	No specific minimum matching required.	Colleges, universities, State education agencies, private or public groups, or individuals.	Division of Laboratories and Research Development, Bureau of Research.
Curriculum	(2)	Support research on the improvement of curriculum	do	do	do	Division of Elementary-Secondary Research, Bureau of Research.
Research and development centers	(2)	Support research on the major problems of education	do	do	Colleges, universities, other public and private agencies, institutions, and organizations.	Division of Laboratories and Research Development, Bureau of Research.
Research on comparative education (special foreign currency program), (Public Law 480) Research.	(2)	Use counterpart funds for educational research of value to the United States and other nations.	Contracts	No specific minimum matching required, but there must be some.	Ministries of Education and colleges and universities abroad.	Division of Higher Education Research, Bureau of Research.
Travel	(2)	Finance travel necessary to complete comparative education studies conducted abroad.	do	100 percent	American or foreign researchers, institutions abroad.	Do.
NDEA related Fulbright-Hays fellowships.	(2)	Improve competence of prospective teachers of modern foreign languages and area studies.	Grants	do	Graduate students through the National Defense foreign language fellowships committee at home institutions.	Division of Foreign Studies, Bureau of Higher Education.
Foreign language training area studies:						
Faculty members	(2)	Improve competence of faculty members of NDEA language and area studies centers.	do	do	NDEA center faculty members through center directors.	Do.
Elementary and secondary school teachers.	(2)	Improve competence of elementary and secondary school teachers of foreign languages and area studies.	do	do	Teachers and supervisors of modern foreign languages and area studies with 5 years' experience.	Do.
Seminars	(2)	do	do	do	Teachers of foreign languages and area studies in secondary schools or colleges with 2 years' experience.	Do.

See footnotes at end of table.

Title III. Strengthening of instruction:						
Public schools	90,000,000	Strengthen instruction in critical subjects in elementary and secondary schools.	100 percent	50 percent	States get allotments; school districts apply to State.	Division of Plans and Supplementary Centers, Bureau of Elementary and Secondary Education.
Loans to private schools		Improve instruction in critical subjects in private schools	Loans	100 percent	Nonprofit private elementary and secondary schools.	Do.
Supervision and instruction	10,000,000	Strengthen supervision and administration in State education agencies.	Grants	50 percent	States get allotments	Do.
Title IV. Graduate fellowships	(2)	Prepare more teachers	do	100 percent	Prospective college teachers working for Ph. D. degrees.	Division of Graduate Programs, Bureau of Higher Education.
Title V-A. Guidance, counseling, and testing: State programs.	24,500,000	Provide for guidance, counseling, and testing in public elementary and secondary schools; testing in private schools.	do	50 percent	States get allotments	Division of Planning and Supplementary Centers, Bureau of Elementary and Secondary Education.
Title V-B. Counseling institutes	7,250,000	Improve qualifications of guidance workers and counselors in schools and colleges.	Contracts	100 percent	Accredited public and private nonprofit colleges and universities.	Division of Educational Personnel Training. Bureau of Elementary and Secondary Education.
Title VI. Language and area centers	14,000,000	Increase amount of study of uncommon languages and area subjects and improve quality of instruction.	do	50 percent	do	Division of Foreign Studies, Bureau of Higher Education.
Foreign language fellowships		Train college teachers of modern foreign languages and area studies.	Grants	100 percent	Persons trained in modern foreign languages with the exception of French, German, Italian, and European Spanish.	Do.
Research and studies		Support research on improved instruction in modern foreign languages and teaching methods.	Contracts	do	Colleges, universities, professional associations, public school systems, and individual persons.	Division of Higher Education Research, Bureau of Research.
Title VII. Media research	5,000,000	Support research on educational uses of television, radio, motion pictures, and other media.	do	Some matching required.	Grants: Public or nonprofit institutions; individual persons. Contracts: Public agencies; individual persons.	Division of Research Training and Dissemination, Bureau of Research.
Title X. State statistical services	2,800,000	Improve statistical services of State education agencies	Grants	50 percent	State education agencies	Division of Data Sources and Standards, National Center for Educational Statistics.
Title XI. Institutes for advanced study.	32,750,000	Improve qualifications of the elementary and secondary school teachers.	Contracts, stipends.	100 percent	Colleges and universities	Division of Educational Personnel Training, Bureau of Elementary and Secondary Education.
Education of the handicapped (Public Law 88-164, title III):						
Teacher training	19,500,000	Prepare teachers and others who work with handicapped	Grants	do	State education agencies, colleges, and universities.	Do.
Research and demonstration	6,000,000	Promote research and demonstration on the education of the handicapped.	do	do	State education agencies, local school districts, nonprofit private organizations, public groups.	Division of Elementary-Secondary Research, Bureau of Research.
Captioned films for the deaf	1,500,000	Provide cultural and educational services to the deaf through films.	Contracts	do	Usually by invitation	Division of Research Training and Dissemination, Bureau of Research.
Cooperative research program:						
Arts and humanities	(2)	Support research on education in the arts and humanities at all levels.	Contracts, grants.	No specific minimum matching required.	Colleges, universities, State education agencies, private or public groups, or individuals.	Division of Laboratories and Research Development, Bureau of Research.
Curriculum	(2)	Support research on the improvement of curriculum	do	do	do	Division of Elementary-Secondary Research, Bureau of Research.
Research and development centers	(2)	Support research on the major problems of education	do	do	Colleges, universities, other public and private agencies, institutions, and organizations.	Division of Laboratories and Research Development, Bureau of Research.
Research on comparative education (special foreign currency program), (Public Law 480) Research.	(2)	Use counterpart funds for educational research of value to the United States and other nations.	Contracts	No specific minimum matching required, but there must be some.	Ministries of Education and colleges and universities abroad.	Division of Higher Education Research, Bureau of Research.
Travel	(2)	Finance travel necessary to complete comparative education studies conducted abroad.	do	100 percent	American or foreign researchers, institutions abroad.	Do.
NDEA related Fulbright-Hays fellowships.	(2)	Improve competence of prospective teachers of modern foreign languages and area studies.	Grants	do	Graduate students through the National Defense foreign language fellowships committee at home institutions.	Division of Foreign Studies, Bureau of Higher Education.
Foreign language training area studies:						
Faculty members	(2)	Improve competence of faculty members of NDEA language and area studies centers.	do	do	NDEA center faculty members through center directors.	Do.
Elementary and secondary school teachers.	(2)	Improve competence of elementary and secondary school teachers of foreign languages and area studies.	do	do	Teachers and supervisors of modern foreign languages and area studies with 5 years' experience.	Do.
Seminars	(2)	do	do	do	Teachers of foreign languages and area studies in secondary schools or colleges with 2 years' experience.	Do.

See footnotes at end of table.

Federal money for education: Programs administered by the U.S. Office of Education, fiscal year 1966

Program	Authorization	Purpose	How disbursed	Federal share [1]	Who may apply	Administrative office
Smith-Hughes Act	$7,161,455	Provide for vocational education and teacher training in agriculture, trade and industry, and home economics.	Grants	50 percent	Public schools through State boards of vocational education.	Division of Vocational and Technical Education, Bureau of Adult and Vocational Education.
George-Barden Act:						
Title I	29,991,000	Extend Smith-Hughes Act to include distributive occupations, fishery trades, and vocational guidance.	do	do	do	Do.
Title II	5,000,000	Develop training programs for health occupations	do	do	do	Do.
Title III	15,000,000	Train highly skilled technicians	do	do	do	Do.
Vocational Education Act of 1963	159,750,000	Maintain, extend, and improve vocational education programs; develop new programs.	do	do	Public schools through State boards of vocational education; contracts with private, commercial institutions.	Do.
Research and training	17,750,000	Develop research and training programs, and experimental and pilot programs for special needs.	do	No specific minimum, matching required.	State education agencies, colleges and universities, local education agencies.	Division of Adult and Vocational Research, Bureau of Research.
Work-study program	50,000,000	Provide part-time employment for young people to help them begin or continue vocational training.	do	100 percent 1st 2 years, 75 percent next 2 years.	State education agencies	Division of Vocational and Technical Education, Bureau of Adult and Vocational Education.
Residential schools		Prepare young people for employment	do	100 percent	Public schools through State boards of vocational education.	Do.
Appalachian regional development program.	8,000,000	Construct vocational education facilities in the Appalachian region.	do	50 percent	State education agencies	Do.
Manpower Development and Training Act.	(2)	Train skilled workers in all sections of the Nation	do	100 percent	Persons referred by State employment services.	Do.
Higher Education Facilities Act of 1963:						
Title I: Community colleges, technical institutes.	[3] 101,200,000	Construct or improve academic facilities at public community colleges and technical institutes.	do	Up to 40 percent	Public community colleges and technical institutes.	Division of College Programs, Bureau of Higher Education.
Other undergraduate facilities	[4] 358,800,000	Construct or improve undergraduate academic facilities.	do	Up to 33⅓ percent	Public and private, nonprofit colleges and universities, except community colleges and technical institutes.	Do.
Title II. Graduate facilities	60,000,000	Construct or improve graduate academic facilities	do	do	Public, private nonprofit, and cooperative graduate centers of high learning.	Division of Graduate Programs, Bureau of Higher Education.
Title III. Construction loans	[5] 190,750,000	Construct or improve undergraduate and graduate academic facilities.	Loans	Up to 75 percent	Public and private, nonprofit colleges and universities, cooperative graduate centers, boards of higher education.	Division of College Programs, Bureau of Higher Education.
State administration	3,000,000	Help States administer program under title I	Grants	100 percent	State commissions set up to administer the program.	Do.
Endowment of colleges of agriculture and mechanic arts.	14,500,000	Support instruction in agriculture and mechanic arts in land-grant colleges.	do	do	The 68 land-grant colleges	Do.
Library Services and Construction Act:						
Title I. Extension of services	(2)	Extend and improve public library services	do	Matching grants based on State per capita income.	State library administrative agencies	Division of Library Services and Educational Facilities. Bureau of Adult and Vocational Education.
Title II. Construction	(2)	Aid construction of public libraries	do	do	do	Do.
Aid to federally impacted areas:						
Public Law 874. Maintenance and operation:						
School districts	(2)	Aid school districts on which Federal activities have placed a financial burden.	do	100 percent	Local school districts	Division of School Assistance in Federally Affected Areas, Bureau of Elementary and Secondary Education.
Federal agencies	(2)	Aid Federal agencies such as Department of Defense in providing schools for children who live on Federal property.	do	do	Federal agencies operating schools	Do.
Public Law 815. Construction: School district.	(2)	Aid school districts in providing minimum school facilities in federally impacted areas.	do	do	Local school districts	Do.
Federal agencies	(2)	Aid other Federal agencies in building schools for children living on Federal property.	do	do	Other Federal agencies	Do.
Technical services	(2)	Provide funds for technical services in the construction of schools in federally impacted areas.	Payments to HHFA	do	Not applicable	Do.
National Defense Education Act of 1958:						
Title II. Student loans:						
Contribution to loan fund	179,300,000	Provide for low-interest loans to college students	Loans	90 percent	Accredited nonprofit institutions including any accredited business school or technical institute.	Division of Student Financial Aid, Bureau of Higher Education.
Loans to institutions	(6)	Provide for loans to colleges and universities that cannot meet matching obligation.	do	100 percent	Colleges and universities and other institutions taking part in student loan program.	Do.
Cancellation of loans	(2)	Reimburse institutions for their portion of principal and interest canceled for teachers.	Grants	do	Participating institutions	Do.

Federal money for education: Programs administered by the U.S. Office of Education, fiscal year 1966—Continued

Program	Authorization	Purpose	How disbursed	Federal share [1]	Who may apply	Administrative office
NDEA, etc.—Continued Foreign language training area studies—Continued						
Curriculum specialists	(2)	Provide foreign curriculum specialists to U.S. schools to help strengthen language-area studies programs.	Grants	100 percent	Local school agencies and State education agencies.	Division of Foreign Studies, Bureau of Higher Education.
Economic Opportunity Act of 1964:						
College work-study program	(2)	Provide part-time employment for needy college students.	do	90 percent	Colleges and universities	Division of Student Financial Aid, Bureau of Higher Education.
Adult basic education	(2)	Provide literacy programs for adults to help them obtain employment.	do	100 percent	State education agencies	Division of Adult Education Programs, Bureau of Adult and Vocational Education.
Civil Rights Act of 1964:						
Institutes	(2)	Provide training on problems incident to desegregation	Contracts	do	Colleges and universities	Office of Equal Educational Opportunities.
Grants to school boards	(2)	Aid school boards in hiring advisers and training employees on problems incident to school desegregation.	Grants	do	School boards and other public agencies responsible for operating public schools.	Do.
Educational television (Public Law 87-447).	(7)	Aid in the acquisition and installation of transmitting and other type equipment necessary for broadcasting.	do	50 to 75 percent	Nonprofit organizations, public colleges, State educational television agencies, and education agencies.	Office of Educational Television, U.S. Department of Health, Education, and Welfare.
Science clubs (Public Law 85-875)	(2)	Encourage students interested in science to pursue their interest outside of class in science clubs.	Contracts	100 percent	State education agencies; colleges and universities.	Division of Plans and Supplementary Centers, Bureau of Elementary and Secondary Education.
Cuban refugee program:						
Aid to Dade County, Fla	(2)	Assist schools in providing education for great numbers of refugee children.	Grants	About 50 percent	Dade County, Fla	Division of School Assistance in Federally Affected Areas, Bureau of Elementary and Secondary Education.
Student loans	(2)	Aid refugee college students to continue their education	Loans	100 percent	Cubans who became refugees after Jan. 1, 1959.	Division of Student Financial Aid Bureau of Higher Education.
Professional training	(2)	Provide refresher training for physicians and teachers	Contracts	90 percent	Refugee physicians and teachers	Division of Educational Personnel Training, Bureau of Elementary and Secondary Education.
Civil defense adult education	(2)	Provide information on civil defense procedures to the public.	do	100 percent	State agencies (by invitation)	Division of Adult Education Programs, Bureau of Adult and Vocational Education.
International exchange service	(2)	Train foreign participants on programs sponsored by the Agency for International Development.	Grants	do	Teachers and school administrators from other countries.	Division of Educational Personnel Training, Bureau of Elementary and Secondary Education.
Elementary and Secondary Education Act of 1965:						
Title I. Programs for the disadvantaged.	(2)	Support educational programs in areas having high concentrations of low-income families.	do	do	State education agencies	Division of Program Operations, Bureau of Elementary and Secondary Education.
Title II. Library resources	$100,000,000	Support provision of school library resources, textbooks and other instructional materials.	do	do	Local education agencies	Division of Plans and Supplementary Centers, Bureau of Elementary and Secondary Education.
Title III. Supplementary centers	100,000,000	Support supplementary educational centers and services.	do	do	do	Do.
Title IV. Research	(8)	Construct national and regional research facilities	Grants, contracts.	Some matching required.	Public and private research agencies	Division of Laboratories and Research Development, Bureau of Research.
Title V. Strengthening State education agencies.	25,000,000	Improve leadership resources of State education agencies.	Grants	100 percent	State education agencies	Division of State Agency Cooperation, Bureau of Elementary and Secondary Education.

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[1] Proportion of the costs the Federal Government will pay.

[2] Not specified.

[3] Includes fiscal year 1964 unappropriated authorization of $50,600,000, which is available for reappropriation in fiscal year 1966.

[4] Includes fiscal year 1964 unappropriated authorization of $179,400,000, which is available for reappropriation in fiscal year 1966.

[5] Includes fiscal year 1964 unappropriated authorization of $70,750,000, which is available for reappropriation in fiscal year 1966.

[6] $25,000,000 authorized from fiscal year 1959 through duration of the act.

[7] $32,000,000 authorized for fiscal years 1963 through 1967 plus unobligated balance of administrative funds.

[8] Construction aggregate of $100,000,000 for 1966 through 1970.

Mr. MORSE. Mr. President, as chairman of the Education Subcommittee and on behalf of my colleagues, I congratulate Mrs. Dane upon having prepared this excellent summary and I commend the Commissioner of Education and the editorial staff of the publication. I feel sure it is a publication which will command an increasing readership across the country.

The PRESIDING OFFICER (Mr. Harris in the chair). Is there further morning business? If not, morning business is closed.

HEMISFAIR 1968 EXPOSITION, SAN ANTONIO, TEX.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 9247) to provide for participation of the United States in the HemisFair 1968 Exposition to be held in San Antonio, Tex., in 1968, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

MRS. MICHIKO MIYAZAKI WILLIAMS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate turn to the consideration of Calendar No. 745, H.R. 1274.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 1274) for the relief of Mrs. Michiko Miyazaki Williams.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 760) explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted for violation relating to the possession of narcotic drugs in behalf of the wife of a U.S. citizen member of the U.S. Navy.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. H.R. 9247.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 3 minutes without regard to the rule of germaneness.

The PRESIDING OFFICER. Without objection, it is so ordered.

LADY TRUCK DRIVER

Mr. MANSFIELD. Mr. President, as my colleagues in the Senate know, timber is a very important resource in Montana and the associated logging and sawmill operations provide a great deal of employment, especially in western Montana.

It has come to my attention that there are two lady logging truck drivers hauling logs in the Flathead. Driving a logging truck is not a task for the timid. I am informed that these ladies perform most adequately along with their male counterparts. A recent issue of the Hungry Horse News, published in Columbia Falls, printed a feature story on one of these ladies, Mrs. Gloria Lewis. Mrs. Lewis is the mother of five and maintains a home for her husband Arlin. The other logging truck driver is Mrs. Janice J. Pinson of Eureka.

These women are carving a place for themselves in what is thought of as being a man's world. There is considerable talk about equality of the sexes; this is an example of where a woman is doing a man's work and doing it well.

Mr. President, I ask unanimous consent to have two news stories printed at the conclusion of my remarks in the Congressional Record, one from the Hungry Horse News, Columbia Falls, September 17, and the other from the Missoulian, Missoula, September 21.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Hungry Horse News, Sept. 17, 1965]

Lady Driver Pilots Big Logging Truck to Flathead Mills

(By Mrs. Gladys Shay)

There are two lady logging truckdrivers hauling logs to Columbia Falls.

Picture story features Mrs. Arlin (Gloria) Lewis, 36, who resides with her family 2 miles west of Columbia Falls.

The other lady logging truckdriver is Mrs. Janice J. Pinson, Eureka. She drives a 1965 Mack to haul logs from the Steep Creek Sale No. 37 to Plum Creek.

Mrs. Lewis, blonde, blue-eyed and mother of five children, first drove trucks about 2 years ago. At that time, she helped her husband move cement trucks to Helena. In September 1964, she started driving logging trucks.

FROM SPOTTED BEAR

Hauls are from the Jungle Creek, Spotted Bear District, logging site up the South Fork and to the North Fork. The South Fork trip is approximately 150 miles round trip and the North Fork haul averages 88 miles round trip. Mrs. Lewis leaves home by 6 a.m. and "if all goes well" is home between 7 and 7:30 p.m. Lewis logs for John Bras in the South Fork. North Fork hauls are for Ervin Miller.

Mrs. Lewis takes logs to Plum Creek Lumber Co., and Superior Buildings Co., Columbia Falls and C & C Plywood Corp., Kalispell.

The 5-foot-6-inch lady driver admits she doesn't like housework. She is fully aware that driving a logging truck entails more than sitting behind a steering wheel. There is mud and/or dust to crawl and wade in as she assists with loading or unloading logs; cables and binders to check on loads and alertness for possible engine or tire trouble.

Cecil Hudson, Far West Gas & Oil, shares logger views of Mrs. Lewis as "tending to business." Comment heard was "she can really rake them gears in and never scratch one."

There are mishaps typical and familiar to all truckdrivers. Mrs. Lewis has met situations (she calls it "doing what I can do") and there is much-appreciated help from logging truckdrivers.

FROM MILES CITY

The family originally came from Miles City area and resided in Polson and Dayton vicinities before moving to Kalispell 4 years ago. Their home was moved to make way for new B & B Shopping Center, Kalispell. The Lewis family moved to present 12 by 64 trailer home, June 7, 1965. They own 78 acres adjacent to the Ladenburg property and have the Electro-Batch plant.

Family consists of Sherry Ann, 16 years old, September 16; Ronald, 14; David 13; Darla, 12; and Karen, 10 years old. Ronald and David rode logging truck with their mother throughout the summer. Sherry Ann does housework and cooking and there is help from all.

Mrs. Lewis wears practical jeans, shirt and high boots while driving trucks. Her family emphasizes "she doesn't look that way all of the time," and husband jests she should have photo without the truck.

Which all goes to prove—femininity reigns.

[From the Missoulian, Sept. 21, 1965]

A Job for a Lady

Columbia Falls.—Driving one of those lengthy trailer trucks piled high with immense rough logs is, too, a job for a lady.

And blonde, blue-eyed Mrs. Alin (Floria) Lewis can prove it.

Wearing high boots, jeans, and a sweater, the 5-foot, 6-inch mother of 5 children pilots the truck from forest to sawmill on round trips averaging 88 to 150 miles a day.

Loggers say she tends to business and "can really rake them gears in and never scratch one."

Mrs. Lewis, whose husband is a logger in the northwestern Montana area, has been driving logging trucks a full year now. She first drove trucks 2 years ago, helping her husband move cement trucks to Helena.

The former Miles City woman admits she doesn't like housework and much of this is done by a daughter, Sherry Ann.

The other children, who help a lot, are Ronald, 14; David, 13; Darla, 12; and Karen, 10. The boys rode with their mother on the truck this summer.

"WHAT CITIZENSHIP MEANS TO ME"—ESSAY WRITTEN BY JUDY ELLIS

Mr. MANSFIELD. Mr. President, while on a trip to Montana a week or so ago, I happened to stop off at Lincoln, which is in high country west of Great Falls and Helena. While there I saw an essay which had been written by Judy Ellis, who last year was an eighth grader at Lincoln Elementary School, but who now attends Helena High School in Lewis and Clark County. The title of the essay is "What Citizenship Means To Me." I think it is such a fine essay that I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

What Citizenship Means to Me

Citizenship. What does it mean to me? The dictionary might define this word in a short, cold way, but to me the best meaning is stated in the few lines of our "Pledge of Allegiance."

"I pledge allegiance." When I say this I think that, although I am only 13 years old, and but one of the many people in America, I as an individual citizen promise my ability to the Nation of which I am so proud.

"To the flag of the United States of America and to the Republic for which it stands". And when I say this I know that Americans have a past to be proud of. The flag stands as a symbol and as a permanent record of history. For to me, nothing tells the story of the development of our country quite as meaningful as "Old Glory." The 13 stripes show, of course, our first colonies. The very beginning of a nation. The colors of the stripes tell the story of the people who built our Nation. White is purity, bravery, glory, and sorrow. Red is the blood of so many wars fought to save a struggling nation. The stars are the progress of each State as an individual and as a republic set against a background of blue representing our Constitution.

"One Nation under God." One Nation of people, red and yellow, black and white, all living as equals in the sight of God.

"Indivisible." Bound together by people with a will and a way. As long as these people exist so will our Nation, forever tall, proud, and most of all, free.

"With liberty and justice for all." No matter who you are or where you work and live in America, you are an American. You are your brother's keeper and you live and learn together. Everyone with equal rights. No matter if your forefathers came on the Mayflower or were here to greet the immigrants. No matter if you were issued your citizenship papers last week or were born here in America.

So, I am a very proud American, will my all to the symbol and the Nation with a proud somewhat bitter, but rewarding past. To the people regardless of background, all living under God, who emerged from the long struggle of development as a united nation never to be divided. Each man equally sharing the same rights and duties with liberty and justice forever and ever.

HEMISFAIR 1968 EXPOSITION, SAN ANTONIO, TEX.

The Senate resumed the consideration of the bill (H.R. 9247) to provide for participation of the United States in the HemisFair 1968 Exposition to be held in San Antonio, Tex., in 1968, and for other purposes.

Mr. YARBOROUGH obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. YARBOROUGH. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. The Senator from Texas [Mr. YARBOROUGH] has the floor under the unanimous-consent agreement.

Mr. YARBOROUGH. Mr. President, I yield to the distinguished minority leader without losing the floor.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may proceed without regard to the germaneness rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORTHCOMING RETIREMENT OF RICHARD LANGHAM RIEDEL, PRESS LIAISON, U.S. SENATE

Mr. DIRKSEN. Mr. President, Richard Langham Riedel, affectionately known for 47 years as "Richard," and I think even more affectionately as "Dick" to Members of the U.S. Senate, thousands of Washington correspondents and to several Presidents of the United States, will retire at the close of the present session of Congress. As liaison between the press and the Senators, he has served in that capacity longer than any other person in the history of the U.S. Senate.

Mr. Riedel's work as press liaison consists of arranging interviews between the Senators and the correspondents, including members of the Press, Radio and Television, Periodical and Press Photographers Galleries, working in close cooperation with their able superintendents and staffs. If a Senator is so busily engaged on the Senate floor that he cannot come to see the correspondent, then Richard interviews the Senator. He is known for his diplomacy, his meticulous accuracy, and his verbatim relay of the answers. The correspondents and Senators have always been aware of and appreciated the fact that he has never violated a confidence or quoted anything said off the record.

While President Johnson was majority leader of the Senate most of the time he was unable to leave the floor during a session. Consequently, hundreds of times Richard relayed questions and answers for correspondents of the most important newspapers, wire services, and radio and television networks. President Johnson attributed a measure of his popularity and good relations with the press not only to George Reedy, who was then his press secretary, but to Richard Riedel. When he was majority leader, President Johnson once told his press conference that at one time he held a position similar to Richard's at the House of Representatives. While leader he paid Richard a beautiful tribute on the floor at the close of one of the sessions.

Gould Lincoln, the distinguished political writer of the Washington Star, is the only member of the Senate Press Gallery who was a member when Richard came to the Senate in 1918. There were only 200 members then. Of course, radio and television were unheard of. Now there are almost 2,000 members of the galleries. Richard became a page at 9 years of age and continued in that position for 4 years. The work grew and broadened to such an extent that years later he was given the title of Press Liaison to indicate the scope of his work. Eventually as many as three assistants have been needed to help him. Richard has enjoyed the personal friendship of literally thousands of correspondents throughout the years. He has a first-name acquaintance with all of them, including many editors and columnists whom he knew as young reporters before they became famous.

World War I was in progress when Richard went to work at the Senate. Woodrow Wilson was President; Thomas R. Marshall was Vice President. The Versailles Treaty debate, Fordney-McComber and Smoot-Hauley tariff bills and the debates on Muscle Shoals—TVA—and on Boulder-Hoover Dam were covered with Richard's help.

There have been nine Presidents during Richard's service at the Senate. Five of them were his friends before they became President: Harding, Coolidge, Truman, Kennedy, and Johnson. He was also acquainted with Presidents Theodore Roosevelt and William Howard Taft.

The first Senators from five new States have served in the Senate during Richard's tenure: Oklahoma, Arizona, New Mexico, Hawaii, and Alaska. Two Civil War veterans were Members when Richard came: Francis E. Warren, a Union veteran, and John H. Bankhead, Confederate. Over the years Richard has known 564 Senators, counting among his closest friends William E. Borah, Henry Cabot Lodge, the grandfather of the Ambassador, Hiram Johnson, the La Follettes, John Sharp Wiilliams, Boise Penrose, Thomas Walsh and James Hamilton Lewis, Charles McNary, Matthew M. Neely, Kenneth McKellar, and many others. Of the present Senators, 16 were not yet born in September 1918.

Perhaps the single most notable event in Richard's career came at one of the most tragic moments in the history of the country, an event which brought grief to the world. On the afternoon of the assassination of President Kennedy, it was Richard who took the sad news to Senator EDWARD M. KENNEDY, then presiding over the Senate, that his brother, the President, had been shot. At the request of the combined radio and television networks, Richard described the tragic moment before an audience of millions.

Retirement will give Mr. Riedel, now only 56, many challenging opportunities, among which will be to write a book about his Senate experiences and to give a lecture on events he has seen, illustrated with a dormitory color film of 16 millimeter movies he has made over the past quarter century. Richard is a deacon of Calvary Baptist Church, Washington, D.C., and vice president of his local PTA. A dedicated conservationist, he and his family can resume their travels to the wilderness areas of the country, using a camping trailer. His home, Horizons West, overlooks the Blue Ridge Mountains from Centreville, Va., where he lives with his wife Angela and daughters, Angela Lynn, 8, and Kathleen Cody, 5, and their venerable dog Mix, 13.

It is a great testimony to a young man, and he is still a young man, that he should have been in the Senate service for a period of 47 years. I can personally testify to his courtesy, unfailing kindness, and his desire always to serve to the best of his ability. The Senate will lose one of its most valued staff members.

I shall be personally sorry to see him go, but probably he has other plans, and this is the time to embrace them.

And so I say: Well done, Richard. From now on, take it a little easier. We are sorry to see you go.

Mr. **MANSFIELD.** Mr. President, will the Senator yield?

Mr. **DIRKSEN.** I yield.

Mr. **MANSFIELD.** Mr. President, I join the distinguished minority leader in the remarks he just made about Richard Riedel.

When Congress adjourns later this year, a most faithful and able employee will be leaving the Senate after an extraordinary 47 years of service. I refer to the retirement decision of Richard Riedel who has been for many years the liaison man between the press corps and the Senate floor. Mr. Riedel completed 47 years of service on yesterday.

This is a most unusual record even for the Senate, and it should not pass unnoticed.

Richard, as Mr. Riedel has been known by everyone for as long as I can remember, began his career as a Senate page on September 27, 1918, during the Presidency of Woodrow Wilson. He was only 9 years old then. He served as a page until he was 13 and then stayed on as a liaison man between the press and the Senate floor, a post which he holds today. From his unique vantage point, he has watched history as it has been made in the Senate during the terms of Presidents Wilson, Harding, Coolidge, Hoover, Roosevelt, Truman, Eisenhower, Kennedy, and Lyndon B. Johnson. By personal count, Richard has known 564 Senators during those years. And of the present Members of the U.S. Senate, 16 were not born yet when Richard became a page.

Throughout this long and noteworthy career, his service has been marked by his high regard for the Senate as an institution and his unfailing courtesy toward Senators, the press, and his fellow employees. I have been on the receiving end of this courteous treatment, and I am grateful for it. I think it is this sense of responsibility toward the Senate and his associates, more than the length of his tenure here, that has made Richard Riedel's contributions so notable and valuable.

So, Richard, I join with your many friends in wishing you many pleasant years in retirement. Come back to see us when you can. You are always welcome here.

Mr. **SALTONSTALL.** Mr. President, will the Senator yield?

Mr. **DIRKSEN.** I yield.

Mr. **SALTONSTALL.** I wish to add my words concerning Richard Riedel and my expression of sorrow upon his leaving.

I believe one of my earliest memories of my work in the Senate was to hear him whisper in my ear that I was wanted in the President's room by one of the reporters. He always did it in a helpful, courteous way with a soft voice, to make one feel he was wanted by the reporter in question when Mr. Riedel transmitted his message to me.

I knew Richard Riedel before he was married. I met his good wife in one of his earliest years, it might be said, on their honeymoon.

I know he is now raising a family. I am confident he is a good father, and good and courteous to his wife and children, as he was to the Members of the Senate.

I shall miss him and his faithful, conscientious work to make all of us acquainted with what goes on in the world through the reporters' room and doing it in a way to make us know we were wanted without being a burden on us.

I wish him many happy years in whatever he may want to do.

Mr. **KUCHEL.** Mr. President, will the Senator yield?

Mr. **DIRKSEN.** I yield to the Senator from California.

Mr. **KUCHEL.** I can only reecho what has been said. In a real sense all the Members of the Senate reflect the same feelings which have just been uttered.

Forty-seven years as a servant of the people in the Senate is a long time, particularly when the years of service have been rendered by a fairly young man.

Richard has demonstrated an abundant loyalty to this institution and its Members. He has ever been kind and thoughtful in the discharge of his duties.

As our responsible leader has indicated, Richard has a patience which indeed is almost the patience of a saint.

In his years of service in the Senate he has seen American giants stride across this Chamber. He has, in truth, had a front row aisle seat on a moving panorama of history.

As he leaves he takes with him, for him and for his family, the very fond and affectionate regard of Members of the Senate, who together hope that his years in retirement will be fruitful, healthful, and happy. We wish him Godspeed.

On behalf of the minority leader I yield to the Senator from Kentucky.

Mr. **COOPER.** Mr. President, I regret very much the retirement of Richard Riedel, a valuable member of the staff of the Senate.

I remember that when I first came here in 1947 for a 2-year term, Richard Riedel was one of the first persons I met. A new Member needed information. He needed the kindness that Richard Riedel showed, and I became, I believe, his friend.

Throughout all the time I have known him he has always manifested that patience and kindness, and yet absolute devotion to his duty.

He may have been patient and kind, and yet he never failed to be loyal also to the press, because when he was told it was not convenient at the time he would always come back to remind Senators. He always had an obligation to those in the press.

I knew his mother, and I shall never forget his devotion to her throughout the years when she was well and then, again, when she was sick.

I had the occasion to meet his wife before they were married. I have marked, as have others, the joy of a life together.

I believe Senators will admit it is men like Richard Riedel who make this body what we always like to think it is; that men like him make it a place of honor and a place of integrity.

I am sorry he is retiring. I join Senators in wishing him continued happiness, continued success, and continued work in some endeavor that I know will be worthy.

Mr. **McNAMARA.** Mr. President, will the Senator from Texas yield?

Mr. **YARBOROUGH.** I yield to the distinguished Senator from Michigan without losing my right to the floor.

Mr. **McNAMARA.** Mr. President, it comes as quite a surprise to learn that Richard Riedel is retiring from the Senate. I am conscious of his long years of service. I can add little to the comments that have been made by previous speakers; they have said everything I would say in relation to Richard's lengthy, faithful service to the Senate. They have expressed the wish that he will enjoy healthy and happy years from this time forward. I add my own sincere wishes in that respect.

I, too, have had the pleasure of meeting Richard's wife and family. They are a fine, distinguished American family.

Richard has been a most useful member of the Senate staff. He has always shown good humor. I believe I can make that statement without fear of contradiction.

All of us wish him nothing but the best for the future.

Mr. **PROXMIRE.** Mr. President, will the Senator from Texas yield?

Mr. **YARBOROUGH.** I yield to the Senator from Wisconsin without losing my right to the floor.

Mr. **PROXMIRE.** I am happy to join in paying tribute to Richard Riedel. He tells me he is 57 years old. He looks to be 37. Considering that he has served in this body since 1918, that is hard to understand.

He has served as liaison between the Senate and the press corps, for whom he works, longer than any other member of that corps, with the exception of Gould Lincoln.

As I grope for a word to describe Richard Riedel, there are many that come to mind. He is the soul of courtesy. He is exceedingly thoughtful. But I suppose the one word that epitomizes his approach more than any other is gentility. He is truly a gentle man.

It has been a great pleasure to work with Richard Riedel. My only regret is that he is leaving the Senate service after having served with great distinction for so long a time.

Mr. **LAUSCHE.** Mr. President, will the Senator from Texas yield?

Mr. **YARBOROUGH.** I yield to the Senator from Ohio without losing my right to the floor.

Mr. **LAUSCHE.** I regret that Richard Riedel is leaving the Senate. I have been a Member of this body for 9 years. I have had the opportunity to observe your fine virtues and characteristics. You have never been hesitant about helping me, Richard, whether I asked you or did not ask you. I have always observed that you have acted not in the way of a laggard, walking, but running in the performance of your tasks. You have been patient; you have been helpful. I am deeply grateful to you for it.

You have served 47 years in Congress. That long term of service bespeaks your character most highly. You could not have remained here that length of time unless you had been made of solid, good timber.

My most conspicuous recollection of you, however, will be your appearance on television on the day that President Kennedy lost his life. You made an impression upon me that day that was far in excess of any of the impressions made by others who were telling about the death of our President.

My recollection is that you told of the task which was yours of approaching the Chair of the Presiding Officer of the Senate and telling a brother of the President, who was presiding, what had happened. You made a most impressive presentation.

I wish you success in whatever work you will follow. I thank you for your fine services to me. Finally, my best wishes go to your family, as well. Good luck to you.

Mr. BARTLETT. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield to the Senator from Alaska.

Mr. BARTLETT. Mr. President, I consider myself fortunate to have entered the Chamber at this time as tributes are being paid to Richard Riedel. I desire to associate myself with other Senators who have spoken about him upon learning of his impending departure, and who have wished him well in the days after he leaves the employ of the Senate.

Speaking for myself, I shall say that Richard has smoothed my path and made my burden much lighter. It is not only that he has done these things since I came to the Senate in 1959; but for many years before that—14 years before that, to be exact—when I was a Delegate in Congress from the Territory of Alaska, and when I was required to come to this side of the Capitol every so often in furtherance of legislation. From the very outset Richard Riedel was courteous and helpful to me.

I find it difficult to believe that he is 56 years of age. I find it difficult to believe that he has worked on Capitol Hill all these years. I know that the period ahead of Richard will not be inactive.

We wish the very best of health and happiness to Richard and his family.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. YARBOROUGH. Mr. President, we regret to see Richard Riedel leave this Chamber.

In my 8 years here, I have seen him perform with all the courtesy, agility, and intellectual capacity that have been ascribed to him.

When I learned, within the past 48 hours, that he was to retire, I was astonished to learn that he is old enough to retire. He moves with the vigor of youth. His life exemplifies the opportunities for employment and service in the Senate.

He started to work on the Senate floor at the age of 9. The minimum age for pages is now 14 years.

I congratulate Richard upon his long and successful service to a very vigorous establishment that puts great demands and exaction upon its employees.

Richard is a man in good health. He came to the Senate when two Civil War veterans—Francis E. Warren, a Union veteran, and John H. Bankhead, Confederate—were Members of the Senate.

Over the years Richard has known 564 Senators, approximately one-third of all Senators who have served this country from the formation of the Government and the adoption of the present Constitution.

Texas, at the time Richard entered the service of the Senate, had Charles A. Culberson, who served the Senate for 24 years. There was also Morris Sheppard, who served the Senate for 30 years, the longest period of time that any person from Texas had ever served the Senate.

We congratulate you, Richard. We have read with a little trepidation that you plan to write a book about the Senate. There was a time a few years ago when a politician, hearing that there was a book to be written about him, threw out his chest with pride. However, in recent years when a politician hears that a book is to be written about him, he hopes that the person intending to write the book will merely forget about it.

I have heard that Richard will show a documentary color film. I do not know what the film will record since pictures may not be taken in the Senate Chamber. However, I assume that a man who has served with one-third of all Senators who have ever served this body, including such illustrious Senators as William E. Borah, Henry Cabot Lodge, the grandfather of the Ambassador, Hiram Johnson, the La Follettes, John Sharp Williams, Tom Connally, of my State, the present President, Lyndon Johnson, the late beloved President, John F. Kennedy, and some Senators and Vice Presidents who were not quite as voluble or articulate as some of the latter ones—one of these would be Cal Coolidge—will have sufficient material.

Richard will have plenty to tell and much to show in his film.

We wish you continued years of vigor and good health. I personally thank you for all the courtesies you have shown me since I first came to the Senate. When I first came to the Senate 8 years ago, you came up and whispered in my ear that those in the press room wanted to see me. It was said with all your enthusiasm, as though I was about to be awarded three honorary degrees at one time.

Richard has made every Senator feel a little taller and a little lighter as he walked out for some expected event.

We congratulate you for all that you have done for the Senate of the United States over your long period of service.

Mr. TOWER. Mr. President, I join my colleagues in expressing a great sense of respect for Richard Riedel. We express our appreciation to him for the service he rendered and our regret at his leaving.

I have known Richard to be a man of profound and strong religious conviction. I have always been grateful for his kindness and courtesy to me and for the very great help that he was to me when I first entered the Senate. He has contributed vastly to my education. I, along with others, am profoundly sorry to see him go. We do express to you, Richard, our appreciation and Godspeed.

Mr. BYRD of Virginia. Mr. President, I was surprised today to learn of Richard Riedel's intended retirement in the immediate future.

I knew Dick's service to the Senate exceeded my time here, but I did not know he had been here 47 years.

As a resident of Virginia, he is a constituent of mine, and as a man who has shown me so many courtesies my friendship for him started on the day I came to the Senate.

His youthful appearance and the vigor with which he goes about his duties belie his long experience.

It is an experience which I know he cherishes. It has endeared him to more than 500 Senators and 9 Presidents.

Certainly he has earned retirement. As one who loves his family, his home, the beauties of Nature, and all of the good things of life, I know he will make the most of it.

He and his fine family have my very best wishes.

Mr. CARLSON. Mr. President, it seems almost unbelievable that Richard Riedel, affectionately known by all of us as Dick, is retiring as press liaison after 47 years in the service of the U.S. Senate. Dick looks much too young to have served this long.

Dick was appointed as a page when he first came to the Senate at 9 years of age and has been closely associated with Members of the Senate and the press since that time.

At the time Dick became a page, Roy Roberts, editor and publisher of the Kansas City Star, was serving as a correspondent in the Press Gallery. He took a very special interest in Dick as a youth and their close friendship still continues. Every time I visit with Roy Roberts in Kansas City, he asks me about Dick and how he is getting along.

The friendship that developed between Dick and Roy Roberts is typical of the friendships he has made with Members of the Senate and members of the press during these many years of service.

We are going to miss his friendly greeting and loyal service, but I do wish for him many years of well-earned and well-deserved retirement.

Mr. LONG of Louisiana. Mr. President, I very much regret that Dick Riedel is retiring and will not be with us on the floor of the Senate in the years immediately ahead. We hope he will come back and visit where he served so long.

When the Senator from Louisiana took his oath of office he became the first Member of the Senate to have been born subsequent to the time that Dick Riedel went to work for the Senate.

Since that time there have been a number of other Senators—I suppose now there are 17 Senators in the body, including our distinguished Presiding Officer, the present occupant of the chair—born subsequent to the time Dick Riedel went to work for the Senate.

He has become an institution and has rendered yeoman service for all of us. We wish him the happiest retirement and we dislike to see him depart from the Senate.

He has been extremely courteous, considerate, and kind to me, all members of the Press Gallery, and all who work for the U.S. Senate.

We shall miss him very much.

Mr. **AIKEN** subsequently said: Mr. President, I am informed that during my absence from the Chamber earlier today, there were a great many kind and appreciative words said about Richard Riedel, who is retiring as one of our very fine assistants in the Senate, after 47 years of service. I should like to add my voice to those who have expressed their appreciation for the fine work which Richard has done for us, and to express the hope that he and his wife, Angela, and their children, will from now on have time to do many of the things they have always wanted to do.

There is much more I could say about Richard, were I to take an hour.

Mr. **MORSE** subsequently said: Mr. President, the announcement to which the Senator from Vermont has referred comes as a complete surprise to me. I wish to take just a moment to comment upon it.

I did not know that Richard Riedel was retiring from the staff of the Senate. I should like to have these brief remarks added to the tributes paid to him by other Senators.

In my many years in the Senate, I could not have received more courteous and helpful treatment from a member of the staff than that which I have received from Richard Riedel. He is a wonderful man, a man who is deeply religious and practices his Christian faith. I have nothing but great admiration for his character, for his dedicated service to the Senate, and for his fine citizenship. He has a fine family, and I wish to say that one could not be a more devoted husband and father than Richard Riedel. The Senate will suffer a great loss in the loss of his services. I never knew about it until the moment the Senator from Vermont spoke. In fact, I shall chastise Mr. Riedel a little for not letting me in on the secret in advance.

But he is a fine friend. I am exceedingly fond of him, and I am very sorry to hear he is leaving the service of the Senate.

Mr. **DOUGLAS** subsequently said: Mr. President, I did not learn of the coming retirement of our good and faithful press liaison officer, Richard Riedel, until this afternoon.

I am sorry that Richard Riedel is leaving us, but I want to wish him well and to state my own appreciation for his perceptive and dedicated service to the Senate over almost half a century. Even those of us who would reform certain aspects of Senate practice deeply value the Senate as a remarkable institution of democracy and we recognize that the staff of the Senate contributes in enduring and important, but often unsung, ways to the operation of this body. The maintenance of liaison between Senators and members of the press is of crucial importance and Mr. Riedel has managed this with care and with understanding.

Richard Riedel brought to his service to the Senate not only a perfectionism, but a deep affection for the history and traditions of the Senate. I would like to relate one small illustration. The room in which Senators meet with reporters after Richard has arranged such discussions is, of course, the President's room just off the Senate floor. While the room has been used only for ceremonial purposes and for press meetings in recent years, Richard, in effect, has been custodian of the fact that every President since perhaps Lincoln has been in the room as President. After the election of President Kennedy, Richard was properly conscious—and I would guess somewhat worried—that there was a present gap in the history of the room.

During a visit of the President to the formal opening of the new Senate reception room in the east front, in the early months of his term of office, Richard Riedel prevailed upon the President to briefly visit the President's room and so continue the history of it. While a relatively small matter I think it illustrates Mr. Riedel's perfectionism and dedication for which we all praise him.

Despite his 47 years of service here, Richard Riedel is a young man still, and especially so in heart. May he and his family enjoy these coming years richly as he and they so clearly deserve.

Mr. JAVITS. Mr. President, Richard Langham Riedel, who has served the Senate for 47 years, will be retiring at the end of this session of Congress. He has set a record in his tenure as liaison between Members of the Senate and the press. I wish to take this opportunity to congratulate and thank him for his devoted and able service to Senators, as have a number of other Members.

Typical of the esteem in which Dick has been held by both Senators and the members of the press corps is a letter which he has received from the editor of the Buffalo Evening News, in the State I represent. I ask unanimous consent that this fine tribute be printed in the Record at this point in my remarks.

There being no objection, the tribute was ordered to be printed in the Record, as follows:

Buffalo Evening News,
September 27, 1965.

Mr. Richard Riedel,
Press Liaison, U.S. Senate,
Washington, D.C.

Dear Dick: Roland Powell, our new man in Washington, was thoughtful enough to tell me about your retirement after 47 years' service with the U.S. Senate. That is a real record, considering all the comings-and-going that the intervening years have witnessed. Many a Senator could be mighty proud, were he able to claim it.

This is just a word to thank you for kindnesses in the past and to express all good wishes for health and happiness.

Sincerely yours,
A. H. Kirchhofer.

Mr. JAVITS. Mr. President, I wish Dick and his family all the best for many years.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Alaska [Mr. Bartlett] without losing my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF SECTION 510 OF THE MERCHANT MARINE ACT, 1936—CONFERENCE REPORT

Mr. BARTLETT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 728) to amend section 510 of the Merchant Marine Act, 1936. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 24, 1965, pp. 25024–25025, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BARTLETT. Mr. President, on August 26 the Senate passed, as amended, H.R. 728, a bill to extend and broaden the vessel exchange program under the Merchant Marine Act, 1936. There were several differences between the bill as it passed the House and the measure as it passed the Senate and the Senate asked for conference. During the last 2 weeks the House and Senate conferees have met twice to work out differences in the bill and the House accepted the conference report on September 24.

In conference the Senate accepted the House amendment relating to the sale of vessels traded in or otherwise acquired by the Department of Commerce. The House amendment, however, was modified as recommended by the Maritime Administration to assure that the amendment would not interfere with the sale of vessels for nontransportation use and for other purposes.

The House accepted the Senate amendment proposed by Senator Williams of Delaware relating to the valuation of vessels traded in and exchanged out. This Senate amendment was also modified in conference to broaden its application to include the valuation on vessels exchanged in and to clarify the basis of valuating vessels traded in before October 1, 1960.

The third area of disagreement involved the conditions under which tankers in the reserve fleet could be exchanged out. Under the provision as agreed to in conference, the bill would permit tankers to be exchanged out but only if converted for use as dry bulk carriers or container ships and for certain liquid bulk carriers. The legislation would prohibit the use of these tankers as carriers of petroleum products such as crude oil, gasoline, or kerosene. But the legislation would permit the tankers to be taken from the reserve fleet and converted into nonpetroleum type liquid bulk carriers for the purpose of carrying other liquid cargo such as liquefied gases including butane, menthene, propane, or liquid sulfur, phosphoric acid, or other chemical products.

The House receded from its amendment that would restrict the tanker to use in the domestic trade or prohibit the use of the vessels in any construction or reconstruction of another vessel.

The Senate, however, accepted the House amendment which would permit these tankers to be used as tankers or otherwise on the Great Lakes without conversion. But under no other instance may these tankers be exchanged out without a commitment for a major conversion.

The principal point at issue so far as the Senate is concerned related to an amendment offered by the Senator from Delaware [Mr. WILLIAMS] and accepted by the Senate. That amendment was altered in conference as to the language, but not as to principle.

The Senate conferees returned with the principle of the Williams amendment intact. It is my understanding that this language is satisfactory to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Will the Senator yield?

Mr. BARTLETT. I yield.

Mr. WILLIAMS of Delaware. Mr. President, it is my understanding—and I have examined the language—that this amendment involves a slight change in the language itself. It does not in any way change the intent of the amendment as it was offered and as it was agreed to by the Senate.

Mr. BARTLETT. The intent is not altered at all. The language which we have before us now is somewhat more protective of the Government interest.

Mr. WILLIAMS of Delaware. That is my understanding. With that explanation, I am perfectly willing to go along with the modified language because the main objective of the amendment offered at that time was to make sure that under all circumstances the interest of the U.S. Government would be protected in any future trades, and that the Maritime Commission would try to get the most advantageous deal from the standpoint of the taxpayers when the Commission traded these ships out of the merchant marine fleet. The Commission was not supposed to trade them out at a ridiculously low level and then give an exaggerated value on a ship that was being taken in.

I stated that I believe that the trading of merchant marine vessels should be carried on in the same manner as that of a private businessman if he were trading cars. The private businessman would try to protect the interest of the corporation for which he was working. In this instance the Maritime Commission is working for the American taxpayers, and should try to protect their interest in all transactions.

Mr. BARTLETT. That desire, incorporated in the original language of the Senator, was agreed to by the Senate and has been preserved in the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

HEMISFAIR 1968 EXPOSITION, SAN ANTONIO, TEX.

The Senate resumed the consideration of the bill (H.R. 9247) to provide for participation of the United States in the HemisFair 1968 Exposition to be held in San Antonio, Tex., in 1968, and for other purposes.

Mr. YARBOROUGH. Mr. President, H.R. 9247 is a companion bill and similar to S. 2167, coauthored by my colleague from Texas [Mr. TOWER] and me. Hearings were held before the Senate Committee on Foreign Relations on Tuesday, August 17, on our measure.

The complete report of the testimony heard before the committee is printed under Calendar No. 756 at pages 7 through 41. The majority report of the Committee on Foreign Relations is printed in the report along with the minority views of two members of the committee.

The purpose of this legislation, to provide for the participation of the United States in the HemisFair 1968 Exposition to be held in San Antonio, is stated as threefold.

These purposes are:

> First, to honor and display the diversified culture of Pan America, including the history, art, industry, commerce, and economic development of each of the nations of the Western Hemisphere, their interrelationships and common ties, and the contributions to their development from Europe, Asia, and Africa.
>
> Second, encourage, coincident with the Olympic Games being held in Mexico City in 1968, tourist travel in and to the United States, stimulate foreign trade, and promote cultural exchanges; and
>
> Third, commemorate the 250th anniversary of the founding of historic bilingual San Antonio, the gateway of Latin America.

Mr. President, though both the crown and the Spanish missionaries had earlier posts and settlements in Texas, the first enduring Spanish settlement was San Antonio, founded officially in 1718. The year 1968 will be the 250th anniversary of that founding. But the purpose of the exposition is far beyond mere commemoration of the 250th anniversary of the founding of San Antonio.

The bill to provide for participation is necessary for another very important reason. As will be stated later, the city of San Antonio and the State of Texas have already committed and appropriated over $54 million to the project, and delegations from that city and State have gone through many of the nations of Latin America, to Central America, to Mexico, to a majority of the nations of South America, and have had an enthusiastic response to the proposal for the HemisFair.

But, Mr. President, it requires a national act to induce participation of those nations. They are very proud of their independent status, and if the HemisFair is sponsored by the State alone, and not by the Federal Government, it will not be considered an international fair. It is referred to in some of the papers filed as a domestic exposition. It is not purely a domestic exposition, such as the great State fairs of Iowa and Texas and some others, or the trade fairs we have within the United States, or a national automobile show. It is a domestic international exposition, meaning that it is held within the boundaries of the United States, but is international in character.

There exists at the present time a very fine organization which has some control over international fairs. That organization is the Bureau of International Expositions, the BIE, with offices in Paris, France. If the BIE does not approve an exposition or fair, the nations of the world generally will not participate in it.

The last international exposition held in the United States which was approved by the Bureau of International Expositions was the Seattle Exposition, authorized by an act of Congress in 1958 and commenced in 1962. The Seattle Exposition was a very successful exposition. It was in the black; it made a profit, one of the few modern world expositions, held in this country, at least, which made a profit.

We have reason to believe, from preliminary statements, that the BIE, in its meeting in October or in its final meeting in November of this year, will approve the proposed exposition. There are, however, a number of things necessary to obtain the approval of the BIE. The proposed exposition must be approved by the nation in which it is to be held, and it must have substantial financial support from the interests of the locality where it is to be held. In this case, the city of San Antonio has voted a $30 million bond issue, and the business interests of San Antonio have pledged some $7 million in private funds. The Legislature of Texas has already voted $4.5 million, and placed the State approval upon it, and there is a tentative promise that the legislature will in the future, if the project becomes federally approved, add an additional $3 million to its contribution, making $7.5 million from the State itself.

The governments of the mother countries of the first settlers of San Antonio and Texas have indicated great interest in the exposition. After Spain built its original fort out there in 1718, and brought in the first settlers from the Canary Islands, the flag of Spain waved over the fort and the city for more than 100 years before Mexican independence was established. Thereafter, San Antonio was the center of government, the capital of the Mexican province of Texas, and the Mexican flag flew over San Antonio. It was, in addition to being a military center, a center of cultural and religious activities, and the real capital of Texas in all respects.

The people of Spain and the people of Mexico have shown great interest, because of their contributions to the growth of San Antonio. It is called a bilingual city. It is now one of the 15 most populous cities in America. Hundreds of its residents speak Spanish.

There was a time when San Antonio might well have been called a trilingual city, because under the census of 1870, more people in San Antonio spoke German than spoke either Spanish or English; and during that era, by act of the legislators of Texas, the Texas laws were published in three languages: English, Spanish, and German.

So the cultural background of the city is varied. It is an ideal location for an exposition such as the proposed HemisFair. The people there have shown their interest by voting the bond issue previously mentioned, by which they will tax themselves $30 million to put this fair on.

The proposed HemisFair has another purpose, in addition to the commemoration of the events we have narrated. It has the purpose, also, of improving our international relations. I read from the report from the U.S. Information Agency. The USIA commented:

> The Agency favors the enactment of this legislation. The purposes of the HemisFair and the activities would, in our judgment, enhance Western Hemisphere friendship and understanding.

The Treasury Department has written that it views with interest the foreign travel promoting aspects of the fair, in the light of administration policy to encourage foreign travel in and to the United States, "in order to reduce the deficit in our foreign travel account, and to assist in the achievement of equilibrium in our international accounts."

The pending legislation is study legislation. All it does is authorize a study. In addition to approving the proposed exposition as an international fair, it also authorizes the executive department to study the HemisFair, after approval, to see to what extent, if any, the U.S. Government will appropriate money for such purpose.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the distinguished Senator from Ohio.

Mr. LAUSCHE. Do I understand correctly that the bill merely authorizes the making of a study?

Mr. YARBOROUGH. That is correct.

Mr. LAUSCHE. And from that study must come a recommendation to the Congress of what Federal participation shall be, and a recommendation as to what amounts shall be authorized for the participation?

Mr. YARBOROUGH. The Senator is correct, insofar as financial participation by the United States is concerned.

The authorization would mean that the U.S. Government would invite other nations to participate in the fair. That we must do, or those foreign nations will not feel they are participating in something that is truly an international fair.

Mr. LAUSCHE. I note that section 5 states:

> The President shall report to the Congress during the first regular session of Congress which begins after the date of enactment of this act with respect to (1) the findings derived from the study referred to in section 3.

Mr. YARBOROUGH. That is correct.

Mr. LAUSCHE. It further states:

> Together with such recommendations as the Secretary of Commerce and the President may deem appropriate concerning the most effective manner of representation of the United States at the exposition.

Mr. YARBOROUGH. That is correct.

Mr. LAUSCHE. The Senator construes that language as I do, to mean that next year—would it be next year?

Mr. YARBOROUGH. We hope it will be, yes. Because unless the exposition is approved by the BIE in Paris this year, we shall have an entirely different situation. We do not know what the future will be, but we may suppose, from the preliminary reports, that we shall have Bureau of International Expositions approval, because there is no conflict anywhere in the world, and the San Antonio area has never had a truly international exposition before.

Mr. LAUSCHE. The bill, as now written, does not authoize the expenditure of any money for buildings.

Mr. YARBOROUGH. No; the only expenditure authorized is the expenditure for the study. That provision is contained in the last paragraph. It is section 6. It is the expenditure for a study.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. WILLIAMS of Delaware. Referring to the authorization for the study, the bill as it was reported by the Committee on Foreign Relations struck out section 6. That section was deleted.

Mr. YARBOROUGH. Yes.

Mr. WILLIAMS of Delaware. The bill before us now carries that authorization. Would the Senator be willing to accept the bill as it was reported by the Senate Committee on Foreign Relations?

Mr. YARBOROUGH. I should like very much to be able to say "Yes" to the Senator's question. I would like to accept the report of the committee, but let me state to the distinguished Senator from Delaware that we find ourselves in a predicament. We are near the end of the present session of Congress. The preliminary BIE meeting will be held in Paris in October.

We did not ask the House to pass the bill with section 6 in it. We accepted the deletion of section 6 by the Committee on Foreign Relations. We face a factual situation. If we accept an amendment deleting this section, the House may say "No," and insist on a conference. The conference committee might not meet. The possibility is that we could be delayed a year or more. If the United States were to issue these invitations, the countries would come. We know that.

We know that many Latin-American nations are coming in, even if the United States did not participate, because the $54 million which the city of San Antonio, the State, and private interests are putting up would so far exceed any Federal participation that the fair would certainly go on.

The main purpose of section 2(b) is to authorize the President, through the Secretary of Commerce, to make a study of possible U.S. participation in the fair.

The bill would, right now, if enacted into law, by section 2(b), authorize and request the President by proclamation, or in any other manner he may deem proper, to invite the States of the Union and foreign countries to take part in the exposition.

The delegation from San Antonio has been to Latin America and has been assured that some nations plan to participate in this great HemisFair exposition. Technically, this is an international exposition, not a world's fair. It has a different classification under the BIE in Paris. This will be the HemisFair for the Western Hemisphere and, thus, if we accepted the amendment, and later a deadlock developed with the House, the whole fair might well be lost, because it would be 1968 before another meeting of the BIE would be held, after the October and November meetings. The HemisFair officials wish to start construction out of the $54 million in State, city, and local money which has been pledged.

The fair will be located in an old Spanish section of San Antonio, near the downtown area, and within easy distance of all downtown hotels. Approximately 86 percent of the buildings in that area have already been demolished.

Thus, time is of the essence.

We fear that if there is a change in the House bill, with the possibility of a conference, the opportunity of meeting BIE approval may not be obtained, although every requirement of BIE has been met, except Federal Government approval of the fair.

Mr. WILLIAMS of Delaware. I appreciate the position of the Senator from Texas, but I believe that he is unduly alarmed. If we accept the amendment, and it would be agreeable to the Senator from Texas to do so, as the Senator in charge of the bill, why have a conference? The House can accept the Senate amendment. If the Senator from Texas, representing his great State, which is involved in this fair, is willing to accept the amendment, there should be no controversy with Members of the House.

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, in stating the purpose of the HemisFair, I was stating that no agency of the U.S. Government is opposed to it. They all favor it. Let me emphasize that the only authorization in this proposed legislation is for a study—nothing more.

Any funds for building would have to go through the full authorization and appropriation process in the future, after Congress has had the opportunity to study the recommendations of the Secretary of Commerce.

The bill would authorize the President to issue invitations to foreign nations and all the States of the Union to participate, and would also authorize the President, through the Secretary of Commerce, to start the study to determine whether the United States itself will come in and have an exhibit or a building, or participate in some way.

Two separate points should be mentioned: First, the President's endorsement on this bill as a hemispheric fair. That is done in this bill, but participation in the future is not. The bill merely provides for a study, and provides expressly that the only expenditure of funds authorized is $250,000 for a study.

The Department of Commerce now has a bureau which has been set up to cooperate with the BIE—that is, the Bureau of International Expositions. This bureau studies these fairs, and would then study this bill, to show if any U.S. money should be put in. No U.S. money is authorized here, except funds for the study.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. YARBOROUGH. I yield to the distinguished Senator from Ohio.

Mr. LAUSCHE. That is, the only authorization for the expenditure of money in the bill is that of allowing an expenditure of $250,000 to make a study?

Mr. YABROROUGH. That is all the authorization in the bill.

Mr. LAUSCHF. Neither Senator from Texas [Mr. YARBOROUGH and Mr. TOWER] construes any language in the bill to authorize the expenditure of any money for the construction of a building or buildings?

Mr. TOWER. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to my colleague.

Mr. TOWER. My colleague from Texas and I have both discussed this project. We have no understanding that there is any authorization beyond the $250,000 for a study. I do not think I would support any measure that provided for a blanket authorization. This is absolutely only an authorization for a study. There is no authorization for the construction of a building. If there is to be such an authorization, we must come back to the Senate and ask for an authorization.

Mr. LAUSCHE. Section 2, beginning on line 13, reads:

> To implement the recognition declared in the first section of this act, the President, through the Secretary of Commerce, shall cooperate with the State of Texas with respect to, and determine the extent to which the United States shall be a participant in and an exhibitor at, the exposition.

The Senator from Texas [Mr. TOWER] does not construe this language to be an authorization for the construction of a building. Is that correct?

Mr. TOWER. I do not see any way the language could be so construed. I think it should be construed as follows: If the administration should determine that participation of the United States was feasible, practicable, and desirable, the administration would then have to come to Congress and ask for a further authorization before any money could be spent for any such purpose.

Mr. YARBOROUGH. Mr. President, I concur in the interpretation of the proposed act as just stated by my colleague from Texas.

Mr. LAUSCHE. I invite the attention of the two Senators from Texas to lines 21, 22, and 23, on page 4, in section 5 of the bill. Section 5 provides:

> The President shall report to the Congress during the first regular session of Congress which begins after the date of enactment of this act with respect to (1)—

I shall not read (1) because I have already read it. Then, with respect to (2)—

> the amount of appropriations which are necessary to accomplish such representation.

It is my understanding that neither Senator from Texas, sponsors of the bill, construes the language of lines 21, 22, and 23 to authorize an appropriation.

Mr. TOWER. I would say quite to the contrary. The language is very specific that included in the President's report will be contained the amount the President deems necessary in any recommendation that is made. In other words, the bill directs the President to have a study made. If participation is decided upon, as well as the extent to which money is required, the authorization will have to come up for consideration by the Congress.

Mr. LAUSCHE. I knew the Senator from Texas would be true to his fiscal philosophy of being against open-ended authorizations.

Mr. TOWER. I have consistently been against back-door spending, and always will be, whether it be related to spending in Texas or not. I assure the Senator that this is the way I construe the bill. I think it is the only way that any lawyer or judge could construe it. I do not see how there could be any difference of opinion on it.

Mr. YARBOROUGH. Mr. President, I have concurred so often in what my colleague has stated this afternoon that, lest I be misunderstood, let me say there is nothing unconstitutional in open-ended authorizations, and is not considered as back-door spending.

However, there is nothing in the bill providing for such authorization. This bill is not an open-ended authorization, but provides a very limited authorization for a study. The bill directs the President to send it back to the Department of Commerce, the business branch of the Government. Then it comes back with a report as to such recommendations as the Secretary of Commerce and the President shall make. It requires the business branch of the Government to report.

Mr. LAUSCHE. Then, Mr. President, I am justified in concluding that before any authorization for construction of a building or buildings is made, the proposal would have to come back to Congress with the recommendation of the Secretary of Commerce and the President, and the authorization would have to come from Congress. Is that correct?

Mr. YARBOROUGH. And if they do not recommend participation, we are stopped there. We must have their recommendation and then come before the Congress of the United States.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, I am glad the Senators from Texas have responded as they have to the questions of the Senator from Ohio. That clears up one point. There is another point which I would like to have cleared up.

Section 6 of the bill as reported by the Foreign Relations Committee was deleted. The purpose of that section was to provide an authorization of $250,000. The bill reported by that committee provided no such authorization. The House bill provides for $250,000.

I would prefer to strike out that authorization and take the Senate bill, but in order to expedite consideration of this matter, I am wondering if the Senator from Texas [Mr. YARBOROUGH], as manager of the bill, would be willing to amend the bill by striking out the figure $250,000 and inserting in lieu thereof $125,000? If so, I would be willing to go along and let the matter go to conference.

Mr. TOWER. Mr. President, would the Senator consider $150,000?

Mr. WILLIAMS of Delaware. No. If it had called for $300,000, I might consider cutting it in half. I would rather stand by the Senate bill, but I appreciate the position of the two Senators from Texas, and I would like to expedite action on the bill. In recognition of the frankness with which they have discussed the bill, I would be willing to go along with a figure of $125,000.

Mr. YARBOROUGH. The House provided what I think is the very modest amount of $250,000 for this purpose. That amount was stricken out by the Senate Foreign Relations Committee. There were representatives of the Department of Commerce before the committee. They were told to take this money out of the Department budget. The Department, of course, would have trouble trying to pull money out of other projects for this purpose.

Mr. President, in line with all the colloquy that has taken place and the statements which have been made, I am willing to accept the amendment in an effort to expedite action.

Mr. WILLIAMS of Delaware. I appreciate that. I know it was the feeling of the committee that the Department had adequate funds.

Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER. The amendment offered by the Senator from Delaware for himself and the Senator from Ohio will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 5, line 2, to strike out the figure and insert in lieu thereof "$125,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

HEMISFAIR 1968 FOR ALL THE AMERICAS

Mr. YARBOROUGH. Mr. President, since the beginning of recorded history, international fairs and expositions have served to advance international cooperation and understanding. A major element in the emergence of the people of Europe from the Dark Ages into the light of the modern world, was the trade fairs which promoted commerce and travel, and which served to awaken a whole civilization.

Today our relations with the nations of Latin America are troubled. There is much misunderstanding between the people to the south of the Rio Grande and the Norteamericanos. There is need for the people of this hemisphere to understand each other, to appreciate the unique qualities of each Western Hemisphere nation, and to understand the difficulties which each faces. There is especially a necessity for the people of this country to know more about their neighbors, because as the most powerful nation in the hemisphere we bear a tremendous burden for the future development of this part of the world, and we cannot discharge this responsibility well unless Americans gain more knowledge and insight into the history, beliefs, culture, and problems of the other Western Hemisphere nations.

The San Antonio HemisFair 1968 Exposition was conceived from the beginning with these realities in mind. The fair is designed to enhance the existing brotherhood between New World nations, reaffirm common ties, increase understanding, and fortify world peace. It will honor and display the diversified cultures of Pan America, including the history, art, industry, commerce, and economic development of each of the nations of the Western Hemisphere, their interrelationships and common ties, and the contributions to their development from Europe, Asia, and Africa.

BACKGROUND OF HEMISFAIR

The development of the HemisFair idea by the people of San Antonio has been characterized from its inception by the fullest communitywide support. San Antonio business firms and individuals have pledged nearly $8 million in underwriting to provide financing for preopening expenses. In 1964 the voters of San Antonio voted by 3½ to 1 for a $30 million bond issue to facilitate the city's participation. The State of Texas has appropriated $4.5 million of an expected $7.5 million for its participation. Total financial support to date for HemisFair has reached $54.2 million.

The exposition has secured from the city of San Antonio a lease on 91.3 acres in the central business district, two blocks from the Alamo. Demolition is 86 percent complete on the site.

The theme of HemisFair is the "Confluence of Civilizations." This theme will be developed generally through four categories of exhibits: "The Legacy" or the past, "The Harvest" or the present, "The Promise" or the future, and "The Folklore." I ask unanimous consent to insert at this point in the RECORD a description of the general layout of the fair and the ways in which the different themes will be developed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM STATEMENT OF MR. WILLIAM SINKIN, VICE CHAIRMAN, BOARD OF DIRECTORS, HEMISFAIR, 1968

The fairgoer will enter the exhibit through the Plaza de Libertad, a tree-shaded court of liberty with sculptures of the great liberators of the Americas, each donated by his own country. Unfolding chronologically the history of the Western Hemisphere represented by its migrations, settlements, discoveries, conquests, and the history of its ancient civilizations, the exhibit will contain the greatest assembly of pre-Columbian art and sculpture the world has even known.

In the great Hall of the Legacy, through the medium of a 360-degree motion picture, the literature, languages, architecture, and sciences of the old cultures, and the religions and economic development of the hemisphere will be shown.

The "Way of the Harvest," in a series of variable spaces, through the media of photographs, sound, and animated exhibits, will portray the cultural, scientific, educational, technical, and recreational development of the Americas with emphasis on special programs to improve living standards, to combat poverty, and to exploit natural resources.

The "Promise" area of the exhibit will emphasize mutual aid, technical cooperation, cultural and scientific exchange, and progress through international organizations. In this area, too, will be displayed the growing interfaith relationships among the religions of the hemisphere, the philanthropic medical missions, prevention of disease, education in new areas, urban and regional planning with emphasis on better housing, cities of the future, and life in space.

Finally, the fairgoer will arrive at the Plaza de Folklorica, the people place, where the Cadena de Amistad, or chain of friendship will be displaced through the folk art, handicrafts, music, and dancing from the past to the present and projected into the future.

EXCERPT FROM STATEMENT OF ALLISON B. PERRY, ARCHITECT, DIRECTOR OF DESIGN AND ARCHITECTURE, HEMISFAIR 1968

The central business district of San Antonio lies in the center of an area surrounded by an interstate highway loop system. HemisFair visitors will arrive by automobile from the north, south, east, and west and utilize this expressway system to arrive in the downtown area. The site of the fair is two blocks from the Alamo in the heart of the central business district. The San Antonio River, on the bank of which the town was founded in 1718, flows from north to south, with the downtown river bend, which we call Paseo del Rio, beautifully landscaped, developed with wide walks and bridges. Restaurants, shops, nightclubs, park areas, and the Arneson River Theater all front on the river in the Paseo del Rio area. Commerce and Market Streets are an important one-way pair in the town plan linking together all the major open spaces in the downtown area, from the colorful Mexican Market to Military Plaza, with the Spanish Governor's Palace to the Paseo del Rio area, with the giant cypress, cottonwood, and pecan trees, through La Villita, terminating at the HemisFair site which will be the permanent civic center of San Antonio. We are going to extend the river channel between Commerce and Market Streets east to a point where the river will flow into a lagoon within the convention center complex. A transportation terminal, including boat marina, bus terminal, auto parking, and a heliport will complete the Commerce-Market Street development.

HemisFair site development will include the $10 million convention center complex which will start construction January 1, 1966. The theme area for the fair lies in the center of the site, with foreign national exhibits, the U.S. exhibit, the State of Texas exhibit, and the San Antonio Tower developed within this area. The U.S. exhibit should properly be the theme exhibit of HemisFair, depicting the flowing together of civilizations in the Western Hemisphere, the welding together of peoples to form a nation, the legacy of the past, the harvest of the present, and the promise of the future. A waterway will meander through the grounds, which are heavily endowed with large shade trees and some small clusters of 100-year-old early Texas adobe houses which will become small exhibit structures during the fair. It is planned that trees, waterway, these permanent pavilions and plazas will make up a permanent garden area after the fair for the city of San Antonio. HemisFair rides and amusements will be developed east of the theme area with an outdoor stadium seating 10,000 persons for outdoor shows and athletic events. Over 1 million square feet of exhibit pavilions will ring the perimeter of the site containing the industrial exhibits, restaurants, and concessions. Adequate parking is insured with 6,000 cars east of the fair property line in a future expressway right-of-way which will be cleared but not yet built in 1968, as well as the parking structure with a 2,000-car capacity and nearby parking lots with a total capacity of 2,500.

Mr. YARBOROUGH. Studies have shown that a fair of this type has a 750-mile radius area of primary attendance. The 750 miles surrounding San Antonio contain a population of 34 million people. In addition, the Olympic Games will be held in Mexico City during the summer of 1968, bringing tens of thousands more people from all over the world into the area. A conservative estimate indicates an attendance of 7.2 million visitors to the San Antonio exposition.

PURPOSE OF THE LEGISLATION

The purpose of the present legislation is twofold. First, it constitutes recognition of the exposition by the U.S. Government. This is necessary in order to secure approval by the Bureau of International Expositions in Paris. HemisFair has scrupulously followed all the requirements of BIE approval. Recognition by the U.S. Government is the final step.

HemisFair is on the BIE agenda for its October meeting. It is crucial that this legislation be enacted now, in order to allow sufficient time for foreign governments to plan their participation.

I might add that HemisFair will be the first exposition since the highly successful Seattle Fair to have BIE sanction. The Seattle Fair is the only one I know of which finished in the black financially, and an important factor in this was the BIE approval which encouraged participation by foreign governments.

The directors of HemisFair have been encouraged by foreign interest thus far and are hopeful that many foreign governments will participate. This legislation authorizes the President to invite the several States of the Union and foreign countries to take part in the exposition.

The second purpose of the bill is to authorize the President, through the Secretary of Commerce, to determine the manner in which, and the extent to which, the United States shall be a participant in, and an exhibitor at, the exposition. The exposition has offered the United States the place of honor at HemisFair 1968 by establishing a theme exhibit at the center of the grounds, and by deeding to it, without cost, approximately 3 acres on which to build this pavilion.

The legislation is favored by the administration. The report from the U.S. Information Agency contains the following comment:

> The Agency favors the enactment of this legislation. The purposes of the HemisFair and the activities would, in our judgment, enhance Western Hemisphere friendship and understanding.

The Treasury Department has written that it views with interest the foreign travel promoting aspects of the fair, in light of administration policy to encourage foreign travel in and to the United States "in order to reduce the deficit in our foreign travel account, and to assist in the achievement of equilibrium in our international accounts."

I wish to emphasize that all this legislation authorizes is a study, nothing more. Any funds for building will have to go through the full authorization and appropriations process, after Congress has had a chance to study the recommendations of the Secretary of Commerce.

I wish to emphasize that whatever investment the Federal Government might eventually make in participating in the fair will be a permanent investment, one which will be available to the Federal Government for use after the fair is over. In this regard, I would like to quote briefly from the testimony of William Sinkin, the vice chairman of the board of HemisFair:

> The legacy of HemisFair will endure long past the closing of its gates. The U.S. Government pavilion will be put to permanent use first through the facilities of a Latin American trade mart by corporations and financial institutions whose interests lie in Latin America in expanding markets to the south. An inter-American electronic information center will provide the means by which commercial and governmental organizations will have rapid and direct access to the most current information available. A technical-vocational training center will contain a technical and vocational library in Spanish, Portuguese, and English, and promote exchange programs in education.
>
> This Latin American center will provide a release for the tremendous resources of the United States on a people-to-people level. Businessmen will take advantage of the training facilities for supervisory and middle-management personnel in inter-American business and commerce. Medical men and women will have a permanent facility for the training of doctors, nurses, and technicians in working against sickness and disease throughout the hemisphere.
>
> Journalists, performing artists, architects, and planners will have a medium for permanent exchange of cultural and social ideas and programs. These and many other permanent uses of the U.S. pavilion will fulfill the promises of HemisFair, located in the bilingual, bicultural, centrally located city of San Antonio.

Mr. President, the people of San Antonio are determined to see that the Federal Government gets its money's worth out of its investment. The people of the city will cooperate fully with the Federal Government toward putting the Federal pavilion to the good uses of the Government. There will be many potential uses to which the building may be put.

From the very beginning, the emphasis of HemisFair has been on permanency, and the people of San Antonio are determined, as is evidenced by this request for a planning grant, to see to it that the investment of the Federal Government is fully protected by making certain now that there will be a sound, definite, and permanent use for this building after the fair.

The HemisFair 1968 Exposition will pay back to the people of the United States much more than it will cost them as taxpayers. It can promote more harmonious relationships with the other nations that inhabit this hemisphere with us, by providing a vehicle to bring about the experience of mutual understanding. No price tag can be placed on this.

And in a more hard-boiled dollars and cents way, if Congress should later authorize the construction of a Federal pavilion, the building will be put to use by the Federal Government for its own purposes after the fair is over. There can be no doubt but that this will be a sound investment.

Mr. TOWER. Mr. President, there is no city in the Western Hemisphere so entirely pan-American in flavor, atmosphere, and culture as the beautiful Texas city of San Antonio on the banks of the San Antonio River.

As I am sure all Americans know, San Antonio is the home of the Alamo. Founded originally as an outpost of the Empire of Spain, it fell under Mexican influence and today is a romantic blend of the cultures of all the nations of the Americas. It is a city of missions and monuments to inter-American good will.

But it is a city which has not forgotten the space age; a city very much a part of the present, with its many important defense installations, including Brooke Army Hospital, the medical headquarters for the Nation's space effort. So charming is that city, in fact, that many retired military officers and their families return to San Antonio to spend their retirement years. It is a city Texans are rightfully proud of.

The people of San Antonio, and all Texans, are planning a 1968 celebration to mark the 250th anniversary of the founding of the city by the King of Spain. They are enthusiastically organizing a fair of the Americas, a "HemisFair," as they have so aptly named this exposition. HemisFair will be a unique and distinctive world showcase displaying the diversified cultures of the Americas, including their industry, history, commerce, and arts.

While HemisFair is the product of the efforts of private citizens of San Antonio, it is receiving enthusiastic support and financial backing from the State of Texas. It is also fitting, I believe, that it should receive the support of all the States, since it is so distinctively American in nature and design. To this end, I was proud to be a cosponsor, along with Senator YARBOROUGH, of this bill to give official U.S. recognition to the fair and to determine the appropriate degree of U.S. participation. The Committee on Foreign Relations, after considering this measure most carefully has recommended that it be passed.

Today I urge the full Senate to give the same careful consideration to our sound reasons for support of HemisFair.

Not only have the HemisFair plans received enthusiastic community support, they have also received impressive financial backing. About 200 San Antonio business leaders have subscribed $25,000 or more to underwrite promotion and developmental costs of the fair. All 26 San Antonio banks have joined the effort, loaning the fair corporation $4.5 million, and pledges from the business community now total around $8 million. It took the 1962 Seattle World's Fair 2 years to reach its underwriting goal. I think it is significant that it took less than 6 months for the people of San Antonio to reach their goal. In addition to this private effort, the city has approved a $30 million bond issue, and the State has appropriated $4.5 million for its pavilion.

The 250th anniversary of the founding of the city, which is being commemorated by this fair, is also, by coincidence, the year the Olympic games are to be held in Mexico. This provides a natural opportunity for the United States to attract participants and spectators to the games, north into our country.

There are many reasons why U.S. participation is desirable, but one important reason, which I think has been given scant attention, is the foreign relations value and good will effects which HemisFair will promote.

Latin culture is very much a part of the Texas way of life and I welcome the occasion of HemisFair for my State to share with other States this cultural advantage which we have long enjoyed.

I think that HemisFair will provide a basis for increased respect and understanding between the United States and the countries of Central and South America. Let us not put ourselves in the position of being too little and too late with these countries. Perhaps belatedly, we are coming to recognize their strategic importance, and this chance for further cultural exchange should not be passed up.

I urge all Senators to vote for passage of this bill, and to mark April 6, 1968, on their calendars. That is the date for the opening of the fair, which will run for 6 months. I hope every one of my colleagues can join us at HemisFair.

I would like to note further that I think one of the principal benefits that will be derived by the people of the United States from the HemisFair will be the good will and increased commercial intercourse that will be stimulated by this fair.

I believe that the HemisFair can serve a useful and beneficial function at a time when it is critical that we have the best possible relationships with our hemisphere brothers.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. LAUSCHE. I regret that I shall not be able to support this bill. Also, I regret the fact that my judgment collides with the judgment of two Senators whom I hold in high regard. I will state my reasons why the Federal Government and the Congress ought to put a stop to the techniques that has developed in many communities when they have a sesquicentennial, a centennial, or other important celebration, by promoting what is known as an international exhibit, and through that promotion request that the U.S. Government go into the community and build a permanent structure for local use.

This technique began about 1959, when Seattle, Wash., celebrated its 100th anniversary. It conceived the idea of a 21st century scientific exhibit, and as a part of the plan decided to promote and develop a civic center.

The local people voted the expenditure of money to build the stadium and exhibit halls. The State of Washington appropriated money to build a State office building.

They came to Washington and received an authorization and appropriation for the construction of an $8.5 million building by the taxpayers of the United States, to finally become an exhibit hall for Seattle.

The moneys that the city appropriated were used to construct permanent buildings of usable quality, and moneys that the State government appropriated provided similar moneys for a permanent State building. Into the State of Washington the Federal Government sent about $9 million.

Then someone conceived the thought of a World's Fair in the State of New York for 1964 and 1965. At first New York wanted $35 million to be used for the building of a Federal structure to house the U.S. exhibit. After considerable argument, participated in by the Senator from Delaware [Mr. WILLIAMS], myself, and some other Senators, that amount was whittled down to $17.5 million.

The New York fair was not an international exposition as defined by the International Organization mentioned by the Senator from Texas [Mr. YARBOROUGH].

The Bureau of International Expositions authorizes 1 fair every 10 years which lasts for 6 months. The reason for that rule is that they do not want nations all over the world called upon to participate annually in expositions.

The New York fair has gone on, and it is rather amazing to see the arguments that have developed about that operation.

I would like to read a report carried in the San Antonio Express, Monday, August 16, 1965, about the New York fair:

> World's fairs in the foreseeable future will not be the same as the result of the experiences of the major industrial exhibitors at the New York fair.
>
> The cost to companies such as General Motors, Ford, Chrysler, General Electric, International Business Machines, and Du Pont now stands at between $1 and $3 for each person visiting their pavilions.
>
> "Our marketing team must ask itself if an investment of this size could not be better spent in another way," a pavilion manager said Sunday.
>
> "My own feeling is that the decision is already made. I feel our company will not make such a large investment in a fair for the next 10 years—and probably beyond that time."
>
> A cross section of the major exhibitors on Flushing Meadow sounded out during the past 2 weeks shows that they are of the same mind. The unanimous opinion is that their companies will sharply curtail participation in future fairs as far in the future as anyone can see.
>
> The direct effect of the experience of the New York fair has already been felt.
>
> Chicago has canceled plans to bid for a new world's fair in the mid-1970's. Long Beach, Calif., has abandoned the substantial effort it had made to recruit support for a fair within this decade. The Montreal World's Fair, already scheduled for 1967, has encountered unyielding resistance in its attempt to obtain substantial participation by American industry.
>
> The three major automobile manufacturers in the United States invested just under $100 million in the New York fair.

That is hardly believable, but that is how much money they spent at the fair. I shall not read the remainder of the article, but I ask unanimous consent that it be printed in its entirety in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Pavilion Costs Cited: Industrial Exhibitors Wary of Future Fair Spending

(By Robert Alden)

New York.—World's fairs in the foreseeable future will not be the same as the result of the experiences of the major industrial exhibitors at the New York fair.

The cost to companies such as General Motors, Ford, Chrysler, General Electric, International Business Machines and Du Pont now stands at between $1 and $3 for each person visiting their pavilions.

"Our marketing team must ask itself if an investment of this size could not be better spent in another way," a pavilion manager said Sunday.

"My own feeling is that the decision is already made. I feel our company will not make such a large investment in a fair for the next 10 years—and probably beyond that time."

A cross section of the major exhibitors on Flushing Meadow sounded out during the past 2 weeks shows that they are of the same mind. The unanimous opinion is that their companies will sharply curtail participation in future fairs as far in the future as anyone can see.

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Chicago has canceled plans to bid for a new world's fair in the mid-1970's. Long Beach, Calif., has abandoned the substantial effort it had made to recruit support for a fair within this decade. The Montreal World's Fair, already scheduled for 1967, has encouraged unyielding resistance in its attempt to obtain substantial participation by American industry.

The three major automobile manufacturers in the United States invested just under $100 million in the New York fair. Collectively, they are only willing to spend $2 million in the Montreal fair.

High costs and disappointing attendance are the factors that led to the disenchantment of the major industrial exhibitors.

Some of the managers say they feel that the day when it paid for companies to invest heavily in fairs is over because the public no longer approaches the fair with wide-eyed wonder.

"They've seen it all on television," an exhibit manager remarked. "They no longer come to us receptive or, more accurately, as receptive to our advertising message as they once were. As a result, our exhibits are not as effective a tool to sell our company and our product as we would have wished."

Another exhibitor had a different view.

"I don't think we should try to overanalyze the situation," he said. "In my opinion, the big fair is simply pricing itself out of the market.

"Labor costs on the fairgrounds were high in 1939. They are much, much higher today. We cannot put up a building, maintain it, and then tear it down after two seasons and make our advertising investment pay.

"We always have to compare the benefit we get from a multimillion-dollar fair investment with what we could get if we made the same investment in magazine, newspaper, or television advertising and make our judgment on that basis."

Not only the industrial exhibitors have been disenchanted by their participation in the New York fair.

Even the most successful of the foreign exhibitors—Spain—has been appalled by the costs encountered. What was to have been a $2 million investment is now well over $7 million. Spanish Government officials say they will be wary of future fair commitments.

In sum, any fair in the future will have a hard job convincing exhibitors that making a substantial commitment to an international exposition represents a worthwhile venture.

Mr. LAUSCHE. Mr. President, the article discusses the prohibitive and practically confiscatory and, one might even say, criminally excessive costs that exhibitors had to pay to get a little work done in their pavilions.

That was one of the situations.

However, millions of people went to New York, and they profited by it. The Federal taxpayers invested $17½ million in the Federal building. What its use will be in the future, I do not know. If it is to have a use, it will be a use for New York State, not a use by the taxpayers of the United States.

The 1964–65 New York World's Fair comes to an end. We are now discussing the San Antonio fair. I reluctantly discuss this subject and put it as pointedly as I do.

When the witnesses for the fair came before the Foreign Relations Committee, they testified that the people of San Antonio had voted the approval of a $30 million bond issue as a part of the HemisFair Exposition to be held in 1968.

I asked a witness who was testifying whether, when the $30 million bond issue was submitted to the voters, an explanation was given of how the money would be spent. The answer was "Yes."

I then asked how it was to be spent.

I received the answer that it would be spent in the development of a civic center; $10 million for buying land and $20 million for the construction of buildings for the civic center of San Antonio.

I asked the witness, "Will this money be spent for stadiums and auditoriums?"

The answer was "Yes."

I asked, "Will these exhibits be for permanent use?"

The answer was "Yes."

As I recall, the Senator from Texas [Mr. YARBOROUGH] confirmed that proposition when he said that buildings have been torn down. Of course, they have been torn down to develop what we in Cleveland have—a civic center, on which we spent millions of dollars to build a stadium and an auditorium above ground, and an exhibit hall below ground. The people of Cleveland put up the money for those additions.

The witness testified that the State of Texas was to spend $7.5 million. I asked the witness for what purpose. His answer was that the money would be spent for the construction of Texas State buildings to be occupied by Texans as office quarters and as a useful structure—again, a part of the civic center.

I do not know what the eventual recommendations will be. But let us assume that the amount recommended will be $10 million for a building of the U.S. Government for a 6-month show. I cannot subscribe to that.

But, Mr. President, one would think that would be the end. It is not. I have received letters from the distinguished senior Senator from Florida [Mr. HOLLAND]. Florida has conceived the idea of having a cultural center that will exhibit materials of interest to the people of the Western Hemisphere. Florida proposes to call its exhibit the Interama.

The Texas exhibition is to be called the HemisFair. The exposition held by the State of Washington was called the 20th Century Scientific Exhibit.

Does the distinguished Senator from Colorado [Mr. DOMINICK] know how much Florida wants for a building? Fifteen million dollars.

So the costs of such buildings have been: Washington, $8,500,000; Texas, $10 million; Florida, $15 million. One would think that would be the end. But it is not.

In 1967, there will be the proposed Montreal International Exhibit. Mr. President, how long can this go on? If Washington, Texas, Florida, and New York have asked for such buildings as gratuities, perhaps the distinguished senior Senator from Wisconsin [Mr. PROXMIRE] had better go back to his State and suggest that the city of Madison conceive of a sesquicentennial or a centennial celebration and say that it is to be an exposition of scientific research and development on the boundary of Canada, and secure for the people there a $10-million Federal building.

The technique is excellent for a centennial or a sesquicentennial. I wish I had known about this method in 1953, when Ohio had its sesquicentennial. Our celebration in that year was by planting trees in our State. We covered the grounds with grasses, trees, and shrubs, to reestablish the cover of the land that once it possessed, before it became denuded by the cruel hand of man. I organized the State from top to bottom to plant trees, grasses, legumes, and shrubs.

Had I been told at that time that I could have come to the Federal Government to get $10 or $15 million for a building, I might have been tempted to do so; but I say to the Senator from South Carolina [Mr. RUSSELL] that I do not think I would have yielded to such a temptation. Such a practice is not sound; it is not justified.

South America is to participate in the San Antonio fair. Twenty-one nations comprise South America. Practically every one is the recipient of our bounty. The countries of South America are having trouble feeding their own people and having trouble in surviving. We are providing them with money. Yet we are inviting them to build an exhibit at the San Antonio fair. I assume that the ultimate result will be that we will, in some way, indirectly, finance the construction of that building.

Mr. President, I regret that I have had to make this statement. I have made it only because I believe implicitly that we cannot continue endlessly to promote such exhibitions every year or every second year. The practice ought to be stopped.

The letter describing the proposed Florida exhibit states that Florida owns land worth $100 million, on which it is proposed to build the Federal structure. If Florida has land worth $100 million on which to build such a structure, it would seem that Florida could build its own structure.

Mr. President, I will not vote for the measure for the reasons I have just stated.

Mr. WILLIAMS of Delaware. Mr. President, I concur in the remarks of the distinguished Senator from Ohio. In line with them, I ask unanimous consent to have printed at this point in the RECORD the minority views from the committee report, signed by the Senator from Ohio [Mr. LAUSCHE] and me.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS

We do not concur with the recommendation of the Foreign Relations Committee that the Senate approve S. 2167, as amended, a bill to provide for participation of the United States in the HemisFair 1968 domestic exposition to be held in San Antonio, Tex., in 1968.

While we recognize the merits of such domestic expositions, we are deeply concerned about the frequency of Federal participation in local fairs of this type.

Domestic expositions can play a limited cultural and economic role in the field of foreign affairs, but the Federal Government should encourage such enterprises with caution and discretion.

Our international commitments include enormous amounts of Federal funds for military expenditures and foreign aid. This fact requires the Government to review with great care the priorities for which Federal money should be spent. It is quite clear that the promoters of this HemisFair of San Antonio are looking forward to a substantial appropriation of Government money to be invested in this enterprise, an amount in excess of approximately $8½ million. The United States has given generously to two domestic fairs in the past several years, one in Seattle and one in New York, and is now being asked to give to three more—the San Antonio, the Florida State show, and the genuine international exhibition to be held in Montreal, Canada, in 1967.

The participation of the United States in the "Century 21" Exposition in 1962 in Seattle, Wash., and the New York World's Fair in 1964–65 involved expenditures of $9.9 million and $17.5 million, respectively. At each of these fairs the Federal Government constructed huge and costly exhibition halls.

The proponents of the HemisFair of San Antonio point out, in support of their cause, that the people of San Antonio have approved a $30-million bond issue, and the State of Texas has appropriated $4.5 million with an additional $3 million expected for next year, as their contribution to this exposition commemorating the 250th anniversary of the city.

The $30 million in San Antonio is to be used for the acquisition of land and the construction of a large civic center. The funds appropriated by the State are also to be used in constructing buildings of a permanent nature. Although the promoters want a Federal building which will continue to be of utility after the conclusion of the HemisFair, experience from the Seattle Fair indicates that a structure built for exhibition purposes is not suitable for permanent use by the United States. It is practically certain that such a Government building will only be used for local functions in the future although financed by the taxpayers of the United States.

Thus, what begins as a celebration of local interest becomes a massive plan whereby the Federal Government is called upon to provide funds to promote the construction of facilities to be used as a part of a permanent civic center. The Federal Government is committed to and must contribute to the Universal International Exposition in Montreal, Canada, in 1967.

To make the cost still less defensible requests have already been received for U.S. participation in an added "Interama" exposition in Florida. Plans are now also being initiated for a U.S. World's Fair in celebration of the 200th anniversary of the United States in 10 years.

This multitude of past investments and future asked-for committals has serious implications and unjustified costs.

The high expenses incurred by the promoters of the New York fair, both public and private, have served to make large investors review their plans for participation in the Montreal fair scheduled for 1967. An invitation to foreign nations from the President of the United States would only encourage foreign governments to make an investment they can ill afford since this is hardly an appropriate time for Latin American capital to be invested in the United States. An invitation to participate in the San Antonio fair, therefore, would not be met with such enthusiasm, and those nations who do decide to participate would, in all likelihood, not be able to meet their expenses. In the end, it would be the American taxpayer who will carry the financial burden. This can hardly be called a way in which to improve our balance-of-payments standing, as the promoters suggest.

In the case of HemisFair and other State expositions, a direct relationship is involved between the exposition and a series of urban civic renewal projects. This urban renewal is already supported by Federal funds. Therefore, this same money is indirectly involved in the promotion of this exposition. Further Federal commitment might very well result in an angry outcry from other cities carrying out urban renewal, and it would place the U.S. Government in the awkward position of being discriminatory.

American endorsement in any international undertaking has profound ramifications throughout the world. Certainly international fairs involve an aspect of foreign policy. If our foreign policy is to be effective, we must make sure that it does not lose its influence. Overindulgence in one type of commitment will only result in the lessening of its impact.

For the foregoing reasons, we oppose passage of the bill.

Frank J. Lausche.
John J. Williams.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 9247) was passed.

Mr. TOWER. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. YARBOROUGH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. YARBOROUGH. Mr. President, I ask that the consideration of S. 2167 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, Senate bill 2167 is indefinitely postponed.

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the amendments of the House to the bill (S. 1766) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10871) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Passman, Mr. Rooney of New York, Mr. Natcher, Mrs. Hansen of Washington, Mr. Cohelan, Mr. Long of Maryland, Mr. Mahon, Mr. Shriver, Mr. Conte, Mr. Andrews of North Dakota, and Mr. Bow were appointed managers on the part of the House at the conference.

CHANGE OF REFERENCE

Mr. MAGNUSON. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 59 be rereferred to the Committee on Commerce and that the Committee on Foreign Relations be discharged from further consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. Mr. President, I have checked this action with all committee chairmen and with the leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOCATIONAL STUDENT LOAN INSURANCE ACT OF 1965

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 743, H.R. 7743.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 7743) to establish a system of loan insurance and a supplementary system of direct loans, to assist students to attend post-secondary business, trade, technical, and other vocational schools.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to, and the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Vocational Student Loan Insurance Act of 1965".

STATEMENT OF PURPOSE AND APPROPRIATIONS AUTHORIZED

Sec. 2. (a) The purpose of this Act is to enable the Commissioner (1) to encourage States and nonprofit private institutions and organizations to establish adequate loan insurance programs for students in eligible institutions (as defined in section 17), (2) to provide a Federal program of student loan insurance for students who do not have reasonable access to a State or private nonprofit program of student loan insurance covered by an agreement under section 9(b), and (3) to pay a portion of the interest on loans to qualified students which are insured under this Act or under a program of a State or of a nonprofit private institution or organization which meets the requirements of section 9(a)(1)(A).

(b) For the purpose of carrying out this Act—

(1) there are authorized to be appropriated to the vocational student loan insurance fund (established by section 13) (A) the sum of $250,000, and (B) such further sums, if any, as may become necessary for the adequacy of the vocational student loan insurance fund,

(2) there are authorized to be appropriated, for payments under section 9 with respect to interest on insured loans, such sums for the fiscal year ending June 30, 1966, and succeeding fiscal years, as may be required therefor, and

(3) there are authorized to be appropriated the sum of $1,875,000 for making advances pursuant to section 3 for the reserve funds of State and nonprofit private student loan insurance programs.

Sums appropriated under clauses (1) and (2) of this subsection shall remain available until expended, and sums appropriated under clause (3) of this subsection shall remain available for advances under section 3 until the close of the fiscal year ending June 30, 1968.

ADVANCES FOR RESERVE FUNDS OF STATE AND NONPROFIT PRIVATE LOAN INSURANCE PROGRAMS

Sec. 3. (a)(1) From the sums appropriated pursuant to clause (3) of section 2(b), the Commissioner is authorized to make advances to any State with which he has made an agreement pursuant to section 9(b) for the purpose of helping to establish or strengthen the reserve fund of the student loan insurance program covered by that agreement. If for any of the fiscal years ending June 30, 1966, June 30, 1967, or June 30, 1968, a State does not have a student loan insurance program covered by an agreement pursuant to section 9(b), and the Commissioner determines after consultation with the chief executive officer of that State that there is no reasonable likelihood that the State will have such a student loan insurance program for such year, the Commissioner may make advances for such year for the same purpose to one or more nonprofit private institutions or organizations with which he has made an agreement pursuant to section 9(b) in order to enable students in that State to participate in a program of student loan insurance covered by such an agreement. The Commissioner may make advances under this subsection both to a State program with which he has such an agreement and to one or more nonprofit private institutions or organizations with which he has such an agreement in that State if he determines that such advances are necessary in order that students in each eligible institution have access through such institution to a student loan insurance program which meets the requirements of section 9(b)(1).

(2) Advances pursuant to this subsection shall be upon such terms and conditions (including conditions relating to the time or times of payment) consistent with the requirements of section 9(b) as the Commissioner determines will best carry out the purposes of this section. Advances made by the Commissioner under this subsection shall be repaid within such period as the Commissioner may deem to be appropriate in each case in the light of the maturity and solvency of the reserve fund for which the advance was made.

(b) The total of the advances to any State pursuant to subsection (a) may not exceed an amount which bears the same ratio to 2½ per centum of $75,000,000 as the population of that State aged eighteen to twenty-two, inclusive, bears to the total population of all the States aged eighteen to twenty-two, inclusive. If the amount so determined for any State, however, is less than $10,000, it shall be increased to $10,000 and the total of the increases thereby required shall be derived by proportionately reducing (but not below $10,000) the amount so determined for each of the remaining States. Advances to nonprofit private institutions and organizations pursuant to subsection (a) may be in such amounts as the Commissioner determines will best achieve the purposes for which they are made, except that the sum of (1) advances to such institutions and organizations for the benefit of students in any State plus (2) the amounts advanced to such State, may not exceed the maximum amount which may be advanced to that State pursuant to the first two sentences of this subsection. For the purposes of this subsection, the population aged eighteen to twenty-two, inclusive, of each State and of all the States shall be determined by the Commissioner on the basis of the most satisfactory data available to him.

EFFECT OF ADEQUATE NON-FEDERAL PROGRAMS

SEC. 4. The Commissioner shall not issue certificates of insurance under section 11 to lenders in a State if he determines that every eligible institution has reasonable access in that State to a State or private nonprofit student loan insurance program which is covered by an agreement under section 9(b).

SCOPE AND DURATION OF LOAN INSURANCE PROGRAM

SEC. 5. (a) The total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 17) to students covered by insurance under this Act shall not exceed $75,000,000 in the fiscal year ending June 30, 1966, and in each of the two succeeding fiscal years. Thereafter, insurance pursuant to this part may be granted only for loans made (or for loan installments paid pursuant to lines of credit) to enable students, who have obtained prior loans insured under this Act, to continue or complete their educational programs; but no insurance may be granted for any loan made or installment paid after June 30, 1972.

(b) The Commissioner may, if he finds it necessary to do so in order to assure an equitable distribution of the benefits of this Act, assign, within the maximum amounts specified in subsection (a), insurance quotas applicable to eligible lenders, or to States or areas, and may from time to time reassign unused portions of these quotas.

LIMITATIONS ON INDIVIDUAL LOANS AND ON INSURANCE

SEC. 6. (a) No loan or loans by one or more eligible lenders in excess of $1,000 in the aggregate to any student in any academic year or its equivalent shall be covered by insurance under this Act. The aggregate insured unpaid principal amount of all such insured loans made to any student shall not at any time exceed $2,000. The annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any year in excess of the annual limit.

(b) The insurance liability on any loan insured under this Act shall be 100 per centum of the unpaid balance of the principal amount of the loan. Such insurance liability shall not include liability for interest whether or not that interest has been added to the principal amount of the loan.

SOURCES OF FUNDS

SEC. 7. Loans made by eligible lenders in accordance with this Act shall be insurable whether made from funds fully owned by the lender or from funds held by the lender in a trust or similar capacity and available for such loans.

ELIGIBILITY OF STUDENT BORROWERS AND TERMS OF STUDENT LOANS

SEC. 8. (a) A loan by an eligible lender shall be insurable under the provisions of this Act only if—

(1) made to a student who (A) has been accepted for enrollment at an eligible institution or, in the case of a student already attending such institution, is in good standing there as determined by the institution, and (B) is carrying at least one-half of the normal full-time workload as determined by the institution, and (C) has provided the lender with a statement of the institution which sets forth a schedule of the tuition and fees applicable to that student and its estimate of the cost of board and room for such a student; and

(2) evidenced by a note or other written agreement which—

(A) is made without security and without endorsement, except that if the borrower is a minor and such note or other written agreement executed by him would not, under the applicable law, create a binding obligation, endorsement may be required,

(B) provides for repayment (except as provided in subsection (c)) of the principal amount of the loan in installments over a period of not less than three years (unless sooner repaid) nor more than six years beginning not earlier than nine months nor later than one year after the date on which the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by the institution in accordance with regulations of the Commissioner, except (i) as provided in clause (C) below, (ii) that the period of the loan may not exceed nine years from the execution of the note or written agreement evidencing it and (iii) the note or other written instrument may contain such provisions relating to repayment in the event of default in the payment of interest or in the payment of the cost of insurance premiums, or other default by the borrower, as may be authorized by regulations of the Commissioner in effect at the time the loan is made,

(C) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period (i) during which the borrower is pursuing a full-time course of study at an institution of higher education or at a comparable institution outside the States approved for this purpose by the Commissioner, (ii) not in excess of three years, during which the borrower is a member of the Armed Forces of the United States, or (iii) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, and any such period shall not be included in determining the six-year period or the nine-year period provided in clause (B) above.

(D) provides for interest on the unpaid principal balance of the loan at a yearly rate, not exceeding the applicable maximum rate prescribed and defined by the Secretary (within the limits set forth in subsection (b)) on a national, regional, or other appropriate basis, which interest shall be payable in installments over the period of the loan except that, if provided in the note or other written agreement, any interest payable by the student may be deferred until not later than the date upon which repayment of the first installment of principal falls due, in which case interest that has so accrued during that period may be added on that date to the principal (but without thereby increasing the insurance liability under this Act),

(E) provides that the lender will not collect or attempt to collect from the borrower any portion of the interest on the note which is payable by the Commissioner under this Act,

(F) entitles the student borrower to accelerate without penalty repayment of the whole or any part of the loan, and

(G) contains such other terms and conditions, consistent with the provisions of this Act and with the regulations issued by the Commissioner pursuant to this Act, as may be agreed upon by the parties to such loan, including, if agreed upon, a provision requiring the borrower to pay to the lender, in addition to principal and interest, amounts equal to the insurance premiums payable by the lender to the Commissioner with respect to such loan.

(b) No maximum rate of interest prescribed and defined by the Secretary for the purposes of clause (2)(D) of subsection (a) may exceed 6 per centum per annum on the unpaid principal balance of the loan, except that under circumstances which threaten to impede the carrying out of the purposes of this Act, one or more of such maximum rates of interest may be as high as 7 per centum per annum on the unpaid principal balance of the loan.

(c) The total of the payments by a borrower during any year of any repayment period with respect to the aggregate amount of all loans to that borrower which are insured under this Act shall not be less than $360 or the balance of all such loans (together with interest thereon), whichever amount is less.

FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS

SEC. 9. (a)(1) Each student who has received a loan—

(A) which is insured under this Act;

(B) which was made for study at an eligible institution under a State student loan program (meeting criteria prescribed by the Commissioner), and which was contracted for, and paid to the student, within the period specified by paragraph (4); or

(C) which is insured under a program of a State or of a nonprofit private institution or organization, which was contracted for, and paid to the student, within the period specified in paragraph (4), and which—

(i) in the case of a loan insured prior to July 1, 1967, was made by an eligible lender and is insured under a program which meets the requirements of subparagraph (E) of subsection (b)(1) and provides that repayment of such loan shall be in installments beginning not earlier than sixty days after the student ceases to pursue a course of study (as described in subparagraph (D) of subsection (b)(1)) at an eligible institution, or

(ii) in the case of a loan insured after June 30, 1967, is insured under a program covered by an agreement made pursuant to subsection (b),

and whose adjusted family income is less than $15,000 at the time of execution of the note or written agreement evidencing such loan, shall be entitled to have paid on his behalf and for his account to the holder of the loan, over the period of the loan, a portion of the interest on the loan. For the purposes of this paragraph, the adjusted family income of a student shall be determined pursuant to regulations of the Commissioner in effect at the time of the execution of the note or written agreement evidencing the loan. Such regulations shall provide for taking into account such factors, including family size, as the Commissioner deems appropriate.

(2) The portion of the interest on a loan which a student is entitled to have paid on his behalf and for his account to the holder of the loan pursuant to paragraph (1) shall be equal to the total amount of the interest on the unpaid principal amount of the loan which accrues prior to the beginning of the repayment period of the loan, and 3 per centum per annum of the unpaid principal amount of the loan (excluding interest which has been added to principal) thereafter; but such portion of the interest on a loan shall not exceed, for any period, the amount of the interest on that loan which is payable by the student after taking into consideration the amount of any interest on that loan which the student is entitled to have paid on his behalf for that period under any State or private loan insurance program. In the absence of fraud by the lender, that determination shall be final so far as the obligation of the Commissioner to pay a portion of the interest on a loan is concerned. The holder of a loan with respect to which payments are required to be made under this section shall be deemed to have a contractual right, as against the United States, to receive from the Commissioner the portion of interest which has been so determined. The Commissioner shall pay this portion of the interest to the holder of the loan on behalf of and for the account of the borrower at such times as may be specified in regulations in force when the applicable agreement entered into pursuant to subsection (b) was

made, or if the loan was made by a State or is insured under a program which is not covered by such an agreement, at such times as may be specified in regulations in force at the time the loan was paid to the student.

(3) Each holder of a loan with respect to which payments of interest are required to be made by the Commissioner shall submit to the Commissioner, at such time or times and in such manner as he may prescribe, statements containing such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to determine the amount of the payment which he must make with respect to that loan.

(4) The period referred to in subparagraph (B) and (C) of paragraph (1) of this subsection shall begin on the date of enactment of this Act and end on June 30, 1968, except that, in the case of a loan made or insured under a student loan or loan insurance program, to enable a student who has obtained a prior loan made or insured under such program to continue his educational program, such period shall end on June 30, 1972.

(5) No payment may be made under this section with respect to the interest on a loan made from a student loan fund established under title II of the National Defense Education Act of 1958.

(b)(1) Any State or any nonprofit private institution or organization may enter into an agreement with the Commissioner for the purpose of entitling students who receive loans which are insured under a student loan insurance program of that State, institution, or organization to have made on their behalf payments equal to those provided for in subsection (a) if the Commissioner determines that the student loan insurance program—

(A) authorizes the insurance of not less than $1,000 in loans to any individual student in any academic year or its equivalent (as determined under regulations of the Commissioner);

(B) authorizes the insurance of loans to any individual student for at least two academic years of study or their equivalent (as determined under regulations of the Commissioner);

(C) provides that (i) the student borrower shall be entitled to accelerate without penalty the whole or any part of an insured loan, (ii) the period of any insured loan may not exceed nine years from the date of execution of the note or other written evidence of the loan, and (iii) the note or other written evidence of any loan may contain such provisions relating to repayment in the event of default by the borrower as may be authorized by regulations of the Commissioner in effect at the time such note or written evidence was executed;

(D) subject to subparagraph (C), provides that, where the total of the insured loans to any student which are held by any one person exceeds $1,000, repayment of such loans shall be in installments over a period of not less than three years nor more than six years beginning not earlier than nine months nor later than one year after the student ceases to pursue a full-time course of study at an eligible institution, except that if the program provides for the insurance of loans for part-time study at eligible institutions the program shall provide that such repayment period shall begin not earlier than nine months nor later than one year after the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by the institution;

(E) authorizes interest on the unpaid balance of the loan at a yearly rate not in excess of 6 per centum per annum on the unpaid principal balance of the loan (exclusive of any premium for insurance which may be passed on to the borrower);

(F) insures not less than 90 per centum of the unpaid principal of loans insured under the program;

(G) does not provide for collection of an excessive insurance premium;

(H) provides that the benefits of the loan insurance program will not be denied any student because of his family income or lack of need if his adjusted family income at the time the note or written agreement is executed is less than $15,000 (as determined pursuant to the regulations of the Commissioner prescribed under section 9(a)(1);

(I) provides that a student may obtain insurance under the program for a loan for any year of study at an eligible institution; and

(J) in the case of a State program, provides that such State program is administered by a single State agency, or by one or more nonprofit private institutions or organizations under the supervision of a single State agency.

(2) Such an agreement shall—

(A) provide that the holder of any such loan will be required to submit to the Commissioner, at such time or times and in such manner as he may prescribe, statements containing such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to determine the amount of the payment which he must make with respect to that loan;

(B) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this Act and as are agreed to by the Commissioner and the State or private organization or institution; and

(C) provide for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his function under this Act and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

DIRECT LOANS

SEC. 10. (a) The Commissioner may make a direct loan to any student who would be eligible for an insured loan under this Act if (1) in the particular area in which the student resides loans which are insurable under this Act are not available at the rate of interest prescribed by the Secretary pursuant to section 8(a)(2)(D) for such area, or (2) the particular student has been unable to obtain an insured loan at a rate of interest which does not exceed such rate prescribed by the Secretary.

(b) Loans made under this section shall bear interest at the rate prescribed by the Secretary under section 8(a)(2)(D) for the area where the student resides, and shall be made on such other terms and conditions as the Commissioner shall prescribe, which shall conform as nearly as practicable to the terms and conditions of loans insured under this Act.

(c) There is authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1966, and for each of the four succeeding fiscal years to carry out this section.

CERTIFICATES OF INSURANCE—EFFECTIVE DATE OF INSURANCE

SEC. 11. (a)(1) If, upon application by an eligible lender, made upon such form, containing such information, and supported by such evidence as the Commissioner may require, and otherwise in conformity with this section, the Commissioner finds that the applicant has made a loan to an eligible student which is insurable under the provisions of this Act, he may issue to the applicant a certificate of insurance covering the loan and setting forth the amount and terms of the insurance.

(2) Insurance evidenced by a certificate of insurance pursuant to subsection (a)(1) shall bcome effective upon the date of issuance of the certificate, except that the Commissioner is authorized, in accordance with regulations, to issue commitments with respect to proposed loans, or with respect to lines (or proposed lines) of credit, submitted by eligible lenders, and in that event, upon compliance with subsection (a)(1) by the lender, the certificate of insurance may be issued effective as of the date when any loan, or any payment by the lender pursuant to a line of credit, to be covered by such insurance was made. Such insurance shall cease to be effective upon sixty days' default by the lender in the payment of any installment of the premiums payable pursuant to subsection (c).

(3) An application submitted pursuant to subsection (a)(1) shall contain (A) an agreement by the applicant to pay, in accordance with regulations, the premiums fixed by the Commissioner pursuant to subsection (c), and (B) an agreement by the applicant that if the loan is covered by insurance the applicant will submit such supplementary reports and statements during the effective period of the loan agreement, upon such forms, at such times, and containing such information as the Commissioner may prescribe by or pursuant to regulation.

(b)(1) In lieu of requiring a separate insurance application and issuing a separate certificate of insurance for each student loan made by an eligible lender as provided in subsection (a), the Commissioner may, in accordance with regulations consistent with section 5, issue to any eligible lender applying therefor a certificate of comprehensive insurance coverage which shall, without further action by the Commissioner, insure all insurable loans made by that lender, on or after the date of the certificate and before a specified cutoff date, within the limits of an aggregate maximum amount stated in the certificate. Such regulations may provide for conditioning such insurance, with respect to any loan, upon compliance by the lender with such requirements (to be stated or incorporated by reference in the certificate) as in the Commissioner's judgment will best achieve the purpose of this subsection while protecting the financial interest of the United States and promoting the objectives of this Act, including (but not limited to) provisions as to the reporting of such loans and information relevant thereto to the Commissioner and as to the payment of initial and other premiums and the effect of default therein, and including provision for confirmation by the Commissioner from time to time (through endorsement of the certificate) of the coverage of specific new loans by such certificate, which confirmation shall be incontestable by the Commissioner in the absence of fraud or misrepresentation of fact or patent error.

(2) If the holder of a certificate of comprehensive insurance issued under this subsection grants to a student a line of credit extending beyond the cutoff date specified in that certificate, loans or payments thereon made by the holder after that date pursuant to the line of credit shall not be deemed to be included in the coverage of that certificate except as may be specifically provided therein; but, subject to the limitations of section 5, the Commissioner may, in accordance with regulations, make commitments to insure such future loans or payments, and such commitments may be honored either as provided in subsection (a) or by inclusion of such insurance in comprehensive coverage under this subsection for the period or periods in which such future loans or payments are made.

(c) The Commissioner shall, pursuant to regulations, charge for insurance on each loan under this Act a premium in an amount not to exceed one-fourth of 1 per centum per year of the unpaid principal amount of such loan (excluding interest added to principal), payable in advance, at such time and in such manner as may be prescribed by the Commissioner. Such regulations may provide that such premium shall not be payable, or if paid shall be refundable, with respect to any period after default in the payment of principal or interest or after the borrower has died or become totally and permanently disabled, if (1) notice of such default or other event has been duly given, and (2) request for payment of the loss insured against has been made or the Commissioner has made such payment on his own motion pursuant to section 12(a).

(d) The rights of an eligible lender arising under insurance evidenced by a certificate of insurance issued to it under this section may be assigned as security by such lender only to another eligible lender, and subject to regulation by the Commissioner.

(e) The consolidation of the obligations of two or more insured loans obtained by a student borrower in any fiscal year into a single obligation evidenced by a single instrument of indebtedness shall not affect the insurance by the United States. If the loans thus consolidated are covered by separate certificates of insurance issued under subsection (a), the Commissioner may upon surrender of the original certificates issue a new certificate of insurance in accordance with that subsection upon the consolidated obligation; if they are covered by a single comprehensive certificate issued under subsection (b), the Commissioner may amend that certificate accordingly.

PROCEDURE ON DEFAULT, DEATH, OR DISABILITY OF STUDENT

SEC. 12. (a) Upon default by the student borrower on any loan covered by insurance pursuant to this Act, or upon the death of the student borrower or a finding by the insurance beneficiary that the borrower has become totally and permanently disabled (as determined in accordance with regulations established by the Commissioner) before the loan has been repaid in full, and prior to the commencement of suit or other enforcement proceeding upon security for that loan, the insurance beneficiary shall promptly notify the Commissioner, and the Commissioner shall if requested (at that time or after further collection efforts) by the beneficiary, or may on his own motion, if the insurance is still in effect, pay to the beneficiary the amount of the loss sustained by the insured upon that loan as soon as that amount has been determined. The "amount of the loss" on any loan shall, for the purposes of this subsection and subsection (b), be deemed to be an amount equal to the unpaid balance of the principal amount of the loan.

(b) Upon payment by the Commissioner of the insured portion of the loss pursuant to subsection (a), the United States shall be subrogated to all of the rights of the holder of the obligation upon the insured loan and shall be entitled to an assignment of the note or other evidence of the insured loan by the insurance beneficiary. If the net recovery made by the Commissioner on a loan after deduction of the cost of that recovery (including reasonable administrative costs) exceeds the amount of the loss, the excess shall be paid over to the insured.

(c) Nothing in this section or in this Act shall be construed to preclude any forbearance for the benefit of the student borrower which may be agreed upon by the parties to the insured loan and approved by the Commissioner, or to preclude forbearance by the Commissioner in the enforcement of the insured obligation after payment on that insurance, or to require collection of the amount of any loan by the insurance beneficiary or by the Commissioner from the estate of a deceased borrower or from a borrower found by the insurance beneficiary to have become permanently and totally disabled.

(d) Nothing in this section or in this Act shall be construed to excuse the holder of a loan from exercising reasonable care and diligence in the making and collection of loans under the provisions of this Act. If the Commissioner, after reasonable notice and opportunity for hearing to an eligible lender, finds that it has substantially failed to exercise such care and diligence or to make the reports and statements required under section 9(a)(3) and section 11(a)(3), or to pay the required insurance premiums, he shall disqualify that lender for further insurance on loans granted pursuant to this Act until he is satisfied that its failure has ceased and finds that there is reasonable assurance that the lender will in the future exercise necessary care and diligence or comply with such requirements, as the case may be.

(e) As used in this section—

(1) the term "insurance beneficiary" means the insured or its authorized assignee in accordance with section 11(d); and

(2) the term "default" includes only such defaults as have existed for (A) one hundred and twenty days in the case of a loan which is repayable in monthly installments, or (B) one hundred and eighty days in the case of a loan which is repayable in less frequent installments.

INSURANCE FUND

SEC. 13. (a) There is hereby established a vocational student loan insurance fund (hereinafter in this section called the "fund") which shall be available without fiscal year limitation to the Commissioner for making payments in connection with the default of loans insured under this Act. All amounts received by the Commissioner as premium charges for insurance and as receipts, earnings, or proceeds derived from any claim or other assets acquired by the Commissioner in connection with his operations under this Act, and any other moneys, property, or assets derived by the Commissioner from his operations in connection with this section, shall be deposited in the fund. All payments in connection with the default of loans insured under this Act shall be paid from the fund. Moneys in the fund not needed for current operations under this section may be invested in bonds or other obligations guaranteed as to principal and interest by the United States.

(b) If at any time the moneys in the fund are insufficient to make payments in connection with the default of any loan insured under this Act, the Commissioner is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Commissioner with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be traded as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Commissioner from such funds.

LEGAL POWERS AND RESPONSIBILITIES

SEC. 14. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Commissioner may—

(1) prescribe such regulations as may be necessary to carry out the purposes of this Act;

(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this Act without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of Commissioner or any vacancy in that office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this Act from the application of sections 507(b) and 2679 of title 28 of the United States Code and of section 367 of the Revised Statutes (5 U.S.C. 316);

(3) include in any contract for insurance such terms, conditions, and covenants relating to repayment of principal and payment of interest, relating to his obligations and rights and to those of eligible lenders, and borrowers in case of default, and relating to such other matters as the Commissioner determines to be necessary to assure that the purposes of this Act will be achieved; and any term, condition, and covenant made pursuant to this clause or any other provisions of this Act may be modified by the Commissioner if he determines that modification is necessary to protect the financial interest of the United States;

(4) subject to the specific limitations in this Act, consent to the modification, with respect to rate of interest, time of payment of any installment of principal and interest or any portion thereof, or any other provision of any note or other instrument evidencing a loan which has been insured under this Act;

(5) enforce, pay, or compromise, any claim on, or arising because of, any such insurance; and

(6) enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right or redemption.

(b) The Commissioner shall, with respect to the financial operations arising by reason of this Act—

(1) prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act; and

(2) maintain with respect to insurance under this Act an integral set of accounts, which shall be audited annually by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions, as provided by section 105 of the Government Corporation Control Act, except that the transactions of the Commissioner, including the settlement of insurance claims and of claims for payments pursuant to section 9, and transactions related thereto and vouchers approved by the Commissioner in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.

ADVISORY COUNCIL ON INSURED LOANS TO VOCATIONAL STUDENTS

SEC. 15. (a) The Secretary shall establish in the Office of Education an Advisory Council on Insured Loans to Vocational Students, consisting of the Commissioner, who shall be Chairman, and eight members appointed, without regard to the civil service laws, by the Secretary. The membership of the Council shall include persons representing State loan insurance programs, private nonprofit loan insurance programs, financial and credit institutions, and eligible institutions.

(b) The Advisory Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this Act, including policies and procedures governing the making of advances under section 3, the Federal payments to reduce student interest costs under section 9 and the making of loans under section 10.

(c) Members of the Advisory Council, while attending meetings or conferences of such Council, or otherwise engaged in the business of such Council, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while so serving on the business of the Advisory Council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2), for persons in the Government service employed intermittently.

PARTICIPATION BY FEDERAL CREDIT UNIONS IN FEDERAL, STATE, AND PRIVATE STUDENT LOAN INSURANCE PROGRAMS

SEC. 16. Notwithstanding any other provision of law, Federal credit unions shall, pursuant to regulations of the Director of the Bureau of Federal Credit Unions, have power to make insured loans up to 5 per centum of their assets, to student members in accordance with the provisions of this Act or in accordance with the provisions of any State or nonprofit private student loan insurance program with respect to which there is in effect an agreement with the Commissioner under section 9(b).

DEFINITIONS

SEC. 17. As used in this Act—

(a) The term "eligible institution" means a business or trade school, or technical institution or other technical or vocational school, in any State, which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (2) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (3) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subsection; and (4) is accredited (A) by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this clause, (B) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Commissioner pursuant to this clause, and (C) if the Commissioner determines there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools in order for loans to students attending them to be insurable under this Act and shall also determine whether particular schools meet those standards. For the purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded.

(b) The term "eligible lender" means an eligible institution, an agency or instrumentality of a State, or a financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the United States or of any State.

(c) The term "line of credit" means an arrangement or agreement between the lender and the borrower whereby a loan is paid out by the lender to the borrower in annual installments, or whereby the lender agrees to make, in addition to the initial loan, additional loans in subsequent years.

(d) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(e) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(f) The term "Commissioner" means the Commissioner of Education.

Mr. MORSE. Mr. President, H.R. 7743 provides the counterpart for vocationally oriented young people to the insured loan provisions we have approved for our college population in H.R. 9567. We have conformed H.R. 7743 as it passed the House with our determinations on H.R. 9567 to insure that the same financial benefits would be made available to vocationally oriented students.

Before each member is a copy of H.R. 7743 as reported, which carries out that understanding. Senators will recall that S. 600 as introduced, provided such benefits under the insured loan program to young people attending trade and business schools.

In adapting the insured loan program for such students, the following principles were observed:

First. The benefits afforded consist solely of the insured loan program. They do not include any additional participation to any new category of school under the National Defense Education Act, title II, than is presently afforded by that act.

Second. They do not afford scholarship benefits as in title IV–A of the Higher Education Act, and finally,

Third. They do not include the work-study authorities of title IV–C of H.R. 9567.

The maximum insured loans which could be outstanding under this program could not exceed in total, $75 million. The maximum loan to the student in 1 year could not exceed $1,000 and the total student debt could not exceed $2,000. In conformity with the parallel nature of the benefits provided, however, provision is made for advances to States which wish to enter into or expand State vocational student insurance loan programs.

The parallel is complete except that in view of the size of the program and the limited amount of money made available to it, a provision was inserted which would provide each State which wished to participate in such a program with an advance of a minimum amount of $10,000 or 2½ percent of its allocation under the formula, whichever is greater. The formula is based upon population of a State in the 18- to 22-age brackets as in H.R. 9567. Included in the bill is language permitting Federal credit unions to participate as eligible lenders.

The interest subsidy program is the same as in H.R. 9567. The same triggering device for the Federal insurance program is incorporated.

Retained, however, from the House version was a provision establishing a $1 million direct loan program for vocational students unable to gain access at reasonable rates of interest to insured loan money. Returns from repayments flow into the reserve insurance fund as provided in section 13(a).

H.R. 7743 passed the House by the overwhelming vote of 300 to 0. It was known in the House as the Dent bill, first introduced by Representative DENT, of Pennsylvania. However, if Representative DENT were here, he would say what I now say, that although it was introduced as the Dent bill in the House and the Morse bill in the Senate, Representative DENT is the recipient of the same type of cooperation on the part of the House committee that I always receive on the part of the Senate committee.

The bill left the House Education Committee rather enthusiastically endorsed and went through the House by the vote that I have just announced.

Mr. President, by this legislation we are trying to afford to students in the field of vocational and business education the same loan advantages that we seek to give under H.R. 9567 to students attending higher education institutions. I consider it to be a very fair bill.

I ask unanimous consent to have printed at this point in the RECORD a few of the communications that I have received on this legislation.

These communications are in letter form from Mrs. Enid E. Cox, president of the Oregon Vocational Association; Paul F. Wilmeth, director of the Salem Technical Vocational Community College in my State; Jack Brookins, dean of the Technical Vocational Education of the Southwestern Oregon College, of North Bend, Oreg.; Carlton Kelley, president of the Tennessee Valley State Technical Junior College of Decatur, Ala., whose letter includes a memorandum that he sent to me; and a letter received by me from Elmer H. Halstead, executive secretary of the Oregon Vocational Association.

I also ask unanimous consent that there be printed at this point in the RECORD a section-by-section outline of the provisions of this bill starting on page 12 of the committee report.

There being no objection, the communications and the section-by-section outline were ordered to be printed in the RECORD, as follows:

OREGON VOCATIONAL ASSOCIATION,
Salem, Oreg., July 9, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: The Oregon Vocational Association urges you to support and to take early action on H.R. 7743.

We feel that it is to the best interest of vocational education that the administration of a loan program be through regularly constituted vocational authorities rather than through authorities of higher learning institutions.

There is a definite need in vocational education for the passage of H.R. 7743 which will help students prepare themselves in postsecondary school programs for available jobs.

At this time I would also like to thank you for your previous favorable support of vocational education and I urge you to continue your support.

Yours very truly,

Mrs. ENID E. COX,
President, OVA.

SALEM TECHNICAL VOCATIONAL
COMMUNITY COLLEGE,
Salem, Oreg., July 20, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am writing to urge you to support H.R. 7743, a bill to establish a system of loan insurance and a supplementary system of direct loans, to assist students to attend postsecondary business, trade, technical, and other vocational schools.

Since our main interest is in the area of the technical and vocational education, we urge your support on passage of this bill so that money can be made available to people who have problems in providing for this type of training.

Again, we urge your support in passage of this bill which will provide financial assistance for those individuals pursuing technical vocational pursuits.

Please let me hear from you concerning this important bill.

Very truly yours,

PAUL F. WILMETH,
Director.

SOUTHWESTERN OREGON COLLEGE,
North Bend, Oreg., July 15, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I urge your strong support of H.R. 7743 which will establish a system of loan insurance and a supplementary system of a direct loans, to assist students to attend postsecondary business, trade, technical and other vocational schools.

Since this bill was approved by the House on a rollcall vote of 300 to 0 and is now in the hands of the Senate Subcommittee on Education of the Senate Labor and Public Welfare Committee, it is my hope that it meets with the same success in the Senate.

Thank you.

Sincerely,

JACK BROOKINS,
Dean, Technical Vocational Education.

TENNESSEE VALLEY STATE
TECHNICAL JUNIOR COLLEGE,
Decatur, Ala., July 9, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I recently sent you the enclosed letter.

Now, I find that the House of Representatives has voted 300 to 0 in favor of House bill 7743. For this reason, I am urging you to get this business through the Senate. Eighty percent of the American people do not go to college. Ninety percent of our adult program here at this school (600) need financial aid. I think that the vocational schools in America should have scholarships just like the college students have.

We are counting on you in the U.S. Senate to take care of this business.

Yours truly,

CARLTON KELLEY,
President.

TENNESSEE VALLEY STATE
TECHNICAL JUNIOR COLLEGE,
Decatur, Ala., May 7, 1965.

A parallel system of training schools in America would be the beginning of an inefficient system of vocational education. Public education is the only system which can be effective in training individuals for the skilled crafts in the technical area.

If different national agencies get into public education. I think we would have a confused setup that could weaken the Nation. I hope that you will use your influence and see that what we have is not watered down but strengthened.

I am enclosing a copy of a letter from our National Education Association which indicates the damage that could develop. Please advise me regarding your feeling in this matter.

I would also like for you to support House bill 6468 which would establish scholarships for students to enroll in area vocational technical schools in all of the States. Many students in Alabama who drop out would probably stay in area vocational technical schools if there were scholarships available. To strengthen my point on this matter, I am enclosing a dropout study in Alabama, 1964–65.

Yours truly,

CARLTON KELLEY,
President.

OREGON VOCATIONAL ASSOCIATION,
Salem, Oreg., July 7, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington D.C.

DEAR SIR: The Oregon Vocational Association, the State organization of vocational educators in Oregon, urges your support of H.R. 7743 establishing a system of loan insurance and a supplementary system of direct loans, to assist students to attend postsecondary business, trade, technical and other vocational schools.

* * * * *

The students who would benefit by H.R. 7743, are not any special group, but just average, normal, and serious people who, by conscientious effort, seek to become substantial, tax paying citizens by preparing themselves in the postsecondary school programs for available jobs as businessmen, tradesmen and technicians who are the backbone of our society.

We believe that there is justification and great need for this legislation and we are very gratified that the House has approved H.R. 7743 by a vote of 300 for and 0 against.

ELMER H. HALSTEAD,
Executive Secretary.

SECTION-BY-SECTION OUTLINE OF PROVISIONS

SECTION 1

This section provides that this act may be cited as the "National Vocational Student Loan Insurance Act of 1965."

SECTION 2. STATEMENT OF PURPOSE AND APPROPRIATIONS AUTHORIZED

Subsection (a) of this section states that it is the purpose of this Act to enable the Commissioner (1) to encourage States and nonprofit institutions and organizations to establish adequate insurance programs for students in eligible institutions, (2) to provide a Federal program of student loan insurance for students who do not have reasonable access to a State or private nonprofit student loan insurance program, and (3) to pay a portion of the interest on certain student loans insured under this Act or under certain State or private loan insurance programs. "Eligible institution" is defined in section 17.

Subsection (b) of this section authorizes the appropriation (1) of $250,000 plus such further sums as may be necessary, for the establishment of a vocational student loan insurance fund; (2) of such sums as may be necessary to make interest payments on insured loans under section 9; and (3) of $1,875,000 to make advances under section 3 to State and nonprofit private student loan insurance reserve funds.

SECTION 3. ADVANCES FOR RESERVE FUNDS OF STATE AND NONPROFIT PRIVATE LOAN INSURANCE PROGRAMS

Subsection (a) of this section authorizes the Commissioner to make repayable advances to any State with which he has made his agreement pursuant to section 9(b), for the purpose of helping to establish or strengthen the reserve fund of the student loan insurance program covered by that agreement. If a State will not have a vocational student loan insurance program covered by the agreement under section 9 (b)—as determined for each of the fiscal years 1966, 1967, and 1968—then for any such year advances could be made to one or more nonprofit private programs to cover students in that State. Advances could be made to both State and private funds if necessary in order to assure that students at every eligible institution have access through such institution to a student loan insurance program. Advances and repayments under this subsection will be upon terms and conditions prescribed by the Commissioner. The $1,875,000 authorized for advances to State and nonprofit private programs under subsection (a) is to be allocated among the States in proportion to their population aged 18 to 22 inclusive, but with no State receiving less than $10,000.

SECTION 4. EFFECT OF ADEQUATE NON-FEDERAL PROGRAMS

This section prohibits the Commissioner from issuing insurance certificates to lenders in a State when he determines that every eligible institution has reasonable access in that State to either a State or private nonprofit program covered by an agreement under section 9(b).

SECTION 5. SCOPE AND DURATION OF LOAN INSURANCE PROGRAMS

Subsection (a) limits the total principle amount of new loans made (and installments paid pursuant to lines of credit) to students covered by insurance under this act to $75 million, in the fiscal year ending in 1966 and in each of the 2 succeeding fiscal years. Thereafter, insurance under this act may be granted only for loans made (or for loan installments paid pursuant to lines of credit) to enable students, who have obtained the prior insured loans under this act, to continue or complete their education program; but no insurance may be granted for any loan made or installment paid after June 30, 1972.

Subsection (b) permits the Commissioner to assign insurance quotas to States, areas or eligible lenders.

SECTION 6. LIMITATIONS ON INDIVIDUAL LOANS AND ON INSURANCE

Subsection (a) of this section limits the amount of insured loans made to a student to $1,000 in the aggregate to any student in any academic year or its equivalent. The overall amount of insurance on the unpaid principal of loans may not at any time exceed $2,000 for any student.

Under subsection (b) the liability of the United States on an insured loan is limited to the amount of unpaid principal and does not extend to accrued interest.

SECTION 7. SOURCES OF FUNDS

This section permits insurance of loans made from funds held in trust or a similar capacity.

SECTION 8. ELIGIBILITY OF STUDENT BORROWERS AND TERMS OF STUDENT LOANS

Subsection (a) of this section provides that loans are insurable only if they meet the following conditions: The borrower must be accepted for enrollment or be in good standing at an eligible institution, must carry at least half of the normal full-time workload, and must provide the lender with the institution's statement of tuition, fees, and estimated room and board.

The loan must be evidenced by an insured note, which may be required to be endorsed only if necessary to create a binding obligation. Periodic installments of principal on the loan need not be paid but interest shall accrue and be paid during any period (1) during which the borrower is pursuing a full-time course of study at an institution of higher education or at a comparable institution outside the United States approved by the Commissioner; (2) or for a period not in excess of 3 years during which the borrower is a member of the Armed Forces; or (3) not in excess of 3 years during which the borrower is in service as a volunteer under the Peace Corps Act. Such a suspension of principal repayments shall not be included in determining the 6-year to 9-year repayment periods.

Interest on the loan cannot exceed the rate prescribed by the Commissioner for the geographical area, and is payable over the period of the loan unless the note provides for deferral of interest not paid under section 9 until the first payment of principal. The lender must agree not to try to collect from the borrower interest payable by the Commissioner under section 9. The note must permit the borrower to accelerate repayment.

Subsection (b) limits the interest rate on insured loans to 6 percent except that under certain exceptional circumstances the rate may be as high as 7 percent.

Subsection (c) requires a minimum annual repayment by a borrower on all of his loans insured by the Commissioner under this part of $360 for the balance of all such loans or his outstanding balance, whichever is less.

SECTION 9. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS

This section directs the Commissioner to make payments to holders of insured student loans to reduce student interest costs. A student whose adjusted family income is less than $15,000, and who has received a loan insured under this act or under a State or nonprofit private program and meets its standards, will be entitled to have paid on his behalf to the holder of the loan, over the period of the loan, a portion of the interest on the loan. In order to entitle the student borrowers to the benefit of the interest subsidy with respect to loans insured by any State or private nonprofit private program, such program must, after June 30, 1967, have an agreement meeting all the requirements provided in section 9(C) concerning the terms of the loan insurance programs. During the transitional period prior to July 1, 1967, such program must only meet the standards limiting the interest rate to no higher than 6 percent yearly on the unpaid principal balance of the loan and the provision that repayment of the insured loans shall not be required to begin earlier than 60 days after the student ceases to pursue his course of study at an eligible institution. (Adjusted family income will be determined as of the time of execution of the loan note and will be determined under regulations of the Commissioner which will take into account appropriate factors such as family size.)

The payment a student is entitled to have made on his behalf under this section will, during the period which precedes the repayment period of the loan, be equal to the total amount of the interest which accrues prior to the beginning of the repayment period, and will, during the repayment period, be equal to 3 percent per annum of the unpaid principal amount of the loan. However, the payment may not exceed, for any period, the amount of interest, which (but for such payment) would be actually payable by the student, taking into consideration interest payments on his behalf for that period under any State or private loan insurance program. The holder of an insured loan will have a contractual right, as against the United States, to be paid by the Commissioner the portion of interest which has been determined under this section. The Commissioner will prescribe the manner of payment and the form of certain reports to be made by the holder of the loan.

Subsection (b) of this section sets forth the conditions under which students whose loans are insured under State or private programs will receive payments to reduce their interest costs under this section. Any State or any nonprofit private institution or organization which has a student loan insurance program may enter into an agreement with the Commissioner to permit students who receive loans which are insured under its program to have made on their behalf payments under subsection (a), if the Commissioner determines that the insurance program—

(A) authorizes the insurance of up to $1,000 in loans per student per academic year;

(B) authorizes the insurance of loans to any individual student for at least 2 academic years of study;

(C) provides that (i) the student borrower may accelerate without penalty the whole or any part of an insured loan, (ii) the period of any insured loan may not exceed 9 years from the date of execution of the note evidencing of the loan, and (iii) the note contain certain default provisions prescribed by the Commissioner's regulations;

(D) subject to the preceding subparagraph, provides that, if a student's insured loans held by any one person exceed $1,000, then repayment of such loans will be in installments over a period of not less than 3 years nor more than 6 years beginning between 9 months and 1 year after the student ceases to pursue a full-time course of study at an eligible institution (except that if the program provides for the insurance of loans for part-time study at eligible institutions, the repayment period will begin between 9 months and 1 year after the student ceases to carry at least one-half the normal full-time academic workload);

(E) limits interest (exclusive of the insurance premium) to 6 percent per annum on the unpaid principal balance of the loan;

(F) insures at least 90 percent of the unpaid principal of loans insured under the program;

(G) does not provide for collection of an excessive insurance premium;

(H) provides that the benefits of the loan insurance program will not be denied any student because of his family income or lack of need, if his adjusted family income is less than $15,000;

(I) provides that a student may obtain insurance under the program for a loan for any year of study at an eligible institution; and

(J) provides, in the case of a State program, that the program will be administered by a single State agency, or by one or more nonprofit private institutions or organizations under the supervision of such an agency.

Agreements under this subsection will require reports and have certain other provisions necessary to carry out this act.

SECTION 10. DIRECT LOANS

This section permits the Commissioner to make direct loans to students, otherwise eligible for insured loans, to whom lenders will not make insurable loans at or below the maximum rate of interest prescribed by the Secretary under section 8(a) for the area where the borrower resides. Direct loans bear interest at the maximum rate of interest prescribed for such area, and to the extent practicable, will be made on the same terms and conditions as are required for insured loans. The authorization for this section is limited to $1 million yearly.

SECTION 11. CERTIFICATES OF INSURANCE—EFFECTIVE DATE OF INSURANCE

This section details the method by which an eligible lender obtains insurance on a student loan. Subsection (a) provides that loans which meet the requirements of the act may be insured after they are made, on application by the lender, but that the Commissioner on application may make an advance commitment to insure a proposed loan or line of credit. Subsection (b) prescribes another alternative under which the Commissioner may issue to eligible lenders certificates of comprehensive insurance coverage which would insure all insurable loans made by a lender during a period and up to an amount specified in the certificate. Subsection (c) authorizes the Commissioner to charge a yearly insurance premium of up to one-fourth of 1 percent of the unpaid balance of the principal of an insured loan.

Subsections (d) and (e) relate to assignment and consolidation of insured obligations.

SECTION 12. PROCEDURE ON DEFAULT, DEATH, OR DISABILITY OF STUDENT

This section sets out the procedure by which eligible lenders (and their assignees) collect any amounts for which the United States is liable by reason of the default, death, or disability of the borrower. The Commissioner may forebear his collection rights (under the subrogation provisions of the section) in the case of deceased or disabled borrowers.

SECTION 13. INSURANCE FUND

This section establishes a student loan insurance fund into which will be deposited amounts appropriated under the authority of section 2(b)(1), insurance premiums, and amounts recovered by the Commissioner from defaulted borrowers. All payments in connection with the default of loans insured under the act will be paid from the fund, and in the event that the moneys in the fund are not sufficient to make such payments the Commissioner may obtain additional moneys by issuing to the Secretary of the Treasury notes or other obligations as a public debt transaction.

SECTION 14. LEGAL POWERS AND RESPONSIBILITIES

This section authorizes the Commissioner, in carrying out the act, to make regulations, sue and be sued, prescribe and modify the terms of insurance contracts, permit the modification of student loan agreements, and to settle insurance claims. The Commissioner's financial operations are subject to the Government Corporation Control Act.

SECTION 15. ADVISORY COUNCIL ON INSURED LOANS TO VOCATIONAL STUDENTS

This section requires the Secretary of Health, Education, and Welfare to establish in the Office of Education an Advisory Council on Insured Loans to Vocational Students. The Council would consist of the Commissioner, who would be chairman, and eight other members, including persons representing State and private nonprofit loan insurance programs, financial and credit institutions, and eligible institutions. The Council would advise the Commissioner in the preparation of general regulations, and with respect to policy matters arising in the administration of this Act.

SECTION 16. PARTICIPATION BY FEDERAL CREDIT UNIONS IN FEDERAL, STATE, AND PRIVATE STUDENT LOAN INSURANCE PROGRAMS

This section permits Federal credit unions to use up to 5 percent of their assets for making to their members student loans insured under this act or under certain State or private loan insurance programs.

SECTION 17. DEFINITIONS FOR REDUCED-INTEREST STUDENT LOAN INSURANCE PROGRAM

This section defines, for purposes of this act, the term "eligible institution," "eligible lender," and "line of credit."

Mr. MORSE. Mr. President, the Subcommittee on Education of the Committee on Labor and Public Welfare and the full committee itself enthusiastically support my bill.

The Senator from Colorado [Mr. DOMINICK] made a statement in committee on behalf of a possible modification of the bill. I hope that he will make the same statement for the sake of legislative history today and any other action that he may wish the Senate to take on it.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. Mr. President, I yield to the Senator from Pennsylvania, and shall then yield to the Senator from Vermont [Mr. PROUTY], the Senator from Maryland [Mr. TYDINGS], and finally to the Senator from Texas [Mr. YARBOROUGH].

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, I should like the RECORD to show my strong commendation of the leadership shown by the senior Senator from Oregon [Mr. MORSE] in guiding the bill through the committee, in having the necessary changes in the House bill made, and in bringing it to the floor for passage.

I should also like the RECORD to show my strong commendation of the action in the House of Representatives of my colleague from Pennsylvania, Representative JOHN DENT, who has been a real leader in the field of upgrading vocational education, and seeing to it that the young Americans who enter the vocational education field are given the same educational opportunities as are made available to those who go to liberal arts colleges. I think Representative DENT is to be highly commended for his activities in that regard.

Mr. PROUTY. Mr. President, the National Vocational Student Loan Insurance Act of 1965 is a bill designed to help the more than half of our young people who do not go on to college after graduation from high school.

The bill would establish reduced interest insured and direct loan programs for those who wish to take courses at business, trade, technical, and other vocational schools.

In passing the Higher Education Act, we have already made this type of assistance available to the college or university student. To do less for youngsters who wish to attend a trade or business school would be to discriminate against those who prefer the service or technical occupations.

Boys and girls who take vocational training are for the most part very serious and dedicated students. One survey indicated that 85 percent of the trade, 67 percent of the business, and 79 percent of the technical school students complete their training.

The survey went on to demonstrate that 95 percent of the young men and women who completed training and sought employment found it.

When we make it possible for recent high school graduates to borrow money to go to trade, technical, or business schools, we not only help them, but we help the country by fighting the unemployment problem at one and the same time.

Without vocational or college training, today's boy or girl is at a loss in our complex and dynamic society.

All the data your Labor and Public Welfare Committee has been able to gather demonstrates that most students at trade, technical, and business schools come from families of a lower income background. This being true, it is difficult for the youngster to borrow money and it was the object of the committee in reporting this bill to encourage commercial sources to make more loans available. I think the loan insurance features of the legislation will do just that.

A survey brought to light the fact that many trade-technical school students are skimping on their diet and housing costs hoping to squeeze by until they finish training. A survey which covered nearly 2,000 students showed that 55 percent of the youngsters had food costs amounting to less than $15 per week and 44 percent kept their housing costs below $10 per week.

It was revealed to the committee that in one area of the country, 41 percent of trade-technical school students were working either part time or full time while attending school and 34 percent received no financial help from their parents.

In a word, Mr. President, the national vocational student loan insurance bill is not only a good piece of legislation, it is a necessary piece of legislation.

The bill would allow the Commissioner of Education to aid the vocationally oriented student at least four ways. Under the terms of the bill, the Commissioner could:

First. Encourage States and nonprofit private institutions and organizations to establish adequate loan insurance programs for students in eligible institutions;

Second. Provide a Federal program of student loan insurance for students who deserve reasonable access to State or private nonprofit programs of student loan insurance;

Third. Pay a portion of the interest on such loans to qualified students while undertaking study; and

Fourth. Make direct loans to any student eligible for an insured loan if insured loans are not available at reasonable rates of interest as prescribed by the Secretary of Health, Education, and Welfare.

Mr. President, the test of a free society is how much will it do to make the future better than the present by planning for the needs of new generations. We can meet this test and the pending legislation will aid us in this objective. I urge that it be passed unanimously by the Senate.

In closing these brief remarks, I should like to pay tribute to Charles Lee and Jack Forsythe and to Steve Kurzman and Roy Millenson, the majority and minority staff members of the Labor and Public Welfare Committee, for their able guidance and assistance in developing and advancing this legislation.

And I should like to make mention as well of the splended contribution made by Dick Fulton who represents the United Business Schools Association. He is always willing at a moment's notice to enlighten Members of Congress on the problems that confront business schools and youngsters who attend them, and without his effective support the legislation to aid business, trade, technical, and other vocational students might have been left lingering in committee.

The business schools of America can be proud of Dick Fulton, and I want to express to him and to Bader Brouilette, of Champlain College in Burlington, Vt., my heartfelt thanks for their advice and counsel.

Mr. TYDINGS. Mr. President, the Education Subcommittee of the Labor and Public Welfare Committee, and its able chairman, the distinguished Senator from Oregon [Mr. MORSE], as well as the full Labor and Public Welfare Committee, deserve a special commendation for their work in reporting out H.R. 7743, the National Vocational Student Loan Insurance Act of 1965.

Previous congressional efforts to advance the cause of equal educational opportunities for all of America's youth have been centered around aid to elementary and secondary schools and aid to colleges and universities. These programs were much needed, indeed they were long overdue. However, in our desire to aid all of our young people to acquire an education consonant with their aptitudes and their ambitions, we must not lose sight of the fact that less than half of our young people go on to college. Motivation of our youth to seek the benefits of further education remains a pressing concern. Yet perhaps the most strongly motivated of the students who seek postsecondary education are the career-oriented students who seek to further their education at specialty schools, with courses directly related to their occupational goals.

This program of low-interest loans to students who wish to proceed to postsecondary vocational and technical schools will fill a much needed gap in our overall program of educational assistance.

At present, and increasingly in the future, our society will have need of large numbers of skilled technicians to perform the increasingly complex operations which the smooth running of our industrial machinery requires. This program of aid to vocational and technical school students will enable us to train the large numbers of skilled technicians and craftsmen which our society requires, and in so doing, will provide for the needs of the majority of our young people who do not go on to college.

Mr. President, there is an additional point which bears mentioning. We have become increasingly aware of late of the grave problems which confront those of our young people who are born and reared in the pockets of poverty in our midst. Our economic opportunity program, aid to elementary and secondary schools, and our higher education program are all designed to come to grips with some of these problems. By this time in our history, each of us realizes that much of the strength and vitality of our Nation depends upon our ability to confront the poverty, the rootlessness, the hopelessness which afflicts so many of our young people in portions of Appalachia, and the dark ghettoes of our large cities. For many of their elders, one can only try to lessen somewhat burdens which seem near intolerable. But for the youth there is hope. One of the traditional American grounds for hope in the future has been the prospect of education for one's children.

This program of loan assistance to the vocationally oriented student, on much the same basis as equivalent financial assistance to the college or university student, together with the increased Federal, State, local and individual commitment to education, will enable students of many diverse backgrounds and inclinations to proceed to the postsecondary educational institutions of their choice, with the aid of a government dedicated to the task of providing the opportunity for every student to develop to the limits of his ambition and ability.

ROUNDING OUT OUR PROGRAMS OF AID TO VOCATIONAL EDUCATION WITH H.R. 7743 FOR STUDENT LOANS AND INSURED LOANS

Mr. YARBOROUGH. Mr. President, in an increasingly technological age, our labor force has for many years been undergoing a transformation from low skill to high skill. To operate the complex machinery used in every field from heavy industry to medicine, skilled workers are needed.

The 1965 manpower report of the President tells us:

> The fastest growing occupations during the next decade will continue to be the professional and technical, service, and clerical occupations.

It is the latter three groups which are affected by this bill, which aids students to attend postsecondary business, trade, technical, and other vocational schools.

In response to this need, Congress has already enacted much legislation to further vocational education. The Vocational Education Act of 1963 provides funds to the States to assist in maintaining, extending, and improving programs of vocational education for persons of all ages. The Manpower Development and Training Act provides occupational training for unemployed people, and gives them enough money so they can get by while they are undergoing their training. The Area Redevelopment Act provided similar training for unemployed persons from depressed areas. The Job Corps and work training programs provide vocational training and work experience for young people who come from financially and educationally deprived backgrounds.

This bill is designed to help those who come from a somewhat higher financial background than those who were the prime targets of the previously enacted legislation. People from middle income backgrounds frequently find it very difficult to finance the expenses involved in vocational education. The cost of education is an unusually large part of the budget of a middle-income family, and being a relatively short run expenditure in terms of the number of years per child which the family must undergo the expense, it is a considerable disruption to the family's normal pattern of life. The most advisable way of solving this problem is for such middle-income families to borrow money, so that the expense can be spread over a term of years rather than being borne all at one time. But the terms of loans available now defeat the purpose for which they might be used. The repayment period is usually so short that a family is not able to phase the burden of repayment out for much longer than a year.

This bill will authorize a loan program which, if it works as it is supposed to, will give people ready access to loans, with a reasonable payback period. I would have preferred adding this category of loans to the National Defense Education Act rather than bringing it out in its present form. As a member of the Senate Education Subcommittee, I shall review the progress of this program closely in order to bring to light any abuses which may occur.

But I am happy to add my vote to a program which will round out a series of bills to aid vocational education and by so doing, provide a labor force trained and willing to meet the needs of the future.

Mr. MORSE. Mr. President, if I may have the attention of the Senator from Colorado [Mr. DOMINICK], I started explaining the pending legislation, which is the National Vocational Student Loan Insurance Act of 1965, before I noticed that the Senator from Colorado had left the Chamber. I had previously seen him on the floor.

I said to the Senate, as the RECORD will show, that the Senator from Colorado might wish to make a statement and might wish to offer an amendment, that he had discussed an amendment in the committee, but I wanted him to state it for the Senate, so that he might make whatever comment he wished on the bill.

Mr. DOMINICK. Mr. President, I appreciate the courtesy of the senior Senator from Oregon, the subcommittee chairman. I went down and hopefully tried to get something to eat, and managed to finish one cup of soup before being summoned back here, so I am somewhat hungry.

I wish to start by congratulating the Senator from Oregon, the staff, and the committee as a whole, upon the bill. I think we are dealing, in the vocational education field, with one of the most important matters with which our country is faced. One of the cries which we hear from industry throughout the country is "We have jobs available, but no personnel qualified to fill them." To the extent that students can get the necessary technical trade school education to qualify them for such jobs, we are going to be assisting not only the unemployment situation, but also the industrial capacity of our Nation. So it seems to me the bill before us is of vast importance on a nationwide basis, both to the people directly involved and to the country as a whole.

Secondly, I think that the amendments which have been added to the House bill in order to conform it with the loan insurance provisions in the Higher Education Act are very helpful. I am reluctant, however, to refrain entirely from commenting upon or questioning the Senator from Oregon about the direct Federal loan program.

All the information we have received to date in the educational field, at least of which I have been aware, has been based on the thought that if we can provide insurance for local loan purposes, the loans, either coming from school funds, institutional funds, private finance funds or some other mechanism, will multiply the value of the tax dollar put up for these loans 12½ times so that for every insurance dollar provided, there will be $12.50 worth of money available for loans.

In the Higher Education Act recently debated and passed by the Senate, and upon which a conference will be held tomorrow, there are no direct loan provisions, as I recall. I know there are extensive loan provisions. I think, for example, $195 million of taxpayers' funds is to be appropriated in loans for the year 1968, under the National Defense Education Act program. My question is, Is this the proper approach for the vocational field?

I realize that the Senator from Oregon has been trying his best to conform this bill to the education acts which are now in existence, and that perhaps one of the reasons why this provision was left in the bill is because we have a direct loan program under the National Defense Education Act at the present time.

But I should say to the Senator from Oregon and to my fellow Senators that if that $195 million of the National Defense Education Act had not been used for direct loan funds, but had been used to insure the private financing of similar amounts of loans at similar interest rates, we would have multiplied that amount of money by 12½, under the provisions of the insurance program, and thus created a far greater opportunity for young men and young women to take advantage of the loan provisions of the two bills.

Although I realize that in the pending bill the program is restricted to $1 million, and although I realize that it is stated that this is for the benefit of the young men and young women who are unable to get insured loans in their local communities, I should like to ask a few questions. First, in what communities would it be impossible for students to get an insured loan? Is there any evidence on this subject at all? I should like to ask the Senator from Oregon if any such evidence was presented at our hearings.

Mr. MORSE. Mr. President, all I can say is that, as I said in committee, the Department very strongly felt that the provision for a million dollars should be made available for this new program. It is not intended to make these loans unless the students finds it impossible to get a loan under the private auspices of lending institutions in his community. The Department feels that the provision ought to be contained in the bill. As the Senator has indicated, this is in parallel with the existing National Defense Education Act program.

I have tried to bring out a bill that would offer to vocational students the same type of financial aid we offer under title IV–B of H.R. 9567 and title II of the NDEA program to college and university students.

I have a brief statement that I should like to make at this point. It deals with a part of the Senator's question. It outlines my position on the direct loan provisions. After I have read the statement, the Senator may wish to ask me further questions on the basis of my statement. I should like to put it in the RECORD at this point.

Mr. DOMINICK. I am happy to yield the floor to the Senator for that purpose.

Mr. MORSE. It is partly in answer to the Senator's question.

Let me explain the justification for this direct loan provision, in view of the fact that the insured loan program in the higher education bill passed by the Senate does not contain—as the Senator from Colorado [Mr. DOMINICK] has just pointed out—similar new authority.

There is a vital difference between this and the higher education program, because students who would benefit under the higher education bill already have access to direct loans from their own institutions in the form of loans under title II of the National Defense Education Act. Most of these universities have their own loan programs. We do not find it in connection with most eligible institutions with which we are dealing under the bill.

While the eligibility of institutions which may participate under the National Defense Education Act program will be broadened under the amended definition contained in both the Senate- and House-passed versions of the higher education bill to include nonprofit schools offering vocational training, the large number of proprietary vocational schools will still not be eligible because of the National Defense Education Act limitation to public and other nonprofit institutions.

The committee believes that it is highly important loans be available for all vocationally oriented students who are seeking to improve themselves by undertaking useful training. These loans are investments in the future of our young people. Their record of repayment is very good.

Thus, while we expect lending institutions to recognize the soundness of the students' investment in themselves, and to make loans available in all areas of the Nation to meet the needs of students undertaking training in vocational schools, the committee, nevertheless, feels that standby authority should be provided so that, if in any part of this country insured loans are not available at a reasonable rate of interest, the Commissioner of Education can directly lend to these students. This is standby authority designed to leave no student, whether he lives in the mountains of West Virginia or the largest cities of our Nation, without the means to go on to school based upon his selection of the kind of education he desires, and his capacity. If, through no fault of his own, such a student cannot obtain an insured loan under the terms of this legislation from a local lending institution, the Federal Government should provide him with a direct loan. The cost of this provision is modest: $1 million would be authorized for direct loans for each of the next 5 years.

Let me say to the Senator from Colorado that it is not contemplated that the $1 million will be used unless the office of education finds there are a given number of students in an area who cannot get insured loans from so-called private lending institutions, or finds that loans offered are at unreasonable rates of interest. Under those circumstances, then the standby authority of not more than $1 million will be made available to the students under the direct loan provision, to provide them with a limited benefit such as is already in existence for other students whose needs are provided for in the National Defense Education Act, title II.

That is the philosophy and theory of the bill.

For the purposes of making legislative history, let me say that I am not going to be unaware of the policy which the Department carries out in regard to this provision. I say to the Department now, as the Senator in charge of the bill, that I have instructed the staff of the committee, on which the Senator from Colorado serves as a distinguished Member, to maintain surveillance over the administration of the program. If it should develop that we find the Department is making loans when the student could get the funds from so-called private lending institutions, under the procedures of the act, we will have a "talk" with the Department. As the Senator knows, those "talks" can always lead to congressional action, if we find it necessary.

On the other hand, there are many dedicated men and women in the department, as I know from my experience, and I believe that they will keep faith with the legislative intent of the bill. As a matter of desired public policy, I feel it is right for the agency to have this standby money available so that it can proceed immediately to the assistance of a needy student if he cannot secure a private loan upon reasonable interest rates.

The Senator from Colorado asked me whether I can point out anywhere at the present time where a student cannot obtain a loan. My answer is that I cannot, but the record made in the hearings was that the Department feels on the basis of experience under the National Defense Education Act loans, that those situations could develop. They wish also for insured loans to be made available to the students. If and only if this situation does not prevail would the student be able to obtain loan assistance through a direct loan from the Government. The authority is to be used only if it develops to be necessary that it be used. That is the philosophy of the bill, and I believe its merits far outweigh the point the Senator from Colorado makes, although, as he knows, in committee I admitted that I thought there was great weight to what he said.

Mr. DOMINICK. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER (Mr. JORDAN of Idaho in the chair). Does the Senator from Oregon yield to the Senator from Colorado?

Mr. MORSE. I yield.

Mr. DOMINICK. Mr. President, let me say to the Senator from Oregon that I had intended originally to submit an amendment to strike this section from the bill. Not only did I intend to do that, but I also intended to try and take the $1 million which was called for in the direct loan section and place it in the insured loan phase where it would generate $12.5 million. However, I can also say that in the short time I had to work on it, neither the legislative counsel nor anyone else could submit an amendment which would do this without having to rewrite the entire bill. The Senator and his staff have been very able in making it impossible for me to make this is a real, clean-cut issue. I am sure it was not his intention, but that was the result.

I do not wish anyone to feel that I am in any way against the program. I have decided as best I can that if we can make a clear-cut record—and the Senator from Oregon has helped materially in making the legislative history—I do not believe, that at this time there is any need to push my point. I realize that this issue will not be in conference and therefore we will not be able to do anything about it, but I feel that we have made the legislative history here, a history which will stand up.

In that connection, I note that the report states, on page 2:

> The terms and conditions of these direct loans shall conform as nearly as practicable to the terms and conditions of loans insured under this bill.

This being the case, it would mean that it would be hard for the Office of Education, within the meaning of the report on this bill, to establish a new loan program in their office and create an additional degree of bureaucracy down there, which is the inevitable nature of the bureaucratic process, as the Senator from Oregon and I well know.

Mr. MORSE. Let the RECORD show that that is certainly not contemplated by the committee. I assure the Senator that it is not contemplated by the Department, either.

Mr. DOMINICK. I appreciate that; and it is helpful. On page 6 of the report, there is quoted at length the justification for the program which I believe is excellently explained by Dr. Kenneth Hoyt, of the University of Iowa. On page 6, he shows from his study that 34 percent of the students now going through vocational training—and he interviewed only a sample of approximately 1,800 students—34 percent were receiving financial help from their parents while 66 percent were not.

On the question of business school students, 66 percent were receiving some financial help from their parents, and 34 percent were not.

I believe that what we are saying here, in effect, is that wherever students can get financial help outside Government sources, we hope that they will continue to do so.

Mr. MORSE. That is what is contemplated; but let me say a word for the RECORD about the students who receive help from their parents. In many, many instances, they are receiving help from their parents because of their parents' sacrifices in respect to the rest of the family. It would be better if the parents were not participating and if the student could obtain loan assistance.

It is pointed out in the report that a large percentage are receiving help from their parents, which does not mean that the parents, necessarily, can in every instance, afford that help.

But, as the Senator knows—and we have all had experience with this problem—many parents will sacrifice almost anything to get their children through school, be it academic or vocational.

What I am hoping is that in many of the so-called family hardship cases the H.R. 7743 programs will bring relief not only to the students, but to the parents, because many such cases are deserving.

We seek to provide insured loans whereby private lending companies will come to the aid of the students. Furthermore—I cannot prove it; no one can—the direct loan provision may well be an inducement to private lenders to participate in the insured loan program thus making sure that the Government will not step in. The $1 million standby authorization is one which I think is going to be noticed by lending institutions. If they know that money is available for use of students, in case they fail to offer financial help, they may be more inclined initially to make loans to students. And as the record of repayment turns out to be a good one—and I think we shall see a remarkable one—the private lending sources will be inclined to make more and more loans.

This is a new field. As the Senator from Colorado knows, the private lending companies, State programs, and nonprofit private plans are venturing into a new economic sea of lending policy. We have done much work in connection with procedures related to the Higher Education Act, as the Senator knows. As the procedures become acceptable to the private sector, they will in all probability carry over into this type of insured vocational loan.

Mr. DOMINICK. Mr. President, I appreciate those comments, because the obligation of providing the necessary resources for the education of children is, first of all, on the parents of the children; secondly, on the community to see what it can do on an economic basis; and, third, on the Government where the preceding two cases are impossible.

So I hope the direct loan fund, if it is used in a proper way, will prove to be an incentive for persuading local economic interests to back up this effort in their communities. That was the point made by the Senator from Oregon.

Dr. Hoyt's study reported that when he interviewed students who had borrowed money to attend school, it was found that a large number had borrowed directly from the schools; others had borrowed from friends and relatives; and still others from banks or private loan companies.

So the idea of borrowing money to attend vocational school is not new. This procedure has been used before. The incentive mentioned may result in making the borrowing of money less costly and provide a stimulus for economic banks and lending companies to provide funds without much risk to them.

I was interested in what the Senator from Oregon said about the possibility of having a fine repayment record of loans as an incentive to having such funds made more available, when it is seen that the young men and women will repay such loans because they are greatly motivated toward getting jobs in the categories for which they were trained.

One more point should be mentioned. In the review of the bill, if it is found that in the first year the program has operated satisfactorily and that the amount of money used for direct loans is insignificant, in view of the criteria laid down by the report and the legislative history, perhaps next year we can take a better look and see if the money cannot be used far more profitably by increasing the money available for insurance loans, because when the value of a dollar is multiplied by 12½, opportunity will be given to that additional number of people.

Mr. MORSE. Mr. President, next year I shall ask the Officer of Education for a report of the operation of the standby authority and ascertain what case can be made for its continuation. If a case cannot be made for its continuation, I would look for some course of action as outlined by the Senator.

Mr. DOMINICK. I have one more question, which is a difficult one, and one which perhaps cannot be answered. This bill is written almost in the format of the higher education bill passed by the Senate. Tomorrow we are going into conference with the House. If there is a change in the Higher Education Act because of the conference—and I am sure there will be some changes as a result of the conference—the question I have is, shall we leave this bill alone or try to conform it to the results of the conference on the Higher Education Act?

Mr. MORSE. The Senator is entitled to a forthright answer. I will treat him to a cup of coffee, or vice versa, if the House changes this part of the higher education bill.

Mr. DOMINICK. I am reasonably sure the direct loan portion will not be changed, because it will not be in conference. The point is that there are other provisions on which I presume will be in conference with the House. Because we are changing the bill before us, will we not be in conference with the House on it?

Mr. MORSE. If the Senate passes the bill and the House accepts the Senate's substitute for the House bill, a conference at best, I think, would be pro forma.

Mr. DOMINICK. I thank the chairman. Once again I say this is an extremely important program, one that should be followed closely, and one in which I am going to maintain an intense interest. I appreciate the assurances of the chairman that the staff will keep a watchful eye on the direct loan fund to determine whether it should be continued in future years.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 7743) was passed.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOMINICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. YARBOROUGH subsequently said: Mr. President, I ask unanimous consent that the bill (H.R. 7433) be printed in the form it passed the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE REPORT ON AUTOMOTIVE PRODUCTS ACT OF 1965 CONSIDERED AS COMPLYING WITH CORDON RULE

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the report of the Committee on Finance (No. 782) on H.R. 9042 be considered as complying with the Cordon rule on the Automotive Products Trade Act of 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I am sure this was an oversight, and the only purpose, of course, is to bracket it out and insert wherever necessary existing legislation to show changes that have been made. It was purely inadvertence. There could be no objection.

Mr. LONG of Louisiana. It is a mere technicality. That is why I asked unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 768, H.R. 9042.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 9042) to provide for the implementation of the agreement concerning automotive products between the Government of the United States of America and the Government of Canada, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUSSELL of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSOLIDATION OF THE TWO JUDICIAL DISTRICTS OF THE STATE OF SOUTH CAROLINA

Mr. RUSSELL of South Carolina. Mr. President, on behalf of the senior Senator from South Carolina and myself, I ask that the Chair lay before the Senate the amendments of the House of Representatives to S. 1620.

The PRESIDING OFFICER (Mr. JORDAN of Idaho in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1620) to consolidate the two judicial districts of the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto, which were, on page 4, line 15, strike out "consolidation.", and insert "consolidation and prosecutions for offenses committed within the Eastern and Western Districts of South Carolina prior to the effective date of this Act shall be commenced and proceeded with the same as if such consolidation had not occurred. For the purpose of the trial of such offenses, the District Courts for the Eastern and Western Districts of South Carolina are continued in existence and the judges of the District Court for the District of South Carolina shall sit as judges in such courts according to assignment made by the chief judge of the United States District Court for the District of South Carolina or the chief judge of the United States Court of Appeals for the Fourth Circuit."

On page 8, after line 4, insert:

> SEC. 6. The provisions of this Act shall become effective on the first day of the month following the date of enactment of this Act.

Mr. RUSSELL of South Carolina. Mr. President, on behalf of the senior Senator from South Carolina and myself, I move that the Senate concur in the amendments of the House to S. 1620.

Mr. THURMOND. Mr. President, both the distinguished junior Senator from South Carolina and I have agreed to the amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the junior Senator from South Carolina.

The motion was agreed to.

INCREASED EDUCATIONAL ASSISTANCE ALLOWANCES PAYABLE UNDER WAR ORPHANS' EDUCATIONAL ASSISTANCE PROGRAM

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 205, to amend chapter 35 of title 38 of the United States Code in order to increase the educational assistance allowances payable under the war orhpans' educational assistance program, and for other purposes, that the House agree to the amendment of the Senate numbered 4; and that the House disagree to the amendments of the Senate numbered 1, 2, and 3.

Mr. YARBOROUGH. Mr. President, I plan to move in a moment that the Senate recede from its amendments to H.R. 205. First, I wish to explain what they are. I should like to have the attention of the distinguished junior Senator from Massachusetts as I do so.

The House declined to agree to the Senate amendments to the House bill. This is a bill to increase the educational assistance allowance payable under the war orphans educational assistance program. Such payments are far too little for the war orphans who attend school. When this measure reached the Senate, it was amended so as to provide realistic amounts as proposed by the distinguished junior Senator from Massachusetts, who made an excellent case, showing that educational tuition costs had doubled during the past 10 years.

Mr. KENNEDY of Massachusetts. I ask the distinguished Senator from Texas whether this was not one of the fundamental points that were raised during the hearings on educational assistance to war orphans. Was it not clearly pointed out that reliance upon the cost-of-living index to determine rate increases was meaningless since the cost-of-living index did not include higher education expenses? Was not this the fundamental difference between the consideration the Senate gave the bill and the consideration the House gave it?

This is a matter in which I know the Senator from Texas was and is deeply interested and concerned. He brought these points out most effectively during the hearings on this bill and others connected with the higher cost of education.

Mr. YARBOROUGH. I thank the distinguished Senator from Massachusetts. It was he who effectively brought out this point. The House bill increases the cost-of-living allowance; but, as was ably pointed out by the Senator from Massachusetts, the House allowances for war orphans education are based solely on the general increase in the cost of living.

The distinguished Senator from Massachusetts proved by testimony adduced from colleges that the cost of attending college has risen much faster and much higher than the usual cost of living expenses for food, clothing, and shelter, due to the rapid increase in tuition costs. Such costs have doubled in State institutions of higher learning and have more than doubled in private institutions of higher learning, for their rates were much higher to begin with and have now gone much higher. Such costs include books and scientific journals. The Senator from Massachusetts discussed various facets of student life and effectively proved by the Senate amendment that the levels of allowances to those who are orphans are reasonable.

Mr. KENNEDY of Massachusetts. That they are realistic.

Mr. YARBOROUGH. Realistic and reasonable, based not only on the general cost of living, but also on the increased cost of education.

The amendments were adopted by the Subcommittee on Veterans' Affairs, by the Subcommittee on Education, the Committee on Labor and Public Welfare, and the Senate. But when the bill was returned to the House, the House declined to accede to the Senate's proof of the cost of higher education. The House has declined to recede from its position that the increases should be based solely on the overall cost of living.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. DIRKSEN. Were the conferees unanimous?

Mr. YARBOROUGH. There was no conference. The House sent the bill back to the Senate. The Senate committee has been in conference with veterans' organizations and others who are anxious that the increases be made effective at once. Since the school year is just beginning, they are anxious that the orphans receive the increases that are provided in the House bill. They are modest increases based on the increased cost of living.

Mr. DIRKSEN. So, actually, the Senate would be adopting the House bill?

Mr. YARBOROUGH. I am about to move that the Senate recede from its amendments. I shall do so regretfully, believing that the rates proposed by the Senate are just rates.

I highly commend the distinguished junior Senator from Massachusetts for his leadership and for the fine technical skill and scientific proof that he demonstrated before the committee.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. KENNEDY of Massachusetts. I associate myself with the views of the Senator from Texas on this matter and express to him my sincere appreciation for the expeditious treatment he gave to this bill and the courtesy he accorded all witnesses and all others of us who were interested in this subject.

Mr. President, this bill was reported out by the Senate Subcommittee on Veterans' Affairs and the full Committee on Labor and Public Welfare, and passed the Senate without amendment.

In the interim, the House of Representatives passed a similar measure. Unfortunately, however, the increase in rates under the House bill was not as generous as those provided for in the Senate bill.

The war orphans educational assistance program was established in 1956 for the purpose of giving educational assistance to the children of servicemen who lost their lives, or were permanently disabled, during the cold war period, as well as during past periods of war. This program, we noted, had received no attention at all since its 1956 enactment, and as a result the monthly education benefits to these children had remained at the original rate of $110 a month for almost 10 years. Needless to say, during that same period of time the cost of a college education, as measured by tuition increases, had grown by over 50 percent. In the face of this cost increase in higher education the Senate bill called for a monthly benefit increase of $40; that is, from $110 to $150 for a student undertaking a full-time educational program. We in the Senate considered this rate increase most reasonable in that it was but a 35-percent increase over current rates.

The House bill called for a rate increase only half of what the Senate had provided, that is from $110 to $130 a month. The House increase, of only 18 percent, was justified on the basis that the cost of living in the United States had only increased about 18 percent since 1956. We heard this argument raised by administration officials in our Senate hearings on the bill and we pointed out that the increase in the cost of living index was not pertinent to the problems of education because the cost of higher education had not been included in our cost of living index series. We felt, therefore, correct in our stand that the rate increase should reflect more tuition rises and not an index that had nothing to do with education costs.

After Senate passage of the bill calling for the greater rate increases the House refused to agree and has sent the bill back to the Senate for concurrence in the lower House rates.

Mr. President, I have discussed this matter thoroughly with the distinguished chairman of the Veterans Affairs Subcommittee, Senator YARBOROUGH. There is no man in the Senate more concerned with the needs of this country to meet its responsibilities to those who have served us well in times of conflict or who continue to serve us for our security in periods of peace. I have always been guided by this distinguished Senator's advice. He has pointed out to me, and I fully agree, that at this late date in the congressional year the problems of seeking a conference with the House that would produce a better bill are almost insurmountable. In this light, with another school year upon us and 17,000 young men and women who are eligible for assistance under the war orphans program, we have decided that an increase in rates from $110 to $130 as provided by the House would be more meaningful to these students now than a delay in legislation that might bring higher rates at a later date. By concurring in the House bill, therefore, we are not concurring with their view of an adequate educational assistance program for war orphans as much as we are recognizing the need, after 10 years, to increase benefits and to do it immediately.

This is but a first step in our examination of the adequacy of educational assistance payments in this area. There is no doubt in my mind but a similar review next year—pointing out again how rapidly educational expenses have risen, looking again at the situation of economic hardship that one-parent families display in our statistics, and by reviewing once more the vast benefits that can accrue to the United States by the education of thousands of young people at relatively low cost to the Federal Government—will cause the Congress to act once again for the benefit of these young people.

Again, I wish to thank the Senator from Texas [Mr. YARBOROUGH] for the expeditious treatment that he gave to this legislation and for his constant assistance and encouragement. I shall join in his motion that the Senate accept the provisions of H.R. 205, with the hope and understanding that this action will in no way prejudice later attempts to bring these rates closer to reality.

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator.

Mr. President, with great reluctance, I move that the Senate recede from its amendments to House bill 205.

The motion was agreed to.

Mr. LONG of Louisiana. Mr. President, I yield first to the Senator from Washington [Mr. MAGNUSON], the Senator from Idaho [Mr. CHURCH], the Senator from Massachusetts [Mr. KENNEDY], and then to the Senator from West Virginia [Mr. BYRD], without losing my rights to the floor.

CHEM-CARD PROGRAM ASSISTS SAFE HANDLING OF HAZARDOUS CHEMICALS TRANSPORTED IN TRUCKS

Mr. MAGNUSON. Mr. President, last month I called attention to the need for higher safety standards in transporting explosives and other dangerous materials over the Nation's highways. I mentioned several grim accidents caused by inadequate safety precautions and concluded my remarks by urging the Interstate Commerce Commission, the motor carrier industry and others to act promptly in promulgating necessary measures to reduce the menace of high explosives and dangerous materials transported by motor vehicle.

Recently, I learned of a very worthwhile program undertaken by the Manufacturing Chemist's Association, a group with more than 200-member companies representing over 90 percent of the productive capacity of the domestic chemical industry. The association has prepared what are known as Chem-Cards for 85 potentially hazardous products produced by its members and likely to be transported in tank trucks. A Chem-Card is designed to serve as a transportation emergency guide. Its purpose is to promote highway safety by informing drivers, police, rescue and firefighter personnel of the hazards of chemical products transported in tank trucks and by recommending methods of fighting fires or controlling spills in the event of an accident. While use of Chem-Cards is entirely voluntary, it is anticipated that the appropriate cards will be carried in the cab of the tank motor vehicle transporting the hazardous chemical and that fire departments will retain a reference file of published Chem-Cards. In this connection, the association is distributing free Chem-Card manuals to 8,000 fire chiefs in the United States and Canada. The manual contains full-size color reproductions of each of the 85 Chem-Cards now available and gives an explanation of statements made on various Chem-Cards.

The association's Chem-Card program grew out of a mishap which occurred in Tucson, Ariz., on May 7, 1963, involving an overturned load of nitrogen tetroxide, a rocket propellant chemical which is highly flammable liquid and which may cause severe skin damage in vapor form. Following the accident, the U.S. Air Force held a conference to ascertain means of coping with emergencies involving transportation of dangerous materials. Immediate concern was for rocket propellant fuels and oxidizers in current use. At the conference it was determined that the publication of technical/medical information on fuels and oxidizers might be useful to reduce the chance of an accident or to minimize the effects if one should occur. In May 1964 an Association Committee, representing the chemical company manufacturers concerned, cooperated by publishing Chem-Cards for 14 rocket propellant materials which are now in general use.

The Manufacturing Chemists' Association has now expanded its Chem-Card program to 85 hazardous products transported in tank trucks.

The usefulness of a Chem-Card was demonstrated in an incident which occurred on the Pennsylvania Turnpike on November 24, 1964. A van-type truck carrying approximately 50 drums of hydrazine, a highly flammable liquid with extremely toxic vapor, en route from Louisiana to New York, was driven into the turnpike service area at High Spire, Pa. When the driver got down from the cab he saw smoke coming from the van.

The Middletown Volunteer Fire Department was called and the driver gave the fire chief the Chem-Card for hydrazine. The truck was moved to a remote corner of the parking lot and firemen observed the Chem-Card recommendations in controlling the incident. They evacuated a restaurant, two nearby schools, and a military warehouse. An Olmstead Air Force Base transportation official advised the Manufacturing Chemists' Association that "a potential disaster was averted because of the immediate availability of the Chem-Card and the fact that the driver was so well informed."

The U.S. Coast Guard has also recognized the need for higher safety standards in the transportation of hazardous commodities. Coast Guard regulations, effective September 1, 1965, require towing vessels and certain barges moving hazardous chemicals to carry information cards for water transportation. Information cards are to identify the cargo by name, describe its hazards, and tell what to do in case of leak, spill, or fire.

According to the most recent statistics published by the National Safety Council, the chemical industry averaged only 3.1 disabling injuries per 1 million man-hours, a rate considerably better than the national average for all industries of 6.5 disabling injuries per 1 million man-hours. I am confident that the use of Chem-Cards is contributing to the safe movement of hazardous chemicals so vital to our economy and I commend the Manufacturing Chemists' Association's leadership in developing its program for this purpose. It is my hope that other industries and their associations will, on their own initiative, undertake similar programs.

ACQUISITION OF GREAT FALLS PROPERTY IN STATE OF VIRGINIA

Mr. CHURCH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1065.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1065) to authorize the Secretary of the Interior to acquire through exchange the Great Falls property in the State of Virginia for administration in connection with the George Washington Memorial Parkway, and for other purposes, which was, to strike out all after the enacting clause and insert:

> That the Secretary of the Interior (hereinafter called the "Secretary") may accept title to, and administer in connection with the George Washington Memorial Parkway, pursuant to the Act of May 29, 1930 (ch. 354, 46 Stat. 482), as amended, the lands, and interests in lands, commonly known as the Great Falls property, more particularly described as follows, to wit:
>
> All of that land in Fairfax County, Virginia, depicted on the drawing designated "NCP 117.1–471B," filed among the land records of National Capital Parks, said drawing being Potomac Electric Power Company's drawing numbered 77345–E of June 20, 1949, as revised by the National Capital Parks on October 14, 1960, which land is comprised of 521.292 acres shown on the drawing as area 1, 53.446 acres shown as area 3, and 208.899 acres shown as area 4 on said drawing, the aggregate of which is 783.637 acres.
>
> SEC. 2. In exchange for the conveyance to the United States of the lands and interests in lands described in section 1 of this Act, the Secretary may convey to the Potomac Electric Power Company all the right, title, and interests of the United States in and to the following described portion of the lands commonly known as the Blue Ponds area:
>
> All that land situated in the county of Prince Georges, State of Maryland, depicted on the drawing designated NCP 123–375, dated October 17, 1960, filed among the land records of National Capital Parks, containing approximately 391 acres, less that land occupied by the reconstructed section of Muirkirk Road under permit of the Department of the Interior, dated September 3, 1954, issued to Prince Georges County, Maryland.
>
> SEC. 3. The Secretary may convey to the county of Prince Georges, State of Maryland, all the right, title, and interests of the United States in and to the following described portion of the lands commonly known as the Blue Ponds area:
>
> All that land occupied by the reconstructed section of the Muirkirk Road under permit of the Department of the Interior, dated September 3, 1954, issued to Prince Georges County, Maryland.
>
> SEC. 4. The Secretary shall consummate the exchange authorized by this Act on the basis of the fair market value of the properties. If the value of Federal properties does not approximately equal the value of privately owned properties, the Secretary may make up the difference by payment from donated funds or appropriated funds if donated funds are deficient: *Provided*, That not more than $1,000,000 may be appropriated for the acquisition of land under this Act.
>
> SEC. 5. The Secretary of the Interior may accept title to, and administer in connection with the George Washington Memorial Parkway pursuant to the Act of May 29, 1930 (46 Stat. 482), as amended, approximately sixteen acres of land or interests therein that are partially surrounded by the property described in section 1 of this Act and that are now owned by the Fairfax County Park Authority, Commonwealth of Virginia. As consideration for such conveyance, the Secretary may enter into an agreement with the authority which permits the authority to operate, subject to such terms and conditions as the Secretary deems desirable, public parking facilities on such lands or on the lands acquired pursuant to section 1 of this Act, including the privilege of collecting reasonable parking fees, until the authority has recovered the fair market value, as determined by the Secretary, of the approximately sixteen acres of land. The agreement shall provide that any parking fees collected by the authority shall be approved by the Secretary.

Mr. CHURCH. Mr. President, the bill was passed by the Senate recently. The House of Representatives added a few amendments that are not objectionable to Senators interested in the bill.

I therefore move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

DEFENSE OF THE NOMINATION OF FRANCIS X. MORRISSEY AS FEDERAL DISTRICT JUDGE IN MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. President, in the last day and a half, a number of articles have appeared in the press concerning the appointment of Francis X. Morrissey as Federal district judge in Massachusetts. These articles have contained information that is totally in error and is extremely derogatory to Judge Morrissey's record and career. Upon this erroneous information have been written editorials and columns in newspapers which, in my judgment, have been extremely unfair.

I am concerned that the widespread circulation of these stories might prejudice the minds of Senators before they have an opportunity to exercise their constitutional function of considering this nomination. For this reason, I would like to correct some of the statements that have appeared.

It has been stated that Judge Morrissey has never tried a case. The fact is he has tried over 1,500 civil cases and thousands of criminal cases.

It has been said that the court over which he presides handles only misdemeanors. The fact is that it handles many types of felony cases under the provisions of section 26 of chapter 7A of the Annotated Codes of Massachusetts.

It has been stated that Judge Morrissey has never concerned himself with the practice of law. This is not correct. He tried many cases himself, before many courts, prior to becoming a judge.

It has been stated that he has not involved himself with the problems of the bar. This is not so. He is a national director of the National Conference on Bail and Criminal Justice, holds a master of laws degree, and is active in many other activities in the legal world.

It has been stated that Massachusetts Bar Association is opposing Judge Morrissey's appointment. This is not so. The Massachusetts Bar Association has taken no position on the President's appointment. Four years ago, the association questioned whether Judge Morrissey's experience was sufficient, but since then he has had 4 more years of experience on the busiest court in New England, which is 4 more years experience than most men have when they are first appointed to the Federal bench.

If Frank Morrissey were as unqualified a man as these stories have made him appear, I would never have recommended his nomination and President Johnson would never have made it. Some of those who have commented on this appointment in the last day and a half have done so on the basis of the facts that existed 4 years ago. May I respectfully point out to them that many distinguished citizens of Boston have changed their minds about this appointment since 1961 on the basis of the new facts and new experience that have developed. I would suggest that before Judge Morrissey is accused, tried, and convicted in absentia, he have an opportunity to appear before the Senate and answer to his qualifications; and that some of the many distinguished lawyers and judges in the Commonwealth of Massachusetts have an opportunity to express their views as to his qualifications. I know the Senate will give him and them this opportunity. I hope those who cover the Senate will do the same.

WORLD'S LARGEST RADIO OBSERVATORY

Mr. BYRD of West Virginia. Mr. President, the world's largest radio observatory, in terms of the number of telescopes, personnel, and projects, is the National Radio Astronomy Observatory in Green Bank, W. Va. The remoteness and quietness of its location, in Deer Creek Valley, has permitted the most favorable of conditions for the pursuit of this technical work, with but few man-made noises for interference.

The September 1965 edition of the Humble Oil & Refining Co. publication, Humble Oilways, reported details of the research work being carried on at Green Bank.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RESEARCH WORK BEING CARRIED OUT IN A REMOTE VALLEY IN WEST VIRGINIA IS OUT OF THIS WORLD

The eye sweeps across the sky on a clear night and the mind marvels at the vastness of it all. Those winging pinpricks of light add up to a hundred billion suns, we're told, yet nearly everything we see is confined just to our own galaxy, the Milky Way.

And astronomers believe there are tens of billions of other galaxies that spin like pinwheels as they move away from each other in an endlessly expanding universe.

Man's early efforts to lift the roof from his world, limited to philosophic speculation, took a scientific turn 3½ centuries ago when Galileo's telescope gave us a bigger eyeball to peer into the heavens. As refinements were added to that first crude instrument, as observatories sprang up, bits and pieces of the universe began to come into focus.

The optical masterpiece to date was installed on Mount Palomar in California in 1948. Equipped with a 15-ton Pyrex glass mirror 200 inches in diameter, the Hale telescope has been a major depositor in the world's bank of astronomical knowledge.

The function of optical telescopes, of course, is to reach out and pluck in electromagnetic waves that are in the relatively narrow spectrum of visible light.

But a longer reach has been made possible in recent years by the development of a versatile new astronomy tool—the radio telescope, now being used at some 50 observatories around the world to gather in the longer wavelength radio signals reaching us from outer space, and the instrument which gathered in Mariner IV's dramatic television pictures of Mars last July in the form of radio signals.

The science of radio astronomy was born 33 years ago when the late Karl Jansky picked up a mysterious hiss with a rotating antenna while attempting to measure the noise levels to be expected in a transatlantic radio system. Eventually he was able to pinpoint the cosmic signals as coming from a concentration of stars, dust, and gas at the center of the Milky Way.

Many celestial objects are powerful radio transmitters. Within our solar system the sun, the moon and some of the planets are all well-known radio sources. So are the remnants of supernova explosions and clouds of ionized hydrogen gas. So too are the so-called "bright" radio galaxies and the spectacular quasi-stellar sources (quasars) which were first located by radio astronomy in December, 1963, and later photographed with the giant mirror at Mount Palomar. The signals we're now receiving from these strange objects began their journey billions of years before earth was formed.

Some 3,000 radio sources in all have been found by radio astronomers, and only a tenth of them have been picked up with optical instruments. Many of the unidentified radio bodies are thought to be galaxies so distant as to be out of sight of optical telescopes. Others might be close enough to be observed visually if they weren't masked by dense clouds of interstellar dust.

Light waves and radio waves are exactly the same in structure, and they travel at the same velocity. They differ only in their frequencies and wavelengths. Radio waves, roughly a thousand to 20 million times longer than optical waves, penetrate our atmosphere in wavelengths ranging from a few hundredths of an inch to about 20 yards. The radio "window" through which the universe can be observed is consequently about 10,000 times as big as the optical "window."

The largest radio observatory in the world, in terms of the number of telescopes, personnel and projects, is the National Radio Astronomy Observatory in Green Bank, W. Va. It's located in Deer Creek Valley where the sparse population and surrounding mountains offer little radio interference from man-made sources.

The observatory is operated by Associated Universities, Inc., a nonprofit organization sponsored by nine universities: Yale, Princeton, Harvard, M.I.T., Columbia, Cornell, Pennsylvania, Johns Hopkins and Rochester. Financial support comes from the National Science Foundation.

A radio telescope consists of an antenna to collect radiation from the sky; a receiver to amplify and measure the power collected by the antenna; and the necessary apparatus to record observations on tape or graph paper (and in some cases to feed the information directly into a computer). A passive instrument only, it does no transmitting of its own.

Radio signals received on Earth are very faint. A typical telescope, outfitted with a dish-type antenna, might receive no more than a millionth of a millionth of a watt from a powerful radio source deep in space. One Green Bank scientist calculates that it would take 700 trillion years to collect the equivalent of 1 killowatt-hour of energy with the largest scope.

The National Radio Astronomy Observatory's biggest radio antenna is a dish 300 feet in diameter constructed of lightweight aluminum mesh instead of the solid reflecting panels often used. Even at that, the unit presented a problem last winter when ice formed on the mesh and threatened to topple the antenna. A jet aircraft engine was hustled to the scene and the hot exhaust quickly melted the ice chunks.

The 300-foot unit operates most of the time at a wavelength of 21 centimeters (about 8 inches). A far more precise instrument, having a much finer resolution or directional capability, is a 140-foot dish that went "on the air" this summer. It operates at wavelengths down to 3 cm. Twin fully steerable 85-footers, operating at 11 cm, can be used separately or in tandem. One is in a fixed position, the other is mounted on 80 wheels. When they're working together, as what's called an interferometer, the units provide detail not possible with one.

These are the principal instruments used by observatory staff members and visiting astronomers from all over the world to compile radio data on the universe. In operation 24 hours a day, the telescopes are normally shut down only 8 hours a week for maintenance work. Helping to keep them in good mechanical trim are three Humble products.

Pen-O-Led EP 2, EP 3 and EP 5 are extreme pressure gear oils used to lubricate speed-reducing gears on the 140-foot unit and the twin 85's. Nuto 53, a rust- and oxidation-inhibited oil, is used in the 140's hydraulic system; and Teresso 65, a premium rust- and oxidation-inhibited oil, is the lubricant used in the link-belt gear case of the 300-foot antenna.

In addition, one of our asphaltic Rust-Ban grades was used to prevent rust from attacking the finely machined parts of the 140-footer while it was under construction.

TWENTY-NINTH ANNUAL MOUNTAIN STATE FOREST FESTIVAL

Mr. BYRD of West Virginia. Mr. President, plans are being made to insure that the 29th annual Mountain State Forest Festival, to be held in Elkins, W. Va., October 7–10, is the biggest and best yet. More than 200,000 persons are expected to attend, and a constant round of activities for the festival days is being programed, with an eye to making the event long remembered by all—youngsters and adults—fortunate enough to participate.

Reports on the program and details of special attractions, including festivities in celebration of the 75th birthday of the city of Elkins, have been carried by West Virginia newspapers. I ask unanimous consent to have three of these newspaper articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[The Beckley (W. Va.) Post Herald & Raleigh Register, Sept. 26, 1965]

CASS RAILROAD TO RUN AGAIN AT FOREST FESTIVAL

ELKINS.—"The greatest attraction ever to hit the Forest Festival" will return to Elkins for a second consecutive visit. Director-General Phil K. Harness has announced the completion of arrangements for the scheduling of special operations by a steam Shay locomotive from the Cass Scenic Railroad, and its train.

On October 7, 8, and 9, special trips will operate hourly from the Western Maryland Railway freight depot on Davis Avenue over the WM's Durbin branch line. Trains will run between 10 a.m. and 5 p.m. each day of the 29th Mountain State Forest Festival.

The route selected for the 1965 "Cass Scenic Railroad—Forest Festival Special" is the same as that traveled last season. Passengers will thrill to a ride over the Tygart Valley River and up a steep grade paralleling U.S. Highway 33 east of Elkins to the village of Canfield. This tract is part of the old Coal & Iron R.R. tracks laid in 1906. Fare will also be the same as in 1964—50 cents for adults and 25 cents for children under 12.

Last year's official visit of the Cass train to Elkins marked the first time that a steam tourist railroad's train had traveled over commercial rail lines to appear at a special event and the first trip away from Cass by an old Shay in more than 30 years.

[From the Elkins, (W. Va.) Inter-Mountain, Sept. 27, 1965]

OBSERVE ELKINS' 75TH BIRTHDAY DURING FOREST FESTIVAL, OCTOBER 7–10

When Mountain State Forest Festival visitors come to Elkins October 7–10, they will be looking into the pages of history as they travel on downtown streets.

Each store window in the business district will feature a display or exhibit portraying the "Gay 90's" period or earlier.

The glimpse of yesteryear is a phase of the 75th anniversary of the city of Elkins which is being celebrated in conjunction with the 29th Mountain State Forest Festival.

C. Wood Crawford, general chairman of this feature of Elkins' Diamond Jubilee, said festival goers will view fashions of the era, antique furniture, glassware, china, pictures, clocks, guns and swords.

Modes of transportation, dating back to the horse and buggy days and earlier will add to the interest of the window attractions.

Since this year is the 175th anniversary of the city of Beverly, Elkins is inviting its neighbors to share in the anniversary celebration.

Exhibits may be prepared by the business owner if he desires to prepare his own display, or he may offer his windows to the committee in charge to arrange an attractive exhibit for the celebration.

Persons who have offerings for the Diamond Jubilee ideas that will add to the festive occasion are urged to call members of the committee as soon as possible, said Crawford.

The committee on window exhibits and displays follows: Wood Crawford, chairman, Mr. and Mrs. Harvey P. Bailey, Mrs. Ralph Brady, Charles Chapman, Owen Crickard, Elden Goddin, Dr. Eugene E. Hutton, Leonard W. Hamilton, Henry Hutton, Mrs. DeSales Lothes, Mr. and Mrs. Richard Lutz, Donald L. Rice, George C. Sheets, J. B. Shreve, Mrs. Ruth Tacy, Mr. and Mrs. A. H. Wagner, Miss Elizabeth Ward and Mr. and Mrs. Merritt Wilson, Jr.

[From the Clarksburg (W. Va.) Exponent-Telegram, Sept. 26, 1965]

FIFTEEN HUNDRED PERSONS WORK ON FOREST FESTIVAL PLANS; OPENS OCTOBER 7

ELKINS.—More than 1,500 Elkins and Randolph County people have been working hard for several months to extend the hand of welcome to an expected 225,000 guests at the 29th annual Mountain State Forest Festival October 7 to 10.

In addition to the many townspeople who have been handling the many details necessary for the East's greatest outdoor event, there are perhaps another 7,000 or 8,000 who will be participating in the numerous activities for the pleasure of the viewers. Director General Phil Harness reports that all is in readiness for the 3-day affair.

Once again the famed train from Cass will be operating out of the Elkins station offering rides Thursday through Saturday. Last year this train carried well over 4,000 riders. It is expected to eclipse this figure easily this year. The rides aboard the train will be held from 10 a.m. to 5 p.m. daily.

Thursday, October 7, will be the opening day with a round of receptions and dinners to give it the official touch. Queen Silvia XXIX, Miss Barbara Murel Gage, of Bluefield, will arrive at noon and be welcomed by the schoolchildren and attend a reception in her honor.

The queen and her court will register at the Tygart Hotel, and then she is slated for a radio interview on the local radio station. Her next appearance will be at the distinguished guest dinner at 5:45 p.m. in the W. W. Barron National Guard Armory.

Open entertainment includes two performances of the Hetzer international circus in the Davis and Elkins College gym first at 4 p.m. and again at 8:30 p.m. Various exhibits will be going on throughout the city in the meantime. A wildlife showing will be in the Elkins City Park. Forestry exhibits will be featured in a tent located on Fourth Street between Davis Avenue and Railroad Avenue. An art exhibit will be at the Elkins YMCA. The popular arts and crafts exhibit and demonstrations will be in the American Legion hall on Fourth Street. Here products of the State will be shown as well as demonstrations being conducted. Exhibits will open at 9 a.m. daily.

A carnival, the Deggler Amusement shows, will be located in the heart of the business section. In addition to several bands, the queen and a number of distinguished guests appearing, the fireman's parade at 8:15 p.m. will feature the latest firefighting equipment.

Friday's schedule opens at 10 a.m. with a midmorning coffee for distinguished guests and parents of the queen and her court.

Three highlight events of the day take place next on the Davis and Elkins College campus. At 1:30 p.m. the great marching band of West Virginia University will play a concert there.

At 2 p.m. Miss Barbara Murel Gage will be crowned Queen Silvia XXIX by Governor Hulett C. Smith, one of the most colorful ceremonies of the festival.

Following at 3 p.m. the queen and her court will adjourn to Halliehurst Hall for a public reception. This is the public opportunity to greet Her Majesty, the Governor, and all of the distinguished guests.

Night time activities open with a bang as Elkins and East Fairmont High School football squads meet head on at Wilmer Stadium. An exciting halftime show will feature the famed Hershey Chocolatiers from Chocolate Town, U.S.A. in Pennsylvania. Immediately following this performance the showy East Fairmont High School Band will take to the field for their portion of the program.

Again the D. & E. gymnasium will be the scene of entertainment starting at 8 p.m when the popular country and western stars bring their Grand Ole Opry performers for a full 2-hour show.

The second full day of activity for Queen Silvia comes to a close with the annual royal forest ball again to be held at the National Guard Armory. The Richard Lewis Orchestra will play for this event to close Friday's activities.

Saturday events get underway early with the State woodchopping and sawing contest on the D. & E. campus at 9 a.m. Concurrently, the muzzle loading rifle match will be held nearby at the same time.

The colorful tournament riding, a throwback to the jousting tournaments of knighthood days, will be held on the college campus starting at 10:30 a.m. At 11 a.m. the plug and fly casting contest will bring the morning activities to a close. Each of these events are interesting and exciting viewing for anyone wishing to attend.

A considerable amount of time has been allowed for lineup and last minute preparations for the grand feature parade, the one event for which there is no equal anywhere in the State of West Virginia.

An open house will be held for members of the parade's participating bands at the high school gym at 5 p.m. A teenage dance is scheduled for the college gym at 9 p.m. featuring two bands. Two other bands will be playing for a cabaret dance at the National Guard Armory featuring Richard Lewis and his orchestra and Gene Caussin and his orchestra starting at 10 p.m.

Sunday's activities will feature a gigantic air show at Elkins-Randolph Airport. Hollywood stunt fliers will perform in a 2-hour thrill packed aerial extravaganza. Pete Lyman of Clarksburg will be the show announcer. Director of this event is John Morgan. Activities will get underway at 1 p.m.

REMARKS OF MR. JAMES H. BOREN, DIRECTOR OF THE PARTNERS OF THE ALLIANCE PROGRAMS AT THE LEHIGH VALLEY FOREIGN POLICY ASSOCIATION

Mr. CLARK. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. CLARK. Mr. President, at the Moravian College, Bethlehem, Pa., on September 16, 1965, Mr. James H. Boren, director of the Partners of the Alliance programs delivered a fine address at the Lehigh Valley Foreign Policy Association.

Mr. Boren paid high tribute to a speech made by President Johnson on August 17 to the Latin American ambassadors, in which speech he recommitted our country to the objectives of the Alliance For Progress.

Mr. Boren's remarks describe what the Alliance has accomplished and what its hopes for the future may be.

Mr. President, I ask unanimous consent that a copy of Mr. Boren's address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF MR. JAMES H. BOREN, DIRECTOR OF THE PARTNERS OF THE ALLIANCE PROGRAMS AT THE LEHIGH VALLEY FOREIGN POLICY ASSOCIATION, MORAVIAN COLLEGE AUDITORIUM, BETHLEHEM, PA., SEPTEMBER 16, 1965

Last month we celebrated the fourth anniversary of the signing of the Charter of Punta del Este—the charter in which 20 American Republics affirmed their solemn resolve to move forward in an Alliance for Progress. In speaking to the Latin American Ambassadors on August 17, President Johnson referred to the Charter of Punta del Este as "a turning point, not only in the history of the new world, but in the long history of freedom."

Of the several points which the President made in that speech, I think that one is particularly appropriate for us to ponder again this evening, for it fits into the basic design of citizen participation in the Alliance for Progress. The President said: "Misery and pain and despair exist in the present; and we must fight them in the present as best we can. This is not only the command of compassion. It is the counsel of wisdom. For factories and banks and dollars do not build a nation. People build a nation. On those people—their health and knowledge and faith; their participation and their sacrifice—rests the future of all of us and all our nations."

It is not enough, therefore, for us as individuals to be "amigos" in the passive sense—but rather we must be participants in the dramatic undertaking called the Alliance for Progress.

Ladies and gentlemen, the Alliance for Progress is not a U.S. program, but rather it is an alliance involving, in the words of the Charter of Punta del Este, "the full energies of the peoples and governments of the American Republics." It is therefore a great joint effort which calls for positive action not only of government but also of private citizens and leaders of the private sector. This means that the Alliance is a great revolutionary program for progress which must have your active participation and the participation of the citizenry of Pennsylvania.

Through the Pennsylvania Partners of the Alliance, every individual or neighborhood group in this State can be a working part of the new grassroots partnership with the citizens of the State of Bahia in Brazil.

The process of economic and social development is a complicated one involving dynamic forces demanding change or opposing change. It is the development and the implementation of working programs in land reform, tax reform and credit reform. It is making the most effective use of available resources in the development program. It is the training of professional and technical men which are required for industrial growth and increased agricultural productivity. It is the process of developing Latin American institutions which can break the barriers to economic and social development.

I can report to you tonight that the Alliance is succeeding. Progress is being made.

Thousands of new classrooms have been built.

Over 10 million textbooks have been printed.

Almost 2,500 new community water systems have been built.

Seven hundred and thirty-five hospital and medical posts have been built extending some type of service to nearly 9 million people.

Four hundred and sixty thousand credit unions have been established.

Teachers are being trained, roads are being built, productivity centers, savings and loan, private development banks, cooperatives, management and labor training institutions and agricultural extension system.

Yes, the Alliance for Progress is on the move, but its success cannot be measured merely in terms of the increase in the gross national product, nor can it be measured on the scale of infrastructure development. It must be measured also in the human terms of hope, opportunity, and personal involvement. It is of this human side of the Alliance which I wish to think together with you tonight.

For many years we have spoken of the need for better communication at the citizen level but too often we have been complacent and satisfied with the noble efforts of a few leaders. We have ignored the wide variety of opportunities now existing for broadening the base of citizen participation in international programs.

For many years we in the United States have paid lip service to the idea that we have much to learn from the rich heritage of the other republics of the hemisphere—but we have done very little to spark the learning process. Indeed we can learn as well as teach and we can receive as well as share.

Now as a part of the Alliance for Progress, we are finding new and exciting activities which are evolving from a direct alliance of people. In less than 2 years a program called the Partners of the Alliance has developed from the idea stage to the point of being an operation program involving the citizens of 26 States of the United States and the citizens of 26 areas of Latin America. These are new and developing relationships but already some interesting accomplishments have been reported. Let me outline a few of the activities that may be of interest to you.

A few weeks ago, in the Barranquilla area of northern Colombia, a large number of children had died and many more were dying from dehydration. The supply of saline and dextrose solutions in the area was almost totally depleted. The private sector, Colombia Partners Committee, contacted their counterpart group in Florida. Within hours a supply of the vitally needed solutions arrived in Barranquilla—in time to save the lives of a number of children.

The Andean village of Navan in southern Peru had been isolated for years with a narrow mountain trail being the only outlet for the products of the valley. The people of Navan provided the initiative, the plan and the labor and the Texas AFL–CIO provided the picks, wheelbarrows, and shovels. A recent article in the July 31 issue of the Dallas Morning News, with a dateline of Lima, Peru, described the scene as that road was opened: "Last May they finished the job. A truck loaded with potatoes chugged up the narrow, lumpy road to commemorate the event. Church bells rang, people cheered and dogs barked. For Navan it was the greatest day in its history."

Upon completion of the Navan road, a special ceremony was arranged in which the village council passed the tools to a neighboring village which is now working on a 2-mile road to connect with Navan. Commenting upon this project the chairman of the Peruvian Partners of the Alliance, Carlos Boza, said "Texans have not made this an 'old clothes' program. They have helped us without making us feel like beggars and taking away our dignity as human beings."

This is the spirit of the Alliance; this is a partnership response to a community self-help effort in a program which recognized the importance of human dignity.

High school students in several States have provided the funds to place roofs, doors, and windows on schools constructed through the self-help efforts of villagers.

Cement mixers have been provided—as have blockmaking machines, chain saws, handtools and other equipment to enable slum improvement associations to complete community buildings, schools, and medical posts.

Pumps have been provided for community wells.

Medical equipment has been made available to small hospitals.

Joint venture investments and other commercial relationships are developing as a natural outgrowth of the relationships.

A concert pianist, Monte Hill Davis, is presently in Peru where she will perform five concerts. She will play 10 concerts in Brazil. Miss Davis is performing without cost and the funds raised will go to the local partners projects.

Many projects of many varieties have been completed in Latin America through the Partners of the Alliance committees. One of the most important aspects of the partnership program, however, is the fact that it is a two-way program.

Three weeks ago, a number of high school teachers of Spanish completed a program at Miami University in Ohio through which they were introduced to the Portuguese language. The Ohio partnership is with the State of Parana in Brazil, and through providing the professor of Portuguese, Dr. Navarro, Parana was making a contribution to its U.S. partner State. This month some 90 students are enrolling in Portuguese classes.

On October 3, through arrangements just completed by the Tennessee Partners of the Alliance and the Neumann Foundation of Venezuela, an outstanding collection of 58 Venezuelan paintings will arrive in Tennessee when they will be shown in 7 galleries over a period of 9 months. Venezuela is making the first contribution in this new partnership.

A collection of Inca gold from Peru will be shown in Texas later this year.

A mosquito control expert from Panama will assist their partners in Delaware in a mosquito control program.

Twelve educators from Costa Rica upgraded the teaching of Spanish in 12 Oregon school districts.

High school science classes in Colorado will be assisted with mineral samples provided by the partners committee in Minas Gerais, Brazil.

Rio Grande do Sul, at the southern tip of Brazil has made available to their Indiana partners a supply of seed from a legume plant which has a highly developed root system. Can this be a contribution to the arid areas of our country? Experimentation is underway.

The Partners of the Alliance is a partnership program in which two areas of the hemisphere can work on jointly planned projects.

This is not a charity program nor is it an "adoption" program in which one area patronizingly "adopts" another. The Partners of the Alliance focuses on helping those who are helping themselves and it seeks to translate into reality the stated principle that we can learn as well as teach and receive as well as share.

The Pennsylvania partnership with Bahia is a new one—and it can be an effective one.

The state of Bahia is a large and fascinating state that is rich in human capital and rich in history. It was only a few miles from Salvador, the capital of Bahia, that the first landing was made on the South American continent. And, I might add, the distinguished Ambassador to the United States from Brazil, His Excellency Juracy Magalhaes, was a senator from Bahia and was elected twice to the governorship of his state.

The forward movement of the Alliance for Progress has had both public and private funds as one element of its resources. The most important driving force of the Alliance, however, has been in the people dedicated to the cause of hemispheric progress. The vast majority are those who are working quietly but diligently at the hard and sometimes unglamorous tasks that are essential to the development process. Within the AID framework, it's such people as Ida Mudd, Eleanor Corey, Nat Stewart, and Rene Novak in management and personnel: it's Ed Coy and John Rothberg in program development; it's Leveo Sanchez and his institutional development team; it's the men and women who deal with travel arrangements; it's the men in the printshop. It is the field program direction by such capable mission directors as Minister Stuart Van Dyke in Brazil, Irv Tragen in Bolivia, and Don Daughters in Ecuador and, until recently, Bob Culbertson of Peru. It's the men on the country desks. It's also the AID man in the field who is eating the dust of the Andean altiplano or wading in the backwash of the tributaries of the Amazon. It's Evelyn Hayes, Aida Berio, Lee Canales, Marie Oblitas, and Jean Rogers, administrative and secretarial aids. It's Margaret Beshore and Betty Karavangelos. It's also the great team of voluntary agencies such as CARE, CARITAS, Church World Service, World Neighbors, YWCA. It's the Peace Corps volunteers and many others. It's Carlos Boza of Lima, Alejandro Rojas of the Andean village of San Jacinto de Mita, and Dante Campana of Porto Alegre. It's Tony Dominguez of Panama, Edward Marcus of Dallas, and Phil Berman of Allentown, Pa.

And, ladies and gentlemen, it is such as you.

I urge you to accept the challenge of the Alliance and become an operating partner in its drive for progress. I ask you to make contact with Lehigh Valley's own Phil Berman who is not only a member of the executive committee of the Pennsylvania partners but also a key adviser on the entire Inter-American program. Ask him for a project for you to guide through to completion. Make contact with the chairman of the Pennsylvania partners, Mr. Fred Heldring or the capable executive secretary, Andy Leith, who is with us tonight.

I would like to suggest that perhaps the Lehigh Valley Foreign Policy Association might consider adding to its already excellent program of discussing foreign policy matters the extra element of active participation in the operational partnership with Bahia. May I suggest that through Pennsylvania Partners of the Alliance you can translate interest and concern into specific activities.

Through developing a working alliance of good neighbors, you can help give hope for a better life to that man in the rural village who fights against overwhelming odds to provide food and shelter for his family. Through your partnership you may give hope to a mother in the slums who dares to dream of a better life for her children.

And you can learn not only of the art, the history, the music and the poetry of Bahia, but you can also reap the harvest of satisfaction that comes with the acceptance of a challenge and the fulfillment of a responsibility.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the agreement concerning automotive products between the Government of the United States of America and the Government of Canada, and for other purposes.

Mr. LONG of Louisiana. Mr. President, the bill H.R. 9042 is needed to carry out an agreement of basic and historic importance to our relations with Canada.

Our neighbor Canada is far and away our biggest trading partner. Last year we exported to Canada more than we did to all of the countries in the European Economic Community. We exported a billion dollars more to Canada than we did to all of the other countries in this hemisphere. We exported more than three times as much to Canada as we did to the United Kingdom. Japan is our second biggest export market and it falls below Canada by almost $3 billion. We have a favorable balance of payments of $1,183 million annually.

This great flow of goods across our northern border includes as one of its biggest items automobiles and parts for automobiles. Last year we exported automobile products to Canada worth $650 million, which was more than 14 percent of all our exports to Canada.

This automobile trade took place within a great North American industry. The cars produced in Canada are mostly the same kinds of cars that are produced in the United States. These automobiles are produced by American companies, General Motors, Chrysler, and other companies. They are produced in the same kinds of factories, owned by the same companies. The workers in Canada are members of the same union as our automobile workers. The automobile trade across the border supports the operations of this great industry.

But in most countries of Europe, even neighboring countries, separate automobile industries exist. Their autos have distinctive body styles and brands. In France there is Renault; in Germany, Volkswagen. Italy produces the Fiat, while Great Britain produces a number of models including Anglia, Sunbeam, and Hillman. These countries combined are no larger than our eastern seaboard, yet, each has insisted on, and fostered, its own automobile industry.

Last year that trade was in danger and this is a point that I want to emphasize. The Canadians had long been unhappy about the big deficit that they had in their automobile trade with the United States. That deficit last year was over half a billion dollars, entirely in automobile products. They believed, rightly or wrongly, that they could not achieve a reasonable expansion of production in Canada through the normal operations of the market. So the Canadian Government put into effect an export incentive system that was frankly intended to promote greater production and greater exports of automobile products from Canada to the United States and other countries.

Our people had trouble with this new Canadian program. Many of our producers of automobile parts considered that it would damage them. And the Canadian program may well have been in conflict with a provision of our own Tariff Act which provides for countervailing duties to be applied against imports that carry a bounty or grant. Our Government was petitioned to investigate the Canadian program under this provision of the Tariff Act.

There is no doubt, Mr. President, that if we had put on countervailing duties, the Canadian program would have been frustrated. In that case, the Canadians would have had to consider what they would do next.

What would they have done? What alternatives did they have?

Nobody can say for certain what the Canadian decision would have been. But we do know, Mr. President, that they did have alternatives.

We have experienced the operation of such alternatives by other countries. One alternative would require that a major increase of the Canadian production go into Canadian-manfactured cars. Brazil did this just a few years ago.

Is this an unrealistic alternative? Some people have said the Canadians would have shied away from it because it would have raised costs.

Mexico did not shy away from this approach because it raised costs. Brazil did not shy away. Brazil has gone to the point of requiring that automobiles and trucks manufactured in Brazil include 98 percent Brazilian components. I believe they are moving to require that, as to automobiles, there must be 100 percent of Brazilian components, down to the smallest accessory in the automobile.

The same thing is true in Australia. Australia is now moving to require that there be a larger percentage of Australian components incorporated in automobiles manufactured in Australia. They will require that there be 95 percent of Australian components in automobiles manufactured in Australia.

This was one of the problems with which we were confronted. To show what happened, when Brazil started moving in that direction, our export of automobiles to Brazil fell in 5 years from $82 to $14 million.

The fact of the matter is that Canada did have alternatives. Canada is a sovereign country. Its government, like many other governments, sometimes has to do things that are not what it would do if it counted only economic considerations. If we had put on countervailing duties, the Canadians would have reacted. That is certain.

We in turn would have counterreacted. President Johnson referred to this process as stroke and counterstroke. And stroke and counterstroke would have been costly for both countries. Our automobile trade would have been the first victim. And who can say that a commercial conflict would not have spilled over into other parts of our trade?

For example, Canada ships us a great amount of wood products and paper commodities. These are also produced in Louisiana and other Southern States. If Canada were restricted in her trade with us, Canada might find it desirable to put a quota on the amount of electrical machinery that we could ship in, or might put a high tariff on coal and coke.

This would tend to raise the cost of those commodities in both countries. This policy would be injurious to the relations which we now enjoy with Canada. The first industry to suffer in such an instance would be the automobile industry of the United States, which sells approximately 10 times as many American automobiles in Canada as the Canadians sell of their automobiles in the United States.

Our Government, Mr. President, was faced with a condition and a situation, not with a theory. If the President had allowed events to run their course, and if we had a wasteful commercial conflict with Canada, the Members of this body would have been right to criticize him. Faced with a condition and a situation, the executive did what it should have done. It started talks with the Canadians to try to find a constructive answer to a potentially destructive situation.

The result, Mr. President, was an agreement that we would not fight over shares in a smaller pie but that we would try to create a bigger pie from which Canada and the United States both would have bigger slices.

Let me describe the main features of this agreement, which President Johnson and Prime Minister Pearson signed at Johnson City last January.

First of all, as I have said, the agreement calls for the two governments to work for a broader and expanding automobile market, where specialization and volume production can be achieved, and in which the two countries will have larger shares.

Then the two governments pledge themselves to seek the development of conditions in which free market forces operate to bring about the most economic pattern of investment, production, and trade.

I want to stress this point, Mr. President. Article I, the very first article of the agreement, commits Canada and the United States to work for an expanding continental automobile market in which market forces will operate effectively. The article says:

> It shall be the policy of each government to avoid actions which would frustrate the achievement of these objectives.

That is, the objectives of an expanding North American automobile industry which will develop under a free market system.

I am sure that this intention, solemnly stated by the two governments, is also the intention of the Congress. In enacting the bill before us, we, in effect, endorse these objectives.

Second, the agreement calls for immediate action by the Canadian Government to eliminate all duties on U.S. automobiles and parts for new automobiles. And the Canadians did just that immediately after the agreement was signed last January.

Third, the agreement obliges our Government to ask the Congress for legislation to give Canadian automobile products duty-free treatment at our points of entry. The bill before us represents that pledge of our Government. It would complete the tariff elimination arrangement and it would, as the agreement provides, make the duty-free treatment retroactive so far as practicable, to the date that Canada began duty-free treatment.

Fourth, the agreement commits the two governments to conduct, not later than January 1, 1968, a comprehensive review of the operations of the agreement. In that review, the focus will be on the objectives of article I—that is, an expanding, efficient North American industry in which market forces are operating effectively. The review will also take up further steps that may be necessary or desirable for the full achievement of these objectives.

The agreement reserves the rights of both parties under article II of the GATT, which includes escape clause actions. It provides for consultation, as necessary, between the two governments. It provides that the parties may by agreement accord access to other countries on similar terms. And it is written as an agreement of unlimited duration subject to termination by either party on 12 months' notice.

The legislation before us is intended to carry out the agreement. Its principal provisions can be simply described.

First, it would empower the President to eliminate tariffs on Canadian automobiles and automobile parts for new vehicles, retroactive to the time when Canada removed its duties. The President would also be authorized to include other automotive products that may subsequently be developed.

Second, the President would be authorized to carry out similar agreements with other countries, if he determined that these would provide for mutual trade benefits, subject to safeguards adopted by the Finance Committee as regards congressional participation.

Third, the President would be authorized to carry out an agreement with Canada for the reduction or removal of duties on automobile replacement parts. We were not able to include replacement parts under the present agreement. We should try to do so, for the benefit of our replacement parts industry. This legislation will give the President the necessary authorization to reduce or eliminate tariffs on replacement parts under such agreements.

Fourth, the bill includes detailed provisions for adjustment assistance in case any American firm or group of workers should suffer dislocation as a result of the agreement. These provisions are to continue in force only for the period ending June 30, 1968; in other words, during the transitional period.

Fifth, the bill provides for the modification of our tariff schedules and lists the automotive products on which the duties are to be eliminated.

Finally, the bill calls for an annual report to the Congress concerning the implementation of the legislation.

What we agreed to do, Mr. President, was to set out to create a single, integrated North American automobile industry, operating across the border without any tariffs.

On the Canadian side, where costs have been high because production volume was low, the agreement will allow longer production runs and lower costs. Witnesses told the Finance Committee that under the old system the Ford plant in Canada was producing 71 Ford models for the Canadian market. A single General Motors plant in Canada was reported to be assembling a total of 595 different passenger car and truck models.

Naturally, this cumbersome procedure made cars cost more in Canada. At the same time, the Ford plant in River Rouge just across the river was producing only three body models of the Mustang line. This wasteful, costly production in the Canadian plants of the U.S. auto companies can now be eliminated.

There will be more production in Canada and there will be more production in the United States. This is not an agreement intended to benefit only one side. Like every sensible bargain it benefits both sides. There is going to be more trade in automobile products between the United States and Canada and we are both going to be better off. Last year, our surplus in automobile trade with Canada ran at $563 million. The Secretary of Commerce, fully supported by the Treasury Department, told us that this trade surplus will be protected and probably increased under the operations of the new agreement. The Tariff Commission told us that it accepted the Treasury Department's analysis.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I will yield to the Senator from Tennessee, if I may have unanimous consent that the discussion appear at the close of my principal speech.

Mr. GORE. The Senator from Tennessee does not wish to engage in such a colloquy. If the Senator wishes to yield for discussion of the principle which he is attempting to make applicable, I should be glad to ask him to yield.

Mr. LONG of Louisiana. Mr. President, I shall be glad to have the RECORD show at this point that the Senator asked me to yield.

Mr. GORE. Mr. President, I withdraw the request to yield.

Mr. LONG of Louisiana. The Committee on Finance felt strongly about the balance-of-payments consequences of the agreement and of the company commitments related to it. We felt so strongly that we requested the Treasury Department to testify to the impact the arrangements might have. Assistant Secretary Trued's statement was reassuring. His conclusion was, and I quote:

> From a balance-of-payments viewpoint then, the automotive agreement simply means this: Under it, we stand to maintain our present sizable surplus with Canada in automotive trade. Without the agreement, we stand to lose a part of our present surplus.

If we had chosen the route of stroke and counterstroke, Mr. President, this surplus would have been greatly diminished to the disadvantage mainly of our automobile parts industry and the workers in it.

Mr. HARTKE. Mr. President, will the Senator yield at that point for a question?

Mr. LONG of Louisiana. Will the Senator be so kind as to agree that the colloquy appear at the close of my principal speech?

Mr. HARTKE. No. I wish to make it perfectly clear that unless the question can be discussed at this point in the Senator's statement, I do not feel there would be any advantage, because continuity would be lost, and the idea of trying to bring the true information on the States involved in the entire situation probably would be lost to the Senate.

Mr. LONG of Louisiana. Why does not the Senator merely state, "You said in your speech," and it will appear at the close of my speech, and then the Senator may make his statement, without all this structure and counterstructure.

Mr. HARTKE. The point is that I want to talk about the stroke and counterstroke, and if the Senator wants it to appear at the end, I will wait until the latter part. I withdraw my request.

Mr. LONG of Louisiana. Mr. President, I should not like to show a courtesy to my good friend from Indiana that I delined to show to my friend from Tennessee.

Mr. HARTKE. I believe our friend from Tennessee will understand.

Mr. GORE. Mr. President, will the Senator yield? What the distinguished junior Senator from Louisiana is doing is tantamount to a declination to yield. If this agreement is so indefensible that the Senator from Louisiana is not prepared to defend it on the floor of the Senate, then it is indeed indefensible.

Mr. LONG of Louisiana. Mr. President, I decline to yield the floor. I regret very much that the Senator should take the attitude that since I desire my speech to appear in continuity in the RECORD, I should not be granted that privilege.

Some of the opponents of this legislation have said that the agreements are going to hurt our workers. Well, Mr. President, the Secretary of Labor testified that from 25,000 to 50,000 automobile workers' jobs were in danger before this agreement was signed. These were the jobs which would have been lost if we had lost our automobile export trade with Canada. The Secretaries of Labor and Commerce told us that the operations of the agreement will benefit our firms and our workers, including the independent parts industry and its workers. Representatives of the automobile industry and of the United Automobile Workers Union said the same thing.

The Secretary of Labor says so. He will stake his reputation on it. So will the Secretary of Commerce.

Mr. President, the agreement was signed by President Johnson and Prime Minister Pearson last January 16. What has happened to employment in the American automotive industry since? What has happened to the American automotive industry while this agreement has been in effect?

The Labor Department tells me that it has gone up by 40,000 jobs. Some of this increased employment is directly related to our expanded trade with Canada. In the first 6 months of this year, our exports of automotive products to Canada were running at $442 million, and our trade surplus was $372 million. This surplus was almost 14 percent higher than in the first half of 1964.

Let me turn, Mr. President, to some of the concerns of the opponents of this legislation. They have mentioned the so-called side agreements between the Canadian automobile companies and the Canadian Government to increase production. They have voiced suspicion that there is some kind of agreement to require that automobile parts must be produced in Canada for export to the United States at the cost of American jobs.

These side understandings are not secret. The Finance Committee had before it letters written by the subsidiaries of the big four automobile companies to the Canadian Government. They show that the companies have undertaken to produce in Canada a percentage of the normal growth in the market for automobiles in Canada and also to increase output in Canada at the end of 4 model years by $241 million. We had a succession of witnesses headed by the Secretaries of Labor and Commerce, who told us that these undertakings could easily be fitted into the expansion of the Canadian market and that there would be no net adverse effect on jobs in the United States. There is nothing in the undertakings requiring that any particular part be produced in Canada, or exported to the United States.

These undertakings, Mr. President, are intended to assure the Canadians that Canada's share in the North American automobile market will grow. That market, as I said, is going to increase very greatly, no matter what approach we take. The Canadian part of it in particular—and I am talking about the Canadian share of the Canadian market—is going to grow more rapidly than the American sector.

Why? Because Canada can produce only approximately one-half of her requirements in automobiles, whereas the United States is producing automobiles in surplus. Therefore, we cannot increase our market as much as they can because American manufacturers have practically all of the American market, or at least they have the overwhelming part of the American market as it is.

Since 1959, its growth has averaged 8.5 percent annually. In 1963 and 1964, it averaged 12 percent in volume of production and 14 percent in terms of value. At a growth rate of only 8 percent, the company commitments can be fully satisfied out of Canadian growth with no net exports to this country. If Canadian growth continues at the present high levels, and we see no reason why it will not, we should even increase our shipments to Canada with a corresponding happy impact on our trade and payments balances. We can have more production in Canada and more production in the United States. And that, Mr. President, I submit is good for both countries, for labor, for industry, and for Canadian-American relations. That is what everyone who has a responsibility in this connection feels, with the exception of some small parts manufacturers who, I can understand, might feel that they would be squeezed. At least that is what they have testified to. That is also what the responsible members of the executive branch have testified to.

Some Members have expressed concern about our most-favored-nation commitment and our basic trade policy. It is true that our agreement with Canada is a bilateral agreement. But that agreement, Mr. President, is not designed or intended to hurt the automobile trade of other countries. The most-favored-nation policy is not something abstract. It is a policy aimed at discrimination in international trade. This agreement does not discriminate, and the legislation to carry it out will not discriminate against other trading countries. The essence and the reality of the most-favored-nation policy is in no way changed. Our commitments under the GATT continue as they were. The committee was informed that the administration will seek the necessary technical GATT waiver and expects that a satisfactory solution will be worked out. We expect no trouble obtaining the waiver.

In a changing situation, there will be adjustments to be made on both sides of the border. The proposed legislation, Mr. President, provides for special adjustment assistance provisions during the period of transition until 1968. If there are particular examples of instances of dislocation, as the new situation unfolds, there is provision for helping the workers or businesses that may be affected. Nobody expects widespread dislocation, but it is the purpose that any particular problems should be taken care of by the special provisions that are included in this bill.

What will happen if we do not pass this proposed legislation? The situation will revert back and duties will be reimposed on both sides of the border. On our side, duties will be at 6½ percent for cars and 8½ percent for parts. On the Canadian side, they will be 17½ percent for cars and up to 25 percent for parts. Does anyone think that that will be good for trade or for employment? Then, Mr. President, we can be sure that Canada will examine again the situation of its automobile industry. We do not know what Canada will do but we can expect that it will take some action.

In this situation, we will have to assume that the action could be disadvantageous to us.

Meanwhile, Mr. President, I believe that we should point out that the automobile companies—and these are U.S. companies producing automobiles in Canada—will be living in a situation of complete uncertainty about the future of their position in Canada and of our trade with Canada. A great deal has been said about parts producers in the United States under the agreement. The fact is, Mr. President, that if we do not pass this proposed legislation the independent parts producers in the United States will be the first to be hurt, for the high Canadian duties will go back on and the situation in the Canadian automobile assembly plants that buy parts from our independent parts producers will be one of great uncertainty.

On the other hand, when we pass this proposed legislation, we will be setting forth on a path with a great and friendly neighbor that promises well for both of us. We will have shown that we can overcome difficult and complex problems in a mutually advantageous way. We will have shown that we are inventive and practical enough to substitute cooperation for conflict. We will have set up the development of a great industry on a continental basis. We will have opened wide new prospects for the future in our trade and commercial relations with Canada. We will have put our seal on an historic and advantageous agreement.

Mr. President, the bill before the Senate is needed to carry out the agreement signed by President Johnson and Prime Minister Pearson. We have heard strongly affirmative testimony on it from the Secretaries of Commerce and Labor, the Under Secretary of State, and from the Treasury. The automobile industry, including many independent parts producers, supports the bill. So does the United Automobile Workers Union. Canada has given up its unilateral approach, which was fraught with danger of conflict and has agreed to a joint program that will allow both countries to gain from an expanding North American market. She has carried out her obligations by eliminating all relevant duties on American automobiles and equipment. As President Johnson said, it is our turn to act.

Mr. President, I ask unanimous consent that the committee amendments be considered and adopted en bloc for purposes of considering further amendments to the proposed legislation.

Mr. GORE. Mr. President, I must object.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Objection is heard.

Mr. LONG of Louisiana. Mr. President, I also ask unanimous consent that there be printed in the RECORD brief excerpts taken from the committee report explaining the committee amendments.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF COMMITTEE AMENDMENTS

The committee amended the House-passed bill in three respects.

1. Congressional approval of new agreements: This amendment requires positive congressional approval of the implementation of any new agreement covering motor vehicles and component parts. This replaces the negative approach in the House-passed bill which would have provided automatic approval of such an agreement unless Congress passed a concurrent resolution of disapproval within a 60-day period.

2. Suspension of proclamations: This amendment provides that if the level of Canadian value added should be increased after August 31, 1968, by reason of governmental action, the proclamations effecting duty-free entry into this country for Canadian motor vehicles and original equipment parts would be suspended. It provides a safeguard against new undertakings required of U.S.-owned businesses under which Canadian production would have to be increased to levels above those for which commitments have been made at the time the legislation is approved. On the other hand, even if Canadian value added were required to be increased by further undertakings, Congress could act to continue the duty-free importation into the United States by approving implementing legislation which in effect would endorse the new commitments.

3. Tariff schedules modifications: The committee also made technical amendments to title IV of the bill. These amendments conform the tariff designations of the articles entitled to duty-free entry to the changes in the Tariff Schedules made by the Tariff Schedules Technical Amendments Act of 1965.

Mr. LONG of Louisiana. Mr. President, if any Senator is desirous of asking me any questions about the agreement, I shall be happy to respond to their questions.

Mr. GORE. Mr. President, will the Senator yield for a unanimous-consent request that the minority views be printed at this point in the RECORD?

Mr. LONG of Louisiana. I yield.

Mr. GORE. Mr. President, I ask unanimous consent that the minority views be printed at this point in the RECORD.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS

The bill under consideration implements the United States-Canadian Automotive Products Agreement. It purports to be a measure beneficial to the American economy, helpful to our balance of payments, and of benefit to both American and Canadian consumers. In fact, it does none of these. The hearings have demonstrated that this legislation is special interest legislation of the most restrictive sort, the opposite of free trade, detrimental to our balance-of-payment situation and harmful to American industry and jobs.

The agreement came about as a result of negotiations triggered by Canada's tariff remission plan. This illegal, unilateral action of Canada required, under section 303 of the Tariff Act of 1930, the imposition by the United States of countervailing duties. Our Government properly attempted to settle our complaint with Canada by negotiation and ended up with an agreement whose sole American beneficiaries are the automobile manufacturers in Detroit. There are, in essence, three key parties to the agreement: the United States Government, the Canadian Government, and the four major automobile manufacturers and their Canadian subsidiaries.

The agreement clearly contemplates the exportation of American jobs to Canada. The automobile makers are committed to expand Canadian production by 1968 to a level of $241 million plus 60 percent of the growth in the Canadian industry. This expanded capacity and its intended employment opportunities can come only out of the United States. This agreement, to expand in Canada rather than in the United States, must have a serious effect upon U.S. labor.

This agreement is equally bad for U.S. business. First and foremost, this agreement opens the vast Detroit market to Canadian parts manufacturers to compete with American businesses without receiving any concessions in return.

However, this is not all. The Canadian subsidiaries have committed themselves to a vast expansion program. One way to satisfy this commitment is the manufacture of parts for use in Detroit as original equipment. Canadian labor is on the average, 70 cents per hour cheaper than comparable American labor. The automobile makers, therefore, have every reason to want to make parts in Canada for shipment to Detroit, getting the benefit of cheaper labor, no import duties, and, at the same time, satisfying their commitment to the Canadian Government. Thus American parts manufacturers will suffer and American jobs will be lost.

Further, although the agreement does not now reduce duties on replacement parts, the American parts manufacturers will also see their role in the replacement market severely jeopardized. In almost every case, the maker of replacement parts is dependent upon his contracts with Detroit to supply parts for new cars. This, in the industry, is his lifeblood. This is how he receives in advance of the need of replacement parts, still several years away, the specifications for the parts he will produce, and the money to tool up. Without orders from the automobile makers, he cannot survive.

When the automobile manufacturers themselves, or their chosen affiliates tool up in Canada to make original equipment parts for new cars, satisfying their commitments to the Canadian Government, they will do two things. First, they will deprive the American parts manufacturer of the initial new parts order he needs to get started. Second, once tooled up in Canada to supply parts duty free for new cars to Detroit, they will surely continue to compete in the replacement market in spite of our tariff wall.

The Tariff Commission estimates that over 10,000 independent U.S. businesses supply parts to American automobile manufacturers for use in making new cars.

This agreement has been sold to Americans as free trade. It is not. It is the antithesis of free trade. It removes tariffs, not generally, not even with one nation, but only for a chosen few automobile manufacturers. The Canadian duty on American automobiles is not removed. A dealer in Montana or Maine cannot sell duty-free across the border in Canada. Only an automobile manufacturer can import into Canada free of the 17½ percent Canadian tariff. Not only that, it must be a qualified manufacturer; i.e., one who has provided satisfactory commitments to the Canadian Government.

U.S. duties are not lowered for the benefit of everyone. Parts may be imported duty free only if they are going to an automobile manufacturer. The dealer or supplier who would attempt to sell Canadian made parts to automobile supply stores or automobile repair businesses, or directly to American consumers, must still pay the tariff. This is not free trade and it does not benefit American consumers. Basically, it benefits only a few automobile manufacturers.

It should be noted that qualified manufacturers can designate other companies to help meet their commitments. These other companies will also get the special benefits provided. Thus, this agreement encourages the privileged companies to designate other parties to set up assembly plants in Canada. Thus encouraged by the special treatment, parts manufacturers themselves will in some cases undoubtedly move to Canada.

With regard to our balance of payments, the Assistant Secretary of International Affairs for the Treasury Department, the Honorable Merlyn N. Trued, testified that in 1964 we had a favorable trade surplus with Canada of $581 million. He further testified that under this agreement, we would retain that surplus, i.e., in 1968 our trade surplus is estimated to be, under the agreement, $580 million. He failed to say that it is estimated that, had the Canadians been persuaded to drop their illegal tariff remission scheme, our trade surplus with Canada would have reached $841 million by 1968. Further, had we done nothing at all in the face of their remission scheme, our surplus would have been $650 million.

In other words, from a balance of payments point of view, in protesting the drop from $850 million to $650 million, the State Department negotiated us down to $580 million.

Further, this agreement admittedly puts us clearly in violation of the GATT agreement. Our whole trade policy since the early 1930's has been to reduce trade barriers. The keystone of this policy is the "most-favored-nation" concept. Concessions given to one trading partner are given to all. At the present time, the United States has unconditional most-favored-nation commitments to the GATT. We face severe trading problems in the coming Kennedy round. To violate our agreement at this time, to present the world with a fait accompli and ask for waivers afterward, shows a lack of faith which cannot help but have world repercussions.

It is said that this agreement will help our relations with Canada. It can do nothing but earn us the resentment of the Canadian people. The Canadian taxpayer will lose, under this plan, $50 million of tariff subsidy to these corporations. However, it has been revealed in the hearings that the benefits of increased production, greater efficiency, lower tariffs, and all the other benefits the agreement will bring, will not be passed on to the Canadian consumer in the form of lower prices.

The undersigned are for equitable trade agreements which lead to mutual benefits and mutual prosperity. In this case, we have given up the $241 million guaranteed increased production plus 60 percent of the increase over 1964 production. We have also guaranteed maintenance of the level of Canadian value added in 1964. We have in effect closed the Canadian market to us. We opened the U.S. market and got nothing in return. We have taken our Canadian problem, in which we are the injured party and Canada is the violater of international agreements, and negotiated an agreement which extinguishes the Canadian violation and places the United States in violation. We have negotiated away our problem with Canada and negotiated ourselves into a problem with 75 free world members of GATT. We pay for these privileges with a worsened balance-of-payments situation. The undersigned recommend that the U.S. Senate not be a party to such an agreement.

ABRAHAM RIBICOFF.
VANCE HARTKE.
ALBERT GORE.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum——

Mr. HARTKE. Mr. President, will the Senator withhold that request?

Mr. LONG of Louisiana. I withhold it.

Mr. HARTKE. Will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. HARTKE. As I understand, the statement of the Senator from Louisiana is complete. Is that correct?

Mr. LONG of Louisiana. Yes. I have made my prepared speech. I thank the Senator for his indulgence.

Mr. HARTKE. As I understand, questions are now in order.

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. Will the Senator explain the portion of the bill which deals with adjustment assistance? What is the estimated cost of that part of the bill?

Mr. LONG of Louisiana. At this point we would not know what the cost would be. As to how many additional jobs there will be in the United States and how many additional jobs there will be in Canada, we do not know. That is something we shall have to see as time goes on. We have provisions for retraining and relocation. We put provisions with a similar purpose in the Trade Expansion Act. There are parallel, though not identical, provisions in that act. When we passed the Trade Expansion Act, we did not know what would happen or how much it would cost. The same thing applies here. Under the Trade Expansion Act it has not cost anything.

Mr. HARTKE. I think that is a fair statement.

Did the Secretary of Labor indicate that he was satisfied with the adjustment assistance section of the Trade Expansion Act?

Mr. LONG of Louisiana. I believe he said there could be some improvements in it, so I take it the answer would be "No."

Mr. HARTKE. That is correct.

Mr. LONG of Louisiana. A categorical answer to that question would be "No."

Mr. HARTKE. Did not the Secretary of Labor indicate in the hearings that the amendment offered to this bill—which was not offered to be adopted but for discussion as an amendment to the Trade Expansion Act—was a bill with which he basically agreed?

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. To come back to this bill, the adjustment assistance section covers about a third of the bill, does it not?

Mr. LONG of Louisiana. It is a considerable portion of it. For lack of a better estimate, I would say yes.

Mr. HARTKE. I am talking about the number of pages.

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. Is it true that the adjustment assistance section applies not alone to employees, but to firms as well?

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. Can the Senator tell me how many firms it is anticipated will be closed in the United States as a result of this bill, and which will be authorized to obtain assistance from the U.S. Treasury as a result?

Mr. LONG of Louisiana. I do not have that information. I do not think anyone can produce it. We shall have to go by experience and see how it develops.

As the Senator knows, so far as industries in both countries are concerned, they are doing well. In this country there are 40,000 more jobs in the automobile industry than there were last year. As trade increases—and we know the market will expand—we know that the Canadian automobile market will expand. I would be the last one to say there will not be a manufacturer's squeeze on both sides of the border, but that is going to happen whether we ratify this agreement or not.

Canada is providing adjustment assistance in that country, just as we are. There will have to be an adjustment on both sides of the border, but after the adjustment there will be more production of automobiles and more trade between the two great countries, and the price of automobiles on the whole will tend to go down, especially in Canada, as Canada begins to achieve the benefits of mass production such as we have here.

Mr. HARTKE. Is it not true that there has been a greater production of Studebaker automobiles in that country since this arrangement went into effect?

Mr. LONG of Louisiana. The Senator from Indiana is the expert on that subject.

Mr. HARTKE. Where is Studebaker?

Mr. LONG of Louisiana. Studebaker was in Indiana and moved out of Indiana and into Canada, but that was under the old tariff arrangement.

Mr. HARTKE. Not under the tariff arrangement, but under Canada's scheme arrangement.

Mr. LONG of Louisiana. The Senator's State lost Studebaker prior to the agreement.

Mr. HARTKE. This agreement has not been implemented yet. We are still in that process.

Mr. LONG of Louisiana. Canada has suspended duties on its side, anticipating that we shall ratify the agreement. It will cause all kinds of difficulties if we do not. Canada will have to take another look to see what should be done. This agreement will involve production beyond the limitations of the Canadian market.

Mr. HARTKE. There is no estimate of what the adjustment assistance section of the bill will cost the Federal Treasury?

Mr. LONG of Louisiana. No. That was the situation when Congress passed the Trade Expansion Act. We do not know what the cost is going to be in Canada or in our own country. These are precautionary provisions. We hope we will not need them, but there may be some dislocations under this arrangement, and these provisions are designed to help labor and management.

Mr. HARTKE. Is it anticipated that there will be increased production of automobiles in Canada?

Mr. LONG of Louisiana. As the Senator knows very well, Canada consumes about 7 percent of the automobiles manufactured in North America. She produces a little over 4 percent. Whether we ratify this agreement or do not, we realize that Canada has had a very unfavorable balance of trade a very serious imbalance of payments, and she has to rely on borrowing a great amount of money from United States concerns. Canada was moving to correct that imbalance in payments and unfavorable balance of trade, and one of the most likely ways to correct the situation was through the development of this auto industry. If she had succeeded in this, we could have looked forward to an end to our favorable balance of trade and payments.

Mr. HARTKE. Let us talk about balance of payments. The Senator will agree with me that this agreement was negotiated by the State Department.

Mr. LONG of Louisiana. The State Department was in it.

Mr. HARTKE. It was not negotiated by Christian Herter's special group.

Mr. LONG of Louisiana. They took part in it.

Mr. HARTKE. But it was negotiated by the State Department.

Mr. LONG of Louisiana. The principal responsibility was the State Department's.

Mr. HARTKE. It was negotiated without the Treasury of the United States actually knowing what it was going to do to the balance of payments until after it was concluded.

Mr. LONG of Louisiana. The Treasury Department does not take part in trade agreements. That is the reason why the trade agreement was negotiated in the way it was. The Treasury Department does not do it. The Treasury makes its determination after the fact to see what the effect will be on other problems.

Mr. HARTKE. That is what I want to come back to. This agreement was negotiated by the State Department without the Treasury Department considering what was going to happen to the balance of payments in the United States. Is that correct?

Mr. LONG of Louisiana. I could not say to what extent the Treasury was familiar with this situation. The Treasury certainly knew this was going on

The Secretary was on the Cabinet Committee handling it. Moreover, the Treasury was studying this remission scheme, with which I am sure the Senator was familiar, which adversely affected the great State of Indiana, and any State manufacturing automobiles or automobile parts. The Treasury did know of this remission scheme and thought of what we would have to do as countermeasures. The Treasury knew about it but did not negotiate it.

Mr. HARTKE. So far as the Treasury is concerned, they are concerned with whether or not we have a surplus or deficit in balance of payments. Is that correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. HARTKE. This has been the subject of considerable debate, not only in the Committee on Finance and on the floor of the Senate, but in the business and financial communities generally. Is that correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. HARTKE. This agreement is bilateral, and affects Canada and the United States. There is no question about that.

Mr. LONG of Louisiana. The Senator is correct.

Mr. HARTKE. It is anticipated that as a result of this agreement, so far as the Canadians are concerned, is to improve their balance-of-payments situation. Is that correct?

Mr. LONG of Louisiana. For a period of about 3 years Canada might realize some improvement in her balance of payments.

Mr. HARTKE. After 3 years this entire matter has to be renegotiated or something has to happen. This is a 3-year provision, is it not?

Mr. LONG of Louisiana. We have a provision that it shall be reviewed in 1968, but that does not call for abrogating it or changing it. We agree to review it. Both sides will review this arrangement. This is an important and significant agreement, as the Senator knows.

Mr. HARTKE. It is important to Canada because it is supposed to reduce her deficit in balance of payments. Is that correct?

Mr. LONG of Louisiana. Canada is going to produce more automobiles in either event.

The big incentive to Canada, as I see it, is that within a few years the cost of automobiles in Canada ought to decline between 10 and 15 percent.

As the Senator knows, the cost of automobiles in Canada is about 15 percent higher than the cost in the United States.

When Canada is able to achieve the efficiency of production that the United States has, she will be in a position to bring down the price of automobiles, and that ought to help expand the Canadian market, so that both the United States and Canada ought to be selling more automobiles.

It is well to point out that when we talk about what Canada is doing, there are U.S. companies in Canada. Some of them are wholly owned in the United States. One of those companies is 75-percent owned.

These people cannot be thought of as enemies of ours, or having a great adverse interest from us. These people have a common interest with us and in the prosperity we enjoy here. We invest great amounts of money in Canada and loan great amounts of money in Canada.

Mr. HARTKE. Was not one of the reasons this agreement was substantially entered into, that there was, at least in the automotive trade, an unfavorable balance of trade for Canada with the United States?

Mr. LONG of Louisiana. The reason we entered into this agreement, from our point of view, was that we did not want Canada setting up a completely separate automobile industry from that of the United States or to proceed by high tariff and tariff rebate schemes, which were hurting the State of the Senator.

Mr. HARTKE. I wish to make that clear. I do not wish to identify this as the State of the Senator from Indiana. Let us talk about the entire United States.

Mr. LONG of Louisiana. I say to my good friend from Indiana, where my mother was born, and which is a wonderful and great State——

Mr. HARTKE. A great State.

Mr. LONG of Louisiana. I think the world of Indiana, and I am sorry Studebaker moved out. I believe they made a mistake. I would not have wanted them to move. But from our point of view, we wanted to keep this industry in the United States, and we wanted to expand our production and sell more in Canada. But we were looking at something that was both a political and an economic matter. The people there in Canada are proud, just as the people in this country are proud. They are the same kind of people as we are. They look at the giant United States making all these automobiles. They say: "Why should we go into low-wake industries like pulp and paper products? Let us go into the automobile industry, where a man receives $2.50, $3.50, or $4.50 an hour, and where we can make a great deal of good money and have many good jobs. Tell the automobile companies that they have to produce 75 percent in Canada or we will find ways to make life miserable for them."

That is the kind of pressure those companies were under. This agreement was worked out of that situation. We could not protect this favorable balance forever. Canada would not go on forever running a larger trade deficit in automotive products with the United States. Sooner or later it must place its house in order.

If one looks at the unfavorable balance of payments they have and recognizes that that country is only about one-twelfth the size of the United States, and applies that situation to us it would be as though we had an unfavorable balance of payments of $7.5 billion. It would have the people in this country trembling in their boots if we had that big a deficit.

Mr. HARTKE. I believe the Senator makes a point. One of the basic reasons why the Canadians wanted to enter into this agreement was that they had an unfavorable balance of payments.

Mr. LONG of Louisiana. Let me state this all over again. I stated this in my principal speech, but I want the Senator to understand my point.

The United States would have different reasons for entering into the agreement than Canada. Canada looks at it from the standpoint of whether it is good for Canada and the United States looks at it from the standpoint of what is good for the United States.

We saw Canada moving with this tariff rebate scheme. It was trebling Canadian exports to the United States in automobile parts every year. There was a squeeze on us. It might have affected us to take action to get even with Canada and cut back on Canadian production.

I would not be unhappy if our country were to decree that Canada could not ship us as much oil as it is shipping. I am sure that would not make me very unhappy. I would go so far as to say that it would not make the Senator from Indiana unhappy, because Indiana has some fine oil producers too. Canada ships us $260 million worth of oil a year. That is one area in our trade with Canada where we could cut down on Canada.

Then we could raise the tariff on pulp and newsprint, and things of that sort. While we were doing that, we would be hurting each other. Actions of that kind would not be good for either country. These are two countries that should be friends. Such action would deteriorate a relationship between countries that ought to be good friends.

What did we do? We said "Let us work out this problem to the advantage of both countries." That is what we think we have done.

Mr. HARTKE. I wish to come back to the advantage to both countries. I should like to establish whether one of the basic reasons and one of the stated purposes for working out this proposal was the fact that there was an unfavorable balance of trade from the standpoint of Canada, as between Canada and the United States.

Mr. LONG of Louisiana. That was the situation when Canada put into effect the remission scheme. She was trying to do something about it. That is why we had to do something about looking after our own automobile companies.

Mr. HARTKE. I wish to come back to the fact that the whole problem between the United States and Canada in relation to automobiles and automobile parts was the fact that there was in existence a deficit in trade from the standpoint of Canada. Is that correct?

Mr. LONG of Louisiana. Canada started this train of events, from which we had the most to lose, because we had a surplus and Canada had a deficit. The United States would be the big loser in the end, because we have a favorable balance in trade with Canada and the biggest part of that is in automobiles.

Mr. HARTKE. Some of it is in paper products.

Mr. LONG of Louisiana. If Canada had done what Brazil had done, we would have been squeezed out. The Canadian gap would have been closed by half. Then they could have eliminated half of their deficit by not buying United States automobiles.

Mr. HARTKE. I believe we have established that one reason for entering into this agreement was the existence of the so-called balance-of-trade deficit so far as Canada was concerned, and a balance-of-payments deficit so far as Canada was concerned.

Mr. LONG of Louisiana. Mr. President, I think I have answered by giving my opinion. I do not believe I am able to give the opinion of the Senator from Indiana. He can state the opinion as his own, if he wishes to do so, but that is not my understanding. As I understand, Canada had an unfavorable balance of trade and was trying to do something to correct it.

Mr. HARTKE. That is correct.

Mr. LONG of Louisiana. So Canada proceeded to move to try to correct that situation in the field of automobiles. When Canada started to do that, it was bad for us in the United States.

Mr. HARTKE. That was the so-called stroke.

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. What was spoken of in the committee as being a stroke.

Mr. LONG of Louisiana. They got in the first stroke.

Mr. HARTKE. Yes. This started with a man named Bladen, who was one of the experts named to find out how Canada could obtain a bigger portion or share of the production of automobiles for Canada.

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. Is that correct?

Mr. LONG of Louisiana. I would assume so.

Mr. HARTKE. They started with this system: First, they tried to make certain that more of the automobiles that are sold in Canada were built in Canada. Is not that true?

Mr. LONG of Louisiana. Thou sayest it. I will tell the Senator what Jesus said to Pontius Pilate. Pontius Pilate asked Jesus: "Art Thou the King of the Jews?"

Jesus answered: "Thou sayest it."

He meant, "That is your opinion; I am not arguing about it."

Mr. HARTKE. This is a Jewish holiday. I think it is fine for us to honor the Jews on Jewish New Year.

But let me return to the point that so far as the first stroke was concerned, Canada said it was going to get a bigger share of the automobile market.

Mr. LONG of Louisiana. They were in a position to do so.

Mr. HARTKE. Perhaps they were; perhaps they were not. Louisiana produces paper products and wood and woodpulp, does it not?

Mr. LONG of Louisiana. It does.

Mr. HARTKE. In the balance-of-payments situation and the balance-of-trade situation, which is the larger deficit that the United States has in regard to Canada? Is it on paper products and wood? Or is the deficit that Canada has with respect to the United States on automobiles and automobile parts?

Mr. LONG of Louisiana. I see what the Senator from Indiana is getting at. If a first-class trade war should be started between the United States and Canada, Louisiana might be one of the States to benefit. I am not sure that anybody would benefit much. But if a first-class trade war were started between the two countries, Louisiana and probably most of the other Southern States would benefit from it.

Mr. HARTKE. I am not interested in a trade war; I am trying to get the facts about a trade agreement, if one were in existence, so far as the trade balance is concerned—not the balance of payments, but the trade balance. In relation to paper and paper products, is there not more dollar value in favor of Canada than there is in favor of the United States in regard to automobile parts?

Mr. LONG of Louisiana. Yes. I regret to say that paper and paper products constitute a much lower wage-paying industry. Those in that industry want Congress to maintain the 12-employee exemption for paper and paper products companies. But as between two industries, most people would prefer to trade on a basis that if one produces paper and the other produces automobiles—and as the Senator well knows, the automobile industry is a high-wage industry, and that, in large measure, is because of the work of the fine unions——

Mr. HARTKE. How much of a trade barrier has the United States on pulpwood and newsprint imports?

Mr. LONG of Louisiana. I will obtain that information and make it available to the Senator.

Mr. HARTKE. I can tell the Senator: There is none. We have not erected any barriers against Canada, because Canada happens to have a favorable balance of trade in relation to pulpwood and newsprint. But the Bladen report——

Mr. LONG of Louisiana. When we were afraid that Canada might ship particleboard into the United States, I supported the industry and raised the tariff because people from some of the States where particleboard is produced might have been adversely affected. Nations have a right to move against one another if they wish to do so.

Mr. HARTKE. I understand. Will not the Senator from Louisiana agree that the action taken by Canada was unilateral?

Mr. LONG of Louisiana. The Senator is correct.

Mr. HARTKE. Is it not true that it was in violation of all our trade agreements?

Mr. LONG of Louisiana. We did not like it; we thought Canada was wrong and should not have taken such action. But we understand why the action was taken. We did not think it was right for Canada to take it, and we did not appreciate it.

Mr. HARTKE. They went into this system after they had obtained an export bounty.

Mr. LONG of Louisiana. They handled the tariff schedule in such a way that they were subsidizing the export of automobile parts manufactured in Canada, most of which were used in the United States.

Mr. HARTKE. Under the Tariff Act of 1930, if the Secretary of the Treasury had done what was required under the law, he would have interposed countervailing duties, in view of the fact that this subsidy was given by Canada.

Mr. LONG of Louisiana. Yes; and that would have started a trade war.

Mr. HARTKE. The whole point is that Canada got started on a unilateral scheme to produce in Canada more of the products that were being manufactured as parts and automobiles. They did this unilaterally, in violation of their agreement with the United States, in violation of our own law, and in violation of international trade laws. On top of everything else, they came back and increased tariffs all across the board in 1963 on autos and parts.

Mr. LONG of Louisiana. It is difficult to get Canada to obey the laws of the United States. We can urge it and advocate it, but Canada is a sovereign country and can do whatever it wishes to do, so far as our laws or her laws are concerned. From time to time, as the Senator knows, we have violated agreements ourselves. The Senator from Indiana was trying to protect an industry in his State a short time ago. As I recall, it was the plastic boots industry.

Mr. HARTKE. We made the tariff equal.

Mr. LONG of Louisiana. The executive branch of the Government said that that was a strong violation of the General Agreement on Tariffs and Trade, but the Senate passed the bill. We provided additional protection because the Senator from Indiana thought the industry was entitled to it.

Mr. HARTKE. Is it not true that this agreement was unilateral action by the Canadians?

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. It was designed to help their balance-of-payments situation and their balance-of-trade relations with respect to automobiles and automobile parts.

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. The net result is that Canada is going to have a bigger share of the North American automotive production.

Mr. LONG of Louisiana. Yes; and the whole automobile market in North America will be bigger. Because of the agreement, the United States will be producing more automobiles and providing more jobs, and so will Canada.

Mr. HARTKE. I am not willing to admit that. I want to establish the fact that Canada will be going from about 4 percent of the total North American market for automobile production to about 6 percent. Is not that true?

Mr. LONG of Louisiana. It is closer to 5 percent.

Mr. HARTKE. About 5½ percent.

Mr. LONG of Louisiana. Mr. President, Canada now consumes approximately 7 percent of the automobiles that are produced in the North American market. They produce about 4 percent.

Mr. HARTKE. The Senator is correct.

Mr. LONG of Louisiana. In my judgment, and I believe this is correct, no matter whether we pass this agreement or not, Canada will increase its production in the Canadian market.

What we want to protect and what we would protect with this agreement is the $580 million surplus of trade that we have in automotive products. It is impossible to predict precisely what the figures will be. However, we believe that we shall be able to protect the trade surplus on this item. That is an important purpose of the agreement from our point of view.

Mr. HARTKE. Mr. President, we have established now that this action was unilaterally taken by Canada, in an atmosphere in which they were trying to take a part of our market away from us. It was done to help their balance-of-payments situation and to help their balance of trade in relation to the automobile industry.

Mr. LONG of Louisiana. Mr. President, Canada is not the only country that takes unilateral action. I supported the so-called defense amendment because it would help to keep oil imports out of our country. That was a unilateral action taken by the United States. I am glad that we did it.

A short time ago the Senator from Indiana offered an amendment in the committee—and I believe I voted for it—to cut down on the amount of Canadian aluminum coming into the United States. If we had been successful, that would have been a unilateral action. The Senator from Indiana does it. The Senator from Louisiana does it. The Senate of the United States and the House of Representatives do it. Everybody who is trying to look after and protect the interests of the people he represents does this. He had better do it if he wants to stay here.

Mr. HARTKE. That is what I want to know. There are two sides to every question, and every agreement that the United States enters into should be fair. Two sides are negotiating. The United States should receive something out of that.

Mr. LONG of Louisiana. Mr. President, I think we would get a great deal out of it.

Mr. HARTKE. Mr. President, we would be reducing the balance-of-payments situation.

Mr. LONG of Louisiana. I believe that under this agreement we will retain the $580 million favorable balance of trade on this item.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I shall yield in a moment. Canada will produce more automobiles whether we move in this field or not.

Mr. HARTKE. Mr. President. I did not want to interrupt the speech of the Senator. However, two countries are negotiating with each other. We would be improving the Canadian balance-of-payments situation. If we are to improve their balance-of-payments situation, there is only one place from which that improvement could come, and that would be the United States. Is that a correct statement?

Mr. LONG of Louisiana. That is perhaps true. However, the reason that it is that way, as the Senator understands, is that Canada and our people trade with one another to a great extent.

Mr. HARTKE. I am not arguing that point.

Mr. LONG of Louisiana. For example, we have more trade with Canada than we have with any European nation.

Mr. HARTKE. I am not arguing that point. The true situation is that our balance-of-payments program will suffer. At the present moment it is the stated policy of the Treasury of the United States that we are trying to reduce our deficit, or increase the surplus, whichever way one wants to look at it. However, at least we are trying to increase our surplus account as far as the balance of payments is concerned with relation to other nations. This agreement entered into between two countries was designed to reduce the balance-of payments deficit of Canada, and that can be done only at the expense of the United States.

Mr. LONG of Louisiana. Mr. President, there was a famous Broadway stage show which had a song entitled "It Ain't Necessarily So." I believe the name of the show was "Porgy and Bess." I am reminded of the title of that song when I look at page 11 of the committee report. The Senator will note the tabulation on that page. This was from the testimony of a witness whom the Senator asked to come and testify.

The Senator from Indiana wanted an expert on the balance-of-payments situation so that the expert could inform us on the problem and how it would affect the balance-of-payments situation.

The witness appeared before the committee and had a prepared statement. The witness stated that they had analyzed the study of the situation, and that we have a favorable balance with Canada on automobiles this year in the amount of $581.1 million, and that it was estimated that under this agreement we would have a favorable balance with Canada on automobiles in 1968 of $580 million. There would be a difference of $1 million.

The witness went on to testify that after these automobile companies were able to fulfill the commitments that Canada had insisted upon as a part of the overall picture, from that point forward we could expect to expand our favorable balance-of-payments situation with Canada under this very agreement. Therefore, we would improve our position by a very great amount if we were to continue under this agreement. The agreement might be renegotiated, but if we were to continue with the agreement as it is, the witness estimated that after 1968 we would actually increase our favorable balance in dollars on this item.

Mr. HARTKE. Mr. President, the point is that if we deal with the balance of trade in automobiles and automobile parts, both sides cannot receive a bigger amount. One could show from a mathematical computation that it would be impossible to start with 100 percent and divide it up so that each side would receive 150 percent. The total of these figures would be 300 percent.

If we send automobiles and automobile parts into Canada, there will be a certain amount of dollar value involved. If they ship a certain amount back to us, there will be a certain amount of transit both ways, and it must add up to 100 percent. We cannot end with 150 percent.

Mr. LONG of Louisiana. Mr. President, I made the statement, and I stand by it. We will increase our production of automobiles and so will they. We expect to increase our automobile production by 6 or 7 percent a year and Canada expects to increase its automobile production by approximately 8 percent a year.

Canada will produce more automobiles because it will have a bigger market. We will sell more automobiles and automobile parts because it will have a bigger market.

Mr. HARTKE. Mr. President, I do not want to leave the balance-of-payments situation.

Mr. LONG of Louisiana. Incidentally, we estimate that 8-percent increase in the market, but we also estimate that as Canada, under this agreement, stops producing so many models and concentrates on a far lesser number of models, she will become more efficient, and the companies will be able to reduce prices. When that occurs, the price of Canadian automobiles will come down. That will bring about a bigger demand for automobiles. In that way, the public will get a better automobile for a lower price. That condition, when it exists, will mean that they will buy more automobiles and we will get many of the sales.

Mr. HARTKE. There is only 1 percent of the market.

Mr. LONG of Louisiana. A 100 percent of a big market is more than 100 percent of a small market.

Mr. HARTKE. A 100 percent is still 100 percent.

Mr. LONG of Louisiana. The Senator is correct.

Mr. HARTKE. There is no way to make it more.

Mr. LONG of Louisiana. If the Senator were to give me 100 percent of $50, that would be twice as much as 100 percent of $25.

Mr. HARTKE. If the Canadians had a balance-of-payments deficit of $500 million and were to double the amount, it would then become a deficit of $1 billion. There would still be the same balance-of-trade deficit and the same balance-of-payments deficit percentagewise. There would be no way to increase the percentage ad infinitum without coming up with one program or another.

Two nations cannot continue to increase their balance-of-payments situation to each other without one or the other being injured.

I yield to the Senator from Michigan.

Mr. LONG of Louisiana. Mr. President, I have the floor. I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. McNAMARA. Mr. President, I preface my remarks by saying that this is not an easy agreement for me to understand. I am sympathetic toward the Canadian side of this question.

I realize that they are our best customers. They are our best friends, generally, in international affairs. We have a common border that is easy to live with. I live on that border because I live in the city of Detroit.

I am not unfriendly to Canada. However, I should like to ask the Senator about the Studebaker Corp. Perhaps the Senator has already answered this question.

As I understand it from a report by the U.S. Tariff Commission, which I read, the Studebaker Corp. which moved its entire operation from the United States to Canada, could, under the agreement, bring cars into the United States duty free.

Mr. LONG of Louisiana. Under certain circumstances.

Mr. McNAMARA. Apparently the circumstances are the same for them as they are for the so-called Big Three—Ford, General Motors, and Chrysler—and even American Motors.

Mr. LONG of Louisiana. The Senator is correct.

Mr. HARTKE. When the Senator says that this would be true under certain circumstances, every company would bring them in certain circumstances.

Mr. LONG of Louisiana. Permit me to explain that to the Senator. It is not quite that simple. Studebaker buys parts in this country—frames, body stampings, transmissions, and carburetors. These things are dutiable in Canada unless the rebate plan applied.

They can send duty free into this country the automobiles that they were sending in previously over our tariff wall. However, they can buy automobile parts here duty free because of the agreement, and it is my belief that Detroit will sell Studebaker still more parts. Studebaker might even take an automobile which they have here and put that in Canada—duty free, and take one from Canada and put that automobile here duty free.

So they switch sometimes. The big advantage is that Canada can stop producing many models of automobiles, and concentrate on only a few. By doing that, they can achieve the economies of mass production, which then would bring down the cost of automobiles, and we hope bring them in line with ours, so that the people in Canada would then have automobiles at a lower cost.

Mr. McNAMARA. If the Senator will yield further, from now on, Studebaker does not manufacture any cars in this country; they are building all of their cars across the border. So they do not have this car that the Senator is talking about here to ship over here, and one to go back for it.

Nevertheless, under the proposed agreement, as the tariff report points out, they can ship cars into this country. Now, under the proposed agreement, automobile manufacturers can ship cars back and forth between countries, but Studebaker can ship them in even though they are not American made. This I do not understand.

Mr. LONG of Louisiana. I am confident that Studebaker buys a large quantity of parts in this country. It is true that Studebaker does not manufacture automobiles in the United States, but they buy many parts in the United States. They can bring parts up there, as I understand it, and then take an automobile of comparable value into the United States.

Mr. McNAMARA. Parts are things apart. Let us talk about automobiles for the present. I wish to talk about parts, and I expect to talk about parts at some length during the debate, but at the moment I am discussing the finished product.

The distinguished Senator from Louisiana makes reference to the large number of models provided in Canada, and that they could produce cars cheaper if they did not make so many models.

Why do they have to make so many models? Who determines how many models they are going to make? They do. Nobody else determines how many models they are going to make. Certainly, that applies to all automobile companies. If they make one model every 10 years, as some European companies do, it is cheaper. But they themselves determine how many models of cars they are going to make. I do not believe we should be concerned with that character of argument.

Mr. LONG of Louisiana. The Canadian consumer determines how many kinds of automobiles are to be made in Canada.

Mr. McNAMARA. Perhaps the consumer does; perhaps he does not. I do not agree that he does, any more than the American consumer does.

But I do not know why we should make such a point of this. We are not dictating to them, as far as I know. The American automobile manufacturers are not dictating to Canada how many models they can make. So that is a thing apart. They decide how many models they are going to make, whether they are going to make 3 or 300 models, and I do not know how that enters into the agreement.

But the people who are really going to be hurt, and the people who are going to lose many jobs in this country, are the parts manufacturers. Up to this point, I was talking about the complete car. It seems to me that we do not give enough consideration to the fact that we have more than 10 times the population of Canada in this country, and when we start "dividing the pie up," as the Senator has said, if we are going to get 10 pieces of the pie to the one the other fellow gets, that I can understand, because we have 10 times as many people, and we have a consumers' market more than 10 times as great as they have. But the ratio should be given some consideration.

I shall never understand the Studebaker situation. I do not believe the Senator has given me an answer to that question—how a strictly Canadian manufacturer can ship cars into this country duty free. If he can, then certainly the makers of the Volvo and the makers of the Volkswagen, could build plants in Canada. If Studebaker can put a plant in Canada, and ship its cars in duty free, I suppose that Volkswagen could put a plant in Canada and ship cars in duty free under this agreement. Then where shall we stop? We need to consider the matter very carefully.

I thank the Senator for yielding.

Mr. LONG of Louisiana. Mr. President, the agreement has been carefully examined. The Secretary of Labor testified that so far as he was concerned, he has 50,000 jobs at stake, American jobs which he is seeking to protect and will protect with this agreement. He says that the automobiles we are sending into the Canadian market, where we have a 10-to-1 advantage in our trade relations at this point——

Mr. McNAMARA. And we should have.

Mr. LONG of Louisiana. I suppose if I came from Michigan, I would say that we should have a 10-to-1 advantage over everybody.

Mr. McNAMARA. Will the Senator yield? If we are going to talk about markets, the market is the people, and the advantage is 10 to 1 in the market. It is more than that, if we consider the economies of the two countries.

Mr. LONG of Louisiana. We sell a world of American automobiles to the Canadian market. We are going to continue doing it, and Canada is going to sell some to us. They are going to trade some with us. But as the matter stands now, we are shipping them about 10 times as much in the way of automobiles and automobile parts as we did, and we expect to continue this favorable balance, in dollar terms. The question has been studied.

But suppose we get into a trade war, where we cannot work out our differences with Canada, and we stop trading in automobiles. Suppose it works out with Canada the way it is working out now with Australia. Australia has imposed a requirement that, year after year, automobiles manufactured in Australia must contain a higher and higher component of Australian parts, until 95 percent of the parts are manufactured in Australia.

How much would that help Detroit? It seems to me it would not help Detroit to continue that process. The same is true of Brazil. A manufacturer begins to manufacture automobiles down there, and Brazil gives some protection. Suppose American manufacturers move into Brazil, and become established down there, and then the Brazilian Government requires that their automobiles be manufactured of 80 percent Brazilian components, and then 90 percent. Finally it reaches 100 percent, and all components, everything from the top to the rubber on the tires, must be manufactured in Brazil. So now we are out of that market. That happened. Consider what that did to Detroit. It lost many sales; about $60 million in sales.

We cannot meet the competition of those countries in Michigan. The manufacture of automobiles begins in Argentina; then Argentina institutes a requirement that automobiles manufactured in Argentina be manufactured 90 percent of components produced in that country. Then there follows a further loss of business, and a further loss of jobs, in Michigan and Detroit.

We are seeking to protect that kind of market. It is their market. They own it. Some people seem to think we own the Canadian market, just as some people seem to think we owned the Brazilian market. Brazil showed us that we did not own their country. Australia is doing the same thing now. They have the right to do that. It is a highly competitive industry, and this country can be put out of it.

What we are trying to do is to protect the situation. The Secretary of Labor has said, "Senator, we have 50,000 jobs at stake. There are 25,000 jobs in the manufacturing and assembling of automobiles, and 25,000 jobs in steel companies that make parts which are fabricated into automobiles."

Walter Reuther thinks this is all right. He represents the automobile workers in both Canada and in the United States. Practically all the labor groups think that, on the whole, this is a good agreement for both sides.

Mr. McNAMARA. I agree with the Senator that on the whole it is a good agreement. I have some questions, and I do not believe the Senator has been able to answer my questions.

Mr. LONG of Louisiana. If I did not do so, it is because of my meager ability and the fact that I cannot be the expert on automobiles that I would like to be on oil and gas, which come from my State. What I am trying to do is to do everything possible to help the State of Michigan and its economy.

Mr. McNAMARA. I am sure the Senator's heart is in the right place. I appreciate what the Senator is trying to do. He has just said that the Secretary of Labor told him that there were a great many jobs involved. I am concerned with the jobs. I know that Eaton Axle Co. in Detroit is going out of business. They employ 350 men. Their jobs will be transferred to Canada, largely because of the agreement we are discussing. We know about the Studebaker Co. That involved 12,000 jobs. A great many jobs are involved.

All this will react badly on us.

Mr. LONG of Louisiana. The Studebaker move preceded the agreement. The agreement has been in effect for only 6 months, and we have been told that 40,000 more jobs are available now in the automobile industry by reason of this agreement than were available 6 months ago. Therefore, we are not doing too badly. Forty thousand more jobs have been made available.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. We will have even more jobs available as time goes by. That is what the projection has been.

Mr. McNAMARA. I believe we probably would have had 50,000 jobs, rather than 40,000 jobs, due to a pickup in the economy.

Mr. LONG of Louisiana. Let me say to the Senator from Michigan that a considerable part of the increase in those 40,000 jobs was due to the increased shipment of automobiles into Canada which has been going on for the 6 months that this agreement has been in effect. That is another reason why we have the 40,000 more jobs.

If we look at the various possibilities, I believe that anyone can see that we have a big stake to protect. We wish to keep the Canadian market so far as possible. Between the two alternatives of stroke and counterstroke, of Canada striking at us and we striking back at her, the areas which produce the automobiles could be the ones to be the big losers, because we have a big and favorable balance of trade. Industry believes that this is the way to do it, and so does labor and Government.

Mr. MORSE. Mr. President, will the Senator from Louisiana yield to me without losing the floor?

Mr. LONG of Louisiana. I yield with that understanding.

HOUSE RESOLUTION 560 AND THE RIO TREATY

Mr. MORSE. Mr. President, I thank the Senator from Louisiana for yielding to me. I sent this speech to the press galleries early today, and I have been trying to find time since then to deliver it.

Mr. President, on September 20, by a vote of 312 to 52, the House of Representatives passed House Resolution 560 expressing the sense of the House that any party to the Rio Treaty "could go so far as resort to armed force, to forestall or combat intervention, domination, control, and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere."

The plain implication of the resolution is that any party to the Rio Treaty is entitled to make its own determination as to whether even a threat of subversion in the territory of another party to the treaty requires or justifies unilateral military intervention by the first party.

This is a clear perversion of the Rio Treaty, which is based on the principle of collective security instead of individual action.

The reaction in Latin America has been predictable. From left to right across the political spectrum, Latin Americans have united in denouncing the reactionary and illegal doctrine thus set forth. The congresses of Peru and Colombia have unanimously passed resolutions to this effect. In the case of Colombia, at least, this marked the first time in years, so far as I am aware, that the Colombian Congress has been unanimous on anything. I ask unanimous consent that there be included at the conclusion of my remarks sundry newspaper articles on this subject.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, as chairman of the Subcommittee on American Republics Affairs of the Senate Committee on Foreign Relations, I want to take this opportunity to say to Latin America that the House of Representatives does not make U.S. foreign policy and that it does not speak for the U.S. Government in matters of foreign policy.

And I want to say to the anti-Communist zealots in the United States that actions such as this generate more support for communism in Latin America in an afternoon than all the agents of Moscow, Peiping, and Havana can generate in a month. The point of view reflected in House Resolution 560 is a reversion to the 19th century. It cannot be sustained in the 20th century on either legal, moral, or practical grounds.

When are we going to accept the fact, Mr. President, that the dominant characteristic of Latin America in this decade of the 20th century is profound and irreversible change, accompanied by a mounting desire that the change proceed faster rather than slower? When are we going to learn that we can successfully compete with Communists in influencing the nature and direction of that change, but that we can never compete simply by opposing all change?

I had thought this question had been settled in the Alliance for Progress and in the Charter of Punta del Este in which the nations of the OAS pledged themselves to truly revolutionary policies aimed at liberal, democratic social and economic reforms. Are we going to spend hundreds of millions of public money to foster these policies and at the same time send in U.S. troops to forestall them when they begin to show results?

In its successive actions dealing with genuinely subversive threats from Castro's Cuba, the OAS has repeatedly shown itself capable, within the spirit and the letter of its Charter and of the Rio Treaty, of coping with the threat of external communism. To revert now to unilateral action is to throw overboard the multilateral framework which has been so painstakingly erected in the Western Hemisphere, and to help, rather than hinder, the advance of communism.

The message which House Resolution 560 carries to Latin America is that only Uncle Sam knows best. Latin Americans do not accept that any more; there is no reason why they should accept it; and we do both ourselves and them an injustice when we proclaim it.

The fact that the Department of State declined to express opposition to the resolution when its views were requested by House Members brings into serious doubt the allegation that the resolution does not reflect administration policy. It brings into serious doubt the support of the administration for the purposes and objectives of the Alliance for Progress itself, for those purposes and objectives are the displacement of the oligarchs that have kept the people of Latin America serfs to the soil and furnished the seedbed not of freedom but of communism in the hemisphere.

Mr. President, my subcommittee is going to find out where the State Department stands. I serve notice on the State Department this afternoon that I am calling for an early meeting of my subcommittee, and I wish Dean Rusk to decide whom he wishes to send to that subcommittee meeting, for he is going to send someone. That subcommittee is going to find out from the Secretary of State, through his spokesman—or through the Secretary himself, perhaps—just where they stand on this House resolution. Are they for it, or are they against it?

Are they for modifications of it, or do they wish the House resolution to stand, as notice to Latin America that the United States is walking out on the Rio Treaty?

The State Department cannot support that resolution and support the Rio Treaty, let me say to the Secretary of State. Therefore, I wish to know whom the Secretary of State is going to send. Tomorrow afternoon at 4:30, or Thursday at 4:30—I prefer the meeting tomorrow afternoon at 4:30—I wish to know where the State Department stands on the House resolution.

Mr. President, this resolution is going to do irreparable harm throughout Latin America unless the Johnson administration repudiates it forthwith.

The Johnson administration cannot stand neutral on that resolution. The Johnson administration is either for or against unilateral intervention in a Latin American country if some Latin American country or the United States decides that a revolution that it considers Communist dominated is about to take place in that country. The oligarchs will like it. The military juntas will like it. But this is the way for the United States to lose whatever influence it has in Latin America; and it does not have as much as it did 6 months or a year ago. The Dominican Republic incident took care of that. Our friends in Latin America want us to tell them where we stand. The House resolution has already jeopardized the convening of the foreign ministers' conference in November, and the conference has already been postponed three or four times.

There is already talk that we had better postpone that one, because of the bad feeling that exists in Latin America at this very hour. Diplomats say that we had better not send anyone to the foreign ministers conference, because if we do that conference will be turned into an anti-American conference.

Mr. President, I do not know what is getting into the State Department, where it can remain silent on a question of such importance to the Rio Treaty, the OAS Charter, the act of Punta del Este, and the act of Bogotá. Mr. President, I was present at the negotiation of some of those treaties.

This resolution cannot be reconciled with the act of Punta del Este or the act of Bogotá. This resolution cannot be reconciled with the act of Washington that was consummated a year ago when the foreign ministers were meeting here with reference to a crisis in Latin America.

The State Department must make clear that we are retreating from a policy of unilateral intervention in Latin America, for if we do not retreat from it, we are going to be thrown out of Latin America, just as Prince Sihanuk threw us out of Cambodia. I have an insertion to place later in the RECORD in connection with that matter.

Mr. President, look at the hemisphere, and you do not find any threat of communism in Canada, nor in Mexico, nor in Costa Rica, where economic freedom and progress are fostered. You find the threat of communism in those countries where a small handful of the population is trying desperately to hang on to its position of economic privilege and political control. Communism thrives on those conditions, and it thrives even more when the greatest capitalist of them all, the United States, throws its military might into the preservation of those oligarchies of economic privilege.

Passage of this resolution will make adherents and sympathizers for communism faster than the Alliance for Progress will head them off. It is the kind of flagwaving that defeats more than it achieves for American interests.

My plea is that the State Department and the Johnson administration let the news go out to Latin America that we are repledging ourselves in full to the objectives of the Alliance for Progress provisions as envisioned by that late great President, John Fitzgerald Kennedy, when he announced to Latin America the Alliance for Progress, built upon the primary foundation of economic freedom in Latin America, so the masses of Latin America can enjoy for the first time in that part of the hemisphere the fruits of economic and political freedom.

Let the State Department send forthwith the message that we stand, without change, for our commitments under the Rio Treaty. Let the State Department send forth word, in view of the unfortunate resolution of the House, that we stand squarely behind the Charters of Punta del Este and Bogotá. Let the State Department send forthwith to Latin America the message that we stand foursquare behind the OAS Charter. Let it send forth word that, under our treaty obligations which we have assumed, we reject unilateral action or military intervention.

The resolution adopted by the House gives credence to the shocking idea that we support military intervention on a unilateral basis by any country in the Western Hemisphere that reaches the judgment that a military junta or a powerful oligarchical force threatens to be overthrown by communism. They ought to be overthrown, but not by communism. They ought to be overthrown by peaceful means, and they will be overthrown if the Alliance for Progress as it was envisioned is carried out by the United States.

So I ask, Mr. Rusk, where do you stand? You have had much to say, as Secretary of State, about neutral nations, nations that take neutral positions on issues in reference to the United States. I ask you, Mr. Secretary, are you neutral on the House of Representatives resolution? Are you neutral on the recommendation of the House of Representatives that any country in the Western Hemisphere should consider it has the right to engage in unilateral intervention if it decides that some country in Latin America, or some government in Latin America, is about to be overthrown by Communist influence?

[From the Baltimore (Md.) Sun, Sept. 23, 1965]

EXHIBIT 1

U.S. PLAN GETS ICY RECEPTION AMONG LATINS—HOUSE RESOLUTION TO CURB RED THREATS CRITICIZED

(By Nathan Miller)

RIO DE JANEIRO, September 22.—First Latin American reaction to a U.S. House of Representatives resolution giving any hemispheric nation the right to intervene in another to prevent a Communist takeover has been overwhelmingly negative.

In both Brazil and Colombia, newspapers have strongly criticized the resolution which was passed Monday by a 312-to-52 margin, and the Colombian Congress today passed resolutions rejecting it as against the political and juridical system of the hemisphere.

The U.S. congressional resolution is not binding on American policy but Latin Americans criticized it as a return to the "big stick" policy of the past.

ALL KINDS OF DOUBTS

Senator Julio Cesar Turbay, a former Colombian Foreign Minister, launched the debate on the action of the U.S. Congress and was immediately supported by all political factions on the right and left.

"The resolution of the U.S. House of Representatives causes all kinds of doubts and apprehensions," he said. Fernando Gomez Martinez, the outgoing Foreign Minister, said it was "an inexplicable retrogression for the inter-American juridical system."

The Colombian Senate said it "considers that within the system of collective security all countries have sufficient assurance of their protection against any internal or extracontinental aggression."

LANGUAGE CALLED VAGUE

In Brazil, the pro-Government Jornal Do Brasil said that the House, by approving the resolution, had created difficulties for the twice postponed hemispheric foreign ministers meeting which may now be held here beginning November 17.

It called the language of the resolution vague, said it does not define what constitutes the threat of subversion, adding further confusion to the field of inter-American law.

NOTHING LEFT

The paper was also critical of the move on grounds that the House acted unilaterally and ignored existing treaties and agreements. The paper maintained the action was more important than it appeared because the executive branch depends on support from the legislative branch for support of its foreign policy.

On the left, the anti-Government Ultima Hora said the resolution consigns all attempts to establish an inter-American juridical system to the museum.

It claimed that the charter of the Organization of American States had been annulled by the U.S. intervention in the Dominican Republic and it is now dead. There is nothing left.

We are back in the time of the Monroe Doctrine. Matters of common interest to the hemisphere are not decided by the nations which compose it but only by the U.S. Government.

Strong comment also came from the leading Colombian paper, El Tiempo, which said this is a serious step backward * * * we had supposed that the United States after the failure of the intervention in Santo Domingo would abandon its erroneous and abusive policy.

[From the Washington (D.C.) Post, Sept. 24, 1965]

LATIN AMERICAN ANGER BRINGS REACTION ON HILL

(By John M. Goshko)

Administration efforts to affirm good will toward Latin America as being swamped in a flood of Latin anger over a House of Representatives resolution approving the use of force in any American nation threatened by a Communist takeover.

As of last night, the congresses of two Latin countries—Peru and Colombia—had passed unanimous resolutions of their own denouncing the House action.

And the press and political sector in the rest of Latin America have started to produce anti-American criticism more intense than anything since the U.S. intervention in the Dominican Republic last April.

CLARIFICATION ASKED

So intense has been the outcry that Senator Jacob K. Javits, Republican, of New York, rose in the Senate yesterday to appeal for clarification of the confusion "about what our policy now really is toward Latin America."

On Monday, after almost no discussion, the resolution passed the House by an overwhelming vote. It says that any hemispheric country is justified in unilateral use of force to combat Communist subversion. Before passage the State Department expressed neither approval nor dissent.

The resolution merely expresses the feeling of the House and is not binding on administration policy. However, the Latins seem to regard it as an invitation to ignore the provisions in the Organization of American States Charter forbidding intervention in the internal affairs of any member state.

CONFERENCE MAY BE DELAYED

For this reason, several Latin governments already have suggested privately that the Inter-American Conference of Foreign Ministers, unofficially expected to begin in November, be put off until next March. Otherwise, these governments have warned, the conference probably will bog down in anti-U.S. recrimination.

If the postponement takes place, it would mark an ironic ending to a month that the administration had earmarked as a time for reemphasizing hemispheric solidarity.

To this end, the administration staged a glittering White House reception and a major speech by President Johnson to mark the fourth anniversary of the Alliance for Progress. President Johnson also sent Jack Hood Vaughn, Assistant Secretary of State for Inter-American Affairs, on a whirlwind good will tour of Latin America.

Things began coming apart 2 weeks ago, however, when Senator J. William Fulbright, chairman of the Senate Foreign Relations Committee, delivered his attack on the Santo Domingo intervention. Then, in the midst of the controversy surrounding Fulbright's speech, the House pushed through the resolution sponsored by Representative Armistead I. Selden, Jr., Democrat, of Alabama, chairman of its Inter-American Affairs Subcommittee.

Yesterday, as reports from almost every Latin capital told of rising anger, the subject continued to occupy the attention of U.S. Congressmen.

Javits criticized the House resolution as "particularly unfortunate" and said that if U.S. policy was as stated in the resolution, it would justify criticism that Washington is opposed to progressive forces in Latin America.

The New York Republican called for clarification of the U.S. stance through a Senate resolution that would reaffirm the faith of Congress in the Alliance for Progress as "the framework for nonviolent but accelerated social and economic development of Latin America."

In the House, however, Selden continued to press the view of the congressional faction concerned about communism in the hemisphere. In a lengthy speech, he defended the administration against Fulbright's attack and reechoed charges that a background document published by Fulbright's committee was compiled primarily from press sources hostile to U.S. actions in Santo Domingo.

While this battling went on, the administration continued to maintain its almost total silence about the resolution. The State Department's only comment has been to say it agrees with the aims but feels that the wording is open to unfortunate interpretations.

What some of these interpretations are was made clear by yesterday's reports from Latin America. The resolution passed by the Peruvian Parliament called the House action "American imperialism in hemisphere affairs," while that adopted in Colombia described it as "openly regressive and contrary to the juridical and political system of Latin America."

[From the Christian Science Monitor, Sept. 25, 1965]

A MISSTEP BY THE HOUSE

As expected, Latin Americans are burned up over the resolution by the U.S. House of Representatives favoring unilateral intervention to prevent Communist takeovers anywhere in the Western Hemisphere. Some countries have passed resolutions of their own condemning the House action. As this is written no Latin-American country had come out in support of it.

The dismay of the United States' southern neighbors is understandable. For the resolution does not merely express the feeling that the Congressmen's own country should use force to stop communism in other independent countries. Which in itself would be a dubious help to hemisphere relations even if official judgments on the degree of Communist threat were less controversial than in the recent Dominican situation.

But the House went further to say it thought any American nation was justified in stepping in when any other nation in the hemisphere was threatened. Does this mean that if Colombia thinks Venezuela is going to be taken over, the Congressmen would want Colombia to intervene? In the unlikely event that the CIA tells Washington that Canada is going Communist, would the Congressmen want their own troops to cross their northern border?

The sponsor of the resolution said its purpose was "to make clear to Communists that they cannot count on the principle of nonintervention to shield their takeover of a hemisphere country." It is not intended to be binding on the administration.

We share the feeling that Communists should know the United States and its allies are resolute in opposition to Communist takeover. However, the role of the House should not be to make unimplemented statements alienating lands who want to be assured that the tactics of democracy are more principled than those of communism. Rather the House should show its entirely proper concern by initiating or supporting legislation to strengthen the hand of the administration in dealing with each crisis in appropriate terms—legislation to firm up the alliance rather than add further internal tensions.

[From the Christian Science Monitor, Sept. 25, 1965]

LATIN AMERICA STEAMS—WAR OF RESOLUTIONS

(By Richard L. Strout)

Washington.—The House of Representatives has passed a resolution against communism in the Western Hemisphere which is bringing cries of Yankee imperialism from all over Latin America.

The congresses of Peru and Colombia have passed counterresolutions. How far the war of resolutions and legislative tit-for-tat will go is unknown.

The House resolution promulgates a policy of unilateral intervention by the United States to head off communism in any American state as contrary to the Monroe Doctrine.

It announces as the sense of the House of Representatives that the United States, either alone or collectively, may take steps to forestall or combat intervention, domination, control and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere.

Without apparent consultation with the State Department, the White House, or its sister legislative body, the Senate, which normally deals with foreign affairs, the House, with a brief debate filling only 15 pages of the Congressional Record, passed the policy statement 312 to 52, with 3 answering present, and 65 not voting.

HOSTILE PRESS REACTION

The reaction from Latin America was predictable according to those familiar with the highly sensitive and suspicious attitude of most South American countries on these matters.

What seems like a reasonable denunciation of communism in Washington looked like an unwarranted announcement by the "colossus of the North of an intention to interfere at will in the affairs of independent, sovereign nations.

According to press dispatches, Latin American newspapers from left to right are hostile and there has been no favorable comment.

Peru's lower house of Parliament voted to protest and reject the resolution, saying it was American imperialism in hemisphere affairs. It calls the U.S. move pretentious.

An official of the Argentine Government quoted by the Associated Press said he found the resolution "baffling." "It will give Communists and leftists fresh ammuntion," he said. "It can result in renewed attacks against the United States."

The U.S. House action does not have the force of law. For most Members it was just a momentary outburst, probably provoked by the debate in the Senate over the Santo Domingo crisis, precipitated in turn by Senator J. W. FULBRIGHT, Democrat, of Arkansas, chairman of the Foreign Relations Committee.

Ironically, Senator FULBRIGHT pleaded with the U.S. Government not to take one-sided action which, he argued, aided communism rather than injured it by wounding sensibilities of Latin American neighbors.

Congress is debating whether to put a ceiling on Western Hemisphere immigration for the first time, like that imposed on the rest of the world.

LEGISLATIVE COMMENT

The resolution was introduced September 20 by Representative ARMISTEAD I. SELDEN, JR., Democrat, of Alabama, member of the Foreign Affairs Committee. It was at once challenged by Representative DONALD M. FRASER, Democrat, of Minnesota, and other committee members.

Neither the administration nor the State Department apparently intervened in the sudden affair. Representative JOHN BRADEMAS, Democrat, of Indiana, urged it to put "a little backbone" in State Department policies.

Republican Spokesman GERALD R. FORD of Michigan favored the resolution because, he said, it reaffirms the Monroe Doctrine. He interpreted it also as calling for "collective action," though he charged that the report on which it was based was "badly written." The report was prepared by the House Subcommittee on Inter-American Affairs.

Latin America has long been restive under the Monroe Doctrine, arguing that it was a unilateral declaration which gave the United States an all-season hunting license to intervene with marines in Latin-American affairs.

In recent years the United States has tactfully pushed collective action. Senator FULBRIGHT, however, asked whether President Johnson's intervention in Santo Domingo was a return to the former one-sided policy, which the Senator condemned.

Typical comments during House debate on the Selden resolution:

Mr. SELDEN. "A recognition of this country's primary obligations to our own security and that of the hemisphere * * * breaks no fresh policy ground."

Mr. FRASER. "Very badly worded."

Representative BENJAMIN S. ROSENTHAL, Democrat, of New York. "Undercuts the principled commitments of American diplomacy in Latin America."

Representative DANIEL J. FLOOD, Democrat, of Pennsylvania. "An extension of a sacred American doctrine, the Monroe Doctrine."

[From the Washington (D.C.) Post,
Sept. 28, 1965]

HAIL TO THE HOUSE

(By Art Buchwald)

Last week the House of Representatives passed, overwhelmingly, a resolution calling for the use of force by any American nation, if necessary, to prevent a Communist takeover in any Western Hemisphere country. The resolution, sponsored by Representative ARMISTEAD I. SELDEN, JR., of Alabama, has produced a furor in Latin America, and almost every country has denounced it. It has also caused new criticism of the United States Latin American policy.

Despite this, I am happy to report that the Republic of Enchilada is not only supporting the House of Representatives resolution, but also is planning to act on it. It has never been a secret that Enchilada's arch enemy is Upper Tamale, which lies just across the vale of Chili.

For years Enchilada and Upper Tamale have had a border dispute about the vale, and Enchilada has been looking for an excuse to attack Upper Tamale. But they have been held back by the OAS treaty that forbids one country in the Western Hemisphere from attacking another.

As soon as the resolution was passed, Gen. El Finco, the president of Enchilada, called his Parliament, which he had dissolved 4 months ago, back into session, and in an impassioned pro-U.S. speech said:

"Thanks to the American House of Representatives, which has just passed a resolution saying any American republic can attack any other American republic if there is a question of a Communist government, I am suggesting we attack Upper Tamale immediately. As everyone in Enchilada knows, Upper Tamale is lousy with Communists, and its leader, General Frijoles, is nothing more than a Castro pawn who would enslave all of South America.

"It is the duty of Enchiladans to wipe out the forces of subversion in this hemisphere no matter where they might be and I am asking the United States through the Alliance for Progress to send us 200 B–52 bombers, 400 Patton tanks, and 1,000 Hawk missiles to see that this menace is eradicated, so that all of South America may live in peace and freedom. I am also asking this Parliament to pass unanimously a resolution thanking the American legislators for making this attack on Upper Tamale possible."

President El Finco not only got a standing ovation, but was carried out of the Parliament Building on the shoulders of his personal bodyguard. Only three students were killed during the demonstration.

But at the moment that General El Finco was speaking in Enchilada, General Frijoles was addressing his senate.

He told them:

"I am happy to announce today that the mother of all freedom-loving countries in South America, our own Upper Tamale, is now prepared to strike a blow against communism in the vale of Chili. The leftist-dominated, Red-infiltrated subversive government of Enchilada must be taught a lesson once and for all.

"I hold here in my hand evidence that General El Finco is the illegitimate son of Mao Tse-tung. We can no longer sit idly by and see a Communist takeover of Enchilada. Our Ambassador in Washington is now negotiating through the Alliance for Progress for 250 fighter planes, 100 nuclear submarines, and 350 tons of nauseous tear gas, which we will use to wipe Enchilada off the face of the earth."

The Upper Tamale Senate passed a resolution in support of General Frijoles. This made him so pleased he gave an amnesty to 5,000 members of the opposition political party who had been languishing in jail.

To show his gratitude to the U.S. House of Representatives, General Frijoles ordered his students not to burn down a USIA library for 30 days.

So, while many South American countries may be critical of the Selden resolution, there are at least two Latin countries that are for it. There won't be a "commie government" safe in South America after this.

It is easy to take a resolution such as this and then wave the flag with a flourish of superpatriotism and say to the people back in the home State that a Member of Congress represents, "Oh, I voted for the resolution, but I only went on record against communism." What they had gone on record for aids and abets communism, because the resolution jeopardizes the best interests of freedom in Latin America and sets back our friends in Latin America who are operating democratic governments.

So I think it is fitting to have inserted in the RECORD a translation that I have asked the Library of Congress to prepare for me in regard to an article by the Prince of Cambodia, "The Failure of the United States in the Third World."

Mr. President, this is the prince of a little country next to South Vietnam which told the United States to get out. Prince Sihanuk in this article points out that the U.S. policies in southeast Asia are inimical to the best interests of the future development of southeast Asia. The State Department likes to belittle this Prince of Cambodia as erratic and unstable. I have heard that description of him presented to the Foreign Relations Committee. Nevertheless, Mr. President, Sihanuk's country is one of the "dominoes" about which we have heard for so many years. It is one of the countries we are supposed to be saving from communism with our war in South Vietnam.

But more people should read Prince Sihanuk's appraisal of our crusade, so I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FAILURE OF THE UNITED STATES IN THE "THIRD WORLD"—SEEN THROUGH THE LESSON OF CAMBODIA [1]

(By Norodom Sihanuk)

The Americans, who think they have all the resources for defending their cause and establishing their influence in the nations of the "third world" at the expense of the Socialist camp, are literally furious because they have known nothing but humiliating failures there, as in our country, for instance.

Undeniably they are very smart in the art of making money in business and industry, but when it comes to foreign policy they are intellectually not capable of understanding the reason for their failures and of learning from them in order to avoid further failures.

Many—and not the least of them—refuse to recognize their mistakes, and place the responsibility for their failure on the people whose hearts their country has been unable to win. They then call those countries "ingrates," even "seller-outers to communism."

"Ingratitude" is the first reproach—in plain words or in-between-the-lines—addressed by the Americans to those who have, for some reason or other, benefited from their aid and who then find themselves forced to adopt a cautious and sometimes hostile attitude toward them.

The American (and pro-American) newspapers keep on addressing that reproach to us. Mr. Dean Rusk himself, in the letter which he wrote to our Government on the occasion of the breaking of relations between our two countries, did not fail to remind us that the United States had given us substantial funds since 1955.

However poor psychologists they may be, the Americans ought to remember this proverb which every schoolboy in the world has learned: "It is not the gift that counts; it is the way in which it is given."

On extending American generosity to the "third world," President Johnson said, in substance, "We are a white, rich, and advanced Nation. You are a colored, poor, and backward country. Because we are civilized, we are giving you our pity and our money. However, you must show us the gratitude that a poor man owes the generous and important man who helps him. The least you can do, however, is to approve everything we do, without ever criticizing us. You must help us repel communism in your zone. And don't you ever forget it, if your stomach is less empty, if you have weapons for fighting the Reds and your rebels, if your country can become modernized, you owe it to us, the Americans."

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[1] Source: Kambuya (illustrated monthly), August 15, 1965, editorial, pp. 19–25; translated from French by Elizabeth Hanunian.

A person like Chou En-lai, on the other hand, said to us something like the following: "The aid which we take the liberty of offering to you is not what we would like it to be. It is too modest, as compared with our feelings of friendship and esteem for you, and we thank you for being so kind as to accept it. We must make it clear to you that there are absolutely no strings attached to that aid, and that you are not required to give anything in return. It is an honor for us to be able to contribute, in an extremely small way, to your national construction (or defense) effort.

"We know that your progress is due solely to your own efforts, to the work and the sacrifices of your people. We greatly appreciate your friendship, but we do not demand that it be exclusive. We respect your nonalinement and understand very well that you have other good friends, even among the powers of the free world."

You will note the difference in the ways of giving. On one side we are being humiliated, we are given a lecture, we are required to give something in return. On the other side, not only is our dignity as poor people being preserved, but our self-esteem is being flattered—and human beings have their weaknesses, and it would be futile to try to eradicate.

As impossible it is for a Johnson to hide his pride of being rich, white, and powerful, it is just as impossible for us khmers to control our incoercible need for saving our dignity. For, while the rich, when he loses his honor still remains rich, the poor loses his last justification for existence.

Hence it is easy to understand that we would rather have a single Chinese yuan offered with tact than, let us say, 100 American dollars brutally thrown into our face.

If the Americans do not manage to understand us, let their friend and ally, President Diosdado Macapagal, of the Philippines, who will some day, in very similar terms, teach the overly insolent American journalists the same lesson, explain that phenomenon to them.

Another charge made by the Americans against the people who are under obligation to them and who nevertheless refuse to follow them in the domain of politics, is that they have sold out to the Communists.

Sold out—but to whom? No doubt, because the Yankees are businessmen to the highest bidder.

Well, on that count, we could only sell out to the Americans, for the Soviet or Chinese Communists will never be rich enough to compete with Uncle Sam.

Cambodia, in spite of her very bad relations with the United States of America, has remained resolutely allergic to communism. But, as Mr. Bertil Galland, a Swiss journalist, wrote with remarkable lucidity, the Americans don't know how to grab this chance (amazing for the free world) to have—not for them, but beside them—a Cambodia strongly attached to its monarchy.

"The Americans," that colleague writes, "ought to understand that the enthusiastic rallying of a people around their prince is a much more effective means for saving a country from communism than all the bombs of the Pentagon."

Not only does the United States of America not forgive Cambodia for being a friend of China, but it makes her furious to see the khmer people adulate—as they say—a leader who is not even republican (i.e., favoring the republic form of government), but a prince and a former king.

Mao Tse-tung takes pleasure in proclaiming that he prefers a prince refusing to aline himself with the United States of America to a plebeian throwing himself into the arms of SEATO—and that choice [preference] is full of significance and intelligence.

I have been assured on many occasions that if I were not the head of the nation, many of our workers, students, and intellectuals would have become Communist—being pushed into the Communist camp by the lack of understanding, distrust, and injustice of the Americans and their disciples.

The Communist powers know perfectly well that my presence in the government serves as a restraint on the communization of Cambodia.

But they are much too smart to fight me and our government right now. They still need me for a while; they need my uncompromising nationalism, for Cambodia to resist the pressures and provocations of the American camp.

By fighting me now, the Communist powers would certainly not throw me into the arms of the free world, even less into the arms of the Americans. But they would alienate the majority of the khmer people, of our clergy, of our army, and of our police, who are irreversibly nationalistic. And that mistake would create insurmountable difficulties for a seizure of power by the Red khmers of the pracheachon and by the extreme left of the sangkum. The dispute would enable the third thief—the United States of America, Bangkok, Saigon, Son Ngoc Thanh—if not to seize the power, at least to create a dangerous confusion in our country.

I think that socialism will leave us alone, at least until the departure (with no return) of the United States of America from Indochina, which will incite Thailand to proclaim herself more neutralist than we are.

Then Cambodia will be a ripe fruit for the Communists to savor without even going to the trouble of picking it, as the Red khmers will make it drop directly into their mouth.

In striking contrast with the shrewdness of the Socialist camp, the United States of America is, through the channel of the CIA, deploying a vast anti-Sihanuk operation, not so much from South Vietnam, which has more serious worries, as from Thailand, which had been relatively spared. I shall cite the secessionist subversion attempt in our Koh Kong Province and the transfer of liberation troops (our rebels) from the South Vietnamese frontiers, almost lined in their entirety by the Vietcong, to Thailand.

These liberators are now planted all along the Dangrek Chain, engaging in unrestrained anti-Sihanuk and pro-free world propaganda activities and attacking our border posts in order to save us from enslavement by Peiping.

The Americans are forgetting that by uprooting our monarchy and discouraging Sihanuk and the Sangkum, they are eliminating all obstacles to the communization of our country. For the arrival here of a Son Ngoc Thanh, and, even more, of a Sam Sary, would immediately throw our young people, our peasants, our workers, and even our clergy, into the arms of Peiping and, necessarily, of Hanoi.

It is quite obvious that the CIA has not learned anything from the lessons of Cuba and Santo Domingo.

Judging incorrigible the CIA would "sack me," as the saying goes, to get rid of me as well as of the Sangkum.

I am warning the Americans, so long as we can contain the attacks of the Thanh traitors, we will remain neutral. When we can no longer do so, we will be forced—for which the United States of America is to blame—to go over into the Socialist camp, as Cuba did in the same circumstances, as one of these days the Dominican Republic will do and other nations of Latin America for which the United States of America, as a Washington-type policeman, happily departed on a witch hunt.

This is not a paradox, but a reality: U.S. policy and U.S. aid are the greatest purveyors of communism.

The United States of America has only one policy: if one is not for her, it is because one is against her. She accepts no other solution, be it Gaullist France or Sihanukist Cambodia.

The publishers of big American newspapers have classified De Gaulle as enemy No. 3 of the peace—after Mao Tse-tung and Chou En-lai.

As for Sihanuk, head of a pocket-size kingdom, he does not deserve to figure in such a classification: he is quite simply the "lackey of Peiping."

De Gaulle's crime is to want a French—not an American or a Soviet—France.

Sihanuk's crime is to want a Cambodian Cambodia, escaping both the free world and the Communist camp.

Let us consider the case of President Nasser: he receives economic aid from the Soviets and the Chinese, though he is extremely hard on the local Communists whom he has outlawed and forced to join the country's only party.

The Communist powers have made no remonstrations, or remarks, on this matter, and imperturbably continue to give him considerable aid and unflinching political support.

For much less serious reasons, the United States of America is threatening to cut off aid to Nasser, Sukarno, and others. Nobody knows as yet the result of that absurd method of procedure.

What is wrong with the Americans is that they have a mind like bookkeepers who are incessantly keeping book on the returns from capital invested by them. As Richard Nixon, who failed in his attempt to become the Chief Executive of the United States of America, said with almost unbelievable coarseness: "There is no reason for fattening those countries for the Communists who will take them over." The countries to which that (not very) distinguished politician referred were Latin American nations which just once (and timidly) voiced some reservations on U.S. policy in Santo Domingo.

The Soviets and the Chinese make believe that their aid is being paid without security, without guarantee of reimbursement. However, that investment is a highly paying proposition.

In Cambodia, for example, where the Chinese have become so popular because of their elegance, their know-how, and their savoir-faire, it so happens we are being suspected of being their vassals.

The Dean Rusks and the McNamaras manage to see Communists everywhere, especially in Asia and in Latin America. By getting themselves into a frenzy and treating the genuine nationalists like Communists, they create Communists at every step, thus becoming the victims of an image which they themselves have conjured up.

They do not want to leave the people—even their allies—any possible national choice. Their choice for them is Americanization or communization.

Since they have no national choice, the people prefer communism to the intolerant, brutal, and vindictive free world, as the Communists do not push them into their camp and wait until they come of their own accord—disgusted by the mistakes, pressures, and, sometimes, duress on the part of the Americans.

Ours is a convincing example. For years the Americans, infuriated by our immoral neutrality (according to John Foster Dulles) have done everything to force us to give it up. Now, the result has been the opposite of what they expected: that neutrality has turned into balking.

However, our reaction was easy to foresee: Like all the other countries (including the Latin American countries), we are balking against coercion.

If Cuba has slipped toward communism, if Latin America is becoming anti-American, if the Japanese people are no longer hiding their feelings and their anger, if Pakistan is getting out of SEATO, and if De Gaulle is bristling up against the United States of America, it is directly and undeniably the work of Washington—and not of Peiping or of Moscow.

The Americans have always used this kind of language in dealing with the third world: "If you are not for us, you are against us and for the Communists."

The third world answers: "That is wrong. We want to be neither for you nor for the Communists. We are for our national government, for our country. We want to be the friend of all and satellite of none."

The United States of America comes back: "By reasoning that way you act like pro-Communists. You are therefore our enemies. We shall act toward you accordingly until you recognize your mistake (see the error of your ways). Neutrality is a joke—at least that which is not in our favor."

Before that wall of incomprehension and gross stupidity, why would not the people concerned be tempted to follow the example of Cuba and of the South Vietnamese patriots?

The aggressive militarism of the United States of America, finally, completes the triptych (aid—policy—militarism) which encourages the progress of communism in the world.

In South Vietnam, for example, tens and perhaps hundreds of thousands of young people who were nationalistic or unpolitical in the beginning have gone over to communism, because of the protectorate established over their country by the United States of America, and of the bombs dropped on their heads, and of the napalm.

In order to eliminate a dozen Vietcong, presumed to be in a given area, the Americans use big stuff—tons of bombs, incendiary liquids, toxic powders, and so forth. They destroy entire villages, killing hundreds of innocent persons, as well as the crops.

The survivors, who do not know how to get support or even compassion from their government under orders of the aggressors, and who naturally want to avenge their dead, are joining the ranks of the Vietcong: The United States of America has therefore created many more Communists than she has destroyed.

When that situation is laid before them, the Americans answer with irriation: "If we leave this country, it will fall within the hour entirely into the hands of the Communists."

Insofar as South Vietnam is concerned, it was not true several years ago. It is probably true today. For the Americans have, by their immeasurable stupidity, made "Reds" out of all those who only wanted a "Cambodia-like" neutrality for their country—i.e., independent of the Americans and the Communists.

Those people there should have been allowed to govern their country with the support of the people which would not have failed to defend the independence of Vietnam, but which would obviously have implicated the withdrawal (but orderly, without humiliation and with undue hardship) of the American forces.

The United States of America, on the other hand, saw to it that those who wanted, out of patriotism and nationalism, a neutral and free South Vietnam, were declared outlaws. The neutralist leaders were imprisoned, tortured, sometimes shot to death—just like the Vietcong with gun in hand. Those who could not escape are now in the maquis, where the Communist forces have taken them in hand.

The mania of the Americans for occupying foreign countries and studding the world with military bases is incomprehensible as well as unjustifiable—even if the security of the United States is being invoked. We are living in the age of intercontinental missiles, of satellite spies in space, of small cosmic craft able to accurately hit a certain target, i.e., a certain moon crater.

In our day and age, a base of U-2 planes in Pakistan, a missile base in Turkey, or a naval base in Japan cannot adequately protect the territory of the United States of America against a possible Communist strike.

What good is that rampart when Pakistan becomes the bosom friend of Red China, when Turkey maintains the best of relations with U.S.S.R., when Japan—at least her young people—protests the coming of an American battleship and receives the envoys of the White House with a hail of stones or a profusion of booing?

What good is the Thai "bastion," when the long-time pro-Chinese spy center for southeast Asia in Bangkok is next door to SEATO headquarters; when the inhabitants of the provinces bordering on Laos, according to the American special services, stopped listening to radio Bangkok years ago and are listening to the "Voice of the Pathet Lao," of Hanoi, and even of Peiping; when those same border populations do not know the name of the Prime Minister of the Thai Government, though they know Prince Suphanuvong's and Ho Chi Minh's names?

The United States of America is not even a giant with feet of clay. She has become a giant made of clay, because she does not have the courage to face reality and takes refuge in wishful thinking.

She failed to understand that in order to contain communism she must help forge a chain of strongly nationalistic, irreprochably independent and genuinely free states headed by obstinate and even intractable leaders, like De Gaulle in France and (I say this without false modesty) Sihanuk in Cambodia.

She preferred to create a chain of lamentably vassalized nations supported at a loss—a rotten branch, deceiving from a distance but breaking as soon as one leans against it.

The Americans will understand only after their total effacement of the third-world that an ideal, or an ideology, is not conquered by the force of arms or money, but by offering another ideal, or another ideology, more in keeping with the nature and aspirations of man—accepted as an intelligent being.

For having tried to make them understand this vital truth, the France of General de Gaulle—which, pursuing his line of reasoning to the end, this year refused to participate in the work of SEATO as a rightful member—the Americans and their fanatics called France, I said, a saboteur of the anti-Communist alliance and accused her of "playing into the hands of Peiping."

If France, a big power, ally of the United States of America and member of the atomic club, has for the Americans become the purveyor of communism, how can we expect our tiny Cambodia to make herself understood and respected by the United States of America some day?

The United States of America leaves the people of the third world, who refuse to give up their nationalism and their independence, only one way out: to fight until final victory against her brutal and stupid imperialism.

But that victory will leave us face to face with the victor—communism.

As tired heroes we will not be able to fight against communism, which has done us no harm and which, to the contrary, has sustained us in our fight against imperialism. We can do no more but to let the Communists pick the fruits of a victory which we would never have been able to carry off without them.

The neutralism of the third world will thus have disappeared from the earth, which is the fault of the Americans alone.

It would be unfair to blame it on the Communist powers which are not there for nothing. History which makes light of propaganda will prove one day that the Americans were the ones who brought the fruit of the third world to maturity and served it to the Communists on a platter.

That is the lesson to be learned from the aberrant policy of the Americans. That will be the conclusion to be drawn from their startling and decisive failure in the third world.

POSTSCRIPT

May I be permitted to quote, as last month, these astonishingly accurate and deep lines written by the great British historian, Arnold Toynbee, from his book, "The United States of America, Involuntary Heirs to Odious Colonialism":

"To the people who suffered under Western domination in the past his voice (President Johnson's—the author) sounds like the Kaiser's and Hitler's. The United States of America is absolutely against the determination of the non-Western majority of the human race to bring about their own liberation from Western domination, which it has endured for the last 200 years.

"The United States of America, not realizing what she had done (to deserve this), has fallen heir to British, French, Dutch, and Japanese colonialism. Consequently, she has attracted to herself the hatred aroused by the European and Japanese colonialists against themselves. It is a formidable heritage; and even the U.S. military potential will not be strong enough to bear up under it for long. The haste on the part of the United States of America to occupy the place in Vietnam which had been inevitably vacated by France demonstrated that colonialism had ceased to be possible (or, acceptable). By assuming this anachronistic role, the United States of America has placed herself into an untenable position.

"When the non-Western people got rid of European and Japanese colonialism, they thought for a while that they had really regained their independence. But now the Americans have taken on the relief and are dictating to the Asians what they should or should not do. In other words, the Americans, in their turn, are treating the Asiatics like natives, which is making them furious.

"The only practical foundation for coexistence between the non-Western majority and the Western minority of the human race is the absolute equality of relations.

"All Western powers, even including the United States and the weak but incorrigible Portugal, will have to accept equality in the long run. The sooner they accept it, the smaller will be the price they will have to pay."

This final condemnation of U.S. foreign policy is even more impressive in that it was voiced by an eminent Westerner, a citizen of a country that is a loyal ally of the United States of America.

The price the American people will have to pay for the blunder of their leaders will certainly be a very heavy one.

CARTOONS

"Johnson Diplomacy—As Seen by Huy Hem":

1. "I sow seeds broadcast."

2. "All our resources will be put to work."

3. "L.B.J. What a Strike Force" (Pierrelatte).

Like the Hitler soldiers when they held Europe under their occupation yoke, the soldiers of the U.S. occupation army in South Vietnam have their hands full with populations submissive for the moment but hoping only for their departure. This situation is perfectly illustrated—involuntarily, no doubt—by this photograph, recently published in Life magazine, showing two American sentries isolated by a rampart of concrete and, judging by their expressions, visibly in the grips of the torments of an unadmitted fear. Fear of the night, fear of loneliness, fear of the isolation to which their leaders had to expose them in a hostile city. Pessimism and anxiety are expressed in the faces of these two M.P.'s keeping a depressing watch in front of a building occupied by their compatriots.

Why pretend that the U.S. Army is in South Vietnam in response to the appeal of a whole nation? In fact, these people turned it into a desert before the foreign occupant arrived, who is perhaps beginning to understand that his isolation might well mean for him the beginning of the end in South Vietnam.

Mr. MORSE. Mr. President, with the cooperation of the Senator I wish to refer to two other nongermane matters.

PAY INCREASE FOR SENATE RESTAURANT EMPLOYEES

Mr. MORSE. Mr. President, it will be recalled that I brought to the attention of the Senate several months ago the fact that the Senate was paying deplorable substandard wages to its restaurant employees. Many of these employees earned $1 an hour or less. In my judgment, the Senate was acting in the capacity of a very poor employer and set a poor example for others to emulate.

Since I made my speech in the Senate, the Appropriations Committee has taken action by recommending the appropriation of additional funds to pay the added cost of a pay increase for Senate restaurant employees provided the Senate Rules Committee approved such a pay increase. The Senate concurred in the Appropriation Committee's recommendation.

Mr. President, yesterday the distinguished chairman of the Subcommittee on Restaurants of the Senate Rules Committee [Mr. BYRD] notified me that the Rules Committee has approved a pay increase. The counsel for the Rules Committee advises me that all employees will receive at least $1.25 an hour plus their meals. The pay increase is to go into effect as of the first pay period in October.

I wish to compliment the Senate Appropriations Committee and the Senate Rules Committee for correcting an injustice to these able Senate employees—an injustice that has existed for far to long. I hope that in the not too distant future another pay increase will be effectuated so that these able employees will receive more than what has been declared by President Johnson to be below the poverty level.

OREGON PARTNERS OF THE ALLIANCE PROGRAM DEVELOPMENT TEAM

Mr. MORSE. Mr. President, a few days ago, a briefing was held at the State Department for the Oregon Partners of the Alliance Program Development Team. The team stopped briefly in Washington, D.C., enroute to Costa Rica to meet here with the staff of the partners program and to discuss objectives of the new Oregon-Costa Rica partnership. Mr. Jaime M. Fonseca, Minister Counselor of the Costa Rican Embassy, participated in the meeting.

This team composed of distinguished Oregonians, is now in Costa Rica to meet with private Costa Rican community leaders as well as Government officials. They will seek to develop a program that will be mutually beneficial to the partnership. The team will travel throughout Costa Rica to see many of the self-help projects undertaken by the people in the rural areas of the country.

Each team member represents a specific field of interest in response to assistance needs requested by Costa Rica. Members of the team are as follows: Mrs. Christie Corbett, Portland, public health; Mr. Steven Goldschmidt, Eugene, student leader; Mr. John Inskeep, Oregon City, agriculture; Mr. Max Harriger, Lake Oswego, education; and Mr. Phillip Parsons, Klamath Falls, civic organizations.

Each of these team members will accredit themselves well in their work in Costa Rica. It is particularly gratifying to me to know that Oregonians are willing to give of their time and talents to further the objectives of the Alliance for Progress. The personal and human approach of the citizens of two countries meeting together is truly the grassroots approach to the Alliance for Progress. We need more of this kind of approach.

Oregon has the honor of being the first State in the Nation to include a student leader as a member of its program development team. It thus presents a unique opportunity for our State to develop a number of activities involving students of both Oregon and Costa Rica. It seems to me that this particular phase of the program will be an inspiring challenge for the young people of the partnership to inaugurate. The scope of it will only be limited by the initiative and imagination of student groups being brought into contact through the unique direct alliance made possible under the partners program. I am confident that the youth of Oregon will measure up to the great opportunity and responsibility that the Oregon-Costa Rica relationship presents and that we will soon be recounting the forward movement of the contributions of youth to better understanding and cooperation among peoples. The sons and daughters of Oregonians will be in the vanguard of a new era of advancement toward the goal of a better life for all the peoples of the Americas under the stimulation of the private community involvement in the Alliance for Progress.

Mr. President, I ask unanimous consent that there be printed in the RECORD an article on this program from the Daily Emerald of the University of Oregon entitled "A Good Chance To Help."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A GOOD CHANCE TO HELP—PARTNERS OF THE ALLIANCE PROGRAM OFFERS A VALUABLE OPPORTUNITY FOR UNIVERSITY PARTICIPATION

During the past decade or so the attentions of a tense world have been focused more and more on the trouble spots in the earth's Eastern Hemisphere. Only infrequently do we hear of violent political or military upheavals in our own backyard, such as the Dominican situation.

Several days ago the associate director of the Partners of the Alliance, a division of the State Department's Agency for International Development (AID), visited the campus. His discussion of the needs and goals of his program included a vivid outline of some of the conditions in Latin America, as well as serving as a reminder that possibly these people are being neglected by our foreign aid programs. Critics of the programs have often charged that we pour too much money into "crisis areas" to achieve short-range goals, while we overlook the quiet but needy peoples who are asking for help all along.

Wade Fleetwood, the associate director, presented a good case for his cause, a case which could interest campus organizations who want to become directly involved in aiding poor Latin American families and communities. Partners of the Alliance, created as part of AID in 1961 by the late President Kennedy, does not operate quite like other foreign aid efforts. It does not rely on congressional appropriations but on contributions of interested groups in the various States. Any organization that wishes to raise funds for the Alliance may do so without restriction. Specific uses may be tagged onto the money sent to Washington, D.C., such as for construction of a new roof for a village school. Cost estimates are given for various projects as examples. To guarantee that the money is used for the desired purpose, pictorial proof is furnished the contributing group upon completion of the project.

The Partners of the Alliance program is already active in 26 States, including Oregon. Teams of representatives from Oregon have been sent to Costa Rica, this State's "partner" nation, to gather knowledge about the people's needs there. Fifteen school districts in the State are cooperating in a teacher internship program in Costa Rican high schools.

It seems that such an organization as this could offer a great opportunity for the students of a large university to make a valuable contribution. The program has had tangible results in furthering the living and cultural standards of countries which have been rooted in four centuries of tradition and backward colonialism. It has had the praise of Senator WAYNE MORSE, who has not always been a friend of U.S. foreign aid programs. Student government and student organizations would do well to look into the possibilities of such a contribution as can be made in Partners of the Alliance.

ASIAN POLICY REVIEW

Mr. MORSE. I ask unanimous consent to have printed at this point an address I delivered last Friday at the University of California at Los Angeles, dealing with the whole range of U.S. policy in Asia.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"WHAT MORE CAN WE DO TO WIN AN HONORABLE PEACE IN ASIA?"—REMARKS OF SENATOR WAYNE MORSE, AT UCLA, LOS ANGELES, CALIF., SEPTEMBER 24, 1965

To judge where American foreign policy is heading requires that first we look to see what it is, and where it has been. Certainly the 15 years following World War II saw the development of the objectives that guide our policies today, although the techniques and geographic locations have changed, and so have the circumstances that gave birth to it.

The final months of the war brought destruction to much of Western Europe's industrial plant, transportation, and housing. But more than that, the collapse of Germany left a huge void in Europe's political organization, because the Nazi occupation or control of virtually the entire continent, including 12 countries in East and West Europe, had destroyed their indigenous political leaders and political systems.

The Soviet Army moved into that part of the void that was nearest to the Soviet Union. Western armies moved into the rest, and both began the effort to reconstruct their respective halfs of Europe in their own image, or at least into regions where their interests would prevail.

In the late 1940's, we began to feel that the physical presence of overwhelming Soviet military strength on the continent could not be offset by the skeleton American military presence, even backed up by atomic weapons, which we then possessed exclusively. The Greek-Turkish aid program was undertaken in 1947 when the civil war which was Greece's legacy of the occupation threatened it with Communist domination. The fall of Czechoslovakia into the Soviet sphere by means of a political coup inspired the United States to try to organize the remainder of Western Europe into a much tighter and more dynamic entity.

We began with the Marshall plan for economic reconstruction; we followed it up with the North Atlantic Treaty Organization for military defense. Into the economic revival and military defenses of Europe we poured $40 billion which has not yet been repaid, plus another $7 billion which has. Half a million U.S. troops were sent to Europe to form the nucleus of NATO's military force, most of them still there.

Thus, we undertook what was called the containment policy, whereby we built a ring of pro-American governments around the Soviet Union, designed to prevent its further expansion. In the mid-1950's, the ring was extended under the Eisenhower doctrine into the Middle East, and the economic aid program was followed by the Baghdad Pact for military defense.

But with the extension of the containment theory into the Middle East, this American policy began to encounter circumstances that had not prevailed in Europe. In Europe, we had repaired and reconstructed. We had put together economic systems disrupted by war, and encouraged the rebuilding of political systems also disrupted by war and occupation. The military alliance under NATO was a holding action to permit economic and political action.

But in the Middle East, Latin America, Africa, and most urgently in Asia, we are not rebuilding disrupted nations. We are not dealing with nations of established economic customs and habits; we are not dealing with nations whose heritage and traditions we have shared for generations. We are dealing with nations, some old and some new, but all struggling with the multiple problems of exploding populations and exploding demands of those populations for greater material benefits, even while they are developing the institutions of self-government.

The Marshall plan had a beginning and an end. But economic development, as opposed to reconstruction, is open-ended. Moreover, the virtual dissolution of NATO, the Greek-Turkish dispute over Cyprus, and the reversion of Greece from a model of political stability and economic growth into its pre-Truman doctrine days of factional strife, are all warnings that only where the threat of communism is overpowering and imminent is there the adhesive to hold nations together behind an American objective.

In Europe, the threat of Soviet expansion has just about disappeared. With it has disappeared the huddling of nations under the American umbrella. Germany continues to be our chief ally in Europe, but only because it is Germany that still has the greatest unfinished business with the Soviet Union.

Even in Europe, the objectives of nationalism are dominant. We deplore them; we think Greece and Turkey are stupid to quarrel over Cyprus, when the net result is a drawing together of the age-old enemies of Turkey and Russia.

So, too, do we condemn the nationalism that constantly threatens an Arab-Israeli war in the Middle East and which is now shedding blood in Kashmir.

Yet how many Americans understand that we deplore and belittle all these nationalisms only because they interfere and detract from our own?

It is a glorification of American policy to call it one of saving the world for freedom. What it means is that we view any advance by communism as a threat to the United States. There have been a few exceptions. We deplored the repression of the Hungarian rebellion, but we did nothing about it, and we deplored the Chinese takeover of Tibet and its seizure of territory from India, but did nothing about those advances, either, mainly because we did not think that from the geographic standpoint they posed a threat to the security of the United States.

But with those few exceptions, there is little real estate in the world where we view Communist control as anything but a threat to ourselves.

In essence, our policy throughout the world is also one of nationalism. In its name we have spent $109 billion in foreign aid; we alone, of all the nations of the world, maintain tens of thousands of troops abroad in much the same fashion that British troops were stationed all over the world in the heyday of Empire. And but for the few remaining British bases at Aden, Singapore, and Gibraltar, only the United States maintains sea, air, and naval bases outside its own territory.

These are the trappings of our own nationalism. To them, we have for 20 years subordinated and belittled all other nationalisms. We have regarded them as a nuisance, representing only the willful fancies of nations that can afford to indulge in them only because of the protection of the American military umbrella.

PROBLEMS POSED BY NATIONALISM IN ASIA

In the last 5 years, our American foreign policy objectives have been the most seriously thwarted by nationalism in Asia. Twenty years ago, Japan lay defeated; but not before she had defeated permanently the exploitation and domination of Asia by Western Powers. There was little welcome given to the Japanese conquerors by indigenous people, except in those colonies like the Dutch East Indies where imperialism had shown its worst face. Sukarno was a collaborator with the Japanese in the interest of ousting the Dutch.

But whether they were met by collaborators or by native resistance, the Japanese threw out the British, the French, the Dutch, and even the Americans from the Philippines. They proved it could be done, and having proved it, white domination was never reestablished. The French tried to reenter Indochina, but after 8 costly years, gave up the struggle. Elsewhere, the transition to independence was accomplished with less violence.

This, too, left a huge vacuum that posed new problems for the United States. The withdrawal of both Japan and the West left many new nations which totally lacked their own economic and political systems. We promptly organized more defense pacts with the thought of providing these nations with the same sort of U.S. military umbrella under which to huddle while they stabilized themselves. But this time the partners were the white nations who had a continued interest in the affairs of Asia. Only Pakistan and the Philippines joined the Southeast Asia Treaty Organization. The other Asian countries of the area wanted no part of it. For them, their internal problems were paramount and they could best be approached by a nationalism that cannot endure any association with the West that could be interpreted as domination by the West.

Moreover, hundreds of years of religious and ethnic conflicts made the NATO unity style impossible. Today, they dominate events in Asia. Moslem versus Hindu in the subcontinent; Chinese versus Malayan in Malaysia; Vietnamese versus Chinese in Indochina. And today there is, I submit, only one overriding outside issue on which these people agree, and that is that they never again are going to be dominated by white people, be they American or western European.

These aspects of nationalism in Asia are factors the United States will ignore at its great peril. For 11 years, we have tried to maintain a government of our choosing in South Vietnam. As it weakened almost in inverse proportion to the money and military equipment we poured into it, the support for our policy among other nations in the area also declined.

The real powers in Asia are: China, with over 700 million people; the Soviet Union, which most of us have forgotten occupies a huge portion of the Asian continent; India, with its more than 480 million; Pakistan with 100 million; Indonesia, with 100 million and the most extensive natural resources of southern Asia; and Japan, with 100 million people and the greatest industrial capacity of Asia.

Not one of these countries has joined us in the fighting in Vietnam; of them, only the Japanese Government gives us any verbal support, and that in defiance of the great preponderance of her public opinion.

Are we fighting in Vietnam to save Asia from Communist China, or from communism of any kind? If so, then why are not these major nations of the region helping us? Why does our only support come from the few small countries of Thailand, South Korea, Taiwan, and the Philippines, at least two of them totally dependent upon the American defense establishment for their continued existence?

Even of the small nations of Asia, where are the famous dominoes which were supposed to fall only if the United States failed to keep a vague commitment to President Diem of South Vietnam?

Of those dominoes, Burma opted out of the American scheme of things in 1958 when CIA activities in her country became onerous. Two years ago, even as we were beginning to proclaim our increased military commitment to South Vietnam, Cambodia told us to take our various economic aid and military programs and get out. Indonesia draws steadily closer to China as an ally in ousting the last white people from Asia.

And after all the pronouncements from the Secretary of State, from the Secretary of Defense, from the White House staff, from President Johnson himself, after an unequalled public relations campaign to sell to the American people and to the Communists in Asia that Americans would never, never, never leave South Vietnam and the rest of Asia to its fate, the mayor of Singapore led his country out of the Malaysian Federation and undertook to insult the United States.

Mayor Lee of Singapore is now a head of state. Like all other political leaders in Asia he knows the key to leadership there is to oppose not just the colonialism that died a decade ago, but what looks to many Asians like a new American effort to dominate the affairs of Asia for our own national purposes. Anti-Americanism is becoming the one thing on which a politician in Asia can rally support.

So Mayor Lee reached back 5 years to reveal and publicize one of the uglier efforts of the Central Intelligence Agency to subvert his country. And although he is willing to allow Britain to continue operating its bases there on his terms, he makes it clear that Americans will never be allowed to take over those bases.

The breakup of the Malaysian Federation, which may break up into more pieces before the process is finished, marked another failure of Western policy. Malaysia was carefully constructed by the British to join together a group of former colonies so balanced ethnically as to prevent the domination of the Federation by any one of them. British economic interests continued to dominate the Federation, and its military establishment "east of Suez" is founded on it.

But the British, too, failed to consider the depth of local rivalries, which finally led the Moslem Malays to force out the Chinese in the city of Singapore. Now, the future of Britain "east of Suez" is in total jeopardy and so, of course, is the American position in Vietnam.

You will not hear any of this described, much less admitted in official Washington. The Washington policymakers who prescribed our military commitment in Vietnam as the way to save all of Asia, do not even comment on the failure of the great Asian powers to support us, on the rejection of American aid and U.S. bases by Burma and Cambodia, on the violent anti-Americanism of Indonesia, on the breakup of the Malaysian Federation, nor on the war between India and Pakistan.

Here, in this latest affront to American interests in Asia, is another opportunity for Americans to understand that we cannot arrange the affairs of Asia. The centuries of animosity between Moslems and Hindus resulted in the slaughter of tens of thousands of people at the time India gained its independence and had to be divided into India and Pakistan. Even after these communal slaughters and after the exchange of population that saw millions of people leave their homes, the hatred continues almost unabated. Communal riots killed hundreds more in India only a year ago. To both sides, Kashmir is a sentimental symbol of their rivalry. It is really not indigenous to either India or Pakistan; but it lacks sufficient population to govern itself.

So, for 18 years it has stood as the symbol of centuries of hatred. Governments in both countries have a sure-fire issue behind which they can unite their people, no matter how unpopular that government may be for domestic reasons. And the military equipment, amounting to some $1½ billion in the case of Pakistan and $200 million in the case of India, aid we furnished on assurances it would be used against Communist countries, made the war possible. We thought our anti-Communist interest in Asia so overriding that it must be overriding, too, with India and Pakistan. But it was not, even after India suffered a severe and humiliating defeat at the hands of China.

In the case of Pakistan, we knew for 10 years that the tanks and mobile equipment with which we were furnishing her army could not be used in the mountainous areas which separates her from both China and the Soviet Union. It could only be used in the plains and open country which separates her from India. Pakistan was never deceptive about this; her officials often pointed out that her army was not equipped, designed, or intended for mountain warfare.

But we made ourselves believe what we wanted to believe. We did not want to believe that American equipment would be used in an India-Pakistan war, so we continued the program in the face of all reason.

With Americans being abused by both sides for cutting off further aid, the best we could do was support a United Nations intercession. At the moment, it appears to be effective. But there are 40 million Moslems still in India and 10 million Hindus still in Pakistan. Both countries have a recent history of communal riot and slaughter. The war can do nothing but exacerbate those feelings.

China has already profited from the folly produced by our shortsighted policy, for communism invariably makes its greatest gains in periods of war. China has greatly strengthened its ties with Pakistan, and it has seen the peace and stability of all of non-Communist Asia gravely weakened. India and Pakistan have never been interested in our problem in South Vietnam because they feared each other more than they feared communism.

FUTURE OF U.S. POLICY IN ASIA

In my opinion, our present policy in Asia can lead only into a vortex of failure and defeat for the United States. Its purpose is to do with China what we did with Russia—to surround her with a steel ring of military defense and political opposition that will prevent her expansion, in the hope and expectation that some day, as did Russia, she will understand that her own economic growth is more important to her people than war and she, too, will come to live by the doctrine of coexistence.

The great element lacking in Asia that was present in Europe is an overriding fear of communism. Political freedom and material wealth for the masses are almost unknown in Asia. Most of the new countries have no middle class, for which communism is the deadliest of all enemies, and against which the middle class will rally. Secondly, their religious and ethnic animosities are comparable to the religious wars of the Middle Ages that leveled vast areas of Europe and thwarted her progress for centuries. Communism is a relatively new threat to their religious traditions, and one they do not yet fear in the way they fear each other.

And, third, the new nations of Asia share an almost universal distrust of white intervention in their affairs. The United States has deep-seated problems between our white and colored people; but the idea of a foreign nation trying to impose its idea of a settlement upon us would be fought and resisted by all.

So we confront in Asia a situation where the overriding fear is directed more toward white intervention than toward communism. Communists are local people, native to each country. But Americans are foreigners, and even the individuals in a country like South Vietnam who are subsidized by the United States, become the target for local nationalists, be they Communists or not.

In South Vietnam, the more conspicuous our aid to Diem and his cohorts, the more local opposition arose to his rule. Today, South Vietnam has no government at all worthy of the name. What area remains out of Vietcong hands is occupied by the United States, either directly or by local army forces under the direction of American military officers.

With our firepower from aircraft carriers and from the Strategic Air Command, and with the buildup of our ground forces to 125,000, we can undoubtedly maintain ourselves in South Vietnam and perhaps even drive the Vietcong out of much of the country.

The net result will be another American enclave, like Korea, on the Asian continent, supported at a cost of half a billion a year and defended only by the continued presence of 50,000 U.S. troops.

It is said that the opponents of our Vietnam war have few alternatives on how to get the United States out without leaving the nation to the Communists; the advocates of the war have no proposal along these lines at all. They do not go beyond the idea of fighting to kill the Vietcong. How to leave the country after we have done that is not part of their doctrine because I think it is understood that we could not leave behind a pro-American government able to maintain itself without our military presence.

The more dependent these governments are upon us, the more vulnerable they become to local opposition, and if they are truly important to us, we are compelled to intervene with our military power to salvage the geography they occupy. This is a vicious circle the Chinese have avoided. Other than border wars, they have not sent a soldier outside their country; they give little economic or military aid support to any government. They rely upon propaganda, and they can do it because they are sounding an immensely popular and effective note which can be picked up and used by only a few local agitators to great advantage. In all respects, it is China that is the paper tiger in Asia. She talks big but does nothing, even to help the Vietcong. Yet her power and influence in Asia are growing simply because she has the advantage of being a large chunk of Asia, of being kin to millions of Chinese scattered throughout neighboring countries, and of being opposed by Americans who appear to be using Asians to do our work for us.

We are trying to counter Chinese expansion and influence with the wrong weapons.

We did not try to "contain" Russia until she had already occupied and established a ring of Communist-controlled nations around her borders. They are becoming buffers, as they break free somewhat from total Soviet control. China, too, will seek to establish the same buffers on her borders, and I question that it is possible for this country to prevent that from happening insofar as mainland Asia is concerned.

Second, during all our "containment" period we maintained diplomatic relations with the Soviet Union. It was 16 years after the Bolsheviks took over before we recognized Russia, but once we did, we maintained relations with her throughout the worst of the cold war days. We found it desirable to have our own contacts with her and not have to rely upon third parties to transmit information and messages.

It is also 16 years since the Communists took over China, but we have not yet reached the stage of recognition. The French, British, and the Canadians remain the chief source of information about China for the American people, and although the State Department insists that it has many direct contacts with Chinese diplomats through third countries, it is deathly afraid of recognition because it is afraid of public reaction here at home.

Yet it is a problem we are going to have to face up to, if we hope to restrain the expansion of China without war, for there is an American interest to be served by direct assessment and judgment of Chinese interests and intensions. Never were our diplomatic relations with the Soviet Union more important, for example, than during the Cuban missile crisis.

Probably the lack of modern China experts in the State Department, too, is a reason why recognition is not in the offing, for after 16 years, the "old China hands" are those who were there in the days of Chiang Kai-shek.

The one place where we could begin facing up to this issue is where it is going to be forced on us, anyway—at the United Nations. I said in 1960, when I was a delegate, that as the nations voting to seat China grew, it would become desirable for the U.N. to undertake some negotiations with her to work out the future of Taiwan and to make certain that China respected the obligations and duties of U.N. membership. The addition of pro-Chinese Singapore to the U.N.

will bring the vote on China very close to even, and unless we can prevail upon a majority to vote to require two-thirds for admission, China could very well be seated on her own terms.

It is true that there is a school of thought in the State and Defense Departments urging the destruction by American bombing of Chinese nuclear installations before any kind of political talks are held. But here again, such an act would, in my opinion, greatly enhance pro-Chinese sentiment in the continent.

Third, we must learn to deal with pro-Communist, and even Communist governments in Asia without seeing them all as tools of China per se. The new countries of Asia will spawn many leaders—some democratic, some Communists, and a great many mere opportunists, like Sukarno. But we must make note of what is the opportunistic line, and we surely know by now that anti-Americanism is one of the best. That should tell us a lot, whether or not we enjoy dealing with such leaders.

We do not have to support everyone with U.S. dollars; we do not have to have military alliances with everyone; we do not have to divide the world into enemies or allies. Many of these nations of Asia will never be allies or enemies of the United States. They will simply be trying to make their way through the terrible growing pains of economic development and absorption of hostile minorities. Democratic orientation will take a very long time, if it comes at all. But we can be satisfied with a General Ne Win in Burma who is socialist and anti-American. We can be satisfied with Prince Sihanouk, who is socialist, pro-Chinese, and anti-American. We become angry with those people, like Mayor Lee and Sukarno, who took large sums of American money and then, as we see it, turned on us. But I suggest they accepted our money for their reasons, not ours, and if we think they fell off the American bandwagon it was our shortsightedness to ever assume they were on it.

The only real restraint on China is going to be other strong states in Asia. One of them is Japan, and she already has a potential for leadership in Asia that could ease much of the burden on the United States. We probably would not like her leadership, because it already takes the form of increasing trade with China, and a growing disposition to achieve closer ties to China. Japan has tread softly in Asia because of the legacy of occupation days; but those memories are not altogether bad in many countries of the Far East and they are dissipating under the light of Japan's remarkable economic achievements.

India and Pakistan could serve as the continental counterbalance to China, but they will not if either is too dependent upon American financial or military support. Certainly we must maintain a "hands off" policy toward their current dispute, and join other nations in seeking to mediate the dispute directly or handle it through the United Nations.

Above all, we must get over the idea that America has some vital mission on the mainland of Asia. We must get over the concept that our "honor" is at stake in Vietnam, when we all know it is not our honor but a piece of geography that is at stake, and which our military people think would cause our string of offshore bases to be outflanked if it fell into Communist hands. It is already outflanked, and has become a highly vulnerable American outpost rather than any guardian of freedom. Our honor as a nation that observes its treaties and that abides by its own preachments about peaceful settlement of disputes is despoiled by our present policy.

We must also face the fact that however distasteful and frightening it is to us, China is no longer to be denied as a great power of the world. She has made herself a great power, she is a great power, and her influence among her neighbors will grow just as surely as did our influence in the Western Hemisphere when we became its biggest and wealthiest nation.

All the bombing of her nuclear installations that we could undertake will not reverse this process, and there is no land army that we can put in Asia that could overcome Chinese manpower of more than 700 million people. Moreover, her rise to this position is one source of her influence with other emerging nations. If she can do it, despite the lack of recognition for years by Western nations, and despite the military power the United States has devoted to curbing her influence in neighboring countries, new nations are encouraged by her example more than by ours.

There is going to have to be a basic rethinking in this country about Asia in general and China in particular. The Pacific can be an American lake only at the cost of eternal war. We are trying to hang on to the total control of the Pacific we gained in World War II, but it is inevitable that the nations on its western shore should regain control of its western shore. We have no generalized economic relations, or political relations, that take this into account. We have aid programs to those we regard as necessary to our military control, and we have military alliances with them. The others are treated and regarded as enemies.

In short, American nationalism vis-a-vis China has little to hope for by way of support in Asia. In my opinion, our best long-range hope in Asia is one that maintains correct relations with its member nations generally, without feeling that we must either give them aid or regard them as enemies. And it would rely far more than we rely today upon the original purposes and mechanisms of the United Nations. We proclaim our desire to see China and North Vietnam brought within the rule of law; but we act outside the rule of law in trying to force them to cease their lawbreaking. We have not so much as tried to use United Nations procedures in our war in Vietnam, even as we join in appeals for urgent United Nations action to stop the war in India.

The situation in Vietnam is no more beyond the powers of persuasions of the U.N. than the war in India, but we have not tried using it yet. It could be that the proposed Southeast Asia Development Bank could lead to some progress in showing us how to make economic bridges among the nations of Asia and eventually lead to political bridges. It is in this direction that peaceful restraint upon communism in Asia leads, not the direction of unilateral American military power.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes.

Mr. LONG of Louisiana. Mr. President, I will respond to some of the things said in argument against this treaty in the views of three Senators, but I do not believe I will do so today. Some of those statements are badly in error. The people are entitled to the facts.

Mr. HARTKE. Along that same line I have a statement I have released to the press. I intend to make that statement but will probably do it tomorrow. I want to make it clear that I am not doing it today.

Mr. LONG of Louisiana. This point has been made about balance of payments. Some may think this a scheme to undermine the American automobile industry and parts industry. We do not regard it as that at all.

It is our understanding, and this is the understanding on both sides of the line, between the United States and Canada this agreement is not going to improve our balance of payments with Canada and it is not going to hurt our balance of payments with Canada.

We expect to work it out to keep the same trade advantage and the same favorable balances we presently have with respect to Canada.

It is interesting to note that the Canadian Government has also reached the conclusion that the agreement will not affect the present favorable U.S. net balance of trade in automobile products. The Minister of Industry, Mr. Drury, explained the Canadian expectations from the agreement and the companies' letters to the Canadian House of Commons, in detail, on May 10, 1965.

He began by quoting the statement of Secretary of Commerce Connor before the Ways and Means Committee. This is the Canadian Minister quoting our Secretary of Commerce with approval. Mr. Drury quotes the Secretary as saying:

> However, I do not expect that our own exports to Canada will drop as a result. On the contrary, I am satisfied that it is reasonable to project a continuing growth in the Canadian automotive market sufficient to absorb the projected increase in Canadian production without reducing our net favorable balance of trade with Canada.

Minister Drury then went on to say, on his own:

> The figure mentioned, in the American way, as the net favorable balance of trade with Canada, is $500 million. It is unfortunate that over the past 2 years, there has been a tendency for the U.S. net favorable balance of trade in automotive products with Canada to increase by something like the rate of $100 million a year. This has meant that as the Canadian market for cars grew, the—from our point of view—unfavorable balance of trade grew correspondingly, to some degree even faster. It is our expectation that this program will arrest the continuing growth of the unfavorable balance of trade and insure that it is maintained at about the present level; that is, in absolute dollars, something in the order of $500 million or $550 million.
>
> Mr. Connor is saying that the present level will not be exceeded. Talking in U.S. terms, he says that the present level will not be reduced; but this comes to the same thing. From our point of view we are avoiding what would have been a substantial and intractable increase in the unfavorable balance. As I pointed out earlier, the main purpose of this program is not to deal with the balance-of-payments situation. The main objective of the program is to increase substantially the production of automobiles and automobile parts in Canada for the next 3 years, leading as a consequence to a number of favorable results; one being a substantial increase in the number of jobs, another a holding action in relation to the unfavorable balance of payments in this sector, another a reduction in the cost of the production of cars and the consequent price advantage to

the consumers of Canada; and finally the ability, as a consequence, to produce cars to compete effectively in the external market (Commons debates, May 10, 1965, p. 1131).

Mr. HARTKE. Mr. President, will the Senator yield? Can we pick up this point somewhere along the line?

Mr. LONG of Louisiana. One moment. I want to complete my thought.

The point has been made that some laborers will be displaced and some production lost. That is correct, if it happens; but it will work both ways. For example, with reference to the point I made, the Eaton Co. expects to cut back 250 jobs. But they expect to hire an additional 100, so the net loss would be about 150. They predict that in the area where they are manufacturing, skilled laborers will be needed by other manufacturers and will be absorbed in their automobile manufacturing endeavors.

Furthermore, while it is anticipated that in some instances there will be displacement, in this country the same thing is happening in Canada. For example, here is an article entitled "Free Trade Agreement Hits 17 Manufacturers." It reads:

FREE TRADE AGREEMENT HITS 17 MANUFACTURERS

Seventeen of 505 auto parts manufacturers in Canada have told the Government they may be adversely affected by the Canadian-United States auto agreement. Industry Minister Drury has said that detailed consideration will be given to proposals to aid both hard-hit manufacturers and any workers affected.

In general, says the Minister, representations made by trade associations have been favorable to the objectives of the agreement. Although the program is aimed at substantial expansion in the Canadian industry, it may also create transitional difficulties for certain producers.

The Canadians anticipate that some of their industries will be inconvenienced, just as some of ours will be inconvenienced by the changeover. But it will mean, over all, an advantage to both countries in that way.

Mr. HARTKE. There are about 16 different questions now pending. I want to return to the balance of payments. I know what happened after the agreement headed for a little difficulty and difficult sledding in Congress. Let us come back to what Canada really thought when when it was propounding this scheme. This is from the Financial Post of Canada of December 16, 1964. We can agree, I hope, that this is not a free trade agreement.

Mr. LONG of Louisiana. I do not agree with what the Senator said.

Mr. HARTKE. We cannot agree that it is not a free trade agreement?

Mr. LONG of Louisiana. I do not agree with everything the Senator is saying. But if the Senator is asking a question, I will be glad to respond, because I have given some thought to it. Nobody claims that this agreement is absolutely and unconditionally a free trade agreement.

Mr. HARTKE. But will the Senator agree that it is not a free trade agreement?

Mr. LONG of Louisiana. I am trying to answer the question. I have the floor.

Mr. HARTKE. I know the Senator does. I hope the Senator will yield.

Mr. LONG of Louisiana. The Senator has asked a question; I am trying to answer it.

The agreement does remove duties on a major segment of the United States-Canadian automotive trade. It clearly envisages free trade in the absolute sense, once the Canadian industry becomes more competitive.

First. A major objective of the agreement is free trade in automotive products. This is explicitly recognized in the preamble to the agreement.

Second. The agreement provides now for the elimination of duties on vehicles and parts for original manufacture. This elimination of duties is limited initially on the Canadian side to manufacturers who undertake to produce a defined part of their total output in Canada. An ordinary Canadian citizen cannot yet buy a United States made car duty free. Without this proviso in the 3-year transitional period the Canadian industry would be submerged by lower cost U.S. cars and parts and the purpose of the agreement nullified.

Third. As the industry adapts itself to the new situation and as Canadian costs in certain areas approach more closely low cost U.S. production, the remaining restrictions will be removed.

Fourth. The agreement itself contains built-in momentum toward removing the remaining restrictions. Article IV provides for a comprehensive review of the operation of the agreement no later than January 1, 1968. The Canadian limitations, which are necessary in the short run, will be carefully reexamined at that time.

Fifth. Summary: Far from being the "antithesis of free trade" the agreement takes a long stride, and a practical one, toward this goal.

Mr. HARTKE. I was merely trying to ascertain where we could possibly find one area of agreement. We have agreed——

Mr. LONG of Louisiana. I wish I could agree with the Senator, but he is in error, so I cannot agree with him.

Mr. HARTKE. Oh, no; I do not want to say that I am in error

Mr. LONG of Louisiana. That is my opinion.

Mr. HARTKE. The Senator may say I am in error, but I cannot say so.

Mr. LONG of Louisiana. I did not ask the Senator to say so, but I said so.

Mr. HARTKE. Mr. Todgham, who is president of Chrysler of Canada, Limited, says that the free trade idea is only one of four basic misconceptions concerning this fact. I shall come back to them in a moment.

Mr. LONG of Louisiana. That is what he said. That is his opinion. Certainly he is entitled to it. They have taken off all the duties. They are taking off the 17-percent duty on automobiles that we will ship them.

Mr. HARTKE. Ship to whom?

Mr. LONG of Louisiana. Canada.

Mr. HARTKE. Perhaps we had better clear that point up. Under this agreement is it possible to ship an American automobile to a Canadian citizen duty free?

Mr. LONG of Louisiana. No; it cannot be done.

Mr. HARTKE. That is clearly established. But the reverse will be true: A Canadian automobile manufacturer can ship a car duty free to an American citizen, can he not?

Mr. LONG of Louisiana. There is good reason for that.

Mr. HARTKE. I am not asking for the reason. There is no symmetry here.

Mr. LONG of Louisiana. But there is a reason why the situation should be that way.

Mr. HARTKE. But there is no quid pro quo here, is there?

Mr. LONG of Louisiana. If the Senator will look at the whole agreement——

Mr. HARTKE. I am going to look at the whole agreement. We are going to look at the whole agreement before we are through.

Mr. LONG of Louisiana. The agreement is symmetrical. It works out the way it ought to work out. An American who bought the same automobile manufactured in Canada would have to pay about 15 percent more. An American is not being done any favor by being allowed to go to Canada to bring a Canadian-manufactured car into this country duty free, because he will pay more for it by 15 percent than he would if he bought the car in Detroit.

Mr. HARTKE. All I am trying to establish is that there is no symmetry here whatsoever. What happens is quite clear. One cannot ship an American car into Canada duty free to a Canadian citizen, but a Canadian car can be shipped into the United States duty free to an American citizen.

Mr. LONG of Louisiana. Why not?

Mr. HARTKE. At the moment, I am not asking, "Why not?" That much is true, is it not?

Mr. LONG of Louisiana. In that respect, we merely gave them zero, as things stand now, because their costs are 15 percent more to move the car out.

Why would an American want to buy a Canadian automobile duty free? He can buy a car manufactured by the same company 25 percent cheaper in the United States.

Mr. HARTKE. There may be a reason in a few years.

Mr. LONG of Louisiana. Mr. President, the Senator is in error again.

Mr. HARTKE. Mr. President, I am not in error.

Mr. LONG of Louisiana. Mr. President, the witnesses testified to exactly the opposite effect, and have so testified for the record. They say that it will take them a while to change their way of distribution so that, instead of manufacturing 70 or 80 models, they will manufacture about a dozen models and thereby benefit from production efficiency. When they do this, the cost of the automobiles will come down. In a few years, they anticipate and predict that the companies will equalize costs in the two countries, and that will bring about lower prices.

The Senator and some of his supporters ask why they have not reduced the prices already. They have not had an occasion to make the changeover in the production of their automobiles. The sword of Damocles is hanging by a hair over their heads, ready to chop their heads off in the event Congress fails to ratify the agreement.

Mr. HARTKE. Mr. Todgham made the following statement on page 3 of his press release:

> Debunking the misconceptions about the pact, Mr. Todgham reiterated that obviously its terms did not provide free trade; its fixed ratio of Canadian production to Canadian sales prevented unlimited importation of American-made automobiles duty-free; there was nothing in it that would make possible any immediate price cuts.

Mr. LONG of Louisiana. Not immediately. That is the important word. We cannot do it today. However, when these countries have an agreement and stop producing 200 models of automobiles in Canada and produce 20 or perhaps even 10, they can get the benefit of mass production and bring some of their Canadian automobiles here and sell them. Then they could take American-manufactured automobiles to Canada. One would not know half the time whether the cars were manufactured in Canada or in the United States. One could not care less. The automobiles and the parts would be just as good.

This would tend to integrate a great industry. There would not be any immediate reduction, but, in 3 or 4 years, we would see a great reduction in the prices of automobiles in Canada. That situation would help the United States. Our companies would be producing more automobiles here, and selling more automobiles in Canada. The cars manufactured in Canada would make a profit for American citizens who owned stock in American Motors, Ford, General Motors, and Chrysler, and even Studebaker.

Mr. HARTKE. There was not a scintilla of evidence before the committee to indicate that there is any hope of a reduction in the price of automobiles in Canada.

Mr. LONG of Louisiana. Mr. President, the Canadian consumer will not stand for high-priced automobiles.

Mr. HARTKE. The Canadian consumer will not get the benefit of any lower prices.

Mr. LONG of Louisiana. The companies cannot reduce the prices now. They cannot afford to. The Canadian companies have not reduced their prices. However, when the agreement is ratified and they do what they testify that they will do, prices will go down. Their government officials predict that, and everybody with responsibility in Canada and all the manufacturers say that they can produce automobiles in Canada as cheaply as automobiles can be produced here in the United States. They say, "Give us the benefit of mass production and we can produce automobiles as cheaply in Canada as you can in the United States." Who should know better than the Ford people about how much it would cost to manufacture a Ford automobile?

Mr. HARTKE. Mr. President, as the Senator from Michigan [Mr. McNAMARA] said concerning shipping automobiles duty free, there is no doubt that the Ford Motor Co., General Motors, the Chrysler Corp., and American Motors could move all their facilities to Canada and then ship all their automobiles duty free into the United States. We would not be able to do that in reverse.

Chrysler Corp. has already stated that it plans to export 80,000 vehicles to the United States in the calendar year 1966. That would be their Valiants, which they call Darts here. They would be produced in Canada.

Mr. LONG of Louisiana. We shall be shipping automobiles to Canada, too. It will work both ways. That is what was testified to. That is what everybody said.

Mr. HARTKE. Mr. President, nobody said that.

Mr. LONG of Louisiana. Yes, they did.

Mr. HARTKE. Where is that stated?

Mr. LONG of Louisiana. Mr. President, during the hearings the Senator from Indiana brought up the subject of the Chrysler Corp. The Senator asked the witness, Mr. Kendall, concerning this matter. The testimony shows that Chrysler expected to increase shipments in both directions.

Mr. President, I ask unanimous consent that the tabulation appearing on page 233 of the hearings on H.R. 9042 be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Canadian-United States balance of trade (payments) for Chrysler Corp.

[Millions of Canadian dollars, passenger cars and components only]

	1965 model year	*1966 model year*
Canadian imports from United States	137.4	216.4
Parts and components	117.0	157.4
Chrysler produced	80.4	106.6
Supplier produced	36.6	50.8
Vehicles	20.4	59.0
Less vehicle components made in Canada (engines)	0	−2.5
Net vehicle imports	20.4	56.5
Net Canadian imports from United States	137.4	213.9
Canadian exports to United States	50.7	181.8
Parts and components	50.7	58.8
Less parts made in United States	4.8	5.2
Net parts and components	45.9	53.6
Chrysler produced	32.8	34.5
Supplier produced	13.1	19.1
Plus vehicles	0	123.0
Less U.S. content in vehicles	0	−52.0
Net vehicles	0	71.0
Net Canadian exports to United States	45.9	124.6
Difference—U.S. favorable balance of trade	91.5	89.3

Mr. LONG of Louisiana. Mr. President, Canada will increase its imports from the United States to Canada, and also increase its shipments of automobiles from Canada to the United States.

It is anticipated that after the 3 years of this agreement, they will even increase our already substantial favorable balance of trade. While in this 1 year—1966—we would be worse off by $2 million because of Chrysler so far as trade movement between the United States and Canada is concerned, over the entire period we would actually increase our favorable balance.

Mr. HARTKE. Mr. President, I should like to finish discussing the article. I have tried to complete this several times. I should like by this to show what Canada really thinks will happen.

Mr. LONG of Louisiana. The Senator said there would not be any immediate reduction in the Canadian prices. I said that is correct. There would not be an immediate reduction. However, in a few years there would be a big reduction, a 15- or 10-percent reduction.

Mr. HARTKE. If the Senator wishes to go to the balance of payments, we will come back to that. On page 253 of the Senate hearing record:

> PRICE REDUCTIONS MAY NEVER COME
>
> In fact, there is basis for the belief that the auto corporations have no intention of reflecting their cost savings in price reductions at any time in the future. The official record of the Canadian House of Commons quotes the Minister of Industry as having said on May 10, 1965:
>
> "There is on occasion a demand on the Government to give assurances that there will be a decrease in the price of cars. I think the Honorable Member for Wellington South (Mr. Hales) was more realistic when he said he anticipated that the likely results of this operation would be a continuing increase."

Let us return to the balance of payments for a moment.

Mr. LONG of Louisiana. One of the officials of the Canadian Government made a speech in the western part of Canada the other day, and he said that by 1970 the price of Canadian automobiles, if they had a comparable automobile, would be $500 less for a comparable automobile.

Mr. HARTKE. What Canadian official was that?

Mr. LONG of Louisiana. I am trying to get his name. I will get it for the Senator today or tomorrow.

Mr. HARTKE. The Senator may do so. I point out that the man whom I am quoting is the Canadian Minister of Industry speaking in the Canadian House of Commons.

Let us come back to the Financial Post of December 19, 1964, on balance of payments——

Mr. LONG of Louisiana. People may have differences of opinion.

Mr. HARTKE. I understand.

Mr. LONG of Louisiana. Much as I love the Senator from Indiana, he and I sometimes arrive at different conclusions.

Mr. HARTKE. I find myself in a very peculiar position, being on the opposite side of my distinguished leader on this matter. I have the highest regard for his ability. I know it is very difficult for him to defend this indefensible agreement. That is perfectly all right; he is doing the best he can under the circumstances.

Mr. LONG of Louisiana. I am really not an expert on automobiles, Mr. President. I am doing the best I can, since I find myself standing here with this bill.

Mr. HARTKE. I agree with the Senator.

Mr. LONG of Louisiana. But I do believe—and I think that everybody in the executive branch who worked on the matter believes—and the automobile companies themselves, believe the agreement will be good for them. The labor leaders, who have the responsibility of looking after these jobs, all think it is going to be good for labor. The Secretary of Labor, who has the responsibility of looking after these jobs, thinks it is going to be good for the workers; and the Secretary of Commerce, who has the responsibility to look after the interests of business, thinks it is going to be good for business.

So while, of course, the Senator has some support, and there are some who feel as he does, he is with a rather limited group in that regard. The overwhelming majority of those in industry, labor, and Government who have any responsibility in connection with the matter all think this agreement is good.

Mr. HARTKE. I believe that is an exaggeration, but it is perfectly legitimate in debate to go that far.

Mr. LONG of Louisiana. That is what they said. They say it.

Mr. HARTKE. The labor leaders who were represented here represented the laboring people of Canada as well as of the United States. There is a great wage differential, about 25 percent, between what the Canadian worker earns today—even though it costs more to produce an automobile in Canada—and the amount the American worker receives.

Mr. LONG of Louisiana. Yes. Let us analyze that for a moment. I have the floor; I am glad to yield to the Senator for a question, but I have my side of it, too.

Why do Canadians receive a lower wage than the American workers, for the same type of work? The reason is that their productivity is lower. They do not have the benefit of mass production techniques which are so beneficial to the industry in the United States.

Mr. HARTKE. Mr. President, will the Senator yield at that point?

Mr. LONG of Louisiana. But they will have that benefit when this agreement goes into effect, and Walter Reuther will go there and pound on the table with the same forcefulness with which he negotiates in the United States, and say, "You must negotiate with these workers. They are entitled to a raise and they are going to get a raise," and the workers of Canada, with their methods improved, will have the same high productivity and the same high wages which American laborers enjoy. That is one more benefit. With all the fine things I said in connection with this agreement, I forgot to say that the Canadian workers will receive a nice, big pay raise.

Mr. HARTKE. Are new facilities to be built in Canada?

Mr. LONG of Louisiana. In both countries.

Mr. HARTKE. No——

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. In Canada?

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. Very definitely.

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. Are they going to be more modern than ours?

Mr. LONG of Louisiana. Not necessarily.

Mr. HARTKE. With cheaper labor, is it going to cost them more?

Mr. LONG of Louisiana. We are going to build more in the United States, too. We are going to expand our industry while they expand theirs. In other words, we will expand our industry about 6 or 7 percent a year, while theirs is expanding about 8 percent a year. Moreover, we are going to continue shipping about $580 million more automotive products into Canada than we buy from them.

Mr. HARTKE. To go back to the balance of payments, this is what they say:

> We will be on our way to whipping that $500 million annual deficit with the United States on cars and parts.

Mr. LONG of Louisiana. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. LONG of Louisiana. I just finished putting in the RECORD a statement by Minister Drury. Here is a man who has the responsibility, and he is explaining to the Canadian Parliament about this agreement. If he could have made that statement and backed it up, he would have been the happiest minister on the floor that day. But he had to tell those people, "I am sorry, folks, I cannot give you any assurance that this is going to improve our deficit with the United States on automobiles and parts. All this will do is keep it from becoming any worse. This is the best I could get out of those rough, tough, Yankee negotiators."

Mr. HARTKE. The point is that so far as balance of payments is concerned, there is no way possible for them to receive the benefit which they said in 1964 they were looking forward to receiving, and for us to receive benefit, too. The Senator from Louisiana has already stated that as far as he is concerned, he thinks we can hold our own. But if we were to receive our normal share of the market, and they were to receive their normal share of the market, our balance-of-payments situation would be better. The Senator from Louisiana has admitted that; and the Canadian minister said that, too—$300 million at least.

Mr. LONG of Louisiana. Their normal share of the North American market is 7 percent. That is what they consume. They produce only 4 percent up there, and so they are not receiving their normal share. They are moving in that direction. But we are still going to have this $580 million-plus advantage in the balance of trade between the two countries under this agreement.

Should we reject the agreement, we might get into the kind of mess we got into down in Brazil, where we lost our entire market, or in Argentina, where we are losing it. Or the same thing may occur in Australia, where they are requiring that ever higher percentages of the components be manufactured locally.

Mr. HARTKE. What does the Senator believe will happen under the proposed agreement? Does he not honestly believe, and is he not convinced, after listening to the hearings, that the Canadian component content will increase from the present 58 percent ultimately to 80 percent?

Mr. LONG of Louisiana. The whole purpose of the agreement is to get away from tariffs and trade barriers between the two countries.

Mr. HARTKE. If it would do only that, I would be with the Senator from Louisiana.

Mr. LONG of Louisiana. We understand this situation. I know that the Senator from Indiana would like to have this country continue to improve its balance of payments, and the percentage of the Canadian market that it has. But Canada cannot afford to have this deficit item keep growing larger and larger. It used to be $300 million, then it increased to $400 million, and then $500 million. Canada was going to do something to protect her position. So Canada began with her rebate plan on automobile parts to move in this area, which accounts for 50 percent of their deficit with the United States.

Mr. HARTKE. That is exactly what I have been trying to say to the Senator from Louisiana—that the measure is designed to help the balance-of-payments situation in Canada and, in turn, to injure the balance-of-payments situation in this country.

Mr. LONG of Louisiana. That is not the purpose of the agreement. The purpose of the agreement is to replace a course of conduct which the Canadians were conducting. The agreement stops it and starts us in the other direction, of freer trade between the two countries, so that we will sell more in the Canadian market and the Canadians will be able to achieve the economies of mass production and sell one of their automobiles for one of our automobiles.

Mr. HARTKE. The Senator says that more automobiles will be sold in the Canadian market.

Mr. LONG of Louisiana. Yes. The Canadian market expands by about 8 percent a year. Canada will produce more automobiles to offset increases in the Canadian demand. However, we are going to ship more to Canada than we are shipping now, and we will continue to have the favorable balance that we have now.

Mr. HARTKE. What the agreement guarantees Canada is that its present production will be maintained. Is that correct? That is what it guarantees Canada.

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. Does it guarantee any such thing to the United States? What if the American market drops off? Is any quid pro quo established? Is symmetry involved?

Mr. LONG of Louisiana. What we get out of it is the elimination of the higher Canadian duty, termination of the rebate plan, and some assurance that our favorable balance of trade with Canada in these products will not be reduced.

Mr. HARTKE. Let us say something happens to the American market under the present administration. We have a good administration and it is going to continue prosperity, but let us assume that something happens, that the sale of automobiles does go down. Is there any guarantee of production in the United States?

Mr. LONG of Louisiana. I cannot theorize about what is going to happen if we have a major depression in this country. If we run the country right, we will not have one.

Mr. HARTKE. I agree with that.

Mr. LONG of Louisiana. If we run the country properly, we will not have to worry about that; the Senator can be assured on that point. The Senator can also be assured that I will do everything I can to cooperate with him to see that the country is run right so that we do not have that problem.

Mr. HARTKE. But there is a guarantee to Canada that its production will be maintained in this agreement; is that not correct?

Mr. LONG of Louisiana. The Canadians need that.

Mr. HARTKE. All I am saying——

Mr. LONG of Louisiana. Let us hold it for one moment there——

Mr. HARTKE. All I am trying to establish is——

Mr. LONG of Louisiana. Let me finish—let me explain that. The Canadian industry is a high-cost industry compared to ours.

Mr. HARTKE. They are not competitive.

Mr. LONG of Louisiana. It costs approximately 15 percent more to produce automobiles in Canada; thus, if they did not have some protection there, when we eliminate the duties between the two countries, the Americans would wipe out the Canadian industry altogether. The Senator can well understand that. If he were looking at it from the Canadian point of view he would want some assurance that when we take the trade barriers off, it will not result in U.S. producers putting Canada out of business in this field.

Mr. HARTKE. In the case of some automobile parts, that is not true, because the Canadians produce some parts cheaper than we do.

Mr. LONG of Louisiana. Overall, as I understand, the cost is higher—approximately 15 percent greater—even though they have a lower wage scale.

Mr. HARTKE. All right. Shall we guarantee their production?

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. Shall we guarantee their growth?

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. What is the quid pro quo? What is the symmetry so far as guarantee and growth are concerned?

Mr. LONG of Louisiana. We get the tariff transmission plan removed, and protect a half-billion-dollar favorable balance of trade in automotive products.

Mr. HARTKE. In other words, they made the first stroke, but if we will be a "good guy" they will not hit us again; therefore we will go ahead and guarantee their production, plus growth—I will come to that in a minute. In other words, we are buying the right not to get hit in the face again?

Mr. LONG of Louisiana. We get their duties down and we protect our balance of payments. We protect our favorable trade with Canada in this item.

Mr. HARTKE. On our balance of payments, we have agreed that we would protect their making it worse and the Secretary of the Treasury says it will not—even taking their word for it. The Tariff Commission says it will be worse by $300 million. The Treasury says it will remain the same. Both say the balance-of-payments situation will not be favorably helped because of the simple fact that we do not receive our share of normal growth.

Mr. LONG of Louisiana. The Senator would like to assume that we could have continued to get an ever-increasing favorable balance of trade in this item, and that Canada would continue to permit it.

But who would stand still for that? That is an erroneous assumption. In my judgment, no responsible public official in the Canadian Government will stand still while their balance on an item such as this grows worse and worse, to the point where it is $580 million out of line, or $1 billion out of line. No. He will proceed to take various restrictive measures to close the deficit by producing more in Canada.

We cannot blame them for doing that. If the Senator were a Canadian, he would be doing the same thing. They started protecting themselves by denying trade concessions in the years gone by, but instead of doing that now, we have this agreement whereby both sides can live with it. We continue to have this surplus of over $500 million a year. We shall continue to ship more and more automobiles and automobile parts into Canada. The Canadians will be able to produce more at lower costs and higher wages for their people, all at the same time, by shipping some cars here.

Accordingly, I say that it is a good deal for both sides. We get rid of some bad things for us. Canada could have moved in this other direction, as other countries have done, and totally shut off American imports. Instead, Canada has agreed to an arrangement with us whereby we continue to protect the trade surplus we have in this item.

Mr. HARTKE. That is an assumption of the Senator.

Mr. LONG of Louisiana. We have a share in the Canadian market under this agreement.

Mr. HARTKE. That is an assumption of the Senator. We guarantee them a record high production at the moment. We guarantee them their normal growth based on——

Mr. LONG of Louisiana. They can take that, whether we agreed or did not. That is something they can take.

If General Johnson had not bled to death on the first day of the Battle of Shiloh, in the State of Tennessee so ably represented in part by the senior Senator [Mr. GORE], who now sits in the Chamber, he would have driven Grant's army into the river. That would have been a defeat to parallel the Battle of Bull Run at Manassas. The South today might have been an independent country. If we had become a free and independent country at that time, and I had been a part of the Parliament of the Confederate States of America today, the first thing I would have insisted upon, if someone wished to sell automobiles in the Confederate States is that he would have to make them there.

That is what Brazil did. That is what Argentina did.

In many instances, it would mean that the automobile would cost much more.

Mr. HARTKE. That is a wonderful demonstration of——

Mr. LONG of Louisiana. If one wished to purchase an automobile in Indiana——

Mr. HARTKE. That is the most perfect argument I have heard against what the Senator is advocating.

I say to my friend the distinguished Senator from Louisiana that the first people to yell, the first people to come back and ask that this agreement be nullified will be the "Big Three." They will come back and beg, because they will be flooded with Volvos and Volkswagens.

Mr. LONG of Louisiana. Let me make this suggestion to the Senator. I will make him a fair proposition. When he returns to his office after this debate, let him go to a picture on the wall and write on the back of it, "LONG of Louisiana predicts that in the year 1968 the United States will still have a surplus of $580 million-plus in trade with Canada in automobiles and in automobile parts."

Then, we will take a look at the situation in 1968, and if I am wrong, the Senator can say, "LONG of Louisiana was wrong." I am sure that it will work out exactly the way I have anticipated, that we will have a surplus of over $580 million.

Mr. HARTKE. Parenthetically, let me ask this question of the Senator: What will the Canadian surplus be on Canadian Club whisky?

Mr. LONG of Louisiana. If the Senator believes that the——

Mr. HARTKE. Or on paper products?

Mr. LONG of Louisiana. The Senator can predict something for himself on the subject of whisky. Let him go ahead and predict, and I will write that on the wall in my office.

Mr. HARTKE. There is no question as to what is needed, so far as concerns what we have obtained in this agreement at the bargaining table. This is what we have in exchange: We must give them the guarantee of their production. We must give them the guarantee of their increase, plus $241 million over and above that in Canadian value added, which is simply stated in common terms of Canadian manufactured goods in Canada. What do we get out of it?

Mr. LONG of Louisiana. Everything we gave them in that connection, plus $580 million surplus, which we have now, and which we propose to keep, plus the parts we are shipping, plus all the profits American companies will get who own this production in Canada. All the better things are protected for the United States in this agreement.

Mr. HARTKE. Where?

Mr. LONG of Louisiana. We keep the share of the Canadian market which we now have.

Mr. HARTKE. Let us come on back for a moment——

Mr. LONG of Louisiana. We are talking in dollar terms.

Mr. HARTKE. The Senator is talking in terms of keeping American industry where it is today. Against that, the Senator is thinking in dollar terms—that American automobile manufacturers would be crying at the Senator's heels.

They do not expect to stay at that level. They expect 10 million a year automobile sales. They do not want production to stay the same. We are not on a constant-size pie level. The size of the pie has not stopped. It is growing bigger. The pie will continue to grow bigger. We are not on a constant pie size. Thank goodness, the administration does not think we are. Otherwise there would be many more people out of work.

The Senator from Louisiana said that 40,000 more jobs were created in this country. Percentagewise, during this same increase, what was the increase in Canada during that same 6-month period?

Mr. LONG of Louisiana. I am not complaining. I hope Canada will have good results and more employment, but I think an increase of 40,000 jobs in this industry in a 6-month period is pretty good.

Under this agreement we are giving up duties of 6½ percent on cars and 8½ percent on parts. In return, for the elimination of those duties, there will be a reduction in Canada's duties ranging from 17½ to 25 percent.

Mr. HARTKE. But to whom does that benefit go?

Mr. LONG of Louisiana. Whoever ships the product in does not have to pay that duty.

Mr. HARTKE. To whom does that benefit go?

Mr. LONG of Louisiana. Any time a country takes off duties there must be a trade concession.

Mr. HARTKE. So let us say there is a $50 million trade concession to Canada; but where does the benefit go?

Mr. LONG of Louisiana. In the long run, it will be the Canadian consumer of automobiles, and the American consumer of automobiles, and American labor and Canadian labor.

Mr. HARTKE. It is going to cost $50 million next year. Who will get the $50 million next year? Where will it go? The Canadian consumer is not going to get it. The American consumer is not going to get it. Where will it go?

Mr. LONG of Louisiana. In the main, it will go to build plants to supply Canada's share of the market. Some of it will go to build up the American share of the Canadian market.

Mr. HARTKE. But who owns those plants?

Mr. LONG of Louisiana. American companies; and after they build those plants, I hope they will declare some dividends so some of the investors will get the benefits also. The manufacturing companies will be able to ship products without those duties. But our own producers will benefit because of the rapidly growing Canadian market. The agreement calls for benefits to United States and Canadian producers, who are also U.S. companies, owned by U.S. investors. But it does more than that. The agreement permits plants to be built up to serve the vast North American market, and thus everybody will have the benefit—workers and producers of the United States as well as Canada.

Mr. HARTKE. If the automotive agreement and the collateral commitments of these companies—only part of which have been revealed, incidentally, to date—are carried out, does the Senator believe that Canadian production of automotive products will increase sharply in the 1967–68 model year?

Mr. LONG of Louisiana. It has been anticipated that Canada will produce more automobiles, as will the United States.

Mr. HARTKE. There will be an increase in assemblies as well as production of parts?

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. By that model year, is it not true that, in terms of Canadian value added, it will probably be materially larger than it would have been preagreement, with the Canadian protective tariff alone? Is that correct?

Mr. LONG of Louisiana. Yes; but that is not a fair question, because the question leaves out something that should be present.

Mr. HARTKE. What is that?

Mr. LONG of Louisiana. If we do not enter into the agreement, Canada will take other steps to protect her situation.

Mr. HARTKE. If this agreement goes into effect will there be a major intrusion of Canadian parts?

Mr. LONG of Louisiana. There will be an increase whether the United States agrees to the agreement or not. We can agree to it and there will be an increase in the Canadian proportion. We can disagree to it, and there will still be an increase in the Canadian proportion.

Mr. HARTKE. How? By the same proportion?

Mr. LONG of Louisiana. By probably a greater proportion. It is our feeling, and that of the administration, that if we do not ratify this agreement, Canada is going to move in a direction to give herself some protection. When two nations start cutting each other's throats in a trade war over a period of time, they restrict trade. Both countries would lose, but this country has more to lose, because we have a favorable balance of trade. If we cut out all trade with Canada, let us say, we would lose by half a billion dollars, plus the loss of a good friend.

If that situation went further and relations became more strained, Canada might deem it appropriate to do away with the early warning line that we use to warn us against potential enemies. She might withdraw her permission to use her territory for defense purposes. There are all kinds of situations that can happen once friends start falling out.

Mr. HARTKE. Let us look at the other side of the coin. Does the Senator believe that by this agreement we will increase our friendly relations to the extent that Canada will send a few troops to Vietnam?

Mr. LONG of Louisiana. I do not predict that. I would like to see it, but I do not predict it.

Mr. HARTKE. Let me leave that and get to a relevant question. The Senator is saying that the only excuse for this agreement is fear of a trade war, in which we have traded off many benefits and have received no benefits.

Mr. LONG of Louisiana. I think I have made a better case than that. That is one reason why I wanted my opening statement to appear in one place, so a person could follow what I said and follow my points in sequence.

Mr. HARTKE. Will not this agreement result in Canada getting an increased share of the United States automobile market?

Mr. LONG of Louisiana. We had this experience in Brazil and Argentina. We are dealing with a country which is going to move to correct its imbalances.

Mr. HARTKE. What the Senator is arguing is trade war fear.

Mr. LONG of Louisiana. We have an agreement that involves a $500 million trade surplus. The Secretary of Labor thinks it is very important that we have the agreement, because he is concerned about protecting jobs. He has said that the agreement protects 25,000 jobs in the assembly and parts industry, and perhaps more jobs in steel industries and other allied industries, such as rubber tire plants.

Mr. HARTKE. The Secretary of Labor also said he will have to ask for this adjustment assistance arrangement, and that he cannot predict how much money will be necessary for this purpose. There are some 10,000 parts firms or more, but he said he cannot guarantee. Let me tell Senators what the president of Chrysler had to say about parts manufacture for the future.

Mr. LONG of Louisiana. Canada is going to be paying.

Mr. HARTKE. May I finish my statement?

This is what the president of the Chrysler Corp. said. I am reading from Business Week of January 3, 1963:

> He foresees the day when some auto companies may decide to build their entire supply of basic components, frames, engines, transmissions, and springs, in Canada.

Mr. LONG of Louisiana. But if we can continue with this $580 million surplus in this item, we shall have made a good deal for the United States, when we see what happened in Brazil where we lost out completely and other markets where we are losing. Here we have an agreement to protect the market. We shall have a lower cost for consumers and better conditions for the workers. That is why the Departments of Commerce, Treasury, and Labor are for it.

Mr. HARTKE. The Treasury did not say whether it was for it.

Mr. LONG of Louisiana. Did not the Senator receive a telegram from Walter Reuther?

Mr. HARTKE. No.

Mr. LONG of Louisiana. I believe he is an outstanding labor leader.

Mr. HARTKE. I do not know whether we received a telegram from him or not. I do not believe so.

Mr. LONG of Louisiana. Call him. I called him myself. I did not want to be in doubt about it. I called Walter Reuther and he said that he thinks it is a good thing, a fine thing.

Mr. HARTKE. I do not expect him to take sides when he has Canadians voting for him also.

The Senator admits that it will cost more. The Canadians will have a bigger share of the industry.

Mr. LONG of Louisiana. But the Senator said he did not expect Walter Reuther to take sides, and yet Walter Reuther has said he is supporting it.

Mr. HARTKE. I said I did not expect him to take sides between Canadian and American automobile workers.

Mr. LONG of Louisiana. He is not not taking sides, because it is good for both of them. The Secretary of Labor thinks so.

Mr. HARTKE. The Secretary of Labor also believes that it will cost a vast amount of money to take these people and train them for other work. We shall have area redevelopment plans.

Mr. LONG of Louisiana. We have provisions like that in the Trade Expansion Act. This act has to do with everything, not merely automobiles. It has cost us nothing. All the things that someone imagined did not materialize.

Mr. HARTKE. I know. Let us be honest about that.

The truth is that the Secretary of Labor said the reason for the adjustment of this bill is not like the adjustment of the Trade Expansion Act; that the interpretation under the Trade Expansion Act was so severe that no one could ever claim benefits under it at first.

Mr. LONG of Louisiana. That is only one reason. The other is that we have more jobs in this country and less unemployment than many other countries and we are very prosperous.

So, facing the situation of work, we had the best disciplined workers, and there were armies of workers in Canada trying to find jobs.

Mr. HARTKE. The Secretary of Commerce stated Saturday night that our trade balance was down $2 billion on an annual basis, compared to last year. We did not improve. I shall introduce a resolution today showing steel imports are up almost double the annual rate of what they were last year.

Mr. LONG of Louisiana. I would like to cut down on it. We produce oil in Louisiana. We would get Louisiana, Indiana, and Kansas producers to produce that oil. We would not have it come from Canada and Venezuela and all other countries. I do not have that much power; and I hope the Senator would help me.

Mr. HARTKE. I hope I can. I find it difficult to be on the opposite side from the Senator from Louisiana.

Is this true or not: The amount of Canadian content in automobiles produced after this agreement will be substantially increased?

Mr. LONG of Louisiana. Over a 3-year period by about $241 million. That is about all.

Mr. HARTKE. Above their normal growth?

Mr. LONG of Louisiana. Above what it is now.

Mr. HARTKE. No.

Mr. LONG of Louisiana. The $241 million would be only absolute increase.

Mr. HARTKE. Absolute increase?

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. But they are above their normal growth. They are guaranteed their normal growth.

Mr. LONG of Louisiana. There will be a 60-percent Canadian requirement just as there has always been a 60-percent requirement.

Mr. HARTKE. The Senator is talking about percentages now.

I wish to point out what the Canadians believe. I have the Financial Post of Toronto, which is equivalent to Barron's, it is dated September 18, 1965. In it it is stated:

> The big auto-parts program has already swung into high gear and the Canadian content of 1966 models—without benefit of export—is estimated at around 70 percent. The proportion was around 60 percent last year. By 1968—if the auto pact is soon cleared—the proportion should rise to around 80 percent.

So that instead of going down it is going to go up, up, and up.

Mr. LONG of Louisiana. The $241 million is the big difference. But the Canadian market is going to grow by 8 percent a year because of increased consumption even if prices do not come down. Lower prices will make it possible to sell even more automobiles in Canada. We shall be selling more automobiles and have the same surplus we have now in dollars, but we shall not have the same percentage of the Canadian market.

I hope the Senator will keep in mind that Canada has something to say about that market, because it is their country. They whipped us in a battle at one time to keep it that way.

Mr. HARTKE. The Senator does not agree that Canada will have a larger share by the time the 1968 automobiles are on the road. Is that correct?

Mr. LONG of Louisiana. Two hundred and forty-one million dollars more in automobile production.

Mr. HARTKE. Percentagewise they anticipate they will increase it, percentage of combined production, from 4 to 6 percent.

Mr. LONG of Louisiana. It will be closer to 5 percent.

Mr. HARTKE. The Tariff Commission says 6 percent.

Mr. LONG of Louisiana. Our estimates are it will be closer to 5 percent. That is the figure that the Department of Commerce has. Of course, the Tariff Commission is entitled to have a different opinion.

Mr. HARTKE. The Tariff Commission is an agency of Congress.

Mr. LONG of Louisiana. Yes.

Mr. HARTKE. It is our agency. Is that correct?

Mr. LONG of Louisiana. I like to think so.

Mr. HARTKE. They have an outstanding record of trying to be objective.

Mr. LONG of Louisiana. I am sure they have. If that is what they said, I am willing to concede that that is how they feel.

Mr. HARTKE. Whether it is 5½ or 6 percent——

Mr. LONG of Louisiana. A great many good people do not agree with that conclusion, however.

Mr. HARTKE. Let us assume that the Senator from Louisiana is correct, that it will be raised between 4½ and 5 percent.

Mr. LONG of Louisiana. We estimate that it would be about 5.1 percent.

Mr. HARTKE. Very well; 5.1 percent. Whatever the figure is, the arithmetic will be the same. By whatever proportion it increases in Canada it will decrease in the United States. Is that correct?

Mr. LONG of Louisiana. Yes; but if we think in terms of quantity or dollars, the total share of the United States in the Canadian market will be larger in 1968, and even in 1970, than it is today.

Mr. HARTKE. The proportionate share——

Mr. LONG of Louisiana. Not the proportionate share. I agree it will not be the same proportionately. It is beyond the power of the U.S. Congress, and I think also beyond the power of the President of the United States to make Canada let the United States manufacturer its automobiles unless Canada agrees to let us do so.

Gen. James Wilkinson during the War of 1812, tried to arrive at a different result, and could not do it. Canada is a free, independent, sovereign country. They did not think it was a good idea at the time we sent that army up there under a distinguished officer. We did not have a good day.

Mr. HARTKE. Canada will have a good day on this one too, will they not?

Mr. LONG of Louisiana. Both countries will have a good day on this one.

Mr. HARTKE. Let us assume that they go ahead and expand their automobile operations in Canada in order to meet the requirement of Canadian value added. If the Senator will read the agreement in the information submitted in the record after the question was asked as to what this exactly means, I think he will find that this has not even been defined, and that Canada can define it unilaterally after the agreement has been entered into.

Mr. LONG of Louisiana. We have some powers, too. We are watching what Canada is doing.

Mr. HARTKE. But Canada has a right to make a decision unilaterally. Canada can decide what it means by "Canadian value added." They have that right. The legal counsel for the Secretary of State—and Under Secretary Mann made a statement which appears in full in the record—said that there is no question that there is a lack of clarity concerning the meaning of "Canadian value added."

Mr. LONG of Louisiana. If Canada makes an agreement that is contrary to the objectives of the agreement which I have tried to spell out today, Canada will have violated the agreement, and we will be entitled to get out of it. As a matter of fact, even if Canada does not do so, we can, on 12 months' notice, get out of the agreement anyway, if we do not like it.

Mr. CARLSON. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. CARLSON. The distinguished Senator from Louisiana is making an excellent defense of the agreement between the United States and Canada on automotive parts, and the distinguished Senator from Indiana is carefully pointing out some of the flaws. However, I do not believe it will be possible to complete the discussion on the bill this evening. Would the Senator from Louisiana be willing to conclude his remarks for today at this time, and resume on the same subject tomorrow?

Mr. LONG of Louisiana. Yes. I should like to suspend now, if that would be satisfactory to the Senator from Indiana, and reserve my further response until he has made his main presentation. He has been preparing his speech. I hope it will adequately present his position for the RECORD. I shall read it with interest. I fear that we shall not be in closer agreement than we were when we started today, but I shall certainly enjoy studying his views on the subject.

Mr. HARTKE. It is most delightful always to listen to the distinguished Senator from Louisiana. He is most persuasive; and he has persuaded me that we should proceed further into this matter tomorrow.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted until midnight tonight to file its reports on H.R. 3141, the Health Professions Educational Assistance Amendments of 1965, and H.R. 8310, the vocational rehabilitation amendments, together with additional, supplemental, minority, and individual views, if any; and that the Committee on the District of Columbia be permitted until midnight tonight to file its report on S. 1719, a bill to provide overtime compensation for District of Columbia police and firemen, U.S. Park Police, and White House Police.

Mr. CARLSON. Mr. President, reserving the right to object—and I certainly shall not object—I hope that these requests have been cleared with the appropriate Members of the minority.

Mr. LONG of Louisiana. I understand that they have been cleared with members of the committees on both sides of the aisle.

The PRESIDING OFFICER (Mr. GORE in the chair). Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SYMINGTON AT THE CONCLUSION OF ROUTINE MORNING BUSINESS ON WEDNESDAY

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business tomorrow, the senior Senator from Missouri [Mr. SYMINGTON] be recognized and that he may be permitted to proceed for 1 hour.

The PRESIDING OFFICER (Mr. GORE in the chair). Without objection, it is so ordered.

ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, if other Senators do not desire to make speeches, I am prepared to move that the Senate adjourn.

I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 47 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 29, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 28, 1965:

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officers for promotion from the class of career minister to the class of career ambassador:

Foy D. Kohler, of Ohio.

Douglas MacArthur II, of the District of Columbia.

Thomas C. Mann, of Texas.

The following-named Foreign Service officers for promotion from class 1 to the class of career minister:

Richard H. Davis, of the District of Columbia.

G. McMurtrie Godley, of the District of Columbia.

Marshall Green, of the District of Columbia.

William Leonhart, of West Virginia.

Henry J. Tasca, of the District of Columbia.

Leonard Unger, of Maryland.

THE JUDICIARY

Francis X. Morrissey, of Massachusetts, to be U.S. district judge for the district of Massachusetts vice a new position.

WITHDRAWAL

Executive nomination withdrawn from the Senate September 28, 1965:

The nomination sent to the Senate on August 31, 1965, of Mr. Robert R. Mease to be postmaster at Springtown, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 28, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer, and used this verse of Scripture: Matthew 7: 12: *Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.*

Almighty God, we thank Thee for the many kind and gracious words which came from the lips of our blessed Lord.

When we consider and ponder this Golden Rule, we realize that here is the sovereign law of love in action and that it is something which humanity ought to take to heart more seriously.

Inspire us to obey it as the supreme law in human relations. Thus may we become the messengers of generosity and good will.

May we not forget that we must apply this rule not only to our deeds but to thoughts and words as well.

Help us to give evidence of the wisdom of the law of love in the world of trade and industry, of government and politics, of religion and creed.

When we take this simple step pointed out by the Golden Rule and show forth a finer skill of insight and sympathy, there will come a new day such as the sun has never looked down upon.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to the bill (S. 1766) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes, with amendments in which the concurrence of the House is requested.

RESIGNATION OF MEMBER

The SPEAKER laid before the House the following communication, which was read:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1965.

DEAR MR. SPEAKER: It is with a considerable degree of sadness that I take this official means of resigning as a Member of the House of Representatives—a Representative from the 26th District of California—effective as of noon, Thursday, September 30, 1965.

I hope it is appropriate for me to add that I can sincerely say I have had the privilege of serving my country not only under the leadership of the great Speaker, Sam Rayburn, but under your speakership, which I regard as probably the most effective and productive sessions in our country's history. You have, in so many ways, given me your support and friendship that I, of course, cannot find a way to adequately express my appreciation and everlasting affectionate respect.

I look forward to my new assignment in a critical area of the world's history with the hope that I can put to use the lessons I have learned during my service in the House. So many Members on both sides of the aisle have made it possible, I hope, for me to have made some contribution, and I take this last opportunity of expressing my warmest thanks to each and every one of my colleagues. I shall hope to visit with you frequently.

With sincere regards and best wishes, as always, I am

Yours sincerely,

JAMES ROOSEVELT.

FOREIGN ASSISTANCE APPROPRIATION BILL, 1966

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H.R. 10871, making appropriations for foreign assistance for the fiscal year ending June 30, 1966, with Senate amendments, disagree to the amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. PASSMAN, Mr. ROONEY of New York, Mr. NATCHER, Mrs. HANSEN of Washington, Mr. COHELAN, Mr. LONG of Maryland, Mr. MAHON, Mr. SHRIVER, Mr. CONTE, Mr. ANDREWS of North Dakota, and Mr. BOW.

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the conferees on the disagreeing votes of the two Houses on the bill H.R. 10871 have until midnight tomorrow night in which to file a conference report on the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONTINUING APPROPRIATIONS, 1966

Mr. MAHON. Mr. Speaker, pursuant to the unanimous-consent order of last Friday, I call up the joint resolution (H.J. Res. 673) making continuing appropriations for the fiscal year 1966, and for other purposes, and ask unanimous consent that it be considered in the House as in the Committee of the Whole House on the State of the Union.

The Clerk read the joint resolution, as follows:

H.J. RES. 673

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the joint resolution approved June 30, 1965 (Public Law 89–58), as amended, is amended by adding a new subsection as follows: "(e) Such amounts as may be necessary for continuing Civil Supersonic Aircraft Development Activities which have been conducted in the fiscal year 1966 but at a rate for operations not in excess of the rate provided in the supplemental estimate pending before the Congress until the enactment into law of the applicable appropriation", and section 102 is further amended by striking out "September 30, 1965" and inserting in lieu thereof "October 15, 1965", except as provided in section 101(e) hereof.

The SPEAKER. Is there objection to the request of the gentleman from Texas that the resolution be considered in the House as in the Committee of the Whole House on the State of the Union?

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to inquire of the gentleman if it is not true that we were advised by the Appropriations Committee the last time we extended appropriations through a continuing appropriations resolution that that would be the last one in this session?

Mr. MAHON. If the gentleman would first permit us to begin the consideration of the resolution, we can then discuss these matters. This is merely a unanimous-consent request that the resolution be considered in the House as in the Committee of the Whole.

Mr. HALL. If the gentleman from Texas will reflect, he will know that I realize full well, the nature of the request. The gentleman himself has emphasized that it is a unanimous-consent request. Therefore, I make the reservation of my right to object even to consideration of such further foolhardiness as continually extending the appropriations, on the same or like basis. I well realize that I may not have the right to object during the colloquy, debate, and the usual panoply of individual opinions that go on under the control of the Chairman as to why we should, or should not, continue appropriations under such a resolution; and whether or not agencies would indeed be harmed if we should not continue such appropriations. This is especially true after promises have been made that we would be in adjournment by this time, that the work of the House and the Congress under dynamic and better leadership could be expedited, and that no further similar continuing appropriations would be required. So I renew my question, and I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, the gentleman has asked if there was a promise, or a statement to the effect that the previous continuing resolution—which runs through September 30—would be the last one required at this session.

I know of no such statement or promise. We have been expressing sanguine hopes—those of us who wish to adjourn as soon as reasonably possible—that we would not have to seek additional continuing resolutions. But these things are unpredictable. This request today is unpredictable. Against all hope, I foresee that prior to the 15th of October, which would be the general limit of applicability of the present resolution, we may have to request an additional extension or another continuing resolution. I hope not—but we cannot know what the future necessities will be.

With respect to the bills still pending, let us consider the appropriations for the Department of Agriculture. The House passed that bill months ago. The other body passed it many weeks back. Some of the conferees on the present omnibus farm bill are also members of the conference on the agricultural appropriation bill. We have met on several occasions. We have been seeking to meet again. When we can meet again we will probably be able to iron out the difficult controversies which exist between the House and the Senate on that bill—and hopefully meet before October 15.

With respect to the public works appropriation bill, which has also cleared both Houses, it would appear that final action could be taken this week or next. At least we have high hopes that final action can be taken on it prior to the 15th of October.

The gentleman from Louisiana [Mr. PASSMAN] has asked consent today to go to conference on the foreign aid appropriation bill and he manifested hope of expeditious disposition by securing consent to have until midnight tomorrow to file a conference report if agreement is reached tomorrow.

It looks like we are getting in good shape. We are doing the best we can with a difficult situation.

Mr. HALL. Mr. Speaker, if we are in good shape, we are just about 2 months too late being in good shape, according to the Constitution and existing law. We continue to operate under existing Korean "emergencies."

I believe we all understand the full details of the various congressional conferences of the committees of the two bodies.

With respect to "sanguinity of hope," I, too, continue to express it. It reminds me very much of the statement of a mayor of one of the towns I am privileged to represent, who said that big government nowadays is like giving yourself a blood transfusion from one arm to the other, and spilling 20 percent in the process. Whatever we get in the form of good government, it is time that we considered the source, and not transfuse ourselves with further appropriations and taxpayers' money deficiency bills.

In view of the hope expressed and the stated record of good intent, Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GERALD R. FORD. Further reserving the right to object, Mr. Speaker—and I do not intend to object—I feel it is appropriate for those of us on the minority side to express our deep concern over the seemingly never-ending continuing resolutions for the financing of the various departments for fiscal year 1966.

The original request in tnis instance, as I understand it, was for the month of October. By negotiation between the gentleman from Texas and the gentleman from Ohio, the date for this continuing resolution was agreed to as October 15. It seems to me that between now and October 15 all of the appropriation legislation can be taken care of and taken care of satisfactorily.

It also appears to me that our other legislative matters can likewise be handled and completed. It is perfectly obvious to those of us on the minority side that unless we say "No" to a continuing resolution after the 15th of October the Congress will go on ad infinitum during 1965.

I believe the gentleman from Texas and others should know that we on the minority, after the expiration of this resolution, October 15, will violently object to any further extension.

Mr. Speaker, I withdraw my reservation.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. **MAHON.** Mr. Speaker, I move to strike the last word.

I share, as I believe all Members do, the hope of the distinguished minority leader [Mr. GERALD R. FORD] that we may adjourn at the earliest practicable date.

I would remind us, however, that we are paid by the year and it is our duty to discharge our responsibilities here. We have to stay here until we complete our work.

Let me say this: The House of Representatives is a proud body. I would say that we could have already agreed with the other body on the Agriculture appropriation bill, for example, but we did not feel, as Representatives of the House, that we should yield on certain items. We are working with the other body in a spirit of comity and good will. We will be able soon, I hope, to resolve the issues before us. To yield as a matter of expediency in matters which we feel would not be in the best interests of the country is something we do not propose to do. The other body likewise has its responsibilities and mutually satisfactory agreements are being sought. I am sure my good friend from Ohio [Mr. Bow], who is on his feet, and my good friend from Michigan [Mr. GERALD R. FORD] would agree with that.

There are only three bills pending that have not been finally sent to the White House, aside from the customary last supplemental bill which we hope to report shortly. I feel confident we should be able to dispose of the conferences on the three bills by the 15th of October, but we may have a problem meeting that date with regard to the supplemental appropriation bill. It may be that we could complete the supplemental by the 15th of October. I hope we can but I seriously doubt that this will be possible. I have informed the Director of the Bureau of the Budget that we must take stock and expedite the budget requests in connection with the bill. We have some requests in hand and are processing them, but there are several others in the offing. I have a meeting this afternoon with the Director at which time I shall undertake to persuade him to expedite these matters for our early consideration.

Mr. Speaker, in addition to the 15-day extension beyond September 30, the pending resolution contains one other matter. As the committee report clearly points out, the resolution also authorizes continuation of the work on development of a civil supersonic aircraft. The independent offices bill for 1966, in which it normally would have been funded, did not contain supplementary funding because various special studies of the economics of alternative designs and technical problems were then under evaluation. Decisions have since been made and on August 12 the President requested an additional $140 million to continue work on this important project.

The work has continued during the current fiscal year with balances of prior appropriations, but we are advised that these will be exhausted in the next several days. This is an ongoing project and to avoid a disruptive gap in the work, and liability for certain charges if the work is terminated or suspended, the accompanying resolution, in effect, advances some of the pending supplemental request, but at a rate not in excess of what it would allow. The matter is more fully explained in the committee report which is at the desk.

Mr. **BOW.** Mr. Speaker, will the gentleman yield to me?

Mr. **MAHON.** Yes. I am glad to yield to the distinguished gentleman from Ohio [Mr. Bow].

Mr. **BOW.** Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, it is unfortunate indeed that it is necessary to bring before the House another continuing resolution. The Appropriations Committee, under the leadership of our able chairman, the gentleman from Texas [Mr. MAHON], has worked hard and diligently. Our work is practically completed, the exception being conference reports and the last supplemental.

I would urge upon the leadership of the Committee on Appropriations and the leadership of the House that the executive branch of the Government be advised that we shall act upon deficiencies and supplementals during the week of October 4, having in mind that all appropriation bills will be concluded by the Congress on or before October 15, the date of the expiration of this resolution. There is no reason why this cannot be done. If it is not and we continue on our present course, Congress cannot and will not adjourn. It is time to call a halt on spending and reevaluate what we have done. We have already provided more spending than ever before in the history of the Republic—this in spite of claims of economy by the executive branch.

There should be no further continuing resolutions. Let us complete our work in the interest of the American taxpayer.

Mr. Speaker, I should like to outline what we have been doing. I think it underscores the statement I keep in front of me, over my desk:

> Nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody.

The following table as of September 17, 1965, "Summary 1966 New Obligational Authority Provided in Appropriation Bills," shows that the House has considered revised budget estimates of $90.7 billion, from which the House cut $2 billion. The Senate has considered estimates of $92.4 billion, making a cut of $1.4 billion. The increase in budget estimates considered resulted primarily from the $1.7 billion which was submitted to the Senate for Vietnam and added to the defense appropriation bill after action by the House.

The 10 appropriation bills on which final action has been completed have been cut $1.6 billion.

I want to point out that the estimates used in compilation of this table were January estimates, which will be revised considerably by the administration when the Bureau of the Budget Midyear Review is published. For example, postal operations are carried on a net basis in the administrative budget; therefore when estimates of receipts are changed, there will be a change in the amount shown for the Treasury-Post Office appropriation bill.

The summary table does not include permanent authorizations not requiring action by the Congress, which in January were estimated at $12.9 billion. It does not include borrowing authority or contract authority provided in legislative bills. Housing legislation provided $1.31 billion for 1966. The Pacific Northwest Disaster Relief Act included $85 million contract authority for 1966 for roads.

Adding budget estimates, as considered by the Senate of $92.4 billion, permanent appropriations—at the January estimate of interest on the public debt, and so forth—$12.9 billion, backdoor financing in the legislative bills which I just mentioned, and deducting a cut of around $2 billion in the bills considered so far, results in a total of $104.7 billion. To that amount should be added the supplemental for Great Society legislation to be considered this session of Congress of several billion dollars, and we are billions over the January estimate of $106.4 billion for new obligational authority in fiscal year 1966.

In addition there will be another 1966 supplemental next January for Vietnam, of nobody knows how many billion. In the Treasury Department "Monthly Statement of Receipts and Expenditures" just received, expenditures of the Defense Department were reported at $7.9 billion for the first 2 months of fiscal year 1966, compared with $6.9 billion in the same period of 1965—$1 billion higher for the period July 1 through August 31, 1965. So the increased Vietnam costs are readily apparent.

Summary, 1966 new obligational authority provided in appropriation bills, 89th Cong., 1st sess., as of Sept. 17, 1965

[In millions of dollars]

	Budget estimates to House	House passed	House change	Budget estimates to Senate	Senate passed	Comparison, Senate versus—		Final action	Congressional change compared with—		
						Budget	House		Budget	House	Senate
District of Columbia	79.4	70.4	−9.0	79.4	75.4	−4.0	+5.0	72.4	−7.0	+2.0	−3.0
Interior	1,125.0	1,068.4	−56.5	1,125.7	1,115.2	−10.5	+46.8	1,097.3	−28.4	+28.9	−17.9
Treasury-Post Office	2,091.0	1,986.9	−104.1	2,097.2	2,046.2	−51.1	+59.3	2,016.9	−80.3	+30.0	−29.3
Labor-HEW	8,294.6	7,964.0	−330.6	8,294.6	9,023.1	−271.5	+59.1	8,011.3	−283.3	+47.3	−11.8
Independent offices	13,772.9	13,401.0	−371.9	13,807.9	13,546.9	−260.9	+145.9	13,415.1	−392.7	+14.1	−131.8
State, Justice, Commerce	1,678.5	1,623.5	−55.0	1,682.7	1,625.3	−57.5	+1.8	1,630.4	−52.3	+6.9	+5.1
Legislative	192.3	138.4	−54.0	230.8	178.6	−52.2	+40.3	177.8	−53.0	+39.4	−.8
Labor-HEW supplemental	1,553.9	1,223.2	−330.7	1,553.9	1,407.2	−146.7	+184.0	1,223.2	−330.7		−184.0
Defense	45,152.1	45,067.5	−84.6	46,852.1	46,756.3	−95.8	+1,688.8	46,766.4	−85.7	+1,698.9	+10.1
Military construction	2,049.0	1,755.5	−293.5	2,049.0	1,759.5	−289.5	+4.0	1,756.6	−292.4	+1.1	−2.9
Subtotal	75,988.7	74,298.8	−1,689.9	77,773.3	76,533.7	−1,239.7	+2,234.9	76,167.5	−1,605.9	+1,868.7	−366.2
Agriculture	6,152.1	6,157.3	+5.2	6,119.6	6,254.2	+134.5	+96.9				
Public works	4,322.3	4,190.1	−132.2	4,336.1	4,276.0	−60.0	+86.0				
Foreign aid	4,215.9	4,028.5	−187.5	4,215.9	[1] 3,934.2	[1] −281.7	[1] −94.3				
Total	90,679.0	88,674.6	−2,004.4	92,444.9	90,998.1	−1,446.9	+2,323.5				

[1] As reported.

The following three tables break down the 1966 new obligational authority provided in appropriations bills by showing the amount of appropriations and itemizing, the adjustments necessary to arrive at new obligational authority—addition of loan authorizations and reappropriations—deduction of liquidating cash—appropriations for liquidation of contract authority—deduction of appropriations for years other than 1966, rescissions, and so forth. The first table shows House action, the second Senate action, and the last indicates final action.

Mr. Speaker, it will be recalled that in the last hours of the last session of the 87th Congress, in October of 1962, the customary closing supplemental appriation bill of the session, which had been passed by both Houses, failed to go to conference and died on the Speaker's table. Congress adjourned sine die, went home, and left it there.

That bill carried with it budget estimates for appropriations of $631,785,000 for the then current fiscal year—fiscal year 1963. The bill as it came from the Senate carried appropriations of $550,668,000.

When the Congress returned to its work in the next session—the 1st session of the 88th Congress—in due time it was, as invariably it is early in every session, presented with a raft of supplemental appropriation requests for the then, and still current fiscal year 1963. But it was soon noted that many of the amounts requested for the fiscal year 1963 which had died with the bill in the preceding session had not been resubmitted by the President.

The distinguished chairman of the Committee on Appropriations, the late Honorable Clarence Cannon, submitted to the House a study of the resulting savings in appropriations requested for fiscal 1963. The total savings directly attributed to this episode amounted to over a quarter of a billion dollars—$251,601,000, according to the study submitted.

Clearly, this showed that the supplementals were excessive; that there was no urgency; that essential services were in no way discommoded by the failure of the bill; and that such of the supplements as might require consideration in the fiscal year 1963 could very well be put over to the next session.

The bill that failed was loaded with propositions to initiate new projects and programs. We are faced with a somewhat similar situation in these supplementals now in hand and presumably yet to come from the President.

A supplemental bill, rushed through in the closing days of a long, weary, and expensive session is hardly the best time and place to maturely consider these new propositions that tend to start off at a relatively low figure but enlarge in the following budgets. It is more orderly to consider them in the regular order; in the regular way in the regular bills, alongside the hundreds of ongoing activities of the Government.

Furthermore, Mr. Speaker, it is only a relatively short time before Congress will meet in the next session—if this one ever concludes.

The tables referred to follow:

1966 new obligational authority provided in appropriation bills as of Sept. 17, 1965

HOUSE ACTION

[In thousands of dollars]

	Budget estimates to House	House passed	House change
DISTRICT OF COLUMBIA			
Appropriation table	53,122	44,122	−9,000
Add appropriations for loan programs	26,312	26,312	
New obligational authority	79,434	70,434	−9,000
INTERIOR			
Appropriation table	1,240,850	1,184,090	−56,759
Add:			
Reappropriation (fishing vessels)			
Loan authorization (helium)	16,780	16,000	−780
Deduct liquidating cash	132,672	131,672	−1,000
New obligational authority	1,124,958	1,068,418	−56,540
TREASURY-POST OFFICE			
Appropriation table	6,708,510	6,604,404	−104,106
Deduct:			
Postal receipts	4,617,532	4,617,532	
1965 appropriation for IMF			
New obligational authority	2,090,978	1,986,872	−104,106

1966 new obligational authority provided in appropriation bills as of Sept. 17, 1965—Continued

HOUSE ACTION—Continued

[In thousands of dollars]

	Budget estimates to House	House passed	House change
LABOR-HEW			
Appropriation table	8,293,814	7,964,034	−329,780
Adjustment to reflect amount requested in January budget for wage and labor standards	+804		−804
New obligational authority	8,294,618	7,964,034	−330,584
INDEPENDENT OFFICES			
Appropriation table	14,531,023	14,109,908	−421,115
Add rescission of VA permanent loan authorization	−100,000		+100,000
Deduct:			
Liquidating cash	445,665	526,428	+80,763
1967 appropriations for FAA and HHFA	212,500	182,500	−30,000
New obligational authority	13,772,858	13,400,980	−371,878
STATE, JUSTICE, COMMERCE, ETC.			
Appropriation table	2,167,736	2,085,690	−82,046
Add reappropriation for ABMC	32	32	

1966 new obligational authority provided in appropriation bills as of Sept. 17, 1965—Continued

HOUSE ACTION—Continued

[In thousands of dollars]

	Budget estimates to House	House passed	House change
STATE, JUSTICE, COMMERCE, ETC.—con.			
Deduct:			
Liquidating cash	239,240	237,240	−2,000
Repayable advances to highway trust fund	250,000	225,000	−25,000
New obligational authority	1,678,527	1,623,482	−55,046
LEGISLATIVE			
Appropriation table	204,872	150,589	−54,283
Add: Reappropriation (Library buildings and grounds)		265	+265
Deduct liquidating cash	12,500	12,500	
New obligational authority	192,372	138,354	−54,018
LABOR-HEW SUPPLEMENTAL, 1966			
Appropriation table and new obligational authority	1,553,918	1,223,182	−330,737
AGRICULTURE			
Appropriation table	5,815,134	5,717,832	−97,302
Add:			
Loan authorization (REA)	447,000	447,000	
Contract authorization (ACP)	120,000	220,000	+100,000
Deduct liquidating cash	230,000	227,500	−2,500
New obligational authority	6,152,134	6,157,332	+5,198
PUBLIC WORKS			
Appropriation table	4,373,805	4,241,636	−132,168
Deduct indefinite appropriations for AEC and O. & M. Reclamation	51,545	51,545	
New obligational authority	4,322,260	4,190,091	−132,168
DEFENSE			
Appropriation table	45,248,844	45,188,244	−60,600
Add estimate for claims, Defense	24,000		−24,000
Deduct:			
Liquidating cash	54,044	54,044	
Deficiency appropriations for military personnel (Army 1956, 1957, 1961; and Air Force, 1958, 1959) and medical care, Navy (1958)	66,700	66,700	
New obligational authority	45,152,100	45,067,500	−84,600
MILITARY CONSTRUCTION			
Appropriation table and new obligational authority	2,049,000	1,755,495	−293,505
FOREIGN ASSISTANCE			
Appropriations table	4,188,923	4,001,453	−187,470
Add reappropriations	27,000	27,000	
New obligational authority	4,215,923	4,028,453	−187,470

SENATE ACTION

DISTRICT OF COLUMBIA			
Appropriation table	53,122	49,122	−4,000
Add appropriations for loan programs	26,312	26,312	
New obligational authority	79,434	75,434	−4,000
INTERIOR			
Appropriation table	1,241,549	1,230,803	−10,747
Add:			
Reappropriation (fishing vessels)		750	+750
Loan authorization (helium)	16,780	16,000	−780
Deduct liquidating cash	132,672	132,377	−295
New obligational authority	1,125,657	1,115,176	−10,482
TREASURY-POST OFFICE			
Appropriation table	7,749,770	7,698,669	−51,101
Deduct:			
Postal receipts	4,617,532	4,617,532	
1965 appropriation for IMF	1,035,000	1,035,000	
New obligational authority	2,097,238	2,046,137	−51,101
LABOR-HEW			
Appropriation table	8,293,814	8,023,101	−270,712
Adjustment to reflect amount requested in January budget for wage and labor standards	+804		−804
New obligational authority	8,294,618	8,023,101	−271,516

1966 new obligational authority provided in appropriation bills as of Sept. 17, 1965—Continued

SENATE ACTION—Continued

[In thousands of dollars]

	Budget estimates to Senate	Senate passed	Senate change
INDEPENDENT OFFICES			
Appropriation table	14,566,023	14,299,898	−266,125
Add rescission of VA permanent loan authorization	−100,000	−100,000	
Deduct:			
Liquidating cash	445,665	437,988	−7,677
1967 appropriation for FAA and HHFA	212,500	215,000	+2,500
New obligational authority	13,807,858	13,546,910	−260,948
STATE, JUSTICE, COMMERCE, ETC.			
Appropriation table	2,171,936	2,052,472	−119,464
Add reappropriation for ABMC	32	32	
Deduct:			
Liquidating cash	239,240	227,240	−12,000
Repayable advances to highway trust fund	250,000	200,000	−50,000
New obligational authority	1,682,727	1,625,264	−57,464
LEGISLATIVE			
Appropriation table	243,262	190,840	−52,421
Add: Reappropriation (Library buildings and grounds)		265	+265
Deduct: Liquidating cash	12,500	12,500	
New obligational authority	230,762	178,605	−52,156
LABOR-HEW SUPPLEMENTAL, 1966			
Appropriations table and new obligational authority	1,553,918	1,407,181	−146,736
AGRICULTURE			
Appropriations table	5,782,634	6,713,984	+931,350
Add:			
Loan authorization (REA)	447,000	477,000	+30,000
Contract authorization (ACP)	120,000	220,000	+100,000
Deduct liquidating cash	230,000	1,156,800	+926,800
New obligational authority	6,119,634	6,254,184	+134,550
PUBLIC WORKS			
Appropriations table	4,387,616	4,327,589	−60,027
Deduct indefinite appropriations for AEC and O. & M. reclamation	51,545	51,545	
New obligational authority	4,336,071	4,276,044	−60,027
DEFENSE			
Appropriation table	46,972,844	46,877,063	−95,781
Add estimate for claims, Defense			
Deduct:			
Liquidating cash	54,044	54,044	
Deficiency appropriations for military personnel (Army, 1956, 1957, 1961, and Air Force, 1958, 1959) and medical care, Navy (1958)	66,700	66,700	
New obligational authority	46,852,100	46,756,319	−95,781
MILITARY CONSTRUCTION			
Appropriation table and new obligational authority	2,049,000	1,759,504	−289,496
FOREIGN ASSISTANCE			
Appropriation table	4,188,923	[1] 3,907,188	−281,735
Add reappropriation	27,000	27,000	
New obligational authority	4,215,923	[1] 3,934,188	−281,735

FINAL ACTION

DISTRICT OF COLUMBIA			
Appropriation table	53,122	46,122	−7,000
Add appropriations for loan programs	26,312	26,312	
New obligational authority	79,434	72,434	−7,000
INTERIOR			
Appropriation table	1,241,549	1,212,739	−28,810
Add:			
Reappropriation (fishing vessels)		750	+750
Loan authorization (helium)	16,780	16,000	−780
Deduct liquidating cash	132,672	132,217	−455
New obligational authority	1,125,657	1,097,272	−28,385

[1] As reported.

1966 new obligational authority provided in appropriation bills as of Sept. 17, 1965—Continued

FINAL ACTION—Continued

[In thousands of dollars]

	Budget estimates House	House passed	House change
TREASURY-POST OFFICE			
Appropriation table	7,749,770	7,669,444	−80,326
Deduct:			
Postal receipts	4,617,532	4,617,532	----------
1965 appropriation for IMF	1,035,000	1,035,000	----------
New obligational authority	2,097,238	2,016,912	−80,326
LABOR-HEW			
Appropriation table	8,293,814	8,011,331	−282,482
Adjustment to reflect amount requested in January budget for wage and labor standards	+804	----------	−804
New obligational authority	8,294,618	8,011,331	−283,286
INDEPENDENT OFFICES			
Appropriation table	14,566,023	14,246,168	−319,855
Add rescission of VA permanent loan authorization	−100,000	−100,000	----------
Deduct:			
Liquidating cash	445,665	530,048	+84,383
1967 appropriation for FAA and HHFA	212,500	201,000	−11,500
New obligational authority	13,807,858	13,415,120	−392,738
STATE, JUSTICE, COMMERCE, ETC.			
Appropriation table	2,171,936	2,057,597	−114,338
Add reappropriation for ABMC	32	32	----------
Deduct:			
Liquidating cash	239,240	227,240	−12,000
Repayable advances to highway trust fund	250,000	200,000	−50,000
New obligational authority	1,682,727	1,630,389	−52,338

1966 new obligational authority provided in appropriation bills as of Sept. 17, 1965—Continued

FINAL ACTION—Continued

[In thousands of dollars]

	Budget estimates House	House passed	House change
LEGISLATIVE			
Appropriation table	243,262	189,993	−53,268
Add reappropriation (Library buildings and grounds)	----------	265	+265
Deduct liquidating cash	12,500	12,500	----------
New obligational authority	230,762	177,758	−53,003
LABOR-HEW SUPPLEMENTAL			
Appropriation table and NOA	1,553,918	1,223,181	−330,736
DEFENSE			
Appropriation table	49,972,844	46,887,163	−85,681
Add estimates for claims, Defense	----------	----------	----------
Deduct:			
Liquidating cash	54,044	54,044	----------
Deficiency appropriation for military personnel (Army, 1956, 1957, 1961, and Air Force, 1958, 1959) and medical care, Navy (1958)	66,700	66,700	----------
New obligational authority	46,852,100	46,766,419	−85,681
MILITARY CONSTRUCTION			
Appropriation table and new obligational authority	2,049,000	1,756,635	−292,365

The following table is the familiar one which shows the amounts of appropriations in each of the bills on the same reporting date as of September 17, 1965. In addition to the $1.7 billion added in the Senate, in the Defense appropriation bill, there was $1.035 billion added in the Treasury-Post Office appropriation bill for the International Monetary Fund, which the administration quickly used in 1965. These two items contribute to a lopsided appearance of comparisons of the items in the table:

Appropriation bills, as of Sept. 17, 1965

[In millions of dollars]

	Budget estimates	House passed	Comparison	Budget estimates	Senate passed	Comparison		Final action	Final compared with—		
						Budget	House		Budget	House	Senate
District of Columbia	(387.5)	(356.3)	(−31.2)	(389.3)	(364.4)	(−25.0)	(+8.1)	(360.2)	(−29.1)	(+3.9)	(−4.1)
Federal payment	53.1	44.1	−9.0	53.1	49.1	−4.0	+5.0	46.1	−7.0	+2.0	−3.0
Loan authorization	(26.3)	(26.3)	--------	(26.3)	(26.3)	--------	--------	(26.3)	--------	--------	--------
Interior Department	1,240.8	1,184.1	−56.8	1,241.6	1,230.8	−10.7	+46.7	1,212.7	−28.8	+28.6	−18.1
Borrowing authority	(16.8)	(16.8)	(−.8)	(16.8)	(16.0)	(−.8)	--------	(16.0)	(−.8)	--------	--------
Treasury-Post Office	6,708.5	6,604.4	−104.1	7,749.8	7,698.7	−51.1	+1,094.3	7,669.4	−80.3	+1,065.0	−29.2
Labor-HEW	8,293.8	7,964.0	−329.8	8,293.8	8,023.1	−270.7	+59.1	8,011.3	−282.5	+47.3	−11.8
Independent offices	14,531.0	14,109.9	−421.1	14,566.0	14,299.9	−266.1	+190.0	14,246.2	−319.9	+136.3	−53.7
Agriculture	5,815.1	5,717.8	−97.3	5,782.6	6,714.0	+931.3	+996.2	--------	--------	--------	--------
Loan authorization	(787.0)	(787.0)	--------	(787.0)	(852.0)	(+65.0)	--------	--------	--------	--------	--------
State, Justice, Commerce	2,167.7	2,085.7	−82.0	2,171.9	2,052.5	−119.5	−33.2	2,057.6	−114.3	−28.1	+5.1
Legislative	204.9	150.6	−54.3	243.3	190.8	−52.4	+40.3	190.0	−53.3	+39.4	−.8
Public works	4,373.8	4,241.6	−132.2	4,387.6	4,327.6	−60.0	+86.0	--------	--------	--------	--------
Defense	45,248.8	45,188.2	−60.6	46,972.8	46,877.1	−95.8	+1,688.8	46,887.2	−85.7	+1,698.9	+10.1
Military construction	2,049.0	1,755.5	−293.5	2,049.0	1,759.5	−289.5	+4.0	1,756.6	−292.4	+1.1	−2.9
Labor-HEW supplemental	1,553.9	1,223.2	−330.7	1,553.9	1,407.2	−146.7	+184.0	1,223.2	−330.7	--------	−184.0
Foreign aid	4,188.9	4,001.5	−187,5	4,188.9	[1] 3,907.2	[1] −281.7	[1] −94.3	--------	--------	--------	--------
Total, 1966 bills	96,429.6	94,270.7	−2,158.9	99,254.4	98,537.4	−717.0	+4,266.7	83,300.4	−1,594.9	+2,990.6	−288.3

[1] As reported.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a short summary tabulation on the appropriations business of the session to date.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MAHON. Mr. Speaker, I first wish to thank the gentleman from Ohio [Mr. Bow] for his remarks. We will continue to work together in an effort to dispose of these bills as expeditiously as circumstances permit.

Mr. Speaker, under leave to extend, may I say that both Houses have now passed all of the regular annual appropriation bills for the current fiscal year. Three of them—agriculture, public works, and foreign assistance—are pending in conference and it is perhaps not too much to say that prospects for early conference disposition look encouraging.

The House this session has considered budget requests of $101.1 billion and cut $2.4 billion from that total, with the closing supplemental yet to come to the floor.

The Senate has considered $104 billion of budget requests; allowed $103.1 billion; thus making a net reduction of some $900 million.

The bills which have cleared conference during the session entailed budget requests of $89.6 billion. Against this, Congress appropriated $87.8 billion, a net reduction of $1.8 billion.

Any contemplation of session totals must embrace the so-called permanent appropriations which recur automatically under previous law; interest on the national debt is the preponderant item. These appropriations roughly approximate $12.3 billion for fiscal 1966.

I include a summary tabulation of the totals to date:

Summary of totals of the appropriation bills, 89th Cong., 1st sess., to Sept. 28, 1965

[NOTE.—Treasury loan authorizations, roughly approximating $900,000,000, are not in this summary. Nor are undetermined "backdoor" appropriations. Nor are permanent appropriations not requiring action in the session, roughly approximating $12,300,000]

	All figures are rounded amounts		
	Bills for fiscal 1965	Bills for fiscal 1966	Bills for the session
A. House actions:			
1. Budget requests for appropriations considered	$4,668,000,000	$96,430,000,000	$101,098,000,000
2. Amounts in bills passed by House	4,418,000,000	94,271,000,000	98,689,000,000
3. Reduction below corresponding budget requests	−250,000,000	−2,159,000,000	−2,409,000.000
NOTE.—All bills except final supplemental are included—precise budget requests unknown.			
B. Senate actions:			
1. Budget requests for appropriations considered	4,723,000,000	99,254,000,000	103,977,000,000
2. Amounts in bills passed by Senate	4,558,000,000	98,487,000,000	103,045,000,000
3. Above House amounts in these bills	+140,000,000	[1] +4,217,000,000	[1] +4,357,000,000
4. Reduction below corresponding budget requests	−165,000,000	−767,000,000	−932,000.000
NOTE.—All bills except final supplemental are included—precise budget requests unknown.			
C. Final actions:			
1. Budget requests for all bills cleared conference	4,723,000,000	84,895,000,000	89,618,000,000
2. Final amounts approved	4,527,000,000	[2] 83.301,000.000	[2] 87,828,000,000
3. Comparisons—			
a. With corresponding budget requests	−196,000,000	−1,594,000,000	−1,790,000,000
b. With corresponding fiscal 1965 amounts		+381,000,000	
c. With bills of the last session			+ (3)
NOTE.—4 bills for fiscal 1966 not included (involving budget requests: Agriculture, $5,782,000,000; public works, $4,387,000,000; foreign assistance, $4,189,000,000; and final supplemental, amounts unknown).			

[1] Includes 2 unusually large budget items not considered originally in the House: $1,700,000,000 on the Defense bill and $1,035,000,000 on the Treasury bill (this latter item being classified as a supplement to fiscal 1965 rather than a fiscal 1966 appropriation).

[2] Includes $201,000,000 for fiscal 1967 (grants for airports and mass transportation).

[3] Undeterminable until the last bill is enacted.

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks and include charts.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUBCOMMITTEE ON ELECTIONS OF COMMITTEE ON HOUSE ADMINISTRATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Elections of the Committee on House Administration have permission to sit while the House is in session during general debate today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TO AMEND THE CONSOLIDATED FARMERS HOME ADMINSTRATION ACT OF 1961

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 1766) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes, with Senate amendments to the House amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendments, as follows:

Page 3, line 12, of the House engrossed amendments, strike out "'(4) a." and insert "'(4) (A)".

Page 3, line 16, of the House engrossed amendments, strike out "'(b)" and "'(B)".

Page 4, line 18, of the House engrossed amendments, strike out "*Provided further*, That no" and insert "No".

Page 4, line 23, of the House engrossed amendments, strike out "'In" and insert "'(10) In".

Page 5, line 16, of the House engrossed amendments, strike out "loan" and insert "Act".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HARVEY of Indiana. Mr. Speaker, reserving the right to object, and I shall not object, will the gentleman from Texas explain briefly the nature of these amendments.

Mr. POAGE. Each one of them is typographical or clerical, made necessary by errors in engrossment of the bill as it went over to the other body.

Mr. HARVEY of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments to the House amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND TODAY

Mr. MULTER. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may revise and extend their remarks in Committee of the Whole today and include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 332]

Anderson, Ill.
Andrews, George W.
Aspinall
Bolton
Bonner
Callan
Colmer
Corman
Fisher
Frelinghuysen
Goodell
Hansen, Wash.
Hardy
Hébert
Holifield
Hosmer
Johnson, Okla.
Landrum
Long, La.
McEwen
Mize
O'Hara, Ill.
O'Hara, Mich.
Powell
Resnick
Rivers, S.C.
Roncalio
Scheuer
Scott
Thomas
Toll
Udall
Willis
Wilson, Charles H.
Wright

The SPEAKER. On this rollcall 393 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. MULTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4644) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 4644, with Mr. Keogh in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from New York [Mr. Multer] had 1 hour and 31 minutes remaining, and the gentleman from South Carolina [Mr. McMillan] had 1 hour and 20 minutes remaining.

The Chair recognizes the gentleman from Maryland [Mr. Sickles].

Mr. SICKLES. Mr. Chairman, I yield 5 minutes to the gentlewoman from Hawaii [Mrs. Mink].

Mrs. MINK. Mr. Chairman, I wish to take this opportunity to commend the distinguished gentleman from Maryland and the others on his committee for the wonderful leadership they have provided in order to bring this measure to the House for consideration. I am grateful for this opportunity to participate in what I consider to be a most historic debate by the House of Representatives.

Mr. Chairman, I rise in all earnestness today, to voice my support of H.R. 11218, which is symbolic of the hopes and aspirations of all peoples to have a voice in the affairs of their Government.

I must confess that I am unable to address myself to this subject dispassionately, for the very issue before us today is one which long was the central issue of statehood of Hawaii.

For most of you the exercise of the rights and privileges of citizenship are commonplace occurrences, punctuated by the many and numerous opportunities you have to determine the course of your local and national affairs. For me, my attainment of adulthood was constantly shattered by the nagging question of whether our status as American citizens would ever be fully recognized by this country. All the documents of liberty gave me great hope, as each year we came before the Congress to plead our case for equality.

I feel most strongly for the thousands of schoolchildren in this District, who cannot understand, let alone comprehend the complicated arguments that we have heard in the last few days against this simple proposition of whether they and their parents shall have the right of local self-government.

At the heart of every technical objection that is raised against this proposition is the simple question, "Are the people of the District able to govern themselves in the best interests and traditions of this great Capital City?"

When we in Hawaii were struggling for statehood, we were constantly asked to prove our worth, our ability to govern, and even our loyalty to our country. We were then being tested to determine our readiness to assume our rightful roles as American citizens, a status conferred upon us in 1898. These were not proper issues then, any more than they are today in the question before this House. The single question we must answer is whether our fellow Americans who live in this District shall have the right to elect their own local government and otherwise run their own affairs.

These citizens are not asking as much as we in Hawaii were during our quest for statehood. This bill for instance does not provide for a voting Member of Congress. In short they will only gain that status in local affairs that we in Hawaii enjoyed as a Territory. The Congress under this bill will still be able to exercise legislative and fiscal control over the District's internal affairs. Viewed from the perspective of statehood, this bill merely provides the basic fundamental right to have elected local officials who will still have to come to the Congress for funds with which to run their local government.

If all argument fails to convince you of the merits of this bill, then I ask you to be persuaded by the moral arguments of what our fellow citizens are at the very least entitled to have in this great democracy of liberty and freedom. As ourselves the beneficiaries of an electorate, I ask you to translate your faith in the American constituency into a vote for these disenfranchised citizens of the District. The first two pages of this bill eloquently set forth all the justifications you need to support it.

By your vote you do not surrender the sovereign rights and prerogatives of the Congress, rather you restore to the people that right which belongs to them by principle and by tradition, to have a voice in purely local matters.

From one who lived through the years of desperate longing to enjoy fully all the rights and privilges as an American citizen, I ask you to place yourselves in these circumstances, and to reaffirm the sacred and solemn rights of our American heritage to these 800,000 of our fellow Americans waiting in the very wings of liberty for this symbolic gesture of our confidence and trust.

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. Fuqua].

Mr. FUQUA. Mr. Chairman, supporters of home rule for the District of Columbia, now as in the past, endeavor to establish a constitutional basis for their position by referring to Federalist Paper No. 43, written by James Madison. In addition, they cull out of the Journals of the Continental Congress, the Minutes of the Constitutional Convention, and other utterances and writings of the founders of the Nation, weak statements intended to give support to Madison's 18-word statement in Federalist Paper No. 43. The curious fact is that this statement by Madison is about the only statement of any sort which can be interpreted as showing some intent that inhabitants of the seat of the Federal Government might have their own local government.

Among the documents, records, and writings related to the formation of the Constitution and the convention proceedings and debates, those of Madison are the most voluminous of all other participants. Yet, home rule proponents seem unable to find any other similar statement by Madison, before or after the publication of Federalist Paper No. 43.

Certainly members of our early Government engaged in establishing this Nation considered the problems surrounding the location of and control over a capital city for this new Nation. But those who quote Madison appear unable to find any similar statement from Washington, Jefferson, Franklin, Adams, Monroe, Hamilton, Jay, and numerous others who were active participants with Madison. It is hardly probable that Madison was the only one of these men who knew what was planned for the ceded area which was to become the capital of the Nation. If Madison were correct, it is hardly probable that others, who knew about it and understood what was intended, would not have expressed some view similar to that of Madison.

It is further interesting to note that following the publication of Federalist Paper No. 43, Madison served in the Federal Government for 24 years. He spent 8 years in Congress, 8 years as Secretary of State, and 8 years as President. During these 24 years, Madison appears to have made no further statement which supports his statement in paper No. 43.

Within a few months after the publication of Federalist Paper No. 43, Madison participated in the debates at the Constitutional Convention of the State of Virginia. In the course of the convention, the exclusive power of legislation in the District to be established as the seat of Government was the subject of debate. Madison felt it necessary repeatedly to explain the purpose of this power of the Congress and to defend it. Patrick Henry feared that the 10-mile-square area would become a place of tyranny and favoritism. Grayson questioned whether the commerce of the Nation might become centered there and that the inhabitants of the District might aggrandize themselves at the expense of the people of the States. Mason thought that the exclusive power was dangerous and that the District might become a sanctuary for criminals and that the courts would be influenced. Pendleton felt the power necessary to give "power over the local police" and for the preservation of Congress. None stated or implied in his remarks that local self-government was provided for or intended.

In replying to the questions and criticisms, Madison repeatedly explained the purpose and need for the "exclusive" power to be exercised by the Congress. At no time did Madison state or imply that local self-government was to be provided. Nothing stated by him remotely paralleled his statement in Federalist Paper No. 43.

On the contrary, all of those who participated in debating the status of the seat of the Government understood and agreed that the power was exclusive to be exercised solely by the Congress. Although mention was made of the activities of the people and functions of Government at the seat of the Government, none stated any view that the inhabitants of the District would exercise local self-government.

During the Virginia Constitutional Convention, Madison not only omitted any statement that local self-government was intended in the District which was to become the seat of the Government but he stated the contrary. Following a bitter criticism by Patrick Henry, Madison replied in detail as follows:

> MADISON. Mr. Chairman, I am astonished that the honorable Member should launch out into such strong descriptions without any occasion. Was there ever a legislature in existence that held their sessions in a place where they had no jurisdiction? I do not mean such a legislature as they have in Holland; for it deserves not the name. Their powers are such as Congress now have, which we find not reducible to practice. If you be satisfied with the shadow and form, instead of the substance, you will render them dependent of the local authority. Suppose a legislature of this country could sit in Richmond, while the exclusive jurisdiction of the place was in some particular county; would this country think it safe that the general good should be subject to the paramount authority of a part of the community? (Elliott's debates, Virginia, vol. 3, pp. 438-9.)

In this statement, Madison is pointing out the lack of full authority of the legislature at the place of its residence and that such authority is the rule except for Holland which was similar to the unworkable situation of the new Congress of this Nation. The need for exclusive authority independent from any local authority is clearly shown in his statement.

Further examination may be made as to whether the records of the Continental Congress and the Constitutional Convention support the 18 words in Federalist Paper No. 43 regarding local self-government, or whether they support the statements of Madison in the Virginia convention as well as the statements the other framers of the Constitution made. The answer seems clear that no local self-government was intended.

Following an incident in June 1783, when the local government of Philadelphia and the government of the Commonwealth of Pennsylvania refused to furnish protection to Congress from a mob of disgruntled soldiers, Congress became acutely aware of the need for full control over the seat of the government. A special committee was appointed "to consider what jurisdiction may be proper for Congress in the place of their permanent residence." The committee members were James Duane, Jacob Read, James McHenry, Samuel Huntington, Richard Peters, James Wilson, and James Madison. The report of the committee was in the writing of James Duane and is in the papers of the Continental Congress, No. 23, folio 149. The endorsement says "delivered September 5, entered and read Thursday, September 18, 1873, assigned for consideration, September 22nd, 1783, referred to a committee of the whole. Thursday next assigned."

The Journals of the Continental Congress for September 22, 1783, pages 603–604, shows the report as follows:

> That two points seem to be necessary for consideration of your committee.
>
> The extent of the District which will be necessary for the residence of Congress, and of the powers to be exercised by Congress within that District.
>
> Whereupon it is—
>
> 1. *Resolved,* That it is the opinion of this committee that the United States in Congress assembled ought to enjoy an exclusive jurisdiction over the District which may be ceded and accepted for their permanent residence;
>
> 2. *Resolved,* That it is the opinion of this committee that the District so ceded and accepted as the permanent residence of Congress ought not to exceed the contents of 6 miles square, nor to be less than 3 miles square.
>
> *Ordered,* That the said report be referred to a Committee of the Whole House.
>
> *Resolved,* That on Thursday next, Congress be resolved into a Committee of the Whole, to take into consideration the above report.

The Journals of the Continental Congress notes that two other resolutions were submitted at the same time but were not acted upon. An undated motion in the writing of James Madison, in the Papers of the Continental Congress, No. 23, folio 161, read as follows:

> That the District which may be ceded to and accepted by Congress ought to be entirely exempted from the authority of the State ceding the same; and the organization and administration of the powers of government within the said district concerted between the Congress and the inhabitants thereof.

The other motion, likewise undated, in the writing of Arthur Lee and is in the Papers of the Continental Congress, No. 46, folio 93, read as follows:

> *Resolved,* That the State or States ceding the territory in which Congress shall determine to fix their permanent residence, should give up all jurisdiction whatsoever over the territory so ceded, and the people inhabiting therein;
>
> *Resolved,* That the appointment of judges and the executive power with the said territory, should vest in Congress.
>
> *Resolved,* That the people inhabiting within the said territory should enjoy the privilege of trial by jury, and of being governed by laws made by representatives of their own election.

From this record it is clear that neither of the proposals by Madison or Lee was favorably received by the committee.

While both of those proposals suggested local self-government in the District to become the seat of the Government, the committee preferred and accepted the resolution calling for "exclusive" jurisdiction by Congress.

The records of the Federal Convention on the Constitution reveal further development of language of the seat of the Government which led to the "exclusive legislation" clause which became a part of the Constitution. The records for August 18, 1787, show that Madison submitted for referral to the committee of detail suggestions for additional powers he considered proper to be added to those of the general legislature. Among those proposed was the following—the Records of the Federal Convention, Farrand, volume II, page 321:

> To exercise exclusively authority at the seat of the general government, over a District around the same, not exceeding ——— square miles; the consent of the legislature of the State or States comprising the same, being first obtained.

On Wednesday, September 5, 1787, the committee of 11 presented its report relating to several provisions of the Constitution. Included among those items was the following language proposed relating to the seat of government—the Records of the Federal Convention, Farrand, volume II, page 505:

> To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may by cession of particular States and the acceptance of the legislature become the seat of the Government of the United States, and to exercise like authority over all places purchased for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

At the Constitutional Convention in 1787, this issue was under consideration of the Committee of Eleven. This committee made a report on September 5, 1787, recommending language relating to the seat of government which read as follows—the records of the Federal Convention, volume II:

> To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may by cession of particular States and acceptance of the legislature become the seat of the Government of the United States and to exercise like authority over all places purchased by consent of the legislature of the State for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

An amendment was proposed to insert, following the word "purchased," the phrase "by consent of the legislature of the State" which amendment was approved.

The text of this provision, which became clause 17, of section 8, of article I of the Constitution, after perfecting changes, reads:

> To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and.

When the people of the States ratified the Constitution, they delegated their sovereign power over their Capital City to their representatives in Congress. They felt it was necessary for their benefit and for the protection of their representatives, their investment in the buildings and shrines, and the conduct of the Nation's business without interruption or threat. The people wanted to exclude the power or influence of any State and exclude any other local government which might presume to exercise the powers within the place established for the National Government.

The foregoing history of this clause in the Constitution makes this doubly clear.

The early drafts, provided for the exercise of "exclusive jurisdiction." The August 1787 draft provided for Congress "to exercise exclusively authority" in the District. The final draft changed this to read: "To exercise exclusive legislation" and, as if any doubt remained as to what was meant, there was added the words "in all cases whatsoever." Such a history of the language and such clear and amplified expression of exclusiveness leaves no room for an exception under which home rule can be justified. Further, the same exclusive power was to be exercised in military installations. Is it to be presumed that home rule is to be established at our most secret military establishments? The question answers itself.

Within 4 months after the drafting of the Constitution was completed, Madison wrote Federalist Paper No. 43 which appeared in the press in New York in late January 1788. The original of this paper has not survived. The text of it, except for 18 words, finds ample support in the records of the Continental Congress and the Federal Convention on the Constitution and the debates of the State conventions. The text of the paper relating to the seat of the Government is as follows:

> The indispensable necessity of complete authority at the seat of government carries its own evidence with it. It is a power exercised by every legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings interrupted with impunity, but a dependence of the members of the general government on the State comprehending the seat of the government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe or influence, equally dishonorable to the government and dissatisfactory to the other members of the Confederacy. This consideration has the more weight, as the gradual accumulation of public improvements at the stationary residence of the government would be both too great a public pledge to be left in the hands of a single State, and would create so many obstacles to a removal of the government, as still further to abridge its necessary independence. The extent of this Federal district is sufficiently circumscribed to satisfy every jealousy of an opposite nature. And as it is to be appropriated to this use with the consent of the State ceding it; as the State will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them; and as the authority of the legislature of the State, and of the inhabitants of the ceded part of it, to concur in the cession, will be derived from the whole people of the State, in their adoption of the Constitution, every imaginable objection seems to be obviated.
>
> The necessity of a like authority over forts, magazines, etc., established by the general government, is not less evident. The public money expended on such places, and the public property deposited in them, require that they should be exempt from the authority of the particular State. Nor would it be proper for the places on which the security of the entire Union may depend, to be in any degree dependent on a particular member of it. All objections and scruples are here also obviated, by requiring the concurrence of the States concerned, in every such establishment.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SICKLES. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FUQUA. I yield to the gentleman from Maryland.

Mr. SICKLES. Is the gentleman aware of the letter dated September 21, 1965, which I inserted in the RECORD on September 24 at page 25178 wherein the Attorney General, Mr. Katzenbach, reviewed the constitutional question raised about this legislation, and in this letter said:

> There is, I believe, no longer room for any doubt that Congress has the constitutional power to provide for an elected council for the District of Columbia, and to confer upon that body all the legislative power which could be exercised by a State or territorial legislature.

In the case of District of Columbia against Thompson wherein the expression "exclusively" was interpreted by the U.S. Supreme Court, the local legislative action was held constitutional.

Mr. FUQUA. I might point out to the distinguished gentleman from Maryland that I am well aware of this. But Madison was used or quoted as the source for saying that he was in favor of legislation that would give a local government to the community.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from North Carolina.

Mr. WHITENER. Of course, the gentleman realizes as I am sure the gentleman from Maryland does that the Attorney General is just a lawyer and that he is not endowed with any superhuman knowledge. I imagine he puts his shirt on in the morning just like any other qualified attorney does. If you follow the reasoning of some of those who are so willing to interpret away the plain language of the Constitution, the reasoning of the Attorney General could be extended to say that under section 8 of article I of the Constitution, Congress could delegate to a city council here in Washington the authority to regulate commerce with foreign nations or to raise armies, finance militia, to set up post offices and post roads, and to do many other things. I say with all due deference to the Attorney General and those who make statements such as the gentleman from Maryland just made that they are apparently half blind because they are not reading the balance of section 8, article I of the Constitution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SICKLES. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. WELTNER].

Mr. WELTNER. Mr. Chairman, I speak in support of H.R. 4644. I think it is time to extend the franchise to all of the citizens of the United States, and that includes those who live within the Federal City. I see nothing heretical about letting people govern their own affairs. I see nothing unconstitutional about letting people vote.

In accordance with simple justice, this needs to be done.

In addition to that, there is a great benefit flowing to the Congress of the United States. I do not believe my constituents feel it is my primary duty here in Washington to be concerned with streets, sewers, and sidewalks in the District of Columbia, nor to be concerned about dog laws, nor the height of television antennas, nor whether the mortuary needs a new roof. Let the people here decide those issues for themselves.

For these reasons, Mr. Chairman, I support the bill H.R. 4644.

I am also very happy to see that the bill introduced by the gentleman from New York [Mr. MULTER] contains the long-needed provision with regard to the franchise, and that is the provision that those citizens within the District of Columbia who are 18 years old or over shall be entitled to participate in elections.

This is in accord with a very fine precedent established by the State of Georgia some 20 years ago, when the State of Georgia extended the franchise to young men and women 18 years old and over. It is in accord, of course, with the bill passed by the other body. Three other States of the Union have also lowered the voting age.

I think it is time to recognize that young men and women upon whom we place such heavy responsibilities should also be accorded the rights of citizenship—that is, the right to vote. We can draft them at 18 years of age. We can train them to fight and we expect them to fight. We expect them to die—and they do.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. WELTNER. I yield to the gentleman from Indiana.

Mr. ROUDEBUSH. I wonder if the gentleman realizes that the substitute bill which will undoubtedly be considered by the House would change the voting age qualification from 18 back to 21?

Mr. WELTNER. I realize that quite well. I thank the gentleman for making my point for me. The bill H.R. 4644, which is before the committee at this time, contains a provision for an 18-year voting age. If the substitute is offered, and the parliamentary situation permits, it is my intent to offer an amendment to change the substitute and provide therein the 18-year voting age qualification. I hope that is what the House will do.

I thank the gentleman from Indiana.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred seven Members are present, a quorum.

Mr. WELTNER. Mr. Chairman, we have placed awesome responsibilities on the young men and women of this country between the ages of 18 and 20. We have placed them in remote outposts of civilization around the world. We expect them to represent this country with reliance and with dignity. We have sent them abroad as representatives of this

Nation in athletic events and in conferences of students from throughout the world. We have placed them in the service of humanity in the VISTA program and in many other programs designed to lift up those who are downtrodden in this Nation. We have made them citizens insofar as their responsibilities are concerned, but we have refused them the basic right of citizenship, the right to vote. So I hope that the wise provisions presently contained in H.R. 4644 and in the measure passed by the other body will be continued in the measure that ultimately will pass this body.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. WELTNER. I yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. Some of us were wondering if in the opinion of the gentleman from Georgia there was any connection between the 18-year voting requirement in the State of Georgia and the high quality of leadership which the gentleman's State enjoys in this body.

Mr. WELTNER. I shall disqualify myself in answering that question. But I would say to the distinguished gentleman from Oregon that I am perfectly satisfied with the electorate of my State, and I trust that feeling is mutual. I thank the gentleman.

Mr. MULTER. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. Grider].

Mr. GRIDER. Mr. Chairman, I wish to express my support for the bill now before us.

This bill does not represent a sharp break from past traditions; rather, it represents a return to the principles which were promised even before the Constitution was adopted, and which were assured by those wise statesmen who drafted the Constitution and secured its ratification. We perhaps tend to forget that for almost three-quarters of a century the residents of the District had home rule, and that what we will do today is to restore, not to innovate.

There are necessarily many provisions in a charter act. This bill before us is a long bill, which I have reviewed with care. It contains, I think, the necessary elements of a good municipal charter; at the same time, it also contains the necessary precautionary provisions which adequately guarantee that the interests of the Federal Government in its Capital City will be both protected and, indeed, fostered.

There is one aspect of the bill on which I should like to comment. Suggestions have been made, particularly, I think, by the employees of the school board, that in some way the bill is inadequate in protecting teachers' rights. If this were so, it should be amended; but I have taken the trouble to examine the bill carefully with this problem in mind, and I find that it is not so. The rights of employees of the present District Government are fully secured.

In section 402, the bill expressly provides, in subparagraph (4), that all personnel legislation now in force, including legislation relating to appointments, promotions, tenure, residence, discipline, separation, pay, unemployment compensation, health, disability, death benefits, leave, retirement, insurance, and veterans' preference—and all of these are specifically mentioned in the bill—continue to be applicable. In the same section it is also provided that any District government merit system or systems which may be established must provide, and I quote, "equal or equivalent" coverage, and indeed may provide for continued participation in all or part of the Federal civil service system. And it is made equally clear that the same rules apply to the employees of the Board of Education. It may be worth while to point out that the provisions in the bill before us are even stronger than those contained in the bill originally submitted to the Congress by the administration. In that bill, the requirement was that any District merit system or systems would have to provide, and I quote, "similar and comparable" protections to those which the employees of the District now enjoy. In the Senate these words were changed from "similar and comparable" to the present language, "equal and equivalent."

As I have already said, if I were not persuaded that employees were adequately guaranteed the rights which they have won from Congress through the years, I would propose an amendment to the bill to guarantee them those rights. I am perfectly persuaded, however, by a careful study of the provisions in this bill and the changes that have been made in it from the original administration proposal that District employees need have no fear that their hard-won rights and privileges are in any way in jeopardy.

Mr. MULTER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. McClory].

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 333]

Adams
Anderson, Ill.
Andrews,
George W.
Aspinall
Ayres
Blatnik
Bolton
Bonner
Callan
Clark
Colmer
Daddario
Fisher
Frelinghuysen
Goodell
Griffiths
Hansen, Wash.
Hardy
Harris
Hébert
Holifield
Hosmer
Irwin
Jarman
Johnson, Okla.
Jones, Ala.
Landrum
Leggett
Long, Md.
McEwen
Martin, Nebr.
Miller
Mize
Moorhead
Moss
Pickle
Powell
Redlin
Rivers, S.C.
Rogers, Fla.
Ronan
Roncalio
Scheuer
Scott
Smith, Calif.
Stalbaum
Steed
Teague, Tex.
Thomas
Toll
Watson
Williams
Wilson,
Charles H.
Wright

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Keogh, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 4644, and finding itself without a quorum, he had directed the roll to be called, when 374 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Illinois [Mr. McClory] is recognized for 10 minutes.

Mr. McCLORY. Mr. Chairman, I rise in support of the home rule legislation for the District of Columbia. And may I say that from my examination of the various bills, I prefer H.R. 11218 which is referred to as the bipartisan bill. However, I would not want to suggest in this behalf that this measure might not have some defects or that I will not support some amendments to this bill that may be offered. My experience is that all legislation, however carefully prepared and thoughtfully developed, requires clarification or revision. It is primarily the principle of home rule to which I will address myself. This principle of local, representative self-government is one which is basic in my political beliefs.

The question occurred to me in the first instance that perhaps the situation in the District of Columbia was different from that in any other city or community in the Nation. Indeed, it is different in one respect because this Capital City is one in which the entire Nation has a special interest and in which the Congress has a particular and a constitutional responsibility.

But in other respects the city of Washington is similar to any other large or small city in our Nation. It has the same requirements for water, sewer, streets, fire, and police protection, garbage disposal, and all of the multitudinous municipal functions which must be carried on by responsible, local governmental units.

Since the Constitution, under article I, section 8, imposes the exclusive legislative responsibility in the Congress, I was of the original opinion that only the Congress could handle these essentially municipal obligations. However, the constitutional requirement obviously does not mean that the Congress must sit as city council and that every detailed ordinance and regulation of our municipal government must be reviewed and passed upon by the 535 Members of the Congress.

I have noted that in 1802 during the administration of President Jefferson, home rule was authorized for the city of Washington with the mayor appointed by the President and the city council of 11 members elected by the people. In the year 1812 under President Madison the mayor became an elective office pursuant to a provision that the city council should name the mayor from among the council members. Then in 1820 legislation was enacted to provide for the election by the people of the mayor and the city council. Accordingly, in the early days of the Republic with the principle of representative self-government among the cherished rights of our young and free Nation, the city of Washington, D.C., had an elected city administration to govern its municipal affairs. This form of government continued until 1871 when it was replaced by an appointed three-man commission. This was a temporary enactment at first. Later, a comparable system was made permanent.

My information is that some of the elected officials of the city of Washington did not perform their jobs with any great distinction. Whether this was entirely the fault of the city administrations of those days or whether the Congress itself must bear some responsibility for what occurred, the fact remains that there is little in the earlier history which commends that arrangement for us today.

On the other hand, there is little that commends the existing system under which committees of the House and the Senate are bogged down with detailed problems of the local city government with little opportunity for the citizens of the city to utilize their time and talents for self-government. With grave national and international problems besetting this Congress, it seems most unwise to devote 2 full days per month as District days in order that we may sit, in effect, as city council for Washington, D.C.

The issue is twofold, in my opinion. There is the practical side of the issue which suggests that a responsible, locally elected municipal government could perform the job of managing this city's affairs better than the Congress and could relieve the Congress of this detailed responsibility, thus releasing the Members for greater public tasks. Then there is the philosophical and very fundamental issue of representative self-government which has guided my political thinking throughout my career.

I note that many Republicans are supporting a home rule bill. It appears also that during the two Eisenhower administrations a home rule bill passed the U.S. Senate on three different occasions—on June 29, 1955; again on August 6, 1958; and on August 15, 1959. My colleague, the Republican leader in the other body, Senator DIRKSEN, voted for the home rule bill when it passed the Senate this year, as did a majority of the Republicans in that body. Home rule for the District of Columbia was advocated by former President Eisenhower and is supported today by Republican District Chairman of the District of Columbia, Carl Shipley, who testified in support of the home rule bill in the Senate as well as in the House, and who has communicated to me in behalf of such legislation.

Mr. Chairman, the issue with me is clear. Functions of government should be performed at the lowest level of government possible. To manage the local affairs of Washington at the highest level—namely, the National Government—is inconsistent with the principles of the Republican Party to which I subscribe and of our American system which I revere.

During the time that the Congress is in session, I live just a few blocks from the Capitol where this issue is being debated. I think I know something about the management of the municipal affairs of this city. I am confident that a locally elected, representative municipal government can do the job better and can do it in a manner entirely consistent with our constitutional system. I am fortified in this belief by the knowledge that in the bill before us both the President and the Congress can override any objectionable actions which the proposed municipal government might take and by the further knowledge that the authority which would be vested by the home rule bill can be revised and, for this matter, the entire authority can be withdrawn if abused or completely misdirected.

Mr. Chairman, in my opinion the time has come for this home rule measure to be enacted and I am proud to give it my support.

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL of Virginia. Mr. Chairman, we have added confusion to an already confusing situation by not even knowing what bill we are talking about when various Members of the House take the well to discuss the pending legislation. I think it may be very well to pause for just a moment in this argument we are having as to how to write this prescription for this alleged illness, and see if we cannot possibly agree on the diagnosis for the patient.

I said during the committee consideration of this legislation that I felt the areas of agreement on this particular problem were far greater than the areas of disagreement. Therefore I think we should just pause for a moment and try to bring this whole matter into its proper perspective and see if we cannot determine what we are actually talking about.

The gentleman from Virginia, Judge SMITH, on yesterday referred to this nice-sounding phrase known as home rule. Now, what does home rule mean? What do we mean when we say home rule? Do we mean the right to vote; self-government; representative government; a voice in local affairs; objection to taxation without representation? These are basic inalienable rights of American citizens. We all agree that they are desirable objectives. There is no argument about that. We do not need to choose up sides here at all to show that one group in the House of Representatives is more pro-American or more probasic American rights than some other group.

I sent to all of the Members of the House today an editorial which appeared in the Sunday Star of September 26, which predicted that the first words uttered in this debate were going to be on the argument about these basic, inalienable American rights. Yet we are being called upon here today to use this bill, or whatever bill is pending, as a yardstick to measure as to whether or not we are for or against self-government. Now, I think it is unfair to draw an inference from Members voting for or against this bill as indicating that they are for or against these basic, inalienable American rights. We may as well face it. This is one of the main political difficulties with this legislation. Many Members of the House have told me, not only on this legislation, but as far back as the 86th Congress when the matter was pending here on a discharge petition, that it is extremely difficult for them to refuse to sign a discharge petition and have it inferred back home that they are against self-government. It is far better to sign the discharge petition and vote for any kind of alleged home rule bill, they complained, than it is to have go back home and explain why they voted against it.

You have heard of the Lou Harris poll that appeared in the Washington Post that other day, pointing out that by a margin of 6 to 1 the American people were for self-government for the people of Washington. I am surprised that the margin was not far greater. I do not know why they did not have in the same poll the question of whether or not you were for motherhood, the flag, and your country, because it would mean the same thing. All of us are for the maximum amount of self-government for all of our people.

You have heard the poll or the referendum here in the District of Columbia referred to, which indicated that the overwhelming majority of the people of the District of Columbia are for home rule.

The overwhelming majority of the people of the District of Columbia are transient residents. They do not have their grassroots here. They could pick up and leave if things did not go as they wished. Also, they were aware of the type of government that existed here before they ever came to the District of Columbia.

Mr. Chairman, not one Member of the House of Representatives is more concerned about the people of the District of Columbia, their hopes, their dreams, their aspirations, than is the Member who is now occupying this well. I know thousands of them. I have worked with them. I have them as my friends and neighbors, and many of them have relatives who live in my district. No Member of this House has taken this well more often in the last 13 years, pleading in behalf of legislation for the welfare of the people of the District of Columbia, than the Member who now occupies the well of the House.

So I do not need to worry about which side I am placed, in regard to being concerned about the interests of the people of the District of Columbia. Mr. Chairman, I will say this about the majority of the people of the District of Columbia who have a vested interest here, who have an economic stake or perhaps a business interest here, who may have been lifelong residents here, who belong to citizens associations and take part in other community activities; that the overwhelming majority of those people do not want the present form of government changed here in the District of Columbia.

There is another problem, a political problem, in this legislation; and that is the question of civil rights. There have been charges made, not here on the floor of the House during this debate but on many occasions elsewhere, that if you oppose these pending bills, or if you vote against these pending bills, then you are against civil rights—if you are opposed to this so-called home rule, then you are anti-Negro. That charge has been made time and time again.

Well, there have been people who have spoken here against a change in the form of government in the District of Columbia long before there was a change in the racial balance. We heard a quotation the other day from a former Senator from Ohio, the former Mr. Republican, Senator Taft, which indicated, it was said, that he was for home rule. The gentleman from North Carolina [Mr. WHITENER] read excerpts from a speech by Senator Taft's father, former Justice of the U.S. Supreme Court and former President of the United States, made back in 1911 when he spoke of the evils and the wrongs inherent in turning over the government of the District of Columbia to the people living within its jurisdiction.

I am beginning to wonder if this shoe is not actually on the other foot, so far as these civil rights charges are concerned. For example, the other day a very fine outstanding Member of this body, whom I admire and respect, and who is chairman of one of the most important subcommittees of this House, asked me when I thought the final vote would come on this legislation, because he had a very important meeting that he had to attend back in his district. I suspect that he might not vote as I would on this particular bill, and I said, "Why don't you stay away? You don't have to get back tomorrow."

Then he told me in all seriousness:

> My State has been redistricted, some new territory has been added to my congressional district, which is largely Negro, and the Negroes in my congressional district want me to vote for this home rule bill.

He did not tell me that these Negroes knew what was in the bill, or which home rule bill they were talking about. And he said this without shame or embarrassment. He was merely indicating that here was a practical political problem with which he was confronted. How many Members of the House feel the same way, that they might be charged with voting anti-Negro if they voted against any home rule legislation? I believe it is just as bad, just as wrong, to vote for this legislation for such a reason as this, as it is to vote against the legislation because there have been built up certain burning points about civil rights, such as the fear that some Negro may be elected to office here in Washington. Are we doing something here similar to the pot calling the kettle black?

In any event, I believe that this editorial that appeared in the Sunday Star and which I sent to all Members of the House this morning would be a good answer to send to your constituents, if you want a brief, simple explanation of how and why you could vote against this bill without being charged with being anti-self-government or being charged with being anticivil rights or anti-Negro. But, Mr. Chairman, let us agree that we are all in favor of the maximum amount of self-government for all of our people. The question is—and this is where the main area of honest disagreement comes in—How can we provide the maximum amount of self-government for the people living within the boundaries of the District of Columbia and at the same time protect the interests and responsibilities of the Federal Government and the 195 million other American citizens? We cannot ignore that fact, nor the fact that this is the Nation's Capital. There is a different, much different, situation in this city than in any other community in these United States.

Mr. Chairman, the proponents of these many bills pending before us agree that this is the Nation's Capital and that there is a Federal responsibility and that there is a national interest. But, do you know how they propose to discharge that national interest and responsibility? By simply permitting the people in the District of Columbia to tax the Federal buildings, by merely turning over the Federal interest to the people living in the District of Columbia, and in that way discharging the Federal responsibility.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. Let me finish my statement and I shall be most happy to yield to the gentleman.

Now, Mr. Chairman, the recent statements made by Attorney General Katzenbach to the contrary notwithstanding, there are serious, grave constitutional questions involved. I am not going to recite article 1, section 8 of the Constitution to the members of the committee again. All of you have heard it and have read it many times. I am not going to argue as to the meaning of those words, because, goodness knows, almost daily we find a new interpretation, a new meaning, ascribed to these simple words as contained in the Constitution. But I believe any student of history will recognize, and every Member of the House of Representatives will admit, that the Founding Fathers when they wrote the Constitution were concerned about our Nation's Capital. They meant for the situation here in Washington to be treated differently than that in any other community in this country. They felt that the interest of the Federal Government and the people of this Nation should be paramount insofar as the Nation's Capital is concerned. They felt that the same authority of the Federal Government and all of the people should prevail over this Nation's Capital, and these words are right in the same paragraph in the Constitution, the same authority that the Federal Government has over forts, magazines, arsenals, and dockyards.

Mr. Chairman, until this day the concept that the interests and the responsibilities of the Federal Government are paramount in those Federal areas has never been questioned.

But, Mr. Chairman, even if it were not for the constitutional question involved here, and in the absence of any statement found in the Constitution, all of us know that American tourists come here by the millions every year and have a feeling of pride and possession toward this city.

Mr. Chairman, I believe the Congress should hesitate before it puts the interest of 760,000 people, most of whom are transient people, above the interest of the other 195 million people of this Nation.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I am glad to yield to the gentleman from South Carolina.

Mr. McMILLAN. Is it not a fact that the 7 million students who came to this Nation's Capital every year, before they leave home, are taught that this is a Federal city, and that they come here to see their own Capitol at the Federal city?

Mr. BROYHILL of Virginia. There is no question about that. In fact, the Office of Education has put out a publication which points out the fact that this is our Federal city. That reference is distributed throughout the school systems of this Nation.

Mr. McMILLAN. Mr. Chairman, if the gentleman would yield further, I would like to ask the gentleman from Virginia, since he has been a very good member of the Committee on the District of Columbia for the past 18 years, whether at any of the committee meetings he has heard civil rights or race questions discussed by that committee?

Mr. BROYHILL of Virginia. The question of race and of civil rights has never been discussed at any deliberation or meeting of the Committee on the District of Columbia. There are enough other problems involved which confront the District of Columbia without getting into the question of race and civil rights.

Mr. McMILLAN. And, if the gentleman will yield further, as chairman of that committee I would not permit such a question to come up. It belongs to the Committee on the Judiciary, and I would not let it be discussed at any time by the Committee on the District of Columbia.

Mr. BROYHILL of Virginia. Mr. Chairman, this is not only the Capital of the United States, it is the Capital of the world, which is at present a very sensitive and troubled world. We have many activities here, we have hundreds of diplomats, thousands of foreign visitors. Do we want to have these people subjected to what might be the whims of some local political machine in the field of law enforcement?

We have many, many national ceremonies here. I do not have to mention the inaugural parade and the other inaugural ceremonies, and many other solemn affairs which may conflict with local laws and local ideas of how this city should be operated.

We have heard a great deal about protection of the Members of Congress. This was brought up by a Member of Congress yesterday, when he referred to emotions. We do not have to refer to the recent threats which were made of riot if we do not enact home rule for the District of Columbia, for I realize there is some danger that Members of Congress may be subjected to harm. We could go back to 1783, when the Members of Congress were forced out of Philadelphia because of a mutinous group of revolutionary soldiers over the matter of back pay. The proponents of some of this legislation admit to an oversight in this regard, and propose that the President may take over the local police force in the event of an emergency. What police force? What type of police force would be taken over at the time the President considered an emergency to exist, and that it was necessary to take it over?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. BROYHILL of Virginia. Mr. Chairman, in this atmosphere of violence and riots and threats of riots, there is challenge to law and order, charges of police brutality, and countercharges. Do you not think it would be extremely wise, in this volatile situation, just to pause for a moment and take it easy in acting on this legislation until the whole matter can be more clearly explored and grave questions answered, because this is the Nation's Capital we are talking about? I do not think we should act in haste at this time.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Kentucky.

Mr. CHELF. The gentleman mentioned the Sunday Star editorial of September 26, 1965, and that he had mailed copies or reproductions of it to all of the Members of the House. This was a splendid article and I sincerely trust that all will take the few moments necessary to read it. The following excerpts are most enlightening and with the able and distinguished gentleman's permission, I would like to quote this for the RECORD:

> As recently as a week ago, home rule leaders unanimously agreed that the single crucial feature of the administration bill was its automatic financing provision, assuring a reasonable annual Federal payment from Congress on the one hand, and on the other delegating a remarkable degree of local control over the city budget. In the flurry of head counting, however, the House managers decided this "indispensable" provision might not be salable. So it was bartered away for votes. * * * And what is being said of this now? Well, some of the apologists are saying that this was just too bad, really, but that Congress will just have to realize that it can't meddle in the city budget.

Mr. BROYHILL of Virginia. I am glad the gentleman wants to help me emphasize that, but the reason I spent $8.50 to have it printed was so that I would not have to take the time to read it here.

Mr. CHELF. The gentleman did not send it to me. I cut it out myself. I am reading from the original and I firmly believe that at least these thoughts should be lodged in the CONGRESSIONAL RECORD for all to see for all time. For instance, the editorial goes on to say this:

> The President has gone out of his way to represent home rule as a racial issue, and he obviously hopes, through the passage of some kind of bill, to carve one more notch on his civil rights gun.

And this cogent and refreshing handiwork of the Star editor winds up saying that this so-called home rule bill will not do what it is intended to do—it says: "it will be chaos" for this city.

Mr. BROYHILL of Virginia. That is exactly correct. I hope every Member will read that editorial. That is enough reason to justify a vote against this bill.

Mr. CHELF. And may I add one thing more and then I will be through, so help me. I have not spoken on this legislation and I will ask that you be given a couple of minutes more on account of me. A Washington Post editorial said last Friday and I quote:

> Effective control of its own budget by the city of Washington is the very essence of home rule.

In light of this statement I cannot help but believe that this great liberal newspaper unwittingly agrees with the thinking of the more conservative Star newspaper. The home rule boys have a bear by the tail and truly cannot turn him loose. Especially since that bear, in the form of the Multer substitute, has turned on them—leaving them "in the middle of a bad fix."

Mr. BROYHILL of Virginia. Mr. Chairman, regardless of the problems involved by virtue of this being the Nation's Capital, there are many alternative proposals which would provide self-government for the people living within the District of Columbia which would avoid the conflicts with the Federal interest. These alternatives should be preferred if self-government is what is sincerely desired rather than a lust on the part of some people to rule and control the Nation's Capital.

First of all, the 23d amendment to the Constitution of the United States gave the citizens of the District of Columbia the right to vote for President and Vice President. This was a far greater achievement for the people of the District of Columbia than any subsequent proposed home rule bill. The irony of it is that the proponents of home rule were not in the forefront of our fight to obtain approval of the 23d amendment. On the contrary, they were even advocating control of Washington as being more desirable than the right to vote for President and Vice President.

There is another proposal to amend the Constitution now pending in the House Judiciary Committee and, in fact, it has been pending for many, many years. This proposal would give the people of the District of Columbia a full voting representation in the Congress of the United States. Many organizations in the District of Columbia, including the Washington Board of Trade and the Washington Star newspaper, have stated over and over again that the only way the people in Washington can have full self-government is to have the same type of representation and voice in the Congress as all other American citizens. While this would require a constitutional amendment it would not conflict in any way whatsoever with the interest or responsibility of the Federal Government to the Nation's Capital.

It is amazing indeed that the bleeding-heart proponents of the alleged home rule bill do not insist that this basic right of all American citizens be obtained for the people of the District of Columbia. Reference has been made to the American colonists rebelling against the Crown and the interesting thing was that they were rebelling against lack of representation in the Parliament rather than for local self-government.

The greatest amount of our tax dollar is taken from us as a result of the actions of Congress, and more control of our daily lives is being increasingly exercised by the Federal Government. Therefore, it is positively amazing that national representation is not the first and foremost thing the so-called self-government advocates demand. Another proposal is for an elected school board for the citizens of the District of Columbia. I was rather surprised yesterday to hear one of the leading proponents of home rule for Washington make the charge that the opponents of the pending legislation were opposed to an elected school board for the people of the District of Columbia. We have stated time and time and time again that here was an excellent way in which the people of the District of Columbia could have complete control of a local matter without any conflict with the Federal interest. I had, in fact, sponsored a bill providing for a separate school board but regardless of how many times we say we are for this type of local self-government the proponents of the pending legislation turn a deaf ear and actually display ignorance of what is actually going on concerning the other alternatives and proposals. An elected school board would be an important first step because in most communities of the United States management of the school system takes up half of the local budget and more than half of the local concern.

Another alternative which has been offered by many witnesses before our Committee is to leave the present form of government the same as it is but permit the people of the District of Columbia to elect one or two or three additional Commissioners. This proposal would provide a measure of self-government for the people living within the boundaries of the District of Columbia, yet not conflict with the interest and responsibility of the Federal Government.

The bill reported by the District of Columbia Committee provided for retrocession to the State of Maryland of 85 percent of the existing land area. Unfortunately, some of the officials of the State of Maryland have expressed opposition to this proposal. But there is no question but what this would give the citizens of the District of Columbia more self-government, more home rule, and more national representation than the bill we are considering today. There is no question about the constitutionality of such a proposal and there is historic precedent for it since the county of Arlington and the city of Alexandria in Virginia were originally a part of the District of Columbia and were retroceded in 1864.

Another alternative would be to provide full local self-government for the 85 percent of the land area which was proposed in the District of Columbia bill that is outside of the original Federal city. The net effect of this would be to reduce the size of the city of Washington to the boundaries of this original city as laid out by Pierre L'Enfant and George Washington in 1790, and which was the actual size of the city of Washington until 1874. I realize this is difficult for some Members to comprehend, but the reason I propose it as a better alternative is the fact that it would still preserve the integrity of a city which would still be under the control of the Congress and which the other 190 million Americans could call their own. At the same time it would provide a full measure of self-government for the other 85 percent of the land area without a conflict with the national interest or a requirement for a Federal payment or subsidy in order to survive.

Then there is the provision offered by the gentleman from California [Mr. SISK], which is a part of the bill reported by the District of Columbia Committee. It would permit the citizens of the District of Columbia to conduct a referendum and set up an elected charter board to draw up a charter outlining the type of self-government they would want. The only objections I can see to this proposal is that it does not require a final approval by the Congress before it automatically goes into effect. Later on during debate I propose to offer an amendment which would require final approval by the Congress before the charter government would go into effect.

These are just some of the alternative proposals and there are many, many others. The reasons why the ones I have mentioned are better is that the emphasis is placed on self-government of the people of the District of Columbia and not on rule of the Nation's Capital by the people of the District of Columbia. There is an important difference, and I submit, Mr. Chairman, that the primary interest of some of the alleged home rule proponents is in gaining the rule of the Nation's Capital for a political clique rather than for citizens desire to govern themselves. The pending bill, however, or combination of pending bills, known as the "compromise" is absolutely the worst imaginable approach that we could possibly take for self-government. It actually gives up the rights and interests of Congress and the Federal Government in the Nation's Capital and turns them over "lock, stock, and barrel" to the people living within the geographic boundaries.

The other day while speaking on the floor of the House I likened this situation to that of King Lear after he gave his kingdom and all of his property to his eldest daughters. As Shakespeare relates it, Lear was chided by his jester who told him he became a weakling "Whence thou made thy daughters thy mother, gave them the rod and lowered thy breeches." Then, in answer to Lear's question "Think you me to be a fool"? the jester replied, "All thy other titles thou hast given away; that thou was born with."

The proponents of this legislation say that Congress will be overseeing the actions of the proposed City Council and that we retain the right to veto their actions. This is completely untrue. We provide the President with veto power over the City Council's action. The Congress would have to go through the process of enacting legislation to reverse action of the City Council. This would require a two-thirds vote of both Houses of Congress if the President agreed with the original action of the City Council. This is legislating in reverse and there may be many, many instances when it is not convenient for Congress to so act. The worst thing, however, in the pending proposal is granting the citizens of the District of Columbia power to tax Federally owned property, including the Capitol Building and the White House. The proponents state that this is not a tax; but merely a formula on which a payment is based. How silly can we get? What is the difference? A rose by any other name will not smell any sweeter.

The formula in the proposed bill provides that the same tax rate or method of taxation be applied to Federal property as is provided for private property. At any time the proposed City Council wants to raise additional revenue and increase the Federal payment all they will have to do is to raise the tax rate or change assessed valuation. The only authority we retain over this action is the right to determine whether their mathematical calculations are correct and whether the change of assessment made is consistent with the increased assessment of private property. The mere fact city officials are required to submit this request to the Appropriations Committee does not, and I repeat for emphasis, does not, provide the protection to the American taxpayers the proponents attempt to make us believe it does. We are saying in the bill that the City Council is entitled to the Federal payment based on a formula outlined in the bill. There is no provision for the Congress to scrutinize any part of the District of Columbia budget so there will be no way in which the Appropriations Committee can determine how the budget could be cut. It will merely place the Appropriations Committee in the position of reneging on what will be a legal and moral obligation of the United States if they do not meet whatever demands the City Council makes on them. If the Appropriations Committee attempts one small cut all sorts of chaos will arise and all sorts of charges against the Congress will be heard throughout the length and breadth of this land.

It might be interesting to compare the dilemma we are creating for the Appropriations Committee with that control they now supposedly exercise over the interest payments on the national debt. The Appropriations Committee has the authority to appropriate this money, but no one ever heard of their refusing to appropriate the money, or being able to refuse to appropriate it.

There are many, many other difficulties in this bill, some of which have already been mentioned and others will be mentioned later, by other Members as well as by myself. One of these which has not been mentioned as yet I will touch upon briefly. It is the question of zoning. While this is a matter over which other communities should have control, it is astonishing to me that anyone would say that the esthetic beauty of the Nation's Capital isn't one of the primary matters of national concern, particularly in view of the increased interest expressed by the present administration, including the First Lady. A recent action taken by the Secretary of the Interior asked and obtained from Federal courts a grant of a $750,000 scenic air easement on property on the northern Virginia bank of the Potomac in order to prevent zoning voted by the Fairfax County Board of Supervisors. I can cite other examples of conflicts between the Federal interest and local jurisdictions in connection with zoning outside the District of Columbia boundaries but within the metropolitan area of Washington. One of these is the Mount Vernon overlook, which not long ago was zoned by the Prince Georges County Board of County Supervisors to permit construction of, among other things, a sewage plant, and the Congress hastily approved legislation permitting acquisition of this property by the Federal Government simply to preserve the scenic values. Yet, here in the Nation's Capital itself we are willing to turn this entire matter over to a political organization who can be subjected to attempted financial bribery as well as political pressure to determine the zoning character in the future Washington. To say that Congress can and will reverse this action by legislation is ridiculous. The mere assumption that we can and probably may have to do so indicates that we should not give up the zoning to start with.

Congress could very well be out of session when objectionable zoning is granted, and by the time they reconvened and got around to legislating in a normal manner to reverse such an action several million dollars of expense might have been incurred.

Another rather amusing example, although not as important as many others, is how there has been total lack of information and understanding about this pending legislation. During the consideration of the arts and humanities bill just recently one of the outstanding Members of this House, and a man for whom I have the greatest admiration and respect and consider a close friend, offered an amendment which would designate the District of Columbia Recreation Board as "the State agency for the District of Columbia to carry out the arts program to be established under the National Foundation on the Arts and Humanities." This amendment was promptly adopted unanimously, and should have been, because it was proper for the Congress to designate what agency would carry out the program within the District of Columbia. The interesting thing about this amendment, however, is the fact that the Member who offered it had signed the discharge petition to bring this so-called home rule bill to the floor, and this bill would abolish the District of Columbia Recreation Board—the very agency to which his amendment referred. Obviously this will be corrected by an amendment to the pending bill. It will be one of the dozens of amendments that are going to be offered in an attempt to make a silk purse out of a sow's ear. How many hundreds of other matters are there of which Congress will be made aware later, in which there will be grave interest and concern expressed only after we have radically changed the organizations and made any corrections almost impossible? How many other mistakes created by this legislation will be uncovered later?

I intend to take time later on during the debate under the 5-minute rule in an attempt to point out some of the difficulties and problems in the bill which may not be pointed out by other Members. In conclusion, however, I would like to repeat what I believe is the number one objection to this proposal, which I feel has not been emphasized enough and should not be ignored by the Members in final consideration of this or any other alleged home rule legislation. I am going to refer to it again as it was stated so well in a letter to me from one of my constituents. Incidentally, I have received a large volume of mail on this subject from individuals as well as organizations and I believe I have a fairly accurate insight not only into how individual citizens feel about this matter but why they feel as they do.

The one particular letter I am now quoting in part, brings out many reasons why the writer feels that there would be grave problems created by this legislation, but he makes two principal points. His first objection, of course, is to the Federal payment. The second, and the one I would like to read to you now, is as follows:

> My second—and primary—objection arises from a conviction that Washington belongs to 195 million people in this Nation, not a mere fraction of them who happen to live within its borders.
>
> When Americans come here, they're not vacationing in just another city. New York and Chicago are more entertaining; Miami and Phoenix are more healthful; Los Angeles is more glamorous.
>
> They come because this is the city that symbolizes the workability and the greatness of representative government. They come because this is the city whose streets have been walked by 36 Presidents. They come because every sidewalk and every building rings with names of greatness: La Follette, Taft, Calhoun, Clay, Webster, Marshall, Norris, and a hundred others.
>
> Washington visitors come to stand outside the gates of the Executive Mansion—and to wish its occupant well, even though they may have voted against him. And that is why they come: Not to visit a city, but to experience government.
>
> It is a selfish request, to ask that 60 million American families be denied the privilege of governing their city, their Capital.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MULTER. Mr. Chairman, I yield 7 minutes to the gentleman from California [Mr. BELL].

Mr. BELL. Mr. Chairman, in establishing home rule for the Nation's Capital, Congress has a special duty to provide local citizens with the best possible opportunity for successful self-government.

A unique Federal-local relationship exists in the District of Columbia. This unique relationship will pose extraordinary problems for any municipal government in the District. We are forewarned that such problems exist, and must therefore provide safeguards against their ruining the prospects for successful home rule government in the city of Washington.

Mr. Chairman, I have long been an advocate of home rule for the District of Columbia. However, I have always felt that nonpartisan election of the Mayor and the City Council is vital to the type of city government recommended in H.R. 4644. Such a provision was included in my home rule bill introduced back in May.

I want, therefore, to make it clear that at the appropriate time I intend to offer or support an amendment to this legislation which would provide nonpartisan election for the Mayor and City Council. The District delegate to Congress would remain partisan.

In my opinion, the most important safeguard that Congress can provide is nonpartisan election machinery for the new District government. The nonpartisan system has been successfully adopted in cities, large and small, throughout the country. It would be especially effective in dealing with the municipal problems affecting District home rule government.

The nonpartisan municipal election system traces its origins to my home State of California. During the past 50 years, this system has spread throughout the country as an answer to municipal ills brought on by the evils of local "spoils" politics. The nonpartisan municipal movement has served as a model for good government in city halls from coast to coast.

It has opened the door to political participation for citizens previously frozen out of community politics by the machine-ridden partisan system.

Provisions of the pending District home rule bill would establish a partisan political system for the Nation's Capital. Yet such a system would compound the unique area problems I have previously mentioned. Those responsible for guiding this legislation through the House should therefore keep their minds open to the very real benefits which can be realized by establishing a nonpartisan election system in District home rule government.

A nonpartisan election system would obviate the need to establish a double standard under the Hatch Act in order to permit Federal employees living in the District to participate in local politics. While it is true that such a double standard exists in other special areas, there is no justification for needlessly permitting it here in the Nation's Capital, at the very heart of our Federal employee system.

Indeed, it would not be necessary to undermine the Hatch Act in the District if the home rule bill provided for nonpartisan elections. As the Washington Post said in its editorial of March 10, 1965:

> The obvious answer for this Federal City is nonpartisan local politics. Primary elections can be arranged to encourage the kind of nonpartisan local coalitions that have been very effective elsewhere. The (Senate District) Committee would perform a valuable service by taking the national parties altogether out of a city election.

This last point made by the Post editorial goes to the heart of my case for nonpartisan elections in the District of Columbia. The national parties ought to be disengaged from the local political structure, not only to retain Hatch Act protection but for other reasons vital to National Capital affairs.

National party affiliation in municipal politics is not necessary for the establishment of widespread community participation in local government—as has been proven in communities operating under nonpartisan election procedures.

As Charles R. Adrian, an author and prominent authority on the nonpartisan system, has observed:

> City government is largely a matter of good business practice or * * * municipal housekeeping. The problems and issues that come before a city council are not really political in nature.
>
> The nonpartisan ballot promotes the strength of independent civic associations * * *. Local responsibility becomes possible when attention can be focused on community issues and programs as under the nonpartisan system.

It is true that the nonpartisan system, having begun in California, is more extensively known in the western part of the country. Nevertheless, many of the major cities east of the Mississippi operate under nonpartisan election procedures.

As was pointed out by Mr. Patrick Healy, executive director of the National League of Cities, in this testimony before the Senate District Committee:

> Detroit is nonpartisan, Los Angeles and San Francisco are nonpartisan. I think Philadelphia and New York are partisan, but I might comment here that in the opinion of a great many students of government, the local governments in California, the cities, are perhaps outstanding in the entire United States in their government, in their operation, their caliber of people that are attracted into local government. The League of California cities attributes this, among other things, to the fact that they have nonpartisan government out there. It is all nonpartisan, throughout the State of California, and I am going to have to say that they are outstanding as city government goes.

The elimination of national party considerations from essentially local political problems is the key to the successful operation of nonpartisan municipal governments. In this regard, it is significant that in the opinion of the National Municipal League—and I quote:

> The intervention of the national parties in municipal affairs typically has either or both of two undesirable effects: (1) it overrides and obscures the real local issues and keeps them from being given effective consideration; and/or (2) it injects irrelevant

considerations of local patronage and personal ambition into the national party counsels and thus tends to depreciate both the integrity and the clarity of national politics.

Mr. Chairman, the problems which will beset a home rule government in the District of Columbia will be complex under the best of conditions. As I have said, Congress must provide safeguards to assure that District home rule is given every chance for success. We want the District of Columbia to serve as a model for the Nation—indeed, for the entire world—in the operation of an efficient, honest municipal government. And we ought therefore to give the District the benefit of the experience of other communities. To saddle District home rule with a partisan political system, vulnerable to the worst excesses of wardheeler politics and machine rule, is to mock the very purpose and aim of this legislation. Only by establishing a nonpartisan election system—and by also opening the way for full community participation in local government affairs—can we reduce the element of Federal-local conflict in District municipal administration.

I ask that the House give District home rule a real chance to succeed. I ask that we look to the future of the Nation's Capital and its municipal political system. Let us provide the safeguard of nonpartisanship in local elections to guarantee that the city of Washington will enjoy the benefits of enlightened, progressive, and efficient local self-government.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman.

Mr. HALEY. I wonder if the gentleman would inform me—was the nonpartisan election procedure in the discharge petition that you signed?

Mr. BELL. It was not but I hope we can correct that.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I rise in support of what the gentleman has said. He has made a very important contribution. Those of us who have had experience in California government have seen how well it has worked. In fact, the gentleman from California [Mr. SISK] is attempting to make the same recommendation in the alternate home rule proposal that we are supporting. Both of us have had experience in California and have witnessed the success of this type of home rule. We would hope the District of Columbia could look forward to a similar success as they establish a responsive and responsible system or unit of government.

Mr. MULTER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. WILLIAM D. FORD].

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the bill and unfortunately to disagree with my good friend and colleague from the Committee on Education and Labor, and from the city of Los Angeles, on the question he has touched on so very ably here; the question of partisan versus nonpartisan elections for the District of Columbia.

I am opposed to the gentleman's proposed amendment, which would put in this bill a requirement that all elections in the future in the District of Columbia be held on a nonpartisan basis.

I was interested in the parallel the gentleman attempted to draw between the District of Columbia and other major cities of this country which he mentioned. This is a comparison which certainly falls very short when we are talking about the political structuring of the District of Columbia as opposed to a city like the city of Detroit. In the city of Detroit, it is true, we have nonpartisan elections for the mayor and members of the common council, but every citizen of the city of Detroit is encouraged to participate in the life of the political system in America—which to me is the two-party system—by the fact that he votes in elections for members of the State legislature on a partisan basis; for Representatives in the Congress and the Senate of the United States in partisan elections; and for Governor, secretary of state, attorney general, and other State officials on partisan tickets. So he has a feeling at all times of being a part of the political system; and even if a person lives in the rural part of that State, he has the same feeling when he votes to elect county officials.

I am delighted that after so many years we now have the opportunity to fulfill pledges of our parties and give to the residents of the District the home rule that they have so overwhelmingly demonstrated they want and need.

I am opposed to the proposed amendment that would modify this bill and require that elections under it be nonpartisan. There are several reasons.

In the first place, a requirement for nonpartisan elections would impose on the citizens of the District the need for a completely new set of political organizations, which would have to spring up virtually full blown in the space of only a very few months—before the primary elections in May 1966. We must all recognize that nonpartisan elections do not mean that there will not be political groupings, and I am sure highly organized political groupings. "Nonpartisan" means no more than that the political groupings to which names like "Republican" and "Democrat" are attached are to be prohibited.

Today in the District there is political organization along the traditional lines of Republican and Democrat. These organizations can be expected to function to bring out the best possible candidates for the municipal positions which the bill creates. They can be expected to give direction and coherence to the political campaigns that will take place under this act. I think we would do a great deal of damage and very little good if we were now to deprive the citizens of the District of the benefit of these organizations.

Let me remind the Members of the House, as other speakers have done, that we are not by this bill deciding on the form of municipal government in the District for all time to come. In the event partisan elections produce the evils that are cited by the proponents of this amendment, we can require a change. But we can do that later, after there has been experience and after a functioning District government has been created, so that the new organizations which nonpartisan elections would require would not have to come into being at the same time that District citizens were wrestling with all of the other problems of getting their government underway.

I do not contend, of course, that nonpartisan elections in municipal governments are evil. They exist and they function with success in many cities, but by the same token I do not in any way concede that partisan elections in municipal governments are necessarily wicked. Many of our great cities as well as many of our smaller ones function successfully with partisan elections. Indeed, studies have shown that voter participation in municipal elections—and we want, of course, to encourage the greatest participation—is substantially higher in municipal elections on a partisan basis.

Politics should not be taken out of government. Indeed, it is a misconception of both politics and government when there is an attempt to so sterilize the local situation. As an observer of elections in large cities, it is readily apparent that the party affiliation of the individual candidates is generally known and often plays an important role. Indeed, often the candidate for mayor of a large city in a nonpartisan election has in the past held partisan office as a member of the State legislature, a county official, or a Member of Congress, so that the nonpartisan nature of the election is more a fiction than a reality.

On the other hand, the pretense of nonpartisanship often weakens the city executive in relation to the political machinery of his State and the Nation. It would seem particularly appropriate that in a strong mayor-council system that partisan elections would be desirable. In such a system the mayor needs to be a political leader and particularly here in the District of Columbia in many matters the mayor would be dealing directly with State Governors and nonpartisanship is not a characteristic of Governors.

I suppose it is obvious that partisan elections as provided in the bill do not preclude independent candidates who may not wish to run on a partisan ticket. The bill expressly provides for independent candidates for the municipal offices to be on the ballot in the general election along with the candidates nominated by the Republican, Democratic or any other political party.

No more am I persuaded by the argument advanced in support of this amendment that it will eliminate all problems under the Hatch Act. It is true that participation by Government employees in nonpartisan elections is expressly permitted by section 18 of the Hatch Act, and that on the surface, perhaps, all

Hatch Act difficulties would disappear. But let us not fool ourselves into thinking that in a city as oriented to political thinking and political life as the District a nonpartisan candidate would not be known as a nonpartisan Republican or a Democrat, and that inevitably—and I submit properly—the nonpartisan political groupings would immediately become recognized as but another name for existing political philosophies.

In my judgment we do better to recognize, as the bill does now, the values to be gained by permitting the limited participation of Government employees in these municipal elections. The elections will occur only in nonpresidential election years, so that separation of activities in connection with municipal elections from any in connection with national elections will be simple. The fundamental protections contained in both the Hatch Act and the criminal code against solicitation by one employee for another or in Government buildings, or the use of political pressure to secure or to reward contributions, and all such matters, will continue. The bill will simply permit Federal employees in these off-year municipal campaigns to take their part as important and concerned citizens of the District, and participate in rallies, street parades, make speeches for their preferred candidates, and in other ways conduct themselves as the responsible District citizens they are.

This is not a radical proposal, and it is not the end of the merit system or of the Hatch Act. It is simply a small gesture toward Government employees who live in the District and who, I am sure, would welcome the opportunity to participate in these ordinary and usual ways in the political campaigns that will take place as a result of this bill.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD I yield to gentleman from California.

Mr. DON H. CLAUSEN. In the case where there are Federal employees in the Detroit area, each one of them is still subject to the Hatch Act, is that not true?

Mr. WILLIAM D. FORD. Yes, it is true.

However, that is not the point at issue with respect to the amendment of the gentleman from California [Mr. BELL]. Mr. BELL's amendment would prohibit the election of local officials on a partisan basis, apparently based on a long-standing myth which pertains in some parts of this country that there is something inherently evil or wicked in the partisan political system, and this notwithstanding the fact that the distinguished minority leader, from my home State of Michigan, is going all around this country at the present time, in company with the former Vice President of this country, telling people that the Republican Party must rebuild itself from the grassroots up, because if the two-party system dies democracy in this country dies with it. How can they urge throughout this country the importance of a viable two-party system—incidentally, I agree wholeheartedly with these spokesmen for the Republican Party in this regard—and at the same time suggest they believe, when we are talking of establishing an elective government in the Nation's Capital, that we should deprive the citizens of this community of an opportunity to participate in partisan activities?

Mr. DON H. CLAUSEN. I do not believe there is any basic disagreement between our points of view. All the amendment of the gentleman from California would provide is that there be a nonpartisan participation in the local election process. This way we would not subject the Federal employees to any harassment in the future for anything relating to partisan poltics. As a result, we would still protect the Hatch Act, which is something about which people are concerned.

As has been pointed out, I believe in your own city of Detroit you have the nonpartisan concept. This is all we are asking for in the adoption of the Bell amendment.

Mr. WILLIAM D. FORD. I should like to point out that the gentleman is talking the way the leaders of his party in my State talked 30 years ago—they do not talk that way any more—about the wickedness of partisan politics.

Do you know that the Ford Motor Co., for example, in my State, makes a very deliberate effort to have its employees participate by solicitation of funds "on the job" exactly the kind of solicitation Federal employees are prohibited from now, and would be in the future District government—because that corporation has come to believe that its employees have a duty as citizens to participate in that activity which actually leads to major decisions in this country—that is, a voice in the political parties?

To suggest that partisan elections for local offices here are going to lead to widespread abuse and lawbreaking in terms of harassment of Government officials is, it seems to me, somewhat naive when we consider that the same officials can be subjected to whatever is being suggested every time there is a presidential election, anyhow.

Mr. DON H. CLAUSEN. Mr. Chairman, if the gentleman will yield further, I might add to the gentleman that in the State of California Democrats and Republicans alike support this nonpartisan concept because we believe we have, in effect, the most progressive system of government, at the local level, that exists in America. We further believe progress has been made primarily because of the retention of the nonpartisan approach.

As we work to improve our great federal system, and I emphasize system, of Government, I believe we should encourage nonpartisan elections at the local level and partisan elections at the State and Federal level. The major problems in America are in those sections of the country where one-party rule prevails. The machine partisan political organizations of the big cities of New York, Chicago, and Philadelphia have restricted a maximum participation in the election process—resulting in the many problems we are now faced with. To date, California has had a substantially lesser amount of machine politics in our big cities and I am convinced will continue to resist and restrict the establishment of "bossism" and ward healing methods of politics—if we maintain the nonpartisan method of electing our local officials.

Washington, D.C., the Nation's Capital—must move in the direction of home rule but the type of home rule we select must guarantee, to the maximum of our ability, a unit of government that will reflect the best in America—a unit or system of government that will be symbolic of our heritage and present the proper image to those people throughout the world who are looking to us for the example they can be proud to emulate.

Mr. MULTER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, in the first place, I should like to take this opportunity to commend the leaders of the bipartisan group which brought this bill to the floor.

I think it is significant that the House is actually debating home rule legislation. The opportunity is at hand to provide for the citizens of the Capital of the world's greatest democracy the deeply cherished right to govern themselves. Self-government is the essence of democracy, and the citizens of the District should be encouraged not only to have it but to elect their own mayor and city council and to conduct the affairs of local government. I have introduced legislation in past Congresses to accomplish this purpose—H.R. 11328, 87th Congress; H.R. 3568, 88th Congress—and served as a member of the home rule steering committee of the Democratic study group. In speeches on the floor and in testimony before the House District Committee I have commented upon the absurdity of 535 Members of the House and Senate acting as city councilmen for the District. How often have we become immersed in the minutiae of District affairs such as the size of ice cream containers or the right to stand up or sit down in a bar, the details of liquor laws. How seldom have we taken up the really serious problems affecting the District among which are housing, education, jobs, and equal opportunity. The pressing social problems of the District cannot be met by sporadic enactment of ad hoc legislation. These problems require full-time attention by a local city council directly responsible to the citizens of the District. It cannot be argued that persons absorbed in the service of their community are not better qualified to legislate for that community than the Congress, which is basically concerned with national and international issues.

Denial of home rule in effect implies that citizens of other cities have the wit and wisdom to govern themselves in their own and in the Nation's best interests but the citizens of the District do not.

Denial of home rule in effect implies that, like everyone else, the citizens of the District must pay taxes and serve in the Armed Forces but that, unlike everyone else, they have no voice to determine where their tax money goes and have only a partial share in the democracy they protect.

It is curious that those most determined to retain Federal control over District affairs are the very ones most resistant to Federal activity in voting rights and other civil rights issues. In both instances they seek to perpetuate a status quo which denies basic democratic rights.

Mr. Chairman, contrary to the editorial cited earlier and contrary to statements made on this floor, this is a civil rights issue. The right to vote is basic to civil rights. I think we are entitled to know that civil rights has been a question which has affected the judgment of the House District Committee. If we look back a few months, there was a time when the Commissioners of the District of Columbia proposed an order which would eliminate discrimination in housing in the District of Columbia and which would carry out the law of the land. What happened? The chairman of the House Committee on the District of Columbia and other members of that committee wrote, if I recall correctly, to the District Commissioners urging that this Executive order be abandoned. They sponsored a resolution against it, a resolution against the simple proposition that there should be no discrimination in the sale or rental of housing in the District of Columbia. The power of the committee was used in an attempt to prevent the District Commissioners from carrying out their sworn duty to follow and enforce the law of the land. So let us not hide from the fact that this is a question of civil rights. This is a question of whether or not we are going to provide the basic right to vote to the District citizens and whether or not the District government is going to be able to implement public policy and the law of the land without interference on the part of the House District Committee or any other body which sets itself up to thwart the Supreme Court and the Constitution.

Mr. Chairman, it is well known that the denial of home rule has resulted in maintaining power over the District's affairs in the hands of those who oppose integration in housing and other areas and who have used this power to obstruct and frustrate the achievement of full civil rights for all the citizens of the District.

It is clear that we do have a basic, fundamental human rights question before us. Are we going to provide the simple elementary right to vote to the citizens of the District and are we going to permit them to exercise self-government?

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, the gentleman has made a very broad general statement. He says that this is a civil rights issue. Let me say to the gentleman that I, as one, have consistently voted for civil rights legislation. I happen to believe in home rule. But we have another approach to this, and if the gentleman will listen very attentively to the Sisk proposal when it is brought forward, he will find some of the points that will be made. It is not a question of civil rights being an issue here. It is a question whether we want to have the type of home rule that will permit these people to exercise not only their rights but to assume their responsibilities as well.

Mr. RYAN. Let us not delay it any longer. Let us enact the bill on the floor and give self-government to the citizens of the District.

Mr. Chairman, legislation to grant home rule to the District of Columbia puts to a test our belief in democratic government.

The time has come for us to put up or shut up on this issue. Either we pass this bill or quit talking about the value of local self-government in America. Either we pass this bill or admit that some of the basic tenets of democracy are, in the opinion of many Members of this Congress, a lot of empty platitudes. Either we pass this bill or stand before the country as believing that every great city in this land can and should govern itself except the Capital City of the Nation.

The issue is squarely before us. It has been delayed for years. Each time that has happened we have lost a little more of the respect of the Nation, and our words about democracy have taken on an increasingly hollow ring.

Just as they have done year after year, the opponents of home rule have marched out all their forces to fight it. They have had their way in the past, not because of the logic of their arguments or the merit of their position, but because they have been able to use the rules and procedures of the House to thwart the will of the majority of its Members.

As in previous years, we are being subjected to the same tired and discredited arguments in opposition to home rule.

One of the classic myths is that the Constitution requires Congress "to exercise exclusive legislation in all cases whatsoever" over the District; and, therefore, no home rule is possible. This is erroneous. It ignores the fact that the primary purpose of this phrase was to foreclose the exercise of any political power by the States over the site of the National Capital. As I stated in testimony before the House District Committee last year, it ignores the clear intention of the Founding Fathers, as expressed by Madison in Federalist Paper No. 43 when he wrote that residents of the Nation's Capital "will have their voice in the election of the Government which is to exercise authority over them, and a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them."

This language is clear. Attempts made earlier in the debate to minimize the importance of Madison's words will not change the basic intent—that the residents of the District be allowed to elect their own municipal legislature.

This wholly untenable conclusion on the unconstitutionality of home rule also ignores a unanimous decision of the Supreme Court in 1953—*District of Columbia* v. *John R. Thompson Co.*, 346 U.S. 100—which reads in part:

> It would seem then that on the analogy of the delegation of power of self-government and home rule both to municipalities and to territories there is no constitutional barrier to the delegation by Congress to the District of Columbia of full legislative power, subject of course to constitutional limitations to which all lawmaking is subservient and subject also to the power of Congress at any time to revise, alter or revoke the authority granted.

Finally, such a conclusion ignores the historical fact that for almost three-quarters of a century the District of Columbia functioned under some form of home rule government. When Congress took it away in the 1870's, the compelling reason was alleged fiscal irresponsibility. The issue of constitutionality received little or no attention.

Supporters of home rule know that ultimate legislative authority over the District will remain with Congress and that only an amendment to the Constitution could change this. I think all of us agree that this interpretation is legally sound.

But this does not in any way impair the authority of Congress to delegate sufficient legislative power to create a sound and workable local government in Washington. As President Johnson said in his home rule message on February 2 of this year:

> The Constitution wisely delegates to the Congress supreme legislative power over "the seat of the Government of the United States." The Congress can, however, delegate to a municipal legislature all the powers necessary for local self-government, and at the same time preserve its ultimate power and the interests of the Federal Government.

The reference in the President's message to the interests of the Federal Government suggests another argument long voiced by opponents of home rule. They are afraid the Federal interest would not be adequately safeguarded under local self-government.

These apprehensions ignore those provisions in the pending home rule legislation designed expressly to protect the Federal interest. For example, Congress is given the overriding power to repeal or amend any action of the District Council, to initiate its own legislation for the District, and to modify or even revoke the charter itself. In the words of Senate Report No. 381 accompanying the administration bill, S. 1118, already passed by the other body:

> The Congress, under the terms of this bill, retains full residual, ultimate and exclusive legislative jurisdiction over the District in conformity with the constitutional mandate.

Furthermore, this bill specifically gives the President authority to veto any measure passed by the District Council if he deems this measure to be contrary to the Federal interest. This veto is absolute and final; it cannot be overridden.

With both Congress and the President enjoying such extensive and definitive powers over the proposed District government, it seems to me that fears that the Federal interest will be jeopardized are groundless.

Another argument directed against home rule is that a local government would have to rely upon a Federal payment to meet part of its expenses. This is true and nobody denies it, but it is also irrelevant as far as home rule is concerned.

The present commission government has to rely on a Federal payment to survive.

The truth of the matter is that in recent years the Federal payment has constituted only a small proportion—admittedly an essential contribution—of the District's general fund. Local taxes regularly account for 85 to 90 percent of this fund, with the Federal Government supplying the remainder.

The necessity for Federal assistance arises from the fact that well over one-half of the city's land area is tax exempt. Federal real property holdings in the District are, of course, enormous. Embassies and other property acquired by foreign governments are also nontaxable, as are the headquarters of the many charitable, educational, religious, and similar organizations located in this city.

The pending home rule legislation contains a formula for determining the amount of the annual payment that takes all of these factors into consideration. This formula would be a useful step forward in the fiscal relations between the National Government and the District government.

Under the provisions of the home rule bill passed by the other body, the operation of the formula would be automatic. After the amount of the payment had been determined, it would be made directly from the Federal Treasury to the District government.

However, under the compromise bill, H.R. 11218, which will be offered as a substitute, these payments would be subject to review by the Appropriations Committees of the two Houses and passage by Congress.

I support the automatic payment concept which is basic to genuine home rule.

The amount of the Federal contribution to the District would be primarily a payment in lieu of taxes lost because of all the tax-exempt property in Washington. With District council approval, the mayor would each year make the determination of what this payment should be. Certification of the request by the Administrator of General Services would then be required to make absolutely certain that the payment would be based upon a reasonable and fair assessment of the exempted property and upon the proper and accurate use of the various factors in the formula.

Even without the automatic feature, the payment formula has not entirely lost its usefulness. It can provide a reasonably accurate index to the changing financial needs of the District government because it would reflect fluctuations in the purchasing power of the dollar and changes in the value of real property. Although the Appropriations Committees and the two Houses of Congress would still have to act on the payment under the proposed substitute bill, no budget authorization would be required from the District Committee.

Considered as a whole, the local government contemplated by this legislation should be an excellent one to meet the needs of Washington. It is basically a strong mayor-council plan.

The mayor is to be elected for a 4-year term. He shall exercise the executive powers in the government and be responsible for its efficient and effective administration. He shall have authority to make key appointments, to make legislative recommendations to the council, and to exercise in general the considerable authority granted to strong mayors in large cities.

Members of the District council will also be elected. Terms will be for 4 years with election in the nonpresidential years. Among the principal duties of the council will be enactment of legislation, consideration of the budget, and jurisdiction over the municipal courts. The mayor will have a veto over council enactments, but the council will also have authority to override this veto.

District residents will elect a nonvoting delegate to represent them in Congress. This term will be for 2 years. Members of the board of education will also be elected, but on a nonbipartisan basis.

Other provisions of the home rule bill establish those agencies and give to the local government those powers that are necessary for any great city to provide services and protect the rights and interests of its citizens. These include such matters as the right, with limitations, to borrow money, appointment by the mayor with council approval of a board of elections, the right of the voters to propose and enact legislation through the initiative, submission of the charter to a referendum, and so forth.

A newly released survey of public opinion which was published on September 23 shows that Americans throughout the country favor home rule for their National Capital by more than six to one. This overwhelming support comes from all regions of the country, from members of both major political parties, from all income groups, from city, suburban, and rural dwellers alike, from all racial and religious categories, from all educational levels, and from all income classifications.

Three reasons are advanced for this judgment: First, every city should determine its own destiny; second, every community has the right to self-government; and third a local home rule government could do a better job than Congress.

Mr. Chairman, these reasons are right. There is no justification for continuing to deny self-government to the citizens of the District of Columbia. We have confronted the basic issue of democracy in other legislation during this session. We answered in the affirmative. In this country there can be no other answer. I urge passage of this legislation which will mean a new day for the District—an opportunity for its citizens to begin to solve its pressing problems through responsible self-government.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. O'KONSKI].

Mr. O'KONSKI. Mr. Chairman, the last time I appeared in the well I wished you all a Merry Christmas and Happy New Year, thinking that I would not take the floor again. But I was not aware at that time that there is a Jewish New Year, and I want to wish you all a merry and happy and prosperous Jewish New Year.

When I came to this Congress almost 24 years ago I was the red-hottest advocate of home rule for the District of Columbia, and I could not understand why they did not have it. The fact of the matter is that for the first 10 years of my service here in this House I, myself, introduced home rule bills in the Congress of the United States. But during that time, and especially since that time I did a lot of reading. I read all of the hearings that took place in the Senate and in the House. I have been doing a lot of thinking and a lot of observing and a lot of listening. Just as almost 24 years ago I was a red-hot advocate of home rule, today, I am a stanch opponent of home rule. And not for reasons that some may think. I would be against home rule for the District of Columbia if it were all Negro. I would be against home rule for the District of Columbia if it were all white. I would be against home rule for the District even if the Pope lived here or if Moses lived here, or even if the city were inhabited by angels.

So, make no mistake as to my motives in opposing this home rule bill. I cannot for the life of me understand why a small minority of the people of the District of Columbia want home rule. They are the most favored people on earth. They have gotten more from the Federal Treasury than any people in any community in any State or in any territory. And I challenge anybody to dispute that statement.

You and I in our communities have to build our own stadiums, our own airports, and everything else. This city gets them all free, handed to them on a platter.

We passed an aid bill for elementary and secondary education a short time ago, and despite the fact that this city is the richest city in the world, with the highest per capita income of any city in the world, with the highest consumption of hard liquor of any city in the world, yet this city, under the bill we just passed, was the most favored city in the United States of America, getting almost as much money as entire States. Per capita, Washington, D.C., got more per student than any single area in the Nation. And this happens in the richest city in the world.

No matter what aid we passed, no matter what Federal program we passed, the District of Columbia per capita of population got more from the Federal Treasury than any other segment of our society, and I challenge anyone in the House of Representatives to stand up and dispute that statement.

Mr. Chairman, take the matter of Federal roads, or the matter of interstate highways. Just in the area of the District of Columbia there were more Federal moneys granted for interstate highways in and surrounding the District of

Columbia than in the entire States of Wisconsin and Minnesota put together.

Yet, Mr. Chairman, they are saying, "That mean old Congress, being so mean to the District of Columbia. We ought to have home rule. We ought to manage our own affairs."

Mr. Chairman, where do you have a situation in a city where the juvenile delinquents can go out in the summertime and knock out $120,000 worth of windows and have Uncle Sam pick up the tab and no one go to jail for doing it?

Where in any city in the United States of America or for that matter in the world can a man seek the favors of a woman and live with her and raise a family of 12 without wedlock and have Uncle Sam pick up the tab?

Where in the world do you have a situation of that type? And then, when the Congress passes a "man-in-the-house" proposition, where if there is a man in the house he ought to help support the family—the bleeding press and the bleeding hearts, and, I am sorry to say, some members of the clergy say what a mean and inhuman Congress we have just because a man lives in a house and raises a family, that he should be expected to help support that family. Why does the inhuman Congress expect such a tired man to help support his children? How heartless can the Congress get? Give us home rule.

The **CHAIRMAN**. The time of the gentleman from Wisconsin has expired.

Mr. **McMILLAN**. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. **O'KONSKI**. Where in the United States do you have a professional football team subsidized by the Federal Treasury like you have in the District of Columbia? The sum of $800,000 has been appropriated by the Congress this year to support a place where the Redskins and the Senators play ball. It is one of those places where anyone can put on a uniform and join the team. They are usually in the cellar position. Why should they have to win when they know they can always go to Uncle Sam and he will help foot their bills and provide a nice stadium in which they can play? It proves a government subsidized team just does not have the incentive to give all it has.

I attended a ball game at the stadium the other day. The umpire yelled "play ball" and a player replied, "Why umpire, what do you think we have been playing?"

And, Mr. Chairman, I could go on and on give you favor after favor that this city is receiving. It is the most favored city in the world, certainly the most favored in the United States of America.

Now, Mr. Chairman, let me tell you that when some of us say, "Well, yes, we do have a situation over here, but let us wash our hands of it; let us wash our hands of it and give them home rule and then we can attend to the affairs of the Congress"—we are just inviting trouble.

Mr. Chairman, this city is like that of no other in the United States. You have self-government in the city of New York. But the city of New York cannot say whenever they have a crime problem or whenever they have any kind of a problem, the people and the government officials of the city of New York cannot say, "Of course, we have that problem because we have a niggardly and stingy Congress that would not give us enough money." That is exactly what you are going to have here. You are inviting trouble. You are going to give them home rule, the local people, and the authority to run the Government and no matter how badly they mismanage it, you are going to bear the brunt of the blame, because should crime double, they are going to say, "Of course, it doubled. We asked Congress for 25,000 policemen and they only gave us 15,000."

No matter what problem you have, if your relief rolls should increase, they will say, of course, it was because Congress did not give us enough money for poverty. They did not give us enough money for schools, they did not give us enough money for this or that. No matter what problem you have, no matter how badly mismanaged the city is going to be, the blame will be put on the doorstep of Congress because every time mismanagement is pointed out, or corruption, or whatever it may be, their answer is going to be, of course, you have a stingy, niggardly Congress, and they would not give us enough money to do the job we want to do. If you think you are absolving yourselves of the responsibility of running this city or of washing it off your backs, by passing a home rule bill, you are badly mistaken, because you are inviting more trouble than you now have, and the problems you now have—and we have many—are going to be more than multiplied. Congress is stingy. Congress is heartless. Congress will not give us enough money. That is the cry you will be hearing a thousand times a day.

Mr. **REUSS**. Mr. Chairman, will the gentleman yield?

Mr. **O'KONSKI**. I yield to the gentleman from Wisconsin.

Mr. **REUSS**. The gentleman has made a devastating attack on the way Congress has handled the affairs of the District of Columbia. He pointed out that Congress apparently has placed too low a tax on liquor in the District, and this has led to an increase in per capita consumption of alcoholic beverages.

It seems to me the whole thrust of the gentleman's position is that, Congress having failed in its duty, the people of the District of Columbia who have many times voted for self-government ought to be given some say in their own government. I do not understand the gentleman's logic. Could he spell it out a little?

Mr. **O'KONSKI**. I am glad the gentleman mentioned that. The Congress of the United States follows pretty well the wishes of the people of the District of Columbia. I might mention to the gentleman that the District of Columbia Commissioners have the right to increase the real estate taxes in the District of Columbia, which are lower than those of any comparable city in the United States. The gentleman points out the liquor taxes. You only pay 2 cents a pack for cigarettes, and in my home State I think it is 11. It merely follows the idea that the people of the District of Columbia do not want to assume their fair share of their responsibility to the Government. You are passing it on to the U.S. Congress.

Mr. Chairman, when you get right down to it there is only one reason behind this bill, and one only. You strip it of everything, and this is it in a nutshell: They are trying to wiggle around and get their hands in the Treasury of the United States without going to the Congress for an accounting of how they are going to spend it. That is all there is behind this bill, and nothing else. I have studied it from A to Z, and you cannot come up with any kind of answer. They will make more compromises to get any kind of a bill through. They know this is one step forward. But the ultimate goal is this automatic payment formula. That is all this thing is about. All the other things we are talking about are merely procedures and steps in the direction of achieving that goal, and let nobody kid you to the contrary.

Mr. **SICKLES**. Mr. Chairman, will the gentleman yield?

Mr. **O'KONSKI**. I yield to the gentleman from Maryland.

Mr. **SICKLES**. The gentleman in the well has indicated that the District Commissioners have essentially kept local taxes low. Then in the next breath he inferred that this was the will and wish of the people of the District of Columbia. The people of the District of Columbia had nothing to do with the selection of the District Commissioners, who were appointed by the President of the United States. I cannot follow the gentleman's logic that the people of the District are in any way responsible for the actions of the District Commissioners.

Mr. **O'KONSKI**. I am glad the gentleman from Maryland asked that question.

In one of the committee hearings we called on the District Commissioners. I own a home five blocks from the Capitol. It has twice the value of property I own in Wisconsin, and my taxes in the District are one-half of those which I pay in Wisconsin.

I pointed out to the Commissioners why in the world does that situation exist, and the Commissioner said, "Well, Congressman, we know you are right. But we raised taxes just a little bit a while ago and we thought the roof was going to cave in—from the people of the District of Columbia." So he is responding to the will of the people of the District of Columbia.

Mr. **SICKLES**. If the gentleman will yield further, I just do not understand how the District Commissioners in any way can be responsible or responsive to the people of the District of Columbia since the people of the District have nothing to do with the selection of the Commissioners in the first place.

Mr. **O'KONSKI**. Well if the District Commissioners are reluctant to raise property taxes to where they ought to be when they are not chosen by the people of the District of Columbia, can you imagine how much more reluctant they would be to raise property taxes if they had to depend on their votes?

Mr. MULTER. Mr. Chairman, I yield 1 minute to the gentleman and ask him to yield to me.

Mr. O'KONSKI. I gladly yield to my friend, the gentleman from New York.

Mr. MULTER. I have the utmost respect and confidence in the gentleman and I am sure no one is attacking the gentleman's motives or will attack his motives. We believe the gentleman is sincere in his motives. We believe the gentleman is sincere in his opposition to any home rule for the District of Columbia.

I would like to direct the gentleman's attention to the statement he made, and I am inclined to agree with that statement, that the District of Columbia has been receiving more money from the Federal Government than any other community in the United States. I agree with that. But up to this time, is it not true that neither your constituents nor my constituents nor the constituents of any other Member of this Congress have ever raised their voice against our spending of these Federal taxes, their tax dollars, to support the District of Columbia? Is that not the fact?

Mr. O'KONSKI. No, and I want to say I am glad the gentleman brought that point out. Because if you get to figuring out all the monuments and all the other Federal buildings, and all the road money, and airport money which was given by the Federal Government, which means the people back home, I want to say to the gentleman from New York that the people outside of the District of Columbia have a larger investment in what is in the District of Columbia than the people of the District of Columbia themselves. I do not want to disenfranchise them, either.

Mr. MULTER. As I say, I am agreeing with my colleague.

Mr. O'KONSKI. As I say, the people outside the District of Columbia, the people back home own most of what is in the District of Columbia, and they have paid for most of it, and so I want the people back home to have something to say about how the District of Columbia is run.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman.

Mr. MULTER. I have asked the gentleman to yield in order to correct what I think is a misunderstanding on the part of the gentleman. I am agreeing with him as to the money going from the Federal Treasury to the District of Columbia.

Mr. O'KONSKI. If you are with me, then vote with me.

Mr. MULTER. Is it not a fact that neither your constituents, my constituents, nor the constituents of any other Member of the House object to moneys from the Treasury of the Federal Government being used for District purposes and that they do not object to taxpayers' money being used to support the government of the District of Columbia because without it, the District government cannot support itself.

Mr. O'KONSKI. I thank the gentleman—we agree.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman.

Mr. BROYHILL of Virginia. The difference now in answer to the statement made by the gentleman from New York is the reason we do not hear as much opposition now as we will hear in the future is that now the Congress controls all of the spending and every nickel and every dime of the money they appropriate now. But under the bill that is pending, we will have nothing to say about how that money will be spent.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman.

Mr. DON H. CLAUSEN. I wonder if the gentleman can tell me whether or not there is a provision for a board of equalization so as to determine whether or not appraisals are made and property taxes are equal in this bill?

Mr. O'KONSKI. I cannot understand it. That seems to depend on what kind of compromise is made on this formula in this bill.

Mr. DON H. CLAUSEN. Under this formula, this will be permissive; will it not?

Mr. O'KONSKI. I just want to say this in closing. Think a little about history. During the War of 1812, the British tried to sack the Nation's Capital and they could not. During the Civil War, the Confederates tried to sack the Nation's Capital and they could not. But what the British and the Confederates could not accomplish, it seems the Congress of the United States is going to accomplish this week; namely, to sack the Capital of the United States of America. We are going to sack the city—do not do it—I plead with you and beg with you—do not do it. Do not sack the Nation's Capital.

Mr. MULTER. Mr. Chairman, I yield to the gentleman from Maryland [Mr. MATHIAS] 10 minutes.

Mr. MATHIAS. Mr. Chairman, I wish to thank my good friend, the distinguished gentleman from Wisconsin, who has just left the well, incidentally, a gentleman with whom I so often agree, because I believe he has contributed a great deal to the debate this afternoon. He has given us a seventh-inning stretch. He has provided us with the kind of comic relief that make Shakespeare's great plays even greater. But, Mr. Chairman, he has done something more. The gentleman from Wisconsin has put the issue squarely before us. He has said—and certainly no one here will disagree—that Washington is a fortunate city. I think he described it as the most fortunate city in the country.

A generous Congress, he said, showers favors upon this District of Columbia; yet, the people still call for home rule and this causes the gentleman from Wisconsin to cry out in amazement. In doing so, the gentleman has ignored the whole history of the political progress of mankind. If there is one thing that history tells us, it is that no matter how benevolent an autocratic government may be, people prefer a democracy. That, I submit, is the issue before this Congress in this debate.

Mr. Chairman, the Nation owes much to Virginia and to Virginians. One of the greatest Virginians committed America to the principle that we owe "a decent respect to the opinions of mankind." That principle, among others equally fundamental, is at issue in the debate on home rule for the District of Columbia. The whole Nation suffers when we imperil our reputation for sincerity and for good faith throughout the entire world by denying the sufferage on normal municipal matters to the residents of one of earth's greatest cities.

It may seem hollow to friends and foes alike to preach of free elections in East Germany and southeast Asia when our practice belies our words.

The reasons for denying home rule advanced by its opponents in this debate seem very feeble indeed. We are asked to be so gullible as to believe that a change in the vessel to which local administration is committed in the District of Columbia will diminish the national character of the Federal city. In other words, these opponents would say that the city is less a capital because its municipal executive is elected rather than appointed. By the same logic, the Capital of the Nation, in the administration of John Adams or of Thomas Jefferson, when there were several municipal corporations existing within the District of Columbia, which elected their local officials, would have been, to a degree, less national than it is today.

By the act of the General Assembly of Maryland, which ceded to the National Government that portion of Maryland which now comprises the District of Columbia, the legislature reserved the benefit of Maryland law for the citizens living within the District until that law was superseded by the Congress. Maryland law obtained in the Nation's Capital, but it was no less the Nation's Capital. The right to vote was certainly one of those rights which was preserved by the act of cession for Marylanders who had become residents of the District of Columbia. The right to vote was preserved for them. That course was contemplated from the very inception of the idea of the National Capital.

In the year 1802, the Congress, during the administration of Thomas Jefferson, provided for an elected city council for the city of Washington.

Ten years later, in the administration of President James Madison, there was provision not only for an elected board of aldermen but also for an elected mayor of the city of Washington.

I would ask those who say that to have an elected city government is to diminish the national aspect of the Capital, and to take something away from all Americans, whether they consider that there was a fluctuation in the national character of Washington, when there was more or less suffrage in the District in various periods of the history of the city of Washington.

Let us look at the bill itself for a moment. When I say "let us look at the bill," so that there can be no confusion, I mean let us look at the compromise bipartisan bill, H.R. 11218, and its companion bills, as to the protection of what has been called the Federal interest.

In section 905 of that bill there is a provision for Federal control of the Metropolitan Police and for the use of other Federal forces to maintain order. This is an important provision in the bill. It mirrors a historical problem which existed before the Capital existed. It provides for the Federal interest.

In section 1001 there is protection for the tenure of employees who have status under the national civil service laws.

In section 324 the municipal government is specifically subjected to the 10th section of article I of the Constitution.

In section 324 again there is a comprehensive reservation of congressional right to repeal or modify District acts, whether enacted by the city council or the voters of the District.

Subsection (b) of section 324 provides that neither the council nor the voters of the District can impose any tax on the property of the United States, or lend the public credit for support of any private undertaking, or authorize the issuance of bonds except in compliance with the provisions of title VI, or authorize the use of public money in support of any secretarian, denominational, or private school except as authorized by Congress, or enact any act to amend or repeal any act of Congress concerning the functions or property of the United States, and so on.

I commend all of subsection (b) to the attention of the Members of the House, because it very vitally affects the reservation of Federal interests.

The right to tax and the right to exercise sovereignty over Federal properties is expressly reserved and excluded in subsection (e) of section 324.

There is a veto provided for the President of the United States, again to protect the national interest.

In subsection (f) the Congress reserves the right to legislate on any and all matters affecting the District of Columbia. The Congress reserves the right to legislate, as well as the city council with its delegated legislative powers.

With all of these guarantees of the integrity of the Federal interest, there seems no reason to deny home rule out of any concern for the national character of the Capital.

The founders of this Republic, I submit, would be shocked that the most basic form of self-government, muncipal government, had been abolished in the Nation that they conceived in liberty and dedicated to the proposition of government by the people. Their views are on record. They are a part of our great political heritage and they should not be ignored, for the wisdom of the past always has a proper place in the councils of today.

James Madison, to whom we owe our knowledge of the discussions of the Constitutional Convention, reviewed the considerations involved in the establishment of a National Capital, and he said, in No. 43 of the Federalist Papers, that the States conceding the territory for the new Capital "will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it." The act of cession from Maryland did provide for the rights of the citizens and it did provide that the benefit of the laws of Maryland should continue to extend to those citizens, including the right to vote in their municipalities.

Madison went on to say, and I quote:

> As they will have had their voice in the election of the Government, which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course, be allowed them.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MULTER. Mr. Chairman, I yield the gentleman an additional 3 minutes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield to me?

Mr. MATHIAS. Just a moment. If the gentleman will be patient for just a moment longer.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-three Members are present, a quorum.

Mr. MATHIAS. Mr. Chairman, these views of James Madison were not confined to his Republican Party of Virginia which I suppose now purports to be the Democratic Party of Virginia. They were shared by the Federalists, by John Adams, the second President of the United States. Adams, in my judgment, was the great civil libertarian of the Revolution, yet he is one who has never been accused of being a demagog. Adams' views on this question, which he presented in his message to the first Congress which met here in the new seat of government, described the District of Columbia: "As the Capital of a great Nation advancing with unexampled rapidity in arts, in commerce, in wealth and in population, and possessing within itself those energies and resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government."

This was John Adams' view. These, I submit were the bipartisan views of the early administrations who held the reins of power here in Washington.

Now, I ask you where will you take your place when this debate ends? Will you be among the timid and the fearful and the doubters who view the future as a valley of shadows and gloom, or will you take your place beside the great humanists who led our Revolution, wrote our Constitution, and founded our Republic? I am confident, Mr. Chairman, that when the time comes you will vote in the great tradition of America for home rule.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. The gentleman from North Carolina has been very patient, so I will yield to him.

Mr. WHITENER. The gentleman testified before the subcommittee of which I am chairman in the 88th Congress, I note with interest at one place in his testimony he said:

> I believe my bill—

As you discussed your delegate bill—

> will provide to the residents of the District of Columbia a long-sought opportunity to build a responsible electorate and thus to help in the development of an improved sense of responsibility and maturity among the permanent residents of the Nation's Capital.

Then on page 394 of the hearings the gentleman said this:

> I think there is a great deal of wisdom in having an area of some substantial size which is subject to the control of the Federal Government. I would not be the one who would wish to disturb that principle.

I gather from the gentleman's statement today, as compared to what he said in the 88th Congress, that the little ditty might be applicable:

> He wiggled in and he wiggled out and left the matter much in doubt as to whether the snake that laid the track was coming in or going back.

Mr. MATHIAS. I would like to say that I reiterate what the gentleman has just quoted from my testimony in the 88th Congress. I think it was sound when I said it, and if the gentleman had agreed with me at the time, if the gentleman had accepted some of what I said at the time, we probably would not have had to go through the difficulties of a discharge petition.

Mr. McMILLAN. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, I would like to ask some member of the committee a question about title II on the status of the District. Section 201(a) says:

> All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia.

Subparagraph (c) says:

> Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the act of October 31, 1945.

Obviously the boundary line between the District of Columbia and Maryland has been ignored, and I wonder what the reason is, why the boundary line between the District of Columbia and Maryland is left in balance.

Mr. SICKLES. Mr. Chairman, if the gentleman will yield, I have just checked with my colleague and neither one of us knows why the State of Maryland was left out. I am a resident of that State; I shall check and respond to the gentleman either privately or on the floor when I find out.

Mr. WAGGONNER. I appreciate that. The only conclusion I could come to is that there must be some merit to Congressman BROYHILL's bill that a portion of the District be ceded back to Maryland.

Mr. SICKLES. That is why I am interested in the issue.

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Chairman, I requested this time in order to attempt to straighten out some misconceptions that have developed with respect to what I propose to offer in the way of a substitute to the pending legislation. Let me say initially that as one who has supported home rule and advocated self-government for the people of the District of Columbia, I feel that it has been somewhat unfortunate that there has been some confusion with respect to bills which bear my name and, I might say, identical numbers.

I appreciate the fact that there are those who view this situation in a different way. I appreciate the fact that there are those who feel it is unconstitutional to provide self-government. And I respect those views. At the time that the Committee on the District of Columbia acted on legislation and reported out a bill, my bill was the vehicle used and at that time the gentleman from Virginia, my good friend Mr. BROYHILL, offered his substitute which, by a margin, I believe, of one vote, was adopted over my opposition. I respect my good friend from Virginia. I respect his views. I happened to disagree with him at that time. I opposed a retrocession as a remedy for the problems of the District, and I still oppose it now.

The bill which I propose to offer as a substitute for Mr. MULTER's bill is H.R. 10115 as introduced originally by me on July 27. The declaration of policy could almost be substituted for the declaration of policy in the bill which the gentleman from New York has offered. And I might just briefly cite it in order to outline my own personal position with reference to support for self-government for the people of this District.

And, it is this:

> It is the intent of Congress to make available to the inhabitants of the District of Columbia such measure and form of local self-government as they themselves shall democratically establish if such self-government is consistent with the constitutional injunction that Congress retain ultimate legislative authority over the Nation's Capital. In taking this action it is further the intent of Congress to demonstrate its fundamental and enduring belief in the merits of the democratic process by exercising its retained legislative responsibility for the seat of the Federal Government only as it concerns amendments to any charter which might be established under this Act, but not as it concerns the routine municipal affairs of the District of Columbia.

As I say, Mr. Chairman, basically that declaration of policy is almost verbatim with the declaration of policy of the other proposals which are pending today, indicating that jointly we agree with reference to the question of self-government for the people of the District of Columbia.

Now, Mr. Chairman, let me quickly run over the principal provisions of the legislation and of the substitute which I shall propose. It was actually taken from the code of my home State of California and I might say that codes with respect to the authority to charter incorporated cities are pretty well identical across the Nation where a city provides for the election of a board of freeholders, or in this case I call it a charter board, and seeks an original charter or a new charter for that city.

So, Mr. Chairman, as a result of our desire to give completely to the people of the District of Columbia complete democratic processes and permit them to work, we introduced this, which I call an enabling act. It provides, first, that within 100 days after enactment, if this bill should become law, that a special election will be held in the District of Columbia.

Let me say, Mr. Chairman, I have had many people in the District come to me and say that one of the things which the District needs is some practice in self-government.

Mr. SMITH of Virginia. Mr. Chairman, the gentleman is explaining the bill that we will first vote on when this question comes up under the 5-minute rule and some of us would like to hear that explanation. I think those gentlemen who are not interested in such matter might well retire so the rest of us can hear the explanation.

The CHAIRMAN. The Chair has been attempting to maintain order but it needs the cooperation of the Members of the Committee.

The gentleman from California [Mr. SISK] will proceed.

Mr. SISK. Mr. Chairman, repeating briefly the proposal, as I say, if enacted into law there would be required that within 100 days after the date of enactment a special election be held in the District of Columbia in which the people of the District of Columbia would be asked to act on two matters: First, whether or not the District of Columbia desired home rule.

Oh, yes, Mr. Chariman, I have heard all kinds of rumors and discussions about some of the so-called referendums and so on that have been held before, but there has never been so far as I know a case which we can find in the record where this specific issue alone has been presented to the people in a nonpartisan election—and this will be a nonpartisan election if my substitute should be enacted, because it provides for the election to be held on a nonpartisan basis.

It provides for the election of an nonpartisan charter board simultaneously with that election, a 15-man charter board to be set up.

Mr. HORTON. Mr. Chairman, will the gentleman yield to me at that point?

Mr. SISK. I yield just briefly to the gentleman from New York.

Mr. HORTON. I would like to ask a question on that point. There was mention made earlier to the fact that the gentleman's bill provided for a nonpartisan council. I do not understand that. It does not so provide, does it, or is there a limitation in the gentleman's bill which would require the charter commission to provide for nonpartisan elections?

Mr. SISK. I appreciate the gentleman clarifying the issue and I might say to my good friend, the gentleman from New York [Mr. HORTON], that he is one of the first people who saw a copy of this bill before it was introduced and I know the gentleman is very familiar with the language contained therein.

I might say the language is still practically identical to that which the gentleman saw back, I believe perhaps, in May or June. It provides for a nonpartisan election for members of the charter board. It does not specify. It leaves up to the judgment of the charter board the type and kind of charter which that board shall finally come up with and submit, first, so the electorate of the District of Columbia, be it a city council or a strong mayor form or a city manager, whatever it may be that they might propose; could be, either partisan or nonpartisan as the bill is now written, and I want to make this completely clear.

Mr. HORTON. May I say at this time I do appreciate the confidence of the gentleman because, as he has stated here this afternoon, he did give me the opportunity to see a copy of his proposed bill long before it was introduced, and consulted with me. I appreciate his confidence. I do feel that the gentleman has made a very sincere effort as a member of the District of Columbia Committee not only to serve as a member of that committee, but also has put forth a sincere effort to provide a means for the people of this community to have home rule. I want to verify one thing: As I understand it, there is no limitation on your proposal with regard to the charter commission and the report that they would make? In other words, they could require a partisan or nonpartisan council, or they may provide for a State legislature.

Mr. SISK. The gentleman is correct, and I appreciate his clarifying the situation. The charter board itself would have the authority to draw up a charter, and that would be a nonpartisan board. But what they finally came up with in the way of a city government or city council could be partisan or nonpartisan.

Mr. HORTON. One further question. I want to make this point: This is the place at which your bill and the bill that will be before us differs. There is provided a referendum for the people of the District of Columbia to approve what is done here, so that for all practical purposes we are providing here, or would be providing here, a charter for the people to vote on, under the bill that we will be acting on. Under that bill the charter commission would write the charter.

Mr. SISK. I hope the gentleman will allow me to proceed.

Mr. HORTON. I thank the gentleman.

Mr. SISK. The election which would be held, as I say, within 100 days after enactment, would provide for, first, the right of the people to determine whether they want home rule and, second, the election of a charter board. That charter board would be empowered to sit down and write a charter for the District of Columbia, exactly as every other city in America is permitted to do under their State codes.

At the end of 210 days they must have completed their work, and it is provided within 45 days after that they submit to the electorate of the District of Columbia the proposal as to the type and kind of government they want. We provide $300,000 in funds so that they may hire the best experts, the best advisers, the best counsel on city government anywhere in the United States, to come in and consult with them. Within 45 days after completion of their work there must again be a special election, at which the people of the District of Columbia can vote upon the charter as it is proposed. If they accept it, then that charter comes down here to the Capitol, where it will lay on the Speaker's desk and the desk of the President of the Senate, for 90 days, during which the Congress is in session.

Now the Congress can do three things. They can pass a dissenting resolution and then the issue is dead. The Congress, that is, the House with the other body, can pass an approving resolution and then the charter will be approved. Or if they do nothing within the 90 days, then it automatically becomes the law of the land.

Let me simply conclude by saying, if we seek—and I frankly do, and I believe in good conscience others do also—to give the people a true democratic process which is the way it is done in my hometown and your hometown and in every other city in the Nation. This to me is the true democratic way.

I might say with reference to the time element, this could become available to the people early in 1967. I believe that the bill of the gentleman from New York also has an effective date of 1967. So there is no question about any idea that this is a delay nor is it in issue here because in either case it could become available at approximately the same time.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. DON H. CLAUSEN. My colleague knows that I have been working for some little while on this matter. Actually this is home rule at its best. Because the people themselves will have the opportunity under two circumstances to decide whether or not they really want home rule and they have a right to decide what kind and what type of charter they want. Which is exactly what we have in the city of Los Angeles and in San Francisco.

Mr. SISK. The gentleman is exactly right.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. HORTON. In connection with the proposal that the gentleman is making, does it provide for a referendum after the Charter Commission has acted and after the proposed charter has been returned to the Congress?

Mr. SISK. No, I propose that after the charter board has completed its work, it must go to the people on a referendum, exactly as is done in my hometown and your hometown and the people in that referendum will pass on whether they want it or not. This gives them exactly the kind of government and the right to vote for it and prove it. Then it comes to the Congress and within 90 days the Congress must act.

Mr. CHELF. Can the gentleman give us some idea as to what we can expect with respect to the budget? What does this have to do with the budget? Does the budget or do any of the tax questions come up in this referendum? This is very important. All of us need to know about this.

Mr. SISK. Let me say to my good friend that this does not enter into the financial picture whatsoever. This provides for the people in the District of Columbia to elect a 15-man charter board.

I want to say I have confidence in the people to make that choice, and I also have confidence that they will elect good, honest, sincere men of judgment to write the type and kind of charter that will be proper for this city. As I say, this does not get into the financial picture.

Mr. CHELF. In other words, it leaves it to them after the referendum has been passed and has to be submitted within 210 days?

Mr. SISK. The gentleman is exactly right.

Mr. CHELF. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. DON H. CLAUSEN. Under your proposal in conection with this question, can you have a nonpartisan election or a partisan election or whatever the charter recommends? If it is a partisan election then the delegates would possibly participate in the national elections. And an elected school board and you could be subjected to impact area assistance in the schools themselves under the formula that might be adopted by the charter. You could have an elected or appointed Board of Education. You could have split police authority if they so desired in the charter. They could draft anything they want and the people themselves could decide and then the Congress could ratify it.

Mr. SISK. That, of course, would depend on the charter or it would be up to the charter board and up to the Congress as to whether the Congress finally approved it or rejected it.

Mr. MULTER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. Reuss].

Mr. REUSS. Mr. Chairman, I have listened to the alternative substitute proposal by my respected friend, the gentleman from California [Mr. Sisk]. I am obliged to oppose that suggestion, because in my judgment this would not bring home rule to the District of Columbia.

Here is why I believe it would be a most unhappy substitute. In the first place, the Sisk substitute provides for a referendum by the people of the District of Columbia on whether they want home rule. Well, they have had these referendums. In 1956 the people of the District of Columbia voted 18,333 to 1,234 in favor of home rule.

In the 1960 referendum they voted 26,094 for home rule and 3,651 against.

In 1964 they voted 72,674 in favor of home rule and 12,106 against.

How many more times do we want to ask them whether they are for home rule? The have given us not just a hint, not just a preliminary disclosure, but they have told us in a thundering voice that they want home rule.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman.

Mr. SISK. Would the gentleman explain the basis and the point of these elections and the conditions under which they were held? I am sorry to disagree completely with the gentleman after having researched this matter at great length.

There has never been a direct question on a proposal such as that proposed in this referendum. They have been held on a partisan basis. They have been held as adjuncts in other elections. I regret to disagree with my friend, but I believe he is wrong.

Mr. REUSS. I recognize the gentleman's right to disagree. But the fact is that those referendums were on the simple question, "Are you for home rule or against it?"

The second point I wish to make is that the Sisk substitute then, if the people approve home rule, requires that the charter board draw up a detailed home rule bill or charter, and that this be submitted to the Congress, and if either the House or the Senate changes one comma or one semicolon of that proposed charter, then the thing is dead forever. The game of parchesi is over, and you go back to home plate. Maybe not for another 80 years would the Congress have an opportunity to debate and to consider home rule.

Our debate here yesterday and today shows that men of good will, reasonable men, may differ about the exact details of a home rule bill. We shall have some amendments which will test those propositions later on. But if there is one thing that the debate shows it is that the House wants to work its will on the details of the home rule bill without the necessity of considering on a "take it or leave it" basis something that a charter board hands it. So if we want home rule, we must vote down the Sisk substitute.

And, believe me, we need home rule because just as every other great capital of the free world—London, Paris, Bonn, Tokyo, or Rome—has it, so the people of our great Capital City of Washington ought to have it, too.

Mr. MULTER. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. Fraser], 5 minutes.

Mr. FRASER. Mr. Chairman, I have had the honor of serving on the District of Columbia Committee for the past 9 months. I wish to say to this committee that my service on the District of Columbia Committee has served to strengthen and reaffirm my belief that it is important that we pass a home rule bill this week.

I would like to comment, if I may, on some of the reasons that have lead to this conclusion.

First, it is clear to me from my service on the District of Columbia Committee that many of the members of the committee, including myself, have a difficult time devoting an adequate amount of time to studying the many and varied problems which face this large metropolitan community. It is hard under the circumstances for the members of the committee to maintain the interest which normally characterizes a municipal council or any other level of legislative responsibility in which there are direct ties to the voters.

I have served in public life for 12 years, and I have some sense of what it means to be tied directly to the vote of the people. If the people decide that you are not doing a job, or that you are doing it poorly, you know that they can express their views at the polls. This inevitably has an effect on the diligence and the enthusiasm with which you go about our work and in carrying out our public responsibilities.

But such a relationship does not exist between the District of Columbia Committee—nor, for that matter, the entire Congress—and the citizens of the District of Columbia.

There are several examples that help to point out this problem. Earlier this year the Commissioners of the District asked for new taxing authority but it was many months before a bill was introduced which even incorporated all of those requests. In the meantime, the Commissioners set down in the city hall totally unable to make any protest in an effective way.

Another example is tied to this freeway dispute, revolving around a leg of the freeway heading out toward the northern part of the city. I have been petitioned by numerous citizens of the District to take action on a bill which relates to the future of that freeway. The truth is that for me fully to understand the implications of that proposals, the rightness or wrongness of it, would take weeks and weeks of study, and I do not have the time. I doubt that many Members of the Congress have the time for these kinds of issues.

The second reason why I believe we need to turn this back to the people is the clear proof that public services in the District are not adequately financed. The clearest example of this is the school system. I do not believe one has to go out to the schools to find this out, though I have made an effort to get to one or two of them to look for myself. One can read about them, and there are plenty of people in the District who will come in to you about them and to tell about their disappointment concerning the action of Congress this year in failing to authorize adequate funds for the construction of the new schools which are so badly needed.

We have only to read the Washington Post in recent days to see what inattention and neglect have done to the schools. Classrooms in the basement, inadequate auditoriums, gymnasiums, books, tools, libraries, or lunchrooms; rats, leaky roofs, rotten floors—these characterize too many District of Columbia schools.

We need better schools in the District. We need better vocational training. Probably as important as anything else is the need for better opportunities for higher education for the young people in the District. They are not getting it, or are only getting it in limited form.

Why are they not getting it? First, we do not have a direct responsibility for these schools in the sense that we are responsible to the parents who have children in the schools. Second, the District does not know from year to year how much money it is going to get.

If the local school district in Minneapolis, or the school district of the gentleman from Wisconsin, in Superior, had to go before the State legislature each year, hat in hand, to ask how much money would be available for schools before it could plan the budget, hire teachers, and plan construction, that school district would have the same kind of difficulty that the schools in the District of Columbia have.

It is interesting to note that the discussion today has pointed out the fact that in a city without a vote property taxes are generally lower than in cities where there is a vote. If there is any clear lesson to be drawn from this it is that the voters of a school district or of a community are prepared to support high taxes when this will produce for them good schools. Yet in this district and in this community the voters do not have the right to assert this kind of influence and to make this kind of decision.

I believe the fact that higher taxes might come through home rule is a matter which ought to be pondered carefully, because this demonstrates that democracy and the right to vote are an exercise in responsibility.

I congratulate the gentlemen from New York [Mr. MULTER and Mr. HORTON] and the gentlemen from Maryland [Mr. SICKLES and Mr. MATHIAS] for their efforts on behalf of self-rule for the citizens of the District. I have supported their efforts over the past 9 months to get a home rule bill before the House.

Mr. Chairman, we began back last winter by calling on the gentleman from South Carolina, the chairman of the District Committee [Mr. MCMILLAN], to schedule hearings on the various home rule bills then before the committee. Hearings, however, did not begin until the discharge procedure was initiated.

No one can say that we did not follow the usual procedures of the House. A home rule bill was introduced on the first day of the session. It was referred to committee and hearings were requested. But then nothing happened. During this same time the committee of the other body held hearings, reported out a bill, which was approved by the other body, and still no action in the House.

Now, Mr. Chairman, this is an important proposal. It does not deal with the regulation of kiteflying in the District, or the sale of ice cream on a stick or the size of rockfish that can be taken from the Potomac. This bill deals with the fundamental right of self-government, with the issue of taxation without representation, and with the right of people to decide for themselves the important issues affecting education, welfare, crime, disease, and many others.

It was only after 7 months of delay that the proponents of home rule resorted to the device of the discharge petition. But even then the opponents of self-government cried foul. They said it was not fair to use the discharge petition against the District Committee. Mr. Chairman, I ask, when is the discharge petition to be used if not for just such situations?

And finally when it appeared that the discharge petition would be successful, the committee hastily reported out a bill to retrocede part of the District back to Maryland. This further clouded the issue of meaningful self-rule for the citizens of the District.

Mr. Chairman, all of these actions—moves and countermoves—underscore the reasons why the District of Columbia Committee should not rule the city. I urge support of the compromise measure providing home rule for the District of Columbia.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ROUDEBUSH].

Mr. ROUDEBUSH. Mr. Chairman, for the present and the immediately past Congress I have served on both the subcommittee which has considered home rule legislation and the distinguished Committee on the District of Columbia. In that capacity I have sat through extensive hearings on this home rule legislation with some of the highest in our land present and testifying before our committee. During that time I have met with officials of my own party of the District of Columbia, as well as with the Republican leadership of the House, concerning this weighty problem of home rule.

Yesterday I consistently voted against the procedures used to bring this legislation to the floor and to circumvent a committee trying to provide good legislation. I can honestly state that diligent and careful consideration was being given to this legislation by the House District Committee on the nearly 30 bills before that committee.

As a minority member of that committee, I resent very much this discharge of the committee, especially when such committee was acting in good faith and hearing witnesses.

But this is in the past.

I am sure that historically and traditionally my party, the Republican Party, has stood foursquare for local self-determination, for the rights of our individual citizens, for the rights of our States, and for the rights of local government. If some of those who have strongly advocated home rule for the District of Columbia had exercised similar diligence with respect to the rights of our States and the rights of our individual citizens, perhaps things would be a little different from what they are in the Nation today.

Our National Capital is not just another city. I feel that there is a clear and continuing national interest involved. I believe that the District of Columbia is in a unique category. This is the Capital of all the 50 States of our great Republic. I, for one, am not satisfied with many parts of any of the bills we are considering here. I get somewhat confused, along with other Members of this body, I am sure, as to what bill is under debate. I am confused over the clearness of the language proposed in the so-called formula of payment as contained in the legislation.

If this is to be purely an authorization, as was brought out during the debate yesterday, for District expenditures, then what value does it perform? Congress always has been aware of the needs of the District budget. And what new information would this method give to the Members of this body? Now let us look at the legislative situation which is facing this House. We have a bill passed by the other body, S. 1118. While the committee was actually seated and holding hearings a similar bill was discharged by petition here in the House, H.R. 4644. Now we see here today that neither the Senate bill nor the House bill which was discharged is to be considered but, rather, a substitute or perhaps more than one substitute on which not a single witness has appeared or been heard. Our committee never considered this so-called substitute. I understand it is being billed as a bipartisan effort. Bipartisan here I think needs some explanation since the bill was never considered by the committee but by apparently a minority of the minority of the committee and a minority of the majority of the committee. This consolidation of these two groups has given birth to this excellent legislation now and hereafter referred to as a compromise or substitute bill.

Mr. MULTER. Mr. Chairman, will the gentleman yield to me at this point?

Mr. ROUDEBUSH. I do not have the time. I am sorry. We have several great newspapers that concern themselves with the welfare of this District. I am sure the editorial that was read here a few moments ago should be reread. I would like to read just the last paragraph of this editorial:

> In one previous respect Mr. Lynes is wrong. It is not a home rule bill that this city will get if the House bill becomes law. It is complete chaos.

I hope you read this editorial from the Sunday Star of September 26. I hope that you will read the printed hearings of our committee. This booklet represents the interrupted hearings of your subcommittee and the grave problems presented during those hearings.

Mr. Chairman, I do hope that this legislation in its present form is rejected by this body. If we allow the House committee to bring home rule legislation to this floor as promised by our distinguished chairman, it will be here at a very early date.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman.

Mr. CHELF. Does the gentleman feel, after having been on the District committee as long as you have and having made this study, as I also know you have, would the gentleman say at this time whether or not he favors the so-called Sisk substitute?

Mr. ROUDEBUSH. The Sisk substitute is a portion of the bill that was voted out by the District Committee. I do favor the principal of the Sisk substitute, as indicated by my vote on committee, when it was reported.

Mr. CHELF. Thank you very much. Mr. SISK and you have sold me on his approach. As I understand his bill it gives the bona fide residents of the District the right to vote it up or down. That is democracy in action—and at its best.

Mr. MULTER. Will the gentleman yield to me?

Mr. ROUDEBUSH. I will be very happy to.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MULTER. Mr. Chairman, I will yield the gentleman an additional minute and he can yield to me.

Mr. ROUDEBUSH. I am happy to yield to the gentleman from New York.

Mr. MULTER. Thank you. The gentleman has said that the substitute was not before the District Committee. The fact of the matter is that there were 29 bills before the District Committee all of which are printed in the District Committee's printed hearings, and H.R. 4644 and S. 1118 are in substance the bill that is going to be offered as a substitute. S. 1118, which was before the committee, was the bill as passed by the Senate. H.R. 4644 is S. 1118 as it was modified in that body and sent to this House, and in the form that it passed the other body it was before the District Committee. So you have in the substitute everything that was before the District Committee at all times with the exception of four separate amendments we now are offering to S. 1118 as it passed the other body. Those are the only differences. They have been amply explained and, as a matter of fact, they have been explained in the RECORD and will be explained again when the amendment is offered.

Mr. ROUDEBUSH. If the gentleman will permit me to use some of the time, I will say H.R. 11218 has never been considered by our committee.

Mr. MULTER. As a bill with that number it was not. But its substance and provisions were before the District Committee and the committee hearings are full of testimony referring to the substance of that bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. SICKLES].

Mr. SICKLES. Mr. Chairman, earlier in the colloquy this afternoon the question was raised about section 201(c) of the bill, on page 9; the fact that there was language there with respect to the boundary line between the District of Columbia and the Commonwealth of Virginia but that there was no reference to the State of Maryland. Since this disturbed my local pride as well as raised the question whether there might be a defect in the bill, I have researched the matter and find that the reason why there is a different treatment with respect to the two States is that the boundary between the District of Columbia and Maryland is not in dispute and has not been in dispute and there is no reason, therefore, to mention it.

As a matter of fact, there has been a continuing dispute as far as the boundary between the District and Virginia is concerned. It was an old boundary which was originally between Maryland and Virginia. It was the high water mark on the Virginia side. It was established by the original English grants which, of course, were back in the 17th century. Just where that high water mark was is not completely certain. Therefore, this statute referred to in the bill was passed in 1945 and it is referred to herein to assure that the effect of that statute is not overturned by this legislation.

Mr. Chairman, I would like also to comment briefly on three questions that have been raised with respect to the legislation before us.

First, responsibility for supplying water to the District of Columbia is divided between the Army Corps of Engineers and the Water Department of the District. The Corps of Engineers is responsible for producing the water and the District for distributing the water.

The expense of the water system, however, is entirely borne by the District. The District reimburses the Corps of Engineers for any operating expenses they incur and for the total capital expenditures made. All water expenses, therefore, are District of Columbia expenses, and not Federal expenses.

It had been the practice of the Federal Government to pay the District for water it uses just like any other customer. In fiscal year 1966, the House Appropriations Committee approved and the Congress appropriated $1,973,000 to the water fund of the District for this purpose.

Second, a question has been raised regarding the relationship between the District and St. Elizabeths Hospital. The District of Columbia pays its fair share of the expenses of St. Elizabeths Hospital. Currently, the Hospital receives $10.43 per day for each District patient. In fiscal year 1966, a total of $18,482,000 was appropriated for St. Elizabeths Hospital out of District funds.

The $10.43 per diem rate not only reimburses the Federal Government for operating expenses, but is also calculated to pay a portion of the capital costs of the hospital. The capital costs are divided between the District and the Federal Government on the basis of their respective patient loads and the amortization of the District share is included in the daily rate. Currently, the District pays about 60 percent of the cost of any new construction at the hospital.

Third, regarding the stadium, it should be made clear that the citizens of the District, not the Federal Government, are paying for the stadium. Of course, they have to borrow money to do it, but it is their debt. When the stadium is 50 years old, the Federal Government will receive full title to it, under the present law, because it is built on Federal land. In summary, the District of Columbia pays for it and the Federal Government gets it.

Mr. MULTER. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii [Mr. MATSUNAGA].

Mr. MATSUNAGA. Mr. Chairman, to keep in tune with the spirit of the time permit me to begin by wishing to all whom it may concern a "Hauoli Maka Hiki Hou," which in Hawaiian means "Happy New Year."

I rise in support of home rule for the District of Columbia. I can see no reason why 800,000 citizens of one of our Nation's largest cities should be denied a voice in their own local affairs. We have promised—both political parties have promised—for decades that we would grant home rule to the District of Columbia. It has been urged by Republican and Democratic Presidents alike. It has been approved by the majority of the members of both parties in the other body. We should approve it likewise, and I hope in this House, too, by a majority of Members on both sides of the aisle.

Mr. Chairman, I am puzzled by the argument advanced over and over again that because this is the National Capital there is something intrinsically impossible about allowing the citizens of the District a voice in their own local affairs. I am puzzled because there seems to be no difficulty in such an arrangement in other world capitals—London, Paris, Madrid, Mexico City, Ottawa, and all the rest. In none of those cities, so far as I know, are the inhabitants disfranchised as they are in our National Capital. I am puzzled, too, because without exception our State capitals have never found it necessary to disfranchise their residents in order to avoid supposed impossible conflicts between the interests of the State government and those of the citizens who live there.

In truth, there is really nothing to this argument. The bill before us does not jeopardize the Federal interests. Indeed, it protects them, and far more than comparable State interests are protected in our State capitals. Not only does the bill expressly reserve to us the power—which we would have anyway under the Constitution—to take any actions we wish with respect to the District, whether the residents would approve it or not. Not only does the bill do this, but it provides for a veto by the President of any action by the District Council which accidentally or otherwise adversely affects the Federal Government. Not only this, but the bill expressly reserves all Federal powers in specific areas of the District now owned by the Federal Government, or, for that matter, hereafter acquired. We do not in any conceivable way jeopardize the Mall, the national parks, the national shrines, or any other part of the Federal Establishment. And of course, finally, we do not make an irrevocable commitment in any event. This bill, which will become the District Charter Act, is nonetheless no more than an act of the Congress, which we may amend or even repeal in the event we believe it appropriate at any time to do so.

I will not repeat the arguments for local suffrage which have already been stated and restated many times. Nor will I attempt to deal with the very many provisions of this bill that have been carefully devised to provide a workable self-government for the District. Doubtless there are many provisions on which reasonable men might differ. There may be provisions which the experience of a few years will strongly suggest should be changed, and we can change them. But having reviewed the entire bill as it is now before us, I am convinced that we will be granting an effective voice in local affairs to District of Columbia residents. I am equally convinced that they are entitled to nothing less.

Mr. Chairman, those who have never been disfranchised may have some difficulty in understanding what it means to be an American and yet be denied the full privileges of an American. As a citizen of the youngest State in the Union, and as one whose full privileges of American citizenship were denied him until only 6 years ago, let me assure you that self-government means much more than seeking a greater share of the Federal treasury, as one opponent of the measure has put it. It represents a yearning which has glowed in the breast of mankind since time immemorial. It is the very essence of the greatness of our system of government. Home rule for the District of Columbia would be in keeping with that greatness.

Mr. ABERNETHY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 334]

Anderson, Ill.
Andrews, George W.
Aspinall
Ayres
Bolton
Bonner
Callan
Clark
Colmer
Daddario
Frelinghuysen
Goodell
Hansen, Wash.
Hardy
Harsha
Harvey, Ind.
Hébert
Holifield
Holland
Hosmer
Landrum
Long, La.
McEwen
Martin, Mass.
Mize
Moeller
Powell
Redlin
Rivers, S.C.
Roncalio
Roosevelt
Scott
Thomas
Toll
Willis
Wilson, Charles H.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Keogh, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 4644, and finding itself without a quorum, he had directed the roll to be called, when 394 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. McMILLAN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. Hays].

Mr. HAYS. Mr. Chairman, I think it is to be expected, in the exuberance of some of the proponents of this bill who seem to be carrying a torch that they would make some statements which might not be made in calmer times. For example, I understand one gentleman made the statement today that this was a civil rights matter. Well, I was against home rule when I came here 17 years ago, when the population of the District was 75 percent white, and it was not a civil rights matter with me then and it is not now. I consider this to be the Federal City, the property of all the people, paid for by the taxes of all the people, and I want all the people to have something to say about it.

The gentleman from Wisconsin [Mr. Reuss] said— and I think I am quoting him accurately—that on many occasions the people of the District had spoken with a thunderous voice in favor of home rule. And then he cited statistics, and I took them down in a couple of instances; 76,000 to 18,000 in one instance and 18,000 to 1,000 another time. I do not know what kind of thunder they have in Milwaukee, but with fewer than 10 percent of the population voting we would not call that thunderous in Ohio. We might call it a vociferous squeak, but hardly a thunderous voice.

I have heard the population of this District quoted variously as 800,000, 850,000, 900,000; but when you add 76,000 and 18,000, at best you get 10 percent of the population that participated and about 8 percent of the population in favor of this so-called, alleged, home rule.

What have we got up here today? Well, the proponents came out with a bill, although I would not vote for it, I think would have given home rule. And then they saw, after a hardhead count, whatever that is—I do not know whether it was hardheads counting or whether they counted hardheads—but that is what they did, according to the press, and they decided that they could not ram it through the House. So they came in with what they call a bipartisan compromise, which guts home rule and is nothing more than a slogan and a shibboleth and the responsible people in the District know that without automatic payments you cannot have home rule, because they are not going to tax themselves what it costs to run this District and they are not going to get out of Congress any amount that they decide to throw away, to waste, and so on.

Now, who is for this? Well, the ADA, whose Chairman is Mr. Rauh. I will not say more except to say that my advice to Mr. Rauh—I have given this before, and he does not take it—is for him to call a meeting of the Executive Committee of the ADA and then meet jointly with the John Birch Society and all of them resolve to go out into the middle of the Atlantic and jump overboard. What a boon that would be for the country.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. Hays], has expired.

Mr. McMILLAN. I yield the gentleman 2 additional minutes.

Mr. HAYS. I thank the gentleman. I sort of terminated there, and I do not know whether I can get back in high gear or not. But I will say to you that really the people of Washington have not signified in any loud voice that I have been able to hear that they want this bill or any similar bill. I said that I have opposed this for 17 years, and I have. I have never signed a discharge petition. I have never voted for it, but if we are going to have it I think the sensible approach is the Sisk substitute.

Mr. Chairman, I will say to you that I am not one of those who votes for every amendment and then votes against the bill. I think the Sisk bill would give the people of the District a chance to say whether they want to assume responsibility, or whether they would come out and vote, and what kind of charter they would write, and so forth. I will vote for the Sisk substitute and, if it is adopted, I will vote for the bill, because I do not believe in obstruction for obstruction's sake.

And if the people who say they really want home rule really mean what they say, then we ought to pass the Sisk substitute, and we ought to be able to do that tomorrow in about an hour, and then we should vote on it and get rid of this.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield.

Mr. ARENDS. Mr. Chairman, along with the gentleman, I, too, have been sympathetic when the opportunity to vote for home rule came before us, but always we approached the question on the basis of merit, whether it would be good for the District of Columbia. Up until this time it has not appeared to me to be so. I want to say that I agree with the gentleman. I want to say that if we will forget all of the extraneous matter that has been offered here, we will be better off. If some of the Members of Congress will go around and talk to the people who live in the District of Columbia, they would soon find out what the real attitude of the people is in this District.

Mr. HAYS. I agree with the gentleman from Illinois and I want to say one other thing. The charge has been made here that we do not have any confidence in local government. I have confidence in local government. I get a lot of mail complaining about local government that ought to go to the local government officials. But after what happened in New York in the primary, I have confidence in them and I hope my confidence will be sustained in November when the people of New York elect a Democratic mayor and send the boy without a party back down here, although, well, I am of two minds because it would be nice if they had him as mayor, then he would not be here, and you could get a near unanimous opinion that Congress could get along without him.

Mr. MULTER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, following the very distinguished, very eloquent, and very outspoken colleague from Ohio with the tremendous backlog of experience which he has pointed out he has, and I being a mere sophomore of 3 or 3½ years' experience and listed as being on the national honorary board of the ADA and being for home rule, I feel that the chances to become emotional and stray from the topic are too tempting to overlook, but I will.

Mr. Chairman, I say that this issue is very important and it has been all along. I feel that more eloquent and more competent Members who have studied this diligently from the very first Congress when they were elected to this body have already spoken, I think, some of the more cogent and more articulate reasons why this should be considered soberly and responsibly, leaving aside the emotion and prejudice that tend to crop up in these issues, that a case can be made for serious-minded, honest-minded, well-intentioned Members of this House to discuss the advantages of home rule so described for the District of Columbia.

Mr. Chairman, I have had the great privilege of serving on a municipal body in my hometown and native city of San Antonio, Tex. I served as a city councilman, and as the mayor pro tem for that city for a period of 3 years.

Then, Mr. Chairman, I had the great privilege of serving in the State senate and now I have had the great and unbounded privilege of serving as a Member of this House of Representatives.

Mr. Chairman, I can say that there is no question in my own mind, and from my experiences, limited as they may be, and I have wondered at this, that there is nothing like the people having the right to choose their own destiny.

Mr. Chairman, we cannot protect the people from themselves.

Mr. Chairman, there have always been two basic schools of thought which constantly have been entangled in argument right here, and if one reads the history of home rule, it is one of the most interesting chapters in American history.

Mr. Chairman, from the very inception the question of accession of the land, the 10 square miles that the District encompasses, was one that engendered intense interest and participation of every single leader in and out of Congress during that time.

If the original resolution which had been presented for the acquisition of land had contained the language that the resolution contained where "rights to the soil" had been acquired, perhaps we would not be discussing this. It was not. The rest is a matter of history, and it has been brought out here well by some of the preceding orators. I join with my vote, the advocates of home rule, right or wrong, with the best of intentions, in order that the residents of this District of Columbia will have some measure of say-so in those processes that you and I take for granted at home. Too often I would see, and have seen, the difference between having a self-perpetuating board in connection, say, with a water board, as differentiated from one that had to run for election, that had to answer to the people.

I have seen cases in my own district where these boards were willing from year to year to see people drinking water out of barrels with wiggleworms in them because they were a self-perpetuating water board. They did not have to answer to the people. When the form was changed and they had to stand for election, or were appointed by officials who were elected, that entire system changed.

I cannot emphasize in words the necessity of setting up as a jewel the Nation's capital city on a small scale the reflection of our Nation's democracy. As we say in Spanish, "auto determinación," that is, self-determination, at least to a certain extent—because under the Constitution the Congress will always have the last word in the governing of this District—should be the goal.

Yes, Mr. Chairman, it is still yet time for us to provide by the example here in the Nation's Capital that we practice what we preach. Yet, I must digress a bit in order to comment on the historical developments with respect to the evolution of government in the District, inasmuch as much has been said about how history does not sanction home rule, this being the argument of most of those opposed to the pending legislation.

From the very beginning, in 1802, when a municipal charter was granted Washington, the citizens were conscious of the loss of some political rights. They resented that they would have no voice in electing the members of Congress, who, for them, would be both a State and an omnipotent legislature. In fact, the citizens of the District of Columbia in that early period were so sensitive that they petitioned Congress this way:

> We shall be reduced to that condition of which we pathetically complained in our charges against Great Britain.

They protested against the principle as undemocratic; it was taxation without representation; that had been declared to be tyranny. I echo the sentiments thus expressed, for I have always believed that it is what is developed by, not what is imposed upon, a people that makes for real greatness. And it is a searing insult to the American people generally and a libel upon the intelligent population of the District especially to assume that there is any excuse for disfranchisement, for disfranchising more American citizens who live in this great District than reside in any one of several States.

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, as we near the close of general debate on the pending legislation, I think it may be well for us to again state that at the time this matter was taken away from the Committee on the District of Columbia, a diligent effort was being made to give everyone an opportunity to be heard, and to seek answers to some of the questions that have been raised as we have considered the bill up to this point on the floor.

Without desiring to be critical, I can say to my colleagues that as we considered the bill in the subcommittee we asked many questions of those who were sponsoring the legislation. I must say, in all candor, that very few of those questions were answered satisfactorily by the proponents of the bill. The answer which we usually got was: "Well, it can be amended on the floor of the House if it is not satisfactory." Yet, as we have gone through the debate here on the floor of the House and sought answers to some of the same questions, we find that we have still not received satisfactory answers.

We find that the proponents have talked about everything but the contents of this legislation. Not a member of the group sponsoring this bad legislation has told you that the two bills that are offered under the name of the gentleman from New York [Mr. Multer] completely abolish the Public Utilities Commission of the District of Columbia. I do not believe that any of them have told you that it specifically abolishes the Zoning Board of the District of Columbia and other necessary agencies of District government.

I would ask our colleagues before we get to a final vote to look at the bills and to see just what they do here in the District of Columbia.

We hear a great deal of talk about the thunderous support for home rule in the Nation's Capital. May I ask you as fairminded Members of Congress that between now and the time that you vote, as you go by a laundry to pick up your laundry and as you go by a drycleaning place to pick up your drycleaning, and as you walk into a bank to transact business, or into a department store, or as you ride in a taxicab, ask those citizens what they think of home rule as I have done. You will find there will be a thunderous answer of "No." Then you might ask them, "Well, why all the agitation?" You get the same answer—a group—a small and hungry group who are seeking political positions are pushing this so-called home rule issue. If you have looked about the galleries and the Halls of the Capitol as you have moved back and forth in the past 2 days, you find that those who are here pushing for it have what they believe to be a potential pecuniary or special personal interest.

There is no thunderous support by the people of the District of Columbia.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield briefly to the gentleman.

Mr. WAGGONNER. I have a little news item from one of the local newspapers saying that 18,000 from far and near are seeking to hear the House debate on home rule. The galleries are almost empty and I think that is a confirmation of what the gentleman is saying. I wonder where all these people are?

Mr. WHITENER. Of course, I have not taken a census today in the District of Columbia so I do not know where they are. But I know this, we have the Federation of Citizens Association of the District of Columbia, the Washington Metropolitan Board of Trade, and the General Federation of Women's Clubs with 11 million members in the Nation saying to us that they oppose any form of home rule in this city.

I notice that my good friend, the gentleman from New York [Mr. Horton] yesterday deprecated the position of that great Republican President, President Taft, who in 1912 sent a message to the Congress in which he said that this was not a proper procedure for the Nation's Capital.

This message of 1912, which I put into the Record several days ago, has been bandied back and forth.

As I said, President Taft in 1912 made the statement that I put into the Record some time ago, but in 1909 he made another statement. This is what he said then, and I think it is as true today as it ever was:

> Washington intended that it be a Federal city, and it is a Federal city, and it tingles down to the feet of every man, whether he comes from Washington State, or Los Angeles, or Texas, when he comes and walks these city streets and starts to feel that "This city is my city; I own a part of the Capital and I envy for the time being those who are able to spend their time here." I quite admit that there are defects in the system of government by which Congress is bound to look after the government of the District of Columbia. It could not be otherwise under such a system, but I submit to the judgment of history that the results vindicate the foresight of the Fathers.

He continued by saying:

> Now, I am opposed to the franchise in the District; I am opposed and not because I yield to anyone in my support and belief in the principles of self-government; but principles are applicable generally, and then, unless you make exceptions to the application of these principles, you will find that they will carry you to very illogical and absurd results. This was taken out of the application of the principle of self-government in the very Constitution that was intended to put it in force in every other part of the country, and it was done because it was intended to have the representatives of all the people in the country control this one city, and to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the Nation, and this as the representative of that Nation.
>
> I have gotten over being frightened by being told that I am forgetting the principles of the Fathers. The principles of the Fathers are maintained by those who maintain them with reason, and according to the fitness of the thing, and not by those who are constantly shaking them before the mass of voters for the purpose of misleading them.
>
> I think that when it comes to looking into the hearts of the American people, that they will not be convinced when they come to Washington that the Washingtonians are suffering to the degree that requires a reversement of the policy adopted, with entire clearness of mind, by the framers of the Constitution.

I yield to the gentleman from New York, who wishes to controvert the words of the great Republican Taft.

Mr. HORTON. The Taft that I referred to was Senator Robert A. Taft, and the remarks I referred to were the remarks that Senator Taft made in the Senate in May of 1949.

Mr. WHITENER. I am delighted to have that comment, because it indicates that the gentleman is saying that the son of the father did not agree with the father. But, you know, that is not too unusual. I find from looking at the record that the gentleman from New York does not even agree with himself. If Members will look at the hearings on home rule legislation in the 88th Congress before the subcommittee, of which the gentleman from New York is a member, they will find that the formula proposition was then before us for consideration, the same one that is in this bill. I should like to quote the statement of the gentleman from New York at that time on the formula:

> And at the same time it seems to me that this would be a very dangerous precedent with regard to payments to a municipality. And it would, certainly, seem to me that this would be a precedent which might lead to greatly increased payments for Federal buildings and other Federal installations in municipalities and States throughout the country.
>
> I understand that is the purpose of it. I am concerned with the fact that other municipalities could use this same purpose to attempt to increase the Federal contribution or to gain another source of income or revenue for their municipality.

On page 360, the gentleman from New York said:

> It would, certainly, seem to me that this would be a peg on which municipalities could hang their hats to try to get additional money and they would, certainly, be able to point to this, if this precedent were established, or if this provision were accepted, it would be, certainly, a place to which they could point for justifying their own unique situation. And it seems to me that it would open some doors.

That is what the gentleman from New York said just a few months ago. Yet today he is heralding himself as the author, not only of the administration bill, the so-called Multer bill, but all this phony alleged compromise which was devised in the minds of the four men, none of whom found themselves in dispute with each other, but were merely trying to bamboozle the Members of this Congress.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am delighted to yield to the gentleman from Ohio.

Mr. HARSHA. I should like to ask my good friend, the able and persuasive, and in this particular instance the most successful, leader of the effort to provide a rapid rail transit system for the District of Columbia, whether the gentleman has any view of what, if anything, possibly will happen to the rapid transit system for the District of Columbia?

Mr. WHITENER. I thank the gentleman for mentioning that. Probably I will have to yield to my good friend the gentleman from New York [Mr. Multer], before I finish my remarks.

I regret that my time has expired and that it is, therefore, necessary that I forgo further discussion at this time. Under the 5-minute rule I shall discuss the rapid transit question further.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. MULTER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. O'Brien] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'BRIEN. Mr. Chairman, I intend to vote for the Washington home rule bill, with some misgivings, but I am intrigued by the financial support aspects of the bill we have before us.

There has been talk here of compromise in that area and I assume there will be compromise.

Under the original proposal, however, the U.S. Government would pay about

$61,900,000 annually in taxes to the District of Columbia, of which $46,400,000 would be in property taxes and $15,500,000 in business income taxes.

Property taxes paid by others in the District would total $94,200,000. In other words, by applying the current District real property tax to Federal holdings, the Federal Government would pay about one-third of the total property tax in the District.

Defending this approach, section 741 (a) of the bill states:

> In recognition of the unique character of the District of Columbia as the Nation's Capital City, regular annual payments are hereby authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the government of the District.

I do not quarrel with that statement. This is the Nation's Capital City and, in a sense, part of the cost of keeping it a showplace is a proper charge to all of us.

Nonetheless, I am impelled to seek a comparison between the Capital City of the United States, Washington, and the capital city of the Empire State of New York, Albany, which is my home city.

Could it not be said, with equal fairness: "In recognition of the unique character of the city of Albany as the State's capital city, regular annual payments are hereby authorized to be appropriated from revenues of the State of New York to cover the proper State share of the expenses of the government of the city?"

Earlier in this debate, the distinguished gentleman from Virginia [Mr. SMITH], suggested that enactment of this bill might lead to demands for taxation, or payments in lieu of taxes, on post offices and other Federal facilities across the land.

In most communities, however, the impact of Government installations is slight.

Two sharp exceptions are Washington, with its huge complex of Federal holdings, and Albany, with its huge complex of State holdings. That is why, Mr. Speaker, I am pondering the old question of whether sauce for the goose is not also sauce for the gander.

The total assessed valuation of all property in the District, taxable and exempt, is $5,261,012,451. The total taxable is $2,849,439,428. The total value of Federal holdings, now exempt, is $1,663,107,773.

Now, look, if you will, at my home city, Albany, which is the capital of New York State.

The total assessed valuation there, taxable and exempt, is $536,290,326, of which only $291 million is taxable. I believe that the real value of State and Federal holdings in my small city of 138,000 is over $200 million. Developments now underway, including a downtown mall and uptown State university and State office building complex, will raise this total to at least $291 million, or roughly equal to the total assessed valuation of all taxable property in the city.

In Washington, the total value of Federal holdings is not equal to the total taxable, but less than 60 percent of that figure.

If we applied our current tax rate to presently exempt State and Federal property in our city, we would receive more than $15 million a year.

This bill also would apply the District business income tax to Federal employees residing outside the District. Albany has no such tax.

Washington collects huge amounts annually from nonresidents in the form of sales taxes. Albany has no such taxes.

With the exception of a small tax on business telephones, Albany collects no taxes from those who earn their living in our city and pay property taxes outside the city.

We have one problem in common with Washington. Many of our higher income group, including State workers, reside outside the city, in the suburbs, and pay real property taxes there.

Too often, those people speak with disdain of our parks and streets, overlooking the fact that a shrinking part of our city is carrying the load of maintaining those things.

If the reimbursement principle contained in this bill was carried only part way into the finances of my city, we would be able to take care of all our needs and, in addition, cut our real property taxes far below $56 per thousand, as Washington has been able to do.

My colleagues may wonder why I inject the Albany situation into this problem. They might suggest that my proper forum should be the legislature of the State of New York.

Believe me, that forum has been used. Usually we were told that if we wanted the kind of aid the Federal Government gives Washington, we should become a district and lose our votes.

What can they say, now, as we prepare to grant Washington both home rule and a multimillion dollar annual appropriation to boot?

Mr. MULTER. Mr. Chairman, I yield to the gentleman from New York [Mr. HALPERN], such time as he may consume.

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support of this legislation. As a longtime advocate of home rule, ever since I came to the House, I feel this bill is good legislation. It is long overdue.

As one who has introduced home rule legislation ever since I have had the privilege of serving in this House, I feel the bill before us is a good, sound, just, and workable measure, and I trust it will prevail overwhelmingly.

Passage of the home rule bill will finally return to the citizens of the District of Columbia the right to elect their own local officials. This is a right possessed by citizens of every other municipality in the United States, but one which has not existed in Washington, D.C., since 1874. Self-government is the only form of government consistent with the American democratic tradition, and it is about time that we reaffirmed this basic right for the residents of Washington, D.C.

Home rule has been an objective of the past four administrations, and legislation to provide home rule has passed the Senate five times since 1948. This legislation has finally come to the floor of the House, and I believe that it is our responsibility, as Members of the U.S. Congress, to bring democracy to the Nation's Capital.

The bill before us provides for the election of a mayor, and a 19-member council, to manage the affairs of the District. I have long believed that this city needs and deserves the full-time attention of locally elected officials, if its problems are to be solved, and its opportunities exploited. In May of this year, when I testified before the Joint Committee on the Organization of Congress, I stated that with all the national and international matters we must cope with, the Congress simply cannot afford the luxury of running a city as vast and complex as the District of Columbia. Nothing has transpired since that time to change my mind. Locally elected officials would have more time to devote to the task of administering the city, they would develop more expertise in its administration, and they would be more responsive to the will of those whom they govern.

I believe that it is clearly constitutional for the Congress to delegate its legislative authority to the District council. In the Thompson Restaurant case, the Supreme Court upheld this principle, and the retention, by the Congress, of ultimate legislative authority for the District, serves to reinforce my judgment of the constitutionality of this delegation. Not only does the Congress reserve the power to initiate legislation for the District, but, in the substitute bill sponsored by our distinguished colleague, the gentleman from New York [Mr. MULTER] the amount to be appropriated annually to the District would be a matter of congressional determination.

I should like to point out that I believe that the formula for determining Federal payments is a just one. Because Washington, D.C., is the seat of government, some 50 percent of the land is taken up by Federal buildings and other tax exempt institutions such as embassies. This substantial tax base is thus removed from the scope of the city's taxing power and it is only right that this loss be mitigated by Federal contributions. Under the formula, these contributions would be comparable to the real property, personal property, and business income, taxes which would have been realized, were the Federal Government a private business with similar assets and an equivalent number of employees. The Bureau of the Budget estimates that the formula would operate to provide a Federal payment of $57 million for fiscal 1966.

The requirement of annual appropriation by the Congress represents only one of the significant modifications of the Senate bill, found in H.R. 11218. Other compromises include increasing the voting age to 21 years, according the President the authority to take command of the Metropolitan Police Force, and providing for the election of city councilmen in the even numbered years, in which there is no presidential election. I believe that this latter provision is extremely important in that it preserves the full force of the Hatch Act in Federal elections, while at the same time, enabling the thousands of Government employees who live in Washington, to participate fully in their local elections.

Mr. Chairman, I believe that H.R. 11218 is a product, not only of compromise, but of wisdom and justice as well.

A short time ago, we passed the Voting Rights Act of 1965, in which we outlawed voter discrimination based on race or color. We did this because we believed that every eligible citizen has the right to vote in all elections—local elections as well as Federal elections. I said then, and I say again now, that it is wrong to deprive an individual of his right to govern himself by casting his vote. And this is so whether the deprivation is based upon racial discrimination, or the accident of geography. Americans living in Mississippi, Washington, D.C., or New York are equal members of our society and equally entitled to share in its full heritage—and this includes the right to elect those who govern and represent them. That, in summary, is the issue before us today: Will we provide the residents of Washington, D.C., with the full measure of citizenship, or will we give them no voice in the local affairs of their city? To this question, I believe there can be only one answer, and I urge all my colleagues to join in expressing their answer by voting for H.R. 11218.

Mr. MULTER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Chairman, the House of Representatives is on the threshold of a doorway that opens onto a life too long denied to many American citizens. That life is the condition of self-government, and those citizens are the residents of the District of Columbia.

We have before us a bill to grant home rule for those who inhabit the Nation's Capital. This legislation is to allow the people of Washintgon, D.C., to guide their own municipal destiny.

I support this measure and am proud to be one of its sponsors.

For many of us in the House, and I speak particularly of the two gentlemen from Maryland [Mr. MATHIAS and Mr. SICKLES] and my colleague, the gentleman from New York [Mr. MULTER], these days of debate reach close to fulfillment of a mission we began months ago.

I believe the bill we have brought to the House is worthy of widespread support by our colleagues.

It is consistent with our national belief in the fundamental act of self-government. It guarantees representation in the government which taxes for the support of local affairs. It recognizes the distinctions which set Washington apart from other major cities, while also acknowledging that Washingtonians—the men, women, and children of this Capital City—cannot and should not be so set apart from our democratic society.

Yes, Washington is the seat of the Federal Government, conceived and created as a special site to be the home of the American executive, legislative, and judicial branches. In regard to the role of these bodies as Federal instruments, responsive to an entire Nation, there can be no question about their preemptory right.

But, Washington is more than this special site. It is home to hundreds of thousands of people. Because they live here, work here, shop here, rear their families here, go to school here, worship here, and carry on here the kind of life that characterizes the people of any and every other American city, Washington has more than the Federal meaning to them.

The residents of Washington care for this city in the same way that each one of us cares for his home community. A better municipality is their goal. They know, as do we, that its best chance of achievement lies in vesting with the citizens of this community the right to seek it.

Passage of this home rule bill into law will not end Federal interest in Washington. What it will bring about is the beginning of a Federal-local partnership in the governing of Washington where there exists a sound and sensible separation of administrative and legislative control.

Mr. Chairman, I regard the opportunity that now is presented to the House, that of voting approval for an honest and honorable home rule measure, as one that holds historic promise. We who represent can strengthen the very vitality of representative government by its installation in the District of Columbia.

Mr. Chairman, as we come to the end of the 5 hours of general debate, I believe it appropriate to say a word in connection with the House Committee on the District of Columbia.

This is my second term in the Congress. When I first came to the Congress I asked my side of the aisle for the opportunity and the privilege of serving as a member of the House Committee on the District of Columbia. I did so because I have served some 6½ years as a member of the city council of Rochester, N.Y., which is located in my district. I felt, because of that service, I might be able to contribute something to the work of the District of Columbia and the committee.

Since that time I have had the privilege of serving on the committee. I have had the privilege of working very closely with the members of that committee.

Aside from all else we might have said yesterday, we might say today, and might say in the days to follow, I believe it appropriate at this time and at this place to recognize that we have had very able, very conscientious, and very dedicated leadership in the chairman of the House Committee on the District of Columbia. I say that as one who has worked diligently on the District of Columbia Committee. I feel it appropriate at this time to say to the gentleman from South Carolina [Mr. MCMILLAN], that we of the House are grateful for the work he has done and the Members of the House District Committee have done to provide leadership in the District of Columbia.

I wish to say also that I have had the privilege of working on the committee chaired by the gentleman from North Carolina [Mr. WHITENER]. I have the greatest of respect for him, for his ability and for his conscientiousness.

The District is very much better off as a result of the leadership of these two men and of the other men who have served on the District Committee.

I also wish to pay honor at this time to the gentleman from Virginia [Mr. BROYHILL] who served on this committee in the 88th Congress as the ranking Republican member. He gave up that seat in order to go to another committee, and he came back in the 89th Congress to serve on the District Committee, bringing back the many years of experience he has had to the District of Columbia.

I also want to pay my respects at this time to the ranking Republican now serving on the District of Columbia Committee, the gentleman from Minnesota, the Honorable ANCHER NELSEN.

These men and the other men, serving on the District of Columbia Committee, have done everything they could to try to make the District of Columbia one of the best places for the people of this area to live and to make it a city we can all be proud to call our Nation's Capital.

They have also tried their best to protect the Federal interest. I say that to give you the background of the position that I take today, because when I first came to the Congress I came with an open mind with regard to home rule.

I served on the committee chaired by the gentleman from North Carolina, [Mr. WHITENER] and I do not think Mr. WHITENER or any other member of the District Committee can criticize me in any way whatsoever with regard to diligence in attendance or time spent or willingness to spend time to devote to District matters. I sat through the hearings in the 88th Congress on the home rule question, as the gentleman from North Carolina knows. He read some portions of some of the questions I asked at some of those hearings. I had some very serious questions with regard to the Federal payment and had some very serious questions with regard to the matter of home rule. I have often expressed it this way: It is very easy to say that you are for home rule, but when you say that you are, what are you for? There are many ways in which home rule can be given.

I say to you from this background and from this interest that I stand here in the well of the House today arguing for home rule for the people of the District of Columbia. The home rule that I propose is a home rule that is going to be offered shortly in H.R. 11218, which is the so-called compromise bill. I have been very much concerned about the lack of a voice of the people in the District of Columbia.

The gentleman from North Carolina referred to my reference yesterday to the words of Senator Taft. They were not the words of President Taft. I am not familiar with the words the gentleman read, but I am familiar with the words that Senator Taft used in 1949 when this question was before the Senate, in May of that year. I would like to say them again because I think they bear repeating. The Senator said:

> Washington is a great city, one of the greatest cities in the United States, a city of 900,000 people which has the same qualifications for local home rule as any other city in the United States. Here is a city in which Americans are born and grow up without any right of home rule whatsoever; without any right to participate in the Government which controls their daily lives.

That is what we are talking about here today. The Senator continued:

> I myself believe that local self-government is almost as important to liberty as national government. I do not believe we can have real freedom in this country without local self-government and the right of people to determine the matters which affect them and their daily lives such as the administration of their schools and the condition of their streets, their various public services and other things in which every community has a vital interest.

These are the things we are talking about today. The vehicle to do it is this bill which will be offered as the amendment, H.R. 11218, which incorporates the provisions of the bill that passed the Senate and which, incidentally, was before our committee.

There has been reference to the fact that this committee on which I serve and I happen at this time to be the ranking Republican on this subcommittee—did not have time to study the question of home rule. The matter of hearing on home rule was not brought up until after the discharge petition was filed in this House. The minute it appeared that 218 Members were going to sign the discharge petition, thereupon there was a quick meeting of the committee called and the retrocession and Sisk bill combination, was reported out.

I spent some time in going through this city. I made a personal tour through the southeast district. Yet, we, as members of the city council, and that is what we are when we sit here, do not have the time to devote to the matters of local interest that are so important. The people of the District need full-time elected officials to be concerned about local problems and to be responsible to the voters of the District.

H.R. 11218 provides for a charter which we, as the Congress, are saying to the District of Columbia is the home rule under which you can live and under which we think you can live and under which we reserve the Federal interest to the Congress of the United States.

That means that we, as the Congress, can amend, we can modify any law that they pass; we can initiate any law. It does not eliminate the House District Committee or the Senate District Committee. It does not eliminate any of the Federal interest that we have.

This is a bill which says to the District people, "Here is the manner in which you can administer your local affairs and we give you that opportunity, when we present this charter to you, and within 4 months after it is passed, you will have a referendum on this bill under which you will vote on the question whether or not you want the bill that we pass here now." This is what we are saying to the people of the District of Columbia, that we feel they should have the opportunity, not three appointed Commissioners; that they should have the opportunity to govern their own local affairs.

If there is a question that involves the Federal Government, they must come back to the Congress. The Federal Government reserves its interest. It has been amply brought out here that the Federal interests are protected.

I say to you here now; I say to the ladies and gentlemen of the House, this is an important thing that we are doing. We are giving the people of the District of Columbia something that they have not had since 1874; namely, the right to elect their own officials.

Mr. MULTER. Mr. Chairman, I yield myself the balance of the time on this side.

Mr. Chairman, despite all that has been said during this long debate on what has not been answered, I direct the attention of the Members to the fact that every one of the bills before the House is completely analyzed in a statement which was sent to every Member of the House by the chairman of the House District Committee. It appears in full at page 211 of the printed hearings. In addition to that, the few changes that have been made in H.R. 4644 as introduced and as it passed the Senate as S. 1118 are analyzed in the home rule hearings. Full explanations were sent to every Member of Congress by letter of the four changes made in S. 1118 by H.R. 11218, which is the substitute I will offer in a few minutes.

In addition to that, set forth in full in the RECORD of September 23, 1965, are these changes, and again in yesterday's RECORD which came to our desks this morning, I have made a complete explanation of these home rule bills and of the substitute.

Once more I say, those who really want to know the provisions of these bills and of the substitute, if they have not listened to us during this debate, can read it all in any number of convenient ways.

Mr. DAWSON. Mr. Chairman, the argument that the home rule bill for the District of Columbia would impair the Federal interest is wholly erroneous. The plain fact is that Congress would fully retain its constitutional authority over the District.

The home rule bill, including the Senate-passed bill (S. 1118), the House bill which was discharged from the committee (H.R. 4644), and the recent bipartisan revised bill (H.R. 11218), contains numerous provisions which will completely safeguard the Federal interest.

Let us look at the specific language of these provisions.

Section 324(a) specifically provides:

> All acts of the Council shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this Act had not been enacted.

This is a positive and comprehensive guarantee that the Federal interest will never be impaired under the home rule bill. If any conflict between the local and Federal interest should ever arise, Congress can at any time promptly take whatever action is needed to eliminate such conflict. The overriding authority will remain with Congress, and I am confident that this provision alone is fully adequate to protect the Federal interest.

But there are many more provisions in the home rule bill to guarantee that the Federal interest will remain unimpaired by any conceivable action of the local government.

For example, section 324(b) specifically prevents the city council from enacting any laws contrary to the Home Rule Charter Act. In addition, it contains various other restrictions. Thus subparagraph (1) forbids the council from taxing any property of the United States, and subparagraph (5) forbids the council from enacting any law to "amend or repeal any act of Congress which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District."

Under these provisions, all the property and every function of the Federal Government is immune from any action taken by the District government. No Federal property can be subjected to taxation by the District. All Federal property will remain subject to Federal law and cannot be regulated or affected by the District council. Nor can any function of the Federal Government, of whatever nature, be subordinated, modified, or affected by any act of the council, because all the functions of the Federal Government will be governed solely by the laws of Congress and the District council will have no power to amend or repeal the laws of Congress.

In the light of these provisions, it is obvious that there is no merit in the argument that the home rule bill will adversely affect the Federal interest.

Further assurance is given by section 324(f), which provides that Congress "reserves the right, at any time, to exercise its constitutional authority as legislature for the District of Columbia, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the District." Such reserved power, moreover, is specifically defined as including, without limitation, the power to enact legislation to amend or repeal any law in force in the District prior to or after enactment of the home rule bill, as well as any act adopted by the District council or the voters of the District. Thus, the Congress can at any time legislate on all matters affecting the Federal interest, or the District interest, including even matters of purely local concern.

Moreover, even the savings clause of the bill, which continues existing law in force until it is lawfully changed, specifically provides—in section 201(b)—that "any such law or regulation may be amended or repealed by act of Congress."

The effect of these provisions is clearly set forth in the Senate report on S.

1118—Senate Report No. 381, 89th Congress, page 4—as follows:

> The delegation of permissible home rule to the residents of the District is given with the express reservation that the Congress may at any time revoke or modify the delegation in whole or in part and, further, that the Congress may take such action as, in its wisdom, it deems desirable with respect to any municipal action taken by the people or the government of the municipality under the authority of the charter. The Congress would continue to initiate local legislation should it so desire. Thus the Congress, under the terms of this bill, retains full residual, ultimate, and exclusive legislative jurisdiction over the District in conformity with the constitutional mandate.

But this is not all. There are many additional provisions to insure the total protection of the Federal interest.

Thus, section 324(e) provides that every enactment by the council will be subject to veto by the President of the United States whenever he believes that the act adversely affects a Federal interest, and his veto is final. In addition, section 324(b)(6) prohibits the council from enacting any laws inconsistent with the legislation affecting the duties and responsibilities of the National Capital Planning Commission, which has jurisdiction to guide the comprehensive development of the Nation's Capital.

Furthermore, section 337 provides that the National Capital Planning Commission will continue to review all zoning changes proposed by the council to assure that they are in conformity with the comprehensive plan for the Nation's Capital. The Planning Commission would retain its present authority to adopted redevelopment plans and to designate redevelopment project boundaries. Hence, with the Planning Commission, the President, the Congress, and the people themselves, all watching the District government, it is quite inconceivable that the city council and mayor would or could impair the city by bad zoning, or by urban redevelopment, highway, or other similar construction programs. The charges that the city would build low-cost housing on the Mall or on the Capitol Grounds are just plain bogeyman myths and totally without foundation.

Further, section 324(g) prohibits the council from transferring or modifying any function performed by the U.S. Marshal or by the U.S. Attorney; and section 324(i) forbids any curtailment of the jurisdiction of any U.S. court in the District of Columbia, including the U.S. District Court, the U.S. Court of Appeals, the U.S. Court of Claims, the U.S. Tax Court, the U.S. Court of Military Appeals, or any other U.S. court other than the purely municipal courts such as the Court of General Sessions, the Juvenile Court, the District Tax Court, and so forth.

Also, section 324(a) of the home rule bill precludes the new District government from having any additional authority over the Washington Aqueduct—which is the source of the water supply used in the Nation's Capital—or over the Commission on Mental Health, or over the National Zoological Park, or over the National Guard, or any other Federal agency, unless specifically authorized by Congress.

Many other provisions of the home rule bill will provide for strict control over any runaway actions by the District government. Thus, all the financial transactions of the District government will, under section 721, be fully audited by the General Accounting Office, which will have access to all of the District's books, records, papers, and property, and the GAO will make full reports on these audits to the Congress as well as the city council and the mayor, and section 721(b)(2) directs that all such reports shall be made available for public inspection.

To prevent the possibility that the Federal Government might have to bail out the District from financial difficulties, title VI imposes strict limitations on the city's borrowing authority.

Under section 601, the city's debt ceiling will be limited to a maximum of 12 percent of the total assessed property in the District averaged over the most recent 10-year period, and the city will be prohibited from using more than half of such funds for any purposes except for construction or acquisition of mass transit, highway, water and sanitary sewerage works, or self-liquidating revenue-producing capital projects. Moreover, any borrowing in excess of 2 percent must be approved by the voters of the city at a referendum.

I think all these protections which are contained in the Senate-passed bill are full and complete guarantees that the enactment of home rule will in no way prejudice the Federal interest. But even more protections for the Federal interest have now been incorporated into the bipartisan revised bill (H.R. 11218). Thus, the revised section 741(b) amends the Federal payment formula to require annual congressional appropriation of the Federal payment to the District instead of an automatic payment of the formula amount. In addition, the new section 905 authorizes the President, whenever he deems it necessary or appropriate, to protect the Federal interest in the maintenance of public order in the District, to assume full command of the police force of the District, and even to utilize other law enforcement personnel, including members of the Armed Forces, as special policemen to maintain public order in the District.

I say to my colleagues on both sides of the aisle: This bill is a good bill. It fully protects the Federal interest, while at the same time providing a sensible basis for the exercise of democracy in the local affairs of the District of Columbia. For more than 90 years, the people of the District have been taxed and governed without representation, without a voice in their destiny, and without the modicum of democracy that all of us take for granted in our own home districts. The Senate has passed a home rule bill in six separate Congresses. The time has come for the House of Representatives to let the people of the District become first-class citizens of the United States, like those of all other communities in our country, who can vote for both their national and local officials. I shall vote for the home rule bill. I call on all of you to help democracy and representative government become a reality in this, our Nation's Capital.

Mr. McMILLAN. Mr. Chairman, since so many residents and practically all taxpayers in the District of Columbia are opposed to home rule of any nature, I am enclosing a sample of letters I am receiving from the District on this subject; also you will find a statement showing the present District of Columbia government owes $112,563,843. How do we expect to get this debt paid under the proposed new government?

WASHINGTON, D.C.,
September 21, 1965.

Hon. JOHN L. MCMILLAN,
House of Reresentatives,
Washington, D.C.

DEAR CONGRESSMAN: Congratulations on your efforts to defeat the home rule for the District of Columbia.

It is indeed laughable when people state "it is not racial" problem and when indeed those of us who live in the District know what is actually behind the whole situation.

The fact that Martin Luther King has threatened demonstrations with outsiders coming to Washington on a local problem is sufficient to me.

Do you think that tourists will desire coming to the Nation's Capital, a city that belongs to the people of the United States, and which is being run by the minority group and never believe that the best man will get the election, it will be the vote which will count according to the group that is voting.

If those who wish to take part in politics and desire to be represented and to vote in all elections, then let them move to Maryland or Virginia. It is as simple as that.

Thank you for your kind attention.

Sincerely,

J. MATTIE.

ANDOVER, MASS.,
September 24, 1965.

The Honorable JOHN L. MCMILLAN.

MY DEAR CONGRESSMAN: Because I am but one man and time to get this message over has all but run out, you will forgive me if it comes to you in photostatic form. Be assured, I wrote it in longhand first, and that it is right from the heart—a personal appeal direct to you.

First, let me disassociate myself and other true humanitarians from Dr. F. L. Thomsen, alleged lobbyist for American Humane Society, for it seems to me he has sown confusion among those who sincerely wish to help establish effective regulation of animal experimentation.

It is a disgrace to this country, to every man and woman in it, and particularly to the Congress, who now have it in their power to amend the situation, that experimenters can do their will, unregulated, on completely unprotected and helpless sentient animals.

Sane and effective laws are long overdue to prevent abuses, by the few, of the unrestrained freedom now permitted to all vivisectionists. We have no right to assume they are all kindhearted men with no sadists among them; for this is not the fact.

I urge you, sir, to support legislation to prevent theft and mistreatment of dogs and cats for sale to laboratories, by licensing dealers and laboratories who buy from them, and empowering the Secretary of Agriculture to inspect the premises and enforce decent standards.

Most sincerely,

C. A. WOOD.

Washington, D.C.,
September 23, 1965.

John L. McMillan,
Chairman, House District Committee.

Dear Mr. Chairman: I have been a resident of the District of Columbia for 1 year. I am expecting a baby early in October and I am not married.

Tuesday, September 1, 1965, I went to the Child Welfare Division of the District government to seek assistance and advice. I was interviewed by Miss Fine.

Miss Fine was gracious enough to say that I could be allowed to have the baby in D.C. General Hospital. However, Miss Fine was absolutely unconcerned about my welfare between now and the time I enter the hospital. She showed no concern about my welfare after I leave the hospital and before I can once again start working.

After I became pregnant I continued to work until my condition was obvious and I was forced to quit. For the past 2 months the man responsible for my condition has paid my rent and bought my food. This seems to be the reason Miss Fine will not help me.

He can no longer help me financially. He has to maintain a home for his two children in Arkansas and pay his own living expenses here in Washington. He lives in one room of a boarding house.

Sir, will you please look into this matter immediately and see for yourself if I am being treated fairly by the District government. I cannot help but feel that if I was a Negro girl and didn't know who the father was that I would already be receiving assistance. I am white and consider myself half way decent.

All I want is assistance until I can return to work and once again become a taxpayer.

Your assistance will be greatly appreciated. Please notify me with any information as soon as possible.

Connie L. Conklin.

Washington, D.C.

Hon. John L. McMillan.

Dear Sir: Home rule for this city would be a very bad thing. I own a small home and I want things to remain just as they are.

If these people want to vote so bad let them move to Virginia or Maryland, but I think there is more to this than a local issue.

If, as I think, the Communists are back of the Negro drive, after they get control of the District of Columbia it would be a matter of time they would try to control the country. There are more people in this than the local Negroes. I work in a store, some few years ago at 14th Street store a colored woman came in with two men who wore white turbans and talked with an accent. One ask me to give the lady an ice cream cone. I made it and when I held it out for them to take no one reached for it so I set it on the counter. The one man started to yell and insult me. How dare I insult this lady by putting the cone on the floor, he banged the counter with his fist. I picked up a small iron bar and ordered him out I told him, because he had been in the Army overseas he probably picked up his accent he could not come back and insult us. He said I have my credentials but he did not say where came from. The woman stood there just like it had all been prearranged.

Two Indian women came in the store with a Negro man (he was half drunk), the women asked for cigarettes. I ask again what kind and they repeated the name but before I could get them the man insulted me and the women laughed and they all left the store. Many things like this go on all the time.

The Negroes talk of housing, they are taking them all they have so surrounded three different churches I have attended they have sold to them and moved away.

The crew at many of the stores have been changed from white to colored.

Visit many People's Drug Stores and see how many have white people.

They move into apartment and 90 percent make so much trouble and noise, the white people move away.

The Negro business people hire Negroes and if white business is forced to hire them where are the white people going to work?

I do not dislike the colored race but I am getting tired of the insults of the kind that belongs to this drive they have.

One woman came in and pushed ahead of the line of customers I was waiting on and started to argue, I ask what she was arguing about and she told me she could say anything to me she wanted to and I couldn't do anything about it.

There are many good people in all races, but the M. L. King's bunch are not doing this country any good and our country comes first.

Please stop this home rule. Thank you.

Please keep my name confidential.

——— ———.

Washington, D.C.,
September 24, 1965.

The Honorable John L. McMillan,
Chairman, House District Committee,
Washington, D.C.

My Dear Mr. McMillan: Your report on the proposed home rule bill was excellent. If ever there was an uniquitous piece of legislation, this is it.

Has anyone yet considered what home rule in the District with the certainty of a Negro mayor and council, would mean to the policemen of this city?

As of now, they are jumped on, attacked, beaten, when, in the course of the performance of their duty, they try to arrest a Negro.

This, while the Commissioners are in control, and the city under the congressional committees. What will be the fate of these brave officers if we have a local Negro government here? It is a good guess that many will lose their lives. Someone should think about the policemen in a new setup.

Another thing the Members of Congress who are for home rule, and live in the District, do not think about; is their own personal safety, that of their families, and their homes. Things will be very different for them with the Negroes in control here. As a Negro was heard saying to another, on a bus, recently: "When we get home rule, then Whitey will get his." To my own knowledge, four white families plan to leave the District, should home rule be passed.

Yours truly,

M. N. Patterson. Sr.

DISTRICT OF COLUMBIA GOVERNMENT

The total District indebtedness to U.S. Treasury is as follows:

General fund	$20,346,600
Highway fund	39,624,970
Water fund	20,568,148
Sanitary sewage works fund	11,299,125
Metropolitan area sanitary sewage works fund	20,725,000
Total	112,563,843

Budget estimates for fiscal year 1966. Total estimates called for $387,467,800. The House approved the sum of $356,300,500. The budget, as submitted, was out of balance $27.5 million. In deducting the rapid rail transit figure, which was deferred, the budget was out of balance $21.8 million. The Senate approved a bill containing $364,358,347. The total amount agreed upon in conference was $360,228,500. The Federal payment was $43 million.

Federal contributions to the District of Columbia appear on pages 189–192 of the hearings for fiscal year 1966. The total amount estimated for fiscal year 1966 is $100,766,592. The District's portion of matching money is $38,175,853. These figures do not include the Federal payment in the District of Columbia budget.

The Federal Government in fiscal year 1966 will expend $72,965,000 on the highway system in the District. The District's portion will be $9,390,000.

For public welfare in fiscal year 1966 the Federal Government will expend $10,851,669. For urban renewal the Federal Government will expend $4,101,266. For public health the Federal Government will expend $3,629,593. For public works the sum of $6,894,829 will be expended. For vocational rehabilitation the sum of $983,880 will be expended.

Washington, D.C.,
September 23, 1965.

Hon. John L. McMillan,
House Office Building,
Washington, D.C.

Dear Congressman McMillan: The Committee on the District of Columbia is doing an excellent job in spite of pressures from various groups for which we are thankful. Much has been said about protecting the Federal employee under the Hatch Act but it seems to me that the District needs a special "Hatch Act" as its citizens partake in partisan politics. In the last election, many of our citizens who were dependent on the local government for the necessities of life complained of pressures that were brought against them to partake in politics. It seems unfair that these unfortunate persons should be preoccupied in politics while they are struggling to eke out a living.

If Washington gets home rule, it should have a system that is better than the present system. An improvement might be a council-manager government in which no individual councilman or group of councilmen could fear pressure on the manager or his employees. The only political offices would be those of the councilmen. Conduct of councilmen and employees would be spelled out in a code of ethics made part of the city's charter. Members of Congress, local political leaders, and citizens living or working in Washington would be urged to keep a careful scrutiny of the council's conduct so that all America could be proud of its Capital. Whatever government Washington has, it can improve itself only when all concerned start doing what is right and stop excusing what is wrong.

Sincerely yours,

William R. Phillips.

The CHAIRMAN. The time of the gentleman from New York [Mr. Multer] has expired. All time has expired.

Pursuant to the rule, the Clerk will now read the bill by titles, instead of by sections.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital which is granted by the Constitution, it is the intent of Congress to restore to the inhabitants of the District of Columbia the powers of local self-government which are a basic privilege of all American citizens; to reaffirm through such action the confidence of the American people in the strengthened validity of principles of local self-government by the elective process; to promote among the inhabitants of the District the sense of responsibility for the development and well-being of their community which will result from the enjoyment of such powers of self-government; to provide for the more effective participation in the development of the District and in the solution of its local problems by those persons who are most closely concerned; and to relieve the National Legislature of the burden of legislating upon purely local District matters. It is the further intention of Congress to exercise its retained ultimate legislative authority over the District only insofar as such action shall be necessary or desirable in the interest of the Nation.

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TITLE I—DEFINITIONS

Definitions

SEC. 101. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The terms "District Council" and "Council" mean the Council of the District of Columbia provided for by title III.

(3) The term "Chairman" means the Chairman of the District Council provided for by title III.

(4) The term "Mayor" means the Mayor provided for by title IV.

(5) The term "qualified voter" means a qualified voter of the District as specified in section 807, except as otherwise specifically provided.

(6) The term "act" includes any legislation adopted by the District Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(7) The term "District Election Act of 1955" means the Act of August 12, 1955 (69 Stat. 699), as amended.

(8) The term "primary election" means an election held to nominate candidates of a political party for inclusion on the ballot in a general election.

(9) The term "political party" means an organization which qualifies as such under any provision of the District Election Act of 1955.

(10) The term "person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(11) The term "capital project", or "project", means (a) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (b) the acquisition of property of a permanent nature; or (c) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(12) The term "pending", when applied to any capital project, means authorized but not yet completed.

(13) The term "Board of Elections" means the Board of Elections created by section 3 of the District Election Act of 1955.

(14) The term "election", unless the context otherwise indicates, means an election held pursuant to the provisions of this Act.

(15) The term "domicile" means that place where a person has his true, fixed, and permanent home and to which, when he is absent, he has the intention of returning.

(16) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(17) The term "municipal courts of the District of Columbia" means the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, the District of Columbia Tax Court, the juvenile court of the District of Columbia, and such other municipal courts as the District Council may hereafter establish by act.

(18) The terms "Delegate" and "District Delegate" mean the Delegate from the District of Columbia provided for by title XV.

Mr. MULTER (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the title be dispensed with, that it be printed in the RECORD and be open for amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

AMENDMENT OFFERED BY MR. MULTER

Mr. MULTER. Mr. Chairman, I offer an amendment.

The CLERK. The amendment offered by Mr. MULTER is to strike all after the enacting clause and insert in lieu thereof the following:

That, subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital which is granted by the Constitution, it is the intent of Congress to restore to the inhabitants of the District of Columbia the powers of local self-government which are a basic privilege of all American citizens; to reaffirm through such action the confidence of the American people in the strengthened validity of principles of local self-government by the elective process; to promote among the inhabitants of the District the sense of responsibility for the development and well-being of their community which will result from the enjoyment of such powers of self-government; to provide for the more effective participation in the development of the District and in the solution of its local problems by those persons who are most closely concerned; and to relieve the National Legislature of the burden of legislating upon purely local District matters. It is the further intention of Congress to exercise its retained ultimate legislative authority over the District only insofar as such action shall be necessary or desirable in the interest of the Nation.

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TITLE I—DEFINITIONS

Definitions

Sec. 101. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The terms "District Council" and "Council" mean the Council of the District of Columbia provided for by title III.

(3) The term "Chairman" means the Chairman of the District Council provided for by title III.

(4) The term "Mayor" means the Mayor provided for by title IV.

(5) The term "qualified voter" means a qualified voter of the District as specified in section 807, except as otherwise specifically provided.

(6) The term "act" includes any legislation adopted by the District Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(7) The term "District Election Act of 1955" means the Act of August 12, 1955 (69 Stat. 699), as amended.

(8) The term "primary election" means an election held to nominate candidates of a political party for inclusion on the ballot in a general election.

(9) The term "political party" means an organization which qualifies as such under any provision of the District Election Act of 1955.

(10) The term "person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(11) The term "capital project", or "project", means (a) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (b) the acquisition of property of a permanent nature; or (c) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(12) The term "pending", when applied to any capital projects, means authorized but not yet completed.

(13) The term "Board of Elections" means the Board of Elections created by section 3 of the District Election Act of 1955.

(14) The term "election", unless the context otherwise indicates, means an election held pursuant to the provisions of this Act.

(15) The term "domicile" means that place where a person has his true, fixed, and permanent home and to which, when he is absent, he has the intention of returning.

(16) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(17) The term "municipal courts of the District of Columbia" means the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, the District of Columbia Tax Court, the juvenile court of the District of Columbia, and such other municipal courts as the District Council may hereafter establish by act.

(18) The terms "Delegate" and "District Delegate" mean the Delegate from the District of Columbia provided for by title XV.

TITLE II—STATUS OF THE DISTRICT

Status of the District

Sec. 201. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to said District. Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation, the Board of Commissioners of the District of Columbia, any person appointed from civil life as a member of the Board of Commissioners of the District or the Engineer Commissioner of the District of Columbia.

(b) No law or regulation which is in force on the effective date of part 2, title III, of this Act shall be deemed amended or repealed by this Act except to the extent that such law or regulation is inconsistent with this Act: *Provided*, That any such law or regulation may be amended or repealed by legislation or regulation as authorized in this Act, or by Act of Congress.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

TITLE III—THE DISTRICT COUNCIL

Part I—Creation of the District Council

Creation and Membership

SEC. 301. There is hereby created a Council of the District of Columbia consisting of nineteen members, one elected from each of fourteen wards and five elected at-large, all as provided in title VIII.

Qualifications for Holding Office

SEC. 302. No person shall hold the office of member of the District Council unless he (1) is a qualified voter, (2) is domiciled in the District and, if he is nominated from a particular ward, resides in the ward from which he is nominated, (3) has, during the three years next preceding his nomination, resided and been domiciled in the District, (4) if he is nominated from a particular ward, has, for one year preceding his nomination, resided and been domiciled in the ward from which he is nominated, (5) holds no other elective public office, (6) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (7) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section.

Compensation

SEC. 303. Each member of the District Council, except the Chairman, shall receive compensation at a rate of $9,000 per annum, payable in periodic installments. The Chairman shall receive compensation at a rate of $10,000 per annum, payable in periodic installments. All members shall receive such additional allowances for expenses as may be approved by the Council to be paid out of funds duly appropriated therefor.

Changes in Membership and Compensation of District Council Members

SEC. 304. The number of members constituting the District Council, the qualifications for holding office, and the compensation of such members may be changed by act passed by the Council: *Provided*, That no such act shall take effect until after it has been assented to by a majority of the qualified voters of the District voting at an election on the proposition set forth in any such act.

Part 2—Principal Functions of the District Council

Board of Commissioners Abolished and Functions Transferred to District Council

SEC. 321. (a) The Board of Commissioners of the District, the offices of Commissioner, Engineer Commissioner, and Assistants to the Engineer Commissioner of the District, are hereby abolished.

(b) Except as otherwise provided in this Act, all functions granted to or imposed upon the Board of Commissioners of the District are hereby transferred to the District Council except those powers hereinafter specifically conferred on the Mayor.

Functions Relating to Certain Agencies

SEC. 322. (a) Subject to the provisions of subsection (b) of this section—

(1) The Board of Education provided for in section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (34 Stat. 316), together with all teachers, officers, and other employees thereof, are hereby continued in the municipal government of the District of Columbia. To the extent that the Act of June 20, 1906, or any other act relating to the public schools of the District of Columbia refers to a Commissioner or Commissioners of the District of Columbia, the terms shall mean, after the effective date of this section, the Mayor or such other District officer or officers as he may designate.

(2) The Zoning Commission created by the first section of the Act of March 1, 1920, creating a Zoning Commission for the District of Columbia, as amended (D.C. Code 1951 ed., sec. 5–412), is hereby abolished, and its functions are transferred to the District Council.

(3) The first sentence of section 2 of the Act of June 4, 1948 (62 Stat. 339), is hereby amended to read as follows: "There is hereby established an Armory Board, to be composed of three members who shall be appointed by the Mayor by and with the advice and consent of the Council and who shall serve at the pleasure of the Mayor."

(4) All functions and authority vested in the President by the Act of June 12, 1934 (48 Stat. 930), as amended, are hereby transferred to and vested in the Mayor.

(5) The District of Columbia Redevelopment Land Agency, a body corporate of perpetual duration, established by the District of Columbia Redevelopment Act of 1945 (60 Stat. 790), as amended, is hereby transferred to and continued in, the municipal government of the District of Columbia. Section 4(a) of said Act is hereby amended to read as follows: "The District of Columbia Redevelopment Land Agency is hereby established and shall be composed of five members who shall be appointed by the Mayor by and with the advice and consent of the Council. Each appointee shall be a resident of the District of Columbia and at least three members shall be engaged or employed during tenure of office in private business or industry or the private practice of a profession therein. Appointees shall serve at the pleasure of the Mayor. The members shall receive no salary as such, but those members who hold no other salaried public position shall be paid a per diem of $20 for each day of service at meetings or on the work of the Agency and may be reimbursed for any expenses legitimately incurred in the performance of such service or work; except that the amount authorized as per diem may be changed by act passed by the Council."

(6) The Public Service Commission of the District of Columbia; the Recreation Board; the Board of Zoning Adjustment; and the Zoning Advisory Council are hereby abolished and their functions transferred to the District Council for exercise in such manner and by such person or persons as the Council may direct.

(b) Notwithstanding the provisions of subsection (a) of this section, the agencies referred to therein, other than the Board of Education, shall, for a period of one hundred and eighty days from the effective date of this section, unless within such period the District Council shall otherwise direct, continue to exercise the functions imposed on them by the laws in effect on the effective date of this section, except that insofar as such laws refer to a Commissioner or Commissioners of the District of Columbia the terms shall mean, after the effective date of this section, the Mayor or such other District officer or officers as he may designate.

(c) In the case of the Board of Education continued under paragraph (1) of subsection (a) of this section, the members of the Board serving as such on the date immediately prior to the effective date of this section shall continue to serve, and vacancies on such Board shall continue to be filled, in accordance with the provisions of section 2 of the Act of June 20, 1906, as it existed immediately prior to its amendment by this Act, until such time as the persons first elected to the Board of Education following such effective date have qualified to take office.

Certain Delegated Functions

SEC. 323. No function of the Board of Commissioners of the District which such Board has delegated to an officer or agency of the District shall be considered as a function transferred to the Council by section 321. Each such function is hereby transferred to the officer or agency to whom or to which it was delegated, until the Mayor or Council, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation.

Powers of and Limitations Upon District Council and the Qualified Voters of the District of Columbia

SEC. 324. (a)(1) The legislative power granted to the District by this Act shall be vested in the Council, and in the qualified voters of the District of Columbia (as provided in section 1701 of title XVII of this Act).

(2) Except as provided in subsection (b) of this section, the legislative power of the District shall extend to all rightful subjects of legislation within the District, consistent with the Constitution of the United States and the provisions of this Act, subject, nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States; but all acts of the Council and the qualified voters of the District of Columbia shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this Act had not been enacted: *Provided*, That nothing in this section shall be construed as vesting in the District government any greater authority over the Washington Aqueduct, the Commission on Mental Health, the National Zoological Park, the National Guard of the District of Columbia, or, except as otherwise specifically provided in this Act, over any Federal agency than was vested in the Board of Commissioners of the District prior to the effective date of part 2, title III, of this Act.

(b) Neither the Council nor the qualified voters of the District of Columbia may pass any act contrary to the provisions of this Act, or—

(1) impose any tax on property of the United States;

(2) lend the public credit for support of any private undertaking;

(3) authorize the issuance of bonds except in compliance with the provisions of title VI;

(4) authorize the use of public money in support of any sectarian, denominational, or private school except as now or hereafter authorized by Congress;

(5) enact any act to amend or repeal any Act of Congress which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(6) pass any act inconsistent with or contrary to the Act of June 6, 1924 (43 Stat. 463), as amended by the Act of April 30, 1926 (44 Stat. 374), by the Act of July 19, 1952 (66 Stat. 781), and the Act of May 29, 1930 (46 Stat. 482), as amended, and the Council shall not pass any act inconsistent with or contrary to any provision of any Act of Congress as it specifically pertains to any duty, authority, and responsibility of the National Capital Planning Commission; except insofar as the above-cited or other referred to Acts refer to the Engineer Commissioner of the District of Columbia or the Board of Commissioners of the District, the former of which terms, after the effective date of this part, shall mean the Mayor or some District government official deemed by the Mayor to be best qualified, and designated by him to sit in lieu of the Mayor as a member of the National Capital Planning Commission and the National Capital Regional Planning Council, and the latter term shall mean the Council.

(c) Every act shall include a preamble, or be accompanied by a report, setting forth concisely the purposes of its adoption. Every act shall be published within seven days after its passage, as the Council may direct.

(d) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor who shall, within ten calendar days after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act (which he shall do by affixing his signature thereto), he shall present the act to the President. If the Mayor shall disapprove such act, he shall, within ten calendar days after it is presented to him, return such act to the Council setting forth his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved such act and he shall present the same to the President. If, within thirty calendar days after an act has been returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council vote to pass such act, the Chairman of the Council shall again present the act to the Mayor who shall, within five calendar days, present the same to the President.

(e) Any act which has been passed by the Council and which, in accordance with subsection (d) has been presented to the President, shall become law unless, within ten calendar days after it is so presented to the President, he shall, in accordance with this subsection, disapprove the same. The President may, if he is satisfied that any such act adversely affects a Federal interest, disapprove such act, in which event he shall return the act to the Mayor with his objections and, notwithstanding any other provision of this Act, such act shall not become law. The Mayor shall inform the Council of any such disapproval.

(f) The Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District of Columbia, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the District Council and the qualified voters of the District of Columbia by this Act, including without limitation, legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council or by the qualified voters of the District of Columbia.

(g) Upon the effective date of this title, jurisdiction over the municipal courts of the District of Columbia shall vest with the District Council in all matters pertaining to the organization and composition of such courts, and to the appointment or selection, qualification, tenure, and compensation of the judges thereof: *Provided*, That the Council shall not transfer or modify any function performed by the United States marshal or the United States attorney for the District on the effective date of this section. Nothing in this Act shall be construed to change the tenure of any persons occupying positions as judges of the municipal courts of the District of Columbia on the effective date of this part, except that their compensation may be increased.

(h) On or after the effective date of this part, any person appointed or elected to serve as judge of one of the municipal courts of the District of Columbia shall not (1) be appointed or elected to serve for a term of less than ten years, or (2) receive as compensation for such service an amount less than the amount payable to an associate judge of the District of Columbia Court of General Sessions on the effective date of this part.

(i) Nothing in this section shall be construed to curtail the jurisdiction of the United States District Court for the District of Columbia or any other United States court other than the municipal courts of the District of Columbia.

(j) Nothing in this section shall be construed as prohibiting the Council from enacting legislation conferring upon the District of Columbia Court of Appeals exclusive jurisdiction to review orders and decisions of administrative agencies of the District denying, revoking, suspending, or refusing to renew or restore any license or registration to engage in any profession, vocation, trade, calling, or business, which under law is now or hereafter required to be licensed or registered.

Part 3—Organization and procedure of the District Council

The Chairman

Sec. 331. The District Council shall elect from among its members a Chairman who shall be the presiding officer of the Council and a Vice Chairman, who shall preside in the absence of the Chairman. When the Mayor is absent or unable to act, or when the office is vacant, the Chairman shall act in his stead. The term of the Chairman shall be for the remainder of his term as a member of the Council.

Secretary of the District Council; Record and Documents

Sec. 332. (a) The Council shall appoint a secretary as its chief administrative officer and such assistants and clerical personnel as may be necessary. Notwithstanding any other provision of this Act, the compensation and other terms of employment of such secretary, assistants, and clerical personnel shall be prescribed by the Council.

(b) The secretary shall (1) keep a record of the proceedings of the Council, (2) keep a record showing the text of all acts introduced and the ayes and noes of each vote, (3) authenticate by his signature and record in full in a continuing record kept for that purpose all acts passed by the Council and by the qualified voters of the District of Columbia, and (4) perform such other duties as the Council may from time to time prescribe.

Meetings

Sec. 333. (a) The first meeting of the Council after this part takes effect shall be called by the member who receives the highest vote in the election provided in title VIII. He shall preside until a Chairman is elected. Following each such election, but not later than December 15 of the year of the election, the secretary of the Council shall call the first meeting of the Council elected in such election for a date not later than January 7 of the next year.

(b) The Council shall provide for the time and place of its regular meetings. The Council shall hold at least one regular meeting in each calendar week except that during July and August it shall hold at least two regular meetings in each month. Special meetings may be called, upon the giving of adequate notice, by the Mayor, the Chairman, or any three members of the Council.

(c) Meetings of the Council shall be open to the public and shall be held at reasonable hours and at such places as to accommodate a reasonable number of spectators. The records of the Council provided for in section 332(b) shall be open to public inspection and available for copying during all regular office hours of the Council Secretary. Any citizen shall have the right to petition and be heard by the Council at any of its meetings, within reasonable limits as set by the Council Chairman, the Council concurring.

Committees

Sec. 334. The Council Chairman, with the advice and consent of the Council, shall determine the standing and special committees which may be expedient for the conduct of the Council's business. The Chairman shall appoint members to such committees. All committee meetings shall be open to the public except when ordered closed by the committee chairman, with the approval of a majority of the members of the committee.

Acts and Resolutions

Sec. 335. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council, unless otherwise provided herein. Acts shall be used for all legislative purposes. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b)(1) The enacting clause of all acts passed by the Council shall be, "Be it enacted by the Council of the District of Columbia:".

(2) The resolving clause of all resolutions passed by the Council shall be, "The Council of the District of Columbia hereby resolves,".

(c) A special election may be called by resolution of the Council to present for referendum vote of the people any proposition upon which the Council desires to take such action.

Passage of Acts

Sec. 336. The Council shall not pass any act before the thirteenth day following the day on which it is introduced. Subject to the other limitations of this Act, this requirement may be waived by the unanimous vote of the members present: *Provided*, That the members present constitute a majority of the Council.

Procedure for Zoning Acts

Sec. 337. (a) Before any zoning act for the District is passed by the Council—

(1) the Council shall deposit the act in its introduced form with the National Capital Planning Commission. Such Commission shall, within thirty days after the day of such deposit, submit its comments to the Council, including advice as to whether the proposed act is in conformity with the comprehensive plan for the District of Columbia. The Council may not pass the act unless it has received such comments or the Commission has failed to comment within the thirty-day period above specified; and

(2) the Council (or an appropriate committee thereof) shall hold a public hearing on the act. At least thirty days' notice of

the hearing shall be published as the Council may direct. Such notice shall include the time and place of the hearing and a summary of all changes in existing law which would be made by adoption of the act. The Council (or committee thereof holding a hearing) shall give such additional notice as it finds expedient and practicable. At the hearing interested persons shall be given reasonable opportunity to be heard. The hearing may be adjourned from time to time. The time and place of the adjourned meeting shall be publicly announced before adjournment is had.

(b) The Council shall deposit with the National Capital Planning Commission each zoning act passed by it.

Investigations by District Council

SEC. 338. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District; and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee, or the person conducting the inquiry, may issue subpenas and may administer oaths.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council, committee, or person conducting the investigation shall have power to refer the matter to any judge of the United States District Court for the District of Columbia, who may by order require such person to appear and to give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation; and any failure to obey such order may be punished by such court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such court.

TITLE IV—MAYOR

Election, Qualifications, and Salary

SEC. 401. (a) There is hereby created the office of Mayor of the District of Columbia. The Mayor shall be elected as provided in title VIII.

(b) No person shall hold the office of Mayor unless he (1) is a qualified voter, (2) is domiciled and resides in the District, (3) has, during the three years next preceding his nomination, been resident in and domiciled in the District, (4) holds no other elective public office, (5) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (6) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this section.

(c) The Mayor shall receive an annual salary of $27,500, and an allowance for official reception and representation expenses, which he shall certify in reasonable detail to the District Council, of not more than $2,500 annually. Such salary shall be payable in periodic installments.

(d) Notwithstanding any other provision of this Act, the method of election, the qualifications for office, the compensation and the allowance for official expenses pertaining to the office of Mayor may be changed by acts passed by the Council: *Provided,* That no such act shall take effect until after it has been assented to by a majority of the qualified voters of the District voting at an election on the proposition set forth in any such act.

Powers and Duties

SEC. 402. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. He shall be responsible for the proper administration of the affairs of the District coming under his jurisdiction or control, and to that end shall have the following powers and functions:

(1) He shall designate the officer or officers of the executive department of the District who shall, during periods of disability or absence from the District of the Mayor, the Chairman, and the Vice Chairman of the Council, execute and perform all the powers and duties of the Mayor.

(2) He shall act as the official spokesman for the District and as the head of the District for ceremonial purposes.

(3) He shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of the boards, commissions, and other agencies, who, under laws in effect on the effective date of this section, are subject to appointment and removal by the Commissioners. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system or systems, pursuant to section 402(4), continue to be subject to the provisions of Act of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 1001(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex officio, by one or more members of the Board of Commissioners of the District and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which, immediately prior to the effective date of this section, was not subject to the administrative control of the Board of Commissioners of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system or systems pursuant to section 402(4).

(4) He shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices, and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress, prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference, applicable to employees of the District government, as set forth in section 1002 (c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide equal or equivalent coverage under a District government merit system or systems. The District government merit system or systems shall be established by legislation of the Council. The system or systems may provide for continued participation in all or part of the Federal Civil Service system and shall provide for persons employed by the District government immediately preceding the effective date of such system or systems personnel benefits, including but not limited to, pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system or systems established pursuant to this Act. The District government merit system or systems shall take effect not earlier than one year nor later than five years after the effective date of this section.

(5) He shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(6) He shall, at the end of each fiscal year, prepare reports for such year of (a) the finances of the District, and (b) the administrative activities of the executive office of the Mayor and the executive departments of the District. He shall submit such reports to the Council within ninety days after the close of the fiscal year.

(7) He shall keep the Council advised of the financial condition and future needs of the District and make such recommendations to the Council as may seem to him desirable.

(8) He may submit drafts of acts to the Council.

(9) He shall perform such other duties as the Council, consistent with the provisions of this Act, may direct.

(10) He may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 901) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction.

(11) There shall be a City Administrator, who shall be appointed by the Mayor and who may be removed by the Mayor. The City Administrator shall be the principal managerial aid to the Mayor, and he shall perform such duties as may be assigned to him by the Mayor.

(12) The Mayor or the Council may propose to the executive or legislative branches of the United States Government legislation or other action dealing with any subject not falling within the authority of the District government, as defined in this Act.

(13) As custodian he shall use and authenticate the corporate seal of the District in accordance with law.

(14) He shall have the right, under the rules to be adopted by the Council, to be heard by the Council or any of its committees.

(15) He is authorized to issue and enforce such administrative orders, not inconsistent with any Act of the Congress or any act of the Council or of the qualified voters of the District of Columbia, as are necessary to carry out his functions and duties.

TITLE V—THE DISTRICT BUDGET

Fiscal Year

SEC. 501. The fiscal year of the District of Columbia shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

Budgetary Details Fixed by District Council

SEC. 502. (a) The Mayor shall prepare and submit not later than April 1, to the District Council, in such form as the Council shall approve, the annual budget estimates of the District and the budget message.

(b) The Mayor shall, in consultation with the Council, take whatever action may be necessary to achieve, insofar as is possible, (1) consistency in accounting and budget classifications, (2) synchronization between accounting and budget classifications and organizational structure, and (3) support of the budget justifications by information on performance and program costs as shown by the accounts.

Adoption of Budget

Sec. 503. The Council shall by act adopt a budget for each fiscal year not later than May 15, except that the Council may, by resolution, extend the period for its adoption. The effective date of the budget shall be July 1 of the same calendar year.

Five-Year Capital Program

Sec. 504. (a) Prior to the adoption of the annual budget, the Council shall adopt a five-year capital program and a capital budget.

(b) The Mayor shall prepare the five-year capital program and shall submit said program and the capital budget message to the Council, not later than February 1.

(c) The capital program shall include:

(1) a clear general summary of its contents;

(2) a list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) cost estimates, methods of financing, and recommended time schedules for each such improvement; and

(4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(d) The capital program shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

(e) Actual capital expenditures shall be carried each year as the capital outlay section of the current budget. These expenditures shall be in the form of direct capital outlays from current revenues or debt service payments.

Budget Establishes Appropriations

Sec. 505. The adoption of the budget by the Council shall operate to appropriate and to make available for expenditure, for the purposes therein named, the several amounts stated therein as proposed expenditures, subject to the provisions of section 702.

Supplemental Appropriations

Sec. 506. The Council may at any time adopt an act by vote of a majority of its members rescinding previously appropriated funds which are then available for expenditure, or appropriating funds in addition to those theretofore appropriated to the extent unappropriated funds are available; and for such purpose unappropriated funds may include those borrowed in accordance with the provisions of section 621.

TITLE VI—BORROWING

Part 1—Borrowing for Capital Improvements

Borrowing Power; Debt Limitations

Sec. 601. The District may incur indebtedness by issuing its bonds in either coupon or registered form to fund or refund indebtedness of the District at any time outstanding and to pay the cost of constructing or acquiring any capital projects requiring an expenditure greater than the amount of taxes or other revenues allowed for such capital projects by the annual budget: *Provided*, That no bonds or other evidences of indebtedness, other than bonds to fund or refund outstanding indebtedness shall be issued in an amount which, together with indebtedness of the District to the Treasury of the United States pursuant to existing law, shall cause the aggregate of indebtedness of the District to exceed 12 per centum of the average of the aggregate of the assessed values (as of the first day of July of the ten most recent fiscal years for which such assessed values are available) of (1) the taxable real and tangible personal property located in the District and (2) the real and tangible personal property referred to in paragraphs (A) and (B) of section 741(a) of this Act, the values of which shall be computed in accordance with the applicable provisions of section 741 of this Act, nor shall such bonds or other evidences of indebtedness issued for purposes other than the construction or acquisition of capital projects connected with mass transit, highway, water and sanitary sewage works purposes, or any revenue-producing capital projects which are determined by the Council to be self-liquidating exceed 6 per centum of such average assessed value. Bonds or other evidences of indebtedness may be issued by the District pursuant to an act of the Council from time to time in amounts in the aggregate at any time outstanding not exceeding 2 per centum of said assessed value, exclusive of indebtedness owing to the United States on the effective date of this title. All other bonds or evidence of indebtedness, other than bonds to fund or refund outstanding indebtedness, shall be issued only with the assent of a majority of the qualified voters of said District voting at an election on the proposition of issuing such bonds. In determining the amount of indebtedness within all of the aforesaid limitation at any time outstanding there shall be deducted from the aggregate of such indebtedness the amount of the then current tax levy for the payment of the principal of the outstanding bonded indebtedness of the District and any other moneys set aside into any sinking fund and irrevocably dedicated to the payment of such bonded indebtedness. The Council shall make provision for the payment of any bonds issued pursuant to this title, in the manner provided in section 631 hereof.

Contents of Borrowing Legislation; Referendum on Bond Issue

Sec. 602. (a) An Act authorizing the issuance of bonds may be enacted by a majority of the Council members at any meeting of the Council subsequent to the meeting at which such act was introduced, and shall contain at least the following provisions:

(1) A brief description of each purpose for which indebtedness is proposed to be incurred;

(2) The maximum amount of the principal of the indebtedness which may be incurred for each such purpose;

(3) The maximum rate of interest to be paid on such indebtedness; and

(4) In the event the Council is required by this part, or it is determined by the Council in its discretion, to submit the question of issuing such bonds to a vote of the qualified voters of the District, the manner of holding such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election. The ballot shall be in such form as to permit the voters to vote separately for or against the incurring of indebtedness for each of the purposes for which indebtedness is proposed to be incurred.

(b) The Council shall cause the proposition of issuing such bonds to be submitted by the Board of Elections to the qualified voters at the first general election to be held in the District not less than forty days after the date of enactment of the act auhorizing such bonds, or upon a vote of at least two-thirds of the members of the Council, the Council may call a special election for the purpose of voting upon the issuance of said bonds, such election to be held by the Board of Elections at any date set by the Council not less than forty days after the enactment of such act.

(c) The Board of Elections is authorized and directed to prescribe the manner of registration and the polling places and to name the judges and clerks of election and to make such other rules and regulations for the conduct of such elections as are not specifically provided by the Council as may be necessary or appropriate to carry out the provisions of this section, including provisions for the publication of a notice of such election stating briefly the propositon or propositions to be voted on and the designated polling places in the various precincts and wards in the District. The said notice shall be published at least once a week for four consecutive calendar weeks on any day of the week, the first publication thereof to be not less than thirty nor more than forty days prior to the date fixed by the Council for the election. The Board of Elections shall canvass the votes cast at such election and certify the results thereof to the Council in the manner prescribed for the canvass and certification of the results of general elections. The certification of the result of the election shall be published once by the Board of Elections within three days following the date of the election.

PUBLICATION OF BORROWING LEGISLATION

Sec. 603. The Mayor shall publish any act authorizing the issuance of bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act authorizing the issuance of bonds published herewith has become effective, and the time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced as provided in the District of Columbia Charter Act will expire twenty days from the date of the first publication of this notice (or in the event the proposition of issuing the proposed bonds is to be submitted to the qualified voters, twenty days after the date of publication of the promulgation of the results of the election ordered by said act to be held).

"———,
"Mayor."

Short Period of Limitation

Sec. 604. Upon the expiration of twenty days from and after the date of publication of the notice of the enactment of an act authorizing the issuance of bonds without the submission of the proposition for the issuance thereof to the qualified voters, or upon the expiration of twenty days from the date of publication of the promulgation of the results of an election upon the proposition of issuing bonds, as the case may be, all as provided in section 603—

(1) any recitals or statements of fact contained in such act or in the preambles or the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto;

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty days.

Acts for Issuance of Bonds

Sec. 605. After the expiration of the twenty-day limitation period provided for in section 604 of this part, the Council may by act establish an issue of bonds as authorized pursuant to the provisions of sections 601 to

604, inclusive, hereof. An issue of bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to said sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until the bonds shall have been sold, delivered, and paid for, and then only to the extent of the principal amount of bonds so sold and delivered. The bonds of any authorized issue may be issued all at one time, or from time to time in series and in such amounts as the Council shall deem advisable. The act authorizing the issuance of any series of bonds shall fix the date of the bonds of such series, and the bonds of each such series shall be payable in annual installments beginning not more than three years after the date of the bonds and ending not more than thirty years from such date. The amount of said series to be payable in each year shall be so fixed that when the annual interest is added to the principal amount payable in each year the total amount payable in each year in which part of the principal is payable shall be substantially equal. It shall be an immaterial variance if the difference between the largest and the smallest amounts of principal and interest payable annually during the term of the bonds does not exceed 3 per centum of the total authorized amount of such series. Such act shall also prescribe the form of the bonds to be issued thereunder, and of the interest coupons appertaining thereto, and the manner in which said bonds and coupons shall be executed. The bonds and coupons may be executed by the facsimile signatures of the officer or officers designated by the act authorizing the bonds, to sign the bonds, with the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, registerable as to principle only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

Public Sale

SEC. 606. All bonds issued under this part shall be sold at public sale upon sealed proposals at such price or prices as shall be approved by the Council after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in a newspaper of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of bonds bid for, and the Council shall reserve the right to reject any and all bids.

Part 2—Short-term borrowing

Borrowing To Meet Supplemental Appropriations

SEC. 621. In the absence of unappropriated available revenues to meet supplemental appropriations made pursuant to section 505, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 5 per centum of the total appropriations for the current fiscal year, each of which shall be designated "Supplemental" and may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective.

Borrowing in Anticipation of Revenues

SEC. 622. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19 ". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

Notes Redeemable Prior to Maturity

SEC. 623. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

Sale of Notes

SEC. 624. All notes issued pursuant to this part may be sold at not less than par and accured interest at private sale without previous advertising.

Part 3—Payment of bonds and notes

SEC. 631. (a) The act of the Council authorizing the issuance of bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax without limitation as to rate or amount upon all the taxable real and personal tangible property within the District in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on said bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and colllected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside for the purpose of paying such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all bonds and notes of the District hereafter issued pursuant to this title whether or not such pledge be stated in the bonds or notes or in the act authorizing the issuance thereof.

Part 4—Tax exemption—Legal investment

Tax Exemption

SEC. 641. Bonds and notes issued by the Council pursuant to this title and the interest thereon shall be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

Legal Investment

SEC. 642. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District of Columbia may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the District Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (title 12, U.S.C., sec. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District of Columbia, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title: *Provided,* That nothing contained in this section shall be construed as relieving any person, firm, association or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

TITLE VII—FINANCIAL AFFAIRS OF THE DISTRICT

Part 1—Financial administration

Surety Bonds

SEC. 701. Each officer and employee of the District required to do so by the District Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

Financial duties of the mayor

SEC. 702. The Mayor, through his duly designated subordinates, shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) prepare and submit in the form and manner prescribed by the Council under section 502 the annual budget estimates and a budget message;

(2) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(3) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets;

(4) submit to the Council a monthly financial statement, by appropriation and department, and in any further detail the Council may specify;

(5) prepare, as of the end of each fiscal year, a complete financial statement and report;

(6) supervise and be responsible for the assessment of all property subject to assessment within the corporate limits of the District for taxation, make all special assessments for the District government, prepare tax maps, and give such notice of taxes and special assessments as may be required by law;

(7) supervise and be responsible for the assessment and collection of all taxes, special assessments, license fees, and other revenues of the District for the collection of which the District is responsible and receive all money receivable by the District from the Federal Government, or from any court, or from any agency of the District;

(8) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(9) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange.

Control of Appropriations

SEC. 703. The Council may provide for (1) the transfer during the budget year of any appropriation balance then available for one item of appropriation to another item of appropriation, and (2) the allocation to new items of funds appropriated for contingent expenditure.

Accounting Supervision and Control

SEC. 704. The Mayor, through his duly authorized subordinates, shall—

(1) prescribe the forms of receipts, vouchers, bills, and claims to be used by all the agencies of the District government;

(2) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(3) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(4) perform internal audits of central accounting and department and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

General Fund

SEC. 705. The general fund of the District shall be composed of the revenues of the District other than the revenues applied by law to special funds. All moneys received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor, or his duly authorized subordinates, for deposit in the appropriate funds.

Contracts Extending Beyond One Year

SEC. 706. No contract involving expenditure out of an appropriation which is available for more than one year shall be made for a period of more than five years; nor shall any such contract be valid unless made pursuant to criteria established by act of the Council.

Part 2—Audit by General Accounting Office

Independent Audit

SEC. 721. (a) The financial transactions shall be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. The District of Columbia shall reimburse the General Accounting Office for expenses of such audit in such amounts as may be agreed upon by the Mayor and the Comptroller General, and the amounts so reimbursed shall be deposited into the Treasury of the United States as miscellaneous receipts.

(b)(1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as may be deemed necessary to keep the Mayor and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The reports shall show specifically every program, expenditure, and other financial transaction or undertaking which, in the opinion of the Comptroller General, has been carried on or made without authority of law.

(2) After the Mayor and his duly authorized subordinates have had an opportunity to be heard, the Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection and shall transmit copies thereof to the Congress.

(3) The Mayor, within ninety days after the report has been made to him and the Council, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

Amendment of Budget and Accounting Act

SEC. 722. Section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2), is hereby amended by striking out "and the municipal government of the District of Columbia'.

Part 3—Adjustment of Federal and District expenses

Adjustment of Federal and District Expenses

SEC. 731. Subject to section 901 and other provisions of law, the Mayor, with the approval of the Council, and the Director of the Bureau of the Budget, are authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

Part 4—Annual Federal payments to District

Annual Federal Payment to District

SEC. 741. (a) In recognition of the unique character of the District of Columbia as the Nation's Capital City, regular annual payments are hereby authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the government of the District. The annual payment authorization shall consist of an amount computed pursuant to subsection (b) of this section, as follows:

(1) An amount (to be paid to the general fund) computed as of January 1 of the fiscal year preceding the fiscal year for which payment is requested based upon the following factors:

(A) The amount of real property taxes lost to the District during the fiscal year immediately preceding the fiscal year for which the annual Federal payment is being requested, based upon the assessed value and rate of tax in effect on January 1 of said preceding year, as a result of the exemption from real property taxation of the following properties:

(i) Real property in the District owned and used by the United States for the purpose of providing Federal governmental services or performing Federal governmental functions, but excluding parklands, museums, art galleries, memorials, statuary, and shrines, and also excluding to the extent to which it may be so used, property owned by the United States and used to provide a service or perform a function which would otherwise be provided or performed by the District, such as, by way of example and without limitation, public streets and alleys and public water supply facilities.

(ii) Real property in the District exempt from taxation by special Act of Congress or exempt from taxation pursuant to subsection (k) of section 1 of the Act approved December 24, 1942 (56 Stat. 1809), as amended (sec. 47-801a(k), 1961 ed.), and not eligible for exemption from taxation under any other subsection of said section 1 of the Act approved December 24, 1942.

(B) The amount of personal property taxes lost to the District during the fiscal year immediately preceding the fiscal year for which the annual Federal payment is being requested based upon the assessed value and rate of tax in effect on January 1 of said preceding year, as a consequence of the exemption from personal property taxation of tangible personal property located in the District and which is owned by the United States, exclusive of objects of art, museum pieces, statuary, and libraries. Tangible personal property located in the District owned by the United States may be estimated by one or more methods developed by the Mayor and approved by the Administrator of General Services.

(C) The amount obtained by multiplying by a fraction the actual collections, during the second fiscal year preceding the fiscal year for which the annual Federal payment is being requested, for corporation and unincorporated business franchise taxes, and taxes on insurance premiums and on gross earnings of financial institutions and guaranty companies. The numerator of such fraction shall be the total number of Federal Government employees whose places of employment are in the District, as estimated by the United States Civil Service Commission, and the denominator of which shall be the total number of other employees whose places of employment are in the District, as estimated by the United States Employment Service for the District, but excluding employees of the government of the District, employees in nonprofit activities, and domestics in private households, also as estimated by such Service.

(2) The amount of the charges for water services furnished to the Federal Government by the District during the second fiscal year preceding the year for which the annual Federal payment is being requested (to be paid to the water fund).

(3) The charges for sanitary sewer services furnished to the Federal Government by the District during the second fiscal year preceding the year for which the annual Federal payment is being requested (to be paid to the sanitary sewage works fund).

(b) On or before January 10 of each year the Mayor shall, with the approval of the Council, submit to the Administrator of General Services a computation of the amount of the Federal payment authorized to be appropriated under this title. After review by the Administrator of General Services of the Mayor's computation and certification by the Administrator on or before April 10 of the fiscal year preceding the fiscal year for which the authorization for the annual Federal payment is being computed that such computation is based upon a reasonable and fair assessment of real and personal property of the United States and a proper and accurate computation of the factors referred to in subsection 741(a)(1) and is in conformity with the provisions of this section, the Administrator shall certify the amount of such authorization to the Mayor, who shall submit it to the Congress, together with any request for the appropriation of such payment.

(c) The Administrator of General Services shall enter into cooperative arrangements with the Mayor whereby disputes, differences, or disagreements involving the Federal payment may be resolved.

(d) For the first fiscal year in which this part is effective, the amount of the annual Federal payment authorized to be appropriated may be computed on the basis of preliminary estimates: *Provided*, That such amount shall be subject to later adjustment in accordance with the provisions of this part.

TITLE VIII—ELECTIONS IN THE DISTRICT

Board of Elections

SEC. 801. (a) The members of the Board of Elections in office on the date when the Mayor first elected takes office shall continue in office for the remainder of the terms for which they were appointed. Their successors shall be appointed by the Mayor by and with the advice and consent of the Council. The term of each such successor (except in the case of an appointment to fill an unexpired term) shall be three years from the expiration of the term of his predecessor. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor. When a member's term of office expires, he may continue to serve until his successor is appointed and has qualified. Section 3 of the District Election Act of 1955 is hereby modified to the extent that it is inconsistent herewith.

(b) In addition to its other duties, the Board of Education shall also, for the purposes of this Act—

(1) maintain a permanent registry;

(2) conduct registrations and elections;

(3) in addition to determining appeals with respect to matters referred to in sections 808 and 811, determine appeals with respect to any other matters which (under regulations prescribed by it under the subsection (c)) may be appealed to it;

(4) provide for recording and counting votes by means of ballots or machines or both and, not less than five days before each election held pursuant to this Act, publish a copy of the official ballot to be used in any such election;

(5) divide the District into fourteen wards equal as possible in population and of geographic proportions as nearly regular, contiguous, and compact as possible, and establish voting precincts therein, each such voting precinct to contain at least three hundred and fifty registered voters, and thereafter, within six months after the publication by the United States Census Bureau of the population of the District at each decennial census or any more recent official census of the population of the District, redivide the District into fourteen wards in accordance with the criteria in this paragraph;

(6) operate polling places;

(7) certify nominees and the results of elections; and

(8) perform such other functions as are imposed upon it by this Act.

(c) The Board of Elections may prescribe such regulations not inconsistent with the provisions of this Act, as may be necessary or appropriate for the purposes of this title, of title XIV and of section 602, including, without limitation, regulations providing for appeals to it on questions arising in connection with nominations, registrations, and elections (in addition to matters referred to it in sections 808 and 811) and for determination by it of appeals, and regulations permitting qualified voters for the purpose of voting in any election held pursuant to this Act, to register at times when such persons are temporarily absent from the District or in the case of persons not absent from the District but who are physically unable to appear personally at an official registration place, to register in the manner prescribed in such regulations: *Provided*, That the Board of Elections shall accept as evidence of registration any Federal post card application for an absentee ballot prescribed in section 204 of the Federal Voting Assistance Act of 1955 (69 Stat. 584) when such application is duly executed and filed with the Board by any person included within one of the categories referred to in clauses (1), (2), (3), or (4) of section 101 of such Act.

(d) The officers and agencies of the District government shall furnish to the Board of Elections, upon request of such Board, such space and facilities in public buildings in the District to be used as registration or polling places, and such records, information, services, personnel, offices, and equipment, and such other assistance and facilities, as may be necessary to enable such Board properly to perform its functions. Subject to the approval of the Council, privately owned space, facilities, and equipment may be rented, or donations of such space, facilities, and equipment may be accepted for registration, polling, and other functions of the Board.

(e) In the performance of its duties, the Board of Elections shall not be subject to the authority of any nonjudicial officer of the District.

(f) The Board of Elections, each member of such Board, and persons authorized by it, may administer oaths to persons executing affidavits pursuant to sections 801 and 808. It may provide for the administering of such other oaths as it considers appropriate to require in the performance of its functions.

(g) The Board of Elections is authorized to employ such permanent and temporary personnel as may be necessary within the limit of funds therefor. The appointment, compensation, and other terms of employment may be set by the Board of Elections without regard to the provisions of section 402 of this Act: *Provided*, That the Council may set maximum rates of compensation for various classes of employees of the Board of Elections.

(h) In lieu of the compensation provided by section 4(b) of the District Election Act of 1955, each member of the Board of Elections shall be paid at the rate of $1,500 per annum in periodic installments, provided that the rate of compensation may be changed by act passed by the Council.

(i) Notwithstanding the provisions of the District Election Act of 1955 providing (1) that qualified voters shall register during the calendar year in which a Presidential election is held, (2) that the Board of Elections shall keep the registry open only during such calendar year, and (3) that the Board of Elections shall keep the registry closed during certain periods immediately preceding elections held under the District Election Act of 1955, the Board of Elections is authorized and directed, for the purpose of this Act, and of the District Election Act of 1955, to provide for permanent registration of voters, to keep the registry open as provided in this Act, and to permit qualified voters to register in accordance with applicable laws and regulations, at any time when the registry is open.

(j) No member of the Board of Elections may be a candidate at an election held under this Act.

Elections To Be Held

SEC. 802. (a) The Board of Elections, in addition to elections conducted by it pursuant to the District Election Act of 1955, shall conduct the following elections:

(1) A primary election to be held on the first Tuesday in May of each even-numbered calendar year commencing after this title takes effect.

(2) A general election, to be held on the first Tuesday following the first Monday in November in each even-numbered calendar year commencing after this title takes effect.

(3) Special elections and referendum elections held pursuant to sections 335(c), 602, 806, 812(b), 812(c), or 1701(b).

Elective Offices; Terms of Office

SEC. 803. (a) The offices of the District to be filled by election under this Act shall be the members of the Council, the Mayor, the Board of Education, and the District Delegate.

(b) The term of an elective office on the District Council shall be four years beginning on January 2 of the odd-numbered calendar year following such election.

(c) The term of office of the Mayor shall be four years, beginning on January 2 of the odd-numbered calendar year next following his election.

(d) The term of office of the District Delegate shall be two years beginning at noon on January 3 of the odd-numbered calendar year following such election.

(e) The term of an elective office on the Board of Education shall be four years beginning on January 2 of the odd-numbered calendar year following such election; except that of the members first elected following the effective date of this title, seven shall serve for terms of two years and seven for terms of four years. The members who shall serve for terms of four years shall be determined by lot.

Vacancies

SEC. 804. (a) If the office of Delegate becomes vacant, the Mayor, by and with the advice and consent of the Council, shall appoint a Delegate to fill the unexpired term.

(b) A vacancy in the office of Mayor shall be filled at the next general election held pursuant to this title for which it is possible for candidates to be nominated, under any procedure provided for in section 809 following the occurrence of such vacancy. A person elected to fill any such vacancy shall take office as soon as practicable following the certification of his election by the Board of Elections and shall hold office for the duration of the unexpired term to which he was elected but not beyond the end of such a term. Until a vacancy in the office of Mayor can be filled at a general election, as prescribed in this subsection, such vacancy shall be filled by appointment by the District Council.

(c)(1) A vacancy in the District Council shall be filled by appointment by the Mayor, by and with the advice and consent of the Council; except that in filling any vacancy in any of the at-large seats, the Mayor shall not appoint any person who is not a member of the same political party as that of the person who vacated the office to be filled by such appointment.

(2) A vacancy in the Board of Education shall be filled, without regard to political affiliation, by the Mayor, by and with the advice and consent of the Council.

(d) No person shall be appointed to any office under this section unless he is a registered voter and meets the residence and other qualifications required on the date of his appointment of a person filling such office. A person appointed to fill a vacancy under this section shall hold office until the time provided for an elected successor to take office, but not beyond the end of the term during which the vacancy occurred.

Election of Candidates

SEC. 805. (a)(1) The candidate of each party receiving the highest number of votes validly cast for each office in each of the several primary elections shall be declared the winner, and his name shall be placed on the ballot in the next general election as the candidate of his party.

(2) The three candidates of each party receiving the highest number of votes validly cast for the offices of councilmen-at-large in each of the several primary elections shall be declared the winners, and their names shall be placed on the ballot in the next general election as the candidates of their party. In no case shall any one political party be permitted to have the names of more than three persons as candidates of that party for election to the offices of councilmen-at-large placed on such ballot.

(b) In the general election, the candidate receiving the highest number of votes validly cast for each office shall be declared elected.

(c) In the event two or more candidates receive the same number of votes validly cast for the same office, the winner shall be determined by lot.

(d) Subject to the provisions of section 812, the Board of Elections shall promptly announce to the public the results of every election and shall certify all such results to the Mayor and the Secretary of the Council. It shall also certify the results of all elections for the office of the District Delegate to the Clerk of the House of Representatives of the United States.

Recall

SEC. 806. (a) Any elective officer of the District of Columbia shall be subject to recall by the qualified voters of the District. Any petition filed demanding the recall by the qualified voters of the District of any such elective officer shall be signed by not less than 25 per centum of the number of qualified voters of the District voting at the last preceding general election. Such petition shall set forth the reasons for the demand shall be filed with the Secretary of the District Council. If any such officer with respect to whom such a petition is filed shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as provided by law for filling a vacancy in that office arising from any other cause. If he shall not resign within five days after the petition is filed, a special election shall be called by the Council to be held within twenty days thereafter to determine whether the qualified voters of the District will recall such officer.

(b) There shall be printed on the ballot at such election, in not more than two hundred words, the reason or reasons for demanding the recall of any such officer, and in not more than two hundred words, the officer's justification or answer to such demands. Any officer with respect to whom a petition demanding his recall has been filed shall continue to perform the duties of his officer until the result of such special election is officially declared by the Board of Elections. No petition demanding the recall of any officer filed pursuant to this section shall be circulated against any officer of the District until he has held his office six months.

(c) If a majority of the qualified voters voting on any petition filed pursuant to this section vote to recall any officer, his recall shall be effective on the day on which the Board of Elections certifies the results of the special election, and the vacancy created thereby shall be filled immediately in a manner provided by law for filling a vacancy in that office arising from any other cause.

(d) The Board of Elections shall prescribe such regulations as may be necessary or appropriate (1) with respect to the form, filing, examination, amendment, and certification of a petition for recall filed pursuant to this section, and (2) with respect to the conduct of any special election held pursuant to this section.

Qualifications of Voters

SEC. 807. No person shall vote in an election held under this Act unless he meets the qualifications of a voter specified in this section and has registered pursuant to section 808 of this Act or section 7 of the District Election Act of 1955. A qualified voter of the District and a qualified elector of the District for the purposes of the District Election Act of 1955 shall be any person (1) who has resided in the District continuously during the one-year period ending on the day of the election, (2) who is a citizen of the United States, (3) who is on the day of the election at least twenty-one years old, (4) who has never been convicted of a felony in the United States, or, if he has been so convicted, has been pardoned, (5) who is not mentally incompetent, as adjudged by a court of competent jurisdiction, and (6) who certifies that he has not, within six months immediately preceding the election, claimed the right to vote or voted in any election in any State or territory of the United States (other than in the District).

Registration

SEC. 808. (a) No person shall be registered under this Act unless—

(1) he shall be able to qualify otherwise as a voter on the day of the next election; and

(2) he executes a registration affidavit by signature or mark (unless prevented by physical disability) on a form provided by the Board of Elections showing that he meets each of the requirements of section 807 of this Act for a qualified voter and if he desires to vote in a primary election, such form shall show his political party affiliation: *Provided*, That the Board shall accept as evidence of registration any Federal postcard application for an absentee ballot prescribed in section 204 of the Federal Voting Assistance Act of 1955 (69 Stat. 584) when such application is duly executed and filed with the Board by any person included within one of the categories referred to in clause (1), (2), (3), or (4) of section 101 of such Act.

(b) If a person is not permitted to register, such person or any qualified candidate, may appeal to the Board of Elections, but not later than three days after the registry is closed for the next election. The Board shall decide within seven days after the appeal is perfected whether the challenged voter is entitled to register. If the appeal is denied the appellant may, within three days after such denial, appeal to the District of Columbia Court of General Sessions. The court shall decide the issue not later than eighteen days before the day of the election. The decision of such court shall be final and not appealable. If the appeal is upheld by either the Board or the court, the challenged elector shall be allowed to register immediately. If the appeal is pending on election day, the challenged voter may cast a ballot marked "Challenged", as provided in section 811.

(c) For the purposes of this Act and of the District Election Act of 1955, the Board of Elections shall keep open, during normal hours of business, as determined by the Council, a central registry office and shall conduct registration at such other times and places as the Board of Elections shall deem appropriate. The Board of Elections may suspend the registration of voters, or the acceptance of changes in registrations for such period not exceeding thirty days next preceding any elections under this Act or under the District Election Act of 1955.

Nominations

SEC. 809. (a) Nomination of a candidate to be included on the ballot for a primary election shall take place when the Board of Elections receives a declaration of candidacy, accompanied by the filing fee in the amount required in subsection (f): *Provided*, That such candidate is duly registered as affiliated with the political party for which the nomination is sought and otherwise meets the qualifications for holding the office for which he seeks nomination.

(b) Nomination of an independent candidate who desires to have his name on the ballot in the general election shall take place when the Board of Elections receives a petition signed by the number of registered voters specified in this subsection and accompanied by a filing fee in the amount required by subsection (f). Petitions nominating an independent candidate for District Delegate or Mayor shall be signed by not less than five hundred qualified voters registered in the District. Petitions nominating a candidate for the District Council, other than a candidate for Councilman-at-large, shall be signed by not less than one hundred qualified voters registered in the ward from which nomination is sought. Petitions nominating an independent candidate for the District Council as a Councilman-at-large shall be signed by not less than five hundred qualified voters registered in the District. No person shall be barred from nomination as an independent candidate in the general election because he was a candidate for nomination in a primary election: *Provided*, That he complies with the requirements of this subsection.

(c) Nomination of a candidate for the Board of Education who desires to have his name on the ballot in the general election shall take place when the Board of Elections receives a petition signed by not less than one hundred qualified voters registered in the ward from which nomination is sought, and accompanied by a filing fee in the amount required by subsection (f).

(d) No person shall be a candidate for more than one office in any election. If a person is nominated for more than one office, he shall within three days after the last day on which nominations may be made notify the Board of Elections, in writing, for which office he elects to run.

(e) A candidate may withdraw his candidacy in writing if his withdrawal is received by the Board not more than three days after the last day on which nominations may be made.

(f) Filing fees to accompany a declaration of candidacy in the primary election or a petition nominating an independent candidate or a candidate for the Board of Education for inclusion on the ballot in the general election shall be $200 for a candidate for District Delegate or Mayor and $50 for a member of the District Council or a member of the Board of Education. No fee shall be refunded unless a candidacy is withdrawn as provided in subsection (d) or (e).

(g) The Board of Elections is authorized to accept any nominating petition as bona fide with respect to the qualifications of the signatories thereto: *Provided*, That the originals or facsimiles thereof have been posted in a suitable public place for at least ten days: *Provided further*, That no challenge as to the qualifications of the signatories shall have been received in writing by the Board of Elections within ten days of the first posting of such petition.

Partisan Elections

SEC. 810. (a) Except in the case of candidates for election to the Board of Education, ballots and voting machines may show party affiliations, emblems, or slogans.

(b) The form of ballot to be used in any election under this Act shall be determined by the Board of Elections: *Provided*, That in any such election, the position on the ballot of the candidates for each office shall be determined by lot: *Provided further*, That the Board of Elections shall make provision on the ballot for voters, in their discretion, to vote for groups of candidates by a single mark or to vote separately for individual candidates, regardless of their group affiliations: *Provided further*, That a candidate's name shall not be included in any such group without his written consent filed with the Board of Elections.

(c) The second sentence of section 9(a) of the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939 (53 Stat. 1147), as amended, shall not be applicable to any election held under this Act for the office of Mayor or for the office of member of the District Council or to political management or political campaigns in connection with any such election.

Method of Voting

SEC. 811. (a) Voting in all elections shall be secret.

(b) Each voter shall be entitled to vote for one candidate for the Council from the ward in which the voter is a resident and for five Councilmen-at-large, for one candidate for the Board of Education from the ward in which the voter is a resident, for one candidate for Mayor and for one candidate for District Delegate. The ballot shall, where applicable, show the wards from which each candidate for office as a member of the Council or of the Board of Education has been nominated.

(c) The ballot of a person who is registered as a resident of the District shall be valid only if cast in the voting precinct where the residence shown on his registration is located.

(d) Absentee voting under this Act shall be permitted to the same extent and subject to the same rules and regulations, including penalties, as absentee voting is permitted under the District Election Act of 1955.

(e) At least ten days prior to the date of any referendum or other election, any group of citizens or individual candidates interested in the outcome of the election may petition the Board of Elections for credentials authorizing watchers at any and all polling places during the voting hours and until the count has been completed. The Board of Elections shall formulate rules and regulations, not inconsistent with provisions of this title, to prescribe the form of watchers' credentials, to govern their conduct, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed.

(f) If the official in charge of the polling place, after hearing both parties to any challenge or acting on his own with respect to a prospective voter, reasonably believes the prospective voter is not qualified to vote, he shall allow the voter to cast a paper ballot marked "challenged". Ballots so cast shall be set aside, and no such ballot shall be counted until the challenge has been removed as provided in subsection (g).

(g) If a person has been permitted to vote only by challenged ballot, such person, or any qualified candidate, may appeal to the Board of Elections within three days after election day. The Board shall decide within seven days after the appeal is perfected whether the voter was qualified to vote. If the Board decides that the voter was qualified to vote, the word "challenged" shall be stricken from the voter's ballot and the ballot shall be treated as if it had not been challenged.

(h) If a voter is physically unable to mark his ballot or to operate the voting machine, the official in charge of the voting place may enter the voting booth with him and vote as directed. Upon the request of any such voter, a second election official may enter the voting booth to assist in the voting. The officials shall tell no one what votes were cast. The official in charge of the voting place shall make a return of all such voters, giving their names and disabilities.

(i) A voter shall vote only once with respect to each office to be filled.

(j) Copies of the regulations of the Board of Elections with respect to voting shall be made available to prospective voters at each polling place.

(k) Before being allowed to vote the voter shall sign a certificate, on a form to be prescribed by the Board of Elections, that he has duly registered under the election laws of the District and that, to his best knowledge and belief, he has not since such registration done any act which might disqualify him as a voter.

Recounts and contests

Sec. 812. (a) The provisions of section 11 of the District Election Act of 1955 with respect to recounts and contests shall be applicable to any election or referendum held under this Act, except that in the case of any referendum, any qualified voter who has voted in any such election may petition the Board of Elections for a recount of the votes cast in one or more precincts under the same conditions required for a candidate for office under section 11(a) of the District Election Act of 1955.

(b) If, pursuant to this section, the court voids all or part of an election, and if it determines that the number and importance of the matters involved outweigh the cost and practical disadvantages of holding another election, it may order a special election for the purpose of voting on the matters with respect to which the election was declared void.

(c) Special elections shall be conducted in a manner comparable to that prescribed for regular elections and at times and in the manner prescribed by the Board of Elections by regulation. A person elected at such an election shall take office on the day following the date on which the Board of Elections certifies the results of the election.

(d) Vacancies resulting from voiding all or part of an election shall be filled as prescribed in section 804 unless filled by a special election held pursuant to subsections (b) and (c) of this section.

Interference With Registration or Voting

Sec. 813. (a) No one shall interfere with the registration or voting of another person, except as it may be reasonably necessary in the performance of a duty imposed by law. No person performing such a duty shall interfere with the registration or voting of another person because of his race, color, sex, or religious belief, or his want of property or income.

(b) No registered voter shall be required to perform a military duty on election day which would prevent him from voting, except in time of war or public danger, or unless he is away from the District in military service. No registered voter may be arrested while voting or going to vote except for treason, a felony, or for a breach of the peace then committed.

Voting Hours

Sec. 814. Polling places shall be open from 8 o'clock antemeridian to 8 o'clock postmeridian on each day when elections are held pursuant to this Act.

Prohibition of the Sale of Alcoholic Beverages on Election Days

Sec. 815. The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act, as amended (sec. 25–107, D.C. Code, 1961 ed.), is amended to read as follows: "Notwithstanding any other provision of this Act, neither the District Council nor the Commissioners shall authorize the sale by any licensee, other than the holder of a retailer's license, class E, of any beverages on the day of the presidential election or of any election in the District of Columbia held under the District of Columbia Charter Act during the hours when the polls are open, and any such sales are hereby prohibited."

Violations

Sec. 816. Whoever willfully violates any provision of this title, or of any regulation prescribed and published by the Board of Elections under authority of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $500 or imprisoned for not more than six months, or both.

TITLE IX—MISCELLANEOUS

Agreements With United States

Sec. 901. (a) For the purpose of preventing duplication of effort or of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Bureau of the Budget and by the Mayor, with the approval of the District Council. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost of each Federal officer and agency in furnishing services to the District pursuant to any such agreement shall be paid, in accordance with the terms of the agreement, out of appropriations made by the Council to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement shall be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished.

Personal Interest in Contracts or Transactions

Sec. 902. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

Compensation From More Than One Source

Sec. 903. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Council, or the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of the Council or such Board, if such service does not interfere with the discharge of his duties in such other office or position.

Assistance of the United States Civil Service Commission in Development of District Merit System

Sec. 904. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system required by section 402(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The cost of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 901 of this Act.

Federal Control of Police Force; Special Police

Sec. 905. (a) Whenever the President deems it necessary or appropriate in order adequately to protect the Federal interest in the maintenance of public order in the District of Columbia, he may, through such official or agency as he may designate and until he otherwise directs, assume command of the police force of the District of Columbia. Such action shall not affect the status of the members of the police force as employees of the District of Columbia or the authority vested in them by law.

(b) Whenever the President deems it necessary or appropriate in order adequately to maintain public order in the District of Columbia, he may designate such persons as he may deem appropriate, including members of the Armed Forces of the United States, as special policemen in the District of Columbia. Such special policemen shall serve under the command of such official or agency as the President may designate and shall have the same powers as members of the police force of the District of Columbia and the United States Park Police.

TITLE X—SUCCESSION IN GOVERNMENT

Transfer of Personnel, Property, and Funds

SEC. 1001. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the members of Boards or Commissions abolished by this Act), property, records, and unexpended balances of appropriations and other funds, which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such question shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Bureau of the Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(b) No officer or employee shall, by reason of his transfer by this Act or his separation from service under this Act, be deprived of a civil service status held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

Existing Statutes, Regulations, and Other Actions

SEC. 1002. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided, nothing contained in this Act shall be construed as affecting the applicability to the District of Columbia government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage as provided in section 402(4).

Pending Actions and Proceedings

SEC. 1003. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by the reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceeding is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

Vacancies Resulting From Abolition of Board of Commissioners

SEC. 1004. Until the first day of July next after the first Mayor takes office under this Act, no vacancy occurring in any District agency by reason of section 321, abolishing the Board of Commissioners, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

TITLE XI—SEPARABILITY OF PROVISIONS

Separability of Provisions

SEC. 1101. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE XII—TEMPORARY PROVISIONS

Powers of the President During Transition Period

SEC. 1201. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the District Council, by Executive order or otherwise, with respect to the administration of the functions of the District of Columbia government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

Reimbursable Appropriations for the District

SEC. 1202. (a) The Secretary of the Treasury is authorized and directed to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title V, from the general fund of the District of Columbia.

TITLE XIII—EFFECTIVE DATES

Effective Dates

SEC. 1301. (a) As used in this title and title XIV the term "charter" means titles I to XI, both inclusive, and titles XV, XVI, and XVII.

(b) The charter shall take effect only if accepted pursuant to title XIV. If the charter is so accepted, it shall take effect on the day following the date on which it is accepted (as determined pursuant to section 1406) except that—

(1) part 2 of title III, title V, title VII (except part 4), and title XVII shall take effect on the day upon which the Council members first elected take office;

(2) section 402 shall take effect on the day upon which the Mayor first elected takes office; and

(3) part 4 of title VII shall take effect with respect to the first fiscal year beginning next after the Mayor first elected takes office and with respect to subsequent fiscal years.

(c) Titles XII, XIII, and XIV shall take effect on the day following the date on which this Act is enacted.

TITLE XIV—SUBMISSION OF CHARTER FOR REFERENDUM

Charter Referendum

SEC. 1401. (a) On a date to be fixed by the Board of Elections, not more than four months after the enactment of this Act, a referendum (in this title referred to as the "charter referendum") shall be conducted to determine whether the registered qualified voters of the District of Columbia accept the charter.

(b) As used in this title, a "qualified voter" means a person who meets the requirements of section 807 on the day of the charter referendum.

Board of Elections

SEC. 1402. (a) In addition to its other duties, the Board of Elections established under the District Election Act of 1955 shall conduct the charter referendum and certify the results thereof as provided in this title.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of section 801 of this Act shall govern the Board of Elections in the performance of its duties.

Registration

SEC. 1403. (a) All registrations which were valid for the election held in the District of Columbia on November 3, 1964, shall be valid and sufficient for the charter referendum, subject to compliance by registrants with requirements prescribed by the Board of Elections sufficient to satisfy the Board that no such registrant shall, between November 3, 1964, and the date of the charter referendum, have become disqualified for registration or to vote under this Act.

(b) The Board of Elections shall conduct within the District of Columbia for a period of thirty days a further registration of the qualified voters commencing not more than sixty days after the enactment of this Act and ending not more than thirty days nor less than fifteen days prior to the date set for the charter referendum as provided in section 1401 of this title.

(c) Prior to the commencement of such further registration, the Board of Elections shall publish, in daily newspapers of general circulation published in the District of Columbia, a list of the registration places and the dates and hours of registration.

(d) The applicable provisions of section 808, notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted, shall govern the further registration of voters for this charter referendum.

Charter Referendum Ballot: Notice of Voting

SEC. 1404. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Charter Act, enacted   , proposes to establish a new charter for the District of Columbia, but provides that the charter shall take effect only if it is accepted by the registered qualified voters of the District in this referendum.

"By marking a cross (X) in one of the squares provided below, show whether you are for or against the charter.

[ ] For the charter

[ ] Against the charter".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second paragraph of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than three days before the date of charter referendum, the Board of Elections shall mail to each person registered (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such person and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in newspapers of general circulation published in the District of Columbia, a list of the polling places and the date and hours of voting.

Method of Voting

SEC. 1405. Notwithstanding the fact such sections do not otherwise take effect unless the charter is accepted under this title, the applicable provisions of sections 811, 812. 813, 814, 815, and 816 of this Act shall govern the method of voting, recounts and contests, interference with registration or voting, and violations connected with this charter referendum.

Acceptance or Nonacceptance of Charter

SEC. 1406. (a) If a majority of the registered qualified voters voting in the charter referendum vote for the charter the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the result of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

TITLE XV—DELEGATE

District Delegate

SEC. 1501. (a) Until a constitutional amendment and subsequent congressional action otherwise provide, the people of the District shall be represented in the House of Representatives of the United States by a Delegate, to be known as the "Delegate from the District of Columbia", who shall be elected as provided in this Act. The Delegate shall have a seat in the House of Representatives with the right to debate, but not of voting. The Delegate shall be a member of the House Committee on the District of Columbia and shall possess in such committee the same powers and privileges as he has in the House of Representatives, and may make any motion except to reconsider. His term of office shall be for two years.

(b) No person shall hold the office of District Delegate unless he (1) is a qualified voter, (2) is at least twenty-five years old, (3) holds no other public office, and (4) is domiciled and resides in the District and during the three years next preceding his nomination (A) has been resident in and domiciled in the District, and (B) has not voted in any election (other than in the District) for any candidate for public office. He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

(c)(1) Subsection (a) of section 601 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), is amended by inserting immediately after "Representatives in Congress," the following: "the Delegate from the District of Columbia,".

(2) Clause (b) of section 1 of the Civil Service Retirement Act of May 29, 1930, as amended (70 Stat. 743), is hereby amended by striking out "from a Territory".

(3) The second paragraph under the heading "House of Representatives" in the Act of July 16, 1914 (2 U.S.C. 37), is hereby amended by striking out "from Territories".

(4) Paragraph (1) of section 302 of the Federal Corrupt Practices Act, 1929, as amended (2 U.S.C. 241), is hereby amended by inserting after "United States" the following: "and the District of Columbia".

(5) Section 591 of title 18, United States Code, is hereby amended by inserting "and the District of Columbia" before the period at the end thereof. Section 594 of such title is hereby amended by inserting after "Territories and Possessions" the following: "or the District of Columbia". The first paragraph of section 595 of such title is hereby amended by inserting after "from any Territory or possession" the following: "or the District of Columbia".

TITLE XVI—BOARD OF EDUCATION

Control of Public Schools

SEC. 1601. The control of the public schools of the District of Columbia is hereby vested in the Board of Education continued in the municipal government of the District of Columbia under the provisions of section 322(a)(1) of title III of this Act. Such Board shall consist of fourteen members, one elected from each ward, as provided in title VIII. Members of the Board of Education shall be elected on a nonpartisan basis.

Qualifications

SEC. 1602. No person shall hold office of member of the Board of Education unless he (1) is a qualified voter, (2) is domiciled in the District and resides in the ward from which he is nominated, (3) has, during the three years next preceding his nomination resided and been domiciled in the District, (4) has, for one year preceding his nomination, resided and been domiciled in the ward from which he is nominated, (5) holds no other elective public office. (6) holds no position as an officer or employee of the municipal government of the District of Columbia or any appointive office, for which compensation is provided out of District funds, and (7) holds no office to which he was appointed by the President of the United States and for which compensation is provided out of Federal or District funds. A member shall forfeit his office upon failure to maintain the qualifications required by this section.

Per Diem

SEC. 1603. The members of the Board of Education shall receive no salary as such, but shall be paid a per diem of $20 for each day of service at meetings or while on the work of the Board and may be reimbursed for any expenses legitimately incurred in the performance of such service or work; except that the amount authorized as per diem may be changed by act passed by the Council.

Amendments

SEC. 1604. (a) The fourth paragraph of subsection (a) of section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906, is amended to read as follows:

"The Board of Education shall annually on the 1st day of October transmit to the Mayor of the District of Columbia an estimate in detail of the amount of money required for the public schools for the ensuing year and the Mayor shall transmit such estimate to the District Council, with such recommendations as he may deem proper."

(b) The first four sentences of subsection (a) of section 2 of such Act are hereby repealed.

(c) Subsection (b) of section 2 of such Act is hereby repealed.

TITLE XVII—INITIATIVE

Power To Propose and Enact Legislation

SEC. 1701. (a) Subject to the provisions of section 324 of this Act, the qualified voters of the District shall have the power, independent of the Mayor and Council, to propose and enact legislation relating to the District with respect to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this Act.

(b) In exercising the power of initiative conferred upon the qualified voters by subsection (a) of this section, not less than 10 per centum of the number of qualified voters voting in the last preceding general election shall be required to propose any measure by an initiative petition. Every such petition shall include the full text of the measure so proposed and shall be filed with the Secretary of the District Council to be submitted to a vote of the qualified voters. Any such petition which has been filed with the Secretary, and certified by him as sufficient, shall be submitted to the qualified voters of the District at the first general election which occurs not less than thirty days nor more than one year from the date on which the Secretary files his certificate of sufficiency. The Council shall, if no general election is to be held within such period, provide for a special election for the purpose of considering the petition.

(c) Upon receiving the certification of the Board of Elections (as provided in section 805(d) of this Act) of the results of any election held with respect to any measure proposed by an initiative petition, the Secretary of the Council, if such measure was approved by a majority of the qualified voters of the District voting thereon, shall, within five calendar days thereafter, present the petition containing such measure so approved, which was filed with him pursuant to subsection (b) of this section, to the President of the United States. Such measure shall become law unless, within ten calendar days after it is so presented to the President, he shall, in accordance with this subsection, disapprove the same. The President may, if he is satisfied that such measure adversely affects a Federal interest, disapprove it, in which event he shall return it, with his objections, to the Secretary and, notwithstanding any other provision of this Act, such measure shall not become law.

(d) If conflicting measures proposed at the same election become law, the measure receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(e) If, within thirty days after the filing of a petition, the Secretary has not specified the particulars in which a petition is defective, the petition shall be deemed certified as sufficient for purposes of this section.

(f) The style of all measures proposed by initiative petition shall be as follows: "Be it enacted by the People of the District of Columbia".

(g) The Board of Elections shall prescribe such regulations as may be necessary or appropriate (1) with respect to the form, filing, examination, amendment, and certification of initiative petitions, and (2) with respect to the conduct of any election during which any such petition is considered.

(h) If any organization or group request it for the purpose of circulating descriptive matter relating to the measures proposed to be voted on, the Board of Elections shall either permit such organization or group to copy the names and addresses of the qualified electors or furnish it with a list thereof, at a charge to be determined by the Board of Elections, not exceeding the actual cost of reproducing such list.

TITLE XVIII—TITLE OF ACT

SEC. 1801. This Act, divided into titles and sections according to table of contents, and including the declaration of congressional policy which is a part of such Act, may be cited as the "District of Columbia Charter Act".

Mr. MULTER (interrupting reading of amendment). Mr. Chairman, I ask unanimous consent that the reading of the balance of the amendment be dispensed with and that the amendment be set forth in full in the RECORD and that I be given permission to explain it.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WATSON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read.

Mr. MULTER. Mr. Chairman, I again ask unanimous consent that further reading of the amendment be dispensed with and that it be set forth in the RECORD in full at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WAGGONNER. Mr. Chairman, reserving the right to object, will the gentleman explain his amendment?

Mr. MULTER. Mr. Chairman, if the gentleman will yield, when I am recognized under the 5-minute rule I shall be very happy to do so.

Mr. WAGGONNER. Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Chairman, it is not my desire to keep the Committee in session too long tonight. We have had a long, full day. I am going to make a brief explanation of the substitute that is pending and I would like at the conclusion of that, if it is agreeable to the members of the Committee, that the gentleman from California [Mr. SISK] be given an opportunity to offer his proposed substitute and that he then take 5 minutes to explain it and after that that the Committee then be asked to rise and come in tomorrow to proceed under the 5-minute rule.

Mr. Chairman, with reference to the proposed substitute which is now pending, H.R. 4644, was introduced in the other body as S. 1118. It was amended by the Senate. S. 1118, as it passed that body, and H.R. 4644 without amendments, were before the District Committee and are set forth in full in its hearings. Both of them are explained and analyzed throughout the RECORD and throughout the debate, and in this analysis sheet which I hold in my hand. That sheet was sent to all of the Members by the chairman of the House District Committee. It is set forth in full at page 211 of the House District hearings. It analyzes all of the bills. If the members of the Committee wish to save themselves the time they may refer to column 2, item No. 3, and there find a complete explanation of H.R. 4644 and S. 1118, as it passed the other body, together with a statement of all the things you have been told were not told to you about what commissions are abolished and what powers are given to the various functionaries brought into being by this bill. Then if you want to know succinctly the changes that the proposed amendment now before you does to that bill, and by that I now mean S. 1118 as it amends H.R. 4644, you have it in a joint letter that was sent to every Member of Congress by Messrs. HORTON, SICKLES, MATHIAS, and myself.

That letter which was sent to every Member of Congress, is set forth in full in the CONGRESSIONAL RECORD of September 23, 1965, at page 25013.

Then again you have a full, detailed explanation of S. 1118, as passed and sought to be amended by the amendment now pending before you in yesterday's RECORD which came to your desks this morning.

Very briefly, this is all the amendment does to S. 1118 as it passed the other body:

First. Instead of the proposal that those over 18 years of age shall have the right to vote it continues the voting age at 21. We continue the 21-year-age limit that we adopted some time ago when we gave the right to the District citizens to vote for President and Vice President. At that time, there was considerable debate about whether we should reduce that age limit from 21 to 18. The majority opinion was it should be 21 as it is throughout most of the country. By this amendment we continue the voting age limit at 21 years in the District.

Second. The second amendment that is proposed, at least in part to meet the objections to partisan elections. We provide that the election shall take place in off years for Mayor, City Council, and the Board of Education, and under the amendment they will be elected in years other than Presidential years, so we do not mix up local issues with national issues.

Third. The third amendment is to allay the fears of those people who, because of riots in various cities that have home rule—New York, Philadelphia, Boston, Chicago, and Los Angeles—think things may get out of hand, and there will be no force or power to bring about law and order. We give the President the right to take over the police force in the city of Washington in the event of any such emergency. We reaffirm in this same amendment the power he already has to call up the militia or the Armed Forces to maintain or restore law and order in the District of Columbia.

Fourth. The last of the amendments, except for one technical amendment which corrects the citation of a statute which was incorrectly cited is the amendment which takes out of the bill and restores and retains in the Congress the full, complete, and absolute right to appropriate money for the District of Columbia, whether it be $1 million, $50 million, or 1 penny. No money can be appropriated to the District of Columbia out of the U.S. Treasury unless and until it goes through the appropriation methods and the Congress appropriates it.

Mr. SISK. Mr. Chairman, I offer a substitute.

The CLERK. The amendment offered by Mr. SISK, as a substitute for the amendment offered by Mr. MULTER, is to strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "District of Columbia Charter Act".

DECLARATION OF POLICY

SEC. 2. It is the intent of Congress to make available to the inhabitants of the District of Columbia such measure and form of local self-government as they themselves shall democratically establish if such self-government is consistent with the constitutional injunction that Congress retain ultimate legislative authority over the Nation's Capital. In taking this action it is further the intent of Congress to demonstrate its fundamental and enduring belief in the merits of the democratic process by exercising its retained legislative responsibility for the seat of the Federal Government only as it concerns amendments to any charter which might be established under this Act, but not as it concerns the routine municipal affairs of the District of Columbia.

SELF-GOVERNMENT REFERENDUM AND CHARTER BOARD ELECTION

SEC. 3.(a) (1) The Board of Elections shall conduct a referendum, on a day specified by it, not later than one hundred days after the date of enactment of this Act to determine if the residents of the District of Columbia want self-government for the District of Columbia. The following proposition shall be submitted to the voters in the referendum:

"The voters of the District of Columbia are being asked in this election whether they want a District of Columbia Charter Board created whose purpose would be to write a charter for the District of Columbia. The charter if approved in accordance with the District of Columbia Charter Act, would establish local self-government for the District of Columbia. Do you approve the creation of a District of Columbia Charter Board? --------yes --------no."

(2) In order for the proposition to be approved, a majority of the registered voters must vote in the referendum and a majority of those voting must vote in favor of the proposition.

(b) The Board of Elections shall also conduct an election on the same day as the referendum to choose members of the Charter Board (to be established in accordance with section 4).

(c) Every qualified elector—

(1) who has registered with the Board of Elections, in accordance with section 7 of the District of Columbia election law, for the last election held in the District of Columbia prior to the date of the election and referendum authorized by this section and who the Board of Elections ascertains is still a qualified elector, or

(2) who registers with the Board of Elections in accordance with subsection (d) of this section,

shall be entitled to vote in such election and referendum.

(d) (1) The Board of Elections shall conduct a registration of electors under section 7 of the District of Columbia election law, during a period beginning as soon as practicable after the date of enactment of this Act and ending not more than thirty or less than twenty days before the date of the referendum and election.

(2) The Board of Elections may by regulation prescribe any reasonable method for ascertaining whether a person registered to vote in the last election held in the District of Columbia prior to the date of the election and referendum authorized by this section is a qualified elector. Any such person who it ascertains is a qualified elector shall be notified by mail before the beginning of the registration period established under paragraph (1) of this subsection.

(e)(1) Before the beginning of the registration period the Board of Elections shall publish in each of the daily newspapers of general circulation in the District of Columbia a list of registration places and the dates and hours of registration.

(2) Not later than two weeks before the election and referendum, the Board shall publish and mail to each registered voter a voter information pamphlet which shall contain (A) a statement (not exceeding one hundred and twenty-five words in length) by each candidate for election setting forth his qualifications, (B) an argument for approval of the proposition to be submitted in referendum, and (C) if this Act is not passed in each House without opposition, an argument for disapproval of that proposition. Each argument shall not exceed five hundred words in length. The argument for approval of that proposition shall be jointly written by two Members of Congress who voted for the approval of this Act, one appointed from the House by the Speaker and one appointed from the Senate by the President pro tempore. The argument for disapproval of that proposition shall be jointly written by two Members of Congress, similarly appointed, who voted against the approval of this Act if there were Members in each House that voted against approval of this Act; otherwise such argument shall be written by one Member, who voted against approval of this Act, who shall be selected by the President pro tempore or the Speaker, as the case may be.

(f)(1) In the election of members of the Charter Board, there shall be a number of different ballot forms equal to the number of candidates. The Board of Elections shall arrange such ballot forms so that the order in which the candidates' names appear on the ballot forms is rotated from one voting precinct to the next. The rotation shall be accomplished by arranging one ballot form so that the names of the candidates are listed vertically in alphabetical order, and by arranging each succeeding form by placing at the bottom of the list the name which was at the top of the list on the preceding form. The forms shall be allotted to voting precincts by lot in a manner prescribed by the regulations of the Board of Elections.

(2) Ballots and voting machines shall show no party affiliation, emblem, or slogan.

(g)(1) To be a candidate for the office of member of the Charter Board a person must be nominated in accordance with this subsection, must be a registered elector of the District of Columbia, and must have been a continuous resident of the District of Columbia for at least three years prior to the day of the election. The President, Vice President, Members of Congress, and officers and employees of the District of Columbia shall be ineligible for membership on the Charter Board.

(2) To be nominated as a candidate a person must present a petition to the Board of Elections not less than forty-five days prior to the election. Such petition shall contain signatures of at least three hundred registered electors and shall be accompanied by a nonrefundable filing fee of $25. The Board of Elections shall determine the validity of the signatures contained in such petition.

(3) Members of the Charter Board shall be elected from the District of Columbia at large.

(h)(1) In the election each voter may cast one vote for each of not more than fifteen candidates. The fifteen candidates receiving the largest number of votes shall be elected.

(2) The Board of Elections shall certify the results of the election and referendum to the President, the Clerk of the House, and the Secretary of the Senate, and the Board of Elections shall issue a certificate of election to each person elected to the Charter Board.

ESTABLISHMENT OF CHARTER BOARD

SEC. 4. (a) If the proposition submitted to the referendum conducted under section 3 is approved, there shall be established an independent agency of the United States to be known as the District of Columbia Charter Board. The Charter Board shall be composed of the fifteen persons elected in the election conducted under section 3. The candidate for office of member of the Charter Board who received the highest number of votes in such election shall be chairman of the Charter Board until the Charter Board selects a chairman from among its number.

(b) Each member of the Charter Board shall be entitled to receive $50 per diem when engaged in the performance of duties vested in the Charter Board, except that (1) a member who is also an officer or employee of the United States shall not be entitled to receive such per diem for any day for which he is compensated by the United States for his services as such an officer or employee, and (2) no member may receive more than $5,000 in the aggregate for his services as a member.

(c) The Charter Board shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(d) The Charter Board may procure, in accordance with the provisions of section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), the temporary or intermittent services of experts or consultants. Individuals so employed shall receive compensation at a rate to be fixed by the Charter Board, but not in excess of $100 per diem, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(e) The District of Columbia government shall furnish such space and facilities in public buildings in the District as the Charter Board may reasonably request, and shall provide the Charter Board with such records, information, and other services as may be required by the Board for the carrying out of its function.

(f) The Charter Board may hold meetings, hearings, and issue subpenas within the District of Columbia. Subpenas may be issued under the signature of the Chairman of the Charter Board or any member of the Charter Board designated by him, and may be served by any person designated by such Chairman or member.

(g) Hearings of the Charter Board shall be open to the public and shall be held at reasonable hours and at such places as to accommodate a reasonable number of spectators.

(h)(1) There is authorized to be appropriated not more than $300,000 for the administrative expenses of the Charter Board.

(2) There is authorized to be appropriated to the Board of Elections such sums as may be necessary to conduct the election and referendums authorized by this Act.

POWERS AND DUTIES OF CHARTER BOARD

SEC. 5. (a) Subject to the limitations in subsection (b), the Charter Board shall have the power to propose a District of Columbia charter, within two hundred and ten days from the day on which the election and referendum is held under section 3. Such charter shall, if approved in a referendum conducted under section 6 and if not disapproved by Congress under section 7, establish a municipal government for the District of Columbia. The Charter Board may propose a charter only by the vote of a majority of its members, and only one charter may be proposed. A copy of the proposed charter shall be transmitted to the Board of Elections.

(b)(1) The Charter Board is authorized to prepare a charter which may vest in a District of Columbia government complete legislative power over the District of Columbia with respect to all rightful subjects of legislation which are within the scope of the power of Congress in its capacity as the legislature for the District of Columbia as distinguished from its capacity as the National Legislature. The Congress reserves the right, at any time after the adoption of such a charter, to exercise its constitutional authority to amend in whatever fashion it chooses any charter written pursuant to this Act. Provisions of a charter may provide for subsequent amendment of the charter by the people of the District of Columbia. Such an amendment must be submitted in a referendum. However, such an amendment shall not take effect if disapproved by Congress in the manner provided by section 7(c).

(2) The President of the United States may disapprove any legislation enacted by a District of Columbia government established under a charter approved pursuant to this Act, but his positive assent is not needed for any such legislation to take effect.

(3) The Charter Board may also provide in the charter for the creation of such courts as may be necessary to assume the functions, solely relating to the affairs of the District of Columbia, of any Federal court within the District.

CHARTER REFERENDUM

SEC. 6. (a) The Board of Elections shall submit to referendum the charter proposed by the Charter Board. Such referendum shall be conducted by the Board of Elections, on a day specified by it, not later than forty-five days after the Charter Board transmits the charter proposed by it to the Board of Elections. The provisions of section 3 relating to the referendum conducted under that section shall be applicable to the referendum conducted under this section, except that (1) the registration period shall begin as soon as practicable after the transmission of the proposed charter to the Board of Elections, (2) the arguments respecting approval of the proposition shall be written by members of the Charter Board appointed by the chairman thereof, and (3) the voter information pamphlet shall contain a copy of the proposed charter.

(b) The following proposition shall be submitted to the voters in the referendum:

"The District of Columbia Charter Board has written a charter which, if approved in accordance with the District of Columbia Charter Act, would establish local self-government for the District of Columbia. Do you approve the charter?

--------yes --------no."

APPROVAL BY CONGRESS

SEC. 7. (a) A charter proposed by the Charter Board in accordance with section 5 and approved in referendum under section 6 shall be transmitted to the Congress. The delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

(b)(1) Except as otherwise provided in paragraph (2) of this subsection, the District of Columbia Charter transmitted to Congress shall take effect upon the expiration of ninety days following the date on which such charter is transmitted to Congress, unless between the date of transmittal and the expiration of such ninety-day period there has been approved by either of the two Houses of Congress a resolution stating that that House does not favor such charter.

(2) If before the expiration of such ninety-day period the Congress shall approve a concurrent resolution stating that the Congress approves such charter, such charter shall take

effect on the date of approval of such resolution.

(3) For purposes of this subsection in the computation of the ninety-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain or sine die.

(c) Amendments to such Charter which are approved in a referendum shall take effect in the manner provided in subsection (b) for such Charter.

DISSOLUTION OF CHARTER BOARD

SEC. 8. The Charter Board shall cease to exist seven months after the approval of the proposition submitted to referendum under section 3, unless the Board proposes a charter under section 5, in which case the Board shall cease to exist on the day after the day on which a referendum is conducted under section 6.

DEFINITIONS

SEC. 9. For purposes of this Act—

(1) the term "Charter Board" means the District of Columbia Charter Board established by section 4 of this Act;

(2) the term "District of Columbia Election Law" means the Act of August 12, 1955 (D.C. Code, sec. 1-1101 et seq.);

(3) the term "Board of Elections" means the Board of Elections for the District of Columbia; and

(4) the term "qualified elector" has the same meaning as it has in section 2(2) of the District of Columbia Election Law (D.C. Code, sec. 1-1102(2)).

Mr. SISK. Mr. Chairman, I shall not attempt to take the 5 minutes because I am sure each of us is interested in getting back to our office tonight. I would just simply say this: I would appreciate the serious consideration of every Member of this House on this substitute amendment which will appear in the RECORD in the morning. The bill is available in the back of the Chamber. The substitute that I have introduced is the original bill which I put in in July. I would appreciate my colleagues researching and reading that bill. It can be read within 10 minutes' time.

I would challenge anyone to show me where in any way it departs from the normal procedure that your own hometown would follow to secure its original charter or to secure a new charter. It is very simple. It is straightforward. It is to the point.

The question was raised a little while ago by one of my good friends and colleagues that we as Members of the Congress do not have time to spend on the affairs of the District of Columbia. This is why I believe even more strongly in my approach. Here among the Members of the Congress we have the talent to do it, but we do not have the time to spend and to analyze the problems and to write the type and kind of charter that is best for the city of Washington.

This proposal that I have offered will enable the citizens of the District of Columbia in a thoroughly democratic fashion to elect 15 of their own fellow citizens to sit down and spend 7 months to study this matter.

It further authorizes them to employ talent.

We provide up to $300,000 for them to get the finest help to draw up the kind and type of government best suited to meet the peculiar problems of this city and then to submit it back to their electorate for their vote up or down. If the electorate of the city of Washington approves it, then it comes here for the Congress to take a look at it from a constitutional standpoint and we have 90 days to act. If we do nothing, it automatically becomes law. If we approve it, it becomes the law. Or, of course, either House can pass a dissenting resolution if in the opinion of the Congress it is not in line with the best interests either of the Federal Government or of the city of Washington.

This in essence sums up my proposal. As I say I challenge anyone in this House of Representatives to tell me wherein their city and their own people and residents of their own districts do any differently when your city or your hometown seeks either an original charter or a new charter.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. WHITENER. The gentleman from California has suggested that all of us read the bill when it is printed in the RECORD. I know out of the gentleman's characteristic modesty, he would not suggest this, but I would suggest also that all of our colleagues read the splendid testimony that the gentleman gave during 2 days in his appearance before the subcommittee when we were conducting hearings. I think it would be very interesting and very helpful.

Mr. SISK. I thank the gentleman.

Mr. MULTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. ALBERT, having assumed the chair, Mr. KEOGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4644) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, had come to no resolution thereon.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight Thursday night to file certain privileged reports.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

THE SOVIET AND COMMUNIST BLOC DEFAMATION CAMPAIGN

Mr. PRICE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therewith a paper entitled "The Soviet and Communist Bloc Defamation Campaign."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, a major program to defame and discredit U.S. departments and agencies having responsibilities for national security has been conducted by the Soviet and Communist bloc since 1948. How it operates is explained in a paper, "The Soviet and Communist Bloc Defamation Campaign," which I submit for printing in the RECORD. Main targets are the Central Intelligence Agency and the Federal Bureau of Investigation.

The paper follows:

THE SOVIET AND COMMUNIST BLOC DEFAMATION CAMPAIGN

SYNOPSIS

1. The Soviet and Communist bloc effort to defame and discredit U.S. departments and agencies that have major responsibilities for national security has been underway since 1948. A major program is aimed at the Central Intelligence Agency and has grown markedly in quantity and intensity since the establishment of the KGB Department of Disinformation in 1959. This program now produces between 350 and 400 derogatory items annually. Communist press and radio attacks against the Agency reveal an increased sophistication in recent years. In addition, many Communist-inspired books and pamphlets which attack the existence, purposes, and status of CIA, and reflect a substantial budget for this activity, have appeared throughout southeast Asia, Africa, and the Near East.

2. CIA, in its intelligence role, is feared by the Soviets for its responsibility and ability to penetrate and unmask Communist conspiracies against democratic institutions. By striking at CIA, the attack also centers on the intelligence community with particular thrust against the FBI and Mr. J. Edgar Hoover. The objective of the overall program is to achieve the destruction, breakup, and neutralization of CIA. A basic requirement of Soviet policy and a major objective of the Soviet intelligence services is the destruction of effective security collaboration among the non-Communist countries in order to carry out Soviet long-term strategic plans for subversion, political upheavals, popular fronts, and the eventual political isolation of the United States.

3. Defamation and forgery operations are conceived, directed, and perpetrated by a single organization located outside the target areas which makes use of local Communist or pro-Communist propagandists and of cooperating Communist bloc intelligence and security services. Although such undertakings are the products of the disinformation department of the KGB, known as department D, which is headed by Gen. Ivan Ivanovich Agayants, they are reviewed and passed on by the Soviet leadership. The operations of the Soviet Disinformation Department have been successful thus far in stimulating a wide replay in Africa, southeast Asia, the Middle East, and even in the United States. CIA will continue to be the prime target of Soviet disinformation and defamation operations.

SOVIET AND COMMUNIST DISINFORMATION

4. It is an established Soviet principle—now embraced by all members of the Communist bloc—that a large percentage of subversive activity be devoted to the planning and conduct of disinformation (dezinformatsiya) operations which mold, divide, and mislead other governments or leaders, and cause them to adopt policies and undertakings which are ultimately advantageous only to the Soviet Union. The Soviet leadership has charged the Soviet State Security Service, the KGB, to place very great emphasis, both organizationally and operationally, on disinformation activity. Communist bloc services, in turn, are playing their part in this work.

5. What are disinformation operations? "Dezinformatsiya," in Soviet terminology, is false, incomplete, or misleading information that is passed, fed, or confirmed to a targetted

individual, group, or country. "Propaganda," as it is defined by free world students, may be used as a support element of dezinformatsiya, but propaganda per se lacks the precision and bite of disinformation.

6. Soviet disinformation activity is planned and directed by a specialized department of the Soviet State Security Service. This KGB department, which was created to intensify Soviet disinformation activity, is headed by Gen. Ivan Ivanovich Agayants, a senior, professional intelligence officer with long experience and well-developed agent and political contacts in Western Europe, especially in France, where he served under the name Ivan Ivanovich Avalov. At one time in France he controlled the French spy Georges Pasques who was sentenced to life imprisonment on July 7, 1964.

7. The assignment of Agayants to take over the disinformation task indicates the high priority that the then Chairman of the Presidium, Nikita Khrushchev, gave to the campaign against American leadership and activity. Chairman Kosygin and First Secretary Brezhnev have made no changes in that program. Department D is still directly tied into the Presidium in the planning of its work.[1]

8. Agayants' department is staffed by an estimated 40 to 50 geographical and functional specialists in Moscow alone; it avails itself directly and peremptorily of the worldwide resources, manpower and operations, of the Soviet security apparatus. The purposes, broadly stated, of the disinformation department are to:

(a) Destroy the confidence of the Congress and the American public in U.S. personnel and agencies engaged in anti-Communist and cold war activity.

(b) Undermine American prestige and democratic institutions and denigrate American leadership with NATO governments and other non-Communist countries, thereby contributing directly to the breakup of the NATO alliance.

(c) Sow distrust and create grounds for subversion and revolt against the United States in the Western Hemisphere and among the new nations of Africa and Asia.

These purposes and objectives, it must be emphasized, have been established by the highest elements of party and government in the Soviet Union.

9. Personal experiences with this program have been described by officers who have left the Soviet system and are now in the United States. One of these—Alexander Kaznacheev, who served in Burma as an information officer—described the program and the process in a recent personal memoir:

"Articles were originated in KGB headquarters in Moscow—for example, about alleged American support of the Indonesian rebels, frequent American violations of Cambodia's sovereignty, subversive activity of Japan in the region, etc. The articles were received from Moscow on microfilm and reproduced as enlarged photo-copies at the Embassy. It was my job to translate them into English. Some other members of Vozny's[2] group would then arrange through local agents for the articles to be placed in one of the Burmese newspapers, usually pro-Communist-oriented. The newspaper would translate the article into Burmese, make slight changes in style, and sign it from 'Our special correspondent in Singapore,' for instance. Upon publication of such an article, the illegitimate creation of Soviet intelligence receives an appearance of legitimacy and becomes a sort of document.

"But the work was not yet finished. I then took the published article and checked it against the original Russian text. I noted all the changes and variations made by the newspaper, and wrote down in Russian the final version of the article. This final version was then immediately sent back to Moscow, this time through Tass channels.

"The last stage of this grandiose forgery was under the special care of the Soviet Information Bureau, Tass, Radio-Moscow, the Soviet press, and Soviet diplomatic representatives abroad. It is their duty to see that the material is republished and distributed in all countries of the region as if they were genuine documents which had appeared in the Burmese press."[3]

10. Although the KGB is able to fabricate in Moscow whatever material is needed for its disinformation operations, it has been making more and more use of material published in the West, some of which had been planted there by earlier disinformation activities. An examination of the books and articles cited in any of the anti-CIA pamphlets reveals extensive use of Western source material, often taken out of context. The most recent Soviet articles on the Agency are exclusively "documented" from Western books, articles, and newspapers.

11. In the 58 pages of "CIA Over Asia," a slanderous booklet published in Kanpur, India, in 1962, for example, American newspapers and magazines are cited 11 times, periodicals of other Western or neutral countries 15 times. The fact that some references are made to Communist organs is obscured by repeated citations from reputable American publications.

12. A study of Soviet disinformation shows that the Soviets are engaged in an impressive research project to collect and process information and speculation about American intelligence and security services that appears in Western publications and newspapers. This study also has confirmed the deep interest of the Soviet services in the development and milking of Western journalists. Americans figure prominently among these.

13. The measure and depth of department D's activity against the CIA may be judged from a single episode. A booklet attacking the former Director of Central Intelligence, Mr. Allen W. Dulles, entitled "A Study of a Master Spy" (Allen Dulles), was printed and distributed in London during 1961, and has since been reprinted. The ostensible author was a prominent maverick Labor Member of Parliament, one Bob Edwards, who was supposedly assisted in the effort by a British journalist. It is now known that the manuscript was researched in Moscow by a senior KGB disinformation officer, Col. Vassily Sitnikov, and then served up for final polish and printing in the United Kingdom. Mr. Dulles himself discussed this episode on a TV roundtable on March 29, 1964:

"Mr. HANSON BALDWIN. Well, that brings up, too, doesn't it, the question of disinformation? What kind of disinformation is being distributed by the Soviets today? Can you explain this, Allen?

"Mr. DULLES. Well, I have here right in my hand—

"Mr. BALDWIN. And what is disinformation, anyway?

"Mr. DULLES. Well, this is it. Here's 'A Study of a Master Spy.' Here's a booklet that was written about me. Now, it bears on the outside here, you see, 'A Study of a Master Spy.' I won't give you the names of the authors, but one of them is a member of the legislature of a very great, friendly country. But the real author of this—I am the 'master spy'—I have found out recently after certain research has been done, that the real author of this pamphlet is a Colonel Sitnikov, whom I believe you know, or know of. He is the real author.

"Mr. DERYABIN.[4] Sitnikov? I used to work with Sitnikov in Vienna when he was deputy chief of the Soviet spy force, and he was the chief of an American desk, I mean, working against Americans. He was trained as an intelligence officer. One time he was a spy chief in Berlin and Potsdam, another time he was in Vienna. To my knowledge last time he was in Bonn as a counselor to the Embassy, but I mentioned him in my book and in the articles in Life in 1959, and it is my belief that he is at home now.

"Mr. DULLES. He has a whole dossier on me. I've read some things there about myself that even I didn't know."

CONTINUING ATTACK ON THE DCI

14. The resignation of Mr. Allen Dulles and the appointment of Mr. John McCone necessitated a shift in the Communist attack on the Director of Central Intelligence. The Soviet propaganda transition from one Director of Central Intelligence to another was accomplished by June 1963 with the publication of a pamphlet entitled, "Spy No. 1." Issued by the State Publishing House of Political Literature in Moscow (June 1963), the substance of the book is summarized on the title page:

"John Alex McCone is the Director of the Central Intelligence Agency of the United States. Behind the exterior of a respectable gentleman is hidden the seasoned spy, the organizer of dirty political intrigues and criminal conspiracies.

"This pamphlet tells of the past of the chief of American intelligence, of the methods by which he amassed his millions and became the servant of the uncrowned kings of America, the Rockefellers, and of the influence which McCone exerts on the policies of the U.S. Government, particularly in the Cuban affair."

15. In November 1964, the Soviet newspaper Komsomol'skaya Pravda published a further attack on Mr. McCone entitled, "The Spy With the Slide Rule." Referring to Mr. McCone's activities as Director of CIA, the article added, "Under the leadership of McCone, the CIA was transformed from just an invisible government to a government of U.S. oil monopolies, mainly Standard Oil and its owners, the Rockefeller group. All of the military adventures in Lebanon, in southeast Asia, Aden, and Brazil, were carried out with the participation of emissaries of the man with the slide rule."

16. On December 8, 1964, Moscow domestic radio stated: "The American newspaper New York Herald Tribune had reported that:

"U.S. Central Intelligence Agency boss John McCone has secretly approached President Johnson with a resignation request * * * the American press prefers for the moment not to speak about the actual reason for McCone's resignation. The reason for it consists, in the first instance, in the serious collapse of American foreign policy, which, to a considerable degree, is formulated on the data provided by the CIA. Basing its activity on defense of the interests of the largest monopolistic groups based on the ideology of anticommunism and militarism, the CIA is proving incapable of a more or less objective correct appraisal of the balance of power in the world arena. * * * The American journalists, David

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[1] It will be recalled that Khrushchev, during his U.S. visit in September 1959, engaged in more than one discussion at the White House and during his tour designed to destroy confidence in American intelligence. His statements and remarks made during interviews, it is known, were prepared in advance in consultation with the department of disinformation.

[2] Ivan Mikhailovich Vozny, a KGB officer, was head of the political intelligence section at the Soviet Embassy in Rangoon, Burma.

[3] Alexander Kaznacheev, "Inside a Soviet Embassy" (New York, 1962), pp. 12–173.

[4] Peter Deryabin is a former KGB officer, now in the United States. His personal memoir, "The Secret World" (New York, 1959) is probably the most authoritative public account of KGB organization and activity.

White [sic] and Thomas Ross, drawing attention to the subversive activity of the CIA, just call it 'The Invisible Government'.[5] * * * There is a basis to suspect, White and Ross write, that frequently the foreign policy of the United States as made public in the speeches of the State officials, acts in one direction, while secretly, through 'The Invisible Government,' it acts in the opposite direction."

17. President Johnson's appointment of Adm. William F. Raborn on April 11, 1965 gave the Soviet press another opportunity to review and renew its attack on the Director of Central Intelligence. Moscow domestic radio announced the next day that the appointment signified "the further strengthening of cooperation between the espionage apparatus and the military and military industrial monopolies."

18. An editorial published on April 14, 1965 in the Tanzanian newspaper, the Nationalist, which was replayed by the New China News Agency, claimed that Admiral Raborn's appointment implied an "attempt to save the face of the United States over accusations of interference in the internal affairs of newly independent states in particular."

19. Krasnaya Zvezda in Moscow asserted (April 18, 1965) that the departure of Mr. McCone and General Marshall S. Carter was "connected with new failures in assessing those forces against which American imperialism in aiming its aggressive blows." The article concluded, "The American imperialists probably assume that Raborn will be a more successful accomplice for them in the struggle against the peoples of the socialist countries and other freedom-loving peoples. These hopes are hardly justified, however, since in our era the course of historical events is not being determined by the Raborns and not even by their Wall Street bosses."

20. On June 5, 1965, the Greek Communist newspaper Avghi, in an article entitled, "U.S. Master Spy, William Raborn," alleged that the appointment of Admiral Raborn was intended "to lessen the enmity between the CIA and the Defense Department Intelligence Service." The article continued, "The main reason is the fact that the key posts in the American administration are now being taken over by representatives of the top and overt forms of monopolist capital, the most reactionary force that leans toward dangerous adventurism. At least that is what the events in Indochina, Dominican Republic, Congo, and elsewhere show."

THE COMMUNIST CHARGES AGAINST CIA

21. The themes exploited by the campaign of the Communist bloc against CIA, its Director, and its operations have remained generally the same since the beginning of the attack. Nevertheless, slants and replays have been constantly adjusted to changing world and regional political developments and to the vulnerabilities of target audiences and individuals, particularly in the newly emerging areas. The basic anti-CIA themes in use as of midsummer 1965 are:

(a) CIA is an instrument of American imperialism. It is racist, and a direct threat to national liberation movements.

(b) In its work against national liberation movements, CIA engages in espionage, economic and political subversion, sabotage, assassination and terrorism; it trains and supports counter-revolutionary forces.

(c) CIA is an instrument of American aggression and gathers intelligence for aggressive plans against peace-loving socialist states. Diplomats, tourists, and scientists are used by CIA for these purposes.

(d) CIA dominates and generates American foreign policy.

(e) CIA engages in psychological warfare, utilizing falsehoods to undermine the international authority of the U.S.S.R.

(f) CIA is fighting the Communist Party of the U.S.A. and the Communist and Worker Parties of other capitalist countries.

(g) CIA spies on the allies of the United States and overthrows its henchmen who are unable to suppress national liberation movements.

22. The increasing weight of the attack on CIA becomes evident when an examination is made of the periodicals International Affairs, New Times, and Kommunist, all three of which are issued in Moscow, the first two in English and other languages. International Affairs carried one major article on American intelligence in 1960 and another in 1962. Since March 1964, there have been five articles devoted to that theme. These articles have alleged in general that intelligence controls U.S. foreign policy and big business controls intelligence.[6] The New Times published one article on CIA in 1961, and one in 1963.

Three articles concerning CIA were published by this multilingual magazine during 1964.[7] In May 1965, Kommunist published an article with the title, "The American Intelligence Service Is a Weapon of Adventurism and Provocation."

23. The assassination of President Kennedy was the subject of a book by Joachim Joesten entitled, "Oswald—Assassin or Fall Guy?" (1964) published by Marzani and Munsell Publishers, Inc. of New York, in which Joesten states that there is no question in his mind that Oswald was a minor CIA agent. Marzani, a known Communist, was coauthor of a pamphlet, "Cuba Vs. CIA," published in 1961. Joesten is revealed in a German Security Police memorandum, dated November 8, 1937, to have been an active member of the German Communist Party (KPD) since May 12, 1932; he was issued Communist Party membership card (Mitgliedsbuch) No. 532315.

24. A primary aim of Soviet disinformation is to sow distrust among the Western allies by discrediting the policies and motives of the United States and American methods of implemeting those policies. Considerable attention is devoted to creating apprehension, uncertainty, and antagonism toward the United States among the uncommitted and underdeveloped nations. Thus, the Soviets reiterate the longstanding Communist charge that the United States is imperialistic and seeks world domination. They continually emphasize the theme that CIA is a major instrument in the execution of American policy. Two pamphlets, "CIA Over Asia" (Kanpur, 1962) and "America's Undeclared War" (Bombay, 1963), are dedicated to this theme.

25. An example of the use of the daily press and radio to mount this line of attack occurred 2 years ago in Ghana. Sufficient time has now passed to permit an evaluation of the episode. In late February and March 1963, CIA was subjected to an attack in the Ghana press and radio which attempted to tie the Agency to the death of Premier Qassim of Iraq. This campaign was allegedly based on an article in the French paper L'Express which asserted that CIA was the "author of the Iraq murder." An article in the Ghana Evening News for February 28, 1963 was headlined "Neo-Colonialist Terror in Iraq Menacing Threat Against Africa." On May 15, 1965, the Spark, a weekly Ghanian newspaper, carried a front page story with the headline "The Secret War of CIA: The Killer at Your Door." According to the article, "This murderous game, which goes by the innocent-sounding name of 'intelligence', has its Western-World nerve-center in America's Central Intelligency Agency, known briefly as CIA." Included in the article were eight illustrations of "spy equipment." Four of these illustrations had earlier appeared in West Berlin—The Facts, an anti-CIA tract that was published in Moscow in 1962.

26. A major theme developed principally in the uncommitted areas during the past 12 to 18 months has been the alleged interference of the United States, and especially CIA, in the internal affairs of other countries. Three recent pamphlets, "American Intelligence—This Is Your Enemy" (Cairo, April 1964), "The Truth About Komla Gbedemah" (Ghana, October 1964), and "Operation Boa Constrictor" (Colombo, 1964) develop the idea that through its intelligence and aid agencies, the United States is engaged in a conspiracy to dominate the Middle East, Africa, and Asia. The conspiracy allegedly takes the form of active efforts to overthrow anti-American governments and to gain economic control of these areas through foreign aid and economic exploitation.

SOVIET FORGERIES

27. One of the preferred instruments utilized by the Soviets to disseminate disinformation is the forged document. Detailed testimony on 32 U.S. forgeries attributable to the Communist bloc was given by Mr. Richard Helms of CIA on June 2, 1961, before the Internal Security Subcommittee of the U.S. Senate Committee on the Judiciary. Fourteen new instances of forged U.S. official documents have come under scrutiny by the end of July 1965. Some of the more recent examples are still being studied. Although CIA has not been omitted from some of these spurious documents, the principal purpose of such forgeries has been to discredit U.S. policies and the repersentatives of other U.S. agencies overseas, such as the Department of State, USIA, the Peace Corps, the Armed Forces of the United States and American political leaders generally.

28. The Soviet defamation campaign, whatever may be its targets, has but one objective. Defamation of CIA is only an aspect of a coherent, well-orchestrated effort to denigrate the United States and its policies before world opinion. Every department and agency of the U.S. Government is a potential target of the disinformation department when such attacks will serve Soviet interests. Whatever may be the immediate subject of any single Soviet disinformation operation—CIA, the State Department, the Peace Corps, or USIA—the ultimate objective is to isolate and destroy what the KGB designates as "Glavni Vrag" ("Main Enemy"), the United States.

CONCERN GROWS FOR DEPARTMENT OF DEFENSE LOAN SHARK APATHY

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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[5] Reference is to the book by David Wise and Thomas B. Ross, "The Invisible Government," New York, Random House, 1964.

[6] The articles were entitled "Imperialist Intelligence and Foreign Policy" (March 1964), "CIA Intrigues in Latin America" (June 1964), "An Imperialist Spy Consortium" (September 1964), "U.S. Intelligence and Foreign Policy" (October 1964), "U.S. Intelligence and the Monopolies" (January 1965). There were short references to CIA in articles dealing with other topics in its issues of July and August 1965.

[7] "American Cassandra" (Jan. 22, 1964), "Soviet Gold" and "The Espionage Jungle" (Aug. 12, 1964). There have been two pieces on CIA in the magazine to date in 1965.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, last Thursday I addressed this body concerning the widespread abusive practices that are being used by loan sharks and some finance companies in dealing with servicemen.

I also pointed out that the Department of Defense has taken some action to curtail these abuses, which is commendable, but the action is far too little considering that these loan sharks and sharp-practice finance companies have been operating without restraint from the Department of Defense for years.

It is extremely gratifying to me to know that veterans' organizations throughout this country are also concerned about this problem. The Italian American War Veterans passed a resolution at its recent convention asking that the Department of Defense take all measures to stop such operators in general, and Federal Services Finance Corp. in particular.

Mr. Speaker, the Catholic War Veterans have also expressed their acute interest in this matter and have written to the Secretary of Defense inquiring as to the positive actions which have been taken to curtail the operations of loan sharks. I am including a copy of the letter to Secretary McNamara from the Catholic War Veterans national commander, Martin G. Riley. I only hope that in the near future the Defense Department will issue regulations that are strong enough to wipe out the vicious loan sharks that prey on our servicemen.

The letter follows:

CATHOLIC WAR VETERANS,
Washington, D.C., September 27, 1965.

HON. ROBERT S. MCNAMARA,
Secretary of Defense,
The Pentagon,
Washington, D.C.

MY DEAR SECRETARY: I have recently reviewed a copy of the CONGRESSIONAL RECORD for September 23, particularly with reference to the subject matter on page 24996 regarding an investigation of the Federal Services Finance Corp. I have also reviewed the hearings before the Subcommittee on Domestic Finance of the Committee on Banking and Currency of the House of Reprepresentatives, 89th Congress, 1st session, part I, covering hearings investigating the Federal Services Finance Corp. on June 9, 16, 17, 18; and July 14, 1965.

The information contained in these hearings is appalling and I am amazed that such a condition is tolerated or that you or your subordinates have not taken steps to prevent practices such as are indicated in these hearings, by this or any other company. To me one of the primary elements of command is protection of the troops, and I consider this to come within the scope of protection of the troops.

I would appreciate hearing of some positive action on the part of you or your subordinate commanders on this matter.

Sincerely yours,

MARTIN G. RILEY,
National Commander.

LARRY O'BRIEN, POSTMASTER GENERAL

Mr. ADAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ADAMS. Mr. Speaker, I was very pleased to receive information that Larry O'Brien had been appointed to be Postmaster General of the United States. I have known Larry O'Brien for many years, both before and after my entering Congress. Larry O'Brien will bring to this office a broad background and knowledge of the United States and its individual cities, and I am very pleased that such an excellent choice has been made.

I regret that he will be leaving the White House legislative liaison position because we shall all miss his personal contact with each of us. We do hope, however, that we will be able to continue seeing and working with Larry in his new position.

NATIONAL 4-H CLUB WEEK

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, for myself, and I am sure for every Member of the Congress, I congratulate the 2,200,000 young men and women who belong to 4-H Clubs during this national 4-H Club Week. Sharing with them in this observance will be parents, leaders, and 4-H friends in all the 50 States of the American Union and Puerto Rico.

Mr. Speaker, 23 million different young people have participated in 4-H Club work since 1914 when the Smith-Lever Act authorized the Extension Service which helped finance and promote 4-H Club activity.

It is proper during National 4-H Club Week that we recall the great statesmanship and foresight of the late Congressman A. Francis Lever, of South Carolina, and the late Senator Hoke Smith, of Georgia, for sponsoring legislation which created our Extension Service.

Throughout our country this week great emphasis will be placed on National 4-H Club Week, and I hope a large number of young people will be influenced to join 4-H Clubs and that more men and women will become volunteer 4-H leaders. Ladies and gentleman of the House, I would like to emphasize the fact that these outstanding young men and women come from rural and urban communities.

Mr. Speaker, our 4-H Clubs have the answer to increasing crime, juvenile delinquency, immorality, and disrespect for law and order. These young men and women are a dynamic positive force in a world of turmoil, hatred, and war.

The 4-H emblem adopted in 1927 is the four-leaf clover with a letter "H" on each leaf. Each leaf stands for head, heart, hands, and health. The 4-H Club colors are green and white. The white background on the 4-H flag symbolizes purity; the green of the emblem represents nature's most common color, and is also symbolic of youth, life, and growth.

Mr. Speaker, the 4-H pledge is:

I pledge—
My Head to clearer thinking,
My Heart to greater loyalty,
My Hands to larger service,
My Health to better living, for my club, my community, and my country.

I salute and commend our 4-H Club young men and women during National 4-H Club Week and wish for them the very best always.

UNITED STATES-CANADIAN RELATIONS

Mr. TUPPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. TUPPER. Mr. Speaker, several weeks ago a group of Republican House Members initiated a study of United States-Canadian relations. We were very fortunate in having Dr. Douglas Bailey, a former research fellow at Harvard School of International Relations, direct the staff work on this project; to him goes a major share of the credit for this endeavor.

We have published a report with a number of recommendations which we believe are worthy of consideration, toward the end of improving relations between the two great nations.

It is our hope that a large number of Members will take the time to peruse this report carefully.

The report follows:

UNITED STATES-CANADIAN RELATIONS

On June 28, 1965, the Honorable Livingston T. Merchant, former U.S. Ambassador to Canada, and the Honorable A. D. P. Heeney, former Canadian Ambassador to the United States and present Chairman of the Canadian section of the International Joint Commission, issued their report on "Canada and the United States—Principles for Partnership." As an effort to calm tensions in an increasingly troubled relationship and as an effort to lay a broad foundation on which to build that relationship anew, the Merchant-Heeney report is a skillfully written document prepared by two masters of the diplomatic art. We hope that the two nations can now proceed to consider in depth the many real and practical issues which confront them.

This study has been designed to help the U.S. Government in its efforts to give substance to the principles defined in the Merchant-Heeney report. It is neither an exhaustive review of all United States-Canadian affairs nor a definitive examination of any single problem confronted by the two countries, but it does offer a broad number of specific suggestions for U.S. policy.

At the outset, we admit to a perspective on United States-Canadian relations which differs in degree from that embraced in the Merchant-Heeney report. We, too, in their words, "are convinced that the nature and extent of the relationship between our two countries is such as to require, in the interests of both, something more than the normal arrangement for the conduct of their affairs with one another." But we are convinced further that the nature and extent of that relationship requires, in the interest of future generations around the globe, something far more than a normal international arrangement. The United States and Canada, two sovereign nations, each appropriately jealous of its national independence, have a unique opportunity to establish between themselves a model of relations between independent states which can serve to guide the future course of nations everywhere.

It is trite, but true, to talk of a world where every nation sits on the doorstep of every other, where communications with and travel to and knowledge of all parts of the globe are commonplace, and where the costs of misunderstanding and belligerence are immeasurable. It is in this perspective that the familiar cliches of United States-Canadian relations—the longest unfortified border, an unparalleled history of peace, and a common bond of purpose—take on new meaning. For it is in this perspective that Canada and the United States face their greatest challenge—in the search for the institutions and the good will which will allow great and independent nations to live at peace and in mutual prosperity.

We share the frustration of Dr. Phyllis Ross, chancellor of the University of British Columbia, who has written:

"The philosopher's dream of an age of plenty in which men through physical security might obtain serenity of mind seems, in an illusory and shifting way, to be almost within our reach. Yet many of these advances, far from placing man on the bright benchlands of a new civilization, have set him wandering aimlessly through strange and desperate valleys."

It must be the task of our two nations, individually and together, to seek the bright benchlands of a new civilization; for, if the United States and Canada cannot establish a model of peaceful and progressive international relations, which nations can?

The greatest single deterrent to a new maturity in United States-Canadian affairs is an appalling ignorance about Canada in America. In a sense, our peoples and our nations have been too close, for we Americans tend not to think of Canadians as foreigners and not to think of Canada as an independent nation. Consequently, in the foreign policy of our Government and in the day-to-day lives of each of us, Canada and Canadians are too often taken for granted. Douglas LePan, principal of University College, University of Toronto, has echoed the understandable Canadian resentment:

The United States "must come to think of Canada not essentially as a playground, not as a source of raw materials, not as a useful, if backward, annex to the domestic market, not as a glacis between itself and the Soviet Union, not as the great out-of-doors where some millions of squatters have unaccountably settled, not as a museum of old-fashioned qualities miraculously frozen in ice, not as any of these things, but as a country with its own problems, possibilities, desires, faults, virtues, contradictions."

In 1967 Canada will celebrate 100 years of complete national independence. There could be no greater contribution to the Canadian centennial celebration than a new American awareness of Canadian nationhood. We propose that the U.S. Government, the administration and the Congress, and the American people recognize the year 1966 as "the year of a new awareness of Canada" which our governmental, educational, social, and cultural institutions make a new effort to broaden American understanding of Canadian history, geography, literature, culture, attitudes, and policy. This kind of concentrated effort is, in our view, a prerequisite to building on the North American continent a model of relations between independent and sovereign States.

Two words of caution: a new awareness of Canada as a nation must not lead to renewed interest in the old proposals for political integration on the North American continent. Quite the contrary, the purpose of a new American interest and the purpose of the combined efforts of the two nations must be to seek to identify and reemphasize the constructive virtues of the Nation-State system while minimizing its destructive vices. Similarly we must be careful while seeking a new awareness of Canada not to fall prey to the illusion of continental isolation or to give others reason to believe that we have done so. Neither Canada nor the United States can withdraw from Europe or the world for the fate of our nations and our peoples are inextricably tied to those of all. In the 19th century the great British Prime Minister, George Canning, "called in the New World to redress the balance of the Old." But the hemispheres are no longer worlds apart—and we do not seek a new understanding between our two nations for our security or prosperity alone, but for the benefit of all nations of this 20th century "New World."

Before listing the specific proposals we believe to be appropriate in current United States-Canadian relations, some comment on Canadian foreign policy is in order. It is here where the American tendency to "take Canada for granted" has most seriously exacerbated tensions by resulting both in unfortunate examples of tactless U.S. diplomacy and in considerable shock and dismay at some Canadian policies.

Most of this could have been avoided, and can be avoided in the future, by a more acute awareness that an independent nation cannot be independent if its policies are subservient to another.

The Merchant-Heeney report quite correctly draws a distinction between the policy responsibilities of a super nuclear power and those of a "middle" power—a leader of the alliance and a loyal ally. In modern foreign affairs when the crisis has been immediate and great, Canada has never publicly opposed the United States. Most often she has been the first to stand at our side—but in those cases when she did disagree her disagreement was private.

The value of a stanch ally is measured in two ways: in times of immediate crisis and in the long haul. In times of immediate crisis the United States has no more stanch ally than the Canadian Government. In the long haul, Canada's value as an ally is to be found in her capacity to influence the course of history, in her capacity to persuade other nations to follow the course of peace and freedom. The capacity of a nation to influence people and events is limited indeed if it is but a satellite subservient to the wishes of a great power. The greatest strength of the North Atlantic Alliance, as a force to influence the course of history, is the knowledge that it is an alliance of independent governments, each freely elected by its people and each free to exercise its own judgment. By comparison the influence of the Warsaw Pact and its governments is pale indeed.

So while we do not always concur in the foreign policy of the Canadian Government, we cherish its capacity to exercise its own independent judgment and consider that independence a source of unending strength to the Western World.

The Merchant-Heeney report included the following language:

"In the conduct and development of their unique bilateral relationship * * * the two countries must have regard for the wider responsibilities and interests of each in the world and their obligations under various treaties and other arrangements to which each is party.

"This principle has a particular bearing upon our affairs in relation to the heavy responsibilities borne by the United States, generally as the leader of the free world and specifically under its network of mutual defense treaties around the globe. It is important and reasonable that Canadian authority should have careful regard for the U.S. Government's position in this world context and, in the absence of special Canadian interests or obligations, avoid, so far as possible, public disagreement especially upon critical issues."

If this means that each ally should attempt to consult on all policy differences with the leader of the alliance, if it means that in times of immediate crisis unresolved differences (even after consultation) should preferably not be aired, and if it means that every government has the responsibility in formulating its own foreign policy to take into consideration the interests of its allies, we heartily concur. But if it means that Canada is to defer to U.S. leadership in all of its interests which are not uniquely Canadian we must respectfully disagree.

Surely the history of the postwar years has demonstrated that a Canadian foreign policy independent on many issues from U.S. leadership has proven an invaluable source of strength to the very causes to which U.S. foreign policy is dedicated. No country, including the United States, has been more influential than Canada in the growth of the United Nations as an instrument to keep the peace and to serve the needs of man. No country, including the United States, has worked more diligently or sincerely than Canada on behalf of responsible arms control and disarmament. These have been the independent policies of an ally serving a common cause.

Similarly, as the United States now explores the possibilities of East-West trade it would do well to realize that an independent Canadian trading policy has helped to demonstrate that substantive, but nonstrategic, trade with Communist-bloc countries does not necessarily impair the security of the West. Frankly, we would prefer a common NATO trading position toward the Communist-bloc countries, but we recognize that an ally exercising its independent judgment in foreign policy may be able, precisely because it does not lead the alliance, to practice policies which are not possible for the leader of the alliance—and thereby to explore, and perhaps to open, new channels for the diplomacy of peace.

The specific policy recommendations which follow certainly do not represent a fully comprehensive review of all United States-Canadian affairs. They may, however, constitute a start in making 1966—"the year of a new awareness of Canada"—the beginning of a new and productive era of United States-Canadian relations.

EXCHANGE PROGRAMS

1. The U.S. Government should institute a program of student exchange with Canada as it has with the rest of the non-Communist world.

The Hayes-Fulbright Educational and Cultural Exchange Act of 1961 provides for scholarship programs for American students to study abroad and foreign students to study in this country. The provisions are applicable to Canada, but there is no student exchange program with Canada. In many senses, of course, American understanding of Canada may be somewhat greater than it is of other more remote areas of the world, and no doubt this is the major reason why Canada has been excluded by the administration from these student exchange programs. But American understanding of Canadian affairs is still grossly insufficient to lay the foundation for a model of relations between nations.

In the last academic year (1964–65) there were less than 10,000 Canadian students studying in the United States, and while this was the largest number from any country in the world it exceeded the number of Indian students, for example, by only 2,500. At the same time there were less than 3,000 American students studying in Canada. The volume of this exchange should be encouraged by the governments to make its numbers more compatible with the unique nature of the relationships between the two countries.

This is particularly true in graduate studies, and most important in terms of Americans studying in Canada. The U.S. administration might wish to explore with the Canadian Government whether it desires the program to be reciprocal. The need for the development of graduate institutions at Canadian universities and the fear that study in the United States might lead to American employment of outstanding Canadian students may well justify limiting the program to scholarships made available to American graduates to study in Canada.

2. Under existing legislation the U.S. administration should greatly expand the exchange of journalists and political scientists between Canada and the United States.

Under this "foreign leader" program journalists and political scientists come to the United States for a period of 60 to 90 days to travel and to study the operations of U.S. newspapers and governmental institutions. Approximately 1,000 "foreign leaders" are expected to come to the United States under the program in 1966, and understandably most of these will be from the developing countries. Less than 60 Canadians have been brought to the United States under the program since its inception in 1961. The program provides a unique opportunity to broaden understanding between the two countries through the realm of communications.

More important, however, than the opportunity for Canadian professional people to study in the United States is the opportunity for American journalists and political scientists to study in Canada. While the Hayes-Fulbright program permits such an exchange, not a single American has taken part in the program in 5 years. The U.S. administration should wish to encourage a better American understanding of Canadian institutions and interests through increased attention to them in the U.S. communications media. We hope, therefore, that it will give new emphasis to the program of reciprocal exchange of journalists and political scientists between the two countries.

3. The Federal and States Governments in the United States should publicly encourage trips by high school seniors to the seats of Canadian Government in Ottawa and the Provincial capitals.

It is common practice for high school groups to spend their spring vacation or some other period during the academic year on a visit to Washington to study firsthand the operations of their government. Nothing could be more beneficial in the growth of any democracy. But it would be equally valuable, where feasible, for high schools in States along the Canadian border to plan for student trips to visit and study Canadian governmental institutions in Ottawa and the Provincial capitals. This kind of program might leave an indelible impression of Canadian nationhood and institutions on the minds of our young people—and thereby help to make more permanent the American concern for Canadian interests.

U.S. EDUCATIONAL INSTITUTIONS

4. The U.S. Government should make every effort to utilize its existing programs of aid to facilitate the growth of Canadian studies programs in U.S. colleges and universities.

A number of American universities offer courses of study in Canadian affairs. In particular the University of Rochester Canadian studies program, the Duke University Commonwealth Studies Center and the development of a center at the University of Maine specializing in the affairs of New England and the Atlantic Provinces of Canada should be cited. By and large, however, the subject of Canada and Canadian-American relations has been largely ignored in American university curriculums.

An effort by the Government to make colleges and universities fully aware of the programs available to them in the development of special schools on Canadian-American affairs might help facilitate a growth of a more comprehensive educational approach in this field. In particular, building grants and loans for academic institutions are available under titles II and III of the Higher Education Facilities Act. Title IV of the National Defense Education Act provides for scholarships to students studying in the fields of international affairs. The State Department might pay special attention to utilizing its university exchange program to allow senior State Department Fellows to further their interest in Canadian affairs and at the same time help provide impetus for expanded Canadian studies. Similarly the Government might wish to consider temporary leaves of absence for some of its officials to take on temporary faculty assignments in the teaching of aspects of Canadian-American relations in educational institutions as they develop.

AMERICAN BUSINESS IN CANADA

5. The Secretary of the U.S. Department of Commerce, upon the advice of a select committee from the U.S. business community, should prepare a detailed set of guidelines which it recommends to U.S. businesses which either have or may establish operations in Canada.

It is quite clear that the obligations upon a foreign investor are somewhat different than those applicable if he had invested his money at home. We believe that the operations of most U.S. subsidiaries and business operations in Canada have been fully exemplary. But, as is so often the case, the mistakes of a few can create an unhealthy climate for the many. Because the extent of American private foreign investment in Canada is so great that it gives rise to Canadian fear of economic domination by the United States, the American firms which operate there must be doubly attentive to accommodate, whenever possible, Canadian desires and sensitivities.

We do not suggest that the U.S. administration should impose upon American investors in Canada a rigid set of regulations for the conduct of their business operations, but we do think it would be appropriate for the administration to bring to the attention of U.S. investors those aspects of business operations in Canada which can give rise, on the one hand, to growing Canadian resentment of U.S. investment or, on the other, to an improved climate of United States-Canadian economic relations.

In particular we would hope that the Commerce Department guidelines would include the following recommendations: (a) public shares in the ownership of U.S. subsidiaries in Canada should be offered to Canadian citizens; (b) U.S. subsidiaries in Canada should retain the services of Canadian directors; (c) to the degree possible Canadian managerial talent should be employed in the operations of U.S. business in Canada; (d) United States personnel selected to operate U.S. business concerns in Canada should be chosen for their capacity to adapt to the Canadian environment and should make a sincere effort to participate in Canadian community affairs; (e) U.S. business operations in Canada should buy their components and services, when available at competitive prices, from Canadian rather than American sources; (f) U.S. subsidiaries in Canada should make every reasonable effort to export their products as well as to sell to the domestic Canadian market; (g) whenever economically feasible, U.S. businesses in Canada should develop research facilities in Canada rather than relying on their U.S. parent companies to meet their research needs, a practice which contributes to the "brain drain" of some of Canada's most promising engineering and scientific talent; (h) U.S. companies in Canada with 50 or more Canadian shareholders should publish annual financial statements, rather than permitting their records to be reported only as part of the parent company.

We recognize that there is a continuing debate as to the legitimacy of complaints against American business operations on any of these scores. Nonetheless we believe that guidelines established by the Commerce Department might better facilitate the maintenance of exemplary relations by the American business community in Canada and help remove some of the legitimate grievances which might otherwise develop.

6. The U.S. administration should express its willingness to cooperate in the development and curriculum of seminars for U.S. business personnel who are going to work in Canada.

The U.S. business community has broadly accepted the responsibility of assuring that its employees sent abroad are given some education in the politics, history, culture, and economy of the foreign countries to which they are assigned. This has been true, for example, in U.S. business operations in the Middle East and Latin America. Unfortunately it has not been true with regard to U.S. businessmen sent to Canada.

A brief, privately endowed seminar of this kind, enthusiastically encouraged and aided by the expertise of the appropriate agencies of the administration, could do much to avoid misunderstanding and apprehension when U.S. business representatives take up their posts in Canada. The site for such a periodic seminar might appropriately be at the memorial to Franklin Delano Roosevelt at Campobello off the coast of Maine.

U.S. GOVERNMENTAL MACHINERY

7. The U.S. State Department should consider creating an Office of Assistant Secretary of State for North American Affairs.

At present Canadian relations are considered in the State Department under the Office of British Commonwealth and Northern European Affairs. This is an anachronistic structure which might productively be changed by creating an independent Office of North American Affairs within the Department with an assistant secretary in charge. Perhaps Mexican relations could also be included under the office as long as close coordination is assured between the new office and the Office of Inter-American Affairs. If we truly believe that our relations with Canada are and should be unique, then surely they should no longer be considered part of an irrelevant bureaucratic organization chart.

8. The Foreign Affairs Committee of the U.S. House of Representatives should create a standing subcommittee on United States-Canadian affairs.

The Senate Foreign Relations Committee has such a standing subcommittee but, in the House, United States-Canadian affairs, when they are considered at all, are considered by the Inter-American Subcommittee of the Foreign Affairs Committee. It would be an appropriate initiative by the leadership of the House and the Foreign Affairs Committee to establish a Canadian Affairs Subcommittee and to extend to it the authority to undertake broad hearings and study of U.S. policy toward Canada.

9. The President of the United States and the Prime Minister of Canada should make every effort to exchange visits to their respective capitals every year.

The conduct of American foreign relations has become a full-time job in itself for the President of the United States, but it is important for the U.S. Government to recognize the priority of our relations with Canada. A yearly visit by the President to Ottawa and a corresponding yearly visit by the Canadian Prime Minister to Washington could help immensely in providing the opportunity for top-level talks to remove many of the obstacles to progressive relations between the two countries. Although the plethora of international travel by Government leaders greatly complicates conduct of the day-to-day affairs of any government, an established program of reciprocal visits every 6 months could impose upon the two governments a priority in their mutual affairs which otherwise would be neglected.

We hope that a pattern could be followed that upon each annual visit of the Prime Minister he would be invited to address a joint session of the Congress. And we encourage the President to accept any similar invitation which might be extended by the Canadian Parliament.

10. The United States-Canadian Interparliamentary Group should be significantly strengthened through the formation of committees to meet frequently to study specific issues of concern to the two countries and to make joint recommendations to their respective Governments.

The semiannual meetings of the Canada-United States Interparliamentary Group since 1959 have provided a valuable forum for the interchange of ideas between representatives of the two peoples. The brief history of the interparliamentary group has demonstrated clearly that a further expansion of its functions and responsibilities could make it of even greater benefit. If each session were to identify one or two of the most pressing problems affecting United States-Canadian relations and were to create specific committees among its members to study these problems in some detail in the intervening time before the next parliamentary meeting, the parliamentary group would be able to make more specific and constructive contributions to the settlement of issues.

In addition to the increased formal responsibilities of the group members, initiatives on both sides of the border from interested parliamentarians to meet in less formal setting for less official discussions should be welcomed.

It is important that the United States congressional representatives secure from the State Department and from staff of their Foreign Affairs and Foreign Relations Committees fully detailed briefing on a periodic basis on United States-Canadian affairs.

11. The U.S. Government should encourage the governments of the several States to explore with their counterpart governments in the neighboring Canadian Provinces the establishment of smaller and more regional interparliamentary groups among members of the State and Provincial legislatures.

Frequently the instances of dispute and the areas of opportunity in relations between the two countries arise in matters which constitutionally come under the ordinary jurisdiction of the States in the United States and the Provinces in Canada. More active contact between the legislators of these neighboring political subdivisions would greatly facilitate the solution of difficult technical problems, the anticipation of issues of potential conflict, the development of mutual programs for the common benefit of the region, and the growth of closer and more productive ties between the peoples of the two nations. It would be important for the U.S. Department of State to extend to participating members of the State legislatures periodic briefings on United States-Canadian affairs and on the specific issues which may arise in the conduct of the joint sessions.

IMMIGRATION

12. The U.S. immigration laws should permit unlimited immigration into the United States from Canada.

Passage of the 1965 immigration bill now before the Congress will be a welcome step forward in U.S. immigration policy by completely eliminating the obnoxious national quota system of immigration. The Congress and the administration must take care, however, to retain one of the most admirable features of the previous system—the reasonably free flow of immigration across the Canadian-United States border. Approximately 40,000 Canadians emigrate to the United States each year. And 11,000 U.S. citizens emigrate annually to Canada. Under the existing law the only restrictions on Canadian emigration to the United States are financial responsibility and good moral character. There has been an effort to write into the new law a limitation on total Western Hemisphere immigration into the United States of 120,000 people annually. Such a provision would provide no assurance of a continued free flow across the United States-Canadian border.

The editorial reaction of the Toronto Daily Star has, in our judgment been to the point:

"Why should Canadian emigrants to the United States be subject to quota restrictions that are not imposed on Americans coming here?

"More important is the fact that a quota system will reduce the mobility of Canadians and Americans wishing to move between our two countries, a privilege—and a useful stimulation—that has existed since the founding of the two nations."

Our recommendation here is not to return to the obnoxious discrimination against nations in our immigration policy, but to recognize the vital importance of United States-Canadian relations and to discriminate in favor of Canadian emigration to the United States. (If no limit is placed on immigration from Canada to the United States the two Governments will nonetheless have to agree on a formula which will prevent citizens from third countries emigrating to Canada, meeting the requirements for Canadian citizenship and then emigrating again to the United States under the quota-free Canadian clause.)

INTERNATIONAL JOINT COMMISSION

13. The President of the United States should immediately appoint a Chairman to the U.S. section of the International Joint Commission with Canada.

No organization or institution has been more of a bulwark in the maintenance of strong and productive United States-Canadian relations than the International Joint Commission. It was the IJC that accomplished most of the technical tasks leading to the great international cooperation in the creation of the St. Lawrence Seaway and the development of the Columbia River Basin. Among its many technical studies today are the vital issues of water pollution in the Great Lakes and the St. Lawrence River system and the disastrous decline in the water levels of the Great Lakes.

There is absolutely no excuse for the U.S. Government to have left vacant for well over 1 year the chairmanship of the U.S. section of the Commission. The post has been empty since August 18, 1964, when the previous American Chairman won a contested primary election for U.S. Congressman. During the same period the corresponding Canadian post has been filled by the Honorable A. D. P. Heeney, a distinguished statesman and for two terms an Ambassador to the United States. His appointment was an honor to our Nation, and the American vacancy does us dishonor. The President should appoint to the IJC a man of unquestioned qualifications now; further delay would be unpardonable.

14. The 1909 treaty, establishing the International Joint Commission, should be renegotiated so as to broaden the functions of the Commission.

A distinguished U.S. diplomat of earlier times, when asked about renegotiating the Rush-Bagot Treaty of 1817, replied:

"A mental attitude so deeply fixed, an international habit so deeply rooted, is far more stable and lasting than any paper covenant that was ever penned. The attempt to make it a matter of formal contract is rather to degrade it than to exalt it much as if one were asked to promise in writing to observe the Ten Commandments. There it stands. Let us hold it up before our people as a thing no longer open to discussion or debate."

Such hesitancy is appropriate also in considering restructuring the International Joint Commission through renegotiation of the Candadian-American Boundary Waters Treaty of 1909. Of the United States–Canadian institutions the IJC above all has served its purpose with excellence. But it is for this very reason that we believe that it may be the institution which can bring new excellence in the relations between the two countries in fields with which it is not presently authorized to deal.

We thus fully support the recommendation of the Merchant-Heeney report:

"In our judgment, its solid foundation of law and precedent and its long and successful record in the disposition of problems along the boundary justify consideration of some extension of the Commission's functions. Accordingly, we recommend that the two governments examine jointly the wisdom and feasibility of such a development."

Ambassador Heeney had made the same point in a speech of January 14, 1963:

"The IJC is, in fact, based upon the conviction that, working together, Canadians and Americans can arrive at common decisions and formulate joint solutions which are sound and just and to the common advantage to their respective countries.

"Whether this same principle and similar procedures could usefully be extended beyond problems of the boundary seems to me worthy of consideration, on both sides, and this especially as Canadian-United States mutual involvement, and our dealings with Uncle Sam, increase daily, in volume, complexity, and significance."

In making his judgment the Ambassador noted a vitally important feature of IJC history—that the decisions of the Commission have almost always been taken unanimously by the Commissioners and that no division along national lines has ever been allowed to develop.

At least one Canadian commentator, Tim Creary of the Southham News Services of Ottawa has gone much further:

"The present main treaty of the Canadian-American relationship was signed by Britain and the United States 54 years ago. It has accommodated some of the most successful instances of cooperation. But although the 1909 treaty was formulated by men of great vision, its application today cannot encompass the range of bilateral problems and possibilities involved in North American neighborhood.

"It is time for a new treaty, a charter of North Americanism, signed by Canada and the United States. It would be a treaty which, taking account of the lessons of the past, the problems and projects of the present, and possible developments of the future, would be as much a sensible ordering of the North American relationship in the second half of the 20th century as the Boundary Waters Treaty was in the first half."

We believe that expansion of the authority of the International Joint Commission, in accordance with the following recommendations, would enhance the capacity of the two North American nations to establish a model of relations between independent states.

15. The definition of "boundary waters" under the treaty should be extended to include the waters of Lake Michigan.

In the preliminary article to the 1909 treaty, boundary waters are defined as "the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary passes, including all bays, arms and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary." By this definition the waters of Lake Michigan are not included under the jurisdiction of the International Joint Commission. Article III of the Boundary Waters Treaty, in effect, declares that the IJC has no authority to consider matters relating to the diversion of waters which are not defined as "boundary waters."

Lake Michigan, however, is one of the Great Lakes and the other four Great Lakes come under the treaty definition of "boundary waters." Diversion of waters from Lake Michigan lowers the water level of Lake Michigan and also lowers the water level of the other Great Lakes thus directly effecting the boundary waters and Canadian as well as U.S. interests. The programs of the sanitation district of Chicago provide for diversion of the waters of Lake Michigan to sweep the sewage of the city of Chicago down through the Mississippi River system and out into the Gulf of Mexico. The Canadian Government has shown consistent interest in this program and its potential effect upon the water levels of all the Great Lakes. It is a matter, in our view, which is of proper international discussions between the two countries.

The extension of the "boundary waters" definition to include the waters of Lake Michigan would not be an extraordinary or unprecedented step, in view of the fact that Article I of the 1909 Boundary Waters Treaty specifically states that the waters of Lake Michigan for the purposes of navigation will be considered as boundary waters under the treaty.

16. The International Joint Commission should be specifically empowered to consider and make recommendations relating to the continental development of water and energy resources.

In the generations to come both Canada and the United States will increasingly come to realize the vital necessity of a share approach to water and power. The issue of water is treated under the following section of this report. Let it suffice here to say that if and when the two nations reach mutual agreement on the desirability of continental plans for the sharing of water, hydroelectric power and peaceful nuclear energy, it will be important for them to have in existence an international body authorized to undertake the extremely technical studies necessary to lay the basis for constructive international agreement.

17. The International Joint Commission should include facilities for the joint study of technical aspects of foreign policy issues between the two countries.

We believe that the IJC should provide a permanent institutional location for international discussion of the many technical foreign policy differences and questions which arise between the two nations. Just as international technical expertise has been applied by the Joint Commission in the past to the problems of the Columbia River Basin and the St. Lawrence Seaway, just as it is now applied to the problems of the water levels and water pollution in the Great Lakes, just as it can be applied in the future to the questions of continental water sharing, hydroelectric and peaceful nuclear power, international technical expertise within the Joint Commission can and should also be applied to some areas of foreign policy.

For example, should the United States wish to follow the exemplary lead of the Canadian Government in the establishment of earmarked national forces on standby for potential call by the United Nations in peacekeeping operations, international discussions by technical experts under the International Joint Commission could benefit the U.S. Government immeasurably in providing it with the Canadian experience in this area. (Even though the only politically feasible contribution of this kind that the United States could presently make to the United Nations would be in the area of logistical, communications, and support forces, the Canadian experience in financing, organizing, training and supplying such forces would be invaluable.) Similarly, if the Government of Canada were to wish to follow the United States lead in placing one or more of its peaceful nuclear reactors under the safeguard and inspection system of the International Atomic Energy Agency, technical discussions with American experts under the aegis of the International Joint Commission could provide the Canadian Government the benefit of the experience gained by the United States.

It is also perfectly reasonable to anticipate that the higher echelons of the International Joint Commission could be utilized by the two governments as a standing group to discuss in private the many disagreements the two nations may have in a broad spectrum of foreign policy questions. We do not suggest that the International Joint Commission should be reconstituted to be the one and only locus of discussion on foreign policy problems between the two governments. Quite the contrary, our proposal is merely that the IJC become one more among many channels of communications between the two governments which can be utilized in the joint consideration of foreign policy differences—and that it can be a particularly appropriate institution through which the two governments can share their technical experience and expertise in some of the more intricate and scientific aspects of contemporary foreign policy.

WATER

18. The studies by the International Joint Commission of the water level and pollution of the Great Lakes should be given immediate priority emphasis by the United States and Canadian Governments.

Pollution in the Great Lakes, particularly Lake Erie, threatens the health and safety of all those who use it or its water, Americans and Canadians alike. It is beginning to have a significant effect on the fish population of the lake who cannot live because it is too dirty. Meanwhile manmade sewage in Lake Michigan is accelerating at such a rate that the weed expansion threatens to clog the middle of the lake in years to come. At the same time the water levels of Lakes Michigan, Huron, Erie, and Ontario are all significantly below the latest 10-year average levels. Shipping in the Great Lakes and the St. Lawrence Seaway is threatened.

The IJC is undertaking a study of the pollution problem in Lakes Erie and Ontario, and a detailed study of the continuing decline in the water level of the Great Lakes, particularly Lake Erie. The five U.S. States of Michigan, Indiana, Ohio, Pennsylvania, and New York have recently reached an important new agreement with the Federal Government to meet the pollution problem in Lake Erie.

These are important steps, but without the continued priority emphasis which agreement between the two national governments can give to these problems, their solution is still far away.

One important step that can be taken immediately is the expansion of the "boundary waters" definition of the IJC treaty to include the waters of Lake Michigan, as recommended above. When such provision is made, the two governments might then be able to agree to extend the scope of IJC water level studies in the Great Lakes to include both the diversion of waters from Lake Michigan by the Chicago Sanitary District down through the Mississippi River system into the Gulf of Mexico—and the possible diversion of Canadian rivers flowing naturally into the Great Lakes from Ontario and Quebec. Until both of these practices can be considered fully by the technicians of the International Joint Commission their study may not be able to make recommendations fully relevant to the solution of the problem.

19. The United States and Canadian Governments should ask the International Joint Commission to make recommendations for a continental program of water sharing and hydroelectric power development which would maximize the efficient use of water resources while reserving to each nation the use of that amount of its own resources necessary for its national needs and security.

We do not wish to minimize the primary role of private and local interests in the development of water resources. In fact we share fully the conclusion of the Merchant-Heeney report:

"Primary responsibility for moving ahead, and much of the expertise, particularly in electricity, rests with the system owners—public and private—in the two countries, and much of the authority resides elsewhere, notably within State and Provincial jurisdiction. Nevertheless, we are persuaded that in this area there is opportunity for advantageous cooperative leadership and initiative in the two National Governments."

That opportunity for advantageous cooperative leadership and initiative can best be met by international decision to expand the authority of the International Joint Commission to cover subjects of this nature and to charge it with the responsibility of making specific recommendations for a continental watersharing and power development program.

The dramatic water shortage experienced this summer along the eastern coast of the United States and the more familiar scarcity of water in the Western United States have demonstrated with abundant clarity the obvious need for comprehensive advance planning in the development of water resources. Those water resources for the continent lie largely in Canada, and lie largely untapped. The Government of Canada should not, and the Government of the United States should not ask it to consider making available to the United States water supplies which it needs for its own purposes. But if the estimates of abundance are accurate, there would seem to be no serious obstacle to the development of a continental plan for developing water resources that can meet the needs of both nations.

The proposal for an IJC study was made by the final report of the Western Canadian-American Assembly on United States-Canadian Relations held at Harrison Hot Springs, British Columbia, August 20–23, 1964. A similar proposal was made by U.S. Senator Frank E. Moss, of Utah, in a letter to Secretary Dean Rusk, dated October 19, 1964, after a detailed study undertaken by his Special Subcommittee on Western Water Development of the Senate Committee on Public Works. Senator Moss's study and recommendation referred only to the proposal put forward by the North American Water and Power Alliance (NAWAPA). The NAWAPA plan contemplates taking, initially, 110 million acre-feet of water from Alaska, British

Columbia, and the Yukon east to the Great Lakes and south to the United States and Mexico. After 30 years of construction it would provide water to 7 Canadian Provinces, 33 U.S. States, and three northern states of Mexico. A less spectacular plan, the Kierens plan, has drawn similar attention in Canada. Under its terms surplus waters running from rivers into the James Bay would be diverted to the Great Lakes in amounts of more than 75,000 cubic feet per second. We would recommend that both of these schemes be studied in detail and at length by the International Joint Commission for the purpose of specific recommendations for a continental plan.

TRADE

20. The Merchant-Heeney recommendation that "the Joint Committee on Trade and Economic Affairs establish a Joint Committee of Deputies which could meet frequently on behalf of their principals and be available at short notice to consider any emergent problem" should be adopted immediately.

The Joint Committee is a unique international body bringing together corresponding Cabinet members from the two countries. As a standing or relatively permanent body, however, it is not an efficient means for considering jointly the many areas of trade relations and policies in which the two nations have come into conflict. Joint consideration of policy does not mean occasional conscience-stricken attempts to salve the feelings of others; it means full, and reasonably constant, consultation on the details of policy between representatives of the two Governments. A more permanently sitting board of deputies to the members of the Joint Committee on Trade and Economic Affairs is essential.

21. The U.S. Government in its own deliberations, and upon Canadian initiative to do so within the Joint Committee on Trade and Economic Affairs, should be willing to explore the many proposals for bilateral and multilateral development of increased trade with Canada.

Eighty-five years ago, the poet Walt Whitman, wrote in his "Specimen Days":

"Some of the more liberal of the presses here are discussing the question of a zollverein between the United States and Canada. It is proposed to form a union for commercial purposes—to altogether abolish the frontier tariff line, with its double sets of custom house officials now existing between the two countries, and to agree upon one tariff for both, the proceeds of this tariff to be divided between the two Governments on the basis of population. It is said that a large proportion of the merchants of Canada are in favor of this step, as they believe it will materially add to the business of the country, by removing the restrictions that now exist on trade between Canada and the United States. Those persons who are opposed to the measure believe that it would increase the material welfare of the country, but it would loosen the bonds between Canada and England; and this sentiment overrides the desire for commercial prosperity. Whether the sentiment can continue to bear the strain put upon it is a question. It is thought by many that commercial considerations must in the end prevail."

Eighty-five years later the debate continues. The proposals of recent years have been numerous and varied:

The most detailed attempt to identify what a bilateral free trade arrangement would look like, if one were concluded, has been made by the private Canadian-American Committee. Its plan, put forth in February 1965, to stimulate discussion, would progressively abolish trade barriers affecting all raw materials and manufactured products—exempting basic agricultural products, at least at the outset—and providing steps necessary to assure that free trade would be meaningful and beneficial to both partners. Canada's need for a longer adjustment period would, in the plan, justify allowing Canadian tariffs to be removed over a period twice as long as that granted for abolishing U.S. tariffs. While the plan describes a bilateral scheme, it has been designed to minimize obstacles to accepting new members or forming a link with another trade area such as the European Free Trade Association (EFTA).

The distinguished Canadian historian, Hugh L. Keenleyside, proposed in 1960 a selective free trade program between the two countries in those products where U.S. companies were willing to allocate a significant amount of their total production to Canadian factories. "There is no reason," Keenleyside, "why it should not be extended to any country that is willing to meet the basic qualifications: the establishment of new factories in Canada and free access for their products to the consumer market in the other country."

Speaking to an American audience in February of this year, Howard Graham, president of the Toronto Stock Exchange said: "Perhaps the time has now come when Canada and the United States should seriously sit down and work toward economic union. That is to say the free movement of people and money and goods; the dollar of the same value, whether north of the 49th parallel or south * * * We all know that economic union cannot come about overnight; it will take much planning—it will require 'give and take' on the part of both sides—it may not be easy but it is a target that most businessmen feel we should now be moving toward."

Harry Johnson of the University of Chicago has commented with convincing logic that broad multilateral free trade arrangements are preferable to regional economic cooperation. He says that expanded trade through the U.S. Trade Expansion Act of 1962 and the current Kennedy round of tariff negotiations would be far more beneficial to Canada than a continental free trade area because "any regional common market or a free trade area scheme necessarily involves discrimination against nonparticipants, discrimination which imposes an economic cost on the members by forcing their citizens to buy products produced within the region at a higher cost than the price for which the same goods can be obtained from outside the region."

And in a speech on August 12, U.S. Senator JACOB JAVITS proposed negotiation by the United States and Great Britain of a Free Trade Area Treaty which would then be opened to Canada and eventually on a reciprocal basis to the other nations of the European free trade area, the members of the European Common Market and the other industrialized countries of the Organization of Economic Cooperation and Development (OECD). "The aim of this treaty is to achieve substantially free trade (subject to national security exceptions) in manufactured products among the industrialized countries by the end of the period * * *. It would enable the United States to offer full economic partnership to Great Britain and would also provide major incentives to the EEC and other European nations, as well as Canada and Japan, to see the enormous advantages of a closely integrated Western economy."

While the theorists theorize and the politicians promote, the actual governments of the two countries, with the responsibility for effecting change, have moved only tentatively in the area of greater freedom of exchange between the two economies. The agreement for free trade in automobiles and automotive parts, like the free trade in agricultural machinery which has existed for 20 years, is a clear example of international economic progress where the national economic interests converge. The directions which the two governments will now take must await not only authoritative interpretation of the results of the automotive parts agreement but also detailed study by each government of the economic ramifications of any further steps proposed.

We hope in particular that the U.S. Government will undertake exhaustive study as to the implications of freer economic trade between the two countries or within a more broad framework. It must pay particular attention to the requirements of the General Agreement on Tariffs and Trade (GATT), to the effect of greater United States-Canadian trade on commercial relations with the European market and Latin America, and to the progress of the tariff negotiations in the "Kennedy round" and its impact on future U.S. trade relations. The purpose of all this study by the U.S. Government is so that it will be able to participate constructively and to respond responsibly to any potential Canadian initiative in the area of greater economic cooperation, whether merely for detailed studies under the Joint Committee on Trade and Economic Affairs or for more specific agreements on the course of international trade.

Neither Government can afford to act precipitately on the basis of abstract and academic economic theories. Not only will the actions of the two Governments have a broad and substantive impact on the economies of their allies and the developing nations, but the impact of any proposed step on the two economies themselves must be far better and more accurately measured than can be done today.

Some broad measure of the impact of a greater rationalization of the two economies, whether through bilateral (selective or comprehensive) free trade or through multilateral free trade, is possible, however. The impact on the U.S. economy is bound to be favorable but slight indeed compared to the impact on the Canadian economy. Foreign investment amounts to over 60 percent of the Canadian gross national product—and three-fourths of that investment comes from the United States. The population ratio of 10 to 1 and the gross national product ratio of 14 to 1 indicate clearly that Canadian concern for U.S. economic domination under any freer trade is reasonable, that the impact and the need for adjustment will be immense throughout the Canadian economy if freer trade is adopted, that Canada can make no decisions on the subject of freer trade without more detailed information as to its impact, industry by industry and firm by firm—and that specific initiatives for freer trade arrangements should come not from the United States but from Canada itself.

To the Americans let it suffice to underscore the justice of Canadian concern by quoting from Prof. Jacob Viner's counsel to our study group the difficulties of keeping economic cooperation both cooperative and only economic:

"There are no genuine 'free trade areas' in the world (with the one possible exception of Benelux), which are not also politically-unified areas, and it is still a matter of doubt that such an area can exist without substantial loss of political autonomy of the weaker and smaller members if there is a 'giant' with respect to economic and military power among the members."

To the Canadians let it suffice to cite the comment of Ronald Wonnacott, the prominent Canadian economist studying the effect of freer trade on Canadian business:

"Each generation feels the time is not yet ripe, and refers this change to the next generation while regretting that it has not been undertaken by the last."

22. In accordance with the strong recommendation of the Merchant-Heeney report, the U.S. Government, working in cooperation with Canadian officials, should examine promptly the potential issuance of a general license or adoption of other appropriate

measures by which U.S.-owned branches and subsidiaries domiciled in Canada can participate in Canadian export trade without violating the, U.S. Trading With the Enemy Act.

Canadian nonstrategic trade policies toward the Communist bloc have been at considerable variance with those of the United States. The inability under American law for U.S.-owned or controlled business operations in Canada to trade with Communist-bloc countries has been a source of continuing friction between the two countries and a source of considerable resentment, understandably, among the Canadian people.

While the U.S. policy toward trade with the Soviet Union now appears to be in a state of flux approaching the more historic Canadian pattern, until U.S. East-West trade is permitted and as long as U.S. trade with Communist China and Cuba continues to be prohibited, U.S. business operations in Canada will continue in the unenviable position of abiding by their national law but criticized for not cooperating with Canadian policy. It surely must not be the policy of either Government to encourage, or appear to permit, the flow of U.S. business investment into Canada in order to participate in trade which U.S. law forbids. But the U.S. Government, the U.S. business community, and the U.S. people must realize that foreign investment is a privilege—and that because the Canadian economy requires heavy emphasis on the development of exports and export markets, foreign investment in Canada may eventually be limited unless it is free to cooperate with Canadian policy. The issues are difficult and a satisfactory solution will be complicated but the responsibility of the U.S. Government to act effectively is clear.

23. In resource development and defense procurement, to the degree that the Canadian Government concurs, the U.S. Government in the interests of national and continental security should recognize that production broadly based between the two economies is an important guarantee of sufficient capacity and availability in any potential emergency.

In the development of oil, the U.S. Government has in the past, somewhat hypocritically, taken the opposite view. It has, quite correctly, protected itself against the importation of Middle Eastern oil on the theory that if the United States were to become reliant in peacetime on oil from the Middle East it could jeopardize its national security in wartime by not maintaining a sufficiently productive domestic oil industry. The same argument is ridiculous when applied to the importation of Canadian oil. Quite the contrary, the importation of Canadian oil in peacetime, to the degree that it encourages the development of Canadian oil resources, provides an additional guarantee of the availability of petroleum in the case of a national or international emergency in which other foreign sources of oil were not available. It is utter nonsense to argue that the sources of Canadian oil might be cut off to the United States in the case of an international emergency.

Similarly, it is important for the U.S. Government to be sympathetic to Canadian initiatives to undertake significant defense procurement in its own country. For the sake of Canadian confidence in reliance on its own defense production facilities, for the sake of Canadian economic development, and for the sake of a broadly based North American defense industry capable of serving and surviving in any international emergency, it is important for the United States not to insist that Canada meet its defense contributions within NATO and the North American Air Defense Command (NORAD) with systems produced only in the United States.

24. As the U.S. balance-of-payments position continues to improve, the United States should give every serious consideration to raising substantially (and eventually removing) the limit on duty-free goods which U.S. travelers can bring back into the United States from Canada.

The duty-free limit must inevitably be in part a function of the U.S. balance of payments at any given moment. While the United States has run in substantial payments deficit in 14 of the past 15 years, the limit understandably has had to be maintained. If the present trend in U.S. international payments proves to be relatively permanent, there is not reason why serious consideration cannot be given to raising or removing the duty-free limit in regard to Canada. No action by the U.S. Government should be taken, however, until after full consultations with the Canadian Government within the Joint Committee on Trade and Economic Affairs.

25. The U.S. Government should respond enthusiastically to any request by the Canadian authorities for free and unencumbered access to an ice-free port on the Pacific Ocean along the southwestern border of Alaska.

The development of promising mineral deposits in the northern sections of British Columbia is progressing rapidly to the point where soon there will be need to develop ready transport of this ore to overseas markets. There can be little doubt that the citizens and officials of the State of Alaska would welcome the opportunity to provide Canadian interests with an Alaskan ice-free port on the Pacific in view of the impetus it would give to further utlization of Alaskan ports for trading purposes.

While the association of this issue with the issue of paving the Canadian sections of the Alcan highway linking the United States and Alaska is essentially artificial, a Canadian initiative in the latter case would seem to assure without doubt a welcome U.S. policy in the former.

CANADIAN RELATIONS IN THE WESTERN HEMISPHERE

26. Rather than informing the Canadians that they are remiss in their international obligations by failing to join the Organization of American States, the United States should make every effort to help build the OAS into an organization of collective security which the Canadians might wish to join.

The U.S. Government by this time, and occasionally by unfortunate methods, has made it abundantly clear to the Canadian Government and the Canadian people that we feel that the institutions of the inter-American system could be significantly strengthened through Canadian membership. There may be less awareness on the part of the Government and the people of the United States of the reasons why Canada has not yet become a member of the OAS.

In the first place, it is important to realize that the inter-American system only recently, since the Rio Pact of 1947 and the OAS Charter of 1948, has come to view Canadian membership as desirable. Under the theory of the Monroe Doctrine, European colonial relationships were incompatible with the inter-American system. Even as late as the administration of Franklin Roosevelt, the American President, his Secretary of State, Cordell Hull, and his Latin American affairs adviser, Sumner Welles, were all opposed to Canadian participation in the inter-American system. As late as the 1920's the U.S. delegations to the Pan American Union were not only instructed to oppose motions for Canadian membership, they were instructed to work to prevent Latin American initiatives to invite Canada to join the system.

Secondly, it is important for people in the United States to appropriate the degree to which Canada has historically been tied not to the Western Hemisphere but to Great Britain and the British Commonwealth of Nations. In large measure the structure of her non-U.S. trade, the makeup of her foreign aid program, and the instinct of her political ties have been directed more toward the Commonwealth of Nations than toward the hemisphere. As British colonial rule has evolved into a worldwide system of independent nations, and as those independent nations have seemed to draw further and further apart across economic and political gulfs, the Canadian Government and the Canadian people have faced a difficult decision in charting a new course for their foreign policy. Full-fledged Canadian membership and participation in the institutions and programs of the inter-American system would inevitably require subordinate Canadian decisions to establish new trade patterns, new aid patterns, and new lines of political interests. Bias in this direction has been countered by the bias of the French Canadian community toward ties with the new nations of the old French colonial community in Africa.

And finally it is important for the U.S. Government and the U.S. people to realize the depth of conviction held by the Canadian Government and the Canadian people in the purpose and the future of the United Nations. The most visible contribution of the independent postwar Canadian foreign policy has been the promotion of the ideals and institutions of the U.N. Canadians are understandably, therefore, reluctant to engage fully in the operations of a regional collective defense system which may at times appear to be in conflict with the interests and global preoccupations of the United Nations.

It is largely in this sense, as well as in differences over specific policy actions, that the recent crisis in the Dominican Republic and the policies followed there by the U.S. administration must, to some degree, have diminished the enthusiasm of the Canadian Government and the Canadian people to join actively in the inter-American system. The Dominican crisis showed to the Canadians that there is a certain predictable conflict in any crisis between the interests of a regional system and the global interests of the United Nations; it showed that the Organization of American States is not a fully effective instrument which can act with speed and efficiency in an emergency; and it showed that the U.S. administration, despite the need for intervention, did not consider the Organization of American States an institution of truly collective nature, but rather one which in a crisis would hopefully ratify unilateral U.S. intervention after the fact.

It is also important, however, to realize that Canada already makes broad and important contributions to economic development and political communication within the hemisphere. She is a member of the Pan American Institute of Geography and History; she is a member of the Inter-American Statistical Insitute; she is a member of the Pan American Radio Office; she has constantly been increasing the number of her trade missions composed of business and government officials visiting Latin America; she has important new Latin American study centers at several Canadian universities; she has sent official observers to many of the crucial recent meetings of the OAS. Perhaps most importantly she is participating actively in aid and development programs in the hemisphere. She has extended significant development grants to the British Commonwealth areas in the Caribbean—the West Indies, British Honduras, British Guiana, Jamaica, and Trinidad, and Tobago. She has made significant disbursement loans to Mexico, Argentina, and other Latin American countries. While not a member of the Inter-American Development Bank her participation in this institution has been significantly increased in recent years.

It seems clear that the United States can best encourage full-fledged Canadian participation in the institutions of the inter-American system in three ways. If the United States were to prove more willing to view the development of the Organization of American States as an institution of true collective security, and not as an institution existing merely to ratify American security blueprints, Canada might prove more willing to join it. Secondly if the United States were willing to support the current trend among Latin American thinking to separate the political and economic functions of the inter-American system, the way might be paved for initial Canadian active participation in the economic realm without necessarily involving Canada directly in a political structure which at present it may find uninviting. Thirdly, to the degree that it is possible, specific American proposals to the Canadian Government for rationalizing the two now independent foreign aid programs within the hemisphere might well be welcomed in the interests of economy and commonsense.

Despite the past of inept U.S. hemispheric diplomacy, both toward the north and toward the south, we believe strongly in the need for Canadian participation in the inter-American system. No one has stated the need better or more simply than John Holmes, president of the Canadian Institute of International Affairs: "The argument for Canada's interest in Latin America is that it is in ferment and needs help."

DEFENSE

Recommendations as to Canadian-American defense policy are best left to those with the technical expertise and the specific information which sound judgments require. We would comment only on one paragraph in the Canadian white paper on defense of March 1964:

> "It is, for the foreseeable future, impossible to conceive of any significant external threat to Canada which is not also a threat to North America as a whole. It is equally inconceivable that, in resisting clear and unequivocal aggression against Canadian territory, Canada could not rely on the active support of the United States."

Whatever the rewards of American neighborhood, Canadians must inevitably rue their unique location on this globe—precisely between the two great nuclear rivals, the United States and the Soviet Union. For, as James Eayrs of the University of Toronto has said of the ties of the North American Alliance: "You can break treaties, you can renounce pacts, but geography holds its victims fast."

It is of dubious consolation to the Canadian people to know that in a nuclear attack we will always be at their side. But we hope that it will be more than geography that puts us there. We hope to be at their side in the cause of peace, not just in the scourge of war. We hope to be at their side in serving the needs of man. We hope to be at their side in building on the North American Continent a durable model for relations between and among independent nations—attentive to the national interests of each, devoted to the prosperity of both, compassionate toward the human needs of all.

Stanley R. Tupper, Maine, Robert F. Ellsworth, Kans., Peter H. B. Frelinghuysen, N.J., Frank Horton, N.Y., Charles McC. Mathias, Md., F. Bradford Morse, Mass., Charles A. Mosher, Ohio, Ogden R. Reid, N.Y., Howard W. Robison, N.Y., Henry P. Smith III, N.Y.

GREAT SOCIETY'S OWN PECULIAR CODE OF ETHICS

Mr. RHODES of Arizona. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, I was saddened and distressed to find that the President's penchant for arm-twisting has gone to the extent of using members of his administration who should be shunning active politicking.

I refer to John Macy, Chairman of the Civil Service Commission, who called me on a Sunday at Ocean City, Md., recently to try to get my vote against overriding a Presidential veto of the military construction bill. Most recently, he called me in Arizona on a Saturday to seek my support for home rule legislation for the District of Columbia. At the same time, Mr. Macy has been telling Congress how important it is that we emphasize civil service procedures, how necessary it is that we put more nonpolitical civil service personnel in key Government jobs, and how vital it is to keep politics out of these activities.

Mr. Macy's actions as errand boy for the President's congressional conformity corps casts some doubt on his sincerity in keeping civil service out of politics—and even upon his fitness to testify on the nonpolitical nature of the agency which he heads and which is supposedly charged with the responsibilities of keeping Federal employment above politics—in effect, being the custodian of the Hatch Act.

I might note, Mr. Speaker, that Mr. Macy's calls to me—and presumably to other Members of Congress—were paid for by the White House. This use—or misuse—of public money to lobby Congress for legislation appears to be an obvious violation of the United States Code, which has apparently been supplanted by the Great Society's own peculiar code of ethics.

I fear Mr. Macy's effectiveness as Chairman of the Civil Service Commission may have been seriously undermined. If the administration continues to force him into positions so inimical to an honest execution of his job, he will soon be compromised beyond redemption.

OPPRESSED NATIONS LOOK TO FREE NATIONS TO HELP THEM REGAIN THEIR FREEDOM

The SPEAKER pro tempore. Under previous order of the House the gentleman from Ohio [Mr. Ashbrook] is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, when the oppressed people of the colonies declared their independence in 1776 "to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them," their cause was aided by friends from various European nations.

Now, almost two centuries later, the situation is reversed, and the descendants of our European brothers-in-arms now behind the Iron Curtain look to our free Nation to help them regain their freedom.

One cannot help but wonder whether George Washington, Thomas Jefferson, or Patrick Henry would be pleased with our efforts in their behalf to date. Would our international representative of Revolutionary days, Benjamin Franklin, sit silently in the United Nations while history's modern counterpart in barbarism, Red China, is placed on the U.N. agenda for consideration, with nary a word in support of the many victims of communism.

Our friends in the enslaved countries will be heartened to know that in the United States today there are those who are not content with oft-repeated expressions of hope for the captive peoples—expressions which are effectively forgotten by the absence of just and responsible implementation.

Prudent but definite action was recently taken at the 47th Annual National Convention of the American Legion at Portland, Oreg., in August of this year. Resolution 239, entitled "United Nations Relationship to the Captive Nations," was passed and urges the President to instruct the U.S. Ambassador to the United Nations to demand that the United Nations enforce its charter provisions regarding self-determination of all peoples. This would include the withdrawal by the Soviet Union of all of its troops, agents, and colonialists from the captive nations.

The Legion's Resolution 239 is similar in content to House Concurrent Resolution 367 which I introduced on March 23 of this year and which I first proposed in the 88th Congress.

It is hoped that more organizations will lend their name and good will to this honorable cause by adopting similar resolutions designed to grant to the captive peoples, now numbering approximately one-third of the earth's population, the freedom "to which the laws of Nature and of Nature's God entitled them."

The texts of Resolution 239 and House Concurrent Resolution 367 follow:

RESOLUTION 239

(Resolution by the 47th Annual National Convention of the American Legion, Portland, Oreg.; August 24–26, 1965, on "United Nations Relationship to the Captive Nations")

Whereas the Congress of the United States, in Public Law 86–90, approved July 17, 1959, unanimously expressed its revulsion at the continued enslavement by the Soviet Union of the peoples of the numerous countries and areas now known as the captive nations; and

Whereas among the purposes of the United Nations, as set forth in article 1, chapter I, of the United Nations Charter, are to uphold the principle of equal rights and self-determination of peoples, and to promote respect for human rights and for fundamental freedoms for all; and

Whereas the member nations of the United Nations have failed to bring before the General Assembly for successful discussion and solution the problem of self-determination for the peoples enslaved by international communism; and

Whereas it is of great importance to the United States that the hopes for freedom and self-determination, shared by the peoples of the captive nations, be kept alive; now, therefore, be it

Resolved by the American Legion in National Convention assembled in Portland, Oreg., August 24–26, 1965, That the American Legion urges the President of the United States to instruct the U.S. Ambassador to the United Nations to demand, at the earliest possible date, that the United Nations enforce its charter provisions regarding self-determination of all peoples, and that the Soviet Union, as the controlling power in world communism, be called upon to withdraw all of its troops, agents, colonialists and other controls from the captive nations, and to return to their respective homelands all political prisoners and exiles now in slave labor and prison camps within the U.S.S.R.

H. CON. RES. 367

Whereas the United States of America was founded upon and long has cherished the principles of self-determination and individual freedoms; and

Whereas these principles are the very reason for the existence of the United Nations, as set forth in the charter of that world organization; and

Whereas the United States and all other member nations signatory to that charter have solemnly pledged themselves, collectively and individually, to make these principals universal and to extend their benefits to all peoples; and

Whereas since 1918 Soviet communism has. through the most brutal aggression and force, deprived millions of formerly free peoples of their rights to self-determination and has enslaved their homelands; and

Whereas the Congress of the United States has unanimously expressed, in Public Law 86–90, approved July 17, 1959, its revulsion at the continued enslavement by the international Communist movement of the peoples of Poland, the Ukraine, Czechoslovakia, Lithuania, Hungary, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and other lands, all of which now are known as the captive nations; and

Whereas the peoples of these captive nations, as well as those of Cuba and other lands since subjugated in whole or in part by the international Communist conspiracy, have found little, if any, hope of eventual freedom in the political differences which have arisen between Soviet Russia and its satellite, mainland China, and may look only to the United States and the United Nations for liberation; and

Whereas the member nations of the United Nations have failed to bring before the General Assembly for successful discussion and solution the problem of self-determination for the peoples enslaved by international communism; and

Whereas the United States, in the case of other colonial states whose people long have enjoyed many personal freedoms and national benefits of a kind which have been denied in the colonies of Soviet communism, already has spoken out strongly in the United Nations in support of the principles of self-determination and individual liberties; and

Whereas the issue of the admission of Red China to the United Nations has been placed on the agenda of the United Nations in recent years, despite Red China's unbelievable brutality to the Chinese people since 1949, her aggression against United Nations troops in Korea, her savage treatment of the Tibetan people; and

Whereas it is vital to the national security of the United States and the perpetuation of our free civilization that the free nations of the world act in concert through the forum of the United Nations to demand the right of self-determination for one-third of the world's population and one-fourth of the world's area now under the domination of the international Communist movement; and

Whereas the Constitution of the United States of America, in article II, section 2, vests in the President the power, by and with the advice and consent of the Senate, to make treaties and appoint ambassadors: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby authorized and requested to instruct the United States Ambassador to the United Nations to demand, at the earliest possible date, that (1) the United Nations enforce its charter provisions which guarantee self-determination to all peoples; and (2) the Soviet Union, as the controlling power in world communism, be made to abide by its United Nations membership obligations concerning aggression and colonialism by ordering the withdrawal of all Soviet and mainland Chinese troops, agents, colonialists, and controls from the captive nations and returning to their respective homelands all political prisoners and exiles now in slave labor and prison camps.

SEC. 2. The President of the United States is further authorized and requested to instruct the United States Ambassador to the United Nations to take steps to have placed on the agenda of the General Assembly at the next regular session convening in the fall of 1964 any measure or measures which would guarantee internationally supervised free elections by secret ballot in the captive nations, and to press for early approval of such measures.

SEC. 3. The President of the United States is further authorized and requested to use all the diplomatic, treatymaking, and appointive powers vested in him by the Constitution to augment and support actions taken by the United States Ambassador to the United Nations in the interest of self-determination for the captive nations.

SENSE OF THE HOUSE OF REPRESENTATIVES RELATIVE TO INTERNATIONAL COMMUNISM IN THE WESTERN HEMISPHERE

Mr. HARVEY of Indiana. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HARVEY of Indiana. Mr. Speaker, a week ago, on Monday, September 20, 1965, I joined 311 of my colleagues from both sides of the aisle in supporting House Resolution 560. As I recall the discussions and exchanges of points of views on this legislation I think both those for and those against had an opportunity to be heard. On one occasion I recall a proponent of House Resolution 560 referring to a colleague that rose in opposition to this resolution as 100-percent American. The spirit that prevailed with regard to the airing of differences was, in my opinion, a healthy one.

In recent days, however, there have been various and sundry interpretations of this resolution by the news media in order to discredit what the House did in the approval of this forthright and justifiable measure.

As Representatives of the people I think it is significant that the House reaffirmed, as it has on other occasions for instance 2 years ago, the principles of the Monroe Doctrine.

As the gentleman from Pennsylvania, Congressman FLOOD, so ably said, and I quote out of context if you please:

> There is not a man in this Chamber, if a Chinese fleet were off Peru or a Russian fleet off Brazil with 16-inch guns on a bombardment mission, who would not join the gentleman from Alabama [Mr. SELDEN] in his resolution—not one. But guns were the weapons of Mr. Monroe's day—and that is why he wrote that doctrine. Those are not the weapons of today.

I echo these remarks. Today Communist attempts to take over shaky governments in this hemisphere are from within. Subterfuge and coercion are the new orders of the day for the Communists and it is my hope our friends connected with reporting the news would remind our citizenry of this from time to time instead of trying to discredit what we did in the approval of House Resolution 560.

AIDING THE COMMUNISTS

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HARSHA. Mr. Speaker, today I called upon the Commerce Department to rescind the license granted to Litwin Engineering Co. to export Sohio's patented textile process, Acrylonitrile, to the Communists in East Germany. Present negotiations would place a process patented by Standard Oil of Ohio in the Communists' hands through the Litwin Engineering Co. at Wichita, Kans.

These negotiations have been carried on with the approval and encouragement of the Department of Commerce and the Department of State and an export license has been granted by the Commerce Department.

The acquisition of this process provides a technical advantage to East German Communists. Trade with Communist nations involving technical processes developed under free enterprise helps Communist economies to leap-frog ahead of American competitors.

The Communist world is committed to a program of world domination. The Communists are using war, economics, subversion, religion, and trade to further these ends. Trade with Communist countries does not create bonds of friendship and understanding with Communist peoples. Communist trade passes through government channels into government-owned business. The governments of Communist countries are totally made up of Communists who invariably place Communist objectives above the needs of their people.

The time has long since passed when we can continue to encourage those sworn to destroy us by giving them the best technical encouragement our Nation can provide.

There are no such things as "nonstrategic goods." All goods in an economy are strategic. The military structure of a nation is directly dependent upon its economy. When it has a strong flourishing economy the result is a strong military structure; when it has a weak economy it cannot sustain a strong military position. Therefore, anything that improves a nation's economy has a direct bearing on its military capability.

Furthermore, these Communist nations are all aiding or trading with North Vietnam. It is both morally and strategically wrong to deal with Communist systems of oppression which are supplying the means of aggression against our own soldiers. No amount of profit makes it right.

It is high time that the Departments of State and Commerce review their policies in the light of the national interest, and adopt a realistic attitude in our dealings with the Communist countries and it is likewise time some of our corporations demonstrated more interest in the welfare of this Nation than in the almighty dollar.

HIGHWAY BEAUTIFICATION ACT OF 1965 WILL CAUSE IRREPARABLE DAMAGE TO OREGON HIGHWAYS

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. WYATT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WYATT. Mr. Speaker, I rise to point out to this House that a bill which is scheduled for consideration later this week, S. 2084, the so-called Highway Beautification Act of 1965, if passed, will cause irreparable damage to the fine highway system of the State of Oregon.

By the terms of this politically attractive but hastily conceived legislation any State which does not conform with the provisions of the bill will be fined 10 percent of their Federal-aid grants. This in Oregon amounts to $6½ million annually.

In order to comply with the terms of the bill, it would be necessary for the States to buy or condemn signs and possibly junkyards and also to condemn property rights on strips of land 660 feet wide lying on either side of the right-of-way on interstate and primary highways.

The Oregon State Highway Commission has advised me that their attorneys say that the Oregon constitution would prevent Oregon from using Motor Vehicle Trust Funds. Use of general fund moneys certainly is not practical because of the huge drain of nonbudgeted money which would be required to conform to this bill.

Therefore, for Oregon to comply it would be necesary for Oregon to amend its constitution. This is a lengthy, time-consuming, and uncertain process. The Oregon voters have recently rejected a proposal eliminating bill boards.

We in Oregon are proud of our fine highway system. The cost of complying with the proposed new act would be very substantial and would undoubtedly have a serious effect on slowing down much-needed highway construction in order to find funds for this new departure. Federal funds can only be used on a matching ratio on the basis of 75 percent Federal and 25 percent State, which is a radical change in Federal-State relations and would have drastic repercussions in Oregon.

Mr. Speaker, I submit to this body that there may be many other States which find themselves in an identical position with Oregon. As you know this bill was not scheduled for action until next year. Hearings were being held and the measure was being considered in an orderly fashion when orders were handed down from the White House that the bill was to be passed at this session. It was reported out with completely new provisions contained therein, with virtually no consideration of the vast consequences flowing therefrom.

It is but another example of slipshod legislation pushed through to satisfy the whims of an all-demanding executive. Let the Congress legislate and work its will and not be a willing party to the transfer of our legislative function to the executive.

EXPRESSION OF CONFIDENCE IN CONSTITUTIONAL GOVERNMENT

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. QUILLEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUILLEN. Mr. Speaker, I am pleased to insert in the RECORD an editorial which appeared in the Knoxville Journal on Monday, September 27, 1965, and which was written by the Journal's distinguished editor, Mr. Guy L. Smith. I commend this provocative appraisal of the present trends in our system of government to my colleagues and to the readers of the RECORD:

CONSTITUTIONAL GOVERNMENT WILL SURVIVE JOHNSON ERA

It certainly cannot be claimed as an original discovery that there are millions of Americans, even among many who helped elect President Johnson to office, who, if not disturbed, at least have misgivings about what seems to be a trend toward dictatorship in this country since his election last November.

As this first session of the 89th Congress nears its close, the record of legislation proposed by the White House and enacted into law by the Congress makes clear that no President in our history has so completely and continuously dominated the action of the legislative branch of the Government.

If one were to select an incident during this period to be used as typical of the relationship between the White House and the Congress, he would go back to the joint session of that body which the President addressed on March 15, this year.

A TYPICAL RELATIONSHIP

This was the session attended not only by both Houses of Congress, but also members of the Supreme Court and the President's Cabinet. The subject of the President's address was passage of a voting rights law and it will be remembered by some that the President advised Congress at that time that an outline of the law to be passed was already in his possession. Both his words and the tone in which they were delivered left no doubt in the mind of any hearer that this was the master not requesting, but ordering, his faithful vassals to do his bidding. Further, he did not intend for Congress to take all year doing what it was told.

We select this incident, as we said above, because it has been typical of the relationship between the White House and the legislative branch at the other end of Pennsylvania Avenue throughout this session.

COMPLETE DOMINATION

Congress, at the President's behest, has racked up a record of social, economic, and other legislation that makes the first 100 days of the late F.D.R. appear by comparison to be a kindergarten session of our national legislative body. Mr. Johnson was successful in getting more of his proposed legislation through in less than 9 months than the late President Kennedy could wrangle through Congress in 3 years. Johnson, may, in fact, as some of the Kennedy cult charges, be short on "style"; he may lack the "charm" which F.D.R.'s devotees talked so much about; but when it comes to getting new laws on the books, President Johnson has had no peer in American history.

How he achieved this position of complete domination of the Congress need not be reviewed here at this time, save to say that the Goldwater debacle provided him with a majority in both Houses of Congress so large that he had votes to spare even when there was some rumbling of discontent among his own partisans.

SOME CONSOLATION

The thing that disturbs many Americans is the question as to whether or not the political events which have made Johnson a virtual dictator have, in fact, permanently altered the character of our Government as envisioned by the Founding Fathers and have destroyed the constitutionalism which has been the toast of this country for almost 200 years.

We believe that the answer is no, though we will confess that we are comforted by the existence of the 22d amendment to the Constitution which became effective on February 26, 1951. This was the one which restricted the tenure of any citizen to two full terms as President of the United States.

Even had this amendment not been adopted, however, so great is our confidence in the fundamental strength of our constitutional system that we are not too greatly concerned about the obliteration of our constitutional processes in the years ahead, or the seizure of complete power by a strong man to serve as dictator in name as well as in fact.

INTRUSIONS OF SOCIALISM

The tides of political change and the moods of the country have historically had a way of keeping the pendulum of power moving within the limitations of the Constitution. We are confident that these same forces will again be operative in the years to come.

It is true and may well be recognized by any student of our governmental system that future changes of leaderhip at the Federal level or future shifts of power will not roll back, for example, the intrusions of socialism or the adoption of certain features of the welfare state. These, once on the statute books, become permanent facts of life, if for no other reason because Socialist programs take the form of irrevocable contracts between the citizen and the Federal Government.

OUR CONVICTIONS

What all this adds up to is an expression of confidence that, despite the concern many of us have felt about the abdication by the majority in Congress of its constitutional role as a branch of the Government coequal with the executive, we do not believe that the country is going to hell in a basket. Nor do we believe that the constitutional fabric of our Government has been stretched to a point which will not permit correction of the excesses—spending is one example—of the Johnson administration.

These are our convictions even though Mr. Johnson has come nearer to attaining the status of a dictator than any President in our history.

INTERNATIONAL MONETARY REFORM

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. ELLSWORTH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, the communique issued this morning by the Ministers and Governors of the Group of 10, meeting here in Washington, represents a solid achievement by our distinguished Secretary of the Treasury, Henry H. Fowler, and his associates, especially Under Secretary for Monetary Affairs Frederick L. Deming. The key language of the communique from the point of view of significant development in the field of international monetary reform is paragraph 9 of the communique:

> The Ministers and Governors recognize that, as soon as a basis for agreement on essential points has been reached, it will be necessary to proceed from this first phase to a broader consideration of the questions that affect the world economy as a whole. They have agreed that it would be very useful to seek ways by which the efforts of the Executive Board of the Fund and those of the deputies of the Group of 10 can be directed toward a consensus as to desirable lines of action, and they have instructed their deputies to work out during the coming year, in close consultation with the Managing Director of the Fund, procedures to achieve this aim, with a view to preparing for the final enactment of any new arrangements at an appropriate forum for international discussions.

I insert here the full text of the communique for the benefit of my colleagues in the Congress:

COMMUNIQUE OF THE MINISTERS AND GOVERNORS OF THE GROUP OF 10 ISSUED ON SEPTEMBER 28, 1965

1. In the course of the annual meeting of the International Monetary Fund in Washington, the Ministers and Central Bank Governors of the 10 countries (Belgium, Canada, France, Germany, Italy, Japan, the Netherlands, Sweden, the United Kingdom, and the United States) participating in the general arrangements to borrow met under the chairmanship of Mr. Emilio Colombo, Minister of the Treasury of Italy. Mr. Pierre-Paul Schweitzer, Managing Director of the International Monetary Fund, took part in the meeting, which was also attended by the secretary general of the Organization for Economic Cooperation and Development, the general manager of the Bank for International Settlements, and the president of the Swiss National Bank.

2. They noted that, since their meeting in Paris in December 1964, the members of the Group had been called upon, in May 1965, to provide additional supplementary resources to the Fund in the amount of $525 million. This brings the cumulative use of the general arrangements to borrow to the amount of $930 million. The use made of the general arrangements to borrow has demonstrated once again the important contribution which those arrangements provide to the smooth functioning of the international monetary system.

3. The general arrangements to borrow were originally made effective from October 1962 to October 1966. It was stipulated that a decision should be taken on renewal of the arrangements before October 24, 1965. The Managing Director of the Fund has indicated his continuing need of these supplementary resources.

The Ministers and Governors agreed that the arrangements should be renewed for a second period of 4 years. However, they would suggest, in the light of increasing experience with these credit facilities, that a review be undertaken in due time for the purpose of considering whether some adaptation would be desirable in October 1968, or later.

4. The Ministers and Governors reviewed developments in international payments during the past 9 months and reaffirmed the increasingly vital role of close cooperation of the group in the light of the inevitable tendency of any major financial stresses and imbalances in payments to have consequences of importance to all members of the group. They also noted with approval the putting into effect of the program of multilateral surveillance recommended by Ministers in August 1964; this program has contributed to a better understanding of the ways in which deficits and surpluses were being financed, as well as their repercussions on other countries and on the evolution of international liquidity.

5. The Ministers and Governors noted in particular that the deficit in the U.S. balance of payments which had for years been the major source of additional reserves for the rest of the world is being corrected and that the United States has expressed its determination to maintain equilibrium in its balance of payments. They welcomed this development in the U.S. international payments position which in itself contributes to the smooth functioning of the international monetary system. At the same time, they concluded that it is important to undertake, as soon as possible, contingency planning so as to insure that the future reserve needs of the world are adequately met.

6. The Ministers and Governors recalled the mandate given to their Deputies in October 1963 to "undertake a thorough examination of the outlook for the functioning of the international monetary system and of its probable future needs for liquidity." They noted that their Deputies had submitted to them an interim report on these problems in July 1964 and had arranged for a detailed examination of various proposals for the creation of reserve assets by a special study group. The report of this group, which has now been published, will facilitate, through its exposition of the elements necessary for the evaluation of various proposals for reserve creation, the acceleration of the work of contingency planning.

7. Therefore, as the first phase of contingency planning, the Ministers and Governors gave instructions to their Deputies to resume on an intensified basis the discussions which were the subject of the Annex to the Ministerial Statement of August 1964. The Deputies should determine and report to Ministers what basis of agreement can be reached on improvements needed in the international monetary system, including arrangements for the future creation of reserve assets, as and when needed, so as to permit adequate provision for the reserve needs of the world economy. The Deputies should report to the Ministers in the spring of 1966 on the progress of their deliberations and the scope of agreement that they have found. During the course of their discussions, it would be desirable for the Deputies to continue to have the active participation of representatives of the Managing Director of the International Monetary Fund, and also of the Organization for Economic Cooperation and Development, and the Bank for International Settlements. The Swiss National Bank will also be invited to continue to send its representative to the meetings of the group.

8. The Ministers and Governors recognized that the functioning of the international monetary system would be improved if major and persistent international imbalances would be avoided. They recalled that, in their statement of August 1964 the Ministers and Governors had invited Working Party No. 3 of the Organization for Economic Cooperation and Development to make a thorough study of the measures and instruments best suited for achieving this purpose compatibly with the pursuit of essential internal objectives. They expressed the hope that Working Party No. 3 would be in a position to make their views known at about the same time as the Deputies of the Group of 10 report to the Ministers and Governors.

9. The Ministers and Governors recognize that, as soon as a basis for agreement on essential points has been reached, it will be necessary to proceed from this first phase to a broader consideration of the questions that affect the world economy as a whole. They have agreed that it would be very useful to seek ways by which the efforts of the Executive Board of the Fund and those of the Deputies of the Group of 10 can be directed toward a consensus as to desirable lines of action, and they have instructed their Deputies to work out during the coming year, in close consultation with the Managing Director of the Fund, procedures to achieve this aim, with a view to preparing for the final enactment of any new arrangements at an appropriate forum for international discussions.

AN AMERICAN HERO SPEAKS

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. MARTIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARTIN of Alabama. Mr. Speaker, in spite of the beatnik demonstrators, the parades of cowards, the unAmerican activities of tearing up draft cards and urging Americans to refuse to support their country in time of war, there are still American heroes. More than 1,000 of them have already given their lives in defense of freedom in Vietnam. Many more have been wounded in the fight against Communist aggression and, yes, to protect the freedom of those here at home who publicly side with Communist murderers against their own country and their own people.

Mr. Speaker, this week I received a letter from one of these American heroes and I would like to quote from it as part of these remarks. Perhaps the words of Lt. John B. Givhan, of Safford, Ala., will be an inspiration to true Americans and may cause some to feel a sense of shame. Whatever the reaction, I am proud to know a man like Lieutenant Givhan, a typical American, the kind who has always been willing to make whatever sacrifice needed, the kind of American to whom the words, love of country and duty, are full of meaning. Here are some excerpts from Lieutenant Givhan's letter:

Dear Congressman Martin: I have seen it mentioned several times in the newspaper that you plan to visit the Republic of South Vietnam in the near future. I write this letter with regard to your intended journey to southeast Asia.

I spent from September 21, 1963, until April 12, 1964, in the land of Vietnam flying transport helicopter * * *. My experience was the outstanding era of my life so far. Even though I was unfortunate as some say, to loss of limb as a result of Vietcong .50-caliber machinegun fire, I still look upon my stay in Vietnam with gratitude.

I would like to ask several favors of you when you arrive in Vietnam. Visit the 197th Armed Helicopter Company. To see transport helicopters in action go with the 120th Aviation Company. There you will be able to talk with professional aviators who get shot at so much they take it in stride as part of a day's work. There you will see men—not twaddle merchants—face to face. Go with them to their working area which is the deadly rice paddy of the Mekong River Delta in Kien Hoa Province, which is the rotting jungle around Ben Cat and its deadly Iron Triangle which is the towering mountain north of Ban Me Thout or around Da Nang and there you will find the man in the field, members of the 173d Special Forces, or the U.S. marines. When you see these men think of those in the United States who would burn their draft cards. These men in the field are the salt of the earth as far as I am concerned, for they are U.S. fighting men who know what freedom means to them and to their Vietnamese friends. Stay there for a time and you will remember for a long time what it is like to enter an arena where the very freedom that many take so lightly is being threatened by the cowardly, murdering, Vietcong.

Your U.S. marines will tell you that the Vietcong is not a soldier; he is a Communist murderer filled with a hate for our way of life that is so strong it is difficult for us with our Christian background to comprehend. Then, you will know for certain that this is not an enemy that can be negotiated away, for they know nothing of honor when it comes to words or treaties.

Congressman Martin, one day over there at Duc Hue which is several miles west of Hiep Hoa near the Cambodian border we helicopter men talked with a little Vietnamese lieutenant who had a small force of men there to defend the hamlet which was overrun several days later, and the lieutenant and his men were killed. I asked this lieutenant if he would be leaving soon because of reports of large Vietcong concentrations just over the border in neutral Cambodia. He said that here he was taking his stand, and that here he would die to be free because he had seen communism in North Vietnam before 1954. This man died there several days later, but he stood his ground. His people, however, looked to the great United States for backing, and we gave it to them. We must continue to stand with them forever if necessary. This attitude is deep-rooted in me partially because of that man's willingness to fight communism to the death and not to give one bit. However, can't we put freedom on the offensive and tyranny on the defensive in Vietnam; the very soul of the free Vietnamese would leap out for joy. They have known nothing but gradual defeat for so long.

Please go to the end of the line in Vietnam and talk to the U.S. soldier who bathes in a canal, who sleeps in a pup tent—if lucky, who chances to be overrun by the Vietcong every night, who gets mail once a week—if lucky, who doesn't know what a beatnik looks like. Talk to this man whose closest friend is an AR–15.

Mr. Martin, the 120th Aviation Company is just off the road from Tan Son Nhut down Cong Ly to Tu Do Street and the center of Saigon. As a life long honorary member of that unit I ask you to stop by and, if appropriate for a Congressman, say hi. I would appreciate it, and they would too. I wish I were going with you; I really do.

SINGAPORE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. Ellsworth] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, this morning I had an enlightening conversation with Lim Kim San, Minister of Finance of Singapore, the world's newsest nation. The Government Mr. Lim represents is one of the strongest anti-Communist, pro-national independence governments in all of southeast Asia.

Mr. Lim outlined for me this morning the main points of his Government's policies, and I am delighted to be able to report those points to my colleagues in the Congress:

First. The Government of Singapore is anti-Communist, and pro-Singapore.

Second. In order to survive, Singapore needs trade opportunities, not aid handouts or even loans. For example, access for Singapore to one-tenth of 1 percent of the U.S. textile market would mean more to Singapore, to freedom, and to independence in southeast Asia, than $100 million in U.S. loans.

Third. The key to successful U.S. and free world policy throughout southeast Asia is national independence. The Communists are bent on domination; the people want freedom and independence.

Mr. Speaker, I commend Mr. Lim's views, as I have reported them, to the favorable consideration of our own Government.

WALTER REED HOSPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. Hall] is recognized for 15 minutes.

Mr. HALL. Mr. Speaker, on Tuesday of last week there was an article in one of the local papers by a substitute columnist referring to alleged shortcomings of the administration of the Walter Reed Hospital of the Army Medical Center in this city. Many of our colleagues have seen that article. Many have recognized it for what it is—an attempt to sell copy, promote reader interest, or the typical yellow-journalism engaged in by this group.

The matter, of course, has interested Members of Congress because there is no question but what this is the responsibility of the Congress, and particularly the Legislative Committee on Armed Services and the proper Appropriations Committees of both Houses. We all recall that article 1, section 7 of the Constitution, provide the Congress the sole power to raise armies, support the Navy, determine policy, and generally provide for the defense of our Nation.

On the other hand, one does not wish to be whipping boys for such as those who write for slick-backed magazines or for readership, rather than for the objectivity of true journalism. They should not be the ones that promote, undue, hasty, or ill-considered action.

Therefore, having served as a physician on the Armed Services Committee now for three Congresses and certainly as a doctor in this House, I was perhaps more concerned than many about some of the loose facts, the statements out of context, the charges and countercharges, because, indeed, this Nation expects and rightfully demands that those who serve in our uniformed military services have the best possible quality medical treatment available.

Furthermore, I have served as Assistant Surgeon General of the Army in the past. I am very proud of that record, being one who not only built an empire of over 1,200,000 people under my direct assignment, promotion, morale, responsibility, and control, during World War II, but as one who, as a physician from civilian ranks served first in this position, and then tore it down and returned the physicians to their civilian practice, along with Army nurses, dentists, veterinarians, and others plus that fine enlisted corps that we had, before returning home myself.

Furthermore, I have served for the past 3 years as a minority member on the Subcommittee on Military Hospital Construction of the Armed Services Committee during the very interesting days in the 88th and the 89th Congresses, in which the Secretary of Defense has, by and with direction of the Bureau of the Budget, it appears, more and more, without scientific and technical background, assumed that he will run and discharge the businesses of the chiefs of technical service. This has precluded adequate and sufficient hospital construction even though recommended at times by the Armed Services Committee. There was a definite attempt, for example, to exclude all obstetrical beds, expansion capacity, and training beds to say nothing of accommodations for retirees. The latter were admittedly moral and legal medical care problems of the military. Some felt this new direction in lack of maintaining and replacing the military hospital system was a prelude to vamping the further care of the military, the dependents, and the retirees into this country's new civilan medicare program.

Furthermore, we are behind for adequate hospital construction just to care for the regular establishment on a replacement basis. It is estimated that it will take 8 years at the rate of 12 new military hospitals per year to catch up, to say nothing of the need for new and modern workshops as technical breakthroughs are made from all the research and development now going on.

It was during this time, under the leadership of the now chairman of the

Committee on Armed Services, the Honorable L. Mendel Rivers, of South Carolina, that we restored the expansion capability and training capacity to the staffs of military hospitals anent the day, such as now, when we are "beefing up" our troops in support of freedom-loving South Vietnam. The Congress approved in the last 2 fiscal year budgets the inclusion of hospital construction for dependents, retirees, and specifically obstetrical beds.

Therefore, on last Thursday evening, September 23, Congressman William Bray, of Indiana, a senior colleague on the Armed Services Committee, and I made a trip to the Army Medical Center, and unannounced went through the Walter Reed General Hospital from top to bottom. We did indeed call the administrative officer of the day and "report in," but we did not announce our arrival in advance, nor was it heralded, and of course we did not expect any honors.

I visited many patients, as did the gentleman from Indiana [Mr. Bray]. We went from top to bottom, in all wards, open and closed, for officers and enlisted, neurosurgical, general medical, pediatric, orthopedic, reconstructive, outpatient, and vice versa. We inspected the condition of the wards, the cleanliness of the wards, and the availability of personnel, as well as the space and buildings. I have lived and served at Walter Reed in the past years, and know the layout well.

We ourselves were interested enough to go, rather than to send an administrative assistant with any blue ribbon group, regardless of their interest or qualifications, because we felt it was our responsibility and that of the Congress.

Mr. Speaker, toward that end I prepared the next day—and provided an appropriate copy to the gentleman from Indiana, Congressman Bray—a report to the chairman of the Committee on Armed Services dated September 24, 1965, which I ask unanimous consent to have printed at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The report is as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., September 24, 1965.

Hon. L. Mendel Rivers,
Chairman, Armed Services Committee, Rayburn House Office Building, Washington, D.C.

My Dear Mr. Chairman: Just to advise that Colleague Bill Bray and the undersigned "took a walk" through Walter Reed General Hospital last evening after 8 p.m. We visited unobtrusively and quietly with the administrative officer of the day, unannounced and unheralded. We had requested other Congressmen to accompany us from the reception at Fort Meyer for the new Under Secretary of the Army, but all had prior commitments.

In general, Mr. Chairman, we found the hospital busy and, in fact, buzzing. It was overloaded and understaffed. One must recall that the acme of professional talent is concentrated here for maximum benefit to our battle and nonbattle casualties of war. One must also always remember that the mission of an Army hospital is different from a civilian institution—namely, "to restore the maximum capability to the fighting line with the best of quality care at the earliest practicable date." I found absolutely no signs of filth and what a casual observer had probably considered "dirty uniforms" in a bin 10 feet high on the enlisted wards, was rearrangement of furniture with covering draw drapes, etc., while progressive improvements are being made off the sides and ends of the wards; to wit, cardiac laboratory, new wings, etc. The air conditioning was adequate and good throughout.

Many soldiers, including battle casualties from Vietnam, were interviewed. To do so lifted our own morale. They have a certain esprit de corps in helping each other while realizing the shortage of personnel. I talked to male and female orderlies, as well as nurses. The new Army Nurse Training School started this month on the grounds. All are proud of their work and, surprisingly, did not feel underpaid or underbenefited. Also surprising was the number of retirees (including old soldiers' home) and dependents. In the enlisted wards I saw nothing different than in any Army hospital except, perhaps, the seriousness of the casualties. The wards were clean and actually mopped with antiseptic solution twice on one shift and once on other shifts four times daily. A highly septic old odor permeates the institution and, in fact, a war is constantly on against the dreaded hospital "staff infection." As late as 9:30 p.m. the outpatient clinics, and certainly the emergency room, were extremely active and "this was nothing compared to Saturday nights."

The building and corridors are built on the old Army cantonment design with which I consider the best modifications possible. A great percent of the grounds has been taken up with research, the radiological institute (including military bolt X-rays and cobalt bomb), and construction continues for better utilization, Forest Glenn service as an annex with a well-manned "seriously ill" ward or so, but mainly with a convalescing facility.

Diagnosis: Anyone claiming discrimination or "filth" or even poor management at this hospital is either a liar, fool, or simply writing for the sake of selling copy and in the interest of "yellow journalism." There is maximum utilization which involves crowding, but one must recall regulations require all tumor cases in the Army be forwarded here, as well as other difficult cases, and certainly, including all coronary heart attacks under age 35, etc.

Recommendation: The Army in coordination with the sister services, and particularly the U.S. Public Health Service, should immediately reinstitute World War II type of Cadet Victory Nurses training program. This may be an Interstate and Foreign Commerce Committee jurisdiction, and Mrs. Bolton, myself, and the U.S. Public Health Service started a similar one with great success at small training schools throughout the country during the last great war.

Our committee should immediately start a long-range program of modern construction at the Army Medical Center, including a new "high rise" efficient replacement for Walter Reed General Hospital.

Respectfully submitted,
Durward G. Hall,
Member of Congress.

Mr. HALL. Mr. Speaker, I should like to say that there is no question that there is compactness, by definition, of the Army Medical Center, in this day of expansion of our hospital care, in this day of additional required and needed research, in this day when we have the Armed Forces Radiological Institute, in this day when we have million-volt generators for not only X-ray treatment but also alpha, beta, and gamma rays, to say nothing of cobalt bombs and cesium radiation, for all of the tumor patients of all of the military services who are forwarded, by regulation, to this great medical center for treatment, it must of necessity be compactly constructed on limited grounds. The only expansion now can be upward at the Army Medical Center.

Furthermore, Mr. Speaker, it is not generally known that there are in existence regulations whereunder all those who have had coronary heart attacks, under the age of 35, for example, are treated, collected and collated, and their histories, backgrounds, physical findings, electrocardiac tracings and so forth coordinated in this great Army Medical Center.

There is one other thing I must say, Mr. Speaker. It is obvious that there is the greatest of cleanliness in the wards in this hospital. At no time did we find "filth" on the floor, and to the contrary there is a vigorous anticontaminant program in full force. If one knows something of the expansion of the cardiovascular units being added and the neurosurgical units being added on all three levels of wards—which are adequately air conditioned and adequately cleansed—that beds and equipment have been stacked at the end of the wards, properly covered with sheets and other equipment, but in no case containing dirty uniforms which might be interpreted as a makeshift process in the wards where the men sleep, and are treated.

The charge has been made that 45 men are crowded into 1 ward. Actually the measurement of crowding in a facility such as this is whether or not airborne or other diseases may be spread from patient to patient by direct contact. It is ordinarily considered that in any military medical hospital, A, there is some advantage to esprit and therapy of closeness and self-help; and, B, as long as there are 72 cubic feet of airspace surrounding each hospital bed this is a quantity sufficient and that danger of contagion is lessened.

In addition there certainly are on all of the wards special rooms where severe cases may be isolated, to say nothing of protective draw curtains. The charge has been made by the writer of the scurrilous article that there are insufficient latrine facilities. Mr. Speaker, this compares very interestingly in a 45-bed ward with the number of standup receptacles or sitdown receptacles—and I know not which the writer would customarily prefer—with those of the House of Representatives. We have 435 Members here, which is just about 10 times as many, and a simple calculation and counting of the number of stalls in our Speaker's cloakroom will indicate that these men are in much better condition than we. I submit besides there is an old-fashioned hospital institution known as a bedpan, which is abhored by many and which has been recorded in history and has been written about by friend and foe, in prose and poetry, and invective and eulogy, which accommodates the people who are not able to go to the "head." I doubt if those who lost their head in writing this article, have experienced this, but this takes care of over 50 percent of all patients in any hospital ward.

Finally, I submit, units have been made up for overseas shipment and medical care of all personnel from physicians to enlisted trained hospital corpsmen and including volunteer nurses of the Army Medical Center, to the point where admittedly they are short of personnel. Only recently this body in its wisdom raised the pay of the Army, including the enlisted men and the hospital corpsmen, doctors, and dentists and gave them incentive pay and reenlistment pay. Not once did we find any complaint while visiting this hospital about the needs that they have, or their underpayment, or find that this was a basis for lack of recruitment but on the contrary found that it was a general problem of the United States. I know there is a great shortage of registered nurses in all civilian hospitals I visit.

I have indeed recommended to the chairman of the Committee on Armed Services that we seriously again consider starting the Cadet Victory Nursing Corps, such as we had in World War II to enhance the turning out of a number of nurses that are needed for administrative direction of the wards. We found the trained and fine corpsmen are dedicated to their personnel and maintenance tasks, and clean the wards three times daily and twice on the night shift, including an antiseptic scrubbing of walls and floors. I found military patients there from all over the world with and without brain surgery, and with and without malarial disease, and those who had smothered hand grenades in Vietnam taking the entire blow themselves and having their abdomens shot away and being reconstructed by plastic surgery; pleased with the type of service they get and proclaiming that this is one of the greatest hospitals in the world.

In the long-range program recommended by the Subcommittee on Military Hospital Construction to the Committee on Armed Services last year, we suggested stepping up somewhat the replacing of the splinter villages of World War II and the inadequate hospitals where there is just no more room in which to grow, and replace them by modern type of properly designed, architecturally perfect, high-rise hospitals with modern electronic elevators and all equipment so that we can handle patients without the old ramps and wooden construction which is growing up and out to the point where there exists no more room, just as in Walter Reed Hospital. I hope that we will not demagog on this project and in fact the work was well underway before the article was written. I would certainly hope that those best qualified would investigate and recommend the spending of the taxpayers' money in this area, in the mutual hope that all of our recipients of care, whether battle or nonbattle casualties or suffering from these diseases while in the military service may have that treatment which has made the difference in morale between the American Forces and those who are shanghaied into service, because we have the ones who volunteer and serve for the sake of freedom.

WHITE HOUSE CONFERENCE ON INTERNATIONAL COOPERATION YEAR

Mr. FRASER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, as one who will have the honor of representing the House at the White House Conference on International Cooperation Year, I was pleased to note that Raymond Nasher, a prominent, Dallas, Tex., builder, has been appointed Executive Director of the Conference.

The Conference will seek out ways in which the United States can further international cooperation.

Task forces made up of Government officials and private citizens have been at work preparing preliminary reports for the consideration of the Conference. Nasher has served as Cochairman of the Task Force on Urban Development.

Mr. Speaker, I am looking forward to the Conference with great interest, and I am certain that Mr. Nasher as Executive Director will contribute markedly to its success.

Under unanimous consent, I insert an article from the Dallas Times-Herald concerning Mr. Nasher's appointment:

INTERNATIONAL ROLE ASSIGNED NASHER

WASHINGTON.—Dallas Builder Raymond Nasher will serve as executive director of the White House Conference on International Cooperation, billed by the State Department as the major conference of its type.

In his role an Executive Director, Nasher will be "Mr. Conference," State Department officials said.

Scheduled in Washington November 29 to December 1, the Conference will bring together an estimated 1,500 experts from both the private and public sectors to explore 30 areas of international cooperation and make recommendtions directly to President Johnson.

Topics to be covered at the Conference include arms control and disarmament, education, trade, urban development, space, national resources, human rights, business and industry, aviation, atomic energy, international law, science and technology, and health, among others.

TASK FORCE

State Department officials said task forces embracing some of the best minds in the Nation in the private sector are working in tandem with Government officials in drafting preliminary reports for presentation to the Conference.

Nasher served as Cochairman of one of the panels, on urban development. His Cochairman was Robert Weaver, Administrator of the Housing and Home Finance Agency.

State Department officials who have seen the committee draft termed it brilliant and said it influenced the selection of the Dallasite to serve as overall head of the White House Conference.

The task forces have been at work on specific areas of concern in international cooperation since March. Their reports will be forwarded to Conference participants next month so they may be studied before the Conference convenes.

WHERE WE STAND

At the Conference itself, panels will wrestle with individual topics for more than 2 days before preparing the final recommendations to President Johnson.

"This Conference is a program to get the experts in the Nation to take a close look and determine where we stand in the field of international cooperation," a State Department spokesman said. "They will try to determine where we are in need, where we need to improve, what might be missing and just what we can do."

The State Department said this would be "the first time people in the private sector have been able to make recommendations to the President without Government censorship."

Nasher is developer of the new North Park regional shopping center in Dallas.

THE POOR AMIDST PROSPERITY

Mr. FRASER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GIBBONS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GIBBONS. Mr. Speaker, in the current October 1 issue of Time magazine in the Time essay section, there is a very intelligent and constructive discussion of poverty entitled "The Poor Amidst Prosperity," I wish to commend the editor of Time for this very informative article. It states clearly and concisely the challenge we face. Every Member of Congress should read this article and, therefore, I am inserting it at this point in the RECORD:

THE POOR AMIDST PROSPERITY

Employment in the United States stands at a record 75 million, and unemployment is down to an 8-year low. A rising stock market attests to the seemingly invincible health of the economy; the Nation shoulders the costs of foreign war and foreign aid without strain; the big metropolises revel in the autumnal excitement of the new movies, the fall fashions, the opera, the art galleries, a thousand assorted á go-gos. And amidst such affluence the U.S. Government plugs away at its war on poverty; last week Congress passed a second-year appropriation of $1.78 billion, which is more than twice what it provided for the first year.

Poverty? Americans with bloated bellies? People living under bridges? Beggars in the street? Children dying for lack of doctoring? Of course not. Nonetheless, the United States has its angry, frustrated poor. People who do not suffer poverty tend to think of it in absolute, merely materialist terms of Dickensian squalor. In fact, poverty has to be measured relative to the rising standard of living, the tenderer social conscience, the national capacity for creating wealth. Poverty is the condition—and the awareness—of being left behind while, economically, everyone else is marching forward.

The reality of the new poverty lies in its contrast to U.S. affluence, and it is heightened by the constant, often self-congratulatory talk about that affluence. It is the poverty of the Harlem woman who says, "I'm tired of 49-cent meat; I want some 89-cent meat just once." It is the poverty of people who have a refrigerator, assert their right to own a TV set, may genuinely need a car, should visit a dentist. Even if this poverty is not like any earlier poverty or the poverty of much of the rest of the world, it is worth declaring a war on.

The war is being conducted with the same passion that the United States brings to its successive crusades against disease and, on occasion, to its foreign policy. The bureaucratic warriors are joined (and sometimes fought) by a whole new group of ideologs of poverty, notably including Michael Harrington, who discovered the new poverty in his 1963 book, "The Other America," and Sociologist Saul Alinsky, a tireless agitator and polemicist who travels from city to city advising the poor on how to organize for uplift. Underlying the antipoverty campaign is the uniquely American belief—surprisingly often correct—that evangelism, money, and organization can lick just about anything, including conditions that the world has always considered inevitable.

PAUPERS ARE EVERYWHERE

Praising the Lord and passing the alms, man has fought poverty for more than 5,000 years—but until recently without any real expectation that the fight could ever be won. Hinduism and Buddhism encouraged almsgiving but reconciled themselves to poverty by suggesting that it is a requisite for man's prime goal: the enrichment of spirit instead of body. The Hebrews equated poverty with suffering, extolled charity as one of the greatest virtues, and declared, in Proverbs, that "He who mocks the poor insults his Maker." Christ's most famous pronouncement on the problem—"For you always have the poor with you"—is usually quoted out of context and does not necessarily imply that poverty is inevitable. St. Thomas Aquinas concluded that natural law gives every man the right to enough of the world's resources to lead a decent life. Nevertheless, the traditional Christian attitude equates poverty with saintliness, deeply distrusts money, and proclaims, "Blessed are you poor."

Going a step beyond charity, the 12th century Spanish-Jewish philosopher, Maimonides, urged the well-to-do to "assist the reduced fellow by teaching him a trade or putting him in the way of business so that he may earn an honest livelihood." Queen Elizabeth I came to believe that care of the poor is not the duty of just the rich or the church but also of the state. "Paupers are everywhere," she cried after a tour of England, and her Parliament sped up passage of its poor-relief acts. Just about then, Calvin declared that idleness was the real sin—which in the United States developed into the Puritan ethic that virtuous people are bound to prosper and the slothful will earn the bitter reward of poverty. Less than a century ago, Henry Ward Beecher thundered: "No man in this land suffers from poverty unless it be more than his fault—unless it be his sin."

Such was the dominant belief until recently in the Nation of free enterprise, rugged individualism, and the Homestead Act. Only when the frontier was gone did city, State, and eventually Federal relief become a principal weapon against poverty. The force that most fundamentally changed the nature of poverty was the machine. In the short run, the industrial revolution only caused bigger and worse poverty by creating a new pauperized proletariat; in the long run, it lent reality to the utopian dream of universal abundance by almost infinitely multiplying the once strictly limited productive capacity of human hands and brains. In the United States and in most of the contemporary West, the fruits of the industrial revolution brought about a momentous change: the poor turned from a majority into a minority.

LIFE ON BREAD, RICE, BEANS, AND PEAS

As a working definition of poverty, the U.S. Government sets a minimum income sufficient for an urban family of four, based on $2.80 a day for food, with an added factor for rent and services. It adds up to $3,100 a year, or $2,200 for farm families who grow their own food.

Thus arbitrarily defined, the U.S. poor number a depressing 34.1 million. They are mostly children (15 million) and old people (5.3 million). Half of the poor families are in the South. Poverty afflicts 40 percent of the Nation's nonwhites, 40 percent of its farmers, 50 percent of the families headed by divorced, widowed, or abandoned women. The fifth of the Nation at the bottom gets only 4.7 percent of the country's personal income, while the fifth at the top gets 45.5 percent.

Compared with the 19th century poor so bitingly described in literature—Zola's Gervaise "was quite willing to dispute with a dog for a bone"—the American poor are well off. They would be considered rich by most Red Chinese, whose per capita annual income averages $70. In southern Italy and Sicily, thousands of nullatenenti (have-nots) live in caves or open trenches. Poverty is too soft a word to describe the puffed stomachs that are common sights in India, Africa, and Brazil's northeast. On the other hand, Scandinavia knows nothing like American slums, and Soviet Russia can claim to have abolished the crasser forms of poverty—but only by imposing on the whole nation a way of life that most Americans today would equate with privation.

As late as the depression, Americans starved. "In the wet hay of leaking barns," wrote John Steinbeck, "old people curled up in corners and died that way, so that the coroners could not straighten them." About 2,000 Americans still die yearly from diseases of malnutrition, and many of the poor are poorly fed. The official U.S. poverty definition is based on the Department of Agriculture's economy food plan ("essentially for emergency use"): large helpings of bread, rice, dried beans, and peas, cereals, rare servings of meat, no out-of-season or convenience foods.

Hooverville shanties went out with the 1930's, and Government-subsidized apartments are climbing skyward in the slums, but most of the poor continue to suffer mean and overcrowded shelter. The 1960 census listed 15.6 million of the Nation's 58 million houses and apartments as substandard—including 3 million shacks and tenements and 8,300,000 "deteriorating houses," where the poor often pay a higher rental per square foot than the middle classes do. Health is also a poverty problem. The poor suffer mental illness at a sinister rate, triple that of the middle and upper classes, according to an investigation in New Haven, Conn. Mostly because of its poor, the United States has a lower life-expectancy rate than Holland, Sweden, Israel, and Great Britain.

John Kennedy spoke of patches of poverty—and indeed, the poor tend to be concentrated. In Chicago the poor are the winos of skid row, the aged pensioners and beatniks of West Madison Street, and the hillbillies of the "uptown area," a middle-class neighborhood only a decade ago. Virtually every city has its Negro slums: Detroit's Brewster, Chicago's West Garfield Park, Las Vegas' West Side, and Los Angeles' now notorious Watts. The rural poor cluster in the picturesque Appalachians and the Ozarks, on the Louisiana-Texas coastal plain, in the southern Piedmont and the upper Great Lakes areas where the land is as beaten as the people.

Thus, stuck away in the country hollows, in old villages around which suburbs have grown, in city slums that look like gray blurs from expressways and fast commuter trains, the poor are scarcely visible. Society sees them mostly through the tabloid stories that reflect their roaring crime rate. For, as Henry Fielding put it 200 years ago, "the sufferings of the poor are less known than their misdeeds."

THE MIND-SET OF HOPELESSNESS

Invisible or not, the poor are real. Fifteen of them live in two rooms in one Atlanta building, where they cannot even make love in private. "I ain't got no stove in the basement and I ain't got no stove in the kitchen," says a Harlem woman who lives in a building jammed with whores, rats, and babies. "I ain't got no paint and I ain't got no windows and I ain't got no providements. I keep the place clean just so the doctor can come in, and someday the undertaker. What's a poor person? A poor person is when you see me."

Poverty is the Greene County, N.C., Negro worker, whose annual income averages $213. Poverty is the Georgia woman who cannot fill out a job application because she does not know the meaning of "spouse" or "maiden name." Poverty is the laid-off Colorado miner who does not move to a richer job market because he cannot sell his house and is afraid to lose his seniority or pension. It is the Detroit construction hand who has not worked since most of the big building jobs moved to the suburbs, because he is too illiterate to get a driver's license and the buses do not go out that far.

The U.S. economy has enabled millions to climb up from poverty, and plenty of people defined as "poor" by the Government do not think of themselves that way. Says a Houston cleaning woman: "I've got three kids at home, and I raised them on less than $2,000 a year, and I'm proud of it. You ain't poor until your spirit goes, and I think it goes if you keep on taking handouts." One impoverished ex-miner in Pennsylvania has a freezer loaded with vegetables from his backyard garden—and a shotgun in the kitchen to pepper the pants of any welfare worker who wants to check up on just how much he possesses.

Yet millions of others lack this kind of spunk—which stirs politicians and scholars to explanations. Senator ABRAHAM RIBICOFF argues that the poor "fared badly in the lotteries of parenthood, skin pigmentation, and birthplace." Author Harrington speaks of the thickness of poverty—the dead ambitions that make for apathy, immobility, unaspiring hopelessness. One Government study by psychiatrists found that many of the poor are "rigid, suspicious, have a fatalistic outlook. They do not plan ahead. They are prone to depression, futility, lack of friendliness, and trust in others." In the burned-out mining towns of Appalachia, ninth-generation Anglo-Saxon American men cluster around TV sets that blare from the grim, grimy tar paper shacks. "They're not much interested in what's on the screen," says John D. Rockefeller IV, a 28-year-old poverty worker in West Virginia, "but it gives them something to watch and pass the long hours of the day."

In a civilization where a family can be termed "poor" even if it is adequately clothed and fed, most philosophers tend to agree with Theologian Reinhold Niebuhr's contention that "poverty is not purely economic, but cultural. There is spiritual, social, and moral deprivation." UCLA Chancellor Franklin Murphy sees poverty in the lack of "the intangibles—opportunity and the experience of beauty."

Undoubtedly, the best way out of that kind of depression is education. In the land where the dream of almost every immigrant family has been to school its children for a better life, where Economist John Kenneth Galbraith remarks that he has never met a truly educated person who was impoverished, the U.S. President's 1964 Economic Report declares that "poverty and ignorance go hand in hand." Two-thirds of America's poor families are headed by people with no more than a grade school education. But to expand education without expanding jobs would be to create bitterness, argues Economist Leon Keyserling, who believes that the surest cure for poverty is to speed the economy's growth.

WHAT TO DO WITHOUT THE POOR?

The Government is battering at poverty from all sides: the aid to education bill, the rent subsidy housing bill, medicare, civil rights, social security step-ups, and further tax cuts to stimulate economic expansion. More specifically, under Sargent Shriver and his Office of Economic Opportunity, the Government in the past year has started the war on poverty for which last week's appropriation provides funds. In it are nine programs of job training, relief, experiment, and redirection of existing welfare. It aims to prove that poverty, more than being just relieved, can be cured in a free, rich nation. Taking a tip from Maimonides, the United States hopes not merely to balm the distress of the poor but to reshape their skills, attitudes, and even their personalities.

The programs range from Head Start preschool courses and job training camps for high school dropouts to low-interest (4⅛-percent) loans for dirt-poor farmers and vocational courses for slum adults. The community action program, the boldest idea, is mobilizing the poor themselves, organizing people of rundown neighborhoods to run their own child-care centers and basic education courses, and to conduct self-help drives to improve housing and sanitation.

The Federal effort has touched off many fights between militant slum leaders and city and State politicians, who fear that if the poor people or their clergymen get control of the poverty millions, they will have excessive powers of patronage. The new money bill gave Governors a partial veto over Shriver's projects. Inevitably, there have been charges of graft, waste, and, above all, naivete. The battling bogged down the poverty programs in Chicago, Denver, and—most explosively—Los Angeles. On the brighter side, there is harmony and noticeable progress in New York City, Detroit, Pittsburgh, West Virginia, and several other poverty targets. In Atlanta, $36,000 invested in a pilot antipoverty program produced jobs for 272 unemployed—who now have a payroll of $744,000. Says the local antipoverty chief, Boisfeuillet Jones: "If this isn't good business, I don't know what is."

If the poverty program everywhere could get returns at Jones' rate, it would be a stunning achievement. Swedish Economist Gunnar Myrdal contends that the American poor are the greatest underdeveloped market in the world. Psychiatrist Leonard Duhl, planning chief of the National Institute of Mental Health, looks forward to the poor learning the value of books and good music and even wine.

Euphorically, some people are even beginning to wonder what society might be like without the poor. Would they be missed? After all, the poor provide often beneficial political ferment and a useful troubling of the sluggish conscience. The ancient prophets, and a great many modern ones, were kept in business largely by the poor. In his new book, "The Accidental Century," Michael Harrington speculates that "there could be a new, unimpoverished political equivalent of the poor," composed of middle-class people threatened in their jobs by automation and cybernation.

In the sense that men will always form a spectrum from the richest on down, sociologists will never be able to say that any nation is free of poverty. Some future U.S. President may deplore "one-third of a nation ill wined, ill minked, and ill mansioned," for the minimum living standards that define poverty are certain to go on rising. But that rise is what constitutes victory in war on poverty.

HIGHER BENEFITS UNDER THE LONGSHOREMEN'S COMPENSATION ACT

Mr. FRASER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, many of us are pleased to note that action is now underway to liberalize benefit provisions of the Federal Employees Compensation Act. Another compensation act under control of Congress which deserves equal, if not greater consideration, is the Longshoremen's and Harbor Worker's Compensation Act. Its benefit provisions have fallen far behind and, it seems to me, revision of the Act should be a priority matter for the next session of Congress. To do my part in getting the ball rolling, I am introducing today a bill to bring the weekly benefits provided under the Longshoremen's Act more nearly in line with current wage levels, as well as the basic purposes of this law. It is my fervent hope that my colleagues will carry on and follow through on this urgent task next year.

The explanation that follows shows the need for this legislation and indicates why favorable action by the Congress is overdue.

The Longshoremen's and Harbor Workers' Compensation Act covers some 500,000 workers engaged in maritime employments. Included under its coverage are longshoremen or stevedores, ship repairmen, ship servicemen, harbor workers, and other employees engaged in employments on the navigable waters of the United States, but not including seamen. The Longshore Act is also the basic compensation act for employees privately employed in the District of Columbia and for employees of contractors holding contracts with the Government whose operations take place outside continental United States.

The Longshoremen's and Harbor Workers' Act is the only Federal compensation statute applying to workers in private industry. The other Federal statute in this field, the Federal Employees' Compensation Act, embraces Government employees.

The main purpose of my bill is to reconcile the maximum weekly benefit allowable under the Longshore Act for disability with the established principle that benefits should equal two-thirds of average weekly earnings. This principle was basic to the establishment of compensation insurance throughout the country. It is clearly enunciated not only in most State laws, but also in many provisions of the Longshoremen's and Harbor Workers' Compensation Act. Unfortunately, the original intent of compensation insurance has been seriously undermined by the inclusion in most of these laws of a dollar ceiling on weekly benefits. In the early years of compensation insurance, such ceilings did not present a critical problem, since the average ceiling was generally above the amount necessary to provide a benefit of two-thirds of weekly earnings. Thus, when the Longshoremen's and Harbor Workers' Act was passed in 1927, the $25 ceiling compared with average earnings of less than $30 weekly, so that the overwhelming majority of affected employees got what the act intended. Today, however, the dollar ceilings in the Longshore Act, as well as in most State laws, deprive workers of their proper benefits.

The present ceiling on weekly benefits of the Longshore Act, set in 1961, is $70. This is far too low in relation to actual wage levels prevailing for most trades covered by the act. For example, I am informed that registered West Coast longshoremen averaged $184.18 a week for the fourth quarter of 1964 and $181.59 for the third quarter. Increases in wage rates this year have pushed average earnings even higher. While earnings in other sections of longshore or in the shipyards may not be as high, they are comparable. The point is that the great bulk of the men covered by the Longshore Act are unable to recover two-thirds of their earnings when they are injured, and far below two-thirds, in many instances. Thus, a West Coast longshoreman averaging $184 weekly, is compelled to subsist on $70 a week in the event he is injured. The same tragic inequity confronts the overwhelming majority of maritime workers under the existing $70 ceiling.

It is significant to note that the $70 weekly ceiling in the Longshore Act compares with a $525 monthly ceiling provided in the Federal Employees Compensation Act as far back as 1949. Moreover, the legislation now being considered by a Subcommittee of the House Labor Committee would substantially increase this ceiling.

The injustice of the situation confronting the longshoremen comes into sharper focus when it is understood that longshoremen work in one of the most hazardous industries in the country, where the accident frequency rate is extremely high.

Obviously, it is high time that the Congress amended the Longshore Act to assure the workers in this industry of recovering a livable benefit during the period they are disabled by accidents.

My bill proposes to correct the inequity applying to benefits under the Longshore Act by replacing its $70 ceiling with the current dollar ceiling in the Federal Employees Act. Translated to a weekly equivalent, which drops the fractional part of a dollar, this ceiling is $121, the figure I am using in my bill. Such a maximum would undoubtedly provide a substantial proportion of the workers covered by the act with benefits to which they are properly entitled.

I am proposing the use of the ceiling in the Federal Employees Act for several reasons. First, on the basis of the information available, it appears that wage levels justify a ceiling of $121. Of considerable significance, too, is the fact that the ceiling in the Federal Employees Act has been in effect for many years and has covered a large number of Federal employees with a wide range of salary levels. This should provide a background of experience sufficient to answer any factual questions arising out of an increase in the Longshore Act ceiling to $121.

At this point, it is important to understand that establishment of the ceiling I am proposing does not mean that covered employees will automatically receive $121 in weekly benefits. They will be eligible only for two-thirds of their actual average weekly earnings, up to a maximum of $121 weekly. Workers in the low brackets, in maritime, and in the District of Columbia, will get benefits equivalent to no more than two-thirds of their weekly pay. My proposal will not mean any windfall, but only what is proper under the two-thirds formula.

The basic policy on which my amendment is based was clearly stated in the report of the House Committee on Education and Labor when it approved the 1949 amendments to the Federal Employees' Compensation Act. The report said:

> Any flat monthly maximum, the effect of which inevitably in some cases prevents the employee from receiving a fair proportion of his wage loss in total and partial disability cases, is, by its very nature, unrealistic and inequitable.

With that policy I thoroughly agree, and I am sure every forward thinking leader in the field of social insurance shares a similar belief. It is now only just and fair that Congress should apply that policy to the Longshoremen's and Harbor Workers' Act by revising its present unrealistic and inequitable ceiling.

In addition to revising the maximum and minimum ceiling in the Longshore Act, my bill includes several other related changes.

The computation of death benefits would be revised to correspond with the new maximum and minimum. In addition, the present dollar limitation on total benefits as set forth in section 14 (m) would be repealed.

The changes proposed under my bill add up to simply equity for the more than half a million employees affected by the Longshoremen's and Harbor Workers' Compensation Act. My bill will restore the original premise that underlies benefits in workmen's compensation—that they should equal two-thirds of the weekly loss in wages. I commend this bill for serious study by my colleagues, and it is my hope that next January it will receive early and favorable consideration by the Committee on Education and Labor.

HEARING ON H.R. 10049 AND H.R 10050—HUMANE TREATMENT OF ANIMALS USED IN RESEARCH

Mr. FRASER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PEPPER. Mr. Speaker, on September 30 and October 1 the House Interstate and Foreign Commerce Committee will hold hearings on my bill and other bills which deal with the humane treatment of animals used in experiment and research by recipients of grants from our Federal Government.

This legislation will provide for the best care, welfare and safeguards against suffering of these animals used in scientific research without impeding the necessary research which must go on if we are to find the cure from these diseases which kill thousands of our fellow citizens each year.

I commend the able chairman [Mr. HARRIS] and his colleague on the committee for their foresight into this problem and allowing a hearing on this subject.

Mr. Speaker, this past weekend the Florida Federation of Humane Societies met in Tampa, Fla., and adopted a resolution which supports my bill, H.R. 10050, and my colleague, Mr. ROGERS' bill, H.R. 10049.

Because of the campaign being waged to discredit me and this legislation, I offer this resolution for the attention of my colleagues and to the humane movement for their consideration:

RESOLUTION OF THE FLORIDA FEDERATION OF HUMANE SOCIETIES

> Whereas the Florida Federation of Humane Societies has gone on record in a resolution passed March 16, 1963, as endorsing national legislation designed to eliminate avoidable cruelties to animals used in medical laboratories in the United States; and
>
> Whereas the identical bills introduced in the 1st session of the 89th Congress by Congressman PAUL ROGERS of Florida, H.R. 10049; and by Congressman CLAUDE PEPPER, of Florida, H.R. 10050, meet the basic requirements set forth in the aforesaid resolution; and
>
> Whereas passage of such desirable legislation will be furthered by presenting, as far as possible, a united front on the part of humane societies with respect to specific legislation, despite some differences of opinion among humanitarians regarding the most desirable content of such legislation, and in view of the fact that the American Humane Association and the Humane Society of the United States, the two largest national humane societies in this country, strongly endorse the identical Rogers-Pepper bills: Therefore, be it
>
> *Resolved by the Florida Federation of Humane Societies, meeting in Tampa, Fla., on September 24–25, 1965,* That this federation endorses the foregoing bills introduced by Congressmen ROGERS and PEPPER, extends its compliments to these two Members of the Congress who have worked so diligently for humane treatment of laboratory animals, and urges all humanitarians of Florida to actively work in support of H.R. 10049 and H.R. 10050.

CONGRATULATIONS TO THE PEOPLE OF NIGERIA ON THEIR FIFTH ANNIVERSARY OF INDEPENDENCE

Mr. FRASER. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. MATSUNAGA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, President Nnamdi Azikiwe, Prime Minister Abubakar Tafawa Balewa and the Nigerian people yesterday celebrated the fifth anniversary of their nation's independence. We have noted with warm respect the progress in diversification of the Nigerian economy within the past year, the increase in oil production, the continuing development of the Niger River Dam program and the increasing confidence shown by foreign investors in Nigeria's stability We know well enough that these accomplishments did not come simply as gifts from heaven, but were the products of purposeful toil, difficult decision, patience, sacrifice, and statesmanship. Let us then register our admiration for the accomplishments realized in the first 5 years of this young, vigorous and firmly democratic nation. And as the sixth year of Nigerian nationhood begins, let us convey to that most populous of all African States our sincere best wishes as it faces the challenges that lie ahead.

UNIVERSITY OF THE ANDES CHORUS

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, today I had the honor of meeting the members of the University of the Andes Chorus, 40 fine young students who are visiting in Washington after participating in the first International Festival of University Choruses in the city of New York.

In a ceremony on the steps of our Nation's Capitol, I was presented with a Colombian flag that normally flies over the Presidential Palace in Bogotá. This flag had been given earlier to the students of the University of the Andes during an impressive ceremony just prior to their leaving on their first trip to the United States.

I, in turn, presented the students with a United States flag that had been flown over the U.S. Capitol, and I understand that they intend to display it in a conspicuous place at the University of the Andes when they return to Bogotá.

This ceremony, Mr. Speaker, symbolizes the friendship which exists between our two countries. As chairman of the House Subcommittee on Inter-American Affairs, I am very cognizant of the role that these young men, their university, and their country play in our hemispheric relations.

I had the pleasure of visiting the University of the Andes in 1962. What is being accomplished in this unique university is something of which all Colombians can be proud. The idea for the university's inception came from a young Colombian student who attended school in the United States. This young man, Mario Laserna, after graduating from Columbia University in New York, returned home with an idea and a dream.

That idea and dream today is the University of the Andes.

Mario Laserna, inspired by the free, independent institutions of higher learning he had seen here, talked with friends, teachers, intellectuals, and other influential Colombians and persuaded them to establish South America's first university, fully independent of both church and state.

The success of the University of the Andes has been phenomenal. It has grown from a student body of 76 on April 29, 1949, when it first opened its doors, to a university of 1,750 students today. There are five schools: Arts and sciences; architecture and fine arts; engineering; philosophy and letters; and economics. And I understand that a graduate school of engineering soon will be added, with the help of many Americans.

The University of the Andes has received financial support from a number of prominent individuals in the United States. In 1957 the University of the Andes Foundation was established by a group of Americans who believed that they could make an effective contribution to the growth and development of Latin America through support of the university.

As the University of the Andes continues to grow and prosper, I am certain all Latin America will be the beneficiary.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HARDY (at the request of Mr. MARSH), through October 17, on account of official business.

Mr. LONG of Louisiana (at the request of Mr. WAGGONNER), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALL, for 15 minutes, today; and to revise and extend his remarks and to include extraneous matter.

Mr. ASHBROOK (at the request of Mr. HORTON), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. CAMERON (at the request of Mr. FRASER), for 60 minutes, on October 5; to revise and extend his remarks and to include extraneous matter.

Mr. MOSS (at the request of Mr. FRASER), for 60 minutes, on October 5; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Member (at the request of Mr. HORTON) and to include extraneous matter:)

Mr. KING of New York.

(The following Member (at the request of Mr. FRASER) and to include extraneous matter):

Mr. ROGERS of Florida in two instances.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2091. An act relating to the establishment of concession policies in the areas administered by National Park Service, and for other purposes;

H.R. 2358. An act for the relief of Tony Boone;

H.R. 2772. An act for the relief of Ksenija Popovic;

H.R. 4750. An act to provide an extension of the interest equalization tax, and for other purposes;

H.R. 8035. An act to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes;

H.R. 9417. An act to revise the boundary of Jewel Cave National Monument in the State of South Dakota, and for other purposes;

H.R. 10516. An act authorizing the disposal of vegetable tannin extracts from the national stockpile;

H.R. 10714. An act to authorize the disposal of colemanite from the supplemental stockpile;

H.R. 10715. An act to authorize the disposal of chemical grade chromite from the supplemental stockpile;

H.R. 10748. An act to authorize the transfer of copper from the national stockpile to the Bureau of the Mint;

H.R. 8283. An act to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964;

H.J. Res. 330. Joint resolution to authorize the disposal of chromium metal, acid grade fluorspar, and silicon carbide from the supplemental stockpile; and

H.J. Res. 309. Joint resolution to amend the joint resolution of March 25, 1953, to increase the number of electric typewriters which may be furnished to Members by the Clerk of the House.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 2091. An act relating to the establishment of concession policies in the areas administered by National Park Service, and for other purposes;

H.R. 2358. An act for the relief of Tony Boone;

H.R. 2772. An act for the relief of Ksenija Popovic;

H.R. 4750. An act to provide an extension of the interest equalization tax, and for other purposes;

H.R. 7969. An act to correct certain errors in the tariff schedules of the United States, and for other purposes;

H.R. 8035. An act to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes;

H.R. 8283. An act to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act;

H.R. 9417. An act to revise the boundary of Jewel Cave National Monument in the State of South Dakota, and for other purposes;

H.R. 10516. An act authorizing the disposal of vegetable tannin extracts from the national stockpile;

H.R. 10714. An act to authorize the disposal of colemanite from the supplemental stockpile;

H.R. 10715. An act to authorize the disposal of chemical grade chromite from the supplemental stockpile;

H.R. 10748. An act to authorize the transfer of copper from the national stockpile to the Bureau of the Mint;

H.J. Res. 309. Joint resolution to amend the joint resolution of March 25, 1963, to increase the number of electric typewriters which may be furnished to Members by the Clerk of the House; and

H.J. Res. 330. Joint resolution to authorize the disposal of chromium metal, acid grade fluorspar, and silicon carbide from the supplemental stockpile.

ADJOURNMENT

Mr. FRASER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 29, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1627. Under clause 2 of rule XXIV, a letter from the Acting Administrator, Federal Aviation Agency, transmitting a report of commissary operations for fiscal year 1965, pursuant to 5 U.S.C. 596a, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on Disposition of Executive Papers. Report pursuant to (63 Stat. 377); without amendment (Rept. No. 1097). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 11297. A bill to amend the Internal Revenue Code of 1954 to provide equitable tax treatment for foreign investment in the United States; to the Committee on Ways and Means.

By Mr. CRALEY:

H.R. 11298. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. BETTS:

H.R. 11299. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on the amount of the deduction for contributions to pension and profit-sharing plans made on behalf of self-employed individuals and to change the definition of "earned income" applicable with respect to such plans; to the Committee on Ways and Means.

By Mr. MORRISON:

H.R. 11300. A bill to amend title 39, United States Code, to provide certain mailing privileges with respect to members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PELLY:

H.R. 11301. A bill to grant the masters of certain U.S. vessels a lien on those vessels for their wages and for certain disbursements; to the Committee on Merchant Marine and Fisheries.

By Mr. BINGHAM:

H.R. 11302. A bill to amend title II of the Social Security Act to provide monthly insurance benefits for certain dependent parents of individuals entitled to old-age or disability insurance benefits; to the Committee on Ways and Means.

By Mr. DANIELS:

H.R. 11303. A bill to amend section 18 of the Civil Service Retirement Act, as amended; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California:

H.R. 11304. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mrs. KELLY:

H.R. 11305. A bill to provide for the protection, conservation, and development of the natural coastal wetlands of Hempstead-South Oyster Bay, Long Island, for fish and wildlife and outdoor recreation purposes; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PATMAN:

H.R. 11306. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. RESNICK:

H.R. 11307. A bill to provide for the protection, conservation, and development of the natural coastal wetlands of Hempstead-South Oyster Bay, Long Island, for fish and wildlife and outdoor recreation purposes; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Tennessee:

H.R. 11308. A bill to amend the Internal Revenue Code of 1954 with respect to payments under certain contracts for the sale of stock; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 11309. A bill to provide for the protection, conservation, and development of the natural coastal wetlands of Hempstead-South Oyster Bay, Long Island, for fish and wildlife and outdoor recreation purposes, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROOSEVELT:

H.R. 11310. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, as amended, to provide increased benefits in case of disabling injuries and for other purposes; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FINO:

H.R. 11311. A bill for the relief of Mrs. Vera Cvetkovic; to the Committee on the Judiciary.

By Mr. HALEY (by request):

H.R. 11312. A bill relating to certain Indian claims; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 11313. A bill for the relief of Cresencio Cabanatan Ajeto; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 11314. A bill for the relief of Ronnie Lindsay; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 11315. A bill for the relief of Mr. Harvey Hart; to the Committee on the Judiciary.

H.R. 11316. A bill for the relief of Noel John de Souza; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 11317. A bill for the relief of Antonio Ruggiero; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 11318. A bill for the relief of Lt. Lawrence G. Crowell; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Thanks to Residents

EXTENSION OF REMARKS
OF
HON. PAUL G. ROGERS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 1965

Mr. ROGERS of Florida. Mr. Speaker, as the 1st session of the 89th Congress nears its end I want to express my thanks to Sixth District residents who have given me the benefit of their views during the year, and especially the 56,000 who responded to my questionnaire. This cooperation is most helpful and sincerely appreciated.

The questionnaire results in percentages follow:

Are you in favor of a Government-supported medical care plan for the aged? Yes, 58.9; no, 34.6

If your answer to the above question was "Yes," please answer one of the following:

(a) Do you favor medicare financed by social security taxes? Yes, 53.7.

(b) Do you favor eldercare financed by matching Federal-State taxes? Yes, 39.6.

Do you approve a reduction in excise taxes this year? Yes, 71.7; no, 21.3.

Should foreign aid be cut? Yes, 86; no, 9.7.

Do you favor repeal of section 14(b) of the Taft-Hartley Act, which now permits the States to have right-to-work laws? Yes, 25.4; no, 67.

Do you approve increased Federal aid to education? Yes, 49.2; no, 45.1.

Do you favor my bill to raise the outside income limitation from $1,200 to $2,400 for those drawing social security benefits? Yes, 88.9; no, 9.4.

Do you support U.S. military activity in Vietnam? Yes, 55.5; no, 36.9.

The Future of the United Nations

EXTENSION OF REMARKS
OF
HON. CARLETON J. KING
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 1965

Mr. KING of New York. Mr. Speaker, I believe all Americans are vitally interested in the survival and success of the United Nations. It is difficult to imagine a world without some international body to which all can come in their desire to live at peace.

Many shortcomings have developed in the operation of the United Nations. Many changes, no doubt, are needed. Many praise and many condemn it. It is for us to examine all praise and all criticism to see if we cannot somehow work out a more effective body. Revision of the Charter is long overdue.

Recently, one of my colleagues, the Honorable PAUL A. FINO, of the 24th District of New York, delivered a thought-provoking address to the Veterans of World War I at their banquet in Tampa, Fla., on the occasion of their 13th annual national convention. I believe all should read carefully and reflect on Congressman FINO's remarks:

THE FUTURE OF THE UNITED NATIONS

Mr. Chairman, National Commander Colonel Houston, Mrs. Houston, Madam Auxiliary Commander Mrs. Walton, distinguished guests, and fellow Americans, it is indeed a privilege and a pleasure for me to be here this evening.

I certainly welcome and appreciate your invitation to address this convention of one of the finest veterans' organizations in America.

Tonight, I am going to speak on a matter of great interest and importance not only to you but to every American and to the free world. The topic I will speak on should be of interest to all in the light of what has been happening in the world in the last weeks and months.

I refer to the future of the United Nations—that international device whose primary objective and purpose is to keep the peace. In my opinion, which is shared by many, the future of this organization doesn't look very bright. As a matter of fact, from all indications, it is on its last legs and doomed to certain failure.

This is most unfortunate because, although many of us in Washington often get annoyed with the U.N., we have always felt it is a good idea to have some kind of international peacekeeping organization in existence for emergencies—an organization that is meaningful and worthwhile—an organization that can really fulfill its real objectives.

The first purpose of the United Nations is to keep the peace, yet, faced with war and the danger of war throughout the globe, the U.N. remains powerless to act.

Let's take a good look at the present fighting between India and Pakistan. This friction is not new. It goes back to 1947 when England finally allowed these two countries to become independent nations.

For a long time, India and Pakistan had been governed by Great Britain as one country. But when the time for independence came, they wanted to be two different countries because, among other reasons, they had different religions.

India is Hindu and Pakistan is Moslem. When the British split up the country, some of the Hindus still lived in Pakistan and some of the Moslems still lived in India. As expected, both groups were unhappy about this and they started fighting. They started riots that killed thousands, making the Los Angeles riots look like a Boy Scout meeting.

One section of the old British area had a population of Moslems but because the local ruler was a Hindu he tried to make his area part of India. The people wanted to go with Pakistan and a fight broke out in this area—called Kashmir—between Pakistan and India.

The United Nations stepped in and got both countries to stop fighting along a truce line. The U.N. also got both nations to agree to have a vote in Kashmir—to see whether the people wanted to be part of India or Pakistan. That was 18 years ago—that was in 1947.

While it is true that the U.N. did stop the fighting 18 years ago, it hasn't been able to do anything else since. It hasn't been able to do anything because it has no power where the countries it is dealing with do not want to cooperate. Although elections were promised 18 years ago, they haven't been held because India fears that Kashmir will vote to become a part of Pakistan. So India has balked at holding elections and there is nothing—absolutely nothing—the U.N. can do about it because this peacekeeping organization cannot compel anything when you get right down to brass tacks. Let's face it. No nation wants to vote away part of its own authority to the United Nations. I can't imagine the U.S. Congress giving the U.N. power to enforce an order within our boundaries over our objections. So when India doesn't want to cooperate in Kashmir, there is nothing that the U.N. can do.

In the days after World War II, the U.N. was more powerful than it is today because it was then basically a group of nations that had fought together in that war. These countries, for the most part, thought alike and had similar interests. Russia and her satellites were really the only exception.

You might ask, what about Korea? Well, it was only because Russia was absent from the U.N. at the time North Korea invaded South Korea. Because of this absence, the U.N. Security Council was able to agree on taking action against the aggression. They haven't been able to agree on very much since then.

Let me remind you that the U.N. did nothing about the Russian invasion of Hungary to overcome the freedom fighters of 1956.

Nothing was done about Indochina in the 1950's and nothing has been done about Laos or Vietnam in recent years. And from all indications, it doesn't look like anything will be done about India and Pakistan.

Most people don't know it, but U.N. forces have been in Kashmir ever since the armistice between Pakistan and India 18 years ago. Although these troops have been maintained there as a peacekeeping force, nobody pays any attention to them. The moment serious fighting broke out between Pakistan and India last month, the U.N. special peacekeeping force became a joke—they had no power to do anything. Confronted, as it was, with a real crisis, the U.N. peacekeeping force was absolutely useles.

Let me, however, in all fairness say that under some circumstances a U.N. peacekeeping force can be a useful thing. When a crisis has cooled off and it becomes necessary to have some kind of armed forces present to keep the two enemies apart, the U.N. force made up of troops from a number of countries comes in handy. This, to some degree was true in Cyprus. On the other hand, when a U.N. peacekeeping force is put into a country where everything is a mess, not very much is accomplished.

Let's take for example the U.N. forces that were sent into the Congo when that country went up in flames. This was just a few years ago, by which time the United Nations was already starting to include among its members every little two-bit ex-colony in Africa.

Not surprisingly, all of these new countries were extremely sensitive—sensitive to anything that looked like European intervention in the Congo. Some of the U.N. troops came from the new nations of Africa and many people who fled the Congo reported that these U.N. troops often proved blind to race riot killings of Europeans and to the rough handling of nuns and missionaries by Congolese government forces. The United Nations received a bad name in the Congo. We found out the hard way that the Congo was not the type of situation where peacekeeping force can really be used. First, because almost any troops sent in were suspected of race bias one way or the other and, secondly, because no solution had yet been reached. It wasn't a simple case of patrolling a ceasefire line or of supervising a truce. That the United Nations does well. What the United Nations has been unable to do is achieve a settlement of a crisis—settling a crisis is a far cry from supervising some settlement that has already been achieved by some other power.

The United Nations can patrol a truce because this doesn't involve anybody giving any real power to the United Nations. The United Nations cannot achieve a settlement of a tough question on its own unless and until the parties are willing and ready to settle because the United Nations has no power to bring to bear on the disputing parties, except world opinion, which is usually not feared when important national interests are at stake.

Now, getting back to the present India-Pakistan conflict. I don't see how the U.N. can do very much to stop this fighting unless and until both sides cool off a bit.

This war is something of a religious fight and the two religions have hated each other for hundreds of years. However, there is only one consolation and that is that neither side has enough arms and guns, spare parts or aircraft fuel to continue a prolonged war. I think we can hopefully count on this lack of military supplies to make them stop fighting before too long. That is provided no other country, like Red China, sends any more supplies or interferes. When both sides start to run out of ammunition—or when one side does—then maybe one or both countries will start talking to the U.N. Oh, yes, the U.N. Security Council yesterday called on India and Pakistan to end their fighting by tomorrow morning. But will Pakistan go along without a proviso for a vote on Kashmir? I doubt it.

It is hard to see what can be done about this problem of U.N. power. Are we going to try to get the U.N. set up so that it can intervene in any and all conflicts with a special U.N. army of its own? I hardly think so. For the simple reason that there are a number of countries that belong to the U.N. which would not like to have the United Nations interfering on questions which the small nations might feel were purely internal matters. For example, revolutions. Let's not forget that colonialism, imperialism and so forth are still dirty words to a lot of these new nations. They still suspect the wealthy industrial powers of western Europe and the United States.

How many of you have any idea of how many of these tiny, poor ex-European colonies belong to the U.N.? Let me read you a few: Burundi, Chad, Mali, Togo, Zambia. These are just a few of ex-British, French or Belgian colonies in Africa that make up the 114 nations in the U.N. I don't imagine that anyone here knows where each of these new countries are located in Africa. I certainly don't.

But, although poor and small, they're all in the big crystal palace called the United Nations. And, this morning three more little nations were added—Gambia, Singapore, and the Maldive Islands which increases the membership to 117 nations.

There should be no question in anyone's mind that the addition of all of these new nations has steadily changed the political makeup of this organization. Gone are the days when most of the U.N. members were European or American nations with largely similar outlooks. I might point out that all of the new nations no matter how small or poor or weak have exactly the same U.N. voting power as the United States, Britain, France, Canada, Australia, and Japan. Slowly but surely, these new ex-colonial nations are gathering more U.N. votes than the old established nations that founded this world organization. Let's make no mistake about it. That is why the U.N. is losing its power, its prestige and strength. It no longer resembles anything like a consensus.

With all these small, undeveloped and often neutralist countries in the U.N., many European and American nations are rapidly losing faith in the future of the United Nations.

On one hand, the new ex-colonial nations don't want a powerful U.N. for fear that it might interfere in their domestic political upheavals. On the other hand, the old, powerful countries don't want to give more power to the U.N. which is more and more coming to be controlled by half-pint countries having more U.N. delegates than college graduates. And of course, the more dissimilarity you have among the U.N. membership, the less likely you are to find lack of real power replaced by consensual cooperation. As far as I can see, and the events of the past and present substantiate this conclusion, the United Nations is rapidly declining into a combination cocktail party and discussion group.

Now, someone might say that this sort of thing serves some purpose because at least it provides a place where world opinion can be expressed. Well, I don't quite feel that a discussion-club United Nations is so badly needed—not at these prices. Whenever a world crisis presents itself, it is just as easy to bring together those nations whose cooperation is needed to solve the crisis as it is to work through a discussion-club U.N.

Now if the U.N. had teeth—real teeth—that would be another story. If the United Nations could deal with crisis on its own initiative, it could really perform a worthwhile, meaningful function.

Let me point out another unfortunate effect of the changing membership of the U.N. That is the ever-increasing probability of the admission of Red China. As the roster of African and Asian ex-colonial nations in the U.N. grows, so does the voting support for the admission of Red China.

Can you imagine the Soviet Union and Red China as members? Why, these two nations, acting together and in unison, would represent an extremely powerful combination with an enormous political, economic and military potential. Let us never forget that both Communist powers are committed to a Communist world system aimed at final destruction of freedom.

Up until 1960, the United States successfully prevented the question of Red China's admission from being considered by the U.N. Unfortunately, the administrations in power since 1961 have not been so lucky. Slowly but surely they have been losing the battle to keep Red China out of the U.N.

Let's hope that our new team at the United Nations will be able to reverse this trend—but I seriously doubt it.

The United Nations is more and more becoming the plaything of these brandnew, two-bit nations of Africa and Asia and they don't seem to care that Red China 12 years ago was actually fighting United Nations forces in Korea. Besides, many of the newly independent nations oppose the West as much as, if not more than, they oppose the Communist world.

The present administration has had no luck in winning the Afro-Asian nations to support our position against the admission of Red China to the United Nations and there is no improved prospect in sight. It seems that each year more and more U.N. members are voting to seat Communist China.

This disturbing fact is true despite the fact that many of these newly independent nations are coming to realize that Communist China is openly stirring up subversion throughout Asia and Africa—even subverting nations which recognize Red China and urge her admission to the United Nations.

It is most unfortunate that our administration has not been able to develop a foreign policy capable of making these new countries aware of the evil designs Red China has upon them.

As a result, we can expect pretty soon our policy will pay the price of failure, and we will see Communist China in the United Nations. This will be a blow to our position in Asia, a blow to the integrity of the United Nations and a black day for our prestige throughout the world.

Less than 3 weeks ago, the United States suffered a bad beating in the United Nations on the issue of enforcing the obligations of all members to pay their dues or lose their votes. This is specifically in the U.N. Charter. But, as you know, the Russians refused to pay their dues and so did some other nations and we just stopped insisting that they do so.

Thanks to the American surrender, the Russians and others are now voting without paying. This, in my book, is just another step toward making the United Nations a glorified debating club with little or no meaning in world politics. I have no doubt whatsoever that because of our failure to force a showdown on this question and because of our failure to stand behind the U.N. Charter, we have helped to accelerate the decline, if not the demise of the United Nations.

I spoke in opposition to this surrender on the floor of the House of Representatives, and I made my feelings very plain. I said that if the U.N. Charter cannot command the support and respect of U.N. member nations, then the United Nations is not a functioning world body, but a lightweight world debating society which will continue to function just so long as a few nations can be persuaded to continue to pay its bills.

To me it is obvious that the United Nations is only as effective as its members want it to be, and the wishes of the United States are only one part of an otherwise often negative or evasive consensus. Our hopes do not translate into results. Unfortunately, our hopes have so entranced us that we refuse to put them to the steel test.

If we had forced a showdown on the question of United Nations dues, I suspect we would have seen that the world does not care as we do. We would have seen that many nations do not really care to see the United Nations strong and effective. Many nations care only about the superficial role of the United Nations as a cosmopolitan world meeting place. By our actions, we have bowed and yielded to this assessment of the United Nations.

Unless things change, pretty soon that great big crystal palace of the East River in New York City will be nothing more than an expensive international clubhouse paid for out of the wallets of Uncle Sam and a few other gullible contributors. We do not need to be the sugardaddy of an overgrown cocktail party, which is what United Nations activities are beginning to boil down to. As I said earlier, there is some merit in simply keeping the United Nations as a world meeting place, but if we become preoccupied by the desire merely to keep such lines of communication open, we will soon guarantee that we will have a meeting place and discussion club and no more. If we are to make something really worthwhile out of the United Nations, we must insist that its members fish or cut bait.

Ultimately, my friends, we have two choices: (1) We can continue in the spirit of the administration's surrender on the question of dues, which is part of the trend towards a meaningless, discussion-club type of United Nations; or (2) we may seek to fashion an attack out of retreat, and try to force the issue of whether the United Nations is or is not to have any real meaning. If we do this, I suppose we take the chance of throwing the U.N. on the rocks. But, my friends, if all the United Nations is going to amount to is a discussion club, we would not be risking very much.

I think the time has come to see what the story is in the United Nations. Either it amounts to something or it does not. This administration, choosing not to risk its delusions in the face of obvious international apathy, ducked a showdown on the dues issue. But, if the United Nations is to amount to anything, it has to face a crisis of its existence sometime or other. I would like to see this administration find out what the facts are and face up to them. If the United Nations, as originally conceived, has outlived its usefulness, it would be well to know now. It may be that we need to fashion a new vehicle of international cooperation. Whatever is necessary; the process of starting the right ball rolling will probably be up to us.

This Nation has been the world leader in the brave dream of building world law and world peace. The hope for the United Nations lies in our commitment and our actions. If the United Nations is to survive as a functioning body, we must reactivate our courage and renew our leadership in defense of the United Nations Charter. The United Nations has survived some difficult crises in the past, but now the hour has grown late. It will take a decisive effort to turn defeat into victory—and we must act quickly. But I do not want to give the impression that all the responsibility rests on us. It may be—and I feel it is—our duty to lead, but as Henry Cabot Lodge said when he was our Ambassador to the U.N. some years ago:

"While the need for the United Nations is as strong and as steady as the human yearning for peace, its future success depends entirely on the extent to which its members support it."

That about sums it up. The future of the United Nations is what the world makes of it and so far, unfortunately, it has not done a very good job at it.

Thank you.

Declining U.S. Merchant Fleet Needs Attention

EXTENSION OF REMARKS

OF

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1965

Mr. ROGERS of Florida. Mr. Speaker, the Greek-flag ship *Australis* is today tied up in Port Everglades, Fla. This vessel once proudly flew the American flag as the SS *America*. The *America* served this Nation's passenger fleet in time of war as a troop carrier, and in time of peace as the principal cruise vessel flying the U.S. flag.

The SS *America* served the United States for more than 25 years. This vessel employed American officers and crew, brought profits to her American operators, and contributed to our balance of payments.

But now being operated as a foreign ship the *Australis* is hindering our balance-of-payments problem. It is typical of the outflow of not only U.S. gold but ships as well. In 1949 this Nation had 3,421 vessels registered under the American flag. In 1964, the number had slipped to 2,529 vessels.

American flag-ships now carry less than 10 percent of the total traffic in goods which flow through U.S. ports.

In the past decade Russia, by comparison, has more than doubled the number of her merchant ships of 1,000 tons or over.

Mr. Speaker, this decline cannot be allowed to continue. Either the United States is to have a strong merchant fleet or it is not. The critical importance of American flag merchant ships as a cornerstone of our national defense should not be questioned.

More attention must be focused on the decline of American merchant vessels, and a solution to correct this problem must be sought with earnest.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 29, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture: Luke 21: 19: *In your patience ye shall win your souls.*

O eternal God, in whose divine control are all our days, we beseech Thee to draw us now near to Thyself that we may not be far from one another.

May we offer our noonday prayer with one heart and mind and with simple faith and sincere love.

Amid all the changes of each passing day may we find in Thee that peace and that patience and perseverance which the world can neither give nor take away.

Whatever Thy will may be for us this day grant that we may serve Thee faithfully and with firm obedience to what Thou dost command.

Thou hast mercifully drawn a cloud over the future but may this not be a weariness or a vexation of spirit but a comfort and a joy that the best is yet to be.

May each new day with its troubles and difficulties be part of the curriculum for the development of our character and the culture of the inner life.

To Thy name we shall give all the praise. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1274. An act for the relief of Mrs. Michiko Miyazaki Williams.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7743. An act to establish a system of loan insurance and a supplementary system of direct loans, to assist students to attend postsecondary business, trade, technical, and other vocational schools; and

H.R. 9247. An act to provide for participation of the United States in the HemisFair 1968 Exposition to be held in San Antonio, Tex., in 1968, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1065. An act to authorize the Secretary of the Interior to acquire through exchange the Great Falls property in the State of Virginia for administration in connection with the George Washington Memorial Parkway, and for other purposes; and

S. 1620. An act to consolidate the two judicial districts of the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 728) entitled "An act to amend section 510 of the Merchant Marine Act, 1936."

The message also announced that the Senate recedes from its amendments Nos. 1, 2, and 3 to the bill (H.R. 205) to amend chapter 35 of title 38 of the United States Code in order to increase the educational assistance allowances payable under the war orphans' educational assistance program, and for other purposes.

IMMIGRATION AND NATIONALITY ACT

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes, with Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. CELLER, FEIGHAN, CHELF, RODINO, DONOHUE, BROOKS, McCULLOCH, MOORE, and CAHILL.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tonight and tomorrow night to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE TO REVISE AND EXTEND

Mr. MULTER. Mr. Speaker, I ask unanimous consent that all Members who may speak today in Committee of the Whole may have permission to revise and extend their remarks and to include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Missouri makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 335]

Anderson, Ill.
Andrews, George W.
Aspinall
Blatnik
Bolton
Bonner
Brademas
Brown, Calif.
Colmer
Daddario
Davis, Wis.
Dorn
Downing
Flood
Frelinghuysen
Goodell
Hansen, Wash.
Hardy
Hébert
Holifield
Hosmer
Johnson, Okla.
Landrum
Lindsay
Long, La.
McEwen
Michel
Mize
O'Hara, Mich.
Powell
Rivers, S.C.
Roncalio
Roosevelt
Scott
Thomas
Thompson, N.J.
Toll
Tupper

The SPEAKER. On this rollcall, 393 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONVEY PROPERTY TO SAN DIEGO, CALIF.

Mr. BENNETT of Florida. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7329) to provide for the conveyance of certain real property in the United States to the city of San Diego, Calif.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall convey, without monetary consideration therefor, to the city of San Diego, California, all right, title, and interest of the United States in and to the real property comprising a portion (approximately sixty-seven one-hundredths of an acre) of the Navy Capehart quarters at the Admiral Hartman site in San Diego, California, the exact legal description of which property shall be determined by the Administrator.

With the following committee amendment:

On line 4, strike out "without monetary consideration therefore" and insert in lieu thereof "at the estimated fair market value".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MULTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill H.R. 4644 and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. MULTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4644) to provide an elected Mayor, City Council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 4644, with Mr. KEOGH in the chair.

The Clerk read the title of the bill.

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the substitute offered yesterday by the gentleman from California [Mr. SISK]. The substitute which the gentleman offered has had full committee consideration and full committee hearings.

In fact, the gentleman from California [Mr. SISK] testified on behalf of his substitute, which was then pending before the committee in the form of a bill, for one full morning, and then came back the following day and subjected himself to further questioning.

This substitute, or bill, has obtained the approval of a duly constituted committee of the House of Representatives, not a clandestine group or a clandestine meeting made up of a group of "yes" men.

Incidentally, while I was in the Army during the war, we had another name for "yes" men.

The committee, in approving the Sisk substitute, approved it with a committee amendment; however, the committee amendment to the original Sisk bill did not lessen the committee support of the basic principle of the Sisk bill. Actually, what the committee did was to put two bills together.

The committee put two bills together. The bill I had originally introduced would provide for 85 percent of the land area of the District of Columbia to be retroceded to the State of Maryland. I believe, of course, this would be the only way in which we could provide the maximum amount of self-government to any of the people who live within the Nation's Capital at this time. This is no question about the constitutionality of this proposal. Actually, a large portion of the district I now represent, Arlington County and the city of Alexandria, used to be a part of the original District of Columbia. Be that as it may, I have been advised unofficially that the committee amendment would not be germane to this bill, and, therefore, I do not intend to offer it. Of course, the main thrust of the committee amendment was to retain 15 percent of this land area as the Nation's Capital under full control of the Congress. I believe we will have an opportunity later on to consider any improvements or perfections in the proposal that the gentleman from California has offered at this time.

One part of the bill or substitute offered by the gentleman from California [Mr. SISK], and the part that I think is of primary importance, is that it does provide for final congressional approval. It gives us 90 days to act on whether or not we approve or reject the charter which will be drawn up by the people of the District of Columbia. I had planned to offer an amendment requiring congressional approval, but some Members asked me not to offer the amendment because it was felt that 90 days would give the Congress ample time to act.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. WHITENER. I am very interested in what the gentleman is saying about the retrocession proposition. I note that some of those who now propose the new approach are recent converts to it. I do not know whether one of the "four horsemen" for home rule is here, the gentleman from New York [Mr. HORTON]. In the last Congress when our subcommittee had hearings on home rule, we had a retrocession proposal by the gentleman from Iowa [Mr. KYL], who at that time was a Member of the House, which proposal advocated retrocession. We had another proposal which recommended the same thing that the gentleman from Maryland [Mr. MATHIAS] and the gentleman from New York [Mr. MULTER] and others are proposing now. But I think it is interesting to note that in the 88th Congress the gentleman from New York [Mr. HORTON], on page 220 of the hearings, said about the Kyl retrocession bill that the bill has "possibility of giving the people in the District true home rule."

On page 265 of the hearings, the gentleman from New York [Mr. HORTON] had this to say:

> As between the Kyl proposal and the Multer proposal, personally I would support the Kyl proposal over the Multer proposal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes inasmuch as I took up his time.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman.

Mr. WHITENER. The Multer bill at that time was the administration bill, which is almost identical to H.R. 4644.

Mr. BROYHILL of Virginia. That is correct. Actually there may be a lot of other things in the proposal offered by the gentleman from California [Mr. SISK] that we might want to change or amend. But basically, it is a good bill. It is a sound proposal which, as I said before, has the full approval of the duly constituted Committee on the District of Columbia. After all, there is nothing wrong in compromising or agreeing to act in a spirit of compromise, particularly when it is a true bipartisan compromise.

Now there may be some charges made that this may cause a delay in giving a measure of home rule to the people who live within the District of Columbia. Well, my answer to that charge is, What is the hurry? Have we not done enough damage so far in this session that we had to bring up any more controversial legislation and confusion before this Congress adjourns? This is a very important, serious, and complicated matter. Why should we not hesitate a little bit and proceed a little more cautiously before we act on this very serious and important matter? What is wrong with letting the people of the Nation's Capital determine for themselves what type of so-called home rule they would like to have? This is what most cities and most communities have done, and it is the privilege that most communities have in drawing up their own charter. That is what we are offering to the people of the District of Columbia here. This proposal should overcome all of the objections outlined by the Republican policy committee. It does not permit any repeal of or change in the Hatch Act. It does not authorize the people of the District of Columbia through this charter to create any Federal tax or Federal payment. Certainly if there is any partisan aspect in the charter that they draw up, the Congress will then have a chance to look at it and approve or disapprove it.

I urge my colleagues seriously to consider this proposal offered by the gentleman from California [Mr. SISK].

This is the way the people of the District of Columbia can be part of the home rule—the type of home rule to which they themselves agree upon through a duly constituted referendum.

Mr. NELSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to make a comment or two relative to the procedure. It is my understanding that amendments are in order not only for the Multer bill but also the Sisk bill at any time. However, I would point out that it is my intention to offer amendments to the Multer bill relative to partisan politics and relative to the Hatch Act. But at this time I wish to speak to the Sisk substitute primarily, and at the same time inform the House what my intentions may be. I would like to point out that to me it is very, very confusing to see the procedure that we will follow, and it is obvious that Members of Congress are not fully aware of what are in the bills that are before us. I think we should carefully consider the Sisk proposal. It would not set up partisan elections. It would not violate the Hatch Act about which I have been so concerned.

So, Mr. Chairman, I would like to point out that the proposal would give the Members of Congress a little breather to look it over. I should like to speak in favor of the amendment.

Mr. SLACK. Mr. Chairman, I move to strike out the requisite number of words.

I have listened with great interest to this debate and while I support home rule as such, I believe in "home responsibility," for home rule is home responsibility.

Mr. Chairman, I should like to pose a few questions to the author of H.R. 11218. If the gentleman is present in the Chamber, I should like his attention.

Referring to the Federal payment section of H.R. 11218, page 56, lines 3 through 11, what real property formerly exempt from taxation would, if the bill should become law, be subject to Federal payment in lieu of taxes?

Mr. MULTER. Will the gentleman clarify his question?

Mr. SLACK. I shall restate my question.

What real property formerly exempt from taxation would now, if the bill becomes law, be subject to Federal payment in lieu of taxes? I am referring to page 56, lines 3 through 11, dealing with the Federal payment on properties other than Federal buildings themselves.

Mr. MULTER. No real property and no personal property owned by the Federal Government would be subject to taxation if the bill as proposed is passed.

I am now talking about the Multer substitute that is pending. There is no taxation provision in the bill as we are submitting it to the House. There is no authority given to the District government to tax any property of any kind that is owned by the Federal Government or that is tax exempt.

All we are doing in this bill is providing an authorization beyond which the Appropriations Committee could not recommend, and the Congress could not appropriate. For the purpose of arriving at the limit of the maximum amount that may be appropriated by the Congress we use this formula that is set forth, a part of which the gentleman has referred to, and which includes real property in the District that may be tax exempt, solely for the purpose of arriving at the valuation of it in determining the maximum amount that may be appropriated.

Mr. SLACK. So the gentleman is saying categorically that buildings owned by the Disabled American Veterans, the American Historical Association, B'nai B'rith, the Veterans of Foreign Wars, the DAR, the SAR, the General Federation of Women's Clubs, Jewish War Veterans, National Education Association, and others will not be subject to a payment in lieu of taxes?

Mr. MULTER. I am saying precisely that.

Mr. SLACK. A second question I have is this: There has been much said about the $57 million valuation placed upon the Nation's Capitol. What method was used to arrive at this figure? Was it based on true and actual value; that is, willing buyer and willing seller, replacement cost less depreciation, appraised as like property in the area; or was this figure of $57 million just taken out of thin air?

Mr. MULTER. As I understand it, the amount is that fixed by the appraisers as the market value of that property.

Mr. SLACK. This is market value, based upon what sort of method of appraisal?

Mr. MULTER. I assume that the appraisers used whatever is the usual method of appraisal in arriving at that.

Mr. SLACK. Market value is defined by law, I believe in all the 50 States, what a willing buyer will pay a willing seller. Who has offered a price for the building and who is willing to sell the building? This is the only way to arrive at true market value.

Mr. MULTER. If the gentleman knows of some better method of appraising I suggest that the House in the Committee of the Whole be told about it. The fact of the matter is that this is the valuation that is arrived at solely for the purpose of determining the maximum amount of an appropriation that can be made.

Mr. SLACK. Will the gentleman answer one more question with regard to this subject? What will be the value of the Nation's Capitol next year? Will it be worth more or will it be worth less? Will it appreciate in value or will it depreciate in value?

Mr. MULTER. This is something which only the appraisers who will make the appraisal can tell us. I repeat, it is quite immaterial what they may do. No matter what these valuations are that some appraiser may fix, the Appropriations Committee nevertheless will decide whether they want to appropriate 5 cents, $1 million, $50 million, or $57 million. They will make the determination as to whether or not the appraisals are proper or improper. For that matter they may ignore the appraisals as completely and effectively as though never made. The appraisals are in the nature of a recommendation, without any force or effect in law.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from West Virginia [Mr. SLACK] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SLACK. I yield to the gentleman from North Carolina.

Mr. WHITENER. Let me say to the gentleman from West Virginia that the answer which the gentleman from New York gave is not consistent with what I understand to be the true situation.

I can give the gentleman the names of some of the organizations whose property will be exempt if the Multer bill is enacted. I can also tell what the tax will be, what the Federal taxpayers throughout the Nation will pay, under the existing real property tax assessment rate in the District of Columbia:

American Legion.

Amvets.

American Historical Association.

American Institute of Architects.

B'nai B'rith Henry Monsky Foundation.

Columbia Historical Society.

Disabled American Veterans.

Frederick Douglass Memorial and Historical Association of Washington.

General Federation of Women's Clubs.

Jewish War Veterans U.S.A. National Memorial.

Luther Statue Association.

National Association of Colored Women's Clubs Inc. D.C.

National Council of Negro Women, Inc.

National Education Association.

National Society of Colonial Dames.

National Society of the Daughters of the American Revolution, Inc.

National Society of the Sons of the American Revolution, Inc.

National Society of the U.S. Daughters of 1812, Inc.

National Trust for Historic Preservation.

Society of the Cincinnati.

Protestant Episcopal Parish.

Young Women's Christian Home.

Veterans of Foreign Wars of U.S. in D.C.

National Guard Association.

Woodrow Wilson House.

United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction, Prince Hall Affiliation.

There are probably others.

So the Federal taxpayers in your community and mine will pay under this formula in lieu of taxes, if that is what these gentlemen want to call it, on the basis of the present tax rate in the District of Columbia on the real property of these exempt organizations, $649,640.22.

Mr. SLACK. I thank the gentleman for clarifying this point.

Mr. MULTER. Mr. Chairman, will the gentleman yield to me on that point, on that very point?

Mr. SLACK. Yes. I yield to the gentleman from New York.

Mr. MULTER. The long list of names of organizations which was read to you by our distinguished colleague from North Carolina merely tends, in my opinion, to distort the entire problem presented. There will be no payment in lieu of taxes by any of these people or organizations. I repeat again as vigorously and as forcefully as I can that the value of these properties may be taken into account in trying to arrive at the total limit of money that may be appropriated. Not a dime will be paid out of the U.S. Treasury unless and until it is appropriated and meets with the recommendations of the Appropriations Committee and the will of the House and the Senate as it may be worked on the bills brought before them. In arriving at those amounts you can be sure that the Committee on Appropriations of the House and the other body will take into account whether these appraisals are proper and whether the formula is proper and then determine how much, if any, they should appropriate.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SLACK. I yield to the gentleman.

Mr. WHITENER. Mr. Chairman, I leave it to our colleagues as to who is engaging in efforts to distort. I make the categorical statement that if the Multer bill or the Multer amended bill is enacted into law with the formula now set forth in it, the organizations that I have named and others that I have not named will be made the burden of the taxpayers of the Nation to pay in lieu of taxes the amount I have mentioned. There can be no question about it. If the gentleman from New York wants to distort the issue by trying to interpret what I said as saying that the membership of those organizations would have to pay this amount, then he is entirely in error. I am saying that the taxpayers of North Carolina and New York and every other State in the

Union will pick up the tab for the valuation upon these real properties owned by exempt organizations on the basis of a tax rate fixed by a Mayor and City Council in the District of Columbia.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. SLACK. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. SLACK. Mr. Chairman, I ask for this time in order that I may direct one more question to the gentleman from New York. I would ask the gentleman from New York what assurances, if any, do we have that the beauty of Washington will not be marred by the construction of skyscrapers and/or high-rise apartment buildings?

Mr. MULTER. Mr. Chairman, if the gentleman will yield to me, you have the same assurance after the enactment of this bill as we have today. The Congress has complete control over the situation and we will continue to have that complete control over the situation. I assure you and every other Member of the House and every citizen of the United States to the same extent as we prevented the marring of the beauty of the city of Washington up to now, we will continue to have and to exert and to enforce that same power from here on in after we pass this bill and it becomes law.

Mr. SLACK. The function of zoning will be taken over by the mayor and city council, will it not?

Mr. MULTER. Under the proposal it will go in the first instance to the city council and the mayor subject to the veto right of the President and subject to the right of the Congress to override. If the gentleman will permit me to say one thing further, when I say override, I mean to change, modify, or repeal. Anything that the Congress can do now it can do after this law is enacted.

Mr. SLACK. Then, it might be well for the Congress to set up a watchdog committee, would it not?

Mr. MULTER. We have a watchdog committee now. We do not disturb the jurisdiction of the House District Committee one iota. Under the law and the rules of the House every legislative committee, including the House Committee on the District of Columbia has the right and the duty and the obligation to oversee everything legislative in its jurisdiction.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SLACK. I yield to the gentleman.

Mr. WHITENER. Mr. Chairman, as I understand the statement of the gentleman from New York, the enactment of his bill does not constitute any commitment to the people of the District of Columbia by the Congress on the formula or other aspects. That is so much chaff in the wind.

I want to say, as one of the ardent opponents of the bill, that I do not look personally with much favor upon the idea of holding out a false hope to these folks because, if we pass his bill, the gentleman from New York and every Member of this Congress will have a solemn obligation to deal with honor with the people of the District of Columbia.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. SLACK] has again expired.

Mr. NELSEN. Mr. Chairman, I offer an amendment.

Mr. HARSHA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARSHA. As I understand it, the Committee may now proceed to amend both the Multer amendment and the Sisk substitute to the amendment; is that correct?

The CHAIRMAN. That is correct.

Mr. HARSHA. And we may amend either one interchangeably at this stage of the game?

The CHAIRMAN. That is correct.

Mr. HARSHA. Then when the vote comes upon the Sisk substitute or amendment to the Multer amendment, assuming the Sisk substitute is voted down, may this Committee then continue to amend the Multer amendment?

The CHAIRMAN. The Multer amendment, in the nature of a substitute, would at that time be open to further amendment.

Mr. NELSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NELSEN. Mr. Chairman, I would like to inquire what the procedure will be among the managers on the other side relative to the legislation before us. It is my understanding that as to both the Sisk amendment and the Multer amendment to the original discharge petition bill, amendments are now in order; is that correct?

The CHAIRMAN. The Chair has just answered that question.

Mr. NELSEN. Is there any disposition on the part of the managers either of the Sisk bill or the Multer bill—perhaps in this case the Sisk bill—to conclude the discussion on the Sisk bill before we proceed with amendments to the Mutler bill?

The CHAIRMAN. Obviously the Chair has no knowledge of what are the intentions of the managers.

Mr. NELSEN. The gentleman now speaking does not have, either, any information on that.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, I think we should take one thing at a time. I hope the gentlemen who are interested in reaching a conclusion on this matter will perfect the amendment now pending—that is, the Sisk amendment. I think we should vote on that and then we will be moving along. But if you undertake to consider all the amendments that probably would be offered to the original bill and to the so-called compromise bill, we will be 2 or 3 days before we get to voting on anything. I would suggest and I would hope the suggestion meet with favor, that we go along and proceed to finish with the Sisk amendment before we go to something else.

Mr. NELSEN. Mr. Chairman, I have an amendment before this body and I offer the amendment in good faith. However, I can understand the difficulty of the procedure if we try to work on two at the same time, and that is my understanding of the procedure under which we are operating. I should like to yield to the gentleman from California [Mr. SISK] for any observation he wishes to make at this point.

Mr. SISK. Mr. Chairman, if the gentleman will yield as has been explained, both the substitutes are pending for amendment, and amendments would be in order. I, of course, would like to have us proceed to perfect my own substitute as rapidly as possible and get a vote on it up or down. From the procedural standpoint I think that would be best.

On the other hand, Members are completely free to offer amendments as they feel disposed to do. I am expressing only a personal opinion but I would hope that we might be able to perfect the substitute which I offered, first, and get it voted on one way or the other.

Mr. NELSEN. Mr. Chairman, under the circumstances, I shall withhold my amendment for the time.

Mr. HARSHA. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARSHA. Assuming the Committee sustains the Sisk amendment, then the Committee returns to the House and the House votes down the Sisk amendment, upon what bill do we then proceed?

The CHAIRMAN. The question then will be put to the House on the bill, H.R. 4644.

Mr. HARSHA. And, there will be no further opportunity to amend that or any other legislation; is that correct?

The CHAIRMAN. Not at that point, because prior to that the previous question will have been ordered.

Mr. ROUDEBUSH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROUDEBUSH. Mr. Chairman, I would like to ask if the so-called Multer amendment will be open at any point for amendment?

The CHAIRMAN. It would be, the Chair will state, and is open for amendment.

Mr. ROUDEBUSH. Mr. Chairman, I mean when it comes before the body.

The CHAIRMAN. It is now open for amendment at any point.

Mr. ROUDEBUSH. I thank the Chairman.

Mr. MULTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Minnesota [Mr. NELSEN] asked the question, and I thought he addressed it to the managers of the bill, and thus far no manager on either side has answered the inquiry of the gentleman from Minnesota. I would like to answer it and indicate to the gentleman the parliamentary situation, as I understand it.

The Chairman of the Committee of the Whole House on the State of the Union has twice indicated that both the Multer substitute and the Sisk substitute are now pending before the committee and open for amendment. No one can stop any Member from offering amendments to either of these amendments. I hope they will be offered one at a time and disposed of one at a time. The time to offer amendments to the Multer amendment is now and this is what should be done. If anyone has an amendment to the Sisk amendment he ought to offer it now. I looked at the desk just a few moments ago and insofar as I was able to ascertain there were no amendments pending to the Sisk amendment. We ought to have an opportunity to discuss the Sisk amendment, pro and con, before we vote on it.

In the meantime, if the gentleman from Minnesota [Mr. NELSEN] or any other Member has an amendment to offer to the Multer substitute, it ought to be offered and disposed of now.

AMENDMENT OFFERED BY MR. BELL

Mr. BELL. Mr. Chairman, I offer an amendment.

The Clerk read.

Mr. BELL (interrupting reading of amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from California that his amendment be considered as read and printed in the RECORD?

Mr. HALL. Mr. Chairman, reserving the right to object, what is the nature of this amendment, I will ask the gentleman from California?

Mr. BELL. Mr. Chairman, if the gentleman will yield, the amendment is an amendment to the Multer bill to change "partisan elections" to "nonpartisan elections" for District Mayor and City Council.

Mr. HALL. This will be discussed entirely, Mr. Chairman, under the gentleman's 5 minutes to speak in support of his amendment?

The CHAIRMAN. The gentleman from California will be recognized for 5 minutes in support of his amendment.

Mr. HALL. Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. WATSON. Mr. Chairman, further reserving the right to object, what is the length of this amendment so that we can have an idea about it?

The CHAIRMAN. The Chair will state that the amendment consists of 3½ pages.

Mr. WATSON. Mr. Chairman, obviously it is an important amendment. So, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Page 4, strike out:

"SEC. 810. Partisan Elections."

and insert in lieu thereof the following:

"SEC. 810. Elections."

Page 6, line 14 strike out "of a political party".

Page 66, in line 13, change the semicolon after the word "Council" to a period, and strike everything after the word "Council" down through line 17.

Page 67, strike out everything beginning with line 5 down through line 6 on page 68, and insert in lieu thereof the following:

"SEC. 805. (a)(1) The two candidates receiving the highest number of votes validly cast for each office in the primary election, except for the offices of councilmen-at-large and for the office of District Delegate, shall be declared the winners, and their names shall be placed on the ballot in the next general election.

"(2) The ten candidates receiving the highest number of votes validly cast for the offices of councilmen-at-large in the primary election shall be declared the winners, and their names shall be placed on the ballot in the next general election.

"(3) The candidate of each party receiving the highest number of votes validly cast for the office of District Delegate in the primary election shall be declared the winner, and his name shall be placed on the ballot in the next general election as the candidate of his party."

Page 70, strike out everything beginning with line 25 down through line 6 on page 71, and insert in lieu thereof the following:

"(2) he executes a registration affadavit by signature or mark (unless prevented by physical disability) on a form provided by the Board of Elections showing that he meets each of the requirements of section 807 of this Act for a qualified voter and if he desires to vote in a primary election for District Delegate, such a form shall show his political party affiliation: *Provided*, That the Board shall accept as evi-".

Page 72, beginning with line 15, strike out everything down through line 17 on page 74, and insert in lieu thereof the following:

"SEC. 809. (a) Nomination of a candidate to be included on the ballot for a primary election shall take place when the Board of Elections receives a declaration of candidacy, accompanied by the filing fee in the amount required in subsection (f): *Provided*, That any candidate for the office of District Delegate is duly registered as affiliated with the political party for which the nomination is sought and otherwise meets the qualifications for holding said office.

"(b) Nomination of an independent candidate who desires to have his name on the ballot in the general election for the office of District Delegate shall take place when the Board of Elections receives a petition signed by not less than five hundred qualified voters registered in the District and accompanied by a filing fee in the amount required by subsection (f). No person shall be barred from nomination as an independent candidate in the general election for the office of District Delegate because he was a candidate for nomination in a primary election: *Provided*, That he complies with the requirements of this subsection.

"(c) No person shall be a candidate for more than one office in any election. If a person is nominated for more than one office, he shall within three days after the last day on which nominations may be made notify the Board of Elections, in writing, for which office he elects to run.

"(d) A candidate may withdraw his candidacy in writing if his withdrawal is received by the Board not more than three days after the last day on which nominations may be made.

"(e) Filing fees to accompany a declaration of candidacy in the primary election, or a petition nominating an independent candidate for the office of District Delegate for inclusion on the ballot in the general election, shall be $200 for a candidate for District Delegate or Mayor and $50 for a member of the District Council or a member of the Board of Education. No fee shall be refunded unless a candidacy is withdrawn as provided in subsection (c) or (d).

"(f) The Board of Elections is authorized to accept any nominating petition as bona fide with respect to the qualifications of the signatories thereto: *Provided*, That the originals or facsimiles thereof have been posted in a suitable public place for at least ten days: *Provided further*, That no challenge as to the qualifications of the signatories shall have been received in writing by the Board of Elections within ten days of the first posting of such petition."

Page 75, beginning with line 1, strike out everything down through line 4, and insert in lieu thereof the following:

"ELECTIONS

"SEC. 810. (a) Except in the case of candidates for election to the office of District Delegate, elections held under this Act shall be on a nonpartisan basis, and ballots and voting machines shall not show, except in the case of candidates for election to the office of District Delegate, any party affiliations, emblems or slogans, nor shall the candidate or any person or organization acting on his behalf during such campaign represent the candidate in any way or by any means as a member of a political party or receive funds from any political party or related organization."

Page 75, beginning with line 9, strike out everything down through line 22.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. BELL] in support of his amendment.

Mr. BELL. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BELL. Mr. Chairman, there are numerous reasons for recommending nonpartisan elections in the District of Columbia. As my colleagues, I am sure, already know, my amendment merely changes the election system in the Multer bill to nonpartisan elections except for the District delegate which still will be partisan.

First, there is the unsettled question of the Hatch Act and its application to Federal employees who want to participate in local government. A nonpartisan system eliminates this problem since nonpartisan elections are exempted under the Hatch Act.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to our distinguished Speaker.

Mr. McCORMACK. Do I understand the gentleman's amendment calls for a runoff?

Mr. BELL. Yes, it does, Mr. Speaker. It calls for a runoff after the primary elections.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman.

Mr. MULTER. Just to make it clear, this means you require a majority vote between two candidates, for example, running for Mayor and for the Councilmen running in wards in the District.

Mr. BELL. That is right. There would be two candidates for mayor, using your example, and the top two in the election would be in the runoff in November.

Mr. MULTER. In other words, first there would be a primary election in which any number of people may enter.

Mr. BELL. That is right.

Mr. MULTER. And then the two who get the highest number of votes in that primary must stand for election and the one who gets the majority would be the winning candidate.

Mr. BELL. That is correct.

Mr. MULTER. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman.

Mr. DON H. CLAUSEN. How about if one candidate received more than a majority?

Mr. BELL. That is a very good question. In Los Angeles as in many other cities, this is a problem. We considered this and felt that it would be better to have a runoff regardless of the outcome of the primaries. Sometimes you can have an election in a particular year where there is a lackluster campaign for some reason and there might not be a great deal of interest and therefore there would be a very poor turnout. If one candidate got a majority of the votes in the May primaries, we felt that the people did not have a chance to elect the one candidate they really wanted. It also avoids the unfortunate double standard for the Hatch Act coverage existing in H.R. 11218.

I would also point out the problem of heavily federally impacted cities that seek de-Hatching would then be eliminated. To illustrate, a very interesting thing occurred before the district committee of the Senate. A Senator in the other body proposed an amendment to the Senate bill to provide a "de-Hatching" clause for one of the cities of his State which had a heavy concentration of Federal installations. This Senator made the comment, "Well, you are de-Hatching the District of Columbia area and the District of Columbia people, why not de-Hatch this city in my State?" So you are going to have ramifications of this if we go ahead on a partisan basis.

Second, a nonpartisan local election focuses on local isuses and not on national party issues.

For example, just on that point alone, when it comes to matters such as parking meters and sewerage and so forth, there is no Republican-Democratic issue.

Third, under a nonpartisan system the chances of a local political power structure wielding corruptive influence are greatly diminished. Party affiliation becomes unimportant and with the concentration of Federal governmental operations here in Washington, this takes on even greater meaning.

Fourth, the capable individual candidate comes to the fore in nonpartisan elections. The use of television and other public news media available here in the District would certainly bring out the best men for the right jobs.

As an extension of this, if there was a desire to appoint good people to local government office, which I am sure there would be, such men or women would not be appointed on the basis of party affiliation but would be appointed on the basis of capability.

Again party affiliation becomes unimportant while the candidate becomes all important.

Fifth, the national trend in city government today is for such a nonpartisan system as this amendment suggests.

It would seem to me commonsense for Congress to use the successful experience of other cities and provide the best for the city which the world will look to as the ideal in American government.

I would like to quote again as I did earlier during the debate, from an editorial in the Washington Post of March 10, 1965, which said:

> The obvious answer for this Federal city is nonpartisan local politics. Primary elections can be arranged to encourage the kind of nonpartisan local coalitions that have been very effective in Arlington. The (Senate District) committee would perform a valuable service by taking the national parties altogether out of city elections.

It is a source of amazement to me that this advice has not been taken by some of the leaders in the home rule movement. Why, if Congress is to establish home rule government for the National Capital, do we insist on providing a political structure certain to create added conflicts and problems for Washington's municipal future?

As a Californian, I know from firsthand experience the special applicability of the nonpartisan election system to modern community government. The principle and practices of nonpartisanship in municipal elections had its beginnings in California over half a century ago. Since that time the system has been adopted by municipalities, both large and small throughout the country. As Mr. Patrick Healy, executive director of the National League of Cities, told the Senate District Committee on March 1:

> Detroit is nonpartisan, Los Angeles and San Francisco are nonpartisan. I think Philadelphia and New York are partisan. But I might comment here that in the opinion of a great many students of government, the local governments in California, the cities, are perhaps outstanding in the entire United States in their government, in their operation, their caliber of people that are attracted into the local government. The League of California Cities attributes this, among other things, to the fact that they have nonpartisan government out there.

Mr. Chairman, as one who has strongly supported home rule for the District of Columbia, and who signed the discharge petition which has brought this legislation to House consideration, I earnestly ask that the Congress provide the best possible political framework for District government. Local self-government in the Nation's Capital must be a model for this Nation and, indeed, for the world. A nonpartisan election system is vital to assure good government in the District of Columbia—government free of any taint of spoils, politics, or machine control.

I, therefore, urge that the House adopt my amendment to the pending home rule legislation providing for the establishment of nonpartisan elections in the District of Columbia.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, as the gentleman knows, I concur with him in his position on the amendment. I would like to have the attention of the gentleman from New York [Mr. MULTER]. If the amendment is adopted, what assurance from the conferees will we have that the amendment will be held in the conference?

Mr. MULTER. Mr. Chairman, as I said earlier in the debate in answer to the same question that is posed, no one has any right to speak for conferees that have not even yet been appointed. I do not know who they will be. I doubt whether the Speaker has given any consideration as to who the conferees may be. In any event, when the House has spoken and has worked its will on the bill, the conferees, no matter who they may be, that are appointed, will be duty-bound to urge the House position in the conference.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman in answer to a question earlier propounded by the Speaker, made a statement. My colleagues around me seem to think that I had misunderstood what the gentleman from California said. I should like to clarify it. I asked him a hypothetical question.

Did the gentleman imply that if you had a primary and there were two candidates for mayor and one of those candidates received 90 percent of the votes in the primary and the other received 10 percent of the votes, notwithstanding that result, the candidates would then continue to campaign until November, and the same candidates would run again at that time?

Mr. BELL. I am happy to answer the gentleman's question. He is, of course, stating a hypothetical situation that is rather remote. First, in the primaries for mayor he would have more than two candidates running in all probability. You would have several. The two highest would be chosen. If the one candidate in the primary received over 51 percent of the votes, which would be a more practicable analysis of your question, they would both still have to run off. The reason for that is very simple. Sometimes, in certain periods—through a lackluster campaign or for many other reasons—there could be a lack of interest in the primary, so that maybe a "51 percent candidate" might not be the choice when a larger section of the populace had an opportunity to vote. So we felt that even though one candidate received a substantial part in the vote, he would still have to have a runoff in November when perhaps there would be more interest.

The **CHAIRMAN.** The time of the gentleman from California has expired.

Mr. **WHITENER.** Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. Bell] may proceed for 1 additional minute.

The **CHAIRMAN.** Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. **WHITENER.** Mr. Chairman, will the gentleman yield?

Mr. **BELL.** I yield to the gentleman from North Carolina.

Mr. **WHITENER.** Suppose that in the primary there were, as sometimes occurs in city elections, only one candidate for mayor. Then what would happen in the lackluster campaign? In the fall would there be some way to change?

Mr. **BELL.** I assume, if there were no other opposition to the candidate for mayor, the candidate in the primary obviously would win the primary election. He would still be on the ballot in the fall.

Mr. **WHITENER.** Under the gentleman's proposal, a loser would have two strikes at the seat of mayor or on the council?

Mr. **BELL.** I do not believe that is an accurate statement at all. I believe this is the system which would be the fairest possible way we could devise.

Mr. **CUNNINGHAM.** Mr. Chairman, will the gentleman yield?

Mr. **BELL.** I yield to the gentleman from Nebraska.

Mr. **CUNNINGHAM.** I certainly support the principle about which the gentleman is talking, as to nonpartisan elections.

I do not know how many of the experts on the District of Columbia Committee ever have served as mayors of large communities. I have a feeling none of them did.

I served as mayor of a city of 330,000 people. I know something about municipal government.

The **CHAIRMAN.** The time of the gentleman from California has expired.

Mr. **CUNNINGHAM.** Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. Bell] may proceed for 2 additional minutes.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. **BELL.** I yield to the gentleman from Nebraska.

Mr. **CUNNINGHAM.** I was a member of the U.S. Conference of Mayors, and served as an officer of that group. I believe they know something about municipal government.

I might say that the trend overwhelmingly is toward nonpartisan elections. One gets better people when there are nonpartisan elections.

I certainly believe that if any bill is passed this provision ought to be in it.

I say again that I do not know of any of the people who are proposing this who have ever served in an important capacity in municipal government. If they have, I should like to have them stand up and say so, and debate some of the problems which confront the people.

I certainly believe that if any piece of legislation is passed the Sisk amendment is the only sensible approach.

We had a change in our city from a commission form to another form. The people voted a charter convention. They appointed people to study the various structures. They took more than a year to do so. They finally came back with a recommendation. This was approved by the people. That is the only sensible thing to do, to have a thorough study made, because this is a very intricate and complex problem.

Mr. **MULTER.** Mr. Chairman, will the gentleman yield?

Mr. **BELL.** I yield to the gentleman from New York.

Mr. **MULTER.** Mr. Chairman, I think this is further proof of our truly bipartisan effort to perfect a good home rule bill. So far as I am personally concerned, I am prepared to accept the gentleman's amendment in furtherance of that bipartisan effort.

Mr. **BELL.** I thank the gentleman.

Mr. **SICKLES.** Mr. Chairman, I rise in opposition to the amendment.

I could not be more distressed than I am as I stand in this position of opposition at this time because I have worked so hard and so long with my other colleagues in supporting this legislation it is difficult to part with them now.

Although I am sure this amendment is about to be adopted and that in the final analysis I will have to bow to the inevitable, I really could not live with myself unless I expressed my strong feelings on this amendment; because I do not believe, as has been stressed on this floor, that nonpartisanship necessarily means we will do away with all forms of corruption in government or that we will not continue to have the same problems as otherwise, or that it is an ideal principle of government.

In the District of Columbia I believe some problems will be created. It will be necessary to set up political organizations which do not exist at this time. It will have to be done by May of next year, when there is to be a primary.

As the bill now stands, it guarantees minority representation, for at least 2 of the 19 are to be from the minority party.

I have never lived in a large unit of government where there have been nonpartisan elections, but I am told that the absence of partisan labels does not guarantee a nonpartisan election, and it usually turns out that the elections are partisan.

In the Evening Star for yesterday there was an editorial.

Like many of my colleagues I quote the Evening Star when they agree with my position. It says here that the alleged benefits of such a modification would be illusory. As the experience in other places discloses, the absence of partisan labels does not discourage partisan political activity on the local level but only masks it. Under the amendment as proposed by Mr. Multer, there is no reason why an independent may not run, and independents may support independents. The two-party system is a good system and has worked well in this country. We are told a nonpartisan system works well in California. I have no reason to believe that the city of Los Angeles or the city of San Francisco are any better run than the city of Baltimore where we do have partisan elections. I understand that the amendment will be adopted, but I did want to express my strong disapproval of this amendment.

Mr. **UDALL.** Mr. Chairman, will the gentleman yield?

Mr. **SICKLES.** I will be glad to.

Mr. **UDALL.** Mr. Chairman, I just wanted to say here that the gentleman from Maryland [Mr. Sickles] has done an outstanding job in the highest traditions of the House in his work on this bill. He shares a lot of the credit with the gentleman from Maryland [Mr. Mathias] and the gentleman from New York [Mr. Horton] for this work. I know something of the pressures that he has been under, representing an area adjacent to the District, and I know some of the unpleasant things that have occurred. I just wanted to take a moment to pay tribute to one of the really outstanding Members of the House for the courageous and key part he has played in this effort, which I hope will come to fruition today.

Mr. **CUNNINGHAM.** Mr. Chairman, will the gentleman yield?

Mr. **SICKLES.** I will be glad to yield to the gentleman.

Mr. **CUNNINGHAM.** The gentleman from Maryland has taken the lead in this particular piece of legislation. He evidently feels he is an expert on the subject. I wonder if he can tell me what the three forms of municipal government are that exist in the United States today.

Mr. **SICKLES.** I do not know whether we want to go into a quiz contest at this point. I know what the form of government we have under this bill is. I know you have a mayor and a city council, and you have a city manager type of government, and then you have your commission form of government. These would be the three separate forms of government you inquire about.

Mr. **CUNNINGHAM.** Were those three separate forms of government discussed by your committee?

Mr. **SICKLES.** Yes. We discussed these and many others. We discussed setting up the District of Columbia in the form of a legislature, such as in a State or a territory. It was the thrust of some of the bills on one other side of the aisle. Over the years, over many, many years that this subject matter has been discussed practically every idea has been thrown about and considered, and some have been accepted and some have been rejected. I indicated when I first opened the debate on this subject the other day that we could spend many hours discussing each of the particular provisions in the bill. I think we have a good, strong, workable bill which had the support of many of the citizens of this jurisdiction. There have been many open, public hearings. In the District

Committee they had all of the local citizens in so that they could make their representations. Representatives from all over the country have given us advice and counsel. It is a good, workable bill. If the folks in the District of Columbia do not like it, they will not pass it on the referendum which comes in 4 months after the bill is adopted.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the requisite number of words. Mr. Chairman, to preface the substantive remarks I will make in a minute or two, I would like to have the Record clear that, one, I did not sign the discharge petition; and, two, I voted on Monday against the consideration of this legislation in this manner. I believe I was right in both instances. I think the confusion we are facing at this moment fortifies the views of those of us who did not sign the discharge petition and those of us who did not vote to bring this bill up under this parliamentary procedure.

There is considerable confusion which is very obvious. We have a bill that was brought to the floor under a discharge petition which has been abandoned by everybody; opposed by all. We are now in the process of trying to consider two amendments which are in the form of substitutes: the Multer substitute and the Sisk substitute.

It seems to me that we ought to try and perfect both amendments because at this stage of the game we do not know which one will be the final one upon which we will have to vote "yes" or "no." And may I say at this point that the amendment offered by the gentleman from California was identical with an amendment which had been carefully worked on by the distinguished gentleman from Minnesota [Mr. Nelsen]. I am sure that under the ordinary course of events the gentleman from Minnesota, ranking Republican on the committee, would have been recognized and would have offered the amendment.

I simply say, when I speak here today, that I am endorsing the Nelsen-Bell amendment.

May I respectfully disagree with the gentleman from Maryland [Mr. Sickles]. I strongly believe in nonpartisan municipal elections. This is the growing trend in municipal elections in metropolitan communities in this country. Most newly formed communities of a metropolitan nature are incorporating in their charters a nonpartisan method of selecting public officers, and in many cities they are going from a partisan election to a nonpartisan approach.

My own hometown of Grand Rapids, Mich., for over 40 years has had a nonpartisan city commission type of election. I think our citizens have done a first-class job in running a community of approximately 200,000.

The city is 3 to 2 Republican, but on occasion under this system I will say to my Democratic friends we elected men who were recognized as Democrats. Naturally, most of our mayors, even though they did not run under a partisan label, were Republican. But when a good man was running, on a nonpartisan basis, even though he was a Democrat, the voters in our community had the opportunity to select him, and they did for at least three elections.

In the District of Columbia if we have home rule legislation, we ought to have nonpartisan elections on the basis that we get a better chance to get more people who are qualified to be the mayor of a city of this size. I strongly hope that we adopt this particular amendment. Its approval will conform to not only my views but those of the House Republican policy committee.

But let me say at this point that there are other requirements, in my judgment, that must be in any bill that we approve if, so far as I am personally concerned, we are to vote for such legislation. Yes—the nonpartisan election provision; the provision concerning the automatic payments of the Federal contribution. By all means we must have an annual review by the House and Senate Committees on Appropriations and a final approval of the Federal financial contribution by the House and Senate as individual bodies. This provision or requirement is mandatory.

I also feel that we must have a provision that maintains the integrity of the Hatch Act. The gentleman from Minnesota has done a tremendous job in this regard. I also think we have a responsibility as a legislative body to protect the 28,000 to 30,000 employees of the District of Columbia from political pressure of any sort.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. Gerald R. Ford] has expired.

Mr. GERALD R. FORD. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. MATTHEWS. Mr. Chairman, reserving the right to object, I cannot object to the request of the distinguished gentleman from Michigan [Mr. Gerald R. Ford], but may I suggest to my colleagues that all of us use a little forbearance in extending the time of debate today under the 5-minute rule. Mr. Chairman, we have already extended one 5-minute period to 15 minutes, and I for one, sir, would like to go to the salubrious climate of Florida before the gentle snow falls here in Washington, and I would suggest to my colleagues not to continue asking for an additional 5 minutes.

Mr. Chairman, with that I could not object to the request of the able minority leader, the gentleman from Michigan [Mr. Gerald R. Ford] having another 5 minutes at this time.

Mr. GERALD R. FORD. Mr. Chairman, naturally I am grateful to my good friend and most able colleague, the gentleman from Florida [Mr. Matthews], and I shall try to conclude in less than 5 minutes.

Mr. Chairman, we do have an obligation to these employees of the District of Columbia, and we must protect them from any political pressure of any sort.

Also, Mr. Chairman, I feel that we need a strong amendment that will require the listing of political contributions, their full disclosure, as well as the disclosure of expenditures by any political candidate, partisan or otherwise. I believe this to be absolutely essential to legislation of this kind.

Now, Mr. Chairman, I have outlined my own views as to what I believe is necessary and essential in any legislation that we approve in this body.

Mr. Chairman, I strongly support the Nelsen-Bell amendment, as well as amendments that would go along with the requirements that I have indicated.

Mr. Chairman, I cannot support legislation that will not meet these standards.

Let me say this in closing, if I may: This is a highly emotionally charged issue. It is obvious that there are those on both sides of the issue. There are undoubtedly strong individual differences between good friends on that side of the aisle, and I can see the same is true on this side of the aisle.

I would simply like to read—because I strongly subscribe to it and I believe it is essential—the statement of the House Republican policy committee dated September 21, 1965. It starts out and says, and I quote:

> Historically and traditionally Republicans are in favor of self-government and municipal home rule. We recognize, however, that the Nation's Capital is not just another city. It is the seat of our Government.

The statement goes on with other comments and indicates that the essentials of any home rule bill would include a nonpartisan election, protection under the Hatch Act, protection of the District of Columbia employees, the absolute essentiality of an annual review of the budget of the District of Columbia by the House and the Senate.

Mr. Chairman, I believe these requirements are essential for any legislation we pass here today, tomorrow or in the future.

Mr. Chairman, I hope and trust that the Bell-Nelsen amendment is agreed to because this is one of those mandatory requirements in any home rule legislation. If this amendment and the other requirements are met I intend to support the legislation.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the bill and to disagree with my colleague on the question of partisan versus nonpartisan elections for the District of Columbia.

I am opposed to the proposed amendment, which would put in this bill a requirement that all elections in the future in the District of Columbia be held on a nonpartisan basis.

I was interested in the parallel the gentleman attempted to draw between the District of Columbia and other major cities of this country which he mentioned. This is a comparison which certainly falls very short when we are talking about the political structuring of the District of Columbia as opposed to a city like the city of Detroit. It is true, we have nonpartisan elections for the major and members of the common council, but every citizen of the city is encouraged to participate in the life of the political system—which to me is the two-party system—by the fact that he votes in elections for members of the State legislature on a partisan basis; for Representatives in the Congress and the Senate of the United States in partisan elections; and for Governor, secretary of state, attorney general, and other State officials on partisan tickets. So he has a feeling at all times of being a part of the political system; and even if a person lives in the rural part of that State, he has the same feeling when he votes to elect county officials.

I am delighted that after so many years we now have the opportunity to fulfill pledges of our parties and give to the residents of the District the home rule that they have so overwhelmingly demonstrated they want and need.

I am opposed to the proposed amendment that would modify this bill and require that elections under it be nonpartisan. There are several reasons.

In the first place, a requirement for nonpartisan elections would impose on the citizens of the District the need for a completely new set of political organizations, which would have to spring up virtually full blown in the space of only a very few months—before the primary elections in May 1966. We must all recognize that nonpartisan elections do not mean that there will not be political groupings, and I am sure highly organized political groupings. "Nonpartisan" means no more than that the political groupings to which names like "Republican" and "Democrat" are attached are to be prohibited.

Today in the District there is political organization along the traditional lines of Republican and Democrat. These organizations can be expected to function to bring out the best possible candidates for the municipal positions which the bill creates. They can be expected to give direction and coherence to the political campaigns that will take place under this act. I think we would do a great deal of damage and very little good if we were now to deprive the citizens of the District of the benefit of these organizations.

Let me remind the Members of the House, as other speakers have done, that we are not by this bill deciding on the form of municipal government in the District for all time to come. In the event partisan elections produce the evils that are cited by the proponents of this amendment, we can require a change. But we can do that later, after there has been experience and after a functioning District government has been created, so that the new organizations which nonpartisan elections would require would not have to come into being at the same time that District citizens were wrestling with all of the other problems of getting their government underway.

I do not contend, of course, the nonpartisan elections in municipal governments are evil. They exist and they function with success in many cities, but by the same token I do not in any way concede that partisan elections in municipal governments are necessarily wicked. Many of our great cities as well as many of our smaller ones function successfully with partisan elections. Indeed, studies have shown that voter participation in municipal elections—and we want, of course, to encourage the greatest participation—is substantially higher in municipal elections on a partisan basis.

Politics should not be taken out of government. Indeed, it is a misconception of both politics and government when there is an attempt to so sterilize the local situation. As an observer of elections in large cities, it is readily apparent that the party affiliation of the individual candidates is generally known and often plays an important role. Indeed, often the candidate for mayor of a large city in a nonpartisan election has in the past held partisan office as a member of the State legislature, a county official, or a Member of Congress, so that the nonpartisan nature of the election is more a fiction than a reality.

On the other hand, the pretense of nonpartisanship often weakens the city executive in relation to the political machinery of his State and the Nation. It would seem particularly appropriate that in a strong mayor-council system that partisan elections would be desirable. In such a system the mayor needs to be a political leader and particularly here in the District of Columbia in many matters the mayor would be dealing directly with State Governors and nonpartisanship is not a characteristic of Governors.

I suppose it is obvious that partisan elections as provided in the bill do not preclude independent candidates who may not wish to run on a partisan ticket. The bill expressly provides for independent candidates for the municipal offices to be on the ballot in the general election along with the candidate nominated by the Republican Democratic or any other political party.

No more am I persuaded by the argument advanced in support of this amendment that it will eliminate all problems under the Hatch Act. It is true that partisan elections is expressly permitted by section 18 of the Hatch Act, and that on the surface, perhaps, all Hatch Act difficulties would disappear. But let us not fool ourselves into thinking that in a city as oriented to political thinking and political life as the District a nonpartisan candidate would not be known as a nonpartisan Republican or a Democrat, and that inevitably—and I submit properly—the nonpartisan political groupings would immediately become recognized as but another name for existing political philosophies.

In my judgment we do better to recognize, as the bill does now, the values to be gained by permitting the limited participation of Government employees in these municipal elections. These elections will occur only in nonpresidential election years, so that separation of activities in connection with municipal elections from any in connection with national elections will be simple. The fundamental protections contained in both the Hatch Act and the criminal code against solicitation by one employee for another or in Government buildings, or the use of political pressure to secure or to reward contributions, and all such matters, will continue. The bill will simply permit Federal employees in these off-year municipal campaigns to take their part as important and concerned citizens of the District, and participate in rallies, street parades, make speeches for their preferred candidates, and in other ways conduct themselves as the responsible District citizens they are.

This is not a radical proposal, and it is not the end of the merit system or of the Hatch Act. It is simply a small gesture toward Government employees who live in the District and who, I am sure, would welcome the opportunity to participate in these ordinary and usual ways in the political campaigns that will take place as a result of this bill.

Mr. NELSEN. Mr. Chairman, I move to strike out the requisite number of words and ask unanimous consent that I be permitted to use a few extra minutes, if the gentleman from Florida [Mr. MATTHEWS] will not interpose an objection. I have used very little time on this floor in this session of Congress and I would respectfully ask unanimous consent to proceed for an additional 5 minutes, making a total of 10 minutes.

Mr. MATTHEWS. Mr. Chairman, reserving the right to object, and again, I shall not object, but I wonder if other members of the committee feel the same way I do, that surely we ought to have some kind of understanding that we will not keep on extending the 5 minutes under the rule.

So, Mr. Chairman, I withdraw my objection and just hope someone else will express his opinion in regard thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota that he be permitted to proceed for an additional 5 minutes?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. NELSEN. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Mr. Chairman, I ask unanimous consent to extend my remarks immediately following the remarks of the distinguished minority leader.

Mr. NELSEN. Mr. Chairman, I well remember one of the most colorful speeches I ever heard on this floor was by Mr. Barden, who was referring to a bill before us for consideration. He said:

> I am reminded of the farmer who drove into the oil station with his old Model T Ford. The attendant in the oil station said "Mister, I think you ought to jack up the radiator cap and run a new car under it."

With all the confusion we have seen on the floor in reference to procedure, I agree that the Sisk amendment has the most merit of any we have heard so far. But I have an obligation to do everything I can to make the Multer bill a better bill. We have heard a good deal of discussion about the fact that we want the local people to have the right to engage in some participation in local government. By the amendment that has been proposed the elections would be on a nonpartisan basis, and under the law of the land the Civil Service Commissioner may now permit activity in any nonpartisan elections by a Federal employee.

Mr. MATHIAS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Maryland.

Mr. MATHIAS. The gentleman referred to the Sisk bill. What possible assurance can the gentleman have that you would not end up with partisan elections, since my colleague from Maryland has already said there are people in the District who want this?

Mr. NELSEN. The Congress will have a chance to review the election procedure set up by the Charter Commission.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I want to compliment again the gentleman from Minnesota, but I would like to make it crystal clear if these requirements I have previously enumerated are included, I intend to vote for the Multer bill, but I will not vote for a bill that does not have them.

Mr. NELSEN. When you bring up a bill that promotes elections in the District of Columbia, then changing the Hatch Act under which we operate, you are then legalizing the solicitation of funds from a Federal employee.

I would like to refer to the editorial in the Evening Star in which they say that the partisan label does not discourage partisan political activity at the local level. It only masks it.

I agree with that, but the Star forgets that the main purpose of my activity in this regard is to stop the illegal solicitation of funds from Federal employees which is going on right now, and would be legalized by the language in the Multer bill.

I would like to again emphasize the need for this type of protection as an amendment to the Multer bill. I am very sorry I got very little support in the committee. I got very little support from the proponents of this bill up to now, but I suspect this is to sweeten the bill in the hope it can be passed. I have every right to fear what will happen in conference. I feel that I have a duty to do everything I can to stop the procedure that has been going on in this city, that has been investigated by the FBI, it has been investigated by the Department of Justice, but no punishment has been meted out. As a result, more and more violations occur, and more and more Federal employees are being taken for a political contribution which I do not think they should be subjected to.

Mr. Chairman, I hope the amendment is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BELL].

The question was taken; and on a division (demanded by Mr. WAGGONNER), there were—ayes 63, noes 70.

Mr. BELL. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. BELL and Mr. SICKLES.

The Committee again divided, and the tellers reported that there were—ayes 123, noes 114.

So the amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

> Mr. HAYS moves that the Committee now do rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HAYS. Mr. Chairman, it seems to me the most logical and sensible thing we can do at this point is to send this bill back from whence it came.

What has happened? We are here under a discharge petition to bring a bill before the House which the very sponsor of the bill has abandoned. He has brought in a substitute of doubtful legitimacy.

They have admitted—the gentleman from Maryland [Mr. SICKLES] and the gentleman from New York [Mr. MULTER]—that they do not know what is in the bill. God knows who wrote it. The gentleman from New York [Mr. MULTER] and the gentleman from Maryland [Mr. SICKLES] do not know its parentage. It is as illegitimate as it can be.

Now we see the spectacle of the chief proponent of the bill, the gentleman from New York [Mr. MULTER], walking through the line to bring about a nonpartisan election, an election which he was arguing vociferously against as late as yesterday and the day before at lunch.

Why? Who wants this bill so bad that they are willing to throw the baby out in the cold and take in an orphan that nobody knows where it came from?

Not only that, we are here amending two different bills at the same time. And I doubt if anybody knows, most of the time, which amendment he is voting on to what bill.

We have a pledge to bring up a bill, and I would like to see an orderly bill brought up, something on the order of the Sisk compromise. But let me say to you, the big argument they are making in the cloakroom against the Sisk bill is that it is a stall, that nothing will happen, that it will go over to the next Congress. That does not need to necessarily happen. They can go back to the committee and they can come in with the Sisk bill and they can put definite time limitations in it, or we can amend it to do it—90 days to hold an election, 60 days for the charter commission, 60 days for an election, and 60 days for Congress to approve or disapprove. We can get it all done in the next session of Congress.

No, that is not what they want. The people, the small minority—and I say to you it is a small minority of the people in this District—who are fighting for home rule are the special interests who want to manipulate this city to their own ends, who want home rule for the purpose of getting by with less taxes and more Federal contribution.

I have always been for a substantial Federal contribution. I voted against appropriations of the committee on occasion because I thought the appropriations were too low.

But we have here the special interests who want to take the Nation's Capital and wring it out for every dime they can get out of it.

The gentleman from Wisconsin [Mr. REUSS] made the statement yesterday—and I repeat it—that they voted by a thunderous vote in favor of home rule. A total of 80,000, out of 800,000, cast a vote at all. That shows how interested the people are in home rule.

Oh, yes, everybody knows—you can hear it out in the cloakroom—whose bill this is. I do not want to name them one by one. I will be kind and put them together and say the vested interests, those who have an opportunity to make some money, to make a pecuniary gain. That is what they are after, a profit. They want to get it from the taxpayers, from the Congress, from the tourists, from everybody else. They want to turn the Nation's Capital into a paradise for the entrepreneurs, and that is a kind term for them. Back in Ohio we call them the shakedown artists.

That is what this bill is about, and it is cloaked in the fine terms of democracy and home rule and what have you.

I know I am not going to be very popular with some people for saying this, but somebody ought to say it. It is true that some will vote for it because they feel they have to, not because they want to. They know what I am saying is the truth.

There is another thing I wanted to have an opportunity to vote for, but I am willing to forgo that. That is the amendment of the gentleman from Virginia, which was going to put the nonvoting delegate over in the other body. That is where he ought to be, because they talk a lot and do nothing and he is only going to have the right to talk and not to vote. That is where they ought to put him in the first place. But in this poor, little, illegitimate bill that was brought in here they forgot about that, because they were trying to sweeten it up to get enough votes to do what the proponents said. Mr. MULTER was honest there. He said the reason why we did it was this—and I am quoting again, as I did yesterday, the newspapers—we made a hardheaded count and we found we did not have the votes. No, Mr. MULTER, you did not have the votes and if the Members could vote without pressure you will never have the votes.

Mr. MULTER. Mr. Chairman, I rise in opposition to the preferential motion. Mr. Chairman, I do not intend to match wits with the gentleman from Ohio who preceded me on the matter of illegitimacy. I do not think I have the knowledge or the experience with which to meet that kind of an argument.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MULTER. No; I will not. We have seen a lot of shadow boxing and heard a lot of shocking camouflage dragged across the trail of the debate here. The worst of it you heard a few moments ago. Previously you heard that this is not a civil rights bill—it only deals with voting rights. Now we are told it is the vested interests that want all of this money from the Federal Treasury given to the District of Columbia and all the taxpayers of the country are going to rise up in arms because they object to paying part of the cost of maintaining the government of the District of Columbia.

No one has objected all through the years when year after year we have appropriated money for the various Federal installations in the District of Columbia. Not one voice has been heard against the appropriations year after year made directly to the District government. This year there was $50 million appropriated by this Congress to the District of Columbia to help it to maintain its government. Because we have in this bill a provision limiting the authorization with the right of the Congress to appropriate every dollar it is no good. We have met now every objection from both sides, with one exception—and an amendment will be offered to cover that. Whether the gentleman from Ohio likes it or not I will stand on this floor and say it is a good amendment and we will take it—and I hope that the House will take it and then we really have got a truly bipartisan measure for this House, which should pass and I hope it will pass despite all of the nonsense you have heard. Mind you, watch the votes. Watch who stands up on the division votes. Watch who goes down the aisle on the teller votes and on every good amendment, every implacable foe of home rule for the District, everyone who wants to see nobody in the District of Columbia, no citizen, voting for an elected mayor or elected council, they are the ones who vote to gut the bill. They are the ones who vote against the good amendments to make the bill better. They are the ones who will vote for this Sisk referendum on a referendum with an election and another referendum and another vote by Congress, which they hope will never come to pass. If you want to kill this home rule bill, vote for the Sisk amendment. If you want home rule, then perfect the Multer amendment and then pass it.

Now I beg of you, vote down the preferential motion. Let us get on with this business and finally restore to the District of Columbia—I emphasize—restore to the people of the District of Columbia the right to govern themselves as we give the right to everybody else and to every citizen of the United States. That is the least we can give to them. Let us do it and do it now.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield to the gentleman.

Mr. SISK. The gentleman used my name.

Mr. MULTER. I referred to the gentleman's amendment but otherwise did not use his name.

Mr. UDALL. The charge has been made over and over again of vested interests and of all the charges made that is the one that ought not to be made. Everyone knows who is running this city now. A cozy little arrangement between the board of trade and the big business people who like low taxes and do not want decent schools and decent welfare services in this city and a small group on the District of Columbia Committee. That is the group that runs this city. When you say turn over to the people this right and let them run it like the people in the cities all over the country have the right to, then they say you are turning it over to a small little group. Let the American citizens and the inhabitants of the District who live here and do not have any chance to say what kind of schools or government they should have, let them have the right to decide.

Mr. MULTER. Mr. Chairman, I urge that the preferential motion be voted down.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Chairman, on that I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HAYS and Mr. MULTER.

The Committee divided, and the tellers reported that there were—ayes 144, noes 140.

So the motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. KEOGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4644) to provide an elected Mayor, City Council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out.

Mr. MULTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 179, nays 219, answered "present" 2, not voting 32, as follows:

[Roll No. 336]

YEAS—179

Abbitt
Abernethy
Adair
Andrews, Glenn
Arends
Ashbrook
Ashmore
Ayres
Baring
Bates
Battin
Beckworth
Belcher
Bennett
Berry
Betts
Bonner
Bow
Bray
Brock
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Callaway
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Cooley
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Everett
Evins, Tenn.
Findley
Fino
Fisher
Flynt
Fogarty
Fountain
Fuqua
Gathings
Gettys
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Halleck
Hansen, Idaho
Harris
Harsha
Harvey, Ind.
Hays
Hébert
Henderson
Herlong
Hull
Hutchinson
Ichord
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Keith
Kelly
King, N.Y.
Kirwan
Kornegay
Kunkel
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
McCulloch
McDade
McMillan
Macdonald
MacGregor
Machen
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matthews
May
Mills
Minshall
Moeller
Moore
Morris
Murray
Natcher
Nelsen
O'Konski
O'Neal, Ga.
Passman
Pike
Pirnie
Poage
Poff
Pool
Purcell
Quillen
Randall
Reid, Ill.
Reinecke
Rhodes, Ariz.
Roberts
Rogers, Fla.
Rogers, Tex.
Roudebush
Rumsfeld
Satterfield
Schneebeli
Selden
Sikes
Skubitz
Smith, Calif.
Smith, Va.
Springer
Stanton
Steed
Stephens
Stubblefield
Talcott
Taylor
Teague, Tex.
Thompson, Tex.
Thomson, Wis.
Tuck
Tuten
Utt
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Whalley
White, Idaho
Whitener
Whitten
Williams
Wilson, Bob
Young
Younger

NAYS—219

Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Baldwin
Bandstra
Barrett
Bell
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Broomfield
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cahill
Callan
Cameron
Carey
Celler
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Craley
Culver
Daniels
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dow
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Hagen, Calif.
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Hicks
Holland
Howard
Hungate
Huot
Irwin
Jacobs
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Kee
King, Calif.
King, Utah
Kluczynski
Krebs
Leggett
Long, Md.
Love
McCarthy
McClory
McDowell
McFall
McGrath
McVicker
Mackay
Mackie
Madden
Mahon
Mathias
Matsunaga
Meeds
Miller
Minish
Mink
Monagan
Moorhead
Morgan
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Powell
Price
Pucinski
Quie
Race
Redlin
Reid, N.Y.
Reifel
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.

Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schweiker
Secrest
Senner
Shipley
Shriver
Sickles
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stalbaum
Stratton
Sullivan
Sweeney
Teague, Calif.
Tenzer
Todd
Trimble
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Weltner
White, Tex.
Widnall
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Zablocki

ANSWERED "PRESENT"—2

Garmatz
Keogh

NOT VOTING—32

Anderson, Ill.
Andrews, George W.
Aspinall
Bolton
Colmer
Daddario
Flood
Frelinghuysen
Goodell
Hansen, Wash.
Hardy
Holifield
Horton
Hosmer
Johnson, Okla.
Lindsay
Long, La.
McEwen
Mailliard
Michel
Mize
Patman
Rivers, S.C.
Roncalio
Roosevelt
Saylor
Scott
Thomas
Thompson, N.J.
Toll
Tupper
Willis

So the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rivers of South Carolina for, with Mr. Keogh against.

Mr. Hardy for, with Mr. Garmatz against.

Mr. Long of Louisiana for, with Mr. Roosevelt against.

Mr. George W. Andrews for, with Mr. Daddario against.

Mr. Hosmer for, with Mr. Holifield against.

Mr. Colmer for, with Mr. Thompson of New Jersey against.

Mr. Scott for, with Mr. Toll against.

Mr. Saylor for, with Mr. Horton against.

Mr. Willis for, with Mr. Roncalio against.

Until further notice:

Mr. Aspinall with Mr. Mize.

Mr. Johnson of Oklahoma with Mr. McEwen.

Mr. Thomas with Mr. Anderson of Illinois.

Mr. Patman with Mr. Michel.

Mr. Flood with Mr. Frelinghuysen.

Mrs. Hansen of Washington with Mrs. Bolton.

Mr. POOL changed his vote from "nay" to "yea."

Mr. GARMATZ. Mr. Speaker, I have a live pair with the gentleman from Virginia [Mr. HARDY]. If he were present he would have voted "yea." I voted "nay." Therefore I withdraw my vote and vote "present."

Mr. KEOGH. Mr. Speaker, I have a live pair with the gentleman from South Carolina [Mr. RIVERS], who, if he were here, would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The Committee resumed its sitting.

HOME RULE FOR THE DISTRICT OF COLUMBIA

The CHAIRMAN. The House is in Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 4644.

When the Committee rose there was pending a substitute amendment offered by the gentleman from California [Mr. SISK] for the amendment in the nature of a substitute offered by the gentleman from New York [Mr. MULTER].

Mr. SISK. Mr. Chairman, I rise to make a unanimous-consent request.

Mr. Chairman, in order to expedite the business of the House—and after some 3 days of debate it seems to me the time has come to move along—I ask unanimous consent that all debate on the Sisk amendment and all amendments thereto close in 20 minutes. It is my understanding that there is one amendment at the desk to be offered by the gentleman from Pennsylvania [Mr. CRALEY] and as part of my unanimous-consent request, I ask unanimous consent that 3 minutes of that time be reserved to the gentleman from Pennsylvania [Mr. CRALEY].

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MULTER. Mr. Chairman, reserving the right to object, I indicated to the gentleman from California that I would be glad to join in such a request as soon as we found out how many Members still want to speak on the Sisk amendment. I understand his request was addressed only to the Sisk amendment.

Mr. Chairman, as part of my reservation of the right to object, may I propound a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. MULTER. Mr. Chairman, there is an amendment to be offered to the Multer amendment. Would that come out of the time reserved for the closing of debate on the Sisk amendment, if that is offered—in other words, if someone offers an amendment to the Multer amendment?

The CHAIRMAN. The Chair will state to the gentleman from New York that as the Chair understood the request of the gentleman from California, it was that all debate on the Sisk substitute and all amendments thereto close in 20 minutes and that, therefore, would not preclude the offering of any amendments to the amendment offered by the gentleman from New York.

Mr. MULTER. Mr. Chairman, as part of my reservation of the right to object, I suggest that the gentleman from California ask unanimous consent for the closing of debate in 30 minutes, and I shall not object.

Mr. SISK. Mr. Chairman, I revise my request and ask unanimous consent that all debate on the Sisk substitute and amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DERWINSKI. Mr. Chairman, reserving the right to object, it is obvious that the Members have reached some agreement over there among themselves, Members who evidently have been working on this bill at great length. The thought occurs to me that we are now setting a dangerous precedent whereby we gag Members and cut off debate on all legitimate amendments that might follow.

Mr. Chairman, I hope the gentleman from California [Mr. SISK] will assure the members of the Committee, since the gentleman controls as he does his own substitute amendment and amendments thereto, that it is not his intention to use this device for the balance of the consideration of the bill.

Mr. SISK. Mr. Chairman, if the gentleman will yield, under the gentleman's reservation let me say that I have no intention of cutting anyone off. I certainly would not want to preclude any amendment that might be offered. I simply am making this request in order to expedite the consideration of this legislation. I did not realize there were so many who might want to offer amendments. I am only trying to arrive at some reasonable time when we can vote and I feel that the span of 30 minutes on this particular substitute would probably be adequate, as I understood there was only one amendment at the desk.

Mr. DERWINSKI. Mr. Chairman, I withdraw my reservation.

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. Mr. Chairman, I have an amendment to offer to the Multer substitute. Would it be in order to offer this amendment to the Multer substitute during the 30 minutes, or will it be necessary to wait until after the 30 minutes have expired?

The CHAIRMAN. The Chair will advise the gentleman from Michigan that he might take either course.

Mr. GRIFFIN. And, if I offer it during the 30-minute period, however, I would not be allowed the usual 5 minutes during which to explain the amendment?

The CHAIRMAN. The Chair would undertake to divide the 30 minutes rather equitably.

Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. CRALEY

Mr. CRALEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRALEY to the amendment offered by Mr. SISK: Page 3, line 4, after the word "approved", strike out "a majority of the registered voters must vote in the referendum and".

Mr. CRALEY. Mr. Chairman, if we are sincere in our support of the Sisk amendment we will support my amendment removing the qualification that a majority of the registered voters must vote in the referendum. Academically and in theory this is good, but in practice it does not work. It imposes additional problems on the voters. The opposition can sit at home and rely on the impetus of those who are in favor of home rule.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. CRALEY. I yield to the gentleman from California.

Mr. SISK. I agree with the gentleman's amendment. I think it is entirely proper, and I am very willing to accept his amendment.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CRALEY].

The amendment was agreed to.

The **CHAIRMAN.** The Chair recognizes the gentleman from Maryland [Mr. MACHEN].

Mr. **MACHEN.** Mr. Chairman, I am very, very unhappy that I must stand here for the brief time allotted me and speak for this painfully brief moment not having had an opportunity to speak out strongly against this incredible amendment authorizing nonpartisan elections, if they can be called elections, at that. For this great House—whose foundation is the two-party system—to tack this antiparty election amendment onto the home rule bill for the District of Columbia is to go contrary to the essence of our democracy. The nonpartisan movement is contrary to the basic principles of the democratic form of government because it denies the system of checks and balances of advocate and critic, which are essential to our democracy. This amendment is nothing less than retrogression—a step back from constitutional democracy.

This obvious appeasement by the fragmented leadership on the home rule bill would indicate that they condone the use by those on the other side of the aisle of the nonrepresentative form of government in a desperate effort to worm their way back into the mainstream.

Let me state very clearly that I signed the discharge petition to bring the home rule bill to the floor so that the House could work its will.

Mr. Chairman, I am sadly disappointed and hurt at the sight of the home rule leaders' total inability to agree on a home rule bill and even disagreeing among themselves on the floor. When they gut the basic bill to obtain votes, then perhaps basic principles are being sacrificed for political expediency.

I recognize that the art of politics is the art of compromise but you do not sacrifice the shirt off your back just to get an empty shell.

I know what type of home rule bill I supported. I thought that this was the same bill they wanted too; the same one we discharged from the District Committee. But I learned a lesson today here on the floor and the lesson is that I will never again sign a discharge petition unless it is made inalterably clear that the bill to be discharged is the same bill which we will debate and vote on when it reaches the floor.

It was a great victory for we home rule supporters when the discharge petition succeeded. It was not a victory, not even a near miss when this measure was compromised so badly and then kicked in the teeth with the antiparty election clause.

Mr. Chairman, I cannot in good conscience—not as a dedicated two-party supporter and not as a Congressman dedicated to a real home rule bill for the District—I cannot vote for these rag-tag measures. They should go back to committee where major repairs can be made.

The **CHAIRMAN.** The Chair recognizes the gentleman from Michigan [Mr. CEDERBERG].

Mr. **CEDERBERG.** Mr. Chairman, it is obvious in view of the fact we insist on using the route of the discharge petition on very serious legislation of this kind, and when it appears no one really knows what is in the legislation we are considering, whether it is a bill that came out through the discharge petition route, the Sisk substitute, or the Multer substitute, as amended, I ask unanimous consent that after all debate on this legislation is completed, no vote be taken for 5 legislative days, so that all Members may have a chance to find out what is in the bill.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Michigan?

Mr. **ALBERT.** Mr. Chairman, I object.

The **CHAIRMAN.** The Chair recognizes the gentleman from New York [Mr. JOELSON].

Mr. **JOELSON.** Mr. Chairman, I could hardly believe my ears when I heard the minority leader get up here and tell us about the perils and evils of partisan politics. It strikes me as particularly cynical that the leader of a great party should stand before us and tell us that there is something corrosive or corrupt or sinister about partisan politics.

We were all elected by partisan politics, and I will yield to any gentleman who wants to get up here and tell me he has been corrupted, or made less effective, by running on a party ticket.

Mr. **WILLIAMS.** Mr. Chairman, will the gentleman yield to me?

Mr. **JOELSON.** I yield to the gentleman.

The **CHAIRMAN.** The time of the gentleman from New Jersey has expired.

The Chair recognizes the gentleman from Texas [Mr. DOWDY].

Mr. **DOWDY.** Mr. Chairman, I feel that the Sisk substitute for the bipartisan amendment offered is the best thing that has come before this Committee in connection with this bill. I doubt there is 5 percent of the Members of the House including the bipartisan group that is supporting the bill who have even read it and certainly they cannot explain it.

Actually this is an attempt to write a charter or a constitution for the city-State that is to be established here by the bill.

I can think of only one reason to vote against the Sisk substitute and that would be that you consider the people of the District of Columbia so stupid that they cannot draw up a charter of their own, and that Congress has to do it for them.

The **CHAIRMAN.** The Chair recognizes the gentleman from Ohio [Mr. HARSHA].

Mr. **HARSHA.** Mr. Chairman, I rise in support of the Sisk amendment. I think this House has been in session so long that many of us are becoming stir crazy. We have arrived at the silly season. Certainly the best that can be said for the Multer bill is that it is a can of worms and it needs sober and sound study; nobody is really aware of all the oversights in it and all the problems it will create.

The Sisk substitute will provide adequate time for a charter committee to reflect in a proper attitude upon the ramifications of this legislation. It will give the people of the District an opportunity to determine if they really desire home rule and it will provide the Congress an opportunity to review the legislation under much more favorable circumstances.

Again I would urge that we approve the Sisk substitute.

The **CHAIRMAN.** The Chair recognizes the gentleman from New York [Mr. BINGHAM].

Mr. **BINGHAM.** Mr. Chairman, I want to address a few words to those who truly favor home rule who might be tempted to vote for the Sisk amendment. Of course, all those who are opposed to home rule will vote for the Sisk amendment. But there may be some supporters of home rule for the District who are impressed by the argument of the distinguished sponsor of this amendment that it will provide an orderly approach to home rule.

To these Members, I should like to make just one point: If the two referendums are gone through and the charter commission is elected and comes back here to the Congress with a proposed charter for approval, that charter has to be accepted or voted down; it cannot be amended one iota by the Congress.

I ask you who are friends of home rule, What would be the chance of adoption of home rule under circumstances of that kind? After what we have seen the last 3 days in the form of ingenious attack, distortion, and diversion, it simply would not seem conceivable that a charter drawn up by an elected commission could survive in this House.

While I certainly do not question the sincerity of the gentleman from California [Mr. SISK], for whom I have the greatest respect, I believe that most of those who will vote for his amendment will do so as an effort to kill home rule. So I hope no friend of home rule will vote for this amendment.

If this amendment prevails, I shall reluctantly vote for the bill and I shall devoutly hope to be proven wrong in my prediction as to what will come of it.

The **CHAIRMAN.** The Chair recognizes the gentlewoman from Oregon [Mrs. GREEN].

(By unanimous consent, Mrs. GREEN of Oregon yielded her time to Mr. ALBERT.)

The **CHAIRMAN.** The Chair recognizes the gentleman from California [Mr. DON H. CLAUSEN].

(By unanimous consent, Mr. MACGREGOR yielded his time to Mr. DON H. CLAUSEN.)

(By unanimous consent, Mr. NELSEN yielded his time to Mr. DON H. CLAUSEN.)

Mr. **DON H. CLAUSEN.** Mr. Chairman, I thank the gentlemen for the time. I have been preparing myself for a couple of days to give a lengthy dissertation on the matter of home rule. Actually, many comments have been made before the

House about the fact that support for the Sisk proposal is designed to kill the measure. Nothing could be further from the truth. I cannot determine the motives of other Members of the Congress. I do, however, want to make it abundantly clear. I am for home rule and the right for people to establish a unit of government that will be responsive to their wishes. So, I would like to put this matter in proper perspective in the amount of time I have available.

This is not a question of whether you are for or against home rule. In my judgment, it is a question of what type of home rule you are for. Do you want the Congress to tell the people of the District what they are supposed to accept or do you want the people themselves to have the opportunity to formulate their own system of government and then ratify it?

I have served in local government in California for a number of years. I attended the first home rule congress of the National Association of Counties in New York a few years ago. I can tell you that there are many people who have some strong ideas on how home rule should be handled.

The Multer proposal that is before us has been referred to as a can of worms. With the rejection of his original bill and the amending on the floor today, I doubt very much if the Members know fully what is before them in the way of a home rule proposal.

So far as I am concerned, the Sisk proposal will provide the people of the District of Columbia with the maximum opportunity to express themselves on a matter of vital concern to them, the right to determine the form of government they are desirous of having.

In California, under enabling legislation, we have this opportunity which the gentleman from California [Mr. Sisk] has spoken about. We would present the matter of home rule to the people. The people themselves would actually elect a board of freeholders. The board of freeholders would then prepare the charter or a local constitution, call it what you will. Once that charter or constitution has been prepared, it would be brought back to the people themselves for ratification.

We talk about home rule. The Sisk proposal would give the people of the District an opportunity on two occasions to have their say as to what type of government they desire, rather than having something shoved down their throats.

In the first place, in the proposed charter, the people could have anything that they desire. As I said on the floor yesterday, we can have a nonpartisan or a partisan election. I happen to hold the view that we should have had nonpartisan elections at the local level and then partisan elections at the State and Federal levels. It has been my experience that many people who are actually trained at the local level, irrespective of partisanship, are judged on the basis of how objective they really are, not on the basis of partisanship at the local level. This is one of the reasons, in my judgment, we have progressive local government in California. I would dare anyone to challenge the quality of local government we have out there. As far as Republicans or Democrats are concerned, they jointly support this approach, as does every progressive community and State in the Nation. I urge you to support the Sisk amendment and then bring in experts in the field of municipal government to assist the locally elected board of freeholders in developing a model government that will maximize the exercise of individual rights and at the same time assume their community responsibilities.

Mr. Chairman, many people are attempting to place the Members of Congress in two camps, either for or against home rule. Let me say at the outset, nothing could be further from the truth. Mr. Sisk and I have conscientiously tried, on a bipartisan basis, to offer what we think is the most objective and constructive proposal before the House.

The issue is not whether you are for or against home rule. It is a question of what type of home rule you have.

While I have not yet decided whether to vote for the Multer home rule bill, I am frank to say that I have reservations about the adequacy of the legislation toward meeting what I determine to be proper home rule.

I have long advocated home rule and strengthening of local government throughout the Nation that guarantees the maximum in participation of the electorate. It has further been my position to do everything possible to extend rights to individuals so as to hold them responsible for their actions. Rights and responsibilities go hand in hand.

Therefore, it is for this reason that I have been cooperating with Congressman Sisk, of Fresno, Calif., in promoting the so-called local option type of home rule legislation. There are many reasons why I feel this to be the better measure. The first being that it parallels the very successful enabling statutes of the State of California. We often refer to it as permissive legislation. In my judgment, this is truly home rule and not something that is handed down on take it or leave it basis.

Here in the District of Columbia, we do have a somewhat different situation, inasmuch as this is the Nation's Capital. Section 8 of article I of the Constitution of the United States states explicitly that the Congress shall have the power "to exercise exclusive legislation in all cases whatsoever over such District—not exceeding 10 miles square—as may, by cession of particular States, and the acceptance of the Congress, become the seat of government of the United States." Consequently, whatever proposal is made, the Congress must take into consideration its obligations under the Constitution.

Having served for many years in local government, I felt constrained to sign the discharge petition because of my strong feeling toward providing adequate home rule. However, in discussing the legislation with many Members of the Congress, I concluded that the Sisk proposal was more in keeping with what I classify as "proper" home rule. Further, I am very much concerned about repealing certain sections of the Hatch Act to permit Federal employees to participate in the elections, where, again, a properly drawn charter, as suggested in the Sisk proposal, would establish a local nonpartisan unit of government and thereby eliminate the necessity of disturbing the well-established Hatch Act.

Having participated very extensively in local government through the County Supervisors' Association of California, I believe our nonpartisan local government concept has permitted our State to enjoy one of the most progressive systems of local government throughout the Nation.

The Sisk proposal would provide for a referendum that would permit the people of the District of Columbia to elect a board of freeholders. The board would then be granted the opportunity to draft a local charter—local constitution—that would reflect the type of government desired by the regularly elected freeholders. Once the charter is prepared, it then is voted upon and approved by the people of the District of Columbia. In this way, the people themselves have two opportunities to express themselves regarding home rule. First, in the selection of the people who draft the charter and second in the approval of the charter.

I do not think it is fair to subject these fine employees to the inevitable harassment for partisan political purposes. We want to improve the District's unit of government—not establish by legislation, a spoils system.

In San Francisco, for example, cosmopolitan charter adopted with provisions for amendment.

Our prime objective must be to establish a unit of government that guarantees a line of communication between the electorate and its governing body that will guarantee the maximum in the exercise of individual rights and the full assumption of community responsibilities.

Under our proposal the District can have—

First. Nonpartisan elections.

Second. A partisan election for Delegate.

Third. Participation in national election.

Fourth. An elected school board.

Fifth. Could be subjected to impacted area assistance for schools.

Sixth. Elected or appointed board of education.

Seventh. A split police authority if necessary.

Eighth. You can set up a property tax equalization formula.

Ninth. Elect board of equalization.

I would like to insert in the Record the letter from Mr. Sisk to me spelling out his proposal.

Also, I would like to insert some facts regarding a suit pending in the U.S. district court relating to the Hatch Act. And finally, I insert the Home Rule Theme of the National Association of Counties, which I have adopted as my personal guideline as we all work to improve our great Federal system of Government.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 23, 1965.

DEAR DON: As you know, home rule will be before the House on Monday, September 27. After consideration of H.R. 4644—the discharge petition bill, I will move to substitute in its place my bill H.R. 10115, as originally introduced in July and not as reported out of committee.

Briefly, my bill would provide for the following:

1. A referendum within 100 days of enactment in which the people of the District of Columbia would decide whether or not they want home rule;
2. Simultaneously with the referendum they would vote for a 15-member, nonpartisan District of Columbia Charter Board;
3. If the home rule proposition were approved, the Charter Board would be charged with the responsibility of drafting a local self-government charter which would be submitted to the voters within 8½ months of the first referendum;
4. The charter, if approved in this second referendum, would be transmitted to Congress for its consideration. If not specifically approved earlier or rejected, it would automatically take effect at the end of 90 days.

This proposal is the type of legislation used in most States to enable a city to establish a home rule charter. Although H.R. 10115 grants the Charter Board the widest permissible latitude in framing a charter, the bill is consistent with the constitutional requirement that Congress retain ultimate legislative responsibility for the Nation's Capital. In my opinion, enactment of this legislation would provide a more practical method of securing home rule for the District of Columbia.

For your information I am enclosing a copy of the statement I made on the floor when I introduced H.R. 10115. I do hope you will give my bill your consideration and support if you feel it is justified.

Sincerely,

B. F. SISK,
Member of Congress.

SUIT PENDING IN U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND (CIVIL ACTION NO. 16460) RELATING TO THE HATCH ACT

FACTS

The U.S. Civil Service Commission has granted to Montgomery County, Md., residents an exemption to section 16 of the Hatch Act to engage in nonpartisan political activities or to become independent or nonpartisan candidates for office. The Civil Service Commission has uniformly, and without exception, restricted such exemptions to independent nonpartisan activities of a purely local nature. The Code of Federal Regulations (5 C.F.R. 733.301(a)), provides in effect (1) that an employee shall not engage in nonlocal partisan political activities; (2) that employees may not run as candidates for a political party or become involved in political management in connection with the campaign of a party candidate; (3) that an employee who is a candidate for local elective office shall run as an independent.

Early in 1964 parties in Montgomery County filed requests with the Civil Service Commission for an exemption for Federal employees residing in that county to participate in local partisan elections and become partisan candidates. The Commission denied the requests.

In March 1965 parties petitioned the Civil Service Commission to hold a further hearing to review the denied requests. The Commission denied this request. In April 1965 the parties filed a petition for reconsideration which petition was denied by the Commission. Thereafter the parties filed suit in the U.S. District Court for the District of Maryland, attacking the action of the Civil Service Commission and the constitutionality of the prohibition against engaging in partisan politics.

LEGISLATIVE HISTORY

Section 16 of the Hatch Act was born in an amendment introduced from the floor of the Senate by Senator BYRD of Virginia after consultation with Senator Hatch, during the 1940 debates on extension of the act. Senator Hatch stated, in support of the amendment: "Inasmuch as the amendment which the Senator now offers merely restores to the Civil Service Commission the power which it had and which it exercised before the passage of the (original) act last year, I thought it was wise to give general authority to meet local or domestic situation" (86 CONGRESSIONAL RECORD, p. 2977).

Senator Hatch was referring to authority which the Civil Service Commission had exercised prior to the Hatch Act, to waive the provisions of civil service rule I, which prohibited employees in the competitive civil service from participating in political management or political campaigns. This principle had been established by President Theodore Roosevelt in Executive Order No. 642 of June 3, 1907 (exhibit B, p. 1) from which civil service rule I was derived. By subsequent Executive orders issued by Presidents Taft, Wilson, Coolidge, and Hoover the waiver was extended to various communities in Maryland and Virginia near the National Capital. All such waivers, however, incorporated a prohibition against participation in general partisan politics (see Executive Orders Nos. 1472, 1930, 4048, 5627 (exhibit B, pp. 3–7)).

In Executive Order No. 4048 of July 12, 1927, the President granted to the Civil Service Commission authority to extend the waiver to other incorporated municipalities, subject to the prohibition against partisan politics.

In the 81st Congress an amendment was introduced to the Hatch Act which would have permitted partisan political activity at the local level. The bill was vetoed by President Truman. President Truman in his veto message observed that in States where local branches of political parties are required to support State and national tickets, the principles of the Hatch Act would be violated. The historic application of the principle of Federal employees in participating in partisan political campaigns has not been changed by the Commission nor by the Congress to this date.

JUSTICE DEPARTMENT DEFENSE OF THE HATCH ACT

The brief filed by the Justice Department in defense of the action of the Civil Service Commission in denying local partisan participation by Federal employees clearly supports the position of those opposing the provision in the home rule bill which would exempt for the first time Federal employees from the provisions of the Hatch Act so as to permit partisan participation in elections.

In the brief at the bottom of page 25 the Justice Department states that the Supreme Court has held that complete prohibition of political participation does not violate employees' rights and, therefore, there is no question as to the right of the Commission under the Hatch Act to limit its exemptions to nonpartisan activity. "The immunization of Executive employees from partisan politics is a rational requirement which is more than justified by the vital public interest in the integrity of the career civil service."

To recognize the reasonableness of the Commission's decision to permit only nonpartisan local political activity, one need only consider the problems at which the Hatch Act was aimed and the realities of party politics as currently practiced in the United States. Party politics are not conducted in separately sealed compartments neatly labeled "local," "State," and "National." Political organizations grow from the grassroots in the precincts to the great quadrennial nominating conventions. The integrated nature of party organization is most strikingly reflected right in the name of the plaintiff political association: the "Democratic State Central Committee for Montgomery County, Md." Party workers are constantly exhorted and continuously tempted to join in putting over their party's ticket at every level of government. From the candidates' teas before the primaries to the poll watchers' coffee on election day, the politics of community, State, and Nation are inextricably linked. Local politics are the ladder which our national leaders must climb. This is both a political and an economic necessity of the party system, as any American who has ever answered a political canvasser's knock at his door can testify. Were it otherwise plaintiffs would not be here, for they could easily organize an independent Democratic or Republican Party whose interest stopped at the county line.

It is the integrated aspect of party politics which poses the great danger and the great temptation of the integrity of the Government worker. First, there is the possibility that the national political party controlling the Federal Government—be it Democrat, Republican, Whig, or Federalist—might coerce Federal employees to work for that party and its local affiliates. Such things are not unknown in American history. By barring any partisan political activity, the Commission protects the Federal employee from this possibility while providing his community with a method by which he may participate in its affairs.

Second, career civil servants must serve with equal devotion successive department heads with different views and political affiliations. If a Federal employee campaigned, even at the local level, for one national party, it could inhibit his best efforts for an administration controlled by another party, thus harming the efficiency of the executive civil service. Such a danger is avoided by a clean and clear restriction to local, nonpartisan activity, independent of any National and State affiliation.

Third, the civil service as an institution could be completely demoralized by the specter of politically linked advancement—assignment or promotion directly or indirectly influenced by support of the department head's political party. But the Commission's retention of section 9's ban on partisan politics reinforces the statute's prohibition of such conduct by making it impossible for any employee to render such support.

THEME: HOME RULE

Leave to private initiative all the functions that citizens can perform privately; use the level of government closest to the community for all public functions it can handle; utilize cooperative intergovernmental agreements where appropriate to attain economical performance and popular approval; reserve national action for residual participation where State and local governments are not fully adequate; and for the continuing responsibilities that only the National Government can undertake.

Strong local government is the foundation of our Republic.

DON H. CLAUSEN,
Member of Congress, First District, California.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. LONG].

(By unanimous consent, Mr. LONG of Maryland yielded his time to Mr. ALBERT.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, in 1 minute I shall not attempt to call up an amendment which I am prepared to offer to the Multer substitute. However, I believe the Members should have notice as to what the amendment will be. It may be important to some in determining how they will vote on the Sisk amendment.

While substantial progress has been made in perfecting the Multer substitute, there remains one disturbing loophole. Under that substitute, as it now stands, there would be no requirement that candidates for office or their committees file any report or accounting concerning campaign contributions or expenditures. Furthermore, there would be no restriction against corporations and labor unions making direct contributions to candidates and their political committees. The gentleman from New York [Mr. MULTER], is familiar with the text of the amendment which I shall offer. I want to say that if this amendment is adopted I plan to vote for the Multer home rule bill as amended. I wonder if the gentleman from New York will indicate at this time whether he will accept my amendment when it is offered later.

Mr. MULTER. Mr. Chairman, the gentleman from Michigan [Mr. GRIFFIN] is putting his finger on an oversight which should be corrected. No one could object to it. It would extend the Corrupt Practices Act, as so many thought it should, to the District of Columbia under the charter bill. So far as I am concerned it is a good amendment and I will accept it.

Mr. GRIFFIN. The text of my amendment is as follows:

Amendment by Mr. GRIFFIN to the substitute amendment offered by Mr. MULTER: On page 81 of the substitute amendment offered by Mr. MULTER (H.R. 11218) between lines 7 and 8, after section 816, add a new section 817 to read as follows:

"CAMPAIGN FINANCING

"SEC. 817. (a) Subsection (b) of section 13 of the District Election Act of 1955 is amended by inserting after the words 'a candidate for' the words 'Mayor, District Council, Board of Education, District Delegate,'.

"(b) Subsection (d) of section 13 of the District Election Act of 1955 is amended by inserting after the words 'any campaign for election of' the words: 'any Mayor, member of the District Council, member of the Board of Education, District Delegate,'.

"(c) Subsection (e) of section 13 of the District Election Act of 1955 is amended by striking the words 'within ten days after the election' and inserting in lieu thereof the words: 'not less than ten nor more than fifteen days before, and also within twenty days after any election'.

"(d) Section 13 of the District Election Act of 1955 is further amended by adding after subsection (e) a new subsection (f) to read as follows:

" '(f) The word "election" as used in this Section 13 means any election, including any primary, general or special or run-off election.'

"(e) The first paragraph of section 610 of Title 18, United States Code, is amended to add after the words 'Resident Commissioner to Congress' the words ', or any official elected under the District of Columbia Charter Act'."

Mr. GRIFFIN. To provide a more complete explanation of the need for my amendment, I shall insert in the RECORD an excellent article by the able and respected newspaper reporter, Walter Pincus, which appeared in the September 24, 1965, issue of the Washington Star:

MONEY AND POLITICS: HOME RULE BILL LOOPHOLE

(By Walter Pincus)

The District of Columbia home rule bill—as now written—contains no provisions to govern campaign financing of the elections for Mayor, City Council, and Board of Education set up by the measure.

Without specific legislative language to cover the new elective situations, District election officials believe these candidates may not be legally bound by any District campaign fund statutes now on the books.

If that is the case, District mayoralty candidates in 1966, for example, would not have to publicly report their contributions and expenditures, could receive unlimited funds from any sources—including corporations and unions—and could spend any amount on the campaign they could afford.

Even if the District statute were applicable, information filed would be useless for the 1966 voter since the reports are not required until 10 days after the election.

COULD BE COSTLY

In a sharply contested election with the District of Columbia City Hall at stake, campaigns could become costly and their financing could be an important issue.

Last year's Democratic primary provided an insight into what may be ahead. Prior to that election, there were allegations made that the Convention Democrats' slate was being financed by the late Frank Luchs of the real estate firm of Shannon & Luchs. Convention Democrats' officials—and Luchs—denied the allegations.

It was only after the election, when the reports showing a $12,000 deficit were filed, that the extent of Luchs' role become apparent. Some bills are still outstanding.

The 1964 primary campaign reports show another potential District of Columbia election financing problem. Two Democratic slates received money from District business firms—particularly liquor stores. For example, according to the filed reports the Convention Democrats received $100 from Sheriff Liquors, Inc., and the Dedmon-Gerr slate got $25 from Epstein Liquors and $25 from Kojak Liquors.

The International Electrical Workers Union was listed as giving $150 to the winning United Democrats for Johnson slate while the Dedmon group reported $50 from the Journeyman Barber Union.

Federal election laws prohibit unions and corporations from contributing to Federal elections—prohibition that would apply to the District Delegate candidates. But under present and proposed District law, such contributions would be legal in the District of Columbia Mayor's race, for example.

ISSUE NEVER RAISED

Apparently the question of campaign finance regulations for the home rule bill has never been brought up during Capitol Hill consideration of the message.

The Board of Elections, which was established by the District Primary Act, has not discussed the matter either.

"You would think the Nation's Capital would be a model for this sort of thing," a District of Columbia official said yesterday.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. Mr. Chairman, I rise in opposition to the Sisk amendment.

Mr. Chairman, supporters of the Sisk substitute amendment brushed aside yesterday the thundering support the people of the District of Columbia have repeatedly given to the principle of home rule. In 1964, for example, they voted 72,674 for, 12,106 against—more than 6 to 1 for home rule.

The gentleman from North Carolina [Mr. WHITENER] yesterday questioned whether these tremendous majorities in the District of Columbia referendums for home rule really meant what they said. The gentleman asked Members, before they vote today, to get in touch with a laundry, to contact a drycleaning place, to drop in at a department store, and to ask those citizens what they think of home rule.

Mr. Chairman, we have adopted the Whitener formula.

We contacted Lee's Hand Laundry, 2604 Connecticut Avenue NW., and asked its proprietor, Mrs. George W. Mathis, what she thought of home rule. She said:

> I'm in favor of it. It's better for the people and better for the city.

Then we tried a drycleaning shop, the Bon-Sha Valet Shop, 924 14th Street NW., and asked its proprietor, Mr. Bressler, how he stood:

> Home rule will be good for business, and it will be good for those who live in the District.

Then we tried John Daws, clerk at Woodward & Lothrop, who says:

> People ought to be allowed to elect their own officials.

I urge the rejection of the Sisk amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, in the judgment of this Member—and I have worked on home rule from the first month I came to the Congress—the Sisk amendment, while sponsored by a gentleman who is sincere and honest and believes in home rule, is a one-way ticket to the cemetery for home rule, and I hope it will be rejected.

It is passing strange to me that those who support this amendment are the same ones who say that we in the Congress ought to write District law, and are against home rule.

Today we have an opportunity to write a charter for the District, rather than to turn the matter over to the local people, of whom they are afraid, to have the local people write a charter. We can write it ourselves now, today before the sun goes down tonight, if we defeat this amendment. I hope by that time we will have written a home rule charter which will stand the test of time.

I urge the defeat of this Sisk amendment on those grounds.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. TALCOTT].

Mr. TALCOTT. Mr. Chairman, I rise in support of the Sisk amendment. Before I decided to talk, I was fearful of the Multer amendment. It has been disclosed there was an oversight. I wonder how many other oversights there may be in the Multer proposal.

Mr. Chairman, the first imposition of home rule upon Washington, D.C., ended in failure and disaster 87 years ago.

Nevertheless, for several decades, certain Members of Congress have been again trying to impose local government upon District citizens. Their objectives and motives vary widely. A small cadre of petty, but aspiring Washington politicians and Federal bureaucrats have colluded with each other to enhance their political domain and develop new patronage. These few have misexploited natural and traditional desires for self-government and democracy. Their slogan "home rule now" is misleading.

None has given much consideration to the interests of the citizen of Washington. Few have given much consideration to the U.S. taxpayer. Yet these are the paramount interests.

It should be remembered that Washington is the Capital of all Americans—not just those who temporarily reside here. Most Washingtonians are transient. Almost all who reside here work for the Federal Government, or work for someone who works for the Federal Government, or they came here to obtain welfare. If the National Capital were St. Louis or Chicago, there would not be 1,000 persons living here. They knew the conditions before they arrived here.

The residents of Washington throughout the years have been treated more munificently than the citizens of any other city in the world. Taxes of all kinds are less in Washington than anywhere else in the United States. More Federal money has been poured into Washington than anywhere else in the country. The Federal taxpayer has provided more services and facilities for the District of Columbia resident than any other city could possibly afford for its own citizens. The District has the highest per capita income, probably the highest per capita crime rate, and the highest proportionate per capita welfare rate. These petty politicians want more from "Uncle Sugar."

So far the home rule schemes seem designed to get even more money to squander in the District, to acquire exorbitant political patronage, or to achieve indirect control over the Federal functions by Federal underlings and bureaucrats.

The proper perspective and correct answers would be more apparent if Members would imagine themselves as ordinary, honest citizens of Washington. Would they then want a different system of government? Perhaps they would. Every government can be improved. How would they change it or improve it? Would they expect their fellow citizens from other States, to pay their way? Of course not. Would they want the Representatives from other States, all quite different from Washington, to dictate the kind and form of government to be imposed upon them? Certainly not—that is, if they have any pride or initiative for themselves or their community.

The essence of home rule, of true self-government, is not to live under a system imposed from above, or outside, by the administration and a divided committee of Congress, but to plan, develop, and manage one's own government.

Self-government for Washington requires that the local citizens participate in the organization of their own government—rather than merely attempt to keep it functioning after someone else has attempted to put a theoretical model together—haltingly and haphazardly.

Not one proponent of home rule for Washington has had any experience in planning or developing a city of any size. The sum total of their municipal experience came from walking into an ongoing city chartered and organized many years earlier.

I can tell you we would be inviting trouble. Place yourself in the position or status of a self-sufficient citizen-taxpayer of Washington. Would you not want to participate in the organization of your new government? Of course you would. If you were the kind to disdain an opportunity to participate in the formation of your new government, you would not deserve self-government.

The most effective method; the most practical method; the method most compatible with democracy; the method which affords the most self-government; is the charter proposal by referendum of the people, by the people, and for the people?

Only those who want to impose government on others, rather than provide an opportunity of self-government, could object to a popular, local, democratic referendum.

I suggest that we do exactly what we would want if we were residents of Washington, D.C. We would want a charter committee. We would want a popular referendum. We would want the opportunity of true and complete self-government—not just the obligations to carry on a novel, insipient system of government, haphazardly concocted and furiously modified at the last minute for crude political reasons—which have little relation to the citizens of Washington.

I will vote for the Sisk substitute. If it prevails, I will vote for the bill. If it fails, I will vote "nay" on final passage, and hope that, someday soon, Members of Congress will sincerely interest themselves in the citizens of Washington.

Another point: many question the ability of Washington residents to govern themselves. They failed once. They have shown little interest in what they can contribute to the Nation's Capital—but concern themselves mostly with what they can derive from their residence here. Their principal example is the Federal Government which is laced with growing patronage, corruption, and mediocrity.

Why toss a neophyte into deep water, with only a crude support, to sink or swim? Why not permit him to start from scratch, develop slowly, grow with his own system, learn from the ground up. People take more pride, work harder, derive more satisfaction and contribute more selflessly to something of their own than something handed down to them from others.

A government formed and organized by the people, for the people, has an infinitely better chance for success and permanence than a government forced upon them no matter how it is defined or how well it was devised. None of the present proposals, other than the charter referendum proposal, has any real chance for survival, let alone success.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. OTTINGER].

(By unanimous consent, Mr. OTTINGER yielded his time to Mr. ALBERT.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Chairman, I suppose it is useless to try to teach mathematics to the gentleman from Wisconsin [Mr. REUSS] who keeps talking about the thunderous vote taken in the District last year in favor or home rule. His own figures say that 70,000 people voted for it and 18,000 against it, which means exactly 10 percent of the people voted at all, and approximately 7 percent voted for it.

Obviously the gentleman refuses to consult Webster about what the word "thunderous" means, and he continues to try to confuse the House. But the fact remains that only 7 percent of the population of this city was interested enough to go out and vote at all, and there was a terrific campaign in the newspapers to whip up sentiment for it.

Again I say to you, Mr. REUSS, that, in Wisconsin, may be thunder, but it is just pipsqueaking in Ohio.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, I rise in opposition to the Sisk amendment. I point out to my friends on the Republican side of the aisle that there is no guarantee whatever that you can get the standards or the criteria suggested by the Republican policy committee for home rule in Washington under the Sisk formula, but you do get it under the Multer bill. More than that the procedures under the Sisk formula are unnecessary, unworkable, unwise, and I believe unconstitutional. If a charter were to be written by the citizens board in the District and then come back for congressional approval, it would then have the force of law without any participation on the part of the executive branch of the Government, as required by the Constitution of the United States. I think this would clearly not pass the constitutional test. I think that the Sisk amendment is an absolute sudden death for home rule in the District and urge you—I urge you to vote against it.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. SICKLES] for 1 minute.

Mr. SICKLES. Mr. Chairman, in the brief moments that are mine I would like to dwell on one point with respect to the Sisk bill because much has been made of the fact that this bill does substantially what is done in every State of the Union as far as new municipalities are concerned. A rather important element has been left out of this bill, and I think we ought to consider that. This element is that in legislation of this kind not only in my State of Maryland but in the State of California there are guidelines so that when a municipality sets out to set up its charter it has some rules. If it stays within reasonable bounds, according to those rules, whatever it does will finally be approved by the approving authority. In the State of Maryland, as a matter of fact, we do not have any such legislative approval as long as the municipality stays within the guidelines. Then, if there are any problems, you go to the courts. Here we elect a charter board who will read this Record as far as guiding principles are concerned and try to guess what the answers are.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. Whitener].

Mr. WHITENER. Mr. Chairman, the confusion on the part of the proponents of this much amended, and very readily available for amendment, legislation is not surprising. I note with interest some of the folks who were urging the Democratic members not to vote awhile ago in the way they wanted to on this nonpartisan election business. Strangely enough, those folks are doing the bidding of the Republican chairman of the District of Columbia as he stated his position in a letter to most of us. Then these others were taking the position that the Democratic Party officials in the District of Columbia are wrong about that. So there is utter confusion, but there is not nearly so much confusion and chaos as will occur in Washington if this infamous piece of legislation should ever find its way to the White House.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. Multer].

Mr. MULTER. Mr. Chairman, the confusion is not in the minds of the sponsors of home rule but in the minds of those who would like to defeat this bill and defeat it by passing the Sisk amendment. The Sisk amendment is bad for all the reasons that have already been stated plus these additional reasons: Despite the arguments made to the contrary, the law of California and the law of New York, which I have researched and cannot now expound upon, and that of most States that have home rule, have none of the prohibitions and inhibitions contained in the Sisk bill.

One of them has already been removed, that is, the requirement that a majority of the voters go to the polls. One that has not been removed prohibits the very people who know most about home rule and a charter for home rule from participating as members of the Charter Commission. These are people who are officers and employees of the District government.

Another great stumbling block which will prevent this Sisk bill ever becoming effective is the fact that it provides that two Members who approve this proposition and two who vote against it in this House to get together and agree on the language for submission to the people. All we need do is have one of those persons disagree and they will never have anything to put on the ballot.

Mr. Chairman, the Sisk amendment should be voted down.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. Sisk].

Mr. SISK. Mr. Chairman, I feel very much as though I have been through a Mixmaster. I really did not know that anyone could write a piece of legislation as bad as mine has been pictured. The only thing I can say is that I am going to talk to my good friends in the California State Legislature when I get home, because this was lifted out of the California State Code.

I should like to say to my good friends and colleagues in the House that I think this situation has been discussed long enough. I sincerely believe in this approach. I think it is an orderly approach. I think it will provide home rule for the District of Columbia in a calm atmosphere. We have seen what happens in an attempt to write a bill on the floor of the House. Amendments of all kinds have been offered—some readily agreed to—until I am wondering if anyone will know what has been done with reference to the Multer substitute.

Mr. Chairman, my approach is a sound approach. It is used throughout the Nation and I should hope the Members will examine it carefully and support it. It will provide home rule in an orderly fashion for the citizens of the District of Columbia.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. Albert].

Mr. ALBERT. Mr. Chairman, I dislike to oppose any proposition offered by the distinguished gentleman from California, who is a very conscientious and constructive Member of this House. The gentleman from California [Mr. Don H. Clausen] I think said that it has been charged that the Sisk amendment is designed to kill home rule. I do not make that charge, but I do believe, whether by design or accident, if we adopt the Sisk amendment we will have killed home rule because, as the gentleman from Arizona [Mr. Udall] has said, if we adopt the Sisk amendment we are heading home rule for the graveyard.

I think the distinguished Member, the gentleman from Texas [Mr. Dowdy] was probably slightly overstating the case when he said that we will indicate that we do not trust the District residents if we do not adopt the Sisk amendment. The truth of the matter is that if we want to turn this whole matter over to the District residents, we would simply authorize them by legislation to set up their own home rule and not have it come back to Congress where everybody in the House of Representatives and in the Senate could snipe at it.

We face here not a theory but a practical decision. The other body has passed a bill. We have in substance amended that bill; the amendments are not many and every one of the amendments is sound. I am happy to say that the distinguished minority leader and the distinguished Republican Members who have worked on this have made substantial contributions.

This is the Nation's Capital. I, for one, am happy that this measure will leave the House with bipartisan support because this Nation's Capital deserves and its people deserve the support of leaders in the Congress of both of our great political parties.

I see nothing wrong with the amendments that have been offered and adopted to the Multer bill. They are strengthening amendments. I think they are helpful amendments. I think above all else it is important to remember that we have been waiting since 1949, I believe, for an opportunity to vote on home rule. We now have a bill that we can send to the Senate to which the Senate can agree or which can be sent to conference, if necessary.

Its essential elements are similar to those in the Senate bill.

Mr. Chairman, we have an opportunity now to establish home rule in the District of Columbia, if we believe in it.

Mr. Chairman, I do not blame my friends who do not believe in any kind of home rule for voting for the Sisk amendment, because as has been pointed out over and over again, it represents a trip to the graveyard.

Now, my friends, it is passing strange that almost everyone——

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield? The gentleman used my name.

Mr. ALBERT. Not at this moment. It is passing strange that almost everyone who is going to vote against the bill will support the Sisk amendment.

Now may I say finally, Mr. Chairman, we have a commitment to democratic government in this country. We are spending billions of dollars around the world because we believe in that commitment. We believe that our system is the best and most representative system. The very heart and soul of democratic government is the right to self-government. If we deny that right to those people who live in the Capital of our land, how can we insist that others throughout this Nation and throughout the world have a right to it?

Mr. FINO. Mr. Chairman, at the very outset, I would like to make my position crystal clear. For 13 years, I have consistently supported and voted for all civil rights measures and I cannot agree with those who say that opposition to home rule reflects opposition to civil rights legislation.

In terms of abstract democratic principle, as applied to any other city in the United States, no reasonable person would deny the desirability, to say nothing of the right, of the people living in that city to rule and govern themselves.

But, to me, Washington is not just any other city. It is the District of Columbia—an area set aside by the Constitution to serve as the seat of Government for the whole United States.

Washington is not just another city—it is the Federal City—a beautiful city created as a home for the Federal Government. It is in every way dominated by the Federal Government, and if we alter or change this relationship, we do so at our peril.

Washington must continue to be governed by Congress. The basic interest of the Federal Government in the future of this city is simply too great to cast aside a system of Government that has proved to be so satisfactory in meeting the unique needs of the Capitol.

The city cannot be removed physically from the Federal Government. No home rule government in Washington could operate effectively in either functional or physical isolation, apart from the Federal Government and independent of it.

Thus, any locally elected government providing for home rule would mean a wholly artificial separation that could bring on disastrous consequences.

Aside from the constitutional and purely practical governmental relationship between the Federal Government and the District of Columbia, there are other compelling reasons why Washington must continue to be a Federal responsibility.

For example, the National Capital, by its very nature, belongs to all the people of the United States. Although the residents of Washington may have a more immediate concern in the routine, day-to-day administration of District affairs, they have no more stake in the fundamental purpose for the District, which is to serve as the seat of National Government, than do any other American citizens.

To every American from Maine to Hawaii, from Florida to Alaska, and all points in between, Washington means the White House, the Capitol, the Supreme Court, the Washington Monument, the Lincoln Memorial, and so forth. Washington is, above all else, the power, the majesty, and the dignity of the Federal Government. It means these things to the American people, and for this reason it must and should continue under the jurisdiction of Congress.

We have shown that a home rule government for the District of Columbia is vulnerable from a legal and administrative point of view. We have also demonstrated that, because of both its substantive and symbolic significance, Washington belongs to the people of the United States and should remain under the control of their representatives.

An equally convincing case can be made against a local home rule government when one considers the existing and potential fiscal problems with which such a government would have to grapple.

Every major city these days is very hard pressed for funds. In Washington these financial probelms are compounded by factors that do not exist in other cities.

The worst of these problems, unique to Washington, is the tax-exempt status of so much of the real property within the District. The Federal Government itself owns more than 40 percent of the city's land area—all nontaxable, of course. The holdings of foreign governments in land, embassies, chanceries, and the like constitute another large category that is untouchable in terms of taxes. The same status applies to extensive real estate holdings that belong to the many educational, religious, and charitable organizations with headquarters here.

All in all, the District government loses more than $50 million a year because so much of the real property is beyond the reach of the tax collector. This is a fact of life with which any local government must live because nothing can be done about it.

Other cities could perhaps expand their tax base by annexing parts of their suburbs. Washington cannot do this. Or other cities might seek larger revenues by attempting to bring in new industry. Washington cannot do this either, at least not to any significant degree.

Clearly, no District government could ever hope to operate under these conditions solely on the revenues raised in the conventional way, that is, through property taxes, income taxes, sales taxes, licensing, various fees, and so forth. It would be grossly unfair to local residents and would indeed place an intolerable burden on them.

Recognizing this, the Congress has always authorized an annual appropriation from the Treasury to assist the local government in meeting its essential obligations.

The bill we have before us today proposes to substitute a formula for the wisdom and discretion of the Congress. An amendment proposed as a compromise would restore the discretion of the Congress to some extent, by retaining the formula but making it a ceiling for annual congressional appropriation rather than an automatic payment provision. This is a step in the right direction, I suppose, but I for one do not see any reason for retaining this troublesome formula as any kind of corollary to the appropriation process. I do not like the idea of a limitation on the amount of money that Congress can give to the Nation's Capital. I do not like it any more than I like the idea of the appropriations process being replaced by a formula which substitutes mathematics for congressional deliberation. The formula is an insult to the Congress, both as a substitute and as a ceiling. Not only is the formula an unnecessary hindrance to the Congress, but it sets dangerous precedents with respect to the Federal, State, and local tax relationship.

The Federal payment to the District made in lieu of taxes will also raise another problem. Local governments in the capital cities of States may also press for the same subsidies, and thus undermine the concept of tax exemption for governmental entities.

Also, the Federal payment formula will set a dangerous precedent with respect to States and localities where there are large Federal property holdings. Sometimes the Federal Government turns back a portion of Federal property revenues as payments in lieu of real and personal property taxes. But I can think of no situation where the Federal Government payment is made also in lieu of hypothetical business income and related taxes as well, and these factors are included in the Federal payment computation formula.

I believe that the Federal payment provision in this bill is unwise, and I think that it will have some dangerous effects upon our State and local tax structures. The only way that a fair payment can be made to the District—a payment which will not set a multitude of bad precedents—is if that payment is decided by the Congress based solely on an assessment of District needs. The formula is not only irrelevant to the apropriation process—it is a threat to the Federal-State-local tax relationship.

Local self-government is a cornerstone of American democracy. It is difficult for anyone who believes this, as I most certainly do, to oppose it in any form in any place in the United States.

But I must take a stand against home rule for the District.

In the first place, the undeniable legal responsibilities of Congress toward the District preclude any true home rule government here.

Second. The Federal interest, which must be the overriding consideration, is incompatible with home rule.

Third. Washington, the Nation's Capital, belongs to the people of the Nation. Those of us elected by the people must continue to be held accountable for the government of this city.

Then there are a host of valid, minor reasons for opposing home rule legislation of the sort proposed here today. Let me go into a few:

First. I understand that the District government has authority under the proposed legislation to levy a special tax without limitation of rate or amount upon all taxable real and tangible personal property in the District to pay principal and interest on District bonds and notes.

Second. I understand that the City Council of the District will be able to issue negotiable notes to meet supplemental appropriations up to 5 percent of the total budget, which strikes me a beckoning finger of local irresponsibility.

Third. Under home rule, the Congress is excluded from control or supervision of any kind over the District's budget or expenditures.

Fourth. The bill provides no assurance to District government career employees of the continuation of protection under the U.S. civil service system.

Fifth. The bill permits officials and employees of the Federal Government to be members of the District Council, with all the possibilities of conflicts of interest arising therefrom.

Sixth. There is no provision for nonpartisan local elections which is the only way to keep local elections from turning into partisan tools for extortion from civil servants with the money being funneled into the coffers of the party in power nationally. Nonpartisan elections also seem fitting to the character of the seat of the Federal Government.

Finally, the only reliable way to assure Washington of an equitable Federal payment, which it must have to survive, and at the same time not establish dangerous precedents relating to Federal funds, is for Congress each year to consider with care and sympathy the needs of the District and appropriate funds accordingly.

I urge the Members of this House to be realistic and vote without reference to any unfortunate formula against this bill. Nothing before us today makes home rule a safe, workable concept.

Mr. BURTON of California. Mr. Chairman, as the author of a companion measure to the home rule bill before us, and as one who believes that the right of self-government applies with equal force to the citizens of our Nation's Capital, I support the passage of H.R. 4644.

The right to participate in self-government is essential in a democratic society. This body has just this year reasserted the fundamental nature of citizen participation in government by the passage of the Voting Rights Act of 1965. We cannot continue to deny this right of participation in self-government to those who live in the District of Columbia.

The constitutional authority granted the Congress over the Nation's Capital has been repeatedly cited as a reason to oppose this measure.

Adequate historic precedent exists to support home rule. The Federal city functioned under self-government during periods in our history when the framers of our Constitution still guided the destiny of this Nation from national elective office.

The special nature of the District of Columbia as the seat of our National Government belonging to all of our citizens, has also been cited as a reason to oppose home rule.

The very fact that it is the Nation's Capital and holds a special place in the minds and hearts of all Americans requires that we grant to its citizens the rights which the people in the rest of the Nation so zealously guard as essential to that way of life of which the District of Columbia has become the symbol.

A nation founded to establish justice cannot offer less than full justice to the citizens of its Capital City.

A government which exists by the consent of the governed cannot continue to deny self-government to the people of the District of Columbia.

I support and urge the passage of H.R. 4644. The national conscience demands and justice requires home rule for the District of Columbia.

Mr. FARBSTEIN. Mr. Chairman, I rise to give my wholehearted support to the action to restore democratic government to the District of Columbia.

Let us face the fact that the Congress of the United States is not suited to be the city council for this great community. Our forefathers justly decried, "No taxation without representation." But we have taken the taxes of the good people of Washington and given them despotism in return. Our despotism has sometimes been benevolent; sometimes as harsh as that of George III, but always it has deprived the people of Washington of the power to determine what is best for themselves.

It is outrageous that we should tell Washingtonians that they need an aquarium when they think they need schools, that we should tell them to take starving mothers off their welfare roles when they possess a sense of charity, that we should threaten them against enacting fair housing codes when they oppose racial discrimination. The people of Washington are conscious of their responsibilities as citizens and as trustees of the Federal City. I am confident that the Nation's Capital is safe in their hands because they are proud to be part of it, just as it is part of each of them.

I am thrilled at the opportunity to put an end to a system that has enabled outsiders to stamp their own social philosophy on this community, when the community manifestly and, in my view, correctly, has not wanted it. I am proud to endorse home rule for the District of Columbia and I look forward to a new birth of freedom for all of the residents of Washington.

Mr. WHITENER. Mr. Chairman, you have heard it charged today—as it has been repeatedly charged in the past—that Congress has been inept in its handling of the District's affairs and derelict in its duties and responsibilities to the District.

To the contrary, the House District Committee and the House Subcommittee on Appropriations handling District of Columbia appropriations, have been more than generous in their time and devotion to the District, as evidenced by and reflected in the legislative results achieved.

They have presented in the RECORD heretofore, as well as in the printed hearings on the home rule bills this year, a summary of the salient facts, citing specific examples, showing that Congress has well discharged its responsibilities to the District.

I refer to these exhibits again so that Members may be reminded of the actual facts:

First. The total Federal payment to the District of Columbia for 1965 was $112,162,000—$40 million Federal payment and $72,162,000 representing services provided by the Federal Government in the District that are essentially local in nature and not of the type made by the Federal Government elsewhere throughout the United States.

Second. Typical expenditures provided and approved by the Congress for the District of Columbia, in comparison with similar expenditures made in 17 major cities—Milwaukee, Baltimore, Pittsburgh, Boston, Cincinnati, Cleveland, Buffalo, San Francisco, Houston, St. Louis, Minneapolis, New Orleans, Dallas, San Antonio, San Diego, Seattle—of comparable size, between 500,000 and 1 million, fiscal year 1963:

First. The District ranks No. 1 per capita general expenditures—for all functions excluding capital outlay.

Second. It ranks No. 1 in per capita expenditure for police.

Third. It ranks No. 1 in per capita expenditures for health and hospitals. This computation does not even include $42 million spent by the Federal Government for hospital construction in the District, and this has no parallel in any State and arises solely because of the status of the District as the Federal City.

Fourth. It ranks No. 2 in expenditures per pupil in average daily membership for operating costs of public education. This, of course, does not include capital outlay for school construction. In that connection, I might say we have spent $75 million for 1,382 new school classrooms in the District of Columbia in the past 10 years. As far as we have been able to learn, this expenditure is greater than that spent for this purpose in any of the other 17 cities of comparable size during this period—all of which belies the frequent allegation that the Congress is indifferent to the cause of public education in the District of Columbia.

It has always seemed odd to me that when important visitors come to Washington and are shown the District's schools—or when certain Members of Congress inspect the same—the tour always is directed to the few of the older school buildings—as if to impress the visitors or the Members that these typify the District schools, which of course is far from the truth. It is like a fellow wearing his oldest and most dilapidated suit in order to arouse sympathy over his apparent poverty, when as a matter of fact he has 20 new suits hanging in his closet. Were I a citizen of the District, I would take as much pride in my new schools, and in the fine school system here, and in all that has been spent here, as do the Members of Congress who have approved the appropriations therefor.

The teachers and school officers in the District have been granted by the Congress salary increases of 53.1 percent since 1954, thus putting them at the top or very close to the top in all categories as compared with those in the surrounding metropolitan area.

Fifth. The District ranks No. 3 in per capita expenditures for fire protection.

Sixth. It ranks No. 4 in per capita expenditures in public welfare.

Seventh. It ranks No. 1 by a very wide margin in expenditures for personal services.

The Congress has approved and provided for a vast increase in the District of Columbia government personnel in the past 10 years. District of Columbia government employees totaled 19,818 in 1954. Today they total 29,242, an increase of 37.5 percent in the number of authorized positions, and an increase of 132.5 percent in the total gross payroll—from $82 million in 1954 to an estimated $192 million in 1965.

Actually, classified personnel of the District of Columbia have been given by Congress an increase of 38.8 percent in salaries since 1954. The police and firemen have enjoyed an increase of 49.3 percent in the same period.

As we consider the present legislation, I feel that we should have an understanding of the true facts. Such glaring inaccuracies have been spread around that many of our colleagues and the press have been grossly misled.

Mr. HUOT. Mr. Chairman, I rise in unqualified support of H.R. 11218, the bill to restore home rule to the citizens of the District of Columbia. I emphasize the word "restore," since those who argue that home rule is radical or in contravention of the Constitution should bear in mind that Washington had home rule between 1802 and 1871.

As a preface to my remarks, I would like to point out that my support for home rule in no way reflects upon the integrity, diligence, or dedication of the great Committee on the District of Columbia, of which I am privileged to be a member.

My support does, however, reflect disapproval of a system under which 800,000 American citizens are forced to turn to congressional committees for legislative action dealing with purely local matters. It reflects upon a system under which the citizens of the District are governed by men like myself, whose loyalties are, at best, divided between Washington and their own home districts. It reflects upon a system where a dissatisfied citizenry has no recourse to the ballot box, to turn from office Representatives who are not serving the best interests of the District of Columbia. It reflects, in short, upon a system of government which is unrepresentative, and indeed undemocratic.

After reading the hearings and articles inserted in the RECORD, I have tried to assess the arguments of the opponents of home rule; but after cutting through the rhetoric I can only assume that the opponents believe that somehow the citizens of Washington are less capable of governing themselves than the rest of the Nation.

The opponents proclaim that the District of Columbia has the best form of government in the Nation. I think that the children who attend Shaw Junior High School might question this. I think that destitute mothers who apply for welfare for dependent children might question this. I think that local officials who must annually appear before congressional committees with hat in hand, for operating funds might question this. The fact of the matter is that no community which is governed by what is essentially an absentee government, is governed well.

Many groups such as the General Federation of Women's Clubs tell us that Washington is a Federal city and therefore somehow the local problems of its residents are secondary to the Federal interest. I do not deny that in purely Federal matters, the Federal interest must prevail. It is for this reason that the President retains veto power over acts of the Legislative Assembly. It is likewise for this reason that the compromise bill which we are considering requires congressional appropriation of the Federal payment.

This does not, however, mean that the residents of the District are Federal pawns. The truth of the matter is that my constituents in New Hampshire have demonstrated little interest in whether a local department store is authorized to use adjoining public space, or whether common law marriages can be contracted in the District of Columbia. These are local matters which are primarily of concern to the local residents, and which must be regulated at the local level.

The people of the District of Columbia have waited long enough. There is no excuse for further delay. Home rule now.

Mr. WATSON. Mr. Chairman, unfortunately this whole matter has degenerated into a civil rights question instead of one of home rule. Had it not been for the agitation by Martin King and his cohorts, together with the President's ill-conceived remarks about the possibility of a riot taking place in Washington, we would not be debating this issue today. Frankly, that statement of the President was the greatest flame-fanning act since Nero fiddled while Rome burned. Regardless of the merits of any issue it seems to take on an air of validity and urgency when advocated in the name of civil rights as has been done on the question of home rule. Frankly, neither the administration nor the Congress can say "No" to the demands of the racial agitators.

Mr. Chairman, the issue today is not one of home rule or better government for Washington, but it is simply a move for more votes. While it does not surprise me that the proponents of this measure are unmindful of the Constitution I still believe that all of us have sworn to uphold it and I, for one, am unwilling to back down on that obligation, regardless of any pressures exerted against me.

The power to exercise exclusive legislative control over the District of Columbia is expressly given to the Congress by section 8 of the Constitution. The writers of the Constitution certainly knew that people would come to live in the District of Columbia, so why then was it determined by them that those living within the District should not be granted complete jurisdiction over their affairs with the right to make laws for Washington? It should be obvious to any thinking person that the United States needs to have day-to-day management of the District within which the principal members of its executive, legislative, and judicial branches must function.

It is ridiculous that anyone should equate the District of Columbia with other American cities and to use that as a basis for advocating home rule. The difference between the national seat of government and an ordinary city is manifestly clear. The ordinary city is managed for the benefit of local residents rather than for the benefit of the Nation as a whole, and nationally motivated government rather than locally motivated government in the District is absolutely necessary. It would be a grave weakness in our system if the United States could not validly set aside an area as its seat of Government, as indeed was the intention of the framers of the Constitution, to be managed by the National Government in its interest.

It makes no more sense, Mr. Chairman for us to turn the government of the Nation's Capital over to the local residents than for a local county government to attempt to control and operate a Federal military base or other installations within its boundaries.

It is well to remember that the vast majority of the residents of Washington, D.C., directly or indirectly live from national revenues. They are either Federal employees or employees of businesses developed primarily for the housing, clothing, feeding, equipping, and otherwise providing the necessary services for those residing within as well as those visiting the Nation's Capital. They have not made the District; the District has made them. Additionally, we must be aware of the fact that almost 70 percent of the choicest property belongs to the Federal Government, foreign embassies, chanceries, national monuments and centers, churches, cathedrals, and people who have to pay taxes in their own home States.

Mr. Chairman, the District of Columbia is sui generis, and cannot be compared with any other political entity. It is the seat of the National Government and as our Nation's Capital belongs to the 50 States and not to the people of the District alone. Washington is not a London, a Paris or any American city where industry and business dominate government. This city is almost entirely government. It produces nothing in gross national products like Akron's rubber, Detroit's automobiles, Pittsburgh's steel, or the southern textiles. Its greatest industry is the Government of the United States which contributes a great portion of the cost of operating the District government.

While it may be true that some of the residents are well qualified for selection by their votes of the executives to govern them, and the representatives to make local laws, it is, also inescapably true that there exists an especially large percentage of citizens who have had little preparation for wise participation in local government. The peculiarly transient and fluctuating population of Washington is also to be considered in deciding whether the United States can safely entrust the management of its seat of government to the local population.

Mr. Chairman, there appears to be little, if anything, that I or any other Member of this body can say to change the opinion or vote of anyone on this highly emotional issue. Yet I urge my colleagues to consider anew their constitutional obligation and responsibility. I urge them not to be stampeded by any pressure from the Executive or any civil rights group before deciding the simple question on its merits as to whether or not Government employees within the District of Columbia should control our Nation's Capital or whether this should be left to the taxpayers of America who foot the bill. This is simply a matter of placing the national interest above local interests.

In closing, we might well remember a statement which was carried in an editorial in one of our large newspapers which reads, as follows:

> Home rule would mean a city hall with life tenure for marble polishers and their helpers, nightcleaners, sanitary engineers, catch basin bricklayers. It would mean aldermen visiting San Francisco to inspect that city's underground garages, timing their junkets to be in Louisville on Derby Day. It would mean a civil service system giving pole positions to inlaws and municipal judges enjoying sabbatical leaves every 5 years. It would

mean buying tickets for ward committeemen's fish frys, all of the above and more to be paid for by the people of the United States. Home rule would raise a barrier that would shake the District from center to circumference for Federal employees who would not accept the city hall group.

Mr. LEGGETT. Mr. Chairman, I support any reasonable bill to clear the Halls of Congress of the domestic internal affairs of 800,000 people, official residents of the District of Columbia.

Perhaps at one time, 175 years ago, when we comprised a loose federated system, with a few million population, and the individual colonial rights a thing at issue, it was required that pursuant to the Constitution, the Congress maintain a tight control on a sparse area carved out of Maryland and Virginia to house the Nation's Capital. Over the years, the District has grown away from its parent States, as was the original intent. After the War Between the States when a mass exodus of Negroes from the South terminated in the District, perhaps again it was necessary to maintain tight Federal control.

Such is not the case today, however. The District today needs no protection from the States and likewise with the power of Congress the Congress needs little protection from the District. What then is the reason for Federal control of the District? Perhaps to safeguard the safety and tax-exempt status of public buildings and to maintain inviolate the welfare of Representatives residing in the District. These interests can easily be protected by retaining in Congress a residual authority which, in fact, the Constitution requires that the Congress retain.

The real problem is simply time. We have to face it. The United States is big government that raises and spends $100 billion annually all over the world and in 50 States. We cannot afford to spend 2 legislative days out of 20—10 percent of our time, on the Nation's Capital. The Capital is worth it but there are better ways to safeguard U.S. interests here.

We have been in session now for 9 months during 1965; we were in session well into 10 months last year and the entire year in 1963. To create a modern legislative system we have to delegate some functions.

The Congress today is just not interested in the bulk of the District of Columbia legislation, just as we are not concerned with ordinances in Alexandria, Arlington, and Montgomery County.

In the first 5 months of this session, in the House there were introduced 9,983 bills and resolutions plus 2,285 similar Senate measures. A casual listing of bills introduced during the months of April and May alone shows both the complexity and non-Federal nature of the bulk of the District of Columbia legislation. I include the list at this point:

S. 1713: To strengthen the Motor Vehicle Safety Responsibility Act of the District of Columbia. Senator BIBLE, Democrat, of Nevada (by request), April 6, 1965.

S. 1714: To amend the Fire and Casualty Act of the District of Columbia to provide for the financial protection of certain persons suffering injury as a result of the operation of a motor vehicle by uninsured motorists. Senator BIBLE, Democrat, of Nevada, April 6, 1965.

S. 1715: To extend the penalty for assault on a police officer in the District of Columbia to assaults on employees of penal and correctional institutions and places of confinement of juveniles of the District of Columbia. Senator BIBLE, Democrat, of Nevada, April 6, 1965.

S. 1716: To amend the District of Columbia Traffic Act of 1925, as amended. Senator BIBLE, Democrat, of Nevada, April 6, 1965.

S. 1717: To provide for the registration of names assumed for the purposes of trade or business in the District of Columbia. Senator BIBLE, Democrat, of Nevada, April 6, 1965.

S. 1718: To provide for the compensation of overtime work performed by officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, the U.S. Park Police force, and the White House Police force. Senator BIBLE, Democrat, of Nevada, April 6, 1965.

S. 1719: To authorize compensation for overtime work performed by officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, the U.S. Park Police force, and the White House Police force. Senator BIBLE, Democrat, of Nevada, April 6, 1965.

S. 1817: To amend the District of Columbia public assistance law to clarify the categories of federally aided assistance recipients. Senator RIBICOFF, Democrat, of Connecticut, April 26, 1965.

S. 1852: To increase the annuities of certain schoolteachers in the District of Columbia who retired prior to October 1, 1956. Senator DOMINICK, Republican, of Colorado, April 29, 1965.

S. 1853: To provide for regulation of the professional practice of certified public accountants in the District of Columbia, including the examination, licensure, registration of certified public accountants. Senator DOMINICK, Republican, of Colorado, April 29, 1965.

S. 1872: To amend the act entitled "An act for the retirement of public schoolteachers in the District of Columbia," approved August 7, 1946. Senator MORSE, Democrat, of Oregon, May 3, 1965.

S. 1929: To amend the District of Columbia income and Franchise Tax Act of 1947, as heretofore amended, provide that taxable income for District income tax purposes and not income for District franchise tax purposes shall conform as closely as possible to taxable income for Federal income tax purposes under the present and future income tax laws of the United States, except as otherwise specifically provided herein.. Senator BIBLE, Democrat, of Nevada (by request), May 10, 1965.

S. 1930: To authorize the Commissioners of the District of Columbia to utilize volunteers for active police duty. Senator BIBLE, Democrat, of Nevada, May 10, 1965.

S. 1931: To amend the District of Columbia Alcoholic Beverage Control Act. Senator BIBLE, Democrat, of Nevada, May 10, 1965.

S. 1932: To amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia," approved February 18, 1938, as amended. Senator BIBLE, Democrat, of Nevada, May 10, 1965.

S. 1933: To amend the act of July 11, 1947, to include members of the District of Columbia Fire Department, in the Metropolitan Police Department band. Senator BIBLE, Democrat, of Nevada, May 10, 1965.

S. 1958: To amend the Fire and Casualty Act of the District of Columbia (District of Columbia Code 35–1301 to 35–1350) by adding at the end thereof a chapter, No. III, containing sections Nos. I through II, defining insurance premium finance companies; provide for the licensing and regulation of such companies by the Superintendent of Insurance, the establishment of charges which may be made by such companies; and provide a penalty for violations thereof. Senator TYDINGS, Democrat, of Maryland (by request), May 12, 1965.

H.R. 7044: To amend the District of Columbia Redevelopment Act of 1945. Mr. MACHEN, Democrat, of Maryland, April 1, 1965.

H.R. 7066: To provide revenue for the District of Columbia. Mr. MCMILLAN, Democrat, of South Carolina (by request), April 1, 1965.

H.R. 7067: To prescribe administrative procedures for the District of Columbia government. Mr. MCMILLAN, Democrat, of South Carolina, April 1, 1965.

H.R. 7153: To eliminate certain restrictions on the assignment of Government field personnel to duty in the District of Columbia. Mr. BECKWORTH, Democrat, of Texas, April 6, 1965. Committee on Post Office and Civil Service.

H.R. 7173: To amend the District of Columbia Business Corporation Act and the District of Columbia Nonprofit Corporation Act. Mr. MCMILLAN, Democrat, of South Carolina (by request), April 6, 1965.

H.R. 7174: To amend the Fire and Casualty Act of the District of Columbia and supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining injuries or damages as a result of the operation of motor vehicles by financially irresponsible persons. Mr. MCMILLAN, Democrat, of South Carolina, April 6, 1965.

H.R. 7395: To establish a Board of Higher Education to plan, establish, organize, and operate a public community college and a public college of arts and sciences in the District of Columbia. Mr. MULTER, Democrat, of New York, April 13, 1965.

H.R. 7488: To authorize the use of certain real property in the District of Columbia for chancery purposes. Mr. SMITH, Democrat, of Virginia, April 14, 1965.

H.R. 7558: To amend the act for the retirement of public school teachers in the District of Columbia. Mr. BROYHILL, Republican, of Virginia, April 22, 1965.

H.R. 7559: Similar to H.R. 7558. Mr. BROYHILL, Republican, of Virginia, April 22, 1965.

H.R. 7624: To provide for regulation of the professional practice of certified public accountants in the District of Columbia, including the examination, licensure, registration of certified public accountants. Mr. FRASER, Democrat, of Minnesota, April 27, 1965.

H.R. 7724: To amend section 4 of the District of Columbia Income and Franchise Act of 1947. Mr. MCMILLAN, Democrat, of South Carolina (by request), April 28, 1965.

H.R. 7742: To amend section 3 of the act for the retirement of public school teachers in the District of Columbia. Mr. BROYHILL, Republican, of Virginia, April 29, 1965.

H.R. 7869: To amend the District of Columbia Alcoholic Beverage Control Act. Mr. MULTER, Democrat, of New York (by request), May 4, 1965.

H.R. 7870: Similar to H.R. 7869. Mr. MULTER, Democrat, of New York, May 4, 1965.

H.R. 7871: To amend the District of Columbia Alcoholic Beverage Control Act for the purpose of prohibiting certain sales below cost. Mr. MULTER, Democrat, of New York, May 4, 1965.

H.R. 7872: Similar to H.R. 7871. Mr. MULTER, Democrat, of New York, May 4, 1965.

H.R. 7928: Similar to H.R. 7153. Mr. JOHNSON, Republican, of Pennsylvania, May 5, 1965.

H.R. 8058: Similar to H.R. 7724. Mr. NELSEN, Republican, of Minnesota, May 11, 1965.

H.R. 8090: To provide an elected mayor, city council, and nonvoting Delegate in the House of Representatives for the District of

Columbia. Mr. BELL, Republican, of California, May 12, 1965.

H.R. 8115: To transfer certain functions from the U.S. District Court for the District of Columbia to the District of Columbia court of general sessions and to certain other agencies of the municipal government of the District of Columbia. Mr. WHITENER, Democrat, of North Carolina (by request), May 12, 1965.

H.R. 8126: To amend the District of Columbia minimum wage law to provide broader coverage, improved standards of minimum wage and overtime compensation protection, and improved means of enforcement. Mr. MULTER, Democrat, of New York, May 12, 1965.

H.R. 8205: To amend the act of July 11, 1947, to include members of the District of Columbia Fire Department, in the Metropolitan Police Department Band. Mr. SICKLES, Democrat, of Maryland, May 17, 1965.

H.R. 8251: Similar to H.R. 7066. Mr. O'KONSKI, Republican, of Wisconsin, May 18, 1965.

H.R. 8337: To amend the District of Columbia Practical Nurses' Licensing Act. Mr. BROYHILL, Republican, of Virginia, May 20, 1965.

H.R. 8466: To amend the Fire and Casualty Act to provide for the licensing and regulation of insurance premium finance companies in the District of Columbia. Mr. BROYHILL, Republican, of Virginia, May 26, 1965.

Mr. Chairman, there is not one issue raised by the referenced list of legislation that requires the Congress' specific attention. All these matters can be better delegated to a local council or mayor.

The issue raised in debate of whether District citizens are the kind of American citizens who have prepared themselves politically and otherwise to rule themselves is here not pertinent.

Mr. CLEVELAND. Mr. Chairman, I rise to support the Sisk amendment, which would provide not only for home rule for the District of Columbia but for self-determination as well. Some who oppose it are saying that a vote for the Sisk amendment is a vote against home rule but this is absolutely wrong. I am for home rule for the District of Columbia and sponsored a bill, H.R. 5802, to provide for self-government in our Nation's Capital. But I also think it wise and fair and in accordance with democratic principles to give the people of the District of Columbia themselves a direct voice in framing the kind of government they want. This would be accomplished by the Sisk amendment. Under this amendment, within 100 days after the date of enactment, a special election would be held in the District of Columbia in which the voters would decide whether they want home rule in the first place which I assume and hope they do. Secondly, they would elect a Charter Board of 15 persons, citizens of the District. This Board, provided the first question were answered in the affirmative, would draft a home rule charter for the District of Columbia. It would hold public hearings. It would be given $300,000 with which to hire expert legal advisers. They would have to complete their work in 210 days and, within 45 days after that, submit the results to the voters in a special referendum. If they accept the charter, it would come to Congress, either House of which would have 90 days to approve or disapprove it. Should the Congress do nothing, the charter automatically would become law.

This procedure makes sense to me. It is the same procedure that is followed by every village, town, and city in the country which seeks a charter or a change in its existing charter. The people themselves decide. Now, Washington is unique in that it is the property of all the citizens of the country. The Sisk amendment protects the national interest in our Capital by retaining in Congress a final judgment.

The amendment is an amendment for self-determination, a concept for which we fought a revolution, which we have defended in battle numerous times and which we advocate for all peoples. The Sisk amendment will make self-determination possible for the people of the city of Washington. I hope it is adopted and that the people will draw a good charter so that popular and effective home rule will become a reality in the Nation's Capital.

Mr. O'HARA of Illinois. Mr. Chairman, I have come from attendance at the General Assembly of the United Nations, to which I am one of the five delegates from the United States appointed by President Johnson, to cast my vote for home rule for the District of Columbia. In 1949, when I came to the Congress, I declared myself for home rule, and I have signed every discharge petition in the years that have followed. I trust my colleagues will understand why I feel so strongly that I would not wish to be absent when at long last the opportunity has come to vote to lift the colonial status that for too long has been the unhappy lot of the fair city of Washington.

Today I was to have been with Secretary of State Rusk at a meeting with the foreign ministers of eight African countries that recently have become sovereign and independent nations. I would have been uncomfortable in their presence with the thought that I had passed up the opportunity to cast my vote in a critical rollcall for political freedom for the Capital City of my country. So much had they given to break the colonial chains, and so little was I asked to give.

I have listened to the long debate on the pending bill, and I have found it interesting and in the best traditions of this historic Chamber. What impressed me most perhaps was the very evident sincerity of the debaters. Those who were opposed to home rule seemed as deeply confirmed in their convictions as those who visioned in the issue the challenge of a crusade.

Mr. Chairman, I think it has been that way since first man started to reach out for some form of government in which recognition would be given to the dignity of man. Perhaps there always has been an honest difference of opinion as to how far the right of suffrage should be extended.

Hamilton and those who subscribed to his political philosophy thought that the right should be restricted to those who had the benefits of education and the responsibility of property ownership. Even within the spans of my own lifetime the majority of men of good will and sound reason believe that woman's place was in the home and not at the polling places, and I was past 30 years of age when women's equal suffrage became an accomplished fact.

I have had a long life. At 83 I am the oldest Member of the House of Representatives of the Congress of the United States. There have been many changes since 1882, the year of my birth, in material things and our political thinking has taken on an enlargement in scope and a deepening in maturity that could be expected to accompany our advancement in possession and in power.

May I size it up briefly, and I think accurately, Mr. Chairman, by saying that the development to which the world has come is to the age of the dignity of man. In every nation is the longing to be free, to enjoy a full measure of independence and to map its own course. In every individual is the longing to be free, to stand on his own feet, neither slave nor master of any other man, in equality and in dignity combining with other men in mapping the problems and the courses of the governments of his community, his State, his Nation.

So, Mr. Chairman, I have left my assignment at the United Nations to return to cast my vote for home rule for the District of Columbia.

The CHAIRMAN. All time has expired.

The question is on the substitute amendment offered by the gentleman from California [Mr. SISK], as amended.

The question was taken and the Chairman announced that the "noes" appeared to have it.

Mr. SISK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SISK and Mr. MULTER.

The Committee divided, and the tellers reported that there were—ayes 198, noes 139.

So the Sisk substitute was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MULTER] as amended by the substitute offered by the gentleman from California [Mr. SISK].

Mr. SICKLES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SISK and Mr. MULTER.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, will the Chair indicate to the Members what this vote is on at this point?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MULTER] as amended by the substitute offered by the gentleman from California [Mr. SISK].

Mr. MULTER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. MULTER. Mr. Chairman, is it not a fact that the parliamentary situation is that if the Multer amendment, as amended by the Sisk amendment, is rejected, we will then have before us the bill, H.R. 4644, as reported by the discharge petition?

The CHAIRMAN. The Chair will advise the gentleman from New York in the event what he has described happens, then title I of the bill H.R. 4644, will be before the Committee for further action.

Mr. HAYS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. HAYS. Mr. Chairman, if the motion now before the House prevails, then to all intents and purposes we will have the Sisk amendment or the Sisk substitute.

The CHAIRMAN. That is correct, the Chair will state.

Mr. UDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. UDALL. Mr. Chairman, in the event that the matter now before the Committee carries and the Multer amendment, as amended by the Sisk substitute, is adopted, would it be in order to offer amendments to that substitute?

The CHAIRMAN. It would not be in order.

The Committee divided, and the tellers reported that there were—ayes 198, noes 140.

So the amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. KEOGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 4644, to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, pursuant to House Resolution 515, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

Mr. MULTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MULTER. I am about to ask for the yeas and nays on the Multer amendment, as amended by the Sisk amendment. If that amendment is rejected on the rollcall vote, which I will ask for, will the pending business before the House then be H.R. 4644?

The SPEAKER. As introduced.

Mr. MULTER. Mr. Speaker, on the amendment I demand the yeas and nays.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. If the Multer amendment as amended is defeated, we then go back to H.R. 4644. Is there an opportunity after that to amend or to further consider?

The SPEAKER. The response to that would be in the negative, because the previous question has been ordered.

Mr. SMITH of Virginia. Mr. Speaker, just to get this matter clarified, as I understand the rule, if the Sisk amendment is defeated on the rollcall which is approaching, then we go back to the original first Multer bill, the bill for which the discharge petition was signed. That is the original first bill and there cannot be any vote on any compromise bill. The original Multer bill will then not be subject to further amendment or to any amendment.

The SPEAKER. It would not be because the previous question has been ordered.

Mr. ALBERT. Mr. Speaker, may I make this parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. ALBERT. Is not what the distinguished gentleman from Virginia said subject to the right of the minority to offer a motion to recommit containing appropriate amendments with or without instructions?

The SPEAKER. The rule provides for one motion to recommit.

Mr. HAYS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAYS. That one motion to recommit, depending on who decides to offer it, may be a straight motion to recommit without any instructions, may it not?

The SPEAKER. It could be.

Mr. HAYS. A further parliamentary inquiry, Mr. Speaker. Then the House would be faced with voting for or against the original bill Mr. MULTER himself abandoned. Is that not true?

The SPEAKER. The Chair feels that the gentleman from Ohio answered his own question.

The gentleman from New York [Mr. MULTER] demanded the vote by a call of the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 227, nays 174, answered "present" 1, not voting 30, as follows:

[Roll No. 337]

YEAS—227

Abbitt
Abernethy
Adair
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Baldwin
Bandstra
Baring
Bates
Battin
Beckworth
Belcher
Bennett
Berry
Betts
Bonner
Bow
Bray
Brock
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Callan
Callaway
Carey
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conable
Cooley
Craley
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Dickinson
Dingell
Dole
Dorn
Dowdy
Downing
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Everett
Evins, Tenn.
Findley
Fino
Fisher
Flynt
Fogarty
Fountain
Fuqua
Gathings
Gettys
Giaimo
Gray
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Hamilton
Hansen, Idaho
Hansen, Iowa
Harris
Harsha
Harvey, Ind.
Hays
Hébert
Henderson
Herlong
Hicks
Hull
Hungate
Hutchinson
Ichord
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Keith
Kelly
King, N.Y.
Kirwan
Kornegay
Kunkel
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Love
McCulloch
McDade
McMillan
Macdonald
MacGregor
Mackie
Mahon
Mailliard
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Matthews
May
Mills
Minshall
Moeller
Moore
Morris
Morton
Murray
Natcher
Nelsen
O'Neal, Ga.
Passman
Pelly
Pike
Pirnie
Poage
Poff
Pool
Purcell
Quillen
Randall
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rostenkowski
Roudebush
Roush
Rumsfeld
Satterfield
Schneebeli
Secrest
Selden
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Va.
Springer
Stanton
Steed
Stephens
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Tex.
Thomson, Wis.
Tuck
Tunney
Tuten
Udall
Ullman
Utt
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Williams
Willis
Wilson, Bob
Wolff
Wright
Wyatt
Wydler
Young
Younger
Zablocki

NAYS—174

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Ashley
Barrett
Bell
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Broomfield
Brown, Calif.
Burton, Calif.
Byrne, Pa.
Cahill
Cameron
Celler
Clevenger
Cohelan
Conte
Conyers
Corbett
Corman
Culver
Daniels
Dawson
Diggs
Donohue
Dow
Dulski
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Halpern
Hanley
Hanna
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Holland
Howard
Huot
Irwin
Jacobs
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Kee
King, Calif.
King, Utah
Kluczynski
Krebs
Leggett
Long, Md.
McCarthy
McClory
McDowell
McFall
McGrath
McVicker
Machen
Mackay
Madden
Mathias
Matsunaga
Meeds
Miller
Minish
Mink
Monagan
Moorhead
Morgan
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patten
Pepper
Perkins
Philbin
Pickle
Powell
Price
Pucinski
Quie
Race
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Rodino
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roybal
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schweiker
Senner
Shipley
Sickles
Smith, N.Y.
Stafford
Staggers
Stalbaum
Stratton
Tenzer
Todd
Trimble

Van Deerlin
Vanik
Vigorito
Vivian
Weltner
Widnall
Wilson,
Charles H.
Yates

ANSWERED "PRESENT"—1

Keogh

NOT VOTING—30

Anderson, Ill.
Andrews,
George W.
Aspinall
Bolton
Colmer
Daddario
Frelinghuysen
Goodell
Hansen, Wash.
Hardy
Holifield
Horton
Hosmer
Johnson, Okla.
Lindsay
Long, La.
McEwen
Michel
Mize
Patman
Rivers, S.C.
Roncalio
Roosevelt
Saylor
Scott
Sikes
Thomas
Thompson, N.J.
Toll
Tupper

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rivers of South Carolina for, with Mr. Keogh against.

Mr. George W. Andrews, for, with Mr. Toll, against.

Mr. Colmer for, with Mr. Roosevelt against.

Mr. Hosmer for, with Mr. Holifield against.

Mr. Hardy for, with Mr. Thompson of New Jersey, against.

Mr. Saylor for, with Mr. Horton against.

Mr. Long of Louisiana for, with Mr. Roncalio against.

Until further notice:

Mrs. Hansen of Washington with Mrs. Bolton.

Mr. Scott with Mr. Goodell.

Mr. Sikes with Mr. Mize.

Mr. Thomas with Mr. McEwen.

Mr. Aspinall with Mr. Tupper.

Mr. Johnson of Oklahoma with Mr. Michel.

Mr. Daddario with Mr. Lindsay.

Mr. Patman with Mr. Anderson of Illinois.

Mr. KEOGH. Mr. Speaker, I have a live pair with the gentleman from South Carolina, Mr. RIVERS. If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. I am, Mr. Speaker, in its present form.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. O'KONSKI moves to recommit the bill H.R. 4644 to the Committee on the District of Columbia.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. ROUDEBUSH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 267, answered "present" 2, not voting 29, as follows:

[Roll No. 338]

YEAS—134

Abbitt
Abernethy
Adair
Andrews,
Glenn
Arends
Ashbrook
Ashmore
Ayres
Baring
Battin
Beckworth
Belcher
Bennett
Betts
Bonner
Bow
Bray
Brock
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Byrnes, Wis.
Cabell
Callaway
Cederberg
Chamberlain
Clancy
Clawson, Del
Cooley
Cramer
Curtis
Dague
Davis, Ga.
Davis, Wis.
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Everett
Evins, Tenn.
Findley
Fino
Fisher
Flynt
Ford, Gerald R.
Fountain
Fuqua
Gathings
Gettys
Gross
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Halleck
Hansen, Idaho
Harris
Harvey, Ind.
Hébert
Henderson
Herlong
Hull
Hutchinson
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
King, N.Y.
Kornegay
Kunkel
Landrum
Latta
Lennon
Lipscomb
McClory
McMillan
Machen
Mahon
Marsh
Martin, Ala.
Matthews
Mills
Moore
Morris
Natcher
O'Konski
O'Neal, Ga.
Passman
Poage
Poff
Pool
Purcell
Quillen
Reid, Ill.
Roberts
Rogers, Fla.
Rogers, Tex.
Satterfield
Selden
Sikes
Skubitz
Smith, Calif.
Smith, Va.
Steed
Stephens
Stubblefield
Taylor
Teague, Tex.
Thompson, Tex.
Tuck
Tuten
Utt
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Whalley
Whitener
Whitten
Williams
Willis
Wilson, Bob
Young

NAYS—267

Adams
Addabbo
Albert
Anderson,
Tenn.
Andrews,
N. Dak.
Annunzio
Ashley
Baldwin
Bandstra
Barrett
Bates
Bell
Berry
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Broomfield
Brown, Calif.
Burke
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Callan
Cameron
Carey
Carter
Casey
Celler
Chelf
Clark
Clausen,
Don H.
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Craley
Culver
Cunningham
Curtin
Daniels
Dawson
de la Garza
Delaney
Dent
Denton
Diggs
Dingell
Dole
Donohue
Dow
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Flood
Fogarty
Foley
Ford,
William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Hagen, Calif.
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Harsha
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Hicks
Holland
Howard
Hungate
Huot
Ichord
Irwin
Jacobs
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, Utah
Kirwan
Kluczynski
Krebs
Laird
Langen
Leggett
Long, Md.
Love
McCarthy
McCulloch
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
MacGregor
Mackay
Mackie
Madden
Mailliard
Martin, Mass.
Martin, Nebr.
Mathias
Matsunaga
May
Meeds
Miller
Minish
Mink
Minshall
Moeller
Monagan
Moorhead
Morgan
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Powell
Price
Pucinski
Quie
Race
Randall
Redlin
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Senner
Shipley
Shriver
Sickles
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Stratton
Sullivan
Sweeney
Talcott
Teague, Calif.
Tenzer
Thomson, Wis.
Todd
Trimble
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Watts
Weltner
White, Idaho
White, Tex.
Widnall
Wilson,
Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Younger
Zablocki

ANSWERED "PRESENT"—2

Garmatz
Keogh

NOT VOTING—29

Anderson, Ill.
Andrews,
George W.
Aspinall
Bolton
Colmer
Daddario
Frelinghuysen
Goodell
Hansen, Wash.
Hardy
Holifield
Horton
Hosmer
Johnson, Okla.
Lindsay
Long, La.
McEwen
Michel
Mize
Patman
Rivers, S.C.
Roncalio
Roosevelt
Saylor
Scott
Thomas
Thompson, N.J.
Toll
Tupper

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rivers of South Carolina for, with Mr. Keogh against.

Mr. Colmer for, with Mr. Toll against.

Mr. Hardy for, with Mr. Garmatz against.

Mr. Long of Louisiana for, with Mr. Roosevelt against.

Mr. Hosmer for, with Mr. Holifield against.

Mr. Scott for, with Mr. Thompson of New Jersey against.

Mr. Saylor for, with Mr. Horton against.

Mr. George W. Andrews for, with Mr. Daddario against.

Until further notice:

Mrs. Hansen of Washington, with Mrs. Bolton.

Mr. Patman with Mr. Mize.

Mr. Roncalio with Mr. Michel.

Mr. Thomas with Mr. McEwen.

Mr. Johnson of Oklahoma with Mr. Tupper.

Mr. Aspinall with Mr. Lindsay.

Mr. GARMATZ. Mr. Speaker, I have a live pair with the gentleman from Virginia [Mr. HARDY]. Had he been present, he would have voted "yea." I voted "no." Therefore, I withdraw my vote and vote "present."

Mr. WHITE of Texas changed his vote from "yea" to "nay."

Mr. KEOGH. Mr. Speaker, I have a live pair with the gentleman from South Carolina [Mr. RIVERS] who if he were here would have voted "yea." I voted "no." Therefore, I withdraw my vote of "no" and vote "present."

Mr. ANDREWS of North Dakota changed his vote from "yea" to "nay."

Mr. CLANCY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 283, nays 117, answered "present" 2, not voting 31, as follows:

[Roll No. 339]

YEAS—283

Adair
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ayres
Baldwin
Bandstra
Barrett
Bates
Bell
Berry
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Bray
Brock
Broomfield
Brown, Calif.
Burke
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Callan
Cameron
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chelf
Clark
Clausen, Don H.
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Craley
Culver
Cunningham
Curtis
Daniels
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Denton
Diggs
Dingell
Dole
Donohue
Dow
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Hagen, Calif.
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Hicks
Holland
Howard
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Krebs
Kunkel
Laird
Langen
Leggett
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McFall
McGrath
McVicker
MacGregor
Mackay
Mackie
Madden
Mailliard
Martin, Mass.
Martin, Nebr.
Mathias
Matsunaga
May
Meeds
Miller
Minish
Mink
Minshall
Moeller
Moorhead
Morgan
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pirnie
Powell
Price
Pucinski
Quie
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Senner
Shipley
Shriver
Sickles
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Stratton
Sullivan
Sweeney
Talcott
Teague, Calif.
Tenzer
Thomson, Wis.
Todd
Trimble
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Weltner
Whalley
White, Idaho
White, Tex.
Widnall
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Younger
Zablocki

NAYS—117

Abbitt
Abernethy
Andrews, Glenn
Ashmore
Baring
Battin
Beckworth
Belcher
Bennett
Betts
Bonner
Bow
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Byrnes, Wis.
Cabell
Callaway
Clancy
Clawson, Del
Cooley
Cramer
Curtin
Dague
Davis, Ga.
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Everett
Fino
Fisher
Flynt
Fountain
Fuqua
Gathings
Gettys
Gross
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Hansen, Idaho
Harris
Hébert
Henderson
Herlong
Hull
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Kornegay
Landrum
Latta
Lennon
Lipscomb
McMillan
Macdonald
Machen
Mahon
Marsh
Martin, Ala.
Matthews
Mills
Monagan
Moore
Murray
Natcher
O'Konski
O'Neal, Ga.
Passman
Pike
Poage
Poff
Pool
Purcell
Quillen
Roberts
Rogers, Fla.
Rogers, Tex.
Satterfield
Selden
Sikes
Skubitz
Smith, Calif.
Smith, Va.
Steed
Stephens
Stubblefield
Taylor
Teague, Tex.
Thompson, Tex.
Tuck
Tuten
Utt
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Whitener
Whitten
Williams
Willis
Wilson, Bob
Young

ANSWERED "PRESENT"—2

Garmatz
Keogh

NOT VOTING—31

Anderson, Ill.
Andrews, George W.
Aspinall
Bolton
Colmer
Daddario
Frelinghuysen
Goodell
Hansen, Wash.
Hardy
Holifield
Horton
Hosmer
Johnson, Okla.
Lindsay
Long, La.
McEwen
Michel
Mize
Morris
Patman
Rivers, S.C.
Roncalio
Roosevelt
Saylor
Scott
Thomas
Thompson, N.J.
Toll
Tupper

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Rivers of South Carolina against.

Mr. Garmatz for, with Mr. Hardy against.

Mr. Toll for, with Mr. Scott against.

Mr. Thompson of New Jersey for, with Mr. Long of Louisiana against.

Mr. Daddario for, with Mr. George W. Andrews against.

Mr. Holifield for, with Mr. Hosmer against.

Mr. Roosevelt for, with Mr. Colmer against.

Mr. Horton for, with Mr. Saylor against.

Until further notice:

Mrs. Hansen of Washington with Mrs. Bolton.

Mr. Roncalio with Mr. Goodell.

Mr. Thomas with Mr. Tupper.

Mr. Aspinall with Mr. Lindsay.

Mr. Morris with Mr. Michel.

Mr. Patman with Mr. Mize.

Mr. Johnson of Oklahoma with Mr. McEwen.

Mr. O'NEILL of Massachusetts changed his vote from "nay" to "yea."

Mr. GARMATZ. Mr. Speaker, I have a live pair with the gentleman from Virginia [Mr. HARDY]. If he were present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. KEOGH. Mr. Speaker, I have a live pair with the gentleman from South Carolina [Mr. RIVERS]. If he were present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 515 the Committee on the District of Columbia is discharged from the further consideration of the bill S. 1118.

The Clerk will report the title of the bill.

The Clerk read the title of the Senate bill.

Mr. MULTER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MULTER: Strike out all after the enacting clause of the bill S. 1118 and insert in lieu thereof the text of H.R. 4644, as passed, as follows:

"That this Act may be cited as the 'District of Columbia Charter Act'.

"DECLARATION OF POLICY

"SEC. 2. It is the intent of Congress to make available to the inhabitants of the District of Columbia such measure and form of local self-government as they themselves shall democratically establish if such self-government is consistent with the constitutional injunction that Congress retain ultimate legislative authority over the Nation's Capital. In taking this action it is further the intent of Congress to demonstrate its fundamental and enduring belief in the merits of the democratic process by exercising its retained legislative responsibility for the seat of the Federal Government only as it concerns amendments to any charter which might be established under this Act, but not as it concerns the routine municipal affairs of the District of Columbia.

"SELF-GOVERNMENT REFERENDUM AND CHARTER BOARD ELECTION

"SEC. 3. (a)(1) The Board of Elections shall conduct a referendum, on a day specified by it, not later than one hundred days after the date of enactment of this Act to determine if the residents of the District of Columbia want self-government for the District of Columbia. The following proposition shall be submitted to the voters in the referendum:

"'The voters of the District of Columbia are being asked in this election whether they want a District of Columbia Charter Board created whose purpose would be to write a charter for the District of Columbia. The charter, if approved in accordance with the District of Columbia Charter Act, would establish local self-government for the District of Columbia. Do you approve the creation of a District of Columbia Charter Board? —— yes —— no.'

"(2) In order for the proposition to be approved, a majority of those voting must vote in favor of the proposition.

"(b) The Board of Elections shall also conduct an election on the same day as the referendum to choose members of the Charter Board (to be established in accordance with section 4).

"(c) Every qualified elector—

"(1) who has registered with the Board of Elections, in accordance with section 7 of the District of Columbia election law, for the last election held in the District of Columbia prior to the date of the election and referendum authorized by this section and who the Board of Elections ascertains is still a qualified elector, or

"(2) who registers with the Board of Elections in accordance with subsection (d) of this section,

shall be entitled to vote in such election and referendum.

"(d)(1) The Board of Elections shall conduct a registration of electors under section 7 of the District of Columbia election law, during a period beginning as soon as practicable after the date of enactment of this Act and ending not more than thirty or less than twenty days before the date of the referendum and election.

"(2) The Board of Elections may by regulation prescribe any reasonable method for ascertaining whether a person registered to vote in the last election held in the District of Columbia prior to the date of the election and referendum authorized by this section is a qualified elector. Any such person who it ascertains is a qualified elector shall be notified by mail before the beginning of the registration period established under paragraph (1) of this subsection.

"(e)(1) Before the beginning of the registration period the Board of Elections shall publish in each of the daily newspapers of general circulation in the District of Columbia a list of registration places and the dates and hours of registration.

"(2) Not later than two weeks before the election and referendum, the Board shall publish and mail to each registered voter a voter information pamphlet which shall contain (A) a statement (not exceeding one hundred and twenty-five words in length) by each candidate for election setting forth his qualifications, (B) an argument for approval of the proposition to be submitted in referendum, and (C) if this Act is not passed in each House without opposition, an argument for disapproval of that proposition. Each argument shall not exceed five hundred words in length. The argument for approval of that proposition shall be jointly written by two Members of Congress who voted for the approval of this Act, one appointed from the House by the Speaker and one appointed from the Senate by the President pro tempore. The argument for disapproval of that proposition shall be jointly written by two Members of Congress, similarly appointed, who voted against the approval of this Act if there were Members in each House that voted against approval of this Act; otherwise such argument shall be written by one Member, who voted against approval of this Act, who shall be selected by the President pro tempore or the Speaker, as the case may be.

"(f)(1) In the election of members of the Charter Board, there shall be a number of different ballot forms equal to the number of candidates. The Board of Elections shall arrange such ballot forms so that the order in which the candidates' names appear on the ballot forms is rotated from one voting precinct to the next. The rotation shall be accomplished by arranging one ballot form so that the names of the candidates are listed vertically in alphabetical order and by arranging each succeeding form by placing at the bottom of the list the name which was at the top of the list on the preceding form. The forms shall be allotted to voting precincts by lot in a manner prescribed by the regulations of the Board of Elections.

"(2) Ballots and voting machines shall show no party affiliation, emblem, or slogan.

"(g)(1) To be a candidate for the office of member of the Charter Board a person must be nominated in accordance with this subsection, must be a registered elector of the District of Columbia, and must have been a continuous resident of the District of Columbia for at least three years prior to the day of the election. The President, Vice President, Members of Congress, and officers and employees of the District of Columbia shall be ineligible for membership on the Charter Board.

"(2) To be nominated as a candidate a person must present a petition to the Board of Elections not less than forty-five days prior to the election. Such petition shall contain signatures of at least three hundred registered electors and shall be accompanied by a nonrefundable filing fee of $25. The Board of Elections shall determine the validity of the signatures contained in such petition.

"(3) Members of the Charter Board shall be elected from the District of Columbia at large.

"(h)(1) In the election each voter may cast one vote for each of not more than fifteen candidates. The fifteen candidates receiving the largest number of votes shall be elected.

"(2) The Board of Elections shall certify the results of the election and referendum to the President, the Clerk of the House, and the Secretary of the Senate, and the Board of Elections shall issue a certificate of election to each person elected to the Charter Board.

"ESTABLISHMENT OF CHARTER BOARD

"SEC. 4. (a) If the proposition submitted to the referendum conducted under section 3 is approved, there shall be established an independent agency of the United States to be known as the District of Columbia Charter Board. The Charter Board shall be composed of the fifteen persons elected in the election conducted under section 3. The candidate for office of member of the Charter Board who received the highest number of votes in such election shall be chairman of the Charter Board until the Charter Board selects a chairman from among its number.

"(b) Each member of the Charter Board shall be entitled to receive $50 per diem when engaged in the performance of duties vested in the Charter Board, except that (1) a member who is also an officer or employee of the United States shall not be entitled to receive such per diem for any day for which he is compensated by the United States for his services as such an officer or employee, and (2) no member may receive more than $5,000 in the aggregate for his services as a member.

"(c) The Charter Board shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

"(d) The Charter Board may procure, in accordance with the provisions of section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), the temporary or intermittent services of experts or consultants. Individuals so employed shall receive compensation at a rate to be fixed by the Charter Board, but not in excess of $100 per diem, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(e) The District of Columbia government shall furnish such space and facilities in public buildings in the District as the Charter Board may reasonably request, and shall provide the Charter Board with such records, information, and other services as may be required by the Board for the carrying out of its function.

"(f) The Charter Board may hold meetings, hearings, and issue subpenas within the District of Columbia. Subpenas may be issued under the signature of the Chairman of the Charter Board or any member of the Charter Board designated by him, and may be served by any person designated by such Chairman or member.

"(g) Hearings of the Charter Board shall be open to the public and shall be held at reasonable hours and at such places as to accommodate a reasonable number of spectators.

"(h)(1) There is authorized to be appropriated not more than $300,000 for the administrative expenses of the Charter Board.

"(2) There is authorized to be appropriated to the Board of Elections such sums as may be necessary to conduct the election and referendums authorized by this Act.

"POWERS AND DUTIES OF CHARTER BOARD

"SEC. 5. (a) Subject to the limitations in subsection (b), the Charter Board shall have the power to propose a District of Columbia charter, within two hundred and ten days from the day on which the election and referendum is held under section 3. Such charter shall, if approved in a referendum conducted under section 6 and if not disapproved by Congress under section 7, establish a municipal government for the District of Columbia. The Charter Board may propose a charter only by the vote of a majority of its members, and only one charter may be proposed. A copy of the proposed charter shall be transmitted to the Board of Elections.

"(b)(1) The Charter Board is authorized to prepare a charter which may vest in a District of Columbia government complete legislative power over the District of Columbia with respect to all rightful subjects of legislation which are within the scope of the power of Congress in its capacity as the legislature for the District of Columbia as distinguished from its capacity as the National Legislature. The Congress reserves right, at any time after the adoption of such a charter to exercise its constitutional authority to amend in whatever fashion it chooses any charter written pursuant to this Act. Provisions of a charter may provide for subsequent amendment of the charter by the people of the District of Columbia. Such an amendment must be submitted in a referendum. However, such an amendment shall not take effect if disapproved by Congress in the manner provided by section 7(c).

"(2) The President of the United States may disapprove any legislation enacted by a District of Columbia government established under a charter approved pursuant to this Act, but his positive assent is not needed for any such legislation to take effect.

"(3) The Charter Board may also provide in the charter for the creation of such courts as may be necessary to assume the functions, solely relating to the affairs of the District of Columbia, of any Federal court within the District.

"CHARTER REFERENDUM

"SEC. 6. (a) The Board of Elections shall submit to referendum the charter proposed by the Charter Board. Such referendum shall be conducted by the Board of Elections, on a day specified by it, not later than forty-five days after the Charter Board transmits the charter proposed by it to the Board of Elections. The provisions of section 3 relating to the referendum conducted under that section shall be applicable to the referendum conducted under this section, except that (1) the registration period shall begin as soon as practicable after the transmission of the proposed charter to the Board of Elections, (2) the arguments respecting approval of the proposition shall be written by members of the Charter Board appointed by the chairman thereof, and (3) the voter information pamphlet shall contain a copy of the proposed charter.

"(b) The following proposition shall be submitted to the voters in the referendum:

" 'The District of Columbia Charter Board has written a charter which, if approved in accordance with the District of Columbia Charter Act, would establish local self-government for the District of Columbia. Do you approve the charter? —— yes —— no.'

"APPROVAL BY CONGRESS

"SEC. 7. (a) A charter proposed by the Charter Board in accordance with section 5 and approved in referendum under section 6 shall be transmitted to the Congress. The delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

"(b)(1) Except as otherwise provided in paragraph (2) of this subsection, the District of Columbia Charter transmitted to Congress shall take effect upon the expiration of ninety days following the date on which such charter is transmitted to Congress, unless between the date of transmittal and the expiration of such ninety-day period there has been approved by either of the two Houses of Congress a resolution stating that that House does not favor such charter.

"(2) If before the expiration of such ninety-day period the Congress shall approve a concurrent resolution stating that the Congress approves such charter, such charter shall take effect on the date of approval of such resolution.

"(3) For purposes of this subsection in the computation of the ninety-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain or sine die.

"(c) Amendments to such Charter which are approved in a referendum shall take effect in the manner provided in subsection (b) for such Charter.

"DISSOLUTION OF CHARTER BOARD

"SEC. 8. The Charter Board shall cease to exist seven months after the approval of the proposition submitted to referendum under section 3, unless the Board proposes a charter under section 5, in which case the Board shall cease to exist on the day after the day on which a referendum is conducted under section 6.

"DEFINITIONS

"SEC. 9. For purposes of this Act—

"(1) the term 'Charter Board' means the District of Columbia Charter Board established by section 4 of this Act;

"(2) the term 'District of Columbia Election Law' means the Act of August 12, 1955 (D.C. Code, sec. 1-1101 et seq.);

"(3) the term 'Board of Elections' means the Board of Elections for the District of Columbia; and

"(4) the term 'qualified elector' has the same meaning as it has in section 2(2) of the District of Columbia Election Law (D.C. Code, sec. 1-1102(2))."

Amend the title so as to read: "An Act authorizing the residents of the District of Columbia to make known their preference on the question of home rule and, if they wish, to elect a board for the purpose of preparing a municipal charter for submission to the voters and to Congress, and for other purposes."

The amendment was agreed to.

The Senate bill as amended, was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An Act authorizing the residents of the District of Columbia to make known their preference on the question of home rule and, if they wish, to elect a board for the purpose of preparing a municipal charter for submission to the voters and to Congress, and for other purposes."

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

THE JEWISH NEW YEAR

Mr. MULTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, I take this time to extend the profound thanks of our colleagues of the Jewish faith to the Speaker, the Doorkeeper, the Reverend Braskamp, our Chaplain, for the fine cooperation extended to all of us during the new year holidays, and making available to us as a synagogue the prayer room of the Capitol. We extend our undying gratitude to the Speaker and to those who so ably cooperated in helping us observe this holiday, while at the same time permitting us to perform our duties in the House.

PROGRAM FOR THE BALANCE OF THE WEEK

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader the schedule for the balance of today, Thursday and Friday of this week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the minority leader's inquiry, we have four more bills that we hope to dispose of this week, beginning with the Government Employees Salary Comparability Act, which will be the first order of business on tomorrow, then following that House Joint Resolution 642, Library of Congress James Madison Memorial Building, and H.R. 3142, Medical Library Assistance Act, and H.R. 6519, the Jefferson National Expansion Memorial Act.

Mr. Speaker, we hope to transact this business as expeditiously as possible. We hope that Members may leave at a reasonable hour on Friday. It is also hoped that we might adopt a couple of rules on minor bills this evening. Then we will go over from Friday to Tuesday. That is our intention if we complete this business as already announced.

Mr. GERALD R. FORD. When we adjourn on Friday, the majority leader will ask unanimous consent that we adjourn over until Tuesday of next week?

Mr. ALBERT. The gentleman is correct.

DEDICATION OF THE 100 HOUSES OF JARDINES VIRU IN LIMA, PERU

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, on September 6, Mrs. Pepper and I were privileged to participate in a very inspiring occasion in Lima, Peru. It was the dedication of the first 100 houses of Jardines Viru to be finally a housing project of over 900 attractive, safe, sanitary, and thoroughly modern homes within a price range which makes them available for people in the low-income groups.

This great project was conceived and, through all the trials and tribulations one must encounter in such a project, brought to execution by an outstanding American, bearer of one of the most ancient and honorable names of Israel, his native land—a man not only of great business genius but of the keenest social conscience—Mr. Haim Eliachar—through his two companies, Development Corporation International and Proyecto Viri S.A.

The financing that made this meaningful project possible was furnished by Bankers Life Corp. of Iowa and the loan of Bankers Life was insured 100 percent by the Agency for International Development through its guaranteed housing program. This development is one of the finest examples of what the AID program, and particularly the guaranteed housing program is doing to help the people of Latin America to enjoy a better life.

The project is also made possible by the cooperation of the Government of Peru in taking proceedings which made the land obtainable and through the instrumentality of the Peruvian Housing Bank and a local savings and loan association providing available credit for the long-time purchase of these homes by the new owners.

It was a privilege for Mrs. Pepper and me to see how the cooperation of the Government of the United States and the Government of Peru with private enterprise in both countries made possible nearly 1,000 new houses which will be the homes of nearly 1,000 families.

Mr. Haim Eliachar who, as I said, initiated and constructed these homes, is a splendid example of the businessman being able to achieve a business success and at the same time to serve a high and noble social purpose.

The highlight of this dedication was the presence and the eloquent address of the great President of Peru, His Excellency, Fernando Belaunde-Terry. President Belaunde is one of the outstanding statesman of the Americas, indeed of the world. He is a distinguished architect by profession, an eminent scholar and probably the best informed man of all men about his country and his people in Peru due to his most extensive travels to every remote part of the country, often on foot. President Belaunde spoke with moving sincerity of what this housing project meant to the people who would enjoy it and to the country. He revealed in this address the warmhearted sympathy he has for the problems of his people and his determination to help the people of his country in every way within his power to walk on higher ground to a better life.

Subsequently Mrs. Pepper and I in the company of our distinguished U.S. Ambassador, the Honorable J. Wesley Jones, spent an hour with President Belaunde at the palace. President Belaunde with elaborate maps and topographical representation told us of his stirring plans and dreams for building a network of highways throughout Peru and connecting Peru with surrounding countries, for irrigation to the arid parts of his land, for opening up fallow new lands east of the Andes, for developing vast housing projects and other aspirations he so earnestly entertains for progress with freedom for his great and romantic country.

While he has strong convictions as to what is best for his country and does not always agree with the policies of our country, I am sure, yet, President Belaunde is one of the new and dynamic leaders of the new Latin America which is rising upon the great resources of its people and natural wealth, its ancient glory and renown. All of the Americas, indeed the free world, is most fortunate to have as one of its leaders, with unsurpassed vista and vision of the future, such a man as His Excellency, President Belaunde.

I include the eloquent address of President Belaunde at the dedication of the Jardines Viru housing project in Lima at this point in my remarks:

President Belaunde's Remarks at the Dedication of the Viru Housing Project at Lima, Peru, September 6, 1965

It is with deep satisfaction that I declare inaugurated this first group of houses of Jardines Viru; a first group that is only a small sample of the great plan being developed to serve fundamentally our economic sectors of limited capacity.

And this is one occasion in which we reaffirm the very cordial and close ties of continental solidarity with the presence of my very good and esteemed friend the Ambassador Jones, a fervent worker toward our national development, other than his own diplomatic responsibilities, and a member of U.S. Congress, Mr. Pepper, who has come to Peru precisely to say a few words which are full of ideas and inspiration to perfect and make more viable the joint work which our people are doing within the Alliance for Progress.

It is very significant that in this makeshift street platform a distinguished member of the Peruvian Congress who also presides over this organization, Senator Carrillo Smith, and a distinguished Member of the Congress of the United States, a Representative of the State of Florida with whom Peru has very distant ties, have spoken here. We must recall that during the dawn of history, our great historian Garcilaso, not only dedicated himself to write the "Royal Commentaries" and the "General History of Peru," but also wrote a history of Florida. It is thus that our country and Florida State are united by the work of a great native historian who received through heritage and through inheritance all the virtues and the talent of the European conquerors and of the indigenous race to which he also belonged.

I feel very happy that centuries afterward this cordial tie with Florida State can be reaffirmed as I was lucky to spend some years there and that one of its most important universities gave shelter to my own family during the several years of our absence from the paternal soil.

I am, therefore, a witness of experience of what that great country signifies, especially of the unquestionable fact that the worker and the common man in no other country of the world enjoys the very high standards of living which by that great democratic and Federal organization has been able to establish. This is a great truth, one which no one can deny. No other systems have allowed the common man, the workman, to reach the high standards which have been reached by the workers of the United States; and this has been accomplished, precisely, through a dedication to work and by the excellent coordination of all the labor activities.

We have before us economic housing units, that is to say, the product of our time employed in labor, because we want to direct this activity toward satisfying the most needed necessities of the majority class of our country. And, actually, we now have in construction thousands and thousands of homes, and it pleases us to see how private activity is also helping in the solution of a very grave problem. In this case, the efforts have been joined by AID as the organizing entity, private capital of the United States, the national effort through the Banco de la Vivienda del Peru and the very meritorious efforts of Jardines Viru which I applaud and thank as an organization that though as all commercial entities must receive profits for its efforts, has not sought the field of speculation, but the honest and social work by which means it is greatly contributing to the purposes which motivate my government.

The housing construction not only represents work in which the contractor has to achieve units which are not costly, a size which is not too small nor excessive, work in which the engineers have to employ adequate and economic materials, and above all, specifications and techniques which would not be too costly. But all this would be useless if in the work itself there wouldn't exist the close and constant collaboration of the laboring personnel. The 50-percent savings in construction comes from the discipline of the work; it comes from the fact that no work stoppages occurred which only contribute to increase the work costs and, therefore, overloading the shoulders of those to whom these works would benefit.

The quickness of construction is one of the most important economic factors. In construction there are inevitable general expenditures in the technical direction—in watch duties, storage, etc. If the construction takes 4 months, these expenditures are considerably reduced in comparison with term of a year or a year and a half which represents frequently the delay of work in which discord or the lack of coordination have not allowed the work have the prompt completion which in the social and economic viewpoint we should endeavor to obtain.

This is why I take this opportunity to reiterate my cordial call to those whom, for all my life, have been my work companions, to the technicians and laborers of civil construction, for them to collaborate in this work of building for the nation, but not sumptuous buildings to serve a few, but of social improvement in service of the great national majorities; and that in each national effort undertaken, in each coordination and organization effort, and that in each result in the quickness of construction, it should be in future works a factor of saving and of economy that we urgently need to be able to give more homes for the same amount of money to the families who until now have been so deficiently housed in our country. On the other hand, in exchange and compensation, I can also reiterate on my part a security, the security that during my government there will be no job lacking for the construction laborer; the security that if this year we build one, next year we will build two. Therefore, a very promising future is offered to all those who work in the construction industry, because they can have the assurance that in the atmosphere of social fraternity and activity which reigns in the country, they will have work assured for the future years. And this is not restricted to the city of Lima.

Yesterday, at this same time, in a complete different atmosphere, in a warm and sunny climate, in our beloved city of Iquitos, I visited the Unidad Sargento Lores, which is being built there and I verified how the construction rhythm that is being undertaken by our Government, surpasses by a great margin the operative capacity of the country, and how much of the houses completely built, especially at Barrio Bermudez, where recently suffered a fire, have not yet been delivered to their occupants, because the doors and windows being built by local carpentries are not yet ready in view of the great demand of work required by the factories, the carpenters, and by the laborers.

And there, in Iquitos, after having visited Lores and Bermudez, I had the great satisfaction in a Sunday, of visiting Santo Cristo de Bagazán, located at a point on the beautiful and majestic Amazon River, where all the community is building, with their own hands, their own houses, but without knowing to whom the house they were building would belong. The work they were doing will be realized in an unselfish and uninterested manner in a project, which I believe, could be the foundation of future construction by popular cooperation. There, we have been able to deliver to the people for around S/. 13,000 in building supplies, and with just this portion, and with the help of the occupants, in a very short period they will have ample but honest houses.

Around all the Republic this system is progressing, and it is for this reason, that I have optimism and believe that the time has arrived when I must reiterate my calling to the construction laborer that with militant discipline, as an army which is obtaining the biggest conquest to which Peru could wish, that they work orderly in their constructions, resolve their business problems, and the outcome of their discussions, without recurring to stoppages of their work, which only cause danger to the Republic and causes damage especially to the classes with less economic resources.

In this ceremony we have listened to Deputy Pepper, of the U.S. Congress, and his words representing the opening to a wide hope, the orientation of the AID—the Agency for International Development—at the service of the Alliance for Progress facilitating resources by means of limited loans which will be now in a more ample field making the AID a guarantee loan entity, now AID will be able to work in the vast field of the private capitals of the United States where, as we know, due to their saving capacity this possibility is unlimited. In this case, AID has not give the loans, it has limited itself to guaranteeing those institutions who have loaned money to Peru in order to permit the achievement of this social welfare work. I praise this initiative and hope it will be extended to other fields: industrial loans and agrarian loans as I asked for in my inaugural message to the Congress. In this form and with the help and high authority of the AID and its international guarantee, significative investments can come to Peru to solve very grave problems such as housing.

I express to the Ambassador my gratitude for his attention to this work, for the plans being studied now and for the future. I ask you as of this moment to transmit to your Government my congratulations for this activity of the AID and my personal hope that with this system of international guarantee we can reach a wider and more closer exchange of politics and also a broader cooperation.

I would like to express my congratulations to Jardines Viru and also to wish to the new families already being settled here, happiness in this new neighborhood of Callao. I feel sure that once the school program mentioned by Senator Carrillo Smith, has been fulfilled—a very interesting collectivity will grow here. A community without a school is like a parish without a church. It is necessary to build this school as soon as possible. The Government and the Ministry of Education will support this effort with decision and enthusiasm.

Mr. Ambassador: I congratulate myself because it has been possible to meet with Members of the U.S. Congress and of the American institutions which work with you in this effort for achieving the success of your mission more than within the narrow limits of fulfilling just transitorily, but within the pattern of love for our country with admirable command of our language and a sense of cooperation which I am the first one in praising and thanking you for it. I would like to express these words to all of your cooperators, being sure our future projects through a close relationships will result in a fruitful benefit for our classes economically weak. This will also be an outstanding fact within the patterns of continental fraternity in which we both are so closely interested.

And to Representative PEPPER I would like to ask him to express to Florida in my behalf my friendly greetings, and also to the President of the United States, my words of fraternity and esteem and my fervent hopes in order that his policy will allow that all the strength of that great country should contribute in a growing proportion to the cooperation with the Latin American countries so that the teachings and experiences of the United States will allow us to give the Peruvian worker the standard of living which the laborer has reached in the United States.

JEFFERSON NATIONAL EXPANSION MEMORIAL, OLD ST. LOUIS, MO.

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 581, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 581

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6519) to amend the Act of May 17, 1954 (68 Stat. 98), as amended, providing for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts [Mr. O'NEILL] is recognized.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may require, and pending that I will yield to the gentleman from California [Mr. SMITH].

Mr. Speaker, this is a very simple bill. It provides for the construction of the Jefferson National Expansion Memorial at the site of Old St. Louis, Mo.

As I understand it, there was no opposition to the bill in the legislative committee and there was no opposition expressed before the Committee on Rules.

The resolution provides for 1 hour of general debate. It is an open rule.

Mr. Speaker, I urge the adoption of the rule.

I now yield to my colleague, the gentlemen from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, this resolution, House Resolution 581, will provide 1 hour of debate under an open rule for the consideration of the bill, H.R. 6519, a bill amending the act setting up the Jefferson National Expansion Memorial in St. Louis, Mo.

The sole purpose of the bill is to increase the appropriation authorization from $17,250,000 to $23,250,000.

The work on the memorial was begun in 1935 on a cost sharing basis of $3 in Federal moneys for each $1 raised by St. Louis. The 630-foot arch over the memorial is now nearing completion. An additional $8 million is needed; under the same ratio of cost sharing, the Federal share is $6 million.

Mr. Speaker, I know of no objection to the rule and I do not know of any objection to this particular bill that the rule makes in order.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CONSTRUCTION OF THIRD LIBRARY OF CONGRESS, THE JAMES MADISON MEMORIAL BUILDING

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 589, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 589

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H.J. Res. 642) to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the resolution shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Public Works now in the resolution and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original resolution. At the conclusion of such consideration the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the resolution or the Committee substitute. The previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, at the conclusion of my remarks I shall yield to the gentleman from California [Mr. SMITH].

I am sure that all Members of Congress are familiar with the proposed legislation. The Congress is in dire need of a third Library of Congress because of the crowded facilities in the present two libraries that we have. The bill would require 1 hour of general debate with an open rule.

I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, House Resolution 589 will provide 1 hour of general debate for the consideration of the resolution (H.J. Res. 642) to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall.

House Joint Resolution 642 authorizes $75 million to construct the James Madison Memorial Library, the third Library of Congress building. The site is square 732 of the District of Columbia, immediately east of the Cannon Building and south of the original Library building.

The proposed building will contain a Madison Memorial Hall covering approximately one-quarter of the building's space; the remainder will be used by the Library.

The Architect of the Capitol is authorized to direct the construction from design to completion. The Senate version of the resolution removed the Architect and substituted the Administrator of General Services.

Square 732 has only about 85 percent of the space sought by the Library.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SOCIAL SECURITY LAW CHANGES HAVE NOT WORKED OUT THE WAY INTENDED

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, I have heard all of my life that "the road to hell is paved with good intentions." I think there is little question that Congress was motivated with the best of intentions when it approved the most recent changes in the social security laws, granting increased benefits to those covered by the law. But it seems that it has not worked out the way it was intended. During the past several days I have had communications from friends whose veterans' benefits and pensions have been cut due to the increase in their social security benefits, and the cuts have been far greater than the increased benefits. One 66-year-old veteran's widow, in reciting her case, said that the increased social security benefits put her $4.50 over the maximum income she was allowed to receive, resulting in her pension being cut more than $190 a year. In other words this poor woman would have been better off had she not been granted an increase in social security. In fact, her income has been cut more than $15 a month, which is a mighty big slice to take out of a budget of less than $150 a month. This and other similar cases has prompted me to introduce a bill today, which, if adopted as I hope it will be with a minimum of delay, would give any person the right to waive all or any part of the monthly insurance benefits under title II of the Social Security Act, to which such person is or may become entitled, and that the amounts so waived shall not be considered as income. This is just another instance, Mr. Speaker, of where it is not always wise to accept the old adage that "One should not look a gift horse in the mouth."

THE FEDERAL METALLIC AND NONMETALLIC MINE SAFETY ACT

Mr. SENNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SENNER. Mr. Speaker, on September 2, the House passed H.R. 8989, the Federal Metallic and Nonmetallic Mine Safety Act. This was badly needed and long-overdue legislation. It represented the combined efforts of many people and organizations.

At this time, I believe it appropriate to accord special recognition to the International Union of Mine, Mill & Smelter Workers for the vital role it has played over the years in bringing this legislation to pass.

Mine-Mill first interested the late distinguished Senator James Murray, of Montana, in introducing Federal metal mine safety legislation following World War II. This 72-year-old union of hard-rock miners has been in the forefront of the struggle ever since.

Mine-Mill took the initiative again in 1963 in proposing legislation to include smelters and refineries. It was my privilege to be among those who introduced mine safety bills in the 88th and 89th Congresses, including this broadened coverage. My bills were H.R. 4896, in the 88th Congress, and H.R. 7816 in the 89th Congress.

H.R. 8989 provides substantially the same coverage and enforcement set forth in H.R. 7816, except that smelters and refineries are not included. It is my hope that in the near future this extended coverage can be provided to protect the smelter and refinery workers in my district and in other parts of the Nation. I know that the Mine, Mill & Smelter Workers can be counted on to press for this objective.

I am personally grateful to the outstanding local miners unions in my congressional district—at the mining centers of Christmas, Morenci, Globe-Miami, Hayden, and Humboldt—for strengthening my own understanding of the problem of mine safety.

It was particularly pleasant to be able to work with Mr. Leo Terrell, international representative of Mine-Mill. Mr. Terrell happens to be a personal friend of many years standing. In fact, he comes from my hometown of Miami, Ariz. He is completely dedicated to the welfare and productivity of hard-rock miners and is thoroughly knowledgeable about the problems that culminated in the passage of H.R. 8989.

FEDERAL SALARY ADJUSTMENT ACT OF 1965

Mr. UDALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, later this week the House will be debating H.R. 10281, the Federal Salary Adjustment Act of 1965. Section 205 of that bill contains a provision affecting congressional salaries—not this year, not next year, but in succeeding years. I support this provision, and in an effort to acquaint my colleagues with it, I prepared last week and sent each Member of the House a four-page letter explaining its features and reasons for it.

Now I should like to go one step further. In years past, Mr. Speaker, I have noticed that our good friends in the press gallery take an unusual interest in bills which increase the salaries of Members of Congress. This interest is keen, and it is penetrating. It is also out of all proportion to the relative importance of such provisions in whatever legislation is pending.

Last year, we passed a pay bill affecting 2½ million Federal employees. Were our friends particularly interested in the pay of judges and Cabinet officers and postmasters and mailmen? They were not. It was as though that entire bill related only to 535 Representatives and Senators here on Capitol Hill. The other 2,499,000 or so employees were virtually forgotten as the stories went out on the Nation's press wires about the Members of Congress increasing their own pay.

Mr. Speaker, I do not mean to suggest that our friends of the press are dishonest or irresponsible. I am sure they emphasized the part of the bill they thought would be most interesting. But they had their fun, and now I think would be an appropriate time for them to acquaint themselves with the history of the Federal pay system, the principle of comparability we enacted 3 years ago, and the recurring problem of compression in the upper levels as executive salaries bump up against the congressional salary ceiling.

It may be that some reporter yet will imply that we passed a billion and a half dollar pay bill this year in order to increase our own salaries in some future Congress by $2,000 or $3,000. I hope not. I think the press is capable of doing a fair and honest job of reporting, and it is my hope that in the forthcoming debate our friends in the press gallery will view the provision relating to congressional salaries in the perspective of the bill as a whole. We who are the sponsors of this legislation have nothing to hide. We welcome the attention of the press. But we ask that the press exercise the same sense of responsibility that has been shown by the members of the Post Office and Civil Service Committee, on both sides of the aisle, in drafting this legislation.

Mr. Speaker, in the interest of full and complete reporting I should like to insert at this point in the RECORD the text of my letter to the Members on this provision of the pay bill, and I should like to commend this letter to the attention of the press. I believe that if any reporter will take the time to read the reasons why this provision is in the bill, he will be less inclined to pounce upon it as another congressional pay grab, an expression I seem to recall from last year's headlines.

Mr. Speaker, I include the text of my letter at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 17, 1965.

DEAR COLLEAGUE: H.R. 10281, the Federal Salary Adjustment Act of 1965, is expected to be on the debate calendar next week. Section 205 of the bill would establish permanent machinery for the regular and orderly adjustment of executive, judicial, and congressional salaries. Many of you have asked for information about this provision; some have voiced apprehension. (No Member, as yet, has indicated an intention to refuse a 1967 salary increase if the section becomes law.)

Of course this is a politically sensitive issue to all of us. I want you to understand before the debate my reasons for believing that a provision of this kind is essential to a proper Federal salary system. This isn't a "pay grab," as I think you'll see if you struggle through the following paragraphs. And, in the judgment of this Member, it isn't politically dangerous. It's simply sound, necessary legislation.

My past and present support for more adequate congressional salaries is based upon two beliefs—and I list them in order of importance:

1. Efficient, honest operation of the $100 billion Federal Establishment is important to the security, welfare, and growth of the country and its 190 million people. That establishment is no better than the 2.5 million executives and career people who run it. For reasons mentioned below, adequate congressional salaries are the key to adequate executive salaries, which in turn are the key to a proper career salary structure at all levels.

2. Congress is now a demanding, full-time career, imposing unusual financial burdens on the fine people who serve. In fairness to them and their families we cannot shirk the responsibility of providing adequate salaries commensurate with the job of directing a $100 billion business.

Let me now develop four background points:

1. Under the Constitution, the 535 Congressmen are the only Federal employees required to participate in fixing their own salaries. The painful political nature of this responsibility is reflected in the fact that (excluding the 1964 act) Congress increased its own salaries only four times in the 98 years beginning in 1866. This strongly suggests that there is something seriously wrong with letting this matter ride for the traditional 15 to 25 years and then being faced, as we were last year, with voting for a very large salary increase.

2. Toward the end of these long periods, the entire Federal salary structure becomes a ridiculous sight. Congress will not permit, and properly so, assistant secretaries and agency heads to draw salaries larger than its own. Thus, we get a situation of compression, where congressional salaries are a rigid ceiling on upper executive levels, which in turn depress salaries right down through the schedule. We reached the preposterous stage in 1964, where the VA Administrator, in charge of a $4 billion budget and 161 expensive hospitals, was paid $21,000. Because of compression, the administrator of just one of these hospitals was paid $19,000; and the skilled doctor in charge of one wing of the hospital only $500 less than that. This violates the basic principle that a proper salary system should have reasonable differentials at different levels in accordance with difficulty and responsibility.

3. To meet this defect, and to solve it once and for all, I sponsored in 1964, and the House adopted, a simple, yet vital amendment. What the amendment said, in effect, was this: "At long last, we have a rational, orderly, balanced Federal salary system with proper relationships all the way from GS-1 through GS-18, and up to Cabinet rank. There will undoubtedly be frequent salary changes in the career levels, and we must act now to see that proper alinement, top to bottom, is preserved. Under this new law, congressional salaries (the key to proper executive salaries) will be 122 percent of GS-18. Let us provide permanent machinery which will keep congressional salaries at 122 percent of that level.

"We will simply write a permanent proviso requiring that whenever GS-18 is increased by 3 or 4 percent, at the beginning of the next Congress, congressional salaries will be increased by that same percentage. Thus, we will never again have "compression." Congress will never again wait 20 years to adjust its pay in large $7,500 increments. We will adjust congressional salaries automatically and regularly in small increments of perhaps $500 to $1,000. This will do justice to the people who make a career in Congress—but more importantly, it will provide the basis for a proper Federal salary system for all time."

4. Unfortunately, this provision was stricken out in conference. Now we find ourselves at the beginning of the same old cycle—with all classified and postal salaries starting to march toward and "compression" in the making.

There is never a good year to tackle this sensitive subject; the problem should have been solved permanently last year. But now—this year—in my judgment, is the time to meet it. If the House will keep a provision of this kind in the bill, and if I have the honor of serving as a conferee, I assure you, I will fight to retain it.

Let me comment on one final aspect of the problem. If section 205 is retained as it now stands, it would make the first automatic adjustment effective when the 90th Congress convenes in January 1967. But, because H.R. 10281 has both 1965 and 1966 classified raises, and because the 1966 raise is intended in part as a "catch-up" for the upper GS levels (now 3 years behind comparability), we find that the first automatic raise would be far larger than the $500 to $1,000 amounts which could ordinarily be expected. (It is my judgment that the formula in the bill would raise congressional salaries by some $2,500 to $3,000 in 1967.) This would still make congressional pay far below the $35,000 recommended by President Kennedy and his Advisory Panel on Federal Salary Systems in 1963. But, coming on the heels of the 1964 increase, this causes more serious political problems.

For these reasons, Bob Corbett, the ranking minority member of our committee, will propose an amendment which will keep the permanent machinery of my proposal for small, regular, automatic adjustments, but would make the machinery applicable only to GS-18 raises granted in 1967 or thereafter. Thus, the first adjustment would come in January 1969 (two elections removed from now) based upon increases, if any, granted GS-18 in 1967 or 1968.

I am committed to support the bill as it came from the committee, including the 1967 effective date for section 205. However, I can appreciate the practical arguments which Bob uses in supporting his proposed change. It is my advice that the House work its will and use its judgment in resolving this difference.

However, I cannot too strongly urge that regardless of its effective date—whether 1967 or 1969—the House make sure that the permanent adjustment mechanism stays in the bill.

This is my story. I ask for your support and advice. I'm happy to answer your further questions.

Sincerely yours,

Morris K. Udall.

THE C-5A REVOLUTION IN THE AIR

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, the C-5A will be the largest aircraft ever built and as retiring Air Force Secretary Eugene Zuckert has said it "will revolutionize everybody's ideas of distribution."

Starting on the drawing board as the CX-4 encouraged by the support of the Subcommittee of Military Airlift of the House Armed Services Committee, then headed by our distinguished colleague from South Carolina, L. Mendel Rivers, the C-5A is approaching contract stage and by 1968 or early 1969 should be coming into inventory.

Expectations of this huge aircraft are will set out in a newsletter published by Eliot Janeway, highly regarded economist, and head of the Janeway Publishing & Research Corp. Under unanimous consent to do so, I herewith submit Mr. Janeway's fine summary of the C-5A potential to the attention of my colleagues in the House:

THE C-5A REVOLUTION IN THE AIR

A milestone in the commercial development of aviation—and in the growing significance of aeronautics in the world economy—is about to be passed. Month end is contract award time for the C-5A supertransport.

The C-5A will be the largest aircraft ever built, a four-engine jet capable of carrying 1,000 passengers, or 150 tons of cargo, over intercontinental distances at speeds faster than 500 miles per hour. The initial decision on the C-5A will be made by the Defense Department from alternative proposals offered by Douglas, Lockheed, and Boeing. Important as the military version of the C-5A will be to our strategic airlift capability, the real payoff on this fourth-generation air transport will come with its commercial application, sometime around 1970.

Each generation of transport aircraft has been defense generated except the first, the DC-3. The four-engine prop equipment that came out of World War II, including the DC-4 and its offspring, and the Lockheed Constellation, constituted the second generation. These were the aircraft which demonstrated during the Berlin airlift that continuous air transport of bulk goods was a feasible enterprise. Finally, the Korean war produced the Boeing jet bombers and tankers which soon had their commercial equivalents in the 707 and its competitors. Similarly, the development of the C-5A grew out of the obvious need for aircraft able to supply all the requirements for one or more Vietnams and Santo Domingos.

Recent revolutionary technical progress has brought the proposed supersonic transport (SST) closer and given it almost exclusive publicity as the next step in aviation development. But glamorous though the SST will be, nobody is going to make money out of it for years. Development costs are so high that, even with a generous Government subsidy, the price per aircraft will be exorbitant. Limited payload capability (by C-5A standards), and uneconomic compromise solutions of the sonic boom problem, make the SST no cinch or quick moneymaker for any carrier. In sharp contrast, the C-5A promises to be a bread-and-butter piece of equipment that will enable operators to eat cake, too.

As a subsonic aircraft, the C-5A can be activated directly on the basis of existing technology. Furthermore, the C-5A is so much bigger than any of the current crop of jet transports that it promises to revolutionize the economics of long-range transportation and supply. A dozen C-5A's could have done all the work of the 350-odd C-54's and C-47's that supplied Berlin during the 16 months of the airlift.

It behooves every corporation in America now making commitments for new plant and warehouse capacity around the world to keep a sharp eye on the job the C-5A will be doing by the time today's commitments go on stream. As retiring Air Force Secretary Eugene Zuckert recently told a group of New York fiduciaries, "the C-5A will revolutionize everybody's ideas of distribution." It will revolutionize the economics of supply and inventorying as well.

FRANCIS STAN

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Mr. Speaker, that distinguished sports columnist for the Washington Evening Star, Francis Stan, reports that Vice President HUBERT HUMPHREY called the Minnesota Twins' locker room immediately after they cinched the American League championship to congratulate the team and was invited to the World Series. Rumor has it the Vice President hopes to pitch the first ball in the World Series. This is a natural desire because the Twins are his hometown team for which he feels pardonable pride.

But there is a rumored snag. The President is expected to pull rank on the Vice President and is expected to ask to throw the opening ball. The President, in all probability, feels it his "solemn obligation" because of tradition, and his keen enthusiasm for sports. The fact that 95 percent of all television sets in the country will be tuned in at that particular time, of course, has nothing to do with the decision.

Mr. Speaker, if, indeed, it is true that these two great public figures are deadlocked on the right to throw the first ball, I realize it is presumptuous of me, a Republican freshman, to offer a solution.

However, since no one else has come forth with a workable solution, I would like to make the following proposal in the interest of good sportsmanship and fair play: That the President throw the first ball out of deference to his office and the fact that he might turn off the lights if it is cloudy or a night game.

Vice President HUMPHREY, by the way of compensation, could be made third base coach, a job he is eminently qualified to hold. There he could secretly call signals and at the same time keep an eye on left field where his friends play.

It is hoped that neither be allowed to umpire, since a "something for everyone" attitude could only lend frustration for pitcher and batter alike. In fact, it might disrupt the entire game.

Another rumor has been going around in this connection which has no foundation in fact: That is, that the junior Senator from New York, formerly from Virginia, formerly from Massachusetts, would like to play. I am told by an unimpeachable source that he is not being considered because if he got to third base, even by running for someone else, it is doubtful that he would know for sure which plate was home.

CIVIL SERVICE COMMISSIONER

Mr. NELSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSEN. Mr. Speaker, I will today release a statement relative to the recent added activity of the Civil Service Commissioner, Mr. Macy. It is my understanding that he has now joined the Arm-Twisting Corps. He is Chairman of the Civil Service Commission, and he has in addition to this responsibility been endeavoring to recruit qualified persons for appointive positions on behalf of the President of the United States.

In view of the fact he has failed to enforce the civil service laws under his charge, I would suggest to the Commissioner that he search for a new man to fill the job of Chairman of the Civil Service Commission, one who will properly interpret the law, and will enforce it.

TRIBUTE TO THE LATE SENATOR ELMER THOMAS OF OKLAHOMA

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I rise to pay tribute to former Senator Elmer Thomas, who at the age of 89 passed away in Lawton, Okla., on September 19.

The State of Oklahoma and, indeed, the Nation have lost a great champion of democracy. He was an outstanding patriot and citizen.

As an ardent silverite, he was deeply concerned with finance and agriculture and widely known for his advocacy of the Patman bonus bill with its greenback clause.

It has been said by many of his friends that he owed his success to his watchfulness over the little things. Instead of following the procedure of the destructionist, who merely makes little things out of big ones, he had the knack of assembling the minutiae and converting them into life-size achievements. Several might be mentioned: one of them a 1,000-acre park, another a State capitol building.

Indiana was Senator Thomas' birthplace, but he was a prominent Oklahoman before Oklahoma's own first birthday as a State. From his farm home in Putman County, Ind., where he was educated in the common schools, he went to the Central Normal College at Danville, but not until after he had saved enough to carry him through by working on farms, in public works, and finally teaching school.

After graduating from college, he entered De Pauw University at Greencastle, where he was graduated in 1900 with the degree of A.B. He was admitted to the Indiana bar and turned westward. He spent a few months in Oklahoma City and then moved to Lawton which became his home.

In the years up to 1907 when Oklahoma achieved her statehood, Elmer Thomas became a more and more prominent figure in the community and when, out of the bitter controversy that arose over the choosing of the first State senator, a compromise was agreed upon, the rising young lawyer found himself the fortunate man. Elected to the State senate he threw himself into the legislative activities with the same zeal and application which he had shown in his private affairs. He soon became known as an expert parliamentarian.

His first step into the national arena was election to the House of Representatives in 1924. National politics were not entirely strange to him when he entered Congress. At the beginning of World War I, against great obstacles, he was prominent in the establishment of one of the 16 great national training camps at Fort Sill, Okla.

In the House he served on the Claims, Public Lands, and Roads Committees.

In 1926 Elmer Thomas was elected to the U.S. Senate where he served with distinction for 24 years.

He soon began making his presence felt. He served as chairman of the Indian Affairs Committee, on the Committee on Agriculture and Forestry, on the Appropriations Committee, the Library Committee, and became chairman of a special Committee on Silver.

Besides the prominence he took whenever the question of the currency arose and there was a chance for him to speak a good word for silver, he worked hard in his capacity as chairman of the District of Columbia Subcommittee of the Appropriations Committee. He also played a great part in shaping the appropriation bills for the Army, Navy, and Interior.

He was a strong force in the New Deal and was an expert on Indian affairs, financial affairs, agriculture, and oil.

Quiet and dignified in his bearing, serious and studious, he was credited with a social temperature that made his relationships cordial.

Senator Thomas strove for orderliness in the complexity of governmental affairs. Few Members of the Congress have had the capacity for so wide a range of legislative interest.

ROBERT M. HARRISS PAYS TRIBUTE

Mr. Speaker, a good patriotic American, Robert M. Harriss, of New York, was one of Senator Thomas' most ardent supporters. His letter to me concerning the death of his long-time friend, Senator Thomas, is self-explanatory:

FOREST HILLS, N.Y., *September 21, 1965.*

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR WRIGHT: I was deeply grieved to hear of our old friend, Senator Elmer Thomas' death. He was a patriot, loved God and his country and fellow man.

Senator Thomas and you led the fight in Congress for monetary reform which resulted in our country getting off the old ruinous gold basis of $20.67 for the dollar. This broke the devastating depression of the early 1930's. In fact it was the only major legislation at that time which was upheld by the Supreme Court as constitutional.

I still remember well the unwarranted abuse and smearing that you both took for your patriotic efforts.

With all good wishes,

Sincerely,

ROBERT M. HARRISS.

LET'S EDUCATE MILITARY REJECTEES TO HELP SERVE THE NATIONAL DEFENSE EFFORT

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, I have introduced legislation in the House of Representatives which I feel is long overdue, and is essential to our national defense effort in these times of crisis around the world. I also feel it can improve the fairness of military obligations and improve the educational attainment of trainable persons.

The bill I have introduced, H.R. 11153, would authorize the Secretary of Defense to carry out a special educational training program for enlistees and draftees in the Armed Forces who would otherwise fail to meet minimum requirements because of education deficiencies, but who can be brought up to the necessary minimum educational standards.

The facts supporting my bill are evidence for the need to train those numerous young men who are rejected for military duty because they cannot meet the required mental qualifications and standards of our Armed Forces.

About one-third of all young men who volunteer and who are drafted for military service are rejected because of mental and educational deficiencies.

This is alarming when we realize that many of the most brilliant and promising of our young population are now fighting a war in Vietnam, and things are not on the rosy side in other parts of the world: Southeast Asia, Latin America, and the always potentially explosive West European theater.

During fiscal year 1964, according to the Secretary of the Army, over 181,000 young men volunteered for enlistment in the Regular Army. About 111,200 met all mental, and physical, and moral standards. Of the 69,900 who were rejected, 700 failed because they could not meet moral standards or because they lacked both mental and physical minimum qualifications.

Some 56,600 volunteers were turned down last year because their mental test scores were too low. This is shocking and something must be done.

I propose that of these mental rejectees those who can be trained for useful military service, be trained and schooled in needed basic educational requirements so that they may meet the minimum requirements of the Armed Forces, and be retained in the service to fulfill their military obligation. This is not a social or antipoverty experiment. This is securing America's future by expanding our pool of able-bodied, mentally sound young men to keep the peace. It will have incidental benefits of spreading the opportunity for service in a broader population and in gaining educational opportunities for those involved.

My legislation is needed to authorize the Secretary of Defense to proceed with this program, after appropriate congressional hearings by the Armed Services Committees and the Appropriations Committees of both the House and the Senate. Full hearings on this bill will establish this program as a military training program vital to our Nation's security.

In working on this legislation I have had the benefit of the wide experience of Mr. Frank D. Bisbee, chairman of the board of the Bisbee-Baldwin Corp., of Jacksonville, Fla., who served for many years as chairman of the selective service board in my hometown. I was greatly impressed by his concern that many young men of apparent strength, energy, and mental intelligence were being rejected for military service. Either the standards were too high, or these young men lacked the educational training to make them good soldiers.

In support of this legislation I am drawing on the fine presentation by the Department of the Army over the last year of its special training enlistment program—STEP. The purpose of the STEP is to increase the number of volunteers accepted by the Army without lowering standards. The Army proposes to give educational training to some volunteers for enlistment in the Army who are now being turned away because they do not meet Army enlistment standards. If the extra training or treatment brings a man up to the enlistment standards, he will then serve out the balance of a 3-year tour; if a man fails to achieve the Army's standards, he will be discharged. The weakness of the STEP program is that its future is in doubt because of lack of specific authorizations by Congress and because it does not apply to draftees or to any service except in the Army.

This productive program should certainly be made available not only to those volunteers who enlist for 3 years in the regular service, but also to draftees who must serve 2 years in the Armed Forces. It should also most certainly be made available to other services, not just the Army.

In a recent Gallup poll, some 83 percent of those responding to a poll favored a program requiring all physically fit young men who cannot pass an educational test to serve for at least 1 year in some other form of military service. This indicates the mood of the country to retain these rejectees in the service. My bill would help train these young men for useful military service.

Mr. Speaker, I am hopeful for early hearings on my bill which would do away with a great annual waste of potential military talent, and make them better citizens of our Nation and better able to serve themselves and their families.

The bill H.R. 11153, as introduced, follows:

H.R. 11153

A bill to authorize the Secretary of Defense to carry out a special educational training program for enlistees and draftees in the Armed Forces who would otherwise fail to meet minimum requirements of the Armed Forces because of educational deficiencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense is hereby authorized to carry out a special educational training program for enlistees and draftees, in the Armed Forces who, because of educational deficiencies, would otherwise fail to meet minimum requirements of the Armed Forces, but who with such training can become useful members of the Armed Forces, and to retain them in the service to fulfill their military obligation. The period of such educational training shall be counted as a part of the obligated service of each such enlistee or draftee. There is hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this Act.

JUSTICE DEPARTMENT SHOULD INVESTIGATE RACIAL MURDER CASE IN HAYNESVILLE, ALA.

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, it is with virtual disbelief that I read reports on the prostitution of justice that is currently being perpetrated in Haynesville, Ala., where a local man is being tried for the slaying last month of Jonathan M. Daniels, a ministerial student and civil rights worker. Judge T. Werth Thagard is clearly engaged in the most flagrant prejudicial action in order to achieve an acquittal for the accused man, Thomas L. Coleman. The judge has denied the prosecution a delay to permit Father Richard Morrisroe, a priest who was shot with Daniels, to give testimony favorable to the prosecution. Father Morrisroe is still hospitalized from his wounds. I cannot fail to observe that there was a day when southern justice depended largely on all-white juries to grant acquittals for racial crimes. It seems clear to me now that southern courts are not even going through the motions of dispensing justice fairly. The trial in Haynesville and other recent examples of southern judicial procedure suggests that the State judiciaries have flung defiance at the Nation in order to protect the most vicious agents of the white supremacy system. I implore the Justice Department to seek out the power to prevent this outrageous judicial approval of racial murder.

ARCHBISHOP-ELECT PHILLIP M. HANNAN

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that one of the distinguished clergymen from the Washington diocese who preached the funeral oration for our late beloved President Kennedy, Bishop Hannan, has been named as archbishop-elect of the diocese of New Orleans. We in the great southern city of New Orleans are very happy indeed to welcome him to our city.

PROTEST AGAINST SOVIET PERSECUTION OF JEWS

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on February 4, 1965, because I felt there was a pronounced and continuing need for America to express itself against Russia's persecution of its Jewish citizens, I introduced in the Congress House Concurrent Resolution 177.

Last March, in a speech delivered from the floor of the House, I spoke out against the Soviet Union's abuses of its Jewish subjects. We are now in the midst of the High Holy days of the Jewish religion, Rosh Hashana and Yom Kippur. There is no more appropriate time than this to remember the Jews in the Soviet Union who cannot observe these holidays, and once more, my distinguished colleagues, I fervently appeal to you to join me in publicly condemning the actions of the Soviet Union.

Persecution in the Soviet Union is by no means an innovation. As far back as the 1800's, Russians isolated the Jews in ghettos and periodically raided these villages and killed and tortured thousands of Jews. It was necessary not only for the Jewish citizens, but for their religious leaders, the rabbis, to keep arms in their basements to protect themselves. It is true we do not hear of murders of Jews today but religious discrimination continues to exist in Russia. During the week of September 13, I attended a conference given by the National Vigil for Soviet Jewry and I heard with horror and anguish the discrimination, repression, and bigotry to which the Jewish people in Russia are being subjected.

Let us join in urging Russia to extend to the Jews the same rights and privileges enjoyed by other Soviet national and religious groups, to enable Jews to participate once more in their cultural traditions and in their communal institutions so that these traditions and institutions may be enhanced and perpetuated, to permit the local manufacture, import, and distribution of religious articles which are vital to Judaism, to permit Soviet Jewry to maintain religious and cultural bonds with Jewish communities abroad, to permit Jews whose families were ruptured by the Nazi cataclysm to reunite with them in other lands and to use every other possible means to eliminate anti-Semitism in the Soviet Union.

Let us unite in reaffirming to the Soviets and to all nations our belief that mankind the world over should be free from tyranny and oppression. I am hoping that before the end of the 89th Congress the Members of this body, by passage of House Concurrent Resolution 177, shall express themselves with such certainty that there can be no mistake on this vital issue.

PSYCHOLOGICAL AND PERSONALITY TESTING

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. EDWARDS of Alabama. Mr. Speaker, many citizens of the country are encouraged that a Special Subcommittee of the House Government Operations Committee has conducted a thorough inquiry into the matter of psychological and personality testing.

And any recommendations the subcommittee can provide will surely be welcome. It seems clear that some kind of remedial action is needed, through legislation or another approach.

There are two aspects to the growing problem. The first is with regard to the testing of psychological conditions. The second has to do with tests meant for measurement of academic achievement but which are evidently being slanted in a way which conveys political or ideological significance.

No responsible person will quarrel with the need for having either kind of testing. They have a proper place in education and in the study of psychology.

But they must be recognized as tools which can be used for ill purpose, either by overly enthusiastic educators or a Federal bureaucracy directed by an ambitious political regime.

Never before have the American people been subjected to such threats to privacy by the Government itself or by Government subsidized organizations. We are told that wiretapping by some Government agencies is now regarded as an accepted practice. At least one agency is engaging in organized practice of various techniques to invade the private lives of individuals and families.

Add to this the abuse of testing, and we are faced with a situation which brings us far closer to the "1984" of George Orwell, and the "The Brave New World," of Aldous Huxley.

We pride ourselves on being individuals, and we trace our history to men and women who sought freedom from oppression of any kind.

Yet today we seem to be marching without effective protest into a situation in which a Washington directorate can act as a "big brother" by making rules and setting standards from which no deviation is tolerated.

News reports published this morning tell of a great new testing program being undertaken by the Office of Education. The program will not only test more young people than ever before, but will also go into new kinds of questions, and there is serious doubt as to what, if any, limitations apply to what kinds of questions may be asked of our young people in public schools. The objectives of this new program are not primarily to measure academic achievement, but rather to adjust social conditions to conform with ideas established in the Federal bureaucracy.

We do know that thousands of schoolchildren have been asked of their attitudes toward sex, religion, and family relationships. And we know that children cannot be expected to do anything but tolerate even very personal questioning.

We also know that in today's political climate, Government employees or private industry employees where Government contracts are a big factor and applicants for Federal jobs, all submit to tests in a docile manner.

It has been brought to light in the past 2 weeks that political connotations have been conveyed in some tests. And the ranking Republican member of the House Education and Labor Special Subcommittee on Education has asked the Commissioner of Education if Federal funds are being used to purchase politically slanted materials used in public schools.

This is a problem area which badly needs the continuing and extensive attention of the American people and, therefore, of the Congress.

In each case in world history in which a representative government has deteriorated into dictatorship, control of attitudes of the people has been a major tool of a power-hungry government clique. And it has been accomplished under the guise of welfare or progress. And in each case the people sat by quietly at the early stages of development of this control, until the point of no return had been reached.

And then, of course, there is no longer any opportunity for anyone to speak out for their rights as individuals and for the principles of free speech and individuality.

Surely, this country will not permit that to happen here.

I include in my remarks an editorial from the Wall Street Journal of today which touches on this subject.

PEEPING ON THE GRAND SCALE

Psychological testing, like testing for aptitudes, doubtless has its place and uses. But it is a question whether the wholesale peeping into people's minds that is going on in Government, industry, and schools is desirable, necessary, or even effective.

Winding up a 3-month inquiry into such psychological and personality testing, a House Government Operations Subcommittee heard pleas from a number of witnesses that Congress adopt curbs against the indiscriminate use of the quizzes. It is easy to see why.

The committee found, among other nauseous examples, that employees of the Bonneville Power Administration being considered for promotion were asked questions like

"Which would you rather do: (a) kiss a person of the opposite sex, or (b) experiment with new things. Choose one."

It further learned that the Labor Department last year gave psychological tests to more than 20,000 applicants for counseling jobs in youth opportunity projects. The applicants were supposed to give their reactions to the following kinds of statement: "Most people worry too much about sex," and, "I think Lincoln was greater than Washington."

Moreover, thousands of schoolchildren, under research projects financed by the U.S. Office of Education, have undergone psychological testing in an attempt to probe their attitudes toward sex, religion, and family life.

Perhaps the most extraordinary thing about it all is the docility with which candidates for Government jobs, Federal employees, people in industry—where testing seems on the increase—and schoolchildren tolerate the intimate questioning. Especially with a tool still of dubious value.

One reason, perhaps, is that advanced by Dr. Karl Smith, professor of industrial psychology at the University of Wisconsin: "The American people have been fooled into believing that a few simple-minded true-false or multiple-choice questions can be used to forecast the careers of their children in school and in the university and to predict their own careers in work because of two influences: Fear of the pseudo-quantitative, mental-medical mumbo-jumbo of the psychiatrist and clinical psychologist, and the misleading propaganda of organized psychology in claiming that guesswork and statistical shotgun procedures have medical and scientific significance."

If that is true, maybe what's really needed to bridle the inquisitive testers is not a new law but simply the application of a little horsesense and elementary respect for privacy.

U.S. TRADE SURPLUS SHRINKS—MORE BALANCE-OF-PAYMENTS TROUBLE AHEAD

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS. Mr. Speaker, for years, while the United States has been experiencing recurrent deficits in its balance of payments, we could always point with pride at our growing trade surplus. It has been this trade surplus that has helped to finance the individual deficit items in our balance-of-payments account without running as large an overall deficit as we otherwise would have done. One reason for the strength of our trade position has been the remarkable stability of U.S. export prices while the export prices of foreign nations have moved sharply upward. Recently, however, both these trends have begun to slow down in a manner that may spell trouble for the United States.

International Monetary Fund reports show that the average price of U.S. exports, which as recently as last fall stood at 103 percent of the 1958 average, no higher than in 1961, has jumped to 105 percent. At the same time, the export price indexes of many other trading nations seem to be leveling off. The index covering the major industrial nations of continental Europe, for instance, rose 4 percent between mid-1963 and mid-1964, but has remained at 104 percent of the 1958 average since early last year.

This may account in part for the fact that during the first 7 months of 1965, our trade surplus as a seasonally adjusted annual rate was $4.9 billion, or down about $2 billion from the 1964 level. Imports through July were running at an annual rate of 12 percent above the 1964 level while exports were only 2 percent higher.

We do not have to look very far to find a reason for this behavior. It is no coincidence that IMF figures show that living costs in many foreign nations are climbing less sharply than they once were while, at the same time, there are signs of a faster rise in the U.S. cost of living. In recent years, the U.S. index has risen about 1.2 percent annually, but in the first half of this year, the rise has amounted to 1.1 percent. The period of mild annual price rises may well be over.

The rapid pace of the American economy has certainly put increasing upward pressure on U.S. prices. Some indications of the price pressure are that our factories are now operating at about 90 percent of capacity and unemployment among married men, the backbone of the labor force, now amounts to about 2.3 percent, down sharply from the 5.1 percent early in the current economic expansion. In addition, the prospect of increased defense spending for Vietnam is in the wind.

There appears to be no such mounting price pressure in the foreign countries that compete with the United States in world markets. There are indications that Europe's economic expansion is slowing down, most probably because of restrictive, anti-inflationary government policies.

A recent study by the Boston Federal Reserve Bank also indicates the U.S. competitive position in world markets may be getting rapidly weaker. All of these factors pointing to a deterioration in the U.S. trade position do not necessarily mean that we are going to lose our position as world trade leader. But, as a recent article in the Wall Street Journal points out, the record of recent months suggests that massive trade surpluses are by no means guaranteed. And with the shrinkage of these significant surpluses, this country's balance-of-payments problem may become worse than it already is. Under unanimous consent, I include the article in the August 23 edition of the Wall Street Journal, in the Record at this point:

The Outlook: Appraisal of Current Trends in Business and Finance

For years the large and growing trade surplus of the United States has been the envy of foreign capitals. In 1964 it reached a record $6.7 billion and, though the final total probably won't match last year's, all signs point to another multibillion-dollar surplus for 1965. A singular statistic helps explain this happy trend: The average price of U.S. exports has remained remarkably flat in a period when the general price movement in world markets has been sharply upward.

Very recently, however, this picture has begun to change—in a manner that does not augur well for the United States. International Monetary Fund reports show that the average price of U.S. exports, which as recently as last fall stood at 103 percent of the 1958 average of 100, has jumped to 105; the significance of this increase can be appreciated if one considers that the export price index, at 103 last fall, was no higher than in 1961.

At the same time, after climbing steadily for years, the export price indexes of many other trading nations appear to be leveling off. The index covering the major industrial countries of continental Europe, for instance, has remained at 104 percent of the 1958 average since early last year; between mid-1963 and mid-1964, in contrast, this index climbed 4 percent.

In Japan, export prices have stood at 101 percent of the 1958 base since the start of last year; in the previous 2 years, by comparison, the Japanese index climbed more than 4 percent. At 98, Canada's export price index is actually a point below the level at the end of last year. Other countries where export prices have declined in recent months include Italy, Denmark, the Netherlands, Norway, and Switzerland. Export prices have remained flat, or nearly so, in the United Kingdom, France, and West Germany.

By no coincidence, IMF figures show, living costs in many of these nations are climbing less sharply—at the very time there are signs of a faster rise in the U.S. cost of living. In France, where President de Gaulle has launched an anti-inflation drive, living costs have barely budged since the start of the year. In the previous 12 months, by comparison, they increased nearly 4 percent, and the gain was even sharper before 1964.

The living-cost pattern appears similar in such other lands as West Germany, Italy, and Britain, where the government has recently taken major steps to hold down prices. In Japan, where the cost of living had been rising especially swiftly, living costs actually fell in a recent month.

The U.S. cost-of-living index, on the other hand, has begun to move up at a faster pace. In recent years, the U.S. index has risen at the relatively mild rate of about 1.2 percent annually. In only the first half of this year, however, the rise has amounted to 1.1 percent, a gain that clearly indicates the recent period of 1.2 percent annual gains may be over.

The rapid pace of the American economy, of course, has tended to put increasing upward pressure on U.S. prices. American factories, which a few years ago were using less than 80 percent of their full capacity, now are operating at about 90 percent, according to Federal estimates. This rate, history suggests, is dangerously near the level at which prices begin to move up swiftly.

Similar pressure on U.S. prices is indicated by labor statistics. The rate of unemployment among married men, the backbone of the labor force, amounts to only 2.3 percent, down sharply from 5.1 percent early in the current economic expansion. On top of all this, the prospect of rising defense outlays for Vietnam can only add inflationary pressure.

There appears to be no such mounting price pressure in many countries that compete with the United States in world markets. A recent report by New York's Chase Manhattan Bank states that "the tempo of Europe's economic expansion has slowed considerably this year" and attributes the slowdown to "restrictive, anti-inflationary policies on the part of most governments."

For instance, according to the report, wage rates in most European countries are rising more slowly than a year ago. In France, typically, wages climbed only 2 percent in the first half of 1965, down from a 3.2 percent gain in the like 1964 period. It also should be noted that the Vietnam war is placing relatively little strain on most European economies; Britain, in fact, recently announced a $616 million slash in its annual defense budget, as part of its fight against inflation.

A study by the Boston Federal Reserve Bank, discussed in the July issue of the bank's monthly business review, also indicates the U.S. competitive position in world markets may be getting rapidly weaker. The study, which covered some 200 types of consumer goods, concludes that in foreign markets "our position has sharply deteriorated."

In addition to developments on the price front, there is some increasing concern over the makeup of U.S. trade statistics. Studies indicate the big surpluses of recent years reflect more than simply successful competition in the world markets. They also reflect such factors as Government grants and exports by U.S. companies to their foreign-based subsidiaries. One study, which scrutinized the trade figures for a recent year, found that a $5.4 billion trade surplus melted down to a $500 million surplus after such factors were discounted.

To be sure, it is by no means certain that Uncle Sam is about to lose his position as titan of world trade. It is not clear, for instance, that the recent jump in U.S. export prices signals a long-term trend or that Europe's drive against inflation will succeed. Nevertheless, the record of recent months suggests that continuing massive trade surpluses are by no means guaranteed. Without such surpluses, it is hardly necessary to add, this country's balance-of-payments problem, already worrisome, could become dire.

Alfred L. Malabre, Jr.

BENEFICIAL EFFECTS FLOWING FROM SUSPENDING THE IMPORT DUTY ON NICKEL

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Schneebeli] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHNEEBELI. Mr. Speaker, it is gratifying to report to the House an article commenting on the beneficial effects flowing from our recent congressional action in suspending the import duty on nickel. Following House approval of this legislation, the unanimous vote by the Senate, and the approving signature of the President, the Canadian exporters passed along by a price cut the entire amount of the suspended duty of 1¼ cents per pound. This action "removes the price disadvantage previously borne by customers in the United States."

The entire article, from the Wall Street Journal of September 29, follows:

Canadian Nickel Firms Pass on U.S. Price Cut From Tariff Suspension—International Nickel, Falconbridge, Sherritt Gordon Lower Quote for Metal by 1¼ Cents a Pound

Toronto.—Major Canadian producers of nickel are passing on to U.S. customers the price cut of 1¼ cents a pound (United States) on imported nickel resulting from the suspension by the U.S. Government of a tariff in that amount.

The action follows legislation signed by President Johnson suspending until June 30, 1967, the duty on U.S. nickel imports.

International Nickel Co. of Canada, Falconbridge Nickel Mines, Ltd., and Sherritt Gordon Mines, Ltd., announced that base prices for refined nickel sold to U.S. customers would be 77¾ cents a pound (U.S. funds) at Canadian refineries. The cost of nickel to American industry had been 79 cents a pound, including the tariff.

H. S. Wingate, chairman of International Nickel, said the passing along of the duty suspension removes the price disadvantage previously borne by customers in the United States.

W. G. Dahl, vice president, marketing, for Falconbridge, said the entrance of duty-free nickel into the United States, which accounts for about half of the free world nickel consumption, would be particularly welcomed by users in highly competitive U.S. industries.

Prices for certain of International Nickel's other forms of imported primary nickel, such as nickel oxide sinter, which are already duty free, are unaffected, Mr. Wingate said.

A SHORT HISTORY OF THE UNITED STATES

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Quillen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. QUILLEN. Mr. Speaker, a friend of mine from Atlanta, Ga., S. S. Wachter, forwarded the "Highlights of U.S. History" to me, which I have read with a great deal of interest.

I am taking the liberty of inserting it in the Record, so as to make it available to my colleagues. Although a satire, it rings a bell:

[From the Belmond Independent, via the Guthrian, Guthrie Center, Iowa]

Highlights of U.S. History

It came to pass that Columbus and his men put their ships to the west, into the darkness of the great ocean and sailed many days. And they came upon a great land, which none before had seen.

Said they, this looks like a darned good land. Let us therefore abide here and till the soil, labor in the vineyards and tend our kine and sheep that we may eat and drink thereof and prosper.

And they did, and called the land the United States of America.

Said they, let us call our brethren to join us, that they may prosper, too. Came they—Abraham, Sven, Patrick, Heinrich, Pierre, Ivan, Toivo, Lugi, and many others and their wives and children.

Tilled they the soil, labored in the vineyards, tended the kine and sheep. Went some to the mills and factories, and some traded goods one with the other, and they prospered and begat children who likewise prospered.

The land grew great and the Lord looked down upon the people and blessed them.

But lo, one day a king in a distant land said, this is my land. Yea, each of ye shall pay taxes unto me. And he sent his soldiers into the land to dwell in their homes, eat, and drink of their substances, and harass them that they should pay their taxes unto him.

And they did. Cried Patrick, son of Henry, Yea, give unto me Liberty or give unto me Death. And the Americans drew their bows and cast their spears at the king's soldiers and drove them from the land.

Said the Americans, None of this royalty jazz for us. We will write a constitution to protect us from such tyrants and guide us in our deeds, each unto the other. And we shall choose one of us to be President, as we shall have a council called Congress which shall forever hearken unto us, the people, alone.

And we shall have States and Governors and legislatures, and the people's rights, liberty, and freedom from tyranny and high taxes shall prevail forever.

Chose they George, son of Washington, as the first President, and others chose they as Congressmen and Senators to hearken only unto them.

And George said unto Congress and it unto them, yea, let us not levy heavy taxes nor meddle in the people's affairs, that they be self reliant, thrifty and prosperous. And, it was so for many years and the Lord looked down upon them and blessed them.

But, lo, troubles beset the land, and it was called the depression. And the President, who then was Franklin, son of Roosevelt, said, Yea, let us pass some temporary laws which we shall call priming the pump. And let us spend our competence that we may be prosperous.

Gave he rakes and spades to the youth of the land and said he, go ye forth and gather up the fallen leaves, cut ye the long grass and burn it.

And said he unto the tillers of the soil, Take ye land out of production and ye shall be paid. Plow ye under your piggies and ye shall be paid. And this was called boondoggling, and the tillers knew not what to do and the youths leaned on their rakes and spades.

Behold, and came now Lyndon, son of Johnson, to be President.

Spake he unto Congress, which by now hearkened not unto the people, but only unto him. Let us build the Great Society in our own image that we shall get the people's votes and preserve our dynasty forever.

Said he further, the people know not what is good for them, nor the Governors nor the legislatures, but we do, Hearken ye not to their babblings, but do ye as I say, d'y all hear? and they heard.

And said Lyndon, We shall be thrifty, and I personally shall turn out the lights in the White House, that we waste no shekels.

And said he, We shall have a war on poverty, yea though I say unto you we are more prosperous now than ever before. We shall take from them that hath and give to them that hath not, yea, that all Americans shall be rich, though they sweat not their brows.

And said Lyndon, Let there be no right-to-work laws, that the people who want jobs can go unto the union bosses who supported me in the election that they can wax powerful throughout the land.

And we shall have medicare, civil rights, and we shall pretty up the country that there be no billboards or auto graveyards along the roads.

Spake he of peace, even as he warred. Yea, many were the deeds and words of Lyndon, and they cost the Americans many shekels.

Again, as had their forefathers before them, they grumbled at the taxes. And to keep them quiet cast he them some excise tax cuts even as he raised the debt limit to 329 billion shekels.

And many sang the praises of Lyndon, and he was pleased, because it meant votes and preservation of the dynasty, even unto Hubert, son of Humphrey; yea, though Bobby, son of Kennedy and brother of Jack, looked not with favor upon Hubert.

Yea, as they hearkened unto Lyndon, the Americans were confused and divided. They knew not whether they prospered or hungered and whether they were at peace or at war, and they wondered what was to become of them.

And the Lord looked down upon the Americans and wondered what in hell had happened to them.

LABOR SECRETARY'S STUBBORNNESS EXPENSIVE TO NEW HAMPSHIRE APPLE CROP

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the hardheaded policies of the Labor Secretary in refusing until the last possible minute to permit the customary use of Canadian labor to harvest apples in New Hampshire has taken a heavy toll. The crop is being harvested, it is true, and most orchards in my State expect it to be on time. But industry sources tell me that the harvest this year will be about 1.25 million bushels instead of the anticipated 1.75 million bushels. This is being blamed, in large measure, on the labor shortage. And, because experienced hands were in short supply, an undetermined number of apples have been bruised or mishandled so that the usual quantity of top-grade apples has been reduced.

The whole episode has been like something out of the old "Perils of Pauline" silent movie serials. The innocent, trusting heroine, in this case the apple industry, and the villain with his smooth and easy promises, in this case the Labor Department, are present in this plot, too. The great difference is that in the old movies Pauline was rescued at the last moment by the handsome hero, but in this case, the last-minute rescuer was the Labor Secretary himself who came galloping up in hastily donned hero's clothes to save the day from a situation of his own creation.

The apple industry and workers of New Hampshire will not soon forget or lightly treat the pushing around they received from their Government this year. It has been an expensive lesson in civics as practiced in the so-called Great Society.

At this point in the RECORD, I insert an article from the Manchester, N.H., Union-Leader, dated September 23, 1965. It describes the difficulties of one of our leading apple growers, Edward C. Leadbeater of Contoocook, who took the Government at its word and tried his best to comply with the desires of the Secretary of Labor. I think it will interest other Members.

The article follows:

HARVEST IS FAR BEHIND; VOLUNTEER RUINS 10 BUSHELS—DISASTER NEAR FOR APPLE GROWER

(By Fred E. Beane)

CONTOOCOOK.—Quick, mother, the aspirin bottle, and be sure there's a handful of them. This certainly was what Edward C. Leadbeater of this township, prominent apple grower, was thinking, if not yelling, yesterday morning, as he faced another discouraging day of hot apple-cooking weather, and a scarcity of apple pickers capable of turning a young man's hair white.

The farm editor had chugged up steep Gould Hill, tongue out with the heat, to find "Ed" hotter than the weather over his acute shortage of apple pickers, the promise of at least 2 more days of baked-apple heat, the threat of heavy thundershowers, wind and possible hail, and associated problems. Ordinarily he's a cool gent, indeed.

OUT HE GOES

Out of the car we found him in the process of "discharging" another inexperienced apple picker, a tall, strong, willing gent, who agreed he'd probably tried to yank the apples off too vigorously. He needed the money, he said, but didn't seem to be able to apply the rules that keep the apple quality. He had picked 10 bushels in 1 hour, as a green hand, and "Ed" was telling him "he'd bruised and punctured practically all of them."

Orchardist Leadbeater and Dr. C. A. "Kelly" Langer, the UNH apple fieldman, had publicly invited all the news media in the area—dailies, weeklies, radio, and television—to climb atop Gould Hill for a personal look at the harvest mess that too many orchardists have been in for too many weeks. No other news broadcaster had showed up. But we were there, and on went the tour, despite the lack of numbers.

The helicopter man from Norwood, Mass., was charging over his orchards, at his command, raining down a thin mist spray of "stick-on" hormone material, hoping to "anchor" some of the apples a while longer against the dangers of storm, hail, heat and wind, "Ed's" staff of year-round workers, and some special local help, were rushing about the packing shed and orchards.

GIVES REVIEW

Finally we got "Ed" away from his fruitless attempt to solve his headaches and into a frame of mind to describe them to us. He's bitter, he agreed, but not to chastise anybody personally for the mess the harvest is in. He said, however, that as long ago as last December, Secretary of Labor Willard Wirtz was warning that he wouldn't allow trained apple pickers to be brought down from Canada for this emergency job.

So, to date, "Ed" has made "no attempt" to book Canadians, who he has had in sizable numbers there past years. For them he maintains a 30-bed barracks and modern kitchen, in which, right now, he has one sole dweller, a Canadian who has won his permanent visa and is so valuable an apple man he's being used as a trainer and supervisor of "drift in" help.

Envious of fellow growers in the State, a few of whom seem to have solved their harvest problem either with nearby servicemen or repeater crews from the Deep South, "Ed" determined to apply the Wirtz "no Canadians" decree.

He booked a dozen students from New England College, with the promise of a full week of work ahead of the college's opening day. He contacted a recruiter in Canada, with a promise of a 15-man crew of Indian apple pickers who can come across the border at will. He also had some assurances that after college started at Henniker, he likely could have some 32 part-time student workers. What happened?

The "before school" boys found themselves piled up with college duties, and could come only part time, but did good work. Instead of 32 for part time, he had no more than 15 for lesser time.

The Indians? All recruited, they were contacted by an Aroostook potato grower who in desperation promised "fabulous" wages, and they left overnight for northeast Maine, instead of New Hampshire. Now he'll get no Indians, "Ed" is sure.

SLOW RESULTS

The results? Leadbeater describes it. By using home folks, neighbors, folks who drop in, idle workers recruited by Employment Service contact men, and trying out, with constant frustration, any real prospect showing up on the hill, he's now taking off no more than 600 to 800 bushels, instead of the 1,200 to 1,600 bushels which a Canadian crew would have made possible.

Add to this, they said, the fact that last weekend came up with a Sunday of rain, and only 400 boxes picked, and you have his picture, his headache, and need for aspirin to be taken by the handful.

Every day, he said, many pickers fail to show up. They may come again but he never knows. Many come, try out the chore, and quit. Some try but have to be let go, because they break trees, knock down the apples with careless ladder handling, and throw fancy fruit into culls for lack of stems, or bruises. Women come in to work, he said, but simply cannot handle a 20-foot ladder.

"Ed" expects from now until mid-October to be hectic days for him. There will be headaches and the threat of ulcers and white hair, he fears.

How he'll get the harvest accomplished, he says, is still a conundrum at best. He'll keep the pickers he has busy as many hours as they'll work. He'll hunt new help. He'll try out any real prospects.

Today, he has a 25,000 or better apple crop of the highest quality fruit that a well air-drained hilltop orchard can produce. He has the help needed to handle it in his receiving and packing shed. He has a 25,000-bushel cold storage plant at Penacook in which to house the apples.

His problem, of course, is to get them picked, and the extreme heat now threatens a sizable loss "by dropping." This would happen in jig time, if there is a windstorm or heavy rain, and there always is the threat of hail damage.

Had "Ed" been able to get his corps of 30 experienced Canadian apple pickers, he would have no harvest worry. They would have picked the apples in jig time and with proper care.

Instead, today, he has one sole occupant of his 30-bed dormitory investment, who is living there alone and is mighty lonesome. He's Horace Regan, originally from New Brunswick, now of Vanceboro, Maine. He's capable of taking 80 or more bushels a day off the trees.

But is he picking? He is not, for "Ed" needs a capable man to try to teach and supervise any inexperienced pickers he lets into his orchards. So Horace is an inspector and teacher, not expected to pick a bushel of fruit the whole harvest season.

In the meantime, the orchard harvest help recruiters which the Employment Service folks have in the field trying, with too little success, to scurry up some acceptable help, are really getting a lesson in the problem. We listened to one of them telling "Ed" he'd had a liberal education. He's found that not everybody can pick apples.

As we left, "Ed" was recalling that he, along with all New Hampshire orchardists, had "blown his top" at a government suggestion that they call on the ablebodies from mental institutions to yank off the apples.

The paradox is, he confessed, he has "one such picker," brought along by an attendant with a few days off. And the two have proven to be among the best pickers on the premises. Mental hygiene and apple picking, says "Ed," might yet prove at least a partial key to the Willard Wirtz ultimatums.

DISTORTED TRADE STATISTICS

The SPEAKER. Under a previous order of the House, the gentleman from Iowa [Mr. GROSS] is recognized for 30 minutes.

Mr. GROSS. Mr. Speaker, it is my purpose to bring before the Members of this House a matter that I think will be recognized as being of great importance, especially as it bears on our foreign trade policy and the balance-of-payments equation.

I refer to what has been a longtime practice in the statistical treatment of our imports. This practice has led to a distortion of the balance of trade between this country and the other leading trading nations; and the distortion is important enough to affect policies and actions that may be shaped or modifie by statistical data.

We hear a great deal, for example, about our favorable trade balance in the form of export surpluses from year to year. The matter to which I refer should lead to greater caution in statistical use, and even to a change in the collection and publishing of these statistics.

Only in recent times has it come to be noticed that the United States uses a different basis for reporting its imports from that followed by nearly all other countries of the world. We record our imports to reflect the f.o.b. value, foreign point of shipment, whereas nearly all other countries report their imports on c.i.f. or port of entry basis. They add to the f.o.b., foreign port of export, the freight and insurance charges incident to shipment to their own ports of entry from abroad. This is the method referred to as c.i.f.—cost, insurance, and freight.

As a result when we export $1 million, let us say, to Britain, their import figure, covering the identical merchandise, will record the imports at some $1.2 million, by adding costs of insurance and freight from U.S. port of export to England. This will be some $200,000 higher than our records show as exports; while if Britain ships us $1 million in merchandise we record it as $1 million and not at $1.2 million or some similar figure.

It has not been possible to compute precisely the amount of the distortion caused by these different bases of recording imports. However, we have some statistics on total imports of particular countries from this country, and these import figures may be matched with our recorded exports to those same countries.

For example, in 1963, according to our official Commerce Department statistics, we exported to Japan a total of $1,714 million in merchandise. Japan recorded imports during the same year from the United States at $2,077 million, or $363 million more than our exports. While the cutoff date at each end of the year will find shipments at sea in both directions, the distortion cannot be very large. The $363 million can be regarded as representing approximately the shipping charges and insurance from the United States to Japan, or 21.2 percent more than our export statistics show. In 1964, using the c.i.f. basis, Japan recorded our exports of $1,908 million as imports of $2,336 million from this country, or 22.4 percent higher than our recorded exports.

According to our own statistics this country exported $1,714 million to Japan in 1963 while we imported $1,498 million from Japan. Were our import statistics recorded on a c.i.f.—cost, insurance, and freight—basis and, assuming shipping and insurance charges on the eastward voyage from Japan to the United States to be the same as on the westward voyage, we would increase our import figures from Japan by 21.2 percent of the total of $1,498 million. The total would then have been $1,815 million. In other words, the United States would have recorded an adverse balance in trade with Japan in the magnitude of $101 million instead of showing a surplus of exports in the amount of $216 million, as recorded in our official statistics.

If we turn again to 1964 we find a similar distortion. According to our official trade statistics we exported to Japan $1,908 million in that year while we imported $1,769 million giving us a surplus in exports of $139 million. If, however, we bring our f.o.b.—foreign port—level up to the c.i.f. value, again using the difference already referred to—this time 22.4 percent as representing the difference between f.o.b. and c.i.f.—we find the imports of $1,769 from Japan rising to $2,165 million, leaving us with an adverse merchandise balance of $257 million instead of a surplus of $139 million.

Mr. Speaker, to me this transformation of the United States from a surplus to a substantial deficit position in our trade with Japan is a serious matter. The public, including all of us, have been fed with the impression that our exports to Japan have exceeded our imports from Japan, year after year. Japan apparently, despite her valiant struggle, had not been able to square her trade with us.

This distortion of fact, indefensible as it is, undoubtedly colored our trade policy vis-a-vis Japan. We pride ourselves on being guided by the facts. This is all the more reason why we should be careful of the data on which we rely. There is a great onus on our executive departments that collect and disseminate statistics, to assure the accuracy and integrity of all the statistical data they give out because we seldom have other sources and, therefore, must rely on the Government.

If we turn from Japan to the United Kingdom we find a similar distortion. The United Kingdom, like Japan, computes its import statistics on the foreign sales price plus shipping costs and insurance from the foreign point of shipment to the English port.

If we match our exports, f.o.b., United States, as recorded in our official statistics, with the United Kingdom's recording of these same imports for the years 1962, 1963, and 1964, we find that the British after adding shipping costs and insurance from this country, recorded her imports from us at a higher average level for the 3 years of 22 percent.

Our exports of $1,074 million to the United Kingdom in 1962 were recorded at $1,334 million in the official statistics of that country. This was 24.1 percent higher than our exports. The excess of the British imports according to the British method of recording imports was, therefore, $260 million.

However, if we add 24.1 percent to our imports of $1,005 million from the United Kingdom in 1962, they would reach a level of $1,247 million, or $173 million more than our exports of $1,074 million to that country.

Yet, the impression has been widespread that Britain has been suffering from a substantial adverse merchandise trade balance with this country.

In 1963 there was an apparent British deficit of $387 million in her trade with us; but if we enhance our imports from there by 20 percent—which was the difference attributable to insurance and freight in 1963—they will reach a level of $1,295 million compared with our exports of $1,161 million. This would show an adverse U.S. balance of $134 million.

For 1964 our exports were $1,468, recorded by the British at $1,790 by adding shipping costs and insurance. According to this result the British deficit was $322 million. We recorded our imports from Britain at $1,141 million. If we add 22 percent, which measures the British markup attributable to the c.i.f. basis she uses, our imports from that country would have been $1,392, instead of $1,141 as recorded by us, leaving us this time with a merchandise export surplus, but one of only $76 million instead of $322 million, as figured by the United Kingdom.

Mr. Speaker, the average markup on our imports from Japan and the United Kingdom would be 22.9 percent for the 3 years of 1962–64 if we undertook to bring our import statistics to a par with those of nearly all the other countries, assuming that insurance, freight, and other shipping charges from all other countries were the same on the average as from England and Japan. This, however, is not the case. Obviously the charges applicable to shipments from Canada and Mexico would be very much lower.

Since these two countries account for 20 percent of our imports this share should be averaged in at close to zero. If we use zero for them, as if no freight or insurance charges were applicable to imports from them, the 22.9 percent would be reduced by one-fifth—20 percent.

Inasmuch as the remaining countries—with the exception of Cuba, with which we have only a very small amount of trade—lie a considerable distance from us, some of them farther away than England or Japan, it would seem safe to accept the figure of 22.9 percent minus 20 percent. The remainder would be 18.3 percent, applicable to imports as a global average.

To be on the safe side, we might settle for 17½ percent.

That this is far from being an insignificant factor in our merchandise trade balance will become obvious as soon as we apply it to our total imports. These were recorded at $18.68 billion in 1964.

If we enhance them by 17½ percent we arrive at an additional $3.25 billion. Added to $18.68 billion, the total would be $21.93 billion. This would put our imports on a comparable basis with those of nearly all other countries. Our 1964 exports were $25.6 billion, thus casting a surplus of $6.9 billion under the official system of recording imports adhered to by the Department of Commerce. If the correction is made the surplus shrinks to $3.65 billion.

This reduced surplus is then not the towering factor in our balance of payments that it has been widely acclaimed as being. It is only half of the magnitude generally assigned to it.

This serious shrinkage of a plus factor in our merchandise trade balance resulting from abandonment of an untenable method of measuring our imports has other implications.

It flatly contradicts the perennial claim that American industry is indeed highly competitive in foreign markets, as witness our huge export surpluses. This inflated balloon is now deflated beyond hope of reflation.

I have previously pointed out to this House that our export of subsidized farm products—wheat, wheat flour, rice, cotton, and dairy products—has been at a level of some $2.3 billion. Most of these shipments were made under the AID program. Of this $2.3 billion we shipped $1.38 billion during the fiscal year 1963–64 in the form of wheat, wheat flour, cotton, rice, dairy products, tobacco, and oilseed products with export payments, over and above AID exports. These were classified as "commercial exports," by the Department of Commerce even though they were subsidized. These shipments have been treated as separate from governmentally assisted exports and not reported under that classification, thus making our commercial exports look better than they should. See Foreign Agricultural Trade, May 1965, U.S. Department of Agriculture, table 1, page 7.

In 1964 we shipped additionally $1.4 billion in nonagricultural merchandise financed by U.S. Government grants and capital. See Foreign Agricultural Trade, July 1965, U.S. Department of Agriculture, table 1, page 8. Added to the $2.3 billion of U.S. Government financed exports of agricultural products, the total rises to $3.7 billion. This then neatly wipes out the $3.65 billion of surplus exports to which the $6.9 billion had shrunk after our imports were placed on a c.i.f. basis.

Mr. Speaker, the upshot is that the United States does not enjoy an export surplus at all if we count only our private commercial unsubsidized exports; and it is these exports that measure our competitive status in the world.

The stimulation of our exports of agricultural products by subsidies and grants has hidden the lag in our exports of manufactured goods with the exception of machinery. Our exports of machinery, stimulated by our fast-growing foreign investments, rose from $3.95 billion in 1957 to $6.3 billion in 1963, a gain of $2.5 billion. This more than equaled the increase of $2.1 in our total exports during the same period.

Considering the increase in agricultural exports and that of machinery, it is obvious that our exports of other manufactured goods combined must have shrunk. These other exports cover the whole spectrum of American industry. Some of these others did increase, helped by AID shipments, but our private unsubsidized commercial exports in general, with the exception of machinery, declined.

This is the situation and it is at complete variance with the official statistics on which optimistic statements continue to be based.

Mr. Speaker, I am not an expert on trade statistics but am fully confident that the statistics I have presented are reliable. They were supplied by Mr. O. R. Strackbein who is chairman of the Nation-Wide Committee on Import-Export Policy. His knowledge in this field needs no affirmation by me, and his reputation for accuracy of the data supplied by him has not been questioned to my knowledge over the years. I have no hesitation in relying on his researches.

Mr. Speaker, I am introducing a resolution designed to cure the distortion of statistics of which we have been the victims. I think we in Congress no less than the public are entitled to get our statistics straight. Too much rides on conclusions drawn from them to continue to submit to the dangers of false guidance. False and unjustifiable policies are too prevalent as it is. We do not need false statistics to encourage and bolster them.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I am glad to yield to the gentleman from Missouri.

Mr. HALL. I should like to compliment the gentleman on taking the time to appear in the well of the House at this time of the day to bring this very important subject before the House and before the Nation. As I understand, this deals with the statistical way of reporting imports in some countries, and exports in others, and the treatment of each, as differentiated from the way that our Department of Commerce treats our calculation of exports and imports.

Mr. GROSS. The gentleman is precisely correct.

Mr. HALL. I believe it is most noteworthy that the gentleman brings this to our attention. Of course, until such time as we can at least "figure," as we say down in the Ozarks, in the same way that our competitors around the world in international trade are calculating exports and imports, we certainly cannot expect to meet their requirements, we certainly cannot expect to "out figure" the European Common Market, and we certainly cannot expect to tear down all of our protective tariffs as we did under the reciprocal trade agreements of 1962 and not have an outflow of gold and an imbalance of trade in favor of the other nations around the world.

This is a most timely and important subject, and I compliment the gentleman for bringing this to the attention of the House. I thank him from the bottom of my heart.

Mr. GROSS. I thank the gentleman from Missouri for his kind comment.

CANADIAN BUSINESS BONANZA COMING FROM AUTO PARTS PACT

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania [Mr. DENT] is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, I am reminded this day of the old nursery rhyme which went something like this:

> When the wind blows, the cradle will rock and when the bough breaks the cradle will fall.

This thought came to mind as I read the attached editorial in the Financial Post from Toronto, Canada.

I see in this editorial the evils and dangerous winds of national and personal interest; the destructive tornadoes of selfishness and greed. I can see in the days to come the tumbling down of the cradle of sweet trade dreams that our unrealistic trade experts have been nursing and rocking slowly and snugly for the last two decades.

For myself, the truth holds no terrors. Long ago I came to the conclusion that if men can learn to live together, they can and eventually will go far enough in a civilized state to live in peace with one another. However, the free trade, unselfish, nonprofit, nongreed, and non-personal-interest dreamworld of the free-traders will never happen while two men are alive and private enterprise is still a way of life.

If we are prepared—worldwide—to let our State Department and Commerce officials set the pace for world relations we can then hope to have at least a warning of which industry is to be washed down the drain of free trade.

I am afraid auto parts, autos, and electrical appliances are next on the list of expendables to be fed to the profiteering internationalist trader and cartel entrepreneur.

Have you noticed the stirring in Europe and Japan looking toward the auto parts pact we signed with Canada? It will tear down our American industrial independence. This is the beginning of the end of the U.S. auto industry's mighty growth pattern. The experts in both labor and management say "No." Commonsense and the glass, coal, ceramics, steel, electronics, textile, and other import-injured industries say "Yes." They have our adverse trade record to back them up.

A funny thing about all of the free trade wind blowers is that, to a man, they are the first to line up for higher personal pay and profits and yet every deal in foreign trade drives another nail into our high economy coffin.

Scratch the personal profit interest of a free trader and he bleeds like a protectionist. American industry is moving to every cheap labor country in the world in the name of free trade, peace, brotherly love, and one-world good will.

BONANZA

Mr. Speaker, the following headlines in a leading Canadian newspaper tell the story of our auto and parts trade pact more eloquently than anything I might say. I quote headlines from the Financial Post—Toronto, Canada:

"Preview of Business Bonanza Coming From Auto Parts Pact," "Budd Co. Car Frames Plant," "Exports of Cars Rise 10 Percent in 6 Months," Steel Boom of 500,000 Tons," "Exports of Engines Are Up 91 percent," "Body Stampings Made in Canada," "Some 11,000 New Jobs Already."

Following the bold proclamation of prosperity for Canadian taxpayers the story goes on to relate some of the events and promises that are the causes for the publication:

Some of the enormous benefits to the Canadian economy from the Canada-United States auto parts plan are coming into view.

Promised new jobs and spending have started to take measurable form.

This week **FP** talked with scores of top executives to put together an early preview of the bonanza that will begin as soon as the U.S. Senate okays the pact.

Here is how things are shaping up:

At least 20 plants are in the planning stages and as many existing plants are being expanded to meet the sharply rising requirements of the automobile manufacturers during the next several years, **FP** understands.

This growth may mean at least 5 million square feet of new plant space.

The projects cover a wide range of materials—various types of steel, synthetic fibers, plastics, rubber, chemicals, paints—and hundreds of auto parts ranging from screws to 250-pound metal auto frames.

The extra capacity will be needed to enable the auto makers to boost the Canadian value-added content of their vehicles in line with commitments already given Ottawa.

Canadian steelmakers see a potential additional market of 400,000 to 500,000 tons a year opening up as a result of the expanded auto program.

The extra steel will go into dozens of applications including the two biggest: auto frames and heavy body stampings.

Several major U.S. auto parts manufacturers, working quietly behind the scenes, have multimillion-dollar projects ready for early unveiling.

Budd Co., Philadelphia, one of the largest auto parts manufacturers in the United States, has plans well advanced to establish an estimated $12 to $14 million plant for first Canadian manufacturers of auto frames, **FP** understands. The big new plant appears slated for Kitchener, Ontario.

Budd operates seven plants in the United States and, through its international division, holds a direct financial interest in companies in France, West Germany, Canada, Australia, Argentina and Mexico.

Its Canadian undertaking—one of the largest in the auto parts program—likely would have to be based on the guaranteed frame requirements of at least two of the major automakers.

All motor vehicle frames are now imported from the United States. With Canadian vehicle manufacture estimated at around a record 750,000 units this year this represents an additional steel market of close to 100,000 tons a year.

Installation of heavy stamping facilities in Canada to handle the big auto-body stampings—all now done in the United States, hoods, deck lids and roof sections—are expected to follow later.

Both Algoma Steel Corp. and Steel Co. of Canada recently completed new cold-rolled sheet plants capable of turning out sheets wide enough for those applications.

Exports of Canadian-built passenger automobiles and chassis were up 103 percent in the first 6 months this year:

	1965	*1964*
6 months to June 30	$70,524,198	$34,677,503

Exports of motor vehicle parts and accessories (NES) were up 107 percent in first 6 months this year:

	1965	*1964*
6 months to June 30	$51,034,791	$24,703,412

Exports of motor vehicle engines and parts were up 91 percent in first 6 months this year:

	1965	*1964*
6 months to June 30	$21,902,151	$11,483,396

In June 1965 the number of jobs in auto manufacturing was up 7,000 from same time last year. The number of jobs in auto-parts manufacturing was up 4,000.

Until the last 2 years the auto market for Canadian steel was taking an estimated 8 to 9 percent of total domestic production. The 1966 models are estimated to absorb approximately 14 percent of total steel output. By 1968 the proportion is expected to climb to around 18 percent. In the United States, the auto market represents around 20 percent of the steel market.

But the expanded auto market has major operational implications for Canadian steelmakers as well. It is expected to cushion domestic operations to a greater extent from the traditional year-to-year fluctuations in the market. More important still, it will help balance out operations throughout the entire year. With heaviest steel requirements from the automakers coming in the late fall and winter months, this will help counterbalance the seasonal winter dip in demand from the construction industry.

Auto parts makers, mostly U.S.-controlled, have several options in their expansion plans. They can set up, or expand, plants in Canada to take care of just the increased Canadian market or the total indicated North American market. Or they can expand existing facilities in the United States to take care of the entire North American market. But they can only complete their plans once the major auto companies indicate the direction of their own plans.

Kelsey Wheel Co., for instance, has started first export—for 1966 models—of Canadian-made wheels from its expanded Windsor, Ontario, plant.

General Motors of Canada is also exporting for the first time Canadian-made interior auto trim from its recently completed Windsor plant.

Canadian manufacturers of coated fabrics have expanded their facilities to be ready for an indicated boost in the auto interior market (Canadian Industries Ltd., Canadian General Tower, Monsanto Canada Ltd., and Shawinigan Chemicals Ltd.).

But the big automakers are maintaining tight secrecy on some of their plans for boosting Canadian content. For one thing they want to be absolutely certain the auto pact clears the U.S. Senate. And for another, they still have not fully mapped out all their own moves.

In attaining their Canadian-value-added commitments, Ottawa is permitting the auto companies credit for exports of Canadian-made cars and/or parts. This poses major decisions for the automakers.

Ford Motor Co. of Canada and Chrysler Canada, Ltd., with some expansion plans already underway or announced, have already provided some indications of the direction of their program. But General Motors is maintaining utmost secrecy to date on its forward planning. Although Ford and Chrysler are substantially boosting Canadian-made content in the 1966 models, General Motors is believed to be sitting tight. And if GM does not place its expected boosted orders within the next couple of months they will be too late to be incorporated in the 1967 models.

GM has undertaken an additional Canadian-value-added of $121 million; Ford, $74.2 million; Chrysler, $33 million, and American Motors, $11.2 million.

The big auto-parts program has already swung into high gear and the Canadian content of 1966 models—without benefit of export—is estimated at around 70 percent. The proportion was around 60 percent last year. By 1968—if the auto pact is soon cleared—the proportion should rise to around 80 percent.

One has to look into all of the ramifications of an industrial complex to realize the severe blow struck to our economy by this ill-conceived so called free trade deal.

Watch the moves of the auxiliary producers who provide the many smaller but integral parts of an auto. It takes more than a frame and a motor to build a motor car.

Today we note that within 6 months 11,000 new jobs have been created in auto and parts plants in Canada—less than 6 months after the announcement of the trade pact. This is only a fraction of the total impact of new jobs created.

There are so many more jobs in services and supplies alined with the auto industry that a figure of at least 40,000 new jobs would be closer to the truth.

For instance the new homes, the added power, fuel, transportation, food services and supplies add up to an average job growth of 2.75 new jobs for every job created in a production plant.

This is true in any industrial complex and is low when you consider that a 1,000-job plant will sustain a community of 7,500 persons.

To prove this statement one needs only to review the following lists of factory expansions traced directly to the auto trade deal.

These new jobs are added to the auto and engine plants expansions:

Tiny Talbotville Is Key in Option Game

(By David Crane)

They're playing a new game in the London, Ontario, area. It's called "Who's got the option?"

As in many southwestern Ontario communities, those in the London area are looking forward to the passage of the Canada-United States auto pact. They all have high hopes for new plants and plant expansions in the auto and auto-parts industries.

But until the pact is actually passed and signed by President Johnson not many auto or auto-parts companies want to commit themselves to a definite project.

Hense the mysterious process whereby unidentified executives quietly visit communities and look over plant sites, then send in real estate agents to pick up options for unnamed clients.

And thus all the mystery in Talbotville, a small community near London and St. Thomas. Last July Toronto realtor W. H. Bosley Co., picked up a 30-day option for more than 1,500 acres in Talbotville for an unnamed client.

Immediate results: speculation, second guessing, long-distance phone calls to automarkers' head offices in Detroit, a cold curtain of silence by industry and government officials, and an unbelievable increase in land values in the surrounding area.

And to add to the mystery—or perhaps to confirm the speculation—Bosley renewed its option for another 30 days when the auto plan failed to get through the U.S. legislative mill at the beginning of this month. The pact is expected to be passed this month.

On the basis of their own inside information, most speculators say Ford Motor Co. of Canada plans to build a $75-million plant to employ 3,000 to 5,000 workers.

But speculation breeds speculation:

Hundreds of real estate schemes are on the drawing boards. One realtor last week even claimed he would build a $50-million housing project in St. Thomas that includes apartments, individual homes, and an 18-hole golf course. No details were provided on what backing the scheme has.

Canadian National Railways has just bought the 25-mile London & Port Stanley Railway, which had been up for sale for many years with no buyer in sight.

Rumors abound that CN has approached local farmers for a right-of-way for a spur line to the optioned Talbotville land.

Land values have shot up from $300 to $600 an acre to $2,000 to $3,000 within the last few months.

Real estate agents in London are said to be calling on owners of $100,000 homes to see whether they are interested in selling to executives who want to live in the London area.

As for Talbotville, a community of two gas stations, a diner, an old church, variety store, and small cemetery, people there are just watching the price of land go up, and up, and up.

I add a few listed expansions direct from Canadian reports:

Auto Parts Expansions

Here are 15 auto supplier companies that have already completed or announced major expansion programs:

Kelsey Wheel Co., Windsor, Ontario: Auto wheels.

S.K.D. Manufacturing Co., Amherstburg, Ontario: Stampings.

Canadian Motor Lamp Co., Windsor: Headlights.

Canadian Filters Ltd., Chatham, Ontario: Filters.

General Spring Products Ltd., Kitchener, Ontario: Springs.

Sehl Engineering Ltd., Kitchener: Stampings.

Thompson Products Ltd., St. Catharines, Ontario: Castings, connecting rods, forgings, power-steering assemblies.

McCord Corp., Orangeville, Ontario: Radiators.

Ontario Steel Products Co., Toronto: Bumpers, grilles, springs.

McKinnon Industries Ltd., St. Catharines: Axles, transmission casings, brake assemblies, ball bearings.

Blackstone Radiator, Stratford, Ontario: Radiators.

Windsor Bumper, Walkerville, Ontario: Bumpers.

Eaton Precision Instruments Ltd., Wallaceburg, Ontario: Carburetor parts.

Eaton Springs (Canada) Ltd., Chatham: Springs.

Harding Carpets, Ltd., Brantford, Ontario: Automobile carpet.

The arguments of the pro free traders always neglect the facts of life in a competitive world. They pooh-pooh any argument that holds wages to be a determining factor in the ability or nonability of a nation to compete in world trade.

Like most of the views put out by the pro free traders the issue of wages is one that has been hidden in a mass of conflicting percentages and figures most of which have little or no basis in fact.

The same Canadian source that claims the bonanza for Canada in the auto and parts deal warns Canadian labor leaders against attempts to gain wage parity with U.S. workers.

The warning is contained in an editorial which bluntly tells Canadian labor that if they fight for higher wages or for U.S. wage parity they will lose their competitive trade advantages.

My compliments to the editors of the Financial Post for their candidness and forthright statement. They make no bones about it—they admit that wages are the real determining factor in world trade and while Canadian wages enjoy the least advantage against U.S. wage levels in the whole auto and part producing world economy they know that even this small advantage—compared to Japan, Italy, England, Germany, and so forth—is enough to give Canada a tremendous trade advantage in our market; in world markets.

The truth cannot for too long be kept from the people and while only a few of us are bold enough to say it, the truth is, bluntly, "No nation can survive in a free trade world in competition with a lower waged or lower cost standard nation."

The editorial from the Canadian Financial Post follows:

Old Battle Hymns Won't Work Now

The long-established ceremonial rituals of labor-management negotiations require that union leaders solemnly dust off old chestnuts, and fatten up current demands each year. Chief among these hoary requests, which the unionists themselves usually don't take very seriously, has for a very long time been "wage parity" with U.S. workers.

But equal pay for equal work on both sides of the border may now be boomed into a new prominence. Management would be well advised to think about the matter now.

Two reasons: Ottawa's new attempts to make Canadian manufacturing as efficient as U.S. manufacturing through such devices as the recent auto plan are actively encouraging demands for so-called wage parity. In addition, wage parity is more than idle talk among the unions in isolated industries, such as steel, where Canadian manufacturing efficiency is frequently up to or beyond U.S. efficiency.

There are other good, hard reasons, however, why the whole issue should be squelched. Canada's costs and prices reflect the special economic realities of a vast, thinly populated country. We can't suddenly afford U.S. wage rates and living standards when a company or even an industry reaches U.S. efficiency levels.

LOSING THE EDGE ON PRICES

Lower wage rates are the only edge Canada has in competing with foreign producers. We sometimes can ship over long distances, for instance, if we have the wage advantage. Take it away, and the wages and the jobs disappear.

The most striking of the arguments against wage parity are presented on page 17. Calculations made by University of Saskatchewan economist R. E. Olley demonstrate the extent to which made-in-Canada wage inflation is undermining this country's competitive position vis-a-vis the United States.

This is not good news either for Canadian labor or for management. But it is a fact of life which should encourage both to forget the old battle cries and devise new and better ways of working together to preserve markets, profits, jobs, and incomes.

Article by John Schreiner

The talk of wage parity for Canadian workers with those in the United States is being revived by Ottawa's conditional free trade program in automobiles.

It is presumed this will permit a nationalization of North American car production that could lead to high worker productivity in Canadian automobile plants.

Canadian workers, it is expected, would then insist more strongly than ever on wages comparable with those paid in U.S. plants.

Many international unions have long demanded wage parity. It has been a bargaining proposal in the automobile industry for at least 15 years.

However, parity has never been an essential objective. Labor has used it as a bargaining lever to secure more prized objectives. Unions have generally recognized that parity could hardly be expected as long as Canadian productivity lagged behind that in similar U.S. plants.

Conditional free trade will change this picture. A spokesman for the United Automobile Workers (UAW) says:

"It should be possible to take very long strides toward full wage parity in our next set of negotiations—1967–68—with the automobile firms."

Steel is another industry where the parity demand is looming larger with each bargaining session. The United Steelworkers (USW) argue that the Canadian industry's productivity has passed the U.S. industry.

Management, for obvious economic reasons, will resist any new pressures. "I don't know if there would be a resistance to parity as such," a General Motors of Canada official says. "But there would be resistance to an increase in the cost of production."

Because Canadian wages often run 25-percent below comparable U.S. wages, parity could have a significant effect on costs. Last year, Massey-Ferguson Industries Ltd. was faced with a parity proposal during collective bargaining. The company says it would have a tough time competing for sales in the big American farm implement market if it paid parity wages. Its new Brantford combine plant, which serves both the Canadian and United States markets, is a lot farther from the U.S. market than the plants of many competitors. Without the wage differential to offset transportation costs, the Brantford plant would not be as competitive.

When labor speaks of parity, it has in mind parity between comparable economic regions of Canada and the United States—southern Ontario and northern United States for example. Markets are regional, not national, one labor economist says. For that reason unions argue for regional, but not necessarily national, parity.

It is recognized that parity within comparable regions or even industries would naturally spill over to other regions and industries. The labor movement is expected to rely on the major international unions, like UAW and USW, to spearhead the parity fight. The patterns set by those two unions influence most other industrial bargaining.

Currently, labor thinks of parity between the United States and Canada in simple dollars and cents, without taking the exchange rate or fringe benefits into account. Once simple parity is gained, those other adjustments can be sought, labor says.

The parity issue is not likely to cause any strikes in the immediate future, but Canadian moves toward free trade will move it higher up the list of items discussed at collective bargaining. The main lines of argument have been drawn in past bargaining sessions between key employers and unions.

LABOR

Wage parity should be granted if it is justified by productivity. On this ground, parity is justified in several industries—for example, steel and oil refineries.

USW officials have argued: "In 1960, Canadian steelworkers caught up with U.S. steelworkers. Both turned out a ton of steel in 10.6 man-hours * * * In 1962 the Canadian performance was even better: 9.1 man-hours per ton compared with 9.9 man-hours in the United States." (Union officials claim Canadian productivity has continued to improve.)

"Although Canada's steelworkers are now among the world's most efficient and productive, they are not the world's most highly paid. The base rate in the United States is 23.5 cents an hour higher and there is a bigger increment between job classes as well."

J. R. Duncan, Canadian head of the Oil, Chemical & Atomic Workers International Union (OCAW), argues: "The productivity of the petroleum industry worker in Canada is higher than that of his counterpart in the United States by at least 10 percent and sometimes more."

MANAGEMENT

Steel Co. of Canada, in a submission to a conciliation board last year, conceded that productivity may well exceed that of the U.S. industry. As for union arguments based on productivity increases, we are not aware that any objective opinion has ever contended that company or industry figures are to be the governing factor. Average nationwide productivity increases have almost universally been accepted as the only appropriate criterion for wage increases related to productivity."

MANAGEMENT

Lower Canadian wage costs are essential to Canadian sales to the United States—even where a free trade arrangement exists.

There's been free trade in farm machinery since 1944. In spite of this, Massey-Ferguson might be in trouble selling to the big U.S. farm market if it paid parity wages. Its major competitors are much closer to markets.

"The wage differential has been a major factor in permitting Massey-Ferguson to overcome the financial advantages of its competitors and become a major company in the United States." If the firm were forced to pay parity wages, it would have to locate its manufacturing and assembly plants in key U.S. markets.

"The differential between Canadian and United States wage rates * * * exists to about the same degree throughout industry and for similar reasons—it determines to a great degree the Canadian manufacturer's ability to deliver a product in the U.S. market at a price competitive with products made in the United States," Massey-Ferguson says.

One can not help but note the secrecy, the hold-back, the hints of hush-hush movements awaiting the final approval by the Senate of the United States.

If the Senate of the United States will investigate and check the plans and programs for the auto and parts raids on American employment it may well find reasons enough to stop this deal before it gets out of hand and opens this Nation up as the dumping grounds for foreign cars from all Nations belonging to GATT under the most favored nations clause of our Trade Agreement Act of 1962.

INTERNATIONAL MONETARY FUND MEETING

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Michigan [Mrs. GRIFFITHS] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, Secretary of the Treasury Henry H. Fowler, acting in his capacity as a Governor of the International Monetary Fund, reported today at the annual Fund meeting. It is both significant and heartening that Secretary Fowler regards expanded monetary supplies as a matter of concern to the entire free world and not solely to the Group of Ten.

It is a pleasure for me to extend his remarks in the RECORD:

REMARKS OF THE HONORABLE HENRY H. FOWLER, SECRETARY OF THE TREASURY OF THE UNITED STATES, AND U.S. GOVERNOR OF THE INTERNATIONAL MONETARY FUND, BEFORE THE ANNUAL MEETING OF THE INTERNATIONAL MONETARY FUND, SHERATON PARK HOTEL, WASHINGTON, D.C., SEPTEMBER 29, 1965

Fellow Governors of the International Monetary Fund, ladies and gentlemen. We are complimented by the presence in our Capital City of so many distinguished people, from so many nations throughout the world. With the addition of Zambia last week and of Malawi in July—to whom I extend my own and my country's hearty welcome—the Fund now numbers 103 countries.

Each of the annual meetings of the great organizations for international financial cooperation that we take part in leaves the world a little changed, and changed for the better. What we say each year rests upon what we have accomplished, and what we have learned, in another year of worldwide cooperation and constructive endeavor in the management of our financial and economic problems.

This year—my first as a Governor of the Fund—we can look back with special pride. During the year just past our processes of consultation and cooperation passed stern tests of their practical effectiveness. We are implementing a significant increase in IMF quotas. The general arrangements to borrow were twice called into operation and the participating countries have indicated that they are prepared to continue the arrangements if the Fund so requests.

I consequently look forward with confidence to continued progress in seeking a consensus on matters of very far reaching importance for all our countries, and for a long time ahead.

I hope that when we meet next year we will find ourselves near the final stages of policy agreement in the field of improved international monetary arrangements.

The United States regards the Fund as an essential part of international financial arrangements. Since the inception of the Fund large sums in dollars have been used by the Fund to accommodate drawings by other countries. Over the years, these dollars have been repaid to the Fund. In the last 2 years, my country has also drawn on the Fund. Our drawings have been, in large part, technical arrangements making possible the continued use of dollars in the settlement of the obligations of other countries with the Fund.

However, at the end of last July, the United States made a regular drawing of $300 million through which it acquired foreign currencies for its own use in financing international payments.

All of these events provide evidence that the availability of Fund resources is increasingly important for all of the Fund members, large or small, industrial or developing.

The economic health of the United States affects world economic health in many ways, but in no way more fundamentally than in the reflection of U.S. economic conditions in the strength of the dollar.

During the past year the value of the dollar—and therefore the value of that large part of the world's monetary reserves kept in dollars—was reinforced in two ways: continued vigorous and sound economic growth in the United States, and progress toward eliminating our balance-of-payments deficit.

In the fiscal year ending last June, national output increased by about $41 billion, equivalent to almost 5 percent in real terms, continuing the longest peacetime economic expansion we have known. Prospects for maintaining our forward momentum are favorable. Despite its record length of 55 months, the current expansion has remained remarkably well-balanced and free from inflationary distortions.

In our manufacturing sector, increases in productivity and in wages received have been sufficiently in harmony so that labor costs per unit of output over the past year have again been stable. Since 1960, our unit labor costs have declined by 3.3 percent. We calculate that the recent key settlement in the steel industry, provides increased wages and benefits over a 39-month period equivalent to a little over 3 percent per year. We are hopeful that this will help sustain a pattern of balance between wages and productivity in industry generally, and will be accompanied by a continuation of stable prices.

Under the stimulus of improved incentives and prospects for expanding markets, capital spending by private industry continues to move ahead vigorously, as it has over the past 3 years, providing assurance against strains on capacity.

In the light of this continued expansion in the domestic economy of the United States, it is particularly encouraging that I am also able to report a significant improvement in the U.S. balance-of-payments position since the announcement of President Johnson's program on February 10. In the second quarter of this year, we experienced a surplus of $119 million, seasonally adjusted, compared with deficits of $780 million in the first quarter and $1,551 million in the fourth quarter of 1964.

We do not by any means conclude from 3 months' data that our balance-of-payments problem has been solved. Over any short-term period, balance-of-payments accounts exaggerate the effects of particular transactions, whether these be favorable or unfavorable. On balance, we believe that our second quarter figures were distorted in a favorable direction.

I regard it as more prudent for us to look at the combined results of the first and second quarters of the calendar year. During the first half of 1965, our balance-of-payments position was much improved, although there was still a deficit. This amounted to $661 million in the 6-month period and represents an annual rate of about $1.3 billion.

The figures I have used are in terms of the regular deficit concept which has been used generally in recent years in our balance-of-payments accounting. This concept has been criticized in that it includes in our deficit additions to private balances of dollars which represent working balances and investments by private parties. As many of the Governors know we intend to report our balance-of-payments data on the official settlements basis as well as the usual form in order to make our figures more comparable with those of other countries. On the official settlements basis our deficit in the first half of the year, seasonally adjusted, was about $400 million, or an annual rate of $800 million.

This improvement gives us confidence that our efforts over several years, supplemented by a vigorous new attack on the problem proposed by President Johnson last February, are moving the United States toward the equilibrium we are determined to attain and sustain. Our programs will be vigorously pursued until we are certain that the conditions have been created in which equilibrium in our international accounts can be sustained. In this, it is clear that we have the support of the Congress and the U.S. public at large.

This brings us to the heart of the matter: Will the free world continue in the years ahead to be able to increase the reserves in our international monetary system sufficiently and in season to be certain that the sound employment of the world's economic resources for growth and improvement is not crippled by inadequate financial means?

This question must be asked because in the future the world's reserve needs will no longer be met by U.S. deficits, and because in recent years additions to reserves have depended so heavily upon dollar outflows. The record is as follows:

The United States has supplied about three-quarters of the new reserves accumulated by the rest of the world since the end of 1958. Only about one-quarter of this increase came from new supplies of monetary gold and from the credit operations of the International Monetary Fund. We estimate that as of the end of 1964 more than a quarter of the official reserves of the rest of the world were held in the form of dollars.

Reserves deriving from the U.S. deficit grew in two forms—dollar balances held as such, and dollars acquired and converted into gold. The latter development, of course, resulted in a decline in U.S. reserves.

Thus, we have before us a problem of conflicting objectives. Resolution of this problem is of central importance to the United States and to the rest of the world:

(a) On the one hand there is the need to achieve and sustain equilibrium in the U.S. balance of payments, in order to preserve the integrity of the dollar at home and abroad, to the end that the dollar can continue to function as an essential part of the world's monetary system, and in order to arrest further drains on U.S. reserves, and

(b) On the other hand, there is the need to continue to supply additions to reserves for continued economic expansion and betterment in all our countries.

All our countries are fully committed to a policy of dynamic growth in a dynamic world economy. This means growing international trade, growing domestic supplies of money, growing national outputs, and growing real incomes and profits.

If this expansion is to occur it is reasonable to expect that the free world, including the United States, will, in the course of time, face growing needs for monetary reserves.

We can hardly expect that either the industrial nations that have experienced such reserve growth or the rest of the world can be satisfied very long to limit future growth in reserves to the very modest level of new monetary gold supplies and such limited increases as come from normal IMF drawings.

These are the principal considerations that led my Government to take the initiative in suggesting that it is now time to negotiate new monetary arrangements which will enable the nations of the world to deal with future demands upon the international monetary system.

It is not my intention in these remarks to comment on the substantive proposals and the issues that have already been set forth for us in the work of the Deputies of the Group of 10, the Ossola Group, and the reports of the International Monetary Fund. The process of attaining a general consensus on the best ways of providing additional reserve assets will take time and great effort.

I do, however, wish to draw your attention to some important objectives to keep in mind as we go forward with the work of improving the international monetary system.

1. As I have stated, we should not expect to rely upon the dollar to continue to supply the major part of the growth in world reserves. The responsibility for providing reserves should be shared. This means that other ways of creating reserve assets will be needed to provided assurance that their total will grow at a rate that will encourage a continuation of the impressive growth in world economic production and trade.

2. The adjustment of imbalance should be brought about firmly but smoothly, in order to avoid disrupting effects on other countries and on the system as a whole. And here I want to stress that it is of key importance for surplus countries to adjust their positions as well as for deficit countries to do so. The adjustment burden not only should not—realistically, it cannot—rest solely on deficit countries. In the field of medium-term credit, in which the Fund has a preeminent place, we should assure that there are adequate amounts of such credit available to enable the adjustment process to function in ways consistent with the economic and political realities of modern society.

3. We should, at the same time, perfect the defenses of the international monetary system against its vulnerability to massive destabilizing movements of funds. In this area, international monetary cooperation in general, and especially short-term credit facilities among major countries, are important.

As I have said before, in pursuing these objectives the United States is wedded to no specific plan. We are impressed with the wide variety of technical possibilities which have been developed in the writings of distinguished economists here and abroad. And we have, in addition to these plans, the extremely valuable exploration of basic issues that has been developed by the Study Group on the Creation of Reserve Assets, under the chairmanship of Mr. Rinaldo Ossola, of Italy. This report not only provides a useful guide to current concepts, but has brought out clearly that the obstacles to progress are not questions of technical ability to create reserve assets, but policy issues concerning how, when, and where to create and distribute them. The problem is to reconcile the objectives of governmental policies so as to find ways of making progress that will find broad support.

It is therefore appropriate and gratifying that the Ministers of the Group of Ten have decided on Monday of this week to move from preliminary and technical consideration of improvements in the international monetary system to a level of active negotiation among responsible policy officials.

This is the first phase of preparation for new and improved international monetary arrangements. I urge that these negotiations to identify a broad measure of underlying agreement go forward with concentration, vigor, and dispatch.

It is commendable that the Ministers of the Ten have requested the active participation in this first phase of preparation of the representatives of the Managing Director of the International Monetary Fund and of the OECD and the Bank for International Settlements in these deliberations.

With respect to the Fund itself, it is the hope of the United States that in this first phase of preparation the management of the Fund will keep the Executive Directors fully appraised of work going on in the Group of Ten, and that the Fund will keep the Group of Ten informed of results of discussions and considerations by the Executive Board of the International Monetary Fund.

Beyond this, there lies a second phase of preparation of the utmost importance, on which the United States has been both insistent and persistent in its pursuit of appropriate preparation for an international monetary conference. This second phase should be designed primarily to assure that the basic interests of all members of the Fund in new arrangements for the future of the world monetary system will be adequately and appropriately considered and represented before significant intergovernmental agreements for formal structural improvements of the monetary system are concluded. Within the Fund membership there are variations in the extent to which individual countries are able to, or choose to, accumulate and hold large reserve balances. All, however, have a vital interest in the evolution of the world's monetary arrangements.

Twenty-one years ago, the Coordinating Committee of the Bretton Woods Conference submitted to the full Conference its report recommending that the IMF and IBRD be favorably considered by governments. The section of the report dealing with the IMF began with these words: "Since foreign trade affects the standards of life of every people, all countries have a vital interest in the system of exchange of national currencies and the regulations and conditions which govern its working."

I believe that thought is as true and as important today as it was in 1944.

It is true that only a limited number of countries hold the bulk of the official reserves of the world. No doubt these countries, including my own, have deep interests and responsibilities of a unique kind in the system by which reserves are generated and regulated. But other countries, which are not large reserve holders, also have legitimate and vital interests in these matters. This is why all the countries of the free world have a fair and reasonable claim that their views must be heard and considered at an appropriate stage in the process of international monetary improvement.

I welcome the action of the Group of Ten Ministers and Governors in recognizing this essential requirement for our continued efforts toward improvement of the free world's international monetary system. The United States views with hearty approval the Managing Director's suggestions to make suitable arrangements so that the efforts of the Executive Directors of the IMF and those of the Deputies of the Group of Ten can be directed toward a consensus as to desirable lines of action and the agreement of the Ministers of the Group of Ten on this point. We are looking forward to bringing together these two groups, which together can contribute so much experience and knowledge to the solution of the world's monetary problems, into full-fledged preparatory discussions. This combination provides an adequate and appropriate preparatory committee for a significant international monetary conference provided, of course, that a meaningful basis for substantive agreement can be reached in advance.

Let me close with a plea that formidable and complex as is the task of extending and improving the workings of our international monetary system, we lift our eyes from it long enough to see what it is, in reality, that we are about.

Let me say—and President Johnson's policies, in this respect, as in many others, are predicated upon this—that what we are engaged upon is the task of creating in the free world an international monetary structure strong enough, flexible enough, and with adequate elements of growth, to provide the financial framework for the building of a greater society of nations.

These international arrangements we debate, the improved international monetary system that we grope toward, are the extension of the great international task of economic development to which so many of us have dedicated so much of our resources.

I say this not to magnify our undertakings, but to give them the inspiration of their true perspective setting.

Let us build patiently, and strong, for much of our fondest hopes rest upon what we are undertaking in our monetary as in our development tasks. But there is too much to be done to permit us the luxury of delay. So let us go forward, with confidence that the institutions and processes of international consultation and collaboration we have brought into being are adequate to keep our problems from mastering us.

and that they will permit, instead, that we shall master our problems, in peace and increasing plenty.

U.S. RELATIONSHIPS WITH LATIN AMERICA

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BROWN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BROWN of California. Mr. Speaker, recent events have cast a spotlight on the problems which the U.S. Government faces in its relationships with our neighbors in Latin America. The questions raised by our intervention in the Dominican Republic will be the subject of dispute for many months to come. Critics of our role, such as the distinguished chairman of the Senate Foreign Relations Committee, Senator FULBRIGHT, of Arkansas, are answered by stanch supporters, such as our colleague, Congressman SELDEN, of Alabama. The House itself, by its passage of House Resolution 560, seems to lend its support to an open policy of intervention in any country threatened by a revolution involving Communist participation.

Indicative of another, and completely different policy approach, is our apparent success in developing a new treaty relationship with Panama, under which we will renounce our perpetual rights to the Panama Canal Zone. This should go a long way toward satisfying the Government and people of Panama that the United States does not demand special status for itself in the affairs of even the smallest of our neighbors, despite the critical importance of the Panama Canal to our security. In this action we find the role of administration critic and supporter reversed from what it was in the Dominican situation.

Underlying these particular situations, and many others which could be cited, is an almost schizophrenic attitude in both the Government and the people of this country toward our role in Latin America, and, indeed, toward the world at large. We are convinced of our own dedication to the goals of peace, freedom, democracy, and economic betterment for all our neighbors. We are amazed that these neighbors—and all the world is now our neighborhood—cannot recognize our unselfish devotion to their welfare.

Directly coupled with these high-minded goals in an almost abysmal ignorance of the facts about how we are involved in the affairs of our neighbors, both at the governmental and the private levels. This ignorance, may I say, extends even to the halls of the U.S. Congress.

Some of the reasons for this ignorance are quite clear. At the governmental level a great deal of our involvement with our neighbors is carried out by the "invisible government," a vast network of clandestine operations unknown even to those supposedly responsible for it. Citizens of the United States, including representatives of the press, are discouraged or prohibited from traveling in many countries of the world or from even receiving information about them. At the private level, our free-enterprise philosophy is used to justify noninterference with practices of American business abroad which we long ago ceased to tolerate in our own country.

I do not intend to deal, in these remarks, with all the implications of this situation, or with proposals which might help to correct it. Instead, I wish to call to the attention of my colleagues an article which appeared in the Washington Post of Sunday, September 26, 1965. The article is an abridgement of a series of articles written by one of the most respected journalists of my home State, Mr. C. K. McClatchy, associate editor of the Sacramento Bee. Mr. McClatchy spent nearly a month traveling in Cuba this summer, at the invitation of the British Ambassador, with the approval of both the Cuban Goverment and the U.S. State Department.

What he has written will shock many people, and in other times would have caused him, if he had been employed by the State Department, to have his security clearance revoked. For a Member of Congress to say these things would undoubtedly result in a hue and cry that he was "soft on communism," as was even the case with those 52 of us who voted against House Resolution 560.

Because the American public needs to be shocked out of its touching faith that someone up there in Washington has all the knowledge and all the wisdom concerning affairs in other countries, and because the policies originating in Washington are at the root of much of our ignorance today not only of Cuba, but of a large part of the rest of the world, I want to quote from portions of this article by Mr. McClatchy, and insert the complete article at the conclusion of my remarks.

He says:

> Cuba today is not the island of misery, oppression, and starvation pictured by many Americans * * *. Basic to comprehending the Cubans' perspective is a knowledge of their society, before the revolution.
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> The gap between the rich and poor was vast. For example, there was only one small strip of beach open to the public among the 22 miles of beaches surrounding Havana. Now all beaches are public and overflowing with thousands of carefree Cubans who are not concerned about the elimination of the free enterprise system. From their perspective a great improvement has been made.
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> Shocking as this may sound, it should be kept in mind that the average Cuban does not feel that the present regime is any more repressive than the previous ones. And Castro's drastic renovation of the Cuban educational system remains the most popular reform undertaken by the regime. Almost everyone echoes the words of a Havana University student: "Before only the children of the rich could come. Now everyone who is qualified is admitted."
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> The basic reason Fidel and his revolution continue to be popular despite Cuba's many difficulties is that the people now have something of overriding value that they previously lacked—dignity.
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> Part of the Cuban resentment against the United States stems from the feeling that the Cuban dignity had been affronted and shabbily compromised by U.S. economic domination for generations.
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> The backbone of Fidel's support comes from people who benefited most from the breaking up of the old social structure.
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> Negroes, some 30 percent of the population, are particularly pro-Fidel. An unskilled worker in Havana said: "Thanks to Fidel there is real equality now * * *. Even if food is scarce, I don't mind, because now I am part of my country. Now the fight for Cuban survival is my fight. If this is communism, I'm all for it."
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> Before Castro, Cuban agriculture was dominated by immense sugar plantations owned mostly by foreigners, particularly Americans. Fidel instituted two basic agrarian reforms: In 1959, he prohibited private ownership of more than 1,000 acres, and in 1963, he reduced the maximum to 170 acres.
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> A cooperative farm in Havana Province includes 11 families on 150 acres. Corrado Avila, the co-op member in charge of culture and education, showed me the new housing which he said had been built as a reward for the stalwart production of the 11 families.
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> Comparing the old days when he was a day-worker on large farms, Avila said, "Sometimes I got as much as 5 pesos a day, but then I might have no job for weeks at a time. Now I get 3 pesos a day plus my share of the profits. In addition, I get milk and some potatoes for my family. Things are better now by a thousand to one."
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> But despite the success of the Castro regime, there are many opponents who feel that the improvements will be more than canceled out by the permanent loss of any hope of ever building a free society.
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> There are men who would have built the liberal, democratic Cuba which American policymakers say we want. But before the revolution, they were unable to make headway, primarily because of the indifference and insensitivity of the American Government.
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> A basic lesson we must learn is that our primary problem in Latin America is not communism; it is meeting a growing demand for social progress and material improvement.
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> * * * * *
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> We must understand that it is in our national interest to encourage certain essential revolutionary changes, even when they include nationalizing American business holdings. If we attempt to block the needed changes, we may delay them momentarily, but they will inevitably come, dictated then by a new Fidel Castro.

How many Members of Congress would be willing to admit that Cuba is not "the island of misery" we hear so much about, or that many Cubans would say, "If this is communism, I am all for it." It is difficult for us to comprehend that any people could prefer a revolutionary Communist system—particularly when, as in Cuba, they have had the benefit of so much enlightened U.S. assistance in improving their way of life.

Yet this is exactly what the American people and the Members of Congress must learn to understand. The threat which Castro communism poses for Latin America is not the threat of armed intervention from Cuba, or even the large-scale training and infiltration of armed guerrillas into other countries. It is the threat posed by the fact that an insignificant country such as Cuba could successfully defy the might of the world's greatest power, and successfully produce a society more satisfactory to the masses of its people than existed before. The very knowledge that those things could occur is the key to revolutionary explosion among the oppressed and unhappy masses of Latin America—in the same way as the knowledge that nuclear fission was possible was the key to the eventual explosion of an atom bomb.

The revolutionary ideas of the American Founding Fathers, bulwarked by the example of a successful and dynamic country, inspired the vision of generations of great nationalist leaders and, in turn, helped mold the history of many countries without the intervention of a single American soldier or gun. In the same way, the success of revolutionary communism in overthrowing corrupt or decadent systems and in producing major improvements in industrial development, agriculture, health, and education, will inspire the vision of modern nationalist leaders. The masses of people these leaders must have supporting them in order to achieve success will flock to the support of those same leaders without the intervention of a single Communist guerrilla or a single gun from outside the country.

This is the cold, hard fact that the American people and the American Government should awaken to. This is the fact that we now purposely blind ourselves to by our policy of ignoring what is occurring in China, in Russia, in Cuba, and in other Communist-dominated countries. This is the fact that leads to our delusion that more weapons, more sophisticated weapons, bigger weapons, or smaller weapons can achieve victory for us anyplace in the world. No weapon is more powerful than the power of an idea that has taken hold. As the power of our weapons has increased, our ability to demonstrate the power of our ideas and to thereby capture the imagination of poor and oppressed masses has decreased in direct ratio.

Do I, therefore, feel that we must give in to Communist dictatorship around the world? By no means. I am as able as any of my colleagues to appreciate the evil in this dogmatic and materialistic philosophy—in the suppression of freedom and justice which it produces. But I cry out to you, with all my heart, to not let the American people become as blinded, as dogmatic, as materialistic, as unresponsive to the human spirit and its needs, or as unmindful of freedom and justice as those we oppose.

The people of the world yearn for the things we take for granted in this country—adequate food, shelter, education, opportunity in accordance with ability, participation in government, and justice under law—and they will die to achieve a world in which these things are available to them and their children. This country can, and should, lead the world in providing meaningful assistance to the underdeveloped world in achieving all of these goals. No Communist country can compete with us in bringing hope and progress to the world's needy if we examine this problem through eyes which are opened to the reality that exists around us.

We cannot achieve this leadership, however, by protecting a corrupt status quo. We cannot bring hope by exporting tanks, guns, and airplanes. We cannot create economic justice by absentee American ownership of 10,000-acre sugar plantations in Cuba, banana plantations in Guatemala, or oil resources in Venezuela. We cannot create democratic governments by providing technical assistance largely for the training of secret police, or for sending foreign generals to the Command and General Staff Schools. We cannot achieve fiscal stability, efficient administration, and sound national planning in underdeveloped countries by rewarding and encouraging an untaxed economic elite, a corrupt bureaucracy, and an ignorant despotism—none of which we would tolerate in our own country.

So Mr. Speaker, let us enter the battle with our eyes and our minds open to the realities of the world around us and with our hearts open to the aspirations of humanity—not with a dedication just to anticommunism but, instead, determined to open up the great potentialities of the human spirit for all of mankind. Then we shall prevail over all enemies.

The quoted article follows:

[From the Washington (D.C.) Post, Sept. 26, 1965]

CUBAN DIGNITY HAS SOARED AND CUBAN BELLY IS FULLER

(By C. K. McClatchy)

(NOTE.—A former reporter for the Washington Post and now associate editor of the Sacramento Bee, McClatchy visited Cuba this summer at the invitation of the British Ambassador there and with the approval of the Cuban Government and the U.S. State Department. The following is a condensation of a series of articles he wrote about the visit for the McClatchy newspapers of California.)

Cuba today is not the island of misery, oppression and starvation pictured by many Americans. Neither has Cuba achieved the unity and economic success claimed by the supporters of Fidel Castro's revolution.

However, a 3½-week visit traveling from one end of the Communist outpost to the other suggests that the present reality lies closer to the Castro hopes. Basic to comprehending the Cubans' perspective is a knowledge of their society before the revolution.

The gap between the rich and poor was vast. For example, there was only one small strip of beach open to the public among the 22 miles of beaches surrounding Havana. Now all beaches are public and overflowing with thousands of carefree Cubans who are not concerned about the elimination of the free enterprise system. From their perspective, a great improvement has been made.

Cubans do criticize present-day life. But the criticism centers on food and consumer goods shortages rather than the absence of free speech and a free press. Satisfying the stomach has priority over nurturing the spirit.

MUCHO MACHO

To the Cubans, Castro embodies the male virtues, the "macho" qualities admired so much in Latin America. He is the great man: he can cut cane faster than any other man on the island, he can pitch like Juan Marichal and hit like Mickey Mantle, he can talk longer and more eloquently than any other human being.

To the Cuban, Fidel, as Castro is universally called, personifies the revolution. Throughout Cuba, unpopular actions are blamed on "incompetent subordinates" and people say: "This wouldn't have happened if Fidel knew about it."

Fidel's following was illustrated to me by a young Cuban woman who wanted to start a new type of child care center. She sought Castro out in a provincial town where he was playing baseball and found him willing to listen at length to her. Finally, he told her to try the idea out and passed the word that she was to receive all necessary assistance.

His frequent slashing criticism of Government inefficiencies pleases the people. It gives expression to their own irritation and seems to demonstrate that Fidel really is on their side. They still seem most interested in adequate food, decent clothing, and entertainment and recreation. These things are not always so easy to come by under the revolution. Stores are poorly stocked, and when a shipment of needed goods does arrive from the Communist bloc countries, the supply usually runs out before the line of waiting housewives has been satisfied.

In the housing area, the Government has invested heavily in constructing new apartments for workers in Havana and small single family homes for farm labor in the provinces.

The Government also is trying hard to raise the Cuban cultural level, sending the National Ballet and symphony orchestras on frequent forays into the provinces. A company of folk dancers encourages pride in Cuba's mixed heritage by developing dances from special aspects of native life such as the voodoo practices still found within the Negro population.

SOME OPPOSITION

Still, there are those who oppose the revolution, but they lack organization and leadership.

The strongest opposition is caused by religious beliefs and students who resent the tightening control over teaching and the opportunities for advancement in industry. This has been fortified by the recent purges of students accused of being counterrevolutionaries or homosexuals.

Meanwhile, the government keeps tabs on the rest of the population through its nationwide snooping organization, the Committee for the Defense of the Revolution. The CDR is organized down to the city block and rural neighborhood level, and its dedicated local committees keep a sharp eye on the actions and comments of their neighbors.

Shocking as this may sound, it should be kept in mind that the average Cuban does not feel that the present regime is any more repressive than the previous ones. And Castro's drastic renovation of the Cuban educational system remains the most popular reform undertaken by the regime. Almost everyone echoes the words of a Havana University student: "Before only the children of the rich could come. Now everyone who is qualified is admitted."

The basic reason Fidel and his revolution continue to be popular despite Cuba's many difficulties is that the people now have something of overriding value that they previously lacked—dignity.

Part of the Cuban resentment against the United States stems from the feeling that the Cuban dignity had been affronted and shabbily compromised by the U.S. economic domination for generations.

Changes in the economy, education, and social structure are radical, and in most instances, irrevocable. The backbone of Fidel's support comes from people who benefited most from the breaking-up of the old social structure.

Negroes, some 30 percent of the population, are particularly pro-Fidel. An unskilled worker in Havana said:

"Thanks to Fidel, there is real equality now. * * * Even if food is scarce, I don't mind, because now I am part of my country. Now the fight for Cuban survival is my fight. If this is communism, I'm all for it."

Formerly landless farmworkers who were given their own small pieces of land or who work with others on farm cooperatives are another source of total support for Castro.

A farmer in Camaguey Province said: "Before Fidel, what one did was worth nothing because it was sweating for somebody else. Now it is worth everything."

This farmer knows little about ideology but he knows he is better off now than he was before.

Before Castro, Cuban agriculture was dominated by immense sugar plantations owned mostly by foreigners, particularly Americans. Fidel instituted two basic agrarian reforms: In 1959, he prohibited private ownership of more than 1,000 acres, and in 1963, he reduced the maximum to 170 acres.

Now, between 60 and 65 percent of farmland is owned by the state. The rest is owned by small private farmers, cooperatives, and agricultural societies. Much of the expropriated land was given to landless peasants and farmworkers, with a minimum of 66 acres for a family of five.

State farmworkers are given housing and medical care and receive a wage.

I visited a variety of farms during an auto tour of the six provinces. The wife of a private farmer in Camaguey told me, "We earned a little more before, but there is not much difference. We still have enough to eat."

Their produce has to be sold to the Government buying agency.

A cooperative farm in Havana Province includes 11 families on 150 acres. Corrado Avila, the co-op member in charge of culture and education, showed me the new housing which he said had been built as a reward for the "stalwart production" of the 11 families.

Comparing the old days when he was a day worker on large farms, Avila said, "Sometimes I got as much as 5 pesos a day, but then I might have no job for weeks at a time. Now I get 3 pesos a day plus my share of the profits. In addition, I get milk and some potatoes for my family. Things are better now by a thousand to one."

In Pinar del Rio Province, I visited a 15,000-acre state farm. There are 250 houses for the workers, new simple, and rough appearing. Each is surrounded by a tiny bit of land where workers grow crops to supplement their food supply. The farm includes facilities such as drugstores and social centers.

WHIM IS COMMAND

Agriculture does not appear to be Fidel's Achilles heel. And saying "Fidel's" is right, because he runs the country as if it were his giant and exciting toy. He has the power to order any idea into being on the whim of the moment, and exercises it quite regularly. The Government can dispense with the legislature because there is no room for debate on Fidel's plans.

But Fidel can't do everything and be everywhere, so he has a group of lieutenants who offer unquestioning personal loyalty. His brother, Raul, holds the key post of Minister of the Armed Forces.

Western observers think the Cuban Army is well trained, excellently disciplined and solidly pro-Castro. Russia has equipped it and assists in training. Estimates of its size range from 100,000 to 150,000 men. When Fidel achieved power, he said he would never permit conscription, but this was forgotten in 1963 when it was announced that all youths would be required to serve 3 years starting at age 17.

The volunteer militia also is a source of Castro power. Its members, men and women, stand guard at public buildings day and night. It is a vehicle to keep alive the sometimes flagging spirit of revolution now that the days of counterrevolutionaries are gone.

Whenever and however Fidel changed his early hostility to communism and developed his present curious combination of Castroism and communism, his commitment to it is complete. If he were to die tomorrow, the change in Cuba would be vast and unpredictable. His departure would leave a tremendous vacuum. It could be expected that the single party, PURSC, would attempt to take control with collective leadership. But the party has no existence of its own; it is an instrument of Fidel.

Thus it would be tempting to a leader such as Raul Castro, who controls the army, to attempt to seize control.

THE CHALLENGE NOW

But despite the success of the Castro regime, there are many opponents who feel that the improvements will be more than canceled out by the permanent loss of any hope of ever building a free society.

They are men who would have built the liberal, democratic Cuba which American policymakers say we want. But before the revolution, they were unable to make headway, primarily because of the indifference and insensitivity of the American Government.

A basic lesson we must learn is that our primary problem in Latin America is not communism; it is meeting a growing demand for social progress and material improvement.

American policy in Latin America needs to be less concerned with the fact that the Cuban revolution became Communist and more concerned with what caused the revolution.

We must understand that it is in our national interest to encourage certain essential revolutionary changes, even when they include nationalizing American business holdings. If we attempt to block the needed changes, we may delay them momentarily, but they will inevitably come, dictated then by a new Fidel Castro.

MODERNIZING CUSTOMS CHARGES FOR AIRCRAFT AND MARINE VESSELS

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. MEEDS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MEEDS. Mr. Speaker, there now exists a confusing and inequitable customs inspections policy along our national borders. Operators of small aircraft and maritime vessels who enter the country during other than weekday business hours are being caught in a strange game of chance that frequently proves more costly than entertaining. The element of chance involves who will check them across the border, a customs officer or an immigration officer. The winners of this game, those inspected by an immigration officer, are charged nothing. But the losers, those inspected by a customs officer, are charged for the officer's overtime wages. That cost can be as high as $60.

I am today introducing a bill that will end the unfairness of the present regulations, that will recognize the vast increase in small aircraft traffic, and that will promote increased commerce across our borders in the future. This bill will allow private and commercial aircraft flyers and operators of maritime vessels and other vehicles to return to the United States on weekends, holidays, and at night and still receive regular customs service without extra charges.

The roots of the problem that exists today go back more than 50 years. When the Tariff Act of 1911 was passed, Congress and the Bureau of Customs had no notion of the bright future of small aircraft as a common means of transportation. They were primarily concerned with the difficulties customs officers faced in patrolling our long borders, often on horseback. As an aid in controlling commerce, Congress and the Bureau wanted to discourage border crossing in other than the established business hours of 8 to 5.

The present practices were extended and firmly established in law by the Tariff Act of 1930. Since then flyers and maritime operators crossing the border after hours have had to pay the customs officer who is called to check them across the border for a full day's pay at overtime rates. The cost is divided between all of those who use the services of one particular officer during a single overtime period. But a traveler never knows whether he will have to pay the whole bill, up to $60, or only a portion of it.

The policy is inequitable, first of all, because people traveling by automobile can cross the border at any time without facing any charges. Congress realized some years ago that automobile travel was not something that should pass freely only during prime business hours. Still, to private aircraft, the Bureau of Customs is closed down for 60 days out of the year unless private parties agree to pay customs employees for what is legally considered a special service. Whether it could have been considered a special service 50, or even 30, years ago is not important. Now private international travel and foreign commerce both operate, and customs services are thus required, 24 hours a day, 7 days a week.

The policy is now wholly inconsistent in its application because the Immigration Service, whose officers in many instances also check persons through customs, do not charge overtime. They operate under different overtime laws than do the customs officers and can do this. Presently, at many ports of entry, immigration officers alternate weekend duty with customs officers. Thus we have the strange situation I first mentioned where a person can either be charged as much as $60 or nothing.

In introducing this bill, I believe that it is time we realize that offhour border crossings are no longer strange exceptions that are more easily restricted than tolerated. In 1911 there were very few aircraft and fewer still engaging in international flight. Today there are more than 100,000 private aircraft and many more than 100,000 individuals who are licensed to fly. The total number of private pleasure boats is also growing very rapidly. In addition, there are many unscheduled commercial operators who cannot solve the dilemma of scheduling flights so as to best serve their clients and still schedule all of their departures or returns during business hours.

With this bill, we can solve present problems and future needs and recognize fully the importance of all modes of travel in international transportation.

ADDRESS BY CONGRESSMAN MILLS ON SOIL CONSERVATION

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas [Mr. TRIMBLE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TRIMBLE. Mr. Speaker, on September 13 at a meeting of the Central Area Soil Conservation District in Little Rock, Ark., our colleague WILBUR MILLS delivered a masterful address on soil conservation.

It is my great pleasure to ask permission to insert his address as part of my remarks and also at the same time to express my thanks to our colleagues:

ADDRESS MADE AT THE SCD CENTRAL AREA MEETING SEPTEMBER 13, 1965, BY CONGRESSMAN WILBUR D. MILLS

It's a pleasure to be home once again and talk to you people who have done—and are doing—so much in conserving and developing the natural resources in Arkansas.

Our soil and water resources, as the air we breathe, are inseparable and irreplaceable assets that we must safeguard and develop to their maximum usefulness, for our strength as a nation stems from abundant natural resources wisely managed for the welfare of all Americans.

Here in Arkansas—as elsewhere in the Nation—we are pressed by an expanding population in the face of diminishing or static resources. Demands are multiplying for the use of these resources to satisfy the needs of our people. This in turn creates increasing competition among various interests for the use of these resources.

It is imperative that we in Arkansas intensify our going programs of soil and water conservation for the total good of all the people now and in the future.

At this very moment people in portions of the United States are feeling the brunt of a water shortage. The Northeast has entered its 4th year of drought. During the past 35 years most places in this region of the United States have had only one or two droughts that lasted as long as 2 years and only a couple of small areas had 4 year droughts.

The present drought began during the summer of 1961. However, moisture deficiencies did not reach serious proportions until the fall of 1963 when extreme drought severity was reached in Vermont.

Although spotty, drought conditions now extend into Ohio, West Virginia, Virginia, and Kentucky. There are many areas where farmers are hauling water for livestock, where crops are suffering, where small rural communities are rationing water supplies, and where rural industries have restricted operations. But we don't hear much about these for they happen somewhere every year.

What we do hear about is the water shortage in the Nation's largest metropolitan area, New York City.

I am sure you have all heard the story about the first graders in a metropolitan school who insisted that milk comes from the supermarket. These children, born and reared in a landscape of steel, concrete, and asphalt, seldom—if ever—had the opportunity to see a live cow.

Their parents, on the other hand, know that milk comes from a cow. But ask these same parents where their water comes from—a commodity they couldn't live without—and you might get as naive an answer as the first graders gave about the source of milk.

Of course, everyone knows that water comes from a faucet. But what's on the other end of that tap—the original source of the water—is rather vague to most urbanites. This is, indeed, disturbing to me as I know it must be to you. But the fact remains that far too many people know too little about our water resources.

Far too few know the interrelationship of land and water, that these twin resources are inseparable and must be treated accordingly.

I don't mean to dwell on the problems in the northeast. I fully realize that area is far removed from west south central United States and New York is a long way from Little Rock. But I do believe there is a lesson for all of us in the water shortage in the Northeast.

For this present water shortage is not all nature's doings. Most of it can be laid at the doorstep of man for not developing and properly managing his resources in the first place. New Yorkers must restrict their water uses, yet they can watch millions of gallons flow untouched down the Hudson River and into the ocean. The reason for this paradox is that the Hudson River has been polluted beyond human use. And this is man's doing.

The point I want to make is this: we have the know-how and the tools to avoid such misuses of our natural resources here in Arkansas. We have the opportunity to plan ahead. And—most important—we have the people and the organization to use the tools and take advantage of the opportunities.

You district supervisors are the people and your soil and water conservation districts is the organization.

I am proud of your accomplishments in resource development. You have always had and will continue to have my respect and my admiration. You are doing a job of tremendous significance for all of us. Let me emphasize those last few words—"for all of us."

For it is true that resource development benefits not only the farmer but also others in rural communities, those in the suburbs, and the people in the cities. We all have a stake in resource conservation.

Since what you are doing is for all the people, it would be unfair—and indeed an impossible financial burden—if you were asked to do it alone. With this in mind, I did a little digging to find out just what help you are getting in the way of funds and services to assist you in your work. I might add, I was pleased with the way things shape up in Arkansas.

Federal funds obligated to Arkansas in fiscal year 1965 amounted to $5.7 million. In addition, there was an estimated $2.5 million in funds from the State, local governments, and local people.

A breakdown of the Federal funds shows that $2.5 million went for assistance to districts; $175,000 for river basin work; $103,000 for small watershed project planning; $2.9 million for watershed project construction and related work; and $21,000 for work on Arkansas' pilot watershed project, Six-Mile Creek.

Of the non-Federal funds, $228,500 went toward district operations; $100,000 for watershed planning; and $2.2 million for watershed project construction.

It is refreshing to note that the funds allocated for fiscal year 1966 show an increase from both Federal and non-Federal sources.

Earmarked for this fiscal year in Arkansas from the Federal Government are funds totaling $6.3 million. A total of $2.5 million will be used for district operations; $28,000 for river basin study; $121,000 for watershed planning; $3.3 million for watershed construction; and $25,000 on the Six-Mile Creek project.

Non-Federal funds for fiscal 1966 total $2.8 million. Of this $253,000 will go for district operations; $100,000 for watershed planning; and $2.5 million for installation of watershed improvement measures.

To date a total of $12.5 million have been obligated for watershed project construction in Arkansas which is equivalent to 500 man-years of local employment.

In addition there are substantial cost-sharing funds available through the agricultural conservation program for conservation measures and funds for conservation loans from the Farmers Home Administration.

Nationally, not all States are in such a fortunate position. Arkansas, as you well know, is a frontrunner among the States in its contributions of funds and services to the soil conservation district program. This interest taken by the State and local governments has done much to accelerate conservation work in Arkansas.

Nevertheless, the bulk of the credit goes to you people who actually get the work accomplished. Arkansas has an extremely good record in conservation treatment measures applied on the land. It stands among the top 10 percent in the Nation in soil and water conservation work accomplished.

In Public Law 566 work, Arkansas ranks fifth in the Nation with 105 watershed applications. It ranks fourth in both projects approved for planning (40) and projects approved for operations (31)—a record of which you can be justly proud.

I am told that through the small watershed program in Arkansas there has been planned for construction a total of about 160 floodwater retarding structures and 842 miles of channel improvement. Also, 66 stabilizing and sediment control structures have been built and 125 miles of mains and laterals have been established.

Your interest in watershed development is reflected in the fact that to date local sponsors have obtained easements and rights-of-way valued in excess of $1.4 million from about 1,300 landowners to install Public Law 566 structures. Your interest has gone unrewarded.

The results of the watershed program in Arkansas have been impressive, especially the multipurpose project work.

Right now, 2,400 people in the communities of Lincoln and Waldron are receiving much needed water from two multipurpose watershed projects.

Lincoln, a community of 1,000, located in the Muddy Fork of Illinois River Watershed, was in critical need of additional water due to decreasing flow of springs that supplied the town. During the long, dry summers of 1962 and 1963, it was necessary to haul water and severely restrict its use. Today Lincoln residents use water without restrictions. Two multipurpose reservoirs in the watershed project can supply the community with 2 million gallons of high quality water a day. With an ample supply of water, the community is now aggressively seeking a new industry.

The story in the Poteau River Watershed is slightly different. The community of Waldron had the industry—employing a minimum of 350 people—but just about lost it due to an insufficient supply of water.

The reason they didn't lose it is because Waldron city officials joined forces with local farmers in sponsoring the Poteau River Watershed project for flood prevention and municipal water. The multipurpose reservoir—with storage for 2,100 acre-feet of municipal water—was completed in April 1964 and put into use shortly thereafter.

The local industry went back into production, added another shift, and plans to add still another in the future.

With results like this, I must say you are making good use of the funds and tools available to you for resource conservation and development. I also want to commend you and the State conservation commission on your role in the Neighborhood Youth Corps program this past summer. I read with interest the report on this in the July issue of your newsletter.

I am sure your cooperation in this venture not only accelerated the resource development program in Arkansas, but also gave 256 youths the opportunity to develop worthwhile skills.

It's examples like this that convince me that Arkansas is moving ahead in resource development.

We all know that Arkansas was the first in the Nation to enact a district law. This year it chalked up another first—the first to give districts the legal authority to carry out all phases of Public Law 566 program which was accomplished by amendments to the State soil and water conservation law by the 65th general assembly. The legislature and the Governor are to be congratulated for this accomplishment.

This change certainly strengthens the district's position in many respects. It has long been my contention that soil and water conservation districts should be the responsible local group, equipped with the necessary powers, to carry out conservation and development work on all the area's renewable natural resources.

The amended district act now gives you more opportunity and more freedom in planning and directing the resource conservation work within the State. The districts are now in a position to become more active and broaden their scope of activities. You district supervisors may now look to the future with more confidence than ever before in seeking new tools in resource development.

There are and will be increasing opportunities for you to initiate projects on your own and join other groups in cooperative ventures. I know Sterlin Hurley, your association president, has sent Governor Faubus recommendations for soil conservation district participation in the proposed Ozark area regional program under the Public Works and Economic Development Act of 1965.

Under this act, administered by the Department of Commerce, grants and loans may be available to districts for acquisition and/or conservation and development of land, water, and related resources for public works, public service, or development facility usage.

Also supplementary grants may be available to districts to assist people in meeting their share of costs in watershed protection projects.

Under the act, districts in designated areas may have the opportunity to accelerate the watershed program, soil surveys, technical assistance to individual landowners, and in other areas.

It is of paramount importance that you continue to seek new tools and new avenues to carry out resource development work. We are making definite progress. The advances in resource development during the past few years are notable because they have occurred in so short a space of time. But so much remains to be done.

You and I know that resource conservation and development qualifies as a top priority job under the most rigid set of standards that can be applied.

But for us to know this is not enough. Others must be made to know—and to understand—and to act.

One way to accomplish this is by bringing all conservation interests together. Only then will the term "conservation" have full meaning.

You can do much to bring this about. For 30 years now your voice has been heard—and it has had impact. Your challenge is to continue to make your voice heard—and your leadership felt.

I will do my part to help. Let us push forward together until we have built a firm foundation for permanent prosperity in all America.

IMMIGRATION AND NATIONALITY ACT—CONFERENCE REPORT

Mr. CELLER submitted a conference report and statement on the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Morris (at the request of Mr. Albert), for September 29 and 30, on account of official business.

Mr. Smith of Iowa, for October 1, on account of official business.

Mr. Redlin, for October 1, on account of official business.

Mr. Hansen of Iowa, for September 30 and October 1, on account of official business.

Mr. Rivers of Alaska, for September 29 through October 5, 1965, on account of National Parks Subcommittee field hearings.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Kastenmeier (at the request of Mr. Jennings), for 60 minutes, on September 30, 1965; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Fino.

(The following Members (at the request of Mr. Del Clawson), and to include extraneous matter:)

Mrs. Bolton.

Mr. Cleveland.

(The following Members (at the request of Mr. Jennings), and to include extraneous matter:)

Mr. Edwards of California.

Mr. Hansen of Iowa.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1065. An act to authorize the Secretary of the Interior to acquire through exchange the Great Falls property in the State of Virginia for administration in connection with the George Washington Memorial Parkway, and for other purposes;

S. 1766. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply, water systems, and waste disposal systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; and

S. 1620. An act to consolidate the two judicial districts in the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 205. An act to amend chapter 35 of title 38 of the United States Code in order to increase the educational assistance allowances payable under the war orphans' educational assistance program, and for other purposes;

H.R. 728. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 1274. An act for the relief of Mrs. Michiko Miyazaki Williams; and

H.J. Res. 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

ADJOURNMENT

Mr. JENNINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 37 minutes p.m.) the House adjourned until tomorrow, Thursday, September 30, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1628. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1966 (H. Doc. 295), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 1582. A bill to provide for the conveyance of certain real property to the State of California; with amendment (Rept. No. 1098). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of California: Committee on Ways and Means. H.R. 8210. A bill to amend the International Organizations Immunities Act; with amendment (Rept. No. 1099). Referred to the Committee of the Whole House on the State of the Union.

Mr. KEOGH: Committee on Ways and Means. H.R. 11029. A bill relating to the tariff treatment of certain woven fabrics of vegetable fibers (except cotton); with amendment (Rept. No. 1100). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee of conference. H.R. 2580. An act to amend the Immigration and Nationality Act, and for other purposes (Rept. No. 1101). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11319. A bill to provide for the establishment of the Hudson Highlands National Scenic Riverway in the State of New York, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. BOLTON:

H.R. 11320. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 11321. A bill to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records; to the Committee on Government Operations.

By Mr. GIBBONS:

H.R. 11322. A bill to provide a program of Federal assistance to elementary schools throughout the Nation to improve educational opportunities through provisions for the services of child development specialists and to provide a program of Federal assistance for the training of such elementary school personnel in the institutions of higher education, and for other educational purposes; to the Committee on Education and Labor.

By Mr. GONZALEZ:

H.R. 11323. A bill to provide salary incentives for teachers who choose to teach children in elementary and secondary schools in school districts having high concentration of low-income families; to the Committee on Education and Labor.

By Mr. GRAY:

H.R. 11324. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY of Michigan:

H.R. 11325. A bill to suspend for a temporary period the import duty on certain unwrought copper; to the Committee on Ways and Means.

By Mr. JENNINGS:

H.R. 11326. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on the amount of the deduction for contributions to the pension and profit-sharing plans made on behalf of self-employed individuals and to change the definition of "earned income" applicable with respect to such plans; to the Committee on Ways and Means.

By Mr. JONES of Missouri:

H.R. 11327. A bill to amend section 503 of title 38 of the United States Code so as to provide that certain social security benefits may be waived and not counted as income under that section; to the Committee on Veterans' Affairs.

By Mr. LONG of Maryland:

H.R. 11328. A bill to establish a Federal Commission on Alcoholism, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11329. A bill to provide for the designation of the ship *Constellation* as a national historic shrine and as the first ship of the Navy; and to provide further that the flag of the United States of America may be flown for 24 hours of each day over the *Constellation*; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York:

H.R. 11330. A bill to prohibit the transportation or shipment in interstate commerce of master keys to persons prohibited by State law from receiving or possessing them; to the Committee on Interstate and Foreign Commerce.

H.R. 11332. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

H.R. 11332. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain expenses of higher education; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 11333. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. PELLY:

H.R. 11334. A bill to provide for the issuance of a special postage stamp in honor of the memory of the late General of the Army, Douglas MacArthur; to the Committee on Post Office and Civil Service.

By Mr. REINECKE:

H.R. 11335. A bill creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials; to the Committee on Education and Labor.

H.R. 11336. A bill to strengthen the criminal penalties for the mailing, importing, or transporting of obscene matter, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 11337. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on the amount of the deduction for contributions to pension and profit-sharing plans made on behalf of self-employed individuals and to change the definition of "earned income" applicable with respect to such plans; to the Committee on Ways and Means.

By Mr. SPRINGER:

H.R. 11338. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 11339. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 11340. A bill to amend section 203(a) of the National Aeronautics and Space Act of 1958 to provide for a program of research and development by the National Aeronautics and Space Administration to reduce or eliminate aircraft noise, and for other purposes; to the Committee on Science and Astronautics.

By Mr. BURTON of California:

H.R. 11341. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, as amended, to provide increased benefits in case of disabling injuries, and for other purposes; to the Committee on Education and Labor.

By Mr. MATSUNAGA:

H.R. 11342. A bill to amend title 18, United States Code, to make it a Federal crime to assault or kill any employee of the Department of Agriculture or the Public Health Service when such employee is engaged in certain inspection duties at ports of entry or border stations of the United States; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 11343. A bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 11344. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. McGRATH:

H.J. Res. 675. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. SECREST:

H.J. Res. 676. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 677. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. MILLS:

H. Res. 592. Resolution providing for printing as a House document the "Compilation of Social Security Laws"; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, a memorial of the following title was introduced and referred, as follows:

369. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Pennsylvania, relative to ratifying the proposed amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11345. A bill for the relief of Ernest Lowe; to the Committee on the Judiciary.

H.R. 11346. A bill for the relief of Felice Patrizio; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 11347. A bill for the relief of Maria Anna Piotrowski, formerly Czeslawa Marek; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 11348. A bill for the relief of Mr. Allan V. Farmer, his wife Madge-Isobel, and three children, Allana Catherine, Nancy Heather, and Julian Madge; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 11349. A bill for the relief of Manuel Tavares Melo; to the Committee on the Judiciary.

By Mr. KREBS:

H.R. 11350. A bill for the relief of Stanley Pulczynski; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 11351. A bill for the relief of Mr. and Mrs. Edouard Abdul Karim Naim and their children, Alexis Edouard, Gebrail Edouard, and Sylvana Edouard Naim; to the Committee on the Judiciary.

H.R. 11352. A bill for the relief of Mrs. Irene Darzenta; to the Committee on the Judiciary.

By Mr. PRICE:

H.R. 11353. A bill for the relief of CWO Maurice Klatch, U.S. Coast Guard Reserve; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII,

273. Mr. KING of Utah presented a petition of the North American Association of Alcoholism Programs, the Christopher D. Smithers Foundation, and the National Council on Alcoholism, concerning alcoholism control activity at the Federal level, which was referred to the Committee on Interstate and Foreign Commerce.

SENATE

WEDNESDAY, SEPTEMBER 29, 1965

The Senate met at 12 o'clock meridian, and was called to order by Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii.

Bishop Kenneth W. Copeland, D.D., S.T.D., LL.D., resident bishop, Nebraska area of the Methodist Church, of Lincoln, Nebr., offered the following prayer:

Dear God and Father of us all, we praise Thee for Thy matchless love for all people and for the right to life, liberty, and the pursuit of happiness. Forgive us when we insist on our liberty yet fail to respond with our loyalty; when we would welcome our opportunities but would refuse to accept our obligations, and especially when we receive the gifts of life while we reject the Giver of life.

We thank Thee for the United States of America, this great country whose sons and daughters we are and in whose bosom we have learned the meaning of freedom and brotherhood. We thank Thee for the Senate, this body of men and women charged with such destiny-making responsibilities. Grant them wisdom; grant them courage for the creative tasks to which they set their minds and their hearts. Keep ever before them the light of Thy truth and the presence of Thy spirit.

Bring to our troubled world Thy peace, O Thou Prince of Peace, by Thy power and through our obedience unto Thee. Give mankind both the knowledge and the courage to translate the instruments that make for war into the implements that make for peace. Help us to eradicate from the earth the basic enemies of mankind: illiteracy, illness, and hunger. By Thy great might, O God, save us from fear, hatred, greed, and impurity of life. Let Thy light shine through our darkness and despair, and let our hearts know the peace that passes understanding. Lead on, O King Eternal, we humbly pray in the spirit and name of our blessed Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 29, 1965.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. INOUYE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 28, 1965, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. FEIGHAN, Mr. CHELF, Mr. RODINO, Mr. DONOHUE, Mr. BROOKS, Mr. MCCULLOCH, Mr. MOORE, and Mr. CAHILL were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1065. An act to authorize the Secretary of the Interior to acquire through exchange the Great Falls property in the State of Virginia for administration in connection with the George Washington Memorial Parkway, and for other purposes;

S. 1620. An act to consolidate the two judicial districts in the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto; and

S. 1766. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply, water systems, and waste disposal systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of September 28, 1965, the following report of a committee was submitted subsequent to adjournment on September 28, 1965:

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

S. 1719. A bill to authorize compensation for overtime work performed by officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, the U.S. Park Police force, and the White House Police force, and for other purposes (Rept. No. 793).

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements during the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. HILL, from the Committee on Labor and Public Welfare:

William H. Stewart, of Maryland, to be Surgeon General of the Public Health Service.

PROTOCOL TO CONVENTION WITH GERMANY RELATING TO DOUBLE TAXATION—REMOVAL OF INJUNCTION OF SECRECY

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from Executive I, 89th Congress, 1st session, a Convention Between the United States and Germany for the Avoidance of Double Taxation With Respect to Taxes on Income, signed at Bonn, September 17, 1965, modifying the convention of July 22, 1954, which was transmitted to the Senate today. I ask unanimous consent that the protocol, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the Record.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit the protocol between the United States of America and the Federal Republic of Germany, signed at Bonn on September 17, 1965, modifying the convention of July 22, 1954, for the avoidance of double taxation with respect to taxes on income.

I transmit also for the information of the Senate the report of the Secretary of State with respect to the protocol. The protocol has the approval of the Department of State and the Department of the Treasury.

Modification of the 1954 convention in certain respects has been made advisable by reason, not only of experience in the application of the convention since its entry into force, but also of some relevant changes in the tax system of the Federal Republic of Germany. The protocol to effect certain desirable modifications has been formulated as a result of a long period of technical discussions between officials of the two countries.

Some of the modifications are designed to effect improvements in the provisions of the convention and bring them more nearly into line with corresponding provisions in the more recent income tax conventions concluded by the United States. The convention would be expanded, for some purposes, to cover certain Federal Republic taxes which are not taxes on income as such, thus increasing the tax relief available to American enterprises. U.S. residents and companies would also derive special benefit from new provisions, unilateral in application, that would exempt them from Federal Republic capital taxes with respect to certain forms of property. American nonprofit institutions would be accorded exemption from Federal Republic tax comparable with that accorded Federal Republic nonprofit institutions under U.S. law.

The protocol would make various other important amendments or would insert in the convention important new provisions relating to the taxation of industrial and commercial profits, the withholding tax rate on dividends, an extension of the tax exemption of interest to cover interest on debts secured by mortgages, an extension of the tax exemption of royalties to cover payments for knowhow and gains from the disposition of property or rights which give rise to royalties, a clarification of the provisions dealing with income from real property, the granting of reciprocal exemption with respect to capital gains other than gains on real property, a broadening of the exemption with respect to personal service income, a broadening of the provisions dealing with governmental salaries, wages, and pensions to cover injury or damage sustained as a result of hostilities or political persecution, a modification of the credit article of the convention as applied to shareholders other than Federal Republic parent companies of U.S. subsidiaries, the disclosure of tax information to courts or administrative bodies concerned with tax assessment and collection, and an improvement in the convention provisions dealing with taxpayer claims in order to prevent double taxation contrary to the convention.

Upon entry into force, the protocol would become in effect an integral part of the 1954 convention.

Lyndon B. Johnson.

The White House, *September 29, 1965.*

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Chief Clerk read the nomination of Francis Keppel, of Massachusetts, to be an Assistant Secretary of Health, Education, and Welfare.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the postmaster nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate resumed the consideration of legislative business.

STATEMENT BY SENATOR MANSFIELD BEFORE THE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record at this point a statement made before the Democratic conference on yesterday.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Mike Mansfield Before the Democratic Conference, September 28, 1965, Room S-208, the Capitol, 2 p.m.

The leadership shared the general hope of an early adjournment, did the best it could to bring it about and was unsuccessful. The understanding which has been shown at this failure to meet the tentative adjournment goal of "around Labor Day" is deeply appreciated. The cooperation of the committee chairmen and the Members in this connection is also appreciated. I am most grateful that the cooperation is continuing, to the end that we may wind up this session in an orderly fashion.

This will be, I hope, the last meeting of the Democratic conference for the 1st session of the 89th Congress although I cannot guarantee it. It has been an exceptional session. You who made it so are well aware of that fact so there is no need to dwell upon its achievements. Difficulty with adjournment may yet obscure the contribution which this Congress has made but it will in no way diminish its importance to the Nation.

I want to say in connection with 14(b) that the leadership has no intention of treating this item any differently than the other major controversies with which, previously, it has had to cope. It will not pursue exercises in procedural futility. That was avoided in connection with civil rights, with legislative reapportionment, and any number of other controversial measures. Insofar as the leadership is concerned, the treatment of 14(b) will be in accord with past practices. The leadership will be prepared to propose orderly procedures but, in this as in any other matter, it is the Senate as a whole which disposes.

In the light of the uncertain situation on 14(b), I do not know when adjournment can be anticipated and venture no further predictions. But I do know that it is not too early, even now, to be looking beyond this session to the work of the Senate in the 2d session of the 89th Congress.

The President has stated that "we look forward to the Congress being able to get out of here early next year. I would say certainly far ahead of the fiscal year in June." I hope that will be the case and recent experience obviously suggests a prudent caution. I welcome and applaud the President's view that he does "not expect anything like the volume of the substantive legislation next year," from the Congress.

The scope of achievements in the last 8 or 9 months makes any repetition of the volume of significant legislation which has been cleared in the present session not only unlikely but, in my judgment, undesirable. That is not to say that during the second session we may expect nothing in the way of proposals for new initiating legislation in the President's messages or from Senators themselves. Even less does it mean that we will be able to take it easy for the first half of 1966. What is indicated, it seems to me, is that barring some extraordinary crisis in foreign policy the main concern of the Senate in the second session will be the perfection, the elaboration, and the refinement of the basic legislation which underpins major Federal programs and, particularly, the legislation which has been put into the statute books during the past 3 or 4 years. Indeed, that is likely to be the main concern not only for the next session but for some time to come.

It is with that expectation in mind that I would like to suggest to the conference that thought should be given in the weeks ahead to the frequently mentioned but generally underexercised congressional function of legislative oversight. I would suggest, in particular, that the committee chairmen consult with their committee members prior to the next session, on how this function may be more effectively and fully exercised, within the scope of the committee's assigned responsibilities.

It is hardly possible to set in legislative motion so many new Federal approaches to the Nation's problems—as we have done in recent years—without leaving a number of gaps and any number of rough edges, overextensions and overlaps. The best time to catch these shortcomings, it seems to me, is before they become solidified by repetition into the administrative practices of the departments and agencies. The executive branch, itself, under the eye of the President and his administration, will, of course, be alert to these problems. In the Senate, the Appropriations Committee and the Government Operations Committee will, of course, be concerned with them.

In any event it seems to me unreasonable to expect too much in the way of examination of the evolution of these new programs from the committees which I have mentioned. They are necessarily immersed in the current activity of the Government and in specific problems as they may arise or may be brought to light. They can hardly be expected to take on the immense additional task of oversight in connection with the Federal programs of great magnitude which have been initiated. It is the legislative committees it seems to me, in consultation with the Appropriations and Government Operations Committees to be sure, to which we must largely look for the function of oversight to be exercised in a thorough fashion.

The committees which are responsible for the initiating legislation on the major programs should not merely sit and wait, it seems to me, for the departments and agencies to present them with legislative suggestions for corrective or elaborative legislation. It would be most desirable, in my judgment, that the Senate, itself, take a measure of legislative initiative. If it is to do so, it is essential that the committee formulate specific approaches to the oversight of some of the major undertakings of the past several years with a view to bringing in to the Senate during the next session, such corrective, contractive, or elaborative legislation as may be indicated.

The leadership would hope to meet with the committee chairman in January to see what has been developed and to help in any way it can to advance this work. A contribution from the Senate along these lines could be of great help to the President and the cooperation of his administration is to be anticipated.

I would point out in this connection that the Armed Service Committee under the distinguished chairmanship of Senator Russell has exercised a consistent oversight in military affairs for many years and this has redounded to the good of the armed services themselves as well as to the credit of the Senate. In that connnection there has been a maximum of Senate contribution to the effective design and execution of public policy in matters of defense.

The Senate can and should make every effort to keep the major Federal programs on the right track—to keep them there, or to return them to it—as the case may be. That, too, is a way of serving the Nation's needs, no less vital perhaps than was the enactment of these programs in the first place.

Before opening the meeting to discussion, I want to address myself briefly to the extraordinary services of the younger members of the conference during the current year—younger in length of service and, in most cases, in terms of years.

In all the time I have been in Congress, I do not recall a greater individual and collective contribution in such a short period than that which has been made by our younger colleagues. They have been seen and heard and in a most responsible and effective fashion. They have acted, in every sense, as leaders of the Nation which every Member becomes on entering the Senate.

I am delighted with this development and will certainly do everything that I can to encourage its continuance. The committee chairmen have done a great service by encouraging the younger Members to take on the degree of leadership responsibility which they have carried during this session.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Commissary Operations of Federal Aviation Agency

A letter from the Acting Administrator, Federal Aviation Agency, Washington, D.C. transmitting, pursuant to law, a report on commissary operations of that Agency, for the fiscal year 1965 (with an accompanying report); to the Committee on Appropriations.

Economic and Social Development in Ryukyu Islands

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend the act providing for the economic and social development in the Ryukyu Islands (with an accompanying paper); to the Committee on Armed Services.

Proposed Legislation Relating to Department of the Interior

A letter from the Secretary of the Interior, transmitting three drafts of proposed legislation to establish a revolving fund for the Southeastern Power Administration; to establish a revolving fund for the Southwestern Power Administration; and to establish a revolving fund for the Bonneville Power Administration (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report Under Military Personnel and Civilian Employees' Claims Act

A letter from the Director, U.S. Information Agency, Washington, D.C., reporting, pursuant to law, on claims paid under the Military Personnel and Civilian Employees' Claims Act of 1964, during the period September 1, 1964, through August 31, 1965; to the Committee on the Judiciary.

Applications for Writs of Habeas Corpus by Persons in Custody Pursuant to Judgments of State Courts

A letter from the Deputy Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation relating to applications for writs of habeas corpus by persons in custody pursuant to judgments of State courts (with accompanying papers); to the Committee on the Judiciary.

Report of John F. Kennedy Center for the Performing Arts

A letter from the Chairman, Board of Trustees of the John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a report of that Center, for the period July 1, 1964, through June 30, 1965 (with an accompanying report); to the Committee on Public Works.

Disposal of Executive Papers

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. Monroney and Mr. Carlson members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

The petition of Marija Ratniers, of Hartford, Conn., relating to the liberation of the Baltic States; to the Committee on Foreign Relations.

A resolution adopted by the Ninth Annual Utah State AFL–CIO Convention, favoring the enactment of Senate bill 1781, to prohibit trafficking in strikebreakers; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking and Currency, without amendment:

S. 2542. A bill to amend the Small Business Act (Rept. No. 794).

By Mr. RANDOLPH, from the Committee on Post Office and Civil Service, without amendment:

H.R. 6165. An act to repeal section 165 of the Revised Statutes relating to the appointment of women to clerkships in the executive departments (Rept. No. 795).

By Mr. MAGNUSON, from the Committee on Appropriations, without amendment:

H.J. Res. 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes (Rept. No. 796).

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

S. 1316. A bill to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for other political divisions and subdivisions in the National Capital region (Rept. No. 797).

BILLS INTRODUCED

Bills were introduced, read, the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCLELLAN (for himself, and Senators Jackson, Ervin, Ribicoff, Harris, Lausche, and Mundt):

S. 2575. A bill to strengthen certain laws relating to banking; to the Committee on Banking and Currency.

(See the remarks of Mr. McClellan when he introduced the above bill, which appear under a separate heading.)

By Mr. McINTYRE (for himself and Mr. Bayh):

S. 2576. A bill to provide for the best care, welfare, and safeguards against suffering for certain animals used for scientific purposes without impeding necessary research; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. McIntyre when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

EXPRESSION OF SENSE OF THE SENATE WITH RESPECT TO THE INTER-AMERICAN POLICIES OF THE UNITED STATES

Mr. MORSE (for himself, Mr. Clark, and Mr. Young of Ohio) submitted a resolution (S. Res. 150) expressing the sense of the Senate with respect to the inter-American policies of the United States, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. MORSE, which appears under a separate heading.)

HUMANE TREATMENT OF ANIMALS USED FOR SCIENTIFIC PURPOSES

Mr. McINTYRE. Mr. President, on behalf of the Senator from Indiana [Mr. BAYH] and myself, I introduce, for appropriate reference, a bill to provide for the best care, welfare, and safeguards against suffering for certain animals used for scientific purposes without impeding necessary research.

This bill has the endorsement of two of the major American organizations concerned with the humane treatment of animals, the American Humane Association and the Humane Society of the United States.

I am very proud that this bill represents, in great part, the untiring efforts of one of my constituents, Mrs. Frances Holway of Rye, N.H. While the bill in its present form represents the thoughts and efforts of many persons and organizations, it was Mrs. Holway's pioneer work which brought it to my attention.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2576) to provide for the best care, welfare, and safeguards against suffering for certain animals used for scientific purposes without impeding necessary research, introduced by Mr. MCINTYRE (for himself and Mr. BAYH), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

AMENDMENT OF TITLE I OF TARIFF ACT OF 1930, RELATING TO LIMITATION OF BUTTON BLANKS—AMENDMENT

AMENDMENT NO. 461

Mr. LONG of Louisiana submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H.R. 7621) to amend title I of the Tariff Act of 1930 to limit button blanks to raw or crude blanks suitable for manufacture into buttons, which was referred to the Committee on Finance, and ordered to be printed.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—AMENDMENT

AMENDMENT NO. 462

Mr. McNAMARA submitted an amendment, intended to be proposed by him, to the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF BILL

Mr. LONG of Louisiana. Mr. President, at its next printing, I ask unanimous consent that the name of the junior Senator from Washington [Mr. JACKSON] be added as a cosponsor of the bill (S. 2567) to amend and extend the provisions of the Sugar Act of 1948, as amended.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Without objection, it is so ordered.

AMENDMENT AND EXTENSION OF PROVISIONS OF SUGAR ACT OF 1948—ADDITIONAL COSPONSOR OF BILL

In the RECORD of September 28, 1965, the name of the Senator from Florida [Mr. SMATHERS] was inadvertently omitted as as cosponsor of the bill (S. 2567) to amend and extend the provisions of the Sugar Act of 1948, as amended, which was introduced by Mr. LONG of Louisiana (for himself and other Senators).

ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of September 21, 1965, the names of Mr. INOUYE, Mr. MUNDT, and Mr. SCOTT were added as additional cosponsors of the bill (S. 2548) to amend title 18 of the United States Code so as to prohibit the transmission of certain matter which defames or reflects injuriously upon racial or religious groups, introduced by Mr. CLARK on September 21, 1965.

NOTICE OF HEARING ON S. 2499, TO AMEND THE SMALL BUSINESS ACT TO AUTHORIZE ISSUANCE AND SALE OF PARTICIPATION INTERESTS BASED ON CERTAIN POOLS OF LOANS HELD BY THE SMALL BUSINESS ADMINISTRATION

Mr. PROXMIRE. Mr. President, I should like to announce that the Subcommittee on Small Business of the Committee on Banking and Currency will hold a hearing on S. 2499, a bill to amend the Small Business Act to authorize issuance and sale of participation interests based on certain pools of loans held by the Small Business Administration, and for other purposes.

The hearing will be held on Thursday, October 7, 1965, at 10 a.m., in room 5302, New Senate Office Building.

Any persons who wish to appear and testify in connection with this bill are requested to notify Matthew Hale, chief of staff, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C., telephone 225-3921.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 29, 1965, he presented to the President of the United States the following enrolled bills:

S. 1065. An act to authorize the Secretary of the Interior to acquire through exchange the Great Falls property in the State of Virginia for administration in connection with the George Washington Memorial Parkway, and for other purposes;

S. 1620. An act to consolidate the two judicial districts in the State of South Carolina into a single judicial district and to make suitable transitional provisions with respect thereto; and

S. 1766. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporation not operated for profit with respect to water supply, water systems, and waste disposal systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes.

A SPECIES OF BIRD THAT IS VANISHING

Mr. MANSFIELD. Mr. President, a very noteworthy, timely, and well-deserved tribute by Marquis Childs appeared this morning in the Washington Post about our beloved colleague, the junior Senator from Virginia [Mr. ROBERTSON]. The column did not stress the great talent and experience as a legislator of our distinguished friend from Virginia but rather his charm, his sportsman interests, and his perspective in the field of conservation. The article is a well-deserved tribute and we hail its prediction that our most experienced junior Senator will return again for another term after the elections of 1966. I ask unanimous consent that the article by Marquis Childs be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Sept. 29, 1965]

A SPECIES OF BIRD THAT IS VANISHING

(By Marquis Childs)

When, in the florid tradition of that body, the colleagues of Senator A. WILLIS ROBERTSON of Virginia, rose to congratulate him on his 78th birthday, one tribute richly deserved is perhaps unique in the annals of the Senate. He was hailed as the best quail shot in the country.

About the junior Senator from Virginia there is the rugged quality of a country squire. Not, let it be said, the choleric type of Squire Western in "Tom Jones" but more nearly a mid-Victorian example after the style of Squire Thorne of Ullathorne in Anthony Trollope's "Barchester Towers." A sportsman in the traditional sense, each year the Senator gets his teeth into an issue that means much to him, and, while each year he loses, nevertheless he comes back to it as he has once more.

He demands that the Secretary of the Interior, who has jurisdiction, close the season for duck hunting for a year. The appeal is that of a conservationist rather than a sportsman since no one is happier in a duck blind than the Senator. In his telegram to Secretary Stewart Udall this year he said: "For more than half a century I have watched with distress the decline and fall of our duck population. In view of the current report that it is now at the lowest level since surveys were started in 1947, I strongly urge that you close the season in the United States for the year and ask our Canadian friends to take similar action although the kill in Canada is relatively small. If we wait 1 or 2 more years before taking drastic action to save the remnants of brood stock and then close the season it would probably never again be opened because the brood stock would have gone beyond the point of recall."

This is an ominous forecast for a great many Americans who know what it means to sit in a duck blind in the early morning with the decoys out, to see the mists rise off the water and then to have a flock of mallards or pintails come coasting in. It is a poignant reminder of other species that have vanished in an America that was such a cornucopia of abundance it could never run out.

Now and then when he has a spare moment Senator ROBERTSON stands in melancholy contemplation before the case in the Smithsonian Institution containing two stuffed passenger pigeons. To the best of his belief the last few of this vanished species that once darkened the sky for miles on end were shot in 1887, the year he was born.

He can remember when he was a young hunter of Back Bay near Norfolk that each night in the duck season an express car load of canvasbacks and redheads went out to the big cities on the eastern seaboard. That was in the heyday of the market hunter. ROBERTSON recalls that market hunters boasted of killing 450 or 500 ducks a day.

Either experts in Interior's Fish and Wildlife Service do not take the Senator's gloomy prophecy seriously or they realize what a wild outcry such a prohibition would produce. Not long after ROBERTSON sent his wire, Secretary Udall issued new waterfowl regulations identical with those of last year with one important exception. In the Mississippi and central flyways the daily bag limit can include only one mallard and one pintail. For the stock of these two ducks once so plentiful is, Interior concedes, the lowest in history.

It is not merely the ruthless and predatory hunter, including the still menacing market hunter, who threatens the wild duck with extinction. A whole complex of circumstances lumped under the dubious head of civilization is pushing back the margin of survival for all wildlife. Ponds and marshes are being drained. The drought in the Northeast has dried up breeding grounds for waterfowl.

Wildlife refuges have increased in number and a lot of work has been done to save the species that once existed in such abundance. But this must be measured against the fact that there are only 153 Federal agents to try to enforce duck regulations and more than 1,500,000 hunters last year bought the $3 duck stamp. The number of hunters has gone down from more than 2 million chiefly because the birds are so scarce and because many of the most desirable shooting areas are in private hands. Commercial exploiters sell shooting privileges by the day or the week and they are among the worst offenders in the illegal practice of baiting with grain to attract ducks.

The junior Senator from Virginia is up for reelection next year and there is every likelihood that he will run again with virtually no doubt at all that he will be returned for another 6 years. The squirearchy may not have been as numerous as the passenger pigeon, but Virginia has a tender regard for the past and the vanishing species of that past.

THE 78TH BIRTHDAY ANNIVERSARY OF SENATOR A. WILLIS ROBERTSON OF VIRGINIA

Mr. TALMADGE. Mr. President, my warm friend, the distinguished junior Senator from Virginia, A. WILLIS ROBERTSON, recently celebrated his 78th birthday, and many Members of the Senate rose to congratulate him on this splendid occasion.

There appeared in this morning's edition of the Washington Post an excellent column by Marquis Childs paying well-deserved tribute to Senator ROBERTSON for his prowess as a hunter and outdoorsman and for his efforts as a conservationist, particularly in endeavoring to preserve our duck population. It has been my privilege and pleasure to have formed a close friendship with Senator ROBERTSON since I came to this body, and we have on many occasions shared many moments of pleasurable fellowship while hunting and fishing. He is an excellent hunter, with an eye as keen as his wit, and although I am several years his junior, I often find it very difficult to keep up with him in the field.

Mr. President, I ask unanimous consent that Mr. Child's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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(By Marquis Childs)

When, in the florid tradition of that body, the colleagues of Senator A. WILLIS ROBERTSON, of Virginia, rose to congratulate him on his 78th birthday, one tribute richly deserved is perhaps unique in the annals of the Senate. He was hailed as the best quail shot in the country.

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PARTICIPATION BY ST. OLAF COLLEGE STUDENTS IN THE SUMMER EDUCATION PROGRAM OF TUSKEGEE INSTITUTE

Mr. MONDALE. Mr. President, last summer 65 students from St. Olaf College in Northfield, Minn., participated in the summer education program of Tuskegee Institute.

This program was aimed at enriching the educational background of culturally deprived Negro youngsters in a 10-county Alabama area.

Now that the first wave of young men and women seeking to make known to the Nation the abuses existing in some parts of the South has ended, these young students from St. Olaf College represent the second phase of our drive to bring equality to all Americans, regardless of race or color. Education will be particularly crucial for the Negro in the United States, and I think the Senate of the United States should be made aware of their efforts.

I ask unanimous consent that the attached statement on the summer education program between Tuskegee Institute and St. Olaf College be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SUMMER EDUCATION PROGRAM—TUSKEGEE INSTITUTE AND ST. OLAF COLLEGE

The class counted in German, "ein, zwei, drei," a common enough classroom exercise. But this was an uncommon class.

The 12 students were 14- to 17-year-old Negroes. The classroom—a plot of grass under a moss-covered pine tree. The place—rural Lowndes County, Ala., just 3 miles up the road from where Mrs. Viola Liuzzo was murdered. The teacher—a white college sophomore from St. Olaf College in Minnesota.

The teacher, Galen Brooks, Sioux Rapids, Iowa, was tutoring students in English, German, speech, civics, and algebra. He is one of 600 college students tutors in the summer education program of Tuskegee Institute. Among the tutors are 530 Negroes, mostly from Tuskegee, a college of 700 students in eastern Alabama, and 70 white students, 65 of whom come from St. Olaf College in Northfield, Minn.

The experimental program is aimed at upgrading the education of culturally disadvantaged Negroes in a 10-county Alabama area. Meeting in schools, churches, homes, and outdoors in hastily erected tent shelters, the summer education program (SEP) has enrolled 5,700 students from elementary to adult levels. Financed federally through the Office of Economic Opportunity and Office of Education, the program operates through 50 tutoring centers and 7 mobile units.

The program is defined by its organizers as an educational program rather than a conventional form of civil rights activity.

"We're a second front in the civil rights movement," said SEP coordinator, Dr. P. B. Phillips, dynamic, peripatetic, 32-year-old dean of students at Tuskegee. "We're purely an educational program. Our tutors are forbidden to demonstrate. But our program can be considered part of the civil rights program because it is concerned with human rights—the right to learn."

While the tutors, both Negro and white, do not participate in demonstrations, rallies, or voter registration drives, there is ample evidence that the effect of their working together is being felt by both the white and Negro communities. A Negro high school teacher from Phenix City noted that Negroes were suspicious of the white St. Olaf students in the program's early stages. But the St. Olaf students, he said, have worked side by side with the Negroes, made good on their promises, and the influence is being felt.

A white high school teacher, who joined SEP as a teaching supervisor, said that he asked himself, "Are these freedom riders or teachers?" when the St. Olaf students arrived at Tuskegee to begin training. He said they have proved that they are in Alabama for a serious purpose and did not come to cause trouble.

Moving forces behind the large number of St. Olaf students in SEP were Lee Norrgard, 1967, Hopkins, and Steve Stoddard, 1966, Zumbrota, Minn. Each was an exchange student at Tuskegee last spring. Both helped recruit the tutors and Norrgard is SEP's photographer.

SEP is an unconventional program with unconventional teaching methods. Individualized tutoring sessions are the aim. The small classes are informal, with chairs arranged around the tutor rather than in fixed classroom order. Tutors attempt to avoid typical classroom situations since about one-third of their students are dropouts. They try to reach these dropouts with unconventional methods, as they do those students who, because of ill-equipped schools and teachers, are three to four grades behind achievement levels.

Said Carol Jean Larsen, 1965, from Bismarck, N. Dak., "The methods we learned in practice teaching don't work here. Students know the alphabet, but don't know the sounds associated with the letters."

Dave Kjerland, 1965, from Owatonna, Minn., said of his adult classes: "We start with the alphabet and then go backwards to associate sound and letter."

About two-thirds of the tutors live on the Tuskegee campus and travel by rented car or school bus to tutoring centers. The rest, including a number of St. Olaf students, live with Negro families in the rural communities near their teaching centers.

The typical tutor's day begins about 5:30 a.m. Tom Nibbe, 1965, LaCrosse, Wis., for example, drives tutors to their centers and picks up students from 6 to 9:30 a.m. Then he drives a truck transporting a drama group and acts in two play performances. Three nights a week he tutors an adult class. Saturdays are spent in preparing reports and training manuals for future programs.

In evaluating the tutors, the single characteristic of the St. Olaf students noted most often by their Negro teacher-supervisors was resourcefulness. The supervisor at Wacoochee High near Salem, Ala., said: "We give them what little we have, and they improvise the rest." The tutors make up much of their own teaching material since textbooks are relatively hard to come by.

The tutors in English are teaching it essentially as a second language would be taught. Those working both with small children and adults have prepared their own phonics materials, since none available are written specifically for the Negro child or unschooled adult.

Virginia Hall, 1965, Fargo, N. Dak., and Carol Jean Larsen, commute 130 miles each day and spend the travel time working out new games to teach their fourth graders arithmetic and spelling. To solve the transportation problem four tutors, Pam Bergquist, 1965, Bethesda, Md.; Lucille Thilquist, 1967, Hopkins, Minn.; Karin Sundquist, Virginia, Minn.; and Connie Opdahl, 1965, San Bernardino, Calif., bought an old car. Christened "Booker T" after the founder of Tuskegee, the car is the pride and problem of their Macon County teaching center.

Stuart Taylor, 1968, Shawnee Mission, Kans., and Peter Eggen, 1966, Niagara, Wis., had no classroom, so they built seven tent shelters and converted two small houses for teaching. Taylor was named "Tutor of the Month" for July for teaching and recruiting skill.

One of the objectives of SEP is the preparation of techniques and materials for teaching in this tutorial situation. Each of the tutors will prepare reports for the Government on the materials they have developed for their classes.

Transportation of the tutors has been one of the major problems, as has transportation of students. Most of the students have to be transported to the teaching centers, often a considerable distance.

Without exception, the St. Olaf students in the program have been enthusiastic about it despite transportation and organization problems. Tutors comment on the sheer fun of working with the Negro children. Those tutors teaching night classes are moved by the eagerness and appreciation of the adult students.

Several plan to change their vocational choice to teaching after this experience on the teacher's side of the desk.

In addition to tutoring, the SEP program includes cultural presentations. A choir and instrumental ensemble has been organized and directed to Steve Fuller, St. Olaf, 1965 from San Bernardino, Calif. The choir, made up of both Negro and white tutors, presents two concerts a day in teaching centers, and prefaces each concert with tutoring sessions on classical music. A typical audience will run from 40 to 100 people, many of whom may be hearing the names Mozart and Haydn for the first time.

Four of the mobile units are drama groups, each doing one-act plays. The companies conduct sessions on drama and play production followed by presentation of their play. Each group does two shows a day.

Another mobile unit is the bookmobile which attempts to supplement the libraries of the schools being used and brings books to the outdoor teaching centers.

An unusual mobile unit is a health and hygiene team. Manned by both Tuskegee and St. Olaf students, the unit discusses health and hygiene problems, family organization and attitudes, and both girls and boys present information on proper dress and grooming. Several of the girls in the unit are nurses and answer health and hygiene questions particularly related to the small, overcrowded homes that most of the tutees come from.

About a dozen of the St. Olaf students live off the Tuskegee campus with Negro families, usually in rural settings. They claim they didn't really become involved in the program until they joined the Negro community in this manner. Jeff Strate, St. Olaf, 1966, of Edina, Minn., and Charles Larson, 1965, of Thief River Falls, Minn., live with a family in a 100-year-old log house 5 miles from their school and the nearest telephone. Their spotlessly clean room was decorated with Utrillo prints and laundry hanging from the single light cord. Both Jeff and Chuck said that they wouldn't exchange this summer for any other experience.

Jeff summed up his responses, saying "After 2 weeks one of my adult pupils wrote his name for the first time in his life. He said to me, 'You are here as an answer to my prayers.' Boy, how could I possibly not love teaching here?"

Jeff and Chuck have been invited to watermelon busts, fishing trips, and revival meetings by their hosts. They report some "hazards" in going to the Negro revivals, however, since they are made so welcome that they must meet everyone in the congregation and share food with all before they can gracefully leave.

Most of the St. Olaf students attend church by going to Negro revival meetings in the rural areas. Since they live within the Negro community, they feel they are not welcome in the white churches.

Why? Why did 65 students from a single northern college head south for the summer? Each had his own reasons. Usually tutors mention several elements: curiosity about the South and its different culture, the challenge of a difficult situation, a good job (tutors receive about $600 plus board and room). Some had convictions in varying degrees about civil rights.

After the summer's work, there will be few without strong convictions on civil rights. One group of Oles, quizzed by St. Olaf's Director of Special Studies Richard Buckstead on an inspection trip, insisted, "We changed the first week." Greater open-mindedness and self-confidence were claimed by the tutors.

The Oles had some adjustments to make.

"It's a shock to be a 'minority,' " said Dave Kjerland, "and feel the restrictions on where you can go."

Sandy Oftedahl, 1965, Rosemount, Minn., commented, "It's quite a shock to have a fourth grader ask you 'What's it like to be a white person?' "

One immediate byproduct of SEP will be increased exchange of students between Tuskegee and St. Olaf. While two exchanges were made last year, during 1965–66 plans are underway for 25 students from each school to attend the other for a semester.

Most of all the St. Olaf students will bring home with them memories of a job well done.

Each has had his heart warmed by some individual act of appreciation. Perhaps Dave Kjerland's incident tells the tale best. A 40-year-old farmhand walked through a rainstorm to find Dave at a choir concert. His lifetime schooling was 3 weeks in SEP. He wanted to show Dave a theme he had written. It was a 14-line essay on "My Community," laboriously printed with many spellings and grammatical errors.

Luckily Dave paused halfway through his reading to congratulate the obviously elated writer. When he got to the last line, he found it hard to speak. The Negro writing for the first time in his life had written, "we have our fine teachers. they are wite. we love them."

GROUP RESEARCH, INC., MAY HAVE TO CLOSE DOWN

Mr. **FULBRIGHT**. Mr. President, a news item published in the Washington Post for September 21, 1965, reports that Group Research, Inc., an organization which keeps track of political extremists, may be forced to shut down because of lack of financial support.

This would be a blow to good government in the United States. We need more active groups like this to help keep the public and public officials informed on the activities of extremist groups of the right or the left.

I must confess that I am not familiar with all of the work done by Group Research, but I have seen many of their thorough research reports on individuals and organizations. They are factual and informative, and I would hate to lose this source of information.

I hope that some way can be found to keep this organization in operation.

I ask unanimous consent to have the news item from the Post printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Group Eyeing Rightists May Quit

An organization formed 3½ years ago to keep track of rightwing groups is in financial trouble and may have to close down by the end of the year.

The organization is Group Research, Inc., which was set up in February 1962, by Wesley McCune, a former Washington reporter.

McCune acknowledged yesterday that Group Research operates "from month to month" and that it is "more difficult now than before the election" to raise money.

Other persons in Washington familiar with Group Research, which has been operating on a budget of around $50,000 a year, reported that its financial sources are drying up because the organization has been unable to demonstrate that it can support itself through subscriptions to its newsletter.

Group Research has been supported in part by labor unions and by contributions from the Democratic National Committee.

If unable to continue, it would be the second organization set up to report systematically on the activities of rightwing groups to suspend its operations this year.

Last February the National Council for Civic Responsibility, formed in September 1964, closed its office in New York.

Dewey Anderson, executive secretary of the Public Affairs Institute in Washington and principal organizer of the National Council, said in February that he thought "the Goldwater thing snuffed this out."

In discussing the problems of Group Research, McCune also referred to the defeat of Barry Goldwater in the 1964 presidential election and noted that it produced "a psychological letdown" among persons who had been concerned about rightwing groups.

Statements by leaders of the John Birch Society and other rightwing groups have indicated that the organizations have expanded their membership and operations since the election. Last Friday the Birch Society opened a Washington office.

Group Research, which has offices and a small staff in the Bond Building at 1404 New York Avenue, NW., has issued newsletters and other reports on rightwing groups.

A SECRET BALLOT RIGHT-TO-VOTE AMENDMENT OF THE TAFT-HARTLEY ACT

Mr. **DOMINICK**. Mr. President, strong support is being evidenced throughout the Nation for a secret ballot right-to-vote amendment to the Taft-Hartley Act. It is unfortunate that the administration has not yet seen fit to endorse this fundamental right for all American employees. Nevertheless, increasing editorial support from all parts of the country makes it abundantly clear that this principle is understood and endorsed at the grassroots.

The secret ballot right-to-vote amendment will guarantee individual employee rights in union representation elections. Under existing law, the National Labor Relations Board has permitted many unions to become bargaining agents for employees merely upon a showing of so-called card authorizations. This procedure has corroded away the right to a secret ballot representation vote—a right thought to be guaranteed by the framers of the Taft-Hartley Act.

It is therefore necessary that Congress, if it is to amend the Taft-Hartley Act at all, should take legislative action to reassert and safeguard employees' rights to a secret ballot election. This is a basic right which every legitimate union should itself endorse and seek to guarantee.

It is my intention to introduce and to vigorously support a secret ballot right-to-vote amendment when the Senate takes up the matter of Taft-Hartley revision.

Clearly, if we are to enforce majority rule over individual employee desires as a part of our basic labor-management policy, then it is vital that the Congress also take steps to assure election procedures which will guarantee that the voice of a true majority of employees is being heard.

With unanimous consent, I therefore ask that newspaper editorials, evidencing growing public support for the secret ballot right-to-vote amendment to Taft-Hartley, be included as part of the Congressional Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Worcester Telegram, Sept. 17, 1965]

To Protect the Worker's Ballot

In its yielding to White House and organized labor pressure to repeal section 14(b) (right-to-work) of the Taft-Hartley Act, Congress has thus far shown precious little respect for the individual worker's rights. So it may be too much to expect any display of such concern at this late date, unless the Senate takes a fresh look at the problem before getting to a floor vote on H.R. 77.

The chief motive, and perhaps the only one thus far, has seemed to be to strip from States the power to grant a worker the privilege of deciding for himself whether he wants to join a union. States which have right-to-work laws now would lose them; States which might want such laws would be forbidden to enact them. H.R. 77, which would thus throttle a worker's freedom of choice, passed the House in late July and has been reported for action to the Senate floor.

If Congress is to make any pretense of concern for the worker himself, however, it can do no less than consider other amendments offered during this long and distressing legislative treatment of 14(b). It could forbid the use of union dues for political purposes. It could prohibit unions from punishing members for exercising the right of free speech, for example. It could rule out union membership discrimination on account of color or creed.

But the very least Congress can decently do, it seems to us, if it persists in altering Taft-Hartley, is provide the worker with the protection of a secret ballot in expressing himself for or against union representation. The law as it stands calls for secret voting, but does not guarantee it. Instead, the law also provides that if a union presents cards signed by 51 percent of a company's employees, the employer must recognize and bargain collectively with the union so designated. Those cards are, obviously, anything but secret. They may offer a tempting opportunity for bringing pressure on an employee by identifying him with his vote.

Certainly in so sensitive a matter as the choice of a union, or no union, to represent him, an employee ought to be given the positive assurance that his ballot will be secret. His choice should be unknown even to those who count the ballots. To this, the NLRB has said that, while it conducts secret balloting when requested, it would be swamped if required to do so in every referendum. That is a poor excuse. If card checks, as they are called, encroach upon the worker's right to secrecy in one instance, they are a threat to that right every time.

An amendment to relieve conscientious religious objectors from compulsory union membership has been tacked onto the 14(b) repealer—with a highly dubious clause, incidentally that would make the objector pay his dues over to some charity. So amendment is possible. There is every reason why protection, should also get approval in Congress.

[From the New York (N.Y.) World Telegram, Sept. 7, 1965]

Full Debate on 14(b)

We do not believe Congress should repeal the Taft-Hartley Act's section 14(b), which gives States the right to decide for themselves whether they want to permit compulsory union membership contracts within their borders.

We oppose repeal for the clearest of reasons—because we oppose any law, anywhere, which forces a man to join any organization whatever, as a condition of holding his job.

In these circumstances it is encouraging to hear that a bipartisan group of Senators plans to launch an "extended debate" on the repeal measure when it reaches the Senate floor.

There should be full debate on an issue as far-reaching as this one. If the principles involved are spelled out clearly and in detail we are confident the public will let their Senators know they don't want repeal.

A series of amendments to the repeal proposal also should receive searching consideration by the Senate. Most of these were rejected by majority members of the Senate Labor Committee, who thus missed an opportunity to improve their own bill.

One of the most important would strengthen provisions for secret ballot elections in union representation disputes. Under present National Labor Relations Board rules, union officials in many cases can become bargaining agents for an entire work force simply by showing cards signed by a majority.

There should be equally full discussion of the problem of union use of dues money for political purposes. Technically this is prohibited by law—but the law has many and obvious loopholes.

If section 14(b) should be repealed, and a national policy established that workers everywhere could be forced to pay dues against their will, tightening of the antipolitics provisions would become doubly important.

Labor and administration leaders obviously would rather see Congress pass the repealer quickly and go home. But this is a question on which the voters should hear all the facts, no matter how long it takes.

[From the Los Angeles (Calif.) Times, Aug. 8, 1965]

COMMONSENSE AND RIGHT TO WORK

House passage of legislation outlawing State right-to-work laws by a narrow margin was followed by predictions that an identical measure will have easier sailing in the U.S. Senate.

Although this may be so, it is neither fit, proper, nor right.

A majority of the House of Representatives bowed to the demands of organized labor for repeal of section 14(b) of the Taft-Hartley Act. But the Senate—particularly those Members concerned about such things as freedom of choice, good government, abridgement of States rights and discrimination—should think long and hard before supinely playing follow the leader.

The repealer would negate right-to-work provisions in the statutes, or written into the constitutions, of 19 States and bar possible enactment of such statutes in the other 31 States.

Is it sound governmental practice for the Federal Government to invalidate State laws and State constitutional provisions? Is there any justification for further erosion of States rights? Is individual freedom of choice no longer a thing to be valued? Is compulsory unionism greatly to be desired?

We think not.

If, however, the Senate is willing to overlook such basics and proceed to amend the Taft-Hartley Act, then consideration should be given to some other changes sorely needed in that act.

It should be amended to prohibit discrimination by unions on the basis of race, color, or creed. It should be amended to prohibit the use of dues for political purposes. It should be amended to provide for secret balloting in union representation elections.

Union leaders would fight most such amendments to the bitter end.

But equity, fair play, and just plain common horsesense demand that the one change not be made without the others.

[From the Daily Oklahoman, Sept. 24, 1965]

BELATED RALLY FOR 14(b)

Wily Senator EVERETT DIRKSEN doesn't like to call his intended opposition to the repeal of Taft-Hartley's section 14(b) a filibuster.

He prefers to say there's going to be an "extended discussion" of the matter when it's brought up in the Senate. Section 14(b) is the part of the National Labor Act which gives Federal authorization to the right-to-work laws of the 19 States which have them.

Its repeal was the price organized labor demanded of President Johnson for the support it gave him in last year's election. Certainly the issues involved are important enough to merit a far more detailed examination than they got in the House where administration forces applied a gag rule which effectively choked off opposition.

Until rather recently it appeared the way was greased for similar preemptory handling in the Senate. The Senate Labor and Public Welfare Committee cleared the repealer by a 12-to-3 margin without giving much consideration to amendments that would have improved it vastly.

It's to be hoped that the issues reflected in these amendments will be discussed more thoroughly by the Senate's former coalition of conservative Republicans and Southern Democrats which shows signs of coming to life for the extended discussion promised by Senator DIRKSEN.

One proposed amendment would have strengthened provisions for maintaining secrecy of the ballot in union representation elections. The secret ballot is vouchsafed as a matter of course in elections for public offices. Certainly it's equally important in matters involving the individual's livelihood.

In order to protect this guarantee, Congress would have to take all discretionary authority out of the hands of the National Labor Relations Board which never misses an opportunity to demonstrate its prolabor bias.

Indicative of just what can happen under compulsory unionism is a recent instance involving an effort by a California member of the United Steelworkers to determine by secret ballot whether his local wanted that particular union to continue as its bargaining agent. When he filed a decertification petition with the NLRB, the union bosses suspended him from membership, fined him $500, and barred him from attending union meetings for 5 years.

The NLRB sided typically with the union, rejecting the decertification petition and agreeing with the union leadership that the dissatisfied member had no right to file it. With the game rigged so completely against the individual, the right-to-work provision embodied in section 14(b) is about the only remaining avenue for possible dissent.

A great deal of concern for minority rights is being expressed nowadays. Often the spokesmen for organized labor are loudest in their professed solicitude for minorities. But where is there any compassion for the worker whose compulsory union dues often are used to further political causes with which he may or may not be in sympathy?

Technically, such misuse of union dues is against the law, but what practical recourse is open to any union shop captive for escaping identification with whatever political candidate or cause his leadership may choose to espouse?

These are questions that got short shrift in the steamrollered House. Senator DIRKSEN and other like-minded Senators will perform a valuable service if they bring them to national notice in the promised extended discussion of the 14(b) repealer.

[From the Great Falls (Mont.) Tribune, Sept. 11, 1965]

SECRET BALLOT IN LABOR ELECTIONS SEEMS LIKE A FAIR REQUEST

Hope for early adjournment of the 89th Congress faces a roadblock—a probable filibuster over repeal of section 14(b) of the Taft-Hartley Act.

President Johnson has committed the administration to repeal of the short paragraph in the labor law that permits States to prohibit contracts requiring workers to join a union as a condition of employment.

Section 14(b) has been an irritant in the side of labor for years. Business in general has battled just as vigorously to retain 14(b) as labor has fought to repeal it.

Eighteen States have laws prohibiting contracts requiring workers to join a union. These State laws are called right-to-work laws.

In recent weeks, there has been considerable support for an amendment to the Taft-Hartley Act to guarantee workers the right to a secret ballot on the designation of a union as their bargaining agent.

Requests for the amendment, calling for a secret ballot election, directed and supervised by the National Labor Relations Board in all cases where employees are asked to select a bargaining agent, seem fair.

We think a secret ballot should be a fundamental right in all elections. We hope our Montana Senators will support such an amendment to the labor law.

[From the Toledo (Ohio) Blade, Sept. 5, 1965]

RIGHT TO VOTE ON UNIONS

In approving the bill to repeal section 14(b) of the Taft-Hartley Law—and thus denying the States the right to prohibit the union shop—the Senate Labor Committee did permit one amendment.

Persons who object to union membership on grounds of religious conscience will not be required to join a union to hold their jobs. Instead, they need only pay a charitable organization sums equivalent to union dues.

This concession to conscience was mandatory, as the Blade had insisted before, unless Congress was going to grant unions a dictatorial power over workers in a plant which the Nation does not choose to exercise over its citizens.

If conscientious objectors are to be exempted from military service even in time of war, what possible justification could there be for requiring conscientious objectors to join a union?

Strangely enough, however, the Senate Labor Committee, having recognized the right of conscience even in labor matters, refused to accept another amendment which would have guaranteed workers in a plant a secret vote on the issue before they could be forced to join a union.

Isn't that also a fundamental democratic, American right? Even George Meany, president of the AFL–CIO, has said he has no objection to writing this secret-ballot clause into the revision of the Taft-Hartley law.

But the excuse given for blocking what seems an eminently fair proposal is administrative difficulties.

The National Labor Relations Board says, on the one hand, that it already orders a secret election whenever a management insists on it. But the Board contends, on the other hand, that it would be "snowed under" if it were obliged to conduct secret elections at every plant where a union seeks recognition.

At a time when the Nation is sparing no effort or expense to extend voting rights to everybody, should they be denied in labor matters because it is too much trouble to give a minority the chance to prove that it may be the majority?

[From the Jackson (Miss.) Clarion-Ledger, Aug. 26, 1965]

RIGHT TO VOTE IN UNION MATTERS

If our U.S. Senators and Representatives were elected to office by some of the same procedures used by a labor union to get selected as the employees' representative, there would be a great hue and cry around the Nation.

The truth is that in some instances the National Labor Relations Board in Washington has been depriving employees of the right to a secret ballot in determining whether or not they want a union.

Official records clearly show that this has happened in NLRB rulings.

In some cases, the Board actually requires businessmen to bargain with a union even though a majority of their employees do not want that union.

Senator Fannin, of Arizona, said in a recent floor speech: "While Congress has legislated to give the vote to all Americans, the National Labor Relations Board is eliminating such right for the American worker in determining union representation."

Several Members of the Senate have introduced bills to guarantee employees the right to a secret ballot election. It will be interesting to see how these proposals fare with the majority of Senators overwhelmingly favorable to the so-called voting rights bill recent steamrolled through Congress.

Unfortunately, by various reports, many in Congress are not even aware of the legal loopholes under which workers can be deprived of their right to vote in union elections.

Many people believe workers always have the right to decide by secret ballot whether or not a majority of them want a particular union as their representative. This is not true.

So before even considering the repeal of section 14(b) of the Taft-Hartley Labor Act which guarantees the right to work, Congress should make certain that workers are guaranteed the right to vote in any and all elections pertaining to union representation.

[From the Billings (Mont.) Gazette, Aug. 24, 1965]

Why Not a Secret Vote?

Whether the expected repeal of the right to work section (14(b)) of the Taft-Hartley law is all take and no give so far as labor unions are concerned depends upon the success of movements to amend the repealer which is now in the Senate.

Repeal opponents are most anxious to put across a provision calling for a secret election where unions are attempting to organize a business. This would put an end to the policy of accepting as a bona fide expression of workers the so-called card elections conducted by organizers whereby employees sign a card indicating that they want union representation.

The purpose of a secret ballot is to eliminate the possibility of pressure and to let the employee vote his convictions without embarrassment or fear of the consequences of opposing union organization. An amendment providing for such seems only fair, and it's difficult to see how organized labor can conscientiously oppose it.

HIGGINBOTHAM SCHOOL OF JOURNALISM

Mr. BIBLE. Mr. President, the University of Nevada recently honored one of its most active and enduring faculty members by naming the institution's expanded school of journalism after him. This school of journalism, already recognized nationally as one of the best, will henceforth be called the Higginbotham School of Journalism.

The man honored, Alfred L. Higginbotham, is the type of individual who deserves any recognition the university or the profession of journalism can bestow. He is a man who has wholly and totally dedicated himself to his work. The results show it.

Although small in size, the University of Nevada Journalism Department has earned the respect of those in and out of the profession nationwide. Its roster of alumni is star studded. Men like Frank H. Bartholomew, former general manager and chairman of the board of United Press International, E. W. "Ted" Scripps, vice president of Scripps-Howard newspapers, and many others. And this is only part of the story.

I know Professor Higginbotham from the vantage of a former student and as a personal friend. In his 42 years at the University of Nevada he has never flagged in his drive to improve journalism and journalism teaching. He is both a leader and a pioneer in this respect.

Mr. President, I ask unanimous consent that a column in the Reno Evening Gazette and an editorial in the Nevada State Journal, both printed September 21 and both commenting on Professor Higginbotham's latest honors, be inserted into the Record following my remarks.

There being no objection, the column was ordered to be printed in the Record, as follows:

[From the Reno (Nev.) Gazette, Sept. 21, 1965]

Sierra East

(By Warren Lerude)

The Alfred L. Higginbotham Department of Journalism of the University of Nevada?

That's what regents decided to call it the other day.

Quite a tag.

What's so special about Alfred L. Higginbotham, you ask, that calls for putting a name that long on anything?

Well, let's see.

You might have asked Paul Finch, the correspondent for the Associated Press as he dashed amid zinging bullets through the streets of revolt-torn Caracas a while back.

Or Frank McCulloch, the Time and Life magazine man, who walked about the jungles of Vietnam making sure he was close enough to the bombs to see them, getting close enough to feel them.

You might ask Ed Montgomery, the San Francisco Examiner reporter who dug and dug for public service for San Franciscans and a Pulitzer Prize for himself.

Or Bob Miller, the United Press correspondent. Ask him, that is, if you can find him somewhere between the wars and the diplomatic tables. You might try Asia for him. Or Europe. Or anywhere. He's out there somewhere, pencil, notebook, enthusiasm in hand.

Try Norman Bell, now retired, who used to ride the bombers with notebook in hand during the Pacific war as a correspondent for the Associated Press.

Or Bob Benneyhoff, who covered the Korean war for the United Press and a lot of things before it and after it.

They're all too far away, you say. Then ask some of the people around Reno.

Like John Sanford, who has poured his thoughts of civic concern into a typewriter at the Reno Evening Gazette for 40 years.

Or Joe Jackson, who has gotten more editions of the Gazette on the street, than he can count.

Or the Gazette's Rollan Melton, probably one of the youngest and most able managing editors around anywhere.

Look behind that "lighter touch" of Frank Johnson on the Nevada State Journal.

Or ask Paul Leonard to take a minute away from writing the editorials in the Journal to tell you about it.

They'll give you your answer.

Better yet, ask Linda Cooper, a bright-eyed girl just out of college who's just beginning her career in journalism behind a typewriter at the Gazette.

For the best answer, though, try Marie Higginbotham, who has seen her husband bowl over the most enthusiastic freshman students since 1923, channel that enthusiasm into a feeling of devotion to the cause of liberty that journalism champions, and send much wiser seniors out into the newsrooms of the world with a good deal of the dedication they were to find in the editors who got there before them.

Just don't ask me. I'm a headline writer, and the tag Alfred L. Higginbotham, Department of Journalism of the University of Nevada is just too wordy to fit, presenting somewhat of a problem, for Higgy always called for thoroughness.

In headlines as well as stories.

[From the Nevada State Journal, Sept. 21, 1965]

Regents Vote To Name University Department

The University of Nevada Board of Regents, at a meeting last weekend, took up a number of matters of importance.

But most important of all was a vote to call the university's department of journalism the A. L. Higginbotham Department of Journalism.

At the August meeting of the board there had been some hesitancy on the part of a couple of the regents to name the department after its founder and chairman, and who is still very much its active head after 42 years.

This, it was reported, had nothing to do with the qualifications of the prospective designee. Those were recognized at the outset. It was simply because no department had ever before been named for a person.

But last Saturday the board decided that it should set a precedent—and now there is a department named after an individual.

In the first place, the regents showed mighty good sense in appending a person's name to a department. Furthermore, why not do it again in some other department, if the occasion warrants?

In the second place, the choice couldn't have been better on the first try in department naming.

Alfred Leslie Higginbotham, often known to his friends as "Higgy," is a perennial young man with the drive of a New York advertising executive.

He is more dedicated to the ideals of journalism than the most crusading editor. He is something of a down-to-earth philosopher, an idealist with a touch of cynicism, an imparter of knowledge par excellence, a taskmaster, and a conveyor of inspiration.

Of all his attributes he perhaps shines most brightly in the last category—which has made him a teacher who has produced some of the top reporters in the Nation, to say nothing of a host of publishers, editors, and advertising men.

The University of Nevada's Department of Journalism is, comparatively speaking, a small one. But the number of successful newsmen in magazine, newspaper, radio, and TV reporting who have come from his classes is out of all proportion to the size of the department on the local campus.

The reason is simple. Professor Higginbotham has inspired his students to go out and set the world on fire. He has given them a push that has started them running and most of them have never stopped.

The board of regents has taken a most apropos action.

NEW SOURCES OF SUPPLY OF METALS AND MINERALS

Mr. JACKSON. Mr. President, there has been a great deal of interest during this session of the Congress in our supplies of gold and silver as well as other metals. I think the Members of the Senate as well as the general public should know of the action that is being taken by the administration to find new sources of supply of metals and minerals within our own country, and I ask, Mr. President, unanimous consent that the 14th annual report of the Office of Minerals Exploration of the Department of the Interior, submitted to the Congress by President Johnson and referred to the Interior Committee, be printed in the CONGRESSIONAL RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

I transmit herewith the 14th semiannual report of the Office of Minerals Exploration, Geological Survey, from the Secretary of the Interior as prescribed by section 5 of the act of August 21, 1958, entitled "To provide a program for the discovery of the mineral reserves of the United States, its territories and possessions by encouraging exploration for minerals, and for other purposes."

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 14, 1965.*

THE 14TH SEMIANNUAL REPORT, OFFICE OF MINERALS EXPLORATION, GEOLOGICAL SURVEY, U.S. DEPARTMENT OF THE INTERIOR, PERIOD ENDING JUNE 30, 1965

EXPLORATION ASSISTANCE PROGRAM

The Office of Minerals Exploration in the Geological Survey conducts a program to encourage exploration for domestic mineral reserves, excluding organic fuels, by providing financial assistance in exploration to private industry under Public Law 85-701, approved August 21, 1958 (72 Stat. 700, 30 U.S.C., sec. 642). The Office of Minerals Exploration also administers contracts with royalty obligations remaining from a similar program conducted by the former Defense Minerals Exploration Administration under section 303(a) of the Defense Production Act of 1950, as amended. Effective July 1, 1965, the Office of Minerals Exploration was transferred to the Geological Survey (30 F.R. 2877, 30 F.R. 3461).

ACHIEVEMENTS

Exploration for gold and silver continued to dominate the OME program. Of the 77 applications for exploration assistance received during the period January 1 to June 30, 1965, 71 were for gold and silver exploration. Increased activity in exploration for mercury also occurred during this period in which three applications requesting assistance in exploration for this metal were received.

New OME business: During this reporting period, 77 applications were received, 24 applications were denied, 13 were withdrawn, 5 contracts and 27 amendments were executed, 6 contracts were terminated or canceled, and 1 project was certified for possible production. At the close of the period 35 contracts were in force and 64 applications were in process.

Disposition of OME applications to June 30, 1965

Applications received for financial assistance in exploration for 33 commodities in 31 States	484
Estimated cost of proposed exploration	[1] $48,058,289
Applications denied	190
Applications withdrawn	129
Applications in process as of June 30, 1965	64
Contracts executed	101

[1] No amount given in 9 applications.

Status of all OME contracts on June 30, 1965

	Number	Total value	Government participation		
			Approved	Spent	Repaid
Type of action:					
Executed	101	$6,711,826	$3,389,379	$1,512,434	$104,432
Certified and terminated	12	971,016	485,553	330,283	96,434
Terminated not certified	43	2,372,028	1,186,014	564,534	179
Canceled	11	459,858	229,929		
In force as of June 30, 1965	35	2,908,834	1,487,883	617,617	7,819
Amendments executed:					
Changing amounts	29	419,541	209,771		
Other	216				

Royalties from Office of Minerals Exploration projects are estimated at $30,000 a year through 1968.

Ore discovered on the 13 certified OME projects is estimated to have a recoverable value in excess of $16 million at current market prices.

Status of DMEA contracts on June 30, 1965—Open contracts on which some obligations remain

	Number	Total value	Government participation		
			Approved	Spent	Repaid
Type of action:					
1. Terminated and certified. Government assistance ended. Royalties on production payable for periods specified	134	$16,480,873	$9,873,958	$8,013,098	$1,723,356
2. Terminated not certified. Contracts with royalty agreements	44	5,722,738	3,084,365	1,813,629	47,483
Permanently closed contracts on which no obligations remain and Government losses, if any, written off:					
3. Terminated. Government funds repaid in full	84	6,041,153	3,966,987	3,042,026	[1] 3,042,440
4. Terminated and losses written off	812	26,224,402	16,465,685	10,477,274	521,129
5. Contracts canceled. No Government funds spent	85	2,301,297	1,414,249		
6. Total of all contracts executed, as amended	1,159	56,770,493	34,805,244	23,346,027	5,334,408
Total of all contracts certified included in lines 1, 3, 4, and 5	399	30,347,379	18,634,519	14,945,184	5,121,814

[1] Includes overpayment of $414.

Transactions—Defense Production Act Borrowing Authority

Total authorization	$35,800,000
Actually borrowed	32,935,000
Contract disbursements	23,346,029
Administrative expenses	8,392,617
Treasury interest paid	6,070,042
Royalties received	5,334,408
Net disbursements	32,472,280

Future royalty receipts are estimated at $380,000 for calendar year 1965, $275,000 for 1966, $250,000 for 1967, and $200,000 for 1968. Notes totaling $4 million and interest of $690,000 became payable on July 1, 1965. The notes will be renewed and the accrued interest will be paid in cash from the revolving fund.

The success of the DMEA program can be measured by the value of the recoverable minerals and metals in the ore reserves discovered as a result of the exploration. The reserves found on the 399 certified DMEA projects are estimated to have a value in excess of $1 billion at present market prices. For every dollar spent ($23,346,029) by the Government on DMEA exploration contracts, approximately $42 in recoverable value of minerals and metals was discovered.

SUMMARY OF THE PROGRAM

The following mineral commodities are currently eligible for financial assistance under the OME program: Antimony, asbestos, bauxite, beryllium, bismuth, cadmium, chromite, cobalt, columbium, corundum, diamond (industrial), fluorspar, gold, graphite (crucible flake), iron ore, kyanite (strategic), manganese, mercury, mica (strategic), molybdenum monazite, nickel, platinum group metals, quartz crystal (piezoelectric), rare earths, rutile, selenium, silver, sulfur, talc (block steatite), tantalum, tellurium thorium, tin, uranium.

In passing upon applications for exploration assistance, the following factors are carefully considered:

(a) The geologic probability of a significant discovery being made.

(b) The estimated cost of the exploration in relation to the size and grade of the potential deposit.

(c) The plan and method of conducting the exploration.

(d) The accessibility of the project area.

(e) The background and operating experience of the applicant.

(f) The applicant's title or right to possession of the property.

Financial assistance is provided by the OME under contracts with qualified applicants who normally would not undertake the exploration at their sole expense under current conditions or circumstances and who are unable to obtain the funds needed for the exploration from commercial sources on reasonable terms.

Contracts are entered into only after investigation of the applicant's eligibility and careful consideration of the merits of the proposed exploration based upon sound engineering and geological principles. Each contract describes the land involved, specifies the work to be performed by the operator, and fixes the time in which the exploration is to be completed. The contract states the estimated cost of the proposed work and the amount of the Government's contribution which may not exceed 50 percent of the total cost, except for silver exploration which may not exceed 75 percent, and is limited to $250,000 for any single contract. It also states the estimated actual or fixed unit costs for each item of work.

The Government's contribution to the cost of the exploration is limited to the necessary, reasonable, and direct actual costs or to the fixed units costs agreed upon with the operator in terms of units of work to be performed. Usually a contract is not approved for work requiring more than 2 years to complete, however, most contracts are for a much shorter period.

Repayment of the Government's contribution with interest is provided for by a royalty on production from the land described in the contract. If there is no production there is no obligation to repay. The Government is not obligated to purchase any production. The royalty is 5 percent of the gross proceeds or value of the production and is payable on any production from the date of the contract until the Government certifies to the operator that mineral or metal production from the area covered by the contract may be possible or notifies the operator that it does not intend to certify. In the latter case there is no further obligation to pay royalty to the Government.

If a certification is issued, the operator is obligated to pay royalty on all production from the land under the contract until the Government's contribution is fully repaid with interest or until the period fixed in the contract for royalty payments (usually 10 but never more than 25 years) has elapsed. Royalty payments apply to both principal and interest, but they never exceed 5 percent of the gross proceeds.

Simple interest is calculated from the first day of the month following the dates Federal funds are made available to the operator until the period specified for royalty payments expires or until the full amount contributed by the Government with interest is repaid. The rate of interest has ranged from 5.75 to 6.5 percent.

ORGANIZATION, ADMINISTRATION, AND COORDINATION OF THE PROGRAM

The OME formerly operated under the general policy and direction of the Assistant Secretary, Mineral Resources, with a staff of 12 in Washington. Field services were provided by the Bureau of Mines and the Geological Survey. Under the Office of the Director were the Divisions of Exploration Operations, Contract Administration and Audit, and the Administrative Management. A review committee, composed of the Chiefs of the Divisions of Exploration Operations and Contract Administration and Audit, reviewed all actions on applications and contracts for conformity with policy, technical standards, and procedures for exploration work to maintain consistent application throughout the program. The field work was performed by OME field officers under the direction of the Chief, Division of Exploration Operations.

Field officers were detailed from the Bureau of Mines in San Francisco, Calif., and Denver, Colo., and from the Geological Survey in Spokane, Wash.

Effective July 1, 1965, the OME was transferred to the Geological Survey. The office is being operated under the general supervision of the Chief Geologist, with a small Washington staff and field officers under the direction of the Chief and Assistant Chief, OME.

COOPERATION WITH OTHER AGENCIES

In addition to the close cooperation with the Bureau of Mines and the Geological Survey, the OME works closely with the Office of Minerals and Solid Fuels, the Office of Emergency Planning, and the General Services Administration because of their interests and responsibilities in the minerals field. It cooperates also with the Atomic Energy Commission on minerals of particular interest to that agency. The Attorney General and such agencies as the Securities and Exchange and the Tariff Commissions, Small Business Administration, and Treasury and Commerce Departments are furnished information relating to the OME program. The OME audit procedures conform with the comprehensive auditing program of the General Accounting Office.

NEED FOR EXPLORATION ASSISTANCE

Both the industry and the Government recognize the need for a continuing aggressive minerals exploration program. Most of the exposed and near-surface deposits have been explored and developed. New deposits are increasingly difficult and costly to find. The risk and cost of modern exploration discourage industry from undertaking sufficient exploration to assure adequate reserves for the Nation's future requirements without some form of Government assistance. If our country is to continue to produce substantial portions of our requirements, increasing emphasis must be placed on exploration. Projected requirements for the Nation's needs indicate that exploration must be greatly increased to keep pace with the growing demands for minerals and metals.

The OME contributes toward the discovery of an adequate supply of minerals and metals by aiding industry in locating and inventorying undiscovered or undeveloped domestic mineral resources for the time when our expanding economy is expected to place a much greater drain on them. The OME program is one way in which the Government's responsibilities in this field are being carried out. By sharing in the risk and cost of exploration, the Government contributes toward long-range benefits. It also supports employment in distressed areas and adds to the geologic knowledge of our mineral provinces. The significant and very satisfactory results achieved by the DMEA and the OME programs indicate that both the industry and the Nation will greatly benefit from continued exploration assistance.

SMALL BUSINESS IN THE PROGRAM

The OME program, like that of the DMEA, appeals especially to small business. Exploration assistance is available to many small operators who are particularly interested in searching for deposits of highly strategic minerals not found in the United States in sufficient size to be of interest to large operators. The small operators are given maximum encouragement because of the more urgent need for the scarcer strategic and critical minerals and because of the importance of this group in the mining industry.

All participants in the OME program to date are in the small business group. The OME contracts executed to date call for maximum expenditures ranging from $4,500 to $328,290 a contract. More than one-half of the OME contracts are with operators whose share of the cost of the exploration is less than $25,000, including allowances for their labor, supervision, and equipment used in the exploration.

RECOMMENDATIONS

The history of the minerals exploration program indicates that the program should be continued in the national interest.

OME FIELD OFFICES

Region I

South 157 Howard Street, Spokane, Wash., 99204: Alaska, Idaho, Montana, Oregon, and Washington. Applications for exploration in Alaska may be filed with the U.S. Bureau of Mines, Post Office Box 7688, Juneau, Alaska, to be forwarded to the region I OME field officer.

Region II

Room 9007, 450 Golden Gate Avenue, San Francisco, Calif., 94102: California, Nevada, and Hawaii.

Region III

Building 20, Federal Center, Denver, Colo., 80225: Arizona, Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

Region IV

Room 11, Post Office Building, Knoxville, Tenn., 37902: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

SELF-GOVERNMENT IN PACIFIC ISLANDS

Mr. INOUYE. Mr. President, because of its remote location and the subsequent dearth of news about its activities, I will attempt from time to time to call to the attention of my distinguished colleagues certain articles about the Trust Territory of the Pacific Islands.

Although it may be some years in coming, the day will surely arrive when the U.S. Senate will be directly concerned with the political future of these far-flung islands. It is our hope that the U.S. Government, as administrator of the Trust Territory of the Pacific Islands by virtue of the authority of the United Nations, will enable the inhabitants of these islands to intelligently prepare for the time when they will be asked to make a major political decision about their future in the world society.

Our establishment of the Congress of Micronesia is one of the major preparatory steps in this direction.

The September 21 issue of the Christian Science Monitor published an Associated Press article which gives a well-balanced view of the road ahead for the Trust Territory of the Pacific Islands.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Sept. 21, 1965]

PACIFIC ISLES DEFY MOLD

UNITED NATIONS, N.Y.—The United Nations is finding it much harder to bring self-government to the islands of the Pacific than it did to the African mandates it inherited from the League of Nations.

The seven African territories now are independent. There is still a long road ahead for some of the islands under U.N. trusteeship.

The toughest of all may be the U.S. administered Trust Territory of the Pacific Islands, 2,100 islands scattered over 3 million square miles between Hawaii and the Philippines.

After 18 years of joint U.S.-U.N. effort to weld the territory's 88,000 inhabitants into a politically responsible unit, American officials will not guess when they will be ready for self-government.

AREAS DIVERGENT

A U.N. mission which visited the territory in 1964 found that "among the local inhabitants no fully matured opinions on the future of the territory had emerged."

This is one of the three territories still under the U.N. trusteeship system. The others are eastern New Guinea and tiny equatorial Nauru Island, both administered by Australia.

New Guinea covers about 93,000 square miles and has a population of 1.5 million. Nauru covers only 8 square miles and has a population of 5,000.

Nauru may gain its independence within 2 years, but it probably will remain closely linked to Australia.

INDEPENDENCE SEEN

It is assumed that New Guinea and Papua, which are administered jointly, will eventually become an independent nation of some 2 million inhabitants.

But it is also likely that Indonesia, which got western New Guinea away from the Netherlands, will eventually lay claim to the eastern part of the big island.

The Trust Territory of the Pacific Islands includes three main groups—the Carolines, the Marianas (except Guam) and the Marshalls. It was mandated to Japan by the League of Nations. The United States occupied the islands in World War II. They were placed under U.N. trusteeship in 1947.

INCORPORATION URGED

Many of the islands are volcanic and picturesque; many are little more than coral reefs. Only 96 are inhabited. The population is mainly Micronesian. The eastern boundary of the territory lies about 1,800 miles west of Hawaii.

Senator Hiram L. Fong, Republican, of Hawaii, has introduced a resolution to put Congress on record as favoring incorporation of the islands into Hawaii, but the United States is committed to a policy of allowing the residents to determine their own future.

American officials say it will be some time before the Micronesians will be ready for a decision. The slow progress toward self-government is attributed to dispersal of the population, lack of political education, and the difficulty of creating a Micronesian identity.

When the time does come to change the territory's status, the views of the population may be determined by any one of several methods.

CONGRESS ESTABLISHED

The United States has established a Congress of Micronesia as the first legislative organ of the territory. The congress might eventually ask for independence or for self-government within the framework of the United States. The territory also might be asked to express its opinion by voting under U.N. supervision.

The Trust Territory of the Pacific Islands is unique in that it has been designated as a strategic area and, under the U.N. Charter, the U.N. Security Council has the final say.

This means that the big-power veto would apply. The Soviet Union's demands for independence of all dependent territories might make it difficult to win approval of any proposal that did not offer independence.

REDUCTION OF FREIGHT RATES ON GRAIN INTO THE SOUTHEAST

Mr. TALMADGE. Mr. President, on September 10, the Interstate Commerce Commission approved the Southern Railway System's right to reduce rates on grain into the Southeast. This will mean much to the economy of the South. The South is a deficit area in both red meat and grain. It also means a lot to the Midwest opening up new markets for grain with higher prices for the growers.

Each year, the South must import 1 billion pounds of beef and 1.3 billion pounds of pork to meet its needs. Also, each year the South imports 12 million tons of grain to meet its needs in producing poultry, cattle, and hogs that it now produces. This decision by ICC will be a stimulus to the livestock producers in the Southeast and will be of tremendous help in raising farm income.

I ask unanimous consent that this statement by Mr. D. W. Brosnan, president of the Southern Railway System, on the decision rendered by ICC, be printed in the Record.

There being no objection the statement was ordered to be printed in the Record, as follows:

Southern Railway's Grain Rates

The Interstate Commerce Commission on September 10 approved, upon reconsideration, Southern Railway system's greatly reduced freight rates for grain transported in the railway's Big John 100-ton cars. The reduced rates, which have been in effect since May 11, 1963, average 60 percent under rates formerly used. The Commission had previously ordered that the rates be increased by 16 percent.

President D. W. Brosnan, of Southern Railway, said "the Interstate Commerce Commission deserves the highest praise and thanks of the American people" for its approval today, after further study, of Southern Railway's greatly reduced rates for the transportation of grain. He added: "This is regulation in the public interest, benefiting all consumers, and particularly the grain-deficit South and farmers in the grain-surplus Midwest.

"This clears the way for the fast growth of our billion dollar baby, the South's livestock industry," Brosnan said. "Nourished by Southern's low grain rates livestock production in the South, now deficit by more than 2 billion pounds annually, will take off like a rocket and put some $2 billion of new money in circulation in the area. The grain for this will come from the Midwest and will greatly benefit the farmers in that area. Incidently, the savings to the public in present transportation costs alone from these rates add up to $40 million each year."

In its report today, the Interstate Commerce Commission found Southern's rates just and reasonable, without prejudice to Tennessee River ports, and that they do not result in destructive competition against barge line protestants.

THE WATER SHORTAGE AND THE ST. CROIX NATIONAL SCENIC RIVERWAY

Mr. MONDALE. Mr. President, during the last 2 weeks, the Senate has acted on legislation of key significance to the preservation of fresh water as one of our most precious natural resources. The St. Croix National Scenic Riverway bill provides for the protection and preservation of the scenic and recreational aspects of that river.

And on Tuesday, September 21, the Senate adopted a conference report on the water pollution control bill, S. 4, which I cosponsored, which will enable us to begin now to take steps to preserve our water resources.

Two fine editorials in the St. Paul Pioneer Press on the subject of water pollution and on the St. Croix National Scenic Riverway bill are worthy of the attention of the Senate, and therefore I ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the St. Paul (Minn.) Pioneer Press, Sept. 19, 1965]

Mondale St. Croix Bill Is Sound

The absence of antipollution standards and the lack of any comprehensive State policy on the preservation of Minnesota's heritage of natural beauty has brought the Federal Government into the picture on the St. Croix River.

The St. Croix is included in a clean water bill, authored by Representative John Blatnik, of Minnesota, which is almost certain to be enacted in this session of Congress. It will provide for the setting of antipollution standards and controls which will be imposed on interstate waters if the States themselves fail to act.

The House and Senate passed slightly different versions and the final bill was worked out in conference.

Another bill, passed by the Senate, affects the St. Croix more directly. Coauthored by Senators Walter Mondale, of Minnesota, and Gaylord Nelson, of Wisconsin, the St. Croix Scenic Riverway Act would protect the scenic and recreational assets of the river.

The measure will go before the House next session, under sponsorship of Representative Joseph Karth, of St. Paul, who, with Mondale, eliminated through amendment many of the more objectionable features of the original legislation.

It is unfortunate that Federal legislation should be necessary. It is unfortunate that Minnesota and Wisconsin have not worked out air and water pollution standards for the river they share along with a plan for some sort of civilized development for the river valley. But they have not.

As it stands now, however, the Mondale-Nelson bill is a sound piece of legislation which should provide a suitable framework in which the States, counties, and local communities involved can work with the Federal Government in the development and preservation of the valley.

It is not completely satisfactory either to the dedicated conservationist or to those who have hoped for unabetted industrial development along the river. But it does permit reasonable development of the river for commercial use while protecting valuable and irreplaceable recreational resources.

The act would apply to a quarter-mile strip on both sides of the river. The area north of Taylors Falls would be preserved as a "wild river," as would 90 miles of the Namekagon River. Federal land acquisition will amount eventually to about 34,270 acres, including 31,270 acres to be purchased ultimately from Northern States Power Co.

It no longer has application to land within cities and villages—as they were constituted as of last January 1—and does not affect existing industrial or commercial development.

It is in regard to the unincorporated areas along the river that some unhappiness remains. The bill calls for the adoption of zoning ordinances in areas outside of municipalities on the lower St. Croix. These would have to conform to standards set by the Secretary of the Interior, standards which would be consistent with the recreational purposes of the act.

Critics point out that the act spells out no specific standards. They are concerned that they might be imposed at the whim of the Secretary and exclude all new industrial and commercial development in these areas regardless of their character.

The bill's author should make some clarification of this point and produce a clear congressional intent, for the Interior Department is given enormous powers under this bill and Congress should leave as little interpretation as possible up to bureaucrats.

The Secretary of the Interior, for example, would have the power to condemn land for acquisition. This authority would be suspended in areas where proper ordinances in regard to standards are in force. Any attempts to breach the ordinances or to promote undesirable development would serve to reinstate the condemnation power.

Exempt from condemnation and acquisition are individual homes, cottages, and cabins used for residential purposes. The authors, along with exempting villages and cities in the amended bill, also eliminated any confusion about whether the new NSP plant on the St. Croix would be affected. It will not.

In urging passage of the bill in the Senate, MONDALE stated:

"We cannot allow the St. Croix to go the way of our other polluted, detergent-filled, sewage-filled rivers in the United States.

"The St. Croix River is the last major unpolluted river in the United States today. Its beauty is without question. It is a clean, large, swift-flowing waterway, within easy access to thousands of Minnesotans. But if we are to stop the flood of pollution and destruction of this river, we need the cooperation and assistance of the Federal Government."

One would think that this would be the feverent desire of almost everyone. We feel that this bill goes a long way in saving the St. Croix before it is too late.

It has been an extremely complicated undertaking, with attention given to both individual rights of entrepreneurs and to the rights of the public to have and keep a heritage that is priceless beyond measure. The authors are to be complimented.

[From the St. Paul (Minn.) Pioneer Press, Sept. 7, 1965]

WATER, WATER EVERYWHERE?

There is a certain sickening irony that should not be lost on Minnesotans in the fact that while New York City is turning into a dust bowl because of a water shortage, the mighty Hudson River continues to roll by it at a rate of 11 billion gallons of fresh water a day.

Almost every schoolboy knows why the Hudson River can't be used. It's a sewer, just like the Potomac River, just like about every major river in the United States including our Mississippi.

And at a time when large thinkers are contemplating the clean rivers and streams of Canada, and wondering if, like gods of some sort, they can make these streams flow backward, we sit and look at our own contamination and shrug. That, at least, is the general pattern. Some noteworthy results at cleanup have been obtained because of determined municipal-State action in some areas of the country. But these praiseworthy efforts are dwarfed by plans for further "development" along our rivers, which development, with our misused concept of progress, threatens further contamination.

How to bring this home, to make the people thoroughly angry at this misuse of their property seems to be the project of the hour. Fishermen get annoyed when industries and municipalities turn previously clear and clean streams into flowing garbage dumps. You would think that those who can remember when it was possible to swim in the Mississippi would become similarly annoyed at being chased out by the flow of sewage and industrial waste. You would think that Minnesotans would become quite concerned over what lies in the planning and on the drawing boards for the St. Croix River, the least of which is the generating plant to be constructed on its banks by the Northern States Power Co.

Well, you might say we have plenty of water, good clean water. It may be difficult to worry about water when we are surrounded by lakes, when the lawn may still be soggy from the last rain. But New York didn't worry much about water, either, until suddenly New Yorkers were asked to ration themselves.

It is the same with air. There is always enough to go around, until, finally, there isn't.

It was on these two subjects—water and air pollution—that the legislature let Minnesotans down the hardest at the last session. And it is on these two subjects that the municipalities of the Twin Cities must devote themselves to energetic cooperative action, forgetting, for example, such apparent boosts to civic pride as one's own sewer system, and uniting on studies, standards, and enforcement policies on both air and water pollution. Waiting for the legislature seemingly is like waiting for the horse-drawn stages which used to operate here long ago: they don't run anymore.

VENEZUELA CELEBRATES BIRTH OF ALLIANCE FOR PROGRESS

Mr. FULBRIGHT. Mr. President, during the past several weeks, the anniversary of the birth of the Alliance for Progress has been celebrated in many places all over Latin America. One such celebration occurred in Venezuela on September 15.

Among the speakers at the event in Venezuela was Mr. Patrick F. Morris, Director of the Agency for International Development's operations in that country. Mr. Morris has directed the Venezuelan AID program since its inception and, I have it on good authority, there is a no more able or more dedicated Director than Pat Morris.

Mr. Morris is being transferred back to Washington to assume wider responsibility. I hope that he will have ample opportunity to use his abundance of skill and experience in his new assignment.

Mr. President, I ask unanimous consent to have Mr. Morris' speech printed in the RECORD. I bring his thoughtful speech to the attention of the Senate because it illustrates the kind of economic progress and institution building for which the Alliance for Progress was created.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MOBILIZATION OF NATIONAL SAVINGS TO INCREASE HOME CONSTRUCTION IN VENEZUELA

(Speech by Patrick F. Morris, Director of the Agency for International Development, in Venezuela)

It is a widely accepted fact that petroleum is the most important economic activity of Venezuela. Which should be the next most important? Iron? Petrochemicals? Manufacturing? Agriculture? All of these are important, but I believe that the construction industry should be considered very close behind the first industry.

I believe this because the construction industry makes such a major contribution to direct employment and, in addition, requires increased employment for the production of the many items and materials that are involved. From cement to tile, from plumbing fixtures to electrical fixtures and, in addition, after a structure is completed, furniture, rugs, and all of the things that are needed to make a house a home. And the home is the foundation of any community and any nation. A man can have a job, be well clothed and well fed but if he does not have an adequate place in which to live and enjoy the material and spiritual values he is not a complete man. Yet, housing continues to be one of Venezuela's most critical problems. The lack of adequate housing contributes to other social and economic problems. The solution of the housing problem would, likewise, contribute to the solving of other problems. A large increase in home construction can do more to reduce unemployment than a similar investment in practically any other activity. Therefore, it is in the national interest that the construction industry grow even faster in the years ahead than it has in the past.

These are some of the reasons that the U.S. Agency for International Development has devoted the major portion of its loans to Venezuela under the Alliance for Progress to housing. Of $55 million in loans, $45 million have been to promote housing. I'd like to touch on the accomplishments Venezuela has made with the assistance of these moneys a little later.

First, however, I should like to address myself to other, indirect but extremely important programs that are underway or being explored that can be of very real importance to satisfying the grave housing shortage and contribute to an expanding construction industry.

These programs involve the application of home financing methods that permit the construction of many homes at one time, and with the economies that come with mass construction comes also the reduction in the price of each individual house making more and better homes available to a wider group of families.

I refer specifically to the housing investment guarantee program administered by AID. I am proud to say that we have four projects underway in Venezuela today that involve over $21 million in guarantees of loans made by private investment sources in the United States. Financed by private U.S. sources, guaranteed by AID and built under the regulations and specifications of the Federal Housing Administration these 4 projects will result in the construction, for sale, of 2,392 houses and apartments with purchasers being able to buy the units with as little as 10 percent downpayment and having 20 years in which to repay the balance of the loan. The interest rate is the same as that administered by the Federal Housing Administration in the United States—5¼ percent. In addition there is a guarantee fee of 2 percent.

Of the four projects one is located in Guacara, near Valencia, and the first families have moved in this month. The project, appropriately named Ciudad Alianza, contains, in the first step, 824 single-family houses that will sell for an average of Bs399,500 with 10 percent downpayment and average monthly payments of only Bs350 per month. Another project near Puerto Ordaz is under construction and will contain 540 units which will be sold under similar terms at prices ranging from Bs51,000 to Bs62,000. A third project is now underway in Caracas and will contain 9 apartment buildings ranging from 14 to 22 floors and having 772 apartments of 1, 2, and 3 bedrooms. These apartments will range from Bs34,600 to Bs70,300 and will also be sold with 20 years in which to repay the mortgage loans. A fourth project is in the final planning stage and will be located in Caracas. It will consist of four-story apartments for sale and will have 256 apartments.

We have, then, in Venezuela, projects of different types of construction from individual houses to many-storied apartment buildings, but all have in common a method of financing that permits low interest rates and long-term repayment period. All have in common the opportunity, through mass construction methods, to reduce costs and make more housing available to more people.

I think it is interesting that 62 percent of the families in the United States of America either own their own homes or are in the process of buying them. I think it is also interesting that each year, for more than 10 years now, we have built 1,500,000 homes. How is this done? Is it because we have better architects, engineers, builders, and planners? I think not. There is talent here in Venezuela in all of these fields that is unexcelled. What then is the reason for the continual, vast production in the United States? To a large degree it is due to the very same system of mortgage financing that the four projects we have been discussing possess. Low interest rates and long-term loans are a part of the answer. The existence of a strong, healthy Federal Housing Administration, that insures private mortgages, gives confidence to mortgage lenders. And then, in addition, we have an institution known as the Federal National Mortgage Association that stands ready to buy mortgages when necessary and with this assurance the investment companies, banks, insurance companies and savings and loan institutions of the United States are able, with security, to make construction loans at reasonable terms that insure the ability of the builder to complete his projects. The Federal National Mortgage Association is, in effect, a marketplace for mortgages. A place where they can be bought, or sold, quickly and efficiently. It is a method by which capital is marshalled on a national basis and turned over, again and again. The mortgage itself is almost as negotiable as a check drawn on a bank. This fluidity of funds makes a major contribution to the volume of homes that are built and sold each year.

During this past summer we were pleased to receive a team of three experts in the field of mortgage financing. They received not only a warm welcome from officials of government and industry here, but also requests for a publication describing the operations of the Federal National Mortgage Association. We have had such a publication translated and I have copies here with me this evening for each of you. You will find them on a table at the rear of the room when you leave. I commend it to your attention.

Let us return for a moment and examine the progress that has been made through the utilization of the several principal loans to Venezuela that I mentioned earlier.

First to the loan in the amount of $30 millions that was made by AID to the Foundation for Community Development and Municipal Improvements. As of the moment the Foundation has made 17 subloans to 14 cities in Venezuela that involve the construction of more than 7,000 houses and apartments. More than 4,000 additional housing units are in the planning stage. This is a very commendable number of units and I think it is very interesting to note that although the subloans are made by the Foundation for Community Development, the actual planning, organization and construction of the projects is carried out directly by the local municipal government involved. This is normally accomplished through the creation of a separate municipal foundation and thus there is established with each subloan not only a housing project but the mechanism for continuing municipal improvement and community development programs throughout Venezuela. And truly it is throughout Venezuela. From San Cristobal to Isla Margarita. From Coro to Puerto La Cruz. From Maracaibo to Puerto Ayacucho. All parts of Venezuela are being reached. This is an example of the long-term benefits sought under the Alliance for Progress. The kind of benefits that are not represented by a single act, a single road, a single bridge—but the kind of benefit that establishes continuing programs of action and progress.

Another program that is making fine progress and rapidly becoming a permanent part of the future of Venezuela is the 3-year-old savings and loan program. Initiated in 1962 with a $10 million loan from AID and matching funds from the Government of Venezuela it has prospered and grown, until today there are 21 associations throughout the Nation. Most encouraging has been the growth of the number of individual savers and the amount of their savings. The last report shows, 22,000 savers—an increase of no less than 14,000 in the past year. Mortgage loans have been made for more than 3,000 dwelling units involving a total of more than Bs206 millions. I ask you—is this not an impressive record? I think it is indeed and one that Venezuela can be proud of.

Another AID loan of $5 million to the Foundation for Popular Housing has been completely disbursed. The Foundation is now repaying that loan. But the important thing to me is that the Foundation did not stop building at the end of the loan but rather continues to be a force in the fight to ease the housing shortage.

Although I know that other speakers will cover in detail the housing programs that are being assisted by loans from the Inter-American Development Bank, utilizing U.S. Government funds, I would be remiss indeed if I did not mention the increasing success that the low-cost housing program of the Banco Obrero and the rural housing program of the Ministry of Sanitation are having. Vivienda Rural is attracting international attention and the thought, planning, and organization that has gone into the total program is beginning to show results. Results in terms of numbers of units built and, possibly of more importance, a major improvement in the health and welfare of rural residents of Venezuela.

All of these programs, utilizing the force and energy of the nation and being accomplished in the true spirit of the Alliance for Progress are making major contributions to the welfare of Venezuela and its people. But it is not enough. The statistics, regardless of source, agree that the shortage of housing is still acute. The numbers of substandard housing units that need elimination, the increase in population and new family formations and the families who need newer or larger quarters all require increased production of housing. Increased production of housing, as I indicated in the beginning of my remarks, can also go a long way toward relieving the unemployment problem and developing new and added skills among the labor force.

How can further inroads be made into the housing shortage and at the same time alleviate unemployment? What is needed is to marshal all of the economic, monetary, and financial resources of the nation. I said earlier that there is in Venezuela the technical and professional talent necessary to a vibrant construction industry. The economy of the nation is very strong. There exists the institutional framework and the foundation for the creation of improved financial methods. But the framework and the foundation need the finishing touches to make a financial structure sound enough for the requirements of Venezuela. For example, there is a growing savings and loan system that will, in time, have sufficient reserves in the form of free savings that will permit the making of many more mortgage loans. The Bancos Hipotecarios are expanding their capital and their lending operations each year. The Government has poured direct funds into housing notwithstanding the fact that these sums over a period of years can become a substantial drain on its resources. There are needed then the instruments that, by providing confidence to the private investor in Venezuela, will attract capital that is now idle or that is being invested outside of Venezuela. I feel confident that there is capital enough, here in the country, to mount a housing program of vast proportion, serving all sectors of the population, that can be an example to all of Latin America.

Recently there has been much discussion in official and private circles and in the press of the need for an insured mortgage system. Something like the Federal Housing Administration in the United States. Coupled with this should be a more flexible, secondary market system. The two work together—hand in glove. They provide for security which is attractive to institutional investors. They provide the benefits of long-term, low-interest-rate mortgages for the home buyer. They are, as I said earlier, one of the principal reasons that the volume of homes constructed each year in the United States keeps pace with the population growth and demand for better homes. In addition, they make possible realistic construction financing without which the industry can never expand by its own volition. For if the industry cannot obtain the funds with which to buy the materials and pay the employees, the matter of long-term permanent mortgages becomes academic. Within existing facilities augmented by improved marshalling and utilization of domestic investment capabilities there is no doubt that a housing program will evolve that will require massive amounts of labor—skilled and unskilled—for the actual construction fields. In addition, domestic manufacturers will find it necessary to increase their labor force if they are to produce the materials that go into the construction of a house and later the furnishing of the home.

This is the formula for mobilizing national savings, for greatly increasing home construction in Venezuela, and for decreasing unemployment; all the conditions exist for the successful achievement of these aspirations. I would like to commend those who are working to put these methods into effect. Such an effort is in the best spirit of the Alliance for Progress.

I am encouraged by the interest that has been demonstrated in the recent past in assessing and attacking the problem.

I am convinced that solutions will be found.

I hope that every Venezuelan will, in the near future, have the opportunity to learn that "better living begins in a home of your own."

A NEW PRECEDENT FOR PEACE

Mr. LONG of Missouri. Mr. President, a recent issue of the St. Louis Post-Dispatch contains an editorial praising the work of the United Nations in bringing about the cease-fire between India and Pakistan. The newspaper comments:

> It seems to us that the UN success suggests a further course of action—renewed action to negotiate a peace in Vietnam.

While conceding that conditions in Vietnam are different, the Post-Dispatch points out that President Johnson has already proposed that the Secretary General and individual members of the U.N. work for agreement in Vietnam.

This editorial makes several provocative points about the opportunities presented for the U.N. by the situation in Vietnam, and I recommend it to the Members.

Mr. President, I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NOW TO VIETNAM

The cease-fire obtained by the United Nations Security Council in the India-Pakistan fighting is a triumph for the U.N., for Secretary General U Thant, and for the new U.S. Ambassador to the world organization, Arthur Goldberg. It proclaims the fact that the U.N. is not impotent as its critics sometimes allege, but a vital influence in securing peace.

It is true that conditions were favorable for successful U.N. action. The United States and the Soviet Union were found in rare harmony. India and Pakistan seemed looking for a way to end hostilities without humiliation. And Chinese belligerence probably actually helped bring about U.N. cooperation.

But this in no way detracts from the achievement. What it seems to mean is that in cases in which the great powers sense a true threat to peace cooperation is possible that could not be obtained in lesser matters. The degree of accomplishment may reasonably be measured by exploring the question of what would have happened if there had been no United Nations organization.

China has lost face, a fact that may have important repercussions. The Chinese had issued an ultimatum demanding that India, which it invaded in 1962, dismantle alleged Indian bases in Himalayan border areas. India stood firm under the Chinese threats, and when it appeared the U.N. would obtain a truce, China announced India had complied with its ultimatum. No one will take this claim very seriously.

Now the U.N. should follow up promptly with a vigorous effort to help India and Pakistan settle their longstanding quarrel over Kashmir. This problem has defied solution heretofore, but some answer must be found. Pakistan challenged the U.N. to develop a settlement formula, and in view of what has happened in the last few days both India and Pakistan may be disposed to accept compromise.

It seems to us that the U.N. success suggests a further course of action—renewed efforts to negotiate a peace in Vietnam. It will be recalled that when President Mohammed Ayub Khan proposed last week that President Johnson undertake personally to promote an Indian-Pakistan settlement, Mr. Johnson replied, to his credit, that the U.N. was the proper place for settling the dispute and that the United States was backing the U.N.'s efforts.

Mr. Johnson has already proposed that the Secretary General and individual members of the U.N. work for an agreement in Vietnam, and he is reported willing to take the issue to the Security Council. One of the major weaknesses of the U.S. position in Vietnam is that the United States is virtually going it alone.

Now it has been shown what the U.N. can do if the big powers work together. Could not similar cooperation be enlisted in the Vietnam situation? There is a different set of circumstances there, to be sure. But an example of effectiveness has been given that should stimulate the U.N. to further accomplishment.

FAMINE AHEAD

Mr. McGOVERN. Mr. President, the urgent need for action to meet world food requirements, which I have discussed in major speeches in the Senate, is underlined in the August 1965 report of B. R. Sen, Director General of the World Food and Agriculture Organization.

Copies of Mr. Sen's report to heads of the agricultural departments of the nations has just become available.

Mr. Sen says, in relation to world food supplies:

> The outlook is alarming. In some of the most heavily populated areas the outbreak of famines within the next 5 to 10 years cannot be excluded.

Mr. Sen reports that the 1964–65 world food harvest increased 1 percent while world population grew 2 percent. He adds:

> While a small movement up or down in a single year in food production per head may not be significant, we are now facing something far more serious. The stark fact is that it is now no less than 7 years since there was any appreciable increase in food production per head of the world's population, 7 very lean years for the developing countries.

Mr. President, here are the makings of the riots and revolutions of the 1970's. Here are the makings of unrest and revolt. Here are the makings of violence and setbacks for peaceful development, unless we right now mount a war against want.

If we were to triple the increase in production per capita in the world in the next 7 years, from 1 to 3 percent, we would in 1972 have food supplies only equivalent to the per capita supply in 1958.

We must do much more, or face the inevitable consequences—the consequences of poverty, hunger, and underdevelopment which in the past have opened the way for Communist takeovers.

Mr. President, I ask unanimous consent that Mr. Sen's August report to ministers of agriculture be printed in the RECORD and I urge every Member of Congress to read it thoughtfully for it is a flashing red light which should warn us all of great dangers ahead.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, NO. 90, AUGUST 1965

MY DEAR MINISTER: It is quite a long interval since I last addressed you. The latest figures about world economic trends continue to show a deterioration in the situation. There was a small increase in food production in the 1964–65 harvest year. But this increase, according to FAO's preliminary estimates (unlikely, however, to be substantially changed), was little more than 1 percent. It was thus less than the growth of population, now running at the rate of about 2 percent annually. While a small movement up or down in a single year in food production per head may not be significant, we are now facing something far more serious. The stark fact is that it is now no less than 7 years since there was any appreciable increase in food production per head of the world's population, 7 very lean years for the developing countries.

2. The outlook is alarming. In some of the most heavily populated areas the outbreak of serious famines within the next 5 to 10 years cannot be excluded. And if food output everywhere just kept pace with population growth at the present level of consumption, by the end of this century the number of people who would be subject to hunger and malnutrition would be double what it is today.

3. This is a prospect which the conscience of mankind cannot possibly tolerate. The adoption of population stabilization measures is now being recognized as a social policy of urgent priority. But it must be realized that the effect of such measures, if adopted, on global food demand would only be clearly visible after some considerable time. Meanwhile, the expansion of agricultural production and rural incomes would acquire increasing urgency from day to day. We must achieve specific production targets on the basis of realistic figures of population growth if we want to avoid serious breakdown in food supply.

4. We know that there exist enough physical resources and knowledge to meet for considerable time the needs of mankind, even at the present rates of population growth. But to do so in time requires far greater efforts than have hitherto been undertaken. Nothing short of the immediate mobilization of the world's entire resources of capital, skill, and imagination could meet that challenge.

5. During the last few years FAO has changed from a primarily technical organization to become one of the world's most important development agencies, and is concentrating more and more on operational work. Out of some $65 million to be spent this year through FAO, about $45 million will be devoted to development operations.

6. We have, moreover, deliberately moved in our field operations from studies and surveys to action and implementation. The agreement setting up at FAO Headquarters a joint FAO/IBRD division constitutes a major step in that direction. I am happy to say that this arrangement is already beginning to yield tangible results and that by the end of 1965 the work of the joint unit will have resulted in development loans and farm credits for very substantial amounts. As you probably know, a similar agreement was recently concluded with the Inter-American Development Bank.

7. A further important step to speed up agricultural development is the World Indicative Plan which was discussed by FAO's Council last June and will constitute my major proposal to the forthcoming 13th session of the Conference. The need for such a plan stems from the unsatisfactory rate of progress and the realization that we can meet the challenge only by setting quantitative targets and specific deadlines all of which need to be consistent with each other and governed by strict priorities.

8. In this global effort, a massive expansion of industries related to agricultural production and food distribution, and this is the main theme of my present letter, deserves a very high priority, especially since the possibilities in these fields are far from having been fully exploited. Local processing, easy and cheap transportation, and better storage, are indispensable means to reduce waste which takes such a heavy toll of food output in the developing countries. Fertilizer, seed, vaccines, and pesticides are needed to step up agricultural productivity—while balance-of-trade considerations make it imperative that more and more of these steeply rising agricultural inputs be produced by the developing nations themselves. FAO's particular concern and responsibility for the industries processing raw materials from farms, forests, and the sea is determined moreover by the fact that they provide an important means for import savings and a potentially substantial source of export earnings. It needs to be realized that the hopes attached by newly independent nations to this type of industrialization have so far not been fulfilled. Yet the obstacles hitherto encountered will continue as long as raw material production and industrial processing are not

jointly planned and carried out in continuous and organic relation with each other.

9. Most processing industries are best located in, or closely adjacent to, rural areas and the same is true for the manufacture of farm machinery and other agricultural inputs. These industries are capable of providing vitally needed employment and incomes to rural people and act as a brake on the exodus to urban slums.

10. For all these reasons FAO has always given considerable attention to the development of certain industries, i.e., both those devoted to the processing of farm, forest and marine products for which FAO carries direct responsibility, and those industries which help to raise productivity, and improve distribution. We also have close ties with many industrial enterprises which specialize in establishing new processing industries in the developing regions.

11. In certain fields, like forest industries, pulp and paper manufacture, fish processing, and fertilizer aplication, continuous cooperation has already been established and has produced encouraging results. Usually this cooperation is achieved through advisory committees or special industry panels established under FAO's regular program and more recently within the framework of FFHC. In addition, FAO's work has had the benefit of significant industry support for specific projects in fighting animal disease, or in organizing research work and field demonstrations.

12. These encouraging examples have shown that cooperation between FAO and private industry is both possible and mutually beneficial. But they also make it clear that if this cooperation were intensified and applied to a much broader range of industries, this could result in significant stepping up of agricultural development and rural incomes in the broadest sense of the term; it may even constitute the decisive breakthrough for all our efforts.

13. Accordingly, I have initiated in the past few months consultations with leading industrialists in North America and Western Europe, and am happy to report that their reaction to the establishment of regular cooperation in many fields of joint concern has been very positive. Informal meetings with industrialists were arranged between April and June, within the framework of FFHC, in Chicago, Paris, Rome, and New York, and have shown that leading industrialists are fully conscious of the dangers inherent in the present trends in income growth and food supplies of the developing nations and are anxious to participate actively in efforts to change these trends. A meeting held on June 9, in New York, with some 30 executives of large food, equipment, packaging, and other industries connected with our work, in which also senior officers of the special fund and IBRD participated, has come out with a first list of specific areas for regular, continuous cooperation between these industries and FAO. They include such matters as: information on investment needs and prospects; planning for raw material supplies; preinvestment surveys; better information of the public about world food problems, and the efforts undertaken by governments and by private industries to stem the tide; joint support for research institutes, and field demonstrations; industry-sponsored training of skilled manpower and joint efforts to study and change food habits.

14. The meeting concluded with a suggestion that I should invite a small group of industrial leaders to Rome in order to discuss in specific terms how this intensified cooperation could best be organized. It was generally felt that establishment of panels or committees as part of the freedom from hunger campaign would be one of the methods to be envisaged but that these panels would need to be supplemented by further arrangements in regard to public information, investment planning, and continuous liaison.

15. In these discussions it was inevitable that the role of private enterprise in the development of modern agriculture and related activities should be touched upon. It was clearly understood by all concerned that while industrial initiatives from Europe and North America were bound to be based on the interest and support of private business, it would be left to the government of each developing nation whether and in what form it wishes to take advantage of these possibilities and what guarantees it was prepared to offer for the security of foreign investment and for the efficient working and maintenance of new industrial plants.

16. I am writing this letter to inform you of these contacts and projects even though they are still in a tentative stage and are likely to be undertaken mainly within the framework of the freedom from hunger campaign.

17. I am sure you will agree that if the managerial ability, technical know-how, scientific experience, and capital resources of the leading industries in Europe and North America could be mobilized to support our efforts to free the world from hunger, we would have made a significant move forward in our desperate race against time. I therefore hope that member governments will approve of this move and lend their support to my endeavors in devising proper methods and arrangements for placing our cooperation with industry on a broad and continuing basis.

Yours sincerely,

B. R. Sen,
Director-General.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, will the distinguished majority leader yield to me on another matter?

Mr. MANSFIELD. I yield to the Senator from Washington.

CONTINUATION OF APPROPRIATIONS FOR FISCAL YEAR 1966

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House Joint Resolution 673, which was reported today.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The Chief Clerk. A joint resolution (H.J. Res. 673) making continuing appropriations for fiscal year 1966, and for other purposes.

Mr. MAGNUSON. Mr. President, this joint resolution extends from September 30 to October 15 existing provisions of law, providing funds for the operation of those agencies of Government for which the regular appropriation bills for the fiscal year 1966 have not yet been enacted.

All authority under this temporary resolution expires on October 15, 1965.

For the information of the Senate, following is a report on the current status of the various appropriation bills.

Three regular appropriation bills—agriculture, public works, and foreign assistance—have passed both Houses and are awaiting action by the committees of conference. All other regular bills have cleared the Congress and been signed into law or are awaiting the President's signature.

There still remains, of course, the final appropriation bill of the session, the supplemental for fiscal year 1966, which has not yet been reported by the House committee.

An unusual provision has been added to this joint resolution, to appropriate such amounts as may be necessary for continuing civil supersonic aircraft development activities. As stated in the committee report, that project has been underway since 1962 with appropriations made on a continuing, available-until-expended basis. The budget for 1966 did not contain supplementary funding recommendations because of various special studies that were underway and certain technical problems that were under evaluation. Decisions have since been made, and on August 12 the President requested $140 million additional in House Document No. 261. This request will be considered in the final supplemental bill. The prior appropriations will be exhausted within the next several days, and to avoid a disruptive gap in the work on this important project the resolution, in effect, advances some of the pending supplemental request, but at a rate not in excess of one-twelfth the annual amount.

Mr. President, I urge the adoption of this joint resolution.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, the Appropriations Committee, by its action today, has extended the appropriations on last year's basis until the 15th of October, with the hope that by that time all the appropriation bills will be passed.

As the Senator from Washington has said, there is an unusual provision in this continuing resolution as to the civil supersonic aircraft development activities.

The FAA has run out of funds, and has been using its reserve funds. The joint resolution would permit the FAA to continue on a monthly basis, based on an annual appropriation of $140 million for continued research and development. The committee has unanimously adopted that provision in its report, which I think is very important. I should like to read it:

> The committee wishes to make it clear that by appropriating these funds to continue this work on the research and development of the civil supersonic aircraft, at the rate contained in House Joint Resolution 673, that it does not commit itself to recommend an appropriation on an annual basis at this rate without further hearings as to the progress of the research to date, and its ultimate value leading to the production of such aircraft.

In other words, while we appropriate on a monthly basis of an annual appropriation of $140 million, when the supplemental bill comes before us for hearing we can, in our discretion, recommend to the Senate that the $140 million be reduced or enlarged. Presumably, the only proper recommendation would be to reduce it, if the committee believes such recommendation should be made.

Mr. DIRKSEN. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I am glad to yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I should like to inquire of the Senator from Washington whether he knows what authorizations are still undisposed of which will have to be covered by appropriations before this session of Congress is over.

Mr. MAGNUSON. Is the Senator speaking now of moneys which have been appropriated by the House?

Mr. DIRKSEN. I am speaking now of authorizations.

Mr. MAGNUSON. Yes—awaiting authorizations.

Mr. DIRKSEN. That is correct.

Mr. MAGNUSON. I believe that there are several in the so-called public works bill. We often do that. However, no money will be expended until the projects are authorized.

The public works authorization bill has passed the House, and I believe that we are ready to go to conference with the authorization bill. We accepted the Public Works Committee appropriation bill. It has passed both House and Senate. The Senator from Louisiana [Mr. ELLENDER], the chairman of the committee, is waiting for the authorization on public works. I do not know whether there are any further authorizations involved in the agriculture bill. That will be in the supplemental. I am not sure. I cannot say.

Mr. SALTONSTALL. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. SALTONSTALL. In further answer to the Senator from Illinois, if the Senator from Washington will permit me, there are a certain number of other authorizations, bills such as the poverty program, the school program, and programs about which it is my understanding no recommendations have yet come from the Bureau of the Budget for the expenditures, so that supplemental bills are still pending before the House; but, in addition, there may be messages coming down for additional appropriations for authorization bills which we have already passed, but they have not yet come down to us from the Budget Bureau.

Mr. MAGNUSON. In the main, there will be the poverty program, the new area redevelopment program, and the higher education bill.

Mr. DIRKSEN. Those will not be included in the supplemental bill which is presently pending in the House?

Mr. MAGNUSON. We do not know.

Mr. SALTONSTALL. We do not know. We hope they will have to come down with additional messages.

Mr. PROXMIRE. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. PROXMIRE. Let me say to the Senator from Washington that, as he knows, I was present at the early hearings this morning, and I am deeply concerned with getting an answer from the administration on whether it intends to cover the interest costs to the Federal Government in financing this very expensive supersonic transport.

As I understand, the figures will involve nearly $2 billion. The interest over a period of years could be $600 to $800 million. If interest were not involved, the subsidy would be substantial, and I would feel strongly that I would have to oppose it.

I know that the Senator from Washington cannot give me an answer to that question at this time, but I should like to make the point, as we make one-twelfth of $140 million in appropriations available. I hope we can get that answer, because it is extremely important from the standpoint of fiscal responsibility.

Mr. MAGNUSON. As we all know, General McKee testified that the President has appointed a committee to investigate and go into the matter of recapturing the costs. The Committee on Commerce, with the Senator from Oklahoma [Mr. MONRONEY], held long hearings. He stated that he hoped it would be possible to obtain the services of Secretary of Defense McNamara, Mr. Black, and Mr. Osborn, that they are now working on that problem, and that he would have the program ready for us in January, in the written budget.

I believe the Senator will recall that the Senator from Oklahoma said that he expected the committee to obtain a recommendation. General McKee said that he expected the committee would give him a really bad time if he did not spell it out in detail. His suspicions were correct.

Mr. PROXMIRE. I thank the Senator from Washington.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, was read the third time, and passed.

Mr. MAGNUSON. Mr. President, I yield the floor.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is H.R. 9042.

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the agreement concerning automotive products between the Government of the United States of America and the Government of Canada, and for other purposes.

ORDER OF BUSINESS

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO SECRETARY OF THE AIR FORCE EUGENE M. ZUCKERT

Mr. SYMINGTON. Mr. President, in the next few days this Government will be losing one of its most outstanding public servants.

It is very hard for those of us who have known Secretary of the Air Force Eugene M. Zuckert to realize that he will shortly leave that Air Force he has served so well.

During the formative period of this organization, when it was faced with such basic changes as development and deployment of "long-range missiles," reinvigoration and expansion of the tactical arm, formation of special counterinsurgency units, and strengthening of airlift capability, Gene Zuckert consistently provided the "steadfast leadership" needed to maintain and improve this service as a vital part of our National security.

Longer than any other Secretary, Mr. Zuckert directed the Air Force. His character, capacity for work and calm understanding of all the inevitable problems has built up for him over the years a unique position in this town.

Mr. Zuckert's association with the Air Force dates back to 1946, when he served as Special Assistant to the Assistant Secretary of War for Air. When the Air Force was established as an independent service in 1947, he became Assistant Secretary and served in this capacity until 1952. He later served as a member of the Atomic Energy Commission.

When, in January 1961, he became the Secretary, Gene Zuckert had already established "a rare record of competence" in various high-level Government positions.

The professionalism he represented as a civilian has been matched under his guidance by the dedicated military personnel of the Air Force, in the management of the annual budget of the Department, and of the billions of dollars of property for which the Department is responsible.

At the same time, the Air Force, in cooperation with NASA, has developed in superb fashion our National position in space.

For the sake of the country, let us all hope that Mr. Zuckert's absence from Government will be only temporary.

The Air Force will remember Gene Zuckert forever as one whose guiding hand has been so effective in these two first decades of the nuclear space age.

The Nation will remember him for a job well done.

Mr. President, the junior Senator from Nevada [Mr. CANNON], one of our colleagues with an outstanding record in the U.S. Army Air Corps during World War II, and a longtime friend of Secretary Zuckert, is on an official trip to Korea as a member of the Senate Armed Services Committee. Were it possible for him to be here today, he would be joining in person in this tribute to the Secretary.

He has asked me, in his absence, to present to the Senate his high opinion of this dedicated public servant.

Mr. President, I ask unanimous consent that the statement of the Senator from Nevada be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BY SENATOR CANNON

It is both a sad and pleasurable occasion to address the Senate with a few comments on a great American who is about to leave public service.

It is particularly difficult when that man is a friend whose accomplishments in Government stand as a model for those who will take his place in days to come.

I refer to Secretary of the Air Force Eugene M. Zuckert whose long and honorable service with the Air Force soon will come to a close.

No service ever had a more dedicated and knowledgeable spokesman. It is no surprise that during his stewardship, the Air Force became recognized throughout the world, by friend and foe alike, as the major deterrent force which insures our peace.

It is no surprise that Eugene Zuckert served in the office of the Secretary for longer than any other man. His leadership spans nearly 20 years, dating almost from the time that the Air Force became an independent service while Mr. Zuckert served as special assistant to the Assistant Secretary of War for Air. He served for a time on the Atomic Energy Commission and brought a high degree of competence and ability to this important operation.

After more than 4½ years as Secretary, Eugene Zuckert has established an enviable record, and I suggest that his devotion to the service and his unique skills will make his absence from Government of very short duration. No man who has done what he has for the Air Force in the critical years when that service entered the space age can be forgotten or easily replaced. It is a pleasure to salute him and to join with his myriad friends throughout the Nation in congratulating him upon a job well done.

It is my hope that his energies which are still needed will continue to be made available to a grateful Government.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I am pleased to associate myself with the remarks made by the Senator from Missouri, expressing his high regard for Air Force Secretary Eugene M. Zuckert. I share the Senator's views completely; and, since the Senator was the first Secretary of the Air Force and an outstanding Secretary, I know that his praise is founded in a full appreciation of the enormity of the task and the exceptional competence of Secretary Zuckert.

I am reminded of the recent tragedy at the Titan II missile silo in Searcy, Ark. I accompanied Secretary Zuckert upon his inspection visit to the disaster scene, and his capable handling of this incident is fresh evidence of his capacity for purposeful and deliberate action under trying circumstances.

I congratulate Secretary Zuckert as he reaches this milestone in his public service. I hope that other opportunities for service will develop, so that his vast experience and wise counsel will again be available to a nation with the good fortune to number Gene Zuckert among its devoted servants.

Mr. SYMINGTON. I thank the able Senator from Arkansas, whose remarks I know Secretary Zuckert will appreciate.

I yield now to the ranking minority member of the Foreign Relations Committee, the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. SALTONSTALL. Mr. President, I wish to join my colleague from Missouri and my other colleagues in congratulating Mr. Zuckert upon his service to our Government and wish him many more years of useful life, and I hope he will come back to the service of the Government. He has always been helpful to us on the committee, and he has given us confidence in our relations with him. I have always known him to be helpful when we have had difficult situations in Massachusetts. I hope that, in whatever endeavor he undertakers, he will succeed. I have known him very well over the years and consider him a friend. He has been a dedicated public servant.

Mr. SYMINGTON. I thank the able Senator from Massachusetts for his kind comments. He has known Secretary Zuckert as a friend, as I have.

Mr. President, I yield to the Senator from Maine.

Mrs. SMITH. Mr. President, I recall so vividly in the 1960 presidential election campaign the critical observations that John F. Kennedy made about the short tenure of Cabinet and subcabinet members of the Eisenhower administration. I recall that he capped his criticism of the Eisenhower administration on this score by saying that if he were elected President he would appoint for service in his administration men who would enlist for the duration instead of just a short time.

Of the military service secretaries—Army, Navy, and Air Force—the only Kennedy appointee who enlisted and stayed for the duration of the Kennedy administration is the now retiring Secretary of the Air Force Eugene M. Zuckert. He is the only service secretary who kept the Kennedy promise of enlistment for the duration—the only Kennedy appointee to head one of the services who was so dedicated that he resisted other more lucrative or more restful offerings in order to serve his country as he best knew how. He alone kept the faith of the Kennedy promise.

Need more be said about the dedication and loyalty of a man to his President, his country, and to the military service he headed?

Mr. SYMINGTON. I am sure the retiring Secretary will appreciate the recognition of his dedication by the Senator from Maine.

I now yield to the distinguished minority leader [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. President, when I was taking my oath of office at the other end of the Capitol as a Member of the House of Representatives, Secretary Zuckert was receiving a bachelor's degree at Yale. That was some time ago.

Few men have entered the service of our Government with such an all-inclusive, well-rounded education. He has an engineering degree. He is a lawyer. He has been a practicing lawyer. He has done outstanding work in the field of atomic energy. He has been a student of activities of government, and also has been active in private life. I doubt whether we could ever find a man of his age who brought so much skill and devoted service in so many fields of activity. One feels a sense of distress that this Government is going to lose a man of such talents.

I do not know what his plans are, but I trust life will deal gently with him. I am certain that, whatever he does, he will devote his creative talents to the cause of the people of this country and to his country.

Mr. SYMINGTON. I know how deeply the Secretary will appreciate the distinguished minority leader's kind and gracious remarks. The Senator mentions his graduation from Yale. He was also associated as an instructor with the Harvard Graduate School of Business Administration. That was one reason Secretary McNamara selected Mr. Zuckert as his Air Force Secretary.

I yield now to the distinguished Senator from Georgia [Mr. TALMADGE].

Mr. TALMADGE. Mr. President, I am happy indeed to associate myself with the remarks of the distinguished Senator from Missouri and other colleagues with respect to the services of Secretary Eugene Zuckert. It was my pleasure to attend a rapid reading class, which both the Senator from Missouri and I had the great privilege of attending, and Gene Zuckert was one of our classmates. He was a private citizen then. I came to know him, and I valued his friendship.

I was pleased to see him become Secretary of the Air Force. He has rendered outstanding service in that capacity. He has contributed much to the efficiency which the Air Force has today. We can say that it is in first-class condition as we read almost daily of its operations in Vietnam. He has been an able and dedicated public servant. As he enters retirement from his office, I hope his valuable services will not be lost to the Government of the United States.

Mr. SYMINGTON. I thank my colleague and former classmate for his remarks. I know that the Secretary will appreciate his kind thoughts.

I yield now to the distinguished Senator from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. President, I associate myself with the remarks made by the distinguished Senator from Missouri [Mr. SYMINGTON], regarding the outstanding service of Air Force Secretary Eugene Zuckert.

I have been privileged to have many personal contacts with Secretary Zuckert in regard to matters affecting the Air Force and its operation in our State.

Following the closing of the Schilling Air Force Base at Salina, Kans., Secretary Zuckert and his staff were most helpful in the transition from an Air Force base to local use. This operation affected several thousand military and civilian personnel and created a difficult problem for the community and the State, but everyone associated with the transition had nothing but high praise for Secretary Zuckert and his staff.

While there is still work to be done in connection with the changeover of this Air Force base, much sound, constructive work has been done that will, in the long run, be of great advantage to the community and our State.

I have enjoyed my association with Secretary Zuckert and regret his retirement from his present position. I wish him well in whatever endeavor he undertakes.

Mr. SYMINGTON. The Secretary will appreciate those remarks by the Senator from Kansas.

Now to the distinguished Senator from Washington, who is also a member of the Armed Services Committee, I am glad to yield.

Mr. JACKSON. Mr. President, one of the major problems in the field of national security has been to persuade competent, experienced people to stay in key positions for periods long enough to make full use of their experience. When one examines the record of Secretary Zuckert, one cannot help but be impressed by the fact that he has worked for more than 19 years with great effectiveness and diligence in the national security area.

As the able Senator from Missouri [Mr. SYMINGTON] has pointed out, he has served as Secretary of the Air Force longer than any previous Secretary. In that post he has rendered outstanding service to the Nation. He brought to the office all of his experience and understanding of problems of national security.

During the period I had the privilege of working with him on various matters, including the time when he served as a member of the Atomic Energy Commission, he demonstrated the high degree of professionalism that we need in handling the critical national security problems.

I join other Senators today in wishing him well. He is a young man. I know he will continue to serve his country no matter what his new assignment may be.

Mr. SYMINGTON. Mr. President, the remarks of the Senator from Washington, especially since he is a member of the Joint Atomic Energy Committee, will have special significance to the retiring Secretary who has also served on the Atomic Energy Commission.

I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I join the distinguished senior Senator from Missouri and other Senators in their commendations of Eugene Zuckert, and in regretting that he is leaving his position as Secretary of the Air Force.

It is not coincidental that the distinguished Senator from Missouri [Mr. SYMINGTON], who now has the floor, happened to be the first Secretary of the Air Force. I believe at that time Eugene Zuckert received some training in the office which he has occupied with such distinction over the past 5 years.

I have known Eugene Zuckert for at least 20 years. He was a member of the Atomic Energy Commission, as the distinguished junior Senator from Washington [Mr. JACKSON] pointed out, where he performed in an exemplary fashion.

He has been one of the best Secretaries of the Air Force. His going is the cause of deep regret to those of us in the Senate and the Congress who have known him so well and so intimately, but it is also a cause of regret, I am sure, to the President, the Secretary of Defense, and the entire Department of Defense.

Eugene Zuckert is still a relatively young man. While we do not wish to see him go, we know that because of his sense of duty and obligation he will be on call; and when his country needs him he will not fail us.

I join the distinguished Senator from Missouri [Mr. SYMINGTON] in saying hail and farewell. I extend my commendations and congratulations to Eugene Zuckert for a job well done.

Mr. SYMINGTON. I am sure that the meaningful tribute of the distinguished majority leader will long be remembered by the Secretary of the Air Force.

I yield to the Senator from the State of Ohio, where the great Air Force base in Dayton stands as a monument to Eugene Zuckert.

Mr. LAUSCHE. Mr. President, I join other Senators in expressing regrets that Eugene Zuckert is leaving the service of the U.S. Government.

For approximately 20 years he was connected with two important branches of our activities in this modern era. He has been intimately connected with the Air Force. He was a member of the Atomic Energy Commission.

My contact with him has not been great. I have been at his office a number of times. However, I recognize that the services with which he was connected are most intimately related to the security of our Nation. Although he was connected with those very important services, Eugene Zuckert stands out to me as a man who retired humbly into the recesses of his office, working diligently and vigorously, without concern about the publicity that he might receive.

I believe that almost more than any other person that has served the Government during my 9 years in Washington he has not sought publicity, but retiringly and humbly has worked at his desk incessantly, promoting the security of our country.

I regret his leaving because, with 19 years of background, there is lodged in his mind a wealth of knowledge and experience that is needed for the maintenance of our country in the high position which it occupies in the air service.

He has served for 19 years. He has given the better years of his life in the service of his fellow men in the United States. I can understand that he wants to retire and get into private life.

First, I thank him for the extraordinary services he rendered to the people of our country. Second, I wish for him and his family success in his private life, and especially comfort in the knowledge that he gave unstintingly for the benefit of his fellow men.

Mr. SYMINGTON. I am sure that the retiring Secretary will be grateful for the sincere praise of the distinguished Senator from Ohio.

I yield to the Senator from Hawaii.

Mr. FONG. Mr. President, I wish to join the senior Senator from Missouri and other Senators in paying tribute and commendation to the dedicated and capable Secretary of the Air Force, who is about to retire on September 30, 1965.

As a member of the Air Force in World War II, stationed at Hickam Field, and as a colonel in the Air Force Reserve, I believe I know something of the progress and the work of the Air Force.

The Honorable Eugene Zuckert, Secretary of the Air Force, has a very unique place in the hearts of the personnel of the U.S. Air Force. He is respected and we all know of his years of dedicated service in the interests of his Government.

During his leadership in the 4½ years that he has been Secretary of the Air Force, the Air Force has made tremendous progress and is still our Nation's prime deterrent to aggression.

The defense of this country can boast a strike force consisting of a proper mix of strategic bombers and intercontinental ballistic missiles. At the same time, the tactical warfare capability of the Air Force is better than ever. Other aspects of conventional warfare have been given top priority and new ideas have resulted in changes in existing tactics and doctrine. The airlift capacity of the Air Force has been doubled during Mr. Zuckert's tenure and he has taken steps for its further augmentation.

In every area the Air Force is stronger and we owe a debt of gratitude to Secretary Zuckert for this accomplishment. Indeed, he has earned his retirement and I hope he enjoys it to the fullest.

Upon his retirement I say to him, may your blessings be as full as the eastern ocean and your life as everlasting as the southern hills.

Mr. SYMINGTON. The Secretary is rightfully honored in the thoughtful comments made by a former fellow officer of the Air Force.

I yield to the distinguished assistant majority leader.

Mr. LONG of Louisiana. Mr. President, I wish to associate myself with the kind remarks made by the distinguished Senator from Missouri.

Eugene Zuckert served this country honorably and extremely well over a great number of years. This type service is a dedicated contribution to our Nation. It is undoubtedly at great personal cost and financial sacrifice. We have been extremely fortunate to have Eugene Zuckert's services as Secretary of the Air Force at a critical time in the history of this Nation.

He had to make a difficult decision. I regret that some of those decisions have not favored Louisiana; some have, but none of us ever had any doubt about the man, in each of those decisions made in the national interest, as the good Lord gave him the right and power to see it.

We are saying goodby to the services of a great American, but I hope we will have the pleasure of seeing him in Washington. He has made a great contribution to our country.

Mr. SYMINGTON. I know the Secretary will be grateful for the kind remarks from the assistant majority leader who has known the Secretary well for so many years.

I yield to the distinguished Senator from Tennessee.

Mr. GORE. Mr. President, I have listened with approbation and joy to the eloquent and splendid tributes and expressions of appreciation that have been given with respect to the services and the man, Secretary Eugene Zuckert.

On behalf of the people of Tennessee—yes, on behalf of the people of the United States—I express appreciation for the distinguished career of service which Mr. Zuckert has provided for his country. Perhaps because of him, more than any other human being, we can be satisfied that the United States has air superiority today. Perhaps to him, more than to any other human being, the surge into the jet age, the technical maneuverability, and the strategic concepts upon which U.S. air supremacy now rests can be credited.

Not only has his service as Secretary of the Air Force been distinguished, but, as has been pointed out he was a pioneer, a bold spirit, and an able executive as a member of the U.S. Atomic Energy Commission.

Without making this tribute too long, I should like to express a word of personal appreciation for the personality of the man and for the pleasant official conduct which was his manner. As a member of the Joint Committee on Atomic Energy, I worked closely with him concerning the problems of the Atomic Energy Commission, nuclear power, and the community problems of Oak Ridge. Because of the facilities located in Tennessee and elsewhere, I have worked closely with him in his latter position as Secretary of the Air Force.

Upon any and all occasions, he demeans himself with credit, but also with that pleasant extra attribute that has endeared him to so many of us.

Into his retirement from public service, which I hope will be temporary, I am sure he takes the best wishes of every Member of the Senate, as well as the gratitude of each.

Mr. SYMINGTON. Mr. President, especially because the distinguished senior Senator from Tennessee is the ranking member of the Joint Committee on Atomic Energy and has been a friend of Secretary Zuckert for many years, I know that Mr. Zuckert will be moved by the Senator's appreciative remarks.

I now yield to the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, because Eugene Zuckert is a New Yorker, I know that he would have an especial feeling for the thanks and appreciation of the people of the State I have the honor to represent in part, and which I know I bespeak here.

On September 24, I placed in the RECORD, because I thought the Senator from Missouri would speak on that day, a statement of my expression of friendship and appreciation for Secretary Zuckert's service to the Nation and to its people for a task extremely well done. Knowing him as well as I do personally, I feel certain that that is the only thanks he wants.

But I say to the Senator from Missouri, who has been so gracious as to lay this subject before the Senate, that I had an excellent opportunity to observe the Secretary under difficult circumstances during the TFX hearings before the Subcommittee on Investigations of the Committee on Government Operations. I believe that the Senator from Missouri, as one of his friends, and the people of the Nation, as well, would have glowed with pride at Secretary Zuckert's candor, at his knowledge of the subject, and at the objectivity with which he testified before the committee. Notwithstanding the fact that he was on the stand for hours and was sharply and thoroughly examined, I never detected in his demeanor anything but the utmost satisfaction that the legislative branch of the U.S. Government also was doing its homework and was pursuing its duty indefatigably and vigorously. I am sure that he had a certain satisfaction that the legislative branch was measuring up to the high standards which he himself had set in the executive department. I know of no greater tribute that could be paid to him as a public servant than to specify this example of his high quality and his high character.

Like other Senators, I bespeak for him, a young man, a healthful, happy, fruitful life, and extend congratulations to him and to his family for the outstanding service he has rendered for the Nation.

Mr. SYMINGTON. Mr. President, the worthy qualities of Secretary Zuckert are well recognized in the words of the senior Senator from his own great State of New York.

I now yield to the able and distinguished senior Senator from Oklahoma, the civilian authority in the Senate on aviation.

Mr. MONRONEY. Mr. President, I agree with the comments that have been made by Senators who have been associated with Secretary Zuckert throughout the years, especially those of the first Secretary of the Air Force, the distinguished senior Senator from Missouri [Mr. SYMINGTON]. Eugene Zuckert first served with the Army Air Force, later with the Atomic Energy Commission, and now has served longer than any other man in history as Secretary of the Air Force. He has given strong leadership to the Nation in two of the most critical fields of our defense service; namely, in the air defense of the Nation and the farflung areas which are protected by air, and also in the field of atomic energy. His service and leadership has been characterized by his emphasis in maintaining a taut ship, a modern organization.

He carefully marshaled our first supersonic fighters, our great bomber complex, and our missiles to provide unprecedented intercontinental defense and attack capabilities. He strengthened the Air Force when it was weak in logistics and had practically no adequate airlift. He caused the great forward step we are now seeing in the C-141 and the soon-to-be-purchased C-5A.

He wanted a modern air force and fought like a tiger to obtain the necessary equipment. He matched our great capability of manpower with our great capability of production.

After the missile threat appeared, it was Gene Zuckert who spearheaded the retrieval of our position. Long before anyone thought it could be done, he organized the placement of missiles across the Nation to give us the great strength we now have in that field.

Gene Zuckert knows the problems personally, because he gets into the field and sees them. He listens to the men in his organization. Above all, he operates a happy ship. He has always been available to Members of Congress to listen to their problems or to meet with people from their States who have problems involving the Air Force.

Because of his good humor, his keen sense of judgment, and his fairness, he has left a reputation that few men in Government have equaled. He is one of the hardest workers I have ever known. It is not unusual, if one needs to see him, to be offered a 6:45 a.m. appointment in his office, or a Saturday engagement at 7 o'clock. He is that kind of public servant. He personally wanted to see everyone who needed to be seen and was very kind in the division of his time.

His dedication to security has meant a strong America because he brought about the procurement of great planes and great strength, supported by the necessary equipment needed to keep the Air Force our first line of defense.

In addition, he has enjoyed a high degree of loyalty from those who serve under him because of his great leadership. All knew that he would be working as hard for the defense of our country as they would themselves.

The high morale which he leaves in the Air Force is a great tribute to his leadership. He deserves to be honored on the floor of the Senate by so many Senators. His leaving is a deep source of regret.

We wish for him the best of everything with relation to his future health and success in any endeavor in which he engages.

Mr. **SYMINGTON**. Mr. President, especially because of the senior Senator from Oklahoma's [Mr. MONRONEY] knowledge and responsibility in the field of aviation, I am sure that the Secretary will be very grateful for this splendid tribute to his leadership.

Mr. President, I yield to the able senior Senator from Wisconsin.

Mr. **PROXMIRE**. Mr. President, I am delighted to have the opportunity to join other Senators in paying tribute to Gene Zuckert.

I am very sorry, as all Senators must be, that this extremely able and competent Secretary of the Air Force is retiring.

I believe it is most appropriate that the senior Senator from Missouri, who was the first Secretary of the Air Force and who was an outstanding and brilliant one, should be leading the tributes to Secretary Zuckert.

All Americans are aware of the remarkable job that Secretary McNamara has done in the Defense Department. Secretary of Defense McNamara, I am sure, would be among the first to say that the Defense Department is only as good as the members of the staff who have been chosen to head the various services.

Secretary McNamara has made a brilliant choice in selecting Gene Zuckert. I believe that all would have to agree that, if there were one thing which typifies the modern world, it is the necessity for the best of technological judgment in the serious and difficult decisions which must be made.

Mr. President, we are all very much aware at this time that the Air Force has become very strong. It is the greatest Air Force in the world. We know that, in a democracy, this is not an easy achievement. It requires not only technological judgment, but also cooperation with Congress, with the executive, and with the other branches of the Government.

Gene Zuckert has done superbly well in these respects.

Mr. **SYMINGTON**. Mr. President, I am sure that the Secretary will be grateful for the keen appreciation of his leadership expressed by the able senior Senator from Wisconsin, who is also an authority on airpower.

Mr. President, at this time I ask unanimous consent to have printed at this point in the RECORD a statement by the distinguished senior Senator from Idaho [Mr. CHURCH], who had to leave the city unexpectedly. The senior Senator from Idaho asked me to have his statement printed in the RECORD for him.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CHURCH

American security owes much to the untiring efforts of Eugene Martin Zuckert in developing the U.S. Air Force into the world's most potent deterrent to aggression and sudden attack. Today, the U.S. Air Force proudly claims the title of America's first line of defense, and its hold on this title is the result of Secretary Zuckert's planning and farsighted evaluation of American defense needs in the emerging nuclear age.

The judicious and deadly blend of men and missiles is well-known to us in Idaho, where bombers of the Strategic Air Command have stood guard at Mountain Home Air Force Base, side by side with squadrons of Titan missiles. As Secretary, Mr. Zuckert has always recognized that the greatest weapon in America's arsenal is the trained man. Our Air Force today owes its greatness to Secretary Zuckert's insistence that missiles and machines are the tools of the trained military man—not a substitute for him.

I join with my fellow Idahoans in heartfelt thanks to Secretary Zuckert for our present security and in wishing him well as he leaves Government service.

Mr. **SYMINGTON**. Mr. President, I yield now to the junior Senator from Alabama.

EUGENE M. ZUCKERT, AMERICA'S NO. 1 AIRMAN

Mr. **SPARKMAN**. Mr. President, my remarks about a sincere and dedicated friend are spoken with a mixture of gratification and regret; regret that Eugene M. Zuckert is leaving his post as Secretary of the Air Force, a job he has held since he was appointed by the late President, John F. Kennedy in late 1960; gratification that America has had the services of this fine and dedicated American for about 18 years of his professional life, the last 4½ of which has been as head of the Air Force. Too few persons outside of the Air Force and the Department of Defense realize the many and striking contributions this man has made to the finest Air Force in the world.

It is also gratifying to me that so many Members in both bodies of the Congress have arisen to praise this fine gentleman whom I am happy to call my friend. I have been associated with Secretary Zuckert for a number of years, and most especially during his years as Air Force Secretary. Early in our friendship I learned with pleasure of his strong feelings of friendship toward small business, and as chairman of the Select Committee on Small Business I value his views highly. When Eugene Zuckert speaks of business, he speaks with authority.

Eugene Zuckert is a man of numerous talents: lawyer, teacher, administrator, business consultant, public servant, all of which he has pursued with success and dedication. It is, however, his role as Secretary of the Air Force which I believe has earned him the gratitude of thousands of men and women who have served in the Air Force in the past 4½ years, and the hundreds who have worked closely with him in developing America's Air Force into the mightiest air arm in the world.

Without a doubt, Eugene M. Zuckert is America's No. 1 airman, and in a branch of the service filled with splendid men and women, that is no small accomplishment.

Today the U.S. Air Force is the most capable and potent in the world. No small measure of the Air Force's success in becoming the great bomber-missile force that it is, is due to Secretary Zuckert. During his years of tenure, the Air Force has balanced its mission areas, has become completely objective in its approach to defense concepts, has effectively balanced those elements who seek no change in old concepts, as well as those who wish to change for little reason, and now has a balanced weapons system upon which so much of our national defense rests.

As a result of the untiring efforts of this dedicated Secretary, our Air Force is better equipped, better trained and educated, more flexible, and certainly more efficiently managed than ever before. One man, of course, could not do all of this, but his inspired leadership provided the wisdom and imagination so essential to the Air Force's growth and development.

In the past 4½ years our Air Force has achieved an effective warning system against any missile attack; it now has a SAC inventory of more than 850 operational ICBM's and about 900 operational bombers; it has a 200 percent increase in airlift capability; TAC is now a revitalized command and no longer the "little brother" of SAC; it now has its own counterinsurgency and special air warfare units; it is cooperating effectively with NASA in many of our country's space programs.

Because of Eugene Zuckert's wide background of interest and experience in management, changes and improvements have come about in many areas far more quickly than many could have hoped for. Secretary Zuckert's record is a proud one, reflecting credit on himself, his family, his associates, the men and women of the Air Force, and his country.

I wish him continued good fortune, and my personal thanks for a job so well done.

Mr. **SYMINGTON**. Mr. President, I know that the junior Senator from Alabama has expressed the sentiments of many people in his State who have worked in the great Air Force installations there.

Mr. President, I yield to the able and distinguished junior Senator from New York.

Mr. **KENNEDY** of New York. Mr. President, I think all of us who rise today to speak on the retirement of Eugene M. Zuckert as Secretary of the Air Force do so with a mixture of great regret and great pleasure.

Our regret comes from the fact that Gene Zuckert is one of the foremost public servants of our generation. Almost all of his adult life has been devoted to the service of the Government. And his record of accomplishments is surpassed by none. His record with the Air Force is unique. He was an Assistant Secretary for the first 5 years of the existence of the Air Force as an independent service. Working with, among others, the great former Secretary of the Air Force who now serves as the senior Senator from Missouri, Gene Zuckert was as responsible as any other man for the growth of that force as one of the great strengths of the free world.

In 1961, he returned to the Air Force as its Secretary. His contribution, not only to the Air Force but to all aspects of defense policy, was of major importance to the security and the future of the United States. Both President Kennedy and President Johnson found him a source of great strength and wise counsel.

It is for these reasons that we all regret his stepping down. But all those who have served with him will take great pleasure and pride in that association. He reminds us anew of how fortunate we are in the quality of our high public servants. I join the Senator from Missouri in hoping that Secretary Zuckert's absence from Government will be a short one.

Mr. SYMINGTON. Mr. President, I thank the junior Senator from New York. His perceptive tribute will be deeply appreciated by Secretary Zuckert.

Mr. President, I yield to the distinguished senior Senator from Rhode Island.

Mr. PASTORE. Mr. President, I am happy and proud today to join my fellow Senators in their accolade of tribute to a fine public servant.

I believe about the best compliment that can be paid to Secretary of the Air Force Zuckert is to recall to the Senate that within his short span of life, he has been called to public service upon two occasions. He has served as a leader in the fields of air power and atomic power.

The importance of the Air Force, and the great part it is playing in keeping together a troubled world, have been noted on the floor today. But I should like to point out that one of the greatest contributions made to the peace of the United States and to whatever tranquility we are able to experience today lies in the primacy that America has achieved in nuclear and thermonuclear weapons.

Eugene Zuckert was formerly a member of the Atomic Energy Commission. Today we are living in a world that is characterized as a balance of power and a balance of peril, and regrettably, we spend $50 billion a year to make the things that we pray to God we shall never be called upon to use. But we realize that in order to keep the world together, military power is absolutely essential.

Eugene Zuckert has made an excellent contribution in both phases of his service to the Government. Gene Zuckert is responsible in no small measure for the military might and the posture of leadership that America occupies. That should satisfy any man, but I should like to echo what has already been said on the floor of the Senate, that all of us are hopeful that the day will soon come when Gene Zuckert will return to public service. I think he has earned his retirement. The time has now come when perhaps he would like to follow a slower pace on a more remunerative level. Once again, it is a sad commentary on the level of remuneration for Government service that most of the men who accept appointments to positions of leadership in the Government usually do so at a personal sacrifice. This is so, I am sure, of Eugene Zuckert. But his satisfaction springs from a splendid record of accomplishment.

Eugene Zuckert is a loyal American, a great patriot, and a fine public servant. I am very happy to join with my friends in saying to him, "A job well done."

Mr. SYMINGTON. In that the able senior Senator from Rhode Island is a former chairman of the Joint Atomic Energy Committee, I know that Eugene Zuckert will be especially grateful for his kind remarks.

I now yield to the Senator from Vermont [Mr. PROUTY].

Mr. PROUTY. Mr. President, I wish to join my colleagues in extending to retiring Air Force Secretary Zuckert my best wishes.

In addition, Mr. President, the Secretary is more than entitled to our thanks.

There have been few people, I think, who have come to that high office so well equipped for it as Secretary Zuckert. Certainly, he "grew up" with the Department of the Air Force as few Secretaries have done.

The Secretary has also had as varied and successful a career as most other men in our national public life. He brought to the Department of Defense a distinguished career in the academic world, in the private practice of the law, and a wealth of public service. He was, it seems to me, eminently well qualified for the position of Secretary of the Air Force.

We shall have to look long and hard to find a replacement for him. I hope we will be as successful at that task as he has been in fulfilling the duties of that high office.

I thank the Senator for yielding.

Mr. SYMINGTON. I know Secretary Zuckert will appreciate the fine expression of thanks from the distinguished Senator from Vermont.

Mr. President, to the senior Senator from Indiana [Mr. HARTKE], I yield.

Mr. HARTKE. Mr. President, it is indeed a great pleasure to have the opportunity to praise the retiring Secretary of the Air Force, Eugene M. Zuckert for distinguished service to his country. Secretary Zuckert has served continuously as Secretary of the Air Force for more than 4½ years under Presidents John Kennedy and Lyndon Johnson. Indicative of his great contribution to our security are the tremendous changes he has engineered since he became Secretary in 1961. Airlift for conventional-tactical warfare has doubled, tactical forces have increased 40 percent, and SAC's global, manned aircraft capability remains as strong as ever while its missile force has grown from 6 missiles in 1961 to almost 1,000 today. More important, and more lasting, Secretary Zuckert molded an organization of professional, dedicated airmen capable of coping with any national emergency for which the American people can be truly thankful for years to come.

Mr. President, one point possibly many of us might overlook—and I think this is probably the most important of all—is that valuable contributions of people in Government service frequently would be denied were there not others who joined them to us. In this case, Secretary Zuckert was joined to the governmental service by one of the most distinguished Members of our U.S. Senate, the Senator from Missouri [Mr. SYMINGTON]. This body should not alone praise Secretary Zuckert for his wonderful governmental service in the tribute we are paying him today, but we should also pay tribute to the senior Senator from Missouri for giving the American people the opportunity to make valuable use of a wonderful citizen.

Mr. SYMINGTON. I thank my able and distinguished friend from Indiana for his kind remarks, and I am sure the Secretary will be equally grateful for the superb tribute he has paid him today.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. SYMINGTON. Mr. President, it is a privilege to yield to the distinguished senior Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from Missouri for yielding.

Since the service of the original Secretary of the Air Force, my State has found no other Secretary to whom we owe so much, or of whom we are so fond, as the retiring Secretary, Mr. Zuckert.

I invite attention to the fact that in the troublesome days of the crisis in Cuba, Mr. Zuckert had real problems, and he solved them very brilliantly. I call attention likewise to the fact that he found room on the MacDill Air Force Base at Tampa to house and set up the joint effort of the Air Force and the Army in creating the strike command in such a manner as to place it near the center of any difficulties which then seemed likely to break out, and also in a spot where it could serve well in our worldwide operations of the Air Force and the Army.

In our State, we had no Army installations until the Cuban outbreak, at which time there were brought in some missile battalions. We have a sizable number of Air Force activities, which I think contribute in no small measure to the program of the Air Force generally, for various reasons, one of which is our climate, which is well adapted to the year-around operations of the Air Force.

Mr. Zuckert has been loyal in his support of Air Force efforts in our State and elsewhere. He is much loved in Florida. He will be missed, and I wish to add my voice to the fine voices of the Senator from Missouri and others who have, on this occasion, as Mr. Zuckert retires from his particular post of honor and of service, praised him for the fine quality of service he has rendered to our Nation.

I thank the Senator for yielding.

Mr. SYMINGTON. Mr. President, as the able Senator from Florida knows, the development of the great new installation of the missile age in his State, Cape Kennedy, has been under the supervision of Secretary Zuckert, and therefore I am sure he will be especially grateful for those kind remarks.

Mr. President, I yield to my able colleague from Missouri.

Mr. LONG of Missouri. Mr. President, I would like to commend my distinguished colleague from Missouri for his very fine tribute to our retiring Secretary of the Air Force. May I request the privilege of associating myself with Mr. SYMINGTON's remarks.

Certainly we would all agree that no asset is more valuable or vital to our Government than the citizen who combines the willingness to serve his country with the ability to serve it well.

This is the combination that has made Mr. Eugene Zuckert such a valued public servant. It is the combination that makes his retirement such a sad event for so many persons in Washington and throughout the Nation.

Eugene Zuckert's contribution to our national security over a period of two decades has been invaluable. He has dedicated his efforts to improving America's defenses with excellent effect, and in a number of posts.

Following graduation from Yale Law School in 1937, Mr. Zuckert's career began with service as an attorney with the U.S. Securities and Exchange Commission. In 1940, he taught at the Harvard Graduate School of Business Administration, leaving to enter military service in 1944. As a lieutenant (j.g.) in the Navy, Mr. Zuckert served in the Office of the Chief of Naval Operations.

In 1947, he was appointed Assistant Secretary of the newly organized Air Force, working under my distinguished colleague, the then first Secretary of the Air Force, STUART SYMINGTON.

Since that time his record as a member of the Atomic Energy Commission and as Secretary of the Air Force since 1961 has been widely and justly praised.

Under his able leadership the Air Force has made great strides in missile, aircraft, and space technology. Today, our air defense system is stronger than ever before. It provides a powerful shield for much of the free world, by keeping in constant readiness the latest and most effective weapons available.

On the occasion of his retirement Secretary Zuckert can reflect with just satisfaction on the key role he has played in this country's defense of freedom since World War II.

All Americans owe Mr. Zuckert a debt of gratitude for his service. I know that Missourians especially acknowledge that debt, and appreciate the attention he has always accorded the interests and problems of our State.

I feel sure that many of them would want to join with me now in wishing Mr. Zuckert all the best in whatever endeavors he may undertake after leaving his present post.

Mr. SYMINGTON. I thank my good friend from Missouri. We both know of the great appreciation in our State for the retiring Secretary.

Mr. President, I yield to the Senator from New Mexico.

Mr. MONTOYA. Mr. President, with the end of this month ends the Government career of one of this generation's outstanding public servants, Secretary of the Air Force Eugene M. Zuckert.

Mr. Zuckert will be sorely missed. He brought to the secretaryship a professionalism and a steadfast devotion to the goals of his service which will serve as a challenging standard to his successors for many years to come.

The Air Force today stands at the pinnacle of its power and as exhibit A of America's determination to maintain strong and effective forces to protect the peace.

Much of the credit for this position must go to Secretary Zuckert.

As he leaves the Government service, he can be assured that he carries the gratitude of a nation with him.

Mr. SYMINGTON. The remarks of the Senator from New Mexico are appreciated. Mr. President, I yield to the Senator from Nevada.

Mr. BIBLE. Mr. President, I must say quite bluntly that I am sorry Eugene Zuckert is leaving his post as Secretary of the Air Force. He is a top-notch man who has turned in a top-notch job. He will be missed at the Pentagon.

It follows, then, that I am more than happy to associate myself with the remarks given by the Senator from Missouri [Mr. SYMINGTON]. As one who has worked with Eugene Zuckert on an official level and known him on a personal level, I feel I am in a position to add my own words of praise.

The Nation is in debt to Mr. Zuckert for the leadership and courage he displayed during the critical development years of the Air Force. He had the facility to understand and deal with constant change. He had the ability to cope with new and unknown quantities. He had the stamina to work on the brink of crisis and to dwell in tension. He had the vision to know that the weapon or tactic that is new and radical today may be old and obsolete tomorrow. Yet he had the wisdom to recognize basic factors that do not change. He was able to keep the Air Force flying high without keeping its head in the clouds.

Those of us who say "thank you" to Eugene Zuckert are speaking, I am sure, for a grateful nation. I, too, hope that Eugene Zuckert's absence from Government will be brief.

Mr. SYMINGTON. These sincere words of praise for the vision and leadership of Eugene Zuckert are appreciated.

Mr. President, I yield to the Senator from Virginia.

Mr. ROBERTSON. Mr. President, I would not want this occasion to pass without expressing my high regard for Eugene M. Zuckert.

As a member of the Appropriations Committee I have had a chance to keep in close touch with the Defense Establishment, and I believe the Air Force has made remarkable progress under the guidance of Secretary Zuckert. His departure is a distinct loss to that branch of the service.

When Mr. Zuckert was placed in charge of the Air Force in January 1961 he possessed special qualifications for the job because he had served previously as Assistant Secretary of War for Air.

When the Air Force was made a separate branch of the service he continued as Assistant Secretary for 4 years, from 1947 until January 1952, under the leadership of our distinguished colleague, Senator SYMINGTON, of Missouri, who was the first Air Force Secretary. Senator SYMINGTON, therefore, qualifies as an expert when he testifies to the capability of Eugene Zuckert.

Under Mr. Zuckert's direction since 1961 the Air Force has experienced an unparalleled transition. The strategic deterrent force has been converted from a force composed almost exclusively of manned bombers to a balanced bomber-missile force, which can survive any attack with sufficient strength left to devastate the attacker.

At the same time Mr. Zuckert has directed the Air Force buildup of its tactical, airlift, and special warfare forces to counter any threat short of nuclear war, and to provide this country with a range of options to meet any contingencies.

During all of his years with the Air Force Mr. Zuckert also has been concerned with improving the professional competence of military personnel. He has stressed a higher level of educational achievement and technical training, which has resulted in upgrading the qualifications for career military service.

The professionalism of the uniformed Air Force today in carrying out its vital mission is, in large measure, a tribute to the wisdom and vision of Eugene Zuckert.

The Nation owes him a debt of gratitude for devoting so much of his talent and energy to the service of his country.

Although Mr. Zuckert is still a comparatively young man—he will not be 54 until November—he has had a varied career in Government service since completing his studies at Yale and Harvard.

He was an attorney for the Securities and Exchange Commission from 1937 to 1940, and was a member of the Atomic Energy Commission from 1952 to 1954. During World War II he saw service in the Navy.

I want to join his many friends in wishing the Secretary every success in the years ahead.

Mr. SYMINGTON. Our distinguished colleague measures well the service Eugene Zuckert has given the Nation and his coments will be appreciated.

Mr. President, I yield to the Senator from Florida.

Mr. SMATHERS. Mr. President, I desire to associate myself with the remarks of the very able and distinguished Senator from Missouri [Mr. SYMINGTON] in paying tribute to an outstanding public servant, Secretary of the Air Force Eugene M. Zuckert. Those of us who have been privileged to know Eugene M. Zuckert are aware that the Federal Government has long benefited from his wisdom and advice.

At the end of this month, Mr. Zuckert will step down as Secretary of the Air Force. He has held that post with distinction since January 24, 1961.

In a period of sweeping technological change, Gene Zuckert provided the Air Force with the leadership needed to maintain its vital role in our defense network.

Although his World War II experience was with the U.S. Navy, Gene Zuckert's association with the Air Force reaches back to 1946 when he was a special assistant to the Assistant Secretary of War for Air.

When the Air Force was made an independent service in 1947, my distinguished colleague, Senator SYMINGTON, was appointed Secretary of the Air Force and Gene Zuckert served as Assistant Secretary until 1952.

If I may say so, they were the "one-two" punch of the Air Force in that time.

Mr. Zuckert later served on the Atomic Energy Commission, before returning to the private practice of law.

Since 1961, he has been an effective and always well-liked Secretary of the Air Force. He has served his country well.

Mr. **SYMINGTON**. I thank the able Senator from Florida and know that the retiring Secretary will be most grateful.

Mr. President, I yield to the Senator from California.

Mr. **KUCHEL**. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement on the outstanding service of Eugene Zuckert, prepared for delivery by the Senator from Iowa [Mr. MILLER] who is necessarily absent today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MILLER

I wish to add my praise to that of many others for the outstanding service Eugene Zuckert has rendered during his long years of service to the Air Force, more recently as Secretary of the Air Force.

Because of his long record of experience, his enthusiasm, and his dedication, he has contributed greatly to the magnificent record which our U.S. Air Force has made and to the extremely high caliber of personnel who serve in the Air Force.

As he takes leave from his post of duty, he carries with him my wishes and the wishes of thousands of others for the best of success and happiness and our thanks for a job well done.

Mr. **SYMINGTON**. Mr. President, I yield to the Senator from Wyoming.

Mr. **McGEE**. Mr. President, I share with my colleagues a deep sense of loss at the resignation of Eugene M. Zuckert. His long term of service for the people of the United States has been capped by a tenure as Secretary of the Air Force marked by many, many achievements of the highest order.

During his service this arm of our National Defense Establishment underwent drastic revisions in technology and in the responsibilities assigned to it. Under Gene Zuckert's guidance these transitions were made smoothly and when completed resulted in a stronger, better prepared, and more efficient Air Force.

There are many who can and will testify to Gene Zuckert's abilities as a leader and administrator. I would like to mention briefly a quality that he possesses that has made a great impression upon many citizens of Wyoming. I refer to his willingness to listen to ideas and to consider the needs, both large and small, of a nation, a State, and an area.

A large section of my State was receiving considerable economic support from the construction and maintenance of an Atlas missile base near Cheyenne. When it became apparent the technological improvements would soon mean the phasing out of this installation, I went to Secretary Zuckert to suggest that the conditions which made that area suitable for the Atlas missile would also apply to its successor and that to replace those missiles with new ones would prevent a serious dislocation of the local economy. All of Wyoming was pleased and gratified to see how favorably he reacted to this suggestion. The new Minuteman complex, centered at Francis E. Warren Air Base near Cheyenne—one of the largest and most efficient such installation in the free world—is a tribute to an Air Force that follows the receptive, constructive attitudes of its chief.

Another incident which I recall is indicative of the fact that Gene Zuckert was responsive to the smaller problems as well as those of large import. The town of Cheyenne has furnished drinking water through its municipal system to Warren Air Base for many years. It became apparent that, unless the rate the Government paid was adjusted to conform with modern costs of treating and distributing water, the city would have to bear an undue burden in water costs which would hamper its expansion and be unfavorably reflected in the average citizen's water bills.

A delegation from Cheyenne asked me to intercede with the Air Force and seek a new contract. I was extremely pleased to note that we received complete cooperation and that in short order a new contract was agreed upon without redtape, delay, or disharmony.

It is always a pleasure to find a public servant so willing and able to handle problems large and small at the top level. But I am convinced that an equal measure of Gene Zuckert's distinctive brand of service is his willingness to extend himself in the interests of friendship and good will. It is understandable that a public servant should be interested in seeing people who have problems that come under his purview. But Secretary Zuckert was interested in seeing people just because they were people and because he was interested in them.

As I have mentioned earlier, the State of Wyoming has done quite a bit of business with the Air Force and many of our citizens at one time or another have had business, some of it urgent, in Secretary Zuckert's office. When these same individuals come to Washington for other reasons, they still find, in the old pioneer phrase, that the latchstring is out at Gene Zuckert's office. This concern for people sets Gene Zuckert above a great many men who have held positions of great responsibility and is further reason why he shall be sorely missed in Washington. All of us who pride ourselves upon having the world's best air force are in his debt.

Mr. **SYMINGTON**. Mr. President, in the more than 20 years I have been in government service, I have never heard finer tributes paid to a departing servant. Eugene Zuckert leaves public office without an enemy, and with a host of well-wishing friends. He leaves with our respect, because of his spotless character. He leaves with our deep affection, because of his personality, his rare sense of humor, his tolerance, and his understanding of the problems of all of us in the legislative branch.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Oregon.

HOUSE JOINT RESOLUTION 560 AND THE RIO TREATY

Mr. **MORSE**. Mr. President, yesterday afternoon I spoke on the floor of the Senate, expressing my disagreement with all the import and implication of House Joint Resolution 560, passed in the House by a vote of 312 to 52.

In my speech yesterday I said:

> The plain implication of the resolution is that any party to the Rio Treaty is entitled to make its own determination as to whether even a threat of subversion in the territory of another party to the treaty requires or justifies unilateral military intervention by the first party.
>
> This is a clear perversion of the Rio Treaty, which is based on the principle of collective security instead of individual action.
>
> The reaction in Latin America has been predictable. From left to right across the political spectrum, Latin Americans have united in denouncing the reactionary and illegal doctrine thus set forth.
>
> The Congresses of Peru and Colombia have unanimously passed resolutions to this effect. In the case of Colombia, at least, this marked the first time in years, so far as I am aware, that the Colombian Congress has been unanimous on anything. I ask unanimous consent that there be included, at the conclusion of my remarks, sundry newspaper articles on this subject.

I also said in the speech:

> The fact that the Department of State declined to express opposition to the resolution when its views were requested by House Members brings into serious doubt the allegation that the resolution does not reflect administration policy. It brings into serious doubt the support of the administration for the purposes and objectives of the Alliance for Progress itself, for those purposes and objectives are the displacement of the oligarchs that have kept the people of Latin America serfs to the soil and furnished the seedbed not of freedom but of communism in the hemisphere.
>
> Mr. President, my subcommittee is going to find out where the State Department stands. I serve notice on the State Department this afternoon that I am calling for an early meeting of my subcommittee. The Secretary of State may decide whom he wishes to send to that subcommittee meeting, for he is going to send someone. That subcommittee is going to find out from the Secretary of State, through his spokesman—or through the Secretary himself, perhaps—just where they stand on this House resolution. Are they for it, or are they against it?
>
> Are they for modification of it, or do they wish the House resolution to stand, as notice to Latin America that the United States is walking out on the Rio Treaty?
>
> The State Department cannot support that resolution and support the Rio Treaty, let me say to the Secretary of State. Therefore, I wish to know whom the Secretary of State is going to send.

Mr. President, I digress to say that that meeting of the subcommittee will be held tomorrow afternoon.

Further in the speech, I stated:

> Mr. President, this resolution is going to do irreparable harm throughout Latin America unless the Johnson administration repudiates it forthwith.

Mr. President, in an endeavor to be of assistance to my administration, to clear the RECORD and notify Latin America where we actually stand in regard to the Rio Treaty, and in regard to the Organization of American States Charter, I, along with other Senators, now send to the desk for appropriate reference a resolution expressing the sense of the Senate with respect to the Inter-American policies of the United States.

Mr. President, I send the resolution to the desk on behalf of myself, the Senator from Pennsylvania [Mr. Clark], and the Senator from Ohio [Mr. Young], and ask that it remain at the desk until 5:30 p.m. today for any other Senators who may wish to cosponsor it.

The **PRESIDING OFFICER**. The resolution will be received and appropriately referred; and, without objection, the resolution will lie on the desk, as requested by the Senator from Oregon.

The resolution (S. Res. 150) was referred to the Committee on Foreign Relations.

Mr. **MORSE**. Mr. President, I serve notice on the State Department that it is expected to be prepared to testify on this resolution before my subcommittee tomorrow afternoon. I also serve notice on the State Department that I wish to know whether it endorses the resolution. If the Department of State does not endorse it, I expect them tomorrow afternoon, in testimony, to set forth clearly whatever qualifications it wishes to make in respect to the resolution.

Mr. President, several days ago the Senator from New York [Mr. Javits] submitted another resolution, which, in my judgment, has the same objective. Those of us submitting the resolution today prefer our resolution. We believe that it leaves no room for doubt as to the clear-cut issue which we raise in the resolution. However, I commend the Senator from New York [Mr. Javits] for speaking out in opposition to the action taken by the House of Representatives. As I made perfectly clear yesterday, as chairman of the Subcommittee on Latin American Affairs, I share his views in opposition to the House resolution.

The resolution I am submitting today is a simple restatement of historic American policy, vis-a-vis Latin America. For a variety of reasons, such a restatement is badly needed at this time, to remove a great deal of confusion which has regrettably arisen in the minds of the people of the United States and of Latin America as to what those policies are.

The resolution is solidly based on the special role given the Senate in foreign policy by the Constitution which provides in article II, section 2 that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." This tenet of constitutionalism is taught in every high school civics class, but sometimes people long out of high school need to be reminded of it even though they may be Members of the House of Representatives.

The resolution specifically recalls two treaties which the Senate and the President approved, in solemn exercise of their joint constitutional responsibilities—the Rio Treaty, formally styled the Inter-American Treaty of Reciprocal Assistance, and the Charter of the Organization of American States. These treaties are the bedrocks of U.S. policies toward Latin America and indeed of the whole inter-American system. They contain many important provisions, but for my present purposes I confine myself to citing only four articles.

Article 6 of the Rio Treaty provides:

> If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extracontinental or intracontinental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the continent.

Mr. President, the signatories to that treaty—and the United States was one—pledged themselves to forgo unilateral military action based upon their judgment and agreed to proceed immediately under the terms of the Rio Treaty. The words cannot be erased. The words cannot be interpreted on any other basis of meaning.

Articles 15, 17, and 19 of the OAS Charter provide:

> Article 15. No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic, and cultural elements.
>
> Article 17. The territory of a state is inviolable: it may not be the object, even temporarily, of military occupation or of other measures of force taken by another state, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

I am talking about international law, Mr. President. These are treaty obligations the United States entered into. These international law tenets are binding upon the United States and every other signatory to the OAS Charter—unless we have reached the time when the United States is going to evade and violate its international obligations. We have done that many times in the recent past, I am sorry to say. But the senior Senator from Oregon is pleading once again on the floor of the Senate this afternoon for his country to come back into the framework of international law and start living up to its international law obligations and treaty commitments, and, through the resolution I am offering, to repledge itself to the Rio Treaty and the OAS Charter.

Let me say most respectfully that, in my judgment we must do that before the RIO Conference next month, because if we do not, we shall go into that conference and be subjected to an attack unequaled, in my opinion, in Latin American conferences. In Latin America, at the very hour I speak, there is growing concern about one simple question: Is the United States really committed to the Rio Treaty and the Charter of the OAS?

Mr. **MORTON**. Mr. President, will the Senator yield?

Mr. **MORSE**. I yield.

Mr. **MORTON**. The Senator from Oregon referred to the Rio Treaty, which was confirmed by this body. Does the Senator recall the vote?

Mr. **MORSE**. I do not recall the vote from memory.

Mr. **MORTON**. Was it unanimous?

Mr. **MORSE**. I know it was a large vote. I cannot say it was unanimous. I do not have in mind the vote.

Mr. **MORTON**. My memory is that it was a unanimous vote.

In support of what the distinguished Senator from Oregon is mentioning, I believe that these are very important points, and I consider it proper that he should bring them up. I may recall to the memory of the Senator from Oregon that in New Delhi in 1957 he made a speech before the Commonwealth Parliamentary Union, in which he discussed the question of law. I wonder if a copy of that speech is available, and if it could not be made a part of the Senator's remarks today, because it was one of the most stimulating and interesting talks on this subject that I ever heard.

Mr. **MORSE**. The Senator is very kind. I shall have a copy of the speech dug out of the files and ask to have it printed in the Record.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The speech is as follows:

Promoting World Peace Through the Rule of Law and Through Economic Aid

(Speech by Senator Wayne Lyman Morse, New Delhi, India, Dec. 9, 1957)

The Chairman of the Council. May I request Senator Wayne Lyman Morse, American member of the Foreign Relations Committee of the United States and chairman of the American delegation, to kindly participate in this debate?

Senator Wayne Lyman Morse (United States of America). Mr. Chairman, delegates, and guests: On behalf of the American delegation, I wish to say that it a great privilege for us to be here as guests of the Commonwealth Parliamentary Conference. I speak with great humility in the presence of the international leaders of world renown who have preceded me in this discussion today.

At the outset, Mr. Chairman, I want to make it very clear that I do not speak for my Government, nor, for that matter, for my party. I have belonged to three political parties in the United States—Republican, Independent, and Democratic. I think I know something about the strengths and weaknesses of each. As I say back home in the States my political course of action qualifies me to speak nonpartisanly on the major issues such as the one we have under discussion today at this conference, namely, foreign policy, and national defense.

Therefore, although I do not speak for my Government or for my party, I do speak nonpartisanly and for myself. Let me assure this conference that my views are not singular in America but are shared by increasing numbers of the American people. A political party line on foreign policy is exerting less and less influence on American public opinion because more and more of our people are thinking independently of partisan considerations in respect to foreign policy issues. In my country the Government does not rise or fall on congressional support of some announced administration position on a given issue such as foreign policy, taxes, general welfare legislation, or civil rights. Elected representatives of our people are expected to exercise an honest difference of opinion within their own party as well as with members of another party whenever their independence of judgment tells them that the public interest so dictates.

May I say facetiously that in the United States Senate we are not chained to unsound policies, as is the case of some parliaments, by the shackles of party regularity. [Laughter and applause.] In the Senate of the United States we are free to exercise an honest independence of judgment on the merits of issues in accordance with the facts as we find them. I recommend this bit of Edmund Burke political philosophy on the moral obligation of an elected representative of a free people to follow his conscience as dictated by the facts on a given issue rather than to follow a wrong policy simply because it is dictated by political party leaders. [Applause.]

Don't retort to this principle of representation with the partisan bromide that party responsibility will be destroyed if party conformity is not required at all times of each party member of a parliament. It is so much nonsense. Party responsibility dictated by the public interest will truly exist in the parliaments of the world when party leaders know that unless their stand on a given issue can be supported by the facts on their merits the votes will not be present to back them up when the roll is called on the issue. [Applause.] The application in the Congress of the United States of this principle of representation based upon exercising an honest independence of judgment on the merits of issues as tested by the general welfare of our people makes it possible for us to have a change of governmental policy on a given issue during the term of national administration without the administration itself going out of office at that time.

I know it is difficult for some of you, particularly my respected British friends, to appreciate the American view that an elected representative in a parliamentary body owes a primary obligation to stand and vote for what his conscience tells him is in the public interest irrespective of party dictates or policy. Nevertheless, I submit that the application of this principle in the Congress of the United States is the key to our great legislative flexibility. It makes it possible for us to make a quick major national legislative adjustment to any emergency situation without suffering the delays caused by a parliamentary crisis when a government falls. We accomplish this legislative flexibility in our Congress by the formation of political coalitions between groups of both major parties.

Thus in respect to foreign policy issues I find that some of my friends from other delegations at this conference are at a loss to understand why American foreign policy changes from time to time as the result of congressional action at variance with announced Presidential policies. I am glad this question has been raised with me because it affords me an opportunity to mention briefly our system of parliamentary checks and balances.

The practice in the Congress of the United States to form political coalitions between groups in both major parties is one of our most effective checks upon the exercise of unwise Executive power in the United States. Let us apply the practice to foreign policy for a moment. Great misunderstanding seems to exist among many in other countries that in the United States foreign policy is owned by the President of the United States and by the Secretary of State. Such is not so either as a matter of consitutional law or as a matter of long established practice and custom in our country. The constitutional prerogatives vested in the President of the United States in respect to foreign policy do not in any sense make him the dictator of American foreign policy. No President of the United States or no Secretary of State can commit our Government to any foreign policy program free from constitutional checks by the Congress of the United States or free from the ballot box check of the American people.

In the last analysis American foreign policy is the property of the American people and all the President and Secretary of State are in respect to it is administrators of the people's foreign policy. Granted that there are wide differences between constitutional theory and practice in this matter, nevertheless, any President who lost sight of his role in American foreign policy under our constitutional system of congressional checks would find himself in serious parliamentary difficulty.

Among our most important congressional checks upon the exercise of Presidential powers in determining American foreign policy is the work and jurisdiction of the foreign policy committees of both the House of Representatives and the Senate of the United States. It is necessary under our constitutional processes for these two foreign policy committees of the Congress to implement any major foreign policy proposed by the President of the United States. These committees hold both public and executive committee hearings on foreign policy proposals of any administration and through these hearings public opinion is brought to bear upon Presidential recommendations. It is necessary for these committees to recommend authorization legislation for passage by the Congress in respect to foreign policy proposals. For example, during this past year extended hearings were held by both the House and Senate Foreign Relations Committees on the entire mutual security program recommended by the Eisenhower administration. You will recall that the final authorization legislation, both as it was recommended by the committees and as it was amended by the Congress, contained substantial modifications of the original recommendations of the President of the United States.

This system of foreign policy committee checks upon the foreign-policy proposals of any administration must be understood by leaders of foreign governments if they are to have a clear understanding as to why a President of the United States cannot enter into irrevocable commitments in diplomatic negotiations with foreign powers over foreign-policy matters. Another example of the operation of this congressional check on Presidential foreign-policy powers in the United States was illustrated last year when the historic debate was held, particularly in the Senate of the United States, over the so-called Eisenhower Middle East Doctrine. As a result of that debate and the strong opposition to the doctrine that was presented by those Senators who considered the proposal to be an unfortunate one as far as promoting stability in the Middle East is concerned, the administration found it advisable, through its spokesmen appearing before the Senate Foreign Relations Committee, to issue a series of clarifying statements concerning the doctrine. Thus, by the checking power of committee action, Presidential authority over American foreign policy must be conducted in a limited framework of Executive administrative power.

There are two other committees of the Congress that exercise substantial checking authority over Presidential power in the field of American foreign policy. I refer to the Appropriation Committees of the House and the Senate. After congressional legislation is passed authorizing a foreign-policy program, it is necessary for the Appropriation Committees to pass upon and recommend the amount of money that the Congress should appropriate for implementing the program. Thus, it is a common saying in the United States that in the last analysis the control of the purse strings of the Government by Congress is its most effective constitutional check upon the executive branch of the Government.

These aforementioned checking powers of the committees of Congress give assurances to the American people that through committee hearings, inquiries, investigations, and recommendations to the Congress, the will of American public opinion will be brought to bear as an effective check upon any foreign-policy course of action by any President which does not have the predominant support of the majority of the American people.

It would be a mistake for anyone who is not familiar with the practical workings of our system of constitutional checks and balances to assume that our governmental system of division of authority leads to national disunity and lack of direction in American foreign policy. It is true that in our body politic we have marked differences over the formation of specific foreign-policy programs. It is true that there are strong differences in our country at the present time in regard to the emphasis that should be placed on military aid to underdeveloped countries in contrast with economic aid. There likewise are similar differences over the issue as to whether or not we should reverse the ratio now existing of about 85 percent of our mutual-security appropriations going to foreign countries in the form of grants and gratuities rather than loans.

There are many in our country, and I share that point of view, who believe that the underdeveloped countries of the world would be strengthened more, and freedom along with it, if we sent them bread rather than guns. [Applause.] By this I mean that part of the debate going on within American public opinion these days is over some of the same questions which I understand have already been raised in this conference during the previous days of discussion of economic problems. I happen to hold to the point of view that the fight for freedom in the next half century will be won on the economic fronts of the world, not on the battlefronts of the world.

There is also a considerable body of opinion in our country which points up another difference in American public opinion over foreign policy. I refer to those in my country among journalists, authors, academic leaders, and elected officials who urge that American foreign policy, through its mutual security program, should give more assistance and support to free governments in the world and less support to totalitarian or quasi-totalitarian regimes. These critics of American foreign policy within my country are greatly concerned about what appears to be the growing attitude on the part of leaders and their people in the underdeveloped countries of Asia and Africa to the effect that too much emphasis is being placed by the United States on military resistance in the cold war against communism.

Those who hold this point of view, and I am one of them, would have our country recognize before it is too late that the best way to strengthen freedom in the world is to help people raise their economic standards of living. Military regimes are never conducive to the strengthening of freedom, but, to the contrary, usually run the course of impairing civil liberties and denying to their citizens both economic freedom of choice and political freedom of choice for the individual.

Thus, there is a growing opinion in the United States that we can best demonstrate the superiority of our precious system of political and economic freedom for the individual by exporting, to the underdeveloped areas of the world that are willing to stand with us in support of protecting the dignity and civil rights of the individual, the benefits of our economic assistance. To accomplish this end, we recommend giving support of longtime loans to economic development plans such as India's second 5-year-plan when it can be demonstrated that such loans would be sound; would, in fact, produce specific economic productive projects that would help raise the standard of living of the people who live in the economic shadows of such projects.

However, I wish to make very clear that, although I have mentioned certain differences of opinion that exist in my country over the objectives and implementation of American foreign policy, it would be a very serious mistake for leaders in other countries, including any potential enemies to assume that we are a disunited people in respect to our relations with the rest of the world. Any differences that may arise from time to time in the American Congress over foreign policy are usually hammered out on the anvil of public discussion and debate into a united pattern best suited to our national interest. We are a peace-loving Nation, and whatever differences may appear to exist among us from time to time over foreign policy, I can assure this conference, are differences that spring from a common and united motivation on the part of American leaders; namely, the motivation of seeking the best and most effective ways of promoting world peace. [Applause.]

Therefore, it would be a grievous mistake for any potential aggressor of world peace to ever assume that the people of the United States would not stand united in opposition to any major power or combination of powers that might decide to catapult the world into another global war. The United States can be counted upon to maintain a strong national defense and to assist in supporting strong national defenses for allies who decide to join with us in a mutual security program.

However, I would emphasize in my talk today, that it is very important that the free nations of the world should not make the mistake of overemphasizing military defense as the way to peace. Adequate military defense on the part of the free nations of the world is necessary for national survival and self-preservation. It is an understandable, instinctive response to threatened danger.

Nevertheless, strong national armaments in and of themselves give no lasting assurance of permanent peace. To the contrary, as history has proven time and time again, uncontrolled armament races are most certain to end in war. Therefore, the subject which this conference is discussing today, namely, foreign policy and national defense, calls for the most delicate balancing of international relations and objectives among all the nations of the world.

World events of the past half century have taught on several occasions the age-old lesson that unilateral disarmament does not cause nations inclined toward aggression to maintain the peace. The same period of time has also repealed the lesson that threatening to meet force with force does not cause nations to beat their swords into plowshares.

My Nation stands for strong defense. We believe that political and economic freedom are essential to the protection of the dignity of the individual and guaranteeing of the inalienable right of men and women to lives of human decency. [Applause.] We believe that freedom is not a politician's cliche unless we make it so. Freedom is a way of life and it is worth defending. Therefore, we in the United States do not accept the view that maintaining strong defenses increases the chance of war any more than maintaining strong jails increases the chance of murder and burglary. However, Mr. Chairman, I would be the first to admit that the misuse of strong defenses can cause wars, just as the misuse of jails can imprison the innocent. It is my view that there is a great need for the leaders of the free nations of the world to give greater consideration to nonmilitary procedure for advancing the cause of peace. Military defense must stand guard against aggression. But other procedures must be used to remove the causes of international tensions and to settle international disputes as they arise.

Therefore, I wish to devote a little time in this speech to the topic of promoting world peace through the rule of law. I was very pleased to hear the Right Honorable Hugh Gaitskell in his address this morning make brief reference to the juridical and conciliation provisions of the United Nations Charter. I wish to recommend to the free nations represented in this conference that much greater use should be made of the World Court and other juridical procedures set forth in the United Nations Charter for the settlement of international disputes.

Let me make clear at the outset of this discussion that I do not happen to be a so-called one-cause person. I recognize that international effects such as war have many causes. If we are to prevent war, we must seek and apply various procedures that will help reduce world tensions. I do respectfully suggest that, very frequently in parliamentary conferences such as this one, there is the temptation for delegates to devote their discussions to broad policies rather than to specific proposals related to the lessening of international tensions. Therefore, I am honored to call the attention of this conference to a specific proposal, a specific ideal, a specific practicality, which a great leader in the United States Senate, now dead, Senator Arthur H. Vandenberg, emphasized many times in his historic speeches on foreign policy.

In my opinion, Senator Vandenberg did more to influence American foreign policy than any Senator has done in the United States Senate during the last quarter of a century. I happened to be a disciple of Arthur Vandenberg after he changed from an isolationist into a great internationalist. I recommend to the consideration of this conference one of the cardinal principles of Senator Arthur Vandenberg's foreign-policy philosophy. Time and time again he emphasized that there will never be a world order of permanent peace until there is established a system of international justice through law.

In 1945, when I first went to the Senate of the United States, Arthur Vandenberg encouraged me to press for Senate action on a resolution I sponsored which committed my country to the compulsory jurisdiction of the World Court in any dispute where the opposing nation was willing to accept the jurisdiction of the Court. It seemed to me that the World Court section of the United Nations Charter adopted at San Francisco was a very weak instrumentality for the settlement of international disputes by juridical processes if its jurisdiction was to rest entirely upon the voluntary actions of individual nations. Therefore, it seemed important to me that the United States should lead the way in setting an example by pledging itself in advance to submit all international disputes to the World Court for determination.

Therefore, with the assistance of such great organizations in my country as the American Bar Association and various Protestant and Catholic Church councils, the American Academy of Political Science, and many other organizations dedicated to the cause of peace, I introduced in the Senate of the United States the World Court compulsory jurisdiction resolution of 1945. With Senator Vandenberg's great help, the resolution passed the Senate of the United States by a vote of 60 to 2. The resolution embodies great ideals which, if ever put into practice by the nations of the world, would not only help reduce world tensions but would settle most international disputes by the application of the rule of law. As Senator Vandenberg used to point out, there is no substitute for the application of the rule of reason for the settlement of misunderstandings between men and between nations.

Unfortunately, today, the procedures of the judicial process provided for in the United Nations Charter have been little used by the democracies of the world. Time after time in recent years I have proposed to my Government, under both Democratic and Republican administrations, that we should seek to bring some of the issues that have been threatening peace before the World Court for judicial determination in accordance with the tenets of justice as laid down in international law. The negative reply to such suggestions on my part has usually been threefold.

First, it is said that Russia would never agree to accept the jurisdiction of the World Court in any of the disputes that have arisen between the United States and Russia. However, I have never been impressed by the rationalization that we should not offer to submit a dispute to the World Court because we suspect that Russia "would not go along with such a proposal." As I have said when such an excuse has been offered by my Government for not appealing to the World Court, "I also do not think that Russia would agree to submit her case to the World Court, but let us give her a chance to refuse. Let us thereby demonstrate to the world just what nation it is that is seeking to block the peaceful settlement of international disputes through the application of the judicial processes provided for in the United Nations Charter."

It has always seemed to me that the democracies have missed one opportunity after another to demonstrate their dedication to the cause of world peace by failing to invite Russia to adjudicate before the World Court many of the international issues which have arisen between the Soviet Union and the democracies of the world.

In the second place, the excuse has been given that the existing body of international law is not broad enough to encompass for juridical determination many of the issues that threaten the peace of the world. I think that is undoubtedly true. But this very objection really confesses the need for the implementation of the World Court section of the United Nations Charter. It has been my suggestion, and I recommend it to this parliamentary conference, that through the United Nations Organization negotiations should be carried on for an extension and broadening of the jurisdiction of the World Court, as well as for the extension and expansion of substantive international law principles as well as broadening of procedures for the operation of the World Court.

I am convinced that great strides toward world peace could be taken if the nations of the world would seek to negotiate an expanded code of procedure for the adjudication of World Court cases. Likewise, there is a great need for the adoption of a new codification of international law statutes and legal principles which would broaden the judicial authority of the World Court.

In the third place it is said, by those who hesitate to agree to submit international disputes that threaten peace to international judicial processes for settlement, that such procedure might very well threaten national sovereignty. In my opinion this is a scarecrow argument. We must not let the semantics of national sovereignty chill the hopes of peace. The concept of national sovereignty should not be used as a dead hand of international law. We must recognize that national sovereignty should not be considered as a static concept. Only as a dynamic living concept can the doctrine of national sovereignty serve the people of each nation as a legal instrument for meeting the needs of the changing world.

Whenever a dispute arises directly affecting the interests of two nations so as to threaten their peaceful relationships, then other nations should have the right to determine whether or not a question of national sovereignty rightly is basic to the dispute. In a very real sense no nation has the moral right, nor should it be allowed to claim a legal right, to follow a course of action that creates peace-disturbing disputes and then hide behind a defense that the issues of the dispute involve its untouchable rights of national sovereignty.

It is respectfully suggested that there is much need for a reevaluation in the field of international law of the doctrine of national sovereignty. This evaluation should be approached from the simple premise that any static doctrine of national sovereignty which threatens peace must be subject to revision in the interest of peace. Let me make clear that I do not propose that we throw overboard, so to speak, the existing substantial body of international law that has been developed over the decades under the doctrine of national sovereignty. But I do point out that if we are to implement Senator Vandenberg's ideal of a system of international justice through law we must see to it that international law becomes a body of living law capable of doing justice in the cause of peace. Granted that there are many changes that need to be negotiated among nations in the field of international law, both as to procedural and substantive matters, if the rule of law is to become effective in promoting peace, the fact is inescapable that unless such an ideal is put into practical implementation, the United Nations cannot possibly function effectively for settling international disputes.

In passing, there are other cautions I would mention that democracies should heed if the application of the rule of law is to become effective in settling international disputes. Democracies which are disputants in a given case should not set themselves up as judges of whether a case should go before the World Court for determination. Neither should they function as a jury on the merits of their own case and thereafter turn a deaf ear to other nations in the world who are disturbed by their national course of action.

Let me apply this caution to my own country for a moment and then respectfully apply it to 2 or 3 other existing disputes involving some of the other countries represented at this conference. Let's consider for a moment the delicate international issue that involves the question of Formosa's sovereignty.

The issue of American foreign policy in regard to Formosa is one of the so-called hot political issues in my country. However, there is no question about the fact that, as a matter of international law, my country does not have any sovereign rights to Formosa. The United States does have a great moral obligation to see to it that a blood bath does not occur on Formosa as a result of an aggressive attack on Formosa by Communist China. This moral obligation grows out of the caretaker duties which the United States assumed over Formosa as a result of American operations during World War II in the Pacific theater.

However, it is generally recognized that the question as to what nation has rights of sovereignty over Formosa is a question to be determined in accordance with existing international law. It is not a question that can be determined legally by a unilateral proclamation issued by Red China, or the Nationalist Chinese Government under Chiang Kai-shek, or by the United States, or any other power. At the present time the sovereignty of Formosa can be described as being in abeyance or suspension. I submit that there is only one forum in which the question of Formosa's sovereignty can be determined justly and in the interest of world peace, and that is in the World Court. It is very much to be hoped that at the earliest feasible time my Government will seek United Nations support for the submission of the question of Formosa's sovereignty to the World Court for determination.

At the time of the historic debate in the U.S. Senate over the Eisenhower Formosan Doctrine in 1955, some of us then urged that the United States call upon the United Nations to exercise a mandate or trusteeship over the Formosa Straits, and submit the issue of Formosa's sovereignty to the judicial process of the United Nations Charter. Unfortunately, from the standpoint of western tensions in Asia the majority view taken by Congress at that time was to back up the Eisenhower administration's position that the time was not ripe for the settlement of the Formosan issue through United Nations procedures. I asked the question then and repeat the question now, "When will the time be ripe for such a course of action?"

I make a plea to the members of this conference that the democracies of the world should unite and solidify behind a judicial approach to the settlement of a great many disputes that are threatening the peace of the world. ["Hear." "Hear."] I know of no better approach than the application of the rules of reason in the judicial atmosphere of an international court. In such an atmosphere of judicial impartiality calm judgment can be rendered on the basis of the evidence presented. National legal rights, in accordance with generally accepted principles of international law can be applied to the facts of the case as established in the courtroom. In the interest of world peace all nations, large and small, should respect the application of the rule of law to every international dispute that is susceptible of legal determination. Neither my country nor yours in this day of potential nuclear warfare can justify refusing to submit any international controversy between nations to adjudication. ["Hear." "Hear."]

I have mentioned a failure to date on the part of my Government to press for United Nations judicial determination of the Formosan issue. I hope you will not think me disrespectful when I point out that there are other peace-threatening issues involving other nations which have been equally hesitant about acceding to the application of the judicial processes of the United Nations for a binding determination of the dispute. I mention Kashmir as a good example of an issue that is susceptible of an international law determination. Granted that this is another one of the so-called hot issues that is charged with strong national feelings and patterns of deep prejudices, nevertheless, there is no escaping the fact that it has become a tinderbox that might ignite a major war. It is a good illustration of the great need for reappraising in light of changing world conditions some of the heretofore accepted fixed notions in respect to national sovereignty. There will be little comfort to be found in the hot ashes of a nuclear-exploded world by those who cling in our time to a static concept of national sovereignty.

There are other pending disputes which threaten world peace and whose international tensions could be relaxed by a resort to judicial processes for their determination. The Middle East is full of such issues. Basically what is involved in the Suez Canal crisis other than a judicial determination of the respective legal rights of the contending nations? Long before England, France, and Israel resorted to action by force over the Suez Canal issue, I urged in the Senate of the United States that all governments not parties to the dispute should urge the disputants to submit their respective claims to the judicial processes of the United Nations. It was my plea that the United States should take the lead in a plea for the application of the rule of law to the Suez Canal issue. We failed to do it, and this lost opportunity brought the whole world closer to the brink of a major war than we can ever afford to risk.

Then what about many phases of the Arab-Israeli disputes? Looked at from the standpoint of historic perspective, and in the interest of reducing the dangers of war, what is there so difficult about the Arab refugee problem, the settlement of conflicting claims to water rights, boundary disputes, and alleged conflicting national interests in the Straits of Aqaba that cannot be determined justly by the application of the rule of law applied by an impartial United Nations judicial tribunal? Let us not forget that the United Nations Charter provided not only for the strictly judicial processes of the World Court in which disputes can be determined in accordance with international law as it exists at a given time; but it also provides for corollary juridical processes of arbitration, mediation, and conciliation. In these last-mentioned quasi-judicial forums there is ample latitude for nations acting in good faith to negotiate with each other under the impartial guidance of a United Nations tribunal or agency, a fair and just compromise of their differences.

I respectfully submit that without further delay, all peace-loving nations should seek to further a climate of international relations whereby they join forces in strengthening the juridical processes of the United Nations for the peaceful settlement of international disputes. ["Hear." "Hear."] Now is the time to make this approach of applying the rule of law to peace-threatening differences between nations if we are to keep faith with the spirit and idealism enunciated by Vandenberg in his many references to the need of a system of international justice through law. ["Hear." "Hear."]

I recognize, Mr. Chairman, that the deal for which I am pleading today involves many procedural problems which must be resolved if nations are to accept it as a practical approach to the settlement of specific disputes. It will be pointed out by some that the jurisdiction of the World Court is not broad enough at the present time to encompass all disputes that threaten world peace. I believe this to be an objection of form rather than of substance because if the nations of the world wish to act in avoiding war by settling their disputes through judicial processes they are free through the United Nations, to broaden the jurisdiction of the juridical sections of the charter.

I have already mentioned the claim of some that the international judicial ideal of Vandenberg and others who have shared his point of view would threaten to narrow the rights of national sovereignty. However, I do not contend for a moment that the World Court should exercise jurisdiction over what reasonable men agree are purely domestic issues. At the same time, the concept, "national sovereignty," must not be allowed to become an emotional sanction that prevents a judicial determination by an international court of a dispute that is, in fact, threatening peaceful relations between two or more nations. A doctrine of national sovereignty based upon the theory that each nation should be its own final judge as to what is or is not a domestic issue is an outmoded doctrine in the modern world. The retention of such a narrow view of the rights of sovereignty may very well, under some circumstances, cost a nation its very survival.

That is too dear a price to pay for an isolationist concept of national sovereignty.

Another procedural problem that is raised by those who question the practicality of implementing the ideal of a system of international justice through law is that there can be no assurance of the competency of the judges who render the decisions.

These critics say, further, that there is no existing procedure for preventing a biased judge or a judge from a nation which is a party in interest from sitting in judgment on a case. These criticisms also strike me as being objections of form rather than of substance. Obviously, whatever procedural reforms are necessary to guarantee the competency or impartiality of the personnel of the tribunals which are to administer international justice can be adopted by amendments to existing rules and procedures. By way of analogy, I would point out that, in many State courts in the United States, judges who are believed by litigants to be prejudiced against them can be removed from sitting on a given case by the filing of an affidavit of prejudice. In some jurisdictions these affidavits of prejudice can be filed on a peremptory basis and in other jurisdictions the judge can be removed "for cause," duly shown.

Surely, it would not be a difficult matter to obtain United Nations adoption of a procedural right to file an affidavit of prejudice either peremptorily or "for cause" against any judge who a litigant in good faith believes to be biased and prejudiced in respect to the case. But I want to say that I have noted, as a lawyer, that, usually, when a man dons the judicial robes, and assumes the almost sacred trust of doing justice, he usually rises to the obligations of that role. ["Hear." "Hear."] I have also noticed that, in many instances, when a litigant complains about the fairness of the court, he speaks from a case lacking in merit. ["Hear." "Hear."]

In a similar vein, I would reply to the other reservations which are raised by those who seem to think that now is not the time for the democracies of the world to join together in a united program for greater use of the judicial processes of the United Nations in the settlement of peace-threatening disputes. I respectfully submit that this conference could make a specific contribution to a program for lessening world tension if it would urge upon all nations of the world a greater use of the World Court and the other judicial procedures provided for in the United Nations Charter. ["Hear." "Hear."]

The second major principle of foreign policy enunciated and advocated by Senator Vandenberg dealt with his views on foreign economic policy. He recognized that political freedom of choice for the individual will not exist in any country for long unless the citizens of that country also have economic freedom of choice. I do not ask for agreement on this or any other point I raise in this speech. I never ask for agreement. It is not important that you agree with me, but it is important that people throughout the world give some thought to the inescapable fact that the standard of living of the millions of people in the underdeveloped areas of Asia, Africa, and other parts of the world bears a direct relationship to the maintenance of world peace.

Therefore, I wish to discuss very briefly my point of view in regard to the economic approach to peace. I happen to think that an order of permanent peace in the world cannot be established until we set up a system of international justice through law, and, also, peace will not prevail until we recognize that peace must be won on the economic fronts of the world. ["Hear." "Hear."] Wars do not produce peace; neither do armament races. ["Hear." "Hear."]

It is my understanding that, earlier in this conference, there was general recognition on the part of most of the delegates that political colonialism has become a thing of the historic past. It is equally important for the economically favored nations of the world to recognize that economic colonialism is also on the way out. ["Hear." "Hear."] Economic colonialism has expressed itself in a variety of forms over the decades. Most commonly it has been linked inseparably to political colonialism. In some instances it has taken the form of economic exploitation fastened upon weak nations by powerful foreign industrial and banking combines, backed at times by the army and navy of the country whose nationals have made great investments in a foreign country. Investors from my own country on occasion have not been free of this criticism, with the result that the United States in some instances has been joined in that criticism.

Therefore, I would suggest that, as far as my country is concerned, and I use it only as an example because the abuse of which I speak is not limited to the United States, we should change our national policy in respect to the support given to foreign investors. I think the best way to describe the change in American economic foreign policy which I propose is to reverse the symbols of a figure of speech that is frequently used to describe the relationship which exists between the American Government and the economic investments made in foreign countries by American investors.

In the past, the economic foreign policy of the United States has been described by many writers as one in which the American flag follows the American dollar. I would change that figure of speech by proposing the adoption of an American economic foreign policy which could be described as one in which the dollar follows the American flag. If you will ponder the implications of my proposed descriptive terms of economic foreign policy, you will recognize great differences in governmental policy that would necessarily result therefrom. My proposal would bring an end to "dollar diplomacy." It would stop economic exploitation of weaker peoples. It would develop economic productive power of underdeveloped nations for the benefit of the people of each nation in which the foreign investments are made, and at the same time provide a fair profit for the investors. It would promote good will among nations and reduce existing international tensions.

Interestingly enough, an economic foreign policy based upon the dollar following the flag would strengthen a system of international justice through law discussed in the first part of this address. It would accomplish that end, because my proposal involves the negotiating of economic treaties between the government whose nationals are making the economic investment and the government in whose country the investment is to be made. Such treaties as have been authorized since 1948 now exist to a very limited extent. What I am urging is that such treaties, somewhat broadened in scope, be more widely used as an instrument for economic development of underdeveloped countries.

Speaking in terms of a hypothetical case, my proposal would provide that countries X and Y should negotiate an economic treaty, under which treaty foreign investments by nationals of country X are to be made in underdeveloped country Y. Such a treaty would set forth the terms and conditions governing the investments, including an agreement as to the reasonable profits that those who risk their capital should be allowed to take out of the country. There is no doubt about the fact that, in too many instances in the past, foreign investors have weakened rather than strengthened the productive power of the country in which the investment was made through exploitation of its natural resources and its people.

Under a program such as I propose, in which the dollar would follow the flag, such exploitation would be prevented by treaty. If any dispute should arise in respect to the implementation of the investment, or if the country in which the investment is made should nationalize the industry or confiscate the investors' property and business, the treaty would provide a binding agreement between the two governments that the issue would be submitted to a judicial tribunal of the United Nations for adjudication.

But, you ask, what about the investors who in the meantime have lost their property and their business? It is my proposal that, to encourage economic investments abroad as an aid to strengthening freedom in the world and furthering the cause of peace through raising the standard of living of people in underdeveloped countries of the world, my Government should insure more such investments through the analogous principle of the Federal deposit insurance guaranty of bank deposits. I know of no better expenditure of defense dollars than guaranteeing to American investors that, if they will help strengthen the economic productive power of underdeveloped countries so that standards of living may be raised to a more decent level in those countries, the United States will repay the American investor for any losses suffered as a result of the violation of treaty obligations on the part of the recipient country.

I venture to say that the adoption of such an economic treaty program would bring to an end violations of investors' rights by foreign governments, and would result in practically no loss to the American taxpayers. Such a fair procedure would also remove the alibi from the lips of the exploiting investor who in times past has attempted to justify his policy of economic colonialism with the excuse that he feels that it is necessary to move into an underdeveloped country and make huge profits in a short period of time because he never can be sure when the foreign government might nationalize his property and kick him out with little or no compensation for his investment.

You will note that, in respect to this proposal, too, I have been emphasizing procedures for administering foreign policy between nations. As an old law teacher, I sought to drill into the heads of my law students, from the first day they entered the law school until the last speech I made to them on graduation night, that they should never forget that the substantive legal rights of a client can never be any better than the procedural rights guaranteed by the tribunal which is to adjudicate his case. That is true of any human institution.

Let me determine the procedure of any institution, and I will determine in a large measure thereby, all the substantive rights it makes available to its members. That is why I think there is such a great need for various procedural reforms within the Charter of the United Nations. I have already discussed the need for some procedural reforms in respect to the judicial processes provided in the charter. In the same framework I stress the need of treaty provisions providing for procedures that will encourage foreign economic investments in underdeveloped countries to the mutual advantage of both the investors and the people of the country in which the investment is made. Through such procedures we can strengthen both economic freedom and world peace.

The most common reaction to economic foreign policy based upon a program of the dollar following the flag, is that it is too idealistic and theoretical. My critics say none too kindly that such a proposal shows what happens when a professor is elected to political office. But to this conference, composed of realistic men and women, I would point out that not a single one of you has ever experienced a practicality except in terms of an ideal put to work. Further, it should be said that there is nothing practical about resorting to the expediency which characterizes so much of the diplomacy practiced in the world today. ["Hear." "Hear."]

You cannot compromise principle, and have principle left. You cannot substitute expediency for idealism and avoid corruption. I have observed in politics that those who seek to justify a vote motivated by expediency engage in a rationalization of compromising their true convictions. They seek to cover up a corruption of their intellectual honesty. Such political expediency erodes statesmanship. Much of this evil—all too prevalent in parliamentary halls the world around—can be traced to a failure of parliamentary bodies to give sufficient attention to procedural guaranties which are so essential to preserving substantive rights.

I respectfully submit, Mr. Chairman, that part of the tension that exists among many nations in the world today is due to a failure on the part of all nations to give due respect and regard to both the procedural and substantive foreign policy rights of other nations. If our statesmen consider it inconvenient or inexpedient to go through the United Nations on an issue, they do not hesitate to go around the United Nations. Thus world tensions have been increased from time to time in recent years by unilateral action on the part of major powers in both the free and Communist segments of the world. Such a course of action does violence to the spirit and intent of both the procedural and substantive objectives of the United Nations Charter.

Whenever any country, by unilateral action, seeks to impose on the rest of the world a foreign policy that increases international crises and tension, it is not serving the cause of peace. Unilateral action in the field of military and economic aid has in some instances created international misunderstanding.

There has been discussion in this parliamentary conference to the effect it would produce better international relations if more economic aid were administered through the United Nations rather than unilaterally by such powerful governments as my own. Surely this is a subject matter that is worthy of further discussion and negotiations. I do not quarrel with the objective that a United Nations agency administering foreign aid could do much to overcome some of the prejudices and misunderstandings that have developed in respect to American foreign aid. However, it would be not only a serious mistake, in judgment, but also an unfair judgment, to conclude that the American foreign economic aid program is motivated in any way by principles of unfair discrimination against the people of some democracies and favoritism for the people of others. Here again, there are many procedural problems to be solved in working out a fair and efficient United Nations foreign aid allotment program.

The fact is indisputable that the major portion of an economic foreign aid program has been paid for at least up to now by the taxpayers of the United States. This American contribution to foreign aid will continue to be considerable for some time as far as present indications point. Debates in our country to date over proposals to give greater jurisdiction to SUNFED run into the procedural objection that the United States under existing SUNFED procedures could be called upon to pay a great proportion of the total bill but at the same time could be overwhelmingly outvoted in the determination of the expenditure policies and distribution of funds. May I say good-naturedly that this objection is reminiscent of the historic American objection to taxation without adequate representation. [Laughter.]

Then, too, I would have you recall the reference in the early part of my address to the check on American foreign policy exercised by the voters of our country at the ballot box. Unless procedures can be worked out for the administration of SUNFED that will give assurance to the American taxpayer that they have no cause for concern that a majority of member nations will not discriminate against American interests, congressional support for SUNFED is bound to continue to be lacking. However, Mr. Chairman, I am convinced that the procedural objections which American representatives in the United Nations discussions have raised to date in respect to SUNFED can be remedied without sacrificing the very laudable objectives of SUNFED. In this next session of Congress in light of what has been said at this conference about the SUNFED issue, I intend to give the matter thorough study and shall request the Foreign Relations Committee of the Senate to give thorough consideration to a review of the entire matter.

The last point I wish to comment upon in this address is my view in respect to the need of directing foreign-aid programs to specific projects and trade policies which will benefit the people of the country where the money is to be spent. Economic foreign aid which does not reach the mass of the people in a manner that directly or indirectly helps raise their standard of living is of questionable value. I am afraid that there has been too much of our foreign aid that is subject to that criticism. As a general policy I strongly favor economic aid that is related to specific, approved projects.

Several years ago I discussed foreign-loan policies on behalf of my Government with the Government of Mexico. At that time I urged the adoption of a foreign-loan program based upon a line-of-credit principle. It was my recommendation then, and still is, that whenever it is possible loans should be related to specific economic projects such as dams, reclamation projects, refineries, roads, and railroads, steel plant construction, and all the other economic developments which are needed in many underdeveloped countries. Instead of making a blanket loan to a foreign government it would seem to be a sounder policy to make a line of credit available to that government to be drawn upon when a joint commission composed of representatives of the two countries agree upon a recommendation for a given project.

Under such a foreign aid loan program one of the objections raised often in my country would be minimized; namely, that blanket loans to some governments have not resulted in the economic benefits which should result from such loans, actually reaching the people of the country. Government leaders come and go, but the need goes on for improving the economic productive power of underdeveloped areas of the world where the standard of living of millions of the people is so low that the cause of peace and freedom may be endangered.

Thus, for example, I favor a substantial loan to Egypt for the building of the Aswan Dam and the huge reclamation project that would accompany it. It is a dramatic example of what could be accomplished by a foreign-aid loan program based on a project-by-project approach. The need for an Aswan Dam is not a singular project in the field of water conservation and reclamation development. Similar projects on varying scales are needed in practically every underdeveloped area of the world. The reason is a simple one. Civilizations do not rise on falling water tables. For a very long period in history the Middle East was the greatest civilization on the face of the earth. When it enjoyed that position of prestige and power, it was a civilization that protected its water table. It had four times the land under cultivation and vegetation that it has today.

Peace in the Middle East is dependent in no small measures upon developing economic projects that will raise the standard of living of the teeming poverty-stricken population of that tinderbox area of the world. The sound economic projects encompassed in India's second 5-year plan are likewise deserving of loan support on generous terms by the economically powerful nations of the world. These projects speak for themselves and the great economic needs of the people of India also speak for themselves. My trip to this parliamentary conference has reaffirmed a viewpoint I have expressed many times, namely, that what the masses of the people in Asia and Africa need is bread, not guns. ["Hear." "Hear."] The cause of freedom in Asia and Africa can best be protected and strengthened in the years ahead through economic aid which will raise their standard of living. ["Hear." "Hear."]

Finally, Mr. Chairman, I wish to say that as we proceed to improve the economic life of the peoples in the underdeveloped parts of the world, we assure the greatest chance of permanent peace. A comparison between the longevity of the people of the underdeveloped countries of 37 years, and of the United States of 67 shows that length of life has a direct economic causation. As we improve the economic lot of underprivileged people, we will improve the chances of permanent peace.

Let us never forget that in our quest for peace we must follow the dictates of great universal moral laws. These laws are not clichés unless politicians make them so. They are mandates binding upon mankind if we are to have permanent peace. The great issues of improving the standard of living of millions of people in the underdeveloped countries of the world is a moral challenge to Western democracy. I raise for the guidance of our governmental conduct, and I rest my case upon it, the moral law: "Do unto others as you would have them do unto you." [Cheers.]

Mr. MORSE. Mr. President, although I do not remember the exact vote by which the treaty was approved—I would be surprised if it was not unanimous—I remember that at the time the Senator from Kentucky was Assistant Secretary.

Mr. MORTON. I was lobbying the treaty.

Mr. MORSE. No, the Senator was not; he was a very able witness in support of the State Department in behalf of the treaty. I want the RECORD to show my repeated high commendation of the Senator from Kentucky for the work he did in informing the Senate as to the soundness of the Rio Treaty. There is concern in Latin America, as a result of the House resolution, whether the United States stands behind the Rio Treaty and the OAS Charter. That is one action of which the senior Senator from Oregon, as chairman of the Subcommittee on Latin American Affairs, is not very proud.

The State Department should make itself unequivocally clear as to where it stands. I am giving it that opportunity through the resolution that I am proposing today.

Article 19 of the OAS Charter reads:

> Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in articles 15 and 17.

In its first operative paragraph the resolution which I am introducing today would advise the President, in accordance with the Senate's constitutional powers, that U.S. foreign policy should be conducted in consonance with these and other treaty obligations. This is really no more than a copybook maxim, but, regrettably, it needs to be repeated.

In the resolution's second operative paragraph, it reaffirms the support of the Senate for the Alliance for Progress and for collective hemispheric action against threats of aggression or subversion. Special reference is made to encouraging the development of regional markets, because Latin American integration, in my view, can make an important contribution to achieving the goals of the Alliance.

Finally, specific reference is made to the resolutions of the eighth and ninth OAS Foreign Ministers meetings which dealt specifically—and I might add, successfully—with the threat of Communist aggression and subversion in the Hemisphere.

The eighth meeting, in Punta del Este in January 1962, declared the principles of communism to be incompatible with the principles of the inter-American system and excluded the Castro government of Cuba from further participation in the various organs of the inter-American system.

The record will show that as a delegate from the Congress, I spoke in conference after conference, with delegates from other Latin American countries, in support of that action. As I said then, and say now, Cuba under Castro was seeking to infiltrate, seeking to take over one government after another, and no longer was deserving of being a member of the Organization of American States.

As a result of the Charter of Punta del Este, I thought Cuba should be left out of the Organization of American States until it deserved to rejoin that community of free nations.

I was honored to be one of the congressional delegates to that meeting of the foreign ministers in Washington, D.C.

The ninth meeting, in Washington in July 1964, decreed the severance of diplomatic and consular relations with Cuba, the suspension of trade with Cuba except for food and medicine, and the suspension of sea transportation to and from Cuba except that of a humanitarian nature. It likewise warned the Government of Cuba that it might be subject to military sanctions if it persisted in acts of aggression or intervention against member states of the OAS.

It is important to recall these decisions of the OAS, Mr. President, because a myth is being perpetrated in Washington that the OAS is a spineless organization incapable of action and that as a consequence the United States is entitled to assert for itself the right to make decisions for the OAS. The record clearly shows that the premise is not true. And the law clearly shows that even if the premise were not true, the consequence would not follow.

We owe it to the Organization of American States to do everything we can to strengthen it, not weaken it. We owe it to the Organization of American States to remove any doubt that may exist with respect to where we stand about multilateral action and unilateral action in Latin America.

I put this resolution forward today as the basis for consideration by the Senate and as giving this administration an opportunity to repledge itself to the treaty obligations referred to in the resolution.

I am not wedded to the precise language of the resolution, but its principles need to be reaffirmed. I wish to read the resolution into the RECORD.

> Whereas the Constitution of the United States, in Article II, Section 2, provides for the Senate to give its advice and consent to the President with respect to treaties; and
>
> Whereas the Senate in 1947 gave its advice and consent to ratification of the Inter-American Treaty of Reciprocal Assistance which provides for consultation and collective action, in accordance with the constitutional processes of each of the parties, to meet threats to peace and security of the Hemisphere; and
>
> Whereas the Senate in 1950 gave its advice and consent to ratification of the Charter of the Organization of American States which prohibits intervention by one State in the affairs of another: Now, therefore be it
>
> *Resolved*, That the Senate further advise the President that the foreign policy of the United States should be conducted in consonance with these and other treaty obligations which were freely entered into.
>
> SEC. 2. It is the further sense of the Senate that the foreign policy of the United States, with respect to the Western Hemisphere, should be directed toward achievement of the following major objectives:
>
> (a) The economic growth rates and social reforms set forth in the Alliance for Progress, as embodied in the Charter of Punta del Este, including the encouragement of the development of regional markets; and
>
> (b) Collective defense of the hemisphere against aggression or subversion as provided in the Inter-American Treaty of Reciprocal Assistance and more specifically in the resolutions of the Eighth and Ninth Meetings of Consultation of Ministers of Foreign Affairs, dated respectively in Punta del Este, January 31, 1962, and Washington, June 26, 1964.

What would the passage of this resolution do in Latin America? It would be heralded as a rededication of the United States to its treaty commitments. It would be recognized as a complete answer to the unfortunate resolution passed by the House of Representatives.

It would be a reaffirmation of the fact that under the Constitution, the power is vested in the Senate, and not in the House of Representatives, to advise and give consent to the President in the field of foreign policy.

I am greatly concerned about what is happening to the image of the United States, in respect to our willingness to keep our commitments under international law, not only in Latin America, but in many other parts of the world.

The Senate well knows the position that the senior Senator from Oregon has taken for more than 2 years in opposition to the violation of international law time and time again by the Government of the United States in South Vietnam.

I now incorporate by reference every criticism of United States policy in Asia that I have made for more than the past 2 years. I am perfectly willing to stand on the record as made in the pages of the history of the Senate in opposition to the outlawry of the United States in Asia, in violation of one treaty obligation after another ever since we set up our first puppet in South Vietnam, in violation of the Geneva accords, militarized him, financed him, and have moved from puppet to puppet.

Although we give the hypocritical pretense to the world that we are supporting freedom in South Vietnam, there has never been an hour of freedom in South Vietnam under the rule of the United States, and the United States has ruled South Vietnam from the beginning of our illegal war in South Vietnam. These issues of international law must be faced up to.

We find North Vietnam today engaging Americans, and that North Vietnam proposes to violate th Geneva treaty in regard to war prisoners. That is expected from Communist nations. But I wish to disassociate my country from Communist nations, when it comes to violations of international law.

I wish to see my country get inside the framework of international law. There is not the slightest justification for treating American prisoners captured in North Vietnam as war criminals We know that this means their summary execution.

That is what must be expected, unfortunately, when an illegal war is being conducted; when the United States has not complied with the Constitution of the United States, article I, section 8, and declared war; and when American boys are being killed in Asia without a declaration of war having been made.

That is why I said several days ago that my President, my Secretary of State, my Secretary of Defense, and all those in the executive branch of the Government, as well as those in the Congress, ought to reread the great war message of Woodrow Wilson of April 7, 1917, to the joint session of Congress, when he came before Congress and announced that he had no constitutional power to wage war in the absence of a declaration of war.

That is why I have asked my President, his assistants in the executive branch of Government, and the Members of Congress to read the great war message of Franklin Delano Roosevelt following Pearl Harbor when he, too, made clear that no President has the constitutional power to wage war in the absence of a declaration of war.

I not only want my Government to get back inside the framework of international law, but I want my Government to get back inside the framework of the Constitution of the United States.

We cannot continue the course of action that we are following in South Vietnam, or the course of action that we followed in the Dominican Republic, and not lose the respect or the support of millions and millions of people in the non-Communist countries of the world.

The course of action we are following is making more Communists in a week than Red China or Hanoi or the Vietcong can make in a month.

We are playing their game. That is why I make the plea again that my country get inside the United Nations Charter. I care not what other members of the United Nations may say they will do if we put them on the spot and ask the United Nations to exercise jurisdiction over the threat to the peace of the world in Asia.

With this warning from North Vietnam, does the United States think it can do anything about the treatment of American prisoners as war criminals, shocking as it is?

I do not know whether the United Nations can do anything, but we will never know until we try. I have the feeling that if 90 nations—and I believe 90 nations would line up with us—would support the peacekeeping program and send whatever number of divisions are necessary into Asia, to stop the war, not to make war, we might have some chance of winning a peace, on honorable terms.

History is pointing its finger in the direction we are going to follow if we continue on our present course. We will leave to future generations of American boys a heritage of years and years, decades and decades of intense hatred for America all over Asia, until finally the yellow races drive us out, if it takes a hundred years.

Mr. President, we can never win the support of millions of Asians by the course of action that we are following in South Vietnam and North Vietnam.

As I have said so many times on the floor of the Senate, we will win every major military engagement. The billions of dollars that we have voted in recent years for military power of course would be wasted if we did not do that.

But do we make a great military record by shooting fish in a barrel? That is exactly what we are doing in Vietnam. We are occupying South Vietnam, and the North Vietnamese and the Vietcong have not a chance against the military power of the United States. We can continue to kill them by the thousands, just as fish in a barrel can be killed by shooting them in the barrel. But that will give no peace. That will give a military victory, but not a military victory that will even win a war, for the final decision is whether or not we can win a peace. The illegal U.S. military warmaking policies in Asia will never win a peace, but will win a century of intense hatred and a desire for vengeance against the United States.

I do not know what we are thinking about. I do not know what got us on this course. But we have a solemn responsibility to future generations of Americans to change our course and get back inside the framework of our international law commitment. So I am asking for that consideration.

I have read this morning—and I hope every Senator will read it—what I think is one of the most penetrating articles dealing with our course of action in Vietnam that has appeared in print to date. The article, entitled "Defeat Through Victory," was written by Joseph Kraft, and is published in today's Washington Post. Mr. Kraft points out some of the premises for which I have been arguing for many months past in the Senate. He points out in his article that we can cause military devastation in southeast Asia, but that we can never bring peace by military devastation. We can kill and kill and kill, but we will only intensify the determination of the North Vietnamese and the Vietcong never to come to terms with the United States. If we continue to escalate the war, as certainly as the sun rises in the morning we will end by being at war with China. We have neither the manpower nor the economic power to dominate China during the next 50 years that our occupation will be required.

The sad thing is that there can be no survival of our allies in South Vietnam in the form of those military tyrants that we are supporting, without the presence of American military power. I do not know what the White House and the Department of State are thinking of when they recognize what those puppets want. They want no negotiation. Mr. Kraft brings that out in his article. They want no negotiations. They apparently want unconditional surrender. They will never get it. Red China and North Vietnam will never give an unconditional surrender. In fact, we see them moving in the opposite direction now in respect, even, to negotiating. Mr. Kraft points out that whereas last May Hanoi was talking about some conditions for negotiation, we now find them even repudiating those conditions on the terms they offered them.

But I thought there was one particularly interesting comment in the Kraft article this morning. Mr. Kraft writes:

> The attitude of the Saigon generals seems to be shared by many American officials in Vietnam. Military briefings have yielded a flood of optimistic accounts, accompanied by statements that, with the tide running so favorably, it would be a mistake even to talk about negotiating with the other side. That Ambassador Henry Cabot Lodge opposed the almost innocuous mention of negotiations in Ambassador Arthur Goldberg's speech to the U.N. General Assembly seems to be an apt expression of the mood in Saigon.
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> The perceptible stiffening on the part of the Saigon regime and the United States finds its counterpart on the other side. The execution of two American prisoners by the Vietcong this week is only the most dramatic sign of increased Communist militancy on Vietnam.
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> A far more important sign of the new, hard line lies in a formal communique put out by the North Vietnamese Foreign Ministry on September 23. In the communique, Hanoi, for the first time, denounced President Johnson's various peace offers in the accents of Peiping. Among other terms borrowed from the Chinese, the communique uses the epithets "trick," "maneuver," and "mere swindle."
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> At the same time, the communique does an about-face on the most hopeful note ever sounded by Hanoi on negotiations—the four-point program enunciated by Premier Pham Van Dong on April 8. At that time it was not clear whether the four points were to be conditions for negotiations, or merely a declaration of principles. But it has now become known that on May 18, just before the end of the pause in the bombing of North Vietnam, Hanoi officially told Washington through its representative in Paris that the four-point program was not to be considered as a set of preconditions for negotiations.
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> In the communique of September 23, Hanoi pointedly reverses the May 18 position to make the four points an absolute precondition of any talks. The communique says: "The U.S. Government must solemnly declare its acceptance of this four-point stand before a political settlement of the Vietnam problem can be considered."

It never will be worked out in a bilateral arrangement. It must be worked out with noncombatants sitting at the head of a negotiating table. The best vehicle is the United Nations. That is why I close with a plea, once again, that my country wait no longer; that my country proceed without further delay to give the instructions to Ambassador Goldberg to request a meeting of the Security Council to consider the threat to the peace in Vietnam. If any nation vetoes a proposal for handling this dispute in the Security Council, the case be taken to the General Assembly. The United Nations is now in session in New York. In my judgment, the administration should be before the Security Council forthwith with such a request. If France or Russia, or both, should veto a proposed action, we should then proceed to the General Assembly. I believe that that is the way to get back inside the framework of international law. That is the way to demonstrate again that we truly believe in the substitution of law for the law of the jungle by way of military might.

Mr. President, if it was so sound—and it was—for the Ambassador of the United States to the Security Council to urge Security Council intervention in the war between India and Pakistan, it is equally sound for the United States to urge Security Council or General Assembly intervention in the war in southeast Asia. Until we do it, we never will remove from ourselves the justifiable charge that at this hour the United States stands before the world self-convicted of shocking hypocrisy in international affairs, for we are a hypocritical nation.

We apparently believe in others doing as we say, but not in doing it ourselves. We believe that any other nation in the case of a threat to the peace of the world, not involving the United States, should go forthwith to the United Nations. However, when we set ourselves up unilaterally to conduct an illegal war, we apparently think that, because of our military might and power, we can exempt ourselves from the operation of our treaty obligations.

Mr. President, the world knows better. Do not let my administration make the mistake of thinking that only the Communist nations are critical of us in respect of our outlawry, for there is growing criticism of us among the friendly nations of the world—yes, among Western nations.

Before more American boys are unjustifiably sacrificed in Asia, I should like to see my country return to the international law of commitments and once again be able to raise its head high in the councils of the world as an advocate and defender of the rule of law for the settlement of disputes that threaten the peace of the world.

STRENGTHENING CERTAIN LAWS RELATING TO BANKING

Mr. McCLELLAN. Mr. President, on behalf of the junior Senator from Washington [Mr. JACKSON], the senior Senator from North Carolina [Mr. ERVIN], the junior Senator from Connecticut [Mr. RIBICOFF], the junior Senator from Oklahoma [Mr. HARRIS], the senior Senator from South Dakota [Mr. MUNDT], and myself, I send to the desk a bill and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2575) to strengthen certain laws relating to banking, introduced by Mr. McCLELLAN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that, at the conclusion of my remarks, a summary of the bill, together with the text of the bill itself, be printed in full in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, I have introduced today for the consideration of the Congress a bill that would amend our Federal banking statutes. This proposal is a result of the extensive investigation and hearings which the Senate Permanent Subcommittee on Investigations made earlier this year in the field of federally insured banks. The investigation was undertaken with the approval and cooperation of the chairman of the Banking and Currency Committee of the Senate.

Nineteen hundred sixty-four was the worst year for bank failures in more than two decades. There were seven closings last year of banks that were insured by the Federal Deposit Insurance Corporation. In 1965, prior to our hearings, there were two failures of national banks followed by the collapse of two federally insured banks operating under State charters, and during our hearings another federally insured bank failed.

The subcommittee's investigation was particularly concerned with these factors relating to bank failures:

First. Changes of ownership and control in banks, sometimes by secret agreements, which were quickly followed by the depletion of the bank's assets and the eventual failure of the bank;

Second. Abuses in the solicitation of funds through certificates of deposit, and the payment of high interest rates, fees, and commissions for such transactions;

Third. The inadequacy of existing laws to prevent the acquisition of controlling interests in existing banks and other financial institutions by persons of questionable character and integrity, who lack banking experience and financial responsibility; and

Fourth. The effectiveness of policies and practices of Federal banking agencies in the supervision and examination of these banks.

The record of our hearings shows clearly, Mr. President, that the banks under investigation, through their ownership and management, were engaged in many highly irregular activities, and that there were numerous violations of Federal banking regulations and of certain Federal statutes. Testimony showed that shocking patterns of improprieties were common among the banks that failed or which were rescued from the verge of collapse:

These banks permitted loans that were excessive in relation to collateral for ventures in which officers, stockholders, or personnel of the bank had personal or corporate financial interests;

Loans were commonly approved which were based upon highly inflated values or upon questionable appraisals;

Bank funds were frequently diverted to corporate shells which were established to represent the interests of persons responsible for the diversion, or that of associates or confederates;

These banks made many loans to customers beyond their service areas—so-called out-of-territory loans—without traditional banking safeguards of establishing credit and financial standing; and

These banks relied heavily for operating funds upon large time deposits brought to them by "finders" or "money brokers," and regularly paid high interest rates, plus fees and commissions, for these funds. This was high-cost money and it had to be used for high-yield lending purposes, which logically were almost always high-risk transactions.

Mr. President, the subcommittee found that these practices, among many others of questionable nature, resulted in the insolvency of the banks and their closings by the Federal or State banking agencies. In all the banks investigated, we found infiltration by persons of poor character and responsibility. This proved true whether the bank in question was newly organized by such persons or whether it was an existing bank whose controlling interest had been acquired by them.

Testimony makes it quite evident, Mr. President, that the usual purpose of these infiltrators was to deplete the assets of the bank and to convert the money to their own interests or the interests of confederates. Generally these operators purchased the controlling stock of a bank with borrowed money, sometimes cloaking their identities by secret agreements, and pledged the newly acquired stock as security. The next move was to secure large amounts of money through certificates of deposit, which were listed as assets of the bank, thus inflating the bank's true financial position. The bank then made risky or highly inflated loans to the new owners, to their front men, or to organizations they owned or controlled. Ultimately, this cycle of deception led to defaulted loans, untenable liquidity positions, action by Federal or State agencies, and either failure or costly reorganization of the bank.

All the banks that failed were insured by the Federal Deposit Insurance Corporation, whose losses have not yet been clearly determined. Total losses to stockholders and large depositors in these banks are also not fully known.

The legislation proposed in this bill is intended to close loopholes in existing laws and to provide efficient and effective administration by the Federal banking agencies through new and firm controls for the following areas of banking:

First. Convicted criminals participating in bank management and policies through stock ownership.

Second. Falsification of documents used in banking transactions.

Third. Willful inflation of assets and appraisals in banking transactions.

Fourth. Granting of national bank charters.

Fifth. Changes of ownership of bank stock, including secret agreements to cloak the identities of beneficial owners.

Sixth. The borrowing of money to organize a national bank or to acquire the controling interest in a federally insured bank.

Seventh. The interchange of information among Federal banking agencies.

Eighth. Independent audits for federally insured banks.

Ninth. The use of certificates of deposit.

Tenth. The activities of dealers in certificates of deposit, commonly called money brokers.

This bill also provides that the President shall initiate an immediate joint study to be undertaken by the Secretary of the Treasury and other such officers of the Government as the President shall designate to review existing legislation and administrative practices under which the many departments and agencies of the Federal Government exercise supervisory functions with respect to National and State banking institutions. This study would determine whether a reorganization of such functions is necessary or desirable. The study would include, among other relevant matters the desirability of a coordinating committee on bank regulations, a central clearinghouse for all Federal banking reports, the consolidation in the Treasury Department of all examinations of banking institutions under Federal jurisdiction, and the dissemination of such examinations to other interested agencies of the Government, including the FBI, when there is a possible criminal violation.

The bill we are proposing is merely a vehicle for consideration of legislation in the field of Federal banking. We feel that upon further considerations by the appropriate legislative committee there may be sections of this bill that they want to expand, or even delete. However, after appropriate consideration, we feel that this bill will serve as a basis for needed legislation in this field.

It may be said that there is already too much control over banking and that additional laws would only hamper the banking industry and further impair our free enterprise system. I want to say positively that such fears are wholly unfounded with respect to this proposed legislation.

This measure, if enacted, will not control banks per se, nor will it interfere with their normal and legitimate practices. Instead, it will protect the banking institutions of our country from infiltration by "confidence men" and "fast buck" artists, who use sharp practices to make raids on and to siphon from our banks the hard-earned savings of the American people. This bill will free and protect the banking segment of our free enterprise system from the evils and exploitations to which some banks have recently been exposed—as revealed by our subcommittee's investigation.

The bill also provides that Federal banking agencies will exercise the same supervision and control upon changes of controlling interests in existing federally insured banks that would be exercised in the organization of a new Federal bank.

Stricter control is certainly needed for certificates of deposit and for those who deal in those certificates placed in federally insured banks. Testimony has shown that certificates of deposit were used to inflate the assets of the banks we investigated and that CD's were used by the new owners to fill their own pockets.

This bill proposes that Federal regulatory agencies may require banks to provide full details about certificates of deposit and about "money brokers" and their fees. There is an accepted place in the banking industry for dealers in certificates of deposit. However, our hearings showed that the Federal banking agencies must have more knowledge and information in this area to prevent "fly-by-night" operators from moving certificates of deposit into newly acquired banks to deplete their assets. The bill would eliminate these unsound practices.

Mr. President, this bill also, first, defines certain conditions governing controlling interest of bank stock; second, prohibits false financial statements or overevaluation of security for purposes of obtaining bank loans; and, third, provides for the exchange of information concerning bank by supervisory agencies of the Government.

Our subcommittee's investigation disclosed the ease and convenience with which, in many instances, convicted criminals and persons of disreputable character moved into control of federally insured banks through the means of front men and fraud, forgeries, and inflated securities.

We were told that there was no Federal statute clearly prohibiting such practices in our federally insured banks, although there are prohibitions against some of these practices in federally insured savings and loan associations. The bill extends the same protection to federally insured banks.

To combat these practices, this bill provides that the Federal banking agencies shall conduct thorough investigations of all those seeking bank charters; that organizers of new banks shall be required to put up substantial cash or "hard money" in payment for their stock; and that applications for new banks shall be publicized and public hearings held on such applications if requested by interested parties. In addition, this bill provides that anyone convicted of certain crimes shall not hereafter participate, through stock ownership, in the management of a federally insured bank without the approval of the Federal Deposit Insurance Corporation.

There is obvious need for full exchange of information by Federal banking agencies, an area which has been neglected in the past. This bill clarifies the section of the code dealing with the exchange of reports by Federal banking agencies and certain State banking authorities. It provides for full and free exchange of reports by Federal banking agencies.

We also heard testimony about the effectiveness of bank examinations. This bill follows recommendations made during and after the hearings by Federal banking agencies for independent audits of federally insured banks. As provided in this bill, these audits are not required on a regular basis for every bank but only at the discretion of the Federal supervisory agency who would share the expense of such audit with the bank. These audits would reveal the accuracy and authenticity of a bank's records, would verify the adequacy and value of collateral for loans, and would show whether the bank's financial statement fairly presents its true financial condition.

In my judgment, this bill will in no way adversely affect the honest, responsible, and dedicated banker, nor will it in any way infringe upon the proper exercise of his lawful rights.

If it is enacted into law, and I hope it will be, it will deter those unscrupulous practices that are sometimes engaged in by those who seek to gain control of and to exploit legitimate banking institutions for their own personal benefit and illegitimate profit. It will not impair—but it will enhance confidence in—and it will not weaken but rather it will strengthen—our free enterprise banking system.

It is a good bill, and I hope it will pass during the next session of the Congress.

EXHIBIT 1

SUMMARY OF PROPOSED BILL

Section 1 (page 1), national bank charters: Rewrites 12 U.S.C. 27, "Certificate of Authority To Commence Banking." This section provides for notice of an application for charter to be given the appropriate Federal and State banking agencies and publication of a notice in a newspaper of general circulation in the area of the proposed bank.

If, within 30 days a hearing is requested by an interested person (as defined in the bill) or a Federal or State banking agency:

1. Such hearing will be provided by the Comptroller in not less than 30 or more than 60 days;

2. All interested persons will be notified and notice of the hearings will be given in a newspaper of general circulation in the area;

3. For the purposes of the hearing, the Comptroller can administer oaths, compel the attendance of witnesses, production of documents and take depositions;

4. The Comptroller can obtain the assistance of the Federal District Court in requiring the attendance of witnesses and production of records;

5. The decision of the Comptroller can be appealed to the Court;

6. On the basis of such hearings the Comptroller will determine, before granting the charter, whether:

(a) The association has complied with all laws pertaining to chartering of banks;

(b) The source of the money paid in as capital has been verified and a determination has been made of the general background and reputable character of each of the proposed directors;

(c) Each of the prospective shareholders, before making payment on their stock, have been provided with a circular that names the proposed directors, gives their background and business contacts;

(d) The proposed directors and shareholders are acting for undisclosed principals or if they are participating in undisclosed agreements in making such application;

(e) The sole purpose contemplated by the shareholders of such association in forming the same is to accomplish the legitimate objects contemplated by the National Bank Act;

(f) The new charter is in the best interest of the public and the community; and

(g) The views on the granting or denying of a certificate to such association have been obtained from the Federal Reserve Board, FDIC, and the appropriate State banking authority.

In case a hearing is not requested, the Comptroller shall carefully examine the certificate and statements of facts and other relevant matter which may come to his attention and will determine, before issuing a charter, that:

1. The association is lawfully entitled to commence business as a national bank and has complied with all the laws pertaining to a national banking association;

2. By investigation, he has determined the background and reputable character of each of the proposed directors and verified the source of the money paid in as capital;

3. The prospective shareholders of such association, before making payment on their stock, have been given information on the directors, showing their background and business interest;

4. The prospective directors and shareholders are not acting for an undisclosed principal or participants of any undisclosed agreements in making such applications;

5. The purpose contemplated by the shareholders is to accomplish the legitimate objects of the National Bank Act;

6. It is in the best interest of the community to issue such charter; and

7. The views on the granting or denying of a certificate have been obtained from the Federal Reserve Board, FDIC and the appropriate State banking authority.

Section 2 (p. 6), conversion of State charter banks to national banks: This section supplements 12 U.S.C. 35 by providing that when a State charter bank has applied for a National bank charter, the Comptroller of the Currency shall, before approving such conversion, request and consider the views on the application, of the Board of Governors of the Federal Reserve System and FDIC.

Section 3 (p. 6), oath of office for directors of national banks: This section pertains to 12 U.S.C. 73, the oath of office for directors of National banks. We are inserting in the oath the additional statement that the directors are not acting for an undisclosed principal in the ownership of their stock. This supplements the provisions of the oath that also include, among other things, that the director is the owner in good faith and in his own right of the required number of shares of stock and has not hypothecated or pledged same as security for a loan.

Section 4 (p. 6), exchange of information concerning banks by supervisory agencies: This section pertains to the exchange of information among bank supervisory agencies and rewrites the section of the Code (12 U.S.C. 1820(f)) to clarify the positions of each of the supervisory agencies. In substance, it states that the supervisory agencies will provide summaries of their reports of examinations and any reports of bank conditions made to it and then furnish the summary to other agencies exercising concurrent supervisory functions. However, the agency receiving such report may request initially a full copy of the report and pertinent material relating to it. The reports and summaries are to be furnished promptly and without charge.

Section 5 (p. 7), payment of compensation by federally insured and Federal Reserve member banks for obtaining deposits: This section relates to certificates of deposits and provides that no insured bank or member of the Federal Reserve System, or its agents, can pay compensation for obtaining deposits of such bank except as the Board of Directors, FDIC or the Board of Governors, Federal Reserve System, by regulation may prescribe. Penalties are provided for violations.

Section 6 (p. 8), registration of certain persons performing brokerage services for insured banks in obtaining deposits: This section expands section 5 of this bill by requiring that any person shall not agree to accept commissions, fees or other compensation for placing deposits in a Federally insured bank in the aggregate amount of $100,000 per calendar year unless he has registered with the FDIC and has been issued a certificate by the Corporation. Criminal provisions are provided for violation of this section.

Section 7 (p. 10), reports by insured banks with respect to funds held in exchange for certificates of deposits: This section also supports and expands sections 5 and 6 by requiring that each insured bank may be required to make a report to the FDIC at its discretion and in such form and at such time as the Corporation may prescribe, showing:

1. The funds held by such bank in exchange for certificates of deposits in the amounts aggregating $100,000 or more;
2. The names and addresses of the persons to whom any such certificates of deposits were issued;
3. The name and address of the person, if any, which provided brokerage service with the certificate; and
4. The amount the bank, or any of its agents, paid or agreed to pay in connection with the acquisition of such deposits. These reports are made to FDIC, who would provide other supervisory agencies with a copy. The section also provides a penalty of not more than $100 for each day of such failure to make the report.

Section 8 (p. 11), audit of books of banks the deposits of which are insured by the Federal Deposit Insurance Corporation: This section provides that an independent audit of federally insured banks may be required and such regulations may be prescribed by FDIC, when in the opinion of the Corporation an audit of the insured bank is warranted. The expense of any such audit shall be borne jointly by the FDIC and the bank. When such audits are required, they should reveal:

1. The accuracy and authenticity of the banks' records;
2. Verify the adequacy and value of collateral for loans made by the bank;
3. Demonstrate the ratio between secured and unsecured loans made by the bank; and
4. Show if the financial statement of the bank fairly presents its true financial condition. FDIC is required to furnish copies of these audit reports to the appropriate Federal agency exercising supervision over the bank.

Section 9 (p. 12), persons convicted of a crime participating in management and policies of an insured bank through stockownership: Provides that except with the written consent of FDIC no person who has been convicted of a crime involving moral turpitude, for which a sentence of 1 year or more is provided, shall hereafter, directly or indirectly participate, through stockownership, management or control, in the operation, management, policies, or control of an insured bank. It contains a criminal provision for violation of the statute.

Section 10 (p. 12), acquisition of stock of federally insured banks: This section supplements the recently enacted law (Public Law 88–593, August 1964) referred to as the "reports on change in control of insured banks." Section 10 will require the purchasers (or transferees) as well as the bank president or other chief executive officer of such bank to report promptly to the appropriate Federal banking agency whenever a change occurs in the outstanding stock of any insured bank which will result in control or a change in the control of the insured bank.

The section also makes it unlawful for any person to extend, obtain or maintain credit for the purpose of purchasing the shares of capital stock of an insured bank (including any association being organized for carrying on business as a national bank), if the stock of such bank is used as collateral to secure such extension of credit, and (1) the amount of such credit exceeds 33⅓ percent of the purchase price and (2) as a result of the purchase of such shares any person will acquire control of such bank.

This section also provides for insured bank that, when a change occurs in 10 percent or more of the outstanding voting stock, the transaction will be deferred 30 days for a review of the factors involved by the appropriate Federal banking agency. The transaction may be consummated immediately upon approval by the agency.

Also, this section has criminal provisions for the willful violation of the subsection, "the reports on the change in control of insured banks."

Section 11 (page 13), false statements or overvaluation of security for purpose of obtaining a loan from an insured bank: This section provides that false statements or overvaluation of any land, property, or security in connection with loans and credit applications in federally insured banks shall be a violation of the criminal statutes (18 U.S.C. 1014). This provision merely extended to federally insured banks that part of the Criminal Code covering savings and loan associations, Federal Home Loan banks, Farm Credit Administration, etc.

Section 12 (page 13), study with respect to reorganization of functions exercised by Federal banks supervisory agencies: This section provides that the President shall cause a study to be made by the Secretary of the Treasury and such other officers of the Government as he shall designate to review existing bank legislation and administrative practices. Such study shall include, among other relevant matters, a consideration of the desirability of (1) the establishment of a coordinating committee on Federal bank regulations, (2) providing a central clearinghouse for all Federal banking reports, and (3) the consolidation in the Treasury Department of all functions with respect to the examination of banking institutions under Federal supervision, and the furnishing by such Department of the results of such examinations to other interested agencies of the Government, including any possible criminal activities to the Federal Bureau of Investigation. Findings and recommendations resulting from such study shall be reported to the President and to the Congress at the earliest practicable date.

This would include the FDIC, Federal Reserve, Comptroller of the Currency, Federal Home Loan Bank Board (savings and loans), small business investment companies, Federal land banks, etc.

S. 2575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CERTIFICATE OF AUTHORITY TO COMMENCE BANKING

SECTION 1. (a) Section 5169 of the Revised Statutes of the United States (12 U.S.C. 27) is amended to read as follows:

"SEC. 5169. (a) After receiving a certificate and statement of facts from an association, as provided in section 5168, the Comptroller of the Currency shall (1) within ten days after the receipt of such statement (A) give written notice thereof to the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the appropriate authority exercising supervisory functions over State banks in the State in which such association seeks to commence business as a national banking association, and (B) give public notice thereof in a newspaper of general circulation in the area in which such association seeks to commence business, and (2) if, within thirty days after the giving of such notices, request is made therefor by such Board, Corporation, authority, association, or other interested person, provide for a public hearing to be held in that part of such State which the Comptroller determines would be most directly affected by the issuance to such association of a certificate to commence business. As used in this section, the term 'interested person' means, any association, firm, or corporation, which resides or is doing business in the area determined by the Comptroller of the Currency to be the competitive area of such association in the event a certificate to commence business is issued to it.

"(b)(1) Any hearing with respect to the issuance to any association of a certificate to commence business, as provided in subsection (a), shall be commenced not less than thirty or more than sixty days after request therefor is made to the Comptroller of the Currency. Notice of any such hearing, together with the names and addresses of the directors and stockholders of such association, shall be given in a newspaper of general circulation in the area in which such association seeks to commence business at least once a week for the two successive weeks immediately preceding such hearing. The Comptroller shall also give notice of such hearings to all parties of interest known to his office. The length of any such hearing shall be determined by the Comptroller, or such person as he may designate to conduct such hearing, but all interested persons shall be given an opportunity to appear and give evidence.

"(2) For the purpose of any such hearing, the Comptroller of the Currency, or such person as he may designate to conduct such hearing, may administer oaths and affirmations, compel the attendance of witnesses, take depositions, and require the production of records or other papers which are relevant to the inquiry. For the purpose of any such hearing, the Comptroller or his designee may apply to any judge or clerk of any court of the United States within the State in which such hearing is held, to issue a subpena commanding each person to whom it is directed to attend and give testimony, or to produce records or other papers material to the inquiry, at a time and place specified. Witnesses subpenaed under this section shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

"(3) In cases of refusal to obey a subpena issued to, or contumacy by, any person, the Comptroller of the Currency, or his designee, may invoke the aid of any court of the United States within the State in which a hearing under this section is being held, in requiring the attendance and testimony of witnesses and the production of records or other papers. Any such court may issue an order requiring such person to appear before the Comptroller or his designee, there to produce records, if so ordered, or to give testimony by touching the matter in question; and any failure to obey such order may be punished by the court as a contempt thereof.

"(c)(1) On the basis of any hearing held under this section, the Comptroller of the Currency shall determine whether (A) the association has fully complied with all applicable provisions of law requisite to the commencement of the business of banking as a national banking association, (B) the hearings have verified the source of the money paid in as capital, and the general background and reputable character of each of the proposed directors of such association, (C) each of the prospective shareholders, before making payment on their stock, have been provided with a circular setting forth the names of the proposed directors and describing their backgrounds and business contacts, (D) the prospective shareholders and directors are acting for undisclosed principals or if they are participating in undisclosed agreements in making such application, (E) the sole purpose contemplated by the shareholders of such association in forming the same is to accomplish the legitimate objects contemplated by this title, (F) the best interest of the public and the local community will be served by the issuance of such certificate, and (G) the association is lawfully entitled to commence the business of banking. At the conclusion of such hearing, the Comptroller of the Currency shall (i) carefully consider the testimony and other evidence adduced at such hearing, together with the certificate and statement of facts transmitted to him by such association, and (ii) if not otherwise included in the evidence adduced at such hearing, obtain, consider, and incorporate as part of the record made at such hearing the written views of the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the appropriate authority exercising supervisory functions over State banks in the State in which such association seeks to commence business as a national banking association, with respect to the granting or denying of a certificate to such association. Within a reasonable time after the conclusion of such hearing, the Comptroller of the Currency shall, on the record made therein and on the basis of any other relevant facts which may come to his attention, by order grant or deny a certificate to such association authorizing it to commence the business of banking.

"(2) Any order issued by the Comptroller of the Currency under paragraph (1) shall be final and conclusive unless within thirty days after the issuance thereof an appeal is taken to the United States Court of Appeals for the circuit in which the association seeks to carry on banking operations by filing with the clerk of such court a petition praying that the Comptroller's order be set aside or modified in the manner stated in the petition. Such appeal may be taken by any party to the proceeding. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Comptroller, and thereupon the Comptroller shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record shall be exclusive, to affirm, set aside, or modify in whole or in part the order of the Comptroller. No objection to such order shall be considered by the court unless the objection was urged before the Comptroller, or unless there were reasonable grounds for failure to do so. The findings of the Comptroller as to the facts, if supported by substantial evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for falure to adduce such evidence in the proceeding before the Comptroller, the court may order such additional evidence to be taken before the Comptroller and to be adduced upon the hearing in such manner and upon such terms as the court deems proper. The Comptroller may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendations, if any, for the modification or setting aside of the original order. The judgment of the court affirming, setting aside, or modifying in whole or in part any order of the Comptroller shall be final, subject to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

"(d) If a hearing is not requested, as provided in subsection (a), with respect to the issuance of a certificate to commence business to any association, the Comptroller of the Currency shall carefully examine the certificate and statements of facts transmitted to him, together with any other relevant facts which may come to his attention, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association or by such other means as he shall deem advisable and upon determining that (1) such association has fully complied with all applicable provisions of law requisite to the commencement of the business of banking as a national banking association, (2) an investigation has been made verifying the source of the money paid in as capital and the general background and reputable character of each of the proposed directors of such association, (3) the prospective shareholders of such association have been provided, before making payment on their stock, with a registration or offering circular setting forth the names of such proposed directors and describing their backgrounds and business interests, (4) the prospective shareholders and directors are not acting for undisclosed principals participating in any undisclosed agreements in making such application, (5) the sole purpose contemplated by the shareholders of such association in forming the same is to accomplish the legitimate objects contemplated by this title, (6) the best interest of the public and the local community will be served by the issuance of such certificate, and (7) such association is lawfully entitled to commence the business of banking, shall give to such association a certificate, under his hand and official seal, authorizing it to commence the business of banking. In making his determinations with respect to the granting or denying of a certificate to any association, the Comptroller shall obtain and consider the views of the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the appropriate authority exercising supervisory functions over State banks in the State in which such association seeks to commence business as a national banking association.

"(e) In providing the bank supervisory authorities of the several States with information concerning applications by associations for certificates to commence business as national banking associations, as provided in subsection (a), the Comptroller of the Currency shall request such supervisory authorities to provide him, on a reciprocal basis, with comparable information with respect to applications received by such authorities from associations seeking permission to operate as State banking institutions."

CONVERSION OF STATE CHARTER BANKS TO NATIONAL BANKS

Sec. 2. Section 5154 of the Revised Statutes of the United States (12 U.S.C. 35) is amended by striking out the proviso in the first sentence and inserting in lieu thereof the following: ": *Provided,* That the Comptroller of the Currency shall request and consider the views of the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation before approving any such conversion, and no such conversion shall be approved if it is in contravention of State law".

OATH OF OFFICE FOR DIRECTORS OF NATIONAL BANKS

Sec. 3. Section 5147 of the Revised Statutes of the United States (12 U.S.C. 73) is amended by striking out "and in his own right" and inserting in lieu thereof the following: "in his own right, and not as an agent for an undisclosed principal".

EXCHANGE OF INFORMATION CONCERNING BANKS BY SUPERVISORY AGENCIES

Sec. 4. Section 10(f) of the Federal Deposit Insurance Act (12 U.S.C. 1820(f)) is amended to read as follows:

"(f) The Corporation shall furnish promptly and without charge to the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and any Federal Reserve bank a summary of information contained in any report of examination made on behalf of, and any report of condition made to it, with respect to any bank over which said Comptroller, Board, or bank exercises supervisory functions, and said Comptroller, Board, and bank shall furnish promptly and without charge to the Corporation a summary of information contained in any report of examination made by, and any report of condition made to it, with respect to any insured bank. The officer or agency entitled to receive such summary may at its discretion request initially a full copy of the pertinent report and materials supporting such report, and such information shall be furnished promptly and without charge. The Corporation may accept any report made by or to any commission, board, or authority having supervision of a State nonmember bank (except a District bank), and may furnish to any such commission, board, or authority, reports of examinations made on behalf of, and reports of conditions made to, the Corporation."

PAYMENT OF COMPENSATION BY INSURED OR MEMBER BANKS FOR OBTAINING DEPOSITS

Sec. 5. (a) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended (1) by inserting "(1)" after "(g)", (2) by striking out the next to the last sentence thereof, and (3) by adding at the end thereof the following paragraphs:

"(2) No insured nonmember bank, or any officer, director, agent, or substantial stockholder thereof, shall pay or agree to pay a broker, finder, or other person compensation for obtaining a deposit for such bank, except as the Board of Directors may by regulation prescribe. For the purposes of this paragraph, any payment made by any other person to induce the placing of a deposit in such bank shall be deemed to be a payment of such compensation by the bank if the bank had or reasonably should have had knowledge of such payment by such person when it accepted the deposit.

"(3) Any violation by an insured nonmember bank of the provisions of this subsection or of regulations issued hereunder shall subject such bank to a penalty of not more than 10 per centum of the amount of the deposit to which such violation relates. The Corporation may recover such penalty, by suit or otherwise, for its own use, together with the costs and expenses of such recovery.

"(4) The Board of Directors is authorized by regulation to prescribe what shall be deemed to be (A) a payment of interest by a nonmember insured bank (which shall include an agreement to pay interest and may include payments to the depositor or any other person made by an officer, director, agent, or substantial stockholder thereof or by any other person if the bank had or reasonably should have had knowledge of such payment by such other person when it accepted the deposit), (B) a payment of compensation, and (C) a substantial stockholder, for the purposes of this subsection and regulations issued pursuant thereto, and to prescribe such rules and regulations as it may deem necessary to effectuate the purposes of this subsection and prevent evasions thereof."

(b) Section 19 of the Federal Reserve Act is amended by inserting the following paragraphs after the thirteenth paragraph thereof (12 U.S.C. 371b):

"No member bank, or any officer, director, agent, or substantial stockholder thereof, shall pay or agree to pay a broker, finder, or other person compensation for obtaining a deposit for such bank, except as the Board of Governors of the Federal Reserve System may by regulation prescribe. For the purposes of this paragraph, any payment made by any other person to induce the placing of a deposit in such bank shall be deemed to be a payment of such compensation by the bank if the bank had or reasonably should have had knowledge of such payment by such person when it accepted the deposit.

"Any violation by a member bank of the provisions of this section, or the regulations issued hereunder relating to payment of deposits and interest thereon and payment of compensation for obtaining deposits, shall subject such bank to a penalty of not more than 10 per centum of the amount of such deposit to which such violation relates. Such penalty may, by direction of the Board of Governors of the Federal Reserve System, be recovered by suit or otherwise by the Federal Reserve bank of the district in which the offending member bank is located, for its own use, together with the costs and expenses of such recovery.

"The Board of Governors of the Federal Reserve System is authorized by regulation to prescribe what shall be deemed to be (A) a payment of interest by a member bank (which shall include an agreement to pay interest and may include payments to the depositor or any other person made by an officer, director, agent, or substantial stockholder thereof or by any other person if the bank had or reasonably should have had knowledge of such payment by such other person when it accepted the deposit), (B) a payment of compensation, and (C) a substantial stockholder, for the purposes of this section and regulations issued pursuant thereto, and to prescribe such rules and regulations as it may deem necessary to effectuate the purposes of this section and prevent evasions thereof."

(c) The provisions of this section shall be applicable to funds received by a bank after the date of the enactment of this Act, and to any subsequent renewals of a deposit.

REGISTRATION OF CERTAIN PERSONS PERFORMING BROKERAGE SERVICES FOR BANKS IN OBTAINING DEPOSITS

SEC. 6. Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is further amended by redesignating subsection (h) as subsection (k), and by inserting after subsection (g) a new subsection as follows:

"(h)(1) Effective upon the expiration of 90 days after the date of enactment of this subsection, it shall be unlawful for any person to accept or agree to accept any commission, fee, or other compensation for brokerage service in connection with the obtaining of funds, aggregating more than $100,000 in any calendar year, for deposit in any insured bank, unless such person has, in accordance with rules and regulations prescribed by the Corporation, filed an application with the Corporation and, upon the basis of such application, been issued a certificate of registration.

"(2) Any person willfully violating this subsection will be fined not more than $5,000 or imprisoned not more than one year, or both."

REPORTS BY INSURED BANKS WITH RESPECT TO FUNDS HELD IN EXCHANGE FOR CERTIFICATES OF DEPOSIT

SEC. 7. Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is further amended by inserting after subsection (h) (added by section 6) a new subsection as follows:

"(i)(1) At the discretion of the Corporation, any bank the deposits of which are insured by the Corporation shall make to the Corporation, in such form and at such times as the Board of Directors of the Corporation may prescribe, reports setting forth (A) the funds held by such bank in exchange for certificates of deposit by any one person, firm or corporation in an amount or amounts aggregating $100,000 or more, (B) the name and address of the person or entity to whom any such certificate of deposit was issued, (C) the name and address of the person, if any, which provided brokerage service in connection with obtaining the funds in exchange for which any such certificate of deposit was issued, and (D) the amount such bank, or any of its officers, directors, agents, or substantial stockholders (as defined by such Corporation), paid, or contracted to pay, in connection with the acquisition and use of the funds in exchange for which any such certificate of deposit was issued.

"(2) A copy of each report made under this subsection shall be furnished promptly and without charge by the Corporation to (A) the Comptroller of the Currency, if the bank making the report is a national banking association or a bank operating under the Code of Law for the District of Columbia, and (B) the Board of Governors of the Federal Reserve System, if the bank making the report is not described in clause (A) and is a member of the Federal Reserve System.

"(3) Any bank which fails to make any report required by this section shall be subject to a penalty of not more than $100 for each day of such failure, recoverable by the Corporation for its use."

AUDIT OF BOOKS OF BANKS THE DEPOSITS OF WHICH ARE INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 8. (a) Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is further amended by inserting after subsection (i) (added by section 7) a new subsection as follows:

"(j) Whenever such action is deemed warranted by the Board of Directors of the Corporation, the Corporation may require the financial transactions and records of an insured bank to be audited by a certified public accountant, in accordance with regulations prescribed by the Corporation, and the expense of any such audit shall be borne jointly by the Corporation and such bank. A report on any such audit shall be submitted to the Corporation and, if the bank is a national banking association, district bank, or State member bank, to the appropriate Federal bank supervisory agency. Regulations prescribed by the Corporation under this subsection shall be designed to assure that any such audits will (1) reveal the accuracy and authenticity of a bank's records, (2) verify the adequacy and value of collateral for loans made by the bank, (3) demonstrate the ratio between secured and unsecured loans made by the bank, and (4) show whether the financial statement of the bank fairly presents its true financial condition. For each day that a report of the audit of any bank is not filed, as required by this subsection and any regulations issued thereunder, as the result of the failure of such bank to provide for such audit or to make available all records and documents necessary thereto, such bank shall be subject to a penalty of not more than $100 which the Corporation may recover for its use. As used in this subsection, the term 'Federal bank supervisory agency' means (A) the Comptroller of the Currency in the case of a national bank or a district bank, and (B) the Board of Governors of the Federal Reserve System in the case of a State member bank (other than a district bank)."

PERSONS CONVICTED OF A CRIME PARTICIPATING IN MANAGEMENT OF AN INSURED BANK THROUGH STOCK OWNERSHIP

SEC. 9. Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by inserting "(a)" immediately following "Sec. 19," and by adding at the end thereof a new subsection as follows:

"(b) Except with the written consent of the Corporation, no person who has been convicted of a crime involving moral turpitude for which a sentence of imprisonment for one year or more may be imposed shall hereafter directly or indirectly participate, through stock ownership, management or control, in the operation, management, policies or control of an insured bank. Any person willfully violating the provisions of this subsection shall be fined not more than $5,000 or imprisoned not more than one year, or both."

ACQUISITION OF STOCK OF FEDERALLY INSURED BANKS

SEC. 10. (a) Section 7(j)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(1)) is amended by inserting before "the president or other chief executive officer" the following: "the purchasers, or their transferees, of the stock resulting in such control or change of control, and".

(b) Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is further amended by redesignating paragraph (6) as paragraph (9), and by inserting after paragraph (5) the following:

"(6) It shall be unlwaful for any person to extend, obtain, or maintain credit for the purpose of purchasing the shares of the capital stock of any insured bank (including any association being organized for carrying on business as a national banking association), if the stock of such bank is used as collateral to secure such extension of credit, and (A) the amount of the credit extended exceeds 33⅓ per centum of the purchase price of such stock, and (B) as a result of the purchase of such shares, any person will acquire control of such bank. This paragraph shall take effect upon the expiration of 30 days after the date of its enactment.

"(7) Whenever a change occurs, in one transaction, involving 10 per centum or more of the outstanding voting stock of any insured bank such change shall be deferred thirty days for a review of the factors involved by the appropriate Federal banking agency. The transaction may be consummated immediately upon approval by the appropriate Federal banking agency.

"(8) Whoever willfully violates the provisions of this subsection shall be fined not more than $5,000 or imprisoned not more than one year, or both."

FALSE STATEMENTS OR OVERVALUATION OF SECURITY FOR PURPOSE OF OBTAINING LOAN FROM AN INSURED BANK

Sec. 11. Section 1014 of title 18, United States Code, is amended by striking out "or a Federal credit union," and inserting in lieu thereof "a Federal credit union, or a bank the deposits of which are insured by the Federal Deposit Insurance Corporation."

STUDY WITH RESPECT TO REORGANIZATION OF FUNCTIONS EXERCISED BY FEDERAL BANK SUPERVISORY AGENCIES

Sec. 12. The President shall cause an immediate joint study to be undertaken by the Secretary of the Treasury and such other officers of the Government as he shall designate to review existing legislation and administrative practices under which the various departments and agencies of the Government exercise supervisory functions with respect to National and State banking institutions, federally insured savings and loan associations, federally chartered investment companies, and such other federally supervised financial institutions as may be appropriate, with a view to determining whether a reorganization or consolidation of such functions is necessary or desirable for the efficient discharge of such functions in the public interest. Such study shall include, among other relevant matters, a consideration of the desirability of (1) the establishment of a coordinating committee on Federal bank regulations, (2) providing a central clearinghouse for all Federal banking reports, and (3) the consolidation in the Treasury Department of all functions with respect to the examination of banking institutions under Federal supervision, and the furnishing by such Department of the results of such examinations to other interested agencies of the Government, including any possible criminal activities to the Federal Bureau of Investigation. Findings and recommendations resulting from such study shall be reported to the President and to the Congress at the earliest practicable date.

Mr. LAUSCHE. Mr. President, several months ago I introduced a bill calling for a study of the conduct of the banks of our country.

At that time I stated that, if the study revealed no weaknesses, no harm would be done by the investigation. However, if the study revealed infirmities in banking operations, good could come from it. That bill is pending in the Committee on Banking and Currency.

I feel very deeply on this subject. What the Senator has said coincides basically with my thinking on this subject. I ask unanimous consent that my name may be added as a cosponsor of the bill.

Mr. McCLELLAN. Mr. President, I am very happy indeed to welcome the Senator from Ohio as a cosponsor of the bill. I know of his interest in this legislation and in the problems that have arisen in the banking field. I am most happy indeed to have him join as a cosponsor of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I want to state to the distinguished chairman of our committee that I am proud to be a cosponsor of this legislation.

I take this opportunity to commend the distinguished senior Senator from Arkansas, and to make an observation on the floor that I have made publicly and privately many times.

I was deeply impressed with the consideration, the thoughtfulness, and the courtesy that have always been extended by the senior Senator from Arkansas as chairman of his committee with relation to any matter which comes before the committee and with relation to every witness.

I was further impressed in the hearings with the great care that the chairman took to make sure that, during this investigation, under no circumstances would any doubt be cast upon the integrity of the banking system of our Nation.

The chairman brought this out time and time again and conducted the hearings so that there would be no question in the mind of anyone concerning the basic soundness of the banking system of our country and the basic honesty and integrity of those engaged in banking in our Nation. It was demonstrated that bringing to light the few exceptions which exist throughout the Nation and trying to remedy them would mean the strengthening of our banking system as a whole.

I commend the distinguished Senator. I am very proud to be a member of his committee. I am highly pleased to be a cosponsor of the legislation.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator from Connecticut.

I say to the Senator from Connecticut that I am most grateful for his complimentary references to my services as chairman of the committee.

I emphasize what the Senator has said with respect to the banking industry and the banking institutions of this Nation. They are fundamentally sound. There may be an occasional, isolated instance, as we have discovered, in which certain practices ought to be corrected and prohibited in the future. These concern practices which would reflect upon banking institutions, or any other institution, if such practices were to become prevalent throughout the industry. However, they have not become prevalent fortunately. We considered, from the time we started the hearings that the banking structure of this Nation is sound and worthy of every bit of confidence in it.

We have found some areas where we think legislation is needed. The proposed measure will go to the Banking and Currency Committee for hearings, which I am hopeful will be held—and I am sure they will be—where witnesses who are competent and expert in the field will give the committee the benefit of their consent and advice, and the committee, after weighing the measure and the comments and suggestions upon it, can report back to the Senate with its recommendations a bill, which I am confident we shall all be able to support, plugging the few loopholes we have found which need to be repaired or stopped, so that some of the things which have occurred, although they are isolated instances, apparently, will not recur.

I am most grateful to have had the cooperation of the distinguished Senator from Connecticut, and to have him join as a cosponsor of the bill.

Mr. HARRIS. Mr. President, I believe the banking bill introduced today by the distinguished Senator from Arkansas [Mr. McClellan] will improve and strengthen our great American system of private banking, and I am proud to be a cosponsor of it.

As a member of the Permanent Senate Subcommittee on Investigations, I participated actively in the banking inquiry conducted earlier this session under the supervision of our distinguished chairman, the able Senator from Arkansas [Mr. McClellan]. I commend the chairman highly for the depth and thoroughness of the inquiry and for the fairness of his actions. He made it clear from the outset that the purpose of the inquiry was to examine the industry's ailments and prescribe cures—not to inflict new injuries. He took strong precautions against any action on the part of the subcommittee which might have an adverse effect on the industry, and he protected the interests of existing banks at all times.

Testimony at the hearings clearly showed that, while the banking industry is basically sound, it has been troubled by certain questionable practices and there has been, in some instances, inadequate supervision and a lack of coordination by the Federal supervisory agencies.

In a special written report to Oklahoma bankers last spring and in a speech a few weeks later at a State bankers' convention, I recommended the restriction of money brokers, tighter surveillance when ownership of a bank changes, closer coordination between Federal agencies, review of the present chartering policy and safeguards against persons of criminal record or unsavory character gaining control of banks.

I am, of course, pleased that these items are included in the bill introduced today by the subcommittee chairman. As the inquiry progressed, other loopholes in the present law were uncovered, and provisions have been included in this bill to close those loopholes.

Our aim has been to protect the public. The hearings have already caused some wholesome administrative improvements. But other legislative improvements are required.

Mr. President, while there is no question of the overall soundness of our great system of private banking, I am concerned about the recent increase in bank failures, and I know other Senators have been concerned. After watching one bank after another teeter and fall—there were 10 bank failures during 1964 and the early part of 1965—we would be negligent if we sat idly by and made no attempt to provide better protection for the banking public.

Thanks to the leadership of our subcommittee chairman, the Senator from Arkansas [Mr. McClellan], we have not sat idly by. We have not been negligent. We have sought out the causes of these bank failures, and we have recommended action which we believe will strengthen the safeguards against future failures.

I join with the distinguished Senator from Arkansas in saying that since this bill in no way harms or harrasses the honest, conscientious banker—a category which includes the vastly overwhelmingly percentage of them—and since it offers added protection to the public, I believe it is good, sound, needed legislation, and I urge its passage.

I also pay tribute to our excellent and devoted staff, headed by Mr. Jerome Adlerman; and again, I commend our chairman for the service he has once more rendered to the Senate and to the country, in this respect as in others.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator from Oklahoma. I am very grateful for his references to the work of the subcommittee and to my services as chairman. I am happy to have him join with us in sponsoring this legislation. He and the other members of the subcommittee were most helpful in the course of the hearings. They were in attendance, they helped to develop the facts, and they helped to bring out the revelations which indicated the need for such legislation. Without their assistance, we could not do the kind of job and render the service that the country needs. It was through the teamwork which I have been very fortunate to have on the part of my colleagues on the subcommittee that we were able to make these recommendations and bring these facts to the Senate for its consideration and guidance.

Mr. MUNDT. Mr. President, as the ranking Republican member of the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations, I have joined our distinguished chairman as a cosponsor of this banking bill.

There have been many pieces of proposed legislation introduced in both the House of Representatives and the Senate on the subject of banking in this and many previous sessions of the Congress. We know, too, that the Standing Rules of the Senate provide for a Committee on Banking and Currency which carefully considers proposed legislation in the areas of, amongst others: First, banking and currency generally; second, deposit insurance; third, the Federal Reserve System. Certainly, it is not the purpose of the Permanent Subcommittee on Investigations to usurp the functions of that legislative committee but, as Senator McCLELLAN so aptly said, this investigation was conducted with the approval and cooperation of the distinguished chairman of the Senate Banking and Currency Committee, Senator A. WILLIS ROBERTSON; and, I might add, after consultation and with the full accord of the distinguished ranking minority member of that committee, Senator WALLACE F. BENNETT. I might also point out that the subcommittee's current operating resolution, Senate Resolution 54 of the 89th Congress, 1st session, clearly gives it the authority in keeping with the committee's traditional duty and responsibility to inquire into improprieties, waste, and inefficiency in Government operations. This, obviously, encompasses the use of Federal bank insurance as well as our look-see at the regulatory banking agencies, to wit: the operations of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve System.

I join also in the commendation of the chairman for the manner in which the hearings were held. We were confronted with a delicate and ticklish situation, because much of the success of the banking industry in this country depends upon the psychology and the confidence of the depositors and of the general financial community—those who are served by the banks. It is always difficult to go into a situation where some banking practices and some banking personnel are being questioned, for fear that there might develop a psychology that banking, per se, is bad or is an evil industry, or is not properly being handled.

But by prudent, persistent, and careful procedures, the chairman created an atmosphere in the hearings such that we could weed out the elements which were bad for publicity and needed correction, while, at the same time, reassuring the general public that the banking industry of this country is in good hands, that it is being adequately protected, and that, in the main, precautionary steps and regulatory measures prevail which safeguard those who deposit their money in the banks or do business with them.

Unfortunately, as in any enterprise, sometimes evil influences work themselves into a perfectly fine and legitimate situation. It became evident early in the hearings that some shysters, some persons with nefarious purposes, some evil characters had weaseled their way into the banking business in certain areas, and that certain of our banking procedures were inadequate to prevent such occurrences, or that inadequate diligence had been manifested by certain administrative agencies to adequately protect the public.

The results of the subcommittee's investigation into closed banks indicated clearly that there were flagrant abuses in the operations of those banks by the banks' responsible officials—often selfishly motivated—which, more often than not, resulted in the particular bank's failure. While our hearings did not extend beyond a few chosen national banks or banks with Federal insurance, the report of our subcommittee staff, which looked at several others, shows that the field investigation was conducted in sufficient depth to indicate a very similar pattern of conduct so as to mount growing concern to the point that some corrective measures have become necessary. Thus, this proposed legislation, which is not intended to effect more regulatory controls per se, but is designed to correct such obviously glaring abuses as were uncovered in the course of our hearings.

I believe, Mr. President, that at this time it would be beneficial to point out the general pattern followed in these bank closings and then illustrate the problem area by citing two of the more notorious examples our investigation uncovered.

The modus operandi of these operators who have slipped in to the field of honest banking endeavors is somewhat as follows:

First. Easily gained control of new or existing banks by individuals, or groups acting in concert, due to either inadequate Government inquiry or misrepresentations by such organizers, or both—sometimes using side or secret agreements and, more often than not, making no hard cash downpayment. In this regard, the stock of the newly acquired bank was frequently used as collateral for the loan to gain control by the organizers.

Second. Such organizers and their associates were frequently of questionable repute, some with felonious criminal records. Many were of questionable financial status, most had no previous banking experience.

Third. Subsequent depletion of the acquired bank's assets by the new purchasers, through loans to themselves or their confidants, by purchase of high cost certificates of deposits through money brokers or commission merchants in order to keep functioning, through loans made through inflated, and sometimes outright fraudulent collateral, all of these coupled with inexperienced or sometimes intentionally deceptive bank management.

Fourth. The resultant failure, or costly reorganization, of the bank in question.

Correspondingly, the hearings revealed a certain laxity on the part of the Comptroller of the Currency in granting national bank charters without adequate inquiry. Also, the Comptroller and his representatives did not supervise the banks in question with the degree of required care or, in the alternative, did not take positive action once a "bad apple" was found and a borderline situation, or much worse, was detected through periodic bank examination.

Granted that it is a delicate operation to decide whether to allow a faltering bank to continue to operate, with the hope of pumping new blood into its financial lifeline, rather than to damage public faith and confidence in a given community and its environs. However, in the instances that our subcommittee found, the banks were hopelessly beyond repair, these were cases of throwing good money after bad, and yet Comptroller of the Currency James J. Saxon did not act until circumstances were overwhelmingly against keeping the bank open any longer.

Mr. Saxon took office on November 16, 1961, and it is significant to note that 575 national bank charter applications have been approved in calendar years 1962, 1963, and 1964 while in the 3 years immediate to his appointment—calendar years 1959, 1960, and 1961—there were only 129 approvals of such applications.

A good example of what our subcommittee found in this area can be demonstrated from a brief look at the hearings concerning the closing of the Brighton National Bank, Brighton, Colo. Of the proposed $500,000 capitalization for this bank, $488,000 was borrowed from the 17th Street Bank, Denver, Colo., on April 22, 1963, the day that the 17th Street Bank opened its doors for business. The five borrowers included Mr. James W. Egan—$306,525; Egan's secretary, Mrs. Frances Kunkler—$31,155; Mr. Hugh Best, to be Brighton's president—$50,250; and two others in similar amounts of $50,250. Surprisingly, though, Mr. Egan was not listed with the Comptroller of the Currency as one of the bank organizers but, instead, had a side or secret agreement to assume the majority control once the bank was chartered. While this may well have been an act of deception on Egan's part, the Comptroller's representatives did little to determine the real interested party in this contemplated operation. The result was that only approximately 15 percent of the Brighton capitalization was in hard cash while the organizers had represented the opposite to the Comptroller, that 85 percent of their proposed capitalization would be in this form. Significantly, the Comptroller's representatives testified that they could have protected themselves against this form of deceit, but did not.

Additionally, the Comptroller's representatives, including two Deputy Comptrollers, testified that they did not have any character reference reports as to any of the organizers, no sworn statements concerning the organizers' financial worth, and that no questions were asked of the organizers as to whether they had entered into any side agreements. Further, although one interested party had asked for a hearing on this charter application, and several neighboring banks indicated opposition to an additional bank in the Brighton area and another national bank charter application had been submitted by a very responsible organization, the charter was granted by Mr. Saxon without conducting any public hearing or any form of adversary proceeding. In fact, testimony indicated that "less than 12" such hearings had been conducted for any national bank charter applications during Mr. Saxon's tenure in office.

The fate of the Brighton National Bank is well known. Faced, per agreement with the 17th Street National Bank, with keeping a compensating balance of $500,000 with the latter institution; faced with increasing demands by the 17th Street Bank for the $488,000 to be repaid; faced with the need for money which was acquired through high cost certificates of deposit, through money brokers, coupled with very questionable management operations; the bank soon became involved with confidence men of the type of Richard Murphy Horton, ex-San Quentin felon. It might be said that James W. Egan seemingly did not mind such association, because the hearings record is replete with subsequent fraudulent loans, including counterfeit securities, varying from $200,000 to over $1 million, in which both Horton and Egan and others participated.

Egan, Best, and Horton were, on August 5, indicted by a Denver Federal grand jury at the termination of our hearings, for crimes associated with their nefarious banking activities. In summation, the case of the Brighton National Bank was well stated when I asked Certified Public Accountant Robert L. McGee, a subcommittee witness who was familiar with the Brighton operations, whether the bank should have been closed in the summer of 1964. Mr. McGee answered:

> I will say this much: I think the bank should have been closed before it opened.

Another illustration can be shown from our hearings concerning the operations of the now defunct San Francisco National Bank, which had as its president one Don C. Silverthorne, who testified before the subcommittee.

This bank opened for business on June 1, 1962, and, gradually, through a course of events, including a series of improprieties by Mr. Silverthorne, the bank was ultimately closed as insolvent by Comptroller Saxon on January 22, 1965, and the FDIC was appointed receiver.

Mr. Silverthorne's own actions were the subject of considerable interest to the subcommittee and are good examples of some of the evils this legislation would guard against. The transcript shows that during 1963 and 1964 Mr. Silverthorne deposited some $2,559,962.08 to his own account and that of a wholly owned subsidiary, the Wakita Corp. Approximately the same amount was disbursed during this period. However, the FDIC review indicates that a large part of the deposits in the aforementioned accounts was shown to be the proceeds of various loans made to borrowers by the San Francisco National Bank; loans that were made principally at Silverthorne's direction to enable the borrowers to buy stock in the bank. However, this stock was Silverthorne's own stock, valued on the market considerably below his selling price, with the result that he profited approximately $400,000 in this type of operation. Frequently this stock was sold as a condition to Silverthorne making the loan, usually of a high risk nature in the first place. These deposits also reflected that he received some $211,600 in loan fees from San Francisco National Bank borrowers, while another $392,860 was received through a fee-splitting device with a Mr. William Bennett, through a Bennett-owned company known as the Suisun Properties. Thus, whenever a potential large borrower came to Silverthorne, but without an adequate financial statement, Silverthorne would refer him to Bennett, who would guarantee the loan in return for a sizable fee. In this way, the FDIC discovered that some $672,700 in loan fees was paid to Suisun Properties, with roughly one-half of the same being paid into the Silverthorne accounts.

Our hearings disclosed that Silverthorne engaged in other multiple improprieties in conducting the lending operations of the San Francisco National Bank. In addition to diverting the proceeds of loan fees and commissions to his personal accounts, he engaged in private business transactions with borrowers, frequently lending the bank's funds to carry out his personal deals in the jewelry business and in the legalized gambling field in Nevada.

While the evidence indicated that the San Francisco National Bank failed primarily due to the improper and dishonest management of its principal officer, Mr. Silverthorne, who appeared to have carte blanche control of the destiny of this bank, it should be noted that the Comptroller and his subordinates were not without fault in the matter. Bank examinations were conducted by the Comptroller's examiners on December 12, 1962; May 20, 1963; January 6, 1964; and May 6, 1964. Each examination was growingly critical of the bank's operations in regard to status of loans, inadequate credit information, heavy build-up of certificates of deposit, lax management, and possible violations of the banking laws. Yet, the only action taken by the Comptroller's Office after the first three examinations was to send a letter to the Board of Directors requesting a correction of the conditions. And, when the fourth examination report revealed the bank's serious condition, plus the activities of Mr. Silverthorne, as previously mentioned, the Comptroller's Office merely had a conference call between Silverthorne and Saxon and their associates; a meeting with the board of directors wherein the Comptroller's representatives directed corrective actions; and a meeting between Silverthorne and the Comptroller's officials regarding Silverthorne's personal activities.

Significantly, the Comptroller's office did not inform the FDIC or the Federal Reserve of the seriousness of the bank's status. And, the Comptroller's bank examiner, Mr. Victor E. Del Tredici, who had conducted all four investigations, wrote a letter to Regional Comptroller Larsen on June 22, 1964, after the fourth examination, enclosing a report that Del Tredici addressed to the U.S. attorney located in San Francisco, detailing the irregular transactions uncovered in the latest examination in which Del Tredici considered the irregularities to be violations of the law. Regional Comptroller Larsen dispatched the letter and report-enclosure to Comptroller Saxon on June 25, 1964, for disposition, according to the record of the hearings. However, also according to the hearings record, the record was not transmitted to the Department of Justice in Washington, D.C., until February 26, 1965, after the bank was declared insolvent and at least a month after our subcommittee commenced its investigation of this bank, and some 8 months after the examiner had written the report.

This, then, is the sordid background of this legislation. The situation is one that justifies concern but not panic or alarm. Motivated by this concern and a desire to close the loopholes in the existing law, Senator MCCLELLAN and his associates have drafted the bill that is being introduced today. We have endeavored to set forth a responsible view toward the problems of the banking community, and I do think the record of our proposals, taken in totality, is one to suggest that we are responsive to these problems while at the same time fulfilling our paramount commitment to the protection of the public interest.

The ultimate answer, of course, to ethical problems in any industry is honest people in an ethical environment. I am convinced that we have such individuals presently in our banking system. Our purpose is to improve the environment and take the necessary precautions to keep undesirable elements out. In this respect, we are joined, I am sure, by the members of the banking community themselves, for they have long recognized the necessity, due to their unique position of trust, of being like Caesar's wife "above suspicion."

With this legislation we have taken steps to provide this environment by prohibiting unauthorized participation, even indirectly, in the management of policies of an insured bank, on the part of persons convicted of crimes of moral turpitude and by providing criminal sanctions for the violation of regulations restricting secret agreements.

We have, in addition, attempted to provide for more efficient and effective administration by the Federal banking agencies through new and firmer controls in such areas as falsification of documents and the willful inflation of assets and appraisals in banking transactions, the borrowing of money to organize a national bank or to acquire the controlling interest in a federally insured bank, and the activities of dealers, commonly called money brokers, in certificates of deposit.

I will not attempt at this time to further outline the provisions included in the proposed legislation. I believe that my able colleague and chairman of the Permanent Subcommitte on Investigations, Senator McCLELLAN, has very ably explained the bill.

Undoubtedly, all of us may have some reservations concerning this legislative package. For example, I can think of the possibility of more emphasis to be placed on a full review of new ownership of an existing bank, along with the chartering of a new bank. I can also think of the possibility of too lengthy a review procedure involved in the application for a new charter, a procedure which could provide a handy tool for competitors to exclude the introduction of a much-needed bank into a particular locale. I also feel that it might be well to provide for the auditing of the financial transactions of the Comptroller of the Currency, in his official position, and of his organization by the General Accounting Office—much as is done with the FDIC, in accordance with principles and procedures applicable to commercial corporate transactions, pursuant to title 12, United States Code, section 1827(b). Perhaps additional safeguards should be provided to insure the fact that the provision authorizing independent audits is not abused. However, I agree with Senator McCLELLAN who has said that this bill will serve as a vehicle for consideration of legislation in this field. Certainly, then, when it is brought on for legislative hearing by the Senate Committee on Banking and Currency, all interested parties, including but not limited to the American Banking Association; Independent Bankers of America; Association of Registered Bank Holding Companies; bankers, large and small, Federal and State; depositors; and just plain "John Doe Citizen" can be heard—to present their views, with the end in mind to develop good, constructive legislation on this subject.

In closing, let me state my renewal of faith in the American banking system, which historically has played such an important role in fostering our country's economic strength. As Senator McCLELLAN has indicated, there are some 14,000 banks and 4,400 savings and loan associations in our country today and, by and large, they are doing a most commendable job in their financial functions. However, there has been an upturn in bank failures of late which prompts me to repeat the words I used at the close of the subcommittee hearings on May 13, 1965, when I said:

> I think we have the best banking system in the world. I am entirely dedicated to the concept of the dual banking system, but we don't want to leave the scene so broad that bad apples can get into the situation * * *. Situations of this kind (referring to the operations of confidence men in milking the Brighton National Bank) in someway should be tightened up so that the public does not get hurt, so that the whole reputation of the banking fraternity does not get sullied by the fact that situations of this kind be repetitious.

I submit that this proposed legislation would serve this purpose and provide the proverbial "ounce of prevention that is worth a pound of cure."

The chairman and I have discussed this legislation many times. We do not offer it as the total and optimum cure-all of the problems, but we do offer it as indicating a course of action which we believe should be taken in order to plug some of the loopholes through which these crooked operators have been making a success, financially, and destroying the financial status of a great many honest people who have been doing business with banks. We delineated in some detail in the hearings some of the specific occurrences. I am sure that when the appropriate committee of the Senate which deals with the legislative aspects of the matter receives our legislative proposals, they will call in, as they should, representatives of the banking industry, representatives of the Government who are in charge of administering it, all elements of the great dual banking system, private individuals, and everyone else who wishes to be heard, to try to improve the situation.

I emphasize that we introduce this legislation as we initiated the hearing, with the stated realization that banking generally is in good hands, that the American system of private banking is the best in the world, and that there is no cause for panic or distrust generally in the field of banking in this country. As we grow, we learn. We find that there are some reasons in fact why existing legislation on the statute books provides loopholes through which schemers have been devising patterns of performance on behalf of themselves to the disadvantage of people in the area.

We suggest this legislation as a sort of ounce of precaution to provide a pound of salutary dividends for the financial community.

I salute the chairman. I believe that this may turn out to be one of our most fruitful and helpful clearings, as we move about the sometimes disagreeable job assigned to the committee of having plenary authority to investigate every activity of the Government dealing with public funds and the public trust.

I believe that we are making a suggestion which is helpful, and I am happy to join the hard-working, successful, positive, and friendly chairman in introducing this legislation.

Mr. McCLELLAN. I thank the distinguished Senator from South Dakota. I appreciate his gracious references to me regarding my labors and efforts on the subcommittee. I take this occasion to say that the subcommittee comes as near to working in a nonpartisan atmosphere as any committee on which I have ever served while I have been in Congress. The task we usually have to perform is, and should be, nonpartisan. Sometimes we may have differences of opinion, but as to the general, overall objective and jurisdiction over the subcommittee, the task it usually has, it carries through into areas where no real politics should be involved.

Whatever success the committee has had is due to the cooperative spirit of many of the members of the subcommittee, and especially is it due in large measure to the fine cooperation of members of the minority party.

The Senator from South Dakota and I have worked together in this field for a number of years, and there are not many occasions when one could have detected which one was a Democrat and which one was a Republican so far as our work, cooperation, and activities on the subcommittee have been concerned.

In my judgment, Mr. President, that makes for better confidence. Of course, there are fundamental issues on which we disagree, and on matters of politics, which is properly so; but, when we are undertaking to eradicate waste and inefficiency in Government, to improve our laws, and to strengthen them in an area which touches the public interest and the general welfare, as in the banking industry, in order to protect the people of this country, the patrons of the banks of the country, to protect them from exploitation, to protect them from the wiles and depredations, so to speak, of the fast-buck artists, those who would exploit the bank when they got control of it and would divert it to their own personal gain and often illicit profit, there is not much room for partisanship. There is a job to be done, a job to serve all Americans as all good Americans would wish the job to be done. I am happy to say that we have had that kind of cooperation, and I am exceedingly grateful for it.

Mr. MUNDT. I thank my chairman, first of all, for his gracious remarks; and, second, for reinforcing the feeling on the Republican side that we operate as a bipartisan or a nonpartisan team in these investigatory procedures.

I have never found the slightest disposition on behalf of our chairman to try to protect or cover up, or to make it easier for someone we happen to be investigating if he happens to be a member of the chairman's party; nor have I ever seen him try to tighten up the screws a little harder if the offender happened to be a Republican.

What we are trying to do, in the very nature of our work, is to weed out malfeasance, dishonesty, or disloyalty, wherever it occurs—or, merely inadequate administration, bureaucratic bungling—whatever it is—which impedes the public interest.

I believe that a part of our success is due to the fact that our chairman has taken a constructive attitude toward the difficult job of how to staff a committee of this kind.

I happen to be a member of the joint committee now studying the reorganization of Congress. We have heard many witnesses and many complaints as to how staffs are created and directed in Congress.

Many minority Members, especially in the other body, have insisted that they are not given adequate consideration in the selection of a committee staff.

As one who has long served with our delightful chairman, and who has served as the ranking Republican member of the committee for a considerable period of time, all I can say is that, I am happy to say that the Senator from Arkansas [Mr. McCLELLAN] and I have never had any difficulty in this area. He consults us when the staff is being formulated. I have heard him say publicly to the staff, and privately in my presence, that "this is the committee staff, and not the McClellan staff."

I am not sure who the Republicans are on the staff, or who the Democrats are. I am sure that he feels perfectly free to call on any member of the staff for information or assistance.

I believe that is the way it should be. That is one of the reasons why we have been able to acquire a competent staff, a diligent staff, one dedicated to the objectives of the committee, and one which works equally with all members of the committee, whether they are Republicans or Democrats, and which works not only with the senior members of the committee, but also with members who have come into the committee more recently.

I salute our chairman as well for the manner in which he has administered what admittedly is a difficult problem in Congress—that is, the procedure of selecting a staff in which all the members of the committee can have confidence, and selecting a staff which is not at war within itself between minority and majority members, but a teamwork staff which is equally answerable to all members of the committee.

Mr. McCLELLAN. I thank my friend the Senator from South Dakota. I honestly do not know the political complexion of the staff. Perhaps I should. But, as I tried to emphasize earlier, we are concerned with doing this difficult job and getting results. So long as we do that, I shall not be inquiring very often into the political label or complexion of our employees.

POLICE BRUTALITY

Mr. LAUSCHE. Mr. President, in the September 27 issue of U.S. News & World Report, there appears an article written by J. Edgar Hoover entitled "Police Brutality: How Much Truth—How Much Fiction?"

The introductory paragraph, which I assume was written by one of the writers of U.S. News & World Report, states:

> Get the facts, says J. Edgar Hoover, and you discover that charges of police brutality are mostly fake. In fact, he adds, misuses of police power "are rapidly becoming issues of the past." Reason: firm official action to deal with such misuse. The FBI head says the rash of charges against police is to some extent a Communist tactic designed to undercut law enforcement.

Mr. President, I will read certain excerpts from the article. The entire article has already been placed in the RECORD by the Senator from Wyoming [Mr. SIMPSON]:

> Many complaints of police brutality, however, are never officially lodged with the FBI or any other law-enforcement organization. They are indiscriminately made to representatives of various news media, shouted from the soapbox at a street corner rally, proclaimed from the podium and often from the pulpit, and circulated through printed pamphlets.
>
> Rarely is proof offered to support these blatant accusations, which are designed mainly to incite the listener or the reader. Many riots or near riots which have occurred in this country in recent months have been preceded by such charges.
>
> Charges of police brutality also have been heard with great frequency before, during, and after the drunken orgies and youth riots which have occurred at some of our resort areas in recent years.
>
> Allegations of police brutality have been supported by still and motion pictures which invariably show one or more policeman subduing or carrying away some participant in the disorder. Rarely do these pictures reveal the full story—the unprovoked attacks on the officers involved which necessitated their use of force.

Mr. Hoover goes on to state:

> Not only do the Communists directly exploit unrest, but they spread their germs of subversion through front groups and dupes. This tactic has become increasingly evident in recent demonstrations by young people where police have been charged with brutality in handling picket lines or demonstrations involving racial matters or protests against U.S. involvement in South Vietnam.
>
> Communist adherents are schooled in methods of intimidating law enforcement. Whenever they are confronted by a law-enforcement officer, the word brutality is foremost upon their lips. It is their aim to humiliate, exasperate, and provoke the law-enforcement officer in an effort to prevent his judicious and calm enforcement of the laws he is to uphold.

Mr. Hoover continues:

> The conflict resulting from the fake charges of police brutality is a problem which must be solved, for it is eroding the already declining respect for law and order in our great Nation.
>
> There is a constant barrage of brutality allegations and obvious attempts by certain elements to control the police through "citizen review boards" to hear charges, many of them fabricated. It is a wonder that men are willing to don a policeman's uniform and put their lives on the line every time they step out onto the street.

In the article there is a narration of the investigations made by the Federal Bureau of Investigation. The article states:

> In fiscal year 1963, there were 1,376 allegations of brutality received by the FBI. Investigations of these complaints resulted in indictments being returned in 12 of the cases involving 20 officers. Convictions were recorded in three cases involving four officers.
>
> In fiscal year 1964, there were 1,592 complaints of police brutality. Sixteen of these cases resulted in indictments against 28 officers, and convictions were recorded in 2 cases involving 4 officers.
>
> Fiscal year 1965 brought 1,787 allegations of police brutality with indictments being returned in 13 cases involving 23 officers. Convictions resulted in five cases involving six officers.

Thus, out of 1,787 charges of police brutality in 1965, 5 cases were proved to have involved actual police brutality.

This article is worthy of the deepest study. It has been made by the Federal Bureau of Investigation, contemplating an ascertainment of the facts. These investigations show the utter lack of foundation of charges that are constantly being made against the policemen of our country.

I have read in the past about instances in which policemen were pelted with tomatoes, stoned, spat upon, provoked, had their badges torn from their uniforms, and frequently their coats torn from their bodies. Yet, they stand there suffering the abuse and the attacks of men who frequently are involved in demonstrations and riots, fomented and perpetuated by enemies of our Nation, and friends of the Communist causes of the world.

I believe the time is at hand when good citizens must marshal to the forefront and begin asserting their confidence in the law-enforcement officials of our Nation. A failure to do so gives added encouragement to the provocateurs, guised in innocent dress, but having within themselves hearts and souls that carry hatred for the freedom principle of our Nation and sympathy for the despots and totalitarians of the world.

Mr. President, in Columbus, Ohio, there is a newspaper known as the Columbus Dispatch. It has carried two editorials dealing with this myth of police brutality charges.

These editorials excellently analyze the Hoover report and are worthy of being placed in the RECORD. One of the editorials was published under the headline "J. Edgar Hoover Shatters Myth of Police Brutality." In summarizing Mr. Hoover's report, the editorial of September 24 states, relating to Mr. Hoover's report:

> For instance, he reports that in 4,755 allegations of brutality made against police in the past 36 months, only in 71 instances did the evidence support an indictment of the accused officers. Of these only 14 were convicted.

I wish to emphasize that. There were 4,755 charges, and only 14 convictions were returned either by the juries or by the judges that heard the charges.

The editorial further states:

> In most instances the charges of brutality were found to be deliberate fabrications aimed at intimidating police officials and harassing the FBI.
>
> * * * * *
>
> Director Hoover believes false charges against police as damaging as these unwarranted and unsubstantiated instances of faked "brutality" should exact punishment as readily as that meted out to the rare officer who violates his responsibility.

Two days earlier, on September 22, the Columbus Dispatch published an editorial entitled "Students Kick Off Newest Exploitation of Big Lie." I shall not read excerpts from this editorial; however, it is predicated upon a story that originated at the Berkeley campus of the University of California, foretelling the demonstrations that are to be had in California in the coming month of October. The propagators or fomenters of the demonstrations that are to take place have publicly announced that they will physically interfere with the movement of troops, military equipment, and military property from the warehouses in California to the ports on the Atlantic coast. The editorial points out that the purpose of the promoters of the program of demonstrations and riots is deliberately to provoke arrests.

Mr. President, how far can we go in tolerating this practice in our country? How long can we suffer the placement of lawlessness and disorder over the dignity and sovereignty of law? What example are we setting for our youth? Does it not follow that when we tolerate these conditions and give credence to the charges of police brutality, we are providing the stimulus for the very disorders and riots and lawless demonstrations that we are experiencing?

I commend the editor of the Columbus Dispatch for his excellent editorials. I thank J. Edgar Hoover for the report which he has made on this subject. Finally, I hope that the equanimity with which we are moving and the indifference that we are showing to what is happening will come to an end.

Mr. SIMPSON. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield to the Senator from Wyoming.

Mr. SIMPSON. I express my appreciation to the distinguished Senator from Ohio for the excellent contribution he has made to this important subject. I deeply appreciate his reference to my statement which appears in the RECORD of September 21. I am happy and proud to be a cosponsor with him of the resolution concerning the attitude of those to whom he referred with respect to the sabotaging of military equipment destined for the fighting arena. The courageous stand the Senator from Ohio has taken will do much to stem the dangerous tide which is beginning to engulf our great Republic.

Mr. LAUSCHE. I thank the Senator from Wyoming.

In elementary school, high school, and law school I was taught repeatedly that in every country liberty can be sustained and maintained only by obedience to law and order. I have heard it said frequently that our system of government is one in which we change the law by the casting of the ballot, not by the firing of bullets.

But tragically, we are now giving approval to the proposition that if one is not satisfied with the law, he may indulge in riots, violence, demonstrations, and civil disobedience, and thus bring about a change. When that system is tolerated, liberty goes out the window; tyrants take hold. I have a deep fear that that is the direction in which we are moving, because of our absolute indifference to the great threat that this subject poses to our people and to our Nation.

Mr. President, I ask unanimous consent that the two excellent articles published by the Columbus Dispatch be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Columbus (Ohio) Dispatch, Sept. 22, 1965]

STUDENTS KICK OFF NEWEST EXPLOITATION OF BIG LIE

An anticipated turn of events in the Communist propaganda program was given substance and shape Monday at the University of California. Student activity there fired the first gun in a campaign which promises unprecedented trouble in the coming school year.

Peiping and Hanoi, for whatever differences they may have in relation to their parts in the war in Vietnam, are solidly behind a new campaign of disruption on the U.S. homefront.

Serving them as ever is the Communist Party, U.S.A. which is on the threshold of a series of civil disorders that will enlist the willing hands of many deluded liberals. It is a maxim of the Communist conspiracy that "a Communist world must be built with non-Communist hands."

The Reverend Daniel Lyons, a Jesuit who recently returned from one of several inspections of the Vietnamese situation, asserted in Columbus recently his belief that the military position of the United States is looking better in Vietnam. This, he indicated, is obvious to Hanoi as well—hence the soon-to-be-launched campaign to enhance the Communist position by establishing the lie around the world that the United States is the aggressor in the struggle.

Tactical plan of campaign, as suggested by the first demonstration on the opening day of school at Berkeley Monday, is to shift the emphasis of the campaign from campus fomentation to contrived disorder off campus so as to bring down the force of civil law wherever possible.

The demonstrations just beginning are expected to build to a crescendo which will peak about mid-October.

The goal of the Commie vanguard that is urging its dupes into this nefarious plot is to have as many as 100,000 demonstrators arrested and jailed.

Communist rabble rousers around the globe will then spread the lie that vast numbers of U.S. citizens are in favor of discontinuing the Vietnamese campaign and only a fistful of reactionaries in the government sustains the national purpose.

"Police brutality," "oppression of the masses" and similar Red cries will be raised.

The prime source of manpower for this Communist disruption will be the card carriers, fellow travelers and willing patsies among college faculties and student bodies.

Father Lyons pointed out the lack of logic in the liberals' demands that the United States negotiate the Vietnam dispute, recalling that our forces are in the country by invitation, that we do not own Vietnam and our sole purpose is to support the Geneva agreement which proposed to establish the two Vietnams, North and South.

Violation of this agreement by invaders from the Communist North started the whole sorry situation.

During the time when the cause of North Vietnam appeared to be sure of success there was very little agitation for withdrawal of our troops from the action.

It is only recently, since the fortunes of the war have begun to swing in our direction, that the outraged liberals have been screeching their condemnation of our continued presence.

There is no more point in the United States negotiating with Hanoi's guerrilla bandits at this time than there would be for a policeman to negotiate with a thug caught robbing a bank.

The U.S. policy is firm. It is beginning to prevail. Anyone who interferes or hinders a continuing success gives aid and comfort to the enemy.

All who join this new Communist effort to malign the cause of freedom and to slander the United States before the world aline themselves with the enemy, outside the bounds of law and human sympathy.

[From the Columbus (Ohio) Dispatch, Sept. 24, 1965]

J. EDGAR HOOVER SHATTERS MYTH OF POLICE BRUTALITY

It is time the American sense of justice and fair play sifts the vicious fakery out of the mounting yammer of "police brutality" which accompanies virtually every supression of civil disobedience and much of routine law enforcement.

Director J. Edgar Hoover, whose Federal Bureau of Investigation checks out countless charges of police brutality each year, probably knows more about the nature of this recent assault on the dignity and authority of police power than any other man.

He has spoken out in clear terms in defense of the police forces in the United States and against their detractors in an interview in the current issue of the U.S. News & World Report.

There is great relevance in Director Hoover's statements.

For instance, he reports that in 4,755 allegations of brutality made against police in the past 36 months, only in 71 instances did the evidence support an indictment of the accused officers. Of these only 14 were convicted.

In most instances the charges of brutality were found to be deliberate fabrications aimed at intimidating police officials and harassing the FBI.

Some civil rights demonstrations have shown evidence of being designed to bait the police and to attract publicity to the cause.

In most allegations investigated by the Bureau, the brutality charges came from Communists, criminals, and from juvenile disturbers of the peace who had been involved in drunken orgies and rioting.

In the rare cases in which brutality has been found to have existed in fact, Director Hoover and all similarly dedicated police officers have been quick to concur in the punishment of the offenders.

One of the quickly recognized techniques of the groups who seek to destroy the effectiveness of policemen with false charges of brutality is the way the charge is made. The people who would frame the police scream brutality with loud persistence, establishing an emotional mood among their listeners and rarely risking a cold and factual investigative examination through the legal process.

Director Hoover believes false charges against police as damaging as these unwarranted and unsubstantiated instances of faked brutality should exact punishment as readily as that meted out to the rare officer who violates his responsibility.

We support Director Hoover in his ceaseless effort to sustain the best in law enforcement for all citizens. And we gladly support his effort to spare policemen this extra burden of malignant falsehood in every instance of its occurrence.

Policemen daily put their lives in pawn so the rest of us can live in reasonable peace. They deserve the wholehearted support of every law-abiding, peace-loving citizen.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes.

Mr. GORE. Mr. President, we are now considering legislation which would implement a trade agreement entered into between the President of the United States and the Prime Minister of Canada. The legislation would also, strangely enough, implement private agreements between the Government of Canada, on the one hand, and the Canadian subsidiaries of the U.S. big four automobile companies, on the other. Even more strangely, these private side deals, in the form of letters, were seen by no official of the U.S. Government prior to the signing of the formal agreement by the President, or prior to the submission of this implementing legislation to Congress.

Not so strangely—indeed, this is the usual course—the Senate is under considerable pressure to act hastily in the closing days of the session. I might just point out at this time a little of the chronology of this bill.

The agreement was signed in January. President Johnson transmitted a message with the implementing legislation to Congress on March 31. Hearings were held by the Ways and Means Committee in April. But the bill did not finally pass the House until August 31. And there has been constant carping because some of us in the Senate wanted to take a little time to study and investigate this rather bizarre scheme. This, of course, is all too frequently the pattern.

But, let us do the best we can, in the limited time available, to understand what we are about to enact.

The story of the background and development of this legislation has been so heavily encrusted with State Department obscurantism and lack of candor that an understanding of the real problem sought here to be dealt with, and a proper solution for whatever problem does in reality exist, must be preceded by a clear statement of the basic facts involved. These are, as I understand them:

First. Canada, like the United States, suffering balance-of-payments difficulties, undertook to find a solution and among other steps established a one-man royal commission in 1960 to study the automotive trade situation with a view to reducing Canada's large imbalance in this commodity.

Second. In November 1962, the Canadian Government, by order in council, initiated a limited tariff rebate plan. Under this plan, the duty on automatic transmissions and stripped engines imported into Canada would be remitted—pocketed by the Canadian automobile manufacturer—to the extent that the Canadian content of automobile parts exported by the particular producer concerned exceed that of the exports by that producer during the base period—approximately the 1962 model year.

Third. In November 1963, this limited rebate plan became a full-blown duty remission scheme under which the duty was remitted on all imports into Canada of motor vehicles and original equipment parts to the extent that the importing company increased the Canadian content of its exports of all automotive products above that of the base period.

Fourth. As a result of these unilateral actions on the part of the Canadian Government, which amounted to an export subsidy, automotive exports from Canada to the United States increased drastically.

Fifth. Despite treaty obligations on Canada's part, and despite explicit domestic U.S. law, the U.S. Government took no action. A petition was filed with the Bureau of Customs under provisions of the Tariff Act of 1930 to impose countervailing duties on these exports from Canada into the United States which were clearly thus being subsidized by the Canadian Government in violation of treaty obligations.

An investigation was begun by the Treasury Department on June 3, 1964, but the matter was not vigorously pursued, and the Secretary of the Treasury refused to take action to impose countervailing duties. Court action was initiated on January 12, 1965, to seek to compel the Secretary of the Treasury, then Mr. Douglas Dillon, to take the action which the law clearly required.

Sixth. On January 16, 1965, the agreement between the United States and Canada, now sought to be implemented by this bill, was signed. On January 13 and 14, 1965, the major automobile companies manufacturing in Canada, all subsidiaries of U.S. companies—General Motors, Ford, Chrysler, and American—entered into written agreements with the Government of Canada which obligated these companies to increase, or to bring about an increase of, Canadian automotive production, over and beyond expected normal growth, by $241 million during the next 3 years. The subject bill would also, in several respects, recognize and implement these private agreements without which, indeed, the formal government-to-government agreement could not be understood. Indeed, it would be meaningless.

Seventh. Although the formal agreement and the legislation are in perpetuity, the formal agreement can be cancelled on 12 months notice by either Canada or the United States. The agreement, however, taken in its totality, is a 3-year agreement, so far as the Government of Canada is concerned. And the Government of Canada thus far has exercised all the options.

Eighth. According to available statistics, the cost of an automobile in Canada is about 15 percent above U.S. levels at this time, and the cost of production is, although not necessarily that much higher, considerably above the cost of production in the United States.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. RIBICOFF. Mr. President, I believe that the Senator has inserted a most pertinent clause—"at this time." While it is true that the cost of production in Canada is 15 percent over that in the United States, is it not also true that if the automobile companies which now control the Canadian subsidies build modern plants and install modern equipment in order to increase automobile production in Canada, the increased efficiency and savings resulting from the differential in wage rates could well decrease the cost of automobiles manufactured in Canada to less than the cost of those manufactured in the United States?

The agreement provides that, in addition to the requirement of 60 percent of 1964 production, the American manufacturers would be required to increase the number of automobiles and automotive parts produced in Canada to the extent of $241 million a year.

Mr. GORE. The Senator is correct.

Mr. RIBICOFF. Mr. President, it is estimated that it could well cost approximately $1 billion in new plant and equipment to increase this production.

Mr. GORE. That statement is correct. That would involve new facilities.

Mr. RIBICOFF. It would involve modern facilities and modern management. The present cost of production in Canada is due to the fact that many Canadian manufacturing companies manufacture a varying number of models. Under the agreement that is contemplated, those companies would manufacture one, two, or three models, and thus decrease the cost of production.

Mr. GORE. That would be true in the case of the Dart, manufactured by Chrysler Corp. The Dart is one of their popular models. If all the Darts were manufactured in a new plant in Canada, with the benefits derived from the most modern facilities and a large volume of production, it might well be that, because of the lower Canadian wage scale, the cost of production would be even lower in Canada.

Mr. RIBICOFF. Mr. President, I call the attention of the distinguished Senator to page 360 of the transcript of hearings. This is a tabulation which was submitted by the Secretary of Labor.

If the Senator will examine the figures, he will note that the average hourly rate, as of May 1965, in the manufacturing of motor vehicles in the United States was $3.41 an hour. It will further be noted that the average hourly wage in the manufacture of motor vehicles in Canada is $2.86 an hour. That is a differential of 55 cents an hour in the manufacturing of the motor vehicle itself.

There is another interesting figure contained in the tabulation. If the distinguished Senator will look at the next item, motor vehicle parts and accessories, he will observe that the average hourly wage in this industry in the United States is $3.31 an hour, but, in the same industry, motor vehicle parts and accessories, there is an average hourly wage in Canada of $2.58 an hour. That is a differential of 73 cents an hour in the manufacturing of motor vehicle parts and accessories.

Let us say that under the agreements here involved, American companies which move satellite part plants into Canada, in order to increase production will install modern plants and equipment. With a wage differential running between 55 and 73 cents an hour, I should say that that would spell disaster for American labor and American industry. Because a Canadian plant is modernized to take care of increased production, it becomes obvious that when there is a free flow of automobiles from Canada to the United States and from the United States to Canada, American manufacturers will take advantage of the differential. They will manufacture the low-priced, popular cars in the Ford, Chrysler, and General Motors lines in Canada, send them to the United States at a much lower rate, and manufacture the more expensive cars in the United States, sending them to Canada. That would spell disaster for American labor and American industry, because under those circumstances, American labor, and industry could not compete with the tremendous wage differential in Canada.

Is there not some merit in that point of view?

Mr. GORE. I believe that there is danger in that point of view. The situation which the Senator describes is clearly possible—indeed, I should say likely. It involves danger for American workers, it worsens our balance of payments, it increases unemployment in our country, and it places a great hardship on small business.

If it is possible, for example, for the Chrysler Corp. to concentrate the manufacture of its Dart models in Canada and ship them into the United States duty-free, I ask the Senator if Volkswagens, Volvos, or Japanese automobiles cannot likewise be assembled there, and invade the U.S. market duty free.

Mr. RIBICOFF. The Senator is absolutely correct, because this agreement is of such nature that once Volvo or Renault or Fiat or Volkswagen builds a plant in Canada, and then has 60-percent value added in Canada, shipping in 40 percent of its parts, it will have the advantage of shipping automobiles into the United States.

The distinguished Senator from Tennessee may be interested in this figure. Last year, in 1964, we imported $573,300,000 worth of automobiles from countries other than Canada.

It is certain that once the Canadian manufacturers are able to ship their automobiles into the United States without the 6½-percent tariff, with the large American market we now have for foreign cars, business prudence on the part of the European manufacturers of automobiles will convince them of the advantage of building their plants in Canada, too, in order to capture as much as possible of the American market. That is another danger which we face because of the proposed agreement.

Mr. GORE. It is made possible by the proposed agreement.

Mr. RIBICOFF. The agreement actually invites it. I believe the agreement with that fantastic wage differential, running between 53 and 78 cents an hour, writes a blank check to every manufacturer of automobiles to move into Canada and capture the American market.

Once modern plants are built under the same basic management, with shipping charges so minimal between Detroit and the Canadian border cities, where the wages are lower, we write danger to one of the basic American industries, which is so little understood that when we talk about the automobile, it is the impression of the public generally that we are speaking of the four major companies, Ford, General Motors, Chrysler, and American Motors. What is little understood is that some 10,000 American manufacturers supply parts to the big four in Detroit, and those 10,000 manufacturers hire hundreds of thousands of workers in all 50 States. Once the automobile is manufactured and assembled in Canada the parts manufactured in Canada, which are assembled into automobiles in Canada, are duty free; but parts are not duty free if shipped from the United States as parts alone; is that not correct?

Mr. GORE. Unless they go to an automobile manufacturer.

Mr. RIBICOFF. Directly to a manufacturer.

Consequently, as developed by the Senator from Tennessee in his questioning and his brilliant research, I believe there is already in the works a movement of parts manufacturers to Canada, to supply the automobiles to be manufactured in Canada. Is that not correct?

Mr. GORE. Not only is there a movement under way by the parts manufacturers themselves, but the Big Four automobile manufacturers are apparently already putting pressure upon their suppliers to move to Canada.

Let me read to the Senator a statement which has been brought to me by a group of workers who have already been notified that they will be unemployed after their employer completes his supply contract for the current model. This is a posted notice:

> In view of the brief announcement which was made to the press on July 16 in regard to our planning where the manufacture of springs in Canada is concerned, I thought it would be in the best interests of all concerned to take this opportunity to provide further information.

The first notice referred to has now been handed to me, and I should like to discontinue reading the later notice to read a portion of the first one. The notice from which I shall now read was dated September 3, 1965, by the Spring Division of the Eaton Manufacturing Co.:

> *To all Spring Division employees:*
>
> The development of plans for the establishment of a leaf spring plant in Canada has matured to a point where I am in a position to advise you more fully where the move is concerned than at the time of the initial notice on the subject, July 19, 1965. According to these plans, the Canadian plant will be equipped almost entirely with new machinery. Very little existing equipment will be moved from either Detroit or Lackawanna to the Canadian location, which will be at Chatham, Ontario.

I digress from the reading to say that it seems to me that this punctuates and illustrates the point which the able Senator from Connecticut has made, that plants built in Canada under the incentive of this agreement will be new plants, with new machinery, new machine tools. I read again to the Senate:

> According to these plans, the Canadian plant will be equipped almost entirely with new machinery. Very little existing equipment will be moved.

Mr. RIBICOFF. The average wage differential in Canada over that of the United States is 73 cents an hour on parts.

Mr. GORE. On parts, I should like to interject still further on the question of wages.

As the Senator will recall, I asked the Secretary of Labor to supply the committee with information as to the differential in wage rates in the various Provinces of Canada. I did that because many of the parts, as the Senator knows, can be made by small businessmen. Many of them are. They can locate in small communities, in some cases in remote communities. I invite the Senator's attention to page 361 of the hearings, where it is shown that in the Province of Quebec, the average wage rate for motor vehicle assemblers, line and bench, is only $1.48 an hour. Compare that with wages in the United States.

Mr. RIBICOFF. As I read the table supplied by the Secretary of Labor, $2.73 an hour for the same item.

Mr. GORE. Thus, when a parts manufacturer establishes a new plant in Canada with new equipment, new facilities, modern assembly line production, and with a prime contract with the big four automobile companies to supply those parts, the cost of production may be considerably cheaper in Canada.

I come now to the notice of the Eaton Manufacturing Co. As a result of this notice, I received the following telegram from the workers at the Eaton plant. I shall not read it in whole, but in part it states:

> Our members have already been informed that the entire leaf spring operation in the Spring Division of the Eaton Manufacturing Co. will cease at the end of the 1966 model year because this product will be manufactured exclusively in a new Eaton Canadian facility. Thereafter this means that 350 of our members will have their jobs completely eliminated because of the private assurances to Canada of a substantial business increase.

Mr. President, that is not all the telegram. I ask unanimous consent to have the complete text of the telegram and the two notices printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DETROIT, MICH.,
September 16, 1965.

Hon. ALBERT GORE,
U.S. Senate Office Building,
Washington, D.C.:

Our heartiest congratulations to you on your forthright and perceptive opposition to the Canadian-United States auto tariff agreement now under Senate consideration.

Our members have already been informed that the entire leaf spring operation in the Spring Division of Eaton Manufacturing Co. will cease at the end of the 1966 model year because this product will be manufactured exclusively in a new Eaton Canadian facility thereafter.

This means that 350 of our members will have their jobs completely eliminated because of the private assurances to Canada of a substantial business increase.

No doubt many more U.S. firms, such as Eaton Manufacturing Co., will be transferring their operations to Canada to avail themselves of the competitive advantages these assurances provide. Consequently many more of U.S. workers will be losing their jobs once the agreement becomes fully effective.

We respectfully request that you continue your noble endeavor to achieve a Senate rejection of this trade-restricting agreement with the wholehearted support of every member of this local union.

Sincerely,
LOCAL 368, UAW, AFL-CIO,
WARREN MIKA, *President.*

EATON SPRING DIVISION,
EATON MANUFACTURING CO.,
Detroit, Mich., September 3, 1965.

To all Spring Division Employees:

The development of plans for the establishment of a leaf spring plant in Canada has matured to a point where I am in a position to advise you more fully where the move is concerned than at the time of the initial notice on the subject, July 19, 1965.

According to these plans, the Canadian plant will be equipped almost entirely with new machinery. Very little existing equipment will be moved from either Detroit or Lackawanna to the Canadian location, which will be at Chatham, Ontario. Without ruling out the possibility of a reactivation of a portion of the facilities at either Detroit or Lackawanna to meet market demands not now foreseen, the leaf springs to be produced by the Spring Division will be made entirely at the Chatham plant beginning approximately 1 year from now.

Under current conditions the suspension coil spring and mechanical coil spring business remaining is not substantial enough to justify the large plant facilities which they will occupy. In order to warrant the continuation of coil spring manufacture at our present location, it will be necessary for us to obtain a most substantial increase in our volume of business where these items are concerned. This can be done in two ways—by the introduction of new products and by increased market penetration for existing products.

Where new products are concerned we have a most encouraging one in the Torsionetic Universal Joint, but a great deal of time and effort must be expended before this item will replace any substantial portion of the loss where leaf springs are concerned. At best then the Torsionetic Joint represents for the present no more than a good start in the right direction.

Increased market penetration for existing products, the second growth path open to us, is a rugged road to follow, but take it we must for only by it will we reach our common goal of jobs and job security. However, we will succeed in reaching this goal only to the extent that we can sell our springs profitably for less money than our customers are paying us currently. This is an obvious and simple statement of economic fact, but the consequences will hit hard on every facet of our operations.

In the past we have been competing largely with firms like ourselves having leaf springs as their principal product. In the future we will be competing with coil spring manufacturers having smaller and less expensive organizations than that to which we have been accustomed. To compete successfully under the new conditions which confront us will require us to examine every single phase of our operations and to make whatever adjustments are required to assure that we operate with a maximum of efficiency and that we avoid all needless expense during the critical days which lie ahead.

In closing, I would emphasize that management has no intention of abandoning the manufacture of coil springs and that it has high hopes that these phases of our current operations can be carried on successfully provided only that every member of the organization accepts his share of the job which confronts us.

Sincerely yours,
H. H. CLARK,
General Manager.

NOTICE

In view of the brief announcement which was made to the press on July 16 in regard to our planning where the manufacture of springs in Canada is concerned, I thought it would be in the best interests of all concerned to take this opportunity to provide further information.

The announcement spoke of the formation of a Canadian subsidiary to be called Eaton Springs Canada Limited, and it referred to the fact that plans for the subsidiary operation are being drawn. These plans currently affect only our leaf spring operations. We hope that the result will be substantially increased business in the long run.

In the development of these plans we have recognized the insistence of our principal customers, who find it desirable to increase their purchases in Canadian markets. The plans also are the culmination of studies which we have been making for quite some time, as you will recall from references in my letters in the Springboard regarding our competitive position and our efforts to seek solutions to the problems confronting us.

The development of our plans where this future operation is concerned is necessarily a fairly long-term project. You can be sure that I will keep you advised at appropriate times as our planning matures.

H. H. CLARK,
General Manager, Eaton Manufacturing Co., Spring Division.
JULY 19, 1965.

Mr. GORE. I should like to read in part from the second notice:

> In the development of these plants, we have recognized the insistence of our principal customers who find it desirable to increase their purchases in Canadian markets.

Mr. RIBICOFF. Is this not partly due to the fact that the agreement of the automobile manufacturers with the Canadian Government gives the American companies credit for parts manufactured in Canada which go into automobiles, thus bringing pressure to bear on the parts manufacturer to locate his facilities in Canada, which gives him another break?

Mr. GORE. That is true. These are side deals. They are private agreements made by Canadian subsidiaries with the Canadian Government, over which the United States has no control and for which, I assert, we should have no responsibility.

Mr. HARTKE. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. GORE. The "big four" agreed to increase automotive production in Canada, and in the agreement they are given credit on their commitments for the accretion in production of automotive parts. It is done by suppliers whom they can induce to go to Canada. That is what has happened. I point out this notice. It was placed on the bulletin board for the 350 employees to see who had already been put on notice that they will be out of jobs at the end of the 1966 model year. The reason, the manufacturer says, is that he has been under pressure from the automotive concerns to move to Canada.

Mr. HARTKE. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. First, let me——

Mr. RIBICOFF. Certainly. If the Senator from Tennessee wishes to yield to the Senator from Indiana, we can continue the colloquy later on.

Mr. GORE. Before I yield to the Senator from Indiana, let me say that this will be but one of hundreds of movements of parts manufacturers to Canada, if the bill is passed by the Senate.

Mr. RIBICOFF. That is because it is the beginning of shifting the basic production of American automobile parts to Canada, away from the United States, in order to take advantage of the basic wage differential between Canada and the United States. Is that not correct?

Mr. GORE. That is true. I heard the Senator from Indiana reading yesterday a statement from an official of the Chrysler Corp. who predicted vast movements to Canada. The Senator from Indiana certainly recalls that?

Mr. HARTKE. I do. That was a statement made by Lynn Townsend, president of the Chrysler Corp. of the United States, and statements contained in the Business Week issue of January 26 of the year, I believe.

Now I should like to ask a question of the Senator from Tennessee. Admitting that this action has already been taken at Eaton, and that this is a statement of policy, which means that workers will be losing their jobs, who is to pay for rehabilitating those people?

Mr. GORE. The bill contains a provision which gives to the President unlimited authority to pay certain benefits to the industries which go bankrupt as a result of this agreement and, also, to pay for retraining and relocation, and to compensate for the loss of jobs by employees who will be unemployed as a result.

Mr. HARTKE. Thus, the poor workman who is to lose his job because there has to be a protected industry with new facilities in Canada financed with American money, will have his own job taken away from him. He will have to try to retrain himself, even if he is 55 years of age and even if he has 35 years seniority—it does not make any difference where he is—he will have to try to retrain himself and find himself another job. Then the Federal Government will have to pay the bill; is that not correct?

Mr. GORE. The bill provides that he may be put on a dole.

Mr. HARTKE. He may be put on a dole and paid during that time at the rate of 65 percent of the average manufactured wage; is that not correct?

Mr. GORE. Yes; but other people who may lose their jobs as a result of other trade agreements are not so benefited.

Mr. HARTKE. This shows a wide discrepancy. In other words, the bill contains a built-in admission that it will harm or hurt the worker, and that it will hurt the American factories, so much so that we must give them a dole, and we have got to pay the firms which lose money and can prove they have lost money, once they go out of business, or are damaged as a result of this unilateral action, which was started by Canada and on which we are going to attempt to put the stamp of approval.

Mr. GORE. And which some people call free trade.

Mr. HARTKE. I thought we had laid the free trade issue to rest. I suppose we have not, because today a distinguished friend of mine said to me, "Why are you opposed to the free trade agreement." I said, "This is exactly the opposite of a free trade agreement, so I suppose they are going to remedy that fact."

I see the assistant majority leader in the Chamber, the Senator in charge of the bill. I hope that during the evening—since we have direct proof now that some people will be asking for assistance as a result of the action of the agreement—he will have checked with the administration to find out how much it is expected to cost the American taxpayer for this adjustment of this section of the bill. There has been no price tag placed on that part of the bill.

Mr. GORE. I appreciate the presence of the distinguished Senator from Louisiana [Mr. LONG], and I welcome any advice he may have on this point. I would not wish to overtax him, because I heard him spend most of yesterday afternoon trying to solve Canada's balance-of-payments problem. He never got around to solving our own, let alone the assistance which it will be necessary to give to the American worker, and to the businessman who will be thrown out of business on into bankruptcy as a result of this agreement.

Mr. LONG of Louisiana. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I shall be very happy, indeed, to yield to the distinguished Senator from Louisiana. Has the Senator a solution for the Canadian balance of payments, other than this agreement?

Mr. LONG of Louisiana. Perhaps the Senator heard me discuss the telegram, which he has discussed a number of times in my presence. I believe the telegram I received from the Eaton Manufacturing Co. said that it could reabsorb about 100 to 150 workers——

Mr. GORE. That would leave 200 to 250.

Mr. LONG of Louisiana. One hundred and fifty.

Mr. HARTKE. Two hundred and fifty—250.

Under this agreement it is expected that the parts manufacturers are going to ship more——

Mr. GORE. Where is that?

Mr. LONG of Louisiana. Let me read from page 25335 of yesterday's RECORD. This is an excerpt from my speech:

> Seventeen of five hundred and five auto parts manufacturers in Canada told the Government they may be adversely affected by the Canadian-United States auto agreement. Industry Minister Drury has said that detailed consideration will be given to proposals to aid both hard-hit manufacturers and any workers affected.

So Canada is telling its people that some of them are going to be shifted as a result of the agreement. You referred to one of them in this county. The statement listed 17 Canadian firms.

Mr. GORE. The Senator has referred to a statement, but he has not brought forth the fact that posted on bulletin boards of Canadian employers there are statements to the effect that hundreds of workers will be unemployed. What the Senator has read is merely a prospective statement. I doubt if it is very probable.

The truth is that the stated purpose, the effect, and the intended effect of the agreement is to increase automotive production in Canada to a greater comparable degree than the increase in the United States. So the Senator can cite one instance. The agreement stands as proof in itself that the very purpose is to increase the Canadian proportionate share of North American automotive production. That is not only the purpose; it is the effect; and it is not only assured by the agreement but it is backed up by the agreements that the Canadian subsidiaries of the American big four automobile companies entered into with the Canadian Government.

Mr. LONG of Louisiana. I do not agree with the statement that that is the effect of it. Under this agreement we have made some allowances.

Mr. GORE. What does the Senator disagree with in my statement?

Mr. LONG of Louisiana. It happens that 95 percent of these automotive groups are located in the United States.

Mr. GORE. Yes. Will the Senator tell us with what part of my statement he disagrees?

Mr. LONG of Louisiana. In the first place, under the agreement, there will be no net increase of Canadian imports in these articles. That is in conflict with the statement which the Senator made. There will be no net increase in Canadian imports to the United States. Some Canadians may question that, but it is true to the extent that we shall be shipping more, to the mutual benefit of both countries.

Mr. GORE. Will the Senator show us that? Then I want the Senator to state with just what statement he finds himself in disagreement.

Mr. LONG of Louisiana. That is what the Assistant Secretary of the Treasury said, as appears on page 11 of the report. He was a witness requested by the Senator from Indiana [Mr. HARTKE] in this connection.

Mr. GORE. We are passing on and voting on a bill implementing an agreement. Will the Senator show me where any contrary statement has been made?

Mr. LONG of Louisiana. I have the testimony of the Under Secretary of the Treasury, who supports the administration, as well as the Secretary of Commerce in that regard. That was our understanding.

The Senator talked about the purpose of the amendment. Money was the purpose of the agreement—$580 million.

Mr. GORE. Mr. President, I have the floor.

I see that what the Senator is talking about is entirely different from any language he described. He is citing that the Under Secretary of the Treasury testified that under this agreement we would continue to have approximately the same balance, the same surplus, the same dollar amount, not percentagewise, but the same dollar amount—a favorable balance, with Canada, in the trade of automobiles. So the Senator talks of that as meaning that there is a guarantee that there will be a minimum net of imports into the United States. It does not so provide. The Senator says that by standing still we win the race. The Senator misconstrues completely.

I ask the Senator from Louisiana to point out with what part of my statement he finds himself in disagreement.

Mr. LONG of Louisiana. The Senator started by saying that the purpose of this agreement is to increase Canadian production.

Mr. GORE. That is correct.

Mr. LONG of Louisiana. That may be the purpose so far as Canada is concerned. Our purpose is to maintain the favorable balance of trade.

Mr. GORE. That is the purpose of Canada and of the automobile concerns which make the side agreements with the Canadian Government, the big four subsidiaries in Canada, in implementing the agreement. That is the announced purpose.

Mr. LONG of Louisiana. So far as the Canadian official who is negotiating this agreement is concerned, he is negotiating the best he can for Canada. He has that completely in mind. So far as the American negotiator is concerned, he is negotiating to protect the $580 million surplus we have and to increase our surplus. After 1968 it will increase. No matter how long we debate the subject, we shall end with this difference of opinion. We have both spoken on it. We started out on a different basic assumption or opinion. I say that Canada is a sovereign nation. Canada controls her market. We cannot do anything in that market without Canada's consent. We have seen what happened in Brazil——

Mr. GORE. The Senator has now dived head first into assumptions. He raises the point that he and I have differences of opinion. The Senator rose and said he put himself in disagreement with the statements I have made. I asked him to show me with what statement he was in disagreement. He said that I started by saying that the purpose of the agreement is to increase automobile production in Canada. That is the purpose, that is the effect, of the side agreements and the bill which implements those agreements.

Mr. LONG of Louisiana. Canada is going to increase its production of automobiles. It is going to do it with or without the agreement.

Mr. GORE. That is not the question. The question is, Does the Senator disagree with my statement?

Mr. LONG of Louisiana. Yes. From the American point of view, the purpose of the agreement is to help America——

Mr. GORE. The Senator is talking about surpluses. I am talking about Canadian automobile production. Increased Canadian production is the intended purpose and that will be the effect and that will be the result.

Mr. LONG of Louisiana. The Senator seems to feel that we have some rights to stop an increase in the production of automobiles in Canada. That is a spurious argument——

Mr. GORE. The Senator is speaking on a dubious assumption.

I am speaking of the facts that have been revealed by hearings. I am speaking of the text of the agreement, the text of the bill before Congress, and the text of the side deals entered into by the Canadian subsidiaries of the big four American automobile concerns. I do not wish to engage in prolonged debate on dubious assumptions. I wish to talk about facts.

Mr. LONG of Louisiana. Let us talk about facts.

Mr. GORE. Will the Senator cite one fact that I cited with which he disagrees?

Mr. LONG of Louisiana. Let me cite a fact that the Senator does not seem to be aware of. I refer to page 10 of the report, at which appears table II. This agreement had been in effect for 6 months, and to some extent had been implemented by Canada.

We increased our exports to Canada by $36 million and Canadian exports to us increased $32 million. We are ahead $4 million on that up to now.

That is the opposite of these dire consequences the Senator has been predicting.

Mr. GORE. I would like to answer that with some more facts.

In 1961, U.S. exports, as a percentage of the total automotive trade with Canada, were 98 percent.

The Senator has cited the great progress we have made under this agreement since January 1965. In 1965, that percentage dropped to 87 percent.

Mr. HARTKE. This is great progress against the United States.

Mr. GORE. The entire purpose of this bill is to increase production in Canada proportionately greater than in the United States. The Tariff Commission testified unmistakably about this. There is no question about it. There is no room for debate there.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. HARTKE. I wish to quote from Minister Drury. He is the Minister in charge of industry. I quote from page 75 of the hearings:

> The main objective of the program is to increase substantially the production of automobiles and automobile parts in Canada for the next 3 years.

Mr. GORE. Of course.

Mr. HARTKE. There is no question about this. I cannot understand how anyone can disagree that this is the intent of the agreement. It will be the result of the agreement. The other side of the picture is that it will be at the expense of the United States.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. GORE. I wish to read another paragraph from Mr. Drury, and then I will yield to the Senator from Connecticut:

> The program will make an important contribution to the improvement of Canada's international payments position. In recent years trade in vehicles and components has resulted in an annual deficit with the United States of the magnitude of $600 million. Increased output and improved efficiency in the automotive industries will help to achieve the Government's objective of reducing Canada's current account deficit.

Our trade with Canada is not confined to automobiles. For instance, we sell Canada $2 million worth of liquor, and we buy $103 million worth of liquor from Canada.

According to the line of illogic followed by my distinguished friend the able and delightful junior Senator from Louisiana, it would be wonderful for the United States if we could stand still in our advantage in automobile production, which is one of our advantages, while Canada increases her balance of trade with Canadian Club.

I yield.

Mr. RIBICOFF. I am pleased that the distinguished Senator opened up that line of the inquiry. Let us follow it to its logical conclusion.

If we are really talking about free trade, we are talking about allowing nations which can do the best job to continue to do the best job and, therefore, lower prices and lower the trade barrier.

Mr. GORE. Utilizing the natural advantages and resources they have and taking advantage of trade with other nations.

Mr. RIBICOFF. That is absolutely correct. There is no question that at this time the United States is superior in the manufacture of automobiles.

Mr. GORE. I believe Henry Ford lived in Michigan.

Mr. RIBICOFF. The Senator is correct.

If we should follow the argument of the distinguished Senator from Louisiana to its logical conclusion, we would be in a most peculiar position. The Senator from Tennessee cited alcoholic beverages.

Let us look at a few other items of trade differential. In iron ore and concentrate, the United States exported in 1964, $58 million and imported $275 million.

In wood, logs, and lumber, the United States exported $55 million and imported $352 million.

Mr. GORE. It was the United States vis-a-vis Canada.

Mr. RIBICOFF. The United States and Canada. That is all.

Now, we come to woodpulp, and waste paper. The United States exported in 1964, $12 million and imported $346 million.

When we come to paper and paperboard, the United States exported $47 million, and we imported $747 million. In that item alone we have an unfavorable trade balance of $700 million.

When Minister Drury talks about $600 million, the $600 million does not even balance up the one item of paperboard and pulp.

It would seem to me that Canada can produce this much cheaper and better than the United States because of its natural resources. If we talk about free trade, this is what we should allow.

Consider petroleum, crude and partly refined. That is an item with which I am sure the Senator from Louisiana is far more familiar than I. I cannot speak for the Senator from Tennessee.

In connection with petroleum, crude and partly refined, we exported to Canada in 1964, $234 million and imported $258 million.

We do not complain about this. This is what we talk about when we refer to normal free trade between nations. But this is a restrictive agreement.

When the distinguished Senator from Louisiana, in reply to the Senator from Tennessee, talked about what happened between January 1 and the present time, this agreement had not had a chance to have the ink dried, and the Congress has not approved it yet.

The agreement contemplates in a period of 3 years, in addition to the 60 percent of additional production added to the 1964 Canadian production of automobiles, we will increase that production by $241 million.

Mr. GORE. Are not these figures spelled out in the agreement?

Mr. RIBICOFF. There is no question about it. The agreement is a one-way agreement. I use these words advisedly when I say that in my opinion the State Department has not done right by the best interests of the United States by entering into the agreement. One of the tragedies we find, as we follow these trade negotiations, is that the State Department is not competent to negotiate for the United States.

In 1962, when Congress was dealing with the Trade Expansion Act, Congress was concerned with the question of the ability of the State Department to be the negotiator for the United States, its ability to protect the interest of agriculture, to protect the interest of labor, to protect the interest of industry, and to protect the interest of the consumer.

In the Trade Expansion Act, it was provided that there should be set up in the White House a separate agency on trade negotiation. Such an agency was set up under the chairmanship of the former Governor of Massachusetts, Mr.

Herter. He was to be in charge of the agency.

What did we find when we examined the agreement? We found that the Herter Agency was brought in after the fact.

If we are concerned with the balance of trade, where was the Treasury Department? The Treasury Department was brought in after the fact. Was the Commerce Department brought in to determine the effect the agreement would have on American business? That Department was brought in after the fact.

Was the Labor Department brought in to discuss the impact the agreement would have on American labor? It was brought in after the fact.

Was the Tariff Commission brought in to make a study to determine the impact on the U.S. policy and position in world trade? The Tariff Commission was brought in after the fact.

Was the Federal Reserve System brought in to discuss the impact on the entire financial situation of the United States? No. It was brought in after the fact.

It is all well and good to say that these agencies have now come to Congress to testify in favor of the agreement. We would be naive, indeed, if we did not understand, once a decision is made on the high executive level, that all the departments of Government must march together and come to Congress to testify in favor of it.

I speak from experience. Once a policy is handed down by the executive branch of the Government, everybody falls into line. Everybody finds arguments to rationalize the position.

A most interesting thing is that once this agreement came under attack, an attack started by the distinguished senior Senator from Tennessee—and I tip my hat to him—the defenders of the agreement no longer were the State Department, who could not justify themselves. Who came to Capitol Hill to importune us with facts and figures, to try to convince us? Not only the State Department, but other agencies of the Government importuned us; and they had a tough job because they were brought in too late and had to justify something that in their hearts they did not believe.

We are faced with a most peculiar position. We are faced with a position in which the President has signed an agreement. Congress was not asked what should be done and was not asked for advice. But now we are asked to abdicate our position as Senators and to put our stamp of approval, pro forma, on an agreement that many of us do not believe is proper, an agreement that we believe is against the vital interests of the United States.

It seems to me that the time has come when the Senate should exercise its constitutional function and insist that we have a bigger and a more important job to do than merely to stamp our OK, to stamp our approval, on everything that the executive branch sends to Congress.

The distinguished Senator from Tennessee is not only inviting our attention to one of the basic problems that face this country's future economic interests; he is also alerting the Senate to its basic responsibilities.

I pay tribute to the Senator from Tennessee for what he is doing today.

Mr. GORE. I am deeply grateful to the Senator from Connecticut for his able statement. I invite his attention to the fact that not only is the Senate asked to pass a bill to implement this improvident agreement; but if the Senator will look at the very first page of the committee report, he will find three more purposes to be served by the pending bill. The second one is to authorize the implementation of similar agreements that the President may enter into with countries other than Canada. Are we authorizing that here? We are confronted with one bad deal. How many more may the State Department negotiate under the leadership of the big four automobile companies? The big four automobile companies are the beneficiaries of this agreement in the United States. Who are the beneficiaries? In the United States, the big four automobile companies. Do Senators call that free trade? Free trade for whom?

Can an automobile supply store in Washington go to Canada and buy a part duty free? Not according to this agreement. Who can import into Canada duty free? Only a qualified manufacturer of automobiles; and Canada determines the qualifications.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. RIBICOFF. Suppose the Senator were a Canadian living just over the U.S. border and came to an automobile dealer in the United States, just over the border, to buy an American automobile. Could he import that car into Canada duty free?

Mr. GORE. On an Impala Chevrolet, one would have to pay $500.

Mr. RIBICOFF. That is correct. So when we hear it said that this is free trade, it is not the kind of free trade that affects the average Canadian or the average American; it is only so-called free trade for four automobile manufacturers to eventually manufacture automobiles in Canada, to take advantage of cheaper Canadian labor, and then to export those automobiles without duty into the United States, thus displacing American workers and American business.

Mr. GORE. Under this agreement, the Prime Minister of Canada could not come to Detroit, buy an automobile, and take it into Canada without paying a 17½-percent tariff. But the automobile concerns can drive the cars or ship them back and forth across the line either way without the payment of duty; and they are the only ones, plus the parts suppliers who supply exclusively to the big four the parts they bring in. This is free trade for those who need it the least. This is free trade? This is a cartel for a few big monopolists.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. RIBICOFF. The Senator points out that if one buys an automobile that costs $3,500 without payment of the 17½-percent tariff, there is a differential of about $500. Who gets the $500? Does the Canadian who buys the automobile in Canada get it?

Mr. GORE. No; this is not free trade for the average citizen in Canada. This is not for the benefit of the Canadian people or the American people. I will tell the Senator who gets it and has been getting it since January—the automobile manufacturers. They have been pocketing 17½ percent of the price of every automobile they have sent into Canada. There have been no reductions in prices in Canada. On an annual basis, this has amounted to approximately $50 million already.

Mr. RIBICOFF. Is it not true that in all the discussions of this agreement in Canada and in the United States, there is no commitment and no prediction that the savings on the tariff will be passed on to the Canadians, even in the future?

Mr. GORE. The Senator is correct. I shall not make comments about Canadian politics; but I should like to have that kind of issue in Tennessee, whereby the people of my State would have to pay an additional $500 for an automobile, the remission of which has been brought about by my Government, the $500 going entirely into the pockets of the automobile manufacturers.

Mr. RIBICOFF. The Senator from Tennessee has been in public life a long time. I do not believe the Senator would have been so successful as he has been if he had not ascertained and known public opinion. Does the Senator believe that agreements like this, in which the Canadians will not have the $500 advantage from the savings on the tariff, will in the long run bring good will or ill will from the people of Canada toward the United States?

Mr. GORE. I fear that the people of Canada will identify the United States and the U.S. Government with General Motors, Ford, Chrysler, and American Motors, because those companies are the sole U.S. beneficiaries of this agreement. The beneficiaries in Canada are the Canadian economy and the Canadian balance of payments.

Who are the victims? The victims are U.S. workers employed in parts manufacturing plants and perhaps in automobile manufacturing plants; the 10,000 small businessmen who are engaged in the manufacturing of parts which they supply to the automobile companies; the U.S. balance of payments; and the U.S. taxpayer, who will have to pay for the doles to be issued to the people who will be thrown out of jobs.

Mr. RIBICOFF. Mr. President, another important phase of this entire problem concerns the relationship of the United States with other nations of the world. We are a member of GATT. Some 75 nations subscribe to GATT.

Since the days of the great American who was a mentor of the distinguished Senator—the late great Cordell Hull—we have tried to expand American trade and eliminate restrictive trade practices. We have a doctrine which has been adopted throughout the world. This doctrine is known as the most-favored-nation clause—MFN.

Is it not true that the GATT countries have complained and issued a warning to the United States to the effect that the United States, by virtue of this agreement, has violated the GATT agreement by having a special deal with Canada, from which deal other nations are excluded?

Mr. GORE. The answer is, Yes. Moreover, the U.S. Government witnesses testified before the Committee on Finance that the agreement was in violation of the GATT agreement.

I advert to the generous reference of the Senator to the late Secretary of State, Cordell Hull. It is true that I have been more or less a disciple of his, certainly insofar as international trade is concerned.

I have led several fights in Congress to extend the Hull reciprocal trade agreements program. Indeed, I doubt if there is another Senator whose record of the advocacy of freer international trade is as liberal as is the record of the senior Senator from Tennessee.

I find the pending agreement repugnant. It is the very antithesis of free trade. This is a rigged cartel, dividing up the North American market to the disadvantage of the United States, the small businessman in the United States, the people employed in the automotive parts industries in the United States, the U.S. taxpayers, our balance of payments, and eventually the consumers.

Mr. RIBICOFF. Mr. President, we are in the so-called Kennedy round of negotiations at GATT. The negotiations have been at a standstill because of the German election, the intransigence of President de Gaulle, and the great problems of agriculture. This operates to the disadvantage of farming States.

We now suddenly come to the passing of an agreement such as this. We are now about to reenter, in November, the negotiations at GATT and get down to serious business. The U.S. representatives, sitting in Geneva with the representatives of all other countries which manufacture automobiles — Germany, Italy, France, England, Sweden — will talk about the problems of differentials and favored treatments and violations.

When they reach the subject of the United States receiving an exception and a waiver of the American breach of our reciprocal trade agreements, does the Senator believe that European nations will give that waiver without a quid pro quo? Does the Senator think that the nations which manufacture automobiles will or will not take advantage of the embarrassing situation in which the U.S. Government finds itself because of the American-Canadian automobile deal?

Mr. GORE. Mr. President, as a preface to my answer, I recall to the Senator that I spent several weeks as a delegate to the General Agreement on Tariffs and Trade in Geneva. Therefore, I can answer the question from the benefit of this experience. In my view, our chance of winning the Kennedy round will be doomed by the passage of this bill. What would General de Gaulle say? He would imperially say, "Huh."

Mr. RIBICOFF. We have taken a basic business in which we have imported from European countries $573 million worth of automobiles in 1964. We charge other countries 6½ percent import duty. We relieve Canada from the payment of the 6½ percent—to the advantage of the Canadians.

It is my prediction, as it is the prediction of the Senator from Tennessee, that the other nations will make the United States pay for this waiver. We want those GATT negotiations to continue and to succeed, but we will have to pay for this waiver and for our disadvantaging them to the tune of $573 million worth of business. We will pay for it in agricultural products, in chemical products, in machinery. We will have to pay for it in something.

This is the irony of the situation: As the distinguished Senator from Indiana pointed out, this agreement has been missold to the American people as free trade. This agreement violates every American concept. This agreement violates every iota of what people talk about when they talk of free trade.

I again commend the Senator from Tennessee for rendering a public service in bringing the facts to the attention of the Senate, the people of the United States, the States which are involved, and those who are disadvantaged. We would be not only giving up trumps and aces, in our dealings with 75 other nations but giving them up in the GATT negotiations in Geneva at the present time.

Mr. GORE. Mr. President, I thank the Senator.

Earlier the distinguished Senator from Connecticut cited the fact that, with the exception of Canada, the United States imports more automobiles than it exports.

If we follow this course of equalizing our favorable balance with Canada, our great automobile industry will not only give up a surplus in international trade, but we will also have a deficit in this commodity. According to the logic of this agreement, that would be a wonderful thing for the United States.

Mr. RIBICOFF. Mr. President, is it not even more basic than that? When all is said and done, the basic industry of the United States is the automobile industry. The automobile industry is responsible for a major share of the economic life of our Nation, more so than is any other single industry.

Mr. GORE. Mr. President, highway transportation is, by all odds, the greatest source of employment in the United States.

Mr. RIBICOFF. Mr. President, once we start chipping away and giving away our basic industry in the United States, which this agreement would start to do, we open up a floodgate which would render a grievous hurt to the American economy.

I was interested in the colloquy between the Senator from Indiana and the Senator from Tennessee concerning a dole to displaced workers. We are talking about the automobile industry, not about displacing coal miners or employees in some small industry. Usually such an industry is antiquated and about to be replaced by modernization. When we talk about the automobile industry we are talking about a basic industry of the country. Once we destroy a basic industry, we make it extremely difficult for those who are displaced and unemployed by reason of such destruction and make it impossible to place the workers in any other industry. We would be displacing a basic segment of the American industrial complex.

Mr. GORE. I agree completely. A few moments ago I said that I would like to demonstrate that ultimately this agreement would result in severe disadvantage to the U.S. consumer.

Now I come to replacement parts. Let me say again that when the parts manufacturer moves from the United States to Canada, only the automobile manufacturing concern can bring his parts, the parts he manufactures in Canada, into the United States duty free. That brings up the question of the average American citizen who needs to buy a part to repair his automobile. It brings up the question of the garage owner in Tennessee, in Louisiana, in Kansas, in Connecticut. From what source will he obtain his supply of parts?

A large automobile agency owner called me out of bed this morning and implored me to persist. He said, "This means that I will have to buy most of my parts in Canada, and pay the tariff. It means that I will have to charge my customers more for parts to repair their automobiles."

I agreed with him, and I was so encouraged I said, "Oh, my, I would like to use this on the floor of the Senate today."

He said, "Oh, for heaven's sake, don't use my name. Don't use my name. General Motors might take their agency away from me."

Parts manufacturers and automobile dealers have had the quietus put on them all over the United States. One Senator after another has told me of instances of it. All the power of this monopoly, this cartel, is exerting itself down to the crossroads garage.

That is not fancy. It is not imagination on my part, or on the part of the garage man down in Tennessee.

I should like to read from a statement found at page 277 of the Senate hearings. The witness is Mr. Allan L. Levine, president, Automotive Service Industry Association. I proceed to the second point of his statement, which begins at the second paragraph on page 277:

> Second, the independent parts manufacturer distributes replacement parts for use on the vehicles after the original parts have gone out, and these he replaces generally through warehouse distributors or jobbers.
>
> Let me insert here a comment or two about this.
>
> If you buy a 1965 automobile, the chances are that you won't need many replacement parts for it before about 1967, and the peak time that you will need them and that we sell them will be from 1967 to about 1972. There is about a 5-year period, when an automobile is between 2 and 7 years old, that we have to have the merchandise on our shelves and moving. However, we also have to have it on our shelves from the day the new models are announced because very often a new part will prove to be defective, there are parts that wear out more rapidly

> and it is important for an independent manufacturer to be able to get his parts into the hands of the replacement segments of the industry as rapidly as possible.
>
> In order to do this, in order to tool up generally, he has to know what kind of a part goes on there. He can't wait until the new automobile come out and then rip off a muffler and duplicate it. So he works very closely with the vehicle manufacturer and he tries to get a contract to furnish some of the original equipment supplies and parts that a manufacturer will need, and the income he gets from his contract will offset his tooling costs and he will be in a position to supply the replacement parts market.

I wish the Senator particularly to hear this sentence:

> And the income he gets from this contract—

That is, with the automobile manufacturing concerns—

> will offset his tooling costs, and he will be in a position to supply the replacement parts market.

I continue to read:

> Let me also say this is an extremely complicated business because after a part is approximately 7 or 8 years old it is completely useless, if it would only fit one model year. Let's say an exhaust pipe for a 1957 Ford, for example. At this point, it is getting to be quite an obsolete part, and in order to keep the replacement parts wholesaler in business, a replacement parts manufacturer has to have a good obsolescence policy whereby he will take back a certain amount of obsoletes based on previous year's purchases, and so on. So it is an extremely complicated business and one of the things that keeps the parts manufacturer going and able to supply the wholesaler is the fact that he can count on a certain amount of original equipment business.

Mr. President, I digress from the reading of the testimony to emphasize the importance of the proposed agreement to automotive parts and to automotive manufacturers. The agreement provides an incentive for the big four companies to build subsidiaries in Canada to manufacture their own parts. It offers an incentive for them to encourage the industry suppliers themselves to move to Canada, to make their parts cheaper and import them into the United States duty free.

But what happens to the American consumer? That garageman down in Nashville, Tenn., had analyzed the problem for himself. He said, "It means that I will have to buy most of my parts from Canada. I will have to pay the duty. That will cost my customers more. My suppliers will be farther from me. What good does it do the United States?"

I felt that that question was addressed to me, because it is my job to represent the public interest.

The agreement is not in the public interest. It is a very special interest agreement.

I should like to continue to read from Mr. Levine's testimony:

> He needs this OEM business to pay for tooling costs—to write off his capital investment, and this makes replacement business possible, as I have indicated, but it is our contention that the independent manufacturers can lose their original equipment business under the proposed legislation, because the vehicle manufacturer himself will now produce in Canada to fulfill his obligations to the Canadian Government under the so-called letter of intent.
>
> Senator GORE. May I ask a question there, Mr. Chairman?
>
> The CHAIRMAN. Senator GORE.
>
> Senator GORE. You maintain then that if Congress approves this agreement the automobile manufacturers with whom members of your association have been contracting for the supply of individual parts will be enabled to build subsidiary plants in Canada.
>
> Mr. LEVINE. Exactly what I mean, sir. This is exactly what I mean.
>
> Senator GORE. And produce those parts at lower labor costs than prevail in the United States and then import them free?
>
> Mr. LEVINE. That is exactly right.
>
> Senator GORE. Duty free, to supply their own needs here.
>
> Mr. LEVINE. You have anticipated my next sentence, Senator.
>
> Senator GORE. I go to a question, though. If the individual suppliers in the United States—members of your organization—are denied their contractual relationship with the automakers, will not that result in higher costs of parts to the garages, to the auto supply stores, throughout the United States?
>
> Mr. LEVINE. Exactly, sir; exactly, sir.
>
> You see, it is our contention that in order for the vehicle manufacturers to reach this goal of an increase of $240 million of export from their Canadian subsidiaries, they are going to have to produce in Canada to fulfill their obligations, they will either buy their original equipment manufacture from the Canadian independent parts manufacturers, or they will have to put up plants to manufacture things in their own subsidiaries in Canada, and then they will export them to the United States duty free for use in new vehicles.
>
> The independent parts manufacturer in this country who had previously enjoyed that business will lose it, and because of higher tooling costs and the lack of this original market, it will result in the higher costs of U.S. replacement parts.

Mr. President, I ask the Senator from Connecticut if that does not demonstrate the contention I made earlier that ultimately it will mean higher costs to the consumers for parts replacement.

Mr. RIBICOFF. The Senator is absolutely correct. The parts that go into original equipment, whether made in the United States or Canada, would be duty free, but once those parts are sent to the dealer on the main street of any town in Tennessee, or the main street of any town in Connecticut, since they are not parts for the original manufacturer of an automobile, they will have to pay the normal American duty. So they do not come in duty free. Thus, we will lose both ways—we will lose jobs and we will lose industries—and, in addition, we as consumers will lose by having to pay a tariff because we have not been protected.

What shocks me about the agreement is that since they were making the agreement in the first place—which I do not believe they ever should have done—at least they should have protected the American consumer on parts coming in from Canada so that he would be in an equal position with the automobile manufacturer—to protect all of us who buy parts—that is, garages, and buyers of automobiles.

In other words, this was an agreement, as the Senator from Tennessee well points out, to take care of the four major automobile companies, with complete indifference for the rest of the public in every category in America.

Mr. GORE. Is it not strange that Congress is asked to pass a bill to implement a private agreement made by a Canadian subsidiary with the Canadian Government?

Mr. RIBICOFF. I would say it is not only strange, but shocking. I do not know whether in the history of this country—my mind is trying to recollect—there has ever been an agreement executed such as this one, wherein the United States will protect an agreement, or letters of intent, of the Canadian Government with four automobile companies. Even more shocking, at no time has there been brought to the attention of the public, or any committee of Congress, the entire agreement, or letters of intent, or the correspondence between the Canadian Government and these four companies; so that whatever other intentions there may be—and there are some letters in the RECORD—I do not believe that there has ever been produced the entire agreement. Thus, we do not actually know what the agreement contains.

Mr. GORE. The Senator has good reason to be suspicious. He is not the only one who believes that there are still secret commitments. The Tariff Commission, in the report to the Senate Finance Committee, had this to say—and I am reading from page 376 of the hearings:

> Further, it would appear from the texts of the four published letters that such letters do not fully express the present collateral commitments and that such commitments might be modified—or new commitments made—in the future.

Thus, the Senate is placed on notice by its own agency—the U.S. Tariff Commission—that the letters which have thus far been revealed, in the opinion of the Tariff Commission, do not represent the total commitment which has been made. Yet, we are asked to pass this bill to implement unknown commitments.

Let me recapitulate. On page 1 of the committee report, the purposes of the bill are set out:

> (1) To implement the Agreement Concerning Automotive Products Between the Government of the United States and the Government of Canada, signed January 16, 1965; (2) to authorize the implementation of similar agreements that the President may enter into with countries other than Canada; (3) to authorize the implementation of agreements supplementary to the foregoing agreements—

I digress from reading to state that those supplementaries could be secret agreements already made, or those to be made hereafter.

All the Senate is asked to do is to leap into the dark on this question.

The fourth point is:

> And (4) to provide interim special procedures for adjustment assistance to firms and workers suffering dislocation resulting from the operation of the agreement referred to in (1) above.

The Senate is asked to pass this bill to do the four things just enumerated and printed in bold-face type on page one of the committee report.

Mr. RIBICOFF. It would seem to me that ordinary prudence should dictate that we in the Senate go very slowly. It would also seem that ordinary prudence would dictate that the least the Senate could do would be to hold back on approving any such agreement until the Tariff Commission has had an opportunity to look into the whole matter and come back and tell the Senate and the people of the United States what is in the agreements and what the impact upon American industry, American labor, and the American consumer will be. It would seem to me that that is the least we in the Senate could do.

Mr. GORE. I agree with the Senator from Connecticut.

Mr. HARTKE. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I am happy to yield to the Senator from Indiana.

Mr. HARTKE. We talk about secret agreements, and why we should act in a hurry. Sometimes words that come to us come from those who should know best what they expect to receive out of it—that is, the Canadians themselves.

I should like to quote a story which, if it could be published in every newspaper and told on every television program in the United States, I am sure would insure that there would be no hurry on the bill.

This is from the Financial Post of Canada, dated September 6, 1965, on page 13, which states in part:

> These have been nervous weeks for the (Canadian) officials running the program, while they wait for Congress to approve the U.S. end of the arrangement. Until it is approved, no one wants to say or do anything that could provide ammunition to the program's enemies in Washington.
>
> * * * * *
>
> Drury and his officials are fully convinced the program will work, that it will mean more jobs in Canada, (and) an improvement in our balance of payments * * *. But until Washington finally passes its legislation the order of the day in Ottawa is "silence."

Mr. President, they are afraid to tell the truth to their own people. They are even afraid to permit the story to come out. They will not even print the letters. The testimony in the committee was uncontradicted, that there are still letters of agreement which have not been publicized. The Canadian Government has said that they are confidential in nature. There is no way for us to take a look at them. There is no way for us to go into Canada and force them to open up their files on these secret agreements.

Mr. GORE. Does the Senator from Indiana agree with the suggestion made by the Senator from Connecticut that we should postpone action on this matter until we do learn what we are asked to endorse?

Mr. HARTKE. I would believe that perhaps the assistant majority leader, the Senator in charge of the bill, might even be inclined to feel that that is a proper solution, because after all——

Mr. GORE. Oh, no, no—he has to solve the Canadian balance of payments now. Do not place that burden on him. That problem must be solved right away, at the expense of the United States.

Mr. HARTKE. I certainly agree. I agree that an independent study should be made. After all, there is no basic disagreement between the Senator from Tennessee and the Senator from Indiana, or the Senator from Connecticut and the Senator from Louisiana, that if we could really show to the American people that the agreement would provide more jobs for Americans and Canadians, solve the balance-of-payments problems both for Canada and for us, and not destroy industry, but bring the people on both sides of the border to that wonderful day for the United States and Canada—that is what we are trying to accomplish by GATT——

Mr. RIBICOFF. That is supposed to be the objective.

Mr. HARTKE. The State Department has agreed that if this agreement is adopted, the idea that we are going to have further negotiations with Canada on this matter is a mistaken one.

Perhaps we could receive an agreement from the Senator from Louisiana that there be real findings of fact made on this problem so that we might be convinced of what we are doing.

Mr. LONG of Louisiana. Mr. President, the statement has been made that the Senator from Louisiana is more interested in helping the balance-of-payments problem for Canada than in helping to solve the problems of this country. But let me point out that the administration, a Cabinet-level committee—which included the Secretaries of State, Commerce, Treasury, and Labor, and Governor Herter—majority of the members of the Cabinet, two-thirds of the House of Representatives and the House Ways and Means Committee, three-quarters of the members of the Finance Committee of the Senate approved the measure. So if there is to be an indictment, let us put the indictment on everybody except the few who have their own views as to the way of righteousness.

Mr. HARTKE. Is the Senator afraid to find out the facts?

Mr. GORE. Mr. President, I should like to respond by saying, Let the facts speak for themselves. Who benefits from the agreement? I do not see how name calling is going to do any good. The question is, Who benefits? Not the American people. Who are the beneficiaries in the United States? Name one. Our balance-of-payments situation is not a beneficiary. Our employment picture will not be a beneficiary. Who benefits? The automobile manufacturers themselves, and they alone. Who is hurt? Who are the victims?

Mr. LONG of Louisiana. Let me answer the question.

Mr. GORE. Let me answer the question. Then I will yield.

Mr. LONG of Louisiana. I thought the Senator was asking me a question.

Mr. GORE. Who are the victims in the United States? The consumers. The people who must buy parts to repair their automobiles. Not the owners of Cadillacs. Oh, perhaps one may be in a wreck or in need of a carburetor, but I am talking about people who use automobiles from 2 to 7 years. Talk to the president of the Automotive Service Industry Association. Ask him what the unemployment situation will be. The automobile parts wholesalers testified that this agreement would cause higher prices for parts to repair automobiles in the United States.

Who are the other victims? The thousands of small businessmen who are manufacturing automotive parts. Who are the other victims? The workers, many of whom—hundreds of whom—have already received notices that they are out of jobs.

Who else? The taxpayers, who will have to bear the cost of the dislocation of industry, the bankruptcy of small businessmen, the unemployment of workers, and the balance of payments.

Who are the beneficiaries in Canada? The subsidiaries of the big four, the American automobile companies concerned. They, and they alone, will import duty free from the United States.

Who else will benefit in Canada? The companies that will want to buy Japanese automobiles, have them shipped into Canada, and then ship them into the United States, so that they can come into the United States duty free. The Volvo people, which organization is already established in Canada, will also be able to ship automobiles into this country duty free. Also, the concerns that are already planning to bring parts and assembly plants for the Volkswagen, so they can invade the American market, duty free.

What else? The balance-of-payments problem in Canada.

If I have an anti-Canadian sentiment in my system, I am unaware of it. I am prepared to accept free trade between the United States and Canada from the Hudson Bay to the Gulf of Mexico. But I am not prepared to endorse this closed cartel for the future that is for the benefit of neither the American people nor the Canadian people, but primarily for the automotive manufacturing concerns. And I am not sure they will be happy very long.

The senior Senator from Indiana [Mr. HARTKE] made a prediction yesterday that by the time this flood of Japanese automobiles, Volvos, Volkswagens, Renaults, and Peugeots, and whatnot, flood the American market, the automobile manufacturers may be sick of this deal and want to close this gap. I do not know; I have thought many times of the statement made by the senior Senator from Indiana [Mr. HARTKE]. He may be right. But we do not have to wait long and speculate as to the others who are going to be hurt. I read telegrams from people who have been thrown out of work. I could read to the Senate telegrams from my own State.

Mr. President, we have been speaking in generalities. We have been talking about the higher cost of production in Canada. There are some automotive parts that can be manufactured more economically or cheaply in Canada than in the United States.

Let us talk about ball bearings, a rather basic element in an industrial state. Bearings from Canada are now competing in the U.S. market even after the payment of the tariff. When the tariff is taken off completely, what does that do to the American manufacturer?

It happened that a very successful manufacturer of bearings testified before the committee, and he indicated that he might have to establish a factory in Canada. This indication has come from many.

Mr. President, I have been thinking about the suggestion made by the Senator from Connecticut that action on this bill should be postponed. The more I think of it, the better I think of it. There are, it seems to me, several reasons why the suggestion has merit.

It is obvious from the report made to the Finance Committee by the Tariff Commission, which I have already cited, that other agreements may be in effect.

The agreement which the Senate is asked to endorse is already provisionally in effect, with Canadian duties not being collected and U.S. duties not being liquidated. Whatever this agreement will accomplish for good or ill is already underway. For all practical purposes, the agreement has been in effect for 8 months.

The pending bill is retroactive. A delay in this legislation of 3 months will not hurt the automobile companies. Indeed, they will continue to collect their rebate on Canadian tariffs and have it securely in their purse. Such a postponement would give the Senate an opportunity to form a responsible judgment.

When I conclude my remarks I shall offer a motion to postpone consideration until a day certain in January.

The purpose will be to permit the Senate to learn the facts and to give the U.S. Tariff Commission time for further study of this entire question, including the following:

First. Probability of additional and, as yet, unrevealed, commitments between the automotive big four and the Canadian Government.

Second. Possibility or probability that market forces alone will not be able to support the amount of Canadian production envisioned by the Government of Canada after 1968. If there must be new, artificial guarantees to Canada running indefinitely into the future, we should have some idea as to what their magnitude might be, because according to the committee report the bill would endorse supplementary agreements made or yet to be made.

Third. A determination as to what we might likely face in the GATT Conference.

Fourth. The effect this agreement will have upon the Kennedy round; and the effect it will have upon the farmers who may, by reason of this agreement, lose their opportunity for increased exports of farm commodities to Western Europe.

Moreover, we need to learn more about the effect of this agreement upon the small businessmen in this country and manufacturers of automobile parts. Some of them already face competition from new Canadian facilities. Some may benefit by moving to Canada. That is possible.

But what of their employees who are left at home unemployed? How much will that cost the taxpayers? We need to know the cost of the measure.

Fifth. I would like the Tariff Commission to make a study of the possible danger of greatly increased imports of European and Japanese made automobiles and parts via Canada, as a result of this agreement.

I point out that after 1967 the Canadian content requirement is only 50 percent, and it is said that assembly alone on automobiles amounts to about 30 percent. We may be opening a dangerous situation, not only from the invasion of this market by European and Japanese automobiles but, as the senior Senator from Michigan pointed out yesterday, Studebaker, manufacturing exclusively now in Canada, will have free entry into the U.S. market. If Studebaker can move entirely to Canada and still supply the American market, duty free, American Motors could do the same thing.

This is rather unlimited. The potential dangers are great. The Senate needs to think several times before approving this agreement.

Mr. President, shipment of assembled automobiles into the United States in large numbers is not, therefore, to be expected. The additional Canadian production will likely be largely in automotive parts, and many U.S. parts producers are already either moving some of their facilities to Canada, or shutting down facilities or curtailing production in the United States. The cost of producing certain parts, particularly those where investment per worker is relatively low, is not necessarily higher in Canada. Indeed, with wage scales averaging some 50 cents per hour lower in Canada among automotive workers, cost of production of some parts could be considerably lower in Canada.

These benefits to be derived from the complete removal of duty are to be realized only by automobile manufacturers. The burden of transferring these benefits to the big four must be borne largely by the independent parts manufacturers in the United States, of which there are some 10,000 firms which are regular suppliers of parts to the automotive industry, and by their employees, many of whom are not members of the UAW.

With the above facts in mind, then, what can be said about a bill which would implement an official agreement between our Government and the Government of Canada, and which would also implement privately negotiated side deals between the Government of Canada and the automobile manufacturers, the obvious, the stated, the undisputed purpose of which is to shift a well defined amount of automotive production from the United States to Canada?

One may first speak of violated principles. In a pragmatic society such as ours, principles are often breached. And this may not necessarily be improper. What is highly, dangerously, improper is the failure to recognize, and label for what they are, actions which make a shambles of principles. If such actions are acknowledged, but nevertheless undertaken out of necessity, underlying principles will survive. They can hardly survive when they are breached without a recognition of the fact.

The administration has attempted to mislead the Congress and the public in this particular instance. There has been an attempt to masquerade as "free trade" or "freer trade" an agreement which is the very antithesis of free trade and which, in fact, goes so far as to give official sanction to a nascent cartel.

This legislation would completely desicate our whole philosophy, concept and implementation of international trade.

Since World War II, the United States has busied itself in efforts to rebuild and strengthen the free world, tying it together, fasces-like, with political, cultural and economic bands, one of the strongest of which is the multilateral and reciprocal approach to freer trade. This bill we are now asked to approve moves strongly and directly away from this approach and specifically violates our "unconditional most-favored-nation commitments to the more than 60 contracting parties to the GATT." This is contrary to the procedures laid down by the Congress in the 1962 Trade Expansion Act. Our negotiators at the Kennedy round can hardly overcome the French sphinx with a weapon of this sort which the administration is forcing into their hands.

I think this point is worth emphasizing. We do not take lightly treaty violations by other countries. Why, then, should we, ourselves, treat in so cavalier a manner a solemn treaty obligation?

State Department spokesmen have told the Finance Committee, as though this were a matter of no consequence, that a waiver can be obtained. Yes, I suppose a waiver can be obtained. But objections to this agreement have already been registered, and I would be interested in finding out—if such is ever possible—just what our State Department negotiators end up paying for a waiver. I hope such information will be included in the first report which the President makes to the Congress on this agreement.

On principle, this agreement, with its accompanying side deals, all implemented by this legislation, is without excuse—albeit not without excusers.

But I would not base my opposition on principle alone. Let us look at some of the cold, hard practicalities involved here.

To begin with, this arrangement helps to establish and give official sanction to a cartel in the automotive field. The Canadian subsidiaries are to split their production, at least their increased production, according to a specified formula.

In the letters signed by officials of the Canadian big four automobile companies, the terms of expansion—division of the market—are clearly set forth. Each company is to begin from its 1964 base and build on that a fairly well defined increase in production. Each company is to increase production in accordance with its current Canadian value added and increased sales, and in addition is to increase its production by model year 1968, or see to it that its vendors increase their production, by stated dollar amounts—General Motors by $121 million, Ford by $74.2 million, Chrysler by $33 million, and American Motors by $11.2 million. This should operate quite nicely to keep the market divided among these companies in roughly the above ratio.

And, with the further integration of the entire North American automotive market, this ratio should be pretty well maintained and, in fact, spill over into the U.S. market.

It is a strange performance—having the Government of the United States lend official sanction to a nascent cartel.

Another very practical effect of this agreement will be the increased cost of automotive parts for U.S. consumers. This may be a bit difficult to understand if one has not studied the structure of the parts industry.

Most parts producers make parts for both original equipment and replacement. Having secured a contract from one of the big automobile manufacturers, the parts manufacturer—and there are about 10,000 of these, mostly small business, which regularly supply automotive parts to the big companies—can then proceed to manufacture, and market through wholesalers and such national chains as the Western Auto Stores, replacement parts for independent garages and even for the big four dealers. Because his dies and basic equipment can be paid for in his contract for the original equipment parts, this small manufacturer of automotive equipment and parts can supply the replacement demand fairly cheaply. He can hold down prices for the benefit of the consumer who must maintain his car for 5 or 10 years.

The result of this agreement, however, will be to move many parts manufacturers to Canada, or to start up new operations there, perhaps financed by and more closely tied to the big four, with the consequent loss of original equipment business by the American parts manufacturers. If one of these small manufacturers loses his original equipment business to a Canadian manufacturer, he either goes out of business altogether, or else he must raise his replacement parts prices to American consumers.

But, one might say, the part can be imported cheaply from the new Canadian supplier of original equipment. That is an easy but insufficient answer.

Due to the way this agreement is rigged in favor of the big automobile manufacturers, the duty is removed for original equipment parts, but not for replacement parts. Thus, if the small U.S. business closes down and the part must be imported from Canada, the duty must be paid by the U.S. consumer on his replacement part. The cost of keeping an older car in running order will certainly increase.

Another major way in which all of us will be hurt is in the effect this agreement will have on our balance of payments.

The Secretary of Commerce is directly concerned with the balance of payments, particularly with respect to the encouragement of exports and the discouragement, under the President's program of "voluntary" restraint, of foreign direct investment by our large corporations.

Just last weekend, the press took note of an unpublished report, said to have been made to the White House by Secretary Connor. This report, according to the press, outlined the foreign investment of our big corporations for the first 6 months of this year, and, not at all surprisingly, concluded that the "voluntary" program had not thus far shown any concrete results. Indeed, overseas investment during the first 6 months of this year amounted to some $1.7 billion as against the comparable figure of $2.4 billion for the entire year 1964. And during 1964 the President's "voluntary" program under which the big corporations were supposed to help out the Government, and all of us, by slowing down their foreign investment, was not in effect. So we are doing worse.

But should one be surprised at this when the same Secretary Connor, who is supposed to encourage these big corporation managers to slow down their foreign investment, exerts such pressure in behalf of foreign expansion of the big four automobile companies by supporting this improvident agreement?

There are two elements involved here in the balance of payments.

First, consider investment. The Canadian subsidiaries of the big four, as well as many parts manufacturers, must spend many millions of dollars in Canada to increase facilities for the extra automotive production which this agreement will push across the border. Administration spokesmen play this down, stating that the big four can expand with retained earnings and Canadian borrowings.

I never cease to be amazed at the lack of understanding evidenced by such statements. If a dividend which ought to be repatriated, and which has in the past been repatriated, to help out on our balance of payments is kept abroad, this is reflected on the ledger just as though a new dollar were dispatched overseas. If an individual's income is cut in half, his bank balance will suffer just as much as if he had made a comparable increase in his expenditures. It really should not be necessary to point out such elementary matters, but it is.

Let us look at the Canadian subsidiaries of the big three. Last year they paid dividends of only $14.4 million. But for each of the preceding 3 years they had paid a steady $45 million to $48 million. Ford of Canada has a minority ownership, but otherwise these dividends come right back into the United States to the parent corporations and help to balance out funds shipped abroad by these same, or other, corporations.

So, earnings and profits are being retained in Canada for Canadian expansion, to the detriment of our own balance of payments.

The other factor is the trade balance in automobiles, trucks, and automotive parts.

We have a large automotive trade balance with Canada in our favor. We should, because this industry is one of our most efficient. Canada has a large balance in her favor in sectors where her production is better and cheaper, such as paper and pulp products.

Now, with an expanding North American automotive industry, it should be expected that our favorable automotive trade with Canada would increase. Secretary Connor told the Finance Committee that our balance would not increase under this agreement "at the rate that it would have if economic conditions alone prevailed," although he contended that our balance of trade would increase some.

But even this is disputed by Treasury. That Department furnished statistics to the committee which showed that our automotive trade balance with Canada would be slightly less for the 1968 model year than it was for 1964. And I am inclined to think that even Treasury's figures are optimistic.

The conclusion, then, is inescapable. Our balance of payments will be hurt, and hurt seriously, by funds for expansion being shipped to, or retained in Canada, as well as by the failure of our automotive trade balance to increase in proportion to overall market growth.

Now, Mr. President, I would like to take a closer look at this legislation and agreement and point out some things which deeply disturb me.

The thing which disturbs me most is the fact that this legislation takes cognizance of, and is based in part on, privately negotiated deals between the Canadian automobile big four and the Canadian Government. As I read the language of section 302(l) (4) of this bill, not only are the private agreements already entered into between the Canadian big four and the Canadian Government recognized here, and by inference made a part of the agreement, but similar side deals which may be negotiated in the future are also recognized.

This is altogether one of the strangest things in my experience. The taxpayers of the United States are to pay for damages to U.S. workers and investors who may be hurt by privately negotiated side deals between the Government of Canada and Canadian companies.

Even though this agreement and legislation are incomprehensible without a knowledge of the letters signed by the Canadian big four officials, and which guarantee the transfer of a sizable slice of U.S. automotive production to Canada, the State Department has maintained what is, to me, an alarmingly detached attitude toward these letters. And they seem not to be aware that new letters will likely be demanded in 1968.

All in all, the State Department has displayed a lack of either candor or competence—and perhaps both.

Our State Department officials will not admit to having seen the letters of commitment prior to their publication during the Ways and Means Committee hearings. And yet these letters are the real kernel of this nut.

Secretary Connor even made this completely astounding statement:

> I think, Senator DOUGLAS, this is a subje that having been raised by these letter arrangements that each of the Canadian subsidiaries has made with the Canadian Gov

ernment might properly be explored with the manufacturers when they are before you, because it does involve considerations with which we are unfamiliar.

And yet, let me repeat, these letters are really part of this agreement and their effects are provided for in the bill now before us. And there will in all likelihood be new letters in 1968.

These letters are so important that Mr. Roche, president of General Motors, referred to them as outlining "requirements for us to continue operating in Canada."

But, if this were not bad enough, let us look ahead to 1968.

The agreement calls for a comprehensive review of this operation in January between the Governments of the United States and Canada.

What does the Canadian Minister of Industry expect of this comprehensive review? Here is a part of his statement issued on the eve of the signing of the agreement last January.

> While Canada-United States agreement is of unlimited duration, it provides for a comprehensive review of the whole program to be undertaken in 1968. At that time, consideration will be given to such further steps as may be necessary or desirable for the full achievement of the agreed objectives. In particular, Canada will wish to be assured that institutional barriers now limiting Canadian production and trade have been eliminated or substantially reduced and that the initial program has gathered sufficient momentum to insure that market forces, unaided, will provide adequately for the situation after 1968. The test will be whether the Canadian automotive industries have adequate opportunity to participate fully and equitably in the expanding North American market.

The clear implication is that if the Canadians are not satisfied that market forces, unaided, will make the Canadian automotive market grow at a faster rate than Canadian consumption, then additional letters pledging aid to the market forces will be required of the Canadian big four.

If the United States objects, the agreement will be canceled.

This prospect is further borne out by the concluding paragraph, identical in the case of three of the big four, with the exception of the use by Ford of the editorial "we," of the letters of commitment.

> I understand that before the end of model year 1968 we will need to discuss together the prospects for the Canadian automotive industry and our company's program.

Would anyone doubt, in the face of these statements, that Canada will continue to insist, after 1968, on transferring yet another segment of American automotive production into Canada?

I would venture a prediction that, in 1968, Canada will require a somewhat lesser guarantee from the Canadian automobile companies, say, $150 million over and above growth, as against $241 million for the current period. And the State Department will then claim a victory for reducing Canada's demands.

Now, Mr. President, I would like to say a word about the adjustment assistance procedures in this bill. This more or less completes the farce.

It has been claimed that the Trade Expansion Act of 1962, which initiated this new concept of government assistance for workers and owners hurt by foreign trade concession-induced loss of production has not worked well. Admittedly the procedures are somewhat rigid, but in my view, it is better to begin a new program of that sort with rigid standards which can be loosened as need dictates. To reverse that process is almost impossible, politically.

But in this bill, all the bars are down. The President can extend vast benefits in unspecified amounts at times and places of his own choosing. But this largess is only for those affected by this Canadian agreement. Other workers and owners, equally hard hit by other trade concession-induced losses would be left to proceed under the rigid specifications laid down in the 1962 act.

If the 1962 act is, in fact, faulty, let us amend it. But let us not create yet another favored group in the automotive industry. And that is just what we will do on the passage of this bill.

Finally, let me mention a, perhaps, minor objection, but one which is often raised by the administration in other instances. This agreement and bill are based on an "end use" concept. In other words, in limiting duty-free treatment to parts used as original equipment in assembling an automobile, each individual part, spark plug, break pedal, rubber cover, carburetor, fan belt, and so on, imported duty free must be used on a new automobile. There can be no substitution.

This cannot possibly be enforced. There will be all sorts of violations, intentional and unintentional, and the way thus opened for easy violations of customs laws and regulations will likely lend encouragement to other evasions.

The above are just a few of the practical effects of the adoption of this bill. But there are two other objections which possibly transcend all these.

The power of the President, at least since the 1930's, has been on the ascendancy, with a corresponding diminution of the power and prestige of the Congress. We have now reached a position of serious imbalance. The ratification of the President's action in negotiating this trade agreement will further erode the Congress' standing. Not since 1911 has the President negotiated a trade agreement of this sort—one requiring implementing legislation—without prior authority of Congress. Ample authority for negotiation now exists in our general legislation, particularly in the 1962 act. But, in this instance, the President has chosen to ignore this line of authority.

The other really important point in all this relates to our foreign policy. Our government-to-government negotiations, we regretfully must conclude, are woefully weak. But it is even more vital that we maintain a proper people-to-people stance, particularly in our dealing with democratic countries, which Canada certainly is in every sense of that term.

The people of Canada, the consumers of Canada, clearly identify the Canadian automobile companies, the big four, as U.S. corporations, and properly so, even though technically they are incorporated in Canada as subsidiaries of the U.S. parent corporations. Canadian consumers can already begin to see that, as a result of the various deals, official and unofficial, which will be ratified by this legislation, the Canadian consumer is not to be benefited. Rather, the automobile companies—U.S. giants, oppressive corporations, in the eyes of many Canadian consumers—are now to pocket the approximately $50 million which formerly went to the Canadian Government in duties. The Canadian citizen, then, qua taxpayer, must make up this deficit in his Government's income. The Canadian citizen, qua consumer, must still pay an exorbitant price for his automobile, when he ought to be able to go across the river to Detroit and buy the same automobile for 15 percent less. A Canadian automotive subsidiary of our big four can import duty free, but not a Canadian citizen.

This does not further good people-to-people relationships .

The same situation exists, of course, with America's importing automotive parts from Canada. The big four automotive companies can import parts, however cheaply made, from Canada duty free, but not a garage, repair shop, or auto parts supply store. Free trade? For whom? Not the people of either Canada or the United States.

This agreement, together with the private side agreements, must stand revealed as a special interest, very special interest, device. The beneficiaries—and the benefits are vast—are the automobile manufacturing companies. Its victims will be the U.S. auto parts industries, mostly small business, and their employees, the U.S. economy, and our difficult balance-of-payment problem.

The real excuse for this arrangement—and this has been advanced over and over by administration spokesmen—is that without it we face a trade war with Canada and our situation, it is said, would then be worse than it will be under this government-to-government agreement and the private agreements entered into between the automotive companies and the Canadian Government. Of course, a trade war, or any other kind of war, is always possible, but sensible men deal in probabilities, not possibilities, when negotiating on any subject and at any level of individual, group, organization, or governmental activity.

What are the probabilities in this instance? The United States and Canadian economies are closely interwoven. The Canadian economy could not survive a trade war with the United States. Moreover, the political balance in Canada is delicate, to say the least, and the political party currently in power holds the reins somewhat tenuously. A trade war, even limited to automobiles, would result in higher prices for automobiles in Canada, at least a temporary loss of jobs in certain segments of Canada's automotive industry, and generally acute unhappiness on the part of the Canadian consumer-voter with the Canadian party in power. The overall disenchantment of the Canadian voter would very soon be translated into concrete political activity.

Of course, the U.S. Government should have taken some type of action in 1962 when the first limited duty rebate plan was unilaterally initiated by Canada. It certainly was inexcusable to continue to ignore Canada's actions after the broad remission scheme was begun. Now, to meet a situation which has been allowed thus to mushroom, we have entered into an agreement which will result in an even further deterioration of our position. Our automotive industry will see a larger increment of production shifted to Canada under this agreement than would have been the case under Canada's unilateral duty remission scheme. Our balance of automotive trade will be less favorable under this agreement than it would have been under the duty remission scheme.

I do not wish to end on a negative note. There is a real problem—a growth problem and a consumer problem—to be dealt with here. I want to see the Canadian economy grow, but it should grow in its most, not least, efficient sectors. Let us, then, break down the economic forts and outposts along our common border just as we long ago freed the breadth of our continent, from the St. Lawrence to Puget Sound, of military barriers to mutual trust, friendship and progress.

And let us move forward for the benefit of the consumers of Canada and the United States. This cannot be done by emphasizing inefficiency on a commodity-by-commodity basis. It can be done, through truly freer trade, thus increasing Canadian production in such commodities as paper and U.S. production in such commodities as automobiles, with lower prices for all consumers.

All in all, it is most difficult to see anything to commend, but much to condemn, in the subject transaction.

The public interest requires rejection of this improvident agreement.

Mr. President, I move that action on the pending bill to postponed until the second Monday in January.

Mr. LONG of Louisiana. Mr. President, a parliamentary inquiry. Is that motion debatable?

The PRESIDING OFFICER. The motion is debatable, and the motion is in order.

Mr. LONG of Louisiana. Mr. President, I shall discuss another subject for a moment, and then I shall discuss the automobile agreement further, with special reference to some of the things said in debate today.

THE SUGAR ACT

Mr. LONG of Louisiana. Mr. President, the action of the House Committee on Agriculture with reference to the proposed amendments to the Sugar Act and the events that have transpired since that time have brought considerable criticism to the House of Representatives. It emphasizes more than ever the duty of the U.S. Senate to act responsibly to retrieve what could very well be a most unfortunate situation.

It is necessary that we pass a Sugar Act this year to protect American farmers and sugar mills and refineries. A few years ago, there was a worldwide scarcity of sugar. At that time, this Nation encouraged farmers to produce more sugar and, in some instances, made loans to new concerns in order that they could establish themselves in the business of providing more of this Nation's needs, thereby making us less dependent upon less certain overseas production. Those who entered business at that time to provide a needed commodity in scarce supply did not have the needed production marketing quotas to sell their sugar when the product again came into surplus supply. Some of those concerned have been forced into receivership and others are desperately in need of the necessary marketing quotas. This condition exists, generally speaking, throughout the areas that produce sugarcane as well as sugarbeets within the United States. When we are successful in passing the new sugar bill this condition can be corrected.

The particularly unfortunate situation that has developed exists with regard to foreign quotas. Historically, this Nation relied upon Cuba to provide most of our requirements of sugar. In order to make it possible for the Cuban industry to carry large inventories to protect us in emergencies and in order to permit a reasonably decent standard of living for Cuban workers, this Nation purchased its Cuban requirements at a premium. In subsequent years, other Latin countries importuned this Nation for a share of the favorable treatment accorded to Cuba. After the Castro takeover, our offshore requirements were spread generally among friendly Nations, mostly Latin American countries with whom we have traditionally had close, friendly ties. There has always been some logical pattern to administration recommendations under both Democratic and Republican Presidents to suggest why some countries should receive larger quotas than others.

In the present instance, the Department of Agriculture in cooperation with the Department of State considered a number of factors. One factor was the amount of quota that the country had been accorded in previous years. A major factor related to the cooperation that sugar-producing countries gave the United States at a time when there was a worldwide shortage of sugar. Those countries that sold us sugar, in some instances below the world market price, were accorded more favorable treatment than those countries which failed to deliver even up to the quotas which, at the time of enactment by Congress, had intended to be purchased at a premium above the world market. The administration did not have the power to promise what Congress would do. Those who came for our help in our hour of need were assured that they would not be forgotten when the situation reverted to a surplus supply of sugar in the world.

These are the considerations that prompted the administration's recommendations on foreign sugar quotas.

Congress, of course, has the right to make changes in administration recommendations. Sugar producers of some countries retain representatives in the legal profession to seek favorable treatment by the appropriate committees and by the two Houses of Congress. The result has been that the House committee made drastic changes in administration recommendation which many of us fail to understand. Both the press and foreign ministers representing countries adversely affected have suggested that undue influence was brought to bear in one way or another. The controversy over foreign sugar quotas has gone to the point that it is now suggested in the House that countries be denied the premium price and that all offshore sugar purchases be purchased at world market prices. It may be that the House will feel compelled to agree to such an amendment to extricate itself from a parliamentary situation. If that should be the case, then I feel that the Senate should restore the premium price and consider restoring the quotas substantially, if not precisely, in line with the administration's recommendations. I say this as one who in previous years voted for such an amendment to require offshore purchases at world market prices, and I believe that my difference in position on this occasion is well justified by the facts that exist today.

When countries have become accustomed to a favorable trading situation they tend to feel that they have been denied their just deserts when they are deprived of something that they had come to accept as a fact. At present we are relying heavily upon friendly nations in the Organization of American States to understand our difficult problems in resisting the spread of communism in this hemisphere. The situation in the Dominican Republic is particularly critical and we very much need responsible and constructive thinking by our Latin neighbors. If that situation is to be resolved to the best advantage of our people in this hemisphere, there could hardly be a worse time to anger and infuriate good people who are pleased with the traditional business they do with the United States. Particularly, would this be so if those people should suffer economic hardship after commitments had been made to them and assurances had been given that they would be rewarded for the assistance and cooperation that they gave this Nation in our hour of need.

I am frank to say that if the House should pass the sugar bill that was reported by the Agriculture Committee of that body, it is not likely that we will be able to persuade the senior members of the Agriculture Committee to accept the administration's recommendations in conference unless the House should adopt the amendment relating to world prices or insist on a motion to recommit to the committee with instructions and thereby strengthen the hand of the Senate conferees when they meet with those from the House. This is so because the House conferees do not represent sugar producers to the extent that the Senate conferees usually do and they are in a position to be completely adamant and let the whole measure die without suffering the repercussions that would occur in major sugar producing areas. This has traditionally been a cause of complaint in the Senate in acting on the legislation. The majority of Senators have felt that sugar legislation was needed to a greater degree than a majority in the other body. In the hope that we can act responsibly and in a manner above any possible reproach in the Senate, I am urging the chairman of the Committee on Finance, the Honorable HARRY BYRD of Virginia, to call hearings on this matter at the earliest possible date.

I have introduced the administration's recommendations both as a Senate bill and as an amendment to a House-passed bill. This alternative approach has been used in the event that the chairman and some members of the committee might feel that we should rely upon the constitutional requirement that revenue measures must originate in the House of Representatives. The Committee on Finance used this approach some years ago on a relatively less important measure known as the honey bee bill, with amendments to the Sugar Act. This matter is extremely important both to sugar producing areas and to our international relations.

Congress should not adjourn until we have settled it in the national interest.

There has also been some suggestion that the consideration of the Sugar Act be delayed in the hope of forcing some Senators who oppose the repeal of section 14(b) of the Taft-Hartley Act to be present and answer quorum calls in the fight that is soon to ensue over that important piece of labor legislation. This is a totally irresponsible approach.

Sugar is neither a Democratic nor a Republican commodity, nor can it be regarded as a labor or management commodity. Senators and Congressmen from sugar-producing areas are both for and against the repeal of section 14(b) depending upon their views on matters that have nothing whatever to do with sugar and, for that matter, that have nothing to do with our foreign relations. We have not permitted any other major piece of legislation to be prejudiced by the fight that will ensue over the efforts to repeal section 14(b) and we should not permit that to happen in connection with the sugar legislation.

SUGAR LOBBYISTS

Mr. WILLIAMS of Delaware. Mr. President, in today's issue of the Washington Daily News there appears an editorial entitled "Mr. FINDLEY, Sugar, and Lobbyists." The editorial points out Representative FINDLEY's effort to amend the sugar bill in a manner to better protect the interests of the American consumers.

I compliment Representative FINDLEY upon his efforts and wish him success. However, I point out that should he fail, there will be another chance when the bill comes to the Senate for consideration.

The fantastic fees that have been paid to some of the sugar lobbyists exceed all realms of propriety, and Congress would be negligent in its responsibility if it sat idly by and permitted the bill to pass without protest, or without amending it in a manner to better protect the American consumer.

I ask unanimous consent that the editorial, entitled "Mr. Findley, Sugar and Lobbyists," be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. FINDLEY, SUGAR AND LOBBYISTS

To Congressman PAUL FINDLEY, of Pittsfield, Ill., the sugar users in this country owe a debt for at least trying. Mr. FINDLEY has not won his battle to change the high price-fixing law on sugar. But he is one of the few to challenge this law, and he has scored an opening.

He has won the right to offer amendments on the House floor to a 5-year extension of the law proposed by the House Agriculture Committee, which virtually has been a czar in deciding who would sell sugar in the United States.

If the committee and its chairman, HAROLD COOLEY, of North Carolina, had had their way, the bill would have gone to the House floor under a "gag" rule—no amendments.

Mr. FINDLEY has two amendments, which the House now will get a chance to vote on. He wants to bar from the privileged list of countries permitted to sell sugar to the prize American market any foreign producers who hire Washington lobbyists. And he wants to impose a Federal tax on imported sugar to recapture part of the premium prices (over world prices) the United States pays for its sugar under this law.

In short, Mr. FINDLEY is trying to take the "gravy" out of the sugar business.

As it is, U.S. consumers are paying about 3 cents a pound more for sugar than consumers in, say, Canada. This is because of the sugar law.

In the sugar bill approved by the Cooley committee, Mr. FINDLEY says nine countries awarded quotas for the first time were represented by lobbyists. Argentina, which had no lobbyist, had its quota severely reduced.

So Mr. FINDLEY wants to know how much influence lobbyists have in setting quotas. His amendment is intended to reduce their influence to nil.

Some of the lobbyist fees run as high as $50,000 a year, and in the past at least some fees have been hinged to the size of the quotas.

Mr. FINDLEY has other questions about the validity of the sugar law, such as whether the law is really necessary, as its backers claim, to assure the country of an adequate supply of sugar. Before Congress acts, all these questions should be answered.

Moreover, the present law does not expire until December 31, 1966. Why, then, is there such a rush about jamming through a 5-year extension in the 1965 session of Congress, without answers to these questions?

HEART DISEASE, CANCER, AND STROKE AMENDMENTS OF 1965

Mr. HILL. Mr. President, I ask that the Chair lay before the Senate the amendments of the House to S. 596.

The PRESIDING OFFICER (Mr. GORE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 596) to amend the Public Health Service Act to assist in combating heart disease, cancer, and stroke, and other major diseases, which were, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Heart Disease, Cancer, and Stroke Amendments of 1965".

SEC. 2. The Public Health Service Act (42 U.S.C., ch. 6A) is amended by adding at the end thereof the following new title:

"TITLE IX—EDUCATION, RESEARCH, TRAINING, AND DEMONSTRATIONS IN THE FIELDS OF HEART DISEASE, CANCER, STROKE, AND RELATED DISEASES

"Purposes

"SEC. 900. The purposes of this title are—

"(a) Through grants, to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals for research and training (including continuing education) and for related demonstrations of patient care in the fields of heart disease, cancer, stroke, and related diseases;

"(b) To afford to the medical profession and the medical institutions of the Nation, through such cooperative arrangements, the opportunity of making available to their patients the latest advances in the diagnosis and treatment of these diseases; and

"(c) By these means, to improve generally the health manpower and facilities available to the Nation, and to accomplish these ends without interfering with the patterns, or the methods of financing, of patient care or professional practice, or with the administration of hospitals, and in cooperation with practicing physicians, medical center officials, hospital administrators, and representatives from appropriate voluntary health agencies.

"Authorization of appropriations

"SEC. 901. (a) There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1966, $90,000,000 for the fiscal year ending June 30, 1967, and $200,000,000 for the fiscal year ending June 30, 1968, for grants to assist public or nonprofit private universities, medical schools, research institutions, and other public or nonprofit private institutions and agencies in planning, in conducting feasibility studies, and in operating pilot projects for the establishment of regional medical programs of research, training, and demonstration activities for carrying out the purposes of this title. Sums appropriated under this section for any fiscal year shall remain available for making such grants until the end of the fiscal year following the fiscal year for which the appropriation is made.

"(b) A grant under this title shall be for part or all of the cost of the planning or other activities with respect to which the application is made, except that any such grant with respect to construction of, or provision of built-in (as determined in accordance with regulations) equipment for, any facility may not exceed 90 per centum of the cost of such construction or equipment.

"(c) Funds appropriated pursuant to this title shall not be available to pay the cost of hospital, medical, or other care of patients except to the extent it is, as determined in accordance with regulations, incident to those research, training, or demonstration activities which are encompassed by the purposes of this title. No patient shall be furnished hospital, medical, or other care at any facility incident to research, training, or demonstration activities carried out with funds appropriated pursuant to this title, unless he has been referred to such facility by a practicing physician.

"Definitions

"SEC. 902. For the purposes of this title—

"(a) The term 'regional medical program' means a cooperative arrangement among a group of public or nonprofit private institutions or agencies engaged in research, training, diagnosis, and treatment relating to heart disease, cancer, or stroke, and, at the option of the applicant, related disease or diseases; but only if such group—

"(1) is situated within a geographic area, composed of any part or parts of any one or more States, which the Surgeon General determines, in accordance with regulations, to be appropriate for carrying out the purposes of this title;

"(2) consists of one or more medical centers, one or more clinical research centers, and one or more hospitals; and

"(3) has in effect cooperative arrangements among its component units which the Surgeon General finds will be adequate for effectively carrying out the purposes of this title.

"(b) The term 'medical center' means a medical school or other medical institution involved in postgraduate medical training and one or more hospitals affiliated therewith for teaching, research, and demonstration purposes.

"(c) The term 'clinical research center' means an institution (or part of an institution) the primary function of which is research, training of specialists, and demonstrations and which, in connection therewith, provides specialized, high-quality diagnostic and treatment services for inpatients and outpatients.

"(d) The term 'hospital' means a hospital as defined in section 625(c) or other health facility in which local capability for diagnosis and treatment is supported and augmented by the program established under this title.

"(e) The term 'nonprofit' as applied to any institution or agency means an institution or agency which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(f) The term 'construction' includes alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

"Grants for planning

"Sec. 903. (a) The Surgeon General, upon the recommendation of the National Advisory Council on Regional Medical Programs established by section 905 (hereafter in this title referred to as the 'Council'), is authorized to make grants to public or nonprofit private universities, medical schools, research institutions, and other public or nonprofit private agencies and institutions to assist them in planning the development of regional medical programs.

"(b) Grants under this section may be made only upon application therefor approved by the Surgeon General. Any such application may be approved only if it contains or is supported by—

"(1) reasonable assurances that Federal funds paid pursuant to any such grant will be used only for the purposes for which paid and in accordance with the applicable provisions of this title and the regulations thereunder;

"(2) reasonable assurances that the applicant will provide for such fiscal control and fund accounting procedures as are required by the Surgeon General to assure proper disbursement of and accounting for such Federal funds;

"(3) reasonable assurances that the applicant will make such reports, in such form and containing such information as the Surgeon General may from time to time reasonably require, and will keep such records and afford such access thereto as the Surgeon General may find necessary to assure the correctness and verification of such reports; and

"(4) a satisfactory showing that the applicant has designated an advisory group, to advise the applicant (and the institutions and agencies participating in the resulting regional medical program) in formulating and carrying out the plan for the establishment and operation of such regional medical program, which advisory group includes practicing physicians, medical center officials, hospital administrators, representatives from appropriate medical societies, voluntary health agencies, and representatives of other organizations, institutions, and agencies concerned with activities of the kind to be carried on under the program and members of the public familiar with the need for the services provided under the program.

"Grants for establishment and operation of regional medical programs

"Sec. 904. (a) The Surgeon General, upon the recommendation of the Council, is authorized to make grants to pubic or nonprofit private universities, medical schools, research institutions, and other public or nonprofit private agencies and institutions to assist in establishment and operation of regional medical programs, including construction and equipment of facilities in connection therewith.

"(b) Grants under this section may be made only upon application therefor approved by the Surgeon General. Any such application may be approved only if it is recommended by the advisory group described in section 903(b)(4) and contains or is supported by reasonable assurances that—

"(1) Federal funds paid pursuant to any such grant (A) will be used only for the purposes for which paid and in accordance with the applicable provisions of this title and the regulations thereunder, and (B) will not supplant funds that are otherwise available for establishment or operation of the regional medical program with respect to which the grant is made;

"(2) the applicant will provide for such fiscal control and fund accounting procedures as are required by the Surgeon General to assure proper disbursement of and accounting for such Federal funds;

"(3) the applicant will make such reports, in such form and containing such information as the Surgeon General may from time to time reasonably require, and will keep such records and afford such access thereto as the Surgeon General may find necessary to assure the correctness and verification of such reports; and

"(4) any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"National Advisory Council on Regional Medical Programs

"Sec. 905. (a) The Surgeon General, with the approval of the Secretary, may appoint, without regard to the civil service laws, a National Advisory Council on Regional Medical Programs. The Council shall consist of the Surgeon General, who shall be the chairman, and twelve members, not otherwise in the regular full-time employ of the United States, who are leaders in the fields of the fundamental sciences, the medical sciences, or public affairs. At least two of the appointed members shall be practicing physicians, one shall be outstanding in the study, diagnosis, or treatment of heart disease, one shall be outstanding in the study, diagnosis, or treatment of cancer, and one shall be outstanding in the study, diagnosis, or treatment of stroke.

"(b) Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Surgeon General at the time of appointment, four at the end of the first year, four at the end of the second year, and four at the end of the third year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(c) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

"(d) The Council shall advise and assist the Surgeon General in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this title and shall make recommendations to the Surgeon General with respect to approval of applications for and the amounts of grants under this title.

"Regulations

"Sec. 906. The Surgeon General, after consultation with the Council, shall prescribe general regulations covering the terms and conditions for approving applications for grants under this title and the coordination of programs assisted under this title with programs for training, research, and demonstrations relating to the same diseases assisted or authorized under other titles of this Act or other Acts of Congress.

"Information on special treatment and training centers

"Sec. 907. The Surgeon General shall establish, and maintain on a current basis, a list or lists of facilities in the United States equipped and staffed to provide the most advanced methods and techniques in the diagnosis and treatment of heart disease, cancer, or stroke, together with such related information, including the availability of advanced specialty training in such facilities, as he deems useful, and shall make such list or lists and related information readily available to licensed practitioners and other persons requiring such information. To the end of making such list or lists and other information most useful, the Surgeon General shall from time to time consult with interested national professional organizations.

"Report

"Sec. 908. On or before June 30, 1967, the Surgeon General, after consultation with the Council, shall submit to the Secretary for transmission to the President and then to the Congress, a report of the activities under this title together with (1) a statement of the relationship beween Federal financing and financing from other sources of the activities undertaken pursuant to this title, (2) an appraisal of the activities assisted under this title in the light of their effectiveness in carrying out the purposes of this title, and (3) recommendations with respect to extension or modification of this title in the light thereof.

"Records and audit

"Sec. 909. (a) Each recipient of a grant under this title shall keep such records as the Surgeon General may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant under this title which are pertinent to any such grant."

SEC. 3. (a) Section 1 of the Public Health Service Act is amended to read as follows: "SECTION 1. Titles I to IX, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title IX (as in effect prior to the enactment of this Act) as title X, and by renumbering sections 901 through 914 (as in effect prior to the enactment of this Act), and references thereto, as sections 1001 through 1014, respectively.

And to amend the title so as to read: "An Act to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and related diseases."

Mr. HILL. Mr. President, heart disease, cancer, and stroke account for 71 percent of all the deaths in this country and for 51 percent of the deaths of our people under 65 years of age.

These three killers take an enormous toll in disability. They affected the lives of 30 million persons and their families and friends in 1963.

The economic costs of heart disease, cancer, and stroke exceed $30 billion each year, including some $4 to $5 billion in direct costs of care and treatment.

To combat the ravages of heart disease, cancer, and stroke, the President in March of last year appointed a Commission of leading medical scientists and laymen and directed them to "* * * recommend steps to reduce the incidence of these diseases through new knowledge and more complete utilization of the medical knowledge we already have."

The chairman of the President's Commission was Dr. Michael E. De Bakey, the distinguished and brilliant surgeon of Houston, whose reputation is international in the field of health.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the names of the other outstanding men and women who served on the Commission.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Dr. Samuel Bellet, professor of clinical cardiology, Graduate School of Medicine, University of Pennsylvania, Philadelphia, Pa.

Mr. Barry Bingham, editor and publisher, Louisville Courier-Journal, Louisville, Ky.

Mr. John M. Carter, editor, McCall's magazine, New York, N.Y.

Dr. R. Lee Clark, director and surgeon in chief, the University of Texas M. D. Anderson Hospital and Tumor Institute, Houston, Tex.

Dr. Edward W. Dempsey, former dean, School of Medicine, Washington University, St. Louis, Mo.: Resigned on September 28, 1964, to become special assistant to the Secretary (Health and Medical Affairs), U.S. Department of Health, Education, and Welfare, Washington, D.C.

Dr. Sidney Farber, director of research, Children's Cancer Research Foundation, and professor, Harvard Medical School, Boston, Mass.

Dr. Marion S. Fay, former president and dean, the Woman's Medical College of Pennsylvania, Philadelphia, Pa.

Mr. Marion B. Folsom, director, Eastman Kodak Co., Rochester, N.Y., and former Secretary of the U.S. Department of Health, Education, and Welfare, Washington, D.C.

Mr. Emerson Foote, former chairman of the board, McCann-Erickson, Inc., New York, N.Y.

Gen. Alfred M. Gruenther, immediate past president, American National Red Cross, Washington, D.C.

Dr. Philip Handler, professor and chairman, Department of Biochemistry, Duke University Medical Center, Durham, N.C.

Mr. Arthur O. Hanisch, president, Stuart Co., Pasadena, Calif.

Dr. Frank Horsfall, Jr., president and director, Sloan-Kettering Institute for Cancer Research, New York, N.Y.

Dr. J. Willis Hurst, professor and chairman, Department of Internal Medicine, Emory University School of Medicine, Atlanta, Ga.

Dr. Hugh H. Hussey, director, Division of Scientific Activities, American Medical Association, Chicago, Ill. Resigned as of September 5, 1964, to become special consultant to the Commission.

Mrs. Florence Mahoney, cochairman, National Committee Against Mental Illness, Washington, D.C.

Dr. Charles W. Mayo, emeritus staff surgeon, Mayo Clinic, Rochester, Minn.

Dr. John S. Meyer, professor and chairman, Department of Neurology, Wayne State University College of Medicine, Detroit, Mich.

Mr. James F. Oates, chairman of the board, Equitable Life Assurance Society, New York, N.Y.

Dr. E. M. Papper, professor and chairman, Department of Anesthesiology, College of Physicians and Surgeons, Columbia University, New York, N.Y.

Dr. Howard A. Rusk, professor and chairman, Department of Physical Medicine and Rehabilitation, New York University Medical Center, New York, N.Y.

Dr. Paul W. Sanger, surgeon, Charlotte, N.C.

Gen. David Sarnoff, chairman of the board, Radio Corp. of America, New York, N.Y.

Dr. Helen B. Taussig, emeritus professor of pediatrics, Johns Hopkins University, Baltimore, Md.

Mrs. Harry S. Truman, Independence, Mo.

Dr. Irving S. Wright, professor of clinical medicine, Cornell University, Medical College, New York, N.Y.

Dr. Jane C. Wright, adjunct associate professor of research surgery, New York University School of Medicine, New York, N.Y.

Mr. HILL. Mr. President, after receiving testimony from 166 expert witnesses and discussions with 60 health organizations, the Commission concluded that we could eliminate several hundred thousand unnecessary deaths each year if we bring to our citizens the full benefit of what we know today about prevention, detection, treatment, and cure in the case of heart disease, cancer, and stroke.

To carry out the recommendations of the President's Commission, the bill S. 596 was introduced earlier this year. After favorable action by the Committee on Labor and Public Welfare the measure was passed by the Senate on June 28 last and referred to the House of Representatives. Last Friday, the House approved S. 596 wih some amendments.

None of the House amendments would interfere with achieving the objectives of the legislation as it was approved by the Senate.

As passed by the Senate, S. 596 authorized appropriations totaling $650 million over a 4-year period. The House limited the program to 3 years and reduced the authorization for appropriations to $240 million—only $10 million below the Senate amounts for the first 3 years.

The provisions of S. 596 as approved by the Senate and House limit construction to alterations, renovation, and the acquisition of new equipment, and to the replacement of obsolete equipment, as well.

I have consulted with other Senators, with the Department of Health, Education, and Welfare, and with Dr. Michael E. De Bakey, and I find a unanimity of opinion that the amendments of the House would in no way handicap the proposed national effort to combat heart disease, cancer, and stroke.

I move, therefore, that the Senate concur in the House amendments to S. 596 so that the legislation can be forwarded to the President.

The motion was agreed to.

AWARD OF AMERICAN LEGION DISTINGUISHED SERVICE MEDAL TO THE HONORABLE JAMES F. BYRNES

Mr. THURMOND. Mr. President, I would like to call to the attention of my colleagues the presentation on August 24, 1965, of the American Legion Distinguished Service Medal to the Honorable James F. Byrnes, of South Carolina. Everyone familiar with the illustrious career of Mr. Byrnes will agree this award was well deserved and a fitting tribute to the "great and unusual service" rendered our country by this famous personality. The presentation by American Legion National Comdr. Donald E. Johnson, of West Branch, Iowa, of the Distinguished Service Medal to Mr. Byrnes was the fourth time in the last 15 years that the legion's highest badge of recognition had been awarded to a South Carolinian. Others from the Palmetto State receiving this award have included the late Gen. Charles P. Summerall—1951, Gen. Mark W. Clark—1957, and the late Bernard M. Baruch—1958.

I ask unanimous consent that the resolution of the Amercan Legion which recognizes the long and distinguished service rendered by Mr. Byrnes to his country be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, only a few men in this century can look back upon such a record of service and achievements as that compiled by this sage of politics and government. His career in public service began in the year this century dawned when he took his post as a court reporter in the second judicial circuit of South Carolina. From that time he rose to the highest offices the people of the State of South Carolina could bestow upon him and served as chief executive of the State from 1951 until 1955. Prior to this time he filled enough roles to climax a dozen careers, these services in the National Government finding their high points as Associate Justice of the Supreme Court and Secretary of State. Through all these years of turbulence and triumph in the 20th century his counsel has guided Presidents and even today his words are still filled with the wisdom which brought him to the pinnacle of service to his fellow man. This understanding of world events is clearly demonstrated in his remarks before the American Legion convention and I ask unanimous consent that they be printed in the CONGRESSIONAL RECORD following the American Legion resolution recognizing his many contributions to our country.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

RESOLUTION, NOMINATION FOR DISTINGUISHED SERVICE MEDAL

Whereas the American Legion has created and from time to time has presented the American Legion Distinguished Service Medal in recognition of great and unusual service; and

Whereas it is completely in keeping with the purpose, the principle, and the tradition of this award that it should be presented to a distinguished American who—

Has served his country with dignity and with honor in all three of its governmental branches—legislative, executive, and judicial;

Demonstrated his skills as a legislative leader during 25 years in the Congress of the United States, a tenure encompassing service in both the House of Representatives and the Senate;

Was called from the Halls of Congress to serve as an Associate Justice of the U.S. Supreme Court;

Showed unselfish dedication to the demands of public service, forgoing physical comfort and financial security, in answering the call of his President to wartime civilian service as Director of the Office of Economic Stabilization and Director of War Mobilization and Reconversion, marshaling the resources of this, the mightiest industrial power in the history of the world, to fight and win the greatest war in which man has engaged;

As Secretary of State during the postwar years, recognized the threat of communism to an honorable peace and established the principle of America's permanent commitment to Europe's remaining free nations, the keystone of American foreign policy from that time until now;

Was chosen, after leaving the service of the Nation, by the people of his own State to be their Governor, in which office he worked with the same enthusiasm and diligence as he had through his many years of service in the national interest;

Was born of humble station and, in the classic American tradition, rose to the heights of power, prestige, and influence as he devoted a lifetime of service to his community, his State, and his Nation;

As a citizen, legislator, jurist, executive, American, has contributed to his country and his fellow man services worthy of the greatest commendation: Now, therefore, be it

Resolved by the National Executive Committee of the American Legion in regular meeting assembled in Indianapolis, Ind., on May 5–6, 1965, That it does hereby authorize and direct that the Distinguished Service Medal of the American Legion be presented to the Honorable James F. Byrnes, of South Carolina.

(Submitted by Reed Beard, chairman trophies, awards, and ceremonies committee; Herbert J. Jacobi, chairman, internal affairs commission.)

EXHIBIT 2

REMARKS OF JAMES F. BYRNES

When President Roosevelt requested me to leave the U.S. Supreme Court to assist him in the war effort as Director of Economic Stabilization, I unhesitatingly resigned from the Court. Through the years I have not regretted that decision. I am really proud of it when I learn that service and my subsequent service as Director of War Mobilization, influenced you in some measure in honoring me today. An American citizen can receive no greater honor than this award of the American Legion. You have made me humble and very grateful.

At the end of World War I, as a Member of Congress, I advocated establishing the League of Nations to settle international controversies by right instead of might. The death of the League was a great disappointment to me.

At the end of World War II, I felt the people of the entire world were weary of war and so saddened by the number of dead and wounded, that we could look forward to at least a half century of peace.

I was one of those who advocated establishing the United Nations and in October 1945, as Secretary of State of the United States, I signed the ratification of the charter of that organization. In the 20 years that have passed there have been many changes in the United Nations.

The first chapter of the charter declares it is an organization of "peace-loving nations." Today many doubt that the Soviet Republic, a charter member, is a peace-loving nation. To justify that description, the leaders of a nation must not only profess favoring peace, but must refrain from doing those things which are calculated to provoke war. If a nation declares its intention to dominate the world, it will find it difficult to convince the people it is a peace-loving nation.

Where in 1945 there were only 52 members of the United Nations, today there are 114, and many do not have governments with the stability and responsibility of the original members.

Now the United Nations faces a great crisis. In South Vietnam the people are fighting to preserve their freedom against the invading Communist forces of North Vietnam. The Government of South Vietnam requested the aid of the United States and we are committed to its assistance.

Time and again the President has announced the willingness of our Government to confer with the representatives of North Vietnam. His offers have been rejected. Recently it was reported in the press that he wrote the Secretary General of the United Nations formally advising that organization of our willingness to try to bring about a settlement at the conference table instead of the battlefield. That is the primary objective of the United Nations, but to this date it apparently has been unable to do anything toward accomplishing its primary purpose.

The President announced the immediate increase of our military forces in South Vietnam to approximately 240,000 but he has also announced our intention to provide whatever additional forces are needed to convince the war lords of North Vietnam that they cannot enslave the free people of South Vietnam.

Almost daily threats are made by Red China and by the Soviets that if the United States does increase its military forces in South Vietnam, they will carry out commitments made by them to aid North Vietnam with all their military power.

We cannot assume they are bluffing. When the consequences are so serious to mankind, we must assume they mean what they say.

In this situation, the United Nations must demonstrate whether it is able to contribute to world peace or whether it will go the way of the League of Nations.

For us it presents a serious problem. In two world wars, those nations which were to be our allies, held the common enemy at bay for several years while the United States prepared for war. That will not happen again. We will not have 2 years—nor even 2 months—to prepare.

In the face of Communist threats, we must immediately prepare to insure our survival and let the world know that the people of the United States will wholeheartedly support the President and the Congress in whatever is essential for that purpose.

The Kaiser in World War I and Hitler in World War II made the mistake of concluding that because our people differed about domestic affairs, that such differences would affect our unity in the prosecution of a war. They learned that we Americans, as a free and intelligent people, exercise our right to differ as to domestic policies, but when the chips are down, we present a united front against a foreign foe.

We should profit from our experience in World War II. Then for nearly a year we did nothing to stabilize the economy. Prices of war materials and wages in war industries skyrocketed. While servicemen sacrificed, other men made fortunes. Because of this, the task of equalizing prices, wages and rents was an impossible one. In time of relative peace, the Congress should review and revise legislation stabilizing the economy, to become effective upon the declaration by Congress of the existence of a state of war.

First things must come first. Our commonsense tells us that we cannot carry on two or three wars at the same time. If we must fight another world war against North Vietnam, the Soviets, Red China, Cuba, and the other Communist countries of the world, we must postpone the war against poverty, the Appalachian war, the expansion of recreation facilities, and many other welfare programs deemed desirable in time of peace.

We must see that law and order prevail on the streets of our cities, and concentrate on marshaling our manpower, our resources and our energies to insure our survival and our freedom.

We must remember that in World War II the war machines of Hitler and the Soviets moved without formal declaration of war; that Japan's sneak attack on Pearl Harbor was her only declaration of war upon us, and that Red China did not write a letter to us about her intentions in Korea.

Instead of arguing about how we became involved in Vietnam, let us realize we are irrevocably involved and adopt the sentiment of Adm. Stephen Decatur, "My country, may she always be right in her foreign relations, but my country, right or wrong."

VOCATIONAL EDUCATION LOAN PROGRAM

Mr. BARTLETT. Mr. President, yesterday we had another opportunity to make improvements in the educational programs sponsored by the Federal Government.

Not very long ago, 8 years to be exact, the United States was awakened from its educational apathy by the launching of the Soviet sputnik. We shortly enacted a program of loans for students attending our colleges and universities, the National Defense Education Act, because of the realization that we were losing ground steadily in producing qualified scientists, engineers, and mathematicians.

Since that fateful day in October of 1957, the Congress has made substantial improvements in many areas of education. Since 1961 we have paid especial attention to vocational education and training.

Yesterday we made another sound and substantial contribution to vocational education by enacting H.R. 7743, a bill to give loans and loan insurance to students attending business, trade, technical, and other vocational schools.

More and more we are coming to realize that in all phases of our commercial and industrial economy we need highly trained, highly skilled workers. We have made some progress, but not enough. H.R. 7743 will aid many boys and girls now finishing high school to acquire the kind of training modern industry so badly needs.

Passage of H.R. 7743 marks a continuation of the policy we established with the enactment of the National Defense Education Act of helping students to help themselves.

TRIBUTE TO SECRETARY OF THE AIR FORCE EUGENE ZUCKERT

Mr. RUSSELL of Georgia. Mr. President, in the many years I have been privileged to serve in this body, I have had contacts with literally hundreds of administrators in the executive branch. I have never known a more efficient or dedicated public servant than Eugene Zuckert. He is truly a civil servant in the very best tradition.

With profound sorrow I heard of his plans to leave. However, on reflection, he has served in so many various capacities and has given so completely and selflessly of himself for so many years, I know that he is entitled to a rest. However, Mr. President, I wish to say that if the President of the United States, now or in the future, has any real tough job that requires wisdom, courage, calmness, character, and the will to work, he could not find a better man in the United States than Gene Zuckert.

I am proud to claim him as a friend. Over many years, I have had the privilege of associating with him and working together with him building the Nation's defenses. I shall miss him in the days that lie ahead.

I hope, however, that after a rest he will see fit to give further of himself to the Government and the Nation that he has served so well. He has my affectionate regards and best wishes for the future.

Mr. MUSKIE. Mr. President, the position of a service secretary is an exacting one. In an age when the demands on our Defense Establishment are compounded by rapid changes in world circumstances and technological advances we need men of uncommon leadership, intelligence, and steady nerve to make and implement defense policies. Eugene Zuckert is one of those uncommon leaders.

A resourceful and successful practitioner of the art of public service—and in his hands it has been an art—Gene Zuckert has advanced the interests of our Nation in the Securities and Exchange Commission, the Air Force, and the Atomic Energy Commission.

Over the years I have admired his willingness to give of his time and his talents to the service of his country. As a Member of the Senate I have had an opportunity to watch him under fire, to appreciate his willingness to dig into the most complicated problem and to see him demonstrate his personal and professional integrity.

I am sorry to see Secretary Zuckert retire from his present post. I am sure, however, that his talents will not go untapped in public life and I look forward to the opportunity to work with him again. I am glad to join Senator SYMINGTON and my other colleagues in saluting Gene Zuckert and his contribution to us all.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes.

Mr. LONG of Louisiana. Mr. President, I shall comment briefly on some of the arguments which have been made today concerning the Canadian Auto Parts Agreement.

The suggestion has been made that the agreements between the Canadian Government and the Canadian manufacturers involved something sinister or perhaps corrupt. Actually these agreements are between the Canadian Government and Canadian companies engaged in manufacturing in Canada. The Canadian Government had as much right to negotiate with Canadian companies and make agreements with Canadian companies as the United States would have to negotiate with and make agreements with U.S. companies.

We knew that these negotiations were going on. We understood the formula that the Canadian Government wished to apply, the so-called XYZ formula. The letters reflecting these agreements are incorporated in the committee report on this bill. Canada believes that the agreements would bring about an increase in Canadian production.

There is room for difference of opinion as to whether this Government received as much as it could have received from the agreement. However, if we look at what has been happening in the automobile industry, we notice that in nation after nation the United States has been losing major markets for automobiles because of restrictive measures taken by those countries.

Some reference was made to the General Agreement on Tariffs and Trade. The countries taking restrictive measures against our country have been parties to GATT. They did these things knowing, in many instances, that the measures were contrary to the agreement, but there was very little we could do about it.

The local content requirement in Argentina was raised from 45 percent in 1962 up to 90 percent in 1964. That caused the export of U.S. automobiles to Argentina to drop from 75 million to 18 million. We lost 75 percent of our market in Argentina by that decision of the Government of Argentina.

In South Africa the local content requirement has been increased progressively over the past 4 years, and the export of U.S. cars to South Africa has dropped from 11,000 automobiles in 1958 to 5,000 automobiles in 1964.

At page 214 of the transcript of the hearings there appears a showing of what happened in Brazil. Brazil progressively increased its local content requirement from 50 percent in 1957 up to 100 percent on automobiles and 98 percent on trucks. To this point that action has caused our sale of automobiles to Brazil to drop from $82 to $14 million, and, on trucks, our sales have dropped from $48 to $2 million.

This is the experience that we have been having.

The Australian Government is a good friend of the United States. The Australian Government is one of our best friends. That Government, in its own self-interest, has put into effect a schedule which progressively increases the Australian content requirement, so that we may be squeezed out of that market almost completely over a period of time. As I recall, their content requirement increases to 95 percent.

Let us see what our friends in France have been doing. Something was said about what De Gaulle would say if the United States made an agreement with Canada on a bilateral basis. In 1963 the U.S. cars and trucks in France accounted for less than 2,000 of the 1,200,000 new motor vehicles registered in that country. Why was that?

A Frenchman can buy and operate a French-built Renault for $314 a year, whereas it would cost him $1,330 for a standard Ford, Plymouth, or Chevrolet.

This is accounted for by import tariffs and other tariffs amounting to 33 percent; a 25-percent turnover tax based on a wholesale price, including duty; registration fees and annual road taxes based on horsepower. Therefore, the taxes are very low for typical French cars, but very high for the kind of cars which we manufacture. For the most part, the taxes on U.S. cars, generally speaking, are 10 times as high as they are on the cars of French manufacture. The French tariff and tax structure strongly discourages the importation of American cars.

Some of the devices used by France no doubt violate the general agreement on tariffs and trade. I would assume that we have a right to complain about some of them. However, that is what countries have been doing to us.

It has been said that, leaving Canada out of it, the United States has an unfavorable balance of trade against the rest of the world in automobiles. The reason is not that we cannot produce automobiles cheaper or better. The reason is that certain countries have used very restrictive devices and kept us from having access to their markets.

The genesis of this agreement is that when the United States saw Canada moving to take the kind of restrictive actions which could deny us a part of the Canadian market, our people proceeded to negotiate in an effort to try to work out this difference between the United States and Canada to preserve our access to the Canadian market.

Reference has been made to the fact that Canada had a favorable balance of trade against the United States as it concerned paper, pulp products, and whisky. We have just taken action to restrict the importation of Canadian whisky. The Senator will recall that not long ago we voted to limit to 1 quart the amount of whisky that a tourist could bring in duty free. He used to be able to bring 1 gallon of whisky duty free from Canada.

A suggestion was made that someone might complain in the General Agreement on Tariffs and Trade in Geneva. They have complained before, and we have taken action, notwithstanding their complaint. And those countries have themselves taken actions which violate GATT.

Only a few weeks ago the Senator from Connecticut pointed out to us the unfortunate situation which existed with regard to rubber footwear. We supported the position of the Senator from Connecticut and passed a provision which the State Department told us was a clear violation of the General Agreement on Tariffs and Trade. We had to pay compensation for that because our people were convinced that we had violated the agreement.

We must make concession to the Japanese on other products in order to offset the injury which we had done to their rubber shoe industry. These concessions might hurt other U.S. industries.

We do not anticipate that we are going to have to give any compensation in this instance so far as the auto agreement is concerned. It is the judgment of the people involved in the General Agreement on Tariffs and Trade that no injury can be shown to exist in this instance.

Generally speaking, other countries do not send in parts for American cars. We do not anticipate that there will be a slowing of trade.

Something was said to the effect that the automobile companies made a $50 million savings as a result of this agreement. That is not quite the truth. They did make a saving of $50 million. However, that occurred under the so-called tariff rebate plan. That plan was in effect in Canada prior to this agreement. They were getting a tariff rebate as the result of a plan that was already in effect. About all that the agreement did in that respect was that it simply did not take it away from them.

(At this point Mr. MUSKIE took the chair as Presiding Officer.)

Mr. LONG of Louisiana. Mr. President, it has been suggested that there will be Japanese and European——

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. Did not Canada herself begin implementing the agreement as soon as it was signed?

Mr. LONG of Louisiana. Yes.

Mr. GORE. And has not the 17½-percent tariff been reduced for the American automobile companies, for every car they ship to Canada?

Mr. LONG of Louisiana. The tariff is not being collected on those automobiles. But this $50 million saving——

Mr. GORE. Will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. GORE. For each car shipped into Canada, they have pocketed the tariff; is that correct? Then what does the Senator disagree with in my statement?

Mr. LONG of Louisiana. If the Senator looks he will find the $50 million saving actually originated under the rebate arrangement which already existed.

Mr. GORE. They gain the same thing under this agreement, except more.

Mr. LONG of Louisiana. But the $50 million the Senator was talking about, the $50 million saving in tariffs paid to the Canadian Government on imports, started with the rebate scheme, and did not start with this agreement. The agreement merely continued a saving already achieved by the other arrangement.

Mr. GORE. I agree with the Senator. This agreement continues the tariff remission scheme, which was an instrument of export subsidy. Why the United States wishes to continue that by agreement I do not know. I agree with the Senator's statement. He verifies what I said.

Mr. LONG of Louisiana. Let us go a step further, and analyze the problem insofar as the price of automobiles in Canada is concerned.

If Canada wishes to bring down the price of automobiles in Canada, all they would have to do—and this is what their own Minister testified—is agree to a complete elimination of all tariffs between the two countries. The American price is about 12 percent, in some cases perhaps 15 percent, lower than the Canadian price. We are the low-cost producer. We can afford to build automobiles more cheaply, and we do. So if they simply eliminated the tariffs, the United States would have all the Canadian market, and we would gobble up and crush out the Canadian automobile industry.

The Government of Canada cherishes its industries too much to permit that to happen. So, while they agree that we can send automobiles duty free into Canada, the last thing they would want us to do would be to cut Canadian prices down to the level of ours because then the Canadian manufacturers, until such time as they were able to change their way of doing business, could not compete. So it is hoped that the money saved here will be invested in new plants and equipment, and thus both countries will have additional plants.

As Canadian sales increase, more automobiles will be produced in Canada, but that will not affect the net balance of trade. All the predictions, as explained both by their Ministers to the Canadians and by our Cabinet members to us, are to the effect that the favorable balance of trade will be maintained. We have now a trade balance on automobiles and parts of about $580 million. We ship them that much more than they ship us. The effect of the agreement will be to continue that arrangement, to maintain that favorable balance.

Automobile manufacturing is a high wage industry. There is no doubt that over a period of time, Canada wishes to produce more automobiles, and will. But Canada's purpose in planning to produce those automobiles is to meet the 8 percent a year increase in the Canadian market, and we will still have the net $580 million trade advantage. What is that worth to Detroit and to Michigan? To the automobile producing areas, it is worth 25,000 jobs. That is what we are talking about.

We have with Canada a total favorable trade balance of $1.183 billion. Of that $1.183 billion, half is accounted for by our advantage on automobiles and trucks alone.

Suppose we had not moved toward this agreement to protect our favorable balance, and Canada had proceeded to do what the European countries were doing, and what other countries have done, what Argentina, Brazil, South Africa, and some other great powers are doing. Suppose they had followed the trend of the major South American countries, the European countries, and the other English-speaking countries, to produce more and more automobiles and make it more difficult for us to retain a share of their market. What would we have had to do? We would have had to cut down Canadian imports. That might have helped Louisiana because Canada ships us oil. It might have helped Kansas because we would have cut down on oil importation.

Mr. CARLSON. Will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. CARLSON. We in the Middle West have been complaining rather bitterly because oil is shipped in from the central part of Canada without any tariffs or limitations, while Canada imports the oil used in the industrial regions of eastern Canada from Venezuela. So we do complain, and rightly so.

Mr. LONG of Louisiana. The Senator is correct; and it is possible that Kansas and Louisiana might benefit from a first-class trade war between the United States and Canada. Of course, I should hope the situation would not become such that we start dropping atom bombs or anything of that sort, but a first-class trade war between our two countries could perhaps benefit the State of Louisiana and the State of Kansas.

What other Canadian imports could we cut back? We could cut down on paper, on pulp, and on the lumber that she ships to us. Those are all low-wage industries.

Every time we cut them out of jobs while they cut us out of jobs, we lose high-paid jobs and they lose low-paid jobs. And what would be the first industry to be hurt? The automobile industry. That the automobile industry understands; and that is why it wants this arrangement. It does not wish to get into a cutthroat trade war with Canada because the more we reduce our imports generally, the more our automobile industry will suffer. Everyone interested in the automobile industry in the United States—I do not care whether it is General Motors or Walter Reuther or the Secretary of Labor—is concerned about the well-paying jobs and all the rich benefits that go with them, and trying to hold them for the United States.

Should we lose the Canadian market, it would not hurt Louisiana particularly, because we would probably be the beneficiary of some of the strokes this country would take to slash back at Canada. But after this country and Canada had finished taking strokes and counterstrokes at each other, where would we be?

By the time we stopped buying everything from Canada—and that is completely within our power—and Canada stopped buying everything from us, our trade balance would be reduced by $1.183 billion per year. What kind of sense would that make? Our trade with our Canadian friends is a valuable asset. Our relations have been good. We have been reasonable with them, and they have worked with us, to our mutual advantage.

The United States and Canada have a joint boundary commission which has done its job so well it is never even mentioned in the newspapers. Because the two countries have operated it so efficiently together, people forget it exists. We have an arrangement with Canada on the use of the waterpower of waters which cross the boundary. It operates so well that we hardly ever hear of it.

We have an arrangement with Canada on the St. Lawrence Seaway. I doubt that I would even know about its existence if I had not been here when we authorized the construction of the seaway.

That is how well these things work out between our two great powers.

Reference has been made to some of these things being discriminatory; and that does not make any sense. It is said that there are provisions in the agreement to restrict and control the shipment of American automobiles and automobile parts into Canada, and that the same provisions do not apply in the other direction.

Why? It is because we are a low-cost producer. We do not need that protection. All we need is access to the market, because we can produce these goods cheaper than the Canadians can.

The point has been made that the workers might suffer, because Canadians have a lower wage rate and therefore might get our jobs.

Mr. President, those people in Canada are represented by the same labor unions that represent our workers.

As long as Canadian companies cannot meet the competition that comes from us, even by having their workers earn less, they will not be able to raise the wages of their workers until they are able to bring about more efficient operation than they have now.

The agreement will help them to achieve it. When they achieve it, the same Walter Reuther will sit down with the same Ford Motor Co. and the same General Motors Co. and pound the table just as hard, demanding that the Canadians receive the same kind of wages that American workers are paid.

So, what shall we do? We will equalize the cost. We will equalize wages. Both countries will benefit from a great and growing market where each country produces more and makes more jobs. The agreement has been in effect for 6 months. We have made 40,000 more jobs available in the past 6 months than in the same 6 months last year.

The record shows that we are getting more jobs, that Canada is getting more jobs. The agreement is intended to benefit both countries.

It has been pointed out over and over again that the purpose is to increase production in Canada. The purpose is not only to increase production in Canada but also in the United States, to the mutual benefit of both countries.

As I have pointed out, we have listened to the many fears expressed over the number of persons who would lose their jobs.

What do the facts show under the agreement so far? It has been in effect for 6 months. It is to be reviewed in 1968; so it has been in effect for one-sixth of that period.

The facts show that up to now we have increased exports to Canada by $36 million. Canada has increased its exports to us by $32 million. On balance, we are ahead by $4 million.

The projections are that with the agreements which have been made to protect Canada, insofar as Canada seems to need this protection from the lower cost and more efficient American industry, we will undertake to maintain the favorable balance which the United States has, and allow Canada to increase its production to meet the increased market which Canada now enjoys.

Mr. President, in my judgment, this is a good deal for both countries. It will tend to advance the prosperity of both countries.

Let me refer to the fear expressed concerning foreign automobiles coming in, such as the Renault and the Volvo. It has been suggested that these manufacturers could move their plants to Canada and produce French, Italian, perhaps even Japanese automobiles, in Canada more cheaply.

That is where the opponents of the agreement meet themselves coming back. They have been talking about lower wage costs. The fact is that wage costs in the European countries and Japan are far below wage costs in Canada.

In France and other European countries they have an advantage in the mass production of small automobiles. They have an efficiency and an economy which cannot be duplicated in producing a small automobile in this country, plus a much lower wage scale. Therefore, they can produce their automobiles more cheaply in their own countries than they could in Canada.

It is said that if they should move their plants to Canada they would have the benefit of a low tariff, because there would be no tariff to shift those automobiles from Canada into the United States.

The tariff on automobiles is only 6½ percent as it stands now, and under the Kennedy-round negotiations, which proposes to cut the tariff approximately in half, roughly to 3 percent. The facts will show that so far as Japanese and European automobile manufacturers are concerned, the tariff would be so small that it would serve no purpose to move plants into Canada to avoid U.S. tariffs. It would cost more to manufacture them there. The additional Canadian costs would not offset the difference in the tariff.

These fears have been dreamed up. I am sure that they have been conceived in good faith and in good conscience. The truth is, however, that American businessmen are looking after American business. American labor leaders are looking after American labor. Responsible officials of the U.S. Government have been negotiating in good faith and in good conscience to save for the United States as much of the favorable balance of trade in automobiles with Canada as it has the power to save. The same is true from the President of the United States on down.

Mr. President, when I was a student at the State university, I recall that some one persuaded me to buy an interest in a college humor magazine. From time to time we would print something a little risque, or perhaps it was something which did not appeal to the dean of men, or the dean of women, and every now and then we would get into trouble because of it.

So we would publish what we called our "purity issue." In that issue, we would ridicule those who sought to find something evil in everything they saw in an issue of the magazine. We printed a picture of a large black heart with white letters printed on its side which said:

> To the pure in heart to whom all things are evil, this issue is dedicated.

I suppose opponents of the pending bill can start with assumptions that the whole idea of the agreement is a treacherous scheme to betray the American public and, having done that, arrive at the conclusion that the President has sold out the people, or else he is too dumb to know any better; that the Secretary of State has sold out the public, too, or is too stupid to know what he is doing; that the Secretary of the Treasury is unworthy of his oath of office; that the Secretary of Labor is unworthy of the position that he holds; and that same thing is true of American businessmen who hold some degree of loyalty to their country; that the same thing is also true of the American representatives of organized labor who try to do the best they can to speak for those they represent; and that the same thing is true of two-thirds of the majority of the House of Representatives, and an overwhelming majority in the House Ways and Means Committee, and an overwhelming majority on the Senate Committee on Finance, all of whom gave approval to the pending bill.

Once our opponents start with these assumptions, they can find all sorts of reasons on which to hang their suspicions.

However, the truth is that those assumptions do not add up.

The proposed legislation is of no great moment to the State of Louisiana so far as the products it trades in are concerned. But, it is an agreement which was negotiated in the best interests of two nations, as those two nations could negotiate for it.

Canada was negotiating for what she thought was a good thing for Canada, and the United States was negotiating for what it thought was the most favorable arrangement it could arrive at for the benefit of the United States.

It was suggested that there was something wrong about the agreement because a Canadian citizen could not come into the United States and purchase an automobile duty free under the agreement, and take it back to Canada with him.

As I indicated earlier, if that were so, we would have set the pattern for the destruction of the Canadian automobile industry before it ever achieved the economies of mass production, that would enable it to compete with the stronger and more efficient American industry. But we would not have wished it that way.

It has been suggested that the agreement is a vicious thing, that there is something evil about it, because, on the other hand, someone can go into Canada and purchase an automobile duty free and bring it back into the United States. It was suggested, in effect, that we negotiated for the right for our citizens to go into Canada, purchase an automobile at a higher price, and bring it back into the United States.

As a practical matter, there is no reason why this country should have been seeking to bar American citizens from purchasing Canadian automobiles and bringing them back into the United States, because our sales price is 12 percent below the sales price of Canada. Therefore, why should anyone in his right mind want to go into Canada and purchase an automobile, and pay $400 more for it, when he could stop off in Detroit or Flint and save $400, plus transportation?

Naturally, that was not what our people were interested in bargaining for. There is nothing evil about that whatever.

It has also been suggested that there is something sinister about the subject of replacement parts. Let us think about that for a moment. This agreement does not apply to replacement parts.

Canada did not want the Canadian market opened up to replacement parts because of the fact that we are a low-cost producer as compared with Canada, and we would take over a great deal of their market for replacement parts. We cannot blame Canada for trying to protect some of its domestic industries, just as we protect some of our domestic industries in this country. We did it a while back, in protecting our particleboard manufacturers from the Canadian manufacturers who were improving their efficiency in this product.

If someone is trying to look after the small manufacturer of replacement parts, one would think that the last thing he would be asking for is that replacement parts come in duty free, which might be to the disadvantage of the replacement part manufacture in his country.

The agreement actually benefits the manufacturer of replacement parts in this country because the rebate scheme which had been so damaging to our manufacturers no longer is in effect. So he is also benefiting from this agreement.

Therefore, when one understands what is in the bill, what the intent and spirit of it are—and both countries will be watching; they will have a right to drop out after 1 year if either country thinks this agreement is against its national interest—we shall be working together for the benefit of both countries and for the lower cost of automobiles.

It has been said that this is not free trade. Complete free trade is never obtained in one step. We have to move toward it. But it is freer trade. It removes many restrictions between the United States and Canada of a controversial nature. It goes as far in the direction of free trade as we think we can go at this time.

The agreement seeks to provide some advantages of freer trade. What are the advantages? The advantages of freer trade are lower cost of production, more competition, and lower prices for the consumer.

In so far as this classic example is concerned, we look at the contents and concept of this proposal as an advance in that direction. This agreement will be a great stride in that direction.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. Is it not a fact that, in the first instance, the President has signed this agreement and has recommended it to the Congress? Did it not start in that way?

Mr. LONG of Louisiana. Yes.

Mr. SMATHERS. Is it not a fact that the Ways and Means Committee of the House held hearings on it and reported the bill, so far as I can ascertain, by a unanimous vote?

Mr. LONG of Louisiana. Yes.

Mr. SMATHERS. Is it not a fact that the House of Representatives thereafter passed the bill?

Mr. LONG of Louisiana. Yes.

Mr. SMATHERS. Is it not a fact that it came to the Senate with only three negative votes in the Senate Finance Committee?

Mr. LONG of Louisiana. We did not have a rollcall vote on it, but my information——

Mr. SMATHERS. The Senator from Tennessee [Mr. GORE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Indiana [Mr. HARTKE] were against it.

Mr. LONG of Louisiana. Yes—the Senators who signed the minority views.

Mr. SMATHERS. So if the Senate has an opportunity to vote on it, is it not the Senator's opinion that the Senate will pass it by an overwhelming vote also?

Mr. LONG of Louisiana. Yes.

Mr. SMATHERS. Does the Senator therefore think that, under those conditions, the Senate would be voting for a nefarious or notorious agreement?

Mr. LONG of Louisiana. Some of the debate would suggest that not only have American businessmen, American labor, and American public officials betrayed the American people, but that the Canadian Government officials had betrayed the Canadian people. Considering the fact that the officials on both sides of the border depend on the people for their election, it seems difficult to believe.

Mr. SMATHERS. Is it not a fact that the Secretary of Labor, who, I am sure, is more interested in the protection of labor than almost anybody else in the United States; the Secretary of Commerce, who is more interested than anyone else in looking after the interests of business people, both large and small; and the Secretary of State all examined the agreement and suggested its adoption?

Mr. LONG of Louisiana. That is correct. Those men have a responsibility to look into those matters.

Further, it has been suggested that this agreement has not been brought to Congress in the traditional way.

The fact is that in 1954, the executive branch negotiated with the Government of the Philippines a revision of our 1946 Trade Agreement with the Philippines. After the revision was negotiated and initiated, implementing authority was sought and received from the Congress. This is what we are seeking here.

In 1961, the executive branch negotiated the short-term cotton textile arrangement and subsequently sought legislative authority to enforce that agreement against nonparticipants.

There were no trade agreements between 1911 and 1934 negotiated by the United States in any form. But in 1934, the Congress gave the President blanket authority to negotiate agreements with stated limitations. Agreements negotiated under that authority, as well as the Trade Expansion Act, are not required to be sent to Congress for its approval.

So the President has not sought to bypass the Congress. He has recognized the prerogatives of Congress in the trade agreement field. The executive branch has recognized that a trade agreement of this sort should have the approval of Congress. It is before the Congress to act on. The pending legislation is before us.

So we do have precedents for this procedure.

I would say, as between the two approaches, that the President is violating precedents more when he negotiates an agreement and then brings it to Congress and asks for a veto than when he asks Congress for authority to negotiate an agreement and then approve the agreement.

Mr. SMATHERS. Is it not the nature and the whole idea of this particular agreement that, while we recognize that some people in the parts industry may be affected, while we recognize that some categories of automotive parts, plants, and labor, may be adversely affected, nevertheless it is in the interest of the United States as a whole, our laboring people, and our producing people, that we enter into this agreement because in the long term, on balance, the benefits will redound to the people of the United States and of Canada?

Mr. HARTKE. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. Let me answer the question first. Then I shall yield.

Not only is that the case with respect to the officials in our Nation who have direct responsibility to represent and protect the various groups, labor, management, and industry, those who have the direct responsibility to do the negotiating and speak for these groups, but they all tell us that this is the best way the matter can be worked out and that the results will justify it.

The Senator is quite correct when he states that there will be instances in which American parts manufacturers will shift operations into Canada and where Canadian parts manufacturers will shift operations into the United States——

Mr. McNAMARA. That is unlikely.

Mr. LONG of Louisiana. I cited the instance of 17 cases of Canadian companies that will be adversely affected. There will be a shift in both directions.

But the net effect is going to be that there will be more jobs and more production in both countries. We will retain the same amount of favorable trade balance on this item that we have had in years gone by.

Mr. SMATHERS. May I ask one other question of the Senator from Louisiana?

Mr. HARTKE. Mr. President, will the Seantor yield to me?

Mr. SMATHERS. May I finish my question?

Does the Senator from Louisiana agree that it is an erroneous assumption to conclude that we in the United States actually control or have peremptory rights to the automobile market in Canada? Does not Canada have the right to build as big a tariff wall as it wishes, and produce automobiles and sell them to their people? If that happened, it would have an adverse effect on the automobile industry in the United States.

Mr. LONG of Louisiana. The Senator is correct about that.

It seems to me to be fundamental to the argument made on the floor of the Senate against this agreement, that there has been the assumption that we control the Canadian market. That is a dubious assumption.

The argument against this agreement has repeatedly suggested that since we have about 40 percent of the Canadian market, then as the Canadian market grows and expands we are entitled to 40 percent of that growth.

That is fine, if we can get it. We should attempt to get as much of the Canadian market as we can and share in the increase in the Canadian market. But we cannot blame the Canadians for thinking that this is one of their worst deficit items.

Mr. HARTKE. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. Is it not a fact that the Canadian market is growing considerably faster than our market, and that if we are precluded from trading into the Canadian market in the long range the automobile industry in the United States will be the loser?

Mr. LONG of Louisiana. Yes; that could happen.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator from Indiana.

Mr. HARTKE. It is estimated that the total North American production will be in the neighborhood of 10 million automobiles. Is that correct?

Mr. LONG of Louisiana. I will accept that estimate.

Mr. HARTKE. It is estimated according to this agreement, and depending on whether my opinion is accepted or the opinion of the Senator from Louisiana, but between us 2½ to 2 percent of that market is going to be lost to the U.S. side of the production. Is that true?

Mr. LONG of Louisiana. The market is going to be bigger and our share of that market will be bigger, if the Senator is speaking in terms of numbers and of money. If the Senator is talking about percentage, that percentage will be a smaller percent, but a smaller percent of a larger amount.

In every other respect except percentagewise, the United States will wind up with more.

Mr. HARTKE. I will make a statement, and I will want to know if the Senator from Louisiana agrees.

The estimated market is going to be about 10 million automobiles. The share of the United States proportionately will be about 2 percent less, which means about 200,000 automobiles, which under normal circumstances would be produced in the United States.

That figure is about one-third of the total production of American Motors today, equivalent to 200,000 automobiles, which would have been manufactured in the United States, and are not going to be manufactured here. Instead they are going to be manufactured in Canada. Our loss is the plants which would have manufactured those automobiles here; and those automobile plants are not going to be doing that job.

The workers who would have been working in those plants, making parts, and assembling those automobiles, are not going to be manufacturing those 200,000 automobiles.

What the Senator is saying in this agreement is that in order to get a writ of stroke, which is what the President said, we have been hit in the nose and we are going to do this to keep from getting hit in the nose again.

Mr. LONG of Louisiana. I cannot agree with the Senator.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I will not yield further at this moment. I want to answer the question.

I point out to the Senator that a trend was setting in, under which the Canadians were acting just as all of these other countries have acted, to deny us part of the market that we would like to have had.

We lost a great many exports, because of the actions of those countries. Canada was moving in the same direction, and we wanted to keep as much of the Canadian market under our control as we could.

Mr. HARTKE. The Senator would not want the United States to take the position that we establish international policy. Every country is going ahead to protect itself, and wherever these unfavorable balances of trade exist they should immediately make arrangements with that country where that unfavorable balance of trade is eliminated, so there can be production and help in subsidizing production.

The Senator does not follow that thinking? It is the exact opposite of the point the Senator was making.

Mr. LONG of Louisiana. I want to work it out the best we can.

Mr. HARTKE. I know. Why does not the Senator come in with an amendment that eliminates all barriers between the United States and Canada? Then, whoever can compete with us, can. If we pay more to our labor, that is fine. If our money costs us more, that is fine. Let everybody be fair and say that we will do just as we do between Lousiana and Indiana. If it can be made for less in Louisiana, send it to Indiana; and if Indiana can make it for less send it to Louisiana.

Why does not the Senator say, "Let us have a free trade agreement"? If he will do that, I assure the Senator I will be the first to join him. Not only will I do that, but I will say, "Let us do it with every country with which we can enter into such an agreement." I am in favor of a free trade agreement. I should like to put at rest for all time the idea that what we are considering has any semblance of free trade. It is one of the strongest protectionist measures that have ever come before the Committee on Finance. It is one of the most protectionist agreements that has come to us since the Smoot-Hawley tariff.

Mr. LONG of Louisiana. Would that I had the power to require Canada to comply with the commerce clause of the U.S. Constitution, or to comply with laws passed by Congress. It might be a wonderful thing if we could do that. I suspect, however, that we would run into some untoward results. I suspect such action would be resented.

Mr. HARTKE. If they believe in free trade and we believe in free trade, let us say to Canada, "We are not asking you to give us anything that we will not give you. We will give you free access to our markets, if you will give us free access to your markets."

In other words, Mr. President, let us eliminate all trade barriers between our two countries.

Does the Senator wish to sponsor such a measure? I would not wish to keep him from being a cosponsor of such a forward-looking measure.

Mr. LONG of Louisiana. I have heard the Senator's argument. I should like to yield the floor, so that the Senator from Michigan [Mr. McNAMARA] may make an address which he plans to make this evening.

Mr. HARTKE. Is the Senator from Louisiana interested in such a proposal? If he is interested in the kind of proposal I am making, we can end the debate tonight.

Mr. LONG of Louisiana. If the Senator will draft such a proposal, I shall be glad to have it considered.

Mr. HARTKE. If all trade barriers between the United States and Canada are eliminated, we shall have a common market.

Mr. LONG of Louisiana. If the Senator from Indiana will send such a proposal to the desk, I shall be glad to have it sent to the Committee on Finance, where we can both take a look at it.

Mr. HARTKE. If the Senator would like to enter into such an agreement, and sponsor such a proposal, I shall be glad to draft it. In that way we would be able to send the pending bill back to the committee, and substitute my proposal, with the Senator's assistance, for the bill that is before the Senate now.

Mr. SMATHERS. Does the Senator from Indiana sincerely believe that he could get Canada to enter into that type of agreement?

Mr. HARTKE. Canada certainly will not be in the position of complaining about a trade war if we are willing to eliminate all trade barriers between the two countries.

Mr. SMATHERS. The reason we have negotiated this agreement is that the Canadians were acting to make it more difficult——

Mr. HARTKE. I understand the reasons.

Mr. SMATHERS. This is an effort to move in the other direction.

Mr. HARTKE. I understand.

Mr. SMATHERS. The Canadians have not the capacity to produce which U.S. manufacturers have, and the low expense at which Americans can produce. Canada is not able to compete with U.S. manufacturers, who have had much more experience in manufacturing than have the Canadians.

I am sure that the Senator from Indiana realizes that if we sought tomorrow to make such an agreement as he proposes, which would be to our advantage, Canada would not agree to it.

Mr. HARTKE. Canada would not agree to it for the simple reason that their costs are higher and they are not competitors in this field. Their costs are 15 percent higher, and their wage rates are 25 percent lower. They are trying to protect their high-cost industry at the expense of American workers and American business.

Mr. SMATHERS. That is what they were attempting to do when they established a 17.5 percent tariff. We are asking Canada to reduce that tariff to zero, so that we can trade with Canada. The whole purpose of the bill is to keep Canada from retreating behind a protectionist barrier.

Mr. HARTKE. Canada does not have to retreat. I respectfully suggest that in the long run the adjustment assistance section will cost as much as any other program, including medicare. It is the most expensive measure that Congress has faced.

If the administration had a real understanding of what it proposes to do, it would have the State Department, which foisted this agreement on Congress, submit an estimate of the cost of the adjustment assistance section to the American taxpayer. Such a report would state the number of dollars, jobs, and industries we shall have to subsidize as a result of this section.

Admittedly, it will be there for some purpose. I heard the Secretary of Labor testify that 50,000 American jobs would be saved by the agreement. I want to know how many American jobs will be lost and how many people will be taken care of. How many industries is it anticipated the United States will lose? We do most of the exporting.

It is important that we have such facts. Someone in the executive branch should come forward with such a statement and not ask us to take a pig in a poke.

I feel certain that the distinguished Senator from Michigan [Mr. McNAMARA] does not understand why this agreement should be entered into. He does not believe the agreement is in the interest of the United States.

Mr. McNAMARA. I think that many factors enter into it.

Mr. President, I understood the Senator from Louisiana planned to yield to me.

Mr. LONG of Louisiana. I yield to the Senator from Michigan.

Mr. McNAMARA. Does the Senator from Louisiana yield the floor?

Mr. LONG of Louisiana. Yes.

Mr. McNAMARA. Mr. President, I am not at all convinced that the Automotive Products Trade Act does as much for the United States as it does for Canada. Nor am I convinced that it provides employees and U.S. manufacturers—other than the automakers—sufficient protection.

However, I submit an amendment which, if adopted, would at least assure the people of Michigan something from the bill.

The amendment would express the sense of Congress that the United States and Canada reach agreement on the status of the Blue Water Bridge between Port Huron, Mich., and Sarnia, Ontario.

Let me give a brief account of the problem that causes me to take this position.

On April 8, 1937, the State of Michigan and the Province of Ontario agreed that when the bonds which were sold to finance the construction had been paid off, they would remove all tolls from the bridge.

The Premier of Ontario, the Honorable Mitchell Hepburn, speaking at the dedication of the bridge on October 10, 1938, is reported by the Sarnia Observer to have said:

> This cooperation has been shown in a practical way. It has been instrumental in no small manner, in having this project conform with the considered policy of the Ontario administration, namely, that of having such international bridges, after the bonds are retired, revert in title to the international authorities in trusteeship for our two peoples. Thus toll-free bridges will serve in perpetuity the generations to follow on this continent.

In keeping with this agreement, tolls were discontinued on the bridge on March 1, 1962, by the State of Michigan, following the retirement of the bonds.

Gov. John Swainson had no choice. Very properly he lived up to agreement entered into by the State.

He was aided in making this decision by a reminder from the Bureau of Public Roads of the Department of Commerce that the removal of the tolls was required by its agreement with the State to provide assistance in building the U.S. approaches to the bridge.

Had the Governor not complied, the State would have been in danger of losing all its Federal highway subsidies.

After 2 years of toll-free operation, the Government of Canada, acting unilaterally, on August 27, 1964, reestablished tolls, collecting them from vehicles crossing in both directions and using them for the operation and maintenance of the Canadian half of the bridge.

The tolls that have been established must be paid by residents of Canada and the United States alike, despite the fact that the State of Michigan has been appropriating funds from its general revenues to operate and maintain its half of the bridge.

The State of Michigan, through the U.S. Department of State, has attempted in vain to obtain an agreement with the Canadian Government by which the terms of the original agreements for toll-free operation could be carried out.

The Canadian Government refuses to recognize the validity of the agreement signed by the Province of Ontario and refuses to carry its share of the costs of the bridge in the same manner as the State of Michigan and in the manner that was clearly intended when the bridge was built.

It may be that the Canadian Government is technically correct in denying any validity to an agreement entered into by a Provincial government. But it is morally wrong in repudiating it, and it is certainly treating U.S. residents who use the bridge in a most discriminatory way.

They pay twice, while Canadians pay only once. Residents of the United States pay their taxes, out of which their share of the costs is appropriated, and then they help the Canadians pay their share by paying a toll every time they use the bridge.

We are going to a lot of trouble in the pending bill to help Canada to get a larger share of the auto manufacturing business of the North American Continent, and this is to some extent to the detriment of U.S. manufacturers and workers. The very least we can do is make this the occasion for ending a great injustice to U.S. residents using the Blue Water Bridge.

Mr. President, I ask unanimous consent that the text of the original 1937 agreement between Michigan and Ontario be printed at this point in the RECORD.

I also ask unanimous consent that a letter I received from the U.S. Department of State a year ago be printed in the RECORD.

There being no objection, the text of the 1937 agreement and the letter from the Department of State were ordered to be printed in the RECORD, as follows:

PORT HURON-SARNIA BRIDGE AGREEMENT

This agreement made this 8th day of April, A.D., 1937, by and between the State Bridge Commission of Michigan, the party of the first part; Murray D. Van Wagoner, State Highway Commissioner of the State of Michigan, party of the second part, and the Minister of Highways of the Province of Ontario, Canada, party of the third part, witnesseth:

That, for other valuable considerations and in consideration of the sum of $1 now paid by each of the parties to the others of them, the parties hereby agree that when the construction bonds provided for in a trust indenture dated June 1, 1936, with reference to the construction of the main span of the proposed International bridge crossing St. Clair River at Port Huron, Mich., shall have been fully paid, the said bridge and its approaches shall be free from tolls or charges of any kind for its use by the public.

In witness thereof the parties hereto have caused this agreement to be executed in their names and under their seals by their proper officers on the day and year first above written.

STATE BRIDGE COMMISSION,
J. R. STEINBAUGH, *Chairman*.
W. C. STINSON, *Secretary*.
RUSSELL L. RIVET.
CAROL COLLEY.
MURRAY D. VAN WAGONER.
State Highway Commissioner of State of Michigan.
PARK HAMMOND.
DEPARTMENT OF HIGHWAYS OF THE PROVINCE OF ONTARIO.
T. B. QUESTEN,
J. E. YORSTON.

DEPARTMENT OF STATE,
Washington, September 1, 1964.

Hon. PATRICK V. MCNAMARA,
U.S. Senate.

DEAR SENATOR MCNAMARA: Thank you for your letter of August 18, 1964, to Secretary Rusk in which you refer to the history of the arrangements between the State of Michigan and the Province of Ontario concerning the Blue Water Bridge and the newspaper report that Canadian authorities plan to impose tolls for the use of the Canadian portion of the bridge as of September 7, 1964.

The Department of State has been concerned with the problem surrounding the imposition of tolls for the Blue Water Bridge since early 1962. The Michigan State Highway Department informed the Department at that time that the Federal Bureau of Public Roads, in view of the retirement of the bonded indebtedness of the bridge and the provisions of U.S. legislation (44 Stat. 1398, and section 204(g) of 48 Stat. 200) under which Federal aid funds were used in the construction of the U.S. approach to the bridge, was requiring the State of Michigan to cease imposing tolls for the use of the bridge. There were indications at that time that whether or not Michigan charged tolls for use of the U.S. portion of the bridge, tolls would be charged in Canada for use of the Canadian portion.

The Department raised the matter with the Canadian Government in view of the agreement signed by the Province of Ontario and the State of Michigan on April 8, 1937, which provides that "the parties hereby agree that when the construction bonds provided for * * * shall have been fully paid, the said bridge and its approaches shall be free from tolls or charges of any kind for its use by the public."

At an intergovernmental meeting June 5 and 6, 1962, attended by United States and Canadian Federal officials, as well as officials of Michigan and Ontario, the two governments discussed primarily the regulation of international bridges generally, but also the problem of the Blue Water Bridge. The Department referred to the Michigan-Ontario Agreement of 1937 and urged the Canadian Government not to permit tolls to be charged for use of the Canadian portion of the bridge. The Canadian representatives stated that the 1937 agreement was entered into by Ontario without the knowledge or authority of the Canadian Federal Government and that the Canadian Government did not consider the agreement legally binding. Furthermore, the title to the Canadian portion of the bridge was, upon payment of the bonded indebtedness, to pass to the Canadian Federal Government or to its designee. The Canadian Federal Government has been informed by the Province of Ontario, its intended designee, that Ontario would not accept title to the bridge unless Ontario was authorized to impose tolls sufficient to cover the costs for its maintenance and operation. The Canadians stated that the Canadian Government was not willing to foot costs for the operation and maintenance of the bridge, and as it considered the Michigan-Ontario agreement to be legally invalid, it would probably designate Ontario as recipient of title to the Canadian portion, authorizing Ontario to impose tolls to cover its maintenance and operation. In reply to the Department's urging that the spirit of the 1937 agreement be honored in view of Ontario's moral, if not legal, obligation, the Canadian officials indicated that the agreement was signed largely because of requirements of U.S. legislation under which Federal aid funds participated in the construction of the U.S. approach. They indicated that, of course, the requirements of U.S. legislation that the bridge become toll free could not be operative on the Canadian side of the boundary.

After the June 1962 meeting, representatives of the Department of State on several occasions urged that the Canadian Government not authorize the imposition of tolls for use of the Canadian portion of the bridge. It was pointed out that since the Federal Bureau of Public Roads was not in a position to authorize Michigan to impose such tolls, the imposition of tolls in Canada would have the effect of requiring bridge users resident in Michigan to pay for maintenance of the U.S. portion of the bridge from Michigan State revenues while paying also for maintenance of the Canadian portion through tolls, while all other uses of the bridge resident in the United States and Canada would pay only tolls for the maintenance of the Canadian portion of the bridge. At a further intergovernmental meeting on international bridges February 7, 1964, the Department was shown the bill which the Canadian Government proposed to submit to the Canadian Parliament, authorizing, inter alia, the levying of tolls for the use of the Canadian portion of the bridge to cover maintenance and operation costs. At the meeting the Department restated its position of the previous meeting.

In view of the passage since that time of the above-mentioned Canadian legislation, it is extremely unlikely that the Department can successfully urge the Canadian Government to reconsider its position on this matter. We are, however, requesting the U.S. Embassy at Ottawa to bring your letter to the attention of the Canadian Department of External Affairs. We are asking Embassy Ottawa to inquire whether the newspaper clipping enclosed with your letter is an accurate report of proposed Canadian action.

We shall communicate with you further upon receipt of a report from the Embassy at Ottawa.

Sincerely yours,

ROBERT E. LEE,
Acting Assistant Secretary for Congressional Relations.

Mr. President, I submit the amendment and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. MCNAMARA. Mr. President, I thank the Senator for yielding.

A VALUED SENATOR

Mr. CARLSON. Mr. President, those of us who are privileged to serve in the U.S. Senate understand and appreciate the outstanding service rendered by our distinguished minority leader, the junior Senator from Illinois [Mr. DIRKSEN].

His service is also appreciated by our citizens generally. From time to time we receive some very fine and outstanding press comments regarding the service rendered by our distinguished minority leader.

I ask unanimous consent that an editorial entitled "Valued Senator" which appeared in the Saturday, September 18, 1965, issue of the Commercial-News of Danville, Ill., be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VALUED SENATOR

Our Senator EVERETT MCKINLEY DIRKSEN, Republican of Illinois, has been called both President Johnson's most valuable ally among congressional Republicans and a stanch anti-Johnson conservative.

Both descriptions fit. As Senate GOP minority leader, Senator DIRKSEN has helped Mr. Johnson obtain such legislation as the voting rights bill which would not have passed without Republican help. He also is a stanch supporter of the President's Vietnam policy.

But when basic issues of freedom from the conservative viewpoint are involved, DIRKSEN is willing to use every parliamentary device in the book (and he knows them all) to counter the big Democratic majority in the Senate.

The latest display of DIRKSEN working in this way came the other day when he blocked President Johnson's immigration bill in the Senate Judiciary Committee.

DIRKSEN did so in an attempt to force the committee to report out his proposed constitutional amendment modifying the U.S. Supreme Court's one man-one vote dictum on State legislatures.

A majority of Senators favored an earlier version of the amendment, but it failed to get the required two-thirds majority. DIRKSEN believes that his revised version will make the grade if it gets by liberal Democrats' opposition in committee.

DIRKSEN also has promised to throw up plenty of parliamentary roadblocks to stop Senate repeal of State right-to-work laws. With only a bare majority reportedly favoring the measure backed by unions and the President, DIRKSEN stands a good chance of winning that battle.

Senator DIRKSEN is an independent-minded lawmaker who works hard to preserve the two-party system in the Senate, consistent with national interest. The Nation owes him its appreciation.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 205. An act to amend chapter 35 of title 38 of the United States Code in order to increase the educational assistance allowances payable under the war orphans' educational assistance program, and for other purposes;

H.R. 728. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 1274. An act for the relief of Mrs. Michiko Miyazaki Williams; and

H.J. Res. 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until tomorrow at 11 a.m.

The motion was agreed to; and (at 5 o'clock and 51 minutes p.m.) the Senate adjourned until Thursday, September 30, 1965, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1965:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Francis Keppel, of Massachusetts, to be an Assistant Secretary of Health, Education, and Welfare.

POSTMASTERS

ALABAMA

Gene L. Tisdale, Brantley.
Daniel W. Johnson, Jr., Headland.

ARIZONA

Elmore H. Husband, Flagstaff.
Nolan G. Mack, Gilbert.
Leona L. Crabtree, Tacna.
Lindell V. Cornelison, Tuba City.

ARKANSAS

Robert C. Mabry, De Queen.
Max G. Cope, Monette.

CALIFORNIA

James L. Tinnin, Coyote.
Walter W. Coleman, Escondido.
Niilo J. Jacobson, Fort Bragg.
Rose M. Caipen, Independence.
Donald L. Sheehy, Norco.
Roy A. White, San Joaquin.
Guy Rossi, Sierra Madre.

CONNECTICUT

Edward J. Coyle, Stratford.

FLORIDA

Roger A. Lopp, Dundee.
Bessie M. Osteen, Osteen.
Hazel T. Stevenson, Sebastian.
James H. Acker, Vero Beach.

GEORGIA

Alice A. Marshall, Appling.
John G. Butler, Savannah.

HAWAII

Tom T. Morita, Kapaa.

ILLINOIS

Byrel F. McFarland, Allendale.
Henrietta E. Leischner, De Land.
Herman R. Savage, Jr., Farmer City.
Kenneth G. Kuper, Ingleside.
Howard L. Roach, Kirkland.
Clayton E. Saunders, New Boston.
Edna A. DeVoe, Shirland.
Elmer B. Keller, Stewardson.

INDIANA

Fred D. Janney, Gaston.
Merrill K. Lambert, Hope.
Cletus H. Engler, Lawrenceburg.
Ralph E. Manifold, Mooreland.
Raymond T. Elliott, Portland.
Myron D. Barnes, Rosedale.

IOWA

Darrell B. Daugherty, Adel.
Edgar A. Cox, Charlotte.
Pat McGuire, Cushing.
Robert E. Delk, Hudson.
Dean A. Cowger, Mediapolis.
Mildred E. Howell, New Liberty.
Murel L. Scherbring, Red Oak.
Paul E. Beumer, Rock Valley.
George W. House, Sigourney.
Edward J. Delaney, Stuart.

KANSAS

Kenneth H. Anderson, Johnson.
James G. Beedle, Matfield Green.

KENTUCKY

Bennie G. Faulk, Mortons Gap.
Pauline H. Applegate, Tollesboro.

LOUISIANA

James A. Hoyt, Cheneyville.

MAINE

Raymond A. Banks, Liberty.
Alvin G. Spicer, Limestone.

MARYLAND

F. Wallis Wheeler, Silver Spring.

MICHIGAN

Allison W. Green, Dafter.
Harold L. Hutchinson, Deerfield.

MINNESOTA

Gerald W. Leland, Bricelyn.
Frank E. Henderson, Elkton.

MISSISSIPPI

James R. Triplett, Flora.
William R. Robison, Hamilton.
Joe A. Wood, Hazlehurst.
Charles H. Wellington, State College.

MISSOURI

Swepson W. Krauss, Eldon.
Dale M. Baker, Kingston.
Albert L. Mix, Osborn.

MONTANA

Myron G. St. John, Opheim.

NEW HAMPSHIRE

Vernon F. Hall, Bradford.

NEW JERSEY

James Luciano, Florham Park.
Gordon M. Thomson, Tuckahoe.
Frank V. Lancetta, Winslow.

NEW YORK

E. Miner Farwell, Belmont.
Doris R. Swartz, Breesport.
Albert T. Matthews, East Islip.
Jessie W. Campbell, Georgetown.
Guy Applebee, Port Byron.
Albert G. Evans, Saratoga Springs.
Louis M. Trivisone, Staten Island.

NORTH CAROLINA

Luther E. Taylor, Jr., Faison.
Hardy L. Vause, Hookerton.
Charles P. Smith, Rowland.
Rhoda L. Lewis, Sneads Ferry.
Marvin F. Shebester, Swepsonville.
L. Yale Miller, Wilkesboro.

NORTH DAKOTA

Carroll D. Tudahl, Berthold.
Glenn D. Heldt, Rocklake.

OHIO

Dorothy V. Benson, Barlow.
William L. Cale, Cambridge.
Virgil L. Detty, Londonderry.
Treva M. Betts, Risingsun.
Rule J. Smith, Walhonding.
Lulu V. Guderjahn, West Salem.

OKLAHOMA

Edward O. McCarty, Skiatook.

OREGON

Elmore D. Spencer, Salem.

PENNSYLVANIA

John S. L. Halenar, Coatesvile.
Edwin V. Strohl, Hellertown.
Lena I. Snyder, Quincy.
Hale Truitt, West Grove.

SOUTH CAROLINA

James D. Watson, Jr., Elgin.
Luther V. Mayer, Jackson.
Cecil B. Guerry, Jamestown.
Fred B. Setzler, Jr., West Columbia.

TENNESSEE

Betty C. Street, Antioch.
Marvin G. Scott, Scotts Hill.

TEXAS

John O. Towler, Baird.
Mary R. Cartwright, Boerne.
William E. Rogers, Center.
Ben W. Laird, Kilgore.
Charles E. Lindsey, Memphis.
Nonnie S. Kelley, Montgomery.
Jewell C. Lewis, Pottsboro.
Calvin D. Conder, Powderly.
Gwendolyn S. Bailey, Simonton.
John G. Hagan, Jr., Whitehouse.
John W. Bruckner, Wimberley.

VIRGINIA

Harold J. Workman, McGaheysville.
Theodore Raines, Vansant.

WASHINGTON

Mike Montanye, Goldendale.

WEST VIRGINIA

Harry J. Reitter, Colliers.
Julia A. Warrick, Glen Dale.
Genevieve D. Kessel, Gormania.

EXTENSIONS OF REMARKS

A Review of the Lindsay Book

EXTENSION OF REMARKS
OF
HON. PAUL A. FINO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 29, 1965

Mr. FINO. Mr. Speaker, Caspar Citron, a New York political activist of Democratic stripe, has written a book, published by the Fleet Publishing Corp., entitled "JOHN V. LINDSAY and the Silk Stocking Story."

The letter I received from the publisher asking me for a review noted that "several publications have mistaken the book for a campaign biography." I do not see why. The book is no sugar coated, hard to take seriously deification thrown together for the short-lived but lucrative campaign-time sales market. On the contrary, it is a discussion of the forces that have shaped and are shaping the Nation's most publicized congressional district. Only after some 60 pages does a preoccupation with the incumbent Congressman set in, belatedly living up to the promise of the full-page, campaign market oriented picture of JOHN that enlivens the backflap of the book jacket. Up until that time, Caspar Citron has concerned himself with evolution of the latter-day 17th Congressional District as seen through the political careers of JOHN LINDSAY's predecessors.

In my opinion, Mr. Citron has done a good job in setting down the shifting philosophical sands and changing socioeconomic wellsprings of a district which he now portrays as finding its present optimum political representation in the efforts of our distinguished colleague. He makes a breathing entity of a district which for many people takes shape only as the creature and creation of media preoccupation and consequent distortion.

JOHN LINDSAY may be better known as a Congressman, I feel, by knowing him in the context of his district. As we all know, districts change—and in changing they often revamp their representational requirements. For example, it may be hard for people who know the present complexion of the 17th District to credit the fact that in the 1946 Republican primary, the then Congressman, a noted liberal internationalist, was defeated 5 to 1 by a stanch Taft conservative who was for a time to oppose the graduated income tax. I was in the New York State Senate at the time, so I barely knew the defeated Joe Baldwin, but I served with Fritz Coudert during my first 6 years in this House until his retirement in 1958. He was as unlike JOHN LINDSAY as he could be.

Caspar Citron interviewed Fritz Coudert who attributes the liberal trend of the district to the tearing down of all the old, monied apartment buildings in the midtown section, to be replaced by grand canyons of glass-encased office buildings, accompanied by the construction of slab after slab of cheaper, white-collar "cavedweller" efficiency apartment houses on the district's periphery. There is more to the changing portrait of the district than residential construction and destruction, of course, and Mr. Citron manages to touch on most of it in an unpretentious and interesting study. Perhaps the book is most valuable as the evolved context of a Congressman. Its best title might be "The Silk Stocking Story and JOHN LINDSAY," but under any title, it is informative and enjoyable reading. I commend it to all interested Members.

Human Investment Act of 1965

EXTENSION OF REMARKS
OF
HON. FRANCES P. BOLTON
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 29, 1965

Mrs. BOLTON. Mr. Speaker, I am introducing a bill today which I believe to be a sound approach to an aspect of the Nation's continuing problem of unemployment and job retraining. It is known as the Human Investment Act of 1965. A number of my Republican colleagues, under the leadership of the distinguished gentleman from Missouri [Mr. CURTIS] have introduced similar bills.

The Human Investment Act would encourage private business both large and small to invest in upgrading the job skills of the Nation's labor force. It would accomplish this by providing a 7-percent tax credit to an employer toward certain of his employee training expenses. Among the expenses specifically named are those relating to: apprenticeship training, on-the-job training under the Manpower Development and Training Act, cooperative work study programs, and tuition refund and organized group instruction payments by employers.

This would give an employer an incentive to expand his training programs and to initiate new programs for his employees. By participating in advanced training, an employee can improve his skills and thus improve his job security and earning ability. As those presently employed move up to better jobs through more training, those now unemployed because of insufficient skills can be hired to take their places. Also it would offer new hope to workers whose jobs are threatened by automation or by shifting defense contracts.

In passing the Manpower Development and Training Act, the Congress indicated its awareness of the need for meeting the increasingly serious problem of structural unemployment caused by a labor force ill fitted for existing and developing job opportunities. The Human Investment Act will link private enterprise efforts with those efforts being made by Federal and State governments in this important area. The major premise of the proposal which I am introducing is that private business has over the years learned how to obtain the most results per training dollar and should now be encouraged to expand its training programs to meet this national need.

It is my hope that my colleagues on both sides of the aisle will examine seriously the merits of this legislation.

Boundary Waters Canoe Area

EXTENSION OF REMARKS
OF
HON. JOHN R. HANSEN
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 29, 1965

Mr. HANSEN of Iowa. Mr. Speaker, there is only one designated wilderness area left in America between the Appalachian Mountains on the east and the Rocky Mountains on the west. This area is known as the Boundary Waters Canoe area and is located in the Superior National Forest in northeastern Minnesota.

There is a movement today by logging, mining, and commercial development companies—among others—to open this area up. It is my feeling that by so doing we will destroy the only area in midcontinent America which still retains its natural, primeval character, and in which the miracle of creation continues unaided and unbothered by the constant rush of modern man.

On January 12, 1965, the Secretary of Agriculture Orville Freeman took a bold step to preserve the BWCA. He issued a directive which altered management plans in favor of wilderness protection. Mr. Freeman added 150,000 acres to the no cut region of the BWCA thus excluding logging companies from this area. He earmarked another 100,000 acres for addition to the no cut zone and called for study and action on litter and pollution control. He also specified that hunting and fishing be maintained and improved in keeping with the primitive environment.

These are but a few of the steps in Secretary Freeman's directive. All were aimed at protecting this last great wilderness area. And yet his entire plan has been severely attacked by special interest groups.

I would like to state for the record right now that I am solidly behind Secretary Freeman. Being an avid sportsman and lover of the outdoors myself, I find it shameful that there are those who would begrudge even a small area like this remaining in its primeval form. In my opinion, this area should be set aside as an ageless example of the America that once was.

I would like to take this opportunity to encourage my colleagues to support Secretary of Agriculture Freeman in his efforts to preserve our American heritage.

A Salute to 4–H

EXTENSION OF REMARKS

OF

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1965

Mr. CLEVELAND. Mr. Speaker, I would like to join the large number of other Members who are extending congratulations this week to the more than 2 million young people across the Nation who belong to the 4–H and are celebrating this National 4–H Club Week.

The young Americans who belong to this wonderful organization are working to improve themselves and their country. 4–H is no longer purely a rural organization but draws its membership from cities and towns as well. Anyone who feels discouraged by the incessant news of juvenile delinquency and other disorders among the young that makes for grim and screaming headlines should take heart from the work of the 4–H.

Since 1914, when the Smith-Lever Act created the Extension Service, which helped to promote and finance 4–H Club activity, 23 million young Americans have participated in club activities.

Mr. Speaker, 4–H members have the answer to juvenile delinquency, immorality, and disrespect for law and order. They are constructive, creative, and progressive. They learn, they teach, they lead. They add to the Nation's wealth. They build character. And they have a wonderful time in the process. In a world of hatred, turmoil, and war, filled with people who seem more concerned with what they can get from society than with what they owe it, 4–H is a refreshing, cheering, optimistic, and important force for good.

The 4–H pledge taken by every member is:

> My head to clearer thinking.
> My heart to greater loyalty.
> My hands to larger service.
> My health to better living, for my club, my community, and my country.

It would be a fine motto for every American. I am proud to salute 4–H at this time and wish the young men and women of 4–H continued success in the years to come.

The War on Hunger

EXTENSION OF REMARKS

OF

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1965

Mr. EDWARDS of California. Mr. Speaker, last Thursday, September 23, Senator George McGovern spoke to the Senate on the subject of hunger throughout the world. The United States is unique in having to maintain a lid on its production of food. But we must look beyond this and realize that the population of the United States is only a tiny fraction of that of the rest of the world. When we broaden our outlook, the future is frightening.

As present, 2 billion persons, or two-thirds of the world's population live in areas of nutritional deficiency and an estimated half of these—1 billion persons—suffer daily or recurrent crippling hunger. As Senator McGovern very ably and cogently pointed out, our concern arises from the realization that we are not doing well now in combating hunger and that the situation can only worsen, for world population is increasing at a much greater rate than food production. And where these two trends, rapid population growth and low levels of food production, most commonly coincide are in the underdeveloped and developing regions of the world.

I would like to emphasize what Senator McGovern said on Thursday—that neither from a moral nor from a political standpoint can we sit idly by. I support the Senator's proposals for a two-front war on hunger: for a more effective use and distribution of our own farm abundance and for a need to stimulate an agricultural revolution abroad.

Senator McGovern further suggests an expanded role for our Nation through greater participation in the United Nations Food and Agriculture Organization Freedom From Hunger campaign. The invaluable work of the FAO is well illustrated by one of its local groups, the Northern California Freedom From Hunger Committee.

The committee's executive secretary is Mrs. Grace McDonald, a long-time, active resident of the city of San Jose, Calif. Although Mrs. McDonald recently suffered a broken shoulder bone and knee cap as the result of a nasty fall, she is now getting along fine and her unbounded spirit, which pervades the committee's work, has not been dampened.

Like Senator McGovern, Mrs. McDonald and the northern committee do not believe that mere provision of food is a sufficient solution to this problem—it is only a palliative and looks not at all to the future. This past year, members of the committee raised over $1,000 to replace diving equipment lost to the Ancud shell fishermen in Chile during the 1960 earthquake and resulting tidal waves. They are now working to provide the fishermen with a $10,000 drying tunnel and a $3,000 ice-crushing plant so that they will be able to ship their fish to metropolitan marketplaces.

The Northern California Committee and the Food and Agriculture Organization begin next month a 21-week "Young World Appeal" to involve the youth of the world in this fight against hunger. This worldwide effort, as well as Senator McGovern's legislation have my fullest support. The problem is not one which will work itself out—it will take the hard work and farsighted planning of such committees as Mrs. Grace McDonald's to prevent an enormous gap between the level of food production and world population.

SENATE

Thursday, September 30, 1965

The Senate met at 11 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father, Thou hast ordained that in the leadership of public affairs the concern and care of the many must rest upon the shoulders of the few. Enable, we pray Thee, those here thus lifted to posts of such power and responsibility, knowing that at best they see but as in a glass darkly, to cultivate the grace of sitting where others sit that the spirit of understanding, fairness, and charity may so dominate the thinking and acting of this body that differing interpretations may not bitterly divide, nor conflicting opinions make comrades in the processes of democracy, unkind one to another.

Together we walk an unknown way but we push forward step by step in a sure faith in goodness and justice and truth, and in the unshakable belief that in the final reckoning even the gates of hell cannot prevail against that holy trinity of virtues and verities.

Enrich us individually with a compassionate care for the crying needs of Thy other children in any part of this earth abode of Thy scattered family—realizing that without that care though we speak with the tongues of men and angels, all we say is but as sounding brass and tinkling cymbals.

We bring our prayer in the name and spirit of the Master of us all. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 29, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the

President had approved and signed the following acts:

On September 28, 1965:

S. 7. An act to provide for the establishment of the Spruce Knob-Seneca Rocks National Recreation Area, in the State of West Virginia, and for other purposes;

S. 1317. An act to authorize the Commissioners of the District of Columbia to prescribe penalties for the handling and collection of dishonored checks; and

S. 1903. An act to amend the United Nations Participation Act, as amended (63 Stat. 734–736).

On September 29, 1965:

S. 1198. An act for the relief of the estate of Harley Brewer, deceased;

S. 1483. An act to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes;

S. 2042. An act to amend section 170 of the Atomic Energy Act of 1954, as amended; and

S. 2127. An act to amend title 38, United States Code, in order to provide special indemnity insurance for members of the Armed Forces serving in combat zones, and for other purposes.

REPORT ON U.S. PARTICIPATION IN THE INTERNATIONAL ATOMIC ENERGY AGENCY — MESSAGE FROM THE PRESIDENT (H. DOC. NO. 297)

The **PRESIDENT** pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Joint Committee on Atomic Energy:

To The Congress of the United States:

The Third International Conference on the Peaceful Uses of Atomic Energy, which was held at Geneva, Switzerland, from August 31 to September 9, 1964, yielded much evidence that the world is on the threshold of an exciting new era of nuclear power. The work of the International Atomic Energy Agency at Vienna, since its establishment in 1957, has contributed to the development of the capabilities of many countries to cross this threshold. The programs of the International Atomic Energy Agency, as they were carried forward during 1964, gave promise that the Agency will contribute in growing measure over future years to the application of the atom to the constructive works of man.

Particularly noteworthy was the progress made by the International Atomic Energy Agency during 1964 in laying the foundations for restricting the use of nuclear energy exclusively to peaceful purposes. In February 1964 the Agency adopted a system of safeguards, applicable to all nuclear reactors, designed to guard against the diversion of nuclear materials to military use. In September 1964 the Agency's Director General reported that agreements had been negotiated with 17 of the 38 countries of the world possessing nuclear reactors, whereby some or all of their nuclear facilities would be placed under the safeguards of the Agency.

The United States has supported these activities, and looks to the Agency to play an increasingly significant role in developing the use of atomic energy for the benefit of the peoples of the world. United States participation in the International Atomic Energy Agency during the year 1964 is the subject of this eighth annual report which I am transmitting to the Congress pursuant to the provisions of the International Atomic Energy Agency Participation Act.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 30, 1965.*

(Enclosure: Eighth annual report.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1118) to provide for the District of Columbia an elected Mayor, City Council, Board of Education, and nonvoting Delegate to the House of Representatives, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 7329) to provide for the conveyance of certain real property of the United States to the city of San Diego, Calif., in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 7329) to provide for the conveyance of certain real property of the United States to the city of San Diego, Calif., was read twice by its title and referred to the Committee on Armed Services.

THE CALENDAR

On request of Mr. Mansfield, and by unanimous consent, the following calendar measures were considered and acted upon as indicated, and excerpts from the reports thereon were ordered to be printed in the Record, as follows:

BOARD FOR CONDEMNATION OF INSANITARY BUILDINGS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 1778) to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes, approved May 1, 1906, as amended which had been reported from the Committee on the District of Columbia with an amendment on page 5, after line 3, to strike out:

Sec. 4. (a) The District of Columbia Alley Dwelling Act (D.C. Code, secs. 5–103—5–105 and 5–106—5–116) is amended by adding at the end thereof the following new section:

"Sec. 206. Notwithstanding any other provision of this Act or of the United States Housing Act of 1937, the requirement of the fourth sentence of section 10(a) of the United States Housing Act of 1937 shall be deemed satisfied with respect to any housing project within the District of Columbia only if the elimination of unsafe or insanitary dwelling units described therein will be fully accomplished (under the agreement referred to in such sentence) no later than the date of the completion of such project."

(b) The amendment made by subsection (a) shall apply only with respect to projects covered by contracts for annual contributions entered into on or after the date of the enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Excerpt From Committee Report (No. 784)

PURPOSE OF THE BILL

The purpose of this bill is to amend the act of May 1, 1906, as amended by the act of August 28, 1954 (Public Law 681, 83d Cong.), so as to correct what has proved to be certain administrative deficiencies in such act. The proposed amendments would bring the provisions of the 1906 act, relating to assessment and collection of taxes, into conformity with the provisions for assessment and collection of taxes applicable to special assessments levied for public improvements under the act of July 25, 1935 (sec. 47–1103(b), District of Columbia Code).

Under the 1906 act, provision is made for the repair or the demolition by the District of Columbia of buildings condemned under that act, in the event the owner fails to comply with orders of the Board for the Condemnation of Insanitary Buildings to repair or demolish such buildings. Such act further provides that the costs incurred by the District government in repairing or demolishing any such buildings be assessed as a tax against the property and collected in the same manner as general taxes are collected, the tax assessment being enforced by the sale of the property at an annual tax sale. However, there is no provision in the 1906 act for a specific time when the assessment shall be paid, nor does it provide for interest on delinquent payments.

The provisions of H.R. 1778, as reported by this committee, would amend the act of May 1, 1906, as amended, so as to provide that the assessment may be paid without interest within 60 days after the assessment is levied. Interest at the rate of one-half of 1 percent a month or portion of a month would be charged after such 60-day period. The tax would be payable in three equal installments, with interest. If the tax is not paid in full within 2 years after the assessment is levied, the property would be subject to sale at the next ensuing tax sale. The bill also provides that any tax levied after August 28, 1954, shall be deemed to have been levied on the effective date of the bill for the purpose of determining dates of payment and computing interest thereon.

Another deficiency in the 1906 act, as amended, is the cumbersome procedures that relate to giving property owners notice of proposed action to be taken by the Board for the Condemnation of Insanitary Buildings. H.R. 1778, as reported by this committee, amends section 10 of the 1906 act so that any order of precedence is eliminated and thereby permits the use of the respective methods of service of notice without the necessity of first exhausting any other method of accomplishing service.

In addition to this change, H.R. 1778, as reported by the committee, amends section 10 of the 1906 act so that service on the owner of the property involved can be accomplished through a number of methods. The amendment to section 10 of the 1906 act is set forth under section 3 of the bill.

Substantially similar bills (S. 745 and S. 994) were passed by the Senate in the 87th and 88th Congresses.

At a public hearing conducted by the Subcommittee on Public Health, Education, Welfare, and Safety on August 17, 1965, representatives of the Board of Commissioners appeared and testified in support of the bill

No one appeared in opposition to the bill. The committee was advised that enactment of this measure will result in no additional cost to the District of Columbia government.

The committee, in reporting H.R. 1778, deleted section 4 of the House-passed bill. The effect of this section would have been to reduce by 5 years the period of time that the District of Columbia would have had to remove substandard housing where the District receives Federal assistance in the development of low-rent housing projects.

The committee, in deleting the section, was of the view that the District should not be treated differently than the other cities of the United States in qualifying for public housing project funds.

In the event a special problem does exist with regard to the District of Columbia in the removal of substandard housing, then the matter should be gone into by the appropriate legislative committee of the Congress that has jurisdiction of public housing projects financed under the Federal Housing Act.

PREMARITAL EXAMINATIONS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 3314) to require premarital examinations in the District of Columbia and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That section 1291 of the Act of March 3, 1901 (31 Stat. 1392; D.C. Code, sec. 30-110), as amended, is amended to read as follows:

"SEC. 1291. DUTY OF CLERK.—(a) It shall be the duty of the clerk of the United States District Court for the District of Columbia before issuing any license to solemnize a marriage to examine any applicant for such license under oath and to ascertain the names and ages of the parties desiring to marry, and if they are under age the names of their parents or guardians, whether they were previously married, whether they are related or not, and if so, in what degree, which facts shall appear on the face of the application, of which the clerk shall provide a printed form, and any false swearing in regard to such matters shall be deemed perjury.

"(b) Except as provided in subsection (c) of this section, the clerk of the United States District Court for the District of Columbia shall not issue any license to solemnize a marriage in the District of Columbia unless, in addition to other requirements of law, there is in his possession a statement or statements, upon a form prescribed by the Board of Commissioners of the District of Columbia, signed by a person in the District of Columbia certified by the Department of Public Health as duly qualified to administer and interpret such test, or by a physician that each of the persons desiring to marry has submitted to a standard laboratory blood test within thirty days prior to the filing of such application, and that, in the opinion of such physician or certified person based upon the results of such test, such persons are not infected with syphilis in any of the stages of the disease in which it is communicable. Each such statement shall be accompanied by a record of such laboratory test or tests and shall contain the name of the person and laboratory administering the test, the name of the test administered, the exact names and addresses of the persons tested, and the date of the tests. In each case where the record of such laboratory test indicates that the laboratory test of either party is positive for syphilis, the complete record of such laboratory test or tests shall be transmitted by the Clerk of the Court to the Department of Public Health of the District of Columbia.

"(c) For good cause a judge of the United States District Court for the District of Columbia shall have the power to waive the provisions of subsection (b), and upon his certificate that public policy or the physical condition of either of the parties requires the intended marriage to be celebrated without delay, a license may be issued without compliance with the provisions of subsection (b). In each case where the judge waives such provisions, the clerk of the court shall, promptly after issuing the license pursuant to such waiver, furnish to the Department of Public Health a copy of the certificate issued pursuant to this action.

"(d) No laboratory blood test required under this section shall be acceptable unless such test is performed by the Department of Public Health of the District of Columbia or by a private laboratory approved by the Director of such Department. At the request of any physician, the Department of Public Health shall conduct such test at no charge to the person tested. In conducting laboratory blood tests under this section, the Department of Public Health and any private laboratory approved by the said Director shall use such standard tests for detecting syphilis as may be approved by the Director. In any case in which a person is unable for financial reasons to obtain the services of a private physician for purposes of making the statement required under subsection (b) of this section, any medical officer of the Department of Public Health is authorized to provide such statement at no cost to such person.

"(e) All information obtained from any laboratory test required under this section shall be regarded as confidential by any and every person, agency, or committee whose duty it is or may be to obtain, transmit, or receive such information. Whoever knowingly divulges the name or gives any information relating to any person suffering or suspected to be suffering from syphilis, other than in accordance with the provisions of this section, or in accordance with legal process issued by a court of competent jurisdiction, or whoever falsifies any material fact in connection with the laboratory tests required by this section, shall be imprisoned for not more than six months, or fined not more than $250, or both. Prosecutions for violations of this section shall be conducted by the Corporation Counsel or any of his assistants.

"(f) As used in this section, the term 'physician' means any person licensed to practice medicine or osteopathy in the District of Columbia or in a State or territory of the United States, or any medical officer in the Department of Public Health, or any commissioned medical officer in the military service or in the United States Public Health Service."

SEC. 2. The amendments made by this Act shall take effect on the first day of the first month which begins at least ninety days after the date of its enactment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXCERPT FROM COMMITTEE REPORT (No. 785)

PURPOSE OF THE BILL

The purpose of H.R. 3314, as amended, is to require laboratory tests for parties contemplating marriage, with a view to ascertaining whether they are affected with syphilis in a communicable stage.

The committee in amending H.R. 3314 struck the language of the House-passed bill and substituted the language of S. 1081, a premarital examination bill introduced by Senator JOSEPH TYDINGS. It was the view of the committee in making this substitution that the Senate bill was broader and more inclusive than the House bill. The committee made several amendments to the language of S. 1081 after its insertion into H.R. 3314. These particular amendments were intended to strengthen the bill, and are discussed at a later point in this report.

Under existing law, applicants, in obtaining a marriage license in the District of Columbia, are required to identify their color. H.R. 3314, as reported by the committee, amends existing law so as to make this disclosure unnecessary. However, other pertinent information, such as names, ages, relationship of the parties, and so forth, is still required to be furnished the clerk of the courts prior to the issuance of a marriage license.

H.R. 3314, as amended by the committee, provides that no marriage license would be issued without certification by a physician or by a person in the District of Columbia certified by the Department of Public Health as duly qualified to administer and interpret blood tests, that each of the parties desiring to marry has submitted to a standard laboratory a blood test within 30 days prior to the filing of the marriage application. The certification is also required to state that in the opinion of the physician, or certified person that the parties who have submitted to the blood test are not inflicted with syphilis in any of the stages of the disease in which it is communicable.

Under subsection (c), of the bill, the requirements of a premarital blood test can be waived and a marriage license shall issue where a judge of the U.S. district court makes a certification that public policy or the physical condition of either of the parties to the marriage require the intended marriage to be celebrated without delay. The committee approved an amendment to the bill which requires the clerk of the court to furnish the Department of Public Health a copy of the certification made in accordance with such subsection. Also, the committee approved another amendment that provides where the laboratory test indicates the blood test is positive for syphilis, the complete record of such laboratory test or tests shall be transmitted by the clerk of the court to the Department of Public Health of the District of Columbia. The committee also adopted an amendment that included within the meaning of physicians any person licensed to practice medicine or osteopathy in the District of Columbia.

At the public hearings held in connection with this bill a strong case was made for its enactment.

The committee was informed that in the District of Columbia in 1956 there were 36 reported cases of infectious syphilis compared to 576 reported cases in 1964. On the basis of 100,000 population this represents 4.3 reported cases in 1956 compared to 72 reported cases in 1964. Among cities of 200,000 population or over, the District of Columbia in 1964 was second only to Newark, N.J., in cases of reported infectious syphilis. Furthermore, in 1964 there were only 2 other cities with a rate of over 50 cases per 100,000 population.

During the period from 1956 to 1963, the national rate also increased but not nearly so dramatically, from 4.1 cases per 100,000 population to 11.9 cases. While some of the indicated increase in the District of Columbia may be the result of better case findings and better reporting, the indications are that the major part of the increase is an actual increase. This is confirmed by reports from 63 cities throughout the country, 28 of which have attributed the major part of their own increase to an actual increase in cases.

The committee is informed that at the present time, 45 States require routine premarital serologic testing for syphilis. Virginia has such a requirement, but Maryland does not.

The committee was advised by the Director, District of Columbia Department of Public Health, that the enactment of H.R. 3314 will require between 19,000 and 20,000 serologic tests each year, approximately 75 percent of which would be performed by his Department. The other 25 percent of the tests would be by private or hospital laboratories. The extra services and supplies required by the Department of Public Health would cost something less than $10,000 per year.

On August 17, 1965, the Subcommittee on Public Health, Education, Welfare, and Safety held hearings on both H.R. 3314 and S. 1081.

Representatives of the Board of Commissioners of the District of Columbia and the Venereal Disease Control Division, District of Columbia Department of Public Health, appeared and testified in support of the proposed legislation. No one appeared in opposition.

LIABILITY FOR NEGLIGENT TREATMENT BY PHYSICIANS AT THE SCENE OF AN ACCIDENT

The Senate proceeded to consider the bill (H.R. 5597) to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, which had been reported from the Committee on the District of Columbia with an amendment, on page 1, at the beginning of line 3, to strike out "That no physician licensed to practice medicine in the District of Columbia or in any State shall be liable in civil damages for his act or omission, not constituting gross negligence, in the course of his rending (in good faith and without expec-" and, in lieu thereof, to insert "That no physician licensed to practice medicine or osteopathy in the District of Columbia or in any State, and no registered nurse licensed in the District of Columbia or in any State, shall be liable in civil damages for any act or omission, not constituting gross negligence, in the course of such physician or nurse rendering (in good faith and without expec-".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXCERPT FROM COMMITTEE REPORT (No. 786)

PURPOSE OF THE BILL

The purpose of H.R. 5597, as amended, is to relieve physicians licensed to practice medicine or osteopathy in the District of Columbia, or in any State, and registered nurses licensed in the District, or in any State, from liability for civil damages for any act or omission, not constituting gross negligence, upon the occasion of their rendering free and voluntary medical treatment at the scene of an accident or other medical emergency outside of a hospital, in the District of Columbia.

H.R. 5597, as reported by the committee, specifically excludes from immunity any act "constituting gross negligence" on the part of a physician or other persons coming within the purview of this bill. This recognizes that no Good Samaritan law should accord anyone immunity from liability for wrongdoing.

BACKGROUND

Good Samaritan laws such as this are designed to assure a physician immunity from liability when he renders emergency medical care in good faith, and without expectation of or desire for compensation, at the scene of an accident or any medical emergency occurring in a public place.

Physicians today have become increasingly conscious of the danger of lawsuits against them alleging malpractice. This awareness of being made a party to a lawsuit undoubtedly stems from an increasing number of such litigations, and this fear of litigation has become a very real one for the physician in his daily practice.

In the normal physician-patient relationship, when a physician treats his patient in his office or in a hospital, he has available to him all the necessary facilities and the time to make a thorough and careful approach to treatment. Also, he knows the patient's medical background, allergies, etc. Obviously, none of these advantages is present when, because of his happening to be present at the scene of an accident, or a person's being taken ill in a public place, the physician is called upon to render emergency care to an individual whom he has never seen before. In these situations, lifesaving procedures may be required instantly, and the physician must act promptly and to the best of his ability.

Good Samaritan laws reinforce an ancient principle of common law, to the effect that any act performed in good faith, carried out with reasonable care and for good purposes, shall not be punished. The Hippocratic oath, to which every medical graduate in the United States must subscribe, requires the physician to give assistance to those in need of medical care. The "Principles of Medical Ethics," perhaps the best known of all guides for professional conduct and obligation, states in section 5 that: "A physician may choose whom he will serve. In emergencies, however, he should render service to the best of his ability."

There is no question that physicians, through the instinct and the training of their profession, want to render such good Samaritan services whenever the occasion may arise. With the general increase in liability claims associated with professional malpractice, however, their reluctance to give assistance which may lead to an unfair suit against them is understandable. In the face of this situation, the District of Columbia Medical Society strongly endorses this proposed legislation.

Moreover, the absence of a good Samaritan law in any jurisdiction not only leaves the well-meaning, responsible physician who assists in an emergency in danger of a lawsuit, but such a lack also may operate to jeopardize the well-being of the accident victim himself. Thus, another primary and highly beneficial aspect of H.R. 5597 will be to aid the injured or ill person, by making more readily available to him the services of the volunteer physician responding to an emergency call.

Another necessity for this proposed law is the nature of the physician-patient relationship from both ethical and legal viewpoints. This relationship begins when the physician responds to a valid request to render care. In many accident cases, the patient or a lawful representative is unable to initiate the relationship because of unconsciousness yet it is highly necessary in the interest of life itself that care be undertaken without delay—and without the formality of the relationship. Surely, this urgent need should accordingly be recognized in law.

In a nation where nearly 50,000 persons are killed annually on the highways—some through lack of first aid—it is not difficult to perceive the serious implications of the problem.

Traffic Safety magazine had this to say on the subject in February 1963:

"The two important phases in the treatment of an accident victim are immediate care and definitive care. The responsibility for definitive care is usually assumed by a hospitaal where specialized assistance and equipment are available. But the most important phase in treatment of the injured is immediate care at the scene of the accident, because very often the end result depends upon initial handling * * *. It is ironic that people trained in medicine are discouraged from offering their services."

The magazine article continued to point out that it was not so much a rash of malpractice suits that brought about the enactment of these laws as it was fear on the part of doctors who were afraid of the total lack of protection in the giving of an act of mercy.

The committee is advised that a majority of the States have enacted Good Samaritan laws. Following are 32 States that have already done so: Alaska, Arkansas, California, Connecticut, Delaware, Georgia, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming.

At a public hearing held on August 17, 1965, by the Subcommittee on Public Health, Education, Welfare, and Safety, representatives of the Commissioners for the District of Columbia and District of Columbia Medical Society appeared and testified in support of the bill. No one appeared in opposition to the proposed legislation.

The committee, in reporting this legislation, was of the view that its enactment is in the public interest, and will assure the resident of, and visitors to, the Nation's Capital that medical assistance will be more readily available when needed, and that the physician rendering charitable assistance will be relieved from unwarranted liability.

The committee amended the House-passed bill so as to include registered nurses within the scope of the statute. As in the case of physicians, registered nurses also render emergency service at the scene of accidents and emergencies in the District of Columbia. Accordingly, it was the view of the committee that registered nurses should be relieved of liability when they respond with their services in time of need. The committee understands that this amendment will conform with the law in 21 other States. These are: Alabama, California, Colorado, Florida, Hawaii, Indiana, Louisiana, Michigan, Mississippi, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

MANDATORY REPORTING OF INJURIES BY FIREARMS

The Senate proceeded to consider the bill (H.R. 9985) to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons which had been reported from the Committee on the District of Columbia with amendments, on page 2, line 6, after the word "attends", to strike out "an injured person" and insert "any person so injured"; at the beginning of line 14, to strike out "contain the name and address of the injured person, the person's age, the nature and extent of the person's injuries, and" and insert "contain, if readily available, the name, address, and age of the injured person, and shall also contain the nature and extent of the person's injuries, and"; after line 22, to strike out:

SEC. 3. Any person who makes a report pursuant to this Act shall not, by reason thereof, be personally liable in damages.

SEC. 4. Notwithstanding the provisions of the District of Columbia Code, sections 14-306 and 14-307, neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence in judicial proceedings resulting from a report made pursuant to this Act.

And, in lieu thereof, to insert:

SEC. 3. Any person, hospital, or institution participating in good faith in the making of a report pursuant to this Act shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of such report. Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from such report.

SEC. 4. Any person who knowingly and willfully violates any provision of this Act shall be fined not more than $300, or imprisoned for not more than thirty days, or both.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXCERPT FROM COMMITTEE REPORT (No. 787)

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to require the reporting by physicians in the District of Columbia, and also by hospitals or similar institutions, of injuries caused by firearms or other dangerous weapons.

Under the terms of the bill a report must be made by any physician or other practitioner, licensed under the District of Columbia Healing Arts Practice Act, having reasonable cause to believe that a person coming before him for examination or treatment has suffered an injury caused by any dangerous weapon occurring during the commission of a crime, or has suffered an injury caused by a firearm, whether self-inflicted, accidental, or occurring during the commission of a crime.

It is provided that when such physician, or other licensed person is performing as a member of the staff of a hospital or similar institution, and detects such an injury as described above, he shall notify the person in charge of the hospital or institution, who in turn is required to make the report. The initial report shall be oral, and it shall be made immediately by telephone to the Metropolitan Police Department of the District of Columbia, to be followed as soon thereafter as practicable by a written report. Such report, when readily available, shall contain the name, address, and age of the injured person, and the nature and extent of the person's injuries.

The bill under section 3 grants any person, hospital, or institution participating in good faith in the making of a report, immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of such report.

BACKGROUND OF LEGISLATION

H.R. 9985 is a bill that was introduced in the Congress upon the request of the Board of Commissioners for the District of Columbia. The legislation represents one of several legislative proposals that the Commissioners have actively supported as part of their anticrime legislative program.

The committee was informed that at the present time there is no law in the District of Columbia making mandatory the reporting by physicians of injuries caused by firearms and other dangerous weapons.

An official of the Metropolitan Police Department in testifying before this committee on H.R. 9985 stated that physicians in the District of Columbia have been generally cooperative with the police department in providing information on a voluntary basis where treatment of injuries results from firearms or other dangerous weapons.

However, the official further testified that there have been instances of where such injuries have not been reported promptly to the police. When this occurs the police are required to send citywide broadcasts to all police units to make inquiries of physicians and hospitals for information concerning persons reporting for treatment. The pursuing of such an investigation means that many police officers are removed from other areas of law enforcement in order to assist in checking out physicians and hospitals for information concerning persons who may have been treated. It is apparent that much of this needless investigation on part of the police can be obviated by implementing a law that makes it mandatory for physicians and other persons to report gunshot and dangerous weapon injuries to the police.

It was the view of the committee that the seriousness of the situation regarding crimes involving the use of firearms and other dangerous weapons in the Nation's Capital justifies the enactment of a law making such reporting mandatory simply as a means of assuring, as fully as possible, the receipt of invaluable information in every instance that will facilitate the police in their solution of crime.

The committee in reporting H.R. 9985, amended the bill to include a penalty where a person knowingly and willfully violates any provision of the act. The penalty included in the bill provides for a fine of not more than $300, or imprisonment of not more than 30 days, or both. The committee in including a criminal penalty was of the view that it would strengthen the enforcement of the law, and place a strong sanction against anyone who would willfully violate the law.

Also, the committee amended H.R. 9985, by deleting section 4, of the House-passed bill which provided, notwithstanding existing law, neither the husband-wife privilege and the physician-patient privilege shall be a ground for excluding evidence in any judicial proceeding resulting from a report made pursuant to the bill. The committee was of the view that the husband and wife privilege is a legally precious one and it should not be subject to suspension in cases of this type, particularly where in the District of Columbia at the present time the husband and wife privilege is not subject to suspension in far more heinous crimes.

The committee deleted the physician-patient privilege from the House-passed bill for the reason that section 14-307 of the District of Columbia Code already provides for a suspension of the physician-patient privilege in criminal cases where the accused is charged with causing the death of or inflicting injuries upon human beings.

On August 17, 1965, the Subcommittee on Public Health, Education, Welfare, and Safety held public hearings on H.R. 9985. Representatives of the District of Columbia Commissioners and the Metropolitan Police Department appeared and testified in support of the proposed legislation. No one appeared in opposition to the bill.

MANDATORY REPORTING OF PHYSICAL ABUSE OF CHILDREN

The Senate proceeded to consider the bill (H.R. 10304) to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children which had been reported from the Committee on the District of Columbia with amendments, on page 2, line 19, after the word "the", where it appears the second time, to insert "hospital or"; in the heading in line 22, after the word "Made", to insert a semicolon and "Central Register"; in line 24, after "Sec. 3.", to insert "(a)"; on page 3, line 10, after the word "perpetrator.", to insert "The Metropolitan Police Department shall make a copy of each such written report made pursuant to this section available to the Board of Commissioners for the purpose of subsection (b) of this section."; after line 13, to insert:

(b) (1) The Commissioners of the District of Columbia shall, for the purpose of identifying repeater cases, establish and maintain a central register containing the names and addresses of each child and his parents or other person responsible for the care of such child, together with the age of such child, included in each written report made pursuant to this Act. Such register shall contain such other information as the Commissioners may deem appropriate to carry out the purposes of this section.

(2) All information contained in such register shall be regarded as confidential and shall be available only (A) to such agencies and departments of the governments of the District of Columbia and the United States as shall be designated by the Commissioners of the District of Columbia by regulation, or (B) in accordance with legal process issued by a court of competent jurisdiction.

On page 4, after line 5, to strike out:

SEC. 4. Anyone participating in the making of a report pursuant to this Act shall have immunity from liability, civil or criminal, which might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings involving such report.

And, in lieu thereof, to insert:

SEC. 4. Any person, hospital, or institution participating in good faith in the making of a report pursuant to this Act shall have immunity from liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of such report. Any such participant shall have the same immunity with respect to participation in any judicial proceeding involving such report.

In line 21, after the word "sections", to strike out "14-306, 14-307, and 14-308" and insert "14-306 and 14-307"; on page 5, after line 2, to insert a new section, as follows:

SEC. 6. Notwithstanding any other provision of this Act, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this Act.

And, after line 9, to insert a new section, as follows:

SEC. 7. Any person who knowingly and willfully violates any provision of this Act shall be fined not more than $300, or imprisoned for not more than thirty days, or both.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

EXCERPT FROM COMMITTEE REPORT (No. 788)

PURPOSE OF THE BILL

The purpose of H.R. 10304, as amended, is to provide for the protection of children in the District of Columbia who have had physical injury inflicted upon them other than by accidental means, and who may be threatened by further such injury. This protection would be accomplished by requiring physicians or institutions in the District who become aware of such a case to report it to the Metropolitan Police Department, thereby causing the protective services of the city to be brought to bear in an effort to protect the health and welfare of such a child and to prevent further abuses.

The bill provides that where such cases come to their attention a physician or any other person licensed under the District of Columbia Healing Arts Practice Act must make an immediate oral report, by telephone or otherwise, to the Metropolitan Police Department, followed as soon thereafter as possible, by a written report. Included in the report will be such data as the names and addresses of the child and those responsible for his care, if known, the child's age, and the nature and extent of his injuries.

When the physician in such an instance is examining or treating an abused child as a staff member of a hospital, he shall advise the person in charge of the institution, who in turn must make the above described report to the police department.

Section 4 of the bill provides immunity from any civil or criminal liability to any person participating in the good-faith making of such a report, and the same immunity with respect to participation in any judicial proceeding involving such a report.

Section 5 of the bill provides that neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence, in any proceeding in the juvenile court, in those instances of where the juvenile court decides that such privilege should be waived in the interest of justice.

The committee recognized the special significance that the husband-wife privilege has always had in our law, and for this reason the committee gave the matter careful consideration before providing for the suspension of the privilege. It appeared to the committee that the overriding interest of the child necessitated the suspension of the husband-wife privilege for without such provision it would be next to impossible to prove a court case against a parent who is charged with the abuse of a child.

The committee in reporting H.R. 10304 made certain amendments to the House-passed bill. A provision was included in the bill providing for the Commissioners of the District of Columbia to maintain a confidential register of child-abuse cases. It was the committee's view that such a register would assist the appropriate authorities in readily identifying the persons who on prior occasions have been involved in child abuse cases.

The committee approved an amendment which excludes from the provision of the bill the neglect of a child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practice of a recognized church or religious denomination by a duly accredited practitioner thereof.

The effect of this amendment will be to safeguard, in some measure, the religious rights of Christian Scientists and other religious denominations who follow a course of treatment solely by spiritual means. The committee is informed that six other States have adopted similar provisions in their child-abuse statutes.

The committee also amended the bill, so as to include a penalty provision where a person knowingly and willfully violates any provision of the act. The penalty is included under section 7, and provides for a period of imprisonment for not more than 30 days, or a fine of not more than $300, or both. It was the view of the committee that the penalty provision would strengthen the bill by imposing a strict sanction on those persons who knowingly and willfully violate the statute.

NECESSITY FOR THE LEGISLATION

The committee is informed that to date, 46 States have enacted statutes requiring physicians to report cases of willful child abuse, and that similar bills are presently pending in several other jurisdictions. The States that have enacted such a statute are as follows: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

The problem of child abuse in the District of Columbia was given extensive public attention during the past year when Dr. Linwood L. Rayford, Deputy Coroner for the District of Columbia, presented before the District of Columbia Medical Society the problem of child abuse in the city. Dr. Rayford, based upon his experience in the Office of the Coroner, estimated that in the District of Columbia approximately eight children die each year as the result of abusive treatment by parents or other persons responsible for their care.

The statistics on child abuse reveal that for the period January 1–August 15, 1965, there were 180 complaints of child abuse reported in the District of Columbia.

In the District of Columbia at the present time the Women's Bureau of the Metropolitan Police Department has initial jurisdiction over child-abuse cases, and whose responsibility it is to investigate and take action for the protection of the child as well as to initiate criminal prosecution where such action is indicated. In pursuing this primary responsibility the Women's Bureau works in close liaison with the Department of Public Welfare, Department of Public Health, and juvenile court.

As stated above, during the first 6-month period in 1965 there were 180 child-abuse cases reported to the Women's Bureau, but there is reason to believe that this number of cases coming to the attention of District authorities is below the number actually occurring. The committee was informed that the complaints received by the Women's Bureau during this 1965 period were made voluntarily by a certain few local hospitals, Public Health officials, teachers, parents, relatives, and neighbors. Also, a number of reports are furnished by anonymous persons. It would appear that more cases of child abuse would be reported to the appropriate authorities if a child-abuse bill, as that proposed in H.R. 10304, is enacted for the District of Columbia and which removes the examining or treating physician from any civil or criminal liability upon making a report. The problem of child abuse is a serious matter, and certainly every appropriate means should be utilized to curb it. The recognition that serious injury to a child has occurred by other than accidental means is most often a matter of medical diagnosis. Accordingly, the responsibility for reporting specific child-abuse cases is primarily with the physician. Members of the medical profession recognize this fact and favor the enactment of this legislation which would allow physicians in the District of Columbia to report cases of child abuse without incurring possible criminal or civil liability when they make the report.

On August 17, 1965, the Subcommittee on Public Health, Education, Welfare, and Safety held hearings on H.R. 10304. Representatives of the Commissioners for the District of Columbia, the Committee on Child Welfare, District of Columbia Medical Society, American Parents Committee for the District of Columbia, and the Coroner for the District of Columbia appeared and testified in support of the bill. No one appeared at the hearing in opposition to the proposed legislation.

It was the committee's view that the legislation will be the one most single means through which law enforcement authorities would be apprised of child abuse and, through such information, to initiate appropriate action to bring such abuse to an end.

AMENDMENT OF STREET READJUSTMENT ACT

The bill (S. 1314) to amend the Street Readjustment Act of the District of Columbia so as to authorize the District of Columbia to close all or part of a street, road, highway, or alley in accordance with the requirements of an approved redevelopment or urban renewal plan without regard to the notice provision of such act, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Street Readjustment Act of the District of Columbia, approved December 15, 1932 (47 Stat. 747; title 7, ch. 4, D.C. Code, 1961 edition), is amended by adding the following new section:

"SEC. 11. (a) Notwithstanding any other provision of this Act, whenever any redevelopment plan or urban renewal plan approved by the Commissioners of the District of Columbia pursuant to the authority contained in the Act approved August 2, 1946 (60 Stat. 790), as amended (sec. 5–705, D.C. Code, 1961 edition), requires the closing of all or part of any street, road, highway, or alley, the Commissioners of the District of Columbia are authorized to order the closing of such street, road, highway, or alley, or such part of a street, road, highway, or alley, as the case may be, without regard to the provisions of sections 2 and 4 of this Act, if they find that the District of Columbia Redevelopment Land Agency has acquired title to all or a major part of the properties abutting said street, road, highway, or alley, or said part of a street, road, highway, or alley, and, with respect to such of the said abutting properties as may not have been so acquired the said Agency has obtained and furnished to the said Commissioners the written consent of the owners of such properties to the closing of such street, road, highway, or alley, or such part of a street, road, highway, or alley.

"(b) No public way or part of a public way may be ordered closed by the Commissioners under the authority of this section unless the Commissioners, in giving notice of the public hearing to be held on a redevelopment plan or urban renewal plan, shall have included in such a notice a statement of their intention to order the closing of all or part of certain specified public ways within the area or areas covered by any such plan."

EXCERPT FROM COMMITTEE REPORT (NO. 791)

PURPOSE OF THE BILL

The purpose of the bill is to amend existing law so as to expedite the closing of public streets and ways, and parts thereof, embraced wholly within urban renewal plans approved by the Board of Commissioners in accordance with the District of Columbia Redevelopment Act of 1945.

Section 2 of the Street Readjustment Act of the District of Columbia (47 Stat. 748; sec. 7–402, District of Columbia Code, 1961 edition) establishes the following requirements with respect to notice of the proposed closing of a public way:

"The Commissioners of the District of Columbia shall cause public notice of intention to be given by advertisement for not less than 14 consecutive days, exclusive of Sundays and holidays, in a daily newspaper of general circulation printed and published in the District of Columbia, to the effect that a public hearing will be held at a time and place stated in the notice for the hearing of objections, if any, to such closing. The said Commissioners shall, not later than 14 days in advance of such hearing, serve notice of such hearing, in writing, by registered mail, on each owner of property abutting the street, road, highway, or alley, or part thereof, proposed to be closed, or if the owner cannot be located the advertisement provided for above shall be deemed sufficient legal notice. At such hearing a map showing the proposed closing shall be exhibited, and the property owners or their representatives, and any other persons interested, shall be given an opportunity to be heard."

Section 4 of the same act provides that: "If, after such hearing, the Commissioners are of the opinion that any street, road, highway, or alley or part thereof, should be closed, they shall prepare an order closing the same and shall cause public notice of such order to be given by advertisement for fourteen consecutive days, exclusive of Sundays, and legal holidays, in at least two daily newspapers of general circulation printed and published in the District of Columbia, and shall serve a copy of such order on each property owner abutting the street, road, highway, or alley, or part thereof, proposed to be closed by such order, and copy of such order shall be served on the owners in person or by registered mail delivered at the last known residence of such owners, or if the owner cannot be located the advertisement provided for above shall be deemed sufficient legal notice; or if he be a nonresident of the District of Columbia, by sending a copy thereof by registered mail to his last known place of address: *Provided,* That if no objection in writing be made to the Commissioners by any party interested within thirty days after the service of such order, then the said order shall immediately become effective; and the said order and plat or plats as provided for herein shall be ordered by the Commissioners of the District of Columbia recorded in the Office of the Surveyor of the District of Columbia."

In order to comply with the requirements of sections 2 and 4 of the Street Readjustment Act, it is necessary for the Surveyor of the District of Columbia to prepare a plat showing proposed closings of public ways, and thereafter recommended to the Commissioners that a public hearing be held thereon. After the requisite advertising and written notice by registered mail to each owner of property abutting the property affected by the proposed closing, and after the required public hearing, the Commissioners decide whether to proceed with the proposed closing, and if so, they issue an order to accomplish it. This order, under section 4 of the act, must be advertised for 14 consecutive days, excluding Sundays and holidays, in at least 2 daily newspapers of general circulation, with a copy of such order being served on the owner of each piece of real property abutting the public way affected. If no objection to the order be made "by any party interested" in writing within 30 days, the order so advertised and so served becomes effective. The procedure established by the Street Readjustment Act involves such a degree of expense and consumes so much time that the Commissioners normally hold only about three such hearings a year.

The Redevelopment Act of 1945 requires that all urban renewal plans be submitted to the Commissioners of the District of Columbia for approval. Prior to granting this approval, the Commissioners are required to hold a public hearing and to publish notice of that hearing in a newspaper of general circulation, at least once a week for not less than 2 weeks, prior to such hearings.

In giving their approval to an urban renewal plan, the Commissioners, of course, implicitly sanction any street closing proposed in that plan. In spite of this implicit approval and the notice and hearing which must precede such approval, the Commissioners, under existing law, must go through the procedures of the Street Readjustment Act which are largely repetitious of what has gone before, in the required urban renewal processes.

S. 1314 would eliminate this redundancy of procedures by authorizing the Board of Commissioners to close all or part of any public way embraced within an urban renewal plan approved by them, without regard to the requirements of sections 2 and 4 of the Street Readjustment Act of the District of Columbia, whenever they find that the Redevelopment Land Agency has acquired title to all of the property abutting the public way or part thereof to be closed, and to take like action in those cases in which they find that the Agency has acquired title to a major part of the property abutting the public way or part thereof to be closed, if the Agency has obtained and furnished to the Commissioners the written consent to such closing of the owners of so much of the property remaining in private ownership as abuts the public way or part of a public way to be closed.

The committee believes that enactment of S. 1314 will result in expediting urban renewal activities in the District of Columbia and will reduce some of the expense to the District in connection therewith, without depriving owners of property of notice concerning the proposed closing of a public way on which any such property abuts. It should particularly be noted that the bill relates only to public ways embraced within urban renewal plans approved by the Commissioners in accordance with the requirements of the Redevelopment Act of 1945, as amended, and does not in any manner affect any public way not embraced in any such plan, the closing of which would continue to be subject to all the notice provisions of the Street Readjustment Act.

There was no opposition to the bill at a hearing conducted before the Business and Commerce Subcommittee on April 8, 1965.

A similar bill, S. 995, passed the Senate in the 88th Congress, but failed of enactment in the House.

The Commissioners of the District of Columbia favor passage of the bill and its enactment will not result in additional expense for the District of Columbia.

OVERTIME COMPENSATION FOR POLICEMEN AND FIREMEN

The Senate proceeded to consider the bill (S. 1719) to authorize compensation for overtime work performed by officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, the U.S. Park Police force, and the White House Police force, and for other purposes which had been reported from the Committee on the District of Columbia with amendments, on page 3, after line 5, to insert:

(B) "Off-duty time" means the time in any basic workday outside the regular tour of an officer or member's duty.

On page 5, after line 2, strike out:

(i) For each officer or member whose basic compensation is at a rate which does not exceed the minimum scheduled rate of basic compensation provided for class 5, in the District of Columbia Police and Firemen's Salary Act of 1958, as amended, the overtime work shall be compensated for by payment at the basic hourly rate of such officer or member and all such compensation shall be considered premium pay.

(ii) For such officer or member whose basic compensation is at a rate which exceeds the minimum scheduled rate of basic compensation provided for class 5, in the District of Columbia Police and Firemen's Salary Act of 1958, as amended, the overtime work shall be compensated for by payment at the basic hourly rate of such minimum scheduled rate of basic compensation and all such compensation shall be considered premium pay.

And, in lieu thereof, to insert:

(i) For each officer or member who receives compensation at a rate provided for in class 1 through class 4, in the District of Columbia Police and Firemen's Salary Act of 1958, as amended, the overtime work shall be compensated for by payment at one and one-half times the basic hourly rate of such officer or member and all such compensation shall be considered premium pay.

(ii) For each officer or member who receives compensation at a rate provided for classes 5 and above, in the District of Columbia Police and Firemen's Salary Act of 1958, as amended, the overtime work shall be compensated for by payment at the basic hourly rate of such officer or member's basic compensation (except as otherwise limited by subsection (h) (1) and (2) of this section) and all such compensation shall be considered premium pay.

On page 6, line 18, after the words "off-duty", to strike out "day" and insert "time"; in line 20, after the word "who", to strike out "is authorized or directed to work" and insert "performs work, as ordered or approved,"; and, after line 23, to strike out:

(f) Overtime work other than that for which compensation by payment or time off is provided by subsections (d) and (e) of this section, including the first appearance for court duty in each case, shall be compensated for by the granting of compensatory time off from a subsequent scheduled tour of duty of the officer or member performing such overtime work at a rate of one hour of compensatory time for each hour of overtime work performed. Such compensatory time off shall be used within such period of time as the authorizing official shall prescribe. If such officer or member fails to take such compensatory time off within the prescribed period, he shall thereby waive all right to such compensatory time off, unless his failure to take such compensatory time off is due to an official denial of his request for such compensatory time off. Such overtime work shall be credited for purposes of compensation in multiples of one hour, rounded to the nearest hour in case of fractions thereof. Thirty minutes or more of any such hour shall be credited as one hour.

And, in lieu thereof, to insert:

(f) Overtime work, other than that for which compensation by payment or time off is provided by subsections (d) and (e) of this section, shall be compensated for by compensatory time off at a rate of one hour of compensatory time for each hour of overtime work performed. Such compensatory time off shall be granted in accordance with the following provisions:

"(1) The authorizing official, or such person as he may designate to act in his place, may, at the request of any officer or member, grant such officer or member compensatory time off from his scheduled tour of duty in lieu of payment for an equal amount of time spent for overtime work, including the first appearance for court duty in each case, if to grant such leave would not unreasonably diminish the number of officers or members available to maintain law, order, and public safety.

"(2) Any officer or member who is eligible for compensatory time off and has made application for such compensatory time off, which application was denied, may within thirty days of such denial make application for compensatory pay at his basic hourly rate of basic compensation and all such compensation shall be considered premium pay.

"(3) Such compensatory time off shall be used within such period of time as the authorizing official shall prescribe. If such officer or member fails to take such compensatory time off within the prescribed period, he shall thereby waive all right to such compensatory time off, unless his failure to take such compensatory time off is due to an official denial of his request for such compensatory time off. Such overtime work shall be credited for purposes of compensation in multiples of one hour, rounded to the nearest hour in case of fractions thereof. Thirty minutes or more of any such hour shall be credited as one hour."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide a five-day week for officers and members of the Metropolitan Police force, the United States Park Police force and the White House Police force", approved August 15, 1950, as amended (D.C. Code, sec. 4–904), is amended to read as follows:

"That (a) for purposes of this Act, the following definitions apply, unless the context requires otherwise:

"(1) 'Authorizing official' means the Board of Commissioners of the District of Columbia in the cases of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Interior in the case of the United States Park Police force, and the Secretary of the Treasury in the case of the White House Police force.

"(2) 'Administrative workweek' means a period of seven consecutive calendar days.

"(3) 'Basic workweek' means a forty-hour workweek, excluding rollcall time, in the case of officers and members of the police forces specified in this Act; a forty-hour workweek in the case of officers and members of the District of Columbia Fire Department other than those in the Firefighting Division; and an average workweek of forty-eight hours in the case of officers and members of the Firefighting Division of the District of Columbia Fire Department.

"(4) 'Basic workday' means an eight-hour day excluding rollcall time in the case of officers and members of the police forces specified in this Act; an eight-hour day in the case of officers and members of the District of Columbia Fire Department other than those in the Firefighting Division; and an average twelve-hour workday in the case of officers and members of the Firefighting Division.

"(5) (A) 'Off-duty days' means the nonwork days which, when combined with the basic workdays make up the administrative workweek.

"(B) 'Off-duty time' means the time in any basic workday outside the regular tour of an officer or member's duty.

"(6) 'Rollcall time' means that time, not exceeding one-half hour each workday which is in addition to each basic workday of the basic workweek for reading of rolls and other preparation for the daily tour of duty.

"(7) 'Rate of basic compensation' means the rate of compensation fixed by law for the position held by an officer or member exclusive of any deductions or additional compensation of any kind.

"(8) 'Premium pay' means compensation not considered as salary for the purpose of computing deductions for life insurance or for computing annuity payments under the Policemen and Firemen's Retirement and Disability Act.

"(9) 'Officer or member' means any employee in the Metropolitan Police force or the Fire Department of the District of Columbia, the United States Park Police force, or the White House Police force whose compensation is fixed and adjusted in accordance with the District of Columbia Police and Firemen's Salary Act of 1958, as amended.

"(10) 'Court duty' means attendance by an officer or member in his official capacity, excluding his appearance as a defendant, at court or at a quasi-judicial hearing.

"(11) 'Special event' or 'special assignment' means any planned activity or function which the authorizing official designates in advance as such.

"(b) The Board of Commissioners of the District of Columbia, the Secretary of the Interior, or the Secretary of the Treasury, as the case may be, is authorized and directed to establish a basic workweek of forty hours to be scheduled on five days for the respective police forces referred to in this Act: *Provided,* That rollcall time shall be without compensation or credit to the time of the basic workweek.

"(c) All officially ordered or approved hours of work (except rollcall time) performed by officers and members in excess of the basic workweek in any administrative workweek, shall be considered as overtime work and shall be compensated for as provided by this Act.

"(d) (1) Whenever the authorizing official designates in advance an activity or function as as special event, or special assignment, all overtime work in connection with such special event, or special assignment, shall be compensated for by payment as follows:

"(i) For each officer or member who receives compensation at a rate provided for in class 1 through class 4, in the District of Columbia Police and Firemen's Salary Act of 1958, as amended, the overtime work shall be compensated for by payment at one and one-half times the basic hourly rate of such officer or member and all such compensation shall be considered premium pay.

"(ii) For each officer or member who receives compensation at a rate provided for classes 5 and above, in the District of Columbia Police and Firemen's Salary Act of 1958, as amended, the overtime work shall be compensated for by payment at the basic hourly rate of such officer or member's basic compensation (except as otherwise limited by subsection (h) (1) and (2) of this section) and all such compensation shall be considered premium pay.

"(2) An officer or member may elect to receive compensatory time off as provided in subsection (f) of this section in lieu of payment for overtime work as provided in this subsection.

"(e) Each officer or member who on any off-duty time performs court duty (excluding the first appearance in court on each case), or who performs work, as ordered or approved, on any off-duty day shall be compensated in accordance with subsection (d) of this section.

"(f) Overtime work, other than that for which compensation by payment or time off is provided by subsections (d) and (e) of this section, shall be compensated for by compensatory time off at a rate of one hour of compensatory time for each hour of overtime work performed. Such compensatory time off shall be granted in accordance with the following provisions:

"(1) The authorizing official, or such person as he may designate to act in his place, may, at the request of any officer or member, grant such officer or member compensatory time off from his scheduled tour of duty in lieu of payment for an equal amount of time spent for overtime work, including the first appearance for court duty in each case, if to grant such leave would not unreasonably diminish the number of officers or members available to maintain law, order, and public safety.

"(2) Any officer or member who is eligible for compensatory time off and has made application for such compensatory time off, which application was denied, may within thirty days of such denial make application for compensatory pay at his basic hourly rate of basic compensation and all such compensation shall be considered premium pay.

"(3) Such compensatory time off shall be used within such period of time as the authorizing official shall prescribe. If such officer or member fails to take such compensatory time off within the prescribed period, he shall thereby waive all right to such compensatory time off, unless his failure to take such compensatory time off is due to an official denial of his request for such compensatory time off. Such overtime work shall be credited for purposes of compensation in multiples of one hour (rounded to the nearest hour in case of fractions thereof). Thirty minutes or more of any such hour shall be credited as one hour.

"(g) (1) Whenever any officer or member is authorized or directed to return to overtime duty at a time which is not an immediate continuation of his regular tour of duty, such officer or member shall receive credit for not less than two hours of overtime work for purposes of compensation under this Act.

"(2) Overtime work resulting from the immediate continuation of an officer's or member's regular tour of duty which, excluding rollcall time, is thirty minutes or more in excess of the basic workday shall be credited for purposes of compensation under subsection (f) of this section.

"(h) (1) No premium pay provided by this Act shall be paid to, and no compensatory time off is authorized for, any officer or member whose rate of basic compensation equals or exceeds the minimum scheduled rate of basic compensation provided for service step 1 in class 10 of the District of Columbia Police and Firemen's Salary Act of 1958, as amended.

"(2) In the case of any officer or member whose rate of basic compensation is less than the minimum scheduled rate of basic compensation provided for service step 1 in class 10 of the Police and Firemen's Salary Act of 1958, as amended, such premium pay may be paid only to the extent that such payment would not cause his aggregate rate of compensation to exceed such minimum scheduled rate with respect to any pay period.

"(3) Each authorizing official is authorized to promulgate such regulations and issue such orders as are necessary to carry out the intent and purpose of this Act, and to delegate to a designated agent or agents any of the functions vested in the authorizing official by this Act."

SEC. 2. Paragraph (6) of section 2(a) of the Act entitled "An Act to amend the Act entitled 'An Act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes', approved June 20, 1906, and for other purposes", approved June 19, 1948 (62 Stat. 498), as amended (sec. 4–404a, D.C. Code), is repealed.

SEC. 3. The first section of the Act entitled "An Act to provide for granting to officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, and the White House and United States Park Police forces additional compensation for working holidays", approved October 24, 1951 (65 Stat. 607), as amended (sec. 4–807, D.C. Code), is amended by striking the last two of the three provisos thereof, and by inserting, in lieu thereof, the following: "*Provided further*, That, when an officer or member is authorized or directed to work on a holiday and such officer or member is required to work longer than his regular tour of duty he shall be compensated for such overtime in accordance with the provisions of subsection (e) of the first section of the Act approved August 15, 1950 (64 Stat. 447), as amended (D.C. Code, sec. 4–904(e)).

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 5. This Act shall become effective on the first day of the first pay period which begins not less than thirty days after approval of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCERPT FROM COMMITTEE REPORT (No. 793)

PURPOSE OF THE BILL

The purpose of S. 1719 is to authorize compensation for overtime work in excess of the basic authorized workweek performed by officers and members of the Metropolitan Police force, the U.S. Park Police force, the White House Police force, and the Fire Department of the District of Columbia. This legislation implements one of the President's eight major emergency programs to fight crime in the District of Columbia.

SUMMARY OF THE BILL

The major provisions of S. 1719 allow overtime compensation for members of the Metropolitan Police Department, the White House Police, the Park Police, and the Fire Department of the District of Columbia.

Overtime compensation is payable for all ordered or approved hours of work performed by officers or members of the various forces in excess of the basic workweek, which is stated at 40 hours for all except those in the Firefighting Division of the District of Columbia Fire Department, for whom the basic workweek is 48 hours. The basic workday for all except those in the Firefighting Division of the Fire Department is 8 hours. For those in the Firefighting Division, the basic workday is 12 hours. Rollcall time is without compensation or credit to the time of the basic workweek.

For overtime worked in connection with (1) special events and special assignments (when designated as such in advance by the Board of Commissioners for the District of Columbia, the Secretary of the Interior or the Secretary of the Treasury, as the case may be), (2) second appearances in court on a given case on off-duty time, or (3) specifically ordered or approved overtime work performed on an off-duty day, a member of the force is to receive compensation at a rate 1½ times his basic hourly rate of compensation. Officers (class 5 of the Salary Act of 1958 and above) are to receive compensation in such circumstances at a rate equal to their basic hourly rate of compensation, which is known as straight time.

Overtime work not pursuant to a special event, special assignment, second appearance in court or ordered or approved for performance on an off-duty day is to be compensated by compensatory time off. Accordingly, overtime work performed by an officer or member of the force consisting of a first appearance in court, or an activity requiring him to extend his regular tour of duty on a duty day, would entitle that officer or member to 1 hour of time off for each hour of overtime worked.

Under the terms of the bill, however, the officer or member is not allowed an unbridled election to take time off, but must first clear his request for time off with his supervising officer, who may deny such request if to grant it would unnecessarily diminish the strength of the force.

If a request for compensatory time off is denied, the officer or member is then entitled to apply for compensation pay at straight time rates, but he must make such an application within 30 days of the denial of his request for time off. The initial request for time off must be made within such period as the Board of Commissioners or the Secretaries of Interior or Treasury shall prescribe.

Similarly, an officer or member entitled to pay and one-half for overtime worked may elect instead to take compensatory time off, but must do so on the same basis as other applicants for compensatory time off and at a rate of 1 hour off for each hour of overtime worked.

When an officer or member is authorized or directed to return to overtime duty at a time which is not an immediate continuation of his regular tour of duty, he is to be allowed at least 2 hours credit toward overtime. Overtime work performed as an extension of the regular tour, which, excluding rollcall time, is 30 minutes or more, shall be credited toward compensatory time off, unless such overtime work is performed in a second or subsequent appearance in court for which pay and one-half is allowed.

Finally, the Board of Commissioners, the Secretary of the Interior, or the Secretary of the Treasury is authorized to promulgate such rules and regulations as may be necessary to carry out this act. Previous laws relating to holiday pay are coordinated with this act, and the act is to go into effect on the first day of the first pay period which begins not less than 30 days after approval of this act.

NEED FOR THE LEGISLATION

At the present time, the act of August 15, 1950 (64 Stat. 447), as amended (District of Columbia Code, sec. 4–904(f)), provides that officers and members of the Metropolitan Police force, White House Police force, and U.S. Park Police force may be compensated at the basic daily rate for each day of duty performed by reason of the suspension and discontinuance of their days off for emergency purposes. (A similar provision relating to the Fire Department of the District of Columbia appears in the act of June 19, 1948, 62 Stat. 498, as amended; District of Columbia Code, sec. 4–404(a).) Also, the act of August 15, 1950, as amended (District of Columbia Code, sec. 4–904(e)), provides that for each day a vacancy in a particular rank exists in the personnel strength of any of the police forces or of the Fire Department, an officer or member of such rank may voluntarily perform duty on his day off and be compensated at a rate equivalent to his daily rate.

However, these provisions do not cover the numerous special events and special assignments which require large details of officers and members of the various forces for crowd control. These special activities include parades, demonstrations, and traffic control at District of Columbia Stadium and other places of large public gatherings. During a typical year these details require approximately 140,000 man-hours of duty which, on each particular occasion, must be drawn (1) from the strength of the patrol forces, thereby depleting them and weakening their effectiveness in crime deterrence, or (2) from off-duty men, who are later unavailable for patrol duty when they are given compensatory time off. This drain of manpower from the normal patrol force would be relieved by using men working overtime for cash compensation to furnish manpower for these special events and special assignments.

An indication of the impact that special events have on the Metropolitan Police force is illustrated by the opening day baseball game on April 12, 1965, when details for traffic control and for movements of the President required a total of 370 privates and 65 uniformed officials and detectives; and by the demonstrations on April 17 against Vietnam policies when it was deemed necessary to require details of 551 privates and 54 uniformed officials and detectives.

During fiscal year 1964, the U.S. Park Police engaged in approximately 18,000 hours of overtime work. Of this amount, about 40 percent resulted from six major details which included Cherry Blossom Festival, Independence Day Celebration, Pageant of Peace, President's Cup Regatta, Press Club Family Frolic, and Schoolboy Patrol Parade.

The remaining portion of overtime worked by the Park Police was incident to court duty and demonstrations that required adequate police supervision and control.

The officers and members of the District Fire Department, in fiscal year 1964, worked approximately 6,300 hours of extra duty on multiple alarms, emergency communication facility repairs, and special investigations. In addition, approximately 600 hours of work were performed in excess of regular tours of duty for fire inspections, security matters, and related department activities.

The committee has been supplied information regarding the overtime pay practices of other major cities. These statistical data disclose that the enactment of S. 1719 will bring the District into conformity with many of the other major cities that already compensate their law enforcement employees for duty in excess of the regular workweek. Of 20 municipalities having a population in excess of 500,000, all provide some form of compensation for overtime worked; and 11 of the 20 cities provide for monetary compensation at a straight time rate or at time and one-half.

When hearings were held on this legislation the committee also had before it S. 1718, introduced at the request of the Policemen's Association and the Fire Fighters Association, which differed from the bill we now report primarily in that it provided overtime pay at a rate 1½ times the officer or member's basic hourly rate of compensation. Time and one-half was available under S. 1718 to all officers or members without regard to salary class, grade, or rank.

The Board of Commissioners, the Interior Department, and the Treasury Department either presented testimony or furnished letters for the record favoring S. 1719 and objecting to S. 1718 on the grounds that overtime compensation at a rate 1½ times the basic hourly rate of compensation was not in accord with the established practices of the adjoining jurisdictions or a majority of communities in the country at large.

The bill your committee now reports provides pay and one-half for those up through the rank of sergeant, but straight time overtime for officers, and escalation in benefits for both officers and members over the provisions of S. 1719 as introduced but somewhat less than the benefits set out in S. 1718.

The committee felt there were urgent and compelling reasons for adoption of a program of overtime compensation measured in terms of 1½ times basic compensation. First, such a program is not wholly without precedent but has been instituted recently in one of the most significant police systems in the country, the New York City Police Department. Secondly, and most important is the longstanding disparity between objectives and attainments in the strength of the police force in the District of Columbia.

Since 1961 the District of Columbia has been striving to bring the force up to the authorized strength of 3,000 men. It is currently 109 men shy of full strength. An additional 100 positions have been appropriated for fiscal 1966. Nearly 240 men will retire or resign from the force in the next year. The police department will have to recruit a total of 449 members for the force within the coming year exclusive of any needs the tactical force may generate if continuation of that program is authorized in March. In the meantime crime rates are on the rise. Accordingly, your committee felt that every effort should be made to assist the Chief in developing recruitment incentives, and views the enactment of S. 1719 as a concomitant part of strengthening the police department's personnel efforts.

The Comptroller General of the United States, in a letter filed with the committee relating to S. 1719, highlighted the competitive disadvantage in recruitment facing the police department in an area where the vast majority of employees were eligible for and received compensation for overtime work at a rate 1½ times normal compensation. The Comptroller General remarked:

"One difference between the benefits provided by S. 1719 and those provided for Federal and District of Columbia employees by section 201 of the Federal Employees Pay Act of 1945, approved June 30, 1945, chapter 212, 59 Stat. 296, as amended, 5 U.S.C. 911, is that overtime compensation at 1½ times the normal rate of pay is provided by that section, whereas S. 1719 provides for payments equal to the normal rate of pay. We believe that the committee should consider the fact that the practice of paying 1½ times normal compensation is a widely accepted practice both in the Government and outside, in connection with its consideration of the proposed legislation. Also, section (g)(2) of the proposed amendment provides for the grant of compensatory time but not for overtime compensation when overtime results from the continuation of an employee's tour of duty."

While the Chief of Police has indicated headway is being made by the recruitment programs for the Metropolitan Police Department currently underway, the committee felt every effort should be made to bring the force to full strength as soon as possible, and, accordingly, reports this bill with the heightened incentive of time and one-half for overtime in the hope and anticipation that by making police recruitment procedures more competitive with prevailing private and governmental employment practices, more qualified young men and women will be inclined to participate in one of the highest callings and become respected law enforcement officers.

The committee feels further that it would be inappropriate and unfortunate to continue to provide a smaller measure of overtime compensation to a man who risks his life daily for the public good, than is provided for a worker in the comfort and security of his office. Only by paying a police officer time and a half for overtime work can this disparity between police and nonpolice Government employees be avoided. Obviously, such a measure as the committee now recommends will be of inestimable value in heightening police efficiency and morale.

Finally, and most important, this measure is the second point of the President's eight-point emergency crime fighting package for the District of Columbia. The committee feels that by broadening its benefits, this legislation will have a greater impact on the fight against crime.

The Fiscal Affairs Subcommittee on May 21, 1965, held public hearings on S. 1719. The District of Columbia Commissioners appeared at the hearing and supported the overtime pay legislation. The Chiefs of the Metropolitan Police Department, District of Columbia Fire Department, U.S. Park Police, and White House Police also appeared at the hearing and supported the provisions of S. 1719 as introduced.

BILLS PASSED OVER

On request of Mr. MANSFIELD, the following measures on the calendar call were passed over:

Calendar No. 775, S. 2572, a bill to amend section 18 of the Civil Service Retirement Act, as amended.

Calendar No. 776, H.R. 3141, a bill to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes.

Calendar No. 778, S. 1446, a bill to reserve certain public lands for a National Wild River System, and to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

Mr. MANSFIELD. Mr. President, that completes the call of the calendar.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MORSE. Mr. President, I ask unanimous consent that the Subcommittee on Latin American Affairs of the Committee on Foreign Relations be authorized to meet this afternoon. The full membership of the Foreign Relations Committee is invited.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore announced that on today, September 30, 1965, the Vice President signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.R. 205. An act to amend chapter 35 of title 38 of the United States Code in order to increase the educational assistance allowances payable under the war orphans' educational assistance program, and for other purposes;

H.R. 728. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 1274. An act for the relief of Mrs. Michiko Miyazaki Williams; and

H.J. Res. 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letter, which were referred as indicated:

ADMINISTRATION AND DEVELOPMENT OF PENNSYLVANIA AVENUE AS A NATIONAL HISTORIC SITE

A communication from the President of the United States, transmitting a draft of proposed legislation to provide for the administration and development of Pennsylvania Avenue as a national historic site (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON DISPOSAL OF EXCESS PERSONAL AND REAL PROPERTY

A letter from the Assistant Secretary for Administration, Department of Agriculture, Washington, D.C., transmitting, pursuant to law, a report on the disposal of excess personal and real property for the fiscal year ended June 30, 1965 (with an accompanying report); to the Committee on Government Operations.

JOINT RESOLUTION OF PENNSYLVANIA LEGISLATURE

The PRESIDENT pro tempore laid before the Senate a joint resolution of the Legislature of the State of Pennsylvania, which was referred to the Committee on the Judiciary, as follows:

JOINT RESOLUTION 4

Joint resolution ratifying the proposed amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The proposed amendment to the Constitution of the United States providing as follows:

"Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

"Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as the Congress may by law provide, transmit within 4 days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within 48 hours for that purpose if not in session. If the Congress, within 21 days after receipt of the latter written declaration, or, if Congress is not in session, within 21 days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office," is hereby ratified by the General Assembly of the Commonwealth of Pennsylvania.

Section 2. A copy of the foregoing resolution shall be forwarded to the Secretary of State of the United States and also to the President of the U.S. Senate and to the Speaker of the U.S. House of Representatives.

We certify that this bill, Senate bill No. 1001 printer's No. 1203, has passed the Senate and House of Representatives.

——— ———,
Chief Clerk, Senate.
Raymond P. Shafer,
President, Senate.
Robert K. Hamilton,
Speaker, House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McNAMARA, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 10238. An act to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes (Rept. No. 798).

By Mr. RUSSELL of Georgia, from the Committee on Armed Services, with amendments:

H.R. 7484. An act to amend title 10, United States Code, to provide for the rank of lieutenant general or vice admiral of officers of the Army, Navy, and Air Force while serving as surgeons general (Rept. No. 807).

By Mr. JACKSON, from the Committee on Armed Services, without amendment;

H.R. 724. An act to authorize the transfer of certain Canal Zone prisoners to the custody of the Attorney General (Rept. No. 799).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

H.R. 3045. An act to authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations (Rept. No. 800); and

H.R. 5665. An act to authorize disbursing officers of the Armed Forces to advance funds to members of an armed force of a friendly foreign nation, and for other purposes (Rept. No. 801).

By Mr. THURMOND, from the Committee on Armed Services, with an amendment:

H.R. 1805. An act to amend section 5899 of title 10, United States Code, to provide permanent authority under which Naval Reserve officers in the grade of captain shall be eligible for consideration for promotion when their running mates are eligible for consideration for promotion (Rept. No. 808).

By Mrs. SMITH, from the Committee on Armed Services, without amendment:

H.R. 7329. An act to provide for the conveyance of certain real property of the United States to the city of San Diego, Calif. (Rept. No. 802); and

H.R. 10234. An act to amend section 1085 of title 10, United States Code, to eliminate the reimbursement procedure required among the medical facilities of the Armed Forces under the jurisdiction of the military departments (Rept. No. 805).

By Mr. SYMINGTON, from the Committee on Armed Services, with an amendment:

H.R. 9047. An act to authorize the release of certain quantities of zinc from either the national stockpile or the supplemental stockpile, or both (Rept. No. 803).

By Mr. McINTYRE, from the Committee on Armed Services, without amendment:

H.R. 9975. An act to authorize the shipment, at Government expense, to, from, and within the United States and between oversea areas of privately owned vehicles of deceased or missing personnel, and for other purposes (Rept. No. 804).

VOCATIONAL REHABILITATION ACT AMENDMENTS OF 1965—REPORT OF A COMMITTEE—ADDITIONAL VIEWS (S. REPT. NO. 806)

Mr. HILL. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the bill (H.R. 8310) to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes, and I submit a report thereon. I ask that the report be printed, together with the additional views of Senators Javits and Murphy.

The PRESIDING OFFICER (Mr. Bass in the chair). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alabama.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal stockpile inventories as of June 1965. I ask unanimous consent to have the report printed in the Record, together with a statement by me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report and statement are as follows:

Federal Stockpile Inventories, June 1965

INTRODUCTION

This is the 67th in a series of monthly reports on Federal stockpile inventories. It is for the month of June 1965.

The report is compiled from official data on quantities and cost value of commodities in these stockpiles submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the Departments of Agriculture, Defense, Health, Education, and Welfare, and Interior, and the General Services Administration.

The cost value of materials in inventories covered in this report, as of June 1, 1965, totaled $12,850,225,366 and as of June 30, 1965 they totaled $12,499,852,557, a net decrease of $350,372,809 during the month.

Different units of measure make it impossible to summarize the quantities of commodities and materials which are shown in tables 1, 2, 3, 4, and 5, but the cost value figures are summarized by major category, as follows:

Summary of cost value of stockpile inventories by major category

Major category	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month
Strategic and critical materials:			
National stockpile [1]	$5,458,129,100	$5,394,590,500	−$63,538,600
Defense Production Act	1,386,251,800	1,379,997,200	−6,354,600
Supplemental—barter	1,408,748,954	1,408,532,958	−215,996
Total, strategic and critical materials [1]	8,253,129,854	8,183,020,658	−70,109,196
Agricultural commodities:			
Price support inventory	4,166,355,318	3,886,498,469	−279,856,849
Inventory transferred from national stockpile [1]	54,713,799	53,644,649	−1,069,150
Total, agricultural commodities [1]	4,221,069,117	3,940,143,118	−280,925,999
Civil defense supplies and equipment:			
Civil defense stockpile, Department of Defense	10,348,907	7,859,235	−2,759,672
Civil defense medical stockpile, Department of Health, Education, and Welfare	201,041,669	201,015,990	−25,679
Total, civil defense supplies and equipment	211,390,576	208,605,225	−2,785,351
Machine tools:			
Defense Production Act	45,300	45,300	
National Industrial Reserve Act	89,668,500	90,250,400	+581,900
Total, machine tools	89,713,800	90,295,700	+581,900
Helium	74,922,019	77,787,856	+2,865,837
Total, all inventories	12,850,225,366	12,499,852,557	−350,372,809

[1] Cotton inventory valued at $128,409,100 withdrawn from the national stockpile and transferred to Commodity Credit Corporation for disposal, pursuant to Public Law 87-548, during August 1962.

Detailed tables in this report show each commodity, by the major categories summarized above, in terms of quantity and cost value as of the beginning and end of the month. Net change figures reflect acquisitions, disposals, and accounting and other adjustments during the month.

The cost value figures represent generally the original acquisition cost of the commodities delivered to permanent storage locations, together with certain packaging, processing, upgrading, et cetera, costs as carried in agency inventory accounts. Quantities are stated in the designated stockpile unit of measure.

Appendix A to this report, beginning on page 25551, includes program descriptions and statutory citations pertinent to each stockpile inventory within the major categories.

The stockpile inventories covered by the report are tabulated in detail as follows:

Table 1: Strategic and critical materials inventories (all grades), June 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month).

Table 2: Agricultural commodities inventories, June 1965 (showing by commodity net changes during the month in terms of cost value and quantity).

Table 3: Civil defense supplies and equipment inventories, June 1965 (showing by item net changes during the month in terms of cost value and quantity).

Table 4: Machine tools inventories, June 1965 (showing by item net changes during the month in terms of cost value and quantity).

Table 5: Helium inventories, June 1965 (showing by item net changes during the month in terms of cost value and quantity).

NEW STOCKPILE OBJECTIVES

The Office of Emergency Planning is in the process of establishing new stockpile objectives for strategic and critical materials.

Table 1 of this report reflects the new objectives established between May 1963 and June 1965, based on essential needs in the event of a "conventional war emergency."

Appendix B, beginning on page 25552, contains excerpts from Office of Emergency Planning statements setting forth the new policy and current studies with respect to objectives for strategic and critical materials required for "conventional war emergency" and "nuclear war emergency."

TABLE 1.—*Strategic and critical materials inventories (all grades), June 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*

Commodity	Cost value			Quantity					
	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Unit of measure	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Aluminum, metal:									
National stockpile	$487,680,600	$487,680,600		Short ton	1,128,988	1,128,988			
Defense Production Act	390,527,700	388,866,900	−$1,660,800	do	774,658	771,375	−3,283		
Total	878,208,300	876,547,500	−1,660,800	do	1,903,646	1,900,363	−3,283	450,000	1,450,363
Aluminum oxide, abrasive grain:									
Supplemental—barter	15,717,600	15,717,600		Short dry ton	50,905	50,905		(2)	50,905
Aluminum oxide, fused, crude:									
National stockpile	21,735,100	21,735,100		Short ton	200,093	200,093			
Supplemental—barter	22,747,400	22,747,400		do	178,266	178,266			
Total	44,482,500	44,482,500		do	378,359	378,359		160,000	218,359
Antimony:									
National stockpile	18,983,600	18,983,600		do	28,143	28,143			
Supplemental—barter	13,550,500	13,551,300	+800	do	22,704	22,704			
Total	32,534,100	32,534,900	+800	do	50,857	50,847		25,500	25,347
Asbestos, amosite:									
National stockpile	2,637,600	2,637,600		do	11,705	11,705			
Supplemental—barter	10,538,212	10,867,817	+329,605	do	42,066	43,465	+1,399		
Total	13,175,812	13,505,417	+329,605	do	53,771	55,170	+1,399	40,000	15,170
Asbestos, chrysotile:									
National stockpile	3,356,200	3,356,200		do	6,224	6,224			
Defense Production Act	2,102,600	2,102,600		do	2,348	2,348			
Supplemental—barter	4,990,054	4,990,054		do	7,576	7,576			
Total	10,448,854	10,448,854		do	16,148	16,148		13,700	2,448
Abestos, crocidlite:									
National stockpile	702,100	701,900	−200	do	1,567	1,567			
Supplemental—barter	11,158,961	11,383,750	+224,789	do	43,081	43,830	+749		
Total	11,861,061	12,085,650	+224,589	do	44,648	45,397	+749	(2)	45,397
Bauxite, metal grade, Jamaica type:									
National stockpile	13,925,000	13,925,000		Long dry ton	879,740	879,740			
Defense Production Act	18,168,000	18,168,000		do	1,370,077	1,370,077			
Supplemental—barter	98,199,374	99,284,926	+1,085,552	do	6,407,583	6,485,816	+78,233		
Total	130,292,374	131,377,926	+1,085,552	do	8,657,400	8,735,633	+78,233	5,000,000	3,735,633
Bauxite, metal grade, Surinam type:									
National stockpile	78,552,500	78,552,500		do	4,962,706	4,962,706			
Supplemental—barter	45,197,400	45,197,400		do	2,927,260	2,926,260			
Total	123,749,900	123,749,900		do	7,889,966	7,889,966		5,300,000	2,589,966
Bauxite, refractory grade:									
National stockpile	11,347,800	11,347,800		Long calcined ton.	299,279	299,279		173,000	126,279
Beryl:									
National stockpile	9,768,400	9,768,400		Short ton	23,230	23,230			
Defense Production Act	1,425,600	1,425,600		do	2,542	2,542			
Supplemental—barter	23,056,400	23,056,400		do	12,275	12,275			
Total	34,250,400	34,250,400		do	38,047	38,047		28,000	10,047
Beryllium metal:									
Supplemental—barter	18,703,500	18,703,500		do	153	153		(2)	153
Bismuth:									
National stockpile	2,674,300	2,674,300		Pound	1,342,402	1,342,402			
Defense Production Act	52,400	52,400		do	22,901	22,901			
Supplemental—barter	5,536,700	5,536,700		do	2,506,493	2,506,493			
Total	8,263,400	8,263,400		do	3,871,796	3,871,796		3,600,000	271,796

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), June 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Unit of measure	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Cadmium:									
National stockpile	$15,148,200	$15,148,200		Pound	7,699,48	7,699,481			
Supplemental—barter	12,326,600	12,326,600		do	7,448,388	7,448,388			
Total	27,474,800	27,474,800		do	15,147,869	15,147,869		5,100,000	10,047,869
Castor oil:									
National stockpile	44,551,300	44,549,500	−$1,800	do	175,087,734	175,089,127	+1,393	22,000,000	153,089,127
Celestite:									
National stockpile	1,412,300	1,412,300		Short ton	29,017	29,017			
Supplemental—barter	947,564	952,300	+4,736	do	21,927	21,927			
Total	2,359,864	2,364,600	+4,736	do	50,944	50,944		10,300	40,644
Chromite, chemical grade:									
National stockpile	12,288,000	12,288,000		Short dry ton	559,452	559,452			
Supplemental—barter	21,993,100	21,993,100		do	699,644	699,644			
Total	34,281,100	34,281,100		do	1,259,096	1,259,096		600,000	659,096
Chromite, metallurgical grade:									
National stockpile	263,178,200	263,178,200		do	3,755,878	3,755,878			
Defense Production Act	35,879,900	35,879,900		do	985,646	985,646			
Supplemental—barter	227,447,934	227,430,000	−17,934	do	1,562,643	1,562,641	−2		
Total	526,506,034	526,488,100	−17,934	do	6,304,167	6,304,165	−2	2,970,000	3,334,165
Chromite, refractory grade:									
National stockpile	25,149,300	25,149,300		do	1,047,159	1,047,159			
Supplemental—barter	5,039,000	5,039,000		do	179,775	179,775			
Total	30,188,300	30,188,300		do	1,226,934	1,226,934		1,425,000	(3)
Cobalt:									
National stockpile	169,228,500	169,228,500		Pound	76,068,771	76,068,768	−3		
Defense Production Act	52,175,300	52,075,300		do	25,066,651	25,066,651			
Supplemental—barter	2,169,000	2,169,000		do	1,065,398	1,065,398			
Total	223,472,800	223,472,800		do	102,200,820	102,200,817	−3	42,000,000	60,200,817
Coconut oil:									
National stockpile	984,200	985,700	+1,500	do	6,517,421	6,517,409	−12	(2)	6,517,409
Colemanite:									
Supplemental—barter	2,636,400	2,636,400		Long dry ton	67,636	67,636		(2)	67,636
Columbium:									
National stockpile	25,021,900	25,050,600	+28,700	Pound	7,391,317	7,392,832	+1,515		
Defense Production Act	50,238,900	50,238,900		do	7,966,341	7,966,335	−6		
Supplemental—barter	799,100	799,100		do	371,426	371,419	−7		
Total	76,059,900	76,088,600	+28,700	do	15,729,084	15,730,586	+1,502	1,176,000	14,554,586
Copper:									
National stockpile	524,426,600	497,949,900	−26,476,700	Short ton	1,007,729	946,631	−61,098		
Defense Production Act	25,358,600	24,462,100	−896,500	do	44,931	43,284	−1,647		
Supplemental—barter	8,252,100	8,252,100		do	12,382	12,382			
Total	558,037,300	530,664,100	−27,373,200	do	1,065,042	1,002,297	−62,745	775,000	227,297
Cordage fibers, abaca:									
National stockpile	37,034,700	37,034,700		Pound	146,932,241	146,931,913	−328	[4] 50,000,000	96,931,913
Cordage fibers, sisal:									
National stockpile	41,702,000	41,682,300	−19,700	do	308,342,276	308,196,551	−145,725	[4] 200,000,000	108,196,551
Corundum:									
National stockpile	393,100	393,100		Short ton	2,008	2,008		2,500	(3)
Cryolite:									
Defense Production Act	4,740,500	3,205,400	−1,535,100	do	17,167	11,608	−5,559	(2)	11,608
Diamond dies:									
National stockpile	614,400	626,000	+11,600	Piece	19,797	19,988	+191	25,000	(3)
Diamond, industrial, crushing bort:									
National stockpile	61,601,800	61,601,800		Carat	31,109,411	31,162,127	+52,716		
Supplemental—barter	15,800,500	15,800,500		do	5,550,579	5,550,579			
Total	77,402,300	77,402,300		do	36,659,990	36,712,706	+52,716	24,700,000	12,012,706
Diamond, industrial, stones:									
National stockpile	100,509,400	100,533,900	+24,500	do	9,319,183	9,268,736	−50,447		
Supplemental—barter	186,341,500	186,392,500	+51,000	do	15,425,827	15,430,039	+4,212		
Total	286,850,900	286,926,400	+75,500	do	24,745,010	24,698,775	−46,235	16,500,000	8,198,775
Diamond tools:									
National stockpile	1,015,400	1,015,400		Piece	64,178	64,178		(2)	64,178
Feathers and down:									
National stockpile	30,118,200	29,408,800	−709,400	Pound	7,269,659	7,098,323	−171,336	3,000,000	4,098,323
Fluorspar, acid grade:									
National stockpile	26,167,500	26,167,500		Short dry ton	463,049	463,049			
Defense Production Act	1,394,400	1,394,400		do	19,700	19,700			
Supplemental—barter	16,098,900	16,099,200	+300	do	323,232	323,232			
Total	43,660,800	43,661,100	+300	do	805,981	805,981		540,000	265,981

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), June 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Unit of measure	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Fluorspar, metallurgical grade:									
National stockpile	$17,332,400	$17,332,400		Short dry ton	369,443	269,443			
Supplemental—barter	18,940,300	18,940,500	+$200	do.	480,800	480,800			
Total	36,272,700	36,272,900	+200	do.	850,243	850,243		850,000	243
Graphite, natural, Ceylon, amorphous lump:									
National stockpile	937,900	937,900		do.	4,455	4,455			
Supplental—barter	341,200	341,200		do.	1,428	1,428			
Total	1,279,100	1,279,100		do.	5,883	5,883		5,500	383
Graphite, natural, Malagasy, crystalline:									
National stockpile	6,732,800	6,732,800		do.	32,678	32,678			
Supplemental—barter	232,500	232,500		do.	1,908	1,908			
Total	6,965,300	6,965,300		do.	34,586	34,586		18,000	16,586
Graphite, natural, other, crystalline:									
National stockpile	1,894,400	1,894,400		do.	5,481	5,481		2,800	2,681
Hyoscine:									
National stockpile	31,200	30,800	−400	Ounce	2,140	2,108	−32	(2)	2,108
Iodine:									
National stockpile	4,082,000	4,082,000		Pound	2,956,713	2,956,713			
Supplemental—barter	1,415,600	1,415,600		do.	1,333,512	1,333,512			
Total	5,497,600	5,497,600		do.	4,290,225	4,290,225		8,000,000	(3)
Iridium:									
National stockpile	2,525,800	2,525,800		Troy ounce	13,937	13,937		17,000	(3)
Jewel bearings:									
National stockpile	4,755,800	4,755,800		Piece	52,977,515	52,977,515		57,500,000	(3)
Kyanite-mullite:									
National stockpile	663,100	658,900	−4,200	Short dry ton	7,670	7,621	−49	4,800	2,821
Lead:									
National stockpile	303,402,900	300,877,700	−2,525,200	Short ton	997,925	989,554	−8,371		
Supplemental—barter	78,398,500	76,313,000	−2,085,500	do.	327,998	319,273	−8,725		
Total	381,801,400	377,190,700	−4,610,700	do.	1,325,923	1,308,827	−17,096	0	1,308,827
Magnesium:									
National stockpile	123,702,300	123,480,100	−222,200	do.	170,370	170,064	−306	145,000	25,064
Manganese, battery grade, natural ore:									
National stockpile	21,025,500	21,025,500		Short dry ton	144,485	144,485			
Supplemental—barter	14,121,400	14,121,400		do.	142,245	142,245			
Total	34,146,900	35,146,900		do.	286,730	286,730		80,000	206,730
Manganese, battery grade, synthetic dioxide:									
National stockpile	3,095,500	3,095,500		do.	21,272	21,272			
Defense Production Act	2,524,700	2,524,700		do.	3,779	3,779			
Total	5,620,200	5,620,200		do.	25,051	25,051		6,700	18,351
Manganese, chemical grade, type A:									
National stockpile	2,133,300	2,133,300		do.	29,307	29,307			
Supplemental—barter	7,922,100	7,922,100		do.	117,607	117,607			
Total	10,055,400	10,055,400		do.	146,914	146,914		68,500	78,414
Manganese, chemical grade, type B:									
National stockpile	132,600	132,600		do.	1,822	1,822			
Supplemental—barter	6,669,800	6,669,800		do.	99,016	99,016			
Total	6,802,400	6,802,400		do.	100,838	100,838		64,000	36,838
Manganese, metallurgical grade:									
National stockpile	248,240,900	248,240,900		do.	5,852,191	5,852,191			
Defense Production Act	172,122,100	172,122,100		do.	2,980,257	2,980,257			
Supplemental—barter	271,510,576	273,785,426	+2,274,850	do.	4,047,095	4,074,228	+27,133		
Total	691,873,576	694,148,426	+2,274,850	do.	12,879,543	12,906,676	+27,133	7,900,000	5,006,676
Mercury:									
National stockpile	33,080,100	33,080,100		Flask	184,365	184,365			
Supplemental—barter	3,446,200	3,446,200		do.	16,000	16,000			
Total	36,526,300	36,526,300		do.	200,365	200,365		200,000	365
Mica, muscovite block:									
National stockpile	27,113,100	27,112,900	−200	Pound	11,402,427	11,402,381	−46		
Defense Production Act	40,689,700	40,689,700		do.	6,432,576	6,432,576			
Supplemental—barter	6,715,185	6,720,685	+5,500	do.	1,960,711	1,960,710	−1		
Total	74,517,985	74,523,285	+5,300	do.	19,795,714	19,795,667	−47	6,000,000	13,795,667
Mica, muscovite film:									
National stockpile	9,058,100	9,058,100		do.	1,719,183	1,719,183			
Defense Production Act	633,300	633,300		do.	102,681	102,681			
Supplemental—barter	1,062,600	1,062,700	+100	do.	116,556	116,556			
Total	10,754,000	10,754,100	+100	do.	1,938,420	1,938,420		2,000,000	(3)

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), June 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Unit of measure	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Mica, muscovite splittings:									
National stockpile	$40,598,300	$40,598,300		Pound	40,040,169	40,040,169			
Supplemental—barter	6,225,800	6,225,800		do	4,826,257	4,826,257			
Total	46,824,100	46,824,100		do	44,866,426	44,866,426		22,200,000	22,666,426
Mica, phlogopite block:									
National stockpile	303,600	303,600		do	223,239	223,239		17,000	206,239
Mica, phlogopite splittings:									
National stockpile	2,580,500	2,580,500		do	3,079,062	3,079,062			
Supplemental—barter	2,501,800	2,501,800		do	1,986,902	1,986,902			
Total	5,082,300	5,082,300		do	5,065,964	5,065,964		1,300,000	3,765,964
Molybdenum:									
National stockpile	71,563,400	71,563,400		do	69,034,253	69,034,253		68,000,000	1,034,253
Nickel:									
National stockpile	181,612,300	181,488,100	−$124,200	Short ton	166,594	166,400	−194		
Defense Production Act	84,746,600	82,487,800	−2,258,800	do	45,635	44,660	−975		
Total	266,358,900	263,975,900	−2,383,000	do	212,229	211,060	−1,169	50,000	161,060
Opium:									
National stockpile	13,661,700	13,661,700		Pound	196,364	196,364		141,280	55,084
Palladium: [4]									
National stockpile	2,079,000	23,224,600	+21,145,600	Troy ounce	89,811	222,963	+133,152		
Supplemental—barter	12,170,200	16,194,700	+4,024,500	do	648,124	673,124	+25,000		
Total	14,249,200	39,419,300	+25,170,100	do	737,935	896,087	+158,152	1,300,000	(3)
Palm oil:									
National stockpile	721,000	661,400	−59,600	Pound	4,006,085	3,697,425	−308,660	(2)	3,697,425
Platinum: [4]									
National stockpile	56,879,900	35,734,300	−21,145,600	Troy ounce	716,343	450,033	−266,310		
Supplemental—barter	4,024,500		−4,024,500	do	49,999		−49,999		
Total	60,904,400	35,734,300	−25,170,100	do	766,342	450,033	−316,309	450,000	33
Pyrethrum:									
National stockpile	415,600	415,600		Pound	67,044	67,044		25,000	42,044
Quartz crystals:									
National stockpile	66,934,100	66,934,100		do	5,412,627,	5,412,630	+3		
Supplemental—barter	3,519,200	3,519,200		do	232,352	232,352			
Total	70,453,300	70,453,300		do	5,644,979	5,644,982	+3	650,000	4,994,982
Quinidine;									
National stockpile	1,846,000	1,846,000		Ounce	1,600,428	1,600,428		2,000,000	(3)
Quinine:									
National stockpile	2,617,000	2,617,200	+200	do	4,137,733	4,138,089	+356	4,130,000	8,089
Rare earths:									
National stockpile	7,134,900	7,134,900		Short dry ton	9,969	9,969			
Supplemental—barter	5,830,900	5,830,900		do	5,810	5,810			
Total	12,965,800	12,965,800		do	15,779	15,779		3,000	12,779
Rare earths residue:									
Defense Production Act	657,200	653,900	−3,300	Pound	6,079,723	6,048,619	−31,104	(2)	6,048,619
Rhodium:									
National stockpile	78,200	78,200		Troy ounce	618	618		(2)	618
Rubber:									
National stockpile	623,505,100	612,576,700	−10,928,400	Long ton	806,337	792,226	−14,111	130,000	662,226
Ruthenium:									
Supplemental—barter	559,500	559,500		Troy ouce	15,001	15,001		(2)	15,001
Rutile:									
National stockpile	2,070,100	2,070,100		Short dry ton	18,599	18,599			
Defense Production Act	2,725,100	2,725,100		do	17,385	17,385			
Supplemental—barter	1,061,300	1,061,300		do	11,632	11,632			
Total	5,856,500	5,856,500		do	47,616	47,616		51,000	(3)
Sapphire and ruby:									
National stockpile	190,000	190,000		Carat	16,308,797	16,308,797		18,000,000	(3)
Selenium:									
National stockpile	757,100	757,100		Pound	97,100	97,100			
Supplemental—barter	1,662,194	1,662,200	+6	do	306,602	306,602			
Total	2,419,294	2,419,300	+6	do	403,702	403,702		475,000	(3)
Shellac:									
National stockpile	8,077,200	8,003,800	−73,400	do	16,110,288	15,964,001	−146,287	8,300,000	7,664,001

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), June 1965 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Unit of measure	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Stockpile objective [1]	Excess over stockpile objective
Silicon carbide, crude:									
National stockpile	$11,394,500	11,394,500		Short ton	64,697	64,697			
Supplemental—barter	26,803,600	26,803,600		do	131,805	131,805			
Total	38,198,100	38,198,100		do	196,502	196,502		30,000	166,502
Silk noils and waste:									
National stockpile	1,232,100	1,232,100		Pound	979,924	979,924		(²)	979,924
Silk, raw:									
National stockpile	486,600	486,600		do	113,515	113,515		(²)	113,515
Silver:									
National stockpile				Troy ounce				[6] 165,000,000	(³)
Sperm oil:									
National stockpile	4,775,400	4,775,200	−$200	Pound	23,442,158	23,441,061	−1,097	23,400,000	41,061
Talc, steatite block, and lump:									
National stockpile	494,800	494,800		Short ton	1,269	1,269		200	1,069
Talc, steatite ground:									
National stockpile	231,200	231,200		do	3,901	3,901		(²)	3,901
Tantalum:									
National stockpile	12,553,900	12,771,300	+217,400	Pound	3,168,545	5,170,028	+1,483		
Defense Production Act	9,734,400	9,734,400		do	1,536,023	1,536,023			
Supplemental—barter	21,100	21,100		do	8,036	8,032	−4		
Total	22,309,400	22,526,800	+217,400	do	4,712,604	4,714,083	+1,479	3,400,000	1,314,083
Thorium:									
Supplemental—barter	17,991,700	17,991,700		Pound	3,965,461	3,965,461		500,000	3,465,461
Thorium residue:									
Defense Production Act	42,000	42,000		do	848,354	848,354		(²)	848,354
Tin:									
National stockpile	696,056,500	690,843,600	−5,212,900	Long ton	286,272	284,213	−2,059		
Supplemental—barter	16,404,000	16,404,000		do	7,505	7,505			
Total	712,460,500	707,247,600	−5,212,900	do	293,777	291,718	−2,059	200,000	91,718
Titanium sponge:									
Defense Production Act	175,876,100	175,876,100		Short ton	22,339	22,339			
Supplemental—barter	32,097,700	32,097,700		do	9,021	9,021			
Total	207,973,800	207,973,800		do	31,360	31,360		20,500	10,860
Tungsten:									
National stockpile	369,128,100	369,126,700	−1,400	Pound	120,014,406	120,035,951	+21,545		
Defense Production Act	314,536,700	314,536,600	−100	do	77,112,112	77,111,909	−203		
Supplemental—barter	18,651,400	18,651,400		do	5,774,819	5,805,426	+30,607		
Total	702,316,200	702,314,700	−1,500	do	202,901,337	202,953,286	+51,949	44,000,000	158,953,286
Vanadium:									
National stockpile	31,567,900	31,567,900		Short ton	7,865	7,865		1,400	6,465
Vegetable tannin extract, chestnut:									
National stockpile	9,568,700	9,476,800	−91,900	Long ton	34,296	33,966	−330	15,000	18,966
Vegetable tannin extract, quebracho:									
National stockpile	48,858,500	48,858,500		do	197,465	197,465		86,000	111,465
Vegetable tannin extract, wattle:									
National stockpile	9,826,900	9,826,900		do	38,962	38,962		15,000	23,962
Zinc:									
National stockpile	335,658,000	318,287,500	−17,370,500	Short ton	1,156,986	1,102,600	−54,386		
Supplemental—barter	79,200,300	77,110,300	−2,090,000	do	322,317	313,811	−8,506		
Total	414,858,300	395,397,800	−19,460,500	do	1,479,303	1,416,411	−62,892	0	1,416,411
Zirconium ore, baddeleyite:									
National stockpile	709,800	709,800		Short dry ton	16,514	16,514		(²)	16,514
Zirconium ore, zircon:									
National stockpile	113,300	113,300		do	1,920	1,920		(²)	1,920
Total:									
National stockpile	5,458,129,100	5,394,590,500	−63,538,600						
Defense Production Act	1,386,251,800	1,379,897,200	−6,354,600						
Supplemental—barter	1,408,748,954	1,408,532,958	−215,996						
Total, strategic and critical materials.	8,253,129,854	8,183,020,658	−70,109,196						

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[1] Stockpile objectives for strategic and critical materials are determined pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). The Office of Emergency Planning is currently in the process of revising stockpile objectives. (See app. B, p. 22.)

[2] No present objective.

[3] Not in excess of stockpile objective.

[4] New stockpile objective. (See app. B, p. 25553.)

[5] In June 316,304 troy ounces of excess platinum were credited to palladium objective as 158,152 troy ounces on a use basis of approximately 2 to 1.

[6] New stockpile objective. (See app. B, p. 25553.)

Source: Compiled from reports submitted by the General Services Administration and the Department of Agriculture.

TABLE 2.—*Agricultural commodities inventories, June 1965 (showing by commodity net changes during the month in terms of cost value and quantity)*

Commodity	Cost value			Quantity			
	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Unit of measure	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month
Price-support inventory:							
Basic commodities:							
Corn	$724, 320, 681	$594, 737, 418	−$129, 583, 263	Bushel	588, 852, 154	482, 973, 888	−105, 878, 266
Corn products		233, 515	+233, 515	Pound		6, 359, 000	+6, 359, 000
Cotton, extra-long staple	27, 271, 770	26, 157, 805	−1, 113, 965	Bale	103, 531	99, 300	−4, 231
Cotton, upland	1, 120, 772, 475	1, 096, 858, 466	−23, 914, 009	do	6, 784, 032	6, 639, 909	−144, 123
Peanuts, farmers' stock	6, 351		−6, 351	Pound	55, 367		−55, 367
Peanuts, shelled	6, 306, 714	6, 996, 064	+689, 350	do	38, 500, 276	43, 194, 888	+4, 694, 612
Rice, milled	75, 932	2, 376	−73, 556	Hundredwieght	6, 492	210	−6, 282
Rice, rough	6, 005, 135	6, 777, 827	+772, 692	do	1, 167, 172	1, 311, 955	+144, 783
Wheat	1, 406, 854, 244	1, 296, 654, 891	−110, 199, 353	Bushel	700, 664, 733	646, 309, 505	−54, 355, 228
Wheat, rolled		23, 740	+23, 740	Pound		424, 012	+424, 012
Wheat flour	407, 109	35, 497	−371, 612	do	7, 418, 800	782, 048	−6, 736, 752
Bulgur		86, 167	+86, 167	do		1, 455, 000	+1, 455, 000
Total, basic commodities	3, 292, 020, 411	3, 028, 563, 766	−263, 456, 645				
Designated nonbasic commodities:							
Barley	18, 909, 347	16, 608, 826	−2, 300, 521	Bushel	21, 974, 418	19, 542, 119	−2, 432, 299
Grain sorghum	688, 061, 315	648, 026, 051	−40, 035, 264	do	603, 001, 441	564, 302, 246	−38, 699, 195
Mixed feed		231, 216	+231, 216	Hundredweight		108, 450	+108, 350
Milk and butterfat:							
Butter	67, 049, 445	93, 522, 345	+26, 472, 900	Pound	114, 135, 363	158, 990, 918	+44, 855, 555
Butter oil	5, 563, 761	1, 230, 420	−4, 333, 341	do	7, 199, 436	1, 592, 184	−5, 607, 252
Cheese	2, 158, 757	793, 122	−1, 365, 635	do	5, 480, 021	2, 088, 565	−3, 391, 456
Milk, dried	43, 014, 847	41, 286, 175	−1, 728, 672	do	293, 922, 385	282, 620, 291	−11, 302, 094
Oats	20, 036, 892	25, 368, 124	+5, 331, 232	Bushel	32, 612, 653	42, 218, 163	+9, 605, 510
Rye	2, 727, 481	6, 351, 059	+3, 623, 578	do	2, 455, 680	5, 922, 030	+3, 466, 350
Tung oil	3, 529, 267	3, 524, 164	−5, 103	Pound	14, 736, 232	14, 716, 426	+19, 806
Total, designated nonbasic commodities	851, 051, 112	836, 941, 502	−14, 109, 610				
Other nonbasic commodities:							
Beans, dry, edible	3, 930, 629	3, 584, 951	−345, 678	Hundredweight	531, 481	476, 348	−55, 133
Cottonseed oil, refined, other	298, 174		−298, 174	Pound	2, 662, 204		−2, 662, 204
Cottonseed oil, refined, salad oil	1, 295, 378		−1, 295, 378	do	6, 732, 264		−6, 732, 264
Flaxseed	7, 903, 413	7, 254, 121	−649, 292	Bushel	2, 664, 216	2, 448, 827	−215, 389
Linseed oil	9, 494, 350	9, 494, 350		Pound	80, 000, 000	80, 000, 000	
Soybeans	6, 308	5, 981	−327	Bushel	8, 855	2, 492	−6, 363
Vegetable oil products	355, 543	653, 798	+298, 255	Pound	1, 876, 030	3, 417, 914	+1, 541, 884
Total, other nonbasic commodities	23, 283, 795	20, 993, 201	−2, 290, 594				
Total, price-support inventory	4, 166, 355, 318	3, 886, 498, 469	−279, 856, 849				
Inventory transferred from national stockpile: [1]							
Cotton, Egyptian	33, 181, 150	32, 162, 297	−1, 018, 853	Bale	39, 276	38, 070	−1, 206
Cotton, American-Egyptian	21, 532, 649	21, 482, 352	−50, 297	do	42, 811	42, 711	−100
Total, inventory transferred from national stockpile	54, 713, 799	53, 644, 649	−1, 069, 150	do	82, 087	80, 781	−1, 306
Total, agricultural commodities	4, 221, 069, 117	3, 940, 143, 118	−280, 925, 999				

[1] Transferred from General Services Administration pursuant to Public Law 85-96 and Public Law 87-548. (See app. A, p. 25552.)

Source: Compiled from reports submitted by the Department of Agriculture.

TABLE 3.—*Civil defense supplies and equipment inventories, June 1965 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, June 1, 1965	End of month, June 30. 1965	Net change during month	Unit of measure	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month
Civil defense stockpile, Department of Defense:							
Engineering equipment (engine generators, pumps, chlorinators, purifiers, pipe, and fittings)	$10, 057, 358	$7, 291, 629	−$2, 765, 729	10 mile units	45	45	
Chemical and biological equipment	291, 549	297, 606	+6, 057	(1)			
Total	10, 348, 907	7, 589, 235	−2, 759, 672				
Civil defense medical stockpile, Department of Health, Education, and Welfare:							
Medical bulk stocks, and associated items at PHS emergency medical supply depots. [2]	116, 870, 131	117, 014, 249	+144, 118	(1)			
Medical bulk stock at manufacturer locations	5, 003, 494	4, 853, 399	−150, 095	(1)			
Packaged disaster hospitals [3]	72, 280, 952	72, 734, 217	+453, 265	Each	2, 408	2, 444	+36
Supply additions for packaged disaster hospitals	6, 887, 092	6, 414, 125	−472, 967	(1)			
Total	201, 041, 669	201, 015, 990	−25, 679				
Total, civil defense supplies and equipment	211, 390, 576	208, 605, 225	−2, 785, 351				

[1] Composite group of many different items.

[2] Reported as "Medical bulk stocks, and associated items at civil defense mobilization warehouses," prior to June 1965.

[3] Reported as "Civil defense emergency hospitals," prior to February 1965.

Source: Compiled from reports submitted by the Department of Defense and the Department of Health, Education, and Welfare.

TABLE 4.—*Machine tools inventories, June 1965 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Unit of measure	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month
Defense Production Act:							
On loan	$45,300	$45,300		Tool	7	7	
National Industrial Reserve Act:							
In storage	75,800,000	76,154,900	+$354,900	do	6,597	6,683	+86
On lease	27,500	27,500		do	1	1	
On loan to other agencies	14,900	14,900		do	3	3	
On loan to school programs	13,826,100	14,053,100	+227,000	do	3,281	3,333	+52
Total	89,668,500	90,250,400	+581,900	do	9,882	10,020	+138
Total, machine tools	89,713,800	90,295,700	+581,900	do	9,889	10,027	+138

Source: Compiled from reports submitted by the General Services Administration.

TABLE 5.—*Helium inventories, June 1965 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month	Unit of measure	Beginning of month, June 1, 1965	End of month, June 30, 1965	Net change during month
Helium:							
Stored aboveground	$187,070	$83,981	−$103,089	Cubic foot	16,300,000	7,200,000	−$9,100,000
Stored underground	74,734,949	77,703,875	+2,968,926	do	6,942,400,000	7,199,600,000	+257,200,000
Total, helium	74,922,019	77,787,856	+2,865,837	do	6,958,700,000	7,206,800,000	+248,100,000

Source: Compiled from reports submitted by the Department of the Interior.

APPENDIX A

PROGRAM DESCRIPTION AND STATUTORY CITATIONS

STRATEGIC AND CRITICAL MATERIALS

National stockpile

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. The General Services Administration is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Emergency Planning. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OEP. In addition, the General Services Administration is responsible for disposing of those strategic and critical materials which OEP determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V–7, issued by the Director of the Office of Emergency Planning and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, the General Services Administration is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Emergency Planning.

Supplemental—barter

As a result of a delegation of authority from OEP (32A C.F.R. ch. I, DMO V–4) the General Services Administration is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. App. 2191–2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

AGRICULTURAL COMMODITIES

The price-support program

Price-support operations are carried out under the charter powers (15 U.S.C. 714) of the Commodity Credit Corporation, Department of Agriculture, in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958, and with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rise, peanuts, and tobacco—and specific nonbasic commodities; namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1966. Price support for other nonbasic agricultural commodities is discretionary except that, whenever the price of either cottonseed or soybeans is supported, the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations and, in the case of wool and mohair, through incentive payments based on marketings. The producers' commodities serve as collateral for price-support loans. With limited exceptions, price-support loans are nonrecourse and the Corporation looks only to the pledged or mortgaged collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Dispositions of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of

1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Inventory transferred from national stockpile

This inventory, all cotton, was transferred to Commodity Credit Corporation at no cost from the national stockpile pursuant to Public Law 85–96 and Public Law 87–548. The proceeds from sales, less costs incurred by CCC, are covered into the Treasury as miscellaneous receipts; therefore, such proceeds and costs are not recorded in the operating accounts. The cost value as shown for this cotton has been computed on the basis of average per bale cost of each type of cotton when purchased by CCC for the national stockpile.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

Civil defense stockpile

The Department of Defense conducts this stockpiling program pursuant to section 201 (h) of Public Law 920, 81st Congress, as amended. The program is designed to provide some of the most essential materials to minimize the effects upon the civilian population which would be caused by an attack upon the United States. Supplies and equipment normally unavailable, or lacking in quantity needed to cope with such conditions, are stockpiled at strategic locations in a nationwide warehouse system consisting of general storage facilities.

Civil defense medical stockpile

The Department of Health, Education, and Welfare conducts the stockpiling program for medical supplies and equipment pursuant to section 201(h) of Public Law 920, 81st Congress, as delegated by the President following the intent of Reorganization Plan No. 1, of 1958. The Department of Health, Education, and Welfare plans and directs the procurement, storage, maintenance, inspection, survey, distribution, and utilization of essential supplies and equipment for emergency health services. The medical stockpile includes a program designed to preposition assembled emergency hospitals and other medical supplies and equipment into communities throughout the Nation.

MACHINE TOOLS

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, the General Services Administration has acquired machine tools in furtherance of expansion of productive capacity, in accordance with programs certified by the Director of the Office of Emergency Planning.

National industrial equipment reserve

Under general policies established and directives issued by the Secretary of Defense, the General Services Administration is responsible for care, maintenance, utilization, transfer, leasing, lending to nonprofit schools, disposal, transportation, repair, restoration, and renovation of national industrial reserve equipment transferred to GSA under the National Industrial Reserve Act of 1948 (50 U.S.C. 451–462).

HELIUM

The helium conservation program is conducted by the Department of the Interior pursuant to the Helium Act, approved September 13, 1960 (Public Law 86–777; 74 Stat. 918; 50 U.S.C. 167) and subsequent appropriations acts which have established fiscal limitations and provided borrowing authority for the program. Among other things, the Helium Act authorizes the Secretary of the Interior to produce helium in Government plants, to acquire helium from private plants, to sell helium to meet current demands, and to store for future use helium that is so produced or acquired in excess of that required to meet current demands. Sales of helium by the Secretary of the Interior shall be at prices established by him which shall be adequate to liquidate the costs of the program within 25 years, except that this period may be extended by the Secretary for not more than 10 years for funds borrowed for purposes other than the acquisition and construction of helium plants and facilities.

This report covers helium that is produced in Government plants and acquired from private plants. Helium in excess of current demands is stored in the Cliffside gasfield near Amarillo, Tex. The unit of measure is cubic foot at 14.7 pounds per square inch absolute pressure and 70° F.

APPENDIX B

NEW STOCKPILE OBJECTIVES

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials. Table 1 of this report reflects the new objectives established between May 1963 and June 1965 for 80 materials (including 3 removed from stockpile list), based on essential needs in the event of a "conventional war emergency." The new objective for each material has been noted in the reports, beginning with June 1963, for the months in which the respective objectives were established.

The following excerpts from OEP statements dated July 11 and 19, 1963, February 28, 1964, March 6, 13, 20, and 27, 1964, April 3 and 10, 1964, and June 3 and 8, 1965, set forth the new policy with respect to the objectives for strategic and critical materials:

"The Office of Emergency Planning is now conducting supply-requirements studies for all stockpile materials which will reflect current military, industrial, and other essential needs in the event of a conventional war emergency. On the basis of recently completed supply-requirements studies for the foregoing materials, the new stockpile objectives were established with the advice and assistance of the Interdepartmental Materials Advisory Committee, a group chaired by the Office of Emergency Planning and composed of representatives of the Departments of State, Defense, the Interior, Agriculture, Commerce, and Labor, and the General Services Administration, the Agency for International Development, and the National Aeronautics and Space Administration. Representatives of the Bureau of the Budget, the Atomic Energy Commission, and the Small Business Administration participate as observers.

"These new objectives reflect a new policy to establish a single objective for each stockpile material. They have been determined on the basis of criteria heretofore used in establishing maximum objectives, and reflect the approximate calculated emergency deficits for the materials for conventional war and do not have any arbitrary adjustments for possible increased requirements for other types of emergency.

"Heretofore, there was a 'basic objective' and a 'maximum objective' for each material. The basic objectives assumed some continued reliance on foreign sources of supply in an emergency. The former maximum objectives completely discounted foreign sources of supply beyond North America and comparable accessible areas.

"Previously, maximum objectives could not be less than 6 months' normal usage of the material by industry in the United States in periods of active demand. The 6-month rule has been eliminated in establishing the new calculated conventional war objectives.

"The Office of Emergency Planning also announced that the present Defense Mobilization Order V–7, dealing with general policies for strategic and critical materials stockpiling, was now being revised to reflect these new policies. When finally prepared and approved, the new order will be published in the Federal Register.

"New conventional war objectives for the remaining stockpile materials are being developed as rapidly as new supply-requirements data become available. They will be released as they are approved.

"The Office of Emergency Planning is also making studies to determine stockpile needs to meet the requirements of general nuclear war and reconstruction. Stockpile objectives for nuclear war have not previously been developed. Some commodity objectives may be higher and others may be lower than the objectives established for conventional war.

"After the nuclear war supply-requirements studies are completed, stockpile objectives will be based upon calculated deficits for either conventional war or nuclear war, which ever need is larger.

"The Office of Emergency Planning stressed that any long-range disposal programs undertaken prior to the development of objectives based on nuclear war assumptions would provide against disposing of quantities which might be needed to meet essential requirements in the event of nuclear attack. While the disposal of surplus materials can produce many problems which have not heretofore arisen, every effort will be made to see that the interests of producers, processors, and consumers, and the international interests of the United States are carefully considered, both in the development and carrying out of disposal programs. Before decisions are made regarding the adoption of a long-range disposal program for a particular item in the stockpile, there will be appropriate consultations with industry in order to obtain the advice of interested parties."

The OEP statement of April 17, 1964, contained the following excerpts:

"Today's action completes supply-requirements studies for all stockpile materials based on current military, industrial, and other essential needs in the event of a conventional war emergency. Objectives for 79 materials in the stockpile were established with the advice and assistance of the Interdepartmental Materials Advisory Committee, a group chaired by OEP and composed of representatives of the Departments of State, Defense, the Interior, Agriculture, Commerce, and Labor, and the General Services Administration, the Agency for International Development, and the National Aeronautics and Space Administration. Representatives of the Bureau of the Budget, the Atomic Energy Commission, and the Small Business Administration participate as observers.

"These new objectives reflect a new policy which accords with the recommendation of the Executive Stockpile Committee to establish a single objective for each material in the national stockpile. These new objectives will be reviewed and revised as necessary each year. Because military requirements and estimated emergency supplies of stockpile materials are constantly shifting, the supply-requirements balance for any material that is now or may become important to defense must be kept under continuing surveillance. Supply-requirements studies of the conventional war needs of approximately 20 other strategic and critical materials, which do not have stockpile objectives, are underway and are expected to be completed in the next few weeks. At the same time, studies on supply-requirements for nuclear war are going forward. No definite date for completion of these studies has been established as yet.

"OEP stressed that long-range programs for disposal of identified surpluses would take into account the interests of producers, processors, and consumers, as well as the international interests of the United States. Appropriate consultation with industry will precede all decisions for the adoption of every disposal program and the advice of interested parties will be sought."

The OEP statement of June 3, 1965, contained the following excerpts:

"Buford Ellington, Director of the Office of Emergency Planning, today established a stockpile objective for silver of 165 million fine troy ounces.

"Mr. Ellington noted that silver had not previously been stockpiled. He said the new objective came out of recent studies by OEP, in consultation with other defense agencies, which showed that available supplies of silver would fall short of essential needs in an emergency. Supplies of silver in recent years have failed to satisfy peacetime requirements and the metal is finding increased and more varied use throughout industry. To meet this demand, industry has increased its purchases from the Treasury.

"Industrial and military applications of silver have grown substantially and now exceed its traditional use for silverware and jewelry. The metal has many properties which make it useful for industrial products. It is an excellent conductor of heat and electricity, it resists corrosion and is readily reshaped and molded. Certain silver salts are sensitive to light. Silver is used principally in the manufacture of photographic film and sensitized paper, in brazing alloys and solders for jet aircraft, space vehicles, automobiles, and a number of other durable goods, in a variety of electrical equipment and in electroplating. Other civilian and military items in which silver is used are silver-zinc batteries, dental and surgical equipment, plates, and mirrors.

"More recently silver has played an important role in the U.S. missile program. Nozzle throats exposed to the searing heat of fast-burning fuel are now protected by tungsten rings impregnated with silver."

The OEP statement of June 8, 1965, contained the following excerpts:

"Buford Ellington, Director of the Office of Emergency Planning, today announced new stockpile objectives for cordage fibers. The new conventional war objectives established June 7, 1965, are:

"[In pounds]

	New objective	Old objective
Cordage fiber, abaca	50,000,000	100,000,000
Cordage fiber, sisal	200,000,000	300,000,000

"As of March 31, 1965, there were 146,932,241 pounds of abaca cordage fiber in the national stockpile and 308,700,592 pounds of sisal cordage fiber.

"Today's action is based on supply requirement studies of current military, industrial, and other essential needs in a conventional war emergency.

"Mr. Ellington stressed that long-range programs for disposal of identified surpluses would take into account the interests of producers, processors, and consumers, as well as the international interests of the United States.

"Cordage fibers are used extensively for twine, cargo-lifting cables, guy ropes, and other heavy yarns. Other uses include upholstery and padding and reinforcement for paper and plastics. The decrease in objectives for the two fibers is due to the increased use of adequate synthetics and declining military requirements."

STATEMENT OF SENATOR BYRD OF VIRGINIA

The cost value of Federal stockpile inventories as of June 30, 1965, totaled $12,499,852,557. This was a net decrease of $350,372,809, as compared with the June 1 total of $12,850,225,366. Net changes during the month are summarized by major category as follows:

Major category	Cost value, June 1965	
	Net change during month	Total, end of month
Strategic and critical materials	−$70,109,196	$8,183,020,658
Agricultural commodities	−280,925,999	3,940,143,118
Civil defense supplies and equipment	−2,785,351	208,605,225
Machine tools	+581,900	90,295,700
Helium	+2,865,837	77,787,856
Total	−350,372,809	12,499,852,557

These figures are from the June 1965 report on Federal stockpile inventories compiled from official agency data by the Joint Committee on Reduction of Nonessential Federal Expenditures, showing detail with respect to quantity and cost value of each commodity in the inventories covered.

STRATEGIC AND CRITICAL MATERIALS

So-called strategic and critical materials are stored by the Government in (1) the national stockpile, (2) the Defense Production Act inventory, and (3) the supplemental-barter stockpile.

Overall, there are now 95 materials in the strategic and critical inventories. Stockpile objectives—in terms of volume—are presently fixed for 77 of these 95 materials. Of the 77 materials having stockpile objectives, 64 were stockpiled in excess of their objectives as of June 30, 1965.

Increases in cost value were reported in 18 of the materials stockpiled in all strategic and critical inventories, decreases were reported in 22 materials, and 55 materials remained unchanged during June.

During the month of June new stockpile objectives were established for 3 materials. Objectives for abaca and sisal cordage fibers were reduced; and an objective was established for the first time for silver. As of June 30 no silver was actually in inventory.

National stockpile

The cost value of materials in the national stockpile as of June 30, 1965, totaled $5,394,590,500. This was a net decrease of $63,538,600 during the month. The largest decreases were $26,476,700 in copper, $17,370,500 in zinc, $10,928,400 in rubber and $5,212,900 in tin.

Defense Production Act inventory

The cost value of materials in the Defense Production Act inventory as of June 30, 1965, totaled $1,379,897,200. This was a net decrease of $6,354,600. The largest decreases were in nickel, aluminum, and cryolite.

Supplemental barter

The cost value of materials in the supplemental-barter stockpile as of June 30, 1965, totaled $1,408,532,958. This was a net decrease of $215,996. The largest decreases were in zinc and lead, partially offset by increases in manganese and bauxite.

OTHER STOCKPILE INVENTORIES

Among the other categories of stockpiled materials covered by the report, the largest is $3.9 billion in agricultural commodities. Major decreases in agricultural commodities during June were reported for corn and wheat.

Inventories of civil defense supplies and equipment showed a net decrease; the machine tools inventories showed a net increase; and the helium inventories showed a net increase during June.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated September 17, 1965, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STENNIS (for himself and Mr. EASTLAND):

S. 2577. A bill to authorize the Administrator of Veterans' Affairs to convey to the city of Jackson, Miss., certain lands situated in such city which have been declared surplus to the needs of the Veterans' Administration; to the Committee on Government Operations.

By Mr. McCLELLAN (for himself and Mr. ERVIN):

S. 2578. A bill to amend title 18, United States Code, with respect to the admissibility in evidence of confessions; to the Committee on the Judiciary.

(See the remarks of Mr. McCLELLAN when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS:

S. 2579. A bill to amend section 5(1) of the Railroad Retirement Act of 1937 to provide benefits for children of deceased railroad employees who are over the age of 18 and below the age of 22 and are attending an educational institution as full-time students; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON (by request):

S. 2580. A bill to establish a revolving fund for the Southeastern Power Administration;

S. 2581. A bill to establish a revolving fund for the Southwestern Power Administration; and

S. 2582. A bill to establish a revolving fund for the Bonneville Power Administration; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bills, which appear under a separate heading.)

By Mr. MOSS:

S. 2583. A bill for the relief of Yong Chik Kim and his wife, Pyong Chu Youn Kim; to the Committee on the Judiciary.

S. 2584. A bill to provide for the free entry of one photomicroscope for the use of the Utah State Training School, American Fork, Utah; to the Committee on Finance.

By Mr. SMATHERS (for himself and Mrs. SMITH):

S.J. Res 114. Joint resolution in honor of Joan Merriam Smith; to the Committee on the Judiciary.

AMENDMENT OF RAILROAD RETIREMENT ACT TO PROVIDE BENEFITS FOR RAILROAD EMPLOYEES' SURVIVING CHILDREN BETWEEN THE AGES OF 18 AND 22 WHO ARE ATTENDING SCHOOL

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to amend the Railroad Retirement Act to provide benefits for children of deceased railroad employees who are over the age of 18 and below the age of 22 and are attending an educational institution as full-time students.

Mr. President, in 1963 I originated a similar proposal under social security—S. 1770 in the 88th Congress—and this proposal was ultimately adopted as section 306 of the Medicare and Social Security Amendments, Public Law 89–97, enacted by the Congress in July of this year. The bill I have just introduced is a further implementation of our established policy of bringing railroad retirement benefits at least up to the level of comparable social security benefits—a policy reflected in our action only a few weeks ago when we passed H.R. 10874 to amend the Railroad Retirement Act with respect to spouses' annuities to bring railroad retirement benefits more in line with social security.

This bill is very similar to two bills introduced earlier this year in the House—H.R. 7298 and H.R. 10537. Those bills, however, provided benefits not only for children attending school but also for young spouses and young widows having such children in their care, even though such spouses or widows would not otherwise be eligible under the act. Based on information from the Railroad Retirement Board I believe this is no objection to the House bills except for their provisions relating to spouses and widows. My bill would seem to be in line with the views attributed to the Board, as well as with the established policy of the Congress of bringing railroad retirement benefits in line with those we have established under social security.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at this point, and that the bill be held at the desk for 1 week for cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD and will lie on the desk, as requested by the Senator from New York.

The bill (S. 2579) to amend section 5 (1) of the Railroad Retirement Act of 1937 to provide benefits for children of deceased railroad employees who are over the age of 18 and below the age of 22 and are attending an educational institution as full-time students, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5(l) (1) (ii) of the Railroad Retirement Act of 1937 is amended by striking out "and shall be less than eighteen years of age, or shall have a permanent physical or mental condition which is such that he is unable to engage in any regular employment: *Provided,* That such disability began before the child attains age eighteen; and" and inserting in lieu thereof the following: "and—

"(A) shall be less than eighteen years of age; or

"(B) shall be less than twenty-two years of age and a fulltime student at an educational institution (as determined under standards and requirements prescribed by the Board); or

"(C) shall, without regard to his age, be unable to engage in any regular employment by reason of a permanent physical or mental condition which began before the child attained age eighteen; and".

(b) (1) The first sentence of section 5(b) of such Act is amended by striking out "employee entitled to receive an annuity" and inserting in lieu thereof "employee, which child is (without regard to the provisions of subsection (l) (1) (ii) (B)) entitled to receive an annuity".

(2) The second sentence of such section 5(b) is amended by striking out "no child of the deceased employee is entitled" and inserting in lieu thereof "no child of the deceased employee is, or would be (except for the provisions of subsection (l) (1) (ii) (B)), entitled".

SEC. 2. The amendment made by the first section of this Act shall apply only with respect to annuities accruing for months after the month in which this Act is enacted.

REVOLVING FUNDS FOR THE SOUTHEASTERN, SOUTHWESTERN, AND BONNEVILLE POWER ADMINISTRATIONS

Mr. JACKSON. Mr. President, I introduce, by request, three bills to establish revolving funds for the Southeastern, Southwestern, and Bonneville Power Administrations.

These measures have been submitted and recommended to Congress with the basic objective of establishing better business-type procedures and financing of the activities of these power marketing agencies, whose functions fall under the responsibility of the Secretary of the Interior. No new activities or practices could be initiated unless a specific authorization is adopted by Congress. However, the Secretary of the Interior believes that this legislation will improve the administration of each of the programs carried out by these agencies.

I ask unanimous consent to print in full at this point in the RECORD the letter from the Secretary of the Interior to the President of the Senate in explanation of these bills.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bills, introduced by Mr. JACKSON, by request, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 2580. A bill to establish a revolving fund for the Southeastern Power Administration;

S. 2581. A bill to establish a revolving fund for the Southwestern Power Administration; and

S. 2582. A bill to establish a revolving fund for the Bonneville Power Administration.

The letter presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 23, 1965.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are enclosed proposed bills "To establish a revolving fund for the Southeastern Power Administration," "To establish a revolving fund for the Southwestern Power Administration," and "To establish a revolving fund for the Bonneville Power Administration."

We recommend that these draft bills be referred to the appropriate committee for consideration and we recommend their enactment.

The basic objective of these proposals is to establish a medium for business-type financing of the activities of the Southeastern Power Administration, the Southwestern Power Administration, and the Bonneville Power Administration, which are Government enterprises of a business character. Operating receipts, supplemented when necessary by appropriated funds, would be used to carry out each Administration's program, much as a private business enterprise finances its operations from receipts and infusions of capital. To this end, revolving funds would be established in the U.S. Treasury for each of these power-marketing agencies of the Department of the Interior. The funds would be known as the Southeastern Power Administration Fund, the Southwestern Power Administration Fund, and the Bonneville Power Administration Fund.

All revenues and receipts of each power administration as well as all appropriations to it (including unexpended balances available for expenditure on the effective date of the act) and the unexpended balance in each agency's emergency fund would be deposited in its revolving fund so that the fiscal picture presented by the fund will be complete. Moneys in the fund would be available for the agency's program after deductions had been made and placed in the General Treasury representing (a) accrued interest on the outstanding unpaid obligations of the agency and (b) the operation and maintenance costs attributable to the Corps of Engineers-constructed facilities generating power sold by each agency. The money remaining in the fund after these deductions would be available, subject to any limitations contained in appropriation acts, for all authorized activities of the respective agency. Appropriations to each agency, as well as unexpended balances of previous appropriations credited to its fund under the bill, could be used only for the purposes for which they were appropriated.

The only exception to this procedure is found in the Bonneville Power Administration, which is required by law to pay certain amounts into the reclamation fund. Accordingly, it is provided that these moneys will continue to be paid into the reclamation fund and will not be available to the Bonneville Power Administration Fund.

Each power administration receives certain moneys from time to time as trustee. An example of these trust receipts would be amounts received from non-Federal generating utilities for headwater benefits and payable into the Treasury of the United States pursuant to section 17 of the Federal Power Act, act of July 10, 1920, as amended (41 Stat. 1061, 16 U.S.C. 810). Another example would be the amounts paid to the Federal agencies for work done at their facilities for the benefit of non-Federal agencies. These trust receipts, although paid into the fund, would continue to be burdened with the trust under which they were paid and would not be available for agency programs.

The section of each bill enumerating the activities for which moneys in the fund are available for expenditure is intended to encompass all functions, for which authority is now available to Southeastern, Southwestern, and Bonneville Power Administrations under existing law.

Provisions of law establishing continuing funds to defray emergency expenses would be repealed by the draft legislation. The unexpended balance of these funds would be credited to the appropriate power administration fund. Annual budget estimates for each fund will include provision for emergency expenses so that moneys in the revolving funds will be available to deal with emergencies.

These proposed bills are not designed to effect any changes in the accounting principles prescribed for the Southeastern, Southwestern, and Bonneville Power Administrations. No fundamental changes in authorities or program responsibilities would result from enactment of this legislation. The draft bills would not expressly or impliedly authorize construction or new activities, nor would they affect payout. Existing law as to the amortization of the Government's investment would not be changed by these bills.

With respect to the repayment of capital investment, the bills provide that receipts of each power administration after the appropriate amounts have been deducted shall be credited to the repayment of all other costs which are required to be recovered from such receipts. This is a bookkeeping transaction and would mean in effect that accounts of the administration and the generating agency would show that the payout requirements of each administration had been met and that an equivalent new investment had been made. In this way the repayment of investment capital would continue to be made in accordance with existing law.

The bills provide for ultimate payment into the general fund of the Treasury to the extent of moneys in the revolving funds in excess of those required to finance the agencies' programs. This provision is designed to prohibit excessive accumulation in any fund. Of course, the revolving funds would not be depleted below levels consistent with working requirements including a reserve for emergency.

I should like to emphasize also that this proposal is not intended to, nor would it, authorize without congressional approval any construction undertaken by Southeastern, Southwestern, or Bonneville Power Administrations, whether financed from operating receipts in the fund or from appropriations to it. Budget justifications will continue to set forth the entire program of each agency for consideration by the Congress.

The draft bill for the Bonneville Power Administration goes somewhat beyond the other two in scope: it further amends the Bonneville Project Act by deleting the requirement in section 9(a) for annual independent commercial-type audits of accounts inasmuch as the General Accounting Office has the responsibility to perform, and has in fact been performing, this function under other provisions of laws. It also amends section 9(c) of the Bonneville Project Act by eliminating the requirement that financial statements be filed in December of each year. In no way does it amend the policies to be followed in filing these statements. The Administrator will continue to make every effort to file these statements as soon as possible but the amendment takes note of the fact that it may not always be possible to file these statements by December. These statements have occasionally been filed late and it may be that this will happen from time to time in the future. The effect of the amendment would be to make such a late filing not contrary to law.

In conclusion, I request that these bills receive early consideration by the Congress in order that they may become effective in time for business-type financing of the activities of the Southeastern, Southwestern, and Bonneville Power Administrations in fiscal year 1967.

The Bureau of the Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

PRINTING OF REVIEW OF REPORTS ON STROUDSBURG AND EAST STROUDSBURG, PA. (S. DOC. NO. 60)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated June 2, 1965, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the reports on Stroudsburg and East Stroudsburg, Pa., in partial response to a resolution of the Committee on Public Works, U.S. Senate.

I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTANCE FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN AREAS AFFECTED BY A DISASTER—AMENDMENT

AMENDMENT NO. 463

Mr. MOSS. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (H.R. 9022), which would authorize assistance to local educational agencies within areas which have suffered major disasters as the result of flood, fire, or other catastrophe.

The amendment I am submitting would relieve a local school board of the burden of repaying—perhaps many years later—an amount which might have been paid to it by error under the provisions of Public Law 874 of the 81st Congress.

I ask unanimous consent that the amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 463) is as follows:

At the end of the bill add the following:

"RELIEF OF LIABILITY FOR OVERPAYMENTS

"SEC. 5. Section 3 of the Act of September 30, 1950, as amended, is amended by adding at the end thereof the following new subsection:

"'RELIEF OF LIABILITY FOR OVERPAYMENTS

"'(g) In any case in which, prior to the enactment of this subsection, a local educational agency received any overpayments under this Act as the result of an error, such local educational agency shall be relieved of all liability for repayments to the United States of such overpayment.'"

ADDITIONAL COSPONSOR OF BILL

Mr. DOMINICK. Mr. President, I ask unanimous consent that I may be added as a cosponsor of S. 2575, introduced by the distinguished Senator from Arkansas [Mr. MCCLELLAN]. The bill incorporates a number of provisions in a bill which I previously introduced, S. 1985. If it is agreeable to the Senator from Arkansas, I should like to become a cosponsor of his bill.

Mr. McCLELLAN. Mr. President, I am most happy to welcome the distinguished Senator from Colorado as a cosponsor of S. 2575. I know of his interest in the legislation and of the contribution he can make by supporting my bill as well as his own measure, because both of them deal with an area that needs legislative attention.

The PRESIDING OFFICER. Without objection, the request of the Senator from Colorado is agreed to.

NOTICE CONCERNING H.R. 10104, A BILL TO ENACT TITLE 5, UNITED STATES CODE, "GOVERNMENT ORGANIZATION AND EMPLOYEES", CODIFYING THE GENERAL AND PERMANENT LAWS RELATING TO THE ORGANIZATION OF THE GOVERNMENT OF THE UNITED STATES AND TO ITS CIVILIAN OFFICERS AND EMPLOYEES

Mr. ERVIN. Mr. President, on behalf of the Standing Subcommittee on Revision and Codification of the Committee on the Judiciary, I desire to give notice that the subcommittee now has under consideration H.R. 10104, 89th Congress, 1st session, and the accompanying report thereon, House Report No. 901, regarding revision and codification of title 5, United States Code, entitled "Government Organization and Employees."

The purpose of this notice is to advise any and all interested parties of the consideration of this legislation by the subcommittee and that the subcommittee desires to have any statements or comments relating to the proposed legislation. The statements or comments requested are for the purpose of allowing any and all persons to express their views as to such legislation.

It is required that such statements or comments be forwarded to the Subcommittee on Revision and Codification of the Committee on the Judiciary, Room 341, Old Senate Office Building, on or before February 1, 1966.

The subcommittee consists of the Senator from Michigan [Mr. HART], the Senator from Pennsylvania [Mr. SCOTT], and myself, as chairman.

ANNOUNCEMENT OF PUBLIC HEARINGS ON TAX PROTOCOLS WITH BELGIUM AND THE FEDERAL REPUBLIC OF GERMANY

Mr. GORE. As chairman of the Subcommittee on Tax Conventions of the Committee on Foreign Relations, I wish to announce that the subcommittee will hold a public hearing in Room 4221 of the New Senate Office Building, at 10 a.m., Wednesday, October 13, 1965, to receive testimony on the tax protocols between the United States and Belgium (Ex. G, 89th Cong., 1st sess.) and the Federal Republic of Germany (Ex. I, 89th Cong., 1st sess.).

All interested persons who wish to testify on these tax protocols should communicate with the Clerk of the Committee on Foreign Relations without delay.

NOTICE OF HEARING ON NOMINATION OF FRANCIS X. MORRISSEY, OF MASSACHUSETTS, TO BE U.S. DISTRICT JUDGE, DISTRICT OF MASSACHUSETTS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, October 7, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Francis X. Morrissey, of Massachusetts, to be U.S. district judge, District of Massachusetts, vice a new position.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Connecticut [Mr. Dodd] chairman, the Senator from North Dakota [Mr. Burdick], and the Senator from Illinois [Mr. Dirksen].

NOTICE OF HEARING ON NOMINATION OF MARVIN E. FRANKEL, OF NEW YORK, TO BE U.S. DISTRICT JUDGE, SOUTHERN DISTRICT OF NEW YORK

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, October 7, 1965, at 10 a.m., in room 2228, New Senate Office Building, on the nomination of Marvin E. Frankel, of New York, to be U.S. district judge, Southern District of New York, vice Gregory F. Noonan, deceased.

At the indicated time and place, persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota [Mr. Burdick], the Senator from New York [Mr. Javits], and myself, as chairman.

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. SALTONSTALL. Mr. President, as a member of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, I have received from Chairman of that Board, Mr. Roger L. Stevens, a copy of the annual report of the Chairman to the Congress, covering the period July 1, 1964, through June 30, 1965.

Mr. President, this report represents the culmination of a magnificent achievement. The Kennedy Center, the national memorial to the late President who was my colleague and friend, has been brought to the point of fruition. Dozens of dedicated, public-spirited citizens have, since the passage of the original Cultural Center Act in 1958, devoted enormous energy, effort, and thought to the Center. Let me mention a few, without in any way detracting from the others. L. Corrin Strong, by his personal efforts and out of his personal funds, saw the Center through its difficult organizational days. Ambassador Strong was succeeded as Chairman of the Board by Mr. Stevens, whose contribution has been unstinted. Ralph E. Becker of this city has served as General Counsel and Trustee from the outset and has encountered and solved some difficult and even unique problems. Robert O. Anderson, Mrs. Albert D. Lasker, K. Lemoyne Billings, Mrs. Jouett Shouse, Leonard Carmichael, and his successor as Secretary of the Smithsonian Institution, Dillon Ripley, Conrad Wirth, and his successor as Director of National Park Services, George Hartzog, and Walter Tobriner, President of District of Columbia Commissioners, have rendered devoted service as members of the Building Committee and Executive Committees. Time does not permit me to identify the many other persons who deserve great credit and commendation for their contributions, since I wish to address myself to the report.

FUNDS AVAILABLE FOR CONSTRUCTION

Perhaps the most significant aspect of this annual report is that it reveals that sufficient funds have been raised for the construction of the Center. As of June 30, a fund balance available for construction of $16,415,229.08 was shown. This is the amount raised by private contributions. To it must be added $15,500,000 appropriated on a matching basis by the Congress and $15,400,000 authorized to be borrowed from the Treasury on revenue bonds, making a total of $47,315,229.08. The General Services Administration, which serves as the Center's agent for construction estimates the present cost of construction as $43,741,500.

LAND ACQUIRED

The National Capital Planning Commission, designated by the original Cultural Center Act to acquire the land for the Center has expended over $3,300,000 for acquisition by purchase or condemnation of the land for the building, its park-like setting, and certain access routes. In addition, land was donated by the District of Columbia and the National Park Service. One parcel, a gift valued at $15,000, in the memory of the late Mr. and Mrs. Christian A. Heurich, was donated by the Heurich family directly to the Center and will be conveyed in due course to the National Park Service.

PRESENT STATUS OF CONSTRUCTION

The distinguished architect of the Center, Edward Durell Stone, is working on the final drawings and plans. After the plans have been reviewed by the General Services Administration, they will advertise the general construction contract.

The demolition contract has been awarded and demolition of structures on the site is underway.

The National Park Service has already invited bidders for the relocation of the Rock Creek and Potomac Parkway, with bids to be opened on October 14. The parkway is being relocated to the edge of the river for two purposes: To provide greater flexibility of access to the Center and to make possible the construction of a cantilevered main floor over it. This construction will mean that the view from the Center is not interrupted by the flow of traffic.

Finally, plans for the excavation of the building site have been completed by the architect and are being reviewed by the General Services Administration who will invite bidders very soon.

This is a truly remarkable record of progress. It has been a matter of great satisfaction to me to serve on the Board of Trustees with the senior Senator from Pennsylvania, Senator Clark, the junior Senator from Arkansas, Senator Fulbright, and the junior Senator from New York, Senator Kennedy, and many other outstanding citizens. I am sure that all of us here in Congress who knew and worked with the late President will watch with pride as the Kennedy Center rises on the banks of the Potomac.

THE POTOMAC RIVER SITE

As we all know, there has been some division of opinion as to the most suitable site for the Center. I am confident that the Potomac River site is where we will attend the opening ceremonies of the Kennedy Center in 3 or 3½ years. Because of my service as trustee of the Center from its inception, as well as my membership on the Board of Regents of the Smithsonian dating back prior to establishment of the Center as a Bureau of the Smithsonian, I have some personal knowledge of the process by which the Potomac site was chosen. This location was recommended as the site of a multipurpose auditorium by the District of Columbia Auditorium Commission in its final report on January 31, 1957. No action was taken on this report, and meanwhile, plans were developed by the Smithsonian for the National Air Museum. A location on the Mall was approved for this facility by the National Capital Planning Commission on March 8, 1957. Almost a year later, on February 24, 1958, the Senator from Arkansas and Representative Frank Thompson introduced simultaneous bills to provide for the creation of the National Cultural Center. These bills designated the Mall site, which had been preempted for the Air Museum, as the location of the proposed Cultural Center. The Public Works Committees, to which the bills were referred, requested the views of the Planning Commission. The Commission then began a staff study of potential locations, and on May 1, 1958, the Commission approved the Potomac River site for the Cultural Center and recommended it to the Congress.

UNIFORM SUPPORT IN HEARINGS

The NCPC was not alone in its preference for the Potomac site. It was also supported specifically in hearings before the Public Buildings and Grounds Subcommittee of the House of Representatives Committee on Public Works by the Commission of Fine Arts, the District of Columbia Recreation Board, the American Planning and Civic Association, the Bureau of the Budget, the Commissioners of the District of Columbia, the Washington Star, the Washington Post, the American Institute of Architects, the Federal City Council, the Washington Board of Trade, and Mrs. Robert Low Bacon, a member of the District of Columbia Auditorium Commission.

Mr. President, because the cosponsors had agreed to the recommendation of the Planning Commission for the Potomac River site, the bill being considered by the committee of the other House had been amended to incorporate the Planning Commission's choice of site. This bill, including the Potomac site, was enthusiastically endorsed by President Eisenhower and by many organizations including the AFL–CIO, the American Educational Theater Association, the General Federation of Women's Clubs, the District of Columbia Federation of Women's Clubs, the American National Theater and Academy, the Mount Pleasant Citizens Association, the Dupont Circle Citizens Association, the National Opera Guild of Washington, the National Symphony Orchestra Association, the Washington Ballet Guild, the Opera Society of Washington, and the National Federation of Women's Clubs. Surely, ample opportunity was provided interested individuals and groups to indicate their preferences as to the site. There was an impressive degree of agreement among those heard that the Potomac site was superior.

These hearings were held on August 1 and 5, 1958, 3 months after the site was recommended by NCPC. Another month elapsed before the Cultural Center was signed into law by President Eisenhower. From the time the bill was introduced until it was approved by the President, a period of over 5 months elapsed, so one cannot accurately term the decision a hasty one.

PLANNING COMMISSION REVIEW

The National Capital Planning Commission is the official urban planning agency in the District of Columbia, charged with responsibilities both to the National Government and to the government of the District. It is this agency that selected the river site. And the Commission has had the question of the site before it on at least four other occasions. Most recently, the Commission on May 8, 1964, voted to reaffirm its approval of the river site by a 7 to 3 vote. On June 4 and July 23, 1964, the Commission approved Edward D. Stone's plans for the development of the site, after study by a special task force of representation of NCPC, the General Services Administration, the National Park Service, the District of Columbia Highway Department and the architect of the Center. Before the site development plan was approved, interested parties were afforded yet another opportunity to be heard by the Planning Commission's Committee on Federal Planning and Projects. The motion to approve the site development plan, which includes details such as height, bulk, and appearance was made by the Chairman of the Federal Planning and Projects Committee, Mr. Paul Thiry. Mr. Thiry is himself a distinguished architect, who played a prominent role in the design of the Seattle World's Fair.

ACCESSIBILITY AND LANDSCAPING

As I have mentioned, the site of the John F. Kennedy Center for the Performing Arts has been questioned. Some say that it is not suitable because of its location on the banks of the Potomac. Washington is probably the only city in the United States that was planned by those who believed that the example of most of the great cities of the world was worth study and emulation; and those who have followed have always been very careful to adhere to their concepts of open avenues, great vista, and large parks and public areas. All that has been done and has been for the enjoyment and use of not only those residing or working within the city but also for those who come from other areas and indeed, from across the world to see the Capital of the United States. The beauty of Washington's great public buildings and monuments traditionally has been enhanced by the setting, either as an axial focal point or a body of water or a large park area. The Center will profit from all of these.

The opportunities today of continuing such a conscientious design for dignity and beauty are very slim. Congress, when it approved the Planning Commission's choice of the site for the Center, kept those criteria well in mind. I do not believe that anywhere else in the city could such a unique location have been found, more suitable both for a National Center for the Performing Arts and for a memorial to the late President Kennedy. It is a location on the Potomac, an intimate part of the city, with some 40 acres of unobstructed river and park land, a location that makes it possible for a public plaza overlooking the river and Roosevelt Island, a plaza park with fountains and trees over almost 2 acres—an extension of the park land south to the Lincoln Memorial, a location that permits open and spectacular views to the building—at the terminal point of New Hampshire Avenue and the E Street Mall. The effect of the building seen from the bridges will not be unlike that of the Houses of Parliament on the Thames. To the east, plans for landscaping the Inner Loop highway system, the main artery of which is 30 feet below the Center's entrance plaza, has been completed and approved. The District as well as the National Park Service knows that a well landscaped road is part of any good park.

Nowadays, as we all know, probably the most difficult place to get to by car, and to be in, is the downtown area of any city. The Center's site is unique for its accessibility. Automobiles, taxis, buses, and in the future, a mass transit system, are afforded direct ingress and egress to the Center. Vehicles will be able to utilize 700 feet at the building of undercover unloading on the 6-lane entrance plaza. They will have direct access to the Center's 11 parking entrance lanes via New Hampshire Avenue, Rock Creek Parkway, and the Inner Loop from the north and northeast, and via Rock Creek Parkway and the Memorial and Roosevelt Bridges from the south and west.

An integrated system of pedestrian walks is also planned for the site and its approaches. Landscaped paths will connect with the sidewalks of F Street and New Hampshire Avenue as well as those from the Lincoln Memorial and Roosevelt Bridge. Where necessary, overpasses and underpasses will be provided.

There will always be division of opinion regarding decisions such as the selection of a site for this important Center. There will always be requests for further studies and for a reopening of decisions already made. But there is a time when discussions must cease and action must occur. There has been criticism of the river site. I recognize that and I respect the views of those who disagree with the decision that has been made. I personally believe, however, that it is a wise choice. I think, too, that further delays would be unwise. So, Mr. President, in the words of the man whose memorial is being built—"Let us begin."

I hope the progress that has already been made will be continued. Although we realize that those who oppose or criticize the present site are high principled citizens and their opposition is meritorious, the fundamental fact is that the site has been selected, planning has been done, money has been spent, and all departments of Government have been informed and are cooperating. If we are to get the project underway and complete it, we must continue the work.

Mr. President, I hope that the work will be continued. As the late President said, "Let us begin."

Mr. President, in my statement I have referred to the annual report of Roger L. Steven, Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts which has been sent to the Trustees. Because I think my colleagues will find the report and the financial report of the Center of interest I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

ANNUAL REPORT OF ROGER L. STEVENS, CHAIRMAN, BOARD OF TRUSTEES, OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

I. INTRODUCTION

The past 12 months have seen greater strides toward the creation of the John F.

Kennedy Center for the Performing Arts than any previous period since inception of the original idea. Funds have been raised to match the full Federal appropriation. The ground breaking has taken place. The Metropolitan Opera National Co., jointly sponsored and underwritten by the Center and the Metropolitan Opera Association, is a reality. Final architectural plans are being prepared and the letting of contracts will begin in September. A year from now the superstructure of the Center should be rising on the banks of the Potomac for all to see. It is a year in which the Center has graduated from the realm of hopes, plans and dreams to actuality, detail and promise.

II. ORGANIZATION

The National Cultural Center was established by an act of Congress in September 1958. This act which terminated in 5 years was extended for a further 3 years until September 1966, and specified that the money for the center's construction must be raised by voluntary contributions. Congress authorized a nationwide fund-raising campaign for this purpose.

Following the death of President Kennedy there was a spontaneous movement throughout the country to make the Cultural Center, in which he had taken such a close personal interest, his sole official memorial in the Nation's Capital. President Johnson sent an administration request to Congress in December 1963; the measure was passed with full bipartisan support and signed into law by the President on January 23, 1964 (Public Law 88-260).

Under the bylaws of this act, and pursuant thereto, the Board of Trustees have held three meetings during the past 12 months and the members of the Executive Committee met five times during the same period.

III. ADMINISTRATIVE ACTIONS

1. Board of Trustees: At the present time the membership of the Board of Trustees of the John F. Kennedy Center is as follows (* denotes a new member appointed by the President since June 30, 1964, † denotes a member of the Executive Committee): Richard Adler*, Howard F. Ahmanson, Floyd D. Akers, Robert O. Anderson†, Ralph E. Becker†, K. LeMoyne Billings†, Mrs. Thomas W. Braden*, Ernest R. Breech, Edgar M. Bronfman, Mrs. George R. Brown*, Ralph J. Bunche, Anthony J. Celebrezze, Joseph S. Clark, Abe Fortas*, J. William Fulbright, Mrs. George A. Garrett, Leonard H. Goldenson*, George B. Hartzog, Jr.†, Mrs. John F. Kennedy†, Robert F. Kennedy†*, Francis Keppel, Mrs. Albert D. Lasker†, Erich Leinsdorf†*, Sol M. Linowitz†*, Harry C. McPherson, Jr.†*, George Meany, L. Quincy Mumford, Edwin W. Pauley*, Arthur Penn*, Mrs. Charlotte T. Reid, Richard S. Reynolds, Jr., Frank H. Ricketson, Jr., S. Dillon Ripley, II†, Richard Rodgers*, Leverett Saltonstall, Arthur Schlesinger, Jr.*, Mrs. Jouett Shouse†, Mrs. Jean Kennedy Smith*, Roger L. Stevens†, Frank Thompson, Jr., Walter N. Tobriner†, William Walton†, William H. Waters, Jr., Edwin L. Weisl, Sr.*, Robert W. Woodruff*, James C. Wright, Jr.

Mrs. Lyndon B. Johnson Mrs. John F. Kennedy, and Mrs. Dwight D. Eisenhower continue to serve as honorary Cochairman of the Center.

The elected officers of the Center are as follows: Roger L. Stevens, Chairman; Robert O. Anderson, Vice Chairman; Sol M. Linowitz, Vice Chairman; Ralph E. Becker, General Counsel; Daniel W. Bell, Treasurer; K. LeMoyne Billings, Secretary; Philip J. Mullin, Assistant Secretary and Administrative Officer; Herbert D. Lawson, Assistant Treasurer; Kenneth Birgfeld, Assistant Treasurer; Paul Seltzer, Assistant Treasurer; L. Corrin Strong, Chairman Emeritus.

2. J.F.K. Center/GSA Liaison Committee: The General Services Administration is serving as the Center's agent for design and construction. The J.F.K. Center/GSA Liaison Committee was formed to work on final plans and specifications and all future phases of building the Center. It held 18 meetings throughout the fiscal year. These meetings bring together representatives of the Center, General Services Administration, and the architect and makes determinations with respect to planning, contracting, and construction. The committee also serves as a coordinating group among the various agencies of the Government having incidential interest or jurisdiction in the planning and construction of the project. This includes the government of the District of Columbia, the National Park Service, and the various security and police jurisdictions.

In addition to Mr. Stevens, Chairman, ex officio, Trustees and officers of the Center serving on the Committee are: Mr. Ralph E. Becker, General Counsel; Mrs. Jouett Shouse; Mr. S. Dillon Ripley, Mr. George B. Hartzog, Jr., Philip J. Mullin, Administrative Officer.

3. Program Committee: Mr. Arthur Schlesinger, Jr., was appointed chairman of the Center's Program Committee. Serving with him will be Mrs. Thomas W. Braden, Mr. Harold Clurman, Mr. Richard N. Goodwin, Mr. August Heckscher, Mrs. John F. Kennedy, Senator Robert F. Kennedy, Mr. Goddard Lieberson, Mr. Oliver Smith, and Mr. George Stevens, Jr. The Program Committee will make recommendations for the maximum effective use of the Center's facilities to comply with the law and the intent of the Congress and will also suggest candidates for the position of Program Director as well as guidelines respecting the duties of this office. The Board of Trustees in turn will act on these recommendations and define the policy with respect to the Center's operations.

4. Memorial Committee: The John F. Kennedy Center Memorial Committee, responsible for selecting a suitable and appropriate memorial to President Kennedy for inclusion within the Center complex, has met and has made a preliminary report on its recommendations to the Trustees.

5. Fine Arts Accessions Committee: The Fine Arts Accessions Committee appointed a subcommittee to assist it in preliminary consideration and screening of all works of art offered to the Center. The subcommittee is made up of leading authorities in the Fine Arts residing in the Washington area. Serving on the subcommittee are: Dr. David W. Scott, director, National Collection of Fine Arts, as chairman; Mr. J. Carter Brown, National Gallery of Art; Mrs. Marjorie Phillips, the Phillips Gallery; Mr. Edward Durell Stone; Mr. Hermann W. Williams, Jr., Corcoran Gallery of Art; and Mr. Karel Yasko, General Services Administration. The list of gifts tendered and officially accepted thus far (not including those from foreign governments) comprise the following items: Portrait of President Kennedy by Carlos Andreson, gift of the artist; Steinway grand piano, gift of Mrs. Edward Sloane; mural painting by Mark Rothko, gift of Mrs. Albert Lasker; Japanese BYOBU folding two-panel screen, gift of a group of Japanese ladies; recording of Enesco's 1st and 2d Rumanian Rhapsodies conducted by the composer, gift of Mr. Donald H. Gabor.

IV. PROGRESS IN FUNDRAISING

As of June 30, 1965, pledges and contributions to the John F. Kennedy Center for the Performing Arts exceeded $15.5 million, the amount necessary to qualify for the full matching Federal grant. Included in that sum was a gift of $500,000 from the Joseph P. Kennedy, Jr., Foundation and a $5 million grant from the Ford Foundation which had been contingent on 2-to-1 matching terms as originally stipulated in April 1964.

1. Land gift: In addition, the two daughters and the son of the late Mr. and Mrs. Christian Huerich, Sr., deeded to the Center, as a gift, a plot of land appraised at $150,000. It is situated within the boundaries of the Center's site. This gift, which was made in memory of Mr. and Mrs. Huerich, Sr., completed the acquisition of their property without the necessity for any condemnation action by the National Capital Planning Commission.

2. Foreign gifts: In addition to the previously reported gifts of marble from the Italian Government and a Waterford chandelier from Ireland, four other foreign governments have made contributions to the Center in the past year. The Danish Government agreed to supply the furniture valued at $155,000 for the grand foyer. The German Government will donate sculptured bronze panels for the entrance of the Center with a minimum value of $250,000. A magnificent hand woven red silk curtain, accented with gold, will hang from the proscenium of the Opera House as a joint gift from the Government of Japan and the American-Japan Society of Tokyo. Because of the time and skills required, the donors expect the cost to exceed $140,000. Twelve crystal chandeliers, designed by the noted Norwegian glass designer Jonas Hidle, will enhance the concert hall as Norway's contribution to the Center. The Architect estimates that to procure or duplicate this gift which is being fabricated by the Christiania Glasmagasin, near Oslo, would cost in excess of $15,000 each.

3. Development Committee: With Mr. Robert O. Anderson as chairman, the Development Committee will continue to prevail upon the Trustees to assist the Center both through their own individual gifts and by additional solicitation of foundations and individuals for major contributions. In addition, approaches to and from foreign governments will be further pursued.

The Washington Area Special Gifts Committee and its subcommittees, having completed their work, ceased operation as a fundraising adjunct of the Center.

4. Washington Committee theater seat priority plan: A maximum of 100 seats, at $3,000 each, will be allocated in the theater for sale by the Washington Committee under the theater seat priority plan. Each endowment will include priority privileges for opening night performances for a period of 25 years. To become effective a minimum of 80 seats had to be sold. This number has already been subscribed.

5. Seat endowment plan: To date 30 boxes and 270 seats have been officially designated by donors in the Center. A very considerable amount of funds remains in the reserve account awaiting final disposition.

6. Sousa Memorial: Originally conceived in the form of a band shell to be erected on the roof terrace, this endowment, due to changes in the utilization of the roof area, will provide the stage and acoustical sound reflectors in the concert hall. An appropriate plaque will be placed in the hall designating this as a gift in the name of John Philip Sousa from John Philip Sousa Memorial, Inc.

This group is made up largely of high school and college bandmasters whose bands are presenting concerts and other musical events. The proceeds from these events are being contributed toward the fulfillment of their $100,000 pledge. Nearly half of the pledged amount has been received by the Center. Bands and orchestras participating will be appropriately recognized by inscription on the memorial plaque.

7. Gifts of materials: Interest has been shown by several domestic industries in supplying American produced materials as gifts to the Center. The Reynolds Metals Co. has donated aluminum ingots valued at $75,000 which will be fabricated to meet the speci-

fications of the architect. The Martin Marietta Corp. has given the Center 13,000 barrels of cement which reduces the amount required for purchase in the building contract by more than $50,000. It is possible that other gifts of this type will be received before the invitations to bid go out to the general contractors.

8. Future needs: With the moneys obtained from public contributions, the Federal grant and the Treasury bonds, there are, according to the General Services Administration, sufficient funds on hand to proceed with the construction of the Center. However, it should be recalled that in the John F. Kennedy Center Act (Public Law 88-260), Congress stated that the Center shall, among other activities, "develop programs for children and youth and elderly (and for other age groups as well) in such arts designed specifically for their participation, education, and recreation." No previous provision has been made for the financial support of such activities. In view of this the Trustees have discussed the need and plans for a program development fund to insure that the mandate of Congress will be appropriately and fully realized.

V. ARCHITECTURAL DEVELOPMENTS

1. Studio Film Theater: Final drawings are about complete for the 500-seat Studio Film Theater to be located on the roof of the Center above the 1,100-seat main theater. Proscenium type screen facilities will provide for the projection of 16 mm., 35 mm., and 70 mm. motion pictures while the theater will also be available for dramatic offerings, concerts, dance recitals, and lectures. When desirable or appropriate this auditorium can also be converted into a theater-in-the-round.

2. Further refinements: The shape of the opera house has been altered while still maintaining the circular effect originally envisioned.

The concert hall now is in a rectangular form in the interest of better acoustics. Provision has also been made for the installation of an Aeolian-Skinner concert organ which was given to the Center by Mrs. Jouett Shouse. It has been designed for use either as a solo instrument or as part of an orchestra.

In the theater more balcony seats have been added and some orchestra seats removed to provide for a more intimate atmosphere.

There will also be a 200-seat tourist center and cinema on the ground level for the showing of documentary films and for orientation sessions in conjunction with tours of the Center.

3. Land developments: Steps have been initiated for the condemnation of the Watergate Inn and surrounding area.

On the property adjacent to the site of the Center there is under construction a project known as the Watergate Towne Development. Four buildings are contemplated in this undertaking and it is known that building No. 1, which is designated stage 4 of the development, will rise to a height 41 feet above the main roof of the Center. As long as last November 25, 1964, the Center's General Counsel went on record before the Board of Zoning Appeals to express the Trustees' opposition to the proposed height of this building. Thus far the Board has not handed down a ruling on this matter. The developer of the Watergate project, however, indicated no intention of altering his blueprints. It was, therefore, resolved by the Trustees that the officers and General Counsel of the Center take all legal measures to oppose vigorously the construction of building No. 1 to any height not substantially below the cornice line of the Kennedy Center.

4. Development of site: On May 8, 1964, the National Capital Planning Commission, which is the central planning agency for the Federal and District of Columbia Governments, reaffirmed its approval of the site. On July 23, 1964, the National Capital Planning Commission approved the site plan in lieu of zoning. These latter actions were taken after extensive study by a task force composed of representatives of the NCPC, the General Services Administration, the National Park Service, the District of Columbia Department of Highways and Traffic, and the Center's architect.

5. Consultants: To assure that the Center will have the benefit of the finest technical knowledge and experience in the many diverse fields connected with the performing arts, the architect and General Services Administration have made extensive use of consultants. Specialists in lighting, seating, acoustics, audio visual equipment, stage design and equipment and theater planning have been retained. Working together they will afford the Center the finest technical competence available in all phases of opera, musical comedy, drama, ballet, symphony orchestra and motion picture presentations.

Included in the list are two of the Nation's leading acoustical experts—Dr. Vern Knudsen, of Los Angeles and Dr. Cyril Harris, of New York. They have been consulting, advising and working closely with the architect, General Services Administration and the Center to insure that the acoustical characteristics of the Kennedy Center will be the finest and most nearly perfect of any of the performing arts halls in the world.

6. Restaurant facilities: A 10-year agreement was entered into with the Restaurant Management Division of Automatic Canteen Co. of America to cover the operation of all restaurant facilities in the Center. Automatic Canteen has recently designed the Metropolitan Opera's new facilities at Lincoln Center. They will be responsible for catering and servicing the main restaurant which will seat approximately 275 persons, a dual-purpose cafeteria/buffet seating approximately 245 and a coffee shop with a capacity of about 100 persons. In addition, there will be other refreshment areas in the grand foyer. The income accruing to the Center from this contract is expected to be sizable.

7. Construction schedule: The architect reported that his final plans would be ready by September 30. It will then take approximately 8 weeks for General Services Administration to review the plans and prepare the necessary documents for bidding. Thus it would be about December 15 before the bids will have been received and evaluated. Prior to that time demolition of all remaining buildings on the site will have been completed and the necessary relocation of Rock Creek Parkway should be finished.

VI. SPECIAL EVENTS

1. Ground breaking ceremony: At noon on December 2, 1964, President Lyndon B. Johnson broke ground for the John F. Kennedy Center for the Performing Arts before an audience of more than 1,000 persons, including members of the Kennedy family, the Congress, the Diplomatic Corps, the Supreme Court, the Cabinet, the Center's Trustees, and distinguished performing artists. The program for the ceremony included the following:

Invocation by the Most Reverend Philip M. Hannan, Auxiliary Bishop of Washington.

Introduction by the Chairman of the Board of Trustees of Sir John Gielgud who delivered a passage from Shakespeare's "Henry V."

A hymn by the choral group of the U.S. Navy Band.

The reading by Mr. Jason Robards, Jr., of quotations from speeches by President Kennedy concerning the arts.

Remarks by Senator-elect Robert F. Kennedy.

Address by the President of the United States.

Swearing in of the Center's new Trustees by Mr. Justice White of the Supreme Court.

Following the ceremony a luncheon was held in the diplomatic reception rooms of the State Department for some 400 distinguished guests. Speakers at the luncheon were Vice-President-elect HUMPHREY, Mr. Edward Durell Stone, and Mr. Roger L. Stevens.

2. John F. Kennedy Center-Metropolitan Opera National Co.: As an indication of his great and personal interest in the project, President Kennedy himself announced, at the White House on October 11, 1963, the formation of the Metropolitan Opera National Co., under the joint auspices of the Metropolitan Opera Association and the Center. At that time he fully endorsed the purpose of the company to "fill a longfelt need in our musical life * * * (and to) * * * give opportunity to the young talent with which this country abounds."

It was of increasing concern to the Trustees of the Center that during the period of planning and construction it was vitally necessary to emphasize and give active affirmation to the national character of the Center. The Metropolitan Opera Association's concept of a truly national opera company that would bring this art form to cities and citizens throughout this land semed to present an ideal and timely project for furtherance of the Trustees' efforts in this direction.

Not only does the company fulfill a specific provision of our congressional mandate—to present classical and contemporary opera, but it also provides simultaneously a means of training and participation for talented young Americans. It seems particularly fitting that this first presentation under the cosponsorship of the Center should be one that was so close to the late President to whom the Center is a memorial.

In the middle of July the company is scheduled to assemble on the campus of Butler University in Indianapolis, Ind., for an intensive 8-week rehearsal period prior to launching their first nationwide tour on September 20 at Clowes Memorial Hall in Indianapolis. Their season will extend through May 1966, and include some 70 North American cities.

(On the evening of May 3, 1965, the Metropolitan Opera National Company appeared in the Department of State auditorium as part of a series of Cabinet presentations.)

3. New York World's Fair: One of the new exhibits in the Federal pavilion at the 1965 New York World's Fair is a handsome display of the John F. Kennedy Center for the Performing Arts in which a model of the Center is the highlight. Surrounding it are color enlargements of interior and exterior photographs of the model together with quotations from President Kennedy's speeches concerning the importance of the arts in our society as well as pertinent statements of President Johnson. This exhibit is located at the end of the panoramic ride in the Federal pavilion which last year had 5½ million visitors.

VII. THE FUTURE

Never before in the history of the Nation's Capital have the prospects for a truly national center for the performing arts looked as bright as they do today. From incoming mail, press comments, and general interest expressed in numerous ways, the country at large is aware of, in support of, and eager for the reality of the Kennedy Center. We have successfully hurdled the two initial stages: the preparation of firm and detailed groundwork and planning; and, the conclusion of the campaign to secure the necessary funds for construction. Ahead of us lies the construction itself and then utilization of the

Center's facilities in compliance with the mandate of Congress. In the ensuing 12 months major strides should be made in the building of the Center and progress will continue in planning for its projected operations.

Finally, it cannot be stressed too greatly that the development of the Center to the stage herein described would not have been possible without the unceasing support and encouragement that has been received from the Smithsonian Institution, the General Services Administration, the many other Government agencies who have been at all times helpful and understanding, the Members of Congress whose faith and trust in our undertaking have eased many burdens and problems, all of the members of President Kennedy's family whose active interest has been a constant source of inspiration and the enthusiasm and support of President and Mrs. Johnson.

Respectfully submitted this 15th day of September 1965.

ROGER L. STEVENS,
Chairman.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS FINANCIAL REPORT, JUNE 30, 1965

JULY 28, 1965.

To the Board of Trustees of the John F. Kennedy Center for the Performing Arts, Washington, D.C.

GENTLEMEN: We have examined the books and records of the John F. Kennedy Center for the Performing Arts for the period July 1, 1964, through June 30, 1965, and submit our report herewith as follows:

Exhibit A—Balance sheet as of June 30, 1965.

Exhibit B—Statement of income, expenses, and fund balance for the year July 1, 1964 through June 30, 1965.

Exhibit B-1—Statement of expenses for the year July 1, 1964 through June 30, 1965.

Our examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion the accompanying report presents fairly the financial position of the John F. Kennedy Center for the Performing Arts at June 30, 1965, and the results of its operation for the period then ended in conformity with generally accepted accounting principles.

Respectfully submitted.

JOHN J. ADDABBO,
Certified Public Accountant.

EXHIBIT A

John F. Kennedy Center for the Performing Arts, balance sheet, June 30, 1965

ASSETS

Current assets:			
Cash in banks:			
General accounts	$2,146,615.19		
Time deposits and savings accounts	10,015,320.77		
		$12,161,935.96	
Notes receivable, due within 1 year		125,000.00	
Accounts receivable		9,219.18	
Accrued interest receivable		164,369.20	
Petty cash fund		400.00	
Deposit with airline		425.00	
Stock, bonds, and property received		268,659.00	
			$12,730,008.34
Pledges receivable:			
National general account		10,000.00	
National seat reserve account		600.00	
President's Business Committee		26,500.00	
Washington area building fund, general		6,100.00	
Washington area building fund, reserve		10,523.17	
Washington area seat reserve account		5,350.00	
Washington area Federal employee drive		1,884.50	
Washington area Federal employee drive, seat endowment		45.00	
Washington area tangible property		35,000.00	
			96,002.67
Real estate fixed assets and other tangible property:			
Cost of land, advanced to NCPC		146,000.00	
Construction costs		926,784.20	
Furniture and equipment, book value		5,343.88	
Land and other property donated		414,750.00	
Gifts from foreign nations		1,787,000.00	
			3,279,878.08
Other assets:			
Notes receivable, due later than 1 year		350,000.00	
Prepaid expenses, creative America		56,425.00	
			406,425.00
Total assets			16,512,314.09

LIABILITIES AND NET WORTH

Liabilities: Payroll taxes withheld		1,082.34
Net worth:		
Pledges receivable	96,002.67	
Fund balance, June 30, 1965	16,415,229.08	
		16,511,231.75
Total liabilities and net worth		16,512,314.0

EXHIBIT B

John F. Kennedy Center for the Performing Arts, statement of income, expenses, and fund balance for the year July 1, 1964, through June 30, 1965

Contributions and pledges paid in:		
General accounts:		
National general account	$6,255,553.36	
President's Business Committee	1,361,406.36	
Washington area building fund	661,169.01	
Washington area Federal employee drive	1,888.63	
Interest income	314,054.93	
National tangible property	1,787,000.00	
Special theater club	189,614.45	
Total general accounts		$10,570,686.74
Reserve accounts:		
National reserve account	104,233.98	
National seat reserve account	161,272.78	
Washington area building fund	603,113.94	
Washington area seat reserve account	209,126.63	
Washington area Federal employee drive, seat endowment	3,449.63	
Schoolchildren's reserve fund	1,207.46	
Total reserve accounts		1,082,404.42
Total income		11,653,091.16
Deduct expenses, exhibit B-1		392,811.61
Excess of receipts over expenses		11,260,279.55
Fund balance, beginning of year		4,815,154.08
Expenses prior to July 1, 1964, capitalized as construction costs		339,795.45
Fund balance, June 30, 1965		16,415,229.08

EXHIBIT B-1

John F. Kennedy Center for the Performing Arts statement of expense for the year July 1, 1964 through June 30, 1965

Salaries	$76, 236. 04
Extra help	3, 818. 77
Depreciation—furniture and equipment	868. 34
Equipment rental and repairs	2, 398. 01
Meetings	4, 453. 23
Office supplies and postage	3, 491. 54
D.C. area expenses	6, 624. 17
Printing and publicity	233. 51
Promotion	32, 107. 83
Publications	948. 60
Telephone and telegraph	6, 863. 44
Travel	17, 022. 29
Taxes—payroll and civil service	4, 925. 18
Unclassified	55. 58
Accounting and audit fees	4, 600. 00
Legal fees	350. 00
Insurance	1, 768. 93
Public relations and fund raising fees	68, 637. 50
President's Business Committee	45, 377. 92
Metropolitan Opera	150, 000. 00
Inaugural ball—N.Y. Worlds Fair	313. 15
Israeli benefit	1, 427. 50
Total	432, 410. 37
Less—allocated to construction costs	—39, 598. 76
Total expenses	392, 811. 61

Mr. FULBRIGHT. Mr. President, I rise to associate myself with the statement on the John F. Kennedy Center by the distinguished senior Senator from Massachusetts [Mr. SALTONSTALL]. On February 24, 1958, I introduced in the Senate the bill to create a National Cultural Center. An identical bill was introduced in the House of Representatives by Representative FRANK THOMPSON, JR., of New Jersey. I have served on the Center's Board of Trustees from its beginning and have always been most appreciative of the dedicated efforts which have brought this dream I have shared with so many others to the point of realization. I may say, Mr. President, that this has been a bipartisan dream and a bipartisan effort, just as the congressional representation on the Board is bipartisan.

To my personal knowledge the Trustees and officers of the Center have had splendid cooperation from all the agencies interested or involved. These have been principally the National Capital Planning Commission, General Services Administration, the Fine Arts Commission, the government of the District of Columbia, and the National Park Service, but the aid of many others has been enlisted from time to time. For example, the Secretary of State and officials of the Department of State became participants when several foreign governments indicated their desire to make gifts for use in the Kennedy Center. By an exchange of diplomatic notes, the Center became the grateful recipient of gifts of marble valued at $1,100,000 from the Italian Government, furniture for the grand foyer valued at $155,000 from the Danish Government, bronze doors valued at $250,000 from the German Government, and crystal chandeliers for the concert hall valued at more than $180,000 from the Norwegian Government. Likewise, a red and gold silk curtain, valued at $140,000 is the joint gift of the Government of Japan and the America-Japan Society. The expressions of amity from our friends abroad are most gratifying and most deeply appreciated. The Kennedy Center will appear as a jewel of white Carrara marble in its park setting on the Potomac.

With regard to the Potomac River site, Mr. President, I should like to say that no more appropriate setting for the Center is available. Although the original bill I introduced specified another site for the Center, when it was found that the site on the Mall had been reserved for the Air Museum of the Smithsonian Institution, and when the NCPC recommended the present river site, I was glad to acquiesce in their recommendation. I have never had occasion to regret the adoption of the Commission's recommendation, and do not now. A conclusive consideration, to my mind, is that the view from the Center is perhaps as important as the view of it from outside. Literally nowhere else in the District of Columbia will such a prospect from the Center be possible as that across the river and toward the unspoiled panorama of Roosevelt Island. What other setting is available where office buildings, including those of Government agencies would not be a part of the immediate environment on all sides?

The distinguished architect of the Center, Edward Durell Stone, has taken full advantage of the river and island setting in his design for the Center. As a Trustee, as one of the original sponsors of the act creating the National Cultural Center, and a cosponsor of the act designating the Center as the Nation's memorial to John F. Kennedy, I have the utmost confidence in Mr. Stone and heartily approve the aesthetic concept of the Center. I believe that this feeling is shared by the entire Board of Trustees. Certainly I have heard no criticism of the architectural concept from any of them.

In developing his plan and design for the Center, Mr. Stone has proceeded upon the assumption, which I believe to be correct, that each city has its own individual character and tradition, and that the architect should respect this and work within it. As Mr. Stone conceived the architectural tradition of Washington, it is that of large white buildings in park areas. A drive down Independence or Constitution Avenue will readily illustrate this, as does the setting of the Capitol, the White House, the Supreme Court, the Lincoln Memorial, the Jefferson Memorial and many other public edifices. Mr. Stone's design is in this tradition, as well as taking fullest advantage of the river site and the vista afforded by New Hampshire Avenue.

Now, Mr. President, let me say that the actual appearance of the exterior of any building, like that of any work of art, is a matter of taste. And I think we all realize that esthetic taste is a highly subjective matter, that one man's architectural meat is another man's architectural poison. This is true not only among laymen, but among artists and architects, and certainly among professional critics. For example, I would agree with Ed Stone that in Washington, buildings with walls largely of windows are office buildings, and I would not have wanted the Kennedy Center to look like another office building, no matter how well suited that type of design is to office buildings, which often all serve quite a different purpose.

As I have said, I have the utmost confidence in Ed Stone as an architect. In my opinion and that of many others, he is one of a handful of truly outstanding architects in the world today. I think, Mr. President, that we in the Nation's Capital most emphatically do not want, as the memorial to John Fitzgerald Kennedy, a camel of a building like the Rayburn building. We do not want a building which has been put together by a committee, where there is no unity of concept and execution. For this reason, the design and location of the Center cannot be dictated by purely local groups. We are building the Nation's memorial to President Kennedy, and not merely a local facility.

Mr. CLARK. Mr. President, I am happy to support the position taken by the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Arkansas [Mr. FULBRIGHT], with whom I have worked as a Trustee of the Kennedy Center. I, too, salute the Chairman of the Center, Roger L. Stevens, for having surmounted many obstacles large and small since President Kennedy asked him to get this project underway. I do not feel that at this time any question can reasonably be raised about proceeding as expeditiously as possible to construct the Kennedy Center on the site recommended in 1958 by the planning agency responsible and accepted by the Congress. Not only have contributions been solicited from all over the country and accepted on the representation that this building would be built at this place, but some $3,300,000 has been spent by the National Capital Financing Commission to acquire land under a mandate from Congress. Perhaps most important of all Congress has already designated this Center as a memorial to J.F.K., and made a substantial contribution toward its completion. Opponents of the Potomac site are urging at this late date, at the very moment when demolition at the site is about to proceed—that all the present plans be scrapped and that the NCPC and the Trustees of the Center start again from the beginning. Where have they been these past 7 or 8 years? Why did they not come forward sooner? It is obvious that changing plans now would delay completion of the Center for at least 5 years and perhaps 20. I point out that the Southwest L'Enfant Plaza has not been commenced 10 years after it was planned.

HIGH COST OF CHANGE

Opponents of the Potomac site have proposed that Congress choose a site on Pennsylvania Avenue. They are asking that the Congress intervene in the legally defined and orderly planning processes of the National Capital Planning Commission, and substitute its judgment for that of the Commission. According to the Commission land values in the Pennsylvania Avenue area proposed are exceedingly high; the 6 acres on Pennsylvania Avenue acquired for the Federal Bureau of Investigation building cost $11,871,000. This is close to $2 million an acre.

The Potomac River site contains 18 acres, Mr. President. Even if a suitable 18-acre plot could be found in the proposed new area, and I doubt if it could, it could well cost upward of $36 million. The argument is made that this might be available from urban renewal funds. The District of Columbia has a good many things to do with urban renewal money before it should spend it this way.

The costs to the District of Columbia must also be considered, since acquisition of this valuable commercial property for public use would remove it from the tax rolls and amount to a very substantial loss of tax income to the District of Columbia.

Proponents of the change have said that the Cultural Center would not need 18 acres if it were broken into three parts, and separated into three buildings. The Chairman of the Trustees of the Center has said, on expert architectural and engineering advice, that three buildings would cost one-third more to construct than one. I think this is a reasonable estimate, and that means, the present estimated cost being a little less than $44 million, that three buildings would cost and additional $14,600,000. Moreover, we have already crossed this bridge. The original Stone design called for three buildings. It was modified because it was too expensive. Proponents of a new location propose no source for these additional funds, and it is presumed that the Congress would provide them. In view of the fact that Congress did not provide them in the first place and appropriated money only as a memorial tribute to John Kennedy, it seems clear to me that Congress has no intention of expending a good deal of additional money just to move this Center from one place to another place. Why should we move it? It is maintained by those who want to abandon the present project and start all over again that the present site is inaccessible. Let us see.

COMPARATIVE TRAVEL TIME

Here are the results of actual time tests made by the architect of the Kennedy Center from various points in Washington to the Potomac River site and to the National Theater, between 13th and 14th Streets on Pennsylvania Avenue. These are as follows:

From Mayflower Hotel to the J.F.K. Center, 7 minutes; to National Theater, 9 minutes.

From Dupont Circle to J.F.K. Center, 5 minutes; to National Theater, 10 minutes.

From Shoreham Hotel to J.F.K. Center, 3 minutes; to National Theater, 14 minutes.

From Washington Cathedral to J.F.K. Center, 5 minutes; to National Theater, 15 minutes.

From Capitol to J.F.K. Center, 11 minutes; to National Theater, 6 minutes.

The closer to the Capitol on Pennsylvania Avenue a location might be selected, the greater the time differential which would exist, of course. These time tests strengthen the conclusion that the inaccessibility of the Center has been greatly overstated by its opponents. Moreover, in my opinion, the way to improve the Center's accessibility for the metropolitan area is to include a subway station for the Center area in the new rapid transit plan, not to move the Center.

A NATIONAL SHRINE

Mr. President, I should like to state because I do not believe that it can be overemphasized, that the Kennedy Center is being built for the Nation, not merely as a local facility. It is to be the Nation's memorial to the late President, and not that of the District of Columbia. The Trustees believe that it will become very rapidly a monument to which the people of the Nation will flock, as they do to the Lincoln Memorial nearby, and to the last resting place of President Kennedy immediately across the river. It is here in Washington and the people of this area will have the good fortune to benefit by its presence—as they do our other national shrines. But the Center is being built and paid for by national voluntary contributions and by money from the Federal Treasury. Many people in this area have contributed. We are grateful. But this is a National Center.

It would detract from the whole conception of the Kennedy Center as a memorial to change its site so that it can become a downtown commercial attraction. The quiet serenity of the river site is most appropriate to the Center. It is a handsome site and the natural beauty of the setting will be further enhanced by landscaping. Opponents say the access roads will be complicated, gaping holes which will cut up the site. This, too, is a problem which can be solved by seeing to it that appropriate landscaping and quality highway design are used.

CONCLUSION

If orderly progress continues uninterrupted, another 3 years should see the completion of the Kennedy Center with facilities that are at present almost totally lacking in Washington. There is no real reason to wait longer in order to hear further representations from persons and groups who have been heard before, especially when the present location was originally approved by many of those who now say they have changed their minds. The Kennedy Center cannot be allowed to become a subject of the internecine political warfare of the District of Columbia. And there is no reason to look wistfully for additional expenditures to be incurred should the Congress intervene. We have seen in the unhappy culmination of the home rule debate how much sympathy there is in Congress for paying a fair share of its financial obligations to the District of Columbia.

In sum, Mr. President, an adequate case for postponing this project has not been made. And practically speaking, it is too late in the day to start all over again even if the case of the opponents were better than it is. We should do what we can to speed up the completion of this major memorial to a great man, not halt it. We should do what we can to solve any problems typical of any urban project of this magnitude—provide a subway stop, work out bus routes and adequate service, make certain that the highway engineers do not destroy what the planners, architects and landscapers will create—which they do all too often in the District, as elsewhere—make the Center as beautiful, successful, and enduring a contribution to our national life as we can. This Center had John F. Kennedy's personal support. None of us ever dreamed it would turn out to be his memorial. But such it has become, and it is our obligation to bring it to a successful conclusion—as he asked Roger Stevens to do when he put him in charge of this project, and as he told the Trustees on more than one occasion he wanted done.

PRICE REDUCTIONS ON FORD AUTOMOBILES PRODUCED IN THE UNITED STATES AND SOLD IN CANADA

Mr. LONG of Louisiana. Mr. President, in connection with the debate on the pending measure, it is interesting to note that the Ford Motor Co. of Canada, at 4 o'clock yesterday afternoon, issued a statement to the effect that price reductions would be in effect on Ford motorcars produced in the United States and imported into Canada. I read from the statement:

> OAKVILLE.—Ford of Canada today announced price reductions on its 1966 Mustang, Thunderbird, and Lincoln passenger cars which are imported from the United States.
>
> Karl Scott, president, said:
>
> "Effective October 1, when they go on sale at Ford of Canada dealerships across Canada, our 1966 model Mustangs, Thunderbirds, and Lincolns will be priced lower than comparably equipped 1965 models."
>
> He said that the suggested retail delivered price of a 1966 Mustang two-door hardtop at Windsor, including taxes, will be $127 lower than a comparably equipped 1965 Mustang.
>
> There will be a reduction of $150 in the suggested retail delivered price at Windsor, including taxes, of a 1966 Thunderbird two-door hardtop compared with a comparably equipped 1965 Thunderbird. The 1966 Lincoln four-door sedan will be reduced by $250 compared with the suggested retail price at Windsor, including taxes, of a comparably equipped 1965 Lincoln.
>
> Complete suggested price schedules for these imported cars were on their way to Canadian dealers today.
>
> "These 1966 models include as standard equipment a number of safety features which previously were optional items on some models," Scott said. "They are outside rear-view mirror, padded instrument panel, padded visors, backup lights, front and rear seat safety belts, windshield washers, and four-way emergency flashers."
>
> Prices of 1966 Ford of Canada passenger cars which are built in Canada were not included in today's announcement. These cars are the Falcon, Fairlane, Ford, Comet, Meteor, and Mercury.
>
> "Our domestically built cars also will include standard safety equipment which previously was optional. When prices are announced for these cars, they will be adjusted for this additional equipment," Scott said.

Following are suggested retail delivered prices, including taxes, f.o.b. Windsor:

Model	Comparably equipped vehicles		Reduction
	1966	1965	
Mustang:			
2-door hardtop	$3,099	$3,226	$127
Convertible	3,418	3,545	$127
Thunderbird:			
2-door hardtop	6,125	6,275	$150
Convertible	6,790	6,940	$150
Town hardtop	6,207	(1)	New
Town Landau	6,361	(1)	New
Lincoln:			
4-door sedan	7,604	7,854	$250
4-door convertible	8,465	8,715	$250
2-door hardtop	7,282	(1)	New

Not applicable.

Mr. President, this will be good news to Canadian consumers, which is a part of the advantage Canada will achieve as a result of the Canadian auto parts agreement.

The price reduction came sooner than some of us expected. I am pleased to see it. I am advised from some sources that this will mean that General Motors, Chrysler Corp., and other companies producing automobiles in the United States for sale in Canada will be compelled by competitive factors to fall in line with the price reductions.

Mr. President, this points up the error made in an editorial printed in the Washington Post this morning. The announcement was dated prior to the time the Washington Post went to press; namely, 4 o'clock p.m. on yesterday.

The first point made in the Post's editorial this morning against the auto parts agreement was that the automobile companies would have the benefit of this agreement and the consumers of Canada would not.

It is interesting to note that the writer was 100 percent wrong on his first major point, the main reason for writing the editorial in the first place.

Mr. GORE. Mr. President, the Canadian tariff on U.S. automobiles is 17½ percent, which means that the tariff on a $4,000 automobile is $700. This $700 on a $4,000 automobile is now going not to the Canadian consumer, and not to the Canadian Government, but is being paid by the Canadian consumer.

Paid to whom? Not to the Government, but to the automobile companies.

The price reduction to which the Senator from Louisiana has referred is a regular retail price listing. It is not to give advantage to the Canadian consumer of the tariff remission, of which the automobile companies are now the beneficiaries as a result of the agreement involved in the bill now pending before the Senate.

When will the big four give the Canadian people a reduction in prices comparable to the reduction in tariff?

This was the point of the editorial published in the Washington Post this morning. The small price reduction of $120 on Mustangs does not refute the point of the editorial. Indeed, I have the feeling that the remarks of the Senator from Louisiana emphasize and punctuate it.

Mr. LONG of Louisiana. Mr. President, automobile companies are being pressed by some Members of Congress to reduce prices here, because we reduced our excise taxes; and having reduced them, we feel that the price reduction should be passed on to the consumer. We are pressing for that and are having some success along that line.

Canada does not pay an American excise tax. Canada has not reduced its excise taxes. Therefore, the reduction in price in Canada must be a reduction based on other factors.

Under the agreement which we have with Canada, the Ford Motor Co.—being in the position in which it must have 60 percent Canadian value added, and having some difficulty complying with that requirement—will have to bring Canadian automobiles into this country which are produced at a higher price, and sell them here while they are taking more American automobiles into Canada which are sold at a lower price.

With approximately a 12 percent difference in cost, most of what advantage there is would be wiped out when they have to bring Canadian automobiles into this country and sell them, at the same time they send additional American automobiles into Canada. When we consider the action which has to occur, we are not talking about a 17 percent advantage; we are talking about a net of 5 percent advantage, a part of which is being passed on to the consumer with the price reduction which was announced.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. McINTYRE. Mr. President, from the Committee on Armed Services I report favorably the nominations of 258 Marine Corps officers for promotion to the grade of lieutenant colonel.

Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are as follows:

Charles W. Abbott, and sundry other officers, for temporary appointment in the Marine Corps; and

William C. Adams, and sundry other officers, for permanent appointment in the Marine Corps.

The PRESIDING OFFICER. If there be no further reports of committees, the nomination on the Executive Calendar will be stated.

PUBLIC HEALTH SERVICE

The Chief Clerk read the nomination of William H. Stewart, of Maryland, to be Surgeon General of the Public Health Service for a term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On the motion by Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

THIRD REVIEW OF SMALL BUSINESS COMMITTEE'S EFFORT TO REDUCE BARRIERS AND EXPAND BEEF EXPORTS

Mr. SPARKMAN. Mr. President, it is timely to make available to the Senate some further information on the activities of the Select Committee on Small Business in the field of beef exports.

DEMAND FAR EXCEEDS PREVIOUS PREDICTIONS

When the committee began its inquiry in this area, more than a year ago, we were advised by the U.S. Department of Agriculture of the existence of a beef deficit in Western Europe. The Department estimated that this shortage might be between 50,000 and 200,000 tons per year, or a market value of $42 to $170 million.

It now appears that officials of the European Economic Community are placing predictions of demand at a much higher level. Dr. Sicco Mansholt, the vice president of the European Economic Community, was reported in the recent issue of the Dutch Meat Trade Journal as expressing the personal opinion that, by 1970, "there still will exist a beef shortage of 500,000 metric tons."

The market value of this amount comes to between $250 and $370 million per year, depending upon the quality of meat required. Furthermore, the figure mentioned by Dr. Mansholt applies to the six nations of the European Economic Community, which include the Benelux countries, France, Germany and Italy. It evidently does not take into account the seven nations of the European free trade area and the other nations of Western Europe and the Mediterranean area which are experiencing rapid increases in prosperity and consequent improvements in their national diets.

All of these new and growing markets are open to the beef industries of all of the producing nations of the world at this time. European nations themselves are making concerted efforts to increase beef production. However, although the competition can be assumed to be keen, it is my hope that the American beef industry will be in a position to take fair advantage of these golden opportunities.

The hearings of the Small Business Committee in February devoted particular attention to the matter of ocean freight transportation costs, which are a factor in servicing these overseas markets. Following the hearings, reductions in these rates were effected by the transatlantic steamship lines in an effort to cooperate in the establishment of permanent trading relationships for the American beef industry. The steamship companies involved naturally wished to assess their cost experience at the new rate levels, and therefore stated that the new levels would be experimental, and would extend until September 30 of this year.

In the meantime, a good deal of activity has been taking place within industry and Government with the view toward increasing our trade in these commodities.

In this regard, I might mention the joint executive session of the Small Business Committee and the Senate Committee on Agriculture and Forestry, which was held on September 9 for the purpose of reviewing the submissions that the United States will make in the trade negotiations at Geneva in agricultural and beef products. Since the matters discussed will be subject to negotiations, I am not at liberty to comment upon them in detail. However, I can say that the membership of the two committees made known to our negotiators the interest of the Senate in increased exports of U.S. agricultural and beef products.

SHIP LINES EXTEND LOWER RATES

In view of such events, as chairman of the Senate Small Business Committee, I corresponded with the American steamship lines earlier this month, expressing the hope of the committee that these carriers would not find it necessary to have beef rates revert to their previous levels on September 30.

I am pleased to report their response in a letter from Mr. John H. Griffith, vice chairman of the American Steamship Traffic Executive Committee, as follows:

> Several conferences reduced rates (on chilled beef) by approximately 25 percent in an endeavor to stimulate exports. * * * We feel that the old rates should not be restored to their original level.

Mr. Griffith explained that the continental conference had scheduled a general rate increase of 7 percent for November 1, with the French conference taking similar action by January 1, and the English following suit at a later date. For beef, however, there will be a ceiling of $4 per freight ton, which will limit the rise to about 2.7 percent. In the meantime, the rates will remain at the lower experimental level. Thereafter, according to the steamship executive:

> The modest increase of less than 3 percent on these particular rates (chilled beef) will still result in transportation costs well below last year's level, should exporters find an European market. We hope that they will.

Mr. President, the members of our committee certainly join with Mr. Griffith and the American-flag steamship companies in the hope that our exporters will be able to establish long-term, profitable trading markets in American beef products abroad. It is quite clear that the actions of the steamship companies and their conferences will be of practical assistance in this regard.

It is expected that the committee will, in the near future, file an interim report which will summarize its inquiry to date and will discuss in greater detail the matters covered by the February hearings and the three ensuing informal reports which I have made.

TRIBUTE TO DR. KRISHAN D. MATHUR, OF THE LIBRARY OF CONGRESS

Mrs. SMITH. Mr. President, a former member of the faculty of the Aroostook State Teachers College in Presque Isle, Maine, has repeatedly distinguished himself in work here in Washington both in lectures and in writings. He is Dr. Krishan D. Mathur, of the Library of Congress, a native of India.

Dr. Mathur's latest recognition is that accorded him by the Industrial College of the Armed Forces. That recognition was extended in a letter of the deputy commandant of the Industrial College of the Armed Forces, Maj. Gen. W. S. Steele, U.S. Air Force, who commended Dr. Mathur for three lectures Dr. Mathur gave at the college on the subject of "The Scientist and Public Affairs." I ask unanimous consent that General Steele's letter of September 13, 1965, he placed in the body of the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> Industrial College
> of the Armed Forces,
> *Washington, D.C., September 13, 1965.*
>
> Dr. Krishan D. Mathur,
> *Arlington, Va.*
>
> Dear Dr. Mathur: It is a pleasure to thank you for leading three industrial periods at the Industrial College on the subject "The Scientist and Public Affairs," during our foundations course.
>
> We realize the importance of establishing a firm foundation for further student study throughout the school year in this and related areas, and we feel particularly fortunate to have had someone of your knowledge and background to help us in this endeavor at the outset of our academic year.
>
> We are happy that you could participate in our activities this year, and we are indebted to you for the contribution you have made to our program.
>
> Sincerely yours,
> W. S. Steele,
> *Major General, U.S. Air Force,*
> *Deputy Commandant.*

TACONITE EXPANSION IN NORTHERN MINNESOTA

Mr. MONDALE. Mr. President, Minnesota's first marketable deposit of iron ore was discovered on the Vermillion range in 1875. Since the first shipment in 1884, almost 2.5 billion tons of iron ore have been shipped from Minnesota to our Nation's steel mills. Over the past 75 years, Minnesota supplied 57 percent of the total iron ore requirements in the United States.

That ore was high grade, and needed no beneficiation or refinement before use in the mills. But today much of the highgrade ore is gone, and northeastern Minnesota depends upon a low grade ore called taconite. Taconite is about 20 to 30 percent iron, and must be enriched by a costly crushing and enriching process, resulting in small pellets containing about 62 percent iron.

Last June I noted for the Record that over $1 billion had been committed or invested in plant facilities. This was much higher than early estimates in December of 1964, which predicted an estimated $650 million investment in taconite plants and expansion.

And now, Mr. President, I am pleased to state our estimates for the future have been revised upward. A recent editorial in the Minneapolis Tribune discussed the possibility of $2 billion in new capital investment of all kinds, including taconite. in northeastern Minnesota. It pointed out that just a short time ago, the Reserve Mining Co. announced a further $25 million expansion of its facilities. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Taconite Now a Billion-Dollar Baby

> In terms of its eventual production in northern Minnesota, the 10-year-old commercial taconite industry is still but an infant. But what a lusty offspring our iron ore mining industry has produced. The magnitude of this new industry was illustrated last week when Reserve Mining Co. announced a further $25 million expansion of its facilities. In size, the expansion was not big, as taconite operations go, but the figure was enough to put investments in Minnesota taconite plants—present and planned—above a billion dollars.
>
> But that's not all, if we accept a forecast by a man who should know what he's talking about. W. A. Strauss, president of Northern Natural Gas Co., which supplies natural gas to taconite plants, predicted in Minnesota this week that $2 billion in new capital investments of all kinds would be made in northeastern Minnesota in the next 5 to 10 years. And this in an area some people feared was slipping into the permanently depressed status of an Appalachia.
>
> The boom developing in northeastern Minnesota was launched last year when Minnesota voters decided overwhelmingly to bury Minnesota's traditional policies of "soaking" the mining industry, and instead to guarantee the new taconite industry that its huge investments in processing facilities would be treated fairly. We're seeing the payout of this electoral decision every day in the news from northeastern Minnesota.
>
> Imagine what would happen if the power of political statesmanship that was demonstrated when old animosities were discarded and both political parties united behind the taconite amendment could similarly be brought to bear on other crucial matters before Minnesota.
>
> For example, what might happen if the people who say a sales tax is inevitable but who also say they will fight it to their last political breath were, instead, to turn their energies toward figuring ways a modernized and competitive tax structure might be used to boost the interests of education and eco-

nomic growth, to the benefit of all Minnesotans, poor and rich, rural and urban, labor and business?

Mr. MONDALE. Mr. President, the Division of Lands and Minerals has estimated a total remaining deposit of 60 billion tons of taconite ores in northeastern Minnesota, over 2,000 percent more than the high grade ores already mined and shipped. The future is bright for the Iron Range, and we must devote all our best efforts to see that these hopes are not dimmed because of inaction or inattention to the problems that remain. We can no longer hope to rely blindly on a one-industry economy—diversification in the field of recreation resources, light engineering and industry, timber, transportation, and shipping are all important to the continued economic upswing in northern Minnesota.

TRIBUTE TO SENATOR FONG, OF HAWAII

Mr. PROUTY. Mr. President, on Monday night; September 13, a delightful news commentary was presented over the NBC television network by Congressional Correspondent Robert K. McCormick.

The subject of this commentary, on the network's "Situation Report," which is a part of the 11 p.m. news, was the distinguished senior Senator from Hawaii, Hiram L. Fong.

McCormick reported that Senator Fong had sent two letters to Mao Tse-tung requesting permission to visit Red China.

The request, McCormick said, "probably has Mao Tse-tung thoroughly flummoxed," because "if he refuses to invite Fong to break rice with him, he is himself discriminating against a man of Chinese background; if he does invite Fong, he will be confronted with a living denial of his own propaganda—about how we kick around minorities—which probably explains why Mao has not answered either of Fong's two letters."

I understand this same report was given by McCormick over NBC radio Sunday, September 12, on the weekend "Monitor" program.

Mr. President, I am very pleased to call attention to this news commentary, because I feel that it is a well deserved and fitting tribute to one of the most conscientious and dedicated Members of the U.S. Senate.

I ask that the full text of the McCormick commentary be received and printed in the Record at this point.

There being no objection, the text of the commentary was ordered to be printed in the Record, as follows:

NBC "Situation Report" on Senator Hiram L. Fong, Republican, of Hawaii, by Congressional Correspondent Robert K. McCormick, September 13, 1965

> Hiram Fong probably has Mao Tse-tung thoroughly flummoxed. It's not a complicated story, but it does have to be told from the beginning.
>
> I'll return with a report after this from Maury Higdon for Pan American.
>
> Mao Tse-tung is head of the Communist Party in China. Among other sins he attributes to all Americans is the sin of racism; in his view, we are all fanatical white supremacists. Obviously, this suits Mao's political policies very nicely.
>
> Hiram Fong is a U.S. Senator from Hawaii; he is a Republican—a multimillionaire and is of Chinese ancestry. He speaks Chinese (the Kwantung dialect)—and just looking at him, you can tell right away that he is not a Scandanavian, or an Irishman or an Egyptian. He is an oriental.
>
> Mao Tse-tung probably could have lived out the rest of his days, without ever worrying about Hiram Fong—except for the fact that Fong has asked Mao for permission to visit Red China. Mao probably wouldn't mind having somebody named Fong visit him, under normal circumstances; but Hiram Fong is sort of a living, breathing, Kwantung-speaking refutation of all the things Mao has said about the United States. As a member of what is a minority group in this country, Fong has done pretty well; he owns all sorts of real estate, and controls many assorted business enterprises. He was elected from a State where people of Chinese descent constitute only 6 or 7 percent of the population; people of Japanese descent, and (presumably pure) Caucasians—each constitute over 30 percent of the population of Hawaii—so the Chinese are a very small minority indeed.
>
> And when Fong was reelected in 1964, he ran ahead of the national Republican ticket, by almost 32 percent. This was a record—the greatest margin by which a Senatorial candidate has ever run ahead of his party.
>
> In other words, while President Johnson engulfed the State by getting almost 80 percent of the votes, Republican Fong won by the comfortable edge of 53 percent. This means Fong must have got support from all segments of the Hawaiian society—from those of Japanese, Philippine, and Portuguese descent, as well as from the Caucasians—the whites—known in Hawaii as Haoles.
>
> So what sort of box does this put Mao in? If he refuses to invite Fong to break rice with him, he is himself discriminating against a man of Chinese background; if he does invite Fong, he will be confronted with a living denial of his own propaganda—about how we kick around minorities—which probably explains why Mao hasn't answered either of Fong's two letters asking for an invitation to visit Mao's Red Empire.

Mr. PROUTY. Mr. President, I am also happy to introduce this news item into the Record, because Mr. McCormick pointed out one of the most significant—yet unnoticed—facts in the history of American politics: that a longstanding record in American political history was shattered when Hiram Fong won reelection to the U.S. Senate by 31.8 percentage points ahead of the national Republican presidential ticket in his State.

According to research conducted by the Library of Congress, no other victorious senatorial candidate has run so far ahead of his party's national ticket in all the years since 1920, when statewide election of Senators first began.

In the three-man senatorial race, Senator Fong won 53.03 percent of the 208,814 votes cast for U.S. Senate in Hawaii's general election, as opposed to 46.4 percent for Congressman Thomas P. Gill, Democrat, and 0.6 percent for Lawrence Domine, Independent.

The final tally: Fong, 110,747; Gill, 96,789; Domine, 1,278.

Senator Fong's victory was all the more remarkable, in the light of the results of the State's primary election, which was held just 1 month before the general election.

In the primary, 111,455 persons, constituting 77 percent of the votes cast for U.S. Senate, voted as Democrats. Only 33,356, or a mere 23 percent, voted as Republicans. Gill won the Democratic primary over his nearest opponent, State Senator Nadao Yoshinaga, by 71,298 to 37,253, while Fong received only 31,770 votes, winning over Frank J. Troy's 1,586 votes in the Republican primary.

This overwhelming Democratic vote gave a great psychological advantage to Democrat Gill and his lead appeared to be insurmountable.

Long before the primary, various national news media predicted a Fong defeat or, at best, a very tight race. After the primary results which showed Fong far behind his opponent, these same media predicted his defeat.

After all, they said, Gill had won elective office continuously since 1958, by a landslide in 1962 when he ran for the U.S. House of Representatives, and he was judged a strong, popular, and articulate candidate in a preponderantly Democratic State. On top of this, his party's presidential nominee was a cinch to take Hawaii by a very wide margin.

It was against these formidable odds that Senator Fong chalked up his great victory.

The recent study conducted by the Library of Congress Legislative Reference Service, which updated an article in the Congressional Quarterly Weekly Report of October 30, 1964, showed Senator Fong's lead over his national ticket to be the highest in the history of statewide senatorial elections.

In a report of the Library's findings, dated January 18, 1965, Mr. Hugh L. Elsbree, Legislative Reference Service Director, wrote as follows:

> Following a check of appropriate sources, it would appear that Senator Fong's winning margin of 31.8 percent represents the largest margin a senatorial candidate has run ahead of the national ticket since 1920.

Mr. Elsbree cited Virginia Senator Harry F. Byrd's lead of 30.4 percent ahead of presidential nominee Adlai E. Stevenson in 1952 as the "closest performance of recent years to Senator Fong's 31.8 percent lead over the national ticket."

However, Senator Byrd was opposed by two minor parties, while no Republican Party candidate appeared on the Virginia ballot.

Up to the 1964 elections, Idaho Senator William E. Borah held the record with a 28.9-percent margin ahead of GOP presidential nominee Alfred M. Landon in 1936.

The October 30, 1964, issue of Congressional Quarterly lists some memorable ticket splits in U.S. political history. Besides the case of Senator Borah referred to above, the following are those which occurred in senatorial races:

First, 1928: Senator Park Trammell, Democrat, of Florida, ran 24 percentage points ahead of his party's presidential nominee, Alfred E. Smith.

Second, 1932: Senator Peter Norbeck, Republican, of South Dakota, ran 10.3 percentage points ahead of his party's presidential nominee, Herbert Hoover.

Third, 1944: Senator LEVERETT G. SALTONSTALL, Republican, of Massachusetts, ran 17.3 percentage points ahead of his party's presidential nominee, Thomas E. Dewey.

Fourth, 1952: Senator John F. Kennedy, Democrat, of Massachusetts, ran 5.8 percentage points ahead of his party's presidential nominee, Adlai E. Stevenson.

Fifth, 1952: Senate Majority Leader MIKE MANSFIELD, Democrat, of Montana, ran 10.6 percentage points ahead of Stevenson.

Sixth, 1956: Senator FRANK CHURCH, Democrat, of Idaho, ran 17.4 percentage points ahead of Stevenson.

Seventh, 1960: Senator SALTONSTALL ran 17 percentage points ahead of his party's presidential nominee Richard M. Nixon.

Eighth, 1960: Senator Robert S. Kerr, Democrat, of Oklahoma, ran 13.8 percentage points ahead of his party's presidential nominee, John F. Kennedy, when presidential nominee Richard M. Nixon won the State.

Ninth, 1960: Senator Estes Kefauver, Democrat, of Tennessee, ran 25.9 percentage points ahead of Kennedy when Nixon won the State.

Senator FONG attributes his election victory to the "fine discernment, intelligence, and political sophistication of my electorate."

And so it would seem. Had Hawaii's voters been swept along by the Johnson national landslide by electing the straight Democratic ticket, FONG would have been defeated.

By approximately 1 p.m., Hawaiian standard time—6 p.m. eastern standard time—on November 3, 1964, all three national networks were already projecting the Johnson landslide—and these projections were broadcast to Hawaii on direct trans-Pacific hookups. This was 4½ hours before Hawaii's voting booths were closed and with every passing hour Johnson's landslide was being confirmed.

By all accounts, Senator FONG's was the most remarkable Republican victory of last November.

It was clearly a historic landmark in the annals of American political history—and this record was made by the first American of oriental ancestry ever to be elected to the U.S. Senate.

INTERNATIONALIZED FOREIGN AID

Mr. FULBRIGHT. Mr. President, the Vice President of the Federal Reserve Bank of New York, Mr. Thomas O. Waage, has written an article for the Journal of Commerce regarding the relative merits of multilateral and bilateral aid. Mr. Waage suggests that for a number of reasons aid channeled through international agencies is more effective economically, primarily because it is free of extraneous political considerations that enter into bilateral aid relationships. I think Mr. Waage makes an excellent case for multilateral lending and I commend his article to my colleagues.

Mr. President, I ask unanimous consent that Mr. Waage's article entitled "The Case for Internationalizing Foreign Aid" be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce]

THE CASE FOR INTERNATIONALIZING FOREIGN AID

(Bilateral assistance has many flaws and is not as effective as is multilateral aid for developing nations—World Bank and its affiliates could do a better job.)

(By Thomas O. Waage, Vice President, Federal Reserve Bank, New York)

Once again this year there has been increasing questioning of the U.S. foreign aid program. As dissatisfaction rises, the amounts thought to be extractable from the Congress decline: this year the two Houses of that body required a most unusually long time to adjust deep-seated differences, in a conference committee.

Meanwhile, Mr. Woods and his associates in the management of the World Bank, warning that the developing countries have shouldered a back-breaking amount of debt (which was supposed to be aid), are striving manfully to increase the resources of the bank's soft-loan affiliate, IDA.

There can be little doubt that real cause exists for dissatisfaction in both places and on both scores: Americans find it difficult to see the beneficial results of their tax-supported foreign aid programs, even when they are not so naive as to believe the purpose was to buy grateful friendship; the career aid-providers at the World Bank watch new development funds holding on a plateau while debt service mounts and mounts.

CHANGES IMPERATIVE

While changes are imperative if both causes of dissatisfaction are to be weakened, my concern in this article is primarily with strengthening the United States willingness to help the developing countries, essentially by removing or reducing the reasons for disappointment.

First, there is widespread agreement that developing countries should not be asked to assume debt service burdens that will so greatly weaken their development vigor as to cause them to lose confidence in their ability to achieve significant progress. (On this score, eloquent testimony comes not only from Mr. Woods and his distinguished predecessor, Eugene R. Black, but from the Governor of the central bank of one of the most successful of the developing countries, Israel: see "The Horowitz Proposal.")

The United States should, therefore, make its aid available in the form of loans on terms quite similar to those of IDA. At the same time, it should cease making grants for economic development. Then, with good reason to expect virtually all of the loans to be repaid, the real cost of the program will be the difference between the cost of money to the U.S. Treasury and the rate at which it is lent.

FINANCING RIGHT THINGS

But these loans ought to be used to finance projects that will demonstrably contribute to the borrowing country's economic strength. And this requirement means that the projects financed must be examined rigorously, in the way, for example, that projects financed by the World Bank have been.

More than 4 years ago in San Francisco at an international conference, Abol Hassan Ebtehaj, who had been head of Iran's central bank and chief of his country's economic planning, as well as a former Governor of the World Bank and of the International Monetary Fund, pointed out that it was virtually impossible for bilateral, government-to-government aid programs to be as effective as international aid.

For one thing, it is impossible for the country extending aid to insist on imposing feasibility, auditing, and other standards on the recipient sovereign government. It is difficult in practice to insist that a country might better invest in a fertilizer plant than an airline.

PRESTIGE PROJECTS

But it is not impossible for an international organization to refuse funds for a prestige project that makes little sense economically. In short, if the United States were to make its aid funds available to the World Bank and its affiliates, and to the new regional development banks (provided they adopt procedures similar to the World Bank's), the American taxpayer would get more for his money than he does now—and so would the citizen of the aided country.

Moreover, although Mr. Ebtehaj was too tactful to say so, it follows that in bilateral programs, negotiated between sovereign governments, there is an incentive to attain and retain positions of influence in a recipient country's government. In such a position, one could hope to channel aid to projects and to areas of the country and its economy that would produce some benefit for the government official and his friends.

If, however, the choice of project is made on purely economic, not political, grounds, there is no such incentive to reach for power in the government of an aided country. Furthermore, there is less likelihood that the United States will be associated, as it has been, with aid that has tended to maintain, or even strengthen unpopular governments.

HOW TO DO IT BETTER

There are limits on how far one sovereign government can insist that it should audit the books of another, that it station examiners on a project to see that the money furnished for certain equipment is in fact spent on that equipment, or that the project be operated as it was originally planned. An international organization has much more leeway.

Finally, if the United States were to channel all its economic aid (military and political aid, having purposes other than economic development) into other organizations, it might well find that other aid-providing countries would feel compelled to follow suit. And it might also find that it would become clearer to all countries that the United States is carrying a larger share of total economic aid than are many other developed countries, who would then come under some pressure to increase their shares. An additional small dividend to the United States might be a substantial reduction in the expense and personnel needed to administer economic aid under bilateral programs.

To sum it up, it is hard to believe that U.S. aid dollars would not be spent more efficiently and effectively by international organizations than they have been by our own agencies, that recipient countries would not prefer soft loans to grants that partake of some degree of demeaning charity, and that in the long run the international organization's loan is not more likely to be repaid than a bilateral debt incurred by a subsequently repudiated government.

THE PARTNERS OF THE ALLIANCE FOR PROGRESS PROGRAM

Mr. CASE. Mr. President, the partners of the alliance program, launched less than 2 years ago, is today an operational program involving the citizens of 26 States of the United States and the citizens of 26 areas of Latin America, representing 12 Republics in the hemisphere. It is a direct alliance program of peoples and serves as a complement to the Alliance for Progress. The Charter of Punta del Este, which united the hemisphere in a great joint program of progress, enlists "the full energies of the peoples and governments of the American Republics."

In my own State of New Jersey, just a year ago today, I attended the first organizational meeting of private citizens who inaugurated the New Jersey partners of the alliance program. A distinguished New Jersey program development team traveled to our partner State of Alagoas, Brazil, in January of this year. Today, growing numbers of private groups and organizations in New Jersey are joining this effort to develop a meaningful partnership and create better understanding between people in New Jersey and Brazil. I commend their leadership and initiative. I am proud to be associated in this worthwhile project with the people of New Jersey and urge that even more individuals seek active participation.

Mr. President, last week Mr. James Grazier, associate coordinator of the partners of the alliance programs in Brazil, was in Washington, D.C., and met in the Senate Office Building to discuss the various partnerships. Thinking that his remarks may constitute valuable background material for all of the 138 congressional offices whose constituents are involved in the partners program in Brazil alone, I ask that the statement of Mr. Grazier be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PARTNERS OF THE ALLIANCE BACKGROUND INFORMATION, UNITED STATES AND BRAZIL

(A report to representatives of congressional offices whose constituents are involved in the nine-State programs by James A. Grazier, associate coordinator of the program for Brazil, September 21, 1965, room 457, Old Senate Office Building)

The partners of the alliance program in Brazil is 1 year old today. Since the Partners of the Alliance is a program designed specifically for the participation of people, your constituents, it was felt an informal background report of the progress made in this new program effort on its first anniversary date would be useful to the congressional offices of the nine American States involved in the partners program, with nine States of Brazil.

In August we marked the fourth anniversary of the signing of the charter at Punta del Este in which 20 American Republics joined in the Alliance for Progress. Brazil and the United States are two of the major nations involved in this alliance. In September 1964, Brazil and the United States activated the partners of the alliance program, a nongovernment arrangement to encourage broad participation of ordinary people in these two nations in the Alliance for Progress.

The U.S. Agency for International Development in Brazil guides and monitors this special program between Brazil and the United States, under the overall guidance of Mr. James H. Boren, director of the partners of the alliance programs, Department of State, in Washington. Boren has said the partners of the alliance program, "is a great joint effort calling for positive action by private citizens and especially citizen-leaders of the private sector."

Boren's key words, "positive action" have been the important base for partners policy in Brazil. Since Brazil's entry in the program last September, nine Brazilian States have already joined with nine American States. They are: Minas Gerais with Colorado, Rio de Janeiro with Maryland, Rio Grande do Sul with Indiana, Sao Paulo with Illinois, Bahia with Pennsylvania, Goias with Wyoming, Alagoas with New Jersey, Paraiba with Connecticut, Parana with Ohio.

States are matched as nearly as possible considering ethnological, geographical, cultural and economic factors. Obviously matches cannot be perfect, but in most cases similarities predominate in various sectors.

Each of these relationship are positive, active, moving and growing. Intermixing peoples of different cultures in a creative, idea-engineering arrangement has resulted in a strong thrust of forward progress that has been surprisingly successful considering the brief time of existence of the program. This is not a project involving the spending or lending of Government money for development purposes, and we are not here today to ask money from the American taxpayer to support this program. Instead, we invite interest, cooperation, communication, creative, positive action by citizens of your States, and by the citizens of Brazil to help the partner State develop economically, socially and culturally under the Alliance for Progress.

What is the purpose of this program? Briefly, the long-range aim is to aline the 22 Brazilian States with 22 American States in a mutually beneficial program of development conducted by the peoples of the respective States. Projects are limited only by the imagination and ingenuity of the people involved in the program. Projects range from providing a brickmaking machine to help build one-room schools, to several hundred thousand dollars from the private sector sources to help finance a dehydration plant for child feeding—or cross-culture encouragement of art, music, drama, tourism and educational exchanges, and active efforts to organize industrial conferences composed of United States and Brazilian businessmen to encourage trade and commerce. The purpose is not "money oriented"—the operation of the program requires the highest form of creative communication between the peoples and the energetic transference of ideas to generate and stimulate progress as well.

How does the program operate? Initially, committees of active, responsible citizens are established in each State. From these committees teams are selected to visit their partner State in order to observe and study means for expanding the relationship. Teams of 5 to 10 members spend about 2 weeks in the partner State seeing the people firsthand, encountering for the first time new customs, new mores, different approaches to problem solving, and observing opportunities for creative development. The team returns, briefs the State committee and sets in motion positive, practical projects useful to the partner State. The program is mutually beneficial. It is not a program solely designed to expedite the flow of private sector funds or commodities to Brazil. It is not designed simply to encourage American tourists to visit Brazilian States, but, in addition, it encourages Brazilians to visit the United States as well. It does not only encourage American students and professors to teach or study in Brazil, but also opens opportunities for Brazilian students and professors to study and teach in the United States.

Communication is at the heart of the Partners effort. The first phase from September 1964 to September 1965 involving the nine pilot States was concerned operationally with establishing State-to-State arrangements, and organizing communication between the peoples.

Brazil has been saturated with news items (in newspapers, magazines, on radio and TV) about the Partners program. In fact, some 4,00 column inches average per month has been running in Brazilian newspapers and magazines about the program. Countless personal relationships have been established and friends made between the peoples of the Partners States. President Johnson wisely has said, "* * * people build a nation. On these people—their health and knowledge and faith; their participation and their sacrifices—rest the future of all of us and all our nations." Through people, countless ideas, suggestions and technical publications have been exchanged. For it is under the Partners program that the Alliance for Progress can penetrate to the people in the rural heartlands of individual States. Reactions to visits of U.S. teams in Brazil have been unbelievable. Unforgettable are scenes like one when the director of a large and important U.S. educational institution was so moved by the singing of "America the Beautiful" by orphaned children in tattered clothing with not enough bread to fill their young bellies, that tears spilled unashamed from this executive's eyes. Or who could imagine that when one team of 10 arrived at a small rural town to find themselves showered with leaflets from a small, old, rickety crop-dusting airplane that flew overhead announcing their arrival to some 50,000 people in the area.

Measurement of the program's movement within the Alliance for Progress is difficult in view of the great distances involved and the problem of technical communication in Brazil. However, we have attempted to highlight a few typical relationships in each area so that you can have an insight into the kinds of projects now in action. In each of the examples we will illustrate on slides self-help efforts are an integral part—for it is in self-help, and helping others to help themselves that the core of Partners program glows brightest. In fact, frequently, projects originally undertaken requiring finance or commodities, have been withdrawn later when the self-help effort grows and develops to actually overtake and eliminate the original financial need. This sense of creative development is the most valuable kind of progress energizer under the Alliance for Progress—the kind of Partner movement essential to active, positive, social, economic, and cultural deveolpment.

The first phase is now successfully concluded. The second phase will see the integration of all 22 Brazilian States with American States by the end of 1966. Finally, the third phase, about 1968, will see cross integration and communication between Partner States and a development of the whole partnership between Brazil and the United States as a special force for growth under the Alliance for Progress.

The Partners program is a nongovernment, self-expanding relationship. Everyone has a role in it limited only by healthy imagination and initiative. Senators, Representatives, and their staffs have played a most important part in helping to organize the stateside committees. This kind of selfless cooperation and participation is typical of American democracy in action, and we in the government who are guiding this program, are most grateful for it. (And in this connection we invite you and your colleagues to come to Brazil and see the strong sense of movement now generated by creative, resourceful citizens of your respective States under the Partners programs. On the other hand, I am sure you will soon see evidence of reverse projects resulting from the ingenuity and inventiveness of Brazilians useful and beneficial to your own States.) What is most important about these partnerships is that dollars and cruzeiros are not the decisive factor in these relationships—instead, the valuable benefits of friendship, understanding, and favorable human and cultural relations will prevail to engender widespread grassroots support for the Alliance for Progress.

With your permission, I would like to show a series of slides illustrating typical projects representing concrete progress now being engendered between the nine Brazilian, and nine American States currently involved in the program.

Later if you have questions, I will be pleased to answer them.

Thank you.

PROGRAM STATUS SEPTEMBER 1965

(Brief summary of areas of interest)

COLORADO

Social welfare, education, sanitation, industrial education, health, mineralogy.

Fund to equip orphanage.

Roof for new elementary school.

Pump for civic water project.

Medical bulletins and technical literature.

Medical and dental equipment shipment.

Medicines and vitamins.

Shipment handtools for industrial schools.

Information on nurses' training.

MINAS GERAIS

Mineralogy, culture.

Minerals collection to go to Minas Gerais.

Art exhibit to go to Denver.

CONNECTICUT

Information, labor, industrial education, agriculture.

Funds for handicrafts school equipment.

Braille equipment for blind.

Donation for drivers' union.

Medicines for children's clinic.

Information program in Connecticut about Brazil.

PARAIBA

Culture, information, industry, trade.

Paraiba music collection to Connecticut.

Figurines sent to Connecticut.

Industrial information sent to Connecticut.

Motion picture under production about Paraiba trade and commerce.

ILLINOIS

Trade, culture, agriculture, marketing.

Joint venture dehydration plant.

Air pollution report.

Economic seminar 60 economists (Chicago Foreign Affairs Council in São Paulo October 1965).

Marketing studies São Paulo products.

Fourteen agriculturalists visit Illinois 40 days.

Scholarships University of Illinois.

Illinois flag presented to Governor of São Paulo.

SÃO PAULO

Communication, tourism, culture, information.

Air tour of State for Illinois citizens in Brazil.

São Paulo soprano to sing in Illinois to benefit São Paulo projects.

Mass of São Paulo technical publications, trade, commerce and educational, sent to Illinois.

São Paulo flag presented to Governor of Illinois.

INDIANA

Education, culture, power, industry, health, agriculture, tourism, social welfare.

Funds to provide sewing and cooking equipment girls' orphanage.

Display of RGS products at Indiana State Fair (food, clothing, products).

Heart operation for prominent RGS doctor donated Indiana.

Ten scholarships for RGS students, Ball State University, University of Indiana.

Appointment of physics professor to teach at Indiana University.

Funds for seamstress group for sewing machines.

Electrical equipment for 19 RGS electrical cooperatives rural areas.

Medicines and vitamins for cancer patients.

Fund for roof Catholic parish.

Training materials for Girl Scouts sent RGS.

Presentation of Indiana flag and engraved silver tray to Governor RGS.

RIO GRANDE DO SUL

Tourism, business, industry, culture.

Tourism materials sent to Indiana for Statewide distribution.

RGS products sent to Indiana State Fair, products to be auctioned to provide funds Rio Grande do Sul projects.

U.S. concert pianist plays Porto Alegre to raise funds for projects.

Presentation of RGS flag to Governor of Indiana.

MARYLAND

Culture, education, civic action, health, communication, science.

Flag of Maryland flown over Governor's palace in Niteroi.

Funds for elementary school kitchen.

One-room school built: Record construction time elapsed from donation of funds to inauguration of school, 30 days.

Water supply system for school.

Additional classroom construction for favela school.

Elementary school teaching materials.

Students art exhibit 57 paintings.

Maryland Boy Scouts visit Rio de Janeiro, exchange ideas.

Two science scholarships for Maryland Academy.

Niteroi Director Traffic Safety studying Maryland methods.

Physics Professor Prange (Maryland University) lecturing to physics teachers Niteroi.

Thirty Rio and thirty Maryland schools begin educational exchange program curriculum, clubs, and culture.

RIO DE JANEIRO

Education, culture, communication.

100,000 pamphlets describing Rio sent Maryland schoolchildren along with essay contest for Maryland schoolchildren. Prizes of $300 to be awarded best essay on "Why I Would Like To Visit Rio de Janeiro."

Rio Partners have monthly TV program channel 9.

Publish newsletter.

Have designed basic one-room school.

Flag of Rio de Janeiro flown over State capital in Maryland.

NEW JERSEY

Health, education, agriculture, culture.

Sanitation technical information to Alagoas.

New Jersey flag presented to Governor of Alagoas.

Donation for elementary school supplies.

Two Alagoas professors to teach in New Jersey.

4-S club members to visit New Jersey.

Donation to private breeding livestock.

ALAGOAS

Culture, industry, trade.

Alagoas flag presented to Governor of New Jersey.

Handicraft exhibit to New Jersey.

Industrial products of Alagoas (display) sent to New Jersey.

OHIO

Communication, housing, trade, education, tourism.

Low cost housing plans and brickmaking machine.

Tourism visit of 25 Ohians to Parana.

Trade publications to Parana.

Miami University of Ohio Portuguese course reestablished enrollment increased from 3 to 90 in course.

Governor of Ohio to visit Parana for economic seminar.

Brazilian column in Cleveland Plain Dealer.

Educational material for elementary school.

PARANA

Information, culture, industry, trade.

Brazilian student visited Ohio institutions.

Parana wood collection to Ohio.

Cultural presentation for Ohio from University of Parana.

PENNSYLVANIA

Culture, education, trade, health, agriculture.

Scholarship Temple University, 4 years.

Scholarship Drexel College, 4 years.

Scholarship Villanova College, 4 years.

Scholarship Spring Garden Institute, 2 years.

Atlantic Refining Co. grant.

Pennsylvania PAL team grant.

Grant for school construction Berman Foundation.

Grant from Brazilian Ambassador.

Grant from Ackerman Foundation.

Bahia Room established Philadelphia National Bank.

Pennsylvania flag presented Governor of Bahia.

Governor of Pennsylvania awarded "Order of Cruzeiro" by Brazilian Ambassador.

BAHIA

Culture, tourism, mineralogy.

Bahian art collection to Pennsylvania.

Bahian minerals collection to Pennsylvania.

Tourism materials to Pennsylvania.

Bahian flag presented Governor of Pennsylvania.

WYOMING

Education, minerals, investment opportunities, agriculture, wildlife, recreation.

Equipment for physics laboratory Goiania.

Books for University of Goias.

Sports material donated for boys school.

Investment opportunities of iron-wood being advertised.

Student-professor exchange with University of Wyoming.

Garden seeds for Goias home gardens.

Flag of Wyoming presented to Governor of Goias.

GOIAS

Livestock, tourism, agriculture, mineralogy, wildlife, industry.

Wyoming Room at University of Goias established.

Prize bull donated to Wyoming.

Minerals collection to be sent to Wyoming.

State wildlife and industrial exhibit sent Wyoming.

Information materials sent Wyoming libraries.

Safari for Governor of Wyoming.

VIEW OF PANAMA

Mr. SMATHERS. Mr. President, the path to friendlier relations in Latin America was recently broadened when the President of the United States announced a plan to make Panama a partner in the operation of the Panama Canal.

The United States will negotiate a new treaty which recognizes the sovereignty of the Panamanian nation over the canal and its right to share in the benefits of the operation of the canal.

Indeed, the President's announcement points the way for improvement of many conditions in Panama.

Not long ago, Jack Kassewitz, chief editorial writer of the Miami News, visited Panama and set down his observations in a series of four articles.

I ask unanimous consent that the articles by Jack Kassewitz, dated August 31 through September 3, 1965, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Miami News, Aug. 31, 1965]

A View of the News—Panama 1: A Straight Line

(By Jack Kassewitz)

PANAMA.—Every airline pilot, like every math student, knows the shortest distance between two airports is a straight line—even if it means flying over a Communist land.

Putting up with Fidel Castro's brand of the Spanish language is indulged by every air carrier flying between Miami and Central and South America. We guess this makes it all right. Certainly it saves on gasoline.

But then putting up with Castro has become somewhat of an American habit. For instance, it's easy to telephone to Cuba. Just pick up the nearest dial instrument and give the operator your number. And the U.S. Weather Bureau trades weather information over an 18-hour period every day of the year with Havana.

EAST OF HAVANA

Flying to Panama the other week, we were slightly surprised to learn that barely 100 miles out of Miami, the Aerovias Panama pilot, Capt. Lou Anthony, was then flying his DC–7 under instructions radioed from the Havana airport.

"All the carriers follow the same pattern, on this 1,040-mile trip," Captain Anthony said. "We're about 150 miles east of Havana now and have traveled at this same 13,500-foot level for 4 years. Only during the Cuban missile crisis were we forced to divert our course. Otherwise no one bothers us as long as we follow their directions.

"Russian planes approaching Cuba sometimes come under the directional pattern of the Miami Tower when they get too close to the United States. These are international flight rules and are very closely observed by all countries." (Pan Am, KLM, Braniff and a score of others also include Panama in their Latin routes and once they cross the Cuban shores, Kingston, Jamaica, radio takes over.)

To a more than casual observer, the $3.5 millions spent by the airlines, the cities of Miami, Miami Beach and Coral Gables, and Metro, to attract Latin visitors isn't half enough.

Exact figures are hard to come by, but the Miami-Metro News Bureau estimates that 425,000 visitors from Colombia, Peru, Panama, Chile and the like spend some $70 million dollars annually on their flying trips.

Flying out of Miami, four Peruvian women, who had spent a week in Miami, took up four additional seats on the A.P.A. flight with their small packages and coats that bulged into the aisles literally. Other passengers were similarly burdened with purchases labeled Jordan Marsh, Burdine's and a variety of smaller downtown stores.

SHIP TV'S, RADIOS

These were the same people who. when checking their baggage at Miami International, also were shipping television sets and radios in their original cartons to South America.

The governments of Latin America spend large sums in the United States advertising for visitors. We should be doing more to reverse this trend in the equatorial lands, seek out the moneyed interests. We may even get back some of our Alliance for Progress dollars.

[From the Miami News, Sept. 1, 1965]

Panama 2: Double Standard

(By Jack Kassewitz)

PANAMA.—The U.S. Government, through the Alliance for Progress, has poured more than $70 millions of dollars into this torrid Latin land in 4 years, and still the natives are restless. Why? Because two different worlds, and two different standards, literally exist in a territory divided by no more than a 100-foot wide boulevard and 50 years of time.

A visit to this country is almost necessary to understand that we really haven't been able to buy the true friendship of the Latins despite a vast fortune collected from transits of the 50-mile long Panama Canal.

A paved street, with a grass strip woven into the middle, separates the Canal Zone from the capital city of Panama. Once it was called the Fourth of July Avenue, then John F. Kennedy Avenue and today it is the Avenue of the Martyrs, in honor of a score of young Panamanians killed in bloody rioting on the days and nights of January 9–12, 1964.

IT'S EASY LIVING

Ultranationalism was nurtured by many zone Governors who refuse to allow the tricolor flag of Panama to be hoisted alongside the U.S. stars and stripes. First demonstrations occurred 15 years ago but the bloody violence reached a climax at the very doors of American-operated Balboa High School 20 months ago.

The grass grows bright and green on the red clay soil of Panama where the U.S. Government tends it. Finely manicured front yards surround comfortable, two-story homes of some 6,000 Canal Zone employees and their families. They have all they want to eat, air conditioning, nice clothes. Commissaries, stores and theaters are duplicated (at Government expense) in every one of a score of communities. A general aloofness exists, encouraged by the bureaucratic clannishness of the Zonians.

A zone resident seldom, if ever, goes into the city of Panama, preferring his society within the 10-mile wide strip that runs north and south between the Atlantic and Pacific. He has the best of the deal.

Across the Avenue of the Martyrs, only infested slums and dreary buildings exist. Unemployment and crime are rampant. Outside the hovels called homes, scads of little children run and play, some unclothed, most of them hungry and begging, and nearly all illiterate. The contrast angers the Panamanian who feels he could improve his lot if he had control of the canal and its lush finances.

And this is the crux of the conflict.

LOW SHARE OF TOLL

For more than 50 years the United States has paid Panama an annual rental of $1,900,000 on a perpetual lease. The government of President Marco A. Robles thinks, as many before it, that Panama deserves a greater share of the tolls, which total more than $50 million annually.

The Panamanian also had a deep-rooted desire to see his flag raised to the top of the pole. In September of 1960 President Eisenhower ordered the flag flown in a single park in the zone as evidence of the Latin Republic's titular sovereignty. This in turn made the Americans mad. Continued agitation culminated the 1964 violence. But today both flags fly together everywhere in the zone. The Panamanians won that round.

[From the Miami News, Sept. 2, 1965]

Panama 3: Water, Water

(By Jack Kassewitz)

PANAMA.—Every time a ship moves through the Panama Canal, 52 million gallons of fresh water spill into the Atlantic and Pacific Oceans. This happens on an average of 30 times each day.

When one considers that the city of Miami uses 140 million gallons of water daily, the tremendous canal waste is readily apparent. The single day's spillage would serve Florida's largest city for 11 days.

But a shortened rainy season is causing major concern to the operators of the Panama Canal. Normally, it's wet in the Latin land from May to December. This year's rainfall—if it's any consolation to residents of New York City and the Everglades Park—is far below the average of 130 inches on the Atlantic side and 68 inches on the Pacific side.

STORED IN LAKES

What rain has fallen is stored in two major lakes, Madden and Gatun. Each time a ship is raised or lowered through Miraflores Locks or Gatun Locks, some 103,000 tons of water are used—and in only 7 minutes by our watch.

Another concern to Panamanians and Americans alike is the site of a proposed new sea-level canal being planned by the United States. A Presidential Commission, including Dr. Milton Eisenhower, spent several days in the Republic late in August for an onsite inspection, both of the present manmade ditch, and a route along the lower end of Panama, 110 miles southeast of the present canal. This is known as the Darien region, a wild jungle crossing from Caldonia Bay on the Caribbean to San Miguel Bay on the Pacific.

Mention of a new canal aggravates American residents of the Canal Zone more so than the Panamanians. They see the prospect of one day pulling up stakes and moving to a desolate area either of Panama or entirely new regions of Colombia or Costa Rica and Nicaragua. Thousands of Americans know no other home than the zone. They've spent 15 or 20 years in a comfortable existence (excluding the riots of January 1964) and the thought of change is horrifying.

The Panama Canal Company, which operates without direct cost to the American taxpayer, is doing its best to improve the "image" of the canal with the tourist trade and at the same time offer a new look. John Alexander, chief operating officer of the Government airline, Aerovias Panama, introduced us to Frank Azcarraga, a neatly uniformed guide at Miraflores. In the evening, Frank changes into one of Panama's finest and best known young musicians, performing in a native band with his father and other relatives.

VAST SAVINGS

Panamanians are willing to be cooperative if they can have a greater share in the present canal, now more than 50 years old, and a stake in a new ditch, too. Nationalism might be discarded at the last moment for economics.

Speaking of economics, the figures surrounding the value of the canal are staggering. The average ship pays $5,158 to transit the 50 miles from Pacific to Atlantic but at the same time saves 7,863 miles between New York and San Francisco by avoiding the trip around South America.

[From the Miami News, Sept. 3, 1965]

Panama 4: Uncle Sam

(By Jack Kassewitz)

PANAMA.—This is one of the most prosperous Latin countries. Everyone told this tourist so. Only trouble is that it's hard to see sometimes.

In 4 years of the Alliance for Progress, the U.S. Government doled out more than $70.2 million to the Panamanian Government for roads, sanitary projects, schools and similar steps to social justice. Panama's gross national product has increased by 25 percent. And still they want more.

During our recent visit, the 78th new educational building was dedicated by President Marco A. Robles and the U.S. Ambassador, Charles W. Adair, Jr. on the occasion of the 4th anniversary of Alianza. The school cost $500,000 and yet the rate of illiteracy increases, rather than decreases, because of the population explosion.

YANKEE GO HOME

The country continues to show signs of political unrest and in the vicinity of the University of Panama, an occasional "Yankee Go Home" sign is still to be seen.

Actually, Panama was enjoying a rapid economic growth when hotheaded students clashed in January of 1964 with American youngsters outside of Balboa High School in the Canal Zone. (One large visible scar is the burned out Pan American World Airways building across the boulevard from the wire fence which separates the zone and the city.)

Foreign investments had been easily attracted to Panama. Tourist trade was thriving. Suddenly relations were suspended for several weeks with the United States. The bubble almost burst. In May of last year the presidential election was followed by 5 months of economic inactivity on the part of President Roberto Chiari before Robles took office.

While Robles has shown signs of achieving a more favorable growth picture in slightly less than 11 months, the foreign money (except for AID) is staying away. In a recent report to President Lyndon Johnson, the Inter-American Committee on the Alliance for Progress (CIAP) blamed many of the Latin woes on three points: slowness to execute reforms, poor local planning and the declining market for basic Latin American commodities.

OTHER WOES

Certainly these woes plague Panama. Add to this concern over the Panama Canal. Conversations have been underway in Washington since March to revise the 1903 treaty, unchanged in 52 years. Not so coincidentally, an American commission has been traveling in Central America seeking a location for a new sea-level canal to link the Pacific and Atlantic. Its report is due in 1968.

More cheering perhaps was the recent visit to Panama of U.S. Assistant Secretary of State Jack Vaughn who said his Government stands ready to help even more in the economic integration of Latin America. Ten years of maximum effort may not be enough, said Vaughn, but he promised the Johnson administration would do no less in its efforts to satisfy the basic needs of a helpless hemisphere, held prisoner by centuries of hunger and disease.

ARE WHALES TO DISAPPEAR?

Mr. BARTLETT. Mr. President, the fact that nations are willing to join in treaties intended to conserve living things and to attempt to make sure that wildlife and fishes in danger of extinction shall not disappear from the face of the earth or from the sea does not necessarily mean that every such nation is willing to honor a covenant solemnly accepted.

Perhaps the most dramatic and discouraging example of this has to do with whales.

In 1946 the International Whaling Convention was signed. And thereafter the International Whaling Commission was organized. Nevertheless some species are now so close to the point of extinction that there is grave doubt that they can be saved, even if international cooperation were to become immediately a reality instead of remaining a fiction. Some nations in their greed seem determined to take every last whale and to take it as soon as possible. It seems almost incredible that men would act so basely but men are so acting. Apparently they will continue to do so notwithstanding the convention if an aroused world public opinion is not focused upon these illegal and reprehensible practices.

Mr. President, in the August 27, 1965, issue of Science there is printed an article by Noel Simon, entitled "Of Whales and Whaling." It is not an article to be read by those who want something cheerful and uplifting at the end of an arduous day. It is quite the contrary. It is truly depressing. But if it is read by many and if these many express proper and righteous indignation, there will be some greater opportunity, however small it may be, to preserve at least a few of these largest of all mammals.

Mr. President, I ask unanimous consent that Mr. Simon's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OF WHALES AND WHALING

(By Noel Simon)

(The whaling industry is rapidly destroying the valuable natural resource on which its future depends.)

In recent years there has been increasing awareness of the need for wildlife and wild places. Man's preoccupation with problems of his own survival may have made him slightly more sympathetic toward the other animals with which he shares this planet. There is also perhaps a dawning realization that, while it is permissible to use the income derived from some of the things of beauty, interest, and value which are part of man's natural heritage, the capital must be handed down intact to future generations. Indicative of man's growing concern over the prodigal squandering of nature are a mirror and accompanying sign set up at the Bronx Zoo; the sign states, simply but emphatically, "You are looking at the most dangerous animal in the world. It alone of all the animals that ever lived can exterminate (and has) entire species."

The oceans of Antarctica sustain the largest animal the world has ever known—considerably larger than the most massive of the dinosaurs which dominated the Mesozoic era—and one which has earned a high place on the list of mammals in the service of man. An adult blue whale, up to 30 meters long and weighing perhaps as much as 160 tons,[1] dwarfs any other animal in the whole of creation; even its newborn young are larger than a full-grown elephant and reputed to consume more than half a ton of milk a day. But it may not be long before the blue whale joins the dinosaurs in the museum of oblivion. The demise of the dinosaurs remains veiled in mystery and surmise, but there is no need to speculate on the reasons for the disappearance of the blue whale; the rapaciousness of man is wholly responsible. Seas and oceans comprise 70 percent of the earth's surface, and one would have thought this ample habitat allowed more than enough space for the whale's survival, but pursuit of the whale has been so persistent that nowhere on the face of the sea or in its uttermost depths, however remote or vast or forbidding, is there any longer true sanctuary beyond the reach of man's ruthless exploitation.

During the heyday of the oldtime whaling industry, only the smaller whales, which could be pursued in open boats, were hunted. The speed and size of the large rorquals (the blue, fin, and humpback whales) rendered them safe, but in 1865 their natural immunity was lost through the invention of the harpoon gun and the development of the steam-powered catcher[2] as a vehicle for the new weapon. These inventions gave fresh impetus to a flagging industry but, at the same time, sealed the fate of the great rorquals, notably the blue whale, which is particularly valuable commercially since it yields about 140 barrels of oil, twice the yield of the fin whale.

Before 1904 whaling was almost entirely restricted to the Northern Hemisphere, and the Southern Hemisphere whale populations on the antarctic feeding grounds were free from human exploitation. Improved ocean-going catchers and the growing scarcity of whales in northern waters encouraged the industry to break new ground, and in 1904 the first ship started whaling from south Georgia in the South Atlantic. The commencement of deep-sea whaling in the Antarctic was followed by the development of new and increasingly efficient techniques. The factory ship, with a slipway built into the stern, up which whales could be winched for flensing on deck, greatly extended the radius of operations. Thenceforth expeditions could operate freely throughout the oceans of Antarctica, wherever whales were to be found, the covey of catchers in combination with the factory ship making virtually a miniature task force, the whale oil being transferred in bulk to attendant tankers for transportation to the home base.

Postwar refinements include the use of helicopters for spotting whales, sonar devices developed from wartime asdic, more efficient harpoons (both explosive and electric-powered), and the modern factory ship, which processes the carcass of a fin whale in half an hour (disposing of a blue whale takes a little longer). Every part of the animal is utilized; the products from the various species include edible oil, sperm oil (which is not edible but has many industrial uses), frozen meat for human and animal consumption, meat meal, bone meal, vitamin-rich liver oil, spermaceti, ambergris, and pharmaceuticals such as hormone extracts.

INTERNATIONAL WHALING COMMISSION

At first Antarctic whaling was unrestricted and catches were immense. By the 1930's it was apparent that certain species, especially the blue and the humpback whales, were being overexploited, and that some form of restriction was necessary if the Antarctic whaling industry was not to go the way of the northern fisheries. Shortly before World War II the British, German, and Norwegian Governments agreed to certain limitations being placed on Antarctic whaling, and in 1946 the International Whaling Convention was signed and the International Whaling Commission was established.

The commission is empowered to regulate the whale catch and thus to ensure the effective conservation of the world's whale stocks. To this end it has introduced regulations specifying the species which may and those which may not be caught, the length of the hunting season (this varies for different species), the areas in which fleets may operate, measures for protecting nursing females and their young, and the size below which mature whales are protected.

The commission also sets a limit on the total number of whales which may be taken in any season.[3] The basis on which the annual permissible total is calculated is the "blue whale unit formula" [1 blue whale unit (b.w.u.) = 1 blue, or 2 fin, or 2½ humpback, or 6 sei whales]. Up to 1953 this total was fixed at 16,000 b.w.u., but reductions have had to be made in subsequent years, and the limit for the 1963–64 season was 10,000 b.w.u.

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[1] Brachiosaurus, a giant even among dinosaurs, weighed only an estimated 50 tons.

[2] A modern whaling fleet consists of a factory ship working in conjunction with a varying number of powered vessels known as catchers, each of which mounts a harpoon gun and is designed for the pursuit and slaughter of whales.

[3] Whaling is permitted for only a limited period each year; the season starts late in one year and finishes early in the next.

Because of the apparent deterioration in the whaling situation, the International Whaling Commission decided in 1960 to appoint a special group to undertake a study "on the condition of the Antarctic whale stocks, on the level of sustainable yield that can be supported by these stocks and on any conservation measures that would increase this sustainable yield."

COMMITTEE OF SCIENTISTS

Following a comprehensive survey this "Committee of Three Scientists"[4] issued a strongly worded report based on accumulated scientific evidence and made a number of far-reaching proposals designed to alleviate the critical situation which had by then developed. The report "confirmed the drastic need for action" and "leaves no doubt that the stocks have been overexploited and a program of conservation should be initiated if the industry is to be maintained on a continuing basis."

The study indicated that the blue and the humpback whales "are in serious danger of extermination unless adequate protective measures are taken immediately. Fin whale stocks have been seriously depleted and are far below the levels of maximum sustainable yield." The committee therefore recommended, among other proposals, that there be a complete cessation of catching of blue whales "for a considerable number of years," that the humpback be fully protected throughout the Southern Hemisphere, and "that the quota of fin whale catches be reduced to 7,000 or less" in order to allow stocks to recover.

The committee concluded that the "absolute upper estimate of 1953–54 stock is about 14,000 to 15,000 blue whales, and a likely value is about 10,000 or less," and that the 1961–62 population (apart from pygmy blue whales) was between 930 and 2,790. "By 1963 the stock will be reduced below even the present level, probably to between 650 and 1,950 whales—which is a level at which there must be a distinct risk of complete extinction * * *."

In setting up the Committee of Three Scientists the International Whaling Commission had made a commitment to bring its regulations into line with the scientific evidence by July 1964. It was therefore confidently expected that the meeting of the International Whaling Commission, held at Sandefjord, Norway, in June 1964, would unhesitatingly accept the scientific advice of a committee which the Commission had itself appointed, and would thereby resolve the critical situation which had arisen. Unfortunately these hopes were not fully realized, and the commitment was not honored.

The Sandefjord meeting agreed that the blue whale and the humpback should be fully protected throughout the Antarctic, but in September 1964 Japan exercised her right to lodge an objection within 90 days, and this decision was therefore smothered almost at birth. It is true that protection is to continue in the North Atlantic (although not in the North Pacific) for a further 5-year period,[5] but it is an ironic circumstance that this belated and inadequate protection has been accorded only when both species have been so drastically reduced in numbers that, for all practical purposes, they are already regarded commercially as extinct. Blue and humpbacked whales are no longer of any commercial importance because both have been exploited to the brink of extermination, and the whaling industry can therefore now afford to tolerate their protection.

D. B. Finn of Canada who, until early last year, was head of the U.N. Food and Agriculture Organization's Fisheries Division, states: "[the blue whale] has all but vanished from the seas because the nations that hunted it were unable to agree on a common and enlightened conservation policy for the world's whale resources. It used to be said that no one owned the oceans beyond the territorial waters. In law this was called res nullius. The blue whale was a victim of res nullius. The whales were there, nobody owned them, and everyone was free to hunt. True a treaty was drawn up among whaling nations, but it was a bad one for the simple reason that it did not work. In the future, if the sea's natural resources are to be intelligently protected, the res nullius concept must be replaced by that of res communis—that the oceans belong to all rather than to none."

With the example of the blue whale before it, one would have supposed the industry would have recognized the need to prevent a similar catastrophe befalling any other species. One would have thought it very much in the industry's own interests to insure the continued existence of the fin whale, which has become the most important commercial species and furnishes the bulk of the Antarctic whale catch. Further depletion of this species would undoubtedly result in disruption of most of the whaling industry. Therefore the requirements of the industry would presumably best be served by introduction of a policy designed to conserve the species on a basis of sustained yield.

Although the permissible quota for the 1963–64 season, as set by the Commission, was reduced from the 1962–63 quota by one-third, from 15,000 to 10,000 b.w.u., the actual catch amounted to only 8,413 b.w.u. The three scientific advisers had estimated that filling of the reduced quota would require a kill of 16,000 fin whales together with the anticipated catch of other species, but had concluded that the existing fleets, however hard they tried, would be unable to take more than 14,000 fin whales, a prediction which was borne out when just under 14,000 were taken during the season. The significance of this figure is at once apparent when it is related to previous seasonal catches. Of the 27,176 rorquals taken during the 1955–56 season, 25,289 were fin whales. By 1962–63 the figure had dropped to 18,668. This decline occurred despite a steady seasonal increase both in the number of catchers and in the efficiency and hunting capacity of the whaling fleets.

The decline of the fin whale in recent years is shown by the following statistics for estimated average population size, published by the International Whaling Commission: 1955–56, 110,000; 1956–57, 101,700; 1957–58, 89,000; 1958–59, 88,600; 1959–60, 65,700; 1960–61, 59,700; 1961–62, 45,300; 1962–63, 40,000.

In the light of this situation the Commission's scientific advisers agreed that the 1964–65 season's catch should be limited to 4,000 b.w.u., this figure being progressed to 3,000 b.w.u. in 1965–66 and 2,000 b.w.u. in the 1966–67 season; the figure of 2,000 b.w.u. would have permitted recovery of the whale stocks to commence and would therefore have been acceptable as a kind of conservation measure. This proposal did not secure the three-fourths majority necessary for its acceptance. The four[6] countries that engage in pelagic whaling in the Antarctic later reached agreement outside the Commission to limit the 1964–65 season's catch to 8,000 b.w.u., which was double the quota accepted by the scientists; a further serious reduction of fin whale stocks therefore became inevitable.

RECENT CATCHES

Actual catches for the 1964–65 season fell short of the unofficial target by almost 1,000 b.w.u., substantiating the scientific advisers' prediction not only that whale stocks were so low that a quota at that level "could not be considered either as a restraint or as a conservation measure in any sense," but also that the available whaling fleets could not secure such a catch, even on a short-term basis.

Seven thousand fin whales were taken, the total stock of this species being thereby reduced to an estimated 34,000 to 35,000, which is about a third of the number estimated to have existed less than 10 years ago.

The statistics also show that the whalers concentrated much more effort on catching the sei whale than they had done in any previous season. This shift can be attributed in part to the scarcity of other species, but it is also accounted for by the increasing value of whale meat, meat extract, and other products. The catch of sei whales was four times that of the preceding year, 20,000 being taken from an estimated total population of 55,000.

No species of whale can long withstand this rate of exploitation, and it is clear that, unless a realistic catch limit is introduced and enforced, the sei could within a few years be reduced to the same precarious status as the blue whale.

Stringent reduction of the Antarctic whale catch during the next few years would allow stocks to recover and thereby pave the way for a progessive expansion of the industry. At the Sandefjord meeting the proposal for such a reduction was supported by all but 4 of the 14 participating countries (the 4 were Japan, the U.S.S.R., the Netherlands, and Norway), but, since the Commission has no legal powers of enforcement, the minority view prevailed. A situation had in fact arisen which nine Commissioners, backed by their own governments, failed to obtain the agreement of the Antarctic whaling countries to reduce the quota of catches in accordance with scientific advice and in accordance with the industry's own long-term interests.

The governments whose representatives at Sandefjord voted to give effect to the scientists' recommendations regarded the failure to take effective action as a threat to other international agreements for the conservation and rational use of marine fisheries resources. These governments indicated that continuing failure to reach agreement through the commission might compel them to seek a solution through the United Nations, where many more countries not at present engaged in whaling would make evident their opposition to the destruction of a valuable food resource through unrestricted predation by a few.

SPECIAL MEETING

Mounting dissatisfaction over the failure of the Sandefjord meeting led to the calling of the first special meeting ever to be convened by the International Whaling Commission; this was held in London from May 3 to 6, 1965. Its purpose was to reach agreement on an overall maximum quota for the antarctic pelagic-whaling fleets for the 1965-66 season.

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[4] The committee has more recently been expanded to a Committee of Four.

[5] Protection in the North Atlantic was introduced by the International Whaling Commission in 1960 for an initial period of 5 years. The Sandefiord meeting agreed that this protection should be extended for a further 5-year period, starting in 1965.

[6] At the time of the Sandefjord meeting there were four pelagic-whaling countries, but since then the Netherlands has sold her one remaining fleet to Japan. Thus there are now only three—Japan, the U.S.S.R., and Norway.

Scientific evidence was presented to show that only if the total catch for 1965–66 were held to less than 2,500 b.w.u. (made up of not more than 4,000 fin and 3,000 sei whales) could it be ensured that stocks of fin and sei would not be further depleted. The basis for discussion was a report by a group of scientists, and submitted by FAO, of analyses of data supplied especially by the Bureau of International Whaling Statistics, the commission having made no arrangements for appraisal of the recent scientific data. This report, together with FAO's consistent refusal to be associated with a policy which could ultimately lead to destruction of the whale resources, were factors of the greatest importance to the meeting.

There was unanimity among the countries represented at the meeting as to the desirability of reducing catches to within the sustainable yield and of ultimately reducing them still further, so that whale stocks could increase to the point where maximum sustainable yields could be obtained.

Four separate proposals, submitted by the representatives of the U.S.S.R., Norway, Japan, and the United States, respectively, were examined by a special committee whose essential purpose it was to obtain the agreement of the three pelagic-whaling countries to any one of the proposals, and preferably to the one giving the highest degree of protection to the whales.

This committee failed to reach agreement in spite of a last-minute attempt by the U.S.S.R. and the United States, who put forward virtually identical amendments proposing adoption of a quota of 4,000 b.w.u. for the 1965–66 season.

The amendments contained the proviso that each member of the commission bind himself to recommend to his own government that it should agree to further reductions in the 1966–67 and 1967–68 quotas—reductions designed to insure that the 1967–68 quota would be lower than the sustainable yield of both fin and sei stocks at that time.

The Japanese finally offered to accept the U.S.S.R.-United States proposal provided the 1965–66 quota was raised to 4,500 b.w.u. The Canadian representative and others attempted to have the clause concerning further reduction in quotas defined more precisely and made more binding, but their efforts were unavailing. The Japanese amendment was put to the vote and carried.

OBJECTIONS

The official press release issued by the International Whaling Commission after the meeting states that "there is thus for the first time a plan for the effective conservation of whales in the Antarctic," but this optimistic assertion appears to be premature, since the agreement is open to the following objections.

1. The 1965–66 quota of 4,500 b.w.u. is almost twice as high as the 2,500 b.w.u. which the scientific advisers regard as the maximum for the 1965–66 season if stocks of fin and sei are not to be still further depleted.

2. The wording of the statement concerning the reduction of quotas for the two subsequent seasons to within the sustainable yield of existing stocks is very imprecise, and the Japanese delegate was notably evasive in giving his interpretation of it.

3. The intention, implicit in the agreement, is that the reduction should be to the level which would permit basic whale stocks to increase, but this essential requirement is not clearly stated.

4. The quota applies only to pelagic whaling and takes no account of the catch from shore stations. The 500 b.w.u. taken from South Georgia, for example, during the 1964–65 season is a significant amount in relation to the overall pelagic catch.

5. The quota continues to be expressed in blue whale units, a procedure which gives inadequate control over the killing of individual species. Thus, in theory, the entire quota could be taken in either fin or sei, with disastrous results to either of those species.

PROPOSED MEASURES

Therefore, although it is true that the agreement recognizes the need to conserve whale stocks in the Antarctic, this need is unlikely to be met unless further measures, along the following lines, are adopted:

1. The proposal to reduce the catch to the level of sustainable yield by 1967–1968 should be unequivocally stated as part of a firm policy directive by the commission; indeed, the quota for that season should be set sufficiently below the sustainable yield to allow some significant increase of whale stocks to begin.
2. The system of basing quotas on the blue-whale-unit formula should be abandoned, and quotas for each species should be laid down.
3. Quotas should cover both shore station and pelagic catches.
4. Both the blue whale and the pygmy blue whale should be specifically accorded absolute protection throughout their entire range. (At the Sandefjord meeting the commission recommended the complete prohibition of the capture of blue whales in the Antarctic, but the pelagic whaling countries subsequently objected to this decision so it is now null and void.)
5. Urgent steps should be taken to prevent the whaling fleets that cannot, because of reduced quotas, be employed in the Antarctic from destroying stocks elsewhere, as in the North Pacific.
6. The International Observer Scheme [7], on which the commission has already agreed in principle, should be implemented without further delay.

CONCLUSION

Unless there is firm agreement along these lines the prospect will continue to be as disturbing to conservationists as it must presumably be to some sections of the whaling industry. In the words of S. J. Holt, of FAO, one of the three scientific advisers, "cut-throat competition, eventual extermination of species and the death of the Antarctic whaling industry could result unless last-ditch agreement is reached in the Antarctic whaling crisis—stocks are now so small that only the most drastic action can save the whaling industry from complete collapse within a very few years, after which it will be generations before the residual stocks recover to a productive level. Some of them may never recover."

Holt has stated that the maximum sustainable yield of antarctic whales would be slightly more than 1.5 million tons annually after the stocks had been allowed to build up; this is perhaps two-thirds of the potential world whale catch. At current prices this would be worth some $200 million each year. It seems almost incomprehensible that a sustainable natural resource of this magnitude should be allowed to become virtually extinguished and a valuable industry brought to a standstill because a minority of its members are motivated by what has been aptly termed a "plunder now, pay later" policy.

Rational utilization of this resource is perfectly legitimate, but exploitation to the point of extermination is as inexcusable as it is shortsighted. Quite apart from ethical considerations, total destruction of whale stocks does not make very good economic sense. Yet, not only has international agreement so far failed to prevent irresponsible overexploitation of this valuable and irreplaceable natural resource, but the whaling industry itself has entirely failed to look to the future and to plan long-term operations in the light of the scientific evidence available to it. Adoption by the commission of the recommendations of its own scientific advisers would involve no surrender to sentiment but would provide a blueprint both for insuring the continuance of whale stocks and for securing the whaling industry's own means of existence.

The unrestricted slaughter which resulted in the near-extermination of whales in the Northern Hemisphere during the last century could be in part excused on grounds of ignorance. That excuse is no longer valid, yet an identical result is now likely to be achieved quite deliberately—even, apparently, at the cost of self-destruction of the industry.

POWER IN GOVERNMENT

Mr. MONDALE. Mr. President, our Constitution instituted a system of governmental checks and balances which is without peer. The Constitutional Congress without doubt intended that the executive branch should vigorously maintain its prerogatives and keep alive the balance between the three branches.

President Johnson's handling of the military construction bill is a good case in point and it has been well emphasized by the Winona Daily News in Winona, Minn. I would like all of our Members to have the opportunity to read its comments and I ask unanimous consent that its editorial of September 7 be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Winona (Minn.) News,
Sept. 7, 1965]

POWER IN GOVERNMENT

President Johnson's conduct in office has led to much talk about the great power of the Presidency. It is well to bear in mind that Congress is constantly trying to stretch its powers at the expense of the executive department, and that a strong Presidency is a useful check on that effort.

Take the military construction bill authorizing a payment of $1.78 billion. This bill has been vetoed by President Johnson because of a section providing that no military camp or post shall be closed or cut down until 120 days after reports of the action are made to the Armed Services Committees of the House and Senate.

Such a provision would deprive the President of his power to make savings in the offices under his charge, unless Congress approved. Should this practice be broadened, the executive department would not be under the President's control but under that of Congress.

This is not the first recorded attempt at congressional encroachment in this administration. Earlier this year in a minor flood relief bill Congress stipulated that some projects could be carried out only if the congressional committee approved. The President very properly vetoed this scheme.

These observations should not be taken as asserting that Congress ought to be subservient to the Chief Executive. Congress could do much, indeed, to extend its power through debate of substantive issues apart from whatever program the White House proposes. But neither should Congress be enabled to usurp the Executive power. Our system of checks and balances has served us well.

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[7] Under the International Observer Scheme, an officially appointed foreign observer would be attached to each whaling fleet to insure that all ships engaged in whaling conform to the regulations.

WARPLANE ROLE GROWS

Mr. PEARSON. Mr. President, the defense strategy of the United States formulated by this administration seeks to give our country the greatest number of options through a scale from guerrilla warfare to the exchange of nuclear missiles.

One of the clearest options which should be available within our arsenal of weapons is the manned aircraft.

On Friday, September 24, 1965, an editorial in the Topeka Daily Capital clearly set forth this need.

Mr. President, I ask unanimous consent that the above editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WARPLANE ROLE GROWS

The war in Vietnam is proving daily that instead of their days being numbered, manned aircraft are being required in ever-increasing numbers.

For a time, it was popular in Washington to predict that bombers, transports, fighters, helicopters and liaison planes had outlived their usefulness in modern warfare.

This prediction was based on continued development of intercontinental ballistic missiles and tactical rocketry. The thought was that these rapidly were replacing manned aircraft.

But twice in 2 days last week, Gen. J. P. McConnell, top man in the Air Force, has insisted manned aircraft have a continuing place in the Air Force.

Speaking before the executives of the Air Force Association, General McConnell declared, "the requirement for manned aircraft in helping to support our national objectives has expanded greatly and can be expected to expand still further throughout the foreseeable future."

The general, who succeeded Gen. Curtis LeMay, told of the expanding role of tactical airpower—fighter bombers—in a local war as in Vietnam.

He referred, too, to the need for better airlift transports and to the importance of specialized craft such as helicopters, aerial refueling planes, chemical defoliant craft, airborne command posts and general utility planes for short takeoff and landing.

Big rockets and atomic warheads have their irreplaceable position in global wars, but the grass-fire wars that have been set sporadically have shown the continuing need for manned aircraft.

"BIG BROTHER": ELECTRONIC EAVESDROPPING

Mr. LONG of Missouri. Mr. President, the Subcommittee on Administrative Practice and Procedure has been increasingly alarmed by the use of electronic eavesdropping in this Nation.

The growing public concern about this problem is clearly shown in the increasing number of newspaper and magazine articles written on this topic in recent months. These articles have been aimed at both the general public and at the technical specialists who must deal with this problem.

The nationally recognized law enforcement magazine Law and Order views the issue of electronic eavesdropping to be serious enough to justify a series of articles on the topic.

Mr. William Shaw, the author of this fine series, has focused attention on the extent of the problem and the ways in which law authorities can frustrate the activities of electronic snoopers.

I ask unanimous consent that the most recent article by Mr. Shaw in the August 1965 edition of Law and Order entitled "An Introduction to Law Enforcement Electronics and Communications" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN INTRODUCTION TO LAW ENFORCEMENT ELECTRONICS AND COMMUNICATIONS—PART IV(b)

(By William Shaw)

FOREWORD

Part IV(a) presented an overall view of the highly controversial topic of electronic eavesdropping. The results of a limited survey were discussed along with some personal opinions. I left the reader with the marked impression that electronic snooping (at the present) has been employed on a limited scale. It would be difficult to predict what the future holds for electronic snooping but one thing is certain. There are groups who find all types of surveillance profitable. Should the value of such operations become attractive to others then it would be reasonable to assume that both television and sound snooping will increase.

I have carefully avoided the intricate legal and moral aspects of this subject as my area of knowledge is in the technical rather than the sociological. There is an old saying, "It takes a thief to catch a thief," and this can apply to the material that follows. While the reader may never be required to employ electronic snooping devices it is quite possible he might be asked to uncover them. To do this the counter snooper, also known as anti-intrusion specialist, must be well versed in all the known techniques and devices.

The following material covering wiretaps is introductory in nature and is by no means complete. It does, however, cover enough of the art to give the reader some measure of the subject. It will, I hope, serve as a thought provoker that will stimulate the desire to learn more about the art of wiretapping.

The telephone tap

The telephone tap rates the top of the snooping list because it is the number one tool of the eavesdropper and because its existence is known by one and all. So that we may start at the beginning, let us define the telephone tap. The telephone tap can be defined as the coupling of a device to a telephone line which will allow an unauthorized persons to monitor every incoming and outgoing call. A very basic definition? True, but the equipment employed can be either basic or complex.

Though most people don't realize it until the comparison is made, they know of two arrangements which are very much like wiretaps. These are, of course, the party line and the extension telephone.

Consider the party line which is nothing more than a pair of wires starting at the telephone office and ending at the subscriber farthest away. All the telephone users between these two points are bridged (tapped) on to this pair of wires. As these intermediate telephone users can be located anywhere along the line it becomes obvious that an additional unauthorized user can, with the proper equipment, connect himself to this line. If we forget the unauthorized individual for a moment and just consider the members of the party line, you can see that each one can, if he or she so desires, listen in on any of the others.

Subscribers on party lines soon learn to recognize the various sounds and changes in volume on the line when a party line member picks up his or her receiver. The clicks of telephone sets are characteristic but not always as noticeable as some people might suspect. The drop in volume that occurs, however, is usually quite obvious. The longer the party line, the more the sound level change becomes. Cautious busybodies learn to lift the telephone handset gently from the cradle and place their hand over the mike. This reduces to a minimum the chance of being detected by the person on the line.

The extension phone can, as you well know, be used to eavesdrop. Those with two or more extensions in their homes have no doubt caught one of the children secretly listening in on an adult conversation. Again the telltale clicks, lowering of volume and background noise are the clues.

The individual subscriber unlike the party line user, has the pair of wires (commonly called the subscriber's loop) entirely to himself. Starting at a pair of terminals at the telephone office out over poles or underground cables go two wires, anywhere along which an extension phone could be connected. That is, of course, if the wires are accessible. Now, if an extension can be bridged across the line, so can a tap.

Where taps can be connected

On the open wire telephone pole type party line a tap can be connected across the pair at any pole crossarm. All the wiretapper has to do is select a telephone pole which is not in sight of a house, climb the pole, clip two leads on to the pair, run the leads down the pole, attach his listening device and wait.

There are several simple methods by which the eavesdropper can identify the desired pair from many. At the pole nearest the location he is interested in will be found what is called a drop. By visually checking the connections he can determine the desired pair. If this is not possible, he can check each pair with what is called a buttinsky. This is a special lineman telephone with a dial mounted on the receiver end of the handset. It is self-contained and allows a person to dial in the normal manner. With this device the wiretapper can call on a line; if it's the wrong one, he will either get nothing, a characteristic tone, or some party. The skilled wiretapper has sufficient telephone training to accomplish this rapidly and without being detected.

Connecting a tap to a private home phone in a built-up area is probably one of the most difficult things to get away with. This is because the wiretapper has only three basic locations from which he can work: The subscriber's terminal block in his house, the telephone poles, or inside the telephone office. As the subscriber's terminal block is inside the house, this location is out. Only law enforcement organizations with special permission can obtain a bridge (tap) inside the telephone office. This leaves only the poles. The difficulty here is that if the wiretapper climbs the pole in front of a home in a built-up area he will probably be noticed by many. While he may get away with this for a given period of time, he must be constantly on the alert for regular telephone linemen, police officers, and suspicious citizens. Once he moves to the end of the street to attempt to connect to a junction box, he can run into as many as several hundred lines. Thus, unless he has the help of a telephone employee, the task becomes extremely difficult.

The city dweller living in an apartment house or the businessman in an office building are the people that are the easiest to tap. The reason is that almost all apartment houses and office buildings (that do not have a telephone operator in attendance) have a terminal box either in the basement or in some storage area. However, while the terminal box is the easiest place to connect a tap, the professionals look for less obvious points along the loop.

Wiretapping equipment

The most elementary form of tap consists of nothing more than two pieces of wire, a fairly large value capacitor and an earpiece from a telephone handset. The purpose of the capacitor is to block the d.c. current which is supplied from the telephone office from flowing through the earpiece. If the capacitor is not employed, the current flow through the earpiece causes a relay in the telephone office to operate, making it look like the subscriber's handset has been removed from the cradle. If the earpiece, without the capacitor, is left across the line for more than 30 seconds, an off-hook howler is put on the line. Should the subscriber pick up his handset during this time, he would hear the howler and assume his line was out of order. During this time the subscriber could not receive incoming calls or make outgoing calls.

This simple arrangement just described is rarely used by anyone except a rank novice. If you recall in my simplified definition of wiretap, I used the word "coupled" to the line rather than the specific "connected to the line." The reason for the choice of word "couple" is that it is possible to "sense" the electrical energy in a telephone line without connecting to it mechanically. One device for doing this is the induction pickup coil. However, the pickup coil is used basically as a means to supply telephone conversations to a telephone amplifier or tape recorder. To work they must be placed either against the earpiece or inside the telephone subset near the network block. They will work after a fashion if placed under the telephone.

The induction type pickup coil needs a strong magnetic field which varies with the fluctuations of speech. It will not work if placed alongside a telephone line.

There is, however, a variation of the pickup coil which has been designed specifically for coupling to a telephone line. In place of a rigid coil, two lengths of wire are used in conjunction with a high gain audio amplifier. To install the tap the eavesdropper merely identifies the telephone pair he is interested in, spreads them apart just far enough to wrap one pickup wire around one of the two telephone leads and the other around the second. He then connects these leads to the magnetic pickup element of the audio amplifier which may have either a loudspeaker or an earpiece and listens. If the point of tap is such that a person stationed there would arouse suspicion, then the eavesdropper might connect a long extension cord to his earpiece and monitor from a secure location. Another variation which will be discussed in part IV(c) would be to use a miniature radio transmitter to broadcast the output of the pickup to a receiver located as far as several blocks away.

The big advantage to this type of telephone tap is it has no effect on the telephone line. It makes no characteristic clicks nor does it affect the volume on the line. The proponent of this device lauds the fact that no physical connection to the line is required and although this is true, there are very few points along a telephone pair (inside a building) where these leads are not covered by the rubber or plastic shield. Thus, this outer covering must be removed to allow each of the two pickup leads to be individually wrapped.

Up to this point we have covered the means to couple to the line; once the pickup is accomplished, many accessories are available to amplify, transmit, and record this information. Companies such as C. H. Stoelting, 424 North Homan Avenue, Chicago, Ill., carry an extensive line of electronic surveillance equipment.

Countering the wire tapper

While law enforcement agencies can enlist the aid of telephone company officials (under certain situations) to install wiretaps, the private agency must fetch for itself. Many security officials and police officers have asked how they can be sure a line is clean, how do they go about finding out? There is no simple answer; to counter any undesirable action it is important to become well versed in this action.

To check a line for a tap, first inspect the small terminal block on the wall. Three, possibly four wires should be found running from the phone to this block. Remove the block from the wall (the telephone company won't like it, but if it's important enough they will have an installer do it) and check for additional wires that might have been connected across the regular cable. Attempt to follow the wires from the telephone down to the terminal box. If the wires (which should be inside a plastic sheath) are visible along the entire run and there is no evidence that the covering has been tampered with, take a close look at the terminals in the terminal box. Unless recent work has been done at the box by telephone people, the screws should look tarnished. Bright scratch marks suggest clip leads might have been hooked across the line.

Once outside the building, you will require the help of a telephone employee. Without his assistance the best you can do is follow the telephone poles in both directions leading away from the building, looking for a thin pair of wires running down the pole. But, here again, you can't be sure because the tap may be connected to a miniature radio transmitter which could be strapped on the top of a crossarm completely out of sight from the ground.

Actually, to become adept at tracking down wiretaps and other snooping devices, it is almost a necessity that you receive formal instruction from an active specialist.

Now that we have covered some of the basic methods for tracking down wiretaps, the next question is: Are there any techniques that could be employed that could prevent the wiretapper from connecting to the line or that could jam his pickup device?

Preventing the wiretapper from coupling to some section of the subscriber's line (loop) can seldom be assured. If, however, you are willing to pay the price, special armored (shielded) cable can be used that would defeat the inductive pickup and make the clip lead method almost impossible. Such arrangements are employed by high security military installations and defense contractors. In addition, high security lines are run through conduit and all terminal boxes are locked and periodically inspected.

The second method to defeat the wiretapper is to employ scramblers. The scrambler will convert speech into sounds that are completely unintelligible and unless the wiretapper has a matched unit similar to the person at the other end of the line, he would obtain no useful information whatsoever. Present-day scramblers are compact, self-contained devices that snap onto the standard telephone handset. They can be carried in a briefcase and used on any phone, including a pay phone. A complete description of this type of device was given in this column in February 1962 under the title "Secrecy Systems."

This completes the introductory material on wiretapping. Beyond this point a fairly good background in electronics and telephone art would be required to follow the circuit descriptions of the actual wire tapping devices and the telephone circuits. I hope that it has served its purpose, which was to give the mildly interested an insight into wiretapping and as a stimulator to those who would like to learn more.

In part IV(c) I will cover the other snooping devices such as hidden microphones, voice-actuated tape recorders, etc.

The next two issues will contain answers to questions received over the first 6 months of 1965, after which the introduction series will be resumed.

STRENGTHENING CERTAIN LAWS RELATING TO BANKING

Mr. ROBERTSON. Mr. President, I noted with interest that yesterday the senior Senator from Arkansas [Mr. McCLELLAN], introduced a bill, S. 2575, on behalf of himself, the junior Senator from Washington [Mr. JACKSON], the senior Senator from North Carolina [Mr. ERVIN], the junior Senator from Connecticut [Mr. RIBICOFF], the junior Senator from Oklahoma [Mr. HARRIS], the senior Senator from South Dakota [Mr. MUNDT], and the senior Senator from Ohio [Mr. LAUSCHE].

This bill is the outgrowth of the extensive investigation and hearings which the Senate Permanent Subcommittee on Investigations, of which the senior Senator from Arkansas is chairman, made earlier this year in the field of federally insured banks.

The bill is designed to protect depositors in insured banks against the kind of misconduct which was disclosed during this investigation and hearing.

This bill was referred to the Committee on Banking and Currency. I have already asked for the comments of the banking agencies and the Department of Justice on the many changes in our banking laws which the bill would make. In addition, I expect that the banking industry will examine the bill carefully and that the various banking associations, the individual banks and the public generally will give us the benefit of their views.

In view of the importance of the matter, I expect to schedule hearings early next year on S. 2575, along with other bills which have been or may be proposed to accomplish the same objectives.

TALKING IT OVER—"MADE IN THE UNITED STATES OF AMERICA"

Mr. LAUSCHE. Mr. President, recently I received a letter from an Ohio constituent, Mrs. Forrest MacNab, 1211 Far Hills Avenue, Dayton, Ohio, calling my attention to a newspaper article which appeared in the Dayton Journal Herald, expounding the virtues of a little known but, nevertheless, a courageous man, John J. Shaughnessy.

I ask unanimous consent to print in the RECORD, for the benefit of my colleagues in the Senate, the entire editorial written by Dwight Young.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TALKING IT OVER

(By Dwight Young)

There died in the Brooklyn Veterans' Hospital in New York the other day a man of unexampled courage in the face of inexplicable frustration at the highest levels of the Federal Government.

His name, which probably will be meaningless to most of this column's readers, as regrettably it was to "Talking It Over" until a short time before his death, was John J. Shaughnessy, a civilian employee of the U.S. Army.

It was in 1953 that Shaughnessy discovered the "Made in U.S.A." markings stamped on foreign aid shipments to various parts of the world, were being changed by Russian Communists to "Made in U.S.S.R."

According to the Associated Press, Shaughnessy reported his findings to Army officialdom which awarded him a $275 prize in an efficiency contest, but apparently did nothing to correct the dishonest Russian practice.

Unhappy, but undaunted, Shaughnessy began bombarding Congressmen and other high Federal officials, including the then Presidents Truman and Eisenhower, with letters. The latter did issue a directive instructing all Government agencies having anything to do with foreign aid shipments to comply with the lowly $6,000-a-year civilian employee's suggested change in the markings on such packages. But strangely, so the Associated Press reports, nobody complied with Ike's directive.

Still undiscouraged, Shaughnessy pressed his campaign to the White House again when the late John F. Kennedy became President, with the result that in January, 1962, it was reported that 75 percent of all this country's foreign aid shipments at that time bore the legend "Made in the United States of America." Whatever happened to the remaining 25 percent was not explained.

However, in 1955, when he refused to obey an Army order to cease and desist from his markings campaign, Shaughnessy was fired from his job. Jobless, but undeterred by even that, Shaughnessy continued his letter-writing campaign with Washington high officialdom, until 15 months ago when he became ill and had to go to Brooklyn hospital where he died.

But he never lost either his courage or faith that eventually he would win his campaign. From his deathbed, only a few hours before his demise, he dictated to his wife a message to friends and supporters in Dayton. The message was: "Please trust in God. All is not lost. We will win in the end."

Three questions seem pertinent this morning: (1) what was wrong about the Shaughnessy proposal; (2) what was the real reason he was fired off his measly $6,000 a year Army job and (3) why do only 75 percent of our foreign aid shipments even today carry the marking, "Made in the United States of America"?

The Federal Government, to use an old and widely familiar expression, continues to spend money like a drunken sailor, despite the fast-developing war in Vietnam and the U.S. expenditures running up to untold hundreds of millions of American tax dollars it undoubtedly will entail.

SENATOR ERVIN PRAISES EFFORTS OF SENATE STAFF IN PRODUCING BAIL REFORM BILL

Mr. ERVIN. Mr. President, I have previously expressed my appreciation for the assistance and support of the Members of this body in connection with the passage last week of S. 1357, the omnibus bail reform bill. I specifically commended the members of the Subcommittee on Constitutional Rights and Senator TYDINGS' Subcommittee on Improvements in Judicial Machinery.

I should like now to express my gratitude to others who contributed significantly toward development and passage of the bill.

Special commendation is certainly due to the late Senator Olin D. Johnston, of South Carolina, former chairman of the Subcommittee on Improvement in Judicial Machinery. His keen interest in bail reform and his assistance and support in connection with the joint hearings on Federal bail legislation held in August 1964, were invaluable in the development of the omnibus bail measure.

I should like to thank the 21 Senators who cosponsored the bill and, in addition, Mr. Herbert Hoffman, of the Department of Justice, and the witnesses before the two hearings—particularly Deputy Attorney General Ramsay Clark, Mr. David J. McCarthy, former director of the District of Columbia bail project, and Judge William F. Smith, of the Judicial Conference Committee on the Administration of Criminal Law.

It is impossible for me to overmagnify the contribution made by William A. Creech, chief counsel of the Subcommittee on Constitutional Rights, whose understanding of the problem involved, and whose untiring industry in solving such problems made a most significant contribution to the preparation and drafting of the bill.

Also deserving of commendation are other members of the staffs of the Subcommittee on Constitutional Rights and the Subcommittee on Improvements in Judicial Machinery. I should like to express my particular appreciation to Harry G. Wilkinson, former counsel to the subcommittee, and Paul L. Woodward, counsel, and John L. Baker, minority counsel; and to Hugh H. Finzel, former chief counsel of the Subcommittee on Improvements in Judicial Machinery, who worked closely with Senator Johnston and me on this legislation, and William T. Finley, present chief counsel of that subcommittee.

Finally, I should like to commend the contribution of Miss Angelina Gomez, staff member of the Subcommittee on Constitutional Rights, for her valuable assistance in, among other things, preparing for the joint hearings on the bill and editing the record of those hearings.

I am delighted, Mr. President, that passage of the bill has been so well received by the public and has been the subject of a number of favorable newspaper editorials. Two such editorials appeared in the September 25 issue of the Winston-Salem (N.C.) Sentinel and the September 27 issue of the Greensboro (N.C.) Daily News. I ask unanimous consent that they be inserted at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Winston-Salem (N.C.) Sentinel, Sept. 25, 1965]

MAJOR STEP TOWARD BAIL REFORM

The approval of Senator ERVIN's bail reform bill strengthens the prospect that this much-needed legislation will become law. The House is expected to approve the bill, although action may be delayed until next year.

The bill, which has the backing of Attorney General Katzenbach, would remove the unfair burden now placed on Federal court defendants who have little money. The inability to make bond now holds many accused persons in jail and makes it more difficult for them to prepare their defense. The key provision of the ERVIN bill is a section directing Federal jurisdiction authorities to release an accused person awaiting trial without bail, if, in the opinion of the official, the accused person can be expected to appear voluntarily for trial. The court also has the choice of requiring an "unsecured bond," the assignment of the accused to a probation officer or restriction of travel.

The present Federal and State bail requirements work no hardship on an accused person who has money or friends who have means. Unless he is charged with a nonbailable capital offense, a defendant can readily make bond and remain free until his case comes up for trial. But many accused persons without money or influence are forced to spend weeks in jail awaiting trial, even in relatively minor criminal cases, because they are unable to provide bail.

Not only should Congress enact this reform for the Federal courts. The States should enact similar reforms for their bail systems.

[From the Greensboro (N.C.) Daily News, Sept. 27, 1965]

TOWARD BAIL REFORM

Senator SAM ERVIN's bail reform bill has passed the Senate and moved along to the House. Though final action is not likely before next year, the halfway mark has been reached in securing a monumental improvement in the quality of American justice.

That the bill comes from the pen of Senator ERVIN has surprised more than a few lawyers throughout the Nation; they largely identify him as an outspoken, often long-winded, foe of the civil rights movement. But whatever his views in that regard, his service to civil liberties as chairman of the Senate Subcommittee on Constitutional Rights has been distinguished; if the bail reform bill is enacted, it will be fitting tribute to his labors.

The need for bail reform has long been embarrassingly clear. The practice of requiring the accused to buy their way out of pretrial custody mocks the Nation's historic commitment to equality before the law. Not only that, bail is often set so high as to force the accused to remain in jail, thus punishing them before guilt has been proved. The bail system works in favor of the rich and against the poor—this in a time when our courts and legislators are working to eliminate wealth as a factor in the administration of justice.

Senator ERVIN's bill would go a long way toward eliminating this inequity. Though it would apply only to Federal courts, it would set a bold precedent for State and local authorities. Among its provisions are the following:

The discretion of judicial authorities would be the main factor in determining the conditions of an accused persons' release, and the alternatives would be broadened greatly. The accused could be released, for instance, on the court's judgment that his pledge to appear for trial would be fulfilled. He could be released on an unsecured bond—an amount of money to be paid only if he failed to appear for trial. He might be assigned to a probation officer, or restricted in travel.

The expeditious review of bail decisions by courts of appeal would be guaranteed, so as to minimize time in custody.

Any time spent in pre-trial custody would be credited toward an accused person's sentence in the event of his conviction.

These reforms are just. The bill is solid, the product of years of careful study by Senator ERVIN and his subcommittee. It should be passed by the House—and its example should be followed by the States.

Senator Ervin, by his diligence and determination, has helped the continuing effort to modernize American court procedures. It is an achievement of which his North Carolina constituents can be proud.

SENATORS MORSE AND LONG SPEAK FOR PUBLIC INTEREST ON PATENT POLICY

Mr. BARTLETT. Mr. President, on February 10, 1965, I introduced a bill calling for a unified and expanded marine exploration and development program by the Federal Government.

The program is needed. The sea is earth's last great unexplored frontier. The nation which gets there first with the most will have first claim on the considerable resources of the shelf.

Time became of essence with the signing of the International Convention on the Continental Shelf in 1964. The Convention allows nations to claim property rights to the extent their technical abilities permit development of the resources.

Clearly, this is not a task which private firms could do alone even if they wished. Moreover, development of the resources of the sea is in the public interest.

The Senate has passed a bill dealing with such a program. More recently, the House passed a different version of the measure. My purpose today is not to discuss differences between the bills. I am certain the differences will be ironed out in conference if need be.

Rather I will address this great body on the need to insure that the public at whose will we serve, reaps the benefits of a publicly financed research and development program.

I am not alone in this concern. The senior Senator from Oregon [Mr. Morse] and the junior Senator from Louisiana [Mr. Long] have led a long fight against giving away the products of Government-financed research and development.

Through the Federal Government, the taxpayers of this great Nation are supplying about $15 billion of the $21 billion spent annually in this country on research and development. Clearly, there is a partnership between scientists, industry, and the general public.

Looking ahead, it is quite evident that Government-financed research activities are going to expand. There is outer space as well as the interior of the sea to be explored. Medical and transportation research and development programs will grow faster in the future than they have in the past. By 1970, the annual expenditure of Federal funds on research and development doubtless will top the current $15 billion figure.

Since 1947, taxpayers have invested $85 billion in research and development through the Federal Government. The research has led to useful discoveries and inventions—discoveries and inventions which can be sold in commercial markets for great profits to persons lucky enough to be given Government patents for little or no payment.

The Boeing 707 transport, a direct outgrowth of research and development on military jet aircraft, and Early Bird, the communications satellite, made possible by federally financed research on NASA satellites, are two among many examples of private profit from publicly financed research.

The question of who shall be allowed to reap the rewards from the public's next $85 billion investment in research and development is being considered by the Subcommittee on Patents, Trademarks, and Copyrights of the Senate Judiciary Committee.

It is fair to observe that of the several dozen witnesses who appeared during extensive hearings this year, the overwhelming majority were Government contractors, or their representatives, persons with a direct financial interest in the legislation.

That observation is meant to convey no disparagement. The management of a company is under a duty to advance the company's financial interest. Industry witnesses should be expected to take the position that maximum patent rights be given to their organizations or class of organizations, and that the Federal Government waive the rights of taxpayers with no compensation.

Other witnesses included scientists employed from time to time by institutions which have received Federal R. & D. money. These people also possessed a direct or indirect interest in the disposition of federally financed patent rights.

President Eisenhower, in his farewell address, sounded this warning with respect to the scientists:

> We must also be alert to the * * * danger that public policy itself becomes the captive of the scientific technological elite.

As I have previously pointed out to the Senate, in areas such as patent policy, decisions will be made, if not by Congress, some other brand of Government. That is the nature of our Government. The reports of the Presidential Advisory Panel and the following memorandums purporting to make patent law in contravention of articles I and IV of the Constitution were examples of this fact of Government life. Clearly, if Congress does not insist upon participating in decisions of scientific policy, the decisions will be made elsewhere. Real power passes to those who make decisions, leaving the only mantle and the circumstance for procrastinators.

It is indeed fortunate that the Nation has such men as the senior Senator from Oregon [Mr. Morse] and the junior Senator from Louisiana [Mr. Long] fighting to protect their investment.

Senator Morse, testifying before the Patents Subcommittee August 19, 1965, pointed out that articles I and IV of the Constitution place responsibility for disposition of valuable Government properties, such as patents, in the hands of Congress.

Senator Morse took a leading part in the debate on atomic energy legislation in 1954. The Senate prevented a giveaway of $12 billion in patent rights and technology stemming from the tax financed atomic energy program. He fought the satellite communications bill of 1962, and has introduced legislation relating to NASA patent policy in the last two Congresses.

Senator Long has developed his interest and knowledge of patent problems over the years and during several series of hearings by the Senate Small Business Committee. He is one of the recognized experts in the field. The Senator from Louisiana has sponsored the so-called Long amendment to legislation authorizing many R. & D. programs. The amendments provide that patent rights developed as a result of Government-financed research and development are retained primarily by the Federal Government.

Both Senators have focused their experience, ability, and enormous capacity on legislation establishing a uniform and fair patent policy covering federally financed research and development programs.

Senator Long's bill (S. 1899) advocates a Federal inventions agency to promote the maximum utilization of Federal patent properties.

Senator Morse, in his testimony, pointed out that 15 companies in the United States received more than 50 percent of the combined R. & D. budgets of the Department of Defense and the Space Agency. In contrast, small businesses, which comprise 94 percent of the manufacturing sector, receive a scant 2 to 3 percent.

Senator Morse showed that Federal R. & D. patent policy has actually accelerated trends towards concentration of the business community, and if Congress does not reverse this trend there will be increasing pressure on our 300,000 small manufacturers to merge, sell, or be driven out of business. He urged that Congress adopt legislation declaring that patients are "a natural resource" to be protected for all the people. He advocated establishment of a flexible licensing system to administer the resources. Such a system would allow maximum incentive for utilization of inventions, under exclusive or nonexclusive licensing; give small business access to results of research programs through fair procedures; and lead to some monetary return to the taxpayer through royalties on the sale or use of these results where appropriate.

Mr. President, I feel that the Nation should be grateful to Senators Morse and Long for making us be aware of the magnitude of the patent issues before the Senate, and that their testimony should be studied carefully.

It is pertinent to note, also, that a Congressional Office of Science and Technology—COST—which I have previously suggested to this body also could make a valuable contribution to our discussion of these issues. In the past year we have appropriated funds to the Library of Congress to employ scientists to assist the Congress and have formed a Subcommittee on Science and Technology of the Senate Small Business Committee on Science and Technology and a Subcommittee on Oversight of Federal R. & D. of the Government Operations Committee.

However, until these bodies are in full operation, or we have a group such as COST, the task of protecting public interest will be borne by individual Senators. This burden will become heavier as research budgets increase.

An article from the Wall Street Journal of September 15, on recent developments in oceanology is a timely illustration of what lies ahead in research and development. Equally broad horizons are opening in countless other fields. There is great need now for a uniform patent policy which recognizes the equities not only of the few giant companies but of small business, the taxpayer and the general public. We have waited too long already.

Mr. President, I ask unanimous consent that the article to which I referred be printed for the information of this body following my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Plumbing the Depths: Undersea Work Bases, Small Subs May Bring New Era in the Oceans—Deep-Diving Craft Can Tend Oil Rigs, Hunt Minerals—Divers' Efficiency Raised—Sealab Runs Salvage Tests

(By Peter Gall)

Los Angeles.—The murky world under the sea is losing some of its mystery, opening up the prospect of a whole new realm of scientific and industrial activity.

Astronaut Scott Carpenter, who won fame whirling through space, is currently 205 feet down in the Pacific off La Jolla in southern California, living with other members of a Navy research team in a steel chamber. The project is one of several being undertaken with the aim of increasing man's capability to live and work in the sea.

Along the same stretch of coast, a yellow, saucer-shaped two-man submarine, driven by two jets of water and fitted with mechanical claws and vacuum attachments, probes the bottom at 1,000 feet. It collects rocks and scoops up sediment for later analysis on the surface—a probable forerunner of expeditions to hunt minerals on the floor of the sea.

Seventeen miles off Florence, Oreg., a pyramid-shaped robot submarine churns along 300 feet down. Its two small propellers stop, and its two television camera eyes focus on an oil well drilled in the ocean bottom. Then, guided electrically via a cable from a ship above, the robot's single mechanical arm tightens each of 12 screws holding together a system of braces supporting the oil well pipe.

IMPROVING SALVAGE TECHNIQUES

These invasions of the deep are merely a sample of the widespread efforts now underway to extend man's sway over the three-quarters of the globe covered by oceans. A raft of major U.S. corporations, including several that have made a name for themselves in outer space, are plunging into undersea enterprises. The military also is deeply involved in ocean research, with the goal of improving undersea warfare and salvage techniques and of advancing submarine rescue methods.

The research push in "oceanology"—a term that encompasses practical applications of the more basic science of oceanography—is producing an array of new equipment for plumbing the depths. One new tool with high potential is the deep-diving submarine, which can take men and outside manipulative attachments far beneath diver depths, free of the distance limitations and hazards of cable connections to surface vessels.

The deep-diving sub that until recently was gathering rocks and sediment off California was developed by French oceanographer Jacques-Yves Cousteau. The recent research work on the ocean bottom has been carried out by Scripps Institution of Oceanography at La Jolla, under a contract from the Navy. Captain Cousteau's sub has also recovered torpedoes (worth over $75,000 each) that have gone off course and been lost on the ocean floor during ordnance tests.

LITTON BUILDS A SUB

The 1,000-foot-depth capability of the Cousteau sub is far surpassed by some newer craft. Last month Litton Industries, Inc., delivered an ocarina-shaped sub, named the *Alvin,* to the Woods Hole Oceanographic Institution on Cape Cod. The *Alvin* already has carried a man down to 6,000 feet, its prescribed maximum depth.

Scoops and claws connected to the sub's mechanical arm can collect specimens of sea animals that burrow in the ocean floor and have been impossible to get at previously, as well as other ocean creatures and plants. The *Alvin* is also expected to prove useful for placing and maintaining various underwater electronic gear. Litton itself chipped in about half the *Alvin's* $2 million cost in hopes the experience gained in the project would pay off in future contracts for other deep-sea craft.

Looking like a bright orange whale, Reynolds Metals Co.'s 51-foot deep-diving sub, the *Aluminaut,* is test diving off the Bahamas these days. It is designed to carry three men to depths of 15,000 feet for 33 hours at a time eventually. Reynolds hired the sub-building division of General Dynamics Corp. to build the $3 million craft. One aim was to point up the structural strength of aluminum under crushing pressures—7,000 pounds per square inch at 15,000 feet. But Reynolds also hopes the Navy, ocean-mining firms, and salvage companies will find uses for the vessel, which is equipped with manipulative devices, television, and sonar sensing gear. So far the *Aluminaut's* deepest dive has been 2,700 feet.

Westinghouse Electric Co., which says it sees a promising commercial market for deep-sea craft, this fall will deliver a diving saucer with a 4,000-foot capability to the Navy at San Diego under a 1-year charter contract. Westinghouse is building a second deep-diving sub that it plans to rent at $5,000 to $7,000 for a dive of a few hours' duration. Lockheed Aircraft Corp. also has a sub in the works, and North American Aviation, Inc., may build a craft.

Besides the work on manned subs, there is considerable interest in robot subs linked to operators on the surface by control cables and closed-circuit television. The screw-tightening robot operating off the Oregon coast was built by Hughes Aircraft Co. for Shell Oil Co. to maintain exploratory underwater oil wells; according to Shell, it's now being used routinely.

The Navy has developed a similar robot. It is equipped with an arm that can be fitted with a grasping claw, a big scoop or a lasso-like snare. The Navy robot has been used successfully on two occasions to recover torpedoes lost during target practice off Long Beach, Calif., and is capable of other salvage work.

The experiment in undersea living that Scott Carpenter—now qualified as an "aquanaut" as well as an astronaut—is taking part in represents another avenue of ocean research. The goal is to enable groups of men to stay under water for long stretches, living in metal chambers and emerging periodically in diving suits to work.

The reasoning is that divers could accomplish much more if they didn't have to surface after each work stint. After a dive of only 1 hour at 250 feet, it takes up to 5 hours for a man's body to adjust to surface pressure again. This means a diver spends by far the greatest part of his workday "decompressing" in order to rid his blood stream of heavy concentrations of gas. In contrast, if a diver can spend days at a time under water, he can work and rest at will, with no drastic adjustment necessary until he surfaces for good when the job is done. Salvage jobs and other underwater projects could be greatly speeded.

A key development bringing such underwater work colonies near realization is the use of new gas mixtures for divers to breathe in their submerged chamber and as they work in the surrounding water, toting air tanks or linked to the chamber by air hoses. Old air systems employ mixtures containing as much as 80 percent nitrogen, a gas that sometimes causes dangerous narcotic effects that lead to fatal carelessness. A typical new formula contains 91 percent helium, 4 percent oxygen, and only 5 percent nitrogen.

Tests with divers working from the surface show the helium-based mixture permits a man to work as long as half an hour as deep as 530 feet, compared with the 15-to-20-minute periods and 250-foot depth to which they were previously confined. The advantages of the new formula have been known for years, but use of the mixture required complex apparatus that only now has been reduced to manageable dimensions.

Captain Cousteau, backed by the French Government and the National Geographic Society, has been a pioneer in the development of underwater working communities. In shallow-water tests in the Red Seas, Captain Cousteau created a four-building "village" at levels of 36 feet and 90 feet. It included two dwelling units for seven men, a storage shed and a dry, gas-filled repair hangar for a diving saucer. Five of the men stayed down a month, making biological studies and diving to 132 feet. This week the Frenchman is beginning a test in which six men will live for 2 weeks in a spherical house about 300 feet down in the Mediterranean off southern France.

JOINT VENTURE FORMED

Union Carbide Corp. and General Precision Equipment Corp. recently teamed up with inventor Edwin Link and a group of divers who work on sea-floor oil rigs to form a joint venture called Ocean Systems, Inc. The company, which uses a secret helium mixture formulated by Mr. Link, recently tested a 650-foot diving system in a dry-land tank in New York. Around the end of the year divers will descend to 600-foot depths off Santa Barbara, Calif.

The next step will be to send four or more men down below 600 feet to live for a day or more sometime next year. Ocean Systems' ultimate objective is to provide teams of men to stay down at 1,000 feet days at a time, based in warm, gas-filled huts and emerging to do underwater oil pipe repair, construction of sewer pipes from shore to deep dumping areas, and mineral exploration.

In the Navy project off San Diego, the 10 aquanauts leave their 50-foot cylindrical home—the Sealab 2—periodically for sea-floor work periods as long as 2 hours. Outside they wear rubber suits similar to those scuba divers wear but inflated with compressed air for insulation from the icy cold. They are trying out special underwater tools and salvage work techniques, including the injection of a buoyant foam into a sunken airplane to pop it back to the surface.

The underwater living test began August 29 and is scheduled to run 45 days. Commander Carpenter is to spend 30 days under the sea, but the other aquanauts rotate after 15 days. So far there have been a few minor problems, including a rash of ear infections among the aquanauts as a result of the extreme humidity in the chamber, a painful scorpion fish sting suffered by Commander Carpenter and difficulties with the closed-circuit TV system. But the Navy says the project is going well in general.

SKEPTICAL BUSINESSMEN

Though the usefulness of improved underwater technology in salvage undertakings and military applications is unquestioned, many corporate executives remain skeptical as to the commercial payoff of the big investments some firms are making in the field. One fertilizer manufacturer doubts it will make economic sense in the foreseeable future to extract phosphate, a valuable soil nutrient, from the sea, as has been proposed. Some mining executives say that even when undersea ore is found, deposits will have to be extremely rich to justify the enormous expense involved in bringing it to the surface.

A number of companies, however, along with the U.S. Bureau of Mines, are taking a hard look at the possibility of mining lumps, or nodules, of manganese and phosphorite found on the ocean floor. Manganese nodules also contain copper and cobalt. These ocean mineral sources are expected to increase in value within a decade or two, as high-grade land deposits are diminished. The new deep-diving equipment could well prove highly valuable in prospecting for minerals in the sea.

While there is considerable debate over the prospects for extracting metallic ores and fertilizer components from the ocean at a profit, the development of huge new undersea oil fields appears to be a sure thing. After plumbing the shallow tidewater areas for many years, oil companies are now embarked on multimillion-dollar deep-sea drilling ventures in the North Sea and in the ocean waters off the U.S. west coast and Alaska. Drilling and tending oil wells far under the ocean surface will require vast amounts of new equipment, such as the deep-diving manned and robot subs.

American firms will extract more than $500 million worth of gas and oil from undersea reserves this year, according to Norman Gaber, of Battelle Memorial Institute, a nonprofit research organization. Oil "seems to offer the most spectacular promise of all" for useful applications of ocean research, he adds.

John Loudon, chairman of Royal Dutch Petroleum, believes the industry will be operating "several oil fields" in water 2,000 feet or so deep by 1990. By then, Mr. Loudon asserts, oil firms will find as much as a quarter of their new oil and gas discoveries under ocean beds. The Royal Dutch executive predicts that manned submarines will tend the undersea oil fields and that crude oil will be stored in gigantic sea floor containers or in natural deep sea caverns.

TRIBUTE TO SENATOR ERVIN, OF NORTH CAROLINA

Mr. JORDAN of North Carolina. Mr. President, North Carolina's senior Senator, Sam J. Ervin, Jr., has been busy this year, as he always is, and has many legislative achievements to his credit during this 1st session of the 89th Congress.

Two of our North Carolina newspapers have reviewed Senator Ervin's contributions, in articles written by their correspondents here in Washington. Although these articles give only a partial picture of what Senator Ervin has done both for the United States and North Carolina, they indicate both his value and the respect we Members of the Senate have for him.

I request unanimous consent that these articles by Lloyd Preslar, of the Winston-Salem Journal and Sentinel, and Roy Parker, Jr., of the Greensboro Daily News, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Winston-Salem (N.C.) Journal and Sentinel, Sept. 26, 1965]

It Isn't Easy To Put a Label on Sam Ervin

(By Lloyd Preslar)

Washington.—A few years ago a representative of the liberal Americans for Democratic Action, speaking at Duke University, described Sam Ervin as "a great man whose mind is in chains."

It was a more charitable explanation than many men who call themselves liberal would give for the activities of the senior Senator from North Carolina. It was also the rather plaintive cry of a man whose business it is to see issues in black or white but who was confronted with the truth that the easy labels of political and journalistic conversation do not always apply.

If easy labels were enough, Senator Sam J. Ervin, Jr. is—in the traditional phrase—a "Southern conservative." But he is more than that, or less. He receives the earnest praise of Southern colleagues who regard him as, today, the Senate's only real hope for softening civil rights legislation when civil rights is the order of business.

But Ervin also gets letters in which he is condemned as a mere tool of the American Civil Liberties Union.

Last week was a busy one for Ervin. It was a week in which the Senate passed his bail reform bill—the most sweepingly liberal piece of bail legislation ever passed by the Senate or by a State legislature. It was also a week in which Ervin voted "yes" on the administration's immigration reform bill while the Senators from Virginia and South Carolina and Georgia, Mississippi, and Alabama—and indeed Senator Everett Jordan, of North Carolina—were voting "no."

The bail reform bill does the most to demonstrate the inadequacy of describing Sam Ervin in terms of no more depth than "Southern conservative."

Ervin is chairman of the Senate Judiciary Committee's Subcommittee on Constitutional Rights. It is a busy subcommittee which, this year, has been involved in studies of the constitutional rights of accused persons, of military personnel, of the American Indian, of the mentally ill and so on.

For several years the subcommittee had been studying bail reform proposals. Ervin felt, as many reformers have, that the standard practice of requiring an accused man to post bond in order to secure his freedom pending trial is a hardship on the poor. "Thousands of citizens are confined each year not because they are guilty of a crime but because they cannot afford to post bond," the Senator said.

BREAKING THE PATTERN

So the bail bill which passed the Senate represents an effort to break the pattern. Judicial officers are urged whenever possible to rely on the accused's own responsibility and his ties to his community. The bill represents, then, hardly the tough stand against accused criminals that one might expect from just another southern conservative.

The record of the Senate and of the Constitutional Rights Subcommittee is filled with examples of what might almost be called the civil libertarianism of Sam Ervin. In May, on the question of preventive or investigative arrests, the Senator said:

"No principle of law has ever been developed which would authorize a policeman to arrest anyone who has not yet committed a crime." And on censorship, discussing a District of Columbia crime bill which would have assigned stiff penalties for distributing obscene matter:

"Notions of what is obscene or offensive to public decency widely vary. There is no legal or common law definition of these terms * * * but the bill attempts to escape challenge to its imprecision by providing criminal penalties which are so severe that many of those who might possibly be affected would be intimidated (in such a way as to) seriously undermine freedom of the press and the free expression of ideas in literature, art, and the theater."

Ervin alone knows how he answers in his own mind the questions raised by his seeming unconcern for the constitutional rights of Negroes. What can be said is that in an age of easy labels, such a man as Sam Ervin is easily misunderstood.

[From the Greensboro (N.C.) Daily News, Sept. 25, 1965]

Busy Senator Ervin Is Rivaling Johnson in Long List of Legislative Interests

(Note.—This is the first of a series of articles detailing the roles played by members of the North Carolina delegation in the 89th Congress, now drawing to a close.)

(By Roy Parker, Jr.)

Washington.—Lyndon Johnson had his Great Society program.

Senator Sam Ervin, Jr., of North Carolina, had his own.

As Congress grinds slowly toward adjournment, there is a question of which one had the longest list of legislative interests.

Although Congress has been criticized as old, tired, and creaky, 68-year-old Ervin has been busier than a horse fly in a corral.

"It has undoubtedly been the busiest year I have had here," Ervin said this week, looking back over his 11 years in the Senate.

Most of Ervin's legislative interests have been a product of his services on the Senate Judiciary Committee.

Many of them have been outside the realm of White House interests.

But Ervin has also been involved in fights over administration legislation.

He didn't seek it, but the senior North Carolina Senator wound up in the thick of the battle over the Voting Rights Act.

"After the fight last year, I thought we would be free from civil rights bills this year," Ervin said.

But it didn't work out that way. Ervin, an implacable foe of rights legislation, conducted the hearings on the voting rights bill. He thinks he helped soften the provisions so that areas in which there has been no racial discrimination can more quickly get out from under the law's provisions.

The voting rights fight tied up Ervin's time in the earlier part of the congressional session.

But despite it, the Senator from Morganton found time to push legislation modernizing bail procedures in Federal courts (that bill passed the Senate last week); hold cleanup hearings on Indian rights bills, and handle an administration-sponsored bill providing training assistance for law-enforcement officers.

In addition, Ervin cosponsored freedom of information legislation, designed to open Government records to the public; held hearings on a bill that would have restricted information given out in courts (he opposed the bill), and took part in preparing judicial legislation for the District of Columbia.

In the meantime, the Senator also took part in maneuvering over a sports antitrust bill, tried to fashion a bill to protect the American alligator, and pushed for a bill establishing the Appalachian Trail as a permanent part of the American landscape.

As the session neared its end, Ervin was involved in the battle over immigration legislation. After helping conduct hearings on the administration bill, Ervin fought to have it amended to include South America under new, more liberal immigration quotas. Originally opposed to any change in present policy, ERVIN helped fashion the new bill "when I saw we were hopelessly outnumbered."

The immigration bill was one of the frequent instances when ERVIN's own Great Society ideas clashed with those of the President.

In the coming days, ERVIN will be battling a major administration proposal—the bill to repeal section 14(b) of the Taft-Hartley Act.

During his busiest year, ERVIN took time out to personally represent a textile firm in a case before the U.S. Supreme Court.

Thus, when the time came for management to fight the labor backed 14(b) repealer, ERVIN was naturally called on to lead what could be a major filibuster.

Despite his long record as a marathon talker, ERVIN was reluctant to lead the floor fight. But, in tandem with Republican Leader EVERETT DIRKSEN, ERVIN has now agreed to test the mettle of the administration over the key bill.

Although he did not take a major part in debate over most of President Johnson's other Great Society items, ERVIN did have something to say on many of them.

He supported limiting amendments on most of the administration bills which he finally supported—aid to education, antipoverty, the Regional Development Act, and the excise tax cut.

He opposed medicare, the housing bill, the Department of Urban Affairs, and foreign aid.

With his busiest year now mostly behind him, ERVIN is ready to head for home—as soon as the 14(b) fight is over.

"I've been so busy there is a sense of frustration * * * sometimes you don't get to see what you are doing," he said last week.

On the other hand, ERVIN plans a busy year in 1966, mainly pushing the legislation which was drawn under his direction—bail reform, Indian rights, and freedom of information.

He also hopes to be busy helping choose a North Carolinian for a new Federal circuit court judgeship which is expected to be authorized.

In his year of intense activity, ERVIN has had some new staff help.

George Autry, a Wilmington native and Duke Law School graduate, moved up to become ERVIN's principal legislative assistant during the year.

ERVIN, known as a man who likes to do much of his own homework on legislation, has given Autry credit for adding a new dimension to his preparations for committee and floor work.

"During the voting rights fight, the whole Justice Department was on the other side," chuckled ERVIN. "I had George Autry."

TRIBUTE TO EUGENE M. ZUCKERT, SECRETARY OF THE AIR FORCE

Mr. KENNEDY of Massachusetts. Mr. President, in November of 1963, while dedicating a new Air Force Medical Center, President Kennedy said:

> This Nation has tossed its cap over the wall of space and we have no choice but to follow it.

It was to Eugene M. Zuckert that he had given the responsible task of guiding the new space programs as Secretary of the Air Force. Now after 5 years of dedicated service, Mr. Zuckert is leaving this important post where his experience and leadership will be sorely missed.

I know the high regard that President Kennedy had for Secretary Zuckert and I know that he has served President Johnson with the same high degree of competence and efficiency. Mr. Zuckert was associated with the Air Force even before it became an independent service in 1947. As Assistant Secretary and as Secretary he has carried great responsibility for the conduct of Air Force programs and the management of the Department. He has been an essential planner and implementor of the nuclear space age projects.

Our Nation has benefited greatly from Secretary Zuckert's able, dedicated and ceaseless efforts to strengthen our national defenses. I would like to thank and commend him for his fine record of public service and wish him success with whatever future endeavor he undertakes.

HOME RULE OR HOME RUIN

Mr. ROBERTSON. Mr. President, the House and Senate have passed such widely different bills on District of Columbia home rule that any compromise hastily worked out in the few remaining days of this session would have to be an unsatisfactory patchwork.

The form of government we are to have in this National Capital is far too important a subject to be settled on the basis of expediency—and that is what the result would be if we attempt to tie these two divergent plans together.

The Sisk bill adopted by the House is less objectionable than the Senate measure, but only because it gives both the people of Washington and Congress an opportunity to take another look at this problem and decide it with more deliberation.

But neither bill overcomes my basic contention that this Congress cannot, as the Constitution now stands, divest itself of the duty to exercise "exclusive" legislative authority over the seat of the National Government.

I believe the Founding Fathers displayed wisdom and foresight in deciding to establish the Capital City on a Federal reservation, free from the jurisdiction of any of the States. In this way the people of all the States can look upon it as their Capital.

In the beginning the drafters of the Constitution thought they could permit the residents of the National Capital to manage their own affairs, as all other American cities do, and at the outset—in 1802—they gave the city a locally elected council, with a Mayor appointed by the President.

And, for a period of more than 70 years Congress experimented with a variety of home rule plans. But under all of these plans it became clear that no local community could meet the financial requirements of building a city in keeping with its role as the National Capital.

In the early 1870's the financial plight of the District was serious. During the preceding 35 years the Federal Government had provided about 40 percent of what was spent on the city, but historians tell us the city was still heavily in debt when Congress decided to end home rule and begin exercising the exclusive jurisdiction called for by the Constitution.

In the current discussion of home rule little or nothing is said of the city's unhappy experience with self-government in its early years. In fact, some home rule enthusiasts who have not taken the time to read the early history of the city, have spoken of self-government as something Washingtonians have never possessed.

Actually, Congress solemnly decided in 1878 that the National Capital could be governed best as a Federal City, under Commissioners appointed by the President, and I submit that the appearance of this beautiful Capital today, with its ornamental buildings, its spacious parks, and numerous shrines, proves the wisdom of that decision. It is the most beautiful city in the world.

Mr. President, if the people who lived in Washington in the 1870's were unable to meet the financial requirements of the skeleton Capital of that period, how could they hope to meet the heavy cost of maintaining the elaborate city of today?

The answer is that they could not do so without calling on the Federal Treasury for a large part of the cost. And the backers of the administration's home rule bill admitted this fact by declaring that the backbone of their bill was the provision for an automatic Federal payment based on tax rates fixed by the locally elected officials.

The Senate, I am sorry to say, swallowed without wincing this unconstitutional delegation of authority to tax Federal property. The House, however, balked at depriving Congress of its right and obligation to pass annually on the amount of the Federal payment.

When the home rule issue was before the Senate in July, I opposed it on the ground that, no matter how the bill was worded, this Congress could not—without a constitutional amendment—divest itself of the obligation to exercise control over the seat of government.

Furthermore, I am convinced that we would not have given up that obligation even if the House had accepted the Senate bill. Even the authors of the administration bill conceded this fact by including in their bill provision for the election of a nonvoting delegate from the District to sit in the House.

Why have such a delegate unless you anticipate that under home rule Congress will continue to intervene in any local issue which the Members of Congress believe is not being handled in accordance with the best interests of the Nation's Capital?

The answer is that the nonvoting Delegate would be the busiest of all the local officials because Members of Congress would constantly be introducing bills to undo some act of the locally elected Mayor and Council.

But the automatic Federal payment in the Senate bill was a serious threat to the jurisdiction of Congress because we would have had no opportunity to review the reasonableness of that payment if the House had not eliminated that provision from the Senate bill.

It would still be entirely possible for Senate conferees to try to persuade the House to accept that payment plan if we attempt to complete action on this subject now but I hope that the House will never yield on that vital principle. That is one reason why I hope congressional leaders will let this whole issue go over until next year.

Although more than 2 months have passed since the Senate considered home rule, I am still amazed by the fact that the Senate was willing to accept the provision in the administration bill under which a Mayor and City Council could have assessed for purposes of taxation the White House, this Capitol Building, and all the other structures actually used to house the Federal Government.

A more outlandish part of the plan would have allowed the local officials to impose a business franchise tax on the Federal Government, based on the number of employees, as though we were operating a shoe store on Pennsylvania Avenue instead of a great National Government.

It was argued in defense of this preposterous proposal that a Federal agency—the General Services Administration—would pass on the reasonableness of the local assessments. But the locally elected officials would still fix the tax rates to be applied to the assessments, and if they raised the rates on local property owners they would automatically be increasing the Federal payment to the District.

Senators who favored this plan when it was before the Senate should join me now in urging a postponement of any further action at this session, because if by any chance the conferees should succeed in reviving this part of the Senate bill, some Senators may find it hard to explain to their folks back home why they permitted the city of Washington to tax Federal property when no other city can tax the post office on Main Street, and no county can tax national forest or national park.

Senators from the public lands States of the West should be particularly concerned about this feature of the home rule bill, because large areas of their States belong to the Federal Government.

The Department of Justice attempted to justify the taxing power in the home rule bill on the ground that it would be done under a formula laid down by Congress, and because similar formulas have been applied to areas taken over by the Tennessee Valley Authority and the Atomic Energy Commission.

But even if the constitutionality of these actions is admitted, I believe members of the Appropriations Committees of the two Houses should consider where this whittling away of their control over Federal expenditures will stop.

In urging a further delay until next year on the final draft of the bill, I want to remind my colleagues of what has happened during the short interval since the Senate voted in July.

In that interval the House supporters of the Senate bill were forced to abandon the automatic Federal payment. They kept the assessment formula as a sort of recommendation, but left the actual decision on the size of the Federal payment where it always has been—in the congressional Appropriations Committees.

One colloquy which took place in the House demonstrated how absurd it would have been to start out assessing all of the Federal buildings in Washington as a basis for taxation.

Representative SLACK, Democrat, of West Virginia, inquired what method was used in arriving at a figure of $57 million as the valuation placed on the Nation's Capitol.

Representative MULTER, Democrat, of New York, said he assumed the appraisers "used whatever is the usual method of appraisal in arriving at that."

Mr. SLACK replied that he believed market value is defined in the States as what a willing buyer will pay a willing seller.

"Who has offered a price for the building and who is willing to sell the building?" asked Mr. SLACK.

"This is the only way to arrive at true market value."

The West Virginian also inquired whether the Capitol would be worth more or less a year from now.

Mr. MULTER finally pointed out that under his compromise bill the recommendations of the appraisers would be immaterial, because under the modified bill the Appropriations Committees would decide whether the Federal payment would be 5 cents, $1 million, or $50 million.

Mr. President, when we consider the extent to which supporters of the original administration bill watered it down in the short space of 2 months, since it passed the Senate, I think Senators who voted for it in July would be well advised to heed my plea to take a few more months to study carefully the two widely different plans which now confront the two Houses.

And, if this course is followed, I would suggest that Senators spend a little time during the recess reading up on the history of the sad state of District affairs during the previous era of home rule.

INDIANA PARTNERS IN THE ALLIANCE FOR PROGRESS SPEED SURGERY FOR BRAZILIAN DOCTOR

Mr. BAYH. Mr. President, I invite the attention of my colleagues to an exceptional example of international good will which has just occurred between the people of my State and the people of Rio Grande do Sul, southernmost state of Brazil. First, however, let me provide a little background.

Indiana and Rio Grande do Sul are partners in the partners of the alliance program of the Alliance for Progress. This people-to-people activity has been in existence for only a few months; I was privileged to be present at an organizing meeting of the Indiana partners in Indianapolis early in December 1964. It is my understanding that there are now approximately 30 States of the United States whose citizens are volunteers in partner programs with people in various countries throughout Latin America.

As in other States, genuine friendships and effective work are being developed by the private citizens of Indiana and Rio Grande do Sul, despite the 6,000-mile barrier. People from all segments of society—labor, farm, business, and religious groups, and unaffiliated individuals—are working together to solve human problems and to provide what is necessary to help people to help themselves. Despite the limited amount of time each can give, they have found time to get several important projects underway on a people-to-people basis.

I am proud of every one of those efforts because they are exciting demonstrations of human decency in action. But the one that has just occurred is especially noteworthy because it came about by exceptional resourcefulness and generosity of numerous individuals.

A few weeks ago, the case of Dr. Ithamar Barros Morais of the city of San Gabriel in Rio Grande do Sul was called to the attention of members of the Indiana partners by their fellow partners in Rio Grande do Sul. Dr. Morais, 37 years old, married, and the father of five children, had a calcified heart valve and was given little chance to survive more than a year without an operation to replace the heart valve with a mechanical valve. But the operation is not yet being performed in Brazil and his meager salary of 200,000 cruzeiros—$110—a month made help in the far-off United States seem out of the question.

Since Dr. Morais was an agronomist for the Rio Grande do Sul Department of Agriculture and there is a scarcity of trained agricultural specialists in Brazil, his importance as a "special case" was self-evident to the Indiana partners. They went to work at once and were able to make arrangements with the Indiana University Medical Center in Indianapolis, one of the few places in the world where such delicate operations are performed. Furthermore, officials of Eli Lilly and Co., an international pharmaceutical firm, agreed to provide translating services, and administrators of the State board of health helped to resolve all remaining problems. Indeed, the response of these persons was warm and enthusiastic.

Dr. Morais was informed that his impossible dream was about to come true. The president of Varig Airlines of Brazil provided plane fare for Dr. Morais and his wife. They arrived in Indianapolis August 6 and numerous tests were immediately undertaken. Monday, August 23, surgery was recommended and was set for Monday, August 30.

Eleven pints of O-positive blood, to be drawn no more than 18 hours prior to operation, were required. A public appeal for the specific blood type was issued in the press, radio, and television, and less than 24 hours later 38 persons with O-positive blood had responded. Think of it. Thirty-eight people responding without thought of compensation of any kind, for a stranger from 6,000 miles away—just because he was a fellow human being in need.

Dr. Marais underwent survery on schedule and he is being released from the medical center. If all goes well, he should be able to return to the big gaucho country of San Gabriel very soon. And when he does return, he will be a living example of the wonders of modern medicine. I believe that he will also be a celebrity because his experience has been widely reported throughout Brazil.

But more important, Dr. Morais will be able to return to his family and the work for which he was trained. It is a splendid example of the spirit of humanity and constructive action that must continue at the grassroots if the objectives of the Alliance for Progress are to be realized.

PRESIDENT JOHNSON'S IMAGE IN EUROPE

Mr. McGEE. Mr. President, in today's Washington Post there appears an excellent article by Roscoe Drummond which relates how the image of President Lyndon Johnson has changed in Europe from that of an American provincial to that of a man competent to handle complex international matters with skill and subtlety.

Mr. President, Mr. Drummond's analysis is a reasoned account of how President Johnson has demonstrated skills of leadership in times of crisis. His thoughtful and subdued statesmanship in the India-Pakistan crisis being the latest case in point. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 30, 1965]

PRESTIGE ABROAD—CONFIDENCE IN JOHNSON RISES

(By Roscoe Drummond)

LONDON.—Throughout most of Western Europe, confidence in and support for U.S. policy are higher than at any time since President Kennedy's masterly handling of the Cuban missile crisis.

In the wake of this Soviet-United States confrontation in 1962 American prestige soared among all the Atlantic allies. European statesmen saw this as Mr. Kennedy's crucial test and when he handled it decisively, carefully, and successfully—without war—all Europe breathed a tremendous sigh of relief.

They have not had the same confidence in President Johnson.

But they are beginning to get it.

There are two reasons for this:

1. Mr. Johnson is disproving the premature cliche, that while he was deft and resourceful in domestic affairs, he was clumsy and heavy-handed in foreign affairs.

2. Several events over which the President had no direct control are taking shape in such a way as to show the validity of the course he has been following and are improving the image of the United States in Europe.

President Johnson's initiative in five areas of foreign policy are winning him wider respect over here:

His tactful even-handedness in the India-Pakistan war and his subordinating of his own role to that of the U.N.

His creative proposal to join with the Soviets in destroying a substantial number of atomic bombs.

His patient negotiation of a new treaty with Panama granting Panamanian sovereignty over the Canal Zone.

His evident eagerness to remove U.S. Marines from the Dominican Republic as soon as a stable regime emerges.

His measured use of power to defend South Vietnam without bringing Red China into the conflict.

The President's handling of foreign affairs, as seen in Western Europe, has also had some unearned dividends.

Mr. Johnson could not have foreseen that his repeated offer of a peaceful settlement in Vietnam would bring such bald disdain from Red China as to make Washington seem downright pacifist compared to Peiping. It is now increasingly evident that it is not the United States that is blocking the way to the conference table.

The President's willingness to pursue a "parallel policy" with Moscow in the India-Pakistan conflict is warmly welcomed here.

Even our resistance to Red China's admission to the U.N. is more sympathetically understood because of Peiping's aggressive resort to military threats.

Europeans are feeling better about Mr. Johnson than they ever thought they would.

BANK AND FUND MEETINGS—INTERNATIONAL MONETARY REFORM

Mr. JAVITS. Mr. President, as a congressional observer of the U.S. delegation to the current annual meetings of the IMF, IBRD, IDA, and the IFC, I have been following closely the positions taken by key members of the Group of Ten toward reform of the international monetary system.

In view of the growing concern of my colleagues as well as the general public with regard to this subject, I ask unanimous consent that the communique issued by Ministers and Governors of the "Group of Ten" on September 28 as well as the statements made yesterday by Secretary Henry Fowler, United Kingdom Chancellor of the Exchequer James Callaghan, and French Finance Minister Giscard d'Estaing may be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

COMMUNIQUE OF THE MINISTERS AND GOVERNORS OF THE "GROUP OF TEN" ISSUED ON SEPTEMBER 28, 1965

1. In the course of the annual meeting of the International Monetary Fund in Washington, the ministers and central bank governors of the 10 countries (Belgium, Canada, France, Germany, Italy, Japan, the Netherlands, Sweden, the United Kingdom, and the United States) participating in the general arrangements to borrow met under the chairmanship of Mr. Emilio Colombo, Minister of the Treasury of Italy. Mr. Pierre-Paul Schweitzer, Managing Director of the International Monetary Fund, took part in the meeting, which was also attended by the Secretary General of the Organization for Economic Cooperation and Development, the general manager of the bank for International Settlements, and the president of the Swiss National Bank.

2. They noted that, since their meeting in Paris in December 1964, the members of the Group had been called upon, in May 1965, to provide additional supplementary resources to the Fund in the amount of $525 million. This brings the cumulative use of the general arrangements to borrow to the amount of $930 million. The use made of the general arrangements to borrow has demonstrated once again the important contribution which those arrangements provide to the smooth functioning of the international monetary system.

3. The general arrangements to borrow were originally made effective from October 1962 to October 1966. It was stipulated that a decision should be taken on renewal of the arrangements before October 24, 1965. The Managing Director of the Fund has indicated his continuing need of these supplementary resources. The Ministers and Governors agreed that the arrangements should be renewed for a second period of 4 years. However, they would suggest, in the light of increasing experience with these credit facilities, that a review be undertaken in due time for the purpose of considering whether some adaptation would be desirable in October 1968 or later.

4. The Ministers and Governors reviewed developments in international payments during the past 9 months and reaffirmed the increasingly vital role of close cooperation of the Group in the light of the inevitable tendency of any major financial stresses and imbalances in payments to have consequences of importance to all members of the Group. They also noted with approval the putting into effect of the program of multilateral surveillance recommended by Ministers in August 1964; this program had contributed to a better understanding of the ways in which deficits and surpluses were being financed, as well as their repercussions on other countries and on the evolution of international liquidity.

The Ministers and Governors noted in particular that the deficit in the U.S. balance of payments which had for years been the major source of additional reserves for the rest of the world is being corrected and that the United States has expressed its determination to maintain equilibrium in its balance of payments. They welcomed this development in the U.S. international payments position which in itself contributes to the smooth functioning of the international monetary system. At the same time, they concluded that it is important to undertake, as soon as possible, contingency planning so as to insure that the future reserve needs of the world are adequately met.

6. The Ministers and Governors recalled the mandate given to their Deputies in October 1963, to "undertake a thorough examination of the outlook for the functioning of the international monetary system and of its probable future needs for liquidity." They noted that their Deputies had submitted to them an interim report on these problems in July 1964, and had arranged for a detailed examination of various proposals for the creation of reserve assets by a special study group. The report of this group, which has now been published, will facilitate, through its exposition of the elements necessary for the evaluation of various proposals for reserve creation, the acceleration of the work of contingency planning.

7. Therefore, as the first phase of contingency planning, the Ministers and Governors gave instructions to their Deputies to resume on an intensified basis the discussions which were the subject of the Annex to the Ministerial Statement of August 1964. The Deputies should determine and report to Ministers what basis of agreement can be reached on improvements needed in the international monetary system, including arrangements for the future creation of reserve assets, as and when needed, so as to permit adequate provision for the reserve needs of the world economy. The Deputies should report to the Ministers in the spring of 1966 on the progress of their deliberations and the scope of agreement that they have found. During the course of their discussions, it would be desirable for the Deputies to continue to have the active participation of representatives of the Managing Director of the International Monetary Fund, and also of the Organization for Economic Cooperation and Development, and the Bank for International Settlements. The Swiss National Bank will also be invited to continue to send its representative to the meetings of the Group.

8. The Ministers and Governors recognized that the functioning of the international monetary system would be improved if major and persistent international imbalances would be avoided. They recalled that, in their statement of August 1964, the Ministers and Governors had invited Working Party 3 of the Organization for Economic Cooperation and Development to make a thorough study of the measures and instruments best suited for achieving this purpose compatibly with the pursuit of essential internal objectives. They expressed the hope that Working Party 3 would be in a position to make their views known at about the same time as the deputies of the Group of Ten report to the Ministers and Governors.

9. The Ministers and Governors recognize that, as soon as a basis for agreement on essential points has been reached, it will be necessary to proceed from this first phase to a broader consideration of the questions that affect the world economy as a whole. They have agreed that it would be very useful to seek ways by which the efforts of the executive board of the Fund and those of the Deputies of the Group of Ten can be directed toward a consensus as to desirable lines of action, and they have instructed their Deputies to work out during the coming year, in close consultation with the Managing Director of the Fund, procedures to achieve this aim, with a view to preparing for the final enactment of any new arrangements at an appropriate forum for international discussions.

Statement by the Honorable Henry H. Fowler, Secretary of the Treasury and Governor of the Bank and the Fund for the United States, at the Fund's Annual Discussion

We are complimented by the presence in our Capital City of so many distinguished people, from so many nations throughout the world. With the addition of Zambia last week and of Malawi in July—to whom I extend my own and my country's hearty welcome—the Fund now numbers 103 countries.

Each of the annual meetings of the great organizations for international financial cooperation that we take part in leaves the world a little changed, and changed for the better. What we say each year rests upon what we have accomplished, and what we have learned, in another year of worldwide cooperation and constructive endeavor in the management of our financial and economic problems.

This year—my first as a Governor of the Fund—we can look back with special pride. During the year just past our processes of consultation and cooperation passed stern tests of their practical effectiveness. We are implementing a significant increase in IMF quotas. The General Arrangements To Borrow were twice called into operation and the participating countries have indicated that they are prepared to continue the arrangements if the Fund so requests.

I consequently look forward with confidence to continued progress in seeking a consensus on matters of very far-reaching importance for all our countries, and for a long time ahead.

I hope that when we meet next year we will find ourselves near the final stages of policy agreement in the field of improved international monetary arrangements.

The United States regards the Fund as an essential part of international financial arrangements. Since the inception of the Fund, large sums in dollars have been used by the Fund to accommodate drawings by other countries. Over the years, these dollars have been repaid to the Fund.

In the last 2 years, my country has also drawn on the Fund. Our drawings have been, in large part, technical arrangements making possible the continued use of dollars in the settlement of the obligations of other countries with the Fund.

However, at the end of last July, the United States made a regular drawing of US$300 million through which it acquired foreign currencies for its own use in financing international payments.

All of these events provide evidence that the availability of Fund resources is increasingly important for all of the Fund members, large or small, industrial or developing.

The economic health of the United States affects world economic health in many ways, but in no way more fundamentally than in the reflection of U.S. economic conditions in the strength of the dollar.

During the past year the value of the dollar—and therefore the value of that large part of the world's monetary reserves kept in dollars—was reinforced in two ways: continued vigorous and sound economic growth in the United States, and progress toward eliminating our balance-of-payments deficit.

In the fiscal year ending last June, national output increased by about US$41 billion, equivalent to almost 5 percent in real terms, continuing the longest peacetime economic expansion we have known. Prospects for maintaining our forward momentum are favorable. Despite its record length of 55 months, the current expansion has remained remarkably well-balanced and free from inflationary distortions.

In our manufacturing sector, increases in productivity and in wages received have been sufficiently in harmony so that labor costs per unit of output over the past year have again been stable. Since 1960, our unit labor costs have declined by 3.3 percent. We calculate that the recent key settlement in the steel industry, provides increased wages and benefits over a 39-month period equivalent to a little over 3 percent per year. We are hopeful that this will help sustain a pattern of balance between wages and productivity in industry generally, and will be accompanied by a continuation of stable prices.

Under the stimulus of improved incentives and prospects for expanding markets, capital spending by private industry continues to move ahead vigorously, as it has over the past 3 years, providing assurance against strains on capacity.

In the light of this continued expansion in the domestic economy of the United States, it is particularly encouraging that I am also able to report a significant improvement in the U.S. balance-of-payments position since the announcement of President Johnson's program on February 10. In the second quarter of this year, we have experienced a surplus of US$119 million, seasonally adjusted, compared with deficits of US$780 million in the first quarter and US$1,551 million in the fourth quarter of 1964.

We do not by any means conclude from 3 months' data that our balance-of-payments problem has been solved. Over any short-term period, balance-of-payments accounts exaggerate the effects of particular transactions, whether these be favorable or unfavorable. On balance, we believe that our second quarter figures were distorted in a favorable direction.

I regard it as more prudent for us to look at the combined results of the first and second quarters of the calendar year. During the first half of 1965, our balance-of-payments position was much improved, although there was still a deficit. This amounted to US$661 million in the 6-month period and represents an annual rise of about US$1.3 billion.

The figures I have used are in terms of the "regular" deficit concept which has been used generally in recent years in our balance-of-payments accounting. This concept has been criticized in that it includes in our deficit additions to private balances of dollars which represent working balances and investments by private parties. As many of the Governors know, we intend to report our balance-of-payments data on the official settlements basis as well as the usual form in order to make our figures more comparable with those of other countries. On the official settlements basis our deficit in the first half of the year, seasonally adjusted, was about US$400 million, or an annual rate of US$800 million.

This improvement gives us confidence that our efforts over several years, supplemented by a vigorous new attack on the problem proposed by President Johnson last February, are moving the United States toward the equilibrium we are determined to attain and sustain. Our programs will be vigorously pursued until we are certain that the conditions have been created in which equilibrium in our international accounts can be sustained. In this, it is clear that we have the support of the Congress and the U.S. public at large.

This brings us to the heart of the matter: Will the free world continue in the years ahead to be able to increase the reserves in our international monetary system sufficiently and in season to be certain that the sound employment of the world's economic resources for growth and improvement is not crippled by inadequate financial means?

This question must be asked because in the future the world's reserve needs will no longer be met by U.S. deficits, and because in recent years additions to reserves have depended so heavily upon dollar outflows. The record is as follows:

The United States has supplied about three-quarters of the new reserves accumulated by the rest of the world since the end of 1958. Only about one-quarter of this increase came from new supplies of monetary gold and from the credit operations of the International Monetary Fund. We estimate that as of the end of 1964 more than a quarter of the official reserves of the rest of the world was held in the form of dollars.

Reserves deriving from the U.S. deficit grew in two forms—dollar balances held as such, and dollars acquired and converted into gold. The latter development, of course, resulted in a decline in U.S. reserves.

Thus, we have before us a problem of conflicting objectives. Resolution of this problem is of central importance to the United States and to the rest of the world:

(a) On the one hand, there is the need to achieve and sustain equilibrium in the U.S. balance of payments, in order to preserve the integrity of the dollar at home and abroad, to the end that the dollar can continue to function as an essential part of the world's monetary system, and in order to arrest further drains on U.S. reserves; and

(b) On the other hand, there is a need to continue to supply additions to reserves for continued economic expansion and betterment in all our countries.

All our countries are fully committed to a policy of dynamic growth in a dynamic world economy. This means growing international trade, growing domestic supplies of money, growing national outputs, and growing real incomes and profits.

If this expansion is to occur it is reasonable to expect that the free world, including the United States, will in the course of time face growing needs for monetary reserves.

We can hardly expect that either the industrial nations that have experienced such reserve growth or the rest of the world can be satisfied very long to limit future growth in reserves to the very modest level of new monetary gold supplies and such limited increases as come from normal IMF drawings.

These are the principal considerations that led my Government to take the initiative in suggesting that it is now time to negotiate new monetary arrangements which will enable the nations of the world to deal with future demands upon the international monetary system.

It is not my intention in these remarks to comment on the substantive proposals and the issues that have already been set forth for us in the work of the deputies of the Group of Ten, the Ossola Group, and the Reports of the International Monetary Fund. The process of attaining a general consensus on the best ways of providing additional reserve assets will take time and great effort.

I do, however, wish to draw your attention to some important objectives to keep in mind as we go forward with the work of improving the international monetary system.

1. As I have stated, we should not expect to rely upon the dollar to continue to supply the major part of the growth in world reserves. The responsibility for providing reserves should be shared. This means that other ways of creating reserve assets will be needed to provide assurance that their total will grow at a rate that will encourage a continuation of the impressive growth in world economic production and trade.

2. The adjustment of imbalance should be brought about firmly but smoothly, in order to avoid disrupting effects on other countries and on the system as a whole. And here I want to stress that it is of key importance for surplus countries to adjust their positions as well as for deficit countries to do so. The adjustment burden not only should not—realistically, it cannot—rest solely on deficit countries. In the field of medium-term credit, in which the Fund has a preeminent place, we should assure that there are adequate amounts of such credit available to enable the adjustment process to function in ways consistent with the economic and political realities of modern society.

3. We should, at the same time, perfect the defenses of the international monetary system against its vulnerability to massive destabilizing movements of funds. In this area, international monetary cooperation in general, and especially short-term credit facilities among major countries, are important.

As I have said before, in pursuing these objectives the United States is wedded to no specific plan. We are impressed with the wide variety of technical possibilities which have been developed in the writings of distinguished economists here and abroad. And we have, in addition to these plans, the extremely valuable exploration of basic issues that has been developed by the Study Group on the Creation of Reserve Assets, under the chairmanship of Mr. Rinaldo Ossola, of Italy. This report not only provides a useful guide to current concepts, but has brought out clearly that the obstacles to progress are not questions of technical ability to create reserve assets, but policy issues concerning how, when and where to create and distribute them. The problem is to reconcile the objectives of governmental policies so as to find ways of making progress that will find broad support.

It is therefore appropriate and gratifying that the Ministers of the Group of Ten have decided on Monday of this week to move from preliminary and technical consideration of improvements in the international monetary system to a level of active negotiation among responsible policy officials.

This is the first phase of preparation for new and improved international monetary arrangements. I urge that these negotiations to identify a broad measure of underlying agreement go forward with concentration, vigor, and dispatch.

It is commendable that the Ministers of the Ten have requested the active participation in this first phase of preparation of the representatives of the Managing Director of the International Monetary Fund and of the OECD and Bank for International Settlements in these deliberations.

With respect to the Fund itself, it is the hope of the United States that in this first phase of preparation the management of the Fund will keep the executive directors fully appraised of work going on in the Group of Ten, and that the Fund will keep the Group of Ten informed of results of discussions and considerations by the Executive Board of the International Monetary Fund.

Beyond this, there lies a second phase of preparation of the utmost importance, on which the United States has been both insistent and persistent in its pursuit of appropriate preparation for an international monetary conference. This second phase should be designed primarily to assure that the basic interests of all members of the Fund in new arrangements for the future of the world monetary system will be adequately and appropriately considered and represented before significant intergovernmental agreements for formal structural improvements of the monetary system are concluded. Within the Fund membership there are variations in the extent to which individual countries are able to, or choose to, accumulate and hold large reserve balances. All, however, have a vital interest in the evolution of the world's monetary arrangements.

Twenty-one years ago, the Coordinating Committee of Bretton Woods Conference submitted to the full Conference its report recommending that the IMF and IBRD be favorably considered by governments. The section of the report dealing with the IMF began with these words:

"Since foreign trade affects the standards of life of every people, all countries have a vital interest in the system of exchange of national currencies and the regulations and conditions which govern its working."

I believe that thought is as true and as important today as it was in 1944.

It is true that only a limited number of countries hold the bulk of the official reserves of the world. No doubt these countries, including my own, have deep interests and responsibilities of a unique kind in the system by which reserves are generated and regulated. But other countries, which are not large reserve holders, also have legitimate and vital interests in these matters. This is why all the countries of the free world have a fair and reasonable claim that their views must be heard and considered at an appropriate stage in the process of international monetary improvement.

I welcome the action of the Group of Ten ministers and governors in recognizing this essential requirement for our continued efforts toward improvement of the free world's international monetary system. The United States views with hearty approval the Managing Director's suggestions to make suitable arrangements so that the efforts of the Executive Directors of the IMF and those of the Deputies of the Group of Ten can be directed toward a consensus as to desirable lines of action and the agreement of the Ministers of the Group of Ten on this point. We are looking forward to bringing together these two groups, which together can contribute so much experience and knowledge to the solution of the world's monetary problems, into full-fledged preparatory discussions. This combination provides an adequate and appropriate preparatory committee for a significant international monetary conference, provided, of course, that a meaningful basis for substantive agreement can be reached in advance.

Let me close with a plea that formidable and complex as is the task of extending and improving the workings of our international monetary system, we lift our eyes from it long enough to see what it is, in reality, that we are about.

Let me say—and President Johnson's policies in this respect as in many others are predicated upon this—that what we are engaged upon is the task of creating in the free world an international monetary structure strong enough, flexible enough, and with adequate elements of growth, to provide the financial framework for the building of a greater society of nations.

These international arrangements we debate, the improved international monetary system that we grope toward, are the extension of the great international task of economic development to which so many of us have dedicated so much of our resources.

I say this not to magnify our undertakings, but to give them the inspiration of their true perspective setting.

Let us build patiently, and strong, for many of our fondest hopes rest upon what we are undertaking in our monetary as in our development tasks. But there is too much to be done to permit us the luxury of delay. So let us go forward, with confidence that the institutions and processes of international consultation and collaboration we have brought into being are adequate to keep our problems from mastering us, and that they will permit, instead, that we shall master our problems, in peace and increasing plenty.

Statement by the Right Honorable James Callaghan, Chancellor of the Exchequer and Governor of the Fund for the United Kingdom, at the Fund's Annual Discussion

It is a notable experience and an honor to attend the annual meeting of the Bank and Fund for the first time, and to take part in the common effort to insure that our international monetary arrangements serve the political and economic progress of the peoples of the world. The degree of success which has been attained so far is due largely to the work of those assembled here today, and especially of the two great institutions, the International Bank and the International Monetary Fund, under whose auspices we are meeting. I wish to express my admiration and gratitude for the reports made to us by these bodies, and for the masterly surveys which have been presented this week by the President of the International Bank and the managing Director of the Fund.

In view of the special role of sterling in world financial affairs, it may be appropriate for me to begin by referring to the present position of the United Kingdom economy and to the increasing strength of sterling. I well understand the keen interest with which the position of the United Kingdom has been scrutinized during the past year, because the strength of sterling is of concern to all. Therefore, I am glad to report that the United Kingdom is firmly set on the course of recovery from the serious balance-of-payments deficit we suffered in 1964, and from the consequential period of uncertainty for sterling that followed. As a result of the drastic measures we have taken, our overseas deficit is being steadily reduced and this, together with the assistance we have received, has made it clear to all that the present parity of the pound sterling is not in question. There was never any doubt in the minds of the British Government about this. We held the view from the beginning that a change in the parity value would not have afforded a solution to Britain's difficulties and could well have added to the problems of other countries. Our determination, therefore, never wavered. In order to overcome the balance-of-payments deficit it has been necessary for us to remove the excess pressure of demand, to bring the growth of public expenditure properly under control, to contain imports, to promote exports, and to reduce the capital outflow.

Taken together, these measures are a formidable burden, but they have been resolutely accepted by the British people, and already we can begin to see the fruits of our policies emerging. We are now in a much better position to increase exports, and indeed in the first 8 months of 1965 they have been 6 percent higher than in the same months of last year. On the other hand, imports have risen by less than 1 percent. The long-term capital outflow has been much reduced, and I can confirm that the latest estimates we have made show that Britain's payments will be back into balance in the course of 1966.

But we are not content to leave the matter there. We do not intend to revert once again to the position we faced in 1964. Therefore, while taking the short-term measures that have effected such a marked improvement in our balance of payments, we are now engaged in the long-term task of creating a more dynamic and competitive economy. Following months of consultation with industry about their future proposals for investment, manpower requirements, export potential, and other questions, the Government has published a national plan for the economy from now until 1970. The aims are straightforward—to pay our way, to grow faster, and to get a better regional and social balance in the use of our resources. We intend to achieve these aims by putting a new thrust into productivity and into the redeployment of manpower and resources. In this we have the full cooperation of employers and trade unions. The plan provides for a major shift from declining and uneconomic industries to the newer science-based expanding sectors of the economy, such as chemicals, oil refining, telecommunications, manmade fibers, machine tools, and electronics.

A further important step forward has been the widespread acceptance of the need for stabilization of prices, with incomes growing parallel with productivity increases. Both sides of industry have entered into a joint commitment to attack restrictive practices, and progress is already being made in this matter. Recently my Government announced that it will bring forward legislation to put the National Prices and Incomes Board on a statutory basis. This will mean that the board will have power to require witnesses from both sides to appear before it. The legislation will also contain power to defer proposed price and pay increases until they have been considered by the Board. Meanwhile, trade unions and employers are cooperating on a voluntary basis in this program, in advance of legislation, and we trust that this voluntary cooperation will continue. To sum up, we are confident that this collection of short-term and long-term measures will yield increasing results in the years ahead.

The short-term adjustment process on which we are immediately engaged has been made much easier by our substantial drawings from the International Monetary Fund and the short-term borrowing we were able to make last November. I express the appreciation of my Government for the facilities which have been made available. These facilities were reinforced by the recent action by central banks announced on September 10. The present operation is different in nature from that of last November and, as our own measures have become increasingly effective, it has had a dramatic effect in accelerating the recovery of sterling. As I am sure everyone here will agree, these operations have been of vital importance to all by helping to preserve the stability of the international monetary system.

I now wish to turn to the future of international liquidity. This is of special concern to Britain since sterling is one of the major reserve currencies of the world. We are all indebted not only to Mr. Schweitzer but also to Signor Colombo and other Governors for their comprehensive analyses of the problems that face us in this field. They have relieved others of us from the necessity of treading much of the same ground.

Discussion of the issues and techniques involved has gone on for a long time and has spread to ever widening circles. The excellent report by Signor Ossola's group, analyzing and cataloguing the different proposals that have been advanced and summarizing the arguments, now represents a definitive study in this field. It is fair to conclude that the preparatory work has now been done. The time has come for negotiation leading to the preparation of a plan that can be put into effect as soon as agreement exists on the need to do so. I suggest too that a careful reading of the Ossola Report leads to the conclusion that positions which may seem very far apart are in fact preferences about different ways of achieving the same end.

These differences should not be irreconcilable. We have reached a stage where they are reducing themselves to differences in the stress laid on three very real elements in the problem before us.

First, the monetary system must be able to accommodate imbalance, but it cannot work smoothly, or ultimately survive, if the imbalance is too great or continues too long in one direction. It is no solution simply to make balance override all other objectives of policy. We must learn how to combine balance with growth in our system. I look forward to the results of the work which is now being done in Working Party 3 on the adjustment process.

Second, the international monetary system which we have is a mixed system in which gold and currencies exist side by side as reserve assets. This in itself gives rise to risks of instability. But it is no solution to decree that reserves shall therefore consist only of gold and of international reserve units linked to gold. Gold and the reserve currencies and any new units that may be created must continue, in some combination, to exist side by side.

Third, and most important, the system must be capable of expanding the supply of reserve assets deliberately and under some appropriate form of control. But the gold element is inelastic, and we must not continue to rely on the currency element to provide the increase. Some new asset is needed.

Each of these aspects of the problem has been stressed by one or another of our members, and we have reason to be grateful to those who have insisted on their importance. The differences of stress must not now stand in the way of building on the ground which is common to us all.

The United Kingdom Government welcomed at the time the initiative taken by Mr. Fowler in July to insure that we should all press forward in this field. The Group of Ten, which has done so much work in this field, is now prepared to move on to further discussion and negotiation, and the deputies are due to report next spring. That is a welcome development. I likewise welcome the statement of the Managing Director of the International Monetary Fund that it is his intention to continue his examination of the problem. Clearly the results of these two efforts must at some time in the future be brought together.

For this reason, I welcome the statement by the Ministers and Governors of the Group of Ten that as soon as there is a basis for agreement on essential points it will be necessary to proceed to a broader consideration of the questions that affect the world economy as a whole. I take this to mean that, at the next stage, countries which are not included in the earlier discussions will be brought fully into the picture before there is any final enactment of such new arrangements as may be agreed. This stage is necessary in order to insure that the basic interests of all members of the Fund are adequately represented and appropriately considered, for all countries have a vital interest in such arrangements. Only after this has been completed should we be able to proceed to the final stage of enacting the new arrangements at an international conference.

As we are about to embark on a round of negotiations that will, I trust, lead to agreed proposals for action, it would be counterproductive for me to take up a rigid position in advance on the substance of the problems that are before us. I can, however, indicate our general approach.

First, I agree with Signor Colombo that the problem of any new arrangements for reserve creation is essentially of a political nature. It is now for governments to see how far they are prepared to forgo their own particular preferences in the interests of securing agreement. Second, it seems to me that the Managing Director of the International Monetary Fund should be supported in his statement on Monday that "international liquidity is the business of the Fund." It seems to me that in its origin, by its history and through its current activities the Fund has demonstrated that it commands a central place in any new arrangements that may be agreed upon. It follows from this that I hold the view that the creation of liquidity involves a wider circle than that of the reserve currencies and the members of the Group of Ten. I also accept that the creation of liquidity should be a matter of deliberate control.

As between the various families of proposals which provide for the creation of such assets, I would like to make it clear that we in the United Kingdom are ready to consider with an open mind all of these proposals that have been brought forward. The major requirement in my view is that we should make a maximum effort to secure the agreement of all parties legitimately concerned on the way the international monetary system should develop. There is no advantage to the world in all of us holding fast to our own particular preferences for achieving such evolution if the result should be that we were not ready to meet the need deliberately to create more reserves as that need arises.

I turn now to the problems of long-term aid for developing countries. These problems are of great importance in their own right. We cannot accept a world in which two-thirds of mankind live in poverty. This has been the third year in succession in which the total volume of the resources of donor countries devoted to development has increased only marginally over the preceding year, although the terms of aid have tended to improve. Since the economies of the advanced countries have continued to grow, development financing must now represent a declining proportion of their income. I am glad to say that aid by Britain has continued to grow over this period. We naturally regret that in the immediate future we shall not be able to increase our aid as much as we should like to, although we shall continue to improve its quality and effectiveness. Putting it bluntly, we feel that countries with strong balance of payments could and should do more to raise the volume of aid; and we intended to do so as soon as our position permits it.

On the specific issues which are now before us in the field of aid, I can express my views briefly.

First, the relationship between the IBRD and UNCTAD has begun fruitfully. The old and the new organizations have a complementary and not a competing function, and I have no doubt that one will stimulate the other.

Second, Britain has been glad to support the proposal for an increase in the level of funds to be provided next year to IDA from the International Bank's income. I hope that it will be possible to reach speedy agreement about the scale of the resources to be made aavilable to IDA from governments. We are ready to take our full part in the discussions about this.

Third, the terms of aid are now a problem of crucial importance. In an interesting section which forms a new feature of the Bank's report, Mr. Woods has considered, among the problems facing developing countries, the increasing external debt burdens, in the form of interest and the repayment of principal, from the developing to the developed countries. The role of the Bank in preparing the way for IDA, and in bringing this to the forefront has been highly significant. As you will know, we ourselves have adopted a new policy of giving loans on interest-free terms in appropriate cases. In this we were greatly encouraged by the example and experience of IDA.

Finally, the rate of expansion in many of the developing countries may be affected fundamentally by the instability of their export earnings. The matter is of particular importance to a number of countries in the sterling area, and we look forward to seeing the results of the study which the International Bank is making on supplementary financial measures. This could make an important contribution to meeting this problem.

STATEMENT BY THE HONORABLE VALERY GISCARD D'ESTAING, MINISTER OF FINANCE AND ECONOMIC AFFAIRS, AND GOVERNOR OF THE BANK FOR FRANCE, AT THE FUND'S ANNUAL DISCUSSION

The icepack of monetary conformity has finally broken. I am referring here to the icepack that has been freezing the thinking on international monetary issues into a monotonous, complacent chorus for so many years. The task before us now is to find out what lies under the ice—I mean, what the speakers have in mind—as, obviously, matters have not been made absolutely clear. This meeting will desirably help us to clarify the obscure aspects of the situation.

I am not referring here to obscurities of a technical character; in point of fact, I feel that the ministers and governors should not let themselves be involved in technicalities; obviously, a discussion on technical grounds must remain a matter for the experts.

Where our responsibility lies is in presenting the monetary system issue on its real terms and with a reference to its general aspects. As France sees it, the main objective to be attained by all of us is to facilitate a fast and steady growth of the world economy. This poses a two-sided problem: (a) to endow the world economy with a stable and wholly secure international payments systems; (b) to secure for the developing countries the real resources needed for their growth.

These are two separate issues, technically. Psychologically and politically, however, they are linked together.

I should like to deal with them in turn.

Two years ago, in this very place, we advocated a reform of the international monetary system. Our move created somewhat of a shock at the time.

In that initiative we are now joined by major countries, such as the United States of America.

For this, we all must rejoice, frankly and without any reservation.

Let us be assured, however, that no ambiguity remains.

It is legitimate to speak of a reform when the issue is to alter significantly current rules and practices. On the other hand, it is equally necessary to specify the desired orientation so as to avoid any misunderstanding.

Otherwise, the will to reform would suggest the picture of a family, so far united, announcing enthusiastically an intention to take a trip, while half its members are firmly determined to go North, toward the snow, and the other half to the South, where the sun shines.

Where are we headed for?

I shall refrain from using the so-called international liquidity approach. First, because everyone agrees (and agreement has been expressed in this very hall) that the problem remaining to be dealt with, in the immediate future, is one of too much liquidity rather than too little.

I should like to start from a permanent principle in the international monetary field; namely, that of a discipline equally urging all countries to adjust their domestic economies to external financial balance requirements, without excessive delay, although, naturally, without undue rigor.

This would imply: (1) correcting the inequalities inherent to the present system; (2) reinforcing the rules of its operation.

1. As a matter of fact, all countries are submitted to balance-of-payments fluctuations regardless of the degree of their development. On the other hand, the countries running a deficit find themselves in differing situations with respect to the means at their disposal to settle it. Those whose currencies are used as reserve currencies are in a position to obtain implicit credit facilities over long periods of time through the holding of their own currencies by partner countries. The facilities thus made available to reserve currency countries are of dangerous usage, as these countries are tempted to misuse such facilities by postponing as long as they can the implementation of appropriate adjustment policies. In so doing, they may expose the world community which bears no responsibility therein, to a crisis which would be all the more serious as it would be sudden and unpredictable.

One of our aims in reforming must therefore be the elimination of the dangers deriving from these facilities and from the possibility for reserve currency countries to postpone action.

We cannot in fact realistically expect reserve currency countries spontaneously to give up advantages drawn from the current procedures. It is wise for us therefore to refrain from enlarging such advantages.

In pursuing stricter reserve policies since the beginning of this year and in distributing them along lines closer to those of reserve currency countries, France, followed as she was by various other countries, by no means intended to jeopardize international cooperation; what France meant was only to mark the limits which are desirable for the volume and duration of reserve currency accumulations.

2. Once misuses are eliminated, it will be necessary to reinforce the set of rules of which the International Monetary Fund's Articles of Agreement provide the first clauses.

It is not enough to complete the current surveys now being made within the OECD, relative to the adjustment process. We must also determine the respective responsibilities of deficit countries as well as of surplus countries. In such times as those in which the world has been living for the last 20 years, when both the international and domestic economies are submitted to inflationary pressures, it pertains primarily to deficit countries to take appropriate action (as was recalled a moment ago by the Governor for Germany, whose speech I have listened to with melancholy, as he said what I myself intended to say). This does not mean that surplus countries will not have to fulfill certain obligations, particularly, to participate in the financing of international trade and payments. That is why France has been endeavoring for many years to behave as a good creditor; the volume of prepayments of our external debt bears testimony to that policy. Accordingly, in order to encourage a wider use of the French franc abroad, I have just authorized French banks to grant loans denominated in our currency to their foreign correspondents.

Following these remarks, I should like to draw the conclusion that the main contribution by reserve currency countries to an international monetary reform is the restoration of a durable balance in their external accounts. This preconditions the study of any other device.

Reforming the monetary system involves a second element, namely, international liquidity. As was evidenced by the report from Mr. Ossola the mere use of these two words complicates a problem which can be expressed in simple terms: (1) the present issue is not that of creating additional liquidity. It is not either that of meeting the temporary balance-of-payments fluctuations, since recently increased fund quotas provide adequate means to cover these imbalances. The issue is that of eliminating reserve currency countries' deficits; (2) the elimination of such deficits may uncover the future need for complementary means of payment.

From this we can conceive certain lines of practical action: (a) since it stems from the reduction of the role of reserve currencies in creating additional liquidity, a reform must imply the emergence of a new instrument; (b) such an instrument, if it is to have the qualities of an unconditional reserve asset, must be existent per se, as my friend Mr. Colombo so aptly pointed out. It must be ranked as a genuine currency, not as a mere credit facility.

It should therefore, through its very definition, be linked to gold, which remains the necessary and unchanging reference basis; moreover, its circulation must be regulated along the same lines as gold movements between central banks, on which movements order and discipline in the whole system are ultimately dependent; (c) lastly, the volume of currency to be issued will have to be determined by an agreement between countries whose institutions and currencies are providing the basis for international settlements and are consequently the only ones in a position to issue reserve instruments that would be indisputably acceptable. Such an agreement can only, as a matter of common sense, derive from a unanimous decision. As the Governor for Italy has also pointed out, there is no need to fear too much the consequences of such a principle.

These are the views which France has already made known concerning the ways of dealing with that problem, in the event that it should arise. As a matter of fact, France has so far been alone in expressing specific views.

She expects each of her partners to expose thoroughly its own opinion on a reform. Only on the basis of specific proposals can any progress be made in further consideration of the matter.

A decision has just been made that an attempt to determine the basis for an agreement on reform should be undertaken within the Group of Ten.

Such a way of proceeding has given rise to surprise in some circles.

To be sure, it was wise on the part of the Fund to direct its staff to undertake such studies, and I wish to congratulate the managing director, Mr. Schweitzer, for the clarity and the excellence of the document he has distributed to us. However, for the reasons I have just outlined, it was opportune that the search for a solution be undertaken by the Group of Ten (or rather the group of eight countries and the two monetary areas; namely, the sterling area and the franc area), which, it must be remembered, was initially established with a view to supplying international institutions with additional resources.

Assuming that a solution could be worked out, final approval of the Group's findings should be subject to a joint scrutiny by the other countries. I am afraid, however, that a discussion on procedure about that issue would, in fact, cover somehow a confusion, which calls for clarification in the common interest.

As a matter of fact, attempts were made to connect international liquidity creation with development needs.

It is a fact, for example, that a few major industrial countries, some of which enjoy an outstandingly rapid and steady growth, were the primary and almost the exclusive beneficiaries of additional liquidity creation in 1964 and 1965 through the General Arrangements To Borrow, or drawings on the International Monetary Fund, while at the same time developing countries were seriously affected, as was underlined by the Governor for Cameroon and the Delegate of Australia, by a slump in various commodity prices.

Some may think, or at least suggest, that an overlarge creation of currency would improve the lost of the less privileged; sad experiences throughout the world bear evidence to the contrary; inflation denudes the poor while it fortifies the maneuvers of the wealthy. Let us not, therefore, delude ourselves with the belief that a flooding would adequately irrigate our gardens. Let us be aware that the problem confronting us here is not a single one but a two-sided one: (a) to endow the monetary system with adequate instruments; (b) to provide real resources for development.

There are wide differences between development financing issues and the monetary questions which I have just dealt with.

What matters in this field is not to improve the mechanisms through which national economies communicate, but to alter the natural distribution of wealth and the effective transfers of resources. While it is generally agreed that there is an excess rather than a shortage of liquidity, on the contrary the inadequate level of long-term international financial assistance at an annual rate of about US$9 billion is bitterly felt. If we draw up a balance sheet of the assistance granted at present we are led to a thorough self-examination. Assistance for development considered either in its amount or in its terms or in its spirit does not meet the needs.

Should we take as a criterion the level of the burden carried by the industrial countries we would have to admit that international cooperation is losing substantial ground.

The bilateral contributions granted by industrial countries are too markedly uneven.

As far as multilateral aid is concerned, it is not negligible; however, it can only play a marginal role. For instance—as a comparison with the figures which I have just mentioned—I should like to recall that the net cash outflow of the Bank in the past fiscal year has not exceeded US$100 million, to which is to be added an amount of US$222 million disbursed by IDA, all this in spite of the brilliant and imaginative management by its president, Mr. Woods.

In awareness of the growing discrepancy between needs and resources France has taken last year, in Geneva, the initiative of putting forward, during the United Nations Conference on Trade and Development, a recommendation which has been voted unanimously. This recommendation assigned as a target for every country to allocate a minimum of 1 percent of its national income to international economic assistance. To say the least, not every industrial country has followed a practice consistent with its vote.

Aid is not only inadequate in volume, it is also inappropriate in its form. To be sure, the financing is usually secured where economic profitability can be estimated, but that is only a fractional approach to the problem. Financial aid leaves unsettled the most desperate situations in developing countries; namely, the burden of external debt, fluctuations in commodity prices, to say nothing of the difficulty of new industries to secure adequate supply and maintenance.

Lastly, the implementation of existing procedures has to be altered. It would be fallacious to try to impose on developing countries the same rules which are currently applied to transactions between industrial countries. Prevailing standards of free trade, competition, nondiscrimination are no response to hunger and overpopulation.

Moreover, have we not modified constantly in our internal economic policy the laws of the market in order to establish a better equilibrium in favor of social categories which are either handicapped in the economic struggle or submitted to overlarge fluctuation in the prices of their products, as farmers are, for instance?

We cannot claim to solve the problems of development by taking almost exclusively the approach of investment financing. The whole of the economic relationship between strong and weak countries has to be organized as such.

In my view, the improvement of that relationship constitutes the indispensable complement to any progress in the international field of financial and monetary cooperation.

Therefore, an effort of imagination such as we propose to undertake in the reform of the world monetary system, and which, to be sure, concerns only the industrialized countries, should be dedicated to increasing the resources of developing countries.

1. In the first place, an agreement could be made to establish a relationship between the creating of additional reserve assets and the organizing of the markets for certain commodities. Such a relationship could be obtained by setting up a joint timetable for both the studies and the actual establishment of procedures and mechanisms.

2. At the same time, the hindrances which were responsible for the stagnation of financial aid over the last few years should be removed. Can we not imagine a device progressively leading to an equalization of the financial burden which would induce industrialized countries to direct their efforts toward the targets already assigned by common agreement? Part of the resources so obtained could be earmarked for price supports and primary products stockbuilding.

Lastly, it is conceivable that a distribution of additional reserve assets could take into account, among various criteria, the actual efforts made by each country in favor of developing countries.

If there is a wish that both the problem of reforming the monetary system and that of transferring resources in favor of less developed countries should be dealt with simultaneously, one single endeavor is not enough. There is a need for two. Let us impose upon ourselves the discipline of the mind together with the creative effort of the will.

This meeting of our institutions was expected to be the occasion of a tactical confrontation. There are people who perhaps came with the secret hope to see the pale glitter of the gladiators' swords.

Our feeling is different. The necessity of reform has been launched by some of us, taken up by others. From now on this obligation is laid upon us. The international community, conscious of the task to be performed, wonders whether we are capable to achieve it. The responsibility of performing such a task rests with a small group of men who suddenly realize how fragile they are under its burden.

Here we are, in our turn, after many others in other places, facing the ultimate question: Does the decision belong to circumstance or to mankind? If it so happens that the circumstance prevails we could not blame anyone for it. It lies in our hands.

TRIBUTE TO EUGENE M. ZUCKERT, SECRETARY OF THE AIR FORCE

Mr. ALLOTT. Mr. President, I join with my colleagues who have already spoken, in tribute to an outstanding public servant who is retiring to private life—the Honorable Eugene M. Zuckert, Secretary of the Air Force.

Throughout his service with the Air Force, dating back to 1946, Gene Zuckert has consistently displayed those traits of courage, dedication, and integrity which are so desperately sought and needed by our country in trying times such as these. And, those of us in this Chamber today who have had occasion to work with Mr. Zuckert during these years have seen ample evidence of those traits through his courtesy, his candor, and his general spirit of helpfulness.

I do not know the plans of Mr. Zuckert but I take this opportunity to express to him my personal regard and my best wishes for every possible success whatever his future activity.

MARKET MORALITY

Mrs. NEUBERGER. Mr. President, Esther Peterson, Special Assistant to the President for Consumer Affairs, was in Portland recently to address an Oregon Statewide Conference on Consumer Protection Against Fraud. Choosing as her theme the "Morality of the Marketplace," Mrs. Peterson discussed consumer and business shortcomings and abuses and suggested ways in which the private citizen, local associations, industry, and State and Federal Government could raise the level of consumer education and eliminate deception. I ask unanimous consent that the text of her remarks to the conference be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Mrs. Esther Peterson, Statewide Conference on Consumer Protection Against Fraud, Portland, Oreg., September 24, 1965

It is great to be in Oregon, where progress seems to be your most important product. I only wish more States would follow the Oregon Trail to such fine consumer-protection laws as the one you are discussing today. I wish, too, that more States had such friends of the consumer in Washington as Senator Neuberger, Senator Morse, and Congresswoman Green. There is much talk from this platform today about misrepresentation, but let me assure you that there is no misrepresentation or exaggeration in the statement that Oregon is a truly progressive State. In light of the excellent consumer program in Washington State, it can also be said that in no section of the United States is the consumer so well protected as in the Pacific Northwest.

Because of my labor hat, I am acquainted with Oregon's labor-management relations. It is highly gratifying that they are among the very best in the Nation. I am familiar, too, with the excellent program for migrant farmworkers conducted by the Valley Migrant League with funds from the Office of Economic Opportunity. Oregon has set a good example in that area, as well. I understand that this is one of the most outstanding migrant programs in the Nation and the only one that publishes a newspaper in English and Spanish for migrant and seasonal farmworkers. I am particularly pleased with the Migrant League's consumer program, which includes classes and counseling on consumer problems and legal assistance.

By passing your consumer protection law, you have put me in an awkward position. I feel much like the lawyer who received a phone call from a client who was in prison.

"They've shaved my head," said the client, "cut a slit in my pants, and rolled up my sleeves. What should I do?"

The lawyer was at a loss for words—but only for a few seconds.

"You're in a difficult position," he conceded. "But my advice to you is this—no matter what you do, don't sit down."

Under the circumstances, I think the lawyer came up with a pretty good bit of advice. I hope I can do as well. If only you had invited me to Oregon before you passed a law. Then, I could have advised you to pass a law. Instead, you have stolen much of my thunder.

It is most heartening to see States move ahead in the field of consumer protection legislation as Oregon has done. All of you who will be enforcing it and spreading the word about it are to be applauded. From my reading of it—and I am not a lawyer—it is a good law, a workable law. I am sure that the Oregon consumer will benefit from it. And I believe Oregon businessmen who have worked hard to build honest reputations will also benefit—for, as you well know, it takes only one unscrupulous operator to sully the public's view of the whole business community.

I am particularly impressed with the provisions relating to home improvement frauds. Virtually all the home improvement schemes that are intended to bilk consumers appear to be covered. The solicitation provision, likewise, appears fair and yet protects the right of the individual to privacy in his own home—a right worth protecting in these hectic times. In addition, the solicitation provision is unique. Oregon is the first State to have passed such a law. This provision will be particularly helpful to low-income families who get the brunt of calls from unscrupulous salesmen. No longer will it be possible for such salesmen to try to gain their confidence by stating that they are making surveys and that free gifts are being offered when in fact they are not. By knowing within 30 seconds the purpose of the call the housewife has an opportunity to decide whether or not she wants to take time to hear what the salesman has to say. But no law is effective unless the people know about it and use it. You have a big responsibility to see that the people do know about it and do use it, because only then will the law accomplish what it was meant to accomplish.

What you are doing for the consumer here in Oregon is being repeated all over the country. Other States are acting, although in most cases not as vigorously as Oregon, and so are private organizations and business and the Federal Government. Taken together, these actions represent vast progress in consumer protection.

During my 20 months as consumer adviser to the President, I have done some thinking about the term "consumer protection." "Protection" is a strong word that has a very definite meaning to all of us. To say that a person needs protection indicates that a danger exists and that, at least to a degree, the individual is defenseless against the danger. None of us like to think that we need protection, because it implies that we are not fully capable of caring for ourselves. Yet we recognize, too, that in many instances we do need protection. We realize that we cannot protect ourselves against foreign enemies without our armed forces, nor against criminals without our law enforcement agencies, nor against disease without the medical profession. The list of our protection requirements is long indeed.

Does our need for protection, therefore, mean that we are helpless?

Not at all. It means, simply, that some needs require organized efforts and the assistance of experts. Consumer matters fall into this category.

Often when a government official says protection is needed, many persons are ready to evoke the image of "big brother." Let me quickly say that I think consumer protection should not be carried on solely or even primarily by government, big or little. Government has a role, to be sure, but consumer protection is too diversified to be adequately covered by government alone. Consumer protection is everybody's business—it is a proper area of concern for individuals, for private organizations, and for business.

Most of us seldom think of ourselves as consumers, but when we do, we think of small things—the saving of a few pennies, perhaps. This is as it should be—personal finances are important. But consumer matters go beyond the individual. Our purchases determine not only what we will have for supper or what we will wear, but when taken together, they also determine the quality of our national life.

When all our consumer decisions are added up, they indicate just how far our Nation goes in honoring excellence or catering to the shoddy.

John W. Gardner, the new Secretary of Health, Education, and Welfare, expressed this thought extremely well in his book, "The Pursuit of Excellence." Mr. Gardner said:

"The society that scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

I think we should have good pipes and good philosophy and that we as a nation are capable of both—if we want to have both.

In case you do not believe that we, as consumers, have the ability to direct our Nation's course, consider some statistics. First, consumer spending accounts for 65 percent of our gross national product. Last year, consumers spent $380 billion out of the Nation's total expenditure of $600 billion. And the amount available to us for spending continues to increase. In the last 4 years alone, wages and salaries have increased 28 percent, or $76 billion.

All this prosperity has created a public concern about the "moral fiber" of a wealthy and comfortable people.

The acid pens of our social critics have attacked the "teen-age society," "business morality," "consumer morality," and as one writer put it, "a society hell-bent on burying itself in a materialistic wasteland." Although much of this criticism may be exaggerated, we nevertheless recognize that some of it is valid and that it warrants our full attention.

Many items in our society which bother me are, I believe, the result of our abundance and our rapid growth, in population and prosperity. Social change never comes easy, and we are in a period of social change now. But I think we will have a better nation for having gone through this period of examination.

There can be no doubt that the consumer has been affected by the rapid changes I have mentioned. In my opinion, the question of "morals in the marketplace" is just as timely a subject as "morals in the streets and the alleys."

We are meeting here to discuss fraud, and thus I think it is not wholly inappropriate for me to discuss a more general, more old-fashioned term—"honesty."

Because honesty should not be discussed out of context, let's look at the marketplace for a moment. Today's marketplace differs from the marketplace we knew as children. Like most everything else today it is more complex and impersonal.

We used to do our grocery shopping, for example, in a corner grocery store, the kind now called a "mom and pop" store. Well, we knew "mom" and we knew "pop" and they knew us. If we had a question about something we wanted to buy, mom or pop—but, most likely mom—would know the answer.

Today, we shop at big chain markets. We may recognize the manager and some of the clerks, but we do not really know each other. If we have a question about a product, chances are that even the manager cannot answer it—and understandably so, since his store may carry as many as 8,000 items, five times more than it typically did just 20 years ago. So we must rely increasingly on the information provided by advertisements and labels. If these do not tell us all we want to know, then we are usually out of luck.

While this revolution in marketing and distribution has taken place, products have become more complex. We cannot now be expected to know all there is to know about a product. So when our machines or electrical appliances break down—as they do—we must place our trust in a mechanic or repairman—and cross our fingers.

As a result, we consumers often feel frustrated.

I do not for an instant mean that the consumer is a holy innocent in the clutch of wolves. Shoplifting and pilferage are all too common, and if ever an experiment were conducted, I think it would be found that too many consumers would keep excessive change rather than return it. Then, too, some consumers are uninformed and ask to be cheated.

I have had many businessmen tell me, for example, of housewives who are so concerned with getting their trading stamps, that they leave a store without taking their change. And no small part of the credit difficulties people get into are attributable to the foolish signing of one's name without reading a contract.

No, the consumer is not innocent or blameless. But we cannot excuse a lack of total business honesty because of the cupidity of some consumers. Two wrongs have never made a right.

If I seem to dwell too much on business morality, and not enough on consumer morality, remember, too, that the action of a wayward consumer will have limited effect, while the action of a business may affect millions.

Recently, the following quotation appeared in an article that crossed my desk:

"There is a decided tendency in business to use the words 'legal' and 'honest' interchangeably. When the businessman says that most businessmen are honest, what he really means is that most businessmen operate within the law."

The author of this quotation was not a government official, or a so-called professional consumer, but a respected advertising and marketing expert, E. B. Weiss. His thought has been echoed by other businessmen, but not so succinctly and to the point. I am not a businessman, so I cannot give testimony to what businessmen are thinking, although from my reading of the trade press and my personal contacts, I know that many businessmen are thinking about this distinction. I am a consumer, however, and I know the evidences of dishonesty I have encountered.

Let me give some examples, for they speak louder than generalities.

Consider first the mouthwash that bears a label with a red slash on it. In prominent white letters on this red, it reads "New 18 Ounces" and this is followed by an exclamation point. What is the buyer to assume about this statement? It is clear that he is supposed to conclude that he is getting a larger quantity of the liquid than before. But the exact opposite is true: The bottle contains several fewer ounces than before.

Then there is the matter of buying a larger quantity of a product in order to save money. Any consumer feels that it pays to buy a larger size of, say detergent, because you pay less per ounce than in a small size. This is a self-evident truth—or so we think. But if you calculate the per-ounce cost of various sizes, you will not uncommonly find that the larger the size, the more expensive the per-ounce cost.

Next, there is a letter I received in the mail recently from a respected bank offering me a loan for the purpose of buying a new car. High in the letter and in much larger type than all the rest, the figure of 4 percent was mentioned. To the casual reader or the unsophisticated, the implication is clear: A 4-percent interest rate is being offered. Only this is not the case. The 4 percent, on closer reading, actually signifies that 4 percent discounted notes are being offered. My son calculated that the true annual interest rate is about 20 percent.

Then consider the manufacturer who markets several sizes of a popular toothpaste. The smallest size he offers is called the large size.

A friend gave me this next example. It seems he bought an AM–FM radio, manufactured again by one of the biggest names in its field. The label on the radio read "high fidelity" and the radio played well in the store, so my friend bought it. He was not displeased when he got it home; it still sounded good. But he noticed at home that he had been subtly duped. The front of this radio, he tells me, is divided into three panels. One panel contains the controls, and the other two panels obviously contain the speakers. Only they do not contain the speakers, because there is only one speaker—in one of the panels. The second, identical looking panel contains no speaker, though to look at it you would certainly believe it did.

These are just some of the examples I have encountered recently. There are many others—much too many, and I am sure you have encountered some of them. What disturbs me about these examples is that they all involve well-known, respectable companies. These are not fly-by-nighters. These are names we know well—and trust. Many consumers are asking, Is our trust misplaced?

None of these examples involves a violation of the law that I can see. But in none of them has there been total honesty, either.

Whenever I talk of such abuses as these, the common reaction I get is: "Something should be done." With this I am in full agreement; something should be done. But I do not think it should all be done by Government.

Government should act, I believe, only when abuses persist without self-remedy. In the area of packaging, for example, I think the abuses have persisted too long. Senator HART, of Michigan, first called the Nation's attention to packaging dishonesty in 1961 when he introduced his truth-in-packaging bill. Since then, numerous improvements have been made. We no longer see some of the more flagrant abuses. But many abuses continue, as witnessed by some of the examples I have cited. Consequently, I favor legislation in this field.

I also favor the truth-in-lending bill of Senator DOUGLAS, of Illinois. It would require disclosure by the lender of the true annual rate of interest and the dollars-and-cents cost of a loan. Is this asking too much? It is such basic information that a law should not be necessary. But our lending institutions persist in trying to hide the actual cost of a loan, as shown in the example I gave. So I see no alternative but to pass this bill.

But legislation and Government action, quite obviously, cannot curb all the half-truths that can be manufactured. What can put a stop to most of these half-truths is a changed climate of opinion. And this can only be brought about by all of us—not just Government.

I spoke earlier of the need for individuals, nongovernment groups, and business to engage in consumer protection. This can be done very simply. All it requires is that we make our voices heard. By doing so, we shall bring about a climate of opinion that will force the half-truth out of existence.

If we encounter a consumer abuse, we have no right to grumble about it only to ourselves. We have an obligation to voice our feeling out loud. If we tell our friends and if we tell the retailer and write the manufacturer, we will get results. No manufacturer can survive without contented retailers, and no retailer can survive without contented customers. Pressure will be applied to the offender, and action will ensue—maybe not immediately, but inevitably.

Many of us who advocate consumer protection have been criticized as being antibusiness. I think this criticism displays extreme shortsightedness. For consumer protection is really business protection too, the surest kind of business protection.

Consider the alternatives to voluntary remedying of these half-truths. Either they will continue unchecked and create a dog-eat-dog atmosphere, or the Government will step in to impose strict controls. Neither alternative is very pleasant.

Arch N. Booth, executive vice president of the U.S. Chamber of Commerce, has pointed a way out of this problem. He has said, and I fully endorse this:

"If we are to have limited government, then we must be willing to assume unlimited citizenship responsibility * * *. If you don't want government to step in and apply * * * solutions to today's big, national economic and social problems, don't war against the government. War against the problems."

I was interested to read just last week that the better business bureaus are accelerating their war against the problem of consumer abuses. As I understand the plan, local better business bureaus would continue to process consumer complaints, but would also step up the distribution of consumer information and would encourage consumer education. I applaud this effort wholeheartedly.

I realize that business responds with alacrity to consumer complaints, and this is why I think we can lick the problems I have mentioned. I receive examples every day of businesses' attempting self-regulation and seeking to remedy inadvertent mistakes. Just the other day, a consumer wrote to me complaining that she had bought a 10½-ounce can of a food product to find it contained 8 ounces of water. The company reacted quickly and explained that a malfunction of its filling line had occurred. Its quality control laboratory thought it had retrieved all the poorly packed cans, but some did get through. The company gave several free cans of the product to the customer and took steps to find the rest of the faulty cans. I realize this is standard operating procedure for virtually all companies, and I am encouraged by it.

That is why I was shocked recently to hear a leader of a national business association tell of an experience he has had in touring many schools around the Nation. I pass this story on because I think it indicates the seriousness of the problem we have. Whenever this gentleman speaks before students, he conducts a little survey. He asks the student how many plan to be lawyers—and a good number raise their hands. Then he lists other professions and gets other hands raised in response. When he mentions business as a possible profession, he says, he generally gets a tittering of laughter—and few, if any, hands.

This is a deplorable situation, and the administration and Congress have been acting to improve the climate of the marketplace, which has bred this attitude. Did you know, for example, that 34 bills were introduced in this session of Congress on auto safety alone? These bills were not born in a vacuum. They were born in an atmosphere of concern.

This atmosphere has produced an astounding record of consumer achievement. Consider these actions:

A $4 billion excise tax reduction has helped increase the purchasing power of the consumer. Thanks to the cooperation of business, 90 percent of this reduction is being passed on to the consumer.

Legislation has been passed to improve drug safety.

The administration has blocked an attempt to weaken the authority of the Federal Power Commission, the guardian of electric rates.

The National Food Marketing Commission has been established and is studying the gap between what the farmer receives and what the consumer pays for food.

Medicare will make it possible for the first time for elderly consumers to be assured of medical treatment, regardless of their income.

The Office of Economic Opportunity has been working closely with my office in trying to teach the poor how to make the most of their limited funds. Seventeen grants totaling $893,000 have been made to promote consumer education among the poor.

The Federal Trade Commission has launched a pilot program to determine whether consumer complaints bureaus can be set up in cities throughout the Nation.

In addition, the administration has backed the truth-in-lending and truth-in-packaging bills and is working to eliminate the hazard of air pollution and water pollution.

It is an impressive record, I think you will have to agree. Let me assure you that President Johnson intends to build on this record, always working with business, private organizations, and the States. He will not rest until the highest quality possible, of our family life, and our national life, is attained.

Thank you.

DEVELOPMENT OF WATER AND SEWER SYSTEMS IN RURAL AREAS

Mr. SYMINGTON. Mr. President, earlier this week, in final passage of S. 1766, the Congress sent to the President legislation that will continue and broaden the authority of the Farmers Home Administration for assistance to many rural areas of America in developing their own water and sewer systems. For investment of tax dollars compared to benefits, this may be one of the most effective pieces of legislation passed by this Congress.

The forerunner of the present FHA rural water system program was first enacted by the Congress in 1937, but it did not become fully activated until 1961 and 1962. Since then, areas that had tried for decades to bring badly needed water to farm and rural homes, have been able to do so through the help supplied by this act.

As example, for more than 30 years one farm area southeast of Independence, Mo., had been trying, in every way possible, to obtain water service. Under the basic Farmers Home Administration Act, as amended in 1961 and 1962, Public Water Supply District No. 13 of Jackson County got the financing from private funds, with Government guarantee.

In a letter to me dated September 7, the directors of this district report that:

> They were able not only to reach every residence, farm, school, church, or business in the 25-square-mile area comprising the district, who wanted water service, but to increase the size of mains, build a loop tying them together, and to double the size of (their) elevated storage tank. All told, (they) have slightly more than 43½ miles of mains and distribution lines reaching all but 6 homes (who did not want service) and a sizable reserve fund out of which to finance additions and to help carry (them) through the first year or 2 during which time (they) anticipate that about everyone in the district will become a water user.

I ask unanimous consent that this letter to me and an accompanying letter to Mr. Howard Bertsch, Administrator of the Farmers Home Administration, both signed by the five directors of the water supply district, be inserted at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Public Water Supply District
No. 13 of Jackson County,
Lee's Summit, Mo., September 7, 1965.

Senator Stuart Symington,
Senate Office Building,
Washington, D.C.

Dear Senator: We are enclosing herewith a copy of a letter addressed to Mr. Howard Bertsch, Administrator, Farmers Home Administration, which will be of interest to you. As you will note, we have attempted to express our appreciation to some of the people concerned in prosecuting this project.

We want you to know you and your Mr. Pike's assistance to us also is greatly appreciated.

It strikes us that this is one service rendered by our Government which results in handsome returns to everyone concerned, including the people who receive the water service, those who earned wages on the project, and "Uncle Sam" who will also receive reimbursement manifold, not only in money, but in the good will of the people affected.

Thank you again.

By order of the board of directors.

Maurice Hartman.
H. J. Hartvigsen.
Dow I. Montgomery.
Cecil Randall.
John W. Johnson.

September 7, 1965.

Mr. Howard Bertsch,
Administrator, Department of Agriculture, Farmers Home Administration, Washington, D.C.

Dear Mr. Bertsch: You will be pleased to know that the system of Public Water Supply District No. 13 of Jackson County, Mo., is substantially complete, and a number of patrons are now receiving water service. Due to the fact that we received a very favorable bid on the project, substantially below estimates, and due to the able assistance and cooperation of many people we accomplished much more than originally planned. In fact, we were able not only to reach every residence, farm, school, church, or business in the 25-mile-square area comprising the District, who wanted water service, but to increase the size of mains, build a loop tying them together, and to double the size of our elevated storage tank. All told we have slightly more than 43½ miles of mains and distribution lines reaching all but six homes (who did not want service) and a sizable reserve fund out of which to finance additions and to help carry us through the first year or two during which time we anticipate that about every one in the District will become a water user.

The purpose of this letter is to express our sincere appreciation in behalf of all of the residents of the area for the unstinting work done by the people attached to the Columbia and Liberty, Mo., office of the Farmers Home Administration. Mr. Jose was most helpful with overall advice and suggestions which not only enabled us to accomplish this project, but to do so expeditiously and at substantial savings. Messrs. Tise and Mussman gave us invaluable help with detailed engineering problems as well as financial matters, and at all times lent us every help we required of them. We are especially indebted to Mr. Henry Smith of your Liberty, Mo., office who has been at our side during the many months the project has been developing, with every kind of help, including interpreting the rules and regulations, assisting with the minute details of which there are, of course, a multitude. He is, and has from the beginning made himself available at any time, day or night, to assist in the development and completion of the project. He has attended many meetings, speaking at general ones, at which the public was invited, explaining and interpreting the procedures to be followed, and so forth. In other words, explaining how to accomplish our purpose as expeditiously as possible. All of these meetings, including board meetings, of necessity, were held "after hours," but Mr. Smith is always available. Now we know that Mr. Smith has the responsibility of this duty, but we are sure he has done much more for us than could reasonably be expected even of a good public servant.

In conclusion, we wish to say that we are convinced that without the assistance available through the Farmers Home Administration, and its people, this project, so sorely needed, could not have been brought to a successful conclusion.

By order of the board of directors.

Maurice Hartman.
H. J. Hartvigsen.
Don I. Montgomery.
Cecil Randall.
John W. Johnson.

NEW GI BILL GIVES THE VETERAN A BETTER CHANCE

Mr. YARBOROUGH. Mr. President, the GI education bill (S. 9) which passed the Senate by a 4 to 1 margin last July 19 has progressed in the House of Representatives. Hearings on the various GI bill proposals have been completed and a report should be forthcoming soon from the distinguished House Committee on Veterans' Affairs.

The opportunity for intellectual advancement which the cold war GI education bill affords veterans of cold war military service must, in the spirit of justice, be granted these dedicated Americans without further delay. Inequities forced upon our service men and women through the draft and the personal inconveniences which these capable individuals bear for their country cannot remain pending while we proceed to take a legislative vacation. We simply cannot in good conscience adjourn this Congress while hundreds of thousands of men and women who have been economically and intellectually disadvantaged through service to their country are seeking daily to recommence their educational careers and reinstitute their desire to become useful instruments in the civilian economy.

Mr. President, I ask unanimous consent that a letter from A2C Gary R. Thompson of Travis, Air Force Base, Calif., dated September 20, 1965, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dallas, Tex.,
September 20, 1965.

Senator Yarborough: I am a GI serving in the U.S. Air Force with the intention of resuming my education at the end of my 4-year tour of duty.

Having read about the new GI bill now going through Congress, I would like to say that I am highly in favor of it. I do not believe that the GI education bill will induce more men to get out of the service because many men will enter the service just to assist their country and at the same time to assure themselves an opportunity to obtain an education when they get out. For the group of men who get out at the end of their tour of duty, the GI bill offers a chance to get a degree or vocational training that otherwise they might not be able to get. Certainly, $110 a month is not enough to put a single man through college. It is enough to put a college degree within reach of the average veteran if he wants to work for it.

I will appreciate your continued efforts in behalf of this needed GI bill.

Yours truly,

Gary R. Thompson, A2C.

Travis AFB, Calif.

TRIBUTE TO SENATOR BARTLETT AND TO DR. HELEN A. SHENITZ OF ALASKA

Mrs. SMITH. Mr. President, I want to commend Senator E. L. Bartlett on his bill, S. 2102, pertaining to the rights of the Aleuts on the Pribilof Islands. It is another indication of his deep interest in all of the people he represents in the Senate. I am gratified that his bill has bipartisan support in Alaska.

This fact was called to my attention by some residents who were so generous to me last year when they supported my candidacy for the Republican presidential nomination and some of the Alaskan delegates voted for me and stayed with me all through the balloting and never switched away from me.

I am gratified to learn from them that Dr. Helen A. Shenitz has been a leader in the movement to protect the rights of the Aleuts and that she pioneered efforts on this matter and succeeded in getting it incorporated as plank 14 in the 1964 Alaska State Republican platform. I salute her for her leadership in this matter, and I am happy to apprise the Senate of such Republican support on this worthy goal.

MOCKERY OF JUSTICE IN LOWNDES COUNTY, ALA.

Mr. McINTYRE. Mr. President, the news teletype in the Senate lobby carries a story today that a trial jury in Lowndes County, Ala., has acquitted the defendant on trial for the murder of Jonathan Daniels, age 26, an Episcopal theological student from Keene, N.H.

Mr. President, this trial, in the town of Haynesville, Ala., has been used to whitewash a coldblooded, premeditated murder. This characterization of the trial is a direct quote from the chief law enforcement officer of the State of Alabama, Attorney General Richmond Flowers.

As I am speaking now, American soldiers are fighting against the forces of communism in Vietnam. The government in Hanoi, and the governments in Peiping and Moscow and Havana, at their very worst, in kangaroo court after kangaroo court, have never mangled justice any worse than the court in Lowndes County.

Justice, Lowndes County style, seems to result in the same sort of disregard for the truth and the same sort of distortion of the law for political purposes as any form of communism or nazism ever known in history.

Justice, Lowndes County style, is very simple. Murder is no crime in Lowndes County so long as the victim is engaged in furthering the law of the land by working for equal justice for all men.

Since I have been in the Senate, I have supported legislation designed to bring the equal protection of the laws to all American citizens. This legislation, this civil rights legislation, has been attacked as unnecessary—as an invasion of the rights of States to regulate themselves accordingly.

Mr. President, if any single incident since I have been here has ever demonstrated the need for equal protection of the laws, this community toleration of murder so demonstrates. When communities disregard Federal legislation, we expect the Federal Government to enforce its own laws. But when communities disregard their own legislation, and when the law disregarded is as basic as a law against murder, then it is time for a new, searching look at Federal-State relationships.

Jonathan Daniels was killed in cold blood in Lowndes County, Ala. There is no dispute about this fact. The man who killed him is known. There is no dispute about that. His killer was guilty of murder. There is little dispute about this. But his killer walks the streets today, a free man. Mr. President, when the judge and jury which condoned a killer stand before their Maker on judgment day, they shall stand convicted.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The **PRESIDING OFFICER.** The bill will be stated by title for the information of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The CHIEF CLERK. A bill (H.R. 9042) to provide for the implementation of the agreement concerning automotive products between the Government of the United States of America and the Government of Canada, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed consideration of the bill.

Mr. RIBICOFF obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Connecticut yield without losing his right to the floor?

Mr. RIBICOFF. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, the Senate has been asked to give its approval to the proposed legislation implementing the United States-Canadian Automotive Products Agreement. I hope that the Senate will not be a party to such an agreement.

The United States is faced with problems of the gravest sort throughout the world. We wish to discuss peace in southeast Asia. We have just opened negotiations to seek new ways for nations to settle their balance-of-payments problems. We have resumed discussions on the Kennedy round in Europe. We plead the case for international good faith, trust, and good will, and yet we have before us a piece of legislation which brands the voice of the United States as a voice of expediency, rather than a voice of truth.

We are even now engaged in the toughest bargaining of the Kennedy round. The State Department has flatly told the Senate Finance Committee that this agreement is a violation of the GATT Agreement under which we are negotiating. The State Department has stated that after this bill becomes law, they will secure the necessary waivers from GATT to expunge our violation. In other words, after this agreement becomes law and the deed is done, we will seek a waiver. If the State Department does not get a waiver, the agreement is an accomplished fact and we will simply stand in violation. This is the way of expediency, but not of honorable people.

To say that other nations have also broken their word is no justification. We will in fact, have broken our word and that cannot be wiped from the record.

In 1962 the Congress passed—and the President signed into law—the Trade Expansion Act of 1962. In that act we established a special office in the executive branch to deal with trade matters—the Office of the Special Representative for Trade Negotiations. The office was, and is still, filled by a distinguished and knowledgeable American, Gov. Christian Herter.

We set up Governor Herter's office because we wanted to make it very clear that trade policy was not to be set only in the State Department—but rather under the leadership of the special representative—in a way which reflected all the interests of the United States—industry, labor, agriculture, the consumer, as well as foreign policy interests. This was specifically done because of Congress unwillingness to entrust to the State Department the sole responsibility for setting trade policy on behalf of U.S. trade, labor, and consumer interests.

I believe there is serious reason to doubt whether our directions are being carried out. I believe there are serious questions as to who sets trade policy in the United States? Who has the major voice? Is it the special representative for trade negotiations? Or is it still the State Department?

The action of the State Department at home clearly undercuts Governor Herter's representation abroad. On July 15 of this year, Mr. Blumenthal, Deputy Special Representative for Trade Negotiations, spoke in Dusseldorf, Germany. He stated that "if we should fail in the Kennedy Round, we would risk sliding back into restrictionism and bilateralism. This, history should have taught us to avoid." However, that this agreement is a restricted bilateral agreement is openly admitted by the State Department.

This return to bilateralism has been underscored by the testimony of Mr. Trezise of the State Department at the hearing. Although it violates our GATT commitment, the State Department explained that the legislation gives the President power to negotiate similar agreements with other countries. This provision was intended to make clear to others that we would be prepared to negotiate similar agreements with them. In other words, this Canadian agreement, rather than being an isolated instance of bilateralism which we, in appealing to GATT for a waiver presumably regret is intended to be an open invitation to other countries to negotiate on a country-by-country basis.

Mr. McNeill of the Commerce Department further explained that when other countries use our legislation as a precedent for entering their own similar agreements on other products, we will thus have established a precedent that these prior agreements should "later" be opened to others. I believe a better precedent is not to enact the legislation.

Mr. Blumenthal went on to say:

> This leads to the fourth and in many ways the most important general principle underlying the negotiations. As I mentioned a few moments ago, one of our main stakes in

the Kennedy round is the strengthening and extension of the pattern of liberal multilateral trade relations based on the most-favored-nation principle. Most favored nation—the concept that a concession to one nation is a concession to all and that, for a given product, all GATT countries have the right to be accorded the same treatment by importers—is the bedrock on which the present highly beneficial structure of world trade has been built. Stated inversely, most favored nation means nondiscrimination. We must not underestimate the importance and the value of this principle.

All the major industrialized countries are under pressures of various sorts, or have been tempted at one time or another, to depart from most favored nation in this or that area. We must resist this temptation. We must be particularly careful not to vitiate the most favored nation principle in our search for expedient solutions to immediate problems.

This agreement is clearly the State Department's simple expedient way of solving an immediate problem. In my mind, Mr. Blumenthal is correct, and I shall vote against this agreement, but I ask the Senate—who sets trade policy?

What really was the basic problem which lead us to the question before us today? In 1930, Congress passed a law which said:

> Whenever any country * * * shall pay or bestow, directly or indirectly, any bounty or grant upon the * * * exportation of any article, then upon the importation of any such article into the United States, there shall be levied and paid, in all such cases, an additional duty, equal to the net amount of such bounty or grant.

This is section 303 of the Tariff Act of 1930. It imposes upon the Secretary of the Treasury the obligation to impose countervailing duties. It gives him no discretion in this matter.

In 1963, the Canadians initiated a tariff remission plan which would have required the imposition of countervailing duties. To relieve Treasury of this duty imposed by Congress, the State Department undertook this highly questionable agreement. Had the executive branch determined that the imposition of countervailing duties would have been against the best interest of the United States, the proper course of action would have been to seek an amendment to section 303, giving discretionary power. Instead of seeking an amendment to the law, it chose simply to ignore the law. Now, to cover up that problem, we are faced with the situation we have today.

This type of agreement is without precedent in American history. Never before has the executive branch changed a tariff except by treaty, which requires a two-thirds vote of the Senate, or when Congress has given prior authorization, such as in the Trade Expansion Act of 1962. The sole precedent claimed by the proponents of this measure is the short-term arrangement of international cotton textile trade. However, this arrangement was neither a tariff measure nor was it a bilateral agreement.

The only other attempt to change the tariff schedule by executive agreement without prior authorization was in 1911. That agreement was also a bilateral agreement with Canada. It never went into effect, because the Canadian Parliament refused to enact enabling legislation.

Mr. President, this legislation is unprecedented in another respect. Never before has the U.S. Senate been asked to ratify a treaty or approve trade legislation in such a manner. This agreement is most extraordinary. It is one-third executive agreement, one-third implementing legislation, and one-third side agreements between the automobile manufacturers and the Canadian Government. And make no mistake; the side agreements are a most important part. These side agreements, these commitments from Detroit to expand in Canada, are at the heart of this whole matter and neither the Senate of the United States nor the Senate Finance Committee really knows what is in those side agreements. All we have at this point in time are six letters from the automobile manufacturers to the Canadian Government—letters which, by the way, come from independent auto manufacturers and are in many respects identically worded. Of course, we are better off than our State Department negotiators, who did not even see these letters which purport to explain the side commitments. The State Department admitted at our hearings that they, the State Department negotiators, never saw these letters until they were made public April 27, of this year. This, to me, is incredible. Perhaps it explains a great deal about the agreement signed in January.

The Senate of the United States still does not have the full record of the negotiations and commitments between the Canadian Government and the automobile manufacturers, which are such a vital part of the entire affair.

This legislation is special interest legislation which gives unprecedented benefits to bona fide motor manufacturers. These are a chosen few. The Secretary of Commerce is required by this legislation to maintain and publish a list of the names and addresses of bona fide motor vehicle manufacturers. The Senate Finance Committee has asked the Secretary of Commerce for such a list. The Finance Committee has been furnished with a list of the Canadian companies considered to be automobile manufacturers under this article. The list of American companies has not yet been supplied. The U.S. Senate still does not have the whole story of this agreement and apparently is not going to get it.

Apparently, the Congress has not only forfeited its prerogative to initiate legislation, but is willing also to forfeit its right to know what it is approving. This Senator will not be a party to such a procedure.

The Senate of the United States has been told that we must enact this legislation to improve our balance of payments. We were also told very recently that we had to cut our tourist allowance to help our balance of payments, and we did. You will recall that at that time we saved only $50 million, but were asked to demonstrate to the world the will of Congress to take our balance of trade seriously. What are the facts now?

The Assistant Secretary of International Affairs for the Treasury Department, the Honorable Merlyn N. Trued, testified that in 1964 we had a favorable trade surplus with Canada of $581 million. He further testified that under this agreement, we would retain that surplus; that is, in 1968 our trade surplus is estimated to be, under the agreement, $580 million. He failed to say that it is estimated that had the Canadians been persuaded to drop their illegal tariff remission scheme, our trade surplus with Canada would have reached $841 million by 1968. Further, had we done nothing at all in the face of their remission scheme, our surplus would have been $650 million.

In other words, from a balance-of-payments point of view, in protesting the drop from $850 million to $650 million, the State Department negotiated us down to $580 million.

Furthermore, Mr. President, General Motors Corp. of Canada has stated in its letter to the Canadian Government:

> In addition, in the 1964 model year, the oversea market for North American-type passenger cars and commercial vehicles has been increasingly served by our plants in Canada.

I infer from this that our action in aiding Canadian expansion will only increase Canadian shipments overseas to the detriment of our U.S. exports and balance of payments.

Mr. President, I intend to show my very serious concern for our balance-of-payments situation by voting against this bill.

This agreement has been sold to the United States as free trade in cars between the United States and Canada. This is not so. If an American goes to Canada and buys a car, he may bring it back to this country duty free. If a Canadian comes to this country to buy a car, if it is a new car he may take it back with him, but he must pay 17½ percent Canadian duty. However, if it is a used or second-hand car, he may not take it back at all. It should be of interest to the Senate that under schedule "C," entitled "Prohibited Item," of the Canadian Customs Tariff, section 1215, imposes an absolute prohibition on "used or second-hand automobiles and motor vehicles of all kinds, manufactured prior to the calendar year in which importation into Canada is sought to be made." This puts all cars except those brand new in the same class as dangerous narcotics, whose importation is absolutely prohibited. This is hardly free trade.

Parts may be imported duty free only if they are going to an automobile manufacturer. The dealer or supplier who would attempt to sell Canadian-made parts to automobile supply stores or automobile repair businesses, or directly to American consumers, must still pay the tariff. This is not free trade and it does not benefit American consumers. Basically, it benefits only a few automobile manufacturers.

A qualified Canadian automobile manufacturer may import from the United States, duty-free. Note carefully, not "any" automobile manufacturer, but a "qualified" automobile manufacturer, one that has given the required commitments to the Canadian Government. The Canadian subsidiaries of the American auto manufacturers are committed to expand Canadian production by 1968 to a level of $241 million plus 60 percent of the growth in the Canadian industry. This expanded capacity and its intended employment opportunities can only come out of the United States. This agreement to expand in Canada rather than in the United States must have a serious effect on U.S. labor.

This agreement is equally bad for U.S. business. First and foremost, this agreement opens the vast Detroit market to Canadian parts manufacturers to compete with American businesses without receiving any concessions in return.

However, this is not all. The Canadian subsidiaries have committed themselves to a vast expansion program. One way to satisfy this commitment is the manufacture of parts for use in Detroit as original equipment. Canadian labor is on the average 70 cents per hour cheaper than comparable American labor. The automobile makers, therefore, have every reason to want to make parts in Canada for shipment to Detroit, getting the benefit of cheaper labor, no import duties, and, at the same time, satisfying their commitment to the Canadian Government. Thus American parts manufacturers will suffer and American jobs will be lost.

Further, although the agreement does not now reduce duties on replacement parts, the American parts manufacturers will also see their role in the replacement market severely jeopardized. In almost every case, the maker of replacement parts is dependent upon his contracts with Detroit to supply parts for new cars. This, in the industry, is his lifeblood. This is how he receives in advance of the need of replacement parts, still several years away, the specifications for the parts he will produce, and the money to tool up. Without orders from the automobile makers, he cannot survive.

When the automobile manufacturers themselves, or their chosen affiliates, tool-up in Canada to make original equipment parts for new cars, satisfying their commitments to the Canadian Government, they will do two things. First, they will deprive the American parts manufacturer of the initial new parts order he needs to get started. Second, once tooled-up in Canada to supply parts duty free for new cars to Detroit, they will surely continue to compete in the replacement market in spite of our tariff wall.

The Tariff Commission estimates that over 10,000 independent U.S. businesses supply parts to American automobile manufacturers for use in making new cars.

A qualified Canadian manufacturer can, under the arrangement, designate other companies to help meet his commitments. The company so designated shall be deemed, for all purposes, the same as the manufacturer by the Canadian Government. These other companies, then, will also get the special benefits provided. So the agreement gives the chosen few the power to select privileged parts manufacturers to set up assembly plants in Canada and share in the special treatment with them. This is an unprecedented privilege to put in the hands of private parties. Thus encouraged, parts manufacturers themselves will undoubtedly be enticed into moving to Canada.

One of the purported benefits of this arrangement has been lower prices of automobiles to Canadian consumers. This presumably will earn us the good will of the Canadian people, will increase automobile sales, and create more jobs for the industry. However, a news release from the Chrysler-Canada Ltd., public relations department, dated January 26, 1965, stated:

> Debunking the misconception about the pact, Mr. Todgham reiterated that obviously its terms did not provide free trade; its ratio of Canadian production to Canadian sales prevented unlimited importation of American-made automobiles duty free; there was nothing in it that would make possible any immediate price cuts.

The hearings also show that the Toronto Globe and Mail for January 19, 1965, reported Mr. E. K. Bromberg, president of American Motors of Canada, as stating:

> The automobile manufacturers have been quick to discourage any thought of significant cuts in Canadian car prices * * * and suggested in light of other factors, prices were likely to increase in Canada.

Mr. President, the State Department says that Canadian car prices will go down. But the car makers themselves say, no, they will probably go up. I foresee no decrease in the price of Canadian cars as a result of this agreement.

Mr. President, I am for equitable trade agreements which lead to mutual benefits and mutual prosperity. In this case, we have given up the $241 million guaranteed increased production plus 60 percent of the increase over 1964 production. We have also guaranteed maintenance of the level of Canadian value added in 1964. We have in effect closed the Canadian market to ourselves. We opened the U.S. market and got nothing in return.

We have taken our Canadian problem, in which we are the injured party and Canada is the violator of international agreements, and negotiated away our problem with Canada and negotiated ourselves into a problem with 75 free world members of GATT. We pay for these privileges with a worsened balance-of-payments situation.

Mr. President, the State Department has an obligation when negotiating an agreement which is so important to U.S. domestic interests to call in the Treasury Department, the Commerce Department, the Labor Department, the Federal Reserve Board, as well as the Tariff Commission.

These other departments should be called in for the takeoff as well as the landing. This was not done.

I believe the handling of this problem shows again that the State Department is incapable of representing U.S. business, U.S. industry, and U.S. labor. Trade and business thrives on trust. Its cornerstone is integrity. I submit that the United States should exercise the independent judgment given to it by the Constitution of the United States and reject this legislation.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. RIBICOFF. I yield.

Mr. LONG of Louisiana. Is the Senator aware that this is a technical violation, that no one is injured by it, and no one can show he was injured by it and therefore make a claim that he was injured? On the other hand, the Senator from Connecticut asked us to violate GATT—and I helped him do it—on rubber footwear. There was injury in that case. How can the Senator reconcile that action with what is merely a technical violation in this case?

Mr. RIBICOFF. I will tell the Senator how I reconcile it. The Treasury Department, unilaterally, changed a practice of many years' standing. It took the American selling price with respect to footwear and by unilateral action on the part of the executive department changed the tariff schedule which Congress had put into effect. What we did with respect to the rubber footwear measure was at least to go back a little—halfway—toward a sense of fairness. I am grateful for the Senator's assistance, with respect to the question of rubber footwear, in having Congress insist on some recognition of the fairness which the shoe manufacturers of this country deserve.

What we are complaining about in the bill before the Senate is exactly what we were complaining about with respect to the rubber footwear decision. Here the State Department, unilaterally, on its own initiative, entered into an agreement with the Canadian Government, had it signed by the Canadian Government, and then brought it to Congress as a fait accompli. We have before us a fait accompli, a take-it-or-leave-it proposal. Now the administration comes to us with implementing legislation.

I say this is more than a technical violation. We do this on a bilateral arrangement. We do with Canada what we fail to do with other countries. Seventy-five nations who are members of GATT have already filed a complaint that the United States is in violation. When we deal with $539 million worth of automobiles that are imported into this country from other nations outside Canada, we recognize that this is not merely a technical violation.

The Senator from Kansas [Mr. CARLSON] is present on the floor. He and I were at the Geneva Conference last year. We both recognize the difficulties in the Canadian case. The Senator from Kansas realizes the problems involved when we are dealing in the field of agriculture. We believe that American agriculture is being discriminated against. I have said publicly, and also privately to the Senator from Kansas, that though

I come from a manufacturing State, I am as much in favor of being fair to the agricultural States as we expect the agricultural States to be fair to the manufacturing States.

It will be difficult for the Senator from Kansas to go to Geneva and plead for fairness in dealing with agricultural markets when other nations can show that this country has been in violation of the treaty with respect to automobiles. Since the automobile industry represents such a basic industry, I do not believe the United States is going to have too easy a job convincing other nations that we are in only technical violation—not when we are dealing with such a basic industry.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. RIBICOFF. I yield.

Mr. LONG of Louisiana. Insofar as someone is being hurt is concerned, when the Ford Motor Co. sends a Fairlane into Canada and sells it there at the same price at which the same model would have been sold for by the Canadian Co., or sends a certain model into the United States and sells it at the same price at which it would have been sold had it been produced in the United States no injury is done. If there had been injury, it would have involved only the United States or Canada, and not any other country, because if either country had lost the sale of a Fairlane, only that country would have been injured. But consider what some of the other countries do. France arranges matters so that it costs a person 10 times the tax to operate an American automobile in France as it does a French automobile. We do not do that to France. It is one of the countries which the Senator has said have a right to complain. They have no right to complain. They would have no right to complain even if they tried it.

Mr. RIBICOFF. But this action prejudices the other automobile manufacturers in Europe. What France is doing by special treaties, weights, markings, and other methods with respect to American automobiles puts France in violation, but the prejudice comes under GATT under the most favored nation clause. The automobiles coming into the United States or going into Canada from this country without a tariff are the result of a bilateral agreement, but under GATT we must treat every nation the same way.

I read an article from the New York Times of March 25:

GATT Hits United States—Notice Is Served on United States That Proposed Free Trade Plan Is Clearly Against Rules

GENEVA, March 25.—The United States is on notice that it will be breaking the first rule of the General Agreement on Tariffs and Trade if it goes ahead with a proposed auto agreement with Canada.

Notice was served by a 15-member committee that examined the accord, which calls for free trade in cars and original parts, during a session that ended today.

The committee, qualified sources reported, said it was the "general consensus" that the United States would be clearly contravening GATT's most favored nation rule by implementing the free trade agreement.

Under this rule any tariff concession made to one GATT member should be automatically extended to all.

The accord between the United States and Canada was signed last January but legislative action by the U.S. Congress is required to bring it into force.

The committee that studied the accord said the United States would have to ask for a waiver releasing it from its GATT obligations if it enacted the pact as now written.

U.S. officials take the view that the accord with Canada does violate the GATT rule; the violation is merely a technical one.

No conclusion was reached on whether the auto pact would harm other car-exporting nations.

Concern on this score was voided by Britain, Japan, and the European Common Market, which groups West Germany, France, Italy, Belgium, Luxembourg, and the Netherlands.

The United States argues that the types of cars European and Japanese maufacturers export to the United States do not encounter American or Canadian competition.

In addition, according to the U.S. view, the U.S. duty on cars is already negligible at its present rate of 6.5 percent; while this rate will probably be halved as a result of the Kennedy round of tariff-cutting talks.

This is the argument the Senator makes. I want to read the remainder of the article, to be fair.

The United States, qualified sources said, came under criticism from underdeveloped countries on the ground of failing to practice what it preaches.

These countries were quick to point out that the United States was proposing to enter a preferential tariff arrangement with Canada, although it had made a rule of opposing tariff preferences.

Washington's strong stand against the preferential tariff treatment that the underdeveloped countries want for their exports was strongly resented by many of these countries at last year's United Nations Conference on Trade and Development.

At the time the auto pact was concluded with Canada, official sources in Washington said it was planned to ask for a GATT waiver.

However, no request has been made although the United States has indicated to GATT that this possibility has not been ruled out. Washington is said to think that it would be premature to ask for a waiver before the bill to be submitted to Congress for the enactment of the pact has been drafted.

Julio A. Lacarte of Uruguay who was chairman of the GATT session, informed the meeting today that copies of the bill would be made available to GATT members for study.

Britain Protests U.S. Move

GENEVA, March 25 (Reuters).—Britain took a firm stand against the proposed United States-Canadian free trade agreement in autos and parts, usually well informed sources said today.

The British objection was made at a meeting here of the General Agreement on Tariffs and Trade. The sources said that several other GATT countries also expressed reservations about the free-trade plan.

British car makers have complained that the agreement would endanger the 17½ percent preference enjoyed by British cars in the Canadian market.

Canada has said she would make the tariff concessions available to manufacturers in Canada for imports coming from all countries, and therefore considers her proposal meets GATT rules. The United States would not extend the planned tariff concession to other nations.

I read next an article from the New York Times of March 29, 1965:

Canada Assesses Auto-Pact Action—Officials Express Views on Possible Move by GATT Affecting Car Imports—Impact Is Evaluated—Reports From Geneva Say Agreement May Violate Rules of Trade Bloc

OTTAWA, March 28.—The proposed Washington-Ottawa automotive pact has the curious effect of placing the United States in violation of GATT commitments while leaving Canada technically blameless.

Canadian authorities explained this anomaly over the weekend in commenting upon Geneva dispatches that reported the international trade body was in the process of serving notice on the United States that in the pact it was violating GATT's first rule against restrictive preferential trade agreements.

"Canada is not also accused of a violation," a Government spokesman explained, "because our commitment under the agreement is worded differently from the commitment of the United States. We allow Canadian manufacturers to import cars and parts from any country in the world although it is only practical for them to import them from the United States. The nonexclusiveness of our language protects us against being in violation under GATT."

RESTRICTION CITED

"The United States," the spokesman continued, "restricts imports to cars having a prescribed percentage of Canadian content. It is this restriction of the preference to Canada which is the basis of the charges being made against the United States."

Senior officials of the Ministry of Trade and Industry and of the Ministry of Finance held lengthy meetings to consider the situation.

Some profess to be undisturbed by the GATT development. Their stand was that both countries had realized that the U.S. commitment under the General Agreement on Tariffs and Trade would be in violation of the agreement and that that situation would have to be faced at some time in the process of ratification.

It may simply leave its violation unpurged as Canada did when it imposed surcharges on certain imports in its last balance-of-payments crisis without either seeking or getting GATT's approval.

RULES EXPLAINED

Officials here emphasize that the GATT rules provide for waivers providing two-thirds of the membership agree. In the past, waivers have been obtained by the United States in respect to some agricultural products by Britain with respect to preferences to some undeveloped colonies and by West Germany in respect to some manufactured exports.

It is admitted by some officials here that Canada should have applied for a GATT waiver when import surcharges were imposed in the payments imbalance crisis of June 1962.

I have read this to indicate the background and sentiment that prevails.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. RIBICOFF. I shall be pleased to yield to the Senator from Kansas after I have finished with this colloquy.

While it may be considered a technical waiver, we can rest assured that when this waiver is obtained, we are up against some shrewd negotiators.

Mr. LONG of Louisiana. The people from whom we would have to ask the waiver, under our agreement, are the same people to whom we have accorded waivers time and again. We would be asking waivers of European Common Market countries.

The entire European Common Market is violation of GATT, because it does not accord the United States and others the most favored nations treatment. The same is true of the European Free Trade Association and also the Commonwealth preference, under which the British get an advantage in the Canadian market in competing against Americans. We have given them waivers on all those things, and all we are asking them to do is to give us a technical waiver, even though we have given them substantive waivers, which have cost us millions of dollars in trade. We have given them major, substantial waivers. Let us consider what they did to us with respect to chickens. We developed the market for chickens. They have pushed us out of it.

Mr. RIBICOFF. This is what we are complaining about and what we are trying to eliminate, and what our negotiators are trying to eliminate through the GATT negotiations. They are trying to succeed, to make sure that America is not discriminated against in the Common Market or in EFTA, to make sure that we are given the same treatment as other nations in the Common Market.

We undercut our arguments when we come in with anything such as this.

I assure the distinguished Senator that we are dealing with a group of tough negotiators when we are dealing with Europeans. They are looking out for their interests. I have to admire nations which look out for their own interests. I know that our team in Geneva will try to look out for American interests.

What worries me is that our negotiators in the State Department do not have that toughness or the ability to trade on an equal basis in order to protect American interests.

I thank the distinguished Senator from Louisiana, who is one of the most important members of the Committee on Finance. In 1962 the distinguished Senator from Louisiana had a great hand in putting together the Trade Expansion Act.

Then, the distinguished Senator from Louisiana was unwilling, together with other members of the Committee on Finance, to give the whole problem of trade expansion and GATT negotiation to the State Department, because it was feared that the State Department did not have negotiating ability to make a good deal for the United States. There was set up a special representative in the White House—I was not a Member of the Senate then—because it was felt it was necessary to protect American interests.

Now we undercut American interests. What worries me about this agreement, and what our experience with rubber footwear, which the Senator brings up, proves, is that the State Department does not have that ability. The State Department should always consider American policy.

But in the world today we have problems of trade and tariffs, and problems of balance of payments, problems of money, problems of balance of trade, and the flow of gold. All these problems are so deep and so involved that the State Department must not operate in a vacuum because the impact of all of these elements, American business, American agriculture, the American consumer, and American labor, is so important. The Congress should uphold the law formulated and passed in 1962. By passing the proposed act we are undercutting a solemn act of the Senate in 1962. We are encouraging the State Department to take the lead and undercut the entire trade negotiations.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I had told the Senator from Kansas that I would yield to him.

Mr. LONG of Louisiana. Mr. President, I know that the Senator will make the argument that the proposal we have before us is not a good deal for the United States. Assuming that to be the case, would the Senator say it is a good deal for both the United States and Canada, in view of the fact that we have given waivers to the Common Market, the Free Trade Association, the European coal and steel community, and to the commonwealth preference group? In view of the fact that we have given waivers to all those groups, for their own mutual advantage, does the Senator see any reason why we should not ask for waivers, if we can make an arrangement between the United States and Canada under which we can have a good deal for the United States and Canada—one which hurts no one?

Mr. RIBICOFF. Mr. President, if the bill is passed, I shall fight just as hard for the act when I go to Geneva in November as I have been fighting against it, because this would be a fait accompli. Once policy is made in this country, I am in favor of the American policy.

Both the Senator from Louisiana and the Senator from Kansas, who is on his feet, will work together as individuals in the big job we have in upholding the hand of the negotiators. The fear I have is that when we sit down in Geneva to try to reconcile the conflict and try to get a good deal for the U.S. industry and agriculture, we shall have to eat this agreement. There will not be any sugar on it, or any salt. It will be hard to have it go down the throats of American negotiators.

What worries me is that we have given away great power and a bargaining opportunity. The negotiators are going to ask for a quid pro quo, and I would rather go to Geneva without a quid pro quo.

Mr. LONG of Louisiana. We do not think they will.

If this is looked into, does it compare to what France is doing and other nations? We think we are in a better position than they. People in responsibility do not think so.

They do think we would have to give compensation, as we did in that rubber footwear matter.

Mr. RIBICOFF. And I appreciate that.

Mr. LONG of Louisiana. I thought the Senator had a good case, and I was happy to help him.

Mr. RIBICOFF. I am glad the Senator did.

Mr. LONG of Louisiana. The executive branch then felt that it would have to make concessions to the Japanese because of the legislation we passed.

Mr. RIBICOFF. I was fighting for Connecticut industry and fighting for Connecticut labor. I believe I am fighting for Connecticut industry and Connecticut labor now, and for the general consumer as well, when I oppose this agreement.

Mr. LONG of Louisiana. I will never criticize the Senator for representing Connecticut. Sometimes I have felt that perhaps it was unfair to undercut and criticize a Senator for representing his State and the people of his State. I have from time to time contended that if every Senator would represent his State, what passes through the Senate would be good for the country, because Senators from the majority of the States must necessarily vote for it.

Mr. CARLSON. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I am pleased to yield to the distinguished Senator from Kansas.

Mr. CARLSON. I did not intend to inject myself this early into the Senator's most informative statement with regard to general trade policies. I did not intend to get into a discussion of the agreement between Canada and the United States on automobiles and automobile parts, which we are now considering.

The Senator from Connecticut is rendering a real service by inviting attention to what is happening to our general trade policy. It seems to me that by this agreement we are endangering future trade, when we consider the policies that were established 30 years ago and in the General Agreement on Tariffs and Trade. We are establishing a dangerous trend by getting into this kind of action and making bilateral agreements. I am fearful that as a result, we shall be entering into many other bilateral trade agreements.

The Senator from Louisiana [Mr. LONG] has spoken about obtaining a waiver. In my opinion, this will be a subsidy agreement, so far as the future trade of the United States, internationally, is concerned.

I believe the Senator from Connecticut is rendering a real service in opposing the agreement. As the Senator from Connecticut has just mentioned, he and I spent some time at the Kennedy round in Geneva. We sat at the table with the negotiators from other countries. In my opinion, the United States has some outstanding, able negotiators at Geneva in Mr. Blumenthal, Mr. Roth, and, of course, Christian Herter, the head of the negotiators.

I am fearful that when we begin to negotiate bilateral agreements in the future, we shall have more difficulty than we are now having. It is my opinion that this agreement with Canada will cost us plenty in the international trade picture before we are through.

I appreciate hearing the Senator from Connecticut discuss the general trade picture. I hope he will have the opportunity to go into a general discussion of it, because we are beginning to talk about flaws, and I think there are some.

Mr. RIBICOFF. I am grateful to the distinguished Senator from Kansas, for whom I have great and abiding respect. It is because I believe the basic philosophy is so important that the first part of my speech goes in depth to the entire problem. I thank the Senator from Kansas for his remarks.

Both the Senator from Kansas and I realize that Mr. Blumenthal is a really tough, able negotiator. I commend the President and Christian Herter for having chosen him to represent the United States at Geneva. Mr. Blumenthal is a man whose type of sophistication, understanding, and fighting qualities is needed to protect American industry and American business. I quote further from Mr. Blumenthal's speech:

> This leads to the fourth and in many ways the most important general principle underlying the negotiations. As I mentioned a few moments ago, one of our main stakes in the Kennedy round is the strengthening and extension of the pattern of liberal multilateral trade relations based on the most-favored-nation (MFN) principle. MFN—the concept that a concession to one nation is a concession to all and that, for a given product, all GATT countries have the right to be accorded the same treatment by importers—is the bedrock on which the present highly beneficial structure of world trade has been built. Stated inversely, MFN means nondiscrimination. We must not underestimate the importance and the value of this principle.
>
> All the major industrialized countries are under pressures of various sorts, or have been tempted at one time or another, to depart from MFN in this or that area. We must resist this temptation. We must be particularly careful not to violate the MFN principle in our search for expedient solutions to immediate problems.

Mr. President, this agreement is clearly the State Department's simple expedient way of solving an immediate problem. In my mind, Mr. Blumenthal is correct, and I shall vote against this agreement. But I ask the Senate: Who sets trade policy?

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. CARLSON. A notable trend is taking place at the present time. We are beginning to make bilateral treaties through agreements. The agreements should be made by treaty. For many years the United States dealt with other countries through treaties. When we went into GATT, it was through a treaty arrangement.

The reason for entering into agreements is that they require only 51 percent of the Members of Congress to approve them. A two-thirds vote of the Senate is necessary to ratify a treaty. This was specifically brought out in the Committee on Finance 2 years ago, when Mr. Blumenthal said that that was the situation. The negotiators were not returning with treaties; they were coming back with agreements.

For that reason, I believe it is important that the Senate discuss bilateral agreements; otherwise, we shall be confronted with agreements on cocoa, rubber, copper, tin, and other products.

I fully agree with the Senator from Connecticut; I am not so positive that the Department of State should be our representative in the trade picture. I fully agree that the State Department should be a part of the political side of the picture; but when it comes to dollars and cents trade, I have grave doubt whether the State Department has competence in a field which means so much to the future of our economic welfare.

The Senator from Connecticut is rendering a real service in discussing this phase of the problem.

Mr. RIBICOFF. Again, I thank the Senator from Kansas. I cannot emphasize enough that it is my considered judgment that the Department of State does not have the competence to be the sole representative of the U.S. Government in matters of trade. It is my considered judgment that as to any trade agreements, if they are to be really protective—and I use "protective" in the best sense—a number of agencies must be concerned from the beginning, and not after the event. I cannot conceive how the Government could enter into any trade agreement without taking into account the following agencies from the beginning. It is obvious that we must bring in the special representative of the President, Christian Herter, because of the impact of the GATT negotiations now in progress. We must bring in the Treasury Department because we are talking about the balance of payments, which includes currency and gold. How can we discuss what will happen about the balance of payments, and the Treasury Department's concern with the balance of payments, when it would require $1 billion to build plants to bring about $241 million more production in Canada?

That $1 billion will not come from Canada. Let us not delude ourselves. That $1 billion will come from the United States. So again we are out $1 billion in dollars flowing between the United States and Canada.

We must bring in the Commerce Department. How can we fail to bring in the Commerce Department? We must demonstrate the impact which this agreement will have. We must bring in the Labor Department. The Labor Department must be brought into this matter in the very beginning. Labor has a problem concerning the differential of wages, as was brought out yesterday in the colloquy between the able Senator from Tennessee and me.

In the manufacture of motor vehicles, the differential is approximately 55 cents an hour in wages. In the manufacture of parts, there is a differential of 83 cents an hour. That has a great impact on American labor.

I do not understand how we can possibly enter into such an arrangement or agreement without bringing in the Federal Reserve bank. I have great confidence in Mr. Martin. However, the impact on the entire financial structure of the United States must be taken into account.

If nothing else is accomplished in this debate, we must impress upon the country, the State Department, and the President of the United States the importance and duty to make sure in all negotiations that all departments of our Government—representing different point of view and elements which are important for the future of our Nation—must be considered in these trade negotiations. We must not permit the State Department to give away our trade and our jobs for what is considered to be an expedient piece of foreign policy at any one given moment. While they are competent to deal in foreign policy, I believe that there are other Government departments which are more competent to deal in matters affecting trade.

I thank the Senator from Kansas for his contribution.

Mr. HARTKE. Mr. President, will the Senator yield.

Mr. RIBICOFF. I yield.

Mr. HARTKE. Mr. President, is it not correct that this is one basic approach to the philosophy of what we are trying to accomplish? If all we were trying to do were to make possible a more expeditious operation of the automobile industry in the United States and Canada, and lower the rate barriers which exist between two friendly nations for the mutual benefit of the people in Canada and the United States, there would be no difference between the positions taken by the Senator from Louisiana, the Senator from Tennessee, the Senator from Kansas, and the Senator from Indiana. All of us are trying to promote the well-being of the Nation. However, the problem is that the facts, even under the most objective viewpoint, are not only in dispute, but are so clouded and obscured that sometimes it is difficult for some people to discover some of them.

One portion of the bill is the adjustment assistance section. It is admitted by those who are in favor of the agreement, that to this day, the Labor Department has not given us any estimate as to the number of employees and firms that are expected to be affected, or the amount of money that is expected to be poured out of the American Treasury into those firms or into the readjustment of the people involved. All the facts are not available to us today.

Mr. RIBICOFF. The Senator from Indiana is absolutely correct. The information has not been obtained. It is an indication that we have been discussing the matter in detail as though it were a fait accompli and we do not have all the information.

Mr. HARTKE. Mr. President, the Senator made a very worthwhile contribution in that respect. The Senator has been in the executive branch. He has seen what happens after statements have been made and the policy has been determined.

As the Senator from Connecticut said, the problem then becomes a problem for the Department. The Department must try to come up with the best rationalization and solution and still try to make it agree with the overall policy.

Mr. RIBICOFF. The Senator is correct.

Mr. GORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. GORE. Is it not also a fact that the draft of the pending bill—which implements not only the agreement between the Government of the United States and the Government of Canada, but also the side agreements between the automobile companies and Canada—was presented before the private agreement letters were made public and before the State Department negotiators said that neither they, nor anyone in the administration to their knowledge, knew of the letters or had seen the letters?

Mr. RIBICOFF. The Senator is correct.

Mr. GORE. I believe they said they knew that such letters were in existence, but they had not seen them.

Mr. RIBICOFF. The Senator is correct.

Further, the Senate of the United States has been told that we must enact this legislation to improve our balance of payments. We were also told very recently that we had to cut our tourist allowance to help our balance of payments, and we did.

I supported that measure, as did the Senator from Louisiana.

It will be recalled that at that time we saved only $50 million, but were asked to demonstrate to the world the will of Congress to take our balance of trade seriously. What are the facts now?

The Assistant Secretary of International Affairs for the Treasury Department, the Honorable Merlyn N. Trued, testified that in 1964 we had a favorable trade surplus with Canada of $581 million. He further testified that under this agreement, we would retain that surplus; in 1968 our trade surplus is estimated to be, under the agreement, $580 million. This is a point that the distinguished Senator from Illinois makes again and again. However, Mr. Trued failed to say that it is estimated that had the Canadians been persuaded to drop their illegal tariff remission scheme, our trade surplus with Canada would have reached $841 million by 1968. Further, had we done nothing at all in the face of their remission scheme, our surplus would have been $650 million.

In other words, even from a balance of payments point of view, in protesting the drop from $850 million to $650 million, the State Department negotiated us down to $580 million.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. LONG of Louisiana. If Canada had proceeded to do what it had the power to do, and had done what Brazil and Argentina have done, and what Australia is in the process of doing to us, we would have lost the entire trade.

Mr. RIBICOFF. Mr. President, I am pleased to answer that statement. The Senator makes that argument time and again.

Canada is not Argentina or Brazil. Canada needs the United States as much as the United States needs Canada on the question of trade.

This is not a one-way street. On page 10 of the report, as I pointed out yesterday in my colloquy with the distinguished Senator from Tennessee, Canada is a substantial beneficiary of U.S. trade in iron ore and concentrates, wood, logs, lumber, woodpulp, wastepaper, paper and paperboard, and petroleum. Canada is on the very long end in relation of these items.

In the case of woodpulp and wastepaper, Canada exports $747 million worth of these products to the United States and we export $47 million to Canada. Canada has a very favorable balance, $700 million.

I am not in favor of a trade war with Canada. I would go along with the view indicated yesterday by the Senator from Indiana.

If we might have a complete, free, open, common market between Canada and the United States, I should vote for that right now. I should vote for it tomorrow. I think that would be fine.

But if we are to have a series of negotiations, Canada doing business with us and we doing business in Canada, I think the most foolhardy thing that the United States can do is to continue allowing to Canada the benefits every position in which Canada is strong, and give away the one area in which the United States is strong. That is in automobiles and parts. If we continue that type of negotiation, heaven help the United States in the future.

The entire basis of trade is to make sure that there are some benefits accruing to the trading country. That is what I am trying to insure. I have no quarrel with Canada because she is strong in oil, strong in paper, and strong in ore. That is fine. Canada, because of its natural resources, deserves to be strong and should be strong in those fields.

My argument is that if the United States is strong in automobiles, let us not give away the American position of strength in automobiles. Let us keep some strength in the United States. The position of the United States with respect to Brazil and Argentina is not comparable. Argentina has its beef and Brazil has its coffee, and they can afford to take the position they have taken. But Canada dare not do so. Canada would not dare to enter a trade war with the United States, because Canada would by necessity come out the loser.

The point I have been attempting to make is that there is nothing wrong with a nation's protecting its own interests. The entire foreign policy of any nation should be concentrated on protecting and developing that nation's own strength and self-interest. With that I have no quarrel. My difference with the State Department is that in its negotiations, it does not look out of the self-interest of the United States, but looks out for only the foreign policy situation with which it may be faced at any given moment, instead of taking a long-range point of view.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. On the question of balance, the United States has a favorable balance of trade with Canada of approximately $1,183,000 per year. As I understand, that is backed up about 50 percent by loans we make to Canada, and about 50 percent by American investments in Canada such as our investments in automobile manufacture. If we cut off that favorable balance of trade, and cut off that flow of American investment, in my judgment, this Nation will be the great loser, because it is we who have the favorable balance. To the extent that each nation acts unilaterally, Canada will be cutting us back in automobiles, electrical machinery, agricultural machinery, and other high-wage industries; but when we, in turn, proceed to cut back on Canada, we shall be cutting her in pulp, in paper, in lumber and forestry products—and, of course, in liquor—for the most part low-wage industries.

So we would be giving up well-paying jobs for our citizens. We have 25,000 of them at stake on the automobile surplus balance alone. We would be giving up jobs in the $4 category, and picking up jobs in the $1 category.

Mr. RIBICOFF. Let me reply to the Senator in this way: The point that I have been trying to make most carefully is that each nation, by virtue of the natural resources God has given it, or because of its development of its own skills, techniques, and inventive genius, is superior in one phase of business and industrial life or another. Because of the particular genius of the United States, we are superior in the manufacture of automobiles. Automobile manufacture is the most basic industry in the United States. More of our people's jobs depend on the automobile than on any other single factor.

Canada is superior in other factors. In the natural development of business relations between one nation and another, Canada is the beneficiary of her bounty. The United States should be the beneficiary of its bounty. We do not go to Canada and say, "Because you ship us paper and paperboard to the extent of 747 million tons to our 47, we are going to be very restrictive against you in paper." To be sure, we could develop more paper products from Maine, from Minnesota, from Oregon, from Washington, and from our other lumber States. But we do not say that to Canada at all, and I do not believe we should.

I am much concerned over the United States giving away its strength. If it were only the question of this agreement, I suppose we could live with it. The Senator will recall our discussion in the Finance Committee, and will recall an amendment which I offered along that line, which the Senator agreed to accept, and I appreciated his support—though I now feel that the amendment requires a slight revision in wording to carry out the original intent. When I offered that amendment, I pointed out to the Senator that I was looking to the future.

My fear is that with American genius building new plants in Canada, we are going to find greater and greater numbers of Canadian-produced automobiles coming into the United States, which will tend to reduce the potential automobile manufacturing capacity of this country.

Today I received a telegram from Ohio—and I wish to have the attention of the distinguished Senator from Ohio [Mr. LAUSCHE]. I do not know who these people are. I never heard of them. I do not even recognize the name of the company. Perhaps the Senator from Ohio does. It reads as follows:

> CLEVELAND, OHIO.
>
> Hon. ABRAHAM RIBICOFF,
> *Senate Office Building,*
> *Washington, D.C.:*
>
> We have incontrovertible documentary proof that with passage of no tariff on auto parts agreement with Canada specific production will immediately be transferred from our Fisher Body-General Motors plant in Cleveland to Oshkosh and Windsor Plants in Canada. This will mean immediate displacement of 100 workers at our plant. Documents can be made available to you. This will be only a beginning. Thousands of auto jobs will be eventually lost if tariff agreement is ratified. We urge your continued efforts to block this legislation and we are ready to help in any way possible.
>
> SHOP COMMITTEE, LOCAL 45,
> UAW, AFL–CIO,
> JOE TAKACS, *Chairman.*

I do not know where St. Clair Avenue is. I do not know the plant.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the Senator from Kansas.

Mr. CARLSON. It is very interesting to me that the Senator mentioned Cleveland, Ohio. I have an article from today's Wall Street Journal about automotive part plants in Cleveland, which I shall read:

> MAREMONT AUTO PARTS PLANT IN CLEVELAND TO IDLE 75 MEN
>
> CHICAGO.—Maremont Corp. said it will lay off about 75 of 500 shock-absorber production workers at one of its two automotive parts plants in Cleveland October 8.
>
> John P. Buck, Maremont automotive group president, said the layoff and accompanying minor production cut will be made to reduce an inventory buildup which resulted after a prominent Maremont customer ceased buying shock absorbers from Maremont and began manufacturing its own, as part of a program of vertical integration.
>
> A Maremont spokesman declined to identify the customer, but in a similar move last April Maremont's Cleveland plants laid off 174 shock-absorber workers and cut production by 34 percent following a decrease in original equipment orders from Ford Motor Co. At that time a Maremont spokesman said Ford planned to manufacture its own shock absorbers.

I bring that up because in the adjustment program which the pending bill provides, which is wide open and which goes back to January of this year, the 174 who were laid off in April will be entitled to the wage adjustment to which the 75 who will be laid off on October 8 will be entitled. As I believe the distinguished Senator from Connecticut will agree, all of us who heard that were somewhat concerned with the wide open end adjustment section of the bill.

Mr. RIBICOFF. What is interesting—the Senator from Ohio knows his State; I have been there a few times—the State of Ohio is a very large supplier of all kinds of parts to the automotive industry. When the increase of production of 241 million, plus 60 percent of production in 1964 is transferred to Canada——

Mr. LAUSCHE. Can the Senator translate those figures by way of an illustration? The 240 million is an absolute commitment to increase production.

Mr. RIBICOFF. By 1968.

Mr. LAUSCHE. A year. That is an absolute. Now, what is the 40 percent?

Mr. RIBICOFF. Sixty percent.

Mr. LAUSCHE. Sixty percent.

Mr. RIBICOFF. Sixty percent of the 1964 production of automobiles in Canada, that is to be added to the 240-million-odd.

Mr. LAUSCHE. Mr. President, does the Senator know what the production of automobiles was in Canada in 1964, so that the 60 percent formula can be applied to that basic figure?

Mr. RIBICOFF. The total Canadian value added in parts made in Canada, including replacement parts, for 1968, would be $1,510 million; in 1964, $962,400,000. It is estimated to go up to $1,510 million.

Mr. LAUSCHE. That would be 60 percent——

Mr. RIBICOFF. Which would have to be added.

Mr. LAUSCHE. So that the $962 million——

Mr. RIBICOFF. That would be $547 million, plus $240 million, which would be approximately a $750 million increase in automobile production.

The interesting thing involved is that the automobile companies, in living up to their agreements with the Canadian Government, can receive credit for automobile parts manufactured in Canada that go into automobiles made in Canada or the United States, as long as those parts are made in Canada. Therefore, the automobile companies will take their parts manufacturers in Ohio, Indiana, and Connecticut, and no one will have to paint a picture on the wall for them. They will understand that their bread will be better buttered if they move some of their parts plants into Canada from the United States. That is exactly what is going to happen.

The other day, in the Finance Committee, we read an article from the Evening Star which indicated that the Budd Co. in Pennsylvania was about ready to build a modern plant in Canada to take care of additional production to supply automobiles manufactured in Canada.

Mr. LAUSCHE. With respect to this telegram, the Fisher Body was at one time the largest manufacturer of automobile bodies in the country. It then became a part of General Motors. Obviously, this man representing local No. 45 states that jobs will be lost in the Fisher Body Co. because they probably will be transferred to Canada.

Mr. GORE. Mr. President, will the Senator from Connecticut yield?

The PRESIDING OFFICE (Mr. MONDALE in the chair). Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. RIBICOFF. I yield to the Senator from Tennessee.

Mr. GORE. In connection with the able Senator's reference to the Budd Co., my office staff has just handed me a letter, this day received, which I should like to read.

It states:

> MY DEAR MR. GORE: I am writing you on behalf of all of us in the labor movement, all our members, their families, and friends, Democrats and Republicans alike, to thank you so very much for all the deeds and acts you have performed in our behalf. We wish you good health and a long life.
>
> We also wish you to know that all of us especially connected with the Budd Co. are very much interested in all matters that come before you, pertaining to the manufacturing of automobile chassis and parts which is exactly what we are engaged in.
>
> Many of our workers have been laid off here at the Budd plant, and now we see where the company has purchased 115 acres of land at Kitchener, Ontario, in Canada, for the sole purpose to build a chassis plant.
>
> Most of our members here have many years spent with the Budd Co., and they are truly concerned, even though the corporation has stated that the Canadian plant would not affect its output in Philadelphia.
>
> With these facts before you, we are all praying and hoping that you will continue to fight against the United States-Canadian auto tariff cut.
>
> We wish to thank you and all your colleagues on both sides of the aisle for your support on any legislation that will help to make our great Nation greater.
>
> Sincerely yours,
> LOCAL 92, UAW,
> MICHAEL R. AMABILE,
> *President.*

Mr. LAUSCHE. The subject of a commitment to increase production by the absolute figure of $240 million plus 60 percent of the 1964 production shows——

Mr. RIBICOFF. $962,400,000 in 1964.

Mr. LAUSCHE. Is that in the treaty, or is it a side agreement made by the automobile manufacturers with the Canadian Government?

Mr. RIBICOFF. That was a side agreement. This side agreement is incorporated.

Mr. LAUSCHE. Is that in this letter?

Mr. RIBICOFF. Yes.

Mr. GORE. I invite the attention of the Senator from Ohio to the bizarre situation in which the Senate is being asked to pass a bill to implement side agreements which were not made public until after the draft of the proposed legislation had been submitted to Congress. According to the Tariff Commission, they are——

Mr. HARTKE. Some of the side agreements are still secret, and they have not been made public yet.

Mr. LAUSCHE. Yes; some of the side agreements have not been made public yet.

Mr. GORE. According to the Tariff Commission, they are still secret side agreements, which the pending bill would implement.

Mr. LONG of Louisiana. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. LONG of Louisiana. While we may not agree on conclusions, I believe that we should agree on the facts in debate on the floor of the Senate. Here is a point which I believe the Senator from

Ohio would like to know: On page 11 of the committee report—and I also invite the attention of the Senator from Connecticut to this point—it will be seen that both sides agree on how production in Canada would project under the agreement. Page 11 contains a chart and a statement. It is estimated under the agreement that Canadian sales will increase from $1,543 million in 1964 to $2,090 million in 1968. Also, that the Canadian value added will increase from $962 million in 1964 to $1,510 million in 1968.

If we subtract one figure from the other, we get the net U.S. surplus. It projects from $580 million in the model year 1964 to $580 million in the model year 1968.

Let me emphasize that that is the favorable trade surplus which we seek to protect with this agreement. Translated into jobs, that is 25,000 jobs net, because of trade between the two countries. Of course, we will send them some of our automobiles, and they will send us some of theirs. We will send them some of our small parts, and some of our parts manufacturers will shift to Canada, and some of their small parts manufacturers will shift to the United States.

I placed in the RECORD an excerpt from a Canadian newspaper, pointing out that their Government has notified 17 of their manufacturers that they are going to be adversely affected. If we look at the overall picture, the United States benefits by this agreement to the extent that on net balance we will maintain that $580 million surplus. That translates into 25,000 jobs in the automobile industry and we have more, because we are shipping more to them than they are shipping to us. Therefore, we maintain the advantage that we have.

Canada, under the agreement, would continue to increase Canadian production, but that increase in production comes out of the increase in the market sales of automobiles in Canada. That also includes the so-called side agreements. Those are agreements between the Canadian Government and Canadian companies. They have the right to talk to their companies, just as we have a right to talk to ours. But our companies have told us what they propose to do, even though we do not have any side agreements. Even the side agreements have a way for those companies to get out of it, if any unforeseen circumstances develop. We have assurances from our companies of what they plan to do here. I saw a General Motors statement that proposed in the next year, as I recall, to spend approximately $1.5 billion in new plants and equipment in the United States. They plan to invest about $150 million in Canada. I think they propose to make as much in Canada as they invest.

U.S. production is predicted to go from $24 to $29 billion at a 4-percent growth rate. The Canadian growth rate is predicted at 8 percent.

Therefore, proportionately, the Canadian growth rate would be more in the Canadian market. But this agreement has been in effect 6 months, and we have had in this country 40,000 more jobs during the effective period of the agreement.

So while there will be some dislocations and some shifts, as the automobile market, both manufacturing and selling, in the United States and Canada becomes a part of a great North American market. We will pick up more jobs; but, percentagewise, Canada will pick up more, because it is growing at a faster rate.

Mr. RIBICOFF. Mr. President, what has happened, in the reply of the Senator from Louisiana, is that he is talking about apples and oranges. In the original colloquy with the distinguished Senator from Ohio [Mr. LAUSCHE], we were talking about guaranteeing increased production for Canada. What the Senator from Louisiana is talking about is balance of payments.

I recognize that there is a static situation in the balance of payments, but I pointed out, before the Senator from Ohio came on the floor, that if we did nothing, but let nature take its course, our balance would increase.

I understand the Canadians are concerned about their deficit in the balance of payments, but it is natural for the United States to grow where it is strong, and that is in the automobile industry. What we are giving is a part of our natural growth, a part of the strength of the United States, which is in automobiles, by assuring that there will be increased production in Canada.

There is only one place from which this increased production can come, and that is from the United States, because Canada is not in a position to have this increased production. It does not have the capacity in plants or funds. It can come only from the United States.

If we want to say, with our eyes wide open—and this in effect is what the State Department is saying—that we want to give American production to Canada so Canada will be happier than she is now, and if it is worth giving up that number of jobs, and if it is worth stunting American industry in its strong suit, then let us tell the people that is what we are doing.

I agree with the statement made by the Senator from Louisiana about the balance of payments, but this question goes beyond the question of balance of payments. Canada cannot have the situation all her way. Canada has her way in liquor, paper, ore, and oil. This is fine, because it is natural for Canada to be strong in those fields. But I point out to the Senator from Louisiana and the Senator from Ohio that, if we are strong in automobile production, we ought not to give up our strength. I do not want to give it up. That is the difference between the Senator from Louisiana and myself.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. LONG of Louisiana. The Senator from Connecticut made a statement which was correct insofar as it went—that if we did nothing, we would have an even greater favorable balance in the manufacture of automobiles in 1960 to 1970 than this agreement provides. That is assuming that Canada will do nothing. But Canada is moving toward becoming an automobile producer. The people of Canada have to pay more for the automobiles. A Lincoln Continental costs $1,400 more in Canada than it does in the United States. Out of national pride and a desire to have more jobs for her people, Canada is moving in the direction of manufacturing more of the automobiles her people buy. If Canada does what Brazil, Argentina, South Africa, Australia, and European countries have done——

Mr. LAUSCHE. Mr. President, if the Senator will yield, what have they done, if I may ask?

Mr. LONG of Louisiana. Canada requires that our manufacturers have 60 percent Canada value added in Canada.

Brazil started out by requiring 50 percent Brazilian value added. Brazil started out with that figure, and now on automobiles there has to be added 100 percent Brazilian value. Therefore, everything from the bottom of automobile tires to the top of radio aerials is manufactured in Brazil. Our sales went down from $82 million to $14 million in 1963. The figure will be much lower than that in the future.

Australia has adopted a pattern which amounts to adding 95 percent of Australian value.

Argentina had a requirement of an addition of 45 percent Argentine value added in 1962. It advanced it to 90 percent in 1964. Our exports to that country dropped from $75 million to $18 million.

South Africa is pursuing a similar policy. Our exports dropped from 11,000 autos to 5,000 autos.

France imposes taxes on U.S. automobiles that amount to 10 times her own taxes, largely due to the difference in weight, and this has reduced our sales.

So if what happened in Brazil and other countries should happen in Canada, we are in danger of losing our $580 million surplus.

What this measure does is save the $580 million trade balance and save 25,000 good jobs in the United States because of the surplus in the difference between what we send Canada and what is sent here.

U.S. production would increase from $24 billion to $29 billion. While U.S. production increased, Canada's production, while not so great in numbers, percentagewise would increase even greater, because it is working from a lower point.

Mr. RIBICOFF. Mr. President, these points have been gone over before. I can summarize them as follows. I am for any equitable agreement which will lead to Canadian prosperity.

Mr. LAUSCHE. Mr. President, may I interrupt for a question?

Mr. RIBICOFF. I yield.

Mr. LAUSCHE. The Senator from Louisiana mentioned the 60-percent increase in production must be achieved through manufactures and sales in Canada. It is the understanding of the Senator from Louisiana that the Canadian increase of the $240 million will all have to come out of manufactures and sales in Canada?

Mr. RIBICOFF. It is my understanding that these goods have to be produced in Canada but do not have to be sold in Canada. They can be sold in the United States as well.

Mr. LONG of Louisiana. The Senator is correct. But the way it works, these companies are undertaking to commit themselves in Canada that they will produce enough to take care of increased consumption in Canada. We have in this country an existing favorable balance. Canada has to require this to get efficiency and economy of operation. Instead of Ford producing 70 models of automobiles, which is an inefficient operation because they do not produce enough to have mass production, they would produce maybe 3 lines.

Every automobile that goes from Canada into the United States opens the way for an automobile from the United States into Canada.

While they would maintain a different percentage of Canadian production they would ship into this country a considerable number of automobiles, while we would ship other cars into their country.

Mr. RIBICOFF. I wish to reply to the Senator from Louisiana and the query of the Senator from Ohio.

What this agreement does is to close the Canadian market to the United States. It opens the American market to Canada. We get nothing in return. It is as simple as that.

The statement made by the Senator from Louisiana condemns the entire case.

It is true that Canadian production is expensive because they make many varied lines in a small capacity. Instead of making many lines, they make two or three. That is what is going to happen.

Ford, Chrysler, and General Motors will build plants in Canada where the differential in labor is 53 cents to 83 cents an hour. The tariff is taken off. Then they will look at this differential in labor, with brandnew plants. They will take the small Chevrolets, Fords, and Plymouths, and manufacture them in Canada. Since Canada is on the American border, the cars will be shipped into the United States as if made in the United States, and there will be no tariff on the automobiles. Canadians will not bother making Cadillacs, Continentals, or Chrysler Imperials in Canada any more. They will make those in the United States. But how many people earn their bread and butter on Chrysler Imperials, Cadillacs, and Lincoln Continentals? It is on mass-produced items.

The automobile companies are so organized that they will spread around themselves satellite plants.

The 10,000 manufacturers of parts in the United States, in Ohio, Connecticut, Rhode Island, and in Wisconsin, in order to get the advantage of the elimination of tariff, will go into Canada. By so doing they will be doing the automobile manufacturers a favor because this helps satisfy their commitments.

What we are doing is opening up the American market to Canada and closing ourselves from Canada.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. PASTORE. This agreement came before an important committee of Congress. I am very much impressed with the case being made by the Senator from Connecticut.

What he is saying, in essence, is that in the long run all we are doing is exporting American jobs.

Mr. RIBICOFF. The Senator is correct.

Mr. PASTORE. We are taking jobs that exist in the United States, and through certain pressures that are going to be exerted on the satellite industries—whose chief sponsors are the big four—our businesses will be caused to locate in Canada. They will say, "If these companies want us to buy this product and put on assembly lines, they had better establish in Canada; otherwise they will lose their account."

What makes the United States indulge in such an agreement? What are the advantages? What is good for our country in this agreement?

Mr. RIBICOFF. Let me put it in the vernacular. I believe the State Department is taking us for a bunch of chumps, to put it as bluntly as I can.

The State Department entered into this agreement without knowing that side agreements were in effect. The State Department did not know what the agreements were all about. They thought they had to do it because Canada was grumbling because so many automobiles were being manufactured in the United States. We are strong in automobiles. This is our strong suit in the United States.

I read from the report of the hearing. Consider what Canada does to us. We do not complain. It is on page 10 of the report.

Canada sends $103 million worth of liquor to us. We send $2 million worth to Canada. In iron ore and concentrates Canada sends to us $275 million and we send to Canada $58 million worth. Canada sends to the United States in wood, logs, and lumber $352 million worth, and we send to Canada $55 million worth. In wood pulp and waste paper, Canada sends to the United States $346 million worth, and we send $12 million worth to Canada. Canada sends $747 million worth of paper and paperboard, and we send to Canada $47 million worth.

I am not complaining about that. But Canada comes to the United States and says to us that we are sending so many automobiles to Canada and they do not send enough automobiles to us.

I say that is right. We are doing a big job in automobiles, and we should. I do not complain because Canada has a natural advantage in all the other items.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. PASTORE. Canada should realize that the military might we maintain—the Army, Navy, and Air Force guarantees her security.

Mr. RIBICOFF. They take it for granted, because they feel it is for our protection also.

Mr. LAUSCHE. We cannot become involved in a vitriolic quarrel with Canada. She needs us and we need Canada.

We hope to achieve justice in these matters.

Mr. LONG of Louisiana. We have seen countries, partly as a matter of pride, move in and take these industries.

It is our job, when a country starts doing this, so far as America is concerned, to see if we can keep a steady trade balance.

We had a $58-million trade balance in automotive products in Canada. This legislation projects into a $580-million trade balance. We would be retaining that much of the Canadian market.

In addition to any favorable trade balance, there is one more thing.

American companies and U.S.-owned companies will be manufacturing those automobiles.

This agreement is a good deal for the United States. We shall have a favorable balance of trade in automobiles with Canada for years from now, in the same amount we have now, which means that we will save 25,000 jobs which depend on exports of automotive products to Canada. We are shipping them many parts and automobiles, and they are translated into 25,000 jobs.

Their industry would increase. Their production would increase from $1.5 to $2.1 billion. That is a pretty good increase. It is an increase of about 35 or 40 percent. At the same time, our industry is increasing. We have seen some of the plans our industry has. Some of them have been made available to our people. Our industrial production would increase from $24 to $29 billion. That is perhaps only a 20-percent increase. But in absolute terms that increase in our industry is many times as big, in dollar figures, as the increase in Canadian industry.

Mr. PASTORE. Mr. President, will the Senator from Connecticut yield, so that I may make an observation on the statement made by the Senator from Louisiana?

Mr. RIBICOFF. I yield.

Mr. PASTORE. We must remember one thing. Of all the nations in the free world, the United States is the only nation that is on a wartime economy in time of peace. The United States spends $50 billion a year to make the things that we pray to God we will never be called upon to use, while Canada is about to begin making automobile parts and refrigerators. Germany, Italy, France, and England are engaged in building up a peacetime industry. They are making the things that people want in peacetime. But the United States is bolstering her great gross national product by spending billions of dollars a year to make the things that are required to destroy.

Mr. AIKEN. What would we be spending if we did not have Canada to the north of us?

Mr. PASTORE. I have not the least idea. But we have lines of detection and have to pay for the privilege of putting up those lines.

When we sent our boys to France, we had to pay $5 for every American who put his foot on French soil in order to liberate France.

I agree with the Senator from Connecticut. We are always negotiating to the disadvantage of the United States. The United States is supposed to be Santa Claus all the time; otherwise the agreements will not work.

To return to the observation I wish to make. Yesterday the distinguished senior Senator from Tennessee [Mr. GORE] testified that he has documentary evidence that certain manufacturers have already notified their employees that it is planned to close their plants in this country and establish new factories in Canada. If that is not the most glaring, the most dramatic, the most graphic example of exporting American jobs, I do not know what could be.

The retort that is being made is that the American big four automobile manufacturers will make big profits. In other words, we will become the bankers to the world. But in that process, we will be eliminating American jobs. The first thing we know all that will be produced in the United States, if we continue the way we are going, will be bombs and nuclear and thermonuclear weapons. The refrigerators, automobiles, televisions, and everything else that goes with them will be produced in other lands.

We saw that happen in the textile industry. I have been involved in the textile industry up to my neck. I have seen the exportation of jobs from that industry. We shall do so again in the automobile industry.

The argument is made: "Yes, but consider the profits that will be made by the few mills that will remain." That is the argument of my good friend from Vermont [Mr. AIKEN]. But I am not interested in corporate profits; I am interested in jobs. It strikes me that we are exporting jobs in order to bring about a balance of payments. The balance of payments is but a figure on a piece of paper. I am interested in protecting good, old fashioned jobs.

Mr. LONG of Louisiana. More jobs will be created under this agreement than existed in the same period of last year.

Mr. PASTORE. Yes, because the American consumer who is working will buy automobiles. If his job is taken away, it will not be possible to sell him automobiles.

Mr. LONG of Louisiana. It is also because we have a $580 million trade surplus on this item. This agreement seeks to protect that surplus. That is all this action seeks to protect.

The Senator mentioned documentary proof of some industry planning to move some of its jobs into Canada. I placed in the RECORD yesterday a statement of the Canadian Government to the effect that 17 of their plants would be moved to the United States. So the agreement will work both ways.

Mr. PASTORE. I wish a list of those names could be placed in the RECORD, because I am interested in it.

Mr. RIBICOFF. The Senator from Rhode Island is absolutely correct.

Mr. AIKEN. Not quite. It appears that the ardent opponents of further cooperation between the United States and Canada do not quite understand. I am sure that the opponents would find that the production of war material is prorated between the two countries according to the benefits received and the costs incurred. This arrangement has been made by the executive branch. Up until the last 2 years or so the United States appeared to get the greater share of war material production. I understand that defense sharing is now pretty well in balance.

The Senator's State of Connecticut is probably, for its size, the leading State in the Union in the production of materials for defense. I believe Connecticut's Government contracts amount to something over $1 billion a year, and they are largely devoted to war materials.

But here is another point that no one seems to have brought out: When Canadians make more money, where do they spend that money? All one has to do is to come into Vermont at any time from Thursday to Monday. The south end of the State will be covered with Connecticut cars, and we appreciate that. Many of the owners want to go back home as soon as they can. The north end of the State will be teeming with Canadian cars. The Canadians will be doing much of their shopping and enjoying their recreation in Vermont. I do not know what the recreation and trade relations between the 2 countries amounts to. My recollection is that it is huge. By "huge," I mean $100 million or so in our favor. I may be in error. But I did want to point out one fact that has been a favorite topic of discussion between the two parliamentary bodies when they meet once or twice a year. It has been the prorating of production of defense materials for the mutual defense of North America. Now Canada has been getting its share, and our Government believes we are getting our share. I do not know what it amounts to, but I did not want the impression to be left that we are furnishing all the costs and Canada is getting all the benefits. It is a question of whether they are costs or benefits when we are producing war materials. They mean many jobs; I know that.

Mr. RIBICOFF. The Senator from Vermont and I are not in disagreement. Before the Senator came to the floor of the Senate, the opponents of the agreement, the Senator from Indiana [Mr. HARTKE], the Senator from Tennessee [Mr. GORE], and I had stated, both yesterday and today, that we are ready to vote right now for a common market between Canada and the United States, with the elimination of all tariffs.

But that is not the issue here. We would be for that right away. What concerns us is that an agreement has been entered into with Canada which is detrimental to the United States and violates U.S. commitments to GATT.

Already it is complained that the agreement violates the most-favored-nation clause of our trade agreements, and this is an agreement that, as the Senator from Rhode Island has well pointed out, means a definite exportation of jobs from the United States.

One of the men who testified was from Connecticut. He pointed out that he has a plant in Connecticut that employs 5,000 persons. He has another plant in England that employs 2,000 persons. He supplies bearings to the automobile industry. It is his wish and preference to expand as much as possible in the United States. Everything else being equal, he would want to build a new plant and provide more jobs in Connecticut.

Certainly, if it were to come to the question of having to go to Canada to supply parts—and the Canadians can even now compete with America—he would have to take his plant and move it there. The Budd Co. of Philadelphia announced last week that it would open a plant in Canada to supply bodies and parts in the light of what has taken place with respect to the automobile agreement.

The agreement provides for a production expansion of 60 percent of any increase in the Canadian market plus $241 million a year in increased production by 1968. This would require approximately $1 billion of American capital to build these plants to secure the increased production.

We are trying to point out here that this is a one-way agreement, that the United States does not get any benefit. We believe that, since we have a favorable industrial balance of trade on certain products and have an advantage in making automobiles in the United States, we should not do this.

Mr. AIKEN. Mr. President, I am glad to hear the remarks of the Senator in regard to the common market. I do not believe that we could obtain a common market all at once. I do not believe that Congress should vote for it. I am rather sure that the Canadian Parliament would not vote for it at this time.

I have observed that there seems to be about the same degree of apprehension over this proposal for an automotive parts agreement north of the border that there is south of the border. Last spring it appeared doubtful that the Canadian Parliament would approve it. However, they did agree to it.

I believe that a move like this would lead in the direction of a common market. I also understand that the English and Western European manufacturers are not very happy over the prospective arrangement between our two countries.

I am sure that any agreement such as this will cause certain industries to make readjustments. They would have to do it. We cannot make progress in any direction without somebody having to make readjustments. However, as far as Connecticut is concerned, the business interests of that State are very ingenious and versatile. I would not expect them to go out of business if this arrangement were to go through. However, when we consider the number of Canadians coming into the United States to spend their vacations in Chicopee, Fall River, and Woonsocket, all over

Maine, New Hampshire, and Vermont—Syracuse and Rochester, in New York State, are two of their favorite trading centers—we realize that our prospects are, to a considerable degree at least, dependent on their prosperity.

If I thought that efforts at a closer cooperation would end with this arrangement for automotive parts, I do not know what my position would be. I believe that this is a start toward a greater cooperative effort, not for an immediate common market because we could not get it at this time. We could not get a favorable vote in the Senate and probably not, in the Canadian House at this time, but closer cooperation means much. Further than that, we are very fortunate that we have Canada as one of our nearest neighbors. Our defense costs would be infinitely more than they are if that were not a fact.

Mr. RIBICOFF. Mr. President, I thank the Senator for his contribution.

Mr. PASTORE. Mr. President, do I correctly understand the Senator to mean that this is an agreement between the United States and Canada and no other country?

Mr. RIBICOFF. The Senator is correct.

Mr. PASTORE. Why is this not on the basis of a treaty? If this is an agreement between two countries, why does it come up in the form of legislation and not in the form of a treaty?

Mr. RIBICOFF. Mr. President, I believe that this is a device to avoid the two-thirds vote on a treaty. Therefore, this may be the beginning of a series of executive agreements, instead of treaties. One of the basic faults in the legislation is that it is a means of bypassing our duty as Senators to pass on treaties by substituting such an agreement for an executive treaty and thus avoiding a two-thirds vote.

Mr. PASTORE. Is the Senator saying that we are trying to outsmart ourselves?

Mr. RIBICOFF. We are being outsmarted, and we are cooperating most willingly in being outsmarted.

Mr. President, I yield the floor.

AMENDMENT TO TITLE 18, UNITED STATES CODE, WITH RESPECT TO THE ADMISSIBILITY OF CONFESSIONS IN EVIDENCE

Mr. McCLELLAN. Mr. President, a few weeks ago, on June 24, I spoke here on the crime menace now prevailing in this country. At that time, I introduced five bills in the nature of remedial legislation. Today, I wish to offer another bill and to supplement the remarks that I made on that occasion.

Mr. President, on behalf of myself and the senior Senator from North Carolina [Mr. ERVIN] I send to the desk a bill for appropriate reference, and ask unanimous consent that, following my remarks, the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested.

The bill (S. 2578) to amend title 18, United States Code, with respect to the admissibility in evidence of confessions introduced by Mr. McCLELLAN (for himself and Mr. ERVIN), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, during the present generation, a series of decisions by the U.S. Supreme Court and by some circuit courts of appeal has brought confusion and disarray into the field of law enforcement. These decisions have set free many dangerous criminals and are daily preventing the conviction of others who are guilty. Thus, we are witnessing the sordid spectacle of known, admitted, and confessed murderers, robbers, and rapists being freed by the courts not on the basis of innocence, but rather on the pretext of some alleged, minor, or dubious technicality.

The breakdown of law and order emanating from such slavish dedication to technicalities is diminishing the safety of our citizens in their homes and on the streets of our cities. It is, to some degree, responsible for the increase in vicious assaults that are being made by thugs and hoodlums upon police and law enforcement officials upon whom we must rely for protection.

Gangsters, racketeers, and habitual criminals are increasingly defying the law and flaunting duly constituted authority and getting away with it. As a consequence, public confidence in the ability of the courts to administer justice is being undermined and gravely impaired. Until the courts, and particularly the U.S. Supreme Court, become cognizant of this damaging trend and begin to administer justice with greater emphasis on truth and a deeper concern for the protection of the public, the crime rate will continue to accelerate and the quality of justice will further detoriorate.

Criminal laws and punishment of the guilty are imperative to the preservation of social order and the civic liberties of our people. In the pursuit of those objectives, the scales of justice should be balanced proportionately and firmly so as to protect both the rights of society and those of the individual. But those scales can neither function properly nor mete out justice when they are operated under "butcher thumb" techniques that weight them heavily in favor of the criminal and adversely toward society.

In addition to the unrealistic and distorted interpretations of the Constitution—giving it meanings that are entirely out of harmony with commonsense and with precedent—emanating from the Supreme Court, there has been a series of decisions, involving the Court's construction of Federal Rules of Criminal Procedure, especially rule 5(a), which is equally damaging.

In 1947, Congress indicated its approval of the Federal Rules of Criminal Procedure, including rule 5(a) which, in effect, states that an officer making an arrest shall take the arrested person without unnecessary delay before a committing magistrate.

That rule is not contradictory to nor is it out of harmony with procedures that have been followed in Federal and State courts for many years. It was simply designed to prevent protracted confinement in order to coerce the prisoner. The determination of what constitutes unnecessary delay was properly left to the court. The language carries with it the full import that unnecessary delay would be influenced and determined by the particular circumstances in any given case. But I dare say that no Congressman or Senator who approved the adoption of rule 5(a) in 1947 had any idea that it would be perverted by the courts as it was in the Mallory case. Not only the clear meaning but also the significant connotation of the word "unnecessary" clearly implies and recognizes that a different set of circumstances may attend each separate case or instance of arrest or detention.

The salient facts of the Mallory case are:

In April of 1954, a woman in Washington, D.C., was raped in the basement of the apartment building in which she lived. The circumstances clearly indicated that the perpetrator of this crime was one of three young men. The rapist was disguised, and the woman was unable to make positive identification. So, the police took all three suspects to headquarters for questioning. They all agreed to take a lie detector test. At the conclusion of the test and some 7 hours after he had been taken into custody, Andrew Mallory confessed to the crime. The police could not locate a committing magistrate that night, and therefore, he was not arraigned until the next day. For this reason, the Supreme Court (*Mallory* v. *U.S.*, 354 U.S. 449, decided June 27, 1957) reversed his conviction and released him saying that the delay between arrest and arraignment was too long.

Under these circumstances, I might ask, What should the police have done? Should they have released him that night after he confessed because no committing magistrate was available for his arraignment? The answer is positively "No." And, had they done so, they would have committed a flagrant and inexcusable breach of duty; but no more so than did the Supreme Court when it released him on society to resume pursuit of his criminal and predatory instincts. And, after his release, Mallory did pursue those instincts. For not long after he was freed, he perpetrated another crime—another personal assault, in another city—in Philadelphia—for which he was convicted and was sentenced to 11½ to 23 years' imprisonment. This second victim, and probably others we do not know about, would have been spared the ravages of this criminal if justice had not miscarried—if the courts had not seized upon a minor technicality to set him free.

Interrogation is one of the principal methods used by law enforcement officers in solving crimes. It is a traditional, a legitimate, and an indispensable detection procedure. Most crimes are committed in secret. The simple fact is that if a man is intent on committing serious crimes—murder, rape, robbery, and so forth—he will do it if at all possible when there are no witnesses present, as did Andrew Mallory. He will disguise himself so as to prevent identification, as did Andrew Mallory. Thus, at the very outset, the task of the police in attempting to ferret out the criminal—with all of his guises and disguises—is often like looking for the proverbial needle in a haystack. And, court decisions, such as the decision in the Mallory case, are presenting barricades that prevent the police from even getting to the haystack, much less permitting them to search in it for the elusive needle.

The evil consequences of the Mallory rule are strikingly illustrated in the decision rendered by the District of Columbia Circuit Court of Appeals in the Killough case.

In 1960, James Killough strangled his wife, Goldie, and buried her at a Washington, D.C., city dump. Because of strongly suspicious circumstances surrounding Goldie's disappearance, Killough was questioned at some length. At the end of the day, he confessed and showed the police where he buried her body. He was then arraigned. The next day, while still in confinement, he confessed again. He was tried in a District court and convicted. But, the District of Columbia Court of Appeals, basing its decision largely upon the rule laid down by the U.S. Supreme Court in the Mallory case, reversed his conviction and held that the first confession made by him was inadmissible because of the delay in arraignment from the time Killough was detained for questioning before he confessed, and that his second confession was inadmissible because it was tainted with the first. (*Killough* v. *U.S.*, 315 F. 2d 241, decided Oct. 4, 1963.)

In his dissenting opinion, Judge Berger said, in part:

> It is inconceivable that justice would go to such lengths ignoring a reasonable balance between individual rights and the protection of the public.

When an attempt was made to try Killough again, after a second trial and reversal the trial judge observed that according to the ruling by the court of appeals the Government had no case whatsoever against him. Without Killough's first confession which led the officers to the finding of his wife's body, the crime of murder could not be established because the Government had no corpse to present as evidence that a murder had been committed.

Goldie Killough's body was not then available for identification by anyone else. Killough, in the course of the investigation, had gone with the officers to the city dump to identify the body as that of his wife. Since the confession was ruled out, that testimony could not be presented as a part of the effort to establish his guilt.

In my view, the right of this murderer, James Killough, to a speedy arraignment was not paramount to Goldie Killough's right to stay alive nor should it transcend the right of society to have him tried and punished for her murder.

In other words, Mr. President, the right of the individual, in this instance Killough's wife, to stay alive, and the right of society to have him tried and punished for his crime, should transcend any minor technicality which could not possibly have bent or influenced in any way his guilt or innocence.

But the acme of irrationality and the ultimate in absurdity occurred a few months ago when this same U.S. Court of Appeals for the District of Columbia (*Alston* v. *U.S.*, D.C. Circuit No. 18750, decided May 6, 1965) reversed the manslaughter conviction of Tom E. Alston, Jr., because he was interviewed for 5 minutes before being taken to a magistrate for arraignment. This clearly demonstrates the incongruous and unconscionable extremes to which this court has gone to favor and release the guilty to the detriment of law and order and a safe society. The phrase, "without unnecessary delay," under the distorted construction now applied by this court, means the police cannot detain and talk to or interrogate for even 5 minutes one who is suspect of having committed a crime of violence.

The restrictive rule laid down in the Escobeda case (*Escobeda* v. *Illinois*, 378 U.S. 378, 1964) also emphasizes the plight of the police in their efforts to cope with crime as a result of the shackles that have been placed on them by court decisions. In that case, the Supreme Court held:

> When, as here, an investigation no longer is a general inquiry into an unsolved crime, but has begun to focus on a particular suspect who has been taken into custody, and the police carry out interrogation that lends itself to incriminating statements, without warning him of his constitutional rights and without acceding to his requests for assistance of counsel, the accused has been denied the right to counsel guaranteed by amendment 6 and the due process clause of amendment 14. Consequently any statement elicited from him during such interrogation is inadmissible at his trial.

Justice White accurately characterizes this far-reaching decision in his dissenting opinion. He stated:

> The Court seems to think that it is uncivilized for law enforcement to use an accused's own admission at his trial, and effects this by attaching the right to counsel to its rule. This right attaches once the accused becomes suspect and thus bars admissions. This rule will prove unworkable unless police cars are equipped with public defenders and undercover agents and police informants have defense counsel at their side. Under this approach one might argue that a potential defendant is constitutionally entitled to an attorney before, not after, he commits a crime since it is then that incriminating evidence is put within reach of government by the would-be accused. The defendant here knew full well that he did not have to answer. This new rule will cripple law enforcement.

Mr. President, that is not my language. That is the language of the Associate Supreme Court Justice who participated in this decision. I wish to say that I agree with Justice White. The prohibitions imposed by this rule will thwart legitimate and necessary efforts of law enforcement officers to detect and investigate crime and to apprehend and prosecute those who are guilty. Thus, by this decision, the rights of society and the safety of the public are further imperiled while the wages of crime and protection of the criminal are greatly enhanced.

The degree of paralysis the courts have inflicted on law enforcement is further enlarged by a number of decisions relating to search and seizure. This is vividly illustrated by the crime record and case history of one Thomas H. Washington.

Not quite a year ago, on November 19, 1964, a rape indictment against Washington, age 22, had to be dismissed because the 30-year-old victim committed suicide a week before his scheduled trial. We have no way of knowing, of course, whether the suicide was associated with the rape committed on her, but inevitably that fact is strongly suspect as the proximate cause for taking her own life.

In a second case, a couple of months later, on February 7, 1965, this same Thomas H. Washington was indicted along with five other men. They were all charged with having raped at knifepoint a 17-year-old girl. She reported this criminal act to the police and accompanied them to where Washington lived. Whereupon the police conducted a search of the premises and found the girl's skirt and sweater in a car parked in the backyard of the house. No search warrant had been procured. It is doubtful that there was time to secure one.

Judge George L. Hart of the U.S. District Court reluctantly dismissed this second rape charge against Washington on the grounds that even though the evidence in the case had been reliably obtained the manner in which it was procured violated some of the extreme technical rules that have been evolved in this court's jurisdiction with regard to search and seizure and arrest. In other words, under such rulings, the police lacked authority to conduct the search, and therefore the evidence obtained by the search was inadmissible. Without this evidence there was no case against Washington.

In dismissing the case against Washington, Judge Hart challenged the idea that "decision of the courts in our jurisdiction have nothing to do with the crime rate."

There is no doubt that the ease and convenience with which known criminals and confessed criminals are being released by the courts today on minor technicalities in a proximate cause or a contributing cause to the accelerated rate of serious crimes taking place in this Nation. The judge also expressed the fear that the release of Washington might make possible the rape of another innocent victim by him. Already there have been two. Here comes the third rape.

Most regrettably, his fear was well founded, for within weeks Washington was caught in the act of raping another woman. For this offense, he has been charged and is now in jail awaiting trial.

In the meantime, I understand that another rape victim has identified him as her assailant. Think of it, four rapes in less than a year by this one man have come to the court's attention. How many other victims chose not to report his assaults against them, we will never know.

I suggest, Mr. President, this search and seizure area is one in which enabling legislation may be needed.

Mr. President, when confirmed criminals go out to rob, to rape, and to murder, they are not playing games; they are serious. Crime to them is business—it is their way of life. Our criminal laws—their enforcement—our system of jurisprudence, and the administration of justice must be adequate to deal effectively and justly with these enemies and the crimes they perpetrate and must not be permitted to deteriorate into a state of impotency.

I do not, and I am sure there are not many who do, want to see confessions extracted from prisoners by threats or violence. The days of the third degree are long since gone. But the pendulum has swung far—too far—the other way. We should be humane and considerate, but we must also be resolute and vigilant in the detection of crime and in bringing to justice those who are guilty.

The time to act is at hand. Additional legislation is needed. Accordingly, I am today introducing a bill designed to bring the tilted scales of justice back into balance by removing a judicially contrived impediment which seriously hampers—and all too often completely thwarts—efforts of dedicated law enforcement officials to apprehend, identify, and secure a conviction of notorious criminals.

The enactment of this bill will restore reason and commonsense to the administration of justice in areas where some courts have foresaken or abandoned consideration and the application of these indispensable components of justice.

As we have seen, many who are guilty—confessed habitual criminals—are being released back on society to pursue their predatory inclinations and vicious assaults on the property, the person, and lives of others. They are being freed not because a confession was beaten out of them, not because there was any form of coercion used or intimidation applied, but simply because of a brief delay between the time of their apprehension or detention and their arraignment.

A few weeks ago, the Senate passed legislation which would permit police officers in the District of Columbia to interrogate suspects for a period of 3 hours. That was a step in the right direction, but I do not believe that Congress can wisely fix an arbitrary time limit by law in which suspects can or should be interrogated. I can conceive of extraordinary and unusual circumstances where 3 hours might be unreasonably long to hold a person for interrogation. But, in my judgment, there are far more instances where the circumstances are such that 3 hours would be grossly inadequate for the officers to make a thorough investigation and to complete a proper interrogation.

The only correct solution of this problem is to permit the trial judge reasonable discretion in determining the admissibility of confessions. The length of detention and interrogation in some instances may well be a factor in deciding whether the confession or incriminating statements were voluntary. In determining the admissibility of such statements, the principal emphasis should be placed on whether the statement or confession was made voluntarily. This was the prevailing rule and determining factor for generations prior to the Mallory decison.

I fail to see how permitting a prisoner to be interviewed for a stated period of time will insure the absence of coercion. There are times when 20 minutes might well be sufficient to coerce or to force a suspect into making an incriminating statement or confession. In other instances, 3 hours, 5 hours, even 7 hours might well be insufficient for questioning where such serious crimes of extortion, robbery, forcible rape, murder, and kidnapping are involved. What might be a reasonable time to question a mature adult could be regarded as an unreasonable time for the questioning of an immature and emotional youngster. I am therefore persuaded that the only sensible course—the rule that is fair and just to the suspect, to the victim, and to society—is to leave to the trial court and jury the right and duty, under the attending circumstances, to determine whether a confession should be accepted as evidence or if it should be rejected and eliminated from any consideration whatsoever.

Juries are entrusted to make vital determinations—to adjudge guilt. Upon such judgment, the guilty are punished, imprisoned, and deprived of their liberties. If this grave responsibility can be safely entrusted to the trial courts and juries, then surely the trial court and jury are competent to say whether a confession or incriminating statement was made voluntarily and what weight it should be given in determining the guilt or innocence of the defendant.

Briefly, Mr. President, the bill which the senior Senator [Mr. ERVIN] and I have introduced today provides that a confession otherwise admissible will not be made inadmissible merely because of delay in arraignment. All other tests of admissibility, such as voluntariness and so forth, will not be affected. Meanwhile, the provisions of this bill protect the legitimate rights of suspects by providing that no statement may be received in evidence unless, before being interrogated, the accused was, first, informed of the nature of the offense which it is believed he has committed, second, advised that he was not required to make a statement and that any statement made by him might be used against him, and third, accorded reasonable opportunity to retain and consult with counsel.

Mr. President, the crime bills which I previously introduced and some that have been submitted by other Senators have all been referred to the Senate Judiciary Committee—which has jurisdiction of the subject matter.

I realize that it is too late to have hearings and to have these measures duly processed and reported for Senate action before adjournment. However, Mr. President, I am today requesting the chairman of the Judiciary Committee to appoint a special subcommittee of the Senate Judiciary Committee to consider these bills. If this is done, the special subcommittee can be organized and begin preparing for hearings on this bill and other measures that may be referred to it. The subject matters involved are of greatest importance and action in this field is urgent. I am therefore hopeful that a number of these measures will be ready for Senate consideration early in the next session of Congress.

I would hope that the subcommittee will invite the appearance of and hear many witnesses who are highly competent to discuss the provisions of these bills and to submit recommendations thereon; that law enforcement officers, members of the bar, of the judiciary, and of the executive branch of the Government will be urged to examine these measures, to make comments, and to offer such suggestions for amendment or modification as they deem proper.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a memorandum from the Library of Congress giving the remarks made by the trial judge in the Killough case, to which I have referred.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
Washington D.C., September 28, 1965.

To: Hon. JOHN L. MCCLELLAN,
Attn: Mr. Callaway
From: American Law Division
Subject: *United States* v. *Killough*

Reference is made to your request for a report of the judge's remarks in the Washington Post at the time of the ending of the third trial of Killough in the District Court. On October 8, 1964, Judge George L. Hart dismissed the jury and said that without the confessions which the Court of Appeals would not allow, the trial was stripped of all competent evidence.

"The judge said that the Government had not presented enough evidence to send the case to the jury.

"He added bitterly: 'I think that tonight felons in the District can sleep better and the public must have new apprehensions about its safety.'

"'In this case,' Hart said, 'defendant on three separate occasions voluntarily confessed of foully killing his wife and throwing her body on a dump like a piece of garbage. He led the police there. Yet the U.S. Court of Appeals in its wisdom has seen fit to throw the confessions out.'

"'We know the man is guilty,' the judge said, 'but we sit here blind, deaf and dumb and we can't admit we know.'

"Without the confessions the prosecutor 'had no competent evidence * * * that this body * * * was in fact the body of the deceased Mrs. Killough,' Judge Hart said."

These quotations are from the Washington Post, October 9, 1964, page A3.

RUTH HART STROMBERG,
Legislative Attorney.

Mr. McCLELLAN. Mr. President, I also ask unanimous consent that there be printed in the RECORD as a part of my remarks a series of editorials and press reports from different newspapers and publications.

There being no objection, the editorials and articles were ordered to be printed in the Record, as follows:

[From the Arkansas Democrat, July 10, 1965]

Stronger Crime Laws Needed

It is heartening to note that Senator John L. McClellan has a remarkable record of followthrough on projects he undertakes, and we don't think his plans to strengthen laws pertaining to criminals and their punishment will be an exception.

The Senator said in Little Rock recently that the desired changes in the laws require much time for preparation. For this reason he doesn't expect to hold committee hearings until next year.

McClellan observed that sentiment is building all over the Nation for more effective law enforcement. There is growing evidence that people are not as indifferent or apathetic as they are believed to be in regard to the enforcement of criminal laws and making sure that convicted persons receive sufficient punishment with an eye toward rehabilitating them.

A few recent court decisions lean heavily toward favoring criminals, and their rulings have resulted in restricting the efforts of law enforcement officers. The practice of some courts in releasing law violators on dubious technicalities is dangerous for society, and the people deserve protection from criminals thus set free to continue their lawlessness.

McClellan packed a lot of truth in his statement that when criminals are freed on technicalities, crime is rewarded and not punished, while all society is damaged and the rights of the victim ignored.

[From the Washington Post, Sept. 24, 1965]

The Gallup Poll: Most Americans Believe Courts Are Too Lenient

Princeton, N.J., September 23.—As newspapers and magazines continue to report increases in both the number and the rate of serious crimes in this country, there has been a sharp increase in the number of people who think courts deal too leniently with criminals.

This is the question asked:

"In general, do you think the courts in this area deal too harshly, or not harshly enough with criminals?"

The table below gives the results of the latest survey and of one reported in April:

[In percent]

	Today	April
Too harshly	2	2
Not harshly enough	60	48
About right	26	34
No opinion	12	16

A majority of every major population group agrees that the courts are not severe enough with criminals. However, the proportion holding this view is by no means uniform:

Men are more critical than women in believing that the courts are not harsh enough, in the proportion of 66 percent to 54.

College trained are more critical than persons with only grammar school education, 62 to 56.

Republicans are more critical than Democrats, 66 to 57.

Whites more critical than nonwhites, 61 to 53.

Southerners are less likely than residents of any other region to think that the courts are not harsh enough.

[From the Washington (D.C.) Evening Star, Aug. 12, 1965]

Concern for the Public

Lewis F. Powell, Jr., told some 3,000 delegates to the American Bar Association meeting in Miami that the rising crime rate is this Nation's "No. 1 domestic problem." And, while commending the growth of concern for the constitutional rights of defendants, he demanded as a first priority "a like concern for the right of the citizen to be free from criminal molestation in his person and property."

This expression was roundly applauded by the delegates. The lamentable fact is, however, that so far as most of the appellate judges are concerned, their regard for the rights of a defendant is accompanied by no apparent similar regard for the rights of citizens.

A recent case in point is that of Thomas H. Washington, who is finally in jail after arrests in connection with three rapes in less than a year in this city.

In the first case the victim committed suicide shortly before facing the ordeal of the trial, and the charges had to be dropped. In the second case the evidence pointing to Washington's guilt was suppressed by Trial Judge George L. Hart, Jr., because of doubt as to the lawfulness of its seizure. Judge Hart said he did this "most reluctantly," which undoubtedly was the case, but he added that he felt compelled to do so under the "extreme technical rules" laid down by our U.S. Court of Appeals. In any event it became necessary once again to release Washington even though the judge said he was fearful that he was making possible "the rape of another innocent District resident."

He was a better prophet than he knew. For within a few weeks Washington grabbed another woman walking on the street, cut her arm and dragged her into a garage, where he was caught in the act of raping her. This time he was refused bond and committed to jail pending indictment and trial. It seems unlikely that technicalities can save him again. At least, we hope not.

In discussing his action in the Washington case, Judge Hart made a comment similar to Mr. Powell's, and, it might be added, a trial judge operating under the restraints imposed in this city is in an especially good position to know what he is talking about. "Much has been said," he observed, "about protecting the rights of persons of deprived backgrounds who are accused of crime. It is time we consider protecting the rights of people such as Washington's latest victim, who was equally deprived."

We couldn't be in more complete agreement, and we are a bit puzzled by a statement reportedly made to the ABA by Deputy Attorney General Ramsey Clark. He decried criticism of the courts, although why the judges should be insulated from criticism is beyond our understanding, and he also said that "court rules do not cause crime." What explanation, we wonder, does the Deputy Attorney General have to offer for the continuing rise in crime, and especially the 19.5 percent increase in Washington last month? Could it be the barriers to convictions?

[From the Washington (D.C.) Evening Star, Aug. 20, 1965]

Shielding the Criminal

It is at least doubtful, or so it seems to us, that the new police procedures outlined this week by Chief Layton will contribute in any significant degree to curbing crime in Washington. For they do not go to the heart of the problem, although this is not the fault of the Chief of Police.

The new procedures, if sustained on appeal to the courts, might soften the adverse impact on law enforcement of the Mallory rule. But it must be remembered that the Mallory rule is a rule of evidence, not a constitutional rule. We do not believe that Congress would ever have sanctioned the basis for the Mallory rule if it could have foreseen how the courts would distort it. The fact remains, however, that Congress, should it see fit, could modify or even abolish the rule of evidence upon which the Supreme Court relied in the Mallory case. If the crime rate continues to soar in the District, Congress one day may get around to doing something about the Mallory rule, even at the heavy burden of wearing out a filibuster by Senator Morse.

The real problem is rooted in Supreme Court decisions subsequent to the Mallory case, notably the 5 to 4 ruling 2 years ago in the Escobedo case. The then Justice Goldberg wrote the majority opinion in Escobedo. Its language is murky and its meaning is not clear. But he did say this: "We hold only that when the process (of police interrogation) shifts from investigatory to accusatory—when its focus is on the accused and its purpose is to elicit a confession—our adversary system begins to operate, and, under the circumstances here, the accused must be permitted to consult with his lawyer."

Now, back to Chief Layton and the new procedures. Before making an arrest a policeman must have "probable cause" to believe that his suspect committed the crime under investigation. And the suspect must be formally charged immediately. Surely at that point the inquiry has shifted from the investigative to the accusatory stage. And the suspect must be permitted to consult his lawyer.

The new procedures provide for consultation with a lawyer or relative, prior to questioning, and stipulate that the suspect must be clearly warned of his right to remain silent. They also provide that a suspect may be interrogated by the police for a period not to exceed 3 hours, excluding interruptions.

But what is the usefulness of this if the suspect's lawyer is sitting beside him during the interrogation period? If his client is guilty, the lawyer surely will tell him to make no statement of any kind to the police. And thus the 3-hour interrogation period would be a waste of time.

One reservation should be noted. The four dissents in Escobedo were very strong. When the Supreme Court meets again this fall Abe Fortas will be seated in Arthur Goldberg's chair. At the hearing on his confirmation, Justice Fortas said that some opportunity for police interrogation is essential to effective law enforcement. This wasn't spelled out. But at least it encourages the hope that Escobedo and other cases awaiting review by the Supreme Court will not serve to confirm the fear expressed by Justice White that the court seemingly has in mind the goal of barring from evidence "all admissions obtained from an individual suspected of crime, whether involuntarily made or not."

[From the Washington (D.C.) Post, Aug. 14, 1965]

Dealing With Suspects

Metropolitan Police Chief John Layton has now put into effect some new procedures for "stationhouse questioning" of arrested persons. These were recommended by the U.S. Attorney David Acheson who is moving on to new responsibilities where he will not be obliged to pick up the tab for this somewhat dubious counsel he has left as his legacy. We think that if the police and prosecutors obtain convictions on the basis of evidence gained through these procedures, they will surely encounter reversals in the court of appeals and in the Supreme Court.

Under the new procedures, an arrested person brought to a police station is to be advised by the police that he need not answer questions, that what he says may be used as evidence in court, that he may summon a lawyer if he can afford one and that if he cannot afford a lawyer, one may be appointed for him when he goes to court, although not while he is being interrogated at the stationhouse. With this ritual completed, the arrested person may be interrogated for as much as 3 hours exclusive of interruptions.

It seems to us that this procedure is flagrantly at variance with the command of the Supreme Court which declared unanimously in the Mallory case that an arrested person "is not to be taken to police headquarters in order to carry out a process of inquiry that lends itself, even if not so designed, to eliciting damaging statements to support the arrest and ultimately his guilt." The Court went on to say that "circumstances may justify a brief delay between arrest and arraignment * * * but the delay must not be of a nature to give opportunity for the extraction of a confession."

There is another grievous flaw, as we see it, in the procedure instituted by Chief Layton. To say that a suspect with money may have the help of a lawyer in a police station but that a suspect without money may not have such help is to flout the American promise of equal justice under law. We think that the courts, quite properly, will find themselve obliged to reject evidence obtained in such a discriminatory way.

It has now become quite fashionable to blame the courts—and the appellate courts especially—for failures to convict accused persons stemming from the failure of law enforcement authorities themselves to observe the laws they are supposed to enforce. Deputy Attorney General Ramsey Clark shed some light on this obsession in a speech the other day to the American Bar Association convention. The Mallory rule, he pointed out, "is raised in only a handful of the hundreds of felony cases prosecuted each year. * * * Court rules do not cause crime. People do not commit crime because they know they cannot be questioned by police before presentment, or even because they feel they will not be convicted * * *. In the long run, only the elimination of the causes of crime can make a significant and lasting difference in the incidence of crime."

Sad as it may seem, there is no easy, comfortable, inexpensive road to the conquest of crime. The most costly and dangerous road of all is the road which takes short cuts across the procedural restraints imposed by the Constitution, blaming the courts for insisting upon these restraints and encouraging the police to ignore them.

Certain Inalienable Rights

[From the Washington Daily News, May 8, 1965]

The first 10 amendments to our Constitution were designed to defend decent, law-abiding citizens from unjust treatment by the courts—and from unreasonable interference in their daily lives by the police.

Of these amendments, the fifth is most familiar, largely because of its abuse; but there are other provisions directly affecting criminal law enforcement, notably in the fourth, sixth, and eighth.

No reasonable person, we think, would think of tolerating any proposal to withdraw these safeguards for the innocent even if, through their reasonable operation, an occasional miscreant escaped punishment. It is sound tradition that it is better for one guilty criminal to go unpunished than for one innocent man to suffer unjustly.

But it does not follow that any citizen should be exempted from his share of responsibility for preserving order and achieving justice.

We have suggested previously that some of the provisions of the Bill of Rights, especially the fifth amendment, need reexamination in the light of modern developments. And yet, there is nothing fundamentally wrong with the Bill of Rights, including the fifth amendment. Most of the trouble lies in the application by the courts of what are known as procedural safeguards—decisions which, in our opinion, have tortured the Bill of Rights clear out of its logical meaning.

Brazen gangsters with long criminal records are permitted to mock congressional investigators with cynical resort to "the fifth."

Burglars caught redhanded with their loot are freed because the arresting policeman didn't actually see them commit the crime. This is "unreasonable search and seizure?"

Confessed killers and rapists are turned out to repeat their crimes because police questioned them briefly before taking them before a magistrate.

These decisions, and a host of others along similar lines, do not offer the innocent any protection whatsoever. They do not insure a fair trial, which is the last thing a criminal wants. Instead they protect the obviously—even admittedly—guilty, surrounding their arrest and prosecution with an intricate set of rules which tend to make criminal justice a game, with demerits for foot faults or bad syntax—rather than an effort to get at the truth.

Recent court decisions which actually help the innocent are wholesome. For instance a person, no matter how poor, is entitled to legal counsel. Bond requirements act unfairly for the poor as against the rich. Policemen, like other men, can be stupid or brutal and the citizen must be protected against their actually unreasonable acts.

But a doctrinaire zeal for these protections has, in fact, tended to deny hosts of law-abiding citizens of their civil rights by favoring the criminal.

Decent citizens are denied the use of their parks and even their streets. Women do their housework behind chained doors. The right of the people to be secure in their persons, houses, papers and effects is constantly violated, with a crime rate rising five times as fast as the population according to statistics kept by the FBI.

Almost a generation before the 10 amendments the basic philosophy behind the Bill of Rights was succinctly defined in the Declaration of Independence.

"We hold these truths to be self-evident, that all men * * * are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men."

The plain fact is that, under current procedures, these rights are not secure and government is failing in the objectives which the Founding Fathers placed at the top of the list.

[From the Washington Star, Sept. 8, 1965]

Crime on Rise, Robberies Dip

Crimes reported in Washington last month topped the total for August, 1964, by 10 percent, police officials reported today. The number of rapes doubled.

But, the report showed a decline in the robbery category—a decrease that was especially noticeable in police precincts in which the new tactical force operated throughout August.

August was the first complete month during which the saturation patrols of the tactical force were deployed to combat rising crime rates.

August robberies throughout the city totaled 283, only four less than the August 1964 figure. Nevertheless, Police Chief John B. Layton noted that in precincts where the regular patrols were reinforced by tactical force squads the number of robberies was 14 percent below that of the August 1964 total, and 18 percent below the July 1965, total.

Layton also noted that last month's slight decline in the citywide robbery total was the first such reduction in the monthly robbery totals since June 1964.

August offenses in 8 part I (serious) categories amounted to 2,870, which was 262 more than the total reported in the same month a year ago—a 10-percent rise.

August was the 39th consecutive month in which the crime total rose in comparison with offenses recorded in the same month of the previous year.

The month's totals in the six remaining crime categories, together with increases shown and the percentile rise, follow:

Rape: 23 cases reported, 11 more than in August 1964, an increase of 91.7 percent.

Aggravated assault: 282 cases, an increase of 43 (18 percent).

Housebreaking: 723 cases, an increase of 75 (11.6 percent).

Grand larceny: 149 cases, an increase of 14 (10.4 percent).

[From the Washington (D.C.) Evening Star, June 7, 1965]

The Courts March On

When the Supreme Court, in a 5-to-4 decision last June, reversed the murder conviction of a man named Danny Escobedo, Justice Goldberg, speaking for the majority, said the ruling was based on the circumstances of that case. In retrospect, this does not appear to have been meaningful.

Escobedo had demanded to consult his lawyer, who was present while the murder suspect was being questioned in a Chicago police station. And the lawyer was demanding to see his client. But the police refused until after they had obtained a confession. Justice Goldberg, in his discursive opinion, held that this violated Escobedo's right to counsel under the 6th amendment, as extended to the States by the 14th amendment, and that his confession could not be used against him.

Last week the Supreme Court refused to review a California murder case in which that State's highest court, dividing 4 to 3, reversed the conviction of Robert Dorado. The circumstances were different, since Dorado had made no request for counsel. But the police had not advised him that he had a "right" to counsel, and the protests of the three dissenting State judges that the reversal improperly extended the Escobedo decision were of no avail. The effect, of course, is to leave the California ruling in full force, and our inference is that the basis for the Escobedo decision has indeed been significantly extended.

In Escobedo the dissents were strong. Justice Harlan said the rule announced "is most ill-conceived and that it seriously and unjustifiably fetters perfectly legitimate methods of criminal law enforcement." Justice Stewart said the ruling was unprecedented and supported by no stronger authority than Justice Goldberg's "rhetoric." Justice White, joined by Justices Clark and Stewart, said that while this "new American judge's rule" will not destroy law enforcement, "it will be crippled and its task made a great deal more difficult, all in my opinion, for unsound, unstated reasons, which can find no home in any of the provisions of the Constitution." He also said that the Escobedo decision "is thus another major step in the direction of the goal which the Court seemingly has in mind—to bar from evidence all admissions obtained from an individual suspected of crime whether involuntarily made or not." Judging from last week's action in the California case and from a recent ruling by the U.S. Court of Appeals for the Third Circuit, also based largely on Escobedo, Justice White may have been a better prophet than he knew.

Chief Justice Warren often complains of ill-informed criticism of the Court. We do not suppose, however, that he would extend this to the four dissenting Justices and their severe criticisms. In our view the criticisms were amply justified. For it seems to us that the Court majority is bent upon establishing a rule of law based upon its notion of what the Constitution ought to say, not upon what it does say. If this finally proves to be the fact, a heavy blow will have been struck against effective law enforcement.

[From the Washington (D.C.) Daily News, July 19, 1965]

Modify the Mallory Ruling

It seems to us the courts and other legal lights are making a relatively simple issue unduly complex.

In 1957, the Supreme Court freed a Washington man accused of rape. The man, named Mallory, had been tried and convicted, partly on the basis of a confession. The Court let the man go because the police had detained him 7½ hours before he was arraigned. This, said the Court, was unreasonable.

Since then, lower courts have narrowed this ruling to the point where police in some areas are afraid to question a suspect on the way to the police station.

Several attempts have been made in Congress to write a law clarifying this ruling. These bills were perfectly reasonable, but they never were passed.

Now the Justice Department has given the Washington Police Department a set of rules designed to enable the police to get as much information on a crime as possible while protecting an accused person in his right to clam up, call a lawyer, or otherwise avoid duress.

Deputy Attorney General Ramsey Clark told a Senate committee the Department may recommend legislation pending on whether the rules work.

There really are only two questions involved: Was the confession, if there is one, given without police bludgeoning? And is the suspect guilty? These are tests for a jury to determine. A confession obtained against a man's will should not be admissible in a trial. But if it was freely given it ought to be admissible, for whatever it is worth, even if later repudiated.

The Mallory decision, as it has been distorted, seriously has hampered police work and resulted in criminals going free to prey again on the public. Congress should legislate some sense into this ruling.

[From the Washington (D.C.) Star, Sept. 3, 1965]

Senate Crime Bill

To equate the District crime bill which has passed the Senate with the rubber hose, the thumbscrew, and the rack is the wildest sort of nonsense.

Actually, this bill is a careful attempt to balance the rights of persons suspected of crime with the right of the public to be protected against criminals. It seeks to establish in the District the concept expressed by the late Supreme Court Justice Cardozo in these words: "Justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true * * *"

The Senate bill attempts to restore the balance in Washington by modifying the Supreme Court's Mallory rule, and especially the astonishing interpretations of that rule by our own Circuit Court of Appeals.

The Mallory rule was not based on any constitutional ground. Instead, the court relied on Federal rule 5a, a rule of evidence. Congress permitted rule 5a to go into effect prior to the Mallory case, but it had no reason at the time to think the rule would be invoked to ban voluntary confessions merely because of a delay in arraigning a suspect. Certainly Congress, having sanctioned the rule in the first instance, has the authority to modify it. And this is what the Senate bill does.

In effect, the bill puts into statutory form the procedures already being followed by the local police pursuant to the direction of the Department of Justice and the U.S. Attorney. The key section of the bill, subject to certain provisos, would permit the police, once having made an arrest on the basis of probable cause, to question the suspect for a period of 3 hours, excluding interruptions. The provisos, however, are important. Under them, the police, before any interrogation, must clearly advise the suspect that he is under arrest, that he is not required to say anything or answer any questions, and that anything he says may be used as evidence in court. Further, he must be informed that he has a right to call a lawyer, relative or friend, that he may talk to anyone he calls, and that the lawyer, relative, or friend may be present during the questioning. Finally, the suspect is advised that if he cannot afford a lawyer one may be appointed for him when he first goes to court.

It is strongly contended by some, notably Senator Morse, that these safeguards would not save the bill, if it becomes law, from being held unconstitutional. Most of the Members of the Senate did not agree, and whatever the Supreme Court may do in the future, it has not yet held that a 3-hour interrogation, subject to the safeguards in this bill, would be unconstitutional or that a voluntary confession resulting from the questioning should be held invalid.

The real question about the Senate bill is not whether it does violence to the rights of suspects. It does not. The real question is whether the bill restores the "true balance" described by Justice Cardozo.

The bill may be the best that can be secured. But a 3-hour interrogation does not afford opportunity for a full investigation by police. If a suspect's lawyer is present, he will, of course, tell his client—if guilty—to say nothing. For our part, we think the Senate is proposing a woefully inadequate answer to our burgeoning crime problem.

[From the Washington (D.C.) Star, July 22, 1965]

Crime in Washington

On other occasions, President Johnson has spoken of the right of law-abiding citizens to be safe on the streets, in their homes, and in their places of business. He put it even more strongly last week in announcing the appointment of his Commission on Crime in the District of Columbia.

The undeniable fact is that law-abiding citizens in Washington are not now safe on the streets, in their homes, or in their places of business. The President made this clear enough when he pointed out that serious crimes in the city in fiscal 1965 rose 12.4 percent over fiscal 1964, and that in June of this year serious offenses increased by 26.3 percent over the corresponding month in 1964.

Mr. Johnson went on to say: "The course of the last few years must be reversed. The wave of crime must be met and checked. * * * All that we do must be done, and will be done, in a manner consistent with our society's cherished values of due process and equal and even-handed treatment for every citizen. But we are not going to tolerate hoodlums who mug and rape and kill in this city."

An admirable statement. But how is this much-desired goal to be attained?

The added money for the Police Department in the District appropriation bill will be a big help. New and needed equipment will become available, and, through payment of overtime, the equivalent of 250 additional policemen will be sent out to patrol the streets.

The Commission on Crime, also, may be helpful. Its members are outstanding, and collectively they can bring to bear expert knowledge of the various factors which contribute to a crime-ridden city. Their efforts, even though they may be limited to advice and consultation, should be useful. This will depend, however, on the support which the Commission gets from the President and the Congress.

There is one thing missing from the President's statement. This is the difficulty of convicting criminals in Washington as a result of the Supreme Court's decision in the Mallory case plus the expanded and, we think, distorted, applications of that decision by a majority on the U.S. Court of Appeals.

The most effective blow at crime in Washington will come when judges, with due regard for equal treatment and within the proper framework of due process, exhibit as much concern for the rights of law-abiding citizens as for the rights of criminals; when, in short, the judges also reach Mr. Johnson's conclusion that hoodlums who mug and rape and kill are not to be tolerated in this city.

[From the Washington (D.C.) Evening Star, Sept. 24, 1965]

Crime Talk

The President, sounding what has become a familiar note, again has stated in strong terms his determination to drive crime and criminals from our national life.

This most recent comment came as he signed bills providing funds for the District Crime Commission and the National Crime Commission. Mr. Johnson said he will not be satisfied until every woman and child "can walk any street, enjoy any park, drive on any highway, and live in any community at any time of the day or night without fear of being harmed." Warning of the danger that the common criminal might come to dominate our affairs, he added: "No more bitter irony could be imagined than this—that a people so committed to the quest for human dignity should have to pursue that quest behind locked doors."

Well, we have a long way to go. Strong statements are fine, but the fact is that the common criminals continue to ply their vicious trade and, as the President recognized, "the crime rate continues to rise." Nor is this trend likely to be checked or reversed until something is done to restore the balance, to elevate the rights of society at least to the level of the rights of criminals.

In the past decade or so, largely as a result of appellate court decisions, criminals or criminal suspects have come to enjoy something of a privileged status. The authority of the police to make arrests has been limited. The opportunity for meaningful interrogation of criminal suspects has been severely circumscribed. Once a conviction has been obtained, its fate on appeal is highly uncertain to say the least. Confessions that are entirely voluntary are invalidated on one flimsy ground or another. And as one of the Justices has said, the Supreme Court seems to be moving in the direction of banning the use of all confessions. In such a climate it is small wonder that the crime rate continues to rise.

It is true, of course, that other factors contribute to what seems to be the losing battle against crime. Among these are poverty, bad home environment, unemployment and a lack of education. But the major factor, in our view, will be found in the unreasonable restraints which have been imposed on law-enforcement agencies in recent years. Until something is done about this, strong Presidential statements and crime commissions will be able to accomplish very little toward insuring that people will be safe in their homes, on the streets and in their places of business.

[From the Arkansas Democrat, Sept. 17, 1965]

Tackling the Problem of Crime

A new Government Commission already is beginning to show great promise in fulfilling projected intentions as outlined by President Johnson. Its goal, set by the President, is not merely to reduce crime, but to banish it, and that is a noteworthy objective if we ever heard one, albeit naive.

The Commission on Law Enforcement and Administration of Justice has started to work speedily on the touchy subject of whether courts actually do uphold the rights of criminals at the expense of the public and whether the term "brutality" properly describes police treatment in general.

The President's declaration that "we must identify and eliminate the cause of criminal activity whether they lie in the environment around us or deep in the nature of individual men" is a challenging one which will require a good look at human behavior.

Also in the works is a study of a subject that draws heated discussions—the issue of race in the incidence of crime.

A lot of persons have their conclusion on this one but we expect the 19-member Commission will give it exploratory treatment before it issues verdicts and recommendations.

This Commission has the opportunity of doing a real public service. We hope its report is not a bureaucratic, fence-straddling vote seeker designed for dull reading. It is not too much to hope that it will come up with a few guidelines that will at least reduce the alarming growth rate of crime. We dare not expect more.

[From the Washington (D.C.) Star, Apr. 23, 1965]

RULE OF REASON

The Mallory rule is a rule of evidence that has greatly handicapped law enforcement in this city. It ought to be transfused with a rule of reason.

Our view has been and still is that a truly voluntary confession should be admissible at a trial. Under the Mallory rule, as applied and, we think, distorted by the court of appeals, however, a confession, no matter how voluntary, cannot be used if there has been an "unnecessary delay" between the arrest and the arraignment of a suspect. The appellate court has gone so far as to hold that a delay of 1 hour knocks out a voluntary confession.

The test generally in the States is whether a confession is in fact voluntary or involuntary. If the latter, it is banned under the Constitution. But if it is voluntary it can be used as evidence. Why should this not also be the law in Washington?

A number of bills to modify and clarify the Mallory rule have been introduced in Congress. The most recent of these was prepared by U.S. Attorney David Acheson—the man who has to live and suffer day after day with Mallory.

His bill was prepared after careful consideration and much consultation with officials of the Department of Justice. It is not the Department's bill. But there is reason to believe that the Department would support it in Congress and that the President would sign it if it were to be passed. These are not insubstantial considerations.

The principal effect of the Acheson bill would be to permit the police to question a suspect for a period of 6 hours, provided the suspect had been clearly and fully warned of his rights, and, also, that he had been given a reasonable opportunity to get in touch with a friend and consult a lawyer. Under these circumstances, a voluntary confession made during the 6-hour period of interrogation could be used as evidence.

As we have made clear, the Acheson bill is not our preference. But it is better than nothing, and it may be the best that can be obtained. If this is the case, then, of course, it has our support.

[From the Washington (D.C.) Evening Star, May 11, 1965]

JUDICIAL NONSENSE

In a 2-to-1 ruling, the U.S. Court of Appeals last week reversed the manslaughter conviction of Tom E. Alston, Jr., for the fatal stabbing of a man in February 1964. Judges Bazelon and McGowan were in the majority, with Judge Burger dissenting.

Judge Bazelon seems finally to have approached the outer limits of judicial absurdity. He voted to reverse the conviction under the Mallory rule because the police questioned Alston for 5 minutes prior to his confession. And this despite the fact that the confession was made by Alston after a private conference with his wife in her presence.

Judge McGowan did not join in the Bazelon opinion. His vote for reversal was based on his belief that the police had not warned Alston prior to the 5-minute question period that he could refuse to answer questions, and that any statement he made might be used against him at his trial. He also offered an interesting and informative discussion of the problems and ambiguities which have grown out of the Supreme Court's Mallory decision in 1957. The Senators now considering legislation to modify the Mallory rule would do well to read Judge McGowan's comments. Judge Burger dissented because he believed that Alston had in fact received timely warning as to his rights.

It is important to remember that the original Mallory rule and the subsequent line of appellate decisions which have distorted it beyond all reason are based professedly on the intent of Congress in approving a Federal rule of evidence. This is a sham and a pretense. The record is clear that Congress, in approving the rule by not disapproving it, could not and did not foresee the incredible lengths to which it has been stretched.

It is also clear, however, that Congress and only Congress can redress the scales so they will not continue to be excessively weighted on the side of the criminal and against the public.

In saying this, we most emphatically are not advocating a return to the days when a suspect could be picked up at random, worked over in a police backroom and quite possibly forced to confess to a crime which he had not committed. The judicial effort to put an end to this sort of thing is entirely commendable. It does not follow, however, that in order to achieve the desired goal the police must be denied any opportunity for reasonable interrogation of a suspect. Nor does it follow that a voluntary confession after reasonable questioning, as well as all supporting evidence flowing from the confession, should be excluded from the trial solely because of a delay between arrest and arraignment.

Prior to the Mallory decision, serious crime was diminishing in Washington. Crimes were being solved at twice the national rate. Since then, however, the tide of crime has been rising and the rate of solutions has been falling. There is no doubt in our mind that the Mallory rule and its freewheeling offspring must assume a large share of the responsibility.

For years Congress has tried to deal with the problem, but action has been blocked by one tactic or another. This year there is hope that a remedial bill may be passed. It has been suggested, however, that the bill should provide that a suspect, if he so desires, cannot be questioned by the police unless his lawyer is sitting beside him. If this provision is adopted, the bill will be a farce. A lawyer would, as a matter of course, advise his client, if guilty, to refuse to answer any questions put to him by the police. There are other ways to safeguard a suspect, such as a requirement that the entire interrogation, including the prior warning as to the right to refuse to answer questions, be mechanically recorded.

For our part, we hope Congress will enact a meaningful and reasonable bill. If it does not do so, the net result of President Johnson's call for a crime-free city will be precisely nothing.

Mr. ERVIN. Mr. President, will the Senator yield for a question and observation?

Mr. McCLELLAN. I am glad to yield to my friend the distinguished Senator from North Carolina, a cosponsor of the bill.

Mr. ERVIN. Mr. President, I wish to commend my distinguished friend, the Senator from Arkansas, for taking affirmative action to correct one of the great deficiencies in the administration of criminal law.

To my mind it is an absurdity to say that when a man confesses voluntarily—

Mr. McCLELLAN. Without coercion and compulsion——

Mr. ERVIN. That is correct—to the effect that he has committed a crime for which he has been charged, the prosecution cannot introduce that confession as evidence in the trial.

The Senator from Arkansas knows that this rule, known as the Mallory rule, was not based upon a rule of evidence established by the Congress but, on the contrary, was based upon a rule to guide law enforcement officers. Is that not true?

Mr. McCLELLAN. That is correct; rule 5(a) of the Criminal Rules of Procedure.

Mr. ERVIN. The decision was based in part upon a prior decision in the McNabb case, which involved a moonshining operation in Tennessee, as the Senator from Arkansas knows.

It has always seemed to me that in the McNabb case it was totally unnecessary for the Supreme Court to make any allusion to this rule, or to hold that an unnecessary delay between the arrest and the arraignment of a prisoner rendered a voluntary confession made during such period of unnecessary delay inadmissible.

I say that for this reason. All the evidence in the McNabb case showed clearly that the confession introduced in that case was a coerced confession and, therefore, inadmissible under the Federal rules as well as under the common law.

It seems to me that out of an oversolicitude for the supposed rights of criminals, the court erected a rule which is a great detriment to the effort to protect society. Is that not correct?

Mr. McCLELLAN. It is not only true, but, in other words, if these decisions, some of which I have referred to, are carried to their logical conclusion and application, it means that the arresting officer, taking anyone into custody, must march him directly to a magistrate. He cannot question. He cannot hold a man 2 minutes or 5 minutes and question him. He cannot hold him for 2 hours or 3 hours.

If that is unnecessary delay, to keep a man 5 minutes, or to keep a man 4 or 5 hours, after he confessed, waiting until early the next morning when the court gets on the bench to arraign him; if our criminals are going to be turned loose; if our law barrier is being built on that we are going to move from a society of law and order to a society of chaos.

Mr. ERVIN. Can the Senator from Arkansas think of any more convincing testimony which can ever be offered to establish the guilt of an accused in a criminal case than the voluntary confession of the accused himself?

Mr. McCLELLAN. People do not go around voluntarily making confessions; not a man that is not insane. If a man is insane, he has a defense to the charge.

A man of sanity is not going to say, "I committed a crime." He is not going to confess to somebody asking him if he did not rape or rob a certain person. He is not going to admit it unless he is insane and, of course, for that there is the defense of insanity. That would be proper.

But here we have instance after instance in which criminals have confessed. We have the case that I cited, the Kilough case. The man murdered his wife, admitted it to police and officers, took them to where he placed her body. They recovered her body. Then, the court held that because 7 hours had passed from the time that he was detained until he confessed, or until he was taken before the court for arraignment, that was too long, and therefore he had to be turned loose.

Thereafter, when it was undertaken to try him again, the court could not produce the body. He was the only one that identified it.

In order to convict for murder, there must be a death, and that death must have come from violence at the hands of the accused.

No one could produce the body except the man who killed her. He confessed, and yet he went free.

Mr. ERVIN. I ask the Senator from Arkansas if he agrees with the Senator from North Carolina that there is a certainty in the law that no man will be convicted solely on a voluntary confession of guilt unless a crime has been committed. This is true because the law requires that there must be independent proof of the corpus delecti, that is, that a crime has been committed by some person.

Mr. McCLELLAN. The point the Senator is making is correct. If I have killed somebody and the body cannot be found, and if the body cannot be produced, there is no crime. There is no evidence that anybody has been killed. There must be evidence corroborating the confession.

Mr. ERVIN. That is true. Under the rule of common law a voluntary confession is never sufficient to justify the conviction of anybody for any crime unless there is testimony independent of the voluntary confession which establishes beyond a reasonable doubt that the crime has been committed by someone.

Mr. McCLELLAN. That is true; and murder could not be established unless there was a body.

Mr. ERVIN. The Senator is correct. There would have to be, in addition, evidence that the person whose body had been found had met his death by violent means.

Mr. McCLELLAN. By violent means, and at the hands of the accused.

Mr. ERVIN. I ask the Senator from Arkansas if he also agrees with the Senator from North Carolina that the defendant Mallory, whose name has been given to this rule, was not acquitted of an atrocious crime in the District of Columbia merely because his voluntary confession was made during this period of unnecessary delay between his arrest and arraignment——

Mr. McCLELLAN. Alleged unnecessary delay.

Mr. ERVIN. Alleged unnecessary delay between his arrest and arraignment; and if that same man did not leave Washington; and a few weeks later in Philadelphia committed virtually the same kind of crime. Was he not tried in Pennsylvania courts and sent to the penitentiary because the Pennsylvania courts, fortunately, did not have the Mallory rule?

Mr. McCLELLAN. The Senator is correct. He was sentenced, and I believe he is in prison today.

But there would not have been a second victim if justice had been done in the first case. That is the point.

Some try to argue that this does not have any effect on the increase in the crime rate in this country. That is the point.

Some try to argue that this does not have any effect on the increase in the crime rate in this country. Do not think that these criminals do not know what goes on with respect to court decisions. Many of them have attorneys to advise them, particularly the habitual criminals. They know generally what their rights are. They have been advised. Do not think they do not take advantage of it.

In other words, the greater the prospect of not being detected and apprehended the more likely they are to engage in committing a crime.

Mr. ERVIN. I commend the Senator again. When I read decisions like the one in the Mallory case, I cannot refrain from thinking that enough has been done for those who murder, rape, and rob, and that it is time for something to be done for those who do not wish to be murdered or raped or robbed. I commend the Senator from Arkansas for being willing to do something for those who do not wish to be murdered, raped, or robbed.

Mr. McCLELLAN. I thank my friend from North Carolina. The issue comes down to this: Shall the right to live, the right to the protection of person and property prevail over technical advantages being given by the courts to those who confess their guilt of crimes? Where does justice lie? Does it lie in the application of some fictitious or, at most, minor technicalities, and the seizing upon them to turn these criminals back on society, or in having them punished for the crimes they committed? Where does justice lie? Justice and truth are not violated when the facts establish, and persons confess, that they have committed a crime, irrespective of some minor technicality.

There is a grave responsibility, affecting the destiny of civilized society in America today, that rests upon the courts to reverse the trend of these decisions and to get back on the track of common sense and justice.

EXHIBIT I

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 223, title 18, United States Code (relating to witnesses and evidence) is amended by adding at the end thereof the following new section:

"§ 3501. Admissibility of confessions

"(a) In any criminal prosecution brought by the United States or by the District of Columbia, a confession made or given by a person who is a defendant therein, while such person was under arrest or other detention in the custody of any law-enforcement officer or law-enforcement agency, shall not be inadmissible solely because of delay in bringing such person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States or of the District of Columbia if such confession is otherwise admissible in evidence.

"(b) No confession made or given by any person during or after his interrogation by any law-enforcement officer, which such person was under arrest or other detention in the custody of any law-enforcement officer or law-enforcement agency, may be received in evidence in any such criminal prosecution unless such person, before such interrogation, was (1) informed of the nature of the offense which he was believed to have committed, (2) advised that he was not required to make or give any statement and that any statement made or given by him during or after such interrogation might be used against him, and (3) accorded reasonable opportunity to retain and to consult with counsel. Nothing contained in this subsection shall bar the admission in evidence of any confession made or given voluntarily by any person to any other person without interrogation by anyone, or at any time at which the person who made or gave such confession was not under arrest or other detention.

"(c) As used in this section, the term 'confession' means any confession of guilt of any criminal offense or any self-incriminating statement made or given orally or in writing."

(b) The section analysis of that chapter is amended by adding at the end thereof the following new item:

"3501. Admissibility of confessions."

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of

America and the Government of Canada, and for other purposes.

Mr. NELSON. Mr. President, I desire to present my views on H.R. 9042, the Automotive Products Trade Act of 1965, and on the Automotive Products Agreement which it is designed to implement.

It has been suggested that the bill and the agreement are really free trade measures. The House Committee on Ways and Means said the agreement would "remove the barriers to creation of a single North American industry," and intimated that the only respect in which the agreement fell short of complete free trade was that it did not cover replacement parts.

The facts do not appear to support that contention. The agreement, along with the collateral commitments made privately by the Canadian auto producers to the Government of Canada, may actually prove to be a greater restraint on free trade than the high tariffs on autos and auto parts which existed before the agreement was signed.

It would seem that there are two respects in which the agreement falls short of free trade, in addition to the relatively minor matter of not including replacement parts. First, while all duties are removed on Canadian-made vehicles and parts for original equipment entering the United States, tariffs on goods entering Canada from the United States are removed only if the importer is an auto manufacturer who meet two criteria: He must maintain the ratio of the net sales value of the cars he produces in Canada to the net sales value of the cars he sells in Canada at a level at least as high as that which existed in the 1964 model year—for the major auto companies this is about 95 to 100, and the agreement sets a minimum ratio of 75 to 100; and he must maintain the total Canadian value added in the cars he produces in Canada at a level at least as high as in the 1964 model year.

If this were all there were to the agreement, it would certainly be far from free trade, and at least objectionable on that ground alone; particularly since Canada is reserving in advance its own share of any future increase in the Canadian market, while the United States is throwing its own market completely open to free competition between producers in the two countries; but it might have been argued that the inequities were more apparent than real, since the greater efficiency of the U.S. producers freed them of any need to fear competition; and it might have been maintained that Canada had a legitimate right to require that autos to be sold in Canada be largely produced there.

However, there is another, and a far more restrictive side to the agreement—the "letters of undertaking" submitted to the Government of Canada by the Canadian subsidiaries of each of the four major auto manufacturers. While these letters are not formally a part of the agreement, they constitute an important part of its provisions, for the Canadian Government refused to sign the agreement until after they had been obtained.

These letters contain two important features: the companies promise to increase the total dollar value of their Canadian value added by at least 60 percent of the increase in their Canadian sales of automobiles, and 50 percent of the increase in their Canadian sales of the commercial vehicles specified in the agreement; and they further commit themselves to increase their total Canadian value added by an additional arbitrary amount, agreed upon between each company and the Government of Canada, from the 1964 to the 1968 model year. These latter amounts come to a total of $241 million.

The U.S. Tariff Commission, in a report submitted to the House Committee on Ways and Means last April 23, calculated that the various provisions of the agreement and private commitments of the auto producers would require an increase of $390 million in Canadian auto production from 1964 to 1968. The Commission estimated that if Canadian production were protected by the previous tariffs alone, there would be only a $150 million increase in Canadian auto production in this period; even the Canadian duty-remission plan, which faced a threat of countervailing tariffs as a disguised export subsidy, would have increased Canadian auto production by only $310 million, the Commission said.

These three figures are based on an assumed annual growth of 5 percent in the Canadian market for North American style motor vehicles. This means, very simply, that the automotive products agreement, according to the estimates of the U.S. Tariff Commission, would by 1968 result in $240 million worth of business each year being done by Canadian firms which would have been done by U.S. companies had neither the agreement nor the duty remission plan existed.

This plainly would not be the result of free competition. It would, rather, be the result of the highly restrictive measures contained in the automotive products agreement and the collateral letters of undertaking by the auto producers.

Essentially, the agreement is a form of cartel. The auto companies, in specifying the amounts by which they will increase their Canadian production from now to 1968, have removed an element of free competition from the determination both of how the Canadian market is to be divided and of how production is to be divided between plants in the United States and those in Canada.

One Member of the House, in the floor debate on this bill, said:

> There are two kinds of cartels—those trade agreements which benefit us are good cartels and those trade agreements which benefit others can be bad cartels, the latter are usually of European origin.

That statement is wrong in two respects. First, while a cartel may be of benefit to an individual firm, I do not believe that it is ever of advantage to the general public to place restrictions on free competition, as this agreement certainly will do. Furthermore, while this cartel may not be of European origin, it makes no sense to say that an arrangement which takes jobs from the United States and moves them to Canada is any better than one which would move them to Europe instead.

It was fully realized when this bill was drawn up that the effect of the automotive products agreement would be to shift production and jobs from the United States to Canada. That is why there is a section in the bill to provide readjustment assistance. This section authorizes Federal assistance payments to firms which are forced to move their plants and to workers who lose their jobs because plants or production is shifted to Canada because of the agreement. If we must have this agreement, such assistance is vitally necessary; but no amount of readjustment assistance can make up for the fact that the total number of jobs available in the United States is being reduced because $390 million worth of annual production of autos and auto parts will be shifted to Canada.

Some have argued that there will be no real loss of jobs from this agreement, because the agreement will make it possible to rationalize the auto industry to a greater extent, thus lowering prices and expanding the market, particularly in Canada. It seems unlikely that auto sales could be increased that rapidly, although it may be true. The fact is that we simply do not know.

The most imperative need Congress has is for more information about the economic effects of the agreement. We have the Tariff Commission's estimate that it will mean an increase of $390 million in Canadian auto production; but that was based necessarily on a guess rather than a careful calculation about the increase in Canadian consumption. In fact, everything that has been said about the effect of this agreement is simply guesswork, made before adequate information was available.

Before the Senate comes to a final decision on the Automotive Products Agreement, the U.S. Tariff Commission ought to be asked to make a further study, this time based on a study of what has happened in the auto industry since the agreement was signed last January, and submit it to this committee. The retroactive provision of the bill means there is no need to rush passage; and the detailed and exact information which such a report could provide would greatly increase the ability of the Senate to take wise and considered action.

Mr. President, in this morning's Washington Post there was an editorial dealing with this agreement. The editorial is entitled "Exposing the Auto Pact."

I do not want to clutter up the RECORD with an editorial which has already been printed in the RECORD. Does the Senator from Indiana know whether this editorial has already been printed in the RECORD?

Mr. HARTKE. It has not been printed in the RECORD to my knowledge. I would be more than happy to have the editorial printed in the RECORD.

The Washington Post has been recognized as a great advocate of free trade, and not a newspaper which is interested in having one nation take advantage of another nation in these agreements. The Washington Post is a great believer in the principle that we should have multilateral agreements and not bilateral agreements.

In view of the reputation of this fine newspaper, the editorial should have great weight.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. SMATHERS. Mr. President, I had intended to have the editorial printed in the RECORD. I thought it would be an easy one to answer. I thought that I would have the privilege of having it printed. However, if the Senator from Wisconsin wishes to have the editorial printed in the RECORD, I shall be happy for him to have this done.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield, I have a prepared statement to show that the editorial is wrong on all five points. However, if the Senator from Wisconsin wishes to have the editorial printed in the RECORD, I shall be glad to have him do so.

Mr. NELSON. Mr. President, the Senator from Louisiana has a speech prepared on all editorials.

I ask unanimous consent that the editorial entitled "Exposing the Auto Pact," published in this morning's Washington Post be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EXPOSING THE AUTO PACT

Will the American public benefit by the proposed automotive tariff agreement with Canada? A small band of Senate skeptics—Senators GORE, HARTKE, and RIBICOFF—has subjected the administration's measure to a searching analysis and reached the same verdict as this newspaper. Congressional approval of the executive agreement between President Johnson and Prime Minister Pearson would have a deleterious effect upon the domestic economy and a positively pernicious effect on this country's reputation as a leading proponent of freer world trade.

The essentials of this unusual trade agreement are these: Canada is to eliminate its tariffs from automobiles and parts for new autos that are imported from this country by designated manufacturers. The United States is to permit the duty-free entry of Canadian-produced autos and parts, irrespective of who does the importing. In return for the privilege of duty-free imports, the leading domestic auto manufacturers, through their Canadian subsidiaries, have agreed to a sharp increase in the volume of Canadian auto production.

Proponents of the agreement proclaim that greater output at lower costs will be achieved in what they visualize as an integrated, North American market for autos. But this roseate view blinks at the asymmetrical nature of the agreement. Only the Canadian manufacturers, not the consumers, will enjoy the blessings of duty-free trade under this agreement. As long as auto prices in Canada remain much higher than they are in this country, it is difficult to envisage a great expansion of the market.

One can sympathize with the Canadian desire to maintain a strong and growing automotive industry. But sympathy is hardly an excuse for entering into an agreement which will ruin a number of independent parts manufacturers in this country and increase the market power of the leading auto makers. The agreement, to be sure, provides very liberal "adjustment assistance" for displaced workers. But why should they be displaced? Surely the threatened domestic parts manufacturers are at least as efficient, if not more so, than their Canadian counterparts.

The auto agreement is particularly inappropriate at a time when there is anxiety over this country's balance-of-payments position. In order to fulfill their obligations to the Canadian Government and provide 50,000 new jobs over the next 3 years, the Canadian auto subsidiaries will have to invest about $1 billion in new productive facilities. It is reasonable to assume that most of the required capital will be raised in this country, thus swelling the payments deficit.

It is conceded that the auto pact violates the most-favored-nation principle of tariff concessions, but proponents are confident that a waiver can be obtained from the General Agreement on Tariffs and Trade in Geneva. But there is grave doubt as to whether a waiver can be obtained without making substantial compensation to countries that are not parties to the auto treaty. Moreover, the granting of a waiver will open the door to other restrictionist agreements.

Great pressure is being exerted to pass a radical trade measure that may work against the national interest. Rather than legislate hastily and regret it later on, the Senate should defer final action pending a thorough investigation and report by the Tariff Commission.

Mr. NELSON. Mr. President, I yield the floor.

Mr. HARTKE. Mr. President, I commend the Senator from Wisconsin for his forthright statement. I commend him also for his alertness with respect to the Washington Post editorial.

Mr. LONG of Louisiana. Mr. President, since the Washington Post editorial has been printed in the RECORD, I should like to comment on it.

This editorial on the automotive agreement contains a number of fallacious statements. These are the same fallacious statements that I have answered many times on the floor already.

First. The editorial says, the agreement "would have a deleterious effect upon the domestic economy." The agreement "will ruin a number of independent parts manufacturers in this country."

There is absolutely no foundation for these flammatory statements. On the contrary, the agreement will contribute to greatly expanded trade with Canada in which independent parts manufacturers as well as vehicle manufacturers will benefit.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I shall yield when I complete this statement. It will require only about 5 minutes.

Mr. GORE. I believe that I can assist the Senator on these points.

Mr. LONG of Louisiana. The Senator can do so on his own time. However, I request that the Senator permit me to make my statement; and I shall then be glad to discuss it with the Senator.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I make the same response to the Senator from Indiana. I request that the Senator permit me to complete my statement.

Mr. HARTKE. Mr. President, all I want to do is——

The PRESIDING OFFICER. Does the Senator yield?

Mr. LONG of Louisiana. I do not yield at this time. I shall yield in a few moments.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I shall be happy to yield in a few moments.

In the short run we will at the worst maintain our present trade surplus of over one-half billion dollars. Over the longer term we can expand this export surplus.

Second. The agreement, to be sure, provides very liberal adjustment assistance for displaced workers. But why should they be displaced?

To provide liberal adjustment assistance provisions under the legislation does not mean that there will be any significant displacement of auto workers. On the contrary, Secretary Wirtz has testified that very little displacement is anticipated. But, in an industry as dynamic and as changing as the automotive industry, there can be no assurances that no workers will be displaced with or without the agreement. Provision has therefore been made in the legislation to deal with any possible displacement as a result of the agreement. In the 9 months since the agreement has been signed, employment in the U.S. automotive industry increased by 40,000 jobs. Secretary Wirtz has testified that failure to implement the agreement with Canada could cost as much as 25,000 to 50,000 jobs. Thus, to say that the agreement will cost U.S. workers their jobs is to grossly distort the facts.

Third. The auto agreement is particularly inappropriate at a time when there is anxiety over this country's balance-of-payments position.

> The Canadian auto subsidiaries will have to invest about $1 billion in new productive facilities. * * * Most of the required capital will be raised in this country, thus swelling the payments deficit.

This statement is absolutely false.

Where the Washington Post gets its figures only its editorial writer knows. The fact is that planned investment in Canada by the American automobile company subsidiaries over the next 2 years is $270 million. This will be financed by reinvested Canadian earnings, as was testified in our hearings.

General Motors alone has announced investments of $1.9 billion in this country over the same next 2-year period. The big four have announced planned investments in the United States of over $3.5 billion.

Mr. GORE. Will the Senator yield?

Mr. LONG of Louisiana. I will yield when I have completed the statement, which will be very soon.

Investments in Canada—most of which would take place in any situation short of a trade war—will amount to only 6 percent of the worldwide investments of the automobile companies.

The only $1 billion foreign investment figure that exists is for all the big four in all foreign countries over 2 years.

Fourth. The Post talks about the obligations of the auto companies to provide 50,000 new jobs in Canada over the next

3 years. Once again, where does the Washington Post editorial writer get his figures? The total employment in Canada in the production of automobile and automobile parts is about 65,000. As an outside guess, this number might increase by one-third over the next 3 years. This is a far cry from 50,000 jobs. In any case, there is no obligation on the part of the auto companies or anybody else to provide any particular number of new jobs. The truth is that employment in both the United States and Canada in the automobile industry is going to increase in a good and healthy way.

Fifth:

> The auto pact violates the most-favored-nation principle. * * * There is grave doubt whether a waiver can be obtained without making substantial compensation * * * a waiver will open the door to other restrictionist agreements.

The Washington Post is much concerned about the violation of the most-favored-nation principle.

It talks as though the general agreement on tariffs and trade was a holy writ rather than a sensible charter for the rational expansion of world trade. Perhaps the Post or the opponents of this bill could explain how our trading partners in Western Europe or Japan are going to be hurt by this agreement? What is the trade now in parts for North American automobiles, except for trade between Canada and the United States? For practical purposes, it is zero and will continue to be so, agreement or no agreement.

As for finished cars, the agreement with Canada which affects only 4 percent of North American production is obviously not going to change the price of cars sold in the United States and this is the only consideration that affects the sale of European cars in our market. The truth, once again, is that the GATT provides for waivers of the most-favored-nation principle in special circumstances and the special circumstances exist in this case. There is no need to cry crocodile tears about the damage to principles or trading policy. There is no damage. As for paying compensation for countries not party to the auto agreement, as the Post suggests, compensation for what and to whom?

Sixth:

> As long as auto prices in Canada remain much higher than they are in this country, it is difficult to envisage a great expansion of the market.

Even with the present higher prices in Canada, the Canadian market is growing at a much faster rate than the U.S. market. For the period 1960–64 the Canadian market averaged an annual growth rate of more than 10 percent compared with a growth rate of less than one-half this Canadian rate in the United States. For the last 2 years the Canadian growth rate for automotive products averaged over 14 percent in value.

As prices in Canada approach the U.S. level, there will be an even greater stimulus to growth. As has been pointed out repeatedly, prices in Canada will not decline overnight but as the efficiency of the Canadian industry is improved, as a result of the agreement, prices will decline. The Ford Motor Co. has already announced substantial price cuts on three models made in the United States and sold in Canada. These models are Mustang, Thunderbird, and Continental.

Mr. President, it is difficult for me to understand how one editorial writer could be so much in error on so many points in one editorial. I can only say that he must have had a great deal of help in finding ways to be wrong.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. Now that the able Senator has completed the reading of the statement, which has been very carefully prepared——

Mr. LONG of Louisiana. I thank the Senator.

Mr. GORE. I have no knowledge as to the author of the statement, but I take it the Senator is willing to defend it.

The statement began by saying that the editorial was wrong in all points. I should like to take them in reverse order. The fourth point of the editorial, I believe, was that the agreement violated our GATT agreements and the most-favored-nation principle.

Does the Senator say that the editorial was in error in that regard?

Mr. LONG of Louisiana. We are in violation of the General Agreements on Tariffs and Trade only technically. To the extent that we are in violation of the agreement. Other countries which have resorted to the bilateral agreements have been in violation, and we have given them waivers. We owe compensation to other countries only to the extent that they can show injury. They cannot show injury, because if there is any injury, it is between the United States and Canada, the two signatories to this agreement.

Mr. GORE. We would not be in violation and will not be in violation when we get permission, which we expect to get from GATT.

Mr. LONG of Louisiana. They will give us the waiver. We are not worried about that. We have given them waivers on the European Free Trade Association and the European Coal and Steel Community cost us hundreds of millions of dollars in trade. In this case, they are not losing any trade. We have given them waivers when we were being hurt. All we are doing is asking them for waivers when they are not being hurt.

Mr. GORE. The Senator started his statement by saying that the editorial was wrong on all four points. Now I have asked him about the point that the agreement was in violation of the General Agreement on Tariffs and Trade. I have asked the Senator if the editorial was in error on that point, and he says that we are to get a waiver.

Why are we to get a waiver? Because the agreement violates our treaty obligations. So the Senator is in error, by his own statement, with respect to the fourth point.

Mr. LONG of Louisiana. The Senator has himself made two misstatements, in trying to correct me. Once he said I said that the editorial was wrong on four points. It is wrong on six points.

I say that the editorial is wrong in four places in one paragraph. It states that the agreement "violates the most-favored-nation principle," which it does. "There is grave doubt whether a waiver can be obtained"—that is wrong—"without making substantial compensation"—that is wrong—"a waiver will open the door to other restrictionist agreements"—that is wrong. So the whole paragraph is wrong although I must admit the first few words are correct.

Mr. GORE. Will the Senator yield?

Mr. LONG of Louisiana. But correct only in a technical sense, on that part of it.

Mr. GORE. Will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. So the Senator admits that he is in error in part?

Mr. LONG of Louisiana. Oh, no. I said they are wrong. The paragraph I am quoting is wrong in about four different places, although I must admit that the first statement is correct.

Mr. GORE. Good. Good. That is one of the few times I have heard the Senator admit anything.

Mr. LONG of Louisiana. To that extent, those few words, that paragraph is right. The rest is all wrong.

Mr. GORE. So the Senator now says the editorial is wrong only in part? That is not what he said in the first place.

Mr. LONG of Louisiana. I should say that paragraph is wrong in four different ways, but it is right for about the first five words.

Mr. GORE. So it is wrong only in part?

Mr. LONG of Louisiana. Yes. About 80 percent.

Mr. GORE. That is not what the Senator started out by saying.

Mr. LONG of Louisiana. It is right in a number of respects. Every one of those words is correctly spelled, though the four conclusions are wrong.

Mr. SMATHERS. Will the Senator not agree that it is paragraphed and punctuated correctly?

Mr. LONG of Louisiana. It is. It has a period at the end of it, and it starts with a capital letter. It is correct in that respect.

Mr. GORE. Mr. President, I find it quite amusing that in defense of this agreement, my friends have been pushed to the question of punctuation.

That is the strongest defense I have heard of. Punctuation is a delicate science. Sometimes one can use a comma. Sometimes one can use a semicolon. Either one can be proper. It is a question of degree of emphasis upon the sentence structure. But, lest I revert to my former profession, I will not go further into that. However, I should like to ask the Senator——

Mr. LONG of Louisiana. I have explained why we have no doubt that we could obtain a waiver. We do not believe that we are going to have to give compensation. We do not believe the stage will be set for any further restrictions on the agreement. I have gone on to explain why no one is injured.

Mr. GORE. Why do we need to obtain a waiver?

Mr. LONG of Louisiana. Because it involves a technical violation of the most-favored-nations principle.

Mr. GORE. We need to obtain a waiver because the agreement violates our treaty obligations, is that not correct?

Mr. LONG of Louisiana. Technically, yes.

Mr. GORE. Good. Good. So it is only technically wrong, is that not correct?

Mr. LONG of Louisiana. On that particular point, the editorial is technically correct on that point.

Mr. GORE. Technically correct.

Mr. LONG of Louisiana. To that point, and stopping there. That particular sentence, which is not a complete sentence, is technically correct.

Mr. GORE. Is there any other way in which the editorial, on that point, is technically wrong or right, or in part wrong or in part right?

Mr. LONG of Louisiana. The paragraph goes on to say that there is grave doubt whether a waiver could be obtained. We do not have any doubt that we can obtain a waiver. We have given waivers to other countries interested in this subject. At times we have gone much further to waive our complaints than we would be asking other countries to go in this case. We gave them all sorts of waivers which involved cases in which we suffered injury. In this case, they suffer no injury.

Mr. GORE. Let us go to a different part. The Senator says, as I understand, that this is not a violation of the most favored nations principle. That is getting into the reciprocal trade agreements law. Does the Senator still maintain that?

Mr. LONG of Louisiana. I did not say that. I said that we are in technical violation of the most favored nation principle.

Mr. GORE. I thought the Senator was referring to the technical violation. That was the violation of the General Agreement on Tariffs and Trade. Does it or does it not violate the most favored nations principle?

Mr. LONG of Louisiana. That is written in terms of our participation in GATT, and if we are in technical violation of GATT, we will have to obtain a waiver. We have given waivers to other nations where they have done things much more injurious to our trade relations than we do to them.

Mr. GORE. The most favored nation clause is a part of our international trade statute. This is the exception, and it is bilateralism in its worst form. It is bilateralism in the form of restrictive cartels, a clear violation, according to the statement of our own authorities.

Mr. LONG of Louisiana. Even the editorial does not go into that. If the Senator from Tennessee is trying to contend that we do not have a right to enact a statute which conflicts with another statute, I am sure he is contending for a principle he cannot defend, because even if we passed a law in conflict with another, the Senator knows that the subsequent statute would prevail.

Mr. SMATHERS. Mr. President, will the Senator from Louisiana yield?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator from Louisiana yield to the Senator from Florida?

Mr. LONG of Louisiana. But even the editorial does not contend that. The Senator is mistaken if he believes that.

I am glad to yield to the Senator from Florida.

Mr. SMATHERS. I know that the Washington Post has long editorialized for the European Common Market. Is it not a fact that the European Common Market itself is a technical violation of GATT?

Mr. LONG of Louisiana. That was more than a technical violation. That was a substantive violation, and we had a right to take compensation for that, but we gave them a waiver.

Mr. SMATHERS. Has not the Washington Post on many occasions editorialized on the European Coal and Steel Community, and is that not also a technical violation?

Mr. LONG of Louisiana. It is more than a technical violation. It is a substantive violation. It damaged our trade relations and hurt some of our export trade. But we gave them a waiver on it.

Mr. SMATHERS. Is it not a fact that the Washington Post, in its editorial pages from time to time, has been in favor of the Central American community market; and is that not also a technical violation?

Mr. LONG of Louisiana. It is. It may very well be a costly violation. Nevertheless, they get waivers. In other words, it is understood, with respect to GATT, that from time to time countries are going to do things which violate the purport, the letter, and the spirit of the General Agreements on Tariffs and Trade, which will give their people an advantage in the countries involved. When they do it, they will come to GATT and say, "We are in technical violation and we would like to have a waiver." The agreement on coal and steel actually hurt the State of Virginia, because it cost that great State some of the exports it was shipping out. But this country gave them a waiver on it.

In this case, the agreement is a good deal for both the United States and Canada. We see no reason whatever why they should not give us a waiver as we have given them waivers when we thought it involved something which would be good for them.

Mr. HARTKE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. HARTKE. On the first point in the editorial, the Senator from Louisiana says that it is wrong, and that it will not have a bad effect on the domestic economy. After all, if the Canadians themselves are going to say it will have a bad effect on the economy, I do not see why Americans cannot say it is going to have a bad effect on our economy.

I am reading from the Toronto Star, from Jack McArthur, financial editor:

> It apparently will be—if it comes off—a government-directed attempt to rig auto prices and markets, without benefit of tariffs and taxes. In short, a government-sponsored cartel.
>
> The objectives are entirely laudable from a Canadian point of view. To boost sharply our production of cars and parts to win for Canada a somewhat larger share of the mighty North American auto market; to reduce Canada's $500 million annual auto trade deficit with the United States.

I renew my offer at this time, that if the Senator is sincerely convinced that he wishes a free trade agreement along the line of the views and ideas the Washington Post is discussing, as I have always understood them, we shall be glad to submit an amendment to remove all trade barriers and erase boundary lines, and I will be the first to join and sign a free trade arrangement with Canada, so that there will be symmetry so far as costs are concerned.

Mr. LONG of Louisiana. I am not going to join in that. I will give the Senator a good reason why he should, and also a good reason why I should not.

If we went into free trade with Canada on automobiles—and this is what their Minister testified to—their automobile industry would go out of business and the United States would gobble it all up. That might be a good deal for Indiana, but it would not be a good deal for Louisiana.

Mr. HARTKE. Will the Senator yield further

Mr. LONG of Louisiana. I do not wish to yield at this point. I wish to complete my thought. It has been published at great length that what will happen under the agreement would cost investments in the United States. The Ford Motor Co. supplies information on what is to happen so far as the Ford Motor Co. is concerned. I will read from the chart:

Ford capital expenditures in 1965: United States, $400 million for new plants and equipment; Canada, $60 million; overseas, $180 million. For 1966: United States, $450 million; Canada, $65 million; overseas, $350 million. Total domestic, $850 million; Canada, $125 million; overseas, $530 million.

In other words, the domestic percent of this total by the Ford Motor Co. is 57 percent. The increase in U.S. employment in full utilization of this investment will be approximately 25,000 persons; and a corresponding increase for Canadian investments would be approximately 2,200 persons.

The Ford Motor Co. is telling us a part of its plans. This is what our Government knows, we will have 25,000 more jobs in this one company out of a 2-year investment.

That is going to mean 25,000 jobs in the United States and 2,200 jobs, or less than 10 percent of those in the United States, in Canada. That is the first of what is going to happen under the agreement.

General Motors has made its figures available. General Motors talks about a $1.9 billion investment in the United

States, and about $150 million in Canada. So the investment made in the United States will be 10 times that made in Canada. We have reason to believe that employment will increase 10 times as much in the United States as in Canada. So all the talk we are getting about jobs on net amounts to nothing.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I do not yield at this moment. I shall yield after I complete my thought.

So if Senators are talking about whether this agreement means there will be more jobs, more employment, and a more favorable balance of trade, the answer is, "Yes, that is what it means." Now, if the question is asked whether the agreement will hurt the individual, little fellow, somewhere, the answer is "Yes," because we shall find that perhaps leaf springs and coil springs will be made more in Canada. But the people thrown out of employment in those areas of the industry will be made up for in the additional 25,000 jobs. They will be absorbed in those jobs, and there will be an increase of jobs in the industry as a whole.

So if one wants to do so, he can probably find a part of the industry which will increase more in Canada than it will in the United States. But the Canadian Ministry has notified 17 companies out of 505 companies in Canada that they are going to be hurt. But, on the whole, they will be benefited.

Who should be interested more in jobs than the president of the International Union of the United Automotive Workers? He sent a telegram to me today. It reads as follows:

> The UAW, representing automotive workers in the United States and Canada, urges prompt action to approve the United States-Canadian auto trade agreement.
>
> The UAW, recognizing that there are unavoidable problems of transition and adjustment in the implementation of this agreement, shall continue to insist that workers and their families who are affected be given adequate protection.
>
> After careful study, we are firmly convinced that the long range effect of the agreement will prove to be sound both economically and politically and will make possible increased employment, higher and uniform wages for auto workers in both the United States and Canada, and will enable consumers in both countries to enjoy lower automotive prices, because of the economies that will flow from the use of advanced technology for an enlarged and unified automotive market.
>
> WALTER P. REUTHER,
> *President.*

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HARTKE. Several areas have been covered in the matter of employment, but I think the Senator will agree that if the sale of automobiles were to increase in the United States from 8 million to a possible 10 million a year, employment in the United States would increase. There is no question that, if the United States were to share in the increase in the manufacture of automobiles in the North American market by 2 million automobiles, employment in the United States would go up.

Mr. LONG of Louisiana. But if the Senator——

Mr. HARTKE. Certainly the Senator will agree that if the United States is going to manufacture more cars, more people will be required to make them, unless more modern equipment is used to make them. I know the Senator is reluctant to agree with anything I say, on the principle that one should never agree with his adversary. I subscribe to that principle as a rule, but I think the Senator would have to agree—it is an unquestioned fact—that the United States will have more people working in its automobile industry, if prosperity continues to increase—and our administration certainly will want to see that it does—whether we have this agreement with Canada or do not have it. We are going to have more people working in this country. Is that correct?

Mr. LONG of Louisiana. Yes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 9336) to amend title V of the International Claims Settlement Act of 1949 relating to certain claims against the Government of Cuba.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 596) to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and related diseases, and it was signed by the Vice President.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes.

Mr. HARTKE. Mr. President, there is no question that with respect to total U.S. employment, as shown in the "Profile of the North American Automotive Industry," which appears in the hearings beginning on page 125, the figures demonstrate, as the Senator from Louisiana recognizes but has refused to admit, that while there has been an increase of 40,000 jobs in this country during the period in which the agreement has been in effect, as shown by the same report, there has been an increase of 11,000 jobs in Canada in the comparable period of time. In comparison with a total of 770,000 U.S. employees at the beginning of the year, Canada had only 81,000 working in the industry.

If my figures are correct, when we relate the 40,000 increase to the 770,000 figure, it is an increase of 5.2 percent in employment in the United States. This increase would have been larger aside from the agreement, because of the 200,000 automobiles which would have been manufactured in the United States but were not manufactured here. If we consider the 11,000 additional employees in Canada, that is equivalent to an increase of 13.4 percent in that employment alone.

So the increase proportionately has been much greater in Canada, and will continue to be much greater in Canada, for the simple reason that we have given them 2 percent of the North American production.

The U.S. share has been reduced from 96 to 94 percent. Canada's share is increased from 4 to 6 percent. So the major purpose of the agreement is to increase Canada's share at the expense of the United States.

Mr. LONG of Louisiana. Mr. President, I refuse to yield further.

Mr. HARTKE. Just a minute. The Senator yielded to me.

Mr. LONG of Louisiana. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG of Louisiana. I decline to yield further.

The PRESIDING OFFICER. The Senator declines to yield further.

Mr. HARTKE. Did the Senator not yield for a question?

Mr. LONG of Louisiana. I yielded for a question, but the Senator has not asked a question. He was making a speech and reading a statement.

Let me explain what the agreement does, and if the Senator wants to make a statement or read it for the RECORD, he can do so.

First, I would like to make clear that the agreement, as I see it, is a fairly simple proposition. Every English-speaking nation with the exception of Canada—and to some extent even Canada—has demonstrated that it can produce its requirement of automobiles. Every enlightened nation on earth, once it has progressed and developed, can produce its own automobiles. The pattern has been that, since this is a high-wage industry, it is a good industry to be in. Even though it costs other countries more to manufacture automobiles, they are getting into it, anyway.

We once shipped Brazil $85 million worth of automobiles. Brazil insisted on producing more of its own, until now it takes care of almost 100 percent of its requirements.

Argentina produces about 96 percent of its requirements.

South Africa has required more and more domestic production. She has cut in half the number of automobiles we can ship there.

France has arranged matters so that it costs 10 times as much to operate an

American automobile in France as it does a French automobile.

So all of those people have moved toward getting us out of their automobile market and manufacturing their own. Canada was moving in that direction, acting as a sovereign nation, to see that she produced more and more of the Canadian requirement of automobiles.

This Nation saw that happening and tried to see what could be done to protect our national interest.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I shall not yield. I wish to speak for a moment. I have the floor.

If we are looking after American interests and American labor, we say, "Let us keep as many jobs as we can for the American worker." If we can, we will try to get a share of the increase in the Canadian market. But if we cannot get a share of the increase, let us hold onto what we have. We have a $580 million favorable balance when we sell $580 million more to Canada than the Canadians sell to us.

We say that if we cannot get an increase in the Canadian market—it is increasing 8 percent a year—we should at least hold onto the $580 million surplus that we have.

Canada was willing to make an agreement under which we would keep the $580 million surplus.

They are expanding at 8 percent in the number of automobiles they buy and use. We are expanding at 4 percent. Canada made that agreement with us. We have a favorable balance and a $580 million surplus. We ship to them $640 million worth and they ship to us $60 million worth, and that is difference of $580 million. That results in 25,000 good jobs in manufacturing the additional automobiles that we ship to Canada.

The agreement protects us. I would like to have it provide that we can get the advantage of the growth of the Canadian market. But the Canadians are looking after the Canadian market the best they can. Right now this is what they are willing to agree to.

Canada, in trade with the United States, has a deficit of $1,183 million. One-half of that is in automobiles and automobile parts.

They might back up the $1,183 million deficit by American investments and American loans into Canada. Most of such loans and investments will represent profits we make in Canada, which we are reinvesting in Canada. That is a pretty good deal for the United States.

Mr. HARTKE. Mr. President, will the Senator yield on that point?

Mr. LONG of Louisiana. I shall not yield now. I wish to talk for a few minutes; then I shall be glad to yield to the Senator for a question.

We come out $1,183 million ahead on the trade balance. Canada could not keep that up.

If we translated the Canadian deficit into U.S. terms, it would mean an unfavorable balance for us of about $12 billion a year. That would wreck us in international finance, unless we could find someone to lend us money or to invest some money in our country.

Americans have more and more holdings. These are American companies in Canada. We own the American automobile companies and the American factories that produce in Canada.

First, we keep this favorable balance. Second, we integrate the automobile markets of the United States and Canada. To the extent that new automobiles are produced in greater numbers in Canada—that is, by American companies, American stockholders, American investors—profits come back to the United States, on which taxes are paid to this country.

It benefits business and labor. We believe that is about the best arrangement we can work out for our overall benefit.

There is no doubt that if this market is integrated to make it more efficient, the cost of production will tend to go down in Canada, because they will get the benefit of mass production.

They must protect themselves against free trade with the United States. We are a low cost producer. We can do it at 15 percent below their cost, even though their labor cost is below ours.

If we integrate, and the cost in Canada goes down, wages in Canada will go up.

The reason Canadian workers are paid less than our workers now is that they are not so productive in Canada. Their operation is not efficient, but as it becomes more efficient they will be able to make more, because the same unions that negotiate for workers in the United States will be negotiating for Canadian workers. Consequently, they will get the same wages, even though overall costs will go down.

There has been some suggestion that this does not benefit the Canadian consumer. I had printed in the RECORD the statement that it is reducing prices there.

A statement by Minister of Industry Drury this morning announced that this means a very substantial reduction in prices of automobiles in Canada as a result of this agreement.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. HARTKE. Mr. President, will the Senator yield now to the Senator from Indiana?

Mr. LONG of Louisiana. I yield.

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. SMATHERS. Has the Senator from Louisiana completed his statement?

Mr. LONG of Louisiana. I have completed my statement, but I had told the Senator from Indiana that I would yield for a question.

Mr. HARTKE. I would like to know whether the Senator has taken into consideration all the job classifications, and what the agreement is going to do to the steel industry.

Mr. LONG of Louisiana. I would assume——

Mr. HARTKE. Let me help the Senator out in that regard.

Mr. LONG of Louisiana. We will manufacture our share of the steel.

Mr. HARTKE. The average U.S. automobile takes over 3,000 pounds of steel and iron.

We are going to lose 200,000 automobiles. That makes 300,000 tons that ordinarily would be produced in the United States.

Each automobile takes about 45 pounds of copper, which means that 9 million pounds of copper will not be sold from the United States, 15 million pounds of aluminum, 25 million pounds of zinc, and 8 million pounds of lead and other products, mined in the United States.

It means a loss of about $400 million in the United States in sales alone.

Mr. LONG of Louisiana. Will the Senator suspend for one moment?

Mr. HARTKE. All I can say is——

Mr. LONG of Louisiana. If the Senator wants the floor, I will be glad to yield the floor, but if the Senator is asking a question I would like to respond.

Mr. HARTKE. I want to know if the Senator has taken all jobs into consideration in his estimate of what is going to happen to business in the United States.

Mr. LONG of Louisiana. I will state what I have taken into account.

What the Senator is talking about is future growth of the Canadian automobile market. He said we are losing that. I say that it is a doubtful assumption that we ever owned that market. So far as what we are sending there is concerned, we are keeping it.

Mr. HARTKE. In response to that, I wish to read from the Canadian press. They are pretty good. I wish to read an article by John Fell from the Canadian Globe and Mail. He said:

> The plan is designed to cut the imbalance of trade with the United States, increase Canadian employment, maintain production of autos in this country in the same sales-to-production ratio as in 1964, and increase the Canadian content of autos by stipulated amounts.

Mr. LONG of Louisiana. I have taken all of that into account.

I arrived at the conclusion, which was testified to by every responsible official of our Government and those who represent labor and management as well, that this means an increase in jobs in the U.S. industry; that it means we will preserve 25,000 jobs that we are in danger of losing if we do not ratify this agreement in the automobile industry alone, and another 25,000 jobs in supporting industries; and that this agreement means more profits for business; it means expansion of business and lower prices for the consumer.

Mr. HARTKE. Mr. President——

Mr. SMATHERS. Mr. President, I have a very brief statement I would like to make supporting this agreement, and supporting the position taken by the Senator from Louisiana.

It is my hope and expectation that I shall not exceed more than 10 minutes.

Mr. MANSFIELD. Then, Mr. President, will the Senator yield without losing his right to the floor?

Mr. SMATHERS. If I may finish that sentence.

I am certain it is the desire of all Senators to get a vote on this bill in a short time.

Now, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield without losing his right to the floor?

Mr. SMATHERS. I yield with that understanding.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the Gore motion to postpone action on the pending bill until the second Monday in January occur at 4 o'clock this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. CARLSON. Mr. President, reserving the right to object, I want to be certain that I may have 5 minutes.

Mr. MANSFIELD. The Senator from Kansas requires so little time that he has assurance that he will have 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I should like to have the attention of Senators, especially those who are opposing the pending business, the Senator from Indiana [Mr. HARTKE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Tennessee [Mr. GORE]. If it is agreeable, I should like to have the Senate take up the conference report on the immigration bill at this time. The time taken on the conference report would be added to the period after 4 o'clock, so that no time would be lost.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT OF IMMIGRATION AND NATIONALITY ACT—CONFERENCE REPORT

Mr. KENNEDY of Massachusetts. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BASS in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KENNEDY of Massachusetts. Mr. President, H.R. 2580 passed the Senate on Wednesday, September 22, by a vote of 76 to 18. The measure considered by the Senate was an amendment in the nature of a substitute to the House-passed bill. The House asked for a conference to consider and resolve the nine areas of substantive difference between the two bills that resulted from the work of the Senate Judiciary Committee.

The Senate amendment enlarging the definition of refugees in section 203(a)(7) to include those persons uprooted from their usual place of abode by catastrophic natural calamity, as defined by the President, was accepted by the House.

The conferees agreed to provide in section 4 of the bill that immigration officers, as well as consular officials, may administer oaths executed outside of the United States.

The Senate amendment removing the exclusion of alien seamen from section 244, thus allowing such aliens to seek a suspension of deportation from the Attorney General, was accepted by the House.

The conferees agreed, however, to allow for such suspension proceedings only for seamen who entered prior to June 30, 1964.

The Senate amendment liberalizing the House amendment to permit aliens afflicted by mental retardation or past attacks of mental illness to seek entrance as immigrants under the procedures described in section 212(f) was accepted by the House.

The Senate amendment to extend the benefits of section 249, to permit the creation of a record of lawful admission to aliens who entered the United States, was agreed to in principle by the House. The Senate would have raised the pertinent date from June 28, 1940, to June 28, 1958. The conferees agreed on a compromise date of June 30, 1948.

The Senate amendment establishing a conditional limitation of 120,000 upon the nations of the Western Hemisphere and the creation of a Select Commission on Western Hemisphere Immigration was accepted by the House. The conferees agreed to change the composition of the Commission from three members from the House and Senate each, and nine members appointed by the President to five members from the House and Senate each, and five appointed by the President.

It was agreed that no more than three members from the House and three from the Senate would be from the same political party.

The Senate amendment to section 245 allowing the adjustment of status of natives from the Western Hemisphere who have fled persecution on account of race, religion, or political opinion was not accepted by the House. The conferees did agree, however, to the specific inclusion of this problem in the mandate to the Select Commission.

Finally, a minor Senate amendment providing that an alien student must show evidence that he has been accepted by an approved educational institution was deleted. Such a requirement substantially exists under current law.

Mr. President, the Senate conferees believe that this conference was most successful in preserving the amendments introduced by the Senate. The House conferees were most accommodating and generous to us in this matter. I take this opportunity to express my appreciation to Chairman CELLER of the House Judiciary Committee and his colleagues.

I also express my deep appreciation to my own colleagues for their diligence and patience throughout this extended, but harmonious, conference meeting. Senators ERVIN, HART, FONG, and JAVITS argued most eloquently and successfully for the Senate position on various matters, as did the distinguished minority leader, Senator DIRKSEN.

Mr. President, I move the adoption of the conference report.

Mr. JAVITS. Mr. President, I agree with much of what the distinguished Senator from Massachusetts has said. I wish to pay him a tribute for the taste and fine leadership he displayed in the conference.

There are two matters upon which I wish to comment. The first is the question of the ceiling on Western Hemisphere immigration to the United States. I do not favor such a ceiling. I was strongly opposed to it in the subcommittee, in the full committee, and on the Senate floor. We all understand that the bill is a package deal and includes a Select Commission on Western Hemisphere Immigration to consider whether the imposition of a ceiling, after an exhaustive study of the situation in the future, is the right policy. Without such a package, we would not have had a bill in the Senate. The House conferees, recognizing this situation, nonetheless went along with this proposition.

I am convinced, and I think those who feel strongly against the imposition of the ceiling on Western Hemisphere immigration should also feel convinced, that this important legislation would not be here, and the Senator from Massachusetts would have been unable to be in this posture of final action on a bill, were not the whole package accepted.

It is fair to say, and I believe it is most important to say, that a determined effort was made by some in conference to strike out the Commission. It required much effort and persuasion on the part of the Senate conferees, together with a conviction on the part of a number of House conferees, to cause the acceptance of the Commission. That was critically important, because it is really the only ameliorating factor and, based upon the factual advice the Commission may give us, a better policy may be provided to substitute for the ceiling which we placed on Western Hemisphere immigration. It should be made absolutely clear that none of us who feel as I do have altered our views upon that subject. Our Latin American friends should understand that, otherwise we would have had no bill at all; also that the ceiling maintains approximately the present rate of immigration; in addition that the Commission is under a duty to submit a preliminary report on or before July 1, 1967, which is before the ceiling on Latin American immigration will take effect on July 1, 1968. This will give Congress an opportunity, in the light of an authoritative set of findings, to reconsider the policy if it wishes to do so.

In the same connection, I wish to pay tribute, as I have before, to the statesmanship of the distinguished senior Senator from North Carolina [Mr. ERVIN]. I did not agree with him in this matter at all; he did not agree with me. But he did agree in the final analysis that there should be a bill, and he found himself able, in good conscience, to accept the totality of this package without which a bill would not have been possible. I am satisfied as to that.

The proudest words in any language that can be offered to a man of intellect, whether one agrees with him or not, are, "I am persuaded." This is my tribute to the Senator from North Carolina.

I am deeply disappointed about one aspect of the bill, as to which we ran into a brick wall, an absolute rock, so far as the House conferees were concerned, and that is the adjustment of the status of Cuban refugees in the United States, of whom there are some 225,000, in temporary status in the United States, many of whom find their progress materially interfered with in terms of getting licenses to practice professions and in terms, even, of getting licenses to engage in certain kinds of business, because their status is still that of parolees. In the last 2 years, 15,335 and 11,899 Cubans entered.

What has been done by denying them the opportunity to readjust their situation without leaving the country is, in my judgment, to prefer those who can afford to go to Canada or to Mexico and remain the requisite time to become normal immigrants, instead of permitting these people, many of whom were heroes who preferred freedom to continued residence under communism in their own homes to enjoy normal lives. We should at least give them the same treatment that we have given, for example, ship-jumpers and others who are in this country in an irregular status and whose status we permit to be regularized under the bill.

Mr. President, I am bitterly disappointed by that. I believe that we are making a great mistake. However, I am convinced, as are my colleagues, that we would have had no bill and we would have shattered the whole vessel of immigration reform upon that rock.

The bill has been amended to require the Select Commission on Western Hemisphere Immigration to look into this express question. I expect that the Commission will have a preliminary report within about a year. There was an expression of sympathy with the idea of perhaps preparing a separate bill for the Cuban refugees based upon the findings of the Commission. This action would answer the deep complaint which I feel that thousands of people will properly have as a result of the impasse which developed from this provision of the Senate bill.

Mr. President, it is for the reason that I want to cooperate in this great reform that I signed the conference report. I pledge myself to continue to work indefatigably for the future well-being of Cuban refugees. I feel that they are entitled to the same rights as are the many other categories of immigrants covered in the immigration law. I intend to prepare legislation in this regard.

I thank my colleague for his indulgence.

Mr. ERVIN. Mr. President, I approve the conference report.

I should like to say that, although the distinguished Senators from Massachusetts and New York differ with me on the desirability of placing a limitation upon immigration from the Western Hemisphere, they did an exceedingly fine job and merit the thanks of the Senate for their work on this legislation which now nears fruition.

I believe that one of the most meritorious features of the bill is the limitation on immigration from the Western Hemisphere. The provision for this limitation removes one of the serious defects in our existing immigration law in that it removes the discrimination in favor of the nations of the Western Hemisphere as against the nations of the Eastern Hemisphere.

Although there may be no great hemispheric immigration problem at present, it is better to lock the stable door before the horse is stolen.

The countries of the Western Hemisphere, outside the United States, had a population of approximately 67 million people at the beginning of this century. At the end of this century it is estimated that the same countries will have a population of approximately 600 million people. The United States simply cannot absorb unrestricted immigration from the Western Hemisphere.

I believe that the bill is the best obtainable at this time in our Nation's history. I believe that we will offend our Latin American neighbors less by placing a limitation upon immigration from South America and the West Indies, as well as the independent countries of North America, outside the United States, now, before a great many of the 600 million people demand entrance to this country.

Mr. JORDAN of North Carolina. Mr. President, I wish to make a statement regarding the conference report on H.R. 2580, the Immigration and Nationality Act.

Mr. President, when H.R. 2580, the Immigration and Nationality Act, passed the Senate on September 22, I voted against it because of two aspects of it which disturbed me.

One was a provision relating to the thousands of Cubans already in this country who fled that unhappy island because of Castro. The Senate bill would have had the effect of conferring U.S. citizenship on these unfortunate people without the normal waiting period, and therefore without any adequate screening process. While I deeply sympathize with these refugees from Communist tyranny, I think it would be extremely unwise to confer citizenship upon them on a wholesale basis without the traditional screening and waiting period. In addition, such action by our Congress would suggest that we expect these good people never to return to their native land and this would imply that we feel Castro's Communist regime is a permanent thing in Cuba. Of course, this is not the case at all.

The conferees have removed this Cuban provision from the bill, and that removes one of the objections I had to it.

My other objection to the bill grew out of part of the debate on it on the day of its passage. During that debate Senator EDWARD M. KENNEDY, who was managing the bill for its proponents, admitted under questioning that under it 60,000 more immigrants per year would enter this country than the total annual number currently admitted under existing law. I was disturbed by this figure in the light of the present unemployment situation. Since that day I have given further study to the matter and have discussed it with Senators who are thoroughly informed on it and am now convinced this figure is an overestimate. In addition and more important, the new law would place a much greater emphasis on admission of persons with professional and technical skills so that a very large proportion of the additional immigrants would fall into these categories and would not add to the unskilled labor supply in this country, which type of labor accounts for a large part of the unemployment problem. Thus, the new law would help us meet existing shortages in many areas of our economy where skilled professional and technical workers are sorely needed. And, finally, because of the new limitation on total immigration from the Western Hemisphere, of which Senator ERVIN is the author, the overall effect of the new law over a period of years will be to hold down the total influx into our country, particularly of unskilled labor.

Mr. President, I want to join with many others in paying tribute to my colleague, the senior Senator from North Carolina, for the magnificent contribution he has made during many hours of hard work on the perfecting of what I believe is now an immigration plan considerably superior to that provided under the present immigration laws.

I therefore want to go on record as favoring adoption of the conference report and enactment of this bill into law.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

COMMENDATION OF FRED M. MESMER, DRURY H. BLAIR, AND GEORGE B. AUTRY

Mr. ERVIN. Mr. President, it would be impossible for Members of the Senate to perform the tasks devolving upon them in their character as Federal legislators if it were not for the dedicated devotion and untiring zeal of members of their staffs and members of the staffs of various committees and subcommittees upon which they serve. Since last February, I have devoted a major part of my energy and time to the study of the laws and problems relating to immigration in connection with the revision of our immigration laws covered by the conference report which has just been approved by the Senate.

In my judgment, these revised laws constitute the best immigration regulations which can be devised and enacted at this particular time. I would like to thank Fred M. Mesmer and Drury H. Blair, staff members of the Subcommittee on Immigration and Naturalization, and George B. Autry, Chief Counsel of the Subcommittee on Revision and Codification of the Laws, for invaluable assistance which they gave to me in connection with my work upon this legislation, and to bear testimony that they merit the thanks of the Senate for the contributions which they made to the preparation and enactment of this legislation.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes.

Mr. SMATHERS. Mr. President, the Senator from Louisiana has very excellently described the features of the bill and of the Canadian agreement. I favor the agreement and I urge enactment of this bill to implement it.

This bill has been explored about as thoroughly as any legislation to come before the Committee on Finance. We had 4½ days of hearings on it and took nearly 500 pages of testimony. On the basis of these hearings and the subsequent discussions in executive session, only three members of the committee were able to find fault with it.

The objective of the agreement and of this bill is to expand trade with Canada through mutual elimination of duties. Canada has acted to eliminate her duties and this bill carries out our obligation to eliminate ours. In entering into this agreement, Canada probably fears she gave up more than she got. Canadian duties are 17.5 percent on automobiles, and up to 25 percent on parts. Our duties are only a fraction of that. On automobiles it is 6.5 percent and on parts it is only 8.5 percent. In addition, Canada was compelled to scrap her tariff rebate plan under which Canadian exports of parts to this country had soared.

Because Canada felt she was not getting a quid pro quo, commitments were obtained from Canadian subsidiaries of American automobile companies that their Canadian production will be expanded over a 4-year period despite elimination of the duties. Without this assurance, the greater efficiency of American automobile and part manufacturers would have overwhelmed Canadian competitors.

By the company undertakings Canadian production is to be expanded by 60 percent of growth in Canadian auto sales plus an absolute amount of $241 million. This latter commitment by the terms of undertakings is to be achieved by the end of model year 1968. An obvious purpose of these undertakings is to provide time for the less efficient Canadian manufacturers to become more efficient through longer production runs of fewer models so that they will be better able to compete with American manufacturers after the commitments expire.

Under the agreement as implemented by this bill, Canadian manufacturers will be able to concentrate their production in such a way that fewer models will be produced at greater efficiency. Models no longer produced in Canada will be provided by exports from the United States. Of course, we will be receiving some Canadian cars in return.

This exchange was not possible before the President entered into this agreement because of the very high Canadian tariff on automobiles and because of our own tariff. It will be possible now. An exchange of this sort which increases the exports of both countries will, of course, help both countries.

On the basis of testimony presented to the committee, I believe, and I know that other members of the committee agree, that our favorable balance of trade and payments with Canada will not be harmed because of the agreement or the company commitments. The Canadian market for automobiles is growing so rapidly—even more rapidly than the U.S. demand—that it will be possible for the companies to satisfy their commitments to Canada without any net exports to this country.

Thus, the Treasury Department advised the committee that at the end of the transition period—model year 1968—our balance of trade and our balance of payments in automotive products with Canada will be the same as it is today. If we do not approve the agreement by passing this enabling legislation our balance of payments could be seriously hurt because we will lose the large export market we now have.

Canada has demonstrated that she is going to have an automobile industry. In 1963, she began steps to expand her auto industry. This involved remission of duties on imported auto parts. The U.S. parts industry objected to this remission plan, called it a subsidy and moved for a countervailing duty under our law. Others saw the plan for what it really was—an attempt by Canada to create an autonomous automobile industry within her own boundaries. If we had not resorted to this agreement, other methods Canada might have employed to achieve her objective could have cut off U.S. automotive exports to Canada. This is exactly what happened in Brazil when she went to a 100-percent local content requirement in 1958. This is exactly what is happening today in Argentina and Australia. We lost exports to all these countries.

By this agreement with Canada, I believe we have protected the American automobile industry from loss of the Canadian market. I believe we have protected America from loss of a half-billion-dollar favorable balance of trade with Canada. That is a real achievement.

Mr. President, whenever we find labor and industry and the administration all supporting the same legislation, it must be good. That is the happy state of affairs with respect to H.R. 9042. The Government sponsored it—the industry urges it—labor supports it.

The legislation before us is clearly historic. Canada, which has been seeking to establish a separate automotive industry of its own, has now committed itself to an integration of its automotive market with that of its neighbor, the United States. The integration is somewhat conditioned it is true. But such conditioning is quite understandable as both nations move through the transitional period toward a rationalized North American automotive market. And the development of this market will stand in marked contrast to the restrictive trade practices which characterized attempts by other countries to establish their own automotive industry.

Mr. McCARTHY. Will the Senator yield?

Mr. SMATHERS. I should like to finish my statement. Then I shall be very happy to yield.

With respect to the balance-of-trade and balance-of-payments deficits, Merlyn N. Trued, Assistant Secretary of the Treasury, had this to say:

> Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you to comment on the balance-of-payments implications of the proposed legislation to implement the United States-Canadian Automotive Products Agreement.
>
> As this committee knows, the United States has had a substantial overall surplus on trade account with Canada, over the years. Our automotive trade with Canada has contributed substantially to that surplus.

He then quoted Secretary of Commerce Connor:

> With the automotive products agreement in force, Secretary Connor testified before the committee that: "It is reasonable to project a continuing growth in the Canadian automotive market sufficient to absorb the projected increase in Canadian production without reducing our net favorable balance of trade with Canada."
>
> The Treasury supports this conclusion.

To continue with the statement of Mr. Trued:

> From a balance-of-payments viewpoint, then, the automotive agreement simply means this: Under it we stand to maintain our present sizable surplus with Canada in automotive trade. Without the agreement, we stand to lose a part of our present surplus. There is no doubt in the administration's mind of this outcome, and I believe other Government witnesses have indicated their firm judgment that, in the absence of the agreement, Canada would undertake measures to limit imports from the United States and I might add, Mr. Chairman, your comments at the conclusion of Secretary Wirtz' testimony are perfectly fitted to that result.
>
> There is another balance-of-payments consideration that I would like to mention briefly in this context. It relates to investment in Canada. The means of financing investments in the automotive industry in Canada in recent years have been reinvestment of local earnings and borrowing in the Canadian market. As Secretary Connor has stated, this pattern will probably continue. That probability is heightened by the fact that under the agreement the companies will have substantial savings from the waiver of Canadian duties they would otherwise have had to pay. This means that any additional investment resulting from the companies' undertakings should involve little, if any, cash transfers from the United States.

The agreement does not accomplish all that the Canadian Government might have hoped. It does not accomplish all that we in the United States were seeking. But it does represent a fair and reasonable compromise which serves the interests of both countries.

I believe the agreement has many advantages to the United States over the Canadian duty remissions plan the agreement replaces. I believe, for that matter, that the agreement will leave us ahead of where we were before Canada embarked upon the unilateral course of action which she may well resume if this agreement is rejected.

Where, under her duty remissions plan Canada sought to solve her automotive trade problems solely by stimulating her exports, she now proposes, under the agreement, to work out the answer through increased Canadian automotive production. This is an approach which leaves the way open for the United States to maintain its highly favorable automotive trade surplus, but at a higher trade level which would make the proportions of her deficit acceptable to Canada.

The agreement puts U.S. producers of replacement auto parts on a more equal footing with their Canadian competitors who could generate exports that could be used to obtain duty remission under the old plan. And the agreement redefines "Canadian content" requirements in a manner that gives U.S. original equipment parts manufacturers a freer hand to sell in Canada than they had under the remission plan or, for that matter, even before the plan was put into effect. They are no longer restricted to duty-free treatment of only those parts of a class or kind not made in Canada. The agreement pertains to all original equipment parts.

Viewed from the perspective of overall automotive trade, I find nothing in this agreement to cause us alarm. The short-range trade effects will be to reduce very slightly the U.S. share in the immediate growth of the Canadian auto market. Specifically, as I have said, the automotive manufacturers have agreed to increase Canadian content by $241 million more than normal growth by 1968. In the context of the Canadian market, that is a substantial sum—about half of Canada's automotive trade deficit in 1963. In the huge bucket of the U.S. auto market, this business lost to Canada will be little more than a drop—less than 1 percent of the total North American market which must be compared with the 8.5 percent industry growth rate of 1965 over the previous year.

In the longer range, the agreement will stimulate the growth of the North American market. It will permit the Canadian industry to work toward the production of fewer models and component parts, while American plants supply the Canadian market with other models and other parts. The end result will be a more logical, more efficient North American automotive industry to better serve the market. What we will have, in other words, is a slightly smaller share of a much larger pie—netting us more production, more trade, and more employment.

The basic question confronting us in implementing the automotive products trade agreement is not whether this is the best of all possible solutions—I for one would prefer to see completely free automotive trade between ourselves and Canada—but whether it is the best solution available in the light of both the mutual and conflicting objectives of two sovereign governments. I submit that it is.

The net effects of the agreement, I am convinced, are all to the good. Nevertheless, a prime concern must be the adequate protection of those U.S. companies and their employees who may be adversely affected by the realinement of production.

I am pleased to see that the legislation before us contains provisions which, in my estimation, will provide effective relief for such dislocations. These special provisions involve eligibility for assistance and administrative procedures. They are fully justified because this agreement calls for immediate elimination of tariffs instead of their gradual reduction as would be the case in the Trade Expansion Act of 1962. Therefore, any adverse effects may be experienced more rapidly. These special provisions are necessary to provide aid to firms and workers who are affected by loss of export markets as well as by increased imports of particular products.

In considering the effect of H.R. 9042 on American companies and workers, it is important that we consider not only the consequences of not implementing the agreement as well.

As the Secretary of Labor pointed out in committee hearings, at least 25,000 U.S. jobs are involved directly in the production of autos and auto parts for export to Canada, and at least as many more workers are indirectly involved. In 1964, we exported about $660 million in automotive items to Canada while importing less than one-tenth as much from Canada. Whether we speak in terms of dollars or jobs, clearly we stand to lose more than we could possibly gain by any action that disrupts Canada-United States auto trade relations. Conversely, we stand to gain more than we lose through any agreement which, like the one we are considering today, will promote the flow of trade. Implementation of this agreement may displace some workers. Failure to implement the agreement runs the high risk of displacing many more, very soon. It would also deprive us in the longer run of the additional United States jobs that will be required to meet the needs of a more rapidly expanding Canadian auto market.

Mr. President, nothing could be more unfortunate than to consider H.R. 9042 as legislation which helps only the major automobile producers and concerns only the automotive industry.

That the major automobile manufacturers will benefit is undeniably true. But the important point is that the rest of the automotive industry and the national economy will also be helped by preserving and stimulating our profitable automotive trade with Canada.

Neither can we overlook the broader implications that are involved in this trade agreement. It represents an amiable settlement of a difficult problem in commercial relationships of the world's largest trading partners. It is a long step toward the freer trade with Canada that holds expanded opportunities for all the American companies, industries, and workers who have a stake in a healthy and companionable neighbor to our north.

Mr. President, I conclude by saying that it seems to me this is an agreement of expectations. Nobody can say at this moment with absolute certainty how it is going to turn out, insofar as either Canada or the United States is concerned. Some people have said that the agreement is dangerous. The Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE] and others oppose it.

Yet on the other hand, we find the Secretary of Commerce, Mr. Connor, the Secretary of Labor, Mr. Wirtz, the Under Secretary of State, Mr. Mann, who testified before us, and I presume the Secretary of State himself, Mr. Rusk; we find the President of the United States and all the representatives of the executive branch of the Government saying that this is a desirable type and character of agreement, and that we should enter into it.

Mr. President, I have no reason to believe that those men are not telling us what they really think. I have no reason to believe they are not telling us the truth. I have no reason to believe that there is any basis for doubting their motivation.

So in all candor, we should—as the majority of the committee have—accept the assertions and findings of the President, the Secretary of Commerce, the Secretary of Labor, and the Secretary of State.

Further, the bill has been before the Committee on Ways and Means of the House of Representatives, where people testified both for and against it, and the members of that committee gave it their endorsement. It passed the House of Representatives by a vote of something like 265 to 113. I am not exactly certain of the figure, but it was strongly affirmative.

The measure then came before the Senate Committee on Finance, where once again the representatives of all the agencies and the representatives of the private interests directly involved, the automobile manufacturers, the laborers, and all the rest, presented their judgment as to what would happen. The overwhelming weight of the evidence seemed to confirm the committee's judgment that the bill should pass, and that the agreement, over the long range, was good for the United States as well as for Canada.

So it seems to me that weight of the evidence is on the side of the agreement and its implementation. As I said at the beginning, I do not know of anyone who can state categorically today that he knows with certainty how it is going to work out. If it works to our disadvantage, we have in the proposed legislation some escape clauses which will enable us, within a period of 12 months, to call off the agreement and bring it to an end. At such time we can either negotiate a new agreement, or we can go about our business of building a high tariff wall against Canada.

On the other hand, Canada can build one against us.

We do not wish to do that. We should like to continue the favorable trade relationship we have with Canada—the most favorable trade relationship between any two nations on the face of the globe.

So all in all, Mr. President, in my judgment—and I know no more about it than the Senator from Indiana [Mr. HARTKE] or the Senator from Tennessee [Mr. GORE], but I should venture to say, if I may be so presumptuous, very little less about it than do they—we are reaching out into the future with no business knowledge as to what will happen. We hope that the agreement will work well for both countries. We believe that it will. We believe, on the basis of the testimony we have received, that it will redound to the benefit of the United States and, in turn, to the benefit of Canada. I therefore hope that the motion of the distinguished Senator from Tennessee will not be agreed to.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to my distinguished friend the Senator from Indiana—for a question.

Mr. HARTKE. The Senator has made a statement concerning the lack of information available, that he feels we do not know what is going to happen, and that we hope for the best. That is what any sick person, even if he is dying of cancer, would say. He hopes for the best.

We all hope for the best; but under these circumstances since the Senator has made such a to-do about the hopes and the lack of information, and that we are not sure what is going to happen——

Mr. SMATHERS. What is the Senator's question?

Mr. HARTKE. Just a moment. The agreement is effective now. It became effective on January 17, 1965. In view of the fact that it has been effective for some 9 months, I am certain that the Senator from Florida, in view of his statement, would be willing to say to the Senate that he would join us in finding out all the facts, after an examination during the next 3 months, from the most objective body available, the Tariff Commission.

That is what we are asking to have done. We are not asking for a repudiation of the President's signature. All the facts have been brought to the floor of the Senate in an objective viewpoint, and that is what the motion of the Senator from Tennessee would accomplish. Since it has been on the books for 9 months, certainly another 3 months will not bring the world to an end, or an end to our relations with our wonderful friend, Canada. She will still be shipping her Canadian Club, their pulp, and their other items to us. Congress will have acted in good faith. The President will have acted in good faith.

Therefore, would the Senator from Florida be willing to join the Senator from Tennessee in his motion? Thereby, we could come to a successful conclusion.

Mr. SMATHERS. I should like to make a short and precise reply. The answer is "No."

Mr. HARTKE. Why not?

Mr. SMATHERS. Is that the next question—Why not? In reply, I refer the Senator to page 374, where the Tariff Commission has already made its recommendations and findings. Its representatives came before the Senate Finance Committee and were questioned at great length by the Senator from Tennessee—and there is no abler interrogator anywhere to be found than the Senator from Tennessee, unless it be the Senator from Indiana. Certainly there are no others to surpass them in this regard. Members of the Tariff Commission were questioned at great length. After that the majority of the members of the committee came to the conclusion that we had to go ahead.

Mr. HARTKE. Was this investigation under section 1332 of the Tariff Act, which brought about a basis to give the small parts manufacturers an opportunity to be heard? Was this agreement properly referred to the Foreign Relations Committee, whose chairman I see is now in the Chamber? Was this agreement, which is to insure international relations, of which the Senator from Florida has spoken, brought to the Foreign Relations Committee to see whether it was agreed that it would reflect American-Canadian responsibility and American-Canadian good relationships—and our friendship in general?

Mr. SMATHERS. I say to the distinguished Senator from Indiana that I should like to cooperate with him in every respect. I have nothing but the greatest affection and respect for him, but I have the floor, and he has asked me several questions. The answer to the first one is "No." The answer to the second one is that I do not believe it is in our best interest, nor does anyone else, to postpone entering into this agreement.

Mr. HARTKE. But the Senator is——

Mr. SMATHERS. Let me answer the Senator first. Then I would like to yield the floor, so that the Senator can go forward with his interesting and informative speech, because we are going to vote at 4 o'clock, and I know that there are other Senators who wish to hear what he has to say. All I am trying to say in answer to the Senator's question is that this is an agreement of expectation. We do not know exactly how it will turn out. We believe that it will turn out for the better. The President, the members of the Cabinet, the House of Representatives, and the Finance Committee of the Senate, all have declared that they believe it to be an excellent agreement.

Therefore, let us try it.

If it does not work, there are provisions in it by which we can get out. This is the only thing we can do.

Mr. HARTKE. The Senator well knows that we have been trying it and we are in the process of trying it now.

Mr. SMATHERS. The final decisions cannot be made by those actually involved, until Congress finally implements them. The big decisions cannot be made until then. The Senator knows that I do not wish him to drag me out on my own time, when the Senator has a monumental speech of good quality to make. There is no doubt in the world about that. At this time, having said what I wish to say, I would now like to yield the floor.

Mr. President, I yield the floor.

Mr. GORE. Mr. President, early today, a news release was read to the Senate about the prices of Ford automobiles in Canada.

I have undertaken to find out the suggested retail prices in both Detroit and Windsor. I find that the Ford Motor Co.'s suggested retail price in Detroit of a Mustang, two-door hard top, is $2,416.18. The suggested retail price in Windsor, Canada, is $3,099.

This is a difference of $682.72 across the river.

Under this agreement, which Canada has already put into effect, all the tariffs are waived.

Who receives the $682.72? The Ford Motor Co.

Who pays for it? The consumers of Canada.

THE ORGANIZATION OF AMERICAN STATES AND LATIN AMERICAN RELATIONS

The **PRESIDING OFFICER.** What is the will of the Senate?

Mr. McCARTHY. Mr. President——

The **PRESIDING OFFICER.** The Senator from Minnesota is recognized.

Mr. McCARTHY. Mr. President, what is the agreement on time?

The **PRESIDING OFFICER.** The Chair informs the Senator that the Senate will vote at 4 o'clock on the pending motion by the Senator from Tennessee [Mr. GORE].

Mr. McCARTHY. I should like to take approximately 15 minutes on this subject, and I ask unanimous consent that the time be extended by 15 minutes.

Mr. SMATHERS. Mr. President, reserving the right to object, what was that request?

Mr. McCARTHY. Mr. President, I have the floor. I am going to speak approximately 15 minutes and I have requested that the time agreed to for debate on the pending motion be extended 15 minutes. I will limit my remarks to 15 minutes.

The **PRESIDING OFFICER.** The Chair informs the Senator that under the amended agreement, the time taken out for the immigration conference report was 15 minutes and therefore the time, if needed, is automatically extended 15 minutes.

Mr. HARTKE. Mr. President, I ask unanimous consent that the time consumed by——

The **PRESIDING OFFICER.** Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. McCARTHY. I yield.

Mr. HARTKE. I ask unanimous consent that the time consumed by the remarks of the Senator from Minnesota [Mr. McCARTHY] be not included in the time for this debate on this measure, and that the time for the vote be extended by that amount.

Mr. McCARTHY. That was my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, on September 15, the chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], gave a speech on the floor of the Senate under the general title of "The Dominican Republic." In the days since September 15, the speech and the Senator from Arkansas have been both praised and blamed.

The speech involved more than the Dominican Republic. It raised basic questions about the overall policy toward Central and South America. His thoughtful remarks, which could have been the beginning in basis for a thorough discussion of Latin American policy, have achieved this objective only in a very limited way. In too great a measure, they have been made the basis for raising questions about the relative authenticity of various sources of information or about the right or the propriety of the chairman to speak as he did on this matter.

The distracting and confusing—and I say irrelevant—issue of who is pro-Communist and who is not pro-Communist has also been injected into the discussion.

It has been suggested that the Senator from Arkansas was favorable to the Communist revolution. This is most unfair. The record which he has made through the years both in speeches and in preparing legislation and in securing the passage of legislation dealing with international problems is the clear and continuous repudiation of this suggestion. To point out, as he did, that the alternative to political revolution and to social and economic reform is likely to be a communistic revolution, is certainly not to endorse or to indicate support of such a revolution.

The Senator from Arkansas, in his speech, in no way implied that he was presenting a committee position or that his statement was a substitute for a committee report.

As chairman of the committee, he noted and said many weeks before he gave this speech, that it would be impossible to secure an agreement on a report from committee members.

His conduct, during the hearings and after, has been wholly appropriate to a chairman of a committee as sensitive as is the Foreign Relations Committee. He held no public hearings. He did not give newspaper critics an opportunity to appear in public and present their views against the administration's policy. There has been no breach of any confidence on information given to the committee in confidence by the administration. He waited for a time to hold the hearings when there had been a degree of stability established in the Dominican Republic, and made no speech on it until it was indicated that the administration was relatively satisfied with the kind of coalition government which had been established.

I share Senator FULBRIGHT's opinion that in the Dominican crisis there was hesitation in the early stages when action taken might have prevented bloodshed and resulted in at least as good a solution as was achieved much later.

The revolt began on Saturday, April 24. On April 25, the United States was asked to support the incumbent Reid Cabral government. In the hearings the administration witnesses did not, in my judgment, give a satisfactory answer to the question as to why there was no response to this request for support, especially since the testimony given indicated quite clearly that the U.S. Government did not seem particularly interested in whether the constitutionally scheduled elections for September of this year were to be held or not to be held—elections which might have changed the Government in the Dominican Republic.

On April 27, the rebel leaders, including Molina Urena and Caamano Deno, called upon the United States for mediation and negotiation. This request was turned down. It is my opinion that our failure to respond to either of these requests—first from the Reid government and second from the rebel group—was not primarily a consequence of the policy we were following, but rather a consequence of the lack of policy with regard to the Dominican Republic and of information. Certainly the American officials responsible for our relations with the Dominican Republic were unprepared. According to the Administration witnesses, certain members of the military mission were out of the country attending a conference on hemisphere defense in Panama City and one other member of the 13-man mission was out shooting with General Imbert. (According to Theodore Draper in the New Leader, 11 of the 13 members of the military mission were attending the conference in Panama City.) The Ambassador to the Dominican Republic was in the United States.

When the attempted coup was in its early stages, we evidently had no knowledge of its leaders, nor were we prepared to make a quick decision whether to support or reject it.

Senator FULBRIGHT said in his speech of September 15 that the degree of Communist influence in the Dominican revolt was "something on which reasonable men can differ." It is my opinion—and I share this opinion with the chairman of the committee—that there was very little Communist influence among those who first attempted the coup. As the revolt disintegrated and conditions became more chaotic, Communist influence in the revolt, which had less and less chance of success, did, I believe, increase in a relative measure.

Mr. President, I ask unanimous consent to insert at this point in the RECORD an editorial from the San Juan Star, entitled "The Dominican Reality," by A. W. Maldonado. I would like the RECORD to show that this is an English-language newspaper operated by the Cowles family, which also publishes the the Minneapolis Star and Tribune, as well as other newspapers in the United States.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE DOMINICAN REALTY

(By A. W. Maldonado)

The Dominican Republic is going Communist. This is not my opinion nor the opinion of anyone in the country. This is the very simple reality.

Can the country be saved from becoming another Socialist republic under the influence, perhaps domination, of the Soviet Union or Communist China? The answer is that the country can be saved but it is unlikely. Everything seems to be contributing to a Communist tide and let's pinpoint what these factors are, one by one:

1. The great mass of Dominicans have seen their pitiful economic condition steadily deteriorate since the end of the Trujillo dictatorship in 1961. The capital, Santo Domingo, is teeming with thousands of unemployed youth who are being controlled, trained and fired up by Communist agitators. The great emotional charge among these youths is anti-Americanism and hatred for any Dominican with any material possession.

2. There is no structure or sense of law and order in the country today. The psychology of the Dominican masses is that everything belonged to Trujillo, Trujillo was a tyrant and a thief, thus everything in the country is fair game. At every point when civil order has been disrupted there has been massive looting and robbery. From the National Palace to small homes, mobs of desperate young men have looted whatever they can carry away.

3. There is no democratic moderate left in the country. Juan Bosch, the one man who gained popular support since 1962, remains in Puerto Rico although he can today return to the country. But even Bosch cannot hold back the Communist tide; he bitterly opposes and is opposed by anyone to his right and he would continue to get support from the Communists only as long as he tolerates them. Bosch, however, may well be one of the few men that can slow down the Communist tide; but the most he has said is that he is considering "in principle" to return on September 25.

4. The three Dominican Communist, pro-Castro and anti-American political movements, the Dominican Popular Movement, the Dominican Communist Party, and the June 14 Movement have captured the initiative throughout the country. They are the force behind the tremendous revolutionary mystique that now grips the vast majority of young Dominicans. They have so captured the psychological, propaganda war that even among visiting newsmen to be anti-Communist in the country today, is to be a rightist.

5. There is no effective, organized democratic middle class in the country. In almost every country needing economic-social reform as desperately as the Dominican Republic, it has been the democratic middle class that has combated communism. The Dominican middle class (which means the Dominican with a college education, a concrete home, and an automobile) is today considered the "extreme right, the betrayers of the fatherland." Having totally lost the propaganda, psychological war, the true Dominican democrats lack the power, the means, or the outside support to combat the Communist tide.

6. The Dominican military is disorganized, discredited, and leaderless. For three decades the Trujillo tool of suppression and terror, the Dominican military is the perfect target and justification for the rebellion. World opinion, particularly in the United States, has sided with the rebels believing that only the total collapse of the old Trujillo military can make democracy possible

in the country. But the odious reality is that the only force that can hold back the Communist tide is military power—today it is the U.S. Armed Forces under the OAS mantle.

7. The historical projection of the Dominican Republic is taking the country toward a convulsive, most probably violent revolution. Dominican history is one of foreign and local domination. It has never known any sustained period of democracy and freedom. Since the end of the Trujillo tyranny, the Dominicans have known nothing but frustration and broken promises. Without democratic institutions or traditions of any sort, the bitter conflict today is of the most basic sort—the have nots against the haves.

Since the installation of the provisional government of Hector Garcia-Godoy, the threat of the Communist tide has become increasingly apparent. Although Garcia-Godoy is himself a moderate, he has been used by the extreme left to exploit the rebels' extraordinary psychological victory.

Just before I left the country, I was informed that there is some alarm in the Garcia-Godoy government and among U.S. diplomatic officials over the Communist tide. Efforts will be made, I was told, to reopen the two independent newspapers, El Caribe and El Listin Diario and to close down the effective, widely-read Communist propaganda sheet, Patria. Also, I was told that there will be several changes in the government to give the rebel side less voice and representation.

The opening of the country's independent press, I believe, is an important move; but it is not enough. The truth is that no one—not Garcia-Godoy nor the small army of U.S. officials today trying to help and steer his government—seem able to cope with the rising grassroot revolutionary fever. In the Dominican Republic, as in the rest of the world, no one has found the answer how to stop communism when all the conditions—hatred, injustices, fears, and exploitations—are present.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. CARLSON. I want to associate myself with the remarks which have been made by the Senator from Minnesota with regard to the speech made by the chairman of the Foreign Relations Committee. I cannot imagine anything more unfair than the suggestion that the chairman was soft on communism. I believe the committee chairman was entitled to credit for the way the hearing was arranged and conducted. In the first place, hearings were not held immediately. There was a wait until the situation had calmed down. Secondly, only administration witnesses were called. The only one who could not be called an administration witness was Governor Muñoz-Marín of Puerto Rico, and he was not unfriendly to the administration. The committee might have been accused of having called as witnesses against the administration policy the press correspondents who had written some very critical articles.

The Senator from Minnesota has rendered a real service in pointing out to the country the facts he has brought out today. I appreciate his comments.

Mr. McCARTHY. I thank the Senator from Kansas for joining me in these remarks.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. FULBRIGHT. I know the Senator from Minnesota has some further remarks to make, but since he has been interrupted, I should like to say that I appreciate very much what he has said with regard to the propriety of my speaking at all, and also upon the merits of the hearings. I should like to comment further after the Senator concludes his remarks.

Mr. McCARTHY. The Senator from Arkansas did not need my defense. I know he can defend himself. But in the interest of committee procedures and also in the hope of moving this debate to a somewhat more constructive and substantive ground, I made the decision to speak on it.

Mr. President, in recent days there have begun to appear in the CONGRESSIONAL RECORD—as well as other publications, I assume—lists of Communists and alleged Communists in the Dominican Republic, as well as some declassified memorandum of Communist activities there. It has been the conclusion of some that this was additional information that was not available to the committee or to the chairman. This was not the case. I think it should be made clear that the critics of the Senator from Arkansas [Mr. FULBRIGHT] are not basing their criticism on more authoritative information than that which was available to the Foreign Relations Committee itself. These data, under confidential classification, were available to the committee as early as June along with other data.

In my judgment—and I think it is shared by the committee—the administration spokesmen and witnesses cooperated fully with the Foreign Relations Committee during the course of the committee's review of the Dominican Republic situation. Insofar as I know, every telegram—and every other document—the committee requested was made available.

It is always dangerous to publish a portion of a classified or confidential record, especially if what is published is in part declassified material. If a portion of the record is published, then it may be necessary to publish the entire record with the exception of those portions of it which may have bearing on national security. The testimony of all witnesses of course, was received in confidence by the committee, and these confidences must be respected unless the executive agencies agree to publication.

It is my opinion that, if need be, we ought to publish additional parts of the RECORD if Members feel they need additional information to make up their own minds.

If Members of the Senate are to disagree on a matter of this consequence, it must be on the basis of their interpretation of the whole record. A study of the record might also help Members form a judgment as to the competence and performance of the American Ambassador to the Dominican Republic at the time of the revolt.

I am not prepared on the basis of the record, as I have read it, to pass judgment on him, to either praise him or blame him, since I do not believe it is clear as to how much responsibility he had in the determination of either short-range or long-range policies, and to what extent he or his office was the principal source of information during the crisis.

The case raises a rather interesting question as to whether in any country, such as the Dominican Republic, we should be prepared to give the Ambassador more authority or responsibility, or whether he should be somewhat continually subject to central control or authority. That decision would depend on policy in the formation of which the Senate must participate, and, of course, it would depend somewhat on the personality of the men who were appointed to these particular posts.

An examination of the record of the latest Dominican crisis would not be profitable if limited only to the period of the events of the last 5 or 6 months. The choices offered were very limited. However, review and reflection on it may be profitable in the long run.

First, if we look back to the events of 1963 when the Bosch government—a constitutionally elected government—was overthrown, and examine our response to that military coup.

Second, if it leads to reexamination and reevaluation of our basic policy with reference to political, social, and economic change in Central and South American countries.

We should reexamine the policy with respect to sugar, followed by the State Department and Washington officials. In 1965 when the quota of the Dominican Republic, or what might have been the quota, was drastically reduced, countries such as South Africa were given sufficient volume of the sugar quota.

Third, if it moves us to a thorough examination of the organization and function of the Organization of American States, and specifically of the role of the United States in that organization.

The administration has been criticized for not making the Dominican action an OAS intervention at the start. This is not fair criticism. As the OAS is presently organized, we should not expect too much of it in situations of this kind. There is a question of how much we can ever expect of it unless the power and responsibility are somewhat better balanced among the nations of the OAS. The OAS operates at present somewhat along the lines of the General Assembly of the United Nations, but it has no equivalent of the Security Council. I suggest that if the OAS is to take on broader authority and be more effective—not only in military and "peacekeeping" activities but also in comprehensive economic development—a new procedure must be developed that provides some balance of authority for action and decisionmaking between the Latin American States on the one hand and the United States on the other.

And fourth, if we are going to intervene under certain circumstances on the basis of the overriding importance of the national security of the United States—as it is clearly implied in our intervention in Cuba and this most recent intervention in the Dominican Republic and the resolution of the House of Representatives—then we must be prepared to change our economic policy and relationships significantly so as to provide greater stability and economic progress in these countries in somewhat the same way that it has been achieved in Puerto Rico.

This would not necessarily imply any limitation on the sovereignty or political independence of these countries; it does imply a repositioning of our entire policy toward them.

It is surely more in keeping with the traditional foreign policy objectives of the United States and with our obligations under the United Nations Charter and the Rio Treaty to conduct our policy in terms of an attack on the causes of economic, social, and political unrest, rather than, as seems to have been the case recently, to apply radical surgery when the disease risks getting out of control.

Mr. FULBRIGHT. First, I wish to thank the Senator from Minnesota. He has made a real contribution to the clarification of this issue. What he has had to say with regard to the merits of the case I believe are accurate and do make a contribution.

I would like to suggest that there are two main questions involved.

One is the Dominican crisis, which I discussed on September 15, and to which the Senator referred. That is one question upon which certainly people can disagree as to the meaning of the testimony.

As to the reference to classified material, the Senator is quite accurate in stating that the material revealed by other speakers, specifically the Senator from Connecticut [Mr. DODD], was before the committee in classified form. I assume it was declassified, for the benefit of the Senator from Connecticut, because I am sure he would not violate a classification which related primarily to the names of participants in the revolution.

However, the main point that I had in mind was not so much the Dominican revolution itself, but the long-term policy that this country is to follow in the future, because obviously we could not do anything about the Dominican revolution. No one on the committee had advance notice that it was going to take place, nor did we know the circumstances that existed there until long after they occurred, until we had the hearings.

But I believe it is important, and as the Senator pointed out, to ask: What will be our policy in similar situations if they arise in the future? They are almost certain to arise. Latin America is an area of change. It has been an area of change for quite awhile.

Would the Senator not agree that the resolution recently passed in the House of Representatives would tend to confirm the thesis I advanced that the United States is going to intervene even if there is no threat, or only a remote threat of Communist infiltration or domination in these cases?

This is a contested point. What kind of policy is the United States going to follow in the future?

I believe the House action suggests the United States may in the future act contrary to the solemn obligations this country has undertaken in the past, fortified by treaties about intervention ratified by the Senate.

Mr. McCARTHY. Certainly the resolution of the House of Representatives appears to reflect a policy which would be in contradiction of what we agreed to in our treaty with the Organization of American States.

Mr. FULBRIGHT. The sponsor of that resolution stated on the floor of the House of Representatives that the administration had no objection to it. He did not say they approved or opposed it. I read what he said. He said in response to a direct question that the Department had no objection to it.

My point is that for the discussion to have value it is necessary to raise the questions: What is our real policy in Latin America, and is it to be changed from that which we undertook in the Rio Pact and OAS Charter? If our policy is to be changed, it seems to me it should be changed in an orderly way. We should not unilaterally undertake to change those solemn treaty obligations.

Mr. McCARTHY. I agree with the Senator.

Apparently the administration did not object to the resolution of the House of Representatives. If for no other reason, they should have respect for the Senate which has the responsibility, insofar as Congress is concerned.

Mr. FULBRIGHT. Aside from what the sponsor of the resolution said, I have seen no public statement by any member of the administration that they disapproved the resolution. Maybe someone made such a statement but I have not seen one that would indicate in any public way they did disapprove.

Mr. McCARTHY. Maybe they think it will just go away. I know of no public statement.

Mr. FULBRIGHT. I believe this is an extremely important issue that has application not only in Latin America, which is close and a most significant area to us, but if there are revolutions—and there are bound to be revolutions in other parts of the world—is our policy going to be that even if there is only a threat of Communist influence we are going to undertake to intervene?

It seems to me that this implies a change in our policy. I have the feeling that there are other reasons for believing our basic policies are changing and that we tend to intervene. Take the aid programs, for example. We start out with the best of motives to help a country, and then we seem impelled by some events to intervene in a military way.

Personally, I should like to clarify the issue and have it debated so we may reach a sound judgment before this trend goes too far. That was the main reason why I raised the question. I believe this is the kind of policy that should not be allowed to drift along without a thorough discussion by Members of the Senate. The discussion by the Senator from Minnesota has made a great contribution to that end.

Although there have been some differing views expressed with respect to the Dominican Republic, I am pleased that much of the press has commented on these matters, particularly with respect to the long-range effect that seems involved in our projected course of action.

I plan, as soon as I can reasonably do so, to gather some of the responses from both the domestic press and from Latin American commentators on this issue, and present them for the information of the Senate, and, I hope, for the information of the administration, also.

I believe it to be extremely important that there be no doubt about what our policy is with regard to our neighbors in Latin America. I am quite sure that our neighbors in Latin America are presently somewhat confused as to what our intentions are. Does the Senator from Minnesota agree?

Mr. McCARTHY. I quite agree. As I said soon after the Senator's speech of the 15th, the important question raised by the Senator from Arkansas was whether there had been a change in our policy with respect to Latin America between what it was in 1963 and what it is today.

That is not merely a question to which we should get a response from the administration. It is a question that we ought to ask ourselves. It is a question that every Member of the Senate ought to ask. Our function in the Senate is not merely to find out what the administration policy is and then to say yes or no to it—and oftentimes too late. We have a definite responsibility to develop policy ourselves.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Florida.

Mr. SMATHERS. Does the Senator from Minnesota contend that the primary responsibility for establishing foreign policy does not lie in the hands of the President and the executive branch of the Government?

Mr. McCARTHY. No; I should say that the responsibility for foreign policy is shared primarily, according to the Constitution, between the President and the executive branch, and the Senate.

Mr. SMATHERS. Does the Senator mean to state that the Senate shares on an equal basis with the President the conduct of our foreign policy?

Mr. McCARTHY. The Senator did not say "conduct"; he said "policy" a minute ago.

Mr. SMATHERS. Very well; the establishment of policy.

Mr. McCARTHY. Policy, yes. I think the Senate has as much responsibility to determine general policy with reference to Latin America as does the President. The Senate would be remiss in its duty if it denied itself that prerogative. I do not believe we can measure it as equal status, but the Senate has full responsibility for consideration of our foreign policy.

Mr. FULBRIGHT. Under the Constitution, what do the words "advice and consent" mean?

Mr. SMATHERS. They mean that the Senate shall advise and consent with respect to treaties. I am sure the Senator from Minnesota will agree that the Constitution contains no provision that the Senate shall have equal responsibility with the President in the conduct of foreign policy. I am sure the Senator from Minnesota knows that that is the case.

Mr. McCARTHY. Of course I know it.

Mr. SMATHERS. The primary responsibility is with the President. While the Senate has every right to speak about and discuss foreign policy, nevertheless the President has the responsibility for conducting foreign policy.

For example, if a Republican President were occupying the White House and the Senate were overwhelmingly Democratic controlled, it might be that a Republican President would wish to take one course, and the Senate would have no authority to tell the Republican President—or any President, for that matter—that he did not have the final responsibility for the conduct of our foreign affairs. I would have to disagree with the distinguished Senator from Minnesota on that particular point.

Mr. McCARTHY. Let us assume that the Senate had rejected the test ban treaty. Would it have been in order for the President to proceed to enter into an international agreement?

Mr. SMATHERS. The test ban action was taken by a treaty. The Constitution specifically provides that treaties shall be entered into with the advice and consent of the Senate.

Mr. McCARTHY. Assume that the President, had not taken the treaty route but had merely entered into an agreement.

Mr. SMATHERS. He would have been exceeding his authority. But as Commander in Chief, as the person charged with foreign policy, he would have had the right to make the decision.

Mr. McCARTHY. Under what clause of the Constitution would that have been valid?

Mr. SMATHERS. I am sure the Senator from Minnesota would agree with me, in response to the question of the Senator from Arkansas, that it would be a mistake for the President to lock himself in on some hard and fast, set policy as to what he proposed to do in every respect, no matter what might develop throughout the country.

Mr. FULBRIGHT. The Senator from Florida talks about treaties. The United States signed two treaties——

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The 15 minutes allocated to the Senator from Minnesota have expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Minnesota may proceed for an additional 5 minutes.

Mr. FULBRIGHT. I did not know that the Senate was operating under a time limitation.

Mr. McCARTHY. Time was yielded to me under a special request. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I have already cited one solemn treaty which in no uncertain words committed this country not to intervene for any cause whatsoever, the only exception being that in certain areas of intervention, by something less than overt force, we should consult with the members of the OAS, which we did not do.

It strikes me that a basic problem is involved. If the Senator from Florida is saying that those treaties, two of which were negotiated and agreed to by the Executive and ratified by the Senate, have no restraining affect or influence, I could not disagree with him more thoroughly.

The concept of the President being permitted to do anything he likes in the field of foreign relations is a concept that has grown up. It is a misguided concept, dating back to certain resolutions adopted by the Senate, one relating to Formosa, in the Eisenhower administration, and one more recently in the Johnson administration, with respect to the Gulf of Tonkin. This has led some Senators to believe that there is no restraint whatever on any President; that he can do as he pleases. It is true that he has the power, but that does not mean he has the legitimate, constitutional right to use it.

It is difficult for the legislature to control the President if he wishes to exercise such power, but we have our duty. Once such power has been exercised by the President, it is our duty to call him to account. That is what I was trying to do.

The Senator from Florida has too restricted a view of the Senate's role. The Constitution provides that the Senate shall advise and consent. It is the duty of the Senate, in proper cases and under proper circumstances, to advise any Executive of our views as to any past actions or, if we like, as to possible future actions.

My main purpose in this case was to influence future actions. Surely we ought to learn from the circumstances that existed in the Dominican Republic what should be the proper action in the future, provided we are still willing to live up to the announced policies affirmed by the Senate on the two occasions I have mentioned. We should abide by those policies, certainly until they are changed by the action of a treaty and action by the Senate. Those policies ought not to be unilaterally thrown overboard.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SMATHERS. The majority leader announced a little while ago that the Senate would vote at 4 o'clock on the motion of the Senator from Tennessee to postpone action on the pending bill. I should like to address myself further to the remarks of the distinguished Senator from Arkansas and the distinguished Senator from Minnesota, but I do not believe this is the appropriate time for me to do so. I shall take my seat now and restrain myself, so that the Senate may proceed with the consideration of the pending bill.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes.

Mr. SMATHERS. Mr. President, I understand that the distinguished Senator from Indiana desires to obtain the floor now to make a statement.

Mr. HARTKE. That is correct.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, the United States-Canada auto parts agreement should be rejected, or at least final action should be deferred until a thorough investigation and report have been made by the Tariff Commission. I say this after thorough study and out of deep conviction. The question is highly involved and is not easy to explain. But after hours of hearings in the Finance Committee, after detailed probing of the question, after a year and a half of acquaintance not only with the agreement but with the conditions which called into being, and in the light of petitions containing the signatures of more than 10,000 employees from all over the United States, I find it impossible to agree with the committee majority that H.R. 9042, providing for its implementation, should be enacted. I have said so briefly and with restraint in the separate dissenting views which appear over my signature and those of Senator RIBICOFF and Senator GORE in the committee report. I wish to state now more fully my reasons and urge their thoughtful consideration by Senators.

My reasons include these considerations:

First. The agreement legitimizes illegal action taken unilaterally by the Canadian Government in its tariff remission scheme.

Second. It is a bilateral undertaking ignoring our commitment to the most favored nation principle and to GATT, from which we must seek a waiver.

Third. It purports to be free trade, but it is not free trade. It is special legislation for the benefit of a single industry, which is itself a third party to the agreement in a highly official and highly irregular manner.

Fourth. It results in no price reductions for individual customers on either side of the border, but in a $50 million annual tariff saving to the automakers for the construction of Canadian plants.

Fifth. It encourages the partial displacement of the independent auto parts industry in the United States, and its relocation in Canada or its only alternative, loss of business and jobs in the United States.

Sixth. It anticipates the adverse effect on U.S. jobs through its elaborate provisions for special adjustment assistance measures for displaced businesses and workers.

Seventh. It will encourage dumping by Canada on the U.S. market.

Eighth. It will have an adverse effect upon the U.S. balance of payments.

EFFECT OF AGREEMENT

The intent and the expected effect of the agreement is to improve the share of the Canadian auto industry in the United States-Canada joint market.

The claimed benefit for the United States is a greater "rationalization" of the industry. Ford testified before the committee, for instance, that it has been assembling 71 models in its Canadian plant. But to meet its Canadian production requirement under the agreement, it could manufacture long-production runs of standard Fords, importing completed Mercuries and Falcons and shipping half the Canadian production to the United States in return.

But the crux of the matter lies in what happens to the independent U.S. parts manufacturer.

There are two incentives for parts plants to move their operations to Canada as a result of this agreement.

First, there is the Canadian value added requirement, which disposes the Canadian subsidiaries of U.S. companies to secure as many parts as possible in Canada.

Second, there is the competitive advantage to parts made in Canada for unhampered import to the United States for use in manufacture of automobiles here. There is a labor cost differential which has been estimated at 50 to 70 cents an hour. It is that much cheaper in Canada.

Let me cite testimony on this point from statements appearing in the public press.

> President Lynn A. Townsend, of Chrysler Corp.—

Said Business Week of January 23 following the signing of the agreement—

> foresees the day when some auto companies may decide to build their entire supply of certain basic components—frames, engines, transmissions, springs—in Canada.

That was before the arrangement was put into provisional operation. Now, 9 months later, we have some indication of the effects.

Kelsey Wheel Co., of Windsor, Ontario, has started its first export of Canadian-made wheels to the United States, for 1966 models. Employees who formerly made these wheels in the United States are no longer making them.

General Motors of Canada is exporting Canadian-made interior auto trim to the United States for the first time.

At least 20 new Canadian plants are in the planning stages, and as many more are expanding and adding as much as 5 million square feet of new floor space for the production of the following, as listed by the Canadian publication Financial Post, in its September 18 issue:

> The projects cover a wide range of materials—various types of steel, synthetic fibers, plastics, rubber, chemicals, paints—and hundreds of auto parts ranging from screws to 250-pound metal auto frames.

The Canadian paper, which is the counterpart of our Barron's, continues to make the link with the thrust provided by this agreement entirely clear:

> The extra capacity will be needed to enable the automakers to boost the Canadian value-added content of their vehicles in line with commitments already given Ottawa.

It is said that there will be more Canadian-made goods in the Canadian automobiles and less of the American-made goods.

Besides the specific increase of the Canadian auto parts factories at the expense of our own, there is the expectation that steel production will increase in Canada.

The Canadian newspaper—not our press, but theirs—in talking about this agreement and what it means to Canadians, states:

> Canadian steelmakers see a potential additional market of 400,000 to 500,000 tons a year opening up as a result of the expanded auto program.
>
> The extra steel will go into dozens of applications, including the two biggest: auto frames and heavy body stampings.

The same newspaper reports plans of the Budd Co. for a $12 to $14 million Canadian plant for manufacture of auto frames, which have never been made before in Canada. Facilities for heavy stampings—hoods, deck lids, roof sections, and the like—all now done in the United States, "are expected to follow later." They are expected to be made in Canada.

CANADIAN PRODUCTION ALREADY UP

I have no objection to the Canadians increasing their production of automobile parts and vehicles. As I have repeatedly stated, I am interested in their having progress and prosperity. However, in any agreement between two nations, there should be something for both sides. It should not be merely for one side. But this agreement is so structured that it is impossible for it to be achieved without the decrease of specific jobs in the United States. So long as the total market grows rapidly enough, it may not be a matter of absolute decrease in U.S. jobs, but rather a small growth accompanied by rapid and disproportionate Canadian growth. But if the total market shrinks, the shrinkage will be largely on the U.S. side of the border. And at best, even now, there is displacement of our workers already taking place as production and plants move to Canada.

I believe that the Senator from Ohio, who is presiding at this moment, read the telegram received today about the plant in Ohio. There is a Fisher body plant, which I visited a week ago, which employs approximately 8,000 people in Marion, Ind.

As soon as this agreement is implemented, and I now venture to be a prophet, you will see a great crystallizing of plans now largely tentative and unannounced, for the moving of parts production to Canada.

There will be a mass exodus of plants to Canada. However, the workers will be left here to try to find their own place in society again under the retraining program provided for in a portion of the legislation dealing with readjustment assistance.

Canadian exports of Canadian-built chassis and cars rose 103 percent in the first 6 months of 1965, following signing of the agreement.

Canadian exports of motor vehicle parts and accessories shot up by 107 percent in those same first 6 months.

Canadian exports of motor vehicle engines and parts rose by 91 percent in the first 6 months of 1965.

In terms of jobs, there were 7,000 more Canadian men working in the auto manufacturing industry in June than a year earlier, and 4,000 more in the auto-parts manufacturing business.

Perhaps these 11,000 jobs have come out of expanding growth of the industry as a whole. But it is incontestable that a part of the indicated expansion in the coming years of the agreement will be at the expense of U.S. business firms and the workers they employ.

WHAT OF THE U.S. SMALL PARTS INDUSTRY?

What has happened to the U.S. small parts industry? Its voice has never been heard before the Tariff Commission, the Committee on Finance, or the Committee on Ways and Means. In fact, its voice has been muffled. It is afraid to speak up.

There is undisputed evidence that the results of this agreement will be very helpful to the major producers of automobiles, who operate both with U.S. plants and with Canadian subsidiaries. In fact, notable benefits will accrue to them, not the least of which is the annual $50 million in Canadian import duties now cut to zero. The magazine Canadian Automotive Trade in its February 1965, issue stated:

> Canada will lose about $50 million yearly in duties collected on cars and parts. This will not be passed on to the public in lower prices for imported U.S. models. Car companies will be allowed to retain the saving and use it to increase plant efficiency, build more plants, and increase production so that by 1968 another 50,000 Canadians will be employed in the car industry.

That is a quotation from the Canadian automotive trade magazine of February 1965. Those same words appear in the very informative and truthful editorial of this morning's Washington Post. However, when those statements were made in the Washington Post editorial, the majority whip of the U.S. Senate said that this is an absolute untruth.

Who more nearly speaks the truth concerning what is going to be involved—the Canadians who started this agreement, or somebody who attempted to justify this agreement after it had been worked out by the bureaucrats in the State Department?

One of the places to which the tariff savings will be consigned in the construction of new plants, as the trade magazine notes.

Among these new plants will be parts-producing subsidiaries of the auto companies, or what are known as "captive" plants. In recent years there has been some tendency for the major auto producers to produce increasingly the parts they use in production. There will without doubt be relocation of some of these in Canada for two reasons: first, there is the need for the auto producer to maintain and increase his "Canadian value added" under the private commitments made to the Canadian Government; and, second, there is no longer any advantage in maintaining production for U.S. plants in the United States, since Canadian production of parts for U.S. assembly will be tariff free.

That goes back to an argument which I thought was very carefully brought to the attention of the Senate by the Senator from Connecticut [Mr. Ribicoff] when he made the statement that so far as the labor in Canada is concerned, they are going to have highly efficient new plants, built with money provided by American investors, using cheaper labor, to America's detriment.

A third stimulus may well be the labor cost differential. According to a Department of Commerce study prepared in this connection, "Profile of the North American Automotive Industry":

> Although earnings of Canadian automobile workers are about 75 percent of that of U.S. workers, smaller production runs and lack of economies of scale more than offset the wage differentials in unit labor costs.

The unit labor cost disadvantage to Canadian plants due to short runs will disappear when a Canadian parts supplier is able to produce for Detroit as well as for the limited Canadian market without a tariff differential. Large production runs of parts will result in economies of production which leave as a large element for potential savings that 25-percent wage differential.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. HARTKE. I shall be happy to yield.

Mr. RIBICOFF. American know-how and management will bring together new plants, new equipment, new machinery, and labor with a differential between 53 and 83 cents an hour less than is being paid in the United States.

Mr. HARTKE. Let me point out the effect of that. At this very moment, if one goes to the Fisher Body Plant in Marion, Ind., one may see in training the manager for the new plant they are going to build in Canada, so that they can take the jobs away from the people in Marion, Ind.

Mr. RIBICOFF. If the Senator will yield further, that is consistent with the telegram I received today from Cleveland, Ohio, where employees wrote me concerning what is happening to their jobs as that Fisher operation is transferred to Canada.

Mr. HARTKE. I might point out, too, that in this correspondence, telegrams, and so forth, it is important to understand that the messages we are receiving are from those who are closest to the scene, that is; the heads of the locals, the presidents of the local union organizations, because they know their employees will not be working.

Let us be quite honest. I have nothing against any labor organization protecting its international operations. But the only testimony that has come before the Committee on Finance has come from organizations which have memberships in both Canada and the United States. Of course we cannot expect them to make a distinction between their own memberships.

Mr. RIBICOFF. I take this opportunity of commending the Senator from Indiana for the work he has done on the proposal, together with the Senator from Tennessee [Mr. Gore], in alerting the Senate and the American people to the true implications of this agreement, and the consequences that could flow to American labor and American industry.

Mr. HARTKE. I thank my friend the Senator from Connecticut. However, I believe that one of the most valuable contributions in the entire debate was the statement made by the Senator from Connecticut when he pointed out earlier that this was another example of the State Department doing what it does best: taking political expediency and trading it out for American jobs and American industry.

Mr. RIBICOFF. Without realizing the consequences to basic American policy at home and abroad, by weakening the economic base of the United States.

Mr. HARTKE. That is quite true. But aside from the impact of dislocation upon "captive" suppliers, there is the problem of the small parts maker. According to a recent General Motors statement, 70 percent of their "thousands of suppliers" employ fewer than 100 people. The U.S. Tariff Commission, in its report to the Ways and Means Committee on this bill, after stating they did not have time to go into a detailed hearing, and even pleading for more time, stated as follows:

> In the United States, nearly 10,000 firms probably could be considered as regular suppliers to the automotive industry of products covered by (the bill); perhaps twice this number of firms are occasional or potential suppliers. * * * Many independent parts producers are highly dependent on orders from motor vehicle manufacturers.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HARTKE. I am happy to yield to the Senator from Tennessee.

Mr. GORE. Let us consider the case of one of the 10,000 small businessmen who manufacture parts for the automobile concerns and replacement parts for the American people. Let us take the example of a small businessman who manufacturers an extruded rubber product, like the knobs on the dashboard, and the pedals on the foot-feed and the brakes.

As I understand, the capital investment for this kind of small parts manufacture is not very large. Such plants can be located in small communities. The product is compact and easily shipped. Therefore, the businessman who, in Indiana, may have a contract to supply Ford Motors with extruded rubber knobs may have it suggested to him that he locate in Quebec.

Mr. HARTKE. The Senator is correct.

Mr. GORE. If Ford or General Motors is his sole customer for original parts, what choice would that businessman have, except to go to Quebec or go out of business?

Mr. HARTKE. What he does is the old, old saying; he "does what comes naturally." He goes where the money is. The money is there, and he is told to move. He tells his employees, by posting a little notice on the board:

> Due to the fact that it is a requirement that I move to Canada, your services are no longer required. Go to Uncle Sam and get your adjustment assistance.

Mr. GORE. Will the Senator yield further?

Mr. HARTKE. I am happy to yield.

Mr. GORE. Did the Senator note the statistics placed in the Record yesterday, showing that the average wage of automotive workers in Quebec is more than a dollar less than in Indiana?

Mr. HARTKE. It certainly is.

Mr. GORE. I ask the Senator one further question. Is it true that the automotive concerns have made a commitment to Canada to increase automotive production in Canada up to 60 percent added value, and on top of that $241 million?

Mr. HARTKE. That is all we know about.

Mr. GORE. We know about that much.

Mr. HARTKE. That is all we know about that with certainty. But there are others we do not even know about, and according to the statement made by Mr. Compton, of Chrysler, these are confidential agreements between the producers and the Canadian Government, at which no one is entitled to look.

Mr. GORE. Is not the purpose of the pending bill to implement the agreement that we know about and, to quote the committee report, supplementary agreements thereto, whether we know about them or not?

Mr. HARTKE. Yes. As the Senator has said, we are guaranteeing Canada the highest production in history, which is an increase in production beyond normal growth.

Mr. GORE. And $241 million in addition.

Mr. HARTKE. Yes—out of which we guarantee ourselves nothing.

Mr. GORE. The American companies have made this commitment. However, is it not a part of the deal that they get credit on their commitment for the location in Canada of parts suppliers who supply parts to them, whether those parts are supplied in Canada or in the United States?

Mr. HARTKE. The Senator is correct. It does not make any difference whether they use high-cost items produced in Canada or low-cost items produced in the United States. They can move them back and forth between themselves, with the elimination of the tariff, and still receive credit for what is necessary under the agreement.

Mr. GORE. Did not the committee have evidence presented to it to show that the purpose and effect of these agreements, government to government, and the private side agreements, was to increase automotive production in Canada disproportionate to the increase in production in the United States?

Mr. HARTKE. That is an undisputed fact. It is admitted by everyone who has looked at the agreement. The purpose is to increase production in Canada at the expense of production in the United States.

Mr. GORE. When we increase production in Canada, at the expense of production in the United States, we improve Canada's balance of payments, and we hurt the balance of payments of the United States. Is that correct?

Mr. HARTKE. That is quite obvious. There is no question about it. That fact cannot be disputed. I have been on the floor when we have talked about the balance-of-payments deficit, and have heard it being decried and heard it said that it would bankrupt the United States.

There is another element which is exactly contrary to the stated policy of the U.S. Government at the moment.

Mr. GORE. Do we not have a policy in effect, under which the President of the United States, the Secretary of the Treasury, the Secretary of Commerce, and in fact the whole Government, are trying to dissuade American industry from increasing its investments abroad, because of the acuteness of our balance-of-payments problem?

Mr. HARTKE. The so-called voluntary program is in effect at the present time and, frankly, in many cases, so far as European countries are concerned, it is working.

Mr. GORE. But the bill has as its avowed purpose the increase of American investments in Canada.

Mr. HARTKE. There is no question about that.

Mr. GORE. This would be accomplished to the disadvantage of thousands of communities in the United States which are trying to obtain industries.

Mr. HARTKE. The Senator is absolutely correct.

Mr. GORE. Will the Senator from Indiana yield further?

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. HARTKE. I yield.

Mr. GORE. I compliment the Senator from Indiana, sincerely and genuinely, for the degree and thoroughness of his homework on this issue. He has demonstrated knowledge and diligence in this field which have been exemplary indeed.

Mr. HARTKE. I thank the Senator for his kind remarks, but my efforts have not been matched by those of the Senator from Connecticut and the Senator from Tennessee.

Mr. President, how many of these independent suppliers will be squeezed out of the market by the advantages given to Canada by this agreement? How much will be the loss of U.S. jobs?

Mr. GORE. Mr. President, will the Senator from Indiana yield further?

Mr. HARTKE. I yield.

Mr. GORE. Does not the adjustment assistance include both workers and small businessmen who are expected to suffer?

Mr. HARTKE. The Senator is correct.

Mr. GORE. Is it not also a fact that the adjustment assistance will be provided without the limits and safeguards contained in a provision in the general reciprocal trade agreements program?

Mr. HARTKE. The Senator is correct. I asked the Secretary of Labor to accept an amendment to the bill which would make them uniform, but he asked me not to bring it up in connection with the bill because it was complicated enough as it was. I subscribe to that latter point.

ADJUSTMENT ASSISTANCE

Mr. President, the bill itself contains admission that we can expect dislocations. Title III comprises 8 pages out of the bill's 24, a third of the total. This portion deals in detail with the means for protection of U.S. workers and firms for whom "the operation of the agreement has been the primary factor in causing or threatening to cause dislocation of the firm or group of workers."

This provision accepts the principle of necessary evil, provides an admission against interest, confirms the expectation of injury by its anticipation.

I am for the liberalization of procedures under which adjustment assistance may be accomplished. I am the author of a bill, S. 1333, which would make some salutary changes in the adjustment assistance provision of the Trade Expansion Act. The fact that special provisions are set forth here outside the Trade Expansion Act provisions, which have proven such a failure in any effort at application, is sufficient indication that a realistic appraisal has resulted in the verdict, "Yes, people will be hurt, and therefore we must be sure they can receive help"—help which the restrictions of the Trade Expansion Act adjustment assistance provisions could not give.

But to give help in this fashion is a palliative which does not cure the disease. It is like giving codeine for a patient with cancer. I want to avoid the development of the cancer in the first place.

I do not want to be a party to providing the cancer.

How much will this assistance, for which the bill authorizes such sums as may be necessary from time to time, amount to? No one knows, because no one can say how severe the dislocations will be or how many will have to receive readjustment assistance. This aid includes relocation allowances, training, counseling, job placement, the whole range of necessary aid. The cash readjustment allowances would currently have a maximum of $67 per week, which is 65 percent of the weekly average wage in manufacturing.

But this is a far cry from the average weekly earnings listed by the August issue of the Monthly Labor Review for workers in the industry. There, "motor vehicles and equipment" average weekly earnings for the month of June stands at $146.74, which is below the first 6 months as a whole. How much help will a worker geared to such an income find in the sums provided? After retraining for some other occupation, how much lower will his continued earnings be?

Mr. TYDINGS. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield to the Senator from Maryland.

Mr. TYDINGS. I would ask the Senator from Indiana a question which has been bothering me. I have sat in this Chamber for 2 days now, listening to the debate raging back and forth over the proposed agreement. Assuming that the arguments of the Senator from Indiana, the Senator from Connecticut, and the Senator from Tennessee are entirely correct—that is, that the only beneficiaries of the agreement would be the major automobile companies, that small American business firms in the automobile parts business would be disadvantaged, and a number of American workers would be out of jobs—should we not consider the adoption of the agreement, supporting the President's policy, on the grounds of our friendship for Canada and the fact that adoption of the agreement would help the good neighbor policy between the United States and Canada, and also benefit the Canadian people?

Mr. HARTKE. The Senator from Maryland is possibly making a point which should receive some consideration. I believe that before we finish debate on this subject, he will have an opportunity to express himself by voting for something along this line.

Mr. President, for all of this likely expenditure for adjustment assistance, and for all the concessions——

Mr. GORE. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. GORE. From a postponement of this question until January 10, would it not be possible to give answers to the important question raised by the Senator from Maryland, and would it not be possible to have the Tariff Commission examine and report to the Senate the likely number of small businessmen to suffer and the likely number of persons to be unemployed? Would it not also be possible to have the Tariff Commission report to us on the implications and possible dangers of importation of European and Japanese-made automobiles via Canada into the United States; and would it not also be possible for the Tariff Commission to report the extent of the benefits which the tariff remission plan would bring to the four big automobile companies?

Mr. HARTKE. Not only that, but to bring to us the truth as to what it would do to our balance of payments; what it would do to the President's voluntary program for capital investments abroad; and what it would do so far as United States investment policy is concerned. At the present time the Canadian Government has overexpanded its economy. It cannot even pay back to the United States what it has already borrowed. There is plant expansion and an overexpanded Canadian economy.

Canada is not suffering from unemployment at the present time.

Mr. GORE. Could it not be hoped to be possible that, in the meanwhile, the Tariff Commission could inform the Senate of additional commitments which may exist between the automobile companies and Canada, which the Tariff

Commission has warned the Senate may be in existence?

Mr. HARTKE. Not alone warned us, but let me point out to the Senator from Tennessee that, in addition, such a procedure is not new for the Tariff Commission. The reputation of the Tariff Commission has been one of the finest in the whole of the governmental structure. It has made fact-finding ventures of this sort under section 1332 of the Tariff Act. It has earned a reputation as a fact-finding organization which does not pass judgment on what policy should be. That is all we need to know. If we have the facts, I believe that Senators are capable of making a complete and honest decision.

For all of this likely expenditure, for all of the concessions which we have made to Canada, for entering into an unprecedented agreement without equal benefits on both sides through equal concessions, for submitting to what is in effect a continuation of the effects, if not the methods, of the illegal unilateral Canadian tariff remission scheme which preceded it, what do we get? There is, in my considered judgment, nothing in return. It is a one-way street. We are encouraging departure of business and jobs, and we are obligating ourselves to uncalculated costs from the Treasury to pay for our generosity.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I have only 15 minutes, but I am glad to yield for a question.

Mr. LAUSCHE. The complaint has been made that the big four automobile producers have made a collateral agreement that they will increase production in Canada, first, by $241 million and, second, by 60 percent of their 1964 production. My question is, Has anyone thought about asking the big four to make a similar proposal to the U.S. Government; namely, that they will increase, in the same proportion, their production in the United States that they promised to increase in Canada?

Mr. HARTKE. To my friend, the Senator from Ohio, the answer is quite obvious. The question was raised. They said they could not make such a commitment.

Mr. LAUSCHE. Was the question raised in committee?

Mr. HARTKE. It was asked and discussed in the Committee on Finance. They said they could not make such a commitment.

Mr. LAUSCHE. What would be the wisdom or lack of it in asking for such a commitment for the United States?

Mr. HARTKE. It is quite obvious that when we are dealing with trade negotiations, we should try to be fair to both sides. The principle involved is one of symmetry. What is good for one side should be good for the other side. What is good for the goose should be good for the gander.

Mr. LAUSCHE. If the big four made a commitment to Canada to increase the production in that country a certain percentage, should they not make a similar commitment to the United States?

Mr. HARTKE. Certainly. The Senator is correct.

DUMPING IMPLICATIONS OF THE UNITED STATES-CANADIAN AUTO AGREEMENT

Let me speak for a moment about the dumping implications of the United States-Canadian auto agreement.

The Ford Motor Co. of the United States, beginning in April of 1965 and continuing at the present time, is importing 400 Canadian-made Fords per month for sale in the upstate New York area. In other words, the Ford Co. is now importing nearly 5,000 cars annually.

At the hearings held before the Senate Finance Committee, a vice president of Chrysler confirmed previous press reports that Chrysler plans to ship 70,000 Canadian-made Darts into the United States during the model 1966 year. In other words, beginning in just a few days Chrysler will be shipping into the United States approximately 6,000 Darts per month from its Canadian subsidiary.

Now what do these imports mean aside from the obvious fact that they will displace U.S. production of these cars? We have ample testimony both from the administration officials and others to the effect that Canadian-made cars cost more to produce and accordingly sell in Canada at prices which are substantially higher than the U.S. prices for the same models of cars.

As the Senator from Tennessee pointed out—and I call this matter to the attention of the Senator from Maryland [Mr. TYDINGS], a 1966 two-door hardtop Mustang delivered at Detroit carries a suggested list price of $2,416.18—down $1.02 from last year. Across the river, at Windsor, the suggested price for a 1966 Mustang is $3,099—down $127 from 1965. So it costs $627 more to buy the same car in Canada.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. TYDINGS. The point being made is that, far from being a free trade agreement, the adoption of the proposed agreement by the Senate would not benefit the average Canadian citizen from this free trade, and they will still have to pay the difference between the cost of production in the United States and Canada; the benefit will go to the holding companies or subsidiaries specifically provided for in the agreement, and not to the Canadian people.

Mr. HARTKE. The Senator is correct. What happened before was that it went to the Canadian Government. Now it will go to the motor companies.

The assistant majority leader, the distinguished Senator from Louisiana [Mr. LONG] in his remarks yesterday, pointed to the fact that Canadian cars sell at 12 to 15 percent higher than comparable U.S. models.

Now, these Ford cars that are being currently imported and the Chrysler cars which will come in during the current model year will all be sold in the United States at U.S. prices. I do not believe that this fact needs to be documented. Obviously these cars from Canada cannot be sold in the United States at the prevailing price. In other words, Mr. President, what I am saying is that these cars from Canada are being sold in the United States at dumping prices. These transactions fit the classic definition of dumping in that the Canadian-made cars are sold in the United States at prices lower than Canadian prices.

Now it has been argued that this dumping is to be excused; indeed, we are asked to condone it here and now because the auto companies choose to engage in such dumping. We are told that no one else has a right to complain about this dumping, that it is of no concern either to the workers who would otherwise be employed in manufacturing these cars or to the parts suppliers of the United States who would otherwise sell the parts for these cars were they to be produced in the United States.

In the first place, Mr. President, I do not believe that any one in this Chamber can accept this argument and remain true to his duties to his State and to his country. How can we accept the proposition that a violation of the law is to be excused if it is concurred in by a few large U.S. corporations? How can we maintain that only the corporations are parties at interest and that workers and captive parts suppliers are not intended to be beneficiaries of our dumping statutes? Is there anyone in this Chamber who is willing to state that the U.S. dumping law and other statutes aimed at correcting unfair trade practices are on our statute books solely for the benefit of large corporations? Are we to agree that labor and small business members of an industry have no right to complain in these circumstances? I am not willing, Mr. President, to subscribe to any such unorthodox view. Historically, enactments of this Congress in the tariff field have consistently, and without exception, been aimed at protecting not only capital but equally labor. And the acquiescence of either capital or labor to a violation of U.S. law does not detract one iota from the right of the other to complain about such violation.

Aside from these importations of dumped finished automobiles, the record is clear that we will probably see a wholesale dumping of finished parts before too long. Canadian cars cost more, not because of higher wage costs, but because the component parts used in assembling cars in Canada cost more than U.S. parts. So the auto companies will either purchase Canadian parts at Canadian or U.S. price levels. If they buy at U.S. price levels, then the parts will have been dumped and everything I said about our need to be concerned about dumped cars applies to dumped parts.

It may be that the Canadian parts producer will sell his parts to the U.S. auto companies for the same prices at which he sells these parts in Canada and therefore there will be no dumping. But if this is so, Mr. President, then this fact clearly demonstrates the fundamental evil which the senior Senator from Tennessee, the Senator from Connecticut, and I have been making these past few days. The only reason why the U.S. company will purchase higher price Canadian parts in lieu of lower price U.S. made parts is because he has agreed to do this with the Canadian Government. In other words, the more efficient U.S.

parts producer will be penalized in favor of his less efficient competitor because of commercially unrelated private agreements between the Canadian Government and auto companies.

VIOLATIONS OF OUR PRINCIPLE

Mr. President, we have talked about violations of trade agreements under GATT and questions of responsibility under the most-favored-nation clause. We have listened to the arguments of the assistant majority leader [Mr. LONG]. But the truth of the matter is that there is no symmetry in this agreement. A Canadian motor vehicle could be imported into the United States regardless of what the actual costs were.

Let me turn to some of the strange ways in which this agreement not only disregards a variety of usual practices but also violates our international commitments and causes, by its very structure, problems in its execution. Many of these points are made in the 62-page report to the House Ways and Means Committee prepared by the Tariff Commission, which also has an appendix of 35 pages.

It is impossible to read that statement by the Tariff Commission, which is the expert resource in such a matter, without discovering, to put it mildly, that the Commission has grave misgivings. Here are some of the points they make. Here are spelled out some of the ways in which this agreement is dubiously different from other agreements. Here are detailed some of the ways in which this agreement violates the usual concept of symmetry under which a concession on one side is matched by a concession on the other.

First. The form of this agreement—an executive agreement signed in advance of implementing legislation—is an almost unique avoidance of past practice.

Past practice has involved two types of agreement. Some of those prior to the 1934 Trade Agreements Act and those in accord with it have been implemented by the President "pursuant to circumscribed authority obtained from Congress" before, not after, the agreement was signed. The only exception is one concluded with Canada in 1911. All others were in the form of treaties, most of them failing to secure ratification by the Senate.

In this exceptional case, we are rushing forward with great haste to implement an agreement about which we were not consulted in the first place, an agreement which brings in not only another government but a private industry through its "letters of intent," to which I shall return. We are abdicating the proper role of the Congress through giving assent to an agreement on which we had no consultation and to which only hasty ex post facto attention can be given.

Second. This agreement violates our "most-favored-nation" commitments under the General Agreements on Tariff and Trade (GATT).

Since 1923 our trade agreements have contained, as the Tariff Commission points out on page 37, "unconditional most-favored-nation clauses." The Commission says:

> At the present time, the United States has unconditional most-favored-nation commitments to the more than 60 contracting parties to the GATT and to the contracting parties to its 4 remaining nonpreferential bilateral agreements (viz, Switzerland, Venezuela, Argentina, and Iceland). Unless we obtain a waiver of (these commitments) * * * the application of duty-free treatment to only Canadian automotive products would constitute a violation of such commitments, as well as a violation of the provisions of our trade agreements with the Philippines.

Third. Reciprocity here involves like products of both countries.

This, the Commission notes, is "unlike the reciprocity concept" we have followed in trade agreements concluded "pursuant to delegated legislative authority." But there is no symmetry of treatment. A Canadian motor vehicle may be imported to the United States free whether new or used and regardless of who imports it. But ours can go free only to a designated "manufacturer" of the class of motor vehicles to which they belong.

I would like to turn to another question which has been raised in the debate so far. This is a complicated matter. It is the entire item-of-actual-use concept which imposes heavy burdens on customs administrative officers, importers, and others.

This concerns the restriction that parts may be duty free in both directions only for use in original equipment. Its implementation requires customs officers on both sides "to follow the vehicles and 'original' components into consumption" to see that they do not flow into the aftermarket as replacement parts. The concern of the Tariff Commission is shown in these words—page 45:

> The United States has never previously undertaken the administration of a tariff program of this magnitude involving the actual use concept.

Further, the Commission is concerned about the use of the words "letter of intent," which "does not have the status of a contract and imposes no legal obligations on the manufacturers." In any event, it says, the "actual use" concept "cannot be achieved unless the motor-vehicle and parts producers, foreign shippers, importers, subcontractors, and all other persons involved in the particular transactions fully understand their obligations thereunder and work in good faith to achieve the desired ends."

Fifth. There is no national security clause.

The Canadian agreement contains no clause providing for imposition of special dumping or countervailing duties. In this it differs from other bilateral agreements and from the GATT. However, it is possible to apply the relevant GATT provisions under article III of the agreement.

WHY HAVE WE UNDERTAKEN SUCH AN AGREEMENT?

The conclusion is inescapable that this agreement is the result of the efforts and desires of the State Department, which is, to quote from an unpublished opinion by a former Tariff Commission expert which has been provided to me, "again playing international politics with American jobs and American industries."

The history of the use of trade concessions as a political football resulted in establishment under the Trade Expansion Act of 1962 of the Office of Special Representative for Trade Negotiations, which post is occupied by Ambassador Christian A. Herter. It was the intention of the Congress that all negotiations should be carried on under auspices of this new office. But that is not the case here. Instead, we have an agreement which, because it has already been signed by the President and the Prime Minister, an agreement which we are asked to implement without detailed study by experts and under policy fixed outside the Trade Negotiations office, we are now expected to ratify or implement.

I wish to point out the publicity of the State Department when the tariff agreement was before the conference committee.

The State Department said that we could not agree to such an agreement because we do not believe in treaties under the actual-use concept.

Here they not only put their stamp of approval on it, but originated it in the first instance.

We have an agreement which we asked to implement without detailed study by experts.

I have been told by experts that this is as close to imposing the Bricker amendment on the Senate as anything we have done yet.

To do so, we must get a waiver from the General Agreement on Tariffs and Trade in Geneva. As early as last March 25 a New York Times dispatch from Geneva reported that a 15-member committee of GATT served notice that action proposed here will be breaking first rule of the General Agreement on Tariffs and Trade.

> The committee, qualified sources reported, said it was the general consensus that the United States would be clearly contravening GATT's most-favored-nation rule by implementing the free-trade agreement.
>
> The committee that studied the accord said the United States would have to ask for a "waiver" releasing it from its GATT obligations if it enacted the pact as now written.
>
> The United States, qualified sources said, came under criticism from underdeveloped countries on the ground of failing to practice what it preaches.
>
> These countries were quick to point out that the United States was proposing to enter a preferential tariff arrangement with Canada, although it had made a rule of opposing tariff preference.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Indiana may have 5 additional minutes; and in addition to that 5 minutes that the Senator from Kansas [Mr. CARLSON] be recognized, as was promised earlier.

Mr. CASE. Reserving the right to object, will this be the end?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none; and it is so ordered.

Mr. HARTKE. Mr. President, the agreement legitimizes illegal action taken unilaterally by the Canadian Government in its previous tariff remission scheme. When this was put into effect by Canada, it was our clear right and duty to meet the situation by the imposition of countervailing duties. Instead, in order not to rock the boat, we have consented to gaining for the Canadians the end they sought by sponsoring here an agreement which trades off U.S. jobs and business prospects.

THE BALANCE OF PAYMENTS

There is another question involved in the effects of this agreement, a question which has concerned me and many others. That is the question of the balance of payments. What effect does this agreement have here?

The effect is not confined solely to the change in imports and exports which will result from this agreement. A far greater influence upon the balance of payments will be the outflow of capital from the United States, at a time when we are trying to prevent just that, to finance the construction of great new amounts of Canadian plant capacity.

The Canadians themselves have estimated that the new industry and the expansion of existing industry in the automobile business there as a result of the agreement will develop an additional 50,000 jobs in the next 3 years. If the investment required per job runs to the sum of $15,000, which is the accepted average figure for all industry, the total investment for 50,000 jobs will amount to $750 million. The investment per man in autos is closer to $20,000, or a billion dollar total. Where is this money coming from?

To that there is one paramount answer. The great bulk of it will come from the United States.

This very point was discussed by the eminent financial economist and columnist Eliot Janeway in his column, "As Janeway Views It," in the Chicago-Tribune Monday, September 27. As he noted there:

> Thanks to President Johnson's success in limiting dollar outflow, money has become painfully tight in Canada.

But this agreement, as Mr. Janeway points out, "would greatly increase Canada's need for money because it would present Canada with a big slice of our richest mass production market."

> Passage of the treaty will trigger unprecedented American investment in the new Canadian manufacturing facilities needed to take advantage of this sales opportunity.

But Canada, Mr. Janeway goes on, which is already tight for money, will have to look to the United States for financing. He concludes:

> If we breach present restrictions, and let hundreds of millions pour out first for investment and then for imports, the entire program will become a joke. But if we don't, the Canadian treaty will.

Mr. President, I ask unanimous consent that the full text of the Janeway article may appear at the close of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARTKE. Are we going to give away an edge on our balance of trade with Canada in this treaty, and then pour out American dollars as well to provide the means for doing so? We will, if we implement this agreement.

THE BILL SHOULD BE REJECTED OR DEFERRED

Mr. President, we are being asked to place the stamp of congressional approval on a commitment undertaken by U.S. corporations, and their Canadian affiliates, to the Government of Canada to increase the production of automobiles in Canada.

It is an agreement, not for free trade, even in automobiles, but an agreement that will enable the automobile industry to rationalize its production on the basis of a North American continental market. It does not make it possible, however, for consumers on the Canadian side of the border to purchase imported automobiles without the payment of a tariff. It provides for free trade only to the extent that automobile manufacturers may wish to move automobiles from Canada into the United States without the payment of a tariff.

There is no doubt but that the end result will be beneficial to the manufacturers of automobiles, and to the Canadian economy. But it will undoubtedly force upon the U.S. industry, and especially the small suppliers of parts, loss of jobs and business.

The agreement singles out the automotive industry for special treatment, an industry with respect to which Canada has an unfavorable balance of trade with the United States. Why, it should be asked, did the administration not initiate action with respect to other industries in which Canada has a favorable balance of trade with the United States, such as wood and paper products? Our negotiators let pass an opportunity to insist upon trade concessions which would have been advantageous to the United States.

The bill is discriminatory, furthermore, in that it singles out automotive workers for especially favorable adjustment assistance by the U.S. Government, while leaving workers in other industries subject to the less favorable provisions of title III of the Trade Expansion Act of 1962. This is outright favoritism.

More than this, H.R. 9042 gives the President too much power with respect to adjustment assistance, rather than the usual procedures of working through the established agencies. The yardsticks for judging eligibility for such assistance, to be used by the President or an administrative agency which he designates, are dangerously vague. If enacted into law, the bill will reduce the U.S. Tariff Commission to the status of statistical clerks, as far as the automotive industry is concerned. Under the bill, the President is to make all of the decisions, even to the extent of instructing the Tariff Commission as to the kinds of facts they are to ascertain.

The Tariff Commission was created in 1916 as a bipartisan, factfinding and commendatory agency of the Congress. It has long had, and still has, a highly competent professional staff of economists and commodity experts and, through the years, has built up an enviable reputation for impartiality. There is no reason for bypassing the Tariff Commission as the body for making recommendations, based on high professional competence, in adjustment assistance cases. Without objective analysis and recommendations by such an impartial body, there is danger that adjustment assistance may become an instrument of politics.

If auto workers are to have special treatment for adjustment assistance, whose need arises out of an agreement to which the industry is an official party and participant, then the cost of adjustment assistance should be a responsibility of the industry rather than of the Government.

The whole point boils down to this. We have in this agreement, upon which we were not consulted and which is presented as an accomplished fact merely for our official blessing, given concessions to Canada without receiving benefits in return, except perhaps for the owners and management of American companies with Canadian subsidiaries.

Auto prices will not be reduced on either side of the border. Free trade is not achieved, and the probability of dislocation and damage to the parts producing industry is great. We are violating our international policies and commitments in the area of trade, providing discriminatory legislation.

The agreement, in short, should not be implemented until we have a full investigation by the Tariff Commission, which has the expert staff, the authority under section 322 of the Tariff Act, and the subpena power to develop the facts more fully and completely than has been possible to date.

EXHIBIT 1

JOHNSON PROGRAMS CONFLICT

(By Eliot Janeway)

NEW YORK.—In a government as complex as ours, it is always possible that individual administration programs, if activated simultaneously, might threaten to defeat their respective purposes.

In the area of foreign relations, which is the special prerogative of Presidential authority and the special center of Presidential responsibility, it is not unusual for the left hand to lose track of what the right hand is up to.

Such a conflict of purpose is arising now between two high-pressure Johnson programs. One is the operation aimed at voluntary limitation of the business dollar outflow to keep our dollar payments account with the rest of the world in surplus. The other is the pending Canadian-United States treaty which would give preferential treatment in the U.S. market to auto parts and vehicles made in Canada.

PROGRAMS ARE WORTHY

Each of these two programs taken by itself, is worthy and has much to be said for it. However, the two programs are in direct conflict and the administration is pushing for Senate ratification of the Canadian treaty while it continues to insist that the limitation on business dollar outflows must remain in force.

The immediate point of conflict is the Canadian money market. Thanks to President Johnson's success in limiting dollar outflow, money has become painfully tight in Canada. This comes as no surprise to

Washington. On the contrary, the administration has every right to proclaim that it planned things this way in order to teach the foreign critics of the dollar a badly overdue lesson.

As a matter of fact, our former payments deficit really measured the use which the rest of the world was getting out of our spare dollars as working capital. But instead of thanking us for the accommodation, the countries that benefited started a run on the dollar. Johnson's purpose in calling dollars home was to reaffirm the strength of the dollar and to remind De Gaulle & Co. that neither he nor we, nor anyone else in the non-Communist world, had it so good as when the United States was running a payments deficit.

MESSAGE TO WORLD

The trick was to get the message across before the rest of the world got into a money squeeze and before any of the weak links in the international structure of finance snapped. Washington's program of limiting foreign investment has been a huge success from the very outset. And with success has come power over business and over dollar-hungry foreign governments, plus a bonanza of good publicity. This explains the administration's reluctance to accept conditional surrender from the former critics of the dollar. Washington still isn't willing to pronounce the limitation program a success, although economic factors suggest it's time to permit business as usual—and business as usual is at the root of the dollar's strength. Meanwhile, the current holdback on normal dollar outflow has left Canada hard pressed for money to finance her present volume of business.

Hence the conflict between the administration's holdback on dollars for everyone abroad and its proposed treaty favoring Canada. The treaty would greatly increase Canada's need for money because it would present Canada with a big slice of our richest mass production market. Canada is a small country, but the automotive market we propose to give her is large, and the American companies with plants there now habitually operate on a large scale. Passage of the treaty will trigger unprecedented American investment in the new Canadian manufacturing facilities need to take advantage of this sales opportunity.

MONEY TIGHT IN CANADA

But—and here's the rub—Canada, already tight for money before any new American-scale boom starts, can't begin to find the money that will be needed for capital investment. It would have to come from here. But it can't as long as the dollar limitation program remains in force. If we breach present restrictions, and let hundreds of millions pour out first for investment and then for imports, the entire program will become a joke. But if we don't, the Canadian treaty will.

Mr. CARLSON. Mr. President, I shall not discuss the merits or demerits of the pending agreement, or automobiles or automobile parts between Canada and the United States.

I have been listening to the debate for 3 days, and I have heard the outstanding and effective discussion of this problem.

The proponents are such distinguished Senators as the Senator from Louisiana [Mr. LONG] and the Senator from Florida [Mr. SMATHERS]. I believe they have ably discussed the merits of the bill.

The demerits have been ably discussed by the distinguished Senator from Tennessee [Mr. GORE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Indiana [Mr. HARTKE].

I rise to express my concern about a trend in our international trade pattern, instead of the demerits or merits.

It seems to me that we are embarking on a bilateral trade agreement, not only in this instance, but in past and future instances, which violates our trade agreements which we entered into 30 years ago in Geneva on tariffs and trade. We have been somewhat successful in this program.

In this program since 1932 we have gone from 59.1 percent to 26.4 percent in 1946, and to less than 12 percent today.

In Geneva today and in the last year and a half our own trade representatives on the Kennedy round are trying to negotiate a 50-percent reduction across the board on existing duties.

It is my contention that the treaty we are entering into today will be costly so far as the Kennedy round is concerned.

I have been told we are going to get a waiver. We have secured waivers before, but they are costly, and in my opinion this is going to be expensive before we are finished.

Three trade programs have been very successful. The world exports presently over $170 billion annually and it has tripled since 1948. U.S. imports over the same period have more than doubled.

I am concerned that we are continually entering into bilateral trade agreements.

I commend Senators who have participated in the debate during the past 3 days. I hope the State Department will now be on notice that it should not enter into such agreements without some thought and regard for Congress. I fear that the State Department is more concerned with certain political benefits that might be received than with the economic benefits.

I have before me the text of an address delivered by W. Michael Blumenthal, our deputy special representative for trade negotiations at Geneva. He is "our man in Geneva." His speech was made at the 43d annual luncheon of the National Council of American Importers in New York City on September 16. In his address, Mr. Blumenthal stressed the difficulty we are in when it comes to dealing in the international field. I shall conclude my remarks with a quotation from his speech:

> In Geneva, we are engaged in the most ambitious effort for trade liberalization ever undertaken—the Kennedy round of trade negotiations. For industrial products, we are seeking a multilateral reduction of all tariffs by 50 percent across the board, with only a bare minimum of exceptions subject to careful justification and scrutiny by other participating countries. For agricultural products, in accordance with the Ministerial Resolution of June 1963, our objective is "acceptable conditions of access to world markets in furtherance of a significant development and expansion of world trade." To achieve this, we have been discussing not only trade barriers, but all of the elements of domestic support and regulation affecting international trade.

Mr. President, it is for this reason that I am deeply concerned about the continual entry into bilateral trade agreements by our own Nation.

Mr. MANSFIELD. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). One minute remains.

Mr. GORE. Mr. President, on my motion to postpone, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG of Louisiana. Mr. President, in my remaining 1 minute, I wish to address myself to the motion to postpone until next year.

The trade involved in this agreement between the United States and Canada is a large item. The companies concerned need to know where they stand, one way or the other. If they are not to be able to do business under this agreement—and they are now expecting to do that—they ought to return to some other practice, and they ought to know it.

Our own automobile manufacturers are fearful that the suspended Canadian duty, which was 17 percent, may be reimposed upon them retroactively. That could result in the imposition of a heavy tax on American products which have been shipped into Canada.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I will yield in a moment.

This agreement has been before the Committee on Finance since January 14, 1965. It was officially a matter of record on January 16, 1965. It has been the subject of legislation. The Congress has been acting on it since March 31, 1965. American industry is entitled to have an answer "Yes" or "No." If Congress wants to reject the agreement, it ought to do so. If it wants to ratify it, it ought to ratify it. But Congress should not leave the American industry in doubt for a whole year as to what the terms and conditions will be.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. Congress is left in doubt about secret agreements, agreements which are still unrevealed. The Senate needs to know what it is doing.

The VICE PRESIDENT. The time of the Senator from Louisiana has expired.

Mr. LONG of Louisiana. I ask for 30 seconds.

Mr. CASE. I object.

The VICE PRESIDENT. Objection is heard.

The question is on agreeing to the motion of the Senator from Tennessee that action on the pending bill be postponed until the second Monday in January. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from South Dakota [Mr. McGOVERN], the Senator from Montana [Mr. METCALF], the Senator from Utah [Mr. MOSS], and the Senator from South Carolina [Mr. RUSSELL] are necessarily absent.

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Nevada [Mr. CANNON]. If present and voting, the Senator from Maryland would vote "nay" and the Senator from Nevada would vote "yea."

On this vote, the Senator from North Dakota [Mr. BURDICK] is paired with the Senator from Connecticut [Mr. DODD]. If present and voting, the Senator from North Dakota would vote "nay" and the Senator from Connecticut would vote "yea."

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], the Senator from Utah [Mr. MOSS], and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent on official business of the Joint Committee on Atomic Energy.

The Senator from Delaware [Mr. BOGGS], the Senator from Iowa [Mr. MILLER], the Senator from Vermont [Mr. PROUTY], the Senator from Kansas [Mr. PEARSON], and the Senator from California [Mr. MURPHY] are necessarily absent.

The Senator from Kentucky [Mr. COOPER], the Senator from New Hampshire [Mr. COTTON], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Nebraska [Mr. HRUSKA], and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

If present and voting, the Senator from Delaware [Mr. BOGGS], the Senator from Nebraska [Mr. HRUSKA], the Senator from Iowa [Mr. MILLER], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 32, nays 43, as follows:

[No. 276 Leg.]

YEAS—32

Bartlett
Bass
Bayh
Douglas
Gore
Hartke
Hayden
Inouye
Jackson
Lausche
Long, Mo.
Magnuson
McCarthy
McClellan
McIntyre
McNamara
Mondale
Monroney
Montoya
Morse
Mundt
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Symington
Talmadge
Tower
Tydings
Yarborough

NAYS—43

Aiken
Allott
Bible
Byrd, Va.
Carlson
Case
Clark
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Harris
Hart
Hill
Holland
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, La.
Mansfield
McGee
Morton
Neuberger
Randolph
Robertson
Russell, Ga.
Saltonstall
Simpson
Smathers
Smith
Sparkman
Stennis
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—25

Anderson
Bennett
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Church
Cooper
Cotton
Dodd
Gruening
Hickenlooper
Hruska
Jordan, N.C.
McGovern
Metcalf
Miller
Moss
Murphy
Pearson
Prouty
Russell, S.C.
Scott
Young, Ohio

So Mr. GORE's motion was rejected.

LEAVE OF ABSENCE

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that Senators MUNDT, CASE, JAVITS, and I may be absent from the sessions of the Senate from October 4 through October 8 in order to attend, as delegates duly selected by the Senate, the NATO Parliamentary Conference to be held in New York City during that period.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PELL subsequently said: Mr. President, in connection with the request earlier made by the Senator from Massachusetts [Mr. SALTONSTALL], I ask unanimous consent that the following additional Senators be excused from attendance on the Senate next week, from October 4 to October 10, in their capacity as delegates to the NATO Parliamentarians meeting in New York: The Senator from New Jersey [Mr. WILLIAMS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Indiana [Mr. BAYH], the Senator from New York [Mr. KENNEDY], the Senator from Utah [Mr. MOSS], and the Senator from Rhode Island [Mr. PELL].

The VICE PRESIDENT. Without objection, it is so ordered.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes.

The VICE PRESIDENT. The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, I send to the desk an amendment and ask unanimous consent that the reading of the amendment be dispensed with, and request the yeas and nays.

Mr. LONG of Louisiana. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LONG of Louisiana. Mr. President, do not the committee amendments take precedence over other amendments?

The VICE PRESIDENT. The Senator is correct. The amendment of the Senator from Indiana is out of order.

Mr. HARTKE. Mr. President, I inform the Senate that I shall not take more than a few minutes.

Mr. LONG of Louisiana. Mr. President, does the Senator ask unanimous consent to offer the amendment at this time? He needs unanimous consent to offer it. The committee amendments take precedence.

Mr. HARTKE. Mr. President, I ask unanimous consent that I may offer the amendment at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 5 minutes on the pending amendment, the time to be equally divided.

Mr. LONG of Louisiana. Mr. President, I cannot agree to that at this time. If the clerk will read the amendment, I might be able to agree to it.

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. The clerk will first state the amendment.

The LEGISLATIVE CLERK. It is proposed by the Senator from Indiana [Mr. HARTKE] as follows:

On page 28, after line 4, insert the following new title:

"TITLE VI—EFFECTIVE DATE; STUDY AND REPORT BY TARIFF COMMISSION

Mr. HARTKE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The VICE PRESIDENT. If there is no objection, it is so ordered. The amendment will be printed in the RECORD.

The amendment is as follows:

On page 28, after line 4, insert the following new title:

"TITLE VI—EFFECTIVE DATE; STUDY AND REPORT BY TARIFF COMMISSION

"Effective date

"SEC. 601. Titles I through V of this Act shall become effective on the 90th day after the day on which the Tariff Commission makes the report to the Senate and the House of Representatives as required by section 602 (c) of this Act.

"Study and report by Tariff Commission

"SEC. 602. (a) The Tariff Commission shall make a thorough and comprehensive study and investigation of the effect and potential effect of the implementation and operation of the Agreement and this Act on industries and firms in the United States, and workers in such industries and firms, producing articles like or directly competitive with articles for which duty-free treatment will be provided under the modifications of the Tariff Schedules of the United States proclaimed under section 201 (a) of this Act, or which may be proclaimed under section 201 (b) of this Act. Such study and investigation shall include (but not be limited to) the effect and potential effect of the implementation and operation of the Agreement and this Act on—

"(1) the levels of employment in the automotive products industries in the United States and Canada, and the levels of wages paid to employees in such industries,

"(2) the levels of productive facilities in the automotive products industries in the United States and Canada, and particularly the possibility of the idling of productive facilities in the automotive parts industry in the United States,

"(3) production costs in the automotive products industries in the United States and Canada,

"(4) consumer prices of automotive products in the United States and Canada, and

"(5) the possibility of the sale of Canadian automotive products in the United States at less than their fair value (within the meaning of the Anti-Dumping Act, 1921).

Such study and investigation shall also include the effect and potential effect of the implementation and operation of the Agreement and this Act on the balance of trade and balance of payments position of the United States and Canada.

"(b) For purposes of subsection (a), the Commission may utilize all information and data previously obtained or compiled by it in carrying out the duties and exercising the powers conferred on it by section 332 of the Tariff Act of 1930.

"(c) The Commission shall report the results of the study and investigation made by it under subsection (a) to the Senate and the House of Representatives on or before January 15, 1966. The delivery of such report shall be made to both Houses on the same day and shall be made to each House while it is in session."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 6 minutes on the pending amendment, the time to be equally divided between both sides.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, this amendment is different from the other amendment——

Mr. PASTORE. Mr. President, may we have order?

The VICE PRESIDENT. May we have order in the Chamber?

The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, this amendment is different from the one which was just voted upon, to this extent: By voting yea on this amendment, we will be voting in favor of the agreement. The agreement will be agreed to. In the interim between now and the first of the year, there will be a report from the Tariff Commission, which must come to the Senate not later than January 15, 1966; and if no further action is taken by the Congress in the meantime, the agreement will become effective 90 days from the date that the Tariff Commission reports to the Senate.

There is much confusion about what the bill is going to do, but certainly there is no question that it is going to cost American jobs, it is going to cost American industry, it is going to upset our balance of payments, and it is going to create an unlimited drain on the Treasury for "adjustment assistance," which no one has been able to define to this time.

It is not a free trade agreement. No one contends any longer that it is. At the beginning it was contended that it was to assist free trade. No one contends that any more.

This is an agreement which will increase production of automobiles in Canada at the expense of the United States. It will decrease the production of automobiles in the United States.

The measure was conceived and concocted at the State Department, but not by the negotiators, such as Christian Herter, who are supposed to take care of trade agreements. All the others have now been ordered to fall in line.

All this proposal does is to say that we will take it easy until the Tariff Commission report is received.

Let us not do something which may upset the prosperity of the United States in this critical hour, when we are moving forward so well.

Mr. NELSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. The Senator's 2 minutes have expired.

Mr. RUSSELL of Georgia. Mr. President, I ask unanimous consent that the Senator from Wisconsin may be permitted to interrogate the Senator from Indiana.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NELSON. Do I correctly understand that a vote for the amendment is a vote to approve the agreement?

Mr. HARTKE. The Senator is correct.

Mr. NELSON. But to await a report by the Tariff Commission by January 15. The agreement will automatically go into effect 90 days later, unless the Senate, based on the study of the Tariff Commission, should vote otherwise.

Mr. HARTKE. The Senator is correct. This proposal would, in effect, uphold the hand of the President while bringing all the facts to the Senate.

Mr. GORE. Mr. President, I wish to express the appreciation of the committee for the efforts of those who have undertaken to analyze this far-reaching agreement. It received more votes than we expected. I implore the Senate to support the proposed amendment.

The Tariff Commission testified before the committee that additional secret agreements and commitments may have been made which the passage of the bill will implement, though we do not know what they are. This amendment merely provides that the agreement cannot go into effect until the Tariff Commission has made a report to the Senate, and then the Senate will have 90 days in which to take action if it so desires. If not, the agreement will take effect.

This is a reasonable amendment. It will permit the agreement to be approved, subject to these limitations, and these are prudent limitations under the circumstances.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield to the Senator from Rhode Island.

Mr. PASTORE. Will it be retroactive in effect?

Mr. GORE. It will be retroactive. The bill is retroactive, and the amendment does not affect that.

The VICE PRESIDENT. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, the proponents of the amendment have had 5 minutes. I request that I be allowed 5 minutes also.

The VICE PRESIDENT. Is there objection to the request of the Senator from Louisiana?

The Chair hears none; and it is so ordered.

Mr. LONG of Louisiana. Mr. President, contrary to what has been said by those who have been speaking at considerable length against the agreement, it has been testified repeatedly that this Nation will, through the agreement, protect a favorable trade balance of $580 million.

We ship to Canada 10 times as much as they ship us. We ship them $640 million worth of autos and parts. They ship us $60 million, a net advantage of $580 million.

The agreement will bring about an increase in the trade that crosses the border in both directions. It has been testified that this country will maintain its net advantage of $580 million. If that objective is not achieved, we have a right to call off the agreement.

Commitments have been made to Canadians, because Canada is a high-cost producer. They had to have some commitments, so that when they unified production and integrated production with the United States, they would not be completely wiped out, because our cost of production is well below their cost of production, even though we pay higher wages.

We know what the companies are going to do. We are in a position to see what they are going to do. I have in my hand an announcement of Ford that they will increase their domestic investment, in the United States, $850 million, they will increase their investment in Canada $125 million, and their investment overseas $530 million.

That means 25,000 more jobs in the United States, under the proposed arrangement, and 2,200 more there. We get 11 jobs for every 1 they get.

Here is an announcement of General Motors. I regret to say that it is not broken down; I was unable to obtain the information on such short notice as to how many jobs are involved. But if we look at the investment figures, they are even more favorable.

During the next 2 years, General Motors has announced that it will invest $1.9 billion in the United States, as against $150 million to be invested in Canada, an advantage to us of more than 12 to 1, with $550 million for their overseas operations.

There has been some mention of secret agreements. The so-called secret agreements were agreements between Canada and Canadian companies. This country, if it wishes, has the right to make agreements between the United States and American companies. The agreements referred to are in the record. Here is the record of the hearings before the House Ways and Means Committee. Those agreements were put in the record in the House, and we have them available here. They are spelled out in our committee report to the Senate. We know about it. The Government knew about it at the time that Canada was talking to her own producers. We examined those companies in open session, to find out what the agreements were. They were what we anticipated they would be, between the Canadian Government and Canadian companies, which means that the Canadian Government, with American-owned companies, will increase production to provide for the increased market in Canada, and we shall continue to maintain the favorable trade balance in favor of the United States which we maintain at present.

If we reject the agreement, and we get into a trade war with Canada, we are subject to losing that $580 million; and the only way to maintain that balance is to make an agreement of this sort.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. Is it not a fact that the Tariff Commission has already submitted a report of 98 pages to the House Ways and Means Committee on the subject, and a report of 103 pages to the Senate Finance Committee and that, therefore, the pending amendment is of no avail?

Mr. LONG of Louisiana. The Tariff Commission, on April 23, submitted a 98-page report to the House Ways and Means Committee. On September 16, they submitted to our committee a 103-page report. They testified before our committee and were available during the executive session to answer any question which any Senator might wish to ask. None were asked. That is one reason why the pending amendment should not be agreed to.

Under the agreement we will have a tremendous increase in the number of jobs both in the United States and in Canada. Under the agreement there will be an increase of mass production in Canada.

On certain items, when companies produce perhaps one part only, some parts manufacturers will be hurt. That is unavoidable in the process of integrating major industries of two countries such as the United States and Canada.

But this agreement will give any producer who may find out he has a prospect of losing some of his business or a prospect of increased competition, an opportunity to importune his Senator or Congressman to try to do something to try to defeat the agreement.

Mr. SMATHERS. If we should adopt the amendment it will effectively delay once again the big decisions being made by the major companies, will it not?

The VICE PRESIDENT. All time on the amendment has now expired. The question is on agreeing to the amendment of the Senator from Indiana.

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], and the Senator from Ohio [Mr. YOUNG], are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from South Dakota [Mr. McGOVERN], the Senator from Montana [Mr. METCALF], the Senator from Utah [Mr. MOSS], and the Senator from South Carolina [Mr. RUSSELL], are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. MOSS] and the Senator from Ohio [Mr. YOUNG] would each vote "nay."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from North Dakota [Mr. BURDICK]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from North Dakota would vote "nay."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from North Carolina [Mr. JORDAN]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from North Carolina would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent on official business of the Joint Committee on Atomic Energy.

The Senator from Delaware [Mr. BOGGS], the Senator from New Jersey [Mr. CASE], the Senator from Iowa [Mr. MILLER], the Senator from Kansas [Mr. PEARSON], the Senator from Vermont [Mr. PROUTY], and the Senator from California [Mr. MURPHY] are necessarily absent.

The Senator from Kentucky [Mr. COOPER], the Senator from New Hampshire [Mr. COTTON], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Nebraska [Mr. HRUSKA], and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

If present and voting, the Senator from Delaware [Mr. BOGGS], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. HRUSKA], the Senator from Iowa [Mr. MILLER], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 34, nays 40, as follows:

[No. 277 Leg.]

YEAS—34

Bartlett
Bass
Bayh
Douglas
Ervin
Gore
Hartke
Inouye
Jackson
Kennedy, N.Y.
Lausche
Long, Mo.
Magnuson
McClellan
McIntyre
Mondale
Monroney
Montoya
Morse
Mundt
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Russell, Ga.
Stennis
Symington
Talmadge
Tower
Tydings
Williams, Del.
Yarborough

NAYS—40

Aiken
Allott
Bible
Byrd, Va.
Carlson
Clark
Curtis
Dirksen
Dominick
Eastland
Ellender
Fannin
Fong
Fulbright
Harris
Hart
Hayden
Hill
Holland
Javits
Jordan, Idaho
Kennedy, Mass.
Kuchel
Long, La.
Mansfield
McCarthy
McGee
McNamara
Morton
Muskie
Neuberger
Robertson
Saltonstall
Simpson
Smathers
Smith
Sparkman
Thurmond
Williams, N.J.
Young, N. Dak.

NOT VOTING—26

Anderson
Bennett
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Dodd
Gruening
Hickenlooper
Hruska
Jordan, N.C.
McGovern
Metcalf
Miller
Moss
Murphy
Pearson
Prouty
Russell, S.C.
Scott
Young, Ohio

So Mr. HARTKE's amendment was rejected.

Mr. LONG of Louisiana. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SMATHERS. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the committee amendments be regarded as original text for purposes of further amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered; and the committee amendments are agreed to en bloc.

Mr. DIRKSEN. Mr. President, have the committee amendments been agreed to?

Mr. LONG of Louisiana. Mr. President, the committee amendments are agreed to en bloc when a request is made that they be considered as original text for the purposes of further amendment; is that not correct?

The VICE PRESIDENT. The Senator from Louisiana is correct. The committee amendments are agreed to en bloc.

The committee amendments agreed to en bloc are, as follows:

On page 5, after line 5, to strike out:

"(2) The President is authorized to issue any proclamation to carry out any such agreement—

"(A) only after the expiration of the 60-day period following the date of delivery,

"(B) only if, between the date of delivery and the expiration of such 60-day period, the Congress has not adopted a concurrent resolution stating in substance that the Senate and House of Representatives disapprove of the agreement, and

"(C) in the case of any agreement referred to in subsection (b) with any country, only if there is in effect a proclamation implementing an agreement with such country applicable to products described in subsection (a).

"(3) For purposes of paragraph (2), in the computation of the 60-day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die."

And, in lieu thereof, to insert:

"(2) The President is authorized to issue any proclamation to carry out any such agreement—

"(A) only if the Congress has adopted a concurrent resolution stating in substance that the Senate and the House of Representatives approve the implementation of the agreement, and

"(B) in the case of any agreement referred to in subsection (b) with any country, only if there is in effect a proclamation implementing an agreement with such country applicable to products described in subsection (a)."

On page 7, after line 4, to insert a new section, as follows:

"SUSPENSION OF PROCLAMATIONS

"SEC. 205. (a) Upon resolution of either the Senate or the House of Representatives, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, or upon his own initiative, the President shall cause an investigation to be made to determine whether any manufacturer has undertaken, by reason of governmental action, to increase the Canadian value added of automobiles, buses, specified commercial vehicles, or original equipment parts produced by such manufacturer in Canada after August 31, 1968. Any such investigation commenced upon resolution of either House or of either Committee shall be completed, and a report thereon shall be made by the President to the House or the Committee adopting the resolution, within 60 days after the day on which the resolution is transmitted to the President.

"(b) If, as a result of an investigation under subsection (a), the President determines that any manufacturer has undertaken, by reason of governmental action, to increase the Canadian value added of automobiles, buses, specified commercial vehicles, or original equipment parts produced by such manufacturer in Canada after August 31, 1968, he shall, unless the Congress otherwise provides by law—

"(1) cause such determination to be published in the Federal Register, and

"(2) as soon as practicable thereafter (and in any event not later than 60 days after the date of such publication) suspend the proclamations issued by him pursuant to section 201 of this Act, unless he determines that no manufacturer is any longer undertaking, by reason of governmental action, to increase the Canadian value added of automobiles, buses, specified commercial vehicles, or original equipment parts produced by such manufacturer in Canada after August 31, 1968.

The President shall terminate such suspension whenever he determines that no manufacturer is undertaking, by reason of governmental action, to increase the Canadian value added of automobiles, buses, specified commercial vehicles, or original equipment parts produced by such manufacturer in Canada after August 31, 1968. No suspension under this subsection shall apply to articles entered, or withdrawn from warehouse, for consumption before September 1, 1968.

"(c) For purposes of subsection (b), the President may disregard an undertaking by a manufacturer to increase the Canadian value added of automobiles, buses, specified commercial vehicles, or original equipment parts produced by such manufacturer in Canada if the President finds that such undertaking is consistent with the objectives of the Agreement. For purposes of the preceding sentence, the President shall in no event find that an undertaking to increase the Canadian value added of automobiles, buses, specified commercial vehicles, or original equipment parts produced in Canada is consistent with the objectives of the Agreement if such undertaking is greater than the undertakings agreed to in letters of undertaking submitted by manufacturers before the date of the enactment of this Act."

On page 18, after line 16, to strike out:

"SEC. 402. (a) Whenever in this title a modification is expressed in terms of a modification of an item or other provision, the reference shall be considered to be made to an item or other provision of the Tariff Schedules of the United States (28 F.R., part II, Aug. 17, 1963; 77A Stat.; 19 U.S.C., sec. 1202). Each page reference '(p.)' in this title refers to the page both in part II of the Federal Register for August 17, 1963, and in volume 77A of the United States Statutes at Large on which the item or provision referred to appears or is to appear.

"(b) Title I of the Tariff Act of 1930, as in effect on or after August 31, 1963, may be cited as the 'Tariff Schedules of the United States'."

And, in lieu thereof, to insert:

"SEC. 402. Whenever in this title a modification is expressed in terms of a modification of an item or other provision, the reference shall be considered to be made to an item or other provision of the Tariff Schedules of the United States (19 U.S.C., sec. 1202). Each page reference '(p.)' in this title refers to the page on which the item or provision referred to appears both in part II of the Federal Register for August 17, 1963, and in volume 77A of the United States Statutes at Large."

On page 19, line 14, after "headnote 3", to strike out "(p. 11)" and insert "(pp. 11 and 12)"; on page 23, line 2, after the word "sequence", to strike out "(pp. 325 and 326)"; on page 24, line 1, after the word "sequence", to strike out "(pp. 150, 229, 297, 305, 308, 321, 323, 355, and 364, respectively)"; on page 25, in the tables at the top thereof, to strike out:

"	727.60	Any article described in the foregoing items 727.10 to 727.55, inclusive, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)...............	Free		',

In line 1, after the word "sequence", to strike out "(pp. 145, 164, 365, 380, and 395, respectively)"; at the beginning of line 5, to strike out:

"(d) Redesignate item 613.16 as 613.18; and insert in proper numerical sequence new items as follows:

"207.01 (p. 92)
220.46 (p. 93)
357.91 (p. 147)
357.96 (p. 147)
358.11 (p. 147)
517.82 (p. 229)
535.15 (p. 242)
540.72 (p. 244)
544.18 (p. 247)
544.32 (p. 247)
544.42 (p. 247)
544.52 (p. 248)
544.55 (p. 248)
545.62 (p. 249)
545.64 (p. 249)
547.16 (p. 249)
610.81 (p. 273)
613.16 (p. 278)
613.19 (p. 278)
618.48 (p. 279)
620.47 (p. 281)
642.21 (p. 292)
642.86 (p. 294)
642.88 (p. 294)
646.93 (p. 298)
647.01 (p. 298)
647.06 (p. 298)
652.10 (p. 305)
652.76 (p. 306)
652.86 (p. 306)
652.88 (p. 306)
653.41 (p. 307)
660.43 (p. 310)
660.45 (p. 310)
660.47 (p. 310)
660.51 (p. 310)
660.53 (p. 310)
660.55 (p. 310)
660.86 (p. 310)
660.91 (p. 310)
661.11 (p. 310)
661.13 (p. 310)
661.16 (p. 310)
661.21 (p. 310)
661.36 (p. 311)
661.96 (p. 311)
662.36 (p. 312)
662.51 (p. 312)
664.11 (p. 312)
678.51 (p. 318)
680.21 (p. 319)
680.23 (p. 319)
680.28 (p. 319)
680.31 (p. 319)
680.36 (p. 319)
680.58 (p. 319)
680.61 (p. 319)
682.71 (p. 321)
682.91 (p. 321)
683.11 (p. 321)
683.16 (p. 321)
683.61 (p. 322)
684.51 (p. 322)
684.63 (p. 322)
684.71 (p. 323)
685.71 (p. 323)
685.81 (p. 323)
685.91 (p. 323)
686.11 (p. 323)
686.21 (p. 323)
686.61 (p. 324)
686.81 (p. 324)
687.51 (p. 324)
687.61 (p. 324)
688.16 (p. 324)
688.41 (p. 324)
711.85 (p. 346)
711.91 (p. 346)
711.93 (p. 346)
711.95 (p. 346)
711.97 (p. 346)
711.99 (p. 346)
712.26 (p. 346)
712.28 (p. 346)
712.51 (p. 346)
772.66 (p. 394)
772.81 (p. 394)
772.86 (p. 394)
773.26 (p. 395)
773.31 (p. 395)
773.36 (p. 395)
791.81 (p. 399)
791.91 (p. 399)

each such item having the article description 'If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6) * * * subordinate to the immediately preceding article description, and having 'Free' in rate of duty column numbered 1."

And, in lieu thereof, to insert:

"(d) Redesignate item 613.16 as 613.18, item 652.85 as 652.84, item 652.87 as 652.88, item 680.34 as 680.33, item 680.58 as 680.60, item 680.59 as 680.70, item 680.60 as 680.90, and item 711.91, as 71.93; and insert in proper numerical sequence new items as follows:

"207.01
220.46
357.91
357.96
358.03
517.82
535.15
540.72
544.18
544.32
544.42
544.52
544.55
545.62
545.64
547.16
610.81
613.16
613.19
618.48
620.47
642.21
642.86
642.88
646.93
647.02
647.06
652.10
652.76
652.85
652.87
652.89
660.43
660.45
660.47
660.51
660.53
660.55
660.86
660.93
660.95
661.11
661.13
661.16
661.21
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687.51
687.61
688.13
688.41
711.85
711.91
711.99
712.51
727.07
772.66
772.81
772.86
773.26
773.31
791.81
791.91

each such item having the article description 'If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6) * * *' subordinate to the immediately preceding article description, and having 'Free' in rate of duty column numbered 1."

Mr. DIRKSEN. Mr. President, I offer an amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from Illinois will be stated.

The Legislative Clerk. It is proposed, on page 28, after line 4, to insert the following:

Sec. 503. Nothing contained in this Act shall be construed to affect or modify the provisions of the Anti-Dumping Act, 1921 (19 U.S.C. 160–173), or of any of the antitrust laws, as designated in section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (15 U.S.C. 12).

Mr. DIRKSEN. Mr. President, the distinguished Senator from Louisiana [Mr. Long] was exactly correct about the report made by the U.S. Tariff Commission.

In consultation with him, I raised questions with respect to the antidumping and antitrust laws. They thought it would be quite all right and in order to have it incorporated in the bill, and, in fact, an amendment was drafted by the Tariff Commission. I am sure the distinguished Senator from Louisiana will be more than glad to take it to conference.

Mr. LONG of Louisiana. Mr. President, it is the judgment of the committee that no problem of dumping is involved, because there is no injury to anyone, but it is spelled out in the committee report that in the event anyone can show injury there are available to him the remedies of the Anti-Dumping Act. The Senator wants to make sure. So far as I am concerned, what the Senator in effect is doing by his amendment it putting in the language of the bill what we tried to spell out in the committee report. If the Senator feels it would be better to do so, I shall be glad to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois [Mr. Dirksen].

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. RIBICOFF. Mr. President, I have an amendment at the desk, which I ask to have read.

The VICE PRESIDENT. The amendment offered by the Senator from Connecticut will be stated.

The legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the Record.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment offered by Mr. Ribicoff is as follows:

On page 9, delete lines 10, 11, 12, and 13; inserting in lieu thereof: "the objectives of the Agreement if such undertaking when added to the undertakings agreed to in letters of undertaking submitted by manufacturers before the date of the enactment of this Act is greater than the undertakings agreed to in letters of undertaking submitted by manufacturers before the date of the enactment of this Act."

Mr. RIBICOFF. Mr. President, the purpose of the amendment is to make sure that what we have gone through does not happen again. It is also to make sure that after 1968 Canada cannot demand additional amounts of production beyond the $241 million plus the 60 percent without coming to Congress for affirmative action. I believe the amendment is necessary to safeguard further encroachment on American business and labor. I hope the amendment can be agreed to.

Mr. LONG of Louisiana. Mr. President, I really have no objection to the amendment. We agreed to this principle in committee. I wish to make it clear that, so far as I am concerned, there is nothing wrong with the Executive making an agreement and then asking Congress for law to implement it, any more than there is anything wrong in his negotiating a treaty and then asking the Senate to ratify that treaty.

We have had trade arrangements both ways, both before and after the fact. The Senate has passed bills to make agreements automatically effective. No one contends, and I do not contend, that any agreement made by the Executive is binding on the country until the Senate ratifies it. If the Senate wants to know what agreement is being negotiated, it can be considered in committee.

Mr. RIBICOFF. In order to keep the record straight and also to state our responsibility in the matter, it is fair to state that there were many members in the Finance Committee who were unhappy with the agreement, but they felt it was a fait accompli, that the President had signed the agreement, and since the President had signed the agreement they did not feel that the Finance Committee and the Senate should repudiate the action of the President. Yet this is a dangerous precedent that has been established. I do not think the Senate should abdicate its responsibility lightly. It is my desire to make sure that after 1968 Canada cannot make further demands for further production without the U.S. Senate taking affirmative action, instead of being handed an agreement as a fait accompli.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to 89–187, appoints the following Senators to be members of the Father Marquette Tercentenary Commission: Senators Philip A. Hart, Paul H. Douglas, Karl E. Mundt, and Jack Miller.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes.

The PRESIDING OFFICER (Mr. Kennedy of New York). The bill is open to further amendment.

Mr. JAVITS. Mr. President, I have an amendment at the desk, which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The legislative clerk read the amendment, as follows:

On page 28, line 4, after the period insert the following: "Such report shall also include information providing an evaluation of the Agreement and this Act in relation to the total national interest, and specifically shall include information with respect to—

"(1) the production of motor vehicles and motor vehicle parts in the United States and Canada,

"(2) the retail prices of motor vehicles and motor vehicle parts in the United States and Canada,

"(3) employment in the motor vehicle industry and motor vehicle parts industry in the United States and Canada, and

"(4) United States and Canada trade in motor vehicles and motor vehicle parts, particularly trade between the United States and Canada."

Mr. JAVITS. Mr. President, the amendment is designed to require greater specificity in the annual report that the President is required to submit to the Congress on the implementation of this agreement.

I believe that it would be very useful to the Congress and to the country at large if the President were also required to include in his annual report a rundown on how the United States-Canadian Auto Agreement is affecting the production of automobiles and parts in the United States and Canada, the retail price of automobiles on both sides of the border, employment in the United States and Canadian automotive industries, and United States-Canadian trade in automobiles.

In view of the concern expressed by Senators about the probable adverse effects of this agreement on employment in the United States as well as on the U.S. balance of payments, my amendment would be a very useful way of demonstrating whether or not these fears are valid. Should information thus specified indicate that, on balance, this agreement is working against the interest of the United States, the President would be clearly compelled to invoke article 7 of the agreement, which authorizes either party to the agreement to renounce it after giving notice 12 months in advance. On the other hand, the Senators' fears would be alleviated should information provided by the President in his annual report indicate that, on balance, the agreement is working to the mutual advantage of both parties.

I hope the amendment can be accepted.

Mr. LONG of Louisiana. Mr. President, I have checked with those whom I regard as experts in the field, and they have no objection to the amendment. I have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. LONG of Louisiana. Mr. President, there is at the desk an amendment in the name of the Senator from Virginia [Mr. BYRD], which I call up at this time.

The PRESIDING OFFICER. The amendment of the Senator from Virginia will be stated.

The legislative clerk read the amendment, as follows:

At the end of the bill insert the following:

"TITLE VI—MISCELLANEOUS PROVISIONS

"Joint committee on reduction of nonessential Federal expenditures

"SEC. 601. Section 601(e) of the Revenue Act of 1941 (55 Stat. 726) (relating to the Joint Committee on Reduction of Nonessential Federal Expenditures) is amended to read as follows:

" '(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.' "

Mr. LONG of Louisiana. Mr. President, the Joint Committee on Reduction of Nonessential Federal Expenditures was created by section 601 of the Revenue Act of 1941. That act provided a ceiling of $10,000 on authorizations for appropriations for the committee. In the years which have passed since that act was passed, numerous pay increases have been enacted making the $10,000 limitation no longer appropriate. This amendment eliminates the $10,000 ceiling and provides that such amounts may be appropriated as are necessary to carry out the purposes of the act creating this joint committee. The purpose of this amendment is to meet the technical point that the original authorization has not been adjusted to take into account generally available pay increases enacted by Congress.

I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. LONG of Louisiana. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

UNITED STATES AND CANADA—RETALIATION OR COOPERATION

Mr. SIMPSON. Mr. President, because of the debate we are now having concerning our trade relationships with our good neighbors to the north, it is fitting that I call to the Senate's attention an outstanding and well-reasoned speech given on August 16, 1965, at the 13th annual meeting of the North Dakota Oil & Gas Association. The speaker was one of Wyoming's outstanding business leaders, Glenn E. Nielson. Glenn Nielson is president of Husky Oil Co., which is domiciled in Canada, with substantial holdings in my State of Wyoming, and in other States. In his address, Mr. Nielson has pointed out the necessity of cooperation between the two North American countries.

Glenn Nielson was born in Canada but has lived most of his life in the United States. He has spent many years in the oil industries of both countries and speaks with great authority based upon his years of experience. I think Mr. Nielson has stated the case well and I am in full agreement that we must have full cooperation between the two countries. Therefore, I ask unanimous consent to have printed in the RECORD the address given by this respected and patriotic Wyomingite, Glenn E. Nielson.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

UNITED STATES AND CANADA—RETALIATION OR COOPERATION

(By Glenn E. Nielson, president, Husky Oil)

Ladies and gentlemen, it is a privilege to meet with the oil people of North Dakota. You have shown remarkable growth and vision in your development as a promising oil State. In many ways you have much in common with the people of Alberta and Saskatchewan, your neighbors to the northwest. Originally, your economy, like theirs, was based on farming and livestock, but now each has added oil as a basic industry.

My own life has followed this same pattern. My early years were spent in agriculture, and in later years I have been in the oil business. Alberta and Wyoming have been my principal places of residence. Mrs. Nielson and I were both Canadians, and our older children were born there.

It has been almost 40 years since I started farming in Alberta, and over 30 years since I began my association with the oil industry. For the last 20 of those years, I have been engaged in oil operations in both of these great neighbor nations.

My intimate experience in both agriculture and the oil business in these countries has shown me that greater cooperation between Canada and the United States would be highly beneficial to both.

We do cooperate in many ways and we speak with pride about the world's longest undefended border. It is true that there are no walls, no fortifications, and no armed guards; but when you look at this border from a business point of view, you see evidence of some barbed wire in the form of political and economic barriers erected by both countries. Too often, they are rather sharp barbs of retaliation.

Retaliation is nothing new in the affairs of our countries. In the War of 1812, British soldiers burned Washington in retaliation for the burning of Toronto by Americans. Since that time, retaliation has been less violent but at times even more expensive and wasteful. It has taken the form of duties, tariffs, quotas, and sometimes outright embargoes.

Almost without exception, both countries have suffered economically whenever these artificial barriers have interfered with the free interplay of economic forces.

Cooperation always requires understanding, but this should not be so difficult between nations that have so much in common. We have a similar cultural heritage and the same respect for the good things of the Anglo-Saxon tradition. Cooperation should be coupled with recognition that Canada and the United States are separate nations, both with great national pride.

Both countries have achieved political and social freedoms which are the envy, the hope, and the inspiration of freedom-loving people throughout the world.

Now it is important to maintain this freedom and demonstrate to the world how cooperation between free nations can be accomplished. The press has a responsibility to encourage understanding between the peoples of these nations; but all too often irresponsible journalists on both sides of this undefended border seem to be motivated more by building circulation with sensational stories than by an obligation to create a true understanding.

The threat of modern warfare has forced us to adopt a common defense policy which recognizes the vital need for cooperation in event of an attack on North America. It is a case of "United we stand; divided we fall." Our participation in NORAD is based on this simple but important truth. Economic cooperation is every bit as vital.

Here in the United States, you seldom read that Canada and the United States are each other's best customers. Canada imports approximately $6.7 billion worth of U.S. goods and services annually. We purchase only about $5½ billion worth of Canadian products, leaving Canada with a serious deficit of $1.2 billion.

Expressed on a more personal basis, each Canadian spends an average of $350 for U.S. goods and services yearly, while each American spends only $29 for Canadian goods and services. With a population nearly 10 times Canada's, we could balance this trade deficit if each of us spent about $6.30 more for Canadian goods. On the other hand, Canadians could balance it if they spent $63 less for American goods, but I doubt if this remedy would be very palatable to the people of either country.

Instead of trying to balance trade, Canada has relied on the flow of investment dollars from U.S. companies and individuals to offset this large deficit.

At the end of 1964, Americans had over $17 billion invested in Canada, over $6 billion of it in the oil industry. This is more than 34 percent of all U.S. investment in all foreign countries throughout the world. This has meant heavy U.S. ownership of Canadian business, but it has been necessary both for development of Canadian industry and for the balance of payments with the United States.

Several years back some Canadian journalists and politicians began criticizing U.S. ownership of Canadian oil. They almost completely ignored the many benefits this had brought to Canada. The Canadian Government, being sensitive to public opinion, began searching for ways to discourage the so-called excessive ownership of Canadian industry by Americans. A heavy tax on acquisitions of Canadian companies or assets was proposed. Fortunately, it was withdrawn under pressure. However, other impediments almost as serious were created.

A U.S. purchaser is now effectively prevented from acquiring oil properties from individuals or companies in Canada by a tax which requires the seller to treat the full purchase price as current income. As a result, only companies with tax losses nearly equal to their total value can afford to sell properties. There are arrangements under which all the equity stock of prospective acquisition can be acquired without tax penalty to the seller, but the buyer cannot take cost depletion on the properties acquired or even charge the interest on money borrowed for the purchase against his current taxes. The intent of these tax provisions has been publicly stated as a barrier to U.S. acquisitions.

These taxes discourage U.S. purchasers and destroy part of the value of all Canadian oil properties by eliminating many potential buyers. This reduces the flow of U.S. dollars northward and Canada must either curtail its buying in the United States or offset its deficit with the United States from other sources.

The United States, as if in retaliation, has applied interest equalization measures to Canada despite the close integration of the two financial communities. This legislation was designed to discourage all foreign investment by Americans. It imposed a 15-percent tax and an almost impenetrable forest of redtape.

The result has been the removal of many American investors from the market for stocks of Canadian companies.

Because 67 percent of Husky's stock was owned in the United States, our company qualified for exemption from the tax. But while we were waiting for the exemption, the U.S.-owned stock dropped to 56½ percent and Canadian ownership increased from 31 to 42 percent. Even though we are exempt, the loss of such a substantial part of the market for Husky shares has prevented the stock from showing the price increase which might have occurred in a free market. The same thing has happened to the stock of other Canadian companies.

Early this year, as U.S. gold reserves continued to decline, the President announced even more stringent measures to reduce the drain. I will say to his credit that no restraints were placed on direct investment in Canada. However, the equalization tax was extended to bank loans, and Americans were asked to reduce short-term financial investments to the level existing at the end of 1963. In addition, companies were asked to repatriate as much as possible from profits earned in Canada.

The main point being ignored in these measures is that the economies of the two countries are so tightly interwoven that they actually constitute a single economic unit.

Without the inflow of U.S. investment capital, Canada cannot continue to purchase from us on the present scale. For the United States, reduction of exports to Canada can only worsen our own balance of payments. It is a vicious circle in which the economy of both countries suffers needlessly.

These elementary facts of life should be clear, yet both our governments have failed to properly evaluate the interrelationship of the two economies. The cost to both could be serious.

Canada's first quarter trade deficit with the United States amounted to $385 million this year. In addition, 231 million in short-term money was withdrawn from Canada, and another 200 million was cut from Canadian bank holdings of U.S. dollars. Direct investment in Canada still offsets part of the deficit, but if the first quarter rate were to continue throughout 1965, Canada's full year deficit on all transactions with the United States would be more than $1½ billion.

Trade and financial transactions are vital to both countries, and if there were no artificial barriers, the natural flow of Canadian and United States dollars would more nearly balance.

The Europeans have shown the way to integrate the economies of neighbors for the good of all. Despite far more formidable cultural and language barriers, they have created an economic community of nations that has been the backbone of post-war recovery and a thorn in the side of the Communists. Their success has shown the futility and waste of artificial trade barriers such as ours.

Artificial barriers in North America also restrict the flow of oil. Here in the United States we claim to have based our oil import policies on defense considerations, with the recognition that we cannot afford to be dependent upon tanker-borne oil in the event of an emergency. Canadian crude, which is available to us by safe overland transportation, has been exempted from import controls. Superficially, it would appear that cooperation is functioning properly in this area, but we have other deterrents which neutralize this so-called unrestricted movement.

Unofficially, quotas are established and seriously regarded. The real penalty is the ruling that Canadian oil used by a U.S. refiner cannot be counted in determining its quota of foreign crude. This means a loss of $1.25 or more for every barrel of foreign quota oil lost.

Canada's crude exports to the United States are not only subject to tariffs, they also must absorb the dollar value of the reduction in the user's import quota. In our own case, Canadian oil used at our Cody refinery has to absorb about 22½ cents a barrel from this penalty plus an import tariff and a currency exchange differential. This does not sound like cooperation to me. Nor does it recognize the need for availability of Canadian oil.

It is true that cheap imported crude is responsible for many of the problems we face in the industry of both countries. But in this case, as with our balance of payments, Canada is not the offender. Canadian oil is available in an emergency and, pricewise, it is competitive but not cheap.

We faced an oil emergency in 1956 when the Suez Canal crisis cut off most of Europe's supply of crude. At that time I served on a five-man board which had the task of finding a half million barrels per day of additional oil for Europe without hurting our internal economy. We were not concerned with the Canadian border then. By considering North America as one integrated source of this vital commodity, we managed to solve the problems of supplying Europe.

This should have taught us two important lessons—the fallacy of depending on oil produced outside North America, and the importance of integrating the Canadian and American producing industries.

It is very clear to me that both countries would benefit from a cooperative continental oil policy. Yet many individuals, companies, and oil industry groups continue to pressure our Government for retaliation against Canadian producers; who they claim are stealing U.S. markets. In recent import hearings, one major refiner went so far as to demand retaliation in the form of a 50-percent reduction in Canadian imports, while at the same time recommending an increase in quotas for foreign oil. It was interesting to discover that this same company not only owns substantial reserves in the Middle East but had recently sold all of its producing properties in Canada.

Regardless of the motive, this kind of self-centered expediency is ruinous to the economy of both countries.

For 1965, Canadian oil shipments to the United States are pegged at about 300,000 barrels daily, with more than half going to the Puget Sound area which is not readily accessible to our producers. In areas of the United States where it does compete with domestic crude, Canadian oil supplies about 145,000 barrels per day, or two percent of the total demand. Canadian oil is not too significant to the total U.S. picture but sales in the United States amounted to more than 32 percent of Canada's total 1964 production.

Unless recent discovery trends change in North America, we may find ourselves looking to Canada even more to supplement our own crude supply. Canada's reserves are on the increase, while our reserves continue to decline in relation to our expanding markets.

At the end of 1964, U.S. reserves equaled 12 years of our requirements, while the reserves in Canada were over 22½ times their market demand. Exploration has been almost four times as productive north of the border. In the past 5 years, Canada has accounted for 86 percent of the net growth in liquid reserves in North America. To put it still another way, Canada possesses 15 percent of the total North American oil reserves. But because of her own excessive imports and restrictions on shipments to U.S. markets, she produces only 8½ percent of the demand of the two countries.

In all fairness, we must note that the Canadian Government has done little to improve the situation. Last year it permitted imported crude and products to supply 47 percent of the Nation's demand while the Canadian producing industry operated at only 52 percent of capacity.

Both economic and defense considerations could be benefited if our two countries would think in terms of a continental approach to oil and gas. Development of such a concept requires encouragement of Canadian imports within the import control mechanism, not the discrimination now being practiced. The need for cooperation in all facets of business between these two partners has never been greater. It should be met with statesmanlike vision rather than short-sighted political retaliation.

It is encouraging to see a spirit of cooperation developing in some areas. The St. Lawrence Seaway was built through cooperative effort, and development of the Columbia River is going ahead on the same basis. Production-sharing agreements, particularly in the aircraft industry, are another good sign. Probably the most encouraging example of industry cooperation is the pending automobile production agreement which was described by the House Ways and Means Committee as: "The first occasion in any area of production in which the United States and our major trading partner have agreed to lay aside the narrow objectives of creating separate, autonomous industries and have agreed to remove the barriers to creation of a single North American industry."

The committee also pointed out that "satisfactory progress under the agreement may suggest similar future arrangements in other industries where mutual benefits could be expected."

Fortunately, there are knowledgeable, sincere statesmen actively seeking ways to improve cooperation between our two countries. Livingston Merchant, former U.S. Ambassador to Canada, and Arnold Heeney, former Canadian Ambassador to the United States, recently completed a study on ways to improve harmony between the two countries. Their study was made at the joint request of President Johnson and Prime Minister Pearson.

The ambassadors said that these two great neighbor countries are growing more dependent on each other daily and their interdependence can be mutually rewarding. They urge certain steps to make the move to full partnership. To quote from the study: "There should be a conscious effort by the authorities on both sides to accept and extend a common approach to * * * areas of the two economies where it can be demonstrated that joint undertakings are to the national advantage of each as well as to the common advantage of both."

They called upon the United States to show more concern for the impact of its economic policies on Canada, especially in the use of measures to improve our balance of payments. They should also have called for the intelligent support of the people of both countries. A conscious effort toward understanding must be supported by all of us, if it is to succeed in a democracy.

Perhaps their most important recommendation for the oil industry was the one urging a joint look at all continental energy sources, such as electricity, coal, oil and gas. Although Merchant and Heeney did not say it in so many words, their recommendations certainly are compatible with the concept of a continental oil policy.

It is most encouraging to note that at long last the sharp barbs of retaliation that have been barriers to full economic cooperation between these two neighbors are being discussed and in some cases eliminated. To extend this vital concept, we need more and closer ties similar to those which inspired the idea of a United Europe.

Through cooperation we can achieve an integrated North American economy under which Americans and Canadians alike can enjoy the abundant life which is their birthright. In this day and age, in this land choice above all other lands, we cannot in good conscience settle for less.

It is my hope that the vision you have displayed in the development of the oil industry in your fine State can be focused on the tremendous value of cooperation between these two nations and that the oilmen of North Dakota can be leaders in a movement toward an equitable and mutually rewarding continental oil policy.

LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. DIRKSEN. Mr. President, while Senators are present on the floor, I should like to query the distinguished majority leader about plans for the remainder of the day and what the business will be tomorrow.

Mr. MANSFIELD. Mr. President, in response to the question raised by my distinguished colleague the minority leader, it is anticipated that when the pending bill is passed, the Senate will proceed to the consideration of Calendar No. 679, H.R. 1384, a private relief bill; Calendar No. 706, H.R. 6726, another private relief bill; Calendar No. 776, H.R. 3141, in which the Senator from New York is interested, as is also the Senator from Alabama. Then it is anticipated that the Senate will go over until tomorrow.

At this time I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Tomorrow we anticipate taking up H.R. 8310, the vocational rehabilitation bill, and Calendar No. 769, H.R. 9022, a bill having to do with financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; and unobjected to items on page 10 of the calendar.

Mr. RANDOLPH. Mr. President, will the distinguished majority leader yield for a question?

Mr. MANSFIELD. I yield.

Mr. RANDOLPH. Is it anticipated that tomorrow the two measures from the Committee on Labor and Public Welfare, in the preparation of which I participated, will involve the possibility of one or more yea-and-nay votes?

Mr. MANSFIELD. There is always that possibility. My hope that there will be no votes on those measures tomorrow. That is my best guess.

Mr. RANDOLPH. I thank the Senator. It is my conviction tht these legislative propsals are important, and that there is general support for them.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from North Carolina [Mr. JORDAN], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Arizona [Mr. HAYDEN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Montana [Mr. METCALF], the Senator from Utah [Mr. MOSS], and the Senator from South Carolina [Mr. RUSSELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Alaska [Mr. GRUENING], the Senator from North Carolina [Mr. JORDAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Utah [Mr. MOSS], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Oklahoma [Mr. HARRIS]. If present and voting, the Senator from Nevada would vote "nay" and the Senator from Oklahoma would vote "yea."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Arizona [Mr. HAYDEN]. If present and voting, the Senator from Connecticut would vote "nay" and the Senator from Arizona would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent on official business of the Joint Committee on Atomic Energy.

The Senator from Delaware [Mr. BOGGS], the Senator from New Jersey [Mr. CASE], the Senator from Iowa [Mr. MILLER], the Senator from Kansas [Mr. PEARSON], the Senator from Vermont [Mr. PROUTY], and the Senator from California [Mr. MURPHY] are necessarily absent.

The Senator from Kentucky [Mr. COOPER], the Senator from New Hampshire [Mr. COTTON], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Nebraska [Mr. HRUSKA], and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

If present and voting, the Senator from Delaware [Mr. BOGGS], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. HRUSKA], the Senator from Iowa [Mr. MILLER], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Kentucky would vote "nay" and the Senator from Kansas would vote "yea."

The result was announced—yeas 54, nays 18, as follows:

[No. 278 Leg.]

YEAS—54

Aiken
Allott
Bass
Bible
Byrd, Va.
Carlson
Clark
Dirksen
Dominick
Eastland
Ellender
Fannin
Fong
Fulbright
Hart
Hill
Holland
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McIntyre
McNamara
Mondale
Monroney
Montoya
Morton
Mundt
Muskie
Neuberger
Randolph
Robertson
Russell, Ga.
Saltonstall
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—18

Bartlett
Bayh
Curtis
Douglas
Ervin
Gore
Hartke
Lausche
McClellan
Morse
Nelson
Pastore
Pell
Proxmire
Ribicoff
Talmadge
Tydings
Yarborough

NOT VOTING—28

Anderson
Bennett
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Dodd
Gruening
Harris
Hayden
Hickenlooper
Hruska
Jordan, N.C.
McGovern
Metcalf
Miller
Moss
Murphy
Pearson
Prouty
Russell, S.C.
Scott
Young, Ohio

So the bill (H.R. 9042) was passed.

Mr. LONG of Louisiana. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay the motion on the table.

The motion to table was agreed to.

Mr. LONG of Louisiana. Mr. President, I move that the Senate insist on its amendments to the bill, H.R. 9042, and ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

Th motion was agreed to, and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the bill (H.R. 9042) be printed with the amendments of the Senate numbered; and that in the engrossment of the amendments of the Senate to the bill the Secretary of the Senate be authorized to make all necessary technical and clerical changes and corrections, including corrections in section, subsection, and so forth designations, and cross references thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, seldom do we see a legislative measure as carefully and critically examined and debated as the measure which the Senate has just passed, the Automotive Products Trade Act of 1965.

This was a complex matter, an important matter, a measure which understandably evoked different views. Its treatment on this floor is deserving of special comment.

Mr. President, the management of this legislation was superb. Many times the extremely able majority whip, the distinguished Senator from Louisiana [Mr. LONG], has managed bills, always with skill. This measure was another sterling example of that skill, but it was also a fine example of patience, sensitivity to the views of others, and preseverance. I commend the Senator from Louisiana for all of these characteristics. It is also noteworthy, Mr. President, that at all times during debate on this bill, the firm and loyal support of the distinguished junior Senator from Florida [Mr. SMATHERS] was solidly evident. He did much to assist in shepherding this legislation through to passage in the Senate and he deserves our full thanks and congratulations.

Mr. President, it really goes without saying that debate and discussion on this floor is and must always be a two-way street. In the most exemplary of fashions the opponents of this measure have proved that point. They argued their case fully, logically and with great persuasiveness. They deserve an equal amount of praise for their contributions to the Senate treatment of this bill. I want to commend especially the senior Senator from Tennessee [Mr. GORE], the senior Senator from Indiana [Mr. HARTKE], and the junior Senator from Connecticut [Mr. RIBICOFF]. They have demonstrated great ability and they have focused the attention of all on the complex, difficult areas of this bill.

The able Republican members of the Senate Finance Committee unselfishly gave of their time and skills in order to give the Automotive Trade Act of 1965 the fine legislative treatment it has received in this body. Of special note were the efforts of the distinguished minority leader, the junior Senator from Illinois [Mr. DIRKSEN] and the able senior Senator from Kansas [Mr. CARLSON]. I thank and congratulate them for efforts and cooperation.

Finally, Mr. President, I must not let this opportunity pass without noting the statesmanship of the senior Senator from Michigan [Mr. MCNAMARA]. Although he harbored some doubts about the bill, about the benefits which would accrue to the United States under the agreement and legislation, he cooperated fully and conscientiously. I thank him for his cooperation. A similar vote of thanks goes to others who so ably participated in the debate. They include the senior Senator from Rhode Island [Mr. PASTORE], the senior Senator from Vermont [Mr. AIKEN], the junior Senator from Wisconsin [Mr. NELSON], the senior Senator from Ohio [Mr. LAUSCHE], the junior Senator from Maryland [Mr. TYDINGS].

Mr. President, the passage of this measure is one more major step in this session's impressive legislative program. I commend the entire Senate.

STUDY OF IMPORT OF STEEL MILL PRODUCTS AND THEIR EFFECT ON EMPLOYMENT, INCOME, TAX REVENUES, AND BALANCE OF PAYMENTS

Mr. HARTKE. Mr. President, on Tuesday, I introduced, for myself and 10 other Senators, Senate Resolution 149. That resolution requests the President to ask for a study of imports of steel mill products imports into the United States and the effect of their increased volume upon employment, income, tax revenues, our balance of payments, and related items.

In addition to the 10 Senators whose names appear on the resolution as it has been printed, I have received requests from three other Senators to be included. I therefore ask unanimous consent that the names of Senator TOWER, Senator RANDOLPH, and Senator TYDINGS may be added at the next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, the increase in steel imports has been coupled with a decrease in steel exports, as indicated in the table which appears on page 25256 of the CONGRESSIONAL RECORD. Our balance of trade has in recent months taken a turn for the worse, and the situation in steel has a significant and a major role in these results. Presently, our balance of trade is running at an annual deficit rate of approximately $2 billion. We certainly need to study the situation, since it has such a large detrimental effect upon our total balance-of-payments position. I would hope that this study, in which now 13 other Members of the Senate have joined my request, may be undertaken promptly.

WAR ON POVERTY—DEMONSTRATION PROJECT AT WILLOW VILLAGE, NEAR YPSILANTI, MICH.

Mr. MCNAMARA. Mr. President, Senators may recall that during the Senate debate on amendments to the War on Poverty Act reference was made to a demonstration project involving Willow Village near Ypsilanti, Mich.

There is no better illustration of the kind of misinformation about this project apparently harbored by some Senators than appears in a delightful column by Eve Edstrom in today's Washington Post.

Miss Edstrom has checked out one of the wilder assertions made about the Willow Village project, that the Federal Government was subsidizing a newspaper in the community.

She has found that the newspaper consists of a five-page mimeographed community bulletin which is a part of the demonstration project's informational services.

Miss Edstrom was able to trace the outlandish charge through editorials in three newspapers in Alabama, Ohio, and Illinois—but could not get to the source.

This situation called to mind the mysterious way editorials have in hopping from paper to paper across the country which I described in remarks to the Senate some months ago.

Miss Edstrom has performed a valuable service with her article.

One suspects there are those in Congress who are only too willing to believe wild charges about programs they do not like anyway—without bothering to check the facts.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Sept. 30, 1965]

THE PRESS COVERS NEWS OF WRAND

(By Eve Edstrom)

DEAR BOSS: Relax. I just received a copy of the WRAND news and you can forget about organizing the American Society of Newspaper Editors to march on the White House.

Of course, I can understand your concern after you saw that editorial in the September 14 issue of the Mobile, Ala., Press. As you recall, it was titled "Uncle Sam Brazenly Takes Over Newspaper in Northern State" and it told how "the Government has donated $188,000 of our tax money to set up the federally subsidized newspaper."

As you suggested, I called Mobile to find out exactly what governmental department was spending our money to undermine our free press. Editorial Writer C. E. Mathews—he told me to be sure to spell Mathews with one t—said he just wished he knew who was responsible.

But, he said, his editorial was based on a newspaper clipping from Batavia, Ohio, that was not too thoroughgoing. And he was not sure which of Batavia's two newspapers it came from.

It turned out that an editorial titled "Shameful Travesty on the Press" appeared in the Batavia Courier September 2. The Batavia and Mobile editorials were almost identical. Why, they demanded, did the Government pick Willow Run, Mich., for introducing the American Izvestia?

"Is it a demonstration of arrogance or ignorance," asked the Batavia Courier, "to plant such a parody in a community that would never have been heard of but for the late Henry Ford, who was, perhaps, the outstanding individualist and free enterpriser of this century."

While Batavia was quoted by the Mobile Press as its source of information, Batavia credited Publisher Frank R. Mills, of the Hoopeston, Ill., Chronicle-Herald as its source. One of the many quotes that Batavia picked up from Publisher Mills was, "Shades of Communist China." But when I asked Mills for a copy of his editorial, he said there would be "little percentage" in sending it to me. He said it had been "garbled," it had "pied" lines, it was "in error," and it was "not correct."

Asked if he had ever seen a copy of the Government-kept newspaper, he said that he had not and "I don't even know that they published it." He said he had read about it in a national news magazine, but he couldn't remember which one.

Well, boss, I think I have a copy of the paper that the Batavia Courier says is the "latest official insult to the American press." It is the WRAND news and its September 10 issue is mimeographed on five sheets of 7½ by 10-inch paper.

I really can't see how it could be considered competitive to our free press. What other paper except the WRAND News could devote its entire front page to a poem about picking up a broom to join the war on poverty? And then if you will turn to the second page, you will find the "Wonder Question—Why Do the Hills Look Blue at a Distance?" You can skip that if you have other essential reading on your list.

Of course, there are some sports scores—the Mets, Giants, Indians. But these teams are members of WRAND's Babe Ruth League. And a few job opportunities are listed—community aids at $2 an hour, health clinic aids at $1.50 an hour—but would our "honest type" newspapers, as Batavia calls newspapers like itself, publish job listings free as a public service?

You see, Boss, the WRAND News is distributed free to more than 1,000 homes as a community service of the Willow Run Association for Neighborhood Development. The association helped to develop an antipoverty demonstration project for Willow Village on the outskirts of Ypsilanti, Mich. That project is supported by a $188,000 grant that is administered by Wayne State-University of Michigan Institute of Labor and Industrial Relations. About $4,500 of that money is being spent for informational activities, including the WRAND News.

So I don't think we have a story about Uncle Sam corrupting the press. Although I must say I am a bit troubled that a Mobile editorial was based on a Batavia editorial that was based on a Hoopeston editorial that was written by someone who never saw the WRAND News.

"Shades of Communist China" Boss, do you suppose that is the story we should write? But then I guess it would seem farfetched.

TRIBUTE TO SENATOR McGOVERN ON HIS SPEECH ON WORLD FOOD PROBLEMS

Mr. PELL. Mr. President, I rise to commend the junior Senator from South Dakota [Mr. McGOVERN] on the excellent speech on world food problems which he delivered on the floor of the Senate the other day. I did not have an opportunity to hear him, but have since read the speech and found it altogether excellent.

His emphasis on the point that while the American economy and agriculture are booming, one-half the world goes to bed hungry, gives room for somber thought. The inequalities on this globe will probably not be resolved in our lifetime, but if our civilization is to survive, eventually they will have to be resolved.

I commend the Senator from South Dakota [Mr. McGOVERN] on his speech.

PHILIP F. ZEIDMAN, RECIPIENT OF YOUNGER FEDERAL LAWYER AWARD

Mr. SPARKMAN. Mr. President, today I am proud to speak about an honor which has come to one of my constituents from Alabama. I refer to Philip F. Zeidman, general counsel of the Small Business Administration.

He has been named by the Federal Bar Association as one of five Federal attorneys to receive the Younger Federal Lawyer Award for 1965.

Phil has brought honor to the State of Alabama in receiving this award. As an Alabamian, I am pleased when Alabamians receive national recognition.

Accordingly, I ask unanimous consent that Phil Zeidman's acceptance speech, delivered when he received the Younger Federal Lawyer Award on September 16, 1965, be printed in the RECORD, along with a short biographical sketch of the recipient.

There being no objection, the biography and speech were ordered to be printed in the RECORD, as follows:

Philip F. Zeidman, General Counsel of the Small Business Administration and at 31 the youngest general counsel in the Federal Government, today was presented the "Younger Federal Lawyer Award" for 1965.

Zeidman was 1 of 5 Federal attorneys to receive the awards from the Federal Bar Association at its annual meeting in Chicago.

The awards are made annually by the Federal bar to encourage the attainment of "high standards of achievement, and to accord public recognition for outstanding performance in the Federal service."

Chosen to make the acceptance speech for the recipients, Zeidman said that among the challenges faced by Federal lawyers are: "How to devise national solutions to national problems, without rending the fabric of our federalism" and "How to assure equality of opportunity to every American * * * within a framework supported by laws and by budgets and by public opinion."

Zeidman, a Birmingham, Ala., attorney, was appointed general counsel of SBA last January, at the age of 30.

He has been with SBA since 1961, when he became special assistant to the Administrator, and now supervises a staff of 200 attorneys stationed in 69 offices throughout the country. Zeidman previously served in legal capacities in the Air Force and the Federal Trade Commission.

He was graduated with honors from Yale in 1955 and obtained his legal education at Harvard. He also studied small business financing and planning at the Harvard Graduate School of Business Administration.

Zeidman is married to the former Nancy Levy of Atlanta, Ga. They reside, with their two children in Arlington, Va.

REMARKS OF PHILIP F. ZEIDMAN, GENERAL COUNSEL OF THE SMALL BUSINESS ADMINISTRATION, ON ACCEPTING "YOUNGER FEDERAL LAWYER AWARD" AT FEDERAL BAR ASSOCIATION CONVENTION, CHICAGO, ILL., SEPTEMBER 16, 1965

Mr. Chairman, President Ramsey Clark, Mr. Solicitor General, Dean Ritchie, distinguished guests, fellow recipients, ladies, and gentlemen, my response is in the nature of a class action—for, in accepting the Younger Federal Lawyer Award for 1965, I speak not only for its past and present recipients but also, in a representative capacity, for all those similarly situated. I am advised that the class, "all those similarly situated," encompasses several thousand attorneys laboring in the Federal vineyard. Our highest aspirations vary; but our lowest common denominator is that we have none of us reached the age—a watershed, apparently—of 36 years.

We share, then, an essentially chronological distinction—a property which is subject to total divestiture, with notice, on a date certain, and by operation of nature's most inexorable law.

But we share as well a condition which is subject to our control. We have each chosen, for the short run or for the long pull, to serve the Government of the United States. Our abilities and our energies; our origins and our prospects; the tools at our command and the quality of our labors—none necessarily differ significantly from those of our classmates who have chosen a different path.

If we do differ from our contemporaries in law firms and in corporations, that difference is in large part a reflection of the different objectives, the different concerns, and the different responsibilities of our respective clients.

Justice Holmes said,

"As life is action and passion, it is required of a man that he should share the passion and action of his time, at peril of being judged not to have lived."

In the 1950's, we were told that young people were aspiring to lives of action without passion—lives in which adherence to the conforming values of a creature known as the organization man would lead unerringly to a snug, smug, self-contained, stock-optioned, suburban cage.

In the 1960's, we are told that young people are drifting into lives of passion without action—lives fit for a generation of rebels without causes; of malcontents whose only handiwork is the burned-out building or the torn-up draft card; of critics whose dissent is channeled not into purposeful activity or the articulation of supportable alternatives, but rather into the nihilism of indiscriminate, directionless protest.

But to many of this generation, it seems clear that the action and passion of life in the last half of the 20th century is increasingly to be found in public service. For here it is that one can find both action and passion. It is in this arena that one can play a role, large, or small, in formulating the Nation's response to the great challenges of our time:

How to build history's mightiest instrument of destruction * * * and how to create the intricate mechanism to assure that it will never be used;

How to devise national solutions to national problems * * * without rending the fabric of our federalism;

How to meet the mounting demand that lawlessness be controlled * * * without trespassing on constitutionally hallowed territory;

How to assure equality of opportunity to every American * * * and how to do so within a framework supported by laws and by budgets—and by public opinion.

These are challenges which do not yield readily to traditional techniques * * * but the role of the lawyer—defining the issue, resolving the conflict, bringing order out of chaos—remains as central to our society as to Hammurabi's.

These are challenges which will not be solved in our time * * * but a conference whose theme is "Federal Law and the Great Society" manifests not only a recognition that we are making a start, but also the legal professions readiness to make its own unique contribution to that effort.

These are challenges which are not responsive to the empty blandishments of the brash young man * * * but they may well be ripe for a fresh look and an eager, willing hand. In the words of President Johnson—a dropout at 17, a Presidential appointee at 27—"No one knows more than I the fires that burns in the hearts of young men who yearn for the chance to do better what they see their elders not doing well * * * or not doing at all."

Perhaps "younger" lawyers may be defined as those who are still young enough to believe that solutions to these awesome challenges can be sought and found by a people unified in their purpose and resolute in their determination. And we are young enough to deem ourselves fortunate to be participants in that historic search.

In that spirit of determination and of good fortune—and on behalf of all those whom, through us, you honor today—I gratefully accept your award.

OREGON ENACTS CONSUMER PROTECTION LAW

Mrs. NEUBERGER. Mr. President, the Oregon State Legislature has enacted a law to provide consumer protection against deceptive selling practices and unwanted telephone solicitation. To insure public awareness of the new statute, its author, State Senator Don Willner, and the Portland Better Business Bureau, sponsored the Oregon Consumer Protection Conference in Portland to discuss and publicize major provisions of the bill.

I applaud the Oregon Legislature for this valuable legislation to protect the consumer. Over the years, Congress has been unwilling to act on similar proposals. Though hearings have been concluded on the truth-in-packaging bill, most of which I chaired, no further action is scheduled for this session. A proposal sponsored by the Senator from Illinois [Mr. DOUGLAS] to protect the consumer against undisclosed interest rates on loans, has received much attention but no action.

I ask unanimous consent to have printed in the RECORD a summary of the major provisions of the Oregon consumer protection law.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FACTS: A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION

Engrossed senate bill 84 (ordered by the house April 29, 1965, introduced by Senator Willner and read first time Jan. 21, 1965) was signed by the Governor May 24, 1965, and becomes effective August 24, 1965. It provides as follows:

SECTION 1. No person shall engage in this State in any deceptive trade practice defined in section 3 of this act.

SEC. 2. As used in this act:

1. "Seller" means any person or his agent who sells or offers for sale any product, property, or service.

2. "Purchaser" means any person who purchases or is solicited to purchase any product, property, or service.

3. "Product" means any goods or merchandise.

4. "Equipment" means any household furnishings, appliance or fixture and any machinery, mechanical device, or vehicle.

SEC. 3. Deceptive trade practices are defined as:

1. Any of the following or substantially similar representations made by a seller to a purchaser, if such representation is false and if the seller at the time of making such representation knows or by the exercise of reasonable care should know that such representation is false:

(a) Purchaser's property will be used for model or demonstration purposes.

(b) Purchaser will be paid a commission or other compensation in exchange for permitting his property to be used for model or demonstration purposes or in exchange for submitting names of other purchasers to the seller.

(c) Seller's product will not require future maintenance or care.

(d) The color or appearance of seller's product will remain unchanged or is impervious to the elements.

(e) Seller's product or service will increase the value of purchaser's property.

(f) Seller will sell the product to purchaser at a price which is less than the price which seller is selling, or has sold, the product to others.

(g) Purchaser's home is infested with termites or similar defects.

(h) Seller's product or service will eliminate termites or similar defects.

(i) Seller is associated with any governmental agency or business entity.

(j) Seller is a trained expert.

(k) Seller's product or service will reduce purchaser's fuel cost.

(l) Purchaser's equipment is defective or not repairable, or that continued use of the equipment will endanger the health and safety of anyone using it.

(m) A particular manufacturer has ceased doing business and parts for its products are unavailable.

2. Performing service on or dismantling equipment in a residence when not authorized by the owner or apparent owner.

3. Soliciting by telephone or door to door as a seller unless the seller, within 30 seconds after beginning the conversation, identifies himself, whom he represents and the purpose of the call.

SEC. 4. The district attorney of the county in which the alleged violation occurred if it shall appear that a proceeding in respect thereto would be in the public interest, may bring a suit in the name of the State against any person to restrain or prevent the doing of any act declared to be unlawful by this act.

SEC. 5. In the enforcement of this act, the district attorney may accept an assurance of discontinuance of any act or practice deemed to be in violation of this act, from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the circuit court of the county in which the alleged violator resides or has his principal place of business or in which the alleged violation took place. Any willful violation of such assurance shall be punishable as a contempt of court.

SEC. 6. This act does not repeal any other law and the remedies provided by this act shall be in addition to any other remedy, civil or criminal, provided by law.

(Signed by the Governor May 24, 1965. Effective August 24, 1965.)

CREATION OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. PELL. Mr. President, the enactment last week of legislation creating a Cabinet-level Department of Housing and Urban Development marks a long step along the path to coherent, comprehensive, and coordinated policymaking in the search for solutions to the problems of our urban areas.

President Kennedy first sought to elevate to Cabinet status certain Government functions particularly relevant to urban affairs in 1962; President Johnson made this part of his Great Society program and now we have witnessed the idea bear fruit.

We have heard a welter of statistics on the percentages and numbers of Americans now living in urban areas and likely to live there in the near and distant future. We see in these statistics the human, personal, and often painful problems brought to our attention here in Washington every day by letters from our constituents; and every time we travel home, we are struck anew by the great need our urban areas reveal for new approaches to the old problems of hunger, housing, crime, and filth.

I see the new Department of Housing and Urban Development as a facet of what President Johnson termed the "creative federalism" so essential in the structuring of any new approaches. This creative federalism must meet the challenge of equating the quantity of America's abundance with the quality of her citizen's lives; the creation of a new department, while more procedural than substantive in its effect, is indicative of the genuine effort which this Congress and this administration are expending in the search.

Our urban problems transcend the traditional boundaries of city and State, town, and county. As we advance toward their solution we must place more and more emphasis on local responsibility and effort, but at the same time make judicious use of the wide resources of the Federal Government. This is truly creative federalism, and we have made clear that this is our intent by emphasizing the coordinating and assistance functions of the Department of Housing and Urban Development.

As an example of the scope of urban area problems, I would like to use my own State of Rhode Island. The Bureau of the Budget classification of standard metropolitan statistical areas determines the eligibility of localities for many of the Federal Government grant-in-aid programs. The Providence-Pawtucket, Rhode Island-Massachusetts standard metropolitan statistical area comprises 32 separate communities in 7 different counties in Rhode Island and southeastern Massachusetts. This is a recognition on the Federal level that the whole area is a single urban area whose problems, if they are to be solved, should be treated in toto and not piecemeal. But there is no guarantee that the separate communities and counties will work together in any meaningful way.

I have prepared an exhibit of the bills which in this particular session I have either introduced or cosponsored and which look toward some part of the solution of our urban areas' problems. I ask unanimous consent that it be printed in the RECORD. These various bills are keyed to treatment of the problems on an areawide basis; that is, there must be some element of local coordination and cooperation.

I would hope that our recognition that "our urban problems are of a scope and magnitude that demand representation at the highest level of Government," coupled with our emphasis on the essentially catalystic role of the Department of Housing and Urban Development, will foster local and State governments to step up the tempo of their attempts at solving our pressing urban problems.

There being no objection, the exhibit was ordered to be printed in the Record, as follows:

Exhibit—Urban Area Legislation Introduced or Cosponsored in 1965 by Senator Claiborne Pell

S. 3, cosponsored, Appalachian Regional Development Act.

S. 4, cosponsored, Water Pollution Control Act.

S. 348, introduced, Northeast Rail Authority Act.

S. 400, cosponsored, Area Redevelopment Act for additional areas of hardship.

S. 560, cosponsored, Amendment to Water Pollution Control Act.

S. 561, cosponsored, Intergovernmental Cooperation Act of 1965.

S. 812, cosponsored, Regional Development Act.

S. 974, cosponsored, Amendment to Manpower Development and Training Act of 1962.

S. 1289, cosponsored, assistance to passenger train service by the ICC.

S. 1588, cosponsored, high-speed ground transportation research.

S. 1648, cosponsored, Public Works and Economic Development Act of 1965.

S. 1655, introduced, Roger Williams National Memorial.

S. 1807, cosponsored, Correctional Rehabilitation Study Act of 1965.

S. 2121, cosponsored, Special Summer Lunch Program for Children Act.

S. 2253, introduced, amendment to Social Security Act to provide for cost-of-living increases.

S. Res. 127, introduced, authorization for study relationship between social security system and cost of living.

S.J. Res. 16, introduced, consent of Congress for multistate authority for high-speed rail transportation system.

AN IMPORTANT PUBLISHING EVENT

Mr. KENNEDY of New York. Mr. President, a noteworthy publishing event took place this month with the debut of the newspaper supplement called Tuesday.

The first issue of Tuesday is an impressive 40-page publication 1,400,000 copies of which were distributed with the New York Journal-American, Chicago Sun-Times, Philadelphia Sunday Bulletin, Detroit News, Los Angeles Herald-Examiner, Cleveland Plain Dealer, Milwaukee Journal-Sentinel, Boston Sunday Advertiser, and Rochester Times-Union. Its appearance is significant because it represents a positive step forward for the Negro in America, a step taken quietly and without any spectacular clash, though not without intensive effort.

Dip into the contents of Tuesday and you will find a reflection of the expanding horizons of Negro life in the America of the sixties. Consider the cover story on "TV's New News Girls." Here is a readable account of the new trend toward use of women newscasters, and an evaluation of what they contribute toward the medium. The narrative highlights two of these personalties: Joan Murray and Mayra McLaughlin. No polemics about the race question here, no need for them.

Not that Negro achievement is ignored—Joan Murray notes that:

> If it wasn't for the NAACP and CORE opening doors, I wouldn't be here.

But the essential tone of the piece is a description of women in the TV news business, in which we read of one who happens to be Negro, and another who apparently is not.

A wide scope of interest is embodied in the other subjects covered: "De Gaulle and the Africans," "The Negro Cowboys," "Godfrey Cambridge on the New Comedy," "Marian Anderson at Home," "The Talent Scouts Are Starting Early," "Charlie Sifford—Golf Pro," "Four Sons of Harvard," and "The Champ Goes Home," by Jose Torres. Implicit in this roster is the reality of Negro achievement, the tight weave of the Negro thread in the fabric of American life, and the rich variety of Negro activity in America today.

If Tuesday maintains this high standard in succeeding issues, it will be a publication that everyone can read with pride and with pleasure. I congratulate publisher Leonard Evans and his staff on their initial achievement, and wish them continued success.

THEODORE ZISSU

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 679, H.R. 1384.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 1384) for the relief of Theodore Zissu.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, the purpose of the bill is to waive the statute of limitations to permit the beneficiary to file a claim for the return of certain property now vested in the Office of Alien Property. It is my understanding that the present law as set out in *Kaufman* v. *Societe Internationale*, 343 U.S. 156 (1952), permits such a claim by a nonenemy stockholder in an "enemy tainted" neutral corporation. But as the present law stands there are no valid grounds for a claim in enemy corporations. I want to make clear the legislative intent connected with the passage of this bill. There is no intent by this simple waiver of the statute of limitations to extend the doctrine of the Kaufman case to stockholders of enemy corporations or in any other way to affect the existing body of law under the Trading With the Enemy Act.

Mr. FANNIN. Mr. President, the Calendar Committee was opposed to the bill. I desire to make a legislative record on this situation.

As the distinguished majority leader has stated, the purpose of the bill is to waive the provisions of section 33 of the Trading With the Enemy Act, as amended, so as to permit Theodore Zissu to file a claim within 6 months after enactment of the bill for the return of certain property involving a 30-percent interest in the stock of Industria Romana Mechanica si Chimica S.A., Bucharest, Rumania, and relating to forge plant equipment and property of that corporation vested by the Office of Alien Property in 1942 and 1943, which was subsequently sold by that Office.

The claim would be considered on its merits in accordance with the remaining provisions of the Trading With the Enemy Act, and if no return was made within 60 days after filing, claimant would be entitled, within 1 year, to institute suit for judicial determination.

Claimant asserted ownership of 30 percent of the stock of the corporation whose property was vested and was valued at approximately $323,000.

At the time of the vesting, Mr. Zissu was present in the United States as a visitor, having fled from his native Rumania when the Nazi army entered it in 1940.

His status was thereafter adjusted to that of an immigrant admitted for permanent residence.

After unsuccessfully attempting to volunteer for Army service, he was drafted in March 1943, and he became a citizen in May 1943. During his Army service he was engaged in economic intelligence work.

As early as October 1942, claimant sought to obtain claim forms from the Alien Property Custodian in order to assert his claim but was informed that as a stockholder of the corporation owning the property, he had no statutory right to make a claim, and, therefore, there were no forms that could be furnished him.

Both the Justice Department and the committee refer to the case of *Kaufman* v. *Societe Internationale*, 343 U.S. 156 (1952). In the Kaufman case, the stockholders of Interhandel, a Swiss corporation, sought to intervene in a suit brought by that corporation to recover assets seized by the Alien Property Custodian. The assets had been vested on the ground that the nominal neutral corporation was dominated or owned in part by enemy interests. The Supreme Court considered the problem faced by innocent stockholders of such a corporation and held that:

> When the Government seizes assets of a corporation organized under the laws of a neutral country, the rights of innocent stockholders to an interest in the assets proportionate to their stockholdings must be fully protected. This holding is not based on any technical concept of derivative rights appropriate to the law of corporations. It is based on the act which enables one not an enemy as defined in section 2 to recover any interest, rights, or title which he has in the property vested. The innocent stockholder may not have title to the corporate assets, but he does have an interest which Congress has indicated should not be confiscated merely because some others who have like interests are enemies.

The Court in the Kaufman case was concerned with an amendment to the Trading With the Enemy Act, which made it possible to seize the assets of foreign corporations organized in friendly or neutral nations when it was found there were enemy officers or stockholders.

The committee report states the basic issue was whether the rationale of the Kaufman decision should be broadened and extended so as to enable Mr. Zissu to assert his claim.

The report justifies this on the ground that the Supreme Court in the Kaufman case, while holding that the presence of some nonenemy stockholders would not prevent seizure of the assets, found such a seizure required consideration of the interests of the innocent stockholders, and that there was no requirement that the innocent interests must be confiscated under such circumstances. The report concluded that it seemed fair for Mr. Zissu to be given a right to assert a claim based on ownership of 30 percent of the stock in the enemy corporation and thereby be given an opportunity to present his contentions and to have the issue determined as to whether his claim merited the same relief as that extended to the "enemy tainted" neutral corporation involved in the Kaufman case.

The Justice Department's opposition to the bill goes well beyond its opposition to waive the statute of limitations in an appropriate case. Its report to the committee states:

> Although the beneficiary of the bill did not timely file a claim for the return of the property vested, even if he had filed such a claim he would not have been entitled to a return of such property or any portion thereof under sections 9 or 32 of the Trading With the Enemy Act, as amended. A minority American stockholder in an enemy corporation is not entitled to recover any part of the vested property of the corporation under section 9(a) or 32 of the Trading With the Enemy Act. While *Kaufman* v. *Societe Internationale,* 343 U.S. 156 (1952) suggests that nonenemy stockholders in an "enemy tainted" neutral corporation had a right to recover an interest in the vested assets proportionate to their stockholdings, the Kaufman ruling has no application to stockholders of enemy corporations. *Albert* v. *McGrath*, 104 F. Supp. 891, 896 (S.D. Calif. 1952), reversed on jurisdictional grounds 210 F. 2d., 602 (C.C.A. 9, 1954). It is to be noted that the last sentence of H.R. 8550 would have the effect of extending the Kaufman doctrine to an enemy (Rumanian) corporation.

This bill is definitely of a precedent-setting nature and invites a Presidential veto. It would undoubtedly open up the floodgates for an unknown number of private bills in behalf of minority stockholders who had interests in "enemy corporations" whose assets had been vested during World War II by the Office of Alien Property.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. MANSFIELD. As I stated a moment ago, the intent behind the approval of this particular private bill is not to extend or affect the existing law at all. It is not to be considered a precedent. It is to be considered solely as a waiver of the statute of limitations to permit the filing of a claim in this particular case.

Mr. FANNIN. The understanding of the Calendar Committee, based on the advice we received, is that it would be a precedent. I dislike in any way to disagree with the majority leader, but that opinion was given to us.

Mr. MANSFIELD. I understand that; but on the basis of what has been said on the floor of the Senate this afternoon, I believe that the legislative intent is now clear that the bill does not set a precedent. The Senator from Arizona is perfectly correct in saying that there is that possibility, but by these statements we have tried to rule that out.

Mr. President, I ask unanimous consent to have printed at this point in the Record a statement of the purpose of the bill, taken from the report.

There being no objection, the excerpt from the report (No. 696) was ordered to be printed in the Record, as follows:

PURPOSE

> The purpose of the proposed legislation is to waive the provisions of section 33 of the Trading With the Enemy Act, as amended, so as to permit Theodore Zissu to file a claim within 6 months after enactment of the bill for the return of certain property involving a 30-percent interest in the stock of Industria Romana Mechanica si Chimica S.A., Bucharest, Rumania, and relating to forge plant equipment and property of that corporation vested by the Office of Alien Property in 1942 and 1943, which was subsequently sold by that Office. The claim would be considered on its merits in accordance with the remaining provisions of the Trading With the Enemy Act. In the absence of such return, authority is included for judicial determination of the matter.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 1384) was ordered to a third reading, read the third time, and passed.

WILLIAM S. PERRIGO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 706, H.R. 6726.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 6726) for the relief of William S. Perrigo.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the Record an excerpt from the report on this bill.

There being no objection, the excerpt from the report (No. 721) was ordered to be printed in the Record, as follows:

PURPOSE

> The purpose of the proposed legislation is to relieve William S. Perrigo of all liability to repay $484, representing the amount now held due in order to pay up insurance premiums in full on national service life insurance policy No. V–167593, and to provide that the policy issued to William S. Perrigo is to be considered as a fully paid policy as of July 29, 1947, when he paid the amount requested by the Veterans Administration for a paid-up policy. The bill provides for a refund of amounts repaid or withheld because of the liability.

Mr. FANNIN. Mr. President, the calendar committee was opposed to the bill. I desire to make a legislative record on this matter.

The bill would relieve claimant of all liability to pay to the Veterans' Administration $484, representing the amount held to be due in order to pay up insurance premiums in full on a national service life insurance policy, and to provide that the policy issued to claimant would be considered as being fully paid as of July 29, 1947, when he paid the amount requested by the Veterans' Administration for a paid-up policy.

The policy in question was issued on a term plan, effective April 9, 1942. Claimant paid premiums until September 1945, when he retroactively converted to a 20-payment life policy. In 1946 he requested of the Veterans' Administration information as to the amount it would cost to fully pay up the policy. On March 26, 1947, the Veterans' Administration advised that premiums in the amount of $3,060.30 paid in advance would pay up the policy to maturity. On July 29, 1947, claimant paid that amount to the Veterans' Administration.

Early in 1963, when the insurance records were converted from a manually posted card system to an automatic data processing system, a review of claimant's insurance account revealed that the amount of $3,060.30 paid by claimant in 1947 was $484 short of the amount of premiums required in 1947 to be paid through the maturity date, April 8, 1962. On April 24, 1963, the Veterans' Administration advised claimant of the administrative error on its part and that, to cover the shortage, a lien of $484 had been established on his account. He was given 1 year from April 1963, in which to repay the $484 without interest.

The report, in justifying relief, quotes claimant's comment that many insurance men advised him the Veterans' Administration, having entered into a contract, had no recourse, and that a private insurance company would not think of requiring payment of the shortage.

The Veterans' Administration opposes the bill. Its report states, in part, as follows:

> The Veterans' Administration deeply regrets its error and the necessity of collecting at this time from Mr. Perrigo the sum of $484, the additional amount required in 1947 to fully pay up his policy to maturity in 1962. However, the collection of such amount, even though 16 years late, would only require that Mr. Perrigo, like other veterans, fully pay for the insurance benefits granted. There is no evidence that Mr. Perrigo has been unduly prejudiced by the error on the part of the Veterans' Administration or that he has been placed in a worse position than he would have been had the error not been made. Mr. Perrigo has been continuously protected under, and paid dividends on, the full $10,000 face amount of the policy. If the bill were enacted, Mr. Perrigo would be relieved of liability to pay the $484 indebtedness and would receive a refund of the amount he has paid on that debt. Also, his insurance thereafter would have a greater cash surrender value ($738.94, as of January 9, 1964) than would a contract purchased with Mr. Perrigo's lesser 1947 payment.
>
> The circumstances in this case have been carefully considered. No reason is apparent why it should be singled out for special legislative treatment to the exclusion of other cases which must be denied where similar circumstances exist. To do so would be discriminatory and precedential.

In view of the position taken by the Veterans' Administration and because of the precedent it might establish, the bill invites a veto.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 6726) was ordered to a third reading, read the third time, and passed.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar 776, H.R. 3141.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3141) to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 2, in the heading in line 3, after the word "Osteopathy", to strike out "And Optometry" and insert "Optometry, and Podiatry"; in the heading, at the beginning of line 8, to insert "Schools of Medicine, Dentistry, Osteopathy," at the beginning of line 9, to strike out "And Optometry" and insert "Optometry, and Podiatry"; in line 17, after the word "osteopathy", to strike out "and optometry" and insert "optometry, and podiatry"; in line 24, after the word "osteopathy", to strike out "or optometry" and insert "optometry or podiatry"; on page 3, line 24, after the word "applicable.", to insert "The Surgeon General is authorized to waive (in whole or in part) the provisions of this subsection if he determines, after consultation with the National Advisory Council on Medical, Dental, and Optometric, and Podiatric Education, that the required increase in first-year enrollment of full-time students in a school cannot, because of limitations of physical facilities available to the school for training, be accomplished without lowering the quality of training for such students."; on page 4, line 24, after the word "osteopathy", to strike out "or doctor" and insert "doctor"; on page 5, line 1, after the word "degree", to insert "or doctor of podiatry or an equivalent degree"; in line 8, after the word "osteopathy", to strike out "or optometry" and insert "optometry, or podiatry"; in line 15, after the word "Dental", to strike out "and Optometric" and insert "Optometric, and Podiatric"; on page 6, line 11, after the word "osteopathy", to strike out "or optometry" and insert "optometry, or podiatry,"; on page 7, line 11, after the word "Dental", to strike out "and Optometric" and insert "Optometric, and Podiatric"; in line 21, after the word "osteopathy", to strike out "or optometry" and insert "optometry, or podiatry"; on page 8, line 23, after the word "dentists", to strike out "and optometrists" and insert "optometrists, and podiatrists"; on page 9, in the heading, at the beginning of line 2, to strike out "And Optometric" and insert "Optometric, and Podiatric"; in line 6, after the word "Dental", to strike out "and Optometric" and insert "Optometric, and Podiatric"; in line 13, after the word "dental", to strike out "and optometric" and insert "optometric, and podiatric"; on page 10, in the heading in line 15, after the word "Dentistry", to strike out "Or Optometry" and insert "Optometry, Podiatry, or Pharmacy"; in line 20, after the word "dentistry", to strike out "or optometry" and insert "optometry, podiatry, or pharmacy,"; on page 13, line 7, after the word "Dental", to strike out "and Optometric" and insert "Optometric, and Podiatric"; on page 15, line 20, after the word "health", to strike out "authority" and insert "authority, in accordance with regulations provided by the Secretary,"; in line 22, after the word "for", to strike out "physicians" and insert "physicians, optometrists"; on page 16, line 4, after the word "for", to strike out "physicians" and insert "physicians, optometrists"; in line 16, after the word "and", to strike out "each of"; on page 18, after line 5, to insert:

> (g)(1) Subsection (e) of section 741 of such Act is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this subsection, the rate of interest determined in accordance with such provisions for the first loan obtained by a student from a loan fund established under this part shall also apply to any subsequent loan to such student from such fund during his course of study."
>
> (2) Paragraph (5) of section 823(b) of such Act is amended by inserting immediately before the semicolon at the end thereof a colon and the following: "*Provided,* That notwithstanding the foregoing provisions of this paragraph, the rate of interest determined in accordance with such provisions for the first loan obtained by a student from a loan fund established under this part shall also apply to any subsequent loan to such student from such fund during his course of study."

And, on page 19, line 15, after the word "following:", to strike out "any program of nurse education, offered by a diploma school of nursing, means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education and, when applied to any collegiate or associate degree program of nurse education, means a program provided by an educational institution approved or accredited by either a regional accrediting agency or a State approval agency" and insert "any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or a program accredited for the purpose of this Act by the Commissioner of Education".

Mr. HILL. Mr. President, the bill has been unanimously reported by the Committee on Labor and Public Welfare. It has the recommendation of the administration and the support of the Bureau of the Budget. It was approved by a vote of 340 to 47 in the House of Representatives.

CONSTRUCTION

H.R. 3141 would extend for 3 years the existing program of grants for the construction and renovation of schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry and public health. A total of $480,000,000 is authorized to be appropriated for the 3 fiscal years 1967–69.

STUDENT LOANS

H.R. 3141 would also extend the existing program of student loans for physicians, dentists and optometrists through fiscal year 1972 and increase the maximum amount that may be loaned from $2,000 per year to $2,500 per year. The bill would authorize $25 million to be appropriated in each of the years 1967, 1968, and 1969, and such sums as may be necessary in fiscal years 1970, 1971, and 1972 to finance loans for students who had received a loan prior to July 1, 1969.

The bill would add pharmacy and podiatry to the categories eligible for student loans under the act.

In addition, the bill would authorize the appropriation of not to exceed $1,500,000 for loans to schools to finance the institution contribution to the student loan fund.

The bill includes the provisions of the bill S. 576, that was introduced by Senator COTTON, and approved by the Senate earlier this year to authorize "forgiveness" in the case of student loans for physicians and dentists who practice in designated shortage areas. Up to 50 percent of a loan could be forgiven at the rate of 10 percent per year. H.R. 3141 would extend this "forgiveness" feature to optometrists also.

IMPROVEMENT GRANTS

H.R. 3141 would authorize a program of improvement grants for medical, osteopathic, dental, optometric and podiatric schools to assist in improving the quality of educational programs.

Testimony presented to the committee indicated that many schools were in danger of losing their accreditation because of inadequate teaching resources. The improvement grants authorized under this legislation would strengthen the weaker schools and improve the quality of training at all schools.

H.R. 3141 would authorize $200 million in appropriations over the 4 fiscal years 1966–69 to finance improvement grants for schools of medicine, osteopathy, dentistry, optometry, and podiatry.

BASIC IMPROVEMENT GRANTS

H.R. 3141 would allocate funds to eligible schools on a formula basis in the case of basic improvement grants. In the first year a school would be awarded $12,500 plus $250 for each full-time student. In subsequent years schools could receive $25,000 plus $500 for each full-time student.

SPECIAL IMPROVEMENT GRANTS

Funds appropriated but not required for basic improvement grants could be awarded to schools of medicine, dentistry, osteopathy and optometry for special improvement grants under the provisions of H.R. 3141. These grants could only be awarded upon a determination by the Surgeon General that the funds were required to maintain or provide for accreditation or to assist in providing for certain specialized functions.

NATIONAL ADVISORY COUNCIL ON MEDICAL, DENTAL, OPTOMETRIC, AND PODIATRIC EDUCATION

H.R. 3141 would also establish in the Public Health Service a National Advisory Council on Medical, Dental, Optometric and Podiatric Education, to advise the Surgeon General with respect to the administration of improvement grants and scholarships.

SCHOLARSHIPS

H.R. 3141 would also authorize scholarships for students in medicine, osteopathy, dentistry, optometry, pharmacy and podiatry.

The stipends could not exceed $2,000 for 10 percent of all first year students in 1966, for 10 percent of all first- and second-year students in 1967, for 10 percent of all first-, second-, and third-year students in 1968, and for 10 percent of all students in 1969.

The estimated additional cost for the years 1966–69 under H.R. 3141 would be $26,990,000.

ACCREDITATION OF NURSING SCHOOLS

In approving H.R. 3141, the House adopted an amendment to the Nurse Training Act of 1964 that would designate either a regional accrediting agency or a State approval agency as the recognized accrediting agent in the case of associate degree and baccalaureate degree schools of nursing. Under existing law, the accrediting agent is a recognized body or bodies approved for such—accreditation—purpose by the Commissioner of Education.

As approved by the committee, the legislation would permit the Commissioner of Education to designate a recognized body or bodies as the accrediting agent for schools of nursing and would, in addition, permit the Commissioner to accredit schools of nursing for the purposes of the Nurse Training Act. This will make it possible to extend the benefits of the act to schools of high quality that might otherwise be disqualified.

During the course of the hearings, Under Secretary Wilbur Cohen agreed to convene a meeting of representatives of the fields of nursing, education, and accreditation to review the accreditation of associate degree nursing programs and submit recommendations if changes are required in existing law.

ENROLLMENT EXPANSION

In approving the program of basic improvement grants the House added language that would require each school in qualifying for a grant to expand its first-year enrollment by 2½ percent, or 5 students, whichever is greater, over its highest first-year enrollment in any of the years 1960–65.

Testimony presented at the hearings revealed that the expansion would seriously impair the quality of education at weaker schools. To prevent a deterioration in the quality of education, the committee added language to H.R. 3141 that would permit the Surgeon General to waive the expansion requirement if the expansion would lower the quality of training.

STUDENT LOANS

The student loans under the Health Professions Educational Assistance Act and under the Nurse Training Act bear interest at the rate of 3 percent per annum, or the "going Federal rate" at the time the loan is made, whichever rate is greater.

The committee has adopted amendments to both acts to provide that the rate of interest for the first loan obtained by a student shall apply in the case of all subsequent loans awarded the student during his course of study.

This amendment would simplify recordkeeping and the administration of the program for the Federal Government, the granting institution, and the student.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. SALTONSTALL. The bill is an excellent one. However, I have been more than a little disturbed by the amount of the additional authorization that has been made. As a member of the Committee on Appropriations, I know that expenses are high. It is my understanding that the bill would authorize appropriations of $480 million over the next 3 years.

Mr. HILL. It would cost $480 million to extend the present program, in construction and renovation. Then there would be an additional cost for loans and scholarships, and improvement grants. We would also add an advisory council on medical, dental, optometric, and podiatric education. That would not cost very much. We would also amend the provisions for the accreditation of nursing schools under the Nurse Training Act.

Mr. SALTONSTALL. Mr. President, I know that this was a unanimous report of the committee and that the House has passed the bill. How much cost would be involved?

Mr. HILL. For the 4-year period, the total additional cost would be $787,504,000.

Mr. SALTONSTALL. That would mean approximately $190 million a year.

Mr. HILL. The Senator is correct.

Mr. SALTONSTALL. The Senator tells me that that was a unanimous committee report.

Mr. HILL. The Senator is correct. I am sure that my friend the Senator from Arizona [Mr. FANNIN] will confirm that fact. The bill was passed overwhelmingly in the House of Representatives. The bill has the strong support of the administration and of the Bureau of the Budget.

Mr. SALTONSTALL. There are two new programs involved in the bill?

Mr. HILL. There are two new programs.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. WILLIAMS of Delaware. Mr. President, how much would this cost for the period covered by the bill?

Mr. HILL. I stated that, for the entire 4-year period, there was an authorization of $787,504,000.

Mr. WILLIAMS of Delaware. Would this be for new programs or for the continuation of the existing programs.

Mr. HILL. Most of it would be for the continuation of existing programs.

Mr. WILLIAMS of Delaware. How much has been appropriated for these same programs other than this?

Mr. HILL. The Senator means in the past?

Mr. WILLIAMS of Delaware. The Senator is correct. I mean for the same period of time.

Mr. HILL. For this year, approximately $90 million has been appropriated.

Mr. WILLIAMS of Delaware. This bill would provide over $700 million for the next 4 years?

Mr. HILL. The Senator is correct.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. JAVITS. Mr. President, this is an extension of the Health Professions Educational Assistance Act of 1963—Public Law 88–129.

We of the minority have the right to take understandable pride in this bill and this predecessor measure to which I have referred, the Health Professions Educational Assistance Act for this legislation had its origins in the report of the Surgeon General's Consultant Group on Medical Education issued in October, 1959, during the later Eisenhower years. This report, "Physicians for a Growing America," pointed up the crisis in medical education and the growing shortage of physicians and others trained in the health sciences.

Among the recommendations of this report, later enacted into law and further developed in the present bill are the following:

> The Federal Government should establish educational grants-in-aid for medical students on the basis of merit and need, similar in value and proportionate in number to grants now made to graduate students in other fields of specialization.
>
> There should be more generous public and private support for the basic operations of medical schools.
>
> The Federal Government over a period of the next 10 years should appropriate funds on a matching basis to meet construction needs for medical education, which include: expanding and improving existing schools, construction of new schools of basic medical sciences, construction of new 4-year medical schools, and construction of the necessary teaching hospitals.
>
> When Federal funds become available to aid medical education, a National Committee should be established to advise the Surgeon General on the administration of such funds.

Pointing up the bipartisan support for this program is the statement of Vice President Richard M. Nixon of October 3, 1960, "A Program To Combat Disease for the 1960's." Included among the Republican presidential candidates recommendations, now part of the law and built upon in this bill are the proposals for scholarships and loans for medical students to, as Mr. Nixon then put it, "make it possible for our best students to go into medicine and would prevent our best potential talent from entering other fields because they cannot afford full medical training."

At that time, Vice President Nixon also urged a 10-year construction program and reiterated his recommendation for a "general program of matching Federal grants and loans to assist our colleges and universities in meetings the requirements of their rapidly increasing enrollment."

We of the minority join our majority colleagues in the pride of bringing to fruition together these programs to meet the Nation's medical needs. The pending bill, H.R. 3141, is a part of this constructive program which we all have envisioned and merits the support of all.

The reason that the committee report on this bill was unanimous was that we have had a chance to consider this question for a long time. This is not a matter of first impression.

In every case the minority would depend on proof that the measure was affecting a profession in which there really was a demonstrable shortage.

For example we have done a little more on this bill than we have heretofore done concerning students of pharmacy. I was particularly concerned with that question. We have included the students of pharmacy in the scholarship program. That was not done before

PHARMACY AMENDMENT

At this point, I wish to invite particular attention to the amendment to part F of H.R. 3141, this amendment would make pharmacy students eligible for scholarships as are students in medicine, dentistry, and osteopathy. This bill, as passed by the House, includes these students in the loan program—part G—and the Health Professions Educational Assistance Act—Public Law 88–129—enacted in the last Congress, included pharmacy schools in the construction grant program. This amendment was cosponsored by Senator YARBOROUGH and has the support of the principal pharmaceutical professional and trade associations. Testimony was submitted in its behalf at the hearings—pages 132–138; 174–175; 183–184.

A degree in pharmacy requires at least 5 years of schooling, including at least 3 years in a professional school. After this an internship of 1 year is required by all but a single State, New Jersey, which requires a 6-month internship. Thus, the prospective pharmacist must spend at least 6 years in his training before he can enter his profession and commence earnings.

After this extensive preparation, the pharmacist's earnings prospects are relatively modest for a health professional. A 1962 Public Health survey showed median annual earnings of $8,310 and the prospect that he will be among the 26 percent of all pharmacists working 60 or more hours a week. Thus, the pharmacy student must bear the financial burdens of an extended professional education and internship, but does not have the prospect of high earnings, as do doctors and dentists, to help discharge the financial obligations of his student years.

Because of the many and varied outlets for employment, pharmacy provides unique opportunities for women and for minority groups. In addition, many young people study pharmacy because it provides an opportunity to enter a health profession without bearing the heavy burden of the long years required to become a doctor.

As in other health professions, there is a continuing dearth of pharmacists. Although improved methods have increased the work capability of pharmacists, the demands of an increasing population and advances in medical care have also increased their workload. For example, some 53 million more prescriptions were filled in 1964 than in 1963.

Even though pharmacy schools are expected to be graduating slightly larger classes, the need exceeds the supply. In order to maintain the present ratio of 65.9 pharmacists for every 100,000 people, some 6,600 graduates are needed each year. But the anticipated average annual graduation is 4,400; this is 2,200 short of the need.

There is little doubt that an increased number of pharmacy graduates will result through the increased availability of funds through the scholarships provided by my amendment. For example, the number of pharmacy graduates increased appreciably during the years when stimulated by the benefits of the GI bill.

Among the States having less than the national average of 65.9 pharmacists per 100,000 population are: Alabama, 41; California, 61.8; New Jersey, 65; Texas, 59.7; Vermont, 50.5; West Virginia, 41.2; and Wisconsin, 64.2.

LONG CONSIDERATION

The reason that I mention all this is that this entire question represents a factual basis which was before the committee in 1963. We have really had three stages of this. It was considered in 1959, and then there was a 1963 bill, and then it was considered for another 2 years. The things that have been included in the bill represent about 6 years of experience.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator yield?

Mr. HILL. I yield.

H.R. 3141 AMENDMENTS TO THE HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE ACT

Mr. YARBOROUGH. Mr. President, in 1963, Congress passed the Health Professions Educational Assistance Act. Since September 1964, when money first became available, 2,279 new places have been created in medical, dental, public health, nursing, and pharmacy schools as a result of projects funded through that law. And $10,275,478 has been loaned to students in the health professions.

Mr. President, I ask unanimous consent that a tabulation summarizing the accomplishments under the Health Professions Educational Assistance Act, as of July 9, 1965, be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Summary of Public Law 88–129 accomplishments—Projects approved and funded through the June 1965 council (as of July 9, 1965)

Discipline	Number	Federal share	New 1st-year places
Medical, total	24	$71,245,291	725
New schools	6	32,147,159	404
Existing schools	18	39,098,132	321
Dental, total	14	33,655,746	372
New schools	1	1,232,127	96
Existing schools	13	32,423,619	276
Public health, total	4	7,925,455	226
New schools	1	735,000	35
Existing schools	3	7,190,455	191
Nursing, total	16	8,875,920	783
New schools	2	1,381,419	134
Existing schools	14	7,494,501	649
Pharmacy, total (existing schools)	3	2,259,104	137
Optometry, total (existing schools)	2	1,156,079	36
Total, all disciplines	63	125,117,595	2,279
New schools	10	35,495,705	669
Existing schools	53	89,621,890	1,610

Source: Program Evaluation and Reports Branch, Division of Hospital and Medical Facilities, July 9, 1965.

Health professions student loan program—Summary of operations, fiscal year 1965 (June 30, 1965)

Type of program	Number of schools participating	Number of students enrolled	Number of borrowers	Percent borrowers	Total amount borrowed	Average amount of loan
Medical	87	31,416	7,260	23	$6,663,227	$918
Dental	46	12,954	3,170	24	2,910,172	918
Osteopathic	5	1,651	614	37	411,357	670
Optometric	9	1,409	387	27	290,722	751
Total	147	47,430	11,431	24	10,275,478	899

Mr. YARBOROUGH. Mr. President, we have enacted a great program to assist our elderly people to receive the medical care they need during their retirement years, when their utilization of medical services increases at the same time that their income falls off greatly. The medicare program will result in a tremendous increase in the demand for medical services. This bill represents the other side of the coin from those programs such as medicare, which enable our citizens to avail themselves of medical services more readily. This bill gives a needed boost to our supply of medical services, both in terms of skilled practitioners and in terms of facilities.

If we are to have enough doctors and dentists to meet the Nation's future health needs, we shall have to increase the number of physicians graduated each year by at least 50 percent by 1975 and the number of dentists by at least 100 percent. In order to bring this about we are extending the program of grants for construction of new facilities or for the replacement or rehabilitation of existing facilities for 3 years at a rate of $160 million per year.

We are extending the student loan program for 3 years with an annual authorization of $25 million.

And we are initiating a new program of scholarships of students of medicine, osteopathy, dentistry, pharmacy, and podiatry. Students could receive scholarships of up to $2,500, the amount being dependent upon financial need. This will assist students from low-income families to enter the health professions. The great expense of preparing for such a career has been a major deterrent in the past to poorer students.

A new program of basic and special improvement grants to schools of medicine, dentistry, osteopathy, optometry, pharmacy, or podiatry will be instituted. In the field of medical education, for instance, we have basically three types of schools. At the bottom there are those barely able to keep going. These graints will provide much needed assistance to allow them to get their heads above water. At the opposite extreme are the 15 or so outstanding medical schools. These grants will enable them to continue their work on the frontiers of knowledge. For the great majority of medical schools, unable both to maintain their standards and expand enrollment, these grants will help them to accomplish their needs of the future.

A number of amendments were made in the House-passed bill. I was honored to cosponsor with the distinguished senior Senator from New York [Mr. JAVITS], an amendment to add pharmacy students to those able to receive scholarships under the legislation. A rather constant pharmacist-to-population ratio of 67 per 100,000 has existed from at least 1920 until recently. To maintain this ratio, pharmacy schools will need to produce 6,600 graduates annually from 1965–70, almost twice the current figure. During 1970–75, the figure will be 7,200. In hospitals, the demand for pharmacists exceeds the supply. Of our 7,000 hospitals, only one-half have the services of a full-time pharmacist.

I was also the sponsor in the committee, with the distinguished Senator from New York [Mr. JAVITS] as the cosponsor of the amendment adding podiatry to all the programs of health professions educational assistance in the bill. The five accredited podiatry colleges have been entitled to construction grants under the 1963 act; the House version of H.R. 3141 made podiatry students eligible for this program of student loans. Our committee felt that there was good reason to amend the House bill to make podiatry colleges eligible for improvement grants, and podiatry students eligible for the scholarships established by the bill. Testimony presented to our committee clearly established that there is a present shortage in the number of podiatrists needed in our Nation's health care, and that this shortage will intensify unless we take the same remedial steps that are being taken for the other health professions.

Mr. President, the activities of the Federal Government have played an important role in giving Americans the best health care in the world. Without the Federal role, much less of the total gross national product would be channeled into expenditures for health purposes. Total expenditures for health and medical care for fiscal 1964 totaled $25.4 billion, of which $9 billion represented public—Federal, State, and local—funds. Federal expenditures were $4.4 billion, or 12.9 percent of total expenditures. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement of public expenditures for health and medical care, prepared by the Department of Health, Education, and Welfare.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PUBLIC EXPENDITURES FOR HEALTH AND MEDICAL CARE

Total expenditures for health and medical care for fiscal year 1964 totaled $35.4 billion, of which $9 billion (25 percent) represented public (Federal, State, and local) funds. Major expenditures for health within the public sector of the economy include the following:

	Millions
General hospital medical care	$2,387.8
Vendor medical payments for public assistance recipients	1,147.0
Biomedical research	1,134.3
Veterans hospitals and medical care	1,070.9
Defense Department facilities and medical care for dependents of service personnel	985.6
Medical facilities for construction	717.5

Federal expenditures of $4,413 million during calendar 1963 represented 12.9 percent of total expenditures. Major items included the following:

	Millions
Hospital care	$1,763
Physician's services	187
Dentist's services	108
Nursing home care	186
Medical activities in Federal units	642
Government public health activities	246
Research	1,004
Medical facilities construction	371

From July 1947 to June 1964 the Hill-Burton program has invested $2,166 million as the Federal share of a $6,837 million construction program providing 313,762 beds in hospitals, nursing homes, and other health facilities.

Federal expenditures for medical and health related research from 1947 to 1964 total approximately $5,700 millions.

Mr. YARBOROUGH. Mr. President, in connection with the colloquy which has been had recently, I should like to point out that, for the last year for which we have data, 1963, I believe that 17.5 percent of the medical doctors licensed in America were graduates of foreign medical schools. This resulted from the fact that there were no places in America for students to go to school.

In American hospitals last year, 24 percent of all interns were graduates of foreign schools. Twenty-seven percent of all residents were graduates of foreign medical schools.

In the last year for which we have data, 1963, of the approximately 9,200 physicians licensed to practice in the United States, more than 1,600 were graduates of foreign medical schools.

There is a great shortage of opportunity for young Americans to acquire a medical education. When we consider the shortage of medical facilities and the fact that we are replacing doctors who have died or retired from the profession, the vast increase in population, and the existing shortage of physicians, the amounts provided in the bill are modest because of the needs of people for medical treatment. These needs will be greatly enhanced with the medicare bill. There are no prospects in sight for filling the needs.

I believe that this is a very modest approach. In 1963, Congress passed the Health Professions Educational Assistance Act, under the leadership of the distinguished Senator from Alabama, who has done more to aid and further the health of American people than has any other man who as ever served in Congress. The Senator from Alabama was responsible for the Hill-Burton Act under which more than $1 billion a year is being spent for medical research in America.

I repeat that this is a modest amount. It has been brought out that this measure will aid pharmacy and podiatry, which are recognized professions. There is a great shortage in these fields.

This would help to strengthen the 1963 act and help to carry out the objectives of that act, on which the distinguished Senator from Alabama [Mr. HILL] held so many days of hearings and worked so hard.

Mr. HILL. Mr. President, I thank the Senator from Texas for his kind words. The health of the American people has had no more vigorous fighter than the Senator from Texas [Mr. YARBOROUGH].

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. DOMINICK. Mr. President, I commend the Senator from Alabama for his work in this field. I call the attention of the Senator to the fact that, as the Senator knows, the American Medical Association has created a fund for the purpose of providing loans to students. I believe the amount of the fund was $12.5 million. Then they said they would go further than that. The beauty about insuring the loans, as I said the other day in connection with another bill, is that for every dollar we invest, we get $12.5 of loan fund. This is so much more profitable, so far as I am concerned, in providing assistance for those who need it and giving direct loans that, it seems to me, we ought perhaps to try to reorient many of the programs of this nature, as we have done in the Higher Education Act as it came to the committee.

It occurs to me that the purpose of continuing to give loans and scholarships directly out of the Federal Treasury is pretty nearly self-defeating over a period of time. Sooner or later we shall have to repay this. As the Senator from Massachusetts [Mr. SALTONSTALL] said, the first supplemental bill for programs, without counting these others, will amount to many billions of dollars. I know that the Senator from Alabama is well aware of that.

I should also say that there was substantial evidence, back in 1961, when I was serving on the House Interstate and Foreign Commerce Committee, which would indicate that many of the medical schools, the money for which was to be provided under the pending bill, were about ready to arrange their own private financing when the bill came along, and now they have been waiting to make sure they could get funds under this program, instead of going forward with their own financing. Perhaps that is not true in this particular extension, but it certainly was the situation back in 1961.

There was also substantial evidence—and when I complete my statement I should like to ask a question about it—that the number of doctors per 1,000 population had not varied in the last 20 years, that the same ratio was still being maintained. I do not think that is true of dentists, of podiatrists, or of pharmacists. But with respect to medical doctors, including specialists, it is my understanding that the ratio remained about the same.

If that is so—and I believe there was evidence to that effect—I should say that what we are doing by the passage of the bill is to create more doctors per thousand. Then the question is, can we get them to the spots where they are urgently needed, or will they congregate, as they always have before, in the areas most profitable to them?

Mr. HILL. Mr. President, will the Senator yield to me at that point?

Mr. DOMINICK. I am happy to yield.

Mr. HILL. The distinguished Senator will recognize the fact that we have a much older population now than we had some time ago. At the turn of the century, the life expectancy of the average American was 47 years. The life expectancy of the average American today is not 47 years, but the Biblical three score and ten, 70 years.

Older people require a good deal more medical care and medical attention, and make more demands upon the doctors than was the case in the days when our population was much younger.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. JAVITS. The Senator has asked a very pertinent question. It should be added that we have the so-called Cotton amendment included in the bill at section 4(b)(2) which deals through the loan program and forgiveness with the effort to bring young doctors into areas where they are urgently needed.

Mr. DOMINICK. I thank the Senator. That helps on the point I was making.

Mr. HILL. If I may say, the first bill the Committee on Public Health and Welfare reported out to the Congress was the Cotton bill. The House did not pass that bill after the Senate passed it, but the House did, I think very wisely, incorporate the provisions of that bill into the pending bill, and it is now, as the distinguished Senator from New York states, before us in the pending bill.

Mr. DOMINICK. I still wish to say, as a statement of position, that I am going to try, wherever we are putting these financial programs into effect, to make them an insurance-type program, as opposed to a direct loan, because in that way we vastly multiply the amount of assistance that would be available to the students.

Mr. HILL. Does the Senator from New York wish to inquire further?

Mr. JAVITS. I was about to say to the Senator that I join him completely. One of the provisions I hope we will fight for like tigers in the conference on the higher education bill is the underwriting of private loans. I would welcome, even if we can make it and the facts will back it, a review of this bill, or every one of these bills on this question. I could not agree with the Senator more. He is absolutely correct. We multiply the opportunity for the students manifold by doing it that way. One of the most gratifying things about my own service on the committee was the fact, for one of the very few times in my life, the American Bankers Association put out a flyer backing my amendment and urging that this provision in the higher education bill, of which I had the honor to be the author, be included in the bill. I thoroughly agree with the Senator and will be delighted to join him in that total effort.

Mr. DOMINICK. I thank the Senator from New York.

Mr. HILL. I say to my distinguished friend from Colorado that I agree with him wholeheartedly. We should continue to explore the matter, just as the Senator from Colorado has suggested and as the Senator from New York has agreed.

Mr. DOMINICK. I am sure that under the capable leadership of the Senator from Alabama, and with the assistance of the Senator from New York, we can have this done with many programs as we move forward.

Mr. HILL. I thank the Senator.

Mr. JAVITS. If the Senator will yield, I think I have said what I wanted to say. I wanted to make clear that we did what we did about pharmacists because we find it represents a profession in which there is a shortage. I also wanted to trace out the origins of this bill, because the authorization in this measure sounds like a substantial sum of money. I think the Senate is entitled to know the postulate of experience upon which we have based it, that it is not just breaking in here with an untried $700 million program.

I think, the orders of magnitude having already been established by the actual appropriations in the existing bill, the Senate should not feel that at this late hour on a Thursday night we have suddenly come in with some untried big money program. It is most deserving and is the very bedrock of anything in the medical care field to have the professional people needed to do the job. That is exactly what we have been endeavoring to provide through this program.

I should like to reiterate the fact that the Senator from Colorado renders us all a service in alerting us to the private enterprise possibilities, which are enormous in this field, and which we should utilize to the full in every way they can be adapted to fill the need. Thus the Government would only be the backup where it is absolutely necessary.

Mr. HILL. I thank the esteemed Senator from New York for his statement.

I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I wish to associate myself with the remarks of the Senator from New York, and say that this bill had been carefully considered in the subcommittee and the committee, that we fought long and hard on it, and are delighted with the way it has come out, and also to express my belief that the podiatrists and the pharmacists are also included in this new version of the bill.

Mr. HILL. I express my thanks to the Senator from Rhode Island for the fine help he gave in the consideration and in the reporting of the bill.

Mr. President, I think I should say one word more. I spoke about this bill being passed by an overwhelming vote in the House of Representatives, a vote of 340 to 47, and the fact that it has the support of the administration and the Bureau of the Budget.

It also has the support of the American College of Physicians, the Association of American Medical Colleges, the American Dental Association, the Association of American Dental Schools, the American Nurses Association, the American Association of Colleges of Pharmacy, the American Podiatry Association, the American Hospital Association, the American Public Health Association, the Pharmaceutical Manufacturers Association, the American Osteopathic Association, the American Association of Retail Druggists, the American Pharmaceutical Association, and many individuals and representatives of schools, who have conveyed their strong support of this bill to the committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. HILL. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time, and passed.

Mr. HILL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF THE VOCATIONAL REHABILITATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 8310.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8310) to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that this bill be made the pending business for tomorrow. There will be no action taken on the measure this evening.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO RECEIVE MESSAGES AND SIGN BILLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House, and that the Vice President be authorized to sign bills during the adjournment of the Senate until noon, October 1, 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 15 minutes p.m.) the Senate, under the order previously entered, adjourned until tomorrow, Friday, October 1, 1965, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 30, 1965:

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. William Henry Sterling Wright, O18129, Army of the United States (major general, U.S. Army).

U.S. MARSHAL

Leonard T. Heckathorn, of South Dakota, to be U.S. marshal for the district of South Dakota for the term of 4 years. (Reappointment.)

U.S. ATTORNEY

H. Moody Brickett, of Montana, to be U.S. attorney for the district of Montana for the term of 4 years. (Reappointment.)

CONFIRMATION

Executive nominations confirmed by the Senate September 30, 1965:

PUBLIC HEALTH SERVICE

William H. Stewart, of Maryland, to be Surgeon General of the Public Health Service for a term of 4 years.

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 30, 1965

The House met at 12 o'clock noon.

Dr. Josef Nordenhaug, general secretary of the Baptist World Alliance, offered the following prayer:

Psalm 143: 8: *Let me hear in the morning of Thy steadfast love, for in Thee I put my trust. Teach me the way I should go, for to Thee I lift up my soul.*

Let us pray:

Almighty God, we thank Thee that the way to Thee is open. Give us now an awareness of Thy presence, and faith to respond to Thy beckoning.

We declare our utter dependence on Thee and confess our failures and limitations. We seek Thy forgiveness for the past and resources for the obligations of the future.

We do not shrink back from the burdens of this turbulent age, but are grateful that Thou hast matched us with this hour.

We intercede for our Nation and all the peoples of the earth. Guide us by Thy Spirit to find the way of peace and righteousness and to walk in it.

May the peace of God guard our hearts and minds through Christ Jesus. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On September 14, 1965:

H.R. 4465. An act to enact part III of the District of Columbia Code, entitled "Decedents' Estates and Fiduciary Relations," codifying the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia.

On September 15, 1965:

H.R. 1443. An act for the relief of Mrs. Olga Bernice Bramson Gilfillan;

H.R. 1627. An act for the relief of Esterina Ricupero;

H.R. 1820. An act for the relief of Winsome Elaine Gordon;

H.R. 2678. An act for the relief of Joo Yul Kim;

H.R. 2871. An act for the relief of Dorota Zytka;

H.R. 3292. An act for the relief of Consuelo Alvarado de Corpus;

H.R. 5024. An act to amend titles 10 and 14, United States Code, and the Military Personnel and Civilian Employees' Claims Act of 1964, with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes;

H.R. 6719. An act for the relief of Mrs. Kazuyo Watanabe Ridgely; and

H.R. 9570. An act to amend the Federal Firearms Act to authorize the Secretary of the Treasury to relieve applicants from certain provisions of the act if he determines that the granting of relief would not be contrary to the public interest, and that the applicant would not be likely to conduct his operations in an unlawful manner.

On September 16, 1965:

H.R. 10775. An act to authorize certain construction at military installations, and for other purposes.

On September 17, 1965:

H.R. 725. An act to clarify the responsibility for marking of obstructions in navigable waters;

H.R. 727. An act to provide for the administration of the Coast Guard Band; and

H.R. 1402. An act for the relief of Dr. Jorge Rosendo Barahona.

On September 21, 1965:

H.R. 2305. An act for the relief of Zenaida Quijano Lazaro;

H.R. 3039. An act to amend 1006 of title 37, United States Code, to authorize the Secretary concerned, under certain conditions, to make payment of pay and allowances to members of an armed force under his jurisdiction before the end of the pay period for which such payment is due;

H.R. 5989. An act to amend section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883); and

H.R. 8351. An act for the relief of Clarence L. Aiu and others.

On September 22, 1965:

H.R. 8027. An act to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes;

H.R. 8333. An act to amend title 10, United States Code, to provide for the establishment of a program of cash awards for suggestions, inventions, or scientific achievements by members of the Armed Forces which contribute to the efficiency, economy, or other improvement of Government operations; and

H.R. 10586. An act making supplemental appropriations for the Departments of Labor, and Health, Education, and Welfare for the fiscal year ending June 30, 1966, and for other purposes.

On September 25, 1965:

H.R. 1892. An act for the relief of M. Sgt. Richard G. Smith, U.S. Air Force, retired;

H.R. 7779. An act to provide for the retirement of enlisted members of the Coast Guard Reserve;

H.R. 8761. An act to provide an increase in the retired pay of certain members of the former Lighthouse Service;

H.R. 10323. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes; and

H.J. Res. 504. Joint resolution to facilitate the admission into the United States of certain aliens.

On September 27, 1965:

H.R. 6431. An act to amend the Tariff Act of 1930 to provide that certain forms of nickel be admitted free of duty; and

H.R. 8469. An act to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes.

On September 29, 1965:

H.R. 3128. An act for the relief of Angelo Iannuzzi;

H.R. 3684. An act for the relief of Maj. Alexander F. Berol, U.S. Army, retired;

H.R. 8218. An act for the relief of Walter K. Willis;

H.R. 9221. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes;

H.R. 10014. An act to amend the act of July 2, 1954, relating to office space in the districts of Members of the House of Representatives, and the act of June 27, 1956, relating to office space in the States of Senators; and

H.R. 10874. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to eliminate certain provisions which reduce spouses' annuities, to provide coverage for tips, to increase the base on which railroad retirement benefits and taxes are computed, and to change the railroad retirement tax rates.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 596. An act to amend the Public Health Service Act to assist in combating heart disease, cancer, and stroke, and other major diseases.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. MONRONEY and Mr. CARLSON members of the joint select committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 66-6.

FOREIGN ASSISTANCE APPROPRIATION ACT, 1966

Mr. WHITTEN. Mr. Speaker, on behalf of the gentleman from Louisiana [Mr. PASSMAN], I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 10871), the Foreign Assistance and Related Agencies Appropriation Act of 1966.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AMEND TITLE V OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9336) to amend title V of the International Claims Settlement Act of 1949 relating to certain claims against the Government of Cuba, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That section 501 of the International Claims Settlement Act of 1949 (22 U.S.C. 1643) is amended by striking out 'which have arisen out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or'.

"SEC. 2. Section 503(a) of such Act (22 U.S.C. 1643(a)) is amended by striking out 'arising out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or'.

"SEC. 3. Section 505(a) of such Act (22 U.S.C. 1643d) is amended by adding a new sentence at the end thereof as follows: 'A claim under section 503(a) of this title based upon a debt or other obligation owing by any corporation, association, or other entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico shall be considered, only when such debt or other obligation is a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.'

"SEC. 4. Section 506 of such Act (22 U.S.C. 1643e) is amended by striking out ': *Provided*, That the deduction of such amounts shall not be construed as divesting the United States of any rights against the Government of Cuba for the amounts so deducted'.

"SEC. 5. Section 511 of such Act (22 U.S.C. 1643j) is amended to read as follows:

"'APPROPRIATIONS

"'SEC. 511. There are hereby authorized to be appropriated such sums as may be necessary to enable the Commission to pay its administrative expenses incurred in carrying out its functions under this title.'"

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. HALL. Mr. Speaker, reserving the right to object, will the gentleman please explain the Senate amendments?

Mr. FASCELL. If the gentleman will yield, I will be very happy to explain them.

Mr. HALL. I should be glad to yield.

Mr. FASCELL. As you will recall, this bill passed the House earlier without any objection. When it got to the other body three amendments were added. The first amendment pertains to the decisions of the Foreign Claims Settlement Commission. In addition to the written decision, a statement of the evidence relied upon and the reasoning employed in reaching the decision is required.

In the House version that language was not included. The other body decided to put it back in. We felt that a documented explanation of claims determination was actually calling for too much detail, but the other body insisted on it.

Mr. HALL. It really was just a question of having conforming technical language?

Mr. FASCELL. The gentleman is correct. The other matter which is more substantive had to do with the limitation on the House side on the authorization, not to exceed $750,000. The Senate removed the limitation and inserted a general authorization. We cannot conceive any reason why the administrative expenses for the program should go beyond $750,000 to $1 million. It is our intention that they should not.

Therefore we had no particular objection to the removal of the limitation although I am frank to say that I would much prefer to stay within the limitation.

Mr. HALL. Is the gentleman now advising the House that this is open ended so far as expenses of the Commission are concerned?

Mr. FASCELL. Yes. The authorization limitation has been removed. I should like to say to the gentleman that I am not unduly concerned about that because, as we know, it still has to go through the appropriations process. These are administrative expenses for processing, for personnel, et cetera, which we can keep under careful scrutiny. It is our purpose in the authorizing committee to do that.

So, as I say, I am not unduly concerned on that score.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's making that legislative record. We are constantly aware that these authorizations come back to haunt us in the appropriations process. We have to lay one off against the other. We would certainly hope that we never just tacitly agree to open-ended authorizations of appropriation.

Mr. FASCELL. I understand the gentleman's feeling.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am delighted to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Even though the total limitation has been removed, my impression from the colloquy taking place is that those who are administering the program shall be required, according to the words of the gentleman from Florida, to have in effect an administrative ceiling on the handling of this particular program; is that correct?

Mr. FASCELL. The gentleman is correct. I can tell you why this came about. The best estimates on administrative cost ran somewhere between $750,000 and

$1 million. I think that is the reason that the other body decided to remove the limitation. We had intended to stay within those figures and certainly I should think $750,000 would be sufficient.

Mr. HALL. Mr. Speaker, I thank the distinguished minority leader for his contribution, and I thank the gentleman for his explanation.

Mr. FASCELL. Mr. Speaker, there is one other amendment to which I might refer. This has to do with creditor claims. Such claims must be evidenced by a charge on the property taken. This was not in the House version because we could not get an agreement as to how creditors could file separate claims. The other body, the executive agencies concurring, would allow creditors to file separate claims where that credit was secured by a property interest.

That is what this amendment does. We believe it is a good amendment. Therefore, we ask the House to concur in it.

Mr. Speaker, it is not intended by reference to a takeover date in this legislation to give the Government of Cuba the advantage of any statute of limitations defense not asserted prior to the takeover date.

Furthermore, the amendments are not intended to deprive an American claimant of a legitimate element of its claim and provide a windfall to the Cuban Government. Services rendered or merchandise furnished in intercompany transactions regardless of their date ought to be considered, even though legal steps were not taken to establish these debts and to prevent the running of the statute of limitations. For example, claims based on transactions between an American supply company operating in Cuba through its wholly owned Cuban subsidiary where goods have been delivered over a long period of years prior to 1959 and payment has not been received, nor legal action taken to reduce the debt to judgment or otherwise establish it through judicial proceedings, should be considered by the Foreign Claims Settlement Commission.

Mr. HALL. Mr. Speaker, I certainly thank the gentleman for his explanation. It is entirely satisfactory. But now the House has this information to which we will agree by unanimous consent, although I still have some reservation about the second portion of the amendment which is on open-ended funding, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

"CANBERRA" WEEK

Mr. BATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Concurrent Resolution 508, and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 508

Whereas the United States ship *Canberra* is the only cruiser in American naval history to bear the name of a foreign city; and

Whereas the United States ship *Canberra* was chosen to be one of the first guided-missile cruisers in the world; and

Whereas the United States ship *Canberra* has been in the service of the United States Navy for over twenty years and established a record of which all Americans can be justly proud; and

Whereas the United States ship *Canberra* is currently in service as part of the effort to stem the tide of Communist aggression: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President is authorized and requested to issue a proclamation setting aside the eight-day period beginning October 10, 1965, as "*Canberra* Week" in honor of all those who have served, and are serving, the cause of freedom as officers and members of the crew of the United States ship *Canberra*.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. MACGREGOR. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Minnesota makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 340]

Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Ashley
Aspinall
Blatnik
Bolton
Bonner
Brown, Calif.
Burton, Utah
Carter
Colmer
Daddario
Dawson
Diggs
Dorn
Dow
Duncan, Oreg.
Frelinghuysen
Goodell
Hagan, Ga.
Hansen, Iowa
Hardy
Hathaway
Holifield
Johnson, Okla.
Lindsay
Long, La.
Michel
Mize
Morris
Morton
O'Hara, Ill.
Powell
Rivers, Alaska
Rivers, S.C.
Robison
Roncalio
Scott
Sickles
Talcott
Thomas
Thompson, N.J.
Toll
Wilson, Bob

The SPEAKER. On this rollcall 384 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE THIRD INTERNATIONAL CONFERENCE ON THE PEACEFUL USES OF ATOMIC ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 297)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Committee on Atomic Energy and ordered printed:

To the Congress of the United States:

The Third International Conference on the Peaceful Uses of Atomic Energy, which was held at Geneva, Switzerland, from August 31 to September 9, 1964, yielded much evidence that the world is on the threshold of an exciting new era of nuclear power. The work of the International Atomic Energy Agency at Vienna, since its establishment in 1957, has contributed to the development of the capabilities of many countries to cross this threshold. The programs of the International Atomic Energy Agency, as they were carried forward during 1964, gave promise that the Agency will contribute in growing measure over future years to the application of the atom to the constructive works of man.

Particularly noteworthy was the progress made by the International Atomic Energy Agency during 1964 in laying the foundations for restricting the use of nuclear energy exclusively to peaceful purposes. In February 1964 the Agency adopted a system of safeguards, applicable to all nuclear reactors, designed to guard against the diversion of nuclear materials to military use. In September 1964 the Agency's Director General reported that agreements had been negotiated with 17 of the 38 countries of the world possessing nuclear reactors, whereby some or all of their nuclear facilities would be placed under the safeguards of the Agency.

The United States has supported these activities, and looks to the Agency to play an increasingly significant role in developing the use of atomic energy for the benefit of the peoples of the world. U.S. participation in the International Atomic Energy Agency during the year 1964 is the subject of this eighth annual report which I am transmitting to the Congress pursuant to the provisions of the International Atomic Energy Agency Participation Act.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 30, 1965.*

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, PUBLIC HEALTH SUBCOMMITTEE

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent that the Public Health Subcommittee of the Committee on Interstate and Foreign Commerce may sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

IMMIGRATION AND NATIONALITY ACT

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1101)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That section 201 of the Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1151) be amended to read as follows:

"'Sec. 201. (a) Exclusive of special immigrants defined in section 101(a)(27), and of the immediate relatives of United States citizens specified in subsection (b) of this section, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, or who may, pursuant to section 203(a)(7) enter conditionally, (i) shall not in any of the first three quarters of any fiscal year exceed a total of 45,000 and (ii) shall not in any fiscal year exceed a total of 170,000.

"'(b) The "immediate relatives" referred to in subsection (a) of this section shall mean the children, spouses, and parents of a citizen of the United States: *Provided*, That in the case of parents, such citizen must be at least twenty-one years of age. The immediate relatives specified in this subsection who are otherwise qualified for admission as immigrants shall be admitted as such, without regard to the numerical limitations in this Act.

"'(c) During the period from July 1, 1965, through June 30, 1968, the annual quota of any quota area shall be the same as that which existed for that area on June 30, 1965. The Secretary of State shall, not later than on the sixtieth day immediately following the date of enactment of this subsection and again on or before September 1, 1966, and September 1, 1967, determine and proclaim the amount of quota numbers which remain unused at the end of the fiscal year ending on June 30, 1965, June 30, 1966, and June 30, 1967, respectively, and are available for distribution pursuant to subsection (d) of this section.

"'(d) Quota numbers not issued or otherwise used during the previous fiscal year, as determined in accordance with subsection (c) hereof, shall be transferred to an immigration pool. Allocation of numbers from the pool and from national quotas shall not together exceed in any fiscal year the numerical limitations in subsection (a) of this section. The immigration pool shall be made available to immigrants otherwise admissible under the provisions of this Act who are unable to obtain prompt issuance of a preference visa due to oversubscription of their quotas, or subquotas as determined by the Secretary of State. Visas and conditional entries shall be allocated from the immigration pool within the percentage limitations and in the order of priority specified in section 203 without regard to the quota to which the alien is chargeable.

"'(e) The immigration pool and the quotas of quota areas shall terminate June 30, 1968. Thereafter immigrants admissible under the provisions of this Act who are subject to the numerical limitations of subsection (a) of this section shall be admitted in accordance with the percentage limitations and in the order of priority specified in section 203.'

"Sec. 2. Section 202 of the Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1152) is amended to read as follows:

"'(a) No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27), section 201(b), and section 203: *Provided*, That the total number of immigrant visas and the number of conditional entries made available to natives of any single foreign state under paragraphs (1) through (8) of section 203(a) shall not exceed 20,000 in any fiscal year: *Provided further*, That the foregoing proviso shall not operate to reduce the number of immigrants who may be admitted under the quota of any quota area before June 30, 1968.

"'(b) Each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions shall be treated as a separate foreign state for the purposes of the numerical limitation set forth in the proviso to subsection (a) of this section when approved by the Secretary of State. All other inhabited lands shall be attributed to a foreign state specified by the Secretary of State. For the purposes of this Act the foreign state to which an immigrant is chargeable shall be determined by birth within such foreign state except that (1) an alien child, when accompanied by his alien parent or parents, may be charged to the same foreign state as the accompanying parent or of either accompanying parent if such parent has received or would be qualified for an immigrant visa, if necessary to prevent the separation of the child from the accompanying parent or parents, and if the foreign state to which such parent has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (2) if an alien is chargeable to a different foreign state from that of his accompanying spouse, the foreign state to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the foreign state of the accompanying spouse, if such spouse has received or would be qualified for an immigrant visa and if the foreign state to which such spouse has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (3) an alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he had his residence as determined by the consular officer; (4) an alien born within any foreign state in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the foreign state of either parent.

"'(c) Any immigrant born in a colony or other component or dependent area of a foreign state unless a special immigrant as provided in section 101(a)(27) or an immediate relative of a United States citizen as specified in section 201(b), shall be chargeable, for the purpose of limitation set forth in section 202(a), to the foreign state, except that the number of persons born in any such colony or other component or dependent area overseas from the foreign state chargeable to the foreign state in any one fiscal year shall not exceed 1 per centum of the maximum number of immigrant visas available to such foreign state.

"'(d) In the case of any change in the territorial limits of foreign states, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all diplomatic and consular offices.'

"Sec. 3. Section 203 of the Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1153) is amended to read as follows:

"'Sec. 203. (a) Aliens who are subject to the numerical limitations specified in section 201(a) shall be allotted visas or their conditional entry authorized, as the case may be, as follows:

"'(1) Visas shall be first made available, in a number not to exceed 20 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are the unmarried sons or daughters of citizens of the United States.

"'(2) Visas shall next be made available, in a number not to exceed 20 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraph (1), to qualified immigrants who are the spouses, unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence.

"'(3) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States.

"'(4) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (3), to qualified immigrants who are the married sons or the married daughters of citizens of the United States.

"'(5) Visas shall next be made available, in a number not to exceed 24 per centum of the number specified in section 201(a)(ii), plus any visas not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are the brothers or sisters of citizens of the United States.

"'(6) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in section 201(a)(ii), to qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States.

"'(7) Conditional entries shall next be made available by the Attorney General, pursuant to such regulations as he may prescribe and in a number not to exceed 6 per centum of the number specified in section 201(a)(ii), to aliens who satisfy an Immigration and Naturalization Service officer at an examination in any non-Communist or non-Communist-dominated country, (A) that (i) because of persecution or fear of persecution on account of race, religion, or political opinion they have fled (I) from any Communist or Communist-dominated country or area, or (II) from any country within the general area of the Middle East, and (ii) are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) are not nationals of the countries or areas in which their application for conditional entry is made; or (B) that they are persons uprooted by catastrophic natural calamity as defined by the President who are unable to return to their usual place of abode. For the purpose of the foregoing the term "general area of the Middle East" means the area between and including (1) Libya on the west, (2) Turkey on the north,

(3) Pakistan on the east, and (4) Saudi Arabia and Ethiopia on the south: *Provided,* That immigrant visas in a number not exceeding one-half the number specified in this paragraph may be made available, in lieu of conditional entries of a like number, to such aliens who have been continuously physically present in the United States for a period of at least two years prior to application for adjustment of status.

"'(8) Visas authorized in any fiscal year, less those required for issuance to the classes specified in paragraphs (1) through (6) and less the number of conditional entries and visas made available pursuant to paragraph (7), shall be made available to other qualified immigrants strictly in the chronological order in which they qualify. Waiting lists of applicants shall be maintained in accordance with regulations prescribed by the Secretary of State. No immigrant visa shall be issued to a nonpreference immigrant under this paragraph, or to an immigrant with a preference under paragraph (3) or (6) of this subsection, until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14).

"'(9) A spouse or child as defined in section 101(b)(1)(A), (B), (C), (D), or (E) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa or to conditional entry under paragraphs (1) through (8), be entitled to the same status, and the same order of consideration provided in subsection (b), if accompanying, or following to join, his spouse or parent.

"'(b) In considering applications for immigrant visas under subsection (a) consideration shall be given to applicants in the order in which the classes of which they are members are listed in subsection (a).

"'(c) Immigrant visas issued pursuant to paragraphs (1) through (6) of subsection (a) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General as provided in section 204.

"'(d) Every immigrant shall be presumed to be a nonpreference immigrant until he establishes to the satisfaction of the consular officer and the immigration officer that he is entitled to a preference status under paragraphs (1) through (7) of subsection (a), or to a special immigrant status under section 101(a)(27), or that he is an immediate relative of a United States citizen as specified in section 201(b). In the case of any alien claiming in his application for an immigrant visa to be an immediate relative of a United States citizen as specified in section 201(b) or to be entitled to preference immigrant status under paragraphs (1) through (6) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"'(e) For the purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State is authorized to make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories of subsection (a), and to rely upon such estimates in authorizing the issuance of such visas. The Secretary of State, in his discretion, may terminate the registration on a waiting list of any alien who fails to evidence his continued intention to apply for a visa in such manner as may be by regulation prescribed.

"'(f) The Attorney General shall submit to the Congress a report containing complete and detailed statement of facts in the case of each alien who conditionally entered the United States pursuant to subsection (a)(7) of this section. Such reports shall be submitted on or before January 15 and June 15 of each year.

"'(g) Any alien who conditionally entered the United States as a refugee, pursuant to subsection (a)(7) of this section, whose conditional entry has not been terminated by the Attorney General pursuant to such regulations as he may prescribe, who has been in the United States for at least two years, and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States, and his case dealt with in accordance with the provisions of sections 235, 236, and 237 of this Act.

"'(h) Any alien who, pursuant to subsection (g) of this section, is found, upon inspection by the immigration officer or after hearing before a special inquiry officer, to be admissible as an immigrant under this Act at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212(a)(20), shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.'

"Sec. 4. Section 204 of the Immigration and Nationality Act (66 Stat. 176; 8 U.S.C. 1154) is amended to read as follows:

"'Sec. 204. (a) Any citizen of the United States claiming that an alien is entitled to a preference status by reason of the relationships described in paragraphs (1), (4), or (5) of section 203(a), or to an immediate relative status under section 201(b), or any alien lawfully admitted for permanent residence claiming that an alien is entitled to a preference status by reason of the relationship described in section 203(a)(2), or any alien desiring to be classified as a preference immigrant under section 203(a)(3) (or any person on behalf of such an alien), or any person desiring and intending to employ within the United States an alien entitled to classification as a preference immigrant under section 203(a)(6), may file a petition with the Attorney General for such classification. The petition shall be in such form as the Attorney General may by regulations prescribe and shall contain such information and be supported by such documentary evidence as the Attorney General may require. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer or an immigration officer.

"'(b) After an investigation of the facts in each case, and after consultation with the Secretary of Labor with respect to petitions to accord a status under section 203(a) (3) or (6), the Attorney General shall, if he determines that the facts stated in the petition are true and that the alien in behalf of whom the petition is made is an immediate relative specified in section 201(b) or is eligible for a preference status under section 203(a), approve the petition and forward one copy thereof to the Department of State. The Secretary of State shall then authorize the consular officer concerned to grant the preference status.

"'(c) Notwithstanding the provisions of subsection (b) no more than two petitions may be approved for one petitioner in behalf of a child as defined in section 101(b)(1) (E) or (F) unless necessary to prevent the separation of brothers and sisters and no petition shall be approved if the alien has previously been accorded a nonquota or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws.

"'(d) The Attorney General shall forward to the Congress a report on each approved petition for immigrant status under sections 203(a)(3) or 203(a)(6) stating the basis for his approval and such facts as were by him deemed to be pertinent in establishing the beneficiary's qualifications for the preferential status. Such reports shall be submitted to the Congress on the first and fifteenth day of each calendar month in which the Congress is in session.

"'(e) Nothing in this section shall be construed to entitle an immigrant, in behalf of whom a petition under this section is approved, to enter the United States as a preference immigrant under section 203(a) or as an immediate relative under section 201(b) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification.'

"Sec. 5. Section 205 of the Immigration and Nationality Act (66 Stat. 176; 8 U.S.C. 1155) is amended to read as follows:

"'Sec. 205. The Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204. Such revocation shall be effective as of the date of approval of any such petition. In no case, however, shall such revocation have effect unless there is mailed to the petitioner's last known address a notice of the revocation and unless notice of the revocation is communicated through the Secretary of State to the beneficiary of the petition before such beneficiary commences his journey to the United States. If notice of revocation is not so given, and the beneficiary applies for admission to the United States, his admissibility shall be determined in the manner provided for by sections 235 and 236.'

"Sec. 6. Section 206 of the Immigration and Nationality Act (66 Stat. 181; 8 U.S.C. 1156) is amended to read as follows:

"'Sec. 206. If an immigrant having an immigrant visa is excluded from admission to the United States and deported, or does not apply for admission before the expiration of the validity of his visa, or if an alien having an immigrant visa issued to him as a preference immigrant is found not to be a preference immigrant, an immigrant visa or a preference immigrant visa, as the case may be, may be issued in lieu thereof to another qualified alien.'

"Sec. 7. Section 207 of the Immigration and Nationality Act (66 Stat. 181; 8 U.S.C. 1157) is stricken.

"Sec. 8. Section 101 of the Immigration and Nationality Act (66 Stat. 166; 8 U.S.C. 1101) is amended as follows:

"(a) Paragraph (27) of subsection (a) is amended to read as follows:

"'(27) The term "special immigrant" means—

"'(A) an immigrant who was born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying, or following to join him: *Provided,* That no immigrant visa shall be issued pursuant to this clause until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14);

"'(B) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

"'(C) an immigrant who was a citizen of the United States and may, under section 324(a) or 327 of title III, apply for reacquisition of citizenship;

"'(D)(i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him; or

"'(E) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided,* That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status.'

"(b) Paragraph (32) of subsection (a) is amended to read as follows:

"'(32) The term "profession" shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.'

"(c) Subparagraph (1)(F) of subsection (b) is amended to read as follows:

"'(F) a child, under the age of fourteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care which will be provided the child if admitted to the United States and who has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and his spouse who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse who have complied with the preadoption requirements, if any, of the child's proposed residence: *Provided,* That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.'

"SEC. 9. Section 211 of the Immigration and Nationality Act (66 Stat. 181; 8 U.S.C. 1181) is amended to read as follows:

"'SEC. 211. (a) Except as provided in subsection (b) no immigrant shall be admitted into the United States unless at the time of application for admission he (1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such visa of the accompanying parent, and (2) presents a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General. With respect to immigrants to be admitted under quotas of quota areas prior to June 30, 1968, no immigrant visa shall be deemed valid unless the immigrant is properly chargeable to the quota area under the quota of which the visa is issued.

"'(b) Notwithstanding the provisions of section 212(a)(20) of this Act in such cases or in such classes of cases and under such conditions as may be by regulations prescribed, returning resident immigrants, defined in section 101(a)(27)(B), who are otherwise admissable may be readmitted to the United States by the Attorney General in his discretion without being required to obtain a passport, immigrant visa, reentry permit or other documentation.'

"SEC. 10. Section 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182) is amended as follows:

"(a) Paragraph (14) is amended to read as follows:

"'Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), to preference immigrant aliens described in section 203(a) (3) and (6), and to nonpreference immigrant aliens described in section 203(a) (8);'.

"(b) Paragraph (20) is amended by deleting the letter '(e)' and substituting therefor the letter '(a)'.

"(c) Paragraph (21) is amended by deleting the word 'quota'.

"(d) Paragraph (24) is amended by deleting the language within the parentheses and substituting therefor the following: 'other than aliens described in section 101(a)(27) (A) and (B).'

"SEC. 11. The Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1151) is amended as follows:

"(a) Section 221(a) is amended by deleting the words 'the particular nonquota category in which the immigrant is classified, if a nonquota immigrant,' and substituting in lieu thereof the words 'the preference, nonpreference, immediate relative, or special immigration classification to which the alien is charged.'

"(b) The fourth sentence of subsection 221(c) is amended by deleting the word 'quota' preceding the word 'number;' the word 'quota' preceding the word 'year;' and the words 'a quota' preceding the word 'immigrant,' and substituting in lieu thereof the word 'an'.

"(c) Section 222(a) is amended by deleting the words 'preference quota or a nonquota immigrant' and substituting in lieu thereof the words 'an immediate relative within the meaning of section 201(b) or a preference or special immigrant'.

"(d) Section 224 is amended to read as follows: 'A consular officer may, subject to the limitations provided in section 221, issue an immigrant visa to a special immigrant or immediate relative as such upon satisfactory proof, under regulations prescribed under this Act, that the applicant is entitled to special immigrant or immediate relative status.'

"(e) Section 241(a)(10) is amended by substituting for the words 'Section 101(a) (27)(C)' the words 'Section 101(a)(27)(A)'.

"(f) Section 243(h) is amended by striking out 'physical persecution' and inserting in lieu thereof 'persecution on account of race, religion, or political opinion'.

"SEC. 12. Section 244 of the Immigration and Nationality Act (66 Stat. 214; 8 U.S.C. 1254) is amended as follows:

"(a) Subsection (d) is amended to read:

"'(d) Upon the cancellation of deportation in the case of any alien under this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date the cancellation of deportation of such alien is made, and unless the alien is entitled to a special immigrant classification under section 101(a)(27)(A), or is an immediate relative within the meaning of section 201(b) the Secretary of State shall reduce by one the number of nonpreference immigrant visas authorized to be issued under section 203(a)(8) for the fiscal year then current.'

"(b) Subsection (f) is amended by inserting after the language 'entered the United States as a crewman' the language 'subsequent to June 30, 1964;'.

"SEC. 13. Section 245 of the Immigration and Nationality Act (66 Stat. 217; 8 U.S.C. 1255) is amended as follows:

"(a) Subsection (b) is amended to read:

"'(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issued under section 203(a) within the class to which the alien is chargeable, for the fiscal year then current.'

"(b) Subsection (c) is amended to read:

"'(c) The provisions of this section shall not be applicable to any alien who is a native of any country of the Western Hemisphere or of any adjacent island named in section 101(b)(5).'

"SEC. 14. Section 281 of the Immigration and Nationality Act (66 Stat. 230; 8 U.S.C. 1351) is amended as follows:

"(a) Immediately after 'SEC. 281.' insert '(a)';

"(b) Paragraph (6) is amended to read as follows:

"'(6) For filing with the Attorney General of each petition under section 204 and section 214(c), $10; and';

"(c) The following is inserted after paragraph (7), and is designated subsection (b):

"'(b) The time and manner of payment of the fees specified in paragraphs (1) and (2) of subsection (a) of this section, including but not limited to partial deposit or prepayment at the time of registration, shall be prescribed by the Secretary of State.'; and

"(d) The paragraph beginning with the words 'The fees * * *' is designated subsection (c).

"SEC. 15. (a) Paragraph (1) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182(a)(1)) is amended by deleting the language 'feebleminded' and inserting the language 'mentally retarded' in its place.

"(b) Paragraph (4) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182(a)(4)) is amended by deleting the word 'epilepsy' and substituting the words 'or sexual deviation'.

"(c) Sections 212 (f), (g), and (h) of the Immigration and Nationality Act, as added by the Act of September 26, 1961 (75 Stat. 654, 655; 8 U.S.C. 1182), are hereby redesignated sections 212 (g), (h), and (i), respectively, and section 212 (g) as so redesignated is amended by inserting before the words 'afflicted with tuberculosis in any form' the following: 'who is excludable from the United States under paragraph (1) of subsection (a) of this section, or any alien' and by adding at the end of such subsection the following sentence: 'Any alien excludable under paragraph (3) of subsection (a) of this section because of past history of mental illness who has one of the same family relationships as are prescribed in this subsection for aliens afflicted with tuberculosis and whom the Surgeon General of the United States Public Health Service finds to have been free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery shall be eligible for a visa in accordance with the terms of this subsection.'

"SEC. 16. Sections 1, 2, and 11 of the Act of July 14, 1960 (74 Stat. 504–505), as amended by section 6 of the Act of June 28, 1962 (76 Stat. 124), are repealed.

"SEC. 17. Section 221(g) of the Immigration and Nationality Act (66 Stat. 192; 8 U.S.C. 1201(g)) is amended by deleting the period at the end thereof and adding the following: ': *Provided further,* That a visa may be issued to an alien defined in section 101(a)(15) (B) or (F), if such alien is otherwise entitled to receive a visa, upon receipt of a notice by the consular officer from the Attorney General of the giving of a bond with sufficient surety in such sum and containing such conditions as the consular officer shall prescribe, to insure that at the expiration of the time for which such alien has been admitted by the Attorney General, as provided in section 214(a), or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248 of the Act, such alien will depart from the United States.'

"Sec. 18. So much of section 272(a) of the Immigration and Nationality Act (66 Stat. 226; 8 U.S.C. 1322(a)) as precedes the words 'shall pay to the collector of customs' is amended to read as follows:

" 'Sec. 272. (a) Any person who shall bring to the United States an alien (other than an alien crewman) who is (1) mentally retarded, (2) insane, (3) afflicted with psychopathic personality, or with sexual deviation, (4) a chronic alcoholic, (5) afflicted with any dangerous contagious disease, or (6) a narcotic drug addict,'.

"Sec. 19. Section 249 of the Immigration and Nationality Act (66 Stat. 219; 8 U.S.C. 1259) is amended by striking out 'June 28, 1940' in clause (a) of such section and inserting in lieu thereof 'June 30, 1948.'

"Sec. 20. This Act shall become effective on the first day of the first month after the expiration of thirty days following the date of its enactment except as provided herein.

"Sec. 21. (a) There is hereby established a Select Commission on Western Hemisphere Immigration (hereinafter referred to as the 'Commission') to be composed of fifteen members. The President shall appoint the Chairman of the Commission and four other members thereof. The President of the Senate, with the approval of the majority and minority leaders of the Senate, shall appoint five members from the membership of the Senate. The Speaker of the House of Representatives, with the approval of the majority and minority leaders of the House, shall appoint five members from the membership of the House. Not more than three members appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, shall be members of the same political party. A vacancy in the membership of the Commission shall be filled in the same manner as the original designation and appointment.

"(b) The Commission shall study the following matters:

"(1) Prevailing and projected demographic, technological, and economic trends, particularly as they pertain to Western Hemisphere nations;

"(2) Present and projected unemployment in the United States, by occupations, industries, geographic areas and other factors, in relation to immigration from the Western Hemisphere;

"(3) The interrelationships between immigration, present and future, and existing and contemplated national and international programs and projects of Western Hemisphere nations, including programs and projects for economic and social development;

"(4) The operation of the immigration laws of the United States as they pertain to Western Hemisphere nations, including the adjustment of status for Cuban refugees, with emphasis on the adequacy of such laws from the standpoint of fairness and from the standpoint of the impact of such laws on employment and working conditions within the United States;

"(5) The implications of the foregoing with respect to the security and international relations of Western Hemisphere nations; and

"(6) Any other matters which the Commission believes to be germane to the purposes for which it was established.

"(c) On or before July 1, 1967, the Commission shall make a first report to the President and the Congress, and on or before January 15, 1968, the Commission shall make a final report to the President and the Congress. Such reports shall include the recommendations of the Commission as to what changes, if any, are needed in the immigration laws in the light of its study. The Commission's recommendations shall include, but shall not be limited to, recommendations as to whether, and if so how, numerical limitations should be imposed upon immigration to the United States from the nations of the Western Hemisphere. In formulating its recommendations on the latter subject, the Commission shall give particular attention to the impact of such immigration on employment and working conditions within the United States and to the necessity of preserving the special relationship of the United States with its sister Republics of the Western Hemisphere.

"(d) The life of the Commission shall expire upon the filing of its final report, except that the Commission may continue to function for up to sixty days thereafter for the purpose of winding up its affairs.

"(e) Unless legislation inconsistent herewith is enacted on or before June 30, 1968, in response to recommendations of the Commission or otherwise, the number of special immigrants within the meaning of section 101(a)(27)(A) of the Immigration and Nationality Act, as amended, exclusive of special immigrants who are immediate relatives of United States citizens as described in section 201(b) of that Act, shall not, in the fiscal year beginning July 1, 1968, or in any fiscal year thereafter, exceed a total of 120,000.

"(f) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its duties.

"(g) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $100 for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended. Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, when away from his usual place of residence, in accordance with the Administrative Expenses Act of 1946, as amended.

"(h) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

"Sec. 22 (a). The designation of chapter 1, title II, is amended to read as follows: 'Chapter 1—Selection System'.

"(b) The title preceding section 201 is amended to read as follows: 'NUMERICAL LIMITATIONS'.

"(c) The title preceding section 202 is amended to read as follows: 'NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE'.

"(d) The title preceding section 203 is amended to read as follows: 'ALLOCATION OF IMMIGRANT VISAS'.

"(e) The title preceding section 204 is amended to read as follows: 'PROCEDURE FOR GRANTING IMMIGRANT STATUS'.

"(f) The title preceding section 205 is amended to read as follows: 'REVOCATION OF APPROVAL OF PETITIONS'.

"(g) The title preceding section 206 is amended to read as follows: 'UNUSED IMMIGRANT VISAS'.

"(h) The title preceding section 207 is repealed.

"(i) The title preceding section 224 of chapter 3, title II, is amended to read as follows: 'IMMEDIATE RELATIVE AND SPECIAL IMMIGRANT VISAS'.

"(j) The title preceding section 249 is amended to read as follows: 'RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924, OR JUNE 30, 1948.'

"Sec. 23. (a) The table of contents (Title II—Immigration, chapter 1) of the Immigration and Nationality Act, is amended to read as follows:

" 'Chapter 1—Selection System

" 'Sec. 201. Numerical limitations.
" 'Sec. 202. Numerical limitation to any single foreign state.
" 'Sec. 203. Allocation of immigrant visas.
" 'Sec. 204. Procedure for granting immigrant status.
" 'Sec. 205. Revocation of approval of petitions.
" 'Sec. 206. Unused immigrant visas.'

"(b) The table of contents (Title II—Immigration, chapter 3) of the Immigration and Nationality Act, is amended by changing the designation of section 224 to read as follows:

" 'Sec. 224. Immediate relative and special immigrant visas.'

"(c) The table of contents (Title II—Immigration, chapter 5) of the Immigration and Nationality Act is amended by changing the designation of section 249 to read as follows:

" 'Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924, or June 30, 1948.'

"Sec. 24. Paragraph (6) of section 101(b) is repealed."

And the Senate agree to the same.

Emanuel Celler,
Michael A. Feighan,
Frank Chelf,
Peter W. Rodino, Jr.,
Harold D. Donohue,
Jack B. Brooks,
William M. McCulloch,
Arch A. Moore, Jr.
William T. Cahill,
Managers on the Part of the House.

Samuel J. Ervin, Jr.,
Edward M. Kennedy,
Philip A. Hart,
Everett McKinley Dirksen,
Hiram Fong,
Jacob K. Javits,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2580 to amend the Immigration and Nationality Act, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House passed H.R. 2580 and the Senate then substituted the provisions it had adopted by striking out all after the enacting clause and inserting its own provision. The Senate insisted upon its version and requested a conference; the House then agreed to the conference. The conference report recommends that the Senate recede from its disagreement to the House version and agree to the same with an amendment, the amendment being to insert in lieu of the matter inserted by the Senate amendment the matter agreed to by the conferees, and that the Senate agree thereto. The conference report contains substantially the language of the House version with certain exceptions which are explained below.

(1) As passed by the House the bill provided in section 203(a)(7) that not more

than 10,200 refugees from communism and from the general area of the Middle East may be granted conditional entries each year. As amended by the Senate, the definition of refugees was enlarged to include aliens who have been uprooted from their usual place of abode by a catastrophic natural calamity. The conferees agreed to adopt the Senate provision.

(2) The conferees have agreed to provide in section 4 of the bill that immigration officers as well as consular officers may administer oaths executed outside of the United States. This section conforms with existing law.

(3) The House bill contained in section 11 a provision requiring the President to report to the Congress in the event the number of immigrants admitted from the Western Hemisphere exceeded in any one fiscal year by 10 per centum or more the average number admitted in the previous 5 fiscal years. The Senate amendment contained no such provision. In order to conform to a new section 21 which provides for the establishment of a Select Commission on Western Hemisphere Immigration the conferees agreed to the deletion of the House provision.

(4) The Senate amendment provided that the Attorney General, in his discretion, could suspend deportation of alien crewmen and adjust their status to that of lawful permanent residents under the procedure provided in section 244 of the Immigration and Nationality Act. The House bill contained no such provision. The conferees agreed to the Senate version with an amendment precluding such suspension of deportation for those alien crewmen who entered subsequent to June 30, 1964.

(5) The House bill provided in section 13 that natives of any countries of the Western Hemisphere or of an adjacent island shall be ineligible for adjustment of status under the provisions of section 245. The Senate amendment exempted from this provision aliens born in an independent country of the Western Hemisphere who, because of persecution or fear of persecution on account of race, religion or political opinion, is out of his usual place of abode and unable to return thereto. The conferees agreed to accept the House provision.

(6) Section 15 of the House bill provided for a discretionary waiver of exclusion based upon mental retardation for children under the age of 14 when accompanying their United States citizen or permanent resident alien parents into the United States. The Senate version provides a discretionary waiver for any person excludable because of mental retardation who is a relative as defined in the redesignated section 212(g). The conference report adopts the Senate version.

(7) The conferees agreed to adopt the House version of section 17 and agreed to delete the Senate amendment thereto which provided that an alien student must submit evidence that he will be admitted and regularly enrolled as a student at an approved educational institution. Such requirement is substantially in existing law.

(8) Section 19 of the Senate amendment has no equivalent in the House bill. The Senate amendment extended the benefits of section 249 to permit the creation of a record of lawful admission to aliens who entered the United States prior to June 28, 1958. The conferees agreed to adjust the date provided in the Senate amendment to June 30, 1948.

9. Section 21 of the Senate amendment has no equivalent in the House bill. The conferees have adopted this provision which establishes a conditional limitation of 120,000 upon the Western Hemisphere and establishes a Select Commission on Western Hemisphere Immigration composed of fifteen members with an amendment to provide that five members thereto be appointed respectively by the President of the United States, the President of the Senate, and the Speaker of the House of Representatives with the stipulation that not more than three of the members appointed by the President of the Senate and the Speaker of the House, respectively, shall be members of the same political party. The conferees added to the matters to be studied by the Select Commission specific reference to the matter of adjustment of status of Cuban refugees in the United States.

Emanuel Celler,
Michael A. Feighan,
Frank Chelf,
Peter W. Rodino, Jr.,
Harold D. Donohue,
Jack B. Brooks,
William M. McCulloch,
Arch A. Moore, Jr.,
William T. Cahill,
Managers on the Part of the House.

Mr. CELLER. Mr. Speaker, I yield to the distinguished gentleman from Ohio [Mr. McCulloch] 30 minutes and pending that I yield myself such time as I may consume.

Mr. Speaker and Members of the House, immigration is the most forceful factor in the development of the United States. We need immigration in order to magnify the uses of our great resources, physical, moral, and spiritual. Our greatness as a nation, a nation that soon will have a gross national product of $700 billion, with the highest standard of living, was made possible in good part because of immigration.

We started with about 5 million people. Now we are over 194 million. That demographic growth was not all from within. It was also from accretion abroad. Since 1820, 43 million immigrants have come to the United States from all over the world. We drew up a great reservoir of alien brain and brawn. We shall continue to do so.

My grandparents came here from Germany in the 1840's. Driven by poverty and persecution they came, with thousands of others, to build our railroads, canals, bridges, roads and buildings, and later subways and skyscrapers. They made parched land blossom. Out of slums emerged anxious men and women to create our industries and the unions and to promote the arts and sciences.

Consider some of the illustrious names of our glittering roster of Members: Addabbo, Rooney, Farbstein, Dulski, Matsunaga, de la Garza, Rodino, Kluczynski, Brademas, O'Hara, St. Onge, Kastenmeier. They run the gamut of all nationalities and climes.

Their progenitors struggled and strived so that those who followed them could go to the university, enter professions and industry, and even to Congress.

These early ones did not know Pocahontas or Myles Standish. They were not in the Social Register nor the Ivy League. Some came here in steerage, and as they sailed up New York Harbor and peeped out of portholes, they hailed, with joy in their hearts, the Statue of Liberty, where President Johnson, I hope, will sign this bill.

They are the alien warp and woof of America triumphant. The exodus out of Europe was polyglot and heterogeneous. The people of all nations and all races helped build our great Nation. That is why we have struck down the national origins system of immigration which dealt unfairly with certain peoples. It was a most ungracious way of treating certain races which had been good to us.

We shall have scrapped this obsolete false notion of national origins entirely by July 1968 when all nations outside the Western Hemisphere shall be allotted a total of 170,000 immigrant visas—with no one country receiving more than 20,000 visas—while nations within the Western Hemisphere shall be allotted 120,000 immigrant visas annually, all on a first-come, first-served basis.

For the 3 years that the national origins theory shall remain in effect all unused quotas will no longer go to waste, but will be transferred to countries that have low quotas under the old law, like Italy, Greece, Spain, Romania, Holland, and so on. In addition, an estimated 60,000 parents, children or spouses of U.S. citizens will be admitted annually regardless of nationality or quota. The numbers that will come will not be much above those presently coming, but the distribution among nations will be equitable and fair.

The bill passed the House, but there were some changes in the Senate. The committee on conference has reconciled the differences. We did not emerge from the conference with all we desire, nor did the Senate. It was a conference—the usual give and take. If you want the rainbow, you must take the rain. If you want the rose, you must put up with the thorns.

Mr. Speaker, at this point I want to thank my fellow conferees for their indefatigable application to this painstaking job. We worked in a thoroughly cooperative spirit. I wish to thank Messrs. Feighan, Chelf, Rodino, Donohue, Brooks, McCulloch, Moore, and Cahill.

Mr. Speaker, the conference report provides as follows:

With reference to refugees, the number permissible is 10,200. We widened the definition of refugee to include victims of natural calamities, which was not in the House bill. Thus, victims of earthquakes, floods and tornadoes will be included but the number of refugees is not increased.

We set up a Select Commission of 15 Members on Western Hemisphere Immigration, to be composed of 5 Members from the House, 5 Members from the Senate, and 5 members to be appointed by the President. No more than three of the members appointed by the Speaker or the President of the Senate shall be members of one party.

Immigration officers as well as consular officers may administer oaths outside the United States. This conforms to existing laws.

The Senate bill had a provision that the Attorney General could suspend the deportation of alien crewmen and adjust their status to lawful permanent residents. The House bill had no such provision. The conferees agreed to the Senate version with an amendment precluding suspension of deportation of those seamen who entered subsequent to June

30, 1964. But before the status of those individuals can be thus adjusted, they would have to show hardship and establish that for 7 years they had been leading law-abiding and moral lives.

The Senate version had a provision to adjust the status of natives of the Western Hemisphere, now in the United States, who fled from their native country because of Communist persecution or the fear of persecution. This refers to the Cuban refugees of which there are about 200,000 in the United States. The conferees deleted the Senate provision but added that the Select Commission on Western Hemisphere Immigration shall address itself to this matter and report to the Congress.

The House version provided a discretionary waiver of exclusion based upon the mental retardation of children 14 years of age or younger, when accompanied by a U.S. citizen or a permanent resident alien parent. We extended the waiver to include all persons regardless of age.

The Senate provision permitted legalization of the status of those aliens improperly in the United States who entered prior to June 28, 1958. The conferees agreed to adjust the date to June 30, 1948.

The present law provides for adjustment of status if the entry was before 1940. The conferees extended the period 8 years.

The House version had no ceiling on admissions from the Western Hemisphere. The Senate provided a limitation of 120,000 immigration visas annually to all countries of the Western Hemisphere. It was felt that since countries outside the Western Hemisphere had limitations or a ceiling, the same might well apply to countries of the Western Hemisphere.

With only two exceptions, all conferees signed the conference report.

There was the strongest bipartisan support for this conference report.

I believe the bill is a fair bill. As I said a moment ago, it does not contain everything that we had hoped to get, but it is the best we could get under the circumstances.

Mr. WHITENER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from North Carolina, who is a member of the committee.

Mr. WHITENER. Mr. Speaker, I appreciate the splendid explanation that the chairman has given. There were two subjects to which he did not address himself, about which I understood there had been some discussion. I do not want to take a lot of time, but I wonder if the chairman would comment on the provision which I understood had been considered to give the Secretary of Agriculture, rather than the Secretary of Labor, authority in the field of the admission of seasonal migrant workers.

Mr. CELLER. That was not in either bill and thus not in issue in the conference.

Mr. WHITENER. Very well. I understood there was some effort to change the deportation rules to provide that if an alien had been in this country for 10 years or longer, he could not be subject to deportation because of some entry that was made which was in violation of the present law.

Mr. CELLER. There was no discussion of any statute of limitations, because such a provision was not in either bill. The law as it exists today remains in that regard.

Mr. WHITENER. Notwithstanding the time an alien has been in this country, he would still be subject to deportation if it appeared that back in his youth he had been charged with some offense?

Mr. CELLER. Yes.

Mr. WHITENER. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the chairman of the Committee on the Judiciary yielding. I, too, in general would compliment the conferees under the chairman on bringing back this report, an excellent report, to the floor of the House.

Quite naturally my question pertains to numbered paragraph 6, or section 15 of the House bill, involving the discretionary waiver of mental retardees. Would the chairman explain if that provision involves also mental deficiency in the range of mental disorders?

Mr. CELLER. So far as I understand the situation, it is limited to what is known to the medical profession as mental retardation. There is provision for waiver of a prior attack of insanity if the Public Health Service certifies that the alien has recovered.

Mr. HALL. This is a very important point. I appreciate the gentleman's response.

Will the Senate version, which was accepted by the conferees, still require certification by the proper physician of the overseas Public Health Service?

Mr. CELLER. Yes. There is no change in that regard.

Mr. HALL. Would the distinguished gentleman estimate that the bill will cut down on the number of private bills for the immigration of the mentally ill and/or mental retardees?

Mr. CELLER. I think it should cut down the number.

Mr. HALL. I thank the gentleman.

Mr. CELLER. Frankly, I do not think we have very many of that kind of case. I am informed that there are about 40 private bills a year of that type introduced.

Mr. HALL. On some days when they are before us on the Private Calendar, they seem overly large in number.

Mr. CELLER. The gentleman may be correct. I am speaking from memory. Perhaps my memory is faulty.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank my distinguished chairman. I have a question with respect to an item that the House, as I recall, voted down and the Senate incorporated by way of an amendment. That provision has to do with quota determinations for the Western Hemisphere. I wonder if the gentleman could describe exactly the tenor of the changes in this act with respect to Western Hemisphere immigration.

Mr. CELLER. There is no quota placed on any country of the Western Hemisphere. We simply placed a total ceiling on all countries in the Western Hemisphere at 120,000 immigration visas a year. That is exclusive of what we call visas granted to immediate relatives, that is, children, spouses, and parents of American citizens.

Mr. GONZALEZ. Is this not contradictory to the whole body of tradition, especially in view of the overall philosophy we have employed in selling this bill? Now it seems as if we are erecting a wall, rather than reducing walls, which we originally intended to do.

Mr. CELLER. The gentleman may remember that I was very strongly in favor of no ceiling on the Western Hemisphere when the bill was discussed in the House originally. I had taken my cue from the administration in that regard.

The gentleman on the other side [Mr. MACGREGOR] offered an amendment to impose a ceiling, and on a teller vote we lost. The ceiling would have been imposed. On a record vote, the result was very close. I believe the teller vote was disturbed, if I remember correctly, by only some eight votes. So I would say the House is fairly divided on the subject of whether there should or should not be a ceiling on immigration from the Western Hemisphere.

As the gentleman knows, when we get into a conference one cannot dictate exactly what the result will be. It is necessary to consult with all of the conferees and not only with the House conferees. In this situation we found that the position of the Republican House conferees was consistent with the views of Mr. MACGREGOR and also with the Senate conferees, and thus the situation was placed in a little different light.

So, as I said before, after working it out, hemming and hawing and arguing back and forth, we finally came to the conclusion, in order to get something done, that we should do this. Otherwise, we would have found ourselves in a situation which would be the rock on which the conference would split. Rather than have no bill, I had to reluctantly, personally, yield.

I deeply sympathize with the gentleman's point of view. I agree with his point of view. But I could not have my views prevail. I knew when I was licked.

Mr. GONZALEZ. I understand, Mr. Speaker, and I certainly wish to compliment the chairman on the fact that he has unequivocally stated his position on this issue. That is the reason why I wanted to know more of the details of what transpired.

Mr. CELLER. May I add one more point?

Mr. GONZALEZ. Certainly.

Mr. CELLER. We did set up the Select Commission on Western Hemisphere Immigration, to be composed of 15 members. This matter of Western Hemisphere immigration impinges upon foreign policy, and the Executive naturally should have some direction in this matter. Congress should have some direction. We await with interest what this Commission will report. They are to study all phases of this question, and they will report to the Congress.

At some subsequent time, if it is essential to make changes, we can make changes.

Mr. GONZALEZ. I have one more question. I do not know that I personally can accept the compromise which, by the very nature of his position, the distinguished chairman saw fit to accept.

Mr. CELLER. I want to tell the gentleman that we have a limited time, and I should like to be sure that the other side gets time.

Mr. GONZALEZ. Briefly, I have a question with regard to page 8 of the report. Section 9 relates to section 211 of the Immigration and Nationality Act, and section 211(a) in the pargaraph containing the amendment includes "under the regulations issued by the Attorney General."

I was wondering if the chairman could explain this amendment, on page 8 of the report.

Mr. CELLER. We are on the conference report?

Mr. GONZALEZ. On the conference report.

Mr. CELLER. Page 8 of the conference report?

Mr. GONZALEZ. Page 8 of the conference report.

Mr. CELLER. What paragraph are you referring to?

Mr. GONZALEZ. The very first one, section 211(a). It reads:

> Sec. 211. (a) Except as provided in subsection (b) no immigrant shall be admitted into the United States unless at the time of application for admission he (1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such visa of the accompanying parent, and (2) presents a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General. With respect to immigrants to be admitted under quotas of quota areas prior to June 30, 1968, no immigrant visa shall be deemed valid unless the immigrant is properly chargeable to the quota area under the quota of which the visa is issued.

Mr. CELLER. I say it is existing law, and we make no change in it. No change whatsoever.

Mr. GONZALEZ. That is what I wanted to get. I thank the gentleman.

Mr. CELLER. Mr. Speaker, I now yield to the gentleman from New York [Mr. Gilbert], a member of the committee.

Mr. GILBERT. First, Mr. Speaker, I wish to compliment my distinguished chairman for the work he has done on this bill. As a member of the Subcommittee on Immigration of the committee, I wish to point out to the chairman that I am personally gravely disappointed that the conferees of the House capitulated so quickly to the Senate version with respect to placing the limitation of 120,000 on the Western Hemisphere. I think it was only last week that the House adopted a resolution which poked a finger right in the eye of all of Latin America. I think now, by the inclusion of the adoption of a limitation or quota on the Western Hemisphere, we are taking the finger and poking it into the other eye of Latin America. I am sorely disappointed at the actions of the conferees with respect to this particular point. I hope it does not adversely affect our relations with all of Latin and South America.

Mr. McCULLOCH. Mr. Speaker, I yield 10 minutes to the gentleman from West Virginia [Mr. Moore].

Mr. MOORE. Mr. Speaker, I very much want to take this opportunity to say to the House that the conference report we are considering at this time is basically the House position in every respect with one major exception, that is, we have included the ceiling on Western Hemisphere immigration at 120,000, which was discussed in the committee in the House at the time it was submitted by the gentleman from Minnesota [Mr. MacGregor].

I think it is fair to say to the Members of the House that in each of the areas in which there were matters in difference between that which we passed in this body and the action which was performed by the other body, that in almost every respect the position of the House was maintained. I think if you will recall the original debate on the changes which were suggested in our immigration policy at the time of consideration of the legislation in the House, that there was some real concern as to whether the House or, I should say, the two bodies of the Congress, would continue to exercise control over the Nation's immigration policy.

I think that this conference report has confirmed once and for all that the House of Representatives and the Senate of the United States shall continue to exert their constitutional control over the immigration policy of our country. This is particularly significant in the makeup of the Commission on the Western Hemisphere which is created by this bill as passed by the other body. Initially they suggested it be a 15-man Commission, 9 members to be appointed by the President of the United States and 3 to be appointed by the Speaker of the House and 3 by the President of the Senate.

An amendment was agreed to by the conferees which would provide for the Commission to be made up of 15 members, but that the President would appoint 5 and each of the two bodies of the legislative branch of the Government would appoint 5, giving, I believe, without question, full control over the Commission to those of us in the legislative branch of the Government who are given the responsibility constitutionally in this area.

I think what should be said here today with respect to the changes that we have made and contemplate by the passage and acceptance of this conference report is simply this. When anyone in your constituency asks you about our immigration policies, about the number of immigrants that are coming into this country, I think for the first time you can honestly say what the number will be coming into this Nation, or what the maximum ceiling is on annual immigration.

Heretofore our immigration flow into this country was from any one of a number of eight different areas and it was, I would say, extremely difficult to anticipate what would happen under the authority written into the law as to the number of people that could actually come into our country in any given area.

And let me use the Western Hemisphere for example. While the annual average over the past 10 years has been 110,000, with severe increases in the last 5 years it should be restated that there was no ceiling. In any one year it could easily go up to a quarter of a million or as many as half a million. In our refugee programs, under the fair share law, it was reasonable to anticipate that our immigration of refugees would not materially escalate, but we had no reason to state with any assurance that X number of refugees was all that could come into the United States in any given year. But under this legislation, every Member of this Congress knows that the refugee flow into the United States is limited to the number of 10,200.

So it is fair to say that what we have before us is a suggestion, for our consideration, to make our immigration flow come from three specific areas; 170,000 external to the Western Hemisphere, 10,200 of that number being set aside for refugees; 120,000 ceiling on the immigration flow from the Western Hemisphere and in addition to that X number—we cannot be absolutely certain in this area as to the numbers that will come in—nonquota who are parents and spouses and children of intending immigrants.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I want to compliment wholeheartedly the House conferees who brought back to the House this immigration legislation. This is far better legislation than the bill that passed the House several weeks ago. The conferees have done a fine job in finally working out adequate, comprehensive immigration legislation to replace inadequate, inequitable, antiquated legislation that badly needed change.

Particularly I want to pay tribute to the gentleman in the well of the House, the gentleman from West Virginia [Mr. Moore], who I believe is one of the most knowledgeable, if not the most knowledgeable, Members in the Congress on immigration matters. I know of his long and diligent investigation of and work on immigration problems. I think all of us on both sides of the aisle owe him a debt of gratitude for his superb work.

Although I have complimented all of the conferees, Republicans and Democrats alike, I think it is appropriate, Mr. Speaker, for me to say strong and emphatic words congratulating the other members of the conference committee on our side of the aisle: the gentleman from Ohio [Mr. McCulloch], the ranking Republican member on the Committee on the Judiciary, and the gentleman from New Jersey [Mr. CAHILL], a distinguished lawyer and expert on immigration legislation. But may I add words of congratulation to a person on the subcommittee that handled immigration who, unfortunately, for understandable reasons, was not a member of the conference committee. I speak now of the gentleman from Minnesota [Mr. MACGREGOR] who was the author of the important amendment placing a ceiling on immigration from the Western Hemisphere. This amendment, strongly opposed by the Johnson administration, barely defeated in the House, has now been incorporated in the final version of the legislation. We all owe a debt of gratitude to the able, constructive legislator, the gentleman from Minnesota [Mr. MACGREGOR]. I believe his fight when the bill was before the House to impose a reasonable ceiling on Americans from the Western Hemisphere was significant in making the other body come to the realization that this was a sound proposal.

Mr. Speaker, I conclude by urging that all Members of the House vote for this conference report. It is good legislation. It is sound legislation. It is a great improvement over that legislation which we have had on the statute books, as amended, for a great many years.

Mr. MOORE. Mr. Speaker, I thank the gentleman very much.

Mr. CHELF. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman from Kentucky [Mr. CHELF].

Mr. CHELF. Mr. Speaker, I too would like to associate myself with the remarks, the commendation and the tribute of the gentleman from Michigan [Mr. GERALD R. FORD] in his salute and his justifiable recognition of this outstanding West Virginian, and great American, Representative ARCH MOORE.

Mr. Speaker, it has been my privilege to have been a member of this subcommittee for now almost 19 years. I have seen some good men come and some good men go during that time. But, believe me, sir, I have never seen a more dedicated, sincere, honest, intelligent, capable, hard working member than the gentleman now occupying the well of the House, Mr. MOORE.

He, together with the gentleman from Ohio [Mr. FEIGHAN], chairman of our subcommittee, has done a magnificent job. Without this great team working and pulling together—we would not have an immigration bill. This was a nonpartisan job. I would be derelict in my duty and to my colleagues and to the Nation if I did not say today that it has been a joy and a privilege and a pleasure yes, a real satisfaction to have been able to be associated on this fine committee and to work with you, Mr. MOORE, and Mr. FEIGHAN, on this committee over these past years.

Mr. Speaker, I believe that we, your managers on the part of this House, have come back to the House of Representatives today in a blaze of glory. The MacGregor amendment that was adopted here in the House by a teller vote of 196 to 194 has been restored, and what is more important—retained in the bill. It was because this most important amendment was later deleted that I voted against the bill. I had to leave my President, my Speaker, and both of my chairmen when I spoke up for this amendment.

Mr. Speaker, we now have a good bill, and I urge, and I beg, and I implore, and I plead with my colleagues to support it.

It is the best bill with which we could possibly come to the floor, and it is one that you can go home and defend. Mr. Speaker, all of the members of our subcommittee have done the Nation a great service by voting for and supporting this bill. Thank heaven that we have men of their vision, devotion to duty, and their character at the helm of our Immigration and Nationality Subcommittee of this House.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. McCULLOCH. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. BALDWIN. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I would be happy to yield to the gentleman from California.

Mr. BALDWIN. I would like to ask a question relating to section 15 of the conference report which deals with mentally retarded children.

I have had two specific cases in the congressional district which it is my honor to represent, where the rest of the family were admitted to the United States but a single retarded child at that time was barred—if my understanding is correct section 15 in this bill would now make it possible when a family is to be admitted to the United States for that mentally retarded child to come in with the rest of the members of the family; is that correct?

Mr. MOORE. The gentleman's interpretation of the legislation is correct. That child could enter with his parents.

Mr. BALDWIN. And, if the gentleman will yield further, that would be regardless of the age of the child?

Mr. MOORE. That is right. As the gentleman will recall, we in the House placed 14-year-olds as an age limitation on the entry, but the Senate removed the age limitation. Now it would apply without respect to age with reference to persons in the mental retardation area.

Mr. BALDWIN. And, if the gentleman will yield further, it would also apply even if the child is the only member of the family remaining in the foreign country—because of having been previously barred by the old Act—and he could now be brought in, even though the rest of his family is now here?

Mr. MOORE. That is correct. That child presently is excluded under our law by reason of his mental condition. What we have done here is this: That child will now be permitted to join his family that may be in residence here in the United States.

Mr. BALDWIN. I thank the gentleman from West Virginia and wish to congratulate the conferees for making this change in the law.

Mr. MOORE. I thank the gentleman from California.

Mr. Speaker, may I say to the Members of the House that some question was raised and discussion was had with respect to the problem of Cuban refugees. The Senate inserted a suggested status change for them or an opportunity to have status in such a way that your House conferees felt that this was neither the time nor the opportunity to discuss the same; that it is a matter which should be discussed by the Commission which has been created under this legislation and is directed to do so and that we should not give any consideration at this time to any of the problems of the situation with reference to the Cuban refugees.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. McCULLOCH. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. MOORE. Mr. Speaker, there are two points I want to make so that I feel the membership of the House may be fully informed as to what we are doing in this immigration field.

I want to reemphasize what we do here today in great measure strengthens our immigration laws as they are presently on the books.

We have for the first time very strict labor controls in this legislation, and I believe it will in great measure meet with the full and complete agreement of every Member of the House. What we did in this area was in the best interest of the country, and in the best interest of those who labor in this country for a living. In addition to that, I think everybody who goes home from this session of Congress is going to be criticized and be met with the suggestion that great numbers have again been added to those who can come into this country. I have looked very deeply into the statistical data available to us from the Department of State where they tried to anticipate what might happen after this law becomes operative on June 30, 1968. It is my best opinion, based upon their best estimate, there would not be any material change in the numbers that come into this country, and, as a matter of fact, it could conceivably happen there will be less immigration flowing from all areas of the world into this country after June 30, 1968, than we are presently experiencing.

Several gentlemen in the House who have served on the committee have been more than kind in their reference to my work in this area. I would be totally remiss, Mr. Speaker, today if I did not say to each Member of the Congress that the conferees did what I believe to be an outstanding job, and in the best interests of the country.

The gentleman from New York [Mr. CELLER] has always been at the forefront in this battle. I may say, however, that this House should understand that the gentleman from Ohio [Mr. FEIGHAN] has done a tremendous job in marshaling the committee together into many, many executive sessions to consider this matter and, if I may say so, he has done this for the sole purpose of bringing about remedial legislation in the field of immigration. I believe the gentleman from Ohio [Mr. Feighan] has done a tremendous job in this area, and I believe it merits the sincere support of all Members of the House of Representatives.

Mr. CELLER. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio [Mr. Feighan].

Mr. FEIGHAN. Mr. Speaker, this conference report is truly and genuinely bipartisan. In all respects it serves the best national interest. Its bipartisanship is reflected in the unanimity by which its basic provisions passed the House Subcommittee on Immigration and the strong vote of confidence given to it by the full Judiciary Committee.

When this subcommittee bill was before the full committee not one single syllable was changed, and I want to commend the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. Celler] who graciously accepted the new immigration bill.

The Senate abandoned consideration of any pending Senate bill and considered solely and adopted the House subcommittee bill with only one major change, namely, placing a ceiling of 120,000 on immigration from independent republics of the Western Hemisphere. It added also other minor provisions which were resolved in conference.

The distinguished gentleman from West Virginia [Mr. Moore] has stated that the conference changed the composition of the select Commission to study immigration from the Western Hemisphere. Under this conference report, the Commission will consist of five Members of the House, five Members of the Senate, and five members appointed by the President. This change clearly recognizes the primary duty and responsibility of the Congress to regulate immigration into the United States. That congressional responsibility has been affirmed by the Supreme Court in the interstate and foreign commerce decision and which has been reaffirmed many times since. I want to commend the Senate conferees for their acceptance of this change which removes any doubts that responsibility for regulating immigration into the United States rests with the Congress. That fact is restated in the conference report. The responsibility remains in the Congress where it properly belongs.

I would like to pay tribute also to the Members of the House subcommittee for the arduous work they have performed. I would just like to read a pertinent sentence from the Senate report:

> We owe a great debt to the House Immigration Subcommittee and its staff for the creation of this system.

I pay special tribute to the very able and distinguished ranking Republican Member of the House subcommittee, the gentleman from West Virginia [Mr. Moore] for the steady and sturdy role that he played in the long and hard struggle to produce this immigration bill. The distinguished Member from Kentucky [Mr. Chelf] gave our work the full benefit of his wisdom gained by 18 years experience as a member of our subcommittee. It has been my pleasure to sit next to him in committee meetings for all those years and I take this opportunity to thank him for his great service in guiding some of our most difficult deliberations to a happy conclusion. I feel the House can take justifiable pride in this bill because its genesis was in the House Subcommittee on Immigration and Nationality. One can support this bill on the basis of sound logic and reason, devoid of any emotion.

I urge all Members to support this conference report.

Mr. Speaker, I yield back the remainder of my time.

Mr. McCULLOCH. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. Cahill].

Mr. CAHILL. Mr. Speaker and Members of the House, I, too, today share the observations and the pride of the chairman of the full committee concerning the contributions that have been made by all immigrants to the greatness of our country, and certainly share the views concerning the importance and acceptability of this conference report as outlined by the gentleman from West Virginia [Mr. Moore].

As has been frequently suggested, during this session, the minority party is rarely given the credit it deserves. But I would say without any hesitation that the immigration bill, and the conference report on that subject, is in a large measure due to the great contribution that was made by the minority party, and particularly the leadership of the gentleman from West Virginia [Mr. Moore] and the logic which was expressed and argued persuasively by the gentleman from Minnesota [Mr. MacGregor].

I point out that the sole purpose—or certainly the principal purpose of the bill—was to eliminate discrimination as it had long existed by reason of the national origins quota system. I remember the gentleman from Minnesota [Mr. MacGregor], pointing out on the floor of the House that if we were going to eliminate discrimination, we ought to do it completely. It seems to me that it was his logic and his persuasiveness that compelled the Senate and all of the conferees, on both sides of the aisle, to accept in this conference report a ceiling of 120,000 from the Western Hemisphere.

But I would also add, especially to my friend from New York, who had some questions concerning the validity of this provision, that again, due to the wisdom of the conferees, I believe, if there is any doubt or any problem or any interference with the national policy of our country, it is safeguarded in this conference report by the presence of the committee controlled by the Congress of the United States, but having five public members appointed by the President. So that if there is any mistake discovered during the next 3 years, it can be brought to the attention of the Congress, and if there is any omission or correction that is needed, we can make it.

So I believe the conference report is one that can be voted on favorably by every Member of this House on both sides of the aisle. I enthusiastically support it and urge its adoption. It represents a necessary and important change in the new law regulating immigration.

Mr. McCULLOCH. Mr. Speaker, I yield to the gentleman from Virginia [Mr. Poff] 2 minutes.

Mr. POFF. Mr. Speaker, I address the House as a former member of the Subcommittee on Immigration and Nationality. I speak as one who has acquired perhaps a hard-nosed reputation on the subject of immigration. But I speak as one who has followed the course of the immigration bill in most careful detail from its inception several years ago when the late distinguished Member from Pennsylvania, the Honorable Tad Walter, began the first hearings which gave genesis to this legislation.

I can say without equivocation that the conference report as presently constructed represents an improvement over both the House bill and the bill passed by the other body. As such, I will vote for the conference report. I shall do so enthusiastically. It will strengthen the present law in several material particulars.

I would not want the opportunity to pass without echoing the tributes which have been paid to those on the subcommittee responsible for this legislation.

I have particular reference to the chairman of the subcommittee, the distinguished gentleman from Ohio [Mr. Feighan]; to the ranking minority members of the subcommittee, the distinguished gentleman from West Virginia [Mr. Moore]; and to the able gentleman from Minnesota, who made such a major contribution to the final form of this bill [Mr. MacGregor].

During the course of the debate in the House I was one of those who attempted to persuade the House to adopt the MacGregor amendment. The House by a narrow vote rejected the MacGregor amendment, and I am glad to see that the other body has corrected this error and taken a step which I believe should be taken at this time, a step which I predict will not have the adverse effects which have been claimed for it but rather will have beneficial consequences in both domestic affairs and foreign affairs.

Mr. McCULLOCH. Mr. Speaker, I now yield 5 minutes to the gentleman from Minnesota [Mr. MacGregor].

Mr. MacGREGOR. Mr. Speaker, this conference report should be supported by every Member of the House of Representatives. The final bill as worked out by the House and Senate conferees makes historic progress in emphasizing America's desire to reunite families. Its provisions strengthen national security and protect each American worker.

Mr. Speaker, this legislation will completely sweep away discrimination on account of race, national origin, and geographic location of birth in our immigration laws.

Let me address myself to the concern expressed by the gentleman from Texas [Mr. Gonzalez], and the gentleman from

New York [Mr. GILBERT]. Mr. GONZALEZ expressed his reservation about a ceiling of 120,000 annually on Western Hemisphere immigration, a ceiling which will exclude immediate family members. Mr. GILBERT expressed his concern about the reaction of our friends south of the Rio Grande and in the Caribbean to this new development in our immigration policy.

Let me point out to these gentlemen and to all Members of the House that this conference report treats immigrants from the Western Hemisphere more favorably than immigrants from anywhere else in the world in three respects: First, by giving 120,000 numbers to the Western Hemisphere favoritism is shown in relationship to the 170,000 numbers given to the rest of the world; second, no country of the Western Hemisphere will be subject to the 20,000 per country limit that will apply to our historic friends and allies across the Atlantic and Pacific Oceans; and, third, the requirements of the preference system will not apply to the countries of the Western Hemisphere.

In view of these facts it is important to point out that the acceptance of the worldwide ceiling concept, with the inclusion of immigrants from all countries under a numerical limitation, is not a new idea nor is it original with me. Ten years ago, in February of 1955, a group of Congressmen and Senators, whom I am sure most of us would agree were outstanding men despite disagreement with their political philosophies, offered a comprehensive immigration bill. Members will find in the RECORD of February 25, 1955, an address by the then Senator from New York, Mr. Lehman, describing that bill. It was cosponsored by Senator Lehman and by the distinguished chairman of the Judiciary Committee of the House [Mr. CELLER].

That bill would have established a worldwide ceiling of 250,000 annually. It would have extended the ceiling to all immigration from the Western Hemisphere, from whence immigrants would have been treated on exactly the same basis as immigrants from across the Atlantic and Pacific Oceans.

Senator Lehman included this analysis of the 1955 Celler-Lehman bill:

> A major feature of the proposed act is its consolidation, within the quota, of all general immigration, including immigration from the Western Hemisphere. This has been done in order to put all foreign countries on the same basis consistent with the best interests and needs of the United States. Thus the proposed act does not give nonquota status, as present law does, to aliens born in the Western Hemisphere, with the right to immigrate to the United States without limitation as to number.
>
> In addition—and this is a vital feature—a nonquota status is given to parents as well as to children and spouses of American citizens (sec. 102(a)(19(A)).
>
> At the same time that nonquota status is given to parents of American citizens, the proposed act deprives aliens born in the Western Hemisphere of their nonquota status, as already described.
>
> The effect of these changes is to confine the nonquota status to very special classes of immigrants—children, spouses, and parents of citizens, professors, ministers, and one or two other technical categories—and to place all general immigration, including immigration from the Western Hemisphere, under the quota system.

The bill we are considering today treats prospective immigrants from the Western Hemisphere more favorably than they would have been treated under the bill cosponsored by Senator Lehman and Congressman CELLER.

May I add for the RECORD the names of these additional cosponsors of this legislation in 1955: The now Vice President of the United States, HUBERT HUMPHREY; the deceased Senator Kefauver of Tennessee; the deceased former President of the United States, John F. Kennedy; Senators Chavez, MAGNUSON, MCNAMARA, PASTORE, and as cosponsors in the House with our distinguished Judiciary Committee chairman, Mr. CELLER, was the gentleman from New Jersey, Mr. RODINO, the gentleman from Minnesota, Mr. BLATNIK, Mr. Roosevelt, Mr. DINGELL, Mr. THOMPSON of New Jersey, Mr. YATES, Mr. POWELL, Mr. DIGGS, Mr. O'HARA, Mr. MACDONALD, Mr. ASHLEY, and Mr. REUSS, among others.

This comprehensive bill introduced by these gentlemen 10 years ago would have been more restrictive on Western Hemisphere immigration than the bill we are about to adopt by what I hope will be a virtually unanimous vote in this Chamber today.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. MACGREGOR. I yield to gentleman from Texas.

Mr. GONZALEZ. Is it the gentleman's contention that adopting a ceiling for the Western Hemisphere nations is not an unprecedented action?

Mr. MACGREGOR. To my knowledge, establishing this very generous ceiling which gives favored treatment to the Western Hemisphere is a new step in immigration laws and a step first proposed, according to my research, by the distinguished gentleman from New York [Mr. CELLER] and by Senator Lehman 10½ years ago.

Mr. GONZALEZ. Then it is a new and novel inclusion in our immigration legislation?

Mr. MACGREGOR. No, not at all. The idea has been pending in various legislative proposals for many years.

Mr. GONZALEZ. Not the idea. I am asking specifically if the gentleman holds to the thought that this is not an unprecedented action with reference to the Western Hemisphere nations with respect to our immigration laws.

Mr. MACGREGOR. May I say it is a very wise and thoughtful step which we are taking perhaps 10½ years too late.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. MACGREGOR. May I say to the gentleman from Texas and to all others in the House that if the ideas of the gentlemen whose names I have listed had any validity 10 years ago, then this conference report today should be adopted by an overwhelming majority.

Mr. CHELF. Mr. Speaker, will the gentleman yield?

Mr. MACGREGOR. I yield to the distinguished member of the Subcommittee on Immigration, the gentleman from Kentucky [Mr. CHELF].

Mr. CHELF. The gentleman is so eminently correct when he says that our neighbors to the south of the border, our Latin American friends—all in the Western Hemisphere have been really treated decently. This is so because while there is a ceiling of 170,000 for the entire world we have set an additional ceiling of 120,000 especially for our neighbors and friends in this hemisphere. This is concrete, ample proof to them that we are giving them approximately 40 percent of the total ceiling allowed throughout the length and breadth of the world.

Mr. MACGREGOR. I thank the gentleman from Kentucky for emphasizing once again that we are giving favored treatment to our friends south of the Rio Grande in adopting this conference report today.

Mr. CHELF. If a 40-percent ratio is bad treatment, I want you to give me that kind for the rest of my natural life. In conclusion, Mr. Chairman, let me salute the gentleman, Mr. MACGREGOR for offering his amendment. It is a wise and a just one. Now please let me thank publicly my two chairmen—Mr. CELLER and Mr. FEIGHAN. Along with the entire subcommittee they are especially deserving of credit. Why that good chairman of ours, Mr. FEIGHAN, almost worked the hides off of us on the subcommittee. He kept calling meetings day after day—week after week until we had gotten the job done. He is justly entitled to all of the praise that one can heap upon him. His leadership was inspiring to all of us—his tenacity to purpose helped to beat the adjournment deadline.

Mr. McCULLOCH. Mr. Speaker, I am pleased to say to the House that the conference committee was in session for more than 4 hours on the differences between the House and the other body. In all my experience in the Congress I enjoyed nothing more than the harmonious, constructive working session of the committee.

I join in what has been said about all of my colleagues who were members of the committee, and I want to refer, again, to that able, gentlemanly, kindly chairman of the Committee on the Judiciary and to my good friend ARCH MOORE, top Republican member of the subcommittee, who carried the burden so effectively for so long. That so many Members of the House voted for the legislation when it was first before the House, and who will soon vote to accept the report, is a fine tribute to ARCH MOORE; to MIKE FEIGHAN, whom I have known so long and so favorably. You know, Mr. Speaker, MIKE FEIGHAN was the minority leader of the Ohio House of Representatives more years ago than either of us like to admit, when I was speaker of the Ohio house. It has been a happy occasion for me to work with him on many important matters, including the matter before us today. I commend the conference committee report to every Member of the House. I am of the firm opinion that it would serve a useful public purpose if it were overwhelmingly accepted by the House.

Mr. Speaker, I yield such time as he may require to the gentleman from Illinois [Mr. McClory].

Mr. McCLORY. Mr. Speaker, I am pleased to add my support to the adoption of the conference report on the 1965 amendments to the Immigration and Nationality Act, H.R. 2580.

In this behalf, I take occasion to compliment the members of the conference committee and particularly my colleagues from this body. In my opinion, the House conferees have resolved the differences between the House and Senate versions of this legislation in a manner consistent with the views of the vast majority of the Members of this body and that great majority of Americans throughout the Nation.

Mr. Speaker, I want to pay particular tribute to the contributions made by the Republican members of the House Judiciary Committee in carrying forward views consistent with our Republican platform and principles. My colleague, the gentleman from West Virginia [Mr. Moore], has performed a stellar job in this connection. In addition, the gentleman from Minnesota [Mr. MacGregor], by persisting in behalf of a numerical ceiling on Western Hemisphere immigration, has helped produce a result which is equitable for the people of all of the friendly nations throughout the world. I am thinking primarily of our friends across the Atlantic with whom we have so much in common and whose citizens by emigrating to these shores in the past have contributed so substantially to our culture, our economy, and our political system.

Mr. Speaker, the conference committee report results in producing an immigration bill which should contribute to our country's improved foreign relations and to an orderly immigration system consistent with the natural growth and development of our society.

I am particularly happy that this legislation will enable the families of American citizens to be reunited more rapidly and that we will have the benefit of those skilled and professional individuals who prefer our system of government and who desire the opportunities which are afforded in our land.

Mr. Speaker, every Member of this body may take justifiable pride in this achievement of the 89th Congress and I am personally proud to have made a small contribution to the final result.

Mr. TUPPER. Mr. Speaker, the Immigration Act now before the Congress represents a welcome change in U.S. immigration policy by removing the obnoxious and discriminatory system of national quotas. I will vote for the bill.

This bill, however, does in my opinion include one serious error of judgment. By imposing a limitation on immigration from the Western Hemisphere it threatens to end the historic free flow of immigrants across the U.S. boundaries with Canada and Mexico.

When the bill was first before the House, I joined with my colleagues to defeat a proposed amendment to place a limit on immigration into the United States from the Western Hemisphere. I did so for two reasons: First, representatives of the administration had led many of us to believe that in their judgment imposition of such a limitation at this time would seriously impair U.S. relations with Latin America; and second, I was concerned that such a limitation might seriously reduce the free flow of emigration to this country from Canada and Mexico.

In the Senate an annual limitation of 120,000 immigrants from the Western Hemisphere was placed in the bill after assurances from the President that he did not oppose the provision. Those assurances help to satisfy my first area of concern over this provision.

Nonetheless I remain disturbed by the possibility that the annual limitation on Western Hemisphere emigration to the United States may affect our relations with our only contiguous neighbors, Canada and Mexico. During fiscal year 1964, 139,284 persons, including spouses and children, emigrated from Western Hemisphere countries to the United States. Over half of these came from our immediate neighbors—38,074 from Canada and 32,967 from Mexico.

If the rate of Western Hemisphere emigration to the United States remains at this level, or as is more likely increases, and if the bill is administered on a first-come-first-serve basis, there is no assurance whatsoever that Canada and Mexico emigration to the United States will not be affected.

I am sympathetic to the proposition that if regional immigration quotas are assigned to the rest of the world, they should also be assigned to the Western Hemisphere, for there is no inherent difference between these nations and others. There is, however, one vital distinction between Canada and Mexico and all the other nations of the world. They are the only two countries which border directly on the United States—and in my opinion fully free and unlimited immigration between the United States and its immediate neighbors should be maintained.

Nine of my colleagues joined me in a statement on United States-Canadian relations last Monday which proposed that United States-Canadian immigration remain unlimited, except for the reasonable qualifications of financial responsibility and good moral character.

Mr. Speaker, because this is a bill from conference, and the House does not have the option of amending it, and because in balance it is a progressive step in U.S. immigration policy, I shall vote for the bill. But I hope that the Select Commission on Immigration from the Western Hemisphere, which this bill establishes, will give every serious consideration to recommendations to leave Canadian and Mexican emigration to the United States unlimited. The Select Commission must report to the Congress with its recommendations fully 6 months before the limitation on Western Hemisphere immigration is scheduled to become effective in June of 1968. I have every confidence that the President, the President of the Senate, and the Speaker of the House of Representatives in making their appointments to the Select Commission will assure consideration of U.S. immigration policy toward Canada and Mexico, and that thereby we can rectify the shortcomings of this bill so as to preserve the closest and the most productive relations possible with our Canadian and Mexican neighbors.

Mr. PHILBIN. Mr. Speaker, I am in support of the conference report on the immigration bill which is now under consideration by the House.

I think this bill is long overdue. Over a long period of time now, I have been filing and pressing a major immigration bill designed to remedy some of the problems that this bill deals with.

It is a bill which would allocate and transfer some unused quota numbers from some nations to other nations having oversubscribed quotas. It had the support of three Presidents and many groups and people.

My bill was designed, just as the current bill is, to reunite families and expedite the admission to the United States of the loved ones of American citizens who have served this Nation faithfully and well, established themselves here and brought up their children here, and who have as good loyal citizens contributed greatly, in war and peace, to the security, well-being and prosperity of our nation.

Naturally I am gratified that the principles of immigration law which I have striven for so long in this body have finally been written into this great human charter of immigration which we are considering today.

It was back in April 1953 that I first sponsored legislation to redistribute unused immigration quotas, which averaged about 60,000 yearly then. I did this in an effort to help correct the inequities in the immigration laws which discriminated against such countries as Italy and Greece in the allocation of immigration quotas.

I was prompted then, as I am now in my support of the bill now before the House, to help unite families here with their loved ones remaining overseas. I was convinced then, and I am convinced now more than ever, that liberalization of the immigration laws is a matter of simple justice and I am glad that this House is finally acting to revise the national origins clause so as to help thousands of worthy American citizens with close relatives caught in the web of discriminatory quotas who have been waiting for many years for the chance to come to this country.

As is the case in the bill now before the House, my bill was drafted in such a way that no increase in the overall quota totals is required. My bill merely redistributes the unused quotas with the added provision that those countries benefiting from the unused quota system would repay, whenever necessary, over a 5-year period, the countries from which additional quota numbers have been received. This would help such nations as Poland, Lithuania, Latvia, Armenia, Albania, and other countries behind the Iron Curtain whenever freedom is restored to these unhappy lands.

However, I want to make it clear that I oppose the concessions made in the conference to the other body by writing into this bill a ceiling on immigration for our neighbors of the American hemisphere. To my mind, this is a step backward, and I am fearful that it will cause a great deal of misunderstanding on the part of our neighbors.

It is true that these neighbors will still receive 40 percent of the total quotas provided by the bill, but nevertheless, for the first time in history quota restrictions are imposed upon them, and I think this is most unfortunate and most unwise.

How the formula designed to admit people on the basis of their skills, talent, ability, and so forth, will work out is problematical, and depends upon the way the law is administered.

While scholarship, talents, and ability always have their place and contribute much, we should not overlook the fact that, as our own national experience so clearly reveals, it is from the lowly, from the humble, from the unschooled and untutored, and often from those who for long have been denied opportunities, that much of the great leadership and most loyal followership of this Nation has emerged.

This Nation needs hewers of wood and drawers of water who can furnish the sinews for our economy and for our way of life and for the development of our family structure, from which so many leaders have sprung, and so many strong, loyal people have come to defend the country in time of need, to operate its factories, its transportation systems, its farms and do the work that has to be done in any great economic system like ours.

I hope and urge that the administrators of the immigration bill will have this factor in mind and will not close the doors to the worthy, the industrious, to the honest, eager, if ordinary, citizens who want to come to this country as many of our forebears did, to seek the opportunities of its freedom and by their devotion, loyalty, and labor lift themselves up and lift their families up to strengthen the fiber and the leadership of the country.

There is a great place for the geniuses, the supertalented, and the well to do. But they alone will not suffice. We must also, to the extent we can, be a haven for the worthy poor, the unprivileged, the disadvantaged, those of the strength, will, and determination to make their way, those willing to work their way up, those who will be loyal to American institutions, a credit and asset to the Nation.

In any event, Mr. Speaker, I think the committee, on the whole, has done well in formulating and presenting this bill and I think it will be helpful to our foreign relations and hope it will be helpful in other ways as well: to our friends and neighbors who can be reunited with their dear ones, to our economy to meet some of its needs, and to our great Government and our local communities to whom fresh, young vigorous blood may, as in the past, bring new strength, new ideas of shaping our free institutions along sound free, constructive lines, designed to cope with and conquer the problems of the space age.

I ask unanimous consent to revise and extend my remarks and include therein as part of my remarks a very fine letter from the highly dedicated, able, and distinguished chairman of the subcommittee which heard and reported this legislation, my beloved and esteemed friend, Chairman MICHAEL A. FEIGHAN, which makes it clear that the new immigration bill as amended by the subcommittee and approved by the full committee under the able leadership of the distinguished gentleman from New York [Mr. CELLER], provides for the redistribution of the unused quota numbers and thereafter eliminates the national origin quota system and repeals section 207 of the Immigration and Nationality Act, all of which were primary objectives of my original bill. It has been a long struggle to enact this bill and I trust it will prove worthy of our confidence.

HOUSE OF REPRESENTATIVES, U.S.,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., August 12, 1965.

Hon. PHILIP J. PHILBIN,
Member of Congress, House of Representatives, Washington, D.C.

DEAR COLLEAGUE: I have your letter of July 15, concerning H.R. 2078 to amend section 201 of the Immigration and Nationality Act, so as to provide that all quota numbers not used in any year shall be made available to immigrants in oversubscribed areas in the following year, and for other purposes. Your bill would provide for the redistribution of unused quota numbers over 5 fiscal years ending June 30, 1971.

The new immigration bill, as amended by my subcommittee and approved by the full Committee on the Judiciary provides for the redistribution of the unused quota numbers during the next 3 fiscal years and thereafter eliminates the national origins quota system. In addition, your bill repeals section 207 of the Immigration and Nationality Act, which is also repealed by H.R. 2580 as amended.

I am enclosing a copy of the report on that legislature.

With kind regards, I am,
Sincerely yours,
MICHAEL A. FEIGHAN,
Chairman.

Mr. McCULLOCH. Mr. Speaker, I yield back the remainder of my time.

Mr. CELLER. Mr. Speaker, I yield back the remainder of my time.

Mr. Speaker, I move the previous question on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER** pro tempore (Mr. ALBERT). The Clerk will report the motion.

The Clerk read as follows:

Mr. GONZALEZ moves to recommit the conference report on the bill (H.R. 2580) to the committee of conference with instructions to the managers on the part of the House to reject the Senate amendment placing a ceiling on immigration from the Western Hemisphere in the amount of 120,000 persons per annum.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER** pro tempore. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Speaker, I raise the question whether the gentleman's motion is in order. The gentleman from New York moved the previous question on the conference report.

The **SPEAKER** pro tempore. After the previous question is ordered a motion to recommit is in order if the gentleman is opposed to the conference report, and no Member on the minority side seeks to offer such a motion. The gentleman is recognized on his motion.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The motion to recommit was rejected.

The **SPEAKER** pro tempore. The question is on the conference report.

Mr. GERALD R. FORD. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 320, nays 69, not voting 42, as follows:

[Roll No. 341]

YEAS—320

Adair
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ayres
Baldwin
Bandstra
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burke
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Callaway
Cameron
Carey
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Dague
Daniels
Davis, Wis.
Delaney
Dent
Denton
Derwinski
Devine
Dickinson
Dingell
Dole
Donohue
Dulski
Dwyer
Dyal
Edmondson
Ellsworth
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gilligan
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Hall
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Hicks
Holland
Horton
Howard
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Langen
Latta
Leggett
Lipscomb
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mailliard
Martin, Mass.
Martin, Nebr.
Mathias
Matsunaga
May
Meeds
Miller
Minish
Mink
Minshall
Moeller
Monagan
Moore
Moorhead
Morgan
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murray
Nedzi
Nelsen
O'Brien

O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poff
Pool
Powell
Price
Pucinski
Quie
Race
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Rumsfeld
Ryan
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Senner
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stratton
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Tenzer
Thomson, Wis.
Todd
Trimble
Tunney
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Watkins
Watts
Weltner
Whalley
White, Idaho
Widnall
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Younger
Zablocki

NAYS—69

Abbitt
Abernethy
Andrews, Glenn
Ashmore
Baring
Beckworth
Bonner
Buchanan
Burleson
Cooley
Davis, Ga.
de la Garza
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Everett
Fisher
Flynt
Fountain
Fuqua
Gathings
Gettys
Gonzalez
Gross
Haley
Hébert
Henderson
Herlong
Hull
Jones, Mo.
Landrum
Lennon
McMillan
Mahon
Marsh
Martin, Ala.
Matthews
Mills
Natcher
Nix
O'Neal, Ga.
Passman
Poage
Purcell
Quillen
Randall
Roberts
Rogers, Tex.
Satterfield
Secrest
Selden
Smith, Va.
Stephens
Stubblefield
Teague, Tex.
Tuck
Tuten
Utt
Waggonner
Walker, Miss.
Walker, N. Mex.
Watson
White, Tex.
Whitener
Whitten
Williams
Willis
Young

NOT VOTING—42

Anderson, Ill.
Andrews, George W.
Aspinall
Bolton
Burton, Utah
Carter
Colmer
Daddario
Dawson
Diggs
Dorn
Dow
Duncan, Oreg.
Edwards, Calif.
Fogarty
Frelinghuysen
Goodell
Hagan, Ga.
Hansen, Iowa
Hardy
Holifield
Hosmer
Johnson, Okla.
Lindsay
Long, La.
Michel
Mize
Morris
Murphy, N.Y.
O'Hara, Ill.
Rivers, Alaska
Rivers, S.C.
Robison
Roncalio
Roybal
St Germain
Scott
Thomas
Thompson, N.J.
Thompson, Tex.
Toll
Wilson, Bob

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Toll for, with Mr. Scott against.

Mr. Dow for, with Mr. Colmer against.

Mr. Thompson of New Jersey for, with Mr. Long of Louisiana against.

Mr. Daddario for, with Mr. Dorn against.

Mr. Fogarty for, with Mr. Hagan of Georgia against.

Mr. St Germain for, with Mr. Hardy against.

Mr. Holifield for, with Mr. Morris against.

Mr. Murphy of New York for, with Mr. Rivers of South Carolina against.

Mr. Rivers of Alaska for, with Mr. George W. Andrews against.

Until further notice:

Mr. Roncalio with Mr. Goodell.

Mr. O'Hara of Illinois with Mr. Anderson of Illinois.

Mr. Aspinall with Mrs. Bolton.

Mr. Hansen of Iowa with Mr. Robison.

Mr. Thomas with Mr. Bob Wilson.

Mr. Thompson of Texas with Mr. Carter.

Mr. Dawson with Mr. Frelinghuysen.

Mr. Diggs with Mr. Lindsay.

Mr. Roybal with Mr. Hosmer.

Mr. Edwards with Mr. Michel.

Mr. Duncan of Oregon with Mr. Mize.

Mr. Johnson of Oklahoma with Mr. Burton of Utah.

Mr. WHITE of Idaho changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GOVERNMENT EMPLOYEES SALARY COMPARABILITY ACT

Mr. MORRISON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10281) to adjust the rates of basic compensation of certain officers and employees in the Federal Government, to establish the Federal Salary Review Commission, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10281, with Mr. DENT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MORRISON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of H.R. 10281. This is an excellent bill that has been carefully thought out and developed through extensive hearings and executive consideration in the Post Office and Civil Service Committee. It was reported from our committee by a vote of 20 to 3.

Although I personally feel that increases substantially higher than the 4½-percent initial increase in the bill are fully justified by the record, the bill represents the best measure that could be worked out under the circumstances. I do want to commend the very fine diligence and spirit of cooperation in which all members of the Post Office and Civil Service Committee worked together to bring out a bill that can become law this year.

Mr. Chairman, one of the wisest and most foresighted policies ever adopted by the Congress is the principle of comparability between Federal and private enterprise salaries that was written into the statutes by Public Law 87-793. I fully subscribed to that principle, and to the many affirmations by the Congress and by the President that it must be implemented in order to serve the best interests of the Government and its employees.

While the 4½-percent general salary increase scheduled for October 1, 1965, under this bill will not achieve full comparability, it certainly is a step in the right direction. Present Federal salary rates are roughly comparable with those in private enterprise during the February–March period of 1964, so far as concerns the lower pay grades and levels. In the middle and upper grades and levels they compare with private enterprise rates in 1963 and 1962, respectively. Private enterprise levels rose approximately 3 percent more from February and March of 1964 to the same months in 1965. Therefore, at this particular time the lower salary grades and levels in the Government, as now in effect, lag at least 7 or more percent behind comparability with private enterprise levels which they are supposed to match according to Public Law 87-793.

I submit that it would be not only an injustice to the employees—a breach of trust—but also a contradiction of a firm policy adopted by the Congress were this legislation not to include at least the 4½-percent increase.

Aside from the matter of the general salary increases, perhaps the most important part of this bill is section 107, dealing with overtime and holiday pay for postal employees. Section 107 will revamp and modernize the outmoded and unfair treatment of overtime and holiday work that has been in effect, regrettably, for many years.

Many thousands of postal substitutes are called on officially to work heavy overtime schedules—often as much as 60 or 70 or 80 hours a week—at straight time pay. The record shows that literally millions of hours of this kind of overtime is worked each year. It is a shocking thing when we consider that the Federal Government—which should be the leader in enlightened pay policies—has permitted this situation to exist. It is almost unheard of for employees in private industry to work more than 8 hours a day or 40 hours a week or on Sundays without being paid at least time and one-half.

This sorry condition will be remedied by section 107 of our committee bill. All postal field service employees—including substitutes—will be guaranteed time and one-half pay for work officially ordered in excess of 8 hours a day or 40 hours a week. Regular employees will have Monday through Friday workweeks, with authority in the Postmaster General to schedule different workweeks when necessary to provide service, and any work they are called on to perform on Sundays will be overtime, for which they will be paid time and one-half.

This section also updates and clarifies holiday pay provisions for postal employees. Any employee officially ordered to work on one of the eight legal holidays will receive an extra day's pay—that is, double time—except that for work on Christmas Day a further half day's pay will be added, equaling double time and a half.

I should also like to invite the special attention of my colleagues to section 116 of the bill, on page 32. The effect is to increase from $100 per year to $150 per year the maximum authorized allowance to employees who are required to wear uniforms in the performance of their duties. The $100 limit was enacted 11 years ago and I do not think there is any question but that costs of wearing apparel have skyrocketed, along with other living costs, in the meantime. I am confident that my colleagues—and, indeed, the general public—take pride in the clean-cut and well-turned-out appearance that is so typical of our postal letter carriers. This provision of H.R. 10281 is urgently needed to give these fine employees, and others who must wear uniforms, adequate provision for keeping their uniforms up to the fine high standards that are traditional with postal employees.

The bill extends the general salary increase to employees subject to the Classification Act of 1949; all postal field service employees; medical and nursing personnel in the Department of Medicine and Surgery of the Veterans' Administration; foreign service officers and employees; Agricultural Stabilization and Conservation County Committee employees; congressional employees; judicial employees; and employees whose salaries are fixed by administrative action. These are the groups customarily and historically covered by general Federal salary legislation.

The bill also embodies the excellent administration recommendation for severance pay for employees involuntarily separated through no fault of their own. This consists of two elements. There will be a basic severance allowance of 1 week's pay for each year of service up to 10 and 2 weeks' pay for each year of service beyond 10. To this will be added a further "age adjustment" allowance of 10 percent of the total basic allowance for each year the employee was over 40 years of age when separated.

Mr. Chairman, this is an eminently fair, moderate, and reasonable bill and I urge all Members to vote for it.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. BUCHANAN], a member of the committee.

Mr. BUCHANAN. Mr. Chairman, the issue before us today is simple and clear. It is whether or not we shall continue to maintain a double standard in our outlook toward those who are employed by the Federal Government in this country and those who are employed in private enterprise. I understand that the President of the United States does not approve this bill. Yet on May 12, 1965, as quoted in the report he said:

> We do not have two standards of what makes a good employer in the United States: One standard for private enterprise and another for the Government. A double standard which puts the Government employee at a comparative disadvantage is shortsighted.

The fact is, Mr. Chairman, we do now have a double standard. Our Federal employees, while they have received generous raises in recent years are still well behind on average those employed by private industry. Nor is this all. While we require of private enterprise that there be no more than a 40-hour workweek for employees and that time and a half be paid for overtime work, we in Federal Government, and particularly in the Postal Service, work men 60 hours and more on straight time, and therefore, do not require of ourselves what we demand of others.

We are called upon today to match words with action, to enact into law provisions which will simply put on an equitable and equal footing those who are in the Federal employ. I, for one, believe in economy, but I believe it is false economy to give the laborer less than his hire. We seek to keep those who are employed in Federal Government on an equal footing, and not on a lesser footing economically, with those in private enterprise.

Mr. Chairman, members of this committee disagree on certain features of this bill. For example, I join with the others who feel that the congressional pay raise feature should be removed from this bill. But I believe that H.R. 10281 is a step toward living up to the words which the President spoke on May 12, 1965, and translating those words into action. And more important than this, to many of us, it is a step toward keeping faith with the solemn commitments Congress itself has made to honor the principle of comparability. By its enactment we are simply doing right to the people to whom we have a specific and a very special responsibility and being right-minded and fairminded employers of those who are working in Government service.

Mr. MORRISON. Mr. Chairman, I yield such time as he may require to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, this is the 1965 Federal Salary Adjustment Act. In the cloakroom and in the corridors in the last few days I have had many colleagues ask me different questions: Just what is in this complicated 38-page bill? Why are we having another pay bill this year—we just had one last year? Is not this a bigger bill than the administration recommended? Why have you brought in such a bill? What is this business about a congressional pay raise tucked away somewhere in this bill? And why do we have a second phase 1966 pay raise for Federal employees in this bill?

All of these questions will be answered during the debate. I will start out by saying that this is a good bill. It is the product of extensive and careful hearings. It was supported in committee by a margin of 20 to 3 and such distinguished gentlemen as the gentleman from Pennsylvania, Mr. CORBETT, Mr. BUCHANAN, who just spoke, Mr. CUNNINGHAM, Mr. BROYHILL of North Carolina, Mr. OLSEN of Montana, Mr. DANIELS, Mr. MATSUNAGA, and others of the colleagues whom you respect, carefully considered all of the features of this legislation and agreed to support either in whole or in large part—some of them with a few reservations—the features of this bill.

Mr. Chairman, let me take just a moment or two to tell you what is in the bill. This bill has a 1965 pay raise effective October 1 of 4.5 percent across the board for all of the 1.7 million Federal employees in the major salary systems, and this includes legislative employees.

Mr. Chairman, I shall offer an amendment when we reach that stage of the consideration of the bill to reduce this across-the-board raise for this year from 4½ to 4 percent.

Mr. Chairman, there is a 1966 raise, October 1, 1966, provided for in the bill. This would be based upon a two-part formula. The formula would be the cost-of-living adjustment computed by the Bureau of Labor Statistics on the basis of comparability with private enterprise for 1 year.

In addition, at each level there would be one-half the amount by which Federal pay now lags behind comparable civilian pay.

Secondly, Mr. Chairman, there are a number of fringe benefits for the Classification Act people. They now receive no overtime for 40 hours of work. We would add to this overtime for more than 8 hours in a day. We have a provision to discourage departments from requiring classified employees to travel on their offday hours.

Mr. Chairman, there have been some very serious abuses where classified employees are required to travel on Saturdays and Sundays and for which they receive no pay.

Mr. Chairman, there are a number of important fringe benefits proposed in the bill for postal workers.

We have done away with some archaic and in some cases really outrageous features of the present postal law. There are Fair Labor Standards provisions now whereby a private employer cannot work people more than 40 hours a week without paying them overtime. If he fails, he can go to jail. Yet we had testimony that some postal workers were being worked as much as 60, 70, and 80 hours a week. Under the present law certain of these employees are paid no overtime. So, we take care of this and we bring Federal overtime standards up to those of enlightened private industry.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield at that point?

Mr. UDALL. I shall be glad to yield to the gentleman from Montana when I finish my statement.

Mr. Chairman, we make certain seniority adjustments. It is now possible for an employee with 15 years of service to be making less money than another employee in the same post office with 12 years' service. We have made some very necessary adjustments here.

We have also provided for relocation expenses and for the first time for the many postal employees who are seriously affected by conversion to this new ZIP code and sectional center system which the post office is now trying to establish. These people will receive the kind of pay that private enterprise gives to its employees when they have to rip up their families, sell their homes, and move to a new location.

Mr. Chairman, we believe this approach to be very sound and this part of the legislation was developed by the distinguished gentleman from Montana [Mr. OLSEN], a very able member of the committee.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman now yield?

Mr. UDALL. I am glad to yield to the gentleman from Montana.

Mr. OLSEN of Montana. As a matter of fact there are agencies in the Government that are provided with the authority to buy the home of the worker who is transferred, if he cannot otherwise sell it?

Mr. UDALL. Yes. This is not provided for in this bill, however.

Mr. OLSEN of Montana. And if the gentleman will yield further, it is not provided for in this bill but as I say, there are even greater benefits which are provided by some agencies?

Mr. UDALL. That is right.

Mr. OLSEN of Montana. And, especially, in private enterprise.

Mr. UDALL. That is right.

Mr. OLSEN of Montana. But we have not gone that far in this bill. We have not attempted to do that.

Mr. UDALL. The gentleman is correct. The administration came forward, and I commend it, and suggested that a new provision be added to the law that will be of great interest to many Members.

Mr. Chairman, private enterprise has for a long time had a system of severance pay. Under this feature of this bill, if a base is closed or if a Federal installation is closed, and comparable jobs are not found for the employees in other areas of the Federal service, the employee whose Federal service is terminated will receive a severance allowance. That allowance is composed of 1 week's pay for each year of basic service, up to 10 years, 2 weeks' pay for every year of service above 10 years. In addition, there is an age adjustment allowance so that an older worker who has extended service with the Federal Government will receive additional benefits.

Mr. Chairman, this we believe represents a very enlightened and sound proposal.

Another feature of the bill will give all Federal employees who are required to wear uniforms an increase in uniform allowance.

Mr. Chairman, 11 years ago the Congress authorized the sum of $100 a year—up to that amount—for uniform allowance. This has been unchanged during this period of time. However, the cost of uniforms has gone up. In the bill we have a provision which would increase this allowance from $100 to $150.

We also, Mr. Chairman, have made another change in the bill.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Montana.

Mr. OLSEN of Montana. And in that event with reference to the payment for uniforms, the employee must submit vouchers to the effect that he did expand for uniforms a given amount of money in order to be reimbursed?

Mr. UDALL. Oh, yes. He is not handed the $100. He simply comes in with the vouchers to show that he bought a jacket or a pair of pants or whatever is required and then he is reimbursed.

Mr. OLSEN of Montana. If the gentleman will yield further, with reference to the letter carriers in the northern climes where he has to expand greater sums than those employed in summer temperate areas, he will probably be reimbursed far less than the cost of his uniforms?

Mr. UDALL. This is true. This gives the system some flexibility. For instance, our carriers in Tucson, Ariz., do not use many snowshoes or heavy boots. But I am sure that those carriers employed in the congressional district which gentleman from Montana represents do, this represents an important item. As a result of this provision the Department will have a little more flexibility.

Mr. OLSEN of Montana. And so it is an attempt by the committee to bring some greater justice in looking after these employees who are required to wear uniforms?

Mr. UDALL. That is right.

Mr. Chairman, these are the main features of the bill. Because of the publicity we have had and the charges that will be made by some of our friends that we have gone far beyond what the administration desires in the field of pay this year, we propose to make certain changes.

Let me say that the Federal Government is the biggest employer in the world. We have five times as many civilian employees as General Motors. We find ourselves in this great committee caught between a number of difficult, conflicting interests that we are trying to respect and protect.

First, the Federal employees feel they are entitled to a fair, a decent, and comparable wage; second, the Government administrators who handle this great Government of ours are entitled to salary levels that will attract and keep good people who are responsible for providing national defense, postal service, and other things involved.

Third, we have an obligation to the taxpayers that they not be unfairly burdened with the cost of salaries that are unnecessary, that are too high.

So all of these pressing, three-way considerations, are in front of us. I know that the fixing of salaries in industry is an important and pressing problem where interest of stockholders, the employees, and the public must be balanced.

Your Committee on Post Office and Civil Service has this very heavy obligation of fixing salaries which balance these three competing interests. We think we have done a good job. The four salary systems that we are confronted with now call for an expenditure of about $13.4 billion every year for salaries of Federal employees. Admittedly, we are not paying enough, and the main reason we have this bill here today, to answer the questions of some of my colleagues who have asked me "Why a pay bill this year?" the reason is Congress made a commitment in 1962. Previously we had haggles year in and year out, sometimes every year, sometimes not for several years, and we would argue about the cost of living, we would argue about what groups had pay raises in industry. We had a really disorderly system of fixing salaries. The administration came in in 1962 and said "Let us stop all of this, let us fix a standard for Federal pay." Congress fixed that standard, and that standard is that the Federal Government will pay on a comparable basis with what private industry pays.

The reason we are here today is that the Congress and the Federal Government have reneged on that pledge. The pledge was made in good faith, it was accepted by the employees. They have been patient. We have tried in our committee to work toward comparability. That is why we have the 1966 raise in the bill. We have committed ourselves. The administration, I am disappointed to say, this year said "we will have comparability, it is a great principle, and some day we will get to comparability, but not now."

The reason we have the 1966 phase in here is we are going to use the cost-of-living index to keep us from slipping back, and to make some effort to keep this pledge that we made in 1962. Despite what you may hear today, or what you have read in the newspapers, if this bill is passed, and the 1965 increase goes into effect, and the 1966 increase goes into effect, there will not be even a single category of Federal employees who are comparable with the same work in private industry.

So this is the main reason why the passage of this bill is essential now—to keep the pledge we made and to honor the standard we agreed to honor on keeping Federal pay comparable.

I hear some Members behind the rail and some back in the cloakroom say, "You keep giving these postal workers a raise and they are overpaid—why can we not just forget this whole business?" I think Members who have served on our committee and who have listened to the testimony will have ready answers to that line of argument. Postal employees walk 10 miles a day and carry a 35-pound bag and have to memorize 900 pages of regulations and have to know 3,000 names and addresses. They have to be diplomats. They have to represent the FBI and the Fish and Game Service and other Federal agencies in getting information. They are honest, hardworking people.

Now the Bureau of Labor Statistics formerly made studies to determine what it takes for what they call a modest but adequate standard of living in U.S. major cities. I hope my friends will get these figures. Bringing these figures up to date to this year, the AFL–CIO found that if you have a family of four in major U.S. cities it requires $6,400 to have a modest—and I am emphasizing modest because there are no luxuries involved here—it takes $6,400 to have a modest but adequate standard of living—$6,400 is the national average. The high figure is $6,900 in the city of Seattle and the low figure is $5,600 in Houston.

The present pay for the typical postal worker in these major cities is not the $6,900 that it takes in Seattle nor the $6,400 which is the U.S. average nor the $5,600 that is necessary in Houston—the average pay now is about $5,400. Under the administration proposal which we rejected, those postal workers would have received an increase in their pay of $5 for every pay period—in other words, every two weeks they would get $5 in take-home pay.

In blunt terms—and I hope my big city friends from Cincinnati, Chicago, and the other large cities will listen to this—in blunt terms this means that we are now providing letter carriers with pay which is inadequate for a modest but decent standard of living in these major cities. This is why we have gone slightly beyond the administration's recommendations and why we propose in 1966, if the House will approve this bill, to have a second phase that includes some catch-up feature.

The majority of the committee will offer a 4-percent amendment as I have indicated, down from 4½ percent. We have a few technical and perfecting amendments. Beyond this, the majority of the committee is going to stand on the bill as written. I think with the cooperation of the Members, we can have a good and thorough debate here today and resolve the points at issue and dispose of the matter at a reasonable hour. For my part, speaking for the leaders of the committee, I think we will cooperate in this effort.

Mr. RUMSFELD. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Illinois.

Mr. RUMSFELD. I appreciate the gentleman's very forceful remarks about this piece of legislation. The U.S. Government is the biggest employer in the world. It is equally true as you have said that the U.S. Government ought to pay decent and fair wages. But my problem is this. What may be a fair wage in one part of this country may not be, as you have pointed out, a fair wage in another part of the country. The 13th Congressional District of Illinois and the area around Chicago, as you mentioned in your remarks, is an area that has a very high cost of living.

There is no question, and I am deeply concerned about this, that the postal employees in our area do not make enough at the present time to have a reasonable standard of living. They just do not make enough money. The wages are inadequate. But to raise all postal employees wages to the level that would permit a fair standard of living for the people in my area would be wasteful and unreasonable with respect to areas of a lower cost of living. Conversely, to lower the postal employees wages all over the country to what is fair standard of living in some communities would be equally unfair.

What I am asking is this: Why has not your committee come before the Congress with a proposal that takes into account the clear, well known, and well publicized differences in the cost of living in the various portions of this country?

Mr. UDALL. When I first came to this committee, what the gentleman has stated was my first reaction. I thought it was foolish to have a national wage standard for Federal employees. But I discovered that when you get into the practical problems—and I shall not take the time to go into all of them now, but I should be glad to discuss them with the gentleman later—one finds that there are so many practical problems, that it is difficult. For example, who would fix the area? Would the cities be included? Would you include the suburbs? If you include the suburbs, how far out would you go? What would you do when 200 groups come in and say, "We are right across the street from the high-paid area. We are in the low-paid area. But we go to the same grocery store. You had better change the jurisdiction."

The practical problems of doing what is the commonsense thing, on the surface, are so great that I became convinced a long time ago that the wage board type of system which the gentleman is suggesting, with its dozens, if not hundreds, of different standards for Federal wages in different parts of the country, is not feasible. That is the answer.

Mr. RUMSFELD. Mr. Chairman, will the gentleman yield further?

Mr. UDALL. I yield.

Mr. RUMSFELD. It strikes me that what I suggest would be feasible for this reason: Corporations across this country are working with sliding scales along the line I have been describing. I am not a member of the gentleman's committee, and therefore I would not pretend to have the knowledge that the gentleman has on this subject, but is it not correct that what I am suggesting is every bit as reasonable and easy to attain as trying to determine the question of comparability? As the gentleman discussed comparability, it struck me that this concept has exactly the same problems that you are alleging exist with respect to the approach that I have suggested.

Mr. UDALL. No. Comparability is computed by the Bureau of Labor Statistics in a scientific manner. We have had no arguments presented on that question. We have had no employee organization complain about BLS. They do not argue about the basic method. They argue about the lag in time that it takes to make the computations. There is no argument there.

We cannot possibly resolve this question in the debate today. If the gentleman wishes to draft a bill to do what he suggests ought to be done, I shall take a look at it. But I believe that when he makes the first 200 attempts to draft a reasonable bill, he will do what I did—throw in the towel.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield.

Mr. YOUNGER. Does not the Government fix the salaries of Government blue-collar workers by region?

Mr. UDALL. Oh, yes. That is a different problem. There you have a different standard.

Mr. YOUNGER. It is a different problem because it is treated in that way. This problem could be treated in the same way. You cannot fix comparability in New York, Atlanta, Louisiana, or somewhere else. Comparability cannot be fixed in that way.

Mr. UDALL. I tell the gentleman that on the surface his argument is logical, and I accept it. Certainly, a postal clerk's pay in one of the small towns in my district is an adequate salary, where it might not be an adequate salary in Brooklyn, Chicago, or Seattle. But we cannot resolve that question today. The bill before us does not deal with this subject. If the gentleman has some constructive ideas, I suggest that he get them together and draft a bill, and we will take a look at it.

Mr. YOUNGER. I have had a bill in for 8 years and your committee would not even look at it.

Mr. UDALL. I will promise the gentleman that I will take a look at it. This is a matter of some interest and concern.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield.

Mr. JONES of Missouri. A minute ago the gentleman made a statement about overtime. I believe he said that most of the overtime is being worked by substitute clerks in the small offices.

Mr. UDALL. Most of the overtime is worked by substitutes. That is correct.

Mr. JONES of Missouri. Has the gentleman received any complaints from the substitutes because they are being forced to work overtime?

Mr. UDALL. The organizations which represent——

Mr. JONES of Missouri. I am not speaking about the organizations which represent anyone. I am talking about individuals. Is the substitute not doing it because he desires to earn more money by working more hours?

Mr. UDALL. We have not had individuals before the committee. But I have dealt with men who have spent their lives in the postal service and who have come before our committee. I am satisfied that the provisions of this bill have the support of the vast majority of the substitute postal workers.

Mr. JONES of Missouri. I do not believe the gentleman will get complaints from those substitutes. The people the gentleman has been talking about are probably union representatives of organized labor. Is that not a fact?

Mr. UDALL. These are employee organizations.

Mr. JONES of Missouri. I do not wish to take up too much of the gentleman's time. In reading through the report, I have found many misstatements of fact. I want to find out who is responsible. I should like to ask the gentleman if the following is a correct statement: "for not a single Federal salary has yet been brought to even a close approximation of full and current comparability with its opposite number in private enterprise."

Mr. UDALL. I tell the gentleman that I am the author of the bill before the House. I signed the committee report that the gentleman is reading from, and I stand by every word of it. The statement that the gentleman just read is true.

Mr. JONES of Missouri. Only a minute ago the gentleman was saying that in some of the small towns the postal employee might be the best paid person, or among the best paid people, in the community. I would go further and would say that in almost every town of less than 5,000, unless some special situation exists, the postal employee is the best paid man in the community, based on his education, his ability, and the work he does. Would the gentleman contradict that statement?

Mr. UDALL. No; I would not contradict the gentleman's statement in some respects. I have said that comparability has a national salary line. We have attempted to cover that.

I have commented about the suggestions made, that we have regional or local salary fixing in the Federal Establishment. In my judgment, this is not a feasible and practical thing to do now. Perhaps we can work it out someday. If the gentleman will help, perhaps we can.

Mr. JONES of Missouri. When the gentleman says "not a single Federal salary" I would say that is a misstatement of fact.

Mr. UDALL. The statement refers to the fact that the Bureau of Labor Statistics has made findings.

Mr. JONES of Missouri. It does not say that. It says "not a single Federal salary." That is talking about one man, not a single one.

Mr. UDALL. The point the gentleman does not recognize is that when I refer to comparability I am referring to the statistics of the Bureau of Labor Statistics, and the standard Federal salary lines of comparability are national lines.

I agree that in some areas comparability might be less or greater. Traditionally, for as long as I know of, the Congress has adopted a policy of national guidelines or national salary lines for Federal employees in the postal service. That is what I refer to when I say that not a single Federal employee is above the national standard of comparability.

Mr. JONES of Missouri. I see here that the statement is made:

> Nor is any consideration whatever given to following the common practice of private industry of paying premium rates for work done on a Saturday.

Should that not be said to refer to labor-dominated private industry? Certainly we would not say it is not a common practice for employees in private industry to work on Saturday for the same rates they get on Monday, Tuesday, Wednesday, Thursday, and Friday.

Mr. UDALL. Of course the gentleman is correct, in saying that many, many do.

Mr. JONES of Missouri. Would the gentleman say a majority do?

Mr. UDALL. I would say that the vast majority of large employers—and we are a large employer—pay premium rates.

Mr. JONES of Missouri. As to union employers, I agree. There are more people who are nonunion than union. Therefore, I say this is another misstatement of fact in the report. I can go through it and point out many other things.

I believe this starts on a false premise. The further one goes from a false premise, the further one gets from the facts and the further one gets from what actually should be done.

Mr. UDALL. I am deeply disappointed. I had hoped and expected that the gentleman would support our bill, but I respect his right to differ with us on this occasion.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. We are speaking of comparability for postal workers and Federal employees as a general U.S. national level. I believe the statement of the committee is correct, and I am glad the gentleman from Arizona [Mr. Udall] is protecting and defending the statement. This bill will not bring up Federal and postal employees to the general national level of comparability. That is correct; is it not?

Mr. UDALL. That is correct.

Mr. FULTON of Pennsylvania. Second, we are all interested in having the U.S. Government career service be a real career service. I see nothing wrong with the U.S. Government career service being a good service. Rather, I compliment the committee and recommend we in Congress make the effort to reach the point where U.S. Government employees will be fully respected as members of a career service, such as exists in Britain. Government employment can and should be a fine service. I want Government service to be highly desirable, and I certainly want full comparability with similar jobs in private industry.

I disagree with the gentleman from Missouri on the use as examples of his specific instances he quotes, as they are not the general rule in the U.S. economy. I believe we in Congress have to set the adequate standards for the country on a national basis.

Mr. UDALL. I thank the gentleman. He has been a real friend and very diligent in support of our committee in meeting the needs of Federal employees. I thank him for his contribution.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. Cunningham], a member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, and Members of the Committee, first of all, I want to compliment the gentleman from Arizona [Mr. Udall]. In all of the 9 years I have been on this committee, I have never known a man who understands the problems of the Federal employees and has done so much to meet those problems as the gentleman has in this particular bill. In years past I can recall some haphazard types of bills that we have brought before the House. They have passed, but they had inequities in them. I can now say that this is the most worked over bill, the most perfected bill, I have seen in all of the years I have been on this committee. This is due to the work of the gentleman from Arizona, the author, and Mr. Morrison, Mr. Olsen, Mr. Broyhill, Mr. Corbett, myself, I hope and many others. We are taking care of many inequities here that have existed and which have never before this time been met head on. So, Mr. Chairman, I say that this committee did work long and it worked hard to bring you this piece of legislation. Therefore I support this bill. It is a good bill. I do not know how it could be improved.

As has been stated, in one of our previous bills, we had a provision which called for comparability. That was in 1962, and it is now a matter of policy that Federal salaries should be comparable to private industry salaries. We have had some trouble implementing that policy, but in this bill with the increase this year and the automatic increase next year we feel we will narrow that gap or hopefully we can eliminate the gap between what Federal employees receive and what is received in private industry.

I might say for the first time we have gone into this very complex problem of overtime. This is really a major part of this bill. Overtime provisions are long overdue, and I certainly hope that this body will realize the inequities that have existed and will vote for this bill so as to eliminate those inequities.

Mr. Chairman, I might say frankly that there is somewhat of an embarrassing matter in this bill having to do with the salaries of Members of Congress. I will say that the gentleman from Arizona has championed the formula that is in this bill. It is about the only way that has ever been developed where we will not go through the old procedure of providing a salary increase for ourselves, which is an embarrassment. It does have some political implications, and I am sorry to say that if there is an amendment to strike it out, I will have to give in and vote for such an amendment. Other than that this is an excellent bill. I do believe that the second raise provided for next year, the automatic increase, is most important. There has been some opposition to this from the administration. I would say that unless we keep it in this bill, next year being an election year, we will be faced with a much more difficult situation in this regard. So I hope that the bill remains intact. I understand that the gentleman from Arizona will make a slight concession and drop the increase for this year from 4½ to 4 percent. Other than that and the Congressman pay formula I do hope that this House will overwhelmingly approve this legislation, because it is good legislation.

Mr. MORRISON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. Dulski].

Mr. DULSKI. Mr. Chairman, I join my colleagues in congratulating our committee chairman, the gentleman from Tennessee, Tom Murray, and the gentleman from Arizona [Mr. UDALL] for his effective and able leadership in bringing the pay bill to the House floor here today.

I believe this is a good bill. Some members on the committee wanted to provide greater benefits than provided in this bill, particularly for our underpaid postal employees.

We provide a 4-percent increase in compensation; severance pay when employees are separated from the service through no fault of their own. Of major significance are the new provisions for overtime pay for postal employees. How can anyone possibly justify the current practice of working thousands of substitute postal employees 50 and 60 hours a week, week after week at straight time hourly rates with no overtime compensation?

The new salary rates under this bill still will not reach rates of comparability with private industry. Everyone, the administration, employee organizations, and most Members of Congress all agree with this principle of comparability, but we still have not attained it. All we can do is hope.

Mr. Chairman, I am convinced the increased uniform allowance under section 116 is urgently needed as are the provisions under section 108 for relocation allowances when postal employees are required to move to a new city. This provision is most urgently needed now because of the closing of gateway railroad terminals in connection with establishment of the sectional center system.

Mr. Chairman, this is a good bill and I believe one of the best we can enact this year. I urge that favorable consideration be given here today.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia [Mr. BROYHILL], a former member of the committee.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of this legislation and would like to add my compliments and commendation to the members of the Committee on Post Office and Civil Service, and particularly to the gentleman from Arizona [Mr. UDALL], who was the chairman of the subcommittee which handled the bill. Having served as a member of the Committee on Post Office and Civil Service for some years I think I can attest to the fact that it is a difficult task to legislate on Federal employee pay increases. It is not a simple matter of determining what percentage of increase we would like to give. It is not a matter of determining how much it will cost or how much we can afford to pay them. It is far more difficult and far more technical than that.

Here we are dealing with 2½ million jobs, 2½ million people, in many different areas of work and many different pay schedules which have to be considered.

Of course, there are several different levels and grades and the committee has to work out the relationship between those various jobs, those schedules, and those grades. It requires very close cooperation and coordination with the Civil Service Commission, and with other agencies in the executive branch. It requires coordination and cooperation with the employees themselves, consultation with them, and particularly the employee organizations.

Right here and now I should like to pay tribute to the many Federal employees, and especially postal employee organizations for the great contribution they have made over the period of years not only to the political effort of getting these bills through but also the way in which those bills should be equitably written. The committee also has the problem of competing with private industry.

Mr. Chairman, most certainly here in the Federal Government we want to attract and keep the best type of employee. This, Mr. Chairman, brings up the principal reason why this type of legislation is so vital and so important. Here we are conducting the largest organization in the world, a big business, spending in excess of $100 billion a year. As a result thereof we have to have approximately, as I said before, 2.5 million civilian employees to help us conduct this business. The Congress sits here as a board of directors. Most certainly in any big business—big or small for that matter—the board of directors is interested in good personnel management. That should be their principal concern.

Mr. Chairman, as members of this board we should be concerned about having the proper number of employees, no more than we need and certainly no less than we need, we should be concerned with job allocation and job supervision. More importantly, Mr. Chairman, than anything else we certainly must make certain that we are competitive in the salaries and wages which we pay these people upon whom we depend to conduct this business for us.

Mr. Chairman, in the past and possibly in this case, as well, there have been objections to the legislation because of the cost involved. I have said many times before in debate on similar bills that we cannot economize by cutting the salaries or refuse to proceed to properly increase the salaries of our Federal employees.

Oh, Mr. Chairman, we can argue about the distribution of these increases. This is what makes such a bill so difficult to write and so highly technical. We can disagree as to the number of employees and their assignment of work. We must not ignore the fact, however, that the only way we can properly compete with private industry and maintain efficiency in our Federal service is to pay at least comparable wages for comparable work.

Mr. Chairman, it would be far more costly in the long run to refuse to grant the increase in the cost of living and to make the salaries and wages of our employees competitive with that of private industry.

Mr. Chairman, we have heard these objections voiced in the past. If we had listened to those objections of the past and refused to grant the proper increases from time to time, we certainly would have had chaos in the management of our Federal personnel system and not have as high a quality of Federal employees as we have today.

Mr. Chairman, the way to economize in the Federal employee pay area and the only way that you can economize, is to reduce the program of services to the public generally or do not enact new programs. However, once we embark upon a program and enact it into law, we have got to make sure that we pay our employees what their counterparts receive in private industry based upon the general requirement of the work to be performed and the skills involved. We will find in the long run it will be a profitable investment.

Mr. OLSEN of Montana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and gentlemen of the Committee, I wish to join others in commending our colleague, the gentleman from Arizona [Mr. UDALL], on an excellent statement in support of this bill.

Mr. Chairman, in order to conserve time I want to subscribe to all of the remarks made by the gentleman from Arizona. I do not believe I could add at all to that statement or to the statement which was made by the gentleman from New York [Mr. DULSKI]. I subscribe to their statements in full, as I do to the statements of the gentleman from Nebraska [Mr. CUNNINGHAM], and the gentleman from Virginia [Mr. BROYHILL].

Mr. Chairman, this bill is the best that we could do under these particular circumstances, though the increase should have been greater.

Now, bear with me just one moment and I want to tell you that 25 years ago the average steelworker in America earned $1,300 annually, while the average letter carrier 25 years ago earned $2,100 annually. Now we are 25 years later and the same letter carrier carrying the same 35-pound sack of mail is earning about $6,000 per year with that 25 years of service, and the average steelworker is making $8,320 a year. So the letter carrier has not only been passed up, but he has been passed up to the extent of $2,300 a year. Or, another way of saying it, he is about $3,100 behind the job that he had 25 years ago.

We cite the letter carrier because he is quoted as the standard here in that he starts at PSF-4, and goes up into the postal field service 4 and 5. Other Federal workers in some degree remain comparable to the letter carrier.

Once again, this letter carrier with 25 years' experience finds himself $2,300 behind the steelworker, when 25 years ago he was $800 ahead of the average steelworker.

Under the 5-minute rule, I will present you with some comparable salaries, when we get to that part of the bill, and the amendment stage.

Mr. GROSS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in opposition to this legislation in its present form, the so-called Government Employees Salary Comparability Act. This bill is comparable to what? The price tag on it is scarcely comparable to any pay bill I have ever seen brought before us.

It has been said many times that there is nothing so easy as spending public money, for it appears to belong to no one. Certainly in the case of this legislation there has been failure to act with a sense of responsibility to the taxpayers—the people who are going to foot the bill, and this is especially true in that provision of the bill which provides automatic pay increases for Members of Congress, executives, and members of the judiciary.

With respect to comparability, I wonder what formula was used in the proposed increase in the bill for the majority and minority leaders of the House? Both, under the terms of this bill, are to be increasd $5,000 a year.

I wonder what hearings were held by the subcommittee that produced justification for the increased pay in this bill for the majority and minority leaders?

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. UDALL. The minority leader, I do not care whether it is the gentleman from Michigan [Mr. GERALD R. FORD] or the gentleman from Massachusetts the great JOE MARTIN or the gentleman from Indiana [Mr. HALLECK] has almost as much responsibility as the Speaker of the House of Representatives. He is the spokesman for the minority party, he has heavy responsibilities and heavy duties, as well as heavy expenses. It has long seemed to me that he ought to be comparable to the Speaker, although he is not wholly comparable to the Speaker. The Speaker is increased by $12,500 a year more than the other Members of the House because he has national and international responsibility, and it seems to me only fair that the minority leader should have some comparability.

Mr. GROSS. Is that as close as you can come to explaining comparability? If that is the explanation, it is what the gentleman from Arizona thinks they ought to have by way of an increase.

Mr. UDALL. It satisfied me. I suspect it would not satisfy the gentleman from Iowa.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. OLSEN of Montana. There are some figures that have come into the hearings in previous years, but we did not put them in this year. Those are the figures of the salaries of some of the officers of corporations of America. For instance, International Harvester, the president of that corporation gets $124,000. The president of Martin-Marietta gets $150,000.

Mr. GROSS. All right now, if you want to use figures from private industry and if you want to read the list of bonuses and stock holdings of these individuals, and all that sort of thing, I suggest that you yield me a little of your time in order to do it. But if you are going to quote corporation salaries as a basis of comparability—why did you stop at a $5,000 increase for the minority and the majority leaders of the House?

Mr. OLSEN of Montana. Because in the higher brackets it has been the agreement of the committee that we cannot possibly compete with private industry.

Mr. GROSS. Well that is just what I am trying to get across.

Mr. OLSEN of Montana. But we did do as well as we think we can.

Mr. GROSS. Oh, I see.

Mr. OLSEN of Montana. We are doing as well as we can in paying these people who are leaders in the House something more than the rest of the Members because of the added responsibilities that they have.

Mr. GROSS. But by your standard of comparability or the standard that you started out to use here is this as close as you can come? This is in the nature of kidding us a little bit about comparability; is it not?

Mr. OLSEN of Montana. No, no, no. You know I would not try to kid you.

Mr. GROSS. Not much you would not—not much.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. UDALL. Let me give you another standard—not from private enterprise but from Government. Does the gentleman from Iowa think that the majority leader of the House of Representatives or the majority leader of the other body or the minority leaders in both bodies are less important and have less burdensome duties than the members of the President's Cabinet?

Mr. GROSS. Well, unfortunately, I am not able to gage very well the importance of the Cabinet members—I do not see them very often.

Mr. UDALL. How about the Supreme Court?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, will the gentleman from Pennsylvania yield me 5 more minutes?

Mr. CORBETT. I yield the gentleman 5 additional minutes.

Mr. GROSS. I do not know what the occasion is for any speed in debating this because I have not heard of any $100-a-plate dinner in connection with this pay increase bill, that is, I have not heard that this pay increase bill is to be followed by a $100-a-plate dinner for a Member of Congress as previously occurred.

We are asked to approve two salary increases, the cost of only one of which can be accurately estimated. The first phase includes a 4½-percent increase in salaries for all Federal workers plus the initiation of certain additional fringe benefits at a cost of $621 million. The bill then provides for a second blank check increase to take effect automatically 12 months hence. That salary increase is to be pegged to so-called comparability surveys and while the cost can be guessed at there is no assurance whatever that it will be within the bounds of what the proponents claim.

Therefore, the best we have to go on is the "guestimate" that this legislation, once both phases of salary adjustment are in effect and the fringe benefits met, will have an annual cost of $1.6 billion. President Johnson described this cost as "disastrous."

If my colleagues will examine some of the cost figures included in the report on this legislation they will find the fattest part of the fringe benefits cost in the overtime provisions. This bill grants overtime benefits never before approached by any Government salary increase at an annual cost of some $141 million.

Last year Congress gave itself a $7,500 pay raise. Now, 1 year later, it proposes, this time by subterfuge, another raise. The estimates are that this raise will approximate $3,000 to $5,000 by the time of the effective date, which is the beginning of the 90th Congress. Thus, in effect, the vast majority of Representatives will have granted themselves a raise, in the period of 2 years, which will be somewhere between $10,500 and $12,500. This, I submit, is the height of self-esteem and self-adulation.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. LATTA. I understand an amendment is to be offered to delete this. Is that the gentleman's understanding?

Mr. GROSS. I have no way of knowing what will be offered to this bill.

Mr. LATTA. I will not and I cannot support the bill unless such an amendment to delete this is adopted.

Mr. GROSS. It is reported that the gentleman from Arizona [Mr. UDALL] will offer an amendment to cut the increase to Federal employees to 4 percent.

I do not know what change has been made since this bill was reported out of committee 2 months ago. I did not know there had been change in the comparability formula. So I do not know what is going to be offered to this bill by way of amendments. I regret that I cannot answer the gentleman's question.

Only yesterday the gentleman from Arizona said, in dealing with the Sisk amendment, that before the sun went down yesterday evening we ought to write the formula for a District of Columbia home rule bill. He said we should not treat that matter on the basis of some time in the future, that we should be specific now.

Today the gentleman is asking you to approve a formula to increase the salaries of Members of Congress based upon no one knows what a year from now. It would be based upon the 4½ percent now, in the bill, plus something that occurs next year. And he had not the slightest idea of what the increase will be next year. One day the gentleman says, "Write the legislative ticket now. Do not fool around." Today he says, "Mañana—tomorow, next week, a year from now we will write the ticket on congressional salaries, but we are going to make it automatic here today that there will be an increase."

Mr. MORRISON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. DANIELS].

Mr. DANIELS. Mr. Chairman, I rise in support of our Post Office and Civil Service Committee bill, H.R. 10281. All things considered, this is an excellent bill and justifies overwhelming approval by the House of Representatives, and I commend the chairman of the Subcommittee on Compensation, the gentleman from Arizona [MORRIS UDALL], for his leadership.

I should like to direct the Members' attention especially to section 107 of the bill, entitled "Postal service overtime and holiday compensation." This certainly is one of the two or three most important reforms accomplished by H.R. 10281. Although in some respects it does not go as far as many of our committee members recommended, it nevertheless accomplishes a long-overdue and urgently needed modernization of overtime and holiday pay practices for postal employees.

First of all, it should be noted that the Postmaster General has officially recommended legislation looking toward this purpose, and his efforts are most commendable. However, the official administration proposal does not go all of the way to the heart of the problems. Section 107 of our committee bill will complete several important changes not included in the Postmaster General's recommendation.

I do not believe there can be any serious quarrel with the proposition that postal employees should receive time and one-half pay in cash when they are required to work more than 8 hours in a day or 40 hours in a week. This has been the general practice in private industry since early in the 20th century.

Even within the Federal Government itself—indeed, within the postal service—there is no uniformity of treatment of employees' overtime. Regular annual rate postal employees are paid premium compensation when called on to work more than 8 hours in a day or on days not within their regularly scheduled 40-hour workweeks. But the unfortunate postal substitute has struggled along without any provision for extra pay for overtime work. He can be called on to work 60 or 70 or 80 hours a week, including as much as 10 or 12 hours in one or more days, and is paid only at straight-time rates. This is a sorry situation that cries out for correction. The answer is found in section 107 of H.R. 10281. Nothing less will suffice if we are to do common justice to the thousands of substitute employees whose experience, abilities, and dedication are so needed by our postal service.

Another highly desirable improvement which will be brought about by this section is the designation of Sunday as an overtime work day. Again, it is the almost universal practice in private enterprise to exclude Sundays (and often Saturdays as well) from the workweek. Sunday work will be made an overtime day, compensated at time and one-half, by this legislation.

To touch briefly on the holiday pay provisions of section 107, they, too, are in line with moderate yet realistic private enterprise practices. There can be no serious challenge to the propriety of these provisions under which postal employees who work on any of the 8 legal holidays will receive an extra day's pay in addition to their regular day's pay—except for Christmas work, when a further half day's pay will be added. Double time for holidays is part and parcel of the economic fabric that has made this Nation great.

And so, I most earnestly and sincerely urge that the overtime and holiday pay provisions for postal employees embodied in section 107 of H.R. 10281 be approved and that any amendments to weaken these provisions or reduce their benefits be voted down.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Would the gentleman agree with me that this is one of the most important improvements to be made in the Federal employees' salary schedules we have ever undertaken?

Mr. DANIELS. The gentleman is absolutely correct. It is one of the needed reforms which we endeavor to take care of by this bill.

Mr. CUNNINGHAM. I thank the gentleman.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from New Jersey.

Mr. JOELSON. I congratulate the gentleman for a fine statement. I know he has done a great deal of work on this bill.

I rise in support of the legislation.

Mr. Chairman, I think it is high time we recognized the right of Federal employees to conditions comparable to those existing for workers in private industry. In so stating, I do not limit myself to the subject of wages.

With regard to fringe benefits such as overtime pay, holidays, and retirement, the people who work for our Government must not be treated as stepchildren.

I have always been pleased to support the principle of fair play for our postal workers and other Federal employees, and my vote on the pending bill will certainly follow the same pattern.

Mr. CORBETT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DERWINSKI], a member of the committee.

Mr. DERWINSKI. Mr. Chairman, almost without fail every Member who has spoken on this bill has dovoted at least a moment of time to commend the gentleman from Arizona [Mr. UDALL] for his handling of the bill, so I wish to join in commending the gentleman from Arizona [Mr. UDALL], even though I do not agree with the bill he produced.

I do want the Members to know that he has worked harder in committee than any other Member, that he does more homework than any other Member, and I believe he deserves to be recognized as the most knowledgeable Member of the House on the subject of pay legislation, even though the result he produces may not be as satisfactory as I would like it to be.

Since I am addressing myself to the gentleman from Arizona, may I point out to him that 7 years ago, when I was a freshman in the House, his distinguished brother, who is now serving as our Secretary of the Interior, provided one of the great thrills of congressional debating history. That was at a time when Representative Stewart Udall from Arizona was participating in the debate on the Landrum-Griffin bill.

You may recall that at the time the good people of the country wanted labor reform and, for political reasons, some Members did not want labor reform. Representative Stewart Udall came in with a substitute to labor reform. I remember that he took his position here in the well of the House and in very dramatic fashion he raised his hand and said, "I carry into battle the banner of Speaker Sam Rayburn. I am carrying into battle the Speaker's bill."

Unfortunately for then Speaker Rayburn and then Representative Udall, he was defeated.

I feel that I am in the same position, because I am carrying into battle this afternoon the banner of Lyndon Johnson—and I face defeat.

Mr. UDALL. Mr. Chairman, will the distinguished floor leader for the Johnson administration on this bill yield to me?

Mr. DERWINSKI. If you give me that title, does that mean I get the pay raise that the majority leader will be receiving?

Mr. UDALL. No, but the gentleman might have the title of rubberstamp, which some of us on this side have had for some time. I just wanted to congratulate him for carrying the banner of the Johnson administration. It is most commendable and something he has always done. He has never let the President down when he was needed.

Mr. DERWINSKI. Lest I be misunderstood may I point out my support of the Johnson administration is temporary. May I first, however, turn to my good friends on the Republican side and point out that as you know I have been quite a critic of this administration. I make it a point to call it power mad politically and point out the diabolic political motivation in most of their plans and in the different schemes I see forthcoming. However, when the administration is right they deserve support. In this case this afternoon the proposals advanced by the executive branch on the salary increases I believe are correct.

In turn I would like to point out to my good friends on the majority side that the President has shown his interest in proper management of Federal personnel. You cannot say by any stretch of the imagination that this administration is not mindful of the Federal civilian personnel. I think and I hope that allowing for the temporary lapse which we had yesterday when I understand some of the President's Members let him down, I would imagine that you would loyally support me as I present the position of the President. At least this is my hope. I am afraid, as I say, that I am going to be disappointed, but in this regard at least I am hopeful.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. Yes. I yield.

Mr. PEPPER. When the able gentleman said that his support of the President was temporary, did he mean through 1972?

Mr. DERWINSKI. No. I meant only this afternoon. As a matter of fact, this is the real key of this legislative situation. I had hoped there would be a major effort made by the administration and more especially by the Post Office Department to have the House approve their basic recommendations. Of course, we all know that the Post Office Department has a problem at the moment. The Postmaster General, Mr. Gronouski, as we know, is being exiled to Warsaw. The new Postmaster General has not accepted his responsibilities as yet. As a result, the Department is not fighting for its very meritorious position. So I stand alone. However, I would like to point out that last week, after I announced that I would carry the administration's banner into battle, the following morning I opened up my mail and their was an invitation to the White House. Of course, I was pleased at the instant recognition by the President of my support for his position. I have since discovered that every Member received the same invitation, so even socially I have not been able to get effective Presidential support. I do want to emphasize, and I refer you to the minority views which the gentleman from North Carolina [Mr. BROYHILL] and the gentleman from Iowa, and I worked on, we thought we wrote a very devastating minority report. In fact, we thought it was devastating enough to have kept this bill bottled up in committee, but that did not develop, either. If you really want to know the truth about the bill, study that minority report again. It will be an hour before we vote. If you will remember that the poor President is preoccupied about Vietnam and beset with all sorts of other problems and is not really able to give the personal attention to this controversial pay bill, then, perhaps you will support some of my amendments. Incidentally, may I state when the gentleman from Arizona will introduce his amendment to reduce the salary increase figures from 4½ percent to 4 percent, at that point I will have a substitute to lower the figures to 3 percent, which is the recommendation of the executive branch of the Government. At that point I hope we can score a great victory for President Johnson.

Mr. MORRISON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. POOL].

Mr. POOL. Mr. Chairman, the American people are not dumb. They know that good men deserve good pay. They know that it is false economy to skimp in such a matter. They know that you have to pay decent salaries to get a decent product. The same thing applies to the Government. If you are going to get good men you are going to have to pay decent salaries.

This committee heard witnesses from various industries who reported the salaries that are received there. We examined the Government payrolls and we were found wanting. We are not comparable to industry. This bill will not quite make us comparable, but it is a step in that direction, and I certainly think this committee has done a fine job. Members of Congress realize how much hard work has been put into this matter.

I think one of the opponents to the bill awhile ago said something about congressional pay and the question was whether that provision will be taken out or not. I should like to say this. I came up here last year as a freshman Congressman and the first thing that faced me was a vote on a pay raise for Congressmen. Everybody said, "If you vote for that you will not come back, you will just be a one-term Congressman."

Mr. Chairman, let me be frank with you. I did not think I could hardly get by with the pay of $22,500 a year, but I was not going to give up the job because I liked it. I voted for the pay raise and when I got back home the first thing that happened was that I had five opponents and every one of them hollered, This man goes up to Washington and the first thing he does is to vote himself a pay raise. Is that the kind of a man you want in Washington?

They asked me to explain it. I got on television, and this is all I had to say. I just left it with the people of Texas whether I should come back here or not. I told them that the answer I gave them was that I just thought I was worth it.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. BROYHILL], a member of the committee.

Mr. BROYHILL of North Carolina. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this bill we are discussing today—H.R. 10281—is a highly complicated package containing far-reaching provisions regarding pay, fringe benefits, and other proposals for the benefit of all civilian Federal workers.

I subscribe to the general policy that Federal workers should be treated fairly in terms of pay and conditions of work. The principle of comparability is sound. As a national policy, this principle must be constantly reviewed and updated in order that it be properly implemented. The Committee on Post Office and Civil Service should constantly work and strive to see that this policy is maintained.

There are two things that cannot be overlooked in any action taken to implement the comparability principle. One is the public interest and the second is the continuing responsibility of the Committee on Post Office and Civil Service.

There are some employees under civil service who refer to bills of this kind as "their pay bill." Statements of this kind do not fully state the case and also statements of this kind are in the minority. This bill is not just for the Federal workers. Their interest is not the only interest involved here.

There is also a public interest. When considering this interest, we in the Congress must realistically face the question of the effect this legislation will have on the Federal budget. It is estimated that this legislation will add over $1.6 billion to the Federal budgetary requirements. This is an estimate only, because the actual amount of the second stage pay increase cannot be determined or pinpointed at this time.

Other questions which affect the public interest are what effect this bill will have on future mail service? What will be the future deficit of the Post Office Department? That deficit for 1965 was running at the rate of $783 million, and $730 million for 1966. This bill could add over $500 million annually to the cost of operating the Post Office Department. With these rising costs, what will happen to future mail service? Will postal workers' jobs be adversely affected because of these rising deficits? Also, what effect will this rising deficit have on future postal rates? Will postal patrons have to pay more for their stamps?

Now, what about the continuing responsibility of the committee to oversee the implementation of the comparability principle?

There are two features to this bill which would abdicate the responsibility of the committee and of the Congress. One is the automatic pay increase for Federal workers to go into effect in 1966. We are saying with this legislative language that the Congress will keep hands off, wash its hands of any responsibility for any increases in salaries for next year. Also under the formula in the bill, no estimates are available as to what increases will actually be made. The committee report gives only vague estimates. It could very well be that many workers could be treated unfairly by turning this responsibility over to a Federal agency outside of the Congress. I believe strongly that we should retain congressional control over any pay adjustments. I hope this feature of the bill is stricken. The Congress will be in session next year. At that time the committee can again go into this whole subject with full hearings.

The other feature of the bill which would abdicate the responsibility of the committee and the Congress, is the automatic pay increase for Members of Congress. Contrary to rumors which have been circulating that there is an agreement to take congressional pay out of this bill, I know of no such agreement. When you vote for this bill, you are voting a salary increase for yourselves. With the way the language is written, the amount of that increase is unknown. It could be anywhere from $2,500 to $3,500 annually. This is on top of the $7,500 increase which was approved last year. I feel that this language, which appears under section 205 should be stricken. Some Members might read this language and not realize its full meaning. However, a pay increase for Members of Congress is in there, it is camouflaged. When we vote for this we are hiding behind the Federal workers, cashing in on the comparability principle, and riding the coattails of postal and other Government employees.

Let us delete this section. Then, the Federal Salary Review Commission, which is established by section 202, can make recommendations to the Congress, which not only involve or effect Federal workers, but Members of Congress as well. We can take those recommendations and then take such action on congressional pay as we want.

Mr. UDALL. Mr. Chairman, will the gentleman yield briefly?

Mr. BROYHILL of North Carolina. I would be delighted to yield to the gentleman from Arizona.

Mr. UDALL. It is incorrect to say that any Member of this House will be asked today to vote himself a pay raise. Any pay raise that is provided in this bill will be effective at the very earliest in 1967, after a new Congress has been elected. It is not technically correct to say, and I am sure the gentleman from North Carolina will agree, that anyone is voting himself a pay raise. He may be voting for a possible pay raise for the next congressman from his district, whomever that may be.

Mr. BROYHILL of North Carolina. I would say to the gentleman from Arizona that the vast majority of the Members of this House of Representatives, more than likely, are going to be candidates for reelection and they know that at the time they are voting on this proposal. So, in that respect they are voting themselves a pay increase, at least for some future date.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I would be delighted to yield to the gentleman from California.

Mr. DON H. CLAUSEN. Is there a plan to offer an amendment that would delete that section which is a concern to a lot of the Members?

Mr. BROYHILL of North Carolina. I understand that there are certain Members who are planning to offer amendments on this section. There may be various amendments.

Mr. DON H. CLAUSEN. I believe it is safe to say that most of the Members of Congress, certainly in checking this question of comparability—and we are in concurrence with what the gentleman from Texas [Mr. Pool] has said—believe it certainly is a wise investment to protect adequate salaries. I do not believe there is any disagreement on this. However, certainly there is a matter of concern to many Members of Congress with reference to the matter of congressional pay increases.

Mr. BROYHILL of North Carolina. This is a point I would like to make, that when we vote for this we are hiding behind the Federal workers. We are actually trying to cash in on this comparability principle. We are trying to ride the coattails of the postal workers and other Government employees.

Mr. Chairman, I hope that this section is deleted.

Mr. MORRISON. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii [Mr. Matsunaga].

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 10281. This measure is essential to the achievement of a salary system based upon a comparability principle which is the ultimate goal sought to be achieved on behalf of civilian Government personnel. Because others have discussed or will discuss other sections of the bill, my remarks will be limited to section 112. I do this because I originally introduced a separate bill, H.R. 8424, granting long-needed severance pay benefits to Federal employees. I am happy to report that my bill in its entirety has been incorporated into section 112 of the measure we are now considering. Section 112 will correct a deficiency in Federal employee benefits by providing reasonable severance pay allowances to Federal employees who are separated from the service through no fault of their own and have not yet become eligible for immediate civil service retirement benefits. I am grateful that the Post Office and Civil Service Committee, in reporting H.R. 10281, recognized the merits of my proposal, which was prompted by an official recommendation advanced by the President in his message to the Congress on May 12, 1965.

The need for severance pay has recently been emphasized by the plight of employees who have lost their jobs in the shutdowns of certain Federal installations such as naval shipyards and Veterans' Administration hospitals. Many of these employees had devoted many years of loyal service to our Government. In a large number of cases no similar jobs were available which could utilize their special skills. Reductions in force have occurred in the past and will continue to occur. About 1,400 find themselves in this plight every month. Moreover technological changes are advancing rapidly in Federal service, and future changes in techniques may well force increasing numbers of Federal workers out of their jobs.

While economy and efficiency of operations must continue to be the primary objective of Federal management, the hardships to workers which ensue should also be taken into account. The severance pay provision will accomplish the Federal management objective in an equitable manner.

Current provisions for early retirement, annual leave, and unemployment compensation, help cushion the blow of financial burdens upon many discharged Federal workers. However, no provisions now exist to compensate the worker for disruption inevitably associated with loss of employment and loss of seniority-related benefits earned through years of loyal service. Lump sum payments for unused annual leave have some beneficial effect, but these benefits are not designed for the purpose of aiding involuntarily separated employees. The Government lags far behind the growing number of private employers who provide some form of severance pay for laid-off employees. Section 112 of H.R. 10281 will help cure this defect so that the comparability principle which the President has recently reaffirmed will be much nearer full achievement.

The severance pay section applies to all civilian officers and employees in the executive branch of the Government—including each corporation owned or controlled by the United States—the Library of Congress, the Government Printing Office, the General Accounting Office, and the municipal government of the District of Columbia.

The basic allowance will be 1 week's pay, at the employee's rate immediately before separation, for each of his first 10 years of civilian service for which no other severance pay has been received, plus 2 weeks' pay on the same basis for each year of service beyond 10. An additional 10 percent is provided for each year the recipient is over 40 years old. The maximum amount payable is limited to an equivalent of 1 year's salary at time of separation. Furthermore, no severance pay will be allowable, unless the employee has been continuously employed 12 months immediately prior to separation.

Appropriate provisions are also made for adjustments in the case of any person who is reemployed after having been granted severance pay, and for disposition of unpaid severance pay in the case an employee entitled dies before expiration of the period. Payments would be made at regular pay period intervals, rather than in a lump sum, so that an employee who is later reemployed by another Federal agency before his benefit period expires would not be faced with repayment to the Government. Where an entitled employee dies, the severance payments will be made to his legal heirs, as if such deceased person were living.

Mr. Chairman, it is time for us to recognize the need to place our Government employees on a par with those in private industry. If we fail to do this, there will always be a serious drain of talent from the Government into private industry. The Federal Government must meet the growing competition from private business now.

A mere increase in salary alone would not strengthen the career civil service. Fringe benefits, comparable to those provided by private industry, must be included. This measure before us includes such provisions and will mark a major step toward the achievement of our expressed goal of comparability.

Mr. Chairman, I strongly urge the passage of H.R. 10281.

Mr. CORBETT. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. Fino].

Mr. FINO. Mr. Chairman, I rise in support of this legislation. In my opinion, it is urgently required both in fairness to Federal employees and in order to insure to our Government personnel of the highest integrity and competence. This bill represents a significant step forward in meeting the Federal Government's responsibility to its employees.

As many of you recall, back in 1962, Congress adopted the principle of comparability. This principle was designed to insure that classified and postal salaries be comparable with private industry.

Such a concept was a milestone in Federal employee legislation; and, undoubtedly, it has helped to close the gap between Government and private pay scales. The comparability standard, however, has not been strictly followed, and Federal salaries still lag behind those of private industry.

The Department of Labor's statistics, for example, continue to indicate that raises of up to 11 percent are required if Government and business compensation are to be equalized.

It is imperative then, that we get on with the job of passing this pay raise. We cannot afford to delay action on the bill. The fact is that today Federal employees are not being paid for what they deserve for the services they are rendering their Government.

With a gradually increasing cost-of-living, it is becoming more and more difficult for many Federal employees to meet their financial obligations and properly support their families.

This to me, is an intolerable situation. Congress and the American people owe a great deal to the untiring efforts of our civil servants. We must depend upon these dedicated men and women for the effective functioning of every branch of the Government. Without their unselfish devotion to duty, this country could not hope to retain its position as the leader of the free world. And while on the subject of devotion to duty, I should like to add a special word on behalf of the postal service.

The role of the postal employee in our country cannot be overemphasized. He represents the Federal Government in every village, town and hamlet in this Nation. Often, he may be the only contact a citizen has with his Government in Washington. That citizen depends on his local post office for much of what he knows and feels about the Federal Government. The impression that the postal worker—or for that matter any Government employee—makes on thousands of his fellow citizens each day is often their lasting impression of the Federal Government.

We, in the Congress, should be proud that the Federal employee has not betrayed this trust, that, rather, he has fulfilled it with vigor and dedication. In short, the Federal employee has been pulling his share of the load. But what about his employer?

Since the comparability standard was adopted in 1962, Federal employee salaries have not kept pace with private industry. This situation has continued to exist despite the passage of repeated pay boosts.

I cannot stress too much, therefore, the importance of this Federal pay raise legislation. The opposition may attack this bill as just another handout from a summertime Santa Claus. But that is simply not the case. What we are trying to do here is to pass a bill that will insure a fair salary for every Federal employee; and at the same time, mount a concentrated effort to bring the Government more in line with its own concept of a comparability standard. This piece of legislation represents the minimum that is required at this time.

Clearly, the Federal Government cannot continue to recruit the best talent for every position unless it is willing to adjust the imbalance in the salaries of Federal and private employees.

Let me quote to you some of the late President Kennedy's remarks concerning a public service career. In his first state of the Union address, he said:

> Let the public service be a proud and lively career. And let every man and woman who works in any area of our National Government, in any branch, at any level, be able to say with pride and with honor in future years—I served the U.S. Government in that hour of our Nation's need.

Yes, the public service is a proud and lively career. And it is squarely up to the Congress to insure that it continues to be in the months and years ahead.

If ever there was a must piece of legislation this is it, and I ask each of my colleagues to give this bill his most serious and favorable consideration. Both justice to Federal workers and the public advantage of the country call us to support this bill.

Mr. MORRISON. Mr. Chairman, I yield to the distinguished gentleman from Pennsylvania [Mr. NIX], a member of the committee, 2 minutes.

Mr. NIX. Mr. Chairman, I wish to add my accolades to the distinguished chairman of the subcommittee and to the members of the subcommittee for bringing this legislation to the floor.

In the city from which I come, we have 10,000 post office employees and approximately 50,000 Federal employees. This is a boon to them.

Mr. Chairman, I think the principle of comparability of salaries and wages paid to workers in private industry and workers and employees of the Federal Government should have been introduced long ago. It is the only method by which we are assured of constant study and judgments based upon investigation and experience of many sources.

Now, Mr. Chairman, the only note of criticism that has been raised is as to that portion of the bill which in the year 1967 would increase the salaries of the Members of Congress.

But a singular thing occurred in the committee, and I was responsible for it. It was this: No Member of this Congress is compelled to avail himself of the increase. He can always say, "I will return it to the Treasury of the United States."

Thank you, Mr. Chairman.

Mr. CORBETT. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, may I have the attention of the author of the bill? I am taking this time for the purpose of asking a question or two. My questions are not hostile, but I am seeking information. I have discussed the subject with various Government employees, particularly postal employees, when we have been discussing comparability. I believe no one would argue against the concept that the Government should pay to its employees wages which are comparable to wage scales in private industry. But I have never been able to get anyone to tell me with whose salary a mail carrier's pay should be compared. How do you arrive at comparability? What is the criterion? What are the guidelines?

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield.

Mr. UDALL. In 1962, when we first accepted the administration proposal and set up a comparability system, this was one of the most heated and divisive points of argument. The employee organizations said, with some justification, what you have said today: "Who in the world can you compare a mail carrier to?"

Finally it was agreed that you had to make some sort of arbitrary comparison.

The comparability figures ordinarily were basically established for the classified service—not the postal service, but the classified service.

Finally, a comparison was made; it was decided that we would link PF–4's, which is the letter carrier level, with GS–5, and that is the level at which the college graduate enters. The college graduate with a basic college degree enters the Federal service at that point.

To answer the gentleman's question, there is no occupation with which you could compare a mail carrier.

Mr. JONAS. That is what I thought. It is an arbitrary decision, because there is no occupation with which you could compare a postal worker, that is, a mail carrier.

Mr. UDALL. That is correct. It was my judgment and the judgment of the majority of the committee at that time that this was a fair comparison to make, that we should link it with the level of the classified service which I have mentioned.

Mr. JONAS. I should like to ask another question. Recently, we had Mr. Macy, Chairman of the Civil Service Commission, before the Independent Offices Subcommittee of the House Committee on Appropriations. He was asked that question. He said that in order to arrive at a figure which is used for comparability, the Commission takes a given number of metropolitan areas in the United States—and I do not remember the number, and arrives at an average wage or salary scale in those metropolitan areas. The result is what is used to consider comparability.

Is that your understanding of the way they arrive at a figure which is used in arriving at comparability?

Mr. UDALL. Approximately. A much larger number of areas are used. I wish the gentleman would get the hearing record. We went into this question very carefully.

Mr. JONAS. What I am asking, and what I thought you could answer in a short sentence or two, is the following question: In determining the figure that will be used to consider whether comparability exists or not, are only wage scales in metropolitan areas considered, or are wage scales in rural communities, small towns, and medium-sized towns around the country also considered?

Mr. UDALL. These are different areas in the Nation—not entirely metropolitan, but largely metropolitan. The truth of the matter is that 80 percent of the Federal employees work in metropolitan areas. That is why it is more fair to do it in the way I have mentioned.

Mr. JONAS. What about the other 20 percent? The committee report advocates comparability and I think we all favor that, but I am trying to find out what factors are used in determining the wage scales with which the pay of Government employees is compared. Whose work is it compared with?

Mr. UDALL. They try to find a job which is identical with, or nearly identical with, a Federal job. The BLS people actually go in to see what the man does, what responsibility he has, and then they compare this with a Federal job at a particular level and try to find a matching comparison. It is a very scientific and thorough job. I wish the gentleman would read the transcript of our hearings, because we went into this in some detail.

Mr. JONAS. The transcript will not be available to all who read the RECORD. I was trying to get a simple statement showing what is meant by comparability as used by the committee in its report and as advocated by many speakers here today. Comparable with whom? You say private industry. Does this mean autoworkers in Detroit, steelworkers in Pittsburgh, or what group of employees in private industry and what industries? I think those who read the RECORD should have this information so they will know what action is taken.

Mr. MORRISON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. KREBS].

Mr. KREBS. Mr. Chairman, I rise in support of H.R. 10281, as reported from the Committee on Post Office and Civil Service, with this reservation: In my judgment, salary increases substantially greater than the 4½-percent increases provided by the bill are fully justified by the record. The 4½-percent increases fall far short of the percentage required to carry out the policy of comparability with private enterprise pay rates that was laid down by the Congress in Public Law 87-793.

However, the committee bill is the best that could be worked out under the circumstances. It is my hope that the shortcomings can be corrected later by legislation guaranteeing complete and current comparability of Federal civilian salaries with those in private enterprise.

My remarks are directed particularly to section 107 of the bill, which contains extremely important provisions to modernize the outmoded overtime and holiday pay practices of the postal field service.

When our committee began consideration of salary legislation earlier this year, I undertook a study of employment and compensation policies in the Federal Government. I was at first amazed, and then shocked, to find our Federal Government—which should be a leader—completely out of step with private enterprise in its treatment of overtime and holiday work by postal employees. Quite frankly, it seemed inconceivable to me that this situation could exist and—even worse—that no more than half-way corrective measures were being considered by the Post Office Department.

It borders on the absurd, in this day and age, to have to argue before the Congress of the United States for legislation to grant premium pay for postal employees who are officially called on to work more than 8 hours a day or 40 hours a week or on their Sabbath. This principle has been so long accepted and practiced in private industry that a mere reference to areas in which it has not been applied should assure enactment of legislation to cure the defects. As a matter of fact, the Government itself has espoused the cause and by law applied it in the private sector of our economy—but carelessly overlooked placing its own house in order.

President Johnson strongly reaffirmed the principle of comparability between Federal civilian salaries and those for equal levels of responsibility in private industry in his message on salary increases submitted to the Congress on May 12, 1965. He declared that:

> We do not have two standards of what makes a good employer in the United States: One standard for private enterprise and another for the Government. A double standard which puts the Government employee at a comparative disadvantage is shortsighted. In the long run, it costs more.

I thoroughly agree with the President's statement that "a double standard which puts the Government employee at a comparative disadvantage is shortsighted." Yet the overtime and holiday pay conditions that exist today in our postal field service constitute a glaring example of a double standard that it not only grossly unfair to employees but adverse to the interests of the Government. This is an area where comparability is long overdue.

Thousands upon thousands of postal employees work millions of hours of overtime each year at straight-time hourly pay. It is common practice, moreover, to work them inordinately long hours—as much as 70 or 80 hours a week, week in and week out. It is unfair and inhumane to the employees and costly to the Post Office Department. Certainly, such excessive work assignments represent inefficient use of manpower and, at straight-time pay rates, an imposition on the workers.

I believe it appropriate, at this point, to call attention to the comment of the President's Panel on Federal Pay concerning overtime work. The Panel in its report to the President said, in part:

> The question of premium pay for overtime work has commanded the attention of the Federal Government and of other government jurisdictions.
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> * * * * *
>
> This issue was not before the Panel, but there was brought to our attention the facts that Federal overtime pay practices are not consistent and that, because of certain statutory restrictions, employees in some Government activities, and particularly in the Post Office Department, have work schedules which result in uneconomical overtime, as well as in far too long hours of work for certain categories of employees. This is unduly costly to the Government and unfair to the employees.

The Panel urged acceleration of plans to hire a sufficient number of employees to reduce or eliminate uneconomical overtime, and recommended, as soon as practicable thereafter: "enactment of legislation authorizing all rank and file civilian employees paid under the statutory systems to receive premium pay equally and on a basis comparable with industry practices when overtime work is necessary."

The Panel went on, then, to again stress that "the need for action is particularly acute in the Post Office Department."

Unfortunately, when the Postmaster General submitted the official administration recommendation for changes in overtime and holiday pay provisions for the postal field service, it was not in accord with the Panel's recommendation. The proposal falls far short of providing comparability with industry practices. To bring the postal field service program reasonably in line with industry practices—which, mind you, are based on historic Federal legislative policy—the provisions of section 107 of H.R. 10281 represent minimum requirements and should be promptly enacted into law.

Section 107 modernizes the antiquated overtime and holiday pay provisions now applicable to postal field service employees.

Subsection (a) limits any employee to 12 hours of work a day except for emergencies determined by the Postmaster General. The existing limitation of 8 hours regularly scheduled work in 10 hours of any day is continued for regular employees. An added improvement is a new limitation under which the workspan of any other employee may not be extended over more than 12 consecutive hours.

A basic 5-day, Monday-through-Friday, workweek is established for all postal field service employees, with authority in the Postmaster General to establish a basic workweek including Saturday where necessary to provide service. Senior annual rate regular employees will have priority of preference for the Monday-through-Friday workweek, but may select some other workweek if they desire.

Subsection (b) defines overtime work for three general employee groups—annual rate regular, hourly rate regular, and substitute employees. In brief, for the first group overtime work is any work in excess of the basic workweek schedule or on a Sunday. For the second group, it is work in excess of 8 hours a day or 40 hours a week or on a Sunday. For the third group it is work in excess of 8 hours a day or 40 hours a week. Regular annual rate employees already have the 40-hour week provision.

An employee in salary level 10 or below will receive time and one-half the regular hourly rate for his overtime work. Employees in level 11 or above will receive compensatory time or, in the discretion of the Postmaster General, be paid time and one-half the regular rate or the highest rate of salary level 10, whichever is the lesser.

This subsection also authorizes double time, as is the practice in private enterprise, for work on legal holidays except Christmas, if the employee is in salary level 10 or below. If he is in salary level 11 or above, he will be granted compensatory time or, in the discretion of the Postmaster General, be paid double time. For work on Christmas Day employees will receive the equivalent of double time plus one-half.

Mr. Chairman, with all due respect to the administrative views on this important section of our committee bill, I submit that enactment of section 107 is essential under the comparability principle. It is distinctly in the interest of efficiency and good manpower utilization in the postal service, as well as in common justice to postal employees. I strongly urge the adoption of the entire section with the amendments which will be offered at an appropriate time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORRISON. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. KREBS. Mr. Chairman, the Federal policy established the Davis-Bacon Act on March 3, 1931, which requires that every Government contract for construction, alteration, or repair of a public building, if the contract price exceeds $2,000, contain a stipulation that the contractor and all subcontractors pay their various classes of mechanics and laborers minimum wages based on local prevailing rates for corresponding classes of workers on similar non-Government projects, as determined by the Secretary of Labor.

The Federal policy established the Walsh-Healey Act on June 30, 1936, which requires that each Government contract for the manufacturing or furnishing of materials, supplies, articles, and equipment, if the contract price exceeds $10,000, shall include stipulations that, first, all persons employed by the contractor will be paid not less than the minimum wages determined by the Secretary of Labor to be the local prevailing wage rates for similar work; and second, no employee of the contractor will be allowed to work over 8 hours a day or 40 hours a week except upon payment of overtime compensation.

The Federal policy established the Contract Work Hours Standards Act, Public Law 87-581, 76 Stat. 357.

In 1962, the Congress passed the Contract Work Hours Standards Act which establishes a standard 8-hour workday, and 40-hour workweek, applicable with respect to all laborers and mechanics employed on a public work of the United States. This provision requires the payment of wages at the rate of time and a half for work in excess of the standard workday or standard workweek.

Mr. Chairman, I just want to close with one thought which relates to the question of fiscal integrity and fiscal responsibility. I want to say that this is something that I have heard a whole lot about, but I wonder how it could be explained to the taxpayers of this country if someone were to bring to their attention the fact that on September 13, 1965, excluding the cost of the pay of the reading clerks, the parliamentary clerks, the parliamentarian, the tally clerk, the bill clerk, the reporters of debates, the sergeant-at-arms, the pages, the doormen, and the floor telephone service and all of the other employees of the Capitol, the taxpayers of the United States paid out of the Treasury for excessive quorum calls and excessive rollcalls the frightening sum of $254,000 for 1 day of rollcalls that were designed not for their original and salutary purpose but for the purpose of thwarting the legislative process.

Mr. CORBETT. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KEITH].

Mr. KEITH. Mr. Chairman, my questions are directed to Mr. UDALL. I concur with him, and I believe with our Congress, that we should have comparability in our system of pay for Federal Government employees. I would like to know to what hospitals he turned to find the comparability feature. I just called one of the best hospitals in southeastern Massachusetts, which is part of the greater Boston complex. I find that the average chief nurse gets about $8,600 per year whereas the average chief nurse at a small veterans hospital will start out at close to $10,000. I find that the average registered nurse at a charitable hospital starts out at about $5,000 whereas the average registered nurse in the VA would probably start out closer to $6,000. I find that most of the charitable and private hospitals have no pension plan, seldom any group insurance, and oftentimes only have 2 weeks' vacation, and no severance pay. My question is where did you go to find the comparability features for hospital salaries.

Mr. UDALL. Well, I would say to the gentleman that comparability is a concept which has been applied to the classified employees and the general schedule employees and the postal employees. The gentleman is referring to the Veterans' Administration employees, I take it. They come under an entirely different system. Basically the comparability comparisons are made only as between private industry and Federal Government employees. There is no attempt to compare as between State hospitals, local hospitals, and county hospitals and that sort of thing.

Mr. KEITH. This makes it very difficult for the local hospitals in greater Boston, and in fact throughout the entire country, to compete for personnel with neighboring Veterans' Administration hospitals.

Mr. MORRISON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HANLEY].

Mr. HANLEY. Mr. Chairman, a previous speaker this afternoon referred to the author of this bill as the most astute Member of this House on the issue under discussion. I wholeheartedly agree with this comment and on the basis of this tribute alone I would suggest the passage of this bill unanimously.

Mr. Chairman, I speak in behalf of H.R. 10281, the Government Employees Salary Comparability Act of 1965, because I believe wholeheartedly that this bill represents a sound, progressive, and responsible congressional approach to the continuing duty to provide a fair and equitable Federal salary system. I support the bill as it was reported by the Post Office and Civil Service Committee, and I urge all of you to support the bill as it stands. It is the best possible bill.

I shall direct my remarks to four features of H.R. 10281; the second stage pay increase to be effective in October of 1966, the overtime provisions, the postal seniority salary adjustments, and severance pay.

To my way of thinking, the second stage of pay increases represents a prudent exercise of the responsibility of the Congress to give full faith and credit to the great legislative declaration that there ought to be comparability, equal pay for equal work, in Federal and private enterprise salaries. Briefly, the second stage involves an increase in pay equal to one-half of the percentage by which salary rates paid for the same level of work in private enterprise for the months of February and March of 1965 exceed the salaries of Federal employees. Added to this will be a percentage increase based on the increase in private enterprise salaries between March of 1965 and March of 1966.

This proposal will bring about a partial solution to the thorny problem of correcting comparability inequities at the various levels of work and responsibility within the Federal employment system. Needless to say, such a problem cannot be corrected by an across-the-board dollar or percentage increase. It is clear that in a number of Federal positions the comparability lag or gap is much greater than in others, and we have in this second stage pay increase mechanism a means to wipe out, across the board, one-half of the gap. I wish to reiterate once again my support for this section of H.R. 10281. It is crucial to the committee's effort to present to the Congress a way of achieving comparability.

The second feature of H.R. 10281, on which I want to comment, is the provision for overtime pay. Our committee report calls this a major breakthrough, and it really is. This section affects particularly employees in the postal field service. The report makes mention of the archaic and inequitable set of strictures in the field of overtime work and overtime pay. This bill provides that postal employees in level 10 and below be paid time and one-half for overtime work in excess of 8 hours per day and 40 hours per week. Premium pay is also provided for work performed on holidays. Such practices have long been in effect in many enlightened private businesses. For some classes of postal workers, the present procedure of being rewarded with compensatory time for overtime work, in addition to being unfair, has proved meaningless. Compensatory time assumes that the employee who works overtime can arrange to take time off from his regular duties during periods when his workload is not so heavy. If it develops, and it often does, that the employee cannot be spared, he ends up with neither overtime pay nor extra time off. This seems to me to be unfair. The bill removes the inequity of not rewarding substitute employees with overtime pay when they work in excess of 8 hours a day and 40 hours a week.

Another feature of H.R. 10281, added in the interest of sound personnel management, is the stipulation that any employee who was promoted to a higher level between July 9, 1960, and October 13, 1962, and who is senior in terms of total postal service to an employee in the same post office who was promoted after October 13, 1962, and who is in a step in the same level below the step of the junior employee, must be advanced to that step held by his colleague with less total postal service. In order to make sure that such situations as this are corrected, H.R. 10281 requires the Postmaster General to see to it. It is only reasonable that we provide that an employee with the Post Office Department, doing the same work side by side with a colleague of less total service, receive the same compensation which his junior receives.

The last feature of H.R. 10281, on which I would like to comment, is the provision for a form of severance pay for Federal employees who, through no fault of their own, become separated from the service and have not yet become eligible for immediate civil service retirement benefits. That there is a need for a form of severance pay for Federal employees like this has become very clear to me in recent months as the results of a number of relocations and consolidations of Federal agencies in my district have become apparent. Good, hard working, civil servants with 15 or 20 years of service find themselves out in the cold without work and without retirement. Naturally severance pay is not the answer to their problem, but it will be a form of assistance.

Again I want to affirm my support for H.R. 10281 and for all of its provisions, and I would ask my colleagues to support the bill, and to approve it without amendment.

Mr. MORRISON. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. SCHMIDHAUSER].

Mr. SCHMIDHAUSER. Mr. Chairman, I intend to support this much needed salary bill for civil servants. I am here, however, briefly to urge that there be omitted from this bill that section which provides an increase in salary for Members of Congress.

Mr. Chairman, I agree with some of my colleagues about the work that Members of Congress have done. Certainly, it can be said, and not entirely facetiously, this is probably one of the few groups of people who are working overtime without time and a half pay. We have experienced that situation at this session.

However, Mr. Chairman, I believe there are some serious factual objections to the manner in which salary increases for Members of Congress has been presented to the House.

I appreciate also the suggestion by the gentleman from Pennsylvania [Mr. NIX] concerning those Members who disagree with this proposal. He recommended that they turn back their salary increase in 1967. I am on public record as being perfectly willing to do that if I am in the Congress, in the 90th Congress, and if this bill is passed in its present form I feel an obligation to the civil servants who need a salary increase and will vote for this bill.

However, Mr. Chairman, I would like to talk briefly about the objections that I have to this section. I do not intend to call it a subterfuge. Unfortunately, I believe there are many people who believe this, however. I believe that this committee should have followed its earlier judgment by setting up a bipartisan, blue-ribbon commission to study this problem. This commission could objectively have presented us with the facts upon which we could have acted separately from this measure.

Mr. Chairman, the main objections that I have to including this feature in the bill at this time are these:

First, salary increases for Members of Congress should not be tied in with the increase contemplated for Federal civil servants. It is true, of course, that supporters of such a combination argue that there is a relationship between levels of salary for civil servants, Cabinet officers, and Members of Congress. There is a basic difference, however, in that Members of Congress are hereupon asked to act directly in their own behalf. I feel that a far sounder approach would be the development of a bipartisan blue-ribbon congressional salary commission to make recommendations to be acted upon by the Congress after adequate study, separate from any salary schedules for other public servants.

Second, and an even more fundamental consideration which I would like to raise, is that many assumptions have been made concerning the so-called relationship between salaries of public servants, whether in the administrative, policymaking executive and legislators, and executives in private corporations. It has sometimes been argued that salaries in public life should be made comparable to those in private business. Most business executives are hard-working individuals. But I would like to point out candidly that the setting of executive salaries in some private businesses obviously bears no relationship to the amount of work performed or the eligibility of those who receive them. Several recent stockholder revolts have shown the nature of the problem. Frequently, those levels are determined by the fact that some executives in private organizations, because of their economic control of the organization, are able to determine what level of salaries and other increments such as stock option incentives that they may receive. Members of Congress are rightfully subject to another set of considerations, the most important of these being their responsibility to a large number of people in the electorate who, like Members of Congress, are not really free to set their income and salaries at whatever level they so determine. Consequently, I would like to recommend in consideration of this and subsequent congressional salary legislation that we create an objective commission to determine periodically on a sensible basis the salary needs of Members of Congress.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MORRISON. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. MACHEN].

Mr. MACHEN. Mr. Chairman, I rise to state I will support an amendment to this bill that would strike the section providing automatic pay increases for Members of Congress.

I am not making any judgment on the merits of a congressional raise in 1967 or at any other time. However, I do feel that this matter should be handled separately.

Even such a move as delaying the effective date of the increase merely sidesteps the issue of treating congressional salaries apart from the regular Federal pay system.

In view of the fact that Congress last year voted itself a 33-percent raise while at the same time voting the classified service pay raises averaging 4.3 percent, I feel that this year we should devote ourselves to improving the lot of the classified, postal, and Federal employees of other categories. Congressmen should not be forced to choose between voting themselves a significant raise or denying badly needed increases to the Federal employees.

By handling the matter separately, the American people will have the benefit of the debate on the floor and can judge the merits of the case as they see it.

Congress should not be afraid to vote its own pay raises in the spotlight of publicity. Either the people are convinced that the Congressman is worth what he is paid or they are not. At any rate our decision must be made in full view of the public—not by an obscure reference to the United States Code buried deep in the next to last page of the bill.

I believe that the rest of the bill is badly needed, and I have been urging its enactment. My district has one of the largest groups of Federal employees in the country and I am well aware that their salaries lag behind those received by employees doing comparable work in private industry. These people are the backbone of the entire Nation. Although the laws are made by Congress, the success of their intent is completely in the hand of the Federal employee that administers the legislation. For this reason alone, we must provide every possible incentive to attract competent and dedicated employees to the Federal service and to keep the ones that we have.

I want there to be no misunderstanding about the intent of my amendment. It is not to take a position on the merits of a congressional pay raise. It is simply to separate two important issues so that the vitally needed Federal employees pay raise is not jeopardized in any way. I do not want to see a single vote lost for this important bill because a Congressman did not see fit to vote himself a pay raise.

Mr. MORRISON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DYAL].

Mr. DYAL. Mr. Chairman, I rise in support of this legislation. I am however opposed, as stated by the previous speaker, to the congressional provision contained in this bill.

Mr. MORRISON. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. MCMILLAN].

Mr. McMILLAN. Mr. Chairman, I had an amendment prepared to this bill in connection with this so-called House Employees Classification Act. However, I understand this amendment is not germane to this bill.

I would like to say a word on this subject, as I have had numerous complaints during the past year from employees connected with the Sergeant at Arms, the Office of House Disbursing, the Doorkeeper's Office, and all other housekeeping activities here on Capitol Hill.

I have been in Congress quite a while, and I feel very close to this branch of the Government. I think it is the duty of the House Members to provide for the housekeeping activities of Capitol Hill. The minute we leave it to the Civil Service or General Services to take over certain agencies of the House of Representatives, we are going to be in trouble.

I will present this amendment in the form of a bill, and will go before the House Administration Committee in an effort to repeal Public Law 88-652.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Maryland.

Mr. FRIEDEL. Earlier in this session the gentleman sponsored a bill to do away with the Classification Act we passed last year.

Mr. McMILLAN. Yes; the gentleman from Maryland is correct.

Mr. FRIEDEL. I did set a date for a hearing on it before the Subcommittee on Accounts but we had to postpone the hearing.

Mr. McMILLAN. That is correct. The gentleman has offered to assist me with this proposed legislation. Each time we were trying to have a hearing something happened. It was my fault that we could not get a date for the hearing that was convenient to all concerned parties.

Mr. FRIEDEL. I think we can set another date for the hearing the early part of January.

Mr. McMILLAN. When this legislation was before the House for consideration during the last Congress I was advised at that time the purpose of the legislation was to grant retirement benefits to employees of the folding rooms, and several other agencies in the Capitol. I did not know it went so far as to have civil service regulations on Capitol Hill.

Mr. FRIEDEL. One of the purposes of the Classification Act was to permit certain groups of employees in the House to obtain coverage under the Retirement Act. But it is also designed to provide a fair system of determining salaries on the basis of the work performed. No one had their salary reduced under Public Law 88-652 and some received increases.

Mr. McMILLAN. I think it has done a good job, and I think it has served its purpose, now, I think it is time to repeal it. The Senate had a similar act in force 3 months and they decided to repeal it.

Mr. FRIEDEL. We have had a few complaints from employees who feel they should be in a higher classification and we will have their supervisors, the Sergeant at Arms, the Clerk, the Doorkeeper, and others at the hearings when we consider these complaints.

Mr. McMILLAN. I think the act has done a good job in adjusting some irregularities.

I include the following:

A BRIEF ANALYSIS BY THE CLERK OF THE APPLICATION AND IMPLEMENTATION OF THE HOUSE EMPLOYEES CLASSIFICATION ACT, PUBLIC LAW 88-652

After nearly 6 months' experience with the application of the House Employees Classification Act, Public Law 88-652, I am more convinced now than I was at the time it was enacted, during the closing hours of the last Congress, that it is neither a good or workable law. Its limited application has made it crystal clear that you cannot make a partial application of a neo-civil-service type of classification apply to one-tenth of the employees of this House without creating greater inequity, less coordination, and advancing an individual and piecemeal basis of consideration.

A commingling of a partial Federal civil service system superimposed upon the political system of the legislative branch is not workable. Experience shows that it gives few of the advantages inherent in the civil service classification system as applied to the executive branch of the Federal Government while retaining all of the disadvantages, limitations, and hazards of employment peculiar to the legislative branch. This condition is illustrated by the following:

1. This law and its implementation does not pay due regard to differences in levels of difficulty, responsibility, and classification requirements of work, while giving little consideration to the kinds of work performed, length of service, or satisfactory performance.

2. Unlike the executive branch, Civil Service System, it fails to recognize in its application the principle of equal pay for substantially equal work.

3. It very definitely depreciates and limits the authority previously invested by the House in the elective officers covered by its provisions and subordinates every employee of the officers coming within the purview of this act to the status of second-class employees, because:

(a) The elective officer of the House may not make selection of employees with any predetermined assurance as to the rate of pay that will be provided under this system. This failure to invest him with authority to appoint with full assurance to the individual so appointed of a definite salary rate brings about a lack of confidence in him and undermines the control and superintendence necessary to carry out the duties imposed upon him by the rules of the House.

(b) No employee under this system can look up to the full rate of pay which is provided as a possibility for all other employees of Government. The schedule adopted pursuant to this act places a lower ceiling on the rate of pay than all other employees and puts a further subceiling on a great many of them by placing each in the highest step of a level, thus preventing them from benefiting by any possible longevity advances. His only resort is to appeal to the very authority which created this condition.

(c) The exercise of this discretion and the advice to the committee appears to be presently lodged with an individual who is imbued with the philosophy of the Federal civil service system and who possesses little or no understanding or desire to understand the process inherent in the legislative branch system. He appears further, to lack the humanness to give patient consideration to appeals from decisions made, thus shutting the door to any hope of a successful appeal from a previous determination. This is certainly repugnant to our philosophy of government and rights of the individual and certainly not in keeping with what would be done in the executive branch under the system previously served by this individual. It is a condition which one would think the House of Representatives, the first line of defense of freedom of all citizens, would not tolerate to any degree.

It is quite significant that while this act is made to apply to the offices of the Clerk, Sergeant at Arms, the Doorkeeper, and the Postmaster, employing less than 500 persons, or one-tenth of the total number of employees of the House of Representatives, it does not apply to the Office of the Parliamentarian, the Coordinator, the legislative counsel, the official reporters of debates of the House and committees, employees of standing committees and of special and select committees, nor to all employees under the jurisdiction of such officer or official. If the virtues of this system are as advantageous to the employees of the officers coming within the purview of this act, why then are not its coveted provisions made applicable to the other nine-tenths of the employees of this House? Why also did the employees of the House Press Gallery request on the floor of the House during the time that this bill was under consideration to be exempted from its provisions and were immediately granted their request?

The answer to this question is evident. There is no desire on the part of any of the exempted employees to come within its restrictive and depreciating provisions. I am sure that there is not one single clerk to a committee, or any other employee of the House, that is desirous of being embraced by its provisions.

While there have been many restrictions applied in the administration of this act, there have, of course, been a number of steps taken to grant relief in a number of areas. Such steps by the committee have even been more than generous in a limited number of respects where the generous advances in salary given to a limited few have certainly raised many questions as to their desirability.

This office has found that while an employee on the rolls at the time this act became effective is protected in his pay status, the classification of many responsible, highly technical positions, have been classified in a manner that it will be almost impossible for the Clerk to secure competent employees to fill such positions after the present experienced and capable employees of long service leave. This process will bring on—in fact it has already started—a deterioration in the quality of the service to the House as a result of the inability to attract persons with superior talents needed to meet the growing services of the House.

I fully recognize the right of the House of Representatives to control by law or rule any of its housekeeping activities, but I am convinced that the Committee on House Administration in reporting this measure to the House was not fully aware of its portent, nor were its hazards and limitations presented to the House at the time it was under consideration. A full exposé of this act and its implementation will convince any Member that we should repeal this act and return to the system developed by the House of Representatives in conducting its housekeeping affairs. Its implementation has demonstrated that we should return to the time-tested system which has been found desirable for nearly 200 years in the House of Representatives where there is no greater tenure than 2 years. Each House elects its Speaker and other officers and may completely change the complexion of the employment at any time it wishes. The House of Representatives is elected by the people every 2 years; it is responsive to the people, and must be able to function within itself in a manner that requires proper administration of its services.

ADDENDA

For more complete information and with the thought that it would be helpful for the Members to understand some of the conflicts brought about by the application of this law, the following table of changes is submitted. It will be observed that the position title is given, the level and step of the classification made, the present salary rate, and for comparison there follows the level and step and rate of pay that any new person being appointed to that particular position in the future would receive. Members will appreciate that in many instances a great disparity exists between the pay of the present incumbent and the pay that the new appointee would receive. In most instances it would take the new employee 28 years to ascend to the present pay rate of the position.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, so far as the minority is concerned, this will conclude debate on this important measure. There is very little I need to add to what has been said and what is included in the report. Perhaps some emphasis should be placed on the fact this bill is overdue. We had a Presidential recommendation early in the calendar year for a pay raise.

The committee has labored long, it has had extensive hearings and executive sessions, and has now come forth with this bill. It is my understanding that some people in other branches of the Government are not entirely happy with the results that the committee has included in this bill. But as for myself, I have not seen any of the factors that gave rise to the desire for change in the bill as reported out last August. If the decisions we made in August were right then I do not know why they are not right today. The bulk of this bill other than as regards section 205 is going to have my wholehearted support.

At the time we were concluding executive sessions on the bill, the very sincere and hard-working gentleman from Arizona and myself, after defeat of one portion of the bill, talked over a vital section herein contained. I have reference to the section which deals with the pay of Cabinet officers, judges, members of the executive branch, and the Congress. The gentleman may have gotten the impression when I mentioned January 1967, I meant two raises included in this bill for October 1, 1965, and October 1, 1966, this to be added to the congressional salaries of 1967.

It was an honest misunderstanding. I meant that raises which occur subsequent to January 1967 should automatically apply to these various groups including the Congressmen.

I am going to introduce an amendment to that effect. It would mean just this exactly—that nobody sitting here would be voting themselves 1 penny of pay raise either presently or in January of 1967 and that the only pay raise that might accrue that a person here might vote for would have to come after January 1967, and would become effective then in 1969.

There is all the difference in the world between voting a pay raise and voting for an automatic increase at some later date. Why should this happen? I am entirely in sympathy with the Udall formula—a year ago when it became a part of the pay raise bill and then was eliminated by the Senate. It was a mistake in my judgment because there comes a time in these salary schedules when salaries press up against the congressional level. We are not, and properly not, going to have executives and a number of judges and so on and so forth making salaries higher than elected Members of the Congress.

Then again when we do have that as a ceiling, it presses the whole salary schedule all the way down. Then you get into those things that we got into a year ago when, in order to let the steam off and let the salary schedules go up, we were confronted with the business here of having to increase congressional salaries by $7,500 all in one fell swoop. That is simply poor managing.

So, therefore, in entire support of the Udall section that is in this bill, I am simply going to propose that we put it off so that it does not become effective early enough to have any pay raise in this bill which might remain here for either this year or next year, accrue to any Member of the Congress elected for the term beginning January 1967.

Other than that, with a few minor changes, I find this bill very satisfactory. I hope we can pass it today. I hope we can move along and get the bill over to the Senate. I am reminded this is payday around here for our employees and it is a good day to pass a pay bill. I think also if we get on with our business we will be closer to the time when we can go home and attend to some other business.

The CHAIRMAN. The gentleman from Pennsylvania has consumed 7 minutes.

Mr. MORRISON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. Madden].

Mr. MADDEN. Mr. Chairman, I want to commend the gentleman from South Carolina [Mr. McMillan] for stating, a few moments ago, that he intends in the next session to ask for repeal of this so-called Reclassification Act which was passed in the closing days of the last session. I also commend the gentleman from Maryland, Congressman Sam Friedel, for agreeing to call his subcommittee next session and hold hearings on the unfair and shortsighted reclassification salary legislation.

That bill penalizes four legislative offices, the most important offices in our congressional legislative system. If the bill is not repealed is the early days of the next session, it will continue to cripple the departments of the Clerk, the Sergeant at Arms, the Postmaster, and the Doorkeeper.

I should like to cite an example. I believe that some super professional expert from the Civil Service Commission came up here and used some of his book learning in order to try to reorganize the legislative processes.

For example, referring to the top employees of those four legislative offices, the Reclassification Act is so written that if a present top employee dies, resigns, or retires, getting $18,035 a year, his successor will have to drop down to $11,000. If another employee is the next lower bracket retires who is receiving $13,290 a year, his successor would drop down to $10,000. Under the terms of this Reclassification Act, it will take 20 years for him to work up to a salary income of his predecessor. I hope the House of Representatives corrects this and other inequities that this act inflicts on the four legislative offices above mentioned.

I wish to commend the Post Office and Civil Service Committee for bringing this present legislation to the floor of the House. As a former member of the Committee on Post Office and Civil Service, I wish to state that you have done a good job on this present legislation, and what I have said is not a criticism of your committee regarding this deplorable Reclassification Act that was passed in the closing days of the last session.

Mr. MORRISON. Mr. Chairman, I yield one-half minute to the gentleman from Louisiana [Mr. Waggonner].

Mr. WAGGONNER. Mr. Chairman, would the gentleman from Indiana [Mr. Madden] give me his attention for a moment?

Did I correctly understand the gentleman from Indiana to say that he appreciated the gentleman from Maryland [Mr. Friedel], committing himself to a repeal of this Reclassification Act? He stated he was going to call hearings.

Mr. MADDEN. That is correct—hold hearings.

Mr. WAGGONNER. I simply wished to clarify that point. I knew it was not the intent of the gentleman from Maryland to commit himself to repeal the Reclassification Act.

Mr. MORRISON. Mr. Chairman, I yield myself one-half minute.

I wish to take this time to express, I am sure, on behalf of so many Members of the House, our deep appreciation for the tremendous job that the gentleman from Arizona [Mr. Udall] has done. He has approached this legislation, as author of the bill and as chairman of the subcommittee, with a great deal of patience and a tremendous amount of personal effort, attention, and dedication. He has certainly done a magnificent job.

Likewise, I certainly wish to compliment the subcommittee and the full committee on their outstanding job in reporting and bringing this bill to the floor.

Mr. Chairman, if there are no further requests for time, I shall yield back the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. Gerald R. Ford].

Mr. GERALD R. FORD. Mr. Chairman, I should like to ask the gentleman from Maryland [Mr. Friedel] a question concerning the matter which was just discussed. Last year, as I recall, legislation was approved in the House and in the Senate to set up a new arrangement for employees of the House. It was alleged to be a great step forward. His persuasiveness convinced me that it had lots of merit and was flexible enough to take care of unusual circumstances. Could the gentleman from Maryland now explain to me what impact this bill has upon that legislation which we enacted a year ago?

Mr. FRIEDEL. This bill will have no impact on that legislation. An amendment would have to be offered, and it would not be germane. I assured the gentleman from South Carolina [Mr. McMillan] that I would schedule hearings in the early part of January. I should like to mention that, since the new reclassification bill went through, in 9 months we saved $64,575.

Mr. GERALD R. FORD. Is the gentleman from Maryland still convinced that that legislation is desirable and is working well at the present time?

Mr. FRIEDEL. So far, I think so. I have not heard any complaints about it. But we will get into it in the early part of next year.

Mr. DONOHUE. Mr. Chairman, I earnestly hope this House, restricting its provisions, as originally intended, to career employees, will very soon approve this bill before us, H.R. 10281, the Federal Salary Adjustment Act of 1965.

The fundamental objective of this measure is to make such reasonable adjustments in current Federal salary rates as will bring them more into line with the salaries paid in private enterprise for the same levels and types of work.

I urge House approval of this objective not only because it is in full accord with accepted economic principles and modern business practices, but also because such approval will be a fulfillment of our congressional pledge and a rightful implementation of the recommendations made by two great Presidents of the United States.

Mr. Chairman, the enactment of the Federal civilian salary adjustments provided for in this bill is essential to give full faith and credit to the principles and policy of comparability of Federal and private enterprise salaries established by the two previous Congresses.

The record will show that when this comparability principle was first established by the 87th Congress, its enactment inspired a most wholesome climate of labor-management cooperation never before attained in the Government. The principle was applauded by management, endorsed by the public, and universally recognized as an entirely solid and valid concept which would equitably meet and satisfy the needs of both management and workers. However and unfortunately, the record and the statistics demonstrate, despite the 3-year period in which the comparability policy has been recognized, not a single Federal salary has yet been brought to a close approximation of full and current comparability with the same position in private enterprise.

Mr. Chairman, I submit that the Federal and postal employees of our Government, at all levels, have a history of superior duty performance and loyalty to this country and I believe that it is not only economically right but, in a larger sense, it is in the best national interest to reasonably preserve and encourage their high morale and dedication. It is my additional belief that passage of this legislation will, indeed, serve as a most prudent inducement for recruitment, now and in the future, of the most desirable individuals for career postal and Federal service.

Mr. Chairman, because approval of this bill will accomplish the objectives I have outlined, which are undoubtedly in the greater public interest, and because it will be, at the same time, an extension of fair and just treatment to our faithful Federal employees in comparison with those of similar responsibilities in private industry, I urge the adoption of H.R. 10281.

Mr. ROSTENKOWSKI. Mr. Chairman, the legislation before us, H.R. 10281, to adjust the rates of basic compensation of certain officers and employees in the Federal Government, deserves the full support of this Congress. It is no mystery that a gap exists between Federal and private enterprise salaries for the same levels of work. This fact was clearly established through extensive congressional committee hearings when the comparability principle for Federal salaries was first developed and officially recommended by President Kennedy 4 years ago. Congress did not turn its back toward the Federal civilian employees but realistically pledged itself to adjust the inequities that existed with the enactment of Public Law 87–793 and further implemented by Public Law 88–426. A pledge that can be further fulfilled with the approval of this legislation.

Federal career employees are a dedicated group of people who take pride in their work in the administration of the varied functions of the Federal Government. But dedication cannot pay the rent, supply bodily nourishment, nor purchase needed clothing for these workers and their families. To meet these obligations one must be compensated to cope with economic changes that are established by private enterprise which controls the price structure of the goods consumed. As President Johnson declared in his message to Congress:

> We do not have two standards of what makes a good employer in the United States: One standard for private enterprise and another for the Government. A double standard which puts the Government employee at a comparative disadvantage is shortsighted. In the long run, it costs more.

Under the major provisions of H.R. 10281 the principle of comparability is reaffirmed. Its chief goal provides for two separate salary adjustments, one to take effect October 1, 1965, and the second to become effective a year later. These adjustments will benefit employees subject to the Classification Act of 1949; employees in the postal field service; certain Veterans' Administration Department of Medicine and Surgery personel, Foreign Service officers and staff officers and employees, Agricultural Stabilization and Conservation county committee employees, legislative employees, and employees in the judicial branch.

The legislation improves Federal employes' overtime and holiday pay provisions in order to bring them closer to provisions of the kind widely accepted in modern, progressive private enterprise. This section particularly aids employees in the postal field service who have labored for years under an inequitable system in the field of overtime work and overtime pay; work on Saturday and Sunday and holidays. This adjustment is long overdue.

The bill takes into consideration the deficiency of reasonable severance pay allowances to Federal employees who are separated from the service through no fault of their own and who have not yet become eligible for immediate civil service retirement benefits. Section 112 of the bill adjusts this inequity by providing fair payment to the affected employee with special consideration given to the age of the individual who is asked to leave the service.

One other important section of the bill increases maximum authorized uniform allowance from $100 to $150 to Federal employees required to wear uniforms. This is the first such increase in uniform allowance in 11 years and it is greatly needed, especially to the postal employees in the lower salary levels who face increased costs in procuring their uniforms.

The legislation also adjusts other unfair conditions in the postal field service. Postal seniority salary adjustments recognizes the length of honorable service by an employee promoted from one level to another. Section 108 remedies a hardship faced by many postal employees in meeting the costs of relocation when they are assigned to new positions far removed from their present duty posts. With the many operational changes now taking place in the Post Office Department, such moves are not uncommon and the employee faces heavy added personal expenses in making a move.

Careful analysis of the legislation clearly indicates the justification of its enactment. Not only will it achieve adequate, up-to-date, and fair pay systems for Government personnel, but it will enable the Government to attract and retain in Federal service the best talent in America. With top-grade talent we can expect efficient operation.

I strongly recommend that this bill be passed as reported and urge approval by the Members of this House.

Mr. BOB WILSON. Mr. Chairman, I support H.R. 10281, the Government Employees Salary Comparability Act, which proposes to honor pledges by the Congress to effect comparability of pay between private enterprise and the Federal Government for the same levels of work. I trust this measure will expeditiously be approved by the Congress and signed by the President.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 10281, the Government Employees Salary Comparability Act.

Mr. Chairman, I was a member of the Committee on Post Office and Civil Service during the 87th Congress when Public Law 87–793 was enacted. That law was designed to provide Federal salaries comparable to salaries in private enterprise, but we have not provided salaries in keeping with the intent of that law. The bill before us today is a step in that direction, but it falls short of the goal. Admittedly, H.R. 10281 is a compromise bill, and I believe that there should be no further compromise.

This bill provides long overdue improvements in our Federal employees' overtime and holiday pay provisions. Our postal workers have long suffered inequities in this area. Substitutes work many hours of overtime on a highly irregular schedule and receive no overtime—postal employees work Saturdays, Sundays, and holidays without any premium rates for same. H.R. 10281 corrects this situation and brings it into comparability with non-Federal salaries.

Mr. Chairman, a very important provision in H.R. 10281 is the provision for reasonable serverance pay for Federal employees who lose their employment through no fault of their own and who are not eligible for immediate civil service retirement. This need has been very pointedly brought to the attention of a great many of us with the many cutbacks in Federal employment in some areas. The Defense Department's cutbacks have hit my district and the entire New York City metropolitan area with a very heavy impact. We have entirely too many instances of family men who have given many years of faithful service to our Government losing their jobs, too young for retirement and with children, who have no immediate entitlement to benefits to cushion the impact until they can find employment. We all know the difficulties that a man in his late thirties and forties encounters when he must start anew in employment.

The uniform allowance of up to $100 yearly for those required to wear uniforms, usually employees in the lower salary levels, was enacted 11 years ago and there has been no change since. I am sure that we all realize that this figure is no longer realistic, and the modest increase to $150 per year is more than justified.

Mr. Chairman, I believe that the bill before us is a modest one. Our loyal, hard-working postal and Federal employees deserve this recognition.

I urge my colleagues to support H.R. 10281 without any further crippling amendments.

Mr. WYATT. Mr. Chairman, since the pay raise for Federal employees was first proposed, I have been strongly in favor of it. I have been against the compromises reducing the amount of the pay raise. I am strongly opposed to any efforts made in the House to now reduce the proposed pay raise. It is meritorious and must be granted if our Federal employees are to be kept abreast of the purchasing power of the dollar, which we all know has deteriorated since the last pay adjustment.

My only reservation has been that I feel strongly that there should be no congressional pay raise attached to this bill.

Mr. Chairman, it is a pleasure on my part to continue to support with all my strength this raise.

Mr. SCHISLER. Mr. Chairman, I am in favor of salary adjustments for our Government personnel, and have expressed my support for a salary increase for our Federal employees a number of times. But in light of the fact that a pay increase for Members of Congress was granted last year, I do not favor another raise starting in January of 1967.

I am for the amendment to H.R. 10281, the amendment will delete the section dealing with the pay raise for Members of Congress.

The amendment would in no way keep our Federal employees from receiving their well-deserved pay raise. It will affect only Members of Congress, who I feel at this point are not justified in asking for a raise in salary.

Mr. HALPERN. Mr. Chairman, I wish to take this opportunity to express my strong support for the pending proposal to raise the salaries of Federal employees. Perhaps never before has the need for well-trained, intelligent, and alert civil servants been as fully explored and as widely admitted as today. Those men and women whose responsibility it is to administer the domestic and international policies of our Nation have assumed unparalleled significance. Yet these individuals, who have taken on greater responsibility and an increased workload, have had to be satisfied with a salary which continues to fall farther and farther behind that paid by private industry for comparable work.

In the past, legislation to raise Federal salaries has not been notably consistent or well thought out. Instead, it has been developed in a more or less haphazard fashion. Typically it has brought too little, too late.

In 1962 we wrote into the Salary Reform Act an important and constructive principle which was to serve as a guide for determining the appropriate level of Federal salaries. This principle of comparability provides an equitable and systematic yardstick by which to determine amount and timing for Federal pay raises.

On the basis of this principle, President Kennedy recommended that the Bureau of Labor Statistics and the Civil Service Commission draw up a scale comparing the increased Federal salaries with those of private industry for similar levels of work.

The President's Special Panel on Federal Salaries reported on April 15, 1965, that in private enterprise salaries had increased by 3 percent in the year ending March 1964. A similar rise was predicted for the entire fiscal year 1965. On the basis of this report, the President submitted to Congress in his message of May 12, 1965, a request for pay increases.

In reporting out H.R. 10281, the Committee on Post Office and Civil Service noted that the comparability principle had been recommended by President Kennedy and enacted into law 3 years ago. Since then, unfortunately, not a single Federal salary had been brought to even a close approximation of full and current comparability with its opposite number in private enterprise.

To allow another year to elapse without acting on this principle would be unfair to the individual Government employees and detrimental to the Government as a whole.

Government employees are having to shoulder an increasing workload each year. For example, the Postmaster General pointed out that six times as many postal employees are now handling 13 times as much mail as in 1890. The number of postal employees has increased by 59 percent since 1940, but the volume of mail has gone up by 128 percent. The postal employees themselves are primarily responsible for this great improvement in productivity and efficiency. As a reward, the postal employee is forced to make ends meet on a salary substantially below that which his services could command if he were employed by private industry. Clearly, these fine men deserve increased pay, extra compensation for work performed in excess of 8 hours a day, and work on Sundays.

In addition to the financial problem, this is a morale-shattering situation. The average Government employee can do little about his situation. He must depend upon Congress to look after his interests and to assure him just treatment. Congress has too often failed to do this in the past. This is an obligation which Congress must face now and deal with honestly, fairly, and promptly. It is essential that Congress honor its pledge before this session adjourns.

And we must be concerned not only with the rights and needs of the individual employee, but with the good of the Government and the Nation as a whole. To place the Government as an employer at a continuous disadvantage comparatively to private enterprise is to pursue a penny-wise-pound-foolish policy. Not only has the workload expanded as a result of the postwar population boom and the cold-war defense demands, but problems of greater complexity and scope have exerted strong pressures for specialized and improved governmental services.

Trained and capable experts are essential if the Government is to maintain the high level of efficiency and competence necessary to stay abreast of the times. These experts are in great demand in both Government and private industry. All too often the Government takes second choice or loses out completely because it cannot compete on the labor market by offering lower wages and fewer fringe benefits. Key positions have remained vacant for long periods.

This not only is inefficient in that it wastes the taxpayers' money, but it will also seriously hamper our ability domestically and internationally to achieve wise and efficient policy. The pace of the sixties is such that the loss of talent and efficiency will substantially reduce our ability to complete successfully the domestic reforms needed, will seriously jeopardize our efforts to maintain leadership in international relations.

Obviously, this situation cannot be allowed to continue. Legislation must be enacted as soon as possible that will enable the Federal Government to compete reasonably with business for a fair share of the Nation's talent. The enactment of H.R. 10281 would help redress this situation by raising Federal salaries and closing the gap separating Federal salaries from those paid by private industry.

H.R. 10281 also attempts to bring Government into closer approximation with private industry in terms of other benefits. To take one example, this bill includes a provision setting up a system of severance pay for Federal employees who lose their jobs through no fault of their own. The unfortunate closing of shipyards produced many such cases. Severance pay to these employees would equal the sum of 1 week's pay for each year of service beyond 10 years, plus 10 percent of the basic severance allowance for each year the employee was over age 40. This provision supports the criteria of loyalty, service, and need by rewarding experience while giving added aid to older workers who are most likely to have difficulty finding reemployment. Further payments would terminate immediately in the event that an individual is reemployed by the Government during a period covered by severance pay.

The competence of our civil service surpasses that of any other nation. The Federal Government cannot long maintain this standard if it is forced to compete at an increasing disadvantage. Furthermore, it is only fair and proper that all Federal employees—from messengers to administrators—should be rewarded not only with words, but with adequate and comparable salaries as well. Thus, to fulfill our pledge to the Federal employees, to insure the greatest efficiency and competency in our Government, and, in the long run, to save the taxpayers' money, I urge the prompt enactment of H.R. 10281.

Mr. WALKER of Mississippi. Mr. Chairman, I join my colleagues in support of legislation to increase the wages of the many underpaid postal and other Federal employees. I am well aware that generally, the wages of these people fall short of comparable positions in private business. And I also join my colleagues who say the congressional salary is not enough and I could certainly use an additional 4½ percent. But I must oppose any measure to increase congressional and judicial salaries at this time.

This past weekend I had the opportunity of serving as minority House Member at the hearings in New Orleans and Baton Rouge on the devastation of Hurricane Betsy. You cannot imagine until you see and hear firsthand the number of people left homeless by this hurricane.

The point I wish to make is this: The majority of these people presently have no legal means of getting Federal assistance to meet their personal needs. These are low-income people who in many cases cannot meet the requirements for small business or other Federal loans.

I cannot sit here and vote myself a pay increase even though it would be a great deal of help in meeting the expenses of being a Congressman, while I know that there are those in Louisiana and Mississippi who are in critical need of financial help and cannot get it.

I urge my colleagues, before you vote yourselves this increase, consider those people, not just in Mississippi and Louisiana, but all over the country who need this money. Let us not vote to increase our own salaries, when there are so many with a much greater need than ours.

With this problem resolved, we can then go on to pass the provisions giving the Federal employees, who really do need a pay increase, their ample compensation.

Mr. BOLAND. Mr. Chairman, I rise in favor of H.R. 10281, the Government Employees Salary Comparability Act. This legislation will adjust the rates of basic compensation of Federal employees and establish the Federal Salary Review Commission.

By supporting this bill we honor the pledges made by the Congress, and two Presidents, our late beloved President John Fitzgerald Kennedy and President Lyndon Johnson, that Federal salary rates shall be comparable with those paid by private enterprise for the same levels of work. I have long supported the principle of comparability in determining pay for employees of the Government. In my opinion, the only fair and accurate system to be used in determining what Federal employees should be paid is to pay them on the same basis as those employed in outside industry.

I am pleased that this legislation also achieves a major breakthrough in the improvement of Federal employees' overtime and holiday pay provisions in order to bring them closer to provisions of the kind widely accepted in modern, progressive private enterprise. Substitute employees, who perform a great deal of postal work, receive only straight hourly rate pay despite the length or the irregularity of their daily and weekly duty assignments, or whether they work on Saturday and Sunday. This unjust situation is corrected in this bill, which establishes fair, moderate, and workable premium pay requirements for overtime and holiday work.

Mr. Chairman, another serious deficiency in Federal employee benefits is corrected by provisions of the bill granting fair and reasonable severance pay allowances to Federal employees who are separated from the service through no fault of their own and have not yet become eligible for immediate civil service benefits. This bill also raises the maximum authorized uniform allowance by $50, from $100 established 11 years ago, to $150 per year, thus reflecting the cost of living and increasing cost of uniforms during that period.

I am also particularly interested in one provision of the bill establishing a needed remedy for a serious gap in postal personnel statutes, which already is imposing hardship on my postal employees. It is the provision for relocation expenses payment, a practice made in private industry. As a result of the transition of the postal transportation and distribution operations to the new "sectional center" system, and the further aggravations caused by moving into the ZIP code and distribution plan, many postal employes have suffered, or in the near future will encounter severe disruptions of their lives accompanied by heavy added personal expenses when they are assigned to new positions away from their present duty posts. This bill provides for a per diem allowance for each member of the family of a postal employee while traveling to a new duty station, and subsistence expenses for himself and his family for up to 30 days while they occupy temporary quarters at the place of his new official station. In addition, the employee will be granted 7 days of leave with pay not charged to his annual leave.

Mr. Chairman, I urge my colleagues to vote for this bill.

Mr. GILBERT. Mr. Chairman, I rise in support of H.R. 10281, the Federal Salary Adjustment Act of 1965. This bill will give a 4½-percent salary increase to Federal employees, effective October 1, 1965, and a further increase, based on the comparability provisions of the bill, a year later.

Mr. Chairman, since coming to Congress I have supported and worked for equitable pay increases and other legislation in the interest and welfare of our postal and classified Federal workers. If we are to have a high level of efficiency in our Government service, and if we are to retain loyal and dedicated workers and maintain their morale, we must provide adequate pay and fair and equitable work standards.

There are many Federal employees in my congressional district, and especially post office workers, and I know personally that a large percentage of them are forced to hold extra jobs in order to maintain a decent standard of living for their families.

The pay increase offered in this bill is greatly needed. The Federal pay bill of 1962 included a pledge by Congress to grant a true comparability with private industry. Postal and classified salaries are lagging 6 percent behind comparable rates for private industry. I had introduced a 7-percent pay increase bill and testified before the House Post Office and Civil Service Committee for my bill and similar bills for a larger increase. I am disappointed the increase provided in this bill before us is not greater and more in keeping with the present day cost of living.

H.R. 10281 makes needed improvements in the overtime and holiday pay provisions of Federal employees and brings them closer to provisions accepted in private industry. In addition to overtime pay adjustments, a new and just concept of severance pay is provided, with reasonable compensation to assist Federal employees over difficult transition periods when they are separated from Government service through no fault of their own. The bill establishes a standard 5-day, Monday to Friday workweek for postal employees and it also corrects present transitional inequities between senior and junior employees. Postal employees will receive additional relocation compensation when transferred from one station to another.

I am pleased that the bill sets up a Federal Salary Review Commission, which I had proposed in my own bill.

I have taken the time to mention only some of the major provisions of H.R. 10281. I urge my colleagues in the House to vote with me for passage of this legislation, which will go a long way toward improving the working and living conditions of our thousands of Federal workers.

Mr. HORTON. Mr. Chairman, recognizing that compensation comparability for Federal employees is essential if we are to maintain a high-quality career civil service, I am pleased to announce my support of H.R. 10281.

The provisions of this bill, with the single exception of more money for Members of Congress—and I shall vote to reject that section, are sound and in keeping with our congressional commitment to adequate pay for the men and women who are the fiber of our National Government.

Too often the popular view of pay legislation benefiting Federal employees is that it is just another pay raise for the civil servants. But, quite frequently what we do in this regard makes the difference between the country's keeping in its employ those with the training, ability, and motivation to properly administer important Government responsibilities or causing them to become disenchanted with Federal service because of inadequate remuneration and deciding to find work in the private sector. When this happens, it not only is a personal loss but it also represents a considerable cost to the taxpayer because of the expense in finding a new employee and then equipping him to discharge the duties of the post.

Therefore, I always include in my examination of the arithmetic involved in pay legislation the very pertinent factor of what it will cost us, as a nation, should we fail to structure the salaries of Federal employees on a basis comparable to that of private enterprise.

Anyone who is personally acquainted with the people who serve this country as employees of the Federal agencies, departments, bureaus, and so on knows the good fortune which is America's by virtue of the tremendous dedication, integrity, and willingness to sacrifice which these people possess. The postal clerks and carriers, the men and women in the Immigration and Naturalization Service, social security offices, Small Business Administration, and throughout the executive branch of Government are patriots in their own right. They love their country, find pleasure in working for its betterment, encourage others in their families to join the civil service, and in hundreds of other ways do their utmost to assure the operation of an economical and efficient Government.

For their loyalty, I believe we must assure that Federal pay scales are kept at a level comparable with what they easily could earn in non-Federal employment. That opportunity is now at hand in H.R. 10281, and I conclude my remarks by repeating my intention to vote for its passage.

Mr. FASCELL. Mr. Chairman, the 1st session of the 89th Congress must not adjourn without acting on the most important item of Federal personnel legislation that has been introduced this year.

I am, of course, referring to H.R. 10281, the Federal pay raise bill. Actually, this legislation is much more than just a pay bill. It would enact into law several new policies regarding Federal compensation that would move us a long step closer to the goal we all want—making the Federal Government a model employer.

Among the most important of these innovations are the idea of severance pay for employees who lose their jobs through no fault of their own before they are eligible for retirement benefits and the creation of a Federal Salary Review Commission.

The tasks of this Commission would be, first, to review congressional, judicial, and Federal executive salaries with the idea of sustaining them at an equitable level and in an appropriate relationship to pay rates under the Classification Act. Second, a major function of the Commission would be to review the structures, principles, and interrelationships of the statutory salary systems under which Federal employees are paid.

It would be on the basis of the Commission's findings and reports that the President would make his salary recommendations to Congress.

The primary purpose of this legislation, in the words of the House Post Office and Civil Service Committee report accompanying the bill, is "to honor—through moderate but timely and meaningful salary adjustments—the pledges made by the committee, by the Congress, and by two Presidents of the United States that Federal salary rates shall be comparable with those paid by private enterprise for the same levels of work."

The comparability principle, one of the most enlightened statements of congressional pay policy ever written into Federal law, was incorporated in the 1962 pay law. It is, however, just a statement of policy. Pay adjustments to assure comparability are not made automatically. The economic data are provided by the Bureau of Labor Statistics, but Congress must still enact legislation to put the raises into effect.

Complete comparability between Federal compensation and salaries in the private economy has proved an elusive goal. We moved toward it with a two-phase increase in the 1962 pay law, the second increment becoming effective in January 1964, and with the pay law enacted in August 1964.

Nevertheless, statistics on the economy and other indicators leave no doubt that our classified and postal employees are still not receiving salaries commensurate with those being paid by business and industry for work of approximately the same level of difficulty and responsibility.

As President Johnson said in his pay message of May 12, 1965:

> We do not have two standards of what makes a good employer in the United States: One standard for private enterprise and another for the Government. A double standard which puts the Government employee at a comparative disadvantage is shortsighted In the long run, it costs more.

If we are to continue to work toward the removal of this double standard, if we are to assure classified and postal employees of the income they need and deserve for the services they render, we must enact H.R. 10281 into law.

This bill, like the 1962 pay law, calls for two salary adjustments. The first would become effective this October; the second, about a year from now. Its passage would bring virtually complete comparability to the lower Federal and postal salaries, whereas pay for middle and upper levels would relate to private enterprise rates of a year or 18 months ago.

This may not be perfection, but certainly it is progress.

In addition to pay raises, severance pay, and the Federal Salary Review Commission, the bill would make other substantial improvements in personnel management. For classified employees it would, just to mention two points, permit appeal from unfavorable "acceptable level of competence" rulings and establish a more liberal overtime pay schedule.

For postal workers certain inequities that have arisen in regard to seniority would be straightened out, overtime and holiday pay provisions would be modernized, and relocation and uniform allowances would be liberalized.

The responsibility for the welfare and just treatment of every employee of the Federal Government rests squarely on Congress. H.R. 10281 is a good bill, and by passing it, Congress will have discharged this responsibility.

Mr. PHILBIN. Mr. Chairman, I am in strong support of the pending pay bill covering postal and classified employees of the Government and other Federal employees.

The principle of comparability proposed by this legislation is, I think, of great importance in insuring equity and justice to all those who are employed by the Federal Government.

Over a period of years, as the committee has so well pointed out, I think there has been a considerable lag in bringing Government pay scales and standards up to those obtaining in private industry.

In an important sense this situation is probably the reverse of what it should be, in that the Government should be expected to furnish a good example for industry and other segments of the national economy in fixing pay, wages, and salaries.

In the adjustment of pay scales in any event, I think that, on the basis of the comparability principle or otherwise, the Congress must make sure that, while fairness, equity, and justice prevail the interests of the Government and the taxpayers should also be kept in mind.

The Government has the right to expect from its employees, loyal, faithful, adequate service for compensation received, and the Government can ill afford to follow practices in paying employees for work that they do not perform adequately or well.

The committee has striven hard and commendably, I believe, to try to bring the pay of Cabinet officers, Government executives, judges, and Members of Congress within the comparability principle.

The application of this principle is particularly desirable today, when the executive department is having so much trouble getting qualified executives to perform at high levels the necessary work of Government agencies. There is no doubt but that at these levels the pay scales of private corporations and business in this country have run well ahead of Government pay scales for similar services and, of course, there is need for some readjustment.

The value and urgency of adequate pay for the Federal judiciary is also incontrovertible.

The plan adopted by the able and distinguished gentleman from Arizona [Mr.

UDALL] and his committee, for comparability pay in these categories has merit.

While I am opposed to raising congressional salaries at this time, or at any other future time, unless the Congress itself shall have an opportunity to vote expressly upon appropriation items that involve such proposed increases, I believe that the principle of comparability utilized and revised so well by the committee, should, in time, be made applicable to all Government employees, including Cabinet officers, high officials of the executive department, judges, and Members of Congress.

As I stated above, insofar as Members of Congress are concerned, we can and should be able as well to deal with any proposed increases affecting our own membership on the merits, as we have done before, and we must do this with reference to specific appropriation bills that will give us an opportunity to pass upon these matters individually and preferably by a record vote.

I want to make my position clear on this matter because I feel strongly that the plan of the committee to apply the comparability principle to Government employment has been carefully thought out by the committee and has real merit.

Members of Congress may invoke their own discretion to vote on individual appropriation bills, as they should, whenever salary raises for Members of Congress are proposed. It should be pointed out that Members of Congress will have that opportunity under this bill. I oppose congressional salary increases now.

The bill, as proposed, will be costly, as will these measures, but the Government must expect to pay its faithful, loyal, capable employees well, and it must expect to pay them on a comparable basis with the compensation and salary scales existing in private industry. That is the least the Congress can do.

I believe this bill seeks to recognize the very many devoted public servants who are honestly discharging their responsibilities to the Government and making fine contributions of efficient service they are rendering our citizens and our Government.

Let me commend the committee for its excellent work on this bill.

Mr. MORRISON. Mr. Chairman, there are no further requests for time on this side. I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Government Employees Salary Comparability Act of 1965".

TITLE I

Short title

SECTION 101. This title may be cited as the "Federal Salary Adjustment Act of 1965".

Employees subject to Classification Act of 1949

SEC. 102. (a) Section 603(b) of the Classification Act of 1949, as amended (78 Stat. 400; 5 U.S.C. 1113(b)), is amended to read as follows:

"(b) Except as provided in section 111(b) of the Federal Salary Adjustment Act of 1965, the compensation schedule for the General Schedule shall be as follows:

"Grade	Per annum rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$3,538	$3,658	$3,778	$3,898	$4,018	$4,138	$4,258	$4,378	$4,498	$4,618
GS-2	3,843	3,974	4,105	4,236	4,367	4,498	4,629	4,760	4,891	5,022
GS-3	4,185	4,326	4,467	4,608	4,749	4,890	5,031	5,172	5,313	5,454
GS-4	4,680	4,837	4,994	5,151	5,308	5,465	5,622	5,779	5,936	6,093
GS-5	5,230	5,402	5,574	5,746	5,918	6,090	6,262	6,434	6,606	6,778
GS-6	5,755	5,948	6,141	6,334	6,527	6,720	6,913	7,106	7,299	7,492
GS-7	6,322	6,531	6,740	6,949	7,158	7,367	7,576	7,785	7,994	8,203
GS-8	6,927	7,157	7,387	7,617	7,847	8,077	8,307	8,537	8,767	8,997
GS-9	7,545	7,801	8,057	8,313	8,569	8,825	9,081	9,337	9,593	9,849
GS-10	8,256	8,538	8,820	9,102	9,384	9,666	9,948	10,230	10,512	10,794
GS-11	9,040	9,348	9,656	9,964	10,272	10,580	10,888	11,196	11,504	11,812
GS-12	10,711	11,082	11,453	11,824	12,195	12,566	12,937	13,308	13,679	14,050
GS-13	12,618	13,057	13,496	13,935	14,374	14,813	15,252	15,691	16,130	16,569
GS-14	14,808	15,320	15,832	16,344	16,856	17,368	17,880	18,392	18,904	19,416
GS-15	17,200	17,796	18,392	18,988	19,584	20,180	20,776	21,372	21,968	22,564
GS-16	19,790	20,474	21,158	21,842	22,526	23,210	23,894	24,578	25,262	
GS-17	22,410	23,194	23,978	24,762	25,546					
GS-18	25,602									".

(b) Except as provided in section 504(d) of the Federal Salary Reform Act of 1962 (78 Stat. 412; 5 U.S.C. 1173(d)), the rates of basic compensation of officers and employees to whom the compensation schedule sets forth in subsection (a) of this section applies shall be initially adjusted as of the effective date of this section, as follows:

(1) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at one of the rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the corresponding rate in effect on and after such date.

(2) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at a rate between two rates of a grade in the General Schedule of the Classification Act of 1949, as amended, he shall receive a rate of basic compensation at the higher of the two corresponding rates in effect on and after such date.

(3) If the officer or employee is receiving basic compensation immediately prior to the effective date of this section at a rate in excess of the maximum rate for his grade, he shall receive (A) the maximum rate for his grade in the new schedule, or (B) his existing rate of basic compensation if such existing rate is higher.

(4) If the officer or employee, immediately prior to the effective date of this section, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of compensation determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of compensation equal to the sum of his existing aggregate rate of compensation, on the day preceding the effective date of this section, plus the amount of increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate compensation at a higher rate by reason of the operation of this Act or any other provision of law; but, when such position becomes vacant, the aggregate rate of compensation of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this paragraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of compensation of the employee.

Redeterminations of acceptable levels of competence

SEC. 103. Section 701 of the Classification Act of 1949, as amended (5 U.S.C. 1121), is amended by adding the following new subsection at the end thereof:

"(c) Whenever a determination is made under subsection (a) of this section that the work of an officer or employee is not of an acceptable level of competence, he shall promptly be given written notice of the determination and an opportunity to secure a reconsideration of the determination within his department, under fair and equitable procedures which shall be established by the Commission. If the reconsideration results in a determination that the work of such officer or employee had been of an acceptable level of competence, the new determination shall supersede the earlier determination and shall be deemed to have been made as of the date of the earlier determination. If the earlier determination is affirmed by his department, the employee shall have the right of appeal to the Commission. The Commission shall review such number of reconsideration decisions of the departments to enable the Commission to determine whether they are being made in a fair and equitable manner."

Overtime compensation

SEC. 104. (a) Sections 201 and 202 of the Federal Employees Pay Act of 1945, as amended (68 Stat. 1109; 5 U.S.C. 911 and 912), are each amended by striking out "grade GS-9" and inserting in lieu thereof "grade GS-10".

(b) Section 201 of the Federal Employees Pay Act of 1945, as amended (68 Stat. 1109; 5 U.S.C. 911), is amended by striking out "All hours of work officially ordered or approved in excess of forty hours in any administrative workweek" and inserting in lieu thereof "All hours of work officially ordered or approved in excess of eight hours per day or in excess of forty hours in any administrative workweek".

(c) Section 204 of the Federal Employees Pay Act of 1945, as amended (68 Stat. 1110; 5 U.S.C. 912b), is amended by adding at the end thereof the following sentence: "To the maximum extent practicable, the head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the municipal government of the District of Columbia, or the head of any legislative or judicial agency to which this title applies, shall schedule the time to be spent by an officer or employee in a travel status away from his official duty station within the regularly scheduled workweek of such officer or employee.".

Postal field service employees

SEC. 105. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule for positions in the postal field service which shall be known as the Postal Field Service Schedule and for which the symbol shall be 'PFS'. Except as provided in section 111(b) of the Federal Salary Adjustment Act of 1965 and in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedule.

"Postal Field Service Schedule

"PFS	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,120	$4,256	$4,392	$4,528	$4,664	$4,800	$4,936	$5,072	$5,208	$5,344	$5,480	$5,616
2	4,465	4,611	4,757	4,903	5,049	5,195	5,341	5,487	5,633	5,779	5,925	6,071
3	4,822	4,984	5,146	5,308	5,470	5,632	5,794	5,956	6,118	6,280	6,442	6,604
4	5,230	5,402	5,574	5,746	5,918	6,090	6,262	6,434	6,606	6,778	6,950	7,122
5	5,585	5,773	5,961	6,149	6,337	6,525	6,713	6,901	7,089	7,277	7,465	7,653
6	5,990	6,189	6,388	6,587	6,786	6,985	7,184	7,383	7,582	7,781	7,980	8,179
7	6,418	6,632	6,846	7,060	7,274	7,488	7,702	7,916	8,130	8,344	8,558	--------
8	6,949	7,179	7,409	7,639	7,869	8,099	8,329	8,559	8,789	9,019	--------	--------
9	7,511	7,762	8,013	8,264	8,515	8,766	9,017	9,268	9,519	9,770	--------	--------
10	8,181	8,458	8,735	9,012	9,289	9,566	9,843	10,120	10,397	10,674	--------	--------
11	9,040	9,348	9,656	9,964	10,272	10,580	10,888	11,196	11,504	11,812	--------	--------
12	10,000	10,340	10,680	11,020	11,360	11,700	12,040	12,380	12,720	13,060	--------	--------
13	11,052	11,433	11,814	12,195	12,576	12,957	13,338	13,719	14,100	14,481	--------	--------
14	12,185	12,608	13,031	13,454	13,877	14,300	14,723	15,146	15,569	15,992	--------	--------
15	13,465	13,930	14,395	14,860	15,325	15,790	16,255	16,720	17,185	17,650	--------	--------
16	14,882	15,399	15,916	16,433	16,950	17,467	17,984	18,501	19,018	19,535	--------	--------
17	16,463	17,038	17,613	18,188	18,763	19,338	19,913	20,488	12,063	21,638	--------	--------
18	18,240	18,877	19,514	20,151	20,788	21,425	22,062	22,699	23,336	23,973	--------	--------
19	20,215	20,920	21,625	22,330	23,035	23,740	24,445	25,150	--------	--------	--------	--------
20	22,410	23,194	23,978	24,762	25,546	--------	--------	--------	--------	--------	--------	--------".

(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule which shall be known as the Rural Carrier Schedule and for which the symbol shall be 'RCS'. Except as provided in section 111(b) of the Federal Salary Adjustment Act of 1965, compensation shall be paid to rural carriers in accordance with this schedule.

"Rural carrier schedule

	"Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Carrier in rural delivery service; fixed compensation per annum	$2,350	$2,462	$2,574	$2,686	$2,798	$2,910	$3,022	$3,134	$3,246	$3,358	$3,470	$3,582
Compensation per mile per annum for each mile up to 30 miles of route	86	88	90	92	94	96	98	100	102	104	106	108
For each mile of route over 30 miles	25	25	25	25	25	25	25	25	25	25	25	25".

(c) Section 3544(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule which shall be known as the Fourth Class Office Schedule and for which the symbol shall be 'FOS', for postmasters in post offices of the fourth class which is based on the revenue units of the post office for the preceding fiscal year. Except as provided in section 111(b) of the Federal Salary Adjustment Act of 1965, basic compensation shall be paid to postmasters in post offices of the fourth class in accordance with this schedule.

"Fourth class office schedule

"Revenue units	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
30 but less than 36	$3,936	$4,067	$4,198	$4,329	$4,460	$4,591	$4,722	$4,853	$4,984	$5,115	$5,246	$5,377
24 but less than 30	3,643	3,763	3,883	4,003	4,123	4,243	4,363	4,483	4,603	4,723	4,843	4,963
18 but less than 24	3,009	3,110	3,211	3,312	3,413	3,514	3,615	3,716	3,817	3,918	4,019	4,120
12 but less than 18	2,360	2,436	2,512	2,588	2,664	2,740	2,816	2,892	2,968	3,044	3,120	3,196
6 but less than 12	1,701	1,755	1,809	1,863	1,917	1,971	2,025	2,079	2,133	2,187	2,241	2,295
Less than 6	1,372	1,416	1,460	1,504	1,548	1,592	1,636	1,680	1,724	1,768	1,812	1,856".

(d) The basic compensation of each employee subject to the Postal Field Service Schedule, the Rural Carrier Schedule, or the Fourth Class Office Schedule immediately prior to the effective date of this section shall be determined as follows:

(1) Each employee shall be assigned to the same numerical step for his position which he had attained immediately prior to such effective date. If changes in levels or steps would otherwise occur on such effective date without regard to enactment of this title, such changes shall be deemed to have occurred prior to conversion.

(2) If the existing basic compensation is greater than the rate to which the employee is converted under paragraph (1) of this subsection, the employee shall be placed in the lowest step which exceeds his basic compensation. If the existing basic compensation exceeds the maximum step of his position, his existing basic compensation shall be established as his basic compensation.

Postal seniority salary adjustments

SEC. 106. Section 3552(d) of title 39, United States Code, is amended to read as follows:

"(d) Notwithstanding any other provision of this section, the Postmaster General shall advance any employee in the postal field service who—

"(1) was promoted to a higher level between July 9, 1960, and October 13, 1962; and

"(2) is senior with respect to total postal service to an employee in the same post office promoted to the same level on or after October 13, 1962, and is in a step in the same level below the step of the junior employee. Such advancement by the Postmaster General shall be to the highest step which is held by any such junior employee. Any increase under the provisions of this subsection shall not constitute an equivalent increase and credit earned prior to adjustment under this subsection for advancement to the next step shall be retained."

Postal service overtime and holiday compensation

SEC. 107. (a) Section 3571 of title 39, United States Code, is amended to read as follows:

"§ 3571. Maximum hours of work

"Employees may not be required to work more than twelve hours a day except for emergencies as determined by the Postmaster General. The work schedule of an annual rate or hourly rate regular employee shall be regulated so that the eight hours of scheduled service does not extend over a longer period than ten consecutive hours. The work span of any other employee shall not extend over a longer period than twelve consecutive hours. A basic workweek is established for all postal field service employees, consisting of five eight-hour days excluding Saturday and Sunday. To provide service on days other than those included in the basic workweek, the Postmaster General shall establish work schedules in advance for annual rate regular employees consisting of five eight-hour days in each week. To the maximum extent possible, senior annual rate regular employees shall be assigned to the basic workweek, except for any such senior annual rate regular employee who expresses a preference for a workweek other than the basic workweek."

(b) Section 3573 of title 39, United States Code, is amended to read as follows:

"§ 3573. Compensatory time, overtime, and holidays

"(a) In emergencies or if the needs of the service require, the Postmaster General may require employees to perform overtime work or to work on holidays. Overtime work is any work officially ordered or approved which is performed by—

"(1) an annual rate regular employee in excess of his regular work schedule or on a Sunday,

"(2) an hourly rate regular employee (A) in excess of eight hours in a day, (B) in excess of forty hours in a week, or (C) on a Sunday, and

"(3) a substitute employe (A) in excess of eight hours a day or (B) in excess of forty hours a week.

"(b) For each hour of overtime work, an employee in the PFS schedule shall be compensated as follows:

"(1) Each employee in or below salary level PFS–10 shall be paid at the rate of 150 per centum of the hourly rate of basic compensation for his level and step computed by dividing the scheduled annual rate of basic compensation by 2,080.

"(2) Each employee in or above salary level PFS–11 shall be granted compensatory time equal to the overtime work, or, in the discretion of the Postmaster General, in lieu thereof shall be paid at the rate of 150 per centum of the hourly rate of basic compensation of the employee or of the hourly rate of the basic compensation for the highest step rate of salary level PFS–10, whichever is the lesser.

"(c) For officially ordered or approved time worked on a day referred to as a holiday in the Act of December 26, 1951 (55 Stat. 862; 5 U.S.C. 87b), or on a day designated by Executive order as a holiday for Federal employees, under regulations prescribed by the Postmaster General, an employee in the PFS schedule shall be paid, in lieu of all other compensation, as follows:

"(1) Each employee in or below salary level PFS–10 shall be paid at the rate of 200 per centum of the hourly rate of basic compensation for his level and step computed by dividing the scheduled annual rate of basic compensation by 2,080.

"(2) Each employee in or above salary level PFS–11 shall be granted compensatory time in an amount equal to the time worked on such holiday within thirty working days thereafter or, in the discretion of the Postmaster General, in lieu thereof shall be compensated for the time so worked at the rate of 200 per centum of the hourly rate of basic compensation for his level and step computed by dividing the scheduled annual rate of basic compensation by 2080. Notwithstanding any other provision of this subsection, for work performed on Christmas Day, each employee shall be paid at the rate of 250 per centum of the hourly rate of basic compensation for his level and step computed by dividing the scheduled annual rate of basic compensation by 2080.

"(d) The Postmaster General shall establish conditions for the use of compensatory time earned and the payment of compensation for unused compensatory time.

"(e) If an employee is entitled under this section to unused compensatory time at the time of his death, the Postmaster General shall pay at the rate prescribed in this section, but not less than a sum equal to the employee's hourly basic compensation, for each hour of such unused compensatory time to the person or persons surviving at the date of such employee's death. Such payment shall be made in the order of precedence prescribed in the first section of the Act of August 3, 1950 (5 U.S.C. 61f), and shall be a bar to recovery by any other persons of amounts so paid.

"(f) Notwithstanding any provision of this section, other than subsection (e), no employee shall be paid overtime or holiday compensation for a pay period which when added to his basic compensation for the pay period exceeds one twenty-sixth of the annual rate of basic compensation for the highest step of salary level PFS–17.

"(g) For the purposes of this section and section 3571 of this title—

"(1) 'annual rate regular employee' means an employee for whom the Postmaster General has established a regular work schedule consisting of five eight-hour days in accordance with section 3571 of this title;

"(2) 'hourly rate regular employee' means an employee for whom the Postmaster General has established a regular work schedule consisting of not more than forty hours a week; and

"(3) 'substitute employee' means an employee for whom the Postmaster General has not established a regular work schedule."

(c) Section 3575 of title 39, United States Code, is amended to read as follows:

"§ 3575. Exemptions

"(a) Sections 3571, 3573, and 3574 of this title do not apply to postmasters, rural carriers, postal inspectors, and employees in salary level PFS–15 and above.

"(b) Sections 3571 and 3573 of this title do not apply to employees referred to in section 3581 of this title.

"(c) Section 3571 of this title does not apply to employees in post offices of the third class."

Postal employees relocation expenses

Sec. 108. (a) That part of chapter 41 of title 39, United States Code, which precedes the center heading "Special Classes of Employees" and section 3111 thereof, is amended by inserting at the end thereof the following new section:

"§ 3107. Postal employees relocation expenses

"Notwithstanding any other provision of law, each employee in the postal field service who is transferred or relocated from one official station to another shall, under regulations promulgated by the Postmaster General, be granted the following allowances and expenses:

"(1) Per diem allowance, in lieu of subsistence expenses, for each member of his immediate family, while en route between his old and new official stations, not in excess of the maximum per diem rates prescribed by or pursuant to law for employees of the Federal Government.

"(2) Subsistence expenses of the employee and each member of his immediate family for a period of not to exceed thirty days while occupying temporary quarters at the place of his new official duty station, but not in excess of the maximum per diem rates prescribed by or pursuant to law for employees of the Federal Government.

"(3) Seven days of leave with pay which shall not be charged to any other leave to which he is entitled under existing law."

(b) That part of the table of contents of such chapter 41 under the heading "Employees Generally" is amended by inserting

"3107. Postal employees relocation expenses."

immediately below

"3106. Special compensation rules.".

Employees in the Department of Medicine and Surgery of the Veterans' Administration

Sec. 109. Section 4107 of title 38, United States Code, relating to grades and pay scales for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, is amended to read as follows:

"§ 4107. Grades and pay scales

"(a) Except as provided in section 111(b) of the Federal Salary Adjustment Act of 1965, the per annum full-pay scale or ranges for positions provided in section 4103 of this title, other than Chief Medical Director and Deputy Chief Medical Director, shall be as follows:

"Section 4103 Schedule

"Assistant Chief Medical Director, $25,602.

"Medical Director, $22,410 minimum to $25,545 maximum.

"Director of Nursing Service, $17,200 minimum to $22,564 maximum.

"Director of Chaplain Service, $17,200 minimum to $22,564 maximum.

"Chief Pharmacist, $17,200 minimum to $22,564 maximum.

"Chief Dietitian, $17,200 minimum to $22,564 maximum.

"(b)(1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and dentist schedule

"Director grade, $19,790 minimum to $25,262 maximum.

"Executive grade, $18,449 minimum to $24,234 maximum.

"Chief grade, $17,200 minimum to $22,564 maximum.

"Senior grade $14,808 minimum to $19,416 maximum.

"Intermediate grade, $12,618 minimum to $16,569 maximum.

"Full grade, $10,711 minimum to $14,050 maximum.

"Associate grade, $9,040 minimum to $11,812 maximum.

"Nurse schedule

"Assistant Director grade, $14,808 minimum to $19,416 maximum.

"Chief grade, $12,618 minimum to $16,569 maximum.

"Senior grade, $10,711 minimum to $14,050 maximum.

"Intermediate grade, $9,040 minimum to $11,812 maximum.

"Full grade, $7,545 minimum to $9,849 maximum.

"Associate grade, $6,600 minimum to $8,575 maximum.

"Junior grade, $5,755 minimum to $7,492 maximum.

"(2) No person may hold the director grade unless he is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). No person may hold the executive grade unless he holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or the position of clinic director at an outpatient clinic, or comparable position."

Foreign Service officers; staff officers and employees

Sec. 110. (a) The fourth sentence of section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), is amended to read as follows: "Except as provided in section 111(b) of the Federal Salary Adjustment Act of 1965, the per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

"Class 1	$23,670	$24,636	$25,602				
Class 2	19,117	19,781	20,445	$21,109	$21,773	$22,437	$23,101
Class 3	15,530	16,068	16,606	17,144	17,682	18,220	18,758
Class 4	12,618	13,057	13,496	13,935	14,374	14,813	15,252
Class 5	10,395	10,755	11,115	11,475	11,835	12,195	12,555
Class 6	8,668	8,966	9,264	9,562	9,860	10,158	10,456
Class 7	7,324	7,570	7,816	8,062	8,308	8,554	8,800
Class 8	6,322	6,531	6,740	6,949	7,158	7,367	7,576".

(b) The second sentence of subsection (a) of section 415 of such Act (22 U.S.C. 870(a)) is amended to read as follows: "Except as provided in section 111(b) of the Federal Salary Adjustment Act of 1965, the per annum salaries of such staff officers and employees within each class shall be as follows:

"Class 1	$15,530	$16,068	$16,606	$17,144	$17,682	$18,220	$18,758	$19,296	$19,834	$20,372
Class 2	12,618	13,057	13,496	13,935	14,374	14,813	15,252	15,691	16,130	16,569
Class 3	10,395	10,755	11,115	11,475	11,835	12,195	12,555	12,915	13,275	13,635
Class 4	8,668	8,966	9,264	9,562	9,860	10,158	10,456	10,754	11,052	11,350
Class 5	7,814	8,081	8,348	8,615	8,882	9,149	9,416	9,683	9,950	10,217
Class 6	7,060	7,295	7,530	7,765	8,000	8,235	8,470	8,705	8,940	9,175
Class 7	6,484	6,698	6,912	7,126	7,340	7,554	7,768	7,982	8,196	8,410
Class 8	5,740	5,933	6,126	6,319	6,512	6,705	6,898	7,091	7,284	7,477
Class 9	5,232	5,405	5,578	5,751	5,924	6,097	6,270	6,443	6,616	6,789
Class 10	4,680	4,837	4,994	5,151	5,308	5,465	5,622	5,779	5,936	6,093".

(c) Foreign Service officers, Reserve officers, and Foreign Service staff officers and employees who are entitled to receive basic compensation immediately prior to the effective date of this section at one of the rates provided by section 412 or 415 of the Foreign Service Act of 1946 shall receive basic compensation, on and after such effective date, at the rate of their class determined to be appropriate by the Secretary of State.

Federal salary comparison and adjustment policy

SEC. 111. (a) Section 503 of the Federal Salary Reform Act of 1962 (76 Stat. 841; 5 U.S.C. 1172) is amended to read as follows:

"Implementation of policy

"SEC. 503. (a) In order to carry out the policy stated in section 502 of this Act, the President—

"(1) shall direct such agency or agencies, as he deems appropriate, annually to prepare and submit to him a report which compares the rates of salary, as fixed or authorized by or pursuant to law, for Federal employees with the rates of salary paid for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys conducted by the Bureau of Labor Statistics; and

"(2) after seeking the views of such employee organizations as he deems appropriate and in such manner as he may provide, shall report annually to the Congress—

"(A) this comparison of Federal and private enterprise salary rates, and

"(B) such recommendations for revision of salary schedules, salary structures, and compensation policy, as he deems advisable.

"(b) Procedures established by the President under subsection (a) of this section for seeking the views of employee organizations shall provide authorized representatives of major Federal employee organizations the opportunity—

"(1) to review the findings of the most recent Bureau of Labor Statistics annual survey and the results of the comparison of Federal salary schedules with rates of salary in private enterprise, and

"(2) to submit their comments and recommendations for consideration.

Comments and recommendations submitted in accordance with clause (2) of the immediately preceding sentence shall be transmitted to the President with the report submitted to him, by the agency or agencies he directs, which compares the rates of salary fixed or authorized by or pursuant to law for Federal employees with the rates of salary paid for the same levels of work in private enterprise.".

(b)(1) The rates of compensation and the ranges of rates of compensation provided by the amendments made by section 102(a), section 105 (a), (b), and (c), section 109, and section 110 (a) and (b) of this title, and the rates of compensation provided for by section 113, section 114 (a), (b), and (c), and section 115 of this title, shall be increased, effective on the first day of the first pay period which begins on or after October 1, 1966, by percentages which are equal to the sum of—

(A) one-half of the percentage by which salary rates paid for the same level of work in private enterprise for the months of February and March of 1965, determined in accordance with policies and procedures utilized in carrying out the provisions of section 503 of the Federal Salary Reform Act of 1962 (as in effect prior to the date of enactment of this title) exceed the rates and ranges of rates provided by the sections of this title referred to above, and

(B) the percentage by which salary rates paid for the same level of work in private enterprise for the months of February and March of 1966, determined in accordance with policies and procedures utilized in carrying out the provisions of the amendment made by subsection (a) of this section, exceed such salary rates for the months of February and March of 1965, determined in accordance with policies and procedures utilized in carrying out the provisions of section 503 of the Federal Salary Reform Act of 1962 (as in effect prior to the date of enactment of this title).

The increased rates and ranges of rates of compensation (other than rates within the purview of sections 113, 114, and 115 of this title) which shall become effective as provided in this subsection shall—

(i) have the same effect as if they were specific statutory enactments,

(ii) be printed in the Statutes at Large in the same volumes as the public laws, and

(iii) be printed in the Federal Register.

(2) The provisions of—

(A) section 102(b) of this title (relating to officers and employees subject to the General Schedule of the Classification Act of 1949),

(B) section 105(d) of this title (relating to employees subject to the Postal Field Service Schedule, the Rural Carrier Schedule, and the Fourth Class Office Schedule), and

(C) section 110(c) of this title (relating to certain officers and employees subject to the Foreign Service Act of 1946)

shall govern, respectively, as of the effective date of this subsection, the application and operation of paragraph (1) of this subsection with respect to those officers and employees, respectively, within the purview of such sections. For the purposes of paragraph (1) of this subsection, the term "effective date of this section", "such date", and "such effective date", wherever used in such sections 102(b), 105(d), and 110(c), mean the effective date of this subsection.

(c) The President with respect to the executive branch and the appropriate authority concerned with respect to the legislative and judicial branches, shall prescribe and issue, or provide for the preparation and promulgation of, such salary schedules, rates of salary, and ranges of salary rates as are necessary and appropriate to carry out the provisions, accomplish the purposes, and govern the administration, of subsection (b) of this section. Each salary rate shall be fixed at a whole dollar amount.

Severance pay

SEC. 112. (a) Except as provided in subsection (b) of this section, this section applies to each civilian officer or employee in or under—

(1) the executive branch of the Government of the United States, including each corporation wholly owned or controlled by the United States;

(2) the Library of Congress;

(3) the Government Printing Office;

(4) the General Accounting Office; or

(5) the municipal government of the District of Columbia.

(b) This section does not apply to—

(1) an officer or employee whose rate of basic compensation is fixed at a rate provided for one of the levels of the Federal Executive Salary Schedule or is in excess of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended;

(2) an officer or employee serving under an appointment with a definite time limitation;

(3) an alien employee who occupies a position outside the several States and the District of Columbia;

(4) an officer or employee who is subject to the Civil Service Retirement Act, as amended, or any other retirement law or retirement system applicable to Federal officers or employees or members of the uniformed services, and who, at the time of separation from the service, has fulfilled the requirements for immediate annuity under any such law or system;

(5) an officer or employee who, at the time of separation from the service, is receiving compensation under the Federal Employees' Compensation Act, as amended, except one receiving this compensation concurrently with salary or on account of the death of another person;

(6) an officer or employee who, at the time of separation from the service, is entitled to receive other severance pay from the Government; or

(7) such other officers or employees as may be excluded by rules and regulations of the President or of such officer or agency as he may designate.

(c) An officer or employee to whom this section applies who is involuntarily separated from the service, on or after the effective date of this section, not by removal for cause on charges of misconduct, delinquency, or inefficiency, shall, under rules and regulations prescribed by the President or such officer or agency as he may designate, be paid severance pay in regular pay periods by the department, independent establishment, corporation, or other governmental unit, from which separated.

(d) Severance pay shall consist of two elements, a basic severance allowance and an age adjustment allowance. The basic severance allowance shall be computed on the basis of one week's basic compensation at the rate received immediately before separation for each year of civilian service up to and including ten years for which severance pay has not been received under this or any other authority and two weeks' basic compensation at such rate for each year of civilian service beyond ten years for which severance pay has not been received under this on any other authority. The age adjustment allowance shall be computed on the basis of 10 per centum of the total basic severance allowance for each year by which the age of the recipient exceeds forty years at the time of separation. Total severance pay received under this section shall not exceed one year's pay at the rate received immediately before separation.

(e) An officer or employee may be paid severance pay only after having been employed currently for a continuous period of at least twelve months.

(f) If an officer or employee is reemployed by the Federal Government or the municipal government of the District of Columbia before the expiration of the period covered by payments of severance pay, the payments shall be discontinued beginning with the date of reemployment and the service represented by the unexpired portion of the period shall be recredited to the officer or employee for use in any subsequent computations of severance pay. For the purposes of subsection (e), reemployment which causes severance pay to be discontinued shall be considered as employment continuous with that serving as the basis for the severance pay.

(g) If the officer or employee dies before the expiration of the period covered by payments of severance pay, the payments of severance pay with respect to such officer or employee shall be continued as if such officer or employee were living and shall be paid on a pay period basis to the survivor or survivors of such officer or employee in accordance with the first section of the Act of August 3, 1950 (5 U.S.C. 61f).

(h) Severance pay under this section shall not be a basis for payment, nor be included in the basis for computation, of any other type of Federal or District of Columbia Government benefits, and any period covered by severance pay shall not be regarded as a period of Federal or District of Columbia Government service or employment.

Agricultural Stabilization and Conservation county committee employees

SEC. 113. The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 102(a) of this Act for corresponding rates of compensation.

Legislative branch

SEC. 114. (a) Except as otherwise provided in this section, each officer or employee in or under the legislative branch of the Government, whose rate of compensation is increased by section 5 of the Federal Employees Pay Act of 1946, shall be paid additional compensation at the rate of 4½ per centum of his gross rate of compensation (basic compensation plus additional compensation authorized by law).

(b) The total annual compensation in effect immediately prior to the effective date of this section of each officer or employee of the House of Representatives, whose compensation is disbursed by the Clerk of the House and is not increased by reason of any other provision of this section, shall be increased by an amount which is equal to the amount of the increase provided by subsection (a) of this section; except that this section shall not apply to the compensation of student congressional interns authorized by H. Res. 416 of the Eighty-ninth Congress.

(c) The rates of compensation of employees of the House of Representatives whose compensation is fixed by the House Employees Schedule under the House Employees Position Classification Act (78 Stat. 1079; Public Law 88–652; 2 U.S.C. 291–303) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by subsection (a) of this section; except, that this section shall not apply to the compensation of those employees whose compensation is fixed by the House Wage Schedule of such Act.

(d) The additional compensation provided by this section shall be considered a part of basic compensation for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251 and the following).

(e) Section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), is amended to read as follows:

"(a) The compensation of Senators, Representatives in Congress, and the Resident Commissioner from Puerto Rico shall be at the rate of $30,000 per annum each. The compensation of the Speaker of the House of Representatives shall be at the rate of $43,000 per annum. The compensation of the Majority Leader and the Minority Leader of the House of Representatives shall be at the rate of $35,000 per annum each."

Federal judicial salaries

SEC. 115. (a) The rates of basic compensation of officers and employees in or under the judicial branch of the Government whose rates of compensation are fixed by or pursuant to paragraph (2) of subdivision a of section 62 of the Bankruptcy Act (11 U.S.C. 102(a)(2)), section 3656 of title 18, United States Code, the third sentence of section 603, sections 672 to 675, inclusive, or section 604(a)(5), of title 28, United States Code, insofar as the latter section applies to graded positions, are hereby increased by amounts reflecting the respective applicable increases provided by section 102(a) of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended. The rates of basic compensation of officers and employees holding ungraded positions and whose salaries are fixed pursuant to such section 604(a)(5) may be increased by the amounts reflecting the respective applicable increases provided by section 102(a) of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

(b) The limitations provided by applicable law on the effective date of this section with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are hereby increased by amounts which reflect the respective applicable increases provided by section 102(a) of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

(c) Section 753(e) of title 28, United States Code (relating to the compensation of court reporters for district courts), is amended by striking out the existing salary limitation contained therein and inserting a new limitation which reflects the respective applicable increases provided by section 102(a) of this Act in corresponding rates of compensation for officers and employees subject to the Classification Act of 1949, as amended.

Increased uniform allowance

SEC. 116. The Federal Employees Uniform Allowance Act, as amended (68 Stat. 1114; 5 U.S.C. 2131), is amended by striking out "$100" wherever it appears therein and inserting in lieu thereof "$150".

Conversion of pay periods of certain employees to biweekly basis

SEC. 117. (a) Section 6 of the Act of June 30, 1906 (34 Stat. 763), as amended (5 U.S.C. 84), is amended by changing the period at the end thereof to a colon and by adding the following: "*And provided,* That the compensation of any civilian officer or employee who is subject to this Act may be computed in accordance with the provisions of section 604(d) of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 944 (c))."

(b) The following provisions of law are hereby repealed:

(1) That part of section 10 of the Federal Reserve Act, as amended (12 U.S.C. 241), relating to the compensation of the Board of Governors, Federal Reserve System, which reads "payable monthly,".

(2) That part of section 2 of the Federal Trade Commission Act, as amended (15 U.S.C. 42), relating to the compensation of the Secretary to the Federal Trade Commission, which reads "who shall receive a salary, payable in the same manner as the salaries of the judge of the courts of the United States,".

(3) That part of section 7443(c) of the Internal Revenue Code of 1954, relating to the compensation of judges of the Tax Court of the United States, which reads ", to be paid in monthly installments".

Maximum salary increase limitation

SEC. 118. Except as otherwise provided in section 114(e) of this title, no rate of salary shall be increased, by reason of the enactment of this title, to an amount in excess of the salary rate now or hereafter in effect for Level V of the Federal Executive Salary Schedule.

Inclusion of members of Board of Parole in Level V of Federal executive salary schedule

SEC. 119. Section 303(e) of the Federal Executive Salary Act of 1964 (78 Stat. 421, 5 U.S.C. 2211(e)) is amended by adding at the end thereof the following new paragraph:

"(100) Members of the Board of Parole, Department of Justice."

Adjustment of salary rates fixed by administrative action

SEC. 120. (a) The rates of basic compensation of assistant United States attorneys whose basic salaries are fixed by section 508 of title 28, United States Code, shall be increased by 4½ per centum effective on the first day of the first pay period which begins on or after October 1, 1965.

(b) Notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of compensation of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of compensation are fixed by administrative action pursuant to law and are not otherwise increased by this Act are hereby authorized to be increased effective on or after the first day of the first pay period which begins on or after October 1, 1965, by amounts not to exceed the increases provided by this Act for corresponding rates of compensation in the appropriate schedule or scale of pay.

Effective dates

SEC. 121. This title shall become effective as follows:

(1) This section and sections 101, 111(a), 112, 116, and 120, and section 3107(3) of title 39, United States Code, as contained in the amendment made by section 108(a) of this Act, shall become effective on the date of enactment of this Act.

(2) Section 107 shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

(3) Sections 102, 104, 105, 106, 109, 110, 111 (b) and (c) (except as otherwise specifically provided therein), 113, 114, 115, 117, 118, and 119 shall become effective on the first day of the first pay period which begins on or after October 1, 1965.

(4) Section 103 shall become effective on the ninetieth day following the date of enactment of this Act.

(5) Section 108 (b), and section 3107 (1) and (2) of title 39, United States Code, as contained in the amendment made by section 108 (a) of this Act, shall become effective as of July 1, 1965.

Mr. MORRISON (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of title I be dispensed with, that it be printed in the RECORD and considered as open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENTS OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 2, strike out the schedule immediately following line 7 and insert in lieu thereof the following schedule:

“Grade	Per annum rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$3,520	$3,640	$3,760	$3,880	$4,000	$4,120	$4,240	$4,360	$4,480	$4,600
GS-2	3,827	3,957	4,087	4,217	4,347	4,477	4,607	4,737	4,867	4,997
GS-3	4,165	4,305	4,445	4,585	4,725	4,865	5,005	5,145	5,285	5,425
GS-4	4,659	4,815	4,971	5,127	5,283	5,439	5,595	5,751	5,907	6,063
GS-5	5,200	5,372	5,544	5,716	5,888	6,060	6,232	6,404	6,576	6,748
GS-6	5,725	5,917	6,109	6,301	6,493	6,685	6,877	7,069	7,261	7,453
GS-7	6,292	6,500	6,708	6,916	7,124	7,332	7,540	7,748	7,956	8,164
GS-8	6,895	7,124	7,353	7,582	7,811	8,040	8,269	8,498	8,727	8,956
GS-9	7,509	7,764	8,019	8,274	8,529	8,784	9,039	9,294	9,549	9,804
GS-10	8,216	8,497	8,778	9,059	9,340	9,621	9,902	10,183	10,464	10,745
GS-11	8,996	9,303	9,610	9,917	10,224	10,531	10,838	11,145	11,452	11,759
GS-12	10,660	11,029	11,398	11,767	12,136	12,505	12,874	13,243	13,612	13,981
GS-13	12,558	12,995	13,432	13,869	14,306	14,743	15,180	15,617	16,054	16,491
GS-14	14,737	15,247	15,757	16,267	16,777	17,287	17,797	18,307	18,817	19,327
GS-15	17,118	17,711	18,304	18,897	19,490	20,083	20,676	21,269	21,862	22,455
GS-16	19,692	20,373	21,054	21,735	22,416	23,097	23,778	24,459	25,140	
GS-17	22,303	23,083	23,863	24,643	25,423					
GS-18	25,480									”.

Mr. UDALL (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Chairman, let me say that earlier in the general debate I indicated that a majority of the committee had decided to offer amendments to reduce the across-the-board pay raise which is now in the bill at 4½ percent to 4 percent. To do this, because we are dealing with a large number of salary systems, we have had to draft 9 separate amendments. The total thrust of these complicated amendments, with long salary tables, is to reduce the across-the-board raise from 4½ percent to 4 percent.

Mr. Chairman, I ask unanimous consent that each of the eight additional amendments, other than the one now pending, be considered as read, be printed in the RECORD, and that the nine amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The additional amendments are as follows:

On page 7, strike out the schedule immediately following line 1 and insert in lieu thereof the following schedule:

“PFS	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,103	$4,238	$4,373	$4,508	$4,643	$4,778	$4,913	$5,048	$5,183	$5,318	$5,453	$5,588
2	4,441	4,587	4,733	4,879	5,025	5,171	5,317	5,463	5,609	5,755	5,901	6,047
3	4,800	4,961	5,122	5,283	5,444	5,605	5,766	5,927	6,088	6,249	6,410	6,571
4	5,200	5,372	5,544	5,716	5,888	6,060	6,232	6,404	6,676	6,748	6,920	7,092
5	5,559	5,746	5,933	6,120	6,307	6,494	6,681	6,868	7,055	7,242	7,429	7,616
6	5,964	6,162	6,360	6,558	6,756	6,954	7,152	7,350	7,548	7,746	7,944	8,142
7	6,386	6,599	6,812	7,025	7,238	7,451	7,664	7,877	8,090	8,303	8,516	
8	6,916	7,145	7,374	7,603	7,832	8,061	8,290	8,519	8,748	8,977		
9	7,478	7,728	7,978	8,228	8,478	8,728	8,978	9,228	9,478	9,728		
10	8,143	8,419	8,695	8,971	9,247	9,523	9,799	10,075	10,351	10,627		
11	8,996	9,303	9,610	9,917	10,224	10,531	10,838	11,145	11,452	11,759		
12	9,953	10,291	10,629	10,967	11,305	11,643	11,981	12,319	12,657	12,995		
13	10,998	11,378	11,758	12,138	12,518	12,898	13,278	13,658	14,038	14,418		
14	12,126	12,547	12,968	13,389	13,810	14,231	14,652	15,073	15,494	15,915		
15	13,400	13,863	14,326	14,789	15,252	15,715	16,178	16,641	17,104	17,567		
16	14,810	15,325	15,840	16,355	16,870	17,385	17,900	18,415	18,930	19,445		
17	16,385	16,957	17,529	18,101	18,673	19,245	19,817	20,389	20,961	21,533		
18	18,148	18,782	19,416	20,050	20,684	21,318	21,952	22,586	23,220	23,854		
19	20,119	20,821	21,523	22,225	22,927	23,629	24,331	25,033				
20	22,303	23,083	23,863	24,643	25,423							”.

On page 7, strike out the schedule immediately following line 10 and insert in lieu thereof the following schedule:

	“Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Carrier in rural delivery service: Fixed compensation per annum	$2,320	$2,432	$2,544	$2,656	$2,768	$2,880	$2,992	$3,104	$3,216	$3,328	$3,440	$3,552
Compensation per mile per annum for each mile up to 30 miles of route	86	88	90	92	94	96	98	100	102	104	106	108
For each mile of route over 30 miles	25	25	25	25	25	25	25	25	25	25	25	25”.

On page 8, strike out the schedule immediately following line 9 and insert in lieu thereof the following schedule:

"Revenue units	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
30 but less than 36	$3,920	$4,050	$4,180	$4,310	$4,440	$4,570	$4,700	$4,830	$4,960	$5,090	$5,220	$5,350
24 but less than 30	3,624	3,744	3,864	3,984	4,104	4,224	4,344	4,464	4,584	4,704	4,824	4,944
18 but less than 24	2,992	3,093	3,194	3,295	3,396	3,497	3,598	3,699	3,800	3,901	4,002	4,103
12 but less than 18	2,348	2,424	2,500	2,576	2,652	2,728	2,804	2,880	2,956	3,032	3,108	3,184
6 but less than 12	1,693	1,747	1,801	1,855	1,909	1,963	2,017	2,071	2,125	2,179	2,233	2,287
Less than 6	1,366	1,410	1,454	1,498	1,542	1,586	1,630	1,674	1,718	1,762	1,806	1,850".

On page 16, strike out line 22 and all that follows through line 16 on page 18 and insert in lieu thereof the following:

"SECTION 4103 SCHEDULE

"Assistant Chief Medical Director, $25,480.

"Medical Director, $22,303 minimum to $25,423 maximum.

"Director of Nursing Service, $17,118 minimum to $22,455 maximum.

"Director of Chaplain Service, $17,118 minimum to $22,455 maximum.

"Chief Pharmacist, $17,118 minimum to $22,455 maximum.

"Chief Dietitian, $17,118 minimum to $22,455 maximum."

On page 19, strike out the schedule immediately following line 8 and insert in lieu thereof the following schedule:

"Class 1	$23,556	$24,518	$25,480	----------	----------	----------	----------
Class 2	19,027	19,687	20,347	$21,007	$21,667	$22,327	$22,987
Class 3	15,454	15,900	16,526	17,062	17,598	18,134	18,670
Class 4	12,558	12,995	13,432	13,869	14,306	14,743	15,180
Class 5	10,343	10,702	11,061	11,420	11,779	12,138	12,497
Class 6	8,627	8,923	9,219	9,515	9,811	10,107	10,403
Class 7	7,290	7,535	7,780	8,025	8,270	8,515	8,760
Class 8	6,292	6,500	6,708	6,916	7,124	7,332	7,540".

On page 19, strike out the schedule immediately following line 14 and insert in lieu thereof the following schedule:

"Class 1	$15,454	$15,990	$16,526	$17,062	$17,598	$18,134	$18,670	$19,206	$19,742	$20,278
Class 2	12,558	12,995	13,432	13,869	14,306	14,743	15,180	15,617	16,054	16,491
Class 3	10,343	10,702	11,061	11,420	11,779	12,138	12,497	12,856	13,215	13,574
Class 4	8,627	8,923	9,219	9,515	9,811	10,107	10,403	10,699	10,995	11,291
Class 5	7,779	8,044	8,309	8,574	8,839	9,104	9,369	9,634	9,899	10,164
Class 6	7,025	7,259	7,493	7,727	7,961	8,195	8,429	8,663	8,897	9,131
Class 7	6,453	6,666	6,879	7,092	7,305	7,518	7,731	7,944	8,157	8,370
Class 8	5,710	5,902	6,094	6,286	6,478	6,670	6,862	7,054	7,246	7,438
Class 9	5,210	5,382	5,554	5,726	5,898	6,070	6,242	6,414	6,586	6,758
Class 10	4,659	4,815	4,971	5,127	5,283	5,439	5,595	5,751	5,907	6,063"

On page 29, in line 3, strike out "4½ per centum" and insert in lieu thereof "4 per centum".

On page 34, in line 1, strike out "4½ per centum" and insert in lieu thereof "4 per centum".

Mr. DERWINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DERWINSKI. Mr. Chairman, I have amendments in my hand with schedules setting the rates at a 3-percent increase, which I wish to offer as a substitute for the amendments offered by the gentleman from Arizona.

Would I be in order to make the same request for unanimous consent to offer these amendments en bloc and to have them considered en bloc, as substitute amendments?

The CHAIRMAN. The gentleman will be permitted to make that request.

SUBSTITUTE AMENDMENTS OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer substitute amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will report the substitute amendments.

The Clerk read the amendments offered by Mr. DERWINSKI as a substitute for the amendments offered by Mr. UDALL, as follows:

On page 2, strike out the schedule immediately following line 7 and insert in lieu thereof the following schedule:

"Grade	"Per annum rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$3,495	$3,610	$3,725	$3,840	$3,955	$4,070	$4,185	$4,300	$4,415	$4,530
GS-2	3,800	3,925	4,050	4,175	4,300	4,425	4,550	4,675	4,800	4,925
GS-3	4,120	4,260	4,400	4,540	4,680	4,820	4,960	5,100	5,240	5,380
GS-4	4,615	4,770	4,925	5,080	5,235	5,390	5,545	5,700	5,855	6,010
GS-5	5,150	5,320	5,490	5,660	5,830	6,000	6,170	6,340	6,510	6,680
GS-6	5,670	5,860	6,050	6,240	6,430	6,620	6,810	7,000	7,190	7,830
GS-7	6,220	6,430	6,640	6,850	7,060	7,270	7,480	7,690	7,900	8,110
GS-8	6,820	7,050	7,280	7,510	7,740	7,970	8,200	8,430	8,660	8,890
GS-9	7,445	7,695	7,945	8,195	8,445	8,695	8,945	9,195	9,445	9,695
GS-10	8,160	8,430	8,700	8,970	9,240	9,510	9,780	10,050	10,320	10,590
GS-11	8,920	9,220	9,520	9,820	10,120	10,420	10,720	11,020	11,320	11,620
GS-12	10,590	10,945	11,300	11,655	12,010	12,365	12,720	13,075	13,430	13,785
GS-13	12,490	12,905	13,320	13,735	14,150	14,565	14,980	15,395	15,810	16,225
GS-14	14,640	15,130	15,620	16,110	16,600	17,090	17,580	18,070	18,560	19,050
GS-15	17,020	17,585	18,150	18,715	19,280	19,845	20,410	20,975	21,540	22,105
GS-16	19,575	20,225	20,875	21,525	22,175	22,825	23,475	24,125	24,775	----------
GS-17	22,185	22,925	23,665	24,405	25,145	----------	----------	----------	----------	----------
GS-18	25,235	----------	----------	----------	----------	----------	----------	----------	----------	----------".

On page 7, strike out the schedule immediately following line 1 and insert in lieu thereof the following schedule:

"PFS	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,060	$4,195	$4,330	$4,465	$4,600	$4,735	$4,870	$5,005	$5,140	$5,275	$5,410	$5,545
2	4,395	4,540	4,685	4,830	4,975	5,120	5,265	5,410	5,555	5,700	5,845	5,990
3	4,750	4,910	5,070	5,230	5,390	5,550	5,710	5,870	6,030	6,190	6,350	6,510
4	5,105	5,320	5,490	5,060	5,830	6,000	6,170	6,340	6,510	6,680	6,850	7,020
5	5,505	5,690	5,875	6,060	6,245	6,430	6,615	6,800	6,985	7,170	7,355	7,540
6	5,910	6,105	6,300	6,495	6,690	6,885	7,080	7,275	7,470	7,665	7,860	8,055
7	6,330	6,540	6,750	6,960	7,170	7,380	7,590	7,800	8,010	8,220	8,430	
8	6,840	7,070	7,300	7,530	7,760	7,990	8,220	8,450	8,680	8,910		
9	7,410	7,655	7,900	8,145	8,390	8,635	8,880	9,125	9,370	9,615		
10	8,075	8,345	8,615	8,885	9,155	9,425	9,695	9,965	10,235	10,505		
11	8,920	9,220	9,520	9,820	10,120	10,420	10,720	11,020	11,320	11,620		
12	9,870	10,200	10,530	10,860	11,190	11,520	11,850	12,180	12,510	12,840		
13	10,925	11,290	11,655	12,020	12,385	12,750	13,415	13,480	13,845	14,210		
14	12,060	12,460	12,860	13,260	13,660	14,060	14,460	14,860	15,260	15,660		
15	13,310	13,755	14,200	14,645	15,090	15,535	15,980	16,425	16,870	17,315		
16	14,725	15,215	15,705	16,195	16,685	17,715	17,665	18,155	18,645	19,135		
17	16,290	16,835	17,380	17,925	18,470	19,015	19,560	20,105	20,650	21,195		
18	18,060	18,660	19,260	19,860	20,460	21,060	21,660	22,260	22,860	23,460		
19	20,015	20,680	21,345	22,010	22,675	23,340	24,005	24,670				
20	22,185	22,925	23,665	24,405	25,145							".

On page 7, strike out the schedule immediately following line 10 and insert in lieu thereof the following schedule:

	"Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
Carrier in rural delivery service: Fixed compensation per annum	$2,300	$2,410	$2,520	$2,630	$2,740	$2,850	$2,960	$3,070	$3,180	$3,290	$3,400	$3,510
Compensation per mile per annum for each mile up to 30 miles of route	85	87	89	91	93	95	97	99	101	103	105	107
For each mile of route over 30 miles	25	25	25	25	25	25	25	25	25	25	25	25".

On page 8, strike out the schedule immediately following line 9 and insert in lieu thereof the following schedule:

"Revenue units	Per annum rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
30 but less than 36	$3,881	$4,010	$4,139	$4,268	$4,397	$4,526	$4,655	$4,784	$4,913	$5,042	$5,171	$5,300
24 but less than 30	3,585	3,705	3,825	3,945	4,065	4,185	4,305	4,425	4,545	4,665	4,785	4,905
18 but less than 24	2,966	3,065	3,164	3,263	3,362	3,461	3,560	3,659	3,758	3,857	3,956	4,055
12 but less than 18	2,320	2,397	2,474	2,551	2,628	2,705	2,782	2,859	2,936	3,013	3,090	3,167
6 but less than 12	1,670	1,726	1,782	1,838	1,894	1,950	2,006	2,062	2,118	2,174	2,230	2,286
Less than 6	1,347	1,392	1,437	1,482	1,527	1,572	1,617	1,662	1,707	1,752	1,797	1,842".

On page 19, strike out the schedule immediately following line 8 and insert in lieu thereof the following schedule:

"Class 1	$23,430	$24,210	$25,235				
Class 2	18,915	19,545	20,175	$20,805	$21,435	$22,065	$22,695
Class 3	15,365	15,875	16,385	16,895	17,405	17,915	18,425
Class 4	12,490	12,905	13,320	13,735	14,150	14,565	14,980
Class 5	10,275	10,620	10,965	11,310	11,655	12,000	12,345
Class 6	8,570	8,855	9,140	9,425	9,710	9,995	10,280
Class 7	7,225	7,465	7,705	7,945	8,185	8,425	8,665
Class 8	6,220	6,430	6,640	6,850	7,060	7,270	7,480".

On page 19, strike out the schedule immediately following line 14 and insert in lieu thereof the following schedule:

"Class 1	$15,365	$15,875	$16,385	$16,895	$17,405	$17,915	$18,425	$18,935	$19,445	$19,955
Class 2	12,490	12,905	13,320	13,735	14,150	14,565	14,980	15,395	15,810	16,225
Class 3	10,275	10,620	10,965	11,310	11,655	12,000	12,345	12,690	13,035	13,380
Class 4	8,570	8,855	9,140	9,425	9,710	9,995	10,280	10,565	10,850	11,135
Class 5	7,725	7,980	8,235	8,490	8,745	9,000	9,255	9,510	9,765	10,020
Class 6	6,965	7,195	7,425	7,655	7,885	8,115	8,345	8,575	8,805	9,035
Class 7	6,380	6,595	6,810	7,025	7,240	7,455	7,670	7,885	8,100	8,315
Class 8	5,655	5,845	6,035	6,225	6,415	6,605	6,795	6,985	7,175	7,365
Class 9	5,160	5,330	5,500	5,670	5,840	6,010	6,180	6,350	6,520	6,690
Class 10	4,615	4,770	4,925	5,080	5,235	5,390	5,545	5,700	5,855	6,010".

On page 16, strike out line 22 and all that follows through line 16 on page 18 and insert in lieu thereof the following:

"SECTION 4103 SCHEDULE

"Assistant Chief Medical Director, $25,235.

"Medical Director, $22,185 minimum to $25,145 maximum.

"Director of Nursing Service, $17,020 minimum to $22,105 maximum.

"Director of Chaplain Service, $17,020 minimum to $22,105 maximum.

"Chief Pharmacist, $17,020 minimum to $22,105 maximum.

"Chief Dietitian, $17,202 minimum to $22,105 maximum.

"(b) (1) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 4104 of this title shall be as follows:

"Physician and dentist schedule

"Director grade, $19,575 minimum to $24-775 maximum.

"Executive grade, $18,255 minimum to $23,745 maximum.

Chief grade, $17,020 minimum to $22,105 maximum.

"Senior grade, $14,640 minimum to $19,050 maximum.

"Intermediate grade, $12,490 minimum to $16,225 maximum.

"Full grade, $10,590 minimum to $13,785 maximum.

"Associate grade, $8,920 minimum to $11,620 maximum.

"Nurse schedule

"Assistant Director grade, $14,640 minimum to $19,050 maximum.

"Chief grade, $12,490 minimum to $16,225 maximum.

> "Senior grade, $10,590 minimum to $13,785 maximum.
>
> "Intermediate grade, $8,920 minimum to $11,620 maximum.
>
> "Full grade, $7,445 minimum to $9,695 maximum.
>
> "Associate grade, $6,510 minimum to $8,445 maximum.
>
> "Junior grade, $5,670 minimum to $7,380 maximum."
>
> On page 29, in line 3, strike out "4½ per centum" and insert in lieu thereof "3 per centum".
>
> On page 34, in line 1, strike out "4½ per centum" and insert in lieu thereof "3 per centum".

Mr. DERWINSKI (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendments be dispensed with, and that they be printed in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Chairman, I referred earlier in the debate on the bill to the fact that I would offer these amendments. Lest there be any misunderstanding I do not wish to be reported as the original author of these amendments. The real authorship lies in the administrators of the executive branch of the Government who proposed this rate increase to the committee.

Therefore, since there seems to be a rather bashful attitude on the majority side in supporting the recommendations of the administration, I find myself in a slightly embarrassing position, as a poor Republican rushing to the rescue of the administration.

What I have offered to the House in the form of the substitute amendments is the Administration proposal. It calls for a 3-percent level of pay increase as contrasted to the 4½ percent in the bill and the 4 percent as offered by the gentleman from Arizona.

Mr. Chairman, in support of my substitute amendments may I say I believe this would be a very practical and economic step. They conform to the guidelines the President has so eloquently defended over the past year.

They would conform to the guidelines that the President so effectively imposed on the steel industry and the steel union. Therefore I feel it would be most consistent to have the House support the President's position and on behalf of the President without, of course, immediate direct support from the President, but on behalf of his administration I offer this substitute.

Mr. UDALL. Mr. Chairman, I rise in opposition to the substitute offered by the gentleman from Illinois. I regret very much to find the distinguished gentleman from Illinois in the position of being a rubber stamp for the Johnson administration. I ask that his amendment be rejected and that the amendment I have offered be approved.

Mr. CORBETT. Mr. Chairman, I find myself in the happy position of being against both motions at the same time. The gentleman from Illinois here proposes to cut back this bill to 3 percent. The gentleman from Arizona proposes to cut it back to 4 percent. The bill which was reported out of the committee calls for 4½ percent. The majority of the committee, I think he quoted it at 20 to 3, came out with this bill and said right in the report:

> The purpose of this legislation is to honor—through moderate but timely and meaningful salary adjustments—the pledges made by the committee, by the Congress, and by two Presidents of the United States that Federal salary rates shall be comparable with those paid by private enterprise for the same levels of work.
>
> This principle of comparability was strongly reaffirmed by President Lyndon B. Johnson in his message on pay increases.

Now, then, if that was a right and proper decision last month, why is it not a right and proper decision today?

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I certainly will.

Mr. UDALL. I will tell him why it is not a right and proper decision today.

Mr. CORBETT. First I would like to know the condition of the gentleman's arm.

Mr. UDALL. My arm is in good shape. I can tell the gentleman it has not been twisted recently. The reason it is logical now is I want, and I think the gentleman from Pennsylvania wants, a salary bill this year and not a lot of conversation and dispute. The hard, cold fact is that at this late stage of the session, if we are going to do something for the Federal employees in justice and at least to keep the comparability principle from fading away on the horizon any farther, we have to retreat to a bill which the other body will take and that we have a chance of getting signed this year. I made my decision to offer this amendment on that basis.

Mr. CORBETT. Just a minute. The gentleman knows that the other body will do exactly what it pleases. Then we will be in a conference committee and we will then have some discussion back and forth. Something is going to happen by way of a compromise somewhere.

I hate to see this splendid majority of our committee and this body back down from what it believes to be right just because they think somewhere else there are going to be some mistakes made. Now, on this particular matter, I would say the majority of the members of the committee voted for 4½-percent increases all along the line, and they went further and said here in order to bring this thing more up to date let us go along and provide for a second installment of the increase for next year. So we went along and did that. I think if we do adopt either of these motions, we will have been backing down from a position that is proper and that we will have been submitting to something, and I do not know what it is but I recognize that when we had the military pay raise before us here we went right ahead and voted along with the committee. The bill was signed with plenty to spare. I am among those who think that this House ought to work its will and ought to follow the recommendations of the committee made last August. I think above all else that the committee ought to follow its own judgment.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I am happy in this instance to follow the leadership of the distinguished ranking minority member of this committee in opposing both amendments. I am sure that the distinguished chairman of the subcommittee desires a 4½-percent increase as much as anyone on the floor. After all it is his bill. Therefore I am supporting his original and most desirable position in supporting the ranking minority member, and opposing these decreases.

Referring now to the gentleman from Illinois, I want to congratulate him for his consistency in the position he has assumed here as floor leader for the administration. What I want to know is this. Has the administration been converted to the philosophy of the gentleman from Illinois? If it has, this is comparable to the experience of the Apostle Paul on the road to Damascus, in which he was suddenly and totally converted and changed.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman.

Mr. DERWINSKI. The gentleman, of course, is being slightly facetious, and I want to admit to the House that I have been slightly facetious in the position which I assume in support of the President's proposal. I am not really that great an advocate of the Great Society. But on August 9, I would like to remind the Members, the President signed a bill setting up a 40-hour week for postmasters. I was there with numerous other Members; we received a pen and witnessed an impressive ceremony. Here is what the President said at that time:

> We have made recommendations for pay raises, and I think there is even some talk that you might want to spend more money in that regard than we have recommended. And I shouldn't be surprised that you don't take some action along that line.
>
> I do want to say to all of you that it is going to be pretty difficult for the President to be the first person to be the chief wrecker of a noninflationary wage and price policy. President Kennedy established some guidelines, and I have signed two military pay bills * * * in 20 months. We had a substantial bill last year. We had one this year. And I am going to recommend one next year.
>
> But I do hope that I am not confronted with a request from the unions and from the employers of this country that say to me: Mr. President, you are an employer and you decided that you could give *x* percent increase; and we think we ought to be allowed to have the same privilege that you have; because if you do that, you are going to promote inflation, and our whole noninflationary price policy is going by the wayside.

Therefore I say that the easiest way to get a bill is to pass a 3-percent bill that will meet the President's standards. The other body I am sure will be most cooperative and then we can all adjourn in a few weeks having provided all Federal employees with a pay raise that they deserve.

Therefore, in all logic, let us get behind my amendment and the President.

Mr. BINGHAM. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, first of all, I would like to compliment the distinguished chairman of the subcommittee, the gentleman from Arizona, for the tremendous job he and his colleagues on the committee have done in bringing H.R. 10281 before the House. I have long been interested in the principle that employees of the Federal Government should be compensated on a basis comparable to employees of private industry. While the present bill does not by any means finish the job of achieving comparability, it goes a long way in that direction.

As the gentleman from Arizona knows, I have been greatly interested in the matter of providing protection, as a matter of law, to those Federal employees who are prohibited by their religion from working on certain days. In March of this year I introduced H.R. 6873 which would accomplish that objective by assuring such employees time off from duty on such days, the time to be made up on other days under appropriate regulations.

According to the information I have, many employees who are in this position are in fact accommodated under informal arrangements worked out with their supervisors and with their fellow employees. In my opinion, however, such informal accommodations are an unreliable and unsatisfactory way of assuring these employees that they will not be required to violate their religious obligations. They should be given that protection as a matter of right and not as a matter of informal accommodation.

If H.R. 10281 is adopted, it may well be that provision should be made so that employees who cannot work on certain days for religious reasons would be fairly treated with regard to overtime, neither favored nor penalized because of their religious obligations.

As the gentleman from Arizona knows, I have discussed with him the possibility of amending H.R. 10281 to cover these matters. After discussions with him and with representatives of various employee organizations affected, I have concluded that it would be undesirable and premature to introduce such amendments at this time.

I do hope, however, that it will be possible for hearings to be scheduled early next year on H.R. 6873 and similar bills which have been introduced so that we may proceed to give full consideration to the need for seeing to it that Federal employees who are forbidden to work on certain days are not penalized or discriminated against.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I would be happy to yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I feel that the Federal employees of this country who have religious obligations on days other than Sunday, owe a real debt of gratitude to the gentleman from New York [Mr. BINGHAM]. Because of some practical and technical and difficult drafting reasons we were unable to agree to the amendment which he proposed. But I want to assure the gentleman from New York that our committee will look into this matter very seriously next year. The gentleman has played a big part in bringing it to our attention. I believe we can resolve these things and we ought to resolve them.

Mr. BINGHAM. I thank the gentleman from Arizona.

Mr. MATHIAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the position that has been taken by the distinguished ranking minority member of the committee, the gentleman from Pennsylvania [Mr. CORBETT], in opposition to both amendments. I believe that the level which is provided for in the committee bill is a practical level. I believe that one of the greatest assets the taxpayers of the United States have is the experience of our Government employees.

Mr. Chairman, recruiting is much more expensive than retention. I believe that retention is more likely at the level provided in the committee bill. I believe it will represent an economy in the long run to keep it at that level.

Mr. Chairman, I hope that both amendments are rejected.

Mr. FULTON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to both amendments.

Mr. Chairman, I believe that the integrity of the Post Office and Civil Service Committee demands that we in the House look at these amendments more carefully. When the committee has come up with its decision and made up its mind, and made it up 20 to 3, that is no small margin. It represents a decided opinion.

Likewise, while I admire the gentleman from Arizona, I dislike hearing a loud, clear call for retreat of one-half percent in the pay raise for postal workers and Government employees. To me the difference between 4.5 percent and 4 percent is not a real economy. It represents just a gesture of retreat toward the President's position. If the House is going to adopt the President's position, then the position of the gentleman from Illinois [Mr. DERWINSKI] must be taken. I strongly oppose that position, because that represents a 33⅓-percent whack out of this bill, and destroys the pledge of Congress for comparability of U.S. postal workers and Federal employees with private industry employees.

Mr. Chairman, we in this House should really be interested in comparability of U.S. Government employees with private industry even under this particular bill, at 4.5 percent increase in salaries we are not even matching that comparability at this time which this Congress promised our U.S. employees in 1962.

Mr. Chairman, I would like to ask the gentleman from Arizona [Mr. UDALL] a question with reference to amount.

If we take his 4-percent raise figure, we are talking about a 4-percent figure for this year but would we be binding ourselves for next year too?

Mr. UDALL. Mr. Chairman, if the gentleman will yield, not at all. There is no relationship whatsoever to the 4-percent figure this year and the formula raise which is provided for next year. In fact, if my amendment is agreed to, you actually increase the amount of the raise next year because one of the factors in next year's raise is half of the lag. If you do not take up the lag this year, you have to make up one-half of it next year.

Mr. FULTON of Pennsylvania. One further question.

How about the amendment of the gentleman from Illinois? What does that do next year?

Mr. UDALL. If the gentleman will yield further, it has no effect on the raise for next year at all. It would still occur under the formula as provided in the bill.

Mr. FULTON of Pennsylvania. Why does the gentleman take the position that a one-half of 1 percent cut is now indicated? What happened to make the gentleman feel that it should be this particular amount? Certainly it was not just a figure taken out of the air. Or was it to help a little to soften an approach toward the position of the President? Or is it just because you think you can get that figure through the Congress and past the President?

Mr. UDALL. I have lived with this bill for 6 months, and it is my judgment in view of the realities of adjournment at hand, the realities of the other body and the administration's position and what it might do to delay or defeat or bring about a veto of the bill, that we are either going to reduce it to 4 percent and get a bill this year, or we are going to stand pat and get no bill. That is my judgment in the matter.

Mr. FULTON of Pennsylvania. There was voted out of the committee just 2 months ago an increase of 4.5 percent. This is a pretty quick switch. I have been in Congress the past several years, and I must say that the House has stood firm when it decided on a Federal pay raise. In our pay raise fight I voted twice to override President Eisenhower's veto because I felt the cause was right. I do not believe President Johnson will veto this bill for a matter of one-half of 1 percent.

For economy, Congress might cut Government services, but should not start on the U.S. Government career services. These are our fine and loyal U.S. employees, and let us treat them as such as Congress has the responsibility for them and their families. In 1962 Congress said to the U.S. Government employees "we will give you comparability." That to me is a real promise and Congress should make its word good.

I strongly favor passage of the full 4½-percent pay raise for Federal employees, and postal workers, as contained in the bill reported out by the House Post Office and Civil Service Committee.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois [Mr. DERWINSKI].

The question was taken; and on a division (demanded by Mr. DERWINSKI) there were—ayes 8, noes 103.

So the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. UDALL].

The question was taken; and on a division (demanded by Mr. CORBETT) there were—ayes 107, noes 33.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 26, strike out "or" at the end of line 5; immediately following line 5 insert the following new paragraph:

"(7) officers and employees of the Tennessee Valley Authority; and".

And renumber paragraph (7) as paragraph (8).

Mr. UDALL. Mr. Chairman, this is a technical amendment. I have three more similar technical amendments. This one deals with the severance pay feature of the bill. For many years the Tennessee Valley Authority has had a severance pay system which it negotiated with its employee organization.

Through an inadvertence, this language would apply the new severance pay system to the TVA. The officers and directors of the TVA and their counsel are anxious that they continue to have their present system which is very satisfactory.

The chairman of the committee, the distinguished gentleman from Tennessee [Mr. MURRAY] urged me to offer this amendment in his behalf. It is a good amendment and I urge that it be adopted.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. DERWINSKI. I would like to point out to the House that all these amendments are completely acceptable. They are all technical amendments and perfecting amendments and they deserve the support of the Members.

May I also point out at this time, if the gentleman will permit me, in view of the rather one-sided defeat that I suffered a few moments ago and in order to expedite matters and save the time of the House, I will surrender my gavel on behalf of the President and will not this afternoon offer any more administration amendments.

Mr. UDALL. I appreciate the statement of the Johnson administration majority floor leader.

Mr. Chairman, I ask that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. UDALL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 34, immediately following line 13, insert the following:

"(c) Nothing contained in this section shall be deemed to authorize any increase in the rates of compensation of officers and employees whose rates of compensation are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of compensation may be fixed by administrative action."

Mr. UDALL. Mr. Chairman, this is a technical amendment also suggested by the gentleman from Tennessee [Mr. MURRAY] on behalf of the Tennessee Valley Authority. They now have a wage board or a similar system by which many pay schedules are fixed administratively. There was some fear that the language of the bill as now written would disturb that very satisfactory system.

The language of this amendment is only technical in nature and perfecting and I ask that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. UDALL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 10, the sentence beginning in line 16 is amended to read as follows: "To provide service on days other than those included in the basic workweek, the Postmaster General (1) shall establish work schedules in advance for annual rate regular employees consisting of five eight-hour days in each week and (2) may assign substitute employees to duty on days in addition to the days included in the basic workweek."

Mr. UDALL. Mr. Chairman, after the bill was drafted, both the employee organizations and the Post Office Department were concerned that the language might prevent the assignment of substitutes to work on Sundays. It is not intended either by the Department, by the authors of the bill, or the employee organizations.

This amendment was worked out to clarify this to make sure that the original intent of the bill is carried out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. UDALL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 12, strike out beginning with line 8 on down through line 9 on page 13 and insert in lieu thereof the following:

"(c) For officially ordered or approved time worked on a day referred to as a holiday in the Act of December 26, 1941 (55 Stat. 862; 5 U.S.C. 87b), or on a day designated by Executive order as a holiday for Federal employees, under regulations prescribed by the Postmaster General, an employee in the PFS schedule shall receive extra compensation, in addition to any other compensation provided for by law, as follows:

"(1) Each annual rate regular employee in or below salary level PFS–10 shall be paid extra compensation at the rate of 100 per centum of the hourly rate of basic compensation for his level and step computed by dividing the scheduled annual rate of basic compensation by 2,080.

"(2) Each annual rate regular employee in or above salary level PFS–11 shall be granted compensatory time in an amount equal to the time worked on such holiday within thirty working days thereafter or, in the discretion of the Postmaster General, in lieu thereof shall be paid extra compensation for the time so worked at the rate of 100 per centum of the hourly rate of basic compensation for his level and step computed by dividing the scheduled annual rate of basic compensation by 2,080.

"(3) For work performed on Christmas Day (A) each annual rate regular employee shall be paid extra compensation at the rate of 150 per centum of the hourly rate of basic compensation for his level and step, computed by dividing the scheduled annual rate of basic compensation by 2,080, and (B) each substitute employee shall be paid extra compensation at the rate of 50 per centum of the hourly rate of basic compensation for his level and step."

Mr. UDALL (during the reading of the amendment). Mr. Chairman, this is a rather lengthy technical amendment and deals with a very minor subject. I ask unanimous consent that the further reading of the amendments be dispensed with and that it be printed in full in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona [Mr. UDALL]?

Mr. GROSS. Mr. Chairman, reserving the right to object, would the gentleman explain what this amendment is about?

Mr. UDALL. Yes; I intend to.

This amendment on page 12 of the committee bill rewrites the entire holiday pay subsection so as to eliminate a possible inequity that might have occurred under the language of the bill as reported. We found, for example, that the language of the reported bill would have permitted substitute clerks to work on holidays to be paid for such work at the rate of only $2.40 an hour. Extra workers under the present law are paid $2.48 an hour when called on to work on holidays. This has the approval of both the Department and the employee organizations and there is no objection to it.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona that the further reading of the amendment be dispensed with?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. UDALL].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. SULLIVAN

Mrs. SULLIVAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: On page 25, line 13, strike out "the several States and the District of Columbia" and insert in lieu thereof "the several States, the District of Columbia, and the Canal Zone".

Mrs. SULLIVAN. Mr. Chairman, the purpose of this amendment is to correct an oversight in the bill and provide for severance pay for aliens employed in the Canal Zone by the U.S. Government on the same basis on which the bill otherwise extends this benefit to aliens employed by the United States "in the several States and the District of Columbia." I might say that we are obligated by treaty with the Republic of Panama to assure to Panamanian citizens employed by the canal or the railroad equality of treatment with employees who are citizens of the United States of America. This was agreed to in the treaty of 1936. It was fortified further in the treaty of 1955, which required that equal basic wages be paid to employees in the Canal Zone irrespective of whether the individual concerned is a citizen of the United States or of the Republic of Panama.

The Members of this House all know, from my remarks here last Thursday, and the private discussions I have had with so many of the individual Members, how strongly I feel about the proposals this Government of ours has agreed to in principle dealing with what amounts to a giveaway of the present Panama Canal. As chairman of the Subcommittee on the Panama Canal of the Committee on Merchant Marine and Fisheries, I am vigorously opposed to turning over the canal, or an equal share in its management, to the small group of ruling families of Panama who would seek to exploit it entirely for their own financial gain. This has been the history of every transfer of assets of the Panama Canal Company to the Republic of Panama, particularly in the 1955 treaty. I have maintained that the average citizen of Panama would derive little or no benefit from a further giveaway of Canal Company assets to Panama—furthermore that many of the present Panamanians employed in the Canal Zone would lose their jobs because they would be replaced at much lower wage rates.

All of that, however, has nothing to do with our obligation to observe treaty commitments we have already made, and particularly to assure fair treatment on an equal basis for those Panamanian citizens who, over many years and onto the third generation, have given loyal and conscientious and faithful service to the U.S. Government in the Canal Zone.

Providing them with severance pay on the same basis as we are providing in this bill for severance pay for U.S. Government workers—citizen or alien—in the United States itself would be a further demonstration of the fact that the United States wants to help the people of Panama, not exploit them, as their own leaders so often do.

Therefore, I call upon the House in Committee of the Whole House on the State of the Union to demonstrate once again, as we have done so often in the past, that we appreciate faithful service rendered to the United States by the aliens we employ in the Canal Zone, and that we continue to adhere to the commitments we have made for their welfare.

Mr. UDALL. Mr. Chairman, will the distinguished gentlewoman yield to me?

Mrs. SULLIVAN. I yield to the gentleman from Arizona.

Mr. UDALL. In order to keep our treaty commitments and to treat Panamanian citizens properly and in the fashion we agreed to treat them, the amendment is necessary, and I am happy to agree to it and to accept it.

Mrs. SULLIVAN. I thank the gentleman.

Mr. CORBETT. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. I find no objection to the amendment offered by the gentlewoman from Missouri [Mrs. SULLIVAN]. I am happy to accept it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the last word.

I have previously notified Members of the House that I had planned to offer an amendment to this section of the bill which would in effect repeal the confusing, archaic, 12-step—or what is now an 11-step—formula for computing the salaries of the staffs of individual Members of Congress.

This bill today will provide another step, a 12th step, in this complicated formula.

Many Members have told me that they would like to see the formula repealed and have one flat gross amount stated so that we would all know where we stood. Some Members have told me that the only objection to such an amendment, the only reason why it has not been repealed long ago, was that the present formula serves to prevent the public from knowing exactly what we are paying our employees.

I do not believe that is the case. If it were the case with any individual Member, we should be ashamed of it. That should not be an excuse for not repealing this. The public should know. In fact, I believe they do know.

More important, we should know ourselves what salary allowances we have and should provide a more convenient way in which to distribute our salary allowances.

I have been advised that a member of the Committee on House Administration would raise a point of order in the event that I offered the proposed amendment. I have been advised that possibly it would be ruled not germane by the present occupant of the chair. In view of that, I will withhold the amendment.

I have been advised also by the gentleman from Maryland [Mr. FRIEDEL], the chairman of the subcommittee of the Committee on House Administration which handles these matters, that he will give us a hearing on this matter if I introduce the proposal in the form of a separate bill.

Is that a correct understanding?

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Maryland.

Mr. FRIEDEL. The gentleman has stated it correctly. We will hold hearings in the latter part of January or the 1st of February next year. There will be a thorough hearing. We will go into it thoroughly. Perhaps we will adopt the bill. I do not know what the Members will desire to do. We will consider the bill.

Mr. BROYHILL of Virginia. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

Short Title

SEC. 201. This title may be cited as the "Federal Salary Review Commission Act".

Federal Salary Review Commission

SEC. 202. (a) There is hereby established a bipartisan commission, to be known as the "Federal Salary Review Commission" (hereinafter referred to as the "Commission"), which shall be composed of eleven members, of whom (1) five shall be appointed by the President of the United States, not more than three of whom shall be of the same political party and one of whom so designated by him shall be Chairman; (2) two shall be appointed by the President of the Senate, who shall not be of the same political party; (3) two shall be appointed by the Speaker of the House of Representatives, who shall not be of the same political party; and (4) two shall be appointed by the Chief Justice of the United States, who shall not be of the same political party.

(b) No person holding any office, appointive or elective, under the United States (except retired officers or employees) shall be eligible for appointment to the Commission. The first members of the Commission shall be appointed not later than January 31, 1966, and shall serve for one year. New members shall be appointed not later than January 31 every fourth year thereafter, beginning in 1970, for the same term. Members shall not be eligible for reappointment. Members shall receive no compensation for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(c) Appointment of employees may be without regard to the civil service laws, but their compensation shall be in accordance with the Classification Act of 1949, as amended. Executive departments and agencies whose employees are compensated under the statutory salary systems may detail employees for service with the Commission without reimbursement. The services of experts and consultants may be obtained by the Commission under the authority of section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a), at rates not to exceed $100 per diem. Necessary funds are authorized to be appropriated for expenses of the Commission.

Commission salary reviews and reports

SEC. 203. (a) The Commission shall review the compensation, including rates of basic compensation and other forms of compensation, of (1) Senators, Representatives, and the Resident Commissioner from Puerto Rico; (2) Justices and Judges of the United States; and (3) the salary levels established under the Federal Executive Salary Act of 1964, with a view to maintaining proper levels and relationships among the rates of basic compensation of these officers and salary levels, and with the salary rates of the Classification Act of 1949, as amended.

(b) The Commission shall also review the principles, concepts, structures, and interrelationships of the statutory salary systems governing the compensation of Federal civilian employees of the executive departments and agencies.

(c) The Commission shall submit to the President not later than January 1, 1967, and January 1 of every fourth year thereafter beginning in 1971, a report containing its recommendations concerning rates of basic compensation and other forms of compensation for the categories referred to in subsection (a) of this section, concerning the principles, structure, and rates of the statutory salary systems referred to in subsection (b) of this section, and concerning such other matters relating to compensation as it deems pertinent.

Submission of compensation recommendations to Congress

Sec. 204. The President, after consideration of such report, shall transmit to the Congress, not later than March 31, 1967, and not later than March 31 of every fourth year thereafter, beginning in 1971, his recommendations as to the rates of basic compensation for the categories referred to in section 203 (a) and (b) of this title.

Permanent system for the establishment and maintenance of proper salary relationships in Federal executive, judicial, congressional, and career salaries

Sec. 205. Whenever the salary rates of the General Schedule of the Classification Act of 1949, as amended, are increased by or pursuant to law, the salary rate of each office or position within the purview of sections 203 and 204 of title II, sections 303 and 304 of title III, and section 403 of title IV, of the Government Employees Salary Reform Act of 1964, as amended (78 Stat. 400), shall be increased automatically, effective at the beginning of the next Congress which begins immediately following the Congress during which the salary rates of such schedule are so increased, by a percentage equal to the greater of—

(1) the percentage of the increase so made in the maximum salary rate of such schedule, or

(2) the average percentage of the increases so made in the respective maximum salary rates of all grades of such schedule.

Mr. UDALL (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of title II be dispensed with, that it be printed in the Record at this point and considered as open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT OFFERED BY MR. BROYHILL OF NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Broyhill of North Carolina: On page 38, strike out line 9 and all that follows through line 5 on page 39.

Mr. CORBETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CORBETT. I wish to propose a substitute for the amendment. Shall I offer that now, or after the gentleman is recognized to speak on his amendment?

The CHAIRMAN. The Chair will state that the gentleman's substitute amendment will be in order and may be offered after the gentleman from North Carolina [Mr. Broyhill], has used his time.

Mr. BROYHILL of North Carolina. Mr. Chairman, we have already discussed this amendment quite a bit during general debate. The amendment would strike section 205, which would give an automatic pay increase to Members of Congress, Cabinet officers, members of the executive branch, and also to judges.

It is my feeling, which I stated in general debate, that the committee and the Congress are abdicating their responsibility in this area. The committee and also the Congress should go into the recommendations which will be made by the Federal Salary Review Commission, which is to be set up as provided in section 202. We should go into these recommendations very carefully and come out with some specific recommendations as to what the salaries should be. We should not try to hide behind any salary increases that Federal workers might get under the comparability principle. We should take out this section and meet our responsibilities foursquare.

Mr. O'NEAL of Georgia. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. O'NEAL of Georgia. Mr. Chairman, I rise in earnest support of the amendment of the gentleman from North Carolina [Mr. Broyhill] to strike out the congressional pay raises.

While I am one of the few Members of this House with absolutely no other income than my salary, I am happy with the more than generous increase last year. I think the Congress can easily wait until the need is urgent before raising congressional salaries again, and the Members can act forthrightly and meet the issue head on when the need does arise.

Our predecessors raised our salaries $625 per month last year, and within 9 months of its effectiveness it is proposed that we provide two more—not one, but two—additional raises, the first of $100 per month.

To me this is indefensible upon any grounds—fiscal, moral, or political, even though the effectiveness is postponed.

AMENDMENT OFFERED BY MR. CORBETT

Mr. CORBETT. Mr. Chairman, I offer a substitute to the amendment of the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. Corbett as a substitute for the amendment offered by the gentleman from North Carolina [Mr. Broyhill]: Pages 38 and 39, strike out all of section 205 including the center heading and insert in lieu thereof the following:

"PERMANENT SYSTEM FOR THE ESTABLISHMENT AND MAINTENANCE OF PROPER SALARY RELATIONSHIPS IN FEDERAL EXECUTIVE, JUDICIAL, CONGRESSIONAL, AND CAREER SALARIES

"Sec. 205. Whenever the salary rates of the General Schedule of the Classification Act of 1949, as amended, are increased, effective after January 1, 1967, by or pursuant to law, the salary rate of each office or position within the purview of sections 203 and 204 of title II, sections 303 and 304 of title III, and section 403 of title IV, of the Government Employees Salary Reform Act of 1964, as amended (78 Stat. 400), shall be increased automatically, effective at the beginning of the next Congress which begins immediately following the Congress during which the salary rates of such schedule are so increased, by a percentage equal to the greater of—

"(1) the percentage of the increase so made in the maximum salary rate of such schedule, or

"(2) the average percentage of the increases so made in the respective maximum salary rates of all grades of such schedule."

Mr. CORBETT (interrupting the reading of the substitute amendment). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and be printed in the Record in full at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CORBETT. Mr. Chairman, the point of this amendment is to prevent the necessity in the predictable future of the Congress having to face the job of raising its own salary by meeting here and voting. The gentleman from Arizona [Mr. Udall], when he put this provision in a year ago performed a good service because he made it possible when the salary schedule is moving up to the point where the congressional salary ceiling is acting to compress the whole salary schedule of the Federal Government, then the congressional salary would automatically go up in line with the amount that level 18 goes up or the average for the whole classified service goes up if the compression has already hit level 18.

This formula should be preserved. The only way to preserve it is to adopt the amendment I have introduced. The choice is either to have an automatic increase or else to come in here someday in a couple of years and vote a congressional pay raise with all of the attendant publicity and criticism which occurs. I think this other fact ought to be emphasized also: If the Congress wants to come in and vote itself a pay raise, regardless of this provision, it can go ahead and do it anyhow. You can come in here and vote yourself a $5,000 increase in salary if you want to, but this provision simply provides that for Cabinet officers, judges, top executives, and Members of Congress, you can get an automatic increase following 1969 which will be right in harmony with the classified pay raises and keep things in proper balance. I submit to you that this formula would make a real contribution to the continuation of orderly procedure regarding salaries. I sincerely hope that it will pass with your enthusiastic support.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. What the gentleman is saying is that the two raises provided in this bill will not affect congressional salaries but any raises other than these two will provide an automatic increase in congressional salaries?

Mr. CORBETT. I greatly appreciate the gentleman pointing that out. In other words, in this bill where you have a raise occurring in October 1965 and in October 1966, it will not become effective in January 1967, but only pay raises that we might pass after January 1967 will have this effect. We will know full well when we pass them that they will become effective in 1969.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. Yes. I yield to the gentleman.

Mr. WAGGONNER. In effect what the gentleman's substitute does is simply to change the effective date of the committtee bill from January 1967 to January 1969 but will not allow cumulative increases passed by the Salary Act of 1965 which take effect in 1965 and 1966.

Mr. CORBETT. It would not allow them to take effect in 1967 and, in other words, we would not be having any congressional pay raise in this bill.

Mr. POOL. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield.

Mr. POOL. In other words, what the gentleman is telling this House is that they are going to raise the salaries of all Federal employees and Members of Congress are going to wait until 1969 to get a raise, is that right?

Mr. CORBETT. And Cabinet officers.

Mr. POOL. I am against the gentleman's proposal and I hope the amendment is defeated.

Mr. CORBETT. I will say to the gentleman that the Constitution of the United States gives him every right to be as wrong as he wants to be.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, for the last 2 years I have been engaged in urging pay raises for Members of Congress. The one thing that I have wanted to do—and I commend the gentleman from Pennsylvania for his very constructive part in this matter—the one thing I have wanted to do is to make sure that we tackle this matter once and for all and get rid of it, and that never again, as long as we have a Congress, will Members be put in this unfortunate position of having to come in here and being the only Federal employees that have to take a position of voting on their own pay.

We devised a formula which simply keeps the system in balance. It keeps the system in balance all the way from the top to the bottom and from now forevermore will make sure that congressional salaries, Cabinet officers' salaries and Federal judges' salaries are related to the Federal salary system. Every time this comes up we get an acute case of congressional shakes and trepidations; and Members say, If we vote a salary raise in 1967 or 1969 or 1981 or 1985, if there is any bill that even hints or smells or suggests that there might be a salary raise involved for Congress that every Member of Congress is going to go down the drain.

Members who were here in the last Congress know that we faced up to this question. I hear speeches around here all the time to the effect, "Let us face our responsibilities, let us not be afraid." This is a tough responsibility that we have. You have got a chance now to set up some machinery that will forever resolve the question. All you have to do is to march down the teller line or stand up and be counted one time tonight, and that will be the end of it. It will be done for all time.

I have never talked to a Member yet who has quarreled with the basis of what I am trying to do here in this proposal, in this bill, and that is set up some adequate machinery. I have more confidence in the American people than to think that they are a bunch of simple, foolish people, unsophisticated people, who do not recognize that this is the biggest enterprise on earth. We are the board of directors for a $100 billion business. We control giant departments. We write the laws on which depend the safety and the welfare of the people of this country. I think the people recognize that we ought to be heard, and that we ought to be paid at least as much as the third vice president of some New York bank or the second vice president of some corporation.

Mr. Chairman, let me leave you with one thought. Many Members have said that a 1967 pay raise, not this year, but next year or the year after, would be difficult. Whatever you do, I hope and pray that you vote down the amendment and the Corbett substitute. If you cannot go all the way with it, and we get down to the question whether you are going to have this machinery or not, then you ought to support the gentleman from Pennsylvania on his substitute, because this is the thing that would establish the permanent machinery. Let us get this resolved tonight, because in the last 100 years before 1964, Congress raised its pay four times, an average of once every 25 years.

Now, Mr. Chairman, I have taken a beating on this for 2 years. If we cannot write this permanent machinery into law tonight, I quit; I am not going to fight the battle any more. And I am telling you that it will be 15 or 20 years before any adjustments are made for Federal judges, Federal executives, or Members of Congress. This is the important decision that we face.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield.

Mr. OLSEN of Montana. Does the gentleman know any Member who argued against a pay raise 2 years ago who refused to accept the increased salary?

Mr. UDALL. I am advised by the Sergeant at Arms that there was no such instance.

Mr. BALDWIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I ask unanimous consent to extend my remarks immediately following the remarks of the gentleman from California [Mr. BALDWIN].

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman from Michigan.

Mr. GRIFFIN. Mr. Chairman, I rise to indicate my strong support for the amendment offered by the gentleman from North Carolina.

The salary of Congressmen should not be tied automatically to the salary level of other Federal employees. Any proposal put forth in the future to increase the pay of postal and other civil service employees ought to be judged on its own merit. But a Congressman would have difficulty judging such a proposal solely on its merit if his own salary is going to be affected by his vote.

Whether Federal civil service employees would gain or lose by having their pay tied to congressional salaries is a matter on which opinions may differ. But there can be no doubt that the salaries of Federal employees will be affected by such an arrangement.

Because Congressmen are usually reluctant to vote themselves a pay raise—and they do so only at infrequent intervals—I am inclined to believe that Federal employees would be prejudiced and would actually suffer in the future under such an arrangement.

In any event, I am confident the public interest would suffer. I feel so strongly on this point that I intend to vote against the pending bill unless the automatic congressional pay feature is removed. If the Broyhill amendment is adopted, then I intend to vote for the bill.

Mr. BALDWIN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina [Mr. BROYHILL] and in opposition to the substitute offered by the gentleman from Pennsylvania [Mr. CORBETT].

Mr. Chairman, it seems to me that either section 205 in the bill or the substitute offered by the gentleman from Pennsylvania is basically a dodge as far as congressional responsibilities are concerned. In either case it is evident that the objective of it is to enable Members of Congress to avoid telling their constituents whether or not they individually voted themselves or had any part in pay raises affecting Members of Congress.

Basically, Mr. Chairman, this is a dodge of our congressional responsibilities.

This is likewise true in the case of pay for the judges and for the pay of Cabinet officers.

Last year in our best judgment we decided to make a different percentage increase in the pay of the Judges of the Supreme Court than we did in the case of the pay of the Cabinet members or the Members of Congress. We decided that the pay increase for the judges should be different percentagewise than the pay increase for Cabinet officers, or the pay increase for Members of Congress.

I do not know whether 4 years from now it will be good judgment for us to give the same percentage increase to the members of the judicial branch as to the Cabinet officials or to the Members of Congress.

Mr. Chairman, I believe we should reserve our right to make that decision at that time and not dodge this responsibility and go out to our constituents and say, "Yes, we did get a pay raise, but we had nothing to do with it; it was done by some previous Congress and we wash our hands of it and we have no responsibility for it."

Mr. Chairman, this is not my concept of the responsibility given to us under the Constitution as the legislative branch of the Government and for this reason I support the Broyhill amendment.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I support the Broyhill amendment to this bill—because Members of Congress should set the example in trying to hold the line on the runaway inflationary trend that seems to prevail.

The Broyhill amendment would strike from this bill the salary increase proposed for Members of Congress and I support the amendment.

Mr. HARSHA. Mr. Chairman, I rise in support of the Broyhill amendment. I had a similar amendment to offer but because the gentleman from North Carolina was a member of the committee he was recognized first.

Mr. Chairman, to adopt either the provisions of the bill relative to congressional pay raises on the Corbett substitute is to avoid our responsibilities to our constituents. In view of our huge deficit, the enormous expenditures for questionable domestic programs, the additional outlay of funds necessitated by the Vietnamese war and the sacrifices we are called upon to make in the cause of national defense, it is absolutely imperative that we curtail nonessential expenditures. Certainly after receiving a huge salary increase last year, Congress should not now turn around, under these circumstances and immediately increase its salary again. How can this Government justify asking industry to curtail price increases, or labor to limit wage increases to 3 or 4 percent, then turn around and raise the salary of Congress by more than 11 percent after such a large raise last year. This Congress has demonstrated very little fiscal responsibility, but to add another pay raise now is taxing the understanding of the taxpayers.

Mr. Chairman, I urge the Committee to adopt the Broyhill amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Broyhill amendment and in opposition to the amendment of the gentleman from Pennsylvania [Mr. CORBETT].

Mr. Chairman, no matter how thin or thich it is cut, the Corbett amendment means an automatic pay increase after a period of time for Members of Congress. In other words, Members of Congress voting for an increase for Federal employees at a future time, will automatically benefit from the increase that they have voted for the employees.

Mr. Chairman, I join with the gentleman from California [Mr. BALDWIN] in asserting that we have no knowledge of what the situation will be in this country 2 years hence or even a year hence with respect to Government finances.

Mr. Chairman, this is ducking and dodging. With the provision in the bill or with the Corbett amendment we are ducking and dodging on this issue. We are riding on the coattails of salary increases which the Congress itself will vote to Federal employees.

Mr. Chairman, I urge the House to defeat the Corbett amendment and adopt the amendment which has been offered by the gentleman from North Carolina [Mr. BROYHILL], which will strike out automatic pay increases for Members of Congress.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Texas.

Mr. PICKLE. I simply want to say that there will be some on this side of the aisle who share your views. I agree with the gentleman that the Broyhill amendment should pass and that the Corbett amendment should not.

I believe it is our responsibility, and I think the people expect us to come here and say when we are going to raise our salaries. I do not think we ought to duck it. I think when that time comes we ought to rise up to it and for that reason I am in agreement with the gentleman from California [Mr. BALDWIN] and the gentleman from Iowa [Mr. GROSS] with whom I do not always agree, but I do on this issue.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Arizona.

Mr. UDALL. The gentleman from Iowa says we are ducking and dodging on this issue and let us not duck or dodge our responsibilities.

Last year we had a pay bill which after 15 years would have raised what was largely an outrageously low congressional salary. The gentleman from Iowa faced his responsibility by voting against it.

Mr. GROSS. That is right.

Mr. UDALL. Yet, when we propose to do this in an orderly fashion and in a permanent fashion that will——

Mr. GROSS. No; I will not agree with the gentleman that this is meeting squarely the issue of a pay increase for Members of Congress, the executive branch, and the Federal judiciary.

We would not be facing up to our responsibility in orderly fashion. We would be riding the coattails of future increases which we voted to employees of the Federal Government. This is what we will be doing unless we adopt the Broyhill amendment.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the Corbett amendment.

Mr. Chairman, let us be as practical as we can. It is not easy for Members to vote themselves a pay increase. As a matter of fact, it is something we naturally duck. But, let us look at the facts of life. Sooner or later there will be another congressional salary increase. Maybe it is not going to be in 1969 or 1970, it may be in 1971 or 1975. If we wait without setting up a proper procedure we will be forced to consider tremendous increases in our salaries, because a raise from $30,000 to $40,000 in 1975 would follow a pattern. The raise from $22,500 to $30,000 was too much at one time.

If we establish the machinery for a small percentage increase in salaries based on the cost of living and other factors, I believe it will be the most effective way of meeting this subject.

The gentleman from Arizona has spent most of the afternoon receiving commendations of Members for handling the bill. This is the section of the bill wherein he devoted special attention. He recognized that it is not an easy thing politically to be advocating a pay increase for himself and 534 other Members. But he wants to do the practical thing. This is the practical, long-term approach, and the gentleman from Pennsylvania has offered the additional practicability of not putting the burden of a pay increase on any Member of the present Congress.

If we want to be practical, if we want to approach this from the standpoint of orderly procedure, this is the answer. We will not have to jump our salaries years from now when the financial pressures on Members may require it. We also recognize there are individual Members who could afford to give away their salary, but there are Members having a hard time making ends meet. We cannot adjust salaries to suit the personal background of the individual. But we can do the most practical thing, and that is to accept the proposal of the gentleman from Pennsylvania that will establish, come 1969, in an orderly and controlled way, an increase in the congressional salaries.

May I point out to the gentleman from Iowa that come 1967 we will have another Federal pay bill on the floor, so that if at that time the economic position of the country has changed, if at that time the cost of keeping the peace will have risen to new heights, we could revoke the Corbett amendment.

In other words, we will have another shot at this. But the logical way to proceed and the really honest and effective way to proceed is to accept the amendment offered by the gentleman from Pennsylvania.

Mr. POOL. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. POOL. In my opinion, the logical way to proceed is to raise the Congressman's salary every time Federal employees get a raise. Then you would not have to come out here and try to get a raise of $7,500 or $10,000. It is almost impossible to get a raise. That is what happened the last time. Be practical about this. The American public is not going to get mad at Congressmen for doing the right thing. There is nothing wrong with Congressmen getting the same increases and raises that other Federal employees get, and if anybody can show me that I am wrong on that, I will resign from the Congress.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. GROSS. Now we are apparently about to climb on the backs of the Federal employees and get a ride; is that about the situation?

Mr. DERWINSKI. The gentleman from Iowa knows that I opposed last year's congressional pay bill because it was too large an increase in 1 year. The way to meet the problem is by an orderly procedure. But so that I will not be misunderstood, let me emphasize to the Members that my support of the Udall-Corbett position is an individual position. At this point I am no longer speaking for the administration.

Mr. RACE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RACE. Mr. Chairman, the amendment which has been offered and of which I am a cosponsor will delete that section of the bill which provides for Members of Congress when other employees receive such a raise. I offer this amendment in order that I might vote for this bill, which would grant a much-needed pay raise to the other men and women who work so diligently for our Government. If the provision for automatic pay increases remains in this bill, I am certain that many of my colleagues from both sides of the aisle will be forced to join with me in opposing this legislation.

The pay raise for Members of Congress could amount to almost 10 percent when the 90th Congress convenes in January of 1967. I oppose this raise and such future automatic raises for two reasons:

First of all, this—the 89th Congress—is the recipient of a whopping $7,500 per year boost in pay increase. This raise is more than the entire income of most of the residents of my district.

Earlier this year, this body decided to raise the salaries of Army privates $8 per month but now is considering giving itself another raise which could amount to $3,000 per year. I do not believe, Mr. Chairman, that the American people will stand for such an inequity.

Second, I recognize the fact that on occasion a pay raise for Members of Congress will be justified. On those occasions, I believe that the American people will also recognize the need and will not object to the Congress authorizing such an increase. But, I sincerely believe that the people whom we represent will object to authorizing such automatic pay raises, whether or not they are warranted. No Member should object to standing up and casting his vote to raise his salary as has always been done in the past.

Mr. Chairman, I am convinced that it is vitally important that we remove this section from the bill. If the Members of this body believe that such a raise is justified, let us bring up such a bill and vote on it. If we do so, the American people will know where each one of us stands on the issue. If we vote on such a bill, it will pass or meet defeat on its merits. But to allow such a raise to come through the back door—through the provision of automatic pay raises—I believe that the Members of this body will be abdicating their responsibility.

I do not believe that any such pay raise is warranted at this time. We cannot very well discuss the problems of poverty on one day and on the next earmark funds far into the future which will be used to pad salaries of that segment of the population which needs it least.

Mr. Chairman, I appeal to my colleagues to support the amendment which will delete this section of the bill. With the deletion of this section, we will assure passage of legislation which provides a warranted raise for our civil employees.

Mr. QUIE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. QUIE. Mr. Chairman, I rise in support of the Broyhill amendment. The gentleman from California [Mr. Baldwin] and the gentleman from Iowa [Mr. Gross] made excellent statements and I commend them. If the congressional pay increase is to be automatic each time there is a classified and postal employees pay increase, we will have placed every future pay increase bill in the future in the same untenable position that last year increase was placed. I felt that a $7,500 pay increase was not justified nor was the increase for executive and judicial positions. The situation will just be continued in the future with this automatic increase so I ask that the Broyhill amendment be adopted. Our present salary ought to stand for some time into the future and any further increase ought to come only after the report of a thorough executive, congressional task force study.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Pennsylvania [Mr. Corbett] for the amendment offered by the gentleman from North Carolina [Mr. Broyhill].

The amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from North Carolina [Mr. Broyhill].

Mr. VIGORITO. Mr. Chairman, I ask unanimous consent that the Clerk again read the amendment on which we are about to vote.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. Broyhill].

The question was taken; and the Chair announced that the "noes" appeared to have it.

Mr. BROYHILL of North Carolina. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Broyhill of North Carolina and Mr. Udall.

The Committee divided and the tellers reported that there were—ayes 111, noes 135.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Chairman, I offer two perfecting amendments, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Without objection, it is so ordered.

The Clerk read as follows:

Amendments offered by Mr. Rogers of Colorado: On page 37, line 6, after "States" insert the following: ", Referees in Bankruptcy, the Director and the Deputy Director of the Administrative Office of the United States Courts, and Commissioners of the Court of Claims".

On page 38, line 17, delete the word "section: and insert in lieu thereof "sections 402(d) and".

Mr. ROGERS of Colorado. Mr. Chairman, these are two perfecting amendments which I believe came about as a result of an oversight.

The first amendment would include certain judicial officers within the purview of the Federal salary review authorized under section 203(a) of the bill.

The second amendment would include referees in bankruptcy in section 205 of the bill which provides for automatic adjustment in salary rates for Federal executives, judges, and Members of Congress.

Both amendments would perfect the bill and would carry forward the uniform treatment of certain judicial officers in accordance with the policy contained in Public Law 88–426, the Federal Judiciary Salary Act of 1964.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Arizona.

Mr. UDALL. I have studied the amendments offered by the gentlemen. They were proposed by the Administrative Office of the Courts. They are necessitated because we were not given the information in time by the court system. They have no cost associated with them. I believe they are good amendments, and I support them.

Mr. ROGERS of Colorado. I thank the gentleman.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Colorado.

The amendments were agreed to.

Mr. UDALL. Mr. Chairman, I move to strike the necessary number of words.

I wish to say to my colleagues that, so far as I know, we have disposed of most, if not all, of the amendments to be proposed. In view of the kind of things which have been said today, I thought I might balance the day up by losing some of my friends, in reading to the House some poetry. I had compiled a poem in honor of this occasion.

We have heard so much about guidelines and inflation and the difficulties we had in connection with this, so, with apologies to Robert W. Service, H. R. Gross, Billy Matthews, and some of the other great poets of the House, in view of the fact that we have passed the arts and humanities bill, and in view of the need for culture in the Nation and in the House, perhaps a little poetry would end the day on a proper note.

This great document goes as follows:

AN ODE TO SOME GUIDELINES

Oh, the Capitol lights have seen strange
sights,

But the strangest they ever did see
Was the fight on the Hill for the salary bill
To give full comparability.

Oh the threat of inflation, the debt of the Nation,
Cause the mailman's pay to lag behind, you see.
But it's not the same tough deal when you get to U.S. Steel
Or the generals and the brass at DOD.

Four percent's okay for Abel sitting at the salary table,
And it's good for you and me and General Motors,
But for the postal clerk? Why, by some strange quirk,
This would shock the mass of undecided voters.

Should the pay be quite inferior down at Justice and Interior,
While truckers and longshoremen climb up high?
Would it really be unbearable to make the pay comparable
For your mailmen and the boys at FBI?

Should we heed the rigid guidelines and leave NASA on the sidelines,
And tell them maybe later will be fine?
Should the Federal men all moonlight, and their friend give up the fight.
And maybe do the job in 69.

At the risk of my life I will read one final stanza, since I have had such an enthusiastic reception:

To you in the Grand Old Party, make your speeches loud and hearty,
And should the final voting turn out close,
I think you really oughter recall our friend Goldwater—
Vote with us and not the fearless H. R. Gross.

AMENDMENT OFFERED BY MR. VIGORITO

Mr. VIGORITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Vigorito: Page 38, line 16, strike out "sections 203 and 204" and insert in lieu thereof "section 203".

Mr. UDALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UDALL. I understood that this section had just been voted on and the matter disposed of in relation to the amendments offered by the gentleman from Pennsylvania [Mr. Corbett] and the gentleman from North Carolina [Mr. Broyhill].

The CHAIRMAN. In answer to the parliamentary inquiry, the Chair will state that the section is still open for amendments and clarifying amendments.

Mr. VIGORITO. Mr. Chairman, my amendment is a very simple and brief amendment. It differs from a preceding amendment that was defeated earlier which struck out the whole section from line 9 on down to the following page. My amendment merely will strike out and eliminate the automatic pay raises for Members of Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

AMENDMENT OFFERED BY MR. JONES OF MISSOURI

Mr. JONES of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jones of Missouri: On page 39, line 5, substitute a semicolon for the period and add the following proviso: "*Provided*, That there shall be no increase in any congressional salaries until and unless there shall have been a reduction in the national debt, and the Congress shall have curtailed appropriations to the extent that a balanced budget has been maintained for the two fiscal years prior to the beginning of the Congress in which such increase in salaries would have taken place."

Mr. JONES of Missouri. Mr. Chairman, we have heard a lot about responsibility. We have heard a lot about comparability. All this amendment seeks to do is, if we operate this Government in a businesslike manner, and if we try to conserve the finances of the Government, then I think we would be entitled to a pay raise. During the past 12 years, in 10 of those years we were having about the most prosperous times we could have had, but the national debt has continued to go up. We had a balanced budget I think 2 years out of the last 20. If we are the operators and are responsible for the operation of this Government, we are doing a pretty poor job, because we continue to lose money every year. We do not have the intelligence or the nerve to tax people enough to pay for all of the commitments we are making all over the land. All this means is that when Congress meets its responsibility in balancing the budget, then I think you would have an opportunity and would deserve an increase in pay. Until that time comes I do not think we have any reason to ask the people to pay us an increased salary. If you were operating a private business and your board of directors could not operate that business properly, I do not think they would feel as though the stockholders should increase the salary of those who were responsible for the operation of that business. I think this amendment here would place the responsibility where it belongs. When you do a good job you will be eligible for a pay increase.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not agree with the purposes of the gentleman's amendment but on three conditions I might find it possible to vote for it. First, if it is defeated, if the gentleman will refuse to take the salary increase. I notice he did not refuse to take the last one, although he is against it.

Second, if the budget is not balanced, if he will give up his trips to the Interparliamentary Union which sometimes take him around the world.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I am not going to give up any of my trips.

Mr. JONES of Missouri. All right.

Mr. HAYS. Because I am for the bill. And, third, if the gentleman will vote to cut up the sugar lumps and cut giving out all of this gravy in sugar, and what-have-you, to the sugar producers, if we will just tax that instead of giving it around willy-nilly to the one who has the highest paid lobbyist, maybe we can balance the budget. If you will agree to those three things, I will vote for your amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. Jones].

The amendment was rejected.

Mr. ASHBROOK. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I am sorry that the amendment striking the congressional pay increase section failed during the teller vote which we just completed. It has always been my thinking that we should not tie our pay increases to any gadget which would allow us to shirk our responsibilities. I am vitally interested in the bill which is before us and it is my hope that we do not jeopardize it by tying congressional pay to it.

President Johnson has worked hard on the other side of the aisle lining up support for further reduction in the increase which will be paid to our employees. I think he is wrong. This is one of the few areas which the word "economy" even seems to concern this administration. Far better to pay our breadwinners who are serving their Government a fair income to support their families than to pour billions into wasteful foreign-aid projects, feed our enemy and inaugurate new and wasteful poverty programs in this country. The President feels that a 3-percent increase is enough. I do not and opposed the amendment to reduce the 4½ percent provided in the bill to 4 percent.

I am hopeful that we can restore this cut and take out the congressional escape valve pay increase which has sneaked into this bill. I firmly support the concept of paying a man what he is worth and the principle of comparability. Let us make this a bill which we can be proud of.

Mr. KEITH. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I appreciate this audience. It is the largest that I have addressed since the campaign. I regret that unlike the previous speaker I do not have any poetry for you. I tried to recall something from the "Face on the Barroom Floor" that would fit the well of this House, but I was unable to do so.

Mr. Chairman, I will say that if the Congress looks carefully at this bill we will find some things that should cause us some concern as we go back to our communities.

I took the liberty of calling a large hospital that serves the people of my district. I did so because after hearing about the comparability feature I was concerned about the starting pay of some of the positions in the Veterans' Administration hospitals.

I found in one of the best private hospitals on the outskirts of Greater Boston that the chief pharmacist gets $125 a week and the chief dietitian gets $150 a week. In the veterans hospitals of similar size they may expect to get from $50 to $75 more per week.

Then I looked into the nurse situation. We start them off in this bill at around $6,000. In Greater Boston they go to work for $96 a week.

Then I looked at the fringe benefits. The average private or charitable hospital—and I suspect that the hospitals of your districts do not do any better than the hospitals in Boston—the hospitals in Boston start these nurses at $96 a week; and in many cases there is no group insurance, no severance pay, only 2 weeks' vacation, no pension plan, and overtime pay is at the regular rate.

I just wanted to get this off my chest, to say that this comparability feature does not apply in many areas where we have been led to believe that it does apply. I think that when we ask our hospitals at home to continue to serve our patients at $27 to $38 a day, depending on whether it is ward care or a private room, we must recognize that if they have to compete with the Federal Government they may have to raise that charge to $50 a day.

Mr. Chairman, I feel we should reflect upon this feature of this bill and recognize the problem that we are creating when we compel semiprivate and charitable hospitals to compete with the pay schedules and fringe benefits that we are establishing for these veterans' hospitals.

Now, Mr. Chairman, I am not opposed to decent wages for Federal employees—I am interested in their morale and in their welfare. I have always supported pay increases that have been necessary to enable them to support themselves and their families in a manner comparable—and in some instances even better—than their counterparts in the private community. For example, you all know of my support for the pay raise for the personnel in the armed services.

But, Mr. Chairman, we must consider also the impact that this wage increase will have on both the patients and the employees in the private hospitals. In my opinion, the comparability feature as it pertains to professional personnel in the medical field has been unnecessarily stretched in the bill before us.

Mr. BROYHILL of North Carolina. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, at the appropriate time I intend to offer a motion to recommit with instructions to strike section 205 on pages 38 and 39 of the bill, the amendment which I offered a short time ago. This motion to recommit will strike this section which applies to future pay increases for Members of Congress, executives, members of the Cabinet, and judges.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DENT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10281) to adjust the rates of basic compensation of certain officers and employees in the Federal Government, to establish the Federal Salary Review Commission, and for other purposes, pursuant to House Resolution 536, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BROYHILL of North Carolina. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BROYHILL of North Carolina. I am, Mr. Speaker, in its present form.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BROYHILL of North Carolina moves to recommit the bill, H.R. 10281, to the Committee on Post Office and Civil Service with instructions to report the bill forthwith with the following amendment: On page 38, strike out line 9 and all that follows through line 5 on page 39.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. BROYHILL of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 238, nays 140, answered "present" 1, not voting 53, as follows:

[Roll No. 342]

YEAS—238

Abbitt
Abernethy
Anderson, Tenn.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Baldwin
Bandstra
Baring
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Boggs
Boland
Bow
Bray
Brock
Broomfield
Broyhill, N.C.
Buchanan
Burleson
Byrnes, Wis.
Cahill
Callan
Callaway
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conable
Conte
Cooley
Corbett
Craley
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Devine
Dickinson
Diggs
Dole
Donohue
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Ellsworth
Erlenborn
Everett
Farnsley
Feighan
Findley
Fisher
Flynt
Foley
Ford, Gerald R.
Fountain
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gathings
Gettys
Gibbons
Gilligan
Greigg
Grider
Griffin
Gross
Grover
Gurney
Hagan, Ga.
Haley
Hall
Halleck
Halpern
Hamilton
Hansen, Idaho
Harsha
Harvey, Ind.
Harvey, Mich.
Hechler
Henderson
Herlong
Horton
Hull
Hungate
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Kastenmeier
Keith
King, N.Y.
King, Utah
Kornegay
Kunkel
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Love
McCarthy
McClory
McCulloch
McDade
McEwen
McMillan
McVicker
MacGregor
Machen
Mahon
Marsh
Martin, Mass.
Martin, Nebr.
Matthews
Meeds
Mills
Mink
Minshall
Moeller
Monagan
Moore
Morrison
Morse
Morton
Mosher
Murray
Natcher
Nelsen
O'Brien
O'Hara, Mich.
O'Konski
Olson, Minn.
O'Neal, Ga.
Passman
Patten
Pelly
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Pucinski
Quie
Quillen
Race
Randall
Reid, Ill.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Roberts
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Roudebush
Roush
Ryan
Satterfield
Saylor
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stalbaum
Stanton
Steed
Stratton
Stubblefield
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Tuck
Tuten
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, Miss.
Watkins
Watson
Watts
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Williams
Wright
Wydler
Yates
Younger

NAYS—140

Adams
Addabbo
Albert
Annunzio
Ashley
Barrett
Bingham
Blatnik
Bolling
Brademas
Brooks
Brown, Calif.
Broyhill, Va.
Burke
Burton, Calif.
Byrne, Pa.
Cabell
Cameron
Carey
Clark
Clevenger
Cohelan
Conyers
Corman
Culver
Daddario
Daniels
Delaney
Dent
Denton
Dingell
Evans, Colo.
Fallon
Farbstein
Farnum
Fascell
Fino
Flood
Fogarty
Ford, William D.
Fraser
Friedel
Gallagher
Garmatz
Giaimo
Gilbert
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Hagen, Calif.
Hanley
Hanna
Hansen, Wash.
Harris
Hathaway
Hawkins
Hays
Helstoski
Hicks
Holland
Howard
Huot
Irwin
Jacobs
Jennings
Joelson
Johnson, Calif.
Karsten
Karth
Kee
Kelly
King, Calif.
Kirwan
Kluczynski
Krebs
Leggett
Long, Md.
McDowell
McFall
McGrath
Mackay
Mackie
Madden
Mailliard
Mathias
Matsunaga
Miller
Minish
Moorhead
Morgan
Moss
Multer
Murphy, Ill.
Nedzi
Nix
Olsen, Mont.
O'Neill, Mass.
Ottinger
Pepper
Philbin
Pool
Powell
Price
Reid, N.Y.
Resnick
Rodino
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
St Germain
St. Onge
Scheuer
Shipley
Sickles
Sisk
Staggers
Stephens
Sullivan
Sweeney
Teague, Tex.
Tenzer
Todd
Trimble
Tunney
Tupper
Udall
Ullman
Walker, N. Mex.
Weltner
Wilson, Charles H.
Wolff
Young
Zablocki

ANSWERED "PRESENT"—1

Derwinski

NOT VOTING—53

Adair
Anderson, Ill.
Andrews, George W.
Aspinall
Bolton
Bonner
Burton, Utah
Carter
Celler
Colmer
Dawson
Dorn
Dow
Duncan, Oreg.
Edwards, Calif.
Evins, Tenn.
Frelinghuysen
Goodell
Hansen, Iowa
Hardy
Hébert
Holifield
Hosmer
Johnson, Okla.
Keogh
Lindsay
Long, La.
Macdonald
Martin, Ala.
May
Michel
Mize
Morris
Murphy, N.Y.
O'Hara, Ill.
Patman
Purcell
Redlin

Rivers, S.C.
Rivers, Alaska
Robison
Roncalio
Rumsfeld
Scott
Smith, Iowa
Thomas
Thompson, N.J.
Thompson, Tex.
Toll
Willis
Wilson, Bob
Wyatt

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mrs. May for, with Mr. Keogh against.

Mr. Hosmer for, with Mr. Holifield against.

Mr. Rumsfeld for, with Mr. Derwinski against.

Mr. Wyatt for, with Mr. Celler against.

Mr. Adair for, with Mr. Dawson against.

Mr. Burton of Utah for, with Mr. Murphy of New York against.

Mr. Carter for, with Mr. O'Hara of Illinois, against.

Mr. Mize for, with Mr. Roncalio against.

Mr. Bob Wilson for, with Mr. Thompson of New Jersey against.

Until further notice:

Mr. Hébert with Mr. Goodell.

Mr. Bonner with Mr. Frelinghuysen.

Mr. Evins with Mr. Anderson of Illinois.

Mr. Dorn with Mr. Martin of Alabama.

Mr. Willis with Mr. Michel.

Mr. Long of Louisiana with Mr. Robison.

Mr. Rivers of South Carolina with Mrs. Bolton.

Mr. George W. Andrews with Mr. Aspinall.

Mr. Colmer with Mr. Dow.

Mr. Macdonald with Mr. Smith of Iowa.

Mr. Thomas with Mr. Morris.

Mr. Purcell with Mr. Hansen of Iowa.

Mr. Hardy with Mr. Redlin.

Mr. Rivers of Alaska with Mr. Edwards of California.

Mr. Duncan of Oregon with Mr. Patman.

Mr. Thompson of Texas with Mr. Johnson of Oklahoma.

Messrs. ANDERSON of Tennessee, FULTON of Tennessee, HECHLER, O'BRIEN, DULSKI, PASSMAN, WAGGONNER, and COOLEY changed their votes from "nay" to "yea."

Mr. ERLENBORN and Mr. O'KONSKI changed their vote from "nay" to "yea."

Mr. DERWINSKI. Mr. Speaker, I have a live pair with the gentleman from Illinois, Mr. RUMSFELD. If he were here he would vote "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

Mr. MORRISON. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit I report back the bill, H.R. 10281, with an amendment.

The Clerk read as follows:

On page 38, strike out line 9 and all that follows through line 5 on page 39.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

Mr. MORRISON. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 370, nays 7, answered "present" 1, not voting 54, as follows:

[Roll No. 343]

YEAS—370

Abbitt
Abernethy
Adams
Addabbo
Anderson, Tenn.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Callaway
Cameron
Carey
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Denton
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fino
Fisher
Flood
Flynt
Fogarty
Foley
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Henderson
Herlong
Hicks
Holland
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Mass.
Martin, Nebr.
Mathias
Matsunaga
Matthews
Meeds
Miller
Mills
Minish
Mink
Minshall
Moeller
Monagan
Moore
Moorhead
Morgan
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poff
Pool
Powell
Price
Pucinski
Quie
Quillen
Race
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shipley
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Tenzer
Thomson, Wis.
Todd
Trimble
Tunney
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Williams
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Young
Younger
Zablocki

NAYS—7

Burleson
Curtis
Findley
Poage
Smith, Va.
Teague, Tex.
Tuck

ANSWERED "PRESENT"—1

Derwinski

NOT VOTING—54

Adair
Albert
Anderson, Ill.
Andrews, George W.
Aspinall
Bolton
Bonner
Burton, Utah
Carter
Celler
Colmer
Dawson
Dorn
Dow
Duncan, Oreg.
Edwards, Calif.
Evins, Tenn.
Ford, Gerald R.
Frelinghuysen
Goodell
Hansen, Iowa
Hardy
Hébert
Holifield
Hosmer
Johnson, Okla.
Keogh
Lindsay
Long, La.
Macdonald
Martin, Ala.
May
Michel
Mize
Morris
O'Hara, Ill.
Patman
Purcell
Redlin
Rivers, S.C.
Rivers, Alaska
Robison
Roncalio
Rumsfeld
Scott
Smith, Iowa
Thomas
Thompson, N.J.
Thompson, Tex.
Toll
Willis
Wilson, Bob
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rumsfeld for, with Mr. Derwinski against.

Until further notice:

Mr. Holifield with Mr. Hosmer.

Mr. Keogh with Mr. Bob Wilson.

Mr. Hébert with Mrs. May.

Mr. Long of Louisiana with Mr. Martin of Alabama.

Mr. Toll with Mr. Goodell.

Mr. Albert with Mr. Gerald R. Ford.

Mr. O'Hara of Illinois with Mr. Frelinghuysen.

Mr. Bonner with Mr. Adair.

Mr. Dow with Mr. Robison.

Mr. Rivers of Alaska with Mrs. Bolton.

Mr. Evins with Mr. Carter.

Mr. Thompson of New Jersey with Mr. Wyatt.

Mr. Roncalio with Mr. Burton of Utah.

Mr. Morris with Mr. Mize.

Mr. George W. Andrews with Mr. Michel.

Mr. Colmer with Mr. Anderson of Illinois.

Mr. Celler with Mr. Lindsay.

Mr. Purcell with Mr. Macdonald.

Mr. Hardy with Mr. Aspinall.

Mr. Smith of Iowa with Mr. Dawson.

Mr. Dorn with Mr. Duncan of Oregon.

Mr. Redlin with Mr. Edwards of California.

Mr. Rivers of South Carolina with Mr. Hansen of Iowa.

Mr. Willis with Mr. Patman.

Mr. Scott with Mr. Johnson of Oklahoma.

Mr. DERWINSKI. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. RUMSFELD]. If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KREBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 10281.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the conference report on the disagreeing votes of the two Houses thereon to the bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes.

PATMAN INTRODUCES BILL TO PERMIT NECESSARY UTILIZATION OF SMALL BUSINESS ADMINISTRATION FINANCING PROGRAMS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, it is urgent that the Small Business Administration revolving fund be "beefed up" to the level of loans permitted by law. In partial response to the needs of small business, which the SBA is designed to fill, I have introduced H.R. 11306. I earnestly hope that this extremely important measure may be enacted into law at the earliest possible moment. It is truly emergency legislation.

The bill would increase from $1,721 to $1,841 million the total amount of the revolving fund authorization established by section 4(c) of the Small Business Act for the purposes of the financial assistance programs conducted by the Small Business Administration pursuant to that act and pursuant to the Small Business Investment Act of 1958.

In substance section 4(c) presently permits SBA to have as much as $1,841 million outstanding from the fund at any particular time for the purposes of the agency's financial assistance programs under the Small Business Act and the Small Business Investment Act of 1958. Nevertheless, it restricts appropriations for these same purposes to $1,721 million.

Until recently, the section has always provided funding authority equal to the full sum of the separate dollar limitations on SBA's financial assistance activity. The present discrepancy of $120 million stems from Public Law 89-78, which, without making a commensurate increase in the maxmum amount of the authorization, raised from $341 to $461 million the aggregate sum that may be outstanding at any one time for the purposes of the small business investment program.

Since $1,645 million have already been appropriated to the revolving fund, the existing authorization maximum of $1,721 million limits further appropriations to $76 million. It is entirely possible, in view of the unexpected number and magnitude of recent physical disasters, including hurricane Betsy, that a supplemental appropriation of more than $76 million may be required in the near future to enable SBA to provide assistance to disaster victims and, at the same time, continue at planned levels the other important loan programs conducted by the Agency.

The provisions of the bill, adding $120 million to the $1,721 figure, would have the twofold effect of eliminating the described discrepancy and providing a wider margin of safety against the contingencies of the disaster loan program.

The text of the bill follows:

H.R. 11306

A bill to amend the Small Business Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(c) of the Small Business Act is amended by striking out "$1,721,000,000" and inserting in lieu thereof "$1,841,000,000".

RECENT BANK FAILURES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, during the past 2 years, 14 commercial banks around the country have failed. The number of these failures is large and surprising, especially following the long postwar period when only 2 or 3 failures a year were occurring.

Of course, these 14 failures do not indicate a great weakness in our economy as the bank failures of the 1920's and 1930's so well pointed to, but the actual failures do cause us to pause and take a hard look at the present banking situation. In the following article, published by the Federal Reserve Bank of Richmond, the failures were traced to four factors: Changes in ownership for ulterior motives, misuse of certificates of deposits, bad loans, bad checks, and uncollectible cash items.

Our Subcommittee on Domestic Finance, of which I am chairman, has looked into one of these failures, the Crown Savings Bank of Newport News, Va. The results of our hearings showed that irresponsible management, misuse of certificates of deposits, and most unfortunate, I believe, the influx of criminal elements into the bank's operation caused the failure. The criminal element appeared in a number of other recent bank failures and this fact alone should cause much concern in the banking community.

Mr. Speaker, we should not dismiss even the smallest bank failure since its failure causes tragedy to the community. There is a pattern to these failures, and I believe that Members of Congress and the public should not dismiss bank failures as some fluke. Because the recent failures did not result from economic downturns should not cause us to be unconcerned about our banking structure. I feel that the advent of criminals into banking is as dangerous to banks and the public as an economic downturn.

Mr. Speaker, I include the article appearing in the September Monthly Review of the Federal Reserve Bank of Richmond following my remarks:

Recent Bank Failures—Why?

For the first time in a generation, bank failures in the United States have recently occupied a prominent place in the news. Fourteen banks have failed in the past 2 years. Coming after a lengthy period in which bank failures averaged only three or four per year, the increase in the failure rate has attracted widespread attention. Two congressional committees have become sufficiently concerned to institute investigations. A perspective on these recent failures, however, should quickly dispel any fears for the soundness of the banking system.

In contrast with the epidemic of bank suspensions in the 1920's and 1930's, the recent closing do not involve a substantial fraction of the banking industry and are not the result of weakness in the economic environment. Each of the recent failures was due to conditions related primarily to the individual bank involved. They are all traceable to one or more of four major factor: Changes in ownership for ulterior motives, misuse of certificates of deposit, bad loans, and bad checks or other uncollectible cash items. In almost every case two or more of these factors were present.

CHANGES IN OWNERSHIP

Of the 14 recently failed banks, 8 changed hands shortly before encountering difficulty, 2 of them twice within a few months. In another the ownership of the stock was not as represented in its charter application. In each case, failure was directly related to the change in ownership. Some of the new owners were inept in the field of banking. Others apparently bought control of banks for the purpose of deliberately milking them of their assets. Most of the banks involved were relatively small but large enough to make internal looting attractive to the unscrupulous.

One bank with assets of $7 million had been operated in a very conservative manner for years and was perfectly sound until two persons with no previous experience in banking bought a majority of the stock and took over early in 1963. Through a series of loans and investments in their own interests, they drained the bank of over $1 million in less than 6 weeks. With some of the money they paid off indebtedness they had incurred to purchase the bank stock. Losses resulting from these transactions quickly exceeded the bank's capital and as a result it was placed in receivership.

In the same year the downfall of another bank with $30 million of assets was brought about in a similar manner. A group of amateur bankers acquired control through the purchase of controlling stock and directed bank funds to their own use. Some $900,000 of the bank's funds were used to repay loans with which the bank stock had been purchased. Within 4 months the new owners had expanded loans by $5 million. The diversion of bank funds for the benefit of the majority stockholders and their friends, relatives, and associates resulted in losses exceeding the bank's capital and it was closed in August of 1963.

A third small bank was exploited by two speculators in a somewhat more imaginative manner. These individuals first acquired control of the $2.5 million bank through relatively modest stock purchases, then hired money brokers to sell for the bank over $1 million in certificates of deposit. The certificates were sold to 23 savings and loan associations, each of which received a premium payment from the money brokers over and above the permissible interest rate. The two speculators then purchased $970,000 of inferior real estate mortgages at a sizable discount and sold them to the bank at only slightly less than the face value. Plans to market another $900,000 of questionable mortgages to the bank in a similar manner were thwarted by the closing of the bank.

Most of the banks which failed recently met their downfall at the hands of two or more get-rich-quick partners, but one small midwestern bank was undermined solely by one man who purchased controlling interest and subsequently assumed the presidency despite the fact that he had no banking experience. Although the bank was an old one, it had assets of less than $1.5 million, which facilitated one-man control. The new president began paying checks drawn by other firms he controlled, without charging the drawers' accounts. The deficit was covered with forged notes. The president also caused the bank to extend questionable loans to his other corporate interests. When the directors objected, they were all replaced. He then marketed certificates of deposit in the amount of $100,000 through a money broker by paying a 1-percent bounty in excess of the maximum legal interest rate. Only $40,000 of the certificates of deposit were entered in the books of the bank as deposit liabilities, with the remaining $60,000 being used to eliminate from the books the loss items resulting from loans to his other businesses. These and similar actions quickly resulted in insolvency, and the bank was placed in receivership.

A much more complex series of events led to the failure of a west coast bank with assets slightly over $2.5 million. In 1961, an out-of-town couple bought control of the bank, which had served the small town in which it was located for several decades. Under the new management, the bank's assets quickly mushroomed to more than five times their former level. Profits in 1962 were almost as great as total capital and surplus in 1961, although the economy of the community had not changed significantly. The bank's explosive growth was due to large deposits placed by a money order firm partially controlled by the new owners, and to lending operations outside the area.

The money order firm, operated on borrowed money, fell into difficulties and the bank was sold to help meet ensuing demands. Shortly thereafter, the money order firm was also sold, and most of the firm's deposits were withdrawn from the bank. The second new owner of the bank had expected to increase deposits still further by selling certificates of deposit to savings and loan associations through money brokers, but news of the bank's relationship with the defunct money order firm made new deposits difficult to obtain. The bank paid as much as 2½ percent above the legally permissible rate on time deposits to attract funds. Meanwhile, many of the bank's loans were going bad. In 1962 and 1963 the bank had written off 20 percent of its total loans outstanding, but in 1964 the situation was even worse, and in July 1964, the bank was found to be insolvent and the directors voted to place it in liquidation.

UNSOUND MANAGEMENT

Changes of ownership did not figure in six other bank failures of the past 2 years, but each of these cases involved serious errors of judgment or fraudulent practices on the part of existing management.

The largest of these banks, established in 1962, acquired assets of $54 million in less than 3 years of operation. Rapid growth was accomplished through a combination of deposits attracted by premiums above legal interest rates and questionable loans for which sizable fees were collected. At the time of closing the bank had over $20 million of certificates of deposit outstanding. Some of these deposits had been secured by the payment of additional compensation of as much as 3 percent above the maximum legal rate. Many of the loans were made to real estate speculators, who paid fees of as much as $120,000 for the privilege of borrowing. The bank encountered liquidity difficulties when many of its certificates of deposit matured within a short span of time and were not renewed. Those difficulties were dealt with for a time through borrowing at the District Federal Reserve Bank, but the true condition of the bank eventually was discovered and operations were suspended by the authorities.

A much smaller bank, with assets of slightly over $8 million at the time it was closed, apparently came to grief as a result of the company it kept and the gullibility of some of its officers. The management permitted three money order companies, purportedly owned by the same group, to draw on uncollected funds, and a junior officer of the bank entered credits in the amount of over $200,000 to partially cover the deficiencies. Substantial losses were also incurred through overdrafts, and through loans of approximately $2 million to borrowers who were not creditworthy. Some of the funds used in these operations were raised through the issue of certificates of deposit at premiums above the maximum legal rate on time deposits.

Three other small banks were ruined by the misdeeds of individuals. The largest of these had resources of slightly over $7 million. The president of this bank acquired money to pay gambling debts by fraudulently advancing money to himself on notes signed by others. The second bank, with resources of $600,000, made the mistake of honoring a large number of worthless checks drawn by one of its customers. The third, with total resources of only $75,000, was declared insolvent when an unrecorded deposit liability of $380,000 was discovered.

Perhaps the most glaring example of bank manipulation was uncovered in the collapse of a $3 million bank only a few months old. A group of small businessmen, including the president of a bank in another town, joined together to acquire a Federal charter for the bank. They were to invest about $300,000 of their own money and borrow the rest of the initial capitalization of $500,000. But before the bank opened its doors in April of 1963, control had been taken over through the acquisition of 51 percent of the stock by another man who had not been one of the original charter applicants.

Most of the new capital was borrowed from a nearby bank with stock in the first bank pledged as collateral. Since the amount involved was several times the lending bank's legal limit, the loan could not legally be made directly to a single man. To meet this situation, the loan was divided between the majority stockholder, the president of the bank he was buying into, and three others, with an agreement that the new bank would maintain a compensating balance of $400,000 in the lending bank.

Of the newly organized bank's capitalization of $500,000, only about $12,000 was unencumbered cash. Pressure to increase deposits led the organizers of the new bank to pay as much as 6 percent interest on certificates of deposit.

Early in the bank's brief history, $225,000 was withdrawn by the promoters through a complicated series of operations involving forged notes. These notes were then paid and additional money withdrawn through the use of seven new notes totaling $315,000 in the names of people who knew nothing about them or in fictitious names.

Shortly thereafter, the principals involved acquired control of another small bank through the use of additional doubtful notes. When they arranged to have $200,000 transferred to the first bank, an employee notified the State Banking Commissioner, who required return of the funds. But later, $400,000 was successfully transferred and most of it disbursed before it could be returned. Under pressure from the Commissioner, loans were transferred to cover most of the losses.

The difficulties of the bank were compounded by the seizure of $1 million of counterfeit securities by the FBI when the bank's president and principal stockholder attempted to market them. Some months after the seizure of these securities, the bank which had advanced funds to the promoters for the original capital foreclosed on the stock pledged as collateral and took over the bank. This led to investigations which resulted in the bank being declared insolvent by the FDIC, and 1 month later, it was ordered closed by the Comptroller of the Currency.

NEW LEGISLATION

All the recent failures had one thing in common. They were the result of efforts on the part of one or more individuals to use the assets, and in some instances, the money-raising potential, of commercial banks for personal gain. In a few cases, the individuals were from outside the banks involved, but all too often, they bought into the bank and undermined it from within. It is because of this, as evidenced by the cases described above, that Congress amended the Federal Deposit Insurance Act in late 1964 to require the chief executive officer of every insured bank to report to the appropriate Federal banking authority any change in ownership of the bank stock resulting in a change in control of the bank. The act also requires all insured banks to report loans secured by 25 percent or more of the stock of any insured bank. After a change in control, the bank is required to report to the appropriate Federal banking agency any changes in the chief executive officer or directors during the following year, and to provide a statement of the past and present business affiliations of the new chief executive officer or directors. This law does not eliminate the possibility of banks being taken over by unscrupulous operators, but it may discourage them, and certainly should alert the banking community to the danger.

Much attention has been focused recently on changes in capital-assets ratios and loan-to-deposit ratios, and on changes in the balance sheet structure of banks. Questions have been raised concerning the possible deterioration of loan quality and excessive liberality in lending. But all of this concern is with the possibility of marginal errors in judgment by bankers. In the banks that failed, there was no wide range of marginal error. Either the bank was deliberately looted from within or the banker took risks which were well outside the scope of prudent banking.

Bank suspensions

	1921-29										1930-32			
	1921	1922	1923	1924	1925	1926	1927	1928	1929	Total	1930	1931	1932	Total
Capital stock of:														
$25,000 and less	301	217	446	511	376	628	413	302	382	3,576	767	1,058	737	2,562
$25,001 to $49,999	36	41	47	59	43	102	65	39	65	497	142	220	140	502
$50,000 to $99,999	83	56	92	124	131	167	121	96	120	990	219	457	294	970
$100,000 to $199,999	47	25	32	59	46	48	48	45	58	408	132	284	144	560
$200,000 to $999,999	16	15	16	16	18	15	15	11	20	142	70	227	126	423
$1,000,000 and over	3	----	----	----	----	----	----	----	6	9	11	32	11	54
Not available	19	13	13	6	4	16	7	6	8	92	11	16	4	31
Total	505	367	646	775	618	976	669	499	659	5,714	1,352	2,294	1,456	5,102

Source: Federal Reserve Board, Annual Report, 1932.

HISTORICAL PERSPECTIVE

The United States entered the decade of the 1920's with more banks than any country has ever had before or since. The Nation's bank chartering policies over a long period had led to the establishment of a large number of small, weak banks. Many States had very liberal chartering provisions, some allowing new banks to be established with as little as $5,000 capital. Prior to the turn of the century, a Federal charter required a minimum of $50,000 capital, and in 1899, there were 10,283 State banks and only 3,617 national banks. But in 1900, national banking laws were revised to permit banks to be chartered by the Federal Government with a capital stock of as little as $25,000 in communities of 3,000 inhabitants or less. Passage of this age was followed by a sharp increase in the issuance of both State and national charters. By 1921, there were 8,154 national and 22,658 State banks, a total of 30,812, or more than twice the number in operation today. Many of the new banks were small and weak, but due to the generally high level of prosperity, especially in agricultural areas, failures were relatively rare. In the two decades prior to 1921, about 85 banks per year closed their doors. Beginning in 1921, the failure rate increased sharply, and 5,714 banks suspended operations in the next 9 years; most of them permanently.

Most of the suspended banks were small country banks with assets of less than $1 million. They had been chartered in a period of farm prosperity and rising land prices. Many of their loans were in the form of mortgages on farm real estate. Agriculture became overexpanded during World War I, and after the war, farm prices and the value of farm land fell sharply. With greatly reduced incomes, many farmers were unable to meet payments on bank loans. The accelerated movement of rural population to the cities further weakened banks in rural areas. Thousands of banks failed, but due perhaps to the general prosperity the failures caused no panic.

The panic came later when city banks began failing in even larger numbers. The banking collapse of the early 1930's had its roots in the 1920's. As nonagricultural prosperity increased, banks increased their loan-deposit ratios and made larger and larger numbers of demand and call loans secured by shares of stock. Banks assumed that these loans would provide liquidity, and in fact most of the open market call loans were repaid. But when the stocks with which the demand loans to individual customers were secured rapidly lost value during and after the crash of 1929, it was discovered that many of these loans were uncollectible. Borrowers who in other times might have shifted loans to another bank in order to repay the original lender found almost all banks attempting to call their loans simultaneously.

Today, a shortage of liquidity for the banking system as a whole could be countered by Federal Reserve action. Federal Reserve banks may provide additional reserves directly to banks through various kinds of advances, or indirectly through open market operations. But prior to 1932 this was not the case. Member banks could borrow from Federal Reserve banks only on collateral consisting of narrowly defined "eligible" paper and open market operations were in a rudimentary stage of development. Thus, thousands of banks found themselves in an illiquid position and were unable to survive the waves of bank runs of the next few years. Between 1929 and 1934, more than 9,000 banks closed their doors, and very few were able to reopen.

In today's economic environment, the general collapse of our financial structure seems impossible. The banking system is altogether different and much stronger than in the 1920's and early 1930's. There are fewer small, weak banks, mainly because capital requirements are higher and bank charters are more difficult to obtain. The average bank today is older and larger, and most bank deposits are insured by the Federal Deposit Insurance Corporation. Knowledge of that insurance prevents the sort of bank runs which closed many banks in the early 1930's.

Number of commercial banks closed because of financial difficulties, 1933–64

1933	4,000
1934	61
1935	32
1936	72
1937	83
1938	79
1939	71
1940	49
1941	16
1942	23
1943	5
1944	2
1945	1
1946	2
1947	6
1948	3
1949	9
1950	5
1951	5
1952	4
1953	5
1954	4
1955	5
1956	3
1957	3
1958	9
1959	3
1960	2
1961	9
1962	3
1963	2
1964	10

Sources: Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System.

There is still the possibility of additional failures due to dishonesty or ineptitude on the part of management. Out of more than 13,000 banks, it is not surprising that a handful should suffer management difficulties. By comparison with the failure rate among other firms of similar size, the bank failure rate is very low indeed. New legislation and renewed efforts of regulatory agencies may reduce the rate even further in the future.

CONSUMERS PROFIT FROM EXCISE TAX REDUCTION IN MONTH OF AUGUST

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, one of the monuments of President Johnson's Great Society is the continued growth of economic prosperity, and no small part of this progress has been played by the reduction of income taxes and, very recently, excise taxes.

It is with an eye toward the little people, the small businessman, and the average salaried worker that the Great Society has guided its continued economic success. No country can be economically prosperous unless the successes are enjoyed by all.

In a report to the President, the Council of Economic Advisers shows that for the month of August nine-tenths of the $1.7 billion excise tax cut has been passed on to the consumers in the form of lower retail prices. This report confirms the sense of Congress that industry should pass on the tax savings to the consumer instead of retaining these savings. The excise tax reduction will increase the demand for consumer products, thereby furthering our economic expansion. It should be pointed out, Mr. Speaker, that the passing on of these excise tax reductions by industry to the consumers is wholly voluntary.

Mr. Speaker, I include the report of the Council of Economic Advisers in the RECORD following my remarks:

REPORT TO THE PRESIDENT ON EXCISE TAX REDUCTION FROM THE COUNCIL OF ECONOMIC ADVISERS

In August, nine-tenths of the $1.7 billion excise tax cut was being passed on to consumers through lower retail prices. This is an improvement over July, when three-fourths of the reduction had been passed on.

Substantially more retail dealers cut their prices by the full amount of the tax reduction in August than in July. Items for which price reduction was virtually complete in July included women's handbags, men's wrist watches, home permanent kits, and new automobiles. Nearly complete pass on of the tax cuts was also achieved in August on typewriters, adding machines, and optional factory-installed auto equipment.

Some 60 to 80 percent of all retail dealers were fully passing on the tax cuts on room air conditioners, television sets, refrigerator-freezers, ranges, and movie cameras. On most of these items, more dealers fully passed on the tax cuts in August than in July. The majority of retailers of small radio-TV replacement tubes and of playing cards were not yet given the consumer the benefits of lower prices.

Those manufacturers who had raised prices by July to obtain all or part of the benefits of the tax reduction did not reduce them in August. Manufacturers of pens and mechanical pencils and matches, and some manufacturers of golf equipment raised their prices by the amount of the tax, leaving the total price (including tax) paid by the retailers unchanged, and preventing any pass-through to consumers. Manufacturers' prices of phonograph records net of tax were raised by about half the amount of the tax reduction, limiting the possible pass-through to consumers.

The Bureau of Labor Statistics is continuing to collect detailed price information at the request of the Council of Economic Advisers and the Treasury Department, covering a representative group of the items on which excise taxes were cut. Next month's report will cover many additional items.

The attached table summarizes the results.

TABLE 1.—*Approximate percentage of sellers who passed on Federal excise tax cut by August 1965*

	Retailers [1]			Percentage of manufacturers who passed on tax cut
	Completely passed on tax cut	Partially passed on tax cut	Did not pass on tax cut	
Retailers' excise tax:				
Women's handbags	100	(2)	-----	-----
Men's wrist watches	100	(2)	-----	-----
Home permanent kit	95	-----	5	-----
Manufacturers' excise tax:				
New automobiles	100	-----	-----	100
Optional auto equipment (factory installed)	100	-----	(2)	100
Air conditioners	80	(2)	20	100
Television sets	80	(2)	20	100
Refrigerator-freezers	75	(2)	25	100
Ranges	60	5	35	100
Movie cameras	60	5	35	95
Typewriters	95	5	(2)	100
Adding machines	95	5	(2)	100
Small TV replacement tubes	40	5	55	100
Phonograph records	(3)	(3)	(3)	(4)
Golf equipment	(3)	(3)	(3)	30
Pens and mechanical pencils	(3)	(3)	(3)	0
Matches	(3)	(3)	(3)	0
Stamp tax: Playing cards	30	15	55	100

[1] Based on a nationwide sample of retailers.

[2] Less than 5 percent.

[3] Not available.

[4] Excise tax was partially passed on by all major manufacturers.

THE HIGHWAY BEAUTIFICATION ACT OF 1965

Mr. CLARK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLARK. Mr. Speaker, for half a century or more the United States has pressed forward on a highway construction program designed to make travel far more pleasant and swift for the American people. The interstate highway program will in a few short years add another 41,000 miles to the present network and will bring about still another dramatic revolution in driving speed and comfort.

The curious thing about this program, so important to the creation of a better life for our people, is that it has bred long stretches of the most incredible ugliness. In almost any State one can drive mile after mile seeing only billboards and junkyards with all of the natural scenery completely obliterated.

These conditions are not the inevitable result of the road program. Far from it. They have occurred only because we have been so intent on improving our technology that we have been blind to the need for conserving the natural advantages we already possess.

That has become an all too common mistake in this country. Fortunately it is not too late to correct this particular error. And it is equally fortunate that we have a President and First Lady who care just as deeply about the preservation and enhancement of the natural beauty of this country as they do about the improvement of its technology.

The bill that will be before us, in short, is an essential part of the administration's conservation and natural beauty enhancement programs. By 1970 it will effect the removal of adjacent billboards and the removal or screening of junkyards along our interstate and primary highways. It will do so with fair compensation to all concerned.

We should have begun this program 50 years ago. Our failure to do so makes the task ahead harder but not impossible. And with scenic land of priceless value being gobbled up each day for billboards and junkyards we cannot afford to delay any longer. The administration's bill deserves our support.

As with all conservation programs, this program is not without opposition. Such programs are for the public good and they frequently interfere with private profit. Unfortunately some of those who find profit in ugliness and the destruction of scenic beauty have not confined themselves to arguing against the bill but have engaged in a campaign of ridicule directed against President and Mrs. Johnson because of their interest in preserving the scenic beauty of this country. That campaign deserves no answer but it prompts the comment that when the day comes that it is ridiculous to wish to preserve the natural beauty of this country that has inspired the Nation's patriots and poets for almost 2 centuries, then something has gone out of the spirit of our country.

The first family deserves praise, not ridicule, for the leadership they have shown in this area and coming generations of Americans will be grateful for their pioneering efforts.

The arguments against the program are the usual ones, primarily that the program is too costly whereas it does not require a penny to ruin the countryside. There is, however, one interesting twist to these arguments and that is that the bill is unconstitutional because the Federal Government allegedly lacks power to condemn land for esthetic purposes. Like other arguments raised against the bill, this has no substance whatever.

For if there is one issue on which the Supreme Court is united it is that the Federal Government has the very power the opponents of the present bill claim it lacks. The issue was disposed of in 1954 by a unanimous Court in *Berman v. Parker*, 348 U.S. 28.

In that case, the power of the Congress to enact the District of Columbia Redevelopment Act of 1945 was challenged on the ground that Congress could authorize the taking of land for the purpose of removing slums but not "merely to develop a better balanced, more attractive community."

The Supreme Court thought otherwise. It held that:

> The concept of the public welfare is broad and inclusive. * * * The values it represents are spiritual as well as physical, esthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.

And the Court went on to say that:

> If those who govern the District of Columbia decide that the Nation's Capital should be beautiful as well as sanitary, there is nothing in the fifth amendment that stands in the way.

Having made this point, the Court ruled that once it is recognized that the objective is within the authority of Congress, "the right to realize it through the exercise of eminent domain is clear."

The path is therefore clear, both as a matter of constitutional law and as a subject of legislative policy. We owe it to our people throughout this great country of ours and to the generations which follow us to proceed without detour or delay to pass the bill that will soon be before us, so that we will have taken another step toward leaving future generations of Americans, in President Johnson's words, "a glimpse of the world as God really made it, not just as it looked when we got through with it."

STOP ANTELOPE-KILLING SHEEP FENCING ON GOVERNMENT-OWNED GRAZING LANDS

Mr. **REUSS**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **REUSS**. Mr. Speaker, the deer and the antelope will not be playing for very much longer on the Western range unless the Department of the Interior will move to stop sheep ranchers on Government land in Wyoming and other Western States from crisscrossing the land with fences. These fences are causing the death of countless antelope. I have photographs of antelope dying after they become impaled on barbed wire fences, and the bleached bones of other antelope lying at the base of the fences.

According to Mr. Tom Bell, president of the Wyoming Wildlife Federation, the Wyoming antelope herd is "definitely threatened by a sheep-tight fence." Since 1963, to save themselves the cost of hiring shepherds, sheep ranchers with grazing permits on Government lands have been building sheep-tight fencing across the public domain. Antelope need a wide range in order to survive—they must move up to water during the summer, and move down in winter to escape from snow and storms. If sheep-tight fences are built along the antelope's migration routes, the antelope become entangled in the wire and die.

Sheep ranchers are allowed to use the public domain for the nominal fee of 6 cents per sheep per month. Starting in 1963, in order to save the expense of employing sheepherders, the sheepmen have been erecting sheep-tight fences in the Wyoming public domain. Proposed fencing of the antelope range continues. For example, the Diamond Ring Ranch Co. of Casper, Wyo., currently proposes to build a fence on Government land 23 miles long, enclosing some 17,500 acres, in what Mr. Bell calls "an area vital to the maintenance of what was once one of the finest antelope herds in Wyoming."

Mr. Bell continues:

> We have no right to criticize a private fence on private land, but when large blocks of public land are concerned, I believe we're right to assert our claims. The large blocks of public land are very important not only to wildlife interests but to all outdoor recreation interest. It is up to the public to decide whether they are going to enjoy the use of something which belongs to all of us, or completely turn the public lands over to the stockmen who now control them.

Already, the indiscriminate fencing of the public range has had its effect on the antelope herd. Wyoming Game and Fish Commission antelope permits for the Poison Spider, the Lower Sweetwater, and the North Natrona hunting areas totaled 4,200 in 1963, before sheep-tight fencing started. In 1965, only 1,600 permits were issued, a drop of 2,600.

America the beautiful has recently seen too many duck marshes destroyed by the farm drainage dragline, too many trout streams ruined by the highway bulldozer. I do not want to see the American antelope go the way of the passenger pigeon. Accordingly, I have today introduced a bill, H.R. 11359 directing the Secretary of the Interior to ban from the public lands any fence which impedes the movement of wildlife. If the Secretary finds a grazing licensee has built such a fence, he shall require it to be removed by the licensee, and shall see that it is removed at the licensee's expense if the licensee fails to remove it himself within 30 days. Any future illegal fencing shall be the cause for a revocation of the grazing license.

A BILL TO ESTABLISH A PERPETUAL NONPROFIT CORPORATION TO BE KNOWN AS THE CRADLE OF FORESTRY IN AMERICA, INC.

Mr. **TAYLOR**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. **TAYLOR**. Mr. Speaker, a bill to establish a perpetual nonprofit corporation to be known as the Cradle of Forestry in America, Inc., was introduced by me a few minutes ago. The purpose of the corporation is to provide advice and cooperation to the Secretary of Agriculture in developing, administering, and operating the Cradle of Forestry in America which is located in the Pink Beds section of the Pisgah National Forest, near Asheville, N.C., in my congressional district where professional forestry was first taught and practiced in this country.

The corporation may expect to receive many items of historic significance and other donations which will help develop and tell the story of American forestry conservation.

The Pink Beds came into prominence in 1890. It was here that George W. Vanderbilt employed America's first recognized forester, European-trained Gifford Pinchot, to conduct a scientific practice of forestry and conservation which attracted national attention. It was here that the first field school of forestry in America was located. It was near here that the first tract of national forest land was purchased under the Weeks law.

Mr. Pinchot was succeeded in 1895 by a German forester, Dr. Carl A. Schenck, a gifted and enthusiastic forester who ably carried on the program.

It was outstanding leaders like Mr. Vanderbilt, Mr. Pinchot, and Dr. Schenck, supported by key citizens across the land which led to the establishment of not only the Pisgah National Forest, but the U.S. Forest Service. Secretary of Agriculture, Orville Freeman, has visited the Pink Beds and expressed strong support for this entire project. A visitor center has already been built by the Forest Service. A replica of the schoolhouse where Dr. Schenck held the first forestry classes will be started soon and financed by the alumni of the school.

The master development plan includes a museum and outdoor displays telling the story of forestry and conservation in a setting where these key events took place and in a setting unsurpassed in climate and magnificent scenery where the Blue Ridge Parkway, the Smoky Mountains National Park, and the Pisgah and Nantahala National Forests lead all other comparable Federal areas in annual visitations.

I see this Cradle of Forestry as a unique National Forest Conservation shrine, visited by millions of citizens each year and constituting a worthwhile investment, educationally and conservationwise.

The bill names an executive board of 15 outstanding citizens who have a strong interest in and dedication to forestry. I believe that this citizen participation will contribute greatly to the ultimate success of the project. I was pleased that each individual who was asked to serve on the Board agreed to accept the responsibility. I commend them on their public spirit and willingness to serve present and future generations through conservation. Their well-known accomplishments, diverse talents and background, wide interests and experiences will serve to help focus national attention on the cradle project.

The Board members are as follows:

Mr. John Parris, of Sylva, chairman of the Parks Committee of the North Carolina Department of Conservation and Development and one of the original promoters of the project;

Mr. Francis W. Sargent, of Boston, chairman of the Massachusets Department of Public Works, former executive director of the Outdoor Recreation Resources Review Commission;

Mr. Verne Rhoades of Asheville, first supervisor of Pisgah National Forest and a graduate of Dr. Schenck's original Biltmore Forestry School;

Mr. Reuben B. Robertson of Asheville, former chairman of the board of Champion Papers, Inc. When the Biltmore Forestry School left the Vanderbilt estate, it was located temporarily on Champion property. Mr. Robertson is known for his lifelong promotion of sound forestry practices;

Dr. Melville B. Grosvenor of Washington, D.C., president of the National Geographic Society, and a member of the Advisory Board of National Parks, Historic Sites, Buildings, and Monuments;

Mrs. Marian S. Heiskell of New York City, director of special activities of the New York Times and a member of the Advisory Board of National Parks, Historic Sites, Buildings, and Monuments;

Mr. Arthur Loeb of Pisgah Forest, vice president of Olin-Mathieson Chemical Corp. A strong conservationist, Mr. Loeb is an outdoorsman who has frequently walked the trails through the Cradle site;

Mr. George H. V. Cecil of the Biltmore estate, Asheville. A conservationist himself, Mr. Cecil is a grandson of the late George Vanderbilt, upon whose estate the first forestry school was founded;

Mr. Voit Gilmore of Southern Pines, State senator, lumberman, and former director of the U.S. Travel Service;

The Honorable William O. Douglas of Washington, Associate Justice of the Supreme Court, a noted writer, conservationist, outdoorsman and hiker. Justice Douglas has visited the Cradle and expressed personal interest in it;

Mr. Frank Brown of Cullowhee, president of the North Carolina National Park, Parkway, and Forest Development Commission, and one of the first advocates of the project;

Mr. John Veach, Sr., of Asheville, lumberman, conservationist and president of the Hardwood Corp., of America;

Mr. Joseph Penfold of Washington, national conservation director of the Izaak Walton League of America;

Dr. R. J. Preston of Raleigh, dean of the department of forestry at North Carolina State College;

Mr. Ken Pomeroy of Washington, chief forester, American Forestry Association. He has visited the Cradle and taken a personal interest in the project.

H.R. 11242 AMENDS THE SELF-EMPLOYED INDIVIDUALS TAX RETIREMENT ACT

Mr. ABBITT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Speaker, my bill, H.R. 11242 is now pending before the Ways and Means Committee of the House. I desire to make a brief explanation of its purpose:

In 1962 the Congress enacted the Self-Employed Individuals Tax Retirement Act of 1962, which is popularly known as the Keogh-Smathers Act. The legislation recognized the need and equity of providing a tax benefit to the self-employed who set up retirement plans for themselves and their employees. Prior to this legislation, liberalized treatment was accorded only retirement plans set up by corporations for their employees.

Since most professional groups, such as doctors, lawyers, and accountants, were prevented by State legislation or by codes of ethics of their respective professions from incorporating, they were unable to benefit from the liberalized tax treatment available to corporate retirement plans. For other groups, such as farmers, it is not customary for most of them to incorporate. Thus, the existing law discriminated against professional and other self-employed groups. Yet a strong need for some favorable treatment for them existed.

Recent testimony before the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging demonstrated that few plans have been adopted since the enactment of the Self-Employed Individuals Tax Retirement Act of 1962. The limited use of the plans has been attributed to the severe restrictions and limitations that were provided in the act. Testimony presented during the hearings before the Senate subcommittee indicated that "only 15,000 persons have been covered whereas the Treasury Department estimated that 185,000 persons would be covered in the first year alone." This fact illustrates the compelling need to modify present law in order to carry out more effectively and successfully the intent of both Congress and the sponsors of the legislation. Thus, I have introduced a bill that will provide the necessary remedial legislation. Under my bill two basic changes will be made in the present tax treatment of self-employed individuals. These are discussed below.

As background for a clearer understanding of my proposed amendments, I will briefly review certain provisions of the 1962 legislation.

An owner-employee—that is one who has over 10-percent interest in the business—may contribute to a retirement plan the lesser of first, 10 percent of his earned income, or second, $2,500. However, only 50 percent of the contribution may be deducted from income for tax purposes. Thus, the maximum contribution may be $2,500, but only $1,250 may be deducted by the taxpayer in computing his income tax liability.

The self-employed who are not owner-employees are not limited in the amount they may contribute to a plan—provided such contributions are in accordance with a nondiscriminatory plan. However, in computing their income tax, they may deduct only half—50 percent—of the amount of the lesser of first, 10 percent of their earned income, or second, $2,500. Thus, their maximum deduction is limited to $1,250, the same as for owner-employees.

One of my proposed amendments would repeal the 50-percent restriction on the deduction of the contribution. Thus, if a self-employed individual contributes $2,500 to a retirement plan, the full amount would be deductible.

During the hearings before the Senate subcommittee, one witness, who is a college professor of insurance and actuarial mathematics and has a working background in social security, testified that the 50-percent limitation was the major drawback in the utilization of the retirement plans.

My bill would also remove the limitation on the amount of the individual's income that may be regarded as earned income if it is derived from both personal services and capital. Present law provides that where both capital and personal services are material income-producing factors in the trade or business, not more than 30 percent of the net earnings of the taxpayer from the trade or business may qualify as earned income. However, if the net earnings are $2,500 or less the entire amount may be regarded as earned income. This 30-percent factor severely reduces the benefit of a plan for those taxpayers, because the amount that may be contributed to a retirement plan is based on earned income. Moreover, it is unrealistic. For example, in the case of farmers, the percent of income attributable to labor is usually far above 30 percent. My bill will remove this arbitrary 30-percent factor.

My bill, if enacted, will help to more fully accomplish the original objectives of the Self-Employed Individuals Tax Retirement Act. It will foster the adoption of retirement plans for the self-employed. And it will provide greater equity for the treatment of the self-employed as compared with corporate employees who are covered by corporate retirement plans.

QUESTIONABLE USE OF UNILATERAL FORCE TO PREVENT A COMMUNIST TAKEOVER OF A LATIN AMERICAN COUNTRY

Mr. FRASER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, when the House considered House Resolution 560, condoning the unilateral use of force to prevent a Communist takeover of a Latin American country, some Members said this would produce strong anti-American outbursts among our southern neighbors.

This prediction, as we have seen, has been fulfilled. There have been both unofficial and official expressions of dismay and anger.

Among these is a resolution of the Senate of Colombia rejecting "the return to the policy of the 'big stick.' "

The Members may be interested in the actual wording of the Colombian resolution as translated by the Legislative Reference Service:

> The Senate of the Republic holds that under the collective security system the defense of all countries of the hemisphere is sufficiently guaranteed against any intracontinental or extracontinental aggression. Consequently repudiates any unilateral military action for deeming it overtly regressive and contrary to the inter-American juridical and political system.
>
> Likewise expresses its surprise at the proposal of the U.S. House which represents a return to the less pleasant eras of Yankee imperialism against which the rest of America fought until it was overcome. The Senate of the Republic rejects the return to the policy of the "big stick" and proclaims once again its adhesion to the principle of nonintervention. Likewise, the Senate requests the leadership of the Latin American Parlia- of all Latin American Congresses on the the purpose of jointly defining the position ment to call an extraordinary meeting for resolution approved by the U.S. House.

THE KAY SAGE TANGUY BEQUEST TO MUSEUM OF MODERN ART IN NEW YORK CITY

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, Kay Sage Tanguy's magnificent bequest to the Museum of Modern Art went on exhibition at the museum building in New York on September 17 for a showing that will continue through November 28. Mrs. Tanguy, a distinguished painter in her own right, was the wife of Yves Tanguy, the noted surrealist. Mr. and Mrs. Tanguy lived for 10 years in Woodbury, Conn., and Mrs. Tanguy resided there until her death in 1963. Mrs. Tanguy was such a unique individual that I think it worthwhile to include herewith the press release about her collection which was issued by the Museum of Modern Art on September 16. I hope that many Americans who are interested in the arts will take the opportunity to visit this outstanding collection which was assembled through the dedication and perceptiveness of an outstanding American and was through her generosity made available to the people of this country.

The press release follows:

Kay Sage Tanguy Bequest Shown at Museum of Modern Art

Thirty-six works of art selected from a group of nearly 100 bequeathed in 1963 to the Museum of Modern Art at 11 West 53d Street, New York, by the American painter, Kay Sage Tanguy, will be on exhibition in the museum's Recent Acquisitions Gallery from September 17 through November 28. In addition, several works previously given by Mrs. Tanguy will be shown, along with here own painting, "Hyphen," purchased by the Museum in 1955. The exhibition was directed by Miss Sara Mazo, assistant curator of the museum collections.

In addition to works of art from her own collection, Kay Sage Tanguy bequeathed a generous sum of money to the museum for the purchase of contemporary art. This is the largest unrestricted purchase fund that the museum has ever received.

Like many other artists, Kay Sage was an enthusiastic collector. She and her husband, Yves Tanguy, acquired the work of their friends and colleagues in Europe in the 1930's and they were chiefly of surrealist persuasion. Later the work of friends in America was added. The present exhibition contains paintings by Paul Delvaux, Max Ernst, Jean Hélion, René Magritte, Wolfgang Paalen, as well as Yves Tanguy; collages and assemblages by André Breton, Joan Miró, Kay Sage; a sculpture by Alexander Calder; and drawings by Delvaux, Frederick Kiesler, and André Masson, and Tanguy.

One of Kay Sage Tanguy's favorite paintings was the Magritte "Portrait" of 1935, a famous work by the Belgian artist which she gave to the museum in 1956. This painting had been lent by its previous owner to the museum's exhibition Fantastic Art, Dada, Surrealism in 1936. Two other Belgian works are included, the Delvaux oil of 1938, "The Encounter," and his large, highly finished drawing done in 1947.

Tanguy's "The Hunted Sky" of 1951 was first shown in the museum's Tanguy exhibition held in the year of his death, 1955. Of this painting James Thrall Soby wrote: "Tanguy * * * saw parts of Arizona and, like his colleague, Max Ernst, was startled by the geological phenomena of the American West, which both visited soon after their arrival here in 1939 * * *. 'The Hunted Sky' assembles stony forms in mannequin-like piles, their relative uniformity of coloring relieved by stark white objects, like bits of paper blowing or settling in the arid, desert air."

André Breton's "Poem-Object" of 1941 was dedicated to Kay Sage Tanguy. The poem is an integral part of the object, which is an assemblage, and is inscribed in paint on the background: "ces terrains vagues, où j'erre, vaincu par l'ombre, et la lune, accrochée à la maison de mon coeur" ("these wastelands, where I wander, overcome by the darkness, and the moon, hanging in the house of my heart"). In a recent letter the artist explains that this object illustrates a dramatic episode in his own life, and that the "house of my heart" is to be understood as an astrological term.

In the untitled collage of 1933 by Miró, a charcoal drawing links three postcards and various other pictures pasted on a large sheet of green paper. Calder's stabile-mobile sculpture of brightly painted aluminum is small but characteristic, as are the paintings by Ernst, Hélion, and Paalen dating from the 1930's. Kay Sage's collage is one of a group of objects she made in her last years; it was included in the museum's Art of Assemblage exhibition in 1961, as was the Breton "Poem-Object."

The Kay Sage Tanguy bequest is rich in drawings, particularly those of Tanguy who is represented by 72 items, only 19 of which could be shown in the present exhibition. William S. Lieberman, curator of drawings and prints at the museum, says:

"The drawings in the bequest are of special interest for two reasons. First, they include works by other artists which Kay and Yves Tanguy collected for their own enjoyment, drawings by Delvaux, Kiesler, and Masson. Second, those by Tanguy himself offer as a group a unique opportunity to study in depth his own, remarkably unhesitant draftsmanship, from the humorously collaborative 'cadavre exquis' of 1934 to delicately refined constructions drawn in 1949 and 1953.

"Most of the 19 drawings selected for exhibition belong to Tanguy's last years in the United States. None are preparatory studies for major works in oil or gouache. They articulate, sometimes tentatively and always in simple outline, the disquietly amorphic shapes which, modeled, contoured and grouped together, become the silent sculpture which fills the haunting vistas of his painting.

"Several of the drawings were conceived in series, and the bequest includes a complete sequence of 22 such drawings, done in 1942, in different colored inks on different colored sheets of uniform size.

"The largest drawing by Tanguy is one of his last as well as perhaps his best known. Drawn in 1953, it was reproduced by James Thrall Soby in his monograph "Yves Tanguy" published by the museum in 1955."

Katherine Linn Sage was born in 1898 in Albany, N.Y., daughter of Henry Manning Sage, a New York State senator. As a small child she was taken to Italy, where she lived, except for the years of World War I, until 1937. She lived in Paris from 1937 to 1939 and then returned to the United States. Yves Tanguy came here shortly after and they were married the following year, eventually settling in a 19th century farmhouse in Woodbury, Conn. Tanguy died there in 1955 and Kay Sage in 1963.

As a painter Kay Sage was self-taught. She first exhibited her paintings at the Surindépendants in Paris in 1938, although she had had a small show in 1936 in Milan. From 1940 to 1961 she held nine one-man shows in New York, as well as one-man exhibitions at the San Francisco Museum of Art and Hartford's Wadsworth Atheneum. She took part in many national and international exhibitions both here and abroad. Her work is in the collections of the Metropolitan and Whitney Museums and the Museum of Modern Art in New York; the Art Institute of Chicago; the California Palace of the Legion of Honor in San Francisco; Wesleyan University, Middleton, Conn.; and the Walker Art Center, Minn.

When Kay Sage returned to America in 1939 she had already planned with the approval of Yvon Delbos, French Minister of Education, a series of one-man shows in New York for artists working in Paris. Contributions and proceeds from sales were to be used to assist artists in France who were involved in the crisis of World War II. Yves Tanguy came to this country with the authorization of the French Government to inaugurate this series of exhibitions with his first one-man show in New York. Jean Hélion's was the second show of this series.

A memorial exhibition of Kay Sage's paintings and drawings will be held at the Mattatuck Museum, Waterbury, Conn., this year. It will be shown thereafter at the Albany Institute of History and Art, the Lyman Allyn Museum, New London, and at Williams and Vassar Colleges.

James Thrall Soby, chairman of the museum's committee on the museum collections, writes:

"In the house at Woodbury, Conn., which Yves and Kay Tanguy bought toward the end of World War II, there were many works of art. A few were by them but most were by friends and colleagues, chiefly of surrealist persuasion * * *. It delighted both Tanguys to remember that the house had once been the village poorhouse. They had painted it white throughout the interior, yellow outside, and there were two handsome barns in back which they used as studios * * *. It was apparent that Kay Tanguy was the collector in the family. At the very end of her life she talked like an excited schoolgirl about some small pre-Columbian sculptures she had bought in New York. She constantly acquired rare books and had them elaborately bound * * *. Of all the works here shown Kay preferred the Magritte 'Portrait' * * *. She liked almost equally the Miró, the Ernst, Breton's 'Poem-Object,' the two works by Delvaux and—naturally—everything Yves had painted."

A TRIBUTE TO HERBERT TENZER—A MAN OF DEDICATION

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I am taking this time to express my deep appreciation to my good friend and colleague on the Judiciary Committee, Congressman Herbert Tenzer, for the crucial role he has played in the effort to provide home rule for the District of Columbia. It was through Herbert Tenzer's initiative and leadership that all our Jewish new year services held in the Washington on Monday and Tuesday, the first 2 days of the Jewish new year season which is considered to be the most holy and solemn period in the Jewish religious calendar. This is a time when Jews all over the world join with their families to attend religious services and seek forgiveness of sins and pray for a just, peaceful, and happy new year.

Herbert Tenzer organized and made all the arrangements for these special Jewish new year services held in the prayer room of the Capitol so that our Jewish colleagues would be able to observe the new year and still attend the sessions of the House. My assistant, who attended the services, has told me of their great beauty and solemnity.

I have great respect for Herbert Tenzer for his orthodox observance of the Jewish faith which has never stopped him from vigorously pursuing his duties as a Member of this House. I would like to quote to you Herbert Tenzer's eloquent explanation of why our Jewish colleagues chose to forgo their obvious desire to be with their families during the new year holiday in order to help provide local self-government for the 800,000 residents of our Nation's Capital:

> Justice is why we're here. Justice for 800,000 people who have been denied it in the city of Washington.

As a sponsor of a bill providing home rule for the District of Columbia and as someone very much concerned that this House should speedily grant complete local self-government to the people of Washington, I want to express my deep appreciation to all the Jewish Members of this House who have each been consistent supporters of complete and meaningful home rule for the District of Columbia. Each of the following Members signed the discharge petition and supported home rule on the crucial procedural votes on Monday: Congressman Emanuel Celler, of New York; Leonard Farbstein, of New York; Samuel N. Friedel, of Maryland, Jacob H. Gilbert, of New York, Seymour Halpern, of New York; Charles S. Joelson, of New Jersey; Abraham J. Multer, of New York; Richard Ottinger, of New York; Joseph Y. Resnick, of New York; Benjamin S. Rosenthal, of New York; James H. Scheuer, of New York; Herbert Tenzer, of New York; Lester L. Wolff, of New York; Sidney R. Yates, of Illinois. Our esteemed colleague Congressman Herman Toll, of Pennsylvania has, of course, been ill, but he took special care to be paired on Monday in support of home rule.

Mr. Speaker, I include an article from the Washington Post of Wednesday, September 29, regarding these special Jewish New Year services held in the Prayer Room in the Capitol in the Record immediately following my remarks:

> LAWMAKERS STAY FOR HOME RULE VOTE—ROSH HASHANA SERVICES ARE HELD IN CAPITOL BUILDING PRAYER ROOM
>
> (By Leroy F. Aarons)
>
> The strains of "Hamelech"—the King—the opening prayer of the Rosh Hashana morning service, broke the long silence of the tiny room.
>
> The King, the Lord, sits on his throne and judges the world, the rabbi chanted in Hebrew. Before him, 11 Congressmen, 1 Senator, and a small gathering of family and friends sang with him.
>
> It was the New Year (5726) and the day of judgment, the beginning of a period when men's deeds are weighed and his future sealed.
>
> But for this select congregation, the scene yesterday was not the synagogue. It was the Capitol Prayer Room, a tiny enclave tucked away behind the great rotunda reserved for Congressmen who come there to meditate and pray.
>
> The Congress, conscious of the traditional church-state separation, had made this room nondenominational. Stained glass window framed by a rounded arch depicts a young George Washington around whom is inscribed Psalm 16.1: "Preserve me, O God: for in Thee do I put my trust." Before the window a King James Bible usually lies on a lectern, and two candelabra, with seven lights, stand on either side.
>
> But yesterday, for the first time, the King James Bible was gone. In its place, housed in a converted bookcase representing the Holy Ark, stood two Torahs, the sacred Five Books of Moses.
>
> "Avinu Malkenu"—Our Father, Our King, have pity on us—the rabbi sang, and the congregation, clothed in white skull caps and prayer shawls, responded.
>
> Then, the ark was opened and the Torahs placed on the lectern. Representative Abraham J. Multer, Democrat, of New York, approached the altar and spoke the words, "Borochu es adonoi hamvoroch"—Blessed is the name of God, He is blessed.
>
> Multer, a leader of the bipartisan effort on home rule for Washington, was followed to the altar by Representative Herbert Tenzer, Democrat, of New York, who suggested converting the nondenominational prayer room to a synagogue for 2 days so the 13 active Jewish Congresmen could be present for the home rule debate.
>
> Midway in the service, Speaker of the House John W. McCormack slipped quietly into the room. He too, donned the yarmelka (the skull cap), in Orthodox and Conservative Judaism a symbol of respect in the House of the Lord.
>
> At that point, the rabbi sounded the shofar—the ram's horn—a piercing, soprano sound that signals a call to repentance, a harbinger of the justice awaiting all mankind.
>
> "Justice is why we're here," Tenzer said during the service. "Justice for 800,000 people who have been denied it in the city of Washington."

THE MAN WHO TALKED SENSE

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, a brief and moving tribute to Adlai E. Stevenson's influence on American political campaigning appeared in the September 1965 issue of Fair Comment, published by the Fair Campaign Practices Committee:

> When Adlai Stevenson died, most of the eulogies we read and heard took full cognizance of his contributions to political rhetoric. And, indeed, why not? Governor Stevenson brought to the national arena of politics a public address of style and grace, felicity and lucidity, that was new to the experience of living Americans. The great orators of American tradition were the stemwinders of florid imagery and scant restraint. By comparison, Stevenson set a rhetorical example that was like a single flawless emerald beside a rhinestone breastplate.
>
> But many of the tributes to Stevenson missed two points, one intriguing, the other especially important. The smaller one first: Adlai Stevenson established a mode in 1952 which John Kennedy slipped easily into as 1960 approached. Both exemplified verbal elegance, speech proceeding from dignity, motivated by compassion and resolve, illuminated with wit and insight, touched with grace.
>
> More substantially, Adlai Stevenson brought into American politics a great roster of decent American citizens who otherwise would have continued to inhabit the sidelines murmuring the creed of the uninvolved—"politics is a dirty business."
>
> Stevenson's lonely voice and appeal to reason were a unique call. In response, thousands of volunteers for Stevenson sprang up, bringing into politics men and women who couldn't bring themselves to claim an unqualified party label but who could, and would, respond to Stevenson's "talking sense to the American people." Their transition into partisanship was eased by the post–1952 phrase, "Stevensonian Democrats." One heard it less frequently after a couple of years as these new partisans began to savor the stuff of politics. All this was implied in Eugene McCarthy's moving identification of Stevenson at the 1960 Democratic Convention as "the man who made us all proud to be Democrats."
>
> It might be paraphrased and extended, on some memorial plaque or marker, to include men who felt his presence without sharing his party: "the man who made us all proud to be politicians."

OUR FLOUNDERING MARITIME POLICY: A NEED FOR LEADERSHIP

Mr. MAILLIARD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MAILLIARD. Mr. Speaker, this past May I spoke on the topic "What Do We Want of Our Merchant Marine?" Then, as now, I am not able to answer this very basic question. Today, no one can answer this question. Not even the Secretary of Commerce, who is charged with this responsibility, can answer it. An answer requires that there be a maritime policy, or at the very least, an administration program. We have neither a maritime policy, nor an administration program. The Secretary of Commerce, the Honorable John T. Connor, admitted this during a press conference on February 9, 1965. Speaking in connection with the Maritime Administrator's controversial speech of the same date, delivered in New Orleans, La., the Secretary stated, and I quote:

> But any indication in that speech of an administration program is—first of all, I don't think there is any indication in there because there isn't any administration program at the moment.

Why are we lacking either a policy or an administration program? Well, one need only look to the events of 1961 and the ensuing years for the answer. More than 4 years of perpetual study, indecision, and constant censure have placed whatever maritime policy we might have had in a state of limbo, and dangerously adrift. But, more importantly, I point to the complete and utter lack of constructive and knowledgeable Federal leadership without which no policy ever will be effective. This deficiency is largely owing to Reorganization Plan No. 7 of 1961.

It was in 1961, also, that studies of our maritime policy were commenced. In April of that year the Maritime Evaluation Committee was established at the request of the then Secretary of Commerce, the Honorable Luther H. Hodges. Its report was published in July 1963.

The report apparently died aborning because of its many controversial and unsound recommendations. But from recent newspaper articles concerning the unofficial release of the interagency maritime task force report, it seems that new life has been given to these concepts, presumably rejected only 2 years ago. In addition, we have had the report of the Maritime Advisory Committee. Thus, in less than 3 years we have had an equal number of differing reports concerning our maritime policy. None of these reports have been brought before the Congress. None have been nurtured to fruition. To the contrary, with the release of each report there usually have been accompanying assertions by the executive branch that such reports do not represent a new maritime policy. It is in this sea of conflicting opinion and reports that the American merchant marine has been buffeted these past 4 years. There can be little doubt that this constitutes a significant and major factor in the decay of the American merchant marine.

I have seen the American merchant marine swell in times of crisis. I have seen it shrink in times of calm. Never, however, have I seen it drift so helplessly becalmed toward utter stagnation since Reorganization Plan No. 7 of 1961 and the ensuing 4 years of perpetual study. Meanwhile, the policy of existing law under the Merchant Marine Act of 1936 has been effectively frustrated and undermined. The climate of financial and economic stability so painstakingly built up over so many years, and so vital to the promotion of our merchant marine has been seriously impaired. We have been simply "backing and filling" for 4 years. All too often forgotten is the fact that indecision ultimately becomes decision through inaction.

I can only compare the ineptness of the present Maritime Administration to promote our merchant marine to the legend which grew up about the Sargasso Sea. The Sargasso Sea is a tract of the North Atlantic Ocean covered by floating seaweed. Superstitious sailors believed that ships might become enmeshed in this seaweed without being able to escape. Modern American mariners must live in equal fear of becoming becalmed in the insidious lassitude of the present Maritime Administration. The legend of the Sargasso Sea, of course, has been dispelled. However, the record of the present Maritime Administration has served only to confirm its inability to function under the existing organizational structure.

Under Reorganization Plan No. 7 of 1961 all functions of the Maritime Administration were placed under the Department of Commerce. This inferior status of our promotional maritime agency has been the vehicle for confusion, uncertainty, and vacillation. The promotion of our merchant marine has been lost in the maze of other larger and unassociated functions for which the Secretary of Commerce is responsible. As Dr. J. Herbert Holloman, Assistant Secretary of Commerce for Science and Technology, recently observed before the Subcommittee on Oceanography, and I quote:

> It seems no more appropriate, for example, to bring physical oceanography and marine transportation together because both are related to the oceans than it does to bring geology and agriculture together because both are related to the earth.

It makes even less sense to me to place marine transportation in a subordinate position within the Department of Commerce, which, for example, is more actively concerned with public roads than with our merchant marine.

When Reorganization Plan No. 7 of 1961 was considered, I stated then that it represented an inconsistent philosophy. On the one hand, aviation was taken out from under the Department of Commerce and provided independent status. On the other, the promotional activities of the American merchant marine were placed subordinate to the Department of Commerce. Time has borne out the fallacy of Reorganization Plan No. 7. One look at these two industries—aviation and maritime—is sufficient to attest to the wisdom of an independent agency. Aviation can look to the independent Federal Aviation Agency to promote its cause. For example, aviation is forging ahead with a highly imaginative supersonic transport program. It is estimated that this program will cost in excess of $1 billion. The Government will underwrite about 75 percent of this cost. The American merchant marine, however, must plead with a second-rate Maritime Administration to even honor existing subsidy contracts.

There is no doubt that the organizational structure of the Maritime Administration is unique. It is unique because without recommendation, without cause, and with years of congressional studies and experience to the contrary, it embodies a castoff administrative procedure of the early thirties. It is unique, also, because it is the only major transportation agency to have gained independent status and then to have lost it. But, more importantly, it is unique because of the three-man Maritime Subsidy Board established within the Maritime Administration. It is the focus of all actions by the Maritime Administration, yet it is impotent. There is neither a statutory basis for the existence or authority of this Board, nor is there established tenure of office for its members. Its decisions are subject to review and veto by the Secretary of Commerce. All of its members are employees of the Maritime Administration. Two of the employee-members are directly subordinate to, not equal to, the Maritime Administrator, who is Chairman of the Board. As a consequence, the Maritime Subsidy Board is but one voice—that of the presidentially appointed Maritime Administrator—and two echoes. As far as I have been able to determine, there have been only three dissents by Board members, and three dissenters are no longer with the Board. And, lest you get any notion that the Board is infallible, its unanimous decisions have been reversed on several occasions by the Secretary of Commerce.

It is to remedy this situation that I am introducing today a bill to reestablish an independent Federal Maritime Administration. This Administration would be headed by a three-man Federal Maritime Board, appointed by the President, by and with the advice of the Senate, for fixed terms of office. The Board would collectively set policy for the promotion of the American merchant marine. The Administration would implement such policy. To insure this, the Chairman of the Board would be designated as the chief executive and administrative officer of the Administration.

The Federal Maritime Administration which I propose would serve as an independent spokesman for the maritime industry. It would be able freely to promote the American merchant marine. It would be subject to closer and more effective scrutiny by the Congress. No longer would congressional inquiries be evaded by requests to clear positions with a superior agency as is so often the case now. Moreover, by virtue of its independent status, the proposed administration would have more direct contact with the offices of the President than is now the case.

The legislation I am introducing is by no means a panacea for our ailing merchant marine. It would serve, however, to complement either the existing maritime policy which is presently stalemated, or any "new policy" that may be forthcoming. I further hope that it will serve as a forum for constructive discussion among industry and labor. The time is long overdue for the removal of discussion of our maritime policy from the public forum to an appropriate congressional committee. The entire spectrum of our maritime policy and the vehicle for its implementation must be realistically explored and must result in affirmative, not dilatory, action.

Today we are in armed conflict in Vietnam without an adequate merchant fleet and without sufficient trained merchant marine personnel. The reliability of our National Defense Reserve Fleet is open to serious question. Acting as chairman of the House Committee on Merchant Marine and Fisheries, the Honorable EDWARD A. GARMATZ, Democrat, of Maryland, has expressed his concern over this in a recent letter to the President. Foreign-flag ships have refused to carry our defense cargoes to Vietnam. These observations only serve to emphasize the need for a revitalized American merchant marine. Tomorrow Vietnam could escalate into a major conflict of Korean proportions. Or new crises could erupt in other far-flung corners of the globe requiring seagoing logistical support. We simply cannot wait until disaster dictates what we should have done. All too often in the past we have awaited the lash of necessity before acting. The path to a strong and efficient merchant marine may be long and difficult—but it is imperative that we embark on it now.

An ancient Chinese proverb notes, in part, that "A journey of a thousand miles began with a single step." I believe that the first step in the journey to revitalizing our merchant marine is the establishment of an independent Federal Maritime Administration as proposed in my bill. Without this first step, the American merchant marine will remain becalmed in its own Sargasso Sea—a subordinate an inept Maritime Administration.

SHUDDERING OUTLOOK OF SHIPPING AND SHIPBUILDING UNDER TASK FORCE RECOMMENDATIONS

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, I am today joining my colleague, the gentleman from California [Mr. MAILLIARD], in introducing a bill to reestablish the Maritime Administration as an independent agency of the Government.

This legislation would remove the U.S. Maritime Agency from under control of the Secretary of Commerce. Thereby the orphan status of this Agency would be eliminated in the interest of promoting the vital needs of the American merchant marine which has been suffering from neglect, uncertainty, and sheer ineptitude.

My bill is especially appropriate at this time when the shipping and shipbuilding industry, including both management and labor, are in such a furor over certain of the recent purposals contained in a Government task force report looking toward a complete revamping of U.S. maritime policy. Indeed these radical changes—especially on the Pacific coast—could be the death knell of American-flag service and likewise of our shipyards—both of which are so necessary for national defense.

My bill is designed as a first step in the direction of restoring a strong merchant marine capable of meeting growing foreign competition.

In this regard, I have written the following letter to Under Secretary of Commerce Alan Boyd which outlines my views as to the dire effects certain of the task force proposals would entail—especially on the Pacific coast:

WASHINGTON, D.C.,
September 30, 1965.

Mr. ALAN S. BOYD,
Under Secretary of Commerce for Transportation, Department of Commerce, Washington, D.C.

DEAR MR. SECRETARY: Now that the text of the interagency maritime task force proposal has been removed somewhat from the bootleg stage, perhaps some comments are in order before any official extensive changes in U.S. maritime policy are announced.

First, I must say in all frankness that I predicted in 1961 that adoption of President Kennedy's plan of placing the functions of the Maritime Administration under the Department of Commerce would relegate this agency to an inferior status. Indeed, my first suggestion is that it be reestablished as an independent agency, in order to remove the vital needs of the American merchant marine from their orphan condition and thereby allow it to function as originally intended, to promote our vital shipping industry and welfare. Legislation to carry out this change is being introduced by me and other Members of Congress.

Meanwhile, I must point up that certain facts reveal the bleakness of the outlook for the future role of American shipping. On order, as I am informed, as of August 1, for U.S.-flag operations, were 39 dry cargo ships and one tanker, totaling 550,000 deadweight tons. In contrast, the total for Russia is 434 dry cargo ships, tankers, and bulk carriers, totaling 4 million tons.

By the same token, Norway, Japan, Great Britain, Liberia, France, and West Germany all have on order far more tonnage than the United States.

The policy established by Congress under the Merchant Marine Act of 1936 has been increasingly disregarded. Our fleet, although consisting of some of the finest merchant cargo ships afloat, has dwindled, and I am fearful that adoption of task force recommendations will reduce our shipbuilding capacity and our seafaring personnel far below the needs of national security.

In the spirit of constructive criticism, I want to outline the effect of the task force proposal, as I see it, on west coast shipping—which I know better—and which I believe may be quite different from the east or gulf coast situations.

While there are many features highly objectionable in the recent Interagency Maritime Task Force report, it is pertinent to point out the damaging effect several of these proposals would have on west coast shipping, if they should be promulgated. First and foremost is the proposal to pay operating subsidy only on the carriage of "commercial cargoes." The Vietnam situation is very real to the west coast U.S.-flag operators. All efforts are being made to furnish all possible space requested by the Government. Today, due to many causes, there is very little commercial cargo moving to the Far East and if the subsidized U.S. operators were forced under this proposal to only obtain subsidy payments for carrying commercial cargoes, there is no question but that our major west coast steamship companies would cease to exist overnight. And not only is this situation in the Pacific Ocean related solely to Vietnam, the Far East is for the most part composed of nations relying upon the various forms of U.S. aid and Government-sponsored cargoes. The Government cargoes are there and must be carried, if not by U.S. vessels, then by foreign-flag operators who are standing in the wings. Commercial cargoes are not sufficient in amounts to perpetuate U.S.-flag operators in the Pacific Ocean.

A second feature that would also wreak havoc is the proposal to allow foreign-built ships to be registered under the U.S. flag with all privileges extended to the U.S. operators. This would be much more than a chink in the dike to the opening of the coastwise laws. This giant step would serve to soon do away with all protection we have long deemed necessary for our domestic operators, not only along the Pacific coastline, but to Alaska, Hawaii, and Guam. This great stretch of coastline and island areas would soon be subject to the whims and charges of foreign operators. Under the proposals embodied in this task force report, not only our Nation's shipyards, but U.S.-owned steamship companies would soon disappear.

Further, the report envisions the loss of some 20,000 seafaring berths. As far as the west coast is concerned, employment for seamen and shipyard workers would be virtually nonexistent. The report tells passenger operators that they are no longer needed, that passenger ships are a relic of the past. If this is so, why is Japan and many other maritime nations of the world now engaged in enormous construction programs to greatly increase the size of their passenger fleets?

And finally, one issue that causes grave concern to me, coming from the Pacific Northwest, is the proposal to eliminate the trade routes concept and say to all operators, "Go wherever you can to find commercial cargoes." Our port of Seattle would unquestionably be seriously damaged in that the operators now furnishing a regularly scheduled service into this great port could no longer set scheduled arrivals and departures, but would be forced to constantly search all the western ports for cargoes on a "carry it where you can find it" basis.

Sincerely,

THOMAS M. PELLY,
Representative in Congress.

INFLATION

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, inflation—the unwelcome marauder that gnaws away at buying power—is wreaking havoc in the family cupboard. While the general price index slowly but relentlessly moves upward, food prices are advancing at a rate that may bring severe dietary problems to households around the country.

The wholesale price index, in reaching a new high during July, presages still higher prices to come. Up from the 1959 average by 2.9 percent, that index is particularly dangerous because 2.5 percent of the total amount came during the past year. Despite reduction in excise taxes that took effect in July, the consumer price index continues upward.

The September 1 issue of the United Mine Workers Journal predicts that living costs will reach record levels this month and cites the especially sharp jump in food prices in recent years. Alarmed at this trend, the journal has undertaken to indicate substitute foods for those that have spiraled out of reach of the consumer's purse.

Mr. Speaker, unless the administration is willing to cut down unnecessary spending, inflation will endanger the living standard of every American family, particularly those on fixed incomes. A spendthrift government, dedicated to expansion of bureaucratic programs and oblivious to waste, triggers economic inflation. The resultant decline in buying power deprives a substantial part of our population of the necessaries that include proper nourishment for the children who will make up the America of tomorrow.

If my colleagues have not recently visited a food market, I would suggest that a tour of the aisles can be a most enlightening venture. Check, if you will, the price of the most widely used meat cuts, which have jumped an average of 8 cents per pound—or 11 percent—in the past 4 months. And for those families who have looked to this season of the year to make up for the fruits that carried prohibitory price tags in past months, costs are appalling.

There are, of course, other factors that tend to drive prices upward and to preclude traditional seasonal bargains, but inflation remains the principal villain and looms more perilous in the months and years ahead. In reporting that Federal spending is heading for new peacetime peaks, William F. Arbogast, Associated Press staff writer, pointed out this often-overlooked but obviously inevitable conclusion in the Pittsburgh Post-Gazette of September 6:

> Only the down payment for much of the cost of the nonmilitary program will be footed this year, for many of its facets are spread over future years.

The die that reduces in value the wages of our workers has been cast in the offices of Government extravagance, but Congress can yet stem the tide of predatory inflation by rejecting further unnecessary authorizations and appropriations, and by insisting upon a thorough accounting of all expenditures on the part of the executive departments. In behalf of all wage earners, but particularly those on fixed incomes, Congress has a responsibility to make every effort to require that the Federal Government adopt reasonable fiscal policies. To the pensioner, the widow whose monthly income cannot be adjusted upward, and to recipients of social security benefits, there is no other way out.

U.S. SUGAR INTERESTS SHOULD PLAY FAIR ON IMPORT FEE

Mr. **FINDLEY**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. **FINDLEY**. Mr. Speaker, one of the two amendments which the Rules Committee has made in order to the Sugar Act would impose an import fee on sugar coming from foreign producers. Some doubt exists as to whether an import fee is regarded favorably by U.S. sugar interests.

Some doubt exists as to the attitude of the major elements of the U.S. sugar industry in regard to the import fee proposal. I have had several Members tell me they have received reports that I am misrepresenting the attitude of the U.S. sugar industry in regard to an import fee.

In order to help erase any doubt, I am placing in the RECORD the full text of recommendations the U.S. industry made, at the request of the Johnson administration and certain Members of Congress, on March 29, 1965, in regard to sugar legislation.

You will see that one of the recommendations made at that time to the administration and the Congress by the U.S. sugar industry was an import fee. To be sure, it was not exactly the same as the one which the Rules Committee, at my suggestion, has now made in order. However, I got the language for my import-fee amendment almost verbatim from the text of proposed language the U.S. industry submitted along with its summary announcement. The only changes I made in the language on the import fee related to the amount of the fee—my version specifies 75 percent, whereas the industry recommended 50 percent or 1 cent a pound, whichever is lower—and a minor amendment on when the fee determination for the first year would be made.

The import-fee language proposed by the U.S. industry appeared on pages 17 and 18 of the mimeographed bill text. Here is the verbatim announcement issued for release March 29, 1965, by the U.S. sugar industry:

RELEASE BY DOMESTIC BEET SUGAR INDUSTRY, MAINLAND CANE SUGAR INDUSTRY, HAWAIIAN SUGAR INDUSTRY, PUERTO RICAN SUGAR INDUSTRY, AND THE U.S. CANE SUGAR REFINERS' ASSOCIATION

> All segments of the U.S. sugar producing and refining industry—beet and cane—have joined in support of recommendations on sugar legislation for the consideration of Congress and the administration during the present session.
>
> The industrywide recommendations were developed after several weeks of discussions and conferences undertaken at the specific request of Members of Congress and officials of the Johnson administration.
>
> The recommendations, which are interrelated, are supported in their entirety by the domestic beet sugar industry, the mainland cane sugar industry, the Hawaiian sugar industry, the Puerto Rican sugar industry, and the U.S. Cane Sugar Refiners' Association.
>
> During the last few days, terms of the industry recommendations have been discussed with Chairman HAROLD D. COOLEY, Democrat, of North Carolina, of the House Agriculture Committee and other Members of Congress, with key officials of the Departments of Agriculture and State, and with members of the White House staff.
>
> Industry spokesmen said the recommendations are designed to revise the Sugar Act so as to strengthen the assurance to U.S. consumers of adequate sugar supplies at all times and at stable, reasonable prices.
>
> The proposal would also permit the domestic beet and mainland cane sugar producers to market, with the least possible reduction of foreign imports, the domestic production that is in excess of the present marketing quotas for those two areas.
>
> Certain incentives are provided for foreign producers to meet their obligations to the U.S. market while at the same time adding to the fiscal soundness of the U.S. sugar program.

PRINCIPAL RECOMMENDATIONS

> The recommendations would extend the act for a period of 5 years beyond its present expiration date of December 31, 1966, to the end of 1971.
>
> When the annual consumption level is between 9,700,000 and 10,400,000 tons, the domestic beet sugar quota would be 3,025,000 tons and the mainland cane quota would be 1,100,000 tons. When consumption requirements are more than 10,400,000 tons, the quotas for the two areas would be increased proportionately, as provided in the present law. If consumption requirements are less than 9,700,000 tons, the quotas would be reduced proportionately. No other changes in domestic quotas are proposed.
>
> It is estimated that by the end of the proposed extension period, the domestic beet and mainland cane quotas would be at approximately the levels they would have reached by that date under the present Sugar Act.
>
> Foreign quotas for 1965, as already established by the Department of Agriculture, would be approximately the same. An import fee on foreign sugar, not effective this year, would be reinstated next year, but limited to a maximum of 1 cent per pound or one-half the difference between the U.S. price objective and the world raw sugar price—whichever is less.
>
> The fee to be established should have regard for (1) assuring foreign countries a fair return; and (2) insuring that foreign sugar will be available to the U.S. market in the quantities needed at the times required.
>
> Reinstatement of an import fee, it is believed, would also tend to discourage overexpansion of the world sugar production and tend to facilitate achievement of price objectives of the act.
>
> The "global quota" arrangement of the present law would be eliminated. The quota of any country with which the United States severs diplomatic relations would continue to be suspended, but would be allocated promptly to specific countries on a temporary basis.
>
> Because present sugarbeet growers will necessarily have to reduce acreage further as a part of the proposed new program, national acreage reserve provisions contained in the 1962 act, under which new production areas were brought in, would not be extended after 1966.

Mr. Speaker, the U.S. sugar industry of course is entitled to change its mind and perhaps has done so on the question of the import fee, but it should be fair-minded in contacting Members of Congress and explain to them that the industry position has changed and why.

It may also be that the U.S. industry was not fully united in its position March 29 of this year on the import fee, and I daresay it is not united right now.

In evaluating the attitude of various interested parties, one should keep in mind the possibility that some U.S. sugar interests may also be heavily involved in foreign sugar, and vice versa.

Mr. HARVEY of Indiana. Mr. Speaker, will the gentleman yield?

Mr. **FINDLEY**. I yield to the gentleman from Indiana.

Mr. HARVEY of Indiana. Is not that fee the same as that which prevailed in prior sugar legislation?

Mr. **FINDLEY**. It is very similar to the import fee which was assessed against the Dominican Republic during the Eisenhower administration and was in effect in the legislation which operated in 1962, 1963, and 1964.

INSTRUCTOR IN HISTORY WELCOMES VIETCONG VICTORY

Mr. **GALLAGHER**. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **GALLAGHER**. Mr. Speaker, I have just read on the wire that an instructor in history at Drew University, James Mellen, has declared himself as welcoming a Vietcong victory in Vietnam.

This despite over a hundred thousand American soldiers fighting to prevent such a victory. This despite American and Vietnamese being killed to prevent such a victory. It is just quite possible that this self-proclaimed Marxist is trying to attract a little attention to himself. I am sure the Republic will survive.

It has survived the early "Mellenheaded" thinking of Benedict Arnold who wished a victory for the other side when this country was engaged in another war.

Having once served on the faculty at Rutgers University I believe completely in academic freedom, even the free and full expression of fools in and out of academic circles and, therefore, I recognize Mr. Mellen's right to full expression. And I have a right to find his view appalling and disgraceful as well as unenlightened. He obviously does not know what a Vietcong victory entails.

When I was in Vietnam I saw what a Vietcong victory meant in some villages. It meant the mayor's head on a fence post. It meants hands chopped off. It meant young men dragged off for training against their will. It meant the stealing of all village food and medical supplies in the name of liberation. It meant the displacement of hope with fear. All because the South Vietnamese find it objectionable that they surrender their freedom to something called the liberation front, alias the Vietcong, alias the Communist army of North Vietnam.

Mr. Mellen, in proclaiming himself a Marxist, would indicate that while he is an instructor of history, he has not learned well the lessons of history. Even the Russian leaders admit that pure Marxism is unworkable. And everyone knows that history has never disclosed one country that has chosen communism in a free election.

It is common knowledge that the Vietcong are having some difficulty with their recruiting drive. Since Mr. Mellen has such strong convictions about welcoming a Vietcong victory, perhaps he should be given the opportunity to fight with the Vietcong and thus translate his words into a more meaningful note. I would be very happy to intercede in his behalf in making the necessary arrangements. Perhaps we could trade him for some of the American prisoners of war before they are murdered in cold blood by the Vietcong as were the two Americans last week.

In fact, some of our protesting students calling for a Vietcong victory could be included in such a trade and thus the Vietcong would have new recruits and we would save the lives of courageous Americans who are fighting to save the freedom Mr. Mellen and his ilk would have us abandon.

LEGISLATIVE PROGRAM

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time to ask the majority leader if he will kindly advise us as to the program for tomorrow and of any other information he cares to state.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman from Illinois yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in addition to the program previously announced we will have up tomorrow the conference report on the foreign aid appropriation bill. This is, of course, a very important matter. Members might expect a vote on that conference report.

In addition, we will take up, as previously announced, House Joint Resolution 642, which is the James Madison Memorial Library; H.R. 3142, the Medical Library Assistance Act; and H.R. 6519, the Jefferson National Expansion Memorial Act.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRESIDENT JOHNSON SHOULD VETO THE NEW IMMIGRATION ACT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I have long supported reform of our outdated immigration law and abolition of the infamous national origin system. When the Immigration and Nationality Act of 1965 was before the House in August, I voted for it and against all crippling amendments. One of the crippling amendments that I, along with the leadership, opposed then was a proposal to place a quota on immigration from the Western Hemisphere. The House wisely rejected this proposal. But the Senate version of the bill contained an almost identical provision, establishing a quota of 120,000 persons a year on immigration from the Western Hemisphere. This was one of the most important differences between the two bills. In my opinion, it was the most important difference. The bills went to conference and, as we all know, the conference report recommended adoption of the Senate provision. I offered a motion to recommit the report back to the conference with instruction to reject the Senate amendment establishing a quota for the Western Hemisphere. After my motion failed I voted against adoption of the conference report. I could not in good conscience vote for a so-called reform measure which merely transfers a bad practice from one part of the world to another.

We who have justly criticised the Iron Curtain, Bamboo Curtain, and the Berlin wall have reason to ponder about what we have done to our own hemisphere today. We have, in my judgment, lowered a paper curtain and raised a wall of redtape around our borders. What is worse, these devices are aimed against the peoples of this hemisphere with whom we claim to be partners, neighbors, and even brothers.

The Western Hemisphere quota is ill-advised and unnecessary. Secretary Rusk expressed his strong opposition to it when he said that the amendment would, in effect, place obstacles in the path leading to cordial and harmonious relations with Latin America. It is no secret, for example, that under the language of the amendment, any one country such as Canada could entirely preempt the quota for any year by sending into the United States 120,000 immigrants. Who is to say that the persons administering the new law would not permit this? And what would be the effects on the Latin nations?

It is an unnecessary provision because under the present law immigration from the countries of the Western Hemisphere over the past 10 years has averaged only 110,000. With this new law we are thus creating a problem where there has been no problem in the past.

The favored treatment of the nations of this hemisphere whereby no quota is placed on immigration was granted in the act of 1924 for reasons which are still valid today. Our feelings of hemispheric solidarity go back to the Monroe Doctrine. Our faith in the good neighbor policy and pan-American friendship was reaffirmed with the Alliance for Progress. The quota on immigration from the Western Hemisphere approved by the House today is shattering to this faith.

I am therefore asking President Johnson to veto the Immigration and Nationality Act. The pledges we have made to all the peoples of the Americas of friendship and brotherhood must be upheld, or like bad checks, they will come back one day to haunt us.

THE EDUCATIONAL POLICY OF UCCA

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, there are numerous dedicated groups in the country effectively representing their unique membership and maintaining a legitimate interest in subject matter within their jurisdiction. An organization which fits the description I have just given is the Ukrainian Congress Committee of America.

Its president, Dr. Lev E. Dobriansky, of Georgetown University, is a noted economist and authority on the Soviet Union.

Dr. Dobriansky produced a very timely article for the Ukrainian Quarterly's Autumn 1965 edition which I insert in the RECORD at this point as part of my remarks:

[From the Ukrainian Quarterly, Autumn, 1965]

THE EDUCATIONAL POLICY OF UCCA

(By Lev E. Dobriansky)

In the past 15 years many changes have taken place in every part of this world. The changes have been of every conceivable character—economic, technological, political, social, religious, cultural, and so forth. Any organization that has attracted international as well as domestic interest would necessarily have to take account of such changes if this rich interest is to be intensified and broadened. The policy position of the organization must be periodically interpreted in terms of the changed conditions, its programs must be prudently adapted to the new circumstances, and its publications and literary contributions must reflect a steady awareness of the currents and cross-currents abroad in the world.

Significantly, as shifting conditions have warranted it, the Ukrainian Congress Committee of America has at intervals defined and elaborated in the simplest and most precise terms possible the nature and objectives of its general policy. It has forthrightly stated and restated its position to innumerable inquirers who have raised the usual questions: "What are you for and against?", "Are you supported by foreign sources?", "Are you an emigré organization?", and "What are your purposes and aims?" Some, like the Washington Post in 1963, have mischaracterized the organization as one of the most powerful lobbies on Capitol Hill; others, like our recent Presidents, have properly viewed it as a citizens group contributing to the welfare of this Nation; while still others, like the organs of colonialist Moscow and puppet Kiev, have furnished a series of hallucinations about the organization. The answers and replies have always been, so to speak, on open record and in the books, even for those with short memories or those suffering pains of uncertainty or changed allegiance.

As far back as 1951, for example, the committee offered its concrete responses to the problems that were then pressing and outstanding.[1] Taking full cognizance of numerous developments at home and in the world, it again stated its policy clearly and distinctly 6 years later.[2] In March 1965, UCCA expressed itself once more as to the nature and structure of its policy in the light of changes over the past 8 years. As in the preceding years, this action was necessary because of the never-ending inquiries, the forgetfulness of some, the healthiness of a periodic reexamination, and the doubts of a few who have been misguided by superficial developments in the Red empire and elsewhere.

The remarkable aspect of all these policy statements is the basic continuity of what are essentially principles and guidelines to a completely educational policy of UCCA. The 1957 statement, for instance, did not waver in this fundamental respect from the previous one, despite notable changes in the world such as the death of Stalin, the Pereyaslav Treaty concessions, the abortive Hungarian revolution, the sputnik, and a host of other developments. Some individuals read too much into several of these changes and went hopelessly astray. As is often the case, changes in degree are mistaken for changes in kind, transformed appearances are misinterpreted for substantive modifications. In addition, mistakes of this sort usually reveal frail convictions, not to say tenuous knowledge.

Since 1957 to the very present who can deny the sweeping changes that have marked contemporary history? The tremendous economic strides of the United States, Western Europe, and other parts of the free world, the space explorations of this period, captive Cuba, the weakening of NATO, the Sino-Soviet Russian rift, the economic troubles of the Red Empire, Sino-Russian infiltration of Latin America, Africa, and southeast Asia, Vietnam and numerous other significant developments can be cited. Each of these has to be rationally considered when one speaks of a policy that is fixed in principle but not static in content, flexible for operation but not naive in pragmatism, founded on certitude but not sterile in action. Each of these changes and more were carefully taken account of as the 1965 educational policy of UCCA was developed and accepted by its executive bodies. As in every instance, the policy can be democratically revised at the UCCA conventions, but in view of the firm and tested continuity of this policy, the likelihood of any substantial revision is virtually nil.

TEN POLICY POINTS

The educational policy of UCCA rests on 10 fundamental points. These really constitute the principles and guidelines of UCCA action. Dealing with norms, purposes, objectives, and principles, the 10 points naturally cannot provide ready answers to all problem situations. To expect this is to demand omniscience. The vain and actually absurd pretention of omniscience can best be left with the Red totalitarians. However, in the necessary interplay of theory and practice, idea and act, these points do provide a base for a rational treatment of pertinent problems, regardless of how complex they may be. The recurring plan of complexity is no excuse for inaction or muddled performance.

I. PRIMARY CONTRIBUTION TO THE NATIONAL SECURITY OF UNITED STATES

Preceding all others, the first cardinal point of UCCA's educational policy is work and effort aimed at preserving and strengthening the national security of the United States. This has been and is the most fundamental objective of UCCA, and its accomplishment is being progressively realized through the many unique channels open to it. In one of his messages to a UCCA convention President Harry S. Truman underscored this point and stated that "The natural desire of all peoples for a free way of life will be strengthened as the true story of democracy is made known in lands where distortion has become an art of government."[3] This includes the United States as well as Ukraine and all the captive nations. It includes Russia. The statement alludes to only one of the functions of UCCA.

We cannot repeat too often the famous declaration of our late President John F. Kennedy, "Ask not what your country can do for you, but what you can do for your country." For us, this epitomized the spirit and action of UCCA long before it was uttered and appeared in print. If any group has hammered away at the truth that without a strong and courageous America, to which every citizen must contribute, the cause of freedom would be lost throughout the world, it is certainly this national organization. Freedom for Ukraine and for all the captive nations would be truly a grand illusion. Dedicated to our American traditions of democracy and independence, as expressed by the Declaration of Independence, the Bill of Rights, and the Constitution, UCCA is a completely American institution, a national organization, that draws upon a wealth of Ukrainian resourcefulness and experience to do what it can for our country and thus, in the world context, for the eventual liberation and freedom of all the captive nations, including the largest of them in Eastern Europe, Ukraine itself.

Contrary to illusions held by some, UCCA is not, nor has ever been, an ersatz Ukrainian parliament, a government-in-exile, or an agent for any government-in-exile. Where these fanciful notions have arisen, it is difficult to say. However, various reasons inspiring and promoting such notions are not difficult to surmise. Any attempt to compromise the character of this essentially educational institution—which is one of Americans of Ukrainian background infused with a free Kozak spirit—and to hamper its effectiveness would tactically utilize such distortions. The plain fact is that not an iota of evidence exists to prove that UCCA is other than what it has been from its very inception.

It would literally take dozens of volumes to record the public testimonies, releases, articles, statements, and other documents, not to include a series of books and brochures, that have been produced and issued by UCCA in the specific interrelated interests of our Nation, the entire free world, and the captive nations in Europe, Asia, and Latin America. The educational purpose and value of UCCA's functions, indeed its very being, have been amply confirmed by the countless messages of support and complimentary affirmation received over the years from virtually every sphere of our American society.

From this strictly educational viewpoint, two notable and historic contributions by UCCA deserve mention. The first is the Captive Nations Week resolution (Public Law 86–90) passed by Congress in 1959. UCCA was in the educational vanguard for the passage of this resolution, which was authored by its president and explained by its branches throughout the States. Year in and year out, with every passing Captive Nations Week, Moscow and its junior partner and their colonial puppets pour verbal venom on the resolution. There is a morbid fear on their part that the resolution will in time be fully implemented; there is nothing but boundless psychopolitical power in this widespread fear for us.

The second, solid contribution to American understanding of the Soviet Russian menace is the Shevchenko Statue of Liberty in Washington. The Shevchenko Memorial Resolution (Public Law 86–749) was also the result of the educational efforts of UCCA, its president formulating its contents and its membership propagating its meaning and significance among fellow Americans. As the roster of the honorary committee for the Shevchenko unveiling showed, the response across the country was tremendous.

Less spectacular but equally solid contributions by UCCA have been registered in the areas of immigration, the investigation of Communist aggression, the Voice of America's broadcasts to the Soviet Union, the development of Radio Liberty, the institutionalization of Captive Nations Week, and official recognition of Ukrainian Independence Day. The organization's continuous work in combating myths and falsehoods about the Soviet Union and rendering positive information and knowledge about the Red Empire are even less dramatic, but for the long run are perhaps of more fundamental worth. In addition, as an intensely active citizens' group, representing with certainty the thoughts and sentiments of over 2 million Americans of Ukrainian background, UCCA is invariably consulted on matters of new legislation, new research projects, and public events. The Freedom Academy bill, the measure for a Special House Committee on the Captive Nations, the East-West trade issue, the Consular Treaty with the U.S.S.R. are only a few examples.

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[1] "The Political Policy of the Ukrainian Congress Committee of America," the Ukrainian Quarterly, vol. VII, No. 1, pp. 52–64.

[2] "UCCA Policy Today," the Ukrainian Quarterly, vol. XIII, No. 4, pp. 297–304.

[3] Message of the President of the United States, the Ukrainian Bulletin, July 15–August 1, 1952, p. 1.

President Lyndon B. Johnson, who as Senator had participated in many Ukrainian independence observances, accurately portrayed our cause in a memorable message at the conclusion of the Shevchenko festivities. He said, "This is a cause which has not yet been fully won as long as there are still bonds of servitude which keep men from enjoying their rights and their liberties anywhere in the world."[4] "Anywhere in the world" means Ukraine and the other captive nations in the U.S.S.R.

II. THE DECISIVE DEFEAT OF SOVIET RUSSIAN IMPERIOCOLONIALISM

Concerning the most recent developments, UCCA was spontaneous in its support of President Johnson's courageous action in Vietnam. This unstinted support could almost be deduced from the points described here and the principles by which we abide and live. Our knowledge and convictions caused us to go even further, urging the President "to accommodate South Vietnamese psychopolitical warfare farther north, to North Vietnam, warning the captive people of that Communist satellite that their aggressive Communist masters will eventually meet their doom."[5] It was no different in the case of the Dominican Republic which was on the skids of a classical Communist takeover. Our endorsement of the President's action was unanimous, praising the President for his "preventive diplomacy toward the Dominican nation, truly saving it from an insidious Communist takeover sponsored jointly by the Soviet Russian imperio-colonialists, the Red Chinese totalitarians, and the Castro quislings."[6]

However, conflicts on the fringes of the Red Empire should not blind us to the fact that both historically and analytically the ultimate source of the global friction is Soviet Russia in the U.S.S.R. This and other dominant reasons justify the second paramount point in UCCA's educational policy, namely the goal of decisively defeating Soviet Russian imperio-colonialism without precipitating a world holocaust. We readily recognize the emergence of Red Chinese imperialism and the rivalries involved in the Sino-Soviet Russian rift. Yet, a wishful exaggeration of either or both cannot overshadow the blunt facts of predominant Soviet Russian power in the Red Empire. Sober analysis of comparative economic, military, and technological data can only lead to the logical conclusion that the whole Red Empire, including Mao's China, Tito's Yugoslavia and Castro's Cuba, in the final countdown depends on the strength and power of the U.S.S.R. On the basis of hard facts rather than fleeting political rhetoric about polycentrism and the demise of bipolarity, the U.S.S.R. stands in the same power relation to the rest of the Red Empire that the USA does in relation to the rest of the free world. If for some reason either should collapse, the rest would go, too.

In line with these perspectives, many current notions bearing on developments in the Red Empire are critically challenged by UCCA. As one example, the notion of "a growing independence of East European nations" is a product of wishful thinking rather than a reflection of basic reality. At the beginning of this decade Moscow itself indicated the need for more flexible relations between Red states in order to enhance the strength of all. It was accommodated in this by the insert policy of the West toward the captive nations. In the area of Russian/non-Russian relations within the Soviet Union the evidence on flexible maneuvers to suit Moscow's purposes is overwhelming in its provision of precedents to what is occurring now in Central Europe.

UCCA has developed and advanced the valuable concept of the captive non-Russian nations in the Soviet Union. In the past 15 years the concept has gained wide currency in official and private circles. It is anathema to Moscow because it emphasizes the primary enemy of Soviet Russian imperio-colonialism and sterilizes persistent Russian propaganda charges of American imperialism, particularly among the underdeveloped states. The concept is an integral part of the broader captive nations conception which, too, is powerfully challenging to so-called Communist ideology.

In advancing these truths, UCCA does not minimize the deceptive power of Communist theory and ideology. On the contrary, it has always urged the necessity for a full exposure of the Russian and Chinese perversion of Marxism and the need to distinguish between the red clothes of Marxism-Leninism and the matadors of Sino-Soviet Russian imperio-colonialism that are behind them. We have marched a long way in impressing these distinctions and truths on the minds of other freemen. And since much remains to be done, all like-minded friends of freedom should always remember the words of President Dwight D. Eisenhower, "my hope is that your magnificent march from the shadow of the Washington Monument to the foot of the statue of Taras Shevchenko will here enkindle a new world movement in the hearts, minds, words, and actions of men."[7]

III. DEVELOPMENT AND MAINTENANCE OF FREE WORLDWIDE CONTACTS

Constructive contributions to the free world's struggle for expanded freedom and against Sino-Soviet Russian imperio-colonialism can never be realized by sole possession of ideas, knowledge, talents, experience, and views. The steady and ever-widening circulation of such resources is imperative. This is almost stating the obvious. Yet to bring all this armament into operational play requires the formation of relations and contacts, time, and extensive travel.

UCCA has always emphasized the importance of developing and maintaining farflung free worldwide contacts. For maximum implementation of its educational programs and objectives this organization has developed lines of communication with groups and individuals on every continent. With its American orientation and Ukrainian background resources, it has contacts with scholarly, cultural, political, religious and other groups, both Ukrainian and non-Ukrainian, throughout the world. These necessary relations imply no integral connections, no subsidies given or received, no preferential treatment or subordination of institutional will. They are simply indispensable channels for rich exchanges of ideas, informational flows, and the development of mutual projects.

On the plane of religious relations the question of a Ukrainian Catholic patriarchate has been widely discussed. This really has posed no problem for UCCA. If you have read carefully the essential elaboration of point one, it should be evident that in its dedication to the historic principles of the American tradition, UCCA by definition is given to complete religious freedom, here, in Ukraine or elsewhere. This patriarchate would be both an expression of religious freedom and a vital national symbol of Ukraine. Its concrete establishment rests entirely with the decision of the papacy, which is in the best position to determine when, how, where, and who. Entanglements of any intra-religious sort are clearly beyond the purview of UCCA.

IV. ACTION COORDINATION WITH OTHER NATIONAL U.S. ORGANIZATIONS

In one of his messages to UCCA our late President Kennedy made a very significant point. He declared, "It would be surprising and also contrary to American traditions if our citizens of Ukranian descent failed to retain interest in their former homeland or to show concern for the fate and future of Ukranians there."[8] What the 35th President of the United States was stressing is the ever-present need of American understanding of other peoples and nations. With regard to Ukraine, who could better transmit such understanding than those who were born and lived there, as well as those who were born here but raised in such understanding?

To easily convey an accurate knowledge and appreciative understanding of Ukraine, as well as of other neighboring nations in Eastern Europe, a close action coordination with other national American organizations is a sine qua non. UCCA has long recognized this fact, so that today it itself is a member of several organizations, such as the All-American Conference To Combat Communism or the National Captive Nations Committee, and has coordinated its educational policy with the work of many groups dealing with a variety of subjects. Soviet Russian and Red Chinese genocide, cold war education, U.S. foreign policy, the captive non-Russian nations in the U.S.S.R., and many other subjects have brought UCCA into a common bond with numerous groups and organizations.

Captive Nations Week, held annually in July, has provided an excellent medium for coordinated effort among our citizen groups. Veteran, youth, women's and other organizations now participate in the week's observance and the base of coordination steadily expands. UCCA performs its educational task for the benefit of others, who in this productive exchange does the same for us.

V. AVOIDANCE OF MYOPIC INVOLVEMENTS IN TERRITORIAL PROBLEMS

Another important principle in UCCA's policy is the scrupulous avoidance of myopic involvements in territorial problems, whether in Europe or Asia. This is not to say that an occasional discussion of such problems should not be undertaken. It would be unrealistic not to do so. But to become so involved as to delineate boundary lines for the future, as between Ukraine and Russia, Poland, and Lithuania etc., is a fruitless expenditure of time and energy. It is also a potential source of needless friction.

The first and foremost objective is to lay the educational groundwork for the freedom of all the captive nations. This goal of freedom is primary; the matter of boundaries is secondary and even of no consequence at this time. Paradoxically, a general recognition of this basic fact makes it possible to discuss territorial and boundary issues in a calmer and more friendly atmosphere. And, as in the case of the Oder-Neisee line, it can in time contribute to an acceptable solution without hindering the freedom efforts of both the Poles and Germans.

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[4] The President's Shevchenko message, the Ukrainian Bulletin, July 1–15, 1965, p. 63.

[5] "UCCA Endorses President Johnson's Policies in Vietnam," the Ukrainian Bulletin, Apr. 1–15, 1965, p. 29.

[6] "UCCA Fully Supports President Johnson's Preventive Action in Santo Domingo," the Ukrainian Bulletin, issued June 1–15, 1965, p. 49.

[7] Shevchenko address by Gen. Dwight D. Eisenhower, the Ukrainian Bulletin, June–August 1964, p. 43.

[8] Presidental message, the Ukranian Bulletin, November–December 1962, p. 82.

VI. THE ADVANCEMENT OF COLD WAR EDUCATION

Almost 20 years ago an outstanding American writer and political analyst observed that "No people in Europe have a better fighting anti-Communist record than the Ukrainian."[9] The observation pointed to a wealth of experience in various types of warfare against the Soviet Russians—political, propaganda, and guerrilla. Anyone in the least familiar with the history of Ukraine from the Soviet Russian conquest in 1920 to the present can cite at will episodes and events substantiating this overall judgment. This fund of experience, learned directly and vicariously, lies at the base of UCCA's advocacy and advancement of cold war education in America.

The Red totalitarians have trained their professional revolutionaries for decades. Their schools have developed the operational science of political warfare, encompassing a whole range of subjects and techniques for conquest and takeover. There is nothing comparable to this in the free world. As a consequence, UCCA has long supported the establishment of a U.S. Freedom Academy and the idea of a supplementing private academy to train leaders in the theory and operations of psychopolitical warfare. Cuba, Vietnam, and the Dominican Republic are recent examples of Red political warfare; there will be more to come. This special type of warfare is the Red empire's chief hope for further expansion, barring any startling breakthrough in military-space ventures.

It has been for these reasons and more that UCCA has persistently opposed the policy of simple containment, which today is really a quilt of patched up containment. Only an intelligently understood policy of liberation, based on the operational science and art of psychopolitical warfare, can fend off further Red aggression in the free world, offer the best insurance against a hot global war, and pave the way for cold war victory.

As any Christian-motivated organization must do, UCCA has always upheld the principle of genuine, peaceful coexistence between and among nations. The Russian perversion of this principle, which it uses as a shield for its cold war activities, should be clearly understood. Moreover, the notion of evolution as applied to the U.S.S.R. and other Red states, whereby they will be transformed into peaceable and respectable entities, is belied by facts on their economic priorities, Communist Party controls, and global cold war operations. If evolution is to play a role, it would have to be selective under a liberation policy and not random as under present conditions.

Finally, the educational policy of UCCA has consistently supported the principle of unrestricted cultural exchange. This is a natural corollary of peaceful coexistence which would be reinforced by a healthy interpenetration of ideas and customs. The present brand of highly restricted cultural exchange is an instrument of cold war calculation for Moscow, resulting in numerous net advantages for our adversary.

Subtle Red attempts to neutralize and weaken anti-Communist organizations here should be firmly resisted. Red gestures to participate in the Shevchenko statue unveiling, to display the Ukrainian front to Moscow, the United Nations, and in the U.S.S.R. embassy in Washington, and to promote cultural meetings with Americans of Ukrainian ancestry are only a few examples that have been properly thwarted by UCCA. One would have to be naive, indeed, to believe that dispatched Ukrainian agents of the Red Empire are motivated by purely cultural reasons. UCCA policy discourages the provision of any forums for these agents and any contacts with them by its leadership and membership. Nothing can be gained from them, much can be lost as the inevitable distortions of such meetings are circulated in Ukraine. UCCA policy is oriented toward the captive people of Ukraine, and they in greatest percentage are not permitted to travel.

VII. REJECTION OF COMMON GUILT OF UNVESTED RUSSIAN PEOPLE

Another cardinal principle of UCCA's educational policy is the outright rejection of any common guilt on the part of the unvested and oppressed Russian people for the crimes and aggressions of the government in Moscow. To be strongly and rightly opposed to Soviet Russian imperio-colonialism does not mean to be against the Russian people. Any attempt to confuse the two is sufficient cause for suspicion. The vast majority of the Russian people cannot be confused with the exploiting new class and the 12 million Communist Party members, their families and relatives who have a stake in Soviet Russian totalitarian rule and imperial dominion.

The unvested Russian people are a captive people, though not in the full sense of captivity as the non-Russian peoples. Russia was not overrun and conquered by any foreign aggressor. By and large the Russian nation has been captive for over five centuries in the closed society of barbaric Russian political institutions. The real independence of Russia means the final liberation of its people from this institutional bondage and its nexus, Soviet Russian imperio-colonialism. One of the greatest contributions to the independence of Russia and the liberation of its people would be the defeat of this imperio-colonialism. This is why it is so important to concentrate on this central force.

VIII. THE NECESSARY DISMEMBERMENT OF THE SOVIET RUSSIAN EMPIRE

Logically consistent with the preceding point is this one establishing the goal of the necessary dismemberment of the Soviet Russian Empire. Another way of putting it is the goal of freedom and independence for all the captive nations, particularly those in the Soviet Union. The twin forces of Russian imperiocolonialism and totalitarianism are the main props of the empire. A weakening of the former would undermine the latter, and pave the way for the independence of both the non-Russian nations and Russia. This is the meaning of a necessary dismemberment of the empire.

No reputable source has ever advocated the dismemberment of Russia, the nation itself. To bring about the dismemberment of the entire empire or its primary structure, the Soviet Union, does not mean the cutting up of Russia. For the last is not identical with either of the preceding two. Here, too, any attempt to identify the dismemberment of the U.S.S.R. with that of Russia is the result of either an empire bias or an incapacity to distinguish realities. When we note a so-called expert on Russia writing about the Russian Empire as a "traditional Russian state" and claiming that the "breakup" of this empire would mean "the dismemberment of Russia," we have good cause to wonder about the sources of his authority.[10]

There are many others on the American scene who are similarly confused. This unfortunate condition emphasizes again the importance of UCCA's educational policy in these times. No one profits from this protracted confusion but the totalitarian Red adversaries of America. From a window in the Kremlin this confused state of mind is political capital for Russian cold war gaming.

IX. INTENSIFYING THE PERENNIAL FORCE OF NATIONAL SELF-DETERMINATION

Since its inception UCCA has produced a variety of works dealing with the principle of national self-determination. This historic principle is a precious one in the revolutionary American tradition. Untiringly, UCCA has shown how the Russian Bolsheviks under Lenin had perverted and exploited it in creating the new Soviet Russian Empire and how the present imperio-colonialists in Moscow are manipulating it in the underdeveloped and formerly colonial areas. The importance of fully exposing Soviet Russian and Red Chinese imperiocolonialism in the United Nations and throughout the world cannot be too strongly emphasized.

These and other reasons account for UCCA's educational goal of intensifying the perennial force of national self-determination in its genuine and true sense. This force is truly a nuclear spiritual device that has not been properly employed by us in the United Nations, over the Voice of America, and through numerous other media. Moreover, the delicate use of the principle still eludes the understanding of many. For example, historically the non-Russian nations in the U.S.S.R. and other parts of Moscow's empire have already determined themselves. Thus, in present circumstances, the application of this basic principle can only mean a revived opportunity to exercise fully and freely, without foreign domination or restraint, the already determined wills of these various captive nations.

X. GRADUAL FEDERATION OF EUROPE AND OF ASIA

Lastly, the final point of UCCA's educational policy is the gradual federation of Europe and of Asia. With a working vision of the future, it has consistently held that this historic process cannot logically begin in Eastern Europe without the moral and political base of genuine national independence and freedom. Both in Western and Eastern Europe the necessities of economic and technologic integration have been at work for some time, but the real fruition of the federalizing process depends on politico-moral criteria, and very likely would pass through stages of confederation.

Independence—confederation—federation would be the necessary process in Eastern Europe, Asia, and even now noncaptive Africa. The formula satisfies the driving necessities of history and could create a framework preserving the national identities, treasures, and diversities of each people. It certifies to a future of freedom, growth, and prosperity as against the mythical Red wave of the future featured by tyranny, imperio-colonialist exploitation, and cultural darkness.

CONCLUSION

Fifteen years ago this national organization dedicated its resources to a lifetime project—"Our Crusade of Truth for Freedom."[11] It has been and is a crusade in an educational sense. Time is short, and it takes time to learn the truth. As one scans the range of UCCA's fundamental educational activities over these years, he cannot but conclude that this dedicated effort of all involved has succeeded well and also has an even brighter future than ever before: publications, work with congressional committees, international representations, endless consultations, public observances, testimonies, promotion of citizens' participation in election campaigns, use of communications media, and humanitarian and cultural projects.

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[9] William Henry Chamberlin, "Ukraine: Ally Behind the Iron Curtain, the Ukrainian Quarterly, vol. IV, No. 1, 1948, pp. 10–18.

[10] George F. Kennan, "On Dealing With the Communist World" (New York, 1964), pp. 13–14.

[11] The Ukrainian Bulletin, vol. III, No. 20, Oct. 15, 1950, pp. 1, 4.

The 10 points of UCCA's educational policy are the foundation of this crusade of truth for freedom. The crusade is not one of fanatical emotion but of calm convictions; it is not one of imposed views but the opportunity for reasoned deliberation; it is, in essence, an organized effort in education for freedom.

Mr. Speaker, my purpose in devoting the majority of my time this afternoon to the reading of Dr. Dobriansky's article is my belief that it warrants very careful scrutiny by all those interested in the virtues of the policies of the Ukrainian Congress Committee of America.

At a time when Communist propaganda and Communist infiltrators are using every device to penetrate our news media and brainwash the American public, a clearcut, logical and wholesome program such as the policies advocated by the Ukrainian Congress Committee of America are an affirmative free world answer to the Communist propaganda smokescreen.

Mr. Speaker, the problems that face us around the world must be logically and precisely analyzed, and this report from the Ukrainian Quarterly to which I have referred serves that purpose.

HOW ABOUT THE NON-NEGRO POOR?—AN UNTOLD STORY

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. Berry] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BERRY. Mr. Speaker, if ever anyone is interested in determining how effective the war on poverty will be they should first read the article in the October 4, 1965, issue of U.S. News & World Report, entitled "How About the Non-Negro Poor?—An Untold Story" and then read their report on the history of a once proud race—the Indian people of America.

The article points out, as I have tried to point out time after time in this body, that the Federal Government is spending untold millions of dollars, supposedly in an effort to assist the Indian people in their fight to adopt the non-Indian's civilization, but that conditions today on most Indian reservations are worse than they were 25 or 30 years ago.

U.S. News & World Report also shows:

In the last 15 years, more than $2 billion has been spent by the Government to help Indians. This exceeds the total spent for that purpose in the preceding 150 years. Yet, by and large, Indians remain desperately poor. Along with the problems of poverty, they sometimes find themselves discriminated against by whites in some parts of the West. But no demonstrations are organized for Indian rights.

It is now 15 years since I came to Congress and during that time I have fought a running battle for the benefit of the Indian people—not a battle to raid the Federal Treasury—not a battle begging for cash—but a battle to give the Indian people a chance—a chance to learn, to work, to learn to save, and to learn to get ahead. But every effort I have made has been blocked by bureaucratic redtape and a philosophy of many in the Department that the Indian people should be retained as a museum piece.

There is only one way to solve the problem of poverty among the Indians and that is jobs. There is only one way to bring jobs onto the reservation and that is through some kind of an incentive and the only incentive that will move industry is a tax incentive. But those in high places in the Department of Interior oppose an incentive program. They want to solve the Indian problem through the poverty program. They want to build roads, public buildings, and the like, on these reservations, where the Federal Government can control the funds, can control who works, and pretty much have control over how the Indian spends the money he earns.

At the present rate, 100 years from now the Indians will be a hundred times worse off than they are today, even after the Federal Government has wasted more billions in making them destitute, rather than making them citizens.

I have asked consent to insert a portion of the U.S. News & World Report article in the Record, which is as follows:

Without question, the American Indians are the most poverty-stricken ethnic group found in the United States.

Surviving now are about 550,000 Indians. Of these, an estimated 380,000 live on or near reservations, with a median family income of $1,500—less than half the median family income for Negroes, and about one-fourth the median figure for all U.S. families.

Unemployment on most reservations runs 40 to 50 percent. Indians lack the education and skills needed to compete for jobs. There are exceptions—such as the Indians of the Mohawk tribe, who earn high pay as structural-steel workers. But the exceptions are few.

Nine out of ten dwellings in which Indian families live on or adjacent to reservations—where summers usually are blistering hot, winters bleak and cold—are far below minimum standards for urban housing. They are hovels, shantylike hogans, tar-paper shacks.

Compared to non-Indian babies, the Indian child born on a reservation has only one-half the chance of reaching his first birthday. Life expectancy for reservation-dwelling Indians is two-thirds of the U.S. average.

Indians are not wards of the Government. They are American citizens, free to work and live where they please. But efforts by the Government to integrate Indians by encouraging them to move to cities have not been very successful.

Of the estimated 170,000 who have left the reservations to take jobs in cities and towns, not many have prospered. Most live in slums. About one-third of the Indians who have been persuaded to relocate in cities wind up back on a reservation.

BANKING COMMITTEE REVOLTS ON BANK MERGER BILL

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Brock] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BROCK. Mr. Speaker, yesterday a majority of the House Banking and Currency Committee signed a petition demanding that the chairman of the committee call a meeting to consider the bank merger bill. Those of us who signed the petition feel that immediate consideration should be given to this legislation and that it should not be allowed to drag on and on and on.

Mr. Arlen J. Large wrote a most informative article in the Wall Street Journal of September 30 pointing out the salient facts in the history of the bank merger bill. Believing his comments would be of particular interest to my colleagues in the House, under unanimous consent I insert the article, "Bank Merger Legislation May Be Speeded by House Unit Revolt, Katzenbach Retreat" in the Congressional Record:

[From the Wall Street Journal,
Sept. 30, 1965]

Bank-Merger Legislation May Be Speeded by House Unit Revolt, Katzenbach Retreat

(By Arlen J. Large)

Washington.—A House Banking Committee revolt against its chairman and an apparent retreat by Attorney General Katzenbach may finally break the bitter congressional deadlock over bank-merger legislation.

Yesterday, 19 members of the 33-member Banking Committee filed a formal petition demanding that Chairman Patman, Democrat, of Texas, call a meeting to consider at least 4 different versions of a bank-merger bill. With Congress likely to adjourn next month, Mr. Patman has been accused of stalling action by refusing to end hearings on a Senate-passed version. Under a rarely invoked House rule, the committee majority's action will compel Mr. Patman to call a meeting within 10 days.

When the panel convenes, it will consider a surprise new Johnson administration proposal for compromising a dispute over the guidelines by which a proposed bank merger is approved or rejected. After quarreling among themselves for weeks, key administration officials have agreed to endorse a provision strongly desired by the banking industry and fiercely opposed by Mr. Patman. The administration position was disclosed in a secret letter to Representative Patman by Mr. Katzenbach, who had previously testified vigorously against the Senate bill.

The provision endorsed by Mr. Katzenbach: If a bank merger is challenged in court under the antitrust laws, judges must consider not only the merger's effect on competition but its possible offsetting desirability on other grounds. These include benefits to the community, the financial condition of the merging banks, vigor of their managements, and other factors.

The administration's agreement to accept this point is important. Under a 1960 law, Congress instructed Federal bank regulatory agencies to consider six of these other factors in addition to competition in judging a bank merger. In 1963, however, the Justice Department accused two merging Philadelphia banks of violating the antitrust laws even though the merger had been approved by a bank regulatory agency under the 1960 guidelines. The Supreme Court agreed that the merger violated the antitrust laws and the Justices ruled it illegal.

ENDORSED BY OFFICIALS

This conflict between the 1960 bank merger law and the antitrust laws gave rise to the current congressional fight. Senator ROBERTSON, Democrat, of Virginia, and Senator PROXMIRE, Democrat, of Wisconsin, pushed through the Senate earlier this year a bill giving the Justice Department only 30 days to challenge a merger in the courts on antitrust grounds after the merger had been approved by the Comptroller of the Currency, Federal Reserve Board or Federal Deposit Insurance Corporation. A merger challenged by the Justice Department during this 30-day period would be suspended until the Court decided whether the consolidation violated terms of the Sherman or Clayton Antitrust Acts. If the Justice Department failed to move within the 30-day period, the merger would be considered final. In addition, the Robertson-Proxmire bill would cancel antitrust proceedings against six mergers already challenged by the Justice Department; courts have already ruled two of these violated the antitrust laws.

At Chairman PATMAN's marathon hearings before his 12-man House Banking Subcommittee, the Senate bill was endorsed by Federal Reserve Chairman William McChesney Martin and Federal Deposit Insurance Corporation Chairman K. A. Randall. Currency Comptroller James Saxon also said he favored the Senate bill, but he suggested the real solution would be to give the regulatory agencies and the courts the same guidelines in ruling on proposed mergers.

Attorney General Katzenbach, on August 18, was a star witness for Mr. PATMAN. He denounced the Senate bill in blistering terms and defended the Justice Department's right to challenge a bank merger on antitrust grounds alone.

This disagreement among administration officials has been resolved in part, with the decision obviously going in favor of Mr. Saxon and against Mr. Katzenbach. In last Friday's letter to Representative PATMAN, Mr. Katzenbach said the enforcement of uniform merger guidelines for the agencies and courts is supported by Treasury Secretary Fowler, Comptroller Saxon, and Federal Deposit Insurance Corporation Chairman Randall.

In his letter, Mr. Katzenbach sought to minimize the conflict that the banking industry thinks exists between the 1960 merger law and the antitrust laws.

DIFFERENCES OVERSTATED

"While there are those in the banking industry and, indeed, in government who differ with me," Mr. Katzenbach wrote, "I strongly believe that objective analysis will disclose that in actual practice the differences in the standards applied by the banking agencies and by the courts, if any, have been overstated." Nevertheless, the Attorney General added, he agrees "the appearance of conflicting standards is undesirable, particularly where it is seized upon by the industry and sincerely felt to be a substantial problem."

Mr. Katzenbach concluded: "In summary, I am not opposed to legislation which would clarify the application of antitrust law to banks and am sympathetic to provisions which would remove some of the fears presently held by the banking industry with respect to retroactive application of section 1 of the Sherman Act or section 7 of the Clayton Act.

"Nor would the (Justice) Department be opposed to explicitly providing that the factors taken into account by the banking agencies under the Bank Merger Act of 1960 would also be taken into account by the courts. * * * We believe all such factors should be taken into account in determining whether the merger is desired to be in the public interest. We believe it important to keep in mind that both regulation and competition have a role to play in seeing to it that banking institutions serve the high and especial public interest for which they are designed."

ALTERNATIVE BILL

Mr. Katzenbach said this view is in line with an alternative bill sponsored by Representative ASHLEY, Democrat, of Ohio. Nineteen members—a majority—of the full House Banking Committee support the Ashley proposal, which would allow the Justice Department to challenge in court an agency-approved merger but would require the judges to consider the same factors outlined by the 1960 law.

Mr. Katzenbach suggested a revision of one part of the Ashley bill that some bankers fear would cause delay in the processing of merger applications. The Attorney General said he sees no reason for extensive agency hearings to lay legal groundwork for later court review of the agency's merger decision; he said he favors letting a regulatory agency follow existing practice in deciding whether to approve a merger. If the Justice Department wants to challenge this finding, it should start a new action in the courts, he said.

Mr. Katzenbach's letter seems to undercut another alternative plan being drafted by Representative WELTNER, Democrat, of Georgia, with the support of Chairman PATMAN and most of the other Democrats on the 12-member subcommittee handling the Senate bill. The Weltner proposal would take the opposite tack by requiring bank regulatory agencies to give primary importance to the competitive consequences of the proposed mergers; if the agency decided the merger would restrict competition, the merger couldn't be approved even if the six other factors seemed desirable. A merger that passed this test could still be challenged in the courts by the Justice Department on antitrust grounds within 60 days after agency approval of the merger.

Although Mr. Katzenbach said administration officials agree on the question of merger guidelines, he wrote Mr. PATMAN that there's still an argument over treatment of the six bank mergers that would be excused from antitrust prosecution by the Senate bill. Mr. Katzenbach said he still has "very strong objections" to forgiveness of the two mergers already held illegal by the courts.

"With respect to cases awaiting trial, * * * I feel they should be subjected by the courts to the same standards by which future mergers would be governed, if any new legislation should be enacted," the Attorney General said. This presumably means the Justice Department wants no reprieve for Manufacturers Trust Co. and Hanover Bank, both of New York, which merged in 1961 and were later found in a Federal district court to have violated the antitrust laws, or for First National Bank & Trust Co. and Security Trust Co., both of Lexington, Ky., whose 1961 merger was ruled illegal last year by the Supreme Court.

On the other hand, the Attorney General apparently wants the courts in the four pending cases to follow the proposed new guidelines contained in any bill that emerges from Congress. This would cover pending Justice Department actions against Continental-Illinois National Bank & Trust Co. and City National Bank & Trust Co., both of Chicago; the Crocker Anglo National Bank of San Francisco and the Citizens National Bank of Los Angeles; the Third National Bank and Nashville Bank & Trust Co., both of Nashville, and Mercantile Trust Co. National Association and Security Trust Co., both of St. Louis.

DIFFERENT APPROACH

This plan differs from a rough consensus already reached among many Banking Committee Democrats to use the Supreme Court's June 17, 1963, decision in the Philadelphia merger as the benchmark for excusing banks currently in antitrust trouble. The rival plans sponsored by Representatives ASHLEY and WELTNER would both excuse the three mergers consummated before the Supreme Court decision, on the ground the banks didn't realize the antitrust laws might be applied to them. This would excuse the New York, Chicago and Lexington mergers, while leaving in the courts the California, Nashville, and St. Louis consolidations.

Even if the full Banking Committee can agree on a bill, there's no assurance that final legislation can be enacted before adjournment. The committee's product will probably differ from the Senate bill, requiring negotiations between the House and Senate banking lawmakers on a final version. If Congress adjourns by mid-October or so, time possibly would have run out and work on the bill would be resumed next January.

Banking Committee members who want some form of legislation enacted have been muttering for weeks about Chairman PATMAN's stalling tactics, but they were reluctant to take the unusual step of compelling him officially to call a meeting on the bill. The Katzenbach letter apparently was a factor in their decision to go ahead with the challenge. Yesterday afternoon, as the House debated another bill, Representatives WIDNALL, Republican, of New Jersey, and ASHLEY, patrolled the crowded floor in search of Banking Committee members willing to sign the petition. Their search turned up all of the committee's 11 Republicans and 8 of the 22 Democrats.

UNCLE SAM, THE GARBAGEMAN

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. QUILLEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUILLEN. Mr. Speaker, the proposals put before us during this session cover every conceivable phase of life in our country. An editorial which appeared in the Knoxville News-Sentinel, Knoxville, Tenn., on Tuesday, September 28, 1965, singles out for comment the proposed legislation which would provide funds to explore the solutions to the Nation's garbage problems. I thought my colleagues would be interested in reading about "Uncle Sam, the Garbageman":

UNCLE SAM, THE GARBAGEMAN

Not too many years ago a proposal that the august U.S. Congress interest itself in garbage disposal would have been met with the snappish reply that this was a matter for city hall.

Now, however, the House has passed a bill authorizing the expenditure of $92,500,000 to find out how to get rid of the mountains of refuse Americans discard daily. A similar bill already has been passed by the Senate.

Garbage disposal still is the primary responsibility of city hall. But Americans now are spending $3 billion a year to pick up and bury, burn, or dump the half billion pounds of rubbish, trash, car bodies, old refrigerators, and furniture and manufacturing waste they discard every day of the year.

Population growth, more crowded cities and the planned obsolescence built into many items made for an affluent society are among reasons the problem is growing. The House bill would finance demonstration projects, including the latest in garbage-disposal plants and new techniques for reducing solid wastes to manageable size.

It's not without irony that Uncle Sam should have to spend so much time and money just trying to figure out how to throw things away.

But the expenditure does seem preferable to being noted by future historians as the first nation to fall under the weight of its own garbage.

BALANCE OF PAYMENTS AND THE INTERNATIONAL MONETARY SYSTEM

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. HARVEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HARVEY of Michigan. Mr. Speaker, the annual meetings of the International Monetary Fund, the International Bank for Reconstruction and Development, the International Finance Corporation and the International Development Association, which were held this year at the Sheraton-Park Hotel here in Washington will conclude tomorrow. I regard the opportunity to participate with the American delegation as one of the congressional observers as a distinct privilege. One of the problems faced by any Member of Congress who attends meetings such as these, however, is to explain in language that the ordinary layman can understand the problems our Nation faces both with regard to our balance of payments and in strengthening the international monetary system.

On September 21, 1965, the Honorable Joseph W. Barr, Under Secretary of the Treasury, gave an address to the National Association of Manufacturers at the Homestead in Hot Springs, Va. In my judgment, Mr. Barr's remarks represent a very thoughtful analysis of the problems we face and a statement of the fundamentals in language that all can understand. I include these remarks so that all Members may have the opportunity of studying them:

REMARKS BY THE HONORABLE JOSEPH W. BARR, UNDER SECRETARY OF THE TREASURY, BEFORE THE NATIONAL ASSOCIATION OF MANUFACTURERS, AT THE HOMESTEAD, HOT SPRINGS, VA., TUESDAY, SEPTEMBER 21, 1965

Time was when international finance was a subject confined for the most part to the officials of the larger banks, central banks, and the Treasury. Not many people outside this small group understood or cared much about it. Not so today. It is one of the hottest topics going. It seems as though every publication has something to say at one time or another about our balance of payments, gold losses, and international liquidity.

This is a mixed blessing to us in the Treasury. On the one hand, a widespread interest among the public in this important national problem is an encouraging sign of an alert citizenry and ultimately it will be those outside the Government who will be responsible for the solution to our balance-of-payments problem.

On the other hand, the Treasury Department, having the primary responsibility for this area, is the focusing point for this intense public spotlight and we are frequently taken to task and called upon to account for our actions or inactions—as the case may be.

This is fair enough—6 years in American politics has convinced me that criticism and debate can be especially helpful in formulating our national financial policies. But I am concerned that this debate sometimes gets off the rails because the subject matter is novel and complex.

I would suppose that nearly every man and woman in this room has had some academic background in economics. I would suppose that most of us can carry on a good reasonable argument on monetary policy and on fiscal policy. But I wonder how many are fully grounded in the concepts of the international financial mechanism that has largely developed since World War II?

I would venture that most of us could discourse reasonably on the old gold standard that we were taught in college. But how many understand the workings of the International Monetary Fund, the concepts of liquidity and the role of the dollar in international finance. I would suggest to you that these subjects are not academic curiosities. They are on the contrary issues that have an intensely practical application to your businesses and to the role this nation will play in the world.

Therefore, my address today can be considered more as a paper on fundamentals rather than a statement of policy. Specifically, I will discuss the role of the dollar in the world today, the problem of our balance of payments, its relationship to world liquidity, the administration's approach to these matters and where we stand today.

As this address is designed more for information than for policy, I shall be delighted to answer any questions that may occur to you at the conclusion of my formal remarks.

THE ROLE OF THE DOLLAR

When we discuss the American dollar, I think it is important to bear in mind that the dollar serves three roles: as a national currency, as a key (sometimes referred to as a vehicle) currency and as a reserve currency.

THE DOLLAR AS A NATIONAL CURRENCY

The first role, as a national currency, is I think obvious to everyone. The dollar in this historic role is our domestic medium of exchange, designed to meet the needs of our domestic financial transactions. Also, I think most people understand that our domestic money supply must grow over the years as our economy grows. There is some limit on how many times a year you can use a dollar for different transactions, and as the economy grows and transactions increase there is an obvious need for more dollars to keep things moving.

There is not such a clear understanding, however, of the second and third roles, and discussions of our balance of payments and world liquidity sometimes confuse the two.

THE DOLLAR AS A VEHICLE CURRENCY

When we speak of the dollar as a vehicle currency, we refer to its use in financing international trade and payments. The dollar in this capacity is held by private banks, businesses and individuals throughout the world as a medium of exchange for their international transactions; they use it just as they use their own currencies for their domestic transactions.

Dollars held for this purpose—what we call private foreign dollar holdings—amount to over $11 billion.

How did it come about that the dollar should serve this role more than any other currency? Robert Roosa puts it succinctly in his new book:

"Because of the importance of the United States in world trade was itself very large, as seen from most other countries.

"Because there were ample and versatile credit facilities available from which supplemental supplies of dollars could be obtained at short term.

"Because accumulations held for transactions purposes could be readily invested in liquid form at reasonable rates of return.

"Because foreign transactions form so small a part of the vast U.S. markets that foreign holders have little reason to fear that their operations would become conspicuous or subject to interference.

"Because the dollar had an established tradition—honored through various periods of stress—of maintaining open markets free of the dictation and the intrusions characteristic of exchange control.

"And lastly a purely technical reason. There are 102 members of the IMF. If financial transactions were denominated in the currencies of every nation, a little simple arithmetic will show that you would raise the 102 currencies to the second power or a figure of 10,404 to arrive at the different methods in which a transaction could be accounted for. To avoid this chaotic situation, when a businessman in country A sells to a customer in country B the transaction usually will work like this: The customer in country B buys dollars; with the dollars he buys the national currency of country A and uses these funds to pay the seller."

This is why we sometimes refer to the role of the dollar as a vehicle currency. It is a crucial role and it acquired this role for the reasons I have listed above. Like its role as a domestic or national currency, the need for dollars as a vehicle currency increases as world trade and financial transactions increase.

To summarize, the dollar is available, it is safe, and it is enormously convenient to have one or (or if one includes the British pound and French franc) two or three currencies that many countries can use, in an infinite variety of bilateral trade transactions, as a kind of denominator.

THE DOLLAR AS A RESERVE CURRENCY

The dollar's third role—that of a reserve currency—has developed for many of the same reasons that have made it a vehicle currency.

By a reserve currency we mean that dollars are held by governments and central banks as a highly liquid and dependable asset that they can use along with gold to carry them over times of temporary imbalance—precisely the way you, as businessmen, keep reserves for contingencies. But there is an important distinction between the role of the dollar as a vehicle currency and its role as a reserve currency. I have mentioned that probably the principal factor in the dollar's role as a vehicle currency is convenience. I believe that the principal factor in the dollar's role as a reserve currency is confidence—confidence in the ability to use it quickly and at an assured price. These are approximately the criteria most businessmen use in acquiring and holding assets as contingent reserves.

Those who hold the dollar as a reserve currency, central banks and treasuries, do so in the knowledge that these dollars are freely convertible into gold at the fixed price of $35 an ounce. The fact that we have not varied from this policy and this fixed price for over 30 years plus the fact that we are the only country which stands ready to exchange gold for holdings of its currency has made the dollar second only to gold as an international reserve asset.

Foreign monetary authorities hold about $14 billion in their reserves. These dollars are used to finance their balance-of-payments deficits and surpluses and as a cushion for the future.

While these two international roles of the dollars are interdependent—dollars flow back and forth between official and private hands—changes in the world's holdings of its vehicle currency dollars can have quite different implications than changes in the world's holdings of its reserve currency dollars.

To illustrate, the amount of dollars (or any other vehicle currency) held by banks and businesses for trade and finance will probably grow as world trade grows and develops. The dollars held for reserves can vary with the judgment of central banks and governments on (a) what amount of reserves they need and (b) their judgment as to the potential value and usefulness of the dollar.

One final note on our dollar liabilities. While the large amounts of dollars which foreigners now hold represent liquid liabilities and potential claims on our gold reserves, the fact that the world is willing to hold such large amounts of dollars is testimony to their confidence in the dollar.

The program to which I refer next is designed to make sure that the integrity of—and international confidence in—the dollar are maintained.

THE TWIN PROBLEMS OF BALANCE OF PAYMENTS AND WORLD LIQUIDITY

Most of the current discussions of international finance concerns twin problems: our balance-of-payments deficit and world liquidity.

I do not mean to insult your knowledge, but let's make certain of our definitions. First of all let's define the balance of payments. It is not as easy as it might seem because it is an accounting of our private and Government transactions with the rest of the world. In dangerously simplified terms the major transaction would be like this:

What funds go out

1. Money spent to buy imports (including shipping costs to foreign lines).
2. Money spent by tourists.
3. Money spent by the United States in maintaining troops overseas.
4. Money loaned by banks and the Government to foreign borrowers.
5. Money invested in industries in foreign nations.
6. Money given as untied grants under our foreign aid program.
7. Money sent abroad as payment of interest and principal due by U.S. borrowers.
8. Money remitted as dividend payments to foreign holders of U.S. securities, or as branch income of foreign corporations.

What funds come in

1. Money spent by foreigners to buy our exports.
2. Money spent by foreign tourists in the United States.
3. Money loaned by foreign banks and governments to U.S. borrowers.
4. Money invested by foreigners in U.S. industries.
5. Remittances of interest and principal payments on debts foreigners owe to U.S. lenders.
6. Remittance of dividend income and income of U.S. overseas branches to U.S. investors and corporations.

I have warned you that this is highly oversimplified accounting, but it does include the major items.

When the outgoing items exceed the incoming, we say that we have a deficit; when the reverse is true we say that we have a surplus.

Now some one at this juncture will say, "It is nonsense to keep accounts like these. You have current items such as funds spent on imports or money spent by tourists lumped together with capital items such as long term loans and investments."

This is very true indeed and that is where the question of liquidity enters the picture. Just what do we mean by liquidity? The corporate explanation of liquidity is the relation between short term liabilities and short term assets. It seems to me that the international economists are much less precise in their definition. When they speak of liquidity, they usually refer to the official (government and central bank) holdings of gold and convertible currencies and the credit available on a rather automatic basis in the IMF. The relation of these assets to short-term liabilities is usually meaningless to most countries because their currencies are not used as a vehicle in commercial transactions or held as reserves.

However, in the United States the corporate definition of liquidity that relates liquid assets to near-term liabilities is more appropriate. It is in fact crucial because as I have pointed out $11 billion are held by private foreigners for trade and finance and $14 billion by official foreigners as reserves.

Thus, the proper definition of liquidity would probably be in three parts. For most nations it could be defined as their holdings of convertible foreign currencies, gold, and their IMF position. For the United States it is more precise to define liquidity as the relation between these assets and our short-term liabilities. For the world as a whole, you would probably define liquidity as the amounts of acceptable international resources (gold, convertible currencies and automatic credit at the IMF) available for trade, finance, and reserves.

Now let's look at our balance of payments. In essence, the balance-of-payments problem is one of U.S. liquidity. Our overall financial position is good and improving but our international liquidity has been deteriorating. To illustrate, at the end of 1964 our private foreign investments alone exceeded the total of all foreign claims on us—official and private—by over $18 billion. The comparable figure in 1958, when our balance of payments first became a serious problem, was less than $7 billion. This is without taking any account of our gold stock which at the end of 1964 amounted to over $15 billion and our Government claims on foreign countries which amounted to over $23 billion. Our overall position, therefore, is obviously immensely strong.

But in the process of building up these tremendous foreign assets, most of which are long-term assets, we have incurred large short-term liquid liabilities, which, while much smaller than our long-term assets, have been large in relation to our gold reserves.

At the beginning of 1958 our holdings of gold came to almost $23 billion. They now stand at less than $14 billion. Over the same period our dollar liabilities to foreign official institutions rose from less than $9 billion to over $14 billion.

It is obvious that this process of lending long and borrowing short cannot go on indefinitely, and I think that most responsible observers are agreed that our balance of payments must be brought into equilibrium to bring it to an end. But at this point the second of our twin problems comes into focus. If the dollar outflow from the United States is ended, how will the world's needs for a key currency and a reserve currency be met?

You will remember that I have earlier indicated that net outflows of dollars have not always been turned back to the United States. Some of these dollars have been retained by foreigners to increase working balances to finance an expanding level of trade and finance and some of these additional dollars have been held to build up official reserves.

On its face, it appears that we are faced with a dilemma. Actually, careful analysis leads us to believe that the ending of our deficit may not create a world liquidity problem for some time to come.

Over the past 4 years, while we have not changed the basic structure of the international payments mechanism, we have substantially fortified it. Just this year, the members of the International Monetary Fund agreed to support a general increase in IMF quotas of 25 percent or about $5 billion. In 1961, the 10 major industrial nations, known as the Group of Ten, negotiated with the International Monetary Fund a so-called general arrangements to borrow, whereby the 10 nations agreed to lend to the IMF up to $6 billion should this be necessary "to forestall or cope with an impairment of the international monetary system."

Added to this multilateral source of funds are the various bilateral arrangements whereby the major countries stand ready to swap their currencies with one or more of the other countries in time of need. The substantial support which the IMF and the leading countries have extended to the pound sterling in recent months is testimony to the strength of the present system.

In noting these strengths of the present international payments system, I am not arguing that nothing further needs to be done. I note them only because in recent months some people have unjustifiably jumped to the conclusion that an ending of the U.S. balance-of-payments deficits will immediately bring about a shortage of world liquidity and a crisis.

In addition to overlooking the very real strength of the current system, those who make the oversimplified argument that we should continue our balance-of-payments deficit to maintain world liquidity, overlook two other basic points. First, the dollar cannot continue to be a reserve currency if we continue a balance-of-payments deficit of the magnitudes that have prevailed in the past. Sooner or later our liabilities will become so large in relation to our gold reserves that foreign central bankers will no longer believe that the dollar is, in fact, as good as gold and they will not be willing to hold it.

Second, a deficit in our balance of payments does not necessarily and automatically increase world liquidity if the countries which are receiving the dollars cash them in for gold. Their reserves go up but ours go down, and the world total remains the same. To illustrate the point, in the first quarter of this year the deficit in our overall balance of payments, seasonally unadjusted, was $180 million. But these dollars did not become new additions to total world reserves. Rather, they came right back to the U.S. Treasury Department to be exchanged, along with dollars accumulated in past periods, for some $800 million worth of gold. A continuance of the dollar outflow would lead to more of the same, a transfer of gold from the United States to the European surplus countries with little or no gain for world liquidity as a whole but with continual decreases in our liquidity.

THE ADMINISTRATION'S APPROACH

The administration's approach to these twin problems is to move quickly and certainly to balance-of-payments equilibrium and at the same time to move forward in discussions on improving the world's monetary system.

I have pointed out why it is imperative for us to restore equilibrium in our balance of payments. But what, it is asked, do we mean by equilibrium? Is it an exact balance or does it allow for some deficit, say $500 million, $1 billion, or even more?

Our feeling in the Treasury is that equilibrium cannot be defined solely in terms of a figure; it is importantly a matter of confidence. Whether a given figure for the overall balance of our international transactions represents equilibrium depends on the particular circumstances at the particular time. But while we may not be able to define in precise numerical terms what equilibrium is, we can say that it does not exist when the United States is continually losing gold. Perhaps, then, the best indication of what equilibrium in the U.S. balance of payments is, is what the rest of the world thinks it is. The extent to which they cash in their dollars for gold is, in short, a very useful indicator.

We are seeking the long-run, basic solution to our balance-of-payments deficit through measures which are consistent with our domestic objectives and our foreign policy objectives, and consistent with a growing volume of world trade and capital movements. In brief, our longrun approach is to:

1. Continue to minimize the balance-of-payments impact of Government expenditures abroad.
2. Strive to increase our exports and receipts from foreign tourists.
3. Encourage other developed nations to take on more international financing to relieve us of a disproportionate share.
4. Take measures to encourage more foreign investment here.

To gain the necessary time for these longer run measures, we have undertaken shorter run measures which President Johnson outlined in his message last February 10. These consist of efforts to reduce foreign travel expenditures by U.S. citizens; the extension and broadening of the interest equalization tax; and, most importantly, the request that banks and corporations curtail or adjust their activities to lessen the balance-of-payments impact of capital outflows.

The key to success in this program, both in the short run and in the long run, is the business community. For the short run, we must have the effective cooperation of the business community to give us the time for our longer run measures to take effect. And in the long run, the competitive position of American business in relation to the other major trading countries will be critical.

First of all, we must maintain our good record of relative price stability. Second, American business must become more energetic and effective in finding and exploiting foreign markets for American exports.

Shortly after President Johnson announced his new balance-of-payments program on February 10, there was an encouraging swing to a surplus in our balance of payments. It is far too early, however, to conclude that this represents a permanent trend toward equilibrium. Some of the gains were due to special factors, some were one-time gains. We are by no means out of the woods yet. But we do feel that we have a program which is sound and can bring us to equilibrium if all of us follow through on it.

While the subject of world liquidity has only recently come into public prominence, the United States, several years ago, joined with other major countries in comprehensive studies of the international monetary system, its recent evolution, its present effectiveness, and its future. On June 1 of this year,this multilateral study group issued a report which exhaustively examines the possible ways to strengthen the system. In July, Secretary Fowler announced that the United States stood prepared to participate in an international monetary conference that would consider what steps we might jointly take to secure substantial improvements in international monetary arrangements.

On September 10, Secretary Fowler returned from a 10-day trip to Europe during which he exchanged views with officials of seven countries on how we might move ahead to improve the workings of the international monetary system. Secretary Fowler had earlier conferred in Washington with Canadian and Japanese officials.

He found agreement that present circumstances call for a reexamination of the free world's monetary arrangements; that we should begin contingency planning for the possible time ahead when new ways of providing for growth in monetary reserves will become necessary; and that active discussions on negotiations should begin in the near future at the level of policymaking officials.

The annual meeting of the International Monetary Fund beginning next week offers a logical opportunity to start putting the negotiating machinery in motion.

In both the case of the problem of the U.S. balance of payments and that of international monetary reform, therefore, there are signs of progress. I would rather close, however, on a note of caution. A basic change in the world's monetary system will not come about quickly or easily. To reach agreement among all the nations involved on anything so basic will require time and enormous effort.

A lasting improvement in our balance of payments—lasting enough to be meaningful in the context I have described—will also require time and effort.

The President's program is broad aged, requiring some sacrifice of many elements of the population but no unreasonable sacrifice, in our judgment, of any one element. Of course, more tourists would like to bring back more goods duty free from abroad; of course, banks and other lenders would like to lend as freely as possible abroad; of course, businessmen would like to take advantage of every attractive oversea investment opportunity. Essentially, we are asking these groups to adjust—not halt—these practices, so that confidence in the dollar will be sustained.

If confidence in the dollar is sustained, if the international monetary system evolves in a sensible way, we will have created the best possible environment for the American economy—American businessmen—to demonstrate their formidable competitive strength in the world at large, in the years ahead.

PERSONAL EXPLANATION

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. MARTIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARTIN of Alabama. Mr. Speaker, an important commitment in my district makes it imperative for me to be absent tomorrow when the vote will be taken on H.R. 10281, Government Employees Salary Comparability Act. If I were present I would vote for the bill because I believe that Federal employees are entitled to an increase in salary in order to keep pace with the inflationary cost of living, the large part of which is caused by Federal spending in other areas.

MADISON VIETNAM HEARINGS

The SPEAKER pro tempore (Mr. GONZALEZ). Under previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 60 minutes.

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, at the time that I conducted the hearings on the war in Vietnam in my district, I pledged that a report would be made on the hearings to Congress and the President. I am today presenting that report to Congress.

At the Madison hearings, conducted in the straightforward format of a congressional committee hearing, serious effort was made to analyze the war in Vietnam and possible future courses of action.

At the outset I would like to emphasize again that prior to, during, and subsequent to the hearings, it was made explicitly clear that the hearings were not specifically authorized by the House of Representatives or any of its committees but were conducted by me as a Member of Congress.

Today, as I make this report, conditions in Vietnam show little prospect of change. The war promises to continue for weeks, months, and perhaps even years. The need to evaluate its causes and possible solutions remains as great today as it was at mid-summer 1965. In the give and take between constituents and their Representatives, it was obvious the citizenry of this country have given great thought to the war in Vietnam and that they individually have much to contribute to the national dialog from which the force and direction of our Nation's policy must emerge.

Such contributions are an important part of the resources our system of government can bring to bear on the policymaking procedure. In fact, one of the main sources of strength in a democracy is criticism and the role it plays in policymaking.

In the language of Adlai E. Stevenson:

> Criticism is simply the method by which existing ideas and institutions are subjected to the test of principles, ideas, ideals, and possibilities. Criticism in its fairest and most honest form, is the attempt to test whether what is, might not be better.

It was in this spirit that the hearings in my district were undertaken.

The hearings conducted in the Second Congressional District of Wisconsin were the first of their kind. They were held in Madison, Wis., on July 30 and 31, 1965. Spectators of all ages and persuasions filled the 350-seat-capacity hall of Madison's First Methodist Church to capacity at each of the three sessions. Applause greeted the remarks of almost every witness. Each witness submitted the text of his remarks to the chair immediately prior to testifying and in most instances adhered closely to it.

Questions from myself, and the gentleman from New York [Mr. ROSENTHAL], who joined with me in conducting the first day of the hearings, sought to clarify the statement of each witness. No demonstrations occurred and the hearings proceeded in an aura of mutual respect. A verbatim record of the hearings was made from which this report was prepared. In addition to this report, I have also arranged for the publication of the transcript of the hearing in book form in the near future.

This report represents a synthesis of the content of the statements of each of the 47 witnesses who testified. While every effort was made to emphasize the major points of each witness, in some cases the points drawn from a statement may not be the major point of a given witness' testimony. For purposes of this report, no effort was made to substantiate the facts alleged by the witnesses.

A report of this hearing is being made available to the President and the Foreign Affairs Committee of the House.

A list of the witnesses in the order of their appearance follows. References in the footnotes are to the page number of the original transcript of the hearings.

EXPERT AND ORGANIZATION WITNESSES

MORNING SESSION, FRIDAY, JULY 30, 1965

Small, John R. W., assistant professor of history, southeast Asia studies, University of Wisconsin, Madison.

Tarr, David W., assistant professor of political science, University of Wisconsin, Madison.

Sample, Nathaniel W., Dane County Chapter of the United Nations Association, Madison, Wis.

Von der Mehden, Fred, associate professor and chairman of the east Asian studies program, department of political science, University of Wisconsin, Madison.

Hawley, James P., chairman of the University of Wisconsin Student-Faculty Committee to End the War in Vietnam, Madison.

Allin, Lyndon (Mort), chairman of the University of Wisconsin Committee to Support the People of South Vietnam, Madison.

Anderson, John W., Committee on Social Concerns of the Madison Area Council of Churches, Madison, Wis.

Keene, David, Young Americans for Freedom, University of Wisconsin, Madison.

Williams, William A., professor of history, University of Wisconsin, Madison.

AFTERNOON SESSION, FRIDAY, JULY 30, 1965

Massey, Capt. Richard, Reserve Officers Association of the United States, Madison, Wis.

Abrahams, Paul P., Wisconsin Scientists, Engineers and Physicians for Johnson and Humphrey, Madison, Wis.

Carlisle, Donald S., assistant professor of political science, University of Wisconsin, Madison.

Rice, William G., professor emeritus, University of Wisconsin Law School and Rev. Alfred W. Swan, First Congregational Church, Madison; Madison Citizens for Peace in Vietnam.

Engelke, Walter, Madison Chapter of the United World Federalists, Madison, Wis.

Fauber, Richard, Wisconsin Americans for Democratic Action.

Graham, Chester A., Friends Committee on National Legislation, Madison, Wis.

Thompson, Tom, chairman of the Dane County (Wis.) Young Republicans.

Elder, Mrs. Joseph (Joann), president of the Madison (Wis.) branch of the Women's International League for Peace and Freedom, Madison, Wis.

Boardman, Eugene, professor of history, University of Wisconsin, Madison; Madison (Wis.) monthly meeting, Religious Society of Friends and the Madison (Wis.) Area Committee of the American Friends Service.

Bollenbeck, Capt. Joseph W., Military Order of the World Wars, Madison, Wis.

Tiffany, Jackson, Madison Area Members of the Fellowship of Reconciliation, Madison, Wis.

Ludwig, Harry, HAND, a Madison (Wis.) fundraising organization to help avoid nuclear disaster.

Barbash, Mark, chairman, Madison Young Democrats, Madison, Wis.

Ewen, Stuart, chairman, Madison DuBois Club, Madison, Wis.

MORNING SESSION, SATURDAY, JULY 31, 1965

Sipple, G. E., American Legion, Madison, Wis.

Stark, Evan, cochairman, Student Peace Center, Madison, Wis.

Grengg, Walter, 1510 Chandler Street, Madison, Wis.

Berger, Henry, 801 University Avenue, Madison, Wis.

Scanlon, William J., 222 Lake Lawn Place, Madison, Wis.

Turner, Mrs. Jennie M., 5735 Roosevelt Street, Middleton, Wis.

Weeks, Edwin P., 2309 Carling Drive, Madison, Wis.

Munger, William, 612 University Avenue, Madison, Wis.

Scudder, Bourtai, 5705 Forsythia Place, Madison, Wis.

Smalley, Louise, Route 1, Cottage Grove, Wis.

Paras, Mrs. Jorge L., 1938 Rowley Avenue, Madison, Wis.

Hole, Francis D., 619 Riverside Drive, Madison, Wis.

Kubiak, H. J., 2102 West Lawn Avenue, Madison, Wis.

Amlie, Mrs. Gehrta, 1726 Hoyt Street, Madison, Wis.

Weiss, Dr. Peter, 211 Campbell Street, Madison, Wis.

Lornitzo, Mrs. F. A., 2825 Middleton Beach Road, Middleton, Wis.

Franz, Mrs. Robert, 5742 Forsythia Place, Madison, Wis.

Mott, Roger, 529 Clemons Avenue, Madison, Wis.

Compton, Miss Betty, 2310 LaFollette Avenue, Madison, Wis.

Powell, Hugh, 44 North Spooner Street, Madison, Wis.

Radke, Mr. Lester A., 432 West Mifflin Street, Madison, Wis.

Gaebler, Rev. Max D., 900 University Bay Drive, Madison, Wis.

REPORT ON THE MADISON VIETNAM HEARINGS—WHY ARE WE THERE?

The search for an answer to this question ran throughout the 2 days of hearings. In the simplest terms, we are there based on a commitment reinforced by a decade of involvement.[1] However, the original Eisenhower-Kennedy commitment was limited to assisting the South Vietnamese fight their war.[2] In the decade prior to 1954, the Vietminh emerged as the sole effective political force capable of defeating the French.[3] Following the 1954 Geneva Accords, we undertook to support the Diem regime. This effort which appeared to be paying off until Diem, with our concurrence, refused to hold the elections called for by the Geneva Accords.[4] The failure to hold elections, which everyone, including then President Eisenhower, expected the Communists would win,[5] brought the Communists back into the south to renew the war they had left off in 1954.[6] The repressive policies of Diem led to local discontent and to military development of the National Liberation Front,[7] or the Vietcong as Diem labeled his opposition.[8] While the two developments give rise to both the contention that the war in Vietnam is not a civil war[9] and that the National Liberation Front is not an arm of Hanoi[10] but rather a "common front" for various indigenous dissident South Vietnamese, including Communist,[11] the fact remains that Diem and successive Saigon governments have been unpopular dictatorships which have resorted to undemocratic means to maintain their power.[12] If the National Liberation Front has legitimate complaints against the Saigon government, it would be tragic if Russia and China were the only ones to recognize them.[13] In fact, assuming for purposes of argument the achievement of an agreement between Hanoi and the United States to withdraw all outside forces from South Vietnam, South Vietnam would still be torn by revolution since the guerrilla war is popular and has the support of 80 percent of the South Vietnamese.[14]

WHAT ARE WE ACCOMPLISHING THERE?

Testimony divided sharply over the effect of our presence in Vietnam. While the witnesses did not all address themselves to the same points, the ideas emphasized by each established a clear disagreement between those who thought our presence in Vietnam served our national interests and those who thought otherwise.

The witnesses supporting our presence as being in our national interest did so on the basis of power politics.

The central theme running through their testimony was that we must seek a stable line of demarcation between the Communist and free world areas in Asia as we have in Europe.[15]

Failure to maintain a defense line from Korea to Vietnam means we will face the enemy on an inner line from Alaska to Hawaii.[16]

In a detailed presentation several witnesses made a compelling argument for American involvement in Vietnam on the basis of various aspects of the Soviet-Sino split and the nature of wars of national liberation.

Russia is cast in the role of the responsible power, which has not renounced wars of national liberation as a method of winning independence, but which has recognized the peaceful path to power as a viable alternative. It has tended to emphasize this as it recognized that limited wars might escalate into a nuclear confrontation with the West.[17]

Peiping, on the other hand, is very skeptical about the peaceful or parliamentary path and has emphasized the role of liberation wars and armed struggle as the best means of achieving national liberation.[18]

The path of Mao Tse-tung has set the example for Ho Chi Minh in North Vietnam. It includes the establishment (1) of a vanguard party tied to peasant masses operating in rural, not urban areas, and (2) a liberation army created for the guerrilla phase of a war of liberation. Such wars ultimately lead to conventional warfare with liberated areas serving as prototypes of the country once total victory is won. National fronts are established to join in opposition to what is labeled foreign imperialism and the reactionary established regime. The party emphasizes land and other reforms without mention of socialist transformation and collectivization of agriculture. It is a variant of this program which is reflected in the program and tactics of the Vietcong in South Vietnam.[19]

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[1] Prof. David W. Tarr, University of Wisconsin, Madison, p. 27.

[2] Prof. Emeritus William G. Rice, Madison, Wis., p. 153.

[3] Prof. John R. Small, University of Wisconsin, Madison, p. 14.

[4] James Hawley, Student-Faculty Committee to End the War in Vietnam, p. 63.

[5] Mr. Hawley, p. 64.

[6] Professor Small, p. 14.

[7] Mr. Paul P. Abrahams, Wisconsin Scientists, Engineers, and Physicians for Johnson and Humphrey, p. 113.

[8] Prof. William A. Williams, University of Wisconsin, Madison, p. 104.

[9] Mr. Mark Barbash, Madison (Wis.) Young Democrats, p. 237.

[10] Mr. Stuart Ewen, Madison (Wis.) DuBois Club, p. 243.

[11] Mr. Hawley, p. 71.

[12] Mr. Hawley, p. 63.

[13] Mr. Abrahams, p. 114.

[14] Mrs. Robert Franz, Madison, Wis., p. 334.

[15] Rev. Max Gaebler, Madison, Wis., p. 350.

[16] Capt. Joseph W. Bollenbeck, Military Order of the World Wars, Madison, Wis., p. 218.

[17] Prof. Donald S. Carlisle, University of Wisconsin, Madison, p. 132.

[18] Professor Carlisle, p. 132.

Efforts early in 1957 and 1958 by the Vietcong were aimed at eliminating, through an efficient and well-coordinated program of political assassination, village officials, school teachers and members of welfare teams. The total of these assassinations has exceeded 15,000; 4,000 having been killed in a 12-month period in 1960–61.[20] In a number of villages a new mayor could not be obtained, after the first two or three were murdered; schools were closed in some areas for lack of teachers; and assassinations and kidnapings stopped the antimalaria campaign in 1961.[21] While Diem was not a charismatic leader, capable of welding his nation together or making the best use of aid moneys, this "Revolutionary Model of Terror" made social and economic reform difficult if not impossible.[22]

The outcome of the current confrontation in South Vietnam will enhance or dampen the probability such Communist-inspired wars of national liberation will become the "wave of the future" throughout the underdeveloped areas of the globe.[23]

The hard decisions President Johnson is making which close the alternative of violent change and open the opportunity for the emergence of stable, non-Communist political communities based on political freedom and social justice are in our national interest.[24]

A Vietcong victory would be a success which would encourage Communists to use this kind of assault on governments in adjacent countries.[25]

Others took more ideological positions. Since World War II, America has been found wherever freedom has been under attack. We face in Vietnam a new challenge to the determination of the United States to prevent the expansion of Communist control around the world.[26]

"I am against the Communists wherever they may be. We are at war. Let's keep America on her toes so she'll not get knocked down on her knees." [27]

One witness expressed the view that the Vietnam war had polarized opinion between those individuals who are thoroughly convinced of the peaceful nature of our Government on the one hand and those idealists who see military action as a violation of the basic ideals of our country on the other. The former believe the Government of Red China should be destroyed. They turn on more accessible fellow Americans who question the feasibility of that course of action and charge they are disloyal. The idealists would seek withdrawal as the answer, whereas withdrawal would only convince the enemy of the value of its terrorist approach. The problem is to determine and to apply the optimum military force and political strategy required not to impose victory but to deny victory to the opponent—and do it decisively.[28]

The central theme of those who believe the nature of our involvement undermines our national interest, emphasized the irony of a country born of a nationalist social revolution should be fighting nationalist social revolutions just 200 years later.[29] The effort we are making in Vietnam underscores our failure to recognize the fundamental validity of social revolution [30] and reveals that our policies are based on the false assumptions (1) that wars of national liberation are Communist controlled, (2) that communism is monolithic and threatens the United States anywhere, and (3) that Communists must be confronted everywhere.[31] It was contended that we must start supporting oppressed peoples instead of driving them into the hands of the Communists.[32] It was forcefully argued that we must honor in deed the principle of self-determination even if we do not like all the results. We must move toward a policy of codetermination and be willing to accept limits on our own egos.[33]

The life of the Diem regime illustrates the weakness of our policy in Vietnam. If we admit we deposed Diem, we admit we used murder to accomplish our ends. If we deny we deposed him, we admit his policies produced widespread and overt resistance in South Vietnam.[34]

Many other ways were cited in which the Vietnam war effort was considered to be a disservice to our national interest.

It was argued that the practical consequences of the war are that it could escalate, by calculations [35] or mistake into nuclear war [36] or major land war in Asia.[37] We, in fact, are driving North Vietnam into the embrace of China.[38]

The moral consequences of the war concerned many witnesses.[39] It was contended that our leadership of the free world is jeopardized by support of dictatorships and that our support of such dictatorship is destroying the important "defender-of-the-oppressed" image of America in the hearts of oppressed peoples around the world.[40] The war, in fact, is becoming one between Americans and Asians.[41]

Many witnesses expressed revulsion over the inhumanity of the war. One observed that three out of four persons seeking treatment for napalm burns are women and children.[42] Another asked how long each of us, as individuals, can acquiesce in the killing on both sides.[43] A mother asserted she taught her children the worth of every individual human being but that this was being destroyed by the Government.[44] Another pointed out that an extended war in Vietnam would result in destruction of people we seek to protect.[45]

It was further contended that international relations must be approached from ethical, humanitarian, and religious points of view—the worth of each person to be respected and his basic rights to self-fulfillment assured.[46] Resort to war was protested on the grounds that violence is contrary to the will of God.[47]

The costs of the war and the risks of escalation were cited as the basis for a contention that we should take the same risks by seeking nonviolent solutions to the war.[48]

Critics of the war cited its domestic consequences. It was asserted that war is altering the shape of domestic politics—jeopardizing the role of Congress in our Government,[49] and that anticommunism is becoming as blind an emotion as the tragic anti-semitism of the Nazis.[50] Children must morally choose between war as a way of life and disobeying the government.[51] It was argued that we are following Goldwater policies rejected in 1964.[52]

Others cited the international consequences of the war. Bypassing the peacekeeping powers of the United Nations weakens the U.N.[53] and is as detrimental to the U.N. as bypassing the League of Nations was for it.[54] Our longstanding commitment to world order under law requires us to give the U.N. primacy in foreign affairs.[55] We must stop relying on the self restraint and the rationality of the very men we damn as unreasoning fanatics to avoid a nuclear holocaust.[56]

The success of the Vietcong in destroying American aircraft and barracks, rather than discouraging the Vietcong, is demonstrating to them the great ease with which simply armed guerrillas can deal with the great power of America and it encourages guerrillas in other lands to do their worst.[57] Our action erodes international law since we have no legal right to intervene and force on them the form of government most beneficial to us.[58] We are waging an offensive military action which amounts to conducting a war without the required constitutional declaration of war by Congress.[59] It is impossible to think the United States can play the part of solitary policeman to mankind or to fight guerrilla wars throughout Asia.[60] We can win the war only if we are prepared to commit genocide on all the people who live there—the use of napalm in Vietnam and gas chambers in Germany are hard to distinguish.[61]

It was also contended that by the manner of our conduct in Vietnam we have virtually insisted that the enemy attack us so that we might justify our aggressive intentions not only toward North Vietnam but also toward China.[62]

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[19] Professor Carlisle, p. 135.

[20] Prof. Fred von der Mehden, University of Wisconsin, Madison, p. 48.

[21] Professor von der Mehden, p. 48.

[22] Professor von der Mehden, p. 53.

[23] Professor Carlisle, p. 135.

[24] Professor Carlisle, p. 138.

[25] Prof. David W. Tarr, p. 28.

[26] Mr. Barbash, p. 235.

[27] Mr. Roger Mott, Madison, Wis., p. 339.

[28] Prof. Hugh Powell, University of Wisconsin, Madison, p. 341 et seq.

[29] Mrs. Bourtai Scudder, Madison, Wis., p. 305.

[30] Mr. Hawley, p. 68.

[31] Mr. Evan Stark, Madison (Wis.) Student Peace Center, p. 266.

[32] Mr. William Munger, Madison, Wis., p. 302.

[33] Professor Williams, p. 102.

[34] Professor Williams, p. 100.

[35] Mr. Walter Grengg, Madison, Wis., p. 280.

[36] Mr. Chester Graham, Friends Committee on National Legislation, Madison, Wis., p. 194, and Mr. Jackson Tiffany, Madison (Wis.) area members of the Fellowship of Reconciliation, p. 227.

[37] Mr. Hawley, p. 62.

[38] Mr. Grengg, p. 280.

[39] Mr. Hawley, p. 66.

[40] Mr. Graham, p. 191.

[41] Mrs. Jorge Paras, Madison, Wis., p. 312.

[42] Mrs. F. A. Lornitzo, Middleton, Wis., p. 329.

[43] Mr. John W. Anderson, Committee on Social Concerns of the Madison (Wis.) Area Council of Churches, p. 82.

[44] Mrs. Louise Smalley, Cottage Grove, Wis., p. 309.

[45] Professor Rice, p. 151.

[46] Prof. Eugene Boardman, Madison, Wis., monthly meeting Religious Society of Friends and the Committee of the American Friends, p. 208.

[47] Mr. Francis D. Hole, Madison, Wis., p. 315.

[48] Mr. Tiffany, p. 230.

[49] Mr. Richard Fauber, Wisconsin Americans for Democratic Action, p. 174.

[50] Mr. Grengg, p. 281.

[51] Mrs. Lornitzo, p. 329.

[52] Mr. Harry Ludwig, Madison (Wis.), HAND (Help Avoid Nuclear Disaster), p. 232.

[53] Mr. Nathaniel W. Sample, Dane County, (Wis.), chapter of the United Nations Association, p. 42.

[54] Mr. Graham, p. 192.

[55] Mr. Walter Engelke, Madison (Wis.), chapter, United World Federalists, p. 171.

[56] Professor Williams, p. 102.

[57] Mr. Fauber, p. 178.

[58] Mrs. Gehrta Amlie, Madison, Wis., p. 325.

[59] Professor Rice, p. 155, and Miss Betty Compton, Madison, Wis., p. 340.

[60] Rev. Alfred Swan, First Congregational Church, Madison, Wis., p. 162.

[61] Mrs. Franz, p. 334.

[62] Dr. Peter Weiss, Madison, Wis., p. 327.

ALTERNATIVES

Several alternative courses of action are open to the United States. Alternatives fall roughly within six possible courses of action.

1. Create a stable South Vietnamese Government before withdrawing our forces.
2. Invade North Vietnam with or without bombing Red China to achieve victory over the Vietcong.
3. Hurt the Vietcong and North Vietnam sufficiently so that they will scale down their demands, making the negotiation of a compromise settlement possible.
4. Unnegotiated, unilateral withdrawal of American forces.
5. Negotiated settlement leading ultimately to a united Vietnam under a coalition government.
6. Intervention by the United Nations or other multilateral proposals.

First two alternatives: (1) Create stable South Vietnamese Government before withdrawing forces. (2) Invade North Vietnam with or without bombing Red China to achieve victory over Vietcong

One witness cited the fact that premature negotiations with an enemy while his forces occupy South Vietnam serve only as tacit admissions that Communist North Vietnam had a right to invade and conquer South Vietnam. He contended that we must stand and fight until all North Vietnam forces are eradicated from South Vietnam.[63] Similar views to the effect that only in a country free from Communist control can people achieve self-determination, self-sustaining economic growth and political freedom.[64]

Other witnesses countered with the contention that the creation of a stable South Vietnamese Government would involve a force of up to one million American men with the prospects for success uncertain.[65]

Testimony in favor of the second alternative was only inferential. A single witness urged the employment of such military measures as would insure the destruction of the forces of agression—at both the place of their attacks and at the source of their power—as military judgment decides.[66]

Other witnesses shied away from endorsing such action on the grounds that it would involve too great a risk of a third world war and would involve too much land to effectively man against guerrilla attack,[67] and that the over-commitment of American ground power would invite Communist mischief in other key areas of the world.[68]

Third alternative: Hurt the Vietcong and North Vietnam sufficiently so that they will scale down their demands, making negotiation of a compromise settlement possible

Testimony on this alternative, which comes as close as any to characterizing present administration policy, divided three ways.

First. In terms of the Sino-Soviet split, our efforts are designed to demonstrate to Chinese-inspired advocates of wars that they are not the wave of the future.[69] Witnesses supporting this alternative expressed the belief that firmness is the only possible way to meet the Communist threat to our way of life[70] and that we must put forth great efforts there against the Reds to let them know we mean business.[71] Another witness thought the symbolic value of the conflict had been set too high, that references to such phrases as "national honor," "defense of free people" and the unspecified "Communist threat" frame the struggle in philosophically rigid terms, that the people should be prepared to accept a stalemate, and that there is no need to win it but every reason to avoid ignominious defeat.[72] The same witness felt that our Nation's course was set: We must make the war costly enough for the Vietcong and North Vietnam to convince them a political settlement must be accomplished while avoiding two dangers—(a) escalatory measures to draw China and Russia into the fray and (b) signs of weakness that might convince the rest of southeast Asia we are weakening in our will to check expansion of Communist China.[73]

Second. In these same terms several witnesses expressed grave concern that Russia and China would be drawn into the conflict before the United States can force negotiation by escalation,[74] that the current escalation risks plunging the world into nuclear warfare,[75] and that the American people want peace in Vietnam and are not willing to spend a great amount of lives and treasure for some dubious kind of success.[76]

Third. This policy was characterized as a gamble, at best, with no indication whether it will succeed in negotiation or that what is going to take place after negotiation will be a communistic system or not.[77] Its feasibility also was questioned. Although it could be expected to require a 300,000-man American garrison, that garrison would have to be maintained over a long period of time. It was thought to be theoretically possible, but not likely to achieve a permanent solution.[78]

Fourth alternative: Unnegotiated, unilateral withdrawal of American forces

Some of the strongest testimony was given on the issue of unnegotiated, unilateral withdrawal. A single witness flatly asserted that all combat units should be withdrawn but then only as rapidly as is feasible.[79] Other comments reflected a variety of views on the most desirable course of action but uniformly rejected immediate withdrawal as a feasible course of action.

Testimony of several witnesses was premised on the erroneous assumption that other testimony at the hearing would advocate withdrawal. Against this strawman considerable rhetoric was raised.

The whole of Asia would soon be in the control of the Communists.[80]

We strongly contest the morality of abandoning a free people, who lack the capability of defending themselves, to a ruthless invader.[81]

U.S. withdrawal—disastrous in much of Asia.[82]

American military presence (in Vietnam) lengthens freedom's duration in India.[83]

We have no choice, just as we had no choice fighting the totalitarianism of Hitler and Tojo.[84]

Withdrawal advocates are the intellectual heirs of Neville Chamberlain.[85]

Withdrawal would make self-determination unrealistic in view of terror, manipulation, and intimidation.[86]

Complete victory for Vietcong would be a sharp rebuff to American power and commitment in Asia tending to undermine the security of all other non-Communist countries.[87]

Yet even strong critics of the underlying administration philosophy did not recommend withdrawal as a possible, feasible, or desirable course.

I not only consider it unrealistic in the sense of domestic American political considerations, but I consider it psychologically out of this world. No major nation involved in the predicament we are now involved in turns around and walks off.[88]

I don't wish to see South Vietnam completely overrun and those people who represent somebody down there killed, which I think is what would happen.[89]

I am opposed to plain withdrawal for such an effort would encourage other wars of liberation.[90]

It looks in terms of reality that negotiations will have to come about before the United States even considers withdrawal.[91]

We do not advocate abandonment of the people of Vietnam, but a different kind of commitment to freedom dedicated to life on the land rather than death from the skies.[92]

The United States will not withdraw and leave South Vietnam to the Vietcong. Wars do not end that way.[93]

Fifth alternative: Negotiated settlement leading ultimately to a united Vietnam, a coalition government

Aside from the broad consensus against unnegotiated, unilateral withdrawal, the other area of strong consensus was in support of a negotiated settlement now with the frank acknowledgment that the result will ultimately be a united country under Communist, but not Chinese, influence.[94] Central points of agreement were that even a Communist Vietnam would not be dominated by Red China,[95] that Ho Chi Minh could, in fact, become the Tito of this part of the world,[96] that attempted Chinese military intervention would face the same guerrilla war we face,[97] that such a result setting up Vietnam as the Tito of Asia is not likely to be popular, but it is more in the real interests of the United States than hopes for establishing a viable non-Communist South Vietnam, notwithstanding that some active anti-Communists would actually be persecuted,[98] and, finally, that the administration will have to accept the need to negotiate with the Vietcong if such a political settlement is to be achieved.[99]

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[63] Mr. Tom Thompson, Madison (Wis.) Young Republicans, p. 197.

[64] Mr. Lyndon (Mort) Allin, University of Wisconsin Committee To Support the People of South Vietnam, p. 78.

[65] Professor Small, p. 16.

[66] Mr. G. E. Sipple, vice chairman of the National Americanism Council of the American Legion, p. 253.

[67] Professor Small, p. 16.

[68] Professor Tarr, p. 30.

[69] Professor Carlisle, p. 140.

[70] Capt. Richard Massey, Reserve Officers Association of the United States, p. 110.

[71] Mr. Mott, p. 337.

[72] Professor Tarr, p. 33.

[73] Professor Tarr, p. 30.

[74] Mr. Sample, p. 43.

[75] Miss Compton, p. 341.

[76] Mr. Abrahams, p. 119.

[77] Professor von der Mehden, p. 51.

[78] Professor Small, p. 17.

[79] Miss Compton, p. 341.

[80] Mr. Mott, p. 338.

[81] Mr. Sipple, p. 257.

[82] Mr. Barbash, p. 237.

[83] Mr. Bollenbeck, p. 221.

[84] Mr. Thompson, p. 196.

[85] Mr. Keene, p. 86.

[86] Mr. Allin, p. 78.

[87] Professor Tarr, p. 30.

[88] Professor Williams, p. 103.

[89] Mr. Abrahams, p. 124.

[90] Professor Rice, p. 165.

[91] Mr. Ewen, p. 249.

[92] Mr. Tiffany, p. 229.

[93] Mr. Hawley, p. 70.

[94] Professor Small, p. 17.

[95] Mr. Hawley, p. 74.

[96] Professor Small, p. 18.

[97] Professor Small, p. 22.

[98] Professor Small, p. 20.

[99] Professor Tarr, p. 33; Professor Williams, p. 104; Mr. Hawley, p. 71; Professor Rice, p. 158; Mr. Ewen, p. 243; Mr. Stark, p. 277; Mr. Edwin P. Weeks, Madison, Wis., p. 298; Mrs. Lornitzo, p. 331; and Mrs. Franz, p. 335.

Various detailed procedures within the general framework of a negotiated compromise settlement were put forward. Their principal provisions included:

1. Stop bombing North Vietnam.[1]
2. Establish a cease-fire.[2]
3. Negotiations between two contending governments in South Vietnam[3] or between all involved governments including the National Liberation Front.[4]
4. An American commitment to honor the results of that election,[5] to withdraw its military forces in favor of a United Nations Force after that election.[6]
5. Incidental variations offered by witnesses include a great-power guarantee to Vietnam,[7] general amnesty for political prisoners,[8] and strict neutrality agreements from the reunited nation.[9]

Other support for this alternative came in more generalized statements.

Negotiate with Nguyen Hun Tho, chairman of NLF; they may prefer a neutralist position.[10]

Never resist the call by the North Vietnamese, Red China or the Vietcong to the bargaining table; never forget your promise, America's promise of assistance to both the aggressed and the aggressors.[11]

Reservations were expressed about recognizing the Vietcong because that could be somewhat of a diplomatic defeat for the President[12] and other reservations were directed against the cease-fire proposal in view of the aggressive response made by the terrorists during an earlier suspension of bombing attacks against North Vietnam.[13]

Sixth alternative: Intervention of the United Nations or other multilateral proposals

The belief that our efforts at negotiations needed increased emphasis, particularly with respect to the Vietcong, also was reflected in much of the testimony of those who felt the United Nations should be brought into the conflict.

Most felt the United Nations could serve a useful purpose in bringing about the end to hostilities essential to any negotiations and observed that our efforts toward that end fell short of requesting U.N. intervention.[14] Various witnesses expressed a belief the United Nations could—

1. Arrange a cease-fire[15] and maintain a truce.[16]
2. Enforce a truce for a reasonable cooling-off period prior to elections.[17]
3. Manage free elections.[18]
4. Arrange an international guarantee of the borders of southeast Asian countries.[19]
5. Reinstitute a customs and payment union between North and South Vietnam.[20]
6. Channel multilateral economic and social development programs for all southeast Asia.[21]

Arguments in favor of United Nations involvement were expressed in a variety of ways:

We believe the United Nations offers the best possibility for freeing the opposite side from its intransigent position and starting meaningful negotiations.[22]

It is essential that we get a third institution imposed between the United States and the Vietnamese on the one hand and between the United States and China and Russia on the other.[23]

A real sincere, earnest all-out effort to divert the task to the United Nations now will do more to enhance the real needs for peace and food in Vietnam than all the soldiers and bombs the Pentagon has.[24]

As a signatory to the U.N. Charter, we are obligated to ask for U.N. intervention. It is a realistic and honorable way out of the hopeless dilemma in southeast Asia.[25]

Some skepticism over the possible effectiveness of any United Nations effort was expressed. Since the war is basically a clash of power, the United Nations is not likely to contribute substantially to finding a solution, although it might be useful in enforcing a negotiated settlement.[26] On the other hand, since the United States still has a lot to say about what the United Nations does, if the U.N. goes into Vietnam without full U.S. support, it won't settle anything.[27]

Others emphasized the fact that Vietnam is one of a continuing series of problems for which the capabilities of the United Nations must be explored and developed. Detailed attention must be given U.N. peacekeeping responsibilities, powers, and authority.[28]

Other proposed courses of action emphasized multilateral solutions. One witness proposed a 14-nation conference to arrange a cease-fire and guarantee the borders of southeast Asian countries and to establish a planning bank capable of including all southeast Asian countries.[29] Others urged a multilateral, international Federal Union for Defense designed to take on duties we have assumed unilaterally in Vietnam and elsewhere,[30] and an international referendum on peace designed to elicit and concentrate the desire of individuals around the world for peace on the problems standing in the way of peace.[31]

The problems surrounding the war in Vietnam also evoked suggestions that our Asian policy and our China policy in particular need reassessment,[32] ranging from opening negotiations with the Peoples Republic of China on a broad range of issues[33] to bringing the Communist countries into the world community, admitting them to the U.N. to show them how we are working to solve the problems of our society.[34]

ASSESSMENT OF THE HEARINGS

Mr. Speaker, each reader will, of course, come to his own conclusions on the success of the Madison Vietnam hearings.

For my own part, it is not enough to say that the hearings provided an opportunity for differing points of view to present their ideas to their Representative and through him to the Congress and the President, although that is an important part of the hearings for the witnesses who testified. It is not enough even to say that the hearings increased public awareness and knowledge of the complex issues at stake in Vietnam, which certainly was accomplished by the wide attention given the hearings in the press and on television. Nor is it enough to say that the witnesses contributed to the building of a consensus on our involvement in the war in Vietnam.

Nor can the value of the hearings be judged by such ulterior considerations as whether the dissent from administration policy voiced at the hearings encouraged our enemies, or whether other grassroots hearings in the same format and serving the same purposes followed in other congressional districts.

Much can be said on each of these points and while a reading of even this brief outline of the substance of the hearings shows that the interests of the United States and democracy were served by the hearings, one must judge these questions for himself.

It is clear, however, that the people have given great thought to our involvement in Vietnam and they do have a contribution to make to the development of policy on the basis of their expertise as well as their commonsense. The catalog of ideas this report contains emphasizes that even for the best-informed and firmly committed policymaker, there remains the challenge of the ideas and interpretations on policy of the electorate. For politicians experienced in the serious business of the day-to-day function of government, this should come as no revelation.

The real test of the hearings, as I see it, is the answer it provides for this important question:

Can the main tenet of democracy, that of government by discussion, be brought to bear on questions of foreign policy in times of crisis?

Needless to say, I believe the Madison Vietnam hearings effectively demonstrated that free discussion and serious dissent can and must be heard, particularly when the institution of democracy is being challenged at home and abroad. The hearings served to revitalize the institution of free speech and affirmatively demonstrated that free speech, rather than sapping our national strength, sustains it. I believe that is true notwithstanding the fact that some of the witnesses expressed reservations about the hearings.

Whether we are to abandon the basic strength of democracy in time of crisis is a serious question for democracy which each generation must answer anew, both at home and abroad. While the true significance of this may be lost on our enemies, that fact should not deny a free society the full exercise of the principles it lives by.

In a democratic sense, the validity of our policies and certainly the strength of the popular support for them is closely related to the extent of participation in their formulation by the electorate.

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[1] Mrs. Lornitzo, p. 331.

[2] Professor Rice, p. 158; Mrs. Lornitzo, p. 331; Mr. Ludwig, p. 233, Professor Boardman, p. 212.

[3] Professor Williams, p. 103.

[4] Mrs. Franz, p. 106; Mr. William Scanlon, Madison, Wis., p. 285; and Mr. Ewen, p. 243.

[5] Professor Williams, p. 103; Mr. Weeks, p. 299.

[6] Professor Williams, p. 103; Professor Rice, p. 165.

[7] Professor Small, p. 19.

[8] Mrs. Lornitzo, p. 331.

[9] Mr. Weeks, p. 299.

[10] Mrs. Franz, p. 109.

[11] Mr. Scanlon, p. 289.

[12] Mr. Stark, p. 278.

[13] Mr. Sipple, p. 261.

[14] Mrs. Joseph Elder, Dane County (Wis.) Branch of Women's International League for Peace and Freedom, p. 201.

[15] Mr. Tiffany, p. 228.

[16] Mr. Henry Berger, Madison, Wis., p. 285; Mr. Sample, p. 45.

[17] Mr. Grengg, p. 281.

[18] Mr. Grengg, p. 281.

[19] Mr. Fauber, p. 184.

[20] Mr. Fauber, p. 184.

[21] Professor Boardman, p. 212; Mr. Graham, p. 193; Mr. Tiffany, p. 228.

[22] Mr. Anderson, p. 82.

[23] Professor Williams, p. 106.

[24] Mr. Sample, p. 43.

[25] Mr. Ludwig, p. 233.

[26] Professor Tarr, pp. 37–39.

[27] Mr. Abrahams, p. 120.

[28] Mr. Graham, p. 193; Mr. Engelke, p. 172.

[29] Mr. Fauber, p. 184.

[30] Mrs. Jennie M. Turner, Middleton, Wis., p. 292.

[31] Mr. H. J. Kubiak, Madison, Wis., pp. 319–321.

[32] Mr. Graham, p. 193.

[33] Professor Boardman, p. 213.

[34] Mrs. Turner, p. 293.

In its own way the Madison Vietnam hearings provided Congress with an example of the result which could be expected from full congressional hearings. It also provided Congress a clear indication of the problems posing the greatest challenge to the free world and the United States. The future hinges on how we respond to other Vietnams whether they arise as a result of national social revolutions or from wars of liberation. It merits congressional concern, full hearings, and full debate.

Throughout the testimony runs a strong desire for peace. This was true of all the witnesses, regardless of how they viewed the world, questions of war and peace, and the issues confronting us in Vietnam. If the hearings served only to reaffirm this strongly held belief they served a useful purpose.

A COMMISSION ON THE ORGANIZATION OF THE EXECUTIVE BRANCH

The **SPEAKER** pro tempore (Mr. Gonzalez). Under previous order of the House, the gentleman from Maryland [Mr. Mathias] is recognized for 30 minutes.

Mr. **MATHIAS.** Mr. Speaker, the Congress now faces an unprecedented challenge: the challenge of channeling and containing our own Government, to insure that its operations are always in the public interest. As the executive branch has increased in size, complexity, and momentum, full congressional oversight of the bureaucracy has become more difficult. It is impossible for the 535 Members and approximately 12,000 employees of the Congress to keep up with all the activities of about 2½ million civil servants. Yet we must keep up with them, if we are to enforce economy, efficiency, and accountability on all those entrusted with the conduct of the public business.

The two Hoover Commissions of 1947–49 and 1953–55 demonstrated the tremendous contributions to the reform and improvement of public administration which could be made by a blue-ribbon commission with a broad congressional mandate and wide public support. Twenty-three of my colleagues and I believe that the time has come for another comprehensive review of executive operations by an ad hoc agency of Congress. Thus we are introducing today H.R. 11366 and H.R. 23 identical bills to establish a new Commission on the Organization of the Executive Branch to conduct a 2-year review of all executive branch operations and report to Congress recommendations for change and reform.

I am proud to announce that I have been joined in this effort by the following Members: Mr. Andrews of North Dakota, Mr. Cahill, Mr. Conte, Mr. Curtis, Mr. Ellsworth, Mr. Harvey of Michigan, Mr. Horton, Mr. Keith, Mr. McDade, Mr. Mize, Mr. Morse, Mr. Morton, Mr. Mosher, Mr. Reid of New York, Mr. Reinecke, Mr. Robinson, Mr. Rumsfeld, Mr. Schneebeli, Mr. Schweiker, Mr. Stafford, Mr. Stanton, Mr. Tupper, and Mr. Widnall.

Mr. Speaker, the need for an overall look at our Government is clear. First, Government operations cannot be policed just once or twice. Waste, duplication, inefficiency, and bureaucratic conflicts must be constantly attacked. Procedures must be continually revised to incorporate the most progressive methods and technology. Administrative structures must be periodically adjusted to reflect the changing emphases of public policy and the changing relationships among programs, personnel and governmental units. Although some reforms result from congressional authorizations, appropriations and investigations, a comprehensive study has not been undertaken for 10 years, since the second Hoover Commission ended its work in 1955.

Second, the tremendous administrative growth of the past decade has never been reviewed fully and systematically. Many far-reaching programs have been inaugurated, including the space program, the national highway programs, the National Defense Education Act, more recent educational assistance programs, the wilderness system, air and water pollution programs, the Appalachia program, the antipoverty program, the medicare program and many more. The Federal research and development effort has expanded enormously in cost and scope. New relationships between the Federal Government and State and local governments, private and quasi-public agencies, business and industry, and individual citizens have developed.

Earlier this year, while studying the proposed Department of Housing and Urban Development, the Congress became fully aware of the urgent need for coordination of the vast number of programs in just one field, metropolitan affairs, in order to cut costs, maintain consistent standards, and provide coherent information readily to State and local officials. The need for reform and rearrangement in other areas is equally obvious.

Third, it is time to reassert a strong congressional voice in reform. The executive branch in recent years has not neglected its responsibility to reform itself. This year alone, we have seen the creation of a new Cabinet department, the Department of Housing and Urban Development; the consolidation of meteorological agencies into the Environmental Science Services Administration within the Department of Commerce; the realinement of functions within the Office of Education; and proposals for the reallocation of activities among civil rights units.

Led by the Department of Defense, more and more Federal agencies are reassessing their administrative structures, applying new management techniques, and subjecting their operations to systems analysis. For example, according to a news item, the Department of State is now developing a means of cataloging all its expenditures by country, agency, and purpose.

Most significant by far is the President's recent announcement of plans to extend a new planning and budgeting system throughout the Government. As the President told Cabinet members and heads of agencies on August 25, this new system will enable us to:

> 1. Identify our national goals with precision and on a continuing basis.
>
> 2. Choose among those goals the ones that are most urgent.
>
> 3. Search for alternative means of reaching those goals most effectively at the least cost.
>
> 4. Inform ourselves not merely on next year's costs—but on the second, and third, and subsequent years' costs—of our programs.
>
> 5. Measure the performance of our programs to insure a dollar's worth of service for each dollar spent.

The executive branch has always, to some extent, made policies by the way in which it administered laws. In recent years, bureaucracy has become increasingly autonomous as initiating and implementing have become more tightly intertwined. As described by the President, the proposed "planning-programing-budgeting system" will be a giant step toward the consolidation of national policymaking with Federal administration. It seems clear that, in order to preclude executive presumption, to defend the constitutional separation of legislative and executive powers, and to enforce accountability, Congress must now look closely at the Executive decisionmaking process itself.

We should study, now, such problems as the influence of the Bureau of the Budget. We should identify and evaluate the criteria on which management decisions are being based. We should determine how, and indeed whether, dollars-and-cents cost accounting can measure the real effectiveness of programs designed not to build machines but to help people. Finally, we should tackle the massive question of the extent to which Government by computer is compatible with self-government.

A commission can help Congress do this job by providing the information and expert independent evaluations on which our judgments should be based. As the Senate Committee on Expenditures in the Executive Departments wrote in its unanimous report favoring the creation of the first Hoover Commission in 1947:

> The time is ripe for a general overhauling, for going through the Government with a fine-tooth comb and for casting some light into all the many dark places.

The bill which we introduce today is based on the acts establishing the two Hoover Commissions. The goals of economy, efficiency, and improved service are identical to those of the two Commissions which, under the leadership of the late President Hoover and our late colleague, Clarence J. Brown, made such great contributions to the reform of Federal operations. Yet our bill goes beyond previous acts, and expands the mandate and membership of the Commission to meet the most urgent problems of public administration in this decade.

DECLARATION OF POLICY

Section 1 of the bill declares it to be the policy of Congress to promote economy, efficiency, and improved service in the transaction of the public business by the executive branch of the Government, and specifies seven types of action toward those goals. The general statement and the first five clauses are almost identical to the corresponding language of the laws establishing the first and second Hoover Commissions—Public Law 80–162 and Public Law 83–108. These clauses include definition of the responsibilities of officials, and of the functions, services, and activities of executive departments, agencies, and so forth; reduction of expenditures to the lowest possible level; elimination of duplication and overlapping; consolidation of similar activities; and abolition of unnecessary ones.

Clauses 6 and 7, which were not contained in previous law, specify additional areas of inquiry which have become increasingly important. Clause 6 specifies recommending means to expedite coordination of programs and policies in areas such as, but not limited to, urban affairs, natural resources, and transportation. Other fields in which the application of systems techniques could be studied include rural development, medical services, and international trade.

Clause 7 specifies recommending means to increase and improve liaison and communication, including the sharing of information, within the executive branch, between the executive and legislative branches, and between the Federal Government and appropriate State and local governments and public entities. The information revolution has produced grave problems in this area, and studies could produce greatly improved means of disseminating needed information. Problems of intergovernmental liaison could also be greatly reduced.

It should be emphasized that functions and services include federally conducted or federally supported research in any field, and that services include services rendered directly to individual citizens or deriving from direct contact between individuals and the Federal Government.

It should also be noted that this declaration focuses on methods of administration, not on the content of policy. In determining whether a particular service, function, or activity is essential or not necessary, it is expected that the Commission will confine itself to determine whether that activity carries out the terms of the authorizing legislation.

ESTABLISHMENT AND MEMBERSHIP OF THE COMMISSION

Section 2 establishes the Commission on the Organization of the Executive Branch for the purpose of carrying out the policy set forth in section 1. Section 2(b), following Public Law 83–108, declares that service as a member or employee of the Commission does not bring an individual within the provisions of the conflict-of-interest laws.

Section 3(a) defines the Commission's membership as follows:

First. Six appointed by the President, two from the executive branch, two from among the Governors, and two from private life;

Second. Four appointed by the President pro tempore of the Senate, two from the Senate and two from private life;

Third. Four appointed by the Speaker of the House, two from the House and two from private life.

The addition of two Governors is an important change from previous law. It is felt that two Governors could bring invaluable experience and additional perspective to the task of reexamining intergovernmental relations and problems of communication.

Section 3(b), concerning the political affiliation of members of the Commission, requires that at least one of the two Governors, one of the two Senators, and one of the two Members of the House be from each of the two major political parties. No such qualification is set for the six members from private life, or the two members from the executive branch. This provision strikes a balance between the previous laws: Public Law 80–162, establishing the first Hoover Commission, required that one of the two members in each of the six classes of appointment be from each major party, while Public Law 83–108, establishing the second Hoover Commission, omitted this requirement entirely.

Section 3(c) provides for possible continuation of membership on the Commission, on an ex officio basis, by public members who may leave office, or by private members who may enter public office or the executive branch. This provision seems desirable because of the 2-year life of the Commission, the large percentage of elected officials on it, and the mobility of Americans between private and public service.

Section 3(d) provides that any vacancy on the Commission shall not affect its powers, but shall be filled in the manner by which the original appointment was made. This procedure would apply when a member of the Commission assumes ex officio membership as provided in section 3(c), as well as in cases of death or resignation.

ORGANIZATION OF THE COMMISSION

Section 4 provides that the Commission shall elect a Chairman and Vice Chairman from among its members, by a majority vote of all members. Section 5 provides that eight members shall constitute a quorum, but a lesser number may hold hearings.

COMPENSATION OF MEMBERS

Following the provisions of previous acts, section 6 provides that all members of the Commission shall be reimbursed for necessary expenses. Members from private life also shall receive $75 per diem when engaged in Commission business.

STAFF OF THE COMMISSION

Section 7, identical to previous acts, authorizes the Commission to appoint and fix the compensation of such personnel as it deems advisable, and to procure temporary and intermittent services to the same extent as authorized for executive departments, without regard to the provisions of the civil service and classification laws.

This provision is central to the success of the Commission, for staff and task force assistance was perhaps the greatest asset of the previous Commissions. The task forces used in 1947–49 and 1953–55 consisted of groups of professionals, specialists, and experts in particular fields, employed to conduct intensive studies of those fields. The task forces brought to this job a great diversity of experience, and the prominence gained by their previous individual activities. Their reports provided the foundations for the Commission's recommendations to Congress.

Among the individuals who might be enlisted for task force service by the new Commission, on a voluntary or compensated basis as appropriate, could be public officials from all levels of government, management, and systems specialists, businessmen, representatives of special-interest organizations, labor leaders, scientists, and so on. It should thus be possible to employ the Nation's best talents in a study of the conduct of the Nation's business.

EXPENSES OF THE COMMISSION

Section 8 authorizes the appropriation of so much as may be necessary to carry out the purposes of the act. It is difficult to predict the cost of a study of such unprecedented scope. The first Hoover Commission was financed by an appropriation of $1,983,600; the second Hoover Commission received appropriations of $2,848,534, of which $83,527 was returned to the Treasury.

STUDIES AND REPORTS

Section 9(a) authorizes the Commission and its employees to study and investigate the present organization and methods of operation on all parts of the executive branch to determine what changes are necessary to accomplish the purposes set forth in the declaration of policy in section 1.

Section 9(b) directs the Commission to submit to Congress interim reports as it deems necessary, and to submit two comprehensive reports, one not later than 1 year after the date of enactment of this act, and the second not later than 2 years after the enactment of this act. It is expected that these reports would be partially cumulative and partially complementary.

POWERS OF THE COMMISSION

Section 10(a) authorizes the Commission or any subcommittee or member to hold hearings, administer oaths, and require testimony of witnesses and the production of books, reports, correspondence, memorandums, papers and documents as is deemed advisable. The power to issue subpenas is granted.

Section 10(b) authorizes the Commission to secure relevant information, suggestions, estimates, and statistics directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality, and directs each such unit to furnish such information, and so forth, directly to the Commission upon request by the chairman or vice chairman. For the purposes of this subsection, "independent establishment" would include the General Accounting Office.

These provisions are identical to those of the previous acts.

EXPIRATION OF THE COMMISSION

Under section 11, the Commission will cease to exist 90 days after the submission of the second comprehensive report. Its lifespan thus would be not longer than 2 calendar years plus 90 days.

Mr. Speaker, this Commission would be an effective instrument for comprehensive and independent review of the entire Federal establishment. The task is staggering; but the success of previous Commissions indicates that progress, if not perfection, can be achieved. The two Commissions were very successful in initiating changes and reforms to meet the major governmental problems of their eras. Among the contributions generally attributed in whole or in part to the first Hoover Commission were the Reorganization Act of 1949, creation of the General Services Administration, the National Security Act amendments of 1949, the Classification Act of 1949, reorganization of the Post Office Department, the passage of the Budget and Accounting Act of 1950, and reorganization of welfare activities. Among the achievements of the second Commission were the reorganization of the Department of Defense, further modernizing of the budget system, greater coordination of research activities, improvement in the Federal career service, creation of the National Library of Medicine, and further reduction of paperwork. We believe that reforms of similar scope and significance could be accomplished by the new Commission.

A vital element in the success of such an effort is wide and nonpartisan public support. The two Hoover Commissions received this support. The service of so many prominent citizens as members of the Commissions or their task forces gave their recommendations authority and prestige. Nor can we overestimate the impact of the independent Citizens' Committee for the Hoover Report, for this Committee publicized Commission recommendations, worked for their adoption, and kept the public informed of the status of particular proposals until its dissolution in 1958. We hope, of course, that similar formal and informal support for a new Commission would develop. If it does, it will be possible to move ahead with many needed studies of the executive branch, including perhaps an intensive management study under the aegis of the Civil Service Commission or the General Accounting Office.

The final factor in the success of the previous Commissions was their wide backing in Congress. The bill creating the first Commission, sponsored in the House by Representative Brown and in the Senate by Senator Lodge, of Massachusetts, passed both Houses unanimously. The second, sponsored by Representative Brown and Senator Ferguson, of Michigan, also was passed without opposition. We hope that this Congress will follow that precedent, and will take prompt action on this proposal when the second session begins in January.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. MATHIAS. I am glad to yield to the distinguished gentleman from New York.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding. I want to take this opportunity to indicate my support for his efforts and to commend him on his efforts. I am one of those who today introduced a bill similar to the one the gentleman is introducing for this study. I pledge him here and now all the cooperation I can bring to see that such a study is made.

Mr. Speaker, I am privileged to introduce a proposal that would create anew a commission to study the organization and efficiency of the executive branch of the Government. Now in my third year of service on the House Committee on Government Operations, I am keenly aware of the need for a thorough study of executive agencies and their methods of operation.

We have in the past set up two Hoover Commissions for this purpose, one served from 1947 to 1949 and the other from 1953 to 1955. Both contributed markedly to the ability of the Congress and the agencies themselves to improve efficiency and to eliminate duplication of executive functions. It has been 10 full years since a thorough study of the executive branch has been made. In those 10 years, the bureaucracy has greatly expanded to implement countless new programs that Congress has authorized under the Eisenhower, Kennedy, and Johnson administrations; the Peace Corps, the Office of Economic Opportunity, and the new Department of Housing and Urban Affairs, just to mention a few.

The adding of new agencies, and the vast expansion of the functions of agencies already established raises strong evidence that many duplications and inefficiencies have set in as byproducts of agency growing pains, despite commendable efforts on the part of the administration and the supervisory agencies to prevent them. Many long and difficult hours are spent each day on the floor of Congress and in committee rooms as we attempt to estimate agency by agency and program by program the costs of these executive functions to the people of these United States. Today, with the expansion that has taken place in these areas, it is even more imperative than it was in 1955 that when the Congress appropriates $10 to an agency, the agency output is $10 worth of service to the taxpayer. If the Congress cannot be certain of this kind of efficiency, its time spent in judging the value of agency programs in terms of their dollar cost to American citizens is time wasted. In order to make these decisions wisely, we must be kept well informed as to how much of the money we authorize is productively spent and how much of it goes down the drain of waste and duplication.

It is precisely this information that the Commission I propose can and will provide. A provision in my bill gives this Commission the authority to require testimony of Government personnel to review statistics, cost estimates, and books, of any and every executive agency, department, office, board, commission, or bureau. When Congress has before it the information and recommendations of the Commission I propose, there can be no other result than the streamlining of executive functions with the corresponding increase in the value of the tax dollar.

Mr. Speaker, for the reasons I have stated above, and with the knowledge that economy in Government is a major and attainable goal of this body, I offer this bill for the prompt and bipartisan approval of its provisions.

Mr. MATHIAS. Mr. Speaker, I want to thank the gentleman from New York for his observations today and for the support that he is giving to this very important project, a project that reflected such great credit on the congressional career of our late distinguished colleague, Clarence Brown, of Ohio, whose association with the first Hoover Commission was so important to its success.

I hope that this resolution which is being introduced today will receive prompt attention by the Congress and that it will receive favorable action.

Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks on the subject of H.R. 11366.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I am happy to join the gentleman from Maryland and others of my colleagues in sponsoring a bill to establish a commission to conduct a study of the organization of the executive branch of the Government and to report to the Congress its recommendations for changes and reforms. The purpose of such a commission is much the same as that of the first and second Hoover Commissions which performed a most valuable service to the country.

Since the last study, which was concluded 10 years ago, new responsibilities have been assumed by the Federal establishment, and today the expanded and diversified role of the Federal Government involves important and heretofore untried programs which will have a considerable impact on the citizens of the country and on the national economy in general.

A characteristic example is the Department of Health, Education, and Welfare which was created in 1953 and which has expanded to huge proportions—in fact, to such an extent that the Congress felt it necessary this year to provide three additional Assistant Secretaries for the Department. The chairman of the House Committee on Interstate and Foreign Commerce has recently announced that he has ordered a study of the activities of this Department in the field of public health. Federal involvement in the solution of urban and metropolitan problems include a wide variety of programs, such as highways, air and water pollution, education, public health, unemployment, juvenile delinquency, crime control, and a host of others carried on by numerous agencies of the Government. The rapid advance of technology in the country has resulted in an ever-increasing budget for research and development. These are only a few of the areas where undoubtedly duplication and overlapping among Government departments and agencies are widespread.

A piecemeal study of these activities by committees of the Congress would not be as valuable nor as thorough as an overall study in depth which the proposed Commission would undertake. A constructive contribution can again be made by such a bipartisan study group, and I am sure that responsible citizens and public officials will welcome such a study. I am hopeful that the Congress will give its approval to the proposal.

Mr. CONTE. Mr. Speaker, I am privileged this afternoon to join my good friend and colleague, the gentleman from Maryland [Mr. MATHIAS] in introducing this bill for the establishment of the Commission on the Organization of the Executive Branch. I commend the gentleman for the hours of study and preparation which have preceded the introduction of this legislation, exemplified in his able presentation here this afternoon.

This has been an almost overwhelming session of Congress for the executive branch. The major legislative programs that have been enacted by this Congress must be administered by the departments of the executive branch. With the advent of the multitude of new, revised, and extended Federal programs comes the threat of Topsy-like growth of bureaucracy, growth threatening to frustrate and intimidate those who seek only to make a practical application of the high-sounding idealism of these programs. With the new and additional responsibilities that have been heaped high upon the executive branch comes the absolute need for efficient and productive operation of each of these departments so that the promised benefits shall not be lost in delay and inefficiency.

It is just as important that the timing of the Commission be right as it is to have the Commission. Now, while these new programs and their accompanying duties are fresh to the executive branch is the most propitious moment. The jealously guarded bureaucratic bailiwicks that might so easily suffocate these programs have not yet had an opportunity to take hold and grow up around the new offices, agencies and, with the Department of Urban Affairs, a new department. The sheer number of new pieces of legislation signals the threat of diverted and duplicated efforts. The rapid pace by which these new ideas and programs became law calls out for the need of close supervision and the application of the most efficient techniques as these programs are taken to the taxpayers who support them.

We in the Congress are charged with the responsibility to act as overseers of the Federal bureaucracy. We do not, however, have the means to effectively discharge this responsibility in the comprehensive manner which is dictated by the importance of the task. It is true that we can maintain some check on the activities of the executive branch through the annual authorizations and appropriations, but the close scrutiny and comprehensive evaluation of the operations of the executive branch that would be performed by this Commission is different from the purpose of any of our committees.

Since coming to the Congress in 1959, I have been privileged to serve on the Appropriations Committee. The dichotomized look at any particular department of the Federal Government executive hierarchy that members of this committee get does not enable one to spot inefficiency as between the distinct departments or duplicated efforts. In many respects, we do not have the operations of a single department effectively under control at any one particular time. Without fail, soon after the extensive hearings before the subcommittee on the budget for the coming fiscal year are completed, we find it necessary to initiate hearings on supplemental budget requests. It is estimated that for fiscal year 1966, the supplemental budget requests will be between $5 and $6 billion.

In other respects, personnel policies, new equipment and technology and new procedures may prove quite successful in a particular department. Would they be equally applicable in a second department? We have to be able to look at the two side by side to make such a determination.

For example, the Internal Revenue Service, largely at the insistent urging of members of the Treasury-Post Office Appropriations Subcommittee, has efficiently utilized automatic data processing systems and methods to modernize the operations of the Nation's postal system. Are other departments doing likewise? Are they dragging their feet in the face of change or is it that they do not know of the success and the experience which has been gained by one of their Cabinet brothers?

The proposed Commission which would be established under the provisions of the bill which I, and this fine company of my colleagues, have introduced in the House today will enable an independent group to get the complete picture of the overall operations of the Federal executive branch of the Government. The insight that can be gained by having all the facts before one body at one time has been shown in the past with the two preceding commissions. And that insight was translated into action.

I am convinced that we can expect similar, if not better, results from the commission of this legislation. I feel that the action that is proposed under the terms of this legislation is extremely important if we are to maintain the executive branch of the Federal Government as an effective and viable part of the democratic system which is the heritage of this Nation.

Mr. REID of New York. Mr. Speaker, it has been some 10 years since the last overall review of the executive branch by Congress. As a member of the Government Operations Committee and as a former staff member of the first Hoover Commission, I am particularly aware of great changes in the size, emphasis, and complexity of Government since the second Hoover Commission that point to the need for another study of the operations of the executive branch. I am happy to cosponsor the legislation to this end introduced today by my distinguished colleague, the gentleman from Maryland [Mr. MATHIAS].

Although congressional scrutiny of the executive branch is continual, there is a definite need for a comprehensive study with a broad congressional mandate and widespread public support. This need is underscored by developments at home and abroad.

The number of new Federal programs established within the last 10 years is unprecedented since the days of the New Deal, running the gamut from funds for space research to a war on poverty. This proliferation of Government activities indicates a clear need to take a hard look at the whole structure of fiscal management.

Last year I introduced legislation calling for a fresh study of the legislative budget process provided for in the Legislative Reorganization Act of 1946 which would encourage an overall rather than a piecemeal approach to appropriations and the raising of revenues. A similar study of the executive budget process is also required if we are to have a clear understanding of what is essential as opposed to what is merely desirable, and if we are to establish a system of priorities among proposed programs.

On the foreign scene, our worldwide responsibilities and commitments have considerably enlarged since the last Hoover Commission. As a former Ambassador, it is my judgment that it is a matter of some importance to see whether our existing structure of Government can deal effectively with our opportunities and responsibilities.

In our nuclear age it is essential that we have new and more effective machinery to identify and get ahead of emerging problems before they become crises with limited and narrowing options, leading toward potential confrontation. Today, the Cabinet is overbalanced in favor of domestic departments, and it is a real question as to whether the White House and the Cabinet are so established as to give effect to our major responsibility as leader of the free world.

Mr. MATHIAS' bill proposes to study these areas where reform is indicated. It is patterned after the legislation establishing the first and second Hoover Commissions but its powers and duties, as well as the membership of the Commission, are broadened to meet the needs of the present age. This is a thoughtful and necessary piece of legislation and I am pleased to be among its sponsors.

Mr. MORSE. Mr. Speaker, I want to commend the gentleman from Maryland for taking the initiative in introducing this important legislation today. It has been a decade since the second Hoover Commission completed its work. I know I do not have to remind the House of the enormous growth in the Federal establishment during that period of time, indeed in this session alone.

If the people's business is to be conducted with the maximum efficiency and economy, then the Congress, through its function of oversight, and through its establishment of commissions of this nature must constantly subject programs and organizations to scrutiny.

I am especially pleased that Governors are to be added to the proposed Commission—a change from the previous pattern. At a time when State governments are themselves undergoing major revisions, and when their participation in Federal programs is increasing, I think it will be valuable to have their perspective and experience on the Commission.

For some time, I have been interested in reviewing Federal policy in a number of specific areas, urban affairs, transportation, water resources and others. Recently, in fact, in correspondence with the White House, I learned that the President has established a National Transportation Council under the direction of the Under Secretary of Commerce, Alan Boyd, to review the variety of Federal programs in this crucial area.

I am always happy to see this, but I think that the across-the-board approach of this legislation is vital if we are to fulfill our responsibilities to the American people.

I hope that the proposed Commission will give particular attention to the feasibility of the adaptation of the systems approach developed in our defense and aerospace industries to the solution of other problems of public policy: information, transportation, waste management.

The recent report of the President's Committee on the Economic Impact of Defense and Disarmament expressed doubts about the capacity of the Federal Government to assess proposals of this nature and I hope that the Commission could address itself specifically to this problem.

Mr. SCHWEIKER. Mr. Speaker, I have today joined a number of my colleagues in introducing a bill to establish a bipartisan study commission to make a comprehensive review of executive branch operations and report to Congress its recommendations for changes and reform.

The legislation would create a 14-member blue-ribbon Commission on the Organization of the Executive Branch similar to the two Hoover Commissions created during the Eisenhower and Truman administrations. It would instruct the Commission to find ways to promote economy, efficiency and improved service in the transaction of the public business throughout the executive branch.

Members of the Commission would include six Presidential appointees—two Governors, two from the executive branch and two citizens from private life; four appointed by the Senate President pro tempore—two Senators and two private citizens; and four appointed by the House Speaker—two Congressmen and two private citizens. At least one of the Governors, one of the Congressmen and one of the Senators would be from each of the two major political parties.

The Commission would submit its first comprehensive report to Congress 1 year after enactment of the proposed legislation and would submit its final report a year later.

Its duties would include:

Defining responsibilities of the various executive branch officials and departments; consolidating services and functions of a duplicate or similar nature and abolishing those not necessary to efficient conduct of Government; and recommended procedures for reducing expenditures to the lowest amount consistent with efficient performance of essential services.

In addition, unlike the two Hoover Commissions, the Commission proposed in the Schweiker bill would be charged with recommending ways to expedite coordination of programs in areas such as urban affairs, natural resources, and transportation, and recommending ways to improve communication and liaison within the executive branch, between the executive and legislative branches, and between the Federal Government and appropriate State and local governments.

Mr. Speaker, more than 10 years have passed since the last comprehensive review of the executive branch. The tremendous growth of Federal activities in the past decade is but one of several compelling reasons for prompt creation of this special Commission to scrutinize the executive branch and help Congress make certain the American taxpayer is getting his money's worth from our Government.

I commend the distinguished gentleman from Maryland [Mr. MATHIAS] for his leading role in the effort to gain passage of this legislation and I urge my colleagues to support its prompt enactment.

PANAMA CANAL: MORE LIGHT ON THE PROPOSED GIVEAWAY

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. FLOOD. Mr. Speaker, on September 24, 1965, while I was presiding over this body as Chairman of the Committee of the Whole House on the State of the Union, the distinguished majority leader [Mr. ALBERT], by unanimous consent, addressed the House and spoke out of order, quoting a joint statement by the Presidents of the United States and Panama on areas of agreement reached in current canal treaty negotiations.

Because interoceanic canal history and problems are subjects to which I have devoted much study over a long period of years and have addressed the House many times thereon, it must have seemed ironical to those familiar with my addresses and views that my position in the chair prevented an immediate comment on the joint statement. Although requested by many following that day's session to make some comment for immediate publication, I refrained until afforded an opportunity to study and reflect upon the provisions of the statement and their significance.

In this connection, Mr. Speaker, I would again emphasize to the Congress the point made in my addresses to the House on April 1 and July 29, 1965, that the transcendant responsibility of our Government is safeguarding our treaty-based sovereign rights, power and authority over the Canal Zone that are indispensable for the efficient maintenance, operation, sanitation, and protection of the Panama Canal. The reason for this is that where there is responsibility there must be authority and that there cannot be two masters in one territorial jurisdiction.

It was with these purposes in view that, on September 27, 1965, I made a statement to the House on the current "Treaty Negotiations With Panama" interpreting the significance of some of the proposed treaty provisions, urging that only the U.S. flag be flown in the Canal Zone, and recommending that the proposed treaties be defeated. This statement was also issued in the form of a general press release.

On the evening of Tuesday, September 28, 1965, the distinguished news commentator, Fulton Lewis, Jr., devoted his broadcast to the canal treaty question in which he quoted excerpts from statements by my distinguished colleagues, Representatives LEONOR K. SULLIVAN, of Missouri, and WILLIAM H. HARSHA, of Ohio, and myself.

In order that the full text of my September 27, 1965, press release may be readily available along with Mr. Lewis' broadcast, I quote both as parts of my remarks:

FULTON LEWIS, JR., BROADCAST, TUESDAY, SEPTEMBER 28, 1965

Good evening, ladies and gentlemen, this is Fulton Lewis, Jr., speaking from the Mutual studios in Washington, D.C. I'll have my news and views for you in just a moment.

President Johnson is going to have a serious fight on his hands, in connection with his proposed settlement of the controversy over the Panama Canal and the ownership and sovereignty of the Canal Zone, and while the original announcement was carefully timed for last Friday afternoon, which is renowned as the day on which to release news that has to be released but which the Government would like to get as little attention as possible to what it is saying, the fire is beginning to pick up and the press generally is beginning to awaken to what is happening. Friday afternoon news releases are published Saturday morning and afternoon—a day when news reading and listening is at its absolute lowest ebb—because of sports and other diversions and because newspapers with Sunday editions are diverting their major efforts toward the big Sunday morning package, so it's the best day to get news buried if you want it buried, and that's when this Panama release was made.

But there is heavy warfare ahead, as is evidenced by the rising tide of criticism from various sources—notably from within the President's own Democratic Party, and while the official announcements said that agreements had been reached, the agreements are worth nothing at all, until they have been ratified as new treaties by the U.S. Senate, and that's where the fight will come. The general prospect is that the President won't try to force the issue at this session because he already has more than he can chew in the Senate, with his efforts to repeal section 14(b) of the Taft Hartley Act, but that he definitely will shoot for abrogation of the old treaty and negotiation of his proposed new ones after January 1, while he still holds his top-heavy majority in the Senate, which he probably will not continue to hold after the elections of November 1966.

And the people who are the most critical of his proposals—which have been in the wind all the way through, since the Panamanian students first began their rioting and desecration of the American flag in cooperation with the Castro Communist agitators—are the people who are the outstanding experts on Panama and Latin America in the Congress, and who predicted that this surrender to the rioting would be the ultimate outcome, because of supine appeasement policies of the State Department in general.

The President's statement last Friday said that the new treaty will "effectively recognize Panama's sovereignty over the Canal Zone area" and that new treaties would be made, looking to a possible new sea-level canal elsewhere in Panama. It was admitted that several other sites outside of Panama are being considered for the new canal, but it was clear between the lines, and it is known generally in internal State Department circles, that the decision to build the new canal in Panama already has been made, if it can be wheedled through the Senate, which means that we not only allow ourselves to be stampeded into surrendering to mob violence, but we reward the politicians who encouraged the mob violence by giving them another new canal, for which we will pay the bill and they will gain the profits.

All of which is subject for future discussion, at a very heated level, and the heat is beginning to generate, gradually, already. As you will see from the first trickling of statements, which I shall begin presenting to you in just a moment.

The first reaction came from Senator J. W. Fulbright, chairman of the Senate Foreign Relations Committee, which, of course, was favorable. He has been in favor of giving away the canal—and anything else that can be given away—for a long time, so his position is no surprise. But from Mrs. Leonor K. Sullivan, Democrat, of Missouri, and chairman of the House Merchant Marine Subcommittee on the Panama Canal, came the opening blast as follows:

"This new agreement is the most terrible thing this country of ours has ever done. The Washington concessions will only benefit a few in the higher reaches of the Panamanian Government and society, not the masses.

"I can see no good either to the people of the United States, or to the people of Panama. If we turn over or share authority of the operations of the present Panama Canal with the Panama Government and a handful of families who have controlled and stymied the progress of the people of Panama; if I were convinced that this would in any way benefit the little people of Panama, I would be one of the first to approve. However, the establishment of a joint authority for canal operation would only serve to satisfy the aspirations of a few families who have controlled the Republic from the beginning. In fact, if we were to turn over the canal to the Republic of Panama, lock, stock, and barrel, I am convinced that it would not benefit the masses and it clearly would not be sufficient to meet the needs of the people for more jobs and general improvement in its economy."

In addition, listen to what Representative William H. Harsha, Republican, of Ohio, had to say:

"The U.S. Government has completely capitulated to the demands of Panama, concerning the canal and we have come home from the so-called negotiations like a whipped pup with its tail between its legs.

"The country of Panama owes its entire existence to the United States and we have continually given friendship and economic support to it. The grant by Panama to the United States of exclusive sovereignty over the Canal Zone in perpetuity for construction of the canal and its perpetual maintenance, operation, and protection was an absolute, indispensible condition precedent to the great task undertaken by the United States, and the United States has fully performed its responsibility under the treaty of 1903. Therefore, there was nothing to negotiate and this country should have stood firm. Instead, the United States capitulated. How do we expect other nations to have any respect for the United States, when we do not have enough self-respect to stand firm, when we are on solid legal and moral footing?"

Now, finally, Democratic Representative Daniel Flood, of Pennsylvania, who is perhaps the outstanding congressional student of Panamanian affairs and on the canal issue. Here is what he has to say:

"The President's announcement, on September 24, 1965, fully justifies my fears for the security of our position on the isthmus and confirms my predictions on this subject.

"It means a complete and abject surrender to Panama of our indispensible sovereignty and authority with respect to the Panama Canal in favor of a so-called dual governmental and managerial setup, for it is an area of endless bloody revolution and political instability. This can only lead to unending conflicts and recriminations, that always accompany extraterritorial jurisdictions, where two masters are involved.

"The Canal Zone is a territorial possession of the United States, with sovereignty granted by treaty in perpetuity and ownership of all land in the zone obtained by private purchase at a total cost of some $144 million. Our investment in the canal enterprise and defense installations is in billions of dollars, furnished by the American taxpayers, but in the indicated agreements, not a dollar is to be repaid to us.

"Under existing treaty, the United States is obligated to Panama for the perpetual operation and maintenance of the canal. The issues involved in the agreements under negotiation are so grave that candor is required. Panama gets everything it desires, and the United States nothing but losses and ignominy.

"The Panamanian negotiators have written out what they demand and our negotiators, figuratively speaking, have merely signed on the dotted line. The grant of complete jurisdiction of Panama over the Canal Zone means that all laws made by the U.S. Congress for the government of the zone and the operation and maintenance of the canal may be scrapped at any time by Panasa, and superseded by Panamanian law. Also, all civil activities in the zone—courts, police and fire departments, schools, roads and public utilities—will be taken over by Panama.

"For our officials to proclaim that Panama, which, since 1955 has not been able to collect its own garbage from the streets of Panama City and Colon, as a partner of this great interoceanic public utility is, to say the least, unrealistic and really astounding. And it will evoke serious reactions from maritime countries as regards the fixing of tolls.

"Panama, having secured such outstanding results in its claims, will inevitably demand all control over the canal enterprise, with withdrawal by the United States. If such abandonment occurs, Panama and all of Latin America, will go down the Communist drain.

"The President's announcement, indeed, marks a sad day for the United States, although it may bring rejoicing at Peiping and Moscow. He has completely yielded to the counsel of his advisers, sappers, and appeasers who must be made to bear basic responsibility for what has occurred. Moreover, I predict that the expressed willingness to surrender control over the Panama Canal will be taken as a signal for accelerated activity among communistic, revolutionary elements, all over Latin America and the Caribbean."

That is the essence of the statement by Democratic Representative Daniel J. Flood, of Pennsylvania, regarding President Johnson's capitulation to the demands of Panama, that we surrender the Panama Canal and all sovereignty over it, and the last line of that statement is exquisitely illustrative of why Senator Fulbright, of Arkansas, whom I mentioned earlier as being in favor of the President's action, takes the position he does. Within the last week, he has denounced the President's policy of opposing communism in Latin America, because he says it might discourage revolutions—and has said that any revolution is good, whether it is Democratic, Socialist, or Communist—as long as it aims at social reform.

I'll have more for you in just a moment.

You'll hear much more about this Panama Canal proposal, as time goes on, from both sides. The argument will be used that the canal is no longer economic anyway, because many of the larger ships of the world including tankers and our own aircraft carriers are too large to pass through it. The answer to that is that it could be enlarged, or probably, more cheaply, the new sea-level canal could be dug, which would have unlimited accommodation. But do we dig it in a country that has behaved as Panama has behaved in this situation, a country which has actually encouraged terrorism against our citizens and the insulting of the American flag? Senator Fulbright and the State Department say "yes." That's why we're in as much trouble as we're in over the world. I for one say "never," and I suspect that you and 90 percent or more of the American people agree.

Anywhere but Panama.

STATEMENT OF CONGRESSMAN DANIEL J. FLOOD, DEMOCRAT, OF PENNSYLVANIA, CONCERNING THE PROPOSED TREATIES WITH THE REPUBLIC OF PANAMA

The President's announcement on September 24, 1965, about the status of current treaty negotiations with the Republic of Panama, fully justify my fears for the security of our position on the isthmus and confirm my predictions on this subject.

It means a complete and abject surrender to Panama of our indispensable sovereignty and authority with respect to the Panama Canal in favor of a so-called dual governmental and managerial setup for it in an area of endless bloody revolution and political instability. This can only lead to unending conflicts and recriminations that always accompany extraterritorial jurisdictions where two masters are involved.

The Canal Zone is a territorial possession of the United States with sovereignty granted by treaty in perpetuity and ownership of all land in the zone obtained by private purchase at a total cost of some $144 million. Our investment in the canal enterprise and defense installations is in billions of dollars furnished by the American taxpayers but in the indicated agreements not a dollar is to be repaid to us.

Under existing treaty, the United States is obligated to Panama for the perpetual operation and maintenance of the canal. The issues involved in the agreements under negotiations are so grave that candor is required. Panama gets everything it desires and the United States nothing but losses and ignominy.

The Panamanian negotiators have written out what they demanded and our negotiators, figuratively speaking, have merely signed on the dotted line. We certainly should not have agreed to Panamanian sovereignty but, on the other hand, should have demanded the extension of the Canal Zone to include the watershed of the Chagres River.

The grant of complete jurisdiction of Panama over the Canal Zone, means that all laws made by the U.S. Congress for the government of the zone and the operation and maintenance of the canal may be scrapped at any time by Panama, and superceded by Panamanian law. Also, all civil activities in the zone—courts, police and fire departments, schools, roads, and public utilities—will be taken over by Panama.

All this means, sooner or later, the elimination of U.S. citizen employees in the canal enterprise with substitutions by Panamanians. It will be inevitable that all these positions will become political plums eagerly sought by Panamanian politicians with gross confusion and embarrassment. Yet, our negotiators were unable or unwilling to deal with the situation realistically and have agreed to leave our Government with responsibility without any adequate authority. Think what this means in time of war or other grave emergency. Even as to the matter of land in the zone, which may be required for canal purposes, we should have to buy back at exorbitant prices areas we already own by actual purchases from the owners. What a ridiculous situation.

Panama, having secured such outstanding results in its claims, will, inevitably, demand all control over the canal enterprise with withdrawal by the United States. If such abandonment occurs, Panama and all of Latin America will go down the Communist drain.

For our officials to proclaim that Panama, which since 1955 has not been able to collect its own garbage from the streets of Panama City and Colon, as a partner of this great interoceanic public utility, is, to say the least, unrealistic and really astounding; and it will evoke serious reactions from maritime countries as regards the fixing of tolls.

The President's announcement, indeed, marks a sad day for the United States, although it may bring rejoicing at Peiping and Moscow. He has completely yielded to the counsel of his advisers, sappers and appeasers, who must be made to bear basic responsibility for what has occurred. Moreover, I predict that the expressed willingness to surrender control over the Panama Canal will be taken as a signal for accelerated activity among communistic revolutionary elements all over Latin America and the Caribbean.

There should be only one flag flown over the Panama Canal and zone—the flag of the United States—and the proposed treaties should be defeated.

FAREWELL TO JAMES ROOSEVELT

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CORMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. CORMAN. Mr. Speaker, it is with considerable sadness that I bid farewell today to my colleague and fellow Californian, James Roosevelt. It has been my privilege to serve with this distinguished legislator for the past 5 years, and I always have regarded him as one of the most effective and dedicated Members of this House.

He has worked selflessly toward securing equal opportunity for all Americans, regardless of their race, religion, or national origin. It was Jim Roosevelt, more than any other Member of this body, who was responsible for inclusion of a fair employment practices provision in the landmark Civil Rights Act of 1964. Had this provision failed, the 1964 Civil Rights Act would have fallen far short of our hopes—and our obligation—to provide all our citizens with equal access to the job marketplace.

Jim Roosevelt has been a tireless champion of religious freedom and has been a strong voice in the protest against religious persecution in the Soviet Union. He has been a steadfast friend of the brave nation of Israel, realizing many years ago that Israel would develop into the bastion of freedom and progress in the Middle East.

To me, and to my fellow Californians, Jim Roosevelt's work in Congress always has reflected man's aspirations and endeavors for a better life and a better America. He has been an able leader on the Select Committee on Small Business, seeking to promote small business activity and strengthen our free enterprise system. I am honored to succeed him on this committee and am awed by the challenge of trying to fill his shoes. He has fought relentlessly to establish a minimum wage law which would promise every American worker a decent standard of living. He has tackled the war against illiteracy, hunger, and deprivation with the same courage and energy he used against the enemy in World War II.

James Roosevelt is truly a credit to the U.S. Congress and to his family name which has left a deep and indelible mark on modern history.

We surely will miss him in these Halls of Congress. Yet, it is with pride and happiness that I watch him go to his new assignment at the United Nations. After nearly a quarter of a century, the United Nations remains our best hope for world peace. I am confident that James Roosevelt will make a very significant contribution toward achieving world peace and lifting up men all over the world from the depths of hunger and despair.

THE STATE OF TEXAS, PRIVATE BUSINESS AND TRAINING SCHOOLS, AND THE MANPOWER PROGRAM

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the manpower training program was designed to equip unemployed men and women with the skills they must have to find employment. The program is supposed to be implemented on the State level in accordance with the policies contained in the Federal legislation. I am sorry to report that in my own State of Texas the Manpower Training Act, and specifically the Manpower Amendments of 1965, is not being applied to its full capacity and in accordance with the intent of Congress.

Several months ago, the head of one of the excellent private training schools in my home town of San Antonio brought to my attention the fact that the State agencies in Texas had refused to permit his school to participate in the manpower development and training program in Texas. I have since learned that no private school has been allowed to participate in the Manpower Development and Training Act program.

This Federal program was originally enacted by Congress in 1962. It was created, as I have said, for the purpose of giving to unemployed persons the necessary skills to return them to their jobs. The program has been extremely successful wherever applied. Since the year of its enactment it has been strengthened and broadened by Congress on several occasions. This year Congress amended the Manpower Act of 1962, among other reasons, to specifically authorize the States to contract with private business and training schools to bring them within the program wherever they can provide substantially equivalent training at comparable expenditures. Congress found after holding public hearings that there has been an underutilization of the many fine private schools throughout the country which could make a valuable contribution toward our efforts at training the unskilled and the unemployed. For this reason, the 1965 amendments contain specific language to provide for the use of private training schools.

I was extremely disappointed, therefore, to learn that the Texas Education Agency has adopted a policy of using only public schools, to the exclusion of all private business and training schools. I was also disappointed to learn that the Texas Employment Commission has so far failed to even certify that there is a need in Texas for trained workers in the heavy construction industry such as qualified diesel mechanics. It is incredible that the need for this skill has not yet been recognized in Texas and especially in the San Antonio area. I have documentary proof in the form of letters from Texas and San Antonio contractors and construction firms stating not only the need for trained diesel mechanics, but the need for skilled workers throughout the heavy construction industry. In addition, recent economic projections show there will be an even greater need for these skills within the next 18 months because of the expanding San Antonio economy.

Furthermore, the State agencies have certified the need for skills in other areas such as secretarial and stenographic, which are taught in many of the private schools located in Texas. Yet, although training programs for these skills have been established in some of the Texas public schools, they have been denied to the private schools. The failure to utilize the private schools for the teaching of the skills that have been certified is a clear discrimination against the private schools and a violation of the Federal policy.

In light of the intent of Congress in passing the 1965 amendments, these facts are quite disturbing. In light of the fact that the manpower training program is financed entirely with Federal moneys, they are even more disturbing. The money to pay for this program comes 100 percent from the Federal Government without any requirement that the States contribute a matching share or even a small part. It seems to me that the State agencies and the responsible Federal agencies should have more than a passing interest in how the program is administered.

The Texas State agencies by their actions are, in effect, giving a monopoly on manpower training under Manpower Development and Training Act to the public schools at the expense of the private schools. The State of Texas is thereby forcing the Government to compete with private enterprise. This should not be permitted by the State government or condoned by the Federal Government, for it is the intent of Congress that the private schools shall participate in this program.

The effects of this unfortunate circumstance can become most serious for San Antonio in a very short time. San Antonio has a skilled manpower shortage, especially in the construction industry. Activity in this industry has been increasing and will continue to increase in the foreseeable future. But a continued shortage of skilled manpower could have a harmful effect on this trend.

For these reasons, I have taken an intense interest in seeing to it that the shortcomings in the application of MDTA are corrected, particularly in regard to the 1965 amendments. I have been in touch with the appropriate officials of the Department of Labor and in the Department of Health, Education, and Welfare, and am pleased to report that as a result of my inquiries and efforts a Federal field representative in Texas has urged that the private schools be used and it is hoped that more consideration will be given to the use of these schools. In a letter to me, the Acting Deputy Commissioner for adult and vocational education in the Office of Education, Department of HEW, has stated:

> We are gratified that responsible State officials are now giving active consideration to the involvement of private schools in manpower training. In this regard we shall continue to keep in touch with the situation through our regional representative, and we shall advise you of further developments.

But the fact remains that so far not a single private school has been used in the manpower program in Texas. I intend to pursue this matter until the private schools are given an equal opportunity to make a contribution to the manpower program in Texas.

THE NEED FOR LEGISLATION TO PROVIDE FOR THE HUMANE TREATMENT OF LABORATORY ANIMALS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. PEPPER. Mr. Speaker, I was honored and pleased to appear before the House Interstate and Foreign Commerce Committee, which is now holding hearings on my bills and other bills that would provide for the humane treatment of laboratory animals.

Because of the controversy of this legislation and the feelings that has been generated by its supporters, I would like to offer my statement which I gave to the committee today, so that my colleagues and the entire humane movement may know how I stand and why I feel that this Congress should pass legislation that would protect our laboratory animals.

The statement follows:

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. PEPPER. Mr. Chairman and members of the committee, I wish to thank you and to commend your committee for having these hearings upon this important subject.

I am going to address myself generally to two bills which I have supported but make a few general remarks to indicate that what I am really here for is to support the objectives of all these bills that are before your distinguished committee.

I want to have a general word to say about that when I complete my statement, if I may.

Mr. Chairman, one of my bills was H.R. 3036 which was introduced in the 89th Congress; and the other one is H.R. 10050, which is a companion bill to H.R. 10049, introduced by my distinguished colleague from Florida and one of the eminent members of the committee, Mr. ROGERS, also introduced in this session of the 89th Congress.

Mr. Chairman, I want to make it perfectly clear to those who are criticizing this legislation by stating that enactment would impair their ability to serve the cause of man by what they would regard as legitimate experimentation upon animals, that this is not the objective at all. There are those who feel that there is an excessive use made of animals for that purpose and then there are those who feel that they should not be used at all for that purpose, but this is not the purpose of the proposed legislation.

The aims of this proposal do not seem to be objectionable to anyone of good will, for all that is sought is that no unnecessary experimental use of animals be made, that these animals not be subjected to pain or death when it might be avoided, and if these animals are chosen for legitimate experimentation that no unnecessary pain, no lack of consideration be shown them.

In short, all we are saying is "Don't use the laboratory animal when not needed, and don't inflict unnecessary pain, and don't show toward it any lack of consideration that the most basic instinct of kindness would require one to give to any living thing."

The wrongs being committed—and I might emphasize—very grievous wrongs—are the tremendous amount of suffering to which millions of animals are subjected annually, in the research facilities of our medical and pharmaceutical laboratories.

Now I know and I believe just about everyone will agree that most of the suffering inflicted is unavoidable. Oh, and I know that our conscience also tells us that it is better for a few hundreds or even several thousands to suffer as long as this may result in the alleviation of suffering and improvement in the health of millions of human beings. But this is not so—not to those who have been exposed to the goings-on in our research laboratories. It has been demonstrated that a great deal of the suffering of laboratory animals is not necessary for any legitimate reason connected with the advancement of human welfare. Unfortunately unnecessary suffering apparently has become a part of our medical experimentation largely because we have been too preoccupied with helping humans to take the trouble to help the animals.

The problem has been greatly accentuated by the rapid growth in the use of animals in laboratories in recent years, due mainly to financial support by the Federal Government for medical research. It is estimated that over $1 billion is appropriated annually for this purpose.

It is estimated that between 200,000 and 300,000 persons are engaged directly in the use and handling of animals in research, teaching, and the production of pharmaceuticals. Commonsense tells us that in any such group there are people of many kinds—humane, kind, lazy, conscientious, careless, and cruel. Not everyone who handles animals in a laboratory is a scientist. There are kennel men, janitors, technicians—and they far outnumber the scientists. Even among the scientists there are many shades of opinion about their responsibility to the animals they use.

In this Congress and the preceding Congresses a number of legislative proposals concerning the humane treatment of laboratory animals have been introduced. I believe it worthwhile to review these events of the last 5 years. Five years ago the first bill for the protection of laboratory animals was introduced in May 1960 in the Senate during the 86th Congress. This was the Cooper bill and it was followed by the introduction of three bills in the House of Representatives. In the 87th Congress the Moulder and Griffiths bills were introduced in the House of Representatives and the Clark bill in the Senate. As most of you know, these bills all contained the same general administrative framework: licensing of laboratories and individuals, pain limiting clauses and inspection, standards for physical plant and animal care. Hearings were held also during the 87th Congress on the Moulder and Griffiths bills.

Since the 87th Congress, no constructive move has been made in Congress to secure passage of this legislation. In session after session these bills were reintroduced, 10 in the 88th Congress, and 12 so far in the 1st session of the 89th Congress.

In summary, there have been 29 legislative proposals introduced on the national scene since 1960. This record has pointed up the obvious, the opposition who favored the status quo had demonstrated more effectiveness in dealing with Congress, and in the process had been more vocal than those who seek passage of a reasonably protective bill. As we all know, many resource struggles are fought in the legislative halls and nowhere is a united front more important.

Indeed, it has become essential that proponents of protective legislation now show a more united front, and be more aggressively vocal in expressing their views if any such remedial legislation is to be enacted. Consequently, the two largest national organizations of the American humane movement—the Humane Society of the United States and the American Humane Association have now been brought together in a united front. As a result, H.R. 10050 and the other identical bills represent an adequate and broadly supported solution to the problem of alleviating the suffering of laboratory animals. I believe this bill, overall, will do more, if passed, to protect the animals against avoidable suffering than any other bill that has been introduced in the past. Great care has also been exercised to protect the research laboratories and pharmaceutical manufacturers against punitive and cumbersome government interference with their operations.

Then, Mr. Chairman, I have outlined the provisions of my bill and Mr. Rogers' bill H.R. 10049 and H.R. 10050, since they speak for themselves I will not take the time of the committee now to cover those provisions since they appear on the face of the bills.

It may be productive for me to call your attention to some features of H.R. 10050:

Concerning administration: Full responsibility for administration and enforcement of the act is given to a coordinator appointed by the President to head an independent Office of Laboratory Animal Welfare located for administrative purposes within the Department of Health, Education, and Welfare.

Concerning coverage: Coverage extends to all laboratories where animals are used in research laboratories of any department or agency of the United States; laboratories where U.S. grant or contract funds are used; and laboratories engaged in interstate commerce.

Concerning inspection and destruction of animals: Qualified inspectors shall periodically inspect laboratories to insure compliance with the act. An inspector finding an animal suffering as a result of a violation shall consult the head (or other employee) of the laboratory and the coordinator before destroying the animal.

Concerning licensing and enforcement: The Coordinator will issue a certificate of approval (license) to the head of any covered laboratory who then is charged with full responsibility for the care and use of animals, for permitting inspections at any time, for operating the laboratory in conformity with the act and with all directives issued under it, and for approval of the competence of the investigators working in his laboratory.

For failure to comply with the act and with directives (1) the certificate of approval of the head of the laboratory may be suspended or revoked, (2) the head of the laboratory may be made temporarily or permanently ineligible to use animals in research, (3) no payments of Federal funds may be made under grants or contracts during a period of noncompliance, and (4) at any time that a laboratory is not supervised by a holder of a certificate of approval, all animals shall be in the custody of an appointee of the Coordinator.

Individual investigators are not licensed but they must meet qualifications as a prerequisite to carrying out research and are subject to temporary or permanent ineligibility to use animals in research as a penalty for violation.

Concerning student work: Students and laboratory assistants may work under the direct supervision of a qualified investigator who is responsible for the well-being of the animals. Animals used in practice surgery and other painful training procedures shall be under complete anesthesia and shall be humanely put to death before recovering consciousness, except under such circumstances as the Coordinator may prescribe.

Concerning animal care: The Coordinator shall issue general directives establishing humane standards for the physical environment and care of handling laboratory animals. He is also directed to conduct studies concerning the health, etc. of laboratory animals and to improve the skills of laboratory personnel by training programs.

Concerning pain limitation: The handling and use of animals in laboratories shall conform with directives issued by the Coordinator. Without prior approval investigators may carry out painless experiments in accordance with general directives. For procedures painful to animals, the investigator may be granted prior approval in a special directive. In either case, directives will prescribe surgical and other techniques, the use of anesthetics, postoperative care, and the method and timing of painless destruction of animals.

In drawing up both general and special directives the Coordinator is directed to work toward refinement of techniques in order to reduce distress to the animals, the widest use of statistical techniques in experimental design and sampling, the elimination of duplication of experiments, and the substitution of nonsentient or less sentient forms of life for higher forms. The Coordinator may issue a special directive if, after examining alternative means to accomplish the experimental purpose, he finds that it is absolutely necessary as a means of directly achieving the alleviation of suffering, the prolongation of life, the prevention or cure of disease, or the promotion of national safety.

Concerning reports and records: Covered laboratories must keep records showing, for each animal, information relating to its use and dates of acquisition and final disposition. Copies of the special directives authorizing painful procedures must be displayed near the animal involved. Animal reports must be filed by each laboratory showing numbers of each species of animals used, references to research publications, and other information as prescribed by the Coordinator.

Concerning participation by humane representatives: In establishing all standards and directives the Coordinator shall consult with, among others, interested animal welfare organizations.

Recently the Florida Federation of Humane Societies adopted a resolution which supports my bill, H.R. 10050, and my colleague, Mr. Rogers' bill, H.R. 10049.

I offer and recommend this bill to you with earnest personal conviction that it is desirable as a matter of public morality, that it will improve medical research, and that it will also save public funds that now are being wasted. I urge its enactment.

I have copies of that resolution which I ask leave to incorporate in the record at the end of my formal statement.

Mr. O'Brien. Without objection it is so ordered.

Mr. Pepper. Mr. Chairman, in conclusion, as I said in the beginning, while I think these two bills that I have introduced, H.R. 3036 and H.R. 10050, have merit and deserve the consideration of your distinguished committee, I am here this morning not to advocate a bill. I am here to appeal to the instincts of humanity, the pricks of conscience that make us considerate of any living creature which is made to suffer.

The great Dr. Albert Schweitzer, who was recently lost to the world, based a whole religious philosophy upon the simple observation that perhaps the most sacred thing upon the face of the earth was life, not human life but life, the life of every living creature. Reverence for life. All life. Not just people but the life of all living creatures was the basic creed in that moving philosophy of one of the greatest men of all times, reverence for life, respect for life in whatever form the Creator put it upon the face of the earth.

Mr. Chairman, we have heard you will recall for a long time, the words, "Poor man's inhumanity to man makes countless millions mourn." I wonder if we take account of man's inhumanity to other creatures, not making more millions mourn because probably as grievous as is man's injustice to his fellow man, it is shocking to see the lack of consideration and the carelessness that man has in to many cases shown to other creatures who also have the sacred flame of life within them.

Mr. Chairman, these creatures do not speak our language, but I think we all agree that they do speak a language. They cannot complain in articulated words which are a part of our method of speech. There is often a dumb, mute appeal, inarticulate and inexpressible and not understandable to a lot of people who do not have some sort of spiritual capacity to perceive what they are trying to communicate.

There are those who deal with these creatures who do not seem to respect their agony, their anguish, their pain, and that is what makes necessary law and authority and for those who do speak for the conscience of a country, that does have a conscience, to step in and try to protect these creatures against unnecessary pain.

Whatever the pain is, if it is unavoidable, there may be justification for it, once every method to anesthetize has been employed, if it is unavoidable and in the interest of promoting the health and protecting the lives and prolonging lives of human beings, I am not here to oppose that. But I do say that when we select these creatures and make them the sacrifices of experimentation, the least we can do show our gratitude and the least we can make those do who would not voluntarily discharge that moral obligation is to do everything that can be done to spare anguish and agony and pain and death to those who are making the service of their bodies, or the giving of their lives, a sacrifice to their superiors upon the face of the earth in intelligence, man.

I come to appeal for these creatures and so, Mr. Chairman, take all these bills, take every suggestion that is offered here, your able committee can put it together into legislation that will accomplish the noble objective which is in the hearts of all of us who are trying to project this legislation and in the hearts of the millions of people over America, who feel as we do even if they are not here to be heard before your distinguished committee.

I ask that my statement be incorporated in the record.

Mr. O'Brien. Without objection.

"RESOLUTION BY FLORIDA FEDERATION OF HUMANE SOCIETIES

"Whereas the Florida Federation of Humane Societies has gone on record in a resolution passed March 16, 1963, as endorsing national legislation designed to eliminate avoidable cruelties to animals used in medical laboratories in the United States; and

"Whereas the identical bills introduced in the 1st session of the 89th Congress by Congressman Paul Rogers, of Florida, H.R. 10049, and by Congressman Claude Pepper, of Florida, H.R. 10050, meet the basic requirements set forth in the aforesaid resolution; and

"Whereas passage of such desirable legislation will be furthered by presenting, as far as possible, a united front on the part of humane societies with respect to specific legislation, despite some differences of opinion among humanitarians regarding the most desirable content of such legislation, and in view of the fact that the American Humane Association and the Humane Society of the United States, the two largest national humane societies in this country, strongly endorse the identical Rogers-Pepper bills: Therefore be it

"*Resolved, by the Florida Federation of Humane Societies, meeting in Tampa, Fla., on September 24–25, 1965,* That this federation endorses the foregoing bills introduced by Congressmen Rogers and Pepper, extends its compliments to these two Members of the Congress who have worked so diligently for humane treatment of laboratory animals, and urges all humanitarians of Florida to actively work in support of H.R. 10049 and H.R. 10050."

Mr. O'Brien. I want to thank you, Congressman, for a very fine statement. I particularly appreciate your willingness to go along with whatever may develop in the refusal to adhere to a particular set of words in a particular bill.

I am sure that some of my colleagues would have some questions but we will have an opportunity in other places to do that. We do have other colleagues here this morning who must be before the Rules Committee, a committee with which you are familiar, Mr. PEPPER, in about 5 or 6 minutes.

If the committee would permit, we will proceed to hear at this time a statement of the gentleman from New Hampshire.

Mr. PEPPER. Thank you, Mr. Chairman and gentlemen.

A NEW LOOK AT THE INDUSTRIALIZATION OF SOUTHERN AND BORDER STATES

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. ANDERSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ANDERSON of Tennessee. Mr. Speaker, it is my continuing resolve to work wholeheartedly to help expand existing industries and to bring new industries to Tennessee and particularly to my own—the Sixth Congressional District. Of crucial concern is the attraction of industries which will truly benefit the economy. Mr. Bill Kovach, of the Nashville Tennessean, has provided a probing and very astute analysis of this matter in an article carried in the October 7, 1965, issue of the Reporter magazine. Believing this matter to be of interest to my colleagues, I have requested permission for it to be reprinted in the RECORD, as follows:

THE AIR-CONDITIONED SWEATSHOP

(By Bill Kovach)

NASHVILLE.—At one time or another during the past decade, almost every manufacturing center in the United States has been visited by dedicated boosters announced by orange-and-white calling cards as "Ten Men From Tennessee." Their purpose has been to lure industry to their State, and in this endeavor they are competing with counterparts from the eight States that border on Tennessee. These industrial promoters assail the businessmen with facts on Tennessee's climate, central location, and natural resources. But these advantages are just a gloss on the real attraction—cheap labor and dollar incentives. Tennessee, like the other industry-seeking States in the South, has frankly been buying industry with tax dollars and with its people.

Through the efforts of the chambers of commerce and politicians, industry has been raised to the level of unassailable virtue. In the name of industry, Tennessee enacted a right-to-work law in 1947; in the name of industry, the burden of taxation has gradually been shifted almost totally onto the consumer; in the name of industry, bond acts were passed in 1951 and 1955 permitting the use of public funds to build and in some cases pay for plants and machinery for companies moving south to avoid high wages. Recently, these incentives and their consequences have come in for heavy criticism in Tennessee itself.

In 1963, a detailed and generally critical study of public financing programs for industrial development was undertaken by the Advisory Commission on Intergovernmental Relations, which includes Governors, Congressmen, Federal officials, mayors, and State legislators. Their conclusion was: "the industrial-development bond tends to impair tax equities, competitive business relationships and conventional financing institutions out of proportion to its contribution to economic development and employment. It is therefore a device which the Commission does not endorse or recommend." The 16 States listed in the report had, through 1962, issued nearly a half billion dollars in local industrial-development bonds. In this category, Tennessee led the Nation with a total of $125,716,000 (including bond issues to build plants for such industrial giants as Olin Mathieson and Genesco Co.), followed closely by Mississippi with $102,748,000.

Although the expansion of southern industry began in earnest after the Second World War, the movement goes back to Mississippi Governor Hugh White's BAWI (Balance Agriculture with Industry) program of the 1930's. That State's consistent ranking as the poorest in the Union is one indication of the success of White's program. The other Southern States, however, Tennessee included, began with right-to-work laws and refined their recruiting techniques until by 1962 more than 40 percent of all money spent in the Nation by State agencies to advertise industrial advantages was spent by the States in the Southeast. Industrialization is second only to the civil-rights movement as the central theme of southern history since 1945.

In terms of development, the results have been impressive. Between 1951 and 1963, the total investment in new and expanded plant operations in Tennessee totaled $1.8 billion. While most of this was spent to expand existing industry, at least 300 new plants were established in Tennessee with the help of public funds and at a total investment of some $200 million. Many of these were plants whose names have made the AFL–CIO's list of runaway shops, such as the Emerson Electric Co., which moved one of its operations from St. Louis to Tennessee between 1963 and 1965, leaving behind about 250 workers, and Yale & Towne Manufacturing Co., which closed its 2,000-employee plant in Stamford, Conn., to move to Lenoir, Tenn., in 1957.

Outside Tennessee and the South generally this practice has been condemned, first by organized labor and more recently by organizations closer to home. A few years ago, the southern Governors' conference reported that their States were relying on industries in which wages are on the bottom of the list, and that they had not been selective in their industrial recruitment. Recently Bernard F. Hillenbrand, executive director of the National Association of County Officials (NACO), was more critical of the practice of luring industry as being unfair to existing business and industry in a community. "Nine out of ten new jobs in the typical community," he said, "are developed by expansion of existing industry and it is not fair to ask them to support scum industry that does not want to pay fair wages but wants a free ride from the local taxpayers." To defenders of public-financed industrial development who cite economic salvation arguments, Hillenbrand replied: "We can justify brothels on an economic basis, but that does not make them any less immoral."

Tennesseans are also beginning to take a closer look at the effect of being characterized as a "docile labor supply" and at the use of their tax dollars to lure industry. During a recent debate on the repeal of section 14(b) of the Taft-Hartley law, Tennessee's Sixth District Representative WILLIAM R. ANDERSON pointed to some of the evils of harboring runaway shops. The right-to-work law has brought some industry in, he said, but "In some cases this industry has been interested not so much in the natural advantages of the State nor in our economic uplifting, but in cheap labor to turn over raw materials coming, mainly, from outside the State, into products sold, mainly, outside the State. Any economist will confirm that this does not promote the economic growth of our State very much."

WHOSE BARGAIN?

Although active recruitment of runaway shops is still supported on an economic basis by local and State officials, statistics show that while industry may be sold on Tennessee, the bargain is one-sided. Figures based on the last census that are contained in the State's 1965 report on the incidence of poverty show that the number of persons employed in manufacturing industry is 26 percent of those employed compared to 27 percent nationally. According to the report, "This indicates that Tennessee may be in a period of comparative advantage in manufacturing relative to the rest of the Nation." This "comparative advantage," however, is not readily apparent in the economic condition of the people of Tennessee. The report also shows the State's median family income at $3,949, far behind the national level of $5,660 and less than $1,000 above the official line at which poverty begins. Even the top third of the counties were below the national standard, and every 1 of the 95 counties has more than 21 percent of its families in the poverty category.

Arguments that these conditions will be corrected by a continuation of the 20-year-old industrial-recruitment campaign are not supported by information compiled on existing industry. According to another report made this year, the major industry in Tennessee, apparel and related products, pays an average weekly wage of $49.60, barely above a poverty existence. Even this figure is inflated by the inclusion of supervisory personnel. The depressing effect of low wages on the economic climate in Tennessee is made worse in that at least 12 percent of all manufacturing jobs were bought through public bond issues and represent little if any investment by the companies.

Dr. Harold Bradley, a State legislator and history professor at Vanderbilt University, points out that the cost of such jobs does not end with the initial investment: "There are the continuing costs to the community in the form of increased service by public utilities to the plant, increased maintenance costs, increased outlay for schools and other facilities, and at the same time many of the new workers may be commuters who live outside the local taxing jurisdiction." Dr. Bradley and Bernard Hillenbrand refer to Department of Labor statistics showing that a $20,000 investment is needed to create one new industrial job, and they add that it is one thing if that investment is made by private enterprise and another if it is paid by the taxpayers. In Hillenbrand's words, they are "prostituting their Government tax immunity."

Though the unions are making noticeable gains in many areas of the State among industrial workers caught in the squeeze between low wages and subsidized industry, the organizers are confronted with two major obstacles to any rapid economic advancement through unionization. The first of these is the way politics and economics mesh at a plant built through public finances. For example, in tiny Lewis County, the United Rubber Workers are in a bitter struggle with the local political forces to organize Lewis Products Manufacturing Co., a subsidiary of the American Biltrite Rubber Co., whose plant was erected in 1960 under a $3 million general obligation bond issue and expanded in 1963 with another $1 million bond issue. Frank Whitworth, Jr., president of URW Local No. 760, charges that the company was promised a minimum of 5 years' operation without a union. The promise, he said, was made by State Commissioner of Education J. Howard Warf, political boss of Lewis County, who was then head of the industrial committee and superintendent of county schools. Other officials—including the mayor of the county seat, who is also attorney for the company—have denied this, but unrefuted testimony in an NLRB hearing has shown that a sure way to get a job at Lewis Products has always been a note from Warf approving the applicant. Thus, Whitworth says, the company and the political leaders reinforce one another; to assure labor peace, the company allows political leaders to screen employees, and in effect gives them a new form of patronage.

It is a relationship that the URW is finding hard to break. After three plant elections, several favorable NLRB decisions, and 10 weeks of fruitless negotiations, the URW struck Lewis Products. They are still out, but their strike is threatened by what Whitworth calls "political interference." Local officials, including the police, are actively recruiting nonunion workers to cross the picket lines, Whitworth charges. Further, the company is being reinforced by two other industries located in Lewis County, both actively solicited by the county—Genesco and Henry I. Siegel, both regarded by labor as antiunion plants. "The real problem here," Whitworth stated recently, "is not so much whether or not we form a successful union but that we pose a threat to the political control of this county that has been established through the plants."

CATCHING UP WITH THE 1930'S

Another example is in nearby Lawrenceburg, where Teamsters Local 327 of Nashville has mounted a sometimes violent campaign to organize the Murray Ohio Manufacturing Co., which came to Tennessee in 1955 to escape rising labor costs in Cleveland. Financed by a $2 million community bond issue, Murray Ohio, has become the leading industry in the area and furnishes more than half of all its industrial jobs with an annual payroll of $10 million. Lawrenceburg, like many other rural towns in Tennessee, has become a new kind of company town. The leading citizens who control its economic life are board members or stockholders in Murray Ohio. City officials plan many of their programs around the company's needs and desires. When the Teamsters moved in and mounted a strike that effectively shut down the plant, the police powers and economic forces of the community were joined against the union. In the end, Gov. Frank Clement, who had been advised that publicity stemming from the strike was "turning away industrial prospects," stepped in with highway patrol to enforce an injunction against picketing, thereby ending the 3-month strike.

Attorney George Barrett, of Nashville, who represents the State labor council of the AFL-CIO and Teamsters Local 327, has attempted to balance the scales which he insists are weighted in favor of an alliance of industry and political power. Barrett has been arguing for a State labor board and a little Norris-La Guardia Act in Tennessee to take jurisdiction over labor disputes away from State courts. Chancery-court injunctions have frequently prevented the unions from using their strike weapon. According to some labor officials, the State and the courts have, in effect, become arms of the company in what is essentially an economic struggle.

With these forces operating against union activities, Barrett and others believe that the second major problem confronting unionization in the South today is the ineffectiveness of the NLRB. "The NLRB over the years has bogged down in bureaucracy and has become almost sterile," Barrett said. "In many cases the regional men they send down South have been dealing with the extremely sophisticated labor problems in the East where the unions and companies are competing on the base of 30 years' experience. There is nothing sophisticated about the movement here. We are still trying to catch up with the 1930's." The NLRB, he said, is of little help in the central issue of getting plants to accept unions, and its machinery is so slow and cumbersome that a struggling union could easily disappear from the scene while awaiting needed decisions.

The next few years promise major changes in the rules under which shopping for industries is carried out. The Johnson administration is seeking repeal of section 14(b), which would negate State right-to-work laws—probably the least important of the tools now used to lure industry from States with powerful union organizations. More importantly, the industrial-bond acts are coming under heavy criticism, and State officials fear congressional action that will rescind the tax-exempt status of such bonds. One portent of such action was contained in the Advisory Commission on Intergovernmental Relations' 1963 report: "The National Government is concerned because the financing method employed usually involves the dispensation of a Federal subsidy (through tax-free bonds) to private interests by a third party, in this case a local or a State government. It may be justified therefore, in taking such steps as it deems necessary to insure that subsidies dispensed at its expense are not dissipated or exploited for private advantage." The report concluded that the effect of these activities "on the fairness of the Federal tax system, the efficient operation of the money markets, the dispersal of industry, employment and unemployment, and the condition of the national economy" demonstrates that they have become a matter of national interest.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, within its short history, this country's accomplishments have been so rapid that most of us accept them without second thought.

In virtually every field of endeavor which excites the imagination of man—science, medicine, business—we have moved faster and farther than any civilization before us.

In only one area have we persistently lagged, and it is to the credit of this administration and this Congress that we have moved, in a small but albeit important way, to remedy the situation.

I am speaking of the establishment of the National Foundation on the Arts and Humanities, which is a first step in the proper direction.

I was most interested to note that the St. Louis Post-Dispatch, in an editorial printed on September 20, called this step significant because it provides "encouragement."

The Post-Dispatch's comments will be of interest to many of my colleagues. It follows:

ENCOURAGEMENT FUND FOR ART

Congress has given President Johnson a small Federal program for the arts that still represents a radical departure in national policy. The bill establishes a National Foundation on the Arts and Humanities with a $21 million appropriation. Direct Federal subsidies for the arts are new in the United States, but this Nation is only catching up with most of the Western world.

Critics of the program in Congress said much the same thing that opponents of the new State Council on the Arts said in the Missouri Legislature—the program would give Government too much power over the arts. In either case, the answer is that the money provided is not enough to control any art. The Federal fund would not even create one major museum. And most of it will be used to match local and private efforts in the arts and humanities.

The Federal program, like the smaller State program, is intended to provide encouragement, and this is the significance of it. The United States is entirely mature enough to display a national concern for matters which have always marked truly great societies.

H.R. 11322

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GIBBONS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. GIBBONS. Mr. Speaker, yesterday I introduced H.R. 11322, which has been referred to the Education and Labor Committee. I am hopeful that hearings on this bill will be started soon.

My legislation, when enacted, will provide for each child the opportunity for a good start. This good start will enable him to overcome his handicaps or to prevent the development of handicaps. These handicaps are great cripplers which adversely affect the proper development of our young people. Even though our country has a great system of education, it is obvious that still far too many children are failing to make successful use of our schools. This failure in educational development leads many a student to become a dropout, unemployable, delinquent, maladjusted, criminal, or psychotic.

It is a proven scientific fact that much of this behavior can be recognized, corrected, or prevented at an early age.

Mr. Speaker, it is obvious to me that immediate national action must be taken to prevent the spiraling increase of crime—the appalling waste of mental illness. Our failure to prevent and correct these problems has become a national disgrace.

If we were developing a program to prevent floods on a river we would commence our prevention and correction work at the beginning of the stream, at the headwaters, not at the point that the flood becomes a disaster. We start at the point where the causes of the problem are found—that, Mr. Speaker, is the philosophy of my legislation. I seek to begin the prevention and corrective process at an early age—at a time when personality, character, and ability are still being developed.

Yes, there will always be a need for courts, jails, and hospitals, but I believe prevention and early correction is sounder and wiser than waiting until an individual disaster is at hand. My program deals with correcting the causes at an early age rather than treating the results.

Mr. Speaker, this must be a national program because our problem is national in scope. Our people are highly mobile and to attack it on a piecemeal basis would result in a great waste of our resources.

Of course, this program of early prevention and correction will require funds to support it but when one measures the savings that will result in lives and dollars, the cost is nil. Money spent on this program is not a cost, it is a sound, basic investment in human resources. As an illustration, the Federal Bureau of Investigation tells us that the cost of crime in the United States is $26 billion a year and is increasing at a rapid rate. Even a small savings—and I believe the savings will be large—in this area alone will more than pay for this program.

This new program will require highly trained people and their training will take some time, but as I conceive this program, it should be in full operation throughout the United States within 10 years—then all children, their families, and schools will have the benefit of this good start program. The early prevention and correction will commence in the preschool years and extend through the third grade. After that time, it is believed that sufficient adjustment will have been made in the learning process to enable most persons to lead successful lives. In these early years, research shows us, that the greatest good can be accomplished in working with human development—this is what I mean by "good start."

Funds appropriated under this program will be spent to train talented persons as child development specialists; to pay the salaries of such specialists after they have been trained and employed; for the general administration of the program; and to pay the costs of conferences which will bring together school personnel, community personnel, and child development specialists to develop a well-knit team approach in solution of these problems.

The program would commence in fiscal year 1966 with an appropriation of $19,250,000. Most of these funds would be used for training. Training in most instances would be for 2 years of postgraduate work. In the second year, fiscal year 1967, appropriations would be $60,800,000 to be used for training and salaries of the first specialists as they commence work. For fiscal year 1968, funds would be appropriated in the amount of $99,250,000 since the program would be expanding rapidly by the third year; for fiscal year 1969, $157,500,000; and for fiscal year 1970, $236,250,000 would be appropriated. When this program is fully developed, in the 10th year, I estimate that the annual Federal expenditure will amount to $516,750,000.

By this time, we will have 55,000 child development specialists working with children, their families, their schools, and communities. This will be a nationwide program of early prevention and correction of the problems that can wreck a life.

How will this new program work? I propose that we make available the services of a highly trained, highly skilled child development specialist in the first three grades of elementary school and in preschool. These specialists will be available in sufficient quantity to provide at least 1 specialist for each 350 children in those grades of school. This specialist would work with the teacher, the principal, other school personnel, and the family, and will utilize available community resources in the early detection, correction, and prevention of delinquency and other disruptive behavior problems. Because it is these problems which when fully developed, and when piled upon other problems, lead to our great social ills, culminating in unemployability, crime, and mental illness.

I know it is impossible to fully describe this legislation in one brief speech. I have prepared a set of questions and answers which will help explain this legislation. I include them herewith:

1. What is the purpose of this bill?

Answer: To help children with problems early enough in their life so that such help can be effective for the child and for society. The specific intent of the bill in carrying out this objective is to help preschool and primary grade teachers who are able to spot such beginning learning and behavior problems in children to cope more effectively and do something about the problem in its early stages.

2. What is the need for this bill?

Answer: This bill is an attempt to deal with such problems as school dropouts, juvenile crime, emotional illnesses and social incompetence in a preventive and positive way. There is sufficient research to point to the fact that children who later drop out of school are clearly recognizable in the first few grades. It is also evident that adolescents and adults who find themselves handicapped educationally, emotionally, and vocationally could have been helped more economically and effectively if help were instituted prior to the full development of the problem. This bill would maximize the possibilities presented to a preschool or primary grade teacher to head off or redirect beginning problems among children.

3. What does this bill propose to do that can't be accomplished under present legislation?

Answer. Present legislation does not provide for this kind of program nor does it provide for the training of such personnel. There is nothing in the National Defense Education Act which could be substituted or modified to do this job.

4. What group of people will be touched by this legislation?

Answer. The group of people most touched by this bill will be teachers of young children (4 to 9 years) and parents of young children. Parents and teachers interested in helping children get off to a good start in school and in life and especially those parents and children who are having some difficulty in getting started will be able to profit by this program.

5. Why do you stop after the third grade?

Answer. I do not want the services of the child development specialist to be diluted and spread out so that little prevention is done. This is not to say that services in the upper grades are not necessary or desirable. However in this program I would like to concentrate on the early grades and hope that as a result we can reduce the number and severity of problems moving into the upper grades.

6. What will happen to the child after that?

Answer. I hope that school personnel and community mental health services will be available for children who cannot be helped through this program.

7. How much is this program going to cost?

Answer. Not much when you compare it to what it's costing us in remedial, corrective, rehabilitation, and treatment programs. This is an investment in healthy development of greater numbers of children.

8. How do you justify the cost?

Answer. The money will be spent on the prevention of problems with the usual ratio of 1 ounce of prevention equalling 16 of cure.

9. Why should this be a Federal program? Shouldn't the States participate in this program by matching funds?

Answer. Our society has become highly mobile and great numbers of children fall between the cracks. Children move; buildings and roads do not. The States will be participating in the planning and utilizing of such personnel and developing additional resources when required.

10. What is a child development specialist, and how does he differ from a guidance counselor or school psychologist, or school social worker?

Answer: A child development specialist as we have defined him in this bill is a professional person with skill and sensitivity in working with people and with knowledge and competence in being able to understand the problems of children and help those who seem to be unable to cope. The 2-year training program suggested for such persons will include work in personality theory, management of individuals in groups, the school as a social system, abnormal psychology, child growth and development, counseling with parents, utilization of community resources, consultation processes, remedial techniques in basic school subjects and extensive field experiences.

11. What will a specialist do?

Answer: Primarily the child development specialist will help the teacher with children who are showing signs of educational or emotional distress. The child development specialist will also help the teacher work with parents, work with some parents directly, help families who need other community resources and be available to other school staff as an expert in child development and maldevelopment.

12. Is there any research that shows this program has been effective in the past?

Answer: There are a number of school districts in which child development specialists are now employed and utilized effectively. Research supported by the National Institute of Mental Health (Newton and Brown, South Carolina; Glidewell and Stringer, St. Louis; Cowen and Zex, Rochester, N.Y.), the U.S. Office of Education (Lambert, Calif.), and various State groups (the New York State Youth Commission in 1952 and the California State Legislature in 1957). (See Bower, Eli M., "Early Identification of Emotionally Handicapped Children in School," Charles C. Thomas, 1960.

13. On what basis is this program being proposed?

Answer: This program is being proposed on the basis that assisting the teacher and the parent when problems are in their beginning stages will have the highest preventive payoff. It is also felt that the addition of the child development specialist will have the greatest acceptance by the school.

14. How will the specialist work with parents and other community resources?

Answer: The child development specialist will be available to parents and attempt to work closely with those parents who feel a greater need for such help. Where parents and children need help beyond the school, the child development specialist will assist in deciding on and locating needed community resources.

15. How can this program help parents?

Answer: Many parents have heightened anxieties and problems when their children start school. Often this anxiety can be relieved by information, understanding, or some knowledge about a specific child's growth and development problems. In any case, the child development specialist is always available to parents in matters relevant to his training.

16. What will be the relationship of the child development specialist to the teacher and the school principal?

Answer: The child development specialist will be a full-fledged member of the school staff but will not be in any line or administrative relationship to the principal. As a specialist the child development specialist would not be responsible for teacher evaluations, grades, personnel selection, or any other activity of an administrative nature.

17. How will the program contribute to the curtailment of crime? Serious mental illness? Delinquency?

Answer: I hope that this program can have a significant impact on our social ills. While it may be difficult to prove conclusively that the work of a child development specialist reduces social and individual problems among children, research studies indicate that this may be one effective start. All programs will be asked to keep adequate records and evaluate their effects over time.

18. How will this program help the normal child?

Answer: I feel this is one of the strengths of the program. The child development specialist in helping the teacher or parent is helping other children as well. The focus of the program is on how to help children be more effective in learning and in their behavior. This applies not only to the child with an overload of problems but to the child with normal problems.

19. Why should this program function in the private school as well as public school (or, why should this program be offered to the private as well as the public school)?

Answer: All children, parents and teachers should have such help available whether in public or private schools.

20. Why do teachers need this type of service?

Answer: While many teachers have had excellent training in child growth and the the problems of children in school the normal teacher education program cannot devote too much time or content to this area. Teachers feel obligated to succeed with every child in their class and rightly so. To help, they want someone who is around all the time who can work with them.

21. Why do parents need this type of service?

Answer: While most parents do all right on their own, some parents need and seek help wherever and whenever it is available. In addition competent parents often seek out child development specialists to discuss the enhancement of their child's growth and how to increase their knowledge and understanding as parents.

22. Why would this type of service help community agencies?

Answer: They would have someone in the school they could count on as a liaison person as well as someone knowledgeable about the resources and alternatives for children being helped in their agencies.

23. Why not help families directly?

Answer: This is not intended to replace direct services in a school or community. Some families will need specific treatment, care, support and rehabilitation. It is hoped that this program may reduce the number of those needing treatment services but such effects may not be evident if at all for many years.

24. To what segments of the population is this program addressed?

Answer: This program is addressed to all segments of the population whose children are enrolled in preschool programs and school programs up to and including grade 3.

25. Is this problem most prevalent in the slums? Is it aimed at just the slum area—or is it needed in the upper middle class?

Answer: All sections of our society will be able to profit from this program. It is equally applicable to middle class neighborhoods as poor or slum areas.

26. Are there courses presently available in the universities?

Answer: There are some but only in connection with lengthier doctoral programs. We hope the training program can be effectively constructed for a 2-year graduate sequence so that sufficient numbers of such personnel can be made available to the schools and families of the Nation.

27. Can the courses be developed with reasonable speed?

Answer: I think so.

28. Will the Federal Government prescribe a course of study?

Answer: No. As a matter of fact, we hope to encourage a variety of training approaches so that the best may emerge after a period of time. Each school will of course be free to try its own ways of preparing persons for this program.

29. To what extent will this program stigmatize a child and his family?

Answer: There is no labeling or stigmatizing a child, parent or family. The goal of the program is to help the teacher help the child. The philosophy of the program is to help the child in the regular classroom. In cases where there are severe behavior problems and the child needs to be removed to protect the teacher and the rest of the class the child development specialist would help the child and his family find adequate community resources to help the child return to school.

30. Who can qualify for training under the program?

Answer: Anyone with a college degree and potential skill in the competencies required in this position.

31. How can universities be chosen to participate in this program?

Answer: Universities in this program would be chosen on the basis of a good program including adequate field training and internship. It is probable that State education agencies might form an advisory committee to set up some standards for the program.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentlewoman from Hawaii [Mrs. MINK] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, I have this day submitted a bill which is identical to H.R. 11310, introduced yesterday by the Honorable James Roosevelt. This may be the last bill this session of which this distinguished gentleman from California will be the author, since he made public yesterday his resignation from this body effective September 30.

In his statement on introducing H.R. 11310, Congressman Roosevelt expressed the hope that his colleagues would carry on and in particular give this matter serious consideration next year.

I am pleased to cosponsor this bill, which will simply bring the Longshoremen's and Harbor Workers' Compensation Act into accord with current policy relating to disability payments. The basic concept that benefits should equal two-thirds of average weekly earnings has been thwarted by the setting of a $70 ceiling on weekly benefits. This ceiling is far below two-thirds of the average weekly earnings of many of the workers covered by this legislation.

The other Federal statute in this field, the Federal Employees' Compensation Act, covers Federal employees' disabilities and has a $525 monthly ceiling which was established as far back as 1949. And legislation is being considered to raise this ceiling substantially.

The inequity between these two laws is further highlighted by the greater hazards present in the work of the longshoremen, stevedores, ship repairmen, harbor workers and other employees engaged in employment on the navigable waters of the United States.

Therefore, I am introducing this bill to support the aim expressed in Congressman Roosevelt's statement on H.R. 11310 and to provide disability benefits for those covered by the Longshoremen's and Harbor Workers' Compensation Act that are more in keeping with the realities of present-day wage and cost factors than those in the present law.

CLEVELAND VETERANS HOSPITAL TO BECOME STATE FACILITY FOR CARE OF MENTALLY RETARDED

The SPEAKER pro tempore (Mr. GONZALEZ). Under previous order of the House the gentleman from Ohio [Mr. FEIGHAN] is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, the Department of Health, Education, and Welfare informed me today that it has authorized the transfer of the Broadview Heights Veterans' Administration Hospital to the Ohio Department of Hygiene and Corrections for use as a diagnostic, treatment, training, and educational facility for the mentally retarded.

I have also been assured by the Veterans' Administration that the valuable equipment in the hospital desired by the State will be given to the State.

The General Services Administration is preparing the necessary conveyance documents to complete the formal transfer of these Federal facilities to the State of Ohio. I have conferred with Governor Rhodes on several occasions about this project and he has given his enthusiastic support.

A number of different proposals had been made for the disposition of this hospital facility. The Department of Health, Education, and Welfare has determined that the use of this facility for the mentally retarded would be in the highest public interest.

I am gratified by this decision because I have been working over many months to have this Federal facility turned over to the State of Ohio for this purpose. There is a great and urgent need for such facilities to help many families in Greater

Cleveland and in northern Ohio. No such facility exists today in the Cleveland area. There are long waiting lists for admission to the limited facilities elsewhere in the State which necessitates relatives bearing undue hardships.

The Cleveland Parents Volunteer Association for Retarded Children and its President, Anthony O. Calabrese, Jr., have worked with me to convince the Federal authorities of Cleveland's need for the care of mentally retarded children and the suitability of Broadview Heights veterans facility for this purpose.

Early this year, the announcement of the closing of 11 of the 169 veterans hospitals stirred up considerable interest. One of these hospitals was the Broadview Heights Hospital near Brecksville, Ohio, which serves my constituents. On February 10, 1965, I addressed a letter to the Honorable OLIN E. TEAGUE, chairman of the House Committee on Veterans Affairs. I expressed the hope that the committee would recommend keeping the 11 hospitals open until a more searching study could be made of this very important problem affecting not only the veterans, but their families and our entire community.

In order clearly to ascertain the facts on the closing of Broadview Heights Hospital, I had extensive communications and many meetings with representatives of the Veterans' Administration and the Department of Health, Education, and Welfare in Washington, members of the Ohio State Senate and the public health authorities of the State of Ohio. I consulted with Mr. W. J. Driver, Administrator, Veterans' Administration, the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare, and the Honorable James A. Rhodes, Governor of the State of Ohio.

After a series of conferences with officials of the Veterans' Administration, I was assured that the needs of the veterans in the Cleveland area would be amply and quickly provided for. I came to the conclusion that it was in the best interest of the people of Ohio to convert this facility into a hospital for the treatment of the mentally retarded. I approached the problem from the point of view of what was best for my constituents and the people of Ohio. I have long advocated better and more prompt medical attention for veterans.

Gov. James A. Rhodes desired that the Broadview Heights Hospital be made available for the care of the mentally retarded. The veterans desired that it be retained more or less along the present lines. In my opinion, both problems rated equal priority. But, it was obvious that an impasse existed and a solution satisfactory to all had to be found. At the time when I was studying the details in order to arrive at a decision, there were 423 veterans on waiting lists for treatment in the Cleveland area, all nonservice, nonemergency cases. However, 1,300 mentally retarded individuals from the Cleveland area were being treated in hospitals 100 to 400 miles from the city. This placed undue hardships on the families.

The Veterans' Administration, at my request moved swiftly to solve the waiting period of veterans cases in the Cleveland area. The Brecksville facilities were increased to handle 106 more cases and they began to expand the regional facilities to treat 637 more medical and surgical cases.

There were 350 mentally retarded, who desperately needed care and treatment. In a series of letters to Governor Rhodes and Mr. Martin A. Janis, Director, Department of Mental Hygiene and Corrections, I assured them of my fullest cooperation and assistance. This effort came to a successful and satisfactory conclusion today.

The Broadview Hospital will be a welcome and valuable addition to the facilities of the State of Ohio. In addition to the building and land, the Veterans' Administration has agreed to give the State of Ohio its choice of the modern and expensive equipment in the hospital. The engineering layout, kitchen equipment, and X-ray machinery and equipment are all in excellent condition. In addition the hospital is superbly equipped with modern facilities for the care and treatment of patients, including a medical library, a clinical and research laboratory, a surgical unit and a complete radiology service. There are presently approximately 300 full-time employees comprising a complete team of professional, technical, and administrative personnel. The number of employees will increase substantially as the hospital receives a full complement of patients. This increase will assist employment in the area as well as furnishing care for the mentally retarded.

I am most proud of my participation in this worthwhile project and wish to thank all those who participated in bringing this valuable addition to the needs of the people of Cleveland and the State of Ohio.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STRATTON, for Friday, October 1, 1965, on account of official business.

Mr. DUNCAN of Oregon (at the request of Mrs. GREEN of Oregon), for Thursday, September 30, and Friday, October 1, 1965, on account of official business for his district.

Mrs. MAY (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HECHLER, for 30 minutes, on Tuesday next.

Mr. MATHIAS, for 30 minutes, today.

(The following Members (at the request of Mr. MATSUNAGA) to revise and extend their remarks and to include extraneous matter:)

Mr. FEIGHAN, for 15 minutes, today.

Mr. FEIGHAN, for 60 minutes, on October 1.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. MCMILLAN (at the request of Mr. MATSUNAGA) and to include extraneous matter while in Committee of the Whole today on H.R. 10281.

Mr. BRADEMAS.

(The following Member (at the request of Mr. HORTON) and to include extraneous matter:)

Mr. ROUDEBUSH.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 596. An act to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and related diseases.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2580. An act to amend the Immigration and Nationality Act, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 205. An act to amend chapter 35 of title 38 of the United States Code in order to increase the educational assistance allowances payable under the war orphans' educational assistance program, and for other purposes;

H.R. 728. An act to amend section 510 of the Merchant Marine Act, 1936;

H.R. 1274. An act for the relief of Mrs. Michiko Miyazaki Williams; and

H.J. Res. 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

ADJOURNMENT

Mr. MATSUNAGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 1, 1965, at 10 o'clock.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1629. A communication from the President of the United States, transmitting a proposed joint resolution to provide for the administration and development of Pennsylvania Avenue as a national historic site (H. Doc. No. 296); to the Committee on the District of Columbia, and ordered to be printed.

1630. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting a report of disposal of foreign excess property, pursuant to section 404(d) of Public Law 81-152, as amended; to the Committee on Government Operations.

1631. A letter from the Chairman, Civil Aeronautics Board, transmitting draft of proposed legislation to amend the Federal Aviation Act of 1958, as amended, the Federal citizens of the United States from performing pro rata charters unless authorized by the Civil Aeronautics Board, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1632. A letter from the Commissioner, Federal Prison Industries, Inc., U.S. Department of Justice, transmitting annual report of the directors of Federal Prison Industries, Inc., for the fiscal year 1965, pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary.

1633. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a plan for works of improvement which has been prepared for the Plain-Honey Creek watershed, Wisconsin, pursuant to the authority vested in the President by section 5, 16 U.S.C. 1005, and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

1634. A letter from the Chairman, National Council on the Arts, transmitting first annual report of the Council for 1964–65, pursuant to the National Arts and Cultural Development Act of 1964; to the Committee on Education and Labor.

1635. A letter from the Special Assistant to the Secretary (for Enforcement), Office of the Secretary of the Treasury, transmitting the annual report of the Federal Bureau of Narcotics for the calendar year ended December 31, 1964, pursuant to section I of the act of June 14, 1930; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELS: Committee on Post Office and Civil Service. H.R. 11303. A bill to amend section 18 of the Civil Service Retirement Act, as amended; without amendment (Rept. No. 1102). Referred to the Committee of the Whole House on the State of the Union.

Mr. PASSMAN: Committee of Conference. H.R. 10871. An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes (Rept. No. 1103). Ordered to be printed.

Mr. MILLS: Committee on Ways and Means. H.R. 11216. A bill relating to the tariff treatment of articles assembled abroad of products of the United States; without amendment (Rept. No. 1104). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 593. Resolution authorizing the Committee on the Judiciary to conduct studies and investigations relating to certain matters within its jurisdiction; without amendment (Rept. No. 1105). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 594. Resolution authorizing the Committee on Public Works to conduct studies and investigations relating to certain matters within its jurisdiction; without amendment (Rept. No. 1106). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 595. Resolution authorizing the Committee on Post Office and Civil Service to conduct studies and investigations relating to certain matters within its jurisdiction; without amendment (Rept. No. 1107). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 596. Resolution authorizing the Committee on Education and Labor to conduct studies and investigations relating to certain matters within its jurisdiction; without amendment (Rept. No. 1108). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 597. Resolution providing for the consideration of H.R. 2020. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes; without amendment (Rept. No. 1109). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 598. Resolution providing for the consideration of H.R. 11135, a bill to amend and extend the provisions of the Sugar Act of 1948, as amended; without amendment (Rept. No. 1110). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 599. Resolution providing for the consideration of S. 2084, an act to provide for scenic development and road beautification of the Federal-aid highway systems; without amendment (Rept. No. 1111). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 600. Resolution providing for the consideration of S.J. Res. 32, joint resolution to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952; without amendment (Rept. No. 1112). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CEDERBERG:

H.R. 11354. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. MAILLIARD:

H.R. 11355. A bill to amend title II of the Merchant Marine Act, 1936, to create the Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PELLY:

H.R. 11356. A bill to amend title II of the Merchant Marine Act, 1936, to create the Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. QUIE:

H.R. 11357. A bill to provide for a program to advance the humane care, comfort, and welfare of laboratory animals used in scientific study; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 11358. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. REUSS:

H.R. 11359. A bill to prohibit the erection of fences which will impede the movement of wildlife on public lands used for grazing, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 11360. A bill to amend title 38, United States Code, to authorize professional personnel of the Department of Medicine and Surgery of the Veterans' Administration to receive honoraria without regard to the provisions of section 209 of title 18 of the United States Code; to the Committee on Veterans' Affairs.

By Mr. BECKWORTH:

H.R. 11361. A bill to amend title 38 of the United States Code in order to provide for the payment of pension to certain veterans of World War I, World War II, and the Korean conflict, and their widows who are now ineligible for such a pension; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia:

H.R. 11362. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement and for other purposes; to the Committee on the District of Columbia.

By Mr. ERLENBORN:

H.R. 11363. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. GARMATZ:

H.R. 11364. A bill to amend title II of the Merchant Marine Act, 1936, to create the Federal Maritime Administration and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of California:

H.R. 11365. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. MATHIAS:

H.R. 11366. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. CAHILL:

H.R. 11367. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. CURTIS:

H.R. 11368. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. ELLSWORTH:

H.R. 11369. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. ERLENBORN:

H.R. 11370. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. HARVEY of Michigan:

H.R. 11371. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. HORTON:

H.R. 11372. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. KEITH:

H.R. 11373. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. McDADE:

H.R. 11374. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. MIZE:

H.R. 11375. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. MORSE:

H.R. 11376. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. MORTON:

H.R. 11377. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. REID of New York:

H.R. 11378. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. REINECKE:

H.R. 11379. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. ROBISON:

H.R. 11380. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. RUMSFELD:

H.R. 11381. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. SCHNEEBELI:

H.R. 11382. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. STAFFORD:

H.R. 11383. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. TUPPER:

H.R. 11384. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. WIDNALL:

H.R. 11385. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. ANDREWS of North Dakota:

H.R. 11386. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. CONTE:

H.R. 11387. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. SCHWEIKER:

H.R. 11388. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. STANTON:

H.R. 11389. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. CLEVENGER:

H.R. 11390. A bill to amend title 39 of the United States Code to provide certain free mailing privileges for members of the U.S. Armed Forces; to the Committee on Post Office and Civil Service.

By Mr. POOL:

H.R. 11391. A bill to amend title 39 of the United States Code to provide certain free mailing privileges for members of the U.S. Armed Forces; to the Committee on Post Office and Civil Service.

By Mr. NIX:

H.R. 11392. A bill to amend title 39 of the United States Code to provide certain free mailing privileges for members of the U.S. Armed Forces; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 11393. A bill to amend title 39 of the United States Code to provide certain free mailing privileges for members of the U.S. Armed Forces; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 11394. A bill to amend section 503 of title 38 of the United States Code so as to provide that certain social security benefits may be waived and not counted as income under that section; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of Tennessee:

H.R. 11395. A bill to reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KUNKEL:

H.R. 11396. A bill to authorize the award of a congressional citizenship patch to Boy Scouts who have earned the four citizenship merit badges; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 11397. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, as amended, to provide increased benefits in case of disabling injuries, and for other purposes; to the Committee on Education and Labor.

By Mr. MOSHER:

H.R. 11398. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11399. A bill for the relief of Guiseppe Puglisi; to the Committee on the Judiciary.

By Mr. BALDWIN:

H.R. 11400. A bill for the relief of Maria Isabella Galicinao; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 11401. A bill for the relief of Mafalda D. Floreancig; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 11402. A bill for the relief of Aldo Margoroli; to the Committee on the Judiciary.

By Mr. DYAL:

H.R. 11403. A bill for the relief of Wah Fat Won (also known as Suey Hong Won); to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 11404. A bill for the relief of Gaetano Monteroso; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 11405. A bill for the relief of Mrs. Kameyo Nakamura; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 11406. A bill to incorporate the Cradle of Forestry in America, Inc., and for other purposes; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of rule XXII,

274. The SPEAKER presented a petition of J. B. Stoner, Augusta, Ga., relative to an investigation being conducted by the Committee on Un-American Activities, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Nigerian Independence Day, October 1, 1965

EXTENSION OF REMARKS

OF

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1965

Mr. BRADEMAS. Mr. Speaker, tomorrow the Federal Republic of Nigeria marks its fifth anniversary as an independent state, and we should take this opportunity to extend our warmest congratulations to the people of Nigeria, to their president, Dr. Nnamdi Azikiwe, and to their able representative in Washington, the Chargé d'Affaires, Mr. Goodwin Onyegbula.

Nigeria is the most populous country in Africa. Its population of 55 million exceeds the population of the entire northeastern United States by approximately 10 million. Our country, which is historically proud of its diversity, seems relatively homogeneous when compared to the over 100 different tribal groups, many speaking languages foreign to their neighbors, which inhabit geographically diverse Nigeria.

The Nigerians have chosen a Federal and democratic form of government, one which has given considerable emphasis to the problems of developing a sound economy in the framework of a free society. Because of the road which Nigeria has chosen to travel on the way to development, this country has drawn our interest and elicited our active encouragement.

Nigeria has committed significant amounts of its own resources to the important problem of securing a richer life for its people through rapid, but controlled, economic development. These resources have included money and materials, but have not neglected the time, human energy, and careful thought necessary for a rational approach to improvement. The contribution of its own resources to the creation of an overall plan for development has increased its ability to absorb and effectively utilize both assistance from foreign governments and foreign private investment.

The United States has agreed to support Nigeria's development plans with $225 million in loans and grants. Since Nigeria is practically agriculturally self-sufficient, the plans call for the further development of a young, but vigorous industrial sector. This sector will include cement production, plywood fabrication, oil refineries, and rubber processing.

Hopefully, Nigeria's goal of reasoned, sustained economic growth, attained in the context of a stable and free society, will serve as an example to the other emerging states of Africa. We commend today both the goal and the methods by which it is sought. On this fifth anniversary of its independence we extend our congratulations for what has been achieved to date and our warm encouragement for Nigeria's continuing development.

Final Review for Proton Accelerator Sites

EXTENSION OF REMARKS

OF

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1965

Mr. ROUDEBUSH. Mr. Speaker, the Atomic Energy Commission announced recently a list of sites which will undergo final review by the National Academy of Sciences for the planned $300 million-plus 200 Bev. proton accelerator.

Indiana sites in Marion County, near Indianapolis, and near Dana, in western Indiana, are on this final list.

The next step will be up to the National Academy's Site Selection Committee, and, of course, the competition will be rough.

Many experts participated in drawing up the Indiana proposals, and an Indiana site would fully satisfy the technical requirements set by the Atomic Energy Commission.

There has been a tremendous bipartisan effort at all levels of local and State government in Indiana to present the advantages a Hoosier home for this space-age accelerator would afford the Nation and our scientific endeavors.

Indiana cannot be overlooked if the site selection is determined by the technical, topographical, geographical, and scientific criteria laid down by the Government.

Indiana meets every requirement and condition, and we certainly hope this selection will be made on this basis.

There has already been, however, reports that delays in the selection may be due to political factors. If true, this is unfortunate and is an injustice to the literally hundreds of people who have worked for a fair consideration of Indiana for this project.

It is appropriate that we also discuss some of the broader factors which relate to the eventual selection of a site. There are many regional factors which should be considered in the selection of this site.

The Midwest has two overall and important assets which are pertinent to the placement of an accelerator:

It is centrally located, making the facilities of the accelerator easily accessible to qualified scientists throughout the country.

The great universities of the Midwest have produced much of the top scientific talent of the Nation. Owing, however, to the placement of the bulk of Government research facilities on the east and west coasts, there has been a considerable and harmful scientific emigration from the Midwest, which in the long run could damage the outstanding quality of education at Midwest universities.

Of the eight major accelerators built in the United States to date, only one has been located in the Midwest—at Argonne, Ill. In addition, virtually all the major nuclear development and production facilities have been built outside the Midwest.

By contrast, the States of Indiana, Ohio, Illinois, Wisconsin, and Michigan produced nearly 30 percent of the doctorates in the natural sciences at work in America in 1962.

There is clear evidence that the Midwest has been getting the short end of the deal. This applies not only to atomic accelerators and other nuclear facilities, but also to other programs of advanced technology and research.

This is clearly documented in the Government and Science Report No. 4 of the committee which I serve upon, the Science and Astronautics Committee of the House of Representatives.

Additional evidence is available through the report of the Committee on the Economic Impact of Defense and Disarmament, published July 1965, which contains percentage breakdowns, listed by States, of Defense Department prime contract awards and National Aeronautics and Space Administration direct procurement awards.

This report shows that while Indiana has 2.5 percent of the population of the United States, it is receiving only 2.2 percent of the Department of Defense prime contract awards, and even worse, only 0.1 percent of the National Aeronautics and Space Administration procurement awards.

We can assume that whereas Defense Department prime contract awards heavily reflect the direct production of goods, such as guns, airplanes, and electronic equipment, NASA procurements relate to even more highly sophisticated and research-oriented space-age technology.

These statistics on Indiana and others which I have examined for Midwestern States make it abundantly clear that on a per capita basis, our area is not in any way receiving an equitable share of advanced research-oriented Government contracts, measured by NASA direct procurement awards. The Midwest is receiving only around 25 percent on a per capita basis.

Even in the area of production for the Defense Department, the Midwest lags—by nearly 50 percent—behind an equitable per capita share.

This is an extraordinary and disturbing state of affairs. In the Midwest are located many of the finest universities and much of the best production capability in this Nation. Yet when it comes to Government facilities and contracts, the Midwest is getting shortchanged. This is particularly true with respect to highly technical research facilities, of which the planned Atomic Energy Commission accelerator is the best current example.

Inequities are uncomfortable and unpleasant, particularly if they are as unjustified and unexplainable as are those affecting our State of Indiana and the entire Midwest.

The Midwest has demonstrated its talent and capabilities. I certainly think it is about time that it has a chance to put them to maximum use.

If Indiana is bypassed in the location of the AEC accelerator, it will not be a competitive decision, but pure power politics. I fear at this time that the degree of competition involved in this project will result in a political judgment.

The State of Indiana—and the entire Midwest—will be watching and awaiting this decision with interest. Should this installation go to Texas—or another politically "correct" area—our worst suspicions will be confirmed.

Thank you, Mr. Speaker.

HOUSE OF REPRESENTATIVES

FRIDAY, OCTOBER 1, 1965

The House met at 10 o'clock a.m.

Rev. William J. Cumbie, executive secretary, Mount Vernon Baptist Association, Alexandria, Va., offered the following prayer:

O God, Thou art my God, I seek Thee,
My soul thirsts for Thee;
My flesh faints for Thee,
As in a dry and weary land where no water is.
So I have looked upon Thee in the sanctuary, beholding Thy power and glory.
Because Thy steadfast love is better than life,
My lips will praise Thee.
So I will bless Thee as long as I live;
I will lift up my hands and call on Thy name.—Psalm 63: 1–4 (RSV).

Almighty and eternal God, our Heavenly Father, we have received all good and perfect gifts from Thee. We raise our voices in praise and thanksgiving to Thee. Be unto us this day a very present help; give us that spirit of truth and the love that makes us men and women after Thine own heart. Deliver us from the temptation to be wise in our own conceits. Lead us into that genuine trust in Thee that sees all of life as a stewardship of Thy blessings. Cause us, we pray, to be instruments of Thy peace that men and nations may learn to live together more perfectly. Let Thy presence hallow these halls and sanctify these Thy servants, that Thy kingdom may come and Thy will be done on earth as it is in heaven. Through Jesus Christ our Lord we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1384. An act for the relief of Theodore Zissu; and

H.R. 6726. An act for the relief of William S. Perrigo.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1778. An act to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended;

H.R. 3141. An act to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes;

H.R. 3314. An act to require premarital examinations in the District of Columbia, and for other purposes;

H.R. 5597. An act to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia;

H.R. 9042. An act to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes;

H.R. 9985. An act to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons; and

H.R. 10304. An act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9042) entitled "An act to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Byrd of Virginia, Mr. Long of Louisiana, Mr. Smathers, Mr. Williams of Delaware, and Mr. Carlson to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1314. An act to amend the Street Readjustment Act of the District of Columbia so as to authorize the Commissioners of the District of Columbia to close all or part of a street, road, highway, or alley in accordance with the requirements of an approved redevelopment or urban renewal plan, without regard to the notice provisions of such act, and for other purposes; and

S. 1719. An act to authorize compensation for overtime work performed by officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, the U.S. Park Police force, and the White House Police force, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 89–187, appointed Mr. Hart, Mr. Douglas, Mr. Mundt, and Mr. Miller as members, on the part of the Senate, of the Father Marquette Tercentenary Commission.

AUTOMOTIVE PRODUCTS ACT OF 1965

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference requested by the Senate.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

CALL OF THE HOUSE

Mr. JONES of Missouri. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Missouri makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 344]

Adair
Addabbo
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Aspinall
Blatnik
Bolton
Bonner
Bray
Burton, Utah
Cahill
Callaway
Carey
Carter
Celler
Clausen, Don H.
Colmer
Cooley
Craley
Dawson
Dorn
Dow
Duncan, Oreg.
Dyal
Evins, Tenn.
Fino
Flynt
Frelinghuysen
Gilligan
Goodell
Grabowski
Hagan, Ga.
Halleck
Hanley
Hansen, Iowa
Hardy
Harsha
Hays
Hébert
Henderson
Holifield
Hosmer
Johnson, Okla.
Keogh
Kornegay
Laird
Latta
Lindsay
Long, La.
McCulloch
Mackie
Martin, Ala.
Martin, Mass.
Matthews
May
Michel
Mize
Morgan
Morris
Morse
Murray
Nix
Ottinger
Powell
Redlin
Resnick
Reuss
Rhodes, Ariz.
Rivers, Alaska
Rivers, S.C.
Robison
Roncalio
Roudebush
Rumsfeld
Scheuer
Scott
Shipley
Smith, Iowa
Springer
Steed
Sweeney
Thomas
Thompson, N.J.
Thompson, Tex.
Toll
Tupper
Utt
Willis
Wilson, Bob
Wyatt
Yates

The SPEAKER. On this rollcall, 339 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTOMOTIVE PRODUCTS ACT OF 1965

The SPEAKER. Is there objection to the request of the gentleman from Arkansas to send the bill H.R. 9042 to conference? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. Mills, King of California, Boggs, Keogh, Byrnes of Wisconsin, Curtis, and Utt.

LIBRARY OF CONGRESS—JAMES MADISON MEMORIAL BUILDING

Mr. GRAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 642) to authorize the Architect of the Capitol to construct the third Library of Congress building in Square No. 732 in the District of Columbia to be named the James Madison Memorial Building and to contain the Madison Memorial Hall, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 642), with Mr. Weltner in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. Gray] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. Kunkel] will be recognized for 30 minutes.

Mr. GRAY. Mr. Chairman, the House Committee on Public Works is privileged to bring before you today House Joint Resolution 642 authorizing the Architect of the Capitol to construct the third Library of Congress building on square No. 732, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall and for other purposes.

Before explaining the need for this very important structure, I would first like to thank all of the members of the House Committee on Public Works for their sincere efforts in reporting out this resolution, and I particularly want to commend our chairman, the gentleman from Maryland [Mr. Fallon], and the ranking minority Member on the Subcommittee on Public Buildings and Grounds, the gentleman from Pennsylvania [Mr. Kunkel] for their interest in this proposal and for their help. I want to thank our beloved Speaker, the gentleman from Massachusetts [Mr. McCormack], and the members of his House Office Building Commission for their efforts in behalf of a third Library of

Congress building; and I wish also to thank the distinguished gentleman from Texas [Mr. BURLESON], who is chairman of the Joint Committee on the Library, and also the distinguished chairman of the House Committee on Rules, the gentleman from Virginia [Mr. SMITH], who was instrumental in getting the James Madison Memorial program started. Without the help of all these gentlemen and others it would have been impossible to bring to you today a bill that represents a clear compromise of different views that once prevailed, concerning this new proposed building.

Mr. Chairman, I want to explain to my colleagues today the dire need for immediate action to construct a third Library of Congress building on square No. 732, that is located just east of the Cannon House Office Building. Mr. Chairman, the need is great and the hour is late. The Library of Congress is bulging at the seams and has been, for too many years.

Mr. Chairman, as you know, the Library of Congress is not an ordinary library. It has a long, historical tradition in our national background. It is used today by scholars and students from all the corners of the earth.

The collections of the Library of Congress number well over 44 million items. The two buildings that now house the Library are wholly inadequate and as a result the Library was forced to move 118 million printed catalog cards and 510 staff members into 85,000 square feet of space in the Navy Yard Annex, which is more than 1 mile from the Library. A small aircraft paint hangar is also being utilized in the general depot in Middle River, Md., 50 miles from the Library. Even with this additional scattered space, I have here today photographs of the deplorable conditions existing in the two Library buildings here on Capitol Hill. Many of the rooms are windowless, cellar areas; the books in many areas are stacked from the floor to the ceiling; and passageways are so crowded that only one person at a time can move through the corridors. Here is a photograph showing that on the second floor exhibition hall much of the exhibition area that once housed documents pertaining to the Presidents, the rough draft of the Declaration of Independence and other historic displays has now been crowded out by shelves, books, and work space. This makes work very difficult and is certainly unsightly.

With every school, Members of Congress, and thousands of students and scholars from all over the world using this facility, the problem is growing worse by the day. The Legislative Reference Service that provides valuable assistance to Members of Congress is crowded into an almost unbearable work area as depicted by the photograph before you.

Mr. Chairman, I could talk all afternoon about the dire need for the third Library of Congress building. I am sure if any of my colleagues have not been over for an inspection of the two existing buildings they will become convinced immediately upon such an inspection. In addition to the need for a third Library building, the Congress has expressed its desire on a number of occasions to provide a fitting memorial to James Madison, the fourth President of the United States who was one of the greatest of our Founding Fathers. James Madison rightly deserves to be honored by the Nation for which he struggled so diligently. The gentleman from Virginia [Mr. SMITH], and others introduced legislation that would provide a James Madison Memorial building on square No. 732. Others had proposed that a simple addition of the Library be built on square No. 732 and still others proposed that the site be preserved for a future fourth House Office Building.

I am happy to report that the proposal before you today would authorize a building embodying most, if not all, of the various views expressed. We propose to construct a third Library building with a suitable hall set aside for the express purpose of honoring James Madison. It will be called the James Madison Hall. And, in addition, we propose to name the building—Library of Congress, James Madison Memorial Building. We feel this will suitably honor this great champion of freedom and at the same time take care of the pressing Library of Congress needs. We also propose that the building be set back from the property line a sufficient distance in order to have proper landscaping and shrubbery around the building to break the monotony of a mass complex of stone buildings in one general area. We thereby feel we can help beautify the Capitol and provide a suitable structure.

It is now tentatively contemplated that four stories be below the ground and eight stories above.

Mr. Chairman, the other body has passed a similar resolution giving jurisdiction for drawing the design plans to the General Services Administration. We felt that the Architect of the Capitol under the guidance of the House Office Building Commission, the Senate Office Building Commission, the Joint Committee on the Library, and a committee to be designated by the American Institute of Architects, will adequately insure that a suitable building design will be offered. This should take care of any criticism that has been directed at the Architect of the Capitol. The other body also provided only $500,000 for the preparation of plans and did not place a maximum cost on the building. Our committee felt that we should place a maximum cost on this building and the resolution before you authorizes a maximum of $75 million which includes the cost of preparing plans, architects fees, and so forth. We all recall the experience with the Rayburn Building where the cost kept going up and up, and we felt that a maximum limit should be placed in the bill. I am hopeful that the other body will accept this feeling so everyone will know what the new Library of Congress Building will cost.

Mr. Chairman, President Johnson said in signing the Education Act this year:

> As a son of a tenant farmer, I know that education is the only valid passport from poverty.

I say to you in closing that the Library of Congress is doing as much for education, particularly higher education, as any institution in the world. To do less than give them adequate working space will only impede, not broaden, the opportunities for a good education we are trying so hard to give the people of the United States. The outstanding Librarian of Congress, Dr. L. Quincy Mumford, made a very impressive statement before our committee and, among other things, had this to say in support of the third Library building:

> Historically the Library of Congress has been a source of pride to the Congress and to the American people. It has been a center of learning and a symbol of this Nation's grand heritage.
>
> It is, I believe, of primary importance that this institution which constitutes a unique natural resource which has been nurtured by the Congress, continue to be such a center.

Mr. Chairman, let us today finalize action on House Joint Resolution 642 and continue to preserve the Library of Congress as a symbol of this Nation's grand heritage, and at the same time justly honor our great fourth President, James Madison. I hope every colleague on both sides of the aisle will support this worthwhile program.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Connecticut.

Mr. MONAGAN. The gentleman is aware of my suggestion that perhaps we have an oversupply of concrete and stone in this particular neighborhood and, in the tradition of great city planning, that it might be highly desirable to preserve the green area we now have east of the Cannon Building as an attractive breathing-space and to use other space for this proposed new building. I appeared before the committee chaired by the gentleman.

Mr. GRAY. I want to commend the gentleman for appearing before the committee and I want to say his ideas have been embodied in this proposal. We do propose to set back from the property line a sufficient distance in order that we can landscape and beautify the surroundings to give, if you please, some green to what otherwise would be a mass of stone buildings. I want to commend the gentleman for his contribution.

Mr. MONAGAN. I do not agree that my ideas have been followed out. The committee did not agree with me, and that it is within its right is perfectly understandable to me. However, I would like to ask the gentleman if he can give some assurance that there will be an attempt made in the design of this building to maintain at least a modicum of the open space that we do have there at the present time.

Mr. GRAY. I will say to the gentleman that this will be done. That is why we are going down approximately four stories in order to get the useful space and still be able to move back sufficiently to do the job that the gentleman wants done.

Mr. MONAGAN. Does this appear in the report?

Mr. GRAY. It does appear in the report. I can assure you as chairman of the Subcommittee on Public Buildings and Grounds that we will follow this matter to make sure. Plus we have the oversight committees that I mentioned before; namely, the Joint Committee on the Library, the House Office Building Commission, the Senate Office Building Commission, and a select committee from the National Institute of Architects, and I am sure all of us join the gentleman in his opinion.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Texas.

Mr. PATMAN. I would like to ask the gentleman if his committee has given consideration to where another House office building would be located in the event Congress should in the future decide to have a fourth House office building.

Mr. GRAY. I will say to the distinguished gentleman from Texas that we also appreciate his appearance before the committee. It is well known that the gentleman proposes that we construct a fourth House office building on Square No. 732 just east of the Cannon House Office Building. We felt the need at the moment is for a third Library of Congress building and a suitable memorial for President James Madison.

But, I am sure you realize that the Congressional Hotel and that area could be made available for a fourth House office building, if and when we reach the time when we feel we need it. I can assure the gentleman from Texas that if the need arises and if I am here, and if I am chairman of this particular subcommittee, I feel that sympathetic consideration will be given to the views of the gentleman.

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. GRAY. I yield to the gentleman from Texas.

Mr. PATMAN. One suggestion I made before the gentleman's committee was that in the event the Madison Memorial Library is constructed, and I assume it will be and I certainly will not oppose anything for James Madison, I hope consideration is given to the location at some proper place of that very appropriate phrase that James Madison was the author of and which is used in the American creed, which has been adopted by both Houses of Congress and which has been used hundreds of times, the phrase being, "Our form of government, a democracy in a republic."

Mr. Chairman, since that correctly represents the form of government we have, I hope some conspicuous and prominent place will be found for the placement of that phrase.

Mr. GRAY. I appreciate the gentleman's suggestions and I suggest that since he is sitting next to the very distinguished gentleman from Virginia [Mr. SMITH], he discuss the matter with him, as the gentleman from Virginia is a prominent member of the James Madison Memorial Commission. I know the gentleman from Virginia will be glad to consider the suggestions raised by the gentleman from Texas.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, I want to join those who have commended the gentleman from Illinois [Mr. GRAY] and the committee for bringing this bill to the floor of the House.

This extra space for the Library of Congress, of course, is needed.

Furthermore, we do not have anywhere in the United States an adequate memorial to one of the greatest men in the early history of this Republic, the father of the Constitution, the man who had more to do with writing the Constitution and persuading the American people and the American States to ratify it, than any other one man.

He was one of the great scholars of his day; perhaps, the greatest scholar at the Constitution Convention.

This is an appropriate memorial to a great man and, certainly, it is a needed addition to the Library of Congress. I commend the gentleman from Illinois and the Committee on Public Works for what they have done.

Mr. GRAY. I thank the very distinguished gentleman from Oklahoma, the majority leader, for his contribution.

Mr. ALBERT. Mr. Chairman, I hope this bill will pass unanimously.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the distinguished gentleman from Oklahoma, a very valuable member of the Committee on Public Works.

Mr. EDMONDSON. I thank the distinguished chairman of the subcommittee for yielding to me.

I wholeheartedly endorse and support this bill.

Mr. Chairman, this joint resolution not only meets an urgent need of the Library of Congress, but also honors one of the authentic heroes of our Nation's earliest history.

The contribution of James Madison to constitutional government is unparalleled in our history. No other American had more to do with the framing of the immortal document termed by Gladstone "the greatest piece of work ever struck off at a given time by the brain and purpose of man."

To us on the Committee on Public Works, it seems particularly appropriate to memorialize this great American statesman and scholar in the manner and form proposed by this joint resolution, authorizing a substantial and long-needed improvement of the Library of Congress.

I hope the resolution will be overwhelmingly approved.

Mr. GRAY. I thank the gentleman from Oklahoma.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the distinguished gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I supported this bill in the committee, first, because the amendment with reference to the top limitation of money was adopted, and the taxpayers will have some estimate as to what this cost is going to be. We did not do that with reference to the Rayburn House Office Building or the so-called third House office building.

Mr. Chairman, some 9 years ago I made the same request concerning that building, and I do not believe we would have been in such hot water if we had done the same thing with reference to that building.

Second, Mr. Chairman, I am delighted to see that the proposal that was made when this bill was first introduced, that this should be a utilitarian building, has been agreed to and that this area of the Capital should not be used for a one-purpose memorial-type building; that if we are going to use areas here on Capitol Hill, that use should be utilitarian.

If—and I believe it is proper in this instance to have four memorials, they should be used in conjunction with legislative activities and should be utilitarian buildings.

Mr. Chairman, I congratulate the gentleman from Illinois and the committee upon coming to that obvious necessity.

Mr. Chairman, if we are going to spend that much money, it should be spent on a building that can be used. This building is badly needed as an addition to the Library of Congress. There is not any question about that.

The Madison Memorial is likewise a good objective, and the setting of a limitation of a maximum amount of money to be spent thereon is in my opinion logical. But I would hope, I will say to the gentleman from Illinois, that in the discussion of this building we do not get any commitments or any suggestions of commitments relating to a fourth House office building. I do not believe the taxpayers yet have digested the $125 million third House office building. I would suggest that any discussion relating to a fourth House office building at this time would be the most prejudicial discussion that could take place relating to this building.

Certainly, Mr. Chairman, I agree with the gentleman regarding location, that the Congressional Hotel and that entire block is available for future expansion, and has already been committed, and the purchase of it. It has already been purchased as a matter of fact.

They have the building and I would expect if we are going to put in an underground garage, I do not think the taxpayers would object too much if they did something above the ground with that space if it gets crowded and there is a need for more space to be used.

I think to talk about a fourth House building at this time, knowing the other one cost far more than it should, is going to prejudice the entire consideration of this legislation and not help it a bit in my opinion.

Mr. GRAY. I thank the gentleman from Florida very much for his help with this matter.

Mr. KING of Utah. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Utah.

Mr. KING of Utah. The gentleman made reference to the fact that this bill very clearly fixes a ceiling on the total expenditure for construction. The gentleman from Florida also made reference to this ceiling. This is a matter of great concern to me. We know of the situation that occurred in connection with the construction of the Rayburn Building. I think we all understand that the image of the Congress was not exactly improved by that operation. I wonder if the gentleman could spell out rather specifically wherein the bill would make it impossible for the construction cost to go above $75 million. This is a point upon which I want to be certain, before I vote in support of this bill.

Mr. GRAY. I appreciate the gentleman raising the question and I will be glad to answer it.

But before I do, let me again say, the gentleman from Florida [Mr. Cramer] suggested this amendment which the committee adopted. I think he made a very valuable contribution and if you will refer to page 7 of the bill, section 3, you will see this language:

> There is hereby authorized to be appropriated not to exceed—

And I would repeat—not to exceed—

> $75 million to construct the building authorized by this joint resolution including the preparation of all necessary designs, plans, and specifications.

So this is a definite prohibition against spending any more money than $75 million.

I might say in that connection that when the estimates were given—and these were preliminary estimates—they estimated that the cost of this building was going to be about $72,500,000. We feel that $75 million will do an adequate job for a 12-story building with 4 stories below and 8 stories above the ground, and that this will be adequate to take care of all the costs incidental to the design, plans, and construction.

Mr. KING of Utah. Suppose the building were half completed and that the Architect and the contractors were to report that there were hidden costs or certain things arising that they had not anticipated, and that they had to have another $10 million in order to do the job properly, without creating a monstrosity. Of course, at such a point we would not be free agents to turn their request down. And knowing the way that we usually respond to such a situation, we would probably give them the extra $10 million. But I would like to be assured that that will not occur, so that we will not be put in a situation where we will have to make that choice.

Mr. GRAY. The gentleman raises a good point. Of course, that is one of the imponderables of construction and I do not foresee that any such thing will happen. As chairman of the Buildings and Grounds Subcommittee, they would have to justify any such action and I certainly would have to justify it before I could recommend it to the House. I certainly would have to know that it was justified and I know that I speak for every member of the House Committee on Public Works. The distinguished chairman of the Committee on Public Works, the gentleman from Maryland [Mr. Fallon] is seated in the Chamber and I am sure he would agree that we would not entertain any requests for additional funds for this building unless it were absolutely essential.

Mr. KING of Utah. I thank the gentleman.

Mr. DOLE. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Kansas.

Mr. DOLE. I think in view of all this concern about increased costs, I certainly trust that McCloskey is not the contractor.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the distinguished gentleman from Maryland [Mr. Fallon], the hard working chairman of the Committee on Public Works.

Mr. FALLON. Mr. Chairman, I want to commend the gentleman from Illinois for the skillful manner in which he has conducted this project, and not only in the subcommittee but before the full committee and also commend him on the magnificent job he is doing on the floor of the House this morning.

Of course, the gentleman has the wholehearted support of the committee and I certainly hope the House will agree with the committee and pass this bill today.

Mr. GRAY. I thank the distinguished chairman and again point out what an effective and helpful chairman of the full committee he has been with these matters.

The CHAIRMAN. The gentleman from Illinois has consumed 23 minutes.

Mr. GRAY. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. Patman] may extend his remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PATMAN. Mr. Chairman, the hearings on this proposal before Chairman Gray's committee before which I testified was in the Rayburn Building September 8, 1965. My testimony was as follows:

Mr. Gray. The Chair would like to call our distinguished friend and chairman of the important Committee on Banking and Currency, another great Texan, Wright Patman. Will you come forward Mr. Patman?

Mr. Patman. Thank you, Mr. Chairman.

Mr. Gray. We are delighted to have you as a witness this morning.

Mr. Patman. Thank you, sir.

STATEMENT OF HON. WRIGHT PATMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Patman. Mr. Chairman, I have noted with some amazement the efforts being exerted by some outside of the House of Representatives to decide what should be done with House properties known as Square No. 732, the land located just east of the Cannon Building.

During the last few years, there have been a series of proposals to use this property, the latest being called the so-called compromise scheme, to cover the block with a building combining the James Madison Memorial and the third Library of Congress building.

I am not opposed to a memorial to our fourth President and great statesman, James Madison. He deserves to be memorialized just as were Washington, Jefferson, Lincoln, and others.

Likewise, I am not opposed to a third Library of Congress building. It is urgently needed and long overdue. But I am unalterably opposed to granting a building for these facilities up against the Cannon Building.

However, when the Madison Library or Madison Memorial Building is constructed, I hope there is this phrase put over that building, which I think causes Madison to be one of the greatest men in history. When he said, "Oftentime we discuss whether our country is a democracy or whether it is a republic," James Madison said that "Our country is a democracy in a republic." So that would be a suitable inscription to go on anything connected with James Madison, "a democracy in a republic."

The reason for my comments is so simple it should be readily understood by anyone. We will need this property as a site of a fourth House Office Building.

Anyone who will look at a map of the Capitol grounds and surrounding areas should be able to recognize that Square No. 732 is the only logical place for such a building to meet the ever-increasing workload of the House of Representatives.

When Square No. 732 was acquired, there was no commitment for the House Office Building Commission or anyone else that this property would be used for a Library of Congress or a James Madison Memorial.

I happen to know a little something about that, because I had bought and remodeled and fixed up a home which I thought we would use from here on out; but it was taken along with the other, which was all right; if it was needed for public use, it was all right with me. But I was an interested party and I kept up with what was going on.

At that time the late Speaker, Sam Rayburn was chairman of the House Office Building Commission, and he told me on numerous occasions that he did not intend to let any building be constructed on that property which would preclude its use as a site for further office facilities for the House of Representatives. The House Office Building Commission did agree to permit construction of a Madison Memorial on a small portion—on a small portion—of this 2-block area with underground space for the Library of Congress. This development, however, was designed so that a future three-sided building for the House could be constructed along First Street, C Street, and Second Street. Later, the House Office Building Commission formally confirmed this agreement on at least two occasions.

Now we are told that the whole area should be given over to a Library of Congress-Madison Memorial Building, thus blocking for all time expansion of the House facilities to the east, and violating the concept outlined by me, by the late Speaker when he said that this property should be preserved primarily for future expansion of the House of Representatives.

No one will deny that the area would make a reasonably good site for a third Library building. But even those committed to short-range planning should recognize that it would be folly to spread library facilities into that square which so logically lends itself to House expansion.

If we examine the Capitol Grounds properties, we immediately wonder why the Madison Memorial could not be put in some of the park areas to the north of the Capitol, in the Senate Office buildings. There seems to be plenty of open land in that area; whereas there has been no such comparable expansion on the House side.

As for the third Library of Congress, certainly any additional facilities should go to the east of the present Library Building.

As proposed to the Joint Committee on the Library in April 1962 by the Architect of the Capitol, after careful studies authorized by the Congress and conducted by competent architects and engineers, Square No. 732 properties were acquired and paid for under the Additional House Office Buildings Act. And this property is under the control of the House Office Building Commission, chaired by our beloved and respected Speaker, Hon. John W. McCormack, serving with the dean of the House, Emanuel Celler, and our colleague, Hon. Charles E. Goodell.

I urge the Commission to take whatever action is necessary to reserve this property for the future needs of the House of Representatives. Such action is dictated by commonsense and good planning, according to my viewpoint.

Now, may I suggest to my friends, the members of this distinguished committee, that we need this area right now. It is more of an emergency for the House of Representatives, and it is more urgent for the House of Representatives use than it is for the Library of Congress.

Now, we have always recognized from Constitution Avenue to C Street on the other side of the Capitol, Northeast, is the Senate's domain. Likewise, they have always recognized that from Independence Avenue to C Street, Southeast, was the House's domain. And we respected each other's domains that way. This is the first time that there is an attempted invasion by outsiders and by the other body, which I deplore. I am sorry that it is coming to that pass.

The House of Representatives, if it properly takes care of the help that the 435 Members have now, they should build another building on that property now. It is needed now.

But, in addition to that, I believe sentiment has crystallized greatly in the House of Representatives in recent months and years to the effect that each Member of the House should have two professional administrative assistants. I think we are doing this country, and our constituents particularly, a great disservice in failing to provide ourselves with sufficient adequate professional help to give us the aid necessary to properly—to properly—take care of and provide the services for the constituents that we have the honor to represent. I feel like it is costing the people billions of dollars a year that would be saved.

Now, the Senate, they have two administrative assistants and even more. I do not envy them for that at all. They are entitled to it. But they are only a hundred Members of the Senate, and they are bogged down very quickly on a few issues; whereas here we have 435 Representatives that are close to the people, elected every 2 years, and the people look to this body.

I find myself in disagreement with my distinguished and able colleagues who want to change our Constitution where that we would be elected every 4 years instead of every 2 years. I have always opposed that. That is not new with me.

I have appeared before the committees every time the question came up, except this time I have not appeared yet—for the reason that the people of this country are entitled to change our Government every 2 years, if there is a bad trend in Government. It is too long to wait 4 years, and if there is a bad trend, because the people have control of the pursestrings of this Nation through the House of Representatives, since certain bills can only be introduced in the House. So the House is a body that is closest to the people, and the people should be able to change it every 2 years, if they desire. But at the same time, each Member should be properly equipped to do their job.

The Library of Congress, as I stated here, they can go east just like the Senate can go east and just like the House can go east. But this is part of our domain. And I hope that we do not give it up. And do not overlook the fact that it was paid for out of House funds—out of House funds.

And may I suggest, too, Mr. Chairman, that in comparison with the Senate on office space, the Members of the House have 6,128 square feet. That is giving the benefit of some space that is not exactly office space, but the same comparison as with the Senate. And the Senate has 12,850 square feet per Member—over twice as much. And I respectfully suggest that the average House Member, I believe, is just about as busy as the average U.S. Senator.

Architect of the Capitol,
Washington, D.C., July 7, 1965.

Hon. Wright Patman,
House of Representatives,
Washington, D.C.

My Dear Congressman: The following information is furnished pursuant to your recent informal request:

Gross space provided for operation of Senate and House in the five office buildings

	Gross square feet
Cannon Building (excluding garage	671,921
Longworth Building	599,675
Longworth Building Cafeteria in Courtyard	19,368
Rayburn Building (excluding garage)	1,375,000
Total, House office buildings	2,665,964
New Senate Office Building (excluding garage and including cafeteria)	685,250
Old Senate Office Building	604,287
Total, Senate office buildings	1,289,537

We are using gross square area for this comparison as such areas as readily available, but the net usable areas would average out at about the same ratio as between the House and Senate.

The areas include all facilities in the buildings, except garage space.

With best wishes, I am

Sincerely yours,

J. George Stewart,
Architect of the Capitol.

Remember, in our State, for instance, Texas, we have 23 Representatives. We have two U.S. Senators. Well, it is something you would expect, that people are naturally closer to their Representatives. They take more of their problems up with their Representatives than they do their Senators. They are just closer to them.

And when you take 23 Representatives taking care of the will and wishes of the people of that State, just like any other State, that takes the load off of Senators. Naturally the Senators could not do all of it.

But I believe that you will find that the average House Member is just about as fully occupied as the average Senator. I do not know that any comparison of mail has ever been made, and certainly I would not be in favor of making any, because we do not want to do something that would look like we are investigating our colleagues or the other body or anything like that, so I would not think about doing such a thing.

But I suspect, if the facts were known, that the Members of the House, the average Member, is just as busy as the average Senator. And we certainly should not have that discrepancy in office space, that they have more than twice as much as the average Member of the House of Representatives.

SAM RAYBURN HOUSE OFFICE BUILDING

I do not look with favor on the criticism of the Sam Rayburn Building. Too often, it appears that whoever the architect is who gets the contract and does the work, too many of the other architects are too quick to heap unjustified criticism upon him. I am sure that as a profession, architects represent and observe the highest standards of ethical conduct, and I am sure that architects generally are not guilty of this practice. However, it is not uncommon for many architects to quickly point out and criticize anything that the architect selected for the job as accomplished.

The Rayburn Building is built to last a long period of time. If the cost were amortized over the long period of time the building will last, it would be very small and insignificant in comparison to the cost of other Goverment buildings.

A building with this immense space and footage is, of course, not a minor undertaking. Much has been said about its cost that, I find, conflicts with the simple truths or arithmetic. In terms of cost—$86,400,000 in relation to its 35,266,000 cubic feet—this new Rayburn House Office Building may be said to be, not an extravagance, but a sound buy and a solid success from every aspect of fiduciary common sense.

COST NOT EXCESSIVE

In truth and in fact, it may be described as a bargain of the first magnitude, except by those who think in the dismal financial language of the 1930's and in the depressed labor market of the same period, the economic evils Sam Rayburn did so much to redress. For example, the Supreme Court at current prices would cost $4.46 a cubic foot. The Old Senate Office Building would cost $3.50 at today's prices per cubic foot. Yet this magnificently imposing, ably engineered, brilliantly architectured monument in stone and marble cost $2.45 per cubic foot. On the square-foot basis, the Supreme Court would cost $90.94; the Old Senate Office Building, $59; and this new Rayburn Buildng, $36.56. This is arithmetic, not rhetoric. It is the sort of Government economy that would have pleased the heart of Mister Sam.

So, Mr. Chairman, I hope that the members of this subcommittee—and I know that they will—give very careful consideration to this proposal and keeping in mind that the Members of the House of Representatives need that building now—need that building now. It is more urgent for all the people of this Nation than the Library, although I am for the Library 100 percent. I am just not for it and the Madison Memorial at this particular place, which is on the domain of the House.

So I want to thank you very much for your consideration and for the consideration of the views that I have expressed.

Mr. Gray. We thank you very much, Mr. Chairman, for taking time out of your very busy schedule to come.

Are there any questions on my right? On my left?

Mr. Blatnik. No questions, Mr. Chairman, but I certainly want to commend our dear friend and distinguished chairman for the very impressive statement as always, and it is a pleasure to have you here this morning, Mr. Chairman.

Mr. Patman. Thank you, sir.

Mr. Gray. Thank you very much, Mr. Chairman.

Mr. Patman. Thank you, sir.

Mr. KUNKEL. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. Widnall].

Mr. WIDNALL. Mr. Chairman, I too would like to commend the gentleman from Illinois for the work he has done on this bill. As a longtime proponent and supporter of this resolution, I am pleased to see it coming to fulfillment and urge its adoption.

Mr. Chairman, for more than 3 years I have been trying to persuade the Congress to make effective and economical use of Square 732, the site selected for the third Library building in the legislation we are considering here today. In recommending this present use for this site, which has become well known as an unimproved grass plot—and one of the most expensive grass plots in the Nation—the Congress is taking a course of which it can be justly proud.

The use of this plot for a third Library of Congress building was the recommendation of the late great Speaker Sam Rayburn, and he was supported by other leaders of this House when he asked the Appropriations Committee for funds for its acquisition as a fine site for the Library annex.

Senator Paul Douglas, of Illinois, joined me in introducing legislation which provided for the needed Library of Congress annex on Square 732, and for its designation as a living memorial to President James Madison. In this he was joined by Senator Joseph S. Clark, Senator Frank J. Lausche, and Senator Eugene J. McCarthy. We were all grateful for the support of the often forgotten people of the Capitol Hill area, the homeowners and businessmen, some of whom had been displaced rather unceremoniously, I fear, from Square 732. If this site had not been used for the third Library building, they would have been displaced a second time, at least some of them, from their homes and businesses on Capitol Hill. I have always felt they deserved much better and more humane treatment from Congress.

For this reason, I would dare hope that this House will move at an early date for the establishment of a Presidential Commission to develop a master plan for the long-range needs of the Congress which will be correlated with the needs of the citizens of the historic Capitol Hill area which is the eastern gateway to the Congress. In this I have introduced legislation similar to that sponsored by Senator Jennings Randolph, legislation, I might add, which meets the views of the ranking minority member of the Senate Public Works Committee, Senator John Sherman Cooper. This Presidential Commission should include Members of the House and Senate and, vital to its success, members from private life, nationally recognized architects, representatives of the citizens of the adjoining historic Capitol Hill area, and experts whose plans would insure the utility and beauty of the Capitol Hill area which the Congress has so unaccountably neglected for so long. In this way the more beautiful Capital called for by Mrs. Lyndon B. Johnson could be quickly realized.

The present beauty of the Capitol Hill area is due in large measure to the citizens and businessmen of the area who have labored long and hard to make it attractive and desirable. The Congress from now on must take the citizens of the area into its confidence and work with them to aid its restoration and beautification. The cost of an inflexible and outworn attitude on the part of the Congress is high. On February 24 of this year, the Washington, D.C., Post pointed out in an editorial on the proposed James Madison Memorial Building, that:

> No one argues that the annex is not needed. In fact, considerable money has to be spent each year for private space to store Library material. The senseless delay on this project is as inexcusable as the lack of a master plan for the Capitol Hill area. And so long as there is no master plan similar delays on future projects and attempts to claim additional for parochial interests can be expected.

The need for a new annex for the Library of Congress has been known for some 10 years. Discussions were initiated by the Librarian of Congress as early as 1956, and he presented data to support plans for such a building in 1958 to the Joint Committee on the Library. Congress authorized preliminary plans and estimates for an additional building for the Library of Congress in 1960.

I introduced as early as 1962 a bill to provide for a James Madison Memorial Library Building on square 732 to serve both as a memorial to President James Madison and to meet the actual and pressing needs of the Library of Congress itself. This particular proposal I believe could save the taxpayers of the Nation at least $20 million and perhaps, ultimately, much more. Dr. L. Quincy Mumford, the able and nationally known Librarian of Congress, testified in part as follows before the Subcommittee on Public Building and Grounds of the Senate Committee on Public Works:

> The proposal before you today is the result of careful consideration and reconsideration of all the factors involved. It represents, I think, a reasonable resolution of the Library's need for additional space and the wish to honor a distinguished American, James Madison, with a fitting memorial * * * the location designated will allow for underground access to both of the present buildings. This is a very important consideration because we need to be able to service effectively the vast holdings of the Library in all of the buildings.
>
> I believe, in short, that a single structure commemorating President Madison and providing most of the space now estimated to be needed by the Library is the most satisfactory solution from the viewpoint of economy and efficiency.
>
> It now appears that by * * * utilizing the land both below and above ground to the fullest extent possible and feasible * * * we will be able to meet most of our projected needs.

It is clear from what the Librarian of Congress has had to say on the subject that the work which Senator Douglas and his colleagues and I put into the development of the legislation we sponsored for a James Madison Memorial Library on square 732 was in the national interest, and that our judgment in this matter is fully vindicated. The legislation we cosponsored called for one building, not two as had been proposed by others. It made the acquisition of a second site at huge cost unnecessary, and it provided for the estimated needs of the Library in the most economical and efficient way possible. I am confident that; provided the requisite amount of skill and imagination on the part of the architects is available, and the space both below and above ground is utilized to the fullest extent possible and feasible, we will, indeed, be able to meet most, if not all, of the projected needs of the Library of Congress.

In closing, I wish to pay a personal tribute to the capable and courageous leadership Senator Douglas has brought to this matter. I think the American people in general, and the scholarly community in particular, owes him a very great debt of gratitude.

Mr. KUNKEL. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, it was a pleasure to serve on the subcommittee in connection with this bill because we had an objective that we all desired to reach and we wanted to get the program on the road just as quickly as we could because of the terrific need for this building and the immediate need.

I think the bill we have here merits the support of every Member.

Mr. Chairman, in this year 1965, there have come together here in Washington two building projects of great historical and educational significance for our national capital and for the Nation as a whole.

One is a desperately needed addition to the Library of Congress. The other is a plan to construct a memorial to James Madison, fourth President of the United States. As one of the leading founders and great Presidents of our country—and as a man known to many as the Father of our Constitution—Madison too long has gone without the kind of recognition we have accorded to men like Washington, Jefferson and Lincoln through monuments erected within the District of Columbia.

The plan contained in the legislation before us today is to combine these two projects and construct what will be known as the James Madison Memorial Building. It will be just across Independence Avenue from the main Library of Congress building.

There should be no question but what this plan has great importance far beyond Capitol Hill. From my study of it, one of the things that really impressed me was how the Library of Congress has developed into what is now truly a national library—a library which serves not just our Government and a handful of scholars but which, in one way or another, reaches into every area of the Nation to serve all of our people.

One of the most important national services performed by the Library of Congress is in preparing and making copies of catalog cards for libraries throughout the country. When we go to our local library and search into its files for a book, it is quite likely that the cards through which we thumb were prepared by our national library. An indication of the tremendous growth in the number of publications is in the fact that last year the Library of Congress provided 61 million catalog cards to thousands of libraries, compared with only 14 million cards in 1945.

Over the years, of course, the cataloging and reference information made available in this way has meant the saving of great sums of money for the local libraries which otherwise would have to do this work themselves. Moreover, the extent to which this has standardized the reference systems of all of our libraries makes it much easier to find the books and other publications we want almost wherever we go.

Another big job of the Library of Congress is to answer inquiries from all over the Nation as to where information can be found. Through its National Union Catalog, it keeps track of the location of books in more than 700 libraries in the United States and Canada. Also, it publishes large bibliographies which are indispensable to researchers who want to know what has been written about a certain subject and where it can be located.

One of the special services of the Library of Congress worth mentioning, particularly in this day and age, is its National Referral Center for Science and Technology. This Center receives inquiries from scientists and technologists in every section of the country and directs them to the best sources of information.

The Library of Congress also stands at the head of the nationwide interlibrary loan system. Although it does not loan directly to individuals and organizations outside of the Government, the Library of Congress does make books and other publications available to the public on a loan basis through the local libraries. Last year, it loaned nearly 220,000 books and other items. This program has greatly strengthened the ability of our smaller libraries to serve the public.

There are a number of other ways the Library of Congress gets information into the hands of people everywhere. For example, it acts as the agent for other libraries in obtaining foreign publications. To carry out this function, it currently has about 25,000 exchange agreements with governments and institutions in other countries and, incidentally, is adding more than a million items a year to its own collections through these arrangements.

The Library of Congress also administers the national books-for-the-blind program. With the help of volunteers, it prepares many books in braille, as well as other items like longplaying records, and distributes them to blind persons through 31 regional libraries across the country.

There is considerable duplication, of course, among the materials constantly being received by the Library, so this has enabled it to provide some 5 million items a year to our educational institutions, either by donation or exchange. One of my pleasant associations with the Library of Congress over the years has been in helping libraries and schools in my district to obtain surplus books here.

The Library of Congress is the finest in the world. Except for the difficulty of comparing it with what Russia has, we could say with assurance that it is the world's largest library.

It has come a long, long way since it was first established in a comparative cubbyhole in the Capitol Building in the year 1800. It had to start all over again in 1814 after British troops burned the Capitol, and half of its collections were destroyed by a second fire in 1851.

In fact, it has come a long way even since 1897, when it was moved into what is still its main building—the one here that is distinguished by its ornate Italian Renaissance style. In the short span of 26 years—since the Library's large annex building was completed—its collections have more than tripled in size while the demands on its services have risen astronomically. Its facilities are terrifically overcrowded, and the need for a third building is made all the more urgent by the accelerating growth of library services throughout the Nation. Other libraries are looking more and more to the Library of Congress for assistance and leadership.

In view of the heavy responsibilities borne by the Library of Congress, it is a shame to see the conditions under which its people have to work and under which large parts of its valuable collections have to be kept. It is obviously difficult in the extreme for the Library to perform its tasks efficiently. Under the circumstances it is nigh on to a miracle that the Library manages to maintain its fine reputation. A walk through the Library, and a few inquiries here and there, will convince anyone of that.

Books are being stacked on the floors, they are being double shelved and they are overflowing into hallways never intended for the purpose. They are packed in so tight in some areas as to assure many days of reckoning and rearrangement as the collections grow. Thousands of volumes of bound newspapers are piling up on the floor shoulder high, and the big room that was designed for a bindery is now filled with map cases almost to the ceiling.

Staff people are jammed up in every makeshift situation conceivable. They are down in the cellars and up in the balconies. They are tucked into little alcoves in the stack areas where it is likely they have to stop working and move when somebody wants a book. They are behind partitions in once-beautiful marble halls where outstanding collections of the Library used to be exhibited and where the acoustics make a typewriter sound more like a machine gun. They are taking up space that originally was reserved for study and reading, and just recently in its annex building, the Library resorted to putting up office partitions in an elevator lobby.

Visiting students and scholars are no better off, having been shunted off into a cellar area that is a sea of abutting desks. They no longer have the quiet and privacy of the little study rooms that were designed for them, for those rooms now are occupied for the most part by staff members.

Nor can it be said there is anything satisfactory about the temporary quarters provided for the catalog division in the Navy yard annex a mile away and for storage of less frequently used materials in an old aircraft paint hangar 50 miles away.

The plain, simple fact is that the Library needs a new building, and that building ought to be under construction at the earliest possible date.

The construction site proposed in this legislation not only is the best available but is the best imaginable. It is right across the street from the main Library building. It is already owned by the Government. Moreover, it is vacant, and it can be built upon immediately.

Additionally, it should be pointed out that the site is a fully adequate one. It covers two city blocks, and there is space enough to set the building back away from the streets so as to permit landscaping that will enhance its attractiveness. In fact, our committee, in its report, directed that this should be done. In doing this, we took into consideration the suggestion made during our hearings by the gentleman from Connecticut, Congressman MONAGAN, that the site be preserved for development as a park.

Originally, it was thought that a memorial to James Madison would be built as a separate project but would include a large underground library facility to house the official documents and other papers of 23 of our Presidents. Now the plan is to include this facility within the new Library building and to provide within it, also, a Madison Memorial Hall featuring various exhibits and statuary. The project will provide more than 2 million square feet of space at a cost presently estimated at around $75 million.

The Madison Memorial Building will be an especially fitting tribute to our fourth President. First of all, he was an outstanding scholar, and it was Madison who drew up the first list of books for the original Library of Congress.

He was chief author of our Constitution and its first 10 amendments—the Bill of Rights. As President from 1809 to 1817, Madison successfully led his young Nation through the War of 1812, and it was under his administration that the United States emerged as a power to be reckoned with in world affairs.

Mr. Chairman, this legislation is a model of ingenuity in coordinating an urgent need with a deserving tribute. I urge its passage.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of the joint resolution. As I stated when I interrogated the gentleman from Illinois, the chairman of the subcommittee, since there has been written in a top limitation on the authorization of $75 million and also a provision for making this a utilitarian building, it is my opinion that this deserves the support of the Members of the House, since we know it is absolutely essential that we have more space for the Library of Congress. If we did not build a Library of Congress annex here, we would have to build it somewhere else, probably to the east of the present second Library of Congress building. This would result in substantially increased cost.

I am not influenced at all by the suggestion relating for a fourth House office building. I do not believe we should even discuss that at this time. We have other places to put that on the Hill presently available.

For those reasons, I support the bill before us.

I should like to suggest one thing, however, since I am not a member of the House Office Building Commission, and, incidentally, I do not desire to be. We have a very fine House Office Building Commission. I have received numerous complaints from people who desire to make use of the library facilities, people such as students and scholars who want to use the Library of Congress, which is recognized as probably the greatest library in the world. They wish to make use of the facilities, and they complain that there is not enough space available for use by the public in the Library, such as study alcoves and areas for the citizenry who pay to use the Library in the form of taxes.

I would respectfully suggest that the House Office Building Commission, in the drafting of the plans, consider providing adequate space for the public for that purpose. As I have said, I have made such a request by letter. I hope that will be done.

I have only one other comment. This joint resolution indicates that our committee, when working together as a team, can do the job. We will have a bill on the floor next week known as the Highway Beautification Act of 1965 bill. I say to the House in all sincerity that the approach of the gentleman from Florida is going to be constructive, and the position of the minority on the bill is also going to be constructive.

It will be our objective to try to correct obvious errors in the bill. I would suggest to the Members on the floor of the House and to others that they should read the minority views on S. 2084, and in particular the list of States contained on page 54 of those views, which States are likely to lose 20 percent of their highway funds, because the bill is written in a manner so that they probably cannot conform by the qualifying date.

Let me read this information. We are going to try to do something about this on the floor or by a motion to recommit.

I read the list of States which may lose funds unless the State constitution is amended, and the amount to be lost, in millions:

	Millions
Alaska	$8.06
Arizona	11.62
California	69.58
Colorado	10.18
Georgia	13.06
Idaho	5.30
Louisiana	18.16
Maryland	11.96
Mississippi	9.52
Missouri	19.62
Montana	8.92
New Hampshire	3.74
Oregon	13.16
South Carolina	6.32
South Dakota	7.62
Tennessee	16.86
Vermont	5.02
Wyoming	7.58

Those Members who come from those States should give serious consideration to the fact that this bill is going to cut off 20 percent of all highway funds of those States without the States having a reasonable opportunity to amend their constitutions to conform to the requirements of the bill. I say that is very wrong.

The Federal Government is going to get into the business of zoning industrial and commercial areas, and I say that is very wrong.

In addition, it will be possible to spend 100 percent Federal money for beautification off the highway right-of-way, but, on the primary system, only 50 percent on the highway right-of-way. I say that does not make sense.

Our approach is going to be to try to make a sensible, meaningful bill out of S. 2084, which approach will do the job of beautification and at the same time will not put out of business the little businessman who runs a hotel, motel, restaurant or other form of business.

A person who drives a car on the highway and passengers should be able to get needed service information. If the car breaks down they should be able to do something about it. They ought to know where to go to do that.

We shall try to make some sense out of this bill. It is my hope that the House will listen to the debate and will give serious consideration to the constructive amendments—I say again, constructive amendments—that will be offered largely, I assume, by the minority on this other legislation.

I believe we will be able to do an equally good job on that as has been done on this James Madison Memorial Building resolution before the House at the present time.

Mr. GRAY. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Virginia [Mr. SMITH].

The CHAIRMAN. The Chair advises the gentleman from Illinois that he has 7 minutes remaining.

Mr. GRAY. Mr. Chairman, I yield 7 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. KUNKEL. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, I do not need 10 minutes or 7 minutes. I have long experience on the bench and during that experience I had occasion to see how many cases, good cases, were lost because the lawyer talked too much and too long. So I shall consume very little time. Mr. Chairman, I know of no opposition to this bill. It is a badly needed facility aside from the duty we owe to memorialize this great statesman, the father of the Constitution of the United States, James Madison.

The gentleman from Illinois [Mr. GRAY], has so thoroughly evidenced that, as well as the other Members who have spoken, that I do not see any need for further argument in its favor. I would like to say that in 1960 the Congress passed a resolution to construct a fitting memorial to James Madison who, if he were living today in his old home, would be one of my honored constituents. That resolution for the James Madison memorial required the appointment of Presidential representatives and four representatives from the House and four from the Senate. Dr. Harold W. Dodds, the president emeritus of Princeton University, was selected by the President as chairman of that commission and has done a noble work. The gentleman from Illinois [Mr. GRAY] has explained this so well, and I think to the satisfaction of the Members, that further need for explanation is hardly necessary.

Mr. BURLESON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Texas.

Mr. BURLESON. Mr. Chairman, I wish to join with my colleagues, the gentleman from Virginia and the gentleman from Illinois, as well as the whole committee in supporting this legislation which really has been neglected for quite a long period of time. As chairman of the Joint Committee on the Library, I know that the situation as it has been referred to by several speakers, is actually a desperate one. To neglect this need longer is to neglect the country. The Library of Congress is not just a library for Congress—actually it is a library of the United States of America.

So, Mr. Chairman, I want to compliment the gentleman from Illinois and his committee for their expeditious handling of this matter once it really did get on the road. It is a fine piece of legislation with a worthy and needed purpose in many ways. As the gentleman from Florida indicated, it is utilitarian and at the same time it honors this great statesman James Madison. I think the action of this House today would be a compliment to the entire Nation if we wholeheartedly adopt this measure.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I am delighted to yield to the Speaker of the House.

Mr. McCORMACK. Mr. Chairman, I also want to join with the gentleman from Illinois [Mr. GRAY], the chairman of the subcommittee that handled this bill, and compliment him on the able presentation he has made. I wish also to join with the others who have spoken in support of this bill, along with my very dear and valued friend from Virginia [Mr. SMITH], in urging the passage of this bill. This matter came before me as chairman of the House Office Building Commission. There is an absolute need for an addition to the Library for the services it performs. There is also a need for recognition of this great American, James Madison, both of which needs will be provided for in this bill. I wholeheartedly join in urging my colleagues to pass this bill which I consider to be meritorious legislation and which combines service and, at the same time, recognition to a great American.

Mr. SMITH of Virginia. Mr. Chairman, what more do I need?

Mr. KUNKEL. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I reluctantly rise in opposition to House Joint Resolution 642. I believe that it is appropriate for the Congress of the United States to take action to give recognition to the great contribution that James Madison made when he served as President of the United States. I also believe that it is appropriate for the Congress to give recognition to the need for expanding the library facilities of the Library of Congress. However, I also think we should give consideration to the timing of both of these events. I do not believe we should be authorizing the expenditure of another $75 million in construction funds here on Capitol Hill at this time when our estimated budget deficit for the current fiscal year will exceed $5 billion according to the estimates submitted this year by the President.

Mr. Chairman, the people of the United States have been concerned about the capital expenditures here on Capitol Hill. In the last 10 years we have spent more in construction funds here on Capitol Hill than in the entire preceding period of our Nation's history from its beginning.

We have spent more on the Rayburn Building in the last 10 years than on the two preceding House office buildings.

We have spent more on the new Senate office building in the last 10 years than on the first Senate office building.

We have spent more on the extension of the east front of the Capitol in the last 10 years than we spent in the entire accumulated cost of all other previous additions to this Capitol Building.

Therefore, Mr. Chairman, in each case, the Senate office building, the House office buildings, and the extension of the east face of the Capitol, all of which occurred in the last 10 years, we have spent more of the taxpayers' funds than we spent previously in the entire history of this Nation in the Capitol area.

The Library of Congress is an arm of Congress and, therefore, it represents a further construction expenditure applicable to us. As I say, I do not question the fact that the Library of Congress needs more space. I do not question the fact that these shortages exist, but I do not believe that we should grant an authorization for a major construction expenditure of $75 million at the present time, when we have the budget deficit that we do.

Mr. Chairman, I believe this represents the kind of expenditure that we should defer until we actually have a balanced budget and can determine that such an expenditure can be made.

It seems to me that we have to use the same selectivity that we as individual family heads have to use.

Mr. Chairman, I am sure all of us have had the same experience, of sitting down with our wife and children and discussing various expenditures that we might make of our own family funds, and I believe that many times we have had the experience of having proposals made by various members of our family, including ourselves, that in themselves are meritorious. Yet, if we decided to carry out all of those proposals at the same time, we would be committing ourselves to a total amount of expenditures which we could not finance with the income we have. Therefore, we have had to make a decision as to which ones we could defer to some future date, when our income might allow it.

Mr. Chairman, I believe this is the same problem exactly with which we are now faced, and I feel that this is the type of expenditure under the present circumstances that we should defer until our budgetary situation makes it possible for us to expend this sum without adding to our national debt and issuing bonds for this purpose.

Mr. HECHLER. Mr. Chairman, will the gentleman yield for a question?

Mr. BALDWIN. I yield to the gentleman from West Virginia.

Mr. HECHLER. Is it not true that if we defer this expenditure, it will cost considerably more several years hence and that the need is very urgent at the present time, and we had better go ahead and build it with the facilities and finances that we now have?

Mr. BALDWIN. I shall answer the gentleman in the same way that I commented before with reference to our own family expenditures. At times we have to defer some expenditures because we do not have the income to cover them. I do not believe we should issue bonds and pay interest on them for capital expenditures that we could well defer.

Mr. SLACK. Mr. Chairman, as a member of the James Madison Memorial Commission ever since it began its deliberations in 1960, I am gratified to have an opportunity to go on record in support of House Joint Resolution 642.

The first concern of the Commission was to establish a dignified memorial to the career of a man who has been called "The Father of the Constitution." Historians who have studied the deliberations of the Constitutional Convention of 1787 have also referred to James Madison as the "Indispensible Chronicler" of the Convention, and his careful record of proceedings serves as a primary source of knowledge about the beliefs and convictions, actions and attitudes of those who met to create the basic law governing a new nation.

I know all the Members of this House are aware that there has been a great deal of talk about "germaneness" at this session of the Congress. Madison himself, I believe, would have found it singularly fitting and germane that a public building to commemorate his career should also serve the Congress as a library, for he was a keen observer and a careful student with a great respect for the value of facts. During recent years the need for an additional Library of Congress building has become generally recognized. As a member of the Legislative Appropriations Subcommittee I had an opportunity earlier this year to hear testimony from Dr. L. Quincy Mumford, the Librarian of Congress, and his staff which established the dimensions of their current responsibilities. I am sure that any Member who had an opportunity to review that testimony would conclude that we must provide expanded facilities if we are to expect the Library of Congress to fulfill its assigned mission as first library in the Nation.

The proposal contained in House Joint Resolution 642 embodies a happy compromise through which we can meet two desirable objectives at one and the same time. We will properly honor one of the giants of our revolutionary history and at the same time prepare the Library of Congress more suitably to discharge its very important obligations to the Congress and the Nation.

Mr. SCHEUER. Mr. Chairman, I am pleased to support House Joint Resolution 642 and I am hopeful that the participation of the American Institute of Architects as provided in the bill, and explained in the committee report, will assure the Congress and the people of our country that the James Madison Memorial Building will be a structure of grace and beauty and will represent the highest standards of architecture, planning, and design of which our great architectural profession is capable.

In general, Government architecture over the years has not been distinguished for its excellence. In particular, a major recent addition to Capitol Hill has not received widespread praise for its scale, design, or esthetics.

All too frequently Federal architecture has been overwhelming in size and scale, dwarfing the individual citizen rather than dignifying him, and derived of a tasteless potpourri of drab, timeworn, architectural cliches devoid of genuine inspiration, style, or grace.

But recent developments in Government architecture have been heartening. The District of Columbia recently announced the retainer of one of the towering architects of this country, Mies van der Rohe, to design a great new public library for downtown Washington. And, according to today's press, the General Services Administration has created a design review panel of 17 American architects, among them many of the most distinguished members of the architectural profession, including Max Abramovitz, David L. Eggers, George E. Kassabaum, Vincet G. Kling, and Charles Luckman, in order to "reflect the expressed desire of President Johnson that the best possible contemporary thought and skills be applied to the Federal buildings," according to General Services Administrator Lawson B. Knott, Jr. The action was reported in the press to be in part a response to criticism that some buildings put up in years passed have lacked architectural distinction.

The James Madison Memorial Building provides an exciting opportunity to achieve an example of Federal architecture of such beauty, grace, and style as to be a source of pride to Members of Congress and the Nation. Surely a library which is a place of the intellect and the mind deserves a home which can fire the imagination, warm the heart, and send the spirit soaring.

It is my understanding, derived from members of the Public Works Committee, that the Architect of the Capitol will contract with an outstanding American architectural firm, of the caliber of excellence represented by the aforementioned architects, to plan and design the James Madison Memorial Building. The assurance of mere "consultation" with a committee designated by the American Institute of Architects would assure little or nothing in design excellence, absent full-fledged design authority, and responsibility in architects of proven excellence and accomplishment. Indeed, a perfunctory "consultation" could well be less than meaningless.

The bill also provides authorization for the Architect of the Capitol to do such landscaping as may be necessary. It is hoped that this broad authorization will include provision for artistic and esthetic amenities such as fountains, reflecting pools, sculpture, ceramic tile murals, paintings, and the like to enhance the beauty of the building.

The Housing and Home Finance Agency has established a policy of permitting housing developments insured under their programs to include expenditures of up to 1 percent of development costs for such artistic and esthetic amenities. Similarly, the General Services Administration is currently providing a budget of one-half of 1 percent for such purposes in the planning and design of new Federal buildings.

Nothing could be more consistent with our national goal of stimulating progress in the arts and humanities, and excellence in our national environment, than a new Federal building of great artistic and esthetic distinction on Capitol Hill.

Mr. GRAY. Mr. Chairman, I have no further requests for time on this side.

Mr. KUNKEL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule the Clerk will now report the committee substitute.

The Clerk read as follows:

H.J. Res. 642

Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes

Whereas the Library of Congress has been critically in need of an additional building for several years and in 1958 submitted to the Joint Committee on the Library justification in support thereof, and the Architect of the Capitol, pursuant to statutory authorization set forth in Public Law 86–469, May 14, 1960, and the appropriation of funds by Public Law 86–628, July 12, 1960, and with the approval of the Joint Committee on the Library, undertook the preparation of preliminary plans and estimates of cost for an additional Library of Congress building of two million square feet, net area, to be constructed on four squares east of the Library Annex and to provide for the Library's growth for thirty-five years after 1960;

Whereas the James Madison Memorial Commission was established by Act of Congress of April 8, 1960, "for the purpose of considering and formulating plans for the design, construction, and location of a permanent memorial to James Madison in the city of Washington, District of Columbia, or its immediate environs", and pursuant to said Act, planned and recommended a Madison Memorial Research Library in square 732 which would have been limited to a Madison Memorial Hall and facilities for research by scholars and other experts with an underground annex consisting of three floors in which could be stored the papers of the twenty-three Presidents of the United States and other valuable documents now in the Library of Congress which would be made available for research in the memorial library;

Whereas the House Office Building Commission's jurisdiction over square 732, which is owned by the United States, and the said Commission's approval of the Madison Memorial Commission proposal for a Madison Memorial Research Library to be constructed on square 732 resulted in redirecting the preparation of preliminary plans and estimates of cost for an additional Library of Congress building to include, as a part of the Library's building program, the proposed Madison Memorial Research Library and underground annex, both to be administered by the Librarian of Congress. Such redirection of the Library's building program as developed and reported to the Joint Committee on the Library in 1961 would have provided about 24 per centum of the Library's projected new space in the memorial and underground annex and the remaining 76 per centum on two squares east of the annex, in place of the initial plan for a single structure on four squares east of the annex;

Whereas the provision of an additional Library of Congress building is a dire necessity and should be undertaken without further delay and square 732, although limited to about 85 per centum of the space sought in an additional Library of Congress building, is a desirable location for such building, has been cleared of all structures, and would present no delay to building construction;

Whereas the construction of a third Library building in square 732 would render unnecessary at this time the acquisition and use of residential blocks east of the present Library Annex for a Library building; and

Whereas the designation of the Library of Congress third building as the Library of Congress James Madison Memorial Building and the inclusion of a Madison Memorial Hall would memorialize Madison in such a way as to bring to the attention of the American people and particularly students who come to Washington by the hundreds of thousands each year, the principles of government conceived by Madison which are embodied in the Constitution and the Bill of Rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Architect of the Capitol under the direction jointly of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, after consultation with a committee designated by the American Institute of Architects, is authorized and directed to construct (including, but not limited to, the preparation of all necessary designs, plans, and specifications) in square 732 in the District of Columbia a third Library of Congress fireproof building, which shall be known as the Library of Congress James Madison Memorial Building. The design of such building shall include a Madison Memorial Hall and shall be in keeping with the prevailing architecture of the Federal buildings on Capitol Hill. The Madison Memorial Hall shall be developed in consultation with the James Madison Memorial Commission.

(b) In carrying out his authority under this joint resolution, the Architect of the Capitol, under the direction jointly of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, is authorized (1) to provide for such equipment, such connections with the Capitol Power Plant and other utilities, such access facilities over or under public streets, such changes in the present Library of Congress buildings, such changes in or additions to the present tunnels, and such other appurtenant facilities, as may be necessary, and (2) to do such landscaping as may be necessary by reason of the construction authorized by this joint resolution.

Sec. 2. The structural and mechanical care of the building authorized by this joint resolution and the care of the surrounding grounds shall be under the Architect of the Capitol.

Sec. 3. There is hereby authorized to be appropriated not to exceed $75,000,000 to construct the building authorized by this joint resolution (including the preparation of all necessary designs, plans, and specifications).

Mr. GRAY (interrupting reading of joint resolution). Mr. Chairman, I ask unanimous consent that the joint resolution be considered as read and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. SMITH OF VIRGINIA

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of Virginia: On page 7, line 4, insert:

"There is also authorized to be appropriated not exceeding $10,000 to pay the expenses of the James Madison Memorial Commission."

The CHAIRMAN. The gentleman from Virginia [Mr. Smith] is recognized for 5 minutes in support of his amendment.

Mr. SMITH of Virginia. Mr. Chairman, when the original Madison Memorial Commission was created there was an appropriation of $10,000. Clerical help had to be employed and many of the Commissioners being away from the city, traveling expenses had to be provided. That fund has long since been exhausted. We were fortunate in having an affluent member of the Commission who has been taking care of the incidental expenses up to this time. In order to perfect these plans, which by the way are well along, we have preliminary sketches and so on—the Commission will need a small amount of money to continue their work to take care of expenses of travel and so forth for the members of the Commission.

Mr. GRAY. Mr. Chairman, I rise in support of the amendment.

As the gentleman from Virginia has ably pointed out, the members of the James Madison Memorial Commission in many instances have dug into their own pockets to pay the expenses necessary to do the Commission's work. The resolution does provide that the Architect of the Capitol will be in consultation in direction of the James Madison Memorial Commission and the Senate and House Office Building Commissions, and this select committee of the National Institute of Architects.

I think it is unfair that we give them further responsibilities without providing adequate funds and since this is such a small amount of $10,000 I hope the committee can agree to the gentleman's amendment.

Mr. Chairman, as far as the majority side is concerned, we accept the amendment offered by the gentleman from Virginia [Mr. Smith].

Mr. KUNKEL. Mr. Chairman, we on the minority side join in accepting the amendment offered by the gentleman from Virginia.

Mr. CRAMER. Mr. Chairman will the gentleman yield?

Mr. KUNKEL. I yield to the gentleman.

Mr. CRAMER. As I understand. this is merely an authorization and the Committee on Appropriations will review past expenditures and have the right to consider it and to adopt it or to refuse it.

Mr. KUNKEL. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. CLEVELAND: On page 6, after line 20, insert the following new subsection:

"(c) The Architect of the Capitol is authorized and directed to conduct a study with a view to determining the feasibility of including in the third Library of Congress building appropriate space for a visitors' center, which visitors' center would include, but not be limited to, facilities for dining, and general rest and relaxation. The inclusion of a visitors' center should not impair in any way the primary functions of the third Library of Congress building. The determinations of such study are to be made in consultation with the committee designated by the American Institute of Architects, in accordance with subsection (a) of this section, and the determination of the study are to be presented, jointly, to the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library."

Mr. CLEVELAND. Mr. Chairman, the purpose of my amendment is clear on its face. It would not add anything to the cost of the building nor would it be permitted to impair in any way the primary function of this building which is that of a library building, a useful and needed adjunct here on Capitol Hill.

However, it occurred to me, particularly after reading the current issue of Roll Call for September 30, that the suggestion I believe first offered by the gentleman from New York [Mr. WYDLER], that there is a desperate need here on the Hill for a place where visitors, our constituent visitors, can go for a light lunch or to rest their weary feet other than to our very crowded congressional offices, and that such a place is long overdue and badly needed.

It seems to me appropriate at this time, when our congressional sessions are getting longer and longer and there are more and more visitors, that, if in this new building, which will be adjacent to the House Office Buildings, space can be provided at no additional cost and without impairing the primary function of this building, the very essence of courtesy to do it. There is no place here on the Hill for these visitors to eat unless they are accompanied by their Congressman. There is no place they can even get a light lunch or a meal. Certainly our regard for our constituents would suggest that we at least pay them the courtesy of exploring the possibility of having such a visitors' center built and to see whether it is feasible or not.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I want to say I agree wholeheartedly with the gentleman as to the need for the type of center that the gentleman is talking about. I believe we have that kind of requirement and it should be met at some time in the future, but I personally believe it should be located here in the Capitol itself and not off in a part of the Library of Congress. Therefore, Mr. Chairman, I hope the amendment will be defeated.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the distinguished majority leader.

Mr. ALBERT. Of course, there is a lot of merit in the idea that the gentleman is trying to put across here, and the idea has been around for some time. I would like to suggest to the gentleman, however, there is I think at the present time a study being made with respect to the establishment of a visitors' center in this area of the city. Various places have been suggested. But the building we are considering now in this joint resolution and the space in this proposed building is needed for library purposes. While I go along with the gentleman, I think we should hold off on this matter of a vistors' center until the overall matter of a visitors' center in Washington, particularly here in this area of Washington, is agreed upon or disposed of one way or another by those who are interested in this subject.

I certainly sympathize with what the gentleman is trying to do. I do not believe that we should put such a provision in the pending bill.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. If the gentleman would be good enough to use his own time, I would appreciate it, for I should like to answer the statement of the distinguished majority leader.

I believe the wording of my proposal is such that it would do nothing more than to encourage and to reactivate the studies which are now going on, and perhaps give to this problem of how we treat our visitors, a needed lift.

As Members who have read Roll Call know, the suggestion of Mr. WYDLER was for a building. I do not know whether we can afford or need a building. It might be that for several years, while the Library of Congress moves into the new space provided, suitable space could be provided for visitors there, and as that space became needed for library purposes, we could fall back on another building or other available space.

The fact is that now we are not cordial, courteous, or kind in this regard to our constituent visitors to Congress. Particularly for those junior Members of Congress who are still cooped up into two small offices in either one of the older House Office Buildings, it is extremely difficult to welcome one's constituents as graciously and as nicely as we would like to welcome them.

I believe that the proposal might be an interim solution. If there is not any way it can be done easily in the proposed new building, we shall not have lost a thing except for the fact that the Architect will have been called upon to study the question. There is nothing mandatory in the resolution. It is completely permissive. It is in the nature of a suggestion at the present time.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

I should like to ask the gentleman from New Hampshire a question. He did not have time enough to yield. It seems that everyone is pretty well agreed that such a study should be made. Frankly, I have been very embarrassed time and time again when my constituents have come to the Capitol and have said, "Where can we park our automobile?" First, there is no parking space available. Second, they say, "I would like to be here at lunch time. Where can I eat? Where are there facilities for the visiting public on Capitol Hill to eat?"

Unless I go with them, or one of my staff members, to the House Restaurant, there is no place either in the Rayburn Building or in the Capitol itself where they can eat. I think it is a shame that the situation is such that a visitor can go to the Smithsonian Institute and eat in one of the finest cafeterias there is in the country, a cafeteria which is available to the visiting public. But if the visitor comes to Capitol Hill, he is denied such facilities—unless a Member or his staff is available to shepherd the visitor around, and we do our best to do so. But it has got now to the point that since there are thousands and thousands of visitors who come to Capitol Hill, the Members are not capable of handling them—at least, this Member. It seems to me that if we are going to consider this subject, it should be done through direction of the Congress and not through some informal group that, I understand from the majority leader, may be considering it. It should be done through the direction of the Congress. A proper study should be made and a proper presentation.

Would the gentleman object to the suggestion that instead of tying the proposal down to the new library building, that such a study might relate also to some other appropriate location in this vicinity of the Capitol? Would he agree to amend his amendment accordingly, so that any study taking place would consider all prospective, possible, and feasible locations on Capitol Hill? I do not believe that anyone in this body can suggest or explain to their visitors as to why they cannot find a place to park an automobile or get a bite to eat for lunch, particularly now that we forced away most of the restaurants that used to be in the near vicinity of the Hill.

Will the gentleman first comment on my suggested amendment to his amendment?

Mr. CLEVELAND. I think the gentleman from Florida has perhaps placed his finger on one objection to my amendment. That point has already been touched upon by the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT]. Perhaps it should not be too closely locked into the proposed building. I would accept the gentleman's amendment, if he will so move to have the amendment thus amended. I will accept the amendment.

Mr. CRAMER. I have an amendment prepared.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Florida.

Mr. HALEY. I just wondered if the gentleman from Florida could tell me if we build the proposed building—and I believe we should because I realize that the space in the present library buildings is limited—would the building also be subject to taxation if the Congress at some time in the future grants home rule to the District of Columbia?

Mr. CRAMER. As I understand, it would depend on which bill would be enacted. If the Senate bill were enacted, the building would automatically be subject to a determination of value by whatever formula the District city council or commission would wish to give it. If the House bill should be enacted; that is, the Sisk amendment, the charter commission could so provide in the charter proposal.

I assume they will. If the city council or commission is finally adopted, it will have the power to determine the assessed value of any buildings, including this new one and including the Rayburn Building. I doubt if they will give an exemption to any Federal Government property, because that is the whole issue, whether the Federal Government property should be taxed directly or indirectly in order to help pay the expenses of running Washington, D.C.

Mr. HALEY. As I say, I would like to see this building constructed, because I believe it is needed. I certainly would like to have somebody tell me whether we are going to build a $75 or $100 million building here for some of these "eggheads" downtown to come in and tax the people generally, all over the United States, for.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment.

I realize that Members want to get away today, and I shall try to be brief. I hope the committee will reject the amendment.

First, I congratulate the gentleman. I believe his idea is good. It is sound. It is something Congress should look into. But the gentleman's amendment calls for this study to be conducted by the Architect of the Capitol.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Is the gentleman speaking against my amendments, as amended?

Mr. GRAY. I am speaking against the amendment as it would be amended by the gentleman from Florida, [Mr. Cramer]. Both the amendment and the amendment to the amendment call for the Architect of the Capitol to study whether or not we need a center for visitors. This is a prerogative of the Congress. This is something we should determine, not the Architect of the Capitol.

Furthermore, the amendment should not be in this bill for the simple reason that the third Library of Congress Building is no place for a visitors' center. It will bound on Independence Avenue and C Street. I would ask the gentleman where in the world could be parked millions of automobiles which come here yearly to visit the Nation's Capital, when there is just a narrow street on Independence Avenue and a narrow street on C Street?

We know now it is not feasible to put a visitors' center in this building, because there is no place to accommodate the large influx of automobiles and tourists that would come to use the center.

Again, I say I believe the idea is good. If the gentleman will introduce legislation, and if it is brought before our committee, as chairman of the Subcommittee on Buildings and Grounds, I will certainly call a hearing on the matter, because it is something which all of us would like to look into and try to provide an answer to.

This certainly has no place in the pending joint resolution.

I urge that the committee reject both the amendment from the gentleman from New Hampshire and the amendment to be offered by the gentleman from Florida.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I should like to be associated with the very sensible remarks of the gentleman from Illinois. It is totally inconsistent with the purposes of a Library building, where we hope to have some kind of scholarly atmosphere and some kind of quiet study atmosphere, to have a center for tourists to go in and out to get tourist information.

I believe it is a fact, as has been noted in the press, that the committee established by the Congress to consider improvements in the organization of the Congress—a committee on which our distinguished colleague [Mr. Madden] serves as cochairman—is considering this proposition at this time. This is getting consideration by a congressional committee at this time, in addition to the consideration which will be given to the bill which has been introduced, commented upon a moment ago, by our colleague from New York [Mr. Wydler].

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. If I understand the gentleman correctly, if the amendment is defeated he will give a hearing to a bill similar to the one the gentleman from New York [Mr. Wydler] has introduced, so that we may have a visitors' area as well as the necessary parking space to serve the Capitol?

Mr. GRAY. I have not read the bill introduced by the gentleman from New York [Mr. Wydler]. If a bill is reported to our Subcommittee on Public Buildings and Grounds, I certainly will give it immediate attention.

Further, I point out that any bill should direct the Congress to study this matter and not the Architect of the Capitol, because this is a matter which concerns all of our constituents and concerns us individually. Although I have respect for the Architect, I believe this matter should rest with the Congress.

Mr. DON H. CLAUSEN. As chairman of the Subcommittee on Buildings and Grounds, the gentleman is in agreement that there is a need?

Mr. GRAY. I compliment the gentleman from New Hampshire for bringing up this matter, although I do not believe it belongs in this joint resolution.

I urge the defeat of the amendment.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Cramer to the amendment offered by Mr. Cleveland: On lines 3 and 4, strike the words "appropriate space for" and insert in lieu thereof "or providing at any other appropriate location in the vicinity of the Capitol".

Mr. CRAMER. Mr. Chairman, the amendment will read as follows, with the amendment I have offered, which the gentleman from New Hampshire indicates he is willing to accept:

> The Architect of the Capital is authorized and directed to conduct a study with a view to determining the feasibility of including in the third Library of Congress Building or providing at any other appropriate location in the vicinity of the Capitol a visitors' center.

And so forth. I think it has been admitted that such a study is needed and such a study should take place. This would simply authorize the study with the official stamp of approval of the Congress. This is merely a study, and any study by the Architect of the Capitol is subject to review by the House Office Building Commission and by the proper committee of Congress, meaning the Committee on Public Works, following the submission of the report. If the Members of the House want to go on record as opposing, the right of the taxpaying public to have needed facilities including washrooms in particular and to have a study made to determine where they should be on Capitol Hill, then let them vote against the amendment. If they acknowledge that it is a serious problem which should be met and solved and that we should get at that job now, then they will vote for this amendment and the amendment to the amendment which I just offered.

Mr. EDMONDSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida to the amendment of the gentleman from New Hampshire. I will concede that it does improve the amendment that was originally advanced to the House here today, but I would like to submit that it is a little surprising to see the gentleman from Florida, who very, very often objects to matters that are brought to the floor of this House by the committee on the grounds that they have not had careful and extensive consideration by a committee—it is a little surprising and startling and out of character to hear him propose that we should embark on something as extensive as this by action on the floor rather than taking the action by the committee after careful hearings at the committee level.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield to me?

Mr. EDMONDSON. I yield to the gentleman.

Mr. CLEVELAND. I thank the gentleman from Oklahoma for yielding, but when I suggested this amendment of mine for study to my distinguished colleague the gentleman from Florida [Mr. CRAMER], he informed me that the matter of the lack of courtesy services available to constituents on Capitol Hill was so well known to him that he assumed it was just as well known to all of the Members of this body and therefore it did not need great study, because we all know that the problem exists and all we need is a study to see where on the Hill the facilities could be provided for them.

Mr. EDMONDSON. I am glad to get that insight into the thought processes of the gentleman from Florida, but it still does not answer the point that he is normally very insistent on careful committee consideration of any proposal that is advanced before it is acted on on the floor of the House.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. GRAY. Mr. Chairman, I will say the question is not the need. All of us agree that there is a need for a visitors center. The question is where is the most practical place to put this center. I object to the amendment because it calls for the Architect of the Capitol to determine the best location. I think our committee should be the one to hear witnesses and to study this matter. Therefore, I hope that the amendment is rejected because we should have the prerogative and not the Architect of the Capitol.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. CRAMER. The gentleman, of course, did not read the whole amendment, because if he did, he would see that the Architect has to report back to the House Office Building Commission and the Senate Office Building Commission and the Joint Committee on the Library as to his study. I will say to the gentleman that the most influential and convincing remarks made on this proposal, which really sold me on it, were made by his own colleague from Oklahoma, the distinguished majority leader, who indicated that he felt, too, that such a study was needed and one was informally underway. I say if it is informally underway, let us formalize it, and this is the way to do it.

Mr. EDMONDSON. Mr. Chairman, of course, there is a committee of the House and a committee of the Senate inquiring into this matter at this time. The distinguished senior Senator from Oklahoma is chairman of that committee. Our distinguished colleague the gentleman from Indiana [Mr. MADDEN] is cochairman of that committee. It seems to me it would certainly be pulling a section of rug out from under that committee if now we started the Architect of the Capitol off on an independent study under this ill considered amendment. I hope it will be defeated.

Mr. WYDLER. Mr. Chairman, I rise in support of the amendment as amended.

Mr. Chairman, as the author of the bill which has been submitted on this subject of a congressional visitors' center and which is now under consideration by the committee, I rise in support of this amendment for one very simple reason. Everybody who has spoken today has said they are in favor of this visitors' center. Why not start consideration of it at the earliest possible date? The sooner the better, I say, although I am delighted to hear the majority leader and committee chairman favoring my proposal and promise action on it. We have the vehicle to do it this morning, and it is the Cleveland-Cramer amendment to the bill. I cannot see any reason why we should be delaying it and I do not see that delay does any good for anybody. Certainly the final decision will rest with the Members of Congress and the committee involved, because whatever the Architect of the Capitol determines or proposes will come back to the Congress for final approval. All we are doing by putting it off is stalling the final decision. I do not think that is the proper procedure for Congress to follow in this matter.

Mr. GRAY. Mr. Chairman, will the gentleman yield to me?

Mr. WYDLER. I will be glad to yield to the gentleman from Illinois.

Mr. GRAY. First let me say we have no intention of stalling this matter. It was first brought to my attention as chairman of the subcommittee 15 minutes ago. I have assured the gentleman from New Hampshire who offered the original amendment, and I assure you, that our committee will give this matter consideration.

But, I again reiterate, that I do not want a study conducted by the Architect of the Capitol, since this is our prerogative. We have the Capital Planning Commission, and a lot of other agencies that should be consulted.

The Architect of the Capitol does not have the facilities to call all of these people in. Our committee does have such facilities and we are willing to do this.

I assure the gentleman from New York that there will be no delay in bringing this matter up, if the gentleman will introduce a bill.

Mr. WYDLER. I will say to the gentleman from Illinois, what would be wrong with having the Architect of the Capitol start studying it now? What harm would there be in that?

Mr. GRAY. The gentleman knows, if he will yield further, that the Architect of the Capitol—and I am not singling him out as an individual, but no individual—the Clerk of the House, the Architect or anyone else—should be permitted to study a matter that is of such vital concern to the gentleman's constituents, to my constituents, and to the constituents of every Member of this Congress.

A visitors' center is an important matter, as pointed out by our distinguished majority leader. We are willing to consider the matter, but we do not want to have to abide by a report made by the Architect of the Capitol, since he does not have the sole jurisdiction in the matter.

Mr. WYDLER. I understand the gentleman, but I do not understand why his committee would be bound by the reports of the Architect of the Capitol. It would be something that would give you some basis on which to proceed.

However, I would like to direct my remarks for just a minute to the remarks of the gentleman from Oklahoma, when he said and made the point that we should not put a visitor center in the Library of Congress, because it would be inappropriate.

I have received a letter from the American Political Science Association backing up my proposal for a visitors' center on the educational grounds that it can perform a service to the country. I do not believe it is consistent at all with the purposes of this legislation.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Does the letter from the American Political Science Association say they believe that it should be located in the Library of Congress?

Mr. WYDLER. No, they say they support the proposal, but the proposal they made would be very much in harmony if it were in the Library of Congress, because they talk about its use for lecture halls and for the purpose of holding meetings and conferences for people around the country. In any case, the location is a detail to be decided later. Let us start a consideration of the proposal at the earliest possible date.

I believe it is very harmonious with the purposes envisioned in this bill.

Finally, I would like to say this: Why should we delay? This is the important thing. I feel that our constituents deserve such a center. I am sure that every Member here has invited his constituents to come down to the Capitol and visit them. All of us do that. Let us treat them right when they get here. Let us adopt the amendment and get on with the job.

The CHAIRMAN. The question is on the amendment of the gentleman from Florida [Mr. CRAMER] to the amendment of the gentleman from New Hampshire [Mr. CLEVELAND].

The question was taken; and on a division (demanded by Mr. CRAMER) there were—ayes 20, noes 83.

Mr. CLEVELAND. Mr. Chairman, on that I demand tellers.

Tellers were refused.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from New Hampshire [Mr. CLEVELAND].

The question was taken; and on a division (demanded by Mr. CLEVELAND), there were—ayes 21, noes 84.

So the amendment was rejected.

Mr. CLEVELAND. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, I take this time simply to inform my colleagues that when the Committee rises and we go back to the full House, I will offer a motion to recommit with instructions to have the Cleveland amendment with the Cramer amendment to the Cleveland amendment added to this legislation. This will give us all an opportunity to vote on the record on the matter that we have already debated and discussed here.

The CHAIRMAN. The question is on agreeing to the committee substitute amendment, as amended.

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WELTNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 642) to authorize the Architect of the Capitol to construct the third Library of Congress building in Square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes, pursuant to House Resolution 458, he reported the joint resolution back to the House with an amendment adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. CLEVELAND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. CLEVELAND. I am in its present form, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. CLEVELAND moves to recommit the joint resolution, H.J. Res. 642, to the Committee on Public Works with instructions to report the same forthwith with the following amendment: On page 6, after line 20, insert the following new subsection:
>
> "(c) The Architect of the Capitol is authorized and directed to conduct a study with a view to determining the feasability of including in the third Library of Congress building, or providing at any other appropriate location in the vicinity of the Capitol, a visitors' center, which visitors' center would include, but not be limited to, facilities for dining, and general rest and relaxation. The inclusion of a visitors' center should not impair in any way the primary functions of the third Library of Congress building. The determinations of such study are to be made in consultation with the committee designated by the American Institute of Architects, in accordance with subsection (a) of this section, and the determinations of the study are to be presented, jointly, to the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library."

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. CLEVELAND), there were—ayes 21, noes 102.

Mr. CLEVELAND. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 17, nays 321, answered "present" 1, not voting 93, as follows:

[Roll No. 345]

YEAS—17

Andrews,
N. Dak.
Brock
Broomfield
Broyhill, N.C.
Cleveland
Cramer
Curtin
Griffin
Grover
Hall
Halpern
Jonas
Kunkel
McDade
Mailliard
Pelly
Wydler

NAYS—321

Abbitt
Abernethy
Adams
Albert
Anderson,
Tenn.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brooks
Brown, Calif.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Cameron
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clark
Clausen,
Don H.
Clawson, Del
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Craley
Culver
Cunningham
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fisher
Flood
Fogarty
Foley
Ford, Gerald R.
Ford,
William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Gialmo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Greigg
Grider
Griffiths
Gross
Gubser
Gurney
Hagen, Calif.
Haley
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harris
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Herlong
Hicks
Holland
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Keith
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Krebs
Landrum
Langen
Leggett
Lennon
Lipscomb
Love
McCarthy
McClory
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
MacGregor
Machen
Mackay
Madden
Mahon
Marsh
Martin, Mass.
Martin, Nebr.
Matsunaga
Meeds
Miller
Mills
Minish
Mink
Minshall
Moeller
Monagan
Moore
Moorhead
Morgan
Morrison
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Quie
Quillen
Race
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Rhodes, Pa.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Stephens
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Willis
Wilson,
Charles H.
Wolff
Wright
Young
Younger
Zablocki

ANSWERED "PRESENT"—1

O'Konski

NOT VOTING—93

Adair
Addabbo
Anderson, Ill.
Andrews,
George W.
Andrews,
Glenn
Aspinall
Bolton
Bonner
Bray
Burton, Utah
Cahill
Callaway
Carey
Carter
Celler
Colmer
Cooley
Curtis
Dawson
Dorn
Dow
Duncan, Oreg.
Dyal
Evins, Tenn.
Fino
Flynt
Frelinghuysen
Gilligan
Goodell
Grabowski
Green, Oreg.
Hagan, Ga.
Halleck
Hanley
Hansen, Iowa
Hardy
Harsha
Hays
Hébert
Henderson
Holifield
Hosmer
Johnson, Okla.
Kee
Kelly
Keogh
Kornegay
Laird
Latta
Lindsay
Long, La.
Long, Md.
McCulloch
Macdonald
Mackie
Martin, Ala.
Mathias
Matthews
May
Michel
Mize
Morris
Morse
Nix
Olsen, Mont.
Powell
Purcell
Redlin
Resnick
Reuss
Rhodes, Ariz.
Rivers, Alaska
Rivers, S.C.
Robison
Roncalio
Roudebush
Scott
Shipley
Smith, Iowa
Steed
Stratton
Sweeney
Thomas
Thompson, N.J.
Thompson, Tex.
Toll
Tupper
Utt
Williams
Wilson, Bob
Wyatt
Yates

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. O'Konski for, with Mr. Halleck against.

Until further notice:

Mr. Keogh with Mr. Rhodes of Arizona.
Mr. Hébert with Mr. Bob Wilson.
Mr. Holifield with Mr. Hosmer.
Mr. Morris with Mr. Goodell.
Mr. Colmer with Mr. Anderson of Illinois.
Mr. Dow with Mr. Martin of Alabama.
Mr. Celler with Mr. Fino.
Mr. Rivers of Alaska with Mr. Robison.
Mr. Thompson of New Jersey with Mr. Frelinghuysen.
Mr. Toll with Mr. Harsha.
Mr. Rivers of South Carolina with Mr. Glenn Andrews.
Mr. Long of Louisiana with Mr. Curtis.

Mr. Macdonald with Mr. Morse.
Mr. Sweeney with Mrs. Bolton.
Mr. Addabbo with Mr. Cahill.
Mr. Williams with Mr. Callaway.
Mr. Cooley with Mr. Carter
Mr. Hays with Mr. Tupper.
Mr. Evins with Mr. Utt.
Mr. Carey with Mr. Wyatt.
Mr. Purcell with Mr. Burton of Utah.
Mr. Shipley with Mr. Adair.
Mr. Thomas with Mr. Laird.
Mr. Redlin with Mr. McCulloch.
Mr. Aspinall with Mrs. May.
Mr. Stratton with Mr. Bray.
Mr. George W. Andrews with Mr. Roudebush
Mr. Thompson of Texas with Mr. Michel.
Mr. Dyal with Mr. Mize.
Mr. Hanley with Mr. Latta.
Mr. Gilligan with Mr. Mathias.
Mr. Hardy with Mr. Lindsay.
Mr. Yates with Mr. Nix.
Mr. Olson of Montana with Mr. Powell.
Mr. Resnick with Mr. Grabowski.
Mr. Reuss with Mr. Dawson.
Mr. Steed with Mr. Bonner.
Mr. Kee with Mr. Duncan of Oregon.
Mrs. Kelly with Mr. Smith of Iowa.
Mr. Scott with Mr. Roncalio.
Mr. Kornegay with Mr. Matthews.
Mr. Mackie with Mrs. Green of Oregon.
Mr. Dorn with Mr. Hansen of Iowa.
Mr. Hagan of Georgia with Mr. Long of Maryland.
Mr. Flynt with Mr. Henderson.

Messrs. **GROSS** and **OLSON** of Minnesota changed their votes from "yea" to "nay."

Mr. **O'KONSKI**. Mr. Speaker, I have a live pair with the gentleman from Indiana [Mr. HALLECK]. If he were present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER**. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. **HALL**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 328, nays 5, answered "present" 1, not voting 98, as follows:

[Roll No. 346]

YEAS—328

Abbitt
Abernethy
Adams
Albert
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashmore
Ayres
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brock
Brooks
Broomfield
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Cameron
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Denton
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Farnum
Feighan
Findley
Fisher
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Hall
Halpern
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harris
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Herlong
Hicks
Holland
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Keith
King, Calif.
King, N.Y.
King, Utah
Kirwan
Krebs
Kunkel
Landrum
Langen
Leggett
Lennon
Long, Md.
Love
McClory
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
MacGregor
Machen
Mackay
Madden
Mahon
Marsh
Martin, Mass.
Martin, Nebr.
Mathias
Matsunaga
Meeds
Miller
Mills
Minish
Mink
Minshall
Moeller
Monagan
Moore
Moorhead
Morgan
Morrison
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Quie
Quillen
Race
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Rhodes, Pa.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Stephens
Stubblefield
Sullivan
Talcott
Taylor
Teague, Tex.
Tenzer
Thomson, Wis.
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Williams
Willis
Wilson, Charles H.
Wolff
Wright
Wydler
Young
Younger
Zablocki

NAYS—5

Baldwin
Jonas
McCarthy
O'Konski
Smith, N.Y.

ANSWERED "PRESENT"

Cleveland

NOT VOTING—98

Adair
Addabbo
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Ashley
Aspinall
Bolton
Bonner
Bray
Burton, Utah
Cahill
Callaway
Carey
Carter
Celler
Colmer
Cooley
Curtis
Dawson
Dorn
Dow
Duncan, Oreg.
Dyal
Evins, Tenn.
Fascell
Fino
Flynt
Frelinghuysen
Gilligan
Goodell
Grabowski
Green, Oreg.
Hagan, Ga.
Halleck
Hanley
Hansen, Iowa
Hardy
Harsha
Hays
Hébert
Henderson
Holifield
Hosmer
Johnson, Okla.
Kee
Kelly
Keogh
Kluczynski
Kornegay
Laird
Latta
Lindsay
Lipscomb
Long, La.
McCulloch
Macdonald
Mackie
Mailliard
Martin, Ala.
Matthews
May
Mize
Michel
Morris
Morse
Nix
Pelly
Powell
Purcell
Redlin
Reuss
Rhodes, Ariz.
Rivers, Alaska
Rivers, S.C.
Robison
Roncalio
Roudebush
Scott
Senner
Shipley
Smith, Calif.
Smith, Iowa
Steed
Stratton
Sweeney
Teague, Calif.
Thomas
Thompson, N.J.
Thompson, Tex.
Todd
Toll
Tupper
Utt
Wilson, Bob
Wyatt
Yates

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Glenn Andrews for, with Mr. Cleveland against.

Until further notice:

Mr. Keogh with Mr. Halleck.
Mr. Hébert with Mr. Cahill.
Mrs. Kelly with Mr. Bob Wilson.
Mr. Addabbo with Mr. Laird.
Mr. Thompson of New Jersey with Mr. Fino.
Mr. Dow with Mr. Adair.
Mr. Gilligan with Mrs. Bolton.
Mr. Purcell with Mr. Wyatt.
Mr. Henderson with Mr. Utt.
Mr. Redlin with Mr. Roudebush.
Mr. Celler with Mr. Rhodes of Arizona.
Mr. Kornegay with Mr. Teague of California.
Mr. Toll with Mr. Bray.
Mr. Kluczynski with Mr. Tupper.
Mr. Dyal with Mr. Morse.
Mr. Aspinall with Mr. Frelinghuysen.
Mr. Long of Louisiana with Mr. Goodell.
Mr. Evins of Tennessee with Mr. Latta.
Mr. Hanley with Mr. Mailliard.
Mr. Hardy with Mrs. May.
Mr. Stratton with Mr. Lipscomb.
Mr. George W. Andrews with Mr. Carter.
Mr. Sweeney with Mr. Michel.
Mr. Holifield with Mr. Hosmer.
Mr. Morris with Mr. Curtis.
Mr. Macdonald with Mr. McCulloch.
Mr. Colmer with Mr. Callaway.
Mr. Carey with Mr. Smith of California.
Mr Hays with Mr. Pelly.
Mr. Kee with Mr. Robison.
Mr. Rivers of Alaska with Mr. Harsha.
Mr. Reuss with Mr. Mize.
Mr. Rivers of South Carolina with Mr. Martin of Alabama.
Mr. Powell with Mr. Lindsay.
Mr. Hansen of Iowa with Mr. Anderson of Illinois.
Mr. Smith of Iowa with Mr. Burton of Utah.
Mr. Shipley with Mr. Roncalio.
Mr. Senner with Mr. Mackie.
Mr. Matthews with Mr. Fascell.
Mr. Hagan of Georgia with Mr. Grabowski.
Mrs. Green of Oregon with Mr. Nix.
Mr. Thomas with Mr. Olsen of Montana.
Mr. Scott with Mr. Cooley.
Mr. Dorn with Mr. Bonner.
Mr. Ashley with Mr. Dawson.
Mr. Steed with Mr. Flynt.

Mr. **BELL** changed his vote from "nay" to "yea."

Mr. **CLEVELAND**. Mr. Speaker, I have a live pair with the gentleman from Alabama [Mr. GLENN ANDREWS]. If he were present he would vote "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GRAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S.J. Res. 69) to authorize the Administrator of General Services to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the "Library of Congress James Madison Memorial Building" and to contain a Madison Memorial Hall, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the title of the Senate joint resolution.

Mr. GRAY. Mr. Speaker, I offer an amendment.

The Clerk. Amendment offered by Mr. Gray is to strike out all after the resolving clause of Senate Joint Resolution 69 and insert the provisions of House Joint Resolution 642, as passed, as follows:

That (a) the Architect of the Capitol under the direction jointly of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, after consultation with a committee designated by the American Institute of Architects, is authorized and directed to construct (including, but not limited to, the preparation of all necessary designs, plans, and specifications) in square 732 in the District of Columbia a third Library of Congress fireproof building, which shall be known as the Library of Congress James Madison Memorial Building. The design of such building shall include a Madison Memorial Hall and shall be in keeping with the prevailing architecture of the Federal buildings on Capitol Hill. The Madison Memorial Hall shall be developed in consultation with the James Madison Memorial Commission.

(b) In carrying out his authority under this joint resolution, the Architect of the Capitol, under the direction jointly of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, is authorized (1) to provide for such equipment, such connections with the Capitol Power Plant and other utilities, such access facilities over or under public streets, such changes in the present Library of Congress buildings, such changes in or additions to the present tunnels, and such other appurtenant facilities, as may be necessary, and (2) to do such landscaping as may be necessary by reason of the construction authorized by this joint resolution.

Sec. 2. The structural and mechanical care of the building authorized by this joint resolution and the care of the surrounding grounds shall be under the Architect of the Capitol.

Sec. 3. There is hereby authorized to be appropriated not to exceed $75,000,000 to construct the building authorized by this joint resolution (including the preparation of all necessary designs, plans, and specifications).

There is also authorized to be appropriated not exceeding $10,000 to pay the expenses of the James Madison Memorial Commission.

Amend the title so as to read: "Joint Resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes."

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read: "An Act to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes."

A motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 642) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the joint resolution just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE ON WAYS AND MEANS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report to accompany H.R. 9042.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight tonight to file a report on S. 2118.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERSONAL EXPLANATION

Mr. WILLIS. Mr. Speaker, on rollcall No. 342 which was a motion to recommit H.R. 10281, and on rollcall No. 343, which was a motion on final passage of the same bill, I was unavoidably detained in committee.

I would like to announce that had I been present I would have voted "aye" on both votes.

FOREIGN ASSISTANCE APPROPRIATIONS FOR 1966

Mr. PASSMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 10871) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. SHRIVER. Mr. Speaker, reserving the right to object, I do so for the reason of notifying the Members that it is our intention at the proper time to make a motion to recommit the conference report back to the conference committee.

Mr. Speaker, Members will probably remember that we had in the bill as the appropriation bill on foreign aid passed this body a short time ago, very strong language relative to shipping to North Vietnam. This language has been changed by the conference committee in connection with the language that the House put in the bill as it passed this body known as the "Rooney of New York amendment.

It is our intention at the proper time to offer a motion to recommit based upon this change.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1103)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10871) "making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, and 12; and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$618,225,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 9, 10, and 11.

Otto E. Passman (except as to amendments 7 and 9),
John J. Rooney,
William H. Natcher,
Julia Butler Hansen,
Jeffery Cohelan,
Clarence D. Long,
George Mahon,
Garner E. Shriver (except as to amendments 7 and 9),
Silvio O. Conte (except as to amendments 7 and 9),
Mark Andrews (except as to amendments 7 and 9),
Frank T. Bow (except as to amendments 7 and 9),
Managers on the Part of the House.

John O. Pastore,
Carl Hayden,
Richard B. Russell,
Allen J. Ellender,
Warren G. Magnuson,
Spessard L. Holland,
Leverett Saltonstall,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10871) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—FOREIGN ASSISTANCE

Economic assistance

Amendment No. 1—Technical cooperation and development grants: Appropriates $202,355,000 as proposed by the House instead of $182,355,000 as proposed by the Senate.

Amendment No. 2—International organizations and programs: Appropriates $144,755,000 as proposed by the House instead of $134,755,000 as proposed by the Senate.

Amendment No. 3—Supporting assistance: Appropriates $369,200,000 as proposed by the House instead of $349,200,000 as proposed by the Senate.

Amendment No. 4—Alliance for Progress, development loans: Appropriates $435,125,000 as proposed by the Senate instead of $445,125,000 as proposed by the House.

Amendment No. 5—Development loans: Appropriates $618,225,000 instead of $675,225,000 as proposed by the House and $593,225,000 as proposed by the Senate.

Amendment No. 6—Development loans: Restores House language which prohibits the transfer of development loan funds to the International Development Association, the World Bank, and the International Finance Corporation, instead of Senate language which would have permitted the transfer of not to exceed 10 per centum of such funds to such multilateral agencies.

Amendment No. 7—General Provisions: Deletes House language relating to North Vietnam.

Amendment No. 8—General Provisions: Restores House language relating to North Vietnam.

Amendment No. 9—General Provisions: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment. The proposed amendment is as follows:

"SEC. 116. No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this Act unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress."

Amendment No. 10—General Provisions: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts a new general provision—section 117—prohibiting assistance to the United Arab Republic unless the President determines that the availability of such assistance is essential to the national interest of the United States.

Amendment No. 11—General Provisions: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts a new general provision—section 118—prohibiting assistance to Indonesia unless the President determines that the availability of such assistance is essential to the national interest of the United States.

TITLE II—FOREIGN ASSISTANCE (OTHER)

Department of Health, Education, and Welfare

Amendment No. 12—Assistance to Refugees in the United States: Appropriates $30,000,000 as proposed by the Senate instead of $32,265,000 as proposed by the House.

OTTO E. PASSMAN (except as to amendments Nos. 7 and 9),
JOHN J. ROONEY,
WILLIAM H. NATCHER,
JULIA BUTLER HANSEN,
JEFFERY COHELAN,
CLARENCE D. LONG,
GEORGE MAHON,
GARNER E. SHRIVER (except as to amendments 7 and 9),
SILVIO O. CONTE (except as to amendments 7 and 9),
MARK ANDREWS (except as to amendments 7 and 9),
FRANK T. BOW (except as to amendments 7 and 9),
Managers on the Part of the House.

The SPEAKER pro tempore (Mr. BOGGS). The gentleman from Louisiana [Mr. PASSMAN] is recognized for 1 hour.

Mr. PASSMAN. Mr. Speaker, I hope the House will approve the conference report and I hope we can say something during our deliberations that will convince the Members that it is in the best interest of our country at this time that this conference report not be recommitted.

Mr. Speaker, I ask unanimous consent to include in my remarks a table comprising the conference bill with the estimates and other related matter.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. PASSMAN. Mr. Speaker, I want to assure you and my very able, sincere, and devoted chairman of the Committee on Appropriations, and each one of his subcommittee chairmen, that when any bureaucrat from downtown comes to me with regard to a matter pertaining to legislation under the jurisdiction of the chairman of another subcommittee, I shall in the future, as I have in the past, ask him: "Have you discussed the matter with the chairman of the subcommittee that handles the legislation?"

May I say that arrogance knows no bounds, and if some of the bureaucrats in the AID—I am being charitable—intentionally ignore the chairman of a subcommittee handling legislation, they may eventually extend the same treatment to the chairman of the full committee, and maybe go up through the ranks to the top.

When I brought the foreign assistance appropriation bill to the floor of the House a few weeks ago, I stated that even though it was one of the fattest—if not the fattest—foreign aid bill ever presented to the Congress, when all segments from the 15 bills are put together, if I were to have the privilege of handling the bill, I would be honorbound to assume the responsibility of defending it. I meant what I said—and I said what I meant.

I shall not use any more time than necessary, but honor demands that I make restitution when it is proper so to do. So, let me correct the record on two important points:

The very able and distinguished gentleman from Michigan, the Honorable CHARLES E. CHAMBERLAIN, came to me several days before the foreign aid appropriations bill came to the floor of the House for consideration and stated that he had worked out an important amendment which he intended to offer, with respect to our allies shipping strategic materials to North Vietnam. I commended him for his wisdom and patriotism in putting together such a clarifying and positive amendment.

Subsequently, another distinguished Member of this body, the gentleman from New York [Mr. ROONEY], offered a similar amendment, which was adopted. Equal commendations are due both of these gentlemen, and honor prompts me to acknowledge on this floor the discussion I had with the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. Speaker, I believe that my record of handling the foreign aid appropriation bill for many years would indicate that I know something about the legislation. Even though my personal views certainly differ from those of many of my colleagues, it has been my practice to lean over backward to be fair. Doubtless our distinguished Speaker is familiar with the fact that I will usually deliver more than I promise.

When we were discussing the foreign aid appropriation bill several weeks ago, I inadvertently made a statement that certainly needs an explanation, and there is no better time to correct the record than now. So may I set the record straight:

The distinguished, able, and dedicated Member from Kansas, the minority chairman of the Foreign Operations Subcommittee on Appropriations, the Honorable GARNER E. SHRIVER, stated to me in advance of the markup of the bill that he would offer an amendment to reduce the bill substantially. But, the parliamentary procedure that we followed in marking up the bill just about skunked the chairman as well as the distinguished Member from Kansas. And, a majority of the members of the subcommittee reported the bill to the full committee, and it was later passed by the House as marked up by the subcommittee.

In the intervening time between the markup of the bill and action by the full committee, I called the distinguished Member from Kansas and asked him, as a very special favor to me, not to offer any amendments in the full committee to further reduce the recommendations made by the subcommittee.

Suffice it to say, he did not offer any amendments, but I later learned that the amendments he had in mind were subsequently offered by the distinguished gentleman from Ohio [Mr. BOW] in his motion to recommit the bill. In opposing the amendments offered by the gentleman from Ohio [Mr. BOW], I stated that I had never heard his recommended figure before. That statement was true, but it was simply because of the fact that the gentleman from Kansas, who is charitable, Christian, and understanding, did not offer the amendment in the full committee. And, I must say, in my opinion, it was because I asked him not to.

With my apologies properly recorded, may I explain briefly the conference report?

Mr. Speaker, I have never believed in shadow-boxing. To indicate or imply in any way that under the provisions of the conference report before you that certain items in the bill meet the full administration request, while others have been reduced, would be untrue. Because the administration will be handed only an appropriation bill and they can vacate all projects in a country and substitute a new set for a new country, as this program is completely on an illustrative basis.

In most accounts, they can transfer in and out to offset any reduction that we have made in other accounts. If you claim that supporting assistance is funded in fully—languagewise, yes—legallywise, no. They can transfer out of the account into other accounts, and around we go.

May I also say that my efforts in behalf of the American taxpayer have always been to reduce the overall money request rather than just certain items because of the fact that the program justifications are submitted on an illustrative basis.

By the same token, I have, almost without exception, steered clear of policywriting amendments to the foreign operations subcommittee appropriation bill because of the obvious fact that the members of the Committee on Appropriations are not in possession of all the pertinent information possessed by the executive branch.

Mr. Speaker, most conferences, especially in the closing days of a long, hard session, must, of necessity, it would appear, be rush-up, rush-on types of conferences. Many times Members are not given an opportunity to study in detail modifications suggested by the executive branch.

On yesterday, in considering the modification of the amendment adopted unanimously by this body dealing with our allies shipping to North Vietnam, and subsequently changed by the other body, and later modified in the conference at executive branch request, the modified language went to another member of the subcommittee, and not to the chairman. However, in conference I reserved and did not vote for the modified, recommended executive branch amendment. Since then, I have had an opportunity to study in detail the modified language recommended by the executive branch to the conference and explained by another subcommittee member, not by myself, and I now find that for reasons we cannot discuss in detail on the floor without violating what is termed "secret" information, I hope the House will adopt the conference report. Keep in mind that we are dealing with a policy matter and, by precedent, a matter properly under the jurisdiction of the President.

Suffice to say, had the executive branch not waited until the last minute to suggest needed policy language changes between the versions of the two branches of the Congress, we would not be in this dilemma now. I promised them that I would give complete consideration to the recommendations of the executive branch.

But I was only contacted one time, and I never received a copy of their recommendation at that time. This is no indictment of the other able members of this committee.

I should mention that this is a much better bill than most Members would expect. The other branch of the Congress reduced the bill $142 million.

The conference bill is almost a split between the two bills. It is $67 million below the House bill and $75 million above the Senate bill. It is the best compromise we could get.

I believe the House would like to be reminded again of the House limitation against section 205 of the authorization bill, which would have permitted the executive branch to transfer funds out of the development credits appropriation, sometimes referred to as loans by the executive branch, into the International Development Association and other multilateral agencies. We have crossed that bridge before. This time, as in previous years, if I recall correctly, the committee—with one or two exceptions, I had better add—demanded that the language which would permit a transfer of not to exceed 15 percent of the development loan appropriation into the International Development Association be stricken from the bill. The other body agreed with our position.

I believe this is a good conference report so far as good conference reports go on the foreign aid appropriation bill, and I hope that in this instance, concerning our disagreement over North Vietnam, we will yield to the judgment of the Executive, because we are dealing with a policy matter. I am assured by the Executive that in the future each member of the conference committee will receive a copy of any recommended modifications. They have also assured me that it was not by design or purpose that a copy of their proposed language did not come to us long enough in advance so that we could study it in detail.

I want to say, at the expense of being repetitious, that there are good and sufficent reasons why this bill should not be recommitted. We are dealing with some matters that are "top secret" and we cannot reveal them on this floor, so I hope Members will follow the recommendations of a majority of the members of the conference and not recommit the bill.

The following data relate to the conference bill and other pertinent data relating to the foreign aid bill:

Foreign assistance and related agencies appropriation bill, 1966

TITLE I—FOREIGN ASSISTANCE

Item	1965 appropriations	1966 budget estimates	Passed House	Passed Senate	Conference action	Conference action compared with—			
						1965 appropriation	1966 budget estimates	House	Senate
FUNDS APPROPRIATED TO THE PRESIDENT									
MUTUAL DEFENSE AND DEVELOPMENT									
ECONOMIC ASSISTANCE									
Technical cooperation and development grants	$202,071,000	$219,000,000	$202,355,000	$182,355,000	$202,355,000	+$284,000	−$16,645,000	----------	+$20,000,000
American schools and hospitals abroad	16,800,000	7,000,000	7,000,000	7,000,000	7,000,000	−9,800,000	----------	----------	----------
Surveys of investment opportunities	1,600,000	----------	----------	----------	----------	−1,600,000	----------	----------	----------
International organizations and programs	134,272,400	145,555,000	144,755,000	134,755,000	144,755,000	+10,482,600	−800,000	----------	+10,000,000
Supporting assistance	401,000,000	449,200,000	369,200,000	349,200,000	369,200,000	−31,800,000	−80,000,000	----------	+20,000,000
Contingency fund, general	99,200,000	50,000,000	50,000,000	50,000,000	50,000,000	−49,200,000	----------	----------	----------
Contingency fund, southeast Asia	----------	----------	89,000,000	89,000,000	89,000,000	+89,000,000	+89,000,000	----------	----------
Alliance for Progress:									
Technical cooperation and development grants	84,700,000	85,000,000	75,000,000	75,000,000	75,000,000	−9,700,000	−10,000,000	----------	----------
Development loans	425,000,000	495,125,000	445,125,000	435,125,000	435,125,000	+10,125,000	−60,000,000	−$10,000,000	----------
Development loans	773,727,600	780,250,000	675,225,000	593,225,000	618,225,000	−155,502,600	−162,025,000	−57,000,000	+25,000,000
Administrative expenses, AID	53,600,000	55,240,000	54,240,000	54,240,000	54,240,000	+640,000	−1,000,000	----------	----------
Administrative expenses, State	3,029,000	3,100,000	3,100,000	3,100,000	3,100,000	+71,000	----------	----------	----------
Subtotal, economic assistance	2,195,000,000	2,289,470,000	2,115,000,000	1,973,000,000	2,048,000,000	−147,000,000	−241,470,000	−67,000,000	+75,000,000
MILITARY ASSISTANCE									
Military assistance	1,055,000,000	1,170,000,000	1,170,000,000	1,170,000,000	1,170,000,000	+115,000,000	----------	----------	----------
Limitation on administrative expenses	(*24,000,000*)	(*23,500,000*)	(*23,500,000*)	(*23,500,000*)	(*23,500,000*)	(*−500,000*)	----------	----------	----------
Total, title I, foreign assistance	3,250,000,000	3,459,470,000	3,285,000,000	3,143,000,000	3,218,000,000	−32,000,000	−241,470,000	−67,000,000	+75,000,000

Foreign assistance and related agencies appropriation bill, 1966—Continued

TITLE II—FOREIGN ASSISTANCE (OTHER)

Item	1965 appropriations	1966 budget estimates	Passed House	Passed Senate	Conference action	Conference action compared with—			
						1965 appropriation	1966 budget estimates	House	Senate
FUNDS APPROPRIATED TO THE PRESIDENT									
Peace Corps	$87,100,000	$115,000,000	$102,000,000	$102,000,000	$102,000,000	+$14,900,000	−$13,000,000	----------	----------
Limitation on administrative expenses	*(22,708,000)*	*(24,100,000)*	*(24,100,000)*	*(24,100,000)*	*(24,100,000)*	*(+1,392,000)*	----------	----------	----------
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS									
Ryukyu Islands, Army, administration	14,441,000	14,733,000	14,733,000	14,733,000	14,733,000	+292,000	----------	----------	----------
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Assistance to refugees in the United States	32,211,000	32,265,000	32,265,000	30,000,000	30,000,000	−2,211,000	−2,265,000	−$2,265,000	----------
DEPARTMENT OF STATE									
Migration and refugee assistance	8,200,000	7,575,000	7,575,000	7,575,000	7,575,000	−625,000	----------	----------	----------
FUNDS APPROPRIATED TO THE PRESIDENT									
Investment in Inter-American Development Bank	455,880,000	455,880,000	455,880,000	455,880,000	455,880,000	----------	----------	----------	----------
Subscription to the International Development Association	61,656,000	104,000,000	104,000,000	104,000,000	104,000,000	+42,344,000	----------	----------	----------
Total, title II, foreign assistance (other)	659,488,000	729,453,000	716,453,000	714,188,000	714,188,000	+54,700,000	−15,265,000	−2,265,000	----------

TITLE III—EXPORT-IMPORT BANK OF WASHINGTON

Item	1965 appropriations	1966 budget estimates	Passed House	Passed Senate	Conference action	1965 appropriation	1966 budget estimates	House	Senate
Limitation on operating expenses	*($1,350,060,000)*	*($1,186,120,000)*	*($1,186,120,000)*	*($1,186,120,000)*	*($1,186,120,000)*	*(−$163,940,000)*	----------	----------	----------
Limitation on administrative expenses	*(3,915,000)*	*(4,052,000)*	*(4,052,000)*	*(4,052,000)*	*(4,052,000)*	*(+137,000)*	----------	----------	----------
Total, title III. Export-Import Bank)	*(1,353,975,000)*	*(1,190,172,000)*	*(1,190,172,000)*	*(1,190,172,000*	*(1,190,172,000)*	*(−163,803,000)*	----------	----------	----------
Grand total, all titles	3,909,488,000	4,188,923,000	4,001,453,000	3,857,188,000	3,932,188,000	+22,700,000	−$256,735,000	−$69,265,000	+$75,000,000

Total mutual security program regular annual appropriations—Economic and military assistance, 10 years

Fiscal year	Budget estimate	Appropriation	Reducation below estimate	Percentage below budget estimate
1956	$3,266,641,750	$2,703,341,750	−$563,300,000	17.24
1957	4,859,975,000	3,766,570,000	−1,093,405,000	22.50
1958	3,386,860,000	2,768,760,000	−618,100,000	18.25
1959	3,950,092,500	3,298,092,500	−652,000,000	16.51
1960	4,429,995,000	3,225,813,000	−1,204,182,000	27.18
1961	4,275,000,000	3,716,350,000	−558,650,000	13.07
1962	4,775,500,000	3,914,600,000	−860,900,000	18.03
1963	4,961,300,000	3,928,900,000	−1,032,400,000	20.81
1964	4,525,325,000	3,000,000,000	−1,525,325,000	33.70
1965	3,516,700,000	3,250,000,000	−266,700,000	7.58
Total	41,947,389,250	33,572,427,250	−8,374,962,000	19.96

Foreign Assistance Act unobligated funds, title I

As of:	*Amount*
June 30, 1955	$250,900,000
June 30, 1956	401,400,000
June 30, 1957	814,400,000
June 30, 1958	88,400,000
June 30, 1959	94,400,000
June 30, 1960	127,000,000
June 30, 1961	758,000,000
June 30, 1962	163,400,000
June 30, 1963	419,100,000
June 30, 1964	59,600,000
June 30, 1965	158,400,000
Total amount unobligated funds, 11 years	3,335,000,000
Average annual unobligated funds, 11 years	303,181,818

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 1, 1965.

To Whom It May Concern:

A great American one said: "It is true that you may fool all of the people some of the time; you can even fool some of the people all of the time; but you can't fool all of the people all of the time." This statement was made before America started the foreign giveaway program.

Requests for new foreign aid funds so far this year amount to $7,512,467,000. I am attaching, hereto, a list showing the 15 separate requests for foreign aid funds. Only the first item on the attached list is ever mentioned publicly as being foreign aid. The other 14 items are just as much foreign aid as your hand is a part of your body.

On June 30, 1965, unliquidated funds from prior years' authority to the credit of these 15 items amounted to $10,605,738,000. If the Congress approves the full additional $7,512,467,000 that the administration has requested in new funds this year, then there will be a staggering total available for disbursement in the amount of $18,118,205,000.

The $7,512,467,000 requested in new funds this year does not include an appropriation of $1,035 million tacked on to a recent appropriation bill for the International Monetary Fund so that it would apply to the fiscal year which ended on June 30, 1965, rather than to the new fiscal year. Neither does it include the $4 billion annual interest we are paying on the money we have previously borrowed to give away.

How any administration could dissipate America's wealth on foreign aid as we are doing is beyond the realm of sane, human understanding. I hope that the circulation of the startling information contained in this letter will be broad enough to cause the American people to demand an explanation as to why only one of the 15 requests is ever mentioned publicly as foreign aid.

Sincerely yours,

OTTO E. PASSMAN,
Chairman, Foreign Operations Subcommittee on Appropriations.

Enclosure.

New Foreign Aid Funds Requested So Far in 1965—July 1, 1965

[In thousands]

1. Foreign assistance requests, as amended (mutual security)	$3,459,470
2. Receipts and recoveries from previous credits	209,770

New Foreign Aid Funds Requested So Far in 1965—July 1, 1965—Continued

[In thousands]

3. Military Assistance Advisory Group	$76,000
4. Export-Import Bank (long-term credits)	900,000
5. Public Law 480 (agricultural commodities)	1,658,000
6. Inter-American Development Bank (Latin America)	705,880
7. International Development Association (IDA)	104,000
8. Peace Corps	115,000
9. Contributions to international organizations	96,953
10. Permanent construction overseas (military)	85,986
11. Educational (foreign and other students)	69,200
12. Ryukyu Islands	14,733
13. Migrants and refugees	7,575
14. Atomic Energy Commission (overseas)	5,900
15. Inter-American Highway (Latin America)	4,000
Total new foreign aid requests, first 6 months of 1965	7,512,467

OTTO E. PASSMAN,
Chairman, Foreign Operations Subcommittee on Appropriations.

Mr. **PASSMAN.** Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. **PASSMAN.** Mr. Speaker, I yield 12 minutes to the distinguished gentleman from Kansas [Mr. SHRIVER].

Mr. SHRIVER. Mr. Speaker, I thank the chairman for yielding that period of time. In turn, I shall shortly yield to the gentleman from Michigan, who presented such a forceful argument on the floor of the House at the time the Foreign Aid Appropriation bill was before us a few weeks ago.

That bill is behind us. The only issue we are in disagreement, between the two bodies, is the issue on the use of our aid funds for countries which continue to trade with North Vietnam.

Every day we read of American casualties which have occurred in southeast Asia. Just this morning I read a long list of our American boys who lost their lives in this war in which we are involved—a war in which our American boys are helping the South Vietnamese to halt the advance of communism.

One constitutional power still possessed by this House is that of appropriating funds collected from the taxpayers of the Nation. Those we represent I am sure do not approve of the use of tax dollars to support the enemy. Each of us knows this very well. When this Congress loses its power over the purse, then we, as a legislative body, are through. We have betrayed our Founding Fathers who gave us the Constitution and the framework for the greatest form of government and the greatest country in the world. The House strongly supported the Rooney amendment. The gentleman from Michigan [Mr. CHAMBERLAIN] discussed it at length a few weeks ago when we had this bill up before us, so I am going at this time to yield 8 minutes to the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. Speaker, I would first like to thank my colleague for yielding to me. As has been said here, I have been long disturbed about the volume of free world trade with North Vietnam. I want to take just a moment to outline to my colleagues why I am disturbed about it and the extent of this shipping. Last year, 1964, there were 401 ships from free world nations which carried cargoes to North Vietnam. So far to date there are 88 ships this year that have gone to North Vietnam with cargoes to help keep this war going. Now, these are figures that are from published commercial sources. If any of my colleagues are interested in the classified figures and are not disturbed that 88 ships went to North Vietnam, then come and look at this piece of paper here which is classified secret and you can see how many ships of the free world flags have carried their cargoes to North Vietnam.

I hope my colleagues will listen to what I have to say, because this is something that the American people should know and something they have not been told.

Of all the ships going to North Vietnam, more free world ships are going there than all of the Communist bloc ships combined. Think of that. More free world ships than Communist ships are going to North Vietnam. The conference report we had here the other day said 45 percent of all the imports to North Vietnam were on free world ships and 85 percent of their exports were on free world vessels.

Now just a bit about the background of the situation that we find ourselves in. We in this House put a prohibition in the authorization bill against aid to any country permitting its ships to trade with North Vietnam. In their wisdom the other body deleted this amendment. Then came the appropriation bill the other day. In section 107 (a) and (b) wherein we very properly said that no aid shall be given to any country that permits its ships to carry goods to Cuba, in those two sections we inserted a simple amendment, sponsored by the gentleman from New York [Mr. ROONEY], and if he had not done so I had announced my intention to do so, which had only four little words, no aid to Cuba "or to Vietnam." That was the amendment. My colleagues of the House, that amendment was accepted in this very Chamber just a few days ago without a single word of dissent. No one said no. A voice was not raised against it. The other body deleted this amendment and said in essence it is the "sense of Congress" that we should not give any aid to any country that does not try to stop shipping to North Vietnam. The conferees are now substituting other language.

The language on aid to Vietnam has been accepted, so far as economic assistance is concerned, but when it comes to strategic assistance to North Vietnam we are saying that we shall treat less harshly North Vietnam shipping than we do shipping to Cuba. The issue is very simple. Are we going to stand fast on this one amendment with respect to Vietnam, similar to the Cuban situation? What we are asking is that when it comes to shipping to the enemy we give the same identical treatment to North Vietnam as we are giving to Cuba. Why should we create a double standard here? This would give the President authority to aid countries that are in fact giving military aid to North Vietnam if he finds it in the national interest.

Why he would want this is beyond me. I cannot conceive a possible situation where free world ships would be carrying military assistance, strategic assistance to North Vietnam and have the President say that it is in our national interest to give that country aid. I cannot conceive of it, but still that is the situation we are faced with. This makes Congress look ridiculous.

Why should we be so timid? It is time we got tough and let the world know that we are serious about Vietnam, that we are going to do everything we can to see that this alarming volume of shipping to North Vietnam is stopped.

I would like to go further than we are going today. I would like to close the ports of this country to every one of these ships that sail to North Vietnam many of which, after going there, have called at our own U.S. ports. This is another urgent matter that we should consider.

Mr. Speaker, I repeat, to accept this conference report would create a double standard. We have a flat prohibition against aid to any country trading with Cuba. But we are going to say here that we intend something less than a flat prohibition against aid to countries that are sending ships to North Vietnam.

Are we not as concerned about trade with North Vietnam as we are with trade with Cuba? The President has told us that this is real war. I tell you that it is real war. I have been there; I know. If we had a declaration of war today, can you imagine the President sending aid to those who are shipping goods to our enemy? In the last war, would we have aided those trading with Japan or Germany? How ridiculous can this situation get? We now have some 130,000 troops in Vietnam. They are pouring over there so fast that you cannot keep track of the total number. Our boys are in contact with the enemy in the air, on land, and on the sea. Every day our casualties are growing. Our forces are doing what they can do to stop the enemy. We are trying to interdict the supply lines. Our planes are flying to cut them off. Just today two Air Force pilots were shot down trying to take out a bridge. Our ships are trying to stop supplies to the enemy by sea.

I say that we should make certain that none of our tax money goes to help those who are helping to supply the enemy.

Mr. Speaker, I have not had the time I would like to discuss this matter, but the issue is very simple. Are we going to have a dual standard as far as limiting aid to countries trading with Cuba and Vietnam?

The language we are using is identical to the prohibition in the Cuba section. It simply says that we shall do the same thing with reference to Vietnam as we have done to Cuba.

This amendment was accepted without a dissenting voice in the House just a few days ago. We cannot create a double standard. The American people will never understand why we have taken action here that would make it possible to give foreign aid money under any circumstances to countries that permit their ships to aid North Vietnam. I respectfully urge that we insist upon the House amendment.

The SPEAKER pro tempore (Mr. BOGGS). The Chair will advise the gentleman from Kansas [Mr. SHRIVER] that he has 2 minutes remaining.

Mr. PASSMAN. Mr. Speaker, I desire to yield to the distinguished gentleman 5 additional minutes.

The SPEAKER pro tempore. The gentleman from Kansas is recognized for 5 additional minutes.

Mr. SHRIVER. Mr. Speaker, I would prefer that the gentleman from Louisiana on the other side yield some time at this time.

Mr. PASSMAN. Mr. Speaker, I yield 8 minutes to the distinguished gentleman from New York [Mr. ROONEY].

Mr. ROONEY of New York. Mr. Speaker, I strenuously urge the adoption of this conference report and request that it not be recommitted.

Mr. Speaker, this is an appropriations bill carrying over $3 billion. This bill must be acted upon today so that the other body may act upon it expeditiously and that it does not get hung up with the proceedings in the other body which begin on Monday next with regard to repeal of section 14(b) of the Taft-Hartley Act.

Mr. Speaker, I feel that we have a good conference report pending before this body. It represents practically an even split between the House figures and the figures of the other body with regard to the amount of money appropriated.

Apparently, the only real controversy is over the amendment that I offered at the time this bill was under consideration here in the House. It was then that I proposed that we add the words "or to North Vietnam" to section 107(a) of the bill, as well as to section 107(b) of the bill. My amendment prevailed.

When this bill went to the other body, the other body diluted my amendment.

Now, Mr. Speaker, the House conferees did succeed in having the other body recede on amendment No. 8, which was my amendment added to section 107(b), and in return, the House conferees receded from amendment No. 7, which was my amendment to 107(a), and in addition to that both sides added tightening language which is now know as section 116 of the bill. So today this language before the House is stronger than the language agreed to by the House in this year's authorization bill and it is far stronger than the provision contained in the Senate appropriations bill. It strengthens the President's hands but it does not tie them.

The only difference between the conference provision and the amendment originally adopted by the House is that the conference provision permits the President to provide assistance to a country if he determines that it would be contrary to the national interest not to provide aid. He must report every such determination to the Congress.

Mr. Speaker, it is folly to prevent the President from taking action necessary to protect our national interests. He has the facts and he has the responsibility to deal with situations and crises around the world, in Western Europe and in Greece, as well as Vietnam.

The conference provision pending before the House permits the President to exercise his responsibility to take action on the basis of the facts he has at the time of the crisis.

Mr. Speaker, the proposed recommital motion would make it impossible to provide any military aid in this bill planned for strengthening our NATO ally, Greece.

Mr. Speaker, Greek ships are in the North Vietnam trade, and to get them out of that trade will require a decree by the Greek Government. That Government has only a two-vote margin in its Parliament. As we all know, it has suffered a prolonged Government crisis. I regret to have to say that the Greeks are simply unable at this time to take the steps necessary to end all shipping to North Vietnam.

Adoption of a recommittal motion would make mandatory a cutoff of military aid to Greece thus crippling her defense against the Communist forces on her borders, and ending her strong participation in NATO.

I submit that a vote to recommit this conference report is a vote against our Greek allies and a direct blow against the strength of NATO.

United States policy is already effective in reducing free world shipping to North Vietnam. In July and August of this year, approximately 33 free world ships called at North Vietnam ports.

In the same period last year 64 ships called at North Vietnam ports, so that in 1 year such shipping was cut almost in half.

Three of the four countries which would be affected by the Rooney amendment are taking action to cooperate with the United States on this problem. Japan has already got its ships out of the trade. The one exception is Greece which, as I have indicated, is unable to cooperate at the present time.

Now, Mr. Speaker, I would like to give some facts with regard to free world shipping in connection with North Vietnam and once again I point out that the other body has wholly receded on amendment No. 8, which concerns economic aid to countries which were dealing in economic aid with North Vietnam. As to this part of the so-called Rooney amendment, we had a complete surrender on the part of the other body. This pending conference report should be an attractive proposition to anyone who has to sit at a table to bargain with the other body at a conference. It is a good conference report that we are submitting to the House for approval today.

As the result of U.S. efforts and the fact that North Vietnam is a zone of hostilities, free world shipping to North Vietnam has declined substantially. In July and August of 1965, approximately 33 free world ships, many of them in ballast, called at North Vietnam ports. During the same months in 1964, 64 free world ships were in the North Vietnam trade.

With one exception, aid-recipient countries are actively cooperating with the United States. In the past 6 months, about 35 ships from aid-recipient countries—Greece, Norway, Liberia, and Cyprus called at North Vietnam ports and some of these ships were under long-term charter to Communist countries.

A total of 38 Japanese ships called at North Vietnam ports in January, February, and March, but since then no Japanese ships have been in the trade.

Greek ships accounted for about half of the approximately 35 ships under the registry of aid-recipient countries. Because of a prolonged governmental crisis, as I previously indicated, Greece was unable at that time to take the action necessary to control its ships in the North Vietnam trade.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa [Mr. GROSS].

Mr. GROSS. The gentleman indicates that if this conference report is recommitted, the other body will hang it on the hook or otherwise refuse to deal with it. Does the gentleman mean to say the other body wants to explain, if the House approves recommital, to the men who are being shot to pieces over in Vietnam, that shipping from foreign countries, by our so-called friends, is the means by which they are being killed and maimed?

Mr. ROONEY of New York. Does the gentleman from Iowa understand that Members of the other body who were managers on the part of the Senate in this conference insisted upon their language—and the gentleman from Kansas will bear me out on this because I brought it up a number of times during the course of the conference—and insisted on their position. We came out of the conference with the best that we could get insofar as compromise was concerned.

To repeat, I had two amendments, one to section 107(a) and one to section 107(b). The Senate receded completely on the amendment to 107(b); the House conferees receded on 107(a) with the following additional language, which I think I should read to the House at this point:

> SEC. 116. No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes, or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this act unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress.

I respectfully submit that I have never seen a conference report on an appropriations bill come back to this House that was any clearer or more succinct than the conference report now pending before the House.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PASSMAN. Mr. Speaker, I yield 3 additional minutes to the gentleman from New York.

Mr. ROONEY of New York. Mr. Speaker, I yield to the gentleman from Louisiana such time as he may require.

Mr. PASSMAN. I do not believe that we should imply that the President would intentionally do anything which would cause the loss of one single American life in South Vietnam. I certainly cannot be called a Great Society enthusiast. But I do not believe that we should have the record indicating that the President of the United States would do anything which would cause the loss of a single life in South Vietnam.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman yield?

Mr. PASSMAN. I yield to the gentleman from New York.

Mr. ROONEY of New York. I should like to ask the gentleman at this point if it is not the fact that each and every Member of the conference representing the other body submitted the same sort of statement at the conference table: that he did not want any American boy killed with ammunition brought into South Vietnam on such ships?

Mr. PASSMAN. That is true. I would like to take a minute now and summarize briefly. The language contained in this conference report is stronger than the language contained in the foreign assistance authorization bill for 1965 that this body passed not too long ago. I do not recall any Member offering an amendment at that time to recommit that bill to insist on stronger language.

Even though we had to compromise the House language in this bill I reserved on the amendment agreed to so I could study the effect of it in more detail, and I feel I am better posted now.

Let me repeat that this conference report contains stronger language than what was contained in the authorization legislation. It also contains stronger language than what was contained in the Senate bill. It is not as strong as could be but all legislation is a result of compromise. I repeat that this is the Appropriations Committee and not the policy writing committee, and I defer to the President because I know he is trying to solve these problems.

Mr. CHAMBERLAIN. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield.

Mr. CHAMBERLAIN. Is the language in this bill as strong as it is with respect to the prohibition of shipping to Cuba?

Mr. PASSMAN. Certainly it is not as strong.

Mr. CHAMBERLAIN. I thank the gentleman.

Mr. PASSMAN. It is not the language I would desire. I am not the President and I do not have to deal with these eternal world problems and every assistance we can render him makes his job that much easier.

Mr. SHRIVER. Mr. Speaker, I believe I have 7 minutes remaining.

I yield to the distinguished gentleman from Ohio [Mr. Bow] for 5 minutes.

Mr. BOW. Mr. Speaker, it is not top secret that American boys in Vietnam are dying. We cannot legislate on the basis of top secret or be convinced because of top secret. I do not know what that could be. But I repeat that it is not top secret that ships of countries receiving our aid are going into North Vietnam, and it is the possibility—and I am sure the probability—that some of those ships are carrying the sinews of war which are bringing about the casualty lists that we are reading every day.

I should like to know why we should treat North Vietnam any better than we treat Cuba.

The gentleman says this is an appropriation bill and not a legislative bill, but in the appropriation bill last year this committee did not hesitate to put in the requirement that these shipments should not be made to Cuba so long as governed by the Castro regime. This is the precedent. This is the precedent for this House to take this action.

All that was done this year, in addition to the word "Castro regime," was the addition of the words "or to North Vietnam."

Are Members going to vote today to give better treatment to North Vietnam than is given to Cuba?

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. BOW. I do not have sufficient time, but I will yield to the gentleman, if he will make it brief, please.

Mr. GALLAGHER. I will make it very brief, in answer to the question concerning the statement just made.

Greece, in the Cuba situation, issued the necessary decrees to keep Greek ships out of Cuba at that time. When the government crisis is resolved presently in Greece——

Mr. BOW. I do not yield further, because I am concerned about the crisis of our own men in North Vietnam and in South Vietnam.

Mr. GALLAGHER. I am, too.

Mr. BOW. I do not yield further to the gentleman, if he is more interested in a crisis in Greece than a crisis in South Vietnam.

I am concerned about our country and about our men who are fighting in South Vietnam.

How much aid have we given to Greece over the years? It has been millions and hundreds of millions of dollars. Is it too much to ask them now not to ship further the sinews of war which are going to kill American men? Are we going to say to them, "It is all right, so far as Cuba is concerned, to cut them off, but let us give preferential treatment to North Vietnam?"

That is what we are being asked to do here today.

My good friend from New York, with whom I have served so long and so closely on his subcommittee, says we have to do this today because 14(b) is going to come up over in the Senate. That is almost as ridiculous, in my estimation, as is the question of the Greek situation.

Mr. ROONEY of New York. Mr. Speaker, will my distinguished friend from Ohio yield?

Mr. BOW. I am always glad to yield to my distinguished friend from New York.

Mr. ROONEY of New York. I am sure the gentleman will agree with me that that is one of the facts of life.

Mr. BOW. It is one of the things the gentleman is very good at doing, providing a little smokescreen once in a while when the battle gets rough and the guns are being fired.

I say to the gentleman that we have a continuing resolution, so if a debate on 14(b) starts up they will be able to go ahead just the same under the continuing resolution.

I hope we will not have any more continuing resolutions. We have one now up to October 15. I believe the debate on 14(b) will be over by October 15 and we will be able to get this bill through.

Mr. ROONEY of New York. Will my distinguished friend yield to me once again, briefly.

Mr. BOW. Of course.

Mr. ROONEY of New York. It has just occurred to me, as the result of the gentleman's remarks, that the adoption of this very conference report on the foreign aid appropriations bill has always been a bellwether of sine die adjournment.

Mr. BOW. I say to my friend from New York, I will stay here until the beginning of next session of Congress if I can save the life of one American boy who may be destroyed by shipments into North Vietnam. I am not going home for that purpose.

Mr. ROONEY of New York. That is commendable.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. PASSMAN. Mr. Speaker, I yield the gentleman from Ohio 2 additional minutes, and ask the gentleman if he will yield.

Mr. BOW. I yield to the gentleman from Louisiana.

Mr. PASSMAN. I should like to ask the gentleman if it is not true that he would stay here the rest of this year if he could just keep one American boy from being injured?

Mr. BOW. I would.

Mr. PASSMAN. I am willing to defer to the President, however, in this matter because I believe he feels the same way.

It seems to me that this problem should have been resolved when we were considering the authorization bill conference report. That, in my opinion, is the place for the Congress to legislate. We should not have to legislate on an appropriation bill.

Mr. BOW. The gentleman's own bill of last year, a copy of which I hold in my hand, had Cuba in it, and we had the same President then we have today.

I cannot believe under any circumstances that it is necessary to put the President in here. I think the Congress has this responsibility and this right, and we should do it.

Mr. PASSMAN. I am not quarreling with the gentleman, but I think it is the only reasonable compromise that we can arrive at on this highly controversial foreign policy matter.

Mr. BOW. Mr. Speaker, I now yield to the gentleman from Michigan [Mr. GERALD R. FORD].

Mr. GERALD R. FORD. Mr. Speaker, it seems to me when we considered this appropriation bill initially we fully recognized that the basic authorization bill was inadequate to deal with the problem. So we took our own steps to include North Vietnam in sections 107 (a) and (b). In other words, we decided that we would put Ho Chi Minh on the same level with Castro. They are both of the same ilk. Now, when the bill comes back in the form of a conference report we find that we are differentiating between Castro and Ho Chi Minh. I do not understand that. It seems to me that if we were not strong enough in the authorization bill, we ought to take the matter in our own hands and remedy the error we made.

The SPEAKER pro tempore. The time of the gentleman from Ohio has again expired.

Mr. SHRIVER. Mr. Speaker, I yield the remaining time to the distinguished minority leader [Mr. GERALD R. FORD].

Mr. GERALD R. FORD. Mr. Speaker, I simply say that we ought to recommit the conference report for the valid reasons which have been given by the gentleman from Michigan [Mr. CHAMBERLAIN], the gentleman from Ohio [Mr. BOW], and the gentleman from Kansas [Mr. SHRIVER]. It seems to me that we make ourselves look ridiculous when we seek to differentiate between Cuba and North Vietnam, between Castro and Ho Chi Minh. This motion gives us in the House of Representatives, and I hope in the other body, an opportunity to work our own will to tell the American people that we will make this decision and will not make any differentiation as between Ho Chi Minh and Mr. Castro.

Mr. Speaker, I yield back the balance of the time.

Mr. SHRIVER. Mr. Speaker, I yield the remaining 30 seconds to the gentleman from Kansas [Mr. DOLE].

Mr. DOLE. Mr. Speaker, I thank the gentleman for yielding. In this brief time, I would point out that we may be considering a sugar bill in the next couple of weeks. In view of the statement of the gentleman from Michigan [Mr. CHAMBERLAIN] I would call attention to the fact that some countries who have been trading with North Vietnam will receive valuable U.S. sugar quotas under the provisions of pending sugar legislation.

In addition, there seems to be an effort in some areas of this administration for increasing trade with Russia, including the sale of wheat grown in my State. It seems about time we recognized the enemy, or enemies, in North Vietnam and suspended all trade with any country directly or indirectly responsible for the death of American boys.

Only yesterday, according to news reports, Russian-built, Russian-supplied, and I assume Russian-manned missiles reportedly shot down two more U.S. planes; and if this was not enough, Brezhnev, the Soviet Communist Party chief, warned yesterday of a further deterioration in Soviet-American relations. It seems it is time to face up to the moral issue of trading with the enemy, and in my opinion, we should suspend all trade with Russia or any other country, Communist or non-Communist, who may be aiding and abetting North Vietnamese efforts to defeat us and destroy our young men in South Vietnam.

Let me state again that I strongly believe in providing food for peace but just as strongly deplore providing food for war.

Mr. PASSMAN. Mr. Speaker, may I inquire of the Chair how much time we have left?

The SPEAKER pro tempore (Mr. BOGGS). There are 15 minutes remaining. The gentleman from Louisiana has 15 minutes.

Mr. PASSMAN. Mr. Speaker, we want to be fair about a division of this time. I want to yield 5 additional minutes to the gentleman from Kansas [Mr. SHRIVER]. We are not trying to use all the time on this side. We want to yield you as much time as you need.

Mr. SHRIVER. Mr. Speaker, I yield such time as he may require to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Speaker, I shall vote for the motion to recommit. It seems to me this is about "where we came in." I well remember when we were shipping scrap iron to Japan before Pearl Harbor and it came "home to roost." I served 7½ years in that war, before, during, and thereafter. The father of my three granddaughters is on active duty in South Vietnam today. Much has been said here today about trusting one man with our foreign policy, in spite of no such statement in the Constitution. I for one would feel better about this if he were not busily engaged in giving away our known and confirmed sovereign rights in the Panama Canal Zone—the one place in the world where we have an uncontested right and on which may rest the firmness of the Platt amendment and even the Monroe Doctrine. We legislated on the latter last week in this House.

I cannot imagine, in view of section 7 of article I of the Constitution, which gives directly the responsibility to the Congress to set policy respecting the support and training of armies and navies, why we should do other than what we are doing, and that is trying to help the executive branch prosecute effectively a war against invasion by communism around the world. Nor can I understand why we have not "taken out" North Vietnam's only oil storage and refinery at the port of Hanoi on the Coo River. Likewise I fail to understand why the Secretary of Defense emasculates the Reserve organization while failing to order Guard and Reserve members to active duty in a fit of power grab and political pique; in direct and agreed contravention of legislative constitutional prerogative. Yes, Mr. Speaker, I shall vote to recommit and I hope the House will do likewise.

I am certain that every American citizen was shocked by the declaration of the North Vietnam Communists last week that they intend to execute American servicemen captured by them in the future, in utter disregard of the Geneva Convention.

It is already sufficiently shocking that the North Vietnamese have committed murder within the past 2 weeks, executing without trials, two captured American servicemen. They were soldiers, following the orders of superiors. As such, their execution in alleged reprisal for the executions of three Vietcong terrorists, convicted by the South Vietnamese for acts of subversion and espionage, can only be considered an act of wanton murder.

The civilized world should have been as horrified by this declaration of savagery; yet, incredible as it seems, no cry of protest has been raised in the United Nations. Surely, in a world body which is supposed to represent the world conscience, there is no excuse to shut its eyes, bind its mouth, and hold its ears to an act more befitting of the Stone Age than the 20th century.

Brutal as warfare is, there are certain recognized practices—including humane treatment of prisoners, which all civilized nations have observed. Nowhere in recent history, except perhaps the Congo, has there been such an inhuman pronouncement as the one by the Communist Government of North Vietnam. What better indication of the true intentions of the Communist world that not a single Communist nation—whether in the Russian camp or the Chinese camp—has publicly condemned the announcement.

When the United States felt it practical to make use of tear gas, which rendered its Vietcong enemies in tears and ill at their stomachs for a brief period, the hue and cry around the world was deafening. This harmless gas—used by the police forces of many nations—was not in contravention of any article of the Geneva Convention. Yet, the world—our friends as well as our enemies—literally "raised the roof."

But, in the face of wanton murder, where—we must ask—are those voices of condemnation, which felt no compunction about berating the United States? Neither our friends, nor our enemies, have seen fit to voice complaint or protest.

The United Nations sleeps, unwilling to express its conviction, and afraid lest it offend the Communist bloc. I well recall that another world body tried to ignore savagery, when an Ethiopian Emperor pleaded for help against Mussolini's legions. And, failing to react in a moment of crisis, it eventually disintegrated.

Surely, it is apparent now, that every Communist reaction to any issue is based on only one question, Will it advance or retard Communist control over the remaining free world?

The author of "Advise and Consent", Allan Drury, has written another book, "Three Kids in a Cart." It contains the following passage, which I would like to quote:

> There has never been any evidence at any hour of the day, except that which we ourselves have blown out of all proportion with

> our desperate hopes, to indicate that the Communists have ever had any intention of permitting peace to come to the world, or do anything but destroy the free civilization of the West. Each little crumb which has fallen from their table has been hailed as 10 loaves of bread—by us.
>
> Each conciliatory gesture, always made with a devious purpose, has been turned into hopeful signs—by us. And, while we have been busy telling ourself we saw good faith where good faith never existed, the patient plan of murder and deceit and our ultimate destruction has gone forward, unchanged to the slightest degree by the self-delusions we have desperately clung to.

Surely, the murder of prisoners of war will eliminate any further self-delusions by any American who has accepted the myth of peaceful coexistence.

Surely this is a time to rescue ourselves from apathy, to strengthen our resolve to resist the Communist invader from the North and to serve notice to the Communists and to the other nations of the world that freedom's light will not be snuffed out by acts of terror and wanton murder.

Mr. PASSMAN. Mr. Speaker, I yield such time as he may require to the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding; and I shall not take much time.

Mr. Speaker, at least two points ought to be kept in mind in the consideration of this matter. First, what we are asking here is that Members not tie the hands of the President of the United States in administering this program. The President is not going to let one thing happen anywhere that will jeopardize our safety. The President is our Commander in Chief. We trust him with atomic weapons and all the military power of our country. What the President needs is the power to protect the lives of our people. Furthermore, Mr. Speaker, cutting off of aid will not necessarily stop shipments; and that is what we are interested in doing. We are interested in stopping shipments to North Vietnam by all of our allies. But if we cut off aid to Greece, the private shipping interests in Greece, under the government under which that country operates, could continue to make shipments into North Vietnam. It seems to me that if we give this authority to the President we will enable him to use his good offices to persuade our allies to persuade in turn their private shipping interests to stop these shipments. This is the only way that we can hope to get done what all Members want done.

The President has a great record in this regard. The shipments into North Vietnam from countries friendly to the United States have gone down considerably under the persuasion of the President. The President is doing the job. We must not tie his hands and make it impossible for him to function in the national interest.

Mr. PASSMAN. Mr. Speaker, I yield 2 minutes to the distinguished and able chairman of the Committee on Foreign Affairs [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, I stand firm behind the statement of the majority leader. This is going to be a determination by the President of the United States. I am sure everybody in this Chamber has confidence in our President. He is not going to let any ships go into the ports of North Vietnam carrying material from our allies that are going to destroy the lives of American boys.

I wish that some of the Members who have spoken here about saving the lives of American boys had acted differently 3 weeks ago when we had before us an appropriation to furnish guns and jeeps and ammunition for the boys fighting in South Vietnam by supporting the foreign military assistance part of the foreign aid program. It seems peculiar to me that they can come in here and say, "We want to save lives in South Vietnam," but 3 weeks ago when we had the military assistance program many votes on the minority side were cast in the negative.

This is a determination by your President, who is solely responsible for foreign policy. Let us have confidence in the President of the United States.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I am glad to yield to the gentleman from Michigan.

I am talking about this very bill that we have in conference today.

Mr. GERALD R. FORD. There is some difference between the appropriation bill for the support of our own U.S. Army, Navy, Air Force, and Marines, and this bill. Everybody voted for that bill.

Mr. MORGAN. The gentleman voted for the bill, but many Members who are opposing this section have never supported military assistance.

Mr. GERALD R. FORD. But, just a minute, the gentleman from Pennsylvania is not being clear. The foreign aid appropriation bill does not provide one bullet or one bit of equipment for any U.S. military personnel.

With reference to the appropriations bill for our own forces, every Member of this House, Democrat and Republican, voted for it. Now, that is the only place in which we supply guns and ammunition for our own troops.

Mr. MORGAN. The gentleman is familiar that a part of the foreign aid military assistance goes to supply the joint effort of the United States forces and the South Vietnamese forces in our fight against Vietcong.

Mr. GERALD R. FORD. The appropriation contained in the foreign aid bill goes to those nations that are allied with us and not our own forces.

Mr. SHRIVER. Mr. Speaker, I yield 2 minutes to the distinguished minority leader, the gentleman from Michigan [Mr. GERALD R. FORD].

Mr. GERALD R. FORD. Mr. Speaker, I take this time only for the purpose of clarifying what I believe was unfortunately a wrong impression created. Every Member of this House, as I recall it, voted unanimously to support our own military budget for the Departments of the Army, the Navy, and the Air Force.

There was some disagreement on the appropriation bill for the foreign aid program. But I know of no amendment that was offered by anyone to make a reduction in the military assistance portion of that appropriation bill. There have been some reservations by some concerning the economic assistance. But if we had the military assistance portion of the foreign aid program isolated so all would have the choice of voting either "yes" or "no" on that, I do not think a single Member of this body on either side of the aisle would oppose that portion of the program.

So, Mr. Speaker, when some Members on both sides of the aisle have voted against the authorization or the appropriation for the foreign aid program, I believe there has been a reflection that they had violent disagreement with the economic assistance rather than the military assistance.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. Not right now, but I shall yield to the gentleman later if I have time.

Mr. Speaker, in closing I have traditionally and forcefully on almost every occasion favored both the authorization and the appropriation bill for the foreign aid program. I believe in it. I think it is right. But I think it was unfortunate that the implication was raised that some Members—and I do not know which Members the gentleman from Pennsylvania was speaking about—had not voted to support the military assistance for our own forces.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. SHRIVER. Mr. Speaker, I yield 1 additional minute to the minority leader.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Speaker, knowing of the years of service that the gentleman has put in on the Committee on Appropriations and knowing of his great interest in military assistance, I remember the day that the gentleman from Michigan took the floor in favor of increasing the military assistance in the foreign aid bill by $100 million. The gentleman has been a great defender of the military assistance program. But surely the gentleman from the knowledge he has, having served on the Military Appropriations Subcommittee and on the great Committee on Appropriations and through his years of service on the full Committee on Appropriations fully realizes that every dollar we send into South Vietnam, whether it comes out of our own military appropriations or the military assistance program is a joint endeavor to win this war. So you cannot make a decision here today saying that you do not want to sacrifice the life of one American soldier because in many places in South Vietnam, and the gentleman knows this, in many places in South Vietnam the South Vietnamese army is the army that is guarding our military installation.

Mr. GERALD R. FORD. Let me make this one final comment.

Every ship that goes into a North Vietnamese port whether it is a Soviet bloc ship or a free world ship complicates our military problem in Vietnam. So what this amendment provided in the House bill, and the gentleman from New York was wise to offer it, precluded that. I hope and trust that we will stand firm against this conference report and vote to recommit it.

Mr. SHRIVER. Mr. Speaker, I yield 30 seconds to the gentleman from North Dakota [Mr. ANDREWS].

Mr. ANDREWS of North Dakota. Mr. Speaker, I would like to ask a question of the distinguished chairman of our subcommittee. A moment ago he said during the debate that if the House deletes the Rooney amendment, it would boil down to North Vietnam getting favored treatment over Cuba. This is the thing that bothers me, Mr. Speaker, and bothers me deeply. Do you feel we are less at war with North Vietnam than we are with Cuba? If not, how can you justify deleting sanctions against shipping to North Vietnam when we have taken them as regards Cuba?

Mr. PASSMAN. The gentleman has made a statement of fact. I do not like some of the things that this Congress is doing any more than the gentleman from North Dakota does. We are dealing with a foreign policy question and dealing with something that should have been handled by the legislative committees and not by the Committee on Appropriations.

The SPEAKER. The time of the gentleman has expired.

Mr. PASSMAN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am trusting the President on this matter of foreign policy. We are supposed to have a nonpartisan foreign policy. I do not believe the President would take a chance on losing one single American life. I am willing to trust him. I am willing to take his word that there are certain conditions existing now, and that, therefore, he needs the language that is in this bill.

I want to say I am certainly in complete sympathy with some of the statements that have been made today. But there is no such thing as having legislation just as we want it. We have stronger language in this conference report than what was contained in the conference report on the authorizing legislation. The conference report also contains stronger language than what was contained in the Senate appropriation bill. When we had the conference report on the authorization bill before us that was the proper time to write strong legislation on the subject and not to wait to within a few days of adjournment sine die and bring up highly controversial foreign policy questions and move to recommit this appropriation bill.

The SPEAKER. The time of the gentleman has expired.

Mr. PASSMAN. Mr. Speaker, I yield the balance of the time on the conference report to the very distinguished, able and sincere chairman of the Committee on Appropriations, the gentleman from Texas [Mr. MAHON].

The SPEAKER. The gentleman from Texas [Mr. MAHON] is recognized for 5 minutes.

Mr. MAHON. Mr. Speaker, I want to thank the gentleman from Louisiana [Mr. PASSMAN] for yielding to me the remaining 5 minutes.

Mr. Speaker, I rise to support the position which the gentleman from Louisiana has just taken in regard to the pending conference report and the position which he has just taken against the forthcoming motion to recommit the bill.

This bill has in it some $670 million, plus, for southeast Asia. Much of it is to equip South Vietnamese soldiers—to equip them and to feed them and to help them fight the battles and share the sacrifices in this war for freedom in South Vietnam. I support this contribution to encourage the South Vietnamese to share in the cost, and in the fighting, and in the dying in South Vietnam.

Some seem to be troubled by the fact that the restrictive language provisions in the bill and the conference report with respect to Cuba and with respect to North Vietnam are a bit different. The present restrictive language with respect to Cuba came about principally in 1962. Many countries were trading with Cuba at that time. Over a period of weeks and months our Government was able to shut off free world shipping to Cuba by countries which were receiving our aid. But it took some time. As the gentleman from New York has said, we are now making progress in shutting off all free world shipping to North Vietnam. Our objective, of course, is to shut off all free world shipping to North Vietnam; but this is not something that the President feels can be done immediately or overnight, especially in view of the situation in Greece. A number of Greek ships are involved. It is taking time. We all favor taking every appropriate step toward the elimination of all free world shipping to North Vietnam. This is certainly my position and my objective in supporting the conference agreement.

In this bill, which the gentleman from Louisiana [Mr. PASSMAN] is asking you to vote for—and which I hope you will support—we have forbidden aid to any country which provides, sells, or ships in its vessels material to North Vietnam. We forbid it. We then propose to add the proviso—

> Unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress.

In other words, we are trusting the President as Commander in Chief of the Armed Forces; we are trusting him as our spokesman in foreign policy, just as we have always trusted our Presidents in foreign policy matters. My point is, Why not trust him who is in command of our Armed Forces in South Vietnam in this matter of shipping and working out these arrangements which are well underway and which have been quite successful in part thus far? Why not continue to trust him in this matter? We trust him with many vital national matters affecting our freedom, our security, our lives. We trust him with his finger on the trigger of the atomic bomb. Under our system the President is automatically charged with many awesome responsibilities.

A vote otherwise could in my judgment be interpreted as a vote of no confidence in the President in this matter. This is certainly not the desire of any Members of the House on either side of the aisle.

Mr. Speaker, in elaboration, may I say that the casual reader of this RECORD or those not acquainted with the details of the various provisions of the bill might gather that this conference agreement with respect to modification of the North Vietnam restriction represented a radical departure from precedent or practice. On the contrary, Mr. Speaker, Congress has repeatedly recognized the need for Presidential discretion in highly sensitive situations where national security is involved. Cutting off shipping to North Vietnam is not the only question at stake; as indicated earlier, important relationships with NATO allies vital to our security might well be adversely affected if in our well-intentioned desire to hamstring North Vietnam in every way possible we should unwisely tie our President's hands. That is what we have tried to avoid, and that is our aim in this conference agreement to which some objection has been voiced.

But more specifically, Mr. Speaker, the whole of the truth about the pending provision is this: The only real difference—the only difference of substance—between the original House passed version and the conference version is that the conference version permits the Presidential discretion which I mentioned. That is the only difference. And there is nothing new or radical about that.

Elsewhere in the pending bill, in amendment No. 10, we prohibit assistance to Nasser's United Arab Republic unless—and I am reading from the bill itself—

> Unless the President determines that such availability is essential to the national interest of the United States.

Elsewhere in the bill, in amendment 11, we prohibit assistance to Sukarno's Indonesia unless—and I am reading from the bill itself—

> Unless the President determines that such availability is essential to the national interest of the United States.

Furthermore, Congress did a similar thing earlier this session with respect to Nasser and the United Arab Republic when we had up the Commodity Credit Corporation supplemental appropriation in January. In that instance, we prohibited the use of any funds to export any of our agricultural commodities to the United Arab Republic except—and this is the point—except when—and I quote from the law—

> Except when the President determines that the financing of such exports is in the national interest.

Furthermore, Mr. Speaker, for the sake of emphasis, I must repeat something others have said, because it is pertinent and it is important to an evaluation of the question: The conference agreement against North Vietnam shipping is stronger—much stronger—than what Congress adopted only a few weeks ago in the foreign aid authorization bill. And the conference prohibition is also much stronger than the Senate amendment 9 which it replaces.

Both the authorization bill and the Senate amendment in the pending bill merely constituted expressions of the sense of Congress about cutting off aid under the given circumstances. But the conference agreement is a mandatory provision—not merely an expression of a view. And the conference agreement is as strict, as strong, and as prohibitive as the original House restrictions in this appropriation bill with the single and sole exception of the Presidential discretion provision, which reads—

> Unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress.

During President Eisenhower's administration, discretionary language was likewise adopted by Congress in dealing with sensitive international situations in Yugoslavia. There are other examples. This policy grows out of a realization of the fact that often there are unpredictable changes in world trouble spots which require flexibility of action by the President if he is to serve the best interest of the United States.

So, Mr. Speaker, I hope the coming motion to recommit the conference report will fail, and that we retain in the bill language forbidding shipments to North Vietnam except in certain instances and circumstances in which the President determines—as he must under the conference bill—that it is in the national interest to do otherwise and notifies the Congress to that effect.

Mr. CHAMBERLAIN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. CHAMBERLAIN. I wonder if the distinguished chairman of the committee could give us an example of a case in which the President of the United States might determine that it was in the national interest of our country to permit free world ships to carry military hardware to North Vietnam?

Mr. MAHON. The President does not favor the carrying of military hardware to North Vietnam.

Mr. CHAMBERLAIN. That is the discretion we are giving him, is it not?

Mr. MAHON. I believe he needs the discretion which is in the pending bill in working with certain of our NATO allies until this matter can be handled in such a way as to enhance the stature of the United States in the NATO countries and also take care of our interests in southeast Asia. It seems to me that this is certainly a very wise position for us to take at this time under the circumstances.

Mr. PASSMAN. The President would never permit such a thing to happen if it was within his power to prevent it.

Mr. ROGERS of Florida. Mr. Speaker, the measure before makes available United States aid to Mexico. The amount is undisclosed, yet last year United States aid to Mexico totaled almost $25 million.

It is curious that $25 million is the official amount of trade Mexico exported to Communist Cuba last year. Unofficial yet reliable sources show 1964 Mexican-Cuban trade to be worth at least three times that amount.

It must be noted that the Organization of American States is desperately trying to enforce an economic and diplomatic boycott of Communist Cuba. Mexico seems oblivious of this official attempt by all the nations of this hemisphere to quarantine Fidel Castro.

As the leading nation in the Western Hemisphere, the United States should be the first to initiate reprisals against those foreign countries who thwart the will of the majority of the nations in the hemisphere.

United States relations with Mexico have been cordial. The fact that Americans purchased over $600 million in goods from their Mexican neighbors last year shows the good will which exists between the two countries. However, with the true nature of the Castro regime shown as virtually against the principles of the free world, those who administer the U.S. foreign aid program ought to use this Nation's generosity with Mexico as a lever to obtain an end to Mexico's aid to Communist Cuba.

I urge the Congress to impress these principles in our foreign policy.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT

Mr. SHRIVER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. SHRIVER. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The clerk read as follows:

> Mr. SHRIVER moves to recommit the conference report to the committee of conference with instructions to the managers on the part of the House to insist upon disagreement to amendment No. 7.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 174, not voting 94, as follows:

[Roll No. 347]

YEAS—164

Abbitt
Abernethy
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Baldwin
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bow
Brock
Broomfield
Broyhill, N.C.
Broyhill, Va.
Buchanan
Byrnes, Wis.
Casey
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conable
Conte
Corbett
Cramer
Cunningham
Curtin
Dague
Davis, Ga.
Davis, Wis.
Derwinski
Devine
Dickinson
Dole
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Edwards, Ala.
Ellsworth
Erlenborn
Fascell
Findley
Fisher
Ford, Gerald R.
Fountain
Fulton, Pa.
Fuqua
Gathings
Gettys
Gibbons
Griffin
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Halpern
Hanna
Hansen, Idaho
Harvey, Ind.
Harvey, Mich.
Herlong
Horton
Hull
Hungate
Hutchinson
Ichord
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Mo.
Keith
King, N.Y.
Kunkel
Langen
Lennon
Lipscomb
McCarthy
McClory
McDade
McEwen
McMillan
MacGregor
Marsh
Martin, Mass.
Martin, Nebr.
Mills
Minshall
Moeller
Moore
Morton
Mosher
Nelsen
O'Konski
Olsen, Mont.
O'Neal, Ga.
Pelly
Pike
Poff
Pool
Pucinski
Quie
Quillen
Randall
Reid, Ill.
Reifel
Reinecke
Roberts
Robison
Rogers, Fla.
Roush
Rumsfeld
Satterfield
Saylor
Schneebeli
Schweiker
Secrest
Selden
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stanton
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tuck
Tuten
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Weltner
Whalley
White, Tex.
Whitener
Widnall
Williams
Wolff
Wydler
Younger

NAYS—174

Adams
Albert
Anderson, Tenn.
Annunzio
Ashley
Bandstra
Barrett
Beckworth
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brooks
Brown, Calif.
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Callan
Cameron
Chelf
Clark
Clevenger
Cohelan
Conyers
Corman
Craley
Culver
Daddario
Daniels
de la Garza
Delaney
Denton
Diggs
Dingell
Donohue
Edmondson
Edwards, Calif.
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Farnum
Feighan
Flood
Fogarty
Foley
Ford, William D.
Fraser
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gilbert
Gonzalez
Gray
Green, Pa.
Greigg
Grider
Griffiths
Hagen, Calif.
Hamilton
Hansen, Wash.
Harris
Hathaway
Hechler
Helstoski
Hicks
Holland
Howard
Huot
Irwin
Jacobs
Joelson
Johnson, Calif.
Jones, Ala.
Karsten
Karth
Kastenmeier
King, Calif.
King, Utah
Krebs
Landrum
Leggett
Long, Md.
Love
McDowell
McFall
McGrath
McVicker
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Matsunaga
Meeds
Miller
Minish
Mink
Monagan
Moorhead
Morgan
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olson, Minn.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Poage
Powell
Price
Reid, N.Y.
Resnick
Rhodes, Pa.
Rodino
Rogers, Colo.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
Scheuer
Schisler
Schmidhauser
Senner
Sickles
Sikes
Sisk
Slack
Staggers
Stalbaum
Sullivan
Tenzer
Todd
Trimble
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
White, Idaho
Whitten
Willis
Wilson, Charles H.
Wright
Young
Zablocki

NOT VOTING—94

Adair
Addabbo
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Aspinall
Bolton
Bonner
Bray
Burton, Utah
Cahill
Callaway
Carey
Carter
Celler
Colmer
Cooley
Curtis
Dawson
Dent
Dorn
Dow
Duncan, Oreg.
Dyal
Evins, Tenn.
Fino
Flynt
Frelinghuysen
Gilligan
Goodell
Grabowski
Green, Oreg.
Halleck
Hanley
Hansen, Iowa
Hardy
Harsha
Hawkins
Hays
Hébert
Henderson
Holifield
Hosmer
Johnson, Okla.
Kee
Kelly
Keogh
Kirwan
Kluczynski
Kornegay
Laird
Latta
Lindsay
Long, La.
McCulloch
Macdonald
Martin, Ala.
Mathias
Matthews
May
Michel
Mize
Morris
Morse
Nix
Pirnie
Purcell
Race
Redlin
Reuss
Rhodes, Ariz.
Rivers, S.C.
Rivers, Alaska
Roncalio
Roudebush
St. Onge
Scott
Shipley
Smith, Iowa
Steed
Stephens
Stratton
Sweeney
Thomas
Thompson, N.J.
Thompson, Tex.
Toll
Tunney
Tupper
Utt
Wilson, Bob
Wyatt
Yates

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Keogh against.

Mr. Long of Louisiana for, with Mr. Kirwan against.

Mr. Kornegay for, with Mrs. Kelly against.

Mr. Adair for, with Mr. Dent against.

Mr. Roudebush for, with Mr. Celler against.

Mr. Burton of Utah for, with Mr. Carey against.

Mr. Bob Wilson for, with Mr. Dow against.

Mr. Callaway for, with Mr. Dyal against.

Mr. Carter for, with Mr. Gilligan against.

Mrs. May for, with Mr. Purcell against.

Mr. Latta for, with Mrs. Green of Oregon against.

Mr. Hosmer for, with Mr. Holifield against.

Mr. Laird for, with Mr. Yates against.

Mr. Curtis for, with Mr. Toll against.

Mr. Henderson for, with Mr. Thompson of New Jersey against.

Mr. Fino for, with Mr. Sweeney against.

Mr. Martin of Alabama for, with Mr. St. Onge against.

Mr. Bray for, with Mr. Hays against.

Mr. Utt for, with Mr. Cooley against.

Mr. Wyatt for, with Mr. Dawson against.

Mr. Dorn for, with Mr. Tunney against.

Mr. Scott for, with Mr. Roncalio against.

Mr. Stephens for, with Mr. Hawkins against.

Mr. Flynt for, with Mr. Kee against.

Mr. George W. Andrews for, with Mr. Reuss against.

Mr. Pirnie for, with Mr. Rivers of Alaska against.

Mr. Rhodes of Arizona for, with Mr. Hanley against.

Mr. Glenn Andrews for, with Mr. Grabowski against.

Mr. Harsha for, with Mr. Hansen of Iowa against.

Mr. Anderson of Illinois for, with Mr. Macdonald against.

Mr. Mize for, with Mr. Nix against.

Mr. Michel for, with Mr. Redlin against.

Mr. Cahill for, with Mr. Stratton against.

Mr. Matthews for, with Mr. Duncan of Oregon against.

Mr. Race for, with Mr. Kluczynski against.

Until further notice:

Mr. Shipley with Mr. Lindsay.

Mr. Morris with Mr. Morse.

Mr. Thomas with Mr. Frelinghuysen.

Mr. Addabbo with Mr. Mathias.

Mr. Bonner with Mr. Halleck.

Mr Aspinall with Mr. Goodell.

Mr. Colmer with Mr. McCulloch.

Mr. Hardy with Mr. Tupper.

Mr. Evins of Tennessee with Mrs. Bolton.

Mr. Smith of Iowa with Mr. Steed.

The result of the vote was announced as above recorded.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 204, nays 127, not voting 101, as follows:

[Roll No. 348]

YEAS—204

Adams
Albert
Anderson, Tenn.
Annunzio
Arends
Ashley
Ayres
Baldwin
Bandstra
Barrett
Bates
Beckworth
Bell
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brooks
Broomfield
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cabell
Callan
Cameron
Clark
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Craley
Culver
Daddario
Daniels
Delaney
Denton
Diggs
Dingell
Donohue
Downing
Dulski
Dwyer
Edmondson
Edwards, Calif.
Evans, Colo.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gilbert
Gonzalez
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Hagen, Calif.
Halpern
Hamilton
Hanna
Hansen, Wash.
Harris
Hathaway
Hechler
Helstoski
Hicks
Holland
Horton
Howard
Huot
Irwin
Jacobs
Joelson
Johnson, Calif.
Jones, Ala.
Karsten
Karth
Kastenmeier
King, Calif.
King, Utah
Krebs
Kunkel
Landrum
Leggett
Long, Md.
Love
McCarthy
McDade
McDowell
McFall
McGrath
McVicker
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Martin, Mass.
Matsunaga
Meeds
Miller
Minish
Mink
Monagan
Moorhead
Morgan
Morrison
Morton
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Powell
Price
Pucinski
Quie
Reid, N.Y.
Resnick
Rhodes, Pa.
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
Scheuer
Schisler
Schmidhauser
Schweiker
Selden
Senner
Sickles
Sisk
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Sullivan
Teague, Calif.
Tenzer
Todd
Trimble
Udall
Van Deerlin
Vanik
Vigorito
Vivian
Weltner
Whalley
White, Idaho
Widnall
Wilson, Charles H.
Wolff
Wright
Wydler
Young
Zablocki

NAYS—127

Abbitt
Abernethy
Andrews, N. Dak.
Ashbrook
Ashmore
Baring
Battin
Belcher
Bennett
Berry
Betts
Bonner
Bow
Brock
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Byrnes, Wis.
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clausen, Don H.
Clawson, Del
Collier
Cramer
Cunningham
Curtin
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dole
Dowdy
Duncan, Tenn.
Edwards, Ala.
Ellsworth
Erlenborn
Everett
Fisher
Fountain
Fuqua
Gathings
Gettys
Gibbons
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Hansen, Idaho
Harvey, Ind.
Harvey, Mich.
Herlong
Hull
Hungate
Hutchinson
Ichord
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Mo.
Keith
King, N.Y.
Langen
Lennon
Lipscomb
McClory
McMillan
Marsh
Martin, Nebr.
Mills
Minshall
Moeller
Moore
Mosher
Nelsen
O'Konski
O'Neal, Ga.
Poage
Poff
Pool
Quillen
Randall
Reid, Ill.
Reifel
Reinecke
Roberts
Rogers, Fla.
Rogers, Tex.
Roush
Rumsfeld
Satterfield
Saylor
Schneebeli
Secrest
Shriver
Skubitz
Smith, Calif.
Smith, Va.
Stubblefield
Talcott
Taylor
Teague, Tex.
Thomson, Wis.
Tuck
Tuten
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
White, Tex.
Whitener
Whitten
Williams
Willis
Younger

NOT VOTING—101

Adair
Addabbo
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Aspinall
Bolton
Bray
Burton, Utah
Cahill
Callaway
Carey
Carter
Celler
Colmer
Cooley
Curtis
Dawson
Dent
Dorn
Dow
Duncan, Oreg.
Dyal
Evins, Tenn.
Findley
Fino
Flynt
Frelinghuysen
Gilligan
Goodell
Grabowski
Green, Oreg.
Halleck
Hanley
Hansen, Iowa
Hardy
Harsha
Hawkins
Hays
Hébert
Henderson
Holifield
Hosmer
Johnson, Okla.
Kee
Kelly
Keogh
Kirwan
Kluczynski
Kornegay
Laird
Latta
Lindsay
Long, La.
McCulloch
McEwen
Macdonald
MacGregor
Martin, Ala.
Mathias
Matthews
May
Michel
Mize
Morris
Morse
Nix
Patman
Pirnie
Purcell
Race
Redlin
Reuss
Rhodes, Ariz.
Rivers, Alaska
Rivers, S.C.
Roncalio
Roudebush
St. Onge
Scott
Shipley
Sikes
Slack
Smith, Iowa
Stanton
Steed
Stephens
Stratton
Sweeney
Thomas
Thompson, N.J.
Thompson, Tex.
Toll
Tunney
Tupper
Ullman
Utt
Wilson, Bob
Wyatt
Yates

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Hébert against.

Mr. Kirwan for, with Mr. Kornegay against.

Mr. Kluczynski for, with Mr. Henderson against.

Mrs. Kelly for, with Mr. Scott against.

Mr. Holifield for, with Mr. Shipley against.

Mr. Addabbo for, with Mr. Sikes against.

Mr. Celler for, with Mr. Stephens against.

Mr. Macdonald for, with Mr. George W. Andrews against.

Mr. Gilligan for, with Mr. Colmer against.

Mr. Evins for, with Mr. Dorn against.

Mr. Slack for, with Mr. Flynt against.

Mr. Hays for, with Mr. Rivers of South Carolina against.

Mr. Casey for, with Mr. Race against.

Mr. Cooley for, with Mr. Morris against.

Mr. Dow for, with Mr. Steed against.

Mrs. Bolton for, with Mr. Glenn Andrews against.

Mr. Morse for, with Mr. Harsha against.

Mr. MacGregor for, with Mr. Carter against.

M. Cahill for, with Mr. Utt against.

Mr. Frelinghuysen for, with Mr. Rhodes of Arizona against.

Mr. Pirnie for, with Mr. Bob Wilson against.

Mr. Mathias for, with Mr. Adair against.

Mr. Lindsay for, with Mr. Callaway against.

Mr. Tupper for, with Mr. Roudebush against.

Mr. Dent for, with Mr. Michel against.

Mr. Dyal for, with Mr. Stanton against.

Mr. Toll for, with Mr. Martin of Alabama against.

Mr. Nix for, with Mr. McEwen against.

Mr. Thompson of New Jersey for, with Mr. Latta against.

Mr. St. Onge for, with Mr. Laird against.

Mr. Hanley for, with Mr. Fino against.

Mr. Purcell for, with Mr. Curtis against.

Mr. Stratton for, with Mr. Burton of Utah against.

Mr. Sweeney for, with Mr. Long of Louisiana against.

Mr. Yates for, with Mr. Wyatt against.

Mr. Kee for, with Mrs. May against.

Mr. Reuss for, with Mr. Mize against.

Mrs. Green of Oregon for, with Mr. Bray against.

Mr. Redlin for, with Mr. Anderson of Illinois against.

Mr. Rivers of Alaska for, with Mr. Johnson of Oklahoma against.

Mr. Smith of Iowa for, with Mr. McCulloch against.

Mr. Grabowski for, with Mr. Findley against.

Until further notice:

Mr. Thomas with Mr. Hardy.

Mr. Hansen of Iowa with Mr. Tunney.

Mr. Ullman with Mr. Dawson.

Mr. Aspinall with Mr. Hawkins.

Mr. Roncalio with Mr. Patman.

Mr. Matthews with Mr. Duncan of Oregon.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 9: Page 12, line 9, insert:

"SEC. 116. In determining whether the funds appropriated or made available pursuant to this Act for assistance under the Foreign Assistance Act of 1961, as amended, may be used for assistance to any country, the President shall take into account such steps as that country has taken to prevent ships under its registry from transporting strategic items, items of economic assistance, or other equipment, materials or commodities to North Vietnam. If any country receiving assistance fails to take appropriate steps to prevent its ships from transporting such items, it is the sense of the Congress that assistance should be denied to that country."

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following:

"SEC. 116. No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this Act unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: Page 12, line 20, insert:

"SEC. 117. None of the funds appropriated or made available in this Act for carrying out the Foreign Assistance Act of 1961, as amended, shall be available for assistance to the United Arab Republic, unless the President determines that such availability is essential to the national interest of the United States."

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: Page 13, line 1, insert:

"SEC. 118. None of the funds appropriated or made available in this Act for carrying out the Foreign Assistance Act of 1961, as amended, shall be available for assistance to Indonesia, unless the President determines that such availability is essential to the national interest of the United States."

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted by the House.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISMISSAL OF COURT ACTION—MESSAGE FROM THE DEPARTMENT OF JUSTICE

The SPEAKER laid before the House the following communication from the Department of Justice:

DEPARTMENT OF JUSTICE,
Washington, September 29, 1965.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: We enclose a copy of an order entered by the court on September 14, 1965, in the action entitled *the All-America Protectorate, Inc.* v. *Lyndon B. Johnson, et al.*, Civil No. 1583-65, in which you were named as a defendant. As indicated in the court's order, this action has now been dismissed by the court.

Accordingly, at an appropriate time after the appeal period has expired, we will close our files in this matter.

Sincerely yours,
JOHN W. DOUGLAS,
Assistant Attorney General.

The SPEAKER. Without objection, the order will be recorded in the Journal and in the RECORD.

[U.S. District Court for the District of Columbia—Civil action No. 1583-65]

THE ALL-AMERICA PROTECTORATE, INCORPORATED, PLAINTIFF, *v.* LYNDON B. JOHNSON, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED STATES OF AMERICA; MIKE MANSFIELD, INDIVIDUALLY AND AS MAJORITY LEADER OF THE UNITED STATES SENATE; EVERETT M. DIRKSEN, INDIVIDUALLY AND AS MINORITY LEADER OF THE UNITED STATES SENATE; JOHN W. MCCORMACK, INDIVIDUALLY AND AS SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES; CARL B. ALBERT, INDIVIDUALLY AND AS MAJORITY LEADER OF THE UNITED STATES HOUSE OF REPRESENTATIVES; AND GERALD R. FORD, INDIVIDUALLY AND AS MINORITY LEADER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, DEFENDANTS

ORDER

Upon consideration of defendants' motion to dismiss and the memorandum of points and authorities in support thereof and in opposition thereto, and it appearing to the court that plaintiff lacks standing to maintain this action, that the complaint fails to raise a justiciable controversy, and that this court lacks jurisdiction to enter an order directing Members of the Congress to perform a legislative function, it is by the court this 14th day of September 1965,

Ordered, That defendants' motion to dismission be and it hereby is granted, and that the action be and it hereby is dismissed.

J. SIRICA,
U.S. District Judge.

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing proposed order has been made upon the plaintiff by mailing a copy thereof to its attorney, Lovell W. George, Esq., 8015 Forsyth Boulevard, Clayton, Mo., 31405, on this 14th day of September 1965.

ARNOLD T. AIKENS,
Assistant U.S. Attorney.

MEDICAL LIBRARY ASSISTANCE ACT OF 1965

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, and in behalf of the gentleman from Missouri [Mr. BOLLING], I call up House Resolution 590 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3142) to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], and pending that, I yield myself such time as I might require.

Mr. Speaker, House Resolution 590 provides an open rule with 2 hours of general debate for consideration of H.R. 3142, a bill to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities.

For some years concern has been expressed over the needs of medical libraries for expansion, renovation, and improved services. If these libraries are unable to meet the need for expanded facilities and services, much of the ever-increasing volume of knowledge and information in the health sciences will be inaccessible to many scientists.

Studies conducted in 1963, 1964, and 1965 indicate that medical libraries have been unable to stay abreast of the mounting medical and scientific literature.

The 1963 study indicated that the additional space needs of the 87 medical school libraries would cost an estimated $100 million. Space needs reported by 79 medical schools in the 1965 questionnaire indicated a total need of over 2.5 million square feet, or an average per school need of 32,000 square feet.

The 1965 questionnaire also indicated a total need of over 1.3 million volumes or an average school need of 18,000 additional volumes and periodicals.

In addition to their needs for additional space and volumes, the schools reported on their needs for support for cataloging, binding, and other instructional media or equipment. The average per school need for these other library resources is $132,000.

The average medical school library would have to expend over $1 million above expected budget allotments in the next 5 years to meet library needs as currently estimated. This does not include the additional costs of staffing, equipping, and maintaining expanded facilities for the needed increases in volume holdings.

The purpose of H.R. 3142 is to establish a program of grants to finance the construction of medical library facilities, the training of biomedical librarians and information specialists, the expansion and improvement of medical library resources, research and development in medical library science, the support of special scholarly scientific projects, the establishment of regional medical libraries, and the establishment of regional branches of the National Library of Medicine.

Appropriations authorizations to carry out the purposes of the bill would total $105 million over a 5-year period.

Mr. Speaker, I urge the resolution (H. Res. 590) be adopted.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 590 will provide for an open rule, with 2 hours of general debate, for consideration of H.R. 3142, to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities.

The purposes of the bill are to establish a program of grants to finance the construction of medical library facilities, the training of biomedical librarians, the expansion and improvement of medical library resources, the establishment of regional medical libraries, and the establishment of regional branches of the National Library of Medicine. The program covers 5 fiscal years, ending June 30, 1970, at a cost of $105 million.

Section 393 covers assistance for construction of facilities. The section authorizes the Surgeon General, upon application by any public or nonprofit institution, to make grants to help such institution in meeting construction costs of a medical library facility. The application must be recommended by the National Medical Libraries Assistance Advisory Board—whose membership is identical with the Board of Regents of the National Library of Medicine—and approved by the Surgeon General after making the following determinations: First, the construction is necessary to meet the needs of the area where it will be located; second, provisions of the Davis-Bacon Act with respect to rate of wages paid will be adhered to; third, the facility will be used as a medical library for at least 20 years; and fourth, that sufficient non-Federal funds are available to meet that share of construction costs and maintain the facility once it is operational. Priority is to be granted to applications for which the need is greatest. The Federal grant may equal 75 percent of construction costs. If the facility is not used as a medical library for 20 years, the Federal Government may recover its share of the project. An appropriation of $10 million for each of the next 4 fiscal years, beginning July 1, 1966, is authorized.

Section 394 covers grants for training in medical library sciences. One million dollars is authorized for fiscal 1966 and each of the following 4 years, through June 30, 1970. Four types of grants are provided: First, to individuals for traineeships and fellowships leading to graduate degrees in the field of medical library science and related fields; second, to individuals who are librarians, to enable them to take courses necessary to obtain greater competence; third, to assist institutions in developing medical librarian training programs; and fourth, to assist in establishing internship programs in medical libraries.

Section 395 covers assistance to special scientific projects. Five hundred thousand dollars is authorized for each year in the 5-year period beginning July 1, 1965. The Surgeon General will use such sums to award fellowships to physicians and other practitioners in the sciences related to health, and scientists, for writing of original medical works, on the compilation of such works.

Section 396 covers research and development in medical library science. The section authorizes $3 million for each fiscal year in the 5-year period ending June 30, 1970, to be used by the Surgeon General in making grants to public or nonprofit institutions to carry out research projects in the field of medical library science and for the development of new methods and equipment for library operation.

Section 397 covers grants for improving and expanding the basic resources of medical libraries. The section authorizes $3 million for each fiscal year ending June 30, 1970, such sums to be used by the Surgeon General for grants to public or nonprofit medical libraries to improve their resources. No one library may receive more than $200,000 in any one year. Grants will be based on the annual operating expenses of the library or the amount of the grant in the preceding year.

Section 398 covers grants for establishment of regional medical libraries. The section authorizes $2.5 million for each of the 5 fiscal years ending on June 30, 1970. Such sums to be used by the Surgeon General—with the advice of the Board—to make grants to public or nonprofit medical libraries to enable them to serve as regional libraries. Grants are to be used to acquire library materials, catalog materials, acquisition of duplicating and other machinery to make material more available, and construction and renovation of existing facilities. Grants under this section are available only to libraries that agree to increase their library resources to become regional in nature. Those libraries having the greatest potential as regional libraries are to be given priority. Construction grants made under this section will be governed by the same conditions required under section 393. Grants to purchase basic resource materials may not exceed 50 percent of the library's annual operating expense.

Section 399 covers financial support of biomedical scientific publications. The section authorizes $1 million for each fiscal year beginning July 1, 1965 and ending June 30, 1970, such sums to be used by the Surgeon General to make grants to public or nonprofit institutions of higher learning and individual scientists for the purpose of supporting biomedical scientific publications and to procure the compilation and writing of reviews, abstracts and bibliographies pertaining to such scientific works. No publication may receive grants supporting it for more than 3 years.

All funds appropriated in any year for any program in this bill shall remain available for use in the future for the same purpose for which it was appropriated.

Section 378 authorizes the Surgeon General to establish as a branch of the National Library of Medicine, a regional medical library to serve the needs of an area when he determines that the area has not a medical library adequate to serve it. Two million dollars per year for each fiscal year—5—through June 30, 1970, is authorized to establish branches of the National Library of

Medicine. Moneys appropriated would remain available until expended.

The compensation paid members of the Board of Regents of the National Library of Medicine is increased from $50 to $75 per day.

Mr. Speaker, I know of no objection to the rule.

If I may at this time, I should like to pay my commendation and tribute to the gentleman from Arkansas, the distinguished chairman of the Committee on Interstate and Foreign Commerce. I rather imagine that this may be the last important bill he will be presenting to us.

Over the years on the Rules Committee, when I have had the opportunity to listen to him, he has made his presentations in a very able, extremely knowledgeable, and fair manner.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Oklahoma.

Mr. ALBERT. I am delighted that the gentleman has said this, because in all my years in the House of Representatives no Member has better managed the bills which have come from his committee than the distinguished gentleman from Arkansas.

His departure is going to be a terrific loss to the House. He is a great American, a great Congressman, and a magnificent chairman of one of the great committees of the House.

Mr. SMITH of California. Mr. Speaker, I thank the distinguished majority floor leader. May I say to you, Mr. HARRIS, that your district, your State of Arkansas, and the United States of America have had the privilege and the opportunity of having a very fine statesman serving them over the years. I will miss you and your presentations. You are extremely able. I think you are more than justified in your new appointment. I wish you godspeed and in your next job as a Federal court judge I know you will make a very excellent record.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, I would like to join with the gentleman from California in pointing out the very outstanding service of the retiring chairman of this rather controversial committee. He has done a magnificent job of presenting bills to this House. The only thing I can say to him is Godspeed. If I ever come before the distinguished gentleman as a judge, I do not want justice; I just want mercy.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I will be very happy to yield to the gentleman from Illinois.

Mr. SPRINGER. I want to say as ranking Member of the minority that we will greatly miss the distinguished gentleman from Arkansas, the chairman of this committee. We are happy that he is getting the job that he has chosen to finish his career in as a U.S. circuit court judge. That job he is well qualified for. I am sure he will serve in it with the same kind of distinction and integrity that he has shown as a member of and as chairman of this committee during the 14 years that I have been a Member. I will say that this committee will miss him, because in all my experience in politics I have never known a person who had the ability to bring people together so well. This is a rare quality, may I say, in people generally and even a rarer one in this body. In many instances where it seemed to me there was a dead impasse and where legislation could not move he has been able through his courage, his tenacity, and his discretion to bring the people of diverse opinions together. This I think is the outstanding trait that this gentleman has exhibited to me on this committee. I will admit that with all of this he has a very high degree of integrity and purpose in what he undertakes. To me this is a sign of a person with a great deal of character. I am happy to say this about the distinguished gentleman. I know on some occasions we will see him back in this body. I think as the President said at the White House the other day when he signed the rapid transit bill, he was hoping through this means that he would be able to get the distinguished chairman back here to see him once in awhile and that he would be able to get to Arkansas faster so as to see the distinguished chairman.

So, in whatever capacity he may serve, I think we can say that this has been a great and long period of service in the public interest.

Mr. SMITH of California. Mr. Speaker, I thank the gentleman.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. CUNNINGHAM. As a member of the Committee on Interstate and Foreign Commerce, I certainly want to join in the tribute to this great man. He is one of the finest and most capable persons I have ever known. I wish him well.

I do want to say on this particular bill that it is a good bill.

We all should be interested in it and give it our support. We have supported legislation to improve the health of this Nation. This bill is a vital part of the needs that must be met to make our citizenry healthy. I am sure the House will overwhelmingly approve it. So I hope the rule will be adopted and the bill will be passed.

Mr. SMITH of California. Mr. Speaker, I reserve the balance of my time. I will say to the gentleman from Texas that I have no requests for time.

Mr. YOUNG. Mr. Speaker, it is my pleasure and privilege to yield such time as he may require to the distinguished Speaker of the House, the gentleman from Massachusetts, the Honorable JOHN W. MCCORMACK.

Mr. McCORMACK. Mr. Speaker, 24 years ago last January—it will be 25 years ago next January—the people of the Fourth Congressional District of Arkansas sent to the halls of Congress our distinguished friend and colleague, OREN HARRIS. The people of that district are justified in feeling proud of the distinguished service that he has rendered in the halls of Congress, representing them not only in an honorable and trustworthy manner but in a most constructive and outstanding manner.

OREN HARRIS was elected by the people of the Fourth Congressional District during the past 25 years, but he has grown in stature year after year until years ago—not today, but years ago and today—his name was recognized throughout the entire Nation as one of the ablest and most constructive legislators who has served in the Congress of the United States.

We all regret that he is leaving us. But we know that in the new service that he will perform the judiciary branch of the Government will receive added strength, stature, and dignity.

Mr. Speaker, OREN HARRIS is possessed of a fine judicial mind. With the years of experience he has had in the Congress of the United States, with his profound knowledge of the law, he will be a decided strength to the judiciary of the United States. In addition to ability and character and a sense of honor, to me one of the great traits of a judge is his understanding mind. One of the most unpleasant things for members of the bar to undergo is to know that they are going into a courtroom where the judge is a dictator, where the judge is arbitrary. No matter how brilliant a judge may be, if he is a dictator, if he is arbitrary, he is failing in the performance of the great trust which has been given him.

In OREN HARRIS the judiciary of the United States will receive a man of understanding mind.

Mr. Speaker, I have been a lawyer for many years. I have not practiced for some years because of my duties, but before I came to the halls of Congress I was a very active trial lawyer both in the civil and criminal sides of the court. The best judgment a judge can get is the commendation of those who practice law in his court. When that judge has the commendation and approval and the high regard of members of the bar—and I know I am talking to some Members here, like myself, who are lawyers—that is one of the finest commendations any judge can receive.

OREN HARRIS will be a great judge, not only because of his judicial knowledge and his experience, but because of his understanding mind and his realization that the great powers possessed by a judge should be used as humbly as possible. I know that he will do so.

The House of Representatives and the Congress itself are losing by the appointment of our friend to the judiciary. The U.S. courts will get one of our outstanding Members.

Anyone knows that and everyone admits it. When OREN HARRIS is handling a bill on the floor of the House, the leadership on both sides, having such profound respect for him, do not worry. Speaking for myself on the Democratic side, I do not worry.

But, Mr. Speaker, more than that, he is a good man. In my opinion that is the finest compliment anyone can pay me. I am highly grateful if people think

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I am great and good. But if they did not think I was both, I had rather be characterized as being a good man than a great man.

Mr. Speaker, in Oren Harris we have both those wonderful qualities that in my opinion make up as beautiful mind as anyone can possess from the human angle, a mind of nobility of character, of dedication to duty and to trust.

Oren, you will always be with us because you served with us. There will be a gap here upon your leaving. However, we have to go on. But we are going to miss you very much and in missing you we know that you are going to add, as I have heretofore said, strength and dignity and prestige to the Federal courts of the United States.

Mr. YOUNG. Mr. Speaker, I desire to associate myself with your remarks, as well as those of our leader, relative to our beloved and able colleague, the gentleman from Arkansas the Honorable Oren Harris. I would only add that Oren Harris is to me best described as a Congressman's Congressman—and no greater tribute can I pay. Our loss here is the judiciary's gain and he will make a great and able Federal judge.

Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Albert). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WELCOMING HIS HOLINESS POPE PAUL VI TO THE UNITED STATES

The SPEAKER pro tempore (Mr. Albert). The Chair recognizes the gentleman from Michigan [Mr. Griffin].

Mr. GRIFFIN. Mr. Speaker, I offer a resolution which is at the Clerk's desk and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

H. Res. 601

Resolved, That the House of Representatives extends the greetings of the people of the United States to His Holiness, Pope Paul VI, on the occasion of his historic visit to our country.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan for 1 minute.

Mr. GRIFFIN. Mr. Speaker, Monday, October 4, will be an important day in the history of the United States, indeed in the history of the world. For on that day His Holiness, Pope Paul VI, will visit our country and will be the guest of the United Nations in New York.

Mr. Speaker, it is altogether fitting that the House of Representatives should take note of this historic occasion.

Mr. Speaker, as a member of a Protestant church, I am very pleased to join with all Americans, of all religious faiths, in welcoming His Holiness to our country, and through this resolution to extend to him the warm greetings of the people of the United States.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. Farbstein] for 1 minute.

Mr. FARBSTEIN. Mr. Speaker, as a member of the Jewish faith, I too want to join my colleague of the Protestant faith in extending the greetings of the House of Representatives to His Holiness, Pope Paul VI.

Mr. Speaker, to me it is a singularly happy circumstance that his visit to our country will take place during the Jewish Holy Days period.

I am not unmindful of the efforts of His Holiness in seeking to put an end to the attitudes and practices of anti-Semitism from which my own people have suffered for almost 2,000 years.

I extend my thanks to Pope Paul for his enlightened position.

I admire him and wish for him a long life in order that he may further his great efforts for peace in the land.

May he have a very pleasant sojourn in the United States.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Saturday night to file a report on the bill H.R. 706.

The SPEAKER pro tempore (Mr. Albert). Without objection, it is so ordered.

There was no objection.

AMENDING PUBLIC HEALTH SERVICE ACT TO PROVIDE GRANTS TO ASSIST IN MEETING NEEDS FOR LIBRARY SERVICES AND FACILITIES

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3142) to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3142, with Mr. Weltner in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. Harris] will be recognized for 1 hour and the gentleman from Illinois [Mr. Springer] will be recognized for 1 hour.

The Chair recognizes the gentleman from Arkansas [Mr. Harris].

Mr. HARRIS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, first I should like to express my heartfelt thanks and deep appreciation to our great and distinguished Speaker of the House of Representatives, the gentleman from Massachusetts [Mr. McCormack], whom I have had the honor and privilege to serve with and to work with for almost 25 years. I also want to express my most sincere appreciation to the distinguished majority leader, the gentleman from Oklahoma [Mr. Albert]. Also to the gentleman from California [Mr. Smith], of the Committee on Rules, and the gentleman from Texas [Mr. Young], of the Committee on Rules, and to the distinguished members of our Committee on Interstate and Foreign Commerce and to the Members of the House for their warm and generous comments this afternoon.

Mr. Chairman, to say that I have a heavy swelling in my bosom would be putting it mildly.

Mr. Chairman, though we have other bills before our Committee on Interstate and Foreign Commerce that have been heard and are being considered, this bill that we bring to the House today is the last of the major important administration bills that have been requested by our great President which have been referred to the Committee on Interstate and Foreign Commerce for our consideration.

I want at this time to express my deep and warm feeling for, and deep appreciation of, the members of the Committee on Interstate and Foreign Commerce for their devotion, loyalty, hard work, and understanding in connection with the tremendous responsibilities that we have had. Throughout the last 9 years it has been my privilege and my great honor to have served as chairman of this great Committee on Interstate and Foreign Commerce. It was just 9 years ago this month that our esteemed and beloved friend and colleague, the late J. Percy Priest, passed on to his reward leaving a legacy to those of us who remained on the committee and to this House of Representatives that will ever remain with us.

Since that time it has been my honor and privilege to have worked with the finest group of the Members of this great Congress of the United States as anyone could be privileged to work with. This has been a rich and rewarding experience to me that I shall always carry in my bosom, and I shall always remember it as the most pleasant experience in my life.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am glad to yield to the gentleman from Florida.

Mr. PEPPER. In order that I may have the privilege of expressing with all of my colleagues my esteem and affection for the able and distinguished gentleman from Arkansas [Mr. Harris], I ask unanimous consent that I may revise and extend my remarks in the body of the Record.

The CHAIRMAN. Without objection, it is so ordered.

Mr. HARRIS. I thank my colleague from the bottom of my heart.

Mr. Chairman, it will probably be the first of the year before I leave. I do not know precisely when I shall, with mixed feelings, leave this House.

I am happy to bring to the House today with the other Members of the committee a bill that is widely and generally accepted and supported, not only by our committee, but by those throughout the United States who are knowledgeable and interested in this particular field.

I am happy today to bring with my colleagues on the committee a bill designed to improve the communication of health information.

Members might ask, "What does the bill do?" If Members will read the report, Report No. 1026, accompanying the bill H.R. 3142, they will find on page 3 the appropriation authorizations to carry out the Medical Library Assistance Act of 1965. There is a total authorization of $105 million. There is a total of $13 million for this fiscal year 1966, and $23 million for each of the 4 succeeding years.

The bill provides for the construction of medical library facilities, the training of biomedical librarians and information specialists, special scientific projects, research and development in medical library science, and related fields, the improvement and expanding of basic resources of medical libraries, the support of biomedical publications, regional medical libraries, and the establishment of regional branches of the National Library of Medicine.

Mr. Chairman, as I mentioned earlier, the bill we are considering today is designed to improve the communication of health information. This is a serious and urgent problem in our country since the medical libraries which serve this function are no longer able to meet national needs. It has been an unusual experience to be associated with this bill, Mr. Chairman, in that there has been no opposition to it from any quarter. There is a complete consensus in the library and medical professional communities concerned that it is a good bill which will stop further deterioration of this important resource.

The key to the communication of health information is the biomedical library. These libraries are multipurpose institutions. They serve the objectives of health science research, of graduate, undergraduate, and continuing education of the health professions, and the practice of these professions. They acquire, organize, store, and service published information for all these purposes.

The health science libraries of the country are in serious trouble, Mr. Chairman. We are investing large sums of money in programs of research, education, and health services without making the findings available to those who need the information. Unless the medical research scientists and physicians have available complete and up-to-the-minute information on new medical discoveries and practices, progress in the understanding of disease and disability will be slowed. Unless the practicing physician has the latest and best information on diagnosis, treatment, and rehabilitation, the well-being of the patient may be at stake. Unless our students in the health professions have adequate library facilities available to them during their education, the quality of their training may be adversely affected, and the consequences serious and far reaching.

During a period of intensive development of health research institutions, medical schools, and other medical facilities, support for medical libraries has been seriously neglected. The condition of medical libraries has steadily deteriorated under the pressures of rapid development of other programs and activities of medical institutions, most of which are making increasing demands upon the medical library. As early as 1950, a major survey of medical education called this situation critical.

In addition, the broadening base of medical research and practice, calling for literature from many other fields, has added to the magnitude and complexity of medical literature. Medical libraries are cramped for space, deficient in trained manpower, inadequate in resources, and desperately in need of new methods for handling the growing medical literature.

A large-scale national effort is needed now to rehabilitate medical libraries. Unless such an effort is mounted, the large investments we have made in programs of health service and research will be placed in jeopardy through the failure of our health communications systems.

For several years now, many distinguished groups, including the National Advisory Health Council, the presidentially appointed Board of Regents of the National Library of Medicine, and the President's Commission on Heart Disease, Cancer, and Stroke have recommended to the Surgeon General that the Public Health Service seek the necessary authority and resources for its National Library of Medicine to develop a program of assistance to health science libraries. The Medical Library Assistance Act, as amended by our committee, contains the legislative authority needed to accomplish this end.

The bill would authorize grants-in-aid of up to 75 percent of the costs of constructing, renovating, expanding, or remodeling biomedical library facilities. This section of the bill is directed at one of the most serious problems of the libraries. More than 50 percent of all medical school libraries were constructed more than 30 years ago, long before the publication explosion was anticipated or felt. The Association of American Medical Colleges has conducted a survey of the medical libraries of its member schools to determine what their needs might be. They found that at the present time the average medical school library occupies about 18,000 square feet. This is less than one-half the amount of space required to operate a modern medical library. In many libraries there is crowding to the point that routine day-to-day activities are impeded, access to materials is made difficult or impossible, and the utilization of the libraries by scientific and medical personnel and students is inhibited.

However, since the technology of library science has shared in the technological revolution of the last few decades, the implementation of the construction program should be preceded by a careful study of the kinds of facilities which will be best suited to meeting present and future requirements in the light of these rapid technological developments. We have taken account of the need for this study by delaying the first appropriation authorization under this section until fiscal year 1967. We have also amended this section to require the use of facilities constructed as health science libraries for periods of 20 years following completion. This follows the provision of the Hill-Burton hospital construction program.

The contribution that health science libraries can make to the advancement of medical knowledge and medical service is directly related to the caliber and number of people who staff them. There is a great deficit of professionally trained manpower in this field.

The bill would authorize the Surgeon General to make grants to assist in the training of medical librarians and other information specialists in the health sciences. Today it is essential that the personnel responsible for the operation and future planning of the medical libraries have special training in medical librarianship. This training should be related to the specialized communication problems of the medical community. Medical librarians must be well grounded in the biomedical sciences, and they must be thoroughly familiar with the design of technical information systems. Many of those presently staffing health sciences libraries are in need of intensive specialized training in order to increase and update their competence. The urgency to begin action programs in this area cannot be overstated.

The requirements of health sciences libraries for books, journals, and other informational resources is of such magnitude and so directly related to medical research, to the training of professional health manpower, and the information essential to the practicing community as to require special, intense attention immediately if our fundamental responsibilities for a healthy nation are to be fulfilled. In a study made in 1963, it was found that only 14 of the 87 existing medical schools met the standards for the number of volumes which should be in medical school libraries. Published information is of little value unless it is available to those who need it when they need it.

Two sections of the bill are directed at making more and better resources available to local biomedical libraries. One of these would authorize the Public Health Service to make grants on a matching basis to expand and improve basic biomedical library and related resources. These grants would be limited to 5 years for any institution and would decrease each year. The other section of the bill is designed to increase the availability of books, journals, and other informational material to local libraries through the support of regional libraries. Grants under this section would be made to major health science libraries which would agree to provide supportive services to other libraries in the region. These grants would be made to qualifying existing biomedical libraries. Where there are areas of the country in which there are no existing health science libraries of sufficient strength to serve a regional community, the bill authorizes the establishment of branches of the National Library of Medicine. The need for this regional service has become acute with the growth in the size of the medical literature and with the need for increased speed of access to it.

Presently the National Library of Medicine is serving as the "libraries' library" in meeting the requirements for increasing amounts of material which local medical libraries do not have on their shelves. This function of the National Library of Medicine has reached such great proportions as to make mandatory the assumption of a part of the responsibility elsewhere. Regional health science resource libraries, in lending such assistance to the local libraries, would help materially in solving this problem, while taking account of the fact that it is neither economically feasible nor necessary for each biomedical library to try to build its collection to encompass the whole of the biomedical literature. Such a program would also serve to prevent the growth of a highly centralized, monolithic system of library service which could not be as responsive to local needs as could a decentralized system.

Many of the tools and methods used today to operate health science libraries are hopelessly inadequate. Research and development is required to devise new and more efficient techniques to deal with biomedical information requirements. The bill would authorize the award of grants and contracts to accomplish this.

The bill would authorize a program of grants and contracts for support of nonprofit, scientific publications and to procure the preparation and publication of reviews, abstracts, indexes, handbooks, bibliographies, and other forms of secondary publications. Effective access to the medical literature requires a variety of these forms of publications. This is particularly true now that the biomedical literature is so complex and voluminous. The bill, as introduced, authorized an appropriation of up to $1.5 million for this activity. The committee believed that $1 million was sufficient authorization and so amended it.

The increase in complexity and volume of the literature has given rise to the need for a program of support for individual scholars for the preparation of critical reviews and similar compilations of original contributions of a high degree of excellence and reliability. These works are needed to make more readily available to the biomedical community knowledge of advances in the health sciences which have been carefully evaluated and interpreted by experts in the particular field. The bill would authorize a program of grants to scholars in the medical sciences to accomplish these ends.

All sections of H.R. 3142 are interrelated and together constitute a comprehensive plan which can effectively remedy the effects of many years of neglect, maximize the resources, functions, and services which do exist, and bring biomedical library practice and facilities to the frontiers of knowledge and capability, both theoretical and practical, in this field. The existing informal health science library network is a logical base upon which to build our overall effort to improve and perfect a health information system. Medical libraries are the instruments which our society has devised for the purposes of preserving accurately the information which has already been uncovered and of making it available to those who need it in the interest of health research, service, or professional education. A well-developed program of assistance to them is necessary and timely.

In summary, the case for this bill can be stated briefly under four headings:

First. Programs of education, research, and service in medicine and health-related fields will be effective only if supported by adequate library and information services.

Second. Medical library resources and services are not now adequate to the needs of the research community.

Third. The gap between present levels of support and adequacy is too large to be closed quickly if at all from nongovernmental sources.

Fourth. The program set forth in H.R. 3142 is soundly conceived and would achieve a dramatic and balanced development of medical library resources.

The committee believes that this bill will receive enthusiastic endorsement from the Congress and the administration, as it has from the public and professional societies who are deeply concerned with our Nation's health.

This is a good program. It has wide support and advocacy. We urge its unanimous adoption by the Congress.

Mr. SPRINGER. Mr. Chairman, I yield myself 10 minutes.

This session of Congress should go down in history as the "health session." Certainly it has considered and passed more important, far-reaching and expensive health legislation than any previous session and probably more than any previous Congress. Most of this legislation was timely and desirable.

Today we are considering what I bebelieve to be and certainly hope is the last of that long list of health legislation—the Medical Library Assistance Act. Coming as it does at the end of the list it seems likely that anything said about it will sound like the replay of an old record. The phrases and the adjectives used in presenting health legislation have been worn to a frazzle. I do not blame anyone who sighs and says, "Here we go again." That, however, is unfortunate because this particular bill could well have qualified to head the list of such legislation, rather than be dragged in as tail-end Charlie. It could be said with justification that if no other health bill had been considered this one would be too worthwhile to ignore. Let us see why.

First of all, every panel of experts and advisers gathered together to consider national health problems in the last few years—there have been four major groups of this kind—have recommended assistance to medical libraries. They have, in fact, indicated that most other plans for health programs will realize but little unless medical libraries are improved. The basic recommendations of the various groups have been the same. In addition to the unanimity of opinion among advisory groups, the voluntary health organizations, the medical fraternity and the research community have also been of one mind on the subject. And these agencies and professional groups have been working hard to bring about improvement in the facilities now extant. Some notable progress has been made.

Scientific knowledge is growing and accumulating faster than present space and personnel, or even presently projected facilities can hope to accommodate it. We spend in the billions to acquire new and useful information and techniques to combat disease, only to have it languish for lack of dissemination. It becomes more and more unlikely that a doctor can more than vaguely hear about scientific breakthrough. The space, the equipment, and the proper trained personnel are just not available to make it conveniently accessible. Without going at length into the statistics on shortage of volumes and floorspace it can be said, on all the evidence, that a major effort is necessary, just to catch up and be in some reasonable position to keep up. In short, medical library facilities must be able to get hold of the information that exists, must be able to handle it properly and must be ready to handle far more in the future. To do this they will need more room, more material, more and better equipment and far more trained people.

These are separate but related problems to be solved in this regard as the situation readily indicates. This bill takes them all into consideration and tries to make at least a start on each so that the effort is coordinated.

First, there are grants for construction. Medical schools already have plans for $87 million worth of medical library construction which they cannot carry out without some help. To get these going, the bill provides for $10 million per year for 4 years to cover up to 75 percent of the cost. Such a sum does not even cut their problem in half because the above figure does not take into account other kinds of health institutions which will also need facilities. Other construction may also be assisted if its purpose is to establish a regional library and the National Library of Medicine may establish one branch library.

Next, there must be assistance in acquiring the usable content of such a library. The programs outlined in the bill take into account the basic needs of individual, localized libraries, but also the special needs of regional libraries which will be expected easily to make available requested items from the great reservoir of scientific information.

The one other indispensible ingredient in this program is the provision for graduate traineeships in medical library science. Apparently it requires very specialized training to run properly a library of this kind. There are half as many trained persons today as there are medical libraries. Even if we concede that some small facilities can do without a highly educated specialist we can readily see that even the installations at existing medical schools, particularly those which will serve as regional libraries, will require more and better people.

There are other provisions in this bill which no doubt will prove useful in complete fulfillment of the objective. Grants for research in medical library science make sense. Better methods for handling the ever-increasing volume of scientific material must be discovered. Grants for professional people to write tracts and those to support scientific publications are not a significant part of this entire program and I have some feeling that they are not absolutely essential. The committee decided to leave them intact and I have no strong feeling which would prompt me to dispute that decision by my colleagues.

As I said earlier, it is unfortunate that this program comes before you at this late date in the session and after so many health bills have been passed. Actually, it is the backbone of the medical progress we so earnestly seek and I feel compelled to recommend it to you upon its merits. May I say that his memorial, if there is one, so far as our committee is concerned, will be the medical and scientific legislation which this committee has produced in the first session of this Congress.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. In the presentation of the rule it was stated that certain funds would be recoverable. What funds are recoverable and who would pay them back to the Federal Government?

Mr. SPRINGER. I will have to refer that question to my distinguished chairman.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HARRIS. We added provisions to bills of this character where Federal assistance was provided for construction purposes, and so forth, a good many years ago. As a matter of fact what is now known as the Hill-Burton Act has a recovery provision in it, as have innumerable bills passed since then. So, to carry out what has worked out to be a very good policy and principle, we provide under this bill, that in order to protect the interests of the Federal Government, under certain conditions the Surgeon General may recover the funds.

Mr. GROSS. What is the source of the income that would make it possible to repay these funds?

Mr. HARRIS. It would be the building itself. As an example, take a building used as a medical library, if community X or institution Y decided that they did not want to use it any longer for a medical library then the bill provides that the United States may attach the building and see what we can do to recover the funds the United States is entitled to in that fashion.

Mr. GROSS. But otherwise there would be no recovery; is that about correct?

Mr. HARRIS. That is true.

Mr. GROSS. I thank the gentleman, and I wish to commend the committee for the provision in the bill which gives the Comptroller General authority to audit the books and records pertinent to any grant received under the act.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I rise in support of this legislation. I appreciate the gentleman's yielding. I should like to state that he and the distinguished chairman of the committee, my neighbor from the Southern State of Arkansas, just south of my hometown, have brought to the floor today a bill that, as one of the doctors in the House, I know something about medical schools, and particularly libraries, going back as far as the libraries that were established by Dr. Benjamin Rush, one of the signers of the Declaration of Independence, and for whom the school from which I graduated was named. They have had a most difficult time, even those that have the ancient volumes and the true treatises of the original bedside and laboratory discoveries in medicine.

I think if indeed we are to spend money we ought to spend it domestically to improve our own lot. Personally I think we should pursue it and pursue the Muses and scientific research along with the arts and the humanities that we voted in this House in the past month.

Mr. Chairman, I commend the gentleman. I appreciate what he has said in support of the bill.

Mr. SPRINGER. Mr. Chairman, knowing the concern which the distinguished gentleman from Missouri has had for the cost of the programs and how carefully he has tried to guard the budget and the appropriations during the time he has been in the Congress, this is indeed a tribute for him to support this worthwhile legislation and to say that it deserves the support of the House. I thank him for it.

Mr. HARRIS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman for yielding this time to me, and I want to say that I urge the passage of this legislation. It has been thoroughly gone into and deserves the approval of the Members of the House.

Mr. Chairman, if this country is to gainfully use the vast information which our researchers and scientists are producing in the medical field, the Medical Library Assistance Act of 1965 must be enacted into law.

This bill recognizes the vast deficiencies existing in the dissemination of research knowledge to individuals who must use this knowledge. A recent survey has shown that the medical libraries of this country are woefully inadequate to handle this task. Ten million dollars per year has been allocated under this bill to assist in the construction of medical libraries. The committee has reason to believe that the great bulk of this money will be used for construction of new facilities rather than remodeling of old. This is due to the lack of recent construction in the medical library field.

It is not enough that we construct the facilities, we must assist training programs in medical library sciences. Under the bill, traineeships and fellowships in graduate library science work will be provided. These grants will enable our library technicians to keep pace with the new methods and procedures of information dissemination.

In view of the increased demands which have been placed on the National Library of Medicine, the bill also authorizes the establishment of regional medical libraries. These libraries will insure that all areas of our Nation will have ready access to the medical information so necessary to the adequate practice and research individuals will be carrying on.

The bill will also provide for grants of assistance to special scientific projects which will aid in the compilation of existing contributions in the scientific field. Grants will also be made available for the acquisition of books, journals, photographs, cataloging and binding of materials and the acquisition of duplication devices and audiovisual aids.

The Surgeon General is also authorized to establish a regional branch of the National Library of Medicine in an area in which no regional medical library is adequately meeting the communities needs.

These provisions, Mr. Chairman, will go a long way toward alleviating the deficiencies and shortages we now face in this area. It is my hope that the House will see fit to approve this legislation.

Mr. HARRIS. Mr. Chairman, I am very happy to yield at this time 5 minutes to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER. Mr. Chairman, first I want to join with others in paying my respects to the chairman of the great Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS], and for the constructive work that he has done, as well as the pattern that he has laid for those of us who have the privilege of heading committees in the operation and conduct of the House of Representatives.

Mr. Chairman, it has been my privilege to work rather closely with the gentleman, because the Committee on Science and Astronautics has an interest in many fields amongst which are fields in which the Committee on Interstate and Foreign Commerce is concerned. There are great gray areas in which we work together.

Mr. Chairman, I am happy to say that during this period of time that the Science and Astronautics Committee has been in operation, we have never been in conflict with the great Committee on Interstate and Foreign Commerce. The gentleman from Arkansas has been most knowing and understanding in this matter. It is because I am interested in science, and the committee that I have the privilege to head, its responsibility is for science in this country, that I want to support wholeheartedly this legislation and to recommend it to the Members of the Committee.

Mr. Chairman, I just asked a member of the staff of the Committee on Interstate and Foreign Commerce about how much money we spend through the National Institutes of Health each year in research into certain fields of human illnesses, the cardiac, mental health, dental health, and so forth, and he tells me it is in excess of $1 billion a year. For why and for what purpose do we spend this money? So that we can gain information and knowledge which can be used to relieve suffering among the people of the country. But what good does it do us unless it is disseminated and made available to those practitioners who use it for the good of humanity?

So, Mr. Chairman, the work is only half done in the research laboratory, unless we arrange to make the knowledge gained there available to the physicians and those practitioners engaged in the healing arts covered in the bill who work so successfully in this field.

After all, Mr. Chairman, in the history of this country, it was not so long ago that we quit adding a new pebble to the gourd which the medicine man shook to drive away fevers and the ills of the world. Before us is the great challenge to the medical profession, and I am certain that it will meet this challenge and solve many of these problems through research institutions such as the NIH, the foundations and the universities throughout the country. But above all there will be a medium through which information can be exchanged and information can be made available to those who use it.

Mr. Chairman, that is what this bill does. We are going to be confronted with the same problem in other facets of science today.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding again. I do not want to take the time of the Committee this late in the day, but I think probably the Committee should know—as does the gentleman in the well and certainly the Chairman and the learned member of this Committee—that great steps are being made not only in the automatic typewriter translation of medical reports from all languages from all over the world, but at the National Library of Medicine in the Medlars system, which is a key punch automatic data processing machine which is computerized, through the medium of magnetic tapes, with the dissemination of this material to all people who are interested enough to help themselves in the field of medicine, around the world.

Mr. Chairman, this is a direct outgrowth of what happened during World War II, as I believe that is referred to in the committee report. During that time many of the famous medical libraries around the world were destroyed. It was my privilege at that time to twice appoint in the name of and for the Surgeon General the librarian of the "Army Medical Library," which later became the National Library of Medicine under the Department of Health, Education, and Welfare, about which this committee is well advised.

I think this committee was well advised at that time, Mr. Chairman.

I simply want to add they disseminated records and reconstituted the libraries around the world by the use of the microfilm technique which was distributed in order to reconstitute not only periodicals, treatises and scientific research papers, but books which had been destroyed. This is indeed a great means of dissemination of scientific knowledge and I compliment the gentleman from California on what he has so ably said. I also compliment the committee, Mr. Chairman, on specifying and lodging control in the Surgeon General, U.S. Public Health Service, by name throughout this bill.

Mr. MILLER. I thank the gentleman.

Mr. Chairman, in closing I want to say what we are doing here transcends the boundaries even of our country in making this knowledge available to the people of the world for the betterment of all mankind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. Mr. Chairman, I am very happy to yield at this time to our distinguished colleague, the gentleman from Hawaii, such time as he may require.

Mr. MATSUNAGA. Mr. Chairman, as one of those who spearheaded the drive to establish the county medical library in Honolulu, Hawaii, I rise in support of H.R. 3142, the Medical Library Assistance Act of 1965.

Recent studies have shown that medical libraries, once established, are not able without support to meet the increasing demands of the medical community and the community at large. In fact, the evidence is both startling and convincing that the condition of medical libraries has deteriorated to such an extent that it is open to serious question as to whether they are properly and adequately serving the medical profession and its supportive services.

One of the principal deficiencies of today's medical libraries is of course the lack of adequate space. Without proper and sufficient physical facilities, the medical library is not able to even begin to render the kind of service that is expected of it. The acquisition of additional volumes and other up-to-date medical literature would be out of the question for a medical library which is bursting at the seams, so to speak, and which does not provide free and easy access to the materials already on hand. Unfortunately, this is the typical situation in which many of our medical libraries of today find themselves.

H.R. 3142 would alleviate this situation by authorizing the Surgeon General to make grants of up to 75 percent of the costs of constructing, renovating, expanding, or remodeling medical library facilities. This would meet a basic critical need in updating our medical libraries.

Providing for the improvement of the physical plant, however, is only a part of the answer to the serious dilemma which confronts our medical libraries. There must also be a proper dissemination of the latest medical and related knowledge through various printed media if our medical libraries are going to serve their basic function. In these times of rapidly advancing medical knowledge and techniques, it is imperative that the latest information relating to the medical sciences be made readily available to the medical community. The failure to do this could pose a very real threat to the health of our people.

In the bill we are now debating we find assurances of increasing the availability of the latest medical knowledge in all of its myriad forms to all users of qualified medical libraries throughout the country. This is a very important consideration in assisting our medical libraries to better serve their particular localities. In this connection, added benefits would be derived from the proposed development of a system of regional medical libraries, locally operated and controlled but with Federal assistance, in the collection of materials in depth.

Finally, to meet the critical shortage of professional personnel trained to meet the special needs of medical libraries and the medical community they serve, H.R. 3142 would authorize a training assistance program which would provide competent staffing of medical libraries.

In these and other phases of the critical medical library situation, the legislation we are considering will provide the necessary remedial steps to bring medical library science to a high level of adequacy and competence.

Mr. Chairman, our Committee on Interstate and Foreign Commerce has done a most commendable job on this problem of meeting the need for adequate medical library services and facilities. H.R. 3142 is a tribute to the fine work of the members of the committee and especially to its distinguished chairman, OREN HARRIS.

The result of their labors is worthy of our support and I urge a favorable vote for H.R. 3142.

Before I relinquish the floor, Mr. Chairman, I wish to join my colleagues in paying tribute to the distinguished chairman of the Committee on Interstate and Foreign Commerce. OREN HARRIS is unquestionably one of the most effective Members of this body and of the Congress. There are many laws and programs which will long stand as a monument to this great legislator and statesman. What is even more important from my point of view is that in OREN HARRIS I found, as a freshman Member of this body during my first term, a warm and understanding friend. He was never too busy to lend a helping hand, even to a lowly freshman, and always willingly and with a smile. I shall long cherish his many acts of kindness and wise counsel. My life as a Congressman has been enriched for having known OREN HARRIS, and I want to be included among those who will be missing him dearly and wishing him the best of everything when he leaves these

Halls to take his place on the judiciary bench.

Mr. FOGARTY. Mr. Chairman, I rise to speak in support of H.R. 3142—the Medical Library Assistance Act of 1965, which is designed to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities.

Mr. Chairman, in January I introduced a bill—H.R. 6001—with this same objective. At that time I reminded the Members of this House that the President's Commission on Heart Disease, Cancer, and Stroke had found that the present state of medical libraries in the United States was lamentable. Further, I reminded you that the Commission had warned that "unless major attention is directed to improvement of our national medical library base, the continued and accelerated generation of scientific knowledge will become increasingly an exercise in futility."

This warning was as serious as it was overdue. It is a tragic commentary on our national planning that—in making our Nation's medical libraries the poor stepchildren of our Nation's medical research effort—we have not spent the comparatively small amount of money needed to enable our medical libraries to serve as communication centers for health science information.

I say "comparatively small amount of money." To put the matter in proper perspective in dollar terms—and this is important, whenever we consider a bill before this House—let me cite comparative costs.

If we talk only of Federal support for biomedical research—an area with which I have had some familiarity over the past two decades—the Federal Government is spending well over $1 billion today, in that great war on disease. Yet, last year, out of that $1 billion provided from Federal funds, less than $1 million could, under existing legislative authorities, accrue to the benefit of non-Government medical libraries. The Federal Government is simply not paying its share of the Nation's costs of medical communication.

To remedy this, the President's Commission recommended a 5-year $160 million program of aid for our medical libraries. The bill we have before us today—designed to implement the recommendations of the Commission—provides $105 million over a 5-year period. This is a modest start and it is hedged about with a number of excellent amendments added to the measure by the House Committee on Interstate and Foreign Commerce.

With the practical attention to detail that so often distinguishes his committee hearings, the gentleman from Arkansas [Mr. HARRIS] has reported out the bill we are considering with three amendments that are wise safeguards. One of these provides that, where construction assistance is provided under this legislation, the facility constructed must continue to be used for the purposes for which constructed for at least 20 years—instead of the 10 years provided for in the introduced bill. This amendment is consistent with the recapture provisions of the Hill-Burton hospital construction program.

Another provision deletes a proposed $10 million authorization for appropriations for the current fiscal year—the committee feeling that the proposed plans for construction would not have progressed sufficiently to warrant appropriations for the current fiscal year.

Finally, the committee reduced from $1.5 to $1 million the amounts which may be utilized for grants for financial support of scientific publications. In this, I understand that it is the intention of the committee to limit the authority of this section—section 399—to writing which is incidental to the primary function of the publication involved. This amendment is tied in with another section—section 395—and reflects the sound judgment of the committee.

I will not review all the details of the Medical Library Assistance Act of 1965, but I would like to summarize its major provisions to emphasize in specific terms how this measure will benefit the health of the American people. The measure would provide: first, funds for the construction of facilities; second, grants for training in medical library information science; third, assistance to special scientific projects, such as studies in the history of medicine; fourth, research and development in medical library science and related fields; fifth, grants for improving and expanding the basic resources of medical libraries and related instrumentalities; sixth, grants for the establishment of regional medical libraries; seventh, establishment of regional branches of the National Library of Medicine; and, eighth, financial support of biomedical scientific publications.

Mr. Chairman, I had the privilege of testifying in behalf of this measure when committee hearings were held. At that time I commented that a weak and inefficient medical library system results in a wastage of our medical research resources that is unnecessary and of such magnitude that it can no longer be disregarded. Unplanned and unnecessary duplication of research costs time and money, and research results that are reported but cannot be retrieved might as well never have been reported. Someone else will have to duplicate them and report them again before they can help one other scientist or be used by one practitioner to alleviate the sufferings of even one patient.

The irony of this—I said—is that our success in creating and sustaining a national effort in biomedical research over the past two decades has produced a flow of new medical information the like of which has never been seen before in human history. But this flow of information has turned into a flood and swamped the reservoirs—the Nation's medical libraries are the inevitable reservoirs of this new knowledge. The flooding—the information that has seeped away or has been lost down the spillways—is a tragic thing to watch.

Mr. Chairman, I think that it is this spectacle that has brought about a general recognition that we must act quickly to meet a grave situation. In the course of my years in dealing with health legislation, I cannot recall a health measure that has had more unanimous support than the Medical Library Assistance Act of 1965.

I am informed that when hearings were held on this bill, all the witnesses—there was no exception—testified in favor of this bill. It has not only the support of those directly concerned—the Medical Library Association, the Special Libraries Association, the Association of Research Libraries, the Association of American Medical Colleges. It also has the support of the voluntary health agencies—such as the American Heart Association—and of the professional organizations such as the American Dental Association, the American Public Health Association, the American Optometric Association, and the American Medical Association.

There can be only one explanation for this extraordinary unanimity of support. The medical libraries of this Nation are in a disgraceful condition—the victims of a criminal neglect.

Despite other programs of support for the construction of health-related facilities, medical libraries have never received an adequate share of assistance. A recent survey of 116 established medical, dental, osteopathic, and public health schools show that 86 of their libraries were in need of funds for construction of new facilities and 18 needed funds for renovation of their library quarters.

Under the terms of the Medical Library Assistance Act, a program of matching grants up to 75 percent of the costs of construction may be made for the construction of medical libraries over the years 1967–70, at the rate of $10 million a year.

Despite other programs for the support of health-related training, real Federal support for training in the library sciences is yet to come. The manpower problem in the Nation's biomedical libraries is perhaps the most serious of all their problems. Because of lack of manpower, failures in transmitting the medical knowledge already available in the published literature to the physicians of this country can have a direct and grave impact on the health care of our citizens. Yet—faced as our librarians are with ever-increasing demands on their time—less than 50 new medical librarians are being added to the manpower pool each year. This can only mean a further deterioration in our present library services.

Under the terms of the Medical Library Assistance Act, between 125 and 150 new personnel can be added annually, with about 750 information personnel being trained during the 5 years of this proposed program.

When you recall that we have 6,000 libraries in this country, but only 3,000 librarians, the significance of even this small increase is apparent.

Finally, I would like to say that, now that the needs of our medical libraries are at last to be given some attention, the National Library of Medicine has wisely been selected as the agency best qualified to provide the kind of leadership called for in this area. A system of regional medical libraries—locally operated and controlled—are to be developed, and if in some region of this Nation there is not now some medical library adequate to serve area needs, regional libraries may be established as branches of the National Library of Medicine. With its international reputation and its vast experience in providing library services in the medical area, the NLM is prepared to take the initiative in helping the various regions of this Nation assume their medical library roles in assuring fast and accurate library services.

Mr. Chairman and Members of this Committee, this 89th Congress has passed a record number of legislative measures which are intended to bring to the service of more people than ever before the health-giving, life-saving accomplishments flowing from our Nation's laboratories.

But it is the Nation's libraries that must receive this flow of information, and it is these libraries which our Nation's physicians must use to learn of newer methods for the treatment or prevention of illness and suffering. The deplorable neglect of our medical libraries is so widely recognized now—the testimony in support of medical library assistance is so unanimous—that this House cannot in conscience fail to approve this carefully considered bill we are now discussing. Lives are being lost which might be saved. This is happening all across this land, today. By giving our support to the Medical Library Assistance Act of 1965, we will help assure that it cannot happen, tomorrow.

Mr. STAGGERS. Mr. Chairman, I want to join my colleagues in paying tribute to OREN HARRIS, our distinguished chairman. He has been a source of strength and an inspiration to all of us on the committee. I know he will be as great a judge as he has been a legislator, and as a legislator, he is one of the outstanding Members of the House. In my opinion, OREN HARRIS ranks high among the great men who have served their country in this body throughout its history. We all wish him well in his new field.

Mr. Chairman, the bill before us today shows the skill and ability of the great chairman of our committee. There is a need in the health field, and he has provided a means for meeting that need. The vehicle he has chosen, H.R. 3142, is strongly supported by all segments of our society affected by it. It came out of our committee unanimously and should, in my opinion, pass the House unanimously.

The bill provides support for new construction of libraries in the sciences related to health. The needs in this area are substantial.

Despite other programs of support for the construction of health-related facilities, medical libraries have failed to receive an adequate measure of assistance. Of 116 established medical, dental, osteopathic, and public health schools surveyed, only 11 had libraries built within the last 5 years.

The average medical school library is currently 18,115 square feet, and the average desired size of planned, new libraries would be 32,534 square feet. The 1964 education number of the Journal of the American Medical Association indicated the recommended standard for a medical school library was 29,500 square feet. There were only 15 medical school libraries in the country which exceeded this suggested standard.

Known dental school library needs focus on 15 schools requiring construction of an average of 9,797 additional square feet; the present average square footage is far below this at only 1,430 square feet. The suggested standard for a dental school library of 25,000 volumes is 10,000 square feet, with a range from 7,560 to 10,780, depending upon the size of the student body.

Proposed standards and comparative evaluative studies of osteopathic and public health school libraries have not been done, although needs for construction and resources were surveyed and will be summarized below. In contrast, a considerable volume of data is available on nursing school libraries, hospital libraries, and medical society libraries. All of these libraries would be eligible for construction support by definition, although in the case of nursing school and hospital libraries, it is more probable than in other categories that previous legislation can meet their needs; that is, Public Law 88–581, the Nurse Training Act, and Public Law 88–443, the Hill-Burton Act. It is known, however, that hospitals have not always had library needs taken care of under Hill-Burton because of limitation of funds and, therefore, should not be precluded from assistance under this bill.

The total estimated need for construction for medical, dental, osteopathic, public health, optometric, and other schools, both established and new, are almost $100 million. For this purpose, the bill would authorize appropriations not to exceed $10 million a year for 4-year period beginning in fiscal year 1967 and would, therefore, represent a significant step toward meeting this critical need.

The bill provides in section 394 for grants for training in medical library sciences. The bill proposes to attack the problems in several interrelated ways. High priority would be given under the bill to the broad support of a highly selective, limited number of centers of excellence which might be located in schools or library science or other professional or graduate schools to establish comprehensive training at the graduate level for individuals desiring advanced training in preparation for careers in medical library science. Special emphasis would be given to the planning of medical information systems and the training environment would draw heavily on various disciplines, particularly the biomedical sciences, and also mathematics, systems engineering, linguistics, and management. Such training activities would be developed in conjunction with strong biomedical resources so that the scholarly research pursued by the graduate students in medical library or information science can be conducted in the actual environment which they seek ultimately to serve.

It is interesting to note the status of advanced library science training in the past. Between 1925 and 1960, there were only 224 doctoral dissertations, of which 16 were classified as dealing with technical processes and documentation and 7 in methods of research evaluation. None of these was specifically related to a medical subject area.

It is envisioned that under the bill six or seven centers of excellence would be supported utilizing the training grant mechanism which would provide for faculty support as well as stipends for graduate students, including postdoctoral fellows.

In addition to this type of advanced training, H.R. 3142 would encompass medical library internships. The present library graduate from the traditional 5-year programs has rarely had any exposure to a medical library, having had only a course in medical bibliography. The intern is supported for a full year of practical as well as further theoretical instruction. Such internship training would be carried out in some cases in medical school libraries, in others, in large teaching hospital libraries or, in certain instances, in medical society libraries that serve extensive areas of the medical community.

Among other important features of the bill, Mr. Chairman, is the new section 397, providing grants for basic resources of medical libraries.

Funds made available under this section shall be utilized by the Surgeon General for making grants of money, materials, or both, to public or private nonprofit medical libraries and related scientific communication instrumentalities for the purpose of expanding and improving their basic medical library or related resources. There is no doubt that resources support is one of the primary needs in almost every biomedical library and that no other legislation, either existing or proposed, can meet the need in the biomedical field adequately.

The uses for which grants are made for resources may include but are not limited to the acquisition of books, journals, photographs, motion pictures and other films, and other similar materials; cataloging, binding, and other services and procedures for processing library resource materials for use by those who are served by the library or related instrumentality; acquisition of duplication devices, facsimile equipment, film projectors, recording equipment and other equipment to facilitate the use of the resources of the libarary or related instrumentality by those who are served by it; and the introduction of new technologies in medical librarianship. In awarding such grants, the scope of services to be provided to students, physicians, faculty, and hospital staff will be considered. A formula has been derived from which the Government provides a decreasing percent of the operating budget annually for 5 years. This is designed to, first, make a significant but relatively short term grant to bring basic resources up to a more useful level; and second, to encourage increases support to the library by the institution on a continuing basis.

Mr. Chairman, there are other important programs provided under the bill, which others have discussed in some detail, so I shall not go into them further.

In concluding, let me say that this is a very important bill, and is one that I am happy to endorse without reservation.

Mr. HARRIS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I thank the gentleman from Hawaii for his very generous and warm compliments.

As I expressed earlier, I am deeply grateful to all the members of the Committee on Interstate and Foreign Commerce for their assistance and cooperation in the splendid work that we have done together. It has been a rich experience in my life. I hope the work that we have accomplished will inure to the best interests of the American people and I believe it will.

I am grateful for the cooperation of the gentleman from Illinois [Mr. SPRINGER] and all the members of the minority on these innumerable legislative programs that we have considered together and reported out and brought to the House of Representatives for its consideration.

I should also like to state for the record and to the Members of the House that I shall be eternally grateful for the very fine and efficient staff of our committee. I do not believe there is any committee of the Congress now or that there has been in the past, that has had a more devoted, dedicated, loyal, and efficient staff than we have on the Committee on Interstate and Foreign Commerce.

That goes for the professional members of our staff who have been with us, at least some of them, for almost 20 years, and the clerk of our committee and the clerical members of our staff. They have all tried to perform their work in a way that would serve not only the membership of the committee itself but the Congress as a whole and the entire United States. They have done their work courteously and well.

Jim Menger, who has handled the staff work on this bill has been on our staff for a little over 2 years. With his background of legislative experience, having been assigned to the Office of the Legislative Council where he worked for 11 years, he has brought strength to our committee. He has helped to guide us on many of these technical provisions in working out legislative programs so that they would accomplish what was intended to be accomplished by the committee and by the Congress.

I think in the future years that I may be permitted to serve as a judge in the U.S. district court, I will have little difficulty in discerning the intention of the committee and of the Congress when I read the reports that refer to the legislative programs that our committee has reported to the House of Representatives.

I express to them my gratitude and deep appreciation.

Mr. Chairman, I have no further requests for time. I suggest that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 3142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Medical Library Assistance Act of 1965".

SEC. 2. Title III of the Public Health Service Act is amended by inserting at the end thereof the following new part:

"PART I—ASSISTANCE TO MEDICAL LIBRARIES

"Declaration of policy and statement of purpose

"SEC. 390. (a) The Congress hereby finds and declares that (1) the unprecedented expansion of knowledge in the health sciences within the past two decades has brought about a massive growth in the quantity, and major changes in the nature of, biomedical information, materials, and publications; (2) there has not been a corresponding growth in the facilities and techniques necessary adequately to coordinate and disseminate among health scientists and practitioners the ever increasing volume of knowledge and information which has been developed in the health science field; (3) much of the value of the ever increasing volume of knowledge and information which has been, and continues to be, developed in the health science field will be lost unless proper measures are taken in the immediate future to develop facilities and techniques necessary to collect, preserve, store, process, retrieve, and facilitate the dissemination and utilization of, such knowledge and information.

"(b) It is therefore the policy of this part to—

"(1) assist in the construction of new, and the renovation, expansion, or rehabilitation, of existing medical library facilities;

"(2) assist in the training of medical librarians and other information specialists in the health sciences;

"(3) assist, through the awarding of special fellowships to physicians and scientists, in the compilation of existing, and the creation of additional, written matter which will facilitate the distribution and utilization of knowledge and information relating to scientific, social and cultural advancements in sciences related to health;

"(4) assist in the conduct of research and investigations in the field of medical library science and related activities, and in the development of new techniques, systems and equipment for processing, storing, retrieving, and distributing information in the sciences related to health;

"(5) assist in improving and expanding the basic resources of medical libraries and related facilities;

"(6) assist in the development of a national system of regional medical libraries each of which would have facilities of sufficient depth and scope to supplement the services of other medical libraries within the region served by it; and

"(7) provide financial support to biomedical scientific publications.

"Definitions

"SEC. 391. As used in this part—

"(1) the term 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto;

"(2) the terms 'National Medical Libraries Assistance Advisory Board' and 'Board' mean the Board of Regents of the National Library of Medicine established under section 373(a) of this Act;

"(3) the terms 'construction' and 'cost of construction', when used with reference to any medical library facility, include (A) the construction of new buildings, and the expansion, remodeling, and alteration of existing buildings, including architects' fees, but not including the cost of acquisition of land or off-site improvements, and (B) equipping new buildings and existing buildings (whether or not expanded, remodeled, or altered) for use as a library (including provision of automatic data processing equipment), but not with books, pamphlets, or related material;

"National Medical Libraries Assistance Board

"SEC. 392. (a) The Board of Regents of the National Library of Medicine established pursuant to section 373(a) shall, in addition to its functions prescribed under section 373, constitute and serve as the National Medical Libraries Assistance Advisory Board (hereinafter in this part referred to as the 'Board').

"(b) The Board shall—

"(1) advise and assist the Surgeon General in the preparation of general regulations and with respect to policy matters arising in the administration of this part, and

"(2) consider all applications for construction grants under this part and make to the Surgeon General such recommendations as it deems advisable with respect to (A) the approval of such applications, and (B) the amount which should be granted to each applicant whose application, in its opinion, should be approved.

"(c) The Surgeon General is authorized to use the services of any member or members of the Board, in connection with matters related to the administration of this part, for such periods, in addition to conference periods, as he may determine.

"(d) Appointed members of the Board who are not otherwise in the employ of the United States, while attending conferences of the Board or otherwise serving at the request of the Surgeon General in connection with the administration of this part, shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 373(d), when attending conferences, traveling, or serving at the request of the Surgeon General in connection with the administration of part H which deals with the National Library of Medicine.

"Assistance for construction of facilities

"SEC. 393. (a) In carrying out the purposes of section 390(b)(1), the Surgeon General may, upon application of any public or private nonprofit agency or institution, make grants to such agency or institution toward the cost of construction of any medical library facility to be constructed by such agency or institution.

"(b) A grant under this section may be made only if the application therefor is recommended for approval by the Board and is approved by the Surgeon General upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than twenty years after completion of construction, the facility will be used as a medical library facility, (B) subject to subsection (c), sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the proposed construction is necessary to meet the demonstrated needs for additional or improved medical library facilities in the community or area in which the proposed construction is to take place;

"(3) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon

Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(c) Within such aggregate monetary limit as the Surgeon General may prescribe, after consultation with the Board, applications which (solely by reason of the inability of the applicants to give the assurance required by clause (B) of subsection (b) (1)) fail to meet the requirements for approval set forth in subsection (b) may be approved upon condition that the applicants give the assurance required by such clause (B) within a reasonable time and upon such other reasonable terms and conditions as he may determine after consultation with the Board.

"(d) In acting upon applications for grants under this section, the Board and the Surgeon General shall take into consideration the relative effectiveness of the proposed facilities in meeting demonstrated needs for additional or improved medical library services, and shall give priority to applications for construction of facilities for which the need is greatest.

"(e) The amount of any grant made under this section shall be that recommended by the Board or such lesser amount as the Surgeon General determines to be appropriate; except that in no event may such amount exceed 75 per centum of the necessary cost of the construction of such facility as determined by him.

"(f) Upon approval of any application for a grant under this section, the Surgeon General shall reserve, from any appropriation available therefor, the amount of such grant as determined under subsection (e), and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine. Such payments shall be made through the disbursement facilities of the Department of the Treasury. The Surgeon General's reservation of any amount under this subsection may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"(g) In determining the amount of any grant under this section, there shall be excluded from the cost of construction an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by grants authorized under this section, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(h) If, within twenty years after completion of any construction for which funds have been paid under this section—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit institution, or

"(2) the facility shall cease to be used for medical library purposes, unless the Surgeon General determines, in accordance with regulations prescribed by him after consultation with the Board, that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"(i) For the purposes of carrying out the provisions of this section, there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $10,000,000 for any fiscal year, as may be necessary.

"Grants for training in medical library sciences

"SEC. 394. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(2), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $1,000,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General in making grants—

"(1) to individuals to enable them to accept traineeships and fellowships leading to postbaccalaureate academic degrees in the field of medical library science, in related fields pertaining to sciences related to health, or in the field of the communication of information;

"(2) to individuals who are librarians or specialists in information on sciences relating to health, to enable them to undergo intensive training or retraining so as to attain greater competence in their occupations (including competence in the fields of automatic data processing and retrieval);

"(3) to assist appropriate public and private nonprofit institutions in developing, expanding, and improving, training programs in library science and the field of communications of information pertaining to sciences relating to health; and

"(4) to assist in the establishment of internship programs in established medical libraries meeting standards which the Surgeon General shall prescribe.

"(b) Payment pursuant to grants made under this section may be made in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulations after consultation with the Board.

"Assistance to special scientific projects

"SEC. 395. In order to enable the Surgeon General to carry out the purposes of section 390(b)(3), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $500,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General for the establishment of special fellowships to be awarded to physicians and scientists for the compilation of existing, or writing of original, contributions relating to scientific, social, or cultural, advancements in sciences related to health. In establishing such fellowships, the Surgeon General shall make appropriate arrangements whereby the facilities of the National Library of Medicine and the facilities of libraries of public and private nonprofit institutions of higher learning may be made available in connection with the projects for which such fellowships are established.

"Research and development in medical library science and related fields

"SEC. 396. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(4), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $3,000,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General in making grants to appropriate public or private nonprofit institutions and entering into contracts with appropriate persons, for purposes of carrying out projects of research and investigations in the field of medical library science and related activities and for the development of new techniques, systems and equipment, for processing, storing, retrieving, and distributing information pertaining to sciences related to health.

"(b) Payment pursuant to grants made under this section may be in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulations after consultation with the Board.

"Grants for improving and expanding the basic resources of medical libraries and related instrumentalities

"SEC. 397. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(5), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $3,000,000 for any fiscal year, as may be necessary.

"(b) Sums made available under this section shall be utilized by the Surgeon General for making grants of money, materials, or both, to public or private nonprofit medical libraries and related scientific communication instrumentalities for the purpose of expanding and improving their basic medical library or related resources. The uses for which grants so made may be employed include, but are not limited to, the following: (A) acquisition of books, journals, photographs, motion picture and other films, and other similar materials, (B) cataloging, binding, and other services and procedures for processing library resource materials for use by those who are served by the library or related instrumentality, and (C) acquisition of duplication devices, facsimile equipment, film projectors, recording equipment, and other equipment to facilitate the use of the resources of the library or related instrumentality by those who are served by it, and (D) introduction of new technologies in medical librarianship.

"(c)(1) The amount of any grant under this section to any medical library or related instrumentality shall be determined by the Surgeon General on the basis of the scope of library or related services provided by such library or instrumentality in relation to the population and purposes served by it. In making a determination of the scope of services served by any medical library or related instrumentality, the Surgeon General shall take into account the following factors—

"(A) the number of graduate and undergraduate students making use of the resources of such library or instrumentality;

"(B) the number of physicians utilizing the resources of such library or instrumentality;

"(C) the type of supportive staffs, if any, available to such library or instrumentality;

"(D) the type, size, and qualifications of the faculty of any school with which such library or instrumentality is affiliated;

"(E) the staff of any hospital or hospitals or of any clinic or clinics with which such library or instrumentality is affiliated; and

"(F) the geographic area served by such library or instrumentality and the availability, within such area, of medical library or related services provided by other libraries or related instrumentalities.

"(2) In no case shall any grant under this section to a medical library or related instrumentality during any fiscal year exceed $200,000, or, if lesser, an amount equal to—

"(A) 60 per centum of the annual operating expenses of such library or related instrumentality, if such fiscal year is the first fiscal year with respect to which a grant under this section is made to it;

"(B) (i) 50 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, five-sixths of the amount of its first year grant under this section, if such year is the second fiscal year with respect to which a grant under this section has been made to it;

"(C) (i) 40 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, four-fifths of the amount of the second year grant under this section, if such year is the third fiscal year with respect to which a grant under this section has been made to it;

"(D) (i) 30 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, three-fourths of the amount of the third year grant under this section, if such year is the fourth fiscal year with respect to which a grant under this section has been made to it; and

"(E) (i) 20 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, two-thirds of the amount of the fourth year grant under this section, if such year is the fifth fiscal year with respect to which a grant under this section has been made to it.
The 'annual operating expense' of a library or related instrumentality shall, for purposes of the preceding sentence, be an amount equal (if such annual operating expense is to be determined with respect to the first grant to be made to such library or instrumentality under this section) to the amount of the average of the annual operating expenses of such library or instrumentality over the three fiscal years preceding the year in which such grant is applied for; and if such library or related instrumentality has been operating for less than three years prior to applying for such grant, its 'annual operating expense' shall be an amount determined by the Surgeon General pursuant to regulations prescribed by him. For the second or suceeding fiscal year in which a grant is made to a library or related instrumentality, the 'annual operating expense' of such library or related instrumentality shall, for purposes of such sentence, be equal to its operating expense (exclusive of Federal financial assistance under this part) for the preceding fiscal year.

"Grants for establishment of regional medical libraries

"Sec. 398. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(6), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $2,500,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General, with the advice of the Board, to make grants to existing public or private nonprofit medical libraries so as to enable each of them to serve as the regional medical library for the geographical area in which it is located.

"(b) The uses for which grants made under this section may be employed include, but are not limited to, the following—

"(1) acquisition of books, journals, and other similar materials;

"(2) cataloging, binding, and other procedures for processing library resource materials for use by those who are served by the library;

"(3) acquisition of duplicating devices and other equipment to facilitate the use of the resources of the library by those who are served by it;

"(4) acquisition of mechanisms and employment of personnel for the speedy transmission of materials from the regional library to local libraries in the geographic area served by the regional library; and

"(5) construction, renovation, rehabilitation, or expansion of physical plant considered necessary by such library to carry out its proper functions as a regional library.

"(c) (1) Grants under this section shall be made only to medical libraries which agree (A) to modify and increase their library resources so as to be able to provide supportive services to other libraries in the region as well as individual users of library services, (B) to provide free loan services to qualified users, and make available photoduplicated or facsimile copies of biomedical materials which qualified requesters may retain.

"(2) The Surgeon General, in awarding grants under this section, shall give priority to medical libraries having the greatest potential of fulfilling the needs for regional medical libraries. In determining the priority to be assigned to any medical library, he shall consider—

"(A) the need of such library, as determined by the levels of research, teaching, and medical activities of the library in relation to other existing library and medical communication services in the region;

"(B) the adequacy of the library (in terms of collections, personnel, equipment, and other facilities) as a basis for a regional medical library; and

"(C) the size and nature of the population to be served in the region in which the library is located.

"(d) Grants under this section for construction, renovation, rehabilitation, or expansion of physical plant shall be as are provided for grants made under section 393, except that the eligibility for any such grant would be determined on the basis of the construction requirements of the library so as to be able to serve as a regional medical library. Grants under this section for basic resource materials to a library may not exceed 50 per centum of the library's annual operating expense (exclusive of Federal financial assistance under this part) for the preceding year; or in case of the first year in which the library receives a grant under this section for basic resource materials, 50 per centum of its average annual operating expenses over the past three years (or if it had been in operation for less than three years, its annual operating expenses determined by the Surgeon General in accordance with regulations prescribed by him).

"(e) Payment pursuant to grants made under this section may be made in advance or by way of reimbursement and in such installment as the Surgeon General shall prescribe by regulations after consultation with the Board.

"Financial support of biomedical scientific publications

"Sec. 399. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(7), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $1,500,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General, with the advice of the Board, in making grants to, and entering into appropriate contracts with, public or private nonprofit institutions of higher education and individual scientists for the purpose of supporting biomedical scientific publications of a nonprofit nature and to procure the compilation, writing, editing, and publication of reviews, abstracts, indices, handbooks, bibliographies, and related matter pertaining to scientific works and scientific developments.

"(b) Grants under this section in support of any single periodical publication may not be made for more than three years.

"(c) Payment pursuant to grants made under this section may be made in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulations after consultation with the Board.

"Continuing availability of appropriated funds

"Sec. 399a. Funds appropriated to carry out any of the purposes of this part for any fiscal year shall remain available for such purposes for the fiscal year immediately following the fiscal year for which they were appropriated."

Mr. HARRIS (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of section 2 be dispensed with, that it be printed in the Record, and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 2, after "physicians" insert the following: "and other practitioners in the sciences related to health".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 17, strike out "material". and insert in lieu thereof "material;" and immediately after such line 17 insert the following:

(4) the term "medical library" means a library related to the sciences related to health.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 18, strike out "ten" and insert in lieu thereof "twenty".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, beginning in line 8, strike out "the construction of the facility" and insert in lieu thereof "projects of the type covered by the Davis-Bacon Act, as amended,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 9, line 14, strike out "ten" and insert in lieu thereof "twenty".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 10, line 11, strike out "1966" and insert in lieu thereof "1967".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 12 line 6, after "physicians" insert the following "and other practitioners in the sciences related to health".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 15, line 3, after "physicians" insert the following: "and other practitioners in the sciences related to health".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 21, line 2, strike out "$1,500,000" and insert in lieu thereof "$1,000,000".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 22, beginning in line 1, strike out "appropriated.'" and insert in lieu thereof "appropriated.", and immediately after line 2, insert the following:

"RECORDS AND AUDIT

"SEC. 399b. (a) Each recipient of a grant under this part shall keep such records as the Surgeon General shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to any grant received under the provisions of this part."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REGIONAL BRANCHES OF THE NATIONAL LIBRARY OF MEDICINE

SEC. 3. Part H of title III of the Public Health Service Act which deals with the National Library of Medicine is amended by adding at the end thereof the following new section:

"REGIONAL BRANCHES OF THE NATIONAL LIBRARY OF MEDICINE

"SEC. 378. (a) Whenever the Surgeon General, with the advice of the Board, determines that—

"(1) in any geographic area of the United States, there is no regional medical library adequate to serve such area;

"(2) under the criteria prescribed in section 398, there is a need for a regional medical library to serve such area; and

"(3) because there is located in such area no medical library which, under the provisions of section 398, can feasibly be developed into a regional medical library adequate to serve such area,

he is authorized to establish, as a branch of the National Library of Medicine, a regional medical library to serve the needs of such area.

"(b) For the purpose of establishing branches of the National Library of Medicine under this section, there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $2,000,000 for any fiscal year, as may be necessary. Sums appropriated pursuant to this section for any fiscal year shall remain available until expended."

COMPENSATION OF MEMBERS OF THE BOARD OF REGENTS OF THE NATIONAL LIBRARY OF MEDICINE

SEC. 4. Part H of title II of the Public Health Service Act which deals with the National Library of Medicine is amended by striking out, in section 373(d) thereof, "$50" and inserting in lieu thereof "$75".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WELTNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3142) to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities, pursuant to House Resolution 590, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 296, nays 3, not voting 133, as follows:

[Roll No. 349]

YEAS—296

Abbittt
Abernethy
Adams
Albert
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Ayres
Baldwin
Bandstra
Baring
Bates
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boland
Bow
Brademas
Brooks
Broomfield
Brown, Calif.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Cameron
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Denton
Derwinski
Devine
Dickinson
Dingell
Dole
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fisher
Flood
Fogarty
Foley
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halpern
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harris
Harvey, Ind.
Harvey, Mich.
Hathaway
Hechler
Helstoski
Herlong
Hicks
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
King, Calif.
King, N.Y.
King, Utah
Krebs
Kunkel
Landrum
Langen
Leggett
Lennon
Lipscomb
Long, Md.
Love
McCarthy
McClory
McDade
McEwen
McFall
McGrath
McMillan
McVicker
Machen
Mackay
Mackie
Mahon
Mailliard
Marsh
Martin, Nebr.
Matsunaga
Meeds
Miller
Mills
Minish
Mink
Minshall
Moeller
Monagan
Moore
Moorhead
Morgan
Morrison
Morton
Moss
Multer
Murphy, Ill.
Murray
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Poage
Poff
Pool
Powell
Price
Pucinski
Quie
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Rhodes, Pa.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rosenthal
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
Saylor
Scheuer
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shriver
Sickles
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Stephens
Stubblefield
Sullivan
Talcott
Taylor
Teague, Tex.
Thomson, Wis.
Trimble
Tuck
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watkins
Watson
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Wilson, Charles H.
Wolff
Wright
Wydler
Young
Younger
Zablocki

NAYS—3

Findley
Teague, Calif.
Williams

NOT VOTING—133

Adair
Addabbo
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Aspinall
Barrett
Battin
Boggs
Bolling
Bolton
Bonner
Bray
Brock
Broyhill, N.C.
Burton, Utah
Cahill
Callaway
Carey
Carter
Celler
Clark
Colmer
Cooley
Curtis
Daniels
Dawson
Delaney
Dent
Diggs
Donohue
Dorn
Dow
Duncan, Oreg.
Dyal
Edmondson
Evins, Tenn.
Fino
Flynt
Ford, Gerald R.
Frelinghuysen
Gallagher
Gilligan
Goodell
Grabowski
Green, Oreg.
Halleck
Hanley
Hansen, Iowa

Hardy
Harsha
Hawkins
Hays
Hébert
Henderson
Holifield
Holland
Hosmer
Johnson, Calif.
Johnson, Okla.
Jonas
Kee
Keith
Kelly
Keogh
Kirwan
Kluczynski
Kornegay
Laird
Latta
Lindsay
Long, La.
McCulloch
McDowell
Macdonald
MacGregor
Madden
Martin, Ala.
Martin, Mass.
Mathias
Matthews
May
Michel
Mize
Morris
Morse
Mosher
Murphy, N.Y.
Nix
O'Hara, Ill.
Philbin
Pirnie
Purcell
Quillen
Race
Redlin
Resnick
Reuss
Rhodes, Ariz.
Rivers, S.C.
Rivers, Alaska
Roberts
Roncalio
Rooney, Pa.
Rostenkowski
Roudebush
St. Onge
Schisler
Scott
Shipley
Sikes
Slack
Smith, Iowa
Smith, Va.
Steed
Stratton
Sweeney
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex.
Todd
Toll
Tunney
Tupper
Utt
Walker, Miss.
Watts
Willis
Wilson, Bob
Wyatt
Yates

So the bill was passed.

The Clerk announced the following pairs:

Mr. Smith of Iowa with Mr. Battin.

Mr. Keogh with Mr. Laird.

Mr. Tunney with Mr. Carter.

Mr. Kirwan with Mr. Halleck.

Mr. Kluczynski with Mr. Bray.

Mr. St. Onge with Mr. Tupper.

Mr. Holifield with Mr. Hosmer.

Mr. Celler with Mr. Gerald R. Ford.

Mr. Matthews with Mr. Jonas.

Mr. Sikes with Mr. Broyhill of North Carolina.

Mr. Hansen of Iowa with Mr. Rhodes of Arizona.

Mr. Henderson with Mrs. Bolton.

Mr. Cooley with Mr. Adair.

Mr. Kee with Mr. Cahill.

Mr. Thomas with Mrs. May.

Mr. Dawson with Mr. Morse.

Mr. Hays with Mr. Frelinghuysen.

Mr. Watts with Mr. McCulloch.

Mr. Hébert with Mr. Bob Wilson.

Mr. Thompson of Texas with Mr. Pirnie.

Mr. Long of Louisiana with Mr. Anderson of Illinois.

Mr. Addabbo with Mr. Brock.

Mr. Carey with Mr. Utt.

Mr. Dyal with Mr. Roudebush.

Mr. Delaney with Mr. Martin of Massachusetts.

Mr. Dow with Mr. Quillen.

Mr. Daniels with Mr. Latta.

Mr. Morris with Mr. Michel.

Mr. Hawkins with Mr. Mathias.

Mr. Dent with Mr. Fino.

Mr. Race with Mr. Burton of Utah.

Mr. Rivers of South Carolina with Mr. Walker of Mississippi.

Mr. Redlin with Mr. Glenn Andrews.

Mr. Toll with Mr. MacGregor.

Mr. Sweeney with Mr. Harsha.

Mr. Stratton with Mr. Mosher.

Mr. Rostenkowski with Mr. Wyatt.

Mr. Kornegay with Mr. Callaway.

Mr. Roncalio with Mr. Mize.

Mr. Purcell with Mr. Martin of Alabama.

Mr. Barrett with Mr. Keith.

Mr. Donohue with Mr. Curtis.

Mr. Philbin with Mr. Goodell.

Mr. Willis with Mr. Lindsay.

Mr. Thompson of New Jersey with Mr. McDowell.

Mr. Madden with Mr. Macdonald.

Mr. Diggs with Mr. Gallagher.

Mr. Grabowski with Mr. Nix.

Mr. Gilligan with Mrs. Green of Oregon.

Mr. Hanley with Mr. O'Hara of Illinois.

Mr. Hardy with Mr. Yates.

Mr. Todd with Mr. Dorn.

Mr. Evins with Mr. Clark.

Mr. Colmer with Mr. Aspinall.

Mr. Boggs with Mr. George W. Andrews.

Mr. Bonner with Mr. Holland.

Mr. Johnson of Oklahoma with Mrs. Kelly.

Mr. Johnson of California with Mr. Scott.

Mr. Schisler with Mr. Rooney of Pennsylvania.

Mr. Duncan of Oregon with Mr. Flynt.

Mr. Murphy of New York with Mr. Steed.

Mr. Smith of Virginia with Mr. Shipley.

Mr. Slack with Mr. Resnick.

Mr. PASSMAN and Mr. ABERNETHY changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 597) to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate health science library services and facilities, strike out all after the enacting clause, and insert in lieu thereof the provisions of H.R. 3142, to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities, as passed.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Health Science Library Assistance Act of 1965".

SEC. 2. Title III of the Public Health Service Act is amended as follows:

(1) By striking out the part heading "PART H—NATIONAL LIBRARY OF MEDICINE" and inserting in lieu thereof

"PART I—HEALTH SCIENCE LIBRARIES

"Subpart 1—National Library of Medicine";

(2) By redesignating as section 381 through 387 the sections (relating to the National Library of Medicine) now numbered 371 through 377 and references thereto, and by striking out (wherever they occur in such sections) the words "this part" and inserting in lieu thereof "this subpart"; and

(3) By inserting at the end of such title III the following new subpart:

"Subpart 2—Assistance to Health Science Libraries

"Declaration of Policy and Statement of Purpose

"SEC. 390. (a) The Congress hereby finds and declares that (1) the unprecedented expansion of knowledge in the health sciences within the past two decades has brought about a massive growth in the quantity, and major changes in the nature of, biomedical information, materials, and publications; (2) there has not been a corresponding growth in the facilities and techniques necessary to coordinate and disseminate adequately, among health scientists and practitioners, the ever-increasing volume of knowledge and information which has been developed in the health science field; (3) much of the value of the ever-increasing volume of knowledge and information which has been, and continues to be, developed in the health science field will be lost unless proper measures are taken in the immediate future to develop facilities and techniques necessary to collect, preserve, store, process, retrieve, and facilitate the dissemination and utilization of, such knowledge and information.

"(b) It is therefore the policy of this subpart to—

"(1) assist in the construction of new, and the expansion, remodeling, alteration, or renovation of existing health science library facilities;

"(2) assist in the training of health science librarians and other information specialists in the health sciences;

"(3) assist, through the awarding of fellowships to physicians, other health science practitioners, and scientists, in the compilation of existing, and the creation of additional, written matter which will facilitate the distribution and utilization of knowledge and information relating to advancements in sciences related to health;

"(4) assist in the conduct of research and investigations in health library science and related activities, and in the development of new techniques, systems, and equipment for processing, storing, retrieving, and distributing information in the sciences related to health;

"(5) assist in improving and expanding the basic resources of health science libraries and related facilities;

"(6) assist in the development of a national system of regional health science libraries each of which would have facilities of sufficient depth and scope to supplement the services of other health science libraries within the region served by it; and

"(7) provide financial support to biomedical scientific publications.

"Definitions

"SEC. 391. As used in this subpart—

"(1) the term 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto;

"(2) the terms 'health science library' and 'library' mean a library in one or more of the fields of the sciences related to health;

"(3) the term 'health library science' means library science in one or more of the fields of the sciences related to health, and the term 'health science librarian' means a person trained in health library science;

"(4) the terms 'construction' and 'cost of construction', when used with reference to any health science library facility, include (A) the construction of new buildings, and the expansion, remodeling, alteration, and renovation of existing buildings, including architects' fees, but not including the cost of acquisition of land or off-site improvements, and (B) equipping new buildings and existing buildings (whether or not expanded, remodeled, altered, or renovated) for use as a library (including provision of automatic data processing equipment) but not with books, pamphlets, or related material.

"National Health Science Libraries Assistance Advisory Board

"SEC. 392. (a) The Board of Regents of the National Library of Medicine established pursuant to section 383(a) shall, in addition to its functions prescribed under section 383, constitute and serve as the National Health Science Libraries Assistance Advisory Board (hereinafter in this subpart referred to as the 'Board').

"(b) The Board shall—

"(1) advise and assist the Surgeon General in the preparation of general regulations and with respect to policy matters arising in the administration of this subpart; and

"(2) consider all applications for construction grants under this subpart and make to the Surgeon General such recommendations as it deems advisable with respect to (A) the approval of such applications, and (B) the amount which should be granted to each applicant whose application, in its opinion, should be approved.

"(c) The Surgeon General is authorized to use the services of any member or members of the Board, in connection with matters related to the administration of this subpart, for such periods, in addition to conference periods, as he may determine.

"(d) Section 383(d) shall apply to appointed members of the Board who are not otherwise in the employ of the United States, while attending conferences of the Board, traveling, or otherwise serving at the request of the Surgeon General in connection with the administration of this subpart.

"Assistance for Construction of Facilities

"SEC. 393. (a) In carrying out the purposes of section 390(b)(1), the Surgeon General may, upon application of any public or private nonprofit agency or institution, make grants to such agency or institution toward the cost of construction of any health science library facility to be constructed by such agency or institution.

"(b) A grant under this section may be made only if the application therefor is recommended for approval by the Board and is approved by the Surgeon General upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used as a health science library facility, (B) subject to subsection (c), sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the proposed construction is necessary to meet the demonstrated needs for additional or improved health science library facilities in the community or area in which the proposed construction is to take place;

"(3) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(c) Within such aggregate monetary limit as the Surgeon General may prescribe after consultation with the Board, applications which (solely by reason of the inability of the applicants to give the assurance required by clause (B) of subsection (b)(1)) fail to meet the requirements for approval set forth in subsection (b) may be approved upon condition that the applicants give the assurance required by such clause (B) within a reasonable time and upon such other reasonable terms and conditions as he may determine after consultation with the Board.

"(d) In acting upon applications for grants under this section, the Board and the Surgeon General shall take into consideration the relative effectiveness of the proposed facilities in meeting demonstrated needs for additional or improved health science library services, and shall give priority to applications for construction of facilities for which the need is greatest.

"(e) The amount of any grant made under this section shall be that recommended by the Board or such lesser amount as the Surgeon General determines to be appropriate; except that in no event may such amount exceed 75 per centum of the necessary cost of the construction of such facility as determined by him.

"(f) Upon approval of any application for a grant under this section, the Surgeon General shall reserve, from any appropriation available therefor, the amount of such grant as determined under subsection (e), and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine. Such payments shall be made through the disbursement facilities of the Department of the Treasury. The Surgeon General's reservation of any amount under this subsection may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"(g) In determining the amount of any grant under this section, there shall be excluded from the cost of construction an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by grants authorized under this section, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(h) If, within ten years after completion of any construction for which funds have been paid under this section—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit agency or institution, or

"(2) the facility shall cease to be used for health science library purposes, unless the Surgeon General determines, in accordance with regulations prescribed by him after consultation with the Board, that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"(i) For the purposes of carrying out the provisions of this section, there are hereby authorized to be appropriated over a period of four fiscal years, beginning with the fiscal year ending June 30, 1967, such sums, not to exceed $50,000,000 in the aggregate, as may be necessary.

"Grants for Training in Library Sciences

"SEC. 394. In order to carry out the purposes of section 390(b)(2), the Surgeon General may make grants—

"(1) to individuals to enable them to pursue programs of study leading to postbaccalaureate academic degree in health library science, in related fields pertaining to sciences related to health, or in the field of the communication of information;

"(2) to individuals who are librarians or specialists in information on sciences related to health, to enable them to undergo intensive training or retraining so as to attain greater competence in their occupations including competence in the fields of automatic data processing and retrieval;

"(3) to assist appropriate public and private nonprofit institutions in developing, expanding, and improving, training programs in health library science and in the field of communication of information pertaining to sciences related to health; and

"(4) to assist in the establishment of internship programs in health science libraries meeting standards which the Surgeon General shall prescribe.

"Assistance to Special Scientific Projects

"SEC. 395. In order to carry out the purposes of section 390(b)(3), the Surgeon General may establish and maintain fellowships (with such stipends and allowances, including traveling and subsistence expense, as he may deem necessary) to be awarded to physicians, other practitioners in sciences related to health, and scientists for the compilation of existing, or writing of original, contributions (including historical studies) relating to advancements in sciences related to health. In establishing such fellowships, the Surgeon General shall make appropriate arrangements whereby the facilities of the National Library of Medicine and the facilities of libraries of public and private nonprofit institutions of higher learning may be made available in connection with the projects for which such fellowships are established.

"Research and Development in Library Science and Related Fields

"SEC. 396. In order to carry out the purposes of section 390(b)(4), the Surgeon General may make grants to appropriate public or private nonprofit institutions, and may enter into contracts with appropriate persons, for projects of research and investigations in health library science and related activities and for the development of new techniques, systems, and equipment for processing, storing, retrieving, and distributing information pertaining to sciences related to health.

"Grants for Improving and Expanding the Basic Resources of Health Science Libraries and Related Instrumentalities

"SEC. 397. (a) In order to carry out the purposes of section 390(b)(5), the Surgeon General may make grants of money, materials, or both, to public or private nonprofit health science libraries and functionally related scientific communication instrumentalities for the purpose of expanding and improving their basic health science library or related resources. The uses for which grants so made may be employed include, but are not limited to, the following: (1) acquisition of books, journals, photographs, motion pictures and other films, and other similar materials, (2) cataloging, binding, and other services and procedures for processing library resource materials for use by those who are served by the library or related instrumentality, (3) acquisition of duplicating devices, facsimile equipment, film projectors, recording equipment, and other equipment to facilitate the use of the resources of the library or related instrumentality by those who are served by it, and (4) introduction of new technologies in health science librarianship.

"(b)(1) The amount of any grant under this section to any health science library or related instrumentality shall be determined by the Surgeon General on the basis of the scope of library or related services provided by such library or instrumentality in relation to the population and purposes served by it. In making a determination of the scope of services served by any health science library or related instrumentality, the Surgeon General shall take into account the following factors—

"(A) the number of graduate and undergraduate students making use of the resources of such library or instrumentality;

"(B) the number of physicians and other health science practitioners utilizing the resources of such library or instrumentality;

"(C) the type of supportive staffs, if any, available to such library or instrumentality;

"(D) the type, size, and qualifications, of the faculty of any school with which such library or instrumentality is affiliated;

"(E) the staff of any hospital or hospitals or of any clinic or clinics with which such library or instrumentality is affiliated;

"(F) the geographic area served by such library or instrumentality and the availability, within such area, of health science library or related services provided by other libraries or related instrumentalities; and

"(G) such other factors as he may determine to be relevant.

"(2) In no case shall any grant under this section to a health science library or related instrumentality with respect to any fiscal year exceed $200,000, or if less, an amount equal to—

"(A) 60 per centum of the annual operating expenses of such library or related instrumentality, if such fiscal year is the first fiscal year with respect to which a grant under this section is made to it;

"(B)(i) 50 per centum of the annual operating expenses of such library or related instrumentality, or (ii) if less, five-sixths of the amount of its first year grant under this section, if such year is the second fiscal year with respect to which a grant under this section has been made to it;

"(C)(i) 40 per centum of the annual operating expenses of such library or related instrumentality, or (ii) if less, four-fifths of the amount of the second year grant under this section, if such year is the third fiscal year with respect to which a grant under this section has been made to it;

"(D)(i) 30 per centum of the annual operating expenses of such library or related instrumentality, or (ii) if less, three-fourths of the amount of the third year grant under this section, if such year is the fourth fiscal year with respect to which a grant under this section has been made to it;

"(E)(i) 20 per centum of the annual operating expenses of such library or related instrumentality, or (ii) if less, two-thirds of the amount of the fourth year grant under this section, if such year is the fifth fiscal year with respect to which a grant under this section has been made to it.

The 'annual operating expense' of a library or related instrumentality shall, for purposes of the preceding sentence, be an amount equal (if such annual operating expense is to be determined with respect to the first grant to be made to such library or instrumentality under this section) to the amount of the average of the annual operating expenses of such library or instrumentality over the three fiscal years preceding the year in which such grant is applied for; and if such library or related instrumentality has been operating for less than three years prior to applying for such grant, its 'annual operating expense' shall be an amount determined by the Surgeon General pursuant to regulations prescribed by him. For the second or succeeding fiscal year in which a grant is made to a library or related instrumentality, the 'annual operating expense' of such library or related instrumentality shall, for purposes of such sentence, be equal to its operating expense (exclusive of Federal financial assistance under this part) for the preceding fiscal year.

"(c) No grant shall be made under this section unless the application therefor contains or is supported by satisfactory assurance that the amount of such grant will be so used as to supplement the level of funds that would, in the absence of such grant, be made available by the applicant for the purposes of this section, and will in no case supplant such funds.

"Financial Support of Biomedical Scientific Publications

"SEC. 398. (a) In order to carry out the purposes of section 390(b)(7), the Surgeon General may, with the advice of the Board, make grants to, and enter into appropriate contracts with, public or private nonprofit institutions of higher education, nonprofit professional scientific organizations, and individual scientists for the purpose of supporting biomedical scientific publications and to procure the compilation, writing, editing, and publication of reviews, abstracts, indices, handbooks, bibliographies, and related matter pertaining to scientific works and scientific developments.

"(b) Grants under this section in support of any single periodical publication may not be made for more than three years.

"Limitation on Appropriations for Sections 394, 395, 396, 397, and 398

"SEC. 399. For the purpose of carrying out sections 394, 395, 396, 397, and 398, there are hereby authorized to be appropriated not to exceed $4,000,000 for the fiscal year ending June 30, 1966, $7,000,000 for the fiscal year ending June 30, 1967, $10,000,000 for the fiscal year ending June 30, 1968, $12,000,000 for the fiscal year ending June 30, 1969, and $12,000,000 for the fiscal year ending June 30, 1970.

"Grants for Establishment of Regional Health Science Libraries

"SEC. 399A. (a) In order to carry out the purposes of section 390(b)(6), the Surgeon General may, with the advice of the Board, make grants to established public or private nonprofit health science libraries so as to enable each of them to serve as the regional health science library for the geographical area in which it is located.

"(b) The uses for which grants under this section may be made include, but are not limited to—

"(1) acquisition of books, journals, photographs, motion picture and other films, and other similar materials;

"(2) cataloging, binding, and other services and procedures for processing library resource materials for use by those who are served by the library;

"(3) acquisition of duplicating devices, facsimile equipment, film projectors, recording equipment, and other equipment to facilitate the use of the resources of the library by those who are served by it;

"(4) introduction of new technologies in health science librarianship;

"(5) acquisition of mechanisms and employment of personnel for the speedy transmission of materials from the regional library to local libraries in the geographic area served by the regional library; and

"(6) effective with respect to fiscal years beginning after June 30, 1966, construction necessary in order that such library may carry out its proper functions as a regional library.

"(c)(1) Grants under this section shall be made only to health science libraries which agree (A) to modify and increase their library resources so as to be able to provide supportive services to other libraries in the region as well as individual users of library services, and (B) to provide free loan services to qualified users, and make available photo-duplicated or facsimile copies of biomedical materials which qualified requesters may retain.

"(2) The Surgeon General, in awarding grants under this section, shall give priority to health science libraries having the greatest potential for functioning as regional health science libraries. In determining the priority to be assigned to any health science library, he shall consider—

"(A) the need for such library, as determined by the levels of research, teaching, and other activities in sciences related to health in support of which such library is utilized, in relation to other existing health science library and related communication services in the region;

"(B) the adequacy of the library (in terms of collections, personnel, equipment, and other facilities) as a basis for a regional health science library; and

"(C) the size and nature of the population to be served in the region in which the library is located.

"(d)(1) Grants under this section for construction shall be made in the same manner and subject to the same conditions as are provided for grants made under section 393, except that the eligibility for any such grant shall, in lieu of the criterion set forth in section 393(b)(2), be determined on the basis of the need for such construction in order to enable the library to serve as a regional health science library. Grants under this section for purposes set forth in subsection (b)(1) through (5) of this section may not exceed (A) 50 per centum of the library's annual operating expense (exclusive of Federal financial assistance under this subpart) for the preceding year; or (B) in case of the first year in which the library receives a grant under this section for such purposes, 50 per centum of its average annual operating expenses over the past three years (or if it had been in operation for less than three years, its annual operating expenses determined by the Surgeon General in accordance with regulations prescribed by him).

"(2) No grant shall be made under this section for purposes set forth in subsection (b)(1) through (5) unless the application for such grant contains or is supported by satisfactory assurance that such grant will be so used as to supplement the level of funds that would, in the absence of such grant, be made available by the applicant for such purposes, and will in no case supplant such funds.

"(e) Whenever the Surgeon General, with the advice of the Board, determines that—

"(1) in any geographic area of the United States, there is no regional health science library adequate to serve such area;

"(2) under the criteria prescribed in the preceding subsections of this section there is a need for a regional health science library to serve such area; and

"(3) there is located in such area no health science library which, under the provisions of the preceding subsections of this section, can feasibly be developed into a regional health science library adequate to serve such area,

he is authorized to establish and maintain, as a branch of the National Library of Medicine, a regional health science library to serve the needs of such area. The provisions of sections 381 through 386 of subpart 1 shall, so far as applicable, apply for the purposes of this subsection, subject to subsection (f).

"(f) For the purpose of carrying out this section, there are hereby authorized to be appropriated not to exceed $1,500,000 for the fiscal year ending June 30, 1966, $3,000,000 for the fiscal year ending June 30, 1967, $5,500,000 for the fiscal year ending June 30, 1968, $6,000,000 for the fiscal year ending June 30, 1969, and $6,500,000 for the fiscal year ending June 30, 1970."

"Continuing Availability of Appropriated Funds

"SEC. 399B. Funds appropriated to carry out any of the purposes of this subpart for any fiscal year shall remain available for obligation for such purposes for the fiscal year immediately following the fiscal year for which they were appropriated. Payments pursuant to any section of this subpart may be made in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe after consultation with the Board."

Compensation of Members of the Board of Regents of the National Library of Medicine

SEC. 3. Subsection (d) of the section of the Public Health Service Act which is redesignated as section 383 by section 2 of this Act is amended by striking out "$50" and inserting in lieu thereof "$75".

Other Authority Not Affected

SEC. 4. Nothing in this Act shall be construed as limiting the authorities and responsibilities, under any other provision of the Public Health Service Act or any other law, of the Surgeon General, the Public Health Service, or the Secretary of Health, Education, and Welfare.

AMENDMENT OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Speaker, I offer an amendment.

The CLERK. The amendment offered by Mr. HARRIS is to strike out all after the enacting clause of S. 597 and insert in lieu thereof the following:

SECTION 1. This Act may be cited as the "Medical Library Assistance Act of 1965".

SEC. 2. Title III of the Public Health Service Act is amended by inserting at the end thereof the following new part:

"PART I—ASSISTANCE TO MEDICAL LIBRARIES

"Declaration of policy and statement of purpose

"SEC. 390. (a) The Congress hereby finds and declares that (1) the unprecedented expansion of knowledge in the health sciences within the past two decades has brought about a massive growth in the quantity, and major changes in the nature of, biomedical information, materials, and publications; (2) there has not been a corresponding growth in the facilities and techniques necessary adequately to coordinate and disseminate among health scientists and practitioners the ever increasing volume of knowledge and information which has been developed in the health science field; (3) much of the value of the ever increasing volume of knowledge and information which has been, and continues to be, developed in the health science field will be lost unless proper measures are taken in the immediate future to develop facilities and techniques necessary to collect, preserve, store, process, retrieve, and facilitate the dissemination and utilization of, such knowledge and information.

"(b) It is therefore the policy of this part to—

"(1) assist in the construction of new, and the renovation, expansion, or rehabilitation, of existing medical library facilities;

"(2) assist in the training of medical librarians and other information specialists in the health sciences;

"(3) assist through the awarding of special fellowships to physicians and other practitioners in the sciences related to health and scientists, in the compilation of existing, and the creation of additional, written matter which will facilitate the distribution and utilization of knowledge and information relating to scientific, social and cultural advancements in sciences related to health;

"(4) assist in the conduct of research and investigations in the field of medical library science and related activities, and in the development of new techniques, systems and equipment for processing, storing, retrieving, and distributing information in the sciences related to health;

"(5) assist in improving and expanding the basic resources of medical libraries and related facilities;

"(6) assist in the development of a national system of regional medical libraries each of which would have facilities of sufficient depth and scope to supplement the services of other medical libraries within the region served by it; and

"(7) provide financial support to biomedical scientific publications.

"Definitions

"SEC. 391. As used in this part—

"(1) the term 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto;

"(2) the terms 'National Medical Libraries Assistance Advisory Board' and 'Board' mean the Board of Regents of the National Library of Medicine established under section 373(a) of this Act;

"(3) the terms 'construction' and 'cost of construction', when used with reference to any medical library facility, include (A) the construction of new buildings, and the expansion, remodeling, and alteration of existing buildings, including architects' fees, but not including the cost of acquisition of land or off-site improvements, and (B) equipping new buildings and existing buildings (whether or not expanded, remodeled, or altered) for use as a library (including provision of automatic data processing equipment), but not with books, pamphlets, or related material;

"(4) the term 'medical library' means a library related to the sciences related to health.

"NATIONAL MEDICAL LIBRARIES ASSISTANCE BOARD

"SEC. 392. (a) The Board of Regents of the National Library of Medicine established pursuant to section 373(a) shall, in addition to its functions prescribed under section 373, constitute and serve as the National Medical Libraries Assistance Advisory Board (hereinafter in this part referred to as the 'Board').

"(b) The Board shall—

"(1) advise and assist the Surgeon General in the preparation of general regulations and with respect to policy matters arising in the administration of this part, and

"(2) consider all applications for construction grants under this part and make to the Surgeon General such recommendations as it deems advisable with respect to (A) the approval of such applications, and (B) the amount which should be granted to each applicant whose application, in its opinion, should be approved.

"(c) The Surgeon General is authorized to use the services of any member or members of the Board, in connection with matters related to the administration of this part, for such periods, in addition to conference periods, as he may determine.

"(d) Appointed members of the Board who are not otherwise in the employ of the United States, while attending conferences of the Board or otherwise serving at the request of the Surgeon General in connection with the administration of this part, shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 373(d), when attending conferences, traveling, or serving at the request of the Surgeon General in connection with the administration of part H which deals with the National Library of Medicine.

"Assistance for construction of facilities

"SEC. 393. (a) In carrying out the purposes of section 390(b)(1), the Surgeon General may, upon application of any public or private nonprofit agency or institution, make grants to such agency or institution toward the cost of construction of any medical library facility to be constructed by such agency or institution.

"(b) A grant under this section may be made only if the application therefor is recommended for approval by the Board and is approved by the Surgeon General upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than twenty years after completion of construction, the facility will be used as a medical library facility, (B) subject to subsection (c), sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the proposed construction is necessary to meet the demonstrated needs for additional or improved medical library facilities in the community or area in which the proposed construction is to take place;

"(3) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on projects of the type covered by the Davis-Bacon Act, as amended, will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(c) Within such aggregate monetary limit as the Surgeon General may prescribe, after consultation with the Board, applications which (solely by reason of the inability of the applicants to give the assurance required by clause (B) of subsection (b)(1) fail to meet the requirements for approval set forth in subsection (b) may be approved upon condition that the applicants give the assurance required by such clause (B) within a reasonable time and upon such other reasonable terms and conditions as he may determine after consultation with the Board.

"(d) In acting upon applications for grants under this section, the Board and the Surgeon General shall take into consideration the relative effectiveness of the proposed facilities in meeting demonstrated needs for additional or improved medical library services, and shall give priority to applications for construction of facilities for which the need is greatest.

"(e) The amount of any grant made under this section shall be that recommended by the Board or such lesser amount as the Surgeon General determines to be appropriate; except that in no event may such amount exceed 75 per centum of the necessary cost of the construction of such facility as determined by him.

"(f) Upon approval of any application for a grant under this section, the Surgeon General shall reserve, from any appropriation available therefor, the amount of such grant as determined under subsection (e), and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine. Such payments shall be made through the disbursement facilities of the Department of the Treasury. The Surgeon General's reservation of any amount under this subsection may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"(g) In determining the amount of any grant under this section, there shall be excluded from the cost of construction an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by grants authorized under this section, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(h) If, within twenty years after completion of any construction for which funds have been paid under this section—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit institution, or

"(2) the facility shall cease to be used for medical library purposes, unless the Surgeon General determines, in accordance with regulations prescribed by him after consultation with the Board, that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"(i) For the purposes of carrying out the provisions of this section, there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1967, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $10,000,000 for any fiscal year, as may be necessary.

"Grants for training in medical library sciences

"SEC. 394. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(2), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $1,000,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General in making grants—

"(1) to individuals to enable them to accept traineeships and fellowships leading to postbaccalaureate academic degrees in the field of medical library science, in related fields pertaining to sciences related to health, or in the field of the communication of information;

"(2) to individuals who are librarians or specialists in information on sciences relating to health, to enable them to undergo intensive training or retraining so as to attain greater competence in their occupations (including competence in the fields of automatic data processing and retrieval);

"(3) to assist appropriate public and private nonprofit institutions in developing, expanding, and improving, training programs in library science and the field of communications of information pertaining to sciences relating to health; and

"(4) to assist in the establishment of internship programs in established medical libraries meeting standards which the Surgeon General shall prescribe.

"(b) Payment pursuant to grants made under this section may be made in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulation after consultation with the Board.

"Assistance to special scientific projects

"SEC. 395. In order to enable the Surgeon General to carry out the purposes of section 390(b)(3), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $500,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General for the establishment of special fellowships to be awarded to physicians and other practitioners in the sciences related to health and scientists for the compilation of existing, or writing of original, contributions relating to scientific, social, or cultural, advancements in sciences related to health. In establishing such fellowships, the Surgeon General shall make appropriate arrangements whereby the facilities of the National Library of Medicine and the facilities of libraries of public and private nonprofit institutions of higher learning may be made available in connection with the projects for which such fellowships are established.

"Research and development in medical library science and related fields

"SEC. 396. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(4), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $3,000,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General in making grants to appropriate public or private nonprofit institutions and entering into contracts with appropriate persons, for purposes of carrying out projects of research and investigations in the field of medical library science and related activities and for the development of new techniques, systems and equipment, for processing, storing, retrieving, and distributing information pertaining to sciences related to health.

"(b) Payment pursuant to grants made under this section may be in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulations after consultation with the Board.

"Grants for improving and expanding the basic resources of medical libraries and related instrumentalities

"SEC. 397. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(5), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $3,000,000 for any fiscal year, as may be necessary.

"(b) Sums made available under this section shall be utilized by the Surgeon General for making grants of money, materials, or both, to public or private nonprofit medical libraries and related scientific communication instrumentalities for the purpose of expanding and improving their basic medical library or related resources. The uses for which grants so made may be employed include, but are not limited to, the following: (A) acquisition of books, journals, photographs, motion picture and other films, and other similar materials, (B) cataloging, binding, and other services and procedures for processing library resource materials for use by those who are served by the library or related instrumentality, and (C) acquisition of duplication devices, facsimile equipment, film projectors, recording equipment, and other equipment to facilitate the use of the resources of the library or related instrumentality by those who are served by it, and (D) introduction of new technologies in medical librarianship.

"(c)(1) The amount of any grant under this section to any medical library or related instrumentality shall be determined by the Surgeon General on the basis of the scope of library or related services provided by such library or instrumentality in relation to the population and purposes served by it. In making a determination of the scope of services served by any medical library or related instrumentality, the Surgeon General shall take into account the following factors—

"(A) the number of graduate and undergraduate students making use of the resources of such library or instrumentality;

"(B) the number of physicians and other practitioners in the sciences related to health utilizing the resources of such library or instrumentality;

"(C) the type of supportive staffs, if any, available to such library or instrumentality;

"(D) the type, size, and qualifications of the faculty of any school with which such library or instrumentality is affiliated;

"(E) the staff of any hospital or hospitals or of any clinic or clinics with which such library or instrumentality is affiliated; and

"(F) the geographic area served by such library or instrumentality and the availability, within such area, of medical library or related services provided by other libraries or related instrumentalities.

"(2) In no case shall any grant under this section to a medical library or related instrumentality during any fiscal year exceed $200,000, or, if lesser, an amount equal to—

"(A) 60 per centum of the annual operating expenses of such library or related instrumentality, if such fiscal year is the first fiscal year with respect to which a grant under this section is made to it;

"(B) (i) 50 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, five-sixths of the amount of its first year grant under this section, if such year is the second fiscal year with respect to which a grant under this section has been made to it;

"(C) (i) 40 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, four-fifths of the amount of the second year grant under this section, if such year is the third fiscal year with respect to which a grant under this section has been made to it;

"(D) (i) 30 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, three-fourths of the amount of the third year grant under this section, if such year is the fourth fiscal year with respect to which a grant under this section has been made to it; and

"(E) (i) 20 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, two-thirds of the amount of the fourth year grant under this section, if such year is the fifth fiscal year with respect to which a grant under this section has been made to it.

The 'annual operating expense' of a library or related instrumentality shall, for purposes of the preceding sentence, be an amount equal (if such annual operating expense is to be determined with respect to the first grant to be made to such library or instrumentality under this section) to the amount of the average of the annual operating expenses of such library or instrumentality over the three fiscal years preceding the year in which such grant is applied for; and if such library or related instrumentality has been operating for less than three years prior to applying for such grant, its 'annual operating expense' shall be an amount determined by the Surgeon General pursuant to regulations prescribed by him. For the second or succeeding fiscal year in which a grant is made to a library or related instrumentality, the 'annual operating expense' of such library or related instrumentality shall, for purposes of such sentence, be equal to its operating expense (exclusive of Federal financial assistance under this part) for the preceding fiscal year.

"Grants for establishment of regional medical libraries

"SEC. 398. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(6), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $2,500,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General, with the advice of the Board, to make grants to existing public or private nonprofit medical libraries so as to enable each of them to serve as the regional medical library for the geographical area in which it is located.

"(b) The uses for which grants made under this section may be employed include, but are not limited to, the following—

"(1) acquisition of books, journals, and other similar materials;

"(2) cataloging, binding, and other procedures for processing library resource materials for use by those who are served by the library;

"(3) acquisition of duplicating devices and other equipment to facilitate the use of the resources of the library by those who are served by it;

"(4) acquisition of mechanisms and employment of personnel for the speedy transmission of materials from the regional library to local libraries in the geographic area served by the regional library; and

"(5) construction, renovation, rehabilitation, or expansion of physical plant considered necessary by such library to carry out its proper functions as a regional library.

"(c)(1) Grants under this section shall be made only to medical libraries which agree (A) to modify and increase their library resources so as to be able to provide supportive services to other libraries in the region as well as individual users of library services, (B) to provide free loan services to qualified users, and make available photoduplicated or facsimile copies of biomedical materials which qualified requesters may retain.

"(2) The Surgeon General, in awarding grants under this section, shall give priority to medical libraries having the greatest potential of fulfilling the needs for regional medical libraries. In determining the priority to be assigned to any medical library, he shall consider—

"(A) the need of such library, as determined by the levels of research, teaching, and medical activities of the library in relation to other existing library and medical communication services in the region;

"(B) the adequacy of the library (in terms of collections, personnel, equipment, and other facilities) as a basis for a regional medical library; and

"(C) the size and nature of the population to be served in the region in which the library is located.

"(d) Grants under this section for construction, renovation, rehabilitation, or expansion of physical plant shall be made in the same manner and subject to the same conditions as are provided for grants made under section 393, except that the eligibility for any such grant would be determined on the basis of the construction requirements of the library so as to be able to serve as a regional medical library. Grants under this section for basic resource materials to a library may not exceed 50 per centum of the library's annual operating expense (exclusive of Federal financial assistance under this part) for the preceding year; or in case of the first year in which the library receives a grant under this section for basic resource materials, 50 per centum of its average annual operating expenses over the past three years (or if it had been in operation for less than three years, its annual operating expenses determined by the Surgeon General in accordance with regulations prescribed by him).

"(e) Payment pursuant to grants made under this section may be made in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulations after consultation with the Board.

"Financial support of biomedical scientific publications

"SEC. 399. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(7), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $1,000,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General, with the advice of the Board, in making grants to, and entering into appropriate contracts with, public or private nonprofit institutions of higher education and individual scientists for the purpose of supporting biomedical scientific publications of a nonprofit nature and to procure the compilation, writing, editing, and publication of reviews, abstracts, indices, handbooks, bibliographies, and related matter pertaining to scientific works and scientific developments.

"(b) Grants under this section in support of any single periodical publication may not be made for more than three years.

"(c) Payment pursuant to grants made under this section may be made in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulations after consultation with the Board.

"Continuing availability of appropriated funds

"SEC. 399a. Funds appropriated to carry out any of the purposes of this part for any fiscal year shall remain available for such purposes for the fiscal year immediately following the fiscal year for which they were appropriated.

"Records and audit

"SEC. 399b. (a) Each recipient of a grant under this part shall keep such records as the Surgeon General shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to any grant received under the provisions of this part."

Regional branches of the National Library of Medicine

SEC. 3. Part H of title III of the Public Health Service Act which deals with the National Library of Medicine is amended by adding at the end thereof the following new section:

"Regional branches of the National Library of Medicine

"SEC. 378. (a) Whenever the Surgeon General, with the advice of the Board, determines that—

"(1) in any geographic area of the United States, there is no regional medical library adequate to serve such area;

"(2) under the criteria prescribed in section 398, there is a need for a regional medical library to serve such area; and

"(3) because there is located in such area no medical library which, under the provisions of section 398, can feasibly be developed into a regional medical library adequate to serve such area, he is authorized to establish, as a branch of the National Library of Medicine, a regional medical library to serve the needs of such area.

"(b) For the purpose of establishing branches of the National Library of Medicine under this section, there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed $2,000,000 for any fiscal year, as may be necessary. Sums appropriated pursuant to this section for any fiscal year shall remain available until expended."

Compensation of members of the board of regents of the National Library of Medicine

SEC. 4. Part H of title III of the Public Health Service Act which deals with the National Library of Medicine is amended by striking out, in section 373(d) thereof, "$50" and inserting in lieu thereof "$75".

Amend the title so as to read: "An Act to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An Act to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days in which to extend their remarks in the Record at the appropriate place on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

JEFFERSON NATIONAL EXPANSION MEMORIAL

Mr. JONES of Missouri. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6519) to amend the act of May 17, 1954 (68 Stat. 98), as amended, providing for the construction of the Jefferson National Expansion Memorial at the site of old St. Louis, Mo., and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6519, with Mr. Weltner in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Missouri [Mr. Jones] will be recognized for 30 minutes, and the gentleman from California [Mr. Lipscomb] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. JONES of Missouri. Mr. Chairman, I yield myself 5 minutes.

H.R. 6519 is a bill introduced by the gentlewoman from Missouri [Mrs. Sullivan]. In addition to H.R. 6519 there are four other identical House bills: H.R. 6520, by Mr. Karsten; H.R. 6521, by Mr. Curtis; H.R. 6522, by Mr. Price; and H.R. 6523, by Mr. Cunningham. An identical Senate bill, S. 1576, passed the Senate June 17, 1965.

H.R. 6519 would increase the appropriation authorization for the completion of construction of the Jefferson National Expansion Memorial at the site of the old St. Louis, Mo., from $17,250,000 to $23,250,000.

On June 15, 1934 the Congress established the U.S. Territorial Expansion Memorial Commission, to formulate plans for designing and constructing a permanent memorial to the westward expansion of the Nation. Actual clearing of the site of old St. Louis began in 1935 with a Federal appropriation of $6,750,000 and $2,250,000 contributed on a 3 to 1 matching basis by the city of St. Louis.

In 1947, the Commission chose a design—a museum, grand center steps, and visitor center design of Architect Eero Saarinen, dominated by a 630-foot-high stainless steel gateway arch facing the Mississippi River.

By the act of 1954, Congress authorized appropriations for the construction of the memorial. By this and subsequent actions, Congress has authorized and appropriated $17,250,000 in Federal funds for the project, stipulating that expenditures be made on the basis of three Federal dollars for every one non-Federal—city of St. Louis and other sources—dollar made available. The city of St. Louis has assured the Park Service of its intent to continue to participate in sharing the cost of completion.

In order to complete the project a further expenditure of about $8 million is needed on the same cost-sharing basis. The U.S. Territorial Expansion Memorial Commission, which includes in its membership Senator CLINTON ANDERSON, chairman; Senator WAYNE MORSE, Senator ROMAN HRUSKA, Representatives FRANK KARSTEN, WAYNE HAYS, and GLENN CUNNINGHAM, met in St. Louis, November 24, 1964. The Commission inspected the site, inquiring into all the details of the construction of the project, including costs, and passed unanimously a resolution requesting the Congress to authorize the appropriation of an additional $6 million to be matched by $2 million in additional funds to be supplied by the city of St. Louis and local contributions. The Commission found that without these additional funds this national memorial to commemorate the Nation's expansion westward could not be completed and made usable by the many visitors who will be attracted to the area.

In considering H.R. 6519, it is an important fact that the memorial must be finished in order to protect the already large investment that has been made in the project.

Mr. Chairman, I yield such time as she may desire to the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Chairman, I consider it a great honor this afternoon to come before the Congress and ask for the consideration and passage of H.R. 6519 authorizing appropriations for $6 million for work to be done on the Jefferson National Expansion Memorial. This, as you know, is a national project—not local. Under the terms of the Federal-local participation agreement, St. Louis will match this additional $6 million with $2 million of local funds, just as all other funds provided for the memorial have been matched on a 3-to-1 basis by the city.

Mr. Chairman, many Members who have passed through St. Louis in the past year are familiar with the spectacular beauty of the plan designed by the late Eero Saarinen for the riverfront in St. Louis to memorialize the Louisiana Purchase, the Lewis and Clark Expedition, and the opening of the great American West. I hope every American will have a chance in his or her lifetime to see the sweep of the great arch that will be completed within the next several weeks.

This memorial is located on the banks of the Mississippi River and is in my congressional district. As a freshman Member of the House in 1954, it was one of my greatest honors to be accorded the privilege of sponsoring the legislation which authorized the memorial and the expenditure of Federal funds for construction work. It is this act of May 17, 1954, which this bill would amend, to increase the total authorization.

We have had some unusual engineering challenges in the construction of the magnificent arch—there has never been anything like this before in all engineering history. It is a breathtaking thing.

The authorization we are asking for today is to be spent as follows:

To complete the interior finish of the visitor center, Museum of Westward Expansion, and theater: $2,706,000.

Exhibits and orientation film for Museum of Westward Expansion: $1,300,000.

Subdrainage, grading, landscaping: $3,028,000.

The grand center steps, 300 feet wide at bottom, 700 feet wide at top: $921,000.

Total needed: $7,955,000.

This bill passed the Senate several months ago. Our State legislature has passed the enabling legislation so that St. Louis can provide its share of the funds. Generous donations have come from local businessmen. Also the trustees of the Albert P. Greensfelder Trusts have tendered a donation of $750,000 to match the Federal funds of $2,250,000 needed to complete the Museum of Westward Expansion.

Further evidence of the cooperative spirit that surrounds this project is the agreement of the Bi-State Development Agency to finance the approximately $3,300,000 needed for the transportation system which will carry visitors from the underground center up through the legs of the gateway arch to the observation station at its summit.

This system, which Bi-State Development Agency will operate under an agreement with the National Park Service, will consist of two small trains, two elevators, and stairways, all within the legs of the arch.

I am sure that every Member of Congress would be as thrilled as I am if they could stand under this arch and look at this 630-foot high shining arch of stainless steel reaching up to the skies.

The railroad tracks which previously were elevated along this levee have been depressed and are in a cut and fill. These are double-line railroad tracks serving the Terminal Railroad Association of St. Louis, major access into the railroad operations in St. Louis.

Rising in front is a grand center staircase. The framing for this staircase has been completed as a part of the work that has already been finished. There is an item of some $900,000 in this program here for the completion of these grand center stair steps.

To the south, is a river overlook. This building has been completed, but the museum inside of it has not been completed. It is here in this museum that we propose to tell the story of river transportation and the part that river transportation played in the settlement and expansion of the West.

To the north, at the other end of the memorial, is another complementary river overlook, at which we propose to tell the story of railroad transportation and the part that the railroad played in the expansion of the West.

There are landscaped areas through here, and involving subdrainage as well as filling, grading, the planting of landscape material. The sum of $3 million of this program is involved in the $8 million, needed for completion.

As you approach the gateway arch, a model of which is here in front of you, you go underground at either side into the visitors' entrance. Here, in 12 galleries, we propose to tell the history of westward expansion, beginning with the Lewis and Clark Expedition of 1804, the miners' frontier, and all of the other frontiers that went into the settlement of the great western part of our Nation, culminating in a 12th and final gallery, at which we propose to tell the impact of this westward migration upon the influence, upon the heritage of our country and the influence that it had in shaping the great institutions of our country.

This gateway arch is a structure some 630 feet high, beginning 54 feet on all 3 sides, tapering to 17.5 feet thick at the top. It is a sandwich type of construction with carbon steel on the inside, stainless steel on the outside, filled with concrete to elevation of about 300 feet, and from there on, a hollow frame steel construction.

There will be underground in the visitors' center, a trainloading platform which will take passengers to the top of the arch, at which there is an observation platform and viewing windows on either side, accommodating about 240 people.

These trains will operate up and back in each direction in the summertime, when the crowds are expected—we expect they will operate up and deadhead back so as to move the visitors to the top of the observation platform.

The transportation system inside this arch is being financed by a revenue bond issue of the Bi-State Development Agency, created by compact between Missouri and Illinois for the development of transportation and other facilities in our great metropolitan area, and they have come forward with a revenue bond to finance and operate this train system inside the arch so there is no cost involved to the Federal Government in the installation of this equipment.

There is a great open mall, extending westward to the old courthouse, which is to remain the principal headquarters for the memorial there, and this great mall extends on through to 21st Street and culminates at Washington University on the edge of the city of St. Louis.

I am certain this gateway arch will become one of the wonders of the world and will be as significant to the Middle West as the Pyramids have been to Egypt, Eiffel Tower to Paris, and the Washington Monument to our Nation's Capital.

We, in the St. Louis area, are thrilled beyond words that the completion of this arch, with the two giant arched legs meeting at the top, will be accomplished within the next 2 weeks. There remains to be completed the items mentioned for which additional matching funds are being requested. I am grateful for the enthusiastic assistance we have received in making this spectacular project possible. Without the authorization contained in this legislation, we would have this magnificent arch located within a sea of mud—and the beauty of the scene from a distance would be marred by ugliness at close range.

Mr. KARSTEN. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Missouri.

Mr. KARSTEN. Mr. Chairman, I know the hour is late, but I should like to take just a moment to join my colleague, the distinguished gentlewoman from Missouri [Mrs. SULLIVAN] in urging the approval of this legislation.

Mr. Chairman, my interest in this project is twofold. First, as a St. Louisan, I have a very deep, personal interest in seeing the memorial completed.

But my second interest rests on a somewhat different foundation. For over 15 years, it has been my privilege to serve as a Member of the U.S. Territorial Expansion Memorial Commission. This Commission, which is composed of Members of the House, the other body, and the public, is charged by law with the responsibility for the development of the memorial to Thomas Jefferson on the banks of the Mississippi River in St. Louis, Mo.

The Commission last met in November 1964, in St. Louis, to inspect the project and examine plans for the final phases of its completion. We found that construction has generally proceeded on schedule but that funds were not available for four major components of the memorial.

The first of these items is the visitors' center, the museum and theater, which are located in the underground structure beneath the legs of the arch. About $2.7 million will be needed to complete the structure.

The second item comprises the exhibits for the museum. This is about 30 percent complete and an additional amount of $1.3 million will be required for the remainder.

The third item includes grading, landscaping, and drainage, and for this funds in the amount of about $3 million will be required.

Finally, a series of steps are planned to link the memorial to the land and the Mississippi River. The cost of this item will be a little over $900,000.

During the meeting of the Commission a resolution was unanimously adopted requesting the Congress to authorize the appropriation of the additional funds provided in this bill. Under the financing formula, the Federal Government will contribute these funds, to which the city of St. Louis will add an additional $2 million.

I cannot conceive that the House would let this memorial go unfinished and I urge my colleagues to favorably consider the pending legislation, which will enable the completion of the project in a manner which will be fitting and proper for a memorial of such great significance as this one.

Mr. LIPSCOMB. Mr. Chairman, I yield myself as much time as is necessary.

Mr. Chairman, as pointed out by the gentleman from Missouri, this bill was passed out of the Committee on House Administration unanimously. We were perfectly willing to go along with the additional $6 million in authorizations. This project has been in progress since 1934. It has been determined that approximately $8 million more is needed to finish the job—$6 million of this will be Federal funds and the other $2 million will be contributed by non-Federal sources. I believe it should be pointed out at this time, as an example to this Congress, that we should watch this type thing in the future when we work on authorization bills.

We originally authorized $17,250,000. Now several years later we have to come back and ask for another $6 million to finish the job. I think it would be well in the future on all authorization bills to find out specifically what the costs are going to be so that we will not have to authorize additional funds.

Mr. Chairman, I support this measure. This is going to be a worthwhile project upon completion. It will be worthy of our country. At the same time I hope that in the future on authorization bills of this nature we will get better cost figures so that we can do a better job in authorizing the money.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I yield.

Mr. WATSON. Mr. Chairman, I was not here when this measure was passed earlier but I find it difficult to understand how they could miss it by $6 million. Is there any explanation? I am trying to get a little information about what caused the miscalculation as to the cost.

Mr. LIPSCOMB. Mr. Chairman, the project was originally started in 1934 under an Executive order by President Roosevelt. It was one of the public works programs with an original authorization of $6,750,000. In 1954 the Congress authorized for appropriation $17,250,000. It has taken a long time to put this project into effect and in the meantime costs of construction have risen over 31 percent.

This is one of the problems in the increase of authorization requests. Maybe the gentlewoman from Missouri [Mrs. SULLIVAN], who is familiar with this project, could answer further in this regard.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I yield.

Mrs. SULLIVAN. The answer the gentleman gave is absolutely correct. The first appropriation authorization was back in 1956 or 1957. Prices have risen. We were able to construct the arch itself and the building underneath, but we have not been able to construct the landscaping and finish the visitors' center. As I described at the end of my remarks the arch as finished is just in a sea of mud. It is not going to do any good unless we have the museum and the other things which are going to tell the story of the trek to the West. This was the reason for the memorial in the first place.

Mr. WATSON. Mr. Chairman, will the gentleman yield further?

Mr. LIPSCOMB. I yield.

Mr. WATSON. Mr. Chairman, I appreciate the lady's explanation. Could there be any explanation after this 30-year period of the extravagance in the cost of building this arch? What is the explanation for finding this operation in a mud hole instead of being completed as I assume the project initially should have been completed in a period of less than 30 years?

Mrs. SULLIVAN. There were the delays of World War II and other causes on which money had to be spent instead of spending it on a memorial. So we very graciously delayed our request for authorizations until 1954 when the first authorization was made.

Mr. WATSON. So actually there has been no change in the plans for the arch itself?

Mrs. SULLIVAN. No. I want to say that this is the first and only kind of arch or monument of this type that has ever been built. It is one of the most interesting things in the country. May I say that when this arch and its appurtenances are finished it will stand out like the Pyramids of Egypt or the Eiffel Tower of Paris or the Washington Monument in the Nation's Capital.

Mr. WATSON. Mr. Chairman. I appreciate the gentlelady's explanation of why it has been in this long process of building. I hope it will stand out as she believes.

But, I think it might be helpful to the House of Representatives and to the Committee on House Administration if we know the name of the architect. Anyone who can miss the cost of a building by $6 million, when he estimated it would cost $17 million initially, I do not believe we would need his architectural services in the future.

Mrs. SULLIVAN. He is now deceased. His name is Saarinen and he enjoyed world renown.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Chairman, I was privileged to be appointed as one of the three Members of the House to serve on this Territorial Expansion Memorial Commission. I am familiar with the project. It is a great project. It needs $6 million more from us in order to be completed. We cannot have this thing dangling in the air.

So, Mr. Chairman, I hope that this House will overwhelmingly approve this request. This happens to be something of historical significance and I, for one Member, believe in perpetuating our historic ancestors and what they did. This has to do with the Louisiana Purchase, and that affects my State and affects many States in the Union.

Mr. Chairman, I have gone over this very carefully and I do not believe it represents an unusual request. Prices have gone up, and I certainly hope this legislation will be approved.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Could the gentleman answer a question? The time period of 1954–55 has been used several times in relation to this project. It runs through my mind that this is about the same time that the Rayburn House Office Building was authorized. Would it be possible that the same person who made the estimate on this arch also made the estimate on the Rayburn Building?

Mr. LIPSCOMB. The gentleman from Ohio would know as well as I.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. LIPSCOMB. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I hope we may have some assurance today from some proponent of this bill or resolution that this will be the last call upon the Federal Treasury for funds with respect to this memorial. I wonder if we could have that assurance?

Mrs. SULLIVAN. Mr. Chairman, will the gentleman from California yield to me to respond to the gentleman from Iowa?

Mr. LIPSCOMB. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I shall be glad to give that assurance. I have pointed out in my remarks that I have extended in the Record and have explained the fact that we have had large contributions from our business concerns in St. Louis toward the construction of this project and who want to see this project completed. We have had, for instance, a $750,000 contribution from a large trust fund with which to work in placing the items in the museum.

We have also had our State finance commission to advance $3⅓ million to finish the transportation inside the arch. When the arch was initially under consideration and after the bids had come in, they were so much higher than had been anticipated that there was no money left for the transportation system to take the visitors up to the observation tower. So revenue bonds were authorized to be sold in order to build the transportation system inside the arch which eventually the visitors will use in going up the arch and will pay off these bonds.

Mr. Chairman, I can assure the gentleman from Iowa that no more funds are going to be requested from the Government. The city of St. Louis has put up its share on the basis of 1 to 3 in this Federal-local contribution project and we are ready to move as soon as we have this authorizing legislation.

Mr. GROSS. I thank the gentlewoman from Missouri for the assurance that she has given to the Members of the House that this will be the last time around.

Mrs. SULLIVAN. I thank the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from California for yielding.

Mr. LIPSCOMB. Mr. Chairman, I reserve the balance of my time.

Mr. JONES of Missouri. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Vigorito].

Mr. VIGORITO. Mr. Chairman, the first time I was in Paris I saw the Eiffel Tower there and in my opinion it was a steel monstrosity. That is exactly what I think of this arch going up in St. Louis. It is a steel monstrosity. I am appalled to find out we are spending millions of dollars for this ridiculous thing. Would it not be cheaper to take an old battleship left over from World War II and stand it on end? It would save us a lot of money. This is ridiculous.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Vigorito] yields back 1 minute.

Mr. WATSON. Mr. Chairman, will the gentleman from Missouri [Mr. Jones] yield to me so that I may ask another question?

Mr. JONES of Missouri. I yield to the gentleman.

Mr. WATSON. From the tenor of the questions I asked earlier, it might be assumed that I have some mixed feelings about this measure—and the assumption is correct. But do I understand correctly, the gentlewoman to say that you are going to have an elevator in this arch?

Mr. JONES of Missouri. Yes, sir; there will be an elevator.

Mr. WATSON. My concern is that if it has taken so long to complete it as they have thus far, if any of us have the privilege to go out there, it will take an elevator for us to get up there. With that assurance, I will go along and I hope that eventually it will be completed.

Mr. JONES of Missouri. We will give you a free pass on the elevator.

Mr. RANDALL. Mr. Chairman, I rise to support H.R. 6519, a bill to amend the act of 1964 providing for the construction of the Jefferson National Expansion Memorial in St. Louis, Mo.

As a member of the Missouri delegation in the House of Representatives such support could be expected. Let me hasten to point out, however, that the great arch to be built on the banks of the Mississippi River is not for Missouri alone. It is a permanent memorial to the westward expansion of our Nation. It is a memorial to the Louisiana Purchase and the growth that followed in the Mississippi and Missouri Valleys. Finally, it is a national memorial to those many persons who made possible this territorial expansion of the United States, and their leader, President Thomas Jefferson.

This project enjoys support far beyond the boundaries of Missouri. We have heard favorable comments made by the gentleman from Nebraska [Mr. Cunningham], who agreed that his great State of Nebraska and other States were honored by this same memorial. It is noteworthy that the U.S. Territorial Expansion Memorial Commission that met in St. Louis in November 1964 to inspect the details of the construction of the project quite appropriately contained Members of the other body from both Nebraska and Oregon as well as our colleague in the House from Nebraska [Mr. Cunningham].

If I were not a Missourian, upon reading the report from the Committee on House Administration, I would support H.R. 6519. The reason is that there has been heretofore authorized and appropriated $17 million in Federal funds. This additional $6 million required now is not the fault of anyone including that great architect, Eero Saarinen, now deceased. It is a fact of life that since 1934 construction costs have gone up approximately 31 percent.

If I were not a member of the Missouri delegation, I would support this bill because I could see this project has been supported financially by the city of St. Louis and other local sources. Large amounts have already been contributed by local sources. An additional $750,000 will be contributed by the Alfred Greensder trust fund. Another $3½ million will be raised by the Bi-State Commission—Missouri-Illinois—through their issuance of revenue bonds to provide for elevator transportation inside of the arch. This will come from the sale of revenue bonds to be paid off from admissions charged to visitors.

Even if I were not a Missourian I would be able observe from the facts that it is just plain commonsense as well as good business to have this additional authorization of $6 million to complete an arch in which the Federal Government has an existing investment of $17 million. Although the arch might be completed with present funds, in bad weather its base would be surrounded by a sea of mud and there would be no shelter for visitors or housing for a museum.

Mr. Chairman, the author of H.R. 6519 is the gentlelady from Missouri [Mrs. Sullivan]. She is to be highly commended for her interest in this project and the manner in which she has presented the facts, pointing out the necessity for this additional appropriation authorization. It is not an easy task to have to come back and ask for supplemental funds for a project which is so near completion. She has done an outstanding job in pointing out that the shortage of funds is not the fault of anyone, that construction costs have risen since authorization. She has emphasized there has been no extravagance; she has underscored the fact that any businessman faced with a similar problem would invest an equivalent sum to complete a business project in which $17 million had already been invested.

All of us from Missouri salute the gentlewoman from St. Louis for her efforts today. While she has presented her case with logic and persuasiveness, her personal popularity among her colleagues has been proven by indications of support from both sides of the aisle. The gentleman from Missouri [Mr KARSTEN], also deserves a pat on the back for his perseverance in bringing this matter to the attention of the Congress.

As a Missourian, I am of course proud of this great stainless steel arch. But every American can share in this pride. This huge stainless steel parabolic arch facing the Mississippi River which will house elevators to carry passengers to a summit observatory is unique. It is the only such arch in the world. It will stand out like the Eiffel Tower in Paris or the Pyramids in Egypt or like our own Washington Monument in the Nation's Capital. Mention of the Washington Monument brings to mind the fact this great arch can best be visualized by imagining two Washington Monuments leaning toward each other and joined together by a parabolic arch. This will give one an idea of the majesty of this great arch.

It is a real privilege, Mr. Chairman, to support H.R. 6519, knowing its passage will permit the completion of this beautiful curved structure of stainless steel as a fitting national memorial to our territorial expansion through the Louisiana Purchase and standing symbolical as the gateway to the West.

The **CHAIRMAN**. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 6519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 17, 1954 (68 Stat. 98), entitled "An Act to provide for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, in general accordance with the plan approved by the United States Territorial Expansion Memorial Commission, and for other purposes." as amended by the Act of September 6, 1958 (72 Stat. 1794), is hereby further amended by striking the figure "$17,250,000" from section 4 thereof and inserting in lieu thereof the figure "$23,250,000."

Mr. **GROSS**. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I have one further question. I wonder if the President will sign this bill at the top of the arch?

Mrs. **SULLIVAN**. I hope he does. I invite the President now to come to St. Louis for that purpose.

AMENDMENT OFFERED BY MR. FRASER

Mr. **FRASER**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: On page 2, line 2, substitute a semicolon for the period and add the following proviso: "*Provided,* That this increase in authorization shall not become effective until and unless there shall have been a reduction in the national debt, and the Congress shall have curtailed appropriations to the extent that a balanced budget has been maintained for 2 consecutive fiscal years after the effective date of this act."

Mr. **FRASER**. Mr. Chairman and Members of the Committee, I was on the floor of the House yesterday during one of the sessions of the Committee of the Whole and heard an eloquent speech in support of an amendment substantially in the same form as the amendment I have just offered. It was such a good amendment that I thought it deserved to be offered today in connection with another opportunity to try to protect and preserve the fiscal integrity of the Government of the United States.

I do not know if the gentleman from Missouri has any comments to make about this amendment, but whatever the gentleman has to say, I am sure the Committee will be glad to hear him.

Mr. **JONES** of Missouri. If the Members just vote on this amendment like they vote on my amendments, I will be satisfied.

Mr. **FRASER**. I wonder if the gentleman from Missouri would answer a question then. Are you opposed to this amendment?

Mr. **JONES** of Missouri. This is not my bill. Of course, you understand I am acting for the committee and I have brought the bill to you and have tried to give you a frank explanation of the matter. We have $17 million already invested here. It is just like being in a crap game. If I had $17,000 sunk in a game, I am going to risk $6,000 more to get out of the game. That is what we have to do here.

Mr. **CORMAN**. Mr. Chairman, will the gentleman yield?

Mr. **FRASER**. I yield to the gentleman from California.

Mr. **CORMAN**. I will say to the gentleman, I sincerely hope that this amendment is defeated because I fear that we would have an awful lot of years to beat our feet in the Mississippi mud.

The **CHAIRMAN**. The time of the gentleman has expired.

Mr. **FINDLEY**. Mr. Chairman, I move to strike out the last word and rise in support of the gentleman's amendment.

Mr. Chairman, I think a little legislative history might be of interest. Members might like to know that I offered an amendment similar to this on several measures in the last 2 years. I would like to make a little legislative history here. The original Gateway amendment offered by the gentleman from Missouri [Mr. CURTIS] had the very language of this amendment in it.

It was as a result of studying the history of the Gateway amendment, which I believe was the forefather of the arch, that I got the idea for the amendment based upon a balanced budget. I think the gentleman has struck the right note at the right time on the right piece of legislation.

Mrs. **SULLIVAN**. Mr. Chairman, will the gentleman yield?

Mr. **FRASER**. I yield to the gentlewoman from Missouri.

Mrs. **SULLIVAN**. I should like to say to the gentleman from Illinois that the gentleman from Missouri did offer that amendment. I believe it was in 1956, the first time that President Eisenhower announced that the budget would be balanced. We immediately asked for the first funds that were given and authorized for this project. So we lived up to that agreement.

I do not believe that this amendment is necessary now. It is my bill. I do not think we have faltered in what we have tried to accomplish in building this great memorial to the West. I urge defeat of the amendment.

Mr. **FINDLEY**. If the gentleman will yield further, perhaps we need another Republican President to balance the budget.

Mr. **FRASER**. Mr. Chairman, I have listened with great interest to the words of the gentleman from Missouri [Mr. JONES]. His eloquence persuades me that I was in error in offering the amendment. I, therefore, ask unanimous consent to withdraw the amendment.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Minnesota?

Mr. **WATSON**. Mr. Chairman, I object.

The **CHAIRMAN**. Objection is heard.

Mr. **WATSON**. Mr. Chairman I rise in opposition to the amendment. I am in full sympathy with the gentleman who proposed this amendment, regardless of his motives. But I might say, perhaps for his satisfaction—and it gives me a little satisfaction—I have heard discussion of this arch in St. Louis. If we continue spending as we have this year and in the past, we need not worry about it. Before the money is spent and the arch is completed, this country will either be busted or the budget will be balanced. So I do not think we need worry about what will happen.

The **CHAIRMAN**. The question is on the amendment of the gentleman from Minnesota.

The amendment was rejected.

The **CHAIRMAN**. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WELTNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6519) to amend the act of May 17, 1954 (68 Stat. 98), as amended, providing for the construction of the Jefferson National Expansion Memorial at the site of Old St. Louis, Mo., and for other purposes, pursuant to House Resolution 581, he reported the bill back to the House.

The **SPEAKER**. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

Mr. **SAYLOR**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were— yeas 250, nays 12, answered "present" 1, not voting 168 as follows:

[Roll No. 350]

YEAS—250

Abernethy
Albert
Andrews,
N. Dak.
Arends
Ashbrook

Ashley
Ashmore
Ayres
Baldwin
Bandstra
Baring
Bates
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boland
Bow
Brademas
Brooks
Brown, Calif.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Callan
Casey
Cederberg
Chamberlain
Chelf
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Conte
Conyers
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Denton
Dickinson
Dingell
Dole
Dowdy
Dulski
Duncan, Tenn.
Edwards, Ala.
Edwards, Calif.
Ellsworth
Evans, Colo.
Everett
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fisher
Flood
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Greigg
Grider
Griffin
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halpern
Hamilton
Hanna
Hansen, Idaho
Harvey, Ind.
Harvey, Mich.
Hathaway
Hechler
Helstoski
Herlong
Hicks
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
King, Calif.
King, N.Y.
King, Utah
Kunkel
Landrum
Langen
Leggett
Lipscomb
Long, Md.
Love
McCarthy
McClory
McDade
McFall
McGrath
McMillan
McVicker
Machen
Mackay
Mackie
Mahon
Mailliard
Marsh
Martin, Nebr.
Matsunaga
Meeds
Miller
Mills
Minish
Mink
Minshall
Moeller
Monagan
Moorhead
Morgan
Morton
Moss
Murphy, Ill.
Murray
Natcher
Nedzi
Nelsen
O'Hara, Ill.
O'Konski
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Poage
Poff
Price
Pucinski
Quie
Randall
Reid, Ill.
Reifel
Reinecke
Rhodes, Pa.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ryan
Satterfield
St Germain
Saylor
Scheuer
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shriver
Sickles
Skubitz
Smith, Calif.
Smith, N Y.
Springer
Stafford
Staggers
Stalbaum
Stanton
Stephens
Stubblefield
Sullivan
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Trimble
Tuck
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vivian
Waggonner
Walker, N. Mex.
Whalley
White, Idaho
White, Tex.
Whitener
Widnall
Wilson, Charles H.
Wright
Young
Younger
Zablocki

NAYS—12

Conable
Findley
Gross
Joelson
McEwen
Moore
Robison
Rumsfeld
Vigorito
Watson
Williams
Wolff

ANSWERED "PRESENT"—1

Collier

NOT VOTING—168

Abbitt
Adair
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Annunzio
Aspinall
Barrett
Battin
Boggs
Bolling
Bolton
Bonner
Bray
Brock
Broomfield
Broyhill, N.C.
Burton, Utah
Cahill
Callaway
Cameron
Carey
Carter
Celler
Clancy
Clark
Clevenger
Colmer
Cooley
Corbett
Curtis
Daniels
Dawson
Delaney
Dent
Derwinski
Devine
Diggs
Donohue
Dorn
Dow
Downing
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Erlenborn
Evins, Tenn.
Fallon
Fino
Flynt
Fogarty
Foley
Ford, Gerald R.
Frelinghuysen
Fuqua
Gallagher
Garmatz
Gilligan
Goodell
Grabowski
Green, Oreg.
Griffiths
Halleck
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Hawkins
Hays
Hébert
Henderson
Holifield
Holland
Hosmer
Johnson, Calif.
Johnson, Okla.
Jonas
Kee
Keith
Kelly
Keogh
Kirwan
Kluczynski
Kornegay
Krebs
Laird
Latta
Lennon
Lindsay
Long, La.
McCulloch
McDowell
Macdonald
MacGregor
Madden
Martin, Ala.
Martin, Mass.
Mathias
Matthews
May
Michel
Mize
Morris
Morrison
Morse
Mosher
Multer
Murphy, N.Y.
Nix
O'Brien
O'Hara, Mich.
Olsen, Mont.
Ottinger
Philbin
Pirnie
Pool
Powell
Purcell
Quillen
Race
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Ariz.
Rivers, S.C.
Rivers, Alaska
Roncalio
Rostenkowski
Roudebush
St. Onge
Schisler
Scott
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Smith, Va.
Steed
Stratton
Sweeney
Taylor
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex.
Todd
Toll
Tunney
Tupper
Utt
Walker, Miss.
Watkins
Watts
Weltner
Whitten
Willis
Wilson, Bob
Wyatt
Wydler
Yates

So the bill was passed.

The Clerk announced the following pairs:

Mr. Slack with Mr. Roudebush.
Mr. Smith of Iowa with Mr. Wyatt.
Mr. Thomas with Mr. McCulloch.
Mr. Yates with Mr. Wydler.
Mr. Thompson of Texas with Mr. Latta.
Mr. Stratton with Mr. Watkins.
Mr. Watts with Mr. Harsha.
Mr. Willis with Mr. Glenn Andrews.
Mr. Tenzer with Mr. Lindsay.
Mr. Delaney with Mr. Rhodes of Arizona.
Mr. Sikes with Mr. Pirnie.
Mr. Schisler with Mr. Mize.
Mr. Sisk with Mr. Michel.
Mr. Barrett with Mr. Keith.
Mr. Addabbo with Mr. Frelinghuysen.
Mr. Adams with Mr. Devine.
Mr. Daniels with Mr. Broyhill of North Carolina.
Mr. Cameron with Mr. Bray.
Mr. Edmondson with Mrs. Griffiths.
Mr. Fogarty with Mr. Garmatz.
Mr. Fuqua with Mr. Gallagher.
Mr. Ottinger with Mr. Redlin.
Mr. Hanley with Mr. Hansen of Iowa.
Mr. Whitten with Mr. Tunney.
Mr. Toll with Mr. McDowell.
Mr. Lennon with Mr. Macdonald.
Mr. Krebs with Mr. Kluczynski.
Mr. Hays with Mr. Harris.
Mr. Rostenkowski with Mr. Scott.
Mr. Shipley with Mr. Smith of Virginia.
Mr. Taylor with Mr. Todd.
Mr. Weltner with Mr. Madden.
Mr. Dent with Mr. Cooley.
Mr. Clark with Mr. Bonner.
Mr. Annunzio with Mr. Abbitt.
Mr. Anderson of Tennessee with Mr. Joelson.
Mr. Keogh with Mr. Bob Wilson.
Mr. Hébert with Mr. Martin of Massachusetts.
Mr. Kirwan with Mr. Laird.
Mrs. Kelly with Mrs. Bolton.
Mr. Gilligan with Mr. Reid of New York.
Mr. Rivers of Alaska with Mr. Broomfield.
Mr. Colmer with Mr. Anderson of Illinois.
Mr. Long of Louisiana with Mr. Callaway.
Mr. Thompson of New Jersey with Mr. Cahill.
Mr. St. Onge with Mr. Mathias.
Mr. Matthews with Mr. Walker of Mississippi.
Mr. Kee with Mr. Tupper.
Mr. Johnson of California with Mr. Utt.
Mr. Grabowski with Mr. Clancy.
Mr. Holifield with Mr. Hosmer.
Mr. Hardy with Mr. Derwinski.
Mr. Purcell with Mr. Goodell.
Mr. Rivers of South Carolina with Mr. Carter.
Mr. Roncalio with Mr. Burton of Utah.
Mr. Kornegay with Mr. Quillen.
Mr. Henderson with Mr. Jonas.
Mr. Aspinall with Mr. Battin.
Mr. George W. Andrews with Mr. Brock.
Mr. Carey with Mr. Fino.
Mr. Celler with Mr. Halleck.
Mr. Dow with Mr. Morse.
Mr. Sweeney with Mrs. May.
Mr. Morris with Mr. Martin of Alabama.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Multer with Mrs. Dwyer.
Mr. Murphy with Mr. Corbett.
Mr. Donohue with Mr. Adair.
Mr. Philbin with Mr. MacGregor.
Mr. Race with Mr. Erlenborn.
Mrs. Green of Oregon with Mr. Mosher.
Mr. Reuss with Mr. Curtis.
Mr. Steed with Mr. Holland.
Mr. Morrison with Mr. O'Brien.
Mr. O'Hara of Michigan with Mr. Nix.
Mrs. Hansen of Washington with Mr. Resnick.
Mr. Powell with Mr. Duncan of Oregon.
Mr. Evins with Mr. Fallon.
Mr. Dyal with Mr. Downing.
Mr. Diggs with Mr. Hawkins.
Mr. Dorn with Mr. Johnson of Oklahoma.
Mr. Flynt with Mr. Olsen of Montana.
Mr. Foley with Mr. Dawson.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from the further consideration of the bill (S. 1576) to amend the act of May 17, 1954 (68 Stat. 98), as amended, providing for the construction of the Jefferson National Expansion Memorial at the site of old St. Louis, Mo., and for other purposes, an identical Senate bill to the bill just passed by the House, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. PRICE). Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read as follows:

S. 1576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 17, 1954 (68 Stat. 98), entitled "An Act to provide for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, in general accordance with the plan approved by the United States Territorial Expansion Memorial Commission, and for other purposes," as amended by the Act of September 6, 1958 (72 Stat. 1794), is hereby further amended by striking the figure "$17,250,000" from section 4 thereof and inserting in lieu thereof the figure "$23,250,000."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 6519, was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks prior to the vote on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time in order to ask the majority leader if he will announce the program for next week.

Mr. ALBERT. Mr. Speaker, before announcing the program, will the gentleman from Illinois yield for a unanimous-consent request?

Mr. ARENDS. I yield for that purpose.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar and the authority for the Speaker to recognize for motions to suspend the rules, in order on Monday, October 4, 1965, may be transferred to Tuesday, October 5, 1965.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the gentleman would withhold his request until we get an announcement of the bills to be called.

Mr. ALBERT. This is a part of the announcement. There will be business on Tuesday, and I shall announce the program. What the unanimous-consent request is, is that the Consent Calendar and suspensions be put over from Monday to Tuesday.

Mr. GROSS. Can we not have the list of bills before the unanimous-consent request is made?

Mr. ALBERT. Mr. Speaker, I withdraw my request.

The SPEAKER. The request is withdrawn.

Mr. ALBERT. Mr. Speaker, in response to the request of the gentleman from Illinois, the program for next week is as follows:

Monday, subject to a unanimous-consent agreement, there will be no session.

On Tuesday, we plan to call the Consent Calendar and the Private Calendar, after which there will be eight suspensions:

Senate Joint Resolution 106, USIA film "John F. Kennedy—Years of Lightning, Day of Drums";

H.R. 9495, Franklin Delano Roosevelt Memorial Commission;

H.R. 318, imposition of tire tax on tires delivered to manufacturers retail outlet;

H.R. 11029, tariff treatment of certain wool fabrics;

H.R. 10327, providing for operators of ocean carriers by water between the United States, its possessions and territories, and foreign countries to file evidence of financial security and other information

S. 2118, ship mortgage bonds;

S. 2232, captioned films for the deaf; and

H.R. 10774, permissible uses of jointly administered union trust funds.

For Wednesday, there are six unanimous-consent bills, unanimously reported from the Committee on Ways and Means. Those, of course, are subject to objection. They are as follows:

H.R. 327, exempting from taxation certain nonprofit corporations and associations operated to provide reserve funds for domestic building and loan associations;

H.R. 7723, suspension of duty, certain tropical hardwoods;

H.R. 8210, amending the International Organizations Immunities Act;

H.R. 8436, dutiable status of watches, clocks, et cetera, from insular possessions of the United States;

H.R. 8445, retired pay, Tax Court judges; and

H.R. 11216, tariff treatment of articles assembled abroad.

On Wednesday, there will also be Senate Joint Resolution 32, authorizing a contribution to certain inhabitants of the Ryukyu Islands.

On Wednesday, also, it is planned to consider the bill H.R. 2020, relating to the southern Nevada water project, Nevada.

I am going to ask permission later to put over any nonprocedural rollcall votes from Tuesday and Wednesday to Thursday.

For Thursday and the balance of the week, it is planned to take up S. 2084, the Highway Beautification Act of 1965, with an open rule, 4 hours of debate, making the committee substitute in order, to be read for amendments by titles instead of by sections.

Also it is planned to take up H.R. 11135, the Sugar Act Amendments of 1965, under a closed rule, waiving points of order, making in order to be offered two amendments by the gentleman from Illinois [Mr. FINDLEY], with 4 hours of general debate.

This program, of course, is made subject to the usual reservation that conference reports may be brought up at any time, and that any further program may be announced later.

I also make the usual statement, with respect to suspensions, that they may not necessarily be called up in the order in which they have been announced.

CALL OF CONSENT CALENDAR AND AUTHORITY FOR SPEAKER TO RECOGNIZE MOTIONS TO SUSPEND THE RULE TRANSFERRED FROM MONDAY, OCTOBER 4, 1965, TO TUESDAY, OCTOBER 5, 1965

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar and the authority for the Speaker to recognize for motions to suspend the rules, in order for Monday, October 4, 1965, may be transferred to Tuesday, October 5, 1965.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ROLLCALL VOTES ON TUESDAY OR WEDNESDAY, OCTOBER 5 OR 6, TO BE PUT OVER TO THURSDAY, OCTOBER 7

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any rollcall votes, other than on questions of procedure, which may be demanded on either Tuesday or Wednesday, October 5 or 6, be put over until October 7.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, that means that any rollcalls that might be in order on this list of suspensions would be carried over with no assurance whatever that we could get a rollcall vote under circumstances that might exist on Tuesday.

Mr. ALBERT. The gentleman is correct. The only reason I make the request, as the gentleman knows, is that Tuesday and Wednesday of next week are religious days.

Mr. GROSS. I understand that, but the gentleman has scheduled a substantial program of business for Tuesday.

Mr. ALBERT. I understand most of these have been unanimously reported.

Mr. GROSS. Not all the suspensions have been unanimously reported. I can tell the gentleman that the first resolution was not unanimously reported.

Mr. ALBERT. I understand that most of them have been. I have not checked that, but I have been so advised.

Mr. ARENDS. I believe what the gentleman is worried about is that the unfinished business might not get a vote. I believe the majority leader can assure us as if a bill is objected to it will go over, and he can assure us we will have a vote.

Mr. ALBERT. Of course, that would be subject to the action of the House. So far as I personally am concerned, the gentleman can have a vote. But I cannot take over the prerogatives of the House.

Mr. GROSS. This is my very real concern.

Mr. ALBERT. The gentleman knows that.

Mr. GROSS. The gentleman must understand, and I am sure he does, the position of any individual Member of the House who might want a rollcall vote on a bill. The bill, being susceptible under other circumstances to a rollcall vote, the Member might lose that right as a Member of the House to such vote when action is postponed to another day.

Mr. ALBERT. The gentleman would not want to take advantage of a Member's fulfilling a religious obligation, who for that reason could not be here. Would the gentleman want to do that?

Mr. GROSS. Not at all.

I do not wish to prolong this discussion. I have no desire to argue with the distinguished majority leader, but I wonder why there must be a schedule of business if we are going to observe religious holidays or any other holidays. Why should we schedule business of a serious nature at that time?

Mr. ALBERT. I ask the gentleman to yield further for a brief statement. This is the first time this year we have requested that rollcalls be put over.

Mr. GROSS. I understand.

Mr. ALBERT. Second, we are trying to enable Members to observe the religious holidays without interfering with our attempt to reach an adjournment date as soon as possible.

Mr. GROSS. I will go along with the gentleman once more, and let us see how it works out.

Mr. ALBERT. I thank the gentleman. I appreciate that.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ARENDS. Mr. Speaker, if I may continue, I ask the gentleman from Oklahoma, looking down the road a little way, if he can say anything about the following week. Is it anticipated there will be called up the minimum wage bill on the following Monday?

Mr. ALBERT. I cannot answer the gentleman.

Mr. ARENDS. With the completion of this calendar we shall have about reached the bottom of the barrel. Every barrel has a bottom.

Mr. ALBERT. We are certainly well on the way to the bottom of the barrel.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Tuesday next.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

A BRIGHT SPOT ON THE HORIZON

Mr. BINGHAM. Mr. Speaker, we are having our troubles in Latin America. The impression that we are once again reverting to the early 20th century role of the colossus of the North, or to use a more current expression "Mr. Big", has been gaining ground, particularly because of the adoption by this House of House Resolution 560. I hope that steps will be taken shortly to correct the unfortunate impression created by that resolution.

However, there is one bright spot on the horizon, insofar as our relations with Latin America are concerned, and that bright spot is the President's statesmanlike handling of the negotiations with Panama.

Colonialism is a dirty word in the world these days. Rightly or wrongly, that term has been applied over the years in Latin America to our role in Panama and in the Canal Zone.

From my father, the late Senator Hiram Bingham, of Connecticut, who was a great expert on Latin America, I learned something of the sensitivity of Latin Americans to any suggestion that the inter-American system was not a true partnership, but a system of satellites dominated by one great power. Although I certainly do not pretend to be an expert myself, I have learned more about this sensitivity in my visits to almost all the Latin American countries and in dealing with Latin American delegates at the United Nations and other international conferences.

If we are to build and preserve the friendship of our Latin American neighbors, we cannot overlook this sensitivity. The Panama Canal Zone and our existing treaty with Panama have become a hated symbol throughout Latin America of a one-sided relationship. That is why I believe the President deserves our strong support in carrying through these delicate negotiations with Panama to a successful conclusion.

From the crisis of January 1964 to the present, the President's handling of our delicate and critical problems with Panama has been marked by courage, foresight, and statesmanship.

Our relationship with Panama has always been uniquely close. Unfortunately, in recent years this relationship has been marred by violent conflict stemming from Panamanian dissatisfaction over the treaty arrangements which govern the operation of the canal and the Canal Zone. The present canal treaty negotiations represent an effort by both nations to eliminate the causes of conflict between them and to eliminate the threat posed by this conflict to the efficient operation of the canal.

So much of our attention in foreign relations is focused on emergencies these days that it is refreshing to learn of a great constructive achievement: the joint announcement just made by the President of the United States and the President of Panama that our two countries will share in the operation of the Panama Canal. This announcement should demonstrate that a big country and a small country can work together effectively in partnership and that treaty arrangements can be negotiated that will respond to the differing needs of both countries.

The United States and many other nations of the world are interested in the economy and speed of moving vessels and cargo from one ocean to the other—in other words, in the effective operation vital parts of the economy of Panama. shares this interest wholeheartedly as the host country where the canal has been operated efficiently for over 50 years. But the canal and the commercial and defense activity that accompanies its operation have been and are vital parts of the economy of Panama. Therefore, it is logical and right that Panama should share in the management and operation of the canal and that the activities of all kinds related to this operation should be more integrated than they have been in the life of the Panamanian community.

The U.S. citizens and Panamanian citizens and a few of other nationalities are providing efficient, dependable, and skillful services in the operation and protection of the Panama Canal. It is reassuring to them and to us that the two Presidents, in issuing their announcement, have given recognition to the important responsibilities of both countries to safeguard the rights and interests of the employees of all nationalities. We hope that the new kind of partnership between Panama and the United States will prove to be as fruitful for all the employees as it will be for the two nations.

As the President clearly stated on December 18, 1964, the United States is willing to do all possible to recognize Panama's just aspirations, but we must also continue to discharge our responsibility to the world to guarantee the continued availability of an interoceanic canal open to the ships of all nations. It is most encouraging to note from the contents of the recent joint United States-Panamanian statement on the course of the negotiations that Panama is equally aware of its responsibility to cooperate in providing an efficiently run and adequately defended international waterway for the use of world commerce. I applaud the progress which has already been made in these vital negotiations and express my hope that they can rapidly be brought to a mutually satisfactory conclusion.

SUGAR LOOT TO HAITI'S DICTATOR

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the sugar bill as presently drafted will give Haiti's dictator, Dr. Francois Duvalier, access to over $10 million in loot.

Haiti's sugar lobbyist, a New Yorker who heads the Haytian-American Sugar Co., is not properly registered with the U.S. Justice Department as required by the Foreign Agents Registration Act.

For some unaccountable reason the House Agricultural Committee increased the already too-generous U.S. sugar quota allotted to Duvalier's regime.

Haiti, an unhappy land ruled by the worst tyrant in the Western Hemisphere, gets a big slice of the sugar pie.

This fact alone raises serious question about the sugar bill which comes to the House floor next week.

Haiti's dictator stays in power by means of a continuing reign of terror.

His regime is as notorious for graft as it is for brutality. It is beyond belief that the huge profits in U.S. sugar quotas have escaped his notice. To siphon them off, he needs to deal with only one company. Haiti's sugar industry is virtually a monopoly, controlled by the Haytian-American Sugar Co., with offices in New York.

In its present form, the sugar bill will hand Duvalier's regime an annual quota of 28,782 tons—guaranteed for 5 years. The U.S. sugar market brings nearly three times the world price, and at present prices, the proposed quota carries a 5-year premium value of $10,053,700.

Assuming the Haytian-American Sugar Co., can at least break even at the world price of sugar, the premium value is pure profit.

To what extent will the $10,053,700 finance Duvalier's bloodbath? How will the loot be divided up? Will any of it filter down to improve the lot of the Haitian in the canefields? Why did the House Committee on Agriculture vote to increase Haiti's quota 50 percent higher than the level recommended by the administration?

The American consumers are footing the entire cost of this handout to Duvalier's regime, and they are entitled to a full explanation.

Another unexplained aspect of the Haiti quota is the role of John F. P. Clark as lobbyist. Although he is not registered under the Foreign Agents Registration Act at the Justice Department, Clark presented a statement to the House Committee on Agriculture—hearings, page 362—in which he identified himself as chairman of the Haytian-American Sugar Co., S.A., and purported to speak for the entire sugar industry of Haiti.

The Justice Department is trying to locate Clark to determine whether he was lobbying for Haiti sugar interests, and if so, why he did not comply with the law which requires that all foreign agents register, file compensation agreements, and give details every 6 months as to income and expenditures.

The high-profit of U.S. sugar business is evident in the subsistence living conditions of Haitian canefield workers. Haiti is so tightly controlled that no accurate agricultural wage figures are available. Wages in neighboring central American sugar-producing areas were estimated in 1961 by the U.S. Department of Labor to range from 7 to 30 cents an hour. Haiti is undoubtedly on the low end. Hourly wages for sugar workers in the United States, by comparison, range from $1.25 to $3.

Duvalier's people have a life expectancy of about 35 years, average about $80 income per year. Illiteracy is about 90 percent.

Instead of going to better the lot of Duvalier's oppressed people, the U.S. sugar loot is more likely to wind up in the dictator's Swiss bank account. In 1963 a former associate estimated that Duvalier had already piled up over $1.5 million in bank accounts abroad.

He keeps control through his dread secret police, the Ton Ton Macoutes. Last year the nearly nude body of a rebel leader was dumped on a downtown corner and left for a day and a half as a grim reminder to Duvalier's foes. A prison for political prisoners reportedly has cells about 3 by 5 feet in size. The dictator reportedly cools off his critics by compressing several of them into each cell, sometimes for weeks at a time.

Until June 29, 1964, Haytian sugar interests were represented by Richard C. O'Hare and James H. Rowe, Jr., according to information filed at the Foreign Agents Registration Section, Justice Department. Rowe is associated with the firm of Corcoran, Foley, Youngman & Rowe, Washington, D.C.

PANAMA SELLOUT

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, apropos the remarks of the gentleman from New York [Mr. BINGHAM], apparently any surrender, any appeasement, any international accommodation is to be applauded these days by some people. I am opposed to the proposal of the President which would be tantamount to giving the Panama Canal to the Panamanians on the basis of threats, demonstrations, and glorified blackmail.

Mr. Speaker, the sovereignty of the United States in the Panama Canal Zone is unquestioned and it is absolutely necessary that it be maintained for the proper operation of that vital waterway.

The proposal of President Johnson is shocking. It is not in the interest of the American people; it is not in the interest of world commerce, and it is a direct threat to the security of the United States.

NIGERIAN INDEPENDENCE DAY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as chairman of the African Subcommittee of the Committee on Foreign Affairs, for myself, for all the members of the subcommittee and my colleagues on both sides of the aisle I extend warm congratulations to President Nnamdi Azikiwe, to the able Chargé d'Affaires Godwin A. Onyegbula, and to all the people of the great country of Nigeria on this, the fifth anniversary of its independence. During my visits to Nigeria I have been fascinated by the charm of the people, the tremendous drive for progress that everywhere is manifest, the political maturity of the statesmen in every post of government. Ahead for Nigeria is a future of transcending brilliancy.

On the occasion of this fifth anniversary of Nigeria's existence as an independent and united nation surely all Americans can add a special warmth to our congratulations and best wishes.

Early this year a Lagos newspaper congratulated the men and women of Nigeria as being "a people who have perfected the art of walking to the brink of disaster and pulling back just in time." There is more than a grain of truth in this wry compliment. We Americans, who have also chosen to govern ourselves within the conceptual forms of federal democracy, have ample reason to know how painful the compromises and how serious the problems of state's rights and territorial representation can be. We understand very well the grave nature of this spring's crisis in Nigeria and can fully appreciate the mature statesmanship manifested by all parties in its solution.

Nigerians have much to be proud of in the accomplishments of their fifth year. The young oil industry has shown rapid growth and is making very substantial contributions to the national foreign exchange reserves so necessary in reaching the 6-year economic expansion goals drawn up in 1962. A brand-new natural gas industry is steadily providing an inexpensive source of energy for powerplants and mills for more and more of eastern Nigeria. And in the north and great Kainji dam complex, with its modern town of New Bussa, is rising to provide irrigation, electricity, a fishing industry, and improved commercial navigation on the upper Niger. New roads and schools have been built and an ambitious, low-cost housing project undertaken. Furthermore, Nigerians can take a justifiable pride in the valuable contributions made by their nation to the deliberations and operations of the United Nations.

As with all nations, young and old, Nigeria has its problems nagging for solutions. Further constitutional evolution may lie in prospect, and this is seldom an easy matter. Localism and regionalism still have sufficient strength in the hearts of the people to compete with the broader appeals of the nation and of a national identity. Existing foreign exchange reserves are seldom sufficient for nations bent upon rapid economic growth. But a fine first half-decade's work has been done; an admirable record of realistic problem-solving has been established. If the past is any index of the future, Nigeria's next decade should be one of solid and accelerating progress. Certainly that is our heartfelt wish.

GUINEA'S 7 YEARS OF INDEPENDENCE

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, tomorrow, on October 2, Guinea celebrates 7 years of independence and I take this opportunity warmly to congratulate this young nation on her accomplishments. To President Ahmed Sékou Touré and popular Ambassador Karim Bangoura go my sincere good wishes and my greetings on this happy day.

Because of Guinea's varied geographical regions, her economy is relatively diversified. Secondary industry has been growing in the Conakry region since World War II and a good beginning has been made in the development of hydroelectric power. The Konkoure River project, for example, will create hydroelectric power to be used in treating bauxite.

Guinea has encouraged the role of foreign investment in her development. According to United Nations estimates, Guinea's Gross National Product increased by $12 million between 1960 and 1961 alone.

Social development has been considered essential by the Guineans. The Guinean army is used to build roads and to open new lands for people in remote areas. The government has established a social security system for workers and older persons. Free medical care is available for pregnant mothers and infants. Yellow fever and smallpox have been brought under effective control by large-scale vaccination campaigns. Many different types of projects are coordinated under the government's human investment program. Under this plan the people themselves contribute 20 days of labor per year to community projects.

The Guineans place great emphasis on the improvement of education. In 1961 about 25 percent of the national budget was spent on the development of educational facilities. The high priority given to education has continued since that date. The French educational structure and its traditional degrees have been retained, but important changes in content have been introduced to adapt the curriculum to local needs and to aid in the building and unification of the Guinean nation. African history and geography, for example, are important subjects. New schools have been organized to provide training in nursing, midwifery, social work, mining, and agriculture.

One of the most interesting features of the Guinean political system is the village council. Each village has a council of from 5 to 15 members elected for 5-year terms by universal suffrage. The man who receives the most votes becomes the mayor or chief. Regional government is also developing. Municipalities have elected councils and mayors. At the head of the national government is the President, elected for a term of 7 years. He is assisted by a cabinet, members of which are debarred from membership in the National Assembly, although they may attend and speak at its meetings.

Guinea was admitted to United Nations membership shortly after independence and is a member of many of the specialized agencies. She has played a leading role in the Organization of African Unity.

Mr. Speaker, as the chairman of the African Subcommittee of the Committee on Foreign Affairs it is a great pleasure for me to congratulate Guinea on her independence day. Congressman WILLIAM T. MURPHY and I were privileged to meet and to converse at length and in depth with President Sékou Touré on the occasion of his visit to Chicago some years ago and we have followed with interest his career of national accomplishment for his country and her people.

LAMAR CAUDLE

Mr. CHELF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. CHELF. Mr. Speaker, when I was chairman of the Subcommittee of the Judiciary to investigate the Justice Department in 1952, our subcommittee spent approximately 10 months hearing witnesses in connection with the Lamar Caudle case. The following is a quote from the final report signed by six of seven members of that subcommittee:

> Every member of the subcommittee and its staff who observed Caudle and listened to his testimony over a long period shares in the opinion that he is an honorably motivated man. This does not rule out his shortcomings; he was weak, and the naive code of a country lawyer did not serve him well in the corrupting sophistication of the Washington he knew; he made errors of judgment, some of which played their part in destroying public confidence in the Government he served; and he swallowed more in the name of personal loyalty than any man should stomach. But Caudle never sold himself for riches or for power. If, indeed, he so much as skirted the edges of venality and corruption, he did more soul-searching about it than many of his associates who have emerged with unscathed reputations. And in every instance where the choice was clearly black or white, Caudle's choice appears to have been impeccably correct.

Mr. Speaker, in my opinion this is the best article that Mr. Pearson has ever written—and he has helped to give a most deserving person a decent "break." It is too bad that other columnists have not followed suit. Lamar Caudle is a gentleman of the old school. I admire and respect him because I know that he is basically honest and that he is the victim of circumstances. With all of the heartaches and pain that he has been forced to suffer—all of the humiliation that he was forced to accept—he never became bitter. He still has faith in all mankind. So ends a sad chapter of life in Washington that began in the 1940's.

CAUDLE—THE MODERN DREYFUS

(By Drew Pearson)

WASHINGTON.—After Lamar Caudle, former Assistant Attorney General, was incarcerated in the Federal penitentiary at Tallahassee, Fla., in the Dreyfus case of the Eisenhower administration, Mrs. Caudle went from her home in North Carolina to see him.

"I tried to be as gay as I could," Lamar told me afterward. "I cracked jokes and tried not to let her know that I was hurt and humilated. But I could see how shocked she was to see me in a place like that.

"And afterward, every time she came to see me I could see her just getting thinner and thinner, just wasting away. She had kept the family together during all that time. She had scraped and economized and sold some of the family property to pay my legal bills. She had sat with me out in St. Louis through the long trial. Then I went off to Tallahassee.

"She waited till I got out, all the time getting thinner. And then she died."

PARDONED BY JOHNSON

Last week Lamar called me again He was at his home in Wadesboro, N.C. And this time his voice was resonant and gay. President Johnson had just given him a pardon.

"If you get to heaven before I do," he said, "please do a little lobbying for me. I think I've got one foot in the door, thanks to Lyndon Johnson, and maybe you can get me in the rest of the way."

A good many years have passed—almost 18 to be exact—since the day I first went to see Lamar Caudle, then Assistant Attorney General in charge of taxes, regarding the case of Irving Sachs, the St. Louis shoe manufacturer. It was the tax fraud case which was to bring deep tragedy to his life.

Since the case was one of the most famous criminal prosecutions brought by the Eisenhower administration the story may be worth reviewing now.

Caudle was quite frank in telling me 18 years ago that he had received pressure to settle the case. The pressure, it was revealed later, had been in the form of telephone calls from Matt Connelly, Harry Truman's appointment secretary. Later it developed that Connelly had received two suits of clothes and a topcoat from Sachs.

Caudle received nothing. When the case came up for trial, Sachs pleaded guilty, which certainly indicated there had been no settlement as far as Caudle was concerned. U.S. Judge Roy Harper gave him a $40,000 fine and a suspended sentence.

FIRED BY TRUMAN

Those were the days when Harry Truman didn't like me. One day Caudle was lunching at my home when he got a phone call that the President had accepted his resignation. Truman was like that. He could be extremely loyal as he was to Connelly, but he could shoot from the hip if he thought someone was crossing him.

Later, Dwight D. Eisenhower campaigned against the Democrats with the slogan of "Communism, Corruption, and Korea," and after his election faced the problem of proving corruption.

A grand jury indicted Connelly, and in order to prove a conspiracy, threw Lamar Caudle into the indictment too. The charge against him was that he had "denied the Government his best services."

Before the trial was over, the judge, Rubey Hulen, of the U.S. district court, shot and killed himself. I went out to St. Louis to interview Dr. James N. Haddock, who had Judge Hulen under psychiatric care. He said that during the trial he had given him heavy doses of paraldehyde, a hypnotic, to keep his nerves steady. He said that the trial had depressed Hulen, that he should not have been sitting.

SUBSTITUTE SENT IN

Ordinarily, the suicide of a sitting judge would have been grounds for a mistrial. However, since the judge was not alive, he could not rule. The Justice Department ruled, and it decreed that the case should proceed. The jury had brought in a verdict of guilty and a new judge was appointed to read the evidence and pronounce sentence.

The procedure was unusual. However, the Eisenhower administration had to prove its campaign slogan of corruption. And this case involved the secretary to Harry Truman. The trial proceeded. Caudle and Connelly were sent to jail.

Later it was revealed that Sherman Adams, a more important assistant to Eisenhower than Connelly was to Truman, had received several suits of clothes, a vicuna coat, rugs, hotel entertainment, and many cases of scotch from Bernard Goldfine, for whom Adams had intervened at the Federal Trade Commission in a criminal case.

Adams resigned but was never prosecuted. Lamar Caudle, who received nothing, remained in jail, lost his wife and suffered paralyzing financial losses. President Kennedy pardoned Matt Connelly 5 years ago at the request of President Truman. But no request came from Truman to pardon Caudle.

Last week, however, President Johnson helped to rectify one of the greatest wrongs of the Eisenhower administration.

PERSONAL ANNOUNCEMENT

Mr. CLEVENGER. Mr. Speaker, I missed, by a fraction of a second, rollcall No. 350. First, I wish to say that I would have voted "yea" on the rollcall. I was detained in my office in a conference with Senator Hart, at which we were discussing matters of some great importance to the State of Michigan and to my district.

FEDERAL EMPLOYEES DESERVE PAY RAISE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Duncan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise in support of H.R. 10281, with one exception, the pay raise for Members of Congress. In my opinion it is one of the most equitable bills to be considered during this session of Congress. I think that it is certainly not an adequate increase, but one that is acceptable to all parties. This bill, however, is a step forward, and helps meet our responsibility to the employees of the Federal Government.

The cost of living in this country is going up almost each month, and with each passing day it is difficult for many of our Federal employees to meet their day-to-day obligations. By and large the employees are dedicated, and represent the Federal Government wherever they may be assigned. They should be paid an adequate living in order that they can live in dignity and comfort with their neighbors.

To me the postal workers are perhaps the greatest good will ambassadors the Government has. They come in contact with more people perhaps than any other Government employees. The postal employes, and all other employees, have been giving a day's work, their full share, and now it is time we were meeting our own responsibility. I have not had one letter or communication in opposition to this bill. I rise, my colleagues, to support it, with one exception. The one exception is the pay raise for Members of Congress. I shall vote to delete this section, and I hope in all fairness to those concerned, that it is omitted.

NO SPECIAL WISDOM AT FEDERAL LEVEL

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the Great Society's drive to extend the Federal Government into more and more areas traditionally reserved to the States, the communities, and, indeed, to the individual citizen, is arousing misgivings and concern across the country. An excellent editorial on this question as it applies to education appeared in the Concord Monitor, September 24. As its takeoff point, it uses a quotation attributed to the gentleman from New Jersey [Mr. Thompson] to the effect that it is preferable to have a—presumably higher caliber—Federal education agency making the decisions in this field than to accept the decisions of some local school boards. The Monitor, quite correctly, in my view, points out that while this might be true in individual cases, a wrong decision at the local level affects only one community but a wrong decision at the Federal level affects the entire Nation. This is an excellent point. I also challenge the notion that a Federal agency is necessarily a quality agency. People are people everywhere. Residence in Washington confers no special wisdom. A high official title with broad accompanying powers carries no special gift of insight. Indeed, the breadth, complexity, and scale of problems at the Washington level would seem to me to have the opposite effect in certain ways. The problems are so broad at the Federal level that no one administrator can hope to grasp them all and deal with them efficiently and wisely in every detail.

I commend the Monitor for its own insight and commend the editorial to my colleagues.

[From the Concord (N.H.) Daily Monitor, Sept. 24, 1965]

MUST WE ALL BE LIKE L.B.J.?

"I am no more afraid of the judgment of the Federal Government in the field of education—I am less afraid of it than I am of the judgment of some of the locally elected school boards with respect to the administration of education programs."

This is typical of some of the sounds being made by exponents of the Great Society who think all problems can be solved by Washington. Representative Frank Thompson, Democrat of New Jersey, was its author.

When the Federal Government gets into the business of building highways across the country no particular principles are involved. But when the Federal Government gets into education, which is concerned with the minds of men, grave dangers are involved.

A local school board may make mistakes, but only one community is affected. A State school board may make mistakes, but only 1 of 50 States is affected. But once the Federal Establishment takes over education on a national scale, a mistake would affect the whole country.

Even if a federally established policy or practice is not a mistake, it does establish a stereotyped pattern nationally and stifles the freedom which should ever be present in education.

Moreover, a nationally directed and controlled educational system is made to order for political abuses of all sorts. Patronage is only one possibility. The greatest danger is that an unscrupulous Federal administration would have the ready-made machinery through which to attempt to mold the minds of the young people of America to serve selfish ends.

Already, as an ever larger percentage of those who are being formally educated attend publicly financed educational institutions rather than private schools, public controls are tending to create the semblance of a national educational system as numerous standards are more and more widely forced upon local school systems and boards by State laws, which have tended to follow a consensus over a period of time.

The Federal Establishment is already pretty well launched in the business of public education. Its spending for education climbs annually, and its influence, exerted through the conditions attached to its grants, increases at an even faster rate.

Thus the freedoms so highly desirable if education is not to become sterile are being nibbled away by the application of mass production methods to something that must forever be kept individual, lest it no longer be education, but merely training, or worse, merely the promulgation of propaganda.

NOT EVERYONE IS FOOLED

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, a recent editorial in the Concord Monitor provides another footnote to the apple harvest, foreign labor controversy in my State. The writer, with eminent commonsense, also ridicules the practice of giving Senators and Representatives of the majority party first crack at making public announcements of administrative actions with which, usually, they have had nothing to do and often were not even aware of. This goes on under every administration, Republican and Democratic, I freely admit, but I have always thought it absurd and compliment the Monitor. The editorial, which I submit at this point in the Record, clearly shows that the frantic, thoughtless switching and shifting over the apple harvest situation is not fooling everybody. Nor is the general practice of feeding administration news through congressional offices.

[From the Concord Daily Monitor and New Hampshire Patriot, Sept. 10, 1965]

A BLUE PENCIL CAN CURE THIS

Much has been said recently about the manipulations whereby Governor King and Senator McIntyre sought to make it appear that through their influence New Hampshire was allowed to import some Canadian apple pickers.

Senator Cotton, a Republican, had announced that Secretary Wirtz of the Labor Department was to relax his ruling that foreign labor could not be imported. When the day came Wirtz did exactly what COTTON said would happen. But in the interim the Labor Department at first denied any decision had been made and Governor King flew down to Washington for a conference with Wirtz.

This business of trying to make political hay by letting Members of the Congress and Governors announce actions by administrative departments is an old and much abused ploy. We doubt the public is much fooled by it, yet it must be, or the politicians think it is, or the practice would have died out long ago.

The news media could quickly put an end to the practice if they would. They could report actions by departments or agencies of the Government without mention of any elective officials except when the White House or the Congress is the action agency. All it takes is a blue pencil.

We do not doubt some Members of the Congress and Governors may at times throw their weight around with the result that they influence administrative decisions. But under law the responsibility for the decisions still rests with the administrating officer, be he a member of the Cabinet or any other person charged with the execution of law.

Currently the ridiculous regularity with which administrative actions are made public by New Hampshire's Democratic Senator and Representatives, with no mention of the State's Republican Senator and Representative, is obviously childish.

Congress votes an appropriation for some purpose. In that action all members of the New Hampshire delegation participate regardless of party politics. How they vote is of interest to the public and should be reported. But when the agency which handles the funds figures out and decides just how much of the appropriation is to come to New Hampshire and what for, it is a department action and nothing else, and should be reported for exactly what it is and not be announced by third parties.

We don't know how Senator COTTON stole a publicity march on his Democratic colleagues in the apple picker controversy, but we'll bet there's still a hunt on by the Democratic administration for the traitor who, by his advance information to the Senator, made the Democrats look pretty silly. This was especially so as to Governor King's useless emergency Air Guard plane flight to Washington.

A CONSTITUTIONAL LIMIT

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. QUILLEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUILLEN. Mr. Speaker, one of Tennessee's leading newspapers, the Nashville Banner, carried an editorial yesterday, September 30, on home rule, which I think my colleagues and the readers of the RECORD will find most interesting. I insert it at this point in the RECORD for their information:

HOUSE SUSTAINS IT: ON DISTRICT OF COLUMBIA HOME RULE, A CONSTITUTIONAL LIMIT

Home rule for the District of Columbia—a Federal city, almost literally defined as such by the Constitution—was rejected yesterday by the same Congress that has virtually rubberstamped every other legislative contrivance pushed by President Johnson.

To all intents and purposes, the measure is dead for this session; and by Representative CARL ALBERT's interpretation—speaking as House Democratic leader—it may well be beyond resuscitation for next year, too.

For reasons peculiar to Washington's relationship as the seat of the Federal Government, the legislation should stay dead.

That is no reactionary view, as charged to opponents of the change proposed; but an adherence to the elementary concept which moved the Founding Fathers to vest exclusive legislative authority, where this District is concerned, in Congress. While that provision subsequently was modified by law, it still has retained the feature of accountability there, with no independent municipal status conferred.

Indeed, it took an amendment of the Constitution—the 23d—to grant the balloting right, in presidential elections, to citizens of the District. Yet no such avenue was proposed for this home rule alteration. The method attempted was clearly a bypass, as discerned by concerned Congressmen; resisting it on exactly that ground.

Other factors aside—and they are both numerous and valid—this sufficed as a barrier to pressurized recklessness. If there is any city in the United States that should signify and symbolize respect for the constitutional structure and written law, it should be Washington. Its changing estate as a burgeoning metropolis does not justify haphazard treatment of political issues incidental to that growth.

As this newspaper has observed, it is more than a shade peculiar that the liberal elements should be busting a gusset to confer prerogatives of home rule upon a District constitutionally deprived of them while at the same time infringing on such where other communities and levels of government—including States—are concerned.

Thanks to Members of the House possessed of convictions on a principle as clearly drawn and sharply defined as language can make it, the attempted emasculation-for-convenience failed.

The Constitution still says what it says on the point challenged by this reckless bypass maneuver, and, regardless of expedient rationalization to the contrary, a majority both in and out of Congress obviously believe it means what it means.

PROMPT HEARINGS ON SITE OF JOHN F. KENNEDY ARTS CENTER DEMANDED BY 70 PERCENT LANDSLIDE POLL OF CULTURAL CONSUMERS OF THE NATION'S CAPITAL AND ITS VIRGINIA AND MARYLAND SUBURBS

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WIDNALL. Mr. Speaker, I wish to declare my intention of introducing the joint resolution on Pennsylvania Avenue which President Johnson proposed to Congress yesterday. I compliment the President for his statesmanship in seeking at this time the creation of a Permanent Commission on Pennsylvania Avenue to oversee the development of this historic roadway. I find praiseworthy the fact that the Commission will report directly to the President.

Among other virtues, it should be able to avoid the continuous blunders of the sort that have marked the planning of the John F. Kennedy Center for the Performing Arts. This project may achieve the status it should have by becoming rightly situated in the heart of the city, where it belongs, along the famous avenue now to be designated as a national historic site.

It was reliably reported in the Washington press in December 1962, that President Kennedy, in consultation with architects of the temporary Pennsylvania Avenue Council, gave a sympathetic ear to recommendations to transfer the National Cultural Center to the avenue. Therefore it becomes additionally appropriate that the renamed Center, as the sole authorized memorial in Washington to the late President, should stand on our great inaugural boulevard, along which he passed in life and in death.

All of this relates to the great upsurge of sentiment that has burst forth in protest against the inaccessible present site by the Potomac. The protestants include civic leaders who do not ordinarily lend their names to controversies of this sort, so we may be sure that their motives are lofty and their purpose is serious—such as the Suffragen Bishop of the Episcopal Diocese of Washington, the Rector of St. John's Church in Georgetown, the leading individual patroness of the performing arts in the United States, the wife of the Deputy Secretary of Defense, the first vice president of the Washington Opera Society, lawyers, doctors, and political chiefs both Republican and Democratic.

And now they may be sure that their views—and the views of the American Institute of Architects, the New York Times, the Washington Post and the District of Columbia Federation of Citizens Associations among others—are backed by a large majority of the potential audiences that the Center is supposed to serve. I am offering the proof to Congress today, as I promised I would in my statement of September 7. At that time I proposed the first, and certainly long overdue, survey of the needs and desires of the consumers of cultural entertainment in Washington and the nearby areas of Maryland and Virginia. Today I report to you results so convincing and so significant that they will amaze even the proponents of a change, and confound those whose minds are closed to an orderly reexamination of the site.

SEVENTY PERCENT LANDSLIDE DEMANDS HEARINGS

By a landslide vote, a massive cross-section of the concert and theater audiences of the Washington metropolitan area has demanded a full-scale review of the Kennedy Cultural Center location before it is too late. An overwhelming 70 percent have voted for immediate hearings on proposals to move the Center to the heart of Washington. This is greater voting support than any American President has received in the 20th century. President Johnson, the Congress, and the trustees of the Kennedy Center are now faced with a mandate from the people who count and can be counted—the members of the audiences who will spell success or failure for the Center.

I am sending this information to the White House, and I am hopeful that the President will seriously consider this firmly expressed referendum on the needs and desires of the residents of the District of Columbia, Maryland, and Virginia. They are urgently entitled to a reprieve from the man in the bulldozer. He was pictured in yesterday's papers, poised to wreck a lovely recreational area of the Potomac Park riverfront as the first heavy step toward insisting that the wrong building be constructed at the wrong place at the wrong time.

The electorate that has been polled was assembled from the mailing lists of known ticket buyers furnished at my request by the American Light Opera Co., the Washington Ballet, the Washington Civic Opera Co., and the National Symphony, all of which expect to perform in the Center. Yesterday, the Opera Society of Washington decided to add its list to the others. These publicly supported organizations should be highly commended for offering their cooperation in a matter of the highest public interest.

OF 3,297 VOTES, 2,308 FOR HEARINGS, 989 AGAINST

In less than a week, 3,297 votes have been cast—2,308 favor reopening the question of the Center's location, and only 989 oppose hearings.

The response is remarkable in its total size. It represents about 10 percent of the 33,000 consumers addressed by mail between last Friday, September 24, and yesterday, September 30. This rapid and heavy response is considered to be extraordinary by survey experts, since the respondents had to read a long statement of pros and cons, furnish their own postage and sign their names and addresses. Many Federal workers are unwilling to sign their names in connection with controversial issues related to the Government.

In addition to card responses, there were many letters from thoughtful citizens, expressing their rightful indignation and frustration with the dictatorial tactics that have characterized the direction of the Center. Even on the cards themselves, many wrote messages of appreciation for being consulted on this important issue that so directly affects them. This gratitude came also from some of the minority that want to keep the site down by the river. This being no secret poll, I have invited the press and broadcast media and interested Members of Congress to inspect the flood of mail and form their own judgments.

THEY HOPE TO GO TO CENTER BY SUBWAY

In a subsidiary question, the voters were asked how they plan to go to the Center, once it is built. A substantial number said that they hope to use the newly authorized subway for this purpose. The rapid transit route recently approved by Congress will not serve the riverfront site now designated by the Kennedy Center. This response, too, is notable, because the consumers polled now travel primarily by private automobile, a transportation medium many of them are eager to give up when theatergoing.

I am sending this information to the distinguished Senator from Pennsylvania [Mr. CLARK]. Yesterday, recognizing the need for accessibility, he recommended that the subway route be altered to provide a station at the Center. This should have been brought up at the time the subway bill was voted a couple of weeks ago. The route of the subway, which does not serve the Center, is part and parcel of the act as passed by the Senate and House and signed by President Johnson. If the Senator's solution is a practical one, that too would require immediate hearings on an amendment of the Rapid Transit Act. Certainly Senator CLARK, who was once the mayor of the great city of Philadelphia, should know that many thousands of Philadelphia Orchestra subscribers travel to the centrally located Academy of Music via the municipal subway which conveniently serves it.

BILLS SEEK 90-DAY REPRIEVE TO ENABLE OPEN HEARINGS

The hearings so decisively demanded by music and theater audiences should be held promptly. Senator KARL E. MUNDT, of South Dakota; Representative THOMAS B. CURTIS, of Missouri, Representative CHARLES MCC. MATHIAS, of Maryland, and I have all introduced Kennedy Center bills which call for such hearings, but so far these bills have been bottled up in the House and Senate Public Works Committees. I hope that the persuasive facts that my colleagues and I have developed will lead to immediate consideration by these committees.

Meanwhile, President Johnson or Secretary Udall, by a simple Executive order, could stay the imminent destruction of part of Potomac Park for a reasonable period of time. The bills introduced in Congress call for a 90-day reprieve. This is a small price to pay in order to prevent a possible national cultural disaster. There should be no assumption that such hearings will inevitably result in a change. The panicky behavior of the Center's officials makes it appear that they think that open hearings with expert testimony is to be feared. All fair-minded men should be persuaded, as I was, by the recent thoughtful editorial in the Washington Post, which ends:

> Earlier suggestions of another site were withheld while the program was proceeding through the legislative and fundraising stages because no one wished to disrupt these efforts. Now that this phase is concluded a final look at other locations can be undertaken without injury or delay. So much has been done to fix the Center at the Potomac site that change may be difficult if not impossible. But the community will go forward in better heart if it is demonstrated by the sponsors that their choice of a site is so good that they do not fear a reexamination of the issues.

I would like to think that our distinguished colleagues in the House and Senate who serve as trustees of the Kennedy Center would also want the community to go forward in better heart.

DOMESTIC SUGAR INDUSTRY WOULD RATHER SWITCH THAN FIGHT

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINDLEY. Mr. Speaker, today's mail brought a curious item from the domestic sugar industry, which purports to include the following members: domestic beet sugar industry, mainland cane sugar industry, Hawaiian sugar industry, Puerto Rican sugar industry, U.S. Cane Sugar Refiners' Association.

Here is the text of the memorandum:

> MEMORANDUM
>
> To: Members of the House Committee on Agriculture.
> From: The domestic sugar industry.[1]
> Subject: Import fee on sugar.
> Date: September 30, 1965.
>
> In view of conflicting reports concerning the attitude of the domestic sugar industry toward one aspect of pending sugar legislation, we consider it desirable to set forth our position.
>
> The domestic sugar industry does not support the amendment which would impose an import fee on sugar. It vigorously supports the position of the President and the administration against an import fee.
>
> Confusion as to the industry's position may have arisen because earlier this year it was advised by responsible officials in the administration that consistent with their announcement of October 19, 1964, there would not be administration support for sugar legislation unless such a fee were included. After much discussion the industry agreed to support an import fee of not more than 50 percent of the difference between the so-called world market and the domestic price objective of the act, with a 1-cent-per-pound ceiling.
>
> Subsequently, the President determined that such a fee was inadvisable and announced his position to the Ambassadors from the Latin American countries. On August 17, 1965 the President said: "I will propose today that Congress eliminate the special import fee on sugar, so the full price of sugar will get to the Latin American producers."

What a stouthearted outfit.

Last March 29 this same resolute group, without a word about White House pressure, announced it was recommending—yes, recommending, not just "agreed to support"—an import fee as a part of its proposals for new sugar legislation. Full text of the industry's March 29 announcement appears in the RECORD, September 30, page 25713.

On September 30, same year, the same group now divulges that it was all a mistake. It appears the recommendation was made March 29 only because they were told "there would not be administration support for sugar legislation unless such a fee were included."

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[1] Domestic beet sugar industry, mainland cane sugar industry, Hawaiian sugar industry, Puerto Rican sugar industry, U.S. Cane Sugar Refiners' Association.

Now they have switched, and want all to know that they were really against the import fee all along.

It all adds up to one simple truth: Where the import fee is involved, the domestic sugar industry would rather switch than fight.

And it leaves me wondering just what kind of pressure and motivation causes a giant industry to flip back and forth with no apparent regard for the interests of taxpayers and consumers? Does this group really speak for the domestic sugar industry?

It would be interesting to know the identity of U.S. citizens and business firms with special vested interest in foreign sugar quotas.

OUTSTANDING CLEVELAND LAYWOMAN RECEIVES MISSION SECRETARIAT AWARD FOR AID TO CATHOLIC MISSIONS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 60 minutes.

Mr. FEIGHAN. Mr. Speaker, an outstanding Cleveland laywoman, Miss Clara E. Westropp, was named recipient of the ninth annual Catholic World Mission Award in ceremonies held in Washington, D.C., in connection with the 16th annual meeting of the mission secretariat.

The presentation followed a 5 p.m. Mass at St. Thomas the Apostle Church celebrated by Rt. Rev. Msgr. Edward T. O'Meara, S.T.D., director, Society for the Propagation of the Faith of the Archdiocese of St. Louis.

The World Mission Award was given posthumously to Miss Clara E. Westropp who passed away on June 23, 1965, at the age of 78. Miss Westropp was a cofounder of the Women's Federal Savings & Loan Association of Cleveland and was serving as president of the $142 million association at the time of her death.

Accepting the award from Rev. Gilbert I. Sheldon, director, Society for the Propagation of the Faith of the Diocese of Cleveland on behalf of her late sister was Judge Lillian M. Westropp. In making the presentation Father Sheldon quoted the following telegram received from Bishop Fulton J. Sheen at the time of Miss Westropp's death:

> Preaching priests' retreat to the Los Angeles clergy prevents attendance at funeral. I feel a deep personal loss at her death. She gave me much missionary inspiration. She covered the world with her charities. Only heaven can exhaust the love of such a heart.

In 1946 Miss Clara E. Westropp officially organized the St. Francis Xavier Mission Association in the Diocese of Cleveland which includes the Deaneries of Akron, Painesville, Wooster, and Lorain. For more than 30 years she also actively aided the Little Flower Mission Circles which help the Jesuits in Patna, India. Both the St. Francis Xavier and Little Flower Circles organize women in groups of 12 each to work for the needs of an adopted missionary.

Miss Westropp's final mission activity was the formation of the Cleveland Latin America Mission Circles to support missionaries sent by the Diocese of Cleveland to El Salvador. Today these circles number 26. Under her guiding influence the St. Francis Xavier Mission Circles grew to 359 and the Little Flower Circles to 100. Miss Westropp was also instrumental in promoting the mission circle movement in Los Angeles, Chicago, and Detroit.

A missionary brother, the late Reverend Henry I. Westropp, S.J. who spent more than 40 years in India, was greatly responsible for awakening and nurturing his sister's great interest and enthusiasm for missionaries throughout the world.

For her accomplishments in Catholic action and her many works of mercy for the missions here and abroad, Miss Westropp was given the papal honor, "Pro Ecclesia et Pontifice"—for the church and Pope—by the late Pope Pius XII in 1954. In August of this year the Ladies Auxiliary of the Catholic War Veterans also named her as "Outstanding Woman of the Year."

A MORE BEAUTIFUL AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oklahoma [Mr. ALBERT] is recognized for 15 minutes.

Mr. ALBERT. Mr. Speaker, perhaps the greatest evidence that the American public deeply desires action for a more beautiful America is the fact that some 300 Associated Press managing editors invited the First Lady to come and speak to their convention in New York today on the subject of beautification.

They wanted to hear more about the redesigning and reshaping of American cities in a more attractive way and how we should carry out this work. They must feel their readers do too. May I remind you that their readers are also our constituents. And if editors wanted to hear more about it, I think that means all of us will be hearing more about it.

As the First Lady points out, "beauty" is a word new to the vocabulary of politics. But today, "beauty" is, to the editor, the biggest story in his hometown; to the businessman, it means a new life to the downtown area; and to the community leader, it offers a program to attract new business and new citizens. This important new project has widespread interest and support, both in the Congress and among our constituents and leaders.

I place in the RECORD the foresighted speech which the First Lady made today to the national convention of the Associated Press managing editors and commend it to your attention:

YOU—AND TOMORROW'S MAIN STREETS

Mr. Beebe, friends, there is method in my madness in accepting an invitation to speak to the most discerning audience in the world.

Frankly, I want to turn over some of my problems to you.

You see, a funny thing happened after the President's address on natural beauty. Everyone started doing something about it. And, if you think your letters-to-the-editor columns bring a variety of opinion, I invite you to come read mine.

But, let me point out, all you have to do is print them. I have to answer them.

There are problems of zoning, of saving historic buildings, of enhancing the city's waterfronts and highway approaches that pour over my desk.

One lady wrote:

"DEAR MRS. JOHNSON: I've been writing to the city commissioners for 3 years about my big problem. Now I hear you have a committee to make Washington, D.C., more beautiful. Can you folks come over here and clean up the rubbish and rats in my neighbor's yard?"

One earnest gentleman described at great length his ability to make a machine which could eliminate junk automobiles with a "whoosh." Part of its design was a secret (which could be revealed if I invited him to tea).

Then a lady in Texas struggled hard to transform a small weed-choked island of city property into a lush growth of vines and flowers using the money she had saved from her grocery budget. For weeks, she donned her shorts and went out to weed and spade.

"From the women, I get compliments; from the men, whistles," she reports.

I won't take time to read you the thousands of serious letters from civic beautification committees, garden clubs and conservationists who report their activities. They are thrilling—filled with ideas which we try to pass on.

And they are evidence that a big hometown story is underway. I'm willing to spend my energies to help make it count for our country, but quite frankly, gentlemen, I think you are in a better position to do something about it than I am.

I have been told by some of your members to be quite specific. So—with you permission, may I manage your beautification news?

One of your distinguished colleagues, the late H. L. Mencken, once said he had spent his life watching the growth of the roadside jungles in our Nation and had been forced to the gloomy conclusions that the American people do not merely tolerate ugliness, but have a positive passion for it.

I cannot agree with Mr. Mencken, but I do think that we—as a nation—have just begun to accept beauty as a necessity to our vocabulary.

"Beauty" is a fragile word. Once, its use was reserved for the tender little lady who did needlepoint.

Politically, it has been an almost embarrassing word. Few men of business or politics would talk of "beauty."

Those who did were apt to feel like a 16-year-old boy quoting poetry, self-conscious and foolish.

Or it hung between the walls of galleries. It lay within the gates of parks.

Perhaps a combination of our affluence, our technology, and leisure time has given us the courage to use the word right out in public.

Beauty—to the editor—is the biggest story in his hometown. Probably the uncovered story. For we are just beginning to get concerned about the way the hometown looks.

To the businessman, beauty means helping the downtown area be orderly, attractive, pleasant, and alive—perhaps alive is the best word.

To the community leader, it means trying to attract new business with all the lures—water, recreation, a happy climate for families.

In the war on poverty, as we have raised the curtain on some of our most blighted conditions, we have come to know how essential beauty is to the human spirit. You can find the human craving for it in small things and large. And you see the high cost of ugliness.

When I go into the poorest neighborhoods, I look for the flash of color—a geranium in a coffee can, a window box against the scaling side of a tenement, a border of roses struggling in a tiny patch of open ground. Where flowers bloom, so does hope—and hope is the precious, indispensable ingredient without which the war on poverty can never be won.

In our city areas, where people work, we may achieve a semblance of efficiency in a great, unrelieved complex of buildings which is no more than a gigantic filing cabinet for people and automobiles. But unless beauty is included in the rebuilding, the most important ingredient will be missing. We will not hear the sound of laughter which marks the soaring spirit.

The peril to tomorrow's Main Street is already at hand—indeed, each day, we are losing leadtime in acquiring the breathing room, the green spaces which will save our cities and their inhabitants.

The year 2000 is not a distant, improbable date of interest only to the authors of science fiction. We are only a generation away from that magic number; many of you will be around to celebrate—or to mourn—the turning century. By that date, the estimated population of America will be 300 million. Eighty-five percent of them will live in urban areas. One-third of them living in 10 metropolitan areas with populations ranging from 5 to 23 million.

This, then is the dimension of your biggest and most critical assignment, for what you do now will have much to say about how Americans live then.

You are the ones who can awaken, lead, and speak. You are the yeast of your communities.

Each day, the world is on tiptoes waiting to hear the news from India and Pakistan and Vietnam. But there is a big story underway in your hometown, how it will grow.

Consider the reader. The news gives him cause to worry and offers little he can do except worry. But the story of what is—and what can—happen in making his hometown more attractive can activate him into constructive help.

The climate for action has never been better. There is more imaginative thinking, working, planning on urban environment than ever before.

Let me just suggest a few things that help bring the hometown story to life. Many of them are already being done by many of you, but I would like to point out the things I consider most helpful.

1. Put able, knowledgeable reporters on the beautification beat. You can cover plans and alternate plans day after day, but finally little gets done unless the reader can visualize through perceptive reporting what they mean to him and to the State as well as his city. Good interpretation is needed. Some newspapers are already doing this and finding that it gives continuity to the story.

The alert reporter can often point to a spot where some shrubs and flowers will help bring color and beauty to the city. Not all efforts have to be big efforts.

2. Some of your newspaper seminars and State association meetings would do well to look into the wide range of stories that affect the growth of reshaping of cities.

They could establish contact for your writers with the experts—the architects, planners, landscape architects, conservationists. There is a mine of interesting information there. And your writers can learn more about the technical considerations involved so they can evaluate them. Newspapers share with these experts a great interest in the well-being of their community.

3. Nothing helps so much as pictures which enable the reader to visualize what is taking place.

I remember counting 26 broken windows in a Washington school. There was not a shred of grass or a bush to relieve the prison-like look of the school. But when Washington merchants took on the task of landscaping these schools and enlisted the help of students, no more windows were broken.

The story and pictures have prompted an effort to add shrubs and trees to a long list of bleak institution-like schools.

People will respond to the plea to save a tree, maintain a park, beautify a triangle, retain the view of the river, if they know what is at stake and know it in time. Consider the lessons of your own experience: how much ground has been lost for beauty in your city because the public did not understand what was afoot in time, and was confronted too late with the ultimate discouragement of the accomplished fact?

I think also of what picture stories can mean in helping along the clean-up, paint-up campaigns that get underway in many cities.

Recently, in Washington, some members of my committee helped organize 37 blocks in a low-income neighborhood. They persuaded merchants to contribute $3,400 worth of paints and brushes, rakes, shovels, and brooms to the cause.

One summer week, there were 1,000 boys and girls and 200 adults enlisted to clean out the trash. Sixty-five truckloads were hauled away.

The rakes and brooms are all set for the next neighborhood.

But most of all, I believe the effect would be on those who worked at it. I think they must have a new pride in their city.

Taking a visual inventory of the city may help the citizen know what needs to be done and what doing it means to the city.

4. I would suggest that your readers might like to hear what other cities are doing about their problems. City leaders and reporters might go to see what has happened in New Haven, in Hartford, in Peoria, Sacramento, Rochester, Norfolk. Seeing and telling the story of how these cities have coped with problems will help you find the answers to your own. How to make the most of the waterfront for the people? How to find the creek that runs through the town where open spaces can be purchased and carved out for hiking and bicycle trails? How can the city buy some of it while it is $100 an acre instead of $1,000?

5. And then, there is the specific situation of your own plant. I doubt that there are many editors present who can look out of his office window and be pleased with what he sees. You are located somewhere near the heart of what the planners call center city. It is true that your editions follow subscribers into the newer and pleasanter areas beyond the declining business districts—where, incidentally, they go to reach what the city has lost—some natural beauty—trees and streams which get farther and farther away.

Some of you may count your readers in the satellite cities and the surviving villages. But it is downtown that one must seek the pulse of a city * * * downtown where you are. When a town dies, the newspaper is one of the first victims.

And when beauty returns to any part of a city, so does health.

I am aware that the statement is simple and the deed is not. There is much to be done. But the goal of rebuilding our cities into places to live in—not places to escape from—is a challenging one.

All over America, our great newspapers have a rare opportunity not just for normal civic leadership but for creative leadership in building an environment that enriches the lives of all the people of the community.

This starts with the man who carelessly throws litter out of the car window, but at its worst, it is large scale greed that squeezes out every drop of our environment.

It may mean fighting municipal vandals, prodding neglectful leaders, exhorting the public. But it is worth doing.

If our metropolitan newspapers do not care enough to fight for the very life of our great cities, who will?

The question is a fair one. And there is no doubt in my mind how you will answer it.

Thank you for asking me here today.

ARE WE LETTING OUR TROOPS IN VIETNAM DOWN?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, last month I had the opportunity to spend an afternoon with our troops in Vietnam. It was a memorable experience. There was every reason to be proud of them for their leaders were excellent, they were combat ready and their morale was exceptional. All of this despite the fact that they were encamped in Vietcong territory, they were living in tents and the monsoon season had brought rains which made the base a virtual quagmire. Moreover, they were well aware of the sniping going on at home. They are there to win, the Vietnamese have gained great inspiration from our strong commitment to their struggle for freedom and the tide surely seems to be in our favor.

Spend an afternoon at the front and then spend an afternoon on the floor of the House of Representatives listening to my Democrat colleagues arguing against our efforts to cut off foreign aid to free world nations shipping into North Vietnam. You would have thought the sky would fall in had our motion prevailed. What is wrong with using some strong pressure to stop those who are supplying our enemies. American casualty reports and the whole prospect of a Communist southeast Asia seem to have little effect on our allies, especially the British, who put commercial and pecuniary interests first, principle and loyalty second.

I strongly supported the motion to knock from this $4 billion foreign aid bill any payments to those nations who are supplying our Communist enemies in North Vietnam. I only wish the House of Representatives had shown a spirit in opposition to President Johnson's request similar to that which our fighting men are showing in Vietnam. If our men buckled under as easy as the Democrats in Congress, the war in Vietnam would have been lost a long time ago. Our effort failed, 164 to 174, with only one Republican supporting the Democrat position. We did not lose, the people did and so did our troops.

Over the past 5 years, I have continually pointed to the fact that there are blind spots in our foreign policy. A few years ago we were urging the free world not to ship to Cuba at the same time we were ourselves increasing our trade by 800 percent to the worst tyrant of them all, the Soviet Union. Is it any wonder that the nations of the free world think we are crazy? It is time that we show overall leadership to marshal the forces of the free world against communism. We cannot do it on a selective basis. Nor are military considerations the only ones involved. Our overriding consideration should be the moral, economic, political defeat of communism in the United Nations, behind the Iron Curtain, in emerging nations and everywhere in the world where their godless and oppressive system is challenging free people or the philosophy and principles of free societies. We lost a very good chance today to assume this leadership which is now lacking. While I have strongly supported the President's Vietnam commitment, the State Department's policy of selective retreat from the Communists is one which is most surely a blueprint for catastrophe.

I am including with these remarks the statistics regarding the 1964 free world shipping to North Vietnam which indicates that 401 vessels were involved. Through August of this year, the figure is over 200. It is something worth considering.

1964 free world arrivals in North Vietnam—Summary of arrivals, by flag

Month	United Kingdom	Japan	Greece	Sweden	Norway	Italy	Netherlands	West Germany	Panama	Liberia	Lebanon	Denmark	Indonesia	France	Finland	Burma	Total
January	15	5	3						2		4			1			30
February	14	11	3		2				1		1						32
March	17	11			5	1		1	1		1				1	1	39
April	23	5	4	1	7		1		1		5						47
May	16	3	3		6	1	1	1		1		1					33
June	9	1	4		3	1			1		1						20
July	13	3	7		3	1	1	2									30
August	18	4		1	6		1	2	1	1							34
September	14	9			3	2	1	1		1			1				32
October	13	7	5	1	4	2		1		3							36
November	11	9	5		1	2	1		2		3						34
December	14	7	2		3	1	1			1	5						34
Total	177	75	36	3	43	11	7	8	9	7	20	1	1	1	1	1	401

CLEAN AIR AND SOLID WASTE DISPOSAL ACT

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PEPPER. Mr. Speaker, this has been a historic Congress. So historic in fact, that we have difficulty in keeping up with its recordbreaking pace. I do, however, wish to be on record as giving my fullhearted support to the Clean Air and Solid Waste Disposal Act which passed the House on September 24.

The legislation will serve as a start to the solving of two problems which if ignored have great potential for disrupting the happy and healthful life of our citizenry. The first provision of this legislation—the Motor Vehicle Air Pollution Control Act—gives the Secretary of Health, Education, and Welfare the regulatory authority to set standards which will govern new motor vehicles and engines. This measure is designed to prevent the United States from becoming a gigantic gas chamber. Today the exhaust pipes of over 85 million motor vehicles are pumping poison into what used to be our pure air. We who come from urban centers are well aware of this creeping contagion. Floridians have kidded about the Los Angeles smog but the growing number of exhaust pipes if allowed to puff unabated will also blur the sunshine in our Sunshine State. In fact we owe a debt of gratitude to our California brethren for they have led the way in this fight and 1966 model cars in that State will have equipment for the reduction of tailpipe emissions.

The distinguished chairman of the Committee on Interstate and Foreign Commerce, in presenting this legislation, stated on the floor that:

> The automobile industry has informed our committee that the industry will be able to meet the nationwide standards by 1968, which means that it is anticipated automobiles sold throughout the United States during the fall of 1967 and thereafter will very likely meet such standards prescribed by the Secretary to meet this problem.

The hearings and report of this legislation give convincing evidence of the growing health hazard of automotive smog. The committee report states that the "total motor vehicle emission into the atmosphere will increase by 75 percent in the next 10 years if effective controls are not applied and will more than double by 1985." The Interstate and Foreign Commerce Committee also emphasized that although the basic responsibilities for air pollution control should and will rest with the States and localities, "the high rate of mobility of automobiles suggests that anything short of nationwide control would scarcely be adequate to cope with the motor vehicle pollution problem."

The second major provision of the bill deals with the subject of solid waste disposal. Solid wastes include a great variety of things—such as garbage, rubbish, ashes, street refuse, demolition and construction refuse, and wastes from slaughterhouses, canneries, manufacturing plants and hospitals—the flotsam and jetsam of our civilization. The bill would authorize Federal assistance in the establishment of a national program of assistance to States, communities, and industries for research, demonstration, and planning on solid waste disposal problems. It has been pointed out that less than half of the cities and towns in the United States with populations of more than 2,500 people have programs for sanitary disposal of solid wastes. Like automotive air pollution, it is a growing problem. The current national production of solid wastes in urban communities amounts to a half billion pounds daily, and it has been estimated that the total will rise to approximately three times that amount by 1980.

This is another area where this country is being pennywise but pound foolish. Approximately $3 billion a year is being spent today for refuse collection by local government and private entrepreneurs but less than $500,000 is being spent to improve methods of solid waste disposal. All too often the committee report states:

> Refuse is disposed of by methods that create unhealthful, insanitary, and unsightly environmental conditions. Such practices contribute to air, water, and soil pollution and create breeding places for disease-carrying insects and rodents. Accumulations of litter, refuse, and junk cause fire hazards, contribute to accidents, and destroy the beauty of cities and the countryside.

What this legislation envisions as a role for the Federal Government is that for which it is best fitted—providing assistance for research and demonstration which will bring to the States and localities—and interstate agencies—the latest scientific knowledge and creative thinking on the best methods of conversion and safe, healthful, and economic utilization of solid wastes.

The bill which passed the House last Friday is a major step in bringing the new society into being. The society that we would impose on future generations without this legislation would envision Americans with their heads in the smog and their feet in the dump.

URGENT NEED FOR CHANGE IN STATUS OF MARITIME ADMINISTRATION

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GARMATZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GARMATZ. Mr. Speaker, the administration and the Department of Commerce have, for some time, been in the throes of study and discussion seeking to arrive at a national maritime policy which can restore some stability to our foundering maritime industry. Certainly, a national maritime policy which would face up to the problems and needs of American shipping and shipbuilding is devoutly to be desired. The present handling of this most important segment of our national economy leaves much to be deplored. Unless great improvement in the handling of the Nation's maritime affairs is speedily effected, the dwindling commercial fleet which now carries less than 10 percent of our country's commerce can be expected to continue its downward trend of the past 4 years.

The chief reason for so many of our maritime problems, I am convinced, is that this formerly independent agency was relegated under Presidential Reorganization Plan No. 7 of 1961 to a relatively minor position in the Department of Commerce, subject to the overall control of the Secretary of Commerce.

Frankly, this system of organization has not worked out at all. Under a Secretary who apparently came into office with preconceived views antagonistic to the martime policy set by the Merchant Marine Act of 1936, the industry sank year by year to a present status that is inadequate to meet either the demands of our commerce or the needs of any military emergency.

Even under a Secretary of Commerce who apparently recognizes the plight of the merchant marine and appears to be disposed to do his best to reverse the downward trend, I believe the cards are stacked against the industry because of the 1961 plan's subjection of the Federal Maritime Administration to its present secondary position.

Accordingly, I have sent to the desk a bill that would restore the independence, dignity, and authority of the Maritime Administration by again making it an independent Federal agency whose policies and discussions would not be subject to review and negation by the Secretary of Commerce. I do this with all possible appreciation of the views and efforts of the present Secretary but with the definite conviction that the establishment of an independent Martime Administration will be in the interest of both the maritime industry and of the entire country.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. SISK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SISK. Mr. Speaker, I want to take this brief opportunity to express my appreciation to all those who yesterday supported my bill, H.R. 10115, and which now goes to the other body as a substitute for S. 1118.

As I have said so many times, in my judgment, the legislation which was approved yesterday is the nearest expression to complete local self-government that has been embodied in any of the 35 bills which were considered by the House District Committee in this session. I say this because it is the people of Washington who will be able to express themselves positively, first, whether or not they want home rule and, second, whether or not they approve the format or charter which will be drafted and which will be submitted to them for approval or disapproval.

For the information of the Members, and because there have been so many inquiries as to the exact provisions of my bill, briefly I will say they are as follows:

This bill provides for a referendum, not later than 100 days after enactment, to determine if the residents of the District of Columbia want self-government. The question on the ballot which the voters will answer is "Do you approve the creation of a District of Columbia Charter Board?"

As a part of the same referendum, the voters would elect a District of Columbia Charter Board. If a majority of the qualified voters approve the referendum, the Board would be created, consisting of 15 persons selected from a list of candidates on a nonpartisan basis. The candidates would be nominated by petition, signed by at least 300 voters and would be elected at large in the District of Columbia.

The Charter Board is empowered within 7 months of election to prepare a District of Columbia Charter establishing a municipal government for the District of Columbia, which would then be submitted by referendum to the voters for approval or disapproval.

In this referendum the voters would be asked to vote "yes" or "no" to the question: "Do you approve the charter?" If approved, it would be transmitted to Congress and would take effect within 90 days thereafter, unless meanwhile it had been disapproved by either House; or if both Houses approved, it would take effect thereupon.

Congress could only approve or disapprove, but it could not in any wise modify the charter as drafted by the District of Columbia Charter Board.

Complete legislative power over the District would be provided by such charter within the scope of the power of Congress acting as a legislature for the District, and consistent with the constitutional requirement that Congress retains ultimate legislative authority over the Nation's Capital.

Reservation is also provided for the Congress at any time to amend the charter, or for the people of the District to do so by referendum unless disapproved by Congress.

Provision is included for veto by the President of any legislation enacted by the municipal government.

I would certainly hope that the other body would take a good look at my bill. Since, in my judgment it is noncontroversial and does not include the specific provisions which were the subject of so much objection on the part of many of the Members of this body, I would hope that they will find it possible to approve the same immediately so that it may go into effect at once. Or, if it is the wisdom of the other body that a conference be held, I would hope that the approach that I proposed and which was adopted so overwhelmingly yesterday will be the format as finally approved by both bodies and by the President.

MRS. JOHNSON'S CAMPAIGN TO BEAUTIFY AMERICA

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BURTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BURTON of California. Mr. Speaker, often in our Nation's history we have had First Ladies who were gracious and warm and charming. But seldom have we had a First Lady, as we have now, who had all those qualities to unite the country behind essential causes. I speak, of course, of Mrs. Johnson's energetic one-woman campaign to beautify America. Thanks to this lady, Americans are beginning to open their eyes to their surroundings, and, for the most part, they do not like what they see. And thanks to her, Americans are beginning to catch a glimpse of what our country might be like if only we will decide to change it.

I call the attention of my colleagues to a recent editorial in the San Francisco Examiner which praises Mrs. Johnson as "a practical woman as well as an idealist in crusading for the beautification of urban and rural America." This editorial is typical of hundreds that appear every week in newspapers across the land. They are richly deserved.

[From the San Francisco (Calif.) Examiner, Sept. 13, 1965]

URBAN BEAUTY

Mrs. Lyndon B. Johnson, a practical woman as well as an idealist in crusading for the beautification of urban and rural America, has a good instinct about her subject, and people too.

Mrs. Johnson's major emphasis in her speech on beautification last week was more on the profit in attractive cities and countrysides than on purely esthetic values. She knows the indispensability of things "good to look at" in improving the face of nature. She knows equally well the impact of a sound economic foundation.

Thus, these provocative and persuasive epigrams in her speech before the American Forestry Association and the National Council of State Garden Clubs:

"The ugly city is the one that will decline and die.

"The city that is beautiful brings a high return on the dollar.

"Preserving the attractiveness of a city is a primary economic asset, a way to get payrolls."

Few will be hard to sell on Mrs. Johnson's basic premise, that "ugliness, the gray, dreary, unchanging world of deprived neighborhoods, has contributed to riots, mental ill health, and crime."

Her words should be heeded in the older core cities of San Francisco, Oakland, and Berkeley, as well as the older suburban cities. Agreed, all these cities have more beauty than most other American cities; agreed, our slums and blighted neighborhoods are not as bad as those in the East. But it is not enough to look good by comparison.

The fact is that the forces of decay and uglification in bay area cities are still outpacing the forces of renewal and beautification.

A MISSTATEMENT OF FACT

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, yesterday a minority Member who serves on the Domestic Finance Subcommittee of the House Banking and Currency Committee saw fit to place in the Record a statement entitled "Banking Committee Revolts on Bank Merger Bill." The Domestic Finance Subcommittee has been sitting in session and holding hearings on S. 1698—a bill to amend the Bank Merger Act of 1960.

As I stated on this floor on September 24, I wholeheartedly support the distinguished chairman of the Domestic Finance Subcommittee and the House Banking and Currency Committee, the Honorable Wright Patman, in holding full and extensive hearings on this bill. I stated at that time, contrary to some of the statements that appeared in the press, that Chairman Patman was not stalling on the bill but was holding full and adequate hearings on a piece of legislation that, contrary to what some of the press reports, has not been subject to one word of testimony at the committee level on the Senate side.

Had the gentleman of the minority party [Mr. Brock] consistently attended the committee hearings on this bill, I do not believe he would have made the uncalled for and in my opinion inaccurate statement that he did which appears on page 25718 of the Congressional Record of September 30, 1965. This gentleman was absent most of the time when the Domestic Finance Subcommittee was hearing testimony on this bill, and it therefore seems rather hard for one to assume that he could be completely informed on the content of the testimony or aware of the superb and full hearings which the chairman has conducted on this bill.

Obviously a lot of heat and emotion has been generated on this proposed legislation. Many members of the committee support one or another of the various proposals that have been introduced on this matter. And as is true under the democratic procedures of the House and the rules of the House Banking and Currency Committee, which the distinguished chairman of our committee follows to the letter, any Member may at any time make requests to the chairman concerning legislative matters before the committee.

To characterize the desires of a group of members of the committee as being in revolt against the actions of the subcommittee is to me to say the least an unfortunate and inaccurate observation.

Had the gentleman from Tennessee, who felt called upon to use this word "revolt," been in attendance at the hearings he would have been informed of the fact that the chairman has consistently indicated that it was his observation and best estimate that the hearings would be concluded toward the end of September. This is precisely what has happened, for today the Subcommittee on Domestic Finance met in executive session and reported out a bill on this subject. It is natural that proposed legislation of this nature, which so greatly affects the banking industry, would be subject to a whole spectrum of differences of opinion.

This is still the case, but I say again to classify this honest difference of opinion among the members of the committee as a revolt is unfortunate and in my opinion inaccurate.

I trust that the gentleman from Tennessee will feel called upon to restate his position on this subject as it appeared in the permanent Record of September 30 in a more accurate light.

SAVING THE LONG ISLAND WET LANDS

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Ottinger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OTTINGER. Mr. Speaker, preservation of America's vanishing natural resources is one of the most important jobs that faces Congress today. Under the impact of our growing population, we are in danger of destroying much that is essential to our American way of life. Our majestic rivers are being converted into industrial canals and our marshlands are being filled for housing developments.

Obviously, we must find an enduring balance between the conflicting needs. Our industry must grow to support our population and our people must have homes. On the other hand, we must not in the process of growing wipe out all trace of our rich natural heritage. If we do not act decisively now, that is exactly what will happen.

Understandably the danger is greatest around our metropolitan complexes. The suburbs of our cities are reaching out until they threaten to join with other cities hundreds of miles away in one great urban corridor. If we allow this to happen and do not preserve the unique character of natural America, we will have failed future generations miserably.

In New York State, urban pressures and bad conservation practices have joined to accelerate the obliteration of our heritage.

My friend and distinguished colleague from New York, Mr. Herbert Tenzer, has come forward with important legislation to counter this destructive trend by preserving the valuable and irreplaceable wetlands of Long Island. These wetlands are important to the preservation of the once-rich fish and bird life of New York State. They are a source of pleasure and relaxation for countless sportsmen. They play an important role in the lives of our children. If we lose this last natural refuge, New York's young people will never know one of the great joys of childhood or learn at first hand of the rich wonder of untrammeled American wild lands.

In his bill establishing the Long Island National Wetlands Recreation Area, the gentleman from New York [Mr. Tenzer], has set a pattern of leadership for preserving such valuable resources. I am proud to join in the effort.

The proposal has been met with general acclaim throughout Long Island and from conservationists throughout the country. This support is typified by the following editorials, which, with unanimous consent, I would now like to enter in the Record.

[From Newsday, Sept. 24, 1965]

Saving the Wetlands

The preservation of the South Shore wetlands—a prime breeding place for migratory birds, fish, and mollusks—has been a continuing object of concern to local government units and conservationists over the past 10 years. These lands cover some 16,000 acres of marsh and waterways stretching from Lawrence into the town of Babylon in a fairly continuous 15-mile strip. With State assistance, a large proportion of this land is already held in trust for the public, but under no hard and fast guarantee against its eventual disposition, perhaps for unsuitable uses.

Now Representative Herbert Tenzer, Democrat, of Lawrence, has proposed a bill to wrap up all these wetlands in one package under Federal Government control. They would become part of a Long Island national wetlands recreation area, to be acquired by the Government if possible or otherwise to be operated by the Government with a 50–50 sharing of costs. Towns wishing to do so could continue to operate their own wetlands. The plan would apply to 95 percent of the land designated by Representative Tenzer. The other 5 percent, privately-owned, would remain unchanged in ownership if used for residential purposes or sold to the Government with the owners retaining use for 25 years or life.

The Tenzer project seems wholly useful. The State's cooperative wetlands program provides much the same protection and financial assistance, but it is based upon a minimum 25 year, leasehold basis that can be voided whenever the term agreed upon has come to an end. The preservation of the wetlands, virtually the last vestige of old Long Island, is essential so that future generations can see the dunes and the marshes, the estuaries and the wildlife that once spread over a far greater proportion of our land. Perpetual protection is the only answer, and the Tenzer bill provides this. It is good planning of the type now being undertaken by the regional planning board for Nassau-Suffolk. That agency has just been granted $288,805 from the Housing and Home Finance Agency in Washington, matched by $144,403 from the two counties in the form of personnel and physical facilities. This allocation has been a long time on the way. It now permits the hiring of a 13-member staff to gather basic information about Long Island's population, transportation facilities, housing development and land use. Such information is an essential preliminary to an overall plan for the economic and social development of the two counties. The money is welcome, and the results are certain to be invaluable.

[From the Long Island Press, Sept. 25, 1965]

Guarantee the Wetlands

Long Islanders should be delighted with Representative Herbert Tenzer's bill for the establishment of a Long Island National Wetlands Recreational Area on our south shore.

The bill, introduced Wednesday, would make almost 16,000 acres of tidal marshland—from the Queens-Nassau line to the Nassau-Suffolk line—a Federal conservation preserve.

Continued dredging and development threaten to destroy these irreplaceable resources, "A chance to walk, to row a boat, to fish, to hunt, to swim, to picnic, or merely to observe the natural world—all these must be provided for, and can be, even within close range of the asphalt jungles we know so well," said Mr. Tenzer.

New York State, of course, and the towns involved have been working toward this same objective for many years now—and with considerable success. Oyster Bay has pledged about 6,000 acres and Hempstead town has dedicated 2,500 of its 10,000 acres for a period of 10 years to the joint State-town project. One big hooker is the fate of Hempstead's last 7,500 acres. Although the town has designated this as a conservation area, it refuses to permit joint operation with the State.

Another hooker is that the arrangement with the State fails to give an effective guarantee of perpetuation. After 10 years, it is possible for the towns to regain their original prerogatives.

Unless the State and the communities can guarantee that the wetlands will be preserved, then the best thing to do would be go ahead and make a Federal case out of it.

DISTRICT OF COLUMBIA HOME RULE: TIME IS RUNNING OUT

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, soon after the riots in Los Angeles President Johnson remarked that "the clock is ticking, time is moving." In fact, time is not only moving, it is running out in some areas. One of those areas is the controversy over home rule for the District of Columbia.

This week the House turned its back on a clear-cut opportunity to grant representation to the people of the city that houses the National Capitol. Instead, to our disgrace, we muddied the waters by passing a hodgepodge bill not understood even by many of its supporters. Its affect is to sabotage the home rule movement.

The clock moves on. We Members of Congress sit as a gigantic, unmanageable, unresponsive city council for the District of Columbia. The slums of our city grow worse. The crime rate increases. Hopelessness and despair set in deeper and deeper among the poor. We administer our city very badly and if the semicitizens of Washington, D.C., had the right to vote we would be quickly replaced.

Mr. Speaker, there is an old Mexican proverb:

> Even a dog knows the difference between being tripped over and being kicked.

The people of Washington, D.C., are being kicked around and they know it.

With unanimous consent, I am inserting in the Record some incisive comments on this issue, written by Thomas O'Neil in this morning's Baltimore Sun, October 1, 1965. I would draw my colleague's attention particularly to Mr. O'Neil's concluding paragraph:

> President Johnson looks upon home rule as the liberation of the disenfranchised city, and its achievement as "the final battle of the American Revolution." It is a long battle.

The comments follow:

One Man, No Vote

(By Thomas O'Neill)

Washington.—President Johnson's first congressional setback of the year came on a superficially lesser question, self-government for the residents of Washington, which is nevertheless packed with an explosive potential.

The central fact is that Negroes make up a majority of the population of the Capital, the Nation's ninth largest city, and that there is unrest under an absentee municipal government by Congress that often tends to skimp their needs. A lawmaker with a touch of Ku Klux Klan in his background, for example, has prevented participation by the District of Columbia in the Federal program for aid to children of the unemployed that is available to unfortunates in the rest of the Nation.

Such considerations were foremost in the President's mind when on August 26 in the aftermath of the insurrection of Los Angeles he said solemnly that "the clock is ticking, time is moving." Mr. Johnson entered the struggle for local government with greater energy than any predecessor in the White House, although all since Mr. Truman in 1948 have favored ending the system of the last 91 years under which Congress doubles as a city council. Both parties have for years included a promise of home rule in their quadrennial platforms.

The existing system holds elements of self-interest for Congressmen elected elsewhere and with no responsibility to the voteless constituency that lives in Washington.

Living here most of the year, the legislators are local taxpayers. Property taxes are substantially lower than in neighboring jurisdictions, while the city grows steadily shabbier. Liquor taxes, especially, are abnormally low, so much so that rumrunning into adjoining Maryland has an attraction disturbing to revenue authorities in that State.

A talking point against home rule was that locally elected officials would run up taxes to make demanded improvements. There was little dispute on this point. Instead, home rule advocates said, "You bet, and none too soon."

Taxation without representation is among the sorest of the grievances of local residents. It is exacerbated by the parsimonious payment permitted by Congress in lieu of taxes on Federal and other tax exempt property. The Federal payment of $43 million accounts for 13 percent of the municipal budget, but Federal holdings are 44 percent of all within the 68 square miles of the District. At the turn of the century Congress contributed half the cost of the municipal government, but since has been paring its share.

The hard-core slums in the Capital are as miserable as any in the Nation. At the same time the middle class Negro population of Washington, based in considerable measure on Federal salaries, is believed to be the largest in any city.

Washington governed itself for 72 years, a condition that was accepted as a matter of course almost from its establishment. The end came in a coincidence of an ambitious post-Civil War program of improvements and the panic of 1873.

It was then under a territorial form of government, with elected officials. It was also mired in the mud of unpaved streets, and without a central water supply. Conditions were so bad that there was a serious sentiment in Congress for moving the Capital to a better appointed city. The local authorities took fright and set out to remedy the worst of the conditions complained of.

Heavy borrowing was required. The panic—in the prissier language of today it would be called a depression—left the city unable to pay.

Turning to Congress, the city leadership encountered hard bargainers. Congress would foot half the cost of local government in return for cession of governmental powers. The local government went out of business in 1874, and 4 years later the change was made permanent by the act under which the District is still governed. No one in Washington has cast a ballot for local officials during the intervening 91 years. Sentiment for a restoration of a citizen-elected government has been frequently expressed in unofficial balloting, by as much as five to one.

Some supporters of the status quo insist that the Constitution requires that Congress run the city. The Supreme Court says otherwise. So did James Madison, who was in the best position of anyone to know the constitutional intent. His was the inspiration for a seat of the Federal Government removed from any State (all of the present District was ceded to the Federal Establishment by Maryland), and of the local citizenry he wrote: "A municipal legislation for local purpose, derived from their own suffrage, will of course be allowed them."

President Johnson looks upon home rule as the liberation of the disenfranchised city, and its achievement as "the final battle of the American Revolution." It is a long battle.

HIGHWAY BEAUTIFICATION

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Fallon] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FALLON. Mr. Speaker, the objectives of the highway beautification legislation proposed by President Johnson in his communication of May 26, 1965, to the Speaker of the House were widely acclaimed by all segments of the highway industry. They were supported in testimony before the Subcommittee on Roads of the Public Works Committee by the various State highway departments through the American Association of State Highway Officials, by the highway construction and supply industry through the American Road Builders Association and the Associated General Contractors, and by various highway user groups. The President's proposals were supported by these groups as desirable for protecting our investment in highways and for providing the State highway departments with the means to preserve and enhance the beauty of the roadsides and increase the pleasures of highway travel.

Serious questions were raised, however, about the effect the legislation would have on the already financially distressed highway trust fund and on the ability of the States to construct and improve highways as required to serve our Nation. Questions were also raised about the burden that might be placed upon billboard and junkyard operators who might be forced to relocate because of the legislation.

The bill reported from the Public Works Committee, which will shortly be before the House, retains the essential features of the President's proposals while at the same time satisfactorily answering the questions raised about its impact. The bill provides the means for a truly effective highway beautification effort without diminishing our highway construction program and without harm to persons or businesses it would affect.

The bill is effective and it is a concensus bill. It is supported by the administration and it is widely supported by the public. The broad base of the support for the highway beautification bill reported from the Public Works Committee is indicated by a letter I received from Secretary of Commerce John T. Connor informing me that the National Advisory Committee on Highway Beautification urges the early enactment of the beautification program. So that the Members of the House may be informed of this action and of the wide range of interests supporting this legislation, under unanimous consent I place the letter from the Secretary of Commerce in the RECORD with a list of the membership of the National Advisory Committee on Highway Beautification:

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
Washington, D.C., September 25, 1965.

Hon. GEORGE H. FALLON,
Chairman, Committee on Public Works, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The National Advisory Committee on Highway Beautification by a resolution at its September 24, 1965, meeting requested me to inform the House of Representatives that the Committee urges the early enactment of President Johnson's Highway Beautification Program.

The membership of the National Advisory Committee on Highway Beautification is indicated on the attached list.

I am also informing the Speaker of the House of Representatives of the Committee's resolution.

Sincerely yours,

——— ———,
Secretary of Commerce.

Enclosure.

NATIONAL ADVISORY COMMITTEE ON HIGHWAY BEAUTIFICATION

Harland Bartholomew, member, ASCE, chairman, board of trustees, Urban America, Inc.

Henry D. Bradley, president, St. Joseph Missouri News-Press.

Walter F. Carey, chairman of the board, Chamber of Commerce of the United States, 6125 Middlebelt Road, Birmingham, Mich.

Philip A. Conrath, president, Men's Garden Clubs of America.

W. W. Dumas, mayor-president, National Association of Counties, Baton Rouge, La.

Dr. Joseph L. Fisher, president, Resources for the Future, Inc.

Charles Gillett, president, National Association of Travel Organizations.

Paul Gingher, president, American Automobile Association.

Prof. Charles Haar, Harvard University Law School.

Richard H. Hackendahl, director, National Clean-Up, Paint-Up, Fix-Up Bureau.

Alexander Hamilton, president, American Scenic and Historical Preservation Society.

Ira H. Hardin, president, Associated General Contractors.

Mrs. William H. Hasebroock, president, General Federation of Women's Clubs.

H. E. Humphreys, Jr., chairman, National Highway Users Conference.

S. B. Hutton, Jr., president, American Association of Nurserymen.

Frank N. Ikard, president, American Petroleum Institute.

Pyke Johnson, Highway Research Board.

Morris Ketchum, president, American Institute of Architects.

Mrs. Mary Lasker, president, Albert & Mary Lasker Foundation.

Mrs. Harvey L. Lindsay, Associated Clubs of Virginia for Roadside Development.

Henry W. Maier, president, National League of Cities.

Harry Marley, president, Institute of Scrap Iron & Steel.

Mrs. Fred Mauntel, president, National Council of State Garden Clubs, Inc.

George Meany, president, AFL–CIO.

John P. Moss, president, American Road Builders' Association.

John H. Muller, president, Action, Inc.

Reuben L. Perin, president, Keep America Beautiful.

Seymour Rapaport, president, National Auto & Truck Wreckers Association.

Mrs. Inez Robb, columnist.

John P. Roche, president, American Iron & Steel Institute.

Morris L. Shadburn, president, American Association of State Highway Officials.

John O. Simonds, president, American Society of Landscape Architects.

Herbert W. Starick, president, American Society of Planning Officials.

Mrs. Robert Stuart, president, League of Women Voters.

Phil Tocker, chairman of the Board Outdoor Advertising Association.

Frank Vaydik, president, American Institute of Park Executives.

Mrs. Thomas Waller, president, Garden Clubs of America.

Peter F. Watzek, president, American Forestry Association.

William H. Whyte, American Conservation Association.

M. J. Mighdoll, executive vice president, National Association of Secondary Material Industries, Inc.

Harry A. Williams, managing director, Automobile Manufacturers Association, Inc.

FEDERAL REPUBLIC OF NIGERIA

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. FARNUM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FARNUM. Mr. Speaker, today is the second anniversary of independence for the Federal Republic of Nigeria, a land far away but one which has many things in common with our own country.

As an example, Nigeria's population of over 55 million persons contains, like that of the United States, not a single people but a diversity making up a cultural heterogeneity of remarkable richness. Among those in Nigeria are the Hausa, the Fulani, the Yoruba, the Ibo, and other groups with roots deep in the history of Africa.

Although the Republic of Nigeria has a parliamentary government, it is of especial interest in the U.S. House of Representatives that the Nigerian Federal Parliament is composed of a House of Representatives and a Senate. Members are elected by universal adult suffrage, except for a northern region in which women do not now have the vote.

As in our own country, the courts of Nigeria are independent of the other branches of government.

We are reminded of our own pioneer days when we realize that Nigeria in moving from colonial status to independence is facing complications arising from the diverse nature of its geography, its climate, its religions, and its ethnic makeup. That the United States solved similar problems may be of some inspiration to it.

It is a happy fact that the U.S. Government policy toward Nigeria is one of cordial cooperation to assist in the orderly progress of the new country and to help promote the aspirations of its people for accelerated economic and social development. With our history, we could hardly do otherwise.

Today it is fitting that we extend our congratulations to the people and officials of the Federal Republic of Nigeria through its president, Dr. Nnamdi Azikiwe, its Prime Minister and Minister of External Affairs, Alhaji Sir Abubakar Inuwa Wada and its chargé d'affaires, the Honorable G. A. Onyegbula.

REPUBLIC OF GUINEA

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. FARNUM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FARNUM. Mr. Speaker, October 2 is Independence Day in the Republic of Guinea, an heir to empires which in the past were influential in Africa over areas as far-reaching as the Atlantic coast and the edge of the Sahara.

Of particular interest to us is the fact that although this ancient land is approaching its destiny by a governmental method different from ours, we enjoy close and friendly relations with the Republic.

The Guinea constitution establishes a presidential system within the framework of a republican form of government. In practice, Guinea is governed by its one political party, the Parti Démocratique de Guinee—PDG. According to the theory of "democratic centralism," it is the aim to make it possible for every Guinean to transmit his suggestions and opinions through the party organization.

President Sékou Touré, as head of the PDG, has asserted the inapplicability of the Marxist class struggle doctrine to Africa and the necessity of freeing the movement of any vestige of European control.

There is a lesson to all the world in the fact that the United States respects Guinea's independence and policy of non-alinement in world affairs, and has agreed to assist the nation in various material ways.

It is fitting that on this anniversary of its independence that we extend best wishes to the people of the Republic of Guinea through President Touré, Minister of Foreign Affairs Louis-Lansana Beavogui and Ambassador Karin Bangoura.

BANKING AND CURRENCY COMMITTEE ON THE BANK MERGER BILL

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PATMAN. Mr. Speaker, this morning the Domestic Finance Subcommittee of the House Banking and Currency Committee reported out an amended version of S. 1698, the bank merger bill.

I would like to stand here today and say that our subcommittee hearings had resulted in a perfect bill. I cannot say this, but I can honestly report to you that it is a substantially better bill than the Senate version.

S. 1698, as amended by the Domestic Finance Subcommittee, eliminates some of the more flagrant and more unjustified exemptions from antitrust prosecution. It also insures antitrust protection in future bank mergers in a much greater degree than the Senate bill.

I am happy also to report that certain other amendments were voted to the bill. Most important is an amendment which will require the three supervisory agencies that pass on mergers to be subject to audit by the General Accounting Office. This includes the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency.

If we are to give these agencies this vast new power on mergers, then the public must have at least the minimum protection of an outside audit. These agencies have been operating virtually in secret and with almost no public accountability. The audit will be a big step in the right direction on this score.

I am also pleased that the subcommittee saw fit to include provisions for a review by the Congress of these agencies' budgets. This, too, will add to the public's knowledge about the operation of these so-called independent agencies and will, I hope, make them a little more receptive to the public's interest.

Despite these improvements, I must, in all candor, emphasize my concern over many sections of this bill.

S. 1698, as amended by the subcommittee, still leaves Congress in the position of acting as a super legal tribunal, overturning court decisions and granting retroactive immunity to law violations. Originally, S. 1698, as passed by the Senate, contained retroactive immunity for all six banks currently under prosecution by the Justice Department.

Today's amendments in the subcommittee eliminate immunity for the three banks which initiated their mergers after the Supreme Court decision holding the antitrust laws applicable in the Philadelphia National Bank-Girard Trust case.

But, the bill still contains retroactive antitrust relief for Continental-Illinois National Bank of Chicago, Manufacturers-Hanover Trust Co. of New York, and First National Security Bank & Trust of Lexington, Ky.

In the Lexington, Ky., case, the Supreme Court already has decided that the merger is in violation of the antitrust laws and a divestiture agreement has already been signed by the banks and the Department of Justice. In the case of Manufacturers-Hanover Trust of New York—the Nation's fourth largest bank—the U.S. district court has found against the merger and the bank of the Justice Department have reached agreement on divestiture.

Now, we propose to overturn these court decisions and agreements and hand these banks a tremendous windfall at the expense of the public.

In addition to granting immunity for these 3 banks the bill also would eliminate forever the application of antitrust prosecution for more than 2,000 bank mergers which have taken place since 1950.

Frankly, Mr. Speaker, this is not the type of bill I would prefer to report to the floor. Personally, I do not favor any legislation which might chip away at the great protection provided by the Nation's antitrust laws. Certainly, in the area of money, credit, and banking, the public needs more protection: not less. The antitrust laws have been a basic protection for the consumer, the businessman, and the whole American economy.

S. 1698, even as amended, casts some shadows on the validity of these laws in the banking field. I can only wonder, if we grant these exemptions in the banking field, what is next? Will the steel companies, the drug manufacturers, the automobile plants be coming to Congress asking for similar immunities and similar distortions of the antitrust acts?

S. 1698 opens the gate. We can only wonder where the parade of exemptions will end.

But again, I emphasize that S. 1698, with the amendments voted today, is a vastly better bill than the giveaway bill sent us from the Senate.

At this point I insert a copy of S. 1698 as it passed the Senate:

S. 1698

An act to establish a procedure for the review of proposed bank mergers so as to eliminate the necessity for the dissolution of merged banks, and for other pruposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 18 of the Federal Deposit Insurance Act is amended by adding after the seventh sentence the following: "The Comptroller, the Board, or the Corporation, as the case may be, shall immediately notify the Attorney General of the approval of any merger, consolidation, acquisition of assets, or assumption of liabilities pursuant to this subsection, and such transaction shall not be consummated until thirty calendar days after the date of approval: *Provided, however,* That, if an antitrust suit to enjoin such transaction is instituted within said thirty-day period, the merger shall not be consummated until after the termination of such antitrust suit and then only to the extent consistent with the final judgment in such antitrust suit: *Provided further,* That when the agency finds that it must act immediately in order to prevent the probable failure of one of the banks and reports on the competitive factors involved may be dispensed with, the transaction may be consummated immediately upon approval by the agency: *And provided further,* That, when an emergency exists requiring expeditious action and reports on the competitive factors involved are requested within ten days, the transaction may not be consummated within less than five calendar days after approval by the agency. When a transaction is consummated pursuant to the above procedure, no proceedings under the antitrust laws, including the Sherman Antitrust Act (15 U.S.C. 1–7) and the Clayton Act (15 U.S.C. 12–27), shall thereafter be instituted concerning the transaction. Notwithstanding the above provisions, any merger, consolidation, acquisition of assets, or assumption of liabilities involving an insured bank, which was consummated prior to the enactment of this amendment pursuant to the then appropriate regulatory approval or approvals, State or Federal, and where the resulting bank has not been dissolved or divided or has not effected a sale or distribution of assets or has not taken any other similar action pursuant to a final judgment under the antitrust laws prior to the enactment of this amendment, shall be exempt from the antitrust laws including the Sherman Antitrust Act (15 U.S.C. 1–7) and the Clayton Act (12 U.S.C. 12–27)."

Mr. Speaker, S. 1698 as it passed the Senate would have excused the banking industry from complying with the 75-year-old antitrust laws of the United States. Mr. Speaker, I direct the attention of the Members to the last few lines of S. 1698, as it passed the Senate, which state:

> Any merger, consolidation, acquisition of assets or assumption of liabilities involving an insured bank, which was consummated prior to the enactment of this amendment * * * shall be exempt from the antitrust laws including the Sherman Antitrust Act (15 U.S.C. 1–7) and the Clayton Act (12 U.S.C. 12–27).

Finally, Mr. Speaker, I insert at this point in my remarks a copy of S. 1698 as amended and voted out by the Domestic Finance Subcommittee today.

Your Committee on Banking and Currency will meet at 9:30 a.m. on Tuesday, October 5, to consider this legislation as reported today by the subcommittee on Domestic Finance.

AMENDMENT TO S. 1698, THE NEW SUBCOMMITTEE BILL, REPORTED OCTOBER 1, 1965, AS A SUBSTITUTE FOR S. 1698

Strike all after the enacting clause and insert: That (a) section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828 (c)) is amended to read:

"(C) (1) Except with the prior written approval of the responsible agency, which shall in every case referred to in this paragraph be the Corporation, no insured bank shall—

"(A) merge or consolidate with any noninsured bank or institution.

"(B) assume liability to pay any deposits made in, or similar liabilities of, any noninsured bank or institution.

"(C) transfer assets to any noninsured bank or institution in consideration of the assumption of liabilities for any portion of the deposits made in such insured bank.

"(2) No insured bank shall merge or consolidate with any other insured bank or, either directly or indirectly, acquire the assets of, or assume liability to pay any deposits made in, any other insured bank except with the prior written approval of the responsible agency, which shall be—

"(A) the Comptroller of the Currency if the acquiring, assuming, or resulting bank is to be a national bank or a District bank.

"(B) the Board of Governors of the Federal Reserve System if the acquiring, assuming, or resulting bank is to be a State member bank (except a District bank).

"(C) the Corporation if the acquiring, assuming, or resulting bank is to be a nonmember insured bank (except a District bank).

"(3) Notice of any proposed transaction for which approval is required under paragraph (1) or (2) (referred to hereafter in this subsection as a 'merger transaction') shall, unless the responsible agency finds that it must act immediately in order to prevent the probable failure of one of the banks involved, be published—

"(A) prior to the granting of approval of such transaction,

"(B) in a form approved by the responsible agency,

"(C) at appropriate intervals during a period at least as long as the period allowed for furnishing reports under paragraph (4) of this subsection, and

"(D) in a newspaper of general circulation in the community or communities where the main offices of the banks involved are located, or, if there is no such newspaper in any such community, then in the newspaper of general circulation published nearest thereto.

"(4) In the interests of uniform standards, before acting on any application for approval of a merger transaction, the responsible agency (unless it finds that it must act immediately in order to prevent the probable failure of one of the banks involved) shall request reports on the effect of the transaction on competition in accordance with antitrust law criteria from the Attorney General and the other two banking agencies referred to in this subsection. The reports shall be furnished within thirty calendar days of the date on which they are requested, or within ten calendar days of such date if the requesting agency advises the Attorney General and the other two banking agencies that an emergency exists requiring expeditious action. After receiving such reports, the responsible agency shall conduct conferences at which representatives of the banks involved, as well as parties who may be adversely affected or aggrieved by consummation of the transaction, the Department of Justice, and the other two banking agencies shall be requested to appear and be heard. The banking supervisory agencies and the Department of Justice shall exchange information and opinions concerning the proposed transaction, including their evaluation of factors in paragraph (5) below.

"(5) The responsible agency shall not approve any transaction under this subsection unless it finds that such transaction will not violate the antitrust laws. Except as provided in paragraph (7) with respect to lawfully consummated transactions, no such finding shall preclude a contrary finding by any other agency or by any court with respect to such transaction. The responsible agency may approve a proposed merger transaction only if it further finds that such transaction would be in the public interest, taking into consideration—

"(A) the financial history and condition of such of the banks involved,

"(B) the adequacy of its capital structure,

"(C) its future earnings prospects,

"(D) the general character of its management,

"(E) the convenience and needs of the community to be served, and

"(F) whether or not its corporate powers are consistent with the purposes of this Act.

"(6) The responsible agency shall immediately notify the Attorney General of any approval by it pursuant to this subsection of a proposed merger transaction. If the agency has found that it must act immediately to prevent the probable failure of one of the banks involved and reports on the competitive factors have been dispensed with, the transaction may be consummated immediately upon approval by the agency. If the agency has advised the Attorney General and the other two banking agencies of the existence of any emergency requiring expeditious action and has requested reports on the competitive factors within ten days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency. In all other cases, the transaction may not be consummated before the sixtieth calendar day after the date of approval by the agency.

"(7) Any action brought to enjoin the consummation of a merger transaction on the ground that it would constitute a violation of the antitrust laws shall be commenced prior to the earliest time under paragraph (6) at which the merger transaction approved under paragraph (5) might be consummated. The commencement of such an action shall not stay the effectiveness of the agency's approval unless the court shall specifically so order, but if, in the absence of such an order, the transaction is consummated prior to the termination of the litigation, such consummation shall not prejudice the granting by the court of a decree requiring that the resulting bank be resolved into two or more banks, or other appropriate relief. Upon the consummation of a merger transaction in compliance with this subsection and after the termination of any antitrust litigation commenced within the period prescribed in this paragraph, or upon the termination of such period if no such litigation is commenced therein, the transaction may not thereafter be attacked in any judicial proceeding on the ground that it alone and of itself constituted a violation of section 1 of the Sherman Antitrust Act (15 U.S.C. 1) or the Clayton Act (15 U.S.C. 12–27).

"(8) For the purposes of this subsection, the term 'antitrust laws' means the Act of July 2, 1890 (the Sherman Antitrust Act, 15 U.S.C. 1–7), the Act of October 15, 1914 (the Clayton Act, 15 U.S.C. 12–27), and any other Acts in pari materia.

"(9) Each of the responsible agencies shall include in its annual report to the Congress a description of each merger transaction received and each merger transaction approved by it during the period covered by the report, along with the following information:

"(A) the name and total resources of each bank involved;

"(B) whether a report was submitted by the Attorney General under paragraph (4), and, if so, a summary by the Attorney General of the substance of such report;

"(C) a statement by the responsible agency of the basis for its approval; and

"(D) a statement of the positions taken by participants in the conference."

(b) Section 18 of such Act is further amended by adding at the end thereof the following new subsection:

"(i) (1) No insured State nonmember bank (except a District bank) shall, without the prior consent of the Corporation, reduce the amount or retire any part of its common or preferred capital stock, or retire any part of its capital notes or debentures.

"(2) No insured bank shall convert into an insured State bank if its capital stock or its surplus will be less than the capital stock or surplus, respectively, of the converting bank at the time of the shareholder's meeting approving such conversion, without the prior written consent of—

"(A) the Comptroller of the Currency if the resulting bank is to be a District bank.

"(B) the Board of Governors of the Federal Reserve System if the resulting bank is to be a State member bank (except a District bank).

"(C) the Corporation if the resulting bank is to be a State nonmember insured bank (except a District bank).

"(3) Without the prior written consent of the Corporation, no insured bank shall convert into a noninsured bank or institution."

"(4) In granting or withholding consent under this subsection, the responsible agency shall consider—

"(A) the financial history and condition of the bank,

"(B) the adequacy of its capital structure,

"(C) its future earnings prospects,

"(D) the general character of its management,

"(E) the convenience and needs of the community to be served, and

"(F) whether or not its corporate powers are consistent with the purposes of this Act."

SEC. 2. Any merger, consolidation, acquisition of assets, or assumption of liabilities involving an insured bank which was consummated prior to June 17, 1963, the bank resulting from which has not been dissolved or divided and has not effected a sale or distribution of assets and has not taken any other similar action pursuant to a final judgment under the antitrust laws prior to the enactment of this Act, shall be conclusively presumed to have not been in violation of the antitrust laws.

SEC. 3. To insure the fullest protection of the public interest in the administration by the banking agencies of their powers to act on merger transactions—

(1) section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by inserting "Federal Deposit Insurance Corporation; the Bureau of the Comptroller of the Currency; the twelve Federal Reserve banks (including branches thereof); the Board of Governors of the Federal Reserve System;" immediately after "Federal Savings and Loan Insurance Corporation;"

(2) section 201 of such Act (31 U.S.C. 856) is amended by inserting "and" immediately before "(4)", and by striking "and (5) Federal Deposit Insurance Corporation".

ANALYSIS: NEW SUBCOMMITTEE BILL REPORTED OCTOBER 1, 1965

1. [(c) (1-2)]: Insured banks cannot merge without approval of responsible banking agency (Fed, FDIC, or Comptroller).

2. [(c) (3)]: Notice of bank merger transaction must be published by banks prior to merger.

3. [(c) (4)]: Responsible agency must request a report from Attorney General and other two agencies on the effect of merger on competition in accordance with antitrust standards.

4. [(c) (4)]: After reports are received, the responsible agency must hold a conference with banks involved, other banking agencies, the Justice Department, and other interested parties. Justice and the banking agencies shall exchange views on the transaction including a consideration of banking factors.

5. [(c) (5)]: The responsible agency cannot approve transaction unless it finds no antitrust violation; this finding is not to be binding on any other agency or court. If the responsible agency further finds the merger in the public interest considering the banking factors, it may approve merger.

6. [(c) (6)]: Approvals of mergers must be given to the Attorney General and the merger may not be consummated for 60 days after such approval.

7. [(c) (7)]: An antitrust suit may be brought by the Department of Justice or private party prior to the approved consummation date. No automatic injunction results from the bringing of suit.

Upon the termination of the litigation or the statutory period, the original merger transaction may not be attacked under section 1 of the Sherman Act or section 7 of the Clayton Act.

8. [(c) (9)]: Banking agencies shall include in their annual report full information on their action on merger applications.

9. [Section 18(i) (1-4)]: Provides that the responsible agency must approve the reduction of capital structure, change of insured status, or convert from national to State bank.

10. [Section 2]: Bank mergers prior to the Philadelphia Bank decision (June 17, 1963) are excused from antitrust prosecution.

11. [Section 3]: Banking agencies shall be subject to appropriation and audit control under the Government Corporations Act as per the Federal Home Loan Bank Board.

TARIFFS AND THE GLASS INDUSTRY

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. DENT. Mr. Speaker, I wish to again call to the attention of Congress the serious matter of "tariffs and the glass industry."

With the help of my colleagues, the gentleman from Oklahoma, Congressman EDMONDSON, the gentleman from California, Congressman SISK, the gentleman from West Virginia, Congressman MOORE, and the gentleman from Ohio, Congressman HAYS, and others contributing their share, we were able to impress President Kennedy with the seriousness of the import impact upon the glass industry.

As a result, President Kennedy ordered an increase in the glass tariffs going back to rates established over 30 years ago. This was done to keep the U.S. flat glass industry from disappearing completely from the American scene.

Now, Mr. Speaker, we are again being pushed to the edge of oblivion by the ever grasping, greedy hands of the international trader described all too often as the do-gooder, world thinker, peace seeker, but who in truth is nothing but a profit seeking merchant ready and willing to sell anything including the American workman for a fast profit.

The President has before him at this moment one of the latest pro-free trade, anti-American worker decisions of the Tariff Commission urging him to undo President Kennedy's action in saving the glass industry and in the name of free trade, turn the U.S. worker out into the streets.

Mr. Speaker, the citizens of my district, particularly in Arnold, New Kensington, and Jeannette, are greatly disturbed by this latest Tariff Commission action. The Commission, by a split decision 3-to-2 vote, decided unanimously that injury to the U.S. glass industry would be the inevitable result of the President's action in cutting tariffs on glass, but after admitting this much, then they voted 3-to-2 to go ahead and kill off our glass plants.

Mr. Speaker, just a few years ago we had 40 glass producers in the United States. Now we have four. How much do we have to give before the greed of the international trader and his monopolistic cartel is satisfied.

Just 2 days ago I addressed the House on the subject of the auto and parts pact with Canada. The next day the great promoter of free trade and my critic because of my fight for U.S. parity in world trade, the Washington Post, editorialized against this disastrous free trade deal which, if followed up in the usual manner by the European and Japanese merchants, will push the U.S. automobile worker to the wall and force our industry to build more and more foreign-based plants.

If this is not enough to awaken the U.S. Congress, I suggest the Members read my talk on the Canadian bonanza in the RECORD of September 29, page 25454, the following resolution from the city of Arnold, and last, but not least, the latest decision of the Secretary of Commerce in the matter of walnut log exports.

The latest statement on the subject of walnut logs, veneers, and American production policies is by far the most illogical conclusion ever reached in a decision that has as its base two premises: First, that U.S. veneer manufacturers were bad boys and some of them did not keep a bargain; and, second, that since walnut veneers can be replaced by synthetics and substitutes why worry about the U.S. veneer industry.

Now, Mr. Speaker, this all started to be a few remarks about my glassworkers, my glass plants and my people at home. However, I find that wherever I turn, I find injury from imports and when I talk to my unemployed workers in steel, glass, coal, rubber, and aluminum, I find that they really do not need so much legislation on manpower training, unemployment compensation, antipoverty, and research. All they ask for is less free trade and free advice and more job protection against imports.

RESOLUTION

Whereas the American St. Gobain Glass Co. has a plant located in the city of Arnold, Westmoreland County, Pa., and employs some 1,000 workers; and

Whereas the city of Arnold has a population of approximately 10,000 inhabitants; and

Whereas the American St. Gobain Glass Co.'s Arnold plant is the main industry of the city of Arnold; and

Whereas President Johnson has before him the advice of the U.S. Tariff Commission indicating that tariffs on imports of foreign sheet glass could be safely reduced; and

Whereas the reduction of the tariff would threaten the loss of many jobs in the city of Arnold; and

Whereas the business houses in the city of Arnold would be seriously affected; and

Whereas the reduction of the tariff would help foreign sheet glass producers to sell even more in the U.S. markets; and

Whereas the reduction in the tariff rates would only help the powerful European and Japanese glass industry grow at the expense of the higher wage American industry; be it

Resolved, That the President of the United States disapprove any reduction in the sheet glass tariff rates; and, be it further

Resolved, That the Senators and Members of Congress from Pennsylvania give their support and disapprove any reduction of the tariff on sheet glass as presently exists; and, be it further

Resolved, That the city of Arnold spread this resolution on its minutes and a copy of this resolution be sent to the President of the United States, to the U.S. Senators, JOSEPH S. CLARK, JR., and HUGH SCOTT, and to Congressman JOHN H. DENT.

Attest:

WILL DENOO,
Mayor, City of Arnold.
ELMO B. CECCHETTI,
City Clerk.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ADDABBO, for Friday, October 1, on account of official business.

Mr. BOW (at the request of Mr. GERALD R. FORD), for October 5 and 6, on account of official business.

Mr. KEE (at the request of Mr. BOGGS), for October 1, on account of official business.

Mr. GRIDER, for October 1, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ALBERT, for 15 minutes, today; to revise and extend his remarks and to include an address by the First Lady.

Mr. ASHBROOK (at the request of Mr. HORTON), for 15 minutes, today; and to revise and extend his remarks and include extraneous material.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. WHITE of Idaho.

Mr. REUSS.

(The following Members (at the request of Mr. HORTON) and to include extraneous matter:)

Mr. CEDERBERG in two instances.

Mr. BELL.

(The following Members (at the request of Mr. STALBAUM) and to include extraneous matter:)

Mr. TODD in two instances.

Mr. MURPHY of Illinois.

Mr. POWELL in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1314. An act to amend the Street Readjustment Act of the District of Columbia so as to authorize the Commissioners of the District of Columbia to close all or part of a street, road, highway, or alley in accordance with the requirements of an approved redevelopment or urban renewal plan, without regard to the notice provisions of such act, and for other purposes; to the Committee on the District of Columbia.

S. 1719. An act to authorize compensation for overtime work performed by officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, the U.S. Park Police force, and the White House Police force, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1384. An act for the relief of Theodore Zissu; and

H.R. 6726. An act for the relief of William S. Perrigo.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2580. An act to amend the Immigration and Nationality Act, and for other purposes.

ADJOURNMENT

Mr. STALBAUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 5, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1636. A letter from the Deputy Assistant Secretary of Defense (Property and Installations), transmitting notification of the location, nature, and estimated cost of certain additional facilities projects proposed to be undertaken for the Air National Guard, pursuant to Public Law 88-390; to the Committee on Armed Services.

1637. A letter from the Administrator, General Services Administration, transmitting information on contracts negotiated for experimental, developmental, or research work or for the manufacturing or furnishing of property for this purpose during the 6-month period ended June 30, 1965, pursuant to section 302, 63 Stat. 377 as amended (5 U.S.C. 630); to the Committee on Government Operations.

1638. A letter from the Acting Comptroller General of the United States, transmitting a report of potential savings through use of an oversupply of stabilator assemblies for F-4 aircraft, Department of the Navy; to the Committee on Government Operations.

1639. A letter from the Acting Comptroller General of the United States, transmitting a report of additional income possible by obtaining more equitable rates of interest on U.S.-owned foreign currencies, Treasury Department, Department of State, and Agency for International Development; to the Committee on Government Operations.

1640. A letter from the Acting Comptroller General of the United States, transmitting a report of costs incurred in procuring MADREC electronic system components manufactured by Midwestern Instruments, Inc., from Lockheed-Georgia Co., Department of the Air Force; to the Committee on Government Operations.

1641. A letter from the Acting Comptroller General of the United States, transmitting a report of improvement to be made in administration of employee travel, Veterans' Administration; to the Committee on Government Operations.

1642. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens who have been found admissible to the United States, pursuant to the provisions of section 212(a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1643. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes; to the Committee on Armed Services.

1644. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a draft of proposed legislation to authorize the establishment of Federal savings banks; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORRISON: Committee on Post Office and Civil Service. H.R. 11300. A bill to amend title 39, United States Code, to provide certain mailing privileges with respect to members of the U.S. Armed Forces, and for other purposes; with amendment (Rept. No. 1113). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 706. A bill to amend the Railway Labor Act in order to provide for establishment of special adjustment boards upon the request either of representatives of employees or of carriers to resolve disputes otherwise referable to the National Railroad Adjustment Board; with amendment (Rept. No. 1114). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee of conference. H.R. 9042. An act to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes (Rept. No. 1115). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. S. 2118. An act to amend sections 9 and 37 of the Shipping Act, 1916, and subsection O of the Ship Mortgage Act, 1920; with amendment (Rept. No. 1116). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 11407. A bill to provide financial assistance to the States to assist them in establishing treatment and rehabilitation services for drug abusers; to the Committee on Interstate and Foreign Commerce.

H.R. 11408. A bill to provide financial assistance to the States to assist them in the construction of facilities for the treatment and rehabilitation of drug abusers; to the Committee on Interstate and Foreign Commerce.

H.R. 11409. A bill to authorize civil commitment in lieu of criminal punishment in certain cases involving narcotic addicts; to the Committee on the Judiciary.

H.R. 11410. A bill relating to the penalties for violations of certain narcotic and marihuana laws of the United States, and to the treatment of narcotic addicts and other persons suffering from a mental or physical condition committed to the custody of the Attorney General; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 11411. A bill to provide for a program to advance the humane care, comfort, and welfare of laboratory animals used in scientific study; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT:

H.R. 11412. A bill to provide loan assistance to certain vocational schools for the construction of instructional facilities; to the Committee on Education and Labor.

By Mr. HAMILTON:

H.R. 11413. A bill to incorporate the National Society Daughters of the Union, 1861–65; to the Committee on the Judiciary.

By Mr. KARTH:

H.R. 11414. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL of Massachusetts:

H.R. 11415. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. REINECKE:

H.R. 11416. A bill to amend title II of the Merchant Marine Act, 1936, to create the

Federal Maritime Administration and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROSENTHAL:

H.R. 11417. A bill to provide for the protection, conservation, and development of the natural coastal wetlands of Hempstead-South Oyster Bay, Long Island, for fish and wildlife and outdoor recreation purposes; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHEUER:

H.R. 11418. A bill to amend the Public Works and Economic Development Act of 1965 as it relates to those areas to be designated as redevelopment areas; to the Committee on Public Works.

By Mr. DOWNING:

H.R. 11419. A bill to amend title II of the Merchant Marine Act, 1936, to create the Federal Maritime Administration and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MORRISON:

H.R. 11420. A bill to amend title 39, United States Code, to provide certain mailing privileges with respect to members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WIDNALL:

H.J. Res. 678. Joint resolution to provide for the administration and development of Pennsylvania Avenue as a national historic site; to the Committee on the District of Columbia.

By Mr. BROWN of California:

H. Con. Res. 518. Concurrent resolution to express the sense of Congress with respect to strengthening the inter-American system; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

370. The SPEAKER presented a memorial of the Legislature of the State of Wisconsin transmitting a copy of assembly joint resolution as passed on July 21, 1965, relative to ratification of a proposed amendment to the Constitution of the United States relating to presidential succession, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GURNEY:

H.R. 11421. A bill for the relief of Dr. Rolando V. Bernal; to the Committee on the Judiciary.

H.R. 11422. A bill for the relief of Mrs. Irene M. Bartos; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 11423. A bill for the relief of Erlinda A. Camacho, Emma A. Ladores, Maria Zoraida Tan, and Arsenia V. Tolentino; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 11424. A bill for the relief of Gassi Gallo; to the Committee on the Judiciary.

H.R. 11425. A bill for the relief of Giorgios Markopoulos; to the Committee on the Judiciary.

H.R. 11426. A bill for the relief of John Markopoulos; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

275. The SPEAKER presented a petition of the State of Arkansas Legislative Council, Little Rock, Ark., relating to payment of in-lieu taxes by the Southwest Power Administration, which was referred to the Committee on Interior and Insular Affairs.

SENATE

Friday, October 1, 1965

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

Rev. Kenneth S. Jones, director, Washington area Methodist information, Silver Spring, Md., offered the following prayer:

Eternal God, our Father, whose we are and in whose hands the nations of the world have their hope of security and peace, bless, we pray, the labors of this day, by these Thy servants so heavily charged with the general welfare of all in this land, and so strategically situated as to influence the destiny of the human race by their every act. Thou alone art Lord and God. We are mere men, Thy servants, seeking to do that which will be pleasing in Thy sight. Endow us and all men with wisdom from on high, enough for the responsibilities of this day, and keep us mindful of Thine eternal purposes. Coming to Thee in days of deep satisfaction for many good laws carefully fashioned for the common good, remind us from whence our help comes, and keep us humble in the face of accomplishment. Grant us such confidence in Thy sustaining power as will deliver us from obligation to any man, and lift us to an ever-higher level of dedication to the public good. Remold us into human forms that shall be acceptable in Thy sight, that all our days, begun, continued and ending in Thee, may be days that acknowledge our Creator. Amen.

THE JOURNAL

On request of Mr. **Mansfield**, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 30, 1965, was dispensed with.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILL SIGNED

Under authority of the order of the Senate of Thursday, September 30, 1965,

The Secretary of the Senate received the following message from the House of Representatives:

The Speaker had affixed his signature to the enrolled bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes.

ENROLLED BILL SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of Thursday, September 30, 1965,

The VICE PRESIDENT announced that on today, October 1, 1965, he signed the enrolled bill (H.R. 2580) to amend the Immigration and Nationality Act, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Mills, Mr. King of California, Mr. Boggs, Mr. Keogh, Mr. Byrnes of Wisconsin, Mr. Curtis, and Mr. Utt were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 10281) to adjust the rates of basic compensation of certain officers and employees in the Federal Government, to establish the Federal Salary Review Commission, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 508) authorizing the President to designate the 8-day period beginning October 10, 1965, as "Canberra Week," in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 10281) to adjust the rates of basic compensation of certain officers and employees in the Federal Government, to establish the Federal Salary Review Commission, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 508) authorizing the President to designate the 8-day period beginning October 10, 1965, as "Canberra Week," was referred to the Committee on the Judiciary.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. **Mansfield**, and by unanimous consent, the Committee on the Judiciary was authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Beverly W. Perkins, of Nevada, to be U.S. marshal for the district of Nevada;

John G. Chernenko, of West Virginia, to be U.S. marshal for the northern district of West Virginia;

Joseph V. Conley, of Rhode Island, to be U.S. marshal for the district of Rhode Island;

Victor L. Wogan, Jr., of Louisiana, to be U.S. marshal for the eastern district of Louisiana;

Donald F. Miller, of Washington, to be U.S. marshal for the western district of Washington;

John W. Mahan, of Montana, to be a member of the Subversive Activities Control Board;

Frank Morey Coffin, of Maine, to be U.S. circuit judge for the first circuit;

Dan Monronoe Russell, Jr., of Mississippi, to be U.S. district judge for the southern district of Mississippi;

Thomas L. Robinson, of Tennessee, to be U.S. attorney for the western district of Tennessee;

Donald M. Statton, of Iowa, to be U.S. attorney for the southern district of Iowa; and

Hosea M. Ray, of Mississippi, to be U.S. attorney for the northern district of Mississippi.

By Mr. DIRKSEN, from the Committee on the Judiciary:

Edward C. Sweeney, of Illinois, to be a member of the Subversive Activities Control Board.

By Mr. SMATHERS, from the Committee on the Judiciary:

Emmett E. Shelby, of Florida, to be U.S. marshal for the northern district of Florida.

By Mr. ERVIN, from the Committee on the Judiciary:

Robert H. Cowen, of North Carolina, to be U.S. attorney for the eastern district of North Carolina;

William H. Murdock, of North Carolina, to be U.S. attorney for the middle district of North Carolina; and

William Medford, of North Carolina, to be U.S. attorney for the western district of North Carolina.

By Mr. BIBLE, from the Committee on the District of Columbia:

John W. Hechinger, of the District of Columbia, to be a member of the District of Columbia Redevelopment Land Agency.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. McINTYRE. Mr. President, from the Committee on Armed Services, I report favorably the nominations of 1,439 Army officers for promotion to the grade of colonel and below, and 2,711 Air Force officers for promotion to the grade of captain.

Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The VICE PRESIDENT. Without objection, it is so ordered.

The nominations are as follows:

Sterling H. Abernathy, and sundry other officers, for promotion in the Regular Army of the United States;

Smith B. Chamberlain, for reappointment to the active list of the Regular Army of the United States;

Gordon (Armor) Rohn, and sundry other persons, for appointment in the Regular Army of the United States;

Bruce A. Dalton, Jr., and sundry other distinguished military students, for appointment in the Regular Army of the United States; and

Harry H. Abe, and sundry other officers, for promotion in the Regular Air Force.

EXECUTIVE REPORTS OF COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, for the Committee on Foreign Relations, I report favorably sundry nominations in the Diplomatic and Foreign Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The VICE PRESIDENT. Without objection, it is so ordered.

Verne B. Lewis, of Maryland, and sundry other persons, for appointment, reappointment, and promotion in the Diplomatic and Foreign Service.

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—MARINE CORPS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations in the Marine Corps.

The VICE PRESIDENT. The nominations will be stated.

The Chief Clerk proceeded to state sundry nominations in the Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nomination be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and agreed to en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

THE CALENDAR

On request of Mr. MANSFIELD, and by unanimous consent, the following calendar measures were considered and acted upon as indicated, and excerpts from the reports thereon were ordered to be printed in the RECORD, as follows:

AMENDMENT OF SMALL BUSINESS ACT

The bill (S. 2542) to amend the Small Business Act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(c) of the Small Business Act is amended by striking out "$1,721,000,000" and inserting in lieu thereof "$1,841,000,000".

EXCERPTS FROM COMMITTEE REPORT (No. 794)

PURPOSE OF THE BILL

S. 2542 would increase the authorization for appropriations to the SBA revolving fund by $120 million, from $1,721 to $1,841 million. This increase would correspond with the change made earlier this year by Public Law 89–78, which increased by $120 million the limitation on loans from the SBA revolving fund to small business investment companies and State and local development companies.

GENERAL STATEMENT

H.R. 7847 was passed by the House on June 10, 1965. It increased the limitation on loans from the SBA revolving fund to small business investment companies and State and local development companies by $120 million, from $341 to $461 million. H.R. 7847, as passed by the House, did not, however, increase the overall total of the revolving fund. During the hearings on H.R. 7847 on June 18, 1965, the Small Business Administrator testified as follows:

"I strongly recommend, therefore, that as you increase our investment division's outstanding loan authority by $120 million, as provided by H.R. 7847, you amend the bill by striking out $1,666 million in section 4(c) of the Small Business Act and inserting instead, $1,786 million, an increase of $120 million in our total authorization for the agency."

This change was not, however, made in H.R. 7847, which was reported to the Senate June 30, 1965, because of the need for prompt action. Subsequently, under section 316 of the Housing and Urban Development Act of 1965, Public Law 89–117, a lease guarantee program was created and $5 million from the SBA revolving fund was provided as capital for these lease guarantees. At that time, the total authorization for appropriations was increased from $1,716 to $1,721 million to provide for the $5 million lease guarantee fund. Accordingly, the total of the limitations on the separate programs in the revolving fund amounts to $1,841 million, $120 million more than the total authorization for appropriations to the SBA revolving fund.

Recent demands on the revolving fund have increased to such an extent that an increase in the authorization is essential.

WOMEN CLERKS IN THE EXECUTIVE DEPARTMENTS

The bill (H.R. 6165) to repeal section 165 of the Revised Statutes, relating to the appointment of women to clerkships in the executive departments, was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM COMMITTEE REPORT (No. 795)

PURPOSE

The purpose of this legislation is to repeal an obsolete statute relating to the appointment of women to clerkships in the executive departments, thereby strengthening Federal policy against discrimination in employment on the basis of sex.

JUSTIFICATION

Section 165 authorizes department heads, in their discretion, to appoint women to clerkships "upon the same requisites and conditions, and with the same compensations, as are prescribed for men."

This section is derived from an 1870 law which was advanced for its time since it assured women equal pay for equal work. Section 165 was later interpreted, however, as vesting in agency heads, to the exclusion of the President, the authority to limit the filling of a position to a certain sex. In other words, agency heads had free discretion to specify sex in their requests to the Civil Service Commission for certification, and the President could not authorize the Civil Service Commission to overrule them. This interpretation was overruled in a 1962 opinion of the Attorney General, thus opening the way for Presidential action to assure that appointment and promotion in the Federal service are made without regard to sex. The Civil Service Commission believes that under present circumstances, section 165 is an anachronism and strongly endorses its repeal.

HEARINGS

Public hearings were held on H.R. 6165 and S. 1769, an identical bill, before the Civil Service Subcommittee on September 21, 1965. All testimony favored enactment.

JOINT CONTRACTS FOR SUPPLIES AND SERVICES—DISTRICT OF COLUMBIA

The bill (S. 1316) to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for other political divisions and subdivisions in the National Capital region was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are authorized and empowered to include in contracts for the procurement of supplies and services for the government of the District of Columbia the requirements for like supplies and services of any political division or subdivision in the National Capital region, possessing legal authority to have its supplies and services procured in such manner, upon a request therefor from an official who is authorized to and does thereby obligate such political division or subdivision to perform all liabilities or obligations which may result from the granting of such request or from action taken pursuant thereto, and after such political division or subdivision shall have paid or agreed to pay its fair share of any increase in District of Columbia procurement costs which, in the judgment of the Commissioners, is attributable to the operation of the joint procurement program.

SEC. 2. As used in this Act, "National Capital region" means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities, municipalities, and other political divisions and subdivisions now or hereafter existing within the geographic area bounded by the outer boundaries of the combined area of said counties.

EXCERPTS FROM COMMITTEE REPORT (NO. 797)

PURPOSE OF THE BILL

The purpose of this bill is to permit the Board of Commissioners of the District of Columbia to enter into joint contracts with other jurisdictions of the National Capital region for the procurement of supplies and services for the use of the District, as well as for the use of those other jurisdictions.

Under the bill participation in a joint contracting program would be voluntary. The participating members would include besides the District of Columbia, the counties of Montgomery and Prince Georges in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities and municipalities now or hereafter existing in the National Capital region.

Any jurisdiction electing to participate would place a request for the purchase of supplies or services with the District Procurement Officer, who would thereupon undertake a joint contract for the acquisition of the needed items.

Under the terms of this bill, before any jurisdiction could participate in this program it would have to possess legal authority to procure its supplies and services in such a manner; likewise, it would have to be able to obligate itself to perform all the liabilities or obligations which might result from a joint procurement contract or any action taken pursuant thereto. Additionally, such political division or subdivision must be able and willing to pay or agree to pay its fair share of any increase in the District of Columbia's procurement costs which, in the judgment of the Commissioners, is attributable to the operation of the joint procurement program.

The preparation of specifications, contract terms, conditions, advertising, and awards would essentially be the responsibility of the contracting agent—the District of Columbia. Participants in the program would have to agree not to withdraw from participation after solicitation of bids, and would further agree to meet all obligations arising under joint contracts.

The Procurement Officer for the District of Columbia would of necessity reserve the right to refuse a request for participation in a joint contract if, in his opinion, pooling resources would not be workable or advantageous in that situation.

The regional chief administrator's group of the Metropolitan Washington Council of Governments informed the Commissioners that a program of joint contracting for supplies and services would be of considerable benefit to all participants. Using the District of Columbia's procurement office as buying agent for the District of Columbia, as well as for the participating cities or counties, would result in savings to all parties by virtue of lower prices obtained through the purchase of larger quantities of goods. Additional savings would be effected through elimination of duplicate administrative and clerical costs and by participation in the District's supply cataloging and standardization programs.

The Commissioners informed the committee that they are unable to make an initial estimate as to the increased expenses to the District such a program might incur, but assured the committee that, as the program develops and the workload becomes measurable, they intend to call upon the participants to contribute toward meeting operating expenses (either through cash payments or the furnishing of clerical assistance and supplies).

The Business and Commerce Subcommittee held hearings on this legislation on April 8, 1965, at which time the Procurement Officer for the District of Columbia government, and the executive secretary of the Metropolitan Washington Council of Governments appeared in support of the measure. There was no opposition to the bill.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar at this time.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request by Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON MOBILE TRADE FAIR ACTIVITIES

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Mobile Trade Fair activities, for the fiscal year ended June 30, 1965 (with an accompanying report); to the Committee on Commerce.

AMENDMENT OF FEDERAL AVIATION ACT OF 1958

A letter from the Chairman, Civil Aeronautics Board, Washington, D.C., transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958, as amended, to prohibit citizens of the United States from performing pro rata charters unless authorized by the Civil Aeronautics Board, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORT ON TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS

A letter from the Special Assistant to the Secretary (for Enforcement), Office of the Secretary of the Treasury, Washington, D.C., transmitting, pursuant to law, a report on traffic in opium and other dangerous drugs, for the calendar year ended December 31, 1964 (with an accompanying report); to the Committee on Finance.

REPORT ON PAYMENTS MADE FOR INDEMNIFICATION FOR PROPERTY LOSS SUSTAINED BY EMPLOYEES

A letter from the Secretary of Commerce, reporting, pursuant to law, on payments made for indemnification for property loss sustained by employees of that Department, during fiscal year 1965; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the National Convention of the Blinded Veterans Association, Washington, D.C., relating to insurance for survivors of members of the Armed Forces killed in combat areas; to the Committee on Armed Services.

The petition of Mrs. Leonards Pukinskis, of Manchester, Conn., favoring congressional action regarding the liberation of the Baltic States; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Armed Services, with an amendment:

H.R. 5571. An act to amend title 37, United States Code, to authorize payment of incentive pay for submarine duty to personnel qualified in submarines attached to staffs of submarine operational commanders (Rept. No. 809).

By Mr. McCLELLAN, from the Committee on Government Operations, without amendment:

H.R. 9830. An act to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize reimbursement to a State or political subdivision thereof for sidewalk repair and replacement or to make other arrangements therefor (Rept. No. 811).

Mr. McCLELLAN, from the Committee on Government Operations, with amendments:

S. 2271. A bill to authorize the payment of an allowance of not to exceed $10 per day to employees assigned to duty at the Nevada test site of the U.S. Atomic Energy Commission (Rept. No. 810).

By. Mr. WILLIAMS of New Jersey, from the Committee on Banking and Currency, with amendments:

S. 1707. A bill to amend section 6(b) of the Securities Act of 1933 (Rept. No. 812).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLAND:

S. 2585. A bill for the relief of Arturo Eugenio Stable, his wife, Leticia Zenaida Rodriquez-Cortes Stable, and their daughter, Maria Elena Stable;

S. 2586. A bill for the relief of Dr. Jose Carlos Garcia; and

S. 2587. A bill for the relief of Dr. Hilda W. Perez de Gonzalez; to the Committee on the Judiciary.

By Mr. GRUENING (for himself and Mr. Bartlett):

S. 2588. A bill for the relief of Zeb T. Carawan and his wife, Sylvia L. Carawan; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. Bartlett, Mr. Kennedy of Massachusetts, and Mr. Saltonstall):

S. 2589. A bill to authorize the Secretary of the Interior to construct two modern stern-ramp trawlers to be used for experimental, commercial fishing, research, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. NELSON:

S. 2590. A bill to authorize the Secretary of the Interior to establish a national hiking trail system in the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Nelson when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Louisiana (for himself and Mr. Ellender):

S. 2591. A bill to amend the act of September 30, 1950, as amended (42 U.S.C. 1855–1855g), which relates to Federal assistance in major disasters, to provide assistance for property damaged as a result of Hurricane Betsy, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. Long of Louisiana when he introduced the above bill, which appear under a separate heading.)

By Mr. YOUNG of North Dakota:

S. 2592. A bill for the relief of Chang Keh Cheng; to the Committee on the Judiciary.

By Mr. LONG of Missouri:

S. 2593. A bill for the relief of Hsin-Pao Tsao; to the Committee on the Judiciary.

By Mr. McGEE:

S. 2594. A bill for the relief of Moshe Shenfeld and his wife, Sara Shenfeld; to the Committee on the Judiciary.

By Mr. McGEE (for himself and Mr. Simpson):

S. 2595. A bill to place in trust status certain lands on the Wind River Indian Reservation in Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (for himself, Mr. Anderson, and Mr. Montoya):

S. 2596. A bill to amend the Internal Revenue Code of 1954 to increase the percentage depletion allowance for gold and silver produced in the United States; to the Committee on Finance.

(See the remarks of Mr. Bible when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

TO PRINT ADDITIONAL COPIES OF REPORT ENTITLED "LEGISLATION AUTHORIZING APPROPRIATIONS AND ESTABLISHING REVOLVING FUNDS (AS OF MARCH, 1965)"

Mr. MUNDT, from the Committee on Government Operations, reported an original resolution (S. Res. 151) to print additional copies of a report entitled "Legislation Authorizing Appropriations and Establishing Revolving Funds (as of March 1965)" which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. Mundt, which appears under the heading "Reports of Committees.")

THE NEED FOR A MODERN FISHING FLEET

Mr. MAGNUSON. Mr. President, for myself and the senior Senator from the State of Alaska [Mr. Bartlett] and Senators Saltonstall and Kennedy of Massachusetts, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to construct two modern stern-ramp trawlers to be used for experimental commercial fishing, research, and other purposes.

This proposed legislation will authorize the Secretary of the Interior to build two factory-processing trawlers for experimental harvesting and processing of fishery resources. Under the bill, the Secretary is authorized to operate the vessels or he may charter the vessels to private operators. Conditions have been placed in the legislation which will assure that the operation of the vessels will not have an adverse effect upon domestic fishery prices or current market demand.

I would like to stress that under this bill the vessels would be constructed in U.S. shipyards, thereby giving to our American yards an opportunity to employ their superior skills in the construction of a type of vessel which is not being built in the United States today.

The need for this legislation is apparent to everyone who has followed with concern the decline of the American fisheries. At the turn of the century, the total world fishery catch was approximately four million metric tons. Forty years later world fish production had increased to 20 million tons with the expansion attributable primarily to the increased fishing effort on the part of Western European countries, Japan, Canada, and the United States.

After World War II only the Canadian and American fishing fleets were in operating condition. The rebuilding of the high sea fleets after the war by other nations was dramatic. Large, efficient, and modern fishing vessels with sophisticated electronic equipment have been constructed in large numbers. But the United States did not participate in this advance and development. Therefore, the United States lost its position of dominance. Russia and Peru have emerged as world leaders in a field which was alien to them only a few years ago.

There is one way that we can reestablish our commercial position in the fisheries on the high seas. That is to develop the type of vessels and equipment that will give us the same advantages we enjoyed before World War II. The purpose of this bill is to initiate a program that will lead in that direction.

The basic question is whether the United States should undertake a serious long-range program to modernize the American fishing fleet so it can operate and compete successfully with the large, modern fishing fleets of foreign countries which are fishing to an increasing extent in the U.S. coastal waters for cod, herring, ocean perch, flounder, and other bottom fish.

We as a nation must soon determine whether or not the United States is going to have only an inshore fishery, perhaps even within our own 3- to 12-mile limit, or whether in fact the United States is going out on the high seas and compete successfully with countries such as Japan and Russia in catching bottom fish, herring, mackerel, and ocean perch. This does not mean, however, that the United States will require the same type of large trawlers, from 2,000 to 3,000 tons, and motherships, up to 15,000 tons, as are used by Japan and Russia. A significant characteristic of the foreign fishery is that it is a distant water fishery. If the United States is to develop a high seas fishery, it may well be concentrated primarily off our own coast. It will need to have the capability of operating on the high seas but not necessarily in distant waters. We all know that over 80 percent of the world fishery catch is taken above or immediately off the Continental Shelf.

We know also that the United States has one of the most extensive coast lines of any nation and a continental shelf of almost 1 million square miles. The design of the modern fishing vessel, authorized under this legislation, will take into consideration these unique economic characteristics and advantages to help make the American operation competitive and successful. These experimental vessels, which can illustrate the economic feasibility of the use of this type of fishing enterprise, should go far in convincing the financial community that such an investment is sound and is profitable.

But these vessels should prove helpful not only in demonstrating the economic feasibility of their operation under American flag and American ownership, but should also provide information about our coastal fishery resources which will be essential if the United States is to successfully manage these resources when the 1958 Fishery Convention comes into effect.

I expect that this convention will be ratified by the necessary number of nations during the latter part of this year or the early part of next year. When the convention is in force, the United States will, for the first time, be authorized under international law to undertake the conservation of our fishery resources beyond the 3- or 12-mile limit. It will be necessary to know much more about these resources than we presently know if this authority is to be exercised in any meaningful way. The operation of these two stern-ramp trawlers will provide essential information of our fishery resources to assure that adequate regulatory measures can be adopted.

I will not describe in detail again the seriousness of this problem relating to foreign fishing activities off the U.S. coast. It is known that the United States annual fishery catch is between 5 and 5½ billion pounds. This catch figure has remained relatively stable over the past 30 years. But in recent years foreign fishing activity off the U.S. coast, and particularly in the Northern Pacific, has accelerated in an alarming manner.

Last year foreign nations, primarily Russia and Japan, took between two and a half and three billion pounds of fish immediately off the Alaska coast In recent months, the Russian fleet has moved into the coastal water off Washington State and Oregon. These resources must be conserved for future Americans and the only way to assure this conservation is through regulation on the high seas. This can be accomplished by the United States under the 1958 Fishery Convention only if we have scientific information about the resources. Historically, in the Pacific Northwest and in the North Atlantic, this information has been based heavily, and at times exclusively, on reports from American fishermen engaged in the fishery concern. As I emphasized earlier, the American fisherman has not engaged as extensively as foreign fishermen in the taking of many fishery resources in the North Pacific. Therefore, the information needed will have to come from a source other than from the fishermen themselves. It will be necessary for the Government to get this information in some new manner and, in my opinion, the operation of these two trawlers can contribute substantially to providing the necessary scientific information.

In an editorial in its September 15, 1965, edition, the Seattle Times identified two objectives as needing higher priority from the Congress and the executive branch. These are: First, the development of international fishing codes providing for maximum sustained-yield harvests with a minimum of collisions between nations; and second, improved technology which will provide "more efficient harvesting systems." This editorial hits the nail on the head, and the bill I now introduce has these two same objectives in mind. It is easy to see that two such stern ramp trawlers would provide or lead to improved harvesting systems. But it should not be overlooked that any meaningful, long-term international fishing rules require a detailed knowledge of the extent, location, and habits of the resources to be managed. It was the lack of this information that has created so much of the bitter conflict between the United States and Canada, on one hand, and Japan, on the other, over North Pacific salmon. This must never again be allowed to occur.

Mr President, I ask unanimous consent that the editorial from the Seattle Times be reprinted at this point in my remarks.

I would emphasize again the significance of this effort. Similar bills have been proposed in the past without strong and timely administration support or industry support. The time has passed which would permit us to delay making this determination. I, for one, feel that constructive action should be taken and should be taken swiftly.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the editorial will be printed in the Record.

The bill (S. 2589) to authorize the Secretary of the Interior to construct two modern stern-ramp trawlers to be used for experimental, commercial fishing, research, and for other purposes, introduced by Mr. Magnuson (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

The editorial presented by Mr. Magnuson is as follows:

Hope for Fisheries

One hears so much about the "decline of American fisheries" that it may surprise some readers to learn that some authorities see a bright future for American fisheries in the disputed, increasingly crowded international fishing grounds of the North Pacific.

One such authority is Dayton L. Alverson, director of the U.S. Exploratory Fisheries and Gear Research Base in Seattle.

Alverson, writing in the Fishermen's News, notes that it is neither wise nor possible to isolate the North Pacific in any attempt to evaluate Uncle Sam's international fisheries posture, and that "Alaska is only part of a developing pattern which is encompassing all major oceans."

This pattern is one of a vastly increased worldwide demand for fisheries products as a basic source of protein for the growing worldwide population.

That is one reason for Alverson's hopeful outlook on U.S. fisheries. There will be an enlarged market in which all of the fisheries powers can share.

Another reason is that the advantage held by Japan and some other foreign fisheries powers through the utilization of low-cost labor is not as great as it once was. Competitive cost problems that once were the almost exclusive concern of the North Americans are beginning to plague other nations.

It should be pointed out, however, that Alverson and other authorities see only the possibility of a bright future for American North Pacific fisheries, not the certainty of it.

That future, Alverson says, seems to be predicated upon solving two major problems. The first (and it is a familiar theme on this page) "requires evolution of international fishing codes or rules which will allow nations to mutually participate in harvest of high-seas fisheries in a manner which will minimize international conflict."

And also in a manner, we might add, that will safeguard the conservation measures taken by Canada and the United States over the past century to protect salmon and halibut stocks.

Secondly, "If we are to share in the rapidly expanding world fisheries, it will be necessary to devise more efficient harvesting systems."

Both of these objectives call for a higher priority of attention from Congress and the executive branch of Government in Washington, D.C.

To prevent fisheries anarchy in the North Pacific Fisheries Treaty must be strengthened and Russia must be taken into it.

To compete more effectively, American fishermen and their Government must show more interest in research and innovation.

The U.S. food surplus is one of the factors that gives Uncle Sam vast international political and economic power. The Government shows full awareness of this fact in protecting and promoting this country's agriculture.

The Government should take a similar attitude, for similar reasons, toward North American fisheries resources.

NATIONAL HIKING TRAIL SYSTEM

Mr. NELSON. Mr. President, I send to the desk for proper referral a bill to create a national system of hiking trails.

I believe that hiking provides an unparalleled opportunity for escaping the pressure and harassments of civilization—for stepping into the very heart of nature.

Doctors tell us that walking is the most healthful form of exercise—and walking in the woods is surely the most pleasant kind of walking.

From a public policy point of view the development of hiking trails has even more important recommendations. No form of investment in outdoor recreation facilities can return nearly the same dividends for a very modest initial outlay.

A trail which costs only a few dollars to mark out can provide unmatched recreational opportunities to people of all ages for generations.

According to the Outdoor Recreation Resources Review Commission report there are almost 219 million acres in the United States in "nonurban, public, designated recreation areas."

Yet the best figures that I can find indicate that there are only some 78,000 miles of hiking trails. There could well be several hundred thousand.

Working with land use experts last spring we were able to lay out a tentative 3,000-mile-hiking-trail system in Wisconsin alone.

The national hiking trail system bill would direct:

First. The Secretary of the Interior to establish a system of hiking trails on Federal land including the 18,078,000 acres of national park land,

Second. The Secretary of Agriculture to set up a coordinated system of trails on the 165,167,000 acres of national forest land,

Third. Federal grants to the States to pay the full costs of planning coordinated State hiking trail systems beginning with the regular 35.6 million acres of State, regional, county, and municipal recreation lands and,

Fourth. Federal grants to pay 50 percent of the costs of constructing State and local trails.

The bill does not provide any condemnation powers. But it does provide for the acquisition of lands or easements from willing sellers. Easements, especially in rural areas, can provide an excellent tool for preserving the route of a trail.

Except for the trail on National Forest Service land the program would be administered by the Secretary of the Interior.

The hiking trail system would include long trunk trails—like the Appalachian and the Pacific coast trails—to provide a rugged wilderness experience appealing to hardy outdoorsmen and to scouting groups. These trails would require campsites every 7 miles or so, as on the Appalachian trail, with lean-tos or cabin shelters and cooking facilities.

Short trails, perhaps only 4 or 5 miles in length, within easy access of our great cities where weekend family groups can get away from the city for a few hours in the calming solitude of the woods.

Very short trails in or near our urban areas to make hiking readily available to schoolchildren. Large tracts of land are not necessary. Preserving and using small pieces of land near great concentrations of population is important.

Nature study trails should be laid out. Great variety is possible. For instance, small groves of trees—with every variety of tree in a region represented—would be helpful in nature study for children. The Forest Service has worked out very attractive ways of arranging nature study trails so that young people—and older students of nature as well—are led to a deeper understanding of the natural environment.

Trails specifically designed to attract the motorist could lead from rest stops or rural parking areas back into the woods at places of special interest.

The bill also provides that wherever possible trails be laid out and maintained with the cooperation of private citizens groups.

The work of private citizens groups in laying out and maintaining the Appalachian Trail for some 40 years indicates the valuable role to be played by private citizens in the national hiking trail system.

The Appalachian Trail was first conceived in 1921 by Benton MacKaye of Shirley Center, Mass. As an early associate of Gifford Pinchot's in the Forest Service MacKaye was a very imaginative and widely respected conservationist.

Starting as MacKaye's dream of an endless footpath up the spine of the Appalachians, the trail began to take substantive form in the early 1930's under the energetic direction of Myron H. Avery of Maine, long-time chairman of the Appalachian Trail Conference.

As Congress at long last stirs itself into action to preserve what little is left of this Nation's great misspent heritage of natural beauty it is only just that special recognition be given to those valiant citizens who have for many years been carrying on this national task from their private resources.

The Appalachian Trail Conference is made up of some 30,000 members in 91 organizations.

Everywhere I go in this Nation to speak on conservation I find many people asking what they can do to make a concrete contribution to the cause.

Their energy, spirit, and dedication could very well find a most useful and satisfying outlet in working on the trails that will be part of the National Hiking Trail System.

Volunteer workers of many sorts: Youth groups like the Boy Scouts and the Girls Scouts, college hiking and outdoor clubs, adult conservation and social clubs would be eager to help.

Maintenance of a hiking trail system would generate tremendous support and enthusiasm at the grassroots. I have no doubt that local groups would quickly volunteer to maintain their section of the trail just as local volunteer clubs maintain their section of the Appalachian Trail and take great pride in it. I can think of no way to secure broader public participation in resource education and preservation; no way to provide a more fruitful opportunity for old and young alike to make a useful and satisfying contribution to the public welfare.

The threefold increase in the last decade of visits to wilderness areas—as reported by the Secretary of Agriculture—demonstrates the growing public appreciation of the value of the wilderness experience.

But not everybody can afford the trip to a wilderness area and nobody can afford the time very often. We desperately need genuine outdoor and wilderness opportunities on a smaller scale, closer to home. This is one of the many things a national hiking trail system can provide.

Americans have been in such a hurry growing prosperous over the years that they have not taken much thought to creating a physical environment worth living in. The price we now must pay for this neglect is very high, not only in dollars but in needless ugly cities and suburbs.

A national hiking trail system would be a part of those efforts we are now beginning to make to build that livable world.

The low cost of constructing and maintaining hiking trails is well established. Last October I hiked a trail in Wisconsin laid out by a group of college teachers and students from Stevens Point College. In a day and a half some 7 miles of trail were constructed for $40 or so.

The young men in the Job Corps conservation camps in Wisconsin will be helping work on the Wisconsin trail system and could be available for similar work in other States.

Volunteer workers—like those who helped construct the Appalachian Trail—will be available and pleased to help if imaginatively organized and given the opportunity.

An important part of the national hiking trail system will, of course, be promotion. The bill specifically directs the Secretary of the Interior to conduct a program of information about the national hiking trail system and to produce guidebooks, maps, signs, and other needed material.

I believe that the prospect of a well-developed and coordinated system of hiking trails in this Nation is an extraordinarily exciting one. However, I believe that time is short. Especially in those areas near our burgeoning urban areas we must either move soon or see land devoted to other uses.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2590) to authorize the Secretary of the Interior to establish a national hiking trail system in the United States, and for other purposes, introduced by Mr. Nelson, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 2590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of making available for the benefit, inspiration, education, recreational use, and enjoyment of the public of scenic trails designed primarily for foot travel through natural or primitive areas of the United States, the Secretary of the Interior is authorized and directed to establish a national system of hiking trails (hereinafter referred to as the "national system") as hereinafter provided in this Act.

Sec. 2. In carrying out the provisions of this Act, the Secretary of the Interior is authorized, subject to the provisions of section 4 of this Act, to acquire by donation, purchase with donated or appropriated funds, exchange, or transfer from any Federal agency such lands and waters, or interests therein (including easements), as he determines necessary for the purposes of establishing the national system herein authorized. Notwithstanding any other provision of law, any property owned by the United States may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

Sec. 3. Any lands and waters, and interests therein, acquired by the Secretary of the Interior (including property so transferred by a Federal agency) for purposes of this Act shall, upon their acquisition, comprise a part of the national system and shall be administered, protected, and developed by the Secretary, subject to the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

Sec. 4. Notwithstanding any other provision of this Act, the Secretary of Agriculture is authorized to set aside and designate certain national forest lands for use as hiking trails for purposes of this Act. Any such lands so set aside and designated shall comprise a part of the national system and shall be administered, protected, and developed by the Secretary of Agriculture.

SEC. 5. Except with respect to lands designated by the Secretary of Agriculture pursuant to section 4, the Secretary of the Interior, after consultation with other Federal agencies administering lands through which any hiking trail comprising a part of the national systems passes, is authorized to issue, and to amend from time to time, regulations to carry out the purposes of this Act and to serve as guidelines in the administration, protection, and general management of that part of the national system which is under his administrative jurisdiction.

SEC. 6. Hiking trails comprising a part of the national system shall be of sufficient width and shall be so located as to provide the maximum retention of natural conditions, scenic or historic features, and the primitive nature of the trails. In selecting the route of any such trail, the Secretary of the Interior or the Secretary of Agriculture, as the case may be, shall select a route which will avoid, so far as possible and practicable, established highways, motor roads, mining areas, power-transmission lines, private recreational developments, public recreational developments not related to the trail, and other activities that would be inconsistent with the purposes of this Act and the protection in its natural condition and use of the trail for outdoor recreation. Travel on any trail comprising a part of the system shall be limited to foot-travel, skis, snowshoes, horses or mules, and nonmotorized bicycles or boats.

SEC. 7. In exercising his authority under this Act to acquire property by exchange, the Secretary of the Interior may accept title to non-Federal property located within the area designated for inclusion within the national system and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which he classifies as suitable for exchange or other disposal. Properties so exchanged shall be approximately equal in value: *Provided,* That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged. The Secretary shall report to the Congress on every exchange carried out under the authority of this Act within thirty days from its consummation, and each such report shall include a statement of the value of the properties involved and of any case in which equalization payments are made or received.

SEC. 8. (a) For the purpose of financially assisting the several States in establishing State hiking trail systems to coordinate with the national system, there are hereby authorized to be appropriated such sums as may be necessary. Sums so appropriated shall be available for use by the Secretary of the Interior in (1) making grants under this Act to assist any such State (which has submitted and had approved an application as hereinafter provided in this Act) in defraying expenses and other costs incurred by it in planning a hiking trail system to coordinate with the national system, and (2) making grants under this Act to assist any such State (which has submitted and had approved an application as hereinafter provided in this Act) in establishing (including the acquisition of lands and waters and interests therein, including easements) and developing a State hiking trail system to coordinate with the national system.

(b) Within six months after the date of the enactment of this Act, the Secretary of the Interior shall, by regulations, establish and prescribe general standards for obtaining grants under clauses (1) and (2) of subsection (a) of this section.

(c) The regulations issued under subsection (b) of this section shall provide for regular reports to the Secretary of the Interior by any State receiving a grant under this Act. The Secretary shall, from time to time, on the basis of the reports and other information available to him, review and, if necessary, revise the general standards prescribed by him pursuant to subsection (b) of this section.

(d) After the regulations referred to in subsection (b) of this section have been issued, any State desiring to secure a grant under this Act may submit an application to the Secretary of the Interior for such grant. Such application shall be in such form and shall contain such information and assurances as may be prescribed by the Secretary.

(e) The Secretary of the Interior may approve any application which complies with the provisions of this Act and regulations issued pursuant thereto. Upon the request of the applicant, the Secretary may modify the standards and requirements to be met by the State hiking trail system of that applicant on the basis of the particular situation in such State.

(f) Any amendment of an application approved by the Secretary of the Interior shall be subject to approval in the same manner as the original application.

(g) The payment of moneys to any State under this section may follow the approval by the Secretary of the Interior of the application of such State. Payment of any grant under this section may be made by the Secretary in advance or by way of reimbursement, and in such installments as he may determine, and shall be made on such conditions as the Secretary finds necessary to carry out the provisions of this Act. In no case shall the amount of any grant made under this section for the purposes of establishing and developing a State hiking trail system as provided under clause (2) of subsection (a) exceed 50 per centum of the cost thereof as determined by the Secretary.

SEC. 9. The Secretary of the Interior and the Secretary of Agriculture, jointly, shall publish and make available to the public information and materials relating to the national system, including guidebooks, maps, and signs.

SEC. 10. In carrying out their duties under this Act, the Secretary of the Interior and the Secretary of Agriculture are authorized to consult and cooperate with private nonprofit organizations and groups interested in hiking and other outdoor recreational activities, and to encourage the several States to include such organizations and groups in the planning and administration of the hiking trail systems established by such States.

SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

INCREASE IN PERCENTAGE DEPLETION ALLOWANCE FOR GOLD AND SILVER PRODUCED IN THE UNITED STATES

Mr. BIBLE. Mr. President, on behalf of myself, and Senators ANDERSON, MCGOVERN, MUNDT, GRUENING, DOMINICK, and MONTOYA, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to increase the percentage depletion allowance for gold and silver produced in the United States. I ask unanimous consent that the bill lie on the desk for 8 days in order that other Senators may have the opportunity of affixing their signatures as cosponsors.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Nevada.

The bill (S. 2596) to amend the Internal Revenue Code of 1954 to increase the percentage depletion allowance for gold and silver produced in the United States, introduced by Mr. BIBLE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

Mr. BIBLE. Mr. President, the bill does not in any manner affect the monetary price of gold or silver or the value of the dollar. The price of gold would remain at $35 per troy ounce.

The bill would amend the Internal Revenue Code of 1954 to increase the percentage depletion for gold and silver produced in the United States from 15 to 23 percent and it would increase the net income limitation on the percentage depletion deduction to 75 percent.

Those of us who for many years have been greatly concerned with the plight of the gold and silver mining industry have been rebuffed many times by Treasury Department officials, who believe that subsidy payments to this depressed mining industry would harm our monetary system. I am not in agreement with this theory and believe that legislation could be worked out which would be beneficial. Nevertheless, I am now introducing a more modest proposal which will be of a lesser benefit, and will have no effect on our monetary system.

The gold mining industry is the only domestic product that I know which has a fixed price, one which is governed entirely by statute, a price of $35 per ounce which has remained constant for over 30 years while costs of production have increased materially.

Silver is in somewhat the same position. The Treasury Department holds nearly 1 billion ounces of silver and with this overhand, the price of $1.29 per ounce has remained constant for many months.

Officials of the Treasury Department and the administration, in fact, made a strong case on the basis of world production being in imbalance with world consumption earlier this year when the coinage bill was before the Congress. In fact, as you all know, silver was removed from some of our coins on this recommendation.

I opposed the legislation at that time and am still opposed to it for I have always held the belief that if we would take constructive efforts to aid the silver and gold mining industry that we could resolve some of the production problems.

I am opposed to keeping these two valuable commodities in a straightjacket. It is fully realized that assistance by my proposal in increasing depletion allowances will not be a cure-all. I have requested the Bureau of Mines to furnish me with a list of all silver and gold mines which produce these metals as primary metals and there are only 19 now operating in the United States which have grossed in excess of $100,000 annually during the year 1964.

There are prospects and mines which offer much promise but the cost of production with the continuing rise in compensation, social security, and a host of other taxes, prevents an optimistic outlook.

Treasury officials have stated they feel the continued production of gold is vital to this Nation's welfare.

The same can be said for silver.

Our balance of payments has shown little improvement and we still show a large deficit. This has been a matter of world concern and only this week spokesmen for two major nations have voiced their concern. We have representatives from a number of nations now meeting with top Treasury officials in an attempt to resolve this problem.

At the same time we seem to be treading water when it comes to securing meaningful legislation to assist the domestic gold and silver producers in order that they can stay in business.

I want to make it clear that the bill I am introducing will affect only the primary producers of gold and silver. I do not consider that this will open a Pandora's box as some have suggested.

We certainly can take steps to see that production is continued on these two vital minerals and it will not be continued if some relief is not forthcoming.

Other nations have given preferred tax status to producers of gold. Australia pays a gold subsidy and in addition gold producers do not pay Federal income taxes until they have recouped their capital investment. In addition, it is my understanding shareholders of gold mining stocks do not pay taxes on their dividends.

Helpful as this legislation will be, it alone cannot revive this vital industry and, for that reason, I am pleased to cosponsor another measure introduced by my distinguished colleague from South Dakota that will be of great benefit to the American gold producer.

Under the present tax laws, gold and silver, which it is becoming more and more evident are our most precious metals, have been discriminated against in the rates that they receive for percentage depletion.

Both of them are entitled only to a 15-percent depletion rate on gross income from mining subject to a 50-percent limitation on what is called the taxable income from the property, but which is no more than the net profit from the particular gold or silver property. The 15-percent rate on gross income and the 50-percent limitation have seriously deterred the search for and discovery of other gold and silver deposits in the United States which are sorely needed by our country. Before going further into this important matter, I want to make clear how these two provisions affect the depletion deduction.

I have always found that an example is the clearest method for obtaining a grasp of something that is supposed to be a complex subject, and I think that after I give you this example you will clearly see how these provisions operate and what amendment should be adopted to encourage more exploratory work for gold and silver.

Assume that a taxpayer mining gold receives $120,000 for gold that he mines in a particular year. Under the tax laws that amount is called his gross income for mining—this is the gross actual cash that he receives for the products of his labor. Also assume that the taxpayer incurs $90,000 in operating costs, which includes labor, supplies, depreciation, and so forth, in mining this gold. One can readily see that up to this point the net profit, or as the tax laws call it, the "taxable income from the property," is $120,000 minus $90,000 or $30,000.

Now as I previously stated, the gold miner—or silver miner as the case may be—is entitled to a depletion deduction of 15 percent of $120,000, which amounts to $18,000. If it were not for the 50-percent net income limitation on the percentage depletion deduction, our gold miner would be entitled to deduct this amount from the net income from the property of $30,000, and he would be taxed on the difference of only $12,000. But the law does not work that way. Our gold miner is penalized because between the time that this law was passed and up to the present date the cost of mining has risen while at the same time the price of his production has been fixed. Thus his net income has been drastically reduced. As I previously pointed out, the miner had net income of only $30,000 and, under the law, he is entitled to only half of the $30,000, or $15,000, because it is less than $18,000, the depletion deduction computed on gross income.

So our taxpayer would be taxed on net income of $15,000—$30,000 minus a depletion deduction of $15,000. On this $15,000 he would pay a corporate tax of $3,300 at the corporate normal tax rate of 22 percent. The net cash income to him for the year would be $26,700, made up of a depletion deduction of $15,000 and an after tax income of $11,700, taking into account the depletion deduction.

You can see that this limitation of 50 percent of net income has reduced the net cash that the gold miner will receive from his year's operations and will therefore reduce not only the amount of funds that he has remaining available to reinvest in exploration work, but will also discourage further prospecting because of the reduction of his return on investment in his mining operation.

I said at the outset our present tax laws have discriminated against gold and silver. There is provided for in the code a 23-percent depletion rate for approximately 40 categories of minerals and ores which are considered to be especially critical and strategic to our Nation's health and safety. Gold and silver are excluded from the list—two of the most important metals this country relies upon. It is my sincere belief that these minerals should be granted the same depletion rate of 23 percent. This, in itself, would not help the plight of the gold and silver miner because the costs of operating and developing mines have constantly increased due to the lower grade content of the deposits remaining to be discovered and the excessive amount of capital that is necessary for the development of these mines. And bear in mind that the price of both these minerals is fixed by the Federal Government. In order to discover and develop additional gold and silver deposits, the 50 percent of net income limitation should be raised for these precious metals to 75 percent. If these actions were taken, it would make the prospecting for gold and silver deposits more attractive and would increase our supply of these minerals considerably.

Let us compare the results under my proposal with the results that I furnished in my example under the present tax laws. Our miner with $120,000 of gross income at a 23-percent depletion rate would be entitled to a maximum deduction of $27,600, instead of $18,000. His net income would remain the same—$30,000. However, his limitation would be 75 percent of $30,000 instead of 50 percent, which would amount to a $22,500 depletion deduction instead of $15,000 under the present law. His tax would be $1,650 instead of $3,300 as under present law, and his net cash income would be $28,350 instead of $26,700. Of course, these figures are hypothetical, but it can be easily seen that the increase of the depletion rate to 23 percent and the raising of the 50 percent of net income limitation to 75 percent would produce an additional cash flow which could be utilized by the miner to reinvest in prospecting and exploring for more gold and silver.

NOTICE OF HEARINGS—SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, I wish to announce that hearings will be held by the subcommittee on possible statutory solutions to the problem posed by claims against the United States that have heretofore been handled by the congressional reference jurisdiction of the Court of Claims.

General hearings already have been held on H.R. 1665, a bill to amend title 28, entitled "judiciary and judicial procedure," of the United States Code to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment in special jurisdictional cases. The forthcoming hearings will focus on possible alternatives to H.R. 1665, as well as possible modifications of that bill.

The hearings are scheduled for Thursday, October 7, 1965, at 10 a.m., in room 6226, of the New Senate Office Building.

Any person who wishes to testify or submit a statement pertaining to this subject should communicate with the Subcommittee on Improvements in Judicial Machinery.

NOTICE OF HEARING ON FEDERAL SALARY LEGISLATION

Mr. MONRONEY. Mr. President, as chairman of the Post Office and Civil Service Committee, I wish to announce that the committee will endeavor to resume hearings on Federal salary legislation on Tuesday, October 5, 1965, at

10 a.m. in room 6202 of the New Senate Office Building.

The plan is to hear first from administration spokesmen on H.R. 10281, the House-passed bill. We shall attempt to hear from the employee groups on Wednesday, October 6.

TO PRINT AS A SENATE DOCUMENT COMMITTEE PRINT ENTITLED "LEGISLATION AUTHORIZING APPROPRIATIONS AND ESTABLISHING FUNDS (AS OF MARCH, 1965)" WITH ADDITIONAL COPIES

Mr. MUNDT. Mr. President, I send to the desk a resolution which is brief and reads as follows:

> *Resolved*, That the committee print entitled "Legislation Authorizing Appropriations and Establishing Revolving Funds (as of March 1965)," compiled by the Bureau of the Budget at the request of the Committee on Government Operations, from information furnished by various departments and agencies, be printed as a Senate document, and that five thousand additional copies be printed for the use of the committee.

Mr. President, let me say for the information of the press gallery that I have available a limited number of these new Senate reports which have just come off the press this morning, and I invite the attention of the Senate to the fact that I believe this is a most unprecedented Senate document. It has capabilities of providing more economy for the American taxpayer than a computer machine in the Bureau of the Budget.

I should like to address myself briefly to the background of this unprecedented publication, and invite attention to its availability to Members of the Senate as well as Members of the other body.

Mr. President, article I, section 9, clause 7 of the Constitution of the United States provides, in part, that:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

From the formation of our Government down to the present time, the meaning of this clause has never been in doubt. Simply stated, it means that before money can legally issue from the Treasury of the United States for any purpose, there must be a law authorizing an expenditure and designating the object and the fund.

Mr. President, we have, for the first time, prepared a compilation of all the legislative authorities presently before the Appropriations Committees of Congress, so that we can evaluate and tabulate the total amount of impending governmental obligations, if, as and when the Appropriations Committee authorizes the money, which Congress is given the authority to spend.

As stated by our first Secretary of the Treasury, Alexander Hamilton, also a Founding Father of this Nation:

> The design of the Constitution in this provision was, as I conceive, to secure these important ends,—that the purpose, the limit, and the fund of every expenditure should be ascertained by a previous law. The public security is complete in this particular, if no money can be expended, but for an object, to an extent, and out of a fund, which the laws have prescribed.

Certainly, Mr. President, the Constitutional Fathers acted wisely when they subjected the process to a two-step procedure. One shudders to contemplate what might have been the astronomical dimensions of our present national debt were it not for the safeguards of this two-step procedure so wisely provided by the Constitutional Forefathers.

Mr. President, over a period of many years, I have been seriously concerned over the problems confronting our Nation, relative to the fiscal stability of our Government. From the vantage point of membership on both the Committee on Appropriations and the Committee on Government Operations, I have had the unique opportunity to participate in the appropriations process from the time that an appropriation is requested pursuant to an authorization, right through to that stage of the process in which an examination is made with respect to whether the funds have, in fact, been used for the purposes for which they have been authorized and appropriated.

One of the facets of our system which I have found particularly disturbing is the fact that year after year and session after session, the Congress continues to enact legislation authorizing the appropriation of huge sums of money to fund various programs, without either knowledge of or reference to authorizations which have already been enacted.

It has been blind flying in the fiscal process. The results are obvious from the size of our national debt and this year's record of deficit spending.

The authorizations to which I refer fall into the following categories: First, those which limit the total amount to be appropriated; second, those which require annual renewal; third, those which are of a continuing nature; fourth, those which establish and authorize revolving funds—"backdoor" spending; fifth, those which authorize permanent appropriations which become available without further action by the Congress; and, sixth, those which provide new obligational authority outside of appropriation acts, and involve another aspect of backdoor spending.

Mr. President, because of my concern with respect to these matters, in the 88th Congress, I proposed to the distinguished chairman of the Committee on Government Operations, Senator JOHN L. McCLELLAN, that the committee initiate a study and compile a report of all legislation authorizing appropriations of dollars for expenditures. I stated that I felt such a compilation was necessary because Congress continues to authorize new appropriations without either knowledge or consideration of authorizations which have already been enacted.

At this point in the RECORD, let me read the foreword as it appears at the beginning of this report dated September 29, 1965:

> FOREWORD
>
> During the 88th Congress, Senator KARL E. MUNDT, ranking minority member of the Committee on Government Operations, proposed to the chairman, Senator JOHN L. McCLELLAN, that the committee initiate a study and compile a report of all legislation authorizing appropriations of dollars for expenditures. He stated that such a compilation was necessary because "Congress continues to authorize expenditures of appropriated dollars and * * * when they authorize new expenditures we know not what authorizations are already on the books."
>
> Senator MUNDT proposed further that the study and compilation include (1) all dollar authorizations which permit appropriations of dollars for expenditures; (2) legislation establishing revolving funds, including amounts originally authorized, amounts paid out, and estimates of amounts expected to be paid out in future years, as well as termination dates; and (3) so-called backdoor spending.

I proposed further that this study and compilation should include: First, all dollar authorizations which permit appropriations of dollars for expenditures; second, legislation establishing revolving funds, including amounts originally authorized, amounts paid out, and estimates of amounts expected to be paid out in future years, as well as termination dates; and, third, so-called backdoor spending.

Following an exchange of letters and further discussion with the distinguished senior Senator from Arkansas, Senator McCLELLAN, on February 1, 1965, addressed a letter to the Director of the Bureau of the Budget requesting that the necessary information be furnished to the committee. Thereafter, Bureau of the Budget staff met with me and the staff of the Committee on Government Operations in my office in order to clarify the Bureau's understanding of the information requested.

On April 12, 1965, the Director of the Bureau of the Budget issued Bulletin No. 65–8, addressed to all executive branch departments and agencies, requesting the required information and providing instructions with respect to the form in which the information was to be furnished.

Under date of July 26, 1965, the Director of the Bureau of the Budget transmitted the information requested. In his letter of transmittal, the Director noted that the bulk of the data was supplied by the departments and agencies concerned, and organized by the Bureau of the Budget in such a manner as to bring together all information on the various categories of authorizations together with an explanation of the basis on which the information was prepared. He stated further that the Bureau of the Budget did not have the resources to verify the details of the agency reports and that any additional information concerning the material submitted should be addressed to the agencies concerned.

The material submitted now appears to be in the form in which it was requested. However, because a very large amount of detailed information is involved, with numerous footnotes of a qualifying and explanatory nature, the committee staff as well as the Bureau of the Budget thought it best that the departments and agencies which supplied the information be afforded an additional opportunity to review the material and make any necessary corrections. Accordingly, we are printing 300 copies of a committee print, copies of which will be supplied to the agencies concerned for that purpose.

Mr. President, at the present time, the Congress is acting on authorizations and appropriations without adequate knowledge and information upon which to base its decisions, in carrying out its constitutional mandate and responsibility relative to appropriations. It is my sincere belief that this compilation will fill the great gap in information which now exists. It will enable every Member of Congress to determine what action has already been taken, by supplying detailed information as to the amounts of money which have been authorized previously, the statutory citation and dates of such authorizations, and the amounts which have been appropriated pursuant to such authorizations, at least as of March 1965, the cutoff date of this study.

The printing of this compilation as a Senate document has been approved unanimously by the Committee on Government Operations, and I have been directed to report, on behalf of the committee, an original resolution authorizing its printing as a Senate document.

Accordingly, from the Committee on Government Operations, I submit for appropriate reference, which I presume would be the Committee on Rules and Administration, an original resolution authorizing the printing of the committee print entitled "Legislation Authorizing Appropriations and Establishing Revolving Funds, as of March 1965," as a Senate document, and requesting that 5,000 additional copies be printed for the use of the committee.

I think any of us who have served in Congress for any length of time realize the difficulties involved in the problem of trying to examine adequately and properly the numerous requests which come each year to the Appropriations Committee. Now if we can have the entire picture before us of what is involved financially—and a little later I expect to submit another proposal to show the anticipated Federal budget during the next 4 or 5 years in terms of these authorizations—with that information before us, I think we would be able to bring about some substantial and badly needed economies.

I certainly hope this compilation will serve as a constantly flashing bronze light to the executive agencies, the White House, and the Congress, indicating the perils involved in constantly adding new authorizations which will require even greater amounts of deficit spending without first of all summarizing and totalizing the composite commitment in which the taxpayers of this country already are involved.

Mr. President, protecting the American dollar at home has become a matter of even more significance than trying to protect the status of the American dollar abroad. However, if we can do the former, I am sure we will be much better equipped to do the latter.

The **VICE PRESIDENT**. The resolution will be received and appropriately referred.

The resolution (S. Res. 151) was referred to the Committee on Rules and Administration.

REPEAL OF SECTION 14(b) OF NATIONAL LABOR RELATIONS ACT—AMENDMENTS

AMENDMENTS NOS. 464 AND 465

Mr. **MUNDT** submitted two amendments, intended to be proposed by him, to the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a) of the National Labor Relations Act, as amended, which were ordered to lie on the table and to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 1, 1965, he presented to the President of the United States the enrolled bill (S. 596) to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and related diseases.

U.S.S. "SIMON BOLIVAR"

Mr. **AIKEN**. Mr. President, the United States has successfully completed the first sea trials of our 31st Polaris nuclear submarine. These 31 Polaris submarines, with our 22 attack-type nuclear submarines, give us a total of 53 such vessels ready for action in our submarine fleet.

It seems quite fitting that the latest submarine completed, the 31st Polaris nuclear submarine, should be named for that great Latin-American liberal, Simon Bolivar.

I have in my hand a letter from Adm. H. G. Rickover, prominently known as the father of the nuclear submarine fleet, in which he sets forth the history, the activities, and the life of Simon Bolivar.

I ask unanimous consent that Admiral Rickover's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AT SEA, NORTH ATLANTIC,
U.S.S. "SIMON BOLIVAR,"
New York, N.Y., September 28, 1965.

Hon. GEORGE D. AIKEN,
Joint Committee on Atomic Energy.

DEAR SENATOR AIKEN: We have just successfully completed the first sea trials of the U.S.S. *Simon Bolivar*, our 31st Polaris nuclear submarine. We also have in operation 22 attack-type nuclear submarines, making a total of 53. The *Simon Bolivar* was built by the Newport News Shipbuilding and Dry Dock Co. of Newport News, Va.

This ship is named for a great American soldier, patriot, and statesman. Simon Bolivar (1783–1830) was American in the broad sense of the word prevailing south of the border, where it is applied to citizens of the entire Western Hemisphere, north, central, and south.

Not only for us, but for all who share this vast continent with us, the word has a magic of its own. It stands for what we have in common, what gives us a sense of belonging to the same family of nations, despite the fact that we differ in many important respects. Not the least of the bonds uniting us is a revolutionary heritage that is peculiarly American.

What sets America's wars of independence apart from other struggles for colonial emancipation is that they were fought for political liberty, pure and simple. They were wars led in the north by Englishmen and in the south by Spaniards against men of their own race, language, and culture who would deny them the right to self-government. The leaders of the revolt laid down their lives, their fortunes, and their sacred honor from motives of pure patriotism unadulterated by desire for personal advantage. They were already successful and important men in their communities; they did not expect independence to enrich them or to enhance their status. They fought for the ideal of liberty at great personal risk. None risked more and gained less personally than Simon Bolivar.

Born in Caracas, Venezuela—the year England recognized the independence of the United States—the son of a wealthy and aristocratic Spanish family long settled in the colony, Bolivar was educated abroad and, until the age of 27, lived the pleasant life of a rich planter. But from the moment of the first revolt in Caracas against Spain in 1810 to the end of his brief life of but 47 years, Bolivar served almost continuously as leader of the revolt. He richly deserved the title "liberator" bestowed on him by his countrymen, for he succeeded in driving the Spaniards from the vast area now occupied by the republics of Panama, Colombia, Venezuela, Ecuador, and Peru. At one time or another he was not only military leader but civilian chief as well of one or more of these republics; for a brief time all were united under him.

The Hispanic-American wars of independence lasted twice as long as did our own, and were fought over a vastly larger area and more intractable terrain. In population, the adversaries were more evenly matched, there being 11 million Spaniards to 15 million colonials, while we had but a third as large a population as England. Spain at the time was weakened by the Napoleonic Wars while England was the premier maritime empire of the world. On the other hand, the Spanish colonials had to fight with no outside help except for individual volunteers who flocked to Bolivar's army as they did to Washington's. No major country gave aid as we received from France. Only little Haiti, under President Pétion, supported the cause of freedom by giving men and materiel to Bolivar at a time when he sorely needed them.

Of his military feats, Thomas Carlyle said that Bolivar rode "fighting all the way, through torrid deserts, hot mud swamps, through ice chasms beyond the curve of perpetual frost—more miles than Ulysses ever sailed." He "marched over the Andes more than once, a feat analogous to Hannibal's and seemed to think little of it. Often beaten, banished from the firm land, he always returned again, truculently fought again."

Henry Clay called Bolivar the Washington of South America. Indeed, there are striking similarities, but the differences in temperament and in the turn of their lives are equally great. Both were self-taught soldiers. Bartolomé Mitre, famed Argentinean statesman, journalist, author and historian said that though Bolivar "had no military education, he possessed the talents of a great revolutionary leader and the inspiration of genius. * * * He formed his plans quickly and executed them with daring resolution, while he lost no time in securing the fruits of his victory." And, speaking of his reconquest of western Venezuela, he remarked that "never, with such small means, was so much accomplished over so vast an extent of country, in so short a time."

Like Washington, Bolivar had that quality without which no man becomes a great military leader—a capacity to bear adversity with fortitude and to rise from defeat to win victory. His Spanish adversary General Morillo said that Bolivar was "more fearful vanquished than victorious," just as of Washington one might well say that his finest hour was Valley Forge. Both cared for the welfare of their troops and were generous toward them. Both in their lifetime received much public adoration, both have a secure place in history as liberators of their nations. A South American republic was named for Bolivar, an American State for Washington.

But while Washington remained popular and died venerated by his countrymen on the estate he loved so well, Bolivar lost the support of his people and died penniless of a lung ailment which might not have proved fatal had he spared himself. Toward the end he was discouraged and said that "those of us who have toiled for liberty in South America have but plowed the sea." Hendrik Willem Van Loon, in his biography, writes an epitaph that is more just. "If those words, spoken in the bitterness of his final defeat and loneliness, had truly been the summing up of his restless labors, the life of Simon Bolivar might well have been considered a hopeless failure. Whereas a single glance at the map of the southern half of our continent proclaims the glory of his achievements. Half a dozen free and independent nations, arisen from among the ruins of Spain's imperial ambitions, are surely a monument of which any human being might well feel proud."

Respectfully,

H. G. RICKOVER.

Mr. PROXMIRE. Mr. President, Adm. Hyman Rickover has written me along with the Senator from Vermont [Mr. AIKEN], that the 31st Polaris nuclear submarine has just completed its first sea trials, and it carries the proud and appropriate name of U.S.S. *Simon Bolivar*.

The immense sums we appropriate for the U.S. Navy and the creation of these awesome weapons is for the purpose of preserving peace and freedom. Certainly no man played a greater role in winning independence and freedom for South American countries than the great soldier statesman Simon Bolivar.

At a time when we are particularly conscious of our challenge and responsibility for working through the Alliance for Progress to help build a strong, free, peaceful Latin America, it was a happy inspiration to name our newest Polaris submarine after the liberator, Simon Bolivar.

In his brilliant letter Admiral Rickover has written the story of this George Washington of South America. I am happy to join Senator AIKEN in sharing this letter with my congressional colleagues and the Nation.

AUGUST: GREAT MONTH FOR U.S. ECONOMY

Mr. PROXMIRE. Mr. President, with unemployment lower than it has been in 7 years, with profits booming to alltime records, with wages higher than ever and dividends, interest, and virtually every element of personal income breaking alltime records, there has been one haunting cloud on the horizon of these good times. That, of course, is the specter of inflation.

When prices rise, shouts of protest rend the air in this body and throughout the country. But when the news is good, when the sun comes out when prices fall, there is silence. No one seems to want to admit it is a good day.

Mr. President, it is a good day for the American consumer. Prices did fall last month. They fell by two-tenths of 1 percent. August was the first month in the last 12 in which prices declined, but at last they did.

This is especially good news because in both June and July prices had increased—by three-tenths of 1 percent in each month. The gloom and doom brigade was predicting inflation. The fall in prices in August means that for the 3 months ending September 1, the price rise was only one-half of 1 percent. What this all adds up to is that during the summer—when the economy was undergoing what have been the most serious strains because of the step-up in the Vietnam war commitments, when unemployment made its most spectacular drops and employment its best gains, the cost of living moved along at about the same 1½ percent annual gain that has characterized the moderate, gentle rise in prices during the past 5 years.

During that period the country has enjoyed by far the most stable price level of any industrialized country in the world, and also an unparalleled, booming prosperity.

Throughout the years, Mr. President, there has been too much blame placed upon administrations that happen to be in power when the economy is staggering and fumbling and times are hard. There is too much praise for the luckier administration that governs in time of prosperity. But for anyone who has followed the course of this administration and of this Congress, the measure after measure designed to stimulate and expand the economy and reduce unemployment; the dramatic and effective efforts to persuade management and labor to recognize the importance of wage-price guidelines and abide by those guidelines; the passage of the 1965 Federal excise tax cut and the followup by various administrative agencies to see that that tax cut was in fact passed on to the consumer in lower prices—all of these conscious, premeditated actions played a hand, along with the blessed unseen hand of Providence, in giving us this period of booming prosperity and relative price stability.

I ask unanimous consent that a news release from the Department of Labor entitled "Consumer Price Index for August 1965" be printed in the RECORD at this point.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

CONSUMER PRICE INDEX FOR AUGUST 1965

Consumer prices in the United States declined 0.2 percent in August, the U.S. Department of Labor's Bureau of Labor Statistics announced today. Sharply lower prices for fresh vegetables and used cars, together with rebates on telephone bills, were the chief factors in the decline. Prices were also lower for most durable commodities. The decline was partly offset by increases in sales taxes in some areas.

At 110 percent of its 1957–59 average, the Consumer Price Index, which declined for the first time since a year ago, was 1.7 percent above its August 1964 level. Over the year, food prices increased 3 percent, accounting for about two-fifths of the rise. Prices of most other nondurable commodities and services have also increased from a year ago.

Food prices dropped 0.7 percent on the average in August as a result of sharp reductions in prices of fresh produce. Potato prices fell 28 percent from their record high in July, reflecting increased supplies as new crops were harvested. However, potato prices in August were still 8 percent higher than a year earlier. In addition, seasonally heavy supplies of some fresh vegetables caused price declines ranging from 25 percent for tomatoes to 7½ percent for onions. Fresh fruit prices declined 4 percent over the month, reflecting seasonal increases in the available supplies of seedless grapes, watermelons, and apples. Meat prices increased 0.8 percent as higher prices for pork and some other meats offset lower prices of beef and veal. An 8-percent increase in prices of bacon was primarily responsible for higher pork prices. Over the month, seasonally higher prices were recorded for eggs and most dairy products, especially fresh milk.

Housing costs decreased fractionally because of telephone bill rebates in California. A reduction in transportation costs was due to a significant decrease in used car prices, accompanied by lower gasoline prices in some areas. Federal excise tax reductions contributed to a decline in prices of appliances and durable recreational goods. On the other hand, higher costs were reported for tobacco products, due to increased taxes in some areas, and price of shoes and men's and boy's clothing increased mainly because of higher wholesale costs.

COST-OF-LIVING ADJUSTMENTS

Even though the index declined from its July level, over 60,000 workers will receive cost-of-living increases, based on reviews of the Consumer Price Index for August. About 52,000 workers (mostly in aerospace firms) will receive 1 cent an hour, and 6,000 chemical workers will receive 2 cents, because of the rise in the national index from May to August.

About 3,000 local transit employees will receive an increase of one-half cent an hour, based on the quarterly change in the index for Washington, D.C.; and 1,000 delicatessen employees will receive 1 cent, based on the Chicago index.

OTHER BASES

The Consumer Price Index for August 1965 and purchasing power of the consumer dollar on the bases of 1947–49 and 1939 are shown below:

Base:	*Index*	*Purchasing power*
1947–49—100 (or $1)	135.0	$0.741
1939—100 (or $1)	227.2	.440

(NOTE.—The first set of the attached tables (A–1, etc.) and the analysis contained in this report are based on the new index series, covering both single workers living alone and families. Tables containing more detailed data will be available about October 13.)

TABLE A-1.—*Consumer Price Index—U.S. city average for urban wage earners and clerical workers* (*including single workers*)

MAJOR GROUP AND SUBGROUP INDEXES, AUGUST 1965, AND PERCENT CHANGES FROM SELECTED DATES

Group	Indexes [1957-59=100]			Percent change to August 1965 from—		
	August 1965	July 1965	August 1964	July 1965	May 1965	August 1964
All items	110.0	110.2	108.2	−0.2	0.4	1.7
Food	110.1	110.9	106.9	−.7	2.0	3.0
Food at home	108.6	109.7	105.3	−1.0	2.3	3.1
Cereals and bakery products	111.1	111.1	109.6	0	.3	1.4
Meats, poultry, and fish	109.8	109.2	99.2	.5	9.5	10.7
Dairy products	105.0	104.3	104.4	.7	.8	.6
Fruits and vegetables	114.6	124.3	117.3	−7.8	−5.6	−2.3
Other foods at home	101.9	101.2	101.9	.7	1.1	0
Food away from home	118.2	117.6	115.3	.5	1.1	2.5
Housing	108.2	108.3	107.2	−.1	0	.9
Shelter [1]	110.7	110.6	108.8	.1	.5	1.7
Rent	109.0	108.9	107.9	.1	.2	1.0
Homeownership [2]	111.4	111.2	109.2	.2	.5	2.0
Fuel and utilities [3]	105.3	106.6	107.1	−1.2	−1.7	−1.7
Fuel oil and coal [4]	103.5	103.2	100.9	.3	−1.1	2.6
Gas and electricity	107.7	106.9	108.2	.7	0	−.5
Household furnishings and operation	102.9	102.9	102.6	0	−.2	.3

Group	Indexes [1957-59=100]			Percent change to August 1965 from—		
	August 1965	July 1965	August 1964	July 1965	May 1965	August 1964
Apparel and upkeep [5]	106.4	106.1	105.3	.3	−.4	1.0
Men's and boys'	107.2	106.8	106.0	.4	.2	1.1
Women's and girls'	102.6	102.5	101.3	.1	−.8	1.3
Footwear	112.7	112.0	110.8	.6	.4	1.7
Transportation	111.0	111.5	109.3	−.4	−.4	1.6
Private	109.5	110.0	107.9	−.5	−.5	1.5
Public	121.5	121.4	119.1	.1	.2	2.0
Health and recreation	115.6	115.3	113.8	.3	0	1.6
Medical care	122.8	122.7	119.8	.1	.8	2.5
Personal care	109.0	108.7	109.4	.3	−1.8	−.4
Reading and recreation	114.3	114.6	114.2	−.3	−1.4	.1
Other goods and services [6]	112.6	111.5	108.9	1.0	1.8	3.4

[1] Also includes hotel and motel rates not shown separately.

[2] Includes home purchase, mortgage interest, taxes, insurance, and maintenance and repairs.

[3] Also includes telephone, water, and sewerage service not shown separately.

[4] Called "Solid and petroleum fuels" prior to 1964.

[5] Also includes infants' wear, sewing materials, jewelry, and apparel upkeep services not shown separately.

[6] Includes tobacco, alcoholic beverages, and funeral, legal, and bank service charges.

TABLE A-2.—*Consumer Price Index—U.S. city average for urban wage earners and clerical workers* (*including single workers*)

SPECIAL GROUP AND SUBGROUP INDEXES, AUGUST 1965, AND PERCENT CHANGES FROM SELECTED DATES

Group	Indexes [1957-59=100]			Percent change to August 1965 from—		
	August 1965	July 1965	August 1964	July 1965	May 1965	August 1964
All items	110.0	110.2	108.2	−0.2	0.4	1.7
All items less shelter	109.8	110.1	108.1	−.3	.4	1.6
All items less food	110.2	110.2	108.9	0	−.1	1.2
Commodities [1]	106.6	106.9	105.2	−.3	.4	1.3
Nondurables	108.5	108.7	106.1	−.2	.9	2.3
Durables [1 2]	101.8	102.3	102.8	−.5	−1.1	−1.0
Services [3]	117.9	117.8	115.4	.1	.3	2.2
Commodities less food [1]	104.7	104.7	104.2	0	−.5	.5
Nondurables less food	107.1	106.9	105.6	.2	−.1	1.4
Apparel commodities	105.3	105.0	104.4	.3	−.6	.9
Apparel less footwear	103.8	103.6	103.1	.2	−.8	.7
Nondurables less food and apparel	108.2	108.0	106.3	.2	.2	1.8

Group	Indexes [1957-59=100]			Percent change to August 1965 from—		
	August 1965	July 1965	August 1964	July 1965	May 1965	August 1964
New cars	97.1	97.2	99.9	−.1	−3.1	−2.8
Used cars	120.3	123.0	122.2	−2.2	−.7	−1.6
Household durables [4]	95.8	96.3	98.1	−.5	−2.0	−2.3
Housefurnishings	97.3	97.6	98.1	−.3	−1.0	−.8
Services less rent [3]	120.0	120.0	117.2	0	.4	2.4
Household services less rent	116.6	116.9	115.0	−.3	.1	1.4
Transportation services	119.6	119.1	115.0	.4	.8	4.0
Medical care services	127.7	127.5	123.7	.2	.9	3.2
Other services [5]	122.1	121.9	118.8	.2	.4	2.8
Purchasing power of the consumer dollar [1957-59=$1.00]	0.909	0.907	0.924	.2	−.3	−1.6

[1] Includes home purchase costs which were classified under services prior to 1964.

[2] Also includes auto parts, toys, and recreational goods not shown separately.

[3] Excludes home purchase costs which were classified under this heading prior to 1964.

[4] Called "Durables less cars" prior to 1964.

[5] Includes the services components of apparel, personal care, reading and recreation, and other goods and services.

TABLE A-3.—*Consumer Price Index—United States and selected areas, for urban wage earners and clerical workers, August 1965* (*including single workers*)

[1957-59=100 unless otherwise specified]

Area [1]	All items	Food	Housing	Apparel and upkeep	Transportation	Health and recreation				
						Total	Medical care	Personal care	Reading and recreation	Other goods and services
U.S. city average	110.0	110.1	108.2	106.4	111.0	115.6	122.8	109.0	114.3	112.6
Buffalo (November 1963=100)	104.0	105.3	102.0	104.8	104.1	105.4	104.0	103.9	104.2	109.4
Chicago	107.7	110.3	105.1	102.4	109.1	111.3	130.4	109.6	100.0	(2)
Cleveland	107.1	106.6	102.7	104.7	111.2	115.5	132.7	107.5	108.6	110.9
Dallas (November 1963=100)	101.7	105.5	99.0	98.3	101.7	104.0	103.4	102.2	103.8	106.8
Detroit	106.8	106.6	99.7	107.9	109.2	117.6	129.1	110.8	112.1	113.1
Los Angeles-Long Beach	111.5	111.7	111.1	106.7	116.5	111.1	120.7	106.9	103.5	108.6
Milwaukee [3]	108.9	109.6	107.5	106.2	110.7	111.5	115.2	112.7	110.8	108.5
New York	112.6	110.8	113.3	109.9	107.8	120.1	123.4	108.7	123.6	(2)
Philadelphia	110.6	107.9	109.9	110.0	116.8	115.4	127.3	105.7	111.2	(2)
San Diego (February 1965=100) [3]	99.6	104.7	95.9	98.4	101.2	99.9	101.0	96.9	100.5	100.0
Seattle	111.5	111.1	110.9	107.8	113.5	113.4	117.7	107.6	106.5	119.1
Washington	109.6	109.3	107.9	107.6	109.8	115.7	132.9	108.5	114.0	105.3
	Percent changes from July 1965 to August 1965 U.S. and 5 areas priced monthly									
U.S. city average	−0.2	−0.7	−0.1	0.3	−0.4	0.3	0.1	0.3	−0.3	1.0
Chicago	0	−.3	−.1	.6	−.6	.6	.2	.4	−.1	(3)
Detroit	−.1	−1.3	.2	−.1	−.5	1.0	.7	−.4	0	(3)
Los Angeles-Long Beach	−1.1	−.1	−1.9	−.3	−2.8	0	0	−.5	−.3	(3)
New York	.2	−.7	.2	1.3	.4	.5	−.4	.8	0	(3)
Philadelphia	−.4	−1.6	.2	.5	−.5	−.3	.1	−.5	−.7	(3)

[1] Area coverage includes the urban portion of the corresponding standard metropolitan statistical area (SMSA) except for New York and Chicago where the more extensive standard consolidated areas are used. Area definitions are those established for the 1960 census and do not include revisions made since 1960.

[2] Not included in U.S. average.

[3] Not available.

TABLE A-4.—*Consumer Price Index—U.S. city average for urban wage earners and clerical workers (including single workers)*

MAJOR GROUP INDEXES, SELECTED DATES [1957-59=100]

Date	All items	Food	Housing	Apparel and upkeep	Transportation	Health and recreation				
						Total	Medical care	Personal care	Reading and recreation	Other goods and services
1965—August	110.0	110.1	108.2	106.4	111.0	115.6	122.8	109.0	114.3	112.6
July	110.2	110.9	108.3	106.1	111.5	115.3	122.7	108.7	114.6	111.5
June	110.1	110.1	108.2	106.9	111.2	115.7	122.2	111.0	115.7	111.0
May	109.6	107.9	108.2	106.8	111.4	115.6	121.8	111.0	115.9	110.6
April	109.2	107.3	108.2	106.3	111.0	115.4	121.6	110.7	115.9	110.3
March	109.0	106.9	108.2	106.0	110.6	114.9	121.4	110.4	115.4	109.5
February	108.9	106.6	108.2	105.8	110.6	114.7	121.0	110.1	115.2	109.4
January	108.9	106.6	108.1	105.6	111.1	114.5	120.6	110.0	115.0	109.3
1964—December	108.8	106.9	107.8	106.6	110.5	114.3	120.3	110.0	114.9	109.2
November	108.7	106.8	107.7	106.4	110.0	114.2	120.2	109.7	114.9	109.1
October	108.5	106.9	107.6	106.2	109.4	114.0	119.9	109.7	114.5	109.1
September	108.4	107.2	107.4	105.9	108.9	113.9	119.7	109.5	114.3	109.0
August	108.2	106.9	107.2	105.3	109.3	113.8	119.8	109.4	114.2	108.9
Annual average:										
1964	108.1	106.4	107.2	105.7	109.3	113.6	119.4	109.2	114.1	108.8
1963	106.7	105.1	106.0	104.8	107.8	111.4	117.0	107.9	111.5	107.1
1962	105.4	103.6	104.8	103.6	107.2	109.4	114.2	106.5	109.6	105.3
1961	104.2	102.6	103.9	103.0	105.0	107.3	111.3	104.6	107.2	104.6
1960	103.1	101.4	103.1	102.2	103.8	105.4	108.1	104.1	104.9	103.8
1955	93.3	94.0	94.1	95.9	89.7	91.4	88.6	90.0	92.1	94.3

TABLE C-1.—*Consumer Price Index (Portland, Oreg., and Scranton)—All items and commodity groups* [1]

[1957-59=100]

Group	Portland, Oreg.	Scranton
	Indexes	
	July 1965	August 1965
All items	112.2	111.6
Food	110.8	108.2
Housing	113.3	107.6
Rent	108.6	109.9
Apparel	108.4	106.2
Transportation	110.2	109.6
Medical care	119.7	128.0
Personal care	111.6	118.8
Reading and recreation	119.9	149.1
Other goods and services	106.4	113.1

[1] Food, fuels, and several other items priced every month; most other goods and services priced every 3 months.

TRIBUTE TO SENATOR PELL

Mr. MANSFIELD. Mr. President, all of us who serve in the Senate know and savor the real but all-too-rare sense of satisfaction which comes from translating ideas into law, and thus into action. The legislative process being as properly complex as it is, this sense of fulfillment and achievement does not come frequently or easily, especially for junior Members. It is frequently the goal and hope of a freshman Member to bring to fruition in his first term one single legislative action of major proportions, and often by diligence, persistence, and astute political diplomacy, a Member can achieve this objective. But it is rare indeed that a freshman Member can achieve two such legislative milestones in his first term, and therefore most worthy of mention when such a dual success is achieved.

Such was the happy fate this week of the distinguished junior Senator from Rhode Island [Mr. PELL], who on 2 consecutive days had the honor of standing directly behind the President of the United States as he signed two major legislative programs in which Senator PELL played an essential role of leadership.

On Wednesday, September 29, Senator PELL witnessed the signing of a most significant bill sponsored by him, S. 1483, to establish a National Foundation on the Arts and Humanities. Senator PELL was properly recognized for his imaginative and effective leadership in this area, for he not only was the principal sponsor of the legislation but managed the bill in the Senate in his capacity as chairman of the Special Subcommittee on the Arts and Humanities of the Committee on Labor and Public Welfare.

On Thursday, September 30, Senator PELL was again at the White House for the signing of the High-Speed Ground Transportation Act of 1965. This bill was a direct outgrowth of Senator PELL's campaign, begun in 1962, for improved high-speed rail passenger service in the Northeast Megalopolis.

These two major legislative programs in two such diverse fields reflect the wide ranging and many faceted interests of the junior Senator from Rhode Island. But I note with admiration that his interests and achievements do not end with these two major projects. In the past 4 weeks, the Senate has acted favorably on four other PELL measures which deserve mention here:

S. 2232, a bill expanding the program of Captioned Films for the Deaf. Passed in the Senate August 31.

Senate Joint Resolution 101, a resolution authorizing the President to declare 1966 as the Year of the Bible. Passed in the Senate September 17.

S. 774, a bill authorizing a study of the feasibility of adoption of the metric system of weights and measures by the United States. Passed in the Senate September 20.

S. 1855, a bill to establish a Roger Williams National Memorial in the city of Providence, R.I. Passed in the Senate September 23.

The accomplishments of the junior Senator from Rhode Island are substantial by any measure and would be a credit to any Member with many years seniority. They are a tribute to hard work and sound attention to duty in the Senate. Senator PELL is a credit to his State and we are fortunate indeed to have him among us.

FORTHCOMING RETIREMENT OF RICHARD LANGHAM RIEDEL

Mr. FONG. Mr. President, I wish to pay tribute to Richard L. Riedel, liaison officer between Members of the Senate and the press, on his forthcoming retirement after 47 years of service.

To serve one organization for nearly half a century is a rare distinction. To serve the Senate of the United States so long is even more rare. Such a fine record speaks eloquently of Dick Riedel's ability and faithful service.

I congratulate Dick for his diligence toward his duties, for his perseverance under great pressures, and for his cheerful demeanor toward one and all. He leaves with great good will and the knowledge he has made many friends.

I thank him for his assistance and many courtesies to me. I wish him health and happiness in his well-deserved retirement.

DEMAND FOR GI BILL GROWS WITH DRAFT INCREASES

Mr. YARBOROUGH. Mr. President, the Government of these United States is now calling thousands of our finest and most capable young men into the Armed Forces and away from their quest for formal education. With more than 125,000 of our men and women in Vietnam, with increased draft calls, and with extensions of service periods for our military personnel, the need for educational readjustment for cold war veterans becomes acute. This Nation can neither morally nor economically afford to destroy a young person's educational opportunities and at the same time fail to provide for educational readjustment when he returns to civilian life. The Congress of the greatest Nation on earth should act immediately to reject this overt discrimination and extend united support to the cold war GI education bill (S. 9). By the overwhelming vote in the Senate for this bill, a mandate for enactment has been issued and a challenge to act without wasteful delay rings forth in unmistakable tones.

Mr. President, I ask unanimous consent that a letter from Mr. Newton

Soarinen, VHF 7–C Norwich Road, College Park, Md., be printed at this point in the RECORD. The letter is dated July 3, 1965.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 3, 1965.

DEAR SENATOR YARBOROUGH: I am now working my way through the University of Maryland and supporting a wife and child at the same time. As an ex-serviceman who spent 3 years in the infantry I certainly am in favor of your bill.

Prior to my enlistment in the Army I was working as a forklift operator in a food packing plant in Massachusetts. I was making $300 a month, $60 a month went for a room and board at home and I spent $40 a month on myself. I was saving $200 a month toward my college education. After 3 years not counting raises, it would have meant a total savings of $7,200. As a private in the infantry in 1958 I received $80 per month. After 3 years of service I was discharged as a Sp4 and I had managed to save $1,800 or $50 a month. My 3 years of savings were wiped out before the end of my first year as an out-of-State student at the University of Maryland.

I don't regret 1 minute of the time that I spent in the service. I was brought up in the belief that I owed my country something more than tax payments, and I shall bring my child up the same way.

I know of a few young men who are in the same financial straits as I was when I was discharged. They don't come from wealthy families and they are too old to take money from their fathers and mothers who are trying to save something for themselves for their old age. They don't want to be put in the position of having to live off their children. Your cold war GI bill would give these people one heck of a break.

By God, they'd bless you in their prayers.

Sincerely yours,

NEWTON SOARINEN.

COLLEGE PARK, MD.

TRIBUTE TO EUGENE M. ZUCKERT, SECRETARY OF THE AIR FORCE

Mr. SYMINGTON. Mr. President, unfortunately at the time many of my colleagues expressed their appreciation of the public service of Secretary of the Air Force Eugene Zuckert, there was not included a statement sent me by the distinguished Senator from Alaska, Senator GRUENING.

I therefore ask unanimous consent that this statement be inserted at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GRUENING

I wish to associate myself with the remarks of my able and distinguished colleague, the senior Senator from Missouri, STUART SYMINGTON. Because of his great knowledgeability in military affairs and his outstanding service as Secretary of the Air Force, no one is better qualified to appraise the character and value of the public service of Eugene M. Zuckert. He has been a great Cabinet officer, a dedicated and knowledgeable expert in the field of military aviation.

It is a matter of personal regret to me that he is leaving the Government, but more importantly it is a loss to the Government and to the people of the United States. The Air Force is the youngest of the three branches of the service, but it has been more than fortunate in the guidance which it had, including that of the distinguished Senator from Missouri and up to the present time maintained on the high standard which he established by Gene Zuckert.

We wish him well and salute him for his outstanding performance.

ALASKA FERRY SYSTEM A DRAMATIC SUCCESS

Mr. BARTLETT. Mr. President, once again this year the Alaska State Ferry System has carried record numbers of passengers and vehicles along the inside passage from Prince Rupert, British Columbia, to Skagway, Alaska.

Prior to statehood Alaskans had for many years dreamed of a ferry system that would link the widely dispersed communities of the southeastern part of the State. Until 1954 regular Alaska Steamship Company passenger boats had performed this function. With this disappearance of these symbols of Alaska's glorious past the fishing and lumbering communities of the panhandle were cut off from one another except through the medium of limited capacity aircraft.

Statehood in 1959 awakened the desire of all Alaskans to become acquainted with one another so that they could better work for the establishment of a strong 49th State. Thus there was born the concept of a ferry system linking Prince Rupert, British Columbia, with the communitites of southeastern Alaska from Ketchikan to Skagway and of another system linking the island of Kodiak to the mainland.

Authorized by the State's legislature in 1960 and approved by the people in an election that year, the State ferry system went into operation in the spring of 1963. The first of the ferries, the *Malaspina*, was shortly followed on the southeastern run by her sister vessels, the *Matanuska* and the *Taku*. In the summer of 1964, the Kodiak Island link of the system was put into operation with the maiden voyage of the *Tustamena*.

The success of the system since its inauguration has exceeded the hopes of even its most ardent supporters. Every year of operation has seen traffic mount far beyond the levels projected by the original feasibility reports.

An article which appeared in the Juneau, Alaska, Empire of September 14 sets out the encouraging figures for 1965 and reports that the Canadian Government is about to inaugurate a new ferry link between Vancouver Island and Prince Rupert. In addition, it announces that Alaska plans to increase the stateroom capacity of the three southeastern vessels.

Another development affecting the Alaska State ferry system is the increasing talk in the State of Washington about cooperation with Alaska through extension of its ferry system to Bellingham. Further there is the recent announcement by Alaska's Gov. William A. Egan that he will recommend to the legislature next January the construction of an additional vessel for the State's ferry system.

All of which means that more tourists are coming to Alaska each year, that they are finding better accommodations along the way, and that they are enjoying themselves more once they arrive. Alaskans are proud of their State ferry system. It stands as one of the major accomplishments of statehood.

I ask unanimous consent, Mr. President, to have inserted in the RECORD the article I refer to, entitled "Highly Successful Ferry Season Seen Indicator of Big Things to Come."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGHLY SUCCESSFUL FERRY SEASON SEEN INDICATOR OF BIG THINGS TO COME

With a highly successful 1965 summer tourist season just ending, the division of marine transportation is looking forward to even better things in 1966 and 1967.

Through August 31 of this year, the 3 ships of the southeast marine highway system carried 283,323 passengers and 57,970 vehicles since the system went into operation on January 28, 1963.

On the southwest system, linking the Kenai Peninsula with Kodiak Island, the *Tustumena* carried 4,491 passengers and 1,599 vehicles from the start of operations in August 1964 through June 30, 1965.

Capt. Greg Mangan, director of the marine transportation division, declines to hazard a guess on 1966 and 1967 traffic, other than to say he's looking for a marked increase.

"I would hate to even try to make a prediction," Mangan says, "because if traffic increases as it did this year I'd probably find myself out in left field as far as figures are concerned."

Mangan said his office has been advised by a number of interior Alaska travel agents that business is up as much as 40 percent this year, "and they attribute the increase in a large measure to the ferry system."

As an indication of what 1966 might bring, Mangan said already there are 72 days during next summer's travel season that all staterooms on the three Southeast ferries have been booked.

The State is going to add 6 staterooms, containing a total of 12 berths, on each southeast ferry this winter, giving each ship a total of 100 berths.

"We could have sold twice as many berths as we did this summer, had they been available," Mangan said.

"Staterooms are nothing but a moneymaking proposition and I personally would like to see 200–250 berths aboard each ship, but there is a limit to what you can do."

July and August have been the banner months for the State's ferries.

Last year, the southeast system carried 22,282 passengers and 4,143 vehicles in July and 20,640 passengers and 3,882 vehicles in August.

This year, 28,058 passengers and 5,803 vehicles utilized the system in July and the August traffic load was 26,732 passengers and 5,660 vehicles.

On 10 different occasions this year, vehicles had to be left behind on the southeast system because all space had been filled. It happened twice on the southwest system. No passengers failed to obtain passage on the date desired.

Mangan estimated that during the peak travel months of June, July, and August, the southeast system carried a traffic load of about 55 to 60 percent of capacity. Winter traffic has ranged between 15 and 20 percent of capacity.

Winter traffic has been marked by a high level of intercommunity travel not foreseen in planning for the system.

"Such groups as bowling and basketball teams, and fans, are using the system in numbers never anticipated," Mangan said, "and this group traffic seems to be increasing rapidly."

One thing Mangan sees as a boon to the Alaska system next year is the inauguration of ferry service by British Columbia between Kelsey Bay, on Vancouver Island, to Prince Rupert, southern terminus of the Southeast Alaska Marine Highway. This service is now scheduled to start May 20.

The new British Columbia route will give the tourist additional means of reaching Alaska. As now envisioned, the British Columbia ferry will make a one-day trip between Kelsey Bay and Prince Rupert per day. The voyage will take 18 hours.

"I haven't seen any traffic projections as yet for the Kelsey Bay-Rupert run," Mangan said, "but I personally believe it will add tremendously to our traffic potential.

"It means that the tourist can be in Alaska only 24 hours after leaving Vancouver, traveling leisurely in a true vacation trip all of the way."

Mangan said plans have already been made to add one trip a week into Sitka without an increase in the number of ships next year, giving the Baranof Island city two trips each way a week.

"If obstructions in Sergius Narrows and Whitestone Narrows were removed, so the ships could transit without having to wait for high or low slack water," Mangan said, "we could add much more service to Sitka with no increase in the number of vessels needed.

"It's easy enough to say let's go out and buy more ships, but what do you do with them during the winter, when traffic needs do not justify their operation?

"What would you do with the crews? It's tough enough obtaining the necessary licensed personnel for fulltime work as it is."

Mangan said the *Tustumena* might become inadequate for the traffic load if service is extended on the southwestern Alaska run, include, for example, service between Kodiak Island and the Alaska peninsula and service to such communities as Port Lions.

"As southwest service is extended, I personally think it might be wise to bring the *Tustumena* into southeast Alaska for use as a shuttle service vessel to points not now served and to build a larger ship for southwest Alaska," Mangan said.

In response to a question, Mangan also took note of and scoffed at rumors the Kenai-Kodiak run was too tough for the 240-foot *Tustumena*.

"Any ship would have a rough passage in those waters at certain times of the year," Mangan said.

"Naturally, if we had a larger ship it wouldn't roll and heave like the *Tustumena*, but I can assure you that if there was any danger whatsoever because of the ship itself the Coast Guard wouldn't permit us to use her."

SPECIAL SUBCOMMITTEE ON THE LOUISIANA DISASTER

Mr. ELLENDER. Mr. President, on Thursday afternoon, September 9, Hurricane Betsy reversed its direction and attacked the Louisiana coast that evening with savage force, leaving in its wake havoc and destruction.

On Friday, the 10th of September, President Johnson invited the Louisiana delegation to accompany him on a visit to the stricken area. At every place we visited, we saw stark evidence of the tragedy, and the President's pledge of Federal assistance at that time was a source of comfort to the homeless in the New Orleans and adjacent areas.

Last weekend, September 24, 25, and 26, the Federal Government again showed its interest and concern for the victims of disaster.

At that time, the Honorable Robert E. Jones, chairman of the Subcommittee on Flood Control of the House Committee on Public Works and an expert in the field of water resources, headed a special subcommittee of the Committee on Public Works for a firsthand inspection of the flood-devastated and hurricane-stricken areas of Louisiana. The chairman of that subcommittee, the gentleman from Alabama [Mr. Jones] invited Members of the congressional delegation to accompany the subcommittee on this trip. Unfortunately, I was unable to accept this invitation since, as chairman of the Senate Committee on Agriculture and Forestry, I had scheduled a conference with the House conferees on the 1965 farm bill and, in fact, on Saturday, the 25th, I spent the whole day attempting to work out a reconciliation between the House and Senate versions of that bill. But I did appreciate the courtesy of the subcommittee in extending to me and other Members of the delegation an opportunity to accompany them.

This was a hard-working subcommittee, which over that weekend held hearings in New Orleans and Baton Rouge where they took extensive testimony from State and local officials and private individuals as to the effect of the devastation brought about by Hurricane Betsy.

At this time, I would like to express my appreciation and that of the disaster-stricken areas of Louisiana for the interest and consideration shown them by the President and by the subcommittee headed by the gentleman from Alabama [Mr. Jones]. I feel certain that in each case the appearance of these Federal officials in the devastated areas has had a tremendous effect on the morale of the stricken families. By taking this action, the gentleman from Alabama, Congressman Jones, chairman of the Public Works Subcommittee, showed himself to be a dedicated public servant who would not allow personal inconvenience to interfere with the task of bringing aid to the victims of this unfortunate disaster. I know that sentiment is shared not only by the citizens of Louisiana but by those of all other sections of the Nation as well.

Flood victims from New Orleans and other parts of the State have appealed for more help to rebuild their homes. The mayor of New Orleans, Mr. Schiro, has just left my office, appealing to me to do all I possibly could to help those who suffered damage from high water, caused by a tidal wave that visited the area in the height of the storm. Unfortunately, those whose homes were inundated could not obtain insurance to cover such losses, and it would seem to me that every effort should be made to render substantial assistance. There is now pending before Congress some legislation that would afford relief to those unable to obtain insurance protection against tidal wave damages, and it would seem to me that such legislation should be enacted without delay. I shall do all I can toward the enactment of such legislation.

GROWING SUPPORT FOR BILL TO COMPENSATE INNOCENT VICTIMS OF CRIMES

Mr. YARBOROUGH. Mr. President, as sponsor of the Senate bill to establish a commission to compensate victims of crimes (S. 2155), I am very gratified at the increasing interest and support this idea is gaining. In 1963, New Zealand, and in 1964, Great Britain set up programs aimed at restoring the losses suffered by those who are injured by criminal violence. This year, California has become the first State to enact an approach to this problem. My bill, S. 2155, proposes a commission to set up a system of compensation for the injured victims of violent crimes, where those crimes occur in the areas subject to original Federal criminal jurisdiction, notably the District of Columbia and military reservations.

Since the District of Columbia would provide the bulk of the cases coming to the proposed Commission under my bill, I am greatly pleased that one of our Washington newspapers has expressed editorial agreement with this idea. The Washington Post, in an editorial of Wednesday, September 29, stated:

> In recent years the courts have held that the person accused of crime must have an attorney to safeguard his rights. But the victims who have been shot, beaten, or raped have no claim upon the State for medical care. Nor has the family of a man who has been murdered any assurance of compensation for the loss of its breadwinner. When it is remembered that 9,250 murders and nearly 185,000 aggravated assaults were committed in the United States last year, the burden that is inflicted on innocent victims mounts to staggering proportions.

The editorial gives two cautions on such a plan; these problems have been recognized in S. 2155. One concerns the problem of the victim who may have provoked an attack or contributed to his injuries. Under my bill, introduced by me after more than a year of study, the Violent Crimes Compensation Commission would have a broad charter to consider all the circumstances and equities involved in setting any appropriate amount of compensation. The question of cost is also raised; my bill would limit the compensation of any one victim to $25,000.

This proposal has been advanced by the constructive editorial of the Washington Post. I hope that it and others interested will continue to promote thoughtful discussion of the plan advanced by my bill so its provisions can be refined and accepted.

I ask unanimous consent to print at this point in the Record the editorial entitled "Aid for Crime Victims."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post,
Sept. 29, 1965]

AID FOR CRIME VICTIMS

Increasing attention is being given to the idea of compensating the victims of crime. Last year Great Britain and New Zealand put into effect systems which pay benefits to citizens who suffer injuries at the hands of criminals. California is the only State in this country which has adopted a similar policy, but the problem is under discussion in other States as well as in Washington. Compensation of the victims of crime will undoubtedly be one of the major items for study by the Law Enforcement Commission created by President Johnson.

The argument for such relief to the victims of crime goes to the roots of our social structure. Individuals have surrendered the function of guaranteeing personal safety into the hands of the State. When the State fails to guard the individual against bodily harm, it is said, the cost of that failure should be borne by the public as a whole. While he was still a Justice of the Supreme Court, Arthur J. Goldberg put it this way: "The victim of a robbery or an assault has been denied the 'protection' of the laws in a very real sense, and society should assume some responsibility for making him whole."

In recent years the courts have held that the person accused of crime must have an attorney to safeguard his rights. But the victims who have been shot, beaten, or raped have no claim upon the State for medical care. Nor has the family of a man who has been murdered any assurance of compensation for the loss of its breadwinner. When it is remembered that 9,250 murders and nearly 185,000 aggravated assaults were committed in the United States last year, the burden that is inflicted on innocent victims mounts to staggering proportions.

Safeguards are necessary, of course, when the State assumes liability for injuries inflicted by criminals. Awards may be properly denied if the victim has contributed to the crime or has provoked it. Compensation must also be limited to what a public body can afford to pay. Within reasonable limits, however, there is much to be said for relieving innocent victims of the losses resulting from the inadequacies of our law-enforcement system.

THE INTERNATIONAL COOPERATION YEAR

Mr. GRUENING. Mr. President, at the recent 54th Interparliamentary Conference in Ottawa, Canada, our colleague, the junior Senator from Ohio, Stephen M. Young, one of the delegates representing the United States by appointment of Vice President Humphrey, made the initial address to the 600 delegates presenting the viewpoint of the delegates of our country. Following speeches by some of the delegates from Arab nations and Communist bloc nations denouncing the United States as an imperialist aggressor in Vietnam, Senator Young deviated from the angry rebuttal he and his fellow delegates made in committee conferences with delegates from Communist bloc countries and spoke on the importance of international cooperation.

I ask unanimous consent that the text of his address be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Fellow legislators, I'm Senator Stephen M. Young, of the U.S. Congress, and am honored to meet with you. I speak today on the importance of international cooperation and working together for the common good of all mankind.

We are meeting together here, because we, as lawmakers and representatives of our people, share common interests and common responsibilities. Out of these meetings will come, we hope, a fuller recognition of the needs that our constituencies also have in common, and a better sense of how we can go about meeting these needs through our separate constitutional processes.

In a very real way, then, this meeting is the essence of international cooperation. It is part and parcel of what the late Prime Minister of India, Nehru, had in mind when he suggested in 1961 that the United Nations declare a year of international cooperation, and what the General Assembly of the United Nations contemplated when it voted to designate 1965, the 20th anniversary of the United Nations, as International Cooperation Year.

It is what my President, Lyndon B. Johnson, was thinking about when he proclaimed this year to be International Cooperation Year in the United States of America, and what your chief executives and legislatures were trying to accomplish when they organized national observances in your own home countries.

The central concept, of course, is not to set aside one year in which everything is sweetness and light and old antagonisms and arguments are forgotten, and national interests and rivalries are abandoned in a welter of false conviviality and euphoria. As practical politicians, you and I know that even if this were possible—which it isn't—on midnight of December 31 we would all face the same problems, if anything magnified and compounded by the year in which nobody was doing anything useful about solving them.

No, the idea behind International Cooperation Year is altogether different. It is predicated on a realistic recognition that problems do exist, but that there is a far wider mutuality of interests between our peoples where we can work together for the benefit of all.

Moreover, the areas in which cooperation is possible—and indeed necessary—are expanding every day. As each new medicine and each new vaccine is developed, it makes less sense for part of the world's people to share its benefits while the other part remains prey to a disease we know how to prevent—and especially when the germs that cause it do not observe the niceties of protocol when it comes to border restrictions and crossing national boundaries.

When we all have to share the same airwaves and airways, it makes no sense to go our separate ways or to quarrel about the frequencies we use or about whether air carriers should observe uniform standards of safety for international flights.

When we all have a basic interest in growing enough food to feed the world's expanding population, it makes no sense to hoard the secrets of pest and insect control—particularly when those same pests or insects freely cross the border to attack our own crops from their sanctuary on our neighbor's soil.

So in more and more fields, international cooperation is not only desirable; it is necessary to insure our continued progress and survival as human beings, regardless of whether we call ourselves Americans or Canadians or Italians or Frenchmen or Russians.

This is what International Cooperation Year is all about. It is to direct attention away from the diet of distrust and devastation and disaster that blackens the newspaper headlines and to focus it instead on what we are doing and what we can do together to make our planet a better place to live, for ourselves and our children. The U.N. Charter calls it "better standards of life in larger freedom."

With this in mind, President Johnson last fall called together a group of our leading citizens and government officials, to ask them to undertake the task of systematically analyzing existing avenues of cooperation to see how they might be strengthened and of seeking out new opportunities to work together for the common good. This job the President appropriately called "the assignment of the century."

Later this fall, this group of distinguished Americans will report its findings to a White House Conference on International Cooperation. I commend to your attention the recommendations that will be presented at this Conference because many of them will be woven into the fabric of our foreign policy and will provide further opportunities for our governments and peoples to work together on projects of mutual benefit.

I know that we are not alone in this undertaking. Many other countries have embarked on similar campaigns to strengthen the bonds of cooperation between our peoples. The United States welcomes these initiatives and will explore the suggestions that emerge for opportunities to participate fruitfully.

International Cooperation Year may not result in the solution of basic political or ideological differences but it may lead to some small strengthening of the habit of cooperation. And this habit—perhaps because it is at the same time so practical and so pleasant—will be a hard one to break.

JUNIOR ACHIEVEMENT PROGRAM

Mr. LONG of Missouri. Mr. President, Junior Achievement is a nationwide educational organization that offers young Americans the opportunity to acquire valuable practical experience in the ways of free enterprise.

In the Junior Achievement program high school age youths form companies and operate them as miniature businesses, performing all the functions of real business organizations with young persons conducting all phases of the activity themselves.

This year, a Missouri Junior Achievement group, sponsored by Universal Match Corp., of St. Louis, was honored with a national award. The Unimat Co., a group of energetic students from various high schools in northwest St. Louis County, submitted an annual report that won the first place national award for Junior Achievement annual reports, as judged by the New York Stock Exchange.

Producing and selling personalized matchbooks, the Unimat Co. conducted an efficient and highly successful business operation. The experience afforded its working members was obviously both valuable and productive.

I think both Unimat and its sponsoring company are due recognition for this fine business venture. The first place award received by Unimat's annual report was the first such honor for any Missouri Junior Achievement group.

I would like to call to the attention of my colleagues this worthy nationwide program, and Missouri's prize-winning role in its achievement. In these days when our young people sometimes seem to come in for more than their fair share of criticism, I think it is important that we pay due attention to such a commendable project as this one proved to be.

On behalf of my distinguished colleague, Senator Symington, and for myself, I would like to offer congratulations on a job well done to the stockholders and management of Unimat Co. of St. Louis.

LATIN AMERICAN INTEGRATION

Mr. FULBRIGHT. Mr. President, one of the most important and hopeful ascepts of the current Latin American scene is the developing discussion of Latin American integration.

The distinguished Foreign Minister of Chile, Dr. Gabriel Valdes Subercaseaux, made an important contribution to this discussion in an address at the Pan American Union September 28.

I ask unanimous consent that Dr. Valdes' remarks be included in the Record at this point.

There being no objection, the address was ordered to be printed in the Record, as follows:

Statement by the Honorable Gabriel Valdes, Foreign Minister of Chile, at the Pan American Union, Washington, D.C., September 28, 1965

Whenever the Government of Chile has stated the need for integration, it has done so with the deepest conviction of its great urgency. We are convinced that progressive forms of integration that eventually lead to a common market adequate to meet the political, economical, and social reality of Latin America are conditions of development. We are also convinced that 140 years of disunity have been the principal cause of our poverty and political and social instability, and, in short, have arrested our advance toward better and fairer forms of life already attained by other nations in the European community.

There is no doubt that integration is a political and economic phenomenon and that it also responds to political and economic requirements. In our particular case, I shall discuss the latter, not because I consider them to be the most important and urgent, but because they have been given priority in our continent. It is curious, in this respect, that Latin American integration has been started and promoted by technicians and economists, while in Europe integration began with the impulse and decision of politicians like Adenauer, De Gasperi, Schuman, and Monet.

Here seems to lie the explanation for the great difference in the speed and shape of both processes.

As we see it, Latin America is confronted today by a dilemma: united it faces its responsibility in the world of today, or it must lag behind, protesting conditions for which we—the Latin Americans—will be to blame because we have failed to understand history or see its trend.

Existing conditions of international commerce and the characteristics of modern technology make economic development impossible in compartments of stagnation.

To a considerable degree, the present reality in Latin America—that is to say, disintegration—determines a structure inadequate to foster development and also hinders it. It is inadequate in the sense that markets are too narrow to support industries that generate adequate levels of scale economies. Nor would it be possible for certain industries to become dynamic centers of development. It is also inadequate insofar as it makes impossible further substitution of imports.

We well know that substitution of imports is still a condition of the development of Latin America and of equilibrium in its global balance of foreign payments. I would like to mention here the figures given by ECLA concerning the deficit that would exist in Latin America in 1970 between the possible value of exports and the demand for imports. In the cases where substitution plans are successful, the deficit would reach a figure of $1,520 million. If there is no such success, the deficit would be $4,300 million. Our main objective in integration is to create a large regional market that makes possible a process of substitution of imports on a regional level.

The substitution of imports is not a simple process: it demands protective measures, that beyond a certain limit might turn the protected activity into an antieconomic one. If substitution is not paired with an increase of productivity, internal costs might affect the stability and levels of exports. Moreover, we all know that modern technology makes it compulsory to produce on a large scale or raise the customs protection to permit competition of national and imported products. The problem, as we see it, is that in order to utilize the advantages of technology, we must not only increase our ability to acquire the capital which incorporates technology, but must also increase our ability to fully exploit the advantages offered by technology with respect to specialization and large-scale economies in production.

In this sense, integration must take place in a protected regional market. It will have to be so, just as the United States and European markets were during their initial stage of development. It is not that we seek the imposition of barriers as high as, for example, the average 57-percent tariff that imports to the United States paid in 1897. What we need is that our industries attain, in the shortest possible time, production levels that permit them to compete in domestic and foreign markets with those of more developed countries.

I pointed out a moment ago that the present Latin American economic structure also tends to "put the brake" to development. That is because it consolidates archaic structures and makes a solution to the problem of international trade in our region difficult.

In the years following the great depression of the 1930's, many Latin American countries sought a greater degree of self-sufficiency through protection, and deliberately initiated a process of imports substitution. Some countries were successful in this and created industries that developed, in many instances, protected by high tariff barriers. Thus, while establishing their industries, those countries gave rise to groups interested in consolidating and perpetuating those barriers. It is clear that only integration will permit industries thus created to become efficient and dynamic activities through their own development.

Latin America on the other hand confronts a situation in which it is impossible for it to acquire the imports essential to development with the product of its exports. In this respect, integration would permit an expansion of markets for products of the region, and a reduction in the region's dependence on world trade. Integration would enable a better regional interchange, allowing the increase of available foreign exchange currency for the import of goods that are not produced within the region but are essential to the development.

Generally speaking, the archaic structures that determine the present reality in Latin America are not only economic but social as well. We believe that integration will have a cause and as a consequence the gradual increase in Latin America of the people's pressure to obtain a greater participation, security, and profit.

At the present time, in many regions of Latin America, well-being is a privilege of those who inherit it. On the other hand, integration that requires and generates a modernization of society will create and be the consequence of more dynamic communities, in which those who contribute more to the common good of the nation and the region are those who attain prosperity and success. Competition in larger markets will make this possible.

Furthermore, the necessary greater mobility of capital within the region and the inflow of capitals from outside the region that will have to be effected under conditions of regularity of treatment, will channel those capitals toward the countries where social peace, derived from well being is stronger.

Besides, communication between the peoples of Latin America through exchanges between associations of workers and between unions, should bring with it an improvement of social conditions. This will have the result of equalizing "upwards" the workers gains.

As we have indicated, the political aspects of integration, hold the greatest importance. In the future, political understandings, the currents of international traffic, and of world trade, will take place between the large nations or between large communities of nations. This is a fact we cannot forget. Our nations, by remaining disunited, will be unable to take part in this "dialog between continents."

Latin America, in this respect, cannot permit itself to be relegated, and for all time, to the category of a second-class region. More than 200 million men, who increase at the highest rate in the world, must have a voice and influence within the concert of nations. But separated into 20 different countries, without the bonds that are each day uniting people, this voice and this influence will continue to be at a minimum.

To our way of thinking, this problem must be the fundamental concern of the American governments, because it means deciding today the future of Latin America.

The Latin American governments, are presently facing very serious political, social and internal economic problems. They have the tendency to relegate to a second level the demands that the more or less near future imposes. But many of these problems should be easier to solve in an integrated system; that is the reason why our policy of pushing integration has the same priority of our policy intended to solve the internal problems that afflict us.

Latin America has already begun two processes of integration. At the beginning of 1960 there was signed at Montevideo the treaty that established a free trade zone and set up the Latin American Free Trade Association, which is signed by Argentina, Brazil, Chile, Mexico, Paraguay, Peru, and Uruguay, later on adhered to by Colombia and Ecuador.

At the end of this year, the General Central American Economic Integration Treaty will be signed at Managua, including Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

Although this treaty was signed after that of Montevideo, it was the culmination of a process, for which previously various obligations had been taken. The Central American Convention for the equalization of import duties, and its Protocol on Central American Tariff Preferences, the Multilateral Free Trade and Central American Economic Integration Treaty, and the Treaty of Economic Association signed between Guatemala, El Salvador, and Honduras, had been decisive steps in Central American integration.

The routes followed in each one of these zones have been different.

Central America has made substantial advances toward a common market, establishing a common external tariff, creating measures to coordinate its monetary policies, coordinating its development plans, establishing its own banks to finance joint projects and coordinating its social policies.

With respect to the nations of the Latin American Free Trade Association, they have been slower in their advances. The Treaty of Montevideo has been used only as a commercial instrument through which it is intended to liberalize international trade on the basis of periodic negotiations, product by product. This is, in itself, a slow and complicated process.

The objective of integration is not only a liberation of existing trade. It cannot be, since such trade is of little importance in volume and in relative terms it is a minimum part of the total of international trade, and of the product of the region.

Integration, as we see it, must be a directed process, with a view to changing the present structure of Latin American economy, to consolidate the political union of our peoples, to improve social relations, and to bring efficiency to the institutions and mechanisms that regulate the life of the continent.

Such broad tasks cannot be the product of automatic forces nor of simple liberating measures. We do not have such faith in the mechanisms of the market.

Furthermore, we believe that the liberation of trade is an important measure, but that it must neither constitute the center of the problem, nor may be obtained without other measures being taken simultaneously.

We run the risk of serious disturbances in the future if we concentrate, with too much enthusiasm, on liberating measures, without simultaneous action with respect to common import duties, monetary measures, mechanisms of the redistribution of profits, programation of investments and, in general, measures permitting an equitable distribution of the benefits of integration.

I wish to briefly dwell upon these aspects.

It is undoubtable that in underdeveloped economies there does not occur the displacement of resources and goods according to the "tendencies of the market," as has been the European example. The simple lowering of duties, with differences so marked in import duties, with different rates of inflation, and various grades of progress among the Latin American nations, may provoke such disturbances and disequilibriums as to denaturalize the objectives and very tools of integration.

Furthermore, with the exaggerated emphasis on simple measures of liberation, there is a risk of consolidating and aggravating the present economic structures of Latin America. This should be, for example, the case of the monopolies that, now dominating the national economies in many places, expand their harmful action to the regional ambit.

That is why there must be joined to the internal taxing measures, a simultaneous process that permit harmony between taxes and expenditures, for the purpose of avoiding distortions in competition within the zone. It is necessary, also, that the countries obligate themselves to adopt monetary and exchange policies that prevent the tensions that unilateral measures in these matters may bring about in the region. The harmonization of customs duties toward third countries is another condition for the success of integration. Thus the artificial differences in the undue costs and advantages of exchange can be avoided.

The economic community to be established must, as a necessary condition for its operation, adopt a regional program of investments, coordinating investment policies with national planning. This aspect is of special importance. It is possible that the dynamics of integration without sufficient safeguards will condemn certain regions, that are now more backward, to remain in this situation. This will occur in some countries, at least in relation to other zones of Latin America, that will grow with great rapidity after the liberation of regional trade. An important instrument, for the coordination of investments as well as for the development of the more backward regions, apart from reciprocity, must be an institution that will preferentially finance those investments whose market will be regional.

With reference to this, some consideration should be given to the role that foreign financing must play in the process of integration.

In the first place, credits that satisfy the need for foreign capital in Latin America must orient themselves in a multilateral manner to permit in this way the financing of joint projects in Latin America.

The method that will most efficiently benefit integration would be that which would permit adequate coordination in the use of the scarce resources of capital in a given region.

Furthermore, financing requirements change in an integrated market. In such instances, credits for the production of certain goods should supplant credits for the acquisition of resources. An integrated market justifies the production of certain goods that cannot be justified in limited national markets. This, in turn, determines that loans formerly made for the acquisition of goods may now be made for regional production, since the median term of the loans is equivalent to the volume of acquisition. This applies, for example, to certain equipment that, as in transportation, can be produced in Latin America, with plants financed there instead of their acquisitions being financed year by year abroad.

Third, international financing instructions should show special interest in financing complementary industrial programs, which are of great importance to integration. Through the establishment of complementary industries, we hope that Latin America may more rationally utilize its capital resources and specialized manpower, intensify the movement of merchandise within the region, and, in brief, avoid the inefficiencies inherent in productive processes that fail to function economically. We cannot but praise the promotional work of the Inter-American Development Bank in this respect. It fully justifies what its President said some time ago when he called it "the integration bank."

Naturally, these aspects are related to foreign investments. We believe that we must develop a uniform treatment by all the Latin American countries toward external capital. Our countries, which stand so badly in need of such capital, should standardize certain forms of guarantee and treatment applicable to external investments. Otherwise, the competition for such capital, by no means abundant, can bring consequences that will be politically and economically inimical to our countries.

The measures that we advocate may be adopted maintaining in action the Treaty of Montevideo. I am now talking of the LAFTA countries. But it will not be an easy task to mobilize the mechanisms that we have outlined, as it will not be easy to attain the proposed objectives.

What is required, in the first place, is a political decision which will express a will to advance toward economic integration. Many of such measures will be taken through a process which might lengthen itself. However, the great political decisions cannot be repeated indefinitely. They involve resolutions which are adopted, once and forever, so that by avoiding hesitations they will bring about their full value.

This political decision must contemplate, in the first place, the creation of an efficient regional institutional structure. An important role would be played by an executive organism with adequate authority and within which those who represent the Latin American community should make the decisions.

We believe that it is necessary to overcome the stage where decisions are adopted by mere governmental agreements. The purpose is not to annul the nation state but to assign to the community organisms certain powers which up to now have been conceived as pertaining to the nation state, the sovereignty of which is increasingly acquiring a mere symbolic value.

Without an institution of this nature we cannot have regional programs that will yield the best utilization of resources within the framework of coordinated policies and of fair distribution of profits.

The great political decision has a significant importance in the national spheres. It implies the need to confront in a definitive manner the imperious necessity of not listening to those who benefit from the anomalous existing structure. It means the need to confront the most powerful groups, who are not the most legitimate; those who have benefited from trade barriers, with tax privileges, with favorable credit systems, with monopolistic conditions.

Such political decision also means that we must be prepared to stop the arms race in Latin America; that is, to avoid that many countries continue to spend around 4 percent of their national income in weapons.

Moreover, economic integration requires other conditions.

It would be absurd to attempt integration if this only meant perpetuating social life as it is today. That is why popular participation is fundamental in engineering those decisions that will lead us toward integration.

The participation of the people is therefore a requisite without which integration either becomes impractical or turns itself into an effort of certain privileged minorities to enlarge the scope of their business dealings.

For these reasons we believe that in the institutions through which integration should be promoted there must be a place for the well organized people, the unions, the labor unions, the management groups and the professionals of Latin America.

The political attitudes that will enable us to attain integration will meet with certain difficulties.

In our continent, integration is attacked, as all the measures endangering the existing order, by the extreme right as by the extreme left. The extreme right attacks it because it considers integration a menace to its interests, to its positions, generally bound to those of nationalism. The extreme left attacks it because it knows that integration is the real answer to many Latin American problems instead of its own solutions. I still recall some of the expressions of the leaders of the extreme left in my own country: they considered integration as an escape, as a means to make the people forget that only through violent methods they could obtain an improvement of their situation.

For us, integration is precisely the opposite; it is the means to unite all the Latin American peoples in a common enterprise, and through a spontaneous blending of the will of many sectors; workers, managers, and professionals, to give one step further, within a climate of freedom at international level, toward what Pope John XXIII called the "socialization," that is "the gradual multiplication of all social relationships."

Integration requires changes in certain juridical conceptions and in several fields of legislation. This is the task of jurists and lawyers and we have been left behind by economists and engineers in the creative process, because we have been concerned with teaching and implementing an individualistic law that still expresses the reality of the 19th century. It is about time that we, men of law, abandon the office of museum curators in order to assume our responsibility in creating the channels in building the architecture of a dynamic national and international order, in which the social part has priority; in which the common good predominates over the individual rights of persons or state.

The commissions of jurisconsults formed by eminently respectable men, have often been an expedient to lengthen studies and to turn the law into a brake instead of an impulse.

I have the presumption of thinking that the day that men of Law really start working with imagination, creating and not repeating, that day the integration will be possible. Only in such a manner will the analysis and programs of economists—often too numerous—will have an adequate effect. Therefore we celebrate as a decisive step toward that goal, the creation of the Institute for Integration of the Inter-American Bank in Buenos Aires. Its president—a man of law—has understood the vital importance of this aspect.

There is a certain parallel between the reforms to juridical internal structure that development demands and those that have to be achieved in the international field to attain integration. In the internal field of our countries with a Latin juridical tradition, different from that of the Saxons, where law is more susceptible to evolution because of its pragmatism, the written law acquires a sacred respect and an immobility that often reaches a stage of paralysis to the point of becoming antisocial. In the center of this structure stands the concept of private property, derived of Roman law in its classical powers, jus utendi, fruendi et abutendi, that grants to a few people what becomes a privilege, while the great majority remain outside of it and therefore it becomes very easy for them to place themselves against the law. To change this criteria and to modify the law is fundamental to the creation of new conditions of development. They are the most revolutionary of all tasks.

Implementing them will make possible an agrarian and a city reform. This brings about another concept: individual progress can only be certain and increasing if it is the result of the general situation of the community; profit derives of the efficiency with which the community is served. This is the general policy we are implementing in Chile, that in the end gives more guarantee to property. to investment, and therefore to freedom. We want no laws that are under the menace of the people's pressure.

In the international order, the concept of absolute sovereignty is also staying behind in the 19th century.

If man is considered as the center and his development, security, and freedom are the purpose of the state, we shall soon begin to see that there are two different classes of conceptions: on one side the flag, the traditions of the country, the election of its rulers, and in general the internal expression of human communities organized in nations; on the other, exchange rules, labor laws, taxes, custom tariffs, transportation, communications and commercial law, jurisdiction of the courts, etc.

Certain concepts essential to maintain the individuality of the community require some sort of grading; others must give way for the benefit of common good; in the economic order this is not limited by geographical frontiers and should not be limited by political ones, since resources are distributed by nature without regard for these frontiers. Nations are not built to put a limit to man, but to give him integral development. That is why we consider that instead of speaking of ideological frontiers in our America—frontiers that would destroy its unity—we must speak of the integration of the economical and cultural frontier. What we have stated in relation to the integration of Latin America, implies necessary reform to the inter-American system.

The reform of OAS should be destined to accommodate the system to the new ideas and mechanisms contained in the Charter of Punta del Este, and therefore to the political, social, and economical aspects of Latin American development.

It is a question of making possible through new and more efficient mechanisms, the full action of the concept of the Alliance for Progress—and therefore of the multilateral and united effort in America. This means the granting of a new structure to the system in which the central guiding conceptions are the alliance and the integration.

In its essence, the inter-American system has developed itself until now, according to the lines drawn 130 years ago in the Congress of Panama when the continent newly born to freedom had to defend itself from the foreign menace of European monarchies. It was the juridical pattern, followed a quarter of a century ago, in front of the foreign menace of nazism.

But nothing is achieved by closing doors to a foreign menace if at the same time our own home is being destroyed and crumbles from inside, consumed by poverty, ill-based on archaic foundations, shaken by tragical and economical tensions. Foreign menaces to our continental frontiers are only occasional and sporadic. The permanent menace is the one derived from the inadequacy of our old economical and social structures. In order to face this permanent problem, we have accumulated in a haphazard way, committees and commissions. There has been no complete revision of the system in order to organize it according to the new realities.

Many efforts have been done to dynamize the action of the system in the social and economical aspects. However, we do not believe that we can go on working on the bases of an inorganic superposition of different institutions, committees, and commissions.

To explain it in the simplest possible way, we would say that the Alliance for Progress as a power-generating idea, and integration as an objective, constitute for us the bases and fundamentals of the new charter.

Men of extreme right are those who try to present the policy of integration as a move against the United States. According to them it would be a question of dividing in two this hemisphere: on one side a Latin American united bloc and on the other, the United States of America. It is to be presumed that this united Latin America would tend to gravitate toward the anti-North American orbit and that its economy under a process of development, would seek a worsening of the tensions of cold war as an incitement.

Those who worry so much about that eventual division of the continent have not realized that this continent is now already divided in a more serious and dangerous way, divided between the richest and strongest Nation of the earth and 20 countries, more or less small and evenly poor. Those who are concerned for the security of the United States (and who usually do not have the responsibility of that security), should ask themselves if this security is not threatened in a higher degree by the existence of an area politically unstable, socially explosive, and economically backward, subject to all kinds of compulsions that can only continue to increase, if events are not channeled with political foresight. I ask if the political and military security of the United States and world peace itself, would not have a better guarantee through the creation of a prosperous and united Latin America.

Our fundamental concern is the well-being of our own people. We hope to insure it during the span of our life, in such a way that there might be a worthy place under the sun for 500 million of Latin Americans, a figure that will be reached within a few decades. And if we insure this well-being; if we give those millions of men of our surging masses, bread and freedom, we are certain that we shall be contributing in the most effective manner to establish peace and harmony in this hemisphere.

JOHN F. KENNEDY MEMORIAL SCHOLARSHIPS ESTABLISHED FOR MIDLAND-ODESSA SYMPHONY ORCHESTRA

Mr. YARBOROUGH. Mr. President, the inspiration of John F. Kennedy's life grows with the months and the years. The interest and support which he inspired for the cultural and artistic values of our Nation continues to be felt. The recent announcement by the Midland Symphony and Chorus Association at Midland, Tex., is but one of the growing number of examples of his influence on art, progress, and on the great ideals for America that flow from the stimulation which the late President John F. Kennedy gave to his country.

This example of the influence of John F. Kennedy has resulted in an annual gift of $1,000 by Mr. and Mrs. Robert M. Taubman, of Atherton, Calif., former residents of Midland for many years during which they were leaders in the symphony association. This sum will be divided into scholarships of $200 each, which will go to five outstanding Texas Tech students who desire to play in the Midland-Odessa Symphony. Texas Technological University is in Lubbock, Tex., 131 miles away from Midland-Odessa, and they frequently contribute musicians to the symphony orchestra.

In this instance, we see the influence of John F. Kennedy stimulating people in California to aid the performing arts in Texas, as California patrons have contributed to the performing arts in Midland, Tex., at a point 131 miles removed from the place that the scholarships will be awarded and the school which the students will be attending. By this example, we see the stimulation of the arts, whereby the Nation is bridged from California to Texas, and from Texas Technological University to the Midland-Odessa area. Participation in and a love for the arts in three Texas cities and one great university are encouraged by the establishment of these five scholarships.

I congratulate Mr. and Mrs. Robert M. Taubman, of Atherton, Calif., for their vision, their generosity, their support of the arts and student participation in the performing arts, and I ask unanimous consent that the release of September 26, 1965, concerning the Kennedy Memorial scholarships established for the Midland-Odessa Symphony be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

KENNEDY MEMORIAL FUND ESTABLISHED FOR MIDLAND-ODESSA SYMPHONY

As a memorial to John F. Kennedy, an annual gift of $1,000 has been established by Mr. and Mrs. Robert M. Taubman, of Atherton, Calif., for the benefit of the Midland-Odessa symphony orchestra.

Mr. and Mrs. Taubman were residents of Midland for many years, during which time they provided outstanding financial support as well as leadership for the symphony association. Mr. Taubman served as president of the association for 3 years and was one of the group of symphony officials who were instrumental in bringing Dr. Lara Hoggard, present conductor of the Midland-Odessa symphony and chorale, to west Texas.

In a statement concerning the establishment of the fund, Mr. Taubman said: "This young and vital orchestra, under Dr. Hoggard's leadership, seemed a fitting representation of the spirit we wish to perpetuate in a Kennedy memorial."

In determining the best use of the fund, the Taubmans and Dr. Hoggard agreed that, at least for the current year, it will be used to increase the number of players in the orchestra. Dr. Hoggard has already met with Dr. Gene Hemmle, head of the music department at Texas Tech, and arranged for five scholarships of $200 each to be given outstanding Tech students desiring to play in the Midland-Odessa symphony. The music department at Texas Tech will provide additional tuition scholarships to those students receiving the Kennedy Memorial scholarships. They will be selected through auditions and upon recommendations of the music faculty of the college at Lubbock.

Although Lubbock is 130 miles from Midland-Odessa, for the past two seasons several of the Tech faculty and students have performed with the orchestra on a regular basis. As a result of the Kennedy Memorial, the number of Tech musicians on the roster of the symphony will be increased to 12. They will make the weekly trip to the rehearsal hall at Terminal (midway between Odessa and Midland) and will perform in 12 concerts presented by the orchestra and chorale this season.

In presenting the John F. Kennedy Memorial fund, Mr. Taubman had this to say: "Instead of providing some kind of remembrance in granite or marble, we feel that a living, vitally at work memorial, one affecting and directing the lives of talented youth, constitutes the most fitting way in which to recall and perpetuate the spirit of a vibrant man who died too young. Many people, like ourselves, will continue to be inspired by Mr. Kennedy's concern for the development of the arts. The late President's burning desire to encourage the Nation to provide better opportunity and a healthier spiritual as well as physical environment for us all, and especially for our young, has already resulted in an important turn in the road for the arts in America."

Commenting upon the fact that they no longer are residents of Midland, Mr. Taubman said: "Mrs. Taubman and I shall maintain an abiding interest in the Midland-Odessa symphony and chorale. We have followed with great pride their accomplishments during the past 3 years. And we want to continue being a part of this truly remarkable pioneering musical effort which serves such a vast area. We believe, beyond any doubt, that it represents an educative force of inestimable value to all who come within its province. We see it rendering untold benefits to future generations. Our hope and our prayer is that this memorial gift will in some way influence other like-minded people to step forward and provide funds that are needed for the development of a great symphony orchestra, not only for west Texas, but for orchestras throughout America."

SALUTE TO NIGERIAN INDEPENDENCE

Mr. **HARTKE**. Mr. President, I know that my colleagues of the Senate join with me in saluting the Nigerian people as they celebrate their national Independence Day. In a few brief years they have shown their mettle, exercising their sovereign duties with responsibility and respectability.

During my trip to Africa in 1962, it was my great pleasure to visit their country and meet with Federal Prime Minister Balewa as well as with many chiefs. Such personal acquaintance impressed upon me the energy and dedication of these newly independent peoples. Under the able leadership of President Azikiwe and Prime Minister Balewa, Nigeria has earnestly undertaken the tasks of national development. At present they are embarked upon a well-conceived economic plan which exhibits a tremendous sense of social justice. They welcome prudent foreign investment and have concluded an Investment Guarantee Agreement with the United States.

In foreign affairs, Nigeria has worked for the goals of peace and cooperation. She actively engages in the regional developments on the African Continent and eagerly fulfills her commitment to the United Nations. Indeed, she made a positive contribution to the U.N. operations in the Congo.

Mr. President, it is inspiring to see the vigor with which Nigerians are facing the challenges confronting their nation. I am sure many Americans hold my wish for Nigeria's continuing success.

The **VICE PRESIDENT**. Is there further morning hour business? If not, morning business is concluded.

AMENDMENT OF THE VOCATIONAL REHABILITATION ACT

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The **VICE PRESIDENT**. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8310) to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Vocational Rehabilitation Act Amendments of 1965".

DETERMINATION OF VOCATIONAL REHABILITATION POTENTIAL

SEC. 2. (a) The Vocational Rehabilitation Act is amended by redesignating section 13 as section 18 and inserting after section 12 the following new section:

"GRANTS TO STATES FOR VOCATIONAL REHABILITATION SERVICES TO DETERMINE REHABILITATION POTENTIAL

"SEC. 13. (a)(1)(A) From the sums available for any fiscal year for grants to States to assist them in meeting the costs of providing vocational rehabilitation evaluation services, each State shall be entitled to an allotment of an amount which bears the same ratio to such sums as the product of (i) the population of the State and (ii) its allotment percentage (as defined in section 11(h)) bears to the sum of the corresponding products for all the States.

"(B) The allotment to any State under paragraph (1) of this subsection for any fiscal year which is less than $5,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under that paragraph, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

"(2) Any amount allotted under this subsection to any State for any fiscal year which the Secretary determines will not be required for such fiscal year for meeting the costs of providing vocational rehabilitation evaluation services under such State's plan approved under section 5 shall be available for reallotment from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (A) have need in providing vocational rehabilitation evaluation services under their respective State plans approved under section 5 of sums in excess of those previously allotted to them under paragraph (1) of this subsection, and (B) will be able to use such excess sums for such services during such fiscal year. Any amount so reallotted to a State shall be deemed part of its allotment under paragraph (1) of this subsection.

"(b)(1) From each State's allotment under subsection (a) for any fiscal year, the Secretary shall pay to such State an amount equal to—

"(A) the Federal share (determined as provided in section 11(i)), or

"(B) 75 per centum, in the case of any State which provides assurances satisfactory to the Secretary that its expenditures from State or local sources under its plan approved under section 5 (except for expenditures with respect to which the State is entitled to payments under section 3) will not be less than such expenditure under such plan for the fiscal year ending June 30, 1964,

of the costs of providing vocational rehabilitation evaluation services to substantially handicapped individuals under such plan (including cost of administration).

"(2) No payment may be made from an allotment under subsection (a) with respect to any cost with respect to which any payment is made under section 2, 3, or 4.

"(c) For purposes of this section, the term 'vocational rehabilitation evaluation services' means those services (1) which are provided to any individual under a physical or mental disability constituting a substantial handicap to employment during the period determined, in accordance with regulations of the Secretary, to be necessary for, and which are provided for the purpose of, ascertaining whether it may reasonably be expected that such an individual will be rendered fit to engage in a remunerative occupation through the provision of vocational rehabilitation services, and (2) which would constitute vocational rehabilitation services if his disability were of such a nature that he would be a physically handicapped individual; except that—

"(A) such period shall not exceed eighteen months in the case of any such individual who is mentally retarded or has a disability designated for this purpose by the Secretary, or six months in the case of any such individual with any other disability, and

"(B) such services shall not include placement services, management services and supervision for any business, the acquisition or provision of tools, vending stands, or other equipment, stocks, or supplies for use in any business or remunerative occupation, or the establishment of rehabilitation facilities or workshops."

(b) Section 1 of such Act (29 U.S.C. 31) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and", by striking out, in the last sentence, "three types of grants" and inserting in lieu thereof "four types of grants", and by inserting the following new paragraph after paragraph (3):

"(4) grants to States under section 13 to assist them in meeting the costs of vocational rehabilitation evaluation services."

(c) That portion of section 5(c) of such Act (29 U.S.C. 35(c)) which follows paragraph (2), and that portion of section 6 of such Act (29 U.S.C. 36) which precedes paragraph (1), are each amended by striking out "section 2 or 3" wherever it appears therein and inserting in lieu thereof "section 2, 3, or 13."

(d) The amendments made by the preceding subsections of this section shall be effective for fiscal years beginning after June 30, 1966.

CONSTRUCTION OF REHABILITATION FACILITIES; WORKSHOP IMPROVEMENT; EXPERIMENTAL PROJECTS; REMOVAL OF ARCHITECTURAL BARRIERS

SEC. 3. The Vocational Rehabilitation Act is further amended by inserting after section 13 the following new sections:

"GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES AND WORKSHOPS

"SEC. 14. (a) Effective for fiscal years beginning after June 30, 1965, the Secretary is authorized to make grants to assist in meeting the costs of construction of public or other nonprofit workshops and rehabilitation facilities. Such grants may be made only for projects for which applications are approved by the Secretary under this section.

"(b) To be approved, an application for a grant for a construction project under this section must—

"(1) contain or be supported by reasonable assurances that (A) for a period of not less than ten years after completion of construction of the project it will be used as a public or other nonprofit workshop or rehabilitation facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use as a workshop or rehabilitation facility, as the case may be;

"(2) be accompanied or supplemented by plans and specifications which comply with regulations of the Secretary relating to minimum standards of construction and equipment;

"(3) be approved, in accordance with regulations of the Secretary, by the appropriate State agency designated as provided in section 5(a)(1):

"(4) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c.)

"(c) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 625(g) of the Public Health Service Act, 42 U.S.C. 291o(g)) in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined under subparagraph (A) of section 625 (b)(1) of such Act (42 U.S.C. 291o(b)(1)), the percentage of the cost for purposes of this section shall be determined in accordance with regulations of the Secretary designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

"(d) Upon approval of any application for a grant for a construction project under this section, the Secretary shall reserve, from any appropriation available therefor, the amount of such grant determined under subsection (e); the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. In case an amendment to an approved application is approved or the estimated cost of a project is revised upward, any additional payment with respect thereto may also be made from the appropriation for the fiscal year in which such amendment or revision is approved.

"(e) If, within ten years after completion of any construction project for which funds have been paid under this section, the workshop or rehabilitation facility shall cease to be a public or other nonprofit workshop or rehabilitation facility, the United States shall be entitled to recover from the applicant or other owner of the workshop or facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such workshop or facility is situated) of the workshop or facility, as the amount of the Federal participation bore to the cost of construction of such workshop or facility.

"(f) The Secretary is also authorized to make grants with respect to any workshop or rehabilitation facility for which a grant for a construction project has been made under this section to cover part of the costs (determined in accordance with regulations of the Secretary) of compensation of professional or technical personnel of such workshop or facility during the period beginning with the commencement of the operation of such workshop or facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any workshop or facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

"(g) The Secretary is also authorized to make grants (1) to the State agency or agencies designated as provided in section 5(a)(1) to assist in meeting the cost of determining the State's needs for workshops and rehabilitation facilities and (2) upon application approved by the appropriate State agency so designated for such State, to public or other nonprofit agencies, institutions, or organizations to assist them in meeting the costs of planning workshops and rehabilitation facilities and the services to be provided thereby.

"(h) Payments of grants under subsection (f) or (g) may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

"(i) There are authorized to be appropriated for the fiscal year ending June 30, 1966, and each of the four succeeding fiscal years such sums as may be necessary for carrying out this section. Sums so appropriated shall remain available for payment with respect to projects approved under this section prior to July 1, 1970.

"(j) For purposes of this section—

"(1) 'construction' includes construction of new buildings and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, expanded, remodeled, altered, or renovated buildings;

"(2) the 'cost' of construction includes the cost of architects' fees in connection with construction, but does not include the cost of acquisition of land or offsite improvements;

"(3) a project for construction of a workshop may include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of mentally retarded individuals.

"WORKSHOP IMPROVEMENT

"Grants for projects for training services in workshops

"SEC. 15. (a)(1) The Secretary is authorized, during the period beginning July 1, 1966, and ending June 30, 1971, to make grants to States and public and other nonprofit organizations and agencies to pay 75 per centum of the cost of projects for providing training services to physically handicapped individuals in public or other nonprofit workshops.

"(2)(A) Training services, for purposes of this subsection, shall include training in occupational skills; related services; including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

"(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $25 plus $10 for each of the individual's dependents, or $65, whichever is less. In determining the amount of such allowance for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Secretary, as will promote such individual's fitness to engage in a remunerative occupation.

"(3) The Secretary may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare physically handicapped individuals for a gainful occupation, (B) the individuals to receive training services under such project will include only individuals who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 5(a)(1) of the State in which the workshop is located, (C) the full range of training services will be made available to each such individual, to the extent of his need for such services, and (D) the project, including the participating workshop and the training services provided, meet such other requirements as he may prescribe for carrying out the purposes of this subsection.

"(4) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this subsection.

"Workshop improvement grants

"(b)(1) The Secretary is authorized to make grants to workshops during the fiscal year ending June 30, 1966, and each of the four succeeding fiscal years to pay part of the cost of projects to analyze, improve, and increase their professional services to handicapped individuals, their business management, or any other part of their operations affecting their capacity to provide employment and services for handicapped individuals.

"(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

"(3) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this subsection.

"*Technical assistance to workshops*

"(c) (1) The Secretary is authorized, directly or by contract with experts or consultants or groups thereof, to provide technical assistance to workshops.

"(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"*National Policy and Performance Council*

"(d) (1) There is hereby established in the Department of Health, Education, and Welfare a National Policy and Performance Council, consisting of twelve members, not otherwise in the regular full-time employ of the United States, appointed by the Secretary without regard to the civil service laws. The Secretary shall from time to time appoint one of the members to serve as Chairman. The appointed members shall be selected from among leaders in the vocational rehabilitation or workshop fields, State or local government, and business and from among representatives of related professions, labor leaders, and the general public. Each appointed member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the twelve members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

"(2) The Council shall (A) advise the Secretary with respect to the policies and criteria to be used by him in determining whether or not to make grants under subsection (a); (B) make recommendations to the Secretary with respect to workshop improvement and the extent to which this section is effective in accomplishing this purpose; and (C) perform such other services with respect to workshops as the Secretary may request.

"(3) The Secretary shall make available to the Council such technical, administrative, and other assistance as it may require to carry out its functions.

"(4) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"WAIVER OF STATEWIDENESS REQUIREMENTS FOR LOCALLY FINANCED ACTIVITY

"SEC. 16. In the case of any activity which, is the judgment of the Secretary, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of physically handicapped individuals of the vocational rehabilitation of individuals with particular types of disabilities in a State or States, the Secretary may waive compliance, with respect to vocational rehabilitation services furnished as part of such activity, with the requirement of section 5(a) (3) that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, not only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a political subdivision of the State (including, to the extent permitted by such regulations, funds contributed to such subdivision by a private agency, organization, or individual).

"NATIONAL COMMISSION ON ARCHITECTURAL BARRIERS TO REHABILITATION OF THE HANDICAPPED

"SEC. 17. (a) There is hereby established in the Department of Health, Education, and Welfare a National Commission on Architectural Barriers to Rehabilitation of the Handicapped, consisting of the Secretary, or his designee, who shall be Chairman, and not more than fifteen members appointed by the Secretary without regard to the civil service laws. The fifteen appointed members shall be representative of the general public, and of private and professional groups having an interest in and able to contribute to the solution of architectural problems which impede the rehabilitation of handicapped individuals.

"(b) The Commission shall (1) determine how and to what extent architectural barriers impede access to or use of facilities in buildings of all types by handicapped persons; (2) determine what is being done, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with the problem, to eliminate such barriers from existing buildings and to prevent their incorporation into buildings constructed in the future; and (3) prepare plans and proposals for such further action as may be necessary to achieve the goal of ready access to and full use of facilities in buildings of all types by handicapped persons, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward that goal or whose cooperation is essential to effective and comprehensive action.

"(c) The Commission is authorized to appoint such special advisory and technical experts and consultants, and to establish such committees, as may be useful in carrying out its functions, to make studies, and to contract for studies or demonstrations to assist it in performing its functions. The Secretary shall make available to the Commission such technical, administrative, and other assistance as it may require to carry out its functions.

"(d) Appointed members of the Commission and special advisory and technical experts and consultants appointed pursuant to subsection (c) shall, while attending meetings or conferences thereof or otherwise serving on business of the Commission, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(e) The Commission shall, prior to January 1, 1968, submit a final report of its activities, together with its recommendations for further carrying out the purposes of this section, to the Secretary for transmission by him together with his recommendations to the President and then to the Congress. The Commission shall also prepare such interim reports as the Secretary may request.

"(f) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1966, and each of the two succeeding fiscal years, the sum of $250,000 for carrying out the purposes of this section."

DURATION OF EXTENSION AND IMPROVEMENT PROJECTS

SEC. 4. Section 3(b) of the Vocational Rehabilitation Act (29 U.S.C. 33(b)) is amended by striking out "three years" and inserting in lieu thereof "five years".

SPECIAL PROGRAMS AND COMPREHENSIVE PLANNING TO EXPAND VOCATIONAL REHABILITATION SERVICES

SEC. 5. (a) (1) Section 4(a) of the Vocational Rehabilitation Act (29 U.S.C. 34(a)) is amended by striking out "(1)" where it first appears therein and inserting it immediately after "the Secretary shall make grants".

(2) Clause (2) of section 4(a) of such Act is amended to read: "(2) (A) to States and public and other nonprofit organizations and agencies for paying part of the cost of planning, preparing for, and initiating special programs to expand vocational rehabilitation services in those States where, in the judgment of the Secretary, such action holds promise of yielding a substantial increase in the number of persons vocationally rehabilitated, and (B) to States (but not to exceed $50,000 for any State for any fiscal year) to meet the cost of planning for the development of a comprehensive vocational rehabilitation program in each State, with a view to achieving the orderly development of vocational rehabilitation services in the State (including vocational rehabilitation services provided by private nonprofit agencies), and making vocational rehabilitation services available to all physically handicapped individuals in the State by July 1, 1975."

(3) Paragraph (2) of section 4(d) of such Act is amended by inserting "(other than subsection (a) (2)" after "under this section" where it first appears therein, and by striking out "under this section" where it next appears therein and inserting in lieu thereof "thereunder".

(b) Paragraph (3) of section 1 of such Act (29 U.S.C. 31) is amended to read as follows:

"(3) grants (A) under section 4(a) (1) for research, demonstrations, training, and traineeships; (B) under clause 2(A) of section 4(a) for planning, preparing for, and initiating special programs to expand State vocational rehabilitation services, except that sums so appropriated for any fiscal year beginning after June 30, 1970, shall not be available for grants under such clause, and sums so appropriated for any fiscal year ending prior to July 1, 1970, grants under such clause shall remain available for such grants until the close of June 30, 1971, and (C) under clause 2(B) of section 4(a) to meet the cost of planning for the development of a comprehensive vocational rehabilitation program in each State, except that sums so appropriated for any fiscal year beginning prior to July 1, 1965, or ending after June 30, 1967, shall not be available for grants under such clause, and sums so appropriated for the period beginning July 1, 1965, and ending June 30, 1967, for grants under such clause shall remain available for such grants until the close of June 30, 1968."

(c) The amendments made by subsections (a) and (b) shall be effective with respect to fiscal years beginning after June 30, 1965.

RAISING OF LIMITATIONS ON TRAINING

SEC. 6. (a) The second sentence of section 4(a) of the Vocational Rehabilitation Act (29 U.S.C. 34(a)) is amended by striking out "two years, except that in the case of a course of study in physical medicine and rehabilitation, such period may not be in excess of three years" and inserting in lieu thereof "four years".

(b) Section 7(a)(3) of such Act (29 U.S.C. 37(a)(3)) is amended by striking out all that follows "any one course of study" and precedes the semicolon and inserting in lieu thereof "for a period in excess of four years".

RESEARCH AND INFORMATION

SEC. 7. (a) Effective July 1, 1965, section 7(a) of the Vocational Rehabilitation Act (29 U.S.C. 37(a)) is amended by deleting paragraph (1); by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and by striking out, in the paragraph herein redesignated as paragraph (3), "as to the studies, investigations, demonstrations, and reports referred to in paragraph (1) and other matters".

(b) Effective July 1, 1965, section 7 of such Act (20 U.S.C. 37) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary is authorized, directly or by contract—

"(1) to conduct research, studies, investigations, and demonstrations, and to make reports, with respect to abilities, aptitudes, and capacities of physically handicapped individuals, development of their potentialities, and their utilization in gainful and suitable employment; and

"(2) to plan, establish, and operate an information service, to make available to agencies, organizations, and other groups and persons concerned with vocational rehabilitation, information on rehabilitation resources useful for various kinds of disability and on research and the results thereof and on other matters which may be helpful in promoting the rehabilitation of physically handicapped individuals and their greater utilization in gainful and suitable employment."

FLEXIBILITY IN STATE ADMINISTRATION

SEC. 8. (a) Subsection (a) of section 5 of the Vocational Rehabilitation Act (29 U.S.C. 35(a)) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1)(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration in a political subdivision of the State by a sole local agency of such political subdivision, except that where under the State's law the State blind commission, or other agency which provides assistance or services to the adult blind, is authorized to provide them vocational rehabilitation services, such commission or agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind (or to supervise the administration of such part in a political subdivision of the State by a sole local agency of such political subdivision) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan;

"(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subparagraph (A)) so much of the State plan as does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes a major organizational unit which administers a major public education, public health, public welfare, or labor program of the State;

"(2) provide, except in the case of agencies described in paragraph (1)(B)(i) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (A) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, and is responsible for the vocational rehabilitation program of such State agency, (B) has a full-time director, and (C) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work."

(b) The amendments made by subsection (a) shall become effective July 1, 1967, except that, in the case of any State, such amendments shall be effective on such earlier date (on or after the date of enactment of this Act) as such State has in effect an approved plan meeting the requirements of the Vocational Rehabilitation Act as amended by subsection (a).

SPECIAL SERVICES FOR THE BLIND AND THE DEAF

SEC. 9. So much of subsection (a) of section 11 of the Vocational Rehabilitation Act (29 U.S.C. 41(a)) as precedes paragraph (1) is amended by inserting after the second semicolon "provision, in the case of physically handicapped individuals, of reader services for such individuals who are blind and of interpreter services in the case of such individuals who are deaf;", and by striking out "any such individual" and inserting in lieu thereof "any physically handicapped individual".

MANAGEMENT SERVICES AND SUPERVISION OF BUSINESS ENTERPRISES OF THE DISABLED

SEC. 10. Effective July 1, 1966, section 11(a)(7) of the Vocational Rehabilitation Act (29 U.S.C. 41(a)(7)) is amended to read as follows:

"(7) in the case of any type of small business operated by severely handicapped individuals the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or together with the acquisition by the State agency of vending stands or other equipment and initial stocks and supplies; and".

TECHNICAL AMENDMENT

SEC. 11. Section 4(d)(3) of the Vocational Rehabilitation Act (29 U.S.C. 34(d)(3)) is amended to read as follows:

"(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council or at the request of the Secretary, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently."

PRESIDENT'S COMMITTEE ON NATIONAL EMPLOYMENT OF THE HANDICAPPED

SEC. 12. The joint resolution entitled "Joint resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week", approved July 11, 1949 (63 Stat. 409), as amended, is amended by striking out "$400,000" and inserting in lieu thereof "$500,000".

Mr. HILL obtained the floor.

Mr. MANSFIELD. Mr. President, if the Senator from Alabama will yield, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator yield?

Mr. HILL. I yield, with the understanding that I do not lose my right to the floor.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Without objection, it is so ordered.

Mr. HILL. Mr. President, the pending bill before the Senate, H.R. 8310, has been favorably reported by the Committee on Labor and Public Welfare. The committee amendment is in the form of an amendment which would strike out all after the enacting clause and insert the provisions of a bill recommended by the administration and the Bureau of the Budget, with certain more or less minor modifications.

The bill, as amended, would authorize the following new programs in vocational rehabilitation:

DETERMINATION OF REHABILITATION POTENTIAL

Under existing law vocational rehabilitation services may not be furnished an individual unless it is determined that the individual will be employable after receiving the services. This requirement would be waived under this legislation so that rehabilitation services could be furnished for a period of up to 6 months while the determination of employability was being made. In the case of the mentally retarded and certain other severely handicapped individuals such as the paraplegics and those with celebral palsy, the services could be furnished for a period of up to 18 months. This new program would become effective in 1967. The estimated additional cost would amount to $143 million over the years 1967–70. The Federal share would be 75 percent.

REHABILITATION FACILITIES AND WORKSHOPS

The legislation would also authorize a new program for the construction and initial staffing of rehabilitation facilities and workshops that would cost an estimated $40.5 million over the years 1966–70.

States would be given three options in determining the Federal share of construction costs:

First. A flat 50 percent;

Second. A percent between 33⅓ and 66⅔ percents depending on per capita income; or

Third. A variable percent, between 33⅓ and 66⅔ percents, based on economic differences of regions within the State.

That relates to the 5-year period.

The initial staffing provisions are the same as those recently approved in the case of community mental health centers. In the first 15 months of operations a rehabilitation facility or a sheltered workshop constructed under the new program would be eligible to receive up to 75 percent of the costs of salaries of professional and technical staff. The percent would decline to 60 percent for the first year thereafter, to

45 percent for the second year thereafter, and to 30 percent for the third year thereafter. This assistance would be limited to a period of 57 months.

WORKSHOP IMPROVEMENT

The legislation would also authorize a new program of grants for the improvement of workshops. The estimated cost of the new authorities over the 5-year period, including the years 1966–70, would be $59.5 million.

The bill would authorize grants to public and other nonprofit workshops to finance 75 percent of the costs of providing training services to handicapped individuals. Stipends to trainees could not exceed $25 per week, plus $10 for each dependent, or $65, whichever is less. The stipends could be paid for a period of not to exceed 2 years in the case of an individual.

In addition, the legislation would authorize grants to pay part of the costs of projects to analyze, improve, and increase services to the handicapped; technical assistance to workshops; and the establishment of a National Policy and Performance Council in the Department of Health, Education, and Welfare to advise the Secretary in connection with the new program of Federal assistance to workshops.

LOCALLY FINANCED ACTIVITIES

The legislation would amend the Vocational Rehabilitation Act to permit Federal participation in vocational rehabilitation projects shared by local public funds even though the financed activity would not be in effect in all political subdivisions of the State, in order to increase the number of rehabilitated individuals. This new program would cost an estimated $11.5 million over the years 1966–70.

NATIONAL COMMISSION ON ARCHITECTURAL BARRIERS

The bill would authorize the establishment of a National Commission on Architectural Barriers to the Rehabilitation of the Handicapped and provide for an appropriation authorization of $250,000 in each of the 3 years, 1966–68.

EXTENSION AND IMPROVEMENT PROJECTS

The legislation would increase from three to five the number years that Federal financing at 75 percent could be made available for projects to extend and improve rehabilitation services in the States under section 3 of the Vocational Rehabilitation Act.

SPECIAL EXPANSION PROGRAMS AND PLANNING

The bill would authorize a new 5-year program of grants to pay part of the costs of special programs of State and public and nonprofit organizations to expand vocational rehabilitation services as well as a 2-year program of grants—not to exceed $50,000 in the case of any State—for planning and developing comprehensive vocational rehabilitation programs. The estimated additional cost for the 5 years including 1966–70 would amount to $41,750,000.

RESEARCH AND INFORMATION

Specific authority would be added to the Vocational Rehabilitation Act to provide for an intramural program of research and development and the establishment of an information service in the field of rehabilitation. The increase in cost would amount to $13,250,000 over the 5 years including 1966–70.

FLEXIBILITY IN STATE ADMINISTRATION

Present law requires that the State vocational rehabilitation agency be a separate agency or a part of the vocational education agency. This legislation would broaden the choice to include a major education agency, a public health agency, a public welfare agency or a labor agency.

MANAGEMENT SERVICES

The legislation would authorize the use of Federal funds for management services and supervisory services for vending stands and other business enterprises of handicapped persons to improve operations. The estimated additional cost over the 4 years including 1967–70 would total $10.5 million.

OTHER PROVISIONS

The bill would also extend the period of time that training support may be provided to 4 years, authorize reader services for physically handicapped individuals who are blind and interpreter services for individuals who are deaf—regardless of economic need—increase the per diem compensation of members of the National Advisory Council on Vocational Rehabilitation from $50 to $100, and increase the annual authorization on appropriations for the President's Committee on Employment of the Handicapped from $400,000 to $500,000.

As Senators will recall, this is the Committee which has done such a wonderful job in encouraging employment of the handicapped. This Committee was headed by Mel Maas, who was totally blind, but despite that fact he traveled from one end of the country to the other, organizing efforts to get employment for the handicapped. He did a magnificent job to get employment for the handicapped.

When he died last February the President appointed Hal Russell as his successor. Hal Russell lost both arms in World War II. He is carrying on in the spirit of Mel Maas in bringing about employment of the handicapped.

TOTAL ADDITIONAL COST

The total additional cost of H.R. 8310, as amended, would amount to some $330 million over the 5-year period 1966 through 1970. The authorities of the legislation would permit a doubling of the Federal investment in rehabilitation by 1970.

The bill as reported by the Committee on Labor and Public Welfare is supported by the Bureau of the Budget and by the Department of Health, Education, and Welfare.

In his special message of January 7 of this year, the President stated we are now rehabilitating about 120,000 persons each year. The President set a goal of 200,000 rehabilitations. The legislation before us would permit the realization of that goal by 1968, according to testimony of the Vocational Rehabilitation Administration.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Alabama, who has again shown his outstanding leadership in carrying through legislation so valuable to the people of our Nation.

This is another accomplishment of which we are proud.

Mr. HILL. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. HILL. It is the team that wins the game. There has been no more valuable and dedicated member of that team or one who has done more than the distinguished Senator from Arizona.

Mr. FANNIN. I appreciate the comments of the Senator. But it was through the leadership and the vast knowledge of the chairman of the committee that we were able to carry through this legislation and have wholehearted support from both Democrats and Republicans.

The State-Federal vocational rehabilitation program is a sound one and an excellent illustration of the effective cooperation between the States and the Federal Government in meeting the needs of the people. It is a program which enjoys the support of all segments of the community, ranging from chambers of commerce to labor unions. We feel it merits this support.

We are justly proud of the contributions Republicans have made to the development of this program. The present vocational rehabilitation law, Public Law 565—83d Congress—was enacted by a Republican House and a Republican Senate during the administration of a Republican President, Dwight D. Eisenhower. The number of persons rehabilitated has increased from 57,000 annually to over 120,000 each year. We are gratified about the way the program has expanded and improved under this legislation.

This is a much more efficient way of handling the problems of our people who need rehabilitation and who have been in unfortunate circumstances. It is, for example, much more efficient—as well as less costly—than similar services under the poverty program. This is a proved program and one of which we all can be proud.

I highly commend the distinguished Senator from Alabama for his excellent work on this program.

Mr. HILL. I thank the distinguished Senator from Arizona for his generous words. There is no more valuable, more devoted, or more helpful member of the team.

BRINGING OUR VOCATIONAL REHABILITATION PROGRAMS UP TO DATE AND PREPARING FOR THE FUTURE

Mr. YARBOROUGH. Mr. President, in 1920 Congress passed the first vocational rehabilitation program. Since that time, and with expansions in these programs authorized in 1943 and in 1954, we have built up our rehabilitation capacity until we are now rehabilitating about 120,000 persons a year. But we must do more. President Johnson has said that our goal should be to rehabilitate at least 200,000 people a year. This bill will enable us to move toward realizing that goal.

The need for increasing these services is great. In this regard, I should like to quote from the testimony before our committee of Dr. William A. Spencer, chairman of the department of rehabilitation at Baylor Medical School in Houston:

> Although there are no accurate estimates of the numbers of people needing comprehensive rehabilitation services, all indications lead to at least the existence of 3 million persons who would significantly benefit from such services. The principal circumstances leading to an increase in disability are incontestable and include: the increase in longevity of persons which results in a corresponding increase in the incidence of chronic disabling conditions; the improvement in acute lifesaving medical and surgical care that allows individuals to survive with major impairments in body form and function.

This is a very complex, very comprehensive bill, and I would like to pay tribute to the chairman of the Committee on Labor and Public Welfare the very able senior Senator from Alabama, for the thorough and expeditious manner in which he has guided it to the floor.

A large part of the bill is devoted to improving the services which the workshops offer to handicapped people. These programs would be greatly expanded through grants for planning, building, expanding, staffing, and equipping workshops; grants for training services, improvement grants, technical assistance, and the establishment of a National Policy and Performance Council.

Another important new provision would allow the training of a disabled person for a limited period of time before the decision must be made as to whether or not he is employable. At the present time, this decision must be made before rehabilitation is begun. As we increase the number of severely disabled people undergoing rehabilitation, it becomes more and more difficult to make this determination beforehand. But experience shows that in many cases these severely disabled individuals can be rehabilitated so that they can return to gainful employment even though it might not be possible to make a positive prediction before he begins his training.

Other amendments would—

Extend the maximum period of Federal financial assistance to extension and improvement projects—section 3 of the act—from 3 to 5 years.

Authorize a new program of grants for special programs to expand vocational rehabilitation programs where this can substantially increase the number of persons rehabilitated.

Authorize a new program of grants to States to finance vocational rehabilitation programs in each State.

Increase from 2 to 4 years the program of financial assistance to students studying vocational rehabilitation.

Improve and expand research and information services, provide greater flexibility in determining where in the State government a State vocational rehabilitation agency may be located.

Expand special services for the blind and the deaf.

The House passed bill made some changes in the allotment formula which determines how much each State is entitled to, and the requirement for State matching funds. The change in the allotment formula would have decreased allotments for 33 States as compared with what they would receive under existing law. The changes would have been to the disadvantage of the States with per capita incomes below the national average. The Senate bill retains the existing formula. I support the retention of the existing allotment formula, because it recognizes the greater difficulty which the poorer States have in raising State and local funds for these purposes. The House formula would not have given differences in State per capita income as much weight as the current, administration-approved formula does, and for this reason would not channel funds into areas of maximum social utility to the extent that the current formula does.

The House change in the State matching provisions would result in a uniform 75-percent Federal share, as opposed to the current sliding scale of from 50 to 70 percent, based upon relative per capita income. There is much to recommend the new formula; it would aid us in reaching our goal of 200,000 rehabilitated people per year more quickly than would the present State matching provision. I am hopeful that something may be worked out in conference.

Mr. President, vocational rehabilitation is a sound investment of the public's funds. Testimony before our committee showed that the Federal Government will receive $5 return in taxes from persons rehabilitated in 1964 over their working lifetime, for every dollar it spent on all the people aided in the Federal-State rehabilitation program in 1964. It is a sound investment from a strictly fiscal point of view. But we cannot measure the value of these programs only in terms of dollars and cents. Much of the benefit is intangible. I am speaking here of the lives that we have literally saved through these programs. Through vocational rehabilitation programs, individuals who once would have lived out their lives dependent entirely on others and devoid of hope, are able to begin life anew and to rejoin the world as constructive, independent members of society.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 8310) was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HILL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, today the Senate has witnessed another milestone in the long and outstanding record of accomplishments of the senior Senator of Alabama [Mr. HILL] in the field of health legislation.

Senator HILL's devoted service as chairman of the Committee on Labor and Public Welfare, as chairman of its Subcommittee on Health, and as chairman of the Subcommittee on the Departments of Labor, Health, Education, and Welfare of the Committee on Appropriations is well known. His ability to get important legislation passed by this body is equally well known.

Today the Senate approved the Vocational Rehabilitation Act Amendments of 1965.

Yesterday the Senate approved the Health Professions Educational Assistance Amendments of 1965.

And the day before that the Senate approved the House amendments to S. 596, the Heart Disease, Cancer, and Stroke Amendments of 1965, clearing the measure for the signature of the President. All three of these major health measures were overwhelmingly approved by the Senate under his skillful leadership.

I would also like to pay tribute to the entire membership of the Committee on Labor and Public Welfare for their accomplishments and fine spirit of cooperation.

Senator HILL and his colleagues have set a new record in the field of health legislation in this first session of the 89th Congress. Among the major measures already signed into law that were considered this year are: First, the Health Research Facilities Amendments of 1965; second, the Community Health Services Extension Amendments of 1965; third, the Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965; fourth, the Drug Abuse Control Amendments of 1965; and, fifth, the National Technical Institute for the Deaf Act.

In addition, the Senate has approved the Health Science Library Assistance Act of 1965.

In summary, during this 1st session of the 89th Congress, the Committee on Labor and Public Welfare, under the brilliant leadership of Senator LISTER HILL, has compiled a magnificent record of achievements in the field of health legislation. I salute Senator HILL and all of his colleagues on the committee.

CONSTRUCTION AND OPERATION OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN AREAS AFFECTED BY MAJOR DISASTER

Mr. MANSFIELD. Mr. President, if the Senator from Washington will yield briefly, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 769, H.R. 9022.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 9022) to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to eliminate inequities in the application of Public Law 815 in certain military base closings; to make uniform eligibility requirements for school districts in Public Law 874; and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Labor and Public Welfare, with amendments, on page 1, line 3, after "1950", to insert "(Public Law 815, Eighty-first Congress)"; on page 2, line 7, after the word "after", to strike out "the date of enactment of this section" and insert "August 30, 1965,"; on page 4, line 10, after the word "disaster.", to insert "'In any case deemed appropriate by the Commissioner such assistance may be in the form of a repayable advance subject to such terms and conditions as he considers to be in the public interest.'"; in line 17, after the word "expend", to insert "(without regard to subsections (a) and (e) of section 3679 of the Revised Statutes (31 U.S.C. 665))"; on page 6, line 3, after "1950", to insert "(Public Law 874, Eighty-first Congress)"; in line 13, after the word "after", to strike out "the date of enactment of this section" and insert "August 30, 1965,"; on page 9, line 11, after the word "expend", to insert "(without regard to subsections (a) and (e) of section 3679 of the Revised Statutes (31 U.S.C. 665))"; on page 10, after line 21, to strike out:

"DELETION OF SPECIAL REQUIREMENTS FOR CERTAIN DISTRICTS"

On page 11, at the beginning of line 1, to insert "by striking out 'and paragraph (3)' in the second sentence of paragraph (2)"; after line 6, to insert a new section, as follows:

SEC. 5. Subsection (e) of section 5 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by inserting after "waive or reduce" the following: "the minimum number requirement or".

After line 10, to insert a new section, as follows:

SEC. 6. (a) Section 203(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is amended by inserting immediately after paragraph (4) the following new paragraph:

"(5) In the case of a State agency which is directly responsible for providing, on a non-school-district basis, free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education), the maximum basic grant which that agency shall be eligible to receive under this title for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in that State multiplied by the number of such children in average daily attendance, as determined by the Commissioner, to whom that agency provided free public education in the most recent fiscal year for which satisfactory data are available. Such State agency shall use payments under this title only for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children."

(b) Section 206(a)(1) of such Act is amended by striking out "which meet the requirements of that section" and by inserting in lieu thereof "which meet the applicable requirements of that section and of section 203(a)(5)".

(c) Section 303(6) of such Act is amended by adding before the period at the end of the second sentence thereof ", and for purposes of title II (except sections 203(a)(2), 203(b), and 205(a)(1)) such term includes any State agency which is directly responsible for providing, on a non-school-district basis, free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education)".

And, on page 12, after line 21, to insert a new section, as follows:

SEC. 7. (a) Subsection (b) of section 207 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is amended to read as follows:

"(b) The Commissioner is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this title (including technical assistance for the measurements and evaluations required by section 205(a)(5)), except that the total of such payments in any fiscal year shall not exceed—

"(1) one per centum of the total of the amount of the basic grants paid under this title for that year to the local educational agencies of the State, or

"(2) $75,000, or $25,000 in the case of Puerto Rico, Wake Island, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands,

whichever is the greater."

(b) The amendment made by this section shall be effective for fiscal years beginning after June 30, 1965.

THEODORE FRANCIS GREEN OBSERVES 98TH BIRTHDAY

Mr. PASTORE. Mr. President, tomorrow, Saturday, October 2, 1965, Theodore Francis Green observes his 98th birthday. He observes it quietly in his Providence home close by the Brown University of his learning and his love.

This is no ordinary birthday—for Theodore Francis Green is no ordinary man. A son of Rhode Island and its Governor—a devoted citizen and Senator of the United States—a good neighbor and a great American statesman—our former colleague has helped greatly to shape the greatest century in the history of mankind.

Few Members of this body have been given such earned accolades as this Senate bestowed upon our colleague in January of 1960. The bound volume of the praise to a living personality spoken here and in the Nation's press is a precious part of our national history.

On that day in 1960 the Senator from Texas, Lyndon B. Johnson, destined to be President of these United States, spoke his obligation and gratitude to the Senator from Rhode Island who had guided his freshman steps in these Halls.

Devotion to the fortunes of others by dedication above all to the well-being of America and its people has been the life pattern of Theodore Francis Green.

That life had many facets: the law, education, banking, industry, military service. But, more than most, public service crowned a century of his career while his ideals reached back to earlier centuries and the inspiration of his idol—Roger Williams.

Roger Williams' contribution to America was the idea of democracy which demands government with the consent of the governed—democracy which commands tolerance with no test of race or creed. These were the guiding principles of Theodore Francis Green.

His family was deep rooted in colonial Rhode Island—in the Continental Congress—and the early Congresses of these United States.

He brought to his dedication a mind trained at Brown and Harvard and the Universities of Berlin and Bonn where he was a classmate of Konrad Adenauer.

He brought to public service a private wealth which only served to accent his concern for the underprivileged. Theodore Francis Green rose above all the defeats and discouragements attendant upon politics as practiced in Rhode Island in the early decades of this century. He was the early confidant of Woodrow Wilson and of Franklin Delano Roosevelt. He, too, was the champion of the common man, rising to his great hour in 1932 as he became Governor of our State.

His was the challenge of change as he modernized his State to become a model of public responsibility and committed to a course of progress and law—labor—learning and love of neighbor. He made Rhode Island and the Providence Plantations the warm hearted State of opportunity we know it to be.

The visitor to Rhode Island who drops down from the skies in this jet age hears the welcome, "The Theodore Francis Green Airport." The visitor by expressway sees the statehouse in its commanding place on Capitol Hill. Both are milestones in his career. They are physical monuments to government and growth indicative of the century of Theodore Francis Green.

But his spiritual monument is in the gratitude of his neighbors—his State—his Nation and the world—as the mind and heart of this great American gave it all in unselfish service for the well-being of mankind—for opportunity and tranquillity, prosperity, and peace.

My own life has had the special privilege for more than 30 years to be close to his life in association, admiration, and affection.

I feel I can speak for all America in our every good wish to him on his birthday—for the day reminds us not only of the birth but of the worth of Theodore Francis Green.

Mr. MANSFIELD. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. There is not much I can add to what the distinguished senior Senator from Rhode Island [Mr. PASTORE] has just said about our former colleague, the esteemed Senator Green. The only man on whom has been bestowed the title of Chairman Emeritus of the Committee on Foreign Relations is the distinguished former Senator from Rhode Island.

I join my colleagues in expressing best wishes to Senator Green. He may be away from us, but he is never far from our thoughts.

Mr. PASTORE. I thank the Senator. I know that Senator Green will be highly pleased by the warm words delivered here today by his esteemed friend and former colleague, the Senator from Montana, our majority leader, MIKE MANSFIELD.

Mr. HILL. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield to the Senator from Alabama.

Mr. HILL. I commend the distinguished Senator from Rhode Island for his beautiful and eloquent tribute to Senator Green. It has been gratifying to me to hear this richly deserved, this most beautiful tribute. Senator Green is certainly worthy of the noble heritage of Roger Williams.

I join the senior Senator from Rhode Island in paying tribute to Theodore Francis Green for his heroic life, his many accomplishments, and his magnificent services to our country and to humanity.

Mr. PASTORE. I thank the Senator.

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the distinguished Senator from Maine.

Mrs. SMITH. Mr. President, I should like to thank the distinguished Senator from Rhode Island for his statement in tribute to former Senator Theodore Francis Green and to ask him to express my good wishes, when he expresses his own and those of other Members of the Senate. I shall never forget the kindness to me when, as chairman of the Inaugural Committee, he asked me to accompany him as "his lady" to the ceremonies and activities on Inaugural Day of the second term of President Eisenhower.

Mr. PASTORE. I thank the Senator.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, I associate myself with the eloquent remarks of the able and distinguished Senator from Rhode Island and other Senators in tribute to Theodore Francis Green.

During his long period of service before retirement from the Senate, Senator Green represented the best in public service as a statesman, a scholar, a philanthropist—yes, even into his late eighties, as an athlete. We who frequent a special committee room of the Senate, where we get a little extra exercise, were always inspired by the vigor of Senator Green's participation in the athletic facilities made available to us.

Senator Green in indeed unique in American history. We who were associated with him in the U.S. Senate are the richer and the better for that association.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. I am glad to associate myself with those of my colleagues congratulating Senator Theodore Francis Green on his 98th birthday. For many years I had the privilege of serving with him in this body. He was as highly respected and as much beloved by Members of the Senate as anyone in my experience. He was always in good humor, always kind, understanding, and helpful in committees, especially to junior Members like myself.

I hope and believe we shall have the privilege of celebrating Senator Green's 100th birthday anniversary 2 years from now.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the distinguished Senator from Ohio.

Mr. LAUSCHE. I am delighted to join other Senators in expressing felicitations to former Senator Green on the occasion of his 98th birthday anniversary. My association with him was always inspiring. He was a gentle character. He was never offensive or cutting in his remarks. He was always accommodating, trying to help those with whom he worked.

I just remarked to Senator PASTORE that several years ago Senator Green delivered a talk before a breakfast group meeting which met at the Capitol on Wednesday morning each week. The subject of his talk was "The Time Is Now." In his remarks, Senator Green elaborated upon the necessity of not allowing time to pass for the execution of a task. Time when unused and allowed to pass never returns.

Mr. President, I ask unanimous consent that the text of that speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE TIME IS NOW

(Senator Green's remarks at breakfast group meeting, Wednesday, May 4, 1960, 8:30 a.m., Vandenberg Room, the Capitol, Washington, D.C.)

Shortly after I accepted the invitation to lead this congressional breakfast group, I received a brief note from our chairman, Senator JOHN STENNIS, which simply read: "I am sure you will have something interesting and worthwhile for us." In all the long years which the good Lord has seen fit to allow me, I do not recall a single challenge which made me feel more lonely or unworthy.

What wise message could I leave with you here this morning? What was there about my life that could set me apart from the rest of you—all schooled in the same Christian tradition? Then a hard but obvious fact disturbed my meditation. I have lived longer than any of you and much longer than most. However much I might wish it otherwise, I am what might be called—but I hope respectfully—"an old man." The whole concept of time engulfed my thoughts and I was reminded of the eloquent message from the Gospel by John: "Work while it is day, for the night cometh when no man can work."

There is a story told of three devils who met to formulate the strategy they might best employ to ensnare the souls of men. The first devil advanced a plan that they roam throughout the world and proclaim that there is no God. The other devils discouraged him saying that men were too intelligent and the wonders of creation too convincing for men to accept that hypothesis. Then the second devil said: "I have the answer. We will go forth to all mankind and teach that the Bible is false: that it is nothing but a fraud." The other devils reproached him saying that man would never submit to that tactic because for centuries men had believed and loved and lived in testimony of the truth of Holy Writ. Then the shrewdest of all the devils offered the winning solution: "There is one sure way to capture the souls of men. We will simply tell all the inhabitants of the earth that 'there is plenty of time.' "

If I have learned one thing well in my long years, it is that there is never plenty of time. As the Good Book tells us, we know not the day nor the hour of our calling. The time for the lay apostolate is now.

It is more than coincidence that I, a Rhode Islander, should be asked to speak to you on this day, the 4th of May. On this date, in 1776, the Colony of Rhode Island and Providence Plantations, by action of its General Assembly and on the motion of my great grandfather, declared her independence from Great Britain, 2 months ahead of all the other American colonies, thus making her the oldest sovereign State in the whole Western Hemisphere. In her love for freedom, she threw off the shackles of an unwise parent who had forgotten that there were some things in life more precious than life itself. Those proud forebears of mine had the fortitude generated by faith in Almighty God, faith in each other and faith in the worth of their cause. They were true to the heritage of Roger Williams, the young refugee clergyman, who, 140 years earlier, founded our State and dedicated it to the principles of religious liberty and civil freedom in the face of overwhelming odds. The world stood aghast at this gallant little band of patriots from the smallest colony of all.

The great archeologist, James Breasted, reminds us that man became the first implement-making creature not later than the beginning of the ice age, probably a million years ago. At the same time he became the first weapon-making creature. Yet it is perhaps less than 5,000 years ago that man's conscience began to become a potent social force.

Today we are met at a fork in the highway of history. We who claim to be Christians and especially those of us privileged to serve as elected representatives of the people have a solemn duty. In our own country, we must covet no privilege for ourselves which we are not willing to share with every other citizen. In the worldwide clash with totalitarianism, at the very time when the sophisticated systems of modern warfare contain the capacity for mutual annihilation, we must pray for guidance. We must exert every positive peaceful influence within the scope of our conscience and capabilities to save the world from those who would ruin it by their inhumanity, their injustice, and their immorality. Unless each of us conscientiously meets the political realities of the present, it may be later than we think for all of us.

As we ponder the restlessness about us today and search, each in his own heart, for his moment of destiny, let us recall some of the beautiful words from the first few verses of chapter III of Ecclesiastes:

"To all a season, and a time to every inclination under the heavens:

"A time to be born, and a time to die; a time to plant, and a time to pluck up the planting:

"A time to kill, and a time to heal; a time to break down, and a time to build:

"A time to weep, and a time to laugh; a time to mourn, and a time to dance:

"A time to rend, and a time to sew; a time to be silent, and a time to speak:

"A time to love, and a time to hate; a time of war, and a time of peace."

A few minutes ago, I introduced myself as one of the older generation. I make no claim, however, to the wisdom which is sometimes associated with age. Yet there lived many years ago an old man who was very wise and blessed. I refer to the Apostle Paul, who, as a prisoner awaiting execution in Nero's Rome, wrote a letter to some friends in the little church at Philippi, in Greece. In his letter, Paul wrote: "And this I pray, that your love may abound yet more and more in knowledge and all intelligence."

It is my hope that in the years remaining to us here, united in this Christian fellowship, the love of God will help us know our problems, give us the intelligence to perceive what should be done about them, and the courage to act accordingly, all in good time.

Mr. LAUSCHE. Mr. President, I am delighted also to recall the great vigor exhibited by Senator Green while he was chairman of the Committee on Foreign Relations in attending many engagements in foreign embassies that were incident to his work.

He was in the nineties, but he moved about with great ease. He attended all meetings to which he was invited. I believe that, up until the very day of his retirement, he followed his unbroken habit of responding to the call of his duties.

I wish him good health, a contented and continued life.

Mr PASTORE. Mr. President, I thank the Senator from Ohio.

I yield now to the distinguished Senator from Georgia.

Mr. TALMADGE. Mr. President, I desire to associate myself with my colleagues who have congratulated former Senator Green on his 98th birthday.

I came to the Senate in 1957. I was assigned to the Rules and Administration Committee, on which Senator Green was then the ranking Democrat. I had the privilege of knowing him well. I admired him greatly. He was not only a man of remarkable physical condition, but also his mind was sharp, bright, and alert.

He was one of the most charming men I have ever known. Several years ago when Senator Green was a Member of the Senate and about 93 or 94 years of age, Mrs. Talmadge and I were driving to a social function in Washington. She looked out the window and said, "There goes Senator Green walking down the street. Let us stop and ask if we can take him where he is going." We stopped and I asked Senator Green if he cared to ride with us. He thanked us very courteously, but told us that he preferred to walk.

I doubt if there has ever been a man in the history of the United States who, at the approximate age of 95 years, preferred walking around the streets of Washington to riding.

I shall always cherish his memory. He has been one of the most remarkable men in the history of our country.

He was an able and courageous Governor of Rhode Island. He had a distinguished career as a Senator of the United States. I wish him long and continued good health. Like my colleagues, I am looking forward to helping him celebrate his 100th birthday.

I thank the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I yield to my distinguished colleague from Rhode Island.

Mr. PELL. Mr. President, it is with warm and heartfelt admiration that I join my colleagues in paying tribute to my venerable and distinguished predecessor, Theodore Francis Green, on the occasion of his 98th birthday. I rejoice that he is enjoying in his sprightly way, the many laurels which the years have conferred so generously upon him. Governor of our State during a period of change and revision, distinguished U.S. Senator for nearly a quarter of a century, chairman of the Foreign Relations Committee, scholar, athlete, lawyer, businessman and political extraordinary—he is a living tribute to the genius and durability of the New England character. His record is a challenge to us all, particularly to the junior Senator from Rhode Island who succeeded to his seat in 1960.

I am proud of the fact that in a modest way I have been able to follow a few of Senator Green's footsteps, as a member of the Foreign Relations Committee and now, this month, as a chairman of the U.S. delegation to the NATO parliamentarians' conference. If in the years ahead I can succeed in doing half as much as Senator Green did, I shall be happy indeed.

I join my colleagues in wishing Senator Green continued good health in the years ahead, knowing that he fully intends to fill his role as the oldest man to serve in the U.S. Senate by "serving" as a member emeritus well into his second century. And finally, I would point out that the Senate has given him a most appropriate birthday present by passing again a bill which it approved in earlier form in 1960 as his last legislative act. I refer to S. 1855, my bill to establish a Roger Williams National Memorial which was approved on September 23 and which is now pending on the House Calendar. Its final enactment will be a fitting way to open Theodore Francis Green's 99th year.

Mr. PASTORE. I thank my colleague. With the expression of those fine sentiments, I think we can conclude by saying to Theodore Francis Green, "ad multos annos."

NUCLEAR TEST BAN SAFEGUARDS

Mr. JACKSON. Mr. President, I ask unanimous consent that Mr. Jack Rosen of the staff of the Joint Committee on Atomic Energy be permitted the privilege of the floor during the discussion of my remarks in connection with nuclear test ban safeguards.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, 2 years have passed since the debate in this Chamber on the limited nuclear test ban treaty. That treaty received the overwhelming consent of this body. In considering the treaty, three committees met in combined session for many days of hearings. Those committees were the Senate Foreign Relations Committee, Senate Armed Services Committee, and the Senate membership of the Joint Committee on Atomic Energy. In addition, the Preparedness Investigating Subcommittee of the Armed Services Committee held special hearings.

During the course of those lengthy hearings, the Chairman and all the members of the Joint Chiefs of Staff testified. These five eminent military leaders of our armed services supported the limited test ban treaty, but in doing so they set forth to the Senate the need for establishing safeguards for our security which would make possible our consent to this treaty.

Those four safeguards which the Joint Chiefs of Staff recommended and which President Kennedy endorsed in a letter to the majority and minority leaders of this body during the floor debate on the test ban treaty read as follows:

1. The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future.
2. The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and insure the continued application of our human scientific resources to these programs on which continued progress in nuclear technology depends.
3. The maintenance of the facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security or should the treaty or any of its terms be abrogated by the Soviet Union.
4. The improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of Sino-Soviet nuclear activity, capabilities, and achievements.

The Senate Preparedness Subcommittee of the Senate Armed Services Committee and the Joint Committee on Atomic Energy have followed the implementation of those safeguards very closely during the past 2 years. Each of these committees has followed the safeguards in hearings on authorizing legislation and in special hearings. Recently, in 3 days of hearings, I chaired combined meetings of the Senate Special Subcommittee on Nuclear Safeguards and the Military Applications Subcommittee of the Joint Committee on Atomic Energy looking into the current status of the four safeguards.

Mr. President, I mention that the members of the Nuclear Safeguards Subcommittee, comprised of myself as chairman, the distinguished senior Senator from Missouri [Mr. Symington], the distinguished senior Senator from Maine [Mrs. Smith], and the distinguished chairman of the Preparedness Subcommittee of the Committee on Armed Services, the distinguished junior Senator from Mississippi [Mr. Stennis]. From the Military Applications Subcommittee of the Joint Committee on Atomic Energy, we were fortunate to have the chairman of the Joint Committee of Atomic Energy, Representative Holifield, and Representative Hosmer, Representative Bates, the senior Senator from New Mexico [Mr. Anderson], the senior Senator from Rhode Island [Mr. Pastore], past chairman and current vice chairman of the Joint Committee on Atomic Energy, and the junior Senator from Nebraska [Mr. Curtis].

In addition, we were ably assisted by the presence of Col. Glenn Smith, retired, from the staff of the Preparedness

Subcommittee, and Jack Rosen from the staff of the Joint Committee on Atomic Energy, as well as the executive director of the staff of the Joint Committee on Atomic Energy, Mr. John Conway.

We are all aware that in the Senate, without the able assistance of professional staff people, we could not do our committee or Senate work properly.

We were fortunate in having such a high degree of professionalism in the presence of the gentleman to whom I have just referred.

Mr. President, I especially compliment and express my deep appreciation to the distinguished senior Senator from Missouri [Mr. SYMINGTON], who spent a good deal of time in the preparation for the hearings and in connection with the hearings as well.

The same is true of the distinguished senior Senator from Maine [Mrs. SMITH], who attended all our sessions and was most diligent and provocative in her interrogation, and who followed all the proceedings very closely.

Likewise the junior Senator from Mississippi [Mr. STENNIS], who served as an ex-officio member, was of great assistance in connection with the well-detailed hearings that we held.

I also express my appreciation to the other members of the Preparedness Subcommittee who were able to attend and participate in the hearings, as well as the other members of the Joint Committee on Atomic Energy.

Mr. President, we heard testimony from the directors of our nuclear weapons laboratories, from one of the Atomic Energy Commissioners, from representatives of the Department of Defense, and from the Director of the Central Intelligence Agency. Much of what we heard was sensitive information relating vitally to our national security which cannot be disclosed in an unclassified manner, but I do believe that I can report to the Senate in an unclassified way a summary sketch of the conclusions that I drew from sitting through those hearings, conclusions which I believe are shared by my colleagues from both committees who participated in these meetings.

First, I can report to the Senate that the Atomic Energy Commission, ably assisted by the Department of Defense, has indeed been carrying out during these past 2 years a comprehensive, aggressive, and continuing underground nuclear test program. The AEC has announced the conduct of 62 underground tests since the test ban treaty was signed. Most of these have been weapons research or development tests, some have been Department of Defense weapons effects tests, others have been tests for Plowshare—a program to develop nuclear explosives for peaceful purposes. Two tests have been carried out in this period for the purpose of research on seismic detection of underground nuclear explosions.

Significant information has been developed from these underground nuclear explosions. Information of great importance to our national security and to the development of peaceful nuclear explosive technology has been acquired.

The second safeguard concerns the maintenance of modern laboratory facilities and programs in nuclear technology. From the testimony received by the two committees on August 16 and 17 of this year, I can report to you that our weapons laboratories have been adequately supported in these past 2 years by both the Congress and the executive branch. It was also made clear to us, however, by our weapons laboratory directors that the viability and vigor of our nuclear weapons laboratories depends upon the underground test programs. Without the opportunity to carry out the necessary experiments, the weapons development program would soon stagnate and our scientists would look elsewhere for challenges to their intellects. Speculation and even careful theoretical studies must be subject to experimental verification if the results are to be meaningful and productive. Our laboratories are carrying out fruitful and meaningful programs involving experiments with sophisticated research instruments and, as necessary, with nuclear explosives within the terms of the limited test ban treaty.

Safeguard No. 3 relates to the maintenance of facilities and resources necessary to institute promptly nuclear tests in the atmosphere should the treaty be abrogated or should the supreme interests of our country require this. Possible example: Extraordinary developments by the Chinese Communists. The AEC and Department of Defense witnesses who appeared before us testified that the readiness achieved and being maintained is adequate to our needs. Some of our members have a concern, however, that a time of abrogation of the treaty will be a critical time and therefore our readiness to carry out significant weapons tests of great import should be an almost instant readiness. While we are much better prepared today than we were in 1961 when the Soviets resumed atmospheric testing and while instant readiness is impossible, we are not in my opinion as ready as we should be for the circumstance of an abrogation of the treaty by the Soviet Union. Here again I would like to point up the close relationship between our readiness to resume significant atmospheric tests and the continuance of an aggressive, comprehensive underground test program. Without continued underground tests our readiness program would be essentially a sterile program.

The fourth safeguard is the safeguard of monitoring the terms of the limited test ban treaty and maintaining our knowledge of Sino-Soviet nuclear activity. From the evidence available to our committees I feel that the limited test ban treaty is being monitored well. We have, as you know, had satellites instrumented for the detection of high altitude events, and instruments for the detection of atmospheric events are emplaced around the world. Members of the Joint Committee on Atomic Energy soon after the signing of the test ban treaty traveled around the world to inspect our detection capabilities and to determine at first hand what improvements were needed. In the past 2 years improvements have been made in our capability to monitor the limited test ban treaty.

Research has also been going on with regard to detecting and identifying underground nuclear explosions which are now legal under the test ban treaty but would be illegal under a comprehensive or a total test ban treaty. Progress is being made through the construction of large seismic arrays and the use of computers to improve our capability of detecting seismic shocks and of identifying natural earthquakes. However, as we lower the seismic detection threshold we detect many more seismic events. In fact, one school of thought is concerned that as we lower the detection threshold we might complicate the task of identifying the cause of the seismic event. Construction and emplacement of these improved detection equipments is underway, and it is much too early to make a reliable judgment on the successes of these techniques. If we can increase the percentage of identification of natural earthquakes, this will reduce the number of events that are in the uncertain category—that is, events that are uncertain as to whether they are natural earthquakes or produced by underground explosions. If they are suspected as underground explosions we must have some means of determining if they were from a conventional, that is high explosive, source or from a nuclear explosion. No method has been suggested to us for identifying underground nuclear explosions by their seismic signals. Positive identification of underground nuclear explosions depends upon the collecting of some kind of radioactive debris either because the test has vented to the atmosphere or we have dug down at the site of the test and discovered such debris. Now there may be several reasons for being suspicious that a given seismic signal is manmade and not natural, but being suspicious is not synonymous with the verification of that suspicion.

I might add at this point, while all the members of the two committees attending the hearings were quite impressed with the research going forward in the seismic detection field, several members were concerned that a similar active and priority research program is not moving nearly so fast in studying the art of decoupling, muffling, or concealing underground nuclear tests. Some work has been done along this line but the effort has been very limited and several members expressed their concern that we are undertaking negotiations which could lead to a comprehensive test ban without being sufficiently informed about the techniques that could be employed to circumvent the terms of such a treaty. In this connection it is worth emphasizing that the art of concealment of nuclear tests, when it is pursued, goes forward, in my opinion, faster than the art of detection.

This point I wish to emphasize, because it was confirmed by the distinguished scientists who were present at our hearings.

I should also point out that, if an underground nuclear explosion is small enough, it will escape detection, even by the improved detection system. Methods of making relatively large underground nuclear explosions look seismically like small explosions are also possible. I for one do not believe that "what we do not know cannot hurt us." In fact, the opposite is true. Knowledge gained from even small underground nuclear explosions is important and we can never say that such knowledge may not be crucial.

Remember that we do not know how to identify underground nuclear explosions from a distance and, if they are small or decoupled, we do not even detect them. For a long time the Soviets were claiming all underground nuclear explosions are detectable and on-site inspections are unnecessary. Similar to the Nazi propaganda policy before World War II they apparently believe if you tell a lie enough times people will eventually believe it. Unfortunately, such statements have been repeated often enough and apparently convinced some of our allies and many of the so-called neutral nations that this is so. It is interesting, therefore, to note that according to the London Economist issue of August 21–27, this year, the Soviet Ambassador to the Geneva Disarmament Conference, Semyon Tsarapkin, admitted on August 11, that Russia's seismologists cannot tell whether all subterranean events are nuclear explosions or not. Tsarapkin did not go on to admit or talk about the necessity of on-site inspections to monitor a comprehensive test ban treaty.

Recently at the Geneva Disarmament Conference a comprehensive test ban treaty was discussed. I can tell you now, without fear of contradiction, that we do not know how to monitor a comprehensive test ban treaty so that we will be able to adequately verify the terms of such a treaty without on-site inspections.

With respect to the limited test ban treaty, I feel that that treaty has worked to our benefit and the free world's benefit due in a major way to the proposal of the Joint Chiefs of Staff for the four safeguards, and because those four safeguards are being implemented. I might mention, Mr. President, that the Joint Chiefs of Staff consider that the progress which has been made is satisfactory in meeting the requirements of the four safeguards to which I have referred in my remarks. A comprehensive test ban would destroy three of those safeguards and without adequate means of verification, including on-site inspections, would make a mockery of the fourth safeguard.

Mr. LAUSCHE. Mr. President, will the Senator define the term "comprehensive"?

Mr. JACKSON. If the Senator will defer for a moment, I shall be through with my prepared remarks.

Mr. President, the Congress cannot rest on what it has done. Programs must be implemented by the administration, and the Congress must from time to time check into that implementation. Our combined committees of the Senate Armed Services Committee and the Joint Committee on Atomic Energy expect the staffs of the committees to keep in constant touch with the implementation of the safeguards and the committee chairmen and the members intend to hold review hearings on these safeguards at least once each year.

Mr. LAUSCHE. Mr. President, will the Senator from Washington yield?

The **PRESIDING OFFICER** (Mr. MONTOYA in the chair). Does the Senator from Washington yield to the Senator from Ohio?

Mr. JACKSON. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. My recollection is that when the limited test ban treaty was adopted the ban was imposed upon tests except those committed underground and provided that when committed underground they did not diffuse radioactive debris upon the lands of adjoining nations and in the air. Having in mind the limited test ban treaty, what other inclusions would there be in banning tests in the comprehensive ban?

Mr. JACKSON. Let me amplify for a moment on what is prohibited. Under the test ban treaty, atmospheric testing is prohibited; outer space testing is prohibited; and underwater testing is also prohibited. This leaves only testing underground. Therefore, a comprehensive test ban would cover the last area, which is underground testing, so as to prohibit all nuclear weapons testing.

Mr. LAUSCHE. The Senator stated that if a comprehensive test ban was agreed upon, three of the safeguards which he identified would be eliminated. Would the Senator elaborate on that item?

Mr. JACKSON. The first safeguard which would be eliminated would be the ability to conduct underground tests and second our ability to maintain adequate, modern, and effective laboratories. I do not believe there is any question that if scientists are not given the opportunity to test, the weapons laboratories will go down to zero. The whole basis of science involves experimentation and, therefore, we would be cutting off our ability to move forward, and to maintain our security through scientific achievement. In recent times, our security has been based primarily upon the ability to marshal the resources of science and technology and to use those resources in order to advance the security of our Nation and other free nations. If we had a comprehensive test ban I am sure that the ability to maintain a modern nuclear capability and to maintain adequate personnel in our laboratories would come to an end.

As I said before, it would eliminate our ability to carry out a vigorous underground testing program. At the present time I can report to the Senate that we are actually doing much better underground in our testing than we had anticipated.

We are making good progress in maintaining a modern, up-to-date nuclear arsenal. With the denial of testing we would lose that opportunity, and lastly, we would not be able to do the job of monitoring effectively a test ban which is comprehensive if it did not provide for adequate on-site inspections.

We simply cannot, with the scientific information available to us, undertake a comprehensive test ban treaty which would ban underground testing without on-site inspection.

Mr. LAUSCHE. Will the Senator elaborate upon his statement——

Mr. SYMINGTON. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I also, of course, should mention that our ability to maintain a state of readiness to test in the atmosphere would be lost, because in time the laboratories would disintegrate and we would not have the capability, in the event of a surprise move—such as occurred in 1961 by the Soviets—to resume testing.

Mr. LAUSCHE. The Senator made the statement that experience has demonstrated that the claims made by Soviet Russia that scientific instruments were available which would record with clarity and certainty whether a seismic tremor was produced by natural causes or by an atomic explosion has been demonstrated to be unsound and untrue.

Mr. JACKSON. The Soviet statement is false. While we can detect seismic disturbances——

Mr. LAUSCHE. Yes.

Mr. JACKSON. We cannot identify them as underground nuclear tests short of on-site inspections.

Mrs. SMITH. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I am happy to yield to the distinguished lady from Maine, who has worked so helpfully and so ably in connection with the hearings.

Mrs. SMITH. Mr. President, I wish to commend the junior Senator from Washington for the excellent leadership that he has given as chairman of our watchdog group on the test ban safeguards. I share the concern that he has expressed for the need to do more with respect to certain safeguards. I share his views with respect to the grave dangers of a comprehensive test ban treaty at this time unless there are ironclad on-site inspection safeguards established. Apparently Russia will not agree to on-site inspection.

Since the ratification of the test ban treaty, there has been the very grave development of Red China joining the nuclear power club with her nuclear capability having been indicated in the nuclear explosions that she has achieved. Inasmuch as Red China is not a party to the nuclear test ban treaty, she is not restrained with respect to making open air nuclear tests as are the parties to the treaty. It is further clear that Red China would not only refuse on-site inspection as has Russia but that Red China will continue to be a growing threat in the development of nuclear power without the restraint of a test ban treaty.

Under present conditions the only question is one of time as to when Red China attains a degree of nuclear capability as to threaten the security of the United States, which Red China has vowed to destroy. Thus, time is working against the best interests of the United States and our country must be prepared to resume testing as soon as possible in the event of abrogation of the test ban treaty by Russia or any of the other parties to the treaty.

While progress has been made on this safeguard, I agree with the able junior Senator from Washington that we need to do more and in a real sense of urgency.

Mr. President, in closing, I wish to thank my distinguished colleague for his generous remarks with respect to me personally. It has been a privilege to serve with him as chairman.

Mr. JACKSON. Mr. President, I deeply appreciate the thoughtful remarks of the Senator from Maine. She has taken a keen interest throughout the hearings, and prior to the hearings, in this important problem of nuclear test ban safeguards.

Mr. STENNIS. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Washington for yielding to me.

Mr. President, I wish especially to highly commend the membership of this subcommittee of our Preparedness Subcommittee for the very fine and outstanding work which they have done this year in a highly important but very difficult field; namely, an overlook of the four safeguards that were definitely adopted by the Preparedness Subcommittee during the hearings in 1963 on the nuclear test ban treaty. The Senator from Washington was the author of that resolution providing for those safeguards. This subcommittee of our Preparedness Subcommittee is charged with the responsibility of making a continuing surveillance over this safeguard program.

This is a highly technical field. It is a very difficult field. But the Senator from Washington is unusually well qualified in this field and has done an excellent job. The work of this subcommittee is of unquestioned value to the entire Nation.

I had the privilege of asking these three Members, the Senator from Washington [Mr. Jackson], the Senator from Maine [Mrs. Smith], and the Senator from Missouri [Mr. Symington], to serve on that subcommittee and later appointing them. They have done an unusual piece of high quality work. They have been diligent and conscientious, and have made a report of value and significance, of value to every department of the Government, particularly in the field of the military, in the field of the Department of State, in the field of the Atomic Energy Commission, and others.

I take great pride in their achievement and the report they have filed, and wish personally to thank them. I am sure I speak for the other Members of the Senate and for the people of the Nation. I look forward to their further activities in this highly important field. We can all rest assured that the legislative department, the Congress, is well represented in this field of legislative overlook and that the work is in competent and dedicated hands.

Mr. JACKSON. I know I speak for the members of our special subcommittee in expressing to the chairman of the subcommittee, the Senator from Mississippi [Mr. Stennis], our appreciation for the support he has given us. The fact that the staff was able to provide its best professional talents is in no small measure responsible for whatever work we were able to do. We are deeply indebted to the chairman of the subcommittee, Mr. Stennis.

Mrs. SMITH. Mr. President, will the Senator yield to me at that point?

Mr. JACKSON. I yield to the Senator from Maine.

Mrs. SMITH. I would like to join with the distinguished Senator from Washington, chairman of our special subcommittee, in expressing appreciation and thanks to the very able chairman of the Subcommittee on Preparedness, Mr. Stennis. It has been a very great privilege to serve under the leadership such as the Senator from Mississippi has given us. I want to personally express my thanks to him. I also want to pay my respects to the senior Senator from Missouri for his outstanding work as a member of the watchdog committee on the test ban safeguards. He has made a great contribution to his country in these endeavors.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. JACKSON. I am glad to yield now to the distinguished Senator from Missouri, who spent much time in preparation for the hearings, and who made valuable contributions to this work.

Mr. SYMINGTON. Mr. President, I would associate myself with the remarks of the distinguished chairman of the Military Preparedness Subcommittee, Mr. Stennis, and the distinguished Senator from Maine [Mrs. Smith], about the outstanding work the Senator from Washington [Mr. Jackson] has done with respect to this matter.

It could well be—and I believe it probably is—the most important subject the free world has to face today.

As a result of the work of the Special Subcommittee on Nuclear Safeguards, with the able Senator from Mississippi [Mr. Stennis] and the able Senator from Maine [Mrs. Smith], we now have a factual statement about this problem which may be somewhat overdue, because so many people who talk on the subject do not go into the details as has the distinguished Senator from Washington and his committee in this investigation.

As the Senate remembers, the Preparedness Subcommittee did not approve the test ban treaty. However, the distinguished Senator from Washington [Mr. Jackson] and I voted for it and at that time discussed it at great length.

What particularly appeals to me about this statement is that, first, he does not express complete satisfaction with respect to the maintenance of facilities and resources which are vital; and, secondly, he points out in clear fashion the dangers of any comprehensive treaty without adequate on-site inspection.

I am glad the Senator is supported in that position by the distinguished Senator from Maine, who has also worked hard to obtain the facts in this field.

I was one of the Senators appointed to go to Geneva to observe but because of the sharpness of the denial of any interest in the proposed treaty on the part of the Soviet delegate, Mr. Tsarapkin, the meeting recessed.

I again congratulate the Senator from Washington for this report. It is a major contribution to the future security of the United States.

Mr. JACKSON. Mr. President, I would like to conclude by saying that it is the intention of the Special Subcommittee on Nuclear Safeguards and the Military Applications Subcommittee of the Joint Committee on Atomic Energy to submit a classified report to the executive department, going into greater detail and giving classified information which we could not do in this discussion on the floor. I give assurance that we shall do everything we can, in a nonpartisan way, to fulfill a commitment—it was a covenant—between the Senate and the executive branch on the four safeguards mentioned. If we maintain those four safeguards conscientiously and with great diligence, I have no doubt about our ability to maintain our own defense posture and to deter thermonuclear war.

BREAKFAST GROUP REMARKS OF SENATOR FANNIN

Mr. STENNIS. Mr. President, on Wednesday morning of this week our esteemed friend, Senator Paul J. Fannin, of Arizona, made some remarks to a breakfast group meeting of Senators here in the Capitol. He summed up in a few minutes much of the wisdom of the ages as well as some of his own wisdom. He also gave clear and necessary guidelines of conduct for our future if we successfully maintain self-government and individual freedom. I consider the Senator's remarks highly valuable, constructive, and timely as did all who heard him.

I commend Senator Fannin, and also commend the reading of this wonderful address to each Member of the Senate and the House and to citizens throughout the Nation. In order that it may have wide publication, I ask unanimous consent that his remarks be included in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

REMARKS BY SENATOR PAUL J. FANNIN, SENATE BREAKFAST GROUP, SEPTEMBER 29, 1965

More than 50 years ago, a famous British jurist, Lord Moulton, made some observations on law and manners which I submit are still valid and worthy of our serious consideration today. In his article he outlined what he called the three great domains of human action. First was the domain of positive law which prescribes our actions and which must be obeyed.

At the opposite end of the scale he put the domain of free choice, which includes all those acts we claim a right to perform in complete freedom. But in between these two domains, he said there is another large and important area ruled neither by positive law nor absolute freedom.

He called this vital middle ground the domain of the unenforceable. How large this area is depends upon the extent to which a nation trusts its citizens and the way they behave in response to that trust. Lord Moulton concluded that in the final analysis—and at this point I quote him exactly: "The true measure of a nation's greatness is the extent to which the individuals composing the nation can be trusted to obey self-imposed law."

If we apply Lord Moulton's standard of greatness to the United States of America today, how do we measure up? This is a sobering question for which there is no easy answer. But it is a question all Americans should be asking themselves today.

At this moment in history, I am concerned that our country is not measuring up to greatness in all of the ways that it can and should. The annual FBI reports have been indicating an alarming increase in crime for a long time. But it has taken a savage explosion of mob violence in Los Angeles to shock us into recognizing that crime has become the number one domestic issue confronting our Nation. Since the riots I'm sure all of us have formed some personal opinions on the subject. The public dialog of condemnation and explanation continues—and this is as it should be in a free society.

Seldom in our history has a thorough, searching national discussion been more in order. In one of our own recent meetings—incidentally I count these meetings among the most rewarding associations of my brief Senate experience—we enjoyed a fine talk on some aspects of this problem by Senator **Wallace Bennett**.

More recently in a talk on the floor, our colleague, Senator **Robert Byrd**, of West Virginia, put the Los Angeles riot in proper perspective as another horrible example of the overall weakening state of law and order in the land.

We can no longer afford to ignore the unmistakable evidence that a moral cancer is spreading in our society. Including the recent additions of mass murder and destruction, our crime rate now represents a serious threat to the basic codes of human behavior which most Americans have long taken for granted. Because we have been entrusted with public responsibility at a high level, it is especially incumbent upon us to defend these codes and reinforce them by all possible means.

A vital first step in preparing this defense is suggested by a phrase in the constitution of my State of Arizona which I want to share with you. Section 1 of article 2 reads as follows:

"A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government."

In another troubled age, 600 years before Christ, we were admonished in much the same language by the prophet Jeremiah when he said: "Stand ye in the old ways, and see, and ask for the old paths, where is the good way, and walk therein."

Surely no further warnings should be needed to convince us that we have strayed from the proven good way of the past, and that we have been neglecting our fundamental principles. All of us know that among these fundamental principles is personal responsibility for one's own conduct and actions. Behind this principle is the combined weight and experience of our Judeo-Christian heritage.

Like our fathers and grandfathers before us, we have been taught a morality which places a distinct obligation upon each individual in our society. We have built our society on the firm belief that the Creator endowed each of us with certain inalienable rights. And because of our belief in the worth and dignity of the individual, we have constructed a framework of constitutional law to protect and enforce the rights of each citizen.

Implicit in both our spiritual and governmental life has always been the concept of responsibility accompanying privilege. For every right there is a corresponding duty.

Referring to Lord Moulton's categories of human action, our Founding Fathers deliberately expanded the realm of free choice beyond anything ever attempted before.

In all of their recorded statements or published writings, so far as I can determine, there is nothing to indicate they ever gave any credence to the idea that civil responsibility was a collective matter. To them it was highly personal and individual—and they had supreme confidence in the ability of a free republic, conceived in liberty and dedicated to human welfare, to grow and prosper under this concept. In short, they were convinced that it is the individual who makes society, and not society the individual.

Contrast that with the modern doctrine expressed by sociologists and, unfortunately, even some public officials, that society is somehow responsible for the criminal acts of a few individuals. For example, how often have you heard well-meaning people say that "society is really to blame for juvenile delinquency"?

Or consider the rash of statements in the wake of the terrible riots in Los Angeles. From spokesmen prominent in government, religion, and the civil rights movement we heard incredible assertions that all of us must share some of the guilt of those who killed, burned, and looted.

This absurd notion should have no place in American thought. The fact that it has been accepted by so many otherwise intelligent people is a graphic illustration of how far we have deviated from our original principles.

Those who assembled at Philadelphia to write the Constitution would have rejected this kind of thinking. They believed—as we still do—that man does have the inherent capacity to govern himself, if he is encouraged and trained to do so.

Thus our Constitution and laws impose the minimum possible amount of restraint upon the individual in the exercise of his freedom.

Again in Lord Moulton's terms, our system places a tremendous degree of trust in the individual citizen to obey self-imposed law. And by that standard of measurement, we did indeed achieve greatness as a nation. At the same time, however, the founders of our Republic knew very well that unrestricted democracy would degenerate into anarchy, just as unbridled license will destroy the individual. James Madison and Alexander Hamilton, two of the authentic geniuses of the Convention, argued this point with eloquence and determination. It was Hamilton who declared, and I quote:

"Give all power to the many, and they will oppress the few. Give all power to the few, they will oppress the many. Both, therefore, ought to have the power that each may defend itself against the other. * * * We are forming a republican government. Real liberty is never found in despotism or the extremes of democracy. If we incline too much to democracy, we shall soon shoot into monarchy."

The inspired result was a system of government which defined and guaranteed individual rights but also demanded of each citizen that he respect the rights of others. This duty of the individual citizen, under our system of constitutional government, is in perfect harmony with the spiritual commands of the Christian faith, because it is derived directly from them.

When we say that every American should respect the rights of others, whether it be their person or property, isn't this just another practical way of following the Golden Rule of Christ? We were told by Christ that all laws rested upon two fundamental commandments; namely, that we should love the Lord above all things and that we should also love our neighbors as ourselves.

From the fine presentation by Senator **Jennings Randolph** at one of our recent meetings, you will recall the intense labor and dedication that went into the Declaration of Independence, and our Constitution. These guidelines were hammered out by men who risked everything they had for the public interest.

It should be emphasized that nowhere in the Constitution is there any mention of race or class or varying degrees of privilege. Those demagogs who preach that our Constitution is obsolete should remember that our Nation offers political privileges and freedoms unmatched by any nation on earth.

Likewise, those who incite disobedience of the law to gain privileged status—under the protective cloak of constitutional rights—are demonstrating a dangerous ignorance of their Nation's history and purpose.

By now, only the most prejudiced or naive observers would deny that apostles of nonviolence have had a cumulative effect on public respect for law and order. The ugly explosions of mob violence in Los Angeles, Chicago, and elsewhere can be traced—at least in part—to the pernicious doctrine that a citizen can be selective in his obedience to law.

One of our most acclaimed modern theologians, Reinhold Niebuhr, has pointed out that internal order, after all, is the first necessity of every society. Logically, it ranks ahead of even justice, for without order there can be no society and no justice.

Americans of today tend to forget that our truly great leaders of the past passionately believed what the Declaration of Independence and the Constitution said.

There is not the faintest suggestion of class consciousness or class action in the Constitution. Its only requirement of those who aspire to public office, for example, is an oath to support and defend that Constitution. The results have been phenomenal—Presidents, Senators, and judges from muledrivers and railsplitters. We made college presidents of men who worked their way through school, railroad presidents out of section hands, bank presidents out of boys who ran errands, and captains of industry from men who worked in the factories.

Oddly enough, by today's standards all of these men would have been considered underprivileged. To the extent that we have allowed ourselves to become class conscious, we have become a house divided by race and color, by capital and labor, and by rural and urban.

In our preoccupation with current disorders and problems, we have downgraded our own magnificent record of the past—a record of individual achievement and national progress unequaled in history. Our system works because it is based on the record of human experience and because it is, in the final analysis, rooted strongly in our common religious tradition. There is nothing in that religious tradition which holds that we can justify immoral acts on material grounds.

Neither our spiritual nor our governmental heritage tells us that a man may disobey the legal and moral codes with impunity if he considers himself underprivileged by comparison with his neighbors. On the contrary, we know that man cannot excuse what the Creator himself forbids. William Penn summed it up very well when he warned that:

"Those people who will not be governed by God will be ruled by tyrants."

It is an ugly perversion of our system to suggest that individual citizens have different degrees of responsibility to one another, and to the Nation, depending upon whether they are white, black, red, yellow, rich, middle class, or poor. Just as the Creator's Commandments apply equally to all men, so do our constitutional requirements of responsibility apply across the board to all citizens.

In recent times we have seen the tragic consequences of downgrading individual responsibility and respect for the system of law that brought the American people to power and prominence. In the latest agitations can be seen the ominous disposition to substitute a government of men and emotions for a government of laws—and this is surely the way to chaos.

It is particularly disturbing to find so many religious leaders lending the moral prestige of their calling to movements which can only undermine the foundations of our country. But it is also encouraging to note that many of them are alert to the danger and are speaking out with vigor and courage. One of them is the rector of a large church in my home city of Phoenix—the Reverend Paul Urbano—whose sermons and articles on contemporary matters have been widely reprinted. He has not hesitated to denounce so-called crusades for rights that degenerate into street mobs—for the very good reason that they imperil other rights just as important. He concluded one sermon with the following words which I wish every citizen in our land would heed—and I quote:

"The way to improve a society is to keep the law and to improve the heart. We must do both if we are to solve our dilemma."

And in a masterful column earlier this month he concluded with the following observation I want to share with you. Again I quote:

"A great society is necessarily composed of great individuals. Nothing else ever has or can make a great society. A great society has little if anything to do with affluence; but it has a great deal to do with justice and the rule of law."

We have witnessed to our sorrow what happens when men are told they can achieve desirable goals by evil methods—especially when they are led to believe their violence is justified. Even the ancient pagan thinkers knew better than this. Aristotle, for example, warned more than 2,500 years ago that men will not obey the law unless they acquire the habit of obeying.

The doctrine of violence to bring about change is as old as the primitive jungle. It is an alien and atheistic doctrine that should have no place in America thought—and it must be repudiated. We will not deserve or long enjoy freedom if we permit any compromise of our principles on this issue.

Psychiatrists and clergymen may disagree on many things, but on one point they are in complete agreement—and that is that men keep laws and commandments largely out of fear. The religious man obeys because he fears God. But the material man obeys because he fears the consequences if he gets caught. Reason tells us that if the consequences are neither swift nor certain, then the fear is minimized.

Something like this has been happening for a long time in our society. Given enough time, the slow erosion of respect for law and order can destroy America just as surely as all the nuclear missiles in the Soviet arsenal.

Modern Historian Arnold Toynbee, in his monumental study, has pointed out that almost all of the great civilizations on earth have eventually withered and fallen from internal decay, not from external force. And another famous British historian, Thomas Macaulay, who died on the eve of our Civil War, wrote the following prophesy:

"Your Republic will be fearfully plundered and laid waste by barbarians in the 20th century as the Roman Empire was in the 5th, with this difference: That the Huns and vandals who ravaged the Roman Empire came from without—and your Huns and vandals will have been engendered within your own country, by your own institutions."

In my judgment, every American today in any position of leadership, whatever the field, has a compelling duty to prove this prediction was wrong. Let it not be said of us by some future historian that we tried to establish a reign of law based on the consent of the governed—and that we failed.

Instead, let us remember the counsel of the 112th Psalm, which tells us that the man who delights in the Lord's commandments will be blessed and his descendants will be mighty in the land.

And as we work together in this cause, we would do well to remember the words of St. Paul when he told Timothy that "The law is good, if a man use it lawfully."

PROGRESS OF BIRTH CONTROL HEARINGS ON S. 1676

Mr. GRUENING. Mr. President, during the course of this Congress the number of Senate sponsors of S. 1676, my bill to coordinate and disseminate birth control information upon request has increased. This is gratifying and, I believe, indicative of the growing concern we have as to how the population dilemma can be solved.

When S. 1676 was introduced on April 1, joining me as cosponsors were the Senator from Maryland [Mr. TYDINGS], the Senator from Tennessee [Mr. BASS], the Senator from Alaska [Mr. BARTLETT], the Senator from Illinois [Mr. DOUGLAS], the Senator from Utah [Mr. MOSS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG].

Since S. 1676 was introduced the following colleagues have requested that their names be added as cosponsors.

They are the Senator from Michigan [Mr. HART], the Senator from Colorado [Mr. DOMINICK], the Senator from Wyoming [Mr. SIMPSON], the Senator from West Virginia [Mr. BYRD], and today I ask unanimous consent that the name of the Senator from South Dakota [Mr. MCGOVERN] be added as a cosponsor of S. 1676 and that his name be listed among the sponsors at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. Mr. President, thus far this session of the Congress the Subcommittee on Foreign Aid Expenditures has held 15 public hearings on S. 1676. The subcommittee has learned a great deal from these hearings and expects to learn much more as it makes its way along the population dialog path.

The hearings have brought out the crucial relationship between the dissemination of birth control information as lack of that information relates to poverty, health, educational needs, quality of life, responsible parenthood, broken homes, national economy, natural resources, crime, and juvenile delinquency. The hearings have covered many aspects of these vital problems both at home and abroad.

Very distinguished witnesses have testified. Others will have the opportunity to be heard when the hearings resume in the second session of the 89th Congress.

So that readers of the CONGRESSIONAL RECORD may have a better idea of the scope of the hearings to date, I ask unanimous consent that the names of witnesses who have testified be printed in the RECORD at the close of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF WITNESSES APPEARING BEFORE THE SENATE SUBCOMMITTEE ON FOREIGN AID EXPENDITURES FOR HEARINGS ON S. 1676, A BILL TO COORDINATE AND DISSEMINATE BIRTH CONTROL INFORMATION

JUNE 22, 1965

Representative PAUL TODD, Democrat, of Michigan (Kalamazoo), a U.S. Representative from the Third Congressional District of the State of Michigan.

Representative MORRIS K. UDALL, Democrat, of Arizona (Tucson), a U.S. Representative from the Second Congressional District of the State of Arizona.

Senator JOSEPH S. CLARK, Democrat, of Pennsylvania (Philadelphia), a U.S. Senator from the State of Pennsylvania.

Senator FRANK E. MOSS, Democrat, of Utah (Salt Lake City), a U.S. Senator from the State of Utah.

Representative D. R. MATTHEWS, Democrat, of Florida (Gainesville), a U.S. Representative from the Eighth Congressional District of the State of Florida.

Senator RALPH W. YARBOROUGH, Democrat, of Texas (Austin), a U.S. Senator from the State of Texas.

JUNE 23, 1965

Dr. Frederick Seitz, Washington, D.C., president, National Academy of Sciences.

Senator JOSEPH D. TYDINGS, Democrat, of Maryland (Havre de Grace), a U.S. Senator from the State of Maryland.

Representative JAMES H. SCHEUER, Democrat, of New York (New York City), a U.S. Representative from the 21st Congressional District of the State of New York.

Representative O. C. FISHER, Democrat, of Texas (San Angelo), a U.S. Representative from the 21st Congressional District of the State of Texas.

Robert C. Cook, Washington, D.C., president, Population Reference Bureau.

JUNE 29, 1965

Gen. William H. Draper, Jr., Palo Alto, Calif., chairman of 1959 Draper Committee which dealt with military and economic aspects of foreign aid.

Dr. George B. Kistiakowsky, Cambridge, Mass., special assistant for science and technology to former President Eisenhower and professor at Harvard.

Dr. John Rock, Brookline, Mass., distinguished Catholic gynecologist and author, a major contributor to the development of the oral contraceptive pill.

JULY 9, 1965

Dr. Alberto Lleras Camargo, former president of Colombia and president of the editorial board of the Latin American magazine Vision and Progreso.

Ben H. Bagdikian, Washington, D.C., author of "In the Midst of Plenty: The Poor in America."

JULY 21, 1965

Hon. Kenneth Keating, New York City, national chairman of the Population Crisis Committee, former Senator from New York State.

Hon. John Martin, Grand Rapids, Mich., State chairman of the Republican Party of Michigan, attorney.

Mrs. Gladys Avery Tillett, Charlotte, N.C., U.S. Representative to the United Nations Commission on the Status of Women.

George J. Hecht, New York City, publisher of Parents' magazine and chairman of the American Parents Committee.

Gertrude S. Friedman, Ph.D., Washington, D.C., representing the Unitarian Universalist Association.

Representative JOHN CONYERS, JR., Democrat of Michigan (Detroit), a U.S. Representative from the First Congressional District of the State of Michigan.

JULY 28, 1965

Hon. Chester Bowles, U.S. Ambassador to India.

John D. Rockefeller 3d, New York City, chairman of the board of the Population Council.

Dr. Frank Notestein, New York City, president of the Population Council and demographer.

Dr. Joseph L. Fisher, Washington, D.C., president of Resources for the Future, Inc.

AUGUST 10, 1965

Hon. Stewart L. Udall, Washington, D.C., Secretary of the Interior.

Senator PETER H. DOMINICK, Republican of Colorado (Englewood), a U.S. Senator from the State of Colorado.

Dr. Alan F. Guttmacher, New York City, gynecologist and obstetrician, president of Planned Parenthood—World Population.

Dr Ernest M. Solomon, Chicago, Ill., gynecologist and obstetrician, representing the Commission on Social Action of Reform Judaism.

AUGUST 11, 1965

Hon. Walter N. Tobriner, Washington, D.C., president of Board of Commissioners.

Mrs. Fred A. Schumacher, Washington, D.C., executive director of Planned Parenthood Association of Metropolitan Washington, D.C.

Dr. Robert B. Nelson, Washington, D.C., gynecologist and obstetrician, medical director of Planned Parenthood Association of Metropolitan Washington, D.C.

Dr. Murray Grant, Washington, D.C., Director of Public Health, District of Columbia Department of Health.

AUGUST 17, 1965

Hon. Robert B. Duncan, Medford, Oreg., a U.S. Representative from Oregon.[1]

Dr. Andre Hellegers, Baltimore, Md., associate professor of obstetrics and gynecology, Johns Hopkins University Hospital.

AUGUST 18, 1965

Hon. Marriner Eccles, Salt Lake City, Utah, former Chairman, Board of Governors, Federal Reserve Board.

Dr. Ernest Lyman Stebbins, Baltimore, Md., dean, School of Hygiene and Public Health, Johns Hopkins University.

Dr. Leslie Corsa, Jr., Ann Arbor, Mich., director, Center for Population Planning, School of Public Health, University of Michigan.

AUGUST 24, 1965

Rev. Dexter L. Hanley, S.J., Washington, D.C., director, Institute of Law, Human Rights and Social Values, Georgetown University Law Center.

Mrs. Birgitta Linner, Uppsala, Sweden, author, family counselor, and teacher.

Mrs. Gabrielle Edgcomb, Washington, D.C., Women's International League for Peace and Freedom.

Mr. William B. Ball, Harrisburg, Pa., general counsel, Pennsylvania Catholic Welfare Committee.

AUGUST 31, 1965

Hon. Milward L. Simpson, Cody. Wyo., U.S. Senator from Wyoming.

Dr. Mary Calderone, New York City, executive director, Sex Information and Education Council of the United States (SIECUS).

Henry Caulfield, Washington, D.C. director, Department of the Interior's resources program staff.

James V. Bennett, Kenwood Park, Md., former Director, Bureau of Prisons, U.S. Department of Justice.

Dr. Virgil M. Rogers, Washington, D.C. director, automation project, National Education Association; and former dean of education, Syracuse University.

Harold W. Swank, Springfield, Ill., director, Illinois Public Aid Commission.[2]

SEPTEMBER 8, 1965

Clifford C. Nelson, New York City, president, the American Assembly Columbia University.

Dr. Joseph Hall, Miami, Fla., superintendent, Dade County (Fla.) Schools.[3]

Mrs. Jane Roberts, Miami, Fla., chairman, Dade County (Fla.) Board of Education.[3]

Frank Sloan, Miami, Fla., chief of planning and policy, Dade County (Fla.) Schools.[3]

SEPTEMBER 15, 1965

Hon. John Brademas, South Bend, Ind., U.S. Representative from Third District of the State of Indiana.

Harold W. Swank, Springfield, Ill., director, Illinois Public Aid Commission.

Wallace Kuralt, Charlotte, N.C., director, Mecklenburg County Department of Public Welfare.

George Wyman, Albany, N.Y., commissioner, New York State Department of Social Welfare; chairman, American Public Welfare Association Committee on Public Welfare Policy; former director, California State Department of Social Welfare.

SEPTEMBER 22, 1965

Oscar Harkavy, Ph. D., New York City, director, population program, the Ford Foundation.

Bernard Berelson, Ph. D., New York City, vice president, the Population Council.

Irene Taeuber, Ph. D., Washington, D.C., senior research demographer, office of population research, Princeton University.

Dr. Jack Lippes, M.D., Buffalo (Kenmore), N.Y., inventor of Lippes Loop, an intrauterine device.

AMENDMENT OF CLEAN AIR ACT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 306) to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes, which were, to strike out all after the enacting clause and insert:

TITLE I—AMENDMENTS TO CLEAN AIR ACT

Sec. 101. The Clean Air Act is amended (1) by inserting immediately above the heading of section 1: "TITLE I—AIR POLLUTION PREVENTION AND CONTROL"; (2) by changing the words "this Act" wherever they appear in sections 1 through 7 to "this title"; (3) by redesignating sections 1 through 7 and references thereto as sections 101 through 107; (4) by redesignating sections 8 through 14 and references thereto as sections 301 through 307; (5) by inserting immediately above the heading of the so redesignated section 301: "TITLE III—GENERAL"; (6) by striking out subsection (a) of the so redesignated section 306 and striking out the letter (b) at the beginning of subsection (b) in the so redesignated section 306; (7) by striking out "this Act" in the so redesignated section 306 and inserting in lieu thereof "title I"; and (8) by inserting after the so redesignated section 107 and before the heading of such title III the following new title:

"TITLE II—CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES

"Short title

"Sec. 201. This title may be cited as the 'Motor Vehicle Air Pollution Control Act'.

"Establishment of standards

"Sec. 202. (a) The Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable standards, applicable to the emission of any kind of substance, from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons, and such standards shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution.

"(b) Any regulations initially prescribed under this section, and amendments thereto, with respect to any class of new motor vehicles or new motor vehicle engines shall become effective on the effective date specified in the order promulgating such regulations which date shall be determined by the Secretary after consideration of the period reasonably necessary for industry compliance.

"Prohibited acts

"Sec. 203. (a) The following acts and the causing thereof are prohibited—

"(1) in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the manufacture for sale, the sale, or the offering for sale, or the introduction or delivery for introduction into commerce, or the importation into the United States for sale or resale, of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this title which are applicable to such vehicle or engine unless it is in conformity with regulations prescribed under section 202 (except as provided in subsection (b));

"(2) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information, required under section 207; or

"(3) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser.

"(b)(1) The Secretary may exempt any new motor vehicle or new motor vehicle engine, or class thereof, from subsection (a), upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"(2) A new motor vehicle or new motor vehicle engine offered for importation by a manufacturer in violation of subsection (a) shall be refused admission into the United States, but the Secretary of the Treasury and the Secretary of Health, Education, and Welfare may, by joint regulation, provide for deferring final determination as to admission and authorizing the delivery of such a motor vehicle or engine offered for import to the owner or consignee thereof upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle or engine will be brought into conformity with the standards, requirements, and limitations applicable to it under this title. The Secretary of the Treasury shall, if a motor vehicle or engine is finally refused admission under this paragraph, cause disposition thereof in accordance with the customs laws unless it is exported, under regulations prescribed by such Secretary, within ninety days of the date of notice of such refusal or such additional time as may be permitted pursuant to such regulations, except that disposition in accordance with the customs laws may not be made in such manner as may result, directly or indirectly, in the date, to the ultimate consumer, of a new motor vehicle or new motor vehicle engine that fails to comply with applicable standards of the Secretary of Health, Education, and Welfare under this title.

"(3) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall not be subject to the provisions of subsection (a).

"Injunction proceedings

"Sec. 204. (a) The district courts of the United States shall have jurisdiction to restrain violations of paragraph (1), (2), or (3) of section 203(a).

"(b) Actions to restrain such violations shall be brought by and in the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

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[1] Unable to testify due to illness.

[2] Rescheduled to testify on Sept. 15, 1965.

[3] Unable to testify due to inclement weather.

"*Penalties*

"SEC. 205. Any person who violates paragraph (1), (2), or (3) of section 203(a) shall be subject to a fine or not more than $1,000. Such violation with respect to section 203 (a)(1) and 203(a)(3) shall constitute a separate offense with respect to each new motor vehicle or new motor vehicle engine.

"*Certification*

"SEC. 206. (a) Upon application of the manufacturer, the Secretary shall test, or require to be tested, in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by such manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this title. If such vehicle or engine conforms to such regulations the Secretary shall issue a certificate of conformity, upon such terms, and for such period not less than one year, as he may prescribe.

"(b) Any new motor vehicle or any motor vehicle engine sold by such manufacturer which is in all material respects substantially the same construction as the test vehicle or engine for which a certificate has been issued under subsection (a), shall for the purposes of this Act be deemed to be in conformity with the regulations issued under section 202 of this title.

"*Records and reports*

"SEC. 207. (a) Every manufacturer shall establish and maintain such records, make such reports, and provide such information, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee at reasonable times, to have access to and copy such records.

"(b) All information reported or otherwise obtained by the Secretary or his representative pursuant to subsection (a), which information contains or relates to a trade secret of other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of such section 1905, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

"*Definitions for title II*

"SEC. 208. As used in this title—

"(1) The term 'manufacturer' means any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or importing such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles or new motor vehicle engines, but shall not include any dealer with respect to new motor vehicles or new motor vehicle engines received by him in commerce.

"(2) The term 'motor vehicle' means any self-propelled vehicle designed for transporting persons or property on a street or highway.

"(3) The term 'new motor vehicle' means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser; and the term 'new motor vehicle engine' means an engine in a new motor vehicle or a motor vehicle engine the equitable or legal title to which has never been transferred to the ultimate purchaser.

"(4) The term 'dealer' means any person who is engaged in the sale or the distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.

"(5) The term 'ultimate purchaser' means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

"(6) The term 'commerce' means (A) commerce between any place in any State and any place outside thereof; and (B) commerce wholly within the District of Columbia.

"*Appropriations*

"SEC. 209. There is hereby authorized to be appropriated to carry out this title II, not to exceed $470,000 for the fiscal year ending June 30, 1966, not to exceed $845,000 for the fiscal year ending June 30, 1967, not to exceed $1,195,000 for the fiscal year ending June 30, 1968, and not to exceed $1,470,000 for the fiscal year ending June 30, 1969."

SEC. 102. (a) Paragraph (1) of subsection (c) of the redesignated section 105 of the Clean Air Act (which relates to abatement of air pollution) is amended by adding at the end thereof the following new subparagraph:

"(D) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) which endangers the health or welfare of persons in a foreign country is occurring, or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Secretary of Health, Education, and Welfare shall give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in the jurisdictional area of which such municipality is located, and shall call promptly a conference of such agency or agencies. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State air pollution control agency. This subparagraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention or control of air pollution occurring in that country as is given that country by this subparagraph."

(b) So much of subsection (f) of such redesignated section 105 as precedes clause (2) of such subsection is amended to read as follows:

"(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

"(1) in the case of pollution of air which is endangering the health or welfare of persons (A) in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, or (B) in a foreign country which has participated in a conference called under subparagraph (D) of subsection (c) of this section and in all proceedings under this section resulting from such conference, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution, and".

SEC. 103. Redesignated section 103 of the Clean Air Act (which relates to research, investigations, and training) is amended—

(1) by striking out the word "and" at the end of paragraphs (1), (2), and (3) of subsection (a) thereof;

(2) by striking out the period at the end of paragraph (4) of subsection (a) thereof and inserting in lieu thereof "; and";

(3) by adding after paragraph (4) of subsection (a) thereof the following new paragraph (5):

"(5) conduct and accelerate research programs (A) relating to the means of controlling hydrocarbon emissions resulting from the evaporation of gasoline in carburetors and fuel tanks, and the means of controlling emissions of oxides of nitrogen and aldehydes from gasoline-powered or diesel-powered vehicles, and to carry out such research the Secretary shall consult with the technical committee established under section 106 of this Act, and for research concerning diesel-powered vehicles he may add to such committee such representatives from the diesel-powered vehicle industry as he deems appropriate; and (B) directed toward the development of improved low-cost techniques designed to reduce emissions of oxides of sulfur produced by the combustion of sulfur-containing fuels."; and

(4) by adding at the end of such section the following new subsections:

"(d) The Secretary is authorized to construct such facilities and staff and equip them as he determines to be necessary to carry out his functions under this Act.

"(e) If, in the judgment of the Secretary, an air pollution problem of substantial significance may result from discharge or discharges into the atmosphere, he may call a conference concerning this potential air pollution problem to be held in or near one or more of the places where such discharge or discharges are occurring or will occur. All interested persons shall be given an opportunity to be heard at such conference, either orally or in writing, and shall be permitted to appear in person or by representative in accordance with procedures prescribed by the Secretary. If the Secretary finds, on the basis of the evidence presented at such conference, that the discharge or discharges if permitted to take place or continue are likely to cause or contribute to air pollution subject to abatement under section 105(a), he shall send such findings, together with recommendations concerning the measures which he finds reasonable and suitable to prevent such pollution, to the person or persons whose actions will result in the discharge or discharges involved; to air pollution agencies of the State or States and of the municipality or municipalities where such discharge or discharges will originate; and to the interstate air pollution control agency, if any, in the jurisdictional area of which any such municipality is located. Such findings and recommendations shall be advisory only, but shall be admitted, together with the record of the conference, as part of the record of proceedings under subsections (c), (d), and (e) of section 105."

TITLE II—SOLID WASTE DISPOSAL

Short title

SEC. 201. This title (hereinafter referred to as "this Act") may be cited as the "Solid Waste Disposal Act".

Findings and purposes

SEC. 202. (a) The Congress finds—

(1) that the continuing technological progress and improvement in methods of manufacture, packaging, and marketing of consumer products has resulted in an ever-mounting increase, and in a change in the characteristics, of the mass of material discarded by the purchaser of such products;

(2) that the economic and population growth of our Nation, and the improvements in the standard of living enjoyed by our population, have required increased industrial production to meet our needs, and have made necessary the demolition of old buildings, the construction of new buildings, and the provision of highways and other avenues of transportation, which, together with related industrial, commercial, and agricultural operations, have resulted in a rising tide of scrap, discarded, and waste materials;

(3) that the continuing concentration of our population in expanding metropolitan and other urban areas has presented these communities with serious financial, management, intergovernmental, and technical problems in the disposal of solid wastes resulting from the industrial, commercial, domestic, and other activities carried on in such areas;

(4) that inefficient and improper methods of disposal of solid wastes result in scenic blights, create serious hazards to the public health, including pollution of air and water resources, accident hazards, and increase in rodent and insect vectors of disease, have an adverse effect on land values, create public nuisances, otherwise interfere with community life and development;

(5) that the failure or inability to salvage and reuse such materials economically results in the unnecessary waste and depletion of our natural resources; and

(6) that while the collection and disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies, the problems of waste disposal as set forth above have become a matter national in scope and in concern and necessitate Federal action through financial and technical assistance and leadership in the development, demonstration, and application of new and improved methods and processes to reduce the amount of waste and unsalvageable materials and to provide for proper and economical solid-waste disposal practices.

(b) The purposes of this Act therefore are—

(1) to initiate and accelerate a national research and development program for new and improved methods of proper and economic solid-waste disposal, including studies directed toward the conservation of natural resources by reducing the amount of waste and unsalvageable materials and by recovery and utilization of potential resources in solid wastes; and

(2) to provide technical and financial assistance to State and local governments and interstate agencies in the planning, development, and conduct of solid-waste disposal programs.

Definitions

SEC. 203. When used in this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare; except that such term means the Secretary of the Interior with respect to problems of solid waste resulting from the extraction, processing, or utilization of minerals or fossil fuels where the generation, production, or reuse of such waste is or may be controlled within the extraction, processing, or utilization facility or facilities and where such control is a feature of the technology or economy of the operation of such facility or facilities.

(2) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(3) The term "interstate agency" means an agency of two or more municipalities in different States, or an agency established by two or more States, with authority to provide for the disposal of solid wastes and serving two or more municipalities located in different States.

(4) The term "solid waste" means garbage, refuse, and other discarded solid materials, including solid-waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

(5) The term "solid-waste disposal" means the collection, storage, treatment, utilization, processing, or final disposal of solid waste.

(6) The term "construction", with respect to any project of construction under this Act, means (A) the erection or building of new structures and acquisition of lands or interests therein, or the acquisition, replacement, expansion, remodeling, alteration, modernization, or extension of existing structures, and (B) the acquisition and installation of initial equipment of, or required in connection with, new or newly acquired structures or the expanded, remodeled, altered, modernized or extended part of existing structures (including trucks and other motor vehicles, and tractors, cranes, and other machinery) necessary for the proper utilization and operation of the facility after completion of the project; and includes preliminary planning to determine the economic and engineering feasibility and the public health and safety aspects of the project, the engineering, architectural, legal, fiscal, and economic investigations and studies, and any surveys, designs, plans, working drawings, specifications, and other action necessary for the carrying out of the project, and (C) the inspection and supervision of the process carrying out the project to completion.

Research, demonstrations, training, and other activities

SEC. 204. (a) The Secretary shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, Interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the operation and financing of solid-waste disposal programs, the development and application of new and improved methods of solid-waste disposal (including devices and facilities therefor), and the reduction of the amount of such waste and unsalvageable waste materials.

(b) In carrying out the provisions of the preceding subsection, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of, and other information pertaining to, such research and other activities, including appropriate recommendations in connection therewith;

(2) cooperate with public and private agencies, institutions, and organizations, and with any industries involved in the preparation and the conduct of such research and other activities; and

(3) make grants-in-aid to public or private agencies and institutions and to individuals for research, training projects, surveys, and demonstrations (including construction of facilities), and provide for the conduct of research, training, surveys, and demonstrations by contract with public or private agencies and institutions and with individuals; and such contracts for research or demonstrations or both (including contracts for construction) may be made in accordance with and subject to the limitations provided with respect to research contracts of the military departments in title 10, United States Code, section 2353, except that the determination, approval, and certification required thereby shall be made by the Secretary.

(c) Any grant, agreement, or contract made or entered into under this section shall contain provisions effective to insure that all information, uses, processes, patents and other developments resulting from any activity undertaken pursuant to such grant, agreement, or contract will be made readily available on fair and equitable terms to industries utilizing methods of solid-waste disposal and industries engaging in furnishing devices, facilities, equipment, and supplies to be used in connection with solid-waste disposal. In carrying out the provisions of this section, the Secretary and each department, agency, and officer of the Federal Government having functions or duties under this Act shall make use of and adhere to the Statement of Government Patent Policy which was promulgated by the President in his memorandum of October 10, 1963. (3 CFR, 1963 Supp., p. 238.)

(d) Notwithstanding any other provision of this Act, the United States shall not make any grant to pay more than two-thirds of the cost of construction of any facility under this Act.

Interstate and interlocal cooperation

SEC. 205. The Secretary shall encourage cooperative activities by the States and local governments in connection with solid-waste disposal programs; encourage, when practicable, interstate, interlocal, and regional planning for, and the conduct of, interstate, interlocal, and regional solid-waste disposal programs; and encourage the enactment of improved and, so far as practicable, uniform State and local laws governing solid-waste disposal.

Grants for State and interstate planning

SEC. 206. (a) The Secretary may from time to time, upon such terms and conditions consistent with this section as he finds appropriate to carry out the purposes of this Act, make grants to State and interstate agencies of not to exceed 50 per centum of the cost of making surveys of solid-waste disposal practices and problems within the jurisdictional areas of such States or agencies, and of developing solid-waste disposal plans for such areas.

(b) In order to be eligible for a grant under this section the State, or the interstate agency, must submit an application therefor which—

(1) designates or establishes a single State agency (which may be an interdepartmental agency) or, in the case of an interstate agency, such interstate agency, as the sole agency for carrying out the purposes of this section;

(2) indicates the manner in which provision will be made to assure full consideration of all aspects of planning essential to statewide planning (or in the case of an interstate agency jurisdictionwide planning) for proper and effective solid-waste disposal consistent with the protection of the public health, including such factors as population growth, urban and metropolitan development, land use planning, water pollution control, air pollution control, and the feasibility of regional disposal programs;

(3) sets forth its plans for expenditure of such grant, which plans provide reasonable assurance of carrying out the purposes of this section;

(4) provides for submission of a final report of the activities of the State or interstate agency in carrying out the purposes of this section, and for the submission of such other reports, in such form and containing such information, as the Secretary may from time to time find necessary for carrying out the purposes of this section and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports; and

(5) provides for such fiscal-control and fund-accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the State or interstate agency under this section.

(c) The Secretary shall make a grant under this section only if he finds that there is satisfactory assurance that the planning of solid-waste disposal will be coordinated, so far as practicable, with other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954.

Labor standards

SEC. 207. No grant for a project of construction under this Act shall be made unless the Secretary finds that the application contains or is supported by reasonable assurance that all laborers and mechanics employed by contractors or subcontractors on projects of the type covered by the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with that Act; and the Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

Other authority not affected

SEC. 208. This Act shall not be construed as superseding or limiting the authorities and responsibilities, under any other provisions of law, of the Secretary of Health, Education, and Welfare, the Secretary of the Interior, or any other Federal officer, department, or agency.

Payments

SEC. 209. Payments of grants under this Act may be made (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary may determine.

Appropriations

SEC. 210. (a) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare, to carry out this Act, not to exceed $7,000,000 for the fiscal year ending June 30, 1966, not to exceed $14,000,000 for the fiscal year ending June 30, 1967, not to exceed $19,200,000 for the fiscal year ending June 30, 1968, and not to exceed $20,000,000 for the fiscal year ending June 30, 1969.

(b) There is hereby authorized to be appropriated to the Secretary of the Interior, to carry out this Act, not to exceed $3,000,000 for the fiscal year ending June 30, 1966, not to exceed $6,000,000 for the fiscal year ending June 30, 1967, not to exceed $10,800,000 for the fiscal year ending June 30, 1968, and not to exceed $12,500,000 for the fiscal year ending June 30, 1969.

And to amend the title so as to read: "An Act to amend the Clean Air Act to require standards for controlling the emission of pollutants from certain motor vehicles, to authorize a research and development program with respect to solid-waste disposal, and for other purposes."

Mr. MUSKIE. Mr. President, the Senate passed S. 306, amending the Clean Air Act and establishing a solid waste disposal program, on May 18, 1965. The House of Representatives passed an amended version of the bill on September 24, 1965.

There are several differences between the two versions of the bill, but after consultation with representatives of the Department of Health, Education, and Welfare, the members of the Subcommittee on Air and Water Pollution of the Committee on Public Works have determined that the House version is a sound and reasonable proposal and have decided to recommend that the Senate concur in the House amendments.

I have discussed the differences between the two versions of S. 306 with Secretary of Health, Education, and Welfare Gardner and with Chairman OREN HARRIS of the House Committee on Interstate and Foreign Commerce. I am satisfied that the intent of the Senate is carried out by the House version and that the Department will administer the bill in accordance without the legislative history in the Senate.

I ask unanimous consent that a letter from Acting Secretary of Health, Education, and Welfare Wilbur Cohen be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., September 29, 1965.
Hon. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MUSKIE: The Clean Air Act amendments and the Solid Waste Disposal Act (S. 306) passed the House on Friday, September 24, with amendments.

It is my understanding that you are particularly concerned with an amendment to section 202(b) of the bill, which provides authority for the Secretary to establish regulations prescribing standards applicable to the emission of exhaust fumes from motor vehicles. Your committee recommended, and the Senate adopted, September 1, 1967, as the effective date by which regulations must be promulgated. The House amendment eliminated this date and left the time of effective regulations to the discretion of the Secretary.

Testimony from the automobile industry indicated that control systems could be applied on the 1968 models, and we see no reason to delay the application of standards beyond that period. It is our intention to promulgate our initial regulations in time for application to the 1968 model year. Although the House amendment would permit the application of exhaust standards to diesel-powered vehicles as well, we do not intend to apply standards until we are satisfied that the technology of diesel exhaust control is sufficiently developed.

We prefer the flexibility of the House version of section 202, although we are planning to follow the general intent of the Senate version, both with respect to application of standards to the 1968 model automobiles and the further development of standards for emissions from diesel powered vehicles.

The House added to section 209 of the bill a new subsection (e) which provides authority to call conferences with respect to air pollution problems of substantial significance which may occur. This provision was recommended by the President to provide preventive measures in addition to the abatement procedures now contained in the Clean Air Act. We do not intend to administer this provision as a substitute for the abatement provisions of the Clean Air Act. Moreover, we do not intend to apply this provision in situations where the affected States have established their own air pollution control enforcement programs. Conferences on potential air pollution problems would be relatively rare, but they would provide an important and useful tool for the prevention, as well as control, of air pollution. We can assure you that we plan to pursue a vigorous program under the abatement provisions of the Clean Air Act.

I hope that you will be able to recommend to your committee, and to the Senate, that the House-passed S. 306 be adopted, and thus permit this important legislation to be enacted into law in this session.

I, or my staff, will be available to discuss these points with you at any time.

Sincerely,

WILBUR J. COHEN,
Acting Secretary.

Mr. MUSKIE. Mr. President, Mr. Cohen's letter provides answers on three specific questions I raised with Secretary Gardner. I shall refer to these in the course of my remarks.

The first major difference between the two versions of the bill is in the section dealing with restrictions on automotive exhaust emissions from new cars. The bill, as passed by the Senate, required that these restrictions be applied by September 1, 1967—in other words, on the 1968 model year cars. The House version dropped the date, leaving the time of application to the discretion of the Secretary of Health, Education, and Welfare.

I have been assured by Chairman HARRIS that it was not the intention of the House that the application date of the standards for automobiles go beyond the date specified in the Senate bill. Secretary Gardner reassured me on this point. Acting Secretary Cohen's letter says:

> Testimony from the automobile industry indicated that control systems could be applied on the 1968 models, and we see no reason to delay the application of standards beyond that period. It is our intention to promulgate our initial regulations in time for application to the 1968 model year.

I have been advised by the Department of Health, Education, and Welfare that the regulations can be promulgated within the next couple of months and that the automobile industry has assured the Department that under those circumstances it can meet the deadline. The members of the Subcommittee on Air and Water Pollution expect that date to be kept and will watch developments under this section closely.

The House version dropped a Senate provision calling for the development of criteria on diesel exhausts and incorporated new diesel engines under the general authority to establish standards on automotive exhausts.

The Senate subcommittee was concerned because, as of the time of our hearings and since, we have received no information to indicate sufficient technological knowledge to control diesel emissions through engine modifications or devices. The Department shares this concern and has advised us in Acting Secretary Cohen's letter that—

> Although the House amendment would permit the application of exhaust standards to diesel-powered vehicles as well, we do not intend to apply standards until we are satisfied that the technology of diesel exhaust control is sufficiently developed.

The House made changes in the inspection provisions of S. 306, but the committee is satisfied that the differences will not reduce the effectiveness of the Department's surveillance and control over compliance with standards established under the act.

There is a minor change in the control over cars destined for export. The Senate version required that such cars comply with standards in the country of destination. The House version leaves such controls to the importing country. We have no objection to this change.

The House places ceilings on the authorizations for administrative funds. We do not consider these as limiting the effectiveness of the program.

Both versions of S. 306 contain amendments to the Clean Air Act authorizing enforcement procedures in cases where pollution from the United States endangers the health or welfare of persons in another country. The House amended the Senate version to make this provision applicable only in those cases where there is a reciprocal agreement with the affected country. The subcommittee does not object to this change.

The House added an amendment to the Clean Air Act which permits the Secretary to call a conference where there is a potential interstate pollution problem of substantial significance. The subcommittee was concerned that this provision not be used as an excuse to avoid enforcement in existing cases and that it not be used to interfere in those States where there are established air pollution control enforcement programs.

The Department has reassured us on both points in Mr. Cohen's letter:

> We do not intend to administer this provision as a substitute for the abatement procedures now contained in the Clean Air Act. Moreover, we do not intend to apply this provision in situations where the affected States have established their own air pollution control enforcement programs.

Mr. President, these are the differences between the two versions of S. 306 which concerned us. We are satisfied that the Senate can accept the House version, knowing that we will have improved the Clean Air Act, taken a major step toward the control of automotive exhausts, and started a new program for the control of solid waste disposal. I urge that the Senate concur in the House amendments.

In closing, Mr. President, I want to express my appreciation to my colleagues on the Subcommittee on Air and Water Pollution and to the staffs of the Public Works Committee and the committee members for their contribution to the bill. I want to commend the members of the House committee, and particularly Chairman HARRIS, for the contribution they have made to the improved Federal program for the control and abatement of air pollution.

Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

CONSTRUCTION AND OPERATION OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN AREAS AFFECTED BY A MAJOR DISASTER

The Senate resumed the consideration of the bill (H.R. 9022) to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to eliminate inequities in the application of Public Law 815 in certain military base closings; to make uniform eligibility requirements for school districts in Public Law 874; and for other purposes.

Mr. CLARK. Mr. President, H.R. 9022 passed the House on August 30 by a vote of 304 to 37. It resulted from an earlier bill which was a companion measure to S. 289, upon which the Education Subcommittee of the Senate Committee on Labor and Public Welfare held hearings on May 4, 1965.

The Senate, on July 22, in passing S. 1861, a disaster measure reported from the Committee on Public Works, incorporated many of the major provisions of H.R. 9022. Through an understanding arrived at with the Public Works Committee Senators in charge of S. 1861, it was then agreed that if H.R. 9022 cleared the House of Representatives and the Senate prior to the time that the House acted upon S. 1861, that portion of S. 1861 referring to school aid could be deleted from S. 1861 by the House Public Works Committee.

H.R. 9022, as was S. 289, is cast in the form of an amendment to Public Laws 815 and 874 through the addition of new sections to those acts.

Briefly, the proposed legislation would vest power with the Commissioner of Education, upon a Presidential finding that a major natural disaster had occurred, to provide immediate financial assistance to local educational agencies in the disaster struck areas through use of funds already appropriated for the operation of Public Laws 815 and 874. The assistance could be in the form of either a grant or, where the Commissioner finds it to be in the public interest, in the form of a repayable advance.

The restoration to the regular program of the funds thus used would be through the mechanism of a supplemental appropriations bill.

The funds provided under the legislation would be made available upon the findings by the Commissioner:

First, that public elementary and secondary school facilities had been destroyed or seriously damaged;

Second, that the local educational agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance, including insurance, for the replacement or restoration of the damaged facilities;

Third, that the local educational agency does not have sufficient funds available to it to provide minimum school facilities; and

Fourth, that, to the extent the operations of private elementary and secondary schools in the school attendance area of the local educational agency have been disrupted or impaired by the disaster, the local educational agency has made provision for the conduct of educational programs under public auspices and administration in which children formerly enrolled in the private elementary and secondary schools may participate.

In addition to the immediate aid for restoration of damaged facilities, the legislation also contemplates providing program assistance for a 5-year period following the disaster in an amount which would reflect the difference between what the local educational agency could raise from its tax resources and the amount necessary to provide a level of education equivalent to that maintained in the school during the fiscal year preceding the disaster, taking into account the additional costs reasonably necessary to meet its obligation of providing interim education to the non-public-school children.

The amount of the aid for the fiscal year in which the disaster occurred and the first fiscal year thereafter would be 100 percent of the difference between what can be raised by the local school agency and what is needed to provide such educational services, including services to nonpublic school children. Thereafter, such aid would be progressively decreased to 75 percent, 50 percent, and 25 percent of the amount provided in the disaster year.

Section 3 of H.R. 9022 was added to the disaster sections of the bill by the House committee. It amends Public Law 815 to provide that the Commissioner of Education will disregard the announcement made November 19, 1964, of a decrease in or a cessation of Federal activities in certain areas and that he shall carry out the act as if such announcements had not been made. This provision will only affect a few school districts which had made extensive preparation for the construction of new facilities, relying upon Federal funds to which they had been given preliminary notice of entitlement. The six school districts affected are located in Nebraska, Wisconsin, Texas, and Montana. Additional information on this point is set forth on pages 5 and 6 on the committee report.

Section 4 of H.R. 9022 modifies Public Law 874 to provide that basic eligibility for the provisions of Public Law 874 benefits shall be governed by a uniform 3-percent impaction criterion. Presently, the school districts are divided into two groups, dependent upon population size, with 3 percent and 6 percent eligibility requirements. Page 6 of the Senate report sets forth the breakdown of the results which could flow from this proposed modification of the eligibility requirements.

Four amendments to the bill may be found in italic type in the bill. These committee amendments, if approved by the Senate, would—

First, permit the Commissioner in exceptional circumstances, to waive minimum eligibility requirements of Public Law 815, thus enabling remote areas having a high concentration of Federal employees in very small school districts to obtain relief now denied, based upon the minimum number enrolled;

Second, permit payments under Public Law 89–10 to be made to the State operated public schools providing specialized education to various types of handicapped children. It is worthy of consideration, since unless it is adopted, the county school system in which the special State public school is located would have the obligation of furnishing services to educationally deprived children of a handicapped nature to the detriment of the services it would wish to provide in its own schools.

Mr. President, I ask unanimous consent that an analysis of the free public education provided by the States in State schools to handicapped children be printed at this point in my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF FREE PUBLIC EDUCATION PROVIDED BY STATES TO HANDICAPPED CHILDREN

An approximate total of 70,000 children according to the latest figures, are provided special education in State operated schools as follows:

There are 108 public residential schools for the mentally retarded: 1 in each of 23 States; 2 in each of 13 States; 3 in each of 4 States: Kansas, North Carolina, Washington, Wisconsin; 4 in each of 2 States: Maine, Ohio; 5 in each of 4 States: California, New Jersey, Pennsylvania, Texas, 6 in each of 2 States: Massachusetts, Michigan; 7 in 1 State: New York.

There are 48 public residential schools for the deaf: 1 in each of 38 States; 2 in each of 5 States: California, Louisiana, Texas, North Carolina, Virginia.

There are 42 public residential schools for the blind: 1 in each of 33 States; 2 in Louisiana, Tennessee, Texas, Virginia.

There are 31 public residential schools for the crippled: 1 in each of 13 States; 2 in each of 6 States; 3 in Oklahoma, Indiana.

Mr. CLARK. Third, the committee adopted an amendment which would fix the effective date of the proposed legislation as the date H.R. 9022 passed the House of Representatives—August 30. This would have the benefit of providing assistance to States distressed by the most recent hurricane disaster and could be justified on the basis that one House of the Congress prior to the disaster had considered and adopted the legislation.

Fourth, I hope the Senate will approve our change in Public Law 89-10 to provide a minimum of $75,000 to each State for the administration of that act; $25,000 would be provided for the administration of the act in the outlying territories and dependencies. Senators will recall that this was the Metcalf amendment 407 to H.R. 9567.

Mr. President, I ask unanimous consent that a statement on this amendment and table prepared by the Office of Education be printed at this point in my remarks.

There being no objection, the statement and table were ordered to be printed in the RECORD, as follows:

PROVISIONS TO AID SMALLER STATES IN THE ADMINISTRATION OF FEDERAL PROGRAMS

Under title I of the Elementary and Secondary Education Act of 1965, each State educational agency may now receive up to 1 percent of their basic grants for administering that title. In recognition of the fact that this 1 percent stipulation would be inadequate to insure proper State administration of the new programs in a number of States, an amendment has been proposed through the medium of the disaster aid bill, H.R. 9022 to provide a minimum grant for each State. The minimum would be $75,000 for a State and $25,000 for the outlying territories.

There are certain minimum requirements for administration of a program regardless of size. Under the original provisions, Nevada with 17 school districts would receive $9,500 while Maryland, with only 7 more districts, would receive $152,492. Montana with 40 times as many districts as Maryland would receive only $36,316. The attached table lists the States which would benefit under the proposed amendment along with the amounts they are currently scheduled to receive, plus the additional amount the amendment would provide.

It can be seen from this table that it is primarily the sparsely settled Western States and the New England States with large numbers of school districts which benefit.

There are many justifications for this amendment including the requirement by Congress of an evaluation of programs which will necessitate certain minimum costs for development, added reporting costs, additional travel expenses of staff in sparsely settled areas, and administrative costs more related to the number of projects which have to be evaluated than to the size of the project. Finally, this amendment could be considered as providing some compensation for the loss of funds because of title V reductions which might have been used to aid in the administration.

State	Current authorization	Additional benefits
Alaska	$16, 931	$58, 069
Connecticut	71, 965	3, 035
Delaware	19, 752	55, 248
Hawaii	23, 749	51, 251
Idaho	24, 466	50, 534
Maine	40, 142	34, 858
Montana	36, 316	38, 684
Nebraska	69, 202	5, 798
Nevada	9, 500	65, 500
New Hampshire	14, 523	60, 477
North Dakota	52, 199	22, 801
Rhode Island	40, 396	34, 604
South Dakota	68, 930	6, 070
Utah	28, 208	46, 792
Vermont	17, 314	57, 686
Wyoming	14, 637	60, 363
District of Columbia	53, 819	21, 181

Mr. CLARK. Mr. President, H.R. 9022, as amended by the committee, can prove most helpful to schools and the children attending those schools throughout the country.

Mr. President, I ask unanimous consent that the committee amendments to the bill be agreed to be en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none; and the committee amendments are agreed to en bloc.

Mr. CLARK. Mr. President, this is the bill of the House of Representatives to which certain Senate amendments have been adopted. The bill was reported by the Committee on Labor and Public Welfare.

It is my understanding that the passage of the bill has been cleared with the minority leader.

AMENDMENT NO. 463

Mr. MOSS. Mr. President, I call up my amendment No. 463 and ask that it be read.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill add the following:

"RELIEF OF LIABILITY FOR OVERPAYMENTS

"SEC. 5. Section 3 of the Act of September 30, 1950, as amended, is amended by adding at the end thereof the following new subsection:

"RELIEF OF LIABILITY FOR OVERPAYMENTS

"(g) In any case in which, prior to the enactment of this subsection, a local educational agency received any overpayments under this Act as the result of an error, such local educational agency shall be relieved of all liability for repayments to the United States of such overpayment."

Mr. MOSS. My amendment would amend section 3 of the act of September 30, 1950.

The passage of this amendment is necessary to both the present and future operation of the Box Elder County School District in Utah. It would relieve the district of an obligation to return to the Federal Government some $288,819.29 paid to it by the U.S. Office of Education over the last 4 years under Public Law 874 for school maintenance and operation, and which, as the result of a court decision, the Office of Education now holds must be returned in the form of a deduction from future annual entitlements. To add to the difficulties of the Box Elder School District, the Office of Education has reduced the annual entitlement of Public Law 874 funds to the school from $200,000 to only $64,000. This means that it would take Box Elder's entire entitlement for almost the next 4 years just to pay back what has already been spent, and in the meantime, the school district must continue somehow to carry the additional load of students which has been thrust upon it through Federal activity.

In order to understand the situation, I ask for a little time to set the scene, and repeat some history. From the inception of Public Law 874, the Box Elder School District has been eligible for assistance, primarily through pupils whose parents are employed at Hill Air Force Base and the Utah Defense Depot near Ogden, and because of the Intermountain Indian School, which is located at Brigham City.

When Thiokol Chemical Corp. located in Box Elder County to work on Air Force missile production contracts, the district became eligible for, and received additional funds for children of defense contract workers on a comingle basis. After a year or two, however, a Utah State law, declared valid by the Supreme Court of Utah, made the county eligible for privilege taxes paid by the Thiokol Chemical Corp. The Office of Education has ruled that these tax funds now make Box Elder School District ineligible for a portion of their impacted funds and that repayment must be made.

The comingle percentage rose to almost 17 percent by 1963. The school district had a difficult time providing for its rapidly expanding school population, but by using temporary buildings, building new ones, going into double sessions in some schools, and hiring extra teachers they were able to meet the demands put on them by the extra pupils.

In 1964, however, work rapidly declined at Thiokol. As people moved away from Brigham City, the school district found itself with too many employees, with empty classrooms not paid for, and with other numerous problems. Moreover, Brigham City had bonded for water and sewer improvement, so local taxes were up.

It was during this difficult readjustment period that the district received the shattering news that over a period of several years there had been a Public Law 874 overpayment amounting to $288,819.29 from Thiokol privilege taxes, and that this sum would have to be repaid.

Mr. President, the Box Elder School District spent the money allocated to it under Public Law 874 in good faith. Like every other school district, Box Elder is pressed for funds, and its officials obligate to the hilt every penny they have.

Not only did they spend all available funds for the years in which they were receiving Public Law 874 funds, but they planned and budgeted for the year ahead on the basis of again receiving them. The news last spring that they not only would be cut down to almost one-fourth of the amount they had been receiving, but had to pay back funds they had already spent was about as devastating a blow as a school district could ever receive.

How devastating was only proved this summer and fall when Box Elder District teachers insisted on having their increment salary schedule honored, and be granted increases based on factors such as experience and increased training. The school district could not produce the money. I do not say here today that the district's overhanging debt to the Federal Government, and their impending loss of anticipated funds in the future, were the only reason that the Box Elder County School District could not meet teacher pay demands—but they most certainly were a major contributing factor. The school board and the teachers finally reached a compromise, but the entire State of Utah was shaken by the crisis, and school for Box Elder County's 8,600 children was more than a week late in opening.

Mr. President, I hold it is unfair and completely unrealistic to ask a school district anywhere in the country to return to the Federal Government moneys allocated to it for operation and maintenance under Public Law 874. We allocate funds to certain school districts under this law because Federal activity in the area puts an added burden on the schools. We admit that they must have help. Then we turn around and tell them to pay us back—after they have spent the funds and after they have budgeted for the coming year on the basis of continued Federal payments at the same level. Such action is indefensible.

I therefore propose that we amend the act of September 30, 1950, which established the impacted area program, so that once Federal funds have been paid to a school district, and accepted in good faith, those funds may not be taken back when it is found that the funds have been paid in error, even though, as in the case of the Utah funds, the facts which caused the funds to be an overpayment were not even known at the time the payment was made.

The school district has a right to depend on funds which it receives from the Federal Government. It should be able to budget them and to spend them with complete confidence.

I am advised by the Office of Education that although the Utah case is not absolutely unique, there are not more than one or two school districts each year in which it is found, for one reason or another, that overpayments have been made under Public Law 874. In these cases overpayments are usually much smaller than those made to the Box Elder District. Therefore, the adoption of this amendment will not jeopardize Federal school funds.

Mr. President, this is a reasonable amendment, and it is a fair amendment. I ask that it be adopted.

The amendment relates to section 17 of the bill, which deals with the problems of schools that are affected by announcements of base closings. I submit that there is considerable analogy in this instance. This section of the bill, which the committee has reported favorably, provides that as to school districts that have proceeded with construction dependent on funds that would come from impacted area moneys because of adjacent bases, and as to which announcements were made that the bases would be closed, they nevertheless are able to complete the buildings by spending their own money, to build what they have obligated themselves to do, because they depended on a Federal activity that was suddenly swept away.

The case of the Box Elder School District is somewhat analogous—perhaps it is even more severe—because impacted area funds were made available to this small school district, which then spent the money. It provided for the children. Suddenly the payroll of the industry was cut in half, and people began to move away.

At the same time that that was happening, the devastating news came that the Box Elder District would have to repay what it had received during the past 4 years. That was something the school district could not handle and is unable to handle. It is now in the position of being penalized for a situation beyond its control, a situation which it had no way of governing, and which occurred purely because of a shift that was made in contracts with the Thiokol Chemical Corp., based on a ruling of the court in a case that had been in litigation for several years.

This is an equitable amendment. It would affect only funds that had, prior to the enactment of this subsection, been paid over; therefore, it would not be a continuing operation.

Mr. CLARK. Mr. President, with deep regret, I find myself under instructions from the committee to oppose the Moss amendment. In doing so, I want the Senator from Utah to know that I have deep sympathy toward the condition that exists in Box Elder County, as the Senator has so ably presented it.

The committee undertook to have an investigation of this situation made, and I have before me a memorandum giving in detail the reasons why the committee feels unable to accept the amendment. I ask unanimous consent that the text of the statement be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON BOX ELDER PROBLEM PREPARED BY THE OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Thiokol Corp. operates a plant located in Box Elder County, a part of which is federally owned. Thiokol failed to have the Federal contracts renewed several years ago and the number of children eligible for payments under Public Law 874 has been substantially reduced.

Economic conditions, generally, in the county are bad. Several years ago the State legislature passed an act authorizing communities to tax the privately held leasehold interests on Federal property. Box Elder levied and collected the tax and the corporation challenged it in the courts. The State supreme court decided in January this year that the tax was legal. At that time the field representative notified this Office of the amount of tax that had been collected for each of the past 2 or 3 years which should have been deducted from the gross entitlement paid the district under Public Law 874. The Office then notified Box Elder County that it had been overpaid. The amount of these deductions is $288,819 for the fiscal years 1963, 1964, and 1965.

The school district is in desperate straits and had a bad situation this fall. It is our understanding that Senator Moss intends to introduce an amendment to H.R. 9022 which would provide that any Federal payment to a school district under Public Law 874 made in error, regardless of the reason for the error, would not have to be repaid. In other words, if the district received payment and it was discovered later that there should have been a deduction or that the wrong number of children were reported no repayment would be required. We have not seen the wording of the amendment but have just discussed it generally.

There are not a large number of situations each year where a major deduction should have been made in a district's entitlement but was not made until after the district had received a payment. However, there are a number of districts where the count of federally connected children is found upon audit by the field representative to be in error—one or two or several children. This creates an overpayment which is deducted from subsequent year's entitlements.

While the amounts involved are not large, this amendment would be extremely difficult to administer and it would seem to establish an undesirable precedent. If a school district inadvertently, intentionally, or because it did not know, failed to report payments received with respect to Federal property any year that should have been deducted from gross entitlement an overpayment would be created. This proposed amendment would forgive such overpayments which occurred prior to this time. It would create a precedent which might seem to encourage other school districts in the future to be extra liberal or optimistic in their estimates of federally connected children and to be ignorant of when they received payments on account of other Federal property in the hope that similar remedies might be found.

If this amendment were to be enacted it may be necessary for the Office of Education to protect against such an eventuality to

> change its procedures and not make a final payment to any applicant until after there was a visit to the field and an audit of the records by the field representative. This would delay final payments very considerably.
>
> If Box Elder County needs relief, it would appear a private bill would be preferable.

Mr. CLARK. Mr. President, generally speaking, it is the committee's view that the Box Elder situation should best be handled by a private bill. To agree to the Moss amendment to the bill under consideration would open the door to a number of other similar situations which should not be handled in general legislation.

Finally, it is the hope of the committee that if the bill is passed without further amendment, it will be approved by the House without the necessity of a conference. This would eliminate serious legislative difficulties at a time shortly before adjournment.

For these reasons, I ask the Senate to reject the Moss amendment. I hope the Senator from Utah will agree to a voice vote.

Mr. MOSS. Mr. President, I appreciate the position in which the Senator from Pennsylvania is placed. He has opposed my amendment on the basis that the committee has seen fit not to accept it.

However, the private bill route is really not practical in this situation, because we are dealing with what amounts to a crisis that exists now in the Box Elder School District. To introduce a private bill at this point would require several months or perhaps a year before action could be had upon it. In the meantime, the difficulty continues.

I am willing to agree to a voice vote on the amendment under the circumstances, but I believe the amendment is wholly germane and belongs in the bill under consideration. The bill seeks to provide relief to school districts that are experiencing unusual situations that impair their effectiveness, such as natural disasters and the closing of bases. It seems to me that the situation that now exists in Box Elder County is the type of situation to which this particular bill applies. Therefore, I strongly urge that the amendment be agreed to. The bill must go to conference in any event, because it has been amended by the Senate, and my amendment could well be considered by the conferees.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was rejected.

Mr. CLARK. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FONG. Mr. President, I support H.R. 9022 as reported by the Committee on Labor and Public Welfare.

The bill will provide Federal financial aid for construction and operating expenses of public schools affected by major disasters and closing of Federal installations.

It also provides uniform eligibility requirements for Federal assistance toward operating and maintenance costs where school enrollments have risen 3 percent because of nearby Federal activities.

In particular, I wish to commend members of the committee for approving an amendment to H.R. 9022 so as to permit a minimum of $75,000 a year for States to administer title I of the Elementary and Secondary Education Act—Public Law 89–10—passed by Congress earlier this year.

I want to commend especially the junior Senator from Montana [Mr. METCALF] for his leadership in advancing this proposal. It is my privilege to be a cosponsor with him of this plan for a minimum administrative allocation of $75,000 for every State.

Existing law allows only 1 percent of a State's allotment under title I to be used for administration of this very important program of education for children of low-income families.

Under the present 1-percent ceiling, funds allowed sparsely populated States for administering title I are very inadequate.

Alaska, for example, which is geographically our largest State, can receive only a total of $15,517 to administer the low-income children educational program. Nevada is entitled only to $9,499 for administrative costs.

In my State of Hawaii, there is only one school district for the entire State. This encompasses all our populated islands, which are separated by ocean waters from the main State administrative offices and which can only be reached by airplane.

The most Hawaii can receive for administrative costs under title I is $23,749—a quite inadequate amount, as the superintendent of the Hawaii State Department of Education, Mr. R. Burl Yarberry has affirmed to me.

In all, 16 States and the District of Columbia will receive an increase for administrative expenses under this provision of H.R. 9022. The increase to bring States to a minimum of $75,000 ranges from approximately $3,000 to $65,500.

Again, I express my appreciation to members of the committee for their action in recommending a minimum allotment of $75,000 for administrative expenses of title I, as Senator METCALF and other Senators, including myself, have proposed.

Mr. BARTLETT. Mr. President, a year and a half have passed since the disastrous March 27, 1964, Alaska earthquake. Since that time the Nation has experienced close to 40 additional disasters. Twenty-nine of these occurred in fiscal 1965 alone.

An article in the Congressional Quarterly of September 24, which I ask unanimous consent to have appear at this point in my remarks, quotes a September 6, 1965, White House press release as describing these events as "the worst spate of natural disasters on record."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FISCAL 1965 DISASTER RELIEF AID REACHES ALL-TIME HIGH

Federal allocations from the President's emergency relief fund in fiscal 1965 to States hit by major natural disasters were nearly double fiscal 1964 allocations, according to Office of Emergency Planning (OEP) statistics released by the White House September 6. The 12-month period from July 1, 1964, to June 30, 1965, a White House press release accompanying the statistics said, produced "the worst spate of natural disasters on record." Flooding, snow, and wind from tornadoes, hurricanes and other storms were responsible for most of the damage.

In all, President Johnson granted requests from 24 Governors for 29 major disaster declarations during the last fiscal year. Federal allocations to the States totaled $85,986,100—$78,505,000 for the 29 disasters declared in fiscal 1965 and $7,481,100 for 6 disasters declared but not funded in fiscal 1964. Federal outlays for disasters in fiscal 1964 totaled $44,695,000.

Fiscal 1965 disaster relief allocations

FOR DISASTERS DECLARED IN FISCAL 1965

State	Disaster type	Declaration date	Allocation
Missouri	Storms, flooding	July 8, 1964	$650,000
Nebraska	do	July 20, 1964	780,000
Florida	Hurricane Cleo	Sept. 8, 1964	2,300,000
Do	Hurricane Dora	Sept. 10, 1964	8,200,000
Georgia	do	do	2,000,000
Louisiana	Hurricane Hilda	Oct. 3, 1964	2,500,000
North Carolina	Storms, flooding	Oct. 13, 1964	325,000
Georgia	Flooding	Nov. 4, 1964	150,000
Trust Territory	Typhoon Louise	Dec. 10, 1964	400,000
Montana	Severe storm	Dec. 18, 1964	200,000
California	Storms, flooding	Dec. 24, 1964	20,000,000
Oregon	do	do	14,000,000
Washington	do	Dec. 29, 1064	3.900,000
Idaho	do	Dec. 31, 1964	1,200,000
Nevada	do	Jan. 18, 1965	200,000
Minnesota	Flooding	Apr. 11, 1965	10,000.000
Indiana	Tornadoes, storms	Apr. 14, 1965	1,750,000
Michigan	do	do	1,450,000
Ohio	do	do	400,000
Wisconsin	do	Apr. 21, 1965	1,000,000
Iowa	Flooding	Apr. 22, 1965	2,000,000
Illinois	Tornadoes, storms, flooding	Apr. 24, 1965	2,000,000
North Dakota	Flooding	May 10, 1965	200,000
Washington	Earthquake	May 11, 1965	2,000,000
South Dakota	Flooding	May 26, 1965	400,000
Missouri	do	June 14, 1965	300,000
Texas	Tornadoes, storms, flooding	June 19, 1965	200,000
Colorado	do	do	(1)
Kansas	Flooding	June 23. 1965	(1)
Subtotal			78,505,000

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[1] No allocations for fiscal 1965.

Fiscal 1965 disaster relief allocations—Continued

FOR DISASTERS DECLARED IN PREVIOUS YEARS

State	Disaster type	Declaration date	Allocation
California	Reservoir break, flooding	Dec. 21, 1963	$1,087,900
Kentucky	Storms, flooding	Mar. 17, 1964	600,000
Ohio	do	Mar. 24, 1964	650,000
Puerto Rico	Drought	May 26, 1964	564,950
Virgin Islands	do	June 8, 1964	78,250
Montana	Storms, flooding	June 9, 1964	4,500,000
Subtotal			7,481,100
Grand total			85,986,100

Source: Office of Emergency Planning.

The 24 States asking for and receiving disaster declarations during fiscal 1965 were: Missouri, Nebraska, Florida, Georgia, Louisiana, North Carolina, Montana, California, Oregon, Washington, Idaho, Nevada, Minnesota, Indiana, Michigan, Ohio, Wisconsin, Iowa, Illinois, North Dakota, South Dakota, Texas, Colorado, and Kansas. Four of the States—Missouri, Florida, Georgia, and Washington—were each granted two major disaster declarations during the year. A major disaster was also declared in the Pacific Trust Territories.

Five additional requests for relief from Indiana, Nevada, Texas, Georgia, and Arkansas were denied, because they were not determined by the President to be of sufficient severity and magnitude to warrant a major disaster declaration.

According to OEP Director Buford Ellington, the storms and flooding which hit the Pacific Northwest in late 1964 and early 1965 were "by far the worst single blow struck the Nation by nature during the fiscal year." Involving the States of California, Oregon, Washington, Idaho, and Nevada, allocations were granted from the President's disaster relief fund totaling $39,300,000 and, according to the White House release, the figure would continue to climb.

Since the beginning of fiscal 1966, President Johnson has declared six major disasters, including the Northeastern drought States, and $44,661,000 have been allocated for new and old disaster projects. During the past 2 weeks, the President has also declared Louisiana and Florida major disaster areas, and granted to Louisiana an initial allocation of $2 million in relief funds.

BACKGROUND

In 1950, Congress enacted the Federal Disaster Act (Public Law 81–875) that delegated responsibility to the President to mobilize and coordinate Federal disaster relief assistance to State and local governments. The act gave the President authority to declare a "major disaster"—a natural catastrophe which the President determined to be of sufficient magnitude and severity to warrant Federal assistance. Upon approving a Governor's request for Federal aid, the President was authorized to direct any appropriate Federal agencies to provide emergency relief to a stricken State and to allocate funds from the President's disaster relief fund, established by the act, for relief. (The President's fund is only one of many Federal relief programs assisting disaster-stricken areas. A number of the other programs can provide assistance without need of a Presidential declaration.) The relief measures included protective work, clearing debris and wreckage, carrying out emergency health and sanitation action, providing temporary shelter or housing and repairing or temporarily restoring damaged public facilities. Federal agencies were required under the act to coordinate their relief efforts with State and local relief agencies; and State and local governments were required to supplement Federal aid money. (The 1950 Almanac, p. 177; 1965 Weekly Report, p. 1673.)

In 1961, President Kennedy by Executive order transferred to the Office of Emergency Planning the authority to administer the provisions of the act.

The number of disaster declarations and the amount of relief allocations since fiscal 1961 are as follows:

Fiscal year	Declarations	Allocations
1961	14	$11,965,000
1962	16	30,018,198
1963	23	40,579,000
1964	18	44,695,000
1965	29	85,986,100

Mr. BARTLETT. Mr. President, as a result of the attention which has been focused on the need for Federal assistance in instances of overwhelming natural disaster the first session of the 89th Congress has witnessed the introduction of many significant legislative proposals designed to improve existing law in this area.

It is a subject of some pride to those of us who worked so hard on the Alaska earthquake legislation of last year to see so many of the temporary, makeshift, emergency measures which we proposed to deal with the Alaska situation being adopted as permanent additions to the United States Code.

Other measures which the 89th Congress has already enacted or is in the process of enacting into law so as to improve the ability of the States and the Federal Government to respond to future disasters derive from the experiences of the disaster stricken States of the Pacific Northwest last winter and of the upper Mississippi Valley States early this spring. In this latter category is found H.R. 9022 which we consider here today.

Of the utmost importance when disaster strikes a community is the need to restore its educational facilities and their capabilities at the earliest possible moment. The generous provisions of H.R. 9022 will, when enacted, provide the U.S. Commissioner of Education and the Director of the Office of Emergency Planning with the tools for accomplishing this end.

As a Member of this body who has had his share of experience in drafting and promoting disaster legislation, I am convinced that H.R. 9022 is a necessary tool for those who have to solve the problems which future natural disasters will inevitably create. I urge its enactment.

DISASTER AID TO SCHOOLS

Mr. YARBOROUGH. Mr. President, I strongly support this meritorious bill which has been brought to the floor by the Labor and Public Welfare Committee, on which I serve.

The two most important sections of H.R. 9022 would provide Federal aid under the "impacted area" program to school districts suffering a loss to their tax base from major natural disasters, or from the closing of military bases.

Under the new disaster section added to Public Law 874 by this bill, a community which has its school destroyed or damaged by a major disaster such as a hurricane, tornado, or fire, will receive Federal assistance in rebuilding its educational facilities. Aid for operating expenses would continue for 5 years while the community restored its resources and became able to finance its schools at their former level. The merits of this program are apparent when we consider the great needs that arise when a great disaster such as Hurricane Betsy strikes a community.

Had this been law when Hurricane Carla devastated so much of the Texas gulf coast 3 years ago, communities could have received Federal help in rebuilding their school systems, instead of having somehow to find the money from their own depleted resources at a time when they can least afford new expenditures because so much of the revenue-producing part of the community has been wiped out.

Section 3 of this bill, H.R. 9022, is similar to S. 2918, a bill introduced by the junior Senator from Wisconsin [Mr. NELSON] which I cosponsored earlier this year. It eases the impact on communities of Federal decisions to close military bases.

Several communities in the United States had made extensive commitments toward new school construction, depending upon Federal funds authorized under Public Law 815, the aid to impacted areas program. With the announcement of November 19, 1964, that military bases in these areas would be closed down, the resulting decrease in the number of military personnel would have meant that these communities could not have received the Federal funds which they had relied upon in making their plans for school construction.

These communities are now committed to the construction of these facilities. They have already received preliminary notice of entitlement from the Federal Government. In this situation, it would be unfair, abruptly and without adequate notice, to cut off these funds.

This bill will insure that the few communities which are affected will receive the funds they had relied upon.

Two communities in Texas already are affected by the bill. Waco will receive approximately $21,000 for school construction in each of two school districts. The Amarillo School District will receive $15,000 for school construction.

With this bill, the Federal Government is keeping a commitment which it made to assist in upgrading the education of our young people, and I strongly urge its passage.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 9022) was read the third time, and passed.

Mr. CLARK. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOGGS. Mr. President, this bill we have just approved is an extremely important one to a number of the smaller States, including my own State of Delaware.

Its provisions relating to assistance to public schools in disaster areas and in areas where military bases are suddenly shut down, and its establishment of uniformity of eligibility requirements under Public Law 874, are its better known features. They are changes in the law which are called for, and will surely inure to the benefit of education for all of our youth.

Less well known is section 7 of the bill. Section 7, which I had the privilege of cosponsoring in its original form, puts a floor under administrative expense allocations in this year's landmark education law, Public Law 89-10.

As that law now stands, each State is to receive 1 percent of its title I allocation to defray the costs of administering the bill's various programs. One percent is adequate, in my judgment, for States with relatively large title I allocations—the larger States. However, administrative expenses do not always vary directly downward with the size of the State or its need for Federal assistance to educate its culturally deprived children. There are certain constants, certain items of expenditure which are present and must be met whatever the size of the State's program. Therefore, it follows that there should be a set minimum amount allocated for administrative expenses, an amount which the State education officials will have available to meet nonvariable expenses, whatever the size of the State's program under the Elementary and Secondary Education Act of 1965.

And that is precisely what section 7 of the bill does. It provides that each State shall receive, to meet the expenses of conceiving, implementing and administering the programs made possible by the Education Act, $75,000 or 1 percent of its title I grant, whichever is greater.

It insures that 14 States will have no less than that minimum figure to carry out the enormous amount of planning and oversight which these new, and in some cases experimental, programs will require.

Mr. President, I ask unanimous consent to insert at this point in the Record a table showing exactly which States are affected by this section, and to what extent they will benefit.

There being no objection, the table was ordered to be printed in the Record, as follows:

	1 percent of title I funds	Additional administrative funds under amendment 407
Alaska	$16,931	$58,069
Connecticut	71,965	3,035
Delaware	19,752	55,248
Hawaii	23,749	51,251
Idaho	24,466	50,534
Maine	40,142	34,858
Montana	36,316	38,684
Nebraska	69,202	5,798
Nevada	9,500	65,500
New Hampshire	14,523	60,477
North Dakota	52,199	22,801
Rhode Island	40,396	34,604
South Dakota	68,930	6,070
Utah	28,208	46,792
Vermont	17,314	57,686
Wyoming	14,637	60,363
District of Columbia	53,819	21,181
Total		672,951

Mr. BOGGS. Mr. President, I want at this point to express thanks to the Council of Chief State School Officers, and particularly to the Superintendent of Public Instruction of the State of Delaware, Dr. Richard P. Gousha, for bringing the need for this amendment to the attention of Senator Metcalf and myself.

AUTHORIZING THE RELEASE OF ZINC FROM EITHER THE NATIONAL STOCKPILE OR THE SUPPLEMENTAL STOCKPILE, OR BOTH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 788, H.R. 9047.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 9047) to authorize the release of certain quantities of zinc from either the national stockpile or the supplemental stockpile, or both.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with an amendment on page 1, line 10, after the word "approximately", to strike out "one hundred and fifty" and insert "two hundred and twenty-five".

Mr. SYMINGTON. Mr. President, it is my understanding that, prior to the passage of this bill, the distinguished Senator from Texas would like to ask several questions. I should be glad to try to answer them.

Mr. TOWER. Mr. President, I should like to ask the distinguished senior Senator from Missouri only one question. This bill was reported unanimously, I believe. It differs from the House bill in that the House bill calls for the release of 150,000 tons. We have asked for the release of 225,000 tons in our amendment.

I should simply like to ask the senior Senator from Missouri if it is his opinion that, if the House does not accept the Senate amendment, that we can have an early conference on the matter and actually complete the enactment of the bill by the end of the session.

Mr. SYMINGTON. Mr. President, in reply to the Senator from Texas, I believe that there will be early action.

In the hearings before the Stockpile Subcommittee of the Committee on Armed Services, it developed that the General Services Administration, representing the administration, was anxious to have 300,000 tons of zinc available for sale, despite the fact there are a great many more hundreds of thousands of tons still in surplus, after the sale was made, and even if all 300,000 tons were sold. The Senate felt a fair compromise would be to pass a bill providing for 225,000 tons, splitting the difference.

I am confident the House will be glad to have a conference. Otherwise, there would be no zinc for industry, and industry says it needs it badly at this time.

Mr. TOWER. Mr. President, as the Senator knows, I was one of those who felt that we should accept the House version. I was aware of the conviction of the senior Senator from Missouri that we should release 300,000 tons. We arrived at a compromise figure.

My only concern would be the time factor and whether we have enough time to get the bill enacted into law by the end of the session.

Mr. SYMINGTON. Mr. President, I thank the Senator for his cooperation and diligence in the activities of the Stockpile Subcommittee, and assure the Senator that there will be plenty of time to have a conference and the bill passed.

Mr. TOWER. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SYMINGTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 803), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

This bill as amended would (1) grant congressional consent for the disposal of approximately 225,000 short tons of zinc now held in the national stockpile, or the supplemental stockpile, or both, and (2) waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION

Why congressional action required

Under existing law congressional approval is required for the disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of zinc is based on a determination that the quantity of this material in the national stockpile and the supplemental stockpile is excess to requirements and not because zinc is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of zinc by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The Office of Emergency Planning has determined that there no longer is a requirement to stockpile zinc. The national stockpile and the supplemental stockpile contain about 1,300,000 short tons of zinc that have not been previously authorized for disposal. All this zinc is excess to stockpile requirements.

There is a strong demand for zinc at present and this is a good time to dispose of some of the surplus.

Committee action

As referred to the committee the bill authorized the disposal of approximately 150,000 short tons of zinc. Because of the large quantity of zinc in the stockpile that is excess to requirements and because of favorable market conditions the committee considers that a quantity larger than 150,000 short tons can safely be authorized for disposal now. Consequently, the committee amended the bill to authorize the disposal of 225,000 short tons.

The law requires that stockpile disposals be accomplished with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. The committee was assured that zinc disposals will be made only after close consultation with affected parties in Government and industry.

Financial information

The zinc to be disposed of was acquired at an average cost of $0.1404 per pound. The current market price is quoted at $0.145 per pound for prime western grade.

THE CALENDAR

On request of Mr. MANSFIELD, and by unanimous consent, the following calendar measures were considered and acted upon as indicated, and excerpts from the reports thereon were ordered to be printed in the RECORD, as follows:

SERVICE CONTRACT ACT OF 1965

The Senate proceeded to consider the bill (H.R. 10238) to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes which had been reported from the Committee on Labor and Public Welfare, with an amendment, on page 8, line 14, after the word "Island", to insert "Eniwetok Atoll, Kwajalein Atoll, Johnston Island,".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXCERPT FROM THE REPORT (No. 798)

PURPOSE OF THE BILL

The purpose of this bill is to provide labor standards for the protection of employees of contractors and subcontractors furnishing services to or performing maintenance service for Federal agencies. The service contract is the only remaining category of Federal contracts to which no labor standards protection applies. Federal construction contracts require compliance with labor standards under the Davis-Bacon Act and related statutes. Federal supply contracts also provide labor standards under the Walsh-Healey Public Contracts Act.

The bill is applicable to advertised or negotiated contracts in excess of $2,500, the principal purpose of which is to furnish services through the use of service employees. Service employees are defined in the bill as guards, watchmen, and any person in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations. Typical services furnished would also include laundry and drycleaning, custodial, janitorial, cafeteria, food, and miscellaneous housekeeping.

Persons covered by the bill must be paid no less than the prevailing rate in the locality as determined by the Secretary, including fringe benefits as an element of the wages. No less than the applicable minimum wage provided in the Fair Labor Standards Act, as amended, can be paid. In determining the prevailing rate in the locality, the Secretary will consider the compensation paid persons engaged in such service-type work and work of a similar type in the locality. The Secretary in determining the locality for such purpose would take a realistic view of the type of service contract intended to be covered by the determination.

In addition, the bill requires that work shall not be performed under unsafe or unsanitary working conditions.

Enforcement procedures are provided in the bill including the withholding of payments due the contractor under the contract and payments to the employees of amounts due them; suit by the United States against the contractor or surety to recover the amount of underpayment; cancellation of the contract for any violation with the contractor liable for any resulting cost to the United States; authority for the Secretary to list and withhold awarding further contracts to contractors violating this bill for up to 3 years; and authority to issue regulation under sections 4 and 5 of the Walsh-Healey Public Contracts Act to enforce this bill. The authority to list contractors violating this act specified in the bill and to recommend no further contracts of the United States be awarded such violators is subject to the provision of sections 4 and 5 of the Walsh-Healey Public Contracts Act. Contractors would therefore be entitled to the notice, hearing, and other procedures provided for in said act.

There are certain specific exemptions from coverage listed in section 7 including contracts covered by the Davis-Bacon Act, the Walsh-Healey Public Contracts Act, the Interstate Commerce Commission, the Communication Acts of 1934; also, contracts for public utility services, direct employment by individuals, and for postal contract stations.

During the testimony of Charles Donahue, Solicitor of Labor, it was brought to the attention of the committee that certain service employees of the Department of Defense who are paid from nonappropriated funds are not covered by this bill. Mr. Donahue, in a memorandum submitted to the committee, said:

"The authority of that Department would undoubtedly also support directives requiring a minimum wage for all nonappropriated funds activity employees. Similarly, it would appear to be within existing authority to require prevailing wage rates to be paid these employees as is required for blue-collar workers of the Federal Government.

"The principal types of employees who would be affected are believed to be those employees for PX's ship's stores, officers clubs, and in recreational activities for the benefit of the Armed Forces."

The committee strongly urges that appropriate directive issue by the Department of Defense or any other appropriate Federal agency to give to such service employees the coverage provided by this bill.

BACKGROUND OF THE BILL

A number of bills having the same general purpose of this bill have been introduced in the past. Hearings were held by the House Select Subcommittee on Labor in the 88th Congress. The record included pleas for this type legislation from labor organizations and from service contractors. Testimony was heard from Federal agencies and reports were received from the Bureau of the Budget, General Services Administration, etc. A bill was reported (H. Rept. No. 1495, 88th Cong.).

This year, Congressman JAMES G. O'HARA (author of the 88th Cong. legislation) introduced H.R. 10238 which was sponsored by the administration. Hearings were held on August 5 and September 1. H.R. 10238 was unanimously reported from the House Education and Labor Committee. It passed the House on the call of the Consent Calendar on September 20, 1965, with the apparent unanimous support of the House Members.

Hearings were held by the Senate Subcommittee on Labor on September 23 and the bill was reported unanimously to the full Committee on Labor and Public Welfare the same day.

NEED FOR THE LEGISLATION

The need for this legislation is well stated in the report issued by the House Education and Labor Committee on Setpember 1, 1965 (H. Rept. No. 948), as follows:

"Many on the employees performing work on Federal service contracts are poorly paid. The work is generally manual work and in addition to craftwork, may be semiskilled or unskilled. Types of service contracts which the bill covers are varied and include laundry and drycleaning, custodial and janitorial, guard service, packing and crating, food service, and miscellaneous housekeeping services.

"Service employees in many instances are not covered by the Fair Labor Standards Act or State minimum wage laws. The counterpart of these employees in Federal service, blue-collar workers, are by a Presidential directive assured of at least the Fair Labor Standards Act minimum. Bureau of Labor Statistics surveys of average earnings in service occupations in selected areas in 1961 and 1962 show, however, that an extremely depressed wage level may prevail in private service employment. In contract cleaning services, for example, in some areas less than $1.05 an hour was paid. Elevator operators earned low rates, varying from $0.79 to $1.17 an hour. Service contract employees are often not members of unions. They are one of the most disadvantaged groups of our workers and little hope exists for an improvement of their position without some positive action to raise their wage levels.

"The Federal Government has added responsibility in this area because of the legal requirement that contracts be awarded to the lowest responsible bidder. Since labor costs are the predominant factor in most service contracts, the odds on making a successful low bid for a contract are heavily stacked in favor of the contractor paying the lowest wage. Contractors who wish to maintain an enlightened wage policy may find it almost impossible to compete for Government service contracts with those who pay wages to their employees at or below the subsistence level. When a Government contract is awarded to a service contractor with low-wage standards, the Government is in effect subsidizing subminimum wages.

TRANSFER OF CERTAIN CANAL ZONE PRISONERS TO THE CUSTODY OF THE ATTORNEY GENERAL

The bill (H.R. 724) to authorize the transfer of certain Canal Zone prisoners to the custody of the Attorney General was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM THE REPORT (No. 799)

PURPOSE

This bill would permit the transfer of persons convicted of offenses in the Canal Zone to the custody of the Attorney General for transfer to prisons within the United States.

EXPLANATION

The Canal Zone Penitentiary has a population that averages 90 to 100 prisoners of whom not more than about 10 are citizens of the United States. The small number of inmates makes the operation of a rehabilitation program difficult. The location of the penitentiary complicates possible visits from relatives and friends. Rehabilitation programs and visits are both important elements in accomplishing prisoner reform.

This bill would provide authority for the Governor of the Canal Zone to contract with the Attorney General of the United States for the transfer to the custody of the Attorney General of prisoners who are citizens of the United States. The law requires that such contracts provide for reimbursing the United States in full for all costs or other expenses involved.

The American citizens imprisoned in the Canal Zone normally are persons who are in military service when convicted or who were seamen or other persons in a transient status at the time of conviction. The inmates all were convicted of felonies and hence there is no likelihood of returning prisoners with very short sentences.

AUTHORIZATION TO CERTAIN MEMBERS OF THE ARMED FORCES TO ACCEPT AND WEAR DECORATIONS OF CERTAIN FOREIGN NATIONS

The bill (H.R. 3045) to authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM THE REPORT (No. 800)

PURPOSE

The bill would authorize members and former members of the Armed Forces of the United States who have served in Vietnam after February 28, 1961, to accept from the Government of Vietnam or the government of friendly foreign forces engaged in the conflict in Vietnam, decorations, awards, and emblems tendered to them as a result of service there.

EXPLANATION

Clause 8 of section 9 of article I of the Constitution of the United States requires congressional consent before a person holding an office of profit or trust under the United States may accept foreign decorations or awards.

The qualifying phraseology "in which the United States is not a belligerent party" is included to cover circumstances in which the Armed Forces of the United States are operating under conditions short of formal belligerency. The same phraseology was used in earlier legislation to permit the award of the Medal of Honor, the Distinguished Service Cross, and the Silver Star by our military departments to members of the U.S. Armed Forces as a result of their service in Vietnam.

The qualifying date of February 28, 1961, was selected because this was the approximate time when American military advisers began accompanying their Vietnamese counterparts on military operations.

Acceptance of decorations and awards under the bill is subject to regulations prescribed by the Secretaries of the Departments concerned. The committee was informed that the decorations and awards authorized for acceptance by members of the U.S. Armed Forces would generally meet the same criteria as are established for U.S. decorations. The committee strongly desires that the decorations and awards authorized for acceptance will not be of a type or quantity that would depreciate the honor or value of U.S. decorations.

The committee was informed that our military commanders in Vietnam regard approval of this legislation as being important to the morale of our forces there.

DISBURSEMENTS TO ARMED FORCES OF FRIENDLY FOREIGN NATIONS

The bill (H.R. 5665) to authorize disbursing officers of the Armed Forces to advance funds to members of an armed force of a friendly foreign nation, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM THE REPORT (No. 801)

PURPOSE

This bill would authorize officers of the Army, Navy, Air Force, Marine Corps, and Coast Guard who are accountable for public money to make advances of funds under exigent circumstances to members of friendly foreign armed forces.

EXPLANATION

Except through the exercise by the President of war powers there is no authority for disbursing officers of our Armed Forces to make advances to members of friendly foreign armed forces. In recent years there have been many situations short of war that resulted in the quick assembly of troops of several allied nations. In some of these cases small groups of foreign troops have not had a disbursing capability of their own. In these circumstances it is desirable that the disbursing officers of the United States have authority to make advances to the members of the armed forces of friendly foreign nations.

Disbursing officers of the armed forces of Britain and Canada have authority to make advances to the Armed Forces of the United States in peace and in war. This bill would permit reciprocity for the benefits offered by Britain and Canada and to other friendly foreign nations.

The bill requires that any advances made under its authority must be reimbursed by the nation whose military forces are advanced funds. The bill also requires that any nation that would benefit from this authority must agree to make similar advances to forces of the United States on a reciprocal basis. No advance will be made under authority of the bill until the President has entered into an agreement with the foreign nation concerned providing for reimbursement and for reciprocity.

The committee understands that the Department of Defense intends to advance funds only to small detachments of troops not having their own disbursing facilities.

COST

This bill would not increase the level of Federal expenditures as the funds advanced would be reimbursed by the nations to which they were advanced.

LAND CONVEYANCE, SAN DIEGO, CALIF.

The bill (H.R. 7329) to provide for the conveyance of certain real property of the United States to the city of San Diego, Calif., was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM THE REPORT (No. 802)

PURPOSE OF THE BILL

The bill directs the Administrator of General Services to convey to the city of San Diego, Calif., at the estimated fair market value, all of the right, title, and interest of the United States to approximately 0.67 acre of land located in the Navy Capehart housing area at the Admiral Hartman site in San Diego, Calif.

Upon receipt of the property, the city of San Diego plans to lease the land to the YWCA for the purpose of constructing a recreational facility which would benefit the military and civilian residents in the area. There are 439 single units of housing in the Admiral Hartman site, and while the recreational facility proposed to be constructed by the YWCA will not be for the exclusive use of the military and their dependents, it is expected that they will be the principal supporters.

The property in question has no current usage by the Navy and has no improvements thereon other than two construction shacks, of dubious value, built by the contractor during the construction of the Capehart project which was completed in 1960. It is now in the process of being reported to the General Services Administration as excess to the needs of the Department of the Navy. The estimated fair market value of the land is stated to be less than $10,000.

FISCAL DATA

Since the bill provides for the conveyance of the land at the estimated fair market value, there will be no increase in budgetary requirements.

SHIPMENT AT GOVERNMENT EXPENSE OF PRIVATELY OWNED VEHICLES OF DECEASED OR MISSING PERSONNEL

The bill (H.R. 9975) to authorize the shipment at Government expense to, from, and within the United States, and between oversea areas of privately owned vehicles of deceased or missing personnel, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM THE REPORT (No. 804)

PURPOSE

This bill would authorize shipment at Government expense from locations within the continental United States of private vehicles owned by missing or deceased military or civilian employees of the Federal Government.

EXPLANATION

The Missing Persons Act now provides authority for shipment at Government expense of a privately owned vehicle of missing or deceased personnel only when the vehicle is located outside the continental United States or in Alaska at the time the casualty status occurs.

The absence of authority for shipments of vehicles at Government expense from locations within the continental United States has caused hardships to widows or other survivors of deceased persons or other dependents of persons who are missing. The hardships are greater when there are minor children or aged parents in the family of the deceased or missing person. In these circumstances, because of their remoteness from the automobile and the emotional condition of the survivors, it is difficult for them to travel to the member's last duty station to claim the vehicle.

The Department of Defense considers the absence of authority to ship an automobile in these cases as presenting a significant morale problem.

REIMBURSEMENT AMONG MILITARY MEDICAL FACILITIES

The bill (H.R. 10234) to amend section 1085 of title 10, United States Code to eliminate the reimbursement procedure required among the medical facilities of the Armed Forces under the jurisdiction of the military departments, was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM THE REPORT (No. 805)

PURPOSE

This bill would eliminate the statutory requirement for reimbursement among the military departments for hospitalization furnished to a member or a dependent of another military department.

EXPLANATION

Under current law when a member or a former member of a uniformed service (or an eligible dependent) receives inpatient care in a medical facility of another uniformed service, the service furnishing the care must be reimbursed by the member's service the rates established by the Bureau of the Budget. The current rates are $27 per day for persons on active duty receiving care in facilities of another military service and $42 per day for dependents receiving care in facilities of a service other than that of the sponsor.

The Department of Defense considers that the current requirement for reimbursement is an expensive and unnecessary exercise in paperwork. Approval of this bill will neither increase nor decrease the cost of medical care within the Department of Defense. Any changes in the funds available to one military department will be compensated for by changes in funds of the other services.

Outpatient medical care is now provided on a nonreimbursable basis within the Department of Defense and the same system would follow for inpatient care upon enactment of this bill.

The current requirement for reimbursement between an armed force under the jurisdiction of a military department and another uniformed service not under the Department of Defense would be retained.

COST

Enactment of this bill will not increase cost of medical care within the Department of Defense but should result in some administrative savings.

RANK OF LIEUTENANT GENERAL OR VICE ADMIRAL FOR SURGEONS GENERAL OF THE ARMY, NAVY, AND AIR FORCE

The Senate proceeded to consider the bill (H.R. 7484) to amend title 10, United States Code, to provide for the rank of lieutenant general or vice admiral of officers of the Army, Navy, and Air Force while serving as Surgeon General which had been reported from the Committee on Armed Services, with amendments on page 2, at the beginning of line 1, to strike out "general, but is not counted as a lieutenant general against any strength prescribed by, or under, law" and insert "general"; on page 3, line 11, after the word "of", to strike out "vice admiral, but is not counted as a vice admiral against any strength prescribed by, or under, law" and insert "vice admiral"; and, after line 15, to strike out:

"§ 8036. Surgeon General: grade

"The officer who is designated as a medical officer under section 8067(a) of this title and who is serving as Surgeon General of the Air Force has, while so serving, the grade of lieutenant general. He is not counted as a lieutenant general against any strength prescribed by, or under, law."

(b) The analysis of chapter 805 of title 10, United States Code, is amended by inserting the following item:

"8036. Surgeon General: grade."

And, in lieu thereof, to insert:

"§ 8036. Surgeon General: appointment, grade

"There is a Surgeon General of the Air Force who is appointed by the President by and with the advice and consent of the Senate from officers of the Air Force who are designated as medical officers under section 8067(a) of this title. The Surgeon General, while so serving, has the grade of lieutenant general."

(b) The analysis of chapter 805 of title 10, United States Code, is amended by inserting the following item:

"8036. Surgeon General: appointment, grade."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXCERPT FROM THE REPORT (No. 807)

PURPOSE OF THE BILL

The purpose of the bill is to amend existing law so as to provide, by statute, that officers of the Army, Navy, and Air Force while serving as Surgeons General will hold the rank of lieutenant general or vice admiral (three-star rank) and be entitled to the pay and allowances of such grade while so serving.

The bill also would provide for retirement in three-star grade for such officers subject to Senate confirmation.

EXISTING LAW

Under existing law medical officers of the Army and Navy who are designated as Surgeon General of their respective military services are appointed in the grade of major general or rear admiral of the upper half, respectively (secs. 3036 and 5133, title 10, United States Code). There is no similar statutory provision for the position of Surgeon General of the Air Force, although the officer assigned to that position is normally a major general.

At the present time the Surgeon General of the Army and the personal physician to the President hold the rank of lieutenant general and vice admiral, respectively, by virtue of the authority vested in the President to designate certain positions of importance as warranting this grade for the incumbents.

REASONS FOR THE BILL

The Senate Committee on Armed Services is of the opinion that this legislation is justified for the following reasons:

1. The bill will remedy the present anomalous situation in which the chief medical officer of one of the military departments holds a higher rank than the other two Surgeons General. Moreover, it will remedy the situation in which the chief medical officer of the Navy is, in fact, junior in grade to one of the officers normally under his command. This observation should not be construed as indicating that the private physician to the President should not properly hold the three-star rank.

2. The responsibility of each of the Surgeons General of the three military services justifies the rank of lieutenant general or vice admiral for these positions. The Surgeons General have the vast responsibility of worldwide medical care for several millions of military personnel and their dependents. They are responsible for developing and maintaining medical services necessary to support military operations both in war and peace. This position involves the responsibility for the health of about 3 million military members on active duty. In addition, there are about 4 million dependents of active duty personnel, together with additional retired members and their dependents, all of whom receive medical care to the extent of available resources and personnel.

In terms of personnel under the supervision of the three Surgeons General, the following statistics are significant: in the Army, 72,000; in the Navy, 39,575; and in the Air Force, 48,315; for a total of 159,890 persons, both military and civilians, who operate under the supervision and direction of the Surgeons General. As examples of the duties involved in maintaining the health of military personnel, the Surgeons are responsible, among other things, for the medical staffing of hospitals, dispensaries, field units, and ships; for the provision of trained personnel in the field of military medical missions of aviation, submarine, and atomic medicine, together with all of the medical planning and logistics incident to these functions.

3. The bill should serve to enhance the position and military status of the Surgeons General in each of the military departments. It will, therefore, enhance the status of medical officers in each of the military departments and hopefully result in better retention rates of younger medical officers, who are so badly needed in the Armed Forces. At the present time the medical services of the Armed Forces would collapse without the doctor draft, under which almost 50 percent of each year's medical graduating classes enter the Armed Forces. The significance, therefore, of increasing the stature of the Surgeons General with respect to civilian medicine cannot be overlooked.

It would appear that a three-star rank for the Surgeons General is amply justified based on examination of the list of positions in the Department of Defense currently designated for this grade. Many of these current positions would not appear equal in responsibility to the positions of Surgeon General.

4. The number and salary range of other medical activities in the Federal Government are also relevant to this legislation.

At the present time, the Navy, with some 3,700 medical officers, has only 13 flag officers (excluding the White House and Capitol physicians); the Army, with about 4,800 medical officers, has 18 general officers; and the Air Force, with about 3,700 medical officers, has 17 general officers. The Veterans' Administration, on the other hand, with about 4,300 physicians, plus noncareer residents, has nearly 300 in supergrades (GS-16 and above) whose salaries are comparable or greater than officers of flag rank ($18,935 to $24,500).

The Public Health Service has a total of 2,254 medical officers, including 24 flag-rank officers equally divided between the upper and lower half.

FISCAL DATA

The enactment of this legislation would have no appreciable effect on the Department of Defense budget, since it would result in an increase in basic pay of only $168.30 per month—from $1,542.90 to $1,711.20. Since the Surgeon General of the Army already holds the three-star rank, only two officers would be affected, with the resulting budgetary effect on the Department of Defense for the two officers of approximately $4,000.

PROMOTIONS OF NAVAL RESERVE CAPTAINS AND MARINE CORPS RESERVE COLONELS

The Senate proceeded to consider the bill (H.R. 1805) to amend section 5899 of title 10, United States Code, to provide permanent authority under which Naval Reserve Officers in the grade of captain shall be eligible for consideration for promotion when their running mates are eligible for consideration for promotion which had been reported from the Committee on Armed Services, with an amendment, to strike out all after the enacting clause and insert:

That section 5899(a) of title 10, United States Code, is amended—

(1) by striking out "However, until July 1, 1961, an officer in the grade of captain is eligible for consideration for promotion when his running mate is eligible for consideration for promotion."; and

(2) by adding the following:

"However, an officer in the grade of captain is eligible for consideration for promotion when his running mate is eligible for consideration for promotion. When more than one officer in the grade of captain is to be selected for promotion from among line officers or from among officers in any one staff corps, at least one-half of the officers selected in the category concerned must be officers who are in the promotion zone or senior to such officers."

SEC. 2. Section 5899(b) of title 10, United States Code, is amended by adding the following:

"However, an officer in the grade of colonel is eligible for consideration for promotion when his running mate is eligible for consideration for promotion. When more than one officer in the grade of colonel is to be selected for promotion, at least one-half of the officers selected must be officers who are in the promotion zone or senior to such officers."

SEC. 3. The last sentence of section 5899(a) and the last sentence of section 5899(b) of title 10, United States Code, added by this Act become effective July 1, 1967.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXCERPT FROM THE REPORT (NO. 808)

PURPOSE OF THE BILL

The purpose of the bill is to provide permissive authority for Reserve officers of the Naval Reserve and Marine Corps Reserve, promoted under the Reserve Officer Personnel Act, to be considered from below the promotion zone for selection to flag and general officer rank in the Naval and Marine Corps Reserve. Under existing law, below the zone selections are authorized for officers of the Regular Navy and Regular Marine Corps. Under the authority related to Regular officers, there is no limitation in the percentage of officers who may be selected from below the zone. As already noted in the explanation of the committee amendment, beginning July 1, 1967, not more than 50 percent of the officers selected could be from below the zone except in cases where only one selection is to be made.

The committee feels that this limitation tends to preserve the zone concept of promotion and at the same time meets the need for selectivity for the Navy and Marine Corps Reserve for flag and general officer rank for the purpose of insuring the selection of the best fitted officers and meeting the mobilization needs of the respected Reserves.

BACKGROUND INFORMATION

Officers on the lineal list of the Navy are eligible for consideration for flag rank after 3 years in the grade of captain. On the other hand, officers of the Naval Reserve not on active duty are not eligible for selection from below the zone, but only when their running mates are in the established promotion zone on about their 10th year in grade. This has resulted in selection fields of such limited size that the number promoted to flag rank is well below the mobilization requirements for this grade since the number of selections has not been sufficient to offset losses through normal attrition. Title 10 of the United States Code authorizes 48 Reserve flag officers in an active status to fill mobilization billets; currently the Navy has only 30 of this authorized number and it will be some years before it will be able to correct this situation under the present provisions of law.

In addition to affording the means to build to authorized flag officer strength for mobilization, there are other distinct advantages which accrue from this proposal, advantages which will improve the selection and promotion system for the Naval Reserve and the officers concerned.

Of particular importance is the increased selectivity which will result by enlarging the area of consideration. This bill, as amended, will substantially broaden the field of eligibility thus offering a much larger number of officers from which to select both Naval Reserve flag and Marine Corps Reserve general officers.

EXAMPLE OF EFFECT OF BILL

The table below indicates with respect to the line officers of the Naval Reserve, the number of officers who would be eligible for consideration for promotion to rear admiral and brigadier general both with and without this legislation.

The additional numbers of eligible officers will make it possible for an improved quality of selection in terms of age, qualifications, and other factors and thereby enable the Navy to better meet its mobilization requirements for Reserve flag officers.

	1966	1967	1968	1969	1970
Estimated new eligibles without legislation	4	49	34	20	28
Estimated eligibles with legislation	125	304	277	305	369

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business, to consider nominations which were reported from the Committee on the Judiciary this morning.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nominations.

U.S. CIRCUIT COURT

The legislative clerk read the nomination of Frank Morey Coffin, to be U.S. circuit judge for the first circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. DISTRICT COURT

The legislative clerk read the nomination of Dan Monroe Russell, Jr., to be U.S. district judge for the southern district of Mississippi.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. MARSHALS

The legislative clerk read the nomination of Emmett E. Selby to be U.S. marshal for the northern district of Florida.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Beverly W. Perkins to be U.S. marshal for the district of Nevada.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John G. Chernenko to be U.S. marshal for the northern district of West Virginia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Joseph V. Conley to be U.S. marshal for the district of Rhode Island.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Victor L. Wogan, Jr., to be U.S. marshal for the eastern district of Louisiana.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Donald F. Miller to be U.S. marshal for the western district of Washington.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

SUBVERSIVE ACTIVITIES CONTROL BOARD

The legislative clerk read the nomination of John W. Mahan to be a member of the Subversive Activities Control Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Edward C. Sweeney to be a member of the Subversive Activities Control Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. ATTORNEY

The legislative clerk read the name of Thomas L. Robinson to be U.S. attorney for the western district of Tennessee.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Donald M. Statton to be U.S. attorney for the southern district of Iowa.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Hosea M. Ray to be U.S. attorney for the northern district of Mississippi.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Robert H. Cowen to be U.S. attorney for the eastern district of North Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William H. Murdock to be U.S. attorney for the middle district of North Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William Medford to be U.S. attorney for the western district of North Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

PROPOSED PAY INCREASE

Mr. LAUSCHE. Mr. President, within the next several days we shall be considering on the floor of the Senate a proposed pay raise bill. I have not studied the bill which was passed by the House. However, the Washington Post reports that it carried a 4-percent pay raise and other benefits.

In addition to the 4 percent pay raise, the bill allegedly contains the following grants and liberalizations:

Severance up to a full year's salary for employees who are laid off through no fault of their own; liberal relocation allowances for postal employees whose jobs are transferred to other areas; overtime pay for postal and classified employees after 8 hours daily; full overtime for classified employees through grade 10 instead of grade 9, as at present; postal employees through level 10 also would get the full overtime pay, up from level 7; postal employees would get overtime pay for all Sunday work, double time for holiday work, and 2½ times the daily rate for work on Christmas; the maximum allowance for uniforms paid to employees who must wear them on the job would be raised from $100 to $150; and the House Democratic and Republican leaders would be given $5,000 pay raises, from $30,000 to $35,000.

In connection with the bill passed by the House yesterday, I had a search made to ascertain how many pay raise actions were taken by Congress since 1951. I should like to call the attention of the Senate to what we have done.

The record shows that every 2 years there has been a pay raise. There was a pay raise in 1964, and another is proposed to be granted in 1965. Before I subscribe to what has been done, I shall wish to know whether the 4-percent pay raise adopted by the House of Representatives complies with the guidelines established by the President's Advisory Committee. My understanding is that it does not. If it does not, I shall not support the measure.

I shall not do so, because we cannot, on the one hand, tell labor unions and management, "To avoid inflation, you must stay within the guidelines of 3.2 percent," and, on the other hand, in our own House, the Congress, completely disregard the advice given.

I shall wait to see what will develop. It is my understanding that the White House does not approve of the measure as it has been passed in the House. I wait anxiously to see what the administration has to say.

Mr. President, I ask unanimous consent that the tabulation by the Legislative Reference Service be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

General pay increases since 1950—Classified, postal, and Armed Forces

CLASSIFIED EMPLOYEES

Year	Public Law	Percent increase
1951	82-201	Average increase of 10 percent.
1955	84-94	Average increase of 7.5 percent.
1958	85-462	Average increase of 10 percent.
1960	86-568	Average increase of 7.7 percent.
1962	87-793	1st step increase, effective October 1962, 5.5 percent. 2d step increase, effective January 1964, 4.1 percent.
1964	88-426	Average increase of 4.3 percent.

POSTAL EMPLOYEES

Year	Public Law	Percent increase
1951	82-204	4th-class postmasters' pay increased 20 percent. Other postmasters and supervisors increased 8.8. percent (but not over $800). All other employees increased $400, but the elimination of the 2 lowest grades meant that employees who had been in these grades got as much as a $600 increase.
1955	84-68	Average increase of 8.4 percent.
1958	85-426	Average increase of 10.27 percent.
1960	86-568	Average increase of 8.35 percent.
1962	87-793	1st step increase, effective October 1962, 8.6 percent. 2d step increase, effective January 1964, 2.6 percent.
1964	88-426	Average increase of 5.6 percent.

General pay increases since 1950—Classified, postal, and Armed Forces—Continued

ARMED FORCES

Year	Public Law	Percent increase
1952	82-346	Average increase of 4 percent in pay; 14 percent in food and rent allowance for those eligible. Average of these factors, 5.7 percent.
1955	84-20	Percent of increase under this law is complicated. For officers with more than 3 years' service and for warrant officers and enlisted men with more than 2 years' service, increases were based on length of service. Some examples: Major generals, 26 to 30 years' service, 6.7 percent; 2d lieutenants, with more than 3 but less than 4 years' service, 25 percent: corporals, with 8 to 10 years' service, 17.35 percent.
1958	85-422	Increases ranged from about 1 percent for privates to as much as 33 percent for some generals.
1963	88-132	Increase averaged about 17 percent for all active-duty personnel with 2 or more years of service. Those with less than 2 years' service received no increase.
1964	88-422	Average increase of 2.5 percent for all uniformed personnel with more than 2 years of service.
1965	89-132	Average increase of 11 percent for all enlisted personnel with 2 or more years of service; varrying increase for those with less than 2 years of service, and 6 percent for all officers.

Mr. LAUSCHE. Mr. President, I yield the floor.

ORDERS FOR RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that upon completion of its business today, the Senate stand in recess until 12 o'clock noon next Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES AND FOR THE VICE PRESIDENT TO SIGN BILLS DURING RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives and that the Vice President be authorized to sign bills during the recess of the Senate until Monday, October 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM—REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

Mr. MANSFIELD. Mr. President, it will be necessary for me to be with the President in New York City on Monday next in connection with certain international events which are transpiring in that city. It had been anticipated that Calendar No. 680, H.R. 77, would be called up on Monday, but in view of the statement which I have just made, I think it is proper, with the distinguished minority leader [Mr. DIRKSEN] present, to move at this time, and I do move, that Calendar No. 680, H.R. 77, be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. Calendar No. 680, a bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended, reported from the Committee on Labor and Public Welfare with amendments.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana to proceed with the consideration of the bill.

Mr. DIRKSEN. Mr. President, the majority leader put that in the form of a motion, and did not ask unanimous consent for immediate consideration. Had he done so, I would have had to object.

I shall have to combat the motion, of course, and ask for a live quorum call at this time, in the belief that we should not undertake this venture until Monday next. I am prepared to do that, unless, by prearrangement, we can make this the pending business for Monday, so that the motion will be debatable the moment the Senate comes into session, and that a morning hour may be had only by unanimous consent, and that speeches made can be qualified so that they will not embrace any kind of motion.

I should have no objection to a morning hour on that basis. If the bill is made the pending business, it will be subject to debate. I believe that under the rule, if the Senate adjourned as of tonight, for the 2 hours up until 2 o'clock, on Monday if the bill were called up on the morning hour, it would not be debatable, and therefore we would lose an advantage, I am sure.

I request that the distinguished majority leader clarify his position on that point.

Mr. MANSFIELD. Mr. President, it was not the intention of the Senator from Montana to use the procedural device which is open to the leadership through the calling up of this measure during the morning hour. It was thought advisable to call it up after the morning hour, as we are doing this afternoon, and as we shall do on Monday, so that Senators will be prepared and will know where we stand.

I agree with the distinguished minority leader that there should be a morning hour on Monday after the prayer is rendered, and the Journal considered as read, so that Senators who have statements to make may do so; and if there is a possibility of any unobjected-to items on the calendar being considered, that can be done.

I further agree with the distinguished minority leader when he says that at the conclusion of the morning hour, the motion now pending would still be considered pending at that time; and it is for that reason, in effect, that I requested that when the Senate completes its business today, it stand in recess rather than in adjournment.

Mr. DIRKSEN. Mr. President, with that understanding, I have no disagreement, and I think that is entirely fair on the part of the majority leader. So on Monday next, if there is to be a morning hour after the prayer and disposition of the Journal, it will be quite all right, and the motion of the Senator from Montana will then be the pending business and will be debatable at that point.

Mr. MANSFIELD. Mr. President, is that the understanding of the Chair?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. That is the understanding of the Senator from Montana.

Mr. President, I understand that a Senator wishes to introduce a bill and make some statements. I therefore suggest the absence of a quorum at this time, and promise the Senate that at the conclusion of this or any other speaking, the Senate will take a recess until Monday.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

Mr. LONG of Louisiana. Mr. President, the House and Senate managers have agreed to resolve their differences. There is one point which I believe might as well be explained for the Record, so that it can be understood when the Senate looks at the matter, perhaps next Tuesday.

This question relates to the Dirksen amendment, sections 201 and 202 of the bill, providing for a streamlined way by which the President could enter into agreements relating to replacement parts. In the event that he entered into such an agreement, the President would proclaim that an agreement had been entered into to remove tariffs on replacement parts. That proclamation would take effect unless Congress passed a resolution through both Houses declaring it not to be the case.

The Senator from Illinois [Mr. Dirksen] offered an amendment in committee, which was agreed to, and which was agreed to by the Senate, which provided that the proclamation would not take effect unless both Houses passed a resolution approving the proclamation.

In the differences between the Senate and House, it was suggested that the way to resolve the impasse would be merely to strike the section.

That would have been done, except that there was language in the bill to which both Senate and House had agreed, and it was contended that it would be subject to a point of order in either House. Therefore, the conferees agreed to an amendment which, in their judgment, would not be subject to a point of order, and which would achieve the same effect by merely declaring that the section under which the Dirksen amendment had been attached would expire the day after the enactment of the legislation; so that, in effect, we struck the section.

As I understand, this means that for the most part we have agreed to the Dirksen amendment, although it had to be done in language that did not so provide. The report of the House conferees was spelled out—as I will explain for the Senate conferees—and we feel that any negotiations on replacement parts should respect the procedure indicated here, because we believe it would be within the negotiations which would be approached, and Senators should be placed on notice that this matter was under consideration, which would give them notice of the right to express their views on the subject prior to the time any agreement was entered into.

I believe that when Senators study it, they will agree that, in effect, we carried out the Senate amendment and in effect agreed to the Senate amendment, even though we had to do it by a procedure that was rather obscure and might be misunderstood.

When the Senator from Illinois [Mr. Dirksen] has an opportunity to look at the matter, I hope he will be satisfied, because we have the impression that he would have been content if the entire section had been stricken. The amendment amounted to striking that section from the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ASSISTANCE IN MAJOR DISASTERS

Mr. LONG of Louisiana. Mr. President, I send to the desk a bill and ask that it be printed in the Record, and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2591) to amend the act of September 30, 1950, as amended (42 U.S.C. 1855–1855g), which relates to Federal assistance in major disasters, to provide assistance for property damaged as a result of Hurricane Betsy, and for other purposes, introduced by Mr. Long of Louisiana (for himself and Mr. Ellender), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 2591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3 of the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g), is amended by—

(1) inserting "(a)" immediately after the section designation; and

(2) adding at the end thereof the following new subsection:

"(b) Not to exceed $5,000 of the borrowers obligation under any loan made pursuant to paragraph (1) of section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), shall be canceled whenever such loan is made for the repair or replacement of uninsurable property damaged or lost as the result of the major disaster commonly known as "Hurricane Betsy".

(b) Section 302 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1922) is amended by—

(1) inserting "(a)" immediately after the section designation; and

(2) adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding the provisions of paragraph 4 of the preceding subsection, the Secretary is authorized to make loans, under rules and regulations prescribed by him, to any farmers and ranchers referred to in the preceding subsection for the repairs or restoration of rural dwellings, appurtenances, furnishings, buildings, and equipment used in connection with agricultural, livestock, or oyster production or products, for livestock and equipment losses, and for crop damage, the value as determined by the Secretary not to exceed the normal yield was the actual yield of acres harvested or which would have been harvested, damaged as a result of the major disaster, commonly known as Hurricane Betsy. The loans made pursuant to this paragraph shall be on such terms and conditions as the Secretary shall prescribe, except that (i) the interest rate shall be 3 percent per annum and (ii) the period of repayment of such loans shall not exceed thirty years.

(2) Not to exceed $5,000 of the borrower's obligation under any loan made pursuant to this subsection shall be canceled whenever such loan is made for damages resulting from the major disaster commonly known as Hurricane Betsy.

(c) Section 3 of the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g) is amended by—

(1) inserting "(a)" immediately after the section designation; and

(2) adding at the end thereof the following new subsection:

"(b) The assistance provided pursuant to the preceding subsection shall include the restoration and permanent replacement of public facilities and the facilities, equipment, and materials of elementary and secondary schools and institutions of higher education damaged as the result of the major disaster commonly known as Hurricane Betsy."

SEC. 2. The amendments made by this Act shall be applicable with respect to loans made on or after September 7, 1965.

Mr. LONG of Louisiana. Mr. President, I have introduced an amendment to the act that provides Federal assistance in major disaster to render assistance to the people in the area proclaimed a disaster area by the President of the United States as a result of Hurricane Betsy, which struck the State of Louisiana on Thursday, September 9, 1965. The assistance I propose will be in the form of a forgiveness for part of the emergency loan made to those who resided in the disaster area and who suffered an uninsurable loss to their home or business. I propose to limit this forgiveness to a maximum of $5,000.

Mr. President, the disaster which struck Louisiana, Mississippi, and other areas on September 9 was, in my opinion, the most destructive natural catastrophe of this generation from the point of property damage. It may well be the greatest ever to occur in the State of Louisiana, and it certainly compares with the great disasters of American history such as the San Francisco earthquake and the Chicago fire. The insured losses of Hurricane Betsy probably exceed anything that has happened in the United States. Unfortunately, many of the losses were not insured because they were not insurable. My amendment deals with these uninsurable losses.

As soon as word reached Washington of the magnitude of our disaster in Louisiana, I contacted President Johnson and asked him, in spite of his extremely pressing and busy schedule, if he could come to Louisiana and view the damage firsthand. He dropped what he was doing and, in the space of an hour, he was on his way to Louisiana accompanied by members of the Lousiana delegation and his top assistants concerned with disaster work. The people of Louisiana will never forget that visit. The reassurance that it gave to them, I am certain, had a great deal to do with the tremendous efforts that were made by so many to hold down the loss of life which could have reached proportions as great as the 400-odd who lost their lives in Cameron Parish, La., a few years ago.

The work being done by the Federal, State, parish, and municipal agencies and the work being done by countless individuals in digging out the city of New Orleans in particular, and many other surrounding areas in general, has been tremendous. We owe our everlasting appreciation to the Governor of Louisiana and the mayors of New Orleans and Baton Rouge, La., and the various Federal, State, and local agencies, and all of those who have done so much without regard to personal expense or inconvenience. We have one big job yet to be accomplished.

The mayor of the city of New Orleans, the Honorable Victor H. Schiro, has spent many hours with me recounting the seriousness of the plight of many of the people of the New Orleans area who have lost so much as a result of flood damages which are not insurable. I viewed many of these flooded homes firsthand while I was in New Orleans with the President and subsequently on trips with the Governor, the mayor, and other officials. I agree with him that the Federal Government has an obligation to those people to do something more than make long-term loans at a reasonable interest rate. The amendment I propose is, in our opinion, the most feasible solution to this grave problem. I will urge the Senate to act promptly upon it.

I am deeply appreciative of the work that has been done by Congressman BOB JONES of Alabama and his House Public Works Committee that saw fit to go to New Orleans and Baton Rouge over the past weekend and spend countless hours discussing the problem with the people who suffered losses and were very active in attempting to find a solution to the various problems that the hurricane caused. I am hopeful that the amendment I introduce today will be referred to the Senate Public Works Committee in order that those committees of the Senate and the House can work together in securing the earliest possible passage of my amendment and subsequent legislation that will take care of other serious problems that still exist.

Mr. President, I am introducing my amendment because I feel it is the only solution to the problem of protection of our people against natural disasters. On August 7, 1956, President Eisenhower signed into law the Federal Flood Insurance Act. This act authorized the Housing and Home Finance Administrator to undertake three related operations:

First, to furnish insurance against losses from flood and tidal waters.

Second, to reinsure private companies who undertake to write flood insurance on a private basis.

Third, to make loans to cover properties lost or damaged in floods to assure an adequate line of credit for this purpose when it is most needed.

The Federal Flood Indemnity Administration was established by the Housing and Home Finance Agency to carry out the provisions of this act. Numerous amendments to the act were proposed. Appropriations were proposed. None of them passed. The Federal Flood Indemnity Administration closed down and was abolished in July 1957. Following this time, many bills have been proposed to help in this situation. The long-term 3-percent disaster loan that the Small Business Administration can now make takes care of the third objective of the Federal Flood Insurance Act. The SBA, with a greatly expanded program, is presently making disaster loans in New Orleans as fast as they can make them and is doing a good job in this respect. The other two objectives of the act have never been accomplished.

Mr. President, it is my conclusion that, since the best minds of the Federal Government and the best minds of the insurance industry have not been able to come up with a suitable insurance policy against flood damage, such a policy is not possible at this time. For this reason, I propose that we take a different approach to this matter—the approach that I am suggesting in my amendment.

I propose that any individual—whether he be a homeowner or a businessman, including farmers—be granted a forgiveness of the loan made to them by the SBA—a forgiveness equal to the cost of repairs to their domicile or place of business in an amount not to exceed $5,000. In this manner, there are three strict controls over the granting of such a forgiveness:

First, the property must be within the area declared a disaster area by the President of the United States.

Second, the damage for which the loan was made must be uninsurable.

Third, it will not exceed $5,000.

I propose that the assistance be granted in this way because the machinery to handle the Small Business loan is already in existence and is working efficiently. The amount of the forgiveness is simply deducted from the amount of the loan that has already been made. No additional agencies or staffs should be needed to accomplish this work.

I am offering this amendment to apply to those who suffered uninsurable losses during Hurricane Betsy. I am cognizant of the fact that there are other uninsurable losses that occur, unfortunately, from time to time, including damages from tornadoes, hurricanes, volcanic eruptions, and others. I am hoping the operation resulting from the passage of this amendment will help us to arrive finally at a solution to our problem of Federal insurance against the uninsurable.

It is my feeling, Mr. President, that every American citizen should feel that he is entitled to protection from the Federal Government if private industry cannot make this protection available to him. After discussing this matter with some of the greatest insurance minds that I was able to contact, I have reached the conclusion that the insurance industry has made a serious and exhaustive effort to come up with a suitable plan of insurance that would provide protection against these disasters and, at the same time, would be able to do this at a premium within the reach of the people who would need it most. There are many reasons why this insurance is not feasible—one of which is that, because of physical locations, certain people would be in far greater need of it than others. I am satisfied that our insurance industry has made every effort and that they will continue to study this important problem. In the meantime, I hope my amendment will be promptly passed by this Congress in order that we will be in position to render the assistance so very badly needed at this time. It is my sincere feeling that the forgiveness proposed by this amendment is a minimum insurance payment and the total cost of this amendment will be far less than the Federal Government would have paid if any form of insurance had been in effect for the past 10 years.

Mr. YARBOROUGH. Mr. President, I listened with much interest to the measure offered by the Senator from Louisiana and the discussion of the Kennedy-Lehman bill of 1956.

The Kennedy-Lehman bill was passed after a great hurricane went up the Connecticut valley and devastated a large area in New England. It authorized the setting up of a plan for insuring against damage by rising waters.

At present there is no insurance available, as the distinguished Senator from Louisiana pointed out, to insure against the loss from damages by rising waters where it comes up in rivers or on the coast. This is one of the great vacant areas in American insurance coverage.

There was a similar situation prior to the administration of Franklin Delano Roosevelt in the field of hail insurance. No private insurance company would write insurance to protect field crops against loss or damage by hailstorm.

Under Franklin Delano Roosevelt we established a Government program to insure crops against loss of damage by hail. The result was that this insurance was made so attractive that private insurance companies have moved into this field and now they write hail insurance coverage. In fact, they have taken much of the business.

I believe this is a feasible subject for insurance. I believe that presently the private sector in our insurance economy is missing a bigger part in failing to insure against rising waters.

I have discussed this with insurance officials, and I have appealed to various presidents of insurance companies to put into effect a Kennedy-Lehman law of 1956. It would require only an executive order to appoint a commissioner, draft regulations, and get an appropriation through Congress because there is prior existing legislation. We have been unable to get it done in the past 2 or 3 years. I had a discussion with the Army Engineers and with the Bureau of the Budget.

They argued that it was not feasible because the rates would depend on how high the water was above sea level.

I ask the Senator from Louisiana if it would not be easier to have definite rates on various water levels above sea level.

In fire insurance there are four or five different rates in the same block for frame buildings, brick buildings, half-cut stone, and frame. It depends on the kind of building that is involved. The rate changes from building to building for fire insurance.

It seems to me that that is more difficult than having a different rate at sea level. It is said that that is what the different rates would apply to.

I ask the distinguished Senator from Louisiana if he does not believe that rising water insurance would be feasible, and whether our Government is not derelict in not implementing the Kennedy-Lehman law of 1956?

Mr. LONG of Louisiana. The Senator is entirely correct. That is one of the reasons for my proposal.

It is recognized that the Government should help people to insure themselves against risks that the insurance industry feels it cannot insure people against. One of the principal risks is rising water and floods.

If Congress had implemented that legislation our people in Louisiana would have been the first to buy it. They would have been in there, and after Hurricane Hilda and they would have broken down the door to buy it, because Hurricane Hilda broke the door there and in other areas where that hurricane hit.

Hurricane Hilda hit the Lafourche Parish area. It was badly damaged. The eye of the hurricane passed over Baton Rouge. Some of the area which Hurricane Hilda hit had been heavily damaged by Betsy.

There is no doubt that the people in the coastal areas, who saw what Hurricane Hilda could do, would have insured themselves against repetition if the Federal Government implemented the Federal law to make it possible to insure against this kind of loss.

Had they insured themselves against this type of loss, other people throughout the Nation would have taken out insurance. The Federal Government, I assume, would have subsidized it or backed it up, so the American people would have been standing behind those of us who had taken out flood insurance.

Instead, Congress did not implement it and made no funds available. We could not obtain insurance.

The result is that all those poor people suffered loss by flood driven by a hurricane and they had no way to insure themselves against it.

Had Congress implemented this legislation, the people of the United States would now be making good to the people of Louisiana and, at the same time, we would have insured ourselves against it.

To illustrate how it can cost where one has not been insured, the insurance people report that damage suffered from Hurricane Betsy is the greatest insured loss in the country. It was the greatest insured loss ever in this country.

My home suffered a loss of $15,000 where this hurricane uprooted a tremendous tree, put it on top of the house, and damaged the living room to the point where it is not usable. That is a loss that could be insured against.

This Senator was covered by insurance. He was not flooded. He was damaged by the rain that came from the roof after the hurricane destroyed the roof and put a big tree on the roof. It was a tremendous tree. I suppose it had been there for 500 years.

But for those people who had their homes horribly damaged by floodwater, with winds from 125 to 140 miles an hour, which pushed ahead of it a tidal wave between 9 and 15 feet, which stopped the levees in areas not protected against the Mississippi River, the effect which those people suffered was a great loss. They would have insured themselves had the insurance been available.

We would have been glad to do our part. Those people paid taxes to help our Government help others. We helped pay the bill to aid Europe and we did not get anything back. Certain nations show how ungrateful they can be. We pay people who suffer from famines in India or hurricanes in other parts of the world, and even some people who are not friendly. We help to sustain them when damage has been done to them.

On this insurance our people would have been in good shape to sustain the damage done if the Federal Government had made it possible for them to insure themselves against it, recognizing the fact that the insurance companies have not, up to this point recognized a practical way to do it.

The Senator makes a good point. We ought to have a solid insurance program to protect against these losses. But in the absence of it, it seems to me that the Federal Government ought to accept some responsibility toward the people who have been affected.

Mr. YARBOROUGH. I commend the Senator from Louisiana for opening this discussion again. A number of Senators have worked on it. The junior Senator from New Jersey [Mr. WILLIAMS] has submitted a resolution to implement it. President Eisenhower appointed a commissioner, but no money was appropriated by Congress to implement his work. So that office is vacant.

I believe if the Government insured the first group of properties offered for insurance, there would be a repetition of the experience in the administration of President Franklin D. Roosevelt, when the Government made hail insurance available to farmers to cover them against the loss of crops. Then the private economy moved in and showed that it could make a profit. It wrote a vast amount of hail insurance and made a profit on its investment.

Our study has shown that vast numbers of people in the United States live where they might be affected by rising waters. It is not only along the gulf coast, but in the river valleys of the United States. Cities like St. Louis, New Orleans, Louisville, and Cincinnati have suffered and can suffer damage that might be caused by rising river waters.

The amount of property to be insured is so vast that if the people had an opportunity to buy protection, the premiums would make it possible to supply the insurance.

It took the Federal Government to show how hail insurance could be provided. I hope that we might implement the law prospectively, in the future, to protect all the people and make insurance available to them.

I am pleased to observe in the Chamber the distinguished senior Senator from Alabama [Mr. HILL] and the distinguished junior Senator from Mississippi [Mr. STENNIS], whose States embrace coastal areas that are subject to flooding. Texas has areas that have not been hit by hurricanes for 50 years. In 1961, Hurricane Carla had a bad effect. Since the rebuilding took place, it has been difficult for people to obtain credit, because those who lend money do so much more for business development than for home development.

In some cities which are 15 feet above sea level and are located 10 or 15 miles inland, the water came farther in during Hurricane Carla than it had ever come before. One engineer, experienced in meteorological studies predicted that if the wind were right, water could come 30 miles inland. During Hurricane Carla, the water came exactly to the place where he had placed a marker 5 years before, where everyone else had said the water could not come. But it reached that point and stopped. Now everyone in the coastal area seeks the advice of that outstanding engineer.

It seems to me that the Government has been shortsighted, negligent, and timid. It has failed to take the thrust forward that was taken when Franklin Roosevelt directed the Government to insure farmers against loss or damage by hail.

All the people who live in river valleys and along the seacoasts, where homes and businesses might be damaged by rising waters, should have insurance made available to them. The bill of the Senator from Louisiana is needed because people are not able by themselves to pay for the cost of the damage. Collectively, the people of the country could pay enough in premiums to reimburse them for damages if the insurance were made available by the Government; and if it were made available, the private companies would enter the field to get their share of the business.

Mr. LONG of Louisiana. When Hurricane Betsy was in the middle of the Gulf of Mexico, no one could have said whether it would come ashore at Texas, Louisiana, Mississippi, Alabama, or west Florida. All those areas were subject to being hit by the full force of that hurricane. Whoever got it would get the slats knocked out of him.

Louisiana suffered $2 billion of damage from that hurricane. I am not concerned about some person who is worth $40,000 or $50,000, who was insured for a part of the loss, who has other assets to make up his loss, and who is able to pay for the damage that was caused him and can take it on the chin. It is the little people who have come to me and with whom I have talked. One of them said, "I am a widow. I have no husband to help me. All I have to live on is a small social security check. My home is totally destroyed. I have no home to go back to."

The homes of such people have been so badly damaged that they might as well be considered as destroyed. The people might as well start all over again. From the air, some of the homes look as though they might have some value. But many of them have been moved by the water almost as much as a mile from where they had stood. They have been so badly damaged by water and wind that it would probably be cheaper to start all over again than to move the house back to where it originally stood and rebuild it.

In some homes water stood for 2 weeks. By that time everything in the house had absorbed all the pollution that escaped from the septic tanks and sewage facilities. It soaked into the wood, and the wood became warped. So the people might as well start all over again.

The Government has provided grants now and then to replace slums. In this instance, the hurricane made slums out of decent housing areas. The people who lived in those areas have been wiped out. Many of them are advanced in years. Some of them are widows. They have no husbands to help them; they are trying to live on social security checks. Their homes have been taken from them. Something should be done to help those people.

Mr. STENNIS. Mr. President, I am favorably impressed with the argument made by the Senator from Louisiana concerning the bill that, as I understand, he is introducing or proposes to introduce. He has stated a practical problem in a logical way. I hope that some legislation along this line will be carefully considered and brought to consummation. I do not pledge my support for any particular bill at this time without having read it, but I shall certainly give it my interest and, I believe, my support.

The Senator from Louisiana is not one who is quick to run to the Federal Government every time someone stubs his toe or injures his thumb. He is concerned with a practical matter of insurance against tragic losses that private insurance does not reach. He proposes that the Government establish a sound organization that would charge premiums or fees, so to speak, for the insurance, so as to provide a little cushion, in effect, against unbearable loads resulting not only from floods, but from other catastrophes, as well.

Mr. LONG of Louisiana. I thank the Senator from Mississippi. He has been a leader in trying to protect people from the horrible damages caused by floods. He has seen in his own State what damage can result from other causes.

In this particular case, I made the point that if the Federal Government had done what I think it should have done, that is, recognized that no insurance is available for such catastrophes, and had an active program, implemented, and had provided a set premium, people would have paid for much more insurance than I have suggested.

Mr. STENNIS. This would be an investment by the Federal Government, which would have to contribute funds to provide relief in such catastrophes. The U.S. Government has been most generous when calamities and disasters have occurred in other nations, nations both friendly and unfriendly. As the Senator from Louisiana has said, some of the money used for such purposes could now be diverted to insurance for our own people against this kind of unguarded situation.

I believe that we should move forward. I hope that the Senator will continue his effort.

Mr. LONG of Louisiana. Mr. President, I thank the Senator.

TRIBUTE TO SENATOR HILL

Mr. STENNIS. Mr. President, I wish briefly to express my very deep gratitude and appreciation at the passage of H.R. 8310, the Vocational Rehabilitation Act.

I know that this is one of the finest programs we have had. As the Senator from Mississippi understands the amendments which have been agreed to, they are very timely.

All of us again, and I underscore the word "again," owe a debt of gratitude to the Senator from Alabama [Mr. HILL], for his long days, months, and even years of work upon the problem of bringing to completion, along with other members of his committee, a modernized measure in this highly important field.

I commend the Senator and thank him. I point out that this is only another illustration of one of the many instances in which the Senator has given so generously of his time and effort in other fields. The Senator has always been most effective indeed in the field of legislative enactment.

Mr. HILL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HILL. Mr. President, I express my heartfelt thanks to the distinguished Senator from Mississippi for his most gracious words. I deeply appreciate them.

As we all know, it takes a team to win the game. There has been no finer, more valiant, or more devoted team member than the distinguished junior Senator from Mississippi. He has been here on the floor, as a Member of this body, time and again, fighting the battle to give a better chance to the disabled, those who are compelled to hobble their way down life's road, leaning painfully on a staff or crutch, those retarded through mental retardation, those who have to grope their way through life with empty, armless sleeves.

No one has done more to help the poor, disabled, and disadvantaged people than has the distinguished Senator from Mississippi. I pay my tribute to him for the magnificent support that he has given to measures for our disabled people in behalf of the cause of their rehabilitation.

I also take this opportunity to express appreciation to the distinguished Senator from Mississippi for all that he has done for the strength and defense of our country. We well know that we live in a most troubled world—yes, in a most dangerous world. There is nothing so vital, so immediate, or so compelling at this time as the need to have a strong America with a strong defense system.

We know that no one has been more dedicated to the cause of the defense of our country or has contributed more to the strength of our country than has the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator very much for his generous remarks. It is fine to be on his team.

I have enjoyed working with the Senator.

Mr. President, I yield the floor.

TRIBUTE TO SECRETARY ZUCKERT

Mr. ERVIN. Mr. President, when Gene Zuckert leaves his position as Secretary of the Air Force on September 30, this Nation will have lost one of its greatest service secretaries. The people of this country owe him a debt of gratitude greater than most of them can ever know. It is fitting for us to recognize it here today.

Much has been said of the growth of U.S. airpower during Secretary Zuckert's stewardship. It is not necessary for me to repeat the accomplishments of the Air Force under his leadership. All of us who have been associated with military affairs recognize that the U.S. Air Force is today a more powerful, and at the same time a more flexible, instrument of national policy than it ever has been before.

One of the great strengths of the Air Force is its ability to look at new defense problems with a fresh approach and novel insights. Gene Zuckert has been a dominant force in developing creative professional thought within his service.

Despite the sometime crushing burdens which he has carried, Secretary Zuckert never has lost sight of the human element in defense affairs. No Secretary has maintained closer touch with both airmen and officers than he. No Secretary has been more concerned over the well-being of his people. He is a man who combines great managerial ability with the gift of human understanding.

The Air Force is a better organization, airmanship is a better profession, and the United States a stronger nation for having had Gene Zuckert as civilian chief of its aerospace arm.

I know you will join with me in expressing thanks to a great American, and in voicing the hope that he may find deep satisfaction in the knowledge that he has served our Nation with true distinction.

RECESS

Mr. LONG of Louisiana. Mr. President, if there is no further business to come before the Senate, I move, under the previous order, that the Senate stand in recess until noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 56 minutes p.m.) the Senate took a recess, under the order previously entered, until Monday, October 4, 1965, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1965:

U.S. DISTRICT JUDGE

Dan Monroe Russell, Jr., of Mississippi, to be U.S. district judge for the southern district of Mississippi vice Sidney C. Mize, deceased.

U.S. CIRCUIT JUDGE

Frank Morey Coffin, of Maine, to be U.S. circuit judge for the first circuit vice John P. Hartigan, retired.

U.S. ATTORNEYS

William H. Murdock, of North Carolina, to be U.S. attorney for the middle district of North Carolina for the term of 4 years. (Reappointment.)

William Medford, of North Carolina, to be U.S. attorney for the western district of North Carolina for the term of 4 years. (Reappointment.)

Robert H. Cowen, of North Carolina, to be U.S. attorney for the eastern district of North Carolina for the term of 4 years. (Reappointment.)

Hosea M. Ray, of Mississippi, to be U.S. attorney for the northern district of Mississippi for the term of 4 years. (Reappointment.)

Donald M. Statton, of Iowa, to be U.S. attorney for the southern district of Iowa for the term of 4 years vice Donald A. Wine, resigned.

Thomas L. Robinson, of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years. (Reappointment.)

U.S. MARSHALS

Emmett E. Shelby, of Florida, to be U.S. marshal for the northern district of Florida for the term of 4 years. (Reappointment.)

Donald F. Miller, of Washington, to be U.S. marshal for the western district of Washington for the term of 4 years. (Reappointment.)

Victor L. Wogan, Jr., of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years. (Reappointment.)

Joseph V. Conley, of Rhode Island, to be U.S. marshal for the district of Rhode Island for the term of 4 years. (Reappointment.)

John G. Chernenko, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years. (Reappointment.)

Beverly W. Perkins, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years. (Reappointment.)

SUBVERSIVE ACTIVITIES CONTROL BOARD

John W. Mahan, of Montana, to be a member of the Subversive Activities Control Board for the term expiring March 4, 1970, vice Francis Adams Cherry.

Edward C. Sweeney, of Illinois, to be a member of the Subversive Activities Control Board for a term of 5 years expiring August 9, 1970.

IN THE MARINE CORPS

The nominations beginning Charles W. Abbott to be lieutenant colonel, and ending James W. Wilson to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 20, 1965.

EXTENSIONS OF REMARKS

Independence Day for Republic of Guinea

EXTENSION OF REMARKS

OF

HON. PAUL H. TODD, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1965

Mr. TODD. Mr. Speaker, on Saturday, October 2, the Republic of Guinea celebrates its day of independence. Since independence, Guinea has faced the problems of development with courage and fortitude.

Although Guinea's mineral wealth makes its economy potentially one of the strongest in Africa, its development has, in the past, been hindered by a shortage of trained personnel for industry. Fruitful technical cooperation has taken place since 1962 between this country and the United States. To encourage a rapid increase in production, the Guinea Government is taking wise steps to further stabilize its internal economy.

Mr. Speaker, on this day I think it is appropriate that this body express its best wishes and its hopes for further prosperous and responsible development.

Republic of Guinea Marks 7 Years of Independence

EXTENSION OF REMARKS

OF

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1965

Mr. CEDERBERG. Mr. Speaker, tomorrow will mark 7 years of independence for the Republic of Guinea. On October 2, 1958, the overseas territory of French Guinea became an independent republic. Guinea became a member of the United Nations on December 12, 1958, and is a charter member of the Organization of African Unity.

Mr. Speaker, on this occasion, I want to extend my congratulations and best wishes to the people of the Republic of Guinea and to their President, Sékou Touré.

A Salute to Guinea

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1965

Mr. POWELL. Mr. Speaker, on October 2, the Republic of Guinea will celebrate the seventh anniversary of her independence. On this memorable occasion, we wish to extend warm felicitations to His Excellency Sékou Touré, the President of Guinea; and to His Excellency Karim Bangoura, the Guinea Ambassador to the United States.

It is indicative of Guinea's interest in becoming an important part of the world community that a little more than 2 months after she became independent she became a member of the United Nations, on December 12, 1958. In May of 1963, Guinea became a charter member of the Organization of African Unity and has played an important and significant role in this organization.

Guinea is partial heir to a series of great African empires, which at their height influenced tribal groups over a wide area. The leaders of Guinea have encouraged their people to take pride in their great historical traditions. Guinea also benefits from the fact that, although Europeans held the high administrative posts until after World War II, Africans occupied some of the other posts in the government as early as 1900. Colonial reforms after the war gradually reduced the responsibilities of the federal administration and placed more political responsibility in the hands of Africans at the local level. These reforms were in part the result of the constructive nationalist pressures exerted by the educated Guinean groups which returned to Africa after the war.

Guinea has excellent economic possibilities. She possesses over one-quarter of the world's supply of bauxite reserves along with significant deposits of iron ore, gold, and diamonds. Guinea also has great potential for hydroelectric power and a very promising agricultural economy. The Guinean Government is involved in economic planning but it has also been quite successful in encouraging private foreign investment. Most of the private capital remained in the country when independence came and a new effort is now being made by the Government to attract new industries. A private investment law was enacted in April 1962 and investment-guarantee agreements were concluded with West Germany, the United States, and Switzerland.

The United States and Guinea enjoy close and friendly relations. The United States is providing economic assistance as well as agricultural surpluses for this promising independent country. On this occasion we wish to congratulate this young, dynamic nation.

Nigeria's Independence

EXTENSION OF REMARKS

OF

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1965

Mr. MURPHY of Illinois. Mr. Speaker, with an estimated 55 million persons, Nigeria is the most populous nation in Africa. It is a large country—bigger than Texas and Oklahoma combined—and its people, like those of the United States, come from a wide variety of backgrounds. Despite their cultural diversity, however, the Hausa and Fulani of the arid north, the Ibo of the east, and the Yoruba of the subtropical west are joining with hundreds of different ethnic groups in forging a strong and united society.

Devoted to the rule of law and respect for individual freedom and dignity, Nigeria is making tremendous strides in developing a healthy and growing economy. With a gross national product of over $4 billion, an economy growing at a rate of over 4 percent per year, and what appear to be considerable reserves of petroleum and natural gas, Nigeria bids fair to become one of the new economic giants of Africa.

We in the United States are proud to be associated with Nigeria as it devotes itself to the great task of nation building. When Nigeria received its independence in October 1960, we pledged ourselves to assist the new nation to the extent of $225 million during the 6 years of its first development plan. With the 1962–68 plan period now half over, a visitor to Nigeria can see the tremendous strides being made throughout the nation. From northern Nigeria's humming textile mills and vast groundnut—peanut—plantations to the oil drilling rigs in the eastern section of the country and the west's rolling cocoa farms and industrial estates, development is to be seen everywhere. The huge Niger dam complex at Kainji is rising on one of Africa's mightiest rivers; a modern refinery is nearing completion near the new producing oil fields, and tall buildings are giving a cosmopolitan appearance to the skyline of the bustling city of Lagos, the capital of this great country.

Nigeria's is one of the most respected voices in Africa. A prominent member of the continental Organization of African Unity, as well as an articulate spokesman within the United Nations, Nigeria speaks with a voice of wisdom and moderation to her colleagues in Africa and throughout the world.

On this, the fifth anniversary of Nigeria's independence, and her second year as a republic, I would like to express to the people and government of that great nation our confidence in her great future and our warmest best wishes for the coming year.

Ginger Cory and "Escuela KMEX"

EXTENSION OF REMARKS

OF

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1965

Mr. BELL. Mr. Speaker, Adlai Stevenson once said that "our Nation needs new standards of respect and reward for intellect and culture." Today we are making great advances in education, not the least of them in the area of educational television. Here in Los Angeles we are particularly proud of the work that is being done to establish new standards of respect for our culture on the community television program "Escuela KMEX." This program is being considered for funding under title II, section A, of the Economic Opportunity Act of 1964. It reaches out to a significant segment of the disadvantaged portion of the Los Angeles community who are non-English speaking. This television program is designed to help individuals in this group begin to gain some skill in communicating in oral and written English. This we consider a very positive service to our city, our State and our Nation. The one woman who has spearheaded this gigantic effort is Miss Ginger Cory. Miss Cory teaches the daily television program "Escuela KMEX," serving thousands of adults in Los Angeles who are unable to attend adult school. She teaches beginning English to non-English-speaking adults—reading and writing and the dissemination of general community information. In addition to teaching the class, Miss Cory writes and prepares all of the material for "Escuela KMEX."

It has been said "the school is the key to success." This is true for adults of middle class backgrounds. They perceive the relationship of formal education to an upward mobility in the social strata. However, the disadvantaged one-third of the population, according to E. des Brunner in his "Overview of Adult Education Research," does not look to formal adult education as an answer to its personal problems. Individuals in this group have not understood the role of education as a means for securing economic rewards. Adults, in this disadvantaged group, are unlikely to motivate their children to persevere in their formal school training. This is evidenced by the numbers of disinterested youngsters in this group who swell the dropout statistics.

Miss Cory has been highly successful in instilling in the non-English speaking people a full appreciation of the values and benefits derived from learning to speak and write the English language as the key to fuller and better employment. In July 1964 Miss Cory assumed the responsibility for "Escuela KMEX." Audience responses increased rapidly. By July 1965, 1,500 students who had enrolled in February had completed a majority of all written lessons qualifying them for certificates of course completion. Due to audience responses by telephone, mail, and in person, a classroom enrollment of 3,000 has been estimated for the coming semester with thousands more envisioned in the near future. Miss Cory is receiving more daily mail for "Escuela KMEX" than any other single person on channel 34. This program stimulates comprehension and acceptance of the people of the United States, encourages the students integration into our way of life and culture.

Miss Cory gives unstintingly of her time to speak to civic groups and professional organizations about the needs of the non-English people. In addition to television teaching Miss Cory has served as a demonstration teacher and coordinator of English as a second language in Los Angeles adult schools. She has taught elementary school and conducted a study on group counseling to serve the special needs of children in poverty areas. Miss Cory operates a private reading clinic and tutoring service which awards deserving exceptional children free scholarships in intensive academic exploration.

Miss Cory's sincere affection for her students and learning has won her the profound respect of all who have been privileged to know and work with her. Each day she stimulates a respect for intellect and the American culture in her students. Their reward is knowledge.

Independence Day in the Federal Republic of Nigeria

EXTENSION OF REMARKS

OF

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1965

Mr. CEDERBERG. Mr. Speaker, Africa's most populous country celebrates 5 years of independence today. Although it has remained in the British Commonwealth, the Federal Republic of Nigeria became independent on October 1, 1960. On this occasion, I want to extend my congratulations and best wishes to the people of Nigeria, their President, Dr. Nnamdi Azikiwe, and their Prime Minister, Alhaji Sir Abubakar Tafawa Balewa.

Mr. Speaker, Nigeria has a federal form of government and a written constitution. Its parliamentary government is based on the British model. I cannot help but think that much of Nigeria's strength comes from the considerable power granted to the regional governments to handle predominantly local affairs.

The economy of Nigeria is built primarily around agriculture, forestry, and animal husbandry, which provides about two-thirds of Nigeria's national income. The outlook for the development of an expanded and more diverse economy is good, since it has largely untapped mineral and petroleum resources as well as considerable hydroelectric potential.

Nigeria is in the midst of a 6-year economic and social development plan begun in 1962. Envisioning an annual growth rate of over 4 percent, Nigeria has emphasized its readiness to welcome foreign private investment. In this regard, an investment-guarantee agreement has been concluded between the United States and Nigeria.

Nigeria is an active member of the Organization of African Unity and has provided active support and played a leading role in the work of the United Nations and its specialized agencies.

Mr. Speaker, I join my fellow Americans in wishing the people of Nigeria continued success and progress as they build a strong and independent nation.

A Salute to Nigeria

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1965

Mr. POWELL. Mr. Speaker today marks the fifth anniversary of the independence of Nigeria. On this grand occasion, we wish to extend warm felicitations to the President of Nigeria, His Excellency Dr. Nnamdi Azikiwe; and to the Prime Minister of Nigeria, His Excellency Sir Abubabar Tafawa Balewa.

Five years ago today a remarkable, 200-year interaction of religious, economic, and political currents culminated in the birth of a nation. When the first English ship dropped anchor at the mouth of the Niger River in the 17th century the area was already known among Europeans as the Slave Coast. The peoples that the English encountered on the coast, and later inland, called themselves Beni, Ibo, Yoruba, Hausa, and Fulani. Some were village folk dwelling in lush, tropical rain forests; others were nomads taking their livelihood from arid lands of thorn scrub; all shared the heritage of warfare perpetrated each upon the other. The great diversity of climate, vegetation, custom and language persists to the present but, of it all, through the instrument of federal democracy, has been built the single, young and vigorous nation we know as Nigeria.

Now, in retrospect, we are able to see that four major historical forces have been at work through the years bringing the sinew and spirit of nationhood to the people now called Nigerians. Islam was the first of these. At the turn of the 19th century the great Fulani holy war knit together the northern lands of the Hausa, Gwari, Nupe, and Jukun under a common Koranic law. The Fulani spread the Arabic language and the Islamic culture; they brought the concept of cosmopolitan state with criteria of inclusion far beyond those of kith, kin and locality.

Even as the Fulani Holy War was in progress, in London's distant parliamentary halls, the slave trade was outlawed. The ensuing years found former slaves who had labored in Europe, the West Indies, Brazil, and Sierra Leone settling in the Niger Delta. They brought with them useful trades, new skills, a different horizon of expectations, a deep respect for learning, and they brought Christianity. The worldly newcomers and returnees in time formed a new middle class which sent its sons to learn from the missionaries who came from Europe and America. Slavery, for all its ills, had destroyed localism in these men; they had broad, regional views, were unafraid to travel and were anxious to trade and spread their Christian ethic.

In the last quarter of the 19th century England's traders and soldiers gradually spread a colonial administration from the coast into the uplands and finally established the rough boundaries of the present nation. The Britons partook freely of the area's wealth but they brought many of the essentials for the future building of an independent and viable nation. Rails, roads, telegraph, a standard time, a unified system of administration, a common rule of law, a trained civil service and the idea of a Nigerian political entity, these were the heritage left by Imperial England.

But to administer and to govern are two very different things. Following World War II a constitutional council held under British auspices for the first time provided Nigerian political thinkers and native administrators from all areas with the opportunity to meet as countrymen and attempt the hammering out of broad, governmental rules of a national scope. It was a heady and challenging experience and the Nigerian nationalist movement has grown rapidly in size, depth and maturity from that time to the present. The 1947 constitution was followed by numerous revisions which drew nationwide attention, brought a sharp awareness of common interests and problems to villages the length and breadth of the land, led to the building of multiple political parties and culminated in a series of nationwide elections based upon expanding suffrage. Nigerian leaders were rapidly learning political skills to match their administrative abilities.

The nationalist writers and activists realized the fruition of part of their dream on October 1, 5 years ago when their land became a free and independent country. But nation-building does not stop with the attainment of nationhood. Sound, vigorous programs have been undertaken in education, public health, economic diversification and the attraction of foreign investment. Statesmanly adjustment of the political structure within the concept of democratic federalism has been instituted when need for it was discovered. Crises have been met calmly and competently overcome. And among the diverse peoples of Nigeria, the idea of Nigerian identity, and the idea of a Nigerian place and purpose in the affairs of the world grows with each passing year.

Let us then salute this new nation for the accomplishments of its first 5 years and warmly wish it well in the decades to come.

The Balance-of-Payments Problem Discussed by Representatives Curtis and Reuss

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1965

Mr. REUSS. Mr. Speaker, I include a transcript of the September 15 "Capitol Cloakroom" program in which Representative Thomas B. Curtis and myself were interviewed on the international financial picture by CBS Commentator Martin Agronsky:

Mr. Agronsky. This is Martin Agronsky. One of the points in continuing controversy in Washington and on Capitol Hill is the U.S. imbalance-of-payments problem; that is, more gold leaves the country than comes in. How to correct this problem? This week's subject on "Capitol Cloakroom."

The Announcer. From the Nation's Capitol, CBS radio brings you the 872d presentation of "Capitol Cloakroom." This week's guests are Representative Henry S. Reuss, Democrat, of Wisconsin; and Representative Thomas B. Curtis, Republican, of Missouri. Now, here is CBS news correspondent, Martin Agronsky.

Mr. Agronsky. The United States has been running a deficit in international payments because it spends, invests, lends, and gives more abroad than it takes in from foreign countries. This outflow of dollars leads to a reduction in the U.S. gold supplies because the countries holding American dollars can demand gold for them. A controversy on Capitol Hill is the best method of controlling and correcting this monetary problem. A Republican coordinating committee paper recently charged the Johnson administration as following an international fiscal policy that could lead tc world monetary chaos. And with us today to discuss the international monetary situation and the opposed Republican and Democratic points of view are two experts on finance from the House of Representatives. Representative Henry S. Reuss, Democrat, of Wisconsin, a member of the House Banking and Currency Committee and the Joint Economic Committee; and Representative Thomas B. Curtis, Republican, of Missouri, also a member of the Joint Economic Committee and of the House Ways and Means Committee. Mr. Reuss will be giving the views as a spokesman for the majority. The Republican coordinating committee, I repeat, has accused the Johnson administration of following an international fiscal policy that could lead to world monetary chaos. How would you respond to that?

Mr. Reuss. Oh, I'd respond by saying that that's a wild swinging and completely unjustified charge. What has happened is that the Johnson administration currently has brought our balance of payments into order. We didn't have a deficit in the quarter of the year immediately preceding. This is good. This is what we've been trying to do for a long time. Now, it is equally true that if we no longer run deficits in our balance of payments, and I'm determined that we shall not, the free world is going to run out of international money because dollar deficits have been the leading source of international money. Therefore, the Johnson administration has been moving with equal speed to try to get our friends throughout the world to adopt a new form of international money to supplement gold, the British pound sterling, and the dollar. If we do that, there won't be any international financial chaos because the dollar will have been brought into balance and the world will have moved to do internationally what our Federal Reserve System in the last 50 years has done within our country; namely, to see that there is an adequate supply of money to lubricate trade and investment. So if our Republican friends will work with us to improve the international monetary mechanism, we will have a situation where we can have full employment without inflation at home and still have an orderly world.

Mr. Agronsky. Mr. Curtis, as a Republican friend, how would you answer that?

Mr. Curtis. Well, first I would comment that Mr. Reuss is like the administration—grabbing at straws—when he points out that in this one quarter which we just went through, they happened to have a balance. Fortunately, Secretary of the Treasury Fowler takes a more realistic view and warns everybody that this one quarter, which this assertion is based upon, is not going to mean that we've got our international balance of payments in order, and this thing remains very serious. What we've been pointing out is that the administration has been treating the symptoms rather than the disease. Furthermore, I would comment that Mr. Reuss now is doing exactly what I was afraid would happen when we Republicans, beginning about 3 years ago on the Joint Economic Committee, recommended that we do have an international monetary conference, which is now going on in Europe. But, we warned that this is no solution to the balance-of-payments problem at all. This is a desirable thing whether we had a balance-of-payment problem or not. This has to do with having a strengthened international currency. But the main trouble with the international balance of payments is that the dollar has been weakened primarily because of our domestic fiscal policies. People keep saying what's the matter with the deficit financing, spending more than we take in at the Federal level? My response is that it weakens our own dollar and, in an international marketplace where the dollar is the main means of exchange, it creates and will create this economic chaos if it were to be devalued.

Mr. Agronsky. Congressman Curtis, one of the points that the Republican coordinating committee makes in the paper addresses itself to this very subject. You recommend that interest payments be increased and at home as well as abroad.

Mr. Curtis. Yes, but I would not put it that way, as this is the way our opponents would put it, as if we want to actually increase it. Now, what we're saying is that the marketplace has to set the interest rate. Quit trying to peg interest rates through government intervention because money, just like a commodity, has a market. And if we continue to try to bolster the interest rate through artificiality, we create this very problem. So when we say that the interest rates should go up, we're simply arguing to let the marketplace play a part in this process and let the interest rates seek their level. Now as a matter of fact——

Mr. Agronsky. As the marketplace permits interest rates to go up, then you say to let them go up.

Mr. Curtis. Yes, indeed. And, in fact, there is no question here. I don't want to quibble. Interest rates would go up. One reason that money has been flowing out of the United States is that interest rates abroad have been more realistic.

Mr. Agronsky. Mr. Reuss, would you——

Mr. Reuss. Yes, I certainly would like to comment on that. In the first place, in this country interest rates are a creature of the Federal Reserve, an independent agency. I find it ironic that the Republicans, who are the best friends of the independent Federal Reserve, should be criticizing Chairman Martin, in effect, for what they call a rigid and uncompromising commitment to easy money. Now, if that's so, then they should be raising the roof with the Federal Reserve. In fact, what we have had in this country is a rather steady increase in interest rates over the last 12 years—by no means all of which, in my judgment, was necessary. This increase has been the result of policies, not of the administration's, but of the independent Federal Reserve. What worries me about the Republican position that we should now have tighter money and higher interest rates in this country, is that reasonable interest rates—particularly long-term rates—are essential if our people are going to be able, for example, to buy the homes they need, because a mortgage rate over 20 or 25 years of 7 percent as opposed to one of 6 percent is going to mean that a family is going to have one less room in their house for the same price. Equally, with the tremendous need for schools in this country, if our localities are going to be able to build the new schools and colleges that they need, they're going to have to be able to borrow the money at relatively reasonable interest rates. The same thing applies to small business. If the small businessman has to pay exorbitant interest rates at his bank for a loan, he just isn't going to make that investment or, indeed, stay in business. So that it's a real difference between the two parties and has been one for many years. We Democrats believe in just as reasonable interest rates as the economic situation will stand.

Mr. Agronsky. Now, gentlemen, may I understand, see if I understand, what you regard as this fundamental difference on interest rates, and would you both correct if I'm wrong.

Mr. Curtis. I stand on what was said before, but go ahead.

Mr. Agronsky. You contend, Congressman Curtis, that interest rates should be permitted to seek their own level. You contend, Congressman Reuss, that interest rates should not be permitted to seek their level, that they should be held down.

Mr. Reuss. Well, not exactly. Actually, interest rates are whatever the Federal Reserve Board decides they should be. The Federal Reserve Board could, at any time, see that interest rates were at almost any level they want by increasing or tightening money. Now, while at various times I would agree they need to adopt different policies, all that I, as a Democrat, want to make sure of is that the Federal Reserve Board does not choke off the excellent 55 months of prosperity we've had in this country by taking the Republican proposal of tightening money and increasing interest rates at this time.

Mr. AGRONSKY. Congressman CURTIS.

Mr. CURTIS. I must add that Mr. REUSS—as is typical, I might say, of a Democratic spokesman—put in his semantics, and that is unfair. The difference lies in the function of the Federal Reserve. Mr. REUSS says that it can fix interest rates. Indeed it can, in disregard of the marketplace. It did do just that up until the Federal Reserve-Treasury Accord of 1951 when it continued to create a market for Federal bonds at a very low and unrealistic interest rate in comparison with what the marketplace demanded. Yes, it can do that, but the policy of the present Federal Reserve Board, which I do approve of, is to try to anticipate and figure out what is the market demand for money. In other words, you increase the money supply in a society in accordance with the increased economic activity, and the real test to whether you increase money is where there really has been economic growth. But if you try to reverse it through cheap money to get growth, you actually bring about inflation, and, in our judgment, you damage the economy. What we're arguing is that the administration, through its deficit financing and having the Federal Reserve Board buy up more of the Federal bonds than the marketplace can absorb with these interest rates, is being unrealistic. We want the marketplace to reflect our actual economic accomplishments through the test of how much money we should have.

Mr. AGRONSKY. Now, we're speaking of domestic economy. Now, how does this apply to the balance-of-payments problem and the deficit?

Mr. CURTIS. Because, thank goodness, we are in a fortunate position that the U.S. dollar is the international medium of exchange. So, if we, in effect, through our fiscal policy as it relates to our Federal Reserve policy, are creating artificially lower interest rates, in effect devaluing the dollar, this dollar is devalued in the international marketplace. Now, the dollar, still, in the international marketplace, is tied to gold. We still do promise to redeem the paper dollars that are issued to foreign governments. We promise to pay in gold. We don't let our own citizens do it. But in the international marketplace, we do. So——

Mr. AGRONSKY. Please make sure that we hold good on that promise.

Mr. CURTIS. Yes, and what's happened, and the reason we had to repeal the Silver Act and why we had to pass the wooden nickel bill—taking the intrinsic monetary metal value out of our coins, is that the commodities, gold and silver and other things—are worth more than the full faith and credit of the United States because of these fiscal policies that we have pursued.

Mr. REUSS. Well, the reason we're coming up with a coinage based not on pure silver, but on nickel and other subsidiary metals is that Americans use so many coins, so many dimes and quarters and 50-cent pieces, that there wasn't enough silver to supply the market. So at the request of all elements in American society, we have cut down or cut out the silver content of our small coinage. This is a good thing, because the American public needs coins to put in that laundromat or whatever they're doing with them.

Mr. CURTIS. Well, Henry, what you're in effect saying, is that the value of silver as a commodity and use for other things is worth more than the full faith and credit of the United States, and of U.S. paper money. If we had not continued to peg our gold and silver prices in relation to our paper money, we wouldn't have this problem. But people are hoarding silver coins and if the gold were around they would hoard it too because it's worth more than what we're willing to pay for it in dollars.

Mr. REUSS. Yes, and unfortunately, we had the good sense in this country a few months ago to cut down or cut out the use of silver in our coins. There's no point in Uncle Sam paying $1.40 an ounce for silver and losing money on its quarters and dimes.

Mr. CURTIS. That point is true, but the point is—and this was the debate on the floor of the House—that this is an example of the administration treating the symptoms rather than the disease. It's true, regardless, as in this situation. But I'm pointing out the reason we're here is because we continue to spend more money than we take in and we do not balance our budget every business cycle. That's the fundamental error in this administration's fiscal policy.

Mr. AGRONSKY. Congressman CURTIS, one other point the Republican paper makes is that there should be a reduction in the American troops in Europe and a cutback in military and economic aid made to foreign countries. Am I correct in that?

Mr. CURTIS. I think the way you state it will mislead people. It says redetermine the extended need under present conditions for U.S. military forces. Now, it is our belief and the military authorities tell us that we can cut down considerably on our troops abroad and actually have an increased defense capability, but we would at no time cut back on our military capabilities. We're simply saying that by redetermining the extended need—and the administration itself, I think, agrees with this—we're pointing out the heavy drainings on our economy in maintaining large garrisons of troops in Europe. I do think that this is not to be at the sacrifice of military strength.

Mr. AGRONSKY. I didn't indicate in any way, nor did I intend to indicate that it was——

Mr. CURTIS. No, I didn't think you did, but as it's worded, it could be misleading, and the people might think that.

Mr. AGRONSKY. Let me take the exact wording and discuss that.

Mr. CURTIS. Yes. I read the exact wording.

Mr. AGRONSKY. The Republicans accuse the Democratic administration of pursuing, I quote "a restrictive, shortrun, pennywise, little think, isolationist policy," end quote in trying to reduce the deficit.

Mr. CURTIS. Yes, and that is referring to things like restricting the amount of goods tourists could bring into this country; and the interest equalization tax on foreign investing rather than this particular point on military. But it certainly is true that they have been pursuing this policy of trying to treat the symptoms instead of the disease. In regard to what I was saying about the military, I didn't want anyone to think that in any sense we were advocating weakening our military structure. We do think, though, that in reading the exact words, we should "redetermine the extent of need and the present conditions for U.S. military forces in the European theater with the objective of reducing our expenditures there."

Mr. REUSS. Well, I would like to comment on that because, like so many of the points in the Republican paper, there is a grain of commonsense to it, but it's so wildly overstated that it will do more harm than good. Let's just take this military point. The Republican paper points out that we now have 700,000 military and associated personnel in Europe, and that this number could be cut down. If what they had said was that the United States should take a new look, for instance, at our supply line through France, which now services our forces in Germany, and see whether it isn't possible to perhaps service those German forces through ports like Bremen and Hamburg, and thus eliminate the half billion dollars that it costs us to maintain our supply lines in France, that would have been a proposition well worth looking at. Instead, however, and I really regret this, the Republican paper says—of our 700,000 forces in Western Europe—it says this, and I'm quoting, "a small detachment of our forces can serve as evidence of our commitment." In other words, they would apparently cut down our forces in Europe to a detachment. Now, this could be very unfortunate. It would feed the fires of De Gaulle who has been saying that the Americans all along have intended to chicken out in Europe. It's also extremely unfortunate coming as it does just a few days before the important election in West Germany.

Mr. AGRONSKY. Congressman Curtis.

Mr. CURTIS. Yes, I would say to all people, read the Republican paper yourself because Mr. REUSS quoted only a certain portion. Let me read the sentences just before, "A force of this size was unquestionably desirable 15 years ago (referring to the 700,000) as an emergency protective matter when our European allies were weak and relatively defenseless. But with their economic recovery, the Western European countries should be able to marshall their own conventional forces against invasion. However, they are continuing foreign commitments to assist in our defenses." Incidentally, I think the administration itself—the Johnson administration—and so did the Eisenhower administration, came to these conclusions, but for some reason or other we haven't implemented them.

Mr. AGRONSKY. You eventually foresee, then, the possibility that we could substitute a commitment which they would accept for actual troop presence.

Mr. CURTIS. Yes, this is one reason Secretary of Defense McNamara had that Operation Airlift to demonstrate our capabilities of doing just that.

Mr. AGRONSKY. Gentlemen, can I leave this to a perhaps nonpartisan area and quote from the Secretary of the Treasury, Mr. Fowler, a July 10 speech when he said that a continuing U.S. payments deficit would jeopardize U.S. gold reserves upon which the dollar as a medium of international exchange is based, and that this poses a paradox for the United States in that on the other hand, a prolonged surplus in the U.S. payments position would shrink the resources available to finance international credit and economic development. And the point he makes is that even a partial equilibrium in the U.S. payments account could retard the growth of world trade and economic development, thus, in the end, hurt the United States.

Mr. CURTIS. Well, then that's a contradiction. In fact, one part of that is exactly what we were trying to say. But we, the Republicans on the Joint Economic Committee, were urging that this international monetary conference be set up so that the world wouldn't be so dependent upon the U.S. dollar itself as a reserve currency. This could be achieved. Otherwise, the argument might prevail that it is necessary for the United States to continue to run these kinds of deficits. Now what I argue is that we should not run deficits and we should not use our deficits as the liquidity for the rest of the world. We should use a setup on international monetary systems so that we have liquidity, but we've got to get our own house in order.

Mr. AGRONSKY. But what about Secretary Fowler's indication that a partial equilibrium in the U.S. payments account, that is, as you get a balance of payments, you have a balance-of-payments deficit, could retard the growth of world trade in the economic development.

Mr. CURTIS. Although I happen to think well of Secretary Fowler, I disagree with him on this point. If he does a good job in the international monetary conference, he is not going to have to insist on this unfortunate deficit which would, in the long run, hurt us.

Mr. Reuss. Well, I think that Secretary Fowler's words there pinpoint what should be our real national goal. We should keep on working toward full employment without inflation at home; we should get our balance of payments in order; and, finally, and without much delay, we should get into being a new international monetary mechanism so that our getting our house in order, which we're trying to do and succeeding pretty well at doing, doesn't create international repercussions. That's the whole point and on that I would hope our Republican friends would agree, and I think many of them do.

Mr. Agronsky. What kind of international monetary mechanism are you referring to?

Mr. Reuss. I'm thinking of something under the International Monetary Fund such as the Joint Economic Committee suggested the other day in a bipartisan report, with complete acquiescence on both sides. Let the Fund develop an additional international currency to supplement gold, the pound sterling, and the American dollar. If they can do that, then our getting our house in order, internationally speaking, isn't going to produce a crisis in liquidity affecting world trade.

Mr. Agronsky. By international currency, you mean something in addition to the dollar, the pound, the franc?

Mr. Reuss. Exactly. Some new so-called fiduciary currency which bears the backing of the International Monetary Fund and which central bankers are willing to accept.

Mr. Agronsky. Congressman Curtis.

Mr. Curtis. Now, this is right except one thing that we've got to be sure of—that in doing this, you do not take away the discipline that is imposed upon societies, including the United States, to keep their own domestic houses in order and that this is not used as a crutch. Here is the difference of opinion. We feel that the fiscal policies in the United States are not adequate, and these are the things that are leading to the trouble in the international balance of payments.

Mr. Agronsky. Congressman Reuss.

Mr. Reuss. I'd just as soon settle for our 55 consecutive months of prosperity and the prospect that we will continue that and keep the dollar stable and its purchasing power stable. I believe we can do all that and still move with our friends and neighbors to set up a better international monetary order.

Mr. Agronsky. Thank you, gentlemen, for discussing with such clarity this very complicated problem on "Capitol Cloakroom."

Nigeria

EXTENSION OF REMARKS

OF

HON. PAUL H. TODD, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1965

Mr. TODD. Mr. Speaker, today the Republic of Nigeria observed its fifth year of independence. This former British colony has, in its movement from colonial status to independence, faced a transition fraught with extraordinary difficulties. The diverse nature of its geography, climate, economic character, religions, and ethnic makeup have not made independence easy.

Yet, Nigeria is today a model among the African nations. Under its able Prime Minister, Abukabar, it is an active member of the British Commonwealth and a strong supporter of the Organization of African Unity. The United States has agreed to support a Nigerian-originated 6-year plan for economic and social development.

With respect to the State of Michigan, at the request of the Agency for Industrial Development, Western Michigan University has established a technical college in Ibadan. The purpose of this program is to develop trained technical personnel. These students will return to Nigeria to teach in the technical college. It is hoped that by 1968 the Nigerian Government will be able to administer the entire operation of this program. In addition to this program western Michigan has trained nearly 100 Peace Corps volunteers for Nigeria.

Despite the obvious challenges, Nigeria has the essential resources and has shown the human potential to succeed in its drive for development. It is appropriate, Mr. Speaker, that on this day, marking the independence of Nigeria, we commend that nation on its progress and stability and express our high hopes for its future.

Chairman Wayne N. Aspinall Outlines the Interest of the Public Land Law Review Commission in the Gas and Oil Industry

EXTENSION OF REMARKS

OF

HON. COMPTON I. WHITE, JR.

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1965

Mr. WHITE of Idaho. Mr. Speaker, Chairman Wayne Aspinall, the author and chairman of the Public Land Law Review Commission yesterday addressed the Rocky Mountain Oil & Gas Association in Denver, Colo. His remarks so well express the purpose and objectives of the Commission, that I believe all Members should have the opportunity to review them.

Of particular interest to Members of Congress, the administrators and the users of the public lands are his statements about the effect the establishment of the Commission has upon existing law. He points out that hasty efforts to change the law before the Commission reports, are as ill-advised as are excuses to not execute the statutes on the books because changes may be made. In short, the law, however in need of clarification, should be administered as enacted.

His remarks follow:

Remarks of the Honorable Wayne N. Aspinall, a Representative in Congress From Colorado, Chairman of the House Committee on Interior and Insular Affairs, and Chairman of the Public Land Law Review Commission at the Annual Meeting of the Rocky Mountain Oil & Gas Association at the Brown Palace Hotel, Denver, Colo., September 30, 1965

It is an understatement and an oversimplification to say that your industry or any industry or group interested in the use of public lands will for a long time to come feel the impact of the study now being undertaken by the Public Land Law Review Commission. It can truly be said that the oil and gas industry has a dual interest because the Commission will not only be studying large land areas, including the shale-rich lands of Colorado, Utah, and Wyoming, and the unexplored and untapped potential in Alaska, but also reviewing the disposition or restriction on disposition of the mineral resources in the Outer Continental Shelf.

For the record, and for the few here who may not know the details, let me quickly state the basis and format of our operations. The Commission's study is required because the basic public land laws were in most instances developed without regard one to the other. Although many of them, such as the Homestead Act of 1862 and the mining law of 1872, are approximately 100 years old, they remain on the statute books virtually as they were enacted. Therefore, in the words of the statute creating the Commission, they "may be inadequate to meet the current and future needs of the American people."

With the exception of staking a claim under the mining law, land laws generally cannot be utilized by the American people outside of Alaska without the exercise of some discretionary authority by the Secretary of the Interior. Broad grants of authority have been delegated to the Secretary by the Congress, such as the temporary but sweeping classification authority of the Taylor Grazing Act of 1934 and specific grants such as in the Mineral Leasing Act of 1920. In other areas, such as administration of the mining law, the executive branch, through long usage, has developed methods of exercising authority not specifically delegated by Congress.

Some of the most complex problems relative to the so-called vacant unappropriated lands as well as other land areas have arisen in the administration of the public lands. In part this is traceable to the multitude of Federal agencies engaged in these activities. The Forest Service administers its own areas but users in certain instances must also proceed through Interior Department channels in order to extract natural resources within the national forests. The rules applicable in sheltered special-purpose portions of national forests are not the same as the rules applicable to wildlife refuges and game ranges. I think we will find a lack of uniformity even among the refuges and game ranges in the application, for example, of the Mineral Leasing Act.

The fact is that we just don't know what the law in its broadest sense is as applied to the various lands coming within the jurisdiction of the Commission's study. Between conflicting statutes on the one side and judicial and departmental interpretations on the other, anyone desirous of using the public lands is confronted with a maze of law and regulation that in many instances make it impossible to predict whether a venture—be it an irrigated farm sought under the Desert Land Act or a project for mineral production—is one that would be authorized even under ideal conditions.

As you know, the Public Land Law Review Commission itself is composed of 19 members, of whom 6 are appointed by the Speaker of the House of Representatives, 6 by the President of the Senate, 6 by the President of the United States, and the 19th a chairman elected by the first 18. It is my honor to be chosen as Chairman, and I am pleased to serve in this capacity. Working very closely with our staff and with the Commission itself is an advisory council, comprised of 25 persons from outside the Federal Government, plus 8 persons being designated by interested Federal departments and agencies. There will also be representatives of those Governors who wish to designate people to work with us. I am pleased to say that in response to my invitation to the Governors of the 50 States just a short while ago, we have heard from 39; and of the 39 responding, 38 have named representatives, thereby expressing an interest in the work of the Commission.

The early stage of the study will be primarily a staff responsibility: the drudgery of developing the status of the law as it is today while, at the same time, engaging in such basic studies as may be necessary for the later effort in which we will seek to determine whether the existing law is adequate or whether the Commission should recommend changes. But, even in the early stage, the Commission, the Advisory Council, and the Governors' representatives will work together in order to assure the initiation of all necessary projects and to assure that a cross-section of thinking, representative of all interested parties, is considered.

There may or may not be hearings held in the early stage; but it seems to me that the Commission, either directly or through its staff, must, as part of the initial phase, ascertain the problems that are bothering the people and groups using or seeking to use the public lands. We may be able to obtain this through the Advisory Council and the Governors' representatives; but public hearings may well serve a useful purpose in identifying the problem areas that should be given particular attention This is one of the many decisions that must be made in the immediate future.

We think we know the problems uppermost in the minds of people in the oil and gas industry; but, we cannot be certain until we have explored with you and your representatives the various aspects involved. We think that the least of your problems involves the administration of the Mineral Leasing Act. Still, we know that the time lag in obtaining decisions creates situations that are not compatible with maintaining an orderly business. Whether we can offer solutions to speed up title clearance and expedite appeals remains to be seen; but these are areas with which we will concern ourselves.

Obviously of far greater importance to this industry is the question of whether and to what extent new sources of oil will be made available for production. To look at this aspect, we will involve ourselves in several areas that have resisted solution in the past. To my knowledge, however, no group such as the Public Land Law Review Commission, with representation from the Congress and the public, supported by a broad-based advisory council, has ever concentrated its attention on all of these matters at one time.

These problems are not new to any of us. For 35 years we have had a temporary withdrawal of all oil shale lands. For 12 years we have had statutes seeking to provide the means to reconcile the military requirements in, on, and over the waters of the Outer Continental Shelf with the readiness of private enterprise to produce minerals from the Outer Continental Shelf. These and other problems will be examined in depth in the next few years with a view to recommending solutions in the national interest, a term that, to me, requires being fair to all elements that comprise the national interest, including industry.

Bearing heavily on the extent to which we utilize our resources is the extent to which we allow imports from foreign sources. You who are interested in the leasable minerals may not be aware of the fact that the Solicitor of the Department of the Interior, in a decision under the mining law, held, not too long ago, that a claim for manganese was invalid because an American producer could not engage in economic production in competition with manganese that could be imported from abroad. In another, unrelated, situation, two members of the Oil Shale Advisory Board that reported to the Secretary of the Interior earlier this year took the position that we need not open up oil shale lands for development at this time because there are other sources, including foreign sources, that provide adequate supplies of oil.

As I have said on other occasions, there would be small point for us to seek solutions for the management and use of the public lands for resource development if, at the same time, reliance on foreign sources eliminates the need for the domestic source of a particular resource. In assessing the potential for development of public land resources, we will consider local and regional interests, as well as the overall national interest, when evaluating the economic impact of new or expanded industries. Public lands must be permitted to contribute to the continued growth of the Nation's gross national product and the communities involved must be permitted to join in the expanding prosperity.

If we disregard normal economic expansion, disregard the basics of competition in a free enterprise society, disregard the national security and possible defense emergency implications, it is probable that, despite soaring demand, domestic production of petroleum with an expanded oil import quota might satisfy domestic consumption requirements for the immediate future. But, I do not think that the Public Land Law Review Commission will ignore these factors and certainly not the national security and defense emergency requirements. On the contrary, I anticipate that the Commission will be very much concerned with the question of whether public lands contain resources—and I do not confine it to oil and gas alone—that can make us self-sufficient in the event of some national security requirement.

Of necessity, therefore, the Commission will in the next few years be following very closely the course of tariffs, quotas, proposed international commodity agreements, and developments such as petrochemical complexes in Puerto Rico. Any recommendations that the Commission makes must, realistically, take into consideration and possibly recommend changes in U.S. foreign trade policy.

Likewise, no study of the public lands and their resources would be complete without considering all of the tax implications bearing thereon. From what I can gather, for example, the gap between an uneconomic oil shale industry and one that could produce products competitive with those produced from traditional sources might well be found in the depletion allowance permitted under the tax laws. We shall, therefore, probably, take a close look at this question if it has not been resolved before the completion of our study.

Before pursuing this thought further, let me inject a comment that I have made many times before. While I anticipate that committees of the Congress will not, in the absence of a showing of urgency, act on substantive matters pending before the Public Land Law Review Commission, I do not expect the existence of the Commission to provide an excuse for a delay in the consideration of matters of urgency that need attention. Accordingly, if it becomes apparent that it is feasible to move forward and permit an oil shale industry to get started, such action need not await the outcome of the Commission's study and report.

While I have sponsored legislation in the last Congress, as well as in this Congress, to define clearly the point of application of the depletion allowance when oil is extracted from oil shale through retorting, I recognize that the in situ method of extraction, if proven feasible, might well alter the course of the entire industry and definitely fix the point of application of the depletion allowance at the oil coming out of the ground. This, in turn, conceivably might alter the rate of depletion allowance applicable to the production of oil from this source.

I am informed that the in situ procedure is not new to the petroleum industry and, as a matter of fact, in the words of a Department of the Interior background synopsis prepared for the Oil Shale Advisory Board, "has been fairly well developed by the petroleum industry as a means of increasing recovery from certain types of petroleum reservoirs that have been depleted to the point that conventional production methods are ineffective." This serves to point up one major area that needs further study. If the in situ method in one instance brings forth oil, permitting the application of the existing depletion allowance for oil production, will the in situ method that likewise brings forth oil directly from the ground, but from a different geologic formation, result in application of the depletion allowance that is "standard" in traditional oil production?

Logically we might find the answer by merely phrasing questions a little differently: Should the rate of depletion allowance depend on the source from which oil is produced? Should the rate depend on how oil is produced?

It is my hope that the question of the applicable depletion allowance, as well as all other questions bearing upon the establishment of an oil shale industry, may be resolved quickly. The recurrent eruption of trouble spots throughout the world makes our dependence on foreign sources of oil less certain each day, while at the same time our requirements may increase because of security needs. I would not want the Public Land Law Review Commission to be responsible in any way for holding up development of an oil shale industry, if development is feasible.

Likewise, I would not want to be in charge of any other agency which anyone could say had contributed to a delay in opening shale lands for development. The fact is that anyone who does delay this development is not only ignoring the existing law, but is, as evidenced by the endorsement by the Navy Department of the need for an immediate oil shale industry, exposing himself to the possibility of having endangered our security.

Naturally, regardless of whether an oil shale industry is started, the matter of development of oil shale lands will be the subject of some attention by the Public Land Law Review Commission. If the in situ method, as now seems probable, becomes a reality, as indicated by the attention being given to it by potential major producers, we will not have to face some of the questions posed by traditional mining and the disposal of waste products. In any event, we shall be concerned with the use of the surface both during and after the production of oil from oil shale in the lands affected.

As I said at the beginning of my address, the oil and gas industry has a major interest in the work being undertaken by the Public Land Law Review Commission. We not only welcome but solicit your assistance in undertaking our tasks. We hope that on a day-to-day basis your representatives will work with the Commission staff through its Director to the end that we may truly reach conclusions and recommendations in the broad national interest.

SENATE

Monday, October 4, 1965

(Legislative day of Friday, October 1, 1965)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

Rev. W. Paul Ludwig, D.D., minister, Chevy Chase Presbyterian Church, Washington, D.C., offered the following prayer:

O God who judges the nations by Thy holiness and holds the keys of mortal destiny in Thy hands, let now the bright noontide of Thy favor be upon these Thy servants.

Turn us all from soft answers when we should stand like the herald on the battlements of truth with a trumpet to our lips; just spare us from torrents of verbal passion when justice will be better served by the quiet persuasion of love.

Grant that ever when the sound of debate has ceased that every voice of whatever accent shall claim a rightful place in the final emergence of just and holy law.

May the deliberations of this body enter the arteries of American life with a surge of fresh courage in those whose zeal for democracy may have been diluted and with a heightened beat of resolution for those whose eyes are wistfully turned toward our benevolent shores as the haven of their noblest hope.

Stand Thou, gracious Father, close by the Presiding Officer and every Member of this Chamber, that at the close of day it may be said, "Thy will is done."

Through Jesus Christ our Lord. Amen.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The PRESIDING OFFICER (Mr. Montoya in the chair). The question is on the motion of the Senator from Montana [Mr. Mansfield] to proceed to the consideration of H.R. 77.

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. Mansfield] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1576) to amend the act of May 17, 1954 (68 Stat. 98), as amended, providing for the construction of the Jefferson National Expansion Memorial at the site of the old St. Louis, Mo., and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10871) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 10 and 11 to the bill, and concurred therein, and that the House receded from its disagreement to the amendment of the Senate numbered 9 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1384. An act for the relief of Theodore Zissu; and

H.R. 6726. An act for the relief of William S. Perrigo.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate have a routine morning hour, with statements limited to 3 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. DIRKSEN. Mr. President, there will be no objection. A morning hour, of course, can come only when the Senate adjourns on the previous day.

However, provided no motions of any kind are made which will affect the pending business, the motion to take up H.R. 77, and only strictly routine morning business is transacted, I shall not object.

Mr. LONG of Louisiana. I modify my request to provide that the transaction of routine morning business be limited to statements and the introduction of bills.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. LONG of Missouri, from the Committee on the Judiciary, with amendments:

S. 1160. A bill to amend section 3 of the Administrative Procedure Act, chapter 324, of the act of June 11, 1946 (60 Stat. 238), to clarify and protect the right of the public to information, and for other purposes (Rept. No. 813).

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

H.R. 7707. An act to authorize the appointment of crier-law clerks by district judges (Rept. No. 816).

By Mr. ERVIN (for Mr. McClellan), from the Committee on the Judiciary, without amendment:

H.R. 2853. An act to amend title 17, United States Code, with relation to the fees to be charged (Rept. No. 814); and

H.R. 7888. An act providing for the extension of patent No. D–119,187 (Rept. No. 815).

By Mr. DIRKSEN (for Mr. Eastland), from the Committee on the Judiciary, without amendment:

S. 1520. A bill for the relief of Mr. and Mrs. Earl Harwell Hogan (Rept. No. 818);

S. 2091. A bill for the relief of Joaquin U. Villagomez (Rept. No. 819);

H.R. 1218. An act for the relief of T. W. Holt & Co. and/or Holt Import & Export Co. (Rept. No. 820);

H.R. 1311. An act for the relief of Joseph J. McDevitt (Rept. No. 821);

H.R. 1319. An act for the relief of Joseph Durante (Rept. No. 822);

H.R. 1409. An act for the relief of Louis W. Hann (Rept. No. 823);

H.R. 1644. An act for the relief of 1st Lt. Robert B. Gann, and others (Rept. No. 824);

H.R. 1836. An act for the relief of Constantinos Agganis (Rept. No. 826);

H.R. 2005. An act for the relief of Miss Gloria Seborg (Rept. No. 825);

H.R. 2285. An act for the relief of Mrs. Concetta Cioffi Carson (Rept. No. 827);

H.R. 2557. An act for the relief of Frank Simms (Rept. No. 828);

H.R. 2757. An act for the relief of Maria Alexandros Siagris (Rept. No. 829);

H.R 3288. An act for the relief of Hwang Tai Shik (Rept. No. 830);

H.R. 3515. An act for the relief of Mary Ann Hartmann (Rept. No. 831);

H.R. 3669. An act for the relief of Emilia Majka (Rept. No. 832);

H.R. 3770. An act for the relief of certain individuals employed by the Department of the Navy at the Pacific Missile Range, Point Mugu, Calif. (Rept. No. 833);

H.R. 4078. An act for the relief of William L. Minton (Rept. No. 834);

H.R. 4088. An act for the relief of Irving M. Sobin Chemical Co., Inc. (Rept. No. 835);

H.R. 4137. An act for the relief of Dr. Jan Rosciszewski (Rept. No. 836);

H.R. 4194. An act for the relief of Angelica Anagnostopoulos (Rept. No. 837);

H.R. 4203. An act for the relief of Alton G. Edwards (Rept. No. 838);

H.R. 4464. An act for the relief of Michael Hadjichristofas, Aphrodite Hadjichristofas, and Paniote Hadjichristofas (Rept. No. 839);

H.R. 5167. An act to amend title 38 of the United States Code to authorize the administrative settlement of tort claims arising in foreign countries, and for other purposes (Rept. No. 840);

H.R. 5457. An act for the relief of Maria del Rosario de Fatima Lopez Hayes (Rept. No. 842);

H.R. 5554. An act for the relief of Mary Frances Crabbs (Rept. No. 841);

H.R. 5904. An act for the relief of Nam Ie Kim (Rept. No. 843);

H.R. 6229. An act for the relief of Kim Sun Ho (Rept. No. 844);

H.R. 6235. An act for the relief of Chun Soo Kim (Rept. No. 845);

H.R. 6819. An act for the relief of Dr. Orhan Metin Ozmat (Rept. No. 846);

H.R. 8350. An act for the relief of the successors in interest of Cooper Blyth and Grace Johnston Blyth otherwise Grace McCloy Blyth (Rept. No. 847);

H.R. 8457. An act for the relief of Robert G. Mikulecky (Rept. No. 848);

H.R. 8646. An act for the relief of Rifkin Textiles Corp. (Rept. No. 849);

H.R. 9521. An act for the relief of Clarence Earle Davis (Rept. No. 817);

H.R. 9526. An act for the relief of Raffaella Achilli (Rept. No. 850); and

H.R. 9545. An act providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy (Rept. No. 851).

By Mr. DIRKSEN (for Mr. EASTLAND), from the Committee on the Judiciary, with an amendment:

S. 1848. A bill for the relief of Mary Horalek and Eva Horalek, Blue Rapids, Kans. (Rept. No. 852);

S. 1972. A bill for the relief of Elinor A. Jean (Rept. No. 857); and

S. 2362. A bill for the relief of Hilda Shen Tsiang (Rept. No. 853).

By Mr. DIRKSEN (for Mr. EASTLAND), from the Committee on the Judiciary, with amendments:

S. 317. A bill for the relief of the Swanston Equipment Co. (Rept. No. 854);

S. 851. A bill for the relief of M. Sgt. Bernard L. LaMountain, U.S. Air Force (retired) (Rept. No. 855);

S. 1922. A bill for the relief of Valentina Sidorova Parkevich (Rept. No. 856); and

S. 2112. A bill for the relief of Marian Edith Kid-Stanton Simons (Rept. No. 858).

INVESTIGATION OF CRIMINAL LAWS AND PROCEDURES—REPORT OF A COMMITTEE

Mr. DIRKSEN (for Mr. EASTLAND), from the Committee on the Judiciary, reported an original resolution (S. Res. 152) to investigate criminal laws and procedures, which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of criminal laws and procedures.

SEC. 2. For the purposes of this resolution the committee from October 1, 1965, to January 31, 1966, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,100 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1966.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $30,000, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. INOUYE:

S. 2597. A bill for the relief of Lourdes H. Velasco; to the Committee on the Judiciary.

By Mr. ROBERTSON (by request):

S. 2598. A bill to authorize the establishment of Federal mutual savings banks; to the Committee on Banking and Currency.

(See the remarks of Mr. ROBERTSON when he introduced the above bill, which appear under a separate heading.)

RESOLUTIONS TO INVESTIGATE CRIMINAL LAWS AND PROCEDURES

Mr. DIRKSEN (for Mr. EASTLAND), from the Committee on the Judiciary, reported an original resolution (S. Res. 152) to investigate criminal laws and procedures, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. DIRKSEN, which appears under the heading "Reports of Committees.")

EXTENSION OF GREETINGS TO HIS HOLINESS, POPE PAUL VI

Mr. DIRKSEN (for Mr. MANSFIELD and himself) submitted a resolution (S. Res. 153) extending the greetings of the people of the United States to His Holiness, Pope Paul VI, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

FEDERAL CHARTERS FOR MUTUAL SAVINGS BANKS

Mr. ROBERTSON. Mr. President, I have introduced at the request of the Federal Home Loan Bank Board, a bill to provide for the Federal chartering of mutual savings banks. This bill, like S. 3050 of the last Congress and earlier versions, is a major proposal and deserves the careful study of the public and of the affected industries.

I believe it would be helpful in this study to have available the letter of transmittal from the Federal Home Loan Bank Board and the Board's explanation of the bill. Accordingly, I ask unanimous consent to have these documents printed in the RECORD at this point, and also a letter from Grover W. Ensley, executive vice president of the National Association of Mutual Savings Banks, concerning the bill and my reply.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The bill (S. 2598) to authorize the establishment of Federal mutual savings banks, introduced by Mr. ROBERTSON, by request, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The letters presented by Mr. ROBERTSON are as follows:

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., October 1, 1965.

The PRESIDENT OF THE SENATE.

SIR: The Federal Home Loan Bank Board hereby transmits, and recommends for enactment, a draft for a bill to authorize the establishment of Federal savings banks.

The provisions of the draft are summarized and explained in the analysis which is also transmitted herewith.

Enactment of the proposed legislation would probably not result in any savings in costs of administration of the Federal Home Loan Bank Board and might result in some increases in such costs. However, it is believed that such increases, if any, are not susceptible to estimation at this time with any degree of accuracy and for this reason the question of such possible costs is not dealt with. Any costs involved would of course be handled on the self-supporting basis under which all costs and expenses of the Federal Home Loan Bank Board are handled.

Advice has been received from the Bureau of the Budget that the enactment of the proposed legislation would be consistent with the administration's objectives.

With kind regards, I am,

Sincerely,

JOHN E. HORNE.

SECTION-BY-SECTION ANALYSIS OF DRAFT DATED OCTOBER 1, 1965, FOR A BILL TO AUTHORIZE THE ESTABLISHMENT OF FEDERAL SAVINGS BANKS

Section 1. Short title: The unnumbered first section states the short title, "Federal Savings Bank Act."

TITLE I. FEDERAL SAVINGS BANKS

Chapter 1. General provisions

Section 11. Definitions and rules of construction: Section 11, the first section of title I, contains certain definitions and general rules, principal features of which are summarized below.

The term "mutual thrift institution" would mean a Federal savings bank (the primary purpose of the measure is to provide for the establishment and regulation of such banks), a Federal savings and loan association, or a State-chartered mutual savings bank, mutual savings and loan association, mutual building and loan association, cooperative bank, or mutual homestead association.

In turn, "thrift institution" would mean a mutual thrift institution, a guaranty savings bank, a stock savings and loan association, or a stock building and loan association, and "financial institution" would mean a thrift institution, a commercial bank, or an insurance company. By a special definitional provision in this section, the term "financial institutions acting in a fiduciary capacity" as used in sections 53 and 54 would include a credit union, whether or not acting in a fiduciary capacity.

"State" would mean any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and any territory or possession of the United States.

Section 12. Rules and regulations: Section 12 authorizes the Federal Home Loan Bank Board to make rules and regulations, including definitions of terms in title I.

Section 13. Examinations: The Federal Home Loan Bank Board would be required to conduct not less than one nor more than two regular examinations of each Federal savings bank in each calendar year and to make in each year one or more assessments on all such banks in a manner calculated to yield approximately the total cost of these examinations. It could make a special examination of any bank at any time and would be required to assess the bank with the cost thereof. The section also provides that the Board may render to any bank or officer or director thereof such advice and comment as it may deem appropriate with respect to the bank's affairs.

Section 14. Reports: Section 14 provides that the Board may require periodic and other reports and information from Federal savings banks.

Section 15. Accounts and accounting: The Board would be authorized by section 15 to prescribe, by regulation or order, accounts and accounting systems and practices for Federal savings banks.

Section 16. Right to amend: The right to alter, amend, or repeal title I would be reserved by section 16.

Chapter 2. Establishment and voluntary liquidation

Section 21. Information to be stated in charter: Every charter for a Federal savings bank would be required to set forth the name of the bank (including "Federal," "savings," and "bank"), the locality in which the principal office is to be located, and other information set forth in section 21. A charter must be in such form and may contain such additional material as the Board may deem appropriate, and the Board may make provision for amendments.

Section 22. Issuance of charter for new bank: A charter for a new Federal savings bank could be issued by the Board on the written application (in such form as the Board may prescribe) of not less than 5 applicants and a determination by the Board that (1) the bank will serve a useful purpose in the community, (2) there is a reasonable expectation of its financial success, (3) its operation may foster competition and will not cause undue injury to existing institutions (including commercial banks) that accept funds from savers on deposit or share accounts, (4) the applicants are of good character and responsibility, and (5) there has been placed in trust or escrow for an initial reserve such amounts, not less than $50,000, in cash or securities approved by the Board as the Board may require, in consideration of transferable certificates to be issued by the bank in such form, on such terms, and bearing such interest or other return as the Board may approve.

Section 23. Issuance of charter for a converted bank: Under subsection (a) of section 23, a charter for a converted institution could be issued by the Board on the written application (in such form as the Board may prescribe) of the converting institution, upon a determination by the Board that (1) the applicant is a mutual thrift institution (defined in section 11), (2) two-thirds of the directors, if the converting institution is a Federal savings and loan association, have voted in favor of the conversion and two-thirds of the votes entitled to be cast by members have been cast in favor thereof, at meetings duly called and held therefor within 6 months prior to the filing of the application, (3) the conversion will not be in contravention of State law, if the applicant is a State-chartered institution, (4) the converted institution will serve a useful purpose in the community, (5) its operation may foster competition and will not cause undue injury as set forth under section 22 above, (6) there is a reasonable expectation of its financial success, based on its capitalization, financial history, and quality of management, and such other factors as the Board may deem appropriate, (7) the composition of its assets is such that, with such exceptions as the Board may prescribe, it will be able to dispose of assets not eligible to be invested in my Federal savings banks, and (8) the proposed initial directors are of good character and responsibility and there is a reasonable expectation that they will comply with the provisions of section 47 as to the conduct of directors.

To such extent as the Board might approve by order, and subject to such prohibitions, restrictions, and limitations as it might prescribe by regulation or written advice, a converted bank could retain and service the accounts, departments, and assets of the converting institution.

Subsection (b) of the section provides that the Board shall not issue a charter under subsection (a, unless it determines that, taking into consideration the quality of the converting institution's assets, its reserves, and surplus, its expense ratios, and such other factors as the Board may deem appropriate, and making appropriate allowances for differences among types of financial institutions, the converting institution's history has been of a character "commensurate with the superior standards of performance expected of a Federal savings bank".

Section 24. Conversion of Federal savings banks into other institutions: Under subsection (a) of section 24 the Board, on written application of a Federal savings bank, could permit it to convert into any other type of mutual thrift institution (defined in section 11), on a determination by the Board that (1) two-thirds of the directors have voted in favor of the proposed conversion, (2) the requirements of section 45 have been met, (3) the conversion will not be in contravention of State law, and (4) upon and after conversion the institution will be an insured institution of the Federal Savings Insurance Corporation (i.e., the Federal Savings and Loan Insurance Corporation, whose name would be changed to Federal Savings Insurance Corporation by section 201) or an insured bank of the Federal Deposit Insurance Corporation.

Subsection (b) of the section provides that no institution into which a Federal savings bank has been converted may, within 10 years after the conversion, convert into any type of institution other than a mutual thrift institution (defined in section 11) which is either a bank insured by the Federal Deposit Insurance Corporation or an institution insured by the Federal Savings Insurance Corporation, regardless of whether the later conversion took place directly or through any intermediate conversions.

Enforcement of this prohibition would be by the Federal Home Loan Bank Board in the case of an institution having a status as an insured institution of the Federal Savings Insurance Corporation and by the Board of Directors of the Federal Deposit Insurance Corporation in the case of an institution having a status as an insured bank of that corporation. On a determination that a violation had taken place, the relevant board, by order issued not later than 2 years after any such violation, could terminate such status without notice, hearing, or other action. For the purposes of this subsection and subsection (a) of section 26, the terms "conversion" and "convert" would be defined as applying to mergers, consolidations, assumptions of liabilities, and reorganizations, as well as conversions.

Section 25. Voluntary liquidation: A Federal savings bank could not voluntarily go into liquidation or otherwise wind up its affairs except in accordance with an order of the Board issued under section 25. Upon application by such a bank, the Board could permit it to carry out a plan of voluntary liquidation upon a determination by the Board that (1) two-thirds of the bank's directors, have voted in favor of the proposed plan, (2) the requirements of section 45 have been met, (3) there is no longer a need in the community for the bank, or there is not a reasonable expectation that its continued operation will be financially sound and successful, and (4) the plan is fair and equitable and in conformity with the requirements of section 26.

Section 26. Distribution of assets upon liquidation: Subsection (a) of section 26 provides that on liquidation of a Federal savings bank under section 25, or liquidation of any institution while subject to the prohibition in subsection (b) of section 24, the net assets after the satisfaction or provision for satisfaction, in accordance with such rules and regulations as the Board may prescribe, of all proper claims and demands against the institution, including those of depositors or shareholders, shall be distributed to the Federal Savings Insurance Corporation. In the case of institutions subject to subsection (b) of section 24, the claims of depositors or shareholders are to be limited to amounts that would have been withdrawable by them in the absence of any conversion (as defined in said subsection) while the institution was so subject.

The object of this provision is to deter conversions of Federal savings banks to nonmutual operation and to deter unneeded voluntary liquidation of Federal savings banks. Under section 24 Federal savings banks are prohibited from converting directly at one step into any other type of institution except a mutual thrift institution insured by the Federal Savings Insurance Corporation or the Federal Deposit Insurance Corporation. Section 26 is designed to deter, to the extent of its provisions, the conversion of a Federal savings bank indirectly or by successive steps into an institution other than such an insured mutual thrift institution.

Subsection (b) of section 26 provides that on liquidation of a Federal savings bank otherwise than pursuant to section 25 the net assets remaining after the satisfaction or provision for the satisfaction, in accordance with such rules and regulations as the Board may prescribe, of all proper claims and demands against the bank, including those of depositors, shall be distributed to the depositors in accordance with such rules and regulations as the Board may prescribe.

Chapter 3. Branching and merger

Section 31. Branches: Under section 31 a Federal savings bank could establish a branch or branches with the approval of the Board, upon a determination by the Board that (1) there is a reasonable expectation of the branch's financial success based on the need for such a facility in the locality, the bank's capitalization, financial history, and quality of management, and such other factors as the Board deems appropriate, (2) its operation may foster competition and will not cause undue injury to existing institutions (including commercial banks) that accept funds from savers on deposit or share account, and (3) if the bank were a State-chartered financial institution other than an insurance company it could establish the proposed branch or an office of an affiliated institution of the same type could be established in the same location.

The object of item (3) in the paragraph above is to limit the establishment of branches by Federal savings banks to States (defined in section 11) where financial institutions other than insurance companies may conduct multioffice operations either through branching or through affiliates. It is of course to be recognized that multioffice operation through affiliates is not branching, but the competitive effect on other financial institutions can be as great as if the multioffice operation were conducted by means of branching.

Section 31 also provides that, under such exceptions and conditions as the Board may prescribe, a converted Federal savings bank may retain any branch in operation immediately prior to the conversion and shall be deemed to have retained any right or privilege to establish or maintain a branch if such right or privilege was held by the converting institution immediately prior to conversion.

Finally, the section provides that, subject to approval granted by the Board not later than the effective date of the merger, acquisition of assets, or assumption of liabilities, a Federal savings bank into which another institution is merged or which acquires the assets or assumes the liabilities of another institution may maintain as a branch the principal office of the other institution or any branch operated by it immediately prior to the merger or transfer and shall be deemed to have acquired any right or privilege then held by the other institution to establish or maintain a branch. The Board could not grant such approval except upon compliance with a requirement analogous to that of item (3) of the first sentence of this analysis of section 31, unless the Board, in granting the approval, determined that the merger, acquisition, or assumption was advisable because of supervisory considerations. Examples of such situations could include those where one or more of the institutions was in a failing or declining condition, where one or more of such institutions was not rendering adequate service in its territory, or where one or more of the institutions had an unsafe or unsound management.

Section 32. Merger into a Federal savings bank: With the approval of the Board, a Federal savings bank could enter into an arrangement for merger of another mutual thrift institution into it or for acquisition of the assets or assumption of the liabilities of another mutual thrift institution in whole or part other than in the ordinary course of business. Approval could be granted only upon a determination by the Board similar to that of item (1) of the branching requirement of section 31, items (1), (2), and (3) for conversion into another mutual thrift institution under section 24, and item (2) for conversion under section 23, and a further determination by the Board that (in the case of a merger or acquisition of assets) the assets of the surviving or acquiring institution will be such that, with such exceptions as the Board prescribes, it will be able to dispose of assets not eligible for investment by Federal savings banks.

Also, the Board could grant approval only if it determined that the proposed transaction will be in the public interest, taking into consideration the convenience and needs of the community, the general character of the proposed management, and the effect on competition, including any tendency toward monopoly. The Board, unless it found it must act immediately to prevent probable failure of one of the institutions, would be required to request a report from the Attorney General on the competitive factors and at the same time notify the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation of their right to make such a report. The deadline for these reports would be 30 days after the request or notification, or 10 days if the Board advises that an emergency exists requiring expeditious action.

If the Attorney General so requests in his report, the effective date of any order approving the application is to be not less than 10 days after the issuance of the order. The Board is to include in its annual report to Congress information as to such transactions as set forth in the section.

Section 33. Merger of a Federal savings bank into another institution: A Federal savings bank could, with the approval of the Board, enter into a transaction by which the bank itself is merged into or consolidated with another institution, or another institution acquires assets or assumes liabilities of such bank. Determinations similar to those under section 32 would be required, and, in addition such approval would be required to be contingent upon approval of the transaction pursuant to section 32 or pursuant to subsection (c) of section 18 of the Federal Deposit Insurance Act, whichever (if either) was applicable.

Chapter 4. Management and directors

Section 41. Board of Directors: A Federal savings bank would have a board of directors of not less than 7 nor more than 25. The Board could prescribe regulations as to the management structure, and subject thereto the board of directors of a bank could by bylaws or otherwise delegate such functions and duties as it might deem appropriate.

Section 42. Initial directors: The initial directors of a new bank would be elected by the applicants. The initial directors of a converted bank would be the directors of the converting institution, except as the Board might otherwise prescribe, consistently with subsection (b) of section 44 where applicable.

Section 43. Election of directors by depositors: Except as provided in sections 42 and 44, directors would be elected by the depositors. The Federal Home Loan Bank Board could by regulation provide for the terms of office, the manner, time, place, and notice of election, the minimum amount (and a holding period or date of determination) of any deposit giving rise to voting rights, and the method by which the number of votes a depositor would be entitled to cast would be determined.

Section 44. Selection of Directors of banks converted from State-chartered mutual savings banks: Section 44 applies to a State-chartered mutual savings bank which is in operation on the date of enactment of the title and later converts to a Federal savings bank, where the directors of the converting bank were, on the date of such enactment and thereafter, chosen otherwise than by depositor election. If such a converting bank files as part of or an amendment to its application for a Federal charter a description in such detail as the Board requires of the method by which and terms for which its directors were chosen, and if the converted bank has not elected by vote of its directors to be subject to section 43, the method of selection and terms of office of the converted Federal savings bank would be in accordance with such description, with such changes, subject to the discretionary approval of the Federal Home Loan Bank Board, as might be made on application by the converted bank. It is to be noted that this provision would not authorize the Board to approve any such changes in the absence of such an application by the bank.

Section 45. Approval of proposed merger, conversion, or liquidation: No Federal savings bank whose directors were elected by depositors could make application to the Federal Home Loan Bank Board for approval of a merger or consolidation involving such bank, a transfer of assets or liabilities to or from another institution other than in the ordinary course of business, a conversion, or a liquidation pursuant to section 25, unless two-thirds of the votes entitled to be cast by depositors had been cast in favor of making the application at a meeting duly called and and held for such purpose not more than 6 months before the making of the application. The Board would have regulatory authority with respect to such meetings as set forth in the section.

No bank whose directors were not elected by depositors could make any such application unless two-thirds of the votes which would be entitled to be cast for the election of directors have been cast in favor of making the application.

The Board could except from any or all of the foregoing provisions of this section any case in which it determines that such exception should be made because of an emergency requiring expeditious action or because of supervisory considerations.

Section 46. Proxies: Any proxy by a depositor for the election of directors would be required to be revocable at any time. A proxy given for a proposal to be voted on under subsection (a) of section 45 would likewise be so revocable, would be required to expire in any event not more than 6 months after execution, and would be required to specify whether the holder shall vote in favor of or against the proposal. It is further provided that the Board shall prescribe regulations governing proxy voting and solicitation and requiring disclosure of financial interest, compensation and remuneration by the bank of persons who are officers and directors or proposed therefor, and such other matters as the Board may deem appropriate in the public interest and for the protection of investors.

In addition, it is provided that the Board shall by regulation provide procedures by which any depositor may at his own expense distribute proxy solicitation material to all other depositors, but these procedures are not to require disclosure by the bank of the identity of its depositors. It is further provided that the Board shall by order prohibit the distribution of material found by it to be irrelevant, untrue, misleading, or materially incomplete and may by order prohibit such distribution pending a hearing on such issues.

Section 47. General provisions relating to directors, officers, and other persons: Section 47 provides that except as provided in paragraph (2) of subsection (b) of the section no director of a Federal savings bank may be an officer or director of any financial institution other than such bank. Said paragraph (2) provides that a director of a converted bank who held office on the date of enactment of this title as a director of the converting institution, and whose service has been continuous, may continue to be a director of any financial institution of which he has continuously so been a director, unless the Board finds after opportunity for hearing that there exists an actual conflict of interest or the dual service is prohibited by or under some other provision of law.

At least one more than half the directors of any Federal savings bank would be required to be persons residing not more than 150 miles from its principal office. No director could receive remuneration as such except reasonable fees for attendance at meetings of directors or for service as a member of a committee of directors, but this provision is not to prohibit compensation for services rendered to the bank in another capacity. The office of a director would become vacant when he had failed to attend regular meetings for a period of 6 months unless excused by resolution duly adopted by the directors prior to or during that period.

With certain exceptions, no bank could make a loan or extend credit (other than on the sole security of deposits) to any director, officer, or employee of the bank or to any person regularly serving the bank as attorney at law, or to any partnership or trust in which any such party has an interest or any corporation in which any of them are stockholders, and no bank could purchase any loan from any such party, partnership, trust, or corporation. However, with prior approval of a majority of the directors not interested in the transaction (this approval to be evidenced by affirmative vote or written assent of such directors) a bank could on terms not less favorable to it than those offered to others, make a loan or extend credit to, or purchase a loan from, any corporation in whch any such party owns, controls, or holds with power to vote not more than 15 percent of the outstanding voting securities and in which all such parties own, control, or hold with power to vote not more than 25 percent thereof, full details of the transaction to be reflected in the records of the bank.

Further, a bank could, with the prior approval of a majority of its directors, and on terms not more favorable than those offered to other borrowers, (1) make a loan on the security of a first lien on a home owned and occupied or to be owned and occupied by a director, officer, or employee or a person or member of a firm regularly serving the bank as attorney at law, in such amount as might be permitted by regulation, and (2) make to any such person any loan that it may lawfully make, in an aggregate amount not over $5,000.

Additional provisions of this section would prohibit any bank, director, or officer from requiring (as a condition to any loan or other service by the bank) that the borrower or any other person undertake a contract of insurance or any other agreement or understanding as to the furnishing of other goods or service with any specific company, agency, or individual; would prohibit deposit of funds except with a depositary approved by vote of a majority of all directors, exclusive of any who is an officer, partner, director, or trustee of the depositary; and would, except as otherwise provided by the Federal Home Loan Bank Board, prohibit any bank from purchasing from or selling to any of the persons mentioned in the above prohibitions on loans any securities or other property, with similar 15- and 25-percent exceptions. Also, no bank could pay to any director, officer, attorney, or employee a greater rate of return on his deposits than that paid to other holders of similar deposits.

Where the directors or officers of a bank knowingly violated or permitted any of its directors, officers, employees, or agents to violate any provision of the title or regulations of the Board under authority thereof, or any of the provisions of specified sections of title 18 of the United States Code, every director and officer participating or assenting to such violation shall, the section provides, be held liable in his personal and individual capacity for all damages which the bank, its depositors, or any other persons sustain in consequence of the violation.

Except with prior approval of the Board, no person could serve as a director, officer, or employee of a Federal savings bank if he had been convicted of a criminal offense involving dishonesty or breach of trust, and for each willful violation the bank would be subject to a penalty of not over $100 for each day the prohibition was violated. Finally, no officer, director, or employee of any corporation or unincorporated association, no partner or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation, of stocks, bonds, or similar securities could serve at the same time as an officer, director, or employee of such a bank except in limited classes of cases in which the Board might allow such services by general regulation when in the Board's judgment it would not unduly influence the investment policies of the bank or the advice given by it to its customers regarding investments.

Chapter 5. Sources of funds

Section 51. Reserves: A Federal savings bank could not commence operations until the amount required by section 22(5) had been paid to the bank for an initial reserve, and such reserve could be reduced only by the amount of losses or by retirement of the certificates referred to in section 22(5). The bank would be required to establish, and make such credits and charges to, such other reserves as the Board might prescribe. Subject to such restrictions and limitations as the Board might prescribe, it could retain additional amounts which could be used for any corporate purpose.

Section 52. Borrowings: To such extent as the Board might authorize by regulation or advice in writing, a bank could borrow and issue notes, bonds, debentures, or other obligations or other securities, except capital stock.

Section 53. Savings deposits: A bank could accept savings deposits except from foreign governments and official institutions thereof and except from private business corporations for profit other than financial institutions acting in a fiduciary capacity. It could issue passbooks or other evidences of its obligation to repay such deposits.

Under subsection (b) of this section, a bank could classify its savings depositors according to specified criteria and agree in advance to pay an additional rate of interest based on such classification. However, it would be required to regulate such interest so that each depositor would receive the same rate as all others of his class.

Further provisions of this section would authorize a bank to refuse sums offered for deposit and to fix a maximum amount for savings deposits and repay, on a uniform nondiscriminatory basis, those exceeding the maximum. The bank could require up to 90 days' notice before withdrawal from such deposits, notifying the Board immediately in writing, and the Board, by a finding which must be entered on its records, could suspend or limit withdrawals of savings deposits from any Federal savings bank if it found that unusual and extraordinary circumstances so required.

Interest on savings deposits could be paid only from net earnings and undivided profits, and the Board could provide by regulation for the time or rate of accrual of unrealized earnings.

Section 54. Time deposits: Subject to the same exceptions as in the case of savings deposits, a Federal savings bank could accept deposits for fixed periods not less than 91 days and could issue nonnegotiable interest-bearing time certificates of deposit or other evidence of its obligation to pay such time deposits.

Section 55. Authority of Board: The exercise of authority under sections 53 and 54 would be subject to rules and regulations of the Board, but it is provided that nothing in this section shall confer on the Board any authority as to interest rates other than the additional rate referred to in section 53(b).

Chapter 6. Investments

Section 61. Definitions and general provisions: Section 61 contains definitions and general provisions for the purpose of the investment provisions of the bill.

Among other things, "general obligations" would mean an obligation supported by an unqualified promise or pledging or commitment of faith or credit, made by an entity referred to in section 62(1) or 63(a) or a governmental entity possessing general powers of taxation including property taxation, for the payment, directly or indirectly, of an amount which, together with any other funds available for the purpose, will suffice to discharge the obligation according to its terms.

The term "political subdivision of a State" would include any county, municipality, or taxing or other district of a State, and any public instrumentality, public authority, commission, or other public body of any State or States; "eligible leasehold estate" would mean a leasehold estate meeting such requirements as the Board might prescribe by regulation; and "conventional loan" would mean a loan (other than as referred to in section 70) secured by a first lien on a fee simple or eligible leasehold estate in improved real property.

Section 61 also provides that the Board may authorize any acquisition or retention of assets by a Federal savings bank (including, without limitation, stock in service corporations) on a determination that such action is necessary or advisable for a reason or reasons other than investment, and may exempt or except such acquisition, retention, or assets from any provision of the title.

The same section also provides authority and limitations for acquisition (as distinguished from origination) of loans and investments, and for acquisition by origination or otherwise of participating or other interests in loans and investments. Any such interest must be at least equal in rank to any other interest not held by the United States or an agency thereof and must be superior in rank to any other interest not so held and not held by a financial institution or a holder approved by the Board. It also provides authority for the making of loans secured by an obligation or security in which the bank might lawfully invest, but such a loan may not exceed such percentage of the value of the obligation or security, nor be contrary to such limitations and requirements, as the Board may prescribe by regulation.

Section 62. Investments eligible for unrestricted investment: Section 62 provides that a Federal savings bank may invest in (1) general obligations of, or obligations fully guaranteed as to interest and principal by, the United States, any State, one or more Federal home loan banks, banks for cooperatives (or the Central Bank for Cooperatives), Federal land banks, or Federal intermediate credit banks, the Federal National Mortgage Association, the Tennessee Valley Authority, the International Bank for Reconstruction and Development, or the Inter-American Development Bank, (2) bankers' acceptances eligible for purchase by Federal Reserve banks, or (3) stock of a Federal home loan bank.

Section 63. Canadian obligations: Section 63 provides in subsection (a) that, subject to the limitations in subsection (b), a Federal savings bank may invest in general obligations of, or obligations fully guaranteed as to interest and principal by, Canada or any province thereof. Subsection (b) provides that investments in obligations under this section or under section 64(2) may be made only where the obligation is payable in U.S. funds and where, on the making of the investment, not more than 5 percent of the bank's assets will be invested in Canadian obligations, and, if the investment is in an obligation of a Province, not more than 1 percent of its assets will be invested in obligations of such Province. "Canadian obligation" is defined as meaning the above mentioned obligations and obligations of Canada or a Province thereof referred to in section 64(2).

Section 64. Certain other investments: Subject to a limitation of 2 percent of the bank's assets invested in securities and obligations of one issuer, and to such further limitations as to amount and such requirements as to investment merit and marketability as the Board may prescribe by regulation, a bank may invest in (1) general obligations of a political subdivision of a State, (2) revenue or other special obligations of Canada or a Province thereof or of a State or political subdivision thereof, (3) obligations or securities (other than equity securities) issued by a corporation organized under the laws of the United States or a State, (4) obligations of a trustee or escrow agent under section 22(5) or certificates issued thereunder, and subordinated debentures of a mutual thrift institution insured by the Federal Deposit Insurance Corporation or the Federal Savings Insurance Corporation (the name to which the Federal Savings and Loan Insurance Corporation would be changed by section 201), or (5) equity securities issued by any corporation organized under the laws of the United States or of a State. This authority is subject, in the case of such equity securities, to a further requirement that at the time of the investment the reserves and undivided profits of the bank equal at least 5 percent of its assets and that on the making of the investment the aggregate amount of all equity securities then so held by the bank not exceed 50 percent of its reserves and undivided profits and the quantity of equity securities of the same class and issuer held by the bank not exceed 5 percent of the total outstanding. For the purposes of this section the Board could by regulation define "corporation" to include any form of business organization.

Section 65. Real estate loans: Conventional loans could be made, subject to such restrictions and requirements as the Board might by regulation prescribe as to appraisal and valuation, maturity (not over 30 years in the case of loans on one- to four-family residences), amortization, terms and conditions, and lending plans and practices. No such loan could result in an aggregate indebtedness of the same borrower exceeding 2 percent of the bank's assets or $35,000, whichever was greater. Also, no such loan secured by a first lien on a fee-simple estate in a one- to four-family residence could exceed 80 percent, or in the case of any other real property 75 percent, of the value of the property except under such conditions and subject to such limitations as the Board might prescribe by regulation. Further, no loan secured by a first lien on a leasehold estate could be made except in accordance with such further requirements and restrictions as the Board might so prescribe.

Loans for the repair, alteration, or improvement of any real property could be made under such prohibitions, limitations, and conditions as the Board might prescribe by regulation. Loans not otherwise authorized under the title but secured by a first lien on a fee-simple or eligible leasehold estate in unimproved property could be made, provided the loan was made in order to finance the development of land to provide building sites or for other purposes approved by the Board by regulation as in the public interest and provided the loan conformed to regulations limiting the exercise of such power and containing requirements as to repayment, maturities, ratios of loan to value, maximum aggregate amounts, and maximum loans to one borrower or secured by one lien which were prescribed by the Board with a view to avoiding undue risks to such banks and minimizing inflationary pressures on land in urban and urbanizing areas.

The section contains a provision that a bank investing in a loan where the property securing the loan is a one- to four-family residence more than 100 miles and in a different State from the principal office of the bank must retain for such loan a Federal Housing Administration-approved mortgagee resident in such other State to act as independent loan servicing contractor and to perform loan servicing functions and such other related services as were required by the Board.

Section 66. Loans upon the security of deposits or share accounts: A Federal savings bank could make any loan secured by a deposit in itself or, to such extent as the Board might permit by regulation or advice in writing, secured by a deposit or share account in another thrift institution or a deposit in a commercial bank.

Section 67. Loans secured by life insurance policies: A Federal savings bank could make a loan secured by a life insurance policy, not exceeding the cash surrender value.

Section 68. Unsecured loans: Unsecured loans not otherwise authorized under the title could be made, but only to such extent as the Board might permit by regulation, and then not if the loan would increase the outstanding principal of such loans to any principal obligor, as defined by the Board, to more than $5,000. No loan could be so made if any obligor was a private business corporation for profit.

Section 69. Educational loans: Subject to such prohibitions, limitations, and conditions as the Board might prescribe by regulation, a Federal savings bank could invest in loans, obligations, and advances of credit made for the payment of expenses of college or university education, up to a limit of 5 percent of the bank's assets.

Section 70. Insured or guaranteed loans: A Federal savings bank could, unless otherwise provided by regulations of the Board, make any loan the repayment of which was wholly or partially guaranteed or insured by the United States, a State, or an agency of either, or as to which the bank had the benefit of such insurance or guarantee or of a commitment or agreement therefor.

Chapter 7. Miscellaneous corporate powers and duties

Section 71. General powers: Section 71 provides that a Federal savings bank shall be a corporation organized and existing under the laws of the United States and sets forth miscellaneous corporate powers, which are to be subject to such restrictions as may be imposed under the title or other provisions of law or by the Board. It also provides that such a bank shall have power to do all things reasonably incident to the exercise of such powers. The specified powers would include the power to sell mortgages and interests therein, and to perform loan servicing functions and related services for others in connection with such sales, provided the sales are incidental to the investment and management of the funds of the bank.

Section 72. Service as depositary and fiscal agent of the United States: Section 72 provides that when so designated by the Secretary of the Treasury a Federal savings bank shall be a depositary of public money, except receipts from customs, under such regulations as he may prescribe, and may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as such depositary and agent as may be required of it.

Section 73. Federal home loan bank membership: On issuance of its charter, a Federal savings bank would automatically become a member of the Federal home loan bank of the district of its principal office, or if convenience required and the Board approved, of an adjoining district. It is provided that such banks shall qualify for such membership in the manner provided in the Federal Home Loan Bank Act for other members.

Section 74. Change of location of offices: A Federal savings bank could not change the location of its principal office or any branch except with the approval of the Board.

Section 75. Liquidity requirements: A Federal savings bank would be required to maintain liquid assets consisting of cash and obligations of the United States in such amount as, in the Board's opinion, was appropriate to assure the soundness of such banks. Such amount could not, however, be less than 4 percent or more than 10 percent of the bank's obligation on deposits and borrowings, and the Board could specify the proportion of cash and the maturity and type of eligible obligations. The Board could classify such banks according to type, size, location, withdrawal rate, or such other basis or bases as it might deem reasonably necessary or appropriate for effectuating the purposes of the section.

In addition, the Board could require additional liquidity if in its opinion the composition and quality of assets, the composition of deposits and liablities, or the ratio of reserves and surplus to deposits required further limitation of risk to protect the safety and soundness of a bank or banks. The total of the general liquidity requirement and of this special liquidity requirement could not exceed 15 percent of the obligation of the bank on deposits and borrowings.

The general liquidity requirement would be computed on the basis of average daily net amounts covering periods established by the Board, and the special liquidity requirement would be computed as the Board might prescribe. Penalties for deficiencies in either requirement are provided for. The Board would be authorized to permit a bank to reduce its liquidity if the Board deemed it advisable to enable the bank to meet requests for withdrawal, and would be authorized to suspend any part or all of the requirements in time of national emergency or unusual economic stress, but not beyond the duration of such emergency or stress.

Chapter 8. Taxation

Section 81. State taxation: Section 81 provides that no State or political subdivision thereof shall permit any tax on Federal savings banks or their franchises, surplus, deposits, assets, reserves, loans, or income greater than the least onerous on any other thrift institution. It further provides that no State other than the State of domicile shall permit any tax on such items in the case of Federal savings banks whose transactions within such State do not constitute doing business, except that the act is not to exempt foreclosed properties from specified types of taxation. The section also defines "doing business" and other terms used in the section.

Chapter 9. Enforcement

Section 91. General provisions: Section 91 states the power of the Board to enforce the title and rules and regulations thereunder and the extent to which the Board is authorized to act in its own name and through its own attorneys. It also provides that the Board shall be subject to suit, other than on claims for money damages, by any Federal savings bank with respect to any matter under the title or any other applicable law, or rules and regulations thereunder, in the U.S. district court for the district of the bank's principal office or in the U.S. District Court for the District of Columbia. It further provides as to service of process on the Board.

Section 92. Cease-and-desist orders: If in the opinion of the Board a Federal savings bank is violating or has violated or is about to violate any law, rule, or regulation, or is engaging or has engaged or is about to engage in any unsafe or unsound practice, the Board is to serve on the bank a notice of charges, including the fixing of a time and place at which a hearing will be held, not later than 60 days after service unless a later date is set by the Board at the request of the bank. If, on the record, the Board finds that any violation or practice specified in the notice has been established, it is to cause to be served on the bank an order to cease and desist therefrom.

Such a cease-and-desist order is to become effective at the expiration of 30 days after service and is to remain effective and enforcible except as it is stayed, modified, terminated, or set aside by the Board or a reviewing court. Judicial review of such an order is to be exclusively as provided in section 96.

If the Board determines that the continuation of the violation or violations or the unsafe or unsound practice or practices specified in the notice of charges could cause insolvency (as defined in section 94(a)) or substantial dissipation of assets or earnings, or otherwise seriously prejudice the interest of the depositors, the Board may issue a temporary order requiring the bank to cease and desist from any such violation or practice. Such a temporary order is to become effective on service and to remain effective and enforcible pending completion of the administrative proceedings pursuant to the notice, until the Board dismisses the charges or, if a cease-and-desist order is issued, until the effective date of such order.

Within 10 days after service of a temporary cease-and-desist order the bank may apply to such a court as is mentioned in section 91 for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings. In case of violation or threatened violation of or failure to obey a temporary cease-and-desist order the Board may apply to the U.S. district court, or the U.S. court of any territory, within the jurisdiction of which the principal office of the bank is located, for an injunction to enforce the order. If the court determines that there has been such violation or threatened violation, or such failure, the court is to issue such injunction without consideration of any other issue or matter.

Where a bank is served with a notice of charges under the foregoing provisions of the section, or a director or officer is served with a notice of intention to remove under section 93, and admits the charges, the bank, or the director or officer, may within 30 days apply to the court of appeals of the United States for the district in which the bank's principal office is located, or the U.S. Court of Appeals for the District of Columbia Circuit, for a declaratory judgment or other relief with respect to the constitutionality of any law, rule, or regulation which is the subject matter of the notice.

In such case the court is to have jurisdiction to enter an order, judgment, or decree determining the validity of, or affirming, terminating, or setting aside the notice, or to issue a cease-and-desist order or an order of removal, or other orders consistent with the notice. However, the court is to dismiss any such proceeding whenever it appears that there is a genuine issue as to any material fact.

Section 93. Suspension or removal of director or officer: When in the opinion of the Board a director or officer of a bank has committed a violation of a cease-and-desist order which has become final or a violation of law, rule, or regulation, or has engaged or participated in an unsafe or unsound practice in connection with the bank or has committed or engaged in an act, omission, or practice constituting a breach of his fiduciary duty as such, and has willfully continued the same after written warning by the Board not to do so, the Board may serve on him a written notice of intention to remove him and may suspend him from office.

Such a suspension is to become effective upon such service and, unless stayed in proceedings hereinafter mentioned, is to remain in effect until terminated or set aside by the Board or until the director or officer is removed.

A notice of intention to remove is to fix a time and place for a hearing, which must be fixed for a date not earlier than 30 days after service. If, on the record, the Board finds that any of the grounds has been established, it is to issue such orders as it deems appropriate, including an order of removal. In connection with any such order the Board may provide for the suspension or invalidation of proxies, consents, or authorizations held by the director or officer in respect of voting rights in the bank. Judicial review is to be exclusively as provided in section 96. However, the director or officer may within 10 days after suspension, apply to the U.S. district court for the district of the bank's principal office, or the U.S. District Court for the District of Columbia, for a stay of the suspension pending the completion of the administrative proceedings for removal.

In addition to the foregoing provisions, section 93 provides that when a director or officer is charged in an information or indictment with commission of or participation in a felony involving the affairs or business of any institution the accounts of which are insured by the Federal Savings Insurance Corporation, the Board may suspend him by written notice served on him. If he is convicted, he would thereupon cease to be a director or officer of the bank, but if found not guilty the suspension would terminate. A finding of not guilty would not preclude the Board from thereafter instituting proceedings to remove him under the other provisions of the section.

The section also provides that if, because of suspension of one or more directors, there is less than a quorum of directors not suspended, the powers and functions of the board of directors shall vest in the director or directors not suspended, and that if all are suspended the Board shall appoint persons to serve pending termination of the suspension or until the suspended directors cease to be directors and their successors take office.

Section 94. Conservatorship and receivership: Section 94 provides the following grounds for appointment of a conservator or receiver for a Federal savings bank: (1) insolvency in that the bank's assets are less than its obligations to creditors and others, including depositors; (2) substantial dissipation of assets or earnings due to violation or violations of law, rules, or regulations, or unsafe or unsound practice or practices; (3) an unsafe or unsound condition to transact business; (4) willful violation of a cease-and-desist order which has become final; (5) concealment of books, papers, records, or assets, or refusal to submit books, papers, records, or affairs to an examiner or lawful agent of the Board.

If in the opinion of the Board such a ground exists and the Board determines that a cease-and-desist order or temporary cease-and-desist order under section 92 would not adequately protect the interests of the public or the depositors or of the Federal Savings Insurance Corporation, the Board may appoint a conservator or receiver ex parte and without notice. Within 30 days thereafter the bank could bring an action in such a court for an order requiring the Board to remove the conservator or receiver. The Board could also appoint a conservator or receiver without any requirement of notice, hearing, or other action if the bank, by resolution of its board of directors, consents thereto, the bank's Federal home loan bank membership or its status as an insured institution is terminated, or the bank has failed for 90 days to pay a withdrawal application in full. Only the Federal Savings Insurance Corporation could be appointed as receiver.

Section 95. Hearings and relief: Any hearing provided for in this chapter must be held in the Federal judicial district, or the territory, in which the bank's principal office is located, unless the party afforded the hearing consents to another place. Any such hearing must be conducted in accordance with the provisions of the Administrative Procedure Act. After the hearing, and within 90 days after the Board notifies the parties that the case has been submitted to it for final decision, the Board must render its decision and cause an order or orders to be served on each party. The Board could, on such notice and in such manner as it deemed proper, modify any such order or terminate it or set it aside, unless a petition for review had been filed as provided in section 96, and it could do so thereafter with permission of the court.

Section 96. Judicial review: Judicial review would be by filing a written petition in the court of appeals of the United States for the circuit of the bank's principal office, or the U.S. Court of Appeals for the District of Columbia Circuit, within 30 days after the service of the order. The clerk of the court would thereupon transmit a copy of the petition to the Board and the Board would file in the court the record of the proceeding as provided in 28 U.S.C. 2112. Review would be as provided in the Administrative Procedure Act, and the judgment and decree of the court would be final except that it would be subject to review by the Supreme Court on certiorari as provided in 28 U.S.C. 1254. Commencement of review proceedings would not, unless specifically ordered by the court, operate as a stay of an order issued by the Board.

Section 97. Enforcement: Section 97 provides that the Board in its discretion may apply to the U.S. district court or the U.S. court of any territory within the jurisdiction of which the bank's principal office is located for the enforcement of any effective and outstanding order of the Board under the chapter. It also provides that any court having jurisdiction of a proceeding instituted under the chapter by a Federal savings bank or an officer or director thereof may allow to any such party such reasonable expenses and attorneys' fees as it deems just and proper, and that the same shall be paid by the bank or from its assets.

Section 98. Miscellaneous provisions: Section 98 contains various ancillary provisions, including provisions as to oaths and affirmations, depositions, and subpenas and subpenas duces tecum. It provides that all expenses of the Board or the Federal Savings Insurance Corporation in connection with the chapter shall be considered as nonadministrative expenses. It further provides as to how service may be made and authorizes the Board to make rules and regulations for reorganizations, liquidation, and dissolution of Federal savings banks, for consolidations in which the resulting institution or one or more of the consolidating institutions is such a bank, and for such banks in conservatorship and receivership, and for the conduct of conservatorships and receiverships.

Section 99. Criminal penalties: Section 99 provides criminal penalties for directors or officers, or former directors or officers, who, with knowledge of a suspension or of an order of removal which has become final, participate in the conduct of the bank's affairs, solicit or procure proxies, consents, or authorizations in respect of voting rights in the bank, or vote or attempt to vote any such proxies, consents, or authorizations. It also provides criminal penalties for any of the same who, without prior written approval of the Board, serve or act as director, officer, or employee of any institution whose accounts are insured by the Federal Savings Insurance Corporation, and further provides that where a conservator or receiver demands possession of property, business, or assets of a Federal savings bank the refusal by a director, officer, employee, or agent of the bank to comply with the demand shall be criminally punishable. The penalty for violation of the section would be a fine of not over $5,000 or imprisonment for not over 1 year, or both.

TITLE II

Section 201. Change of name of insurance corporation: Section 201 would change the name of the Federal Savings and Loan Insurance Corporation to Federal Savings Insurance Corporation, which is more accurately descriptive of its function.

Section 202. Mergers and similar transactions involving insured institutions: Section 202 of the draft bill would amend section 402 of the National Housing Act by providing that without the prior written approval of the Federal Home Loan Bank Board no mutual savings bank which is an insured institution (that is, an institution the accounts of which are insured by the Federal Savings Insurance Corporation) shall become a party to a merger or consolidation or to a transaction by which, otherwise than in the ordinary course of business, such bank transfers or acquires assets or transfers or assumes liabilities.

The section provides that the Board shall not grant approval unless it determines that the proposed transction will be in the public interest, taking into consideration its effect on competition (including any tendency toward monopoly) and such other factors as the Board deems appropriate.

Further provisions of the section, applicable unless the transaction is one to which section 32 of the bill or subsection (c) of section 18 of the Federal Deposit Insurance Act (which latter provision is commonly referred to as the Bank Merger Act) is applicable, are similar to provisions of said section 32, including provisions as to reports of the Attorney General, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.

Section 203. Insurance by the Federal Savings Insurance Corporation: Section 203 would require the Federal Savings Insurance Corporation to insure the deposits of each Federal savings bank and authorize it to insure the deposits of mutual savings banks chartered or organized under the laws of the States, the District of Columbia, and the territories and possessions.

Section 204. Conforming amendments to section 406 of National Housing Act: Section 204 would make conforming amendments to provisions of section 406 of the National Housing Act affected by the extension of insurance under title IV of that act to deposits in Federal savings banks and mutual savings banks of the States, the District of Columbia, and the territories and possessions.

Section 205. Conforming amendment to section 407 of National Housing Act: Section 205 of the draft bill would amend section 407 of the National Housing Act (relating to termination of insurance of accounts by the Federal Savings Insurance Corporation) so as to include Federal savings banks along with Federal savings and loan associations among the institutions which cannot voluntarily terminate their insurance with the Federal Savings Insurance Corporation.

Section 206. Change of insurance from Federal Deposit Insurance Corporation to Federal Savings Insurance Corporation: Section 206 provides that when a State-chartered mutual savings bank insured by the Federal Deposit Insurance Corporation qualifies to be insured by the Federal Savings Insurance Corporation or is converted into a Federal savings bank or merged or consolidated into a Federal savings bank or a savings bank which is, or within 60 days becomes, an insured institution under section 401 of the National Housing Act (relating to the Federal Savings Insurance Corporation), the FDIC shall calculate the amount in its capital account attributable to such mutual savings bank, as set forth in the draft bill. This amount is to be paid, as set forth in the draft bill, by the FDIC to the Federal Savings Insurance Corporation.

Section 207. Eligibility of mutual savings banks for FDIC insurance: Section 207 would end the future eligibility for FDIC insurance of those mutual savings banks which the draft bill would make eligible for Federal Savings Insurance Corporation insurance. It would not affect the FDIC insurance of mutual savings banks which on the effective date of the new provisions were insured by the FDIC.

Section 208. Amendment of criminal provisions: Section 208 would amend a number of specified provisions of title 18 of the United States Code, which relates to crimes and criminal penalties. The principal object of these amendments is to extend those provisions so as to make them applicable to Federal Home Loan Bank members and institutions insured by the Federal Savings Insurance Corporation, which would have the effect of making them applicable to Federal savings banks since all such banks would be required by the draft bill to have such membership and insurance.

Section 209. Technical provisions: Section 209 provides that headings and tables shall not be deemed to be a part of the act and that no inference, implication, or presumption shall arise by reason thereof or by reason of the location or grouping of any section, provision, or portion of the act or of any title of the act.

Section 210. Separability: Section 210, the last section, is a separability provision along usual lines.

NATIONAL ASSOCIATION OF
MUTUAL SAVINGS BANKS,
New York, N.Y., August 4, 1965.

Hon. A. WILLIS ROBERTSON,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: The most important concern of the mutual savings bank industry is admission into the dual banking system through legislation which would authorize the chartering and supervision of mutual savings banks by the Federal Government. As you know, mutual savings banks exist only in 18 States and remain the only major form of American banking or thrift institutions which cannot be chartered by the Federal Government.

This proposition of Federal charters for mutual savings banks has had the support of the Commission on Money and Credit, as well as the support of the President's Committee on Financial Institutions. You will recall that after many years of study by various public and government groups the Federal Home Loan Bank Board last year transmitted to the Congress a draft bill which provided for the chartering of Federal mutual savings banks. In fact, you introduced this bill (S. 3050) on July 29, 1964. Unfortunately, because the proposed legislation was transmitted so late in the 2d session of the 88th Congress, full consideration of it could not be taken.

We understand that the Federal Home Loan Bank Board will soon transmit to the Congress a revised draft bill to provide for the Federal chartering of mutual savings banks and, of course, we are delighted with this information. I sincerely hope that you will introduce this proposed legislation and that it will be possible to schedule early hearings on the bill.

Many thanks for your past courtesies and my very best personal regards.

Sincerely yours,

GROVER W. ENSLEY,
Executive Vice President.

AUGUST 23, 1965.

Mr. GROVER W. ENSLEY,
Executive Vice President, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.

DEAR GROVER: I have received your letter expressing your understanding that the Federal Home Loan Bank Board may soon transmit to the Congress a revised draft bill to provide for the Federal chartering of mutual savings banks, along the lines of S. 3050, which I introduced at the Board's request last year.

If the Board should transmit a revised draft of a Federal mutual savings bank charter bill and request me to introduce it, I should be glad to do so. However, I do not believe that it would be possible to look for hearings during this session of Congress on a substantial new matter of this sort.

With kind personal regards, I am

Sincerely yours,

A. WILLIS ROBERTSON,
Chairman.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT AS AMENDED—AMENDMENTS

AMENDMENTS NOS. 466 THROUGH 470

Mr. ERVIN. Mr. President, I submit certain amendments which I intend to propose at the proper time to H.R. 77, the bill to repeal section 14(b) of the National Labor Relations Act, as amended.

One of these amendments is in the nature of a substitute and would establish a national right-to-work law. The other amendments are designed to restore to the National Labor Relations Act, as amended, the original congressional intent which has been lost through misinterpretation.

Mr. President, I ask unanimous consent as follows: First, that I may submit these amendments at this time; second, that they may lie at the desk until called up; and third, that copies of the amendment be printed in the body of the RECORD as part of my remarks.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

AMENDMENT No. 466

That (a) subsection (b) of section 14 of the National Labor Relations Act, as amended (29 U.S.C. 164(b)), is hereby amended to read as follows:

"SEC. 14(b). (1) The right to live includes the right to work. The exercise of the right to work must be protected and maintained free from undue restraints and coercion. It is hereby declared to be the public policy of the United States that the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor organization or association.

"(2) Any agreement or combination between any employer and any labor organization whereby persons not members of such organization shall be denied the right to work for said employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such organization acquires an employment monopoly in any enterprise, is hereby declared to be against the public policy and an illegal combination or conspiracy in restraint of trade or commerce in the United States.

"(3) No person shall be required by an employer to become or remain a member of any labor organization as a condition of employment or continuation of employment by such employer.

"(4) No person shall be required by an employer to abstain or refrain from membership in any labor organization as a condition of employment or continuation of employment.

"(5) No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees, or other charges of any kind to any labor organization.

"(6) Any person who may be denied employment or be deprived of continuation of his employment in violation of subsections (3), (4), and (5) or of one or more of such sections, shall be entitled to recover from such employer and from any other person, firm, corporation, or association acting in concert with him by appropriate action in the appropriate U.S. District Court or the appropriate court of any State, territory, or commonwealth such damages as he may have sustained by reason of such denial or deprivation of employment.

"(7) The provisions of this section shall not apply to any lawful contract in force on the effective date hereof but they shall apply in all respects to contracts entered into thereafter and to any renewal or extension of any existing contract."

(b) Section 7 of such Act is amended by striking out the words "except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3)".

(c) Paragraph (3) of subsection (a) of section 8 of such Act is amended by striking out the first and second provisos.

(d) Subsection (f) of section 8 of such Act is repealed.

(e) Subsection (e) of section 9 of such Act is repealed.

Amend the title so as to read: "An Act to establish a National Right-To-Work Law for the United States."

AMENDMENT No. 467

Add the following new subsection (e) after subsection (d) on page 3:

"Paragraph (1) of subsection (b) of Section 8 of the National Labor Relations Act, as amended (29 U.S.C. 158(b)(1)) is amended by changing the period at the end thereof to a colon, and by adding after such colon a second proviso reading as follows:

"'*Provided further*, That nothing contained in the foregoing proviso or in any other provision of law or any regulation adopted by it, shall authorize a labor organization or its agents to discipline or punish any employee for participation in the filing of any petition under the provisions of this Act, or for exercising any right whatsoever secured to him by the Constitution or laws of the United States.' "

Amendment No. 468

On pages 2 and 3, strike out subsection (c) in its entirety, and insert in lieu thereof a new subsection (c) as follows:

"No individual who has religious convictions against joining or financially supporting a labor organization may be required to join or financially support any labor organization as a condition of employment if such individual pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee unless said individual and said labor organization mutually agree upon some other condition of employment."

Amendment No. 469

Add the following new subsection (e) after subsection (d) on page 3:

"Section 8(d) of the National Labor Relations Act, as amended (29 U.S.C. 158(d)), is hereby amended by inserting between the word 'concession' and the colon preceding the proviso a comma and the following words: 'nor shall the refusal of either party to agree to a proposal or make a concession constitute or be evidence of failure to bargain under the provisions of this act.' "

Amendment No. 470

Add the following new subsection (e) after subsection (d) on page 3:

"Section 9 of the National Labor Relations Act, as amended (29 U.S.C. 159), is hereby amended by adding at the end thereof a new subsection (f) reading as follows:

" '(f) No person or organization shall be certified by the Board as exclusive representative of employees for purposes of collective bargaining, and no employer shall be required under this Act to recognize or deal with any person or organization as such representative, unless such person or organization has been selected as such representative by a majority vote of employees in a secret ballot election, as provided for in this section.' "

ADDITIONAL COSPONSORS OF BILL AND JOINT RESOLUTION

Under authority of the orders of the Senate of September 24, 1965, the following names have been added as additional cosponsors for the following bill and joint resolution:

S. 2562. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold: Mr. Bartlett.

S.J. Res. 113. Joint resolution to establish a commission to formulate plans for memorials to the past Presidents of the United States: Mr. Long of Missouri.

THE CRIMINAL JUSTICE ACT OF 1964

Mr. HRUSKA. Mr. President, enactment of the Criminal Justice Act of 1964 was one of this Senator's most gratifying experiences since coming to the Congress. This act takes a long step forward in the continuing effort to meet the constitutional due process mandate which requires the presence of counsel for the defense of those accused of crime, without regard to his ability to pay.

Throughout much of the lengthy struggle to get this legislation passed, my legislative assistant and later my administrative assistant was Mr. Robert J. Kutak, now in the private practice of law in Nebraska. His enthusiastic and untiring work was invaluable to those of us seeking passage of this important legislation.

It is appropriate that the first definitive article on the history and content of the legislation is his. It is published as the lead article in the July 1965 edition of the Nebraska Law Review.

In addition to tracing the development of the legislation, he has documented the steps taken to implement the legislation in the Federal courts in the district of Nebraska. The Nebraska plan, which he helped to formulate, has been approved by the Judicial Council of the Eighth Judicial Circuit and became effective on August 20, the effective date of the Criminal Justice Act.

Mr. President, this scholarly article will prove invaluable to those interested in the history and the implementation of the Criminal Justice Act of 1964. I ask unanimous consent that the article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Criminal Justice Act of 1964

(By Robert J. Kutak)*

"The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."[1]

A busy reader, scanning the pages of the Washington Post, might well have missed the story. The dateline was Panama City, Florida, August 5, 1963. The lead paragraph read: "Clarence Earl Gideon, whose handpenned appeal from prison resulted in a United States Supreme Court landmark decision which gave Florida its public defender law—and won him a new trial—was acquitted today of a 1961 breaking-and-entering charge."

Those unfamiliar with the Supreme Court decision would not have caught the significance of the story until the last paragraph: "At the opening of his new trial today, ordered by the Supreme Court ruling, Gideon was represented by prominent Panama City criminal lawyer W. Fred Turner, who was appointed by the Court at Gideon's request." At his second trial, unlike his first, Clarence Gideon had a lawyer. As a result, he was not only acquitted, he was vindicated. Gideon demonstrated what the ruling case law, up to then, had in effect denied—that a lawyer does make a difference. It is doubtful whether more proof would be needed to show that the mandate of the sixth amendment providing the right to the assistance of counsel must apply in all forums, state and federal.[2]

Whether the wire service story caught the eye of the Senate leadership on the way to the floor the morning of August 6, 1963, is a detail that will escape history. But a bill to cure many of the deficiencies regarding the right to representation in the federal court system had been on the calendar since July 10, 1963, awaiting Senate action. This was the Criminal Justice Act of 1963.[3] That afternoon, however, the bill was called up and passed. The brief Senate debate made no reference to the Gideon acquittal the previous day. Rather, to quote Victor Hugo as was so frequently done in the debate on another bill pending in the Congress, it was evident that the Senate was simply responding to "an idea whose time has come."

What idea is this? That a poor man should not be denied an opportunity to defend himself against a criminal charge because he lacks the means? He is entitled to enjoy the same protection in criminal proceedings as those having wealth. Equal protection of the law requires that such factors as the financial resources of an accused become irrelevant. Justice shall not be rationed on the basis that "them that has, gets." Simply stated—there shall be equal justice for the accused, and the government has the obligation to provide it, private means lacking, if it chooses to prosecute.

The Criminal Justice Act of 1964[4] goes a long way towards making that idea a reality in our Federal court system. By its impact on the administration of criminal justice, it is quite possible that the act will become recognized and rank as one of the major legislative achievements in a decade spanning both the New Frontier and the Great Society and crowded with congressional actions. The Criminal Justice Act of 1964 is quite short. Behind it, however, lies a lengthy history which must be appreciated if its potential is to be widely known and its provisions are to be fully used. With the means now at hand to furnish "representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States,"[5] the bar has both a challenge and a responsibility. Will the quality of representation in court appointed cases now improve? In the process of providing the desired representation, can abuse of the provisions of the act be avoided? The purpose of this article is to suggest ways and means for doing both.

I. THE PRESENT SITUATION

In the federal system at the present time an accused person who lacks counsel, and requests one, generally is furnished a lawyer at the time of his arraignment.[6] At the proceedings before the Commissioner—presuming they are not waived—he is informed of his right to retain counsel, but it is questionable how helpful this information is when the accused is poor.[7] Counsel are appointed in a number of ways.[8] In most districts the customary procedure is to assign lawyers engaged in private practice on an individual case basis. It has been observed that: "The assignment methods vary in their success in spreading the workload throughout the bar and in picking a suitable lawyer for a particular case."[9] In districts where the criminal docket is light, a selection can be made on the basis of personal contact with the members of the bar, assuring the judge that adequate representation is afforded the accused without the practice becoming individually too burdensome. However, in districts covering large metropolitan areas, the likelihood of individualized appointments is practically nil. The selections may come from lists of volunteers where they can be obtained—and this, too, is rapidly affected by the frequency of the call—or by a routine selection of lawyers admitted to practice in the Federal district court. In a few districts, representation is furnished in whole or in part by privately financed legal aid societies or voluntary defender organizations. The District of Columbia has a mixed system. The Legal Aid Agency for the District of Columbia operates with appropriations from the Congress on the basis of a public defender office, but members of the bar are still individually called upon to furnish representation in a great number of cases.

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*A.B. 1952, J.D. 1955, University of Chicago. Partner, Kutak, Rock & Campbell, Omaha, Nebr.

[1] *Gideon* v. *Wainwright*, 372 U.S. 335, 344 (1963).

[2] See "Lewis, Gideon's Trumpet" (1964) for an account of the Gideon trial and a discussion of the Supreme Court decision.

[3] Title was changed to the Criminal Justice Act of 1964, following final passage that year.

[4] 18 U.S.C.A. sec. 3006A (Supp. 1964).

[5] Public Law No. 455, 88th Cong., 2d Sess. sec. 1 (Aug. 20, 1964).

[6] Fed. R. Crim. p. 44. Compare proposed revision of the Rule, Advisory Committee on Criminal Rules, Second Preliminary Draft of Proposed Amendments 47–49 (March 1964).

[7] Fed. R. Crim. p. 5(b). Compare proposed revision of the Rule, Advisory Committee on Criminal Rules, Second Preliminary Draft of Proposed Amendments 2 (March 1964).

[8] See Note, "The Representation of Indigent Criminal Defendants in the Federal District Courts," 76 Harv. L. Rev. 570, 581–96 (1963).

[9] Id. at 581.

The magnitude of the problem of furnishing representation throughout the federal court system cannot be underestimated. A total of 29,944 criminal cases were filed in the district courts during fiscal year 1964.[10] Approximately 30 percent of the defendants in those cases had counsel assigned to them.[11] The percentage of assignments in each judicial district, however, varies considerably. Some districts reported that more than 50 percent of the defendants were furnished counsel. A substantial number of districts had over one-third of the defendants so represented. In the district of Nebraska during fiscal year 1963, of the 142 defendants whose cases were terminated by convictions or acquittals 77 of them—or 54.2 percent—had assigned counsel.[12] This does not mean, of course, that counsel were retained in the remaining cases. The defendant frequently waived his right to counsel. The figures point out the extent to which legal services, although needed, cannot be provided by the accused in our federal court system.

Pressure on court-appointed counsel may account for the number of guilty pleas. Of the 33,381 defendants who appeared in the district courts in fiscal year 1964, 29,170 were convicted and sentenced. Of this number, 26,273 defendants were convicted by pleas of guilty or nolo contendere.[13] The Allen Committee Report observes that while:

> "A higher percentage of pleas of guilty among cases in which defendants are represented by assigned counsel may reveal more about the character of the crime committed than the quality of the representation. . . . [t]he facts indicate that in all districts studied, pleas of guilty are entered much more frequently by defendants with assigned counsel than those represented by private counsel." [14]

There is such a person as a guilty defendant who comes to terms with his predicament and does not choose to prolong the day of judgment. A frank and early recognition of the desirability of this course of action may be the best advice his counsel, whether retained or appointed, can give. For this reason the Allen Committee's admonition not to draw too hasty a conclusion about the higher percentage of pleas of guilty among cases in which the defendants were represented by assigned counsel is well taken. The question is where the line is drawn. "Present practices sometimes induce a plea of guilty because appointed counsel recognize the futility of electing a contest in the absence of resources to litigate effectively." [15] When the plea is entered on the basis of poverty, not proof, a problem of adequate representation arises. The need for counsel, moreover, would not wane at the time of plea. Obviously, without the help of a lawyer throughout the subsequent stages of the proceedings, the interests of a defendant may be severely prejudiced. The consequence of the disparity in the quality of those services or their deprivation altogether is not lost on the guilty.[16]

It is unnecessary here to retrace in detail the struggle to secure the right to counsel which is now enjoyed. This has been done expertly in a previous article in the Nebraska Law Review and elsewhere.[17] As Justice Douglas stated: "The sixth amendment's provision that in all criminal prosecutions the accused shall enjoy the right 'to have the Assistance of Counsel for his defense' is the beginning of our problem." [18] For a long period in our history this provision in the Constitution stood only for the right to retain counsel and left those who did not have the means defenseless.[19] A notion that poverty was somehow a personal fault contributed to the early thinking on the subject and the case law lingered long after the attitude was rejected.[20]

The first major breakthrough occurred in *Powell* v. *Alabama*,[21] the celebrated Scottsboro case. By a seven to two vote the Supreme Court held:

> "That in a capital case, where the defendant is unable to employ counsel, and is incapable adequately of making his own defense because of ignorance, feeblemindedness, illiteracy or the like, it is the duty of the court, whether requested or not, to assign counsel for him as a necessary requisite of due process of law; and that duty is not discharged by an assignment at such a time or under such circumstances as to preclude the giving of effective aid in the preparation and trial of the case." [22]

Justice Sutherland's language in *Powell* v. *Alabama* is among the classics in the literature on the right of representation. It is deservedly cited often:

> "The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated laymen has small and sometimes no skill in the science of law. If charged with crime, he is incapable generally of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel, he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he may have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he may not be guilty, he faces the danger of conviction because he does not know how to establish his innocence." [23]

However, the facts of the case rather than the force of the argument controlled. It was established that, so far as the state courts were concerned, the fourteenth amendment only required the appointment of counsel in capital cases. The states were otherwise left to settle for themselves whether, under the particular facts and circumstances of each case, due process required the appointment of counsel.[24]

This rule was destined for reversal. It came in *Gideon* v. *Wainwright*.[25] Speaking in a concurring opinion, Justice Clark observed: "The Court's decision today, then, does no more than erase a distinction which has no basis in logic and an increasingly eroded basis in authority." [26] Justice Black rendered the opinion for a unanimous Court. The drama of the hour was relished by those who lived for this decision. He stated the case in language that will be remembered as long as there is liberty and justice for all:

> "[R]eason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth. Governments, both state and federal, quite properly spend vast sums of money to establish machinery to try defendants accused of crime. Lawyers to prosecute are everywhere deemed essential to protect the public's interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute and defendants who have money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries. The right of one charged with

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[10] See Annual Report of the Director of the Administrative Office of the U.S. Courts, 147 (1964).

[11] See Judicial Conference of the United States, report of the ad hoc Committee, H.R. Doc. No. 62, 89th Cong. 1st sess. 91 (1965) [hereinafter cited as Judicial Conference Report]: "These figures and percentages [citing comparable statistical information] are not considered by the Committee to be a reliable estimate for the future. First of all, they do not take into consideration the entirely new provision in the act requiring the assignment of counsel at the level of the U.S. Commissioner. Nor do they take into account the likelihood that in the future and in order to protect the record, courts and commissioners will be less inclined to accept waivers of counsel by defendants who appear before them."

[12] Statistics for the previous fiscal years for District of Nebraska:

Fiscal year	Defendants cases terminated	Assigned counsel	Percent
1962	112	57	50.9
1961	134	78	58.2
1960	140	54	38.6

[13] See Annual Report of the Director of the Administrative Office of the U.S. Courts, 256 (1964).

[14] See Report of the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice, 28–29 (1963) [hereinafter cited as Allen Committee Report].

[15] Id. at 29.

[16] See S. Rep. No. 346, 88th Cong., 1st Sess. 6 (1963). Statement of Attorney General Kennedy: "The [Department of Justice] study showed that pleas of guilty are entered much more frequently—in some areas three times as often—by defendants with assigned counsel than those represented by paid private counsel who have both the facilities and the incentive to make independent investigations. Defendants with appointed counsel, the study also showed, had less chance to get charges against them dismissed, less chance of acquittal when they went to trial, and greater chance, if convicted, of being sent to jail instead of being placed on probation."

[17] See Fellman, "The Constitutional Right to Counsel in Federal Courts," 30 Neb. L. Rev. 559 (1951). See also Beaney, "The Right to Counsel in American Courts" (1955); Morris, "Poverty and Criminal Justice," 38 Wash. L. Rev. 667 (1963).

[18] See Douglas, Foreword to "The Right to Counsel: A Symposium," 45 Minn. L. Rev. 693 (1961).

[19] See "Equal Justice for the Accused, Report of a Special Committee of the Association of the Bar of the City of New York and the National Legal Aid Association," 41–43 (1959).

[20] See Hoadley, "Is the Right Against Poverty Another Constitutional Right?" 49 A.B.A.J. 1192 (1963).

[21] 287 U.S. 45 (1932).

[22] Id. at 71.

[23] Id. at 68–69.

[24] *Betts* v. *Brady*, 316 U.S. 455 (1942).

[25] 372 U.S. 335 (1963).

[26] Id. at 348.

crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."[27]

A quarter of a century before, the Supreme Court had established the governing rule in the federal court system. In *Johnson* v. *Zerbst*,[28] the Court interpreted the sixth amendment to entitle the accused to counsel in all federal criminal cases. If an accused appears without counsel, and he does not knowingly waive his right to counsel, the court will lose jurisdiction to proceed. If a conviction is secured under these circumstances, the judgment is void. The sixth amendment's provision that the accused shall enjoy the right "to have the Assistance of Counsel for his defence" was held to mean that counsel must be appointed to represent a defendant who cannot afford to hire a lawyer and who does not waive his right to representation. Gideon brought the state practice alongside the federal practice and current with the times.

II. THE SEARCH FOR AN ADEQUATE REMEDY

Faced with the necessity of furnishing counsel, the Federal courts began the program of court appointments which thrust the burden of providing representation entirely on the practicing bar. With only minor exceptions,[29] no provision existed to reimburse counsel for his out-of-pocket expenses. Nor could he be compensated for the time involved in the preparation and presentation of the case. While the ruling in *Johnson* v. *Zerbst* clearly called for more than a ritualistic performance by counsel, the means to provide it other than out of the lawyer's own resources were totally lacking. An open invitation to find a method was presented.

Quite recently two "test cases" in district court have arisen. In *United States* v. *Germany*,[30] Judge Frank M. Johnson of the middle district of Alabama dismissed an indictment because the Government failed to pay the expenses of the defendant's court-appointed attorney to interview witnesses and view the scene of the alleged crime. He reasoned that implicit in the assistance of counsel doctrine is the opportunity for the lawyer to prepare his case. Whether counsel was afforded that opportunity in this case turned on the availability of Government funds to pay the expenses required. The failure to provide the necessary funds prevented counsel from furnishing the assistance to which the accused was entitled under the sixth amendment. The reasoning was difficult for the Government to deny, grave as the consequences would be.[31]

Judge William G. East, of the district of Oregon, in *Dillon* v. *United States*,[32] tried another route. In a hearing on a motion to vacate sentence under 28 U.S.C. 2255 (1958), where it was previously ruled an error not to appoint an attorney, Judge East designated a lawyer and at the conclusion of the case suggested that he apply for compensation for his services on an eminent domain theory. Holding that the appointment of counsel to represent a defendant was in fulfillment of the government's obligation to furnish a lawyer to an indigent person and the legal services provided constituted a taking of compensable property under the fifth amendment, he entered a judgment against the United States for the lawyer's time and expenses.[33]

Before further cases appeared in the reports, the Criminal Justice Act of 1964 became public law. While these decisions came too late in the day to have a substantial effect on the course of congressional action, they did serve the purpose of focusing attention on the consequences of continued neglect of the problem. So much of the substance of the Criminal Justice Act of 1964 has its origin in earlier legislative proposals and so much of the logic for the act can be found in this history that to adequately comprehend the statutory provisions it is necessary to examine those proceedings.

The first traces are found in a resolution adopted by the Judicial Conference of the United States at its September 1937, meeting.[34] It urged the enactment of a public defender system in those districts where the volume of criminal cases justified an appointment. The Judicial Conference recommended that elsewhere counsel be appointed on an individually assigned basis with compensation for services involving substantial time and effort. This proposal, which anticipated the ruling in *Johnson* v. *Zerbst,* was renewed by the Judicial Conference with little basic change through the years. The resolution attracted negligible opposition, but neither did it arouse appreciable interest. The resolution was adopted at the suggestion of Attorney General Homer Cummings. Each of his successors, through Nicholas deB. Katzenbach, has favored similar action. Indeed, the proposal was associated with many criminal law reform efforts.[35]

In March, 1949, the Senate reported a bill without the public defender provision. It authorized the court to compensate counsel who was appointed, at the request of the defendant, to the extent of fifteen dollars for services devoted to preparation for trial or a plea and in an amount not to exceed twenty dollars per day for the days actually required in court for trial. Fellman concluded his article, "The Constitutional Right to Counsel in Federal Courts," on a note that the bill was languishing on the calendar, and wondered "why such a modest bill of such obvious merit should take such a long time getting through Congress."[36] As it happened, the struggle would involve another thirteen years.

In succeeding Congresses the quest for legislation primarily focused on a provision for a public defender system. The first measure to be passed by the Senate occurred in the second session of the 85th Congress. The action came too late in the session to receive House consideration. The bill S. 3275, was patterned after legislation which had been introduced but never acted upon in earlier Congresses. It authorized each United States district court to appoint a public defender. He could be a full or part-time defender, depending upon the need. Provision was also made for assistant defenders as required. The court would assign the cases to the public defender, and he would be responsible for all phases of the proceedings, including appeal. If the needs of the district were considered adequately and economically covered by an individual assignment of counsel, however, the court could continue to follow this practice. In determining which system to adopt, the principal factor was to be whether the district had a city of 500,000 population. The salary of the public defender was set at 10,000 dollars a year; assigned counsel would receive up to thirty-five dollars a day for services. The cost of the program was estimated to be approximately one million dollars.

In contrast with its attitude in 1949, the Senate this time had no difficulty in accepting the public defender system. The recommendations of the Judicial Conference and the Department of Justice in the intervening years had had a substantial effect. The argument that the current system of assigned counsel without compensation was working an undue hardship on attorneys with experience, as well as putting the defendants at a severe disadvantage, could not be ignored. Related bills provided larger amounts of compensation and made grants to legal aid societies and similar groups furnishing legal services, but the Senate was not ready to accept these ideas.

On April 28, 1959, an identical bill—S. 895—was favorably reported by the Senate Judiciary Committee. At the time the bill was on the floor, it was observed that the measure "may not, in this form, fulfill all the ambitions or realize all the desires of a public defender system. * * * But to the end that it safeguards and promotes the rights established under the sixth amendment to the Constitution, this bill deserves the unanimous support of the Senate."[37] But notwithstanding the growing congressional interest in such legislation, the measure died in the House.

The House Judiciary Committee held hearings in May, 1959, on four bills reflecting different approaches to the representation problem. Despite the sponsorship of the House counterpart of S. 895 (H.R. 4185) by the chairman of the Judiciary Committee, opposition to any system providing for the appointment of a public defender was strong. As an alternative, a bill limited to affording compensation to assigned counsel was favored by a majority of the committee. The bill had no ceiling on the rate of compensation to be provided, although the author of the bill indicated he would accept one rather than report no bill at all. Instead of taking action, however, further study of the problem of the right to representation was ordered by the committee—presumably for the sponsors of H.R. 4185 to gather enough empirical evidence and muster enough public support to report the bill.[38] Finding that the study changed few minds in the committee, the chairman decided to forgo any action at that time.

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[27] Id. at 344.

[28] 304 U.S. 458 (1938).

[29] See 28 U.S.C. sec. 753(f) (1958)—transcript to be furnished persons permitted to appeal in forma pauperis to be paid by the government; Fed. R. Crim. p. 15(c)—lawyer's travel and subsistence to take a deposition to be at government expense; Fed. R. Crim. p. 17(b)—subpoena and witness fees incurred for the defense to be at government expense.

[30] 32 F.R.D. 421, enforcing 32 F.R.D. 343 (1963).

[31] See testimony of Attorney General Kennedy, Hearings Before Subcommittee No. 5 of the House Committee on the Judiciary, 88th Cong., 1st Sess., ser. 3 at 45 (1963) [hereinafter cited as 1963 House Hearings]: "There are going to be cases thrown out all over the country if this [decision] is followed and it makes a good deal of sense, I must admit."

[32] 230 F. Supp. 487 (1964), rev'd on appeal,—F.2d—, 33 L.W. 2673 (9th Cir. 1965).

[33] See Comment, 78 Harv. L. Rev. 1654 (1965), wherein the ramifications of the Dillon theory, if valid, would suggest that the limits on compensation provided in the act may likewise be unconstitutional. It is important to re-emphasize, however, that the situation confronting the court in Dillon is not covered by the Criminal Justice Act of 1964. 18 U.S.C.A. sec. 3006A(a) (1964). For another reaction, see New York Times, March 27, 1965, p. 24, col. 1, reporting citation of contempt of a Paterson, N.J., lawyer by a county judge for refusing to take an assignment as counsel to a defendant in a criminal case. The lawyer maintained "he was seeking to prove that lawyers were entitled to receive compensation even as assigned counsel."

[34] See Report of the Judicial Conference of the United States, 8–9 (September sess. 1937).

[35] See Bennett, "Of Prisons and Justice, To Secure the Rights to Counsel," S. Doc. No. 70, 88th Cong., 2d sess. 123 (1964). From the inception Mr. James V. Bennett was indefatigable in his efforts to secure remedial legislation in this field and for many years worked almost singlehandedly to develop a public awareness of the gravity of the right to counsel problem. In large part the eventual passage of the act can be attributed to his persuasive pleas.

[36] Fellman, supra note 17, at 599.

[37] CONGRESSIONAL RECORD, vol. 105, pt. 7, p. 8573 (remarks of Senator HRUSKA).

While the House Judiciary Committee could not be persuaded as to the wisdom of public defender legislation, the 86th Congress did pass the District of Columbia Legal Aid Act.[39] Designed as a mixed public and private system of representation and styled—with foresight—as a legal aid agency, the legislation authorized in fact a public defender program for the District of Columbia. The district presents unique problems in the Federal court system. The jurisdiction of the courts is much broader and, consequently, the criminal case load is much heavier. Still the concept which seemed to be an anathema to a majority of the members of the House Judiciary Committee was accepted by the House Committee on the District of Columbia without difficulty.[40] Provision was also made for a complete staff. No compensation, however, was allowed lawyers who were assigned cases on an individual basis. The bill was passed by the Congress with scant debate. The program in the District of Columbia has since been widely acclaimed and considered in many respects a model for later legislation. Unfortunately, however, the experience of the agency left little impression on key members of the Judiciary Committee.

On March 29, 1961, Senator COTTON of New Hampshire, Senator Keating of New York and later Senator ERVIN of North Carolina joined Senator HRUSKA in the introduction of S. 1484, a revised version of the measure that had passed the Senate in the previous Congress. The revision reflected numerous recommendations contained in the House Report, "Representation for Indigent Defendants in Federal Criminal Cases." This bill was the first substantial departure from the form of legislation previously introduced in the Congress. It was versatile and comprehensive. The test adopted for the availability of legal services was whether a person was "financially unable to employ counsel," although the term "indigent" was still used throughout the bill. The public defender was required to appear at every stage of the proceedings, including the preliminary hearing. His salary was to be comparable to the salary paid to the United States Attorney in the same district. Similarly, the term of office was set at four years in an effort to place these officers on as equal a footing as possible. Reimbursement for expenses included the costs of technical experts required in a defense which are "reasonably incurred." Appointments, when made on an individually assigned basis, were to be from among lawyers having five or more years of experience. The compensation was increased to a sum not in excess of $50 a day with a provision for reimbursement of expenses that included the costs of hiring experts. The test for providing representation on appeal, previously stringent, was broadened to a "not plainly frivolous" rule.

The Committee on the Administration of the Criminal Law of the Judicial Conference of the United States met in January, 1962, to discuss S. 1484 and related legislation which had been introduced in the Congress. The bills were analyzed and out of the discussions emerged specific recommendations for amendments. Shortly afterwards Senator HRUSKA (again joined by Senator COTTON, Keating and ERVIN) introduced a new bill, S. 2900. It was to apply, for the first time, to defendants who were financially able to retain counsel but could not hire a lawyer on account of the unpopularity of their cause. In addition, the bill eliminated a test for representation on appeal. The per diem compensation for court-appointed counsel was increased to one hundred dollars. The purposes of the latter amendments were to assure continuing representation and to encourage the appointment of qualified counsel.

Further changes were made in committee before reporting the bill. The appointment of the public defender was to be confirmed by the Senate.[41] Provision was made for court-appointed counsel to be reimbursed for investigators as well as experts used in the preparation of a defense. The public defender was also furnished this service. The bill also provided that the public defender or the court-appointed counsel should not accept payment for services from the defendant without obtaining court approval. This last amendment had the effect of broadening the coverage of the bill to include others besides the indigent. The bill was passed by the Senate on October 4, 1962, but by that time the sponsors could do no more than make a record for consideration of the measure in the next Congress.

By tradition, bills are not introduced in a new Congress until the President has delivered his state of the Union address. President Kennedy addressed a joint session of the Congress on January 14, 1963. It was his last state of the Union message. Among his recommendations, he urged that "[t]he right to competent counsel must be assured to every man accused of crime in Federal court, regardless of his means."[42] The same afternoon, Senator HRUSKA, again joined by his three colleagues, Senators COTTON, Keating and ERVIN, reintroduced his bill to provide representation for defendants who were unable to retain counsel. It was, in virtually all respects, the same measure as passed the Senate the previous October. The number assigned to it had been reserved by the sponsors—S. 63.

The formal call for action from the President was the turning point in the history of this legislation. The optimism was apparent in Senator HRUSKA's remarks when reintroducing his bill:

"To those of us who have urged passage of this bill, and have worked to that end for several years, the remarks of the President in his state of the Union message this afternoon were understandably gratifying. The expressed declaration of administration support of this effort, coupled with that of the American Bar Association and the Federal judiciary will, I am confident, increase the prospects for passage by both Houses in the current session."[43]

The American Bar Association made the passage of the public defender bill its primary legislative project for the year. At its midwinter meeting in New Orleans, Louisiana, the House of Delegates voted unanimously to support such legislation and to participate actively to secure its passage. It is apparent from the widespread attention given the problem of adequate representation in the sessions and publications of the American Bar Association in subsequent months that its work was instrumental in maintaining the momentum which would prevent the bill from faltering as it had in the past.

Another decisive factor in developing a new attitude towards the problem of representing the poor was the report and recommendations of the Allen Committee. Early in the Kennedy administration, Attorney General ROBERT KENNEDY appointed a special committee to study the problems plaguing indigent defendants prosecuted in federal courts. Its report, "Poverty and the Administration of Federal Criminal Justice," proposed far-reaching reforms in many areas of concern to the Department of Justice. One of the specific proposals—and perhaps the major concern of the Allen Committee—was for more adequate representation of the poor. Its recommendations for a proper defense of the poor, which were put in the form of draft legislation, became the framework for the Criminal Justice Act of 1964.

The Allen Committee's appraisal of the need for immediate legislative action was cogent and concise:

"Although *Johnson* v. *Zerbst* did not resolve all issues relating to the constitutional rights of counsel in the federal courts, the fundamental obligation of the federal government was clearly and unmistakably indicated. It is a matter for legitimate concern therefore, to discover that, except for legislation restricted in its application to the District of Columbia, Congress has as yet done little to implement the constitutional commands by placing the defense of financially disadvantaged persons on a systematic and satisfactory basis and that the federal statutes leave us little closer to the solution of these basic problems today than was true a quarter-century ago when *Johnson* v. *Zerbst* was decided."[44]

III. EFFORTS TOWARDS ENACTMENT

The Allen Committee drafted the most flexible and comprehensive plan yet considered. It came to the Congress with the highest endorsements—a cover letter from Attorney General KENNEDY to President Kennedy, dated March 6, 1963, and a message from the President to the Vice President and the Speaker, dated March 8, 1963. The Attorney General reminded the President of his call for action in his state of the Union message, recited the long struggle to round out the rights of the accused who were too poor to protect their own interests, pointed to the decisions requiring such representation, mentioned the committee which had developed a draft bill, reviewed the defects in the present criminal practice, and described the main features of the proposed legislation.[45] The President transmitted the legislation to the Congress and recommended its prompt consideration, saying: "Its passage will be a giant stride forward in removing the factor of financial resources from the balance of justice."[46]

While the Allen Committee draft contained many features that were found in earlier bills, it had several important innovations. First, retaining the principle of flexibility regarding the methods for providing counsel, the number of "local options" was increased. Besides the previously designated systems of private attorneys and public defenders, bar associations, legal aid societies, and local defender organizations were included as additional alternatives and provision was made for a combination of any of these programs. Second, the standards for an adequate defense embraced more than simply providing a lawyer and permitting him to hire investigators or experts as needed. The resources were expanded to include "investigative, expert, and other services necessary to [prepare and present] and adequate defense." Third, representation was to be provided at every stage of the proceeding, commencing with the initial appearance before the United States Commissioner and continuing through the final appeal to assure early and continuous assistance of counsel. Fourth, the concept of indigency associated with previous bills was avoided. The test, as it was uniformly stated in the bill, became "persons financially unable to obtain an adequate defense." The bill recognized that some defendants were completely destitute; others become so during the proceedings; and still others could pay some, but not all, of the expenses incurred in their defense. The bill thus became operative to whatever degree was appropriate to assure that, in light of the circumstances, an adequate defense was afforded.

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[38] See "Hearings Before Subcommittee No. 2 of the House Committee on the Judiciary," 86th Cong., 2d sess., ser. 13 (1960).

[39] 74 Stat. 229, 43 U.S.C. 620(d) (1960).

[40] To the extent even that the provision for salary of the Director of the Legal Aid Agency was substantially more liberal than either body was willing to allow in the public defender legislation—$16,000. The figure placed the official on a level comparable with the local U.S. attorney.

[41] The confirmation procedure was an effort on the part of the sponsors of the public defender system to allay fears that the appointment would be a "step towards the police state" or that the public defender would come under the domination of the court to the detriment of the defendant. The assumption was that Senate confirmation would signify and secure independent standing for the official. However, later events showed that such efforts to satisfy objections to the system produced no change of attitude on the part of those opposing the concept.

[42] CONGRESSIONAL RECORD, vol. 109, pt. 1, p. 172.

[43] CONGRESSIONAL RECORD, vol. 109, pt. 1, p. 244.

[44] Allen Committee Report, 14.

[45] See S. Rept. No. 346, 88th Cong., 1st sess. 10–13 (1963).

[46] Id, at 10.

The legislation was introduced in the Senate on March 11, 1963, by Senators EASTLAND and HRUSKA and was numbered S. 1057. The same proposal was introduced in the House by the chairman of the Judiciary Committee, Congressman CELLER, on March 13, 1963, and was numbered H.R. 4816. Both committees promptly held hearings.[47] In the Senate there was never much doubt that the bill, substantially in the form that it was introduced, would be approved. Except for the provision affording counsel for the defendant with an unpopular cause, S. 63 was displaced by the new bill. Only one witness in the hearings urged the inclusion of the "unpopular cause" provision in whatever bill was to be reported.[48] It was not incorporated in S. 1057, as reported, however, because of the lack of evidence indicating its need.

The purpose of the Senate hearings was primarily to pinpoint the meaning of the new provisions in S. 1057, rather than to persuade the committee members to accept such legislation. One witness voiced concern about the public defender provision.[49] His contentions, however, were challenged by succeeding witnesses.[50] The concept of a public defender system was sympathetically viewed by the committee. It became a matter only of devising a program so narrowly applicable as to overcome the anticipated House objection.

The testimony of Judge Smith pointed out the direction the committee followed in this regard. Stressing that the burden of administration of the act would largely fall upon the judiciary, Judge Smith suggested that no appointment of a full- or part-time public defender be designated without express authorization by the Judicial Conference. This is the procedure followed in the designation of referees in bankruptcy, with their number set strictly by the needs of the district.[51] The original proposal of relating the appointment of a public defender to the population in a district was not viewed as effective as a case load criterion. A figure of one hundred criminal cases was suggested as a workable basis, under which about thirty-two districts would qualify to select a public defender program—assuming they would prefer this system.[52]

The hearings on the other side of Capitol Hill developed strenuous opposition to the public defender system.[53] Moreover, while it was accepted that counsel should be compensated,[54] the notions as to the costs of the bill to provide "adequate representation" and the time it would take to afford "adequate representation" sharply differed.[55] In view of the range of criticism leveled at the public defender program in the House hearings, it became apparent that—at least in the form in which it was introduced—the provision was headed for trouble.

The Senate Judiciary Committee began to mark up the bill almost at once. The sponsors did not want to be disadvantaged by delayed action, particularly if the bill was headed for conference over the public defender provision. The later the conference, the less the chance to break a deadlock. Working closely with representatives from the Deputy Attorney General's office,[56] Senator HRUSKA redrafted S. 1057 in large part. Three major amendments were incorporated. First, in an effort to preserve the option of a public defender plan, the choice was restricted to those districts having a case load of 150 or more appointments (18 in number) which could show that no other system of representation was more efficient and economical. Second, the provision for services other than counsel was broadened to authorize the court to ratify such defense services when circumstances did not permit prior approval. Third, in recognition of the diversified character of the judicial districts, the commissioners were given the authority, not only to appoint counsel, but to approve defense services when the power is specifically delegated by the court.

Because of the innumerable "perfecting" amendments which came up, it was decided to offer an amendment in the nature of a substitute bill. A large majority of the committee joined in co-sponsorship. S. 1057 was reported unanimously on July 10, 1963, and was passed less than a month later. As stated by the manager of the bill during the Senate debate,

"S. 1057, as reported with an amendment in the nature of a substitute, is the product not only of past experience with public defender legislation introduced in this body but of extended hearings before the Judiciary Committee and consultation with my colleagues on both sides of the aisle and in both Chambers of the Congress. It is carefully drawn to avoid abuse while seeking to remedy a chronic problem of serious proportions in our Federal courts. * * * We have been impressed with the conscientious attitude the Federal courts have demonstrated towards establishing prudent systems within their respective districts. We are mindful, on the other hand, that the assumption of this responsibility will not be without costs. But these costs * * * are rightfully to be borne if the realization—not merely the aspiration—of equal treatment for every litigant is to be achieved."[57]

The Chairman of the House Judiciary Committee sensed from the beginning that it would be impossible to report a bill containing any provision for a public defender plan.[58] A new bill was introduced by Congressman ARCH MOORE in mid-summer. Reflecting the views expressed by a number of committee members during the hearings, the bill substantially reduced the scale of operations as originally proposed by the Criminal Justice Act. The Moore bill, with amendments, was reported by the committee. The public defender option was deleted altogether. The rate of compensation was designated as ten dollars per hour for time spent out of court and fifteen dollars per hour for time spent in court, with an overall limitation to be paid an attorney of 500 dollars in a felony case and 300 dollars in a misdemeanor case. The defense services were made available only to counsel assigned by the court. The bill was reported on October 24, 1963. A rule was granted on December 4, 1963, but no further effort was made to proceed with the measure that year.

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[47] See hearings on S. 63 and S. 1057 before the Senate Committee on the Judiciary, 88th Cong., 1st sess. (1963) [hereinafter cited as 1963 Senate Hearings]. 1963 House Hearings were held on May 22, 1963.

[48] See testimony of Monrad Paulsen, Columbia University School of Law, 1963 Senate Hearings 116.

[49] See testimony of Hon. Edward J. Dimock, senior U.S. dist. judge for the Southern District of New York, id. at 33.

[50] See testimony of Whitney North Seymour, director of the New York Legal Aid Society and chairman Special Committee on Defense of Indigent Persons Accused of Crime, id. at 74: "I would comment on Senator HRUSKA's question that I don't think there is any real basis for concern that a public defender, selected as these bills contemplate, would be subservient to the prosecutors. I am sure that the public defenders do a fine job for their clients. The concern that has been expressed about that by my friend Judge Dimock and others is largely, I think, theoretical and not based upon any actual experience. Because in actual experience, the public defenders work very well." See also testimony of Hon. William F. Smith, judge, Third Circuit, U.S. Court of Appeals, id. at 171: "Senator, I read Judge Dimock's remarks and I do not agree. True, the public defender is going to be paid by the same government as the U.S. attorney is paid. His income will come from the same source. But my income comes from the same source when I sit as judge. But if I let this in any way influence my judgment in a particular case then I do not deserve to be a judge in the first place. I think that would be also true of a public defender. If it reaches the stage where they become collaborating colleagues, then it is time that that public defender should be removed. And there is the power of removal in the statute as proposed by the Attorney General, and yours could be amended by making the same provision."

[51] See testimony of Judge Smith, id. at 159; see also supplemental statement, id. at 178.

[52] The figure is based on the number of assigned counsel in fiscal year 1962, the last available data when the committee was conducting its hearings.

[53] For the range of views see generally 1963 House hearings. Testimony of Gene A. Picotte, president of the Montana Bar Association, id. at 23; Hon. BASIL WHITENER, Congressman from North Carolina, id. at 63; Hon. RICHARD H. POFF, Congressman from Virginia, id. at 66; Hon. ARCH A. MOORE, Congressman from West Virginia, id. at 88; Examination of Mr. Seymour by Congressman MCCULLOCH, id. at 97; and testimony of Judge Dimock, id. at 103. The question was discussed with practically all of the witnesses who appeared at the hearing.

[54] See statement of Congressman MCCULLOCH, id. at 143: "I think the entire subcommittee and all of the committee have long since made up their minds that an attorney assigned by a court to defend a defendant who has not the money to pay for that defense should be compensated and compensated reasonably well. In view of the lack of time and commitments that all of us have later this evening, I would admit that without further proof."

[55] See statement of Congressman POFF, id. at 69: "Now, if we assume that each attorney would spend 1 hour in his office and 1 hour on each of these cases, the $25 fee would amount to $250,000 a year. Of course, in a complicated felony case, the time expended and the cost involved might be substantially greater than the average, especially if appeals are involved. However, it is equally true that in many cases, if not most cases, less than an hour of courtroom practice and less than $15 in fees may be involved."

[56] Messrs. Daniel J. Freed and Herbert Hoffman were in continuous contact with both the House and Senate sponsors of the legislation and furnished invaluable advice and assistance at each phase of its development. Without their labor and understanding of the legislative mystique, the ultimate product undoubtedly would have been far less comprehensive than it now is.

[57] CONGRESSIONAL RECORD, vol. 109, pt. 11, pp. 14222–14224 (remarks of Senator HRUSKA).

[58] See 1963 House Hearings 84.

The debate on H.R. 7457, as the House bill was numbered, took place on January 15, 1964. Two amendments were accepted from the floor. The first limited the payment of fees for defense services to the same amounts allowed lawyers in the case; the second prohibited the appointment of a Member of Congress from serving in any case covered by the act. The debate itself reflected a range of views from outright cynicism[59] to a practical recognition that the measure probably was the best that could be obtained.[60] The forceful position of the committee minority report was not pursued on the floor.[61] The merits of a public defender system were extensively debated, but no one offered to amend the bill to incorporate the program worked out in the Senate bill. Similarly, the restriction placed on the defense services was not altered. It is particularly surprising inasmuch as the committee amended the bill to permit counsel to be appointed who originally had been retained, recognizing the problem of changed financial circumstances. The ceilings placed on the overall payments to counsel remained without change. The author of the legislation stated in the debate, furthermore, that the limitation applied to each case, although the language of the measure read "to the attorney."[62]

The bill was sent to conference for resolution of the differences.[63] No action was taken, however, until August of 1964, nearly seven months later. The civil rights debate had shifted early in 1964 from the House to the Senate, which contributed to the delay. The conferees used the available time, however, to find a solution for the major points of difference between the two bills. Over the spring and summer months they informally reached an agreement on all the issues except the matter of a public defender program.[64]

The Senate conferees spared no effort to find a middle ground for the public defender program. Their final proposal would have placed the public defender program on an experimental basis to afford an opportunity to determine whether it had in actual practice the advantages claimed or the dangers charged. So the Congress would not lose control of the program in the process, a trial period of 5 years was set, with the program automatically expiring unless affirmatively renewed at that time. The program was also limited to a maximum of five districts. For a district to qualify, it had to make at least 150 court appointments annually. Further, its selection of the plan had to be approved by the Judicial Conference of the United States. Moreover, the program was to be supplemented by an assigned counsel system to avoid preempting the services available by the bar. But no plan proved acceptable to key members of the House conference. The most that was managed was the inclusion of language in the Conference report, inviting the Department of Justice to continue its study of the need for the system in light of the program authorized by the act and to cooperate with the Judicial Conference of the United States to determine whether a public defender program continued to have validity and value.[65]

Hence a 27-year struggle to secure some kind of a public defender system in the Federal district courts was put over until another day. It is understandable why the interest in a public defender program overshadowed the deliberations on the other provisions of the bill. Despite sincere differences of opinion as to the merits of the respective approaches taken by the House and the Senate, and the adequacy of the language ultimately worked out, such provisions emerged in a form capable of realizing the desired objectives. More than that, in the form adopted, they satisfy the overall purpose of removing the penalty which poverty imposes upon a defendant in a criminal case. On the other hand, by delaying the day when a public defender plan is available to certain districts, the Congress passed up an opportunity for the courts to cope directly, effectively, and economically with their expanding criminal caseloads. The provision permitting the designation of bar associations and legal aid agencies will, on the other hand, allow some degree of needed flexibility and, together with the provision for compensation of attorneys, will afford a greater capability than now available to overcome the glaring defects in the present system.[66]

The Conference report was submitted on August 6, 1964, 1 year to the day after the Senate passed the bill. No time was lost in taking up the report. The House moved first, quickly accepting the report but not before Congressman MOORE commented on its tenor.[67] The Senate acted the same afternoon.

The spirit with which the finishing touches were added to the legislative history of the bill was in the best Senate tradition:

"The case for this legislation is easy to state: we are a nation dedicated to the precept of equal justice for all. Experience has abundantly demonstrated that, if this rule of law, will hold out more than an illusion of justice for the indigent, we must have the means to insure adequate representation that the bill before us provides. I am grateful to those who have labored so long and so well to draft a statute which recognizes the complexities and demands of modern criminal trials. By their devotion to the highest traditions of the law and their determination to relate them to the urgent needs in the administration of criminal justice, the principle of a fair trial, so fundamental to our society, is more nearly secured." [68]

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[59] CONGRESSIONAL RECORD, vol. 110, pt. 1, p. 474 (remarks of Mrs. GRIFFITHS) "I am not opposed to every defendant having counsel, but in my judgment the bill will not produce any better counsel for $500 than any Federal judge could provide for nothing * * *. [T]his is likely to become a racket."

[60] CONGRESSIONAL RECORD, vol. 110, pt. 1, p. 454 (remarks of Mr. CORMAN) "I would just like to say, I support this legislation. I have always felt that half a loaf was better than none, but this is the first time I have had to make a choice between a thin slice and none at all."

[61] See H.R. Rept. No. 864, 88th Cong., 1st sess. 10–12 (1963).

[62] CONGRESSIONAL RECORD, vol. 110, pt. 1, p. 447 (remarks of Mr. MOORE answering a question whether the limitation placed in the bill is to be $500 for each case or each lawyer) "In order that the record might be clear, and as the bill is written, it is $500 per case." Compare the statement of Mr. POFF, CONGRESSIONAL RECORD, vol. 110, pt. 1, p. 457, in offering his amendment limiting the compensation to be paid for defense services: "Immediately above the language proposed, on the same page the committee saw fit to place a limitation upon the total compensation which the assigned or appointed counsel could obtain. In the case of a felony the maximum is to be $500 and in the case of a misdemeanor the maximum is to be $300." It is clear that there may be multiple defense services provided—with each person so rendering the service entitled to receive compensation not to exceed $300—and it is also clear that multiple lawyers may be furnished an accused with each attorney entitled to be compensated at a rate not to exceed the maximum provided. The language of H.R. 7457 read: "The Court shall, in each instance, fix the compensation and reimbursement to be paid to the attorney, provided, however, that the total compensation to be paid to the attorney for such representation shall not exceed $500 in case of a felony and $300 in case of a misdemeanor." See also 18 U.S.C.A., sec. 3006A(c) (1964). The assumption throughout the debate was that ordinarily not more than one attorney would be appointed in each case. Provision is made, however, for the appointment of more than one attorney. See 18 U.S.C.A., sec. 3006 A(a)-(b) (1964).

[63] Senate conferees were Senators EASTLAND, ERVIN, HART, HRUSKA and Keating. House conferees were Congressmen CELLER, RODINO, ROGERS, MCCULLOCH and MOORE.

[64] There were 13 points of difference. The Senate agreed to the House version as follows: hourly rate of compensation reduced to $15 per hour in court, $10 per hour out of court; limitation on services other than counsel reduced to $300 in all cases; all appointments of counsel made from a panel of attorneys established by the court; deletion of reference to "other local defender organizations" and substitution of the generic term "legal aid agency"; and express provision for appointment of counsel if defendant with retained counsel exhausts his funds during the course of proceedings. The House agreed to the Senate version as follows: the availability of defense services to all defendants who cannot afford them regardless of whether they have appointed or retained counsel; no restriction on participation by Members of Congress, coverage extended to felonies and misdemeanors, but not petty offenses; provision for supervision of representation by judicial councils of the circuits and for Judicial Conference approval of plans with power to issue rules and regulations; and representation provision to be effective within not more than 1 year. The Senate version had required, moreover, that all claims would be supported by written statements; the House version, by affidavits. It was agreed to have attorneys submit statements but claims for defense services would be supported by affidavits. The Senate version had no limitation on the maximum counsel fees available; the House provided $500 for a lawyer in a felony case and $300 for a lawyer in a misdemeanor case. The House version was accepted with a proviso that additional compensation would be afforded in extraordinary circumstances if approved by the Chief Judge of the circuit; and a fee not in excess of the same limits was provided for appellate services without a provision for additional fees under any circumstances.

[65] See H. Rept. No. 1709, 88th Cong., 2d sess. 5–6 (1964).

[66] The deletion of the public defender option from the Criminal Justice Act of 1964 would not necessarily preclude a district court from utilizing such services. The selection of a plan whereby representation is furnished through a bar association or a legal aid agency could accomplish the same purpose if the bar association or agency would organize or operate a defender-type program. This procedure is anticipated in the plan adopted by the U.S. District Court for the District of Columbia, which now is served by the Legal Aid Agency for the District of Columbia—a public defender office in all but name—supplemented as the needs require by representation furnished by private attorneys. The main regret regarding the conference action is that what can be done by degree was not able to be done directly.

[67] CONGRESSIONAL RECORD, vol. 110, pt. 14, p. 18558 (remarks of Congressman MOORE) "I am proud that I had a significant hand in guiding this legislation and that it was my bill, H.R. 7457, that the Judiciary Committee reported to the House; that the House subsequently passed; and is contained in its original form in this conference report * * *. I am amazed, then, to read the conference report and discover that primary accentuation was placed upon the Senate bill and the appearance created that the conferees, in essence, were only amending the Senate bill."

Cleared for the President's signature, the bill was signed by President Johnson on August 20, 1964. By its terms, the Criminal Justice Act of 1964 will become operative 1 year after that date.[69]

IV. PROBLEMS IN IMPLEMENTATION

Senator JAVITS of New York recognized that the burden had now shifted:

"This bill is a beginning. We hope that all the bar associations and legal aid societies who provide these services will measure up to what is expected of them, because what will happen in connection with this law, and how well the law will be administered will in a large measure be up to the organized bar, at whose door it is laid. We hope they will take this mandate from Congress and treat it as a sacred trust and see to it that every dollar that is spent will produce the devotion that is contemplated. Thousands of families will be grateful to them." [70]

Even before the President had affixed his signature to the bill, apprehension was expressed about its administration. An article in the Wall Street Journal described the pitfalls which may lie ahead: "President Johnson soon will sign into law a measure that could someday serve the admirable goal of giving dollarless defendants a better break in Federal court trials. But even its best friends fear this lofty aim may remain unreached while, as one supporter says, 'Federal money goes sailing down a rat hole'." [71] Citing the increased demand for funds attributable to the rising crime rate and expanding federal criminal jurisdiction and pointing to the measure's "generous provisions" for fact-finding services, as well as its "failure to define closely those persons eligible for help" the article predicted the bill will prove costly. The article stated that it was likely qualified lawyers would not be secured: "Officials in the Executive and Judicial branches freely disclose their uneasiness that the plentiful funds will be snapped up by second-rate lawyers tempted by hundreds of dollars per case in fees." [72]

While the impression created by this article might be distorted, the concern was nonetheless valid. It is imperative to those responsible for implementing the Criminal Justice Act of 1964 that it be properly supervised. Its provisions were not loosely or thoughtlessly drafted. The purpose in keeping the provisions flexible and broad was to afford maximum latitude in their operation. This presupposes an involvement by the courts in each aspect of the operation so that necessary control is not lost. The courts, in the first instance, must diligently perform this task. The Congress, briefed on the operation of the act by the annual reports of the Administrative Office of the United States Courts and by the annual requests for appropriations, will necessarily look to the courts for an accounting. Any unanticipated rise in expenditures which can be traced to loose supervision will quickly draw criticism and develop pressures to curb such authority. Apart from this, the courts cannot afford to be drawn into a situation where questions may be raised regarding their capacity and competence to approve claims for payment. Direct and tight control over the operation of the act in its every particular by the courts is the surest method for providing the kind and quality of representation called for by the Criminal Justice Act of 1964.

The courts, therefore, must not only carefully look into each claim for service, but continually look to the lawyers for conduct of a fiduciary character. Public funds are involved. While it is essential for counsel to be encouraged to use the means and facilities provided by the Criminal Justice Act of 1964, this would suggest no license or leeway to spend money because it is available. Indifference, carelessness or any other behavior which does not comport with the highest professional standards must be guarded against by counsel and, if found, must be censored by the court. Only by devoting what time is needed, incurring what expenses are necessary and requesting what services are required will counsel faithfully discharge his duty to his client and the court. By making certain that such standards are observed the courts will discharge their obligation under the act.

The Criminal Justice Act of 1964 recognizes the wide variety of conditions and requirements existing among the Federal district courts. For this reason the act requires that each district court devise a plan for representation incorporating one of the "options" provided in it.[73] Each district court plan is to be designed in accordance with the rules and regulations provided by the Judicial Conference of the United States.[74] The plan implementing the Criminal Justice Act of 1964 in the district had to be submitted to the judicial council of the circuit within six months from the date of enactment.[75] The judicial council was required to review and approve each plan within its circuit, supplement it with a plan for representation of defendants on appeal, and forward the plans to the Administrative Office of the United States Courts within the following three months.[76]

Following the midwinter meeting of the Judicial Conference in March of 1964, the Ad Hoc Committee to Develop Rules, Procedures and Guidelines for an Assigned Counsel System was appointed.[77] Anticipating the passage of the Criminal Justice Act of 1964, the Ad Hoc Committee began collecting data regarding court assignment practices in representative circuits and considered problems that immediately might arise out of the administration of the act. The Ad Hoc Committee's report was submitted to the Judicial Conference the following fall.[78]

In its study, the Ad Hoc Committee found no one system that could serve as a model for all other districts in developing and maintaining a panel of lawyers for appointment, in assuring the availability of counsel, and in coordinating the assignments with state court needs. What concerned the Ad Hoc Committee most—and added a new note of urgency to its work—was the discovery, from the responses received to its inquiries, that many district courts assumed that the requirements of the Criminal Justice Act of 1964 could be satisfied by superimposing its provisions on now existing methods of operation.[79]

Focusing on this attitude, the Ad Hoc Committee report stated:

"In the deliberations of the Committee there were many problems raised which apparently were not fully anticipated or realized at the time the legislation was considered. It is apparent that if the legislation is administered in the manner intended, it will bring about a significant advancement in the administration of Federal criminal justice. It is equally apparent that if the legislation is poorly administered, it could bring adverse criticism upon the courts." [80]

Several recommendations were made by the Ad Hoc Committee for the general administration of the act, including the use of a central disbursement system for funds provided by the Criminal Justice Act of 1964, with the submission of vouchers containing a justification for payment, and the supervision of the act in each circuit through a board of advisors patterned after the board of trustees of the Legal Aid Agency of the District of Columbia. The Ad Hoc Committee also recommended that it be succeeded by a committee which included district judges, and that it carry forward the work of guiding the implementation of the Criminal Justice Act of 1964. [81]

The Judicial Conference of the United States met in the fall of 1964 and approved these recommendations. A new committee was selected. The Committee to Implement the Criminal Justice Act of 1964 held its first meeting on October 17, 1964. The Committee incorporated its ideas in a number of model plans which the district courts could consider in drafting their own plans. The model plans were to take into consideration specific problems discussed by the Committee. Throughout the remainder of the fall the Committee worked on the form of the model plans to prepare them for circulation throughout the court system early in 1965.[82]

The Ad Hoc Committee had recommended that a special meeting of the Judicial Conference of the United States be held early in 1965 to discuss the problems that will occur in the implementation of the Criminal Justice Act of 1964. In its report the Committee took the position that it was neither possible nor desirable to prescribe any specific plan or plans for adoption by a district court.[83] Assuming that the suggested model district court plans would reflect sufficient guidelines, the Committee also proposed that the Judicial Conference not issue any rules and regulations until the need was indicated by the operation of the plans.[84] A number of required provisions for each plan were proposed. Moreover, the committee recommended the adoption of uniform standards and procedures to determine financial inability and assure continuity of representation. The board of advisors program for each circuit was endorsed. No plan for representation on appeal was proposed at that time. It was also recommended that proposals for administrative organization be deferred until the district plans were placed in operation and the requirements arose.

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[68] CONGRESSIONAL RECORD, vol. 110, pt. 14, pp. 18521–18522 (remarks of Senator HRUSKA).

[69] Public Law No. 455, 88th Cong., 2d sess., sec. 3 (Aug. 20, 1964).

[70] CONGRESSIONAL RECORD, vol. 110, pt. 14, p. 18522 (1964). See also CONGRESSIONAL RECORD, p. 11899 (May 27, 1965) (insert by Senator METCALF of address by Chief Justice Warren to the American Law Institute, May 18, 1965) "This act poses a real challenge to our profession because we have had no similar experience. It cannot be the problem of the courts alone. The local bar associations must participate both in the making and administration of the plans. The members of those associations must each accept a measure of responsibility, and it should not be delegated to those in our profession who are willing to accept the partial compensation because they find difficulty in making a living otherwise. To permit this would convert the objective of affording legal assistance to indigents to that of affording assistance to indigent lawyers."

[71] The Wall Street Journal, Aug. 18, 1964, p. 10, col. 4–5.

[72] Ibid.

[73] 18 U.S.C.A. sec. 3006A(a) (Supp. 1964).

[74] Public Law No. 455, 88th Cong., 2d sess. sec. 3 (Aug. 20, 1964).

[75] Ibid.

[76] Ibid.

[77] See Judicial Conference Report 89.

[78] Id. at 87.

[79] Id. at 90.

[80] Ibid.

[81] Id. at 96.

[82] See minutes of the meeting of Oct. 17, 1964. Id. at 79–85.

[83] Id. at 5.

[84] Id. at 6–9. Six model district court plans were attached to the report (pp. 31–74) as well as vouchers and other forms required to be used in each plan devised by the courts (pp. 12–30).

The Judicial Conference of the United States adopted the report and directed that the actions be followed.[85] With these reports, recommendations and model plans before them, district courts were prepared to devise a plan that would be consistent with the expressed policy of the Judicial Conference and appropriate to their particular needs. The Eighth Circuit was in a particularly advantageous position to respond. The Chief Judge, Harvey M. Johnsen, had been intensely active in each phase of the post-passage study of the Criminal Justice Act of 1964.[86] Promptly acting upon the recommendation of the Ad Hoc Committee that the Chief Judge of each circuit call a meeting "as soon as practical of the chief judges of the district court in his circuit to consider the implementation of the Criminal Justice Act," [87] Judge Johnsen held a meeting in Kansas City Missouri, on October 23, 1964, to discuss "the problems of administration under the act, the urgency of developing practical and acceptable plans in each district, ways and means stimulating the interest and securing the support and cooperation of the bar in every district in the implementation of the act, and to make plans for the appointment from the bar of an appropriate board of advisors to the judicial council." [88]

Early in November, Chief Judge Richard E. Robinson of the United States District Court for the District of Nebraska requested the President of the Nebraska State Bar Association to appoint an ad hoc committee to draft a plan implementing the Criminal Justice Act of 1964 in this district. A committee of nine lawyers was selected.[89] Following a preliminary meeting to outline the requirements for a Nebraska plan, drafts were prepared and circulated among the members for study during the months of January and February. A plan was submitted in February which was formally adopted by the federal district court on February 19, 1965. It was approved by the judicial council of the Eighth Circuit on May 8, 1965. The plan will take effect on August 20, 1965, the effective date of the Criminal Justice Act of 1964.

V. PROVISIONS OF THE PLAN

The format of Nebraska's plan is similar to several model plans to the extent that it has incorporated many of the provisions contained in them. Yet the plan is individualistic and is patterned after the needs of the district. As the plan is designed to be a guide for lawyers given court appointments under the Criminal Justice Act of 1964, it would be well to discuss the provisions of the plan against the background of some of the problems with which they will be concerned.[90] In this way the potential, as well as the purpose, of the plan may become apparent.

The plan ought to be viewed from the broad and necessarily general declarations of the Criminal Justice Act of 1964. If no specific standard is suggested for deciding whether its provisions can be utilized—or how far they can be applied—the answer must turn, in the last analysis, on whether an adequate defense would be furnished an accused.[91] If this test allows considerable latitude and provides a stimulus which otherwise would be lacking, it is intended to. The time has passed when the poor are deprived of their rights in a criminal proceeding because they cannot afford protection. The help which is provided to overcome this handicap is not a matter of generosity to be offered or denied by the government as it sees fit. As the Allen Committee Report states, what we are concerned with now is "a broad commitment by government to rid its processes of all influences that tend to defeat the ends a system of justice is intended to serve." Only in this way will the ideal of equal justice convey any meaning in the courtroom. What is now considered as effective assistance of counsel bears little resemblance to the practice of the past.[92] The days of the "enthusiasm-experience dilemma" [93] have departed. With the passage of the Criminal Justice Act of 1964, more must be expected from counsel in assuming the defense of the poor, just as more can be expected by him in the preparation and presentation of the case.

(1) Coverage.—The plan [94] covers "defendants charged with felonies or misdemeanors, other than petty offenses as defined in 18 U.S.C. 1, who are financially unable to obtain an adequate defense." This does not mean that defendants charged with petty offenses are not entitled to representation. However, the nature of such offenses would not require the facilities of the Criminal Justice Act of 1964 to afford adequate protection. By definition, collateral proceedings civil in character are not covered by the plan. Attorneys appointed to furnish representation in those cases must rely on their own resources as they do now.[95] The court took pains to express in the plan that the public service aspects of representation still exist. The plan states that the lawyer's participation in the plan, which provides compensation, in no way diminishes that responsibility. Despite the effort to distribute part of the burden which it is proper to share with the public, the necessity on the part of the lawyers to accept these appointments and to perform in the best tradition of the bar is not changed by the passage of the Criminal Justice Act of 1964.

The district court chose to adopt the most flexible system for appointment of counsel provided by the act. The practice now followed is to assign lawyers in the general practice on an individual case basis. This procedure for securing counsel will continue for some time. However, the court recognized there are two legal aid agencies in Nebraska which potentially could be called upon to furnish representation.[96] In anticipation of the time when either agency is equipped to render this service, the court designated a plan containing a combination of the two systems.

(2) Qualifications for service.—The sine qua non of the Criminal Justice Act of 1964 is participation by competent counsel. If the plan is properly administered, this should not be a problem in Nebraska. The criminal docket in this district is not heavy.[97] On the other hand, a problem of securing counsel may arise in the future by reason of the greater number of appointments anticipated in Federal court, the greater requirements associated with representation, and the expanding needs of the state courts.[98] However, a system for a fair allocation of appointments among qualified members of the bar

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[85] Id. at 2.

[86] Id. at 2, 11, 79, 97.

[87] Id. at 87.

[88] Id. at 3.

[89] The members were Robert H. Berkshire, George B. Boland, and Warren S. Zweibach (of Omaha); John C. Jourley and C. M. Pierson (of Lincoln); Donald W. Pederson (of North Platte); Gerald E. Matzke (of Sidney); Francis L. Winner (of Scottsbluff), and the author.

[90] See Timbers, "Representation of Indigent Defendants in Federal Criminal Cases," 38 Conn. B.J. 395 (1964) for a detailed discussion of the procedural steps (and checklist) counsel should follow in handling a court assignment. The article was prepared prior to the implementation of the Criminal Justice Act of 1964 in the district of Connecticut.

[91] The author had the opportunity to read Professor Lake's article in galley and is prompted to make one specific comment with regard to the question posed by him in his text accompanying footnote 42: To what extent is the Criminal Justice Act of 1964 applicable to the Supreme Court? Certainly it would seem incongruous if the court which rendered *Giedon* would not extend the same right of representation to its litigants as that ruling requires of nearly every other court in the land. It is obvious, however, that the framework of the act reflects a design for the district courts and the courts of appeal. No specific reference is made to the Supreme Court or to review by certiorari. Yet the purpose of the act is to provide representation "in the courts of the United States"; provision is made for representation "at every stage of the proceedings from [the defendant's] initial appearance before the U.S. commissioner or court through appeal"; the plans lay emphasis on a continuity of representation until or unless the lawyers are relieved by the next higher level of the judiciary; and with regard to claims for compensation specific reference is made "to each appellate court before which the attorney represented the defendant". Beyond this, the Allen Committee Report refers to representation in "any appellate proceedings"; several witnesses in the Senate hearings spoke about assuring legal counsel "in all federal courts"; the Senate report specifies that adequate representation will be furnished "until the termination of appellate review"; the Senate manager of the bill likewise stated at the time of passage that the legislation would apply "until the termination of appellate review"; the House report also states that the purpose is to provide legal assistance "in the courts of the United States"; the House debate refers to representation "all the way to the Supreme Court" and "through final appeal"; and, finally, the Conference report uses the phrase "in each appellate court" and "at any stage of the proceedings, i.e., before the commissioner, the district court, the court of appeals, or the Supreme Court." Considering the foregoing it is reasonable to say that, although the act is not altogether explicit on the issue, the legislative intent was not to stop short of the Supreme Court insofar as Federal criminal cases are concerned. By all logic, moreover, if the act does apply to the Supreme Court, it should make no difference at this point whether the case is federal or state in character. The methods for providing such representation, however, must remain for the Court to work out. One circuit has already ruled that it is not a denial of due process for a state court to refuse to appoint counsel for a defendant who seeks an appeal of his conviction from a state supreme court to the U.S. Supreme Court *Peters* v. *Cox*, 341 F.2d 575 (10th Cir. 1965).

[92] See Note, "The Effective Assistance of Counsel," 8 Harv. L. Res. 1434 (1965).

[93] See Note, "The Representation of Indigent Criminal Defendants in the Federal District Courts," 76 Harv. L. Rev. 579, 596–600 (1963).

[94] See text of plan attached as an appendix to this article.

[95] This is probably the next development of the act and should receive thorough consideration by the Congress as experience is gained with the present provisions.

[96] The Legal Aid Society of Omaha, Nebraska, and the Lincoln Legal Aid Bureau.

[97] See note 12, *supra*.

[98] See L.B. 839, 75th Neb. leg. sess. (May 3, 1965) (providing for the appointment of counsel in the Nebraska State courts).

should result from the program set up by this plan.

The practice of selecting a lawyer known or recommended to the judge whose only indicia of competence is admission to the bar is foreclosed. Counsel appointed under the plan must be selected from a panel of attorneys designated by the district court.[99] To develop a panel, local bar associations and other sources were contacted by the district court and invited to submit lists of lawyers who, in their opinion, had demonstrated ability and interest and were deemed qualified to furnish adequate representation. Members of the bar are always invited to present names. Undoubtedly the standard formulated is as broad as it is long. It was intended to mean more than a submission of a list of every practicing lawyer in the state, but how much more? While this question is not settled, the court decided that the leaders of the bar and the local trial judges would be in the best position to propose the initial lists of names for consideration. To avoid causing anyone to certify the competency of the lawyers recommended, the actual selection for the panel will be made by the court.

What constitutes "competence" in a particular case must be applied with reason. A lawyer who may have "demonstrated ability and interest" to handle a Dyer Act violation, for example, may not possess the skills and experience required to handle a narcotics offense. Necessarily, the panel needs a range of talents. The essential virtue of the panel, however, is that every member should possess a sufficiently recognized degree of competence to cope adequately with the case to which he might be assigned. This presupposes the exercise of sound judgment at the time of the designation to the panel and a careful exercise of judgment in making an appointment in a particular case.

If at any time it becomes apparent the appointment was ill-advised, the error should not be perpetuated at the defendant's expense. A substitute appointment can and should be made. In the interest of justice, which accords the broadest discretion, the judge may appoint as counsel any attorney admitted to the bar who is not on the panel, whose name then automatically is included. The panel will be supplemented and revised from time to time. The plan specifies that the selection of counsel from the panel is the responsibility of the judge or the Commissioner.

(3) Duration of service.—Once a lawyer is appointed to represent an accused, he will normally continue to serve throughout the remainder of the proceedings. In fact, the plan provides that counsel will continue to represent the defendant at each succeeding stage until further order of the court. If counsel is appointed by the Commissioner, the judge may reappoint him when the matter reaches the court level or he may substitute counsel, but in the meantime there is an obligation to continue to provide representation unless relieved by the court. The same procedure is followed on appeal. Counsel appointed by the judge must advise the defendant of his right to counsel on appeal and continue to represent him unless he is relieved by the Court of Appeals. In those cases where the defendant does not wish to appeal, the plan provides that a statement to that effect must be filed. A suggested form is provided. Should the defendant refuse to acknowledge his decision not to appeal in writing, counsel must certify that the advice was given. Of course, if it is convenient to do so, a record can be made in open court.

The geographical distances between the location of the Commissioners and the places where court is held in Nebraska are, in some instances, substantial. This factor is to be taken into consideration in determining whether counsel appointed by the Commissioner should continue to serve in subsequent stages. The greatest degree of flexibility is contemplated by the plan for determining the duration of service or the advisability of substituting counsel. Counsel must be provided as required, but the arrangements for representation need not be continued when found to be inappropriate. The court may, and when the facts are called to its attention will, reexamine the need for counsel at any time. If the defendant is financially able to obtain counsel, or to make partial payment for his representation, the judge may terminate the appointment or direct that payment be made. If the judge finds that a defendant who has initially retained counsel cannot pay for his services, he may appoint the same counsel or substitute other counsel for his defense.

(4) Need for services.—The Criminal Justice Act of 1964 and the district court plan systematically avoid the use of the word "indigency." It is not an adequate standard. The test employed in the act and the plan is "financial inability to obtain counsel." In other words, a defendant need not be destitute to apply for assistance under this plan.[100] Rather, the criterion is "a lack of financial resources adequate to permit the accused to hire his own lawyer."[1] As the Allen Committee Report states, this is a "relative concept with the consequence that the poverty of [the] accused must be measured in each case by reference to the particular need or service under consideration."[2] Clearly the intention of the Criminal Justice Act of 1964 is that the concept should have a liberal interpretation.

(5) Time for appointment.—Each defendant charged with a felony or a misdemeanor who appears without counsel must be advised at his initial appearance before the judge or the Commissioner, or at such time as he first appears without counsel, of his right to counsel.[3] The Allen Committee Report points out the purpose of this provision: "It is clear that a system for adequate representation requires more than an appointment of counsel. One of the essentials of such a system is that counsel be appointed early enough in the criminal proceedings to insure protection of the defendant's legitimate interests."[4] This provision will have a substantial impact on the character of the proceedings before the Commissioner and will certainly make the preliminary hearing more meaningful to the accused. It also imposes a greater duty upon the Commissioner which, although it could be anticipated by the proposed revision of the Rules of Criminal Procedure, is not now performed.[5] The selection of the lawyer by the Commissioner must be from the panel designated by the court. Although the court will still retain control through the designation of the panel and by review of appointments as they reach the trial stage, nonetheless it can be expected that the Commissioner's influence upon the entire proceedings through his initial selection of counsel will substantially increase under the plan, causing his role and responsibility to assume new importance. The language of the plan makes it plain that if the accused is first brought before the judge, rather than the Commissioner, the judge should promptly appoint counsel.

(6) Procedure for appointment.—When the defendant appears without counsel, the plan specifices that the defendant shall be asked whether he desires counsel and whether he is financially able to obtain counsel for himself. Upon the indication that he wishes to have counsel, he is unable to obtain a lawyer, and he wants to apply for one, it is then incumbent upon the judge or the Commissioner to make appropriate inquiry. However, it does require that whatever statements are made by the defendant in support of his application will be under oath in open court or by affidavit. The extent of the inquiry would vary in each case, and what might warrant extensive investigation in one instance may not be required in another. The practice should follow the same lines now employed in court. The purpose of the inquiry is not to discourage the appointment of counsel, but only its abuse. While there will be greater demands for counsel, current experience indicates that few, if any, defendants are now refused counsel when requested. Liberality in granting such requests is indicated by the provision allowing the defendant to make partial payment for representation. Forms are included in the plan for making the affidavit and inquiry. The nature of the inquiry at the Commissioner level would be less extensive than at the court level.

While the plan is drafted in terms of the accused making application for the appointment of counsel, the purpose of the act is to discourage waiver of counsel. The formalities regarding an application for counsel should be minimized. Short of foisting counsel on the accused, the policy is to have counsel present.[6] The act provides that if a defendant appears without counsel, one will be appointed unless the right is waived.[7] It may be desirable to appoint counsel, where a waiver is indicated, to advise the defendant as to the value of such services as the time of plea and sentence apart from informing him about the consequences and risks of waiver. To discourage the practice of waiver, the plan requires that the waiver be formally executed so that the defendant's "eyes will be open." A suggested form is provided. The plan also permits his revoking the waiver and applying for an appointment of counsel at any stage of the proceedings.

The plan makes provision for the appointment of more than one attorney in the case when the requirements of an adequate defense so indicate. Care must be exercised to avoid abuse. The provision does not contemplate multiple appointments merely to circumvent the dollar limitation on fees or to serve the convenience of counsel previously appointed. Separate counsel are also to be appointed in those cases where the defendants have such conflicting interests that they cannot be properly represented by the same attorney. This, too, is not a matter of lessening the burden or following the preference of counsel.

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[99] 18 U.S.C.A. sec. 3006A(b) (Supp. 1964).

[100] See Carter & Hansen, "The Criminal Justice Act of 1964," 36 F.R.D. 67 (1964). See also Judicial Conference Report 6.

[1] Allen Committee Report 7.

[2] Ibid.

[3] 18 U.S.C.A. sec. 3006A(c) (supp. 1964). See also Judicial Conference Report 84, for discussion of phrase "from his initial appearance"—interpreted as meaning "at his initial appearance."

[4] Allen Committee Report 37.

[5] See note 7 supra. See also CONGRESSIONAL RECORD, p. 11899 (May 27, 1965) (insert by Senator METCALF of address by Chief Justice Warren to the American Law Institute, May 18, 1965) "Undoubtedly, the passage of the Criminal Justice Act will bring to light many inadequacies in our commissioner system. I believe our experience may well demonstrate the need for a thoroughgoing study of the system not only to assure the effective administration of the act at the commissioner level but also to assure that the position of the U.S. Commissioner is a meaningful one viewed in the light of current needs."

[6] See *Adams* v. *United States* ex rel. McCann, 317 U.S. 269, 279 (1942). For the danger of insisting on counsel appointment see Time, March 19, 1965, p. 57, for discussion of ruling by federal district court granting a writ of habeas corpus in case where counsel was not desired, but appointed in a state trial.

[7] 18 U.S.C.A. sec. 3006A(b) (Supp. 1964).

(7) Services other than counsel.—The Allen Committee Report states that the absence of a provision for defense services is "a fundamental deficiency of the present system," which reaches "serious proportions."[8] The plan provides that counsel, whether appointed for or retained by a defandant who is financially unable to obtain the services other than counsel necessary to an adequate defense, may request them in an ex parte application to the court. The ex parte nature of the application will insure that the defendant will not have to disclose his defense prematurely. Although the legislative history is replete with references to these services, no exhaustive description of them has been found. The Allen Committee Report refers to counsel having at his disposal the "tools essential to conduct a proper defense,"[9] and later specifically mentions "investigatory services, the assistance of experts, transcripts of proceedings and the like."[10] Sound judgment in the matter is required, although on a showing of reasonable need, a court should not hesitate to afford counsel the fullest opportunity to prepare his case. To indicate the liberality of the rule, as well as provide guidance to counsel in utilizing the provision, the plan gives this interpretation:

"The fact finding services contemplated by the plan are similar to, but are not necessarily the same as, the services utilized in careful police work or required by a diligent United States Attorney. In passing on an application for such fact finding services, the Judge need only be satisfied that they reasonably appear to be necessary to assist counsel in his preparation and trial of his case and that the defendant is unable to pay for them."[11]

On granting the application, the judge can establish a limit as to the amount which will be approved for such service but, in any event, cannot authorize payment or award compensation to any one person for the service, or to any organization for such service rendered by an employee, in excess of 300 dollars, exclusive of expenses. When it is appropriate and not prejudicial to the defendant's case, the court may determine whether stipulations can be entered into to avoid the expense. The plan contains a provision for the court to ratify the employment of such services after they have been obtained when counsel shows that timely procurement of the services could not await prior authorization. This authorization should be used sparingly. It is not intended to rescue a negligent lawyer. Some plans include a caveat that "ratification is not looked upon with favor." Nebraska's plan indicates that the services contemplated as being needed immediately would be those services necessary to preserve evidence which may be lost by delay. Other appropriate criteria will develop with experience. Statements supporting the request for these services, unless made by the defendant's attorney, are required to be in the form of affidavits or under oath in open court and to be endorsed by counsel. Forms are included in the plan. The plan specifies that the Commissioner cannot authorize these defense services.

(8) Payment.—Attorneys appointed under the plan will submit a claim at the conclusion of their services, or any segment as deemed appropriate, which is supported by a written statement specifying the time expended, services rendered and the expenses incurred while the case was handled. Any compensation or reimbursement received in the case must also be indicated. The procedure for presenting these claims would be similar to the showing made for other court disbursement of funds. A strict accounting is expected. The modest limitations for hourly reimbursement do not justify excessive charges for time. Expenses are limited to out-of-pocket expenses actually incurred in defense work, and would not include either unreasonable personal living expenses or nonallocable office posts. A form specified in the plan is to be used.

The court is authorized to set the compensation to be paid an attorney at the rate not to exceed fifteen dollars an hour for court time and ten dollars an hour for office time, exclusive of expenses. However, an overall limitation is specified for each attorney appointed of 500 dollars for a case involving a felony and 300 dollars for a case involving only a misdemeanor. In extraordinary circumstances—and the term implies nothing less—payments in excess of these limits are authorized if the district court certifies that the payment is necessary to provide fair compensation for protracted representation and the sum is approved by the Chief Judge of the circuit. For representation on appeal, the compensation for each attorney appointed is limited to 500 dollars for a felony case and 300 dollars for a misdemeanor case. The plan requires the claims to be submitted within forty-five days after the service is rendered unless reason for delay is given.

The court will also determine the compensation for service other than counsel and direct payment to the person or organization which rendered it. Such claims must be supported by an affidavit specifying the time expended, the service rendered, and expenses incurred on behalf of the defendant, as well as the compensation received in the case or for the same service from any other source. The standard of strict accounting equally applies to these claims. The compensation can not be in excess of the amount authorized, which in no event would exceed the sum of 300 dollars for each person rendering such service, exclusive of expenses. Forms are provided in the plan for making application.

To emphasize the tight control the courts will exercise over the payment of fees and expenses, notification of all appointments and authorizations are to be given the Administrative Office of the United States Courts as they are made. The director of the Administrative Office will disburse the funds through a central accounting system. He is also authorized to secure reports from the courts and judicial councils on the operation of the plans, as needed, and will prepare standard forms for appointments and submission of claims.

The plan prohibits any attorney or person rendering a defense service from requesting or accepting payment from any other source without court approval. Information coming to the attention of counsel that the defendant is in a position to make payment in whole or in part is to be reported to the court.

VI. CONCLUSION

The members of the Nebraska Bar will have further guidance in working with the plan. Patterned after the Board of Trustees of the District of Columbia Legal Aid Agency, an advisory committee composed initially of the lawyers who drafted the plan has been designated to serve as an intermediary between the bar and the court to resolve any questions that might arise in the day-by-day operation of the plan.[12] The assignment should prove to be one of the most challenging undertaken by the bar. Hard problems lie ahead. It is relatively simple to state that effective assistance of counsel is required in all cases. It is something else again to provide it. It is rather popular to talk about equal justice for the accused, but to see that it is done involves a great deal more. However, a growing awareness of the vast disparities and inequities in the criminal law practice is producing new attitudes and prompting more effective action. Lawyers are thinking about the constitutional aspects of their case. Not long ago to raise a constitutional objection would practically imply that there was no substance to the defense. Today police practices and prosecutors' proof are scrutinized immediately in the light of constitutional requirements. And new precedent to this end is rapidly developing.

This new direction in the law quite naturally has aroused anxieties in the public mind. The crime rate increases—even faster than our population growth. Cities fall prey to gangs that roam its streets at will. Citizens are terrorized by hoodlums who do not hesitate to strike in broad daylight. The police everywhere confess to a general breakdown of law and order. Little wonder that news of an appellate court reversal of a conviction is greeted with public dismay.[13] As the front pages of newspapers had once carried the details of the crime, now the editorial columns decry apparent judicial indifference as to the consequences of these decisions. Even in the comic strips—seemingly our last escape from the problems of the world—criminals suffering swift and sure justice are heard to mumble that "someone is violating their constitutional rights."

To be sure, there is also a lively and articulate press which regularly rakes judges over the civil libertarian coals for allowing a policeman's testimony to be admitted in a court of law or for sending a defendant to prison who has led such an exemplary life while out on bail. The need for understanding of our task was clearly stated by Professor Vorenberg in a recent address:

"[M]any parts of today's dialog are not merely uncreative, they are destructive. 'Hanging judge', 'soft-headed court', 'police brutality', and 'hard-nosed reactionary' are phrases which have become part of the jargon in this field. We read there epithets in our newspapers every day, and all too many people accept them as accurate reflections of the questions posed by the criminal process. Distinctions are drawn which suggests that one must make a simple, all-purpose choice between protecting the individual and protecting society; between coddling the criminal and promoting effective law enforcement; between the rights of the accused and the rights of the public. In my view, these are false conflicts which obscure and obstruct rather than aid analysis of the issues in this field. This 'which side are you on' approach not only impedes communication among those who are working in the criminal field; far worse, it so distorts the public's understanding of how hard and important are our tasks that it seriously impairs our ability to enlist needed support for work [on the right to counsel]."[14]

To the extent that it has clarified our national policy and purpose on the question of the right to counsel, the passage of the Criminal Justice Act of 1964 is profoundly important. To the degree that it will be utilized by lawyers to overcome, in the defense of the poor, the disadvantages traced to poverty, it will be a success. This nation is committed to the eradication of poverty in its midst. It is appropriate that one of the earliest pieces of legislation should consider the impact of poverty on the administration of criminal justice. There is, perhaps, no greater test of our commitment than by adequately providing for the defense of the poor who are accused of crime. The bar has an opportunity to demonstrate that the rights of every member of our society, regardless of his circumstances, shall be decently respected. It has, just as well, the responsibility to see that they are fully protected. In faithfully pursuing the declared purposes of the Criminal Justice Act of 1964, the bar will perform its truest function and preserve its greatest tradition. While, therefore, this legislation is just a beginning of a better pursuit of social justice, it is an auspicious start.

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[8] Allen Committee Report 26.

[9] Id. at 39.

[10] Ibid.

[11] See Appendix, infra.

[12] Special Committee on the Federal Criminal Justice Act, created June 18, 1965. For membership see note 89, supra. An illustration of the kind of problem the Committee might face is found in Professor Lake's article in the text accompanying footnote 56.

[13] See Time, Apr. 23, 1965, p. 46, for contrasting report, "Winner Take Nothing."

[14] See Address by James Vorenberg, Director, Office of Criminal Justice, the Office of Criminal Justice—Its Role and Relationship to State and Federal Reform, Governor's Conference on Bail and the Right to Counsel, Louisville, Ky., Jan. 23, 1965.

SALE OF UNIFORM CLOTHING TO NAVAL SEA CADET CORPS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1856) to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps, which were, on page 2, line 1, after "cadets" insert "and to any Federal or State maritime academy having a department of naval science for the maritime cadets and midshipmen", and on page 2, line 3, after "Corps" insert "and to such Federal and State maritime academies".

Mrs. SMITH. Mr. President, I move that the Senate concur in the amendments of the House of Representatives to Senate bill 1856.

The bill in the form it was passed by the Senate would authorize the Navy to sell items of enlisted clothing to members of the Naval Sea Cadet Corps at no expense to the Government.

The House amended the bill by providing that the Navy might also sell items of enlisted clothing at no expense to the Government to Federal and State maritime academies having a department of naval science for maritime cadets and midshipmen.

Mr. President, I urge the concurrence of the Senate in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine to concur in the amendments of the House of Representatives.

The motion was agreed to.

THE QUALITY WATER ACT

Mrs. SMITH. Mr. President, it was my privilege to attend the signing ceremony at the White House this past Saturday morning, October 2, 1965, of the Quality Water Act. This is truly a great legislative achievement and a great gain for the people of the United States on the goal of protecting our water supply through the elimination of water pollution or, at least, keeping water pollution down to the greatest possible minimum.

I want to pay tribute to my colleague, the junior Senator from Maine, EDMUND S. MUSKIE, for the very fine leadership that he gave in steering this legislation through Congress and for his dedicated efforts on this very important matter. He deserves the greatest praise. And I am sure that he would be the first to say that Representative JOHN A. BLATNIK merits highest commendation for his leadership in the House on this legislation. I know from the personal experience that I had while a Member of the House of what a dedicated public servant JOHN BLATNIK is.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXECUTIVE SESSION

Mr. LONG of Louisiana. Mr. President, I move that the Senate proceed to consider executive business.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

Theodore L. Richling, of Nebraska, to be U.S. attorney for the district of Nebraska.

By Mr. DIRKSEN (for Mr. EASTLAND), from the Committee on the Judiciary:

B. Andrew Potter, of Oklahoma, to be U.S. attorney for the western district of Oklahoma;

David G. Bress, of the District of Columbia, to be U.S. attorney for the District of Columbia;

Bernard J. Brown, of Pennsylvania, to be U.S. attorney for the middle district of Pennsylvania;

Rex B. Hawks, of Oklahoma, to be U.S. marshal for the western district of Oklahoma; and

Dale C. Stone, of Indiana, to be U.S. marshal for the southern district of Indiana.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

The Chief Clerk read the nomination of John W. Hechinger, of the District of Columbia, to be a member of the District of Columbia Redevelopment Land Agency for the term expiring March 3, 1970.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—AIR FORCE

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations in the Air Force.

The PRESIDING OFFICER. The nominations will be stated.

The Chief Clerk proceeded to state sundry nominations in the Air Force.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—ARMY

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations in the Army.

The PRESIDING OFFICER. The nominations will be stated.

The Chief Clerk proceeded to state sundry nominations in the Army.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. LONG of Louisiana, and by unanimous consent, the Senate resumed the consideration of legislative business.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. HOLLAND. Mr. President, I am thoroughly in accord with the editorial which appeared in the Tampa Tribune of Friday, October 1, 1965, entitled "Washington's Needs."

I supported home rule for the District of Columbia for several years after I came to the Senate. In general, I have supported the principle of general participation of citizens in any area of America in decisions affecting their important governmental problems. I supported that principle in my own State of Florida, in eliminating the poll tax requirement and was the author of the 24th amendment eliminating poll tax in Federal elections. I supported that principle as a sponsor of statehood bills for Alaska and Hawaii and I supported and voted for the 23d amendment giving the District of Columbia the right to participate in presidential elections.

But, Mr. President, I did not support the bill (S. 1118) when it was considered by the Senate to provide an elected Mayor, City Council, and nonvoting Delegate to the House of Representatives for the District of Columbia.

As I stated on the floor of the Senate during the course of the debate on S. 1118:

> I would be ready now to give to the citizens of the District of Columbia many of the powers of decision affecting their local problems, because I believe that not only would they be better qualified to discharge them, but also it would relieve Congress of the heavy burdens which, too often, it does not well perform.
>
> But, Mr. President, in view of the bad crime record now existing in the District of Columbia, and the various questions connected therewith, I could not be a party to surrendering the responsibility of Congress to deal with that problem, or the responsibility of the Federal Government to have something directly to do with the solution of that problem.

Mr. President, the bill, S. 1118, which the Senate passed and the later action the House of Representatives took by passing an entirely different measure, indicates the widely divergent views of Congress on this subject. Therefore, I agree wholeheartedly with the views expressed in the editorial to which I previously referred, and which I ask unanimous consent to have printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WASHINGTON'S NEEDS

In a rare rebellion against President Johnson, the House of Representatives has refused to accept his home rule plan for the District of Columbia.

The Senate adopted it in July. But the House passed a sharply different version, which would require, first, a referendum on the question by District voters, then the drafting of a plan by a charter commission, the approval of this plan in a second referendum and, finally, its acceptance by both Houses of Congress.

Disappointed supporters of the administration plan for instant home rule say the House action kills any chance of legislation at this session.

Perhaps. If so, the gain exceeds the loss.

Self-government for the District of Columbia is not a matter to be decided in the rush of an expiring congressional session, under pressure from an administration which may be more concerned with pleasing Negro voters than achieving better local government.

In principle, we think, the national capital ought to be under Federal control. The most persuasive argument for giving Washington residents the right to elect a mayor and council, to replace the Presidentially appointed District Commissioners, is the wretched government produced by the present system.

Some change is imperative. But it ought to be made deliberately, with the utmost care, and under conditions which will preserve either a Federal partnership or a Federal veto.

The House bill takes this approach.

If the Senate accepts this plan, a constructive start will be made toward reforming the District government. But if Senators insist on the administration proposal to turn over Washington's government to locally elected bodies without further ado, then better that no legislation pass at this session.

The precise form of the District government is less important than its effectiveness. Both Congress and the President have permitted the present government to fail shamefully in the responsibility to maintain a Capital City of which the Nation can be proud.

Washington has three pressing needs:

More money from the Federal treasury for local administration. The Federal Government now supplies only 13 percent of the District budget.

Better law enforcement to reduce the disgracefully high crime rate.

A program to bring more white residents into the District, so that the National Capital will not be dominated, as now, by a minority group. (Negroes comprise nearly 60 percent of the population.)

If President Johnson will use his influence to help work out a practical reform to meet these needs, rather than demanding loyalty to a political theory, he will benefit both Capital and Nation.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHY FIDDLE WHILE ROME BURNS?

Mr. YARBOROUGH. Mr. President, the Administrator of Veterans' Affairs was quoted in the October 3 Washington Sunday Star as saying that the Veterans' Administration will probably recommend to the next session of Congress "that cold war veterans be given benefits comparable to World War II and Korean veterans." This reappraisal by the VA represents the most progressive stride taken by that agency since the end of the Korean conflict.

Yet it is only half a step. This issue has been before the American public for 7 long years. The U.S. Senate has been way out in front all the way, having passed the cold war GI bill in 1959, and again in this session of the 89th Congress by an overwhelming vote of over 4 to 1, and over VA opposition all the way. I welcome the VA to the ranks of those of us who have worked for this legislation over the years. But why fiddle while Rome burns? Let us put the cold war GI bill on the statute books without further delay.

The bill is pending in the House and it is pending in the House committee. A little push from the Veterans' Administration now would be worth a ton of pressure at some probably recommended date. I urge the administration to consider what is pending in the House committee now. There is time left in this session of Congress to do something to help the most mistreated veterans in this Nation.

I ask unanimous consent that an article from the Washington, D.C., Sunday Star of October 3, 1965, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRIVER TALKS OF BENEFITS FOR COLD WAR VETERANS

(By Alvin P. Sanoff)

The Administrator of Veterans' Affairs said last night that the Veterans' Administration will probably recommend to the next session of Congress "that cold war veterans be given benefits comparable to World War II and Korean veterans."

William J. Driver, speaking at the bill of rights awards dinner of the American Veterans Committee at the Mayflower Hotel, said that a reexamination of the present benefits program is now going on.

Whether "we will decide to give cold war veterans the same benefits as those enjoyed by World War II and Korean veterans we have not really concluded yet," Driver said.

However, "we are reexamining the situation," he added, "and will take action after the first of the year."

Driver also said that many social welfare programs recently passed into law, such as medicare, had their beginnings in veterans' programs. "Veterans' programs have blazed new trails," he said.

Driver said that he hoped that the medicare program could eventually be expanded so that it was comparable to the medical program enjoyed by veterans.

The Administrator accepted the AVC bill of rights award on behalf of President Johnson.

Also honored at the dinner were Adam Yarmolinsky, assistant to the Secretary of Defense, and Judge Hubert L. Will, judge of the U.S. District Court for Northern Illinois and chairman of the U.S. Council of the World Veterans' Federation.

WHAT OF THE VICTIMS?

Mr. YARBOROUGH. Mr. President, it is always a pleasant surprise to come across an unexpected bit of treasure. Readers of the September 26 Boston Sunday Herald were treated to this experience in the form of one of the most carefully researched, most thoughtful, and best balanced editorials I have ever seen in a daily newspaper.

The editorial, entitled "What of the Victims?" explores the history, rationale, and current policy discussions of compensation to innocent victims of crimes for the losses they suffer as a result of the crime.

Several months ago I introduced a bill, the first bill introduced in the Congress of the United States at any time, for the provision of compensation to innocent victims of crimes who receive bodily injury when those crimes have been committed within Federal jurisdictions.

I ask unanimous consent that the editorial from the Boston Sunday Herald be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT OF THE VICTIMS?

Over and over the courts, especially the U.S. Supreme Court are being criticized these days for decisions which protect the rights of defendants in criminal cases. The courts have become soft on crooks, it is said. Justice has forgotten the victims.

Some of these critics forget that, in American courts, all men are considered innocent until proven guilty and that many defendants actually are innocent. They overlook the fact that, because of faulty identification, for instance, or a neighbor who bears a grudge or any of a multitude of reasons, they, too, could be defendants in court some day.

But there is something to say for the idea that justice has overlooked the victims of crime while it has been concerning itself with the rights of the accused. It is all very well to give a man who is accused of, say, assault with a dangerous weapon, a fair trial and either send him to jail or find him innocent. But, either way, the victim is no better off. He may have the satisfaction of revenge if his assailant is sent to jail, but revenge doesn't heal wounds or pay expensive medical bills or help his family in their distress.

The problem of how to help the victim is an old one, and, in fact, the ancient penal codes of Babylon, Israel, Greece, Rome, and Anglo-Saxon England required the criminal to reimburse the victim with money or property. The same principle was followed in cases of theft in Connecticut and Massachusetts in the 17th century.

During the late 19th century compensation of crime victims was discussed at no less than five consecutive international prison conferences. Resolutions were adopted in favor of the principle but nothing much came of it.

Recently the principle has been revived, however in different form. Instead of requiring the criminal to compensate the victim, an impractical requirement in most cases because the criminal usually lacks the necessary resources, the government does the job. The practice was adopted in 1964 in Great Britain and New Zealand, and California will start compensating the victims of violent crime next year.

Nationally, Senator RALPH YARBOROUGH, of Texas has proposed a Federal Violent Crimes Commission to aid victims of 14 specified crimes. While it would operate only in Federal areas—the District of Columbia and maritime and territorial jurisdictions of the United States—Senator YARBOROUGH hopes that the States will be encouraged to adopt similar laws if his bill is passed.

The Yarborough bill provides that the Commission could make payments for expenses incurred as a result of death or injury at the hands of a criminal, loss of earning power because of injury or death, pecuniary loss to the dependents of a deceased victim, and any other loss—with a limit of $25,000—which the Commission thinks is reasonable.

The principle seems sound and the Yarborough bill sounds sensible. There could be pitfalls in such a system, however, if it were not worked out very carefully. For instance, fraudulent claims might be made by alleged victims of rape or other sexual crimes. It does not seem likely, on the other hand, that many persons would invite a beating to make a few dollars.

In any case, the principle of government compensation of victims of certain crimes deserves serious consideration. Here in Massachusetts we should watch the California system and follow the progress of the Yarborough bill. "The victim of a robbery or an assault," Arthur J. Goldberg wrote last year when he was still on the Supreme Court, "has been denied the 'protection' of the laws in a very real sense, and society should assume some responsibility for making him whole."

OUR VANISHING WILDLIFE

Mr. YARBOROUGH. Mr. President, on August 23, 1965, I submitted Senate Concurrent Resolution 52, in the 89th Congress, as I had done previously in the 88th Congress, which recognizes the necessity of convening an international program of wildlife conservation, probably under the sponsorship of the United Nations, and with active U.S. participation.

The PRESIDING OFFICER. The 3 minutes of the Senator from Texas have expired.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may have 45 seconds more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. While most of the world is in the midst of a population explosion, many species of the animal world are headed toward extinction.

We have two in this country. They are the two greatest birds alive. They are the condor and the whooping crane. There are fewer than 50 of each species.

Once a form of life has become extinct, however beautiful or thrilling for the human eye to see, there is nothing we can do to restore it.

The forms of wildlife are graphically illustrated and presented in an article entitled "Wildlife: The Vanishing Americans," which appeared on pages 6 through 9 of the Potomac magazine, a Sunday supplement to the Washington Post of October 3.

To illustrate the dangers of extinction, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILDLIFE: THE VANISHING AMERICANS

While the United States is in the midst of a population explosion (of people), much of our animal population is heading in the other direction—toward extinction.

The urgent need to halt this drive down the road to oblivion was spotlighted recently by President Johnson when he approved the setting aside of 300 acres at the Patuxent Wildlife Research Center in Laurel, Md., as part of a campaign to rebuild native stocks of birds and mammals.

At the Center, rare species threatened with extinction will be raised, trained to look after themselves in the wild, then set loose with the hope that they will propagate.

What is the cause of the vast depletion in the ranks of our native animals? In the past 150 years the United States has lost nearly 40 species of birds and mammals forever—half of them since 1900—and a further 78, including reptiles, fish and amphibians, are on the present danger list.

The answer is a simple one: people, or as officials of the U.S. Fish and Wildlife Service put it, "the encroachment of man."

Large animals are victims as well as small. In Alaska, the polar bear is being hunted from the air in a modern version of the methods used by buffalo hunters to gun down their victims more than a century ago.

Two small private planes pick up a bear's tracks and follow him across the ice floes about 50 miles off the coast. When they corner him on a floe, they chase him back and forth across it for an hour or so until he drops from exhaustion.

One plane then lands and the hunter gets out to finish off the bear with an easy shot from 200 yards. This scene has become increasingly common in recent years as more and more Americans take up polar bear hunting.

According to officials of the U.S. Fish and Wildlife Service, these expeditions may have taken a serious toll of the polar bear and efforts are now underway to see if the species is threatened with extinction, as some conservation officials fear.

Last January, the Bureau of Sport Fisheries and Wildlife, at the request of Secretary of Interior Stewart Udall, compiled a list of 317 rare wildlife species. Some were reported in immediate danger; others, like the polar bear, were classified as "status undetermined," because data on them is still incomplete.

Man does not always hunt animals to extinction. Often they disappear merely as a result of population growth.

For example, one local species, the Southern bald eagle, has been reduced in numbers in recent years as more and more people have moved into its nesting areas. In addition, pesticides sprayed on crops are swallowed by the birds, impairing their ability to reproduce.

Another, the Delmarva Peninsula fox squirrel, a larger variety of the common gray squirrel but with a black striped tail, was found only along the shores of Delaware, Maryland and Virginia. Now it is nearly extinct as a direct result of the population buildup on the peninsula which has cut forests for timber and reduced others by fire.

The success of programs like the one approved by the President at Laurel is evidenced by the story of the whooping crane.

When the Fish and Wildlife Service made a count of these five-foot tall birds in 1938, only 14 remained.

In the years since, a greater attempt was made by the Wildlife Service to protect the birds in their wintering grounds at the Aransas National Wildlife Refuge on the Texas coast. A 100-acre area was fenced off and planted in grain so they could remain undisturbed during their breeding period.

Publicly given to their plight brought shooting to a halt. As a result, there are now 42 whooping cranes and Wildlife officials express guarded optimism that the greatest danger to the species may be past.

THESE ANIMALS FACE EXTINCTION

Here is a list of the 78 species considered by the Bureau of Sport Fisheries and Wildlife report to be in immediate danger of extinction:

Mammals: Delmarva Peninsula fox squirrel, Atlantic right whale, Bowhead whale, Pacific right whale, Nevada kit fox, red wolf, timber wolf, grizzly bear, black-footed ferret, Florida panther, Guadelupe fur seal, Caribbean monk seal, Florida manatee or sea cow, Columbia white-tailed deer or Oregon white-tailed deer, key deer, Sonoran pronghorn antelope.

Birds: Florida great white heron, Aleutian Canada goose, Laysan Hawaiian duck, Main Islands Hawaiian duck (or Koloa), Mexican duck, Nene (or Hawaiian goose), California condor, Florida Everglade kite (or snail kite), Hawaiian hawk (or IO), Attwater's greater prairie chicken, masked bobwhite.

Whooping crane, Hawaiian common gallinule, Yuma clapper rail, Eskimo curlew, Puerto Rican parrot, American ivory-billed woodpecker, Hawaiian crow (or Aala), Puaiohi (small Kauai thrush), Nihoa millerbird, Kauaioo (or Ooaa), Akiapolaau, crested honeycreeper (or Akohekohe).

Kauai Akialoa, Kauai Nukupuu, Laysan finch-bill, Maui parrotbill, Nihoa finch-bill, Ou, Palila, Bachman's warbler, Kirtland's warbler, Cape Sable sparrow, dusky seaside sparrow.

Fish: Atlantic sturgeon, lake sturgeon, shortnose sturgeon, longjaw cisco, Arctic grayling, Atlantic salmon, Apache (Arizona) trout, Montana Westslope cutthroat trout, Piute cutthroat trout, Rio Grande cutthroat trout, Colorado River squawfish, Desert dace, humpback chub, Little Colorado spinedace, Cui-ui, Comanche Springs pupfish, Devils Hole pupfish.

Owens Valley pupfish, Pahrump killifish, Clear Creek gambusia, Gila topminnow, blue pike.

Reptiles: American alligator.

Amphibians: Texas blind salamander, black toad, Inyo County toad.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

BIRTHDAY ANNIVERSARY OF SENATOR McNAMARA

Mr. DIRKSEN. Mr. President, it is probably sheer coincidence, but if I recall correctly, as we prepare for that attenuated discussion of a very fundamental issue, namely section 14(b), this is the birthday anniversary of a distinguished Member of this body. I am referring to the distinguished Senator from Michigan, Mr. PATRICK McNAMARA.

Long before he came to the Senate he distinguished himself as an outstanding leader of labor in his own State. He has distinguished himself in this body.

While he has not always been overly articulate or vocal, he has indeed been diligent. He has always been kind to every Member who had a problem before either of his committees.

And so, on "B day," that is, 14(b) day, I salute the distinguished Senator from Michigan [Mr. McNAMARA].

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. BARTLETT. Mr. President, I am happy to join the Senator from Illinois in paying respects to our good friend PAT McNAMARA, on his birthday anniversary.

I would differ from the Senator from Illinois in only one way. I believe that the senior Senator from Michigan is one of the most articulate of men.

It is true that he, in company with some others of us, does not often speak on the Senate floor, but when the Senator from Michigan speaks, everyone knows what he has in mind and what he is saying. He is sincere. He is direct. To him issues are black or white. There is no large gray clouded area in between. He has his principles, and to these principles he has always adhered.

He knows what he wants to do and most of the time he succeeds in doing what he wants to do.

I have counted it a privilege to be a friend of PAT McNAMARA ever since he came to this body.

I wish for him many more happy birthday anniversaries.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I will yield but, first, Mr. President, I ask for a little extension of time.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. DIRKSEN. I concur in what the distinguished Senator from Alaska said because our good friend from Michigan follows the old Biblical admonition:

> Let your communication be yea, yea; and nay, nay; for whatsoever is more than these cometh of evil.

I salute the Senator from Michigan.

I yield.

Mr. LONG of Louisiana. On this happy occasion I join in congratulating the Senator from Michigan on his birthday.

Perhaps one of the advantages of being in session this long is that we have the occasion to be here on the birthday of PAT McNAMARA.

He has been one of the warmest, kindest, most considerate Senators I have known. He exhibits these fine talents at their best.

It is true that he does not always make as many speeches as some Senators do. He does not need to. He has a forthrightness about him, true of his Irish ancestry, so that people do not need to talk with him at length to know where he stands.

I recall an occasion when the Senator from Louisiana was making a speech of considerable length with which the Senator from Michigan disagreed. The way he stomped out of the Chamber left no doubt whatever that he disagreed with that speech.

The Senator from Michigan has helped all of us with the many problems that have faced us in the field of public works and other fields.

We love him and admire him even when we find we cannot agree with him, because he makes a great contribution in approving those things which he believes are right, and fights as hard as any other Member in the Senate; and he respects the rights of those who disagree with him.

For his forthrightness, frankness, sincerity, we all have the highest admiration for him. I agree with him on this occasion. I am sure that even those who do not agree with him respect him, because we have no doubt where he stands, and we have no doubt that he is on the level.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. ERVIN. I associate myself with the remarks made by Senators concerning the distinguished Senator from Michigan.

While the distinguished Senator from Michigan does not entertain the same sound views that I do on all occasions, I wish to record the fact, that notwithstanding disagreements between us on public issues at times, no two Senators in this Chamber have enjoyed a more pleasant relationship.

I join the Senator from Alaska in wishing the Senator from Michigan many happy returns of this day.

I hope he will be here to celebrate his 100th birthday anniversary, and that I will be invited on that day to attend his 100th birthday anniversary party.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. YARBOROUGH. I express my thanks to the distinguished Senator from Illinois for calling this auspicious occasion to the attention of the Senate and permitting us to share with him and the distinguished Senator from Michigan this moment of pleasure, this moment of earned congratulation.

I have the privilege of serving on the Committee of Labor and Public Welfare with the distinguished Senator from Michigan. He is the ranking majority member. He is chairman of the Public Works Committee.

While the distinguished Senator from Illinois [Mr. DIRKSEN] is the minority leader and the leader of his party, and while the distinguished Senator from Louisiana is the majority whip and the leader of his party, at this time on the floor, PAT McNAMARA is the committee chairman; and the committee chairman does not have to call the committee together if he does not wish to do so.

He is chairman of the Committee on Public Works. Without that committee many welfare benefits would not come to my State.

While PAT McNAMARA is best known as the chairman of the Public Works Committee, I have seen him in attendance many more hours in the Subcommittee on Education, and voting on public health measures than on all the labor matters that have come up in the past 2 or 3 years. He is a diligent lieutenant.

He is the ranking member on the Subcommittee on Education. The 88th and 89th Congresses considered more education bills than we have ever had, in any Congress. He has been a member of every conference committee dealing with these subjects. I believe he votes right on these matters, and I vote with him.

Under the distinguished leadership of the senior Senator from Alabama, the Senator from Michigan and the Committee on Labor and Public Welfare education has been expanded and extended.

It is a pleasure to be here and see the recognition of this Senator in this body. We might retire to the cloakroom.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. HOLLAND. I join in expressing these cordial birthday greetings to the distinguished Senator from Michigan.

There is no kinder or more diligent Senator than he; I feel certain that there is no more frank or forthright Senator. One never has to be long in a state of wonderment as to where Senator McNAMARA stands. We may not be pleased with his stand, but he will tell us kindly, forthrightly, and definitely where he stands on a specific question that is before us. I find no other Member of the Senate who is more frank or forthright than is the senior Senator from Michigan.

As chairman of the Committee on Public Works, he has been called upon, along with his committee, to pass upon many matters of great importance to the State which I represent, in part. He has been highly sympathetic and responsive and most kind. Speaking for my State as a whole, we are grateful to him for his sympathy, kindness, and responsiveness. That does not mean at all that he has always agreed with our position, although he generally has done so. We always try to take a responsible and defensible position, but regardless of what our position may have been he has been always kind, considerate, and industrious. Therefore, I salute him on this happy occasion when, as a relatively young man, he is passing another milestone. I hope he will pass many additional milestones, happily and in good health.

Mr. McNAMARA. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. McNAMARA. I thank the minority leader, the acting majority leader, and my other colleagues for their charitable, kind remarks. It is most heartwarming to have one's fellow workers in any walk of life express such heartfelt personal regards, and I appreciate them.

While the Senator from Illinois [Mr. DIRKSEN] was speaking, someone handed me a note which indicated that the time being consumed would be charged to me. I did not know what the significance of that is. However, this time, apparently, it is to be charged to me. So accordingly, I shall be brief.

I again thank all who have spoken so kindly of me. When a man reaches the age of 71 years, there is very little to celebrate. Thanks again.

FIRST INTERNATIONAL SYMPOSIUM ON WATER DESALINATION

Mr. YARBOROUGH. Mr. President, during the past 5 years, the Congress of the United States has moved forward at a rapid pace with authorizations and appropriations for research on water desalination. It is a matter of the utmost importance to most nations on earth. Very few nations have adequate water supply, but most nations have the sea available at their door. Many nations and portions of nations have underground brackish water supplies which an inexpensive method of desalination would make available for the uses of man.

Inexpensive desalination would mean plenty of food for most peoples.

As one of the appointed representatives of the U.S. Senate to this first international symposium, it was my privilege to attend the opening ceremonies today in the auditorium of the Interior Department Building and to listen to all of the opening speeches and remarks.

I ask unanimous consent that the program for these opening ceremonies today, Monday, October 4, 1965, of this imposing, important, precedent-setting First International Symposium on Water Desalination be printed at this point in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

FIRST INTERNATIONAL SYMPOSIUM ON WATER DESALINATION, WASHINGTON, D.C., OCTOBER 3-9, 1965

OPENING CEREMONIES

Music: U.S. Air Force Band, Maj. Arnald Gabriel, U.S. Air Force, directing.

Welcome of participants: The Honorable Kenneth Holum, Assistant Secretary of the Interior for Water and Power Development; chairman of the U.S. delegation to the symposium.

Introduction of the Secretary of the Interior of the United States of America: The Honorable Kenneth Holum.

Principal address: The Honorable Stewart L. Udall, Secretary of the Interior of the United States of America; honorary chairman of the symposium.

Remarks by representatives of the United Nations; the International Atomic Energy Agency; the Food and Agriculture Organization of the United Nations; European Atomic Energy Community; and the United Nations Educational, Scientific, and Cultural Organization.

Music: U.S. Air Force Band.

Adjournment.

Mr. YARBOROUGH. Mr. President, the opening statement by the President of the United States, Hon. Lyndon B. Johnson, was read for him at his absence in New York City today by Dr. Donald F. Hornig, Special Assistant to the President for Science and Technology. I ask unanimous consent that the opening statement by the President be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT TO BE READ BY DONALD F. HORNIG, SPECIAL ASSISTANT TO THE PRESIDENT FOR SCIENCE AND TECHNOLOGY AT THE FIRST INTERNATIONAL SYMPOSIUM ON DESALINATION, WASHINGTON, D.C., OCTOBER 4, 1965

I welcome you to this international symposium.

You represent more than 60 nations. You have come here from all parts of the world. And you have come to search—together—for a common solution to a common problem.

Even while you deliberate, men are without water. Land lies untilled which should produce food for the hungry. People around the world are impatient for the results of your efforts. And I am the most impatient of all.

Techniques to desalt water have been used in many places for many years—on ships at sea, among the islands of the Caribbean, in desert lands along the Persian Gulf. But if our vision for the future is to be realized—the vision of an inexhaustible supply of pure, drinkable water—then the cost of desalting must be drastically reduced.

With this objection, the United States began a program of research and development over a decade ago. It has already yielded heartening results. We have built five plants capable of testing new technologies. Their daily capacities range from a few hundred thousand gallons to more than 2 million gallons. We have built and operated a score of pilot plants. We have witnessed the cost of desalted water cut in half and then halved again. To accelerate this work, we have recently launched a new 5-year, $200 million program of research and development.

We have concrete goals in view: by 1968, to construct plants with the capacity of 10 million gallons a day; by 1970, to extend the range to 100-million-gallon plants. We are also at work on smaller plants varying in size from less than 1 million gallons to 15 million gallons per day, employing many different processes.

From the creative work you perform in your laboratories and on your drawing boards, and from conferences like this one, we will gain new freedom from the harsh accidents of geography. Brackish wells will nurture crops—and the oceans, pure and clear, will flow from our faucets.

The need is worldwide, so must be the effort. Knowledge, like thirst, belongs to all men. No country can be the sole possessor. We in this country are ready to join with every nation—to share our efforts, to work in every way. We cannot wait—for the problem will not wait.

Mr. YARBOROUGH. Mr. President, the opening address was made by Hon. Stewart L. Udall, Secretary of the Interior of the United States, who is serving as honorary chairman of the Symposium. I ask unanimous consent that Secretary Udall's opening address to this First International Symposium on Water Desalination be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF STEWART L. UDALL, SECRETARY OF THE INTERIOR AND HONORARY CHAIRMAN OF THE FIRST INTERNATIONAL SYMPOSIUM ON WATER DESALINATION, WASHINGTON, D.C., OCTOBER 4, 1965

On behalf of the United States of America and President Lyndon Johnson, I welcome the delegates and participants to the First International Symposium on Water Desalination. It is our carefully considered opinion that the delegates to this conference—representing 65 countries and 5 continents—constitute the most impressive array of water engineering talent ever assembled in history.

President Johnson set the tone for our meeting when he said that:

"A dependable supply of fresh water is an absolute requirement for a world seeking peace and prosperity. Water is needed to grow food, to permit basic development in emerging nations, to allow industrial expansion in others, and to increase living standards for an increasing world population.

"The developing technology of water desalting has received enthusiastic and universal support by nations, large and small, again demonstrating that international cooperation is the key to humanity's advancement."

I am confident of success—not only success in the effort to solve the engineering and technical problems which face us, but more importantly in the effort to work together for the universal welfare of mankind.

Our attention is focused on water—usable potable water. From time immemorial, as reflected in the literature and legend of every civilization and religion, man has sensed the obligation of stewardship over the planet's supply of water fit for human use. As our world population doubles on a cycle of decades, rather than centuries or millenia, that obligation of stewardship becomes correspondingly more pressing. In the end man will conquer poverty, famine and disease only as he masters the problems of water supply.

The United States began its formal desalting program in 1952. Until last year, this country's effort concentrated on basic research, and on the construction of demonstration plants.

But last year, President Johnson saw that the time had come for what he called "a significant leap forward." With the cooperation of the Congress, now my country is embarking on an accelerated desalting program.

President Johnson hailed the new law, saying, "It would be difficult to exaggerate the power for good, the palliative effect on age-old animosities and problems, that would result from providing an abundance of water in lands which for countless generations have only known shortage."

Under the new charter, we hope to master the technology of big plants, to serve major population centers; and we will pursue the refinement of small equipment, mobile and versatile; and we will give equal attention to processes for improving the usefulness of underground brackish waters that represent a major resource in many parts of the world.

The United States will soon need major new sources of water for its great cities. Smaller towns on our seacoasts and many inland communities have similar needs.

The world's needs run the same gamut. Some countries require large plants to serve their large cities, while in other places, it is the smaller plants for small towns and islands which are needed. Our joint purpose at this conference is to discuss and describe the means whereby all of these goals can be achieved for the benefit of all.

A variety of processes, engineered to fit a particular requirement, will supply alternatives for the differing needs.

The cost of energy is a critical component of the costs associated with any process. Reducing energy costs is a goal. Our country will pursue this inquiry with conventional fuels—coal, oil and gas—and with nuclear energy.

We have committed our finest talent to this total effort. We are eager to share what we know and learn. We need your help in a real worldwide effort if we are going to succeed.

During this conference experts from colleges and universities, from industry and from Government will present technical papers. They will discuss progress and obstacles with their counterpart scientists and engineers from other countries.

Speakers from my country will discuss in detail the progress we have made, the processes we consider hopeful, and the unanswered problems we have identified. We will listen with keen interest to the presentations from our distinguished visitors.

As most of you know, my Department, Interior, is cooperating with the Atomic Energy Commission, and the Metropolitan Water District of California in a feasibility and engineering study of a 150-million-gallon-per-day distillation plant. Preliminary reports indicate that a well designed plant using nuclear energy can produce fresh water at seaside for 22 cents a thousand gallons and generate electric power for as little as 3 mills per kilowatt hour.

The southern California study is the most advanced of several investigations that we have underway. We are excited and encouraged by the results that are emerging. If your country has large cities or regions with substantial and acute water supply problems you will be interested in our discussions of this study.

Although our large plant effort often receives the most attention, this is only one part of our total program.

We are determined to develop processes that will produce water economically in smaller quantities. Our immediate goal is developing the ability to build plants which will produce between 1 million to 10 million gallons per day for 50 cents a thousand gallons. We expect to succeed.

Completely new processes are under development. Among the newer ideas reverse osmosis has particularly attracted the attention of our technicians. Because the process has inherent technical advantages, it will receive special attention in our development scheme.

Basic research has been substantially increased. We want to know more about water—and we hope to discover entirely new ways to make it usable, including an attack on the problems of pollution and chemical contamination which results in an absolute shortage of usable water, producing famine, disease and even threats to the peace.

All of what we have learned to date will be available at this symposium. We expect to discuss our ideas and yours in an open and relaxed atmosphere. We will all benefit.

Nonetheless, we hope for more from this conference than a mere exchange of technical information. We must recognize water is our most vital resource. Man can exist without food for as much as 60 days. Without water, he will perish in five. Three billion people on this planet are competing for the available fresh water, and there is essentially no more water today than there was when civilization began. Furthermore, it is essentially the same water. The dribble from a leaky faucet in our homes may be the liquid which slaked the thirst of a dinosaur, watered the hanging gardens of Babylon, or refreshed Hannibal at some Alpine stream. Man's survival is threatened by water problems.

With so much involved for the whole world, I challenge the delegates to this conference to think in terms of a worldwide cooperative effort to solve the problems of desalting in the shortest possible period of time.

To begin that effort my country will:

1. Supply to all countries represented here, and to others on request, a complete set of research and engineering studies published by our Office of Saline Water. We will expect these exchanges to be reciprocal. We will help establish technical desalting information centers at appropriate locations to insure maximum benefit to all countries.

2. We invite you, or other representatives of your country to visit our desalting plants, test centers, and research laboratories. Our technicians will be equally interested in seeing what you have accomplished.

3. Countries that look to desalting to solve water problems will need trained engineers to design and manage plants. The United States will be eager to participate in a training program designed to make certain that the necessary supply of trained technicians is developed wherever it is needed.

4. In cooperation with the Department of State, my Department will expand its program of assisting other countries in regional and national water surveys. The Atomic Energy Commission, where appropriate, will join them to seek the most economic solution available.

5. The Agency for International Development in reviewing its programs will give increased attention to water supply problems.

6. We will enlarge our capacity to render advisory and consulting services to countries seeking assistance in developing water resources programs to meet their present and future needs. These services will encompass the traditional water resource techniques as well as desalting.

I propose that we arrange a continuing worldwide exchange of information related to desalting. My country recognizes that scientists from many countries have contributed substantially to the information that we have available now.

As an example consider reverse osmosis. We plan a major effort to complete the development of this process. Nonetheless we recognize that the basic principles were first identified by French scientists and that basic patents have been awarded to Indian nationals.

A successful worldwide cooperative effort that solves man's water supply problems will produce results that stagger the imagination. More water means more food, less disease and in many countries new opportunities for economic growth.

For centuries water shortages have caused quarrels between neighbors and in the case of international rivers, these shortages have contributed to international tensions. The scientists working at this symposium can dream ahead to the day when large combination water-powerplants provide cheap energy to drive the wheels of industry, electrify the countryside and create enough fresh water to resolve sterile arguments over dry streams.

Already international cooperation in desalting is underway. Among our recent activities in this regard was the visit of a highly qualified team of U.S. water and power experts to the United Arab Republic and Tunisia. We are currently providing technical advice on a desalting project in Saudi Arabia and are cooperating in a study of the feasibility of a dual-purpose desalting plant in Israel. Last November the United States and the Soviet Union, where excellent work in desalting is being done, entered into an agreement to cooperate in the field of desalting.

Working together, we can assure that nations and cities will have a choice in their search for the best and cheapest source of water; that every country can have abundant, reliable, and reasonably priced pure water.

A thirsty world is watching this assembly. Science and technology can find economic ways to desalt water. I am confident that this conference will lead to accomplishments of great significance to every person on our planet.

Welcome—and have a great conference.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959, and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. What is the pending business?

The PRESIDING OFFICER. The pending business is the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of H.R. 77.

Mr. DIRKSEN. Mr. President, the Senate and the country know generally that we are about to embark on what I am pleased to call attenuated discussion of a fundamental problem. I am mindful of the fact that the country is honored today by a visit from His Holiness the Pope, the spiritual head of the Roman Catholic Church throughout the world, and that a substantial number of Senators will be in attendance at the ceremonies in New York.

I am sensible also of the fact that quite a number of Senators—four from the minority side and six from the majority side—are in official attendance at the Conference of NATO Parliamentarians, in New York City.

It is the custom—and I believe everyone recognizes it—that in the list of the weapons authorized by the rule book for the conduct of an extended discussion is the use of the quorum call, and to have it made a live quorum call. It might be embarrassing if I resorted to live quorums today under these circumstances, and I assure the distinguished acting majority leader now that we shall make no requests for live quorums today, so that our membership can return in due time to attend to the business of the Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. LONG of Louisiana. I thank the Senator from Illinois for his courtesy, particularly in view of the fact that I do not believe in sending the Sergeant at Arms to arrest Senators who do not favor the bill. It is my theory that we who are for a bill ought to make our plans to be present. I hope that in the future all Senators can be on notice that if they desire the bill to pass, they had better be present to make quorums. The junior Senator from Louisiana is present.

I hope that tomorrow it will not be necessary to resort to unusual devices to seek to arrest Senators who are opposed to the bill, so as to develop a quorum. I do not like that idea at all.

Mr. DIRKSEN. The distinguished Senator from Louisiana is, of course, fully aware that there is a strange contagion in the area. It is the contagion of adjournment. Senators want to go home. They are battle weary; they are fatigued; they have been loaded down with what we might call the productivity of this session. Of course, when I use the word "productivity," I am thinking in terms of sheer volume, not necessarily of quality.

Besides, there is always the question of exactly how the monumental proposals that have had the approbation of Congress will finally work. That will be the ultimate test.

Notwithstanding all that, Senators still want to go home. Some would like to go home for recreation and for a rest. I think that would include the minority leader. Others have far more serious business at home. They see the shadow of 1966 fall athwart the receding months of 1965. When they look in the Congressional Directory, they will observe that in due course their tenure will come to an end and that they have serious business with the people. That gives me a little cue at the opening of this discussion, because I believe an editorial published in the Wall Street Journal of September 23, 1965, is rather significant on that point. Its title is "The Will of the People." I shall read it in full. I shall read many editorials in full.

If I have kept an accurate account, there are now in excess of 3,000 editorials on my desk. They are from every State in the Union. If the Lord is willing, if my energy remains intact, if I can stand in shoe leather long enough and forget about my lunch long enough—and, parenthetically, food means so little in my life—I may be compelled to read all 3,000 and more of these editorials into the Record.

Mr. President, I begin with this editorial because it is well written and goes to the point. It raises a question on which I feel deeply because there has been some observation that extended discussion is, in a sense, a departure from the democratic process. In my judgment it is not. This editorial goes to that point.

Under the caption, "The Will of the People," the editorial reads:

[From the Wall Street Journal, Sept. 23, 1965]

THE WILL OF THE PEOPLE

In the view of the AFL–CIO, Senator Everett Dirksen will be guilty of a "flagrant perversion of the democratic process" if he leads a filibuster against repeal of the Taft-Hartley Act's section 14(b), which permits States to outlaw the union shop.

By thus raising the issue of democracy, the federation may have committed a tactical blunder. Some people, possibly even including a few legislators, may be spurred to a little hard thought on the true role of the democratic process in this dispute.

For one thing, lawmakers may pause to reflect on whether, back home among their constituents, there actually is wide approval of the idea that workers should be forced to join unions to keep their jobs. For what it's worth, public opinion polls suggest the will of the people is to the contrary.

In fact, a number of supporters of 14(b) repeal seem in doubt as to the measure's public support, since they're extremely leery of having action deferred until 1966. Next year, you see, is an election year, and the lawmakers are understandably fearful that the things they do then may be more likely to be held against them than what they do now.

Besides pondering practical matters such as defeat at the polls, legislators may exist who will go so far as to consider the more philosophic question of the relationship of democracy and labor unions.

The labor unions long have claimed to be among the most democratic of all organizations. The unions' leaders selflessly work to protect the best interests of all the workers they represent. Or so the theory goes, anyway.

If the theory were always applied, it would be hard to explain why union leaders are so eager for the power to force all workers into membership. Devotion to the needs and desires of the workers naturally should draw recruits in droves. But the theory, unfortunately for the members, is more honored in the breach.

In some cases union leaders are clearly out of touch with their constituents. At the moment thousands of coal miners are on strike in West Virginia and Pennsylvania—not so much against their employers as against the way their leaders have been representing them.

In other instances union officials appear not to care a great deal about their constituents' needs. Otherwise it would be inexplicable that a maritime union could tie up much of the Nation's merchant marine over such issues as whether ships' captains should be card-carrying unionists. Or that ship unions generally, with their irresponsible behavior and incessant wage demands, could drive an ailing industry, and their members' jobs, ever closer to extinction.

It's difficult to see, too, how the Newspaper Guild is representing the real needs of its members by bringing on a shutdown of New York's newspapers; the issues include such items as control of a machine that hasn't been invented yet. We assume the union hasn't forgotten that the last New York strike helped put one paper out of business.

Perhaps it will occur to some Congressmen that the unions in these and too many other cases are behaving less like democracies than near-dictatorships. A dictator worries mainly about his personal power, not the needs of his subjects. And even a senseless strike may, in the short run at least, buttress a union leader's control of his organization.

If the leaders can force all workers to join their unions, their power is further enhanced. No longer is it so necessary even to make a pretense of serving members' needs. Members can be kept in line more easily; with the sanction of Federal agencies, they can be penalized for crossing picket lines or for suggesting that they would like a new election to pick the union to represent them.

For these reasons it seems to us that the AFL–CIO's talk of democracy is out of place in the union shop dispute. More in point was the threat issued by Elmer Brown, the head of the International Typographical Union, to defeat any "double crossing" Senators who fail to vote for 14(b) repeal.

Though such flagrant muscle-flexing may offend the more sensitive Senators, they may as well face up to the facts of the matter. What's involved here is a union powerplay, not by any stretch of the imagination an effort to assert the will of the people.

I believe that editorial answers whether extended discussion in the Senate is a part of the democratic process. There is also the fact that, when there is a concert of views among the minority—and a very substantial minority at that—we owe it to the country, to our constituents, to ourselves, and to the Senate as an institution to use all available weapons in order to inform the country and make certain that the whole story is told before we get through.

I have two other editorials that I think condition the whole basis for the discussion that will take place. The first editorial is from the Washington Daily News of Wednesday, May 19, 1965. The title of the editorial is, "Keep Section 14(b) Alive."

The editorial reads as follows:

This newspaper believes that labor unions, honestly run, perform valuable service for their members, the community and the country.

But we also favor keeping alive the principle of freedom of choice in an increasingly regimented world.

For both these reasons, we urge Congress not to repeal section 14(b) of the Taft-Hartley Act, which permits States to pass so-called right-to-work laws barring compulsory union membership.

Section 14(b) has been denounced by labor leaders as a death blow to union organizing drives. It has been sanctified by anti-union employers as a magna carta for their employees. Since it was enacted 17 years ago, it has been the target of more hot air from both sides than almost any other piece of legislation within memory.

Using official Government statistics, it can be "proved beyond doubt" that workers in the 19 States with right-to-work laws are (a) moving faster economically than those in States without them, or (b) falling behind the employees in the 31 other States. What is proved depends on the preconceived point of view.

The fact is that section 14(b) is neither as bad as its opponents claim nor as effective as its supporters pretend. It does not prevent unions from organizing every worker in the United States if they are able to do so. Conversely, it neither grants the right to work to anyone nor gives Federal sanction to union busting anywhere.

What it does is simple. It says that a State, if it wishes, may pass a law forbidding union membership as a condition of employment—in other words that a State can see to it that no one is forced to join a union in order to hold a job.

Unions argue that under Federal law they are required to represent every worker in a plant, whether or not he supports the union or pays dues. For that reason, they say, it is unfair to prevent them from signing a union shop contract with a willing employer which would compel "free riders" to contribute to the union from which they benefit.

But it can be argued equally that a union which has to earn the loyalty of workers is much more likely to be honest and aggressive than one which can merely sit back and collect their dues.

In this connection, it is interesting to note the words of former Labor Secretary Arthur Goldberg when the longtime union lawyer

> was explaining to Government workers why the union shop was not for them.
>
> "In your own organization," Mr. Goldberg said at a 1962 meeting of the American Federation of Government Employees, "you have to win acceptance not by an automatic device which brings a new employee into your organization, but * * * by your own conduct, your own action, your own wisdom, your own responsibility, and your own achievements.
>
> President Johnson, calling for repeal of 14(b) in his labor message Tuesday, gave no reason beyond the vague suggestion that it would help reduce "conflicts in our national labor policy that for several years have divided Americans in various States."
>
> Surely Congress will need more convincing arguments than that to destroy a legal provision which merely permits States to decide for themselves what course they want to pursue.

Mr. President, that simplifies the rest of the issue, and to it I add one more column, this one from the Washington Post, dated Thursday, September 30, 1965, by John Chamberlain, whose column is syndicated by the King Features Syndicate.

The title is very entrancing to me, because it reads, "Nobody but the People."

I am reminded of the fellow who was caught in the chicken coop, and when the owner came with a shotgun and shoved it through the door, shouting, "Who is in there," the culprit had to say something, and the only thing he could think of to say was, "Only us chickens."

This is "Only us people," and there is nobody but the people. So we listen to what John Chamberlain had to say:

> A lot of people in Washington are pinching themselves and saying "It's too good to be true." They are referring to the prospects that the big push of the labor bosses to compel the U.S. Senate to repeal section 14(b) of the Taft-Hartley Act (the law that lets the States make up their own minds on compulsory unionism) is not going to succeed after all.
>
> The primary reason for thinking the pro-14(b) forces will be able to use "extended debate" (the polite term for filibuster) to put consideration of a change in the labor laws over to next year is Republican leader Everett Dirksen's insistence that "the Senate will not act speedily on this issue so basic to Federal-State relations."
>
> But beyond Dirksen's commitment there is the response from the country that shows a filibuster to retain 14(b) will have tremendous popular backing, which sets it apart from filibusters of the past. Dirksen knows this.

He certainly does—

> he has a gigantic pasteup of 2,000 newspaper editorials and 500 columns supporting the pro-14(b) cause to remind him that there is nobody behind him but the people.
>
> The 20-odd Senators who have decided on "extended debate" are already organized in depth.

And that is true.

> The burden will be almost evenly distributed among Republican and Democratic Senators.
>
> The parliamentary strategist for the pro-14(b) group will be Democrat Sam Ervin, of North Carolina, who cut his eyeteeth in "extended debate" maneuvering when he was Senator Richard Russell's outrider in the filibusters of yesteryear.
>
> The Senators who will lead the extended debate include Bennett of Utah, Curtis of Nebraska, Tower of Texas, McClellan of Arkansas, Holland of Florida, Thurmond of South Carolina, Hickenlooper of Iowa, Morton of Kentucky, Mundt of South Dakota, and Carlson of Kansas.

Mr. President, I shall have to write John Chamberlain and tell him he has by no means the whole list.

> The labor bosses have a great deal to fear from any filibuster that would license McClellan, for example, to expatiate to a national audience on what he has learned on the subject of labor racketeering during his Senate investigations.
>
> In extended debate the spokesmen for the union chiefs will be compelled to uphold compulsion in unionism. The idea of compulsion can hardly be prettified when it is linked to mandatory obeisance to some of the racketeering fauna who have taken the fifth amendment in McClellan's committee room.
>
> Regardless of whether the filibuster is successful, it has already paid big dividends to one man, Republican Senator Tower of Texas. He plans extended speeches on the use of union funds for political purposes over the past 11 years.
>
> Tower has discovered that opposition to a repeal of section 14(b) has restored all his lost popularity in Texas.

If he ever lost anything—and I do not believe he did.

> A year ago private polls showed that he had no hope of retaining his senatorial seat in the next election. Now the polls disclose that he has an excellent chance of defeating Waggoner Carr or Representative Jim Wright, who will presumably fight it out in the primary for Democratic nomination. Since retention of 14(b) has a great hold on Texas people, any forum that gives Tower an opportunity to speak up for voluntary unionism is bound to increase his popularity with the home folks. And should his Democratic opponent for the Senator's job be Wright, who was one of four Texas Representatives to vote for repeal of 14(b) in the House, Tower could be a shoo-in.
>
> Even Senator Lister Hill, Democrat, of Alabama, has seen the handwriting on the wall. Ordinarily a 100-percent labor supporter, he has indicated that he will go along with the extended debate.

Although I was talking about Texas, Mr. President, to me it is a curious political circumstance that when the distinguished President of the United States was then running for the U.S. Senate and for the Vice Presidency at one and the same time, he was confronted with an interesting question, to say the least, because the platform of the Democratic Party in the State of Texas was as clear as crystal, that it opposed repeal of section 14(b). The Democratic national platform that year, on which the distinguished President ran, was unequivocally for repeal of 14(b).

Let me tell the Senate, it takes some doing to ride two spirited horses going in opposite directions. But is was successfully done, at least on one occasion. But the record is there, so far as that lusty breed from Texas—and they are a lusty breed—are concerned. They know their minds. They wrote it into their State platform and, in due course, we shall read all the editorials from Texas into the Record.

Mr. President, if anyone thought we were bluffing, he should get it out of his mind. We have collected all the editorials packaged by States. Let me say to my distinguished friend the Senator from Connecticut [Mr. Ribicoff] that I am going to read into the Record the editorials from Connecticut. Perhaps he will not agree with them; nevertheless, I shall read them, or I will have someone else read them when the time comes.

Let me say to the distinguished Senator from Florida [Mr. Holland] that he should see the pile of editorials we have collected from his State. They have been all pasted up. They are easy to read. No one will need his bifocals.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I am glad to yield to the Senator from Florida, provided that in doing so I shall not lose my right to the floor.

Mr. HOLLAND. I thank the Senator from Illinois; and let me tell him that I hope he will read all those editorials, because the comments of Florida editorialists are so strongly opposed to the repeal of section 14(b), although there are, it is true, two or three newspapers which take the opposite position in my State. These latter newspapers are—though with able editorialists—so greatly in the minority that I am sure the distinguished Senator will find, when he weighs the number of editorials that inveigh against repeal, as against the two or three who favor repeal, that Florida—at least as expressed in the editorials—strongly favors his position.

While the Senator has yielded to me for a moment, may I ask whether he intends, in the course of his able remarks, to say something about the expressions from members of organized labor on this subject. This subject has been most intriguing to me. Several hundred communications have been sent to me from members of labor unions in my own State who strongly favor the right-to-work provisions of our State constitution and who strongly oppose repeal of section 14(b).

Does the Senator from Illinois expect to deal with that subject later in his rather brief address?

Mr. DIRKSEN. Oh, indeed, I shall. Late last night I looked into the rule book to find out what items a Senator could bring into the Chamber and what items he could not. A long time ago, a rule was adopted prohibiting Senators from bringing flowers into the Chamber. Had I been in the Senate at that time—that must have been 60 or 70 years ago—it would have broken my heart, because I can think of nothing nicer than to see a little stem vase with a gorgeous rose in it sitting on my desk. But I found that it was in violation of the rules.

But, Mr. President, I could find nothing in the rules to prevent me from coming into the Chamber with two or three sacks full of mail—large, canvas, mail sacks—from union members.

I propose, unless it is a violation of the rules, to have one of my staff assistants come in and pour that mail on top of my desk. The desk, of course, will not be able to hold it all, and the mail will cascade onto the floor of the Senate and into the aisle.

I do not see the Parliamentarian in the Chamber at the moment, and I had therefore better not raise that issue at this moment, but later I wish to obtain a ruling from the Chair as to whether we can do that and not transgress the rules of the Senate.

If the Senator now occupying the Chair is not prepared to rule, I will withhold my request and make it later, when the Parliamentarian is in the Chamber.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. DIRKSEN. I yield.

Mr. HOLLAND. I hope the Senator will receive permission to cascade his accumulation of mail from labor members and former labor members onto the floor of the Senate, but I also hope that he will not insist on his collaborators pouring their own files upon that file, because in my files I have several hundred such letters, and I would appreciate the opportunity, at the appropriate time, to read some of them, because the writers set forth in some detail the cruelties which they feel have been imposed upon them by the racketeering practices which have been followed from time to time in various, misled labor unions.

Therefore, I hope that while the Senator will carry out his course successfully, he will enable each of his collaborators to develop his own file of such communications, because I believe they will constitute one of the most forceful expressions which we have, showing the complete unwillingness on the part of good, sound, lifelong, labor union members to be subjected again, as they were under the Wagner Act, to the complete domination of the relatively few leaders of organized labor who have been willing to become racketeers in this field.

I think that the Senator will find we may be able to augment the showing he will make in respect to Florida in a very distinct way.

Mr. DIRKSEN. It will be a distinct public service, so I appreciate what the Senator from Florida has said that, at the appropriate time, when he takes his place on the floor of our valiant ranks to do battle, he will be fortified with these letters containing the opinions of the folks back home.

Of course, as reflected in the polls from time to time, instead of strength receding to retain section 14(b), it is in fact increasing, and in my judgment it will continue to increase.

Mr. HOLLAND. Mr. President, I firmly believe in that same conclusion. I look forward to the time when I may have an opportunity to second the remarks and the position of the distinguished Senator.

I am glad the Senator from Illinois has taken the leadership in this fight. I feel quite sure that the general public of this country does not want to see a return to the condition of abject surrender to leadership, which too often has been unsound and improper in the direction labor has been led by many labor leaders. I am one of those who believe those who have led in the wrong direction and who have been labor racketeers have been greatly in the minority; but they have certainly transgressed time after time after time. I do not want to be a party to opening up the door to permit renewal or continuation of those transgressions.

I thank the Senator for yielding.

Mr. DIRKSEN. Mr. President, to continue my formal discussion of this issue, I now go back to 1932. That was the year Congress passed the Norris-LaGuardia Act. I believe the distinguished Representative who later was mayor of New York was just leaving the Congress as I came in. The distinguished Senator from Nebraska, the Honorable George Norris, was still here. From those two distinguished gentlemen the Norris-LaGuardia Act got its name.

The bill dealt with the question of the use of Federal injunctions in the case of labor disputes. It dealt also with the question of the enforceability of a promise by an employee to an employer to join or not to join a union.

Certainly the Congress went a long way at that time to safeguard the rights of labor, almost to a point where it might be said they could very well have overreached just a little.

Then we come to the year 1933. I was in the other body at that time. It was in that year that we approved the National Industrial Recovery Act, made famous by the Blue Eagle. The Blue Eagle has disappeared. I suppose one would have to be a historical bone-picker to even find one of the old placards, unless some of them may be found in the Smithsonian or in the National Archives or in the Congressional Library. But there the question came up about the right to join or not join a union.

We also dealt with the closed shop. We dealt with many other matters, including the suspension of the antitrust laws, so that trade organizations could be set up to fix prices.

I remember so well the pants presser in New Jersey who seemed to be getting along pressing pants at 35 cents a pair. But the trade organization said, "You have got to charge 50 cents." He said, "I won't do it." They took him to jail for failing to do it. I remember the battery manufacturer in York who seemed to have been getting along making them for $7.50. The trade organization said to him, "You must charge $10," or some other such figure. He said, "I refuse to do it."

It is a little unbelievable that in the days of the New Deal and the Blue Eagle we suspended the Antitrust Acts of this country in order to make it possible for a trade group to force prices upon individual manufacturers. But what happened? There is a distinguished judicial body that sits over across the way here that ultimately passes on these matters. Quite often I agree with them. Sometimes I thoroughly disagree with them, as in the case of legislative reapportionment, because I believe on that occasion the members of the Court were going into a legislative thicket where the Supreme Court had no business. But, in any event, the act was declared unconstitutional.

Then, a year later, in 1935, came the Wagner Act. Mr. President, that was 30 years ago. I remember it so well. I was finishing my first term over in the other body. It was hailed as labor's magna carta. It legalized the closed shop. It was a one-sided measure, to say the least. It was weak on unfair labor practices by labor organizations, and it certainly conferred undue powers upon a labor board. That was 30 years ago.

But when we got around to 1947 I think the country generally had tasted so freely of abuses, there was so much industrial unrest in the land, that something had to be done.

The figure I managed to comb out of the books for the year 1946, the year before the Taft-Hartley law was enacted, was a loss of 160 million man-days because of strikes.

Talk about industrial unrest. We really had it in this blessed country the year before Taft-Hartley. And so in 1947, at the instance or through the efforts of that distinguished man from Ohio, Bob Taft, and the distinguished Representative from New Jersey, Fred Hartley, we finally contrived the Taft-Hartley Act. The House approved it. The Senate approved it. Believe it or not, the Senate approved the Taft-Hartley bill by a vote of 54 to 17. I do not have the House figure. But it was interesting to understand the philosophy that motivated Bob Taft to go along with the Taft-Hartley Act. He was deeply schooled in the history of this country and very well in industrial history and the evolution of business.

Bob Taft knew of the abuses of big business in another day. Nobody undertakes to conceal them.

One can enjoy himself if he wishes to go back and read about the violence of the rail strike in 1877. There was the Homestead steel strike in 1892, and the Ludlow strike in Colorado; and we became familiar with men on horseback riding down workers who were trying to assert their rights.

So there was that vast review. The situation had to be corrected. It was corrected when a Republican President came along by the name of Theodore Roosevelt. To be sure, there were acts on the books that antedated his time, such as the Sherman Act of 1890.

But Teddy Roosevelt gained himself a great reputation as a trust buster. He did not propose to compromise with big business when it resorted to evil and violent practices in order to make its case, and hang on, and deny to the workers benefits that very likely they might be entitled to have. Taft knew that and the entire history about guards and strikebreakers.

Theodore Roosevelt sensed the unrest and the need for action. I read some of his conversations with legislative leaders and leaders in the executive branch to the effect that they were becoming ugly, and that something had to be done.

But now time has gone by and they have been put in their place. But now we have two other gargantuan problems with which to deal. One is the growth in power, and particularly economic power, of labor unions. The other, of course, is the monumental size of government.

Parenthetically, I note that when I came to Congress more than 32 years ago, if I recall—and I have not refreshed myself on the figures—the entire civilian service force in government was only 567,000 people; that was before the New Deal took over. Before long it began to climb. Today the number is not 567,000. It is in excess of 2½ million. When we are through with this problem, we shall have to do something about this gargantuan government problem as well.

Those are the basic problems that confronted one generation after another, and we shall have to deal with them finally.

When we passed the Taft-Hartley Act, it went to the White House. On June 20, 1947, that blessed soul from Missouri, who can use purple language when the occasion calls for it, vetoed it.

So what happened? What tickled me was this one sentence in the veto message, because Brother Harry, from the "show me" State of Missouri, in the veto message said, "It is a menace to successful democratic society."

That is a jewel. Perhaps somebody wrote it for him. I do not know. In any event we listened attentively to the veto message in the House of Representatives.

When we were through, what happened? The size of the vote tickled me. We overrode Brother Harry by a vote of 331 to 83. We did not think it was going to be a menace to society, not even the Great Society.

So the veto message came to the Senate, and Senators took a look. They examined it carefully. Then, what did they do on June 23? They overrode the veto. What was the vote? The vote was 68 to 25.

Through the constitutional device, which is one of the great balances in government, both branches of Congress overrode the Truman veto of the Taft-Hartley Act by monumental majorities, and so it became law.

Almost immediately an artful tag was put on it. It was called the Slave Labor Act. I remember how I was taken to task because of my vote; so I was in the slave labor category.

I am beginning to think that if this body ever repealed section 14(b) it would be an enslavement of another kind. Strangely enough, the labor organization leaders do not talk about it, but we know the weapon that will be given to them, and we know the atomic hole that will be plowed into the entire Federal-State system of government, as it came to us from our forefathers long ago.

Sometimes I become a little distressed over the fact that the 17th of September is not adequately observed in this country. That is the day that the Constitution makers finished their labors. That is the day the came from Constitution Hall. That is the day that Eleanor Powell, wife of the former mayor of Philadelphia, and the daughter of the mayor of Philadelphia, grabbed Benjamin Franklin and said, "Dr. Franklin, what have we got, a monarchy or a republic?"

He said, "A republic, if you can keep it."

That challenge comes cascading down the corridor of time, generation after generation. It must be met, because the virility and the perpetuity of a republic, which is a representative form of government where the fountainhead of our power is in the people, must be preserved.

As the styling of the column that I read into the RECORD a little while ago said, we the people are behind the retention of section 14(b), and the Harris poll, and the Gallup poll, and every other poll will indicate it and it is getting better.

We overrode Brother Truman by a monumental vote and thus the Taft-Hartley Act became law. That is the act that had section 14(b) in it when we passed it. It has been on the books for 18 years. It must stay there if we are going to do our duty to the people of this country.

There was an interesting matter inserted in the conference report that came along with the Taft-Hartley Act. Almost the same thing happened in the conference report on the Wagner Act. This is what the conference report of the House and Senate said:

> It was never the intent of the National Labor Relations Act to preempt the field and deprive States of their power to prevent compulsory unionism.

That was in the conference report: Never in the contemplation of Congress, in either the Wagner Act, or any other act.

And so, after all of these years, here is the issue again.

I was interested also in a statement made by the managers of the House on that bill. They said that section 14(b) was inserted "to make certain that there would be no question about this"—meaning compulsory unionism. If Senators are curious about the report, it is Report No. 510 in the 80th Congress. That is the documentation for it.

When the Taft-Hartley Act became law, 13 States, even then, prohibited the closed shop. Four States permitted a closed shop after the approval of the employees in an election. That was the status of those relations when the Taft-Hartley Act came along.

Then came the movement to repeal section 14(b). It began almost immediately after the Taft-Hartley Act became law. In 1956, in my hotel room in Chicago, I was visited by 10 distinguished union leaders. They were gentlemen. Their spokesman is a particular friend of mine. I believe that right now I could very well pay a little testimony to Joseph Keenan, of Chicago, because administration after administration has used his talents as a troubleshooter on many occasions.

Joe Keenan is wedded to the idea that section 14(b) should be repealed. When he comes to talk with me about it, he comes in good grace. His language is tolerant. It is most respectful. We treat each other as good friends who have a difference of conviction.

Joseph Keenan came to see me recently, and we had a most agreeable visit about old times. But I am talking about 1956, when he came and said, in effect, "EVERETT, your word is good with us. If you will tell us that you will vote for the repeal of 14(b), we can get behind you."

I said, "Joe, I am sorry; I have a deep conviction on this question, and I would be the last Member of the U.S. Senate to vote for the repeal of 14(b)."

This goes back a long way. I was running for reelection. Joe Keenan did not threaten me as the president of the Typographical Union has threatened Members of the 89th Congress with a letter in which he really threatens to go out and get us unless we do his bidding. I am referring to Mr. Elmer Brown.

I observed that our friend from Ohio, the distinguished Senator STEPHEN YOUNG, made quite a little statement about Mr. Brown's letter, because he wrote a reply, and in the first sentence he said, in effect, to Mr. Brown: "To me, you are the east end of a horse going west." So we can see that that is rather salty, rough language; but it has been published all over the country. Editorials have appeared about it. As I recall, it was placed in the CONGRESSIONAL RECORD. So with a proper regard for the rules of the Senate, I have mentioned what our distinguished compatriot on the other side of the aisle had to say on this subject.

So I continued my conversation with Mr. Keenan. I said, "I am sorry; I can give you nothing by way of encouragement—no letter, no word."

He said, "Your word is good."

I said, "No, Joe; I am sorry. I said, 'No.' "

When one becomes almost abrupt and emphatic, with election day looming immediately ahead of him in a State having more than 10 million people, he wonders a little about it.

I made my examination of conscience and conviction, and the answer was still "No." I came back to the Senate by the suffrage of the people of Illinois in the election of 1956. So I have been up against the business of section 14(b) for a long time. I have had no reason to forsake or to depart from the convictions I have expressed on all other occasions.

I shall not deal so much with the arguments that will be advanced on section 14(b). There will be many speakers, and each of them has his assignment. They will take all of the arguments and analyze every one of them.

I have a huge analysis in my office. Generally speaking, it relates to the old free-rider argument about jeopardizing union security, and about the strength of unions because it is necessary to depend upon the acceptance of union benefits. It is strange that the unions have to resort to compulsion. Where are their powers of persuasion? They are highly persuasive on other issues. Instead of using the law to force workers into an organization after they have been on a job for 30 days, what is the matter with presenting what they have to offer to the worker? Why can they not make a case by saying, "Look at what you will get if you join. Here are the benefits. This is what will accrue to you."

No, no, no. They want a weapon; and it is a sumptuary weapon, to say the least.

Then there is the old story about majority rule being an accepted principle, and that the minority should comply. Much will be said about that conviction, so far as it is involved in this instance.

The next argument is that since the union bargains for all employees, all should contribute to the cause of maintaining its activities. That argument will be carefully dissected as if it were a surgical operation, and the whole thing laid bare. The fallacy of that argument will be laid bare.

The next argument is that the right-to-work laws depress wages and stifle progress. I wonder if those who make that kind of statement have actually looked at the figures in the 19 right-to-work States with respect to the percentage of unemployment, with respect to wages, and with respect to many other things. A speech was made on the floor of the Senate a good many weeks ago in an attempt to rebut those figures; but I will tell Senators what the trouble was with that speech: Agricultural workers were included. We were talking about industry. That shows the fallacy of the argument made on the floor of the Senate.

What is the case against repeal? It is claimed that the right-to-work laws are unconstitutional. We can throw that argument overboard because the Supreme Court has passed upon it. The right-to-work laws carry out the intent of the Wagner Act, the Taft-Hartley Act, and those who prepared those acts and the reports. The very fact that Mr. Truman was overridden by such a majority with regard to section 14(b) in the Taft-Hartley Act ought to be persuasive enough in itself.

Mr. President, I make so bold as to say that if this body repeals section 14(b) we shall never retrieve it. America will become a kind of industrial battleground. Then, if we try to get this section back on the books, we shall discover every impediment that can be placed in the way and it will be an uphill slugging match if Congress makes the mistake of ever repealing section 14(b).

In my book probably the most basic case that could be made is the fact that it would be a rupturing of the Federal-State fabric which accounts for the greatness of this country. Our forefathers gave us the Constitution. They said in the Preamble, "We, the people, do ordain and establish this Constitution of the United States."

They did not say, "We, the Supreme Court." They did not say, "Some other executive agency." They said, "We, the people." That is the fountainhead of power.

What did they do? They expressly delegated certain powers to Congress. These powers are all spelled out. Incidentally, it is no accident that the first article in the Constitution deals with the creation of the legislative branch.

As President Monroe said, "Everything in Government stems from the powers that have been conferred upon the Congress—the legislative branch." And how right he was. Then, there would be whatever other powers existed, and then the residual clause. What was not delegated was reserved to "We, the people." That means the people back home, speaking through their representatives and speaking through their legislatures.

How easy it is to see this separation of sovereignty. The people in my State cannot coin money. They cannot set up a mint or a printing press and shuffle out nickels, dimes, quarters, and half dollars, or print dollar bills, $5 bills, or $100 bills. The power of coinage is an exclusive power. It is reserved and expressly given to Congress.

On the other hand, the Federal Government cannot tax the bonds that are issued by my State for the building of highways. That is a sovereign power of the States. We can look all through the book and find powers which belong to the States and powers which belong to the Central Government in Washington.

I am sure that my friend, the distinguished Senator from Wyoming [Mr. SIMPSON], when he served as Governor of his State, probably encountered that question innumerable times and knows full well what the story is. That point is fundamental with me.

Mr. President, the 19 States which have State laws on the books are designated as right-to-work States. Is there a greater right? Is there a more important right? Is there a more challenging right? Is there a more fundamental right than the right to make a living for one's self and for one's family without being compelled to join a labor organization?

I have had something to do with legislation in Congress. I may be so immodest as to say that I had a little something to do with the Civil Rights Act of 1964. It was pretty well written in my office. I had something to do with the Voting Rights Act, a good deal of which was written in my office also, and which has been on the books for the past 6 or 7 weeks.

What noise we made, what arguments we advanced, how emotional we became over this sacred right. What good is a right to vote if we do not have the right to work or cannot exercise that right?

If we want to put these things in proper focus and perspective, let us start at the top of the heap with that which has primary importance, and that is the right to vote.

Here is involved a right to work. Are we going to flout it? Are we going to say to the 19 States, and to the other States, "It is just too bad, but we are going to preempt this field and you can do nothing about it." What about the sovereignty of the States, and what about their responsibility over their own people?

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. ERVIN. Mr. President, I should like to ask the distinguished junior Senator from Illinois if he agrees with the Senator from North Carolina that the right to work is the greatest of all civil rights and should be recognized as such?

Mr. DIRKSEN. It is the right to survive, as a matter of fact.

Mr. ERVIN. Mr. President, does the Senator from Illinois agree with the North Carolina right-to-work law, which provides that the right to live includes the right to work?

Mr. DIRKSEN. Indeed so.

Mr. ERVIN. Mr. President, is it not true that labor unions are voluntary associations?

Mr. DIRKSEN. The Senator is correct.

Mr. ERVIN. Is not one of the essential ingredients of voluntary associations the fact that they depend upon persuasion to acquire members?

Mr. DIRKSEN. If somebody wants me to join the chamber of commerce in my town, he must come around and give me an argument as to why I should join the chamber of commerce. If somebody wants me to join a hospital association, he can come around and seek to persuade me—not compel me—to accept a Federal act, because they have a weapon that they can use to beat me over the head.

Mr. ERVIN. Is there anything in any of the State right-to-work laws, which this bill would nullify, which denies a labor union the same privileges which other voluntary associations have; that is, to acquire as many members as possible by voluntary persuasion?

Mr. DIRKSEN. There is no inhibition on them. All they have to do is to lay their case before a prospective member and say to him, "Joe, I can give you 10 reasons why you should join the union."

Then the organizer can seek to fortify it all with argument.

Mr. ERVIN. Do not the churches depend upon voluntary persuasion in order to add to their membership?

Mr. DIRKSEN. Yes. No one tried to compel me to join the church to which I belong. My mother took me in hand, when I was knee high, and hauled me off to Sunday school, even before I could talk. There was freedom of choice as I grew older. I could have quit my church. I could have joined another church. No one compelled me to retain my membership in my church, or in any other church.

Mr. ERVIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. DIRKSEN. I yield.

Mr. ERVIN. Is there anything unjust whatever in requiring labor unions to obtain their members in exactly the same way in which churches and other voluntary associations obtain their members?

Mr. DIRKSEN. Not at all. We wish to emphasize constantly the voluntary aspect of the matter, as distinguished from compulsion, because if they can have their wish, one can get a job, his prospective employer does not have to inquire whether he is a member of the union when he hires him, but if there is a union, at the end of 30 days he either joins, or the employer takes him off the payroll. He is done.

Mr. ERVIN. Does not the fifth amendment to the Constitution provide that the Federal Government shall not deprive any man of his life, liberty, or property without due process of law? And does not the 14th amendment provide that no State can deprive any person of life, liberty, or property without due process of law?

Mr. DIRKSEN. Yes. But Jefferson, even before that, recited those imperishable words in the Declaration of Independence, "Life, liberty, and the pursuit of happiness." That just about encompasses the whole thing.

Mr. ERVIN. Does not the Senator from Illinois agree with the Senator from North Carolina that the courts of the States and the Federal courts, in interpreting the provisions of the Federal and State Constitutions that no person shall be deprived of his liberty without due process of law, interpret that liberty as so protected to include the liberty to follow the ordinary occupations of life without the Government's permission?

Mr. DIRKSEN. Exactly.

Mr. ERVIN. And would not an act of Congress, which requires a person to obtain permission from the Federal Government, even to pursue one of the occupations of life, be unconstitutional, in that it would deny that man the liberty to follow an occupation of life in violation of those provisions of the Constitution?

Mr. DIRKSEN. Yes.

Mr. ERVIN. Therefore, does not the effort to repeal the State right-to-work laws amount to an effort to confer upon a union and an employer authority to do something which the Federal Government itself could not do, by an act of Congress?

Mr. DIRKSEN. Precisely.

Mr. ERVIN. I thank the Senator from Illinois.

Mr. DIRKSEN. I thank my friend from North Carolina.

Mr. President, I have here some very interesting data that I think should go into the RECORD.

The question has been raised, on occasion, about the attitude of our former very distinguished President, Dwight Eisenhower, as to how he felt about the repeal of this section. I read into the RECORD now a letter dated August 13, 1965, which he addressed to Mr. Raymond Pitcairn, a very close friend of Mr. Eisenhower, who lives at Glentouche, Shokan, N.Y.

Here is the letter:

AUGUST 13, 1965.

DEAR RAYMOND: As you know throughout my 8 years in the White House I opposed any effort to repeal section 14(b) of the Taft-Hartley Act. I emphatically believe that each State has an inherent right to determine whether or not unionism is or is not to be compulsory within its borders. I am against impinging further on the freedom of the individual; I believe that maximum personal liberty within an orderly society is an essential to a strong, prosperous and happy America. I believe this is a matter that should command the close attention of every American.

For my part, were I still in a position of responsibility I would take exactly the same position that I did during the period of my Presidency.

With warm personal regards,

That was from Dwight David Eisenhower, on the 16th of August 1965. I trust that letter will lay to rest once and for all any question as to the attitude of the former President of the United States when he was President, long after he was President, and presently.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. HOLLAND. I just now noted on the ticker tape an item which I believe explains much of the public attitude which so strongly opposes, as shown by the polls, the repeal of section 14(b). It is an AP item from Washington, and is short. It reads as follows:

WASHINGTON.—Strikes in August idled 222,000 workers, the highest level since 1959, the Labor Department said tonight.

The August figure continued a 1965 trend of heavy strike activity, but the Department emphasized that the past few years have produced unusually few labor disputes.

"Strike idleness thus far in 1965 has amounted to 16.8 million man-days, compared with 11.2 million and 11.3 million for the same periods in 1964 and 1963," the Department said.

Man-days lost in August totaled 2.3 million.

I wonder if the Senator does not agree with me that the continuance of such disturbances in our economic life as those depicted in that report from the Department of Labor may be largely responsible for the public disquietude at any thought of the repeal of section 14(b).

Mr. DIRKSEN. Almost invariably that happens, and when it extends far enough, and they become fully aware of the labor and industrial unrest, we begin to receive sharp and immediate reaction from the public. I suppose such reaction will grow as time goes on, particularly if we preempt the power that the States now have under 14(b).

Mr. HOLLAND. Will the Senator yield further?

Mr. DIRKSEN. Yes.

Mr. HOLLAND. I wish to emphasize for the RECORD that the statement I have read does not come from a source prejudiced against labor. It does not come from the U.S. Chamber of Commerce. It does not come from the National Association of Manufacturers. It does not come from any industrial group. It comes, instead, from the Labor Department, which cannot be charged with being unsympathetic with the cause of organized labor.

Mr. DIRKSEN. Indeed not.

Mr. HOLLAND. I thank the Senator for yielding.

Mr. DIRKSEN. Mr. President, one of the most interesting letters that I have seen in the Voice of the People column in any newspaper I saw in the Chicago Daily News on August 12, 1965. It is a contribution made by a Mr. Paulinus Leonas. I have not the slightest idea who Mr. Leonas is. However, he writes well. This is the letter he wrote to that publication:

[From the Chicago (Ill.) Daily News, Aug. 12, 1965]

I have lived under Communist and Nazi occupations and I know only too well what it means not to have freedom. I have come to this land of liberty and opportunity and am worried when I see and recognize danger signals. There are some now, as our personal freedom is attacked by selfish unions.

We vitally need section 14(b) of the Taft-Hartley Act. We need more than just that—we need the general guarantee of the right to work.

Grown out of sacred desire to have full freedom, our Declaration of Independence most solemnly guarantees liberty to every American citizen. The undeniable right to work of every individual is embodied in our Constitution and our elected President and Congress have no right to take away this freedom without first changing the Constitution.

It is superfluous for single States to duplicate the guarantee of our national freedom. Only arrogant unions with their most unreasonable demands, taking advantage of our inert Federal Government, make it necessary for individual States to declare once again that men and women of this land are free.

With the last safeguards of section 14(b) removed, the unions, in their so-called dealings and bargainings with every and any employer, invariably and unfailingly will insist on closed-shop agreements, thus establishing a vast slave empire in America and gaining unbalanced power over the economy.

Union shops are against the vital interests of union members, too. Where there is no freedom of choice, the union leaders can be indifferent to the wishes of their members. Dues money extracted from the rank and file often is used to gain more wealth and power for the union bosses. Using intimidation, coercion, and excessive violence, unions keep their own members in slavery.

Good unions do not need compulsory unionism; bad unions do not deserve it.

Therefore, instead of trying to curtail our freedom by suggesting the repeal of section 14(b), Congress would do better to concentrate on ways and means to guarantee us a relief from unlimited and outrageous union abuses.

PAULINUS LEONAS.

CHICAGO.

Mr. President, that letter is from a man who has lived under a Communist government. He has also lived under a Nazi government. Now he lives under a free government. He knows the benefits of freedom. It therefore gives him great concern, so that regardless of his status or where he lives, he does not, for a moment, hesitate to go on the printed page of a large metropolitan newspaper and let the world know how he feels about this subject.

Mr. President, this is an item which I believe to be of interest because it contains several quotations from one Eric Sevareid, a noted columnist, who spent some time in Great Britain and recently returned to the United States.

I read as follows:

BRITAIN LOSES WITH LABOR BOSSES

Repeal of section 14(b) can be considered a step backward for the American economy. Columnist Eric Sevareid, writing in the Houston Chronicle, reports on life in merry old England where labor rules—which Wednesday's House action suggests more of for this country.

The British economy is sluggish. Labor leaders there, as they are here, regard the economy as a pie of set dimensions, Sevareid reports, and are busily engaged in trying to cut it into more pieces. Unions demand and get more power. Strikes are virtually an everyday occurrence.

He reveals: "200 atomic submarine fitters quit work over the question of whether they shall be allowed to make their tea from the boilers or must bring it in thermos flasks."

That is one for the cookbook:

Railroad engineers have effected "go slow" tactics to disrupt traffic. A dispute over

> two painted doors closes down a Jaguar plant. An artist was commissioned to paint a mural for a hotel dining room—and the hotel union steward calls his men out because the artist has no union card.

I do not quite know how to comment on that. Think of an artist with talent, who can place an idea upon canvas or paper, painted in living color with the proper dimensions and perspective, which will glory the heart and edify the mind.

What does one using a camel's-hair brush and a palette over his thumb think about a situation like that? He has to have a union card in order to paint a decorative mural?

That is what is involved here—"30 days and you have a card, or you are out of a job." That is very important business to some people.

Mr. Sevareid goes on:

> He finally is forced to join—

Mr. President, this is even better. Here is an artist commissioned to do a mural. Anyone who knows anything about painting knows the deftness and sense of touch and color which are so important in making a decorative mural.

What was the outcome of all this?

Mr. Sevareid goes on:

> finally is forced to join the Sign Painters Union so the hotel can operate.

Mr. President, there are some things that make us laugh.

Mr. Sevareid continues:

> Organized labor has become even more encrusted, bureaucratized, reactionary and spiritless. Its energies remain concentrated on getting more for less.

Then this comment:

> The British labor leaders regard their economy as a fixed pie—so the British trail while Germany and France in Europe and Japan and the United States vault ahead. We gain because we have an economy that challenges the American people to draw ever more from its tremendous productive capacities.

Mr. President, there is more of Mr. Sevareid here, but I believe that what I have just read is suitable for my purpose.

I now turn to an editorial published in Life magazine dated May 14, 1965, under the title of "A Noncrisis He Should Skip," and I read as follows:

> The smooth-sailing Johnson legislative program will hit very rough water if his labor message follows expected lines. These lines include a promise to ask Congress to repeal section 14(b) of the Taft-Hartley Act of 1947, the famous right-to-work clause. Taft-Hartley does not forbid the union shop enforced membership but section 14(b) permits any State to outlaw this kind of contract. Nineteen States now have such right-to-work laws on the books.
>
> Labor leaders have been fighting these laws in State capitals for years with varying success. With Democrats ruling most legislators, and with no very spectacular labor scandals or turbulence troubling the public, right-to-work legislation has been defeated or repealed in three States within the past year. But the AFL-CIO, wants to take the issue out of State hands by repealing 14(b) and making the union shop legal everywhere.
>
> If Johnson puts his back into it, he can probably get 14(b) repealed.

I question the editorial on that point, because the President may "put everything into it," but there is still some real independence in this body, and we have some steam left to put up a fight. I continue to read:

> Labor has almost enough votes lined up now. But the opponents of repeal are last-ditch fighters; the issue is a supercharged one; and there will be blood all over the floor of Congress when the vote comes.

I hope there will not be any blood on the floor in this debate, and that the Senate will not become engaged in a blood bath. Perhaps this is a metaphoric expression. Perhaps it is merely a glory metaphor.

The editorial continues:

> We think Johnson has many better uses for his political time and strength than this one. As a practical matter, right-to-work laws have had a negligible effect on labor's bargaining power and on the economy generally.
>
> They are called right-to-wreck laws by some labor leaders who remember the bad old times when the open shop (or "American plan") was a euphemism for union busting, this cost a lot of members in the 1920's. But that fear is unreal today. Unionism has vastly more acceptance both in law and custom than it had 40 years ago. Unions have lost members in some right-to-work States but gained them in others, and the presence or absence of the law is never the real reason for either gain or loss.
>
> Why then so much emotional heat on this issue? It's not the money or the power, it's the principle of the thing. On the union side, the principle is that all beneficiaries of a union-negotiated contract should pay union dues; "free riders" are parasites. On the nonunion side, the principle is that nobody should have to pay for the privilege of working; the less coercion the better. Every right-to-work argument soon reduces to these inflammatory and irreconcilable fundamentals. The more practical-minded businessmen and politicians would rather skip it; and a practical-minded President should want to skip it too.
>
> Moreover, when it comes to principles the authors of 14(b) had hold of a better one. Why impose nationwide uniformity in an area where opinions differ as sharply as in this? One advantage of having 50 States is in having 50 laboratories of social change.

I have made that contention a thousand times. The city councils, the county boards, the State legislatures—those are the real laboratories of government, where there is experimentation and ultimately the prefection of an idea, and then perchance it begins to merit the attention of the national legislature.

I continue to read from the editorial:

> The 19 open-shop experiments still going on are not discriminating against unions (that's illegal) or subverting any national ideal. They are simply maintaining a standard of noncoercion and voluntarism. That could some day become the basis for a healthier and stronger union system than the one we have now.

I thoroughly agree with the sentiment expressed in that editorial from Life magazine.

Here is an editorial from Fortune, dated June 1965. It has a slightly combative title—"Fourteen (b) or Fight." That sounds like the "Fifty-four forty or fight" slogan that was much in vogue in the country of the Senator who now sits next to me [Mr. SIMPSON] and beyond. So the expression "Fourteen (b) or Fight" brings it down to modern times.

I read:

> With a stubbornness worthy of a better cause, American labor leaders seem bent on constricting, if not eliminating entirely, a right that we should suppose was fundamental in any good, let alone Great Society—the right, namely, of workers to join or not to join, to support or not to support, unions of their own choosing without fear of losing their jobs. That right is broadly protected by the Taft-Hartley Act of 1947, which bans the old "closed shop" as a matter of national policy, and under section 14(b) permits the individual States to outlaw many other forms of coercion and compulsory unionism. At present 19 States have right-to-work laws on their books. While they have not always been effective, they do constitute an important reinforcement to free employee choice.
>
> But Big Labor has never seen the matter that way, and having fought State right-to-work laws in detail, it now wants to snuff them out entirely by amending Federal law. What's more, this effort seems to have a fair chance of succeeding.

Frankly, I do not think so.

I continue to read:

> Repeal of section 14(b) of Taft-Hartley was pledged in the Democratic platform and in the President's state of the Union message. Labor regards this as a binding contract, and for weeks has been lining up support in Congress. The rash promise to rip open the labor law of the land has already harmed the consensus that Mr. Johnson has been so painfully building with the business community, and set rumbling a bitter debate. Here is an issue on which all citizens who are interested in preserving a free society should take a stand.
>
> The basic issue involved concerns the principle of voluntarism to which the late, great Samuel Gompers paid explicit and eloquent tribute in his final address to the American Federation of Labor nearly a half century ago. "No lasting gain has ever come from compulsion," Gompers warned. "If we seek to force, we but tear apart that which, united, is invincible."

And that is still sound commonsense today.

> Today American labor is not quite invincible but its powers have increased a thousandfold since Mr. Gompers spoke, partly as the result of vast changes in Federal laws protecting the right to organize and bargain collectively. Unhappily the more power unions have acquired the less they seem willing to sell their services on a voluntary basis. In the national elections of 1964 labor spent millions to defeat candidates who stood up for State right-to-work laws, and early this year it successfully revoked such a law in Indiana.

Parenthetically, in the State of Iowa, with a Democratic Governor, the legislature overrode him in an effort to bring about repeal of the right-to-work law in that State.

> The arguments used against the principle of voluntarism are various and often conflicting. Union leaders contend that State right-to-work laws impede their organizational drives, but there is little trustworthy evidence on this point—

And that is "right as rain."

> Union membership has gone up in Arizona, which has such a law—

The distinguished former Governor of that State now graces this body. He served as a great Governor of his State. He can tell Senators all about it. He is on the team and he will come to bat in due course—

> but has stagnated in Michigan, which has never adopted one. Again it is contended that wages are lower in right-to-work States than in non-right-to-work States, but this would seem to be due to regional differences in wage levels, which have little to do with union organization. Wages are, after all, a function of productivity and capital investment, and naturally they tend to be highest where such investment has been most intense.

The next paragraph bears this caption from the Fortune article. It is in the form of a question. It is entitled, "Whose Free Ride?"

Whose Free Ride?

> The most popular and frequently used argument against State right-to-work laws and against section 14(b) of Taft-Hartley concerns the so-called free rider. If unions gain substantial benefits for workers, surely all the workers in a shop should be made to pay union dues and join in union activities. But this argument overlooks the fact that it is organized labor which took the first "free ride" by insisting that if only 51 percent of the members of a bargaining unit vote for a union then the union must represent all the workers involved whether they wish it or not. This provision of both the Wagner Act and the Taft-Hartley Act is the real key to union power in industrial affairs, and it is a tremendous power.

But the point is worth emphasizing in connection with the reference to a free ride. Who took the first free ride? That is quite important in my book:

> The truth is that unions already have enough, and more than enough, special privileges, and that our whole effort should be to cut these privileges down rather than to enlarge them. We also believe that unions themselves would be better off to the degree that they become voluntary organizations and that they are big enough and mature enough to work in this direction. In this context the proposal to repeal section 14(b) of Taft-Hartley is a step in precisely the wrong direction. It is a bad proposal, an imprudent proposal, and in the end a foolish proposal—bound to stir up great domestic controversy when the President needs support for his foreign policy and other measures.

Coming from a well edited and published magazine like Fortune, whose editorials are reasoned and carefully read, it seems to me that that makes a powerful argument against action by the Senate in undertaking to repeal section 14(b).

On July 31, 1965, there appeared in Traffic World Weekly this editorial under the caption of "A Chance To Combat a Threat to Freedom." I read the editorial:

[Editorial]

A Chance To Combat a Threat to Freedom

> Atop the dome of the Capitol of the United States, the imposing building in which the makers of the Nation's laws assemble, stands a statue of Freedom—a bronze figure 19½ feet tall. We may have to change the name of that statue in the near future. We may have to forget about Freedom and, in so doing, redesignate the statue on the dome of the Capitol as Regimentation.
>
> An ominous step toward erasure of one of the most important freedoms of American citizens was taken on July 28 by the House of Representatives in Congress when, by a rollcall vote of 221 to 203, it passed and sent to the Senate H.R. 77, a bill to repeal section 14(b) of the National Labor Relations (Taft-Hartley) Act. Under terms of that section the individual States are allowed to enact laws outlawing compulsory membership, in favor of voluntary membership, in labor unions by employees in a business or industry in which the workers are represented by one or more labor unions. Such State laws are often referred to as right-to-work laws and there are now 19 States that have such laws.
>
> Soon the House-approved bill to repeal section 14(b) will come up for consideration in the Senate. It's our earnest hope, but one we entertain with trepidation, that enough Members of the Senate will let themselves be governed by concern for individual rights, rather than for labor union leaders' hunger for power (under the guise of desire for "union security"), to bring about defeat of the so-called right-to-work repealer. If the backers of the bill do muster enough votes in the Senate to bring about passage of the bill, it will be appropriate to drape in black the statue of Freedom on the Capitol Dome.
>
> Why do we use this space in a transportation news magazine to blow off steam about a subject that isn't strictly in the transportation field and doesn't involve the railroad workers and airline workers, who are subject to the Railway Labor Act? Well, it seems to us that the threat of permanent establishment of compulsory unionism is a peril of sufficient magnitude to justify enlistment of Americans in transportation and in every other honorable endeavor in the fight against it, a fight to preserve the principle of freedom of choice for the individual.
>
> One of the builders of the organized labor movement in the United States, Samuel Gompers, offered counsel that's just as good now as it was in his day, though today it's rejected by the labor czars because it doesn't happen to give support to their present aspirations. Said Mr. Gompers:
>
> "I want to urge devotion to the fundamentals of human liberty, the principle of voluntarism. No lasting gain has ever come from compulsion. If we seek to force, we but tear apart that which, united, is invincible."
>
> What's meant by "compulsory unionism"? The term means simply that if you are employed or seek employment in an establishment in which your craft or class of workers has, by a majority vote, chosen a particular union to represent it in collective bargaining negotiations with the management of the establishment, you must join that union in order to retain or obtain the job you are equipped to do. Even though the policies and personal conduct of the union chieftains may be totally repugnant to you, you have no alternative, unless you want to sacrifice your job or try to make a living some other way, but to apply for membership in the union and, when accepted, to pay the dues and assessments exacted by it.
>
> Many proponents of the bill to repeal section 14(b) insist that the term right-to-work law as applied to a State law that forbids compulsory unionism is a misnomer. With that we cannot agree. Surely, a person in this country should have an inviolable right to work—a right unobstructed by a requirement of union membership in order to get and retain a job.
>
> Editorial writers on hundreds of newspapers in this country, including some of the metropolitan papers traditionally concerned with the welfare of the wage earners who constitute a majority of their subscribers, have directed vigorous attacks in recent months and weeks against the proposal to repeal section 14(b). The Uniontown (Pa.) Herald, for example, says that retention of section 14(b) "can mean the difference between a free economy and total union domination destroying our individual freedom." The New York Times calls it "a callous oversimplification to suggest that no element of individual liberty is at stake and that the paramount right in the equation is that of management and labor to make whatever disposition of the workers they deem satisfactory."
>
> To us, the basic issue that the House sidestepped and that the Senate must face in its consideration of the proposal to repeal section 14(b) was stated just about as clearly and briefly as it could be stated, in the course of the House debate on H.R. 77, by Representative Gurney, Republican, of Florida, when he said:
>
> "I do not believe this is a question of being for or against unions. I believe the action in the House today either will affirm the basic concept of individual liberty or, if we vote the other way, will strike it a grievous blow. That is the great issue before us."
>
> A good point was made, in that same debate, by Representative Glenn Andrews, Republican, of Alabama, in his assertion that "the freedom to join or not to join a union has a very practical and desirable result—it keeps unions responsible."
>
> We were glad to see the Transportation Association of American take a position opposing repeal of section 14(b) (Traffic World, June 26, p. 113). Vigorous opposition to such legislation should be recorded by all organizations of shippers and carriers and by all freedom-loving individuals and should be communicated to Members of the U.S. Senate in positive terms and without delay.

That sets out the issue very well. That editorial was published in Traffic World for July 31, 1965.

Mr. President, I have a large amount of material on my desk. I think I ought to vary it a little.

Mr. President, here is an editorial from Distribution Age. It is signed by Ronald G. Ray, the editor. It is dated July 1965. It is entitled "Just a Dog of Another Color." I read:

> The "right to work" movement began in the early 1940's as an expression of public disapproval of the compulsory membership power being exercised by labor unions with the sanction of Federal labor law.
>
> This power to force working men and women into unions through contracts containing compulsive membership clauses was a full swing of the pendulum from the old "yellow dog" contracts at the turn of the century. At that time, employers required employees to agree, as a condition of employment, that they would not join unions.

Mr. President, I interpolate to say that early in my remarks I referred to the Norris-La Guardia Act, which dealt with the use of Federal court injunctions and also with the so-called yellow dog contracts. The editor of Distribution Age mentions "yellow dog" contracts.

> The "yellow dog" contracts were outlawed in 1932 by the Norris-La Guardia Act as an unconditional infringement on the individual liberty of working men and women.

There the act worked in reverse. An employee made a promise to his employer or his management that he would not join a union. The question then was, Was such a promise enforcible? The Norris-La Guardia Act took care of that in good style.

> With the passage of the Taft-Hartley Act in 1947, provisions were incorporated in it to provide for right to work at the discretion of the States.
>
> Congress thus recognized that the American workingman possesses an inherent freedom to be able to work—without fear of loss of his job for his failure to join a labor

> union. Another Congress today is reconsidering that right and may be well on its way to washing it out of the act. By so doing, they will deal the workingman one of the lowest blows in history.
>
> It is a conservative estimate that labor unions spent $100 million on the 1964 election, and is no secret that many Congressmen have already committed themselves to the unions even before the bill before them has had a fair hearing.
>
> It is inconceivable that a nation built on liberty and dedicated to liberty should now seek to destroy an individual's right by stamping approval on compulsory unionism. We wrote in protest to members of the House of Representatives Education and Labor Committee and to members of the Senate Labor Public Welfare Committee.
>
> We urge that you write your Congressman, immediately. This is the only way left to prevent unions from cashing in on careless political promises.
>
> This is the honeymoon year for Congress, when unpopular bills can be passed with hope that they will be forgotten before the next election. Congress is your representative as well as Hoffa's and his kind, but you have to speak up now if you are to be heard. Do not procrastinate writing Congress—this bill is moving fast—it may even be approved while we are on press.
>
> RONALD G. RAY,
> *Editor.*

Thank goodness it has not. It will never be if we have anything to say about it. When I am asked about the justification for an extended discussion, I say that the people have to be informed, and it takes time to inform them. Stories have to be written and gotten out to the press. Of course, we will all be classified, and I know about where by slot is. I have known it for a long time. However, it has not bothered me. It has not interfered with my public service.

The explanation is that this is a way to get the story to the people and to see who is in our corner. How fundamental the issue really is.

I have a great many papers in my file. I also have some editorials.

What happened to my friend the junior Senator from Tennessee [Mr. BASS]? I have a package of Tennessee material here, and I do not see the Senator present. I shall read one or two items until he returns.

This editorial is from Memphis, Tenn. There is a great newspaper there called the Press-Scimitar. The name has a rounded sound. We know what a scimitar is. It is a curved sword. A scimitar can really give one a cut that will be felt.

The date of this editorial is July 24, 1964. The title of the editorial from the great Volunteer State of Tennessee is "Vote 'No' on 14(b) Repeal."

I read from the editorial:

> At this writing, crucial House votes on repeal of the Taft-Hartley Act's section 14 (b) are scheduled for Monday and Tuesday.
>
> This newspaper believes the proper vote is "no."
>
> Repeal of section 14(b) would deprive the States of the power to decide for themselves whether they want so-called right-to-work laws within—

I am glad the Senator from Tennessee returned to the Chamber.

Mr. BASS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

The PRESIDING OFFICER (Mr. McGEE in the chair). The Senator from Tennessee is recognized.

Mr. BASS. What material does the Senator have?

Mr. DIRKSEN. Editorials from the State of Tennessee.

Mr. BASS. Are the editorials favorable to me?

Mr. DIRKSEN. I do not believe they are favorable to the Senator from Tennessee. However, I do not know how the Senator stands as yet. He has not informed me.

Mr. BASS. I am accustomed to both kinds of editorials.

Mr. DIRKSEN. Does the Senator from Tennessee admit that the Press-Scimitar is an outstanding newspaper?

Mr. BASS. It is an outstanding newspaper.

Mr. DIRKSEN. The editorial is under date of July 24, 1965. I have read the caption into the RECORD. The title is "Vote No on 14(b) Repeal."

The editorial reads:

> The repeal of section 14(b) would deprive the States of the power to decide for themselves whether they want so-called right-to-work laws within their own borders. It would extend the principle of compulsory union membership to all 50 States, as a matter of national policy.
>
> We do not believe any person anywhere should be forced to join a union—or any other organization—as a condition of holding his job.
>
> And we certainly do believe, at the very minimum, that the right of States to decide this question for themselves should be preserved.

Mr. BASS. Mr. President, I say to my friend the junior Senator from Illinois that the Memphis Press-Scimitar is one of the outstanding newspapers serving the great city of Memphis. I respect the editorial opinion of the Memphis Press-Scimitar very much. They editorially endorsed me in the last election, and their action was rather influential on the result.

Mr. DIRKSEN. Then the Senator will pay attention to their editorial opinion.

Mr. BASS. Yes; but they would not expect me to agree with all their editorial views. I respect them all, but at times I disagree.

Mr. DIRKSEN. I have many editorials.

Mr. BASS. Are the editorials all from Tennessee?

Mr. DIRKSEN. They are all from Tennessee.

Mr. BASS. All from Tennessee?

Mr. DIRKSEN. Yes, indeed.

Mr. BASS. I believe that the Senator does a better job of clipping papers than I do. Perhaps I had better come to his office.

Mr. DIRKSEN. That is what keeps me so busy and holds my weight down.

The Senator will agree that the Commercial Appeal of Memphis is a great newspaper.

Mr. BASS. There is no doubt about that. However, it is not so generous in its remarks concerning me as are the other newspapers. This was particularly true in my primary last year. The two Memphis newspapers are owned by the same company. They are both Scripps-Howard newspapers, a very outstanding press.

Mr. DIRKSEN. Their daily circulation is 216,858.

Mr. BASS. The Senator is correct. They have a wide circulation in Mississippi, Alabama, Arkansas, and Tennessee.

Mr. DIRKSEN. This editorial is from the Commercial Appeal. The Senator from Tennessee can relax.

Mr. BASS. Is the editorial longer than the other one?

Mr. DIRKSEN. It is. It will take me a great while to go over this one.

Mr. BASS. The Senator can insert the editorial in the RECORD.

Mr. DIRKSEN. I could, but the Senator does not know how much fun I have. Besides, I must be sure that this gets to where it belongs in the country.

The Senator knows that, as one shepherd said to another, "To inform the minds of the people and to abide by their judgment is a mark of high public service."

Mr. BASS. The Senator is correct. However, he also went on to say that an informed and educated public opinion must be the most compelling force in any democracy.

Mr. DIRKSEN. That is what I am trying to do. I am glad to have support.

Mr. BASS. Mr. President, I hope that this is one issue on which the people can become informed. I hope that they will know the technical aspects—aside from the emotionalism involved—and what the repeal of 14(b) would mean as far as the American worker and businessman are concerned.

The largest industrialists in my State are for the repeal of 14(b). As a matter of fact, the chairman of the board of the largest industrial concern seated in Tennessee, operating under a charter from the State of Tennessee, gave a luncheon for me, immediately after my election to the Senate last year, to acquaint me with some of his business operations with which I had been unfamiliar prior to that time.

This man said to me, "I suspect that next year there will be a vote on the repeal of 14(b). If this comes about I want you to vote to repeal section 14(b) of the Taft-Hartley Act. I do not need a union in any plant that I have." This man has plants all over the United States. He is one of the biggest industrialists of the country.

He went on to say: "I do not need a labor union to represent any employees in any plant I have. However, if I do have a union in any plant, I want every person working there to belong to the union so that one union steward can represent all the employees. I do not have to have a separate set of standards or a separate industrial relations committee to take care of employees who are not affiliated with a union."

Of course, views differ. I do not know whether they have the so-called open shop, union shop, or so-called freedom of choice in the State of Illinois.

Mr. DIRKSEN. We have no right-to-work law now.

Mr. BASS. Illinois has no right-to-work law now. It is a great industrial State, and has probably as large a labor army as any other place in the country.

The great State of Illinois, and particularly Chicago, has furnished a haven for many Tennesseans. When we did not have the jobs there, I know that many Tennesseans left and went to Illinois, to the great industrial centers—Cairo, East St. Louis, Chicago, and many other places—to find jobs, and I understand that they are completely happy. I am sorry that we have not been able to furnish the type of industrial climate to take care of all the qualified people in our State.

But the so-called right-to-work law has not enhanced our situation at all, because we have been less than competitive with the great industrial States such as the Senator so ably represents.

What I am trying to say is, in discussion of the repeal of 14(b), that I should hope that we would get down to the technical issue involved as to what repeal would do in labor-management relations, instead of saying that this is a power grab, or that sort of thing—giving the unions more power or forcing workmen to work against their will. I hope we shall say exactly—technically—what it would do, how it would change the basic law, and what the people would do.

We hear it said, "The labor unions are influencing legislation." Did the minority leader know—and he is much more conversant with the situation than I, and is informed about the laws which Congress has passed since 1935, because he has been here during most of that period of time—that this is the first single piece of legislation dealing with the internal affairs of organized labor, which could be considered pro-labor legislation, that has passed the Congress of the United States, or one body thereof, since the Wagner Act in 1935?

In the meantime, we have passed several pieces of restrictive legislation dealing with the internal affairs of organized labor. So, taking the emotionalism away from the issue, I should like to hear my friend—and I respect his judgment; I have admired him since I was a little child——

Mr. DIRKSEN. Oh, no.

Mr. BASS. Oh, indeed. He does such a great and eloquent job in explaining exactly what all of the ramifications are.

So before he continues today with reading all these important editorials—and I am very sensitive about the editorial comment in my own State——

Mr. DIRKSEN. I thought the Senator would be.

Mr. BASS. I appreciate the fact that the minority leader has brought them to the attention of the Senate, and particularly to the attention of the junior Senator from Tennessee, but I should like to have him explain in his very eloquent terms the technical changes which would be brought about in the 19 States that will be affected by this important legislation.

I did not mean to take so much of the Senator's time, because I know it is valuable.

Mr. DIRKSEN. My time is free.

Mr. BASS. I appreciate the Senator's courtesy.

Mr. DIRKSEN. The Senator has told us all about the giant corporate president, with interests all over the country. Will he now tell us about the little companies in Tennessee, with 100 people, 200 people, or 500 people?

General Motors can hire enough lawyers to fill this room to protect their interests, and so can Henry Ford, and so can the Viscose Co., in the Senator's State?

Mr. BASS. Viscose?

Mr. DIRKSEN. They make fibers. I have seen a plant down there somewhere.

But what about all the small companies which actually employ the great bulk of the work force of 79 million people in this country, which cannot afford to fight, which do not have a group of high-powered legal counselors sitting at their elbows? What about them?

Mr. BASS. What must they fight?

Mr. DIRKSEN. What does the Senator think?

Mr. BASS. I do not know. What are they fighting?

Mr. DIRKSEN. The Senator has not been keeping up to date. He has not been reading the Tennessee newspapers. I have to read for him.

Mr. BASS. I mean, are they fighting the editorials, or the newspapers, or what are they fighting? Let us talk about what they are fighting.

Mr. DIRKSEN. The pending issue, 14(b).

Mr. BASS. I mean what are they having to fight?

Mr. DIRKSEN. To keep it in the act.

Mr. BASS. Well, how does it help them? That is what I want to know, how does it help them?

Mr. DIRKSEN. Can the Senator tell us how it is going to harm them?

Mr. BASS. I might say if I were an industrialist, I should feel the same way as the president of that giant corporation we talked about. As to the other smaller concerns, I find that the ones who have unions already representing their employees are not nearly as disturbed as those who say, "I do not want a union, period."

I believe, truthfully—and I have made quite a study of the matter——

Mr. DIRKSEN. Oh, I am sure the Senator has.

Mr. BASS. I was not even committed to vote for it until 2 or 3 months ago, and I made a very thorough study. I read thousands of newspapers, too.

Mr. DIRKSEN. Well, it will not hurt to hear them read again.

Mr. BASS. I did not get here for no reason at all. I want the Senator to know that my mother did not name her dumb child Ross. I have been briefing myself. But what I am questioning is, what are the technical things the Senator is talking about that the little people have to fight?

Mr. DIRKSEN. Does the Senator mean the little employers?

Mr. BASS. Yes. What do they have to fight?

Mr. DIRKSEN. The philosophy of using a card system of checkoffs without an election by secret ballot, and then saying to the employee, "Join the union, or in 30 days you are out of a job."

Mr. BASS. Would repeal change that?

Mr. DIRKSEN. Certainly it would change it.

Mr. BASS. How would it change it? It would not change the organizational procedures.

Mr. DIRKSEN. Why does the Senator think the reservation was placed in the act 18 years ago? "Go ahead and do it, provided a State law does not stop you from a compulsory union contract, where you not only can compel a worker to forgo his job if he does not join in 30 days, but can continue your present practices, to have a steward run in with cards without even knowing that they are accredited members of the union, with no proof made of the fact."

Mr. BASS. But it would not change the organizational policies one iota.

Mr. DIRKSEN. It will.

Mr. BASS. On the other hand, the Senator and I know—and I have seen it happen—that people would vote to have a union represent them, with no intention of joining the union. They say, "I am not going to pay in dues, but I will vote to have the union."

In my opinion, it is going to be harder to organize an unorganized plant, particularly a small factory, with the repeal of 14(b), than it would be with this provision on the statute books. Everyone who votes for a union, after the repeal of 14(b), is going to know that if the union comes into the shop, he will have to pay dues to that union. Those who now vote for the unions saying, "I want the benefits, I want a better salary, I want a better vacation, I want sick leave and insurance, but I don't want to have to pay the bill, I don't want to have to pay that $48 or $60 a year," are now going to know that if they vote for it, they will have to pay the dues, and they will think a couple of times, because when they know, "If I vote for it, it will cost me *x* dollars a year," they are going to make a deliberate decision, instead of marking the X over here and saying, "It does not make any difference, because I am not going to join anyway, but I will let somebody else pay for getting me the benefits."

So I disagree with the Senator when he says this proposal will change the policy in favor of the union side.

Mr. DIRKSEN. Why does the Senator want to repeal it, then?

Mr. BASS. I will tell the Senator why, in very simple terms: "If you ride the buggy, you ought to feed the old mare."

Mr. DIRKSEN. Who got the first free ride under the Wagner Act and previous acts? Who got the first free ride?

Mr. BASS. But there has not been one since then.

Mr. DIRKSEN. There should not have been any. That was a mass free ride.

Mr. BASS. In 30 years we hear about the great pressures of the unions, forcing Congress to do it. It has been 30 long years. They abide by majority rule.

My farmers in Tennessee are in the same position. I know some of them who say, "I wish to raise tobacco," or "I want to raise more cotton," or "I would like to raise more wheat."

They cannot do it. There is nothing wrong with that practice. This is the way we regulate the farm industry, because the farmers have voted to accept the quota system. Under it a person can raise only so much tobacco and market it in a free market, or raise only so much cotton.

It does not make any difference how many children a farmer may have that he wishes to send to school.

This involves a democratic, American principle, the way of doing things in America.

There is nothing wrong with a group of employees, whether they be employees of the press or employees of a farmer or employees of an industrial plant, sitting down and voting for what they believe and that it should be done in a certain way. We believe that that is the way we should work together in this country, to sit side by side. This is the democratic way of doing it.

I have not known of a labor union to negotiate a contract only for its members of an industrial plant in which they work. When they negotiate a contract for the benefit of all the workers, for salaries, for medical benefits, for vacations, and so forth—they include everyone in the plant.

They are not selfish enough to say, "We wish only the 52 percent of the 60 percent here. You are getting a raise in salary, or better benefits." They represent them all. What about freeloaders, the boys who wish a free taxi ride? They will say, "I will tell you what, my neighbor. You operate your machine over there, and I will operate my machine over here. I will get as much out of it as you do, but I am going to save those union dues. I will be able to throw an extra party. My wife will have an extra dress. I can make a down payment on my car which you cannot make because you do not have enough money, but I am not sharing the responsibility of going down and paying dues."

There is a certain percentage of citizens in my State, I presume, who do not believe that I am a good Senator but, under majority rule, I have received a majority of the votes and I represent them in the Senate. This is true throughout democracy, in every walk of life. I was a little bit remiss in not telling the whole story about the farmers. They are a little better than the workers. They are required to vote cloture in most referendums. They have to vote 66⅔ percent approval or disapproval.

Mr. DIRKSEN. The Senator was never so wrong in his life in trying to draw that analogy.

Why?

I can grow all the tobacco I can get into the ground, but that is not the problem.

Mr. BASS. But the Senator will not derive any profit from it.

Mr. DIRKSEN. Exactly.

Mr. BASS. If one works in a factory he wishes to make a salary, or he will not work there.

Mr. DIRKSEN. Who says I cannot get a subsidy or a tobacco support from the Federal Government? That is what the Senator from Tennessee wishes to perpetuate.

Mr. BASS. Only with the approval of the farmers.

Mr. DIRKSEN. Certainly.

Mr. BASS. The Federal Government is not going to say to anyone that he must join a union. No, sir. Not under the procedures of the union, as I have seen it. Only if 50 percent—a majority—of the voters wish to join the union.

Mr. DIRKSEN. One has to.

Mr. BASS. No, no. Only if employer and employee agree to it. The employer and the representative of the employees have to sit down and negotiate a contract, which must be approved by 50 percent of the workers. The Federal Government is not going to tell anyone that he must join a union.

Mr. DIRKSEN. Let us not get away from the subject of tobacco.

Mr. BASS. Let us talk about tobacco.

Mr. DIRKSEN. I can grow all the tobacco over as much of an area as I wish. However, in the enactment of laws, we say, you are going to knuckle down and be a good boy, because no matter how much tobacco you grow you are going to have to get a price support——

Mr. BASS. Only if our neighbors tell us to do so.

Mr. DIRKSEN. Unless we accept a limited quota on our tobacco.

Mr. BASS. Only if the rest of the farmers, or neighbors, tell us this. Our neighbors must approve. The Federal Government has never said, yet, that we could not raise tobacco. It has said only that if our fellow workers, neighbors, or co-farmers say that we cannot raise it without penalty, we cannot do so, but there is no law passed by Congress, as I have said, that prevents farmers from raising tobacco. The Federal Government says only that if we wish to have a program——

Mr. DIRKSEN. Exactly.

Mr. BASS. With a Federal umbrella——

Mr. DIRKSEN. Not even an umbrella. Just access to a market.

Mr. BASS. But with the approval of the majority of two-thirds of our neighbors, the people of Tennessee. It is the same way in labor unions; it must be negotiated between employer and employee. It must be approved by a vote of 50 percent of those working in the plant. Am I correct?

Mr. DIRKSEN. The Senator is as wrong as he can be.

Let me say to my friend the Senator from Tennessee that he is getting back to the age-old argument rife in this country back in the days when a man from Minnesota named Andrew J. Volstead was active.

Mr. BASS. I have heard of him.

Mr. DIRKSEN. The Senator has heard of him?

Mr. BASS. Yes.

Mr. DIRKSEN. The Senator has also heard of the Volstead Act?

Mr. BASS. Yes.

Mr. DIRKSEN. His associates and those who supported him evidently came to the conclusion that wine, to quote Proverbs, chapter 23: "Biteth like a serpent, and stingeth like an adder."

Accordingly, they decided that we should not drink wine, that we should not drink any kind of hard liquor. Near-beer, perhaps, although whoever invented near-beer was——

Mr. BASS. He was an alcoholic.

Mr. DIRKSEN. What happened? Suppose I had been one of those who said it was wrong to drink and, therefore, it was wrong for the Senator from Tennessee to take a drink? "I know what I am going to do; I am going to stop him, I do not care what his convictions may be." Before we knew it, here was the 18th amendment to the Constitution of the United States with respect to the manufacture, the distribution, the sale, and——

Mr. BASS. Consumption.

Mr. DIRKSEN. Consumption of spirits and liquors. What was wrong with it? Our neighbor is going to tell us how to comport ourselves. That is the argument the Senator from Tennessee is now making. That is the reason the 18th amendment was voted out of the Constitution of the United States and probably had more to do——

Mr. BASS. Because it did not have public support.

Mr. DIRKSEN. That probably had more to do with the election of Franklin Delano Roosevelt than anything I know of. No; it was the business of compulsion upon our neighbor. That is what we have in section 14(b). Take it out and read it. It is in print. Then see what happens.

Mr. BASS. What is happening to those 31 States?

Mr. DIRKSEN. Oddly enough, the 31 States, in terms of employment, in terms of wages, are falling behind the other 19 States which have right-to-work laws. I will place all those figures in the RECORD after a while.

Mr. BASS. Does the Senator mean to tell me that the average industrial worker in Illinois makes less money than the average industrial worker in Tennessee?

Mr. DIRKSEN. I have the figures for the whole country.

Mr. BASS. I am talking about Tennessee versus Illinois. Illinois does not have a right-to-work law, and we have.

Mr. DIRKSEN. Yes.

Mr. BASS. Does the Senator mean to tell me that the average wage of the industrial worker in the State of Illinois is less than that in Tennessee?

Mr. DIRKSEN. I mean by average that——

Mr. BASS. No, no. The Senator is in error.

Mr. DIRKSEN. Well——

Mr. BASS. The Senator is wrong. I have those statistics.

Mr. DIRKSEN. Then put those figures in the RECORD. The average industrial wage in the State of Illinois is quite a bit above that of the State of Tennessee. I will not be guessing at it. We have the figures in the whole pile. Those figures are here. They will be placed in the RECORD before we are through with this discussion.

Mr. BASS. All right.

Mr. DIRKSEN. Yes.

Mr. BASS. All right.

Mr. DIRKSEN. There will be no guesswork.

Mr. BASS. Yes. Let us talk about the technical effects of organization——

Mr. DIRKSEN. Let the Senator from Tennessee talk about technical effects. I do not wish to change the law. The Senator does.

Mr. BASS. Let me say that it was not my original idea.

Mr. DIRKSEN. No.

Mr. BASS. It was not my original idea, I should like the Senator to understand. However, when we get into this great body, as the Senator who preceded me by many years knows, eventually we have to take sides, and there is nothing personal involved in it when we do take sides. I have taken the opposite side from the distinguished Senator from Illinois on this particular issue. Regardless of the technical effects, I know that the Senator is well prepared and that he is going to read all these editorials, plus those from Tennessee. I have read most of them already, so if I do not stay to listen to all of them, I hope the Senator from Illinois will pardon me.

Mr. DIRKSEN. I would rather have the Senator go over to that little place and pray for his own well-being and further consideration of his outlook on life.

Mr. BASS. I have done some of that already because I was reared in a home where prayer came first. My father was a member of the clergy. Therefore, I have always prayed, not only for my own welfare but, more importantly, for the welfare of all men, especially my country.

Mr. DIRKSEN. Yes.

Mr. BASS. The welfare of all the people involved in this issue, as well. Also, in the 31 States, as well as in the 19 other States. I believe that the labor-management relations of the entire Nation will best be served if we work with one labor law instead of 50 different labor laws which will choose the union membership of various industrial employees across the country.

Mr. DIRKSEN. Yes; then the Senator would put them in a straightjacket by national law. But I have a great regard for what is in this book which I hold in my hand, the Senate Manual:

> We the people of the United States—

For a variety of purposes—

Mr. BASS—

> In order to form a more perfect union——

Mr. DIRKSEN. Yes. But I want to give the right emphasis to the words: "and secure the blessings of liberty"——

Mr. BASS—

> To ourselves——

Mr. DIRKSEN—

> And our posterity——

Mr. BASS—

> And our posterity.

Mr. DIRKSEN. That is the issue here—not to make a man grovel under a union dictator, so that the employer, at the end of 30 days, has to say, "You are off the payroll. You did not join the union." That involves the right to work, the freedom to work. And after all the noise and detonations in this Chamber about the right to vote, that right cannot compare with the right to work, because inherent in it is the right of survival.

Mr. BASS. Even the birds are allowed the choice of a nest, but once the eggs are laid they stay with them until the brood is hatched; and the American worker is never led into a box or into a factory where he has to work. He has the free right of working there or of seeking employment elsewhere. He does not have to work in a given plant. He does not have to pay homage to a labor union.

I believe under the act being proposed here, if one has some kind of conscientious beliefs, he does not have to belong to a union. The only thing he is asked to do is make a contribution to a charity. But when a man works next to a man, he is asked to make a sacrifice commensurate with the sacrifice being made by the other people receiving the same benefits of employment in that industrial plant.

There is nothing wrong with fairness, and there is nothing unfair about saying to a man, "If you are represented and receive the benefits of a negotiated contract between the employer and employees—and the workers have agreed to that—you are getting better wages, better working conditions, and you should pay for those benefits just as the rest of us do."

Is there anything unfair about that?

Mr. DIRKSEN. Yes.

Mr. BASS. What? Explain it to me.

Mr. DIRKSEN. It can be summed up in one sentence: What has happened to his freedom?

Mr. BASS. His freedom?

Mr. DIRKSEN. His freedom of choice.

Mr. BASS. He could have gone somewhere else to get a job. He did not have to go where there was a labor union. He could have gone on the farm. He could have gone to work for a religious organization. He could have gone to work for the Federal Government. How many million people are working for the Federal Government?

Mr. DIRKSEN. Two and a half million.

Mr. BASS. Two and a half million. He could have joined the Army. There are many sources of employment. He does not necessarily have to go to a company where there is a union organization, voted for legitimately, under the rules and regulations of the governing body, which provide how it shall be done. He knows before he goes into such a company that the employees are represented by a labor union. Then he cries, "My rights have been denied me," when he is told he must join that labor union. The man next to him says: "Why are you better than I am? Why do you discriminate against me, because I am paying dues and you are not? You say you do not have to pay dues because it might infringe on some of your basic rights."

In the same way, someone might say, "I do not believe in war. I do not want my money to be used to pay for a war," and argue that he should not have to pay taxes because his rights are being taken away.

Mr. DIRKSEN. No, that would not be so, for the very good reason that we are dealing with a Government instrumentality.

I am talking about voluntary organizations. They have no Government standing. They are still voluntary organizations. They are still private. They are not a part of the Government establishment, and one who belongs does not belong to a Government organization. The Senator referred to a man in the military service. That is an incident of his duties of citizenship and the responsibility he owes to his country, not to a private organization. We are talking about private organizations, unless the Senator is trying to place a union organization in the category of a Government entity. If he does, God save the mark.

Mr. BASS. I do not think it could be said that the stock exchange is a Government entity, or that a bank is a Government entity; yet the Securities and Exchange Commission can say, "If you are going to sell stock, it must be done in such and such a way." The exchange may not be a Government entity, but it cannot sell stock unless it consents to Government regulation.

The Government is a unit of service, not necessarily one of regimentation, and it performs a service to everything it regiments. That is a basic concept of law.

We must maintain internal protection if we are to maintain the standard of living that we have in this country. We have built up the greatest standard of living on the face of the earth. In my opinion, it has been built, not because of objections to, but with the substantial efforts and cooperation of the great labor unions in obtaining better working conditions and wages, and stopping sweat shops, so the working people can own their own homes, own automobiles, own television sets, and send their youngsters to the same type of school that the Senator from Illinois and I went to. I had problems earlier, but those problems have been solved. I worked for 15 cents an hour in a muck pit for a phosphate company. When that wage became 25 cents an hour, I thought I was a rich man. I have seen people working in factories and living in hovels called millhouses. Has the Senator ever seen a millhouse?

Mr. DIRKSEN. I have. I can remember a time when I was working day and night, 13 hours on the night shift, and 11 hours on the day shift, and for that——

Mr. BASS. Is the Senator not glad that the man who succeeded him does not have to do that today?

Mr. DIRKSEN. For that I received the munificent sum of $50 a month.

Mr. BASS. I believe these men—who are called by some the labor men or labor leaders or the big powerful labor men—performed a great service.

I am glad I do not have to drive along the road and see millhouses, row upon row, where people used to live, for which they were charged $5 a month, when those houses had big holes in the sides of them. I have seen them. So the labor leaders have done some good things for this country. I do not believe it is unreasonable for a man representing a group of people working in a factory to say, "If you get the benefits of our efforts, you ought to pay for them."

I say to the Senator that it was not my intention to open my mouth during the consideration of this legislation, because, as I said previously, it was not my original idea; but now that I have, I am glad I have, because it has brought to mind quite a few thoughts about the great things these people have done in that area, in the way of contributing to the welfare of our Nation and building up our standard of living.

I believe that the repeal of section 14(b) would not change the technical aspect of union labor-management enough so that 2 years after it is passed neither the Senator nor I would be able to tell the difference; nor will these little plants which the Senator mentions.

Mr. DIRKSEN. What does all that the Senator is saying have to do with freedom to work? I am talking about——

Mr. BASS. This does not deny anybody freedom to work. That is an absolute misnomer.

Mr. DIRKSEN. As America is constituted today, a worker gets a job in a shop. Perhaps that shop is not unionized and he works for a time. He raises a family and acquires a home—so-called saddled with a home—with a big mortgage on it. He has two youngsters in school. One of the organizers comes along and by real effort, persuasion, or otherwise, they finally get enough cards, or enough votes to become the bargaining entity for the union in that shop. There is needed only one card more than 50 percent.

So what happens? Everybody in that shop, whether he likes it or not, has to join that union at the end of 30 days because it is not going to be in his interest to quit. The employer must fire him.

Mr. BASS. He does not have to attend a single union meeting. He does not have to carry a card in his pocket. He does not have to put a certificate on the wall at home saying he is a member, or anything else.

He has to do one simple thing: He must pay the same dues in the same amount as the man sitting at the machine next to him who is putting out just as he is, and receiving the same pay.

If there is anything wrong with paying the same amount, I do not know what it is.

It is said that if one wishes to listen to the music, he must pay the fiddler. There is nothing wrong with that.

Mr. DIRKSEN. How sweet and naive. But let us get back to the worker.

Mr. BASS. Very well.

Mr. DIRKSEN. He is off the roll.

Mr. BASS. Oh, no. All he has to do is pay his dues.

Mr. DIRKSEN. Pay his dues.

Mr. BASS. Oh, yes. One has to pay. Is he better than the other man?

Mr. DIRKSEN. The Senator is compelling him to pay dues, and perhaps even political items to an organization to which he does not want to belong.

Mr. BASS. Now we hit the note; we ring the bill.

Mr. DIRKSEN. Excuse me?

Mr. BASS. That some of it might go for political purposes.

Mr. DIRKSEN. I do not care a hoot about that. I am thinking only of the overriding issue.

Mr. BASS. I wondered how long it was going to be before we punched the key that rang the bell.

Mr. DIRKSEN. I never——

Mr. BASS. This is the razor blade in the soup, is it not?

Mr. DIRKSEN. What a silly argument that is.

Mr. BASS. Let us get back to this argument. It is silly, but dues cannot be collected for political purposes under the Landrum-Griffin Act. Does the Senator recall that provision?

Mr. DIRKSEN. Yes. Blow me down. Has the Senator seen a union card? Has the Senator seen the line in red ink, and the——

Mr. BASS. Voluntary contributions?

Mr. DIRKSEN. In type so small one need trifocals to read it.

Mr. BASS. I thought we would finally get to this note.

Mr. DIRKSEN. The Senator is not going to get out with just that note. Let us go back to this fellow. He is off the job.

Mr. BASS. Oh, he is not off the job unless he is going to be so stubborn that he is not going to pay, like his fellow workers.

Mr. DIRKSEN. Oh, he is stubborn. "My soul is my own. My conscience is my own. My skill is my own. I am not going to pay a tribute to an organization. I will not do it." What happens when he does not pay it? Thirty days elapse. Yes or no?

Mr. BASS. Would the Senator wish that I draw an analogy? What about group insurance?

Mr. DIRKSEN. Why intrude with the insurance?

Mr. BASS. What about a business in which the boss signs up for a group policy and says, "All the employees in my organization will have group insurance. We are going to deduct it from wages."

This old boy comes in and says, "I do not want this group insurance because my brother-in-law writes insurance and gets a commission."

The employer says, "If you do not like the insurance, do not work here."

What happens?

Mr. DIRKSEN. The Senator is dealing with voluntary insurance.

Mr. BASS. These are realities, though.

Mr. DIRKSEN. Realities?

Mr. BASS. He has to pay or lose his job.

Mr. DIRKSEN. That is not what we are looking for here.

There is an attempt to put the shoulder of the Government behind unions to compel the worker to join and pay dues.

Mr. BASS. No, no. All we are doing is limiting the restriction that is placed upon the employer, and the employee, which provides that he cannot, under any circumstances, regardless of how badly it is wished, negotiate for a contract which provides that the employees would belong to the union. This is a restriction against management and labor; not labor, against the right to work. It is a restriction against the employer and the employee that says that such a clause in a contract cannot be provided.

Mr. DIRKSEN. How wrong can one be?

Mr. BASS. That is the law in my State.

Mr. DIRKSEN. Let us take a look at it in light of the explanation of the Senator.

Mr. BASS. Very well.

Mr. DIRKSEN. Here they are. Some of them are organized and they like it. Some will not care.

An independent merchant says, "I will not forfeit my freedom by paying dues and joining a union, and taking dictation from the union."

At the end of 30 days what is left of the employee? Under this agreement, the employer has to dismiss him unless the State law says "No."

What the Senator is trying to do is vitiate the State laws by an across-the-board repealer, so that 19 States will not have anything more to say about it. Perhaps the Senator likes that in Tennessee. I do not like it.

Mr. BASS. Does the Senator know that if he owned a factory in Tennessee—the Dirksen Knitting Mills, for instance—that sounds pretty good, does it not?

Mr. DIRKSEN. Yes.

Mr. BASS. If the Senator wished the union steward to take care of all his problems there, he could not. Under State law, in negotiating for a union contract which provides that eventually all of the Senator's employees would have to join the union, he would be prohibited from doing it, and would not have the freedom of choice as an employer with respect to signing that kind of contract. The Senator could do it in his own State of Illinois, however. Are not my people entitled to the same right? Why should they be denied that right?

Mr. DIRKSEN. They can have the same thing in Illinois if they want it. The law was put on the books, not by Congress, not by a Federal instrumentality, but by a State legislature.

What the Senator would do in taking away 14(b) is to say, in effect, "We do not care what you want to do in another State. You are not able to do it if the State legislature puts an inhibition against it."

Mr. BASS. We have said that many times.

Mr. DIRKSEN. But we are going down that same old rathole.

Mr. BASS. Just a moment. I hope the Senator will not come here with that rathole, or say that this is a great rathole. With all the prosperity we have, with our standard of living, with the great people who live in this Nation, with all the things they have, it is not fair to say that this Government is going down a rathole or is leading us down a rathole. My friend from Illinois does not believe that. That is the preaching of the society which the Senator's party has been trying to get out from under its coattails. That is the burr under the saddle. That is the preaching of the John Birch Society, about our country going down a hole, that it is going in the wrong way.

Mr. President, this country is going in the right direction. This is a great country, and I believe in it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I marvel at the Senator's circumlocution and his intrusion of all these extraneous matters. My people came from the old country. They came here for a purpose. They came to find one thing, and that was freedom.

You see, I took it in mother's milk. I took it straight.

I am sure the Senator has heard about the schoolteacher who said to Johnny, "Johnny, how do you spell 'straight'?"

The teacher said, "What does that mean?"

Johnny answered, "Without ginger ale."

That is the way I take my freedom. When it is less than that, it is not freedom. But the Senator from Tennessee is willing to have his neighbors regiment him.

Mr. BASS. Oh, no; this is only the freedom of the right to negotiate.

Mr. DIRKSEN. The right to negotiate under the pressure of losing one's livelihood.

Mr. BASS. But we live among the masses. When we talk about people coming here to obtain freedom, that is wonderful.

The Senator mentioned the Statue of Freedom on the dome of the Capitol.

Mr. DIRKSEN. Yes.

Mr. BASS. What is that a statue of?

Mr. DIRKSEN. We say it is a Statue of Freedom.

Mr. BASS. But what is it?

Mr. DIRKSEN. Exactly what I said.

Mr. BASS. But what is it a symbol of?

Mr. DIRKSEN. Freedom of conscience; the right to go through a church door.

Mr. BASS. What kind of person is represented by the symbol of freedom? It is an Indian, is it not?

Mr. DIRKSEN. No.

Mr. BASS. Is that not a statue of an Indian?

Mr. DIRKSEN. If the Senator thinks it is, perhaps I ought to refresh him.

Mr. BASS. What is it?

Mr. DIRKSEN. To begin with, that statue was done in Italy, by a celebrated sculptor.

Mr. BASS. Is that not a statue of the Dome. What is it a statue of?

Mr. DIRKSEN. It is a symbol, call it what you will. The Senator thinks that the feathers around its head would make it an Indian.

Mr. BASS. I think it symbolizes the American Indian. It is merely a symbol.

Mr. DIRKSEN. That is only a laurel wreath.

Mr. BASS. I did not know what it was. I had heard it was a statue of the American Indian. Who is the Historian of the Capitol? Where is the Architect of the Capitol?

Mr. DIRKSEN. He is not the authority.

Mr. BASS. When the Senator mentioned freedom, I thought to myself that there was only one time in this country when there really was freedom, and that was probably when the Indians roamed the land. But even they did not have complete freedom, because they lived in tribes. They had supervision, and they had regimentation.

Whenever people live together in a society, it is necessary to have certain standards and to live by certain regulations. I do not agree with all of them, and I have not voted for all of them, only those of the past 11 years, or most of them. That is the reason why I think they are good; that is the reason why I think we are going in the right direction. So let us not get derailed.

Mr. DIRKSEN. I am not going to be derailed.

Mr. BASS. Let us talk about the facts.

Mr. DIRKSEN. The Senator is already derailed on the freedom issue and has been derailed for quite some time.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield to the Senator from Florida.

Mr. HOLLAND. I was fearful that one fact and, I think, an important fact, might be lost sight of in this highly interesting, and able discussion: That is, that in some of the 19 States, as in my own, the right-to-work provision is a constitutional provision. It has not merely been an act passed by the legislature of a State, although it was first submitted by a legislature.

Mr. DIRKSEN. It does not necessarily have to be a constitutional provision.

Mr. HOLLAND. But adopted by the voters of the States by a statewide expression, which is the case in my State.

I should like to remind both the distinguished Senator from Illinois and the distinguished Senator from Tennessee that not only have several efforts been made since that time to have the legislature submit a repealer of that constitutional provision, always unsuccessfully, but also, instead of slowing down, our State has probably had the most rapid, the most permanent, the most prosperous growth. Certainly Florida is one of the most prosperous among all the States. Florida's growth has been rapid since the constitutional amendment was submitted in 1943 and adopted by the people in 1944. Our population has risen from just over 2 million to a population of 6 million. Our industry has improved greatly. Our level of wages has risen. Our per capita wealth has gone up. In every sense, we have shown a record far above the average record of the 31 States which do not have right-to-work acts.

The reason for my rising is not only to invite attention to the fact that these constitutional provisions were put there by all the people of the State—and a sizable majority were involved in the matter—but also to invite attention to the fact that this bill is an effort to have a Federal statute, enacted by Congress, to overcome the expression of sovereignty in those constitutions, in many cases, and in State statutes, in other cases, and to pick a course different from that which the people of a State think leads best to freedom and to the enjoyment of personal liberty.

I do not approve the idea that a central government has a better conviction, has a better understanding, about what constitutes liberty and what constitutes freedom than do the people of the States themselves. I dislike to see Senators, Representatives, and the executive branch of the Federal Government moving to have a great centralized government which, at the Washington level, will pass upon, and under the dome of the Capitol, which has on it a statue not of an Indian, but of a figure of a beautiful woman symbolizing liberty—I do not like to see such a centralized government overcome an expression of sovereignty in 19 States, States which I believe, under our Federal Constitution, have the right to make that sort of expression.

I do not believe that under a central government which seizes authority to control all the actions of the people we shall have that degree of liberty which I think all Americans want to have.

I wanted to invite attention, for the record, to the fact that the bill seeks, by an expression of a simple majority of Senators and Representatives, expressing the views of various people whom they represent, to repeal provisions of State constitutions which have led the way to prosperous growth, prosperous living, and advancement in the free field of individual happiness in many of the States that have right-to-work laws, including two that are in the very forefront of growth and prosperity, namely, the States of Florida and Arizona. I feel sure that the Senator from Illinois will make appropriate reference to the fact that there have been in the right-to-work States ample showings of an ability to grow, of an ability to serve their people, of an ability to have the people serve themselves, of an ability to improve standards of living. These results are so sufficient a showing that I think we should be most reluctant to have a centralized government in Washington say that it knows better than the people of Florida, the people of Arizona, the people of Kansas, or the people of any others of the 19 States that have adopted freedom to work by fundamental governmental acts, which have brought the people the blessings of liberty. This is the bedrock on which we stand in opposition to the repeal of section 14(b).

Mr. DIRKSEN. I sought to emphasize the fact that State sovereignty and its invasion by the Federal Government is something that is growing in this country. In proportion as Congress moves in to preempt first one field, and then another, there will be a leaching away of our sovereignty, until at long last no authority will remain back home in what I call the laboratories of government. That, as well as the freedom to work, is a fundamental issue before us.

I never got to finish my explanation of what happened in prohibition days. Some people thought it sinful to drink. They thought there was a moral issue involved, quite aside from what one may think about the impact of hard liquor upon a person's health. In any event, groups and associations were organized. It was said, "It is wrong to drink, and so we must stop it." A person who feels otherwise would say: "But I like to drink, and I want to feel free to take a drink." The organizations then said, "We do not care whether you want to take a drink or not. We will stop you." And they did.

What happened? That was one of the most abortive evil periods in the history of this Republic. I ought to know because of the Capone gangsters who operated out of my State, with all the evil things that went along with their operation.

The morals of the people of the country were seriously corrupted when people went down long alleys and looked through peepholes and made signals and signs in order to give them the old business in order to get a drink.

What was at the bottom of its repeal? It was the only amendment that was removed from the Constitution. The reason for its repeal was that it was an invasion of the freedom of the people. When we do that, there will be an accounting for it. We are being asked here to use the force and the power of the Government to deny to the States the right to legislate in that field. I promise one and all that if we do that, it will be only a little while until the cry will go up: "That whole field of labor activity has been preempted by the Central Government, just as it preempted the subversion field with the Smith Act."

When the State of Pennsylvania tried some people and convicted them, ultimately the case went out the window of the Supreme Court house, because the Court said, in effect, "The Federal Government has now preempted this field so that you no longer have any interest in the subversion of your government."

How long can we continue in that way and still have a Federal-State system left?

Mr. BASS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield. I note that the Senator from Tennessee found "freedom."

Mr. BASS. Mr. President, my beautiful Indian maiden——

Mr. DIRKSEN. She does not look Indian to me.

Mr. BASS. That is what I thought, but she has turned into a freed Roman slave. She is a beautiful girl, well adorned.

It is stated in the book, "We, The People" that:

> The Statue of Freedom towers in enduring bronze above the Capitol dome. Sculptor Thomas Crawford planned her as "armed liberty" with the soft cap of freed Roman slaves, but changed her to "Freedom" with the helmet of eagle head and feathers after objections by Jefferson Davis.

I had thought in the past in gazing at this beautiful 19- or 20-foot statue that it was the statue of a beautiful Indian maiden. I have not been disillusioned. However, I have learned some history. It is good that we can have these history lessons as we go along.

Mr. DIRKSEN. Is not the Senator glad that he learned one world-shaking fact?

Mr. BASS. This is the only thing in this debate that has changed my opinion on any subject.

Mr. DIRKSEN. Mr. President, I note that it is almost 4 o'clock. I have been on the floor since noon, and I have been talking since a quarter to 1. I have not had any lunch. The papers on my desk give an indication of how much material I have and how long this attenuated, but informative, discussion will go.

Mr. BASS. Mr. President, I think that this informative discussion should continue until every Senator has had an opportunity to be completely informed on this great issue. Then I believe that the Senate should be allowed to vote yes or no as to whether this is a good or a bad law.

Mr. DIRKSEN. The Senator forgets that the country must be informed, too.

Mr. BASS. The country evidently is already informed, I believe, from the number of editorials that the Senator has with him. I believe that the country was informed probably prior to the time that the Senate was informed.

Mr. DIRKSEN. The people of Tennessee are sufficiently informed. The people of Illinois are being informed through me. I want them to be fully informed. They continue to write to me about it. The people are saying, "Keep section 14(b)." I will bring in the mail sacks tomorrow and dump them here.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Mr. President, I know that we cannot bring flowers into the Chamber. However, is there any rule to prevent me and my staff from coming in tomorrow with a couple of sacks of mail from union members and dumping them on my desk?

The correspondence will be all over the place. We shall pick the correspondence up at the end of the day. I do not want to violate any rule.

Mr. BASS. Mr. President, before the Parliamentarian gives any ruling, if the Senator were to bring the correspondence into the Chamber, it would only be seen by a few people. However, if he were to pile it up somewhere else, pictures might be made. No cameras are allowed in the Senate Chamber.

Mr. DIRKSEN. I shall bring it back to my office, where TV cameras are permitted.

Mr. BASS. That would save the Senator a great deal of trouble.

Mr. DIRKSEN. I shall let the Senator see the correspondence.

Mr. BASS. I should like to come to the office of the Senator if the Senator would permit me to get on the TV with him. The Senator is good at that. I should like him to teach me how to use the TV to sell these points.

Mr. DIRKSEN. I would not do the Senator any good.

The PRESIDING OFFICER. There is nothing in the rules to prevent a Senator from bringing mail sacks into the Chamber. However, pursuant to custom, Senators generally clear this sort of thing with the Sergeant at Arms.

Mr. DIRKSEN. Mr. President, I do not know that the Sergeant at Arms can interpret the rule.

I shall be glad to discuss the matter with that distinguished gentleman. He will probably say, "You have to submit that to the Presiding Officer and get a ruling on it."

The PRESIDING OFFICER. There is nothing in the rules to prevent it.

Mr. DIRKSEN. Very well. If the correspondence pops out all over the place, and I am covered with mail, I will be within the rules.

Mr. President, for the moment, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, while the minority leader is present, I want to thank him for putting this matter in its proper perspective.

Mr. BASS. Mr. President, will the Senator from Wyoming yield to me, without losing his right to the floor, so that I may suggest the absence of a quorum?

Mr. SIMPSON. I yield for that purpose.

Mr. BASS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BASS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I thank the distinguished minority leader for placing the debate in depth and in proper perspective. As I listened to his mellifluous voice, I was glad to note that this master craftsman has not lost any of his touch. I hark back to high school days—and that is quite a "hark," when I say:

> Over his keys the musing organist,
> Beginning doubtfully and far away,
> First lets his fingers wander as they list,
> And builds a bridge from Dreamland for his lay:
>
> Then, as the touch of his loved instrument
> Gives hope and fervor, nearer draws his theme,
> First guessed by faint auroral flushes sent
> Along the wavering vista of his dream.

It seems to me that this describes our distinguished minority leader.

Mr. President, I want to tell something of the Wyoming story as part of this debate in depth, because we now have before us a motion to bring up for the consideration of the Senate one of the most serious challenges to a fundamental concept in our form of Government. It is the motion to consider the legislation which would repeal section 14(b) of the Taft-Hartley Act. When Congress initiated the Taft-Hartley Act, in 1947, it included section 14(b) to protect the right of the States to enact their own laws or to adopt constitutional provisions in order to make compulsory unionism illegal. The question of whether a union shop is good or bad for an individual or for labor-management relationships, is not the key question, although that has been the raging issue that has confused and clouded this controversy. The real issue, with which we are faced, is whether Congress should, by law, abolish the right of a citizen of a State to reject authority for compulsory union shops in his State. My State, which is known as the "Equality State," because we were the first State to acknowledge and grant women's suffrage, has adopted a right to work law. I think it is fitting that Wyoming is one of the 19 States that has exercised that right as inherent and has been reserved by section 14(b) of the Taft-Hartley Act.

Because of Wyoming's fundamental beliefs in equality and equality of opportunity, we have always championed freedom of choice, freedom of association and the freedom to refrain from association. This is the real basic issue confronting the Congress.

Wyoming's people are an intelligent group who have had, through the last several years, an opportunity to fully acquaint themselves with the right-to-work issue. I am confident that the great majority of the people agree with the views expressed by the Wyoming newspapers, radio, television, and State legislators, as well as the many associations and organizations, that believe and support the concept of freedom of choice, as guaranteed to them by Wyoming's right-to-work law, which would be wiped off the books if Congress were to dictate against the best interests of the Nation by repealing section 14(b) of the Taft-Hartley Act.

It is my intention, Mr. President, during the next several days, to tell the Wyoming story. I intend to set forth the history and background of Wyoming's right-to-work law, the effect it has had on the economy and union membership. I want to show my colleagues in the Senate what the newspaper editors are saying in the State of Wyoming. I believe, on this issue, they are reflecting the thinking of the great majority of the Wyoming people. I, then, intend to share with Members of the Senate, an excellent article which appeared in the Wyoming Law Journal, in the spring of 1963, title of that article is "Right to Work: Prohibition of Expression or Coercion." This article discusses the Wyoming right-to-work law and presents the history of the development of the right-to-work laws in the United States. I am anxious that this Law Journal article be read by all Senators.

I am hopeful that time will permit, in the next few days or weeks, that I can tell the full Wyoming story. Certainly, Wyoming is a great State which enjoys its freedoms and responsibilities. I believe that if all the Senators could understand the Wyoming story, they would stand here on the Senate floor fighting for the retention of section 14(b) of the Taft-Hartley Act.

I do not mean to suggest that that which is ideal for the State of Wyoming will meet the needs of the other 49 States. Consequently, I would not support a national right-to-work law nor Federal legislation calling for a closed shop. I believe this should be the determination of each State so that the State representatives, who are closely associated with the people, can make that determination.

The Federal Government should not intervene.

The "Equality State" of Wyoming has long had a record of recognizing individual liberties. It was wholly consistent with this heritage that the 1963 legislature exercised its rights, as reserved by section 14(b) of the Taft-Hartley Act, in enacting a right-to-work law.

I would like to review for the Members of the Senate the history which led to the adoption by our State legislature of the law, the statistics of union membership before and since passage of the right-to-work law and the general economic comparisons.

Although not a heavily industrialized or unionized State, Wyoming has had generally good labor-management relations over the years. We have had local unions led by responsible, respected people.

Yet, as in everything where there is a potential of abuse, and in an effort to avoid such abuse and protect the rights of all individuals, the right-to-work law was proposed and an extensive statewide educational program was started in the spring of 1962 and continued through the November elections.

In 1954, the State supreme court held that our State constitution prohibited any person from being forced to belong to a union in order to retain his job. Yet, there were no penalties in our State laws for violation of this constitutional guarantee.

During the construction of the Atlas missile sites in the southeastern part of our State in the late 1950's, numerous wildcat and unauthorized work stoppages occurred. I refer you to the record of the hearings held by Senator McCLELLAN and his committee on behalf of this distinguished body for details on these work stoppages and wildcat strikes. Many of these were alleged to be in furtherance of objectives set by men who had come to our State to work on this missile construction. These men were able to outnumber and therefore take away from our local union members control of their own unions in several instances. If our local Wyoming union leaders had been able to control the situation, I am sure we would not have had the problems.

A considerable number of these local men, many of whom had served their local unions as officers and who had a great devotion of loyalty and allegiance to their local union, became discouraged and unhappy at seeing what became, under these circumstances, the objectives, attitudes, and policies of their unions.

Because they had to belong to a union or lose their jobs, they could usually do nothing. Because they were outnumbered, our Wyoming union members could not change anything within the union local which they had nurtured throughout the years; they could not withdraw their membership or they would be fired; they were forced to remain a member even though their individual will might dictate otherwise.

At the same time, the people of our State had been able to observe that unions which are responsibly run and can grow and prosper without forced unionism since some of the major unions in our State had contracts which did not have a union security clause.

As examples, the contracts between most of the oil refineries and their unions did not contain forced unionism provisions; yet a high percentage, if not all the working people in the refineries belonged voluntarily to the union.

The Operating Engineers Union, which represents the heavy construction equipment operators and mechanics, had grown from a membership of less than 100 to become the largest construction union numerically in the State under contracts with the Associated General Contractors of Wyoming. These contracts had never contained a union security clause.

The members of this union in 1960, through a secret ballot rejected by a vote of 5 to 1, contract provisions which would have incorporated a union security clause in their contract with the members of the Associated General Contractors.

Therefore, when some of the citizens and organizations of our State of Wyoming felt that enactment of a right-to-work law by our State should be considered, they found that hundreds and thousands of Wyomingites heartily concurred.

The formation of Wyoming Citizens for Right To Work, Inc., a nonpartisan group, led to a vigorous discussion of right to work throughout the length and breadth of our "Equality State."

Union members and other working people joined in urging enactment of the legislation while other individuals and groups were just as vocal in urging that the legislation not be enacted.

Excerpts from some of the endorsements by organizations in favor of the adoption of a right-to-work law were:

Wyoming Trucking Association

Be it hereby resolved by the Wyoming Trucking Association in convention assembled: That this association does publicly and with determination stand unitedly against the principle of all forms of compulsion; and that the principle of right-to-work laws is important to our employees to maintain their personal freedom and liberty; and that this resolution be made public in order that our employees may know our stand beside them.

Wyoming Farm Bureau Federation

We believe it is fundamental that the right to voluntary unionism should once again be reestablished in this Nation and that State right-to-work laws should be maintained inviolate. At the very base of our doctrine stands the right to the free agency of man. We are in favor of maintaining this free agency to the greatest extent possible. We look adversely upon any infringement thereof not essential to the proper exercise of police power of the State. We hereby publicly proclaim and reaffirm our stand on this principle of personal liberty.

WYOMING RETAIL MERCHANTS ASSOCIATION

Wyoming citizens are free to volunteer their support to private organizations of their choosing, including labor unions. They must also be permitted to exercise their freedom to withhold their support from those organizations they do not wish to support. The coercion of individuals by any private organization is repugnant to the American spirit of independence.

WYOMING GRANGE

Whereas closed shop and other monopolistic tactics of labor unions create hardships on part-time workers, are contrary to the ideas of the founders of our Constitution, and retard the growth of industry in our State: Therefore be it

Resolved, That the Wyoming State Grange is opposed to closed shop or other regulations which deny any person the right to work where and when he wishes.

ASSOCIATED GENERAL CONTRACTORS

The forcing or compelling of any person to be a member of any organization in order to keep a job is against the principles upon which America was founded. At the same time we believe every person should have the right to belong to a union if they freely and voluntarily so desire. These are the things that a right-to-work law enacted for Wyoming would quarantee to its citizens. We urge that the next legislature adopt such a law.

WYOMING STOCK GROWERS ASSOCIATION

Although we are not opposed to honest trade unions, we believe that no man should be denied employment solely because of membership or nonmembership in an organization.

The voters in 1962 followed this discussion by the election of a legislative body which enacted our State's right-to-work law.

That law implements our State constitutional provisions, to which I referred earlier and, at the same time goes further by specifically making it against the law for anyone to interfere in the voluntary individual right of any person to belong to a union of their choice.

Wyoming's right-to-work law reads as follows and can be found in Wyoming statute 1957, section 27-245.1 through 27-245.8:

An act to provide that employment shall not be conditional upon membership or nonmembership in, nor upon the payment or nonpayment of money to, a labor organization, providing for injunctive relief, damages to injured persons, and providing a penalty for violations.

SECTION 1. (a) The term "labor organization" means any organization, or any agency or employee representation committee, plan or arrangement, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(b) The term "person" shall include a corporation, association, company, firm or labor organization, as well as a natural person.

SEC. 2. No person is required to become or remain a member of any labor organization as a condition of employment or continuation of employment.

SEC. 3. No person is required to abstain or refrain from membership in any labor organization as a condition of employment or continuation of employment.

SEC. 4. No person is required to pay or refrain from paying any dues, fees, or other charges of any kind to any labor organization as a condition of employment or continuation of employment.

SEC. 5. No person is required to have any connection with, or be recommended or approved by, or be cleared through, any labor organization as a condition of employment or continuation of employment.

SEC. 6. Any person who directly or indirectly places upon any other person any requirement or compulsion prohibited by this act, or who makes any agreement, layoff, strike, work stoppage, slow down, picketing, boycott or other action or conduct, a purpose of effect of which is to impose upon any person, directly or indirectly, any requirement or compulsion prohibited by this act, is guilty of a misdemeanor and shall also be liable in damages to any person injured thereby.

SEC. 7. Any person injured or threatened with injury by any action or conduct prohibited by this act shall, notwithstanding any other law to the contrary, be entitled to injunctive relief therefrom.

SEC. 8. Any person convicted of a misdemeanor, as defined in this act, shall be punished by a fine not to exceed one thousand dollars ($1,000), or imprisonment in the county jail for a term not to exceed 6 months, or both.

When he signed this measure into law, the Governor of our State, Clifford P. Hansen, stated:

With my signature as Governor of Wyoming, the right-to-work bill becomes law. I sincerely believe this is in the best interest of all the people of Wyoming.

Last summer, I stated several times that I would neither recommend nor ask for the passage of this bill by the legislature. This promise I have kept.

The merits and the disadvantages of the law will continue to be debated for many days to come. But the crux of the issue, in my opinion, is that the measure is designed to restore full freedom of choice to the working men and women of Wyoming.

Further, it guarantees anew one of the most important hallmarks of American liberty and citizenship—the right of individual decisionmaking.

The great benefits which flow from these inalienable rights must be apparent to everyone. With only a fraction of the world's population, we produce nearly half the world's goods. No nation on earth has a standard of living even remotely comparable to ours.

American citizenship imposes the duty and the responsibility upon each of us to stand as individuals, to make up our own minds, to arrive at our own decisions.

The labor movement in America, which has done so much to raise the standard of living of our working men and women, will not be strengthened by making membership compulsory or obligatory. Rather, its influence and effectiveness will grow as individuals, convinced of its merit, join its ranks.

I salute Wyoming's labor leadership. There is an important role for labor to play. I feel confident that industry and labor, meriting each other's confidence and respect, will make Wyoming an even better place in which to work and live in the days ahead.

This has been evidenced by the fact that we have no bonded indebtedness in the great State of Wyoming, nor any income tax, and that virtually the entire State's method of taxing is embraced in the 2-percent sales tax.

During the legislative consideration charges and claims that enactment of the legislation would result in reduced wages, a loss of union membership, a decline in industrial development, a flood of businesses into the State which through slave labor wages would force ethical enterprises out of business, and similar claims and charges were loudly and publicly proclaimed.

As I said earlier, public assertions were repeatedly made by some who opposed enactment of a right-to-work law by the State of Wyoming that if enacted certain things were sure to happen. These included a reduction of workers' wages, a decline in union membership, a reduction in the bargaining power of unions and decline in the coverage of union contracts, a cut in business expansion, and so on.

This was particularly important to me, Mr. President, because as a younger man I, too, served as a member of the coal miners' union.

What are the facts? What has happened in these and other areas of economic activity? How do we compare today with the period immediately prior to enactment of the right-to-work law which became effective May 18, 1963? Let us take a look at some of them, one by one.

First. Membership in unions: The rightful concern of the average union member that his union would dwindle in number and die, which was preached to him by some union officials, if the right-to-work law was enacted, is refuted by the latest published statistics on union membership.

The U.S. Department of Labor, 1961 edition of Directory of International Labor Unions in the United States, shows Wyoming's total union membership in 1960 as 16,900. The Wyoming Department of Labor in its July 1965 Directory of Labor Organizations in Wyoming computes total union membership in the State at the end of the year 1963 as 18,100. These figures show a total membership increase even with enactment of the right-to-work law. It is interesting to note that a check of the same U.S. Department of Labor publication, 1959 edition, gives Wyoming total union membership in 1958 as 20,500 persons so that union membership had declined drastically prior to enactment of the law, and it is gratifying to see that it is increasing since the law was adopted.

Mr. LONG of Louisiana. Mr. President, will the Senator from Wyoming yield?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Wyoming yield to the Senator from Louisiana?

Mr. SIMPSON. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. In what year did the Wyoming Legislature pass that law?

Mr. SIMPSON. In 1962.

Mr. LONG of Louisiana. I thank the Senator.

Mr. SIMPSON. Mr. President, throughout the time of legislative activity in Wyoming there has been, as might be expected, considerable editorial comment. The preponderance of such comment has been favorable to the right-to-work principle. This in spite of the fact the major daily papers are published in the same areas where organized labor is most prominent.

More important here, perhaps, are the editorial comments concerning the repeal of section 14(b). The Laramie Daily Boomerang in an August 10, 1965, editorial asks, "Is It Consistent?"

> Is it consistent for Congress to guarantee civil rights for some and take them away from others?
>
> Congress is doing it by pushing for repeal of so-called right-to-work laws.
>
> Assume a man—a good worker—has been employed in a new shop which is unionized. It's the first union shop in which he's worked. He knows and appreciates the fact the union is strong in the shop and has worked hard to improve working conditions and to get higher pay for employees.
>
> But the new man doesn't want to join.
>
> He doesn't approve of some union policies. He doesn't like assessments. He isn't a joiner.
>
> He's willing to make a voluntary contribution to the union to help cover the costs of salary negotiations but he doesn't want to pay union dues.
>
> He can work in Wyoming.
>
> But if the right-to-work law's repealed, he'll be out of a job.
>
> His right to choose will be blocked.
>
> His civil rights will be denied.
>
> Is this justice for the American workingman?

The Wyoming State Tribune, one of Cheyenne's two daily papers, recalled the prophecies of economic doom made by the opposition when Wyoming's right-to-work law was enacted. The editor went on to point out the improved economic factor and finally stated:

> The thunderclap of doom failed to materialize and here we are a year later bigger and better than ever. The figures are there to sustain this claim; no one can deny them.

The Gillette News-Record—located in the heart of the oil production area—comments on the repeal of section 14(b) in this way:

> The Taft-Hartley section 14(b) uncovered a distressing fact about our Government today. The administration is willing to trade off public trust for private debt. It also showed that Congressmen will vote against the interest of their States to help the unsound governmental process.

The Cody Enterprise stated:

> The vote on section 14(b) reaffirms a sad fact in Government today. It reveals nakedly and with brazen contempt for the heavily-taxed citizen back home that politicians in power today will vote against the interests and expressed preferences of their respective States in order to help the administration in power pay its political debts regardless of what may or may not be in the best interest of the country.

The Associated Press news service in Wyoming published the following interview in August 1965 concerning the question:

> How has the right-to-work law affected Wyoming labor unions in the past 2 years? Thomas R. Lee, president of the Communications Workers local, which encompasses most of southern Wyoming, said it has had little effect on industrial unions in the State and that his union actually gained membership shortly after the right-to-work bill became law in Wyoming.

An official of Cheyenne's Auto Mechanics local was asked of his union's plans if section 14(b) was repealed and Wyoming's right-to-work law invalidated. Ron Turner said, according to the Associated Press release, that they would then seek a closed shop. "Then we can chase the scabs out," he said.

Perhaps Afton, Wyo.'s, Star Valley Independent, said it best when they wrote:

> We believe that if Wyoming voters could vote on this one issue alone by secret ballot, there would be no question but that they would favor retaining the right-to-work law. Our people have always favored freedom of association—the right of any person to join or not join a club, civic group, political organization or anything else. The right to join or not to join a union is certainly at least as basic as any of these.

At this time, Mr. President, I would like to read for the RECORD a few of the editorials which have appeared in a cross section of the papers from Wyoming. I have selected editorials from different newspapers in the State of Wyoming that, in my judgment, probably reflect the thinking of our Wyoming people. I would first like to read an editorial that was written by the editor of the Casper Tribune, which is Wyoming's largest daily. This editorial also was picked up and printed in the Independent Weekly of Afton, Wyo.:

A State Question

> Section 14(b) of the Taft-Hartley Act is a permissive provision which makes it possible for States, if they desire to do so, to enact right-to-work laws.
>
> Union labor has been working for the repeal of this section, particularly since a number of States have adopted such laws, and President Johnson advocated repeal when he delivered his state of the Union message. Representative TENO RONCALIO of Wyoming last week introduced a bill in the House to repeal the section.
>
> A few States which had right-to-work laws have repealed them, but in most cases, they remain as part of the State statutes. These include Wyoming, where the senate at the last session rejected repeal by a narrow margin after it had been approved by the house.
>
> The question of right-to-work laws should be one of State rather than Federal concern. When section 14(b) was approved by Congress, this obviously was the interpretation. If Congress is to determine what laws can or cannot be passed by the individual States, there is not much purpose in electing legislatures.
>
> If section 14(b) is to be stricken from the Taft-Hartley Act, the action will invalidate the right-to-work laws in all the States where they are presently in effect. While Representative RONCALIO doubtless is motivated by the Wyoming situation, he also is telling other States, through the introduction of this bill, that they do not have a right to make their own decisions. As a Member of Congress he also is on dubious ground in attempting to override the Wyoming State Senate.
>
> This is purely a question for Wyoming and other States to decide. It is at that level that the battles should be fought and the verdicts returned.—THE CASPER TRIBUNE.

The editor of the Wyoming State Tribune has commented, in an editorial of May 29, 1965, about "Those Dire Predictions." I think his editorial puts the subject matter of Wyoming's right-to-work act in proper perspective. I read it:

Those Dire Predictions

> Last year and the year before, many claims were made about how the Wyoming right-to-work act would increase unemployment and generally stagnate the State, economically. Numerous were the assertions that payrolls would decline and along with them, the wage level.
>
> Instead of decreasing, however, the State's economy has continued to boom and along with it, employment and wages. The latest report of the State Employment Security Commission bears out this trend.
>
> The latest figures, those for the month of April 1965, show that the unemployed total in the State now is 5,400 persons, down from the March figure of 7,200. The April total is 900 fewer unemployed persons than for the same month of 1964.
>
> The total work force is 5,000 fewer than April 1964, but this is due, says the ESC, to only one segment of employment: Agriculture, nonprofit domestic and self-employed persons.
>
> The agricultural segment within itself, the Employment Security Commission says, is down 3,000 from April 1964; but still has climbed 3,000 from March of this year. The State's rate of unemployed stood at 5.6 percent in March compared with a national rate of 5.1 percent; in April for unemployment insurance filed it had fallen to 4.1 percent. Claims with the commission's local offices in the State dropped more than 35 percent in April over March.
>
> On the nonfarm and salary sector of the employment picture, the total employed rose from 90,600 in March to 92,700 in April which amounted to 300 more than the figure for April 1964.
>
> One of the biggest gains was in contract construction which showed a gain of 1,000. Retail trade also was up 400 to 15,800, and government employment was up 400 to 25,400.
>
> In manufacturing, average weekly earnings rose in April to $113.58 from the figure posted in March of $110.58. The April figure contrasted favorably with April 1964, which was $110.04. In the Casper area, the average weekly earnings for the manufacturing industries rose from $119.42 in April 1964, to $130.32 in April 1965.
>
> It doesn't seem from these figures that all of the dire things that were predicted would happen with passage of the right-to-work act, and the subsequent failure of the legislature to repeal it in the 1965 session, have come to pass.

One of the most unionized areas in Wyoming is Kemmerer, where coal mining and railroading are the major industries. The Kemmerer Gazette of May 6, 1965, wrote a stirring editorial criticizing those who attempt to deny the States the right to legislate on these matters. It also wrote an editorial on April 22, 1965. I read both of them:

[From the Kemmerer (Wyo.) Gazette,
May 6, 1965]

> Congress, which is supposed to be responsive to the desires of the voters, may find itself barking up the wrong tree in the forthcoming debate over the union bosses' demand for repeal of Taft-Hartley's section 14(b)—that portion of the act that reaffirmed the right of the individual States to enact laws that prohibit compulsory union membership.
>
> While there has never been any doubt of public support of the right to work without paying dues to a union, sentiment for broader protection than that afforded by 14(b) has been steadily growing.

This hardening of public resistance to union determination to control the labor market shows up dramatically in the latest survey on the subject just completed by the Opinion Research Corp. of Princeton, N.J.

Not only do the American people favor retention of 14(b) by better than a 2-to-1 margin, but nearly two-thirds favor an open-shop law for the entire Nation.

In addition to questions on 14(b), pollsters conducting this latest national survey explained that, "Congress is now considering several kinds of legislation regarding Federal and State labor laws," and asked opinions on the following proposals:

1. "Congress should pass a law that all union membership is voluntary and does not affect a worker's right to hold a job." Sixty-three percent of all those interviewed approved.

2. "Congress should pass a law that where there is a union, all workers must join in order to hold a job." With this, only 24 percent—a little more than a third as many—agreed.

And, here again, a majority of union families stated that voluntary union membership "is better for the country" than compulsory membership.

We can't think of a better or simpler way of telling our lawmakers in Congress that most Americans want the right to join a union, but do not want the compulsion. That they want 14(b) left intact. And that they want an unequivocal Federal law that says union membership shall be voluntary and shall not affect any worker's right to hold a job in any State and every State, not just the 19 States that have had the courage and the determination to pass their own right-to-work laws.

[From the Kemmerer (Wyo.) Gazette, Apr. 22, 1965]

The Supreme Court of Wyoming, by a 3-to-1 vote on April 7, reaffirmed the constitutionality of the State's right-to-work law.

In upholding the right of Wyoming to prohibit compulsory unionism, the court clearly rejected the contention of the International Brotherhood of Electrical Workers (AFL–CIO) that the entire statute be declared unconstitutional.

Reed Larson, executive secretary of the National Right-To-Work Committee, hailed the decision as a "clear-cut victory for the proponents of voluntary union membership."

And it should stiffen the spines of at least one congressional delegation against the day when L.B.J. launches his blitz to blow 14(b) out of the Taft-Hartley Act.

I also want to read editorials from the Buffalo Bulletin, the Sheridan Press, the Northern Wyoming News, and other Wyoming newspapers.

[From the Buffalo (Wyo.) Bulletin, July 29, 1965]

A Dangerous Road

Statements by top union and Government officials have been in the papers concerning why section 14(b) of the Taft-Hartley Act should be repealed. The reason seems to be to give the unions more power and money, and to keep campaign promises. Neither answer bears on the principle involved.

The growth of centralized government in the United States is frightening. Compulsion is applied to the most personal affairs of life such as the right to not pay for a job, the right to not pay for State medicine, and the right to freedom of choice.

A bill has been introduced in Congress to exempt members of certain religious organizations from being compelled to join a union to hold a job, because this is contrary to their basic religious convictions and teachings of their churches. Are their convictions any more sacred than those of individuals who were taught to uphold freedom in the United States and what it stands for as compared with special privileges for special classes? It is ridiculous for one law to say that if I belong to a certain church, I have a right to not join some organization which another law says I would have to join to hold a job.

Last year, Congress passed a law outlawing job discrimination on the basis of color, race, religion, creed, et cetera. Now it is being asked to legalize discrimination in employment because of lack of membership in a private organization—a labor union. This is as unthinkable as asking Congress to legalize nonemployment of a man because he chooses to belong to a labor union, or because he doesn't belong to the National Association of Manufacturers and pay dues. Either way, it is unjustified limitation of action and thought.

It is most depressing to see the time of the U.S. Congress taken up with proposals to deny States their right to pass right-to-work laws, thus taking one more step down the road to federalization of local affairs. Another generation or so along this road we are traveling and State and local government will be emasculated.

[From the Sheridan (Wyo.) Press, Aug. 25, 1965]

Protect Secret Ballot

There are some powerful indicators that the right-to-work laws which have been adopted by 19 States will be outlawed by a simple amendment to the Taft-Hartley Act.

Perhaps the most significant of all the signs is the apparent strong support of President Johnson. The President has made a remarkable record in getting Congress to approve virtually everything he has wanted in the way of major legislation. And he is giving this amendment the ranking of "major White House legislation."

We are not certain that the State laws which outlaw compulsory unionism are as undesirable as unions paint them nor as desirable as their supporters make them appear. But we are definitely convinced that if the amendment is passed to 14(b) that there are other precautions which should be taken to protect conscientious objectors to compulsory unionism.

Certain the question whether workers should be required to join a union in order to hold their jobs has been a highly emotional issue for many years. In some instances unions have been solid and dependable and have contributed to sound labor-management relationships. In other cases unions have been most irresponsible and have contributed to arrogance and sometimes corruption. Management has in instances joined with labor leaders to the disadvantage of the workers.

Before the Taft-Hartley law is amended to please the union leaders some other precautions should be taken for protection of the public and the workers themselves. One of the most important of such changes would be a clear requirement that there be a secret ballot election under supervision of the National Labor Relations Board before a union could be designated the bargaining agent for any group of employees.

Presently a union can be certified as the bargaining agent simply on the basis of signatures to cards. Such signatures may be obtained through pressures which would not apply in a secret ballot. The election should be a must. Not even a contract between employer and the union leader should replace such a secret ballot.

The change now under consideration in Congress should not be made without protecting the right of employees to vote on whether they actually prefer to work under a union shop.

[From the Northern Wyoming News, Aug. 21, 1965]

Employees' Right To Vote

If U.S. Congressmen were elected to office by some of the same procedures used by a union to get selected to the employees' representative, there would be a hue and cry around the country that would make the current dispute over the repeal of section 14(b) of the Taft-Hartley law look like a tempest in a teapot.

The fact is that in some instances the National Labor Relations Board in Washington is depriving employees of the right to a secret ballot election in determining whether or not they want a union. In some cases the Board is actually requiring businessmen to bargain with a union when a majority of their employees do not want that union.

Senator Fannin, of Arizona, on June 29, 1965, in a speech on the floor of the Senate said, "While Congress is struggling to secure the right to vote for all Americans, the National Labor Relations Board is eliminating such right for the American workingman in determining union representation."

Several Senators have introduced bills to guarantee employees this right to a secret ballot election and irrespective of the outcome of 14(b), we think that Congress should enact one of the employee right-to-vote bills now pending.

We suggest that even if a Senator favors repeal of 14(b), he cannot and should not in good conscience vote for such repeal without first guaranteeing employees the right of a secret ballot to determine whether they want a union in the first instance. Certainly, if a Senator is opposed to the repeal of 14(b), he should support the employee right-to-vote amendment.

Let's not put the cart before the horse. Before Congress gets rid of "right to work," let's make sure that employees are guaranteed the "right to vote."

[From the Torrington (Wyo.) Telegram, July 19, 1965]

Straitjacket

On July 2, the Equal Employment Opportunities section of the 1964 Civil Rights Act went into effect. This is the provision that outlaws discrimination in employment because of race, color, religion, sex, or national origin.

In the near future, Congress will be called upon to approve or reject the proposal to repeal section 14(b) of the Taft-Hartley Act. Section 14(b) authorizes the States to pass right-to-work laws, which forbid compulsory union membership as a condition of employment. Nineteen States have done so.

It's hard to see how a Congress which approved the Equal Employment Opportunities guarantee could even think of repealing 14(b). Certainly, the right of a man to hold his job without being forced, against his will, to join any private organization is every bit as basic as the right to obtain a job for which he is qualified regardless of his race or religion.

Labor is free to organize. This is recognized in law and overwhelmingly supported by public opinion. By the same token, the individual worker should be free not to join a union if his beliefs and his conscience so dictate.

The Florence, S.C., Morning News came straight to the point when it said: "Should Congress * * * invalidate existing right-to-work laws, it would straitjacket American production to the whims of a handful of all-powerful labor bosses. In that same straitjacket would go an individual right so basic that it seems incredible, that it would be challenged."

[From the Afton (Wyo.) Independent, Feb. 25, 1965]

Right-To-Work Law Preserves Freedom

Failure of the Wyoming State Legislature to repeal the State's right-to-work law has brought howls of consternation from labor union leaders and legislators who were under pressure to seek repeal. On the other hand, many individuals and groups in the State, including some responsible legislators, have hailed the decision as being in the best interests of the people of the State.

Those favoring repeal—that is, those who do not want a right-to-work law in the State—have accused the legislators, particularly the Senators, of ignoring a mandate they claim was given at the last election. They will undoubtedly continue to make this a political issue of even greater intensity than it has been in the past.

We disagree with any such interpretation of a mandate. We believe that if Wyoming voters could vote on this one issue alone, by secret ballot, there would be no question but that they would favor retaining the right-to-work law. Our people have always favored freedom of association—the right of any person to join or not join a club, a civic group, a political organization, or anything else. And the right to join or not join a union is certainly at least as basic as any of these.

As for the noisy din that comes from the labor union camps—the only thing that prevents it from being completely drowned out is the fact that rural people and those who believe in this basic freedom are not well enough organized and united to be heard in such a concentrated way.

But they have been heard, through the established legislative processes. And perhaps they will be heard even more effectively if encouragement can be given to those who had the courage to stand up and vote to preserve freedom.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield to the Senator from South Carolina.

Mr. THURMOND. I want to take this opportunity to commend the able Senator from Wyoming for the magnificent address which he has delivered here this afternoon. The distinguished Senator from Wyoming is a former Governor of Wyoming. He has been connected with educational institutions in that State, in fact, he was president of the board of trustees of the University of Wyoming for many years. He is a great American citizen. We are proud to have a man of his high caliber here in the Senate. His speech this afternoon is a great contribution to the education of the people of our Nation on the importance of retaining section 14(b) of the right-to-work law.

Mr. SIMPSON. I am honored.

Mr. THURMOND. I know he shares the view that the primary purpose of Government is freedom, and that when a person is compelled to join a labor or any other organization, as a prerequisite to obtaining a position, or is required to join a labor organization after he obtains employment, that is a violation of freedom. I am sure the Senator agrees with that statement.

In closing, I commend the able Senator for the great contribution he has made to the debate this afternoon.

Mr. SIMPSON. I thank the distinguished Senator from South Carolina. He is overgenerous in his remarks. I am glad to be associated with the Senator from South Carolina and shall work shoulder to shoulder with him for what we think is in the best interests of this Republic, notwithstanding that some who are opposed to us think that their election is more important than the safety and future of this great country.

RESOLUTION EXTENDING GREETINGS OF THE PEOPLE OF THE UNITED STATES TO HIS HOLINESS POPE PAUL VI

Mr. DIRKSEN. Mr. President, on behalf of the distinguished majority leader, the Senator from Montana [Mr. Mansfield] and myself, I ask unanimous consent that the Senate proceed to the immediate consideration of the resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, That the U.S. Senate join in extending the greetings of the people of the United States to His Holiness, Pope Paul VI, on the occasion of his historic visit to our country.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 153) was considered, and unanimously agreed to.

ROUTINE BUSINESS

The following routine business was transacted by unanimous consent during the consideration of the pending motion to proceed to the consideration of H.R. 77:

CRIME IN THE UNITED STATES

Mr. DODD. Mr. President, two of the leading newspapers in my State carried excellent editorials in their September 10 issues on one of the country's most important, most pressing problems, the crime problem.

Both the Hartford Times and the New Haven Register have applauded the establishment of the 19-member National Crime Commission.

President Johnson has shown his great determination to do something about crime, by focusing public attention on the fact that we can and will deal with the growing crime rate and by giving a broad mandate to the new Commission.

I share the view expressed by the Director of the FBI, J. Edgar Hoover, that "ways can be found to reduce crime to an absolute minimum."

I agree with the New Haven Register:

> This is a large order. The cynics might decide immediately that it is an order which cannot possibly be filled. The starry eyed may anticipate overnight fulfillment. The realist, however, will accept it as an order which can be filled but will recognize that it is not going to be easy.

And I agree with the Hartford Times that nothing should deter us from "pressing on with this job as speedily as possible."

Mr. President, I ask unanimous consent to have these fine editorials printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Hartford (Conn.) Times, Sept. 10, 1965]

Campaign Against Crime

With declarations from the President, the Chief Justice, the Attorney General, and the FBI Director as inspiration, the new 19-member National Crime Commission has started work.

When it has finished, it should be prepared to recommend an effective program for combatting the Nation's rising tide of crime that is of such deep concern everywhere.

The President told the group that crime "is a menace on our streets" that it is a "drain on our cities" and that it also "is a corrupter of our youth" and a cause "of untold suffering and loss."

Countless investigations, probes, surveys, and studies of every conceivable nature with respect to crime, its causes, consequences (and proposed cures) already have been made. However, it is unlikely that any of them has been made under so urgent a necessity.

The pendulum has swung so far in the direction of worsening crime that the people can wait no longer for drastic action to protect them in their homes and on the streets.

This new study will be one "in depth" ranging far beyond ordinary limits. For example, the President wants the group to determine why organized crime continues to expand; why one man breaks the law and another living in the same circumstances doesn't; why one-third of all parolees revert to crime, and why juvenile delinquency knows no economic or educational boundaries.

FBI Director Hoover emphasized the difficulties in dealing with the growing crime rate but he indicated confidence that "ways can be found to reduce crime to an absolute minimum."

Undoubtedly ways can be found but it is going to take a long time, and enormous amount of money and a tremendous civic effort before tangible results begin to show. However, that should not be a deterrent to pressing on with this job as speedily as possible.

[From the New Haven (Conn.) Register, Sept. 10, 1965]

Drafting a Blueprint To Eliminate Crime

We have a National Crime Commission.

President Johnson now has challenged it, if not ordered it, to draft a "blueprint for effective action to banish crime."

This is a large order. The cynics might decide immediately that it is an order which cannot possibly be filled. The starry-eyed may anticipate overnight fulfillment. The realist, however, will accept it as an order which can be filled but will recognize that it is not going to be easy.

Drafting a blueprint, as we see it, is one thing. Translating such a blueprint, if and when it is drafted, into an action formula carrying all the necessary elements for victory in the overall war against crime is something else again. This action formula, of itself, represents no impossible assignment. Neither is a method for carrying it forward into general success one beyond man's capabilities to attain. But, if it is going to be done it must be done by all of us—our lawmakers, our political leaders, our law-enforcement agencies, our people—and our courts from the highest to the lowest.

We think the key to solution lies, ready to be picked up, in the words the President used in describing crime:

"A sore on the face of America * * * a menace on our streets * * * a drain on our cities * * * a corruptor of our youth * * * a cause of untold suffering and loss."

It is, of course, all of these things and more. The President wants a comprehensive report within 18 months. In it he wants the answers as to why organized crime is on the increase, why juvenile delinquency soars, in good homes and bad. He wants corrective steps taken to cure these, and other menacing evils to today's society.

He urges the committee to be "daring, creative, and revolutionary" in supplying its answers.

Perhaps it needs to display all of these qualities. But, above all, as we see it, it needs to display the quality of realism. It must pull no punches, spare no feelings in putting the blame and the responsibility where it belongs.

As it approaches its task we would like to call its attention to a remark attributed to a western sheriff:

"We may not have much law but we sure as heck have a lot of order."

If the Commission approaches its assignment with this as a potential foundation stone we think it can build—and build solidly.

L.B.J. CHOICE OF STATUE OF LIBERTY—A HAPPY ONE

Mr. PROXMIRE. Mr. President, the President's desire to choose historic settings for the signing of important bills was dramatically revealed in his choosing Liberty Island for signing the immigration bill.

The bill represents a correction in the old national origins quota system, and permits those wishing to immigrate to America to be admitted on the basis of their skills and their close relationship to those already here.

The new bill is fair. The old law was tragically unfair. It was fitting and seemly that the new bill be signed at the base of the Statue of Liberty on Liberty Island in New York Harbor.

This colossal statue, which was unveiled in 1886 was, as everyone remembers, a gift from the people of France to the United States.

It commemorated the 100th anniversary of American independence, and was paid for by popular subscription in France.

The cost of the pedestal was met with funds raised by popular subscription in the United States.

Those at Sunday's bill signing ceremonies could see Ellis Island in the background. As he spoke the President reminded his audience:

> Over my shoulder you can see Ellis Island, whose vacant corridors echo today the joyous sounds of long ago voices.

In a sense we are all immigrants to this land and we all know the significance of the torch of freedom.

Now, the new immigration bill ends the vicious discrimination and racism of the old law. The old law in effect said that persons coming from white, Anglo-saxon, Protestant countries are better than those coming from other countries. It cruelly separated children from parents, brother from brother. It did more harm to our foreign relations than the foreign aid billions did good. It was the negation of the Statue of Liberty's plea:

> Give me your tired, your poor, your huddled masses yearning to breathe free.

In ending this conspicuous manifestation of racism, the new law takes a small, short step in the right direction. President Johnson has well chosen the Statue of Liberty for its signing.

NEW SERVICE FROM WASHINGTON

Mr. BARTLETT. Mr. President, for the first time, the Nation's Capital is linked with the Far East by direct air service.

Inauguration of this new service by Northwest Orient Airlines took place Saturday morning, October 2, in colorful ceremonies at Dulles Airport.

An intercontinental Boeing 707-302B fan-jet was christened *Northwest Envoy* by Mrs. Warren G. Magnuson, wife of the senior U.S. Senator from Washington State.

Donald W. Nyrop, president of Northwest Orient Airlines, came here from the Twin Cities for the occasion. Ronald McVickar, assistant vice president of the airline, based in Washington, was head of the arrangements group. Several short talks were made. Included among the speakers were Under Secretary of Commerce for Transportation Alan S. Boyd, Gen. William F. McKee, Administrator of the Federal Aviation Agency, and Robert T. Murphy, Vice Chairman of the Civil Aeronautics Board. F. E. Ropshaw, Secretary to the District of Columbia Board of Commissioners, represented the Commissioners at the ceremonies and State Senators Harry F. Byrd, Jr., and Charles Fenwick, of Virginia, were also there.

Three flights will be provided weekly by Northwest in each direction in the new service. Flights will leave Dulles on Tuesdays, Thursdays, and Saturdays for Cleveland, Chicago, Anchorage, and Tokyo. Eastbound flights will start at Seoul, arriving at Dulles with the same intermediate stops on Mondays, Wednesdays, and Fridays. Northwest will now have a total of 16 United States-Orient round trips weekly and the number of weekly jet flights to Alaska will be increased to 10.

Mr. President, this new and additional service is especially pleasing to Alaskans who now will have a further direct connection to the United States Midwest and East. Northwest long since has been an integral part of Alaska's transportation system. In addition to flights which go on from Anchorage to the Orient, Northwest gives direct service by jet from Seattle to Anchorage. It may not be generally realized but Anchorage is the focal point for polar air routes. Many foreign-flag air carriers make Anchorage a regular stopping point on flights from Europe to the Orient and in the reverse direction.

The importance of Anchorage is further emphasized by this new Northwest route. Alaskans are grateful to Mr. Nyrop and all associated with him for inaugurating a service which we hope and believe will be successful in every way.

Mr. President, I ask unanimous consent to include with my remarks a news article concerning the new route which appeared in the Washington Post yesterday and I also ask unanimous consent to quote from an editorial on the same subject which appeared in the Post this morning.

There being no objection, the article and excerpt from the editorial were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Oct. 3, 1965]

DIRECT TOKYO FLIGHTS FROM DULLES STARTED

A huge Northwest Orient Airlines fan-jet roared out of Dulles International Airport yesterday carrying 40 passengers on the first scheduled direct flight between Washington and Tokyo.

The 9 a.m. takeoff followed an hour of ceremonies at the base of the Dulles tower marking beginning of three times weekly round trip Northwest flights between the American and Japanese capitals, with stops in Cleveland, Chicago, and Anchorage.

Japanese Ambassador Ryuji Takeuchi welcomed the new link between his nation and the U.S. east coast and William F. McKee, Federal Aviation Agency Administrator, who said the flights would be an important addition to the sparse traffic at Dulles.

The flights provide Washington's first direct air tieup with the Orient and the first jet access from here to Cleveland. They also increase Washington-Alaska flights to 10.

Among other speakers at the ceremony were Senators Warren G. Magnuson, Democrat, of Washington, chairman of the Senate Commerce Committee, E. L. Bartlett, Democrat, of Alaska, Senator Mike Monroney, Democrat, of Oklahoma, Ernest Gruening, Democrat, of Alaska, Jose Imperial, Minister of the Philippine Embassy, and Northwest Orient President Donald W. Nyrop.

Accompanied by Nyrop, Mrs. Magnuson climbed portable stairs leading to the cabin door of the giant Boeing 707–320B fan-jet that was to make the first flight and with a bottle of champagne christened it the *Northwest Envoy.*

F. E. Ropshaw, secretary to the District Commissioners, presented to a stewardess letters of greeting from Commissioner Walter N. Tobriner for the Governor of Tokyo and the mayors of Anchorage and Seoul, Korea.

Among those aboard yesterday was Mrs. Carl T. Rowan, wife of the former Director of the U.S. Information Agency, who is joining her husband on his world tour in Bangkok, Thailand.

[From the Washington (D.C.) Post, Oct. 4, 1965]

WASHINGTON TO TOKYO

The new through air service from Washington to Tokyo inaugurated by Northwest Orient Airlines on Saturday supplies a greatly needed facility that binds America and Japan more closely together. It involves a gratifying addition to the international flights arriving at and originating at Dulles Airport.

The three-times-a-week service will have departures in Washington at 9 a.m. Tuesdays, Thursdays, and Fridays. Elapsed time to Tokyo will be 17 hours and 50 minutes. Arrivals in Tokyo will be on Wednesdays, Fridays, and Sundays. Eastbound flights, touching down at Seoul, Tokyo, Anchorage, Chicago, Cleveland and Washington, will leave Tokyo at 4 o'clock in the afternoon on Mondays, Wednesdays, and Fridays. This service adds the 33d and 34th international flights to the Dulles schedules.

Northwest is pioneering in a service to which it surely will add other flights as demand develops. And that demand is certain to come. The present flights will furnish a fast service to Alaska and the Orient. That speed is bound to increase. One day the supersonic jets will improve even on this service. * * * So the Northwest Orient service is indeed an "inauguration," a beginning. It is a forerunner of innumerable other international flights that will one day bring millions of travelers to America through the finest airport in the world.

RUSSIA'S NEED IS AMERICA'S OPPORTUNITY

Mr. McGOVERN. Mr. President, it becomes increasingly difficult for anyone to understand the retention of the 50 percent American flag shipping requirement on sales of wheat to Russia, in view of the growing unanimity of informed American opinion that the regulation should be abandoned.

I have here an article by Mr. Eliot Janeway of the Chicago Tribune Press Service which appeared in that publication—an implacable foe of communism—which its editor's headlined: "United States Should Take Advantage of Soviet Union's Agricultural Distress."

Mr. Janeway forcefully argues that the United States should take advantage of her abundant food production to demonstrate again to the world the great strength of our system.

The Janeway article, Mr. President, does not necessarily reflect the view of the Chicago Tribune, but it is of great significance that the newspaper features Mr. Janeway's interesting analysis of the situation. It is another indication that even conservative interests recognize validity to the argument for sales and abandonment of the shipping regulation.

I ask unanimous consent, Mr. President, that the Janeway column as it appeared in the Chicago Tribune be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago (Ill.) Tribune, Sept. 16, 1965]

United States Could Take Advantage of Soviet Union's Agricultural Distress

(By Eliot Janeway)

New York, September 15.—Back in the days of Ireland's struggle for independence, the old Irish Republican Army used to rally behind a very tough and simple battlecry: "England's crisis is Ireland's opportunity." It is a slogan which fits the tailormade opportunity presented to the United States right now by Russia's distress buying of wheat. Russia's farm crisis has created a prime opportunity for Yankee trading.

It is much more than an opportunity to score points in the propaganda and popularity contest abroad. Of course, there are points to be scored:

In terms of human values, Americans don't want to see other peoples go hungry; while communism counts on hunger to give it advantage.

OPPORTUNITIES ARE BIG

The opportunity to dramatize a moral victory is big, but the opportunity to consolidate a power advantage is bigger still; and, no matter how sensitive we may be to the popularity contest, it is the power struggle which is decisive in the war for the hearts and minds as well as the institutions and the welfare of men.

The fatal flaw in the Soviet system shows up again and again in Russia's failure to make her farm system work. So long as the Kremlin symbolizes want and insecurity, and is driven to make distress purchases of foreign food staples, Moscow will be on the defensive politically.

Only by our unique American standard of plenty is our farm surplus problem a source of weakness. In the eyes of the outside world, it is an overpowering advertisement for the American success story. The wonder is that Russia has done so well with so little in the way of food to deal with.

If the tables were turned, and if Russia were blessed with the food surpluses which we have permitted to be such a costly and troublesome burden to us, we really would be isolated.

FOOD SURPLUS STRATEGY

Russia, certainly, would not be on the defensive financially—as official Washington still believes we are—if she could use food surpluses like ours to seize the political initiative and the economic advantage which goes with it. None of the other players in the world power game can understand why we have not taken advantage of Russia's wheat shortage in order to negotiate from our strength against her weakness.

Indeed, it is incongruous for the United States to wheedle terms and defer to criticism from Europe's bankers (and from the world's gold speculators—including Russia and, adding insult to injury, even Red China) instead of using our food surpluses to wheel and deal for advantage.

The so-called ship-American clause is the obstacle to Washington's swinging into action. Our shipping is high cost, and the AFL–CIO is understandably defensive and protectionist about it. Also President Johnson does not command the real affection of labor's high command and, therefore, it is understandable that he should hesitate to breach the 50–50 traffic split which President Kennedy gave them.

But politics is the art of improvising third alternatives to dilemmas. There's a simple one waiting for Johnson. It's for Washington to direct quotas of Russian wheat shipping business to the friendly countries, which need it more than we do, and which can provide it more cheaply than we can.

AFL–CIO STAKE

The AFL–CIO has a bigger stake in keeping all three countries right side up economically than it has in wartime protectionism. Their weakness is the real reason for the dollar drain and the payments crisis.

Unemployment in Britain, turmoil in Greece, and dumping by Japan are a clear and present danger to the continuity of full employment assumed by present labor contracts. This is one case when it would be good business for us to give business to our weaker sisters.

Johnson has been chided for his political habit of rewarding his enemies and punishing his friends; and a great deal of suspicion surrounds his handling of foreign affairs. Russia's wheat crisis is giving the master-politician in the White House a chance to show himself as a superdiplomat who really does know how to help friends at the expense of the enemies.

WATER QUALITY ACT OF 1965

Mr. BOGGS. Mr. President, on Saturday, October 2, the President signed into law the Water Quality Act of 1965. This is an important milestone in the fight to control pollution in the waters of our country and the full implementation of the law will make it possible to begin the cleanup process in our polluted streams and, most importantly, make it possible to keep pollution from occurring in those remaining streams that are now clean and pure.

The Senate Special Subcommittee on Air and Water Pollution, of which I am pleased to be a member and which is chaired by the able Senator from Maine [Mr. Muskie], is now beginning to study the Federal Government's role in providing financial assistance to States, municipalities and industries to enable them to provide better facilities for the control of water pollution.

There is no doubt in any of our minds that to safeguard our water resources fully will be a costly project and, in line with that, I request to have printed in the Record at this point an article by Gershon Fishbein which appeared in the Washington Sunday Star on October 3, entitled "The Economics of a New Pollution Control Bill." The article, written by Mr. Gershon Fishbein, illustrates some of the financial problems which need to be met in order to bring about effective control and presents a number of possible methods that may be utilized to provide the financial help that is needed. Mr. Harold Jacobs, chairman of the Delaware Water Pollution Commission and an engineering consultant with the E. I. du Pont de Nemours Co., is quoted in this article in regard to the cost problem and his belief that the cost ultimately must be passed on to the consumer in some way.

I call my colleagues' attention to this excellent article by Mr. Fishbein and hope that they will have an opportunity to read it.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Economics of a New Pollution Control Policy

(By Gershon Fishbein)

American taxpayers have billions of dollars at stake in the current consideration of how water pollution control will be financed.

Under Presidential directive, a special committee headed by Gardner Ackley, Chairman of the President's Council of Economic Advisers, is studying the question and expects to submit a report soon to form the basis of national policy and legislation.

Several alternatives—including an effluent tax, favorable tax advantages to industries required to install expensive antipollution gear, and other proposals—are under study.

A Senate Air and Water Pollution Subcommittee headed by Senator Muskie, Democrat of Maine, is also investigating air and water economics as part of its overall review.

In addition, legislation to provide economic incentives, in the form of a 3-year writeoff to industries required to install air and water abatement equipment, has been introduced by Senator Ribicoff, Democrat, of Connecticut.

"Unlike many capital outlays that ultimately produce new profits, these costs basically serve the health and safety of the public," Ribicoff told the Senate.

"Therefore, it is entirely appropriate that there be some public sharing with private industry of the economic impact of these expenditures."

That the public must indeed share some of the costs of air and water pollution—especially water—seems certain, no matter how the economic pie is sliced, or however these costs may be concealed.

Harold Jacobs, principal consultant in the Engineering Department of E. I. du Pont de Nemours & Co., says:

"When we get down to what is required to clean up our air and our rivers, we find that there is no easy handle to the problem. Pollution control can be costly and these costs ultimately pass on to the consumer somehow.

"Sometimes it will have to be taxpayers, when sewage treatment facilities are substandard. Sometimes it will have to be customers, because waste treatment must be included in the cost of a product."

One idea which has stirred considerable controversy in water control is the effluent tax. This tax, designed to fix responsibility for the costs of cleanup on those primarily responsible for the discharges, is in use in the highly industrialized Ruhr region of Germany, an area approximately half the size of the Delaware River Basin.

The streams which serve it have a very low flow during the summer, or about 25 percent of the lowest flow ever recorded on the Delaware River.

It serves a population of about 8 million and is considered one of the most heavily industrialized areas in the world, accounting for 40 percent of Germany's industrial production and 80 percent of its heavy industrial output.

Despite the enormous demands for water in the area, major sections of the Ruhr River are suitable for swimming, boating, and other recreational purposes, and the price of the unsubsidized water taken from the Ruhr for public consumption is low.

Industries and cities pay a charge for the waste they contribute to the disposal system, based upon periodic tests of the quality and quantity of their effluent. The charge is not contingent upon whether or not the wastes are directly handled in treatment plants.

Allen V. Knese, director of the water resources program for Resources for the Future, 1755 Massachusetts Avenue NW., is one who believes the Ruhr experience could be adapted to the United States, especially if tied into a regional water control setup.

"The results that have been obtained in the Ruhr region are impressive," he told Senator MUSKIE's subcommittee. "The system of effluent charges is an effective means of motivating industries to reduce the contribution of their waste to rivers."

Many Government officials, as well as most industrialists, are not convinced, however, that effluent charges are the answer—especially not if they are considered tax deductible. In that case, they point out, the industry involved might be encouraged to pollute.

Opponents also point out the high costs of monitoring the plants, the difficulties in collecting the charges, and the complexities of fixing responsibility for effluents on nonindustrial sources, such as runoffs from pesticides washed into rivers or streams following heavy rains.

But experts are convinced that no economic plan recommended by the Ackley committee can succeed unless it is placed in the larger context of a national pollution control policy.

This is considered necessary to protect health, attract industry, preserve aquatic life and recreation—all familiar factors to residents in the Potomac River area.

Are we, therefore, headed in the right direction in pollution control policies and are the national objectives clear?

One idea being advanced with increasing emphasis recently is the development of regional water systems geared to the needs of those particular areas. Says Mr. Kneese:

"One possibility would be for the Federal Government to take direct action. It could set up regional water-quality management agencies or overall regional water resources agencies with water-quality management responsibilities.

"These could be separate entities such as TVA or units of a regionalized Federal agency such as proposed by the first Hoover Commission."

Whatever system is adopted, it seems clear that the new economics of pollution control can no longer be left to chance as long as the taxpayer's stake is so great.

AMERICA FACES ASIA

Mr. INOUYE. Mr. President, Mr. Howard P. Jones, chancellor of the East-West Center in Honolulu, is a man whose distinguished record in the field of foreign relations spans nearly two decades.

Best known as our former Ambassador to Indonesia, where his memory is still revered by thousands of Indonesians despite our strained relations with that country, Howard Jones devoted nearly 14 years of his career in our foreign service to a study of our relationships with Asia and southeast Asia.

Chancellor Jones addressed the third quarterly membership meeting of the Honolulu Chamber of Commerce on September 23. This was his first major address since he left the foreign service to take the demanding position as head of the East-West Center, a Federal institution devoted to the improvement of relations between East and West.

I know that my colleagues in the Senate will be interested to learn his views on our relations with Asia and southeast Asia today. Mr. President, I ask unanimous consent that Chancellor Jones' remarks be printed in full in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICA FACES ASIA

(By Ambassador Howard P. Jones)

Mr. Chairman, we seem to be involved in so many problems around the world these days that one can sympathize with the troubled statesman who is quoted as saying, "Stop the world, I want to get off."

I have had the fortune to live in the midst of those problems for the last two decades, at what might be termed important crossroads of history. I recall an experience at a Washington cocktail party a few years ago. I was talking with a prominent businessman to whom I had been introduced as "Mr. Jones, from the State Department."

"And what part of our foreign difficulties are you responsible for?" my new acquaintance growled.

Today, I have been asked to speak about the Far East. We have had and continue to have many disagreements and misunderstandings with nations of this area. Now let us admit that we approach Asia wrongly. Standing here on the soil of Hawaii, surely the only way in which the countries of Asia can be thought of as the Far East is if one travels around the world the wrong way. Asia from here is our closest neighbor, not to the East but to the West. So we ought to be thinking of Japan, China, the Philippines, and all the other countries of the area as the "Near West." From London, Asia is the Far East, but not from Hawaii, or from any other part of America.

Today I should like to do three things. First, to comment briefly on American policy in Asia, second, say something about the attitudes we encounter in Asia and the countries which currently are presenting us with our most pressing problems, and, third, attempt to draw some conclusions as to where we go from here. In so doing, I shall refer to Indonesia, the country from which I have just come, not only because I know it well, but because it represents one of the most extreme examples of the forces and emotions that are sweeping Asia and Africa today. I shall also talk in particular about Vietnam.

I have selected these two countries to discuss specifically because I think that they illustrate more than any others the difficult problems with which we are currently faced and the sources from which those problems derive. I have chosen them also for another reason. Should we lose either of them to communism, the difficulties of holding the rest of southeast Asia would be immeasurably increased.

INDONESIA

There has been a great deal of misunderstanding in America about Indonesia; there has been too much tendency to dismiss Indonesia as just another troublesome little southeast Asian country. The fact is, of course, that Indonesia is the fifth largest country in the world in population—we are the fourth, Indonesia is the fifth. It is also one of the richest in natural resources, and it contains the largest Communist Party outside of the bloc. Its more than 4,000 islands are strategically located between the Pacific and Indian Oceans and separate Australia from the West. Superimpose a map of Indonesia upon a map of the United States and you will be in for a surprise, those of you who have not been in the area, for you will find it stretches from California to the east coast and out into the Atlantic as far as Bermuda; from north to south it reaches from the Great Lakes to the Gulf of Mexico. Lose Indonesia to communism and all of southeast Asia is caught in a pincers between the great weight of Communist China on the north and the second largest country in the Far East on the south.

An American education, at least prior to World War II, was an education concerning half the world in that it was devoted to the study of social, political, economic, religious and military institutions and events that had arisen in western societies from which we as a people had sprung. Most of us are woefully ignorant of what had happened to people who lived in the other half of the world, the ideas which had generated out of their experience over the same period of time, and the institutions and mores by which they lived. It was as though we looked at the world with blinders on, which permitted us to see only the Western Hemisphere.

Indonesia is a good example of this. Even as late as the beginning of World War II, the Netherlands East Indies conjured up before our eyes a chain of lush, romantic, tropical islands dotted in an emerald sea like jewels in a case. Embracing the equator, they were thought of as somewhat akin to our own West Indies. Columbus had been looking for a shorter route to these islands when he discovered America, and most of us had a vague idea of the importance of spices to the nonrefrigerated 15th century Europe and England. But when the people of these islands revolted against their colonial masters, the Dutch, at the end of World War II, few Americans had the remotest idea of the importance of this revolution in terms of world history.

Few Americans, even today, know that this nation had a glorious history of its own, that long before Harold the Saxon fought the Battle of Hastings and the small island in the stormy North Atlantic we call England began to stir itself to establish the hardly to be discerned beginnings of what would be a great nation and a vast empire, Indonesia had lived to see its own manifestation of strength and glory in an empire which included all of what is now Indonesia as well as important parts of the Asian mainland.

The great Sriwidjaja Empire of the 7th, 8th, and 9th centuries with its glittering court at Palembang in south Sumatra rubbed shoulders with China to the north. Its reach was later duplicated by the Java-based Madjapahit Empire of the 14th century. Long before Columbus discovered America that is, there existed in middle and southeast Asia two great empires—the Chinese Empire and the Javanese Empire. The lingua franca which is spoken all the way from the southern borders of Thailand to and including west New Guinea is the Bahasa Indonesia which comprised one of the important unifying factors in Sukarno's revolution.

The Indonesians have a proud heritage and are a proud people, and anyone who discounts their intelligence, ability or capacity is making a fundamental mistake. By western standards, they have been behaving badly lately, but the key question is not whether we agree with them, whether we like what they are doing, but whether they will remain in the free world or go Communist. To obtain an answer to that question, let us take a brief look at what is going on inside that country today.

Internally, the political forces of the country can be loosely divided into two broad categories at the present: the pro-Communist grouping centered on the Communist Party itself (the PKI) and the anti-Communist grouping which comprises most of the military leadership, the religiously based political parties, much of the grassroots strength of the Nationalist Party and other important elements.

In the realm of physical power, the military is more than a match for the Communists and remains the principal counterweight preventing an overt effort by the Communists to leapfrog into power. I do not believe, therefore, that a direct takeover by the Communists is an imminent danger in Indonesia. What we are witnessing is the erosion of non-Communist strength and increasing influence of the PKI throughout important areas of the society. This could have the result of intensifying the present Indonesian predilection toward an extreme nationalism which will be friendly toward the international Communist image of the world and therefore almost as inimical to our own policies and programs as if it were an avowedly Communist regime. Nevertheless, all hope is not lost in Indonesia. At least 95 percent of the people of that country are non-Communist and a substantial majority of the latter group are anti-Communist.

VIETNAM

Two central problems confront Asia: (1) The threat of communism and its objectives of domination and enslavement; (2) enormous economic and political problems arising from the colonial past of most of these countries—Japan and Thailand are exceptions—and their current stage of development. Now we cannot solve these problems for them, but we do have the resources and the military power to play a crucial role. This certainly applies to Vietnam. Our purpose there is to join in the defense and protection of a courageous people who are under an attack that is directed and controlled from outside their country. But even more is at stake than this. In Vietnam we are facing a major test of the new Communist strategy of indirect aggression, known as "wars of liberation."

Let's look at Vietnam in perspective. Following the Allied victory over the Nazi aggressors in World War II, American initiatives can be fairly described as heroic. We were in a period of cold—lukewarm—hot war. The Marshall plan was mounted and saved Europe. The Communists put on pressure in Berlin, in Greece, in Korea, in Laos, in Vietnam, the Huks in the Philippines, guerrillas in Malaya. Everywhere they were met and their assault thrown back, although we lost some free world territory in Korea and Vietnam. Now they have a new tactic—to make black aggression wear the white robes of national liberation.

We are now committed in Vietnam—the decision has been made, but it may be useful to take a look at the alternatives that were presented to us. As I see it, there were three: First, to admit to being a paper tiger, abandon our clear-cut commitment to help defend that country and pull out; second, to go to the other extreme and fight a major war on the China mainland which in the long run might require the use of atomic weapons; and third, to continue what we are now doing—increase as necessary our military effort in South Vietnam to establish security in that area by interdicting efforts to aid the Vietcong from outside and assisting the Vietnamese government in subduing them inside. In this our objective is to save the country's independence and reestablish peace. Since this is true, the door is always open to negotiation. We will negotiate with governments whenever they are ready to negotiate with us. But we will negotiate from strength, not from weakness. I can assure you that we are not going to give up. We are going to put in whatever effort is necessary to do the job and pay whatever price goes with it. President Johnson has made this abundantly clear.

We might examine the first alternative a little further. What would pulling out accomplish? In my opinion, not one single, solitary thing. On the contrary, it would encourage the Communists to increase and expand their efforts—it would alter the front line by giving up South Vietnam. That's all it would do. It would not solve the problem. There would be, of course, some serious collateral results. American prestige in Asia would drop to an alltime low. American pledges of assistance would be forever discounted. Even our leadership in Europe and NATO would suffer a severe blow—the strongest military power in the world caved in the moment the going got rough. Listen to what our enemies themselves say: North Vietnam's premier Pham Van Dong: "The experience of our compatriots in South Vietnam attracts the attention of the world, especially the peoples of South America." Vietnam's Army Chief, General Vo Nguyen Giap, went even further. "South Vietnam is the model of the national liberation movement of our time," he said. "If the special warfare that the United States imperialists are testing in South Vietnam is overcome, then it can be defeated everywhere in the world." So I discard the first choice. Similarly, I discard the second choice, escalation. No one wants an unnecessary expansion of the area of conflict with all the implications that this involves.

And so we come to the policy we are committed to pursuing. It is a hard choice that President Johnson has faced—to send American boys into Asia again to defend another Asian country against Communist aggression. But in my opinion he has made the only choice responsible American leadership could make. It seems clear that this is a challenge we must meet, not only for the sake of South Vietnam, not only for the sake of southeast Asia generally, but in order to prevent further expansion of communism to other nations that would face the same kind of subversive threat from without if the Communists were to succeed in Vietnam.

OUR ROLE IN ASIA

And so, having examined the problems we face in two countries of Asia, two situations which represent extremes, let us consider what our central purposes are and what our role in Asia should be.

I think no has expressed our central purposes better than President Kennedy. "Wisdom requires the long view," he said. And the long view shows us that the revolution of national independence is a fundamental fact of our era. This revolution cannot be stopped. As new nations emerge from the oblivion of centuries, their first aspiration is to affirm their national identity. Their deepest hope is for a world where, within a framework of international cooperation, every country can solve its own problems according to its own traditions and ideals.

"It is in * * * our national interest that this revolution of national independence succeed. For the Communists rest every thing on the idea of a monolithic world—a world where all knowledge has a single pattern, all societies move toward a single model. The pursuit of knowledge, on the other hand, rests everything on the opposite idea—on the idea of world based on diversity, self-determination, and freedom. And that is the kind of world to which we Americans, as a nation, are committed by the principles on which this Republic was founded."

This is the kind of world we seek and this has represented the central thread of our policy in Asia ever since the war. In a nutshell, then, our policy in Asia is to assist the free nations of Asia in the maintenance of their independence and the preservation of opportunity for them to develop as they wish, in peace and without outside interference. There are two jobs to be done—the basic job is economic development, the war on poverty, and disease. But this job cannot be done in an atmosphere of insecurity. And so, we face the second job—the military task of establishing or helping to establish security where there is none.

Many of you served in our Armed Forces in World War II; others in the Korean war; still others during recent periods of Communist confrontation. Among other tests of strength was the blockade of Berlin. Perhaps some of you flew the airlift. I was in Berlin in that period. I was convinced then and continue to be convinced that the only face one can turn toward international communism is one of strength, firmness, and determination. This requires above all faith in the rightness of our purposes. We must never forget that cold, lukewarm, or hot—we are in a state of war today. Lenin once said, "First we will take Eastern Europe; then the masses of Asia; then we will surround America, which will fall into our hands like a ripe fruit." This challenge still faces us.

The outbreak of war between Pakistan and India has added another serious dimension to the problems of our troubled world. Red China's 700 million people are the great weight to the north that all Asians in south and southeast Asia fear. But the fear is the product of disunity. If the populations of all the free-world nations which encircle Communist China be summed up, the total is greater than 912 million—almost one-fourth more than Red China's population. To be meaningful, however, these free nations must be united in recognition of and action against their common enemy whereas the picture we find is one of free nations quarrelling with each other. "Divide and conquer" has been the rule of successful conquest since the dawn of history, and the Chinese are sophisticated in these matters. War between Pakistan and India, the Indonesian-Malaysian confrontation—these and other divisive conflicts between free-world nations not only rupture peace in this important area of the world, they present an ever-increasing opportunity to our enemies. It is understandable that the breaking up of Asian feudalism and the colonial system, constituting a major social and economic as well as political revolution, could not have taken place without some struggle and some violence. It is to our own interest to do what we can to insure that these processes do not result in expanded opportunities for those bent on exploiting human misery.

In these few moments I have endeavored to give you a little of the flavor of the attitudes and difficulties we face in Asia. The problems they reflect are not problems of our making but they are problems which have become our responsibility.

At this point I should like to throw in a word of caution. Let us never discount the dynamics and force of the new nationalism of Asia and Africa. Let us not be deluded into the notion that peace will solve all our problems, that peace will bring about harmony of relationships with these new nations. We must face the fact that we shall have to live with nations whose philosophy and concepts are basically different from our own. We shall have to come to accept the fact that the independence of these nations is the thing of greatest importance to us and that this very independence will mean disagreement on many issues. But we of all people should be able to understand and live with the idea that friends can disagree and still remain friends. Our own Bill of Rights was born in the spirit of Voltaire's famous cry, "I don't agree with a thing you say but I will fight to the death for your right to say it."

It is nonsense for us to talk about peace unless we are prepared to meet the requirements for progress on the part of the peoples of Asia. They are demanding a place in the sun, a share of the world's goods, a decent life. The world must be responsive to these demands. The prospects for peace are in direct proportion to satisfying the demands for progress of two-thirds of the people of the world. They must feel that tomorrow will be better than today, that their children and grandchildren are certain to have a better life than themselves. In his inaugural address President Johnson described America as "the uncrossed desert and the unclimbed ridge. It is the star that is not reached and the harvest that is sleeping in the unplowed ground."

This is a great statement and a true statement. What we must never forget is that the new nations are seeing the same stars, dreaming the same dreams about their own countries. They have further to go. But the path of peace follows their progress.

ANNIVERSARY OF GUINEAN INDEPENDENCE

Mr. HARTKE. Mr. President, last Saturday, the people of Guinea celebrated the 7th anniversary of their national independence. On October 2, 1958, the Republic of Guinea undertook to exercise its rights and responsibilities as a sovereign state in the international community. In December of that year, it became a member of the United Nations where it has actively participated in several of the specialized agencies.

The people of Guinea have a long, rich history, reaching back to the days when they were united under the empires of Ghana, Mali, and Songhai—empires which existed long before the discovery of the New World.

Today, Guinea is blessed with a richness in natural resources, possessing huge reserves of bauxite and significant deposits of iron ore, gold, and diamonds. Moreover, Guinea enjoys a leadership determined to develop its resources of the land as well as the talents of its people, so that the Guinean economy will better serve the needs and goals of the nation. In 1962, it was my honor and pleasure to meet Guinea's remarkable President, Sékou Touré, and his Cabinet. It was an inspiration to me to note their dedication to the fulfillment of their people's aspirations.

Committed to development at home and peaceful relations abroad, the Guinean Government has pursued a positive policy of nonalinement in foreign affairs—a policy respected by our own Government. On the African continent, Guinea has taken a leading role in efforts for regional cooperation. With the United States, she has concluded an investment guaranty agreement, taken a definite interest in our Peace Corps program, and maintained friendly relations in general.

Mr. President, I know that many Americans join with me in saluting the people of Guinea on the occasion of the anniversary of their national independence.

FOOD FOR PEACE ENDS A WAR

Mr. McGOVERN. Mr. President, I have twice spoken in the Senate at some length on the need for a world food and nutrition program and a major effort to end the world food gap.

I have argued that such a program, beyond discharging a moral obligation to our fellow men, would have great value to us in building peace and in strengthening our domestic economy.

On September 27, 1965, Mr. James Reston, of the New York Times, wrote a widely published column which is an account and commentary on the Kashmir truce. He attributes the truce in that conflict between India and Pakistan to American aid, and to the prospect of losing the supplies of American food which would result from a continuation of the conflict. He wrote:

> It is in the production of food, rather than in the production of missiles that the United States has gained its greatest advantage over the Communist world, and this just happens to be the field that concerns the undernourished and underdeveloped countries of the world more than any other.
>
> Holding down food production in this country—

He adds—

> cannot be justified * * * because food surpluses are a menace to peace, and it is surely not because we want to improve the character of the American people by driving them off the farm and into the jungle of our cities.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Reston's splendid column, which very forcefully supports the wisdom of using our agricultural productive capacity in a war against want.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUTOFF OF U.S. FOOD TIPPED SCALES FOR KASHMIR TRUCE

(By James Reston)

WASHINGTON, September 27.—American farm policy and American foreign aid policy have been criticized more than any other Government programs of the postwar period, yet these were undoubtedly the policies that led to the settlement of the Indian-Pakistani war.

Communist China used threats of military intervention to influence the course of that war and failed. The United States simply cut off its economic aid to both countries and succeeded.

There were, of course, other factors—the pressure of the Soviet Union and the United Nations for a cease-fire helped, but in the end the fear of losing American economic assistance, and particularly American food, was almost certainly the decisive consideration that stopped the fighting.

THE SURPLUSES

The extent and influence of these American food shipments are still not fully appreciated. More than 1 million Indians died in the famine of 1943 in the Province of Bengal alone. Since then, American food shipments have saved the lives of millions more.

On May 4, 1960, President Eisenhower and the Indian Food Minister, S. K. Patil signed the biggest food transaction in history. This provided for the shipment by the United States of 16 million tons of wheat (587 million bushel) and 1 million tons of rice over a 4-year period.

This one agreement alone was worth over $1,400 million and in effect committed the United States to send a whole shipload of wheat to India every day over a 4-year period.

Presidents Kennedy and Johnson continued this program, and when President Johnson cut it off after the fighting started, against the advice of most of his advisers, the diplomatic negotiations began to make some progress.

AID FIGURES

U.S. military aid to both India and Pakistan is difficult to estimate because the figures are not made public but nonmilitary aid to the two countries from 1960 until last July is as follows:

[In thousands of dollars]

	India	*Pakistan*
Loans	1, 485, 200	916, 500
Grants	375, 800	631, 200
Food	2, 147, 700	816, 800
Emergency aid	16, 400	94, 800
Private food	204, 500	46, 800

The loans to India in the fiscal year 1965 will total $255 million plus $384 million in surplus food and to Pakistan the figures are $179,700,000 in loans and $146,100,000 in surplus food.

Of course the Indians and Pakistanis will deny that the threat of losing U.S. aid had anything to do with the cease-fire, but when foreign assistance reaches this magitude, both sides have more to lose economically than they can gain by waging war over Kashmir.

PROBLEM OR OPPORTUNITY?

"I don't regard the agricultural surplus as a problem," John F. Kennedy said at the Corn Palace in Mitchell, S. Dak., during the 1960 presidential campaign. "I regard it as an opportunity, not only for our own people, but for people all around the world."

Many others in Washington have said the same thing, but it is only when a dangerous war is stopped that it is possible to dramatize the connection between food and war and between food and peace.

It is in the production of food, rather than in the production of missiles that the United States has gained its greatest advantage over the Communist world, and this just happens to be the field that concerns the undernourished and underdeveloped countries of the world more than any other.

PRODUCTION LAGS

World food production in the last few years has not quite kept pace with the growth of the world's population. Present food production in the world will have to be doubled by 1980 and trebled by the end of the century to avoid catastrophic famine and all the political and military implications of such a condition.

This raises many complicated questions, but one of them certainly is where we are wise in holding down farm production as much as we are.

It cannot be because food surpluses are a menace to peace, and it is surely not because we want to improve the character of the American people by driving them off the farm and into the jungle of our cities.

LET US BE FAIR

Mr. HARTKE. Mr. President, the new immigration bill which was signed into law by President Johnson proves once again that America and Americans want to be fair.

As the President himself remarked, "the fairness of this standard is so self-evident we may well wonder that it has not always been applied."

The test for those wanting to come to this country now will be based on what they can contribute to the growth and strength and spirit of America. And also, on their close relationship to those already here.

This seems eminently fair and just. Yet, for over four decades the immigration policy of the United States has been distorted by the injustice of the national origins quota system.

Under that system, "the ability of new immigrants to come to America depended on the country of their birth. Only three countries were allowed to supply 70 percent of all immigrants."

This kept families apart "because a husband or wife or child had been born in the wrong place."

Such a policy, as President Johnson pointed out, has been un-American because it has been untrue to the faith that brought thousands to these shores.

In the beginning, no one asked our forefathers where they were born and where their fathers or grandfathers were born—they came to this country, provided they had the strength for the journey and the spirit to survive in a new land.

A man's willingness to work and to prove himself worthy of the benefits he could reap were the qualities that mattered.

This spirit of different nationalities working toward the goals—that each man may be free, that each man may have the right to the pursuit of happiness, living under the laws of man and God—these made the United States a great and good land.

The new immigration bill is a fair one, and it is right that we have abolished some old injustices of the past.

INTERVENTION IN THE CARIBBEAN

Mr. McGOVERN. Mr. President, Dr. John N. Plank, a distinguished authority on Latin American affairs, has written a significant article for the October 1965 Foreign Affairs, entitled "The Caribbean: Intervention, When and How."

Dr. Plank is a senior staff member in charge of political development studies at the Brookings Institution in Washington. He was formerly Director of the Office of Research and Analysis for the American Republics in the Department of State during the Kennedy administration. Prior to that, Dr. Plank served as professor of Latin American affairs at the Fletcher School of Law and Diplomacy. I consider him one of the most perceptive and best informed of our Latin American authorities.

Dr. Plank's analysis of the problems and dangers involved in U.S. intervention in Caribbean affairs should be read by every Member of the Congress. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CARIBBEAN: INTERVENTION, WHEN AND HOW

(By John N. Plank)

By conventionally accepted criteria the Dominican Republic has had a dismal career as an independent state. Wretchedly poor, politically and socially primitive, intellectually and culturally undistinguished, it has been flotsam on the great tides of the 19th and 20th centuries, an object not a subject on the international scene.

Late last April public order collapsed in the capital. Rapidly more than 20,000 U.S. troops were put into the city to insure the safety of foreigners, halt the bloodshed, and quell the violence, restore order—and forestall what President Johnson believed was the imminent takeover of the Republic by Communist-dominated elements and the establishment of a second Cuba.

The President's decision to intervene, applauded by most North Americans, caused consternation in other parts of the hemisphere. Many Dominicans were offended by this latest affront to their national dignity, seeing in it a dramatic demonstration that the United States had no confidence in their ability to resolve their own problems, and little respect for their position as citizens of a sovereign and independent state, juridically the equal of the United States itself. Many other Latin Americans were deeply disturbed, both because of the massive breach of the nonintervention principle and because of the way in which the United States took to itself responsibility for defining the character of the developing Dominican situation and responding to it.

The Organization of American States, profoundly shocked, its pride in tatters, came reluctantly to the support of the United States, assuming responsibility for helping the Dominicans end their strife and make a new start on the long, unfamiliar road toward political democracy, economic well-being, and social justice. Subsequently a small number of hemispheric states sent military contingents to serve with U.S. personnel as part of an inter-American force stationed in the Dominican Republic.

All of this is now history. But it is history that could repeat itself—with appropriate local variations—in other countries of Central America and the Caribbean. In Haiti, for instance, or in Guatemala or in Honduras. These are countries that lie within a sphere the United States regards as being of vital importance: under no circumstances will their capture by Communist regimes be permitted. The device of preventive intervention, employed by the United States in the Dominican case, could be employed again. Whether it will be employed, or should be, is another matter.

II

Three facts are to be kept in mind in thinking about U.S. policy toward countries in the Caribbean region. The first fact is that the societies of the Caribbean, like societies everywhere in the developing world, are caught up in the confused but rapid process of change which we are accustomed to call generically the nationalist revolution. The second is that the United States is member and leader of the inter-American system, the institutionalized embodiment of the Western Hemisphere idea, known since 1948 as the Organization of American States. The old label better conveys the nature of the congeries of institutions through which the states of the hemisphere conduct much of their public business. The third fact is that the Caribbean is the focus of the cold war in this hemisphere.

In abstract formulation, a major purpose of U.S. policy in the Caribbean is to promote harmonious links between Caribbean nationalism and hemispheric inter-Americanism in pursuit of cold-war objectives. In practice this is extraordinarily difficult, as the Dominican crisis vividly illustrates. Why it is difficult is worth exploring; how the difficulties might be lessened is worth considering.

Let us look first at the societies of the Caribbean. For our purposes they include eight small states—El Salvador, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, Haiti, and the Dominican Republic—and a larger one, Venezuela.[1] All of them are Communist targets; in all of them there are cadres of dedicated Communists, some of whom have spent time in Cuba and have traveled behind the Iron and Bamboo Curtains.

More important than Communist interest and presence, however, are Communist opportunity and capability. These are functions not only of the number and skill of the Communists but of the social and political contexts within which they operate, and in respect of these latter the countries differ widely among themselves.

Guatemala, for instance, is a dual society. Its Indian majority is still largely unincorporated into national life; the minority of ladinos and whites who control the country's political and economic destinies are the inheritors of a social system marked by exploitation, brutality, corruption, and absence of distributive justice. Political skill and imaginative statesmanship are notoriously lacking; the country's institutions are quite inadequate to channel and accommodate growing demands for modernization in economic, political, or social respects. It is to be recalled that in 1954, a Communist-dominated government was overthrown in Guatemala; today the country is a prime Communist objective.

El Salvador, an overwhelmingly mestizo society, stands in contrast to Guatemala in having a bold, modernizing elite, alert, and able political leadership, increasingly strong and resilient political and social institutions, and an exceptionally hard-working and adaptable population. There is a serious agrarian problem, traceable both to growing population pressures on the land and concentration of landownership in a few hands; this problem has nearly intractable elements. But while the Communists are doing their best to exploit peasant grievances, their prospects for sparking large-scale violence and taking over the machinery of state are very poor.

Honduras—poor, sparsely populated, ineptly governed by a self-seeking military figure, lacking internal structure and coherence—is a restless country that offers important opportunity to the Communists. On the other hand, Nicaragua, long the fief of the Somoza family, is comparatively stable, most of its population living in somnolent unawareness of the revolutionary temper abroad in today's world and little disposed to adventure.

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[1] On geographic grounds, politically explosive British Guiana could be included in this survey, as could Puerto Rico, the independent states of Jamaica, Trinidad, and Tobago and the several British, French, and Dutch dependencies in the region. Their histories, however, have been very different from those of the traditionally "Latin American" countries; and their present relationships to the cold war are also very different. Despite its important Caribbean littoral, Colombia is generally regarded as a South American, not a Caribbean, country.

Costa Rica, a happy aberrant on the Central American political scene, has been for many years a vigorously functioning constitutional democracy: there is no evidence that the nation intends to depart from that course. The population, which includes an exceptionally high proportion of small holders, is culturally homogeneous and shares overwhelmingly a constructive commitment to the values of the West. The country's political leadership, alert through hard personal experience to Communist wiles and ways, will not countenance subversion.

Panama, of course, owes its existence as an independent state to the canal, and no understanding of the country can be obtained without constant reference to the canal. There is the heavy economic dependence of the country upon the canal and, related to it, the comparative underdevelopment of the resources of the interior of the country. There is the social unrest engendered, first, by awareness of Panamanians living near the zone of how poorly served they are by their society in comparison with Americans in the zone and, second, by awareness of Panamanians in the interior of how poorly served they are in comparison with Panamanians near the zone. There is the scapegoating mentality: the problems of Panama are caused by the United States, and it is the responsibility of the United States to ameliorate them—but to do so without infringing Panama's status as a sovereign and independent state. There is above all deep psychological and political frustration that occasionally manifests itself in aggressive violence. Who are we Panamanians? Where are we going? What do we stand for? What can we do? What will the United States permit us to do? Always and always the reference back to the canal and the United States. In an age of nationalism, the situation of the Panamanians is tragic. In cold war terms the situation is also precarious: the Communists have identified themselves with every grievance, real or fancied, the Panamanians express. The country is a tinderbox.

Haiti's situation is even more precarious but for very different reasons. Of all states in the hemisphere, this is the least well structured. Politically, despite the seeming invulnerability of President Duvalier, it is extremely fragile and brittle: when Duvalier goes, the political "system"—such as it is—will collapse. Duvalier's successors will inherit administrative chaos and a disarticulated society. Desperately poor, largely rural, living isolated lives, the population asks little of its central government but to be left alone. Into this administrative, political, ideological void the Communists could step easily.

The remaining state, excepting the Dominican Republic itself, is Venezuela. Venezuela belongs in this group because it abuts on the Caribbean and because it has been singled out by Castro's Cuba as a top-priority target. In other respects, however, Venezuela differs markedly from the rest of the countries at which we have glanced. It is much larger; it is much better endowed with resources; it is much more highly developed and its development is proceeding at a rapid pace. Moreover, no state in the group, with the noteworthy exception of Costa Rica, can begin to approach Venezuela in respect of the quality of its political leadership: a political miracle is in the way of being wrought in Venezuela, a process that began in 1958 and that continues. Not only is the present government directed by men who are able and responsible, but alternative leadership, also able and responsible, is available in the wings. The Venezuelan public has achieved in a remarkably short time a high degree of political sophistication and a sense of civic responsibility.

It is not surprising that Castro should direct his principal energies against Venezuela, for Venezuela daily demonstrates the falsity of his claim that rapid social and economic development within a constitutionally democratic political framework is impossible and that close cooperative ties with the United States mean stultification, sacrifice of national dignity and perpetual colonial status. Castro's fanatical followers in Venezuela—who are to be numbered in the scant thousands—can identify exploitable grievances. They can point, for instance, to serious unemployment and to a housing situation that for many Venezuelans is altogether deplorable. But the Communists have been unable to secure their objective of provoking a military coup, nor have they been able to enlist much public support for their cause. They are reduced to conducting a running campaign of violence. There is no reason to suppose that their activities cannot be dealt with effectively by the Venezuelan authorities without serious prejudice to the institutional stability of the country.

Of the Dominican Republic little need be said here, for its plight has been comprehensively described by many commentators during recent months. It should be noted, however, that President Johnson's intervention course was decided upon, not because of a judgment that the Communists in the Dominican Republic were strong, but rather because of a conclusion that non-Communist elements were too weak, too lacking in political sophistication, and too little skilled in the arts of governance, to withstand Communist infiltration and subsequent control.

III

What conclusions can we derive from this rapid survey? First, the obvious one: this is a highly heterogeneous collection of states, each with its idiosyncratic features, its special problems. No blanket approach to the Caribbean can be very useful.

Second, really significant Communist opportunity is present in a number of these states, but the nature of the opportunity differs from country to country. At an extreme there is Haiti, which if left to itself could be effectively, if not formally, under Communist control within hours or days of Duvalier's demise. The Communist opportunity in Panama is of another kind: here it is that of fanning the futile fires of Panamanian nationalism, exacerbating anti-American feeling, railing against the established Panamanian social and political order and its leadership, and infiltrating the press, the unions, the university, and the bureaucracy. The Panamanian Communists know, as do their mentors in Havana, Moscow, and Peiping, that they will never be permitted to come at all close to seizure of the Panamanian state; the most they can hope for is to provoke intervention by the United States. But that would be no small thing.

In Guatemala and Honduras, the opportunity is of still a different variety. It is that of enticing military leaders whom the Communists take to be politically unlettered and unimaginative into a campaign of brutal and indiscriminate repression, of savage reprisal against "the Communists" and, more broadly, against "communism." The Communists themselves will continue to maintain their identification with popular, reformist causes. This is in the generic pattern that led to Castro's success in overthrowing Batista.

There is a third and more reassuring conclusion that emerges from this review. It is that democratic values and practice can root and hold in Central American and Caribbean soil, that with responsible, effective and responsive political leadership, with constructive government programs, with appropriate emphasis on distributive justice, with decent respect for basic human rights, the Communist threat can be diminished and dealt with. Costa Rica abundantly demonstrates this; so does Venezuela; so, at a remove, does El Salvador.

But if the picture is not all dark, it is still very far from bright. How is the United States to meet effectively situations like those in Haiti, Panama, Guatemala, and Honduras? Duvalier will not live forever. Late or soon, mass violence will erupt again in Panama. No one would want firmly to predict that the Castro-Guevara technique will fail in Guatemala and Honduras. What is to be the U.S. response when and if these contingencies materialize?

The dilemma is a cruel one, for in a sense the Communists win if we intervene and they win if we fail to intervene. If we intervene we suffer the slings and arrows of outraged public opinion around the world. Moreover, and more important, we are an alien force in the land we enter, thereafter chargeable by the nationals of that country with responsibility for the country's destiny. Perhaps we have forgotten, but the Dominicans have not, that Trujillo made rapid progress in his ascent to power during the U.S. occupation of 1916–24.

On the other hand, if we fail to intervene, not only will the Communists have secured additional territory in this hemisphere, with corresponding strategic loss to us; not only will a totalitarian mousetrap have closed on a subject population, with consequent foreclosing of political and social options; but also the Communists will have proved empty our repeated assertion that another Communist regime would not be tolerated in this area, with resultant damage to our prestige.

So long as our foreign policy is keyed to cold-war concerns, so long as we are engaged in armed conflict with Communists in Asia, there can be no question about which of the alternatives is to be chosen. Intervention is clearly preferable to nonintervention.

IV

Having said so much, important questions remain. Intervention, yes, but intervention under what auspices? Intervention at what time? Intervention in what guise?

In the sequel to the Dominican crisis of last spring, thought has been given to the establishment of a permanent inter-American force under OAS control that would be available to respond to situations like those we have been considering. The assumption is, of course, that a multilateral, inter-American intervention would be less repugnant to world opinion and more acceptable to the public of the state intervened than would be unilateral action by the United States. It would demonstrate to the world that the judgment of Communist takeover was widely shared; it would put into the intervened country troops from other Latin American countries as well as troops from the United States.

Now it is a highly dubious assumption that the world would not think of such a force as a U.S. creature; and there is even less reason to suppose that the Guatemalan public, for instance, would respond more warmly to troops from General Stroessner's Paraguay than to troops from the United States. Thus there is little likelihood that the creation of a force of this kind would be authorized by the OAS.

The reasons why this is so go to the nature of the inter-American system. Generations of us have been brought up to believe that the Western Hemisphere comprises a special kind of family of nations, linked not only by geography but also by a community of interests, values and aspirations. Myths have astonishing survival capacity, but it is not infinite. This particular myth can survive only so long as the demands placed upon the inter-American system are not too great.

Actually, the states of the hemisphere are united by very little. They differ among themselves in most important ways; as we have seen, even the geographically contiguous states of Central America, among which some significant transnational forces are at work, diverge from one another in crucial political, economic, and social, and even racial respects. Moreover, as the states of the hemisphere acquire more firmly defined national identities, as they develop their internal economies, as they move to assert themselves as independent and autonomous entities on the broader world scene, the incompatibilities among their interests will emerge ever more sharply.

Few states of the hemisphere would see it as being in their interest to cooperate in the creation of a permanent military force, staffed largely by Latin American troops but armed and financed largely by the United States. Not only are the states of Latin America selfish—as are all states in the sense of putting their own interests first; also they would entertain the gravest doubts about the purpose for which the force was to be created. They would not be greatly reassured to be told that the force was to handle cases of "indirect aggression." The term is much too vague, and the subjective element involved in determining when "indirect aggression" has occurred is much too prominent.

There is another point, and it is well to be honest: The Latin Americans would assume that the force really was being created to serve the interests of the United States, that control of the force would vest ultimately in the United States, and that it would be our judgment that would determine where and when the force was to be employed. Because, rightly or wrongly, most Latin Americans question the ability of the United States to understand or sympathize with movements of radical reform, even of non-Communist varieties, and because they sometimes doubt the accuracy and adequacy of the information upon which our policy decisions are based (the Dominican case is very much in point) they would be reluctant to commit themselves beforehand—for so they would see it—to questionable actions.

Finally, of course, the Latin Americans dread the very notion of intervention, however defined, for whatever purpose. We in the United States find this fear, almost pathological in its intensity, difficult to understand. The fear is expressed up and down the hemisphere, just as fervently by spokesmen whose countries have never suffered intervention as by those of countries which have. Moreover, we find it hard to comprehend that the Latin Americans do not seem to appreciate that it is fully as much in their interest as in ours not to permit further Communist expansion in this hemisphere. Our understanding of the Latin American attitude may be facilitated if we bear in mind that we have been a puissant actor on the world stage for the better part of a century, that we have never thought of ourselves as an object at the mercy of alien forces, and the last time we were "intervened" was in 1812.

If there is to be no standby, OAS-sanctioned, multilateral force available for interventions, must we therefore resign ourselves to undertaking by ourselves this unpleasant role? The answer is probably yes if we intend to utilize the device of preventive intervention as we did in the Dominican Republic. For almost by definition an intervention of this kind must be mounted with great speed, its purpose being precisely to preempt the crisis situation before the Communists have an opportunity fully to exploit its possibilities. In such a case full consultation with the member states of the OAS may well turn out to be impossible—so it appeared, at least, in the Dominican situation—and summary notification is all that can be achieved.

There is no need to talk about this question in the abstract, however. Our area of concern is geographically strictly delimited, and we have identified four states in that area in which intervention might be necessary. Of these Haiti is the one whose situation corresponds most closely to that found by President Johnson and his advisers in the Dominican Republic. Preventive intervention in Haiti, therefore, may be appropriate and necessary.

It is out of the question to ask the OAS to give the United States discretionary authority to intervene in Haiti at a time we deem proper; it is also out of the question to expect the OAS formally to commit itself in advance to multilateral intervention in that country. But if the United States is persuaded that only the Communists can profit from Duvalier's death, it should begin at once to inform OAS member governments of Haitian realities and of its own posture with respect to those realities. It would thereby avoid some of the bitterness and misunderstanding that followed upon our Dominican action and that continue to plague inter-American relations.

There is much to be said, however, for abandoning the device of preventive intervention altogether. Certainly its use would be not only unnecessary but extremely unwise in the other three countries—Guatemala, Honduras, Panama—and its use is not enjoined upon us even in Haiti. This gets us to the question of timing of interventions.

Let us assume that the immediate post-Duvalier period in Haiti is precisely as posited here, i.e. that the political void is nearly complete and that only the Communists in the country have the skill, agility and coherence of purpose to exploit the opportunity thus afforded. Why should we not let the Communists take over the country? Or at least let them move along so far in the process of takeover that there can be no doubt about their nature and intentions? What would be lost?

It will not do to say that the country would be lost. Given the nature of Haitian society and the political and administrative infrastructure there, the Communists could assert effective control over little more than Port-au-Prince and a handful of sorry departmental capitals during the first stages of their sways. For months after their usurpation of the Haitian machinery of state they would be highly vulnerable, either to direct U.S. intervention or to a properly supported invasion of Haitian exiles.

At the time of the Dominican intervention we heard many references to the Cuban example. But if the Cuban case illustrates anything, it illustrates that precipitate haste in intervention is not necessary. Even in a country as comparatively highly developed as Cuba—with all that development entails in terms of the availability of instruments of coercion and control—Castro's power was not effectively consolidated for many months after his entry into Havana.

What is suggested here is not that the United States postpone its intervention until a Communist regime is firmly installed with the apparatus of a totalitarian state fully in operation; what is suggested is that the United States wait at least long enough before intervening to permit the other states of the hemisphere and of the world to see the contours of the emerging regime. In the Dominican case President Johnson and his advisers told the world that the forces opposing General Wessin y Wessin were Communist-dominated; but the world did not see persuasive evidence that this was in fact so.

When we turn from Haiti to Honduras and Guatemala, the case against precipitate preventive intervention is even stronger. For the constellation of forces in these countries is such that we could not automatically assume upon the outbreak of major strife that the Communists were in controlling positions or that in the outcome they would carry the day. The Communists are not the only ones in these countries who preach the need for radical reform and who, in desperation, will resort to violence to achieve it. Moreover, it would be a sorry kind of justice and of logic to which we would implicitly subscribe if we were to adopt as a working principle the notion that the arbitrary and illigitimate use of violence—the use of the armed forces of the state—by military officers in quest of power or plunder could be tolerated while the resort to violence by aggrieved, frustrated and frantic citizens represented a threat too great to our national security to be countenanced.

Again, all that is urged is that we be prudent, that we pay a decent respect to the opinions of mankind. If indeed a Communist regime emerges, we are emphatically on record that we will not permit its survival, and we can move strongly against it. If we cannot tell whether a regime is Communist or not, then let us act on the assumption that it is not; it will pose no threat to our security. Above all, let us not conclude automatically that because known Communists are associated with popular movements, even movements sired by violence out of desperation, that the movements are ineradicably tainted. Had our intelligence services been as ubiquitous and as susceptible to cold-war criteria in 1930 as they are today, Romulo Betancourt would never have reached the Venezuelan presidency to put his country firmly on the march toward effective democracy.

V

In the preceding pages the emphasis has been heavily on the question of intervention in the Caribbean, its necessity, form, and timing. This is an important theme, for the problem of "indirect aggression" is a real and serious one. The danger exists, though, that the problem can be magnified out of proper proportion and that perspective may be lost.

When one stops to think about it, one is struck by the slight success the Communists have achieved in the Caribbean. Cuba and the image that Castro projects may distort our vision; but the fact remains that the demonstrated capability of the Communists has not been great. Their fragile control in Guatemala collapsed like a house of cards in 1954 when subjected to challenge by a handful of exiles. Although the Communists have identified themselves with the full gamut of reform and revolutionary demands, they have failed to enlist many recruits to their banner. Although, as we have seen, opportunity in the form of exploitable grievances is abundantly available to them, they have been unable to utilize such opportunity with much effectiveness.

This situation could change. The prospects for Communist success could sharply improve. It would be truly tragic, however, if the United States should be an agency importantly responsible for those improved prospects. This could happen if we were to put inordinate stress upon Communist dangers in the region at the expense of due attention to the crying needs for political, economic, and social reform. If the United States loses its identification with the concepts of political democracy, social justice, economic well-being, and the dignity of the individual, it has lost its purchase in this hemisphere.

What it comes down to is this: Do we, or do we not, have confidence in the Latin Americans? Hard though the choice is, we cannot really have it both ways.

AMERICA, THE BEAUTIFUL

Mr. **BARTLETT**. Mr. President, before the President signed the immigration bill into law on Liberty Island, we were privileged to hear the voice of one of our Nation's greatest artists, Anna Moffo, of the Metropolitan Opera.

This great artist stood only inches from the water in New York Harbor—for Liberty Island is quite small—and over her shoulder one could see Ellis Island, where so many immigrants to this country have passed.

In a few words, before her song, Miss Moffo explained that her own father had been an immigrant to America.

This country is indeed fortunate to have benefited from so many races and cultures.

As the President remarked, America became great and the land flourished, because it was fed from so many sources.

It would be impossible in a short time to enumerate all of the great scientists, philosophers, writers, painters, and singers whose roots go back to other lands.

Now, the new immigration bill states that those wishing to immigrate here shall be admitted on the basis of their skills and their close relationship to those already here.

In signing the bill, President Johnson said that "today we can all believe that the lamp of this grand old lady is brighter today—and the golden door she guards gleams more brilliantly in the light of an increased liberty for people from all countries."

RECESS

Mr. **LONG** of Louisiana. Mr. President, I move that the Senate stand in recess until noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 27 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, October 5, 1965, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 4 (legislative day of October 1), 1965:

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

John W. Hechinger, of the District of Columbia, to be a member of the District of Columbia Redevelopment Land Agency for the term expiring March 3, 1970.

IN THE AIR FORCE

The nominations beginning Harry H. Abe to be captain, and ending Fred L. Witzgall to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 24, 1965.

IN THE ARMY

The nominations beginning Sterling H. Abernathy to be colonel, and ending Stephen C. M. Zakaluk to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 24, 1965.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 5, 1965

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. ALBERT.

DESIGNATION OF SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. The Clerk will read the following communication.

The Clerk read as follows:

OCTOBER 5, 1965.

I hereby designate the Honorable CARL ALBERT, of Oklahoma, to act as Speaker pro tempore today.

JOHN W. MCCORMACK,
Speaker.

PRAYER

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture:

Colossians 3: 16: *Let the word of Christ dwell in you richly in all wisdom.*

Almighty God, we invoke Thy blessing on all mankind, especially the lonely of soul with Thy fellowship and the wounded of heart with Thy healing.

Show Thy mercy to all who spend their days languishing in weakness and are continually pursued by pain and are tempted to lose all hope.

Help us to understand that these needs may not necessarily be an end but a means inspiring us to think of Thee and the spiritual things which we may have forgotten or neglected.

May we realize that our many troubles often have their roots in our physical discords and thus become a valley of shadows, drear and desolate, rather than a sunny upland.

Grant that health of soul, one that is rich in sympathy and radiant in peace, may be our first concern.

May our faith in Thee never be a tradition or theory but heartfelt. May the Christ of Prophecy who became the Christ of History be for us the Christ of Experience.

In His name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, October 1, 1956, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On September 29, 1965:

H.R. 948. An act to amend part II of the District of Columbia Code relating to divorce, legal separation, and annulment of marriage in the District of Columbia;

H.R. 1395. An act for the relief of Irene McCafferty;

H.R. 2926. An act for the relief of Efstahia Giannos;

H.R. 2933. An act for the relief of Kim Jai Sung;

H.R. 3989. An act to extend to 30 days the time for filing petitions for removal of civil actions from State to Federal courts;

H.R. 5883. An act to amend the bonding provisions of the Labor-Management Reporting and Disclosure Act of 1959 and the Welfare and Pension Plans Disclosure Act;

H.R. 6294. An act to authorize Secret Service agents to make arrests without warrant for offenses committed in their presence, and for other purposes; and

H.R. 9854. An act for the relief of A. T. Leary.

On September 30, 1965:

H.R. 205. An act to amend chapter 35 of title 38 of the United States Code in order to increase the educational assistance allowances payable under the war orphans' educational assistance program, and for other purposes; and

H.J. Res. 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes.

On October 1, 1965:

H.R. 1221. An act for the relief of Betty H. Going;

H.R. 2414. An act to authorize the Administrator of Veterans' Affairs to convey certain lands situated in the State of Oregon to the city of Roseburg, Oreg.;

H.R. 2694. An act for the relief of John Allen;

H.R. 3062. An act for the relief of Son Chung Ja;

H.R. 3337. An act for the relief of Mrs. Antonio de Oyarzabal;

H.R. 3765. An act for the relief of Miss Rosa Basile DeSantis;

H.R. 4596. An act for the relief of Myra Knowles Snelling;

H.R. 5252. An act to provide for the relief of certain enlisted members of the Air Force;

H.R. 5768. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk, and for other purposes;

H.R. 5839. An act for the relief of Sgt. Donald R. Hurrle, U.S. Marine Corps;

H.R. 5903. An act for the relief of William C. Page;

H.R. 8212. An act for the relief of Kent A. Herath;

H.R. 8352. An act for the relief of certain employees of the Foreign Service of the United States;

H.R. 8715. An act to authorize a contribution by the United States to the International Committee of the Red Cross; and

H.R. 9877. An act to amend the act of January 30, 1913, as amended, to remove certain restrictions on the American Hospital of Paris.

On October 3, 1965:

H.R. 2580. An act to amend the Immigration and Nationality Act, and for other purposes.

On October 4, 1965:

H.R. 4152. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933 to provide means for expediting the retirement of Government capital in the Federal intermediate credit banks, including an increase in the debt permitted such banks in relation to their capital and provision for the production credit associations to acquire additional capital stock therein, to provide for allocating certain earnings of such banks and associations to their users, and for other purposes; and

H.R. 7682. An act for the relief of Mr. and Mrs. Christian Voss.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 824. An act to authorize the transfer of certain Canal Zone prisoners to the custody of the Attorney General;

H.R. 3045. An act to authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations;

H.R. 5665. An act to authorize disbursing officers of the Armed Forces to advance funds to members of an armed force of a friendly foreign nation, and for other purposes;

H.R. 6165. An act to repeal section 165 of the Revised Statutes relating to the appointment of women to clerkships in the executive departments;

H.R. 7329. An act to provide for the conveyance of certain real property of the United States to the city of San Diego, Calif.;

H.R. 9975. An act to authorize the shipment, at Government expense, to, from, and within the United States and between oversea areas of privately owned vehicles of deceased or missing personnel, and for other purposes; and

H.R. 10234. An act to amend section 1085 of title 10, United States Code, to eliminate the reimbursement procedure required among the medical facilities of the Armed Forces under the jurisdiction of the military departments.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1805. An act to amend section 5899 of title 10, United States Code, to provide permanent authority under which Naval Reserve officers in the grade of captain shall be eligible for consideration for promotion when their running mates are eligible for consideration for promotion;

H.R. 7484. An act to amend title 10, United States Code, to provide for the rank of lieutenant general or vice admiral of officers of the Army, Navy, and Air Force while serving as Surgeons General;

H.R. 8310. An act to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes;

H.R. 9022. An act to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to eliminate inequities in the application of Public Law 815 in certain military base closings; to make uniform eligibility requirements for school districts in Public Law 874; and for other purposes;

H.R. 9047. An act to authorize the release of certain quantities of zinc from either the national stockpile or the supplemental stockpile, or both; and

H.R. 10238. An act to provide labor standards for certain persons employed by Federal contractors to furnish service to Federal agencies, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 306. An act to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes; and

S. 1856. An act to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1316. An act to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for political divisions and subdivisions in the National Capital region; and

S. 2542. An act to amend the Small Business Act.

TWELFTH ANNUAL REPORT OF THE CORREGIDOR-BATAAN MEMORIAL COMMISSION FOR THE FISCAL YEAR ENDED JUNE 30, 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 299)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of Public Law 193, 83d Congress, as amended, I hereby transmit to the Congress of the United States the 12th annual report of the Corregidor-Bataan Memorial Commission for the fiscal year ended June 30, 1965.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 5, 1965.*

CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for consideration of bills on the Consent Calendar.

The Clerk will report the first bill on the calendar.

ESTABLISHMENT OF THE ROGER WILLIAMS NATIONAL MEMORIAL IN THE CITY OF PROVIDENCE, R.I.

The Clerk called the first bill (H.R. 7919) to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 7919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may acquire by gift, purchase with appropriated or donated funds, transfer from any Federal agency, exchange, or otherwise, not to exceed five acres of land (together with any buildings or other improvements thereon) and interests in land at the site of the old town spring, traditionally called Roger Williams Spring, in Providence, Rhode Island, for the purpose of establishing thereon a national memorial to Roger Williams in commemoration of his outstanding contributions to the development of religious freedom in this country: *Provided,* That property owned by the city of Providence or the Providence Redevelopment Agency may be acquired only with the consent of such owner.

SEC. 2. The property acquired pursuant to the first section of this Act shall be established as the Roger Williams National Memorial and the Secretary of the Interior shall publish notice of such establishment in the Federal Register. Such national memorial shall be administered by the Secretary subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 (49 Stat. 666).

SEC. 3. (a) The Secretary is authorized to cooperate with the city of Providence, local historical and preservation societies, and interested persons in the maintenance and operation of the Roger Williams National Memorial, and he may seek the assistance of and consult with such city, societies, and persons from time to time with respect to matters concerning the development and operation of the memorial.

(b) The Secretary may accept on behalf of the people of the United States gifts of historic objects and records pertaining to Roger Williams for appropriate display or other use in keeping with the commemoration of the founding of religious freedom in the United States and of the historical events that took place in the city of Providence in connection therewith.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

With the following committee amendments:

Page 2, line 2, strike out "religious" and insert "the principles of".

Page 3, line 5, strike out "religious" and insert "the principles of".

Page 3, lines 8, 9 and 10, strike out all of section 4 and insert in lieu thereof the following:

"SEC. 4. There are hereby authorized to be appropriated not more than $700,000 for the acquisition of lands and interests in land and for the development of the Roger Williams National Memorial, as provided in this Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1855) to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes.

The Clerk read the title of the bill.

Mr. BOLAND. Mr. Speaker, a member of the Committee on Interior and Insular Affairs was to be here with an amendment to offer to the House, but he has not arrived.

I ask unanimous consent that consideration of the Senate bill be placed at the end of the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

The Clerk called the bill (S. 1516) to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the Administrator of General Services to enter into contracts for, the inspection, maintenance, and repair of fixed equipment in federally owned buildings for periods not to exceed 5 years, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask some questions about this bill and will yield to anyone who is handling the bill.

Mr. Speaker, in the absence of anybody to explain the bill, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PAINTING, MARKING, AND DISMANTLEMENT OF RADIO TOWERS

The Clerk called the bill (S. 903) to amend the Communications Act of 1934, as amended, with respect to painting, illumination, and dismantlement of radio towers.

There being no objection, the Clerk read the bill, as follows:

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(q) of the Communications Act of 1934 (47 U.S.C. 303(q)) is amended by inserting after the period at the end thereof the following: "The permittee or licensee shall maintain the painting and/or illumination of the tower as prescribed by the Commission pursuant to this section. In the event that the tower ceases to be licensed by the Commission for the transmission of radio energy, the owner of the tower shall maintain the prescribed painting and/or illumination of such tower until it is dismantled, and the Commission may require the owner to dismantle and remove the tower when the Administrator of the Federal Aviation Agency determines that there is a reasonable possibility that it may constitute a menace to air navigation."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SECURITIES ACT OF 1933 FILING FEES

The Clerk called the bill (H.R. 7169) to amend the Securities Act of 1933 with respect to certain registration fees.

There being no objection, the Clerk read the bill, as follows:

H.R. 7169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(b) of the Securities Act of 1933 (15 U.S.C. 77(f)) is amended by striking out "one one-hundredth" and inserting in lieu thereof "one-fiftieth", and by striking out "$25." and inserting in lieu thereof "$100."

SEC. 2. The amendments made by the first section of this Act shall take effect July 1, 1965.

With the following committee amendments:

Page 1, line 4, strike "77(f)" and insert "77f(b)".

Page 1, line 8, strike "July 1, 1965" and insert "January 1, 1966".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REDETERMINATION OF ANNUITIES OF CERTAIN REEMPLOYED ANNUITANTS

The Clerk called the bill (H.R. 969) to authorize redetermination under the Civil Service Retirement Act of annuities of certain reemployed annuitants.

There being no objection, the Clerk read the bill, as follows:

H.R. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 13(b) of the Civil Service Retirement Act, 5 U.S.C. 2263(b), is amended to read as follows: "Notwithstanding the restriction contained in section 115 of the Social Security Amendments of 1954, Public Law 83–761, a similar right to redetermination after deposit shall be applicable to an annuitant (1) whose annuity is based on an involuntary separation from the service and (2) who is separated on or after March 31, 1961, after such period of full-time reemployment which began before October 1, 1956."

SEC. 2. Notwithstanding any other provision of law, annuity benefits resulting from enactment of this act shall be paid from the civil service retirement and disability fund.

With the following committee amendment:

Page 1, line 10, strike out "March 31, 1961" and insert in lieu thereof "July 12, 1960".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL BRIDGE AT PHARR, TEX.

The Clerk called the bill (H.R. 10779) to authorize the Pharr Municipal Bridge Corp. to construct, maintain, and operate a toll bridge across the Rio Grande, near Pharr, Tex.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I notice in the report accompanying this bill the views of the Department of State are not printed in the report nor are the views of the Bureau of the Budget indicated. My understanding is that the chairman of the Committee on Foreign Affairs has a letter from the Department of State favorably commenting on this bill. But I have no knowledge as to the views of the Bureau of the Budget, and I would yield so that that information may be supplied for the RECORD.

Mr. SELDEN. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman.

Mr. SELDEN. The Department of State advised in its letter of September 14, 1965, to Chairman MORGAN that the Bureau of the Budget has no objection to the submission of the Department's report on this legislation.

Mr. PELLY. Mr. Speaker, I think the RECORD will now clearly indicate this. I am only hopeful in the future in order to help the Committee of Objectors that committee chairmen will see that their reports do have the views or reports from various agencies of the Government concerning legislation.

Mr. Speaker, I withdraw my reservation of objection.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to interrogate the gentleman further. I note that this measure mandates the building of this bridge within 3 years. Could the gentleman state to the Congress who will build this bridge?

Mr. SELDEN. This bridge will be built by the Pharr Municipal Bridge Corp. of Pharr, Tex., in accordance with the provisions of the act entitled, "An act to regulate construction of bridges over navigable waters," approved March 23, 1906, and is subject to, first, the conditions and limitations contained in this act; second, the approval of the International Boundary and Water Commission, United States and Mexico; and third, the approval of the proper authorities of Mexico. It is necessary for the Congress to authorize the construction of bridges across international boundaries.

Mr. JOHNSON of Pennsylvania. Does this legislation establish, let us say, a natural monopoly to this Municipal Bridge Corp. for the purpose of building this bridge?

Mr. SELDEN. It does at this point on the river. However, there are other bridges along the river as the gentleman knows.

Mr. JOHNSON of Pennsylvania. This will be a toll bridge, will it not?

Mr. SELDEN. Yes, this will be a toll bridge. It will be constructed at no cost to the Federal Government.

Mr. JOHNSON of Pennsylvania. Is there anything in legislation or any treaty between the two countries that when the tolls have paid for the bridge that it will become a free bridge; or will it never become a free bridge because in perpetuity a monopoly is granted?

Mr. SELDEN. There is a 66-year period from the date of completion of the bridge that tolls may be collected. At the end of that time it will become free. This is in the authorizing legislation.

Mr. JOHNSON of Pennsylvania. Would it become a free bridge sooner than 66 years if the tolls pay off the indebtedness?

Mr. SELDEN. It will not. This is the standard provision provided in recent years in legislation authorizing the construction of toll bridges across the Rio Grande.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 10779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pharr Municipal Bridge Corporation of Pharr, Texas, is authorized to construct a toll bridge and approaches thereto across the Rio Grande, at a point suitable to the interests of navigation, at or near Pharr, Texas, and for a period of sixty-six years from the date of completion of said bridge, to maintain and operate same and to collect tolls for the use thereof, so far as the United States has jurisdiction over the waters of such river, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (33 U.S.C. 491 to 498, inclusive), subject to—

(1) the conditions and limitations contained in this Act;

(2) the approval of the International Boundary and Water Commission, United States and Mexico; and

(3) the approval of the proper authorities in the Republic of Mexico; with respect to the construction, operation, and maintenance of such bridge.

SEC. 2. The Pharr Municipal Bridge Corporation may fix and charge tolls for transit over the bridge referred to in the first section of this Act in accordance with the laws of the State of Texas, and the laws of the United States, applicable to such tolls, and the rates of toll so fixed shall be legal rates until changed under the authority contained in section 4 of the Act of March 23, 1906 (33 U.S.C. 494).

SEC. 3. The Pharr Municipal Bridge Corporation may sell, assign, transfer, or mortgage the rights, powers, and privileges conferred on such company by this Act to any public agency, or to an international bridge authority or commission, and any such agency, authority, or commission is authorized to exercise the rights, powers, and privileges acquired under this section (including acquisition by mortgage foreclosure) in the same manner as if such rights, powers, and privileges had been granted by this Act directly to such agency, authority, or commission.

SEC. 4. Notwithstanding the provisions of section 6 of the Act of March 23, 1906 (33 U.S.C. 496), this Act shall be null and void unless the actual construction of the bridge referred to in the first section of this Act is commenced within three years and completed within five years from the date of enactment of this Act.

SEC. 5. The right to alter, amend, or repeal this Act is expressly reserved.

With the following committee amendments:

Page 1, line 10, strike out "river" and insert "river,".

Page 2, strike out lines 8 through 10, and insert the following:

"(3) the approval of the proper authorities in the Republic of Mexico;
with respect to the construction, operation, and maintenance of such bridge."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE DISPOSAL OF GRAPHITE QUARTZ CRYSTALS AND LUMP STEATITE TALC FROM THE NATIONAL STOCKPILE OR THE SUPPLEMENTAL STOCKPILE, OR BOTH

The SPEAKER pro tempore. The Clerk will call the next bill on the Consent Calendar.

The Clerk called the bill (H.R. 11096) to authorize the disposal of graphite quartz crystals and lump steatite talc from the national stockpile or the supplemental stockpile, or both.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, we might well have some indication as to what we paid for these materials and what we now expect to obtain by selling the materials. In other words, there is nothing to indicate the extent of the financial transaction in the report accompanying the bill.

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Florida.

Mr. BENNETT. First, with regard to the graphite, if this graphite is sold under the terms of the bill, the estimated loss would be $329,000.

Second, with regard to the talc, if the talc is sold today under the present bill, the loss would be $69,000.

Third, with regard to the quartz crystals, if they are sold today according to this legislation, the estimated gain to the Government would be $18 million.

So, the total sales of these products under the legislation would bring a total gain of $17,602,000.

Of course, the reason why this legislation is before us is because the Department has recommended to Congress that it no longer needs this type of stockpile to the extent that it now has it, and has recommended these reductions because these reductions can be made at a minimum loss to the Government if the sales take place promptly.

If you are going to look back and see why there was any loss on an individual item, then you would have to state how we got the material. Sometimes we get it by barter; sometimes by going out and purchasing it.

Regarding the two items which have been purchased, we are going to lose some money. The problem there is that we do not need the material now and we can probably sell it better today than later. That is what it amounts to.

Mr. GROSS. I thank the gentleman for his explanation. In the past we have had some very disgraceful situations with respect to stockpiling. I am glad to see the stockpiles reduced, if they can be reduced without endangering the security of this country. I remember all too well some of the disgraceful situations which led to excess stockpiling in the past.

I again thank the gentleman from Florida. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise: (1) approximately sixteen thousand five hundred and eighty-six short tons of Malagasy crystalline graphite and two thousand and nine short tons of crystalline graphite produced in countries other than Ceylon and Malagasy, now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile estabished pursuant to section 104 (b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)); (2) approximately four million three hundred and eight-eight thousand five hundred and twenty-two pounds of stockpile grade quartz crystals and four hundred and sixty-seven thousand eight hundred and sixteen pounds of nonstockpile grade quartz crystals, now held in said national and supplemental stockpiles, and (3) approximately one thousand and forty-nine short tons of lump steatite talc now held in said national stockpile. Such dispositions may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RENDERING IMMUNE FROM LEGAL PROCESSES CERTAIN SIGNIFICANT IMPORTED CULTURAL OBJECTS

The Clerk called the bill (S. 2273) to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone what prompts the necessity for this legislation? The report is not clear.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I am glad to yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The bill is consistent with the policy of the Department of State to assist and encourage educational and cultural exchange. Its enactment would be a significant step in international cooperation this year, which has been proclaimed by the President as International Cooperation Year.

The Department of State is informed that both the Smithsonian Institution and the American Association of Museums support this legislation.

If a foreign country or an agency should send exhibits to this country in the exchange and cultural program and someone should decide that it is necessary for them to institute a lawsuit against that particular country or those who may own the cultural objects, the bill would assure the country that if they did send the objects to us, they would not be subjected to a suit and an attachment in this country.

Mr. GROSS. What has been the experience with respect to seizure of objects which have been brought to the United States in the past? Have any suits been brought to seize them?

Mr. ROGERS of Colorado. So far as I know there have not been any suits instituted heretofore, nor has there been much of an exchange under the cultural program in this area.

Mr. GROSS. Does the gentleman anticipate quite an increase in the exchange of cultural objects?

Mr. ROGERS of Colorado. We just want to assure the individuals, if they do want to cooperate, that they will not subject themselves to lawsuits in this country.

Mr. GROSS. I am not going to object to this bill. I do not believe it can do any harm, and I do not believe it is going to do any good. According to the gentleman from Colorado, there has not been a single suit brought against a single individual who has brought some cultural object to this country. As far as I know it can do no particular harm, and I do not believe it can do any good. It has cost the taxpayers some money to go through a rigmarole which is utterly meaningless, in the light of past experience. I am not going to object, since it has gone this far. The printing has been done. But I hope that in the future we will not be burdened with bills and reports of this kind.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever any work of art or other object of cultural significance is imported into the United States from any foreign country, pursuant to an agreement entered into between the foreign owner or custodian thereof and the United States or one or more cultural or educational institutions within the United States providing for the temporary exhibition or display thereof within the United States at any cultural exhibition, assembly, activity, or festival administered, operated, or sponsored, without profit, by any such cultural or educational institution, no court of the United States, any State, the District of Columbia, or any territory or possession of the United States may issue or enforce any judicial process, or enter any judgment, decree, or order, for the purpose or having the effect of depriving such institution, or any carrier engaged in transporting such work or object within the United States, of custody or control of such object if before the importation of such object the President or his designee has determined that such object is of cultural significance and that the temporary exhibition or display thereof within the United States is in the national interest, and a notice to that effect has been published in the Federal Register.

(b) If in any judicial proceeding in any such court any such process, judgment, decree, or order is sought, issued, or entered, the United States attorney for the judicial district within which such proceeding is pending shall be entitled as of right to intervene as a party to that proceeding, and upon request made by either the institution adversely affected, or upon direction by the Attorney General if the United States is adversely affected, shall apply to such court for the denial, quashing, or vacating thereof.

(c) Nothing contained in this Act shall preclude (1) any judicial action for or in aid of the enforcement of the terms of any such agreement or the enforcement of the obligation of any carrier under any contract for the transportation of any such object of cultural significance; or (2) the institution or prosecution by or on behalf of any such institution or the United States of any action for or in aid of the fulfillment of any obligation assumed by such institution or the United States pursuant to any such agreement.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR A TERM OF THE FEDERAL DISTRICT COURT AT CLINTON, N.C.

The Clerk called the bill (H.R. 1781) to amend section 113(a) of title 28, United States Code, to provide that Federal District Court for the Eastern District of North Carolina shall be held at Clinton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 113(a) of title 28, United States Code, is amended by striking out "Court for the Eastern District shall be held at Elizabeth City, Fayetteville, New Bern, Raleigh, Washington, Wilmington, and Wilson." and inserting in lieu thereof "Court for the Eastern District shall be held at Clinton, Elizabeth City, Fayetteville, New Bern, Raleigh, Washington, Wilmington, and Wilson.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN CLASSES OF CIVILIAN EMPLOYEES OF NAVAL INSTALLATIONS ERRONEOUSLY IN RECEIPT OF CERTAIN WAGES DUE TO MISINTERPRETATION OF CERTAIN PERSONNEL INSTRUCTIONS

The Clerk called the bill (H.R. 2627) for the relief of certain classes of civilian employees of naval installations erroneously in receipt of certain wages due to misinterpretation of certain personnel instructions.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, this is one of two bills on the Consent Calendar today to relieve certain workers from overpayments which were made as a result of errors by others. When such bills have come up in the past it has been customary to ask who was responsible for the error.

This is a small bill and it does not involve much, but I am hopeful that those who initiate legislation of this nature will make the record show as to what officers or what civilian leaders have been responsible for these mistakes.

Is there anyone who has knowledge of this bill who could set forth in the RECORD actually who made these mistakes?

Mr. ASHMORE. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from South Carolina.

Mr. ASHMORE. This type of error has occurred at several naval shipyards. It has been called to their attention and it has been corrected in all instances of which we know.

In 1962, a similar bill came up and was passed by the House, providing relief for people in the same situation at the Alameda, Long Beach, and Philadelphia Shipyards.

We hope that these errors have been corrected. I am satisfied they have, and that we have been advised of all the errors. We believe this will not occur any more.

This is the same thing which occurred at about the same time at these other shipyards. It is not a reoccurrence.

Mr. PELLY. Mr. Speaker, I take it from what the gentleman has told the House that the committee which has studied this situation is satisfied there will be no reoccurrence and has looked into the matter and feels there is no recourse which can be properly made against those responsible for the error.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. GROSS. This bill on the Consent Calendar is only one of several bills that are to be found on today's Private Calendar dealing with this same subject. The gentleman from Washington makes an excellent point that the administrative officers who make these errors are not being held to account. We have been over this several times in the last 2 or 3 years. It is getting to the point where it may be necessary to object to these bills when considered under unanimous consent either on the Consent Calendar or the Private Calendar if this is what it is going to take to compel the responsible officials in the various departments and agencies of the Government to set forth in the report those responsible for these errors. It is not sufficient to slap individuals on the wrist and permit them to say, "We regret an administrative error which cost the taxpayers of this country thousands of dollars." This is not sufficient. The Congress is going to have to do something further to hold to account those who make these errors, because they are increasing rather than decreasing.

I certainly concur with the gentleman from Washington that there is nothing to be found in this report that holds anybody responsible, nor will he find it in any other report accompanying either of these calendars. There is not a statement showing who is responsible for the administrative errors or any attempt to hold individuals responsible for the errors that have been made.

Mr. PELLY. Mr. Speaker, this problem has come up in previous years. I think probably it would be a good thing if the Committee of Objectors in considering their rules in the future would think of establishing a requirement that a statement be made as to the responsibility for these administrative errors. If no one can be pinned down as being responsible, then at least this statement will appear in the report accompanying this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. PELLY. I yield to the gentleman.

Mr. GROSS. It was not too long ago that the Comptroller General of the United States testified before a committee of Congress and pointed out that over one 5-year period administrative errors resulted in overpayments and noncollections from those who were overpaid at a cost to the Treasury of $100 million. This is in one 5-year period, and $100 million is a lot of money.

Mr. PELLY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each civilian employee and each former civilian employee of any United States Navy installation is relieved of all liability to refund to the United States any and all amounts which were erroneously received by him without fault on his part after May 25, 1960, and before July 1, 1962, resulting from a premature within-grade advancement based upon a misinterpretation of cover sheet 852 of the Navy Civilian Personnel Instructions dated May 25, 1960. Any such employee or former employee who has at any time made repayment to the United States of an amount paid to him as a result of any such misinterpretation is hereby entitled to have refunded to him such amount so repaid if application therefor is made to the Secretary of the Navy within one year following the date of enactment of this Act. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for appropriate amounts for which liability is relieved by this Act. Appropriations available for the pay of civilian personnel of the Navy are hereby made available for payment of refunds under this Act.

With the following committee amendment:

Page 2, after line 12, insert the following language:

"Sec. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOLD DISTRICT COURT AT NEW LONDON, CONN.

The Clerk called the bill (H.R. 2653) to provide that the U.S. District Court for the District of Connecticut shall also be held at New London, Conn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 86 of title 28, United States Code, is amended to read as follows: "Court shall be held at Bridgeport, Hartford, New Haven, New London, and Waterbury."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFER FIVE COUNTIES TO WESTERN DISTRICT OF OKLAHOMA

The Clerk called the bill (H.R. 8317) to amend section 116 of title 28, United States Code, relating to the U.S. District Court for the eastern and western districts of Oklahoma.

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The Clerk called the bill (H.R. 9495) to increase the appropriation authorization for the Franklin Delano Roosevelt Memorial Commission, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I note from the report that this is a five times increase for the support of the Commission over the previous appropriation. My question would be, Why is it necessary to increase from $25,000 to $125,000 the support of this Commission, and how much has been expended up to this time on the Commission? Does the $25,000 represent all of the expenditure up to this point?

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I am glad to yield to the gentleman from Missouri.

Mr. JONES of Missouri. This is before the Committee on House Administration, and I will try to explain it. The $25,000 has been expended. We have authorized an appropriation for $100,000. We do not expect it will all be expended in 1 year, but we do this rather than come back here and ask for it piecemeal.

Mr. GROSS. You mean $125,000.

Mr. JONES of Missouri. It is only an increase of $100,000 we are asking for at this time. That is added onto the $25,000. It shows $125,000 in the bill, but actually it is only an additional $100,000.

That is all that is being asked for here to carry out the work of this Committee. Mr. Speaker, I would like to yield to the Chairman of the Franklin Delano Roosevelt Memorial Commission, our distingushed colleague from New York [Mr. Keogh] who is leaving us at the end of this session, and who is in charge of this work. I think he might throw a little more light on it.

Mr. GROSS. Mr. Speaker, I shall be glad to yield to the gentleman from New York, but before I do let me say that I have no objection to a memorial for Franklin Delano Roosevelt. It is the mechanics of this that I am interested in. Up to this point, for the expenditure of the money already appropriated, we have gotten no results at all, so far as I know. I should like to hear the explanation of the distinguished gentleman from New York, and I yield to him for that purpose.

Mr. KEOGH. Mr. Speaker, I appreciate very much the gentleman from Iowa yielding to me. I think you might recall that the $25,000 authorization and appropriation was contained in a resolution which was an amendment to a resolution brought in by the Commission, and the amended resolution provided that the Commission do a number of things. The first was to determine whether the Fine Arts Commission of the District of Columbia would approve the prize-winning design, or, in the alternative, whether the prize-winning design could be modified in order to accommodate the views of the Fine Arts Commission. It was for those purposes that the $25,000 was authorized in the amended resolution, and later appropriated.

This amount, has, however, been expended by the Commission doing exactly what the Congress mandated us to do. But we are in this unfortunate situation at the moment: we are absolutely "stone broke," as the saying goes, and we have to do something because, Mr. Speaker, as the distinguished gentleman from Iowa has so well said—and I appreciate his viewpoint because I welcome his support at all times—that an appropirate memorial for the late great President is in order.

All we are asking you to do now is to authorize this $100,000.

We have already justified, we hope successfully, to the Appropriations Committee, items totaling only $20,000 of this $100,000, and with that $20,000 we hope to reactivate the Commission. We hope, therefore, to be able to come to the Congress with a design appropriate to the memory of the great man that will meet the approval of those who have a justifiable interest in it, and, Mr. Speaker, if I may parenthetically insert, including those self-appointed art experts that we have in the House of Representatives that we did not know we had until the amended resolution was before the Congress. We hope to do all of that, and we hope to do it expeditiously. And we thought, in line with the gentleman's observations in connection with the bill that was on the Consent Calendar just a moment ago which he described, and I suspect somewhat accurately, that it would do no harm, it might do no good, but it has cost the Government something to process that bill—we thought by coming in here with an authorization of $100,000, getting the $20,000 to start operating, we would not have to take up the time of the House any further.

Mr. GROSS. The gentleman has made such an appealing argument that it leaves me almost speechless. I would add only this, that I hope we will get better results for the further expenditure of the money than we have had in the past.

Mr. KEOGH. Mr. Speaker, if the gentleman will yield just a moment further, I join implicitly with him in that last hope. But I would also like to express the opinion, perhaps differently from what otherwise might be said, that the gentleman from Iowa does such a full and complete job in all of his undertakings that I hope he is never rendered speechless.

Mr. GROSS. Mr. Speaker, I thank the gentleman and withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 9495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "To direct the Franklin Delano Memorial Commission to consider possible changes in the winning design for the proposed memorial or the selection of a new design for such memorial", approved October 18, 1962 (76 Stat. 1079), is amended by striking the words "not later than June 30, 1963" following the word "President" in section 2 and inserting a period, and by striking "$25,000" from section 3 and substituting "$125,000".

With the following committee amendment:

Page 1, line 4, insert the word "Roosevelt" immediately following the word "Delano".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NORFOLK NAVAL SHIPYARD EMPLOYEES

The Clerk called the bill (H.R. 7446) for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Norfolk Naval Shipyard, Portsmouth, Va.

There being no objection the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each civilian employee and former civilian employee of the Department of the Navy at the Norfolk Naval Shipyard, Portsmouth, Virginia, who was determined by the Comptroller General to have received any overpayment of compensation for the period from March 1, 1953, to January 29, 1965, inclusive, or any portion or portions of such period, resulting from a longevity step increase or increases granted to him through administrative error at such shipyard (which employees are named and the amount of overpayments made to them are set forth in the list appearing in file B–154699 of the Comptroller General), is hereby relieved of all liability to refund to the United States the amount of all such overpayments (including overpayments of night differential, holiday, and overtime premium pay) made to him. Each such employee or former employee who has at any time made any repayment to the United States on account of any such overpayments made to him (or, in the event of his death, the person who would be entitled thereto under the first section of the Act of August 3, 1950 (50 U.S.C. 61f), if any such repayment or repayments were unpaid compensation) shall be entitled to have an amount equal to all such repayments made by him refunded if application therefor is made to the Secretary of the Navy within two years after the date of enactment of this Act.

(b) For purposes of the Civil Service Retirement Act and the Federal Employees' Group Life Insurance Act of 1954, each overpayment for which liability is relieved by subsection (a) of this section shall be deemed to have been a valid payment.

Sec. 2. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for any amounts for which liability is relieved by the first section of this Act.

Sec. 3. Appropriations available for the pay of civilian employees of the Department of the Navy shall be available for refunds provided for in the last sentence of the first section of this Act.

With the following committee amendment:

Page 3, following line 4, insert:

"Sec. 4. No part of an amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with a claim paid under the authority of this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING REQUIREMENTS RELATING TO LUMBER

The Clerk called the bill (H.R. 10198) to amend the requirements relating to lumber under the Shipping Act, 1916.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18(b)(1) of the Shipping Act, 1916 (46 U.S.C. 817(b)(1)), is amended by inserting before the word "lumber" wherever it appears in this section the word "softwood."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REAL PROPERTY CONVEYED TO STATE OF CALIFORNIA

The Clerk called the bill (H.R. 1582) to provide for the conveyance of certain real property to the State of California.

There being no objection, the Clerk read the bill, as follows:

H.R. 1582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to convey to the State of California, without monetary consideration therefor, all the right, title, and interest of the United States in and to that portion of the Morro Rock Lighthouse Reservation which was conditionally conveyed to such State by the Secretary under the first section of the Act entitled "An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes", approved May 28, 1935 (49 Stat. 305), notwithstanding any conditions or limitations imposed by the first section or section 36 of such Act of May 28, 1935, or by the deed of conveyance issued thereunder.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the last sentence of section 36 of the Act entitled 'An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes,' approved May 28, 1935 (49 Stat. 311), shall not apply with respect to that portion of the Morro Rock Lighthouse Reservation which was conditionally conveyed to the State of California on August 17, 1935, by the Secretary of Commerce under such Act of May 28, 1935.

"Sec. 2. The Administrator of General Services is authorized and directed to issue to the State of California, without monetary consideration therefor, such written instruments as may be necessary to carry out the provisions of the first section of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to remove a restriction on certain real property heretofore conveyed to the State of California."

A motion to reconsider was laid on the table.

The **SPEAKER** pro tempore. This ends the call of the eligible bills on the Consent Calendar.

TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 197, the bill (S. 1516) to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the Administrator of General Services to enter into contracts for the inspection, maintenance, and repair of fixed equipment in federally owned buildings for periods not to exceed 5 years, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to interrogate the gentleman on this bill. Is the gentleman ready?

Mr. BROOKS. If the gentleman will yield, I am always ready and desirous of being whatever help I can to the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

My question is: This bill extends the power of the Government to extend the contract for 3 years for the repairing of public buildings and the remodeling of the same. Now that we will have a longer contract involving more money, will this be a negotiated contract or will it be one which will require bids from the contractors?

Mr. BROOKS. If the gentleman will yield further, I do not know the exact nature of the type of contract to be finally entered into, but I would say that this legislation is recommended by the GSA and it passed the Senate unanimously and was passed by the House Government Operations Subcommittee on which the gentleman from Illinois [Mr. RUMSFELD] serves as an able member and was passed by the full committee. Essentially it allows the GSA to extend the contract period from 1 year to 3 years. They requested 5 years. We thought 3 years would be adequate.

Its purposes are essentially to enable them to obtain economic bids in contracts for fixed equipment such as elevators, air conditioning, and that type of equipment. That is the basis of the legislation. I would hope that the contract would be on a bid basis. Most of them are.

I do not believe there is any prohibition with reference to a negotiated contract written into the legislation.

Mr. JOHNSON of Pennsylvania. Then, the gentleman from Texas actually does not know whether going into a 3-year period and calling for more money on contracts which will be much larger will be subject to an advertised bid or not; is that right?

Mr. BROOKS. It would be subject to the same regulations that all other contracts are subjected to. I do not have that file with me which would indicate to me the exact procedure under which bids are let and contracts entered into. But I would say that the legislation was designed not to give anyone any special prerogatives but to save money and to give the Government more service for less money. Under a 1-year contract people will sometimes bid very low, when the maintenance is low.

Later when we have higher maintenance costs for use of the equipment over a period of years, the contract costs go up substantially. If we can have this on a 3-year basis it was the belief of the GSA Administrator we would spend less money; it would be a more economical way to operate, and one in keeping with the better practices of business operations.

Mr. JOHNSON of Pennsylvania. I thank the gentleman. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

S. 1516

An Act to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the Administrator of General Services to enter into contracts for the inspection, maintenance, and repair of fixed equipment in federally owned buildings for periods not to exceed five years, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 210(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(a)), is further amended (1) by striking out the word "and" where it last appears in subsection (12) thereof; (2) by striking out the period at the end of subsection (13) thereof, and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding the following new subsection at the end of such section 210(a):

"(14) to enter into contracts for periods not exceeding five years for the inspection, maintenance, and repair of fixed equipment in such buildings which are federally owned."

Amend the title so as to read: "An Act to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the Administrator of General Services to enter into contracts for the inspection, maintenance, and repair of fixed equipment in federally owned buildings for periods not to exceed three years, and for other purposes."

With the following committee amendment:

On page 2, line 5, delete "five" and insert in lieu thereof "three".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows:

"An Act to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the Administrator of General Services to enter into contracts for the inspection, maintenance, and repair of fixed equipment in federally owned buildings for periods not to exceed three years, and for other purposes."

A motion to reconsider was laid on the table.

ESTABLISHMENT OF THE ROGER WILLIAMS NATIONAL MEMORIAL IN THE CITY OF PROVIDENCE, R.I.

The SPEAKER pro tempore. Under previous order of the House, the Clerk will report the title of S. 1855.

Mr. GROSS. Mr. Speaker, is this subject to unanimous consent?

The SPEAKER pro tempore. It was by unanimous consent placed at the end of the calendar.

Mr. GROSS. I did not hear any unanimous-consent request about placing it at the foot of the calendar. It was moved to the foot of the calendar.

Mr. BOLAND. As I understand it, I did request unanimous consent to place it at the end of the calendar.

Mr. GROSS. The Senate bill? We have no Senate bill before the House.

Mr. BOLAND. No; but I asked unanimous consent that the bill be placed at the end of the calendar.

The SPEAKER pro tempore. The Chair stated that without objection the Senate bill 1855 would be placed at the end of the calendar, inasmuch as a similar House bill had already been passed. The Chair understands an amendment will be offered to the Senate bill making it conform to the House bill.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 351]

Abbitt
Anderson, Ill.
Andrews, George W.
Arends
Ashbrook
Aspinall
Bates
Battin
Bolling
Bolton
Bonner
Bow
Burton, Utah
Byrnes, Wis.
Cahill
Callaway
Chamberlain
Clancy
Clark
Clausen, Don H.
Cleveland
Clevenger
Colmer
Conte
Corbett
Corman
Cramer
Curtis
Davis, Wis.
Denton
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dulski
Dwyer
Evins, Tenn.
Farnum
Findley
Flynt
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Fulton, Tenn.
Gilligan
Grabowski
Greigg
Grider
Griffin
Grover
Gurney
Hall
Halleck
Hanley
Hansen, Wash.
Hardy
Harsha
Harvey, Ind.
Hawkins
Hays
Hébert
Herlong
Holifield
Holland
Horton
Hosmer
Huot
Hutchinson
Irwin
Karsten
Keith
King, N.Y.
Lindsay
Long, La.
McCulloch
McDade
McDowell
McMillan
Macdonald
Mackay
Madden
Martin, Ala.
Martin, Mass.
Martin, Nebr.
May
Miller
Moeller
Morse
Murray
Nix
O'Hara, Ill.
O'Neill, Mass.
Passman
Pepper
Philbin
Pool
Quillen
Race
Reinecke
Rhodes, Ariz.
Rivers, Alaska
Rivers, S.C.
Rostenkowski
Roybal
St Germain
Scheuer
Schisler
Schneebeli
Shipley
Sickles
Sikes
Smith, Calif.
Smith, Iowa
Springer
Stafford
Sweeney
Teague, Calif.
Teague, Tex.
Thomas
Thompson, Tex.
Toll
Utt
Vanik
Watkins
Whalley
Willis
Wyatt
Wydler
Yates
Younger

The SPEAKER pro tempore. On this rollcall 302 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may conduct hearings this afternoon during general debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ROGER WILLIAMS NATIONAL MEMORIAL

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to strike out all after the enacting clause of S. 1855 and substitute the language of the House bill that was passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, I object.

EXTEND TIME PERIOD FOR CERTAIN ANNUITY INCREASES

Mr. DANIELS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11303) to amend section 18 of the Civil Service Retirement Act, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of the Civil Service Retirement Act, as amended (5 U.S.C. 2268), is further amended by adding the following new subsection (f):

"(f) Each annuity payable from the civil service retirement and disability fund (other than the immediate annuity of an annuitant's survivor or of a child entitled under section 10(d)) which has a commencing date after December 1, 1965, but not later than December 31, 1965, shall be increased from its commencing date as if the annuity commencing date were December 1, 1965."

SEC. 2. The provisions under the heading "CIVIL SERVICE RETIREMENT AND DISABILITY FUND" in title I of the Independent Offices Appropriation Act, 1959 (72 Stat. 1064; Public Law 85–844), shall not apply with respect to benefits resulting from the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

BENJAMIN A. RAMELB

The Clerk called the bill (S. 149) for the relief of Benjamin A. Ramelb.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LT. COL. WILLIAM T. SCHUSTER, U.S. AIR FORCE, RETIRED

The Clerk called the bill (S. 919) for the relief of Lt. Col. William T. Schuster, U.S. Air Force, retired.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL] I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DR. OTTO F. KERNBERG

The Clerk called the bill (S. 1012) for the relief of Dr. Otto F. Kernberg.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Doctor Otto F. Kernberg has resided in the United States since August 16, 1959, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIGIO CIARDIELLO

The Clerk called the bill (H.R. 1918) for the relief of Eligio Ciardiello.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. CLARA W. DOLLAR

The Clerk called the bill (S. 1873) for the relief of Mrs. Clara W. Dollar.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Clara W. Dollar, of Atlanta, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $629.35, representing overpayments of compensation she received as an employee of the Federal National Mortgage Association for the period from March 25, 1956, through October 28, 1961, such overpayments having been made as a result of administrative error in establishing her salary rate when she was promoted from grade GS–3, longevity step 3, to grade GS–4, longevity step 2, in violation of the limitations prescribed in section 802 (b) of the Classification Act of 1949, as amended. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the said Mrs. Clara W. Dollar, the sum of any amounts received or withheld from her on account of the overpayments referred to in the first section of this Act: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTHUR HILL

The Clerk called the bill (H.R. 6590) for the relief of Arthur Hill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Arthur Hill of Hayward, California, is hereby relieved of liability to the United States in the amount of $2,622.49, the amount of an overpayment of his salary as an employee of the Post Office Department in the period beginning December 5, 1961, and ending January 26, 1965, because of an administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said Arthur Hill, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 4, strike "$2,622.49", and insert in lieu thereof "$2,854.70".

Page 1, lines 6 and 7, strike "in the period beginning December 5, 1961, and ending January 26, 1965," and insert in lieu thereof "for the period December 9, 1961 to January 1, 1965,".

Page 2, line 8, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH B. STEVENS

The Clerk called the bill (H.R. 10338) for the relief of Joseph B. Stevens.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Joseph B. Stevens, of Warner Robins, Georgia, is relieved of liability to pay to the United States the sum of $1,256.78, representing the amount of salary overpayment received by him from the Department of the Air Force in the years 1958 through 1962, due to administrative error and without fault on his part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Joseph B. Stevens, of Warner Robins, Georgia, the sum certified to him by the Secretary of the Air Force as the aggregate of amounts paid to the United States by Joseph B. Stevens and amounts withheld by the United States from sums otherwise due him from the United States, on account of the liability referred to in the first section of this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of the preceding sentence shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, lines 6 and 7, strike "in the years 1958 through 1962" and insert "for the period from February 23, 1958, through October 20, 1962".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MARIA FINOCCHIARO

The Clerk called the bill (H.R. 4211) for the relief of Mrs. Maria Finocchiaro.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ENZO (ENZIO) PEROTTI

The Clerk called the bill (H.R. 4926) for the relief of Enzo (Enzio) Perotti.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

S. SGT. ROBERT E. MARTIN, U.S. AIR FORCE (RETIRED)

The Clerk called the bill (H.R. 8829) for the relief of S. Sgt. Robert E. Martin, U.S. Air Force (retired).

There being no objection, the Clerk read the bill, as follows:

H.R. 8829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Staff Sergeant Robert E. Martin, AF 21915969, United States Air Force (retired), Dania, Florida, the sum of $5,269.20 in full satisfaction of his claim against the United States for reimbursement in addition to the amount he received under section 2732 of title 10, United States Code, for household goods and personal effects lost on or about August 20, 1962, in New York, New York, as a result of theft from a parked van of the Washburn Storage Company, Macon, Georgia, while the property was being transported under a Government contract. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD F. MURZYN AND EDWARD J. O'BRIEN

The Clerk called the bill (H.R. 10403) for the relief of Edward F. Murzyn and Edward J. O'Brien.

There being no objection, the Clerk read the bill, as follows:

H.R. 10403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward F. Murzyn, the sum of $7,615, and to Edward J. O'Brien, the sum of $6,903.41. The payment of such sums shall be in full settlement of all claims of the said Edward F. Murzyn and Edward J. O'Brien against the United States growing out of a fire on August 17, 1963, in a commercial warehouse located in Alexandria, Virginia, and operated by Columbia Van Lines and Meeks Transfer Company: *Provided,* That no part of the money appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COL. DONALD J. M. BLAKESLEE AND LT. COL. ROBERT E. WAYNE, U.S. AIR FORCE

The Clerk called the bill (H.R. 10405) for the relief of Col. Donald J. M. Blakeslee and Lt. Col. Robert E. Wayne, U.S. Air Force.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to the following-named officers of the United States Air Force, out of any amounts not otherwise appropriated, the sums indicated after each of their names, respectively: Colonel Donald J. M. Blakeslee, 9362A, $2,190.75; and Lieutenant Colonel Robert E. Wayne, 17397A, $1,419.75. The payment authorized in this Act is in full satisfaction of the claim of each of these officers against the United States for reimbursement in addition to the amount he received under section 2732 of title 10, United States Code, for household goods and personal effects destroyed as a result of a fire of undetermined origin on June 18, 1963, at the Jones Warehouse Corporation (formerly Colony Van and Storage Company, Incorporated) warehouse, Norfolk, Virginia, while the property was stored in the warehouse under a Government contract. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any of these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LT. COL. JACK F. OREND

The Clerk called the bill (H.R. 4911) for the relief of Lt. Col. Jack F. Orend.

There being no objection, the Clerk read the bill, as follows:

H.R. 4911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieutenant Colonel Jack F. Orend (Army serial number O1585988), of Fort Lee, Virginia, the sum of $15,323, in full settlement of all his claims against the United States arising out of the destruction of his household goods and personal effects on August 7, 1964, in Richmond, Virginia, which were being stored by the Department of the Army during his change of station from Orleans, France, to Fort Lee, Virginia. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 7: Strike "$15,323" and insert "$7,577.64".

Page 2, line 2: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF MASS SPECTROMETER FOR STANFORD UNIVERSITY

The Clerk called the bill (H.R. 1317) to provide for the free entry of a mass spectrometer which was imported during May 1963 for the use of Stanford University, Stanford, Calif.

There being no objection, the Clerk read the bill, as follows:

H.R. 1317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to admit free of duty the mass spectrometer imported for the use of Stanford University, Stanford, California, which was entered during May 1963, pursuant to Consumption Entry 3970.

(b) If the liquidation of the entry of the article described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

With the following committee amendments:

Page 1, line 4, after "spectrometer" insert "(including all accompanying equipment, parts, accessories, and appurtenances)."

Page 1, line 8, strike out "the" where it appears the third time and insert "any".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF MASS SPECTROMETER FOR POMONA COLLEGE

The Clerk called the bill (H.R. 1386) to provide for the free entry of one mass spectrometer for the use of Pomona College.

There being no objection, the Clerk read the bill, as follows:

H.R. 1386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer for the use of Pomona College, Claremont, California.

SEC. 2. If the liquidation of the entry of any article described in the first section of this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

With the following committee amendments:

Page 1, line 4, after "spectrometer" insert "(including all accompanying equipment, parts, accessories, and appurtenances)".

Page 1, line 6, strike out "the" where it appears the third time and insert "any".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF MASS SPECTROMETER FOR UNIVERSITY OF WASHINGTON

The Clerk called the bill (H.R. 3126) to provide for the free entry of one mass spectrometer for the University of Washington.

There being no objection, the Clerk read the bill, as follows:

H.R. 3126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer for the use of the University of Washington.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) the Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer (including all accompanying equipment, parts, accessories, and appurtenances) for the use of the University of Washington.

"(b) If the liquidation of the entry of any article described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF MASS SPECTROMETER FOR ST. LOUIS UNIVERSITY

The Clerk called the bill (H.R. 4832) to provide for the free entry of a mass spectrometer for the use of St. Louis University.

There being no objection, the Clerk read the bill, as follows:

H.R. 4832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer for the use of Saint Louis University, Saint Louis, Missouri.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) the Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer (including all accompanying equipment, parts, accessories, and appurtenances) for the use of Saint Louis University, Saint Louis, Missouri.

"(b) If the liquidation of the entry of any article described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF MASS SPECTROGRAPH

The Clerk called the bill (H.R. 6906) to provide for the free entry of one mass spectrometer and one split pole spectrograph for the use of the University of Rochester, Rochester, N.Y.

There being no objection, the Clerk read the bill, as follows:

H.R. 6906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer and one split pole spectrograph for the use of the University of Rochester, Rochester, New York.

(b) If the liquidation of the entry of any article described in subsection (a) of this section has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

With the following committee amendments:

Page 1, line 4, after "spectrometer" insert "(including all accompanying equipment, parts, accessories, and appurtenances)".

Page 1, line 5, after "spectrograph" insert "(including all accompanying equipment, parts, accessories, and appurtenances)".

The committee amendments were agreed to.

AMENDMENT BY MR. KARSTEN

Mr. KARSTEN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KARSTEN: Page 1, lines 7 and 8, strike out "appurtenance" and insert "appurtenances".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF MASS SPECTROMETER-GAS CHROMATOGRAPH

The Clerk called the bill (H.R. 8232) to provide for the free entry of one mass spectrometer-gas chromatograph for the use of Oklahoma State University, Stillwater, Okla.

There being no objection, the Clerk read the bill, as follows:

H.R. 8232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to admit free of duty a mass spectrometer-gas chromatograph for the use of Oklahoma State University.

(b) If the liquidation of the entry of the article described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

With the following committee amendment:

Page 1, line 5, after "matograph" insert "(including all accompanying equipment, parts, accessories, and appurtenances)".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF MULTIGAP MAGNETIC SPECTROGRAPH

The Clerk called the bill (H.R. 9903) to provide for the free entry of one multigap magnetic spectrograph for the use of Yale University.

There being no objection, the Clerk read the bill, as follows:

H.R. 9903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one multigap magnetic spectrograph for the use of Yale University.

SEC. 2. The first section of this Act shall apply to the article described therein whether such article was entered before the date of the enactment of this Act or entered on or after such date. If such article was entered before such date, the entry involved shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of this Act, and the appropriate refund of duty shall be made.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) the Secretary of the Treasury is authorized and directed to admit free of duty one multigap magnetic spectrograph (including all accompanying equipment, parts, accessories, and appurtenances) for the use of Yale University.

"(b) If the liquidation of the entry of any article described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MASS SPECTROMETER FOR UNIVERSITY OF CHICAGO

The Clerk called the bill (H.R. 2565) to provide for the free entry of one mass spectrometer for the use of the University of Chicago.

There being no objection, the Clerk read the bill, as follows:

H.R. 2565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer for the use of the University of Chicago.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) the Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer (including all accompanying equipment, parts, accessories, and appurtenances) for the use of the University of Chicago.

"(b) If the liquidation of the entry of any article described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECTROGRAPH FOR UNIVERSITY OF PITTSBURGH

The Clerk called the bill (H.R. 6666) to provide for the free entry of a 90-centimeter split-pole magnetic spectrograph system with orange-peel internal conversion spectrometer attached for the use of the University of Pittsburgh.

There being no objection, the Clerk read the bill, as follows:

H.R. 6666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one ninety-centimeter split-pole magnetic spectrograph system with orange-peel internal conversion spectrometer attached for the use of the University of Pittsburgh, Pittsburgh, Pennsylvania.

With the following committee amendments:

Page 1, line 3, after "That" insert "(a)".

Page 1, after line 7, insert:

"(b) If the liquidation of the entry of any article described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ISOTOPE SEPARATOR FOR PRINCETON UNIVERSITY

The Clerk called the bill (H.R. 8272) to provide for the free entry of an isotope separator for the use of Princeton University, Princeton, N.J.

There being no objection, the Clerk read the bill, as follows:

H.R. 8272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to admit free of duty the isotope separator (and its accompanying equipment) imported for the use of Princeton University, Princeton, New Jersey, during June 1964, as a machine not specially provided for, pursuant to consumption entry 1062984.

(b) If the liquidation of the entry of the articles described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

With the following committee amendments:

Page 1, line 5, strike out "equipment" and insert "equipment, parts, accessories, and appurtenances".

Page 1, beginning in line 6, strike out "1964, as a machine not specially provided for, pursuant to consumption entry 1062984." and insert "1964."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHOY-SIM MAH

The Clerk called the bill (S. 322) for the relief of Choy-Sim Mah.

There being no objection, the Clerk read the bill, as follows:

S. 322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Choy-Sim Mah, the widow of Poi Wong, a citizen of the United States, shall be held and considered to be within the purview of section 101(a)(27)(A) of that Act and the provisions of section 205 of the said Act shall not be applicable in this case.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARIDE MARCHESAN

The Clerk called the bill (S. 343) for the relief of Paride Marchesan.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HENRYKA LYSKA

The Clerk called the bill (S. 779) for the relief of Henryka Lyska.

There being no objection, the Clerk read the bill, as follows:

S. 779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Henryka Lyska may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in behalf of the said Henryka Lyska by Mr. and Mrs. Stanley Lyska, citizens of the United States, pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VASILEOS KOUTSOUGEANOPOULOS

The Clerk called the bill (S. 1397) for the relief of Vasileos Koutsougeanopoulos.

There being no objection, the Clerk read the bill, as follows:

S. 1397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Vasileos Koutsougeanopoulos may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in behalf of the said Vasileos Koutsougeanopoulos by Mr. and Mrs. Paul Apostle, citizens of the United States, pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERICH GRANSMULLER

The Clerk called the bill (S. 1775) for the relief of Erich Gransmuller.

There being no objection, the Clerk read the bill, as follows:

S. 1775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Erich Gransmuller has resided and was physically present in the United States or any State since October 17, 1957, shall be held and considered as compliance with the residence and physical presence requirement of section 316 of said Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called Senate Concurrent Resolution 49.

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EMILIA D'ADDARIO SANTORELLI

The Clerk called the bill (H.R. 2768) for the relief of Emilia D'addario Santorelli.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JUANITA CEREGUINE DE BURGH

The Clerk called the bill (H.R. 3689) for the relief of Juanita Cereguine de Burgh.

There being no objection, the Clerk read the bill, as follows:

H.R. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Juanita Cereguine de Burgh shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Juanita Cereguine de Burgh. From and after the date of the enactment of this Act, the said Juanita Cereguine de Burgh shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. PANAGIOTA VASTAKIS AND SOTEROS VASTAKIS

The Clerk called the bill (H.R. 3875) for the relief of Mrs. Panagiota Vastakis and Soteros Vastakis.

There being no objection, the Clerk read the bill, as follows:

H.R. 3875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Panagiota Vastakis and Soteros Vastakis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, Mrs. Panagiota Vastakis and Soteros Vastakis, the widow and son, respectively, of a United States citizen, shall be deemed to be within the purview of section 101(a)(27)(A) of the Immigration and Nationality Act, and the provisions of section 205 of that Act shall not be applicable in their cases."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RALPH TIGNO EDQUID

The Clerk called the bill (H.R. 4743) for the relief of Ralph Tigno Edquid.

There being no objection, the Clerk read the bill, as follows:

H.R. 4743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ralph Tigno Edquid shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Ralph Tigno Edquid may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Lieutenant and Mrs. Arthur Edquid, a citizen and lawfully resident alien, respectively, of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JACK RALPH WALKER

The Clerk called the bill (H.R. 5231) for the relief of Jack Ralph Walker.

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMPLOYEES OF THE MOUNT EDGECUMBE BOARDING SCHOOL, ALASKA

The Clerk called the bill (S. 611) for the relief of certain employees of the Mount Edgecumbe Boarding School, Alaska.

There being no objection, the Clerk read the bill, as follows:

S. 611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons are hereby relieved of all liability for repayment to the United States of the respective amounts listed below, representing overpayments of salary which they received as wage board employees at the Mount Edgecumbe Boarding School, Mount Edgecumbe, Alaska, for the period from July 1, 1962, through January 5, 1963, as a result of administrative error in determining their salary rates upon their reassignment to lower grade positions when the feeding program at such school was transferred from the United States Public Health Service to the Bureau of Indian Affairs: (1) Terry M. Finch, $892.56; (2) Peter P. Jones, $516.40; (3) Helmut Langfeldt, $531.60; (4) Rudolph L. Larsen, $520.32; (5) Francisco Lazanas, $1,162.32; (6) George K. Miyasato, $1,162.32; (7) Richard N. Williams, $417.84; and (8) Eddie J. Padden, $144.00. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the respective amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each employee referred to in the first section of this Act, the sum of any amounts received or withheld from such employee on account of the overpayments referred to in such section.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. HERTHA L. WOHLMUTH

The Clerk called the bill (S. 711) for the relief of Mrs. Hertha L. Wohlmuth.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HARRY C. ENGLE

The Clerk called the bill (H.R. 1240) for the relief of Harry C. Engle.

There being no objection, the Clerk read the bill as follows:

H.R. 1240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Harry C. Engle, of Springfield, Ohio, is relieved of all liability to refund to the United States the sum of $623.56, representing an overpayment of salary for the period December 30, 1962, through June 13, 1964, due to an administrative error by the United States Air Force. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harry C. Engle, the sum of any amounts received or withheld from him on account of the payment referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERNEST J. CARLIN

The Clerk called the bill (H.R. 2303) for the relief of Ernest J. Carlin.

There being no objection, the Clerk read the bill, as follows:

H.R. 2303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ernest J. Carlin of Montrose, Pennsylvania, the sum of $343.14. The payment of such sum shall be in full settlement of all claims of the said Ernest J. Carlin against the United States for compensation for one hundred and thirty-three hours of leave accumulated by him over the period November 14, 1959, through January 4, 1963, while employed in the United States post office in Montrose, Pennsylvania, which, through administrative error, were not credited to his leave account. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That in the administration of the annual leave account of Ernest J. Carlin, postal employee of Montrose, Pennsylvania, there shall be added a separate account of one hundred and thirty-three hours of annual leave, in full settlement of all claims of the said Ernest J. Carlin against the United States for compensation for the loss of such leave which was earned by him in the period November 14, 1959, through January 4, 1963, while he was employed in the United States post office in Montrose, Pennsylvania, and which, through administrative error, was not credited to his leave account.

"SEC. 2. Section 203(c) of the Annual and Sick Leave Act of 1951, as amended (65 Stat. 680, 67 Stat. 137; 5 U.S.C. 2062(c)) shall not apply with respect to the leave granted by this Act, and such leave likewise shall not affect the use or accumulation, pursuant to applicable law, of other annual leave earned by the said Ernest J. Carlin. None of the leave granted by this Act shall be settled by means of a cash payment in the event such leave or part thereof remains unused at the time the said Ernest J. Carlin is separated by death or otherwise from the Federal Service."

The committee amendment was agreed to.

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MCDADE] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McDADE. Mr. Speaker, this bill which has been placed before the House, H.R. 2303, for the relief of Mr. Ernest J. Carlin, is a bill presented to correct a most unfortunate injustice. It is an injustice that arose out of an administrative error on the part of the Post Office Department—an error which cannot be corrected administratively, but may only be corrected through legislative relief.

During the period of time between November 14, 1959, through January 4, 1963, Mr. Carlin was employed in the U.S. post office in Montrose, Pa. For each pay period during that time he was entitled to 6 hours of annual leave. In actual fact, however, he was credited with only 4 hours. The error was discovered too late to give Mr. Carlin credit for the leave which had been denied him because such credit would have exceeded the ceiling on accumulated annual leave. In a letter to me dated November 18, 1963, Mr. Harvey H. Hannah, Acting General Counsel for the Post Office Department, stated this situation, as follows:

> I have now been advised that a review made of Mr. Carlin's records revealed that he was carried in an erroneous leave category. As a result of such error, he was not credited with a total of 180 hours which he would have earned during the period of 1959 through 1962. At the end of the 1962 leave year, Mr. Carlin had an actual balance of 201 hours of annual leave. His annual leave account has now been credited with an additional 39 hours to bring it up to the legal maximum of 240 hours (30 days) which may be carried over from leave year to leave year. This is the maximum which may be carried over pursuant to the Annual and Sick Leave Act of 1951, as amended, 5 U.S.C. 2062(c).

Because this error was an administrative error and because there was no administrative relief available, I pursued my inquiry into this case to discover what sort of recompense might be made to grant relief in this case. In answer to numerous inquiries on my part and on the part of the chairman of the Committee on the Judiciary, the gentleman from California [Mr. HANNA], on July 6, sent the following letter to my distinguished colleague, the Honorable EMANUEL CELLER, chairman, Committee on the Judiciary:

> The Postmaster General has asked me to reply to your request for a report on H.R. 2303, which would authorize payment of $343.14 to Ernest J. Carlin, a postal employee, of Montrose, Pa. The sum paid would represent settlement of his claim against the Government for loss of annual leave for the period November 14, 1959, through January 4, 1963.
>
> Our records show that Mr. Carlin, through administrative error, was for each pay period credited with only 4 hours of annual leave beginning in 1959 when he should have properly been credited with 6 hours. Though the leave records have been corrected, existing law (5 U.S.C. 2062(c)), which established a ceiling on accumulated annual leave, permitted us to recredit Mr. Carlin with only 39 hours of additional leave.
>
> While we feel there is a definite need for general legislation granting agencies authority to correct administrative errors in cases of this kind, we also feel the application of the present law to the particular circumstances of Mr. Carlin's case has resulted in an inequity which can only be corrected by legislative action along the lines provided for in H.R. 2303.
>
> In the present case the failure to credit Mr. Carlin with the full amount of annual leave to which he was entitled resulted solely from an administrative error, and since the error cannot be corrected administratively because of the statutory ceiling on the accumulation of annual leave, this Department would have no objection to the enactment of relief legislation for this employee. We do not, however, favor relief in the form of a cash payment because Mr. Carlin would not have received cash had the error not occurred.
>
> We recommend that the measure be revised so as to credit the employee's leave account with the amount of annual leave due him as a result of the administrative error, but to prohibit a lump sum payment for any of the recredited leave which is not used when Mr. Carlin is separated from the postal service. The purpose of this amendment is to place Mr. Carlin in a position similar to that occupied by other employees who were properly credited with annual leave.
>
> The Bureau of the Budget has advised that from the standpoint of the administration's program there is no objection to the submission of this report to the committee:

Mr. Speaker, it is clear, therefore, that Mr. Carlin has suffered an injustice in being deprived of his justly earned annual leave. It is clear that the injustice came about through an administrative error, not through any error on the part of Mr. Carlin. It is also clear that there is no administrative relief possible in this case, but only legislative relief. This bill will grant such legislative relief, not in the form of a cash payment, but by crediting Mr. Carlin with the amount of annual leave due him as the result of the administrative error, and by prohibiting a lump sum payment for any of the recredited leave which is not used when Mr. Carlin is separated from the postal service.

It has long been the privilege of Congress to correct injustices that occasionally arise in the administration of our laws and regulations. It is my hope that the Congress will see the wisdom of granting justice in this case where it is indeed due, and will approve this bill to give Mr. Carlin the leave he earned, but which was erroneously denied him.

I wish to take this opportunity to thank my distinguished colleagues on the Committee of the Judiciary for reporting this bill favorably. I am happy that they see eye to eye with me in affirming the need for legislative relief for Mr. Ernest J. Carlin.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERT CARTER

The Clerk called the bill (H.R. 3537) for the relief of Albert Carter.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DONALD F. FARRELL

The Clerk called the bill (H.R. 7667) for the relief of Donald F. Farrell.

There being no objection, the Clerk read the bill, as follows:

H.R. 7667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $134.10 to Donald F. Farrell, of Stoughton, Massachusetts, in full settlement of his claims against the United States for the amount he paid in satisfaction of the judgment rendered against him on October 10, 1963, in the United States District Court for the District of Massachusetts in Civil Action No. 61-787-C, based upon an accident which occurred on January 30, 1961, in Brockton, Massachusetts, involving a Government car driven by the said Donald F. Farrell while performing his duties as an employee of the Geological Survey of the United States Department of the Interior. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MARY F. THOMAS

The Clerk called the bill (H.R. 3758) for the relief of Mary F. Thomas.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

OSMUNDO CABIGAS

The Clerk called the bill (H.R. 5838) for the relief of Osmundo Cabigas.

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CAPITAL TRANSIT LINES, INC., OF SALEM, OREG.

The Clerk called the bill (H.R. 10612) for the relief of Capital Transit Lines, Inc., of Salem, Oreg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of subsection (c) (relating to time for filing claims) of section 6421 (relating to gasoline used for certain nonhighway purposes or by local transit systems) of the Internal Revenue Code of 1954, and any other bar to payment on the ground of a period of limitations or lapse of time, are hereby waived with respect to any claims filed within one year after the date of enactment of this Act by Capital Transit Lines, Incorporated, of Salem, Oregon, under subsection (b) of such section for gasoline used by it after December 31, 1958, and before July 1, 1961.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWIN F. HOWER

The Clerk called the bill (H.R. 5973) for the relief of Edwin F. Hower.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Edwin F. Hower, of College Park, Maryland, is hereby relieved of liability to the United States in the amount of $1,221.44, the amount of salary retention payments made to him, because of an administrative error, while he was an employee of the Department of the Interior in the period beginning May 10, 1961, and ending January 2, 1965. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said Edwin F. Hower, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the liability to the United States specified in the first section. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, lines 7 and 8, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANDERSON G. MATSLER, SENIOR MASTER SERGEANT, U.S. AIR FORCE, RETIRED

The Clerk called the bill (H.R. 10878) for the relief of Anderson G. Matsler, senior master sergeant, U.S. Air Force, retired.

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

BIBI DALJEET KAUR

The Clerk called the bill (H.R. 3905) for the relief of Bibi Daljeet Kaur.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Bibi Daljeet Kaur may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Rattan Singh Dhillon and Kartar Kaur Dhillon, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JENNIFER REBECCA SIEGEL

The Clerk called the bill (H.R. 8135) for the relief of Jennifer Rebecca Siegel.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Jennifer Rebecca Siegel may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Stanley Siegel, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WINSTON LLOYD McKAY

The Clerk called the bill (H.R. 5213) for the relief of Winston Lloyd McKay.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Winston Lloyd McKay shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Winston Lloyd McKay may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. William McKay, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans. The provisions of section 245(c) of the Immigration and Nationality Act shall be inapplicable in this case."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PIETER CORNELIS METZELAAR

The Clerk called the bill (H.R. 6655) for the relief of Pieter Cornelis Metzelaar.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Pieter Cornelis Metzelaar shall be held and considered to have complied with the provisions of section 316 of that Act as they relate to residence and physical presence.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PING-KWAN FONG

The Clerk called the bill (H.R. 6720) for the relief of Ping-Kwan Fong.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ping-Kwan Fong shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 24, 1947.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK E. LIPP

The Clerk called the bill (S. 1407) for the relief of Frank E. Lipp.

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMITTING THE VESSEL "LITTLE NANCY" TO BE DOCUMENTED FOR USE IN THE COASTWISE TRADE

The Clerk called the bill (H.R. 5217) to permit the vessel *Little Nancy* to be documented for use in the coastwise trade.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 27 of the Merchant Marine Act of 1920, as amended (46 U.S.C. 883), the vessel now known as the *Little Nancy* (ex-*Sea Boots*), owned by David L. Francis of Huntington, West Virginia, shall be entitled to be documented to engage in the fisheries and the coastwide trade upon compliance with the usual requirements, so long as such vessel is from the date of enactment of this Act continuously owned by a citizen of the United States. For the purposes of this Act, the term "citizen of the United States" includes corporations, partnerships, and associations, but only those which are citizens of the United States within the meaning of section 2 of the Shipping Act, 1916.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore. The Chair lays before the House a communication, which the Clerk will read:

The Clerk read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 5, 1965.

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives of the United States from the President of the United States, received in the Clerk's Office at 9:40 p.m., October 4, 1965, and said to contain H.R. 5902, an act for the relief of Cecil Graham, and a veto message thereon.

Respectfully yours,
RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

CECIL GRAHAM—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H.R. 5902, a bill "for the relief of Cecil Graham."

The bill provides that, notwithstanding the statute of limitations, the claim of Mr. Graham for refund of Federal income taxes erroneously paid by him on disability payments received from the Civil Service Commission during the period 1947–55, if filed within 1 year, shall be treated by the Treasury Department as timely filed and be considered and paid in accordance with provisions of applicable law.

Mr. Graham was retired on April 1, 1947, for disability under the Civil Service Retirement Act. In 1948 he was advised by an employee of the Internal Revenue Service that his disability payments were includable in income. He paid income tax, it appears, for the years 1947–55 on these payments. Subsequently he learned that they were not taxable and applied for a refund, but the statute of limitations had run.

The advice given Mr. Graham in 1948 was accurate at that time. It was the Epmeier decision by the seventh circuit in 1952 which held that disability payments were excludable and put taxpayers on notice that they should file claims for refund if they had previously included such payments in income. The Internal Revenue Code adopted in 1954 made it clear that disability payments for 1954 and subsequent years were excludable from income.

It is common knowledge that the tax law frequently changes. In our self-administered tax system, Mr. Graham, like all other taxpayers, had a responsibility for keeping informed.

The Congress has included a statute of limitations in tax laws in order to achieve uniform treatment and finality in tax administration. Any time limitation makes it inevitable that some claimants, often without fault, will fail to file their claims on time. A case such as this clearly demonstrates the wisdom of such a statute—it may be impossible to determine reliably the amount of any overpayment made by this taxpayer because the pertinent tax returns have been destroyed under existing procedures and in reliance upon the statute of limitations.

This bill is also inconsistent with the Technical Amendments Act of 1958, which granted some general relief to taxpayers who had erroneously included disability payments in income. By that statute, Congress granted relief to those who had asserted their rights by filing timely claims for refund, but withheld relief from taxpayers who, like Mr. Graham, had not filed timely.

A number of other bills for relief of individual taxpayers have been introduced in Congress where the taxpayers had failed to file timely claims for refunds and therefore were not covered by the 1958 statute. President Eisenhower withheld his approval from two of these bills: H.R. 9765—85th Congress, and H.R. 6335—86th Congress. No others have been enacted. Thus, approval of this bill would discriminate against other taxpayers similarly situated and set an unfortunate precedent.

Accordingly, I am returning H.R. 5902 without my approval.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 4, 1965.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal.

If there is no objection, the bill and message will be referred to the Committee on the Judiciary and ordered to be printed.

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Iowa objects.

Under the order of the House of October 1, this matter will be pending business on Thursday, October 7.

SMITHSONIAN INSTITUTION APPROPRIATIONS

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7059) to amend the act of July 2, 1940 (54 Stat. 724; 20 U.S.C. 79–79e), to authorize such appropriations to the Smithsonian Institution as are necessary in carrying out its functions under said act, and for other purposes, with amendments of the Senate thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, line 7, after "sums" insert: ", not to exceed $350,000,".

Amend the title so as to read: "An Act to amend the Act of July 2, 1940 (54 Stat. 724; 20 U.S.C. 79–79e), so as to increase the amount authorized to be appropriated to the Smithsonian Institution for use in carrying out its functions under said Act, and for other purposes."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

USIA FILM "JOHN F. KENNEDY—YEARS OF LIGHTNING, DAY OF DRUMS"

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 106) to allow the showing in the United States of the U.S. Information Agency film "John F. Kennedy—Years of Lightning, Day of Drums."

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the people of the United States should not be denied an opportunity to view the film prepared by the United States Information Agency entitled "Years of Lightning, Day of Drums", depicting events in the administration of the late President John F. Kennedy.

It is further the sense of Congress that the expression of congressional intent embodied in this joint resolution is to be limited solely to the film referred to herein, and that nothing contained in this joint resolution should be construed to establish a precedent for making other materials prepared by the United States Information Agency available for general distribution in the United States.

SEC. 2. Accordingly, the United States Information Agency is authorized to make appropriate arrangements to transfer to the trustees of the John F. Kennedy Center for the Performing Arts six master copies of such film and the exclusive rights to distribute copies thereof, through educational and commercial media, for viewing within the United States. The net proceeds resulting from any such distribution shall be covered into the Treasury for the benefit of the John F. Kennedy Center for the Performing Arts and shall be available, in addition to appropriations authorized in the John F. Kennedy Center Act, to the trustees of such Center for use in carrying out the purposes of such Act.

SEC. 3. In order to reimburse the United States Government for its expenditures in connection with production of the film, such arrangements shall provide for payment, at the time of delivery of the said master copies, for such rights in the amount of $122,000, which shall be covered into the Treasury as miscellaneous receipts.

SEC. 4. Any documentary film which has been, is now being, or is hereafter produced by any Government department or agency with appropriations out of the Treasury concerning the life, character, and public service of any individual who has served or is serving the Government of the United States in any official capacity shall not be distributed or shown in public in this country during the lifetime of the said official or after the death of such official unless authorized by law in each specific case.

The SPEAKER pro tempore. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield myself as much time as I may consume.

The joint resolution before the House does not need any lengthy elaboration or explanation, for 2 months ago the House approved, by vote of 311 to 75, a similar measure to provide for the distribution and showing within the United States of the U.S. Information Agency film, "John F. Kennedy—Years of Lightning, Day of Drums."

In spite of that overwhelming vote, there were some serious reservations and objections to the manner in which the issue was approached in that case. Specifically, some Members felt that a concurrent resolution was not the proper vehicle to use in making an exception from a rule which has been followed for many years by the USIA—the rule that USIA materials shall not be available for general distribution in the United States.

Other Members maintained that the USIA should not be put into the business of arranging the domestic distribution of its own products. Still other Members were concerned that a general showing of the Kennedy film in the United States would establish a precedent which could be abused in the future.

In place of the House-approved concurrent resolution, the other body passed and sent to the House, Senate Joint Resolution 106, which seems to meet most, if not all, of the objections to House Concurrent Resolution 285.

The Senate joint resolution contains five simple provisions:

First, it would authorize the USIA to turn over copies of the Kennedy film to the John F. Kennedy Center for the Performing Arts in return for a payment of $122,000, which is the original cost to the U.S. Government of preparing that film.

Second, the Senate resolution would give the Kennedy Center for the Performing Arts the exclusive rights to distribute and show this film in the United States.

Third, it would provide that the net proceeds from the showing of this film shall be paid to the Treasury and made available to the Kennedy Center for use pursuant to the act which established the Center.

Fourth, it states specifically that the enactment of the joint resolution shall not constitute a precedent for making any other materials at the USIA available for general distribution in the United States.

Fifth, the Senate joint resolution provides that Government-made films dealing with the life, character, or public service of any Federal official shall not be available for public showing in this country during such official's life, or after his death, unless authorized by law in each specific case.

Mr. Speaker, I believe that the Senate joint resolution should obtain even greater support than the House Concurrent Resolution 285 which the House approved by a 4 to 1 margin on June 9 of this year.

At this point, Mr. Speaker, I should like to place in the RECORD a letter from Chairman Roger L. Stevens, of the John F. Kennedy Center for the Performing Arts, to Chairman THOMAS E. MORGAN, of the Committee on Foreign Affairs, containing certain assurances which I am confident will prove of interest to the membership of the House. These confirm our intent that no appropriated funds be used in the acquisition of the Kennedy film by the Center and that the film be made available to educational organizations without profit to the Center. The letter reads as follows:

JOHN F. KENNEDY CENTER FOR
THE PERFORMING ARTS,
Washington, D.C., September 23, 1965.

Re Senate Joint Resolution 106.

Hon. THOMAS E. MORGAN,
Chairman, House Committee on Foreign Affairs, House of Representatives.

DEAR CONGRESSMAN MORGAN: I am glad to convey to you answers to the three questions which you put to me regarding Senate Joint Resolution 106.

I have discussed these matters with members of the executive committee of the John F. Kennedy Center for the Performing Arts, and they have authorized me, in the event

Senate Joint Resolution 106 becomes law, first, to make the appropriate arrangements with the U.S. Information Agency in accordance with the terms of Senate Joint Resolution 106 to acquire the exclusive rights to distribute copies of the film entitled "John F. Kennedy: Years of Lightning—Day of Drums," depicting events in the administration of the late John F. Kennedy, and to form a committee of distinguished citizens to direct the showing of the film in the United States through educational and commercial media by methods in keeping with the high standards of the film and the intent of the Congress.

Second, in the acquisition of these rights with reimbursement to the U.S. Government for its expenditures of $122,000 in the production of the film, the Center will not use any funds appropriated by the Federal Government.

Third, we will make this film available to educational organizations within the United States without profit to the Center.

Respectfully,

ROGER L. STEVENS,
Chairman.

Mr. Speaker, I urge that the resolution do pass.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain memorandums.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on Senate Joint Resolution 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ADAIR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we now have before us again the subject of the U.S. Information Agency film "John F. Kennedy—Years of Lightning, Day of Drums," in the form of Senate Joint Resolution 106. In my opinion, this is only a slightly better bill than that which we passed in the House on June 9. It is restricted to making six master copies of the film available to the John F. Kennedy Center for the Performing Arts for their use in raising money for the foundation. The U.S. Government will be reimbursed for these master copies in the amount of $122,000.

But note well section 4 of this Senate Joint Resolution 106, which says:

> Any documentary film which has been, is now being, or is hereafter produced by any Government department or agency with appropriations out of the Treasury concerning the life, character, and public service of any individual who has served or is serving the Government of the United States in any official capacity shall not be distributed or shown in public in this country during the lifetime of the said official or after the death of such official unless authorized by law in each specific case.

Here is a precedent being written into law. It simply means that the next time one of the political parties wants to eulogize a departed leader, it will only have to present legislation, and citing this Senate joint resolution, get it accepted.

In the minority report on the previous measure it was said in part:

> The authority requested in the resolution poses some fundamental issues that must be considered without regard to the tragic circumstances in our national life giving rise to the production of this film.
>
> Foremost among these is the dissemination within the United States of material produced by the U.S. Information Agency (USIA). The U.S. Information and Educational Exchange Act of 1948 provides the statutory authorization for the international information activities carried out by the USIA. In reporting out this measure in 1947, the Committee on Foreign Affairs included this statement:
>
> "This bill contains very broad authority for information activities, and the Congress would certainly wish this particular authorization to be directed solely toward the people of other countries."
>
> Section 2 included among the means to be used in achieving the objectives of the act to be the following:
>
> "(1) an information service to disseminate abroad information about the United States, its people, and policies promulgated by the Congress, the President, the Secretary of State and other responsible officials of Government having to do with matters affecting foreign affairs."
>
> The general authorization under which USIA operated is contained in section 501 of the act. I quote that section in its entirety.
>
> "SEC. 501. The Secretary is authorized, when he finds it appropriate, to provide for the preparation, and dissemination abroad, of information about the United States, its people, and its policies, through press, publications, radio, motion pictures, and other information media, and through information centers and instructors abroad. Any such press release or radio script, on request, shall be available in the English language at the Department of State, at all reasonable times following its release as information abroad, for examination by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and, on request, shall be made available to Members of Congress."
>
> Under Reorganization Plan No. 8 of 1953, the functions of the Secretary of State were transferred to the Director of USIA subject to direction by the Secretary of State, of policy guidance and program content control "for use abroad" on official U.S. positions.
>
> Since 1948, Congress has reaffirmed the legislative intent of the act through expressions by Members of Congress during congressional hearings. It is clear from their statements that it was never intended that USIA disseminate any of its work within the United States. The U.S. Advisory Commission on Information, created by Congress to serve the public interest and consisting of five distinguished citizens, emphasized this point in its 19th report to Congress in January 1964:
>
> "The Commission recommends that USIA avoid those domestic activities which are contrary to the intentions of Congress. This calls for restriction of domestic speeches and press releases. The Agency should limit the distribution of its materials and media products domestically, in order to allay any congressional apprehension that the Agency may be propagandizing within the United States."
>
> The film has been widely exhibited abroad. So have many other documentary films that would undoubtedly appeal to individuals and groups in the United States. While such films are apparently well received abroad, this is not an adequate basis for a departure from the clearly expressed intent of Congress that USIA productions be confined to foreign countries.
>
> A basic principle is involved. USIA was established to promote a better understanding abroad of the United States, its people, and it policies. In other words, its basic purpose is one of persuasion—to create a more favorable attitude toward the United States in other countries. It is, quite frankly, a propaganda agency.
>
> To use in this country a film designed for propaganda overseas would set a most undesirable pattern. USIA has always recognized as the intent of Congress that this Government Agency would not propagandize the American people. To allow this would mean that the taxpayers would be subsidizing programs designed to shape their judgment.
>
> The film deals with a recent political leader many of whose policies are still under active political discussion and debate in this country. The showing of the film in this country can inject a large emotional content into the consideration of basic public policies that should be judged on their merits.

So it is, Mr. Speaker. We could continue to give instances in which it is clearly pointed out that it is the intent of the Congress that material prepared by and under the direction of the U.S. Information Agency should be used only abroad and not in this country. The record is replete with remarks and illustrations showing clearly that there was a very real fear that this agency—which is in fact a propagandizing agency and is supported by the Federal Government—would have the fruits of its labors turned toward efforts to influence the thinking of people here at home.

In spite of what may be said, we are setting a very dangerous precedent. Every time we lower the barriers once in this respect we make it easier thereafter to do so again and again. In other words, what I am saying is here we have a very fundamental issue whether or not the products of the USIA, which are designed to be used abroad, may be used here at home for domestic purposes.

Further, Mr. Speaker, this is obviously an effort to make possible the raising of funds for an organization, again certainly a worthwhile organization, the John F. Kennedy Center for the Performing Arts, but here is a product of the USIA being used for fundraising. There is very little limitation, if any, placed on the kind of fundraising that may be considered here. In the committee report there is expressed the hope that this will not be used for political purposes. However, Mr. Speaker, in the joint resolution before us, and explicitly in the report itself, there is no prohibition against such use of this film. There is nothing that says absolutely it cannot be used for political purposes. There is nothing, I submit, Mr. Speaker, which would prevent a Member of Congress, a Senator, a Governor, or any other political official, if he pays the fee for the use of the film, from then making use of it as he may see fit.

Furthermore, there are no restrictions upon how and where these films may be used. Members will recall in a debate on the previous measure great concern was expressed lest these be used improperly in association with other films of questionable merit and questionable content and perhaps in improper places and in a wrong context. There is no assurance, apart from the assurance that we would feel in the good judgment of those in authority in the John F. Kennedy Center for the Performing Arts, that it would be subject to proper supervision and policing. Mr. Speaker, I think for these reasons, and others as well, that we are setting a dangerous precedent by using material, designed to be used abroad, here at home. We are not setting up sufficient safeguards concerning its use and, therefore, this Senate joint resolution should be defeated.

Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Speaker, I thoroughly agree with the gentleman from Indiana [Mr. Adair] that this may very well be setting a most dangerous precedent in that this film was designed and was paid for by the taxpayers of this country for the purpose of propagandizing in foreign countries and not in the United States. Furthermore, I call the attention of the Members of the House to the report accompanying this bill. There is not a single departmental comment in the report. The fact of the matter is that I have been advised, and on good authority, that the Advisory Commission to the USIA—which originally prepared this film and the Agency through which the money was expended—a majority of the members thereof are not in favor of this legislation, or at least they were not in the early consideration of the bill. The report is completely lacking with regard to departmental or agency reports.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. I am glad to yield to the gentleman.

Mr. ZABLOCKI. The reason why a report is lacking is because the decision here is for the Congress to make—not for the executive branch. I am also assured that the executive board did not object to the showing of the Kennedy film, if the USIA was acting in accordance with expressed congressional intent.

Mr. GROSS. I said nothing about an executive board. I said the Advisory Commission to the USIA.

Mr. ZABLOCKI. I stand corrected—I meant the Advisory Commission. The Commission, in its report, was solely concerned that the USIA comply with congressional intent in its operations. They have not expressed any objection to any particular expression of congressional intent with respect to the Kennedy film.

Mr. GROSS. The point is that the Committee on Foreign Affairs did not call the Advisory Commission or any member thereof before it in the consideration of this bill at any stage. The gentleman will agree to that, I am sure.

Mr. ZABLOCKI. Yes; nor did the committee ask for testimony from the U.S. Information Agency or representatives thereof, because we wanted to keep the Agency entirely out of the consideration of this bill. The decision embodied in the resolution is solely ours to make; and we are making this decision in favor of domestic showing of the Kennedy film because of the tremendous interest that has been shown in it here in the United States. There were several dozen bills and resolutions introduced by Members of Congress who would like to have the U.S. Information Agency given permission by Congress to release the film, so that the American people—at least those desiring to do so—that they may be able to see it.

Mr. GROSS. It is a rare event for a bill to come to the floor of the House, a resolution or a bill, without any departmental reports of any nature.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes, of course.

Mr. ZABLOCKI. Certainly the gentleman would not expect or require that the U.S. Information Agency pass judgment on a policy that the Congress alone promulgated, formally or informally, restricting the U.S. Information Agency from distributing its materials in the United States?

Mr. GROSS. I should certainly like to have heard, and I suspect that there are other Members who would like to have heard the attitude of the Commission and the attitude of the Agency on this expansion of the showing of a propaganda film throughout the United States when that film was designed exclusively for overseas showing, in its original conception.

Mr. ZABLOCKI. Mr. Speaker, if the gentleman will yield further, I think it would be out of order to ask the U.S. Information Agency to take a position on the issue of the distribution of one of its productions when the Congress has previously told them that they were not to engage in such activities. Certainly the gentleman will agree that this would not be in order, for the U.S. Information Agency to come before the committee for that purpose?

Mr. GROSS. I think on the contrary that it was very much in order, because they were the original sponsors and in part the promoters of this film, for quite a different purpose than is here being proposed today. I see no reason why they should not have been called upon to state their views with respect to the showing of this film for a purpose for which it was never intended.

Mr. ZABLOCKI. Mr. Speaker, I want to assure the gentleman that I have not received, nor has any other Member that I know of, any memorandum or letter from either the Advisory Commission or the USIA in opposition to this resolution.

Mr. GROSS. No harm could have resulted if the Foreign Affairs Committee had called members of the Advisory Commission before the committee to give their views with respect to the use of this film which they approved originally, for which substantial Federal funds have been expended and only for the purposes of showing overseas. I reiterate that I join completely with the gentleman from Indiana [Mr. Adair] in saying that the enactment of this resolution can very well set a most dangerous precedent so far as the showing of Government-produced, propaganda films in this country is concerned.

Mr. ADAIR. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. Derwinski].

Mr. DERWINSKI. Mr. Speaker, I too wish to associate myself with the remarks of the gentleman from Indiana [Mr. Adair] and to point out to the Members of the House that what we will be doing, if we adopt this resolution, is to establish a precedent that in this case, any disclaimers to the contrary are not worth anything.

Mr. Speaker, this report is a very fascinating document. This committee report goes to a great extent to emphasize that we are not setting a precedent when the very act itself is a precedent. We have some very fascinating language contained in the report. For example, it refers to the fact that it is the intent of Congress that this film be used in a nonpartisan manner, and it states as follows:

> The film ought not be used, for example, for partisan political fundraising. On the other hand, local nonpartisan community showings of the Kennedy film should not be discouraged or proscribed simply because a Member of Congress or some other public official happens to sponsor the event.

Mr. Speaker, as I interpret this language, this represents an open invitation for any number of political figures to use this film, and as I see it abuse this film.

Mr. Speaker, we may as well use this opportunity to discuss this USIA. Incidentally, I feel that this is a very effective dramatic film, effective in its intended impact upon foreign observers. Interestingly enough, this is one of the few products produced by the USIA which I believe has any substantial artistic impact.

Mr. Speaker, the USIA is one of our most ineffective and overrated agencies.

Also, I would like to take this opportunity to comment that one of the more ineffective operations of this ineffective agency is the Voice of America which proclaims its virtues by pointing out that its broadcasts are no longer jammed as they beam behind the Iron Curtain, obviously, because of the innocuous nature of their presentation.

Overseas, Mr. Speaker, the USIA is an absolutely weak, ineffective propaganda arm of the Government.

It is fascinating that this one film which I believe has considerable domestic significance is the product of some unusual performance on their behalf.

Mr. Speaker, I feel that this precedent is so dangerous and will come back to haunt us, that the House in its wisdom should reject this resolution. However, I am afraid that the Members have not given sufficient attention to this problem and as the last time, they will faithfully rubberstamp this resolution.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania, our distinguished chairman of the Committee on Foreign Affairs [Mr. Morgan].

Mr. MORGAN. Mr. Speaker, I take this time to ask the chairman of the subcommittee, the gentleman from Wisconsin [Mr. Zablocki], some questions bearing on this legislation.

During the remarks of the gentleman from Wisconsin he stated that this House Concurrent Resolution 285 had passed this very body by a vote of 311 to 75.

The Senate did not accept the House concurrent resolution. After some delay, a compromise was reached, largely, I understand, as the result of efforts by the distinguished minority leader, Senator DIRKSEN and the ranking minority member of the Foreign Relations Committee. This joint resolution now before us embodies that compromise and it passed the Senate by a simple voice vote. I therefore find it hard to understand the strong objection to this resolution which is coming from the other side of the aisle.

The resolution we have here today is the language from the workshop of Senator DIRKSEN. Is that correct?

Mr. ZABLOCKI. It is my understanding, and I have apprised the members of the minority of it, that the Senate joint resolution embodies a compromise that was worked out with the minority leader in the other body, and with the ranking minority member of the Senate Foreign Relations Committee. Therefore I am somewhat amazed that the gentlemen on the other side of the aisle are opposed to this resolution.

Mr. MORGAN. Will this not be a great aid to fundraising drives of the John F. Kennedy Cultural Center?

Mr. ZABLOCKI. The revenue that will be derived will revert to the Treasury to be used by the Kennedy Cultural Center.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I hope I properly interpreted my distinguished chairman. The language in the Senate resolution was fundamentally developed by the distinguished Senate minority leader, so that the distinguished minority leader should be followed then?

Mr. MORGAN. In this instance, yes. I just cannot see this being a dangerous position taken by the House when the majority and minority leadership in the other body was for it.

Mr. DERWINSKI. I appreciate the tremendous support given our Senate minority leader, and I hope that the majority also will give him substantial support in his heroic effort to preserve section 14(b) of the Taft-Hartley Act.

Mr. MORGAN. It would perhaps be too much to expect 100 percent perfect judgment in every case, besides that has nothing to with his statesmanlike approval of the pending resolution.

Mr. ADAIR. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to ask the subcommittee chairman and the ranking minority member: on page 2, section 2, there is the phrase: "and the exclusive rights to distribute copies thereof, through educational and commercial media for viewing within the United States."

According to that phrase there is no rule as to whether the distribution to educational institutions shall be without profit.

Mr. ZABLOCKI. I am pleased to advise the gentleman that the Committee on Foreign Affairs has been assured by the Chairman of the Board of Trustees and of the Executive Committee of the John F. Kennedy Center for the Performing Arts that they will make this film available to educational organizations within the United States without profit to the Center. This conforms our intent with respect to this matter. For the full outline of the assurances which we have received on this as well as on some related points, I would like to refer the gentleman to a letter from Mr. Roger Stevens which I cited earlier in our debate on this resolution.

Mr. FULTON of Pennsylvania. Who shall determine that? The Bureau of the Budget will set up the rules, or will it be in the hands of the Kennedy Cultural Center?

Mr. ZABLOCKI. The trustees of the Kennedy Cultural Center will make the decision on the operational aspects of this matter. There is also guidance furnished on this subject in our report which reads, in part: "that private enrichment should not become the goal of the domestic distribution of the Kennedy film and that nonpartisanship should be the rule in all arrangements for its distribution in this country."

Mr. FULTON of Pennsylvania. I do not think we should limit the Kennedy film to commercial distribution, and that there shall be no profit. I do think it should be put on the educational media.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Indiana.

Mr. ADAIR. I can say to the gentleman that under the terms of the Senate joint resolution that is before us here there is the very widest latitude as to the organization or individuals that may use this film. The resolution says educational or commercial. There are no guidelines beyond that.

In answer to the specific point made by the gentleman from Pennsylvania [Mr. FULTON] there are no restrictions, no guidelines as to costs laid down here. That is a matter which is completely wide open, and I share the gentleman's concern that it might be subject to abuse.

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON of Pennsylvania. The language of this joint resolution reads as follows on page 2, section 4:

> SEC. 4. Any documentary film which has been, is now being, or is hereafter produced by any Government department or agency with appropriations out of the Treasury concerning the life, character, and public service of any individual who has served or is serving the Government of the United States in any official capacity shall not be distributed or shown in public in this country during the lifetime of the said official or after the death of such official unless authorized by law in each specific case.

As one of the ranking members of the Committee on Science and Astronautics and as ranking minority member of the Manned Space Flight Subcommittee, it appears to me that that is too broad because it would prevent the showing of any films on the astronauts in this country. How do you get around that? I think the prohibition is too broad. I think you must make some sort of exception as to the intent of the Congress with reference to this. I do not think it is intended to be that broad even though the phraseology of section 4 states that it is that broad because it states that on any showing we would have to have a specific act passed. That is the language that appears on page 3, line 7.

Mr. ZABLOCKI. I would point out to my colleague that the Senate joint resolution deals with materials produced by the USIA. I am sure, and at this time I would reassure the gentleman from Pennsylvania, that it is not the intent of the language he quoted to prevent the showing of a film of the astronauts, for example, or to negate any of the responsibilities or the authority, currently entrusted to the USIA under its basic authorities. The concern which has been expressed on the floor today, and also last June, related to USIA films dealing with the life and activities of our political leaders. I am certain that section 4 of the Senate joint resolution referred to such films. I for one—and I am confident that the membership of the House shares this sentiment—have no objection to the film of our astronauts, or a similar film, being made available for showing in our country.

Mr. FULTON of Pennsylvania. Then why do you not have that limitation so as to make it refer to films produced by the USIA?

The SPEAKER pro tempore. The time of the gentleman has expired. All time has expired.

The question is: Shall the House suspend the rules and pass the Senate joint resolution (S.J. Res 106)?

The question was taken; and on a division (demanded by Mr. GROSS), there were—ayes 55, noes 12.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Pursuant to the order of the House of October 1, further proceedings on the Senate joint resolution will go over until Thursday, October 7.

IMPOSITION OF TIRE TAX ON TIRES DELIVERED TO MANUFACTURERS RETAIL OUTLET

Mr. JENNINGS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 318) to amend section 4071 of the Internal Revenue Code of 1954.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 4071 of the Internal Revenue Code of 1954 (relating to tax on tires and inner tubes) is amended by redesignating subsections (b) and (c) as (c) and (d) and by inserting after subsection (a) the following new subsection:
>
> "(b) SPECIAL RULE FOR MANUFACTURERS WHO SELL AT RETAIL.—Under regulations prescribed by the Secretary or his delegate, if the manufacturer, producer, or importer of any tire or inner tube delivers such tire or tube to a retail store or retail outlet of such manufacturer, producer, or importer, he shall

be liable for tax under subsection (a) in respect of such tire or tube in the same manner as if it had been sold at the time it was delivered to such retail store or outlet. This subsection shall not apply to an article in respect to which tax has been imposed by subsection (a). Subsection (a) shall not apply to an article in respect of which tax has been imposed by this subsection."

(b) The amendments made by subsection (a) shall take effect on the first day of the first calendar quarter which begins more than 20 days after the date on which this Act is enacted.

Sec. 2. Section 4226 of the Internal Revenue Code of 1954 (relating to floor stocks taxes) is amended by adding at the end thereof the following new subsection:

"(e) Tax on Certain Tires and Tubes.—On any tire or inner tube which, on the first day of the first calendar quarter which begins more than 20 days after the date of the enactment of this subsection, is held at a retail store or retail outlet of the manufacturer, producer, or importer of such tire or tube, he shall be liable for tax under section 4071(a) in the same manner as if such tire or inner tube had been sold by him on such first day. This subsection shall not apply to an article in respect of which tax has been imposed by section 4071 of the Internal Revenue Code of 1954. Such section 4071 shall not apply to an article in respect of which tax has been imposed by this subsection."

The SPEAKER pro tempore. Is a second demanded?

Mr. AYRES. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia [Mr. Jennings].

Mr. JENNINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the pending bill would amend the Internal Revenue Code of 1954 to provide that the manufacturers' excise tax on tires and inner tubes in the case of manufacturer-owned—or importer-owned—retail stores is to be imposed at the time of delivery to these stores, rather than at the time these tires or tubes are sold. The bill also imposes a floor stocks tax, at the regular rates, on inventories on hand in these stores on the date the new provision referred to above becomes effective.

Under present law a tax of 10 cents a pound is imposed on highway-type tires and 5 cents a pound on other tires, and a tax of 10 cents a pound is imposed with respect to inner tubes, at the time they are sold by the manufacturer, producer, or importer.

In the case of tire and inner tube manufacturers—or importers—maintaining their own retail stores or retail outlets, this means that no tax is imposed until the manufacturer makes a sale at retail, that is, to the consumer. As a result, where a manufacturer has his own retail store, no tax is paid on his retail inventory. On the other hand, the independent tire dealer can have only tax-paid inventory. The Committee on Ways and Means has been advised that these dealers may have as much as 15 percent of their inventory investment tied up in these taxes, an investment which their competitors, the tire manufacturers with their own retail outlets, need not make. In addition to the large investment tied up in inventory, the independent tire dealer, because of this higher inventory cost, also is faced with larger insurance costs with respect to this inventory.

The pending bill, which I introduced, would remove this competitive discrimination against independent tire dealers by providing for the imposition of the tire or inner tube tax at the time the tire or inner tube is delivered to a retail store or retail outlet of the manufacturer, producer, or importer. The bill contains language to make sure that the imposition of tax when tires or inner tubes are delivered to a retail store or retail outlet does not result in double taxation.

Similar legislation was passed by the House of Representatives in a prior Congress, by unanimous consent, and earlier this year the other body adopted the provision as an amendment to the House-passed excise tax reduction bill. However, because of the fact that a provision such as this should originate in the House, the provision was deleted by the conference committee. The Committee on Ways and Means is unanimous in recommending enactment of H.R. 318.

Mr. AYRES. Mr. Speaker, I yield myself 1 minute.

The rubber industry is one of the greatest industries in the United States. The rubber industries that are based in my hometown of Akron, Ohio, operate in every congressional district. A highly respected Member of this body who represents a district and who has worked both as an employer and as an employee in the rubber industry is the gentleman from Pennsylvania [Mr. Dent]. I yield 5 minutes to him.

Mr. DENT. Mr. Speaker, first, I must confess that I did not know that this measure was even being considered, since no hearings were held on it. However, from my own knowledge of the distribution system in the entire industry, I find that I am at a loss to understand why this particular industry is being picked out for a specific tax in what are known as consignment retail stores.

Without the consignment stores in the rubber tire industry, the rural areas would be absolutely lost in trying to get tires in a hurry when tires are needed by the independent tire dealer. The independent tire dealer carries a very small popular-sized tire inventory. That is historic in the industry. At one time I was municipal sales manager for one of the large plants, and I can tell the Members from experience that if the proposed tax is imposed, there will be established a method of doing the same for all private-brand, excise-taxed products in the United States, because this would not be a tax upon a tire as such. It would actually be an excise retail sales tax. It would be an excise tax to be placed on the tire, but paid by the buyer, not by the manufacturer. In the normal run of excise taxes in manufacturing, as they were conceived and as they were operated in nations that had an excise tax as a basic tax, such as the Canadian excise tax, the manufacturer paid the excise and it was passed on down through the channels of distribution.

The privately owned or company owned tire store is part of the distribution system of tires.

This is not something that grew up overnight. This grew up out of the necessity of having some place in a certain given area, a certain travel area, where they could keep all of the odd size tires.

For instance, tires on a car are changed more than any other part of an automobile. The tires on a car of last year, in most cases, are different from the tires of this year. That is done for two reasons. First, of course, it is to stimulate the use and the manufacture of tires in the field. The other reason is because people, so long as a tire will run, will not change tires. Many accidents on the highways result from blowouts after the inner cords of the tire have been broken by continued hammering on the highways, bumping of curbs, high speeds of running, as well as overheating and sudden cooling in the wintertime.

This is historic in the industry.

I have always opposed the so-called consumer discount type of bill. I still believe that is wrong in our distribution system. But there are industries which must have consignment stores in order to have these items available for the independent dealer you are trying to protect. These are tires he cannot carry. If we eliminate this kind of carry station, we will cause the independent dealer to carry many, many thousands of dollars more of inventory than he now carries, for the simple reason that he cannot carry a sufficient supply to meet the demands in the many sizes of the tire industry.

I do not know how many Members realize it, but in one line of automobiles—for instance, the Ford line—there may be as many as 16 or 20 different tire sizes going onto Ford cars. The independent dealer cannot possibly carry all sizes.

The store was conceived the same as the beer store or the same as the liquor houses. They have excise taxes, but they have a right to have a consignment, in order that the tax may be paid when they remove from consignment.

This does not give the independent store any advantage. This is only a punitive tax placed before the tire is removed for sale.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. DENT. I am happy to yield to my distinguished colleague.

Mr. KEOGH. I wonder if the gentleman would follow further his analogy between this industry and the liquor industry?

Mr. DENT. Only in the distribution.

Mr. KEOGH. Only in the distribution?

Mr. DENT. Yes; not in the consumption.

Mr. KEOGH. In the liquor industry the tax is applicable on the product. It is payable at one and the same time, whether sold to State stores or privately-owned stores, no matter how distributed.

Mr. DENT. Except that, when we look into the matter of the liquor distribution, we find that where there is a consignment of liquor from a distillery to a State store, for instance in my State, that tax by the State store is not paid to the distillery until the store takes it.

Mr. KEOGH. That is not correct.

Mr. DENT. It is true.

Mr. KEOGH. It is a distiller's tax.

Mr. DENT. The distiller pays the tax when he takes it out of the warehouse, but he does not pay the excise tax that is paid in Pennsylvania.

Mr. KEOGH. Mr. Speaker, the gentleman may be talking about a State sales tax or a retail sales tax, but unfortunately the subject before the House at the moment is the tire industry and not the distilled spirits industry.

Mr. DENT. I was drawing the analogy to show that this is a consignment tax. You are trying to put a tax, properly placed by this House and the Ways and Means Committee, upon a product to be paid at the resale of the product and not at the manufacturer's level. The manufacturer does not place the tax in his consignment store until the consignee sells the product, the same as an independent store. He pays it. Once the manufacturer has paid for it, he takes the money and the tax, but he is not paid when he is putting it in his warehouse.

If this were a retail store in the common definition of a retail store, then there would be some ground to stand on, but it is not; it is a house where retail products are sold but where they also have a wholesale business for the independent store. The consignee gets it and sells it to the very independent store you are talking about.

Mr. McCLORY. Mr. Speaker, will the gentleman yield to me?

Mr. DENT. Yes. I am glad to yield to the gentleman.

Mr. McCLORY. I thank the gentleman for yielding. I happen to have a substantial plant of the Goodyear Tire & Rubber Co. in my district in Illinois. It is my feeling that this is discriminatory legislation against that company and against other companies that operate in the way they do through retail outlets in many instances. It strikes me that there should be an opportunity for some hearings on this legislation and that the House should not go forward and pass this bill before the other side has been heard. I am sure the gentleman will agree with that position. There could be testimony and evidence offered in opposition to this legislation if the committee would accord the parties a hearing.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. AYRES. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. DENT. Mr. Speaker, I want to say that there may be a new type of distribution system that has grown up where there is no longer a consignee proposition as between a manufacturer and his retail outlet which he carries in his own name in order to carry the size of tires that are not available to the little garage down at the corner. This is the very thing you are driving at here. You do the same thing where a garage owner who needs two tires runs up to an independent tire store. It is the same identical operation. If the independent tire store is a franchised dealer—he can be an independent, but he is a franchised dealer for a particular tire company—he gets his tires on consignment. If that is no longer the method of distribution of tires, let us have a hearing and find out. If it is not, I will support your legislation.

Mr. JENNINGS. How recent is your information concerning this type of distribution?

Mr. DENT. Like many Members of Congress, I have not worked for a long time at that business, but I still know the company operating in my town has independent and consignment stores. The independents buy their odd-sized tires from the consignment store.

Mr. McCLORY. Mr. Speaker, will the gentleman yield to me?

Mr. DENT. I do not have any time left, but I will be glad to yield.

Mr. McCLORY. It is your time and if you will yield it to me, I will appreciate it. I would like to mention the fact that the consumer is involved as well. If this tax is going to be imposed on an entire inventory of tires that belong to the manufacturers, that are held on consignment or stored temporarily in many cases with a retail outlet, then the practice may develop of withholding a great many of these tires from these outlets, and the consumer then will be without the product.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. AYRES. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding to me. It seems to me that as a result of this legislation which does not seem to me to be very well thought out, it could result in the consumer not having the product to which he is entitled. Perhaps ways and means will be developed for avoiding the tax. Certainly we do not want to deliberately thrust a tax on manufacturers or distributors because they have provided a large inventory, much of which may not be needed or used in that particular area.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I am glad to yield to the gentleman.

Mr. DENT. As far as the consumer is concerned, no reputable tire manufacturer will sell cheaper or at a lower price through his retail outlet than the independent dealers retail their product, because it is in the maintenance of this price stabilization that their products are accepted in any given area. It is a convenience proposition more than any other thing in the distribution of the tires. As far as I know, that is the truth of the matter.

Mr. McCLORY. I am certain the gentleman is right. In thinking of the consumer I am thinking of his convenience as well as other benefits which all are involved in the service provided by these manufacturers who provide these outlets for their products.

Mr. JENNINGS. Mr. Speaker, I yield myself 3 minutes. Mr. Speaker, I think it is time we get this into perspective and we get down to the meat of this legislation.

First of all let me say, as the result of hearings conducted by the Small Business Committee and the Committee on Ways and Means over the years, starting back as early as 1942—and at that time there were several members of the party on the other side of the aisle interested in this legislation. As a matter of fact, there is a remark in the hearing record in 1942 which I think is significant, made by Congressman HALLECK, who was then a member of the House Small Business Committee, showing that the need for such corrective legislation was evident.

In 1947, Congressman Ploeser, who served as a member of the party from the other side of the aisle and who was chairman of the House Small Business Committee, introduced legislation that was similar in intent to H.R. 318.

In the 88th Congress, Congressman Roosevelt introduced a similar bill. He has been closely associated with efforts to solve the problems of small business and has investigated the need for such legislation. This bill has had bipartisan support for many years.

I might say also a word about retail taxes. We had four types of retail taxes, I will say to the gentleman from Pennsylvania, and all of them were removed this year in the excise tax legislation. We had a retail tax on toilet preparations, jewelry, leather goods, and furs. Those were the only retail taxes. The rest of the excise taxes generally speaking, were at the manufacturers' level. All four of those to which I have referred were removed.

Here is the situation involved in this bill. This is a matter of small business versus large business. As a matter of fact, the National Federation of Independent Business has polled its membership—they have a membership of 204,333—and on this very subject. In 1946 the vote of the membership was 95 percent for this legislation, 3 percent against, and 2 percent had no opinion. Another poll in 1962 showed substantially the same results.

Let me point out to the gentleman what this is. You express concern about distribution centers. There is nothing in this legislation that will prohibit the manufacturers from shipping their tires to a warehouse, to a central location, then shipping them out to either an independent store or to a company-owned store. You talk about discrimination. This removes discrimination instead of creating it. There is discrimination today on the part of the independent who handles the manufacturer's tire. In the case of a retail store in a locality that is owned by the manufacturer no tax is paid on those automobile tires until such time as the manufacturer disposes of those tires to the consumer.

In the case of an independent store, as soon as those tires are shipped to him or consigned to him they are invoiced and the invoice price not only has the wholesale price of the automobile tire but it includes the excise tax, also.

Evidence submitted to our committee indicated that a total of some 15 percent of an independent dealer's inventory was in this excise tire tax. His competitor down the street, who was operating a company-owned store, had no tax whatsoever. This means that our present excise tax system puts a 15-percent penalty on the independent dealer. That is where the discrimination is and it cannot be denied. This is the type of competitive disadvantage we were interested in removing in other excise tax areas in the bill we passed this year. The only reason we did not consider this then was that we excluded consideration of taxes dedicated to the highway trust fund. This included tires and tubes.

Now you talk about looking after the consumer. This is an equalization of the tax effects and it is the best way in the world to help the consumer by equalizing competition. You talk about having hearings. Congressman Forand, when he was chairman of the subcommittee of which Mr. KEOGH was a member, had public hearings 6 or 8 years ago. Legislation on this subject was reported to the committee as long ago as that. It had been reported to this House on several occasions. In the last Congress it was passed by unanimous consent. There was not a dissenting vote or a dissenting voice or any criticism or dissension in the Committee on Ways and Means. This year, when we sent the excise tax bill to the other body they recognized the fairness and equity of this legislation and added an amendment to that legislation but because it was tax legislation which constitutionally and historically is supposed to originate in this House, it was removed in conference. We have brought it back to the House again in the bill here.

There is no discrimination created by this legislation. Just the reverse, I can assure the gentleman. There is no comparison between the distribution of alcoholic beverages and consignments. There is nothing in the world that would prevent consigning to a company-owned store or to an independent store. This merely equalizes the tax incidence. It is saying that the tax would be paid on the tire when it is delivered to a retail store regardless whether it goes to a company-owned store or to an independent.

The SPEAKER pro tempore. The time of the gentleman from Virginia has again expired.

Mr. JENNINGS. Mr. Speaker, I yield myself 1 additional minute.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. JENNINGS. Mr. Speaker, it merely says that the tax is going to be paid at the same time whether it goes to a company-owned store or whether it goes to an independent store.

Mr. DENT. Mr. Speaker, if the gentlemen will yield, I would suggest to the gentleman that he correct the fault where it lies and not try to do it in such a way that it will deny the sparsely settled communities the tires that are needed, because no independent store in any of the sparsely settled communities can carry a stock which is adequate of the size and different grades of tires with which to meet the needs.

Mr. JENNINGS. Let me just say this to the gentleman——

Mr. DENT. Wait a minute.

Mr. JENNINGS. The gentleman from Pennsylvania can get some time from the other side, if he desires additional time.

Mr. DENT. I could not get any time from the gentleman from Virginia.

Mr. JENNINGS. Has the gentleman from Pennsylvania asked me for any time?

Mr. DENT. I was advised that I could not get time.

Mr. JENNINGS. Has the gentleman from Pennsylvania asked me for any time?

Mr. DENT. Will the gentleman yield 5 minutes to me?

Mr. JENNINGS. If the gentleman from Pennsylvania asks me for time I shall yield him such time as I feel I can spare.

Mr. AYRES. Mr. Speaker, I yield myself 5 minutes.

Mr. DENT. Mr. Speaker, will the gentleman yield to me?

Mr. AYRES. I yield to the gentleman from Pennsylvania.

Mr. DENT. I had just started to say to the gentleman from Virginia if he wants to correct the situation, do not create one evil by trying to undo another.

In principle, I agree with the idea that a manufacturer's outlet should not have any advantage over an independent store.

Mr. JENNINGS. That is what this bill does.

Will the gentleman yield further to me?

Mr. DENT. I could not get a minute out of the gentleman from Virginia. If the gentleman from Ohio gives me time I shall yield to the gentleman from Virginia.

Mr. KEOGH. The gentleman from Pennsylvania just said that a company-owned store should not have an advantage. This is exactly what this bill proposes to do.

Mr. DENT. If you want to correct it, then do it the way it can be done without inflicting any injury upon anyone and, as I say, equalize the opportunity to earn a reasonable income both from the standpoint of the individual as well as the independently owned retail outlets. It can be done easily enough. That is what you did with reference to the excise tax on cosmetics, with reference to the excise tax on jewelry. You did not place an excise tax collectible at the retail level. Do the same thing here and you will have no problem.

Mr. AYRES. Mr. Speaker, I would like to say to the gentleman from Pennsylvania that I believe he has probably summed up pretty well what is happening with reference to this proposed legislation.

No. 1, you are not assisting the so-called independent dealer in any way, because you are leaving him in the same position in which he is now. But, you are penalizing the company-operated store.

Mr. Speaker, insofar as this bill having been passed by unanimous consent, it was brought up and it had not been announced that it would be considered. Frankly, those of us who are interested in the bill were not here that day on which it was brought up or I can assure the membership that it would not have passed by unanimous consent.

A significant point concerning Ways and Means Committee approval of H.R. 318 is that this action was undertaken without any hearings having been held on the bill. This lack of public hearings precluded the tire manufacturing industry from testifying on the measure and pointing out its undesirable features. It also deprived members of the Ways and Means Committee of current factual information on the matter of payment of Federal excise tax on tires and tubes.

It is understood that the Department of Treasury previously registered its opposition to the principles set forth in H.R. 318 and filed them with the Ways and Means Committee during a previous Congress. This action was taken in the form of an adverse executive report on a bill similar to H.R. 318.

This bill is designed to correct a supposed inequity which in fact does not exist. It is claimed that the independent tire dealer is at a competitive disadvantage with the company-owned retail store in that he must pay the Federal excise tax on tires and tubes at the time of his purchase of these goods, while the company-owned store—since it has not actually purchased them but merely acquired them on a transfer basis—is not liable for payment of this tax until it sells the tire or tube at retail.

The fact of the matter is that for many years tire manufacturers have had in effect a program whereby the independent tire dealer in most instances does not pay the tax to the manufacturer until after he has made the sale to his customer.

Currently, the manufacturer must pay the tire excise tax at the close of the month following the month in which the sale is made by him, amounting to an average of 45 days after the sale. The manufacturer, however, is not reimbursed for his tax payment until he collects from the independent dealer. Moreover, tire industry collection experience has previously revealed that on the average tire manufacturers do not collect from dealers either the Federal excise tax applicable to or the actual payment for the tire or tube until 83 days after billing the dealers. Consequently, the manufacturer is actually paying the tax to the Government on an average of 38 days before collecting the tax from the dealer. It is reasonable to assume that these figures closely approximate current collection patterns of tire manufacturers.

Frankly, those of us who have been in the Congress for a number of years realize there has been one gentleman who has been primarily interested in pushing this legislation, and many of us over the years have realized there were some concessions made to appease this gentleman.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from New York.

Mr. KEOGH. I think the gentleman to whom you have just referred is entitled to great credit of all those who are interested in sustaining the smaller, independent businesses of this country and, Mr. Speaker, I will say to the gentleman from Ohio that, in my opinion, the reason you and the other gentlemen from Ohio have not heard from the large tire manufacturers is that they are and have been perfectly conscious of the advantage the company-owned outlets have had in this regard, and they, I think, are surprised that the Congress has taken so long to correct this obvious inequity.

Mr. AYRES. I may say to the gentleman I cannot speak for the other Members of Congress, but as a Representative of the district where these companies are based—they do object to this discriminatory bill.

Mr. O'KONSKI. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Wisconsin.

Mr. O'KONSKI. From what has developed here I think there is a lot of disagreement as to what this really provides. I for one have been voting here for programs to reduce the excise tax, to help stimulate business, and then we come in here with a bill which goes exactly to the contrary. I think this is something that ought to be looked into, and I hope we will send the bill back to the committee for more consideration.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Speaker, I would like to associate myself with the remarks which the gentleman from Wisconsin has just made. He is intelligible on this subject, and I should like to associate myself with him.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Illinois.

Mr. McCLORY. The gentleman is making a very fine statement, and I think what the gentleman is indicating is there is a need for hearings. Both sides of this matter should be heard before the committee, then the Congress can make an intelligent determination as to the issues involved.

Mr. AYRES. I hope that the House will vote down the motion to suspend the rules, and if the committee feels so inclined, go to the Rules Committee and let both sides be heard. This is not the proper way to bring it up, and I hope the proposition fails.

Mr. STANTON. Do I understand there have been no hearings held on this particular bill?

Mr. AYRES. That is correct.

Those who are opposed to the bill, the people who are affected, have not been heard. There were no hearings before the Committee on Rules. This is being brought up under suspension of the rules, but I hope in short order this will be defeated, and the bill sent back to the committee.

Mr. JENNINGS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. DENT].

Mr. DENT. Mr. Speaker, one of the dangers in the so-called company-owned store is the danger of monopoly. In the tire industry, believe me when I tell you the very thing that saved the tire industry from complete monopolization by the Akron manufacturers was the fact that the independent manufacturers like Lee and others were able to open up company-operated stores in communities to keep their tires before the public. Otherwise there is no use in the independent tire manufacturer being in business. He cannot sustain himself in business without having his source of supply close to the retail market in such a manner that the garage man and the independent dealer can get the size he needs for his make of car.

No one else could possibly stay in business except those who have their own stores.

The **SPEAKER** pro tempore. The question is: Shall the House suspend the rules and pass the bill, H.R. 318?

The question was taken; and on a division (demanded by Mr. AYRES), there were—ayes 21, noes 26.

Mr. JENNINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The **SPEAKER** pro tempore. Pursuant to the order of the House of October 1, further proceedings on this bill will go over to Thursday, October 7.

TARIFF TREATMENT OF CERTAIN WOVEN FABRICS

Mr. KEOGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11029) relating to the tariff treatment of certain woven fabrics of vegetable fibers—except cotton—with amendments as printed in the reported bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the article description for item 335.60 of the Tariff Schedules of the United States is amended by striking out "of manmade fibers" and inserting in lieu thereof "either of manmade fibers or of manmade fibers and cotton".

(b) Item 339.00 of such Schedules is repealed and there is inserted in lieu thereof the following:

"

	Woven fabrics of textile materials, not covered by the foregoing subparts of this part:		
339.05	Containing over 17 percent of wool by weight..........	30¢ per lb. + 50% ad val.	40¢ per lb. + 60% ad val.
339.10	Other.................	17.5% ad val.	40% ad val.

"

(c) The amendments made by subsections (a) and (b) shall apply as if made by the Tariff Schedules Technical Amendments Act of 1965; except that such amendments shall not apply with respect to any article entered, or withdrawn from warehouse, for consumption, on or before the date of the enactment of the Act.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. BETTS. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from New York [Mr. KEOGH].

Mr. KEOGH. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the pending bill is intended to close certain tariff loopholes through which foreign manufacturers are enabled to obtain lower rates of duty on certain fabrics than would otherwise apply by means of the introduction of a relatively small amount of high-value fibers having no significance other than to achieve the avoidance of the higher rate.

Mr. Speaker, we had thought that these rate avoidance practices had been effectively dealt with in the Tariff Schedule Technical Amendments Act of 1965 which passed the Congress the other day and which presently awaits the signature of the President.

However, new variations of these avoidance practices have already been discovered and it is to these latest practices at which the pending bill is aimed.

It is interesting to note, Mr. Speaker, that the Technical Amendments Act which recently passed was the subject of action by both Houses of the Congress during the last Congress which failed to survive a conference. It is therefore important to note that the industries and the manufacturers affected had notice almost 2 years ago that this loophole would be closed. They were astute enough, however, to devise a reopening of the loophole before its closing became effective. While we of long experience applaud those who so well and ably represent their clients and their interests that they can get ahead of us, we do not like to be lapped before the race is over.

Subsection (a) of the pending bill is directed at the avoidance device which consists of adding small amounts of cotton to yarns for the purpose of reducing the manmade fiber content of the fabric to less than the 50 percent required under the original section of the Technical Amendments Act.

Thus there would be avoided a higher rate than that which would otherwise have applied and which historically should apply under item 335.60 of the tariff schedules. That item was added to the schedule by the Technical Amendment Act to which I referred.

Subsection (b) of the pending bill is directed at the device of adding rabbit hair to wool to make an essentially wool fabric into a fabric not in chief value of wool with the result that the fabric falls into the lower rate "basket" provision for woven fabrics of textile materials. Subsection (b) assures that these fabrics falling within that "basket" group which contain over 17 percent of wool by weight will be subject to the appropriate and the preexisting higher rate of duty.

Mr. Speaker, the Committee on Ways and Means has unanimously recommended to the Congress the enactment of the pending bill. I trust that the House will so act.

Mr. BETTS. Mr. Speaker, the gentleman from New York has made a very clear explanation of the bill. I see no particular reason to elaborate on what he has said. I merely wish to reemphasize that the pending bill would close two loopholes which have arisen through tariff rate avoidance practices. I wish to emphasize again what the gentleman from New York said about the bill. The bill passed the Committee on Ways and Means unanimously. I associate myself with the remarks of the gentleman from New York and urge that the House pass the bill.

Mr. KEOGH. Mr. Speaker, I yield myself one-half minute.

I simply wish to say that I am always indebted to my distinguished colleague, the gentleman from Ohio, and I am always comforted when he is on the same side as I am.

Mr. BETTS. I thank the gentleman.

The **SPEAKER** pro tempore. The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill H.R. 11029, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill relating to the tariff treatment of certain woven fabrics."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KEOGH. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the RECORD on the bill just passed.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

PROVIDING FOR OPERATORS OF OCEAN CRUISES BY WATER BETWEEN THE UNITED STATES, ITS POSSESSIONS AND TERRITORIES, AND FOREIGN COUNTRIES TO FILE EVIDENCE OF FINANCIAL SECURITY AND OTHER INFORMATION

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10327) to require operators of ocean cruises by water between the United States, its possessions, and territories, and foreign countries to file evidence of financial security and other information, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act:

The term "ocean cruise" be defined as an ocean voyage for hire of passengers, other than a common carrier service transporting passengers from a port in the United States to ports in the possessions and territories of the United States or a foreign country, by a vessel of over 1,000 gross tons and having a capacity in excess of twelve passengers from the United States and return thereto during which time the itinerary of the vessel may include possessions and territories of the United States or a foreign country, and during which time passengers may disembark and reboard the vessel.

The term "person" includes corporations, partnerships, and associations existing under or authorized by the laws of the United States, or any State, territory, or district, or possession thereof, or any foreign country.

SEC. 2. No person shall arrange, offer, advertise or provide an ocean cruise without there first having been filed with the Federal Maritime Commission (1) the name, address, and citizenship of the offering person; (2) the name, registry, official number, flag, and tonnage of the vessel to be employed in the ocean cruise; (3) the itinerary of the ocean cruise; (4) a warranty that the vessel to be employed in the ocean cruise will be in a seaworthy and safe condition at the time of the commencement of the ocean cruise, and that the vessel to be so employed in such ocean cruise will conform to all applicable laws, treaties, and regulations at the time of the commencement of the ocean cruise; and (5) such information as the Commission may deem necessary to establish the financial responsibility of the person arranging, offering, advertising or providing such ocean cruise, or in lieu thereof a copy of a bond or other security, in such form as the Commission, by rule or regulation, may require and accept, for identification of passengers for nonperformance of an ocean cruise. If a bond is filed with the Commission, then such bond shall be issued by a bonding company authorized to do business in the United States or any State thereof, and such bond or other security shall be in an amount equal to the estimated total revenue for the particular ocean cruise.

SEC. 3. Any person who shall violate this Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 in addition to a fine of $200 for each passage sold for the cruise.

SEC. 4. The Federal Maritime Commission is authorized to prescribe such regulations as may be necessary to carry out the provisions of this Act. The provisions of the Shipping Act, 1916, shall apply with respect to proceedings conducted by the Commission under this section.

SEC. 5. This Act shall take effect six months after the date of enactment.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Maryland will be recognized for 20 minutes and the gentleman from California will be recognized for 20 minutes.

Mr. GARMATZ. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the purpose of this bill is to prevent financial loss and hardship to the American traveling public, who, after payment of cruise passage money, are stranded by the abandonment or cancellation of a cruise. To accomplish this, plus provide assurance of adherence to safety standards, the bill requires the filing of certain data with the Federal Maritime Commission.

In recent years there has been a significant and substantial increase in ocean cruise traffic generated from U.S. ports. These ocean cruises operate primarily off the eastern seaboard of the United States to the Caribbean during the winter season, commencing in October. Both special and regular cruises to the Caribbean have increased rapidly in the past 6 years. The forecast for 1965–66 is more than double the sailings that were made in 1960–61. There is every indication that it will continue to increase. There are indications, also, that cruise traffic is commencing to be generated from Pacific coast ports.

This ocean cruise traffic from U.S. ports has attracted numerous steamship operators and charterers who experience a decline in traffic on their regular liner services during the cruise season. Most of these operators are responsible firms. Unfortunately, the traffic has attracted also a number of operators of questionable financial responsibility, operating aging vessels with lower safety and sanitary standards. This has resulted in several instances where scheduled cruises were suddenly canceled by the cruise operators at the last moment.

Passengers have been left on the dock, and have lost passage moneys which they have paid. In a few cases, there have been complaints of inadequate sanitary facilities, or substandard safety provisions.

Your committee feels that there is a need for legislation in view of the ever-increasing cruise traffic generated from our shores, which is patronized almost exclusively by citizens of the United States. This legislation would prevent possible financial loss and hardship to this sector of the American traveling public, as well as voice congressional concern for the safety of our citizens taking passage on ocean cruises.

The purpose of this bill is to restrain the fly-by-night operator or charterer of cruise vessels sailing from American ports who is financially irresponsible or who is willing to bilk the public into traveling on vessels of substandard safety.

This bill would not discourage the reputable cruise operator.

We will watch the effectiveness of this legislation. If it does not produce immediate results, we will review the matter again and recommend tighter requirements.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Iowa.

Mr. GROSS. Will this provide the same penalties for domestic as well as foreign flag operators? Will it apply to both?

Mr. GARMATZ. Yes.

Mr. GROSS. And it will apply the same penalties to both?

Mr. GARMATZ. That is correct.

Mr. GROSS. It relates only to the shipowners, and has nothing to do with the booking agencies?

Mr. GARMATZ. It has nothing to do with the booking agencies.

Mr. GROSS. It does cover shipowners?

Mr. GARMATZ. Owners and charterers; that is correct.

Mr. GROSS. Or operators, whatever they may be.

Mr. GARMATZ. Yes.

Mr. GROSS. I thank the gentleman.

Mr. MAILLIARD. Mr. Speaker, I yield myself such time as I may consume.

First, may I say to the gentleman from Iowa I believe the gentleman from Maryland was not wholly correct. Under the terms of the bill, as we have reported it, it would apply to a charterer or to anybody who offered this service. It would not just be the owner. It could be the owner, the operator, or it could be a charterer, if one was actually making the offer.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Iowa.

Mr. GROSS. So if a touring agency chartered a vessel then it would have to provide the financial responsibility for the operation of the vessel?

Mr. MAILLIARD. The way the legislation is worded, my understanding of it is that this information and the proof of financial responsibility must be on file before anyone can offer this service. It could be the owner. It has to be somebody. The American public has to be protected by somebody in the transaction.

Mr. GROSS. I want to compliment the committee for bringing out this legislation, particularly in view of the case—I do not remember the details—which occurred last winter, where apparently a substantial number of people were bilked by some kind of an operation that missed fire.

Mr. MAILLIARD. That is correct. That has happened in a number of instances.

Mr. Speaker, I want to say that when the committee considered this bill it considered a number of bills involving both the question of safety of life at sea and the question of financial responsibility.

I personally am somewhat disappointed that we did not go further than we did on the question of safety. However, I have been around here long enough to take a step at a time if we are going in the right direction. As will be noted in the committee report, the committee has declared its intention to keep a close observation on this situation and to take the matter up once again if we find that the international agreements do not afford satisfactory protection to the traveling public on these cruises.

Certainly I think every member of our committee is determined to do whatever we can do to see that we do not have another *Morro Castle* disaster. If that seems rather a long time ago, I can remind the House of the tragedy of the cruise ship *Lakonia*, which was not out of our ports but might well have been. It was out of Great Britain, but there was a great and tragic loss of life in that instance.

Mr. Speaker, I urge the adoption of the motion of the gentleman from Maryland, and under leave to revise and extend my remarks will place in the RECORD some further comments on this bill.

H.R. 10327 was introduced by the gentleman from Maryland the Honorable EDWARD A. GARMATZ, Member of Congress. It was transmitted by Executive Communication No. 1368 from the Federal Maritime Commission.

The purpose of H.R. 10327 is to prevent financial loss and hardship to the American traveling public, who, after payment of cruise passage money, are stranded by the abandonment or cancellation of the cruise. This is a problem which has arisen in recent years owing to the unprecedented growth of ocean cruises from U.S. ports.

In addition to H.R. 10327, the Committee on Merchant Marine and Fisheries held hearings on several other bills introduced to remedy the same problem. These other bills provided for licensing by the Secretary of the Treasury who administers our coastwise laws.

After hearing considerable testimony on the subject of ocean cruises, the committee ordered H.R. 10327, as amended, reported out favorably.

The gist of H.R. 10327, as amended, is that it requires the filing of certain data with the Federal Maritime Commission before a person shall arrange, offer, advertise or provide an ocean cruise. There is no licensing requirement, as was provided for in the other bills.

DATA TO BE FILED

The data required to be filed by the offerer of the ocean cruise includes:

First. The name, address, and citizenship of the offering person.

Second. The name, registry, official number, flag and tonnage of the vessel to be employed in the ocean cruise.

Third. The itinerary of the ocean cruise.

Fourth. A warranty that the vessel to be employed in the ocean cruise will be in a seaworthy and safe condition, and will conform to all applicable laws, treaties, and regulations at the time of the commencement of the ocean cruise.

Fifth. Evidence of financial responsibility or, in lieu thereof, a bond or other security.

AMENDMENTS

The committee amended H.R. 10327 so as to make it applicable to all vessels, and not just chartered vessels as originally proposed. Testimony indicated that there was no reason for the distinction between chartered and owned vessels.

The committee also made provision for filing with the Federal Maritime Commission of a warranty concerning the condition of the vessel at the time of the commencement of the cruise—see No. 4 above. It is hoped that this provision, coupled with the penalty provision of the bill, will have a salutary effect upon persons engaged in the cruise business, resulting in a closer scrutiny of the condition of such vessels before being employed in ocean cruises. The recent tragedy of the cruise ship SS *Lakonia* in December 1963 attests to the need for this minimal requirement.

Finally, the committee provided that evidence of financial responsibility may be accepted in lieu of filing a bond. The original bill provided only for the filing of a bond. The provision was made in the alternative in recognition of the fact that most operators are financially responsible and have adequate assets in the United States against which an aggrieved party could proceed.

COST

Enactment of H.R. 10327 will entail no substantial additional expense to the Government. The staff has been advised informally by the Federal Maritime Commission that it estimates an annual increased cost of about $100,000 for the first year. This estimate would cover the expenses of about six investigators, travel expenses, administration. It is possible that this cost will decrease after the first year, during which period there would be the expense, included in the estimate of $100,000, of hearings to establish regulations.

REPORTS

All department reports and foreign steamship operators favored enactment of H.R. 10327 as originally introduced. There have been no adverse comments from either of these sources concerning the amendments to H.R. 10327 which have been published in the press.

Mr. GARMATZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. DOWNING].

Mr. DOWNING. Mr. Speaker, I rise in full support of this legislation. It is highly desirable and needed. The subcommittee as well as the full Committee on Merchant Marine and Fisheries passed this bill unanimously, and I urge its adoption.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of this legislation. The committee has done an excellent job in acting in the best interests of the traveling public, and has thus performed in a manner which merits the support of each Member of the Congress.

This legislation is intended to affect two areas of vital concern to the American traveling public—performance of the cruise and safety aboard the cruise ship.

By requiring some evidence of financial responsibility, the bill before the House today will halt situations similar to that which occurred frequently in the past, namely passengers, many of them vacationers, being left holding their luggage at the docks because the operator of a foreign-flag cruise ship was unable to perform as scheduled. By requiring evidence of a foreign cruise ship operator being financially able to deliver as scheduled, this legislation is equalizing a difference, or inequity, because it will bring foreign operators up to the same standards now imposed upon American cruise ships, who must file evidence of responsibility with the Maritime Administration.

Furthermore, American ship operators must meet safety standards set by the Coast Guard. The legislation before the House today would affect the safety and seaworthiness of foreign cruise ships by requiring the party filing evidence of financial responsibility to attest to the safety of his vessel.

This legislation guarantees the liability of foreign ships for performance of the cruise contracted for. It guarantees that assets be available within the jurisdiction of the United States for those who have suffered as a lack of the foreign operators' performance.

It also reinforces the International Convention for the Safety of Life at Sea, to which the United States is signatory, and does so by giving traveling Americans better guarantees of safety and liability where travel aboard foreign ships is involved.

I urge all Members of the Congress who are concerned about their constituents vacationing free from hazard and tragedy to support this legislation.

The **SPEAKER** pro tempore. The question is on the motion of the gentleman from Maryland that the House suspend the rules and pass the bill H.R. 10327.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SHIP MORTGAGE BONDS

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2118) to amend sections 9 and 37 of the Shipping Act, 1916, and subsection O of the Ship Mortgage Act, 1920, with a committee amendment.

The Clerk read as follows:

S. 2118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Shipping Act, 1916 (46 U.S.C. 808), is amended by inserting a new paragraph between the existing third and fourth paragraphs thereof as follows:

"The issuance, transfer, or assignment of a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction, to a person not a citizen of the United States, without the approval of the Secretary of Commerce, is unlawful unless the trustee or a substitute trustee of such mortgage or assignment is approved by the Secretary of Commerce. The Secretary of Commerce shall grant his approval if such trustee or a substitute trustee is a bank or trust company which (1) is organized as a corporation, and is doing business, under the laws of the United States or any State thereof, (2) is authorized under such laws to exercise corporate trust powers, (3) is a citizen of the United States, (4) is subject to supervision or examination by Federal or State authority, and (5) has a combined capital and surplus (as set forth in its most recent published report of condition) of at least $3,000,000. If such trustee or a substitute trustee at any time ceases to meet the foregoing qualifications, the Secretary of Commerce shall disapprove such trustee or substitute trustee, and after such disapproval the transfer or assignment of such bond, note, or other evidence of indebtedness to a person not a citizen of the United States, without the approval of the Secretary of Commerce, shall be unlawful. The trustee or substitute trustee approved by the Secretary of Commerce shall not operate the vessel under the mortgage or assignment without the approval of the Secretary of Commerce. If a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction, is issued, transferred, or assigned to a person not a citizen of the United States in violation of this section, the issuance, transfer, or assignment shall be void."

Sec. 2. Section 37 of the Shipping Act, 1916 (46 U.S.C. 835) is amended as follows:

(a) By relettering the existing subsections (c), (d), and (e) as (d), (e), and (f) and by inserting a new subsection (c) as follows:

"(c) To issue, transfer, or assign a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction, or by a mortgage to a trustee on a shipyard, drydock, or shipbuilding or shiprepairing plant or facilities, to a person not a citizen of the United States, unless the trustee or a substitute trustee of such mortgage or assignment is approved by the Secretary of Commerce: *Provided, however,* That the Secretary of Commerce shall grant his approval if such trustee or a substitute trustee is a bank or trust company which (1) is organized as a corporation, and is doing business, under the laws of the United States or any State thereof, (2) is authorized under such laws to exercise corporate trust powers, (3) is a citizen of the United States, (4) is subject to supervision or examination by Federal or State authority, and (5) has a combined capital and surplus (as set forth in its most recent published report of condition) of at least $3,000,000; or for the trustee or substitute trustee approved by the Secretary of Commerce to operate said vessel under the mortgage or assignment: *Provided further,* That if such trustee or a substitute trustee at any time ceases to meet the foregoing qualifications, the Secretary of Commerce shall disapprove such trustee or substitute trustee, and after such disapproval the transfer or assignment of such bond, note, or other evidence of indebtedness to a person not a citizen of the United States, without the approval of the Secretary of Commerce, shall be unlawful; or".

(b) By inserting a new paragraph between the existing second and third paragraphs thereof as follows:

"If a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction, or by a mortgage to a trustee on a shipyard, drydock or shipbuilding or shiprepairing plant or facilities, is issued, transferred, or assigned to a person not a citizen of the United States in violation of subsection (c) of this section, the issuance, transfer or assignment shall be void."

Sec. 3. Subsection O of the Ship Mortgage Act, 1920 (46 U.S.C. 961), is amended by relettering the existing paragraph (e) as paragraph (f) and by inserting a new paragraph (e) as follows:

"(e) No bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee may be issued, transferred, or assigned to a person not a citizen of the United States, without the approval of the Secretary of Commerce, unless the trustee or substitute trustee of such mortgage is approved by the Secretary of Commerce. The Secretary of Commerce shall grant his approval if such trustee or substitute trustee is a bank or trust company which (1) is organized as a corporation, and is doing business, under the laws of the United States or any State thereof, (2) is authorized under such laws to exercise corporate trust powers, (3) is a citizen of the United States, (4) is subject to supervision or examination by Federal or State authority, and (5) has a combined capital and surplus (as set forth in its most recent published report of condition) of at least $3,000.000. If such trustee or a substitute trustee at any time ceases to meet the foregoing qualifications, the Secretary of Commerce shall disapprove such trustee or substitute trustee, and after such disapproval the transfer or assignment of such bond, note, or other evidence of indebtedness to a person not a citizen of the United States, without the approval of the Secretary of Commerce, shall be unlawful. If a bond, note, or other evidence of indebtedness which is secured by a mortgage of a vessel to a trustee is issued, transferred, or assigned to a person not a citizen of the United States in violation of this paragraph, the issuance, transfer, or assignment shall be void."

Sec. 4. Bonds, notes, and other evidence of indebtedness which are secured by a mortgage of a vessel to a trustee or by an assignment to a trustee of the owner's right, title, or interest in a vessel under construction which have heretofore been issued, transferred, or assigned, or are issued, transferred, or assigned within one year after the enactment of this Act, to a person not a citizen of the United States without the approval of the Secretary of Commerce are valid in the hands of such person and the validity and preferred status of such mortgage and the validity and lawfulness of such issuance, transfer, or assignment shall not be affected by such issuance, transfer, or assignment if the trustee or a substitute trustee is approved by the Secretary of Commerce within one year after enactment of this Act, under the standards for trustees specified in the amendments made by this Act to sections 9 and 37 of the Shipping Act, 1916, and to subsection O of the Ship Mortgage Act, 1920.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Maryland [Mr. GARMATZ] is recognized for 20 minutes, and the gentleman from California [Mr. MAILLIARD] is recognized for 20 minutes. The Chair now recognizes the gentleman from Maryland.

Mr. GARMATZ. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, until fairly recent years it was the practice of the Government to finance needed construction of American merchant vessels—especially those designed to serve essential trade routes—through direct Government loans secured by Government-held mortgages. This was a simple and effective method—but it required heavy initial outlay by the Government. More recently legislation was enacted which would accomplish the direct same general result; minimize the direct burden on the Government; and encourage public participation in ship financing.

To this end the purpose of the bill, S. 2118, is to facilitate the sale of bonds issued under trust indentures in connection with mortgages on merchant vessels. This clarifying legislation is necessary to remove uncertainty which has developed in the American financial market as to the preferred status of mortgages and the validity of bonds issued to secure such mortgages, whether or not issued by the Government under title XI of the Merchant Marine Act of 1936. The uncertainty results from a recent

Federal court decision involving interpretations of certain portions of the Shipping Act of 1916 and the Ship Mortgage Act of 1920.

This bill would amend pertinent provisions of the Shipping Act, 1916, and the Ship Mortgage Act, 1920, to cure certain problems with respect to ship financing which were created by the decision of the Court of Appeals, Fourth Circuit, in Chemical Bank New York Trust Company, Trustee, Mortgagee, against Steamship *Westhampton* decided April 5, 1965. The case involved a mortgage on an American-flag ship given to a U.S. citizen trustee to secure a bond held by an alien. The court held that the mortgage was not entitled to preferred status under the 1920 act because the bond which was secured by the mortgage was an "interest" in a ship under section 37 of the 1916 act and the issuance of the bond to the alien had not been approved by the Secretary of Commerce pursuant to that section.

This clarifying legislation is important and urgent because of the great uncertainty it has caused with regard to ship financing affecting both outstanding and future bond issues secured by mortgages under trust indentures involving broad investor participation.

Indications are that because of the doubts and concern in the financial market created by the *Westhampton* case the financing of our ship replacement program will be either jeopardized or available only at substantially higher costs, unless appropriate legislation is enacted promptly.

To clarify the matter and to continue the policy of the United States of encouraging low interest private financing for the construction and reconstruction of American-flag ships, while at the same time limiting the possibility of foreign control of such ships, S. 2118, as amended by your committee, would provide—

First, that bonds secured by a mortgage on a ship to a trustee or by an assignment to a trustee of the owner's interest in a ship under construction may, without the approval of the Secretary of Commerce, be sold to noncitizens if the trustee is approved by the Secretary under the standards specified in the bill;

Second, that any trustee so approved shall not operate the mortgaged vessel without the approval of the Secretary;

Third, that sales of bonds to noncitizens in violation of the amendment are void; and

Fourth, that bonds held by noncitizens and sold before the effective date of the act or within 1 year thereafter, are valid, and the mortgages securing such bonds are valid and preferred, if the trustee is approved by the Secretary within such year under the specified standards.

As the bill passed the Senate it provided that its provisions should not be applicable to any related matter in litigation on the date of enactment. The committee amended the Senate bill so as to remove the exception of cases in litigation.

Prompt enactment of this legislation is important—

First, to stabilize and bring about certainty in the mortgage/bond financing of ships for the future;

Second, to remove doubts from the financing of ships that are already under contract; and

Third, to provide adequate safeguards against alien control of American merchant ships.

Mr. MAILLIARD. Mr. Speaker, S. 2118, as amended, would amend sections 9 and 37 of the Shipping Act, 1916, and subsection O of the Ship Mortgage Act, 1920.

The purpose of S. 2118 is to clarify and remove uncertainty which has developed in the financial market concerning the preferred status of mortgages and the validity of bonds issued to secure such mortgages. This uncertainty arose as a result of a decision by the Court of Appeals, Fourth Circuit, in April of this year, in the case of Chemical Bank Trust Company, Trustee, Mortgagee against Steamship *Westhampton*. In that case, the court held that the mortgage was not entitled to preferred status under the Mortgage Act, 1920, because the bond secured by the mortgage was an "interest" in the vessel, coupled with the fact that the issuance of the bond to an alien had not been approved by the Secretary of Commerce, pursuant to section 37 of the Shipping Act, 1916. Heretofore, by virtue of an administrative ruling, the Maritime Administration had looked only to the citizenship of the trustee, not the bondholder as did the court.

The Shipping Act, 1916, and the Ship Mortgage Act, 1920, represent countervailing policies, which S. 2118 seeks to clarify. On the one hand, to prevent alien control of the American merchant marine certain sections of the Shipping Act, 1916, were enacted requiring prior approval of the Secretary of Commerce where alien ownership was involved. On the other hand, the Ship Mortgage Act, 1920, was enacted to encourage low-interest rates, flexibility, and certainty in financing the construction and reconstruction of U.S.-flag ships.

This, of course, was to attract both American and foreign capital. In this connection, the committee, like the Maritime Administration, has been of the opinion that the citizenship of the trustee is determinative in the reconciliation of these two policies. It is to clarify this opinion, while preserving the policy against alien control, that enactment of S. 2118 is now sought.

THE AMENDMENT

The Committee on Merchant Marine and Fisheries amended S. 2118 by striking the last sentence of section 4 of the bill. This sentence expressly preserved the rights of litigants in three cases now pending before the courts. The purpose of the Senate in making such provision was to avoid having Congress intercede in the pending litigation. Your committee felt that this purpose could best be provided by deleting any reference whatsoever to pending litigation, leaving the matter entirely up to the courts.

It should be recognized, however, that S. 2118 is a curative statute:

> The general rule against restrospective operation is inapplicable to curative statutes, which by their very nature are designed to affect the past. Ordinarily curative acts apply to pending proceedings." (82 C.J.C. 430.)

Yet, in determining the applicability of the statute, the courts will probably endeavor to uphold its constitutionality, and, if, therefore, there is any question of vested rights, would not apply the statute retroactively. Notwithstanding this, there is precedent for such congressional action—*McFaddin* v. *Evans-Snider Buel Co.*, 185 U.S. 505 (1902) in an analagous situation. In the McFaddin case, there was a validation by statute of a prior mortgage of personal property invalid because improperly recorded. The U.S. Supreme Court held that this did not deny due process of law to a judgment creditor seeking to levy an attachment on the mortgaged property. In that same case, the Court quoted from *Freeborn* v. *Smith*, 2 Wall. 160, 69 U.S. 160 (1864), noting, in part:

> It is well settled that where there is no direct constitutional prohibition, a State may pass retrospective laws, such as, in their operation may affect suits pending, and give to a party a remedy which he did not previously possess, or modify an existing remedy, or remove an impediment in the way of legal proceedings * * * Such acts are of a remedial nature, and are the peculiar subject of legislation. They are not liable to the imputation of being assumption of judicial powers.

Accordingly, any litigation surrounding the current bill would turn on the issue of whether there were "vested rights" which were violated. It is arguable that there are such "vested rights" in the *Westhampton* case, which is subject to a petition for reconsideration and possible appeal. As for the other two cases, there is no evidence that they have proceeded to a final judgment so as to result in any "vested rights."

It was in recognition of these factors, coupled with the overriding interest in balancing the equities so as not to frustrate a $400 million ship replacement program for the American merchant marine, that the committee so amended S. 2118. Moreover, the General Counsel for the Maritime Administration testified before the committee that he would prefer to have the legislation curative of all cases.

Enactment of S. 2118 would involve no additional cost to the Government.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Speaker, I would like to say to the House in this connection that I have made inquiry of the Department of State as to the attitude of the Department with respect to this bill. From a high and responsible official in the Department, given to me by phone, I was assured that the Department would look with favor upon the House version of this proposal. It is, therefore, my feeling that the House version should be supported.

Mr. MAILLIARD. I thank the gentleman.

Mr. GARMATZ. Mr. Speaker, I yield such time as he may require to the gentleman from Virginia [Mr. DOWNING].

Mr. DOWNING. Mr. Speaker, the purpose of this legislation is remedial. It is designed to clarify and to limit the effect of a decision of the U.S. Court of Appeals for the Fourth Circuit in the case of *Chemical Bank New York Trust Company* v. *The Steamship "Westhampton"* (Nos. 9637 and 9638, decided Apr. 5, 1965).

Without going into all of the details of this case, it is sufficient to say that this decision of the court, holding that a mortgage to an American-citizen trustee where the bondholder or ultimate beneficiary is an alien is not a valid first preferred mortgage, has had a very serious effect upon all mortgage bond financing of American-flag ships. The decision has in particular cast doubts upon all of the bonds now outstanding under the title XI program whereby the United States guarantees the principal and interest of such bonds. At the present time there are outstanding insured bonds in the amount of about $242 million. If anyone should challenge these bonds the United States would be called upon to meet the Government guarantee or to proceed with endless litigation.

But more importantly the decision is impeding new financing of replacement ships. As you know money has a price. If there is any doubt about the security offered for a loan it is easier for the lender to say no or to raise the interest rate to compensate for the risk expected.

Hence we have a matter of extreme urgency. For years Congress has exacted numerous laws to expedite vessel replacement. If the desired replacement program is to be carried out, this legislation must be passed. The overall implications of the *Westhampton* case and the effect upon our replacement program are much more important considerations than the effect of this legislation upon one court decision. Congress should not sit as a court, but we must act to protect our ship replacement program.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill S. 2118, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CAPTIONED FILMS FOR THE DEAF

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2232) to amend the act entitled "An act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf," approved September 2, 1958, as amended, in order to further provide for a loan service of educational media for the deaf, and for other purposes.

The Clerk read as follows:

S. 2232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf", approved September 2, 1958, as amended (42 U.S.C. 2491 et seq.), is hereby amended to read as follows:

"That the objectives of this Act are—

"(a) to promote the general welfare of deaf persons by (1) bringing to such persons understanding and appreciation of those films which play such an important part in the general and cultural advancement of hearing persons, (2) providing through these films, enriched educational and cultural experiences through which deaf persons can be brought into better touch with the realities of their environment, and (3) providing a wholesome and rewarding experience which deaf persons may share together; and

"(b) to promote the educational advancement of deaf persons by (1) carrying on research in the use of educational media for the deaf, (2) producing and distributing educational media for the deaf and for parents of deaf children and other persons who are directly involved in work for the advancement of the deaf or who are actual or potential employers of the deaf, and (3) training persons in the use of educational media for the instruction of the deaf.

"SEC. 2. As used in this Act—

"(1) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(2) The term 'United States' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

"(3) The term 'deaf person' includes a person whose hearing is severely impaired.

"SEC. 3. (a) In order to carry out the objectives of this Act, the Secretary shall establish a loan service of captioned films and educational media for the purpose of making such materials available in the United States for nonprofit purposes to deaf persons, parents of deaf persons, and other persons directly involved in activities for the advancement of the deaf in accordance with regulations promulgated by the Secretary.

"(b) In carrying out the provisions of this Act, the Secretary shall have authority to—

"(1) acquire films (or rights thereto) and other educational media by purchase, lease, or gift;

"(2) acquire by lease or purchase equipment necessary to the administration of this Act;

"(3) provide for the captioning of films;

"(4) provide for the distribution of captioned films and other educational media and equipment through State schools for the deaf and such other agencies as the Secretary may deem appropriate to serve as local or regional centers for such distribution;

"(5) provide for the conduct of research in the use of educational and training films and other educational media for the deaf, for the production and distribution of educational and training films and other educational media for the deaf and the training of persons in the use of such films and media;

"(6) utilize the facilities and services of other governmental agencies; and

"(7) accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations.

"SEC. 4. There are hereby authorized to be appropriated not to exceed $3,000,000 annually for each of the fiscal years 1966 and 1967, $5,000,000 annually for each of the fiscal years 1968 and 1969, and $7,000,000 annually for fiscal year 1970 and each succeeding fiscal year thereafter.

"SEC. 5. (a)(1) For the purpose of advising and assisting the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the 'Secretary') with respect to the education of the deaf, there is hereby created a National Advisory Committee on Education of the Deaf, which shall consist of twelve persons, not otherwise in the employ of the United States, appointed by the Secretary without regard to the civil service laws.

"(2) The membership of the Advisory Committee shall include educators of the deaf, persons interested in education of the deaf, educators of the hearing, and deaf individuals.

"(3) The Secretary shall from time to time designate one of the members of the Advisory Committee to serve as Chairman of the Advisory Committee.

"(4) Each member of the Advisory Committee shall serve for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, and except that the terms of the office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year after the date of appointment.

"(5) A member of the Advisory Committee shall not be eligible to serve continuously for more than one term.

"(b) The Advisory Committee shall advise the Secretary concerning the carrying out of existing and the formulating of new or modified programs with respect to the education of the deaf. In carrying out its functions, the Advisory Committee shall (A) make recommendations to the Secretary for the development of a system for gathering information on a periodic basis in order to facilitate the assessment of progress and identification of problems in the education of the deaf; (B) identify emerging needs respecting the education of the deaf, and suggest innovations which give promise of meeting such needs and of otherwise improving the educational prospects of deaf individuals; (C) suggest promising areas of inquiry to give direction to the research efforts of the Federal Government in improving the education of the deaf; and (D) make such other recommendations for administrative action or legislative proposals as may be appropriate.

"(c) The Secretary may, at the request of the Advisory Committee appoint such special advisory professional or technical personnel as may be necessary to enable the Advisory Committee to carry out its duties.

"(d) Members of the Advisory Committee, and advisory or technical personnel appointed pursuant to subsection (c), while attending meetings or conferences of the Advisory Committee or otherwise serving on business of the Advisory Committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day including traveltime and while serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(e) The Advisory Committee shall meet at the request of the Secretary, but at least semiannually."

The SPEAKER pro tempore. Is a second demanded?

Mr. GLENN ANDREWS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. POWELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. POWELL. Mr. Speaker, Sophocles once said that ears are eyes to the blind. Today in rising to urge you to support S. 2322, a bill to provide captioned films for the deaf, I ask that we expand our current program of giving eyes to the deaf so that they may hear. Sometimes during the course of debate on this House floor I half wish that I could not listen to all that is being said. But to a child whose language habits are formed by listening to his parents and teachers, nothing could be more educationally impairing than deafness.

Since 1958 we have had in operation a Federal program for providing captioned movies for distribution among the deaf population of this country. At the rate of $1½ million a year we have been sending feature films and instructional ones to adult and classroom groups throughout the United States.

Given the immensity of the task of overcoming the intellectual handicap of the deaf child, of preparing him to meet the challenge of the working world, this sum is insufficient and the limitation of the program to movies inadequate. We have to make use of all available educational media on a comprehensive basis and to do that we need more money, twice the amount we have been authorizing for fiscal years 1966 and 1967, with a step increase to $5 million in 1968–69 and $7 million for 1970 and after.

What will this increased authorization buy? Considerably more educational films so that at least 1,200 captioned titles will be made available and schools for the deaf can afford to escalate their acquisition rate of titles. The films will be more frequently in color to which children respond better. Mature films will be designed to offer intellectual stimulation for serious, adult audiences.

But more and better films will not be the only items produced, acquired, and distributed. This bill contemplates increased communication with the deaf through programed instruction, captioned educational television, and other specialized teaching tools. Equipment for using these materials will be supplied. Research will be undertaken to determine the best integrated, systematic approach to the entire problem of reaching the deaf.

As a corollary to these provisions for goods there will be expanded training programs for those who intend to use them—the teachers who instruct the deaf, the parents of the deaf, and, of great significance boosting the placement of the deaf in skilled jobs, their employers.

All of these diverse approaches to developing educational services for the deaf will be effectively coordinated and supervised by a National Advisory Committee on Education of the Deaf working in conjunction with the Secretary of Health, Education, and Welfare. This Committee and this bill will make it certain that the Biblical command will be fulfilled, albeit, in paraphrase: "He that had no ears to hear, let him see."

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. CAREY].

Mr. CAREY. Mr. Speaker, this represents another step, a necessary step in curing some of the very obvious deficiencies in the education of deaf persons uncovered in hearings by our subcommittee and the full Committee on Education and Labor.

Mr. Speaker, prior to this time we have seen the passage and the signature of the President on the bill to establish a National Technical Institute for the Deaf. Later on in this session, after investigation, research and hearings, it came to light that the captioned film program for the deaf was woefully in need of expansion and extension.

This bill would bring up to date these films which have been eminently successful and highly effective in bringing communication to those who are in dire need because of their complete lack of hearing.

Mr. Speaker, the hearings in the committee showed very clearly that there are tragic deficiencies in the elementary education of the deaf. For instance, many Members of the House, and I am sure many members of the committee here today, would not have known about these deficiencies except for these hearings. Tragically there does not exist in the entire United States a good 4-year high school program for deaf persons.

Mr. Speaker, to move into this void we seek in this bill to bring to bear all of the new educational media which can be used to improve and increase the receptivity of deaf persons.

This bill, if enacted, will bring about better captioning and will make more film libraries available to the deaf and will add to the extent of those libraries. It would bring into the hands of the educators of the deaf special equipment such as projectors and other devices which are now in the hands of those who teach the normal child and the exceptional child. It would bring the deaf person in education up to the level of others who are now moving so well ahead.

In addition, Mr. Speaker, it will bring to the deaf person the participation by parents of the deaf and those who care for the deaf in the use of those materials which have proven so effective in the handling of key subject matter. It will bring into being new techniques which are being developed so that deaf persons for the first time can move into the activities of the community where all of us live and enjoy such things as television, movies, and screening of up-to-date events. These are not available to them now, because they simply cannot find out what is going on in the world around them.

In urging the House to pass this act for the expansion of the captioned films for the deaf program I would like to direct your attention to some of the exciting possibilities which it offers. I say "exciting" because I believe that any program which contributes significantly to elevating and uplifting people—particularly people who are handicapped—is truly exciting. This program and this bill have such potentials.

In the first place it is a broadly ranging act, embracing all kinds of communication media that may help to overcome the communication problems of the deaf. And I assure you, these problems are severe. Most deaf people lost their hearing before reaching the age where speech normally develops in the hearing child. As a consequence, they have no language. Perhaps the enormity of this handicap can be better understood by imagining that you suddenly find yourself on some distant planet among a superior race that communicates by an inaudible electronic system. Your hearing is completely useless. In their terms of communication you have no language and no means of understanding or of conveying your own ideas except by signs and gestures.

Such is the lot of the deaf child. In most instances his parents know little or nothing about deafness—may have never seen a deaf person. They need help to understand the child and his problems. They need help in meeting their own emotional problems arising out of having a handicapped child. They need help in finding out what they can do and how to go about getting this child started toward a useful, happy life.

S. 2232 provides authorization to supply this help and more. Assistance to parents can be provided, for example, through cartridge motion pictures which are easily sent through the mails and easily projected by a small, inexpensive projector that even a child can operate. Help for parents can be provided through training institutes made possible under the language of this act. It can be provided through television broadcasts made possible by the multimedia approach of this new law.

Services such as these are not limited to the parents of deaf children but are authorized herein to be extended to teachers, rehabilitation workers, and other professional people who provide special help for the deaf. Oftentimes the deaf client of a social service for the handicapped or disadvantaged is the last to receive attention. The difficulties of his handicap are not so visibly apparent as those of the blind person or the crippled individual. And, in all likelihood, no one in the agency knows how to communicate with him. As a result, he is neglected.

By providing cartridge films which give instruction in manual communication, captioned films can help correct this situation. Service agencies can readily train personnel to communicate with the manual deaf so that they no longer need to be neglected and pushed aside. At the same time the agency can be provided with films and other media for auditory training work, lipreading instruction and speech training and development to help the deaf client improve his own communication skills. Thus the bill provides a two-way street for improvement of communication.

Those who are familiar with the history of the education of the deaf know that Alexander Graham Bell, the inventor, virtually stumbled onto the idea of the telephone while trying to discover better methods of teaching the deaf to speak. Bell always referred to himself as a teacher of the deaf and, in fact, was married to a very gifted deaf woman. It is one of the ironies of fate that his invention of the telephone provided a leap forward in communication which, up to now, has worked to the disadvantage of the deaf. Many jobs which deaf people might otherwise hold are closed to them because they cannot use the telephone.

Recent developments in technology make it possible to overcome this deprivation in part. A simple device which can be carried in the pocket and used with a telephone enables the deaf person to dial his number, ask questions that can be answered by simple code such as one flash for "yes" two flashes for "no" and receive his answers by a light that blinks on his little device. Stimulation of research to find even better means of helping the deaf person to communicate are possible under this new act.

Motion pictures with captions have brought a great deal of pleasure and new recreational opportunity to hearing impaired people, but they are very much left out when it comes to television. Millions of people count television as an integral part of their daily lives. For the deaf, making their solitary way, this is something in another world. It is a tragic commentary that one of the few television programs which has been widely watched by the deaf was Mitch Miller's "Singalong With Mitch." They could not hear the music but they could read the captions. This points up their hunger to relate to the world as you and I know it.

This bill makes it possible to provide captions on television for the benefit of the deaf. One might say that the general audience would react unfavorably to this and that sponsors would not accept the idea. This may well be true, but it is quite within the realm of possibility to have a simple attachment for the TV receiver that will pick up captions and put them on the picture while those not having the attachment would never see the captions.

Now and then you have been watching some ordinary broadcast when a caption would flash on the screen saying "special news bulletin." You then hear a brief report of whatever the network thought was of sufficient importance to justify breaking into the regular broadcast. This newscast may be an announcer who is not seen or it may be by a visible speaker. In either case, it is impossible or extremely difficult for the deaf person to know what is going on—a frustrating and possibly a dangerous situation. The deaf want to know, too.

Under this pending legislation it will become feasible to explore the possibilities of adapting television to the needs of hearing impaired people. A representative of a leading electronics firm writes:

> I feel that this concept has exciting possibilities for use by deaf persons and by others when sound is not possible or desired. I believe that it can be justified economically and may prove to be less expensive on a per viewer basis than is now the case.

Permit me the question, If you were deaf and knew of the existence of these possibilities, how would you expect the Congress of the greatest, richest, and most powerful Nation in the world to vote on a bill that would bring these miracles within your actual reach?

In this session we have enacted a great medicare program. Did you ever stop to think that many of those older citizens who will benefit by that program are losing their hearing or may have lost it altogether? Through past years many of them have depended upon television as an important source of recreation and knowledge of the world. Then, as advancing age necessitates a less and less active life and greater dependence upon the experiences that can come to them, they are cut off from a principle source of those experiences through the loss of hearing. What a blessing it would be to them to provide new access through captioned television.

Mankind has lived through many historic ages. There was the Stone Age, the Bronze Age, the Iron Age, and today we live in the communication age. The very existence of human civilization as we know it depends, as never before, on full, unfettered communication. For the person devoid of or severely lacking in hearing, this truism takes on an added meaning. With the march of science, medicine may some day find a way to bypass the damaged ear or the nerve that supplies it so that the function of hearing may be reactivated through surgery or electronics or some combination of the two. But until that happy day it is our responsibility to help the deaf citizen to get through his eyes what is denied him through his ears. This is the intent and purpose of this law. It will help to fulfill urgent needs of a growing segment of our population as more and more people spend a longer span of their lives in the twilight years.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CAREY. I yield to the gentleman from Iowa.

Mr. GROSS. I think the legislation is good, but I do not understand why we must create another commission to administer the legislation.

Mr. CAREY. I am very glad that the gentleman brings this up. The reason is that we found there is no agency in our Government today really carrying on a program for the education of deaf persons. Many State schools are deficient. Some State schools are very good. We want to bring to bear upon this problem the knowledge of those who know the most about educating the deaf. This is not going to be one of those commissions that meets here in Washington at the Hotel Mayflower or some of the other hotels, on an occasional visit to the Capital. This Commission is designed to ascertain what is wrong with the education of the deaf, why we lack so many skills in the teaching of the deaf, why deaf persons are not able to get into college and what has brought about this situation.

We have had a great many good reports coming in at random, but no organized attack on the education of the deaf.

I promise to the gentleman from Iowa that this will be a working Commission, and I shall see to that as a member of the Committee on Education and Labor that it will earn all of its pay, because a great deal can be done so that we can improve the education of deaf persons and ascertain why we are lagging so far behind in a field where something really can be done.

Mr. GROSS. If the gentleman will yield further, I am delighted to have that statement from the gentleman, because the implication as the gentleman has already said and as some of us have observed is that some of these advisory commissions do meet at some of the leading hotels and apparently live it up for a short time and we do not hear very much from them or receive very much benefit from some of them.

Mr. CAREY. I agree with the gentleman from Iowa.

Mr. GROSS. I am delighted to have the statement from the gentleman from New York.

Mr. CAREY. I am glad to say that we have come forth with a bill that will not provide for an advisory commission on top of an advisory commission.

Mr. GLENN ANDREWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to identify myself with this very fine bill. Earlier we passed a Technical National Institute for the Deaf bill, which was for the higher education of the deaf people in America. This bill is aimed at primary and secondary levels. I have studied this matter, and I have found this to be a great need.

There are institutions for the training of the deaf in every State, and this bill before us simply makes available funds for the production of films, and other teaching techniques and instruments for the education of the deaf.

I was interested in the observation of the gentleman from Iowa [Mr. GROSS] that we will just create another body of 12 people to come up here and take charge. I should say that these technical advisers are necessary in this field. I would not be so much for the bill otherwise because it would hand to the Secretary of Health, Education, and Welfare too much technical matter he could not handle. Therefore I am pleased to identify myself with this bill, and favor its passage.

Coming from the State which produced the great Helen Keller and from a district which boasts of a fine school for the deaf in Talladega, I am particularly proud to identify myself with this legislation.

Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. AYRES] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. AYRES. Mr. Speaker, I am happy to support this legislation, which will be of inestimable benefit to those afflicted by deafness. This extremely laudable program was initiated during the administration of President Eisenhower, and with a very modest expenditure it has accomplished a great deal to enhance the cultural, entertainment, and educational experience of deaf persons.

Now it is apparent that we can do a great deal more by expanding this legislation to take account of the possibilities for using a wide range of communications media. This will permit a much more comprehensive approach to aiding the deaf, and will also permit us to expand those services which have already proved to be worthwhile. With increased funds, even though they are still at a modest level, we shall be able to assist even the families of the deaf to utilize modern media in the home environment.

Mr. Speaker, those of us blessed with adequate hearing can scarcely imagine the difficulties and emotional stress stemming from the loss or serious impairment of this faculty. The ability to speak is itself affected by deafness, and more particularly when deafness is congenital or when it comes at an early age. From my limited knowledge of this affliction, I think it takes a very special brand of courage to cope with it, and a very special kind of perseverance and dedication on the part of teachers, parents, and friends of the deaf who assist the afflicted person. Any effective help our Government can supply to these persons is many, many times repaid in economic as well as humanitarian terms.

The bill before us is only a part of our Government's continuing interest in this matter, but it is an important part. In my judgment it will make a significant contribution to the effort to bring more effective aid to the deaf. Accordingly, I urge speedy approval of S. 2232, and commend all of those in the Congress who have worked to bring it to enactment.

Mr. DENT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, hearings were conducted on several House bills, including H.R. 10768, which is identical to S. 2232. In order to expedite procedure, your committee elected to report the Senate number. The bill was reported unanimously.

This legislation expands the original act, Public Law 85-905 as amended by Public Law 87-715, which provided a loan service of captioned films for the deaf. S. 2232 will provide for the use of all educational media, rather than films alone, and for the distribution of such media to parents of deaf children and other persons who are directly involved in work for the advancement of the deaf or who are actual or potential employers of the deaf.

The bill also would create a National Advisory Committee on Education of the Deaf to advise and assist the Secretary of Health, Education, and Welfare. The 12 members of the Advisory Committee would include educators of the deaf, persons interested in the education of the deaf, educators of the hearing, and deaf individuals appointed by the Secretary.

Finally, the bill increases the authorization for this program from $1.5 million annually to $3 million for fiscal years 1966-67, $5 million for fiscal years 1968-69, and $7 million annually thereafter.

SECTION-BY-SECTION ANALYSIS

Section 1: This section states that this act amends the act entitled "An act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf," approved September 2, 1958, as amended—42 U.S.C. 2491 et seq.—and it sets out the objectives of the act. These objectives are (a) to promote the general welfare of deaf persons by bringing to such persons understanding and appreciation of films which play an important part in the general and cultural advancement of hearing persons, providing through these films, enriched educational and cultural experiences through which deaf persons can be brought into better touch with the realities of their environment, and providing a wholesome and rewarding experience which deaf persons may share together, and (b) to promote the educational advancement of deaf persons by, first, carrying on research in the use of educational media for the deaf; second, producing and distributing educational media for the deaf and for parents of deaf children and other persons who are directly involved in work for the advancement of the deaf or who are actual or potential employers of the deaf; and, third, training persons in the use of educational media for the instruction of the deaf.

The objectives of the original act have been altered slightly to encourage research in the use of all educational media for the deaf rather than limiting such research to the use of films, and to authorize the production and distribution of educational media for parents and other persons with an interest in the advancement of the deaf.

Section 2: This section defines the terms "Secretary," "United States," and "deaf person," as they are used in this act.

Section 3: Subsection (a) of this section authorizes the Secretary of Health, Education, and Welfare to establish a loan service of captioned films and educational media for the purpose of making such materials available in the United States for nonprofit purposes to deaf persons, parents of deaf persons, and other persons directly involved in activities for the advancement of the deaf in accordance with regulations promulgated by the Secretary.

Under existing law, loan service facilities are available only to groups of deaf persons.

Subsection (b) authorizes the Secretary to, first, acquire films—or rights thereto—and other educational media; second, acquire equipment necessary to the administration of this act; third, provide for the captioning of films; fourth, provide for the distribution of captioned films and other educational media and equipment through State schools for the deaf and other agencies; fifth, provide for the conduct of research in the use of films and other educational media for the deaf, for the production and distribution of educational and training films and other educational media for the deaf, and for the training of persons in the use of such films and media; sixth, utilize the facilities and services of other governmental agencies; and seventh, accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations.

This section changes existing law by including other educational media as well as films. The provision authorizing the Secretary to acquire equipment necessary to the administration of the act is new, and a provision of existing law which authorizes the Secretary to make use of films made available to the Library of Congress under the copyright laws is not included in this act.

Section 4: This section authorizes the appropriation of an amount not to exceed $3 million annually for each of the fiscal years 1966 and 1967, $5 million annually for each of the fiscal years 1968 and 1969, and $7 million annually for fiscal year 1970 and each succeeding fiscal year thereafter.

Section 5: Subsection (a) creates a National Advisory Committee on Education of the Deaf, consisting of 12 persons, not otherwise in the employ of the United States, appointed by the Secretary. This Committee is to advise and assist the Secretary with respect to the education of the deaf. The membership of the Advisory Committee shall include educators of the deaf, persons interested in education of the deaf, educators of the hearing, and deaf individuals. The Secretary shall from time to time designate one of the members of the Advisory Committee to serve as Chairman of the Advisory Committee. Each member of the Advisory Committee shall serve for a term of 4 years, except that any member appointed to fill a vacancy shall be appointed only for the remainder of the vacant term, and the terms of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year after the date of appointment. A member of the Advisory Committee shall not be eligible to serve continuously for more than one term.

Subsection (b) provides that the Advisory Committee shall advise the Secretary concerning programs for the education of the deaf. In carrying out its functions, the Advisory Committee shall

(A) make recommendations to the Secretary for the development of a system for gathering information on a periodic basis in order to facilitate the assessment of progress and identification of problems in the education of the deaf; (B) identify emerging needs respecting the education of the deaf, and suggest innovations which give promise of meeting such needs and of otherwise improving the educational prospects of deaf individuals; (C) suggest promising areas of inquiry to give direction to the research efforts of the Federal Government in improving the education of the deaf; and (D) make such other recommendations as may be appropriate.

Subsection (c) provides that the Secretary may, at the request of the Advisory Committee appoint such special advisory professional or technical personnel as may be necessary to enable the Advisory Committee to carry out its duties.

Subsection (d) provides for payment of expenses and compensation of the members of the Advisory Committee.

Subsection (e) provides that the Advisory Committee shall meet at the request of the Secretary, but at least semiannually.

Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, the captioned films for the deaf program, established under Public Law 85-905 and amended by Public Law 87-715 has rendered an invaluable service to the citizens of this country burdened with the handicap of deafness. The original act has as its purpose to provide captioned recreational films for a population group that, in the main, had been denied a popular medium of recreation. The success of this effort was immediate and it clearly pointed the way to the need for expansion of this service and an overwhelming demand for the move into the area of educational films. The amended law was designed to include a facility for research, services in production, and training in the use of films.

The importance and need for this amendment was lucidly brought out during special committee hearings. The need and value of film services for the overall educational, cultural, and recreational advancement of deaf people was strongly emphasized in the testimonies of 1962.

The results of such an expanded program have borne out the wisdom of the 87th Congress for such a provision.

Let me quickly cite some of the more significant examples of progress directed by captioned films for the deaf. Two hundred and sixty-two general interest films are now in circulation or on order. One hundred and thirty-six educational motion pictures are in use or on order. The total audience for recreational films and educational films and related film materials, for fiscal 1965, was 948,000. Captioned films now serves 1,150 groups. The present library consists of approximately 57,000 filmed items. This includes films, filmstrips, transparencies, and so forth. Sixty centers have been established for the distribution of educational films. Three centers handle general interest films.

In the relatively short time since the law was amended to include a research authority, much activity has ensued. A project to facilitate language instruction via a programed media technique has indicated that such a method will greatly accelerate the learning of language, which is the largest stumbling block for deaf children. This year the American Films Festival awarded the blue ribbon to materials developed in a project called sights and sounds. This is a project funded by captioned films that had as its purpose the development of auditory training materials for deaf children. Two hundred and twenty-five 8-millimeter cartridge films are being field tested to reinforce language and lipreading instruction. This is a multimedia system involving films, filmstrips, tapes, overheads, and learning stations.

Three summer workshops have pooled the thinking of highly qualified teachers from all over the United States. These curriculum workshops are studying and developing curriculum guides for deaf children that are up-to-date and replete with visal reinforcement.

In training, a field services training project in audiovisual techniques is covering the South and Southwest regions of the United States. Short-term workshops are introducing teachers to innovations in the audiovisual area and demonstrating effective uses of equipment. Part of this project involves an intensive, supervised long-term demonstration at two selected schools for the deaf. Certain classrooms have been extensively equipped to determine the value of a well-planned, supervised audiovisual approach.

Films are available to teach fingerspelling to house parents, parents, teachers, clergy, and others working with the deaf. This type of material can be very valuable to job placement officers, employers, and others associated with the vocational adjustment of the deaf worker.

Films have been developed specifically to train deaf students in keypunch operation. A large number of such people have been employed by the Internal Revenue Service in Philadelphia and there is need for many more such employees.

Teachers from all sections of the United States have written to the captioned films office, expressing their gratitude and high praise for filmstrips designed to accompany "My Weekly Reader" grades 2 and 3. "My Weekly Reader" is used by schoolchildren very extensively. Deaf children are in need of additional exposure and visual fortification of the printed word. Three hundred and sixty-five classes for the deaf have been using these filmstrips with splendid results. Ten films designed for language arts and training in lipreading have been produced for captioned films. These films are planned and produced with the hearing impaired child in mind.

Methods in teaching reading, language, and literature have been captured on film using live classroom demonstrations with master teachers at work.

The Secretary of HEW Advisory Committee on the Education of the Deaf has very strongly pointed out that immediate and intensive action must be taken to resolve the dilemma of "too little and too late" that characterizes the education of the deaf. Educators, employers, vocational rehabilitation people working with the deaf are far from satisfied with results they are achieving. The report referred to previously asks that all the advances made in education and technology be brought to bear, rapidly, to stave off establishment of a permanently regressive position for the deaf.

Although the numerous program accomplishments cited are laudable, they are only a small beginning in the long pull. The deaf adult still must see "Pillow Talk" in black and white. If you have seen this movie, you may recall that color is the highlight of Doris Day's ornate decorating job on wolf Rock Hudson's apartment. Very, very few captioned feature films are in color because of their higher cost.

A fairly complete library of educational films would number approximately 1,500 titles. The captioned film library has 136. Reports from the curriculum workshops have included many, many related films. Only a very small number are available so that a visually oriented course of study is weakened due to this lack. This is a real deficiency in schools for the deaf as they struggle to keep up with trends in regular public schools. Many more films are needed.

The language programing project mentioned has wide implications not only for deaf children but for foreign born, bilingual, and culturally deprived groups. Already this project is in its third phase and though the initial trials are extremely encouraging, the development of the complete package is a long way off. This is due to the limitation of personnel and funds to put this operation into high gear.

The value and impact of educational and closed circuit television is an accepted fact in educational circles. Even though the deaf are almost entirely dependent on vision for their learning, little or nothing has been done to utilize this very important tool. Plainly, it is just too expensive for individual schools and out of the realm of practicality under the present captioned films law.

The "Weekly Reader" filmstrips for grades 2 and 3 are very well received, but inquiries continue to come requesting filmstrips for grades 4, 5, and 6. This again points out that the first step has been taken but limitation of funds inhibit a complete program.

Personnel involved in curriculum workshops and teachers using captioned educational films are asking that filmstrips be produced to accompany the film so that preparation and/or review of the highlights of the film might be feasible.

Experience in the distribution of educational films shows that many schools are not making full use of even the relatively slender library of materials presently available. This is explained largely by the fact that schools and classes for the deaf are grossly underequipped. They lack the projectors and other media hardware that is necessary to mount an effective audiovisual program. The whole object of a visual attack, of course, is to get the films and other media before the eyes of the children. Lacking equipment, schools find it impossible to educe the results that should flow from these new materials. The new act contemplates providing both materials and equipment in order that a full impact will be achieved. In a school situation where children experience special learning difficulties, it is not enough to provide the bare minimums of chalkboards, chalk, and erasers. Acceptance of this kind of situation is a strong contributing factor to the backward condition typical of too many schools for the deaf today. We must right this wrong, now.

In providing this equipment, it is important that the possibilities of a systems approach be given careful consideration. It is my understanding that the Office of Education is already planning in this direction, endeavoring to devise ways in which various units of audiovisual equipment will be made compatible and simple to operate. In achieving this objective, devices will perform more than one function and materials will be flexible in their uses. Experimentation in cross-media applications for the deaf become a new possibility under this act. Furthermore, the results of this research will not end with the completion of a project and the rendering of a final report but will move on directly to classroom application through the widened scope of this new law.

Utilization of new methodology and new techniques do not occur automatically. Congress recognized this by writing a training authority into the Captioned Films Act of 1962. To carry out this mandate, there has been established a regional demonstration project serving 14 Southern States. This is manned by two specialists and a part-time secretary but is obviously too small to have great effect. That program needs to be strengthened and similar projects should be set up to cover the East, the Middle West, and the Far West. The new law will make this possible.

In citing these numerous needs I have tried to indicate also that progress is being made. The Congress is to be complimented on having provided the legislative foundation and the economic support to make these achievements possible. But a foundation is not enough. We are now at a point where, building on the experience of these past 6 years, we can develop a program that will have far-reaching effects on the education of the deaf. Through this proposed expansion, it will be possible to reach the deaf child in the classroom, to reach him through timely assistance to his parents, and through services to rehabilitation workers, employers, and others to help pave the way for him first to be adequately educated and subsequently to find employment and a useful role in society. I strongly urge the approval of H.R. 10158 as a worthy member of the family of educational enactments passed by this 89th Congress.

In this country and at this time when we strive toward equal opportunity for all, certainly we owe this consideration to our deaf people. It is my sincere hope that this Congress will not let them down.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. SCOTT] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCOTT. Mr. Speaker, on every piece of social legislation two questions inevitably arise. One of these questions comes from the heart and the other originates in the pocket. The first question: Is this legislation humane—is it just? The second question: Is it practical—economically feasible? As legislators, we like to have a feeling that the measures we vote for have both of these characteristics.

Looking at S. 2232, which is identical to H.R. 10768, introduced by me, it seems to me that no one could raise a serious question about the humanity and the justice of this legislation. Everyone except the most callous person wants to see the handicapped citizen have a chance to secure an education, to make use of his talents, and to be a member of society who enjoys a sense of well-being insofar as his disabilities may permit. And in terms of helping to provide that educational opportunity and that sense of well-being this bill, I am convinced, has very real potential. The success that the captioned films program has had up to this point supports that proposition.

Now, what about the economics and the practical aspects of this bill in a fiscal sense and in a vocational and industrial sense?

According to the best available statistics, captioned films in the last year reached a total audience figure of about three-quarters of a million. This figure includes admissions to all kinds of showings—captioned Hollywood films, classroom motion pictures and so on. Prorated on this basis the cost per individual viewing was 20 cents. It is reasonable, therefore, to say that the treatment or therapy if one may so describe the service is quite economical. In expanding the program to take advantage of such mass media as television, the unit cost may possibly become even less. But, in any event, one could certainly say that in terms of service per dollar spent the program is commendably efficient. We are reaching the deaf with this program, and they strongly support the idea of an expanded program. What more do they ask for?

To answer that question, perhaps we should take a look at the deaf as they function in the business and industrial world. By and large, deaf people are not unemployed. They take pride in being self-supporting. It is significant, however, that 83 percent of deaf workers do common labor or unskilled tasks as against 53 percent unskilled for the population at large. A real need of the deaf, therefore, is some means of qualifying themselves for a better level of employment. This is one of the reasons that they are pressing for a more comprehensive film and media program.

Consider the problem of the deaf youth who is trying to prepare for entrance into the world of work. He knows that many occupations are closed to him, but because of his handicap he has difficulty in acquiring information about those which are not closed to the deaf and might be suitable for him. Films can help to provide that information. The AFL-CIO has a series of more than 100 films entitled "Americans at Work" that could be captioned and made available for vocational information. The need for these films is urgent. These and many others from American industry are available at no cost except that of captioning and making the prints. The expanded bill will provide for these costs and the staff necessary to adapt them to uses for the deaf.

Deaf people tend to concentrate in relatively few industries. The printing trade, for example, employs a large number of deaf men and some women as type compositors. Ability to concentrate in noisy work situations has won for them a solid acceptance in the graphic arts field. But this industry like many others is feeling the effects of automation. Tapes prepared by typists are now operating Linotype machines with the result that deaf people must begin to look for other fields of employment. Retraining will be necessary, and the proposed media program can help to provide that training, given adequate support.

As an example, normal commerce in the United States results in transactions totaling some $14 billion daily. Of this tremendous sum, more than 90 percent is in the form of checks. Processing of checks has become a huge business with great demand for people skilled in operation of the machines designed for this purpose. This is work that deaf people can do, but they need training. The captioned films program has already demonstrated the feasibility of training deaf people for keypunch operation by use of filmed lessons. The problem now is to extend these training opportunities to check proofing and any number of new occupations where deaf people can find employment and an opportunity to make a contribution to American economic life.

The problem is not simply one of providing a given number of class hours of instruction. Deaf people are individuals. They have their problems. Employers have their problems, too, in accepting them, in understanding them, and in making the fullest possible use of their talents. A media program such as that provided under this act will help to meet these needs. It can provide films for training in manual communication. At present nine short finger-spelling films are available. No less than 100 are needed. The program as envisioned will provide a package service to supply the employer or potential employer with a set of cartridge films and a small projector a little larger than a lady's handbag with which he can readily learn manual communication. Having bridged the gap of communication, the problems of adjustments are greatly reduced.

This is true, not only in the actual work situation but with respect to vocational counselor or rehabilitation worker. The proposed act brings them within the purview of services so that they can be equipped with better working tools and given training opportunities to learn how to use those tools.

A special but important need for media geared to the vocational education and training of the deaf arises out of the establishment of the National Technical Training Institute of the Deaf. The founding of this institution is a great step forward. At the same time it creates demands for new educational media. As shown by the employment figures cited earlier, relatively few deaf people are employed in the more highly skilled occupations and professions. To train them for these kinds of work demands that suitable training courses be devised. Some of these will evolve out of programs already developed for normally hearing persons. By way of example there is a very comprehensive introductory course in electronics already available on films. With adequate captions and some revision this could be used in the National Technical Institute and would find other applications under the expanded training facilities of the new act.

In other industries where less attention has been given to development of training materials, new courses will have to be planned and the visuals developed for series of captioned films, filmstrips, overhead transparencies, and even televised courses. As occupations change with a developing technology, the deaf can be kept abreast of changing job requirements through these materials.

An important aspect of these training services will be extension courses for home study. Because of the severity of his language handicap, the deaf individual has difficulty in securing an adequate education during the normal period of formal schooling. But it is not feasible to keep him in school much beyond the length of time which other students attend. Most schools provide a 12- to 14-year program with graduation at age 18 to 20 years of age. In many instances the student at this age has not achieved much beyond a sixth grade education and often times less. His need for continuing home study in the common branches and in specialized courses leading toward better employment is obvious. To provide the materials for such courses through educational television and other media is one of the potentials and obligations under this act.

Another new application of media for the deaf exists in the potentialities of the Job Corps. A recent study made at the request of that agency indicates that there are a number of deaf youths who should be enrolled there. In all likelihood few special instructors can be provided since there is already a great shortage of trained teachers of the deaf to meet an increasing demand. The alternative is to provide instructional materials which the deaf trainee can use on his own or which can be readily utilized by the instructor who has no special knowledge or training regarding the education of the deaf.

These are but a few of the many instances where new media, new approaches, new thinking are necessary to the achievement of full employment and a busy, purposeful America. As man's ingenuity finds new ways to save labor, other ingenuity must be devoted to discovering means of useful employment of that labor. This is how we get ahead. The excellent record of the deaf citizens of our country in law-abiding, useful membership in our society gives them a legitimate claim on the right to play a continuing role and an improving role.

In the history of earlier times we learn that the deaf were outcasts, not eligible to own property nor to enjoy the rights which others took as a matter of course. Even today they still have severe problems in maintaining their right to operate motorcars, to buy insurance, to find employment under workman's compensation acts, and to secure a place of equality in society. Today we are taking giant strides forward in securing equality of opportunity for millions of our citizens who heretofore have not enjoyed that blessing. In making those rights secure, let us not forget the deaf who depend upon you and me to speak for them.

Mr. FOGARTY. Mr. Speaker, the legislation before us today proposes further assistance to deaf persons by allowing the use of all educational media in the struggle to provide adequate welfare services to the handicapped.

The legislation today constitutes a gesture of assistance.

First, this bill before us will expand the original act, Public Law 85-905, to include not only films and filmstrips but such media as programed instruction, educational television with captions added and other media.

Second, the bill could create a National Advisory Committee on Education of the Deaf. This 12-member Committee would include educators of the deaf, persons interested in education of the deaf, educators of the hearing, and deaf individuals—all to be appointed by the Secretary of the Department of Health, Education, and Welfare.

Finally, the bill increases the authorization for this program from $1,500,000 annually to $3 million for fiscal years 1966-67, $5 million for fiscal years 1968-69 and $7 million annually thereafter.

The needs of this legislation are obvious. In the 6 years of experimentation and provision of captioned films for the deaf, strong support has been evidenced by the physically handicapped themselves, by the parents and employers and by those directly involved in working with the deaf.

The method of attack here is quite direct. This legislation simply proposes the slight broadening of a program that has done much for the deaf in this country and expands it slightly to allow the use of other educational media.

While I am in accord with this legislation today, I would like to express my strong support now for further use of the educational media to help our handicapped. I have introduced a bill, H.R. 10562, which would extend the same kind of captioned film and other media for the use of all handicapped persons.

My legislation is based on a bill submitted by the gentleman from New York [Mr. CAREY], but it takes this gentleman's bill merely as a foundation upon which to build a much more comprehensive program.

My bill would extend help to all handicapped children through research, production of media, or loan services. The experimentation with the legislation currently before us on the floor today has proved that the media are particularly useful in the teaching of mentally retarded and visually impaired or blind children.

The method of attack proposed is straightforward and, in the future, I hope that Congress will broaden our loan services to help other handicapped persons.

GENERAL LEAVE TO EXTEND REMARKS

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks at this point in the RECORD on the bill now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

PERMISSIBLE USES OF JOINTLY ADMINISTERED UNION TRUST FUNDS

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10774) to amend section 302 of the Labor Management Relations Act, 1947, to broaden the permissible uses of trust funds to which employers contribute, and for other purposes.

The Clerk read as follows:

H.R. 10774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c)(5) of the Labor Management Relations Act, 1947, is amended—

(1) by striking out "the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents)" and inserting in lieu thereof "the persons described in subsection (d), other than money or other thing of value so paid (except when paid by such representative) for the benefit of any person described in clause (2) thereof or a member of the family or a dependent of such a person",

(2) by striking out of clause (A) the following: "employees, their families and dependents" and inserting in lieu thereof "such persons",

(3) by inserting "death benefits" in clause (A) after "hospital care,",

(4) by striking out of clause (A) "of employees" where it appears after "death",

(5) by striking out of clause (B) the following: "with the employer, and employees and employers" and inserting in lieu thereof the following: "between the contributing employer and a labor organization or the trust fund, except that in case payments are to be made with respect to employees of the trust fund itself, the basis shall be specified in the trust agreement, and employees (but not employees of employer associations or the trust fund) and employers (but not employers which are labor organizations or individuals representing such employees or the trust fund)",

(6) by striking out of clause (C) the following: "for employees", and by inserting after "annuities" the following: ", or for death benefits".

SEC. 2. Section 302(a)(c)(6) of such Act is amended by inserting after "similar benefits," the following: "providing the benefits of recreation and health camps and facilities,".

SEC. 3. Section 302 of such Act is amended by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively, and inserting after subsection (c) the following new subsection:

"(d) The persons to whom subsection (c) (5) refers are—

"(1) any employee or former employee of an employer who made payments to the trust fund,

"(2) any employee or officer or former employee or officer of a labor organization or individual which is the representative of employees of such an employer for purposes of collective bargaining,

"(3) any employee or officer, or former employee or officer of an employer association which represents such an employer for purposes of collective bargaining,

"(4) any employee or officer or former employee or officer of the trust fund,

"(5) any self-employed person whose conditions of self-employment are regulated in whole or in part by a collective-bargaining agreement to which such an employer is a party, and any person who was formerly so self-employed, and

"(6) any member of the family and any dependent of any of the foregoing persons."

SEC. 3. The amendments made by this Act shall be effective from the date of enactment of the Labor Management Relations Act, 1947.

The SPEAKER pro tempore. Is a second demanded?

Mr. BELL. Mr. Speaker, I demand a second.

Mr. DENT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. POWELL] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. POWELL. Mr. Speaker, the purpose of H.R. 10774 is to amend section 302(c) of the Labor-Management Relations Act, 1947, so as to clarify the intent of Congress with regard to permissible beneficiaries and benefits under joint labor-management trust funds, resulting from collective-bargaining agreements.

The bill provides that death benefits are a permissible benefit under either welfare or pension plans. It further provides that recreation and health camps and facilities are permissible benefits.

The bill also provides that employees or officers of a trust fund, labor organization, or employer association may be beneficiaries of a welfare or pension plan. However, where employees or officers or former employees or officers of a labor organization receive benefits from a welfare or pension trust fund, the payments for such benefits cannot be paid into the trust fund by any employer other than the labor organization. Self-employed persons whose conditions of employment are regulated in whole or in part by a collective-bargaining agreement, or any person who was formerly so self-employed, may receive benefits under a welfare and pension plan. Any member of the family or dependent of any of the foregoing persons may receive benefits under any such plan.

The present safeguards incorporated under section 302(c)(5)(B) are included under the proposed act before us.

Mr. Speaker, there was no opposition in committee to this bill with the proposed amendments to be adopted, and I now yield to the gentleman from Pennsylvania [Mr. DENT], the author of the bill and member of the subcommittee that developed this legislation.

Mr. DENT. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, because of recent court decisions clarifications of section 302(c) of the Labor-Management Relations Act are necessary to enable existing welfare and pension plans to continue their present coverage and programs. Federal district courts in Oregon, Missouri, and New York, and one U.S. court of appeals have announced decisions which point out the ambiguity in the language of section 302(c). Though the highest court to issue a decision on this issue, the Court of Appeals in St. Louis, Mo., has ruled in the direction that this bill would take us, it is not binding upon courts in other circuits.

The courts have been presented with the question of the meaning of the words "employer" and "employee." Additionally, the courts have been asked to determine whether a trust fund could provide the benefits of recreation and health camps and facilities. The courts have reached different results. The district courts have ruled, for example, that employees of unions are not "employees" under this section of the act. The Court of Appeals in Missouri reversed one such holding. However, to make further litigation on these issues unnecessary I have introduced this bill which will remove the apparent ambiguities and allow employees of unions, trust funds, employer associations, and others, to receive the benefits of welfare and pension trust funds which I believe was the original intent of Congress.

None of the proposed clarifications of H.R. 10774 change the basic and underlying purpose of the law as expressed by Congress. They merely affirm the practical interpretation that in fact has been placed by plans upon the law since its enactment. Therefore, the purpose of this bill is twofold. First, it is intended to implement the original policy of this section of the Labor Management Relations Act by removing the ambiguities that the courts have discovered. And, second, it is intended to prevent further costly, disrupting, and unnecessary litigation.

LITTLER, MENDELSON & SALTZMAN,
ATTORNEYS AT LAW,
San Francisco, Calif., September 24, 1965.
Hon. JOHN H. DENT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DENT: I have just learned that you have recently introduced H.R. 10774 to allow trust funds subject to Taft-Hartley to include both active and retired employees and employees of the union and of the trust fund itself.

Our firm represents several joint union-management boards of trustees which are definitely interested in having such legislation passed. I might point out that our firm is active in the labor-management relations field on the management side rather than on the union side, but to the best of my knowledge there is general unanimity from both sides that such legislation is needed.

I am particularly interested in changes in the law which would make it clear that pension and welfare trusts can cover employees who retired before the trusts came into existence. I would also hope that the legislation would indicate that it represents no change in the law, but rather a clarification of what has always been the law.

I would appreciate being sent a copy of the bill which you introduced and being kept advised of its progress. I would also be interested in making a formal presentation on behalf of my clients, either in writing or orally, at any hearing which may be scheduled.

Thank you for your interest in this matter, and please feel free to call upon me for any assistance which either our firm or our clients can offer.

Very truly yours,
WARREN H. SALTZMAN.

Mr. BELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as ranking minority member of the General Labor Subcommittee that studied this legislation I simply want to point out that in its present form no opposition has been expressed.

In essence, this bill merely clarifies the intent of Congress in the National Labor Relations Act of 1947, commonly known as the Taft-Hartley Act.

Section 302 of the Taft-Hartley Act designates specifically what types of benefits may be paid by an employer to an employee or his representative under a trust fund agreement for the benefit of employees.

Recently there have been a number of judicial decisions barring certain benefits under such trust funds as a result of literal interpretation of the act.

It is the purpose of this legislation to allow benefits that have become common to labor-management agreements and include persons not intended to be excluded by the act but who have been excluded by court decisions.

Under H.R. 10774, benefits may be paid to employees and officers and former employees and officers, including self-employed persons whose conditions of self-employment are regulated by collective-bargaining agreements.

Further, beneficiaries may include employees and officers and former employees and officers of an employer association, a labor organization, or a trust fund.

Death benefits and recreation and health camps are made permissible benefits both for welfare and pension plans under the act.

I would point out that one objection that was raised under the bill as it was originally drafted has been corrected.

Under the present version it is provided that employees of a union may receive benefits.

There was, under the original bill, a possibility that an employee of a union may receive benefits from an employer other than the union.

In other words, the union might take advantage of an agreement it had with an employer to provide benefits to an employee the union employed for its own service.

Objection was raised and the correction has been written into this bill.

Clearly, it is much more economical to have employees of a union participate in established welfare and pension plans rather than require separate plans for them.

With the safeguard that unions, as employers, must contribute to the plan, I completely support this legislation.

The **SPEAKER** pro tempore. The question is: Shall the House suspend the rules and pass the bill H.R. 10774, as amended?

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANDERSON G. MATSLER

Mr. **PICKLE**. Mr. Speaker, I ask unanimous consent to return to the Private Calendar No. 328 for the consideration of the bill (H.R. 10878) for the relief of Anderson G. Matsler, senior master sergeant, U.S. Air Force, retired.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas [Mr. PICKLE]?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Senior Master Sergeant Anderson G. Matsler, United States Air Force, retired, is relieved of all liability to refund to the United States the sum of $810.74 representing the amount of overpayments of longevity pay he received during the period May 21, 1946, through December 31, 1962, due to an administrative error in the computation of his creditable service for pay purposes. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Senior Master Sergeant Anderson G. Matsler, referred to in the first section of this Act, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS ON H.R. 10327

Mr. **ROGERS** of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 10327 previously passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A RUSH TO GET HOME

Mr. **SISK**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an editorial.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **SISK**. Mr. Speaker, the past 10 days have been somewhat revealing to me concerning how facts can be distorted and twisted. I could not help but be reminded of a Biblical expression, if I may be permitted to paraphrase it: that there are none so blind as those who refuse to see, there are none so deaf as those who refuse to hear or to listen.

Mr. Speaker, I still maintain that the action of the House last week was not as bad as has been pictured, whether it was perfect or not. It is still the District's best hope for self-government.

Yesterday I had the pleasure of reading what I consider to be one of the best editorials that I have seen in the country regarding the action of last week. So, Mr. Speaker, I shall make that a part of my remarks today.

[From the Wall Street Journal, Oct. 4, 1965]

A RUSH TO GET HOME

It's easy to sympathize with the residents of Washington, D.C., in their effort to win the right to govern themselves. Congress, mostly in the person of the House District of Columbia Committee, has done a shoddy, indifferent job. Even so, the administration has acted in remarkable political haste lately to force through a home-rule measure.

Last week the House balked at a Senate-approved administration bill providing a readymade home-rule charter, and substituted a measure calling for the residents to draft a charter of their own. Now the two versions must go to a House-Senate conference. Though this raises the possibility no bill at all will pass this year, as has happened before, we think the House acted wisely in the face of heavy pressure.

Washington, it should be remembered, is more than just another big city with big-city problems. Since it is also the seat of the Federal Government, a certain amount of logic can be marshaled for Federal administration, however poorly it may have worked out in practice. In any event, writers of the administration plan appear to have been motivated more by the hope of quick congressional approval than by determination to provide an enduring, sound government for this special city.

To take one example, the city council envisioned by the administration charter would have an unwieldy 19 members. Why? Not because anyone thinks 19 is an effective number, but because Washington has more Negroes than whites and far more Democrats than Republicans. Thus 14 councilmen would be elected from neighborhood districts—assuring the few predominantly white areas of representation. And the five others would be chosen at large, with no more than three belonging to the same political party—assuring Republicans of at least two seats.

Our feeling is that the effect of the Negro-white ratio is irrelevant and best left out of the charter, and that 2 unwelcome Republicans couldn't hope to accomplish much among 17 hostile Democrats anyway. More importantly, any document drafted to fit a specific ethnic and political pattern is certain to grow outdated when that pattern shifts. As our Mr. Large recently noted on this page, even strong home-rule supporters have doubts about the administration-drawn charter.

The House substitute, on the other hand, provides first for a referendum to determine whether the people of Washington really want home rule. If so, a 15-man board of elected residents would hire its own consultants and write its own charter, which would then be submitted to another referendum. If the charter were approved, and if neither Chamber of Congress vetoed it, the plan would take effect 30 days later.

There is no guarantee, of course, that the residents' plan would be better than the one concocted by the administration, or, for that matter, than the current system. But the House approach is at least more cautious than the administration's and therefore stands a better chance of succeeding.

In any case, what our Capital City emphatically does not need is to be used in a fast power play aimed at short-term political gain for someone else. A chief virtue of the House substitute is that the new charter would be an instrument of the residents themselves—and that, after all, is what home rule is all about.

RECENT POLICIES OF THE U.S. OFFICE OF EDUCATION

Mr. **COLLIER**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. **COLLIER**. Mr. Speaker, recent policies of the U.S. Office of Education have reached the point where they demand the scrutiny and remedial action of this Congress. The recent withholding of funds from the Chicago schools climaxes a series of policy positions which the elected representatives of the people of this country can no longer afford to sweep under the carpet nor accept the rationale of those who run this office.

Title VI of the Civil Rights Act specifically states that withholding of financial assistance under any program or activity to a recipient without an expressed finding on the record after an opportunity for hearing and then a failure to comply with such a requirement. It further provides that any act terminating or refusing to grant or continue assistance not be taken until the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity a full written report of the circumstances and the grounds for such action. This provision also stipulates that no such action shall become effective until 30 days have elapsed after the filing of such report.

In checking with both the minority and majority staff counsels on the Committee on Education and Labor, I have been advised that the procedure prescribed by Public Law 88-352 has not been obeyed.

Education and educational policies established in this Nation are everybody's business. When the U.S. Office of Education embarks upon the type of plan it has in the self-styled personality tests for schoolchildren, voluntary or involuntary, it is high time that every Member of Congress and every citizen of this country be fully informed as to just what is going on.

The Office of Education has no right to secrecy regarding any of its policies or long-range plans to bring the traditionally free educational system in this country under the heavy hand of Federal planners.

A prime example of the cloak of secrecy was the proposal by Homer D. Babbidge, who wrote a document, entitled "A Federal Educational Agency for the Future," which was promptly stashed away when Members of Congress began to ask questions. It was subsequently announced that it was inadvertently issued as a public document and was not meant to be so. If the proposals it embraces are in fact part of the formulation of long-range policy in the U.S. Office of Education, then I say it should have been a public document. It raises the question as to why it was whisked into oblivion at the point of congressional concern.

For years proponents of Federal aid to education charged that opponents who expressed fear of Federal controls were creating a strawman or a bogeyman. Well, those who persist in this attitude in the light of the recent exposé of the obnoxious personality tests and leaks of the long-range plans which are being made under the guise of a national assessment of the educational system in this country, must think that everyone else is intellectually blind or just plain naive, and whether you are a proponent or opponent of Federal aid to education is not the basic issue.

It is interesting to note that school officials in Los Angeles, Houston, Syracuse, Buffalo, Long Beach, Columbus, Boston, Cincinnati, and Cleveland have refused to participate in the personality test programs devised by the Office of Education. Chicago and Indianapolis are reported to be reluctant, although they have not expressed any final decision one way or the other.

I urge in this regard that every Member of Congress read page 23133 of the September 15 CONGRESSIONAL RECORD, which contains a reprint of the editorial, entitled "The Federal Textbooks," by Rowland Evans and Robert Novak. If you are not fearful of Federal control over education, this editorial will not upset you—but if you are, as you should be, it should jar your eyeteeth.

Substantiating the self-styled personality tests, spokesmen for the U.S. Office of Education deal in semantics with regard to the language and intent of the Civil Rights Act of 1964 and in the legislation which seeks a Federal utopia in what has traditionally been the free educational system in this country. Congress has a responsibility to spell out its intent in the use of funds provided for education in keeping with what I am sure is the feeling and sentiment of most of the American people, and particularly the parents of school children in this generation as well as the generations yet to come.

The school boards and school administrators in this country who believe in the American system that has provided the highest standards of education for the greatest number of people of any nation in the world, had better give a close, hard look at these trends of Federal intervention into the school systems of this country.

And we had better understand what we are doing when we become a party to having foundations which are not subject to the decision of the public establishing by indirection public policy decisions.

Throughout this country we have competent, dedicated people in various communities serving on boards of education as well as in the State agencies. These are not people who are void of the importance of education, and they are in fact people, in the vast majority of the cases, who understand and are deeply interested in discharging the responsibilities which are theirs. We are today turning out teachers in far greater numbers than ever before, teachers who are better qualified in their profession than ever before in our history. Child psychology courses are among the more demanding requisites for a degree in education, and particularly for teachers in elementary schools. With this type of personnel, it would be a grave mistake to permit bureaucrats in the field of education to numb the individual incentive and abilities of these people through any planned federalization of social attitudes and standards.

While I commend the Government Operations Subcommittee under the chairmanship of NEIL GALLAGHER for investigating the testing program of the Office of Education, I am firmly of the opinion that the Subcommittees on General Education and Special Education should also conduct hearings in order to go into all aspects of this program so that the Congress will be in a position to hold a tighter rein on the activities of this agency and place clearly upon the record its long-range plans and aims in the public interest.

PUBLIC'S RIGHT TO KNOW IN SHADOWY JOHNSON ADMINISTRATION POLICY IN DOMINICAN REPUBLIC

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute; to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, the public's right to know has never been as pertinent as in the case of the shadowy Johnson administration policy in the Dominican Republic.

Basically as a result of world turmoil, the Johnson administration has been fortunate that the Pope's visit to New York, the revolt in Indonesia, continued complications in Vietnam, and the Pakistan-India border war have driven the Dominican Republic fiasco out of the headlines, and it is thus being conveniently forgotten by the public.

As I analyze the matter, the following sequence of events took place in the Dominican Republic:

Our announced purpose for going into Santo Domingo was to see that a Communist regime like Castro's did not take over.

The first thing the United States did was to throw out the chief anti-Communist, Gen. Wessin y Wessin, who up to that time had the Communist rebels on the run. Gen. Wessin y Wessin was replaced by General Imbert, another stanch anti-Communist.

We immediately started feeding both sides without discrimination. Next, we applied what pressure we could to throw out General Imbert.

We never found fault with Colonel Caamano, the head of the Communist rebels; we only defended him.

We have now announced that a coalition government has been formed to which, of course, the rebels readily agreed. If there is anything a Communist loves, it is a so-called coalition government in which they are awarded the internal posts of security, foreign affairs, the army and navy, and so forth. By now, after long experience, our State Department knows the inevitable next step is a complete takeover by the Communists.

Former President Juan Bosch, whose campaign in 1961 received the financial support of the administration, has now returned after 2 years as our guest in Puerto Rico and set himself up in direct opposition to the provisional government of President Hector Garcia-Godoy. Thus Bosch, a collaborator and example of the enlightened Kennedy-Johnson foreign policy in Latin America, has come home to haunt us and work with the Communists in the Dominican Republic.

From the briefings I have received as a member of the Foreign Affairs Committee, I can only say that either our Department of State officials are, first, ignorant of conditions on the island; second, lying to Members of Congress, or third, withholding information from Congress; or perhaps a combination of the three. If this lack of cooperation and refusal to provide legitimate information is practiced in dealing with Members of Congress who have a legal responsibility in this area, obviously the public is being kept completely in the dark.

THE ADMINISTRATION-SPONSORED MINIMUM WAGE "BETSY" BILL

Mr. GLENN ANDREWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GLENN ANDREWS. Mr. Speaker, I should like to warn the unskilled, the disabled, the unemployed and the aged to batten down the hatches. The administration-sponsored minimum wage "Betsy" bill is heading for the floor of the House of Representatives. The surgeons of social justice are about to remove too much from the patient, the patient being the small businessmen in America. They are going to die along with the millions of jobs that are provided by their little businesses.

Mr. Speaker, this Congress has passed some very worthwhile measures; education bills, poverty bills and so forth. The forces of Government are about to offset all of these gains with a "job destroyer" called minimum wages.

Mr. Speaker, while we have been engaged in helping the very poor to reach the plateau of employment, we are about to raise this plateau beyond their reach. Inflation, the greatest thief of all, is about to be produced on this floor. Instead of eliminating great human needs, we are about to create these needs.

The strong, namely big business and big labor, are about to sit down to a fine meal if this bill is passed. The poor and the aged are going to be thrown a bone, a bone loaded with arsenic—the arsenic of unemployment and inflation.

WITHHOLDING OF FEDERAL EDUCATION FUNDS TO THE CITY OF CHICAGO

Mr. McCLORY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, I join in expressing dismay at the withholding of Federal funds for the education of children in the city of Chicago. I feel that this withholding of funds points up the real danger of Federal aid to education, especially Federal aid to our elementary and secondary schools.

Mr. Speaker, I do not know the details of the issues that are involved, but I do want to mention the fact that Benjamin Willis is a capable superintendent of schools in the city of Chicago.

Also, I am confident that the public spirited and competent members of the board of education are undertaking to do a fair and equitable job. In addition, I have utmost confidence in the State superintendent of public education, Mr. Ray Page. I do not know what the details are, but I do know that children are being deprived of educational opportunities and that educational advantages are being withheld by what appears to be unilateral and arbitrary Federal action. Federal control is an obvious concomitant of Federal aid. While Federal funds are being withheld in this instance on the pretext of discrimination, funds are bound to be withheld in the future to compel local and State school board compliance with Federal dictation. I am utterly opposed to segregation in the Nation's public schools. I do not address myself to that issue. The point I do make, and the point that is clear in this situation is that Federal aid to education means Federal control. That control may be exercised arbitrarily as it appears to me to have been exercised in the Chicago public school situation.

CIVIL RIGHTS

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I find it rather interesting at this late date that Members of the House who sat through the civil rights debate in the 88th Congress come now before this body and express surprise and concern that application has been made to Chicago schools and to them of the civil rights law, and that Federal moneys have been denied them, in effect, Federal moneys have been denied the children of their districts and other areas for educational purposes because of alleged discrimination. Your criticism is probably justified, but so have most southern criticisms been justified when you adopted a "holier than thou" attitude and ignored our pleas.

Those who followed the debate will remember there were those among us who cautioned that this was going to happen, and I can only ask the question "Did you expect that this law would apply to somebody else, and not you?" Was it your intention that it only be applied to the South? If so, you had better keep your eyes open because you have not seen anything yet. Welcome to the club.

POPE PAUL'S VISIT TO THE UNITED NATIONS

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, the recent visit to the United Nations of Pope Paul VI has provided a vital and encouraging boost to the prestige of the U.N.

As a member of the House Appropriations Committee subcommittee which must make funds available for U.S. participation in the United Nations, I am hopeful that those Americans who disparage the U.N. and our own participation in it will come to realize that the world assembly is the last best hope for peace on earth.

I certainly shall not be swayed from helping provide the U.N. with the means to follow the difficult and thorny path to peace, and I have been pleased to follow the lead of the distinguished subcommittee chairman, JOHN ROONEY, toward that goal.

Men of good will, no matter what their religious faith, owe great gratitude to Pope Paul VI for his historic and constructive visit to our shores.

SURVIVAL IN WATER-SHORT AREAS

Mr. SENNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SENNER. Mr. Speaker, during recent months, two research physicists with the Department of Agriculture at Tempe, Ariz., have developed a remarkable survival technique for people who find themselves stranded in water-short areas.

I believe this discovery to be of such significance as to warrant sharing with my colleagues who may in turn wish to pass it along to their constituents.

It is a simple technique requiring little more than a plastic sheet small enough to carry in your pocket, and sunlight. Yet it can produce pure, drinkable water from dry desert sand, ocean beaches, and in areas where only brackish or polluted water is available.

Appropriately enough it is called a "survival still." Virtually anyone can build it.

The still consists of a bowl-shaped hole about 40 inches in diameter and about 20 inches deep which is covered with a plastic sheet formed and held in the shape of a cone by a rock placed in the center. Sunlight passes through the plastic and is absorbed by the soil or sand, resulting in evaporation, followed by condensation on the cooler plastic. Waterdrops form on the underside of the plastic, run to the point of the cone, and drop into a container placed directly under the point of the cone.

A single still constructed in dry soil can yield as much as one pint of water per day. Moist soil will yield three pints. However, if the sides of the hole are lined with pieces of fleshy plants, such as cactus, the yield may double.

The remarkable thing about this still is that if the soil is totally dry, polluted water such as body wastes can be used to moisten the soil and thus produce the necessary evaporation-condensation process.

I would not presume upon the good will of my colleagues to utilize this occasion to emphasize the need for water in Arizona, yet I am constrained to point out that the "survival still" was discovered in my home State. The ingenious gentlemen who developed this lifesaving device are Drs. Ray D. Jackson and C.H.M. van Bavel with the Soil and Water Conservation Research Division of the U.S. Department of Agriculture at Tempe, Ariz.

Drs. Jackson and van Bavel made their discovery while conducting some basic research on water movement in dry soils. Few areas in the United States have soil as dry as Arizona's—a situation that hopefully will be at least partially remedied by my colleagues when the Lower Colorado River Basin project legislation comes to the floor for a vote.

Mr. Speaker, the Department of Agriculture is fully cognizant of the still's value. Consequently, in August a descriptive pamphlet was prepared and is now ready for distribution. For a more thorough explanation than I have here presented, I commend to my colleagues U.S. Department of Agriculture Picture Story No. 187, August 1965. Even more detailed data is available in WCL Report 4, June 30, 1965 "Water for Survival," by Ray D. Jackson and C.H.M. van Bavel.

LUMBER INDUSTRY HAS RECONCILED ITS DIFFERENCES OVER A NEW STANDARD

Mr. SENNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SENNER. Mr. Speaker, the forest products industry and the jobs that it provides in my district makes the news that the lumber industry has reconciled its differences over a new standard most welcome.

My colleagues have been aware of my interest in assisting the lumber industry in removing barriers raised against the introduction of new products. In the belief that innovation is the lifeblood of a dynamic industry, I have encouraged the Department of Commerce in its effort to develop an improved lumber standard.

The Department of Commerce now has the opportunity to move quickly in promulgating the agreed-upon standards.

For those of you who have lumber operations in your districts, I am sure you know that between now and the first of the year is a heavy buying season in the lumber industry. Since a change in lumber sizes affects existing inventories, I pray that the Department of Commerce will give as much leadtime as is possible to manufacturers and still permit them to take advantage of the new lumber products in this buying season.

For the information of my colleagues, I place at this point in my remarks, the terms of the agreement regarding new lumber standards reached in the American Lumber Standards Committee:

AMERCAN LUMBER STANDARDS SUBCOMMITTEE AGREES ON SIZES

H. Pierson Plummer, chairman of the American Lumber Standards Committee's Subcommittee on Revision of SPR–16–53, announced today the unanimous approval by the subcommittee of the following motion at their meeting in Chicago on August 11:

"The subcommittee recommends to the full American Lumber Standards Committee the following sizes based on 19-percent maximum moisture content:

"Nominal: ⅝ inch, 1 inch, 2 inches, 3 inches, 4 inches, and 5 inches.

"Dry: ⅝ inch, ¾ inch, 1½ inches, 2 9/16 inches, 3 9/16 inches, and 4½ inches.

"Green: 11/16 inch, 25/32 inch, 1 35/64 inches, 2⅝ inches, 3⅝ inches, and 4⅝ inches.

"Nominal: 6 inches, 8 inches, 10 inches, 12 inches, 14 inches, and 16 inches.

"Dry: 5½ inches, 7¼ inches, 9¼ inches, 11¼ inches, 13¼ inches, and 15¼ inches.

"Green: 5⅝ inches, 7 9/16 inches, 9 9/16 inches, 11 9/16 inches, 13 9/16 inches, and 15 9/16 inches.

with the provision that the 5-percent allowance for pieces exceeding the 19-percent maximum moisture content be deleted and with the provision that appropriate equivalents for Redwood and Western Red Cedar be included."

These sizes were also recommended to apply to thicknesses up to and including 4 inches nominal.

The subcommittee recommended further that the dressed widths for finish items be those contained in the 1964 proposed revision of SPR–16–53 with the exception that the nominal 3 inch, 4 inch, 14 inch, and 16 inch sizes be 2 9/16, 3 9/16, 13¼, and 15¼ inches, respectively. This action was taken to provide the same dressed widths for both finish and dry dimension items.

The subcommittee was named by the American Lumber Standards Committee chairman, Earl M. McGowin, at the first meeting of the reconstituted committee which was held on May 6, 1965, at the Department of Commerce in Washington, D.C. The subcommittee was charged with the responsibility of recommending to the full committee a new proposal to revise the existing simplified practice recommendation R–16–53.

At its meeting in Chicago yesterday, the American Lumber Standards Committee approved a number of revisions to simplified practice recommendation 16–53, a voluntary standard for American softwood lumber. Included in the revision approved by the committee were minimum dressed sizes for both dry and green lumber which were previously developed by a subcommittee on August 11.

A revision subcommittee had been named by the American Lumber Standards Committee chairman, Earl M. McGowin, at its first meeting on May 6, 1965. The subcommittee was charged with the responsibility of recommending to the full committee a new proposal to revise the existing standard. Under the direction of Chairman H. Pierson Plummer, the revision subcommittee carefully developed its recommendations as a result of several meetings held since its formation.

The new proposed revision of SPR 16–53, as approved by the full committee, will now be referred to the Department of Commerce. A Department of Commerce representative at the meeting commended the committee on its diligence in preparing the proposed revision, and indicated that the Department of Commerce, on receipt of the proposal from the committee, will proceed in an orderly manner to consider the proposal under the procedures of the Office of Commodity Standards.

Other committee actions included the strengthening of its enforcement program through the adoption of a number of additional requirements as applied to lumber inspection agencies. Included in these was the approval of new contracts to be executed between the committee and each certified grading agency.

The committee also approved an increased budget for 1966, involving an increase of over one-third the original budget for 1965. The budget is to be used primarily in carrying forward the committee's investigation work.

HURRICANE BETSY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, southeastern Louisiana, including the great metropolis of New Orleans and its magnificent port facilities, is back in full operation. Even the most damaged areas are moving toward recovery. Our people are working day and night and soon Betsy will be a bitter memory from which we must learn a lesson on how better to protect ourselves from the winds and the tides which surround us.

The following are facts that I think you will find interesting:

On Thursday, September 9, I followed as best I could the weather reports on Hurricane Betsy. During the day, the reports in Washington indicated that the hurricane would follow a more westerly route and strike considerably beyond New Orleans. Beginning late in the afternoon, however, the reports began to indicate that the storm would strike in the area between the Mississippi gulf coast and the mouth of the Mississippi River. It actually centered slightly west of New Orleans.

At 6 p.m., Washington time, I had my last conversation with New Orleans. It was with the chief forecaster at the New Orleans Weather Bureau who told me that the indications were that the storm would strike somewhat east of New Orleans at about midnight. From then on it was impossible for me to make contact with either New Orleans or with the Mississippi gulf coast, where my mother resides.

I tried to make contact throughout the night. This was impossible. By direct dialing I was able to get the city desk of the New Orleans States-Item at about 6 a.m., New Orleans time. This, I believe was one of the first long-distance calls to get through.

Although communications were very bad I was advised by Mr. William Madden of the New Orleans States-Item that the devastation in and around New Orleans was vast. I immediately called Gov. Buford Ellington, the Director of the Office of Emergency Planning here in Washington, and informed him of the extent of the damage as far as I was able to ascertain at that time.

PRESIDENT JOHNSON ALERTED

I also called Mr. Bill D. Moyers, Press Secretary to the President, and asked that he immediately advise President Johnson.

Throughout the day, I attempted to make further telephone communication with the three up-river parishes in my congressional district. This was impossible as all lines were down.

Later in the day I spoke with Mrs. Rosemary James, a reporter and columnist of the New Orleans States-Item. I was extremely anxious to know whether or not the Lake Pontchartrain Levee on the east bank of Jefferson Parish, protecting thousands of homeowners and businesses throughout the whole area, had held. She told me she did not know, but that she would find out. I held on because it was impossible to get back to her.

She informed me, after making proper inquiries, that no water had topped the east Jefferson levee. This was a source of great relief to me. This protection is something to which I have devoted many hours of hard work since the 1947 hurricane. Had the levee not been built the whole Metairie, Harahan, Kenner, Veterans Highway, Bucktown, and East Jefferson area would have been devastated, with countless millions in property losses.

By this time, the Office of Emergency Planning was getting its own reports and we were all realizing the magnitude of the disaster. Senator Russell Long, along with other members of the Louisiana delegation, urged the President to come to New Orleans. In a matter of hours the President gathered together the Louisiana delegation with Cabinet members and a host of other agency heads needed in such an emergency situation and left Washington for Louisiana.

FIRST TRIP TO LOUISIANA

By 5:30 p.m. New Orleans time Friday we were flying over the devastated area. This flight along the river above and below New Orleans indicated the magnitude of the disaster. The President and his party disembarked from the plane, made a quick tour of the devastated area, visited refugee centers, returned to the plane, and the President immediately declared Louisiana a major disaster area. I returned to Washington with the President, but returned to my district early on the next morning.

In the intervening hours much had already happened. As I landed at New Orleans International Airport, even then barely operational, flying boxcars were landing from areas throughout the country bringing in troops, food, medicines, emergency communication equipment, and countless other material.

I was able to get an amphibious plane and fly to Grand Isle. The devastation there, as everyone knows, is tremendous. On Sunday I made a complete tour of the second district, meeting with officials in Orleans, Jefferson, St. Charles, St. John the Baptist, and St. James Parishes to determine the needs of the people.

During the day on Sunday I brought together Mr. W. J. Amoss, director of the port of New Orleans, and Mr. Robert Y. Phillips, Director of the Government Readiness Office of the Office of Emergency Planning, so that work could start immediately in restoring the port. This was done in record time.

Later in the week I had the Department of Agriculture release 3 million bushels of grain from the Commodity Credit Corporation stocks for movement by rail in order to load ships in the port of New Orleans stranded because of the tie up of barge traffic due to the sinking of the chlorine barge.

SPEECH TO HOUSE

I returned to Washington late Sunday and on Monday, September 14, informed the House that we were already back in business. In that speech I said in part:

> It has been a major disaster, Mr. Speaker. But it has strengthened my faith in man's humanity to man, in the compassion of our people everywhere, and in the dispatch with which our public officials from President Johnson and Governor McKeithen down, have responded to the needs of our people and our State.
>
> My State has suffered a blow, but we will rebuild and rebuild quickly. Our greatest blow has been the loss of life, which cannot be restored. But to the families of these unfortunate people every help from public and private agencies is being made available.

Since that time we have worked constantly to bring aid and relief to our area and the amount of help has been substantial indeed. Let me catalog some of it:

The Army, Navy, Air Force, Coast Guard, and Civil Defense, rescued thousands of people, provided personnel and equipment and fed more than 25,000 people, flew in generators, radios, telephone supplies to reestablish communications, and other essential services.

The Army Engineers have been on the job constantly, dredging, pumping, repairing levees, clearing debris—at a cost of several million dollars—locating the sunken chlorine barge, and giving confidence to our people.

LOAN, FOOD PROGRAMS STARTED

The Small Business Administration has established branch offices in Orleans, St. Charles, St. John, St. James Parishes, and elsewhere throughout southeast Louisiana. Well over 10,000 applications have been sent out and it is expected that many millions of dollars of long-term, low-interest-rate loans will be approved.

The Department of Agriculture provided in 1 week's time the following amount of food:

Commodity	Total pounds	Total value
Dry milk	312,768	$60,208
Lard	312,264	47,547
Cornmeal	230,000	12,903
Flour	741,000	57,258
Rolled wheat	50,000	4,125
Canned beef	1,012,028	488,426
Frozen beef	6,313	3,963
Rice	545,536	62,903
Butter	138,720	87,880
Dry beans	244,848	24,509
Peanut butter	623,760	183,198
Cheese	630,450	263,213
Grits	100,032	7,032
Margarine	1,200	189
Grand total	4,948,923	1,330,352

The General Services Administration has made available emergency facilities for refugees, for necessary public facilities, and for schools.

The Housing and Home Finance Agency has been relocating thousands of families. In the heavily damaged areas, such as Grand Isle, trailers have been provided.

Highways have been inspected and reopened.

Disaster loans are being made available throughout the stricken agricultural areas.

The Post Office Department reestablished mail service in the devastated areas in record time and clothing in the dead letter offices from New Orleans, Atlanta, and other regional offices were made available to the refugees.

Medicines, vaccines, clothes have been distributed by various agencies of the Department of Health, Education, and Welfare.

The Treasury Department has advised on income tax deductions, tax credits and delays available on payments.

This account would be incomplete if it did not mention the remarkable job done by the telephone company and the utility companies, as well as other private agencies. Every telephone and practically every power connection throughout the devastated area was affected in some way. Accounts show that 382,378 telephones were affected. Two weeks thereafter telephones had been restored everywhere except in the places which were flooded.

WORST DISASTER TO TELEPHONE COMPANY

The hurricane was the costliest disaster ever to hit the telephone facilities. Repairmen and material were flown in from all over the country. Some 2,500 men including 700 from outside of Louisiana were put on an emergency schedule. A similar effort was made by the public utilities throughout the area and they performed equally well.

The Red Cross and the Salvation Army, of course, have brought aid and comfort to thousands of people and have again made us proud to be Americans.

Aid came from every State in the Union and from many foreign countries. The work and generosity of countless private and religious organizations and individuals has been inspirational. "Operation Help" will be remembered by all who benefited. Perhaps most especially for the participation of our young people which was in the highest tradition of American honor and bravery.

Much remains to be done. A congressional committee conducted 2 full days of hearings in New Orleans and Baton Rouge—September 24, and 25—and through this inquiry full estimates of the damage were obtained and the Corps of Engineers outlined in detail the necessary work that must be undertaken to prevent a repetition of the devastation cause by Hurricane Betsy.

On the special committee were U.S. Representatives Robert Jones of Alabama, Chairman; Kenneth Gray, of Illinois; Harold T. Johnson, of California; W. J. Bryan Dorn, of South Carolina; Ray Roberts of Texas; Robert A. Everett, of Tennessee; James Kee, of West Virginia; John R. Schmidhauser, of Iowa; James J. Howard, of New Jersey; Prentiss Walker, of Mississippi—representing minority members of the Public

Works Committee; and Congressmen F. EDWARD HÉBERT, JAMES H. MORRISON, EDWIN E. WILLIS, SPEEDY O. LONG, and myself of the Louisiana delegation.

EXISTING AND NEEDED LEGISLATION

We know that existing legislation has made possible rescue operations, food, medicines and temporary housing, the reopening and renovation of our great port facilities, the removal of the massive tons of debris throughout the area, the reestablishment of public facilities and reopening of highways, dredging of channels, and the reopening of public schools and similar public installations damaged or wrecked by the hurricane.

There are other areas where additional aid is being requested and it is hoped that this will be provided in legislation now being considered by the Congress, some of which I introduced immediately after the hurricane. Already we are undertaking a new study of hurricane damage at Grand Isle. I have requested that the Federal Flood Insurance Act of 1956 be fully implemented so that homeowners and business establishments may be able to buy protection in the future from similar disasters. The House will act on a study of flood insurance before adjournment.

While much has been done there are other matters that must be dealt with now and in the immediate future. The levees and other flood and hurricane protection installations throughout the area must be made entirely adequate. The knowledge gained from Hurricane Betsy must be employed in the new $85 million Lake Pontchartrain flood and hurricane protection project which has already been approved by the Congress.

In my own area, levees on the west bank in Jefferson Parish surrounding Gretna, Westwego, Lafitte and Barataria must be strengthened and heightened and new hurricane protection plans for Grand Isle must be perfected. All of this is already underway under the direction of the Corps of Engineers. This, plus adequate flood insurance and relief to the homeowners, schools, universities, and farmers, wherever possible, must be the goal and objective of all of us who love Louisiana and its people.

The greatest contributing factor to recovery has been the faith, the determination, the spirit and the devotion of our people. The way those who were not damaged, or who suffered slight damage, turned to help those who were devastated has been an example to all.

As I said on the floor of the House of Representatives it was a demonstration of man's humanity to man. Yes, most of our area has already rebuilt. The areas badly devastated will be rebuilt, and our State will continue to forge ahead as one of the fastest-growing, most productive States in the Union.

Mr. Speaker, I would like to include the text of advertisements run in newspapers throughout America about our State by Gov. John J. McKeithen and the board of commissioners for the port of New Orleans:

TEXT OF THE GOVERNOR'S MESSAGE

Hurricane Betsy dealt us a hard blow. There is no doubt about that.

But we're recovering awfully fast.

I have just completed a survey by telegram of major industry on the lower Mississippi River from Baton Rouge to New Orleans and on down to the mouth of the river, and the consensus report is that they are all back at work at something like 93 percent of normal capacity. The bulk are operating at full capacity.

Most industries sustained only minor bruises; many came through without a scratch. Shipyards and the offshore industry, naturally, were hit hardest of all, but even they are moving back into high gear. The great ports of New Orleans, Baton Rouge, and Morgan City are on a business-as-usual basis while the cleanup goes on. The port of Lake Charles, along with about three-fourths of the State, was virtually unscathed.

Nothing of this magnitude has ever happened to our State before, and the odds are that it will never happen again. But we aren't taking that chance. Plans are already being formulated for complete hurricane protection for the entire Louisiana coast.

Louisiana's quick comeback is a tribute to the resiliency of our people—the same kind of hard-working, public-spirited people who have made Louisiana the brightest spot in the New South.

TEXT OF THE DOCK BOARD MESSAGE

We're giving Betsy the brushoff. The port of New Orleans is back in business.

Betsy was no lady, she packed a wallop. But the port of New Orleans took Betsy's winds in stride.

At the port of New Orleans today, barely a week after Betsy's passing, ships from around the world are being berthed at all New Orleans general cargo wharves along the Mississippi riverfront and the industrial canal. General cargo is being loaded and unloaded with the same dispatch that has always marked the movement of goods via New Orleans. Thirty-five vessels were taking on and discharging cargo on Tuesday, September 14.

While some New Orleans wharves did lose siding and skylights and suffered other damage during Betsy's blasts, repairs are progressing rapidly. There is ample covered space for any and all cargoes inside New Orleans public wharf sheds. Not a single New Orleans wharf was destroyed by the storm.

Inland transportation via rail, truck and barge to and from New Orleans' hinterland, the great Mississippi Valley, has returned to normal. Seven major rail lines, 54 truck lines, and 60 barge lines are prepared to handle shipments to and from New Orleans today as always. The New Orleans Public Belt Railroad, which provides switching to all wharves, reports its trackage free and clear throughout the major harbor area and its operations are running smoothly.

The port is served by more than 100 regularly scheduled steamship lines. Their route to the Gulf of Mexico via the Mississippi River is clear and open to all deep-sea vessels.

The port of New Orleans—the Nation's No. 2 port, second only to the combined port facilities of the New York-New Jersey area in the value of its foreign trade—is back in business to stay.

If you would like to know more about how the port of New Orleans can save you both time and money, contact your nearest port of New Orleans representative. Lower inland freight rates between New Orleans and midcontinent cities, modern port facilities, and cargo-handling skills born of 200 years of experience work to your advantage when you ship via port of New Orleans.

PORT OF NEW ORLEANS, U.S.A.

New Orleans: Director of the port, post office box 60046, telephone 522-2551.

New York: Executive general agent, port of New Orleans, 25 Broadway, suite 555, telephone 422-0786.

Chicago: Executive general agent, port of New Orleans, 327 S. LaSalle Street, suite 1025-26, telephone 939-0722.

St. Louis: Executive general agent, port of New Orleans Railway Exchange Building, floor 21, telephone 241-6320.

Europe: European trade director, port of New Orleans via Agnello 12, Milan, Italy, telephone 807-202, cable DOCKBOARD.

Far East: Far East trade director, port of New Orleans, hotel New Japan, apartment 678, Tokyo, Japan, telephone 581-5511, extension 8678, cable PORTNOLA.

RID WASHINGTON OF FOREIGN SUGAR LOBBYISTS

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LANGEN. Mr. Speaker, at long last we in this House will have a great opportunity to curtail control of sugar legislation by the Washington lobbyists who represent foreign nations. Sugar legislation is strictly the business of the people of the United States, and the Halls of Congress should be rid of these sugar-sweet and sticky parasites. They have too long dictated the contents of sugar bills.

Some of us have long questioned the activities of the highly paid lawyers who pocket huge fees by obtaining sugar quotas for their clients. The bill reported from the Agriculture Committee relative to the Sugar Amendments of 1965 shows much evidence of undue pressures from the foreign lobbyists. When the lobbying amendment is debated, we should be given the true reasons why nine nations, represented by lobbyists, are to receive quotas for the first time, and why one country that has never raised sugar before will be given a quota. These and many other questions must be thoroughly aired when the sugar bill comes up for House action. As I have recommended for a number of years, such a debate has been long overdue and I am delighted that the House Rules Committee has opened the door for this debate. The committee is to be commended.

Mr. Speaker, I have long questioned the administration efforts to eliminate recovery fees from foreign nations. It is good to know that we will now be given an opportunity to debate this important subject on the floor of the House. These preferred nations enjoy prices well above the world market, and they should be required to return a portion of this markup to the American people in return for the right to participate in our market.

We in the House must make every effort to strengthen this new sugar bill. And it is hoped that the Senate will strengthen it further. On the plus side, the domestic industry would be given the right to market the extra sugar this Government urged them to produce when world supplies were low. But it does not offer needed opportunities for increasing acreage among our established growers and fails to present opportunities for new growers. These are considerations that have been due the domestic sugarbeet producers for a long time. With a few needed changes, this sugar bill could be vastly improved. Let us proceed to do so.

ESTABLISHMENT OF COMMISSION ON THE ORGANIZATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MATHIAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MATHIAS. Mr. Speaker, the distinguished minority leader [Mr. FORD] is introducing this afternoon a bill identical to my bill, H.R. 11366, to establish a Commission on the Organization of the Executive Branch of the Government.

I am very pleased that the gentleman from Michigan is joining me and the 24 others who are cosponsoring this legislation. I would also like to add the name of the gentleman from Illinois [Mr. ERLENBORN] to the list of those who introduced identical bills on September 30.

The need for a comprehensive review of Government operations is clear and immediate. Great changes in structure and procedures are being made within the Federal establishment, and Congress needs full and independent evaluations of what is being done. Establishment of a Commission could focus the best talents of this country on the task of assessment and reform.

We have heard recently many suggestions that next year will be a year of retrenchment and reassessment of what we have done this year. If these predictions are accurate, the creation of a new Commission now would be especially appropriate. If we are to revise, revamp, and reform the executive branch, we ought to do it carefully and comprehensively. A blue-ribbon commission could be a tremendous help.

I hope that many more Members of the House will give their support to this proposal in the days and weeks ahead, so that we may be ready to act on it when Congress reconvenes.

WHAT THE STATES STAND TO LOSE UNDER THE HIGHWAY BEAUTIFICATION ACT

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CRAMER. Mr. Speaker, the Highway Beautification Act is scheduled for House consideration this Thursday. The bill contains numerous unworkable and unwise provisions, not least of which is the unfair penalty it imposes on the States.

For example, under the bill, Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provisions for effective control of junkyards and advertising signs, displays, and devices, or for effective control of junkyards, shall be reduced by amounts equal to 10 percent of the amounts which otherwise would be apportioned to such State. If a State does not provide for effective control of both outdoor advertising, signs, displays, or devices, and junkyards, it will lose 20 percent of the funds which otherwise would be apportioned to it.

I emphasize, Mr. Speaker, that this is a mandatory provision. If the Secretary determines that a State has not made provision for "effective control," he is required to withhold part of the funds which would otherwise be apportioned to such State. This completely ignores the problems which may confront some States that may be willing and even anxious to make provision for the required effective control, but cannot do so for good and valid reasons.

For example, some States may have to amend their constitutions in order to be able to enact implementing laws. Representatives of the American Association of State Highway Officials testified that 15 States will have to amend their State constitutions in order to fully conform with the highway beautification proposal, and that 3 other States may or probably will have to amend their constitutions. Obviously, most, if not all, of these States will find it impossible to amend their constitutions and enact necessary legislation by the 1968 deadline, regardless of how sincerely they may try. These States, and the approximate amounts which they would lose each year—based on apportionments made for fiscal year 1967—if they could not constitutionally control either outdoor advertising or junkyards as provided by this legislation are as follows:

States which may lose funds unless State constitution is amended[1] (*20 percent of funds which otherwise would be apportioned*)

	Amount lost (in millions)
Alaska	$8.06
Arizona	11.62
California[2]	69.58
Colorado	10.18
Georgia	13.06
Idaho	5.30
Louisiana	18.16
Maryland[3]	11.96
Mississippi	9.52
Missouri	19.62
Montana	8.92
New Hampshire	3.74
Oregon	13.16
South Carolina	6.32
South Dakota	7.62
Tennessee	16.86
Vermont[3]	5.02
Wyoming	7.58

[1] Based on testimony of American Association of State Highway Officials.

[2] May have to amend constitution.

[3] Probably will have to amend constitution.

It should be pointed out that in all States, legislation will have to be enacted, and, in most States, there will only be one session of the State legislatures between now and the time they must have made provision for effective control. When a State enacts the necessary legislation, the law may be prevented from being carried out by litigation.

The minority members of the House Public Works Committee fought for a provision whereby the Secretary could, for good cause shown, suspend the application of these penalty provisions to a State. Such a provision was contained in the Senate-passed bill, but the House Public Works Committee took it out. I am hopeful this body will support a provision making the withholding of funds from a State discretionary with the Secretary, instead of mandatory as is presently the case.

ADMINISTRATION'S BILL TO PROVIDE FEDERAL CHARTERS FOR MUTUAL SAVINGS BANKS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MULTER. Mr. Speaker, I have today introduced a bill, H.R. 11433, in response to the administration's request for legislation to authorize Federal charters for mutual savings banks.

The bill would authorize the granting of Federal charters for mutual savings banks by the Federal Home Loan Bank Board and would extend to this long established industry, with an unparalleled record of safety and service, the dual chartering system which has worked so well for all other deposit-type institutions. I have sponsored this legislation in the House in every Congress since 1957.

Federal savings bank charters have been endorsed by many public and private groups including the President's Committee on Financial Institutions which, as you know, was composed of the heads of 11 key Federal agencies: Treasury Department, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, Housing and Home Finance Agency, Board of Governors of the Federal Reserve System, Department of Agriculture, Bureau of the Budget, Department of Health, Education, and Welfare, Council of Economic Advisers, Justice Department, and the Office of the Comptroller of the Currency.

Mutual savings banks perform two major functions: the encouragement of thrift among all income groups and the productive investment of accumulated savings in housing and other capital formation having maximum benefit to the local community and to the Nation. Extension of the mutual savings bank system through Federal chartering, it is widely believed, will lead to an increased and better distributed flow of savings, more efficient and less costly mortgage financing, and a strengthened network of mutual thrift institutions operating under the dual chartering system.

Those of you who were Members of the House during the 88th Congress will recall that a similar bill was transmitted by the administration on July 29, 1964. This bill included amendments and revisions to a bill (H.R. 258) which I had the honor to introduce in the preceding session and on which extensive hearings were held in October 1963 before the Subcommittee on Bank Supervision and Insurance, which I have the honor to chair. Reflecting further careful consideration and study, the current bill incorporates additional technical and substantive modifications.

I am particularly pleased that the administration has strengthened its endorsement of the Federal savings bank charter bill by indicating that its enactment will be consistent with the administration's objectives. It is my strong hope that the widely approved objective of extending the advantages of dual charters to the mutual savings bank system will soon be realized by enactment of appropriate legislation.

At this point I would like to commend to the attention of our colleagues the following letter of transmittal of the Chairman of the Home Loan Bank Board and a summary and section-by-section analysis of the new bill:

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., October 1, 1965.

The SPEAKER OF THE HOUSE OF
REPRESENTATIVES.

SIR: The Federal Home Loan Bank Board hereby transmits, and recommends for enactment, a draft for a bill to authorize the establishment of Federal savings banks.

The provisions of the draft are summarized and explained in the analysis which is also transmitted herewith.

Enactment of the proposed legislation would probably not result in any savings in costs of administration of the Federal Home Loan Bank Board and might result in some increases in such costs. However, it is believed that such increases, if any, are not susceptible to estimation at this time with any degree of accuracy and for this reason the question of such possible costs is not dealt with. Any costs involved would of course be handled on the self-supporting basis under which all costs and expenses of the Federal Home Loan Bank Board are handled.

Advice has been received from the Bureau of the Budget that the enactment of the proposed legislation would be consistent with the administration's objectives.

With kind regards, I am

Sincerely,

JOHN E. HORNE.

SECTION-BY-SECTION ANALYSIS OF DRAFT DATED OCTOBER 1, 1965, FOR A BILL TO AUTHORIZE THE ESTABLISHMENT OF FEDERAL SAVINGS BANKS

Section 1. Short title: The unnumbered first section states the short title, "Federal Savings Bank Act."

TITLE I. FEDERAL SAVINGS BANKS

Chapter 1. General provisions

Section 11. Definitions and rules of construction: Section 11, the first section of title I, contains certain definitions and general rules, principal features of which are summarized below.

The term "mutual thrift institution" would mean a Federal savings bank (the primary purpose of the measure is to provide for the establishment and regulation of such banks), a Federal savings and loan association, or a State-chartered mutual savings bank, mutual savings and loan association, mutual building and loan association, cooperative bank, or mutual homestead association.

In turn, "thrift institution" would mean a mutual thrift institution, a guarantee savings bank, a stock savings and loan association, or a stock building and loan association, and "financial institution" would mean a thrift institution, a commercial bank, or an insurance company. By a special definitional provision in this section, the term "financial institutions acting in a fiduciary capacity" as used in sections 53 and 54 would include a credit union, whether or not acting in a fiduciary capacity.

"State" would mean any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and any territory or possession of the United States.

Section 12. Rules and regulations: Section 12 authorizes the Federal Home Loan Bank Board to make rules and regulations, including definitions of terms in title I.

Section 13. Examinations: The Federal Home Loan Bank Board would be required to conduct not less than one nor more than two regular examinations of each Federal savings bank in each calendar year and to make in each year one or more assessments on all such banks in a manner calculated to yield approximately the total cost of these examinations. It could make a special examination of any bank at any time and would be required to assess the bank with the cost thereof. The section also provides that the Board may render to any bank or officer or director thereof such advice and comment as it may deem appropriate with respect to the bank's affairs.

Section 14. Reports: Section 14 provides that the Board may require periodic and other reports and information from Federal savings banks.

Section 15. Accounts and accounting: The Board would be authorized by section 15 to prescribe, by regulation or order, accounts and accounting systems and practices for Federal savings banks.

Section 16. Right to amend: The right to alter, amend, or repeal title I would be reserved by section 16.

Chapter 2. Establishment and voluntary liquidation

Section 21. Information to be stated in charter: Every charter for a Federal savings bank would be required to set forth the name of the bank (including "Federal," "Savings," and "Bank"), the locality in which the principal office is to be located, and other information set forth in section 21. A charter must be in such form and may contain such additional material as the Board may deem appropriate, and the Board may make provision for amendments.

Section 22. Issuance of charter for new bank: A charter for a new Federal savings bank could be issued by the Board on the written application (in such form as the Board may prescribe) of not less than 5 applicants and a determination by the Board that (1) the bank will serve a useful purpose in the community, (2) there is a reasonable expectation of its financial success, (3) its operation may foster competition and will not cause undue injury to existing institutions (including commercial banks) that accept funds from savers on deposit or share accounts, (4) the applicants are of good character and responsibility, and (5) there has been placed in trust or escrow for an initial reserve such amounts, not less than $50,000, in cash or securities approved by the Board as the Board may require, in consideration of transferable certificates to be issued by the bank in such form, on such terms, and bearing such interest or other return as the Board may approve.

Section 23. Issuance of charter for a converted bank: Under subsection (a) of section 23, a charter for a converted institution could be issued by the Board on the written application (in such form as the Board may prescribe) of the converting institution, upon a determination by the Board that (1) the applicant is a mutual thrift institution (defined in section 11), (2) two-thirds of the directors, if the converting institution is a Federal savings and loan association, have voted in favor of the conversion and two-thirds of the votes entitled to be cast by members have been cast in favor thereof, at meetings duly called and held therefor within 6 months prior to the filing of the application, (3) the conversion will not be in contravention of State law, if the applicant is a State-chartered institution, (4) the converted institution will serve a useful purpose in the community, (5) its operation may foster competition and will not cause undue injury as set forth under section 22 above, (6) there is a reasonable expectation of its financial success, based on its capitalization, financial history, and quality of management, and such other factors as the Board may deem appropriate, (7) the composition of its assets is such that, with such exceptions as the Board may prescribe, it will be able to dispose of assets not eligible to be invested in by Federal savings banks, and (8) the proposed initial directors are of good character and responsibility and there is a reasonable expectation that they will comply with the provisions of section 47 as to the conduct of directors.

To such extent as the Board might approve by order, and subject to such prohibitions, restrictions, and limitations as it might prescribe by regulation or written advice, a converted bank could retain and service the accounts, departments, and assets of the converting institution.

Subsection (b) of the section provides that the Board shall not issue a charter under subsection (a) unless it determines that, taking into consideration the quality of the converting institution's assets, its reserves and surplus, its expense ratios, and such other factors as the Board may deem appropriate, and making appropriate allowances for differences among types of financial institutions, the converting institution's history has been of a character "commensurate with the superior standards of performance expected of a Federal savings bank."

Section 24. Conversion of Federal savings banks into other institutions: Under subsection (a) of section 24 the Board, on written application of a Federal savings bank, could permit it to convert into any other type of mutual thrift institution (defined in section 11), on a determination by the Board that (1) two-thirds of the directors have voted in favor of the proposed conversion, (2) the requirements of section 45 have been met, (3) the conversion will not be in contravention of State law, and (4) upon and after conversion the institution will be an insured institution of the Federal Savings Insurance Corporation (i.e., the Federal Savings and Loan Insurance Corporation, whose name would be changed to Federal Savings Insurance Corporation by section 201) or an insured bank of the Federal Deposit Insurance Corporation.

Subsection (b) of the section provides that no institution into which a Federal savings bank has been converted may, within 10 years after the conversion, convert into any type of institution other than a mutual thrift institution (defined in section 11) which is either a bank insured by the Federal Deposit Insurance Corporation or an institution insured by the Federal Savings Insurance Corporation, regardless of whether the latter conversion took place directly or through any intermediate conversions.

Enforcement of this prohibition would be by the Federal Home Loan Bank Board in the case of an institution having a status as an insured institution of the Federal Savings Insurance Corporation and by the Board of Directors of the Federal Deposit Insurance Corporation in the case of an institution having a status as an insured bank of that Corporation. On a determination that a violation had taken place, the relevant Board, by order issued not later than 2 years after any such violation, could terminate such status without notice, hearing, or other action. For the purposes of this subsection and subsection (a) of section 26, the terms "conversion" and "convert" would be defined as applying to mergers, consolidations, assumptions of liabilities, and reorganizations, as well as conversions.

Section 25. Voluntary liquidation: A Federal savings bank could not voluntarily go into liquidation or otherwise wind up its affairs except in accordance with an order of the Board issued under section 25. Upon application by such a bank, the Board could permit it to carry out a plan of voluntary liquidation upon a determination by the Board that (1) two-thirds of the bank's directors have voted in favor of the proposed plan, (2) the requirements of section 45 have been met, (3) there is no longer a need in the community for the bank, or there is not a reasonable expectation that its continued operation will be financially sound and successful, and (4) the plan is fair and equitable and in conformity with the requirements of section 26.

Section 26. Distribution of assets upon liquidation: Subsection (a) of section 26 provides that on liquidation of a Federal savings bank under section 25, or liquidation of any institution while subject to the prohibition in subsection (b) of section 24, the net assets after the satisfaction or provision for satisfaction, in accordance with such rules and regulations as the Board may prescribe, of all proper claims and demands against the institution, including those of depositors or shareholders, shall be distributed to the Federal Savings Insurance Corporation. In the case of institutions subject to subsection (b) of section 24, the claims of depositors or shareholders are to be limited to amounts that would have been withdrawable by them in the absence of any conversion (as defined in said subsection) while the institution was so subject.

The object of this provision is to deter conversions of Federal savings banks to nonmutual operation and to deter unneeded voluntary liquidation of Federal savings banks. Under section 24 Federal savings banks are prohibited from converting directly at one step into any other type of institution except a mutual thrift institution insured by the Federal Savings Insurance Corporation or the Federal Deposit Insurance Corporation. Section 26 is designed to deter, to the extent of its provisions, the conversion of a Federal savings bank indirectly or by successive steps into an institution other than such an insured mutual thrift institution.

Subsection (b) of section 26 provides that on liquidation of a Federal savings bank otherwise than pursuant to section 25 the net assets remaining after the satisfaction or provision for the satisfaction, in accordance with such rules and regulations as the Board may prescribe, of all proper claims and demands against the bank, including those of depositors, shall be distributed to the depositors in accordance with such rules and regulations as the Board may prescribe.

Chapter 3. Branching and merger

Section 31. Branches: Under section 31 a Federal savings bank could establish a branch or branches with the approval of the Board, upon a determination by the Board that (1) there is a reasonable expectation of the branch's financial success based on the need for such a facility in the locality, the bank's capitalization, financial history, and quality of management, and such other factors as the Board deems appropriate, (2) its operation may foster competition and will not cause undue injury to existing institutions (including commercial banks) that accept funds from savers on deposit or share account, and (3) if the bank were a State-chartered financial institution other than an insurance company it could establish the proposed branch or an office of an affiliated institution of the same type could be established in the same location.

The object of item (3) in the paragraph above is to limit the establishment of branches by Federal savings banks to States (defined in section 11) where financial institutions other than insurance companies may conduct multioffice operations either through branching or through affiliates. It is of course to be recognized that multioffice operation through affiliates is not branching, but the competitive effect on other financial institutions can be as great as if the multioffice operation were conducted by means of branching.

Section 31 also provides that, under such exceptions and conditions as the Board may prescribe, a converted Federal savings bank may retain any branch in operation immediately prior to the conversion and shall be deemed to have retained any right or privilege to establish or maintain a branch if such right or privilege was held by the converting institution immediately prior to conversion.

Finally, the section provides that, subject to approval granted by the Board not later than the effective date of the merger, acquisition of assets, or assumption of liabilities, a Federal savings bank into which another institution is merged or which acquires the assets or assumes the liabilities of another institution may maintain as a branch the principal office of the other institution or any branch operated by it immediately prior to the merger or transfer and shall be deemed to have acquired any right or privilege then held by the other institution to establish or maintain a branch. The Board could not grant such approval except upon compliance with a requirement analogous to that of item (3) of the first sentence of this analysis of section 31, unless the Board, in granting the approval, determined that the merger, acquisition, or assumption was advisable because of supervisory considerations. Examples of such situations could include those where one or more of the institutions was in a failing or declining condition, where one or more of such institutions was not rendering adequate service in its territory, or where one or more of the institutions had an unsafe or unsound management.

Section 32. Merger into a Federal savings bank: With the approval of the Board, a Federal savings bank could enter into an arrangement for merger of another mutual thrift institution into it or for acquisition of the assets or assumption of the liabilities of another mutual thrift institution in whole or part other than in the ordinary course of business. Approval could be granted only upon a determination by the Board similar to that of item (1) of the branching requirement of section 31, items (1), (2), and (3) for conversion into another mutual thrift institution under section 24, and item (2) for conversion under section 23, and a further determination by the Board that (in the case of a merger or acquisition of assets) the assets of the surviving or acquiring institution will be such that, with such exceptions as the Board prescribes, it will be able to dispose of assets not eligible for investment by Federal savings banks.

Also, the Board could grant approval only if it determined that the proposed transaction will be in the public interest, taking into consideration the convenience and needs of the community, the general character of the proposed management, and the effect on competition, including any tendency toward monopoly. The Board, unless it found it must act immediately to prevent probable failure of one of the institutions, would be required to request a report from the Attorney General on the competitive factors and at the same time notify the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation of their right to make such a report. The deadline for these reports would be 30 days after the request or notification, or 10 days if the Board advises that an emergency exists requiring expeditious action.

If the Attorney General so requests in his report, the effective date of any order approving the application is to be not less than 10 days after the issuance of the order. The Board is to include in its annual report to Congress information as to such transactions as set forth in the section.

Section 33. Merger of a Federal savings bank into another institution: A Federal savings bank could, with the approval of the Board, enter into a transaction by which the bank itself is merged into or consolidated with another institution, or another institution acquires assets or assumes liabilities of such bank. Determinations similar to those under section 32 would be required, and, in addition, such approval would be required to be contingent upon approval of the transaction pursuant to section 32 or pursuant to subsection (c) of section 18 of the Federal Deposit Insurance Act, whichever (if either) was applicable.

Chapter 4. Management and directors

Section 41. Board of Directors: A Federal savings bank would have a board of directors of not less than 7 nor more than 25. The Board could prescribe regulations as to the management structure, and subject thereto the board of directors of a bank could by bylaws or otherwise delegate such functions and duties as it might deem appropriate.

Section 42. Initial directors: The initial directors of a new bank would be elected by the applicants. The initial directors of a converted bank would be the directors of the converting institution, except as the Board might otherwise prescribe, consistently with subsection (b) of section 44 where applicable.

Section 43. Election of directors by depositors: Except as provided in sections 42 and 44, directors would be elected by the depositors. The Federal Home Loan Bank Board could by regulation provide for the terms of office, the manner, time, place, and notice of election, the minimum amount (and a holding period or date of determination) of any deposit giving rise to voting rights, and the method by which the number of votes a depositor would be entitled to cast would be determined.

Section 44. Selection of directors of banks converted from State-chartered mutual savings banks: Section 44 applies to a State-chartered mutual savings bank which is in operation on the date of enactment of the title and later converts to a Federal savings bank, where the directors of the converting bank were, on the date of such enactment and thereafter, chosen otherwise than by depositor election. If such a converting bank files as part of or an amendment to its application for a Federal charter a description in such detail as the Board requires of the method by which and terms for which its directors were chosen, and if the converted bank has not elected by vote of its directors to be subject to section 43, the method of selection and terms of office of the converted Federal savings bank would be in accordance with such description, with such changes, subject to the discretionary approval of the Federal Home Loan Bank Board, as might be made on application by the converted bank. It is to be noted that this provision would not authorize the Board to approve any such changes in the absence of such an application by the bank.

Section 45. Approval of proposed merger, conversion, or liquidation: No Federal savings bank whose directors were elected by the depositors could make application to the Federal Home Loan Bank Board for approval of a merger or consolidation involving such bank, a transfer of assets or liabilities to or from another institution other than in the ordinary course of business, a converison, or a liquidation pursuant to section 25, unless two-thirds of the votes entitled to be cast by depositors had been cast in favor of making the application at a meeting duly called and held for such purpose not more than 6 months before the making of the application. The Board would have regulatory authority with respect to such meetings as set forth in the section.

No bank whose directors were not elected by depositors could make any such application unless two-thirds of the votes which would be entitled to be cast for the election of directors have been cast in favor of making the application.

The Board could except from any or all of the foregoing provisions of this section any case in which it determines that such exception should be made because of an emergency requiring expeditious action or because of supervisory considerations.

Section 46. Proxies: Any proxy by a depositor for the election of directors would be required to be revocable at any time. A proxy given for a proposal to be voted on under subsection (a) of section 45 would likewise be so revocable, would be required to expire in any event not more than 6 months after execution, and would be required to specify whether the holder shall vote in favor of or against the proposal. It is further provided that the Board shall prescribe regulations governing proxy voting and solicitation and requiring disclosure of financial interest, compensation, and remuneration by the bank of persons who are officers and directors or proposed therefor, and such other matters as the Board may deem appropriate in the public interest and for the protection of investors.

In addition, it is provided that the Board shall by regulation provide procedures by which any depositor may at his own expense distribute proxy solicitation material to all other depositors, but these procedures are not to require disclosure by the bank of the identity of its depositors. It is further provided that the Board shall by order prohibit the distribution of material found by it to be irrelevant, untrue, misleading, or materially incomplete and may by order prohibit such distribution pending a hearing on such issues.

Section 47. General provisions relating to directors, officers, and other persons: Section 47 provides that except as provided in paragraph (2) of subsection (b) of the section no director of a Federal savings bank may be an officer or director of any financial institution other than such bank. Said paragraph (2) provides that a director of a converted bank who held office on the date of enactment of this title as a director of the converting institution, and whose service has been continuous, may continue to be a director of any financial institution of which he has continuously so been a director, unless the Board finds after opportunity for hearing that there exists an actual conflict of interest or the dual service is prohibited by or under some other provision of law.

At least one more than half the directors of any Federal savings bank would be required to be persons residing not more than 150 miles from its principal office. No director could receive remuneration as such except reasonable fees for attendance at meetings of directors or for service as a member of a committee of directors, but this provision is not to prohibit compensation for services rendered to the bank in another capacity. The office of a director would become vacant when he had failed to attend regular meetings for a period of 6 months unless excused by resolution duly adopted by the directors prior to or during that period.

With certain exceptions, no bank could make a loan or extend credit (other than on the sole security of deposits) to any director, officer, or employee of the bank or to any person regularly serving the bank as attorney at law, or to any partnership or trust in which any such party has an interest or any corporation in which any of them are stockholders, and no bank could purchase any loan from any such party, partnership, trust, or corporation. However, with prior approval of a majority of the directors not interested in the transaction (this approval to be evidenced by affirmative vote or written assent of such directors) a bank could on terms not less favorable to it than those offered to others, make a loan or extend credit to, or purchase a loan from, any corporation in which any such party owns, controls, or holds with power to vote not more than 15 percent of the outstanding voting securities and in which all such parties own, control, or hold with power to vote not more than 25 percent thereof, full details of the transaction to be reflected in the records of the bank.

Further, a bank could, with the prior approval of a majority of its directors, and on terms not more favorable than those offered to other borrowers, (1) make a loan on the security of a first lien on a home owned and occupied or to be owned and occupied by a director, officer, or employee or a person or member of a firm regularly serving the bank as attorney at law, in such amount as might be permitted by regulation, and (2) make to any such person any loan that it may lawfully make, in an aggregate amount not over $5,000.

Additional provisions of this section would prohibit any bank, director, or officer from requiring (as a condition to any loan or other service by the bank) that the borrower or any other person undertake a contract of insurance or any other agreement or understanding as to the furnishing of other goods or service with any specific company, agency, or individual; would prohibit deposit of funds except with a depositary approved by vote of a majority of all directors, exclusive of any who is an officer, partner, director, or trustee of the depositary; and would, except as otherwise provided by the Federal Home Loan Bank Board, prohibit any bank from purchasing from or selling to any of the persons mentioned in the above prohibitions on loans any securities or other property, with similar 15- and 25-percent exceptions. Also, no bank could pay to any director, officer, attorney, or employee a greater rate of return on his deposits than that paid to other holders of similar deposits.

Where the directors or officers of a bank knowingly violated or permitted any of its directors, officers, employees, or agents to violate any provision of the title or regulations of the Board under authority thereof, or any of the provisions of specified sections of title 18 of the United States Code, every director and officer participating or assenting to such violation shall, the section provides, be held liable in his personal and individual capacity for all damages which the bank, its depositors, or any other persons sustain in consequence of the violation.

Except with prior approval of the Board, no person could serve as a director, officer, or employee of a Federal savings bank if he had been convicted of a criminal offense involving dishonesty or breach of trust, and for each willful violation the bank would be subject to a penalty of not over $100 for each day the prohibition was violated. Finally, no officer, director, or employee of any corporation or unincorporated association, no partner or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation, of stocks, bonds, or similar securities could serve at the same time as an officer, director, or employee of such a bank except in limited classes of cases in which the Board might allow such services by general regulation when in the Board's judgment it would not unduly influence the investment policies of the bank or the advice given by it to its customers regarding investments.

Chapter 5. Sources of funds

Section 51. Reserves: A Federal savings bank could not commence operations until the amount required by section 22(5) had been paid to the bank for an initial reserve, and such reserve could be reduced only by the amount of losses or by retirement of the certificates referred to in section 22(5). The bank would be required to establish, and make such credits and charges to, such other reserves as the Board might prescribe. Subject to such restrictions and limitations as the Board might prescribe, it could retain additional amounts which could be used for any corporate purpose.

Section 52. Borrowings: To such extent as the Board might authorize by regulation or advice in writing, a bank could borrow and issue notes, bonds, debentures, or other obligations or other securities, except capital stock.

Section 53. Savings deposits: A bank could accept savings deposits except from foreign governments and official institutions thereof and except from private business corporations for profit other than financial institutions acting in a fiduciary capacity. It could issue passbooks or other evidences of its obligation to repay such deposits.

Under subsection (b) of this section, a bank could classify its savings depositors according to specified criteria and agree in advance to pay an additional rate of interest based on such classification. However, it would be required to regulate such interest so that each depositor would receive the same rate as all others of his class.

Further provisions of this section would authorize a bank to refuse sums offered for deposit and to fix a maximum amount for savings deposits and repay, on a uniform nondiscriminatory basis, those exceeding the maximum. The bank could require up to 90 days' notice before withdrawal from such deposits, notifying the Board immediately in writing, and the Board, by a finding which must be entered on its records, could suspend or limit withdrawals of savings deposits from any Federal savings bank if it found that unusual and extraordinary circumstances so required.

Interest on savings deposits could be paid only from net earnings and undivided profits, and the Board could provide by regulation for the time or rate of accrual of unrealized earnings.

Section 54. Time deposits: Subject to the same exceptions as in the case of savings deposits, a Federal savings bank could accept deposits for fixed periods not less than 91 days and could issue nonnegotiable interest-bearing time certificates of deposit or other evidence of its obligation to pay such time deposits.

Section 55. Authority of Board: The exercise of authority under sections 53 and 54 would be subject to rules and regulations of the Board, but it is provided that nothing in this section shall confer on the Board any authority as to interest rates other than the additional rate referred to in section 53(b).

Chapter 6. Investments

Section 61. Definitions and general provisions: Section 61 contains definitions and general provisions for the purpose of the investment provisions of the bill.

Among other things, "general obligation" would mean an obligation supported by an unqualified promise or pledging or commitment of faith or credit, made by an entity referred to in section 62(1) or 63(a) or a governmental entity possessing general powers of taxation including property taxation, for the payment, directly or indirectly, of an amount which, together with any other funds available for the purpose, will suffice to discharge the obligation according to its terms.

The term "political subdivision of a State" would include any county, municipality, or taxing or other district of a State, and any public instrumentality, public authority, commission, or other public body of any State or States; "eligible leasehold estate" would mean a leasehold estate meeting such requirements as the Board might prescribe by regulation; and "conventional loan" would mean a loan (other than as referred to in section 70) secured by a first lien on a fee simple or eligible leasehold estate in improved real property.

Section 61 also provides that the Board may authorize any acquisition or retention of assets by a Federal savings bank (including, without limitation, stock in service corporations) on a determination that such action is necessary or advisable for a reason or reasons other than investment, and may exempt or except such acquisition, retention, or assets from any provision of the title.

The same section also provides authority and limitations for acquisition (as distinguished from origination) of loans and investments, and for acquisition by origination or otherwise of participating or other interests in loans and investments. Any such interest must be at least equal in rank to any other interest not held by the United States or any agency thereof and must be superior in rank to any other interest not so held and not held by a financial institution or a holder approved by the Board. It also provides authority for the making of loans secured by an obligation or security in which the bank might lawfully invest, but such a loan may not exceed such percentage of the value of the obligation or security, nor be contrary to such limitations and requirements, as the Board may prescribe by regulation.

Section 62. Investments eligible for unrestricted investment: Section 62 provides that a Federal savings bank may invest in (1) general obligations of, or obligations fully guaranteed as to interest and principal by, the United States, any State, one or more Federal home loan banks, banks for cooperatives (or the Central Bank for Cooperatives), Federal land banks, or Federal intermediate credit banks, the Federal National Mortgage Association, the Tennessee Valley Authority, the International Bank for Reconstruction and Development, or the Inter-American Development Bank, (2) bankers' acceptances eligible for purchase by Federal Reserve banks, or (3) stock of a Federal home loan bank.

Section 63. Canadian obligations: Section 63 provides in subsection (a) that, subject to the limitations in subsection (b), a Federal savings bank may invest in general obligations of, or obligations fully guaranteed as to interest and principal by, Canada or any province thereof. Subsection (b) provides that investments in obligations under this section or under section 64(2) may be made only where the obligation is payable in U.S. funds and where, on the making of the investment, not more than 5 percent of the bank's assets will be invested in Canadian obligations, and, if the investment is in an obligation of a province, not more than 1 percent of its assets will be invested in obligations of such province. "Canadian obligation" is defined as meaning tne above mentioned obligations and obligations of Canada or a province thereof referred to in section 64(2).

Section 64. Certain other investments: Subject to a limitation of 2 percent of the bank's assets invested in securities and obligations of one issuer, and to such further limitations as to amount and such requirements as to investment merit and marketability as the Board may prescribe by regulation, a bank may invest in (1) general obligations of a political subdivision of a State, (2) revenue or other special obligations of Canada or a province thereof or of a State or political subdivision thereof, (3) obligations or securities (other than equity securities) issued by a corporation organized under the laws of the United States or a State, (4) obligations of a trustee or escrow agent under section 22(5) or certificates issued thereunder, and subordinated debentures of a mutual thrift institution insured by the Federal Deposit Insurance Corporation or the Federal Savings Insurance Corporation (the name to which the Federal Savings and Loan Insurance Corporation would be changed by section 201), or (5) equity securities issued by any corporation organized under the laws of the United States or of a State. This authority is subject, in the case of such equity securities, to a further requirement that at the time of the investment the reserves and undivided profits of the bank equal at least 5 percent of its assets and that on the making of the investment the aggregate amount of all equity securities then so held by the bank not exceed 50 percent of its reserves and undivided profits and the quantity of equity securities of the same class and issuer held by the bank not exceed 5 percent of the total outstanding. For the purposes of this section the Board could by regulation define "corporation" to include any form of business organization.

Section 65. Real estate loans: Conventional loans could be made, subject to such restrictions and requirements as the Board might by regulation prescribe as to appraisal and valuation, maturity (not over 30 years in the case of loans on one- to four-family residences), amortization, terms and conditions, and lending plans and practices. No such loan could result in an aggregate indebtedness of the same borrower exceeding 2 percent of the bank's assets or $35,000, whichever was greater. Also, no such loan secured by a first lien on a fee simple estate in a one- to four-family residence could exceed 80 percent, or in the case of any other real property 75 percent, of the value of the property except under such conditions and subject to such limitations as the Board might prescribe by regulation. Further, no loan secured by a first lien on a leasehold estate could be made except in accordance with such further requirements and restrictions as the Board might so prescribe.

Loans for the repair, alteration, or improvement of any real property could be made under such prohibitions, limitations, and conditions as the Board might prescribe by regulation. Loans not otherwise authorized under the title but secured by a first lien on a fee simple or eligible leasehold estate in unimproved property could be made, provided the loan was made in order to finance the development of land to provide building sites or for other purposes approved by the Board by regulation as in the public interest and provided the loan conformed to regulations limiting the exercise of such power and containing requirements as to repayment, maturities, ratios of loan to value, maximum aggregate amounts, and maximum loans to one borrower or secured by one lien which were prescribed by the Board with a view to avoiding undue risks to such banks and minimizing inflationary pressures on land in urban and urbanizing areas.

The section contains a provision that a bank investing in a loan where the property securing the loan is a one- to four-family residence more than 100 miles and in a different State from the principal office of the bank must retain for such loan a Federal Housing Administration-approved mortgagee resident in such other State to act as independent loan servicing contractor and to perform loan servicing functions and such other related services as were required by the Board.

Section 66. Loans upon the security of deposits or share accounts: A Federal savings bank could make any loan secured by a deposit in itself or, to such extent as the Board might permit by regulation or advice in writing, secured by a deposit or share account in another thrift institution or a deposit in a commercial bank.

Section 67. Loans secured by life insurance policies: A Federal savings bank could make a loan secured by a life insurance policy, not exceeding the cash surrender value.

Section 68. Unsecured loans: Unsecured loans not otherwise authorized under the title could be made, but only to such extent as the Board might permit by regulation, and then not if the loan would increase the outstanding principal of such loans to any principal obligor, as defined by the Board, to more than $5,000. No loan could be so made if any obligor was a private business corporation for profit.

Section 69. Educational loans: Subject to such prohibitions, limitations, and conditions as the Board might prescribe by regulation, a Federal savings bank could invest in loans, obligations, and advances of credit made for the payment of expenses of college or university education, up to a limit of 5 percent of the bank's assets.

Section 70. Insured or guaranteed loans: A Federal savings bank could, unless otherwise provided by regulations of the Board, make any loan the repayment of which was wholly or partially guaranteed or insured by the United States, a State, or an agency of either, or as to which the bank had the benefit of such insurance or guaranty or of a commitment or agreement therefor.

Chapter 7. Miscellaneous corporate powers and duties

Section 71. General powers: Section 71 provides that a Federal savings bank shall be a corporation organized and existing under the laws of the United States and sets forth miscellaneous corporate powers, which are to be subject to such restrictions as may be imposed under the title or other provisions of law or by the Board. It also provides that such a bank shall have power to do all things reasonably incident to the exercise of such powers. The specified powers would include the power to sell mortgages and interests therein, and to perform loan servicing functions and related services for others in connection with such sales, provided the sales are incidental to the investment and management of the funds of the bank.

Section 72. Service as depositary and fiscal agent of the United States: Section 72 provides that when so designated by the Secretary of the Treasury a Federal savings bank shall be a depositary of public money, except receipts from customs, under such regulations as he may prescribe, and may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as such depositary and agent as may be required of it.

Section 73. Federal Home Loan Bank membership: On issuance of its charter, a Federal savings bank would automatically become a member of the Federal Home Loan Bank of the district of its principal office, or if convenience required and the Board approved, of an adjoining district. It is provided that such banks shall qualify for such membership in the manner provided in the Federal Home Loan Bank Act for other members.

Section 74. Change of location of offices: A Federal savings bank could not change the location of its principal office or any branch except with the approval of the Board.

Section 75. Liquidity requirements: A Federal savings bank would be required to maintain liquid assets consisting of cash and obligations of the United States in such amount as, in the Board's opinion, was appropriate to assure the soundness of such banks. Such amount could not, however, be less than 4 percent or more than 10 percent of the bank's obligation on deposits and borrowings, and the Board could specify the proportion of cash and the maturity and type of eligible obligations. The Board could classify such banks according to type, size, location, withdrawal rate, or such other basis or bases as it might deem reasonably necessary or appropriate for effectuating the purposes of the section.

In addition, the Board could require additional liquidity if in its opinion the composition and quality of assets, the composition of deposits and liabilities, or the ratio of reserves and surplus to deposits required further limitation of risk to protect the safety and soundness of a bank or banks. The total of the general liquidity requirement and of this special liquidity requirement could not exceed 15 percent of the obligation of the bank on deposits and borrowings.

The general liquidity requirement would be computed on the basis of average daily net amounts covering periods established by the Board, and the special liquidity requirement would be computed as the Board might prescribe. Penalties for deficiencies in either requirement are provided for. The Board would be authorized to permit a bank to reduce its liquidity if the Board deemed it advisable to enable the bank to meet requests for withdrawal, and would be authorized to suspend any part or all of the requirements in time of national emergency or unusual economic stress, but not beyond the duration of such emergency or stress.

Chapter 8. Taxation

Section 81. State taxation: Section 81 provides that no State or political subdivision thereof shall permit any tax on Federal savings banks or their franchises, surplus, deposits, assets, reserves, loans, or income greater than the least onerous on any other thrift institution. It further provides that no State other than the State of domicile shall permit any tax on such items in the case of Federal savings banks whose transactions within such State do not constitute doing business, except that the act is not to exempt foreclosed properties from specified types of taxation. The section also defines "doing business" and other terms used in the section.

Chapter 9. Enforcement

Section 91. General provisions: Section 91 states the power of the Board to enforce the title and rules and regulations thereunder and the extent to which the Board is authorized to act in its own name and through its own attorneys. It also provides that the Board shall be subject to suit, other than on claims for money damages, by any Federal savings bank with respect to any matter under the title or any other applicable law, or rules and regulations thereunder, in the U.S. district court for the district of the bank's principal office or in the U.S. District Court for the District of Columbia. It further provides as to service of process on the Board.

Section 92. Cease-and-desist orders: If in the opinion of the Board a Federal savings bank is violating or has violated or is about to violate any law, rule, or regulation, or is engaging or has engaged or is about to engage in any unsafe or unsound practice, the Board is to serve on the bank a notice of charges, including the fixing of a time and place at which a hearing will be held, not later than 60 days after service unless a later date is set by the Board at the request of the bank. If, on the record, the Board finds that any violation or practice specified in the notice has been established, it is to cause to be served on the bank an order to cease and desist therefrom.

Such a cease-and-desist order is to become effective at the expiration of 30 days after service and is to remain effective and enforcible except as it is stayed, modified, terminated, or set aside by the Board or a reviewing court. Judicial review of such an order is to be exclusively as provided in section 96.

If the Board determines that the continuation of the violation or violations or the unsafe or unsound practice or practices specified in the notice of charges could cause insolvency (as defined in sec. 94(a)) or substantial dissipation of assets or earnings, or otherwise seriously prejudice the interest of the depositors, the Board may issue a temporary order requiring the bank to cease and desist from any such violation or practice. Such a temporary order is to become effective on service and to remain effective and enforcible pending completion of the administrative proceedings pursuant to the notice, until the Board dismisses the charges or, if a cease-and-desist order is issued, until the effective date of such order.

Within 10 days after service of a temporary cease-and-desist order the bank may apply to such a court as is mentioned in section 91 for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings. In case of violation or threatened violation of or failure to obey a temporary cease-and-desist order the Board may apply to the U.S. district court, or the U.S. court of any territory, within the jurisdiction of which the principal office of the bank is located, for an injunction to enforce the order. If the court determines that there has been such violation or threatened violation, or such failure, the court is to issue such injunction without consideration of any other issue or matter.

Where a bank is served with a notice of charges under the foregoing provisions of the section, or a director or officer is served with a notice of intention to remove under section 93, and admits the charges, the bank, or the director or officer, may within 30 days apply to the court of appeals of the United States for the district in which the bank's principal office is located, or the U.S. Court of Appeals for the District of Columbia Circuit, for a declaratory judgment or other relief with respect to the constitutionality of any law, rule, or regulation which is the subject matter of the notice.

In such case the court is to have jurisdiction to enter an order, judgment, or decree determining the validity of, or affirming, terminating, or setting aside the notice, or to issue a cease-and-desist order or an order of removal, or other orders consistent with the notice. However, the court is to dismiss any such proceeding whenever it appears that there is a genuine issue as to any material fact.

Section 93. Suspension or removal of director or officer: When in the opinion of the Board a director or officer of a bank has committed a violation of a cease-and-desist order which has become final or a violation of law, rule, or regulation, or has engaged or participated in an unsafe or unsound practice in connection with the bank or has committed or engaged in an act, omission, or practice constituting a breach of his fiduciary duty as such, and has willfully continued the same after written warning by the Board not to do so, the Board may serve on him a written notice of intention to remove him and may suspend him from office.

Such a suspension is to become effective upon such service and, unless stayed in proceedings hereinafter mentioned, is to remain in effect until terminated or set aside by the Board or until the director or officer is removed.

A notice of intention to remove is to fix a time and place for a hearing, which must be fixed for a date not earlier than 30 days after service. If, on the record, the Board finds that any of the grounds has been established, it is to issue such orders as it deems appropriate, including an order of removal. In connection with any such order the Board may provide for the suspension or invalidation of proxies, consents, or authorizations held by the director or officer in respect of voting rights in the bank. Judicial review is to be exclusively as provided in section 96. However, the director or officer may, within 10 days after suspension, apply to the U.S. district court for the district of the bank's principal office, or the U.S. District Court for the District of Columbia, for a stay of the suspension pending the completion of the administrative proceedings for removal.

In addition to the foregoing provisions, section 93 provides that when a director or officer is charged in an information or indictment with commission of or participation in a felony involving the affairs or business of any institution the accounts of which are insured by the Federal Savings Insurance Corporation, the Board may suspend him by written notice served on him. If he is convicted, he would thereupon cease to be a director or officer of the bank, but if found not guilty the suspension would terminate. A finding of not guilty would not preclude the Board from thereafter instituting proceedings to remove him under the other provisions of the section.

The section also provides that if, because of suspension of one or more directors, there is less than a quorum of directors not suspended, the powers and functions of the board of directors shall vest in the director or directors not suspended, and that if all are suspended the Board shall appoint persons to serve pending termination of the suspension or until the suspended directors cease to be directors and their successors take office.

Section 94. Conservatorship and receivership: Section 94 provides the following grounds for appointment of a conservator or receiver for a Federal savings bank: (1) Insolvency in that the bank's assets are less than its obligations to creditors and others, including depositors; (2) substantial dissipation of assets or earnings due to violation or violations of law, rules, or regulations, or unsafe or unsound practice or practices; (3) an unsafe or unsound condition to transact business; (4) willful violation of a cease-and-desist order which has become final; (5) concealment of books, papers, records, or assets, or refusal to submit books, papers, records, or affairs to an examiner or lawful agent of the Board.

If in the opinion of the Board such a ground exists and the Board determines that a cease-and-desist order or temporary cease-and-desist order under section 92 would not adequately protect the interests of the public or the depositors or of the Federal Savings Insurance Corporation, the Board may appoint a conservator or receiver ex parte and without notice. Within 30 days thereafter the bank could bring an action in such a court for an order requiring the Board to remove the conservator or receiver. The Board could also appoint a conservator or receiver without any requirement of notice, hearing, or other action if the bank, by resolution of its board of directors, consents thereto, the bank's Federal Home Loan Bank membership or its status as an insured institution is terminated, or the bank has failed for 90 days to pay a withdrawal application in full. Only the Federal Savings Insurance Corporation could be appointed as receiver.

Section 95. Hearings and relief: Any hearing provided for in this chapter must be held in the Federal judicial district, or the territory, in which the bank's principal office is located, unless the party afforded the hearing consents to another place. Any such hearing must be conducted in accordance with the provisions of the Administrative Procedure Act. After the hearing, and within 90 days after the Board notifies the parties that the case has been submitted to it for final decision, the Board must render its decision and cause an order or orders to be served on each party. The Board could, on such notice and in such manner as it deemed proper, modify any such order or terminate it or set it aside, unless a petition for review had been filed as provided in section 96, and it could do so thereafter with permission of the court.

Section 96. Judicial review: Judicial review would be by filing a written petition in the court of appeals of the United States for the circuit of the bank's principal office, or the U.S. Court of Appeals for the District of Columbia Circuit, within 30 days after the service of the order. The clerk of the court would thereupon transmit a copy of the petition to the Board and the Board would file in the court the record of the proceeding as provided in 28 U.S.C. 2112. Review would be as provided in the Administrative Procedure Act, and the judgment and decree of the court would be final except that it would be subject to review by the Supreme Court on certiorari as provided in 28 U.S.C. 1254. Commencement of review proceedings would not, unless specifically ordered by the court, operate as a stay of an order issued by the Board.

Section 97. Enforcement: Section 97 provides that the Board in its discretion may apply to the U.S. district court or the U.S. court of any territory within the jurisdiction of which the bank's principal office is located for the enforcement of any effective and outstanding order of the Board under the chapter. It also provides that any court having jurisdiction of a proceeding instituted under the chapter by a Federal savings bank or an officer or director thereof may allow to any such party such reasonable expenses and attorneys' fees as it deems just and proper, and that the same shall be paid by the bank or from its assets.

Section 98. Miscellaneous provisions: Section 98 contains various ancillary provisions, including provisions as to oaths and affirmations, depositions, and subpenas and subpenas duces tecum. It provides that all expenses of the Board or the Federal Savings Insurance Corporation in connection with the chapter shall be considered as nonadministrative expenses. It further provides as to how service may be made and authorizes the Board to make rules and regulations for reorganizations, liquidation, and dissolution of Federal savings banks, for consolidations in which the resulting institution or one or more of the consolidating institutions is such a bank, and for such banks in conservatorship and receivership, and for the conduct of conservatorships and receiverships.

Section 99. Criminal penalties: Section 99 provides criminal penalties for directors or officers, or former directors or officers, who, with knowledge of a suspension or of an order of removal which has become final, participate in the conduct of the bank's affairs, solicit or procure proxies, consents, or authorizations in respect of voting rights in the bank, or vote or attempt to vote any such proxies, consents, or authorizations. It also provides criminal penalties for any of the same who, without prior written approval of the Board, serve or act as director, officer, or employee of any institution whose accounts are insured by the Federal Savings Insurance Corporation, and further provides that where a conservator or receiver demands possession of property, business, or assets of a Federal savings bank the refusal by a director, officer, employee, or agent of the bank to comply with the demand shall be criminally punishable. The penalty for violation of the section would be a fine of not over $5,000 or imprisonment for not over 1 year, or both.

TITLE II

Section 201. Change of name of insurance corporation: Section 201 would change the name of the Federal Savings and Loan Insurance Corporation to Federal Savings Insurance Corporation, which is more accurately descriptive of its function.

Section 202. Mergers and similar transactions involving insured institutions: Section 202 of the draft bill would amend section 402 of the National Housing Act by providing that without the prior written approval of the Federal Home Loan Bank Board no mutual savings bank which is an insured institution (that is, an institution the accounts of which are insured by the Federal Savings Insurance Corporation) shall become a party to a merger or consolidation or to a transaction by which, otherwise than in the ordinary course of business, such bank transfers or acquires assets or transfers or assumes liabilities.

The section provides that the Board shall not grant approval unless it determines that the proposed transaction will be in the public interest, taking into consideration its effect on competition (including any tendency toward monopoly) and such other factors as the Board deems appropriate.

Further provisions of the section, applicable unless the transaction is one to which section 32 of the bill or subsection (c) of section 18 of the Federal Deposit Insurance Act (which latter provision is commonly referred to as the Bank Merger Act) is applicable, are similar to provisions of said section 32, including provisions as to reports of the Attorney General, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.

Section 203. Insurance by the Federal Savings Insurance Corporation: Section 203 would require the Federal Savings Insurance Corporation to insure the deposits of each Federal savings bank and authorize it to insure the deposits of mutual savings banks chartered or organized under the laws of the States, the District of Columbia, and the territories and possessions.

Section 204. Conforming amendments to section 406 of National Housing Act: Section 204 would make conforming amendments to provisions of section 406 of the National Housing Act affected by the extension of insurance under title IV of that act to deposits in Federal savings banks and mutual savings banks of the States, the District of Columbia, and the territories and possessions.

Section 205. Conforming amendment to section 407 of the National Housing Act: Section 205 of the draft bill would amend section 407 of the National Housing Act (relating to termination of insurance of accounts by the Federal Savings Insurance Corporation) so as to include Federal savings banks along with Federal savings and loan associations among the institutions which cannot voluntarily terminate their insurance with the Federal Savings Insurance Corporation.

Section 206. Change of insurance from Federal Deposit Insurance Corporation to Federal Savings Insurance Corporation: Section 206 provides that when a State-chartered mutual savings bank insured by the Federal Deposit Insurance Corporation qualifies to be insured by the Federal Savings Insurance Corporation or is converted into a Federal savings bank or merged or consolidated into a Federal savings bank or a savings bank which is, or within 60 days becomes, an insured institution under section 401 of the National Housing Act (relating to the Federal Savings Insurance Corporation), the FDIC shall calculate the amount in its capital account attributable to such mutual savings bank, as set forth in the draft bill. This amount is to be paid, as set forth in the bill, by the FDIC to the Federal Savings Insurance Corporation.

Section 207. Eligibility of mutual savings banks for FDIC insurance: Section 207 would end the future eligibility for FDIC insurance of those mutual savings banks which the bill would make eligible for Federal Savings Insurance Corporation insurance. It would not affect the FDIC insurance of mutual savings banks which on the effective date of the new provisions were insured by the FDIC.

Section 208. Amendment of criminal provisions: Section 208 would amend a number of specified provisions of title 18 of the United States Code, which relates to crimes and criminal penalties. The principal object of these amendments is to extend those provisions so as to make them applicable to Federal Home Loan Bank members and institutions insured by the Federal Savings Insurance Corporation, which would have the effect of making them applicable to Federal savings banks since all such banks would be required by the draft bill to have such membership and insurance.

Section 209. Technical provisions: Section 209 provides that headings and tables shall not be deemed to be a part of the act and that no inference, implication, or presumption shall arise by reason thereof or by reason of the location or grouping of any section, provision, or portion of the act or any title of the act.

Section 210. Separability: Section 210, the last section, is a separability provisions along usual lines.

THE PRESIDENT AND THE CANAL TREATY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BURTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BURTON of California. Mr. Speaker, President Johnson deserves to be commended for his announcement that the United States is ready to scrap the Panama Canal Treaty of 1903 and draft a new one which will recognize the legitimate rights of the Republic of Panama. This is the judgment of the San Francisco Chronicle, as expressed in a recent editorial, and it is also my own.

The present canal in Panama, with its narrow locks and limited capacity, is obsolescent. It will soon be altogether obsolete. The treaty between Panama and the United States, negotiated under the conditions which prevailed in 1903, is also obsolete.

It is the creature of another age. It has served its purpose, but it is a continuous reminder to the small and relatively defenseless nations of the earth of those days when the only law of nations was the rule of the stronger.

It is the overriding policy of the United States to avoid a return to that kind of morality in this nuclear era. We can scarcely ask others to do what we refuse to do ourselves. We ask of others that they seek reasonable and just solutions to their differences.

We ask others to put aside might and seek the right. If we wish this message to be heard, we, ourselves, can do no less.

This principle has been eloquently set forth in a few short paragraphs in the editorial of the San Francisco Chronicle to which I allude, and I include that editorial in its entirety in the Record where all the Members may have an opportunity to read it:

The Canal Treaty

President Johnson deserves to be commended for his announcement that the United States is ready to scrap the Panama Canal Treaty of 1903 and draft a new one which will recognize the Republic of Panama's sovereignty over the Canal Zone and give the Panamanians a share in the management and profits of canal operations.

Through at least four Washington administrations, the canal has been a divisive ditch between rational officials and the muzzle-loader patriots who battled any solution except continued U.S. rule in the Canal Zone. Included among these flag wavers who have proved so difficult to defeat were Americans living in the zone—and living well, under the status quo. Many of them exhibited a stiff-backed refusal to acknowledge the rights and the human dignity to which the Panamanians are entitled. It is encouraging that after prolonged struggle with these American obstructionists, good sense now seems to be winning.

Scrapping the old treaty is long overdue. It was signed in 1903 by dint of what could only be called gunboat diplomacy. President Truman, in 1945, recognized this and suggested that the Canal Zone should be internationalized, rather than governed by the United States. Nothing was done about that. President Eisenhower later declared that the Panama flag should be accorded equal display in the zone. While this was done, rioting in 1964 gave evidence that the only satisfactory solution would be a whole new treaty.

International control of the canal by the United Nations, a proposal never fully explored, might have much to recommend it. Nevertheless, the current proposal of President Johnson, by which the United States and Panama could achieve a working partnership, certainly should be a forward step.

PANAMA CANAL SOVEREIGNTY: VIEWS OF SECRETARY OF STATE DULLES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FLOOD. Mr. Speaker, on previous occasions when addressing this body, I have quoted significant statements on the question of Panama Canal sovereignty by some of our country's greatest leaders. Among those cited were John Hay, when he was Secretary of State; William Howard Taft, when he was Secretary of War, President-elect, and President; Charles Evans Hughes, when he was Secretary of State; and Theodore Roosevelt, when he was ex-President.

After the Suez crisis in 1956, I received information from a former staff member of one of our embassies in Latin America to the effect that Secretary of State John Foster Dulles had issued an order to the Foreign Service of the United States which was read by our Ambassador in that country to his assembled staff. As reported to me, this order by Secretary Dulles stated that the Suez and Panama Canal situations were dissimilar, that no officer in the Foreign Service, in conversation, speaking or writing, was to equate the status of the Panama Canal with that of the Suez Canal, and that violators of the order would be disciplined.

Subsequently, I endeavored to obtain a copy of this order of Secretary Dulles from the Department of State but was advised that it could not be located. Later, however, in the discussion following an informal address in Washington in 1963 on the Panama Canal by a representative of the Department of State, this official, in replying to a question from the floor about the 1956 Dulles order, admitted that it was still binding.

Recently, I located a news dispatch from Panama in the August 29, 1956, issue of the Evening Star, Washington, D.C., quoting statements made by Secretary Dulles in Washington as regards the difference between the Suez and Panama Canal situations. This published statement confirms the key points in the order of Mr. Dulles that was read to the Embassy staff in the Latin American country.

In order that this significant declaration by Secretary Dulles may be recorded in the permanent annals of the Congress for reference in connection with Panama Canal sovereignty statements of our other leaders previously mentioned in the current canal treaty debates, I quote it as part of my remarks:

Dulles Stirs Up Panama and Japan, All in 1 Day

Panama, August 29.—Secretary of State Dulles' latest comparison of the Panama and Suez Canals today heightened a new flare-up of anti-U.S. feeling in Panama.

The Secretary told a news conference in Washington yesterday the United States has all the rights in the Canal Zone which it would possess if it were the sovereign—"to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, powers, or authority."

His statement landed squarely in the middle of one of the touchiest points in relations between Panama and the United States. Within hours Foreign Minister Alberto Boyd got out a statement taking issue with Mr. Dulles and outlining Panama's position.

SOVEREIGNTY RETAINED

Panama has steadfastly claimed sovereignty over the Canal Zone, as distinct from jurisdictional rights granted to the United States by treaty. Panama's position is that the rights given the United States were only for the purposes of construction, operation, maintenance and defense of the waterway.

Mr. Dulles got into the Panama question with a statement declaring the situation pertaining to the Suez Canal and the Panama Canal are "totally dissimilar in two vital respects." He said the Suez was internationalized by the treaty of 1888, while the United States has rights of sovereignty over the Panama Canal.

The second dissimilar aspect, he went on, involves the dependence of a large number of countries on the Suez and their fear that this lifeline may be cut.

DIFFERENCE SEEN IN PANAMA

"As far as I am aware," Mr. Dulles said, "no country anywhere in the world fears that its economy is jeopardized by our possible misuse of our rights in the Panama Canal."

Replying, Mr. Boyd pointed out the Panama Canal was built on Panamanian territory and said the provisions on neutralization and freedom of transit in the Constantinople convention of 1888, internationalizing the Suez Canal, are applicable to the Panama waterway.

MENTAL RETARDATION, POVERTY, AND OPTIMAL DEVELOPMENTS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Fogarty] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks, I would like to include a speech which I delivered at the 45th annual convention of Civitan International on Tuesday, June 29, 1965:

Mental Retardation, Poverty, and Optimal Developments

(Remarks of U.S. Representative John E. Fogarty, 2d Congressional District of Rhode Island, at the 45th annual convention of Civitan International, June 29, 1965, Sheraton-Park Hotel, Washington, D.C.)

Mr. LeBlanc, honored guests, and gentlemen of Civitan International, the particular pleasure which I am experiencing in being with you today is derived from two sources. First, it is a pleasure to be with a group like yours which I know has contributed so much to the mentally retarded in your communities. Second, in recent years the occasions on which I have spoken about mental retardation have been hopeful occasions.

The progress we have made against this complex and multidimensional problem has been steady, continuous, and visible. I think you need only to look back on your own first efforts in this field to verify this statement. I venture to say that each of you could be witness to the fact that attitudes toward the mentally retarded—and toward mental retardation—have changed. You, like me, cannot help but be aware that we have made great medical and scientific advances against this condition. The political victories we have won are equally impressive: the array of legislation directed toward conquering mental retardation which has been enacted in recent years is unparalleled in the history of our country. No other handicapping condition has been the object of so much governmental concern.

To give you an overview of what I mean by this last statement, I would like to run over briefly the activities relating to mental retardation that are underway in just one of our executive agencies, the Department of Health, Education, and Welfare. Then I would like to discuss briefly the way in which the war against poverty ties into the war against mental retardation. Finally, I would like to focus your attention on what I believe will be the next great front in this war: the assault we are just beginning to make to insure that each child's cognitive powers are developed to the utmost.

As we advance in this area, I think we will find that the battle against mental retardation has also become a battle for optimal development.

Present programs in the Department of Health, Education, and Welfare relating to mental retardation are wide. They provide services to the mentally retarded—through State health departments and crippled children's agencies that use maternal and child health funds administered by the Children's Bureau and Welfare Administration. These funds are designed to increase the services available to the retarded, enlarge existing mental retardation clinics and increase the number of clinics.

Present programs of the Department provide for the professional preparation of persons to work on mental retardation problems and with the mentally retarded. Under programs of the Office of Education, approximately 2,400 fellowships and traineeships were awarded last year for the training of teachers of mentally retarded children. Other training programs included support of professional preparation programs in the following areas: research training in the basic and clinical biological, medical, and behavioral sciences; training of professional personnel for the provision of health, social, and rehabilitative services for the mentally retarded; in-service training of workers in institutions of the mentally retarded.

Last year research programs of the Office of Education, the Public Health Service, the Vocational Rehabilitation Administration and the Children's Bureau were directly related to mental retardation. This research was being carried out on many levels. Some of it was basic research—for example, into the nature of metabolic errors. Some of it was designed to provide demonstration projects in areas such as diagnostic services, adolescent retardation, and improvement of services in institutions for the mentally retarded.

The construction programs administered by the Public Health Service provides for the construction of three types of facilities for the mentally retarded. They provide for research centers for the development of new knowledge for preventing and combating mental retardation. They provide for university-affiliated facilities to train physicians and other professional personnel vitally needed to work with the mentally retarded. The construction of community facilities for the mentally retarded also began this year.

These facilities will provide for a variety of services: diagnosis, treatment, education, training or care of the mentally retarded, including sheltered workshops.

In addition to these programs for construction, research, training and services, a program administered by the Department is providing funds to assist the States in planning comprehensive mental retardation programs. Also five federally supported public assistance programs help to maintain the income of children deprived of parental care and of persons permanently and totally disabled by reason of mental retardation.

These, very briefly are the programs already being carried out by the Federal Government to benefit the mentally retarded, and to prevent mental retardation. Funds obligated in the Department have increased from less than $15 million in fiscal year 1956 to an estimated $239 million for the current fiscal year, and a projected expenditure of almost $281 million in the fiscal year beginning July 1. The programs are constantly being expanded, and new legislation is continually being enacted to broaden their scope, and to create new programs when needed.

For example, recently enacted legislation greatly expands existing provisions for research and training in the education of mentally retarded children. Under the provisions of this new legislation, appropriations to assist in the education of handicapped children will increase from $19.5 to $24.5 million, and authorization for the appropriations for training teachers of the handicapped and for demonstration projects is extended through fiscal year 1971.

To this broad range of activities, carried out by the Department of Health, Education, and Welfare and directed against mental retardation, has been added the new programs directed against poverty. In truth, the war against mental retardation and the war against poverty are in large part aimed at common enemies. Though some of the retarded are born to moderate and well-to-do families, and many of the economically deprived have good intelligence, an overwhelming majority of the retarded—perhaps as high as 90 percent—are concentrated in the socially, economically, and culturally deprived segments of our society.

It is not suggested that poverty by itself causes mental retardation any more than it causes crime, alcoholism, mental illness and drug addiction. Yet the frequency with which these social ailments occur among the poor cannot be lightly dismissed as merely coincidental. Deeply rooted with the poverty syndrome are a host of social stress factors—chronic and acute—which directly or indirectly contribute to biological, intellectual and social dysfunction and which militate against the optimal development of those caught in the web of deprivation.

For example, among the mentally retarded in whom there is an identifiable organic cause for their condition there is a highly significant group of mothers who, because of medical indigency and substandard living conditions, are particularly vulnerable to prematurity, complications of pregnancy and various disease processes. These factors, biomedical in nature and known agents in mental retardation, are not easily disassociated from the social environment in which they so frequently occur.

Organic retardation, while obviously not a phenomenon unique to disadvantaged families, is aided and abetted by social forces hostile to maternal and child health. These forces account, in large measure, for the poor quality of human reproduction in this country. Despite the highest standard of living anywhere, we rank only 11th among the nations having the lowest rates of infant mortality and morbidity—a fact which I, for one, find shocking each time it is brought to my attention.

Among the 30 million people who populate our city and rural slums, in our Southern States, in the charity hospital of our cities and in the depressed areas of rural Appalachia, these rates and those for prematurity and other childbearing complications are extremely high.

Better prenatal care, improved diets, and skilled management of complicated pregnancies should markedly reduce our casualties from difficulties associated with human reproduction, but our success will be limited unless we alleviate the social conditions in which these disabilities fester.

The large majority of the retarded—estimated to be from 75 to 85 percent—and falling generally within the mild range of intellectual disability, have no demonstrable brain damage, insofar as we can tell using present instruments for measurement. The causes of retardation in this group are not, as yet, completely understood. But the remarkably heavy prevalence of persons affected in the lowest socioeconomic segment of society is a clear indictment of the causative or contributory role played by adverse environmental conditions.

The underprivileged child is in a real sense a victim of his social heritage. Often he lacks proper nutrition and health care, gets little mental stimulation and incentive to learn, and few constructive guidelines to follow in patterning his behavior. Even when he is well-born physiologically, his chances to be well-reared are minimal. And when he, too, must assume the burdens of self-support and parental responsibility, he can give no more to his children than he himself received.

So important are the social-economic factors of human development that what was said by one investigator is substantially correct:

"There are two determinants of intellectual growth: a completely necessary innate potential * * * and a completely necessary stimulating environment. It is not to the point to ask which is more important; hypothetically, we might expect that intelligence will rise to the limit set by heredity or environment, whichever is lower. Given a perfect environment, the inherited constitution will set the pace; given the heredity of a genius, the environment will do so."

The unfavorable social conditions into which many children are born does not provide the completely necessary stimulation for optimal growth. While few of the offspring of chronically disadvantaged parents have the potential of a genius, neither are most born with defective intellect. Rather, retardation is thrust upon them by forces which prevent the realization of their innate potential.

These negative forces are now being attacked by the war against poverty. Still in its initial stages, this war will undoubtedly have significant results in the next few years. If each community took good care of its childbearing mothers, assuring them of proper care; if each community took good care of its infants, assuring them adequate nutrition and medical care, and helping the infant's parents give them loving care and appropriate experiences with living; if each community undertook to develop fully the intellectual potential of its toddlers and preschool children, the effects these measures would have upon both poverty and mental retardation would be enormous.

And the quality of the human beings we produce and develop would be permanently and visibly improved.

It is at this point that our battle against mental retardation will become a battle for optimal development.

Already investigators preoccupied with problems of mental retardation—and with cultural deprivation—are producing results which lead as naturally, when the time comes, the point where a new social imperative is developed—that the optimal development of each of our citizens is an obtainable social goal.

In our search for the fulfillment of this American dream, we will need to learn a great deal more about how human beings achieve the cognitive development which enables them to master and form their environment. The Head Start program, though now centered around the problem of how we may help deprived children become ready for the learning experiences of our public schools, is a beginning in this direction. It recognizes that the child brings to his school experience habits of mind and thought and life experiences which will enable him to learn, or insure that he will fail. It recognizes the truth of the old saying: "When the pupil is ready, the teacher will come."

When you return to your communities, and continue the work which you are doing to combat mental retardation, I hope you will remember the larger battlefield within which it is being fought—a battlefield which also contained within it elements of the war against poverty, and for the ultimate achievement of the American dream of individual excellence.

LOST GOALS IN AFRICA

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Reuss] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. REUSS. Mr. Speaker, the emerging nations of Africa are playing an increasing role in world affairs. U.S. policies toward these new countries must be reviewed constantly.

In the October 1965 issue of Foreign Affairs there appears a thought-provoking article by Arnold Rivkin, of the International Bank for Reconstruction and Development on the crucial subject of our relations with the countries of Africa. As I believe that Mr. Rivkin's thoughtful analysis of our African policies will be of interest to Members of this House, I include the text of the article:

Lost Goals in Africa

(By Arnold Rivkin)

U.S. policy in Africa has lost much of its credibility for a large part of the African continent. We have held out hope for more than we have, in the event, been able or willing to deliver. Often the promise of brave words was extravagant and unwise; but what is noticed is that it has not been matched by congruent acts. We have seemed to say one thing and do another. For example, to most of Africa the unqualified and warmly welcomed pronouncement of the U.S. Assistant Secretary of State for African Affairs—"the United States stands for self-determination in Africa"—appears to have been disregarded, even repudiated, in practice, with respect to what in African eyes is the acid test of our bona fides, the "white redoubts" in southern Africa. Again, in promising major and growing American aid for a decade of development we declared it to be a primary necessity, opportunity, and responsibility of the United States to help make a historic demonstration that economic growth and political democracy can go hand in hand in building free, stable, and self-reliant countries. This hope has now been substantially dissipated by the evolution of the U.S. aid syndrome in Africa—initial good intentions, objective standards, policies of rewarding merit, yielding to the pressures of the moment, the putting out of fires, the special concern for "bad boys," "problem children" and the crisis-prone, the needs of containment, the special interest of allies, the U.S dollar drain, etc.

So, too, our promise of uncritical support for African aspirations and goals—as if all of Africa shared the same set of aspirations and goals: "What we want for Africa," said the Assistant Secretary of State for African Affairs, "is what the Africans want for themselves." Its naivete was exposed when it came up against the shattering realities of African diversity and division in the renewed Congo crisis. The inability of the Organization of African Unity to cope with the crisis only served to emphasize the lack of agreement in Africa on aspirations and goals. The aftermath of the Congolese rescue operation in November 1964 brought this message home to the United States. One part of Africa responded with what Ambassador Stevenson called an unprecedented torrent of abuse, verbal violence, hatred, and malign accusations against the United States. Another part silently acquiesced or openly approved the Belgian-American action.

There is a prevalent feeling among Africans that after a brief encounter the United States has lost interest and is having second thoughts about Africa. Have we and are we?

Africa more than any other area of the world was to assume a new importance under the Kennedy administration; Africa was to be a new frontier for U.S. foreign policy. This was the promise of the President's unprecedented action in choosing for his very first appointment to the State Department a prominent political personality to be the Assistant Secretary dealing with African affairs, and of the accompanying announcement that in his administration the new post would be second to none in importance. This initial promise was quickly reinforced.

First, the United States repudiated its apparent acquiescence to the Portuguese position that its African territories are constitutionally integral parts of Portugal, and substituted a policy looking toward self-determination for Angola. Ambassador Stevenson's warm support of the resolution calling for a U.N. investigation of conditions in Angola moved the Liberian representative on the Security Council to declare that Stevenson's words would reverberate throughout Africa.

Then the President, in his first foreign aid message to Congress, called for a new aid agency, with a mandate to mobilize U.S. and other free world resources for a decade of development in the underdeveloped southern half of the globe. Significantly, from the point of view of Africa's new importance, within months of his message and before Congress could enact new legislation, President Kennedy dispatched a special mission to Nigeria, to study its economy and its new development plan to determine the country's eligibility for a long-term U.S. aid commitment under the new criteria—long-term planning, absorptive capacity, self-help, and social justice. The Nigerian mission, the first anywhere in the world under the new criteria, was soon followed by another to Tunisia. Two unprecedented long-term commitments resulted: $225 million for Nigeria's 6-year plan and $180 million for Tunisia's 3-year plan.

The revolution of rising expectations generated in Africa by these new departures in American policy was relatively short lived. Early in 1963, the Chairman of the State Department's Advisory Council on African Affairs wrote: "By 1962 numerous African leaders who had welcomed Assistant Secretary Williams' visit in 1961 as a portent of great things to come were beginning to wonder whether the New Frontier was all public relations and no real help." [1]

Disillusion followed disappointment when the administration seemed to contradict its dramatic new policy—self-determination for the people of Angola—by continuing to supply arms to Portugal. Similar feelings were aroused when the administration seemed to hold back from applying its publicly stated policy of "self-determination in Africa" to the Republic of South Africa, even though the circumstances were different and even though it did eventually support a voluntary prohibition on shipment of arms to South Africa. Disillusion also resulted from the apparent acceptance by the administration of the finding of the President's Committee on U.S. Foreign Aid, the Clay committee, that, notwithstanding our proclaimed policy of support for the revolutionary transformation underway in Africa from colonial dependency to national independence, Africa was an area of primary interest for the outgoing colonial powers and not for the United States. The Nigerian Ambassador to the United Nations, concerned about the implications of the Committee's findings for his own country and for Africa generally, hurried to Washington seeking assurances that Africa was indeed still a new frontier in U.S. foreign policy. He received assurance only that the administration would continue honoring its pledge of support for Nigeria's 6-year plan; nothing more could be said about future aid.

Nothing has since occurred under the Johnson administration to reverse the downward spiral of African importance in American policy. In Washington, Africa now has the lowest priority of any area. This has always been more or less State Department practice in making foreign policy decisions; now it has become a matter of national policy.

II

Africa has come to be an area of residual interest for the United States. It is not merely that former colonial powers are recognized as having the primary Western interest and responsibility; in principle, this may be a quite defensible position. But in practice the principle has been pushed to extremes. It has meant that the interest of the United States comes into play only as the court of last resort, when there are no acceptable alternatives available. Thus, it is only where the decolonization process has gone wrong, as in the cases of the Congo (Léopoldville) and Guinea, or where there have been special situations, such as those arising out of the abrupt liquidation of Italy's African Empire, or where there has been no colonial relationship, as in Liberia and Ethiopia, or where the needs were obviously beyond the capacity of the outgoing colonial power, as in Nigeria—it is only then that the United States has stepped in to play a major role. As circumstances have permitted, we have encouraged the former colonial power to remain or to come back into the picture.

In short, with the exceptions of Nigeria and Tunisia, where independent assessments of their importance and potential for development were made, the United States has allowed the quirks of history and the policies of other Western Powers to impose a crazy quilt of special relations in Africa. As a matter of chance, some of these may coincide with a sound U.S. policy for Africa; others seem highly dubious. The incongruity of our position in Africa has been heightened by our attenuated relations with the many other African States which, not being "special cases," are not thrust into the orbit of active U.S. interest.

In the remaining colonial territories, inevitably and quite naturally, the United States has deferred to the colonial powers, the United Kingdom, and Portugal. The problem, however, has become one of limits. At what juncture do these territories of free-world nations become a matter of direct concern, even responsibility, for the leading free-world Nation? American policy has been equivocal.

In State Department practice as well as policy, the notion of residual interest operates. For the most part, major decisions of African policy are determined, not in the African Bureau of the State Department, but in the European Bureau and, insofar as the United Arab Republic is concerned, in the Near Eastern and South Asian Bureau. Certainly this is true of U.S. policy toward Portuguese Africa and Rhodesia. But more surprising, policies toward independent African States are also shaped in the European Bureau. The sensitivities of President de Gaulle, as judged by the European Bureau, rather than an independent assessment of the U.S. national interest in various French-speaking countries, is likely to be the decisive factor. Thus, for some 3 years the United States severely limited its relationship with Guinea, even though Guinea had broken with France in achieving its independence. Notwithstanding the existence of the very situation which should have triggered active U.S. interest in Guinea, our respect for French primacy and De Gaulle's wishes prevented our taking action. Only after Guinea withdrew from the tightening Soviet embrace in 1962 did we take an active interest there, partly because the containment policy demanded that we take preemptive action to forestall the elements in the Parti Démocratique de Guineé which were seeking a rapprochement with the Soviet Union or an expanding relationship with Communist China, and partly because De Gaulle had relented enough in his attitude toward Guinea to allow the United States to enter the scene.

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[1] Vernon McKay, "Africa in World Politics." New York: Harper & Row, 1963, p. 360.

The policy of containment of the Soviet Union and Communist China is indeed a principal reason for retaining even a residual interest in Africa, so as to avoid the possibility of a "dangerous vacuum" where a colonial power has failed to make a reasonable accommodation with a former colony. The desire to deny, in very different circumstances, the Congo, Guinea, and Somalia to Soviet or Communist Chinese hegemony has certainly been a prime consideration in our policy toward these three countries. Similarly, fear that failure of the colonial power to take adequate steps to avoid crisis situations which the Communist powers could exploit has influenced us to go as far as we have in our policies toward Rhodesia and Portuguese Africa.

As with any policy depending on the actions of others, the United States has found itself on the horns of more than one dilemma. For example, the policy of residual interest has thrust the United States into support of Ethiopia, and the policies of residual interest and containment into support of Somalia, while the two states are engaged in an undeclared but nonetheless violent war. Similarly, the policy of containment has led us to provide large-scale agricultural commodity assistance to the United Arab Republic, and the policies of residual interest and containment have led to our principal commitment in Africa, support of the Congo—where the United Arab Republic has long been engaged in attempting to overthrow the Central Government by one means or another. I cite these cases not because our action in either of them was necessarily wrong, but to underscore the difficulties of relying too much on the policies of third countries in determining our own.

The expansion of the policy of containment by word and action in Vietnam and the Dominican Republic has far-reaching implications for Africa. Thus, Castroite Cuba's role in the Zanzibar revolution of January 1964 not only illustrates the varied character of the Communist drive to export revolution to Africa, but also suggests the scope of the containment that may be required in Africa. So, too, the abortive but nearly successful Communist attempt in the Sudan to capture control of the revolution which ousted the Abboud military government. If the tougher policies we have been following elsewhere mean that we cannot accept a Communist takeover in Africa either, then we can hardly afford to avoid involvement until the last moment. By an act of self-abnegation, we cannot remain aloof from Africa, except as determined by the actions of other powers, and at the same time be on call to put out fires on a continent where political instability is endemic.

Our unwillingness to take more initiative in Africa is all the more remarkable because it is the one area of the world in which the United States has more freedom of action and fewer constraints on its foreign policymaking than in any other. The administration seems to have accepted as applicable to Africa the Kennan-Lippmann thesis on the limitations of U.S. capacity to influence the direction of affairs in distant areas of the world. Yet, remote as it is from Communist China and the Soviet Union, Africa does not present the geopolitical difficulties we find in dealing with crises in southeast Asia, the Middle East and Eastern Europe. We are not limited by regional (and related bilateral) military alliances comparable to NATO, CENTO, SEATO, ANZUS, and the O.A.S. defense systems. In Africa, also, we should be comparatively free from pressures arising out of commercial interests; Africa accounts for less than 5 percent of our total foreign trade and investment.

One result of our policy of self-abnegation is that the desire of the newly independent states to widen their relations and dilute the influence of their former colonial masters is being ignored, and the conditions for their continuing dependency are being nurtured. This promotes the image of neocolonialism and African stooge governments ripe for national liberation, as propagated by Communist China and radical nationalist African states such as Ghana. The fewer alternatives the new states are offered to diversify their political and economic relations within the free world, the more they are forced either to preserve old patterns of dependency or to swing to the left into Communist orbits. Our experience in Latin America provides some apposite lessons on what can happen when an outworn relationship is persisted in too long.

In conflict with our traditional policies, we are also contributing to the resurrection of the outmoded concept of great power spheres. Walter Lippmann advanced the view that the French interest in Gabon is comparable to the vital interest hegemony which he concedes to Communist China in southeast Asia and to the United States in Latin America. Interestingly enough, President de Gaulle, while apparently accepting the idea of French and Communist Chinese spheres of influence, does not, judging from his tour of South America and his condemnation of U.S. intervention in the Dominican Republic, seem to accept our sphere in Latin America.

Our overall attitude toward Africa has also limited our relationship with many of the African states whose foreign policies have most often coincided with our own, particularly on the recurring Congo crisis, but also on other issues of special importance to us, such as the admission of Communist China to the United Nations. Ever since France's recognition of Communist China, a number of French-speaking African states (Congo-Brazzaville, Dahomey, Senegal, the Central African Republic, and Mauritania), which we have recognized as remaining in the French sphere of influence, have also been reversing their position on that issue. Now, with half the population of India, Africa has almost one-third of the membership of the United Nations. Reasonable or not, this means that Africa can significantly influence the balance of world political power. In fact, the U.N. vote, which for the last several years has pivoted on the ballots of the African states, will probably go against us this year or next if this new French-inspired trend continues. Only Communist China's ineptitude so far in her relations with the new African States has stemmed the turning tide.

III

What could be done to restore the promise and the credibility of U.S. policy in Africa? The point of departure must be to do away with the principal causes for past contradictions and inconsistencies. First, the United States should abandon the policy of having a merely residual interest in Africa and recognize that with 36 independent states (excluding South Africa) in existence and another three or four in the offing, the continent can no longer be viewed as of only derivative interest to the United States. We should make it clear that we have a coherent African policy, and not simply improvised positions deriving from our NATO relationships and our cold war involvement.

This means that we must cease to pose African policy questions in terms of a dilemma: pleasing African states or pleasing our NATO allies. Each must be considered, but neither exclusively or even preponderantly. Our NATO allies are no more homogeneous in their policies and interests than are the African states. On a few issues, however, such as independence for the Portuguese territories, there is a consensus among African states. Because the issues on which Africans agree are so few, those issues take on added importance. The question then becomes one of means. If in keeping with our policy of self-determination for Africa we think it right to support steps in that direction in Portuguese Africa, how can we take effective steps with the least damaging effects for Portugal and NATO? Certainly, several of our NATO allies have time and again taken positions and followed policies in conflict with our own with respect to Cuba, the Dominican Republic, Vietnam, Communist China, the test ban treaty, trade with the Soviet bloc, etc., without the United States pulling the NATO house down. So too, in Africa, we have long supported self-determination for African colonies without the United Kingdom, France or Belgium tearing the alliance apart. Portugal may react differently. That would seem to be the risk we must run—but it is certainly a lesser one than compromising our policy of support for self-determination and alienating much of Africa. In any event, NATO's present disarray, centering as it does on France, is so basic that, although any further dissension in the alliance would be undesirable, the disaffection of Portugal would hardly seem crucial to the alliance's future.

Third, the United States must recognize that on a continent ripe for revolution in the judgment of the world's leading practitioner, the policy of active containment is neither appropriate nor feasible. Intervention of the type practiced in Vietnam and the Dominican Republic to forestall Communist-inspired wars of national liberation is obviously out of the question. Yet this is what the containment policy suggests, if France, the United Kingdom or Belgium should falter in their determination or capacity to preclude Soviet or Communist Chinese penetration and takeovers. Our posture in the Congo has not been too far removed from active intervention, and if the situation should deteriorate again, what then?

Africa now has a momentum of its own in world affairs which cannot be disregarded. Withdrawal and then sudden thrust by the United States in response to one crisis or another has all the disadvantages of both policies. Our sudden bursts of energy to counter Communist initiatives simply distort our basic interest in the development of the African States themselves by exaggerating cold war considerations. They also put in question the credibility of our oft-stated interest in the development of politically independent and economically viable States, free to determine their own external policies.

Thus, it is to the positive aspects of policy that we must address oursleves. How can we help the new states to consolidate their independence? This is the best sort of containment and, as a practical matter, the only sort conceivable for most of Africa.

For all new African countries, the achievement of formal international sovereignty is but the beginning of their travail. They all have to build states, nations, market economies and modern societies. In the words of the Assistant AID Administrator for Africa: "The newly independent countries of Africa are today at a critical stage of development. The courses of action taken now by the United States may profoundly influence their political, economic and social structures for generations to come. It is clearly in our interest to seize the opportunity to help the relatively new and emerging nations of Africa to develop along constructive lines."[2] The alternative is unacceptable—endemic instability, bush-league arms races, brushfire wars, Latin American-style militarism, despotism, declining living standards and an ever greater gulf between the developed Western and the underdeveloped African States.

In the broad political arena, we should reassert the basic U.S. interest in the emergence and development of stable and viable independent states in all of Africa, and affirm our intention to help in the process. The United States must also redeem its unqualified pledge of support for self-determination in Africa, making it clear that we do not draw a line at the Zambezi or Limpopo Rivers so as to exclude from this pledge the white-dominated areas in southern Africa. Failure to find an orderly and peaceful route to independence for the remaining colonial territories in Africa, and the inevitably ensuing violence, would be—in fact already is being—attributed to U.S. policy, or lack of it.

Finally, the most intractable problem of all—the Republic of South Africa. Here, a determined white government, with the considerable economic and military resources of a rapidly developing country, has committed itself to a policy which despite its rationale of separate development for Africans does in fact deny the nonwhite majority the right of self-determination. The United States can rescind its pledge of support for self-determination as inapplicable in the context of an already independent country. Lenin's ambivalence on the nationality question, favoring self-determination in Russia and elsewhere in Europe but denying its applicability once a socialist government comes to power, offers a precedent. Such a tactic on the part of the United States would be viewed as skeptically in Africa as Lenin's reversal is in the United States.

Having condemned apartheid and voluntarily imposed a ban on arms shipment to South Africa, the United States has accepted the need to bring pressure to bear to induce South Africa to change its policy. The basic decision of principle having been taken, what remains is to find that combination of persuasion, inducement and coercion which would be both effective and acceptable. This will not be an easy or quick task. An opportunity for action may be offered by the World Court in the case now before it, where South Africa is charged with violation of its League of Nations mandate over South West Africa in applying apartheid to the mandated territory. In the event of an adverse ruling, South Africa may be confronted with the dilemma of accepting the decision, with all that would entail for the practice of apartheid in South Africa itself, or defying the Court and laying a new basis for the U.N. to assume jurisdiction and take action. This would leave the United States and other Western countries with considerably less discretion about what their response should be to African pressures for applying sanctions.

Another problem of concern to the United States is the mounting overt and covert flow of arms, munitions, and military missions to Africa—for national armed forces as well as for liberation forces. Means must be found to achieve "preventive disarmament" in Africa, not only to increase its internal security but to avoid the increasing diversion of local resources from development to military purposes. In practice, much of the flow of arms for liberation forces has been diverted to other destinations and other ends. The recent incidents in Kenya involving Chinese Communist arms are illustrative. On two occasions large shipments of arms theoretically destined for Congolese and Mozambique rebel forces were transshipped from Tanzania and found hidden or intercepted in suspicious circumstances in western Kenya. These discoveries carried the unmistakable implication of a threat by disaffected internal factions to otherthrow the Kenyan Government with outside support. As a result of Kenya's suspicion that her two partners in the east African common market, Tanzania and Uganda, were involved in such a plot, the prospects of maintaining the common market and expanding it into an east African federation, something which the United States greatly favors, is vastly diminished. In another case, the Sudan's willingness to serve as a corridor for Communist arms shipments to rebel forces in neighboring countries came to a sudden halt because too many shipments were falling into the hands of disaffected Sudanese elements, particularly in the rebellious southern provinces.

The increased flow of arms for national forces also presents a danger. Soviet support of a substantial buildup of Somali Armed Forces has had a direct impact on the two neighboring states with which Somalia has intermittently been warring—Ethiopia, which receives its arms primarily from the United States, and Kenya, which receives its arms primarily from the United Kingdom. Raising the capacity of the three states to make war can only enlarge the already dangerous threat to African peace, drag in cold war issues and divert scarce resources of three of the poorest African states.

Would not Africa be a good place to start arms control and disarmament agreements? It took 6 years for the military regime in the Sudan to be replaced, and then only by extraconstitutional means. The aftermath has been disorder, violence, and political instability reminiscent of the very situation that General Abboud set out to erase with his military coup in 1958. Does Africa have to repeat the Latin American pattern of successive military coups to effect political change?

It seems clear by now that the independent African states are not going to be in a position to liberate, by force of arms, the Republic of South Africa or Mozambique and Angola. It is also apparent that the Western Powers cannot supply even limited kinds of arms to South Africa and Portugal which would not be useful for internal repressive purposes. Simple realism suggests the need for an explicit moratorium on arms for Africa and the effective policing of it by agreement with the African states. Failure to come to grips with this critical issue makes nonsense of so much external economic aid, which in practice is either directly or indirectly diverted to military ends. Unnecessary arms expenditure also undercuts whatever added political stability might be hoped for as a result of economic development. Moreover, in the context of Africa-wide arms control, a total ban on arms and munitions to South Africa and Portugal would become more acceptable. In view of African insistence on declaring the continent a denuclearized zone and urging disarmament on the major powers, it would seem appropriate for the African states themselves to initiate steps toward achieving a moratorium on arms shipments to Africa, and by doing so to lend credence to their other disarmament policies. This would put pressure on the Western Powers to agree and considerable leverage could then be brought to bear on the Communist powers.

Whatever relevancy schemes for peacekeeping by small nations or regional organizations may have in some areas of the world, it seems clear that in this decade such proposals are largely irrelevant for Africa. Individual African States do not have the capacity in being and it seems of doubtful wisdom deliberatley to create it. In any event, whenever the question has arisen, the African States have been unable to agree on the desirability of creating a regional peace-keeping force. Some fear it would mean interference in their internal affairs; others that it would mean support of the status quo and the preclusion of change; and still others that it would mean domination by larger or more aggressive states. And so far, African States have preferred to look elsewhere than to one another for assistance in putting down rebellions—in East Africa, to the United Kingdom, and, in French-speaking Africa, to France.

The Organization of African Unity is structurally incapable of playing such a role at present or in the foreseeable future. With its members deeply divided on fundamental principles, such as the sanctity of inherited boundaries and noninterference in one another's internal affairs, the organization has not been in a position to play any military role at all. In the Congo affair, ever since the withdrawal of the U.N. forces, the OAU has not only been unable to carry out a peace-keeping role; it has also been unable to prevent its minority faction of radical nationalist states and their sometime associates from providing active support and bases for rebel groups. Equally, the OAU has been unable to face up to the problems of guerrilla warfare in the southern Sudan, the Watusi refugees and emigres and their periodic incursions into Rwanda, the continuing quarrels and intermittent violence between Dahomey and Niger, Ghana and Upper Volta, Ghana and Togo, Somalia, and Ethiopia, Somalia and Kenya, etc. To wish upon the OAU tasks it is not yet ready to assume is merely to impair further its limited effectiveness. Our expectations for it have been unrealistic—as we should have known from our experience with peacekeeping in Latin America.

IV

In the economic field no less than in the political arena we must do away with the incongruities which have characterized our economic assistance programs in Africa if these are to play a consistent and effective role in support of U.S. policies. At the outset, we need to reassess the size and composition of our economic assistance to Africa. As the continent receiving the smallest segment of our aid (less than 10 percent), Africa deserves more if we are to give credence to our policy of support for African development. A higher proportion of aid for economic development (as opposed to political purposes) needs to be coupled with a renewed attempt to apply the Kennedy aid concepts, including the conscious provision and programing of technical assistance so as to enlarge the capacity of the African States to absorb external aid effectively.

We should also renew our attempts to achieve the mobilization and coordination of aid to Africa from the free world, to make such aid more effective, increase its availability and improve the terms on which it is made available. Free-world aid to Africa, having reached a plateau, has in the last 2 years actually started to decline. Our own economic aid (excluding surplus food) reflects this downward trend. The appropriation requested by the President for the fiscal year 1966 is almost $100 million less than was obligated in 1962, the high water mark of U.S. aid to Africa.

The decline has set in just as Africa has begun to move forward and to increase its capacity to absorb capital. There are signs, too, of growing African interest in rationalizing and coordinating the flow of external aid. At the meeting of the Economic Commission for Africa late in 1964, Mr. Robert Gardiner, the executive secretary, called for "a Marshall plan, Colombo plan, or Alliance for Progress for Africa, and suggested the possibility of the founding of an African Council for Economic Cooperation. The new African Development Bank, which came into operation this year with a nominal capitalization of $250 million, will also undoubtedly be seeking outside resources. In view of our contributions to the Inter-American Development Bank and our proffered offers to the proposed Asian Development Bank, it is difficult to see how we can refrain from making significant contributions to the African Development Bank.

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[2] E. C. Hutchinson, "U.S. Economic Aid to Africa, 1960–64," in Africa Report, December 1964, p. 8.

It would be in the interest of both the United States and Europe if the heavy dependence of their respective client states in Latin American and Africa could be progessively diversified and shared. Then, a change in the relationship to a former colonial power would not be felt as a wrenching divorce but as a tolerable if regrettable separation.

We also need to rationalize our aid programs and to adhere to objective criteria, thus eliminating the anomalies which make us seem to reward the troublemakers and take friends for granted. If aid is to flow to the United Arab Republic, Algeria, Guinea, and others in the form of surplus agricultural commodities, supporting assistance and emergency aid—without reference to their economic performance and heavy allocation of resources to nondevelopment purposes—then provision should be made to compensate the states deserving of aid by objective economic standards, and to reward, or at any rate not discriminate against, those which are pro-Western in the nonalinement rather than pro-Soviet or pro-Communist Chinese.

From the receiving country's point of view, all American aid, regardless of the particular pocket it comes from, has the effect of enlarging that country's total resources. If a country needs food, it makes little difference whether it receives food or development dollars which enable it to buy food—or, if in budgetary straits, it receives supporting assistance or development dollars. It can always shift its resources around as economic (and political) conditions require. Africans have not been slow to grasp this point. Nigeria, which is frequently cited by American officials as the largest African recipient of U.S. economic aid, has felt compelled to point out that, measured in either aggregate or per capita terms, any number of African countries have received greater assistance if contributions emanating from all U.S. aid pockets are taken into account.

Ghana, Guinea, Mali, Algeria, and the United Arab Republic, all radical nationalist states whose economic performance leaves much to be desired and who are prone to allocate resources to nonproductive prestige purposes and questionable foreign adventures, have each received disproportionately more economic aid than Nigeria, the country we have singled out as one of the two most deserving African countries under the Kennedy economic development criteria. During U.S. fiscal years 1960–64, Ghana, Algeria and the United Arab Republic, with populations of 7.4 million, 10.8 million and 28.7 million respectively, each received as much or more U.S. economic aid (without regard for which U.S. aid pocket it came from) than Nigeria, whose population of 55.5 million is larger than the combined population of the three. During the same period, Guinea and Mali, with a combined population of 8 million, received about one-half as much economic assistance as Nigeria. In addition, such special cases as Morocco, Ethiopia, Liberia and the Congo, with a combined population considerably smaller than Nigeria's, have each received as much or more U.S. economic aid (to say nothing of military) than Nigeria. Yet none of these states has been singled out by the United States as specially deserving of development aid.

The United Arab Republic has received its large share of our economic assistance to Africa in the face of the U.S. Government's own judgment that that country has followed a number of political policies which are not to our liking and contrary to our interests: for example, diverting its resources to aid the Congolese rebels, maintaining 50,000 troops in Yemen, conducting campaigns to coerce Libya into ousting the U.S. airbase, and evidencing hospitality toward Tunisia for proposing negotiations in the Arab-Israeli dispute.

In contrast, the 13 original members of the Common Organization of African and Malagasy States (OCAM), which have on the whole been most vigorous in their support of the OAU principle of noninterference and most articulate in condemning external interference in their internal affairs by Ghana "and other states," have received considerably less economic aid than the five most interventionist states. Indeed, since 1960 Ghana alone has received more U.S. aid than the combined total going to all 13 OCAM states. Guinea has received more during this period than the combined total going to the two most important OCAM states, the Ivory Coast and Senegal. And almost as if to add insult to injury, the United States over the last 2 years has withdrawn its aid missions from the OCAM states and administers aid to them, such as it is, from Washington.

In sum, then, the United States must redress the imbalance in its foreign policies by refocusing its view of American interests in Africa, not by downgrading our traditional interest in Europe or by denying the reality of the cold war, but rather by upgrading the importance of Africa, formulating policies responsive to African realities and striking a reasonable balance among our multiple national interests. The United States also needs to rationalize its political and economic policies in Africa, to make them consistent and credible and thus responsive to our national interest in the development of stable and viable African states.

IMMIGRATION ACT OF 1965

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, on Sunday, October 3, 1965, I had the privilege, along with other Members of Congress and interested citizens, of standing in the shadow of the Statue of Liberty as President Johnson signed into law the Immigration Act recently passed by Congress.

As the only Member of Congress of Greek descent and as the first native-born American of Greek origin ever to serve in Congress, I naturally was very proud to be present for this historic occasion. It was just over half a century that my father emigrated from Greece to the United States in order to become an American citizen.

In signing the Immigration Act of 1965 into law, President Johnson lifted a veil of hypocrisy from the face of that grand old lady that had rested there for 41 years.

In those 4 decades we Americans have said "Give us your tired, your poor, your huddled masses." But what we have really meant was: "Give us your immigrants of Northern European ancestry."

This is the year in which that hypocrisy at last was conquered, the year of triumph for the reform of the national origins system on which our immigration laws were based.

The new immigration law creates a system of selecting immigrants based not on the accident of where they were born—or even where their ancestors were born—but on the basis of reuniting relatives with families who live here, or on the basis of the special talents or skills which an immigrant can contribute to meet our special needs.

None of these immigrants will be admitted if they threaten the jobs or livelihood of Americans, or if they are prospects for welfare roles. The skills which will qualify them for a preference are those proven to be in short supply, or of unusual benefit.

The new law also provides for admitting up to 10,000 refugees a year from Communist or other forms of persecution and from natural disasters, thereby continuing the traditional humane American policy to these unfortunates.

Strict safeguards under the new law will exclude criminals, addicts, subversives, and other undesirables.

The act does not materially increase the total volume of immigration into this country over and above the volume which has been authorized under the preceding law. However, since the practical operation of the national origins system kept out about 50,000 qualified immigrants a year within the total that was authorized, abolition of that system may result in an actual increase in immigration of up to 50,000 a year.

Even that number is microscopic for a country of our size and wealth, where natural growth accounts for more than 60 times that number.

The principal result of the act thus is not to generate increases, but to overcome injustices—and they have been great.

For example, an American citizen with a mother in Greece has had to wait for 5 years—sometimes longer—to obtain the visa permitting her to join him here. An American citizen who had a brother or a sister or married child in Italy likewise had a wait of many years to get a visa.

In contrast to this cruel policy, the same American citizen could bring in a domestic servant from the United Kingdom or Ireland in from 4 to 6 weeks. If he chose one from Sweden, Belgium or Germany, the waiting period was from 8 to 12 weeks.

Put in another way, an American citizen could bring in a total stranger to be his maid in a few weeks, but to bring his mother might take him 5 years.

For 41 years this was the system that this Nation endured, a system which clearly implied that one man's country would necessarily make him a better American than another's. The new immigration reform act corrects that implication.

In addition, the national origins systems deprived us of persons whose skills would have been of the greatest value to this country. There were many cases like that of the American hospital which urgently sought the services of a brilliant surgeon from India who had done important research in heart surgery. But India's quota was only 100. He had to wait years before he could be admitted. This no longer will be true.

Finally, this old system created an image of hypocrisy which was exploited by those who would blacken our stated beliefs in democracy. It provided, for example, that persons of Asian birth were not even assigned to quotas on the basis of their places of birth, but according to that of their racial ancestors. It affected a young man in Colombia who was eligible to come here quite easily because he lived in an independent Western Hemisphere country. His wife also was a native and a citizen of Colombia. But she had a Chinese father and so had to be considered half Chinese. It meant she had to come in under the Chinese quota of 105.

If her husband had chosen to come to the United States alone and achieved citizenship in 5 years she would have been allowed to join him—after 5 long years. Or, if he wanted to come here with her, the wait would have been a little longer—until the year 2048.

Under the old system there was a mandatory provision which inflicted harsh cruelties. It is best illustrated by the case of the young man of Italian descent who met and married an Italian girl while serving with the U.S. Navy in the Mediterranean. They had a daughter, an American citizen by reason of her father's citizenship. The Navy recently gave the young father a new assignment in the United States and he made plans to take his family along. But he could not do so.

Why? Because several years before, the wife was hospitalized with a nervous breakdown. She recovered fully and was discharged. But under the old law, mental disability, whether in the past or in the present, was the mandatory basis for permanent exclusion from the United States. It paid no attention to medical advances in the treatment of mental disturbances.

It was a Solomon-like decision the young father faced. He could leave his wife and child in Italy. Or he could leave the Navy and give up living in this country to live with his family abroad. The new law makes unnecessary such heartbreaking decisions.

The national origins quota system inflicted that kind of penalty. This was the kind of injustice which President Johnson last spring asked Congress to bury by passing this immigration reform bill. To its credit, and the Nation's pride, this request is now a reality.

DEDICATION OF THE 100 HOUSES OF JARDINES VIRU IN LIMA, PERU

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PEPPER. Mr. Speaker, I recently participated in the dedication of the first 100 homes of a great 900-home housing project being built in Peru by an outstanding American businessman, Mr. Haim Eliachar. As the distinguished President of Peru, His Excellency Fernando Belaunde Terry, whom Mrs. Pepper and I were accompanying, was inspecting the new homes, a citizen of Callao—in the vicinity of Lima—who became a happy owner of one of these attractive homes, respectfully stopped the presidential party and read to the President a beautiful address expressing his gratitude and the gratitude of other homeowners that these homes had been made available to them.

This great project, made possible by Mr. Haim Eliachar and his companies with a loan made by the Bankers Life Corp. of Iowa and guaranteed by our AID program and the cooperation of the Peruvian Government, is a splendid example of what the Alliance for Progress program is doing to make life better for the people in Latin America. This eloquent address by one of the homeowners, Senor Elias E. Cavero Sifuentes, is typical of the gratitude that the people feel in their hearts for what we are doing under this program.

I include it at this point in the RECORD:

> In representation of the proprietors of the [housing] development, Jardines Viru, I welcome you on the occasion of the official inauguration of this flowering development which, with the cooperation of the Alliance for Progress, affords us the opportunity to become proprietors of our homes, a desire for which we have hoped for with all of our hearts and which, today, is honored by your presence and that of the distinguished persons who honor us in this transcendental act in the life of this growing development, Jardines Viru, which you, Mr. Constitutional President of the Republic, declared officially inaugurated a few moments ago.
>
> For this reason, upon receiving from your hands, Mr. Constitutional President of the Republic, the symbolic keys which convert us into the proprietors of our own homes, we are jubilant and our hearts, and those of our families, present here, are filled with joy and happiness, for which we are deeply indebted to you.
>
> Mr. President, please accept this modest homage.

HEART DISEASE, CANCER, AND STROKE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PEPPER. Mr. Speaker, I rise to point out that the last week in September brought to fruition a proud moment for the U.S. Congress even though no banner headlines announced this act. For when Senator LISTER HILL rose on the floor of the Senate to urge that body to adopt the House version of the Heart Disease, Cancer, and Stroke Amendments of 1965, and when subsequently the Senate concurred with the House, sending the bill to the President, we had pretty well rounded out the health legislation outlined in the President's health message of January 7, 1965. It seemed to me to be particularly appropriate, I might add, that Senator HILL handled this bill for I know, from long experience of working with him in the field of health legislation in the Senate, how deeply he has been concerned during his long and distinguished career with improving the health of the American people.

Looking back to the 1940's I am gratified to say that this Congress has also moved in the direction of rounding out at least two decades of effort to improve the health of all of our people. Sometimes it has been a discouraging job—but persistence has also had its rewards. Through the years we have begun to demonstrate a growing concern for better health for our youth—which means better health for later life—and better health for our aged people; with strengthening the numbers and skills of people in our health professions; and with improvements in our medical research, particularly to help conquer particular diseases. We have had some successes in our attacks on disease. Smallpox, malaria, yellow fever, and typhus are conquered in this country. Poliomyelitis, which took 3,154 lives so recently as 1952, cost only 5 lives in 1964. Death rates for influenza have been reduced by 88 percent during the past 20 years. But there remain to be conquered what are now the most deadly killers of them all—cancer, heart disease, stroke, and their related afflictions.

I think it is important to realize that the Heart Disease, Cancer, and Stroke Amendments of 1965 represent our recognition that we must always be ready to try new approaches to hard problems, rather than a sudden awareness that these problem areas exist. They are a new form of attack which will supplement earlier efforts in the hope that, somehow, we will find the breakthrough. The new approach will seek to bring about the cooperation of medical schools, clinical research institutions, and hospitals so that the latest advances in the care of patients suffering from heart

disease, stroke, cancer, and related diseases may be made available, through planned programs of research, training, and continuing education, and related demonstrations of patient care. It recognizes that the best patient care is usually associated with research and that prompt and precise exchange and dissemination of findings among people in the health field must also be encouraged, and may be as important as work in the quiet laboratory.

I do not need to remind the Congress that this is but the most recent form of attack because, beginning back in 1937 when the National Cancer Institute was established, the Federal Government first showed its concern with this most cruel disease. It was one of the first ventures of the Federal Government into the field of health outside of the regular public health activities. And it was established at a time when the country was working its way out of a depression on the one hand, and faced with a decision as to its role in the world increasingly concerned with Hitler's Germany on the other. With our involvement in a world war in 1941, it is understandable that practically all efforts of Government were turned toward the war effort. Nevertheless I like to think that the investigations I was able to conduct at that time of the health status of our young men as revealed by selective service data first awakened the country to some of the serious health problems we faced in this country. With the cooperation of the Army and other military officials, the Subcommittee on Wartime Health and Education of the Senate's Committee on Education and Labor, manned by a very able and bipartisan group of Senators and a fine staff, found in 1945, after 2½ years of study, that of the 22 million men of military age, 40 percent could not meet the requirements of general military service. It was only a first step—an effort to find better information than we then had as to the state of health of one segment of our population—our young men who could be presumed to be among our healthiest Americans. But the country was shocked at the figures. I have always been particularly proud of the fact that President Truman, in his health message to Congress on November 19, 1945, used the findings of the so-called Pepper subcommittee in the opening paragraphs of this great message outlining a broad-scale program of postwar action.

One line of action recommended in this message will be more fully realized by the enactment of the heart, stroke, and cancer bill of 1965 when it is signed into law. For, in his postwar message 20 years ago, President Truman stressed the importance of research as one means of achieving his health goals. With reference to the particular problem with which this legislation is concerned, he said:

> Cancer is one of the leading causes of death. Though we already have the National Cancer Institute of the Public Health Service, we need still more coordinated research on the cause, prevention, and cure of this disease. We need more financial support for research and to establish special clinics and hospitals for diagnosis and treatment of the disease especially in its early stages.

In 1947, 2 years later, I introduced a bill to authorize and request the President to undertake to mobilize at some convenient place or places in the United States an adequate number of the world's outstanding experts and to coordinate and utilize their services in a supreme endeavor to discover new means of treating, curing, and preventing diseases of the heart and arteries. And in the following year we were able to bring about the establishment of the National Heart Institute under the provisions of S. 2215, which was introduced by Senators Bridges, Ives, Murray, and myself, in February 1948.

It was not the easiest legislation to enact in spite of its bipartisan support. The Budget Bureau, I recall, sent an unfavorable report. But finally it was signed into public law on June 16, 1948.

But it is not enough just to establish an institute. Two things are essential in such an undertaking: getting people of the highest professional and administrative competence to run them and providing them with adequate funds. The latter function is the particular job of the Congress and I have always believed I had as great an obligation to see that, to the extent of my ability and effort, these funds were forthcoming.

Satisfied with the high quality of people brought in to establish the new Heart Institute and with the caliber of the people administering the National Cancer Institute, I set for myself the task of helping to provide adequate funds for them. It, too, was not always easy. In 1948, for example, I had hoped for an appropriation of $6,740,000 for the Heart Institute in the Second Deficiency Appropriations Act—H.R. 6935. The House Report—No. 2348—on June 15, called for no appropriation whatsoever. The Senate report on June 18 was a little better in calling for $1 million. The conference split the difference to provide a meager $500,000 and this was the amount enacted into law by Public Law 785 on June 25, 1948.

In connection with the appropriations for the following fiscal year—H.R. 5728—things went a little better. I had expressed the hope that we should spend $3,300,000 on heart research. The Senate and the House agreed on the somewhat lower figure of $2,282,000 and this amount was authorized. As to research on cancer my request for at least $14 million for the upcoming year was accepted by both the House and the Senate and enacted into law.

And so it went each year—a little chipped off, but a little more money.

Today, support for these activities by the American people, from these small beginnings, is revealed by the fact that total expenditures for the National Cancer Institute in fiscal 1964 were some $70,692,000 largely for research, fellowships, and training and direct operation, and an even larger amount of $117,404,000 for the same year—and for the same purposes—went for the National Heart Institute.

The Heart Disease, Cancer, and Stroke Amendments of 1965 will draw upon the experience gained in these programs—upon the knowledge gained not only in the direction of promising avenues of future research but, equally important, upon the knowledge gained of what had seemed hopeful but now seem to be fruitless avenues of exploration.

As I have said, the Heart Disease, Cancer, and Stroke Amendments of 1965 represent a new auxiliary attack on these diseases which threaten so many Americans and have so stubbornly resisted the detection of the final answer we have been able to find in other areas of disease.

The President has pointed out that 48 million people now living will become victims of cancer, and that heart disease and strokes will continue to account for more than half of the deaths in the United States each year unless we can master these scourges. The new proposal rests on the recent recommendations of the DeBakey Commission. This report emphasizes the point that we have reached the time when findings do not call exclusively for a one-man show directed from Washington, but also for a cooperative national effort in the field involving health leaders, voluntary organizations, and State and local governments as well as health agencies. As a veteran of the war on disease, I am happy and proud to have had a part in the development of this legislation. Like earlier health legislation, it is not all I had hoped for. But it has been enacted by the Congress—and the beginning to a breakthrough, we can all hope and trust, has been made.

IMMIGRATION ACT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Hawaii [Mrs. MINK] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mrs. MINK. Mr. Speaker, with the Statue of Liberty holding high her torch nearby, President Johnson on October 3, 1965, signed the new Immigration Act, one of the most important acts of this Congress and the administration.

When recommending this legislation earlier in the year, the President urged the Congress to return the United States to an immigration policy which serves the national interest and continues our traditional ideals. He stated:

> No move could more effectively reaffirm our fundamental belief that a man is to be judged—and judged exclusively—on his worth as a human being.

In responding favorably to the President's request Congress has enacted a law which abolishes the discriminatory national origins system of allocating immigrant visas on the basis of an individual's place of birth and substitutes a sensible, fair, humane and nondiscriminatory system, available on a first-come, first-served basis.

Under the new system meaning and significance is given to preferences in the issuance of immigrant visas to persons having close family relationships to citizens and lawfully resident aliens. Under the system as it existed prior to the enactment of the administration's legislation the preferences accorded to close family members of citizens or lawfully resident aliens were largely ineffective because such preferences operated only within each separate quota area and thus meant little if anything to immigrants from low-quota countries. Under the new law all countries are afforded their fair share of the quota. The needless and prolonged separation of family members is thus avoided, particularly with respect to relatives who do not qualify for exemption from numerical quota limitations.

It was possible under the old system for an American citizen to bring to this country without appreciable delay a total stranger, from a high-quota country, for employment as a domestic, while at the same time the operations of the system could require years of waiting before he could bring in an aging parent who was a native of a low-quota country. Under the new law parents of citizens will not be subject to any numerical quota limitation.

The new immigration law also will serve to prevent the separation of families occasioned by the absolute prohibition in the old law with respect to the admission of aliens who are mentally retarded or who had a past history of mental illness. The old law did not take into account the medical advances which have been made in the treatment of mental illnesses. As a result there were many cases where close relatives of citizens or lawfully resident aliens were prevented from joining their families in this country even though they had been cured of their illnesses or such illnesses were medically controllable. The new law changed this heartless, cruel policy.

One especially worthwhile reform in the new law is the repeal of the so-called Asia-Pacific triangle provision. This provision defined a geographical area in the Far East which included practically the entire continent of Asia, and any immigrant with as much as one-half of his ancestry from this area was treated differently. All other immigrants were charged to the quotas of the countries where they were born, but a man born in England who lived in England all his life and never had left England would be counted as Asiatic if two of his four grandparents had come from Asia. The great majority of Asian countries had the minimum annual quota of 100, because they had relatively few inhabitants in the United States in 1920 who traced their origin to that part of the world. These token quotas had long waiting lists, and as a result the Englishmen would be kept out for many years because of his grandparents, while other Englishmen entered freely.

The hardships which ensued are also illustrated by the following example: A family consisted of a white father born in Argentina, his wife who was half Japanese, and their infant child, all born in Argentina. Although the father and the child were entitled to enter as natives of an independent Western Hemisphere country, the wife had to be charged to the oversubscribed quota for Japan. This would normally prevent the family from emigrating, but in some cases it caused a separation of the family. This type of discrimination is now ended, and the whole family will be treated as Argentinians.

The elimination of the discriminatory treatment of the Asia-Pacific triangle is but one of the more dramatic accomplishments of the new act. It will serve in many ways to fill urgent needs in terms of simple humanity, in terms of our self-interest at home, and in terms of our self-interest abroad.

For two decades we have operated our immigration laws under the warped standards of the national origins quota system. The time had long since passed for their replacement. The new standards which the Congress and the President have fashioned for the Nation are fair and carry out our ideals of fairness and democracy. They will serve us well.

HAWAIIAN SUGAR HISTORY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Hawaii [Mrs. MINK] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mrs. MINK. Mr. Speaker, this week the House of Representatives will be considering H.R. 11135, the Sugar Act Amendments of 1965. In order to inform my colleagues of this House of the importance of sugar to my State of Hawaii I would like to present the following brief history.

Hawaii's sugar industry has been one of the great success stories of our Nation, to the point where not only is sugar the largest industry of our islands, but Hawaii is the major sugar producing State of the Nation.

Hawaii's eight principal islands comprise 6,423 square miles, slightly larger than Connecticut and Rhode Island combined. Only about one-twelfth of this area is suitable for agriculture, and only four of the islands produce sugarcane.

Even now, some 231,000 acres comprise the total cane-land area. Yet that area is so productive, and the application of scientific agriculture is so intense, that slightly more than 100,000 acres of cane harvested each year now provide more than 10 million tons of cane and more than 1,100,000 tons of sugar. These are record high yields for the sugar-growing areas of the world.

Hawaiian production represents roughly 2 percent of world production and more than one-tenth of U.S. consumption. About $200 million of capital has been invested in this major industry of the islands since World War II, and returns to the economy in 1963 were about $188 million. The annual payroll, going to about 13,000 year-around employees, is in excess of $60 million. Applied scientific technology, mechanization, high yields per acre, and exceptional pay per hour for labor are characteristics which make the Hawaiian sugar industry outstanding in comparison with mainland production or with that of other countries in the world.

Sugarcane is an old, old story in Hawaii. Apparently it was brought to these islands either at the time of original settlement, perhaps as early as A.D. 500, or during the period down to about A.D. 1300 when voyages to and from Tahiti were thought to have continued. Botanists hold that it was 1 of 25 plants introduced in ancient times.

When Captain Cook discovered the islands in 1778 he noted "several plantations of sugarcane" growing on high ground. However, no sugar was made from the cane. It apparently was used as a kind of hedge around garden patches, and pieces were broken off and chewed for their sweet sap.

It has been said that all beginnings are difficult. This certainly was true for sugar production in Hawaii. During the first quarter of the 19th century, references to sugar production in the islands were fleeting. There was some experimentation in 1802 by Chinese, who tried to produce sugar on the island of Lanai with a crude granite roller and a few boiling pans. Lanai even today is not productive of sugar.

A few individual attempts to manufacture sugar were noted including that of an Italian resident, who in 1823 made sugar by pounding cane with stone beaters on the boards used by Hawaiians for making poi and then boiling the juice down to crystals.

It took severe tests and several failures before sugar was firmly established in the second quarter of the century, and great labor and infinite ingenuity to establish and extend the first cane plantations.

In 1825, John Wilkinson, an Englishman, set out a small cane plantation. Although he was dead by 1827, the juice of his first cane crop was converted to rum—at which the royal government ordered that the plantation's still be broken, its cane plowed under, and the land planted to sweet potatoes.

Three young New Englanders incorporated themselves as Ladd & Co. in 1835 and set out to produce sugar on 980 acres of land they leased from the Hawaiian king for 50 years at $300 a year. They went bankrupt, although about a third of their tract has since proved to be good cane land. Their plantation, Koloa on the island of Kauai, proved to be Hawaii's first permanent plantation. It exported 4,286 pounds of sugar and 2,700 gallons of molasses in 1837 and was finally merged with another plantation. Truly, the adventure of producing sugar in Hawaii in those days was not for the fainthearted.

There was perseverance, however. By 1838, there were 20 small sugar mills in operation in the islands, of which 18 were animal powered and two were waterpowered. During the California gold rush, sugar prices rose to as much as 20 cents a pound, and Hawaii, in 1851, exported 162 tons of sugar.

From this small beginning, the development of Hawaii's sugar industry was rapid during the third quarter of the 19th century. Even then, mechanical improvements through the use of modern technology were a major factor.

The first sugar centrifugal, perhaps the most significant invention in the history of the sugar industry, was introduced; it separated sugar crystals from molasses by its whirling action. The first steam engine was installed in 1853 and the first steam mill in 1857. Exports climbed to 913 tons in 1859, then declined to 722 tons in the next year.

But the introduction of the vacuum pan in 1863, together with the stimulus provided by the vast Civil War market in the United States, resulted in exports of 8,869 tons in 1866. Thereafter, production trended sharply upward, except for a few drought years.

The fascination of the establishment of this new enterprise attracted a wide diversity of pioneers. Among them were young New Englanders, the sons of early missionaries to Hawaii, American sea captains, the son of a president of Norway, Irishmen, Englishmen, and Germans. They included bookkeepers and bankers as well as others with agricultural backgrounds.

As the need for labor grew in the burgeoning industry, 300 Chinese arrived from Hong Kong in 1852, to be followed by 500 more in 1865. This was the start of a long line of immigrants to the islands, called to work in the sugar fields and mills.

It is estimated that 46,000 Chinese migrated to Hawaii between 1864 and 1900, of whom 8,000 came from the mainland United States rather than directly from China. More than half came unassisted, and slightly more than half of them returned home after fulfilling their contracts. The others tended to congregate in Hawaii's urban areas, and it was estimated that 14,000 of the 20,000 Chinese in Hawaii in 1886 were in Honolulu, either in trade or raising truck vegetables in small farms just outside the city proper.

Japanese migration began in 1868, when the Hawaiian consul in Japan arranged for 148 laborers to come to Hawaii. It was 20 years before others followed them, however.

Rapid expansion of Hawaiian sugar production continued through the final quarter of the 19th century. After unsuccessful attempts in 1848 and 1852, the Hawaiian Government succeeded in negotiating a reciprocity treaty with the United States in 1876. That trade agreemen admitted sugar duty free to the American consumer market.

Subsequently, land for sugar cane was substantially increased by the use of irrigation on four of the islands; and the irrigation also increased the reliable productivity of the land on which it was used.

The first and most famous irrigation project in Hawaii was the Hamakua Ditch, which was 17 miles long and capable of moving 40 million gallons of water a day. It was built by Alexander and Baldwin, sons of early American missionaries, at a cost of $80,000, to tap the rainfall of nearby mountains to water their then barren plantation in the hot but dry lowland plain of central Maui.

This success prompted the California capitalist Spreckels to build another ditch on Maui, this one 30 miles long and capable of delivering 50 million gallons of water daily.

Subsequent irrigation projects involved great tunnels through mountains, miles and miles of pipes, inverted siphons, large reservoirs, and even portable ditches. Water from wells for irrigation started in 1879, when the first artesian well was put down. Eventually, hundreds of pump and well combinations dotted the drier cane areas of the islands, providing hundreds of millions of gallons of water daily.

The efforts to irrigate also spotlight the growing importance of the use of science to increase productivity. The irrigated lands were assured of reliable growth conditions for a large segment of the acreage growing cane. Breeding work resulted in new cane varieties which yielded higher tonnage per acre and juice with a greater sugar content than the original varieties. Chemists were employed by the industry. Commercial fertilizers were introduced. As a result, the first 100,000-ton sugar crop was produced in 1886, to be followed by the first 250,000-ton crop only 11 years later.

Meanwhile, the sugar industry's labor needs continued to feed the famous Hawaiian melting pot. Portuguese immigrant families had arrived in 1878, mostly from the island and Madeira. German immigrants followed them in 1881. After formal arrangements were made between the governments in 1885, the major Japanese immigration began in earnest. By 1907, more than 180,000 Japanese had come to Hawaii to work, of whom about 126,000 had left to return home. By 1913, the number of Portuguese immigrants had swelled to 20,000 men, women, and children, with the majority of them again coming from Portugal's island provinces.

CHART I-A.—*Cane sugar production in Hawaii, 1908–63*

Production year (beginning Oct. 1, ending Sept. 30)	Tons sugar per acre	Tons cane per ton sugar	Total cane land area	Cane used for sugar			Sugar produced		Raw value 96° sugar made per short tons of cane	Recovery of equivalent refined sugar from cane ground
				Acreage harvested	Average yield per acre	Production	Converted to 96° raw value	Equivalent refined		
			Acres	*Acres*	*Short tons*	*Short tons*	*Short tons*	*Short tons*	*Pounds*	*Percent*
1908–09	5.14	7.42	201,641	106,127	38.2	4,050,000	545,738	510,048	270	12.59
1909–10	4.81	7.78	209,469	110,247	37.4	4,122,000	529,940	495,282	257	12.02
1910–11	5.16	7.94	214,312	112,796	41.0	4,623,000	582,196	544,120	252	11.77
1911–12	5.34	7.75	216,345	113,866	41.4	4,711,000	607,863	568,109	258	12.06
1912–13	4.90	7.99	215,741	113,548	39.1	4,445,000	556,654	520,249	250	11.70
1913–14	5.54	8.01	217,470	112,700	44.4	5,000,000	624,165	583,345	250	11.67
1914–15	5.75	7.96	239,800	113,164	45.8	5,184,393	650,970	608,397	251	11.74
1915–16	5.17	8.14	246,332	115,419	42.1	4,859,424	596,703	557,679	246	11.48
1916–17	5.57	7.98	247,476	117,468	44.4	5,220,000	654,388	611,591	251	11.72
1917–18	4.86	8.34	246,813	119,785	40.5	4,855,804	582,192	544,117	240	11.21
1918–19	5.07	7.81	239,844	119,679	39.6	4,744,070	607,174	567,465	256	11.96
1919–20	4.91	7.98	247,838	114,105	39.2	4,473,498	560,379	523,379	251	11.71
1920–21	4.83	8.53	236,510	113,056	41.2	4,657,222	546,273	510,547	235	10.96
1921–22	4.98	8.23	228,519	124,124	41.0	5,088,062	618,457	578,010	243	11.36
1922–23	4.85	8.23	235,134	114,182	39.9	4,559,819	554,199	517,954	243	11.36
1923–24	6.42	7.91	231,862	111,581	50.7	5,661,000	715,918	669,097	253	11.82
1924–25	6.47	8.06	240,597	120,632	52.2	6,297,000	781,000	730,000	248	11.59
1925–26	6.58	8.07	237,774	122,309	53.1	6,495,686	804,644	752,020	248	11.58
1926–27	6.68	8.41	234,809	124,542	56.1	6,992,082	831,648	777,258	238	11.12
1927–28	7.00	8.37	240,769	131,534	58.6	7,707,330	920,887	860,661	239	11.17
1928–29	7.16	8.05	239,858	129,131	57.7	7,447,494	925,140	864,636	248	11.61
1929–30	7.02	8.36	242,761	133,840	58.7	7,853,439	939,287	877,858	239	11.18
1930–31	7.43	8.33	251,533	137,037	61.9	8,485,183	1,018,047	951,467	240	11.21
1931–32	7.57	8.38	251,876	139,744	63.4	8,865,323	1,057,303	988,155	239	11.15
1932–33	7.34	8.05	254,563	144,959	59.1	8,566,781	1,063,605	994,045	248	11.60
1933 (Oct. 1 to Dec. 31)	--------	--------	--------	--------	--------	--------	127,317	118,990	--------	--------

CHART I-B.—*Cane sugar production in Hawaii, 1908–63*

Production year (beginning Jan. 1)	Tons sugar per acre	Tons cane per ton sugar	Total cane land area	Cane used for sugar			Sugar produced		Raw value 96° sugar made per short tons of cane	Recovery of equivalent refined sugar from cane ground
				Acreage harvested	Average yield per acre	Production	Converted to 96° raw value	Equivalent refined		
			Acres	*Acres*	*Short tons*	*Short tons*	*Short tons*	*Short tons*	*Pounds*	*Percent*
1934	7.14	8.33	252,237	134,318	59.5	7,992,260	959,337	896,596	240	11.22
1935	7.82	8.67	246,491	126,116	67.8	8,555,424	986,849	922,309	231	10.78
1936	7.97	8.80	245,891	130,828	70.1	9,170,279	1,042,316	974,149	227	10.62
1937	7.46	9.32	240,833	126,671	69.5	8,802,716	944,382	882,619	215	10.03
1938	6.92	9.39	238,302	135,978	65.0	8,835,370	941,293	879,732	213	9.96
1939	7.18	8.66	235,227	138,440	62.2	8,609,543	994,173	929,154	231	10.79
1940	7.16	8.76	235,110	136,417	62.7	8,557,216	976,677	912,802	228	10.60
1941	7.24	9.04	238,111	130,768	65.5	8,559,797	947,190	885,244	221	10.34
1942	7.58	9.10	225,199	114,745	69.0	7,918,342	870,090	813,195	220	10.27
1943	7.79	9.24	220,928	113,754	71.9	8,185,400	885,640	827,719	216	10.11
1944	7.99	8.95	216,072	109,522	71.5	7,832,185	874,947	817,725	223	10.44
1945	7.96	8.98	211,331	103,173	71.4	7,371,158	821,216	767,509	223	10.41
1946	8.06	8.83	208,376	84,379	71.1	6,002,127	680,073	635,596	227	10.59
1947	7.72	9.11	211,624	113,020	70.3	7,942,216	872,187	815,146	220	10.26
1948	8.35	9.03	206,550	100,042	75.4	7,542,613	835,107	780,491	221	10.35
1949	8.76	8.44	213,354	108,794	73.9	8,045,941	955,890	893,375	238	11.10
1950	8.78	8.51	220,383	109,405	74.7	8,174,821	960,961	898,114	235	10.99
1951	9.09	8.51	221,212	109,494	77.4	8,477,201	995,759	930,636	235	10.98
1952	9.44	8.52	221,990	108,089	80.4	8,693,920	1,020,450	953,712	235	10.97
1953	10.15	8.19	221,542	108,337	83.1	9,003,967	1,099,316	1,027,421	244	11.41
1954	10.02	8.75	220,138	107,480	87.75	9,431,781	1,077,347	1,006,889	228	10.68
1955	10.74	8.66	218,819	106,180	92.94	9,867,978	1,140,112	1,065,525	231	10.79
1956	10.28	9.01	220,606	106,956	92.65	9,909,990	1,099,543	1,027,633	222	10.37
1957	10.16	8.71	221,336	106,742	88.51	9,447,647	1,084,646	1,013,710	230	10.73
1958	9.09	9.87	221,683	84,136	89.77	7,552,750	764,953	714,925	203	9.47
1959	8.83	9.66	222,588	110,371	85.31	9,416,225	974,632	910,891	207	9.67
1960	9.03	9.20	224,617	103,584	83.15	8,613,317	935,744	874,546	217	10.86
1961	10.09	8.78	227,027	108,320	88.58	9,595,342	1,092,481	1,021,033	228	11.39
1962	10.31	8.78	228,926	108,600	90.36	9,812,580	1,120,011	1,046,762	228	11.41
1963	10.25	9.12	231,321	107,436	93.39	10,033,969	1,100,768	1,028,777	219	10.97

In the 20th century, the history of Hawaii's sugar industry has continued along the lines set down for it earlier.

Use of the most modern technology has continued the upward trend of production, and two World Wars have provided both stimulus and some dislocations. Since 1937 because sugar prices had fluctuated widely, new legislation to meet this problem became necessary.

The discovery of new and improved techniques brought more land, previously considered worthless, under cultivation after the turn of the century. Once again, the call for labor went out, and in 1906 the last influx, that of Filipino labor, commenced. By 1910 there were 2,361 Filipinos in Hawaii, the total rising to 66,049 in 1931, when Filipino men comprised the bulk of plantation labor. Their recruitment was carefully planned. Pay and living conditions were publicized. Immigrants had to pay their own way over, although they were promised their passage home after 720 days of work within a 3-year period.

The pattern of development in the islands has been such as to develop large units that could respond to long-range planning and operations utilizing modern technology. As sugar boomed after the 1879 Reciprocity Treaty, the farmers turned to Honolulu merchants for financial and other help, resulting finally in a present day network of 26 separate sugar plantation companies, plus about 1,200 independent cane planters.

CHART II.—*Sugarcane acreage, ccreage harvested, production, average number of adult hourly rated employees, and total man-days of all hourly rated employees on Hawaiian sugar plantations*

	1940	1945	1950	1955	1960	1963
Acreage	235,110	211,331	220,383	218,819	224,617	228,926
Acreage harvested	136,417	103,174	109,405	106,180	103,584	107,436
Production, 96° tons	976,677	821,216	960,961	1,140,112	935,744	1,100,768
Adult hourly rated employees	35,062	20,806	20,258	16,773	12,111	10,722
Total man-days, hourly rated employees	8,870,704	6,350,489	5,069,682	3,896,761	2,917,459	2,582,706

Technical progress continues to be the keynote to improved production. As a result, in the 1960's Hawaii has produced bigger yields on smaller acreages than anywhere else in the world.

The harvest sugar acreage in Hawaii reached an average yield of nearly 95 tons of cane an acre in 1964. Because cane is a 2-year crop in Hawaii, halving this gives a comparison of 42.5 tons per acre with the 29-ton average in Louisiana, the 32-ton yield for Florida, and the 33-ton yield for Puerto Rico.

One of the newer technical developments is the use of overhead irrigation, which is adaptable to areas not easily irrigated by earlier methods and which apparently requires only one-fourth as much water as would be used with ditch irrigation. This has led to the use of some additional land for sugarcane.

In addition, replanting with improved cane varieties continues, and new and improved loading machinery, unloading equipment, boilers, and other machinery are being installed. And, new tests are being conducted on techniques of loading, cutting seed, utilizing bagasse—sugarcane waste—and mill processing.

The continuing importance of technological advances is of major importance in the light of tight limitations on land resources. From a high of 254,000 acres in 1932–33, sugarcane acreage in Hawaii declined to less than 207,000 in 1948 before rising again to more than 231,000 acres in 1963. It is believed that only about 250,000 acres throughout the State can ever be used profitably for sugarcane production, in the light of present sugar prices.

Growing hand in hand with modern plantation technology has been a program of industrial relations and cooperation with labor organizations that has seen Hawaii's sugar workers become the highest paid in any sugar-growing area. Hawaii's sugar plantation and millworkers are represented by the International Longshoremen's and Warehousemen's Union.

The Hawaii plantation worker is employed the year around. He produces more and gets paid more. His hourly earnings are from one-third to three times higher than fieldworkers' earnings in other sugar-producing areas of America, and vastly above those of foreign sugar-producing areas. In addition, there are fringe benefits of medical care, paid vacations and holidays, insurance, and pensions.

In 1963, the average daily wage of nonsupervisory employees in the Hawaii sugar industry was $16.68, with fringe benefits valued at another $5 a day. This $21.68 total in 1963 rose to an estimated $24.10 a day in 1965.

A recent 1-year collective bargaining contract covering employees of 25 plantations provided for wage increases of 7 cents an hour, starting February 1, 1965; an additional paid holiday on the day before New Year's; and extension of the industry's dental health insurance plan for children of employees.

It is estimated by the U.S. Department of Agriculture that average hourly cash earnings of fieldworkers in Hawaii's sugar industry was $2.22 in 1964, compared to $1.29 for beet area workers, and that in 1965 Hawaii's cane fieldworkers will be earning $2.30 an hour, compared to $1.35 for beet workers.

Meanwhile, the sugar shortages of 1962–63 have developed marketing problems for Hawaii's sugar industry. Surplus supplies became troublesome for western sugarbeet growers who had expanded production from 2,213,000 tons in 1957 to 3,110,000 tons in 1963 as the result of lifting or acreage restrictions. Much of this must be marketed in the same western areas of the United States in which Hawaii's cane sugar is sold. At the same time, the price of sugar has dropped from its scarcity highs to a more normal level.

The agreement among sugar industry segments on recommended legislation would appear to solve these problems in a manner satisfactory to Hawaii's cane producers as well as to the sugarbeet growers of the Western States.

In addition, it is indicated that Hawaiian cane growers will continue to depend, as they have in the past, on efficient utilization of the latest and best in technology. Fully 25 varieties of specially bred cane occupy important acreages in Hawaii. Applied science continues to be related to fertilization, irrigation, and insect and disease control.

Management engineers continue to apply themselves to new and more efficient methods of producing, harvesting, transporting, and milling cane. Major savings have been realized in bulk sugar unloading costs.

The 1964 sugar crop of 1,178,770 tons set a new record high, breaking the record of 1,140,112 tons established in 1955. It produced the highest amount of sugar production per acre in the world, with its 10.64 tons per acre, just one-tenth of a ton lower than the record figure of 10.74 tons set in 1955. Cane land in production reached a post-World War II high of 233,145 acres, while total acres harvested amounted to 110,759 acres.

Because of the drop in sugar prices, receipts are estimated at about $157 million, which is equal to 1962 but well below the $188 million recorded in 1963.

So it is that Hawaii's sugar industry maintains its position as one of the most important in the world in the face of the constant fluctuation of price, competitive position, and international relations with which it has had to contend since its inception.

We in Hawaii proudly look forward to continuation of this success story far into the future, with advantageous results to the State and its citizens as well as to the entire Nation.

RECORDS OF THE STATES OF THE UNITED STATES: A MICROFILM COMPILATION

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Kornegay] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. **KORNEGAY**. Mr. Speaker, I should like to include in the Record at this point a report which appeared in the UNESCO Bulletin for Libraries, March–April 1965, which was prepared by Dr. William Sumner Jenkins, director, Bureau of Public Records Collection and Research, the University of North Carolina, and Frederic Kirk, research assistant.

The University of North Carolina is located at Chapel Hill, which lies in my congressional district. In the early days of the national depression of the thirties, Dr. Jenkins conceived an idea that culminated in 1956 in the establishment of the Bureau of Public Records Collection and Research. I have the honor to serve as a member of the advisory board and as a member of the company of associates of the bureau and have been familiar with the objectives and work of the bureau for some time.

As a result of a study of the amending process of the Constitution of the United States, it was discovered that significant gaps existed in the few comprehensive central collections of printed documents pertaining to the study. In 1941, the Library of Congress and the University of North Carolina undertook to make a microfilm compilation of the official records of the States of the United States which would reveal the organic growth of American institutions of democracy, and it was this joint effort and project which resulted in the establishment of the bureau at the University of North Carolina, with Dr. Jenkins as director.

In addition to the microfilm collection of official records of the States, Dr. Jenkins has extended this process of compilation to many countries of the globe with signal success.

Since the Library of Congress cooperated in the early days of this important project, I am sure the Members of Congress will be very much interested in Dr. Jenkins' report. We are all due him an immense debt of gratitude for assembling these legislative, statutory, and constitutional records of our own country and for extending the pattern in other countries of the world. The preservation of these records by microfilm will afford present and future scholars rich investigative material which might otherwise be lost or unavailable for consultation. Dr. Jenkins has not only served the cause of historical scholarship well; he has also preserved the materials through which countries can envisage and understand the historical foundations of other countries, and through which, to paraphrase his words, mankind can understand and help mankind.

The report follows:

Records of the States of the United States: A Microfilm Compilation

(By William S. Jenkins, Director, Bureau of Public Records Collection and Research, at the University of North Carolina, and Frederic Kirk, Research Assistant)

The Bureau of Public Records Collection and Research at the University of North Carolina was established in 1956 to provide an agency for both the scholarly utilization of the microfilm compilation of American early State records and the stimulation of like projects in other countries of the world. As such, the establishment of the bureau marked the culmination of the State records microfilm project, a joint enterprise of the Library of Congress and the University of North Carolina, during the years 1941–51, to compile serially on microfilm the official public records of each of the American States. At the same time it marked a start in projecting the idea of such a systematic compilation into other countries of the world. In that "Records of the States of the United States," in conjunction with the "Guide to the Microfilm Collection of Early State Records" (1950) and its supplement (1951), had for the first time opened up in a comprehensive manner the primary sources of American documentation and made them readily available to scholars everywhere, it was our belief that if like programs were carried through in other countries of the world it would be possible to assemble on microfilm a world resource of documentation which would be as readily available to the world of scholarship for investigation as are the "Records of the States of the United States."

The genesis of the idea of creating a microfilm compilation of American public documentation goes back to the early 1930's when a study of the amending process of the Constitution of the United States (art. V) was undertaken. In order to carry through such a study it was necessary to find and examine complete files of the proceedings of the legislatures of each of the States from 1788 down to 1938 because the few comprehensive central collections of printed documents contained very significant gaps. Such a search entailed travel to the State capitals, paging through the session laws and legislative journals and transcribing the pertinent documents on to note cards. The expense, time, and tedium involved in this operation provoked a practical reaction—the improvisation of a portable copying stand mounted with a small camera. This crude apparatus provided an effective and marked acceleration in research procedure.

By 1940, at which time the electronic copying camera had been perfected, the Library of Congress and many other document repositories had become alarmed at the existence of serious lacunae in their holdings and interested in the possibilities of completing their files through the medium of microfilming. Already complete finding lists of documents from each State had been compiled and checked through the holdings of the major libraries and repositories. Thus, through a concatenation of events, the State records microfilm project was launched in 1941. Although the original purpose of the State records microfilm project was primarily to serve the interest of the joint sponsors in making good their deficiencies, it was implicit in the conception itself that in the course of time there would emerge a great national microfilm collection of official resources, gathered in from all parts of the country, for the reciprocal benefit of all.

The success of the State records microfilm project, which was perhaps the pioneer project in what has been called itinerant microphotography, was due primarily to the cooperative spirit that exists amongst scholars, a spirit which grew with the knowledge that from the general pool of master negative films being assembled positive prints would be made available to meet the needs of contributors to the program. The assurance of this element of reciprocity in many instances overcame an initial reluctance of some curators to "devalue" their treasures by permitting photographic facsimiles to be made of unique and rare items. Indeed, our continuing quest for rarities and missing numbers known to have been published and the constant lookout for others hitherto unreported, which may have been issued, were essential to the development of our fieldwork procedures. The result of our nationwide inventory and search was the locating of many displaced and unrecorded items of a fugitive or ephemeral nature which in aggregate formed a rich and extensive addition of source information. To achieve this result, by 1948 we had traveled over 100,000 miles, into every State of the Union, visiting official and private document repositories and collections and had photographed in them our desiderata. With the collection phase of operations nearing completion, in September 1948 we returned to the Library of Congress to begin the task of arranging the collected materials for editing and subpublication of "Records of the States of the United States" as a serial set.

This second stage of the project required an expanded staff and the setting up of a workshop. The editing of the films themselves involved several steps. First the miscellaneous mass of rough film photographed en route wherever found had to be read in order to ascertain any technical defects that would require remakes; these in the event turned out to be few in number. At the same time the film had to be read to note the imperfections existing in the original items copied and to ascertain missing numbers and serial gaps yet to be filled. These deficiencies in the rough film were corrected by return visits to many of the depositories for retakes and, during the concluding period of editing, by borrowing volumes and finally by securing photostatic copies of particular pages. This secondary film was then spliced into the original reels to perfect and serially complete copy, a process which required the greatest precision in the mechanics of cutting the film and splicing it into a rebuilt whole.

Parallel with the reading, a stock inventory was taken from the field record books in which had been kept a running account of the microfilming. Each roll of film had been serially numbered and the titles and pagination of each item entered for editorial collation. This latter task was facilitated by entering marginally in the field record a series of symbols identifying the variable nature of materials included in each roll and these marginal entries in turn guided the editors to the rolls containing pertinent take-off frames. The size of this task is indicated by the fact that it required over 32,000 splices to recast the rough film into the completed serial set.

The system of symbols also formed the basis of the overall framework of arrangement into content classes:

A. Legislative records.

B. Statutory laws: B.1, codes and compilations; B.2, session laws; B.3, special laws; B.4, miscellany.

C. Constitutional records.

D. Administrative records.

E. Executive records.

F. Court records.

To these six regular classes were added five special classes organized from a residue of items:

L. Local records.

M. Indian records.

N. Newspapers.

R. Rudimentary states and courts.

X. Miscellany.

This arrangement was in the nature of a looseleaf notebook permitting period extensions of the separate classes and the addition of collateral parts as need should arise. Although time and money precluded the completion of the serial set in D, E, and F (where large gaps yet remain) it is believed that classes A, B, and C do in fact contain the large body of all items known to be extant down to the period of the American Civil War and together form a microfilm foundation on which individual superstructures can be built according to special need.

A foundation of legislative, statutory and constitutional records of the kind just described will, it is considerd, be the sine qua non for compiling similar national microfilm collections of public records. As the pattern is carried through in other countries a resource will be formed from which comparative studies can be made of the elements of constitutionalism, of the workings of the legislative process, of the substance of legislation, and of legislative rules, procedures and customs. To provide for the intelligent and effective needs for such a comprehensive resource, the journal and debate record of legislative bodies must be supplemented by files of legislative bills and other proposals, as well as the reports of committees whenever existing in separate form and by annual reports and documents submitted by the executive branch of government. The assembly of such filed papers under class A.6., "Legislative papers," is essential in any consideration of democratic processes and the principles of representative government.

A word should be added at this point to explain the internal arrangement of the individual completed reels which are arranged alphabetically by State. The first frame of the leader of each individual reel carries the identification of the State, the class, the part of the class and the inclusive dates of the material contained. This first frame, like the call number on the spine of a book, permits the user ready access to the particular materials desired. The leader also contains the editor's comprehensive introduction to the class of materials included in that reel; the introduction, besides describing the general research character of the materials contained in the class, also gives pointers to possible research uses. And, at the end of the leader, a variable number of frames serves as a table of contents of the sundry titles appearing on the reel. For the convenience of the searcher this table of contents is divided into units denoted by reversed black and white flash signs in large Roman numerals whereby the searcher may speedily turn to the particular entries of desiderata for his purpose.

The guides serve as a key to "Records of the States of the United States" and, incidentally, as a catalog for both ordering positive copies, the master negative of which is held by the Library of Congress, and borrowing reels through the Inter-Library Loan Service. The guides cumulate the tables of contents of the separate reels comprising the set. But the guides are more than simply the key to the set, for they also contain bibliographical data: to each item listed is attached a holder's symbol and the holders' symbols are codified by a key to location of symbols. The rarity of the original title is indicated by a dash and a figure (—1) following the symbol. Wanting titles are also shown by the letter W in brackets [W]. In the aggregate, the encoding formula comprises for the investigator a control apparatus over the entire body of documentation, and enables the retrospective completion of files and the prospective retrieval of information through the methods of automation.

"Records of the States of the United States" is composed of 1,765 reels of microfilm which, if extended, would reach over 32 miles. The films can be serviced in armchair fashion in a small research room of 8 by 10 feet. Such concentration is for the researcher a conquest over time and space, lifting to fingertip availability the record of the American heritage. This record, reflecting the organic growth of America's institutions of government, offers a dual avenue of approach for the scholars to track and trace themes of investigation—vertically through time in each State jurisdiction and horizontally through space in comparative studies between the States at each period of the country's development. To choose an illustration of this facility, let us select Massachusetts, B.1, reel 1, unit 6, and we have before us the first printed lawbook in America, "Massachusetts' Body of Liberties" (1648), held by the Henry E. Huntington Library in San Marino, Calif. And within the time it takes to change a reel we shall have crossed the continent and the Atlantic Ocean to HM Public Record Office in London where we shall be reading South Carolina, A.1, reel 3, unit 2, the "Journal of the Commons House of Assembly, July 1728," the original of which has disappeared on the American side of the Atlantic. Without exaggeration such a juxtapositioning of documentary material and bibliographical indexing may be called a system of mechanized bibliography.

The nexus between the State records microfilm project, completed in 1950, and the bureau, established in 1956, was an "errata and addenda" program. During this program two purposes were served, first, to determine what new materials had come to light in order to ascertain the [W] titles and, secondly, to determine to what extent and in what ways institutions were making use of "Records of the States of the United States."

We were gratified to discover not only the extensive use of "Records of the States of the United States" in historical, legal and constitutional research, but also its practical application in the preparation of bibliographies of basic source materials, for instance, the revision and continuation of Evans' "The American Bibliography," and in the preparation of legal briefs presented in some of the most significant cases heard before the Supreme Court in recent years. Furthermore, "Records of the States of the United States" contains a large reservoir of basic documentation from which, for instance, the editors of the "Territorial Papers of the United States" and the "Documentary History of the Ratification of the Constitution and the First 10 Amendments," now in preparation for the press, have drawn directly to effect a vast saving in both time and cost. It was this positive assurance of the numerous uses to which "Records of the States of the United States" was being put in the United States that led us to believe, after the establishment of the bureau, that its pattern of collection and research, if projected, would be of worth and usefulness to other countries. The bureau, therefore, entered upon a work program of new dimension, that of projecting the idea of "Records of the States of the United States" as a pattern of usefulness for countries abroad to follow and, concomitantly, to survey the present condition and utilization of public records in other countries, to the end that a general synthesis might be made of the techniques and procedures being used in public records conservation and management.

In pursuance of this expanded program, research trips were made to Canada, 1958–59; to Western Europe, 1960; to Mexico and Central America, 1961; to the Caribbean and South America, 1962; and to Africa and the Levant in 1963. The program will continue with further trips to other areas of the world as yet uncovered, and full reports will soon be published of the findings of the trips to date. Briefly it may be said at this point that the records movement is gathering momentum in many countries, indicating that governments are becoming more and more aware of the need to preserve the heritage of their peoples. Several very significant microfilm projects are underway. Perhaps most interesting is the way in which some of these can complement each other to form an encoded cross-reference resource. For instance, the tremendous work being undertaken at the Archivo Histórico Ultramarino in Lisbon to center there facsimiled copies of the records of the Portuguese overseas territories is complemented at points by the equally important work being conducted by the South African National Archives in Pretoria in drawing together on microfilm the diverse origins of the republic. A similar long-range program, vast in scale, has been proceeding for some years in the Dominion of Canada where the National Archives has been relentless in extending its coverage by microfilm in England and France.

A contrasting situation pertains in the Latin American countries which have a common Hispanic heritage. In these countries there exist several projects to microfilm the most important documents. These programs, however, are small in scale, individualized, and not altogether proof against duplication. The mobile microfilm unit of UNESCO, in recent years, has not only directly undertaken some of these individual projects in some of the Latin American countries but has also rendered a general service by placing the master negatives in a central depository in Mexico City to form the beginnings of an area resource. The mobile microfilm unit has now transferred its operations to the Asian and Levantine countries and an area center has been set up for the films in Cairo. Another important program being carried out on similar lines is that of the University of Florida which has been copying the official gazettes of the Caribbean islands. Perhaps the most significant on-the-spot microfilming work done independently in Latin America is that which has progressed in the National Archives of Guatemala where at the sometime crossroads between West and East was gathered a wealth of source materials documenting the diplomatic relations of the countries of the world.

In conclusion, however, it must regrettably be said that the Bureau's surveys indicate that in too many places and countries much of the record has already in large part been lost forever, much is now being lost because of neglect, lack of money, and indifference on the part of the responsible custodians. Many ancient documents, some of which could alter the meaning of history, lie unattended, gathering dust in out-of-the-way corners, damp cellars and dark attics, the prey of insects and the deteriorations of climate, or just plain rot. With techniques readily available for the restitution, preservation, and exchange of documentation reflecting the history of noble heritages, it is imperative that the envisaged program be diligently pursued by the organized forces of corporate scholarship as an effort of mankind to understand and help mankind. We are confident that when the logic of microfilming is thoroughly understood and applied by archival agencies over the world our aim will be realized.

PERSONAL ANNOUNCEMENT

Mr. **REDLIN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. **REDLIN**. Mr. Speaker, on Wednesday, September 29, I was granted a leave of absence for Friday, October 1, to transact official business in my district. On the evening of Thursday, September 30, I waited for the last available transportation, but was nevertheless forced to be absent for rollcalls 342 and 343. If I had been present and voting, I would have voted "yea" on rollcall 342 and "yea" on rollcall 343, final passage of H.R. 10281, the Government Employees Salary Comparability Act.

THE 260-INCH SOLID PROPELLANT BOOSTER

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. **Hechler**] is recognized for 30 minutes.

Mr. **HECHLER**. Mr. Speaker, on Saturday, September 25, exactly 10 days ago, at Homestead, Fla., the largest rocket motor in the world was test fired. This was a 260-inch-diameter rocket with solid propellant. It was built for the National Aeronautics and Space Administration by the Aerojet-General Corp.

This test firing was a spectacular success. It bolstered the confidence of the American people in the future of these large solid-fueled rockets. I firmly believe that solid propellants will supplement and, in some cases, supplant liquid propellants in the future. It is true that liquid fuels have served us very well, but as we work in increasing capability for longer missions in our future space programs, we must work on nuclear propulsion and solid fuels as possibilities for such missions as landing laboratories on the Moon, for missions to Mars, and other planets. These other means of propulsion must be fully researched and developed. The solid propellants are storable for long periods, safer, and less complicated by all the valves, turbines and piping needed for liquid fuels.

HAS 3.5 MILLION POUNDS OF THRUST

Mr. Speaker, this test was supposed to develop 3.3 million pounds of thrust, but it worked out in the actual test firing, 3.5 million pounds of thrust were developed. The total burning time was to have been 124 seconds. Yet because of the building up of a larger thrust, the total recorded burning time was only 112 seconds. This is the half-length motor. The Committee on Science and Astronautics has authorized, and Congress has appropriated, an additional $6.2 million above the President's budget to carry forward the development and test firing of a full length 260-inch diameter solid fueled propellant rocket motor.

When the full-length motor is developed and test fired it should develop between 6½ and 7 million pounds of thrust, and should be a great staple in our space program of the future.

A GREAT WEST VIRGINIAN

Among those individuals who have been particularly interested in and active in connection with this program is a West Virginian, William L. Gore, who is the senior vice president for sales of the Aerojet-General Corp.

Mr. Speaker, I ask unanimous consent to include at this point in my remarks an article from the Charleston Gazette concerning William L. Gore and his role in the Aerojet-General Corp.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The article is as follows:

[From the Charleston (W. Va.) Gazette, Oct. 3, 1965]

STATE NATIVE HEADS UP TOP SPACE FIRM'S SALES

William L. Gore is a high school dropout who was voted president of his class at Harvard University.

He also is the first man to be propelled in flight by rocket.

His boss is former Secretary of the Navy Dan Kimball, who never went to high school. Kimball is chairman of Aerojet-General Corp., which had more than a half-billion dollars in sales last year and has 20,000 employees in 12 plants across the United States.

Gore is senior vice president for sales at Aerojet-General, with offices at Pasadena, Calif., New York, and abroad.

Lest this be taken as a testimonial to abandoning formal study, a closer look at Bill Gore is in order.

He is a first cousin of Truman E. Gore, State finance and administration commissioner. They grew up together on the Gore farm outside Clarksburg.

Bill took off for Pittsburgh in the early 1930's and landed a job, briefly, before he enlisted in the U.S. Marines.

Interested in aviation, he took flight training at Pennsacola Naval Air Station and started flying Government mail through the Caribbean. In about 1935, he was transferred to Roswell, N. Mex.

There a physicist named Robert Goddard, ridiculed in Government circles as a "moon man" and a dreamer, had just launched the first rocket to go faster than the speed of sound. Dr. Goddard envisioned rocket-propelled vehicles orbiting the earth and even someday traveling to distant planets. One of his early disciples was Bill Gore.

During the early years of World War II, the War Department called in Goddard to explain the principles of liquid-fueled rockets. Intelligence had learned German scientists were working on them.

"It later developed that the German V-2 was nothing more than a bigger version of Dr. Goddard's early rockets," Gore said here last week.

He was one of the principal speakers at the NASA procurement conference sponsored by the State commerce department.

As a marine pilot assigned to Goddard's experimental station, Gore was the first man to test the jet-assisted takeoff (JATO) device that proved so effective in boosting planes aloft in a short distance.

Gore volunteered for the first test, and received the Navy's Distinguished Service Cross as the first man assisted aloft by rocket power.

After World War II, Gore resigned his commission and joined a fledgling firm named Aerojet in California. The firm was formed to make rocket engines in a fruit juice plant. Later, it was absorbed by the giant General Tire Corp.

"I got in on the ground floor of an exciting business," Gore said. But he failed to mention the numerous correspondence courses and specialized training that equipped him for his key job with one of the world's leading space firms.

In 1960, Gore enrolled in the advanced management program at Harvard's Graduate Schools of Business Administration. There were 130 top management executives and Government officials attending the course. Gore was elected permanent president of the class on graduation day.

During the Korean war he was assigned by the Secretary of the Army and the Air Force to tour the battlefronts and submit a secret report on the war.

Two years ago, he was the fleet admiral's guest in the world cruise of the U.S. atomic fleet—and discovered the carrier's captain had received his first airplane ride from Marine Pilot Gore.

"It's amazing that we've been able—in the short space of 30 years—to go from a small rocket in the New Mexico desert to the tremendous vehicles of today," Gore commented.

Last week a Cape Kennedy, Fla., Aerojet's 100 scientists launched a solid-fuel rocket with 3.5 million pounds of ground thrust. That's enough horsepower to put about 44 Cadillacs into orbit.

"It was real gratifying," Gore said, then added: "But it's only the beginning."

Mr. HECHLER. Mr. Speaker, the initial effort in the development of solid propellants was started by the Air Force. We have seen the obvious advantages of the Polaris and Minuteman missiles powered by solid propellants. The Air Force built on these developments and produced the 120-inch and 156-inch solid boosters. Solid-booster development was carried on jointly by NASA and the Air Force from 1963 to 1965, and since March 1965, by NASA.

When the President sent up his budget for the fiscal year 1966, no funds were included for further development of the 260-inch diameter solid propellant booster. The Bureau of the Budget ruled that this program should be phased out. The program had cost the Federal Government approximately $42 million, added to which were over-runs under the Air Force contracts to bring the total investment to $51.1 million.

As the House Committee on Science and Astronautics considered this question, we could not help but conclude that $51.1 million is probably the cheapest booster cost of any size that had been brought to this stage of development.

NEED FOR LARGER BOOSTERS

It should not be necessary to point out that the first bitter space lesson this Nation learned in October 1957 was that the key to the exploration of space is the ability to develop large operational boosters and propulsion capability. It would now be the height of folly to interrupt or terminate this program which is demonstrating its effectiveness. To cut off funds for further development of the 260-inch solid-fueled rocket would disperse the research teams beyond retrieval, and would result in the waste of millions of dollars already spent. It is for this reason that Congress authorized the additional $6.2 million.

What is contained in this solid propellant which was fired on September 25? The booster consists of ammonium perchlorate as the oxidizer, plus an aluminum composite poly butadiene acrylonitrile fuel. This fuel is essentially a synthetic rubber base with additives of powdered aluminum and an acrylic acid. The igniter is the same material but is designed by shape to burn quickly to raise the temperature along the entire 260-inch grain as quickly and as uniformly as possible.

The feasibility test is carried out under the supervision of the Office of Advanced Research and Technology of the National Aeronautics and Space Administration. The project management is the responsibility of NASA's Lewis Research Center in Cleveland, Ohio, under the direction of Dr. Abe Silverstein. James J. Kramer is the Lewis project manager.

A WEST VIRGINIA FIRM PARTICIPATES

The length of the motor which was test fired measures 80 feet, 8 inches. The total motor weight is 931 tons, 90 percent of which is propellant. I am proud to note that much of the aluminum core was made by the Kaiser Aluminum & Chemical Corp. of Ravenswood, W. Va. The core is 60 feet in length and weighs 107 tons, and is used to form the propellant grain into the correct shape so that firing will be even.

According to NASA's advance statement:

> The objectives of the project are to advance technology and to demonstrate the feasibility of building and operating solid motors of large size.

The motor was fired in a nozzle-up position from a test pit more than 160 feet deep, with only the nozzle extending above the ground. The flame from the motor shot up 1,200 feet into the air as the propellant burned at a rate of 6 tons per second.

Once the igniter fired an 80-foot flare the entire length of the big motor, the igniter was removed by allowing it to fly itself out of the nozzle of the larger motor. The igniter motor was tethered by huge steel cables and was to swing through a controlled arc and land in a pond near by. But the cables did not hold, and the igniter shot up several thousand feet. This was just one very minor phase of the test which did not go as planned, but it cannot be considered as a serious shortcoming.

Mr. Speaker, under unanimous consent, I include the text of the NASA release of September 29, 1965, which announces that the September 25 test had achieved the planned objectives:

NASA's Large Solid Motor Test Achieves Objectives

A 260-inch diameter solid fuel rocket motor developed 3.5 million pounds thrust in a test Saturday, and all results were apparently successful.

The largest motor ever fired was built for the National Aeronautics and Space Administration by the Aerojet-General Corp. near Miami, Fla.

Engineers of Aerojet and NASA's Lewis Research Center, manager of the project, said preliminary results showed that the motor recorded a total action time (or near peak thrust) of 112 seconds, out of a total burning time of 124 seconds. A pressure of 600 pounds per square inch and a top temperature of 5,500° F. was developed inside the steel casing.

The motor, bolted in place nozzle end upward, was tested in a 180-foot pit lined with concrete. The motor itself was 60 feet long and was topped by a 20-foot-high nozzle. Made of special maraging steel casing, the motor contained 1,680,000 pounds of solid propellant cast in one piece.

It was ignited by another rocket motor, of 250,000 pounds thrust capacity. The igniter motor broke free of its tether, rose several thousand feet upward and landed a few hundred yards from the pit.

Scientists of NASA and Aerojet said the results of the test advanced technology and demonstrated feasibility of large solid propellant motors for us in future space launch applications. The test was made with a "half length" motor; a full length motor would develop about 7 millions pounds of thrust. The test series includes one more firing by Aerojet of a similar size motor early next year.

The Honorable George P. Miller, chairman of the House Committee on Science and Astronautics, and the other Members of the House who witnessed this demonstration were enthusiastic about the results. Following our return from Homestead, Fla., Chairman Miller conferred with Hon. Olin Teague, chairman of the Subcommittee on NASA Oversight, who then wrote a letter to NASA dated September 27, congratulating NASA on the successful test firing. The letter also requested NASA's advice on plans to utilize the fiscal 1966 funds, and also a 3-year schedule for large solid booster development following fiscal year 1966.

FUTURE USES

Mr. Speaker, according to estimates by Aerojet-General Corp., the 260 in combination with an existing upper stage can deposit a 14,000-pound payload on the Moon, or send a 7,500-pound payload to Mars. The instant readiness of the 260 also makes it an excellent first stage for vehicles resupplying manned stations on the moon. The 260 is ideally suited for the booster phase of repeated vehicle flights to earth-orbiting space stations for the purpose of resupply and changing crews. Finally, more than sufficient power is provided by the 260 for boosting the nuclear upper-stage propulsion system out of the atmosphere and to operating velocity.

I trust, Mr. Speaker, that we may go forward at full speed on solid propellant booster development, for I believe that these solid boosters can cut the costs of our space launchings by 50 percent in the future.

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Pepper (at the request of Mr. Albert), for today, on account of official business.

Mr. Tenzer (at the request of Mr. Albert), for October 5 and 6, on account of observance of religious holiday.

Mr. Reinecke (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Feighan, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Everett and to include extraneous matter.

Mr. Reuss.

(The following Members (at the request of Mr. Gross), and to include extraneous matter:)

Mr. Mathias.

Mr. Martin of Alabama.

(The following Members (at the request of Mr. BOGGS) and to include extraneous matter:)

Mr. ST. ONGE in two instances.

Mr. HÉBERT.

Mr. BRADEMAS.

Mr. SCHEUER.

Mr. HOWARD.

Mr. COOLEY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1316. An act to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for political divisions and subdivisions in the National Capital region; to the Committee on the District of Columbia.

S. 2542. An act to amend the Small Business Act; to the Committee on Banking and Currency.

ADJOURNMENT

Mr. SCHMIDHAUSER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 22 minutes p.m.) the House adjourned until tomorrow, Wednesday, October 6, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1645. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the Department of Health, Education, and Welfare for fiscal year 1966 (H. Doc. No. 298); to the Committee on Appropriations and ordered to be printed.

1646. A letter from the national adjutant, Disabled American Veterans, transmitting the proceedings of the national convention for the year ending June 30, 1965, together with a report of receipts and expenditures, pursuant to Public Law 668, approved July 15, 1942, and Public Law 77–249 (H. Doc. No. 300); to the Committee on Veterans' Affairs, and ordered to be printed with illustrations.

1647. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the 20th Semiannual Report, pursuant to section 9 of the War Claims Act of 1948 (62 Stat. 1246, 50 U.S.C. App. sec. 2008), as amended, and section 3(c) of the International Claims Settlement Act of 1949 (64 Stat. 13, 22 U.S.C., sec. 1622(c), as amended; to the Committee on Foreign Affairs.

1648. A letter from the Acting Comptroller General of the United States, transmitting a report of need for improved administration of allowances paid for uniforms of cadets in the Reserve Officers' Training Corps, Departments of the Army and the Air Force; to the Committee on Government Operations.

1649. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to Public Law 87–885; to the Committee on the Judiciary.

1650. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to Public Law 87–885; to the Committee on the Judiciary.

1651. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered, as well as a list of the persons involved, pursuant to the provisions of section 13(c) and 13(b) of the act of September 11, 1957; to the Committee on the Judiciary.

1652. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved, according the beneficiaries of such petitions first preference classification, pursuant to section 204(c) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1653. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in certain cases, and the names of the aliens covered thereby, pursuant to section 212(d)(3) and section 212(d)(6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1654. A letter from the Secretary of Commerce, transmitting the second annual report of the Mobile Trade Fairs Act, for the fiscal year ended June 30, 1965, pursuant to Public Law 87–839; to the Committee on Merchant Marine and Fisheries.

1655. A letter from the Secretary of Commerce, transmitting a report of payments made for indemnification for property loss sustained by employees of the Department of Commerce during fiscal year 1965, pursuant to 31 U.S.C. 240–242; that no claims were paid under authority of 10 U.S.C. 2732, as amended by 33 U.S.C. 857a; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORRISON: Committee on Post Office and Civil Service. H.R. 11420. A bill to amend title 39, United States Code, to provide certain mailing privileges with respect to members of the U.S. Armed Forces, and for other purposes; without amendment (Rept. No. 1117). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10625. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of certain amounts paid to servicemen and survivors; with amendment (Rept. No. 1118). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY:

H.R. 11427. A bill to amend the Federal Firearms Act to prohibit the use in the commission of certain crimes of firearms transported in interstate commerce; to the Committee on Ways and Means.

By Mr. DOWDY:

H.R. 11428. A bill to amend the act of September 8, 1960, relating to the Washington Channel waterfront; to the Committee on the District of Columbia.

By Mr. FARNUM:

H.R. 11429. A bill to provide for a visitors center in the Capitol of the United States as a part of any extension, expansion, or renovation of the west front of the Capitol; to the Committee on Public Works.

By Mr. GERALD R. FORD:

H.R. 11430. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. HARVEY of Michigan:

H.R. 11431. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. JOELSON:

H.R. 11432. A bill to provide for construction of a protective glass screen in the spectators' galleries of the House of Representatives; to the Committee on Public Works.

By Mr. MULTER:

H.R. 11433. A bill to authorize the establishment of Federal mutual savings banks; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 11434. A bill to require the appropriate authorities of Federal executive branch agencies to excuse from duty, without loss of pay or reduction in annual or sick leave, employees under their respective jurisdictions in areas covered by official hurricane warnings or warnings of other severe weather conditions; to the Committee on Post Office and Civil Service.

By Mr. WYDLER:

H.R. 11435. A bill to strengthen State and local governments, to provide the States with additional financial resources to improve elementary and secondary education by returning a portion of the Federal revenue to the States; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 11436. A bill to amend the Internal Revenue Code of 1954 to permit amortization of railroad grading and certain other right-of-way improvements, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 11437. A bill to amend the Internal Revenue Code of 1954 to permit amortization of railroad grading and certain other right-of-way improvements, and for other purposes; to the Committee on Ways and Means.

By Mr. LOVE:

H.R. 11438. A bill to provide that the value of annuities and pensions payable under the Civil Service Retirement Act or any other Federal law shall not be taken into account for State inheritance tax purposes; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 11439. A bill to provide for an increase in the annuities payable from the District of Columbia teachers' retirement and annuity fund, to revise the method of determining the cost-of-living increases in such annuities, and for other purposes; to the Committee on the District of Columbia.

By Mr. CONABLE:

H.R. 11440. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 11441. A bill to strengthen State and local governments, to provide the States with additional financial resources to improve elementary and secondary education by returning a portion of the Federal revenue to the States; to the Committee on Ways and Means.

By Mr. FEIGHAN:

H. Con. Res. 519. Concurrent resolution authorizing the printing of additional copies of the hearings on H.R. 2580 (89th Cong., 1st sess.), to amend the Immigration and

Nationality Act, and for other purposes, before the Committee on the Judiciary of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 11442. A bill for the relief of Raffaele Berarducci; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 11443. A bill for the relief of Paul S. Symchych; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 11444. A bill for the relief of Yee Min Kiang, his wife, Shui Yiu Wong, and their minor children, Oi Hong Kiang and Oi Chuk Kiang; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11445. A bill for the relief of Gordon Frederick Jones; to the Committee on the Judiciary.

By Mr. KING of Utah:

H.R. 11446. A bill for the relief of Dr. Ralph R. Stevenson; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 11447. A bill for the relief of Ilyn (Eileen) Haywood; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 11448. A bill for the relief of Nicola Augelletta; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 11449. A bill for the relief of Mrs. Katharina Doermer; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

276. By the SPEAKER: Petition of 90th Division Association, Kansas City, Mo., relative to the disbanding of certain military Reserve units; to the Committee on Armed Services.

277. Also, petition of Henry Stoner, Old Faithful Station, Wyo., relative to restricting the use of listening devices by private individuals; to the Committee on Interstate and Foreign Commerce.

SENATE

TUESDAY, OCTOBER 5, 1965

(*Legislative day of Friday, October 1, 1965*)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Paul Morrison, D.D., associate minister, Foundry Methodist Church, Washington, D.C., offered the following prayer:

Almighty God, Father of all mankind, Creator of the universe, Ruler and Judge of all nations, we pause in reverence and awe to acknowledge Thy bountiful goodness and divine guidance, and to express our gratitude and thanks to Thee for all the benefits which Thou hast showered upon our beloved country. We ask Thy blessing and seek Thy providence upon this legislative body as it enacts far-reaching laws touching the affairs of millions of citizens.

Grant, O God, that each Member of the Senate may be worthy of the trust placed upon them. May they never lose the common touch with the multitudes of citizens they represent, nor fail to serve the common good. In these crucial days and critical hours for the whole world, strengthen the Members of the Senate to be loyal to the moral and ethical principles upon which this Nation was founded. Breathe Thy divine spirit into each one that they may do justly, exercise the love of mercy and to ever walk humbly with Thee, and this we pray, with the forgiveness of our sins, through Jesus Christ our Lord. Amen.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 1, 1965, and of Monday, October 4, 1965, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On September 29, 1965:

S. 402. An act for the relief of Ch Wha Ja (Penny Korleen Doughty);

S. 450. An act for the relief of William John Campbell McCaughey;

S. 618. An act for the relief of Nora Isabella Samuelli;

S. 906. An act to provide for the measurement of the gross and net tonnages for certain vessels having two or more decks, and for other purposes;

S. 1111. An act for the relief of Pola Bodenstein; and

S. 1390. An act for the relief of Rocky River Co., and Macy Land Corp.

On September 30, 1965:

S. 1588. An act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes.

On October 1, 1965:

S. 664. An act to provide for the disposition of judgment funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, and for other purposes;

S. 1190. An act to provide that certain limitations shall not apply to certain land patented to the State of Alaska for the use and benefit of the University of Alaska;

S. 1623. An act to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource;

S. 1764. An act to authorize the acquisition of certain lands within the boundaries of the Uinta National Forest in the State of Utah by the Secretary of Agriculture;

S. 1975. An act to amend the Northern Pacific Halibut Act in order to provide certain facilities for the International Pacific Halibut Commission; and

S. 1988. An act to provide for the conveyance of certain real property of the United States to the State of Maryland.

On October 2, 1965:

S. 4. An act to amend the Federal Water Pollution Act to establish a Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of sewage treatment works, to require establishment of water quality criteria, and for other purposes; and

S.J. Res. 98. Joint resolution authorizing and requesting the President to extend through 1966 his proclamation of a period to "See the United States," and for other purposes.

REPORT OF CORREGIDOR-BATAAN MEMORIAL COMMISSION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 299)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of Public Law 193, 83d Congress, as amended, I hereby transmit to the Congress of the United States the 12th Annual Report of the Corregidor-Bataan Memorial Commission for the fiscal year ended June 30, 1965.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 5, 1965.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 597) to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate health science library services and facilities, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S.J. Res. 69) to authorize the Administrator of General Services to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the "Library of Congress James Madison Memorial Building" and to contain a Madison Memorial Hall, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business to consider the nominations on the Executive Calendar, up to but not including the last item, which begins with the nomination of Burnett F. Anderson to be a Foreign Service officer, class I.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDENT pro tempore. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF JUSTICE

The Chief Clerk read the nomination of B. Andrew Potter, of Oklahoma, to be U.S. attorney for the western district of Oklahoma.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk proceeded to read the nomination of David G. Bress, of the District of Columbia, to be U.S. attorney for the District of Columbia.

Mr. MANSFIELD. Over, Mr. President.

The nomination was passed over.

The Chief Clerk proceeded to read further nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remainder of the nominations in the Department of Justice be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. ERVIN. Mr. President, do I correctly understand that the nomination of B. Andrew Potter, of Oklahoma, to be U.S. attorney for the western district of Oklahoma is one of those considered en bloc?

The PRESIDENT pro tempore. The Senator is correct.

Mr. ERVIN. I make the same query with respect to the nomination of Rex B. Hawks, of Oklahoma, to be U.S. marshal for the western district of Oklahoma.

The PRESIDENT pro tempore. The Senator is correct.

Mr. ERVIN. The reason I asked the question was that I was chairman of an ad hoc subcommittee which passed upon those nominations, and I think they should be confirmed on the evidence presented before the committee.

Mr. MANSFIELD. They should not be confirmed?

Mr. ERVIN. They should be confirmed.

The PRESIDENT pro tempore. The nominations in the Department of Justice have all been confirmed with the exception of that of Mr. Bress, which was passed over.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk proceeded to read nominations in the Diplomatic and Foreign Service, beginning with Verne B. Lewis, Jr., to be a Foreign Service officer of class I, and ending with Robert C. Yore, to be a consul of the United States of America.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 794 and Calendar No. 797, in order, measures on the Executive Calendar to which there is no objection.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will state the first bill.

INCENTIVE PAY FOR CERTAIN SUBMARINE DUTY PERSONNEL

The Senate proceeded to consider the bill (H.R. 5571) to amend title 37, United States Code, to authorize payment of incentive pay for submarine duty to personnel qualified in submarines attached to staffs of submarine operational commanders which had been reported from the Committee on Armed Services, with amendments, on page 1, line 6, after the word "command", to strike out "staff," and insert "staff whose duties require serving on a submarine during underway operations—

"(a) During one calendar month: 48 hours

"(b) During any two consecutive calendar months when the requirements of clause (a) above have not been met: 96 hours

"(c) During any three consecutive calendar months when the requirements of clause (b) above have not been met: 144 hours,"; and, on page 2, after line 5, to strike out:

SEC. 2. The amendment made by the first section of this Act shall take effect March 1, 1965.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 809), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE PROPOSAL

The purpose of this legislation is to clarify the entitlement of personnel assigned duties on the staffs of submarine operational commanders to incentive pay for submarine duty. In addition, the bill as amended contains certain explicit criteria already set forth in this report which must be met before submarine members assigned to operational command staffs may qualify for incentive pay.

BACKGROUND INFORMATION

Since 1944 the Department of the Navy has paid certain members assigned to duties on staffs of submarine operational commanders the incentive pay authorized for duty aboard submarines. On October 30, 1964, however, the Comptroller General, by decision (B–154092) ruled that the language of the present statute does not permit the continued payment of this incentive pay to such staff personnel unless a majority of their assigned duties are actually performed aboard a submarine. The Comptroller General, however, has delayed implementing his decision through the end of this session of Congress, in order to permit the enactment of clarifying legislation so as to permit the continuation of incentive hazardous pay for the operational command staff personnel.

JUSTIFICATION FOR INCENTIVE PAY FOR SUBMARINE OPERATIONAL STAFF PERSONNEL

It should be noted that the number of persons affected by this bill is approximately 932, of which 377 are officers and 555 are enlisted members. All of these men are qualified submariners. This total may be compared to the 22,000 personnel presently serving on board submarines who receive incentive pay for submarine duty.

The operational command staff personnel affected by this bill are experienced submariners who assist the submarine operational commanders in the discharge of their responsibilities, including such activities as operations, training, and inspection, embracing all elements of safety, readiness, and operational activity. As provided in the committee amendment all will serve aboard a submarine at least 48 hours per month, which in normal operations would amount to five 10-hour cruises.

NATURE OF OPERATIONAL STAFF DUTIES

Since 1944 orders to permanent duty on board a submarine have been issued to all submarine operational unit commanders and most members of their respective staffs, and continuous incentive pay for submarine duty has therefore been paid to them. This has been considered fully justified because of the nature of their duties.

In order to carry out their primary responsiblities, submarine force, flotilla, squadron, and division commanders frequently perform duty on board submarines, participate in submerged operations, and make periodic operational cruises in submarines as a matter of established practice. Members of each commander's staff frequently accompany him on board the various submarines of his command, and, in addition, make independent operational cruises on board submarines at sea in the execution of their various duties. These duties include, inter alia, qualification and underway examinations of officers, development and evaluation of new submarine tactics, inspection and certification of safety aspects, including those relating to nuclear weapons and the need to acquire additional operational knowledge pertaining to specific items required in the performance of his staff duties. The frequency and duration of these cruises will vary from infrequent short cruises to long patrol-type operations, depending on the needs of the operational commander and the nature of the staff member's duties. It is difficult to establish, arbitrarily, a specific performance requirement in advance.

Because of the physical limitations in submarines, submarine operational commanders and their staffs must perform some of their duties at submarine bases or on board submarine tenders. To discontinue incentive pay for submarine duty during these periods creates instability of income for the members, thereby creating severe morale problems.

SEC REGISTRATION FEES

The Senate proceeded to consider the bill (S. 1707) to amend section 6(b) of the Securities Act of 1933 which had been reported from the Committee on Banking and Currency, with amendments, on page 1, after the enacting clause to strike out "That section 6(b) of the Securities Act of 1933 is amended to read as follows:

"'(b) At the time of filing a registration statement the applicant shall pay to the Commission a fee of one-fiftieth of 1 per centum of the maximum aggregate price at which such securities are proposed to be offered, but in no case shall such fee be less than $100.'" And insert, "That section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended by striking out 'one one-hundredth' and inserting in lieu thereof 'one-fiftieth', and by striking out '$25.' and inserting in lieu thereof '$100.'"; and, on page 2, line 4, after the word "be", to strike out "July 1, 1965" and insert "January 1, 1966"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended by striking out "one one-hundredth" and inesrting in lieu thereof "one-fiftieth", and by striking out "$25." and inserting in lieu thereof "$100."

SEC. 2. The effective date of section 6(b) of the Securities Act of 1933, as amended by this Act, shall be January 1, 1966.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 812), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 1707 would amend the Securities Act of 1933 by increasing the fee paid in connection with the filing of registration statements for securities offerings from one one-hundredth of 1 percent to one-fiftieth of 1 percent of the maximum aggregate price of the securities to be offered, and by increasing the minimum fee from $25 to $100.

GENERAL STATEMENT

S. 1707 was introduced at the request of the SEC, which submitted this proposal with the approval of the Bureau of the Budget. The Subcommittee on Securities conducted a hearing on this bill on September 22, 1965. Testimony was heard from the Honorable Manuel F. Cohen, Chairman of the Securities and Exchange Commission, who urged that this bill be enacted into law promptly. Another witness, appearing on behalf of the Investment Company Institute, stated that his organization was in agreement with the purposes of this bill. No opposition has been expressed to the bill.

This bill would double the registration fees collected under the Securities Act of 1933. In the case of a public offering of $2 million of securities, enactment of this bill would increase the registration fee from $200 to $400.

It is estimated that, had this bill been in effect during fiscal 1965, an additional $1.8 million in revenue would have been collected by the U.S. Treasury. The fees collected would have been approximately 33 percent of SEC's disbursements instead of the approximately 21 percent which was in fact the case.

The Bureau of the Budget has advised that the enactment of the rate increase proposed would be consistent with the administration's objectives.

The following table shows the SEC's appropriations and fees collected from 1935 to 1965:

Statement of appropriations and fees collected, fiscal years 1935 to 1965, inclusive

	Amount appropriated by Congress	Total fees collected	Percent of fees collected to total appropriation
1935	$1,545,337	$227,699	14.7
1936	3,029,494	900,400	29.7
1937	4,245,000	1,103,780	26.0
1938	3,895,000	716,456	18.4
1939	4,872,000	575,399	11.8
1940	5,470,000	492,640	9.0
1941	5,400,000	517,772	9.6
1942	5,440,000	312,922	5.8
1943	4,910,000	193,366	3.9
1944	4,602,500	407,645	8.8
1945	4,696,704	654,176	13.7
1946	4,694,200	1,093,432	23.2
1947	5,533,700	1,111,416	20.0
1948	5,738,700	946,295	16.5
1949	6,121,140	787,545	12.8
1950	5,878,250	790,043	13.4
1951	6,230,000	1,087,900	17.4
1952	5,813,480	1,364,447	23.5
1953	5,245,080	1,199,370	22.8
1954	5,000,000	1,215,749	34.3
1955	4,843,180	1,703,290	35.2
1956	5,278,000	2,074,211	39.3
1957	5,749,000	2,243,580	39.0
1958	6,935,000	2,334,370	33.6
1959	7,705,000	2,407,706	31.2
1960	8,100,000	2,631,498	32.5
1961	9,517,500	2,927,407	30.7
1962	11,412,500	3,422,403	29.9
1963	13,261,700	2,533,986	19.1
1964	13,937,500	3,106,213	22.3
1965	15,442,000	[1] 3,300,165	[1] 21.4
Total	200,514,965	44,382,403	22.13

[1] Had the proposed fee been in effect in fiscal 1965, the Commissioner would have collected approximately $1,790,000 additional, for a total of $5,090,165, representing 33 percent of the total appropriations for that year.

Source: Securities and Exchange Commission.

COMMITTEE AMENDMENTS

The committee revised the form of section 1 of the bill so as to conform with the version reported by the House Interstate and Foreign Commerce Committee. No change in substance would be made.

The committee amended section 2 of the bill so as to change the effective date of the bill from July 1, 1965, to January 1, 1966.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may transact routine morning business, and that statements in connection therewith be limited to 3 minutes.

Mr. PASTORE. Mr. President, would the majority leader prefer to bring up the conference report on foreign aid appropriations before the transaction of routine morning business? Consideration of the conference report should not take very long.

Mr. MANSFIELD. Except that it would be necessary to have a quorum call first.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. PASTORE. I have no objection.

Mr. DIRKSEN. Mr. President, yesterday I added a qualification with respect to the transaction of routine business; namely, that no motion be made or action taken relating to the pending motion, and that the transaction of routine business be limited to speeches not exceeding 3 minutes.

Mr. MANSFIELD. That is the understanding. When the transaction of routine morning business has been concluded, the motion to proceed to the consideration of H R. 77 will be brought up.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore announced that on today, October 5, 1965, the Vice President signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 1384. An act for the relief of Theodore Zissu; and

H.R. 6726. An act for the relief of William S. Perrigo.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

S. 2599. A bill to amend the Urban Mass Transportation Act of 1964 to provide for additional technological research; to the Committee on Commerce.

(See the remarks of Mr. TYDINGS when he introduced the above bill, which appear under a separate heading.)

By Mr. BARTLETT (by request):

S. 2600. A bill to prevent vessels built or rebuilt outside the United States or documented under foreign registry from carrying cargoes restricted to vessels of the United States; to the Committee on Commerce.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. MONTOYA:

S. 2601. A bill to provide for the coinage of proof sets of subsidiary silver coins and minor coins bearing the date 1965; to the Committee on Banking and Currency.

By Mr. MORSE:

S. 2602. A bill to remove a cloud on the title to certain real property in the State of Oregon owned by Mr. John Johnson; to the Committee on Interior and Insular Affairs.

AMENDMENT OF THE URBAN MASS TRANSPORTATION ACT OF 1964

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, a bill to amend the Urban Mass Transportation Act of 1964 to provide funds for additional technological research to develop new modes of urban transportation.

Americans are becoming increasingly aware that the private automobile and the freeway cannot alone solve the transportation needs of an urban area. Choked roads, foul air, frayed nerves, needless accidents, high public and private costs, and lost time are critical problems in all of our large metropolitan centers and an increasing number of our medium-sized and smaller cities. In order to alleviate these problems we need to develop new systems for moving people about urban areas.

Congress has in recent years begun to recognize the urban transportation problem and has taken some action. The Urban Mass Transit Act of 1964, the Northeast Corridor Act, and the District of Columbia Rapid Transit Act are all designed to improve the situation. While these laws represent a good start, much more will be needed in the years ahead if we are to transport people with anything approaching convenience, economy, and comfort through our major cities.

President Johnson, in a statement delivered upon signing the bill creating the new Department of Housing and Urban Affairs, reminded us that we will have to build a "second America" in the next 35 years. If we are to make that America a decent place in which to live, we must build transportation networks that avoid choking our urban areas to death.

Where the problems of urban growth are concerned, we must look beyond the next few months or few years. We must look ahead an entire generation. Bold innovations in the technology of public transportation are essential to a livable future.

The bill which I introduce today is designed to help meet the transportation needs not of the midsixties, but the midseventies and eighties.

This bill will authorize up to $10 million a year for fiscal years 1966 and 1967 for research programs specifically designed "to achieve a technological breakthrough" in the development of new methods of public intraurban transportation.

The distinguished Representative from Wisconsin, Henry S. Reuss, has introduced identical legislation in the House. Twenty-one other Representatives have followed suit.

I ask unanimous consent, Mr. President, to have the text of the bill and the list of Representatives who have introduced similar measures in the House printed in the Record at the conclusion of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and list of Representatives will be printed in the Record, as requested.

The bill (S. 2599) to amend the Urban Mass Transportation Act of 1964 to provide for additional technological research, introduced by Mr. Tydings, was received, read twice by its title and referred to the Committee on Commerce.

(See exhibit 1.)

Mr. TYDINGS. Mr. President, I further ask unanimous consent that the bill lie on the table for 10 days to afford Senators an opportunity to cosponsor it, should they so desire.

The PRESIDENT pro tempore. Without objection, the bill will lie on the table for 10 days, as requested.

Mr. TYDINGS. Mr. President, the need for Federal financial support of technological research in new and innovating methods of mass transit, in my judgment, is very great. Our transit systems today are merely sophisticated refinements of the same public transit vehicles our fathers and grandfathers used. The subway, for example, is essentially an underground railroad. New York has had essentially the same subway system since 1904. Today's air-conditioned bus is a great improvement over earlier buses, but it is still subject to the limitations of any rubber-tired, self-propelled vehicle which shares the streets with private cars, trucks, and pedestrians. In this respect, it is not much of an advance over the horse and buggy.

Mr. President, a nation which can fly by Mars or land a man on the Moon, can surely devise new and better ways to move people about in our great cities. Last week, NASA announced that an astronaut will "walk" in space for a full orbit of the Earth. In the same 90 minutes that he circumnavigates the globe, many of us will be creeping, bumper to bumper, from our homes to our offices, or be packed like sardines in a dirty bus or an outmoded subway.

The American public deserves better. With the will, the initiative, and a research and development program that is comparable in imagination, if not in cost, to the effort we have made in space, the American public can achieve better urban transportation in our lifetime.

I am fully aware, Mr. President, that both the Northeast Corridor Act and the Urban Mass Transportation Act of 1964 provide funds for research and development. However, neither of these acts is designed or administered to encourage breakthrough technologies in intracity transit engineering. The Northeast Corridor Act is specifically concerned with contributing to the development of more efficient and economical intercity transportation systems. Dr. Robert Nelson, who as Director of Transportation Research in the Department of Commerce will play a major role in administering that act, told the Senate Commerce Committee:

> Our responsibilities run to intercity transcity transportation but not to transportation within urban areas.

The Mass Transportation Act of 1964 authorizes $10 million a year for research, development, and demonstration projects in all phases of urban mass transportation. These funds might be used to finance research into fresh technological approaches to our intracity transportation problems. But so great is the need for upgrading existing facilities that the overwhelming bulk of this money is in fact being spent for demonstration projects which improve present technology.

Recent grants illustrate the emphasis on immediacy. For example, nearly $3 million went to the Southeastern Pennsylvania Transportation Compact for a demonstration project to upgrade commuter service on the Reading Railroad. San Francisco and the Alameda-Contra Costa Transit District received $500,000 to develop and demonstrate methods for the coordination of the existing transportation facilities with the new rapid transit system in that area.

One demonstration project financed under the Mass Transportation Act is testing a new concept: the development of an air cushion vehicle in Oakland. But the accent is on shorter term results.

I do not criticize the Office of Transportation, now in the newly created Department of Housing and Urban Affairs, for concentrating on the improvement of present systems. The needs of the present and the immediate future merit most serious attention and effort.

But we must not lose sight of the next decades in our concentration on the present. The bill which I introduce today requires us to look ahead. It specifically earmarks funds for research designed to provide the technological breakthrough in transportation systems for our mushrooming urban areas.

My research, and that of Representative Reuss, indicates that many technological breakthroughs are possible. Startling results have already been produced.

Students in a junior-year mechanical engineering class at the Massachusetts Institute of Technology have proposed and have partially developed plans for a new type of urban transportation system in which commuters would zip along computer-directed, electrified guideways in small private vehicles called "Commucars."

The "Commucar" is a light, compact, electric auto built for two passengers, with jump seats for two more. It could be manually operated over existing roads. In addition, the "Commucar" could be hooked up to a central electric rail which would automatically take occupants to any desired exit station along its route. This operation would be controlled by computers. A driver would indicate his station by inserting a punched card into a box, then he could read his newspaper or doze until he arrived. He would then resume manual control of the vehicle and travel to his ultimate destination where the "Commucar" could be easily parked in a fraction of the space required by today's automobile. Under this plan, the guideways could be located in median strips of divided superhighways, or elevated above other roads and streets.

The only way to prevent the automobile from clogging our inner cities to develop urban transit systems which surpass it in efficiency and convenience. People now drive to work or to the ball game in large numbers because driving is the best way to get there. The family car is right outside. It takes a person directly where he wishes to go; he does not have to ride three different trains or buses. If rush hour traffic is nerve racking, it is preferable to being jammed into a subway car. We can't force people to use public transportation. We can only encourage innovations, like the "Commucar," which will make it practical and attractive.

Another suggested innovation grows out of the high-speed railroad system which we are helping to develop through the Northeast Corridor Act. It envisages commuter subways built in a tube and operated on the principle of pneumatic propulsion. In an article published in Scientific American, L. K. Edwards, a pioneer in "corridor railway" technology, has estimated that pneumatic commuter trains could average 120 miles an hour, including the time spent in stations. The system could accommodate as many as 36,000 passengers an hour. Dr. Edwards has estimated that the cost of such a commutation system for New York City would be only about 25 percent more than the cost of modernizing the present system. It would bring about astounding efficiency. The trip from White Plains would take only 12 minutes; from Paterson, N.J., only 8.

A third innovation is the Teletrans system which has been designed by a corporation in Detroit. Combining features of the "Commucar" and the pneumatic subway, this system consists of individual vehicles which would travel through elevated stainless steel tubes. They would be propelled by electromagnetic power and would not travel at particularly high speeds. However, computers would direct each vehicle to the passenger's desired destination without stops or transfers. Thus, a 20-mile trip would take only 25 minutes. It would be as if each person had his own "el" system. One line could handle as many as 17,000 vehicles per hour.

I do not know whether any of the foregoing schemes are practical or feasible from an economic or an engineering standpoint, but I am satisfied that we ought to find out—and find out soon. Ten or fifteen years leadtime is not too much to design and redesign the transportation systems of our cities.

If these proposals are not feasible, there are many other imaginative transportation plans on drawing boards and in scale models. To be explored and readied for the next generation of transportation systems, we must begin now to finance the research and development that can bring these plans and ideas to fruition.

This is a matter of obvious Federal concern. Yet, the latest statistics show that while in fiscal 1963 the Federal Government spent $275 million in aviation research, $24 million in highway research, $15 million in water transportation research, and $7 million in intercity rail transportation research—a total of $321 million—it spent no significant amount on research in intracity transportation.

Here, Mr. President, Federal assistance is needed. No city and very few private concerns can finance a major research effort into new technology for urban transportation. The bill I introduce today will help give this neglected area of research a needed push.

I am confident that, with this $20 million, plus the private funds that will be stimulated by it, we can do a great deal to develop imaginative but practical solutions to the urban transit mess.

Exhibit 1

S. 2599

A bill to amend the Urban Mass Transportation Act of 1964 to provide for additional technological research

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Urban Mass Transportation Act of 1964 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:

"(c) In addition to projects undertaken under subsection (a) the Administrator shall undertake a program of research designed to achieve a technological breakthrough in the development of new kinds of public intraurban transportation systems which can transport persons in metropolitan areas from place to place within such areas quickly, safely, and economically, without polluting the air, and in such a way as to meet the real needs of the people and at the same time contribute to good city planning. There is authorized to be appropriated for the purposes of this subsection $10,000,000 for fiscal year 1966, and $10,000,000 for fiscal year 1967. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for any fiscal year may be appropriated for any succeeding fiscal year."

Sec. 2. Section 6 of such Act is further amended by—

(1) striking out "such projects" in the second sentence of subsection (a) and inserting in lieu thereof "programs and projects conducted under this section," and

(2) striking out "this section" each place it appears in subsection (b) and inserting in lieu thereof "subsection (a)."

Sponsors of Urban Transport Research Legislation

List of Members of the House of Representatives who have introduced identical legislation to H.R. 9200, sponsored by Representative Henry S. Reuss:

Thomas L. Ashley, of Ohio, H.R. 9201.

Earle Cabell, of Texas, H.R. 9202.

Leonard Farbstein, of New York, H.R. 9763.

Donald M. Fraser, of Minnesota, H.R. 9995.

John J. Gilligan, of Ohio, H.R. 9826.

Mrs. Martha W. Griffiths, of Michigan, H.R. 9996.

Seymour Halpern, of New York, H.R. 9997.

Charles S. Joelson, of New Jersey, H.R. 9998.

Clarence D. Long, of Maryland, H.R. 9999.

Richard D. McCarthy, of New York, H.R. 10000.

Joseph G. Minish, of New Jersey, H.R. 10001.

William S. Moorhead, of Pennsylvania, H.R. 10002.

Abraham J. Multer, of New York, H.R. 9203.

Daniel J. Ronan, of Illinois, H.R. 10003.

James Roosevelt, of California, H.R. 10004.

Benjamin S. Rosenthal, of New York, H.R. 9204.

Lynn E. Stalbaum, of Wisconsin, H.R. 10279.

Mrs. Leonor K. Sullivan, of Missouri, H.R. 9205.

Charles A. Vanik, of Ohio, H.R. 9206.

Charles L. Weltner, of Georgia, H.R. 9207.

Sidney R. Yates, of Illinois, H.R. 9208.

Mr. MAGNUSON. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I am glad to yield to the Senator from Washington.

Mr. MAGNUSON. I presume that the Senator's bill would come to the Committee on Commerce.

Mr. TYDINGS. I presume that is the committee to which the original Urban Mass Transportation Act was referred.

Mr. MAGNUSON. I merely wish to say that in that committee, under the leadership of Senators like the Senator from Rhode Island [Mr. Pastore] and others, they have long been conscious of the problem which the Senator and his colleague [Mr. Brewster] have always talked about.

With the signing of the development bill the other day by the President, I believe that the Senator's bill would be a good supplement to what we are trying to do. I am hopeful that the committee would not only give it sympathetic consideration, but also expedite the matter.

Mr. TYDINGS. This is a bill to amend——

Mr. MAGNUSON. The present act.

Mr. TYDINGS. The present act of 1964, that is correct.

Mr. MAGNUSON. Let me assure the Senator from Maryland that we are conscious of this matter and concerned about it. To me, there seems to be no reason why we cannot do that and make some great steps forward.

Mr. TYDINGS. I thank the distinguished Senator from Washington. I do not believe that there is any more——

The PRESIDING OFFICER (Mr. Bass in the chair). The time of the Senator from Maryland has expired.

Mr. TYDINGS. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. I do not believe that there is anything more essential to the development of our great cities and metropolitan areas than a balanced transportation system. Under the leadership of the distinguished chairman of the Committee on Commerce, the able Senator from Washington [Mr. Magnuson], Congress has taken steps in this area.

My bill would merely supplement the action already taken. It specifically provides money to aid in the search for a technical breakthrough which could radically change the method of transportation in our great cities.

I do not know what scientific advances we can expect in the future, but experience tells us that modes of public transportation are certain to be radically altered. The development of buses, for example, largely eliminated the streetcars. Buses are now air conditioned and have many other conveniences and safety features. This represents a stride forward, but there are all sorts of new horizons which should be explored, with a little attention and effort, we can readily change the transportation structures of our great cities.

Having worked in the city of Baltimore as U.S. attorney for many years, I know that in order for great cities and metropolitan areas to survive as centers of culture, commerce, industry, and economy, they must have a successful and balanced transportation structure, and this must include an effective rapid transit system.

Mr. MAGNUSON. I was a bit hopeful, and I am glad that the Senator from Rhode Island [Mr. PASTORE] is now in the Chamber, because he knows and has probably done more, but he and other Senators have gone all up and down this big area of concentrated population on this subject, more than anyone else. I am only, I say, sympathetic to the idea, because I can conceive that one of these days I will be in the same position in my area, and we wish to look forward. But I am hopeful that—and I throw this out as a suggestion, supposing it does not receive prompt action at this session, which I believe as a practical matter would be a little bit difficult——

Mr. TYDINGS. Yes; I understand.

Mr. MAGNUSON. But the Senator from Rhode Island, the ranking member of the committee, would, I am sure, if he can find the time, be glad to explore the matter up and down on the question of urban transportation, following up on the bill recently signed, taking into consideration the points the Senator from Maryland has brought up so well.

Mr. TYDINGS. The comments of the Senator are very helpful. I hope that the Senator from Rhode Island can find the time to look into this proposed legislation, and the background of some of the new systems. An article published in the Scientific American, last month I believe, indicates that there is the possibility of a radical breakthrough in the field of rapid transportation. The entire purpose of my bill is to supplement the existing Mass Transportation Act, and to look to the future.

Mr. PASTORE. I congratulate the Senator from Maryland and compliment him for his timely remarks with reference to the transportation situation which confronts this country.

Let me assure the Senator from Maryland that he has my assurance his bill will be given speedy and serious consideration.

Mr. TYDINGS. I thank the Senator from Rhode Island.

PROHIBITION OF CERTAIN VESSELS FROM CARRYING CARGOES RESTRICTED TO VESSELS OF THE UNITED STATES

Mr. BARTLETT. Mr. President, by request, I introduce, for appropriate reference, a bill to prevent vessels built or rebuilt outside the United States or documented under foreign registry from carrying cargoes restricted to vessels of the United States. Congress enacted 5 years ago legislation to provide protection to vessels of the U.S. registry against foreign-flag vessels and vessels constructed or reconstructed abroad which attempt to be brought under the U.S. flag for purposes of carrying cargo-preference cargoes. In recent weeks substantiated reports have indicated the possible violation of the intent and purpose of this congressional act by Military Sea Transportation Service—MSTS. Because of the serious nature of this matter, I anticipate that this entire question will be fully reviewed in the near future.

I ask unanimous consent that a memorandum describing the purposes of this bill be inserted in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the memorandum will be printed in the RECORD.

The bill (S. 2600) to prevent vessels built or rebuilt outside the United States or documented under foreign registry from carrying cargoes restricted to vessels of the United States, introduced by Mr. BARTLETT, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The memorandum presented by Mr. BARTLETT is as follows:

MEMORANDUM IN SUPPORT OF PROPOSED LEGISLATION

The purpose of this bill is to eliminate an ambiguity and apparent inconsistency which exists in our cargo preference statutes. In 1961, an amendment (Public Law 87–266), was enacted to section 901(b) of the Merchant Marine Act, 1936, (the so-called permanent Cargo Preference Act), which provided that U.S.-flag vessels would not be permitted to participate in the carriage of Government-financed cargoes reserved to privately owned U.S.-flag commercial vessels if they had been either (a) built outside the United States, or (b) rebuilt outside the United States, or (c) documented under any foreign registry until such vessels were documented under the laws of the United States for a period of 3 years. The purpose of that legislation was to provide protection to vessels of U.S. registry against foreign-flag vessels and vessels built or rebuilt abroad which sought documentation or redocumentation under the American flag for the purpose of carrying cargo preference cargoes reserved to American-flag ships.

In amending section 901(b) of the Merchant Marine Act in 1961, pursuant to the provisions of Public Law 87–266, Congress noted that it has long been the national policy of the United States to encourage the development and maintenance of an American owned, American built merchant marine manned by American citizen personnel. One of the principal means of achieving this purpose has been legislation reserving cargoes for carriage in American-flag vessels. The two primary pieces of cargo preference legislation are section 901(b) of the Merchant Marine Act, made permanent by enactment of Public Law 664, sometimes known as the 50–50 statute or the Cargo Preference Act, and the statute covering the movement of military cargoes, which was enacted in 1904, and provides that only U.S.-flag vessels may be used in the transportation by sea of supplies bought for the Army, Navy, Air Force, or Marine Corps.

Unfortunately, it appears that the legislation enacted in 1961 by Public Law 87–266 was not wholly effective in achieving the purpose intended because of the fact that Military Sea Transportation Service, the agency charged with the movement of military cargoes, has interpreted that legislative enactment as not applying to cargoes shipped by it. Recently, several vessels have apparently been chartered by MSTS shortly after (or perhaps before) they have been transferred to U.S.-flag registry from foreign-flag registries. At the time of the enactment of Public Law 87–266, it did not appear that any significant number of vessels were being built or rebuilt abroad or that foreign-flag vessels were being transferred to U.S.-flag registry for the purpose of carrying MSTS cargoes. The failure to include defense and military cargoes within the scope of Public Law 87–266 was perhaps an oversight—it was certainly the intent of Congress that Public Law 87–266 would constitute our national maritime policy on this subject, and that renegade foreign-flag vessels or vessels built or rebuilt abroad would be precluded from carrying all types of cargo preference cargoes, including defense cargoes.

As noted in the legislative history of Public Law 87–266 and the congressional committee reports on the bills which were before them, when vessels are transferred from foreign-flag registry or when U.S.-flag vessels are built or rebuilt abroad, it defeats the basic purpose of our maritime program, which is to promote and maintain "an adequate and well-balanced American merchant marine * * * composed of the best equipped, safest and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel." The congressional committee reports noted that as a result of the redocumentation of foreign-flag vessels the American shipping market, almost completely dependent upon cargo preference cargoes, had become unstable. Furthermore, the building or rebuilding of vessels abroad for the purpose of carrying cargo preference cargoes defeats the policy of this country to encourage a domestic shipbuilding industry.

Since it now appears that a significant number of foreign-flag vessels have been transferred to U.S. registry for the sole purpose of carrying MSTS cargoes, the purpose of Public Law 87–266 is being partly flouted. Such vessels are not only destroying employment for U.S.-flag vessels and domestic shipyards, but they can also operate under the umbrella of MSTS cargoes for 3 years and then attain the right to carry all cargo preference cargoes. In addition to being contrary to the congressional intent as expressed in Public Law 87–266, such chartering of ex-foreign-flag vessels by MSTS could destroy the effectiveness of all segments of the American merchant marine and vitiate the program for upgrading the unsubsidized segment of our American merchant marine under the Vessel Exchange Act. This bill would prevent these unintended and undesirable results from occurring.

AMERICAN MOTORS—IT PAYS TO BE STRAIGHTFORWARD

Mr. PROXMIRE. Mr. President, the American Motors company announced its 1966 price policy this morning with the following succinct and commendable sentence:

> American Motors Corp. today announced it has reduced prices on all 1966 models below the prices of similarly equipped 1965 models, in addition to passing on the Federal excise tax reduction.

This is good news, because it means that American Motors alone of the four major auto manufacturers has reduced its 1966 automobile prices.

An excellent analysis of the facts behind 1966 motor price announcements of the big three auto companies in this morning's Wall Street Journal concluded as follows:

> For the fact is that Chrysler Corp., General Motors Corp., and Ford Motor Co. all have increased base prices by amounts that aren't greatly different.

The article points out that Chrysler was straightforward and direct about it. General Motors followed with a slick, smooth job which the Wall Street Journal called a slight-of-hand that made the price announcement appear to be a reduction. It was not. It was an increase. GM simply ignored the impact of the 1965 excise tax cuts on the comparison between the 1965 and the 1966 model.

In addition to this hocus pocus, GM not only included formerly optional safety equipment as standard and charged the higher price—and this action I would regard as completely legitimate—but also brought some nonsafety equipment that had been optional into the standard or must-buy category, such as lighting of ash trays.

Ford followed the same practice as GM.

The result: Chrysler's honesty earned it brickbats. GM's and Ford's smooth public relations sleight-of-hand earned them at least acquiescence.

Then this morning came the American Motors announcement, scheduled for release at 1 p.m. this afternoon.

American Motors is both straightforward and does—I repeat does—reduce prices. Its release is simple and clear.

In an accompanying table it compares prices of 1965 models with prices of 1966 models, in both cases with a 7 percent Federal excise tax and shows the net decrease, in the case of every model.

The net average, overall decrease is not merely a token. It is a solid $70.

Mr. President, I shall be straightforward, too. American Motor's principal plants are in Kenosha and Milwaukee, Wis. The company is Wisconsin's largest single employer. It is a major factor in the prosperity of my State. Frankly, this is one reason I am calling the matter to the attention of the Senate and the country. But it is also true, Mr. President, that the pricing policies of this relatively small company—as the auto giants go—is pointing the way to prosperity with price stability, to profitable good business sense as well as economic statesmanship.

I ask unanimous consent that the release from American Motors and the very interesting article by Norman C. Miller, from today's Wall Street Journal, pointing out how the other auto companies actually increased prices be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

DETROIT, October 5.—American Motors Corp. today announced it has reduced prices on all 1966 models below the prices of similarly equipped 1965 models, in addition to passing on the Federal excise tax reduction.

Without the excise tax reduction, the average 1966 model price will be about $70 below the average 1965 price for comparably equipped cars, American Motors president Roy Abernethy said.

Abernethy said the company's 1966 prices (compared with prices of 1965 models with similar equipment) will be:

1. Reduced by $66 to $132 on its Ambassador series, and by $128 on the Marlin Fastback.

2. Reduced as much as $103 on Rambler Classic models, with the 550 series having a larger, more powerful Torque Command 232 engine as standard.

3. Reduced as much as $51 on the Rambler American line which now has as standard a new seven main bearing Torque Command 199 six-cylinder engine, as well as increased size and luxury.

Abernethy said the company will continue to pass to the consumer the full amount of the 3-percent reduction in Federal excise taxes, and will include new safety items as standard equipment.

"American Motors' aggressive price action is a major part of the company's total program to reposition its car lines in keeping with consumer demand for greater variety of choice," Abernethy said.

"Our new pricing will help dramatize our broad range of products, from the lowest priced 6-cylinder cars—with established economy leadership—to cars high in sportiness, luxury and performance.

"The program includes a very heavy accent on quality, new product identification and a major shift in merchandising and advertising emphasis. A reduction in the number of models from 30 to 26 results in a more precise model alignment in each series to aid the consumer in making his selection.

"We sold approximately 416,000 cars worldwide in the model year just ended—far more than any other independent U.S. maunufacturer in history—and we expect new public awareness of our product range to have a strong upward effect on our total volume.

American Motors' announced prices are the advertised delivered prices as they appear on the car stickers in dealer showrooms. The advertised delivered price includes the Federal excise tax of 7 percent and dealer preparation charges.

"Our customers have been receiving the full 3 percent excise tax reduction which became effective June 22, 1965, retroactive to May 15, and this has no bearing on our 1966 price reductions," Abernethy said.

"To avoid any possible confusion on this point, we are listing our 1966 prices in a manner that provides direct comparison with 1965 prices which reflect the excise tax reduction from 10 percent to 7 percent," he said.

All American Motors cars include as standard equipment several safety items which were extra cost options on most 1965 models. These include padded instrument panels, back-up lights, padded visors, outside rear view mirrors, windshield washers and rear seat belts. In addition, all 1966 AM cars will have as standard a new, stronger laminated windshield glass which provides higher resistance to penetration and shattering.

"Further, we will continue as standard such additional safety features as our dual safety brake system and variable speed windshield wipers," Abernethy said.

With adjustments for the six items of safety equipment added as standard for 1966 and other added standard equipment, prices on the 1966 Rambler American line range from $7.60 to $51.55 lower than comparably equipped 1965 models.

Rambler American prices range from $2,017 for a two-door sedan in the 220 series to $2,486 for the 440 series convertible—which has a powered top as standard for 1966. The American 220 series offers the lowest price six-cylinder two-door sedan ($2,017), four-door sedan ($2,086), and station wagon ($2,369 in the U.S. industry). The new top-line American Rogue hardtop is priced at $2,370.

On the Rambler Classic line, the 1966 price reductions range from $5.70 to $103.80 below those of 1965 models with similar equipment. Classic prices range from $2,189 for a two-door sedan in the 550 series to $2,629 for a 770 series station wagon. The new top-line Classic hardtop, the Rebel, is priced at $2,523.

The 1966 Ambassadors are priced $66.75 to $132.85 below equivalent 1965 models.

Ambassador prices begin at $2,404 for a two-door sedan in the 830 series and move up to $2,968 for a 990 series convertible, which has a 287-cubic-inch V–8 engine as standard. The new Ambassador hardtop, the DPL, is priced at $2,756.

At $2,601, the Marlin is $128.75 below a comparable equipped 1965 model. However, additional reductions in the Marlin price have been made due to changes in basic equipment which make some items optional at extra cost for 1966 which were standard on 1965 Marlins. (The 1965 Marlin had an advertised delivered price of $2,841.)

Abernethy said: "Our 1966 prices have been reduced even though employment costs have increased about 40 percent in the past 6-year period which also saw an increase of about 9 percent in the Consumer Price Index. Moreover, we have invested many millions of dollars in improving the design and reliability of our products—and in the development of advanced unit construction, ceramic-coated mufflers, and tailpipes, molded ceiling headlining, coil-spring seat construction, and many other features of special benefit to the buyer.

"As a result of these many innovations and engineering and design improvements, the 1966 American Motors buyer receives a car having a substantially higher intrinsic value than ever before."

The company also announced that its airguard exhaust emission control system installed on 1966 cars sold in California will have an advertised delivered price of $45.

American Motors' 1966 models go on sale October 7.

The prices listed below are advertised delivered prices and include Federal excise taxes and preparation charges. Prices of 1965 models are as of June 22, 1965, when the excise tax was reduced (retroactive to May 15) from 10 percent to 7 percent, and have been adjusted to include comparable equipment made standard for 1966.

	1965 [1]	1966 [1]	Net decrease
Ambassador 880:			
2-door sedan	$2,532.85	$2,404	$128.85
4-door sedan	2,584.85	2,455	129.85
4-door station wagon	2,891.85	2,759	132.85
Ambassador 990:			
4-door sedan	2,665.10	2,574	91.10
2-door convertible V-8	3,038.30	2,968	70.30
4-door station wagon	2,973.10	2,880	93.10
2-door hardtop	2,669.25	2,600	69.25
Ambassador DPL: 2-door hardtop	2,822.75	2,756	66.75
Classic 550:			
2-door sedan	2,194.70	2,189	5.70
4-door sedan	2,243.70	2,238	5.70
4-door station wagon	2,575.30	2,542	33.30
Classic 770:			
4-door sedan	2,439.20	2,337	102.20
2-door convertible	2,692.25	2,616	76.25
4-door station wagon	2,732.80	2,629	103.80
2-door hardtop	2,439.20	2,363	76.20
Classic Rebel: 2-door hardtop	2,604.05	2,523	81.05
American 220:			
2-door sedan	2,055.10	2,017	38.10
4-door sedan	2,110.10	2,086	24.10
4-door station wagon	2,381.10	2,369	12.10
American 440:			
2-door sedan	(2)	2,134	
4-door sedan	2,254.55	2,203	51.55
2-door convertible	2,493.60	2,486	7.60
4-door station wagon	(2)	2,477	
2-door hardtop	2,238.55	2,227	11.55
American Rogue: 2-door hardtop	2,396.75	2,370	26.75
Marlin: 2-door hardtop	2,729.75	2,601	128.75

[1] At 7 percent Federal excise tax.

[2] Not available.

[From the Wall Street Journal, Oct. 5, 1965]

CAR-PRICE CHARADE: IN MARKING UP TAGS, IT DOSEN'T PAY TO BE STRAIGHTFORWARD

(By Norman C. Miller)

DETROIT.—The 1966 car prices announced in recent days by the Big Three auto companies, whatever else they demonstrate, prove conclusively that appearances—not substance—are what count in setting auto prices, particularly when the companies are playing to a Washington gallery.

For the fact is that Chrysler Corp., General Motors Corp., and Ford Motor Co. all have increased base prices by amounts that aren't greatly different. Yet price watchers in Washington booed the first price disclosure by Chrysler, then roundly cheered GM's prices, and reacted more or less indifferently to Ford's. How can this range of reactions to essentially the same actions be explained?

The answer is that the companies exhibited varying degrees of sleight of hand in attempts to mask their price increases, and Washington officials apparently were eager to applaud the most skillful public relations performance rather than take note of what actually was happening.

Chrysler led off the pricing round and made the error of being reasonably straightforward in stating that it was increasing prices of most models. In the veiled terms deemed suitable for such occasions, Chrysler stated that "prices of the new 1966 models have been adjusted to accommodate * * * improvements," such as "upgraded" trim, new "safety interior door handles," heavier and larger bumpers, and "longer life brake linings."

Turning to the list of comparative 1966–65 prices for Chrysler's 128 models, it became apparent that in most cases the adjustments meant the company was charging $10 to $35 more for most "comparably equipped" cars. Question: What were "comparably equipped" cars?

Investigation disclosed that they were cars equipped in both model years with a package of safety equipment recommended by the Government. This equipment, which had been optional in 1965, was made standard for 1966 models by all the auto companies as a result of strong Government pressure. The addition of the safety package as standard equipment, regardless of why it was added, was pertinent to the new-car prices because base prices had in fact been increased to cover the newly standard equipment. In Chrysler's case, the added safety equipment raised new-model prices an average of $49 above the list price of a "stripped" 1965 model on a dealer's lot. So Chrysler's actual price increases over the 1965 bases for most models ranged from $59 to $84.

CONDEMNED IN CONGRESS

Washington couldn't very well object to Chrysler's increasing prices for safety equipment which prominent Government officials had urged. But a flurry of protests was heard over the extra $10 to $35 Chrysler had added to base prices to cover other improvements, and the company was denounced in the House and Senate.

GM, next up in the pricing round, got the message from Washington. Its press release stated flatly that "suggested retail prices on all 1966 model GM passenger cars will be lower than those of similarly equipped 1965 models." Moreover, GM stated, "reductions * * * range from $52 to $136 as compared with the introductory prices for similarly equipped 1965 models in September 1964."

The GM comparison to prices in September 1964 was a clever ploy because at that time prices included a 10 percent Federal excise tax. But the tax had been reduced to 7 percent in June and all the auto companies already had lowered their 1965 model prices by an average of $72 to pass along the savings to car buyers. Chrysler, reasoning that the tax cut was old stuff, had compared its 1966–65 prices on the basis of a 7 percent tax in both years.

True, GM in its price announcement stated that the tax reduction had been in effect for 3 months and also gave comparative price figures based on a 7-percent tax rate for both years. Nonetheless, the seed of confusion had been sown, intentionally or not. One Detroit newspaper, for example, reported that GM had cut prices by as much as $136 while Chrysler had raised tags by as much as $66—overlooking the fact that on the basis of a 10-percent tax rate for 1965 Chrysler could have claimed "price reductions" on many models almost as sizable as GM's.

Putting aside the extraneous factor of a 3-month-old tax cut, there remained GM's claim of price cuts on similarly equipped cars. GM said it was adding a safety package similar to Chrysler's as standard equipment, but that on most models it was charging a few dollars less than the former price of the safety items as options.

So it was true, as the company stated, that customers would pay a little less for similarly equipped cars in 1965. It was equally true, however, that basic models in 1965 weren't similarly equipped with the safety package and that 20 to 50 percent of car buyers had chosen not to buy the formerly optional safety items for 1965 cars. Now, all buyers were confronted with a base price averaging $50 more on GM cars to cover the cost of safety equipment.

Furthermore, the GM price announcement implied that only formerly optional safety items had been added as standard equipment to the 1966 cars; these were the only former options mentioned by the company in the context of prices of similarly equipped cars.

A PRICE PUZZLER

However, when actual price lists were received from GM divisions after the corporation's general announcement (which listed only one new price as an example), it was found that price increases over 1965 base tags were higher on some models than the former optional prices of newly standard safety equipment. The divisions' price statements didn't explain this puzzler.

On inquiry, however, the Chevrolet, Buick, Oldsmobile, and Pontiac divisions said certain nonsafety options also had been made standard equipment on some models, and that base prices had been increased to cover these items as well as the safety package. Pontiac, for example, made standard a group of interior lights for ashtrays and other locations and a "heavy-duty" air cleaner. These items raised base prices of some Catalinas and Bonnevilles by as much as $38 above the price attributable to the safety package. A GM spokesman said such nonsafety items were placed on certain models in response to "strong public demand."

Question: If public demand for the new equipment was so strong, why didn't GM announce clearly that the nonsafety options were being made standard?

Moreover, the addition of nonsafety options to several GM models brought the company's 1966 prices very close to those posted previously by Chrysler. True, Chrysler's price increases were spread throughout its model lineup, while GM's were more limited. And GM could claim that it was merely adding on specific popular items, rather than citing general improvements in its cars as did Chrysler.

But who is to say what is worth more? Is it a cluster of lights on a Pontiac, which the customer formerly had an option to take or leave, or is it a new door handle on a Plymouth, which wasn't available previously? (The new Chrysler door handle while not seeming very important, had been cited by independent auto safety specialists as a possibly important safety advance. Chances of death are increased when car doors spring open in accidents, but Chrysler's new interior door handle is designed so that it's much harder for a door to be opened when a passenger is hurled against it in an accident, independent safety specialists say.)

Washington officials weren't prepared to grapple with such questions, in assessing GM's pricing action compared with Chrysler's. GM had skillfully presented its 1966 prices so that reductions, no matter how nebulous, could be claimed, and for this feat the company was given a hero's accolade by Federal officials.

FORD FOLLOWS GM

Ford, benefiting by GM's example, followed much the same tack in announcing its prices. The company stated clearly that it was increasing prices by more than an amount for safety items on 13 of 62 models, but on 49 other models increases for safety equipment were masked by claiming reductions by the "comparably equipped" price-comparison gimmick.

Moreover, Ford also added a wide variety of nonsafety items to several of its cars, without clearly stating it was doing so, and this further increased prices on affected models over 1965 base prices. By this time, though Washington price watchers had apparently lost interest in auto prices and had very little to say.

What quite possibly remained, however, was the incorrect impression that Chrysler had raised prices a great deal more than had GM and Ford. Chrysler, asserting that there were only minor differences between its price changes and those of its competitors, declared that it would stand by its 1966 prices. Still, the company was plainly worried about the bad publicity it had reaped. Last week it placed full-page ads in 190 newspapers to argue that its prices are competitive; trade sources say these ads cost Chrysler about $225,000.

Whether the price flap actually will hurt Chrysler's car sales remains to be seen. One thing that may suffer, however, is the clarity of future automobile price announcements, which have never been models of lucidity. For as long as economic authorities in Washington are willing to applaud gimmicks employed by auto companies to mask price increases, the companies no doubt will use them—and the public may be misled.

VISIT OF POPE PAUL VI TO THE UNITED STATES

Mr. PASTORE. Mr. President, yesterday, the hopes and aspirations of men of good will everywhere were lifted by the timely, dignified, and eloquent address delivered at the United Nations by His Holiness Pope Paul VI.

Mr. President, because it is impossible to embellish that which is perfect, I ask unanimous consent to have the Pope's address printed in the Record in its entirety.

There being no objection, the address was ordered to be printed in the Record, as follows:

Translation of Pope's Address at U.N.

(Note.—Here is an English translation of Pope Paul VI's address in French to the U.N. General Assembly today:)

United Nations, N.Y., October 4.—As we commence our address to this unique world audience, we wish to thank your Secretary General, U Thant, for the invitation which he extended to us to visit the United Nations, on the occasion of the 20th anniversary of the foundation of this world institution for peace and for collaboration between the peoples of the entire earth.

Our thanks also to the President of the General Assembly, Mr. Amitore Fanfani, who used such kind language in our regard from the very day of his election.

We thank all of you here present for your kind welcome, and we present to each one of you our deferential and sincere salutation. In friendship you have invited us and admitted us to this meeting; and it is as a friend that we are here today.

We express to you our cordial personal homage, and we bring you that of the entire second Vatican Ecumenical Council now meeting in Rome, and represented here by the eminent cardinals who accompany us for this purpose.

In their name and in our own, to each and every one of you, honor and greeting.

This encounter, as you all understand, marks a simple and at the same time a great moment. It is simple because you have before you a humble man; your brother; and among you all, representatives of sovereign states, the least invested, if you wish to think of him thus, with a minuscule, as it were symbolic, temporal sovereignty, only as much as is necessary to be free to exercise his spiritual mission, and to assure all those who deal with him that he is independent of every other sovereignty of this world.

But he, who now addresses you, has no temporal power, nor any ambition to compete with you. In fact, we have nothing to ask for, no question to raise; we have only a desire to express and a permission to request; namely, that of serving you insofar as we can, with disinterest, with humility and love.

FIRST DECLARATION

This is our first declaration. As you can see, it is so simple as to seem insignificant to this assembly, which always treats of most important and most difficult matters.

We said also, however, and all here today feel it, that this moment is also a great one. Great for us, great for you.

For us: you know well who we are. Whatever may be the opinion you have of the Pontiff of Rome, you know our mission.

We are the bearer of a message for all mankind. And this we are, not only in our own personal name and in the name of the great Catholic family; but also in that of those Christian brethren who share the same sentiments which we express here, particularly of those who so kindly charged us explicitly to be their spokesman here.

Like a messenger who, after a long journey, finally succeeds in delivering the letter which has been entrusted to him, so we appreciate the good fortune of this moment, however brief, which fulfills a desire nourished in the heart for nearly 20 centuries.

For, as you will remember, we are very ancient; we here represent a long history; we here celebrate the epilog of a wearying pilgrimage in search of a conversation with the entire world, ever since the command was given to us: Go and bring the good news to all peoples.

Now, you here represent all peoples, allow us to tell you that we have a message, a happy message, to deliver to each one of you and to all.

1. We might call our message a ratification, a solemn moral ratification of this lofty institution. This message comes from our historical experience.

As an expert in humanity, we bring to this Organization the suffrage of our recent predecessors, that of the entire Catholic episcopate and our own, convinced as we are that this Organization represents the obligatory path of modern civilization and of world peace.

In saying this, we feel we are making our own the voice of the dead and of the living; of the dead who fell in the terrible wars of the past; of the living who survived those wars, bearing in their hearts a condemnation of those who would try to renew wars; and also of those living who rise up fresh and confident, the youth of the present generation, who legitimately dream of a better human race.

And we also make our own the voice of the poor, the disinherited, the suffering, of those who hunger and thirst for justice, for the dignity of life, for freedom, for well-being and progress. The peoples of the earth turn to the United Nations as the last hope of concord and peace; we presume to present here, with their tribute of honor and of hope, our own tribute also. That is why this moment is great for you, also.

2. We feel that you are already aware of this. Harken now to the continuation of our message. It becomes a message of good wishes for the future. The edifice which you have constructed must never fall; it must be perfected and made equal to the needs which world history will present.

You mark a stage in the development of mankind from which retreat must never be admitted but from which it is necessary that advance be made.

To the pluralism of states, which can no longer ignore one another, you offer an extremely simple and fruitful formula of coexistence.

First of all, you recognize and distinguish the ones and the others. You do not confer existence upon states; but you qualify each single nation as fit to sit in the orderly congress of peoples.

That is, you grant recognition, of the highest ethical and juridical value, to each single sovereign national community, guaranteeing it an honored international citizenship.

A GREAT SERVICE

This in itself is a great service to the cause of humanity, namely to define clearly and to honor the national subjects of the world community, and to classify them in a juridical condition, worthy thereby of being recognized and respected by all, and from which there may derive an orderly and stable system of international life.

You give sanction to the great principle that the relations between peoples should be regulated by reason, by justice, by law, by negotiation; not by force, nor by violence, not by war, not by fear or by deceit.

Thus it must be. Allow us to congratulate you for having had the wisdom to open this hall to the younger peoples, to those states which have recently attained independence and national freedom. Their presence is the proof of the universality and magnanimity which inspire the principles of this institution.

Thus it must be. This is our praise and our good wish; and, as you can see, we do not attribute these as from outside; we derive them from inside, from the very genius of your institution.

3. Your charter goes further than this, and our message advances with it. You exist and operate to unite the nations, to bind states together.

Let us use this second formula: to bring the ones together with the others.

You are an association. You are a bridge between peoples. You are a network of relations between states. We would almost say that your chief characteristic is a reflection, as it were, in the temporal field, of what our Catholic Church aspires to be in the spiritual field; unique and universal.

In the ideological construction of mankind, there is on the natural level nothing superior to this. Your vocation is to make brothers not only of some but of all peoples, a difficult undertaking, indeed; but this it is, your most noble undertaking. Is there anyone who does not see the necessity of coming thus progressively to the establishment of a world authority, able to act efficaciously on the juridical and political levels?

WISH REITERATED

Once more we reiterate our good wish: Advance always. We will go further, and say: Strive to bring back among you any who have separated themselves, and study the right method of uniting to your pact of brotherhood, in honor and loyalty, those who do not yet share in it.

Act so that those still outside will desire and merit the confidence of all; and then be generous in granting such confidence. You have the good fortune and the honor of sitting in this assembly of peaceful community; hear us as we say: Insure that the reciprocal trust which here unites you, and enables you to do good and great things, may never be undermined or betrayed.

4. The inherent logic of this wish, which might be considered to pertain to the very structure of your organization, leads us to complete it with other formulas. Thus, let no one, inasmuch as he is a member of your union, be superior to the others: Never one above the other.

This is the formula of equality. We are well aware that it must be completed by the evaluation of other factors besides simple membership in this institution; but equality, too, belongs to its constitution.

You are not equal, but here you make yourselves equal.

For several among you, this may be an act of high virtue; allow us to say this to you, as the representative of a religion which accomplishes salvation through the humility of its divine founder. Men cannot be brothers if they are not humble.

It is pride, no matter how legitimate it may seem to be, which provokes tension and struggles for prestige, for predominance, colonialism, egoism; that is, pride disrupts brotherhood.

5. And now our message reaches its highest point, which is, at first, a negative point.

You are expecting us to utter this sentence, and we are well aware of its gravity and solemnity:

Not the ones against the others, never again, never more.

It was principally for this purpose that the organization of the United Nations arose: Against war, in favor of peace.

Listen to the lucid words of the great departed John Kennedy, who proclaimed, 4 years ago: "Mankind must put an end to war, or war will put an end to mankind."

Many words are not needed to proclaim this loftiest aim of your institution. It suffices to remember that the blood of millions of men, that numberless and unheard of sufferings, useless slaughter and frightful ruin, are the sanction of the pact which unites you, with an oath which must change the future history of the world.

WAR NEVER AGAIN

No more war, war never again. Peace, it is peace which must guide the destinies of peoples and of all mankind.

Gratitude to you, glory to you, who for 20 years have labored for peace. Gratitude and glory to you for the conflicts which you have prevented or have brought to an end. The results of your efforts in recent days in favor of peace, even if not yet proved decisive, are such as to deserve that we, presuming to interpret the sentiments of the world, express to you both praise and thanks.

Gentlemen, you have performed and you continue to perform a great work: the education of mankind in the ways of peace. The U.N. is the great school where that education is imparted. And we are today in the assembly hall of that school.

Everyone taking his place here becomes a pupil and also a teacher in the art of building peace. When you leave this hall, the world looks upon you as the architects and constructors of peace.

Peace, as you know, is not built up only by means of politics, by the balance of forces, and of interests. It is constructed with the mind, with ideas, with works of peace.

You labor in this great construction. But you are still at the beginnings.

Will the world ever succeed in changing that selfish and bellicose mentality which, up to now, has been interwoven into so much of its history?

It is hard to foresee; but it is easy to affirm that it is toward that new history—peaceful, truly human, history, as promised by God to men of good will, that we must resolutely march; the roads thereto are already well marked out for you; and the first is that of disarmament.

LET THE ARMS FALL

If you wish to be brothers, let the arms fall from your hands. One cannot love while holding offensive arms.

Those armaments, especially those terrible arms which modern science has given you, long before they produce victims and ruins, nourish bad feelings, create nightmares, distrust, and somber resolutions; they demand enormous expenditures; they obstruct projects of union and useful collaboration; they falsify the psychology of peoples.

As long as man remains that weak, changeable and even wicked being that he often shows himself to be, defensive arms will, unfortunately, be necessary.

You, however, in your courage and valiance, are studying the ways of guaranteeing the security of international life, without having recourse to arms.

This is a most noble aim, this the peoples expect of you, this must be obtained.

Let unanimous trust in this institution grow, let its authority increase; and this aim, we believe, will be secured.

Gratitude will be expressed to you by all peoples, relieved as they will then be from the crushing expenses of armaments, and freed from the nightmare of an ever imminent war.

We rejoice in the knowledge that many of you have considered favorably our invitation, addressed to all states in the cause of peace from Bombay, last December, to divert to the benefit of the developing countries at least a part of the savings, which could be realized by reducing armaments.

We here renew that invitation, trusting in your sentiments of humanity and generosity.

In so doing, we become aware that we are echoing another principle which is structural to the United Nations, which is its positive and affirmatively high point; namely, that you work here not only to avert conflicts between states, but also to make them capable of working the ones for the others.

You are not satisfied with facilitating mere coexistence between nations; you take a much greater step forward, one deserving of our praise and our support—you organize the brotherly collaboration of peoples.

In this way a system of solidarity is set up, and its lofty civilized aims win the orderly and unanimous support of all the family of peoples for the common good and for the good of each individual.

This aspect of the organization of the United Nations is the most beautiful; it is its most truly human visage; it is the ideal of which mankind dreams on its pilgrimage through time; it is the world's greatest hope; it is, we presume to say, the reflection of the loving and transcendent design of God for the progress of the human family on earth—a reflection in which we see the message of the Gospel which is heavenly become earthly.

Indeed, it seems to us that here we hear the echo of the voice of our predecessors, and particularly of that of Pope John XXIII, whose message of "Pacem in Terris" was so honorably and significantly received among you.

RIGHTS PROCLAIMED

You proclaim here the fundamental rights and duties of man, his dignity, his freedom—and above all his religious freedom. We feel that you thus interpret the highest sphere of human wisdom and, we might add, its sacred character. For you deal here above all with human life; and the life of man is sacred; no one may dare offend it. Respect for life, even with regard to the great problem of birth, must find here in your assembly its highest affirmation and its most reasoned defense.

You must strive to multiply bread so that it suffices for the tables of mankind, and not rather favor an artificial control of birth, which would be irrational, in order to diminish the number of guests at the banquet of life.

It does not suffice, however, to feed the hungry, it is necessary also to assure to each man a life conformed to his dignity. This too you strive to perform. We may consider this the fulfillment before our very eyes, and by your efforts, of that prophetical announcement so applicable to your institution: "They will melt down their swords into plowshares, their spears into pruning forks."

Are you not using the prodigious energies of the earth and the magnificent inventions of science, no longer as instruments of death but as tools of life for humanity's new era?

We know how intense and ever more efficacious are the efforts of the United Nations and its dependent world agencies to assist those governments who need help to hasten their economic and social progress.

We know how ardently you labor to overcome illiteracy and to spread good culture throughout the world; to give men adequate modern medical assistance; to employ in man's service the marvelous resources of science, of technique, and of organization—all of this is magnificent, and merits the praise and support of all, including our own.

We, ourself, wish to give the good example, even though the smallness of our means is inadequate to the practical and quantitative needs. We intend to intensify the development of our charitable institutions to combat world hunger and fulfill world needs. It is thus, and in no other way, that peace can be built up.

7. One more word, gentlemen, our final word: this edifice which you are constructing does not rest upon merely material and earthly foundations, for thus it would be a house built upon sand; and above all, it is based on our own consciences.

The hour has struck for our "conversion," for personal transformation, for interior renewal. We must get used to thinking of man in a new way; and in a new way also of men's life in common; with a new manner, too, of conceiving the paths of history and the destiny of the world, according to the words of Saint Paul: "You must be clothed in the new self, which is created in God's image, justified and sanctified through the truth" (Esphesians 4:23).

The hour has struck for a halt, a moment of recollection, of reflection, almost of prayer; a moment to think anew of our common origin, our history, our common destiny.

Today as never before, in our era so marked by human progress, there is need for an appeal to the moral conscience of man. For the danger comes not from progress nor from science: indeed, if properly utilized, these could rather resolve many of the grave problems which assail mankind.

No, the real danger comes from man himself, wielding ever more powerful arms, which can be employed equally well for destruction or for the loftiest conquests.

In a word, then, the edifice of modern civilization must be built upon spiritual principles which alone can not only support it but even illuminate and animate it.

We believe, as you know, that these indisputable principles of superior wisdom must be founded upon faith in God, that unknown God of whom Saint Paul spoke to the Athenians in the Areopagus; unknown to them, although without realizing it, they sought Him and He was close to them, as happens also to many men of our times.

To us, in any case, and to all those who accept the ineffable revelation which Christ has given us of Him, He is the living God, the Father of all men.

Mr. CLARK. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am glad to yield.

Mr. CLARK. Mr. President, it was a great privilege to be at the United Nations yesterday afternoon when the Pope delivered his stirring message in support of peace, disarmament, and so many other important problems which Congress has striven to solve.

I wish to tell my good friend the Senator from Rhode Island that the Pope's address was one of the most moving and effective public addresses I have ever been privileged to hear.

Mr. PASTORE. I thank the Senator from Pennsylvania. I agree with him wholeheartedly.

Mr. HOLLAND. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am glad to yield.

Mr. HOLLAND. Speaking as a humble member of another faith, I heartily concur in the sentiments just expressed by the Senator from Rhode Island and the Senator from Pennsylvania.

I believe that the visit of Pope Paul VI was a remarkable occurrence, one of the greatest historic events in years—or ever.

Let me say to my distinguished friend that it seems to me there has never before been a better showing of the value of scientific achievement and scientific development than in connection with the visit, the appearance, and the speeches of Pope Paul VI.

During the day, I could not help thinking about the fact that he had arrived in this country on a huge jetplane and returned to Rome the same way. He completed his mission, including the many appearances which he made, in a comparatively few hours. That, of course, is a result of the use of one of the developments of science.

I could not help thinking, when he was speaking over television, that he was being heard and viewed by approximately 100 to 150 million people in this great country, in Canada, and in Mexico. Television and radio were contributing greatly to the effectiveness of the Pope's visit and to the value of his mission.

When I heard that the Early Bird communication satellite had been used to transfer to various nations in Western Europe the same message, the same pictures of his appearance, I could not help feeling that that was perhaps one of the greatest illustrations of what modern science has made possible by way of a greater impact over what would be a great historic incident without the advantages which I have mentioned, but which has reached such a large part of the world as a result of the outstanding developments of science.

Mr. PASTORE. I thank the Senator.

Mr. PELL subsequently said: Mr. President, the historic pilgrimage of Pope Paul VI to the United Nations yesterday has left all of us profoundly moved and profoundly inspired by his eloquent plea for the cause of peace. All of us who were in New York, and millions everywhere of all faiths who witnessed the luminous events of the day on television, will never forget the tireless good will and humility with which this great leader of the Christian world approached his immense task. His historic address to the assembled representatives of the nations of the world will go down in history, I am certain, as a major milestone—history may even regard it as a watershed—along the arduous road to peace in the nuclear age. By his very visit to our shores—underscoring the depth of his feelings and his support for the United Nations—Pope Paul has rendered immense service to mankind and to the preservation and improvement of our civilization.

Finally, Mr. President, the visit of Pope Paul to our shores has demonstrated in the most forceful terms the vital and extremely influential role which the Catholic Church is playing in the affairs of nations. The Catholic Church, by virtue of its ancient and powerful organization is without doubt the strongest single advocate for spiritual survival in the often-chaotic temporal affairs of our times. But it is filling this role effectively because it is participating vitally in the affairs of the world—as Pope Paul's visit so dramatically demonstrated. Once again, it seems to me, we are forcefully reminded that the whole question of the U.S. official relationship with the Vatican should be reexamined with a view to establishing some sort of diplomatic relationships between those two great forces for peace in our world today, the United States and the Vatican.

The PRESIDING OFFICER. Is there further morning business?

THE FALLACY OF THE ARGUMENTS FOR COMPULSORY UNIONISM

Mr. ERVIN. Mr. President, the demand for repeal of section 14(b) of the Taft-Hartley Act, which authorizes the States to enact right-to-work laws, is a demand for compulsory unionism. In the last analysis, compulsory unionism is based upon the startling proposition that the right to work is a right which the union may sell and which the individual American must buy if he is to be permitted to earn daily bread for himself and his family.

Those who would rob supposedly free Americans of their right to join or refrain from joining a union at their own election advance three arguments to justify the destruction of this freedom. These arguments are as follows:

First. That union security, that is, the existence of the union and its ability to operate effectively, depends upon compulsory membership.

Second. That compulsory unionism is merely a form of democratic majority rule.

Third. That the union negotiates contracts for the benefit of all the employees of the bargaining unit, and compulsory unionism is necessary to make unwilling employees pay for the benefits such union action confers upon them and keep them from being so-called free riders.

The argument that union security is dependent upon compulsory unionism is totally lacking in validity. Unions are voluntary associations. In this respect, they are like churches, and civil, fraternal, and political organizations. These voluntary associations are wholly dependent upon voluntary persuasion for securing members, and notwithstanding this fact, function effectively. Any union can do likewise.

Indeed, a union is more secure in its existence and its ability to function effectively if it obtains members as a result of its good work rather than by compulsion.

The argument that compulsory unionism is merely a form of democratic majority rule is equally fallacious. Democratic majority rule recognizes the right of the minority to dissent and oppose the programs of the majority. When employees are required to join and support a union regardless of their desire to oppose it and its programs, the whole basis of democratic majority rule disappears and is supplanted by monopoly rule, which has no place in a free society.

A simple illustration discloses the unsoundness of the majority rule argument. The Democratic Party is the majority party in the United States. It is engaged in an effort to give all Americans—Democrats, Republicans, and independents alike—the benefits of the Great Society. According to the free rider argument, the Democratic Party, as the majority party, should be empowered to compel the Republicans and independents, as the minority, to make contributions to the Democratic National Committee for the benefits which the Democratic Party is conferring upon them.

The so-called free rider argument affords no justification for compulsory unionism. In a sense all of us are free riders. We receive the heritage of the past without paying anything for it. Many voluntary associations, such as churches, and civic, fraternal, and political organizations, carry on activities which benefit a great many of us who do not contribute any financial or other support to them. For this reason, it is absurd for any particular voluntary organization which may happen to benefit any group of people to demand that such people be compelled to support it financially or otherwise against their will. That is essentially what unions do when they demand compulsory unionism.

To be sure, a union may be empowered under existing law by a majority vote of the employees in a particular bargaining unit to negotiate contracts binding upon the minority of nonmember employees as well as the majority of member employees. This power is not thrust upon the union against its will. On the contrary, it is diligently sought by the union whose acquisition of it deprives the minority of nonunion employees of their freedom to contract for themselves. As a consequence, the demand of the union that the minority of nonmember employees pay dues to the union for negotiating the contract is tantamount to the demand by the union that nonmembers be compelled to pay for having their freedom of contract taken away and exercised against their will.

The free-rider argument would have more substance if the dues of the unions were devoted solely to the cost of negotiating contracts. The truth is that only a part of such dues is devoted to such purposes. The unions spend vast sums of money obtained from dues in carrying out various programs such as lobbying for legislation, political campaigns, and social and economic propaganda and the like. The records even disclose that during recent years some unions or some foundations established by unions have used moneys derived from union dues to subsidize religious organizations which disseminate doctrines some of the dues-paying members disbelieve.

I respectfully submit that it is incompatible with freedom for any working man to be coerced by compulsory unionism agreements to contribute money to union programs when he himself is not convinced that they are for his benefit. No amount of sophistry can erase these plain facts:

First. That no American is truly free if he is denied his basic right to join or refrain from joining a union according to his own election.

Second. That no injustice is done to a union by requiring it to obtain its members by voluntary persuasion just as churches and other voluntary organizations obtain theirs.

When all is said, no good union needs a compulsory unionism agreement to obtain members, and no bad union should have compulsory unionism.

FREEDOM OF INFORMATION: S. 1160

Mr. ERVIN. Mr. President, last week the Senate Judiciary Committee reported favorably S. 1160, to assure availability and distribution of Government information. This bill has been the subject of hearings and study for several years and was passed by the Senate last year. I think the junior Senator from Missouri and his staff of the Administrative Practice and Procedure Subcommittee are to be commended for their diligent and able efforts to draft a measure which will meet the demands of the public's right to information and the Government's need in some cases to restrict information.

A report in the Washington Post states:

> There is no chance that Congress can pass the bill this year, and prospects of eventual approval next year are clouded by administration opposition.

I trust that this prognosis will prove incorrect, and that the Senate will act promptly and favorably on the bill. Certainly, the fact that it has received careful study, and that there are 22 Members of the Senate from 18 States actively supporting it should serve to illustrate the widespread interest in its early approval. As for administration opposition, I cannot believe that in an administration devoted to improving the public welfare and encouraging the full participation of all citizens in government, there can be any real objection to the goal of assuring the people's right to full information about their Government.

Executive withholding of information from private citizens as well as from Congress is a problem which is often at the heart of hundreds of complaints about arbitrary bureaucratic practices which yearly come to the Constitutional Rights Subcommittee.

Mr. President, it is unfortunately not an unfamiliar occurrence when stated policies of the administration are frustrated by administrators caught in the maze of their own rules and regulations. The consequences of such an occurrence can be twofold: In addition to defeating the goals of the President and Congress, administrative practices may violate rights to due process, to privacy, and to public information. This was, I believe, amply illustrated during the recent hearings by the Constitutional Rights Subcommittee on the abuses of psychological testing and the invasion of privacy it represents.

Another case in point is the State Department's procedure for personnel investigations of college students who apply for summer jobs. An example recently brought to the attention of the Constitutional Rights Subcommittee involved an 18-year-old college sophomore who was asked questions of the most personal nature about her personal life and habits during a security interview. The experiences of this young lady with some of the employee practices of the Department have certainly discouraged her from her original goal of a career in Government service. I fear she may be one of many.

I ask unanimous consent to place in the RECORD at this point the exchange of correspondence between the subcommittee and the State Department concerning this case and the Department's practices.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

JUNE 28, 1965.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: In connection with our study of the rights of Federal employees and invasion of privacy, it has come to the subcommittee's attention that the Department of State is conducting security investigations of prospective summer college employees.

If reports of the nature of some of these investigations are true, it would seem to me that the State Department is playing a large role in discouraging capable young people from considering a career in Government.

For example, one case recently involved an 18-year-old college student who had previously worked for the State Department and was being considered for employment this summer. She was interviewed alone by a young investigator whose questioning about her personal private life, particularly about sex matters, went far beyond the invasion of privacy required even for a top security clearance.

An additional issue and one which is of concern to the subcommittee in connection with its recent hearings on psychiatric and psychological reports, is the questioning about this girl's visit to a psychologist while in high school. The interviewer assumed this signified psychiatric treatment and she, a minor, was asked to sign papers giving him authority to check records of any doctor.

The following day, the same investigator appeared in the girl's neighborhood, and after questioning neighbors about her activities (apparently, even as to whether she sat in parked cars near her parent's house), he questioned a friend of the young lady who was visiting with her at the time—this after calling her into a neighbor's house.

This case illustrates a number of undesirable tendencies in Government agencies today; one is the penalizing of the prospective employee whose parents may have taken advantage of the counseling services of psychologists and psychiatrists to assist in resolving the usual problems of their teenage children. These records may then be part of the young person's security investigation in later years, and the very fact that such a visit is part of the person's medical history, apparently, might cause a personnel or security officer to suggest a psychiatric examination and psychological testing. As you know, Under Secretary William Crockett testified on this subject on June 7.

Complaints received by this subcommittee suggest that such information obtained in the course of security interviews and investigations tends to acquire a confidential medical status in personnel files, and, interpreted arbitrarily and summarily, can cause irreparable harm to the individual.

Would you please describe for the subcommittee your policy regarding security investigations for summer employees? In addition, I should appreciate information concerning the guidelines which your security interviewers and investigators are expected to follow, as well as copies of any pertinent directives and regulations on the matter. In view of some of the reported instances of recent interviews, I hope the Department already has issued or is considering a directive similar to that issued by Assistant Secretary of Defense Walter Skallerup regarding the injection of improper matters into security inquiries.

I should appreciate an early reply on this matter.

Thanking you for your assistance in our study, and with all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, JR.,
Chairman.

DEPARTMENT OF STATE,
Washington, July 21, 1965.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of June 28, 1965, concerning security investigations of summer employees in the Department. I regret the delay in our reply.

The Office of Security, which has responsibility for investigation and clearance procedures in the Department, uses a uniform policy in handling the application of summer employees as followed with all other applicant categories. The procedural requirements and guidelines are set forth in Executive Order No. 10450. Basic requirements include the name and fingerprint processing, commonly called the national agency check, and full background investigation. The aforementioned procedure is a basic one used by the Department and other executive agencies concerning the processing of any category of applicants who will be dealing with sensitive, classified material.

In connection with the particular case you cited in your letter, I want to assure you that any information developed during the course of any of our investigations that is of a medical nature, is referred to our Medical Division for proper evaluation and judgment.

The Office of Security has issued a number of guidelines in the form of a handbook, office directives, and instructions of a classified nature pertaining to investigation and interview procedures which are very similar to those contained in the directive issued on November 26, 1962, by Assistant Secretary of Defense, Walter Skallerup. The Department has not disseminated an unclassified directive similar to that issued by Assistant Secretary of Defense Skallerup. Appropriate consideration will be given to the issuance of such a document.

The Secretary has often expressed his strong feelings in regard to maintaining the civil and private rights of employees of the Department, and those who are applicants for employment with the Department. Clearance procedures used within the Department are under regular review by substantive officers. This attention, the Department believes, was demonstrated to your subcommittee by the testimony of Deputy Under Secretary William Crockett on June 7, 1965.

Please advise me if the Department may be of further assistance to you.

Sincerely,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations,
(For the Secretary of State.)

Mr. ERVIN. Mr. President, one of the hallmarks of a government of law as opposed to one of men, is that the citizen has prior notice of what the law requires of him and of all others, including Government officials. Congress has attempted to instill in our vast bureaucracy the same principle, so that by published rules, regulations, and directives, the citizen may know what to expect when he deals with Government agencies.

It was to further this principle that I have cosponsored S. 1160 which should clarify the requirement of publication or availability to the public of regulations and other directives on which administrative decisions are based. This should be especially important where rights of civil servants are involved. The State Department, as this case shows, has classified the directives and instructions governing its investigation and interview procedures, while the Department of Defense has made public a directive governing the standards and questioning of its investigators.

An applicant or employee should be able to refer to some agency guideline when he feels his rights are being violated, and not just bear in silence an indiscriminate invasion of his privacy. The Department states that "appropriate consideration will be given to the issuance of such a document." It is to be hoped that the Department will take this action at an early date, thereby contributing in its own way to the furthering of the cause of freedom of information, not only for the civil servant, but for all citizens.

PRESIDENTS JOHNSON AND DIAZ ORDAZ: AN ALLIANCE FOR PROGRESS

Mr. MANSFIELD. Mr. President, yesterday's announcement of an agreement in principle between the United States and Mexico to explore the feasibility of a nuclear-powered water desalinization plant is indeed heartening news. Not only is it a triumph of reasonable and sensible men in their quest for reasonable and sensible answers to international disputes, but it is, as well, strong evidence that nuclear power when harnessed for peaceful purposes can be used for the mutual benefit of mankind. This fact is, perhaps, one of the most glaring paradoxes of modern civilization; that man's greatest threat can also be man's hope for the future—that the problem of the increasing scarcity of fresh, potable water can be solved by nuclear energy. I have no doubt that man's greatest resource for the future is his ability to harness the technology of destruction for peaceful purposes and the welfare of society.

Under the proposed plan which was announced yesterday at the First International Symposium on Water Desalinization, a desalting plant would be built to service arid areas of Sonora and Baja California in Mexico and portions of California and Arizona. In addition to supplying fresh water for irrigation and consumer use, the reactor plant will furnish electricity for thousands of American and Mexican homes in the area.

Both President Lyndon B. Johnson and President Gustavo Diaz Ordaz are to be complimented for their understanding and imaginative leadership in seeking a mutually beneficial and enduring solution to the water salinity problem of the Colorado River which has plagued United States-Mexican relations for many years and for their further initiative in the field of desalinization which this significant agreement embodies.

Mr. President, I ask unanimous consent that an article by the Associated Press entitled "United States-Mexican Desalting Plant" which appeared in the New York Herald Tribune of October 5 and an editorial from the October 5 Philadelphia Inquirer entitled, "United States-Mexican Nuclear Water Plan" be printed at this point in the Record.

There being no objection, the article and the editorial were ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Herald-Tribune, Oct. 5, 1965]

United States-Mexico Desalting Plant

Washington.—The United States and Mexico have agreed in principle to explore possibilities of building a huge nuclear-powered water desalting plant to service neighboring areas of both countries, the White House disclosed today.

Dr. Donald Hornig, Chief Science Adviser to the White House, made the disclosure in addressing the opening of the First International Symposium on Water Desalination.

He said the President had asked him to announce the two nations had agreed in principle on undertaking a technological and economic feasibility study of building the big reactor that would be designed to desalt water for these arid regions:

Sonora and Baja California, in Mexico, and portions of Arizona and California; the two Mexican states are on opposite sides of the Gulf of California.

Dr. Hornig gave no further details as to size or location of the proposed plant. A spokesman for the Interior Department, who said the announcement came as a complete surprise, said additional details would not be available until later this week when the White House is expected to announce the signing of the agreement.

A presumably likely spot for the location of the proposed plant would be at the top of the Gulf of Baja from which it could service the Mexican areas and portions of California and Arizona.

The proposed study would be separate from another currently underway between the U.S. Government and the Metropolitan Water District of California to explore possibilities of establishing a nuclear-powered, 150-million-gallons-a-day desalting plant to service areas primarily around Los Angeles. Presumably any Mexican-American plant would also be in the 100-million-gallons-a-day range.

Other sources told a reporter if such a reactor were built it would be under the sponsorship of the International Atomic Energy Agency. Presumably the reactor plant would also furnish electricity in addition to desalting sea water.

Dr. Hornig made the announcement after reading a message of welcome to the delegates on behalf of the President. Mr. Johnson said in his message that while "heartening results" had been achieved in the United States in the last 13 years toward bringing down the cost of desalting saline water, "the cost of desalting must be drastically reduced."

New York City's reserve water supply for yesterday, the day before, last year and 1961, the year the drought began:

	Billion gallons	*Percent capacity*
October 4, 1965	173.3	36.4
October 3, 1965	173.1	36.3
October 4, 1964	234.8	49.3
October 4, 1961	344.3	72.3

[From the Philadelphia (Pa.) Inquirer, Oct. 5, 1965]

United States-Mexican Nuclear Water Plan

Over the years the United States and Mexico have devoted much energy and possibly millions of words to negotiations concerning water—sometimes with amicable results and often with neither party fully satisfied by the outcome. Now comes an agreement between the two nations which both sides ought to find completely acceptable.

We refer to the joint studies to be undertaken by Mexico and the United States aimed at eventual construction of a great nuclear water desalting plant to serve the arid border regions of the Southwest: Sonora and Baha on the Mexican side; Arizona and California on the U.S. side.

News of the project—announced at the opening of the first international symposium on water desalinization in Washington, D.C.—should impress delegates from many countries and guarantee they will take home an inspiring story of international cooperation.

The United States is working on desalinzation with other nations. But the possibilities for international cooperation should be best of all between two close American neighbors with a mutual water shortage problem to solve.

There are many water experts who scoff at the economic feasibility of desalting seawater. But the longrun facts argue powerfully against their doubts. More than four-fifths of the earth's surface is covered with water—of which 97 percent is too salty for human use. The tiny fraction of usable water, moreover, is being constantly and increasingly contaminated by the expanding civilization that depends upon it.

Desalinization—with other water purifying improvements—seems the most reasonable hope for satisfying future water requirements.

The administration should be congratulated for alining itself with Mexico in a project so much promise of mutual benefit and betterment for all mankind.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. I would hope the statement which was just made by the distinguished majority leader would serve as an example and an admonition to the rest of the world that we intend to use our primacy in the development of nuclear and atomic energy for peaceful purposes; that we issue a clarion call to all the nations of the world that this is our intention and hope we can have cooperation everywhere in the world.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Rhode Island for those remarks. No one knows better than he the potential of atomic energy in satisfying the need for water in this world. As far as our country is concerned, northern Mexico and the southwestern part of the United States, which are semiarid areas, do not furnish enough sustenance for their rapid increasing population. I hope this plan can be the framework for countries joining in similar efforts for the benefit of their people.

Mr. TYDINGS. Mr. President, I would like to associate myself with the statement made by the distinguished majority leader [Mr. Mansfield].

DO-IT-YOURSELF REAPPORTIONMENT HEARINGS

Mr. TYDINGS. Mr. President, Senate Joint Resolution 103, to amend the Constitution of the United States to permit the malapportionment of State legislatures, has been reported out of the Judiciary Committee and will soon be placed on the Senate Calendar. As has been widely discussed in the press, this amendment was reported by the Judiciary Committee without recommendation.

Senate Joint Resolution 103 was also reported without any hearings having been held on this latest version of the proposed amendment. The feeling in the Judiciary Committee apparently was that no testimony was necessary in view of the extensive hearings that were held last spring on Senate Joint Resolution 2—the original Dirksen amendment.

I felt, and continue to feel, that hearings on Senate Joint Resolution 103 would serve a useful purpose. There is not a single sentence in Senate Joint Resolution 103 that is the same as Senate Joint Resolution 2. Indeed, the principal sponsor has taken pains to point out the many differences between Senate Joint Resolution 103 and his earlier version.

Hearings were particularly necessary, in my judgment, because this is a constitutional amendment and not an ordinary bill. Moreover, it is an amendment of the most fundamental importance to the structure of our Union.

Unlike a routine bill, a constitutional amendment cannot be repealed, amended, or redrafted in a year or two to correct errors. This constitutional amendment, if adopted, will determine the operation of our State governments for decades to come.

It is not enough merely to know whether one is generally for or against the basic principle of allowing our State legislatures to deviate, under certain conditions, from the demands of the equal protection clause. Every word, every phrase of this proposed amendment deserves the most searching, critical scrutiny from proponents and opponents alike.

Mr. President, this is the age of "do-it-yourself." When the Judiciary Committee decided not to hold hearings on Senate Joint Resolution 103, I wrote to most of the witnesses who had testified against Senate Joint Resolution 2 and inquired whether they were opposed to the revised Dirksen amendment.

I ask unanimous consent that the text of the letter I addressed to these witnesses be included at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> As you undoubtedly know from the press, Senator DIRKSEN has introduced a new version of his constitutional amendment.
>
> Those of us who led the fight against his earlier amendment found your statement before the Constitutional Amendments Subcommittee indispensible. The defeat of the earlier amendment is largely attributable to the fact that we had the better arguments, and these came from persons such as yourself.
>
> The subcommittee today favorably reported the latest version without holding hearings. It is, therefore, vitally important to me, to my colleagues on the Judiciary Committee, and to our supporters in the Senate to have your views on this recent draft.
>
> Specifically, I hope you could tell me:
>
> 1. Whether you are opposed to the new amendment.
> 2. Whether the changes that Senator DIRKSEN has proposed meet your earlier criticisms, and if not, in what respects.
> 3. Whether you have any criticisms of the revised amendment that you did not make concerning the earlier version.
>
> For background, I am enclosing the text of the revised Dirksen amendment and statements about it which Senators DIRKSEN, DOUGLAS, and I have made. Since Senator DIRKSEN is anxious that his amendment be considered at an early date, I would appreciate your prompt reply. If possible, I suggest that it be in a form that I can make public should the need arise.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **TYDINGS**. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **TYDINGS**. Mr. President, to date I have received 20 replies. They are unanimous in opposing the new rotten borough amendment. Among those who have replied are distinguished mayors, labor leaders, representatives of governmental and civic organizations, professors, and practicing lawyers. Here is a sample of their answers:

Mayors: The United States Conference of Mayors finds the new Dirksen proposal "unacceptable" and urges the Senate "to hold fast in its rejection of all such efforts to subvert the democratic principles sustained in the Supreme Court's ruling."

This position is supported by the Honorable Jerome P. Cavanagh, mayor of the city of Detroit and president of the National League of Cities; the Honorable James H. J. Tate, mayor of the city of Philadelphia; and the Honorable Theodore R. McKeldin, mayor of the city of Baltimore.

Governmental organizations: The distinguished Advisory Commission on Intergovernmental Relations has expressed its opposition to any amendment which subverts the principle of apportionment of State legislatures on the basis of population. The Advisory Commission finds Senate Joint Resolution 103 particularly objectionable because it "would appear to require that in the future any specific apportionment of any State legislature would have to be approved at a statewide referendum. This would not only be contrary to the recommendations mentioned above but also would foreclose the use of an approach that was recommended by the Commission and that has been used in a number of States to assure that periodic apportionment actually occurs whether or not the legislative body can agree."

Civic organizations: The American Jewish Congress finds that the revised Dirksen amendment would authorize apportionment plans "apparently based on geography or political subdivisions that could be used to mask deliberately discriminatory reapportionment plans."

The Americans for Democratic Action call Senate Joint Resolution 103 "another effort to return State government to the horse and buggy era."

The National Association for the Advancement of Colored People has reaffirmed its opposition and calls the Dirksen proposal "a threat to progress in the field of civil rights."

The American Ethical Union has also expressed its opposition to the revised Dirksen amendment.

Professors: Dean Erwin N. Griswold, of the Harvard Law School, has written of his opposition to Senate Joint Resolution 103. He says:

> The changes made in Senator DIRKSEN'S most recent proposal do show the soundness of the criticisms which were made of his earlier proposal. However, in my view, they are not adequate to make the new proposal sound or desirable. The fact remains that in the United States in this last third of the 20th century we should believe in equal democracy.

Prof. Robert B. McKay, associate dean of the New York University School of Law, has demonstrated why hearings are so vitally necessary on Senate Joint Resolution 103. In Dean McKay's opinion there was "a certain integrity about the directness of the language in the original version—of the Dirksen amendment." With the latest version, however, he feels that "the language has become so obscure—almost inarticulate—that the unwary may be deluded into believing that this is in fact a democratic proposal."

Dean McKay ably demonstrates, even assuming the latest version permits judicial review of reapportionment plans—a point which is by no means certain—that the crucial phrase "effective representation in the State's legislature of the various groups and interests making up the electorate" is so vague as to be incapable of sound judicial interpretation. As Professor McKay points out, Justices Clark and Stewart developed the notion of "effective representation" and appeared to be in substantial agreement as to its meaning when Reynolds against Sims and its companion cases were handed down on June 15, 1964. They were unable to agree, however, on the proper disposition of four of the nine reapportionment cases decided 1 week later.

Prof. Andrew Hacker, of Cornell University, also makes an excellent point in his letter about the ambiguity of the phrase "various groups and interests" that appears in the latest Dirksen amendment. Professor Hacker points out:

> The notion is that there exist certain interests which deserve representatives regardless of the number of people such an interest may contain. There is, in a word, a real class bias here. For such interests as the poor or Negroes or even city dwellers are invariably put in one large group. In contrast the middle class is usually cut and sliced into literally dozens of groups: architects, applegrowers, accountants, advertisers, etc. Under such a tendency the middle class—and especially businessmen—gets far more representation.

Prof. Gordon E. Baker, chairman of the Department of Political Science of the University of California, has sent a comprehensive analysis of the weakness of the Dirksen amendment. He stresses the ambiguous and highly original procedure which requires ratification of the amendment by a partially reapportioned State legislature.

Dean Jefferson B. Fordham, of the University of Pennsylvania Law School, points out in his letter that "the revised version is open to serious objection" and urges "negative action."

Prof. John J. Flynn, of the University of Utah College of Law, finds the language of the new Dirksen proposal "objectionable upon general policy grounds and on several specific grounds of careless drafting and internal ambiguity." He concludes that Senate Joint Resolution 103 "will continue frustrated State government."

Labor: Gus Tyler, assistant president of the International Ladies' Garment Workers' Union, has written an exceedingly thoughtful critique of the latest Dirksen amendment.

Lawyers: Burke Marshall, the distinguished former Assistant Attorney General of the United States in charge of the Civil Rights Division, points out in his letter that "the main objections to the amendment are not met" by the new version.

> Senate Joint Resolution 103—

Marshall observes—

> deviates from the basic principle of equality without good cause. It would mark the first time in our history that the Constitution was amended to deprive the people of the United States of equality among themselves, rather than to guarantee that basic right.

Marshall focuses attention clearly on the discriminatory purpose of the proposed amendment, even in its revised version:

> In addition, the amendment would tend to perpetuate a system of government which has failed in most States because it has resulted in State legislatures that are not responsive to the major need of this century—the urbanization of our society. There is no dispute but that the purpose of the amendment is to create a means by which the people of the cities can be deprived of part of the political voice they would have in the State legislatures based on population. As

> I stressed in my testimony, this will proportionately affect minority groups more than other segments of our society, and in particular will inevitably do damage to our national efforts to remedy the economic, social, and educational disadvantages which we as a Nation have placed upon Negro Americans.

Theodore Sachs, noted Detroit attorney experienced in handling reapportionment cases, has also written to express his continued opposition to the new Dirksen amendment.

Business: R. Peter Straus, president of the Straus Broadcasting Group, Inc.—radio station WMCA in New York—has written to stress that his original objections are not met by the revised Dirksen amendment. He points out:

> The civil right of one vote for one man is not a right which majorities may take from minorities; nor, for that matter, is it a right which one generation should be allowed to take from the next.

Straus notes, as well, that State government would be weakened by passage of the Dirksen amendment, even dressed in its latest language. He says:

> Our earlier criticisms apply with equal force to Senator DIRKSEN's new proposals. These are again efforts to underrepresent cities and suburbs in State government. They are, thus, ironically, proposals that would undermine the very same possibilities of strong State government which many of their supporters are eager to advance. Where these proposals would fail to represent true population balances, they would also serve to keep State governments weak and ineffective. Growing Federal presence can be the only result of such shortsighted distortion of representative government.

I ask unanimous consent that each of these letters concerning Senate Joint Resolution 103, from witnesses who testified before the Constitutional Amendments Subcommittee on the original Dirksen amendment, be inserted at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY.

DEAR ———: As you undoubtedly know from the press, Senator DIRKSEN has introduced a new version of his constitutional amendment.

Those of us who led the fight against his earlier amendment found your statement before the Constitutional Amendments Subcommittee indispensable. The defeat of the earlier amendment is largely attributable to the fact that we had the better arguments, and these came from persons such as yourself.

The subcommittee today favorably reported the latest version without holding hearings. It is, therefore, vitally important to me, to my colleagues on the Judiciary Committee, and to our supporters in the Senate to have your views on this recent draft.

Specifically, I hope you could tell me:

1. Whether you are opposed to the new amendment.

2. Whether the changes that Senator DIRKSEN has proposed meet your earlier criticisms, and if not, in what respects.

3. Whether you have any criticisms of the revised amendment that you did not make concerning the earlier version.

For background, I am enclosing the text of the revised Dirksen amendment and statements about it which Senators DIRKSEN, DOUGLAS, and I have made. Since Senator DIRKSEN is anxious that his amendment be considered at an early date, I would appreciate your prompt reply. If possible, I suggest that it be in a form that I can make public should the need arise.

Sincerely,

JOSEPH D. TYDINGS.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., September 3, 1965.

Senator JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: Thank you for your letter of August 25. I have carefully reviewed Senate Joint Resolution 103, the latest in a series of resolutions proposed by Senator DIRKSEN to upset the Supreme Court's one-man, one-vote decision. In measuring the new proposal against the standard set in a series of resolutions adopted by the Nation's mayors over a period of years, we find the new Dirksen proposal unacceptable.

The U.S. Conference of Mayors, which has fought for many years for fair reapportionment of State legislatures, finds the latest version of the Dirksen constitutional amendment to block that objective no less objectionable than the earlier ones.

No matter what language is used for wrappings around these proposals to weaken the Supreme Court's one-man, one-vote ruling on the makeup of State legislatures, which for too long have denied urban citizens their right to equal voices in government, the intent is plain—to take away citizens' constitutional rights which the Court has reaffirmed.

The conference urges the Senate to hold fast in its rejection of all such efforts to subvert the democratic principles sustained in the Court's ruling. Mayors of its member cities want to get on with the job of attaining fair representation in legislatures which in our system of government hold controlling authority over municipalities. Apportionment wrongs which now exist must be redressed, and quickly. Such devices as the Dirksen amendment serve only to perpetuate those wrongs.

Please call on us if we can be of assistance in pointing out the inherent evils in the proposal.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

CITY OF DETROIT,
September 1, 1965.

Hon. JOSEPH D. TYDINGS,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: I very much appreciate your sending me the CONGRESSIONAL RECORD materials on the new version of the Dirksen amendment including your statement, Senator DIRKSEN's statement and Senator DOUGLAS' statement. I believe it is the same old effort sought to be put into a new format. The effect will be the same: It will perpetuate the malapportioned legislatures so roundly condemned by the decisions of the U.S. Supreme Court.

It was Gertrude Stein who said, "A rose is a rose is a rose." I never really fully appreciated what she was trying to say.

In answer to your specific questions:

1. I am unequivocally opposed to the new amendment.

2. The changes made by Senator DIRKSEN would like to make it appear that he has met some of my objections to prior versions. The truth is that the effect is the same—malapportioned legislatures.

3. This version would seek to clothe the latest version of the Dirksen proposal with the trappings of legality. It would not meet the fundamental criticism made by many witnesses that it would still perpetuate the overrepresentation and the lack of representation presently extant in many State legislatures. Through the device of "effective representation" allegedly diverse interests would find representation. This implies they are not now represented, that change means any representation they may have will be eliminated, and that the legislatures would not represent all of the people.

I continue to support your efforts to provide each citizen an equal voice in his State legislature.

Sincerely yours,

JEROME P. CAVANAGH,
Mayor.

CITY OF PHILADELPHIA,
September 1, 1965.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Committee on Judiciary,
Washington, D.C.

DEAR SENATOR TYDINGS: Again, I want to thank you for keeping me informed on latest developments on the apportionment issue of our State legislatures.

To answer the questions raised in your letter of August 25, I am still firmly opposed to the new Dirksen amendment because its purpose is designed to frustrate the basic foundation of democratic government: equal representation. While the approach may be different, the ultimate destination remains unchanged. This is, of course, to perpetuate malapportionment of State legislatures by permitting a special group or interest to have more weight in the election of representatives than other American citizens.

This new amendment will not let the people decide this issue as claimed by Senator DIRKSEN. It simply continues opposition to the basic principle of recent Supreme Court decisions that both houses be reapportioned by population. It would override these Court decisions by providing an alternative form of representation other than population.

The proposed amendment is based on the undemocratic theory that representative government means representation of special groups and interests rather than the electorate. Consequently, this amendment must be defeated so that our legislatures will represent people, of whom all will stand equal before their government.

With all good wishes and kindest personal regards, I remain,

Sincerely yours,

JAMES H. J. TATE,
Mayor.

ADVISORY COMMISSION ON
INTERGOVERNMENTAL RELATIONS,
Washington, D.C., September 19, 1965.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TYDINGS: This is in reply to your recent letter raising several questions regarding the views of the Advisory Commission with regard to Senate Joint Resolution 103 introduced by Senator DIRKSEN, and 30 cosponsors. The Commission's recommendations regarding State legislative apportionment were adopted following a comprehensive research project on this subject completed in December of 1962 and are incorporated in the report, apportionment of State legislatures. The Commission acted on this question a year and a half prior to the decision of the Supreme Court in *Reynolds* v. *Sims* and also, of course, prior to the introduction in Congress of proposed constitutional amendments dealing with State legislative apportionment. However, a number of the Commission's recommendations are directly relevant to the issues raised by the joint resolutions which have subsequently been introduced in Congress. The Commission dealt both with the basis of representation in State legislatures and with procedural steps for accomplishing apportionment.

The Commission recognized that the intergovernmental problems of State legislative apportionment were such that it should make a specific recommendation concerning the basis upon which State legislatures should be apportioned. The Commission arrived at the following conclusion:

"Equal protection of the laws would seem to presume, and considerations of the political equity demand, that the apportionment of both houses in the State legislature be based strictly on population."

This final decision, arrived at after long and searching deliberation, was not unanimous but it did reflect the thoughtful evaluation of numerous factors and careful consideration of the impact of this position on the Federal system.

Citing the equal protection of the law phrase of the 14th amendment, the majority of the Commission felt that "the State has no authority to classify people according to where they live—urban or rural areas—the type of work they do—laborer or banker—the type of education they have had—high school or college graduate—and authorize such classes to elect representatives in their State legislature in such a manner as to permit the bulk of the members of any such class to have more weight in the election of State legislators than the members of any other class.

The Commission found that the weight of history in this Nation supported the principle of apportionment strictly on the basis of population for both houses of State legislatures. The original constitutions of over two-thirds of the State gave either implicit or explicit recognition of this principal. In addition the Northwest Ordinance adopted under the Articles of Confederation in which each of the Original Thirteen States had one vote required that the legislative bodies of the States organized in the Northwest Territory be apportioned on the basis of population.

The majority of the Commission felt that "protection of minority interest or views does not mean the minority should be in a position to veto the desires of the majority. The protection given minority views and interests should not be a veto power in the legislative process, since other adequate protections are offered by both Federal and State constitutions."

Several of the procedural recommendations of the Commission are also relevant in light of the procedures that are prescribed in the proposed constitutional amendments before Congress. The Commission recommended that the apportionment formula, spelled out in clear and sufficient detail so that there could be no question as to its meaning, should be part of the Constitution and should be subject to periodic review at the polls. However, the actual apportionment of a State legislature should be accomplished by the legislature or other specified nonjudicial body or officer. The application of the constitutional provisions allows a great deal of discretion by the apportioning body. This can best be exercised through the political processes of accommodation, negotiation, and compromise which are present in a deliberative body.

Senate Joint Resolution 103 would require that the actual plan of apportionment be subject to a statewide referendum. In fact, as it now stands section 2 of the constitutional amendment proposed by Senate Joint Resolution 103 would appear to require that in the future any specific apportionment of any State legislature would have to be approved at a statewide referendum. This would not only be contrary to the recommendations mentioned above but also would foreclose the use of an approach that was recommended by the Commission and that has been used in a number of States to assure that periodic apportionment actually occurs whether or not the legislative body can agree. This is the use of a bipartisan or nonpartisan board or commission or an administrative officer or body to apportion legislative seats if the legislature fails to act within the time specified by the Constitution, or when the legislature acts in a manner which is subsequently declared unconstitutional by a court of competent jurisdiction. With the thought that it may be of interest to you, I am enclosing suggested State constitutional language developed by the Commission providing for such a procedure.

Sincerely yours,

Wm. G. Colman,
Executive Director.

City of Baltimore,
September 3, 1965.

Hon. Joseph D. Tydings,
U.S. Senator, Maryland, Senate Office Building, Washington, D.C.

Dear Senator Tydings: I have read with considerable interest the text of Senate Joint Resolution 103, Senator Dirksen's revised version of a constitutional amendment on apportionment of State legislatures, a copy of which you were kind enough to send to me.

Although at least some of the changes in this new version of the constitutional amendment appear to be an improvement, I must tell you that, taken as a whole, the revised version of the Dirksen amendment is still objectionable to me.

Many of the changes, in fact, create more problems and raise more questions than did Senator Dirksen's original constitutional amendment.

After reviewing Senate Joint Resolution 103, I must reiterate my support of the one-man, one-vote principle and state my opposition to this newest effort to dilute or modify this fundamental principle of our democracy.

I sincerely and firmly believe that the city of Baltimore, the State of Maryland and the United States would best be served by having both houses of each State legislature apportioned on the basis of equality of population.

Sincerely,

Theodore R. McKeldin,
Mayor.

Statement by Howard M. Squadron, Chairman, Commission on Law and Social Action, American Jewish Congress, on Senate Joint Resolution 103, Dealing With Legislative Apportionment

As an organization deeply committed to the expansion of democratic practices and principles, the American Jewish Congress was among those groups which wholeheartedly supported the Supreme Court decisions outlawing malapportionment of State legislatures. We have vigorously opposed a variety of proposed amendments to the U.S. Constitution, all of which seek, to some extent or other, to undo those decisions. The views of the American Jewish Congress were presented in testimony before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee on May 14, 1965. We also joined in testimony presented by a number of Jewish organizations before the Subcommittee of the Judiciary Committee of the House of Representatives on June 24, 1965.

As a general matter, we believe that equality of voter representation is a fundamental principle of the American democratic system. We perceive the right to vote as essentially a right of individuals. Legislatures represent people as citizens; they do not represent particular interest groups. It is therefore immaterial to us whether any particular proposed amendment to the Constitution on the question of malapportionment contains procedural devices, such as initiative or referendum, or whether the apportionment of only one house of the legislature is permitted on some so-called reasonable basis other than population.

Senator Dirksen has introduced a new version of his proposed constitutional amendment on the question of malapportionment. Since public attention is already focused on this particular proposal, we think it appropriate to expand our earlier remarks, with specific reference to Senate Joint Resolution 103.

Senator Dirksen's revised resolution attempts to answer a number of specific criticisms made of earlier proposals, and particularly the criticism that apportionment based on race or religion would be possible under his proposal. While one house of a bicameral legislature would be apportioned strictly on the basis of population under Senate Joint Resolution 103, the other could be apportioned on the basis of "population, geography, and political subdivision" in order to "insure effective representation in the State's legislature of the various groups and interests making up the electorate." It is true that under this formulation, apportionment patently based on such unreasonable and discriminatory factors as race, religion or sex would not be permitted. However, a plan apparently based on geography or political subdivisions could be used to mask deliberately discriminatory reapportionment plans. Further, we do not believe that one citizen's vote should be weighted more heavily than that of another citizen, depending on whether he lives in a city or village, county or town.

We are unsure of the meaning of the phrase "effective representation" and we reject the concept that groups and interests comprise the electorate. The electorate is comprised of individuals. It would be a distortion of our traditional understanding of democratic practice to suggest that a specific interest group was entitled per se to representation in a State's legislature. We believe that the only truly effective representation is that based on the principle of one man, one vote.

We also note that the resolution is far from satisfactory in other respects. Its second section provides for a popular vote on any given apportionment plan and provides that there must be submitted an alternative plan based solely on substantial equality of population. It is not farfetched to suggest that an alternative plan based on population might be phrased in such an unacceptable manner that the electorate of the State would in effect be forced to vote for an apportionment plan based on factors other than population. For example, the submitted proposal might call exclusively for the election of representatives at large, or might limit the membership of a legislative body to 6 or 10 representatives or might be based upon grossly gerrymandered districts.

The new Dirksen amendment suffers from the same fundamental vice that tainted the earlier version: namely, that any system of apportionment based on factors other than population runs contrary to fundamental democratic principles. We do not believe that basic rights may be suspended by referendum and we do not believe that a State can proprely grant one class of citizens a greater say in their government than another class. For these reasons, we oppose the Dirksen amendment.

Americans for Democratic Action,
Washington, D.C., September 7, 1965.

Hon. Joseph D. Tydings,
New Senate Office Building,
Washington, D.C.

Dear Senator Tydings: In reply to your letter of August 25, requesting the views of Americans for Democratic Action on Senate Joint Resolution 103, ADA's position is one of firm opposition to any amendment that reverses or modifies the Supreme Court's fair apportionment decisions. Senate Joint Resolution 103 is another effort to return State government to the horse and buggy era. If enacted Senate Joint Resolution 103 will forever bury State government.

ADA supports the Supreme Court position enunciated in *Reynolds* v. *Sims* and companion cases on June 15, 1964. We firmly believe that the Supreme Court correctly interpreted the equal protection clause of the 14th amendment when it "requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis." The Court's ruling in the Reynolds case logically extended the one man-one vote concept that it was developing in earlier cases—*Baker* v. *Carr*, *Gray* v. *Sanders*, *and Wesberry* v. *Sanders*. Reynolds and the companion cases completed the process toward equality.

ADA believes that Senate Joint Resolution 103 undermines the right to vote. The very concept of a constitutional amendment reversing Reynolds is repugnant.

VOTING RIGHTS ARE INDIVIDUAL RIGHTS

Rights of citizenship cannot be abridged by a referendum. Voting rights are individual rights. The existence, guarantee, and protection of these rights do not depend on the outcome of any referendum. The Dirksen proposal still represents the first serious attempt to reverse American history. Ours has been a history of expanding rights and expanding liberties. That is the American dream and it is being constantly fulfilled. The whole history of the 14th amendment, in which the Supreme Court based its State apportionment decisions, has been to expand the concept of equal protection of the laws. The rights guaranteed by the Constitution, and the equal protection clause are fundamental rights which may not be subjected to a vote.

USE OF THE REFERENDUM

Since the revised Dirksen amendment uses the referendum, we believe that how the referendum works in practice should be thoroughly explored. The referendum is more likely than not to sharply divide the electorate and result in unnecessarily deep political and social divisions. Important questions such as fair housing, the right to vote, and the composition of State legislatures are best solved through our existing political institutions and the legislative process rather than through the referendum.

The referendum is not a magic guarantor of the democratic process. Often many questions appear on a ballot. The long ballot is the rule rather than the exception. A referendum is likely to occur during the course of a statewide or national election. Issues become confused. Senator Douglas in his speech of August 12 went to the heart of the referendums issue:

"The experience of the States in this country which have used the referendums shows that public participation in them is so low that they cannot be construed as satisfactory indications of real population will. The available evidence on participation in referendums show that even in general elections the decision in referendums is made on the average by less than 30 percent of the voting age population of the State."

REFERENDUMS ARE CONFUSING

The requirement in Senate Joint Resolution 103 that an apportionment plan based on equal population districts be submitted along with a population plan that allows for one house to be malapportioned is deceptive and confusing. In *Lucas* v. *Colorado,* decided by the Supreme Court, a majority of the population voted to apportion one of their houses on factors other than population. The Court held that malapportionment by referendum is unconstitutional since it violates the right of the individual to cast his vote as an equal and have that vote counted.

An important aspect of the Lucas case is the insight it provides when two choices are presented to the voters—even if one plan is based on equal population districts. The rejected amendment prescribed an apportionment plan which based apportionment on population, but the choice presented to the electorate was unclear. The apportionment plan, based on population, continued what many Colorado citizens believed to be an undesirable feature in the Colorado State government: those counties that have more than one seat in either or both houses had to elect all their legislators at large from the county as a whole. Under Senate Joint Resolution 103 identical or similar situations would still pertain.

Another confusion in referendums is that the questions posed to the electorate often blur and misstate the real issues involved. Such misstatement is best illustrated by the California proposition 14 which by its adoption prohibited enactment of State and local fair housing laws. In the name of an "individual right" to build huge developments or rent large multifamily dwellings units California guaranteed that racial discrimination in housing will remain legal under California State law.

INTEREST GROUP REPRESENTATION ALIEN TO AMERICAN TRADITION

We believe that the use of a referendum in a constitutional amendment to the U.S. Constitution is a radical departure in American constitutional practice. The requirement of Senate Joint Resolution 103 that it "insure effective representation in a State's legislature of the various groups and interests making up the electorate" is alien to the American tradition. Voting rights are individual rights. They are not group rights or interest group rights. How an interest group can be defined is beyond our imagination. Do interest groups include ethnic and religious and racial groups? If so, we suggest that this amendment modifies not only the 14th amendment but the 1st amendment guarantees against establishment of a religion. Would all Protestant groups be lumped together or will we separate Seventh-day Adventists from Unitarians? How do we differ between orthodox and reformed Jews? Do we include migrant workers as an interest group? Do we include the unemployed? Do we include those representing the one-quarter of our population living in poverty composed of family units where the wage earners are employed but at substandard wage levels, grossly insufficient to support even a marginal level of decency and comfort?

Thus ADA would be opposed to the Dirksen amendment simply because it modifies individual rights and makes group interests the standard for the basis of represenation.

OPPONENTS OF FAIR REPRESENTATION MISSTATE SUPREME COURT DECISION

Even if the group interest requirement were eliminated, ADA would oppose the amendment. We believe that the opponents of the Supreme Court decision have fostered misunderstanding of that decision. The opponents have consistently stated that the mathematical rigidity required by the Supreme Court is the sole criterion for representation in State legislatures. It is essential that the Supreme Court's holding in these cases be put in proper perspective.

A careful reading of the Supreme Court decisions suggests that mathematical equality is not what the Supreme Court intended or required. The Court stated that "We hold that, as a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for State legislatures is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes with citizens living in other parts of the State." In another portion of the opinion the Supreme Court specifically stated, "mathematical nicety is not a constitutional requisite." In a later portion of the opinion the Court states, "we realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents or citizens or voters. Mathematical exactness or precision is hardly a workable constitutional requirement."

The evidence is abundantly clear through the *Reynolds* v. *Sims* case that mathematical preciseness is not the basic criterion for representation of State legislatures.

In *Wesberry* v. *Sanders* the Court stated that congressional representation must be on population as nearly as practicable. In the *Reynolds* v. *Sims* case the Court enunciates distinctions that must be made in the definition of equality of population among districts between congressional and State legislative representation. The Court recognizes that there is a larger number of seats in State legislative bodies than there are congresional seats. Therefore the Court concludes that it is perfectly feasible to use political subdivision lines to a "greater extent in establishing State legislative districts and in congressional districts while still affording adequate representation to all parts of the States. To do so would be constitutionally valid, so long as the resulting apportionment was one based substantially on population and the equal population principle was not diluted in any significant way."

Another distinction looked upon approvingly by the Supreme Court is the desire "to maintain the integrity of various political subdivisions, insofar as possible, and provide for compact districts of continuous territory in designing a legislative apportionment scheme." The Court, composed of men who understand politics, recognized that districting with no regard for political subdivision or historical boundary lines or natural lines—such as rivers—may be in reality a ruse for partisan gerrymandering. The purpose of *Reynolds* v. *Sims* is to assure that fair apportionment exists in State legislatures and not to allow the use of population as a criterion for partisan gerrymandering.

Another distinction looked upon favorably by the Court is that fair apportionment may be achieved by single member districts or multimember districts. The means available to the State for fair apportionment are multiple. The only overriding objective must be equality of population among the various districts so that the vote of any citizen "is approximately equal in weight to that of any other citizen in the State."

The Constitution now provides for representation based on substantially equal population districts and guarantees individual citizens the right to vote and to have that vote counted. This principle, the cornerstone of democracy, must remain unchanged.

Sincerely yours,

Leon Shull,
National Director.

The Washington Ethical Society,
Washington, D.C., September 7, 1965.

Hon. Joseph D. Tydings,
New Senate Office Building,
Washington, D.C.

Dear Senator Tydings: Upon my return from a trip abroad I find your letter of August 25 regarding Senator Dirksen's revised text for a constitutional amendment on the apportionment of State legislatures. Although I have not yet had the opportunity to bring this revised form to the attention of the executive committee of the American Ethical Union, I am of the opinion that our earlier objections to the so-called Dirksen amendment have not been met by Senator Dirksen's recent modification.

Our objection goes to the heart of the issue and the principle of an equal vote for all citizens. We hold this to be of the essence of democracy, central to the integrity and force of the democratic ethic. I shall report this latest development to our national body for possible further action. Meanwhile, I am sending to you a copy of my testimony of last June 25 to the House subcommittee. This statement sets forth our position in greater detail than did my earlier communication to your Senate committee and I call these arguments in full to your attention now. I believe that you will agree that these objections are equally relevant to Senator Dirksen's present proposal.

Sincerely,

Edward L. Ericson,
American Ethical Union Public Affairs Representative in Washington.

Senator Joseph D. Tydings,
Senate Office Building,
Washington, D.C.:

This will reaffirm the NAACP's opposition to Senate Joint Resolution 103, the Dirksen reapportionment amendment. We believe that the Supreme Court decision establishing the principle of "one man, one vote" will correct grave abuse of power in States where the senators and representatives from thinly populated areas prevent passage of laws that would benefit the vast majority of the States' population. The Dirksen proposal would be a threat to progress in the field of civil rights. We shall continue to work for its defeat.

Clarence Mitchell,
Director, Washington Bureau NAACP.

Law School of Harvard University,
Cambridge, Mass., August 30, 1965.

Hon. Joseph D. Tydings,
Senate Office Building,
Washington, D.C.

Dear Senator Tydings: Thank you for your letter of August 25, and for your kindness in sending me a copy of Senator Dirksen's latest proposal for a constitutional amendment, and the extracts from the Congressional Record relating to this matter.

I have read all of these items with much interest.

1. I am opposed to the new amendment. I know of no reason why we should perpetuate "rotten boroughs" in this country, or of why one region in a State is entitled to more representation than another.

2. The changes made in Senator Dirksen's most recent proposal do show the soundness of the criticisms which were made of his earlier proposal. However, in my view, they are not adequate to make the new proposal sound or desirable. The fact remains that in the United States in this last third of the 20th century we should believe in equal democracy.

The decisions of the Supreme Court have freed us from an intolerable situation into which we have drifted, and from which there was no feasible means of escape except through the decisions of the Court. Having achieved the results we now have, it does not seem to me that we should take any steps backward toward the old situation.

3. The criticisms of the revised version have been very excellently made in your address to the Senate on August 18, 1965. I would not have anything to add to that, and would like to express my great appreciation to you for your careful analysis and effective statement.

I hope that you will continue to oppose this newest effort of Senator Dirksen to give some people a more effective voice in government than other people have. Whether it is put in terms of "geography and political subdivisions" or in terms of "various groups and interests," inequality is still inequality. Having at long last achieved the principle of "one man, one vote," I hope that we will stick to it, and be proud and glad that we have such a fairly organized democracy.

With best wishes,

Very truly yours,

Erwin N. Griswold,
Dean.

New York University,
School of Law,
New York, N.Y., September 15, 1965.

Senator Joseph D. Tydings,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

Dear Senator Tydings: This is written in response to your inquiry about Senate Joint Resolution 103 introduced by Senator Dirksen on August 11, 1965. This resolution is a modified version of his original proposal, which was rejected by the Senate, to permit the apportionment of one house of State legislatures without regard to the equal-population principle.

My answers to your three questions are as follows:

1. I am indeed opposed to the current version as I was to the original version. The same basic objection continues; namely, that the proposal is antidemocratic and contrary to the majoritarian principles of our government.

2. The changes Senator Dirksen has proposed do not meet my objections. He has attempted to satisfy some of the criticisms of the earlier proposal by providing (a) that any nonpopulation-based apportionment of a bicameral legislature must be agreed to by both houses, one of which itself must satisfy the equal-population standards; (b) that any such reapportionment plan presented to the voters must include as one alternative an opportunity to vote for a population-based legislature. However, these changes do not overcome the basic objection to malapportionment to which the Supreme Court opinions in the reapportionment case were addressed. This is the notion that in a democratic society separate representation should not be accorded the various special-interest groups. The right of franchise should include recognition that each individual's vote, wherever exercised, must be available to him on the same basis as to all other individuals. That is, each individual is entitled to an equal voice in the selection of representatives in any body which is an integral part of the legislative process. It simply will not do to say that apportionment of one house in terms of population provides a sufficient check upon another house apportioned on the basis of geography, political subdivisions, or interest groups. It is important to remember that the nonpopulation-based house can itself exercise a veto over the wishes of the majority as expressed in the house which satisfies the equal-population principle. That, of course, is exactly what the sponsors of this amendment intend, and it is important that this objective be defeated.

3. The current proposal is subject to some criticism in ways that were not applicable to the earlier version. There was, it must be admitted, a certain integrity about the directness of the language in the original version. It was perfectly clear that the aim was to overturn in part the Supreme Court ruling in the reapportionment cases and to limit the application of the equal protection clause of the 14th amendment in matters of franchise. While I think it is fair to assume that that objective has not been changed, the language has become so obscure—almost inarticulate—that the unwary may be deluded into believing that this is in fact a democratic proposal. However, it is not clear under the new version what would be the scope of judicial review (if judicial review of such legislative action is contemplated at all). The difficulties which the courts would face in determining what is effective representation in the State's legislature of the various groups and interests making up the electorate are well-nigh insuperable. This is illustrated by the fact that Justices Clark and Stewart, from whose opinions comes the notion of effective representation, proved unable to agree even between themselves as to the meaning of the term. Although they appeared to be in substantial agreement when the six original reapportionment cases were decided on June 15, 1964, they were unable to agree on the proper disposition of four of the nine cases decided 1 week later, on June 22, 1964.

Finally, the idea of representation of interest groups is fundamentally alien to the American democratic tradition.

The idea seems to be that a person, because he is a banker or a farmer, a Catholic or Protestant, a Negro or a white person, a union member or a small shopowner, should somehow be given separate representation for those theoretically separately identifiable interests. Even if this antidemocratic notion could be accepted—and I believe it should not—the practical difficulties in its administration are overwhelming. No man belongs in this sense to a single interest group. Experience demonstrates that the political process is not refined and subtle enough to recognize individual interest groups. Therefore, it seems wholly desirable—indeed essential—to return to the proposition originally accepted in three-fourths of the States that representation should be, as nearly as may be, in proportion to population.

Sincerely,

Robert B. McKay.

Ithaca, N.Y.,
September 5, 1965.

Dear Senator Tydings: Thank you very much indeed for your letter of August 25, along with the copies of your and Senator Douglas' speeches on the apportionment question. In answer to your inquiries on Resolution 103, I can say very simply: (1) I am opopsed to this new proposed amendment; (2) the changes that Senator Dirksen has proposed do not meet my earlier criticisms; and (3) I do have some comments on the revised amendment, and they are as follows:

First, let me congratulate you on your masterful handling on the entire referendum question. This is an extremely difficult matter to handle. For the Dirksen argument is that if a majority of voters in a State want to have a malapportioned legislature, then they should be permitted to have what they want. One can tackle this on two levels. One might say that the approving majority has been misled: by propaganda and by a misinterpretation of what are their own self-interests. (You also pointed out, and very well, that the referendums options can be stacked against the "population" alternative.) But one can, in addition, focus on those among the referendum voters who do not want to be underrepresented and yet who must suffer this condition because they are outvoted. This group not only has its right to a whole vote abridged, but the abridgement is the result of a popular ballot. We are going to have to face, more and more, referendums that threaten the civil rights of minorities. I am thinking, of course, of the rejection or repeal of open housing in such places as Tacoma, Seattle, Detroit, Akron, and the State of California. Your arguments on the Dirksen proposal may set the stage for future debates.

Second, whether or not the Dirksen resolution smacks of Mussolini, it is also a stacked deck with its emphasis on the "representation of groups and interests." The notion is that there exist certain "interests" which deserve representatives regardless of the number of people such an interest may contain. There is, in a word, a real class bias here. For such interests as the poor or Negroes or even city dwellers are invariably put in one large group. In contrast the middle class is usually cut and sliced into literally dozens of groups: architects, applegrowers, accountants, advertisers, etc. Under such a tendency the middle class—and especially businessmen—get far more representation. (Part of this, of course, stems from the fact that we tend to overlook the varieties of "groups and interests" among the poor, the Negroes, and city dwellers. It takes a certain sensitivity to distinguish among the varied sorts and conditions of, say, Negroes. Needless to say, most of us tend to be rather stereotyped in our image of those at the bottom of the heap.)

Finally, when is someone going to point out that rural counties have their quota of party bosses and bloc voting?

Good luck.

Andrew Hacker.

University of California,
Santa Barbara,
Santa Barbara, Calif., September 6, 1965.

Hon. Joseph D. Tydings,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Tydings: I appreciate your kind words about my statement before the Constitutional Amendments Subcommittee on the original Dirksen amendment and your request for my reactions to the newest version. First, I would specifically answer your three questions as follows:

1. I am opposed to the new amendment.

2. The changes Senator Dirksen has proposed do not meet my earlier criticisms; in fact, I feel that on balance, the new version is worse than the one which failed of passage on August 4.

3. I have several criticisms of the revised amendment which I did not take up in my brief comments on the earlier version.

Since my present statement is lengthier than my earlier one, I am enclosing it separately in the hope that it will be a more useful form for your purposes. I am also appending a few ideas for use in Senate debate.

I also want to thank you for sending me the text of the new version of Senator Dirksen's amendment and the statements made about it on the floor of the Senate. I thought that your impromptu analysis of the new proposal's provisions was an incisive and penetrating job. You have obviously given the whole question much thought and have an excellent command of the subject. I feel confident that the caliber of the arguments which you, Senator Douglas, and others have made, presage another defeat for Senator Dirksen if and when his new proposal comes to a vote.

Again, my thanks for your interest in my views.

Sincerely yours,
Gordon E. Baker,
Professor of Political Science,
Chairman of the Department.

Reactions to the New Dirksen Amendment

When Senator Dirksen first announced that he would introduce another constitutional amendment on State legislative apportionment after his earlier effort failed of passage, I assumed that he would attempt to gain support for it by removing some of the more unpalatable features of the original, or by adding features which would attract votes. To my surprise, the second proposed amendment (S.J. Res. 103) is no real improvement over the original, and opens up new questions.

The apparent attempts at improvement simply add new imponderables and complexities. One of these changes relates to the ratification process, by requiring that if three-fourths of State legislatures should ratify the proposed amendment, that "each such legislature shall include one house apportioned on the basis of substantial equality of population." This supposedly would make it more difficult for a "rotten borough" legislature to draw up the plan of apportionment, since there would be a potential check of one house based on population. But problems remain: Who is to determine whether one house is actually apportioned on the basis of "substantial equality of population"? Possibly the courts could so determine, but the actual ratification process could become enmeshed with a considerable amount of litigation. Moreover, the check of one equally apportioned house may be illusory. One malapportioned house could still have a strong bargaining position through the fact that it has to pass on all other legislation passed by the other (the logrolling question), not to mention the tradition in many States that each house defers to the other on matters affecting its composition. Legislatures are relatively small groups in which loyalty to the institution is understandably strong. But even apart from this, I feel that the wording of this section is ambiguous or unclear. It says "each such legislature shall include one house apportioned on the basis of substantial equality of population." Does this mean at least one house, or only one house? I suppose the intent was "at least" and that it would not preclude States in which both houses are based on population (there are now many such States, and there were even some prior to *Baker* v. *Carr*). But this is not clear from the wording, which might suggest that only one house should be so apportioned. I suspect the problem in phraseology here as elsewhere, is due to Nebraska's unicameral legislature, and the resulting problem of devising an amendment which applies to all States but which tries to differentiate between houses of bicameral legislatures. In short, the ratification provision is so fraught with problems that it would be much simpler and certainly more democratic to provide for ratification by conventions rather than by legislators who are parties judging their own case. The convention method would allow the equivalent of a referendum in each State on such a constitutional amendment, since delegations could be elected at large on a pro versus con basis (as was done in the case of the 21st amendment). After all, constitutional amendments are supposed to represent the popular will, and a substantially greater one than for ordinary legislation.

Many of my objections to the provisions of the ratification process also apply to that part of section 2 calling for submission of any apportionment plan by "both houses, one of which shall be apportioned on the basis of substantial equality of population." Again, my queries above, including the question: only one house, or at least one house? There are various other objections to section 2, which attempts to allow for voting on an alternative plan of apportionment based solely on substantial equality of population. It adds: "The plan of apportionment approved by a majority of those voting on that issue shall be promptly placed in effect." What if two (or more) plans should obtain a majority? Would the effective one then be the one with the highest total vote, highest proportionate vote, or what? Again, a potential source of endless and confused litigation.

There are numerous other objections. I am puzzled, for example, at the reasons for section 1 including references to allowing one house to be based on population, geography, and political subdivisions "in order to insure effective representation * * * of the various groups and interests making up the electorate." And then a slightly different wording on unicameral legislatures, which suggests vaguely a more equal population standard than the malapportioned house of a bicameral legislature, but which mentions giving nonpopulation factors "such weight * * * as will insure effective representation * * * of the various groups and interests making up the electorate." What is the purpose of such phraseology? Is it to allow courts standards for testing apportionment provisos? This seem doubtful, for they are surely vague standards. Moreover, this kind of phraseology loads the case. Thus the amendment tells the States that they (or rather their legislatures) are free to initiate whatever apportionment plan they want, but then goes on to lecture them as to what factors should be considered in one house for effective representation of the various groups and interests in the States. Quite apart from other objections to the Dirksen amendment, surely such prejudicial phraseology has no proper place in the U.S. Constitution.

Indeed, the more Senator Dirksen and his collaborators attempt to provide the kind of detail they either want to see or feel is necessary, the more complex the amendment becomes and the more problems it poses. Every attempt, however well meaning, to take care of this or that objection by adding or changing provisions merely magnifies and multiplies the unanswered questions that are raised. Chief Justice John Marshall once explained the nature of written constitutions in words that can well apply to amendments. He said: "A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. * * * In considering this question, then, we must never forget, that it is a constitution we are expounding." Most constitutional amendments have, happily, followed a pattern of classic simplicity. The proposed Dirksen amendment more closely resembles a code of laws, and the more it is changed with details and phraseology, the more questions arise as to its proper interpretation.

Those who feel that a strict standard of equality is too rigid to allow for the expression of proper community interests in a State, should recognize that the apportionment decisions of the Supreme Court in 1964 already allow for flexibility to meet certain local considerations, so long as the result is not a substantial distortion of statewide representative equality. Chief Justice Warren expressed the Court's view as follows: "A State may legitimately desire to maintain the integrity of various political subdivisions, insofar as possible. * * * So long as the divergences from a strict population standard are based on legitimate consideration incident to the effectuation of a rational State policy, some deviations from the equal-population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral State legislature." It seems to me far preferable to apply this reasonable approach where needed than to amend the Constitution of the United States with a hastily drawn and redrawn amendment that is neither properly understood nor understandable.

Dr. Gordon E. Baker,
Professor of Political Science, University of California, Santa Barbara.

University of Pennsylvania,
Philadelphia, September 13, 1965.

Hon. Joseph D. Tydings,
U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Tydings: I am sorry that I was not available to give you a timely response to your letter of August 25, 1965. I did not return from vacation until September 7.

Now that the revised Dirksen proposal has been reported out by the Senate Judiciary Committee, we shall have to be thinking in terms of consideration by the Senate when it reconvenes after the turn of the year.

I agree with you that the revised version is open to serious objection and I should like to do anything I can to assist you in bringing about negative action upon it.

Cordially,

Jefferson B. Fordham.

University of Utah,
Salt Lake City, Utah, September 27, 1965.
Hon. Joseph D. Tydings,
U.S. Senator, U.S. Senate Office Building, Washington, D.C.

Dear Senator Tydings: Thank you for forwarding a copy of the latest reapportionment proposal, Senate Joint Resolution 103. While the resolution concedes some ground to several of the objections raised during the hearings and Senate debate, I find the resolution objectionable upon general policy grounds and on several specific grounds of careless drafting and internal ambiguity.

In general, the resolution suffers under the same disabilities as previous proposals in this area. First, it would result in the further destruction of the very thing its proponents seek to preserve—viable State government. A fundamental factor, perhaps of greater historical importance than the objection that a constitutional amendment preserving rotten boroughs deprives citizens of their fundamental right to equality of representation in government, is the impact of this proposal upon the institution of federalism. All recognized scholars in the field of political science and government that I am familiar with agree that a primary cause for the shift of governmental power in this country to the Federal Government has been the failure of State government to fulfill its responsibilities. Research indicates that State failure has resulted from unresponsive State legislatures and outmoded State governmental structures. The former may only be cured by complete reapportionment upon a basis responsive to the will and aspirations of the people and the latter may only be corrected by State constitutional revision. The two are intertwined, but reapportionment is the key because State constitutional revision can only be initiated by both houses of a State legislature. Malapportioned State legislatures, in which either house, or both houses, are malapportioned, have been singularly unwilling to take any initiative in revising and updating antiquated State government.

Senate Joint Resolution 103 preserves State legislatures unwilling to initiate constitutional reform, since it gives a veto power to one house of a bicameral legislature. I have witnessed the effect of such a system in Massachusetts and Michigan where one malapportioned branch of a State legislature has frustrated majority will several times in the past. Experience can only lead to the conclusion that Senate Joint Resolution 103 will continue frustated State government. The net result of unwilling and unable State government will be the continuation of the trend toward centralized Federal control of matters which have heretofore been State responsibilities. Urban affairs, civil rights, economic regulations, and a host of other pressing fields have all become matters for Federal action because of State inability to act. Senate Joint Resolution 103, proposed in the sincere belief that State government must be protected and strengthened, can only accelerate the trend toward increasing Federal power and decreasing State power.

A second general criticism of Senate Joint Resolution 103 is its vagueness and internal confusion. It is not clear whether section 1, lines 9–13 deprives the courts of almost all judicial review over State representational schemes. The language vests exclusive control ("the people * * * shall) of reapportionment in the majority of those voting at an election on the reapportionment proposal. Judicial review is limited to the questions of whether there has been an election and whether the voters were offered the alternative choice required by section 2 of the resolution. Consequently, racial, religious, and other minority groups may be completely excluded from representation in one house of a State legislature by a simple majority vote on a proposed plan at a general election. The insidious immorality of racial discrimination in representation in government may be preserved immune from judicial review and the extension of the franchise to millions of heretofore deprived voters by recent congressional legislation will be undermined. Since Senate Joint Resolution 103 allows a majority of voters to select a plan based upon "population geography, or political subdivisions" it is not difficult to imagine how a State may use this formula to reverse recent civil rights legislation and Supreme Court decisions extending the franchise to millions of voters.

I also have several more specific objections to Senate Joint Resolution 103 based upon the poor draftsmanship of the resolution. The use of the word "article" in line 8 and line 13 on page 2 will create confusion since the first six major portions of the Constitution are designated "article" and none of the amendments use this form. Consequently, lines 9 and 13 on page 2 are ambiguous. Do they refer to article 1, section 2 of the Constitution or the proposed amendment? If the former, this language will render invalid several State constitutional and statutory provisions requiring reapportionment more often or at different times than the Federal Decennial Census. For example, the Utah constitution requires a census and reapportionment every fifth year. In effect, the proponents of Senate Joint Resolution 103 will be intruding further into State affairs by rendering unconstitutional the provisions of many State constitutions and election laws.

Lines 1 to 6 of page 3, particularly the language "a statewide election held in accordance with law and the provisions of this Constitution," is perhaps the most drastic interference with State power since the Civil War amendments to the Constitution. Not only is the language excessively vague (what "law" and which "provisions" of "this Constitution"), but it makes the provisions of "law" and "this Constitution" the exclusive standards governing such a vote. If Congress is to approve this constitutional amendment for submission to the States, the impact of this provision also warrants long and careful study to determine its effect upon State election laws.

The proviso to the preamble (lines 4–7, page 2) raises serious constitutional questions regarding the constitutionality of the proposed resolution. On the one hand it is highly doubtful whether anything less than a legislature with both houses reapportioned can act upon the proposal since the Reynolds and Lucas decisions. The Supreme Court has said that both houses of a State legislature must be apportioned substantially on a one-man, one-vote basis in order to comply with the 14th amendment. Consequently, a legislature elected on any other basis is not validly constituted and its acts are null and void; therefore, approval in the manner called for by the preamble to Senate Joint Resolution 103 would be invalid. If, on the other hand, this method of approval is valid in light of Reynolds and Lucas, there is a good question as to whether it complies with article V of the Constitution. It is axiomatic that amendments to the Constitution may only be proposed and adopted in accordance with article V of the Constitution. The insertion of the condition in the proviso to the preamble of Senate Joint Resolution 103 includes a condition on the approval of the proposed amendment that is not found in article V, unless Reynolds and Lucas should be interpreted as including a condition that both houses of legislatures approving a proposed constitutional amendment must be equally apportioned in order to validly approve a constitutional amendment. The only fact that is certain is that the proviso in its present form is an unconstitutional method of amending the Constitution since it does not comply with the equal protection clause as interpreted in Reynolds and it does not comply with the amending process set out in article V.

Lines 17 and 18 on page 3 of the resolution invalidate the requirements of some States that an apportionment plan be approved by a majority of the electorate rather than a simple majority of those voting on the proposal. It is a well-known phenomenon of elections that not all eligible voters vote and that many, if not a majority, of those who do vote do not vote upon referendum issues. Lines 17 and 18 on page 3, therefore, enhance the prospects of minority control since less than a majority of registered voters and less than a majority of those voting at a particular election are empowered to impose a malapportioned house of a legislature upon a State. This is clearly not a case of letting the majority decide since that vast group of citizens who do not vote or who do not vote upon the apportionment plans because they do not understand the proposal facilitate the imposition of a well organized minority's will upon the majority. At the very least, lines 17 and 18 on page 3 should be changed to require approval by a majority of eligible voters, registered voters, or those voting at the election rather than merely those voting on the apportionment proposal. Otherwise, the oft repeated cry of "let the people decide" is a thinly veiled sham to any realistic student of American voting habits.

Another objection I have to the resolution is that it does not provide any remedy for simple legislative inactions. In effect, Senate Joint Resolution 103 proposes what so many State constitutions have required for years. *Baker* v. *Carr* involved a comparable provision of the Tennessee constitution which was ignored for over 50 years. There is no provision in Senate Joint Resolution 103 to account for a situation in which a legislature refuses or is unable to agree on a plan to submit to the voters. The impact of the proposal upon judicial review of apportionment makes impossible judicial intervention since the proposal makes mandatory and exclusive one constitutional process for State legislative apportionment. This serious defect, if the proposal is to be approved at all, might be remedied by a provision similar to that found in the model State constitution whereby legislative failure to act on reapportionment within a specific period of time divests the legislature of this authority and vests it elsewhere subject to judicial review.

Senate Joint Resolution 103 is a compendium of vagueness and ambiguity. For example, what is meant by "various groups and interests making up the electorate?" It is undeniable that religious, racial, and ethnic groups are "interests making up the electorate," but it is distasteful and contrary to our entire history to base political representation upon these grounds. Indeed, a serious question of 1st and 14th amendment rights is involved when a State singles out a particular religion or race for separate representational treatment. In fact, this language clearly modifies the 1st and 14th amendments since a State could exclude or include racial or religious "interests" simply by carving out political or geographical subdivisions for use in representational schemes.

Racial and religious interests are just as important, and in many cases more important, than economic interests. Yet no justification can be given for choosing economic interests over religious, racial, or cultural interests if the vague and ambiguous word "interest" is given its normal meaning. The only common interest each of our citizens have is their interest to be represented equally in their government. Recognition of any other interest as a basis of apportionment is either inherently irrational, fundamentally immoral, or essentially contrary to the great promise of democracy and equality which has been the keystone of our American heritage.

It is my hope that Senate Joint Resolution 103 will be carefully weighed in an atmosphere of nonpartisan debate, free of emotional commitments to some of the myriad of interest groups affected. It has been my impression that the reapportionment debates have not yet reached that level of detached, concerned and probing debate deserving of a proposal to amend our basic law. Cliches like "why not let the people decide" ignore and abdicate the responsibility placed upon Congress by article V of the Constitution to weigh heavily any constitutional amendments before submitting them to the people. It is axiomatic that a fundamental basis of any system of constitutional government is a difficult amending process designed to achieve the optimum of considered deliberation before submitting a proposed amendment to popular vote or State ratification. Congressional submission of a proposed amendment is, in effect, a recommendation in favor of the proposal, not an opportunity to "pass the buck." A difficult amending process in a system of constitutional government assures a maximum of protection for individual rights by insulating those rights from deprivation by popular vote.

Fright peddlers who predict the inundation of minority economic interests by the shabby bogeyman of city bossism not only impugn the motives of a majority of our citizens, ignore the demise of bad city government and raise serious innuendoes against overwhelming evidence to the contrary, but lose sight of that which they seek to preserve also. The bulk of a modern State's problems and responsibilities have followed the people to the urban centers of our Nation, yet most State governments have not been attuned to the problems of our cities because legislators have not represented urban areas. In their fear to protect old and familiar political interest groups in State government, the proponents of Senate Joint Resolution 103 have suggested a measure which can only assure a continuation of the drift toward ineffective and, ultimately, nonexistent State government.

For these reasons, it is my recommendation that Senate Joint Resolution 103 not be approved by Congress for submission to the States for ratification. If it is to be so approved, Congress should at least know what it is doing. It is my understanding that the proposal will not be submitted to investigation and assessment by the normal procedure of committee hearings. Yet public hearings are necessary to assess the impact of Senate Joint Resolution 103 upon the institution of federalism, the movement toward State constitutional reform, the rights of Negroes and other minority groups, and the effect of the vague and ambiguous language of the present draft upon the Federal Constitution and State laws and constitutional provisions concerning apportionment and election procedures.

Lastly, careful consideration is necessary to assess the effect of Senate Joint Resolution 103 upon judicial review of State reapportionment schemes. We have long prided ourselves upon being a Nation which lives under the rule of law. Our entire history has been measured by the expansion of the rule of law and by limiting the rule of men. The measure of this march toward a maximum of individual liberty in an organized society has been the expansion of judicial review to prevent the denial of due process and equal protection of the law. Senate Joint Resolution 103, with its severe restrictions upon judicial review, is the first step backward in the long evolution of this American ideal.

Sincerely,

JOHN J. FLYNN,
Professor of Law.

INTERNATIONAL LADIES'
GARMENT WORKERS' UNION, AFL–CIO,
New York, N.Y., September 7, 1965.

Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: Thank you for your letter of August 25 and your kind comments about my statement.

I am strongly opposed to the new version of Senator DIRKSEN's amendment because, despite the apparent concessions, its basic purpose obviously remains the same as that of its predecessor: a halting of the changes set in motion in our governmental structure by the Supreme Court's apportionment decisions.

I have read the statements which you and Senator DOUGLAS made on the Senate floor with regard to the new proposal, and I would like to identify myself with the views expressed by both of you.

No matter how the various elements which make up the Dirksen proposal are shuffled and reshuffled, the essential fact remains that they would, if adopted, constitute constitutional sanction for minority control—for artificial inflation of the political power of a favored minority to the point where it possesses the power of a majority in at least one house of a State legislature. Such a situation is undemocratic per se, regardless of the political means by which it may be brought about. History provides numerous examples of highly undemocratic governments which evolved through democratic processes. The Nazi regime in Germany, to cite but one case, came to power initially by utilizing the highly democratic political machinery of the Weimar Republic. But this did not, of course, make the Nazi regime itself democratic. Similarly, an unrepresentative legislative body, even though it be established by direct mandate of the people, is not automatically democratic. It must stand or fall on its own merits—not on the basis of its origins. (I might add that history also reveals many cases when democratic institutions—and sometimes democracy itself—were wiped out in rash moments by a plebiscite.)

As Senator DOUGLAS has pointed out, the Dirksen amendment, in each of its several incarnations, represents, ironically, an attempt to shackle the principle of majority rule by invocation of the slogans of majority rule. Paradoxically, the amendment would actually sanction "the tyranny of the majority," for it would permit a majority of a State's voters to increase the political power of some citizens and to decrease the political power of others.

There appears to be a widespread notion—held by some people on both sides of the fight over the Dirksen amendment—that once a legislature has been reapportioned on an equal-population basis, it is inconceivable that it would take any action that might result in reversion to an unequal-population basis. I believe this is an erroneous assumption. It is quite conceivable, for example, that in a State where the electoral strength of the two political parties is quite close, a party which in the past has held perpetual legislative control because of unequal district populations, could achieve a majority in an election held on a one-man, one-vote basis. Such a majority might then very well attempt to restore a non-population-based apportionment in order to insure its continuation in power. Unless such apportionments are themselves prohibited, there will always be a danger that a temporary majority might try to transform itself into a permanent majority by manipulation of the apportionment system.

In your Senate speech of August 18, you touched on what I believe is a particularly critical point: the distinction between a minority which is geographically concentrated and one which is geographically dispersed. Despite Senator DIRKSEN's references to the protection of minority interests, there appears to be nothing in his proposal which could provide a legislative seat for a minority which was so scattered that it did not comprise the majority in at least one district. The amendment can benefit—indeed, is clearly intended only to benefit—one kind of minority: the rural minority, which is so distributed geographically, as to comprise the majority in many parts of many States. But I would go one step further. I would say that the basic purpose underlying the Dirksen proposal is not to aid rural minorities per se; rather, its primary aim would be to benefit a political—or more precisely, an ideological—group: the conservative forces of the Nation.

The use of legislative apportionment for this purpose goes far back in American history. Ironically, in the beginning—before the Revolutionary War—it was the cities which were overrepresented in the colonial legislatures and it was the rural areas which were underrepresented. But the purpose then as now, was to benefit the more conservative forces. The limited franchise of that period assured the aristocratic groups of control within the cities, and malapportionment was then employed to repress the potential political power of the landed yeomanry of the countryside—which then tended to be the area of "radical" strength. Later, as Gordon Baker wrote in "Rural Versus Urban Political Power," "The rise of cities in the nineteenth century caused the emergence of a large class of propertyless laborers, whose enfranchisement alarmed men of substance, both rural and urban. After losing the battles over an extended suffrage, conservatives in a number of States sought to neutralize its effects by controlling the apportionment of legislative representatives.

In our own times, while malapportionment has aided Republicans, in some places and Democrats in others, it has almost universally helped conservative political forces as against liberal ones. This fact has been widely recognized by both groups. For example, a dozen years ago, Pathfinder, a magazine that describes itself as the voice of the American countryside, asked its readers: Do you get all steamed up when you read that some left-wing labor union is putting pressure on Congress to pass legislation that would be unsound? If so, you're using up a lot of energy unnecessarily. For Congress and the State legislatures are in safe hands. They are controlled by the conservative, commonsense people of countryside America.

In a television interview a few years ago, a leader of the conservative bloc in the Georgia Legislature (who was also a president of the White Citizens' Council) praised the virtues of that State's "county-unit system" in these words: "It keeps down the mobs of the city that Tom Jefferson talked about. It keeps down these bloc votes. The bloc vote does not exist in the rural counties or in the smaller cities. And there, it's no ward politics and no ward organization like there is in the cities. It's the difference between radical government and conservative government in Georgia."

When the advocates of Senator DIRKSEN's proposal speak of helping "minorities," therefore, it is essential that we keep in mind exactly which minority the proposal would help. It is also helpful, I believe, that we recognize that when Senator DIRK-

SEN uses the word "representation," he actually means "control." This becomes apparent from the Senator's August 11 speech, when referring to his amendment, he said that "It will make the franchise more democratic because it will insure the appropriate representation in the State legislature of the 49 percent of the people who might otherwise be denied representation." But the only kind of representation that would be "appropriate" for 49 percent of the people, according to this reasoning, would be one which gave them at least one more than 50 percent of the seats. In other words, "appropriate" representation for a majority means granting it, in one House, the power of a majority. Clearly nothing less would suffice.

In the same August 11 speech, the Senator asked: " * * * What about the right to an equal vote in the State legislature for the minorities in the State? They may have no right to vote at all if they are denied the right to have a representative in that legislature." Here again, the obviously inappropriate terminology is, I believe, indicative of the purpose, for in actuality, of course, adoption of a population-based apportionment system could not possibly cause anyone to be without representation. Everyone will continue to be represented as before, but everyone will be represented on an equal basis. Minorities will not be transformed into majorities.

The word "minority" is not the only one which can be confusing in discussions of this subject. The word "majority" too, can convey a distorted impression. We often use such phrases as "the urban-suburban majority;" it is an easy line to recite as a unified phrase, but it is not really a unified political fact. There is, first, a vast difference between the urban interests and the suburban interests. And within the urban areas there are silk stocking districts, middle-income districts, and districts that have come to be called the inner city. Within the urban areas there are Negroes and whites, there are Jews, Catholics, and Protestants, rich and poor, Republican and Democratic neighborhoods. And within a State you may have urban areas that are not at all in agreement with one another. Within California you have a Los Angeles and a San Francisco. Within Ohio you have a Republican Cincinnati and a Democratic Cleveland. What we speak of as a "majority," therefore, is not in any sense a cohesive, monolithic majority; it is a majority which contains internal divisions that make its various components as different from one another as the majority itself is from the rural minority. If this majority does have any kind of internal cohesion, it is only in the sense that its members are beset by similar problems: The problems of metropolitan living which are typical of American society as it has evolved during the first two-thirds of this century.

American Government at every level is confronted with the highly complex problems of a modern, urbanized, industrialized civilization. *Baker* v. *Carr* and the subsequent apportionment decisions of the Supreme Court began a process which is making our governmental structure better equipped to meet these problems. The Nation cannot afford to have that process impeded.

Sincerely yours,

GUS TYLER,
Assistant President.

ARMONK, N.Y.,
September 27, 1965.

The Honorable JOSEPH D. TYDINGS,
U.S. Senate, Washington, D.C.

DEAR SENATOR TYDINGS: This is in response to your request for my views on the new version of the reapportionment amendment introduced by Senator DIRKSEN on August 11 (S.J. Res. 103).

Although the new version of the proposed amendment does eliminate the possibility that one branch of a legislature could be patently apportioned on the basis of racial or ethnic groups, that fact does not seem to me to meet the major objections to the amendment. As I noted in my statement before the subcommittee, no one ever supposed that the principal supporters of the amendment, including Senator DIRKSEN, ever intended to permit apportionment on such a basis.

But the main objections to the amendment are not met. They are, first, that the amendment deviates from the basic principle of equality without good cause. It would mark the first time in our history that the Constitution was amended to deprive the people of the United States of equality among themselves, rather than to guarantee that basic right. I do not believe that there have been any events or difficulties in any of the States since the Supreme Court's reapportionment decision which warrant such drastic action.

In addition, the amendment would tend to perpetuate a system of government which has failed in most States because it has resulted in State legislatures that are not responsive to the major need of this century—the urbanization of our society. There is no dispute but that the purpose of the amendment is to create a means by which the people of the cities can be deprived of part of the political voice they would have in the State legislatures based on population. As I stressed in my testimony, this will proportionately affect minority groups more than other segments of our society, and in particular will inevitably do damage to our national efforts to remedy the economic, social and educational disadvantages which we as a nation have placed upon Negro Americans.

None of these objections to the proposed amendment is resolved by the changes in language in the new version.

In addition, I am frankly astonished that the committee would act in any event on a matter of this great importance to the future of the country without any hearings at all, and without giving any groups or interested persons an opportunity to analyze the new proposal, or to record their objections.

Accordingly, in response to your question, I would like again respectfully to note my opposition to the proposed amendment.

Sincerely yours,

BURKE MARSHALL.

ROTHE, MARSTON, MAZEY,
SACHS, & O'CONNELL,
Detroit, Mich., September 3, 1965.

Re Senate Joint Resolution 103—revised Dirksen amendment.

Senator JOSEPH D. TYDINGS,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR TYDINGS: This is to belatedly acknowledge your letter and enclosures of August 25, 1965, just received upon my return from vacation.

I am pleased to comment on the revised Dirksen proposal, as you request.

I most assuredly am opposed to the new amendment, which fails to answer the defects of Senator DIRKSEN's earlier proposal, some of which defects were pointed out in my testimony before the subcommittee, and others of which have been pointed out by yourself, Senators DOUGLAS, HART, and others.

I find the new Dirksen proposal in some respects similar to the substitute which Senator JAVITS had earlier unsuccessfully recommended for the original Dirksen proposal (S.J. Res. 2). The Javits proposal would have authorized the explicit criteria of "geography or political subdivisions as well as population as factors, if such plan of apportionment bears a reasonable relationship to the needs of the State." Senator DIRKSEN's current proposal appears to borrow from that language but, if anything, makes matters worse.

Geography, in the legislative apportionment sense, has covered a multitude of sins, ranging from literal representation of area (as in Michigan's 80/20 plan, and Nebraska's 70/30 plan) to deliberate use of historical, social, and similar—or no—factors, as well as to ex post facto rationalization of simple intransigent failure to honor State constitutional commitments. The other new phrase, respecting "insur[ing] effective representation in the State's legislature of the various groups and interests making up the electorate," introduces new mischief and raises innumerable questions, as your own remarks of August 18 to the Senate indicated. At the least, such verbiage gives a peg to the argument invariably made in every case by defendants of the status quo that their State has unique and peculiar characteristics, requiring special treatment; indeed, the particular phrase "effective representation" has become the persistent slogan of those litigants opposing one man, one vote representation, and of the dissenting judges who agree with them. At worst, the phrase might preclude judicial review with respect to an alleged political question, particularly after voters had approved a plan by referendum, whose preamble might contain a statement of purpose reciting that the plan was necessary to effective representation of the State's interests.

As Senator DOUGLAS has recently pointed out, the provision for simultaneous submission of the other factors and population-based plans is superficially beguiling, but with the expectedly rigged presentation, history would no doubt repeat the Colorado and Michigan experiences, where precisely those alternative options were available.

Finally, the new proposal corrects none of the basic faults of philosophy or constitutional law implicit in the earlier one. Nor, "save as a matter of verbiage," as Justice Talbot Smith pointed out in *Scholle* v. *Hare*, 360 Mich. 1 et. at 60, does a plan authorizing reapportionment on geographical factors effectively preclude disenfranchisement on racial grounds.

My congratulations to you and your colleagues in maintaining this dedicated fight in the public interest.

Yours very truly,

THEODORE SACHS.

DENVER, COLO.,
September 28, 1965.

Re reapportionment of State legislatures and improvement thereof.

Senator JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: I regret I could not promptly answer your significant letter to me in regard to Senator DIRKSEN's "new maneuvers" in regard to the apportionment of at least one house of a State's legislature. I have undergone a long and severe illness due to my war disabilities when I was shot down, and captured and spent many long months at Stalag Luft III, Sagon, Germany.

I also promised Messrs. Alfred Willoughby and William J. D. Boyd of the National Municipal League, which organization has done a noble job in the above subject matters, that I would make a further report thereon to them.

I wanted to present a report on said subject matters based on facts and objective conclusions naturally to be inferred therefrom. Since I cannot finance nor take the full time to evaluate the massive information I have received on said subjects, I am compelled to make my reports to you, and all others hereinbelow indicated, in brief points, as follows:

1. The massive, but basic, brief I submitted to the Supreme Court of the United States, a copy of which I sent to Senator

BIRCH BAYH, of Indiana, virtually answers Senator DIRKSEN and his disciples, point by point. I even went into the use by Congress of the guarantee clause. I am sure Senator BAYH will loan the copy of said brief to you.

2. I find that the primary and basic cause of the poor quality of our malapportioned State legislatures is that the memberships thereof are supported by the emoluments of office, which take the form, in many cases, of bribery, just short of any effective State or National law, making proof of such emoluments punishable by fine, imprisonment or both.

3. When you read my basic brief and compare the language therein with the language in *Reynolds* v. *Sims, Maryland* v. *Tawes,* and *Lucas* v. *the 44th General Assembly of Colorado,* you will note a remarkably similarity. I point to this fact because the facts in said brief are uncontradictable and, with variations existing in the several States, the principles are the same.

4. Senator DIRKSEN, as a lawyer, ought or should know that the doctrine of interposition, as advanced by him and his "disciples," was buried with the Civil War. Prior to that war, for 75 years the States, particularly the Southern States, claimed each had a right to secede from the Union. Abraham Lincoln, the father of the Republican Party, not only asserted the indestructibility of the Union, but helped in the adoption of the 13th, 14th, and 15th amendments to the Constitution. It is a well-known doctrine of constitutional law that a later amendment, effecting a prior amendment or constitutional provision, supersedes it. Therefore, the repeated assertions that the States, under the 10th amendment, have reserved to themselves all rights not expressed in the Constitution, is both illogical and places Senator DIRKSEN squarely against the party of Lincoln.

I must interject at this point that the junior Senator from Illinois, following his melliferous nomination of Goldwater as the Republican candidate for President, met with disastrous defeat. I respectfully suggest that he has earned the right to retirement, for he is not any longer the leader of the Republican Party in the Senate, except for the help he gets from the unreconstructed rebels of the South.

5. The adoption by the Congress of the Voting Rights Act of 1965, supported by Senator DIRKSEN to allure the Negro and other minority voters of his own State, ill behooves him and his disciples. They cannot carry water on both shoulders on the Hamiltonian theory that the people are not only stupid but a mobocracy. His position must be revealed and publicly disclosed. On the one hand, he, in effect, says: "All citizens of voting age ought to have the freedom to vote." Then, on the other hand, he, in effect, says: "But we will control the 'mobocracy' or the people by making it possible for one house of a State's bicameral legislature to be based on other factors, exclusive of race or national origin." Any schoolboy knows that either house has the power to kill in committee or otherwise "pigeonhole" any law passed by the other house of a State's bicameral legislature.

In fact, he is now engaged in just such machinations when he repeatedly tries to tie in his proposed amendments to such popular laws as the immigration bill, etc.

6. The Civil Rights Acts of 1957 and 1960 and the Voting Rights Act of 1965, resolved all doubt of the national consensus that ours is a government of the people, for the people, and by the people in whom all powers of government are first invested. At no time in our history was it seriously argued that cows, mountains, rivers, trees, or pigs had any of the attributes of citizenship, and that the possessors of same were or are now, as of right, entitled to 10 or 1,000 more voting weight, even in the National Congress.

7. The 14th amendment, with its equality clause, is a double-edged sword. Under it, any form of invidious discrimination, either against a majority or a minority, is unconstitutional. Thus the argument that minorities, such as farmers, need special protection against the "mobocracy" of the great metropolitan complexes is sheer nonsense. One hundred and seventy-five years ago our Nation was preponderantly agricultural. Because of that a Cabinet officer to care for their interests was then in order, and so it is now, but not through the deceptive methods proposed by Senator DIRKSEN. Today a Cabinet officer is needed for the urban and metropolitan complexes—the manifold problems of which were never dreamed of by our forefathers—any more than they could foresee a Civil War 75 years after 1789. Because of this fact, today's leaders cannot foresee the shape of things 75 years from now. But, so long as our Constitution remains, as intended to be, flexible and a viable document, and not the static Constitution as Justice Harlan believes it is, our truly and genuinely revolutionary self-government will grow. This cannot be said of the pharaonic governments of the Soviets and Red China. Their methods were tried by the Pharaohs of ancient Babylonia and Egypt. Dr. Toynbee in his "Rise and Fall of 21 Civilizations," makes this fact clear. Thus, we need never fear the now discredited doctrines of Karl Marx and his modern disciples. Mao Tse tung and the men in the Klemlin are not 10 feet tall. What motivates the junior Senator from Illinois is Mao's intuition to "know yourself—now impossible for him because of arteriosclerosis—and know your enemy," which to both Mao and EVERETT is the people.

8. On pages 51 to 83—which data and graphs I authored and inspired and made a part of my said brief—of the Colorado Yearbook, 1962–64, cannot be impeached by any local, State or National official of Colorado.[1]

9. I understand the junior Senator from my State, Senator PETER H. DOMINICK, is quoted as saying that while he supports Senator DIRKSEN, he is not a genuine conservative, but a "Populist." If this is his correct philosophy of government, he will find that he belongs to the defunct "Greenback Party," and an ally of W. J. Bryan. While on this point, many people are shocked to find that Members of Congress spend in "staff personnel" about $260,000 a year, in addition to the $30,000 salary received. The people are shocked further because they did not vote for such high-salaried personnel, but voted for the man in the belief he was competent to do the job he sought and not have to depend on "specialists" to do legislative work, when Members of Congress go around making ghostwritten speeches.

10. One of the deep-seated causes of discontent and hate in this country is the continued resort to the appeal to hyphenated Americans. From Valley Forge to Vietnam the man in combat who died, were wounded or made prisoners of war, were treated only as Americans, to be maltreated and otherwise tortured. There is room only in this country for one type of citizen—an American.

11. I find that too many men in the executive, legislative, and judicial departments of Government still believe in Hammurabi's laws. The 4,000 years since his time seems to have resulted in no changes in sociology, medicine, government, the arts or the sciences, as Hammurabi viewed such fields of endeavor.

During this time in our Nation's history we need statesmen, not politicians. We need men of competence and vision, not political hacks whose only concern is "transient self-aggrandizement."

I would like to see some day a United States of America, with Americans all. I would like to see that that which God created in His own image is free and equal, and the abolishment and elimination of exclusive societies made up of members who believe that they, and only they, are purebloods.

I would like to see the development of a stable United Nations of the world, with three coequal and coordinate branches of government, to the end that all men shall be governed by their consent, by laws—not men.

Finally, I want to make it crystal clear I am an Abraham Lincoln Republican, and I am not ashamed of it.

Very respectfully yours,

PHILIP J. CAROSELL.

Copies to: Senator PAUL H. DOUGLAS, of Illinois; Senator EVERETT DIRKSEN, of Illinois; Senator BIRCH BAYH, of Indiana; Senator GORDON ALLOTT, of Colorado; Senator PETER H. DOMINICK, of Colorado; Gov. John Love; Mayor Thomas Currigan; Mr. Allen Dines, majority house leader, of Colorado; Mr. Paul E. Wenke, senate majority leader, of Colorado; Mr. Alfred Willoughby, executive director, National Municipal League; Mr. William J. D. Boyd, senior associate, National Municipal League; the Denver Post; and Rocky Mountain News.

WMCA,
New York, N.Y., September 24, 1965.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: It would be my hope that this badly delayed answer to your request of August 25 will still come in time to be of some help in the opposition to Senator DIRKSEN's new apportionment amendment. I am sure that last week's bad news out of the Judiciary Committee has not ended your efforts to protect the one-man, one-vote decision.

Personally, and on behalf of station WMCA, with which I served as original plaintiff in the New York State apportionment case, here are our views of the new proposed amendment:

1. We oppose this renewed effort to legitimatize the apportionments of State legislatures whose districts do not reflect the true and current population balances of their States.

2. Senator DIRKSEN's changes in no way meet our earlier criticism.

3. The devices of Federal and State legitimacy with which Senator DIRKSEN would invest unrepresentative apportionments do nothing to make them any more representative. The civil right of one vote for one man is not a right which majorities may take from minorities; nor, for that matter, is it a right which one generation should be allowed to take from the next.

In spite of Senator DIRKSEN's new sweet coating for nonpopulation apportionments, such apportionments would still be bitter pills for the 14th amendment. Without equal representation for equal units of population, the electoral process cannot guarantee equal protection of the laws to all citizens regardless of their residence.

Our earlier criticisms apply with equal force to Senator DIRKSEN's new proposals. These are again efforts to underrepresent cities and suburbs in State government. They are, thus, ironically, proposals that would undermine the very same posibilities of strong State government which many of their supporters are eager to advance. Where these proposals would fail to represent true population balances, they would also serve to keep State governments weak and ineffective. Growing Federal presence can be the only result of such shortsighted distortion of representative government.

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[1] The graphs on pp. 77 and 81 of said yearbook show a preponderance of vote representation by rural legislators in both houses. Despite the improvement forced upon a reluctant legislature and Governor the metropolitan complexes with more than two-thirds of the people are still substantially outweighed in representation in both houses of the Colorado Legislature.

You should, of course, feel free to quote any portion of these views in your efforts against Senate Joint Resolution 103.

Let me also take this opportunity to congratulate you on your outstanding work for fair apportionment. The bouquets that have already been thrown to your June 2 address said it all: it was a scholarly, reasoned, and effective speech.

Sincerely yours,

R. PETER STRAUS.

DENIAL TO SENATOR MORSE OF USE OF PUBLIC SCHOOL AUDITORIUM IN ROCHESTER, N.Y.

Mr. MORSE. Mr. President, several days ago the Board of Education of Rochester, N.Y., suffered a lapse of good judgment and commonsense by taking action seeking to deny the senior Senator from Oregon the use of a public school auditorium in Rochester, N.Y., to discuss American foreign policy in southeast Asia.

Following that action of the Board of Education of Rochester, N.Y., the Chamber of Commerce of Rochester, N.Y., immediately informed the local committee sponsoring the meeting protesting the war in South Vietnam and the necessary auditorium in which to hold the public meeting.

The next day good reason returned to at least a majority of the members of the board of education and the Rochester School Board, and they reversed their action of the day previous.

It was an interesting incident, however, because there is at least a straw in the wind indicating that there are those who would deny to the American people one of the most precious freedoms we have: the freedom of discussion of issues, in regard to which the speakers may disagree with the policy of our Government.

It was interesting to the senior Senator from Oregon to note the reaction to this unfortunate return to McCarthyism even for a few hours, on the part of the Board of Education of Rochester, N.Y.

I request that there be inserted in the RECORD at this time an editorial entitled "The Voice of the Minority," published in the World, Coos Bay, Oreg.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE VOICE OF THE MINORITY

Although they later reversed themselves under the weight of public indignation, the members of the Rochester, N.Y., School Board who voted to ban Oregon Senator WAYNE MORSE from speaking at a Rochester high school are reminiscent of an era which, we had hoped, had pretty much passed from the American scene. But, it appears, certain vestiges of McCarthyism remain with us and in our midst we apparently will always have some who would deny the basic right of expression of opinion to those with whom they disagree.

We were struck with the statement made by one board member, a doctor, who said: "An address by Senator MORSE would be contrary to the national interests." Presumably, therefore, it was believed by the board that persons who openly dissent and object to administration policies are not working in the national interests. The board member quoted would prefer, we must assume, that only those who agree with the course this Nation has taken in Vietnam should be allowed to speak out.

We think it is tragic that presumably intelligent people of the type who hold positions of importance—such as school board members—should be of so narrow a frame of mind and so biased in opinion as to propose that the free speech of others be denied.

This Nation has grown, from its very beginning, from the roots of dissension. We are, in essence, a revolutionary people—an aspect of our national personality quite in evidence in these days of racial discrimination and war profiteering. The radicals in our society are regularly frowned upon; but, in many cases, we can attribute to their agitation many of the steps we have made in social progress.

Those who, in years past, fought for equal rights for women, for the rights of workers in organizing labor unions, and for better working conditions, wages and benefits were, in their time, looked upon as radicals bent on overthrowing our then accepted ways of life. The advocates of social security were, at one time, looked upon as Socialists of the worst sort. Yet, today, the benefits for which they demonstrated and argued are accepted by practically all of us. The same is true of public education, Government financing of highway construction and a host of other tax-supported benefits.

In their day, these people, too, were denied their rights to speak out and dissent. But they persevered and, eventually, the correctness of their arguments was borne out.

Today we are, obviously, in a period of social unrest born of the uncertainties of the cold war and our inability to get along in peaceful fashion with peoples of alien beliefs. While we struggle with the ideological conflicts we face throughout the world we find, here at home, that we must face up to conflicts within ourselves regarding the acceptance of other people—people of different color, different religions, and different political persuasions. The abrupt, totalitarian method of dealing with different people is to sternly prohibit them the right to speak out. In a totalitarian dictatorship where the forces in power rule through fear and physical force, such prohibitions are effective—until such time as the dictatorships are overthrown. But such prohibitions against freedom of expression cannot be effective in the United States as long as we hold on to our constitutional guarantees of liberty.

It is easy—too easy—to say we will simply deny those with whom we disagree the right to state their cases in public.

On the surface, it would be simple to eliminate the Ku Klux Klan, the Socialists, the American Nazis, the Communists, the Vietnam protests and any and all so-called extreme opinions by merely prohibiting them from speaking out. But, when we do so, we find that we have endorsed the tactics of a Hitler or a Mussolini or a Franco.

The American people are not ignorant. The American people are quite capable, history has shown, of making up their minds when they are in possession of all the information on a given issue. We can see no harm, therefore, in allowing—or, even better, encouraging—the fullest expression of minority opinion. The Norman Thomases, the Robert Welches, the Gus Halls, the George Lincoln Rockwells, and the Wayne Morses all have their place in our American life and all—if we are to preserve our democracy—must be allowed to freely express their views in order that the rest of us may sift the fact from fancy, the truth from falsehood, and the good from the bad in the expressed opinions of others.

When we restrict freedom of expression of any one group or individual we open the door to prohibition of expression of all minority opinion. When we tell WAYNE MORSE he cannot speak out because his is a minority opinion contrary to the policies of the Government, we are, in effect, telling the world we will not listen to any arguments other than those agreed to by the majority.

We cannot afford to do this because, whether we like it or not, we are not the majority insofar as the rest of the world is concerned. We, too, are a minority which would like to be heard.

Mr. MORSE. Mr. President, I ask unanimous consent that there be included in the RECORD at this point an editorial that appeared in the Portland Oregonian of September 25. This paper is vigorously opposed to the senior Senator from Oregon, including my views on South Vietnam.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SILLY SUPERPATRIOTS

The Board of Education of Rochester, N.Y., which voted against permitting U.S. Senator WAYNE L. MORSE, Democrat, of Oregon, to speak in a high school auditorium in opposition to U.S. policy in Vietnam, probably is in favor of burning witches, too.

The use of a public school by Senator MORSE would be contrary to national interests, the board announced. How wrongheaded can superpatriots get? It is, always has been, and always will be in the national interest to support constitutional guarantees of freedom of speech, assembly, and publication. Suppression and censorship by self-appointed guardians of the national interest are a real and present danger in America. But, fortunately, the great majority of Americans will not submit.

Senator MORSE's position on United States involvement in Vietnam needs to be stated even if it represented his view, alone, rather than the opinion of many Americans. We disagree with much of what he says, and believe he has become demagogic in his abuse of American leadership. But we would be as mistaken as the Rochester school board were we to refuse to publish in our news columns and letters to the editor the views expressed by readers and public officials in opposition to U.S. policy, or, in dispute of our views.

Freedom of expression is the foundation of all freedoms in the United States of America. Without it, the Nation would shrivel and die.

Mr. MORSE. Both editorials recognize that the issue raised by the Board of Education of Rochester, represents a policy that cannot be tolerated in the United States if the American people are to remain free.

I commend the editors of the Coos Bay World and the Portland Oregonian, not because the senior Senator from Oregon was involved, but because a precious principle of American freedom was involved in the incident.

I commend them for the position they took.

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 69) to authorize the Administrator of General Services to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the "Library of Congress James Madison Memorial

Building" and to contain a Madison Memorial Hall, and for other purposes, which were, to strike out all after the resolving clause and insert:

That (a) the Architect of the Capitol under the direction jointly of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, after consultation with a committee designated by the American Institute of Architects, is authorized and directed to construct (including, but not limited to, the preparation of all necessary designs, plans, and specifications) in square 732 in the District of Columbia a third Library of Congress fireproof building, which shall be known as the Library of Congress James Madison Memorial Building. The design of such building shall include a Madison Memorial Hall and shall be in keeping with the prevailing architecture of the Federal buildings on Capitol Hill. The Madison Memorial Hall shall be developed in consultation with the James Madison Memorial Commission.

(b) In carrying out his authority under this joint resolution, the Architect of the Capitol, under the direction jointly of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, is authorized (1) to provide for such equipment, such connections with the Capitol Power Plant and other utilities, such access facilities over or under public streets, such changes in the present Library of Congress buildings, such changes in or additions to the present tunnels, and such other appurtenant facilities, as may be necessary, and (2) to do such landscaping as may be necessary by reason of the construction authorized by this joint resolution.

SEC. 2. The structural and mechanical care of the building authorized by this joint resolution and the care of the surrounding grounds shall be under the Architect of the Capitol.

SEC. 3. There is hereby authorized to be appropriated not to exceed $75,000,000 to construct the building authorized by this joint resolution (including the preparation of all necessary designs, plans, and specifications).

There is also authorized to be appropriated not exceeding $10,000 to pay the expenses of the James Madison Memorial Commission.

And to amend the title so as to read: "Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes."

Mr. JORDAN of North Carolina. Mr. President, on August 30, the Senate passed and sent to the House Senate Joint Resolution 69, an act authorizing the construction of a third Library of Congress Building to be named the "James Madison Memorial Building." Prior to passage, the committee held 2 days of hearings and the legislation was carefully considered by the committee.

The House, on October 1, passed Senate Joint Resolution 69, substituting for it the language contained in House Joint Resolution 642.

I believe that the Senate should accept the House amendments, which are as follows:

First. Changes authorization from the Administrator of General Services to the Architect of the Capitol to construct a third Library of Congress Building. Also includes the Senate Office Building Commission and an American Institute of Architects Committee as bodies to be consulted as to design and construction characteristics.

Second. Provides authorization for full funding of the project for $75 million, rather than limiting authorization to $500,000 for plans and specifications only.

The Senate Public Works Committee, realizing and recognizing the urgent need for additional space for the Library of Congress, believes it is more important to proceed with the building than to insist on a provision that this facility be designed and constructed under the supervision of the Administrator of the General Services. Because of the size and magnitude of this structure, the committee was of the opinion that a $75 million structure would severely tax the Architect of the Capitol's limited staff, and it hopes that the Architect might still take advantage of the General Services' skills in this undertaking.

Senator STEPHEN M. YOUNG, chairman of the Subcommittee on Public Buildings and Grounds, is on official travel for the Armed Services Committee. Before his departure he advised me that he objects to the Architect of the Capitol being in charge of construction of this facility. However, he further stated that if the judgment of the committee and the Senate is that the critical need for this space by the Library of Congress outweighs his concern for the Architect's limitations, he would not press his objection.

The committee is satisfied that the legislation contains adequate safeguards to insure that the plans and specifications developed will be in harmony with the other architecture of the Capitol Hill complex. Further, additional safeguards are built in by way of the appropriation process through which additional congressional guidance can be exercised.

Therefore, Mr. President, the Public Works Committee recommends to the Senate that it accept Senate Joint Resolution 69, as passed by the House, so that we may get on with the task of meeting this great need.

Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

Mr. HOLLAND. Mr. President, I appreciate the attitude of the chairman of the Committee on Public Works, the Senator from Michigan, and that of the Senator from North Carolina [Mr. JORDAN], chairman of the Committee on Rules and Administration, and also a member of the Joint Committee on the Library of Congress, for bringing about final action on this legislation by accepting the amendment of the House of Representatives.

It was my honor to introduce Senate Joint Resolution 69, not only in my own behalf, but also on behalf of the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], and, of course, the distinguished junior Senator from Virginia [Mr. ROBERTSON], the four of us being the Senate members of the James Madison Memorial Commission. We were honored to have with us as a cointroducer the distinguished Senator from North Carolina [Mr. JORDAN], as chairman of the Committee on Rules and Administration, and in his capacity on the Joint Committee of the Library of Congress.

I believe the adoption of this resolution, and the fact that we are sending it today to the President, is a real milestone, from a historic standpoint, because it constitutes the first real recognition of James Madison, the principal framer of the Constitution and principal defender of the Constitution in the Federalist Papers, and one who probably wrote more than anyone else about our early problems of government and our early purposes in establishing our form of government under the Constitution. He later served in the Congress of the United States, as Secretary of State, and for 8 meaningful years, as President of the United States. That recognition has long been past due.

The fact that this new and handsome building of the Library of Congress will serve as a memorial for James Madison, and will carry several floors of the new building below ground, with temperature and humidity controls, so that it may be used as a resting place and place for the preservation of the precious messages of the Presidents and for their private papers is a historic step.

I congratulate the Senator from North Carolina and the distinguished chairman of the Committee on Public Works for their willingness to accept the House amendments so that we can move forward with this matter.

I am sure that I express the feelings of all members of the James Madison Memorial Commission when I say that we are happy indeed to see this step taken. We look forward to the time at an early date when this fine useful memorial to James Madison will be completed. It will constitute a greatly needed new building for the Library of Congress and rise so close to the Capitol as a memorial to that great President, that great framer of the Constitution who did so much to establish our Nation firmly as a government along the lines upon which we have made such great progress and done such service to ourselves and to the rest of mankind.

I congratulate the distinguished Senator from North Carolina and I thank him.

Mr. ROBERTSON. Mr. President, as copatron of Senate Joint Resolution 69, I wish to associate myself with the remarks of the Senator from Florida [Mr. HOLLAND]; and I urge Senate adoption of the House amendments to the Senate joint resolution.

Mr. CARLSON. Mr. President, I associate myself with the remarks of the Senator from Florida [Mr. HOLLAND].

It was a pleasure to have served on the Commission.

I am glad that the distinguished Senator from North Carolina [Mr. JORDAN] brings in the conference report which he has presented and which the Senate has accepted.

There is no question that an addition to the Library is needed, but more than that, it can be made an important part of the James Madison Memorial.

I believe it is time to congratulate the Senator from North Carolina.

Mr. JORDAN of North Carolina. I am delighted to inform the distinguished Senator from Kansas that the Senate has accepted it, and it is now up to the President of the United States. I am sure he will sign this legislation.

I thank the distinguished Senator from Florida for his most timely remarks.

I have been a member of the Joint Committee on Libraries for a number of years; and every year I am a chairman of that committee. I know not only for the honor and the recognition that should be given to James Madison in preserving his papers as well as those of other Presidents who followed him, and at the same time preserving the vast amount of material the Library of Congress now has.

I appreciate the remarks of the Senators.

FOREIGN ASSISTANCE APPROPRIATION BILL, 1966—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10871) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER.** The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Oct. 1, 1965, pp. 25759–25760, CONGRESSIONAL RECORD.)

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PASTORE. Mr. President, on the question of the adoption of the conference report, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator from Oregon will state it.

Mr. MORSE. Is the question subject to debate?

The **PRESIDING OFFICER.** The Chair advises the Senator from Oregon that it is open to debate.

Mr. MORSE. I shall speak briefly. I desire the Senator from Rhode Island to know that my request that the matter go over until today, when consideration of the conference report was asked for yesterday, in no way involved a lack of desire to cooperate with the Senator from Rhode Island. I was advised that the probabilities were strong that no quorum would be present yesterday. The senior Senator from Oregon sought only to have a yea-and-nay vote on the question, for I would never want a foreign aid bill to go through the Senate on a voice vote if I could succeed in getting a yea-and-nay vote. I want every Senator always to have the opportunity to go on record by vote in support of or in opposition to the foreign aid bill.

I have no intention at this hour to reiterate my many reasons for opposing the foreign aid bill in its present form. The Senate is quite familiar with my long list of objections to foreign aid as it is now administered and conducted. The Senate knows that I consider the foreign aid bill to be honeycombed with the waste of hundreds of millions of dollars, gross inefficiency, and shocking maladministration in some underdeveloped areas of the world because of a considerable amount of corruption.

It is the conviction of the senior Senator from Oregon that foreign aid as it is administered in some parts of the world is of great assistance to the Communists. Instead of thwarting communism, which the senior Senator from Oregon seeks to do, foreign aid in its present form is aiding the cause of communism in some parts of the world. Many examples of that could be cited, and I have cited them ad infinitum in many speeches I have made in the Senate. I only mention in passing the military aid support that our foreign aid bill gives to the shocking totalitarian regimes and military juntas in many parts of the world. By and large, military aid to military dictatorships, military oligarchies, and military juntas helps Communists. It does not help freedom-loving people in countries which need to be brought over to the side of freedom.

Mr. President, I ask unanimous consent to have printed in the RECORD the latest poll, which appeared in the Washington Post of October 4, showing the position of the American public in regard to foreign aid.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

THE HARRIS SURVEY: 65 PERCENT APPROVE THE JOB L.B.J. DOES AS PRESIDENT

(By Louis Harris)

Nearly 9 out of 10 Americans admire President Johnson as a man who gets things done. As a consequence it comes as no surprise that throughout 1965 more than 65 percent of the public have approved of the job he has done as President.

What is more, Mr. Johnson continues to demonstrate an ability to provide something for nearly everybody.

For example, medical care for the aged is approved by 80 percent of the general public and by 86 percent of the retired people, who will benefit most immediately. Federal aid to education is supported by 78 percent of all the people, and by an even higher 87 percent by parents of schoolchildren.

Mr. Johnson's efforts to work for peace are rated positively by 73 percent of the public as a whole, and by 77 percent of families with young men of draft age. The antipoverty program is approved by 60 percent of the Nation, and by 68 percent of those earning $5,000 or less a year. The President's handling of civil rights meets with approval from 60 percent of the public, and rises to 78 percent support among Negroes.

SOFT SPOTS

The Johnson record, however, is not without its soft spots, any one of which could erode the President's presently strong political position.

Most serious for him is the almost 3 to 1 disapproval that people have of the way he has handled the cost of living. The 44 percent of the public who thought he was doing a good job of keeping prices down last March had shrunk to 28 percent by late September.

Mr. Johnson also appears to be heading for trouble in the area of spending. Last March, 54 percent gave him favorable marks for keeping spending under control. Today, this figure has slipped eight points to less than a majority.

The President continues to be criticized for his handling of the Bobby Baker case, an issue in the 1964 campaign, and approval of his handling of corruption in Government is expressed by only 43 percent of the public.

Perhaps no issue illustrates the consequence of a President pursuing a policy of meeting head-on the public demand of "what have you done for me lately?" better than tax cuts. Around the time that excise taxes were cut earlier this year, Mr. Johnson was heralded by 61 percent for his efforts to keep taxes down. Now, as time dims the memory, approval has fallen off to 56 percent on this score.

CRITICAL ON AID

As serious as any category for the President to be concerned about is that of keeping America out of war, a new entry since the escalation of the war in Vietnam. While 55 percent approve of his efforts to avoid war 45 percent are critical.

The issue of foreign aid, which has plagued both of his predecessors, finds Mr. Johnson no exception. By 52–48 percent, the public disapproves of the job the President has done there.

By and large, however, the spate of legislation passed by Congress and the President's specific policies in foreign affairs—such as his moves in Vietnam and the Dominican Republic—have met with solid public approval. (See table.)

Given such a solid issue-by-issue underpinning, Mr. Johnson's overall rating has remained high throughout 1965:

OVERALL L.B.J. RATING

[In percent]

	Positive	*Negative*
September	67	33
August	69	31
July	69	31
May	65	35
March	66	34
January	68	32

SPECIFIC L.B.J. JOB RATINGS

A cross-section of the public was asked: "How would you rate the job President Johnson has done on (handling medical care for the aged, etc.): Excellent, pretty good, only fair, or poor?"

	Good-excellent		
	September	March	Shift
	Percent	*Percent*	*Percent*
Working for medicare for aged	80	70	+10
Keeping military defense strong	78	69	+9
Providing Federal aid to education	78	71	+7
Working for peace in the world	73	73	None
Keeping economy healthy	69	70	−1
Providing leadership to free world	68	62	+6
Handling Russia	68	65	+3
Handling Dominican crisis	65	64	+1
Handling Vietnam war	65	39	+26
Appointments to high office	64	66	−2
Handling Red China	60	52	+8
Antipoverty program	60	63	−3
Handling civil rights, race problems	60	60	None
Handling Castro and Cuba	58	49	+9
Cutting taxes	56	61	−5
Keeping America out of war	55	--------	--------
Handling foreign aid	48	48	None
Keeping spending under control	46	54	−8
Keeping corruption out of Government	43	44	−1
Keeping cost of living down	28	44	−16

Mr. MORSE. Mr. President, every once in a while some Senators tell me that I am far out of step in this matter. It is no new walking experience for me to be out of step. I recommend it to Senators. They will not lose their balance by being out of step. One would be surprised at how many will skip a step now and then to get in step with him, once they see the goal he is headed for and the public interest of that goal.

Be that as it may, this poll is a complete rebuttal of the view of those who think the senior Senator from Oregon is out of step on foreign aid. It states that by a margin of 52 to 48 the American people oppose the President's work on foreign aid. The margin was the same in March. The column reports that by a margin of 52 to 48 percent, the public disapproves of the job the President has done there, though it does not report the views of the public on foreign aid as such. As the American people come to understand the startling findings of the Comptroller General of the United States, as set forth in the many reports he has submitted to Congress, many, unfortunately, being marked "Top secret," but bearing out the opposition of the senior Senator from Oregon to foreign aid, the American public will make clear to Congress and the administration in the next year or two that they had better reform foreign aid.

It is because of the record I have made that I have asked for a yea-and-nay vote. I shall vote against the conference report; but in doing so, I say that I have nothing but admiration for the work of the distinguished senior Senator from Rhode Island [Mr. PASTORE] as chairman of the Senate conferees. He had a job to do; and when one is chairman of Senate conferees, one has a clear responsibility to carry out the instructions of a majority of the Senate.

Although the Senator from Rhode Island and I differ on the substantive merits of foreign aid legislation, that does not cause me to hesitate the slightest in commending him for fulfilling his functions as chairman. I only hope that eventually he will come to share more of my point of view concerning an aid program that I consider shocking and is not in the best interests of my country.

Mr. PASTORE. Mr. President, I shall make a short statement, before the vote is taken, to explain the action of the conferees. Before doing so, inasmuch as bouquets are being passed around, I congratulate and compliment the Senator from Oregon for his subtle and beautiful metaphor.

For title I of the bill, the mutual defense and development title, the House recommended appropriations in the amount of $3,285 million. The Senate reduced this figure by $142 million. The conference committee has agreed to restore $75 million of the Senate reduction and recommends an appropriation of $3,218 million. The $75 million increase over the Senate bill provides an additional $20 million for technical cooperation and development grants; an additional $10 million for international organizations; an additional $20 million for supporting assistance and an additional $25 million for general development loans.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tabulation which gives the budget estimates, the House and Senate figures and the amounts agreed to in conference for each line item in the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Comparative statement of appropriations for 1965, and estimates and amounts recommended in bill for 1966

TITLE I—FOREIGN ASSISTANCE

Item	Appropriations, 1965	Budget estimates, 1966 (amended)	House allowance	Senate allowance	Conference allowance
FUNDS APPROPRIATED TO THE PRESIDENT					
MUTUAL DEFENSE AND DEVELOPMENT					
ECONOMIC ASSISTANCE					
Technical cooperation and development grants	$202,070,900	[1] $219,000,000	$202,355,000	$182,355,000	$202,355,000
American schools and hospitals abroad	16,800,000	7,000,000	7,000,000	7,000,000	7,000,000
Surveys of investment opportunities	1,600,000				
International organizations and programs	134,272,400	145,555,000	144,755,000	134,755,000	144,755,000
Supporting assistance	401,000,000	[2] 449,200,000	369,200,000	349,200,000	369,200,000
Contingency fund, general	99,200,000	50,000,000	50,000,000	50,000,000	50,000,000
Contingency fund, southeast Asia			89,000,000	89,000,000	89,000,000
Alliance for Progress:					
Technical cooperation and development grants	84,700,000	85,000,000	75,000,000	75,000,000	75,000,000
Development loans	425,000,000	495,125,000	445,125,000	435,125,000	435,125,000
Development loans	773,727,600	780,250,000	675,225,000	593,225,000	618,225,000
Administrative expenses, AID	53,600,000	55,240,000	54,240,000	54,240,000	54,240,000
Administrative expenses, State	3,029,100	3,100,000	3,100,000	3,100,000	3,100,000
Subtotal, economic assistance	2,195,000,000	2,289,470,000	2,115,000,000	1,973,000,000	2,048,000,000
MILITARY ASSISTANCE					
Military assistance	1,055,000,000	1,170,000,000	1,170,000,000	1,170,000,000	1,170,000,000
Limitation on administrative expenses	*(24,000,000)*	*(23,500,000)*	*(23,500,000)*	*(23,500,000)*	*(23,500,000)*
Total, title I, foreign assistance	3,250,000,000	3,459,470,000	3,285,000,000	3,143,000,000	3,218,000,000

TITLE II—FOREIGN ASSISTANCE (OTHER)

Item	Appropriations, 1965	Budget estimates, 1966 (amended)	House allowance	Senate allowance	Conference allowance
FUNDS APPROPRIATED TO THE PRESIDENT					
Peace Corps	$87,100,000	$115,000,000	$102,000,000	[3] $102,000,000	[3] $102,000,000
Limitation on administrative expenses	*(22,708,000)*	*(24,100,000)*	*(24,100,000)*	*(24,100,000)*	*(24,100,000)*
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS					
Ryukyu Islands, Army, administration	14,441,000	14,733,000	14,733,000	14,733,000	14,733,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Assistance to refugees in the United States	32,211,000	32,265,000	32,265,000	30,000,000	30,000,000
DEPARTMENT OF STATE					
Migration and refugee assistance	8,200,000	7,575,000	7,575,000	7,575,000	7,575,000
FUNDS APPROPRIATED TO THE PRESIDENT					
Investment in Inter-American Development Bank	455,880,000	455,880,000	455,880,000	455,880,000	455,880,000
Subscription to the International Development Association	61,656,000	104,000,000	104,000,000	104,000,000	104,000,000
Total, title II, foreign assistance (other)	659,488,000	729,453,000	716,453,000	714,188,000	714,188,000

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[1] Includes $9,000,000 for "Supporting assistance" for southeast Asia.

[2] Includes $80,000,000 for "Supporting assistance" for southeast Asia.

[3] Plus $12,100,000 for unobligated funds remaining available on June 30, 1965.

Comparative statement of appropriations for 1965, and estimates and amounts recommended in bill for 1966—Continued

TITLE III—EXPORT-IMPORT BANK OF WASHINGTON

Item	Appropriations, 1965	Budget estimates, 1966 (amended)	House allowance	Senate allowance	Conference allowance
Limitation on operating expenses	*($1,350,060,000)*	*($1,186,120,000)*	*($1,186,120,000)*	*($1,186,120,000)*	*($1,186,120,000)*
Limitation on administrative expenses	*(3,915,000)*	*(4,052,000)*	*(4,052,000)*	*(4,052,000)*	*(4,052,000)*
Total, title III, Export-Import Bank	*(1,353,975,000)*	*(1,190,172,000)*	*(1,190,172,000)*	*(1,190,172,000)*	*(1,190,172,000)*
Grand total, all titles	3,909,488,000	4,188,923,000	4,001,453,000	3,857,188,000	3,932,188,000

Mr. PASTORE. Mr. President, in short, the Senate reduced the House amount by $142 million. In conference, $75 million was restored, which means that the conference report is $75 million above the Senate figure and $67 million below the House figure.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Florida.

Mr. HOLLAND. I have had the responsibility for some time to serve as one of the Senate conferees on the foreign aid appropriations bill. The distinguished Senator from Rhode Island had a unique experience as well as a unique responsibility this year, because this is the first time, at least during my service in the Senate, when the Senate figure has been below the House figure for the foreign aid appropriation bill.

I want the RECORD to show that the Senator from Rhode Island carried that responsibility in magnificent fashion. My own feeling was that the substantial compromise that was effected was a sound one and that the additions that were made, even though we regretted them because the Senate itself had not made them, were in fields which were much better understood as requiring additions than other fields in which the Senate position was maintained and recognized in conference.

Mr. PASTORE. Mr. President, the senior Senator from Florida [Mr. HOLLAND] was a bulwark of strength, not only during the progress of the hearings in which we were formulating the final figures which have come before the Senate, but also during the conference.

Mr. HOLLAND. Mr. President, I thank my friend the senior Senator from Rhode Island.

This is a rather disturbing job always, but I have felt for a long time that, in a world that is so disturbed, and with the advice of all our Presidents of recent years, of both parties, the advice of our joint chiefs of staff, the advice of our Secretaries of State, and all who know most about foreign affairs being so strongly in support of many of the items in the foreign aid bill, most of us required to vote should realize that there must be strength to their joint recommendations. When they tell us that these dollars go further in defending our own security than perhaps even dollars spent for our own military security, we are obligated to accept that joint and uniform recommendation as having great value.

Mr. President, I was very much disturbed when I learned during the course of the conference on the foreign assistance bill that the malaria eradication program for fiscal year 1965 was cut back by the administration to the tune of approximately $6 million. I immediately inquired as to why funds appropriated by Congress were withheld from this most important program.

I do not believe that there is any part of foreign aid which is more intimately helpful to many of our friends in Latin America than the malarial control program. I have long been interested in it and in its continued existence in the serving of the very precious cause which it serves.

I was happy to learn that the program was not cut back by $6 million but, as a matter of fact, that $6,190,000 of the 1965 program had been deferred until fiscal year 1966. In other words, it had not been spent during fiscal year 1965.

For fiscal year 1965, a malaria eradication program totaling $25,609,000 was initially contemplated. Of this sum, $14,790,000 was to be funded out of the Development Loan Fund and $10,819,000 was to be funded from the technical cooperation and development grant account.

Of the development loan funding provided in fiscal year 1965, a total of $6,190,000 was to be loaned to four countries in Central America—namely, El Salvador, Guatemala, Honduras, and Nicaragua—after each country had completed its plan for eradication. Unfortunately, the plans for all four countries had not been completed in fiscal year 1965; thus, loans totaling $6,190,000 were withheld pending completion of each country's plan.

I understand that all plans have now been completed, and that the $6,190,000 which was supposed to be loaned in fiscal year 1965 will now be loaned in fiscal year 1966. In fact, I have been informed that this sum will probably be obligated during the next few weeks in the four Central American countries previously named—countries which are our close neighbors and good friends.

This means, Mr. President, that the malaria eradication program initially contemplated and justified to Congress for fiscal year 1966, totaling $19,105,000, will now be increased by $6,190,000 to $25,295,000—the full amount of the program.

The malaria eradication program is perhaps one of the most important programs funded in the foreign assistance bill, and in the past Congress has repeatedly made this fact known by including language in the reports of either the Senate or the committee of conference that the full budget estimate for the malaria eradication program is hereby made available.

The fact that report language has not been included this year should not be construed as a lack of interest on the part of the Congress in the malaria eradication program. On the contrary, I believe that Congress considers the malaria eradication program to be most important, a fact to which the distinguished senior Senator from Rhode Island [Mr. PASTORE] will, I am sure, also attest.

Mr. President, I feel confident that I speak for everyone in the Senate in admonishing the administration to carry out in fiscal year 1966 the full budget estimate for malaria eradication, plus the $6,190,000 that was deferred in the fiscal year 1965 program.

Mr. PASTORE. Mr. President, I concur wholeheartedly with my distinguished colleague the senior Senator from Florida.

I have known of the interest of the Senator in the malaria eradication program, especially in Central America. It is my understanding, as it is his, that the carryover, which was not committed last year because the plans were not completed, will be spent in 1966, together with what has been allotted for 1966.

Mr. HOLLAND. Mr. President, I thank the distinguished chairman for corroborating, as I knew he would, the importance of this program and the commitment which Congress makes at this time.

I thank the Senator again for his leadership throughout the consideration of this bill, as well as for the gracious words spoken by him relative to the Senator from Florida.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Montana [Mr. METCALF], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PELL], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. Young] are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson], the Senator from Virginia [Mr. Byrd], the Senator from Tennessee [Mr. Gore], the Senator from New York [Mr. Kennedy], the Senator from Minnesota [Mr. McCarthy], the Senator from South Carolina [Mr. Russell], and the Senator from Missouri [Mr. Symington] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. Bayh], the Senator from Idaho [Mr. Church], the Senator from New York [Mr. Kennedy], the Senator from Nevada [Mr. Cannon], the Senator from Oklahoma [Mr. Monroney], the Senator from Utah [Mr. Moss], the Senator from Rhode Island [Mr. Pell], the Senator from New Jersey [Mr. Williams], the Senator from Ohio [Mr. Young], and the Senator from Michigan [Mr. Hart] would each vote "yea."

On this vote, the Senator from Maryland [Mr. Brewster] is paired with the Senator from Virginia [Mr. Byrd]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business.

The Senator from New Jersey [Mr. Case], the Senator from New York [Mr. Javits], the Senator from South Dakota [Mr. Mundt], and the Senator from Massachusetts [Mr. Saltonstall] are absent by leave of the Senate as delegates to attend the NATO Parliamentary Conference in New York City.

The Senator from Nebraska [Mr. Curtis], the Senator from Kentucky [Mr. Cooper], the Senator from Colorado [Mr. Dominick], the Senator from Iowa [Mr. Miller], the Senator from California [Mr. Murphy], the Senator from Kansas [Mr. Pearson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Hawaii [Mr. Fong] is detained on official business.

The Senator from Pennsylvania [Mr. Scott] is absent on official business.

If present and voting, the Senator from New York [Mr. Javits], the Senator from Massachusetts [Mr. Saltonstall], and the Senator from Pennsylvania [Mr. Scott] would each vote "yea."

On this vote the Senator from Kentucky [Mr. Cooper] is paired with the Senator from Nebraska [Mr. Curtis]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Colorado [Mr. Dominick] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Iowa [Mr. Miller] is paired with the Senator from California [Mr. Murphy]. If present and voting, the Senator from Iowa would vote "yea," and the Senator from California would vote "nay."

On this vote, the Senator from New Jersey [Mr. Case] is paired with the Senator from South Dakota [Mr. Mundt]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from South Dakota would vote "nay."

On this vote, the Senator from Hawaii [Mr. Fong] is paired with the Senator from Kansas [Mr. Pearson]. If present and voting, the Senator from Hawaii would vote "yea," and the Senator from Kansas would vote "nay."

The result was announced—yeas 40, nays 23, as follows:

[No. 279 Leg.]

YEAS—40

Allott
Bartlett
Bass
Boggs
Burdick
Byrd, W. Va.
Carlson
Clark
Dirksen
Dodd
Douglas
Gruening
Hartke
Hickenlooper
Hill
Holland
Inouye
Jackson
Kennedy, Mass.
Kuchel
Long, La.
Magnuson
Mansfield
McGee
McGovern
McIntyre
McNamara
Mondale
Muskie
Nelson
Pastore
Prouty
Proxmire
Randolph
Ribicoff
Smathers
Smith
Sparkman
Tydings
Yarborough

NAYS—23

Bennett
Bible
Cotton
Eastland
Ellender
Ervin
Fannin
Fulbright
Harris
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Morse
Morton
Robertson
Russell, Ga.
Simpson
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—37

Aiken
Anderson
Bayh
Brewster
Byrd, Va.
Cannon
Case
Church
Cooper
Curtis
Dominick
Fong
Gore
Hart
Hayden
Javits
Kennedy, N.Y.
Lausche
Long, Mo.
McCarthy
Metcalf
Miller
Monroney
Montoya
Moss
Mundt
Murphy
Neuberger
Pearson
Pell
Russell, S.C.
Saltonstall
Scott
Symington
Tower
Williams, N.J.
Young, Ohio

So the conference report was agreed to.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10871, which was read as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 10 and 11 to the bill (H.R. 10871) entitled "An Act making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes", and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9, and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following:

"Sec. 116. No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this Act unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress."

Mr. PASTORE. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate No. 9.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the Record an explanation of the motion that was just agreed to by the Senate.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The explanation is as follows:

The language agreed to in conference on amendment No. 9 in lieu of the Senate language reads as follows:

"No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this act unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress."

In addition the reference to North Vietnam in amendment No. 7 has been deleted, and the reference to North Vietnam in No. 8 has been retained.

The effect of the revised language is to allow the President discretion should he determine that the withholding of assistance would be contrary to the national interest of the United States.

Mr. FONG subsequently said: Mr. President, I wish the Record to show that I arrived about 2 minutes late for the rollcall on the foreign aid appropriation conference report. Had I been present, I would have voted for the report.

I had inquired as to whether there would be a vote, and was told there would be none, so I left the building. Upon being notified that there was a vote, I came directly to the floor, but I was 2 minutes late.

Mr. MANSFIELD. Mr. President, is there further morning business?

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is concluded.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Montana [Mr. Mansfield] to proceed to the consideration of H.R. 77, to repeal section 14(b) of the National Labor Relations Act, as amended.

Mr. MANSFIELD. Mr. President, on October 1, I sent the following telegram to all Democratic Senators:

Active consideration of 14(b) has commenced. Procedural difficulties anticipated. Votes at any time. All Members should be available henceforth for quorum calls and votes.

Mr. President, this has been my request to all Democratic Senators. Because of extraordinary circumstances I told two Senators who called me that, in my opinion, they need not return to the city on Monday, but that from then on they should be here.

Mr. President, I am sending today a second telegram to all Members on the Democratic side of the aisle, urging them to remain in the Senate or to return here, as the case may be, to cancel engagements and plans, in order to be available for quorum calls or votes, until the present situation is clarified.

Mr. President, the leadership has certain responsibilities for maintaining an orderly legislative program during the sessions of the Senate. It also has some responsibility for bringing the session to an orderly close. I should like, therefore, to set forth certain observations on the situation which confronts the Senate with respect to 14(b). It is necessary to do so in order to provide some understanding of the leadership's predicament.

Insofar as the administration is concerned in this matter of 14(b), its position is clear. President Johnson upholds fully the Democratic Party platform of 1964 which calls for the repeal of section 14(b). He has asked the Congress again and again to repeal section 14(b). He has expressed approval of the House passage of H.R. 77 to repeal section 14(b). He would like to see the Senate act to repeal section 14(b). He stands ready now to sign a bill for the repeal of 14(b).

In short, we know where the President stands on 14(b). We know where the House stands. What remains to be determined is where the Senate stands.

So the responsibility for what transpires with respect to 14(b), at this point, rests solely with the Senate. The President understands the constitutional demarcation as between the responsibility of the Senate and the responsibility of the executive branch. He has honored it in the past. He will honor it in this situation.

I would hope and expect that the Senate will be equally mindful of it. I would hope that Members will recognize and accept fully the responsibility which that demarcation lodges in the Senate at this time with respect to 14(b).

Speaking for myself, let me say that as a Senator of the United States from Montana, which I am before all else, I am satisfied that section 14(b) should be repealed. The issues of 14(b) have been thoroughly examined in the House, in the appropriate Senate committee and in the press. H.R. 77, as properly reported by a Senate committee, has been on the calendar for a month. I am ready to vote for repeal. I am ready to vote for repeal now, today, or at any time a vote can be had.

In all frankness, I see no point or need for a prolonged discussion of this matter on the Senate floor. But as majority leader, I know very well that others do not see the matter in quite the same light. Some, indeed, would like to talk the question of 14(b) to death. Let us be under no illusions as to what we are about. Call it educational debate. Call it prolonged discussion. Call it a filibuster. Whatever it is called, the facts are the same. The opposition to repeal 14(b) is such and the rules of the Senate are such, that a final disposition of 14(b) can be delayed for weeks or months. It can be so delayed unless, not a simple majority but a preponderant majority of the Senate decides otherwise. That is the reality and there is no point in blinking at it.

Ten-hour sessions; twelve-hour sessions; twenty-four-hour sessions will not change the reality. There are no short cuts which will change it. There are no procedural tricks which will change it. Only the presence of Members and their votes will change it.

The leadership can state flatly, therefore, that there will be no mock trial of this question by physical endurance. There will be no pajama sessions of the Senate. The leadership did not resort to those exercises in futility during the civil rights debate, the voting rights bill, the reapportionment bill, the Telstar debate, or during any of a number of other controversies which have come before the Senate in recent years. It will not resort to them on this issue.

In the first place the leadership will not subject a Senate of extraordinary dedication such as this one has been to that sort of meaningless and demeaning ordeal, at the end of 9 months of extremely fruitful work for the benefit of the entire Nation. In the second place the leadership, which seeks passage of repeal of 14(b) as soon as it is possible will not, in that fashion, aid further the proponents of delay. For that, in the end, is what a trial by physical endurance will do.

The leadership will proceed in an orderly fashion in an effort to steer the Senate out of this predicament. As usual, however, the leadership can only propose; in the end it is the Senate which will dispose.

The leadership, for example, proposed the other day when it asked the Senate to proceed at once to the consideration of repeal of 14(b)—a procedural proposition which is normally concluded on the floor of the Senate in a matter of seconds. Some Members were prepared so to proceed. Others were not. And the leadership is still waiting for the Senate to dispose of this simple procedural matter. I say that not in criticism but merely to point up the reality of the predicament. Obviously, it is not so simple a matter of whether the Senate is prepared to decide to repeal or not to repeal section 14(b). That there is more involved here is clearly indicated by this continuing delay. There are other currents running in the Senate in addition to this issue. There is the question of whether or not another time would be more appropriate for a consideration of 14(b). There is the question of the relative weight to be given this issue of 14(b) among many issues. And there is the question of adjournment of the 1st of two sessions of the 89th Congress.

It is through these and other currents, as well as through the fundamental clash of for repeal and against repeal of 14(b) that the leadership is seeking the course which accords with the Senate's desires.

The leadership has its own estimate of these desires, but it is not enough in a predicament of this complexity. The leadership feels the need to test these various Senate currents in votes and asks for the Senate's cooperation to the end that these tests may be forthcoming without further aimless delay.

Accordingly, the leadership hereby serves notice that on this Friday it will move for a vote in the Senate in an entirely orderly although somewhat unusual fashion. The motion which the leadership will offer at that time will not be debatable. It will be a move to table the leadership's own pending motion to take up 14(b) and the leadership will then vote against the tabling motion it offers.

The leadership is under no illusion that this course will resolve the matter. It will be satisfied if it unravels the outer strings. It is hopeful only that the vote will be an honest expression of the attitudes of Members on the motion offered and, hence, provide some measure of guidance as to the direction in which the Senate, as a whole, desires to move.

All Members on both sides of the aisle are now on notice of the leadership's intentions. I would hope and expect that Members will be present not only for the vote on Friday but for all quorum calls during the next few days to the end that the debate on the pending question may proceed without delay. And may I say, in this connection and in all frankness, that the presence or absence of Members is in itself to some extent indicative of the Senate's desires.

All Members on this side of the aisle, without exception, have already been notified by wire to anticipate quorum calls and votes during this week and beyond. I reiterate that special notice at this time. I would urge all Democratic Members to stay in this city, to return to it if they are away, and to cancel travel plans until further notice.

The leadership is hopeful of the concurrence of the minority leader in seeking to bring the Senate in no later than 11 a.m. for the balance of the week. That will facilitate the clearance of other matters of business. It will also serve to accommodate Senators—most of whom, I believe, are on his side of the aisle who wish to address themselves to this critical pending question, not of the issue of repeal of 14(b) itself but of whether or not to proceed to consider it.

In closing, I can only say that I have been asked countless times in recent days, by Members and by the press, these questions: When will the Senate adjourn? And, what will happen to 14(b)? As a Senator from Montana, I have no difficulty in answering these questions for myself. I should like to see 14(b) repealed and the sooner the better. And I should like to see the Senate adjourn, thereafter, and the sooner the better.

But as majority leader, I am constrained to point out that insofar as the Senate as a whole is concerned only the Senate as a whole can answer.

LEGISLATIVE PROGRAM

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Carolina [Mr. RUSSELL], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Idaho [Mr. CHURCH], the Senator from New York [Mr. KENNEDY], the Senator from Nevada [Mr. CANNON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Rhode Island [Mr. PELL], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Ohio [Mr. YOUNG], and the Senator from Michigan [Mr. HART] would each vote "yea."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Virginia [Mr. BYRD]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from New Jersey [Mr. CASE], the Senator from New York [Mr. JAVITS], the Senator from South Dakota [Mr. MUNDT], and the Senator from Massachusetts [Mr. SALTONSTALL] are absent by leave of the Senate as delegates to attend the NATO Parliamentary Conference in New York City.

The Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. COOPER], the Senator from Colorado [Mr. DOMINICK], the Senator from Iowa [Mr. MILLER], the Senator from California [Mr. MURPHY], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Hawaii [Mr. FONG] is detained on official business.

The Senator from Pennsylvania [Mr. SCOTT] is absent on official business.

If present and voting, the Senator from New York [Mr. JAVITS], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

On this vote the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Iowa [Mr. MILLER] is paired with the Senator from California [Mr. MURPHY]. If present and voting, the Senator from Iowa would vote "yea," and the Senator from California would vote "nay."

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from South Dakota [Mr. MUNDT]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from South Dakota would vote "nay."

On this vote, the Senator from Hawaii [Mr. FONG] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Hawaii would vote "yea," and the Senator from Kansas would vote "nay."

The result was announced—yeas 40, nays 23, as follows:

[No. 279 Leg.]

YEAS—40

Allott
Bartlett
Bass
Boggs
Burdick
Byrd, W. Va.
Carlson
Clark
Dirksen
Dodd
Douglas
Gruening
Hartke
Hickenlooper
Hill
Holland
Inouye
Jackson
Kennedy, Mass.
Kuchel
Long, La.
Magnuson
Mansfield
McGee
McGovern
McIntyre
McNamara
Mondale
Muskie
Nelson
Pastore
Prouty
Proxmire
Randolph
Ribicoff
Smathers
Smith
Sparkman
Tydings
Yarborough

NAYS—23

Bennett
Bible
Cotton
Eastland
Ellender
Ervin
Fannin
Fulbright
Harris
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Morse
Morton
Robertson
Russell, Ga.
Simpson
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—37

Aiken
Anderson
Bayh
Brewster
Byrd, Va.
Cannon
Case
Church
Cooper
Curtis
Dominick
Fong
Gore
Hart
Hayden
Javits
Kennedy, N.Y.
Lausche
Long, Mo.
McCarthy
Metcalf
Miller
Monroney
Montoya
Moss
Mundt
Murphy
Neuberger
Pearson
Pell
Russell, S.C.
Saltonstall
Scott
Symington
Tower
Williams, N.J.
Young, Ohio

So the conference report was agreed to.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10871, which was read as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 10 and 11 to the bill (H.R. 10871) entitled "An Act making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes", and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9, and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following:

"SEC. 116. No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this Act unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress."

Mr. PASTORE. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate No. 9.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of the motion that was just agreed to by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The explanation is as follows:

The language agreed to in conference on amendment No. 9 in lieu of the Senate language reads as follows:

"No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this act unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress."

In addition the reference to North Vietnam in amendment No. 7 has been deleted, and the reference to North Vietnam in No. 8 has been retained.

The effect of the revised language is to allow the President discretion should he determine that the withholding of assistance would be contrary to the national interest of the United States.

Mr. FONG subsequently said: Mr. President, I wish the RECORD to show that I arrived about 2 minutes late for the rollcall on the foreign aid appropriation conference report. Had I been present, I would have voted for the report.

I had inquired as to whether there would be a vote, and was told there would be none, so I left the building. Upon being notified that there was a vote, I came directly to the floor, but I was 2 minutes late.

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] to proceed to the consideration of H.R. 77, to repeal section 14(b) of the National Labor Relations Act, as amended.

Mr. MANSFIELD. Mr. President, on October 1, I sent the following telegram to all Democratic Senators:

Active consideration of 14(b) has commenced. Procedural difficulties anticipated. Votes at any time. All Members should be available henceforth for quorum calls and votes.

Mr. President, this has been my request to all Democratic Senators. Because of extraordinary circumstances I told two Senators who called me that, in my opinion, they need not return to the city on Monday, but that from then on they should be here.

Mr. President, I am sending today a second telegram to all Members on the Democratic side of the aisle, urging them to remain in the Senate or to return here, as the case may be, to cancel engagements and plans, in order to be available for quorum calls or votes, until the present situation is clarified.

Mr. President, the leadership has certain responsibilities for maintaining an orderly legislative program during the sessions of the Senate. It also has some responsibility for bringing the session to an orderly close. I should like, therefore, to set forth certain observations on the situation which confronts the Senate with respect to 14(b). It is necessary to do so in order to provide some understanding of the leadership's predicament.

Insofar as the administration is concerned in this matter of 14(b), its position is clear. President Johnson upholds fully the Democratic Party platform of 1964 which calls for the repeal of section 14(b). He has asked the Congress again and again to repeal section 14(b). He has expressed approval of the House passage of H.R. 77 to repeal section 14(b). He would like to see the Senate act to repeal section 14(b). He stands ready now to sign a bill for the repeal of 14(b).

In short, we know where the President stands on 14(b). We know where the House stands. What remains to be determined is where the Senate stands.

So the responsibility for what transpires with respect to 14(b), at this point, rests solely with the Senate. The President understands the constitutional demarcation as between the responsibility of the Senate and the responsibility of the executive branch. He has honored it in the past. He will honor it in this situation.

I would hope and expect that the Senate will be equally mindful of it. I would hope that Members will recognize and accept fully the responsibility which that demarcation lodges in the Senate at this time with respect to 14(b).

Speaking for myself, let me say that as a Senator of the United States from Montana, which I am before all else, I am satisfied that section 14(b) should be repealed. The issues of 14(b) have been thoroughly examined in the House, in the appropriate Senate committee and in the press. H.R. 77, as properly reported by a Senate committee, has been on the calendar for a month. I am ready to vote for repeal. I am ready to vote for repeal now, today, or at any time a vote can be had.

In all frankness, I see no point or need for a prolonged discussion of this matter on the Senate floor. But as majority leader, I know very well that others do not see the matter in quite the same light. Some, indeed, would like to talk the question of 14(b) to death. Let us be under no illusions as to what we are about. Call it educational debate. Call it prolonged discussion. Call it a filibuster. Whatever it is called, the facts are the same. The opposition to repeal 14(b) is such and the rules of the Senate are such, that a final disposition of 14(b) can be delayed for weeks or months. It can be so delayed unless, not a simple majority but a preponderant majority of the Senate decides otherwise. That is the reality and there is no point in blinking at it.

Ten-hour sessions; twelve-hour sessions; twenty-four-hour sessions will not change the reality. There are no short cuts which will change it. There are no procedural tricks which will change it. Only the presence of Members and their votes will change it.

The leadership can state flatly, therefore, that there will be no mock trial of this question by physical endurance. There will be no pajama sessions of the Senate. The leadership did not resort to those exercises in futility during the civil rights debate, the voting rights bill, the reapportionment bill, the Telstar debate, or during any of a number of other controversies which have come before the Senate in recent years. It will not resort to them on this issue.

In the first place the leadership will not subject a Senate of extraordinary dedication such as this one has been to that sort of meaningless and demeaning ordeal, at the end of 9 months of extremely fruitful work for the benefit of the entire Nation. In the second place the leadership, which seeks passage of repeal of 14(b) as soon as it is possible will not, in that fashion, aid further the proponents of delay. For that, in the end, is what a trial by physical endurance will do.

The leadership will proceed in an orderly fashion in an effort to steer the Senate out of this predicament. As usual, however, the leadership can only propose; in the end it is the Senate which will dispose.

The leadership, for example, proposed the other day when it asked the Senate to proceed at once to the consideration of repeal of 14(b)—a procedural proposition which is normally concluded on the floor of the Senate in a matter of seconds. Some Members were prepared so to proceed. Others were not. And the leadership is still waiting for the Senate to dispose of this simple procedural matter. I say that not in criticism but merely to point up the reality of the predicament. Obviously, it is not so simple a matter of whether the Senate is prepared to decide to repeal or not to repeal section 14(b). That there is more involved here is clearly indicated by this continuing delay. There are other currents running in the Senate in addition to this issue. There is the question of whether or not another time would be more appropriate for a consideration of 14(b). There is the question of the relative weight to be given this issue of 14(b) among many issues. And there is the question of adjournment of the 1st of two sessions of the 89th Congress.

It is through these and other currents, as well as through the fundamental clash of for repeal and against repeal of 14(b) that the leadership is seeking the course which accords with the Senate's desires.

The leadership has its own estimate of these desires, but it is not enough in a predicament of this complexity. The leadership feels the need to test these various Senate currents in votes and asks for the Senate's cooperation to the end that these tests may be forthcoming without further aimless delay.

Accordingly, the leadership hereby serves notice that on this Friday it will move for a vote in the Senate in an entirely orderly although somewhat unusual fashion. The motion which the leadership will offer at that time will not be debatable. It will be a move to table the leadership's own pending motion to take up 14(b) and the leadership will then vote against the tabling motion it offers.

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All Members on this side of the aisle, without exception, have already been notified by wire to anticipate quorum calls and votes during this week and beyond. I reiterate that special notice at this time. I would urge all Democratic Members to stay in this city, to return to it if they are away, and to cancel travel plans until further notice.

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In closing, I can only say that I have been asked countless times in recent days, by Members and by the press, these questions: When will the Senate adjourn? And, what will happen to 14(b)? As a Senator from Montana, I have no difficulty in answering these questions for myself. I should like to see 14(b) repealed and the sooner the better. And I should like to see the Senate adjourn, thereafter, and the sooner the better.

But as majority leader, I am constrained to point out that insofar as the Senate as a whole is concerned only the Senate as a whole can answer.

LEGISLATIVE PROGRAM

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. If the motion to table does not carry, it means that the motion to proceed to consider is still alive?

Mr. MANSFIELD. That is correct.

Mr. PASTORE. And this action will transpire on Friday next. Does that mean that if the motion does not carry, we may expect to be in session Saturday as well, or has the Senator decided on that?

Mr. MANSFIELD. We should not rule out a Saturday meeting.

AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—CONFERENCE REPORT

Mr. LONG of Louisiana. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Friday, Oct. 8, 1965, p. 26386, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. LONG of Louisiana. Mr. President, this bill implements the automotive products agreement worked out with Canada earlier this year. Under the agreement, as implemented by this bill, both Canada and the United States agree to remove tariffs on automobiles and original equipment parts traded between manufacturers in both countries. Canada has already eliminated her duties; this bill authorizes the President to eliminate ours.

H.R. 9042 passed the Senate on September 30 by a vote of 54 to 18, adding 12 amendments to the House bill. The House conferees accepted 10 of these amendments with only technical changes. However, they refused to yield on the other two and we were compelled to compromise them. I am certain Senators will agree with me that the compromises we worked out with the House preserve the thrust of both of the Senate amendments.

The first compromise dealt with procedures for negotiating and implementing new agreements concerning automotive products. Under the House bill, before the President entered into a new automotive products agreement, he was required to publish notice of the pending negotiations and seek information from the Tariff Commission and other interested departments. After he had concluded an agreement he was required to submit it to Congress. Congress was given 60 days within which to object to its implementation, and if it failed to express disapproval within this 60-day period, the agreement was deemed to have been approved. Thereupon, the President was empowered to proclaim the tariff modifications necessary to implement it.

The Senate amendment was offered in committee by the junior Senator from Illinois [Mr. DIRKSEN]. It provided that the tariff modifications necessary to implement a new automotive products agreements could not be proclaimed until Congress passed a concurrent resolution affirmatively approving it.

Thus, under the House bill, both Houses had to express disapproval of an agreement or it could be implemented. On the other hand, by the Senate version, both Houses had to approve it or it could not be implemented.

Under the conference agreement the Senate conferees yielded to the House on the technical statutory test, but the House conferees yielded to the Senate on the more important question of substance by agreeing to terminate the entire provision as of the day following the enactment of the bill. From the standpoint of congressional action required, the effect of terminating the provision is precisely the same as if the Senate amendment had been agreed to without change. This is because a new automotive products agreement cannot be implemented in the future without prior congressional approval expressed in enabling legislation.

When the bill was considered in committee some Senators preferred to delete the provision because they wanted Congress to retain its constitutional authority to eliminate tariffs until after it had considered any new automotive agreements which might be concluded in the future. Others felt the procedures—particularly publication by the President of impending negotiations and the informational studies required of the Tariff Commission—were safeguards which would insure the automobile replacement parts industry of an opportunity to participate in the formulation of any new agreement which might affect them.

I believe we have satisfied both viewpoints with this conference agreement. Senators who did not want to give the President advance authority to terminate our tariffs will have an opportunity, just as they had under the Senate amendment, to review future agreements before they could be implemented. On the other hand, those who viewed the procedure as a safeguard for the replacements parts industry will be heartened by the statement of the managers on the part of the House. In it the conferees of both the House and Senate expressed the hope that should the President enter into another automotive products agreement, he should first give reasonable public notice through the Federal Register so that interested parties will be advised and can act to present their views. He is also urged to seek information from the Tariff Commission and from other interested Departments. I feel confident that the President will follow these procedures if he should undertake a new agreement.

The net effect of what we have done in conference is to insure that the President may not implement a new automotive products agreement without the consent of Congress. That was the objective of the Senate amendment. Similarly, it is the result of the conference agreement.

The other amendment which was not acceptable to the House dealt with the effect of new undertakings by auto manufacturers to increase the Canadian value added of their Canadian production above the level agreed to in letters submitted before the date of enactment of this bill. These letters committed the Canadian manufacturers—which are subsidiaries of U.S. corporations—to produce 60 percent of the increase in Canadian auto sales through the use of Canadian parts and labor and also to increase Canadian output by an additional $241 million. This latter objective is to be achieved by the end of model year 1968.

The reason for these undertakings is simple. It was brought out many times during our 3 days of debate on the bill. Canada is an inefficient, high cost producer of automobiles. Without the company undertakings Canada feared the efficient, low cost United States producers would have overrun the Canadian market and Canada would have lost its automobile industry. Because of the undertakings, Canada is assured that she will be allowed to produce for her own market while she is gaining the efficiency and long production runs necessary to compete with the U.S. industry in the new, integrated North American automobile market.

The Senate amendment was new. There was nothing like it in the House bill. It was offered in committee by the junior Senator from Connecticut.

It would have provided for automatic reimposition of our tariff in the event of new undertakings—caused by governmental action—to increase Canadian value added to a level above the level agreed to in letters submitted before the date of enactment of this act. As I have pointed out, this insured Canadian production of 60 percent of the increase in Canadian sales plus $241 million. Under the Senate amendment, Congress could have acted to continue duty-free treatment by approving new enabling legislation in light of the additional undertakings.

The House conferees were not unsympathetic to the objective of this amendment which was to enable Congress to review new commitments affecting Canadian value added after 1968.

However, they felt automatic reimposition of the U.S. duties was not the proper way to accomplish this objective. They felt the automatic feature of the Senate amendment would cause so much uncertainty that long-range business decisions might be jeopardized. They pointed out that where even a small parts manufacturer was required to undertake to increase its Canadian value added after 1968, tariff barriers would go up in this country against importation of all automotive products from Canada. This could occur for reasons totally beyond control of the auto companies and its effect could seriously undermine the advantages and economies sought to be gained through the agreement.

The House conferees insisted that congressional review could be effected with less disruption to the business community by requiring the President to advise Congress whenever there have been new undertakings by reason of governmental action to increase Canadian value added after 1968 and to advise Congress whether such undertakings are additional to undertakings agreed to in letters submitted before the date of enactment of this bill. Actually, the State Department advises that the present undertakings expire at the end of model year 1968 and they will resist any efforts by the Canadians to impose new demands on the automobile manufacturers.

Because of the House insistence that it would not accept the language of the Senate amendment, we were constrained to yield to the approach suggested by the House. However, I hasten to point out that the solution agreed to by the conferees fully enables Congress to review any undertakings that may extend beyond 1968 and to enact legislation to deal with these undertakings in the light of the situation which exists when they arise.

Mr. President, the administration fully supports the bill as it has been agreed to by the conferees. Similarly, the companies affected by the agreement support the bill. Labor also favors it not only because of the increased employment and higher wages it will make possible both in this country and in Canada, but also because of the lower automotive prices it will make possible through increased efficiency.

These benefits are already being realized despite the fact that the agreement is still less than 1 year old and despite the fact that the United States has not yet performed its obligations under the agreement. Only last week Ford announced price cuts of from $127 to $250 on certain of its models sold in Canada.

I urge approval of this conference report so that the automotive industry on both sides of the border can be fully integrated to serve an expanding North American market free of tariff barriers which heretofore have retarded trade between this country and Canada.

To sum up, there were two matters in controversy with the House. One of them involved section 202, on which the Senate and House were in disagreement, and it was felt that the best way to resolve it would be to strike the section from the bill. Since certain language in the House and the Senate version was identical, we could not do that without its being subject to a point of order. That being the case we agreed to leave the language in the bill and take the House version with an amendment that the section would expire on the day after the President signed the bill. That was done. I checked with our Parliamentarian, and he has advised me that we are within our parliamentary rights.

There was another proposal in conflict, the amendment by the Senator from Connecticut. Because of the insistence of the House conferees, it was necessary for the Senate conferees to compromise that amendment.

I have already described the compromise setting up the procedure the conferees felt should be followed.

Mr. HARTKE. Mr. President, as we come today to a vote on accepting the conference committee report concerning implementation of the Canadian auto and parts agreement, it may be useful to try to state briefly what is involved.

In November 1962, the Canadian Government initiated a program to stimulate exports of automotive products. The plan involved a rebate of duty on imports in return for greater exports of Canadian-made cars and parts. Export of parts went from $9 million in 1962 to $30 million in 1963 and $65 million in 1964, while value of complete cars exported jumped from $3 million in 1962 to $24 million in 1964. The economic climate in Canada was a part of Studebaker's decision to move from South Bend to Hamilton, Ontario, announced about 6 weeks after the rebate plan was expanded in 1963.

Parts plants were hurt, including some in Indiana. Under our law, the Treasury properly should have responded by ordering countervailing duties. Parts manufacturers and their association filed a suit to compel that action, but shortly afterward the present agreement was signed by President Johnson and Prime Minister Pearson. It has been in effect since that time, January 16, 1965, on a conditional basis while the implementing legislation was pending.

Chrysler, Ford, and General Motors in 1964 produced 95 percent of U.S.-made passenger cars, and their Canadian subsidiaries made 90 percent of that country's production. American Motors, Studebaker, and Volvo also make cars in Canada.

Under the agreement, motor vehicles and parts to be used in manufacture of new vehicles in the United States come in duty free. Canada gives duty-free treatment to imports of U.S. new cars and parts for use in Canadian auto manufacture, but not to imports for sale to Canadian citizens. Thus the free trade involved is only free trade between the Canadian and American auto makers.

The Canadian auto firms, which are U.S. subsidiaries, have promised the Canadian government in return: First, to maintain the level of 1964 model year production; second, to add to this an equivalent share of the growth in the Canadian market; and third, to increase in the next 3 years these levels by another $241 million annually. It is worth noting that the base year is one which reached a high level under the illegal rebate scheme, which we have now in effect adopted as the starting point for a legitimate sanctioned agreement.

In the first seven months of this year, under the agreement, jobs and output in the Canadian auto and parts industry have risen nearly three times as fast percentagewise as in the United States. In the near future we may expect to see, because of this agreement, a great number of transfers of companies and jobs from the United States to Canada. This will be particularly true in the parts industry.

The legislation, with its elaborate provisions for aid to those adversely affected, assumes such dislocation and hardship. The expectation is that Canadians will attain a one-third increase in the share of the North American auto market they will supply. The favorable conditions set up for them, which will encourage migration of U.S. jobs, may well result in expansion beyond that point, to the further detriment of our own jobs in the industry.

It is for these reasons and others that I have opposed the legislation, and it is for these reasons that I sought a delay in implementing the agreement pending a full study by the Tariff Commission.

Mr. President, I still believe this agreement is what the Washington Post called it yesterday in the title of its editorial, "Triumph of Expediency." This is an excellent statement of the case, one which says well things which need to be said on this topic. This bill passed, the agreement will begin operating on an ever-increasing scale in the months ahead, and we shall see whether economic principle has been outrun by "political expediency."

I ask unanimous consent that the editorial from the Washington Post of October 4 may appear in the Congressional Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

TRIUMPH OF EXPEDIENCY

Although political expediency clearly triumphed over economic principle with the Senate passage of the United States-Canadian auto pact, the deed was not done without a struggle. The opposition led by Senators Gore and Hartke came within four votes of persuading their colleagues to adopt an amendment that would have delayed action for 3 months pending a much-needed investigation by the Tariff Commission. And when one considers that the proponents of the auto pact included the White House, the four major automobile manufacturers, and the AFL–CIO, it is obvious that the defenders of liberal principles in international trade made a strong stand.

Rational self-interest can be invoked to explain why the Canadian Government, the U.S. auto manufacturers, and organized labor supported the auto pact. For the Canadian Government it was the promise of jobs and the maintenance of national prestige in the face of a growing xenophobia; for the auto manufacturers it was the lure of higher profits; and for organized labor, there was the promise—though a dubious one—of more jobs and an exceedingly generous program of "adjustment assistance" for workers who are displaced in the shuffle.

But one must delve more deeply to understand why President Johnson threw his weight behind the measure. Did the State Department really persuade him that the auto pact was the only alternative to a trade war with Canada? If so, the President was misled, for a trade "war" over the illegal Canadian tariff remission scheme would have placed an intolerable burden on Canadian consumers in the form of higher prices for imports. Or was the auto pact a quid pro quo for a political concession from the Pearson government? Perhaps these questions will one day be answered in an intriguing footnote to a history of our times.

The PRESIDING OFFICER. The question is on the agreeing to the conference report.

The report was agreed to.

ORDER FOR RECESS UNTIL 11 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished minority leader, and I ask unanimous consent that when the Senate completes its business tonight it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, reserving the right to object, I would like the RECORD to show that the senior Senator from Illinois was in his seat ready to answer to the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY UNITY FOR CUBAN REFUGEES

Mr. KENNEDY of Massachusetts. Mr. President, on Sunday at the Statue of Liberty, President Johnson signed the Immigration and Nationality Act of 1965. In his remarks the President included a statement reaffirming our country's concern for the plight of the Cuban people, and our continued willingness to welcome those Cubans who seek refuge on our shores.

In the past few days the Department of State has been working through the Swiss Embassy in Havana to reach an agreement with the Cuban Government which would permit the free movement of certain refugees from Cuba to the United States. The President has rightfully requested the assistance of the Red Cross in processing this movement. And today he is requesting a supplemental appropriation of $12,600,000 to support this activity under the Cuban refugee program administered by the Department of Health, Education, and Welfare.

As chairman of the Judiciary Subcommittee on Refugees and Escapees, I want to commend the President for his action. I want to pledge my support for this great humanitarian effort.

I am thinking, Mr. President, of the many thousands of unaccompanied children who were sent to the United States by their parents in the early days of the Castro regime.

I am thinking of the many refugee families whose normal breadwinner, or whose mother, remains outside this country.

I am thinking of the thousands of political prisoners, many with close relatives in this country, who suffer harsh treatment in Cuba's jails.

If we have a reasonable assurance that a formula can be found to reunite refugee families, and to gain the release of political prisoners, no effort should be spared in pursuing this objective.

The Subcommittee on Refugees has long believed that our Government should seek a formula to facilitate family reunion among Cuban refugees in the United States. Very recently, in a report issued last June 25, the subcommittee recommended as follows:

> The subcommittee urges that appropriate officials in the executive branch give earnest attention to finding a formula which will restore family unity to Cubans in the United States—especially the thousands of unaccompanied children and the families whose normal breadwinner remains outside this country.

This recommendation, Mr. President, followed the subcommittee's intensive inquiry into the Cuban refugee problem, and the program to assist these refugees and encourage their resettlement throughout our country. Hearings conducted under the able chairmanship of Senator PHILIP A. HART have indicated that one of the impediments to the resettlement program and the adjustment of many Cubans to life in this country, has been the fact that many of the refugees are separated from immediate family in Cuba. Understandably, the situation has been especially difficult for the unaccompanied children, whose tragic plight claims the sympathy and concern of all Americans.

Mr. President, more than 250,000 Cuban refugees have been granted asylum in this country since Castro's rise to power in 1959. The influx was small in the early days of the Castro regime, but increased rapidly as the Cuban revolution gained momentum and its Communist totalitarian character emerged. For nearly 2 years, beginning in late 1960, arrivals in Miami numbered some 1,500 to 2,000 persons weekly. The flow was hampered only by the rupture in Cuban-American relations and the restrictions imposed by the Castro government.

The Cuban exodus ended abruptly during the missile crisis in October 1962. Since then, several hundred Cubans departed their homeland on ships returning to the United States following the delivery of medical supplies in connection with the agreement on prisoners. Others have entered the United States via third countries, chiefly Mexico and Spain. Still others have fled under adverse and hazardous conditions, using a small boat and the waters between Cuba and the United States as the gateway to freedom.

The American people, especially the citizens of Miami and Dade County, Fla., have responded generously to the needs of Cuban refugees. To assist this effort, in January 1961, President Kennedy established the Cuban refugee program, which is currently authorized by the Refugee and Migration Assistance Act of 1962.

The goal of this program has been the resettlement of refugees throughout our 50 States—for resettlement provides most Cubans with the opportunity to live reasonably normal and productive lives until conditions permit an assisted return to their homeland, or for those who wish it to elect American citizenship.

The Cuban refugee program is serving its purpose well. As the Refugee Subcommittee's recent report states:

> The program has been planned wisely, administered efficiently, and carried out effectively through the cooperative efforts of citizens in Government and the private sector.

I should add here, Mr. President, that the private voluntary agencies are providing the essential links between the program of Government and the humans in need. These agencies deserve high tribute for a job well done.

In announcing the Cuban refugee program early in his administration, President Kennedy said:

> I hope these measures will be understood as an immediate expression of the firm desire of the people of the United States to be of tangible assistance to refugees until such time as better circumstances enable them to return to their permanent homes in health, in confidence, and with unimpaired pride. This administration hopes the program will be considered first and foremost an essential humanitarian act by this country. We want it also to indicate the resolve of this Nation to help those in need who stand with the United States for personal freedom and against the Communist penetration of the Western Hemisphere.

It is in this spirit that I support the current effort of President Johnson.

Mr. President, the Cuban refugee problem has been a major concern of the Subcommittee on Refugees for the past few years. It has worked closely with the executive branch and the voluntary agencies to assist in finding reasonable and cooperative channels to render the refugees effective asylum. I want to express the subcommittee's continued concern in this matter, as we anticipate today an additional influx of refugees from Cuba.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 280 Leg.]

Bartlett
Bible
Burdick
Church
Clark
Cotton
Dodd
Douglas
Ellender
Ervin
Fulbright
Hill
Inouye
Jordan, Idaho
Kennedy, Mass.
Long, La.
Magnuson
Mansfield
McGee
McGovern
McIntyre
McNamara
Morse
Muskie
Pastore
Proxmire
Randolph
Ribicoff
Russell, Ga.
Sparkman
Tydings
Yarborough

The PRESIDING OFFICER. A quorum is not present.

Mr. DOUGLAS. Mr. President, I would like the RECORD to show that the senior Senator from Illinois was in his seat and answered the quorum call.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. Allott, Mr. Bass, Mr. Bayh, Mr. Bennett, Mr. Boggs, Mr. Byrd of West Virginia, Mr. Carlson, Mr. Dirksen, Mr. Fong, Mr. Gruening, Mr. Harris, Mr. Hartke, Mr. Hayden, Mr. Hickenlooper, Mr. Holland, Mr. Hruska, Mr. Jackson, Mr. Kuchel, Mr. Mondale, Mr. Monroney, Mr. Morton, Mr. Moss, Mr. Nelson, Mrs. Neuberger, Mr. Pell, Mr. Prouty, Mrs. Smith, Mr. Thurmond, Mr. Williams of New Jersey, Mr. Williams of Delaware, and Mr. Young of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. Tydings in the chair). A quorum is present.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. Mansfield] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. Fulbright].

Mr. FULBRIGHT. First, Mr. President, before I start my statement, I want to commend the majority leader for his very fine statement on his policy in the conduct of this debate. I am strongly in sympathy with what he said about our having had a long year this year—not only this year, but for the past 4 years we have been in almost continuous session. I think he was right when he said he would not proceed on the basis of physical strength to determine the outcome of this important legislation, and that to do so would be quite inappropriate. So I am happy that the majority leader has seen fit to announce his intention to have a test vote of the sentiment of the Senate at an early date.

I would not want to prophesy what the Senate will do, because what it has done on some occasions has surprised me; but I hope it will table the motion to take up the bill, and thereby facilitate the end of the session, and take the matter up next January. After all, it is not very long until next January.

Mr. President, the Senate has been asked to enact the bill H.R. 77 and thereby repeal section 14(b) of the National Labor Relations Act. This action was requested by President Johnson in his message of May 18, 1965.

Section 14(b) reads as follows:

> (b) Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or territorial law.

The President's request was considered in the House of Representatives and was passed by the House on July 28, 1965. H.R. 77 passed the House by a bare margin of 18 votes. A change of only 9 votes would have stopped this legislation in the House of Representatives—which clearly indicates that there was no overwhelming sentiment for it, even in the House of Representatives.

The President's request and H.R. 77 have been considered by the Senate Committee on Labor and Public Welfare. By a vote of 12 to 3 that committee has recommended that the Senate also pass H.R. 77.

Under existing Federal law, as quoted above, the several States of the Union have the power to adopt constitutional amendments and to enact laws which forbid the imposition of membership in a labor union as a condition of employment. According to the report—No. 697—of the Senate committee, the purpose of H.R. 77 is to restrict this State power and thereby purport to outlaw existing provisions of State constitutions and State laws. The committee report is quite candid in stating the desire for Federal preemption of the field of union security in collective-bargaining agreements.

The committee report is relatively silent on the subject of why this action is wise, is necessary, or is timely. One gets the impression that the committee has little enthusiasm for its recommended action. Only one reason is given in support of H.R. 77. As near as I can discover, it is urged that all States should have the same labor laws. This one reason is stated in three different versions as follows:

First. In the words of the majority report:

> The sole purpose of H.R. 77 to establish a uniform Federal rule governing union security agreements would result.

Second. In the words of President Johnson:

> Finally, with the hope of reducing conflicts in our national labor policy that for several years have divided Americans in various States, I recommend the repeal of section 14(b) of the Taft-Hartley Act, with such other technical changes as are made necessary by this action.

Third. In the words of Secretary Wirtz:

> The issue here is whether a uniform national labor policy should be established in this area (sec. 14(b)) as it exists in all other areas covered by the National Labor Relations Act. I urge that, whatever may have been the justification 18 years ago for letting the States experiment in this area, experience since that time has shown that there is no longer a good reason for this course of action.

Mr. President, these are the only arguments given by the committee in support of this controversial proposed change in public policy. The committee and Secretary Wirtz justify the proposal in the name of "uniformity." The President hopes that repeal of section 14(b) will reduce "conflicts which have divided Americans in various States."

Mr. ERVIN. Mr. President, I wonder if the Senator will yield for a question which is pertinent to the statement he has just made?

Mr. FULBRIGHT. I yield for a question only.

Mr. ERVIN. Is not a demand for uniformity a demand for conformity?

Mr. FULBRIGHT. That is the way I would interpret it.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that America has become great not because of the enforcement of the principle of conformity, but because it has recognized the right to disagree and to dissent?

Mr. FULBRIGHT. The Senator is correct. I shall come to that point later in my statement. One of the distinguishing characteristics of this country is the diversity among the people and the States. It is one reason why we have made the progress that we have made.

Mr. ERVIN. Is it not true that that principle is illustrated in this particular field by the fact that since the enactment of the Taft-Hartley Act in 1947 the States have indicated a diversity of opinion on this point, because 31 of the States have permitted compulsory unionism and 19 of the States have rejected the idea of compulsory unionism and have enacted State right-to-work laws?

Mr. FULBRIGHT. The Senator is quite correct.

Mr. ERVIN. Is it not true, as the Senator indicated a moment ago, that one of the great things in the life of this Nation, which has enabled this Nation to advance as it has, is the fact that each State can set up a separate laboratory and carry on an experiment, and if the experiment proves to be successful, other States of the Nation may follow it; to the contrary, if the experiment proves to be unsuccessful, that State, and that State alone, is affected by its disastrous consequences?

Mr. FULBRIGHT. The Senator is quite correct; and it is one of the main justifications for the principle of States rights that we have tried to preserve, within our capacity and power. There are certain areas, such as national defense, where that right cannot be exercised because of special conditions; but in general it is the principle on which our Nation has advanced as it has.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that the best definition in a nutshell of the fundamental purpose of the Constitution was that given by Chief Justice Salmon P. Chase in the case of Texas against White when he said:

> The Constitution in all its provisions looks to an indestructible union composed of indestructible States.

Is that not the best nutshell description that has ever been given of our Constitution?

Mr. FULBRIGHT. The Senator is correct. That is a most concise statement, and I hope we shall try to preserve it.

Mr. ERVIN. Does not H.R. 77 represent an effort to destroy what were supposed to be indestructible States by depriving them of the right to regulate labor relations within the boundaries of those States?

Mr. FULBRIGHT. I believe it does, and in an area which, it seems to me, is peculiarly suitable to the States is the power to regulate the relationship between the employer and labor. It seems to me that there is no reason why there should be uniformity in this area.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that the greatest protection we have for the preservation of liberty in this country is diffusion of power between the Federal Government, on the one hand, and the States on the other hand?

Mr. FULBRIGHT. I agree with the Senator.

Mr. ERVIN. Is it not true that pressure groups which command great political power can intimidate one legislative body into doing their will, whereas they cannot intimidate 51 legislative bodies into doing their will?

Mr. FULBRIGHT. I believe that the fact that they cannot do so is a great source of security for the country.

Mr. ERVIN. I thank the Senator. I hope the Senator will pardon my interruption. I thought these questions were relevant to the statement that he had made.

Mr. FULBRIGHT. I appreciate the observation of the Senator. He is always helpful. His observations are pertinent, and they go to the heart of the matter involved in this legislation. The Senator has summed up correctly and appositively. To use the words of Chief Justice Chase, the Senator has pointed to the heart of the matter. Are we to have absolute uniformity in the area of labor relations, or are we not to have uniformity?

I believe that concentrates upon the essence of the problem, and that is the issue in connection with this legislation.

The committee and the Secretary seek to justify this in the name of uniformity. That is about the only reason they can give. The President said that he hopes that repeal of section 14(b) will reduce "conflicts which have divided Americans in various States."

Secretary Wirtz also sees no further need to let the States "experiment" in this area.

Before discussing the persuasiveness, or lack of it, in the reasons quoted above, I think it is significant to note other aspects of report No. 697. Mr. President, the report of the majority of the committee—12 members—is printed on 10 pages of a 46-page document.

Three and one-half pages are devoted to explanation of an amendment affecting those individuals who object to union membership because of their religious beliefs. One-half page out of this 46-page document states the purpose of the bill. Two pages discuss the "background of the bill." One page contains a decription of what is done by each section of the bill and quotes a three sentence endorsement by the Bureau of the Budget. Two and one-half pages reprint sections of existing law which would be changed by enactment of the bill. Approximately one-half page purports to state why H.R. 77 should be enacted. This is the content of the first 10 pages. One-half page undertakes to tell us why this is a good bill.

The remaining 36 pages of the report contain the individual views of Senator Fannin—20 pages; Senator Javits—4 pages; Senator Prouty—4 pages; Senator Dominick—5 pages; and Senator Murphy—2 pages. In my experience, this is a very unusual document. The report to the Senate, on a subject of this significance, contains only one-half page of justification for action favored by 12 members. But individual views—differing or dissenting—require almost 72 times as much discussion. This hardly seems like a measure designed to reduce conflict, because there is plenty of conflict of views among members of the committee.

Mr. President, in all my years in the Senate, I can recall few issues which have aroused such conflicting and confused public discussion, or which promised to achieve such limited purposes, or which were supported by such weak and unconvincing arguments.

The majority of the committee and Secretary Wirtz plead for "uniformity" in national labor policy. But having made this plea, no further explanation is thought necessary. Why should we desire "uniformity" in this particular aspect of our national life? I have never thought "uniformity," as a doctrine or principle, a desirable goal of a society striving for greatness.

I never thought the Great Society, about which we hear statements, was to be characterized by uniformity. On the contrary we often read in the press about the ant-like existence of certain states in Asia, the implication being that this is contrary to our concept of good society. But by merely stating uniformity of laws as a desirable goal, the sponsors and the Secretary seem to think this is sufficient.

On the contrary, I had thought of "diversity" and originality as cornerstones of good public policy in this and in all other truly democratic countries.

Uniformity, by and large, in this area of relations is contrary to good public policy. Uniformity has always been frowned upon by our ancesters, and in this country, by the Fathers of this country, as a principle not to be applied in this area.

"Uniformity" is a principle usually frowned upon by the members of a free society. Uniformity is more characteristic of totalitarian societies.

There is sometimes a feeling that we always approach too much uniformity in some areas; that we all share the same beliefs and think alike.

Usually, the first act of a soldier, or a policeman, or a postman, upon completing his period of duty and as opportunity may permit, is to rid himself of "uniformity" by removing his "uniform." Why should the people of Arkansas be clothed in a uniform of labor policy cut to fit the desires of the people of New York, Michigan, or any other State? Why should the people of New York, or Michigan, or any other State be concerned about the labor policy adopted by the people of Arkansas? What do the citizens of any State gain by a Federal edict that all must wear the same uniform? Mr. President, I submit that neither the committee report nor the record of the committee hearings provide persuasive answers to these questions.

This prompts me to suggest that there is very little uniformity in other areas of Federal activity. I have in mind, particularly, the awarding of our gigantic defense contracts. According to statistics of the Department of Defense, there is considerable disparity, or "diversity," in the percentages of such contracts received by industries in the several States.

Mr. ERVIN. Mr. President, will the Senator yield at that point, before he proceeds to another question?

Mr. FULBRIGHT. I yield.

Mr. ERVIN. Does it not seem to the Senator from Arkansas that those who advocate uniformity and conformity should be great admirers of the Communist system?

Mr. FULBRIGHT. I should think they would be.

Mr. ERVIN. Do not Communist countries believe so much in uniformity and conformity that they enact laws under which there can be only one political party in existence in those countries?

Mr. FULBRIGHT. The Senator is correct. One of the criticisms that is made of such countries is that they are all alike.

Mr. ERVIN. Do not laws in Communist countries require everyone to come out on election day and vote in exactly the same way on the same ticket?

Mr. FULBRIGHT. Yes. They have only one choice.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that the worst thing that could happen to this country and to freedom would be to carry out the recommendation that all laws be made uniform and that everyone be compelled to conform to the views of those who might be in power?

Mr. FULBRIGHT. The Senator from North Carolina is absolutely correct.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that the strong bedrock upon which America rests and which accounts for its growth and greatness is that the American system has always contemplated that every man should carry his own sovereignty under his own hat?

Mr. FULBRIGHT. The Senator is correct. I believe that the originality we have allowed by a degree of diversity in this country accounts for most of the better qualities of our society.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that if we are to preserve basic philosophy which says that every American shall carry his own sovereignty under his own hat, we must allow him the right to join or to refuse to join a union?

Mr. FULBRIGHT. The Senator is absolutely correct. Certainly it is not the business of the Federal Government. The States should establish the law; that is within their jurisdiction. I agree that a State may enact a law affecting all of its citizens; but this is not an area in which the Federal Government should engage itself.

Mr. ERVIN. I take it that the Senator from Arkansas entertains that view because he believes that the people of a

State ought to be allowed, collectively, to carry their own sovereignty under their own hat.

Mr. FULBRIGHT. That is correct.

Mr. ERVIN. Is there anything in the right-to-work law of Arkansas or of any other State which would prevent a union from numbering among its dues-paying members all the workers in a particular craft or a particular bargaining unit whom it can persuade, by peaceful means, that union membership is good for them?

Mr. FULBRIGHT. There is not. Unions in those States may persuade all the workers in a plant to join unions voluntarily. Workers are not forced by law to join unions.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that a labor union is, in essence, a voluntary organization?

Mr. FULBRIGHT. It ought to be a voluntary organization.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that there is no injustice in requiring a labor union to obtain its members in exactly the same way that churches and civic, fraternal, and political organizations obtain their members?

Mr. FULBRIGHT. By voluntary association; the Senator is quite correct.

Mr. ERVIN. Is the Senator from Arkansas aware of the argument that is usually made that a man who is not compelled to join a union against his will is a free rider?

Mr. FULBRIGHT. Yes: I know that that argument has been made.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that the records of the McClellan investigation reveal that in some cases where there was compulsory unionism, instead of there being free riders, some union members drafted into the unions were "taken for a ride?"

Mr. FULBRIGHT. That is correct. Men have sometimes been required to join unions when the leadership of the unions did not warrant membership at all. Leaders were corrupt, but the workers had no choice except to belong to the union that operated in a particular plant. That is the reverse side of the picture.

Mr. ERVIN. Will the Senator from Arkansas permit the Senator from North Carolina to read, as the basis for a question, certain facts which were revealed by the investigation conducted by the select committee under the chairmanship of the Senator's colleague from Arkansas [Mr. McCLELLAN]?

Mr. FULBRIGHT. Without losing my right to the floor, I yield for that purpose.

Mr. ERVIN. I refer to the record of the United Textile Workers Union, which is mentioned on pages 90 and 91 of the book entitled "Crime Without Punishment," written by Senator JOHN L. McCLELLAN. Speaking of the head of the union, Senator McCLELLAN said:

> In Miami Beach, where he was wont to stay for long periods at the height of the season while his membership was working diligently in the factories in less temperate climes, he was a welcome guest at the Balmoral, the Eden Roc, the Roney Plaza, the Blue Bay Motel. His bills in 17 hotels during a 3-year period cost the union $86,364.46 in the membership's hard earned dues money.

Does the Senator from Arkansas believe that a man ought to be compelled to join a union and pay dues to a union when the head of the union embezzles or misapplies union funds in such fashion?

Mr. FULBRIGHT. Of course not.

Mr. ERVIN. Does not compulsory unionism require workers to join bad unions as well as to join good unions?

Mr. FULBRIGHT. That would be the effect; yes.

Mr. ERVIN. Is it not true that the effect of the repeal of section 14(b) of the Taft-Hartley Act, which allows States to enact right-to-work laws, would be that hundreds of thousands of American citizens would be compelled to join and pay dues to unions when the unions are operated for the selfish benefit of some of the officers rather than for the benefit of the rank-and-file members of the union?

Mr. FULBRIGHT. The Senator is quite correct. I know the Senator from North Carolina does not intend to say—and I do not—that all unions are not decent. There are all kinds of unions, just as there are all kinds of factories, plants, managements, politicians, and other groups. But to make membership in a union compulsory would, it seems to me, remove one of the principal incentives to have a well-operated union. If the union is well run and has honest, effective leadership, it will attract members voluntarily; the workers will want to join.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that in many cases the reason for the existence of good unions is that the unions are engaged in worthwhile enterprises for the benefit of their members?

Mr. FULBRIGHT. The Senator is correct.

Mr. ERVIN. Is not the Senator aware of the argument so often made that compulsory unionism is necessary for the security of the union?

Mr. FULBRIGHT. If that is said to be so, I do not agree with the statement. Arkansas is one of the States having right-to-work provisions in their constitution that has had exceptionally good leadership. I cannot remember in my own State any labor union scandal at all comparable to the activities which the Senator just read. One of the reasons is that the unions are well led. The unions in my State are reputable. The leaders and members are high-class citizens. So the unions appeal to the workers on their merits; the unions cannot sit back and have membership imposed upon them.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that the best security for good government and good unionism is the ability of citizens in the one instance and the ability of the union members in the other to repudiate their leadership, either in the legislative bodies or in the unions?

Mr. FULBRIGHT. The Senator is correct.

Mr. ERVIN. Are not men deprived of the ability to make their unions act for the benefit of their members if they are denied the right to withdraw from their union in case their officials refuse to do so?

Mr. FULBRIGHT. The Senator is correct. And the reverse of that is that it removes one of the principal incentives for the union leadership itself to behave properly.

Mr. ERVIN. I ask the Senator from Arkansas if he does not believe that a man makes a better Senator if he can be called upon by his constituents to give an account of his stewardship from time to time?

Mr. FULBRIGHT. That is a part of the theory and principle behind the procedure.

Mr. ERVIN. The power of union members to withdraw from the union makes it certain that union leadership will do right.

Mr. FULBRIGHT. It seems to me that is correct in a very decided way. I appreciate the comments of the Senator from North Carolina.

The Secretary recommends uniformity with regard to the labor laws. However, in many other activities there is no effort to achieve uniformity. I referred to the figures of the Department of Defense with regard to the great disparity in the percentage of contracts awarded to the industries in the several States. For example, during the three most recent fiscal periods for which statistics are available, the net value of military prime contracts of $10,000 or more which were awarded to firms in the State of Arkansas, were as follows:

	Million
Fiscal year 1962	$84.8
Fiscal year 1963	39.1
Fiscal year 1964	29.7

While the decrease in absolute value of these contracts might be explained in terms of shifting emphasis in types of procurement contracts, it certainly cannot be explained by a corresponding change in total contracts awarded. As a matter of fact, the Arkansas share of defense procurement in these 3 fiscal years was 0.3 percent in fiscal year 1962, 0.2 percent in fiscal year 1963, and 0.1 percent in fiscal year 1964.

At the other end of this diverse scale of participation in defense procurement were the States of California and New York.

California, during the fiscal year 1962, received 23.9 percent of the defense procurement, while the State of New York received 10.7 percent. Those two States received a third of all the prime contracts in defense. Why do we not apply uniformity in the awarding of defense contracts, if uniformity per se has the great value that the Secretary thinks it has? It seems to me that it would be even more advisable to treat all the States that pay taxes in this country in a more uniform manner in the distribution of the largess of the Defense Department. Nobody of whom I know—certainly neither the Secretary of Defense nor the Secretary of Labor—has suggested that defense contracts should be awarded uniformly, although the Secretary of Labor states that the labor laws should be enacted uniformly.

In the fiscal year 1963, it was the same story. California received 23.1 percent and New York received 9.9 percent. I do not know what happened to New York. It seems to have fallen behind a little.

In the fiscal year 1964, California received 21 percent and New York received 10.2 percent.

California may have been affected by the increase in Texas or Louisiana. There semed to be a slight influence because of Texas coming into the picture in 1964. The State of California dropped 2 percent. However, the two States have a combined percentage of over 31 percent.

I hope that the people of Louisiana and Florida will not think I am overlooking them, but I did not want to delay the proceedings by reading all the figures.

I have heard no urging from the people of either California or Louisiana for uniformity in the distribution of the Federal largess. Yet they seem to be for uniformity in labor laws.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LONG of Louisiana. If the Senator would check the figures for Louisiana, I believe he would find, if he were to look at the 10- or 20-year average, that Louisiana is doing poorly indeed in that category. It may be that we have been trailing in the last year or two. I did not know that the Senator had figures to show that Louisiana was doing well. Does California have that percentage of population?

Mr. FULBRIGHT. I would not think that it had 23 percent; no.

Mr. LONG of Louisiana. It is my impression that the figure is less than 10 percent.

Mr. FULBRIGHT. I believe the Senator is correct.

Mr. LONG of Louisiana. I believe that New York has approximately that percentage.

Mr. FULBRIGHT. New York has approximately 10 percent. However, California is gaining as the Senator knows. I have been told, and I believe I have read, that the estimate is that California is larger than New York. However it is not this much larger. How California accounts for 23 percent is beyond my comprehension. That would certainly violate Mr. Wirtz' idea of uniformity, and mine, too.

Mr. LONG of Louisiana. The Senator might be able to explain that disparity so far as New York is concerned, because it is not too much out of line. However, I regret to say that the figures for California are certainly out of line

Mr. FULBRIGHT. I believe so. They are quite out of line with the principle of uniformity. I am not advocating uniformity all around, but, to be consistent, if we want uniform labor laws, why not have uniformity in the awarding of Federal contracts? It seems to me that it would be more appropriate in a number of other fields also.

We are entering into an area of relationship between human beings which I think is in quite a different category from that of the distribution of public works and public funds.

I believe that if we wish to make comparisons, the Federal Government is better able to judge the question of distribution of public funds. This would almost reach the area of the relationship between husband and wife. It would not be quite the same. However, it involves a most personal kind of relationship. A man's relationship with his employer is a very personal thing. The government closest to that operation should be the one better suited to make a sound judgment as to the nature of that relationship.

We have not yet tried to intervene in the matter of marital laws dealing with divorce. I hope that we shall not. I grant that those laws are more restrictive in some States and that the laws dealing with divorce are not as good as they should be. However, the situation dealing with divorce is not suitable for Federal legislation. It ought to be handled by the level of government nearest to the people involved. That would be the State government.

The matter of the relationship between the employer and employee, it seems to me, approaches this kind of relationship and can better be dealt with purely as a matter of good sense and good judgment concerning the nature and conditions under which the work is to be done. This is a field which is a most important thing to most men, next to their family life.

Mr. President, this is certainly not a record of uniform participation under the Federal program for defense procurement. I mention this aspect of Federal "diversity" merely to illustrate the need for reflection about a proposition for public policy advanced in the name of "uniformity" among the States.

That is the principal reason given in the committee report by the Secretary of Labor for this particular bill.

It could be pointed out by others that Arkansas receives Federal support for its cotton farmers far in excess of the support given cotton farmers in Minnesota. But the farmers in Minnesota receive Federal support for their wheat and their dairy products far in excess of similar support in Arkansas. Such comparisons serve to further illustrate that Federal policies are not uniform in their effects upon the several States of the Union.

They are in accordance with the needs of the subject matter in these areas, and no one in his right mind would recommend that we have the same kind of results in these areas for each State.

I submit, Mr. President, that to argue for repeal of section 14(b) of the National Labor Relations Act on grounds of the necessity for uniformity is to argue for the obliteration of State boundary lines for no better reason than the fact that the States have different names. Such an argument reveals a total insensitivity to the foundation of our federalism, and to the individual differences which distinguish our democracy.

Secretary Wirtz also speaks about "experiment" by the States in the area of union security agreements. He says by implication, in effect, that their course was justified because of a need for experience, but he says there is no longer such a need. That would seem to assume that we have reached such perfection that we no longer need experiment and we no longer need consider that there may be better ways or better relationships in this area, which assumption our experience does not by any means support.

In the general election held on November 7, 1944, the people of Arkansas approved amendment No. 34 to the State constitution. This amendment has remained undisturbed for almost 21 years. Arkansas has exercised its legitimate power to legislate. This legislation has not only endured, it has aroused very little litigation and a minimum of controversy. If this has been an experiment, it certainly has been a good one, and beneficial to the people of my State, as an example of proper exercise of the State's rights under our constitution, and, in the words of Secretary Wirtz, "A good experiment." But I think they should retain the right to experiment further any time they choose to do so, seeking ways to improve their local law. One of the reasons why they have not changed it is that it has been quite satisfactory, as I think I can demonstrate later in my remarks.

Mr. President, for the information of the Senate, I will read the text of amendment No. 34 to the Arkansas State constitution. It is very short:

> SECTION 1. No person shall be denied employment because of membership in or affiliation with or resignation from a labor union, because of refusal to join or affiliate with a labor union; nor shall any corporation or individual or association of any kind enter into any contract, written or oral, to exclude from employment members of a labor union or persons who refuse to join a labor union, or because of resignation from a labor union; nor shall any person against his will be compelled to pay dues to any labor organization as a prerequisite to or condition of employment.
>
> SEC. 2. The General Assembly shall have power to enforce this article by appropriate legislation.

This amendment was subsequently implemented by the Arkansas General Assembly—act 101 of 1947.

A reference to "experimentation" appears in a legislative note on Arkansas Act 101 of 1947 written by Joe E. Covington, who was then a member of the faculty of the University of Arkansas Law School and since that time has become dean of the University of Missouri Law School. This note appears in the text of a very fine law review article by James E. Youngdahl—Arkansas Law Review & Bar Association Journal, fall 1960. This article is included in the record of hearings by the Committee on Labor and Public Welfare, and begins on page 222. Dean Covington's note reads—I shall read just a part of the article, as follows:

> A strong argument favoring the validity of the legislation is found in the idea of permitting legislatures to experiment in social control and by such experimentation finally to achieve ends that will be for the

good of all. If the legislation proves unfortunate, this will manifest itself in a relatively short time and the error can be corrected in the same manner, by legislation. One of the latest authoritative books on labor law * * * advocates the view of permitting the States to regulate labor by legislation and thus by the trial and error method search for a solution to one of the most perplexing problems of the modern age.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Arkansas Law Review & Bar Association Journal, fall 1960]

THIRTEEN YEARS OF THE "RIGHT TO WORK" IN ARKANSAS

(By James E. Youngdahl)[*]

I. INTRODUCTION

In 1947 Dean Joe E. Covington concluded a legislative note on Arkansas Act 101 of 1947 with the following language:

"A strong argument favoring the validity of the legislation is found in the idea of permitting legislatures to experiment in social control and by such experimentation finally to achieve ends that will be for the good of all. If the legislation proves unfortunate, this will manifest itself in a relatively short time and the error can be corrected in the same manner, by legislation. One of the latest authoritative books on labor law * * * advocates the view of permitting the States to regulate labor by legislation and thus by the trial-and-error method search for a solution to one of the most perplexing problems of the modern age."[1]

Thirteen years later the question arises as to whether the Arkansas Freedom To Work Act[2] has proven unfortunate or has served as a solution to one of the most perplexing problems of the modern age. The ordinary answer to this question is today as dependent on economic bias as it was in 1947.[3] The purpose of the instant discussion, however, is to survey the recorded results of the "right to work"[4] principle in Arkansas, thereby to gather together raw data for a judgment on whether or not this legislative experiment has been successful.

II. DEVELOPMENT OF THE LAW

The concept of union security, achieved by restricting employment in a given economic unit to members of a labor organization, has a genesis in this country predating the founding revolution.[5] Individual employer resistance to this concept has corresponding origins.[6] The first statutory provision for the right-to-work principle was enacted in an amendment to the Florida Constitution in 1944.[7]

Arkansas was a close second in the trend which now affects labor-management relations in 19 States.[8] On November 4, 1944, 54.6 percent of the ballots on the issue[9] were cast for amendment 34 to the Arkansas constitution. Section 1 of the amendment prohibits membership or nonmembership in a labor organization or the payment of union dues as a condition of employment, and bans contracts with such provisions. Section 2 authorizes the legislature to enforce the amendment with appropriate statutes.

Pursuant to the popular mandate, the legislature adopted Act 101 of 1947, the Freedom To Work Act.[10] The first section of the new legislation outlines the public policy of the State in terms of amendment 34. The second forbids denial of employment because of membership or nonmembership in a labor organization, or making the payment of money to a union a condition of employment. Contracts which exclude from employment members, nonmembers, or persons resigned or expelled from labor organizations are made illegal by section 3.

The fourth section of the act establishes the penalties for violations of a particular interdiction: entering into forbidden contracts. A fine ranging between $100 and $5,000 is established, and applicable separately to each day the contract is in effect. Provision is made for venue in criminal prosecutions. The final section makes the act inapplicable to contracts existing at the time of its passage.[11]

The effects of the right-to-work amendment and statute have been evidenced in 10 cases in the Arkansas Supreme Court, 3 actions in Arkansas Federal district courts, 1 published opinion of an attorney general, and apparently no prosecutions under the criminal sanctions of the law.

The first mention of the new Arkansas restrictions on collective bargaining was made in a 1949 decision.[12] The suit was for the enforcement of a union shop agreement by two officers of a local union for the benefit of the membership. After a demurrer had been sustained by the trial judge on the ground of incapacity of the plaintiffs, the supreme court reversed, finding no defect in the capacity of the parties. In dissenting opinions, two judges commented that since the contract sought to be enforced was itself illegal under amendment 34 and act 101 of 1947, it was an idle gesture to remand a case with no cause of action to try.[13]

The next eight Arkansas Supreme Court decisions in the field concerned the effect of the right-to-work law on picketing. A hint of what was to come was included in dicta in *Local No. 802* v. *Asimos*.[14] A sweeping injunction issued by a lower court was modified to restrain only violent and obstructive picketing. The court commented that since a closed shop had never been mentioned by the union negotiators, a basis for the broad restraint could not be found in amendment 34.[15]

In the same term, the court showed what its *Asimos* suggestion could mean. In *Self* v. *Taylor*[16] an electrical contractor brought suit to enjoin picketing. A prior collective-bargaining agreement had included a union security provision, entered into before the adoption of act 101 of 1947. In 1949 negotiations, the union demanded the same clause, apparently in violation of the new statute. After some initial bargaining skirmishes, the union withdrew its demand for the inclusion of a union shop in the express contract. In its stead, a proposal was submitted allowing either party to cancel the contract within 60 days. It was testified that the union informed the employer that it would exercise the right of cancellation unless nonunion workers were discharged.

Judge Dunaway, for the majority, held that the injunction should be maintained. Pointing out that the contract demanded through picketing was designed indirectly to achieve an illegal result, the court refused to "blind itself to reality."[17] Judge Leflar, dissenting, expressed a belief that the inferences adopted in the majority opinion were both tenuous and dangerous.

Five years later the *Self* v. *Taylor* case was reopened.[18] Again, the majority refused to allow the union to picket, in view of a finding that no lawful contract had yet been proposed by the union to the employer. On this occasion, three judges dissented. In protesting the unequal bargaining position in which the union was placed by the majority decision, Judge George Rose Smith remarked on amendment 34: "I am unable to believe that a constitutional provision which was meant to encourage and to protect diversity of belief can properly be used as a means of compelling uniformity of thought."[19]

In the interim between the two *Self* v. *Taylor* decisions, two cases involving the right-to-work laws were decided by the Arkansas tribunal. In one,[20] an allegation of an amendment 34 violation was not passed on by the supreme court; an injunction issued by a chancellor was reversed solely because of a defect of parties defendant. In the other,[21] however, a major decision again stopped picketing found to be illegal under the union security restrictions.

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[1] Covington, "Freedom To Work" Act, 1 Ark. L. Rev. 204, 209 (1947).

[2] Ark. Stat. Ann. secs. 81–201 to 205 (Repl. vol. 1960).

[3] Compare National Right To Work Committee, "Do Right To Work Laws Hurt or Help the Economy?" (1952) with AFL–CIO, "Union Security: The Case Against the Right To Work Laws" (1958).

[4] A vexing preliminary problem is in the use of the term "right to work," unquestionably the acceptable public denomination for laws which forbid making union membership a condition of employment. Despite the use of the term for the sake of convenience, it must be remembered that it is not a careful expression of the legal or economic principle involved. See *Idaho State Federation of Labor (AFL)* v. *Smylie,* 272 P. 2d 707 (Ida. 1954), where the Supreme Court of Idaho refused to allow the ballot title of "right to work initiative proposal" to be submitted to the voters; and *Moore* v. *Hall,* 316 S. W. 2d 207 (Ark. 1958), where the popular name "Freedom to hire" was held to be misleading and partisan on a proposal which would have restricted the subject matter of bargaining. An arbitrator has commented, in Cutler-Hammer, Inc., 17 LRRM 2769 (Meyer 1946): "It is our opinion that the freedom to work, like all freedoms, may properly be qualified to the extent necessary for the welfare of the greatest number and we believe that when a union represents a large majority of the employees within the bargaining unit, when it is democratic in its practices, and when its history is one of stability and responsibility, if the representatives of the majority of the employees request it, it is fair to both the employer and the employees that the employees' freedom to work be qualified to the extent of requiring them to belong to a union."

[5] Skinner, "Legal and Historical Background of the Right-to-Work Dispute," 9 Lab. L. Jour. 411 (1958); Pollitt, "Right to Work Law Issues: An Evidentiary Approach," 37 No. Car. L. Rev. 233 (1959).

[6] Ibid.

[7] Florida Constitution, Declaration of Rights, sec. 12 (1959).

[8] Note. 81 Mon. Lab. Rev. 1380, 1381 (1958); Pollitt, supra note 5, at 233. See also Millis & Brown, "From the Wagner Act to Taft-Hartley", 326–39 (1950).

[9] For 105,300; against 87,652. See also *Withee* v. *Hall,* 217 Ark. 644, 232 S. W. 2d 827 (1950).

[10] *Supra,* note 2. The act was approved on February 19, 1947. Note, 19 LRRM 3029 (1947).

[11] See Covington, supra, note 1 for more detailed analysis of the specific statutory language.

[12] *Smith* v. *Arkansas Motor Freight Lines, Inc.,* 214 Ark. 553, 217 S.W. 2d 249 (1949).

[13] 214 Ark. at 553, 217 S.W. 2d at 250 (1949).

[14] 216 Ark. 694, 227 S.W. 2d 154 (1950).

[15] 216 Ark. at 702, 227 S.W. 2d at 158 (1950).

[16] 217 Ark. 953, 235 S.W. 2d 45 (1950).

[17] 217 Ark. at 963. 235 S.W. 2d at 50 (1950). Compare *Lion Oil Co.* v. *Marsh,* 220 Ark. 678, 685, 249 S.W. 2d 569, 572 (1952).

[18] 224 Ark. 524, 275 S.W. 2d 21 (1955).

[19] 224 Ark. at 528, 275 S.W. 2d at 23 (1955).

[20] *Bunch* v. *Launius,* 222 Ark. 760, 262 S.W. 2d 461 (1953).

In negotiations between an automobile distributor and the authorized representative of its employees, the union proposed a contract article that "the refusal of any or all employees who are members of the union to work with an employee who is not a member will not be considered as a violation of this agreement." In return, the employer demanded an article embodying the concepts of amendment 34, act 101 of 1947, and act 193 of 1943.[22] Negotiations subsequently broke down, and the union began a strike. Prior to the strike, it contended, the employees abandoned their demand for a closed shop contract. The chancellor found that such demand actually had not been withdrawn; he enjoined all picketing because of this illegal purpose. In *International Association of Machinists, AFL* v. *Goff-McNair Motor Co.*[23] the State supreme court affirmed the injunction. In answer to the contention of the union that only picketing for a closed shop should be enjoined, the court stated that reapplication to the chancellor for appropriate modification may be made when subsequent legitimate differences do not involve the closed shop demand, a questionable observation in view of the second *Self* v. *Taylor* holding several months later.

The right-to-work law issue was not reached by the court in the next picketing decision, although it had been a ground for the complaint and decree in the lower court.[24] The complaining employer had alleged that the union was attempting to force subletting of construction jobs to contractors employing union labor, contrary to the law and public policy of the State as expressed in amendment 34 and act 101 of 1947. The court upheld the injunction on the simple ground that the picketing was too broad and in too general a locality[25] expressly avoiding the question whether or not the right-to-work restrictions were violated.

Amendment 34 again was squarely involved in *Burgess* v. *Daniel Plumbing Co.*[26] Among several reasons attributed to picketing of a building construction contractor was a refusal by the employer to hire union labor. The supreme court upheld an injunction. It concluded that the weight of the evidence sustained the view of the chancellor that the purpose of the picketing was for union security violative of amendment 34. For the majority, Judge Ward commented that since no other reasons for the picketing had been established, he could not believe that the activity under the direction of able and experienced union representatives could have been senseless. Speaking for two dissenters, Judge Robinson found the conclusion that the picketing was for a closed shop to be pure speculation, and an insufficient ground for interfering with constitutionally protected free speech.[27]

In contrast to the trend since 1950, the Arkansas court upheld the right of a union to picket in *Self* v. *Wisener*, decided in 1956.[28] The chancellor had enjoined all picketing on the grounds that its purpose had been a contract in violation of amendment 34, but the high court concluded that the weight of the evidence did not support this charge. On the contrary, a unanimous court found picketing in protest against the payment of substandard wages permissible under Arkansas law.

Similarly, in the 1958 decision of *McDaniel* v. *Tolbert*[29] the Supreme Court rejected a rationale which had been basic to *Self* v. *Taylor* and *Burgess* v. *Daniel Plumbing Co.* by declining to infer a closed shop purpose in order to stop all picketing. The complaint had alleged both picketing in an unlawful manner and for the purpose made unlawful by the anti-closed shop restrictions. The chancellor was affirmed in his decision to reject these allegations and allow some picketing to continue.

At the end of 1958 the last and one of the most interesting decisions of the Arkansas court concerning the right-to-work law was handed down. In *Potts* v. *Hay*,[30] a labor organization took advantage of amendment No. 34 for the first time. By Arkansas Act 30 of 1957, the legislature had provided that any person on the police force a municipality must be dismissed unless that person severs connections with a labor union. In an action to enjoin enforcement of the statute because of inconsistency with the right-to-work amendment, the supreme court affirmed a declaration of unconstitutionality by the chancellor. It was concluded without dissent:

"We perceive no compelling reason to believe that the people intended to exclude public employment from the positive, unequivocal command of amendment No. 34 * * *. The suggestion made by the appellants, that the public interest will suffer if policemen are allowed to exert "union pressure" upon the city, fails to take into account the relatively slight extent to which amendmen No. 34 restricts the power of the legislature. The pertinent clause of the amendment deals only with the denial of employment on the basis of union membership. Nothing is said one way or the other on the subject of union pressure. Left untouched, for example, is the matter of striking against the government * * *. We are not convinced that the bare fact of union membership on the part of police officers presents such a threat to the public welfare that an implied exception must be written into the unqualified language of amendment No. 34."[31]

In approximately the same decade, three cases involving the Arkansas union security restrictions were decided by Federal district courts sitting in the State. In *Lewis* v. *Jackson & Squires, Inc.*[32] the trustees of a mine workers union welfare fund sued to recover unpaid sums from certain coal mine operators in the State. The welfare fund agreement was included in a national settlement of a coal labor dispute. But the settlement also required all employees of the employers to become and remain members of the union. Judge Miller dismissed the suit, pointing out that Arkansas law forbids recover on invalid contracts. The welfare fund obligation was not severable, he held, as the instrument described itself as "integrated," and part of the consideration for the promise sued on was held illegal under the Arkansas right-to-work provisions.

Ten years later the *Jackson & Squires* situation was presented to Judge Miller again, but with one important variation. A national coal agreement including a union security provision was again the basis of contractual rights alleged by welfare fund trustees in *Lewis* v. *Hixon Coal Co.*[33] But the contract required membership in the union only "to the extent and in the manner permitted by law." This saving clause was sufficient to preserve the right of the trustees to recover on the contract. The court commented, however, that if extrinsic activities showed a violation of the right to vote to work principle, an appropriate remedy might lie through actions for injunctions or damages.

The invalidity of a labor management agreement under amendment 34 was also asserted as a defense in 1953 in *Ketcher* v. *Sheet Metal Workers Intl. Assn.*[34] But Judge Lemley found no such invalidity on the face of the contract and nothing in the record before him to suggest the *Self* v. *Taylor* inferences. The union had agreed to furnish qualified workers at the request of the employer, and the employer promised to cover all of his employees with the wages and working conditions negotiated. The first element is not per se a violation of the right to work principle, the judge ruled, and the second is actually obligatory under the terms of the National Labor Relations Act.[35]

A further recorded legal interpretation of the Arkansas right to work provisions was given in 1950 by Attorney General Ike Murry.[36] A request had been made for an opinion on the validity of an agreement between an employer and a union to put strike replacements at the bottom of a seniority list. No inconsistency with amendment 34 or Act 101 of 1947 was found. The opinion stated that strikers return as old employees, not new ones; they merely are having their old service recognized by a favored position on the seniority list.

A striking aspect of this review of cases involving the two right-to-work provisions is that no decision involves the penalties provided by the act itself. The question arises whether or not any attempt has been made to impose the fines which the 1947 legislation allows. The answer seems to be that no cases on the penalties set out in the legislation have ever reached the case reports because no such action has been taken by the prosecuting attorneys in the 18 judicial districts of the State.

During the summer of 1960, this writer addressed an inquiry to each prosecutor for information on the enforcement of the right-to-work law in his district. Replies were received from 17 of the 18 district officials, who would be in charge of such enforcement. The answers ranged from absolute assurances to general surmise that the penalties of Act 101 of 1947 had never been applied in the respective areas. Typical of these replies are the following quotations:

"As I recall there have been no prosecutions under this act since I have been in office nor do I know of any personally since this act was adopted in 1947. There have been no fines assessed or charges filed under this act during this time to my knowledge. Whether the act may have been used in labor negotiations, I cannot answer.

"I am reasonably certain that there has been no prosecution in this district under Act 101 of 1947. This is understandable in view of the fact that this district is rural and does not have much industry".[37]

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[21] *International Association of Machinists, AFL* v. *Goff-McNair Motor Co.*, 223 Ark. 30, 264 S.W. 2d 48 (1954).

[22] The antiviolence law, Ark. Stat. Ann. §§ 81–206 to 209 (Repl. vol. 1960).

[23] Supra, note 21.

[24] *International Brotherhood of Electrical Workers* v. *Broadmoor Builders, Inc.*, 225 Ark. 260, 280 S.W. 2d 898 (1955).

[25] A very questionable basis for State court jurisdiction. See discussion infra, at notes 43, 57: Comment, "Federal Limitations on State Jurisdiction Over Labor-Management Relations," 12 Ark. L. Rev. 354, 375–376 (1958).

[26] 225 Ark. 792, 285 S.W. 2d 517 (1956).

[27] Compare *Thornhill* v. *Alabama*, 310 U.S. 88 (1940); *Chauffeurs Local 795* v. *Newell*, 356 U.S. 341 (1958). But see *International Brotherhood of Teamsters* v. *Vogt, Inc.*, 354 U.S. 284 (1957); *Local 10, United Association of Plumbers* v. *Graham*, 345 U.S. 192 (1953).

[28] 226 Ark. 58, 287 S.W. 2d 899 (1956).

[29] 228 Ark. 555, 309 S.W. 2d 326 (1958).

[30] 318 S.W. 2d 826 (Ark. 1958).

[31] 318 S.W. 2d at 829.

[32] 89 F. Supp. 354 (W.D. Ark. 1949).

[33] 174 F. Supp. 241 (W.D. Ark. 1959).

[34] 115 F. Supp. 802 (E.D. Ark. 1953).

[35] See Sections 8(b)(2) and 9(a) of the amended act, 29 U.S.C. (141–187 (Supp. 1959)).

[36] Arkansas Department of Labor File No. 104, 28 LRRM 88 (1950).

A further aspect of note to these replies is that at least two of them mistakenly referred to prosecution under a different act, the Arkansas antiviolence law.[38] One reference to prosecution under "this statute" was to an assault on a picket line, and another was to an unsuccessful trial for strike violence. These instances of mistaken identity emphasize the lack of familiarity of Arkansas officials with the original and sole penalties included in the language of the act in question.

III. CONSTITUTIONAL PROBLEMS

The right to work principle has been attacked under the most common constitutional contentions and been sustained. In *Lincoln Federal Labor Union* v. *Northwestern Iron Co.*,[39] Nebraska and North Carolina right-to-work laws very similar to the Arkansas provisions were challenged to the U.S. Supreme Court by labor groups. The Court, speaking through Mr. Justice Black, found no violation of the freedoms of speech, assembly, or petition. The suggestion that the laws impair the obligation of contracts was found so clearly without merit as not to require rebuttal. As to equal protection of the laws, the stated purpose of the statutes includes equal opportunity for employment for both union and nonunion workers. Finally, the Court found due process of law arguments inapposite in view of its prior rejection of the "*Allgeyer-Lochner-Adair-Cappage* constitutional doctrine"; [40] the due process clause is no longer to be construed so as to suppress attempts by State legislatures to eliminate industrial conditions regarded as offensive to the public welfare.

What on the surface is a more serious problem, at least as to the equal protection argument, is where the State legislation bars as a condition of employment only union membership without mentioning the job security of the members of labor organizations. A possible solution to this problem was found in *AFL* v. *American Sash Co.*,[41] decided on the same day as *Lincoln Federal Labor Union*. With one dissent and one concurrence, an Arizona right-to-work law which aided only nonmembers of unions was upheld. The Court was able to find, in other State laws and policies, protections for union members of a nature sufficient to save the statute from invalidation under an equal protection attack. Presumably, where both aspects were applied,[42] these holdings would be continued.

A most active constitutional issue concerns the scope of State regulation of union security in the face of the supremacy clause of the U.S. Constitution.[43] The basic doctrine in the law of labor-management relations during the past decade has been that Congress has taken over the field; neither State courts nor State legislatures have jurisdiction to operate in the preempted area.[44]

The preemption doctrine in labor law originated in about 1942; [45] and in a 1946 opinion [46] there were indications that the Supreme Court was going to invalidate right-to-work provisions in State constitutions or statutes.[47] The maintenance of some State restrictions on union security was assured, however, by the passage of the Taft-Hartley Act [48] in 1947. Section 14(b) of the amended National Labor Relations Act now reads:

> "Nothing in this act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law." [49]

Section 14(b) has become the most controversial single section of a controversial statute in a controversial field. Confirmation of the conclusion that States are without jurisdiction to enact right-to-work laws in the absence of express 14(b) language was received when the States were denied power to apply union security restrictions to those transportation workers not covered by the National Labor Relations Act, in *Railway Employees' Dept. AFL* v. *Hanson*.[50]

The preemption problem in the right-to-work law area concerns the scope of section 14(b); presumably, anything it does not allow the States to do cannot be done. There are two serious aspects to the issue in the development to right-to-work law in Arkansas. The first relates to express portions of the State amendment and statute. The second involves the primary applications of the law which the Arkansas Supreme Court has made in suits for injunctions against picketing.

Amendment 34 provides that no person shall be compelled to pay dues to any labor organization as a prerequisite to or condition of employment. The statute expands this concept somewhat by including "any monetary consideration" in addition to "dues." [51] The question of payment of monetary consideration without union membership as a condition of employment has come into recent prominence because of the rise of the "agency shop." [52] Under the agency shop principle, a union may charge a fee equivalent to union dues for acting as a bargaining agent for employees who do not belong to the union. It is argued that since the union must represent all employees in the bargaining unit, under mandates of the National Labor Relations Act, [53] it is entitled to compensation for its service from those who choose not to belong to the organization itself.[54]

Reaction to the agency shop has varied.[55] Clearly the device is invalid in Arkansas unless the monetary consideration and dues section of the Arkansas law are unconstitutional. Federal preemption of union dues regulation can be inferred from the extensive reference to these payments in several national labor statutes.[56] Decisional material on the application of the preemption doctrine to this aspect of labor management relations is inconclusive at the present time.[57] It will be necessary for the Supreme Court, or Congress itself, to supply the definitive answer.

The second serious problem of constitutionality, also under the preemption doctrine, concerns the remedies applies by the State courts. The principal consideration by the Arkansas courts of amendment 34 and act 101 of 1947 has been in cases involving injunctions against picketing.[58] Yet there is strong reason to believe that these injunctions are unwarranted invasions into the area taken over by the Federal Government.

The U.S. Supreme Court has said repeatedly that a State court does not have jurisdiction to enjoin picketing which does not involve violence or related illegal activity.[59] The inviolate area for State tribunals appears to include attempted restriction of concerted union activity which has as its object a union security clause that is invalid under State law. In *Local 429, International Brotherhood of Electrical Workers, AFL* v. *Farnsworth & Chambers Co.*,[60] picketing for what was found to be a purpose to violate a State right-to-work statute was enjoined by the Tennessee State courts, with the remark that States are free to pursue their own policies restricting union security agreements.[61] The U.S. Supreme Court reversed, with a memorandum opinion citing two of the principal preemption cases.[62] Other high court decisions have been consistent with the *Farnsworth & Chambers* rule.[63]

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[37] The 17 replies from the prosecuting attorneys are on file with the Librarian, School of Law, University of Arkansas, Fayetteville.

[38] Supra, note 22.

[39] 335 U.S. 525 (1949).

[40] 335 U.S. at 535.

[41] 335 U.S. 538 (1949).

[42] An application indicated in Arkansas by *Potts* v. *Hay*, supra, note 28. See Moran, "Legal Control of Business in Arkansas," 5 Ark. L. Rev. 137, 147 (1951), where the author concludes that "yellow dog" contracts by which the employee agrees not to join a union in exchange for his employment are outlawed by the right to work legislation. Suits for damages by discharged employees are also a possibility. *Willard* v. *Huffman*, 250 N.C. 396, 109 S.E. 2d 233 (1959).

[43] Comment, "Federal Limitations on State Jurisdiction Over Labor-Management Relations," 12 Ark L. Rev. 354 (1958).

[44] *Garner* v. *Teamsters Union, AFL*, 346 U.S. 485 (1953); San Diego Bldg. *Trades Council* v. *Garmon*, 359 U.S. 236 (1959).

[45] *Allen-Bradley Local 1111, United Electrical Workers* v. *Wisconsin Employment Relations Board*, 315 U.S. 740 (1942).

[46] *AFL* v. *Watson*, 327 U.S. 582 (1956).

[47] See Feinsinger, "Federal-State Relations Under the Taft-Hartley Act," 1 New York University Conference on Labor, 463, 487–91 (1948).

[48] Stat. 136 (1947).

[49] 29 U.S.C. sec. 164(b) (Supp. 1959).

[50] 351 U.S. 225 (1956). An important aspect of the Hanson problem expressly avoided in the 1956 cases due for decision in the 1960–61 term. *International Association of Machinsts* v. *Street*, 46 LRRM 2459 (1960).

[51] Ark. Stat. Ann. sec. 81–202 (Repl. vol. 1960).

[52] Note, 45 LRRM 104 (1960).

[53] Supra, note 33.

[54] But cf. Hughes Tool Co., 104 N.L.R.B. 318 (1953). On the other side of the coin, the NLRB will not allow an employer to discharge an employee who tenders the amount of union dues, but refuses to become an actual member of the labor organization. *Union Starch Co.* v. *NLRB*, 186 F. 2d 1008 (7th Cir. 1951), cert. den. 342 U.S. 815 (1951). The Board is now reconsidering its position on the agency shop issue. See note, 46 LRR 440 (Oct. 3, 1960).

[55] Compare *Meade Electric Co.* v. *Hagberg*, 159 N.E. 2d 408 (Ind. Ct. App. 1959) (Indiana right-to-work law merely prohibits conduct relating to membership in a union, not prohibition against payment of fee nor charges) with opinion of Nebraska Attorney General Beck, 45 LRRM 104 (1960) (agency shop not illegal in Nebraska but may not be used as a basis for discharging or denying employment to any individual).

[56] E.g., section 8(b) (5), National Labor Relations Act; Local 611, International Brotherhood of Teamsters (St. Louis Bakery Employers Labor Council), 125 N.L.R.B. 1246 (1959).

[57] In *Utah* v. *Montgomery Ward & Co.*, 233 P. 2d 685 (Utah 1951), cert. den. 342 U.S. 869 (1951), the Utah court found a "sharp contrast" between leaving to the States legislation on union security agreements but not checkoff dues. "When Congress has by a sweeping prohibition banned the payment to or receipt by an employee representative of any money or thing of value where the payment is made by an employer, subject only to certain exceptions, there is no room for the States to narrow or enlarge upon the exceptions without conflicting with the policy of Congress," 233 P. 2d at 689. But cf. *Shine* v. *John Hancock Mutual Life Ins. Co.*, 68 A. 2d 369 (R.I. 1949).

[58] See Arkansas cases at notes 14–27, supra. In *Local 324, International Brotherhood of Electrical Workers, AFL* v. *Upshur-Rural Electric Cooperative Corp.*, 33 LRRM 2067 (Tex. Ct. Civ. App. 1953), a Texas court commented that where there is no penalty or remedial procedures set out in the statute, an invasion of rights protected by the right-to-work law may be protected by injunction.

[59] *Youngdahl* v. *Rainfair, Inc.*, 355 U.S. 131 (1957); *Capital Service, Inc.* v. *NLRB*, 347 U.S. 501 (1954).

[60] 353 U.S. 960 (1957).

The contrary argument, of course, is that since the States have been allowed to act in the field of union security by section 14(b), such action would be ineffectual without full control over that field.[64] The language of the Federal exception, however, appears considerably more narrow that the broad sweep of right-to-work remedies assumed by the Arkansas Supreme Court.[65] It can be assumed that this issue will be presented to the Arkansas tribunal again, and that if the issue is properly framed, the *Farnsworth & Chambers* rule should prevail.

IV. CONCLUSION

As suggested in the introduction, most "conclusions" about the Arkansas right-to-work law are expressed in terms of economic bias.[66] It is difficult to find the legal scholar who comments dispassionately on the success of the experiment described by Dean Covington in his 1947 article.

There are some economic observations which might be helpful for judgment on the effectiveness of these measures in Arkansas. It has been demonstrated that work stoppages due to labor disputes have occurred with about the same frequency in the years after 1947 as during a comparable prior period.[67] There is little or no evidence that right-to-work laws have appreciably increased industrialization; of the 10 States which led the Nation in industry between 1939 and 1953, only 2, Texas and Florida, were right-to-work States.[68]

In 1929 the annual Arkansas per capita income was $304, and by 1945 it had risen to $654.[69] In 1950 it was $805 and had risen to $1,322 by 1959.[70] Thus in the past 30 years the rise in per capita income appears to be about constant through right-to-work and non-right-to-work years. In general, it appears that right-to-work States have substantially inferior incomes.[71] Out of 48 States and the District of Columbia, Arkansas in 1959 was next to the last in per capita income rankings.[72] Under some other standards, right-to-work States have relatively less social legislation [73] and higher education rejection rates for failure of Army education tests.[74]

Whether all of these factors are coincidental or consequent to right-to-work legislation must be left up to the advocates, but it does appear that extravagant claims for their economic value to the State are somewhat exaggerated.[75]

As to direct legal consequences, no prosecution under the penalty provisions of the statute are on record. On the contrary, the law has been "enforced" through injunctions against picket lines with what are characterized as illegal purposes, or defenses to contract actions with what are held to be invalid union security clauses. The major problems on constitutionality have been resolved, but there appear to be two serious questions on the scope and enforcement of the statute under the Federal Constitution which have not been presented to the Arkansas courts.

The controversy over union security, or the right to work, will continue.[76] It is hoped that the preceding survey of its operation in Arkansas will be of some value in measuring its success in the public and legislative debates to come.

Mr. FULBRIGHT. Mr. President, Dean Covington's remarks are still valid. Almost 20 years have passed since the enactment of Act 101 in 1947, and this act has not been judged to have been an error—at least, not by the people of Arkansas. This is a judgment which can be and should be made in Arkansas. Neither the President, nor Secretary Wirtz, nor the Congress of the United States should attempt to usurp the right of the people of Arkansas to correct any law or State constitutional provision perceived by them to be in error.

Some have referred to the constitutional democracy of the United States itself as a great experiment. After 180 years, I believe that this experiment has proved its worth and that it should continue. After 20 years of amendment No. 34 to the Arkansas constitution, I believe that it has worked very well and should continue also.

President Johnson supports H.R. 77 in pursuance of a "hope of reducing conflicts in our national labor policy that for several years have divided Americans in various States." I have had no information about interstate conflict on this issue, so I presume that the President hopes to reduce intrastate conflict. But what conflict, Mr. President? If there is, in fact, any evidence of intrastate conflict, on what grounds can it be argued convincingly that solutions should be found by interstate edicts?

I do not see what the President has in mind when he talks about reducing conflicts in our national labor policy. There has been relatively little—in truth, remarkably little—conflict in the State of Arkansas. We have no need to burden the lives of 100 busy Senators with efforts to resolve a conflict which does not exist. If a majority of the people of Arkansas wish to repeal amendment No. 34, they are at liberty to do so and have workable methods to do so. Certainly, amendment No. 34 to the Arkansas constitution is no cause for conflict in any other State.

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[61] 299 S.W. 2d 8 (Tenn. 1957). A union representative had told an employer that the plant would be picketed unless union labor was hired. The Tennessee Supreme Court expressly phrased the issue "whether the courts of Tennessee have the power to enforce the right to work law . . . or whether it was the intention of the Labor Management Act * * * to so exclusively preempt the field of Labor Management Relations in interstate commerce as to remove the matter from the jurisdiction of the State courts." 299 S.W. 2d at 9.

[62] Garner v. Teamsters Union, AFL, supra, note 44; *Weber* v. *Anheuser-Busch, Inc.*, 348 U.S. 468 (1955).

[63] The case of *DeVries* v. *Baumgartner's Electric Co.*, 359 U.S. 498 (1959), follows the Farnsworth & Chambers principle in barring State action against picketing in violation of State right-to-work laws; four Justices dissented on the ground that conduct neither protected nor proscribed by the National Labor Relations Act should be subject to State control. The South Dakota court had ruled that the State court not enjoin picketing, but could entertain a suit for damages because of picketing designed to force an employer to force his employees to join the union, said to be a violation of both the Federal statute and the State right-to-work law. 91 N.W. 2d 663 (S.D. 1958). On appeal by the union protesting even the damages portion of the remedy, the Supreme Court reversed with a memorandum opinion. See also citations in Comment, 12 Ark. L. Rev. 354, 375, n. 165 (1958).

[64] Often cited for this proposition is *Algoma Plywood Co.* v. *Wisconsin Employment Rel. Bd.*, 336 U.S. 301 (1949). Enforcement of a maintenance of membership in a collective bargaining agreement was challenged under State labor legislation, and the State was allowed to assert jurisdiction to regulate this union security device. The force of Algoma, however, probably was emasculated by *Plankinton Packing Co.* v. *Wisconsin Employment Rel. Bd.*, 338 U.S. 953 (1950). The National Labor Relations Board gives effect to State right-to-work laws by limiting its remedial orders for employment situations in those States. *Sharon Hats, Inc.*, 127 NLRB No. 119 (1960); *Nebraska Bag Processing Co.* 122 NLRB 654 (1958).

[65] An extremely broad Arkansas injunction in an unreported case is discussed in Dempsey, "The Operation of the Right-To-Work Laws" 10 Lab. L. Jour. 552, 554 (1959). A chancellor enjoined picketing which had not yet started, and the restraint included unions not directly involved in the labor dispute with the complaining employer, all based on what was found to be an illegal conspiracy to promote a union shop on a construction job.

[66] Or maxims of morality. Compare Weilepp, "The Principle of Right-To-Work Is Not an Economic Issue, It Is a Moral One" Kansas Construction magazine (July 1954) with "International Association of Machinists, Right-To-Work Laws: Three Moral Studies" (1955). See also "National Council of Churches, Union Membership as a Condition of Employment" p. 9 (1956): "[I]t is recognized that either requiring by law or forbidding by law union membership as a basis of continuing employment involves grave moral problems. Under the varied circumstances prevailing at different times and places throughout this large country the National Council of Churches discerns no simple judgment on these moral problems upon which highly diverse opinions are held by dedicated Christians."

[67] Pollitt, supra at 250. The 7-year average before 1947 was 0.43 percent of the Nation's total; it was 0.41 percent of the total from 1948 through 1954. About the same figures are shown when stoppages are measured by man-days lost per year. Pollitt, supra at 248.

[68] Pollitt, supra at 243.

[69] U.S. Department of Labor, "Leader in the South" 42 (1947).

[70] Arkansas Gazette, Sept. 4, 1960, p. 6A, col. 7.

[71] University of Arkansas Industrial Research and Extension Center, "Average Hourly Earnings in the Arkansas Manufacturing" (1959); Nadworny, "Right to Work Laws Hamper South's Industrial Growth," the American Federationist (April 1960).

[72] Supra, note 68.

[73] Minimum wage, child labor, unemployment insurance, and workmen's compensation. AFL–CIO, Union Security, supra note 3, at 132.

[74] AFL–CIO, Union Security, supra note 3, at 133.

[75] E.g., Missouri State Chamber of Commerce, "Growth of Employment in Right-to-Work States" (1954): "Right-to-Work laws help to create an atmosphere favorable to business expansion and the creation of new business. As a result, more jobs and more markets are brought into being, to the mutual advantage of workers and businessmen alike * * *. Right-to-work laws, combined with other favorable legislation, contributed greatly to this economic growth through encouragement of business expansion and the creation of new businesses and new jobs."

[76] During the summer of 1960, U.S. Senators BYRD (Virginia) and HUMPHREY (Minnesota) exchanged sharp comments on the proposed repeal of section 14(b) of the National Labor Relations Act, in debate on the Senate floor. AFL–CIO News, Sept. 3, 1960, p. 4, col. 3. For an interesting attempt to invoke amendment 34 in the legal profession, see "In the Matter of the Integration of the Bar," 222 Ark. 35 259 S.W. 2d 144 (1953).

Mr. President, I do not believe that the passage of H.R. 77 will reduce any conflict in the State of Arkansas or in any other place. On the contrary, proposals like H.R. 77, intruding in intrastate affairs, are likely to produce more conflict than amendment No. 34 to our State constitution. I shall refer later in my remarks to one of the aspects of this question.

It may be argued that the incidence of conflict is frequently increased after Federal intervention in intrastate affairs.

Mr. President, let us not seek conflict where it does not exist. Let us not risk the precipitation of conflict by action which is unnecessary and unwarranted. Let us not intervene where no constitutional principles are on the side of intervention. I do not believe the most ardent supporter of this measure alleges that the constitutional provision of Arkansas' State constitution violate the Federal Constitution.

Let us not insist upon precipitate changes in labor policy when evolutionary changes are a clear and preferable alternative.

Mr. President, we in Arkansas have no desire nor need for uniformity of the kind proposed by H.R. 77. We have no desire nor need for Secretary Wirtz to experiment with presently harmonious relationships between labor and management in Arkansas. We have little conflict to be reduced; and we have no desire nor need for the conflict which might follow enactment of H.R. 77.

Mr. ERVIN. Mr. President, I ask the Senator from Arkansas if he will yield to me for the purpose of making a unanimous-consent request, with the understanding that he shall not lose the floor or his right to resume his speech by reason thereof.

Mr. FULBRIGHT. With that understanding, I yield.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may make certain observations and put certain questions to the Senator from Arkansas with respect to the constitutional aspects of the question, without his losing the right to the floor, and without his having his subsequent remarks counted as a second speech on the subject of H.R. 77.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

Mr. ERVIN. When I had the privilege of serving upon the Supreme Court of North Carolina, I had occasion to study a constitutional question which had some bearing upon the problem, and which indicated that compulsory unionism violates the spirit rather than the letter of the Constitution.

The Senator from Arkansas, as a lawyer and as a former professor of law at the University of Arkansas, knows that the fifth amendment to the Constitution of the United States provides that no agency of the Federal Government shall deprive any person of life, liberty, or property without due process of law, and that the constitutions of virtually all the States of the Union contain a similar clause, or what is know as the "law of the land" clause, which also prohibits the States from depriving any person of life, liberty, or property without due process of law.

The North Carolina Supreme Court was confronted by the question as to whether the State of North Carolina had the power under the North Carolina constitution and under the due process clause of the 14th amendment, which is applicable to the States, to enact a law which prohibited anyone from practicing the art of photography for commercial purposes without first passing a State board examination and satisfying the State board that he had competency in the field of photography and was of good moral character.

The validity of the State statute was assailed on the ground that it violated the "law of the land" clause of the North Carolina constitution, which means exactly the same thing as the due process clause of the 14th amendment as applied to State action.

I had the privilege of writing the opinion in that case which held that photography represented one of the ordinary occupations of life, and that any State statute which undertook to deprive any citizen of the right to practice the art of photography, or any of the other ordinary occupations of life, was violative of the "due process" clause of the State constitution.

In the course of that opinion, as a result of much study, relating to the due process clauses and the law of the land clauses of various constitutions, I said:

> These fundamental guarantees are very broad in scope, and are intended to secure to each person subject to the jurisdiction of the State extensive individual rights, including that of personal liberty. The term "liberty," as used in these constitutional provisions, does not consist simply of the right to be free from arbitrary physical restraint or servitude, but is "deemed to embrace the right of man to be free in the enjoyment of the faculties with which he has been endowed by his Creator, subject only to such restraints as are necessary for the common welfare. * * * It includes the right of the citizen to be free to use his faculties in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or vocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out these purposes to a successful conclusion."

Mr. President, the opinion to which I refer is the opinion of the Supreme Court of North Carolina in the case of *The State* v. *Owen Ballance*, 229 North Carolina 764. I read an extract from page 769 of that opinion.

That opinion, in short, holds that the Government itself cannot deny any person the right to pursue any of the ordinary occupations of life.

Now let me ask the Senator from Arkansas, assuming that the conclusion which the Supreme Court of North Carolina reached in that case is sound, whether the proposal to prohibit State right-to-work laws does not come down to a demand for compulsory unionism, and whether the bill to repeal the pending bill does not in effect undertake to authorize a union and an employer to do that which Congress itself under the due process clause could not do; namely, deny any man his freedom to pursue one of the ordinary occupations of life.

Mr. FULBRIGHT. I believe that the Senator is quite logical in his comments. If we repeal section 14(b), his decision in that case was wrong. The two are inconsistent, I believe.

Mr. ERVIN. Of course, the due-process clause of the fifth amendment operates only upon the Federal Government——

Mr. FULBRIGHT. The 14th amendment operates also.

Mr. ERVIN. Yes, the due-process clause of the 14th amendment operates only upon the States. To be sure, unions and private industry do not represent the Government. The effort to repeal section 14(b) of the Taft-Hartley Act is tantamount to an effort to authorize the union and the employer to do that which the fifth amendment prohibits the Federal Government itself from doing, and that which the due-process clause of the 14th amendment prohibits the States from doing; is that not correct?

Mr. FULBRIGHT. I believe the Senator is correct.

Mr. ERVIN. Therefore, so far as their constitutionality is concerned, the right-to-work laws are perfectly constitutional; and compulsory unionism, while not a technical violation of the Constitution, is a violation of the spirit of the Constitution, to the effect that the right to liberty includes the right to pursue one of the ordinary callings of life; is that not correct?

Mr. FULBRIGHT. I believe that the Senator is quite correct. It does violate the spirit of the Constitution in the sense that he has pointed out. Of course, the advocates of the bill have not, so far as I know, gone so far as to say that the Arkansas law, the 34th amendment to our constitution, is unconstitutional under the Federal Constitution. They put it on another basis. It would be absurd for them to do otherwise.

Mr. ERVIN. I invite the attention of the Senator to another point. I ask him if he does not agree with me in the thought that Samuel Gompers was perhaps the greatest statesman this country has produced in the field of labor?

Mr. FULBRIGHT. Samuel Gompers was really the founding father of the American labor movement. He was certainly one of the early fathers of the movement.

Mr. ERVIN. I invite the attention of the Senator from Arkansas to a speech written by Samuel Gompers, which he was too ill to deliver in person, and which was read to the American Federation of Labor at the request of Samuel Gompers by William Green, the then president of the federation at its convention in El Paso, Tex., in 1924.

After reviewing the advancements made by the labor movement in America Samuel Gompers said:

> So long as we have held fast to voluntary principles, and have been actuated and inspired by the spirit of service, we have sustained our forward progress and we have made our labor movement something to be respected and accorded a place in the councils of our Republic. Where we have blundered into trying to force a policy or a decision, even though wise and right, we have impeded, if not interrupted, the realization of our aims.

He stated further in that speech:

> Men and women of our American trade union movement, I feel I have earned the right to talk plainly to you. As the only delegate to that first * * * convention [in Pittsburgh] who has stayed with the problems of our movement through to the present hour, as one who with clean hands and with singleness of purpose has tried to serve the labor movement honorably and in a spirit of consecration to the cause of humanity—I want to urge devotion to the fundamentals of human liberty—the principle of voluntarism. If we seek to force, we but tear apart that which, united, is invincible.

He made this further statment in that speech:

> Understanding, patience, high-minded service, the compelling power of voluntarism have in America made what was but a rope of sand, a united, purposeful, integrated organization, potent for human welfare, material, and spiritual.

Finally, he made this closing statement:

> As I review the events of my 60 years of contact with the labor movement, and as I survey the problems of today, and study the opportunities of the future, I want to say to you, men and women of the American labor movement, do not reject the cornerstone upon which labor's structure has been builded—but base your all upon voluntary principles and illumine your every problem by consecrated devotion to that highest of all purposes—human well-being in the fullest, widest, deepest sense. * * * As we move upward to higher levels, a wider vision of service and responsibility will unfold itself. Let us keep the faith. There is no other way.

I should like to ask the Senator from Arkansas if he does not join the Senator from North Carolina in interpreting those statements by the greatest labor statesman of our Nation, Samuel Gompers, to the effect that the labor movement should be founded upon voluntarism, and not upon compulsion.

Mr. FULBRIGHT. The Senator is correct. I agree with his statement. I also agree with Mr. Gompers' statement.

Since the Senator from North Carolina has quoted Samuel Gompers, I might add one other quotation. Samuel Gompers said:

> There may be here and there a worker who for certain reasons unexplainable to us does not join a union of labor. This is his right, no matter how morally wrong he may be. It is his legal right and no one can or dare question his exercise of that legal right.

Which bears on what the Senator has stated. That was the strength of Mr. Gompers. If there were more people like Mr. Gompers in the labor movement, there would be no need to force workers to join unions; they would join unions voluntarily.

Mr. ERVIN. Is it not the essence of freedom that every man should be able to make a wrong as well as a right choice?

Mr. FULBRIGHT. That is correct.

Mr. ERVIN. If a man does not have the right to act unwisely as well as intelligently, he has no freedom.

Mr. FULBRIGHT. Then somebody has to do it for him—the Government or someone else.

Mr. ERVIN. Does the Senator from Arkansas join the Senator from North Carolina in the belief that the American people and the American workers are able to make this decision for themselves rather than have it thrust upon them without their choice?

Mr. FULBRIGHT. I think they are better able to make a good choice. They have done so, by and large. In my State, they have made a good choice.

Mr. President, to further illustrate the state of harmony which exists between labor and management in my State, I call the attention of the Senate to the testimony of Mr. William L. Gatz of Paragould, Ark. Mr. Gatz represented the Arkansas State Chamber of Commerce and the 30-State Council of State Chambers of Commerce. His testimony appears on pages 174–180 of the committee hearings. A significant portion of Mr. Gatz' testimony reads as follows. I shall read only a portion of the testimony to illustrate the point, which I think is significant here:

> Our town of Paragould is one of 10,000 persons in a county of 25,000. My company was organized in 1950 with $20,000 capital stock, 5 employees, and 3,200 square feet of manufacturing space. I am trying to give you a background of how small business can be.
>
> In 1962, my employees elected to affiliate with the IAM.
>
> Now what my employees think of the idea of national legislation to abolish 14(b) is attested by their petition which is attached to this statement, and it reads as follows:
>
> "We, the undersigned, being hourly wage earners, believe that section 14(b) of the Taft-Hartley Act should not be revoked.
>
> "The right of the individual to decide for himself is the most sacred right Congress should strive to preserve.
>
> "We believe the elimination of section 14(b) of the Taft-Hartley Act would violate every principle for which America stands."
>
> The petition is signed by all 33 employees.
>
> In our community we have 3 industries employing 100 people or more. These industries are in our community because our people built the plants through the medium of private contributions augmented by private capital loans. These plants were then leased to these companies in order to create jobs for our people who have been displaced by the mechanical or technological revolution that has beset farming since the end of World War II.
>
> Now, I repeat, the people, not the State, not the county government, and not the Federal Government, recognized a need, and the people took positive action to remedy those needs.
>
> As a result today, our county population is up 30 percent over 10 years ago. Our bank deposits are up 92 percent. Industrial jobs are up 155 percent. We have provided 2,100 jobs in our community. Industrial payrolls are up 200 percent—that is a $6 million figure annually. Our farm employment in our county is 4,100.
>
> Gentlemen, this is what free men in a free environment can accomplish for themselves.

I ask unanimous consent that the contents of pages 174–180 of the hearings be printed in the RECORD at this point.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIAM L. GATZ, PRESIDENT, WONDER STATE MANUFACTURING CO., REPRESENTING THE COUNCIL OF STATE CHAMBERS OF COMMERCE

Mr. GATZ. Thank you; my name is William L. Gatz. I am president of the Wonder State Manufacturing Co., in Paragould, Ark. We make various types of machinery for materials handling.

I am testifying today in behalf of my own State chamber organization, the Arkansas State Chamber of Commerce. In addition, I have been authorized to speak for 30 other State chamber organizations in the Council of State Chambers of Commerce. These organizations, which have specifically authorized me to speak in their behalf, are listed at the conclusion of my statement.

I want to speak on the basis of my own experience in my own company on this matter of "right to work." For the broader issues of the importance of "right-to-work" laws for the small businesses in the States that have them, I would like to submit the statement of a Florida lawyer who is a member of our council's committee on labor relations.

He is Otto R. T. Bowden, of Jacksonville, Fla. Mr. Bowden's statement has also been endorsed by each of the State chambers of commerce organizations for whom I speak.

Senator McNAMARA. Without objection, it will be included in the record at this point.

(The prepared statement of Mr. Bowden follows:)

"PREPARED STATEMENT OF OTTO R. T. BOWDEN, MEMBER, STATE CHAMBERS OF THE COUNCIL OF STATE CHAMBERS OF COMMERCE

"My name is Otto R. T. Bowden. I am a practicing attorney in Jacksonville, Fla. I am chairman of the Labor Relations Committee of the Florida State Chamber of Commerce and represent that organization on the Labor Relations Committee of the Council of State Chambers of Commerce. This statement is submitted in behalf of the 31 State and regional chambers of commerce which are listed at the end of this statement.

"At the outset let me say that the Labor Relations Committee of the Council of State Chambers of commerce, and its member chambers of commerce oppose the repeal of section 14(b) of the Taft-Hartley Act.

"We are now in the era of great sociological change. At no time in the history of these United States have we seen more protection being afforded to the right of individuals, through legislation and through court decrees. If this period of history is to be known by any title, it certainly must be known as "The Era of the Individual." This has been pointed up by the U.S. Supreme Court in cases involving the rights of individuals being represented by counsel in criminal cases; by decisions of the U.S. Supreme Court regarding the freedom of speech and the rights of persons to make such statements; by decisions of the Supreme Court as to the rights of individuals to abstain from religious instructions in public schools; the recognition of the rights of conscientious objectors during time of war not to bear arms because of their beliefs and principles; by acts of the current administration and of the Attorney General of the United States in their zeal to protect the freedom of assembly and the right to protest by individuals; and, lastly, the Civil Rights Act of 1964, which guarantees the right of an individual to service in places of public accommodation, and the right of the individual of nondiscrimination in his job opportunities by reason of his race, religion, national origin, or sex.

"With this background, repeal of section 14(b) would be inconsistent with the thinking of this era of the individual. Section 14(b) of the Taft-Hartley Act is in accord with the era of the individual and with its principles in that it insures the worker that he cannot be forced against his wishes to join a labor organization in order to fulfill a most basic and elementary right, that being his right to work and support his family without the payment of any tribute to any person or organization. If a worker can be deprived of this basic right, then all others can be more easily abrogated. It appears inconsistent that a man, because of his convictions, can be excused from combat duty in time of war when the fate of our Nation is in peril, and yet be required to join a labor organization in peacetime in order to work and thereby fulfill his obligations to home and family. The question of compulsory unionism, as opposed to voluntary unionism, strikes at the very foundation of our American liberties. Individual freedom of choice is the basic issue involved and it is an issue which affects one's constitutional rights to life, liberty, and possession of property. What is gained by assuring an individual that he has the right to be served at a place of public accommodation; yet to require that he join a labor union to work in order to pay for the accommodations to which he is assured? It appears that such legislation strikes at person's vanity rather than his integrity and can hardly be justified in view of all the presentday circumstances. What good is it to assure a person that he will not be discriminated against in employment by reason of his race, creed, place of origin, or sex, if he can be discriminated against in the employment gained because of his nonmembership in a labor organization? We feel that an employee's conscientious objection to membership in a labor organization should be afforded the same respect, consideration, and protection as his other basic rights which this administration so jealously guards.

"American labor leaders have won an extraordinary collection of special legal privileges and exemptions based on the theory that unions are voluntary associations. Union membership is either voluntary or it is not, and a union which has to resort to coercion and involuntary membership to recruit members, illustrates there is something drastically wrong with the union itself. Unions that are honestly run and serve the best interests of their members do not need compulsory unionism to keep them going. There is little to say for unions that can exist only by forcing workers to join under the threat of losing their jobs. Labor here should be as it is in France, where it is regarded as a movement; a morality, and not a business. It is surprising that so many believers in democracy and the rights of individuals, who call themselves liberals, should be against voluntary unionism and in favor of compulsory unionism. 'Right-to-work' laws, so called, as protected by section 14(b) are not antiunion, rather they are proworker and they cannot possibly wreck unions as some opponents claim because unions are protected by both State and Federal laws in various ways. It should be emphasized that the right not to join a union is a necessary corrollary of the right to join, for without the right not to join, there can be no such thing as a right to join. Freedom rests on choice, and where choice is denied, freedom is destroyed as well. 'Right-to-work' laws are aimed at taking away the right of compulsion from the union and giving that right back to the individual worker where it belongs—14(b) does not impede unions in their legitimate purposes and growth. They do not prevent any worker from joining a union, but they prevent unions from enforcing membership against the will of the worker and against their consciences.

"As a practicing attorney, I know from experience, that there will be serious objections on the part of the small businessman to the repeal of section 14(b) due to conflict with the philosophy of many small and large employers.

"I also know, from experience, that many of these businesses will never agree to a union contract which contains any clause which would remove from the individual worker his rights of election as to his membership, or nonmembership, in any labor organization. The repeal of section 14(b) would increase industrial strife in that it is apparent that one avenue by which a small employer can escape from any possible application of the repeal of section 14(b) is to resist union organization more vigorously than he may have in the past. The only avenue left to the business would be to engage in industrial strife in order to protect what it believes to be the employees' individual right. Therefore, the repeal would not assist unions; in fact, it might create more problems than the unions now contemplate, or this committee now contemplates. It would greatly enhance and stiffen employer opposition to unions and could act as a two-edged sword if the unions were faced, as I believe they will be, with a stiffened management resistance, not only to compulsory unionism, but to the whole principle of unionism itself.

"There is no assurance in the repeal of section 14(b) which would substantiate the statement by Secretary of Labor W. Willard Wirtz in his testimony, that the retention of section 14(b) provides a 'legal climate alleggedly less conducive to unionism and union wages and working conditions.' Section 14(b) has nothing to do with the rights of unions to organize employees or to negotiate on any condition of employment, other than that of compulsory union membership. Therefore, if conditions such as Secretary Wirtz complains of actually exist, then these conditions are not the result of section 14(b), but of the failure of unions to gain higher wages and other working conditions which would have been possible whether section 14(b) is in existence or not.

"Secretary Wirtz is reported to have stated that 'the only effect of the repeal measure would be to permit employers and unions to negotiate union shop contracts in 19 States that now ban them.' If this statement, as reported, is correct, then Secretary Wirtz himself points up the fact that his argument for repeal is inconsistent in that it has nothing to do with a legal climate which allegedly is less conducive to unionism and union wages and working conditions. The fact remains that after some 30 years of Federal legislation in the labor field, that less than a majority of the workers are now covered or represented by labor unions. This includes States with right-to-work laws and States which permit union shop contracts. This speaker violently disagrees with the statement reported to have been made by Secretary Wirtz before this committee in which he is reported to have stated 'the argument that union shop agreements violate the freedom of individual employees has no substantial basis.' This statement, of course, ignores the facts and is totally at variance with the real purpose of union shop contracts. If the small businessman and the unions negotiated on equal footing, it may be that the repeal of section 14(b) other than its philosophical implications would not affect the bargaining. However, we who are actively engaged in representing small businessmen, as well as large companies, know that is indeed rare for a small businessman to be able to withstand the unified might of all labor organizations when the full brunt of their attack is directed against him. All too often the small businessman is the new businessman, and one that is stretched to the limit of his financial means, and therefore cannot stand any interruption in his production and income. The small businessman does not have the financial reserves with which to withstand prolonged union negotiations or union strife and is, therefore, faced with financial ruin on the choice of going out of business if he chooses to oppose the might of the unions on the question of basic principles such as section 14(b) involves.

"Legislation should be considered from its impact on all of the people rather than a small minority who seek power through legislation. Opinion Research Corp. polls indicate that support for the right-to-work amendment reached an alltime high in 1964, advancing to 67 percent in 1964, from 48 percent in 1956. This would indicate that the least this Congress could do would be to submit this matter to a nationwide referendum so that such referendum would reflect the desires of all persons rather than a small minority of the total population of this country. Interviews with employees in my State reflect that the most violent antiunion worker interviewed are those which were forced to join a union in other States in order to work. Investigation indicates that these workers migrated to States in which they were not required to join a union in order to satisfy their basic philosophy that the exaction of such a tribute in order to work was un-American and against principles which many of them considered a violation of their personal right.

"The Labor-Management Relations Act of 1947, of which section 14(b) is a part, states that its purpose is the prevention of industrial strife which interferes with the normal flow of commerce. Repeal of section 14(b) would tend to lead to strife inasmuch as many businessmen will not agree to any contract clause which would require the employees to join the union, therefore making it necessary for the parties to revert to their economic weapons to attain their goals.

"President Lyndon B. Johnson, in his message of May 18, stated that he hoped that repeal of section 14(b) would reduce conflicts in the national labor policy. I would be amiss if I did not point out that if there is, in fact, a conflict in our national labor policy, that this policy can be resolved by guaranteeing the 'right to work' of all employees in all of our 50 States which would make it then a democratic process for all employees to join, or not to join, a union.

"I am unable to understand why labor unions, as such, attempt to take full credit for any advance which is reflected in higher wages and working conditions. It is admitted that they might be partially responsible, but I think it would be an egotistical approach to state that they claim full responsibility for all advances made by working man or men in any period. Repeal of section 14(b) would advance the cause of no individual in these United States. It would only advance the cause of compulsory unionism and enhance the union's opportunities to use strikes and threats of strikes with great success to force compulsory union membership provisions and checkoff clauses into what they hope would be a high percentage of contracts. Union treasuries are at an alltime high which reflects that compulsory union membership is not necessary in order for the unions to enjoy financial success from their endeavors. The unions need no further assistance than they already have under the great grant of powers given to them under prevailing Federal legislation. It is the individuals themselves, and the small businessman, who need protection of Congress in the enjoyment of all rights guaranteed to them under the Constitution of these United States, which promises that they will have full enjoyment of their rights guaranteed therein.

"I therefore recommend to this committee that it guarantee to the individual his rights of free choice, so as to make this act consistent to the acts of courts, Federal agencies, and Congress itself, by keeping section 14(b), and thereby assist in maintaining this era of the individual.

"The State chamber of commerce organizations in whose behalf I have been specifically authorized to testify are listed below:

"Alabama State Chamber of Commerce.
"Arkansas State Chamber of Commerce.
"Colorado State Chamber of Commerce.
"Connecticut State Chamber of Commerce.
"Delaware State Chamber of Commerce.
"Florida State Chamber of Commerce.
"Georgia State Chamber of Commerce.
"Idaho State Chamber of Commerce.
"Illinois State Chamber of Commerce.
"Indiana State Chamber of Commerce.
"Kansas State Chamber of Commerce.
"Kentucky Chamber of Commerce.
"Maine State Chamber of Commerce.
"Michigan State Chamber of Commerce.
"Mississippi State Chamber of Commerce.
"Missouri State Chamber of Commerce.
"New Jersey State Chamber of Commerce.
"Empire State Chamber of Commerce (New York).
"Ohio Chamber of Commerce.
"Oklahoma State Chamber of Commerce.
"Pennsylvania State Chamber of Commerce.
"South Carolina State Chamber of Commerce.
"Greater South Dakota Association.
"East Texas Chamber of Commerce.
"South Texas Chamber of Commerce.
"Utah Trade Association & Chamber of Commerce.
"West Texas Chamber of Commerce.
"Lower Rio Grande Valley Chamber of Commerce (Texas).
"Virginia State Chamber of Commerce.
"West Virginia Chamber of Commerce.
"Wisconsin State Chamber of Commerce."

Mr. Gatz. Our town of Paragould is one of 10,000 persons in a county of 25,000. My company was organized in 1950 with $20,000 capital stock, five employees, and 3,200 square feet of manufacturing space. I am trying to give you a background of how small business can be.

In 1962, my employees elected to affiliate with the IAM.

Now what my employees think of the idea of national legislation to abolish 14(b) is attested by their petition which is attached to this statement, and it reads as follows:

"We, the undersigned, being hourly wage earners, believe that section 14(b) of the Taft-Hartley Act should not be revoked.

"The right of the individual to decide for himself is the most sacred right Congress should strive to preserve.

"We believe the elimination of section 14 (b) of the Taft-Hartley Act would violate every principle for which America stands."

The petition is signed by all 33 employees.

In our community we have 3 industries employing 100 people or more. These industries are in our community because our people built the plants through the medium of private contributions augmented by private capital loans. These plants which they lease to these companies in order to create jobs for our people who have been displaced by the mechanical or technological revolution that has beset farming since the end of World War II.

Now, I repeat, the people, not the State, not the county government, and not the Federal Government recognized a need, and the people took positive action to remedy those needs.

As a result today, our county population is up 30 percent over 10 years ago. Our bank deposits are up 92 percent. Industrial jobs are up 155 percent. We have provided 2,100 jobs in our community. Industrial payrolls are up 200 percent—that is a $6 million figure annually. Our farm employment in our county is 4,100.

Gentlemen, this is what freemen in a free environment can accomplish for themselves.

Need I remind you that this country didn't get where it is today because of laws, but because of the actions of its people. Great Society can't be built by a government and you do not need to be a history student to recognize these facts.

They are going on today. A Great Society cannot be imposed upon a society—a Great Society will evolve from a people, and how a free choice can be a detriment to the national labor movement is a mystery to us.

I think it is rather ironic that 100 years ago the industrial North derided the South for having slavery. Today when 10 out of the 19 "right-to-work" States are of the South, the industrial North abhors the freedom and individuality of the same people.

If this proposed legislation is enacted, 54 million Americans who live in these 19 States will be immediately slapped in their economic faces by the Federal hand. That's one-third of our population that is reduced to the servitude of union dictation at the whim of the Federal Government to repay a campaign promise.

This is not just a matter affecting the 54 million residents of the 19 States having "right-to-work" laws. This proposed legislation would preclude the people of the 31 remaining States from exercising their privilege of changing their minds.

Recently we had an experience with the State of Indiana through a public referendum repeal of their State "right-to-work" constitutional acts.

Last year the people in Oklahoma voted down a proposed constitutional amendment which would install a "right-to-work" feature in their constitution. We think that the people of Indiana and the people of Oklahoma have what they want by their choice—through a truly democratic process.

In closing, I would like to reiterate the words of two rather great and immortal Democratic Presidents. Mr. Roosevelt in 1932 in his commonwealth address stated:

"A government must so order its functions as not to interfere with the individual."

And Mr. Truman in 1949, when he introduced his Fair Deal message to Congress said:

"Democracy maintains that government is established for the benefit of the individual, and is charged with the responsibility of protecting the rights of the individual and his freedom in the exercise of his abilities."

I appeal to this committee and to the Senate as a whole with the question: Has our democracy arrived at the point wherein the people are too dumb to know what is good for themselves and consequently do they need a benevolent legislature to watch over them? I pray not.

Thank you.

Senator McNamara. Thank you very much, Mr. Gatz. We appreciate your being here this morning. You made a fine contribution to our record, you can be sure your viewpoint will be given consideration.

Mr. Gatz. Thank you.

Senator McNamara. Any questions, Senator Prouty?

Senator Prouty. First let me congratulate you. As a representative of your chamber of commerce, I think you certainly did an excellent job.

Mr. Gatz. Thank you.

Senator Prouty. You say that in your town there are three industries that employ in excess of 100 people? Your business is organized, I understand; you have a union there.

Mr. Gatz. That is correct.

Senator Prouty. What about the other two?

Mr. Gatz. They are nonunion.

Senator Prouty. Now, who instigated the petition which you attached to your statement?

Mr. Gatz. The petition that is attached to my statement came about in the following manner: when an appeal came from our State chamber of commerce to represent the State of Arkansas at the House hearing I wanted to make certain myself that I was on firm ground. So I called a general meeting of my entire organization—all the employees of my company, 33 of them—and I explained to them that I had been asked to go to Washington to appear before the House Labor Subcommittee in behalf of retaining section 14(b).

I wanted to know what my employees wanted me to do. I did not feel like I would be morally capable of coming to Washington and presenting a personal view because I do not think that this is what the legislature wants to know.

After discussing this thing, the request to come to Washington, I told the men that I would prepare a statement which would be a very simple statement of fact and it would be available for them if they cared to sign it.

You can see for yourself they signed it. Now, I can say this is a pretty risky thing, as you can well imagine, if you have any experience with the National Labor Relations Board, to do what I did, but I personally felt this was bigger than the NLRB; or anybody or anything. It was just bigger than this; I had to take the risk to know what my employees wanted—and this is how it came about.

Senator Prouty. I am sure there was no intimidation on your part but the fact remains you were the employer and obviously your employees knew your general feeling about the matter.

Mr. Gatz. That is correct.

Senator Prouty. And conceivably some of them perhaps felt that they had no alternative other than to sign.

Mr. Gatz. Some of them did not sign.

Senator Prouty. You have some that are not on there.

Mr. Gatz. There are some that are not on there. Actually at the time this thing was gathered, we had more employees, if my statement deceives you. I maintain a minimum of 33 the year around. Some did not sign.

Senator Prouty. The employees that did not sign—are they—the employees who are no longer there?

Mr. Gatz. No, actually, we have more employees now than we had at the time; everybody is still there, Senator.

Senator Prouty. Thank you.

Senator McMamara. Thank you very much sir.

Without objection we will go on to the last item on our agenda.

Sir, thank you for being here, we are very happy to have you present your testimony this morning. You may proceed in your own manner.

Mr. FULBRIGHT. Mr. President, yesterday the Senator from Illinois [Mr. Dirksen] made reference to certain editorials on this subject. I thought it might be appropriate to read a few editorials from my State to indicate that there has been no change in the attitude of the people of my State in regard to the adoption of the amendment known as the Taft-Hartley Act and the implementation of that act in 1947. I read first an editorial from the North Little Rock, Ark., Times of August 12, 1965. This is a very recent editorial. It is entitled "We Need 14(b)":

Asked what he thought about the bill now before the Senate that would strike down Arkansas' right-to-work law, Frederick R. Kappel, chairman of the board of American Telephone & Telegraph, came right to the

> heart of the matter when he was here last week:
>
> "I think it's a pretty serious proposition when we start telling people they have to belong to anything."
>
> What he means, of course, is that if section 14(b) of the Taft-Hartley Act is repealed, Arkansas and 18 other States will have to permit union shops, which is to say that if a union organized most employees in a plant successfully, then the nonunion employees would have to either join the union or quit. We share Mr. Kappel's objection but we can add a few more that are more important to Arkansas.
>
> In the 18 years Arkansas has had the law, the average number of persons with manufacturing jobs each month has gone from 77,237 to 125,214. People who are supposed to know say that our right-to-work law has had a lot to do with this gain. They mention name after name of specific industries that have moved here at least partly because of this law.
>
> Organized labor grants the fact of the increase but points out that our average wage in Arkansas is 74 cents an hour less than the national average and 55 cents below neighboring States like Oklahoma, which has no right-to-work law. The State chamber of commerce counters by asking: "Which is better for Arkansas? One hundred jobs at $4,000 a year or 10 jobs paying $40,000?" Organized labor hates the right-to-work law because it says that it's the last refuge of the labor-hating industry that is still refusing to acknowledge the existence of organized labor. But its claim that repeal of 14(b) would increase union membership in the State by 25 percent is probably greatly exaggerated. Actually, nonunion employees usually find it uncomfortable to stick around a plant very long after it's organized, so the right-to-work law really is more of a symbol to labor than anything else.

I agree with that statement. As a practical matter, that is what it has become.

> Apparently, also a symbol to business leaders—people like Mr. Kappel. "Top management," to quote the State chamber of commerce, "has told us over and over again that it wants to build new plants in right-to-work States." Census figures appear to bear this out. Shreveport, La., which is quite competitive with this area for industry and which no longer has a right-to-work law, has about 10,000 manufacturing jobs. Pulaski County has 18,000.
>
> At long last, the industrial revolution is coming to Arkansas, which must be almost the last stop on the trip around the globe it started at the beginning of the 19th century. Whatever we have, whatever we are doing now is apparently working—at least better than anything has ever worked before in our efforts to get industry. We hope that the Federal Government doesn't make us change.

That is from one of the most highly industrialized areas in my State.

I have another article from El Dorado. This is entitled "Survey on Repeal of 14(b)." This article is from the El Dorado Daily News, and it is dated August 3, 1965.

> Should Congress repeal section 14(b) of the Taft-Hartley Act—the provision which allows States to have right-to-work laws?
>
> Has the right-to-work law in Arkansas been an asset or liability in the never-ending quest for new industry?
>
> The answers to these questions depend on whom you ask.
>
> A poll, conducted by the Palmer newspapers in cities in the southern half of the State, yielded a wide variety of comments.
>
> Most of those connected with business and industry said the right-to-work law—which gives the employee a free choice of either joining or not joining a union at the place where he works—is a good law and must be retained if Arkansas is to continue its growing industrial progress.
>
> Union members and those sympathetic toward organized labor, on the other hand, said they are opposed to section 14(b) and right-to-work laws and want them repealed.
>
> However, the poll also showed that the average man in the street, who has no direct connection with the higher echelons of business or labor, is not quite sure what the squabble is all about—nor is he clear in his mind what the right-to-work law means.
>
> The U.S. House of Representatives has approved the repeal by a vote of 221 to 203. The measure now goes to the Senate where supporters of section 14(b) have pledged an all-out fight. In the House, Arkansas' four Congressmen, OREN HARRIS, WILBUR MILLS, JIM TRIMBLE and E. C. (TOOK) GATHINGS, voted solidly against the repeal.
>
> Arkansas was one of the first States to adopt a right-to-work law.
>
> In 1944, the right-to-work amendment was approved by a vote of 105,300 to 87,652 in the general election. Enabling legislation was passed by the State legislature in February 1947, and the measure was signed by then Gov. Ben T. Laney.
>
> A typical comment came from a Camden resident. He said, "Arkansas voters approved the right-to-work law several years ago, and I see no need to change it now. We like it and it is fair to everybody. As for me, I am not in favor of any repeal by Congress or any other body. The people voted for it, and they should have another chance to vote on whether it is repealed or not."

I believe that is the overwhelming sentiment of the people of my State. If they wish to repeal it, of course, they have every right to do so and can do it at any election in the future.

Mr. President, I believe that this issue has been raised at the wrong time, in the wrong place, and without sufficient reason. This is not a good time to invite labor strife in States where union membership is peacefully growing year by year. The Federal Congress is not the place to debate a question which should be dealt with in the several States in their own legislatures without Federal interference. There is no compelling reason to impose the Federal will upon States which do not desire such guidance, and when there are such marked differences in the circumstances of the various States.

Mr. President, I am proud of economic progress made in Arkansas over the last 20 years. I am equally proud of the orderly and peaceful growth of labor unions in the State, and the increase of jobs and personal income which has been the result of economic progress and labor-management harmony.

In 1939 Arkansas had only 198,000 employees on nonagricultural payrolls. By 1964 this number had increased to 428,600—a rise of 116.5 percent. Arkansas was 1 of only 15 States which experienced an increase of as much as 115 percent during this period. Ten of these fifteen States have right-to-work statutes or constitutional provisions.

During the period from 1939 to 1964 employees on manufacturing payrolls rose from 47,000 to 125,700. Between 1949 and 1964, inclusively, the gross average weekly earnings of employees on manufacturing payrolls in Arkansas increased from $38.92 to $72.09 per week; and the average weekly hours on the job remained fairly stable, averaging 41.4 hours per week in 1949 to 40.5 hours per week in 1964. The gross average hourly earnings of these workers rose from 94 cents an hour in 1949 to $1.78 an hour in 1964.

During the period from 1954 to 1964 average hourly earnings in manufacturing throughout the Nation rose 42.1 percent while the rise in Arkansas was 42.4 percent. During the same years per capita personal income in Arkansas rose 93 percent and the U.S. average was only 79.6 percent.

During the period from 1958 to 1963 the number of manufacturing employees in Arkansas increased from 89,000 to 114,000 and the value added by the process of manufacture increased from $592 to $952 million. The percentage changes, respectively, were 28 and 77 percent. During the same period the corresponding percentage changes for the Nation as a whole were only 6.5 and 35 percent.

According to statistics supplied by the AFL–CIO, comparing membership in AFL–CIO unions in Arkansas in 1958 and 1962, membership was 20.9 percent of total employment in nonagricultural establishments in 1958 and this percentage had declined to 18.1 percent in 1962. Absolute membership remained approximately unchanged, and the lower percentage is accounted for by the fact that many nonagricultural jobs were created during the period reported. During the same period only 11 States experienced an increase in this percentage. A decline occurred in 38 States including Arkansas, but only 16 States had a smaller decline than Arkansas. I think it is significant to note that in 1962 only 24 States had a higher percentage of AFL–CIO membership to total nonagricultural employment than Arkansas.

As an illustration of the harmonious relationship between management and labor in Arkansas, it should be noted that during the years 1960, 1961, 1962, 1963 the percent of estimated total working time lost by work stoppages averaged less than five hundredths of 1 percent—0.046. This extremely low rate of idle man-days was equalled or exceeded by only four other States, three of which have labor laws similar to those of Arkansas.

This is a very significant statistic—lost man-days of only four and six-tenths hundredths of 1 percent. And this record was achieved with a unionized labor force of a percentage exceeded in only 24 out of 50 States. For comparison, Mr. President, the so-called union shop State with the highest ratio of AFL–CIO members to total nonagricultural employment—Illinois with a rate of 35.2 percent—had a loss of over eleven hundredths of 1 percent of its total working time. This is a lost work experience over twice as great as the experience in Arkansas.

I believe this is a significant record.

My attention has been called to an article which appeared in the Washington Post of this morning, in contrast to the record of Arkansas, where there is a minimum of time lost through strikes, which is quite important to workers if their work is not to be interrupted.

I read from an Associated Press dispatch published in the Washington Post this morning:

STRIKES IN AUGUST SET RECORD

Strikes in August idled 222,000 workers—

That is more than all the factory workers in Arkansas—

the highest level since 1959, the Labor Department said last night.

The August figure continued a 1965 trend of heavy strike activity, but the Department emphasized that the past few years have produced unusually few labor disputes.

"Strike idleness thus far in 1965 has amounted to 16.8 million man-days, compared with 11.2 million and 11.3 million for the same periods in 1964 and 1963," the Department said.

Man-days lost in August totaled 2.3 million.

One-third of the strike idleness in August was attributed to walkouts against American Motors Corp. in Wisconsin, the Pacific Shipbuilders Association, Atlantic and gulf coast shipping and the construction industry in Arizona, California, and New York.

In August, 380 strikes began involving 92,000 workers, but disputes continuing from July brought the total to 630 walkouts idling 222,000 workers.

In the first 8 months of this year, there were 2,910 strikes involving 1,160,000 workers and 16.8 million lost man-days of production—two-tenths of 1 percent of working time in all industries.

In the first 8 months of 1959, there were 2,997 strikes involving 1,670,000 workers for 35.3 million idle man-days—just under one-half of 1 percent of all working time.

Mr. President, this is highly significant as to the validity of the law as it works in Arkansas. If the people who work there, and work, I believe, under unusually harmonious conditions, were dissatisfied or felt that the Taft-Hartley Act or this section of it were a slave labor law, I am sure there would have been more disruption of work in my State than has proved to be the case.

The fact is that workers, management, and ordinary citizens who are neither employers nor employees are satisfied with the State law. I would be most reluctant to see the Federal Government intrude itself into this situation, for I feel certain that to do so would cause disruption in the orderly progress of my State.

Mr. President, I shall reserve the remainder of my remarks for a later day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 281 Leg.]

Carlson
Clark
Cooper
Cotton
Dirksen
Douglas
Ellender
Ervin
Fong
Fulbright
Harris
Hill
Jackson
Kuchel
Long, La.
Mansfield
McGovern
McNamara
Mondale
Moss
Muskie
Neuberger
Pastore
Randolph
Ribicoff
Russell, Ga.
Smathers
Talmadge
Tydings

The PRESIDING OFFICER. A quorum is not present.

Mr. LONG of Louisiana. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. DOUGLAS. Mr. President, will the clerk record the fact that I am present and was present before the Senator from Louisiana made the motion to have the Sergeant at Arms bring in the absent brethren?

The PRESIDING OFFICER. The Chair cannot entertain debate during a quorum call.

Mr. DOUGLAS. It is not debate, Mr. President. Will the clerk record the fact that the senior Senator from Illinois was present and ready to answer to his name before the Senator from Louisiana made his motion?

The PRESIDING OFFICER. The Chair is advised that the Senator is out of order.

After a little delay, Mr. Allott, Mr. Bartlett, Mr. Bass, Mr. Bayh, Mr. Bennett, Mr. Bible, Mr. Boggs, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Church, Mr. Dodd, Mr. Gruening, Mr. Hartke, Mr. Hayden, Mr. Hickenlooper, Mr. Holland, Mr. Hruska, Mr. Inouye, Mr. Jordan of Idaho, Mr. Kennedy of Massachusetts, Mr. Magnuson, Mr. McGee, Mr. McIntyre, Mr. Monroney, Mr. Morse, Mr. Morton, Mr. Nelson, Mr. Pell, Mr. Prouty, Mr. Proxmire, Mr. Robertson, Mrs. Smith, Mr. Sparkman, Mr. Thurmond, Mr. Williams of New Jersey, Mr. Williams of Delaware, Mr. Yarborough, and Mr. Young of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER (Mr. Mondale in the chair). The Senator from Florida is recognized.

Mr. SMATHERS. Mr. President, from the days when the Knights of Labor embraced vague and unattainable schemes for a better world, the American labor movement has progressed a long way in its efforts to secure for the workingman an equitable share of the abundance of our industrial society.

Throughout its painful and strife-torn infancy, the labor movement battled the hostility of public opinion, the power of some ruthless employers, and radicalism and corruption within its own ranks. Antiunion sentiment was stiffened in many quarters by such events as the Haymarket affair in Chicago in 1892 and the IWW strikes of the first decades of this century. Union members were barred from employment by "yellow dog" contracts and blacklists which proclaimed them dangerous troublemakers.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I shall be happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. May I take it from the Senator's remarks that he is prepared to support the repeal of section 14(b)?

Mr. SMATHERS. I say to the distinguished Senator from Louisiana that, from the remarks thus far made, I do not believe the Senator should form any conclusion. But if the Senator will sit here long enough, he will finally see my point of view, which is that under no condition should section 14(b) be repealed.

Mr. LONG of Louisiana. The Senator has said many good things about organized labor. I thought perhaps he was prepared to support the repeal of 14(b), to help organized labor.

Mr. SMATHERS. I am for organized labor. But in my State, since the adoption of 14(b), the labor movement has burgeoned and grown. Unions have taken in more members than they ever had before. Today more than 82,000 workers in Florida belong to unions. The wage scale paid to them has increased, percentagewise, more rapidly than it had prior to the passage of the Taft-Hartley bill; the entire labor movement has burgeoned. I do not know why the unions believe that now they must have the repeal of 14(b). I cannot see, from the record, how it would be of any great benefit to them.

Mr. LONG of Louisiana. I had heard a number of speeches against the repeal of section 14(b), but I thought I was finally hearing one in favor of the repeal of section 14(b), in view of the fact that the Senator started out sounding very much as though he were an advocate of organized labor.

Mr. SMATHERS. I am for organized labor. I like organized labor. I believe that organized labor itself, if the members of the unions were given an opportunity to vote upon the question, would say that the fight being made here to repeal section 14(b) is a sort of sham battle.

I agree that the labor leaders want repeal, because in our State they would automatically pick up thousands of additional union members overnight, from each of whom they would collect many dollars in dues every year. But it would not help the rank and file particularly, and I do not believe they think everyone should be subjected to a situation in which they would have to pay tribute to some labor leader before they could have the right to earn a living for themselves.

But I thank the Senator for his question.

I continue with my prepared remarks.

Gradually, organized labor gained a solid foothold in the Nation's economy, and by 1914, the American Federation of Labor, under the leadership of Samuel Gompers, boasted a membership of over 2 million skilled men, who, for the first time, could take pride in belonging to a union of stature.

Even as the numerical strength of unions crept forward, though, militant employers entered in league with some public officials to crush these organizations of workingmen through the use of police, troops, and injunctions. The major efforts of the A.F. of L., the Railroad Brotherhoods, and others to improve their lot were repeatedly thwarted.

Yet, by the early 1900's, State and Federal legislators—caught up in the spirit of reform—adopted a number of measures designed to help workers. Laws controlling hours, working conditions and child labor were passed in every part of the land, and the burdens of workingmen were considerably lightened.

But, not until 1914 did unions themselves get legislative support. In that year, the Clayton Antitrust Act was approved by Congress. Section 6 of this act states that—

> The labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor * * * organizations * * * nor shall such organizations or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

Section 20 of the Clayton Act placed a measure of restriction on the use of injunctions against unions involved in labor disputes.

Samuel Gompers, who guided the A.F. of L. for a total of 38 years, hailed the Clayton Act as labor's Magna Carta. His optimism was well founded. For the first time, the Congress of the United States has passed a law which—unlike child labor or 8-hour-day statutes—directly supported unions. No longer could the two most powerful instruments of organized workers, the strike and the boycott, be easily blunted by the rulings of hostile courts who rationalized their decisions by pointing to the antitrust laws.

In 1932, the Norris-La Guardia Act added stronger restraints on the issuing of injunctions and outlawed the old "yellow dog" contracts, which had so effectively hobbled union growth.

This act was a victory for labor welcomed by all Americans who believed in the basic right of employees to organize.

In 1935, the National Labor Relations Act was adopted by Congress. It established the three-man National Labor Relations Board, which was given broad powers to summon employers before it; to issue enforceable orders against the harassment of union members; to hold elections to determine what collective bargaining agent would represent a given group of workers; and, to hear employee complaints regarding violations of the law. During just the first 5 years of its existence, the NLRB handled over 35,000 cases and reinstated more than 21,000 employees fired for union activities.

At long last, organized labor had been elevated to a level of complete equality with management. From its early beginnings as the rejected stepchild of our industrial society, it had matured to take its place at the bargaining table as a full partner in the continuing effort to achieve and maintain prosperity.

But, Mr. President, as unions grew ever stronger, the balance of power, which had rested with employers for so long, began shifting too far the other way. Labor leaders sought closed shop contracts with corporations, contracts that stipulated that an individual had to belong to the union before he could be hired. As it was interpreted by some, the legislation designed to assist unions seemed to condone these pacts and the similar union shop contracts.

Yet, such agreements contained the seeds of an injustice as grave as any perpetrated by the union wreckers of the 1890's and the 1900's. The battle to safeguard the right of factory hands, bakers, hatters, mechanics, all wage earners, to organize for the purpose of bargaining with employers was being distorted to take from these individuals a right just as vital; the right of free choice; the liberty to say "No."

Samuel Gompers himself recognized that workingmen should not be coerced into union membership. He stated:

> There may be here and there a worker who for certain reasons unexplainable to us does not join a union of labor. This is his right no matter how morally wrong he may be. It is his legal right and no one can or dare question his exercise of that legal right.

Mr. President, I remind the Senate that that statement was made by Samuel Gompers, the founder of the American Federation of Labor, the man who headed that great organization for over 35 years, and the man who led labor to some of its greatest victories.

The Congress of the United States strengthened the freedom of workers in 1947, when it included in the Taft-Hartley Act 44 words which permitted the States to approve legislation prohibiting compulsory unionism. Section 14(b) says:

> Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

It is those 44 words, words that we are today being asked to strike from the statute books.

Mr. President, as a Senator from the State of Florida, I have a special stake in what has come to be known as the right-to-work issue. For it was in my State that the first right-to-work law—that type of law sanctioned by section 14(b)—was proposed.

There is an interesting and instructive history behind Florida's right-to-work law, a history that began in 1941, as the Nation was preparing reluctantly for war. In my State, as everywhere, defense industries seemed to sprout overnight. Supplying qualified labor to keep them running became a major problem. Very quickly, a few unscrupulous union leaders approached defense contractors with the offer to procure the needed workmen in exchange for closed shop contracts that recognized the union both as bargaining agent and labor recruiting agent. When these arrangements were concluded, prospective employees discovered that they had to approach the union rather than the company to apply for a job. If they were not members of the union, they were allowed to work on permits while their membership applications were processed.

A major scandal grew out of these arrangements. A worker paid $30 for a 3-week permit. Frequently, at the end of the 3 weeks, he was still not a member of the union and was forced to purchase another 3-week permit. Often, this money was simply pocketed by the business agent who collected it. Because they did not belong, men fleeced in this manner had no recourse through the machinery of the union. If they complained, their permit was not renewed when it expired, and they were out of a job.

When some employees sought relief through the courts of Florida, they were informed that there was nothing that could be done for them under existing law. Closed shop contracts were legal, and no man had the right to work in a unionized business unless he, too, were a member of the union.

The attorney general of the State of Florida, a distinguished gentleman by the name of Tom Watson, whose forebears came from the great State of Georgia—I believe his grandfather was a member of the house of representatives—was elected with the full support of labor. But he announced in 1941 that he believed closed shop contracts violated basic human rights, and that he would do everything in his power to have them banned. In its 1941 session, the State legislature considered a right-to-work law but failed to act on it. Finally, in 1943, during the period when my distinguished colleague, the gentleman from Florida [Mr. HOLLAND] was Governor of Florida, the legislature submitted to the people of Florida for their ratification an amendment to the State constitution guaranteeing the right of every citizen to join a union or to refuse to join.

The text of the proposal was clear and straightforward:

> The right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization; provided that this clause shall not be construed to deny or abridge the right of employees by and through a labor organization or labor union to bargain collectively with their employer.

In November of 1944, Florida, by a vote of 147,860 to 122,770, approved this amendment. Twice, in 1949 and in 1951, efforts were made to repeal the provision, but each time they failed.

Mr. President, I cannot support the repeal of section 14(b) of the Taft-Hartley Act. I represent the people of Florida. They, like the citizens of Arizona, Arkansas, Kansas, Mississippi, Nebraska, and South Dakota, have woven a ban on compulsory unionism into the fabric of their State constitution. They did so through use of the ballot, and I cannot, in good conscience, enter the Chamber of the U.S. Senate and cast my vote against the will of those who sent me here.

If the people of Florida, or any of the 18 other States that have enacted right-to-work laws since 1944, want to alter or abolish such legislation, they should have the opportunity to do so through the same means by which it was enacted.

In the 21 years since Florida adopted her right to work law, per capita personal income in the State has risen 106 percent. Between 1959 and 1964 alone, it climbed 37.5 percent, while personal income on the national level was increasing only 27.2 percent. In 1964, Florida's unemployment rate was only 3.9 percent. The national rate was a much larger 4.7 percent. And, most important of all to the workingman, the average weekly wage in Florida has increased 56.6 percent in the 10 years since 1955. This is a rate of increase more than 12 percent higher than the national rate.

No reasonable man would claim that these economic gains are directly attributable to the State's right-to-work law. On the other hand, nearly every elected and appointed official of Florida, nearly every close observer of the State's economy believes that this provision has helped to create the climate of industrial peace which has been a factor in pushing our economy steadily upward.

Similar economic statistics hold true for almost every right-to-work State. Taken as a group, these States have had percentage gains in nearly every economic sector that far outstrip the advances of non-right-to-work States.

Per capita personal income in right-to-work States rose 43.7 percent between 1953 and 1963. In the rest of the Nation, it climbed only 35.4 percent.

In the decade between 1955 and 1965, the average weekly earnings of production workers soared 46.8 percent in the States that prohibit compulsory unionism. The comparable figure for the rest of the country is 42.8 percent.

Between 1953 and 1963, new manufacturing jobs grew at the rate of 12.8 percent in the 19 right-to-work States. In the 31 other States, such employment opportunities actually shrunk 7.6 percent during the same period.

Speaking in solid dollar terms, 6 of the 15 States with the highest average weekly wage for production workers have right-to-work laws. By other accepted economic indicators, retail sales, bank deposits, new capital investment, right-to-work States are moving ahead faster than the rest of the Nation.

Yet, today organized labor and its supporters petition Congress to outlaw right-to-work provisions by repealing 14(b). They come before us with a variety of arguments which, in their essentials, revolve around several key points.

First, the opponents of section 14(b) tell us that State right-to-work laws endanger the security of unions and undercut their efforts at collective bargaining with employers. These people claim that without union shop agreements, the union is never sure of its position with either employer or worker. The result is supposedly a shaky industrial peace.

Union officials also claim that the term "compulsory unionism" is a misleading one—that even under union shop agreements, employees do not have to join.

We are told that the majority should rule, and that if most of the employees of a corporation want a union, all should have to support it by contributing to its treasury.

And, there is one final argument that the attackers of 14(b) believe is unanswerable. They point out, triumphantly, that right-to-work laws are unjust because they allow workers who do not belong to the union to take a "free ride" on the toiling backs of faithful members. The "free rider," according to the argument, is the unwanted guest who sits at the table without helping to prepare the feast.

Mr. ERVIN. Mr. President, will the Senator yield for a question that pertains to the matter he is now discussing?

Mr. SMATHERS. I am happy to yield for a question.

Mr. ERVIN. Does not the so-called free rider argument come to this: That the union negotiates a contract for all the workers in a plant and confers benefits upon all workers; and that if the man is not compelled to join the union he receives the benefits without paying for them?

Mr. SMATHERS. That is the argument made.

Mr. ERVIN. I ask the Senator if the argument does not proceed to say that the majority should have the power to compel the minority to pay for the benefits which the majority is conferring on the minority.

Mr. SMATHERS. The Senator is correct. That is the argument.

Mr. ERVIN. Does not the Senator from Florida agree with the Senator from North Carolina that the last election showed that the Democratic Party is the majority party in this country and that the Republican Party is the minority party?

Mr. SMATHERS. The Senator is correct.

Mr. ERVIN. Does not the Senator from Florida, as a Democrat, agree with the Senator from North Carolina, as a Democrat, that the Democratic Party, as the majority party in control of the Government of the Nation, is conferring great benefits upon all Americans, Democrats and Republicans alike, by giving them the Great Society?

Mr. SMATHERS. I agree with the Senator.

Mr. ERVIN. Does not the Senator think that the free rider argument would require the Democratic Party, which is in the control of Congress, to pass some kind of law which would deny Republicans the right to earn a livelihood unless and until they make contributions to the Democratic National Committee and to the agencies of the Democratic Party, inasmuch as the Republicans are getting the benefits of the Great Society?

Mr. SMATHERS. I agree with the Senator. If the principle advanced by the union leaders is sound with respect to the minority having to join the majority, then, of course, the Republicans would have to join the Democratic Party.

Mr. ERVIN. So every time there should be an election either in the union, or in the country, or in a State, or in a municipality, or any other public subdivision, if the "free rider" argument is valid, those who are in the minority, as established in the election, would have to support the activities of the majority by contributions of money; would they not?

Mr. SMATHERS. The Senator is absolutely correct, if we carried this argument to its logical conclusion.

Mr. ERVIN. That shows how unsound the "free rider" argument is; does it not?

Mr. SMATHERS. I completely agree with the Senator.

There are going to be minorities in our country. Their rights should be respected, as the Constitution intended they should be respected, whether these minorities be religious, political, or whatever. If we put it on a straight economic basis, I believe all Democrats would agree that we have bettered the people and the country considerably more than have the Republicans. Therefore, if we accept the "free rider" argument the Republicans ought to have to join the Democratic Party or pay $2 a month or $5 a month, or whatever it is, to the Democratic National Committee.

The Senator is correct on an economic argument.

Mr. ERVIN. Does not the Senator realize that the "free rider" argument was at one time applied in the religious field, and that there were laws in this country, in certain of the Colonies, which required nonbelievers or dissenters to make contributions of money to support the established churches?

Mr. SMATHERS. I accept the statement of the Senator.

I would be glad to yield so that the Senator might expand on that a bit further.

Mr. ERVIN. Will the Senator from Florida accept the assurance of the Senator from North Carolina that the Senator from North Carolina has made a study of American history and has discovered that in a number of American States and a number of American Colonies, there were laws which required every man, whether he was a dissenter, heretic, agnostic, or infidel, to make payments to the support of the established churches?

Mr. SMATHERS. The Senator is correct. I am sure with respect to that particular point with regard to Virginia, but it is only Virginia about which I knew.

Mr. ERVIN. Yes. In the State of Virginia the founder of the great Democratic Party, Thomas Jefferson, ably assisted by another great Democrat, James Madison, made a fight to repeal those laws.

Mr. SMATHERS. The Senator is correct.

Mr. ERVIN. Does not the Senator from Florida know that when Thomas Jefferson wrote the epitaph to be placed on the gravestone to mark the resting place of his mortal remains, he put a statement in the epitaph that he was the author of the Virginia Statute for Religious Freedom?

Mr. SMATHERS. The Senator is correct.

Mr. ERVIN. Did not Thomas Jefferson, when he drew the Virginia Statute for Religious Freedom, specify that he believed that to compel a man to make contributions of money for the dissemination of religious doctrine was both sinful and tyrannical?

Mr. SMATHERS. The Senator is correct.

Mr. ERVIN. Does not the Senator from Florida know that in recent years, instead of spending all the money derived from union dues in negotiating contracts, many unions and foundations established by unions, have used dues paid by members under union shop agreements, for expenditures for legislative lobbying and carrying on political campaigns, and, in some cases, for subsidizing religious organizations which were engaged in disseminating religious views, which some members paying those dues disbelieve?

Mr. SMATHERS. I knew they engaged in political activities. So far as having knowledge that they were subsidizing a particular religious point of view is concerned, I had no specific knowledge of that.

I am one of whom it might be said that the full power of the union leaders opposed him. That occurred in my election in 1950. Subsequent to that, I am happy to state, I have been fortunate enough to have many union leaders for me.

In 1950, even while union leadership itself was hostile to me and fought me bitterly and poured thousands of dollars into the State to try to defeat me, I carried the two largest labor union precincts in my State, which indicated to me that the rank and file of union people do not like to be dictated to by arbitrary and often capricious labor leaders.

Mr. ERVIN. Will the Senator from Florida inspect this copy of the CIO News for July 19, 1954, and ascertain whether or not it contains a remark to the effect that the Philip Murray Foundation, which was financed by dues paid by the CIO, contributed $200,000 to the National Council of Churches?

Mr. SMATHERS. I have before me a photostatic copy of the CIO News, dated July 19, 1954, entitled "Murray Fund Gives Protestants $200,000."

If the Senator does not mind, in order that we might be clear about what we are discussing, I should like to read this. I had not known about this before and I did not know about it when the Senator addressed me with respect to union funds being used for political activity. I knew about that activity, and about lobbying, but I had not known, until now, that some dues were actually being used to finance certain religious organizations.

Mr. ERVIN. Does not the Senator from Florida agree with the Senator from North Carolina that if it was sinful and tyrannical to tax Virginians who happened to be dissenters for the support of the established church, as declared by Thomas Jefferson in the Virginia Statute for Religious Freedom, it is likewise sinful and tyrannical, or was in 1954, for the CIO to give money derived from dues-paying members, who may have been Jews or Catholics or agnostics, for the support of a Protestant organization?

Mr. SMATHERS. I agree with the Senator. It would seem to me that giving dues to this type of organization would be offensive and contrary to union practices and our laws. This was in 1954. I trust and hope that this is no longer the practice of unions.

Mr. President, the contention that right-to-work statutes imperil the security of unions is invalidated by the provision of the Taft-Hartley Act which gives unions the power to bargain for all workers in a company as soon as a majority of the workers choose that union as their bargaining agent. No nonunion employee can attempt to negotiate on his own for higher wages or better working conditions once a union has obtained exclusive bargaining rights. Therefore, the union's role as bargaining representative is unimpaired whether it operates in a State with a right-to-work law or not.

Furthermore, Federal labor legislation, consistently backed by judicial decisions, forbids employers from interfering in any way with the workingman's right to organize and negotiate. And all 19 State right-to-work laws specifically uphold this right.

One aspect of union security, the growth of union membership, has fluctuated greatly over the past 20 years. While the absolute numbers of union men have been increasing, union membership as a percentage of the total labor force of the Nation has been steadily decreasing. Yet, there is no evidence whatsoever to support the notion that 14(b) is somehow responsible for the proportional decline. It is true that some right-to-work States have experienced a dip in membership, but, in others, it has soared. For instance, between 1958 and 1962—the last period for which accurate figures are available—the AFL–CIO gained 36,000 members in Arizona, a State which has had a right-to-work law since 1946.

Even more significantly, unions in many non-right-to-work States have suffered a substantial loss of membership. Between 1958 and 1962, Ohio unions lost 250,000 members. California lost 200,000. Michigan lost 50,000.

It would be difficult to ascribe labor's apparent difficulty to recruit and retain converts in some areas to any single root cause, but as the New York Times, in an editorial of May 19, 1965, said:

> No compelling demonstration ever has been made that labor's weakness in the South and Southwest, the stronghold of right-to-work legislation, is primarily attributable to the ban on compulsory unionism. Slack organizing activities and the failure of unions to modernize the tired slogans of the 1930's offer a much better explanation for their feeble record in overcoming community hostility in the 19 States with legal prohibitions against the union shop.

In this connection, Mr. President, we would do well to remember that in such Western European lands as Austria, Belgium, Denmark, France, Holland, Norway, Sweden, Switzerland, and Western Germany, union shop or closed shop contracts are forbidden by law. Yet, in each of these nations, a larger proportion of workingmen are organized than in the United States.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I yield.

Mr. ERVIN. Is it not true that in Sweden, where unionism is entirely voluntary and everyone is free to join or to refrain from joining a union at his own pleasure, 80 percent of all eligible working persons belong to unions?

Mr. SMATHERS. The Senator is correct. Moreover, in Austria, Belgium, France, Denmark, Switzerland, and West Germany, too, where union membership is voluntary, a higher percentage of workers belong to unions than belong to unions in the United States.

Mr. ERVIN. Does the Senator from Florida see anything that can properly be designated as antiunion in a practice which allows the question as to whether a person shall join or refrain from joining a union to be determined according to such person's own freedom of choice?

Mr. SMATHERS. I completely agree with the Senator from North Carolina. It would be difficult to argue that the countries I have mentioned—Austria, Belgium, Denmark, France, Sweden, Switzerland, and West Germany—are antiunion, when a higher percentage of the people in those countries belong to unions than belong to unions in the United States. Yet there is no compulsory membership in those countries, such as some American union leaders seek to impose in the United States.

Mr. ERVIN. Do not churches and civic, fraternal, and political organizations depend upon persuasion to obtain members?

Mr. SMATHERS. The Senator is correct.

Mr. ERVIN. Is there anything that is antiunion in a person's entertaining the belief that it is not an injustice to labor unions to require them to obtain their members in exactly the same way that churches and all other voluntary organizations obtain their members?

Mr. SMATHERS. And political parties, as well. I agree with the Senator completely.

In addition, it is worth noting that, traditionally, manufacturing workers in America have been more highly organized than other employees. Although unions have expended great efforts in recent years to swell their membership rolls with white collar and service employees, their major strength still lies in the factories. Yet the rapid advance of technology has greatly altered the composition of the American work force in the past two decades. Changing labor needs have raised the number of normally nonunion white-collar jobs by about 11 million in the years between 1947 and 1964. In the same period, only about 2 million new blue-collar positions were created.

In 1947, 41 percent of working Americans had blue-collar jobs. Thirty-five percent were white-collar workers. But in 1964 white-collar workers comprised 44 percent of the labor force, and blue-collar employees represented only 36 percent.

Plainly, such drastic proportional changes—totally unrelated to right-to-work laws—have had their effect on union membership.

There is one final point relating to union security.

Labor leaders claim that when union shop agreements are in force, general industrial peace is the result. They say that labor organizations do not have to keep proving themselves in order to win members and, therefore, there are fewer work disruptions. A quick look at one unemployment rate was only 3.9 percent. The national rate was a much larger 4.7 percent. And, most important of all to the workingman, the average weekly wage in Florida has increased 56.6 percent in the 10 years since 1955. This is a rate of increase more than 12 percent higher than the national rate.

No reasonable man would claim that these economic gains are directly attributable to the State's right-to-work law. On the other hand, nearly every elected and appointed official of Florida, nearly every close observer of the State's economy believes that this provision has helped to create the climate of industrial peace which has been a factor in pushing our economy steadily upward.

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We are told that the majority should rule, and that if most of the employees of a corporation want a union, all should have to support it by contributing to its treasury.

And, there is one final argument that the attackers of 14(b) believe is unanswerable. They point out, triumphantly, that right-to-work laws are unjust because they allow workers who do not belong to the union to take a "free ride" on the toiling backs of faithful members. The "free rider," according to the argument, is the unwanted guest who sits at the table without helping to prepare the feast.

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Mr. ERVIN. I ask the Senator if the argument does not proceed to say that the majority should have the power to compel the minority to pay for the benefits which the majority is conferring on the minority.

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Mr. ERVIN. That shows how unsound the "free rider" argument is; does it not?

Mr. SMATHERS. I completely agree with the Senator.

There are going to be minorities in our country. Their rights should be respected, as the Constitution intended they should be respected, whether these minorities be religious, political, or whatever. If we put it on a straight economic basis, I believe all Democrats would agree that we have bettered the people and the country considerably more than have the Republicans. Therefore, if we accept the "free rider" argument the Republicans ought to have to join the Democratic Party or pay $2 a month or $5 a month, or whatever it is, to the Democratic National Committee.

The Senator is correct on an economic argument.

Mr. ERVIN. Does not the Senator realize that the "free rider" argument was at one time applied in the religious field, and that there were laws in this country, in certain of the Colonies, which required nonbelievers or dissenters to make contributions of money to support the established churches?

Mr. SMATHERS. I accept the statement of the Senator.

I would be glad to yield so that the Senator might expand on that a bit further.

Mr. ERVIN. Will the Senator from Florida accept the assurance of the Senator from North Carolina that the Senator from North Carolina has made a study of American history and has discovered that in a number of American States and a number of American Colonies, there were laws which required every man, whether he was a dissenter, heretic, agnostic, or infidel, to make payments to the support of the established churches?

Mr. SMATHERS. The Senator is correct. I am sure with respect to that particular point with regard to Virginia, but it is only Virginia about which I knew.

Mr. ERVIN. Yes. In the State of Virginia the founder of the great Democratic Party, Thomas Jefferson, ably assisted by another great Democrat, James Madison, made a fight to repeal those laws.

Mr. SMATHERS. The Senator is correct.

Mr. ERVIN. Does not the Senator from Florida know that when Thomas Jefferson wrote the epitaph to be placed on the gravestone to mark the resting place of his mortal remains, he put a statement in the epitaph that he was the author of the Virginia Statute for Religious Freedom?

Mr. SMATHERS. The Senator is correct.

Mr. ERVIN. Did not Thomas Jefferson, when he drew the Virginia Statute for Religious Freedom, specify that he believed that to compel a man to make contributions of money for the dissemination of religious doctrine was both sinful and tyrannical?

Mr. SMATHERS. The Senator is correct.

Mr. ERVIN. Does not the Senator from Florida know that in recent years, instead of spending all the money derived from union dues in negotiating contracts, many unions and foundations established by unions, have used dues paid by members under union shop agreements, for expenditures for legislative lobbying and carrying on political campaigns, and, in some cases, for subsidizing religious organizations which were engaged in disseminating religious views, which some members paying those dues disbelieve?

Mr. SMATHERS. I knew they engaged in political activities. So far as having knowledge that they were subsidizing a particular religious point of view is concerned, I had no specific knowledge of that.

I am one of whom it might be said that the full power of the union leaders opposed him. That occurred in my election in 1950. Subsequent to that, I am happy to state, I have been fortunate enough to have many union leaders for me.

In 1950, even while union leadership itself was hostile to me and fought me bitterly and poured thousands of dollars into the State to try to defeat me, I carried the two largest labor union precincts in my State, which indicated to me that the rank and file of union people do not like to be dictated to by arbitrary and often capricious labor leaders.

Mr. ERVIN. Will the Senator from Florida inspect this copy of the CIO News for July 19, 1954, and ascertain whether or not it contains a remark to the effect that the Philip Murray Foundation, which was financed by dues paid by the CIO, contributed $200,000 to the National Council of Churches?

Mr. SMATHERS. I have before me a photostatic copy of the CIO News, dated July 19, 1954, entitled "Murray Fund Gives Protestants $200,000."

If the Senator does not mind, in order that we might be clear about what we are discussing, I should like to read this. I had not known about this before and I did not know about it when the Senator addressed me with respect to union funds being used for political activity. I knew about that activity, and about lobbying, but I had not known, until now, that some dues were actually being used to finance certain religious organizations.

Mr. ERVIN. Does not the Senator from Florida agree with the Senator from North Carolina that if it was sinful and tyrannical to tax Virginians who happened to be dissenters for the support of the established church, as declared by Thomas Jefferson in the Virginia Statute for Religious Freedom, it is likewise sinful and tyrannical, or was in 1954, for the CIO to give money derived from dues-paying members, who may have been Jews or Catholics or agnostics, for the support of a Protestant organization?

Mr. SMATHERS. I agree with the Senator. It would seem to me that giving dues to this type of organization would be offensive and contrary to union practices and our laws. This was in 1954. I trust and hope that this is no longer the practice of unions.

Mr. President, the contention that right-to-work statutes imperil the security of unions is invalidated by the provision of the Taft-Hartley Act which gives unions the power to bargain for all workers in a company as soon as a majority of the workers choose that union as their bargaining agent. No nonunion employee can attempt to negotiate on his own for higher wages or better working conditions once a union has obtained exclusive bargaining rights. Therefore, the union's role as bargaining representative is unimpaired whether it operates in a State with a right-to-work law or not.

Furthermore, Federal labor legislation, consistently backed by judicial decisions, forbids employers from interfering in any way with the workingman's right to organize and negotiate. And all 19 State right-to-work laws specifically uphold this right.

One aspect of union security, the growth of union membership, has fluctuated greatly over the past 20 years. While the absolute numbers of union men have been increasing, union membership as a percentage of the total labor force of the Nation has been steadily decreasing. Yet, there is no evidence whatsoever to support the notion that 14(b) is somehow responsible for the proportional decline. It is true that some right-to-work States have experienced a dip in membership, but, in others, it has soared. For instance, between 1958 and 1962—the last period for which accurate figures are available—the AFL-CIO gained 36,000 members in Arizona, a State which has had a right-to-work law since 1946.

Even more significantly, unions in many non-right-to-work States have suffered a substantial loss of membership. Between 1958 and 1962, Ohio unions lost 250,000 members. California lost 200,000. Michigan lost 50,000.

It would be difficult to ascribe labor's apparent difficulty to recruit and retain converts in some areas to any single root cause, but as the New York Times, in an editorial of May 19, 1965, said:

> No compelling demonstration ever has been made that labor's weakness in the South and Southwest, the stronghold of right-to-work legislation, is primarily attributable to the ban on compulsory unionism. Slack organizing activities and the failure of unions to modernize the tired slogans of the 1930's offer a much better explanation for their feeble record in overcoming community hostility in the 19 States with legal prohibitions against the union shop.

In this connection, Mr. President, we would do well to remember that in such Western European lands as Austria, Belgium, Denmark, France, Holland, Norway, Sweden, Switzerland, and Western Germany, union shop or closed shop contracts are forbidden by law. Yet, in each of these nations, a larger proportion of workingmen are organized than in the United States.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I yield.

Mr. ERVIN. Is it not true that in Sweden, where unionism is entirely voluntary and everyone is free to join or to refrain from joining a union at his own pleasure, 80 percent of all eligible working persons belong to unions?

Mr. SMATHERS. The Senator is correct. Moreover, in Austria, Belgium, France, Denmark, Switzerland, and West Germany, too, where union membership is voluntary, a higher percentage of workers belong to unions than belong to unions in the United States.

Mr. ERVIN. Does the Senator from Florida see anything that can properly be designated as antiunion in a practice which allows the question as to whether a person shall join or refrain from joining a union to be determined according to such person's own freedom of choice?

Mr. SMATHERS. I completely agree with the Senator from North Carolina. It would be difficult to argue that the countries I have mentioned—Austria, Belgium, Denmark, France, Sweden, Switzerland, and West Germany—are antiunion, when a higher percentage of the people in those countries belong to unions than belong to unions in the United States. Yet there is no compulsory membership in those countries, such as some American union leaders seek to impose in the United States.

Mr. ERVIN. Do not churches and civic, fraternal, and political organizations depend upon persuasion to obtain members?

Mr. SMATHERS. The Senator is correct.

Mr. ERVIN. Is there anything that is antiunion in a person's entertaining the belief that it is not an injustice to labor unions to require them to obtain their members in exactly the same way that churches and all other voluntary organizations obtain their members?

Mr. SMATHERS. And political parties, as well. I agree with the Senator completely.

In addition, it is worth noting that, traditionally, manufacturing workers in America have been more highly organized than other employees. Although unions have expended great efforts in recent years to swell their membership rolls with white collar and service employees, their major strength still lies in the factories. Yet the rapid advance of technology has greatly altered the composition of the American work force in the past two decades. Changing labor needs have raised the number of normally nonunion white-collar jobs by about 11 million in the years between 1947 and 1964. In the same period, only about 2 million new blue-collar positions were created.

In 1947, 41 percent of working Americans had blue-collar jobs. Thirty-five percent were white-collar workers. But in 1964 white-collar workers comprised 44 percent of the labor force, and blue-collar employees represented only 36 percent.

Plainly, such drastic proportional changes—totally unrelated to right-to-work laws—have had their effect on union membership.

There is one final point relating to union security.

Labor leaders claim that when union shop agreements are in force, general industrial peace is the result. They say that labor organizations do not have to keep proving themselves in order to win members and, therefore, there are fewer work disruptions. A quick look at one simple set of statistics demolishes this claim. In 1963, the 19 States with right-to-work laws experienced a loss of only 0.09 percent of total working time because of strikes and other work stoppages. The comparable figure in States without such legislation was nearly double, or 0.14 percent. These figures do not represent a record of amiable industrial relations in the States which permit union shop contracts.

The argument of those who seek repeal of section 14(b) that the term "compulsory unionism" is loaded, untrue, and designed to trigger emotionalism is particularly misleading. We are told that under union shop agreements, employees do not have to join the union, and therefore there is no compulsion involved. But what we are not told—and what is the key issue here—is that once a union and an employer have set up a union shop, every worker must pay an initiation fee and full dues, whether he joins the labor organization or not. He is compelled to give financial support to a group he may thoroughly dislike. If he does not, the employer has no choice but to fire him.

Mr. President, such a blatant disregard for the individual's right of free choice cannot be explained away by invoking the maxim of majority rule. We cannot say that a simple vote can rob individuals of basic freedoms that form the foundation stones of our society. As Mr. Justice Jackson said in 1943, when he spoke for the majority of the U.S. Supreme Court in West Virginia State Board of Education against Barnette:

> The very purpose of a bill of rights was to withdraw certain subjects from the vicissitudes of political controversy to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

Because 51 percent of a group desires membership in any private organization is no reason to require that the other 49 percent must join also.

This is a question that was seemingly settled in 1784, when a bill was introduced in the Virginia General Assembly to tax the population at large for the maintenance of the Christian religion.

Relying on a premise parallel to that used by unions today, supporters of this early proposal said that, because everyone in the community benefitted from the blessings of religion, everyone should have to contribute to it. James Madison, later to become President of the United States, rallied opponents of this legislation with the argument that "the same authority which can force a citizen to contribute for the support of any one establishment may force him to conform to any other establishment."

Virginia never enacted the religion tax, and in the following year, 1785, the "Statute of Virginia for Religious Freedom" was adopted, containing this statement in its preamble:

> To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.

These words ring today with the same validity they did 180 years ago.

Unions, however, tell us that the man who will not join is a free rider and a burden on them. They say that they bargain for him as well as the other employees in an open shop; but that he does not help to defray their expenses. Yet, the exclusive bargaining rights awarded unions in the Taft-Hartley Act are something they themselves sought with great fervor. Officials of these organizations have steadfastly resisted any changes in the law which would free them of the obligation to negotiate for nonunionists in open shops. Clearly, if the so-called free rider is a burden on organized labor, he is one that was shouldered willingly.

The very term "free rider" suggests an individual who is obtaining benefits without paying for them. Therefore, those who make use of this appellation automatically assume that the activities of a union are beneficial to all its members. This is not a reasonable assumption.

Should a man work in a business whose employees are represented by one of the few racketeer-dominated unions, or by an organization being operated for the benefit of its leaders, he is not likely to feel that that representation has won him many advantages.

An individual might believe that he could negotiate a higher wage on his own, free from the restraints on production imposed by many unions. Also, he might find that the seniority system, which completely disregards talent, slows his promotion or leaves him vulnerable to frequent layoffs. Although an employee may have no personal stake in such administrative issues as the use of the "checkoff system" of collecting dues, he might well be forced to strike for them, losing time from the job and needed pay.

A worker could be opposed to causes embraced by a particular union, and a union shop arrangement would force him to subsidize that which he does not believe in.

Mr. President, labor unions have no moral right to exact fees from those who have had "services" thrust upon them. Nonunion workers are never given a voice in the counsels which approve union policy. They are not consulted over contract terms or any grievances they might have. Indeed, forced to hand his bargaining rights to a union he does not favor, the free rider becomes an unwilling passenger in a vehicle which he, as an individual, cannot control.

In addition, I am convinced that the existence of a few so-called free riders is a positive incentive toward better, more effective unionism. As Justice Louis Brandeis, a proven friend of labor, said a number of years ago:

> The union attains success when it reaches the ideal condition, and the ideal condition for a union is to be strong and stable and yet to have in the trade outside its own ranks an appreciable number of men who are nonunionist. Such a nucleus or unorganized labor will check oppression by the union as the union checks oppression by the employer.

The right of the States to shield that "nucleus of unorganized labor" by passing legislation to ban union shop contracts has been upheld time after time by the Federal judiciary.

In 1949, labor officials challenged the constitutionality of right-to-work statutes in Nebraska and North Carolina. The union claimed that the laws violated their freedoms of speech, press, and assembly; that they impaired existing contracts; and that they denied organized labor equal protection and due process of the law. Describing some of the union arguments as "rather startling ideas," the Supreme Court of the United States upheld the right-to-work laws. In the majority opinion, Mr. Justice Black wrote:

> This Court * * * has consciously returned closer and closer to the earlier constitutional principle that States have power to legislate against what are found to be injurious practices in their internal, commercial and business affairs, so long as their laws do not run afoul of some specific Federal constitutional prohibition, or of some valid Federal law * * *. Under this constitutional doctrine the due process clause is no longer to be so broadly construed that the Congress and State legislatures are put in a straitjacket when they attempt to suppress business and industrial conditions which they regard as offensive to the public welfare.
>
> Appellants now ask us to return, at least in part, to the due process philosophy that has been deliberately discarded. Claiming that the Federal Constitution itself affords protection for union members against discrimination, they nevertheless assert that the same Constitution forbids a State from providing the same protection for nonunion members. Just as we have held that the due process clause erects no obstacle to block legislative protection of union members, we now hold that legislative protection can be afforded nonunion workers.

The very same day, the Supreme Court sustained an Arizona right-to-work law in American Federation of Labor against American Sash & Door Co. And, in 1963, the Court clarified the power of State courts to enforce State right-to-law laws. It also broadened the scope of these laws by permitting States to ban additional types of union security agreements.

Mr. President, just as the U.S. Supreme Court has upheld the right of States to adopt legislation guaranteeing a worker's right to hold his job without having to pay tribute to anyone, so too, does American public opinion.

To date, more than 400 newspapers and periodicals have editorially stated support for retention of 14(b). These publications range from the liberal eastern press, including the New York Times, the New York Herald Tribune, and the Washington Post to such conservative journals as the Chicago Tribune.

Life magazine opposes repeal of 14(b), as does the Christian Science Monitor. Editor & Publisher, the trade organ of journalism, is against repeal.

On July 30 of this year, the Washington Post said:

> From the viewpoint of organized labor the vote (in the House of Representatives) to repeal section 14(b) was very pleasing, but it scarcely qualifies as well rounded legislation in the national interest.

One of the four editorials the New York Times has printed on the subject stated in part:

> But it is a callous oversimplification to suggest that no element of individual liberty is at stake and that the paramount right in the equation is that of management and labor to make whatever disposition of the workers they "deem mutually satisfactory."
>
> If the elimination of section 14(b) is the only contribution Congress can make toward a more balanced labor law, it will be better advised to leave the law alone.

The views expressed by the Times is one that knows no political party, no geographic region. From the San Francisco Examiner to the Philadelphia Enquirer, and from the Anchorage Alaska Times to the Cleveland Plain Dealer, the press in the United States uniformly reflects the convictions of the vast majority of Americans with respect to 14(b).

In my own State of Florida, the Miami Herald, the Miami News, the Orlando Sentinel, the Tampa Tribune, the Florida Times Union, and many, many others have led the battle to protect against Federal encroachment a law that was approved by the people in a free election; a law that has served us well for 21 years.

Numerous samplings of public opinion have, in various States and on the national level, demonstrated where the people stand.

Although their specific percentage findings have differed in the past, pollster after pollster has confirmed what the mail count in nearly every congressional office has indicated—that American men and women do not support the concept of compulsory unionism.

For instance, a poll conducted by Opinion Research Corp., of Princeton, N.J., earlier this year found that 70 percent of those individuals that have an opinion on this matter believe in the principle embodied in section 14(b). This is the seventh such study conducted by Opinion Research since 1944, and each succeeding one has shown a steady growth in the number of people who favor retention of 14(b).

Mr. President, the arguments over the 44 words that comprise section 14(b) of the Taft-Hartley are endless and varied. A thick fog of emotionalism shrouds every issue and deadens the voice of reason. Semantic games are played with such highly charged terms as "compulsion" and "security," and proponents and opponents alike of this legislation are left groping for the heart of the substantive question we are being asked to decide here.

Accusations that workers who will not join a labor organization are free riders, and charges that unions are getting too powerful, or infiltrated with subversives lead us no nearer to that heart. Rather, we have only to consider one simple proposition: Is a man's unfettered access to employment a right or a privilege?

Those who urge our repeal of 14(b) say that "right to work" is a misnomer and that the 19 States which have such laws do not guarantee that every one of their citizens will get a job. These individuals claim that "right to work" is an artificial label concocted to obscure the real motive of such legislation, the destruction of all unions.

No one who supports retention of 14(b) and the freedom of States to outlaw forced unionism has ever claimed that right-to-work laws automatically give every individual employment. However, we do contend that they remove unjustifiable restrictions from the right of the workingman to earn his living without paying tribute to a private organization.

We maintain that the right of each and every wage earner to make a free choice concerning union membership must be paramount over the desires of any single private group. The very spirit of America requires the preservation of this liberty. For, it was to escape compulsion that many of our forefathers came to the New World from Europe. It was to defeat coercion that their descendants fought and won the American Revolution.

We in the U.S. Senate must not and cannot shed the principles of our ancestors. We must retain section 14(b) of the Taft-Hartley Act.

Mr. HILL. Mr. President, the proposed repeal of section 14(b) of the Taft-Hartley Act raises important and vital questions regarding the constitutional relationship between the Federal Government and the respective States which should be given careful and thorough deliberation by the Members of this body. The arguments advanced by the proponents of repeal should be analyzed completely and fully, and, by the same token, the arguments against repeal must be given our most careful consideration. Only in this way can we ascertain what course will serve the best interests of organized labor, of the business community, of the individual worker, and of the American people as a whole.

One of the main arguments advanced by the proponents of repeal is that section 14(b), by permitting States to adopt restrictions on union shop agreements, creates an exception to the desired goal of a universally applicable Federal labor policy. This argument proceeds on the premise that every aspect of labor-management relationships, down to the most minute detail, must be placed under the blanket of Federal regulation, and that every vestige of State responsibility and authority should be totally and completely removed.

Unless this is done, the proponents of repeal assert, the States are in a position to frustrate the purposes of the national labor policy, and instead of having a single uniform labor policy applicable to all activities in interstate commerce, there will be a multiplicity of diverse rules and policies applied by the individual States. The union shop, they argue, is sanctioned and approved by the national labor policy as expressed in the National Labor Relations Act, and this labor policy should have uniform application throughout all of the States.

In order to answer these contentions and to put in proper perspective this subject of Federal-State authority in labor-management matters, I want to review the historical development of Federal legislation pertaining to labor disputes and labor relations affecting interstate commerce. This background will show that the true and proper relationship between Federal and State authority in this field does not in any way justify the proposed repeal of section 14(b) of the National Labor Relations Act, and that it has never been the policy of Federal labor legislation to encourage or sanction compulsory unionism in the form of compulsory union shop agreements or in any other form. I say this as one who has always been a friend of the workingman and as one who continues to be a friend of the workingman.

Mr. President, the proper starting point in a review of the historical development of Federal legislation pertaining to labor disputes and labor relations affecting interstate commerce is the Clayton Act.

The Clayton Act derives its name from the late Judge Henry D. Clayton, who was for many years a Member of the House of Representatives from my State of Alabama. He became chairman of the House Committee on the Judiciary, and was the author of the act which now bears his name, the Clayton Antitrust Act.

That act, which was passed in 1914, contained the first substantive expression of Federal labor policy. The act provided that nothing in the antitrust laws should be construed as to prevent the existence and operation of labor unions, nor should such organizations be considered illegal combinations in restraint of trade under the antitrust laws. Section 6 of the Clayton Act provided as follows:

> That labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profits, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

The effect of that section was to grant to workers a legal guarantee of the right to organize, a right which up to that time had been established only by judicial opinions and not by statute.

Later, in 1926, the Railway Labor Act stated in section 2:

> Employees shall have the right to organize and bargain collectively through representatives of their own choosing.

The 1926 act went on to state that a majority of employees shall have this right and that no carrier, its officers or agents, shall deny this right or interfere in any way with the organization of its employees.

Again, in 1932, Congress reaffirmed the right of the worker to organize by passage of the Norris-LaGuardia Act.

In section 102 we find the expressed policy:

> The individual unorganized worker * * * should be free to decline to associate with his fellows—

But should also—

> have full freedom of association, self-organization and designation of representatives of his own choosing.

The right to negotiate the terms and conditions of his employment, and to be free from employer interference is also included in the Norris-LaGuardia Act.

Mr. President, that language, as is obvious from reading it, strikes at compulsory membership as well as compulsory nonmembership. Further confirmation of this contention is found in the 1934 Railway Labor Act. The 1926 act merely provided the machinery for settling labor disputes. Consequently, when the 1934 act became law it contained a provision for voluntary membership and banned the compulsory union shop in order to weaken company unions which had grown up during the interim. The pertinent provisions of that act are as follows:

> 4. Employees shall have the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this Act. No carrier, its officers or agents, shall deny or in any way question the right of its employees to join, organize, or assist in organizing the labor organization of their choice, and it shall be unlawful for any carrier to interfere in any way with the organization of its employees, or to use the funds of the carrier in maintaining or assisting or contributing to any labor organization, labor representative, or other agency of collective bargaining, or in performing any work therefor, or to influence or coerce employees in an effort to induce them to join or remain or not to join or remain members of any labor organization or to deduct from the wages of employees any dues, fees, assessments, or other contributions payable to labor organizations, or to collect or to assist in the collection of any such dues, fees, assessments, or other contributions.

The National Industrial Recovery Act—NIRA—of 1933 again reaffirmed the right of employees to organize and also stated that no employee shall be forced to join a union. However, the NIRA was declared unconstitutional in 1935 and that same year the Wagner Act guaranteed the legal right to organize and bargain collectively free of employer interference. The Wagner Act, however, said nothing about the right not to join a union. This silence was immediately construed by labor unions as a sanction to impose closed-shop and union-shop conditions upon American workers, and during the great organizing drives of the 1930's and early 1940's a major objective of organized labor was to obtain closed-shop or union-shop agreements from employers wherever possible.

These efforts resulted in widespread public reaction against compulsory unionism, and a number of States began to consider adoption of laws to restrict or prohibit compulsory unionism. A number of States, as we shall hereafter see, adopted outright prohibitions upon the closed shop, the union shop, and other forms of compulsory unionism, while other States adopted statutory provisions which required the approval of any union-shop agreement by a secret ballot referendum of at least two-thirds of the employees in the bargaining unit affected. One of the States in this latter category was Wisconsin, which adopted on May 4, 1939, a statute known as the Wisconsin Employment Peace Act which provided in section 111.06 in pertinent part, as follows:

> An employer shall not be prohibited from entering into an all-union agreement with the representatives of his employees in a collective-bargaining unit, where at least two-thirds of such employees voting (provided such two-thirds of the employees also constitute at least a majority of the employees in such collective-bargaining unit) have voted affirmatively by secret ballot in favor of such all-union agreement in a referendum conducted by the Board. Such authorization of an all-union agreement shall be deemed to continue thereafter, subject to the right of either party to the all-union agreement to request the Board in writing to conduct a new referendum on the subject. Upon receipt of such request by either party to the agreement, the Board shall determine whether there is reasonable ground to believe that there exists a change in the attitude of the employees concerned toward the all-union agreement since the prior referendum and upon so finding the Board shall conduct a new referendum. If the continuance of the all-union agreement is supported on any such referendum by a vote at least equal to that hereinabove provided for its initial authorization, it may be continued in force thereafter, subject to the right to request a further vote by the procedure hereinabove set forth. If the continuance of the all-union agreement is not thus supported on any such referendum, it shall be deemed terminated at the termination of the contract of which it is then a part or at the end of 1 year from the date of the announcement by the Board of the result of the referendum, whichever proves to be the earlier date. The Board shall declare any such all-union agreement terminated whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employee of such employer, and each such all-union agreement shall be made subject to this duty of the Board. Any person interested may come before the Board as provided in section 111.07 and ask the performance of this duty.

The first real test of a State's authority to adopt restrictions on compulsory unionism was presented to the courts in *Algoma Plywood and Veneer Company* v. *Wisconsin Employment Relations Board*, 252 Wisconsin 549, affirmed 336, U.S. 301.

The facts in that case show that Algoma Plywood Co. entered into a collective bargaining agreement with local 1521 of the Carpenters Union in 1943 whereby all employees in the bargaining unit who became union members were required to maintain their membership as a condition of employment. One employee, Victor Moreau, was discharged by the company in January 1947 for failure to pay union dues. Moreau thereafter filed with the Wisconsin Employment Relations Board a complaint charging the company with an unfair labor practice under section 111.06 of the Wisconsin Employment Peace Act.

Since no union shop referendum had been conducted at the Algoma plant, as required by the Wisconsin statute, the Board ordered the company to desist from giving effect to the maintenance of membership clause, to offer Moreau reinstatement, and to pay him any lost pay as a result of his discharge. The company and the union filed a petition for review of this order by the Wisconsin courts. In so doing, the company and the union challenged the jurisdiction of the Wisconsin Employment Relations Board to enforce the provisions of the Employment Peace Act on the ground that the Federal Government had completely preempted the jurisdiction of the State board by adoption of the National Labor Relations Act—the Wagner Act—in 1935. The Supreme Court of Wisconsin sustained the jurisdiction of the State board, and directed enforcement of its order for reinstatement of the discharged employee with back pay.

The case was then appealed to the U.S. Supreme Court by the company and the union and in a decision written by Justice Frankfurter the Court on March 7, 1949, affirmed the decision of the Supreme Court of Wisconsin. At this point, I believe that Members of the Senate would be interested in hearing precisely what Justice Frankfurter and his colleagues on the Supreme Court had to say in regard to the question of whether the national labor policy, as expressed in the National Labor Relations Act, and the Taft-Hartley amendments to that act, gave sanction or encouragement to union shop agreements, or whether the National Labor Relations Act—in its original form in the Wagner Act—deprived the States of jurisdiction to deal with such matters.

The Court pointed out that in the original Wagner Act enacted in 1935 there was never any intent to override or displace the authority of the States to deal with the problem of compulsory unionism. The States had this authority before the passage of the Wagner Act and they continued to have this authority after passage of the Wagner Act. As a matter of fact, 11 States had already enacted right to work laws by the time the Taft-Hartley Act amendments to the Wagner Act were adopted in 1947. Because of the importance of the decision of the Supreme Court in the Algoma Plywood Co. case, and in order that we may more fully understand the problem here involved, I should like to read the substantive portion of that decision:

> In seeking to show that the Wisconsin board had no power to make the contested orders, petitioner points first to section 10(a) of the National Labor Relations Act, which is set forth in the margin. It argues that the grant to the National Labor Relations Board of exclusive power to prevent any unfair labor practice thereby displaced State power to deal with such practices, provided of course that the practice was one affecting commerce. But this argument implies two equally untenable assumptions. One requires disregard of the parenthetical phrase "(listed in section 8)"; the other depends upon attaching to the section as it stands, the clause "and no other agency shall have power to prevent unfair labor practices not listed in section 8."
>
> The term "unfair labor practice" is not a term of art having an independent significance which transcends its statutory definition.

The States are free (apart from preemption by Congress) to characterize any wrong of any kind by an employer to an employee, whether statutorily created or known to the common law, as an unfair labor practice. At the time when the National Labor Relations Act was adopted, the courts of many States, at least under some circumstances, denied validity to union-security agreements. See 1 Teller, "Labor Disputes & Collective Bargaining," section 170 (1940). Here Wisconsin has attached conditions to their enforcement and has called the voluntary observance of such a contract when those conditions have not been met an unfair labor practice. Had the sponsors of the National Labor Relations Act meant to deny effect to State policies inconsistent with the unrestricted enforcement of union-shop contracts, surely they would have made their purpose manifest. So far as appears from the committee reports, however, section 10(a) was designed, as its language declares, merely to preclude conflict in the administration of remedies for the practices proscribed by section 8. The House report, after summarizing the provisions of the section, adds "The Board is thus made the paramount agency for dealing with the unfair labor practices described in the bill," (H. Rept. No. 969, 74th Cong. 1st sess., 21. See also the identical language of H. Rept. No. 972, 74th Cong., 1st sess., 21, and H. Rept. No. 1147, 74th Cong. 1st sess. 23). And the Senate report describes the purpose of the section as "intended to dispel the confusion resulting from dispersion of authority and to establish a single paramount administrative or quasijudicial authority in connection with the development of the Federal American law regarding collective bargaining" (S. Rept. No. 573, 74th Cong., 1st sess. 15).

The contention that section 10(a) of the Wagner Act swept aside State law respecting the union shop must therefore be rejected. If any provision of the act had that effect, it could only have been section 8(3), which explicitly deals with membership in a union as a condition of employment. We now turn to consideration of that section.

Section 8(3) provides that it shall be an unfair labor practice for an employer "by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this act * * *, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization * * * to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9(a), in the appropriate collective bargaining unit covered by such agreement when made."

It is argued, therefore, that a State cannot forbid what section 8(3) affirmatively permits. The short answer is that section 8(3) merely disclaims a national policy hostile to the closed shop or other forms of union-security agreement. This is the obvious inference to be drawn from the choice of the words "nothing in this act * * * or in any other statute of the United States," and it is confirmed by the legislative history.

The Senate report on the bill which was to become the National Labor Relations Act has this to say about section 8(3):

"The proviso attached to the third unfair labor practice deals with the question of the closed shop. Propaganda has been widespread that this proviso attaches special legal sanctions to the closed shop or seeks to impose it upon all industry. This propaganda is absolutely false. The reason for the insertion of the proviso is as follows: According to some interpretations, the provision of section 7(a) of the National Industrial Recovery Act, assuring the freedom of employees 'to organize and bargain collectively through representatives of their own choosing,' was deemed to illegalize the closed shop. The committee feels that this was not the intent of Congress when it wrote section 7(a); that it is not the intent of Congress today; and that it is not desirable to interfere in this drastic way with the laws of the several States on this subject.

"But to prevent similar misconceptions of this bill, the proviso in question states that nothing in this bill, or in any other law of the United States, or in any code or agreement approved or prescribed thereunder, shall be held to prevent the making of closed-shop agreements between employers and employees. In other words, the bill does nothing to facilitate closed-shop agreements or to make them legal in any State where they may be illegal; it does not interfere with the status quo on this debatable subject but leaves the way open to such agreements as might now be legally consummated" (S. Rept. No. 573, 74th Cong., 1st sess., 11–12).

The House report contains similar language:

"The proviso to the third unfair labor practice, dealing with the making of closed-shop agreements, has been widely misrepresented. The proviso does not impose a closed shop on all industry; it does not give new legal sanctions to the closed shop. All that it does is to eliminate the doubts and misconstructions in regard to the effect of section 7(a) upon closed-shop agreements, and the possible repetition of such doubts and misconstructions under this bill, by providing that nothing in the bill or in section 7(a) or in any other statute of the United States shall illegalize a closed-shop agreement between an employer and a labor organization, provided such organization has not been established, maintained, or assisted by any action defined in the bill as an unfair labor practice and is the choice of a majority of the employees, as provided in section 9(a), in the appropriate collective bargaining unit covered by the agreement when made. The bill does nothing to legalize the closed-shop agreement in the States where it may be illegal; but the committee is confident that it would not be the desire of Congress to enact a general ban upon closed-shop agreements in the States where they are legal. And it should be emphasized that no closed shop may be effected unless it is assented to by the employer" (H. Rept. No. 969, 74th Cong., 1st sess., 17; see also the identical language in H. Rept. No. 972, 74th Cong., 1st sess., 17, and H. Rept. No. 1147, 74th Cong., 1st sess., 19–20).

In his major speech to the Senate in support of the bill, Senator Wagner said: "While outlawing the organization that is interfered with by the employer, this bill does not establish the closed shop or even encourage it. The much-discussed closed-shop proviso merely states that nothing in any Federal law shall be held to illegalize the confirmation of voluntary closed-shop agreements between employers and workers" (79 CONGRESSIONAL RECORD, 7570).

The Senator went on to explain the purpose of the section as dispelling misunderstanding of section 7(a) of the National Industrial Recovery Act [June 16, 1933] 48 Stat. 195, 198, c 90, denied either advocacy or disapproval of the closed shop, then added:

"The virulent propaganda to the effect that this bill encourages the closed shop is outrageous in view of the fact that in two respects it actually narrows the now-existing law in regard to the closed-shop agreement." Ibid.

Later, during discussion of proposed amendments, Senator Wagner answered a question from the floor about the effect of the proviso in the following words: "The provision will not change the status quo. That is the law today; and wherever it is the law today that a closed-shop agreement can be made, it will continue to be the law. By this bill we do not change that situation" (Id. at 7673).

In other words, it is a matter left entirely to the States, and this amendment does not change that status.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Michigan.

Mr. McNAMARA. I ask the distinguished chairman of the Committee on Labor and Public Welfare if that was true not only during the period he has referred to, but today; namely, that the closed shop is outlawed by Federal law.

Mr. HILL. I was referring to the Wagner Act.

Mr. McNAMARA. It was outlawed at that time, and it is outlawed today.

Mr. HILL. That is correct; but the argument I have been making is that the States have the right today to say that there shall be no compulsory labor unionism.

Mr. McNAMARA. If the Senator is talking about the closed shop in the same vein that he is talking about compulsory unionism, then no State law is needed, because Federal law outlaws the closed shop.

Mr. HILL. The Federal law does; and the States have a right to outlaw compulsory union membership.

Mr. McNAMARA. By another section of the bill.

Mr. HILL. The States have a right to do it. We seek to preserve that right for the States. We think it is inherent and fundamental in the rights and sovereignty of the States.

I continue the quotation:

Equally conclusive is the answer by Representative Connery, manager of the bill in the House, to a statement by Representative Taber in support of an amendment which would have entirely stricken the proviso. Representative Taber charged that the proviso would make it possible for 51 percent of the employees of any organization to bring about the discharge of the other 49 percent. Representative Connery said:

"Mr. Chairman, I merely rise to say this in opposition: The closed-shop proposition in this bill does not refer to any State which has any law forbidding the closed shop. It does not interfere with that in any way," id. at 9726.

No ruling by the courts or the National Labor Relations Board, the agency entrusted with administration of the Wagner Act, has adopted a construction of section 8(3) in disregard of this legislative history. It is suggested, however, that the interpretation given the section by the War Labor Board supports petitioner's position. The Board, it is true, in view of the practical desirability of the maintenance-of-membership clause in settling wartime disputes over union security found authority to order contracts containing such clauses despite inconsistent State law. It found such authority, however, not in section 8(3) but in the conclusion that "its power to direct the parties to abide by the maintenance-of-membership provision in such a case as this one stems directly from the war powers of the U.S. Government" (Greenebaum Tanning Co., 10 War Lab. Rep. 527, 534). The Supreme Court of Wisconsin itself acknowledged the supremacy of the war power in a decision suspending an order directing the reinstatement of an employee discharged under a maintenance-of-membership clause ordered by the War Labor Board (*International Brotherhood of Paper*

> *Makers, A.F.L.* v. *Wisconsin Employment Relations Bd.*, 245 Wis. 541, 15 NW2d 806). When the orders of the Wisconsin Board in the present case were entered, the War Labor Board had ceased to exist, Executive Order No. 9672, 11 Federal Register 221, and, with the occasion that had called it into being, the necessity for suppression of State law had also come to an end.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. HILL. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it not true that to a very large extent the Wagner Act and the Taft-Hartley Act proposed to say that in view of the fact that business and industry had become so great and were active in all 50 States, they could not be regulated adequately in their relationships by State law; therefore, only the Federal Government was big enough to regulate this type of relationship and try to set a pattern under which negotiations could be conducted?

In other words, is it not correct to say that the whole theory of the Wagner Act, as well as the Taft-Hartley Act, was that we have to proceed on the assumption that these negotiations extended across State boundaries in such magnitude that the States could not effectively regulate the relationships when big business negotiated with management.

Mr. HILL. Section 14(b) expressly left it to the States to make the determination whether there should be compulsory union labor in those States. Nineteen States have acted to say that a man does not have to belong to a union, pay union dues, or be subject to the bosses of the union in order to work, and to earn his meat and bread for himself, for his wife, his family, and dependents.

Mr. LONG of Louisiana. Is it not fair to say, with regard to most issues of labor-management relationships, that it was recognized that where these matters involve interstate commerce and vitally affect interstate commerce, because of the magnitude and extensive interstate relationships of management-labor contracts, the authority of the Federal Government became the rule rather than the exception?

Mr. HILL. Undoubtedly the Federal Government exercised great authority. But when Congress passed the Taft-Hartley Act in 1947, through section 14(b) the Federal Government expressly left it to the States to make the determination as to whether or not in the particular State there should be compulsory labor unionism.

Mr. LONG of Louisiana. They did with regard to this particular matter.

But I ask the Senator if it is not fair to say with regard to the question of whether there should be a closed shop contract, as well as with regard to most of the questions that arise between management and labor which would be subject to regulation by State or Federal Government, that those acts make a rule that Federal law would apply, and it could not be said that 14(b) was an exception to the rule, rather than the general rule that applies nowadays?

Mr. HILL. In many cases the Federal Government did assume the power to regulate labor-management relations. There is no doubt about it.

But in section 14(b), as passed by the Congress in 1947, the Federal Government expressly left it to the States to make the determination as to whether there should be compulsory unionism within their boundaries.

Mr. LONG of Louisiana. The point that I wanted to make is that the laws that have been passed by Congress, and the practices that have grown thereunder, particularly insofar as large corporations and large unions are concerned, have made State jurisdiction the exception rather than the rule.

While I concede that the States act in the field, it seems to this Senator that the Federal Government intervened in this field and legislated extensively with one act that was regarded as a prolabor act, and another act that was regarded as a promanagement act—the latter being the Taft-Hartley Act. The effective legislation has gone to the extent that I ask the Senator if it is not true, generally speaking, in the labor-management field it is more a matter of Federal activity today than State activity?

Mr. HILL. In many activities in the labor-management field, it is a question of the exercise of Federal power or exercise of State power, but the question now before us has been left and was left, through section 14(b) in the Taft-Hartley Act, definitely and expressly to the States. There is no question about that.

The report continued:

> Since we would be wholly unjustified, therefore, in rejecting the legislative interpretation of section 8(3) placed upon it at the time of its enactment, it is not even necessary to invoke the principle that in cases of concurrent power over commerce State law remains effective so long as Congress has not manifested an unambiguous purpose that it should be supplanted. See, e.g., *Sinnot* v. *Davenport*, 22 How. (U.S.) 227, 16 L. ed. 243; *Missouri, K. & T.R. Co.* v. *Haber*, 169 U.S. 613, 42 L. ed. 878, 18 Supreme Court 488. Nor need we, if Congress in enacting section 8(3) did not mean to enlarge the right to bargain for union security, consider contentions based on *Hill* v. *Florida*, 325 U.S. 538, 89 L. ed. 1782, 65 Supreme Court 1373, to the effect that in guaranteeing the right to collective bargaining the National Labor Relations Act also guaranteed the right to contract upon any terms which are commonly the subject of collective bargaining.
>
> We come now to the question whether the Taft-Hartley Act expresses a policy inconsistent with section 111.06(1)(c) of the Wisconsin Employment Peace Act.
>
> Section 10(a) of the Taft-Hartley Act, 29 USCA, section 160(a), 9 FCA title 29, section 160(a), which is set forth in the margin, contains important changes, but none requiring modification of the conclusions we have reached as to the corresponding section of the National Labor Relations Act. One phrase, however, reinforces those conclusions; that is the phrase "inconsistent with the corresponding provision of this act."
>
> These words must mean that cession of jurisdiction is to take place only where State and Federal laws have parallel provisions. Where the State and Federal laws do not overlap, no cession is necessary because the State's jurisdiction is unimpaired. This reading is confirmed by the purpose of the proviso in which the phrase is contained: to meet situations made possible by *Bethlehem Steel Corp.* v. *New York State Labor Relations Bd.*, 330 U.S. 767, 91 L. Ed. 1234, 67 S. Ct. 1026, where no State agency would be free to take jurisdiction of cases over which the National Board had declined jurisdiction. (See H. Rept. No. 245, 80th Cong., 1st sess., 40; Senate minority Rept. No. 105, p. 2, 80th Cong., 1st sess., 38.)
>
> Other provisions of the Taft-Hartley Act make it even clearer than the National Labor Relations Act that the States are left free to pursue their own more restrictive policies in the matter of union-security agreements. Because section 8(3) of the new act forbids the closed shop and strictly regulates the conditions under which a union-shop agreement may be entered, section 14(b), 29 U.S.C.A. section 164(b), 9 F.C.A., title 29, section 164(b) was included to forestall the inference that Federal policy was to be exclusive.

Congress provided in clear, unequivocal terms, that the Federal policy was to be excluded and that these rights were to be reserved to the States.

It reads:

> Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

In other words, it leaves it up to the States.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Does the Senator really have any doubt that while we concede that the law does leave it up to the States to make that decision, the Federal Government can change that law, and that a change of the law to provide that the Federal Government may act in this field and say that a union shop contract would be legal, would be a valid constitutional act of Congress, if passed?

Mr. HILL. The Senator would have to present that case fully and thoroughly. As I understand our system of government, from the very beginning these rights have been reserved to the States. Only where there is an impelling need for jurisdiction will authority be granted to the Federal Government to act in the matter.

Mr. LONG of Louisiana. Does not the Senator understand that in the event the bill can be brought before the Senate—and there seems to be some doubt about it—we propose to present that case and urge, with considerable logic, that this is an area in which the Federal Government has the power to act, and that this would be an appropriate modification of the law, to be made in accordance with the commitment of the President and the commitment of Senators and Representatives, who have discussed it and have heard it discussed, and who believe that it would be an appropriate modification of the law?

Mr. HILL. If the Senator from Louisiana has his way, he will seek to have that very thing done. That is very clear. But it happens that in this case the Senator from Louisiana and I are not in agreement at all.

Mr. LONG of Louisiana. I thank the Senator from Alabama.

Mr. HILL. I continue to read:

> It is argued, however, that the effect of this section is to displace State law which regulates but does not wholly prohibit agreements requiring membership in a labor organization as a condition of employment. But if there could be any doubt that the language of the section means that the act shall not be construed to authorize any application of a union-security contract, such as discharging an employee, which under the circumstances is prohibited by the State, the legislative history of the section would dispel it. (See S. Rept. No. 105, 80th Cong., 1st sess. 5–7; H. Rept. No. 245, 80th Cong., 1st sess. 9, 34, 40, 44; House Conference Rept. No. 510, 80th Cong., 1st sess. 60; 93 CONGRESSIONAL RECORD 3554, 3559, 4904, 6383–84, 6446; 94 CONGRESSIONAL RECORD 3613 (Apr. 16, 1947); id. at 3617–18; H.R. 3020, as reported, sec. 13.)
>
> It remains to consider whether certification of the Union by the National Labor Relations Board in 1942 thereby forever ousted jurisdiction of the Wisconsin board to enjoin practices forbidden by Wisconsin law. Since the enumeration by the Wagner Act and the Taft-Hartley Act of unfair labor practices over which the National Board has exclusive jurisdiction does not prevent the States from enforcing their own policies in matters not governed by the Federal law, such freedom of action by a State cannot be lost because the National Board has once held an election under the Wagner Act. The character of activities left to State regulation is not changed by the fact of certification. Certification, it is true, makes clear that the employer and the union are subject to Federal law, but that is not disputed. So far as the relationship of State and National power is concerned, certification amounts to no more than an assertion that as to this employer the State shall not impose a policy inconsistent with national policy (*Hill* v. *Florida*, 325 U.S. 538, 89 L. Ed. 1782, 65 S. Ct. 1373), or the National Board's interpretation of that policy (*Bethlehem Steel Co.* v. *New York State Labor Relations Bd.*, 330 U.S. 767, 91 L.Ed. 1234, 67 S. Ct. 1062; *La Crosse Teleph. Corp.* v. *Wisconsin Employment Relations Bd.*, 336 U.S. 18, ante, 463, 69 S. Ct. 379). Indeed, the express disclaimer in section 8(3) of the National Labor Relations Act of intention to interfere with State law and the permission granted the States by section 14(b) of the Taft-Hartley Act to carry out policies inconsistent with the Taft-Hartley Act itself, would be practically meaningless if so easily avoided. For these provisions can have application, obviously, only where State and Federal power are concurrent; it would have been futile to disclaim the assertion of Federal policy over areas which the commerce power does not reach.
>
> Since, therefore, the effect given the Wisconsin Employment Peace Act by the judgment below does not conflict with the enacted policies of Congress, that judgment is affirmed.

That judgment, as we know, was that this is a power reserved and left to the States to make the determination as to whether there should be a compulsory union shop.

Mr. President, in order to understand fully the legislative scheme of regulation incorporated in the National Labor Relations Act, it should be remembered that as originally enacted that act dealt only with certain described unfair labor practices by employers. It imposed no sanctions or restrictions upon the activities or conduct of labor organizations. For that reason, the court held that during the Wagner Act period the States remained free to regulate broad areas of union conduct even though such regulation affected interstate commerce. The Federal Government had not "entered the field," as stated by the Supreme Court in *Allen Bradley Local* v. *Wisconsin Employment Relations Board*, 315 U.S. 740 (1942), and there was, therefore, no ground for the assertion of a Federal preemption argument.

Thus, as the law stood in 1947 when Congress undertook to revise the Wagner Act the States had power to restrict or forbid compulsory unionism agreements of all types, including the agency shop.

In the Taft-Hartley Act Congress for the first time undertook to regulate the activities of labor unions. It amended section 8 of the National Labor Relations Act so as to add to the existing list of employer unfair labor practices. In addition, because of the abuses which had grown up in connection with the closed shop, Congress determined that as a matter of national policy the closed shop should be outlawed, just as the Senator from Michigan [Mr. MCNAMARA] stated earlier. In order to accomplish this it simply retained the language of the original proviso to section 8(3) that:

> Nothing in this Act, or in any other statute of the United States shall preclude an employer from making an agreement with a labor organization * * * to require as a condition of employment membership therein—

But added the following at the end of the above sentence:

> On or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later: *Provided further*, That no employer shall justify any discrimination against an employee for nonmembership in a labor organization (A) if he has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or (B) if he has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

In order to dispel any possible inference that these amendments constituted an enlargement of Congress' regulatory power as respects other forms of union security agreements, the further provision was added as section 14(b) proclaiming that:

> Nothing in this act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or territorial law.

As we see, Mr. President, the language of 14(b) makes it abundantly clear that the section was intended to remove any doubt that the States would continue to have authority to regulate or restrict all forms of compulsory unionism agreements. And I use the word "continue" because the States have always had this inherent authority from the beginning of the Republic. This was not changed by section 14(b) of Taft-Hartley. That section did not give any authority to the States—it merely confirmed that the States already had the authority and always had had.

The fundamental nature of the right to work was first proclaimed by the U.S. Supreme Court in the case of *Cummins* v. *Missouri*, 4 Wall 277 (1866), and since that time it has been enunciated on many occasions both judicially and otherwise. In 1915 the right to work was declared to be a plain and self-evident principle of American constitutional law by Justice Charles Evans Hughes—who later became a great Chief Justice of the Supreme Court—when he declared, in *Truax* v. *Raich*, 239 U.S. 33, 41 (1915):

> It requires no argument to show that the right to work for a living in the common occupations is of the very essence of the personal freedom and opportunity that it was the purpose of the amendment to secure.

Mr. President, under our concept of individual liberty and the dignity of man, every man has the right to an opportunity to procure the means of survival. To deny this right is not only a deprivation of liberty but a danger to advancement in life and even to life itself. I hope that everyone in this Senate on both sides of the issue will ponder this thought and will be mindful of the words of Mr. Justice Terrell of the Florida Supreme Court when deciding how to vote on the proposal before us. Justice Terrell in the 1952 case of *Carpenters District Council* v. *Miami Chapter, Associated General Contractors*, 55 So. 2d 794, 796 (1952), declared:

> The right to work is equivalent to the right to eat and the right to eat and provide raiment for his dependents is man's most dominant urge * * * Such a requirement—

That is, Mr. President, membership in a lodge, craft, church, or other organization, as Judge Terrell put it—

> is contrary to the spirit of our institutions, the basis on which our democracy was founded and every impulse of the forefathers who gave it existence. I can think of nothing more out of harmony with true Americanism. Membership in one's lodge, craft or church may be a means of enlarging spiritual, cultural and physical assets, but to make his bread depend on craft, or church membership would be the worst species of anti-Americanism.

(During the delivery of Mr. HILL's speech:)

Mr. HILL. Mr. President, I ask unanimous consent that, without losing my right to the floor and with my speech continuing as my sole, one speech, I may yield to the distinguished Senator from Mississippi [Mr. EASTLAND] to present another matter to the Senate; with the further understanding that the interruption appear in the RECORD at the conclusion of my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF PARAGRAPH (a) OF THE ACT OF MARCH 4, 1913, AS AMENDED

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1689) to amend paragraph (a) of the act of March 4, 1913, as amended by the act of

January 31, 1931 (16 U.S.C. 502), which was, on page 1, line 7, strike out all after "promoted" over through and including line 2, page 2, and insert "thereby. As soon as practicable after the end of each fiscal year the Secretary shall transmit to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a statement of rentals under the authority of this paragraph during the fiscal year."

Mr. EASTLAND. Mr. President, as passed by the Senate the bill would have increased the amount that the Forest Service could pay its employees for property rented from them in any year from $3,000 to $20,000. The House amendment strikes out the $20,000 limit and provides instead for annual reports to the Senate and House Committees on Agriculture, stating the total amount of rental paid each year.

The House provision would appear to be preferable to the Senate provision.

Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to.

ORDER OF BUSINESS

The following routine business was transacted by unanimous consent during the consideration of the pending motion to proceed to the consideration of H.R. 77:

PRESIDENT JOHNSON HELPS TO BRIGHTEN THE TORCH OF LIBERTY

Mr. RANDOLPH. Mr. President, we all know how important it is for a leader to lift the spirits of a people.

When President Johnson signed the immigration bill at the historic site of the Statue of Liberty, one could sense that he was helping the famed Lady of Liberty hold the torch, and help it burn more brightly.

This is a spirit which he endows in so many of the people: a spirit that the man counts, that a man must be judged by his own worth, and not what country he or his forefathers have come from to our Nation.

The inscription on the statue is symbolic, welcoming as it does the tired, the poor, those "yearning to be free."

Here, a man can breathe the air of freedom—and share responsibility with fellow citizens.

As the President said, the days of unlimited immigration are past, but the new act, which I supported, will mean that those in the future who come will be here because of what they are, and not because of the particular land in which they were born.

I emphasize our separate and shared responsibility. The Father of our Country, George Washington in essence, wrote: "Citizens, by birth or choice of a common country, that country should concentrate your affection."

THE ALTERNATIVE AT THE U.N.

Mrs. SMITH. Mr. President, one of the best informed Americans on international affairs is the CBS analyst and commentator, Richard C. Hottelet, whose reportorial beat is the United Nations. Not only does Mr. Hottelet have one of the keenest minds in the world, but he possesses objectivity and perspective in degree rarely found.

For these reasons, his analyses and comments are of great interest and significance to me. One of his most recent analyses is that appearing in the September 27, 1965, issue of the New Leader under the title of "The Alternative at the U.N." It is a revealing and thought-provoking evaluation of the United Nations in the current Indian-Pakistani crisis over Kashmir. I commend it to everyone as must reading and in doing so I ask unanimous consent that it be placed in the body of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ALTERNATIVE AT THE U.N.

(By Richard C. Hottelet)

UNITED NATIONS.—Early in September, a reporter asked Ambassador Arthur Goldberg how he was enjoying his assignment to the United Nations. Goldberg replied with the story of the GI, invited to one of the great manor houses of England during World War II, who was asked a similar question and gave this answer: "If the water had been as cold as the soup, and the soup as warm as the wine, and the wine as old as the chicken, and the chicken as young as the maid, and the maid as willing as the Duchess it would have been great."

The word "if" governs not only Goldberg's experience but also the prospects of the 20th General Assembly, which opened last week. Quite possibly, in greater measure than ever before, it also governs the future of the United Nations.

Facing the U.N. as the Assembly convened was the Kashmir crisis, the war between India and Pakistan, with its disastrous implications for the moral standing and the political effectiveness of the organization. All the more so, since this problem is not an isolated emergency for the U.N. but another reflection of the inner struggle over peacekeeping—raising anew all the Charter questions which have tortured the membership for the past few years, and posing another sad comparison of the hopes of 1945 with the realities of today. Communist China, which did not exist when the United Nations was founded, adds a new, sinister, dangerous dimension to world affairs. Peiping defies and ridicules the organization in an open challenge of its credibility.

Kashmir, to use the starting point as the simple label for the whole complex antagonism centering upon India and Pakistan, is an unsubtle reminder that the U.N. is made up of sovereign states. They may solve problems—as might be said to have been the case with West Irian or even the Congo; they may simply put them in a bottle in the hope that passage of time and commonsense will dry them up—as was the case with Kashmir and Palestine and Cyprus. In their capacity as the United Nations they may ignore the most pressing dangers altogether—as they have done with Berlin, with China's 1962 invasion of India, and so far with Vietnam.

Whatever they do or leave undone, they are free to apply the loftiest charter principles to the problems of others while they walk the low road of their own interests. Dozens of disputes around the world—over such matters as borders, subversive emigrees, and direct interference—show this double standard to be pretty nearly universal. And Indonesia's open and violent determination to crush Malaysia shows the lengths to which it can be carried. But Kashmir has now confronted the U.N. with actual war between members for the first time since the Suez affair of 1956, and the organization is no longer the instrument for peace that it was then.

Suez was a triumph for the U.N. and for Dag Hammarskjold. He used the occasion to write a new set of rules for international intervention in the cause of peace that was carried still further in the Congo, and which even today contributes materially to stability in the Middle East. He was able to act swiftly then because the United States was ready to join the Soviet Union in action against two American allies. At the same moment, and by the same token, Hammarskjold and the General Assembly were unable to do more than cry out in impotence against the Soviet rape of Hungary because the Soviet Union would not submit to the authority of the United Nations.

Kashmir found the United States and the Soviet Union together again, at least in calling for a cease-fire and a withdrawal of troops. But there was no such one-sided indignation as that which brought the roof down on the French-English-Israeli operation in Suez. The inclination today is to achieve the maximum effect with the minimum intervention, with the least possible bruising of good will in either India or Pakistan. Since both totally disregard the first admonitions of the Security Council, not to mention direct pleas from national leaders around the globe, U Thant rushed out to see what he could do. He was unsuccessful.

Finally, however, the U.N. did manage to succeed in its efforts to bring about an end to the fighting. The attrition of the battlefield, with its unsettling effect on the wobbly economies of both countries, the likelihood of Western (and Soviet) aid shipments being cut off, plus the flesh-creeping prospect that a small, convenient conflict might run totally out of control in Asian war and internal hysteria, created an atmosphere in which both sides welcomed a way to break off the fighting without losing face. Thus, the Secretary General and the U.N. should not be denied their share of credit. Saving the face of embarrassed and desperate governments is a most useful, legitimate act of pacification. But if that were all the U.N. were capable of doing, the peacemaking imperative of the charter would have shrunk to a casual and purely voluntary conciliation service.

One of the most painful parts of the Kashmir dilemma is that it is forcing the U.N. to recognize the possibility that this has already happened. For example, if India and Pakistan remained adamant in refusing to heed the Security Council's repeated calls for a cease-fire, or if the accepted cease-fire breaks down when it comes to discussing the hard issues of political settlement, or if a similar crisis occurs elsewhere, the Council would face a critical alternative: It could throw in its hand altogether and accept defeat, or it could try to take appropriate action to cope with a clear breach of the peace.

Under article 39 of the charter, the Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security." Article 41 lists the range of economic and displomatic sanctions up to complete isolation of the guilty parties, while article 42 gives the Council the right to use any and all military force to restore peace and security.

These articles are in chapter VII of the charter, headed "Action with respect to threats to the peace, breaches of the peace, and acts of aggression." Chapter VII has been invoked only once before—in Palestine in 1948—where its mention was enough to bring about a ceasefire. Chapter VII is the U.N.'s teeth—but, in fact, the teeth do not exist. The machinery for using the armed forces of the member states to impose the Council's will on sovereign states has remained a pious blueprint since 1945. The Military Staff Committee, charged with the strategic direction of these forces, lives only in limbo.

Military action by the United Nations appears to be out of the question, whatever India and Pakistan eventually do. Economic sanctions are most unlikely because, in the first place, the Soviet Union could be expected to veto them—even if other permanent members did not; and, in the second place, they would be difficult or impossible to enforce. To suggest only two contingencies of a great many—would the U.N. shoot down Chinese Communist planes flying equipment into Pakistan, or sink oil tankers from Indonesia and Iran, assuming that it could ever assemble the military means to do so?

China has committed itself completely to the support of Pakistan, to the point of threatening India with military attack as an obvious device to divert Indian forces. Even if Chinese attacks remain local, they would be acts of aggression in violation of the U.N. Charter. Whatever may lie at the end of the road of Sino-Soviet relations, it is hardly conceivable that the Soviet Union would, at this stage, condone Security Council action against Peiping. And if Moscow were to veto any such proposal, there is little prospect of the General Assembly recomending punitive measures under the Uniting For Peace Resolution. The member states have not forgotten that voting unenforceable sanctions against Mussolini for his invasion of Ethiopia in 1935 was a default which destroyed the credit of the old League of Nations once and for all.

The Council might request member states to take what diplomatic and economic action they can to bring India and Pakistan around to agreement. The United States and Britain have already suspended shipments of military equipment to both countries—a decision which is a function of traditional bilateral diplomacy quite independent of the U.N. Add a dash of Chinese Communist power politics, Sino-Soviet struggle, Vietnam and Afro-Asian sensitivity, shake violently and bring to the boil for the political stew now at the United Nations.

Technically, the Kashmir problem is not before the General Assembly and will not be as long as it remains in the Security Council. But the question of what the United Nations can do to keep peace, which monopolized the 19th Assembly, will figure most prominently in the 20th. The financial crisis, that froze the last session, has not been resolved but only sidestepped. It remains a constitutional crisis in financial terms. The United States, somewhat outmaneuvered last December, found itself unable to muster majority support in applying article 19 against the Soviet Union, France, and the other countries which had refused to pay their share of the U.N.'s peacekeeping costs in the Congo and the Middle East. Russia had threatened to boycott the Assembly if its vote were withdrawn, as article 19 provides, and the smaller countries quailed at the thought. The United States backed down, rationalizing that it should not cut off its nose to spite its face. Better to keep the Assembly operating normally and preserve it as a last resort in peacekeeping than to risk tearing the U.N. apart in protracted struggle over a legal principle which most of the members did not want to preserve.

On September 1, the 19th Assembly met to ratify a face-saving formula which would permit the 20th to convene normally. Article 19 would not be applied with regard to the Congo and the Middle East, and the serious financial difficulties of the U.N. stemming from nonpayment would be solved through voluntary contributions by member states. But contributions so far have brought in only a trickle. The U.N. has had to borrow money again this month to meet its payroll. On September 3, U Thant informed the members that he needed $100 million in cash to restore the organization to solvency—and this figure did not include $154 million outstanding in United Nations bonds.

The Kashmir crisis has given this bookkeeping headache urgent political relevancy. Who would pay for any sizable peacemaking or peacekeeping operation that the United Nations could mount in Asia? And that question illustrates only part of the U.N.'s trouble. The Soviet Union's refusal to pay was not—or not so much—to save some $62 million but to cut the United Nations capacity for action down to what the Security Council and its five permanent members will permit and to the strict wording of the U.N. Charter. Rigidly construed, there is no provision in the charter for projects like the Congo operation and the U.N. emergency force (UNEF) in the Middle East, just as there is no specific authorization for the General Assembly to move in and recommend peacekeeping action when the Security Council is deadlocked by the veto.

The entire matter of future peacekeeping operations is up for review in the 20th Assembly. So is the most important current undertaking—UNEF. That had been financed by assessment of the entire membership, but under the September 1 agreement there is no longer any practical obligation to pay. While UNEF's life is assured through December, the Assembly will have to carry on from there with some makeshift unless one important element in the stability of the Middle East is to vanish.

By comparison with these matters, the other business on the Assembly's 108-item agenda is dull, except for the perennial issue of Chinese representation. Most observers have registered a gradual increase in the pressure to seat Peiping in the U.N. U Thant has again publicly appealed for universality of membership. And Red China's massive intrusion into Asian and African affairs has made it so much an international factor that it might just as well be in. If that were the only consideration, Peiping might be seated this year—with even those who have no illusions about the radical, destructive role it would play willing to accept the inevitable and looking forward with professional interest to the consequences. But as things stand, Red China's minimum demand for entering the U.N. is the expulsion and extinction of Nationalist China—a price which the majority of the membership is unwilling to pay—and a price which Peiping's own perverse, bellicose actions, year after year, have made appear even higher.

The rest of the political agenda is of no great, practical consequence. Disarmament is up for discussion once again, as it has been in one form or another from the very beginning. The portents are no better than before, and probability points to its referral to a World Disarmament Conference which would be open to Peiping to attend.

Only in the field of outer space does there seem to be some prospect of constructive work. Increased space activity, adding more astronauts temporarily and permanently to the hundreds of items of space junk in long-term orbit, is thought to stimulate the self-interest of Moscow and Washington in binding agreements on assistance and return of astronauts in distress and the return of satellites. But even in this comparatively nonpolitical field the Soviet Government seems unable to make up its mind. Whether the internal problems that beset what might well be an unstable, interim regime, or the international headaches that flow for the Communist world from Vietnam and Kashmir are the explanation, Moscow does not seem ready to move very far in any direction.

The 20th Assembly will meet. It will debate. It will pass resolutions. In the field of economic development, where a good 80 percent of the U.N.'s work is done, there may be real progress in improving and coordinating aid machinery. But as things stand—and sadly enough—the Assembly will have a political effect on the most pressing current problems only if events take a turn which cannot now be foreseen.

CONNECTICUT ART EXHIBIT

Mr. RIBICOFF. Mr. President, Washingtonians are currently able to view some of the finest works of art owned by Connecticut residents.

The first exhibition of the season at the Washington Gallery of Modern Art, "20th Century Painting and Sculpture from Connecticut Collections," is an artistic event of national significance. The schools and influences that have shaped contemporary art are represented in the works by every major artist of this century. Picasso, Kandinsky, and Mondrian—Miro, Maillol, Klee, and Chagall are just a sampling of the artists whose works are included in this collection.

Mrs. Burton G. Tremaine, of Guilford, Conn., a member of the museum's advisory council, has explained that the purpose of this exhibit—and those to follow from other States—is to show the quality of art that is owned by industry and private collectors. A display of this kind suggests the importance and value of works of art for enlightening the public.

The present exhibition will remain in the Washington Gallery until October 24. It will then be shown at the Wadsworth Atheneum, in Hartford, through December 5. I want to congratulate the Atheneum's curator, Samuel J. Wagstaff, Jr., who assembled these art works in cooperation with the Gallery of Modern Art. Hundreds of people have already enjoyed this truly magnificent display of outstanding sculpture and paintings, and it is hoped that many more will take advantage of the opportunity to see a collection remarkable for quality, balance and breadth.

TRIBUTE TO RENO ODLIN, AS PRESIDENT OF THE AMERICAN BANKERS ASSOCIATION

Mr. ROBERTSON. Mr. President, it has been my happy privilege to know for some years two of America's outstanding bankers—Hon. Reno Odlin, of Tacoma, Wash., and Hon. Archie K. Davis, of Winston-Salem, N.C.

For the past year, Mr. Odlin has served with great distinction as president of the American Bankers Association, and this week Mr. Davis will be elected to succeed him. The American Banker, a daily newspaper that has the largest circulation of any trade journal in the United States, paid a high tribute to Mr. Odlin in its issue of October 4.

I ask unanimous consent that that editorial may be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A MAN TO MATCH THE EVENTS

Exceptional events have marked the progress of the American banking industry during the year of Reno Odlin's presidency of the American Bankers Association. As that year draws to a close this week, the industry can congratulate itself for having had as its leader during these crucial days a man to match the events.

For Mr. Odlin's remarkable personal qualities have been singularly suited for the challenges to banking leadership in the form in which they happened to develop.

He has been forthright when the industry needed straight talk from the top; candid in evaluating industry problems; vigorous in stating the case for banking in times of public concern; lively in enlisting widespread support on vital issues.

He took office at a time when a rash of bank failures was starting to worry the public as well as the industry. Without blinking at the harsh realities of the problem, Mr. Odlin moved promptly to put the whole into realistic perspective, calling it a matter for concern but not alarm; he focused attention on the size, strength, and enormous variety of vital services provided by the banking system of the United States. He spoke powerfully and often on this theme, with such success that even the flurry of headlines set off by congressional investigations into the failures could not offset the renewal of confidence in this key industry which his campaign had inspired.

PRESIDENT SPEAKS FROM HEART

Mr. DODD. Mr. President, any American hearing President Johnson speak at the ceremonies for the signing of the immigration bill felt the thrill of being a part of this great land.

He spoke from the heart when he said the bill "repairs a deep and painful flaw in the fabric of American justice."

As the President spoke, thousands upon thousands of viewers on television screens across the land saw the Statue of Liberty, and all that this great gift from France has represented to immigrants to this land.

The new bill, as President Johnson said, "will make us truer to ourselves as a country and as a people. It will strengthen us in a hundred unseen ways."

The bill, which the President signed on the historic setting of Liberty Island, says simply that those wishing to emigrate to America shall be admitted "on the basis of their skills and their close relationship to those already here."

This is a simple and a fair test.

The President himself said:

> Those who can contribute most to this country—to its growth and strength and spirit will be the first admitted to our land.

We have grown strong in this country because of the diversity of the races. Out of many has come one—one great nation.

Outstanding American violinists, pianists, painters, writers, thinkers, and countless good citizens and workers were born in other lands, then came to live here.

We are all inheritors of the great traditions of many other lands.

In Vietnam, as President Johnson said, men whose names reflect various backgrounds are fighting as Americans to protect freedom.

If we do not ask these soldiers from what land they or their parents come, we can eliminate that question as a test for immigration.

The President has issued a clarion call for all freedom loving men to live and work together in peace, and in the pursuit of happiness.

The torch at Liberty Island in New York harbor never burned brighter.

THE CITIZEN AND LAW OBSERVANCE IN A DEMOCRACY

Mr. McINTYRE. Mr. President, it was my privilege to represent New Hampshire, one of the Thirteen Original States to sign the Constitution, in the wreath laying ceremonies at the Washington Monument, part of the Citizenship Day program and part of the 20th National Conference on Citizenship.

The keynote address at the 20th National Conference on Citizenship was given by Dr. Arthur P. Crabtree, past president of the Adult Association of the USA. This was an outstanding address and should be read by all Americans.

Mr. President, I ask unanimous consent to have Dr. Crabtree's speech printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CITIZEN AND LAW OBSERVANCE IN A DEMOCRACY

(By Arthur P. Crabtree)

This is the 20th anniversary of the National Citizenship Conference. On the 17th of May 1946, a group of patriotic Americans gathered in the city of Philadelphia to consider the means of preserving the values and the vigor of American citizenship during the years of peace that lay ahead. There, in the cradle of our constitutional government, they breathed an enduring purpose into the first of these citizenship conferences. Like the Christophers, they chose to light a candle rather than curse the darkness. And there was a gathering darkness. World War II had been concluded and, as so often happens following a victory in war, when "the tumult and shouting dies," the patriotic fervor engendered during the war had begun to wane. Today we are grateful that the light they kindled two decades ago became a torch of leadership, a beacon that has lighted the way through these ensuing years for all of us who would keep alive those civic values that constitute the lifeblood of this Republic.

Last week, in the preparation of this speech, I ran across an old program of that first gathering in Philadelphia. Its roster bore the names of many who have become identified with this conference through the years. Like Abou Ben Adhem, the name of Judge Carl Hyatt "led all the rest." The honorary chairman of that conference was the late Chief Justice of the U.S. Supreme Court, the Honorable Harlan F. Stone. Our own current president of the conference, Justice Tom Clark, was one of the distinguished speakers. Two of our old friends, Dick Kennan and Earle Hawkins, were shouldering their usual leadership responsibilities. They were as indispensable to that conference as they have been to all the others that have followed.

It was a fragrant retrospection to muse over the pages of that old program of 20 years ago. With nostalgic reverence I communed again with those men and women who launched this effort to keep alive in our hearts and minds a continuing sensitivity to the deeper significance of our Nation's purpose. If this conference were nothing more, it would find abundant reason for existence as a living memorial to their great sense of public service.

But this Citizenship Conference is, indeed, something more than a monument to those who gave it life. It is a symbol of hope for those of enduring faith in the American spirit. It is a reply to those who suggest, as one contemporary historian has phrased it, that America has become "fat and complacent." It is a revelation, even to us, that deep within the wellsprings of American conscience there still flow untapped tributaries of civic concern. Yes, more than anything else, as we come here, year after year, this conference represents, to me, a continuing reassurance that the great heart of the American people still beats in unison with the purpose of the Founding Fathers.

I do not say this to indulge in histrionic phraseology. I realize full well that only a small fraction of our Nation's citizenry has crossed the threshold of this conference. The overt efforts of these programs during these 20 years have touched the lives of only a small percentage of our nearly 200 million Americans. But the triumph of this undertaking does not lie on the quantitative measurement of numbers. It lies in the implication that the task of raising the level of American citizenship can, in fact, be done. It lies in the indication that, given more men in the mold of Tom Clark and Carl Hyatt and Dick Kennan and Earle Hawkins, what has been done here can, on a relative scale, be duplicated in every community throughout the land. This, in my opinion, is the greatest achievement of this undertaking.

The conference committee this year has chosen a theme that, against the background of the current national scene, is fraught with timely concern for all Americans: "The Citizen and Law Observance in a Democracy." There have been few, if any, moments in our history when the observance of the law has received the attention it now embraces in the public mind.

The topic, as worded, however, invites a measure of analysis, definition, and perhaps, the liberty of certain assumptions, if we are to avoid the pitfalls of semantic entanglement in its consideration.

If, then, you will forgive the influence of the schoolteacher in me, I should like to begin with a definition of the word "observance." Parenthetically, may I explain that I am doing this, not only to express myself with greater clarity from this platform but also to establish some guidelines for the benefit of the discussion groups in the conference.

There are several shadings to the meaning of the word "observance." Webster gives one definition as an "act or practice of observing a rule, law, or custom." This isn't sufficiently incisive for our purpose. So, let's take a look at the word "observe." Here we find the definition that brings us closer to what I think was in the minds of these who chose the topic; namely, "to conform one's action or practice to; to comply with." It seems reasonable to me that we are talking in this conference, about the citizen's compliance with the law, or, if you will, his obedience to the law.

Now, another nagging question presents itself: What kind of law do we have in mind? One of the central issues at the heart of our national turbulence is the question of States rights. Inescapably, the query comes: Do we mean compliance with State or Federal law, or both?

Again, we must not forget that law has had its impostors. Arrogance and vanity have often posed as law. "I am the law" was the proud boast of Louis XIV. Prideful Americans might dismiss the vain-glorious Frenchman with the comment that it couldn't happen here were it not for the fact that some of us were around in the middle twenties when David C. Stephenson, the grand dragon of the Ku Klux Klan, made the obnoxious boast to the people of Indiana. A realistic appraisal of present-day America cannot preclude the possibility that some there are who might contend that this is the rightful law to be followed.

Finally, a second look at the words "in a democracy" seems requisite to an intelligent discussion of our conference theme. The despotic rule of the world's greatest dictators have reflected their own particular brand of law. The rantings and the records of Hitler and Mussolini are surfeited with reference to their laws and legal procedures. And the nations behind the Iron Curtain are called the people's democracies by their Marxian apologists.

Yes, there are many kinds of law and there are self-serving definitions of democracy. Consequently, I must indulge in one final assumption. It is that the conference committee intended that we should interpret the word "law" in its generic sense, with the same meaning that the framers of the Massachusetts constitution had in mind in 1780 when they said that "ours is a government of laws and not of men." In this context, then, we are considering the citizen's compliance with the rules of a free society that operates under the rule of law.

Now we come to the heart of our theme: the concept of the citizen and his relation to law under these conditions.

It was no accident that the framers of the Massachusetts constitution proudly proclaimed to the world that theirs was a government of laws and not of men. It is not the result of casual circumstance that the story of American democracy is the story of the supremacy of the law. Only the fact that you and I were born in an age which takes it for granted allows this salient thread of American history sometimes to go unnoticed. If it were as meaningful to us today as it was to the Founding Fathers we would have no problem of civic responsibility in American life and this conference would not be necessary.

Permit me, then, to review, for a moment, how we become a nation of laws. A brief sojourn among the pages of the past will serve to remind us, anew, of the long and tortuous trial that mankind has traversed in order that you and I might breathe the air of freedom.

This Nation was the first major example of a nation established under the law in the history of the world. Please note that I use the word "major." A few sporadic attempts at democratic self-government had been attempted here and there but it remained for the Founding Fathers of the American Nation to make the bold departure from the ancient past. Prior to this, the nations of the world had been ruled by men. And, in this context, the word "men" was often equated with tyranny, despotism, and slavery. A blood-soaked tradition called the divine right of kings was the rationale for rulership in most of the countries of the world and the rights of the human being were subject to the whim and caprice of the ruling monarch. Louis XIV was right when he said, "I am the law," and the cries of screaming victims on the way to the guillotine echoed the tragic accuracy of his words.

This, then, was the nature of men and government when Thomas Jefferson and his associates came upon the stage of history.

Two protesting voices had been raised in Europe prior to the time of Jefferson. In England, a philosopher by the name of John Locke had been championing the rights of the individual and Jean Jacques Rousseau, a Swiss-born philosopher and writer had been doing the same in France. Jefferson was influenced a great deal by these two men, particularly Locke, and the Declaration of Independence, which flowed from the pen of the great Virginian, contained much of the Lockean philosophy.

For this reason, then, the ringing declaration that "We hold these truths to be self-evident: That all men are created equal, that they are endowed by their Creator with certain unalienable rights" became the battle cry of the common man in his emancipation from the tyrannies of a world that had known only the rule of men as a form of government, a world in which despots and dictators had met every human aspiration of their subjects with brutal oppression.

Thus, it was to safeguard these newly expressed human rights that law was elevated to central supremacy in the new nation. The Founding Fathers had seen what could happen under the rule of men and they did not intend to allow the mistakes of history to be repeated. Indeed, they did not even trust themselves. Not only did they set up a government of law but they insisted that it be written law. The American Constitution, with the protection of the individual written into its Bill of Rights, owes its existence to the distrust that the Founding Fathers had, even of themselves and their posterity. Government in any form, they said, must be forever restrained from denying the individual his God-given rights.

This, then, is the story of how we got to be what we are: a nation of law. I have labored its recital somewhat because I am convinced that we must understand the lesson of history in order to appreciate the heritage we enjoy as Americans. To do this is to recognize more clearly the imperative need for its preservation.

Thus far, I have been discussing the founding of this Nation, with its giant step from the rule of men to the rule of law, in the phraseology of the lawyer, the educator and the political scientist. Let's get down to simple, layman's language. Stripped of excess verbiage, what is law?

Others may differ but I would define the law as a set of rules which freemen create to govern themselves. The essence of this definition, of course, is not mine. It represents a school of thought held by many distinguished jurists. Speaking at Arden House in 1958, Judge Learned Hand, one of the eminent jurists of New York State, related an interesting story involving the great Justice of the U.S. Supreme Court, Oliver Wendell Holmes. He told the story of an incident which occurred on a day some years before when he and Justice Holmes were here in Washington. After a short while together, Justice Holmes had to leave for the Supreme Court Building where the Court was to confer. As he bade Judge Hand goodbye and walked off, the latter called after him and said, "Goodbye, sir. Do justice." Judge Hand then related that the great jurist turned sharply and replied, "That is not my job. My job is to play the game according to the rules." We strive to equate justice with the law but here was, perhaps, the greatest Justice the Supreme Court of the United States has ever had, expressing the principle that "playing the game according to the rules" characterized the nature of his primary responsibility more than the doing of justice. Only a great legal mind would realize that, while we strive for justice, it may not always be achieved and that, in a society ruled by law, playing the game according to the rules is the paramount consideration.

Let's continue in this simple vein our discussion of what it really means, to you and me, to live in a nation ruled by law. Let me tell you a story that carries more evidence than all the legalistic volumes that have ever been compiled. It is a poignant story of the majestic power of the law, a tribute to the infinite wisdom of the Founding Fathers when they insulated the rights of the individual from the power of government in the Bill of Rights. This story concerns a fellow by the name of Clarence Earl Gideon. You never heard of Clarence Earl Gideon? Well, don't let it worry you for I hadn't either, prior to 1963. The important thing is that we won't forget him and what his accomplishment means to every citizen of this country.

Clarence Earl Gideon was a semi-illiterate convict who was tried for burglary in Panama City, Fla., on August 4, 1961. Unable to hire an attorney, he asked for a court-assigned lawyer to defend him in the lower court. He was refused. Prior to that time indigent defendants were assured of legal counsel only in Federal courts, not in State courts. Gideon was convicted and sentenced to a Florida State prison. Convinced that he was in prison because he had been denied the aid of defense counsel at his trial, he began the study of law in prison. Eventually, he mastered a sufficient knowledge of the law to draw up a petition to the Supreme Court of the United States. The petition was written in painstaking longhand and forwarded to the Court in Washington. In 1963 the Supreme Court ruled, in the case of *Gideon* v. *Wainright*, that persons accused of noncapital crimes in State courts are entitled to counsel. The ruling, in effect, held that poverty is no bar to the right of counsel under due process of law. Not only did Gideon secure his own freedom but the decision in his case effected the release of hundreds of other prisoners who had been convicted under similar circumstances.

Clarence Earl Gideon won his freedom because we live in a nation ruled by law. Here in this simple story, packed with the drama of a Hollywood movie and the significance of the Magna Carta, lies the eloquent testimonial to the majesty of the law under our system of government. When an obscure, educationally disadvantaged and penniless convict, armed only with the moral rightness of one of the rules of the game, can challenge the power of a State and win the battle, we are, indeed, a nation of laws.

No consideration of the theme of this Conference would be complete without some appraisal of the current national scene with respect to our observance of the law. In short, let's take a look at how we are doing as law-abiding citizens.

Unfortunately, the view isn't too good. I shall not bore you with crime statistics. Suffice it to say that, from J. Edgar Hoover on down to the policeman on the beat, the testimony is the same: Crime is on the increase. Only last week President Johnson challenged his new Commission on Law Enforcement to try to come up with some answers in combating the increase of crime across the country.

Unfortunately, the civil rights movement has generated a corollary of lawlessness in its wake. A great social revolution such as this could not avoid it. In the minds of some, this conflict arose from our failure to follow the law of the Constitution relating to the rights of the individual. In the minds of others, it has arisen because we seek to deny the States the right to follow their own laws. Granting the validity of the States rights doctrine to a certain point, we cannot avoid the inescapable fact that the Constitution of the United States has long been accepted as the supreme law of the land and must be obeyed. Every moral principle in the reservoir of human conscience and the great weight of legalistic opinion supports the thesis that no law in this country can deny to a man his God-given rights as a human being because of race, color or creed. But when victory comes to those who are now seeking equality before the law, as come it will, they must not forget that with victory comes responsibility. I could not agree more with the President of the United States when he stated, a few days ago following the riot in Watts, California, that "A rioter with a Molotov cocktail in his hands is not fighting for civil rights any more than a Klansman with a sheet on his back and a mask on his face."

While we cannot condone, we can sometimes understand, the motivation which prompts the underprivileged in our society to break the law. It is doubly deplorable to discover, however, that lawlessness is not confined to the victims of deprivation. In 1960 Federal grand juries in the city of Philadelphia convicted 29 manufacturers of electrical equipment on a price-fixing conspiracy charge. Two weeks ago, in a civil suit arising from the case, General Electric Co. and the Westinghouse Corp. were found liable in a Federal court in New York City for damages amounting to more than $16 million. There is no excuse when the leadership of powerful and affluent corporations deliberately flaunt the law of the land.

In our assessment of the moral climate of our Nation it is natural that we look, first, at the index of outright crime, the measure of noncompliance with the written laws of the land. But sheer criminality, per se, is not the sole measure of a nation's morality. There is a twilight zone of responsibility that faces every citizen of a free society, just beyond the realm of the written law. It is the above-and-beyond aspect of citizenship and, in the final analysis, the vitality and survival of a free society depends upon the measure of acceptance which this area of responsibility meets in the daily lives of the Nation's people.

This thesis was once advanced by a great Englishman, Lord Moulton, who served for many years as Lord Justice of Appeal in Britain. Speaking before the Author's Club in London, in 1924, on an occasion when he was the honored guest, he responded by presenting the thought that "mere obedience to the law does not make a nation great." Between the domain of positive law and the domain of free choice, there lies, said Lord Moulton, a domain which is ruled neither by absolute freedom or positive law. He called it the "domain of obedience to the unenforceable."

"Obedience to the unenforceable." Here is a concept cast in a verbal mould of majestic implication. Again the words of Lord Moulton: "In this domain the obedience is the obedience of a man to that which he cannot be forced to obey. He is the enforcer of the law upon himself. The true test of self-government is the extent to which the individuals of a nation can be trusted to obey self-imposed law."

Well, how are we doing in the realm of the obedience to the unenforceable?

For the past 17 years I have lived in New York State and, for the past year, in New York City. It is my considered judgment that the most serious social disease that affects American life today, particularly in our great cities, is man's growing unconcern for man. Permit me to cite an example of public behavior that has disturbed me even more than the increase in the violation of positive law in this country. It lies in the realm of the unenforceable.

This story is the story of a brutal murder. It is the story of what 38 people who might have prevented it, failed to do. Kitty Genovese was a decent, pretty, young woman of 28 who lived in a so-called respectable community of New York City. One night about a year ago she was walking home. As she neared her apartment she was attacked by an assailant. She was stabbed repeatedly for over half an hour. During that bloody eternity she screamed and cried repeatedly for help. Then she was dead. In the subsequent investigation of the murder, the police talked with 38 men and women, most of them her neighbors, who actually witnessed the killing from their apartment windows. Not only did they refuse to help her, they did not even go to the trouble to pick up the telephone and call the police.

One by one, in the investigation, each mouthed the alibi of his self-excusing, guilt-ridden conscience. Most of them didn't want to get involved. They didn't want to be questioned about it or have to go to court. Eventually, the entire 38 went back to bed while the girl's dead body lay on the sidewalk outside their homes.

There was, of course, no law that required any one of these 38 Americans to go to the aid of Kitty Genovese. They were violating no criminal statute if they didn't. They faced no judgment of a court of law. But if the spirit of this way of life we call a democracy has penetrated "the better angels of their nature," they will face a judgment more severe than the penalties of positive law. Punishment for them, if it occurs at all, will come from the nagging remorse of an accusing conscience or the moral wrath of their fellow men.

But I submit the proposition that here in this domain beyond the realm of positive law, as Lord Moulton has suggested, lies the real testing ground of the democratic thesis. Too long we have defined democracy merely as a form of government, thereby fixing our attention on the mechanisms, structures, procedures, and details of its organization.

Democracy is, first of all, a moral system. The great historian, George Bancroft, called it practical Christianity. It is something to be lived. It involves a relationship with our fellow man. It answers Cain's question that has persisted down through the centuries, "Am I my brother's keeper?" with a resounding "Yes." We obey the unenforceable commandments of democracy every time we have the courage to combat prejudice, intolerance, and fear, every time we have the moral sensitivity to become aware of the other fellow's misery and suffering and do something about it. This is the spiritual basis of a free society. If we obeyed every written law in the land and failed in this, our grand adventure in self-government would end in failure.

Another important facet of the unenforceable lies in the realm of the ballot box. This is the preeminent right, and responsibility, that self-government presupposes. The struggle for its attainment has marked the history of the Anglo-Saxon race for 1,000 years. Yet, the record of its place in our scale of values reflects an image of disturbing indifference on the part of our people. For more than half a century, our citizenry has averaged about 60-percent participation on election day. George Bernard Shaw once wrote that democracy is a device that insures we shall be governed no better than we deserve. With 40 percent dropouts from the polling booths of the Nation, what quality of government do we deserve?

This conference theme has still another facet for our consideration. Somewhere within its context a discussion of the whole concept of civil disobedience and passive resistance to law seems well-nigh unavoidable. It is a matter which relates to the essence of law and law enforcement. This shade of nonconformity to the law has been championed by great and honorable men. A Gandhi, languishing in British prisons, a Henry Thoreau in Concord jail for refusal to pay his taxes, a Martin Luther King protesting the laws of States that deny the rights of men to the American Negro—all these come to mind when we think of our responsibility to the law. Sympathetic as we may be to the causes which inspire civil disobedience, the question of how far we can go and still preserve the dignity and respect for the law seems quite relevant to the discourse of this conference.

Finally, I cannot conclude these remarks without yielding to the temptation to relate our conference theme to the field in which I have spent most of a lifetime: the world of education. I happen to believe that our understanding and compliance with the law is in direct ratio to the effectiveness of our education. And I am not too elated with the job we have done. To me, it seems a strange dichotomy that the world's lowest record of citizen participation in the processes of democracy can exist in a society that boasts the world's finest system of free public education. I find it difficult to reconcile the pious exaltation of citizenship training by our educators in midst of a growing disrespect for law and order. More specifically, I have never been able to explain to my sense of logic the complete absence of any teaching of law to the youth of this Nation in our public schools when we live in a social order where "every man is presumed to know the law." Nor is this a mere academic bromide. It is a principle that is followed in our courts of law. We teach about everything else under the shining sun to our children except the one thing that the law requires him to know. I have always advocated, and I still believe, that the educational curriculum of the public schools of this Nation should contain a course in the understanding of the law for every American child.

One hundred and eighty-nine years ago there occurred on this virgin continent one of those great flashes of documentary lightning that was to illumine the future of all mankind. It was called the Declaration of Independence. It set forth the audacious doctrine that men have certain inalienable rights that flow from God. One hundred and seventy-eight years ago this month, the document designed to implement these rights was adopted in Philadelphia. It was called the Constitution of the United States. These two majestic declarations of human dignity established for us a nation of orderly law. They marked the great turning point in history and, with their adoption, the hulking shadow of manmade despotism and tyranny began to shrivel on the pages of history.

But mere adoption of noble sentiment is not enough. We face today a growing disrespect for law. Eruptions of disobedience to the law are becoming more frequent throughout our land. This is, perhaps, the greatest challenge that democracy faces in this hour.

As I have said to you many times, what we say here in this conference will be of little significance unless it results in a fighting resolve to transform our noble sentiments into daily action throughout the year.

What can we do about the problem of law observance? Oh, there is so much we can do. We can set an example of respect for the law by obeying it ourselves, not alone the written statutes but the self-imposed responsibilities of the unenforcible. We can remember the words of someone wiser than I who said that "the world has grown too small for anything but brotherhood." If the carping critics of the law impugn its imperfections, ask them what they would suggest as an alternative to the rule of law. If they insist that the law is for the rich, tell them the story of Clarence Earl Gideon. If they suggest that it has been discriminatory in the past, remind them that the discrimination was the fault of the men who administered it, not the law itself. Remind them, too, that discrimination against race and color are disappearing from the American scene and that it was the law which initiated this rennaissance of human rights. Yes, tell them, if they care to listen, that the supremacy of law in the affairs of men is the triumphant climax of man's eternal quest for human dignity and freedom. Recite the record of those dark and terrible moments of history when the common man could cry, in tragic truth, "right forever on the scaffold, wrong forever on the throne," but that now, with the law as our arbiter of justice, we can believe, with reassuring hope, the last two lines of that couplet:

> "Yet that scaffold sways the future, and
> behind the dim unknown
> Standeth God within the shadows keeping watch above his own."

THE IMMIGRATION AND NATIONALITY ACT OF 1965

Mr. INOUYE. Mr. President, it is especially fitting to say a few words about one of this year's most significant legislative accomplishments, the reform of our immigration laws. We all have an interest in this subject if only because, in the phrase of President Kennedy, we are all, except for the Indians, a nation of immigrants or their descendants. But for 40 years, and despite the urging of four Presidents, our immigration laws contained the discriminatory national origins formula, emphasizing birthplace in choosing our immigrants rather than personal merit or family ties.

The results were grotesque. A much-needed scientific or medical research specialist would be kept out because he was born in a disfavored country, while an unskilled laborer from northern Europe would be welcomed. The laborer would also be favored ahead of the mother of an American citizen born in the wrong place, who might have to wait for years before her son could bring her to join him. Such a system, which presumes that some people are inferior to others solely because of their birthplace, was intolerable on principle alone.

Perhaps the single most discriminatory aspect of the law was the so-called Asian-Pacific triangle provision. This clause required persons of 50 percent or more Asian ancestry to be assigned to national quotas not by their own place of birth, but according to that of their Asian forebears.

There was the case of a young South American in the Republic of Colombia, who was eligible and fully qualified to come here. His wife was also a native and a citizen of Colombia. But she was the daughter of a Chinese father. As a result, this young woman had to be considered half-Chinese and thus admissible only under the quota for Chinese persons of 105. This meant that if her husband chose to come ahead to the United States, he would have to wait for his wife until the year 2048 if he did not become a citizen. If he did become a citizen, however, he and his wife could be reunited in a mere 5 years.

To end the injustice and the costs which the national origins system needlessly inflicted, President Johnson last January called on Congress, in a special message, to pass the administration's immigration reform bill and to do so promptly. The new law which he signed on October 3, at the Statue of Liberty, selects immigrants within an overall limit of 170,000 on the basis not of birthplace or ancestry but rather by a system of preferences based on family relationships to our people and special skills that will be of real benefit to our country.

The new law means fairer, better selection of immigrants within the limits we are willing to accept. The law does not open the floodgates to an excessive amount of immigration. Moreover, all the present safeguards against subversives, criminals, illiterates, potential public charges, and other undesirables are retained. The safeguards against immigrants who might cause unemployment are actually strengthened. The overall result is an immigration law that is far more just, humane, and beneficial to the Nation.

EXPLORATION ASSISTANCE

Mr. JACKSON. Mr. President, on September 14, 1965, President Johnson submitted to Congress the 14th semiannual report of the Office of Minerals Exploration of the Department of the Interior for the period ending June 30, 1965. The report is available to the public on request to the Department. It shows the achievements and program of the Office of Minerals Exploration for that period.

I ask unanimous consent that President Johnson's letter accompanying the report and an excerpt from the report explaining the program be printed in the RECORD.

The letter was addressed to the President of the Senate.

There being no objection, the President's letter was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

I transmit herewith the 14th semiannual report of the Office of Minerals Exploration, Geological Survey, from the Secretary of the Interior as prescribed by section 5 of the act of August 21, 1958, entitled "To provide a program for the discovery of the mineral reserves of the United States, its territories and possession by encouraging exploration for minerals, and for other purposes."

LYNDON B. JOHNSON.

THE WHITE HOUSE.

EXPLORATION ASSISTANCE PROGRAM

The Office of Minerals Exploration in the Geological Survey conducts a program to encourage exploration for domestic mineral reserves, excluding organic fuels, by providing financial assistance in exploration to private industry under Public Law 85–701, approved August 21, 1958 (72 Stat. 700; 30 U.S.C. 642). The Office of Minerals Exploration also administers contracts with royalty obligations remaining from a similar program conducted by the former Defense Minerals Exploration Administration under section 303(a) of the Defense Production Act of 1950, as amended. Effective July 1, 1965, the Office of Minerals Exploration was transferred to the Geological Survey (30 F.R. 2877, 30 F.R. 3461).

SIGNING OF THE IMMIGRATION ACT BY PRESIDENT JOHNSON

Mr. CHURCH. Mr. President, on October 3, President Johnson, standing before the Statue of Liberty in New York Harbor, signed into law a most important act of Congress to improve our immigration laws. This legislation, which he recommended to Congress in a special message earlier this year, has abolished the national origins quota system of immigration. As the President observed in his special message, this system reflected "neither good government nor good sense."

For a good many years, thousands upon thousands of people in excess of the numbers we can reasonably admit have desired to come to this country. As a result, the basic problem for our national immigration policy is to maintain a fair system of selection among the applicants for admission.

For over 40 years we have made our choice by means of the national origins system, under which quotas were assigned to each country on the basis of the national origins of the population of the United States in 1920.

The new law has abolished that system and the injustices it has produced. Now we have turned away from an irrational concern with the place of birth of an immigrant—or of his ancestors—and have committed ourselves to a meaningful concern with the contribution he can make or the need for reuniting him with his family.

There were many objections to the system we have discarded. First of all, it did not even do what it proposed. It assumed that each country would use its quota in full. But the countries with the largest quotas—England and Ireland included—fell 50,000 short of their total each year. Since the law did not allow transfers of unused quota numbers between nations, these 50,000 numbers were denied to countries with waiting lists. In short, the numbers were lost. The new law, by doing away with quotas and establishing a first-come, first-served arrangement, prevents this wastage.

I might add that the new law does not significantly increase the total immigration per year. It allows for an increase about equal to these 50,000 numbers unused under the quota system.

A second objection to our prior policy was that it failed to serve the national interest. No matter how skilled or badly needed a man might be, if he was born in the wrong country, he had to wait—perhaps beyond his life expectancy—while others less qualified than he could enter the United States at will. That situation has been corrected, and a man with qualifications or skills we need will be considered equally with others in his position.

A third aspect of the policy we have changed is perhaps the most compelling. That aspect was its frequent cruelty. One of the fundamental objectives of our society is unity and integrity of the family. Unfortunately, the old system often kept parent from child and brother from brother for years—and sometimes for decades. It separated families arbitrarily and without rational purpose.

Now we have insured that parent need not be kept apart from son or daughter and have given adequate recognition to family relationships generally. Best of all, we have ended the possibility that families may remain broken simply because of differing places of birth.

A fourth point to make is that we have removed from our statute books an affront to most of the nations of the world. No longer need we be defensive about a scheme that blatantly proclaimed as a matter of national policy that some peoples are not as worthy of consideration for American citizenship as others. As all our Presidents beginning with President Truman have pointed out, the national origins law was a constant irritant to amicable relations around the globe.

Finally, the national origins system contradicted our fundamental national ideals and basic values. It denied recognition to the individual and treated him as one of a mass. It judged a man not on the basis of his worth or ability to contribute to our society, but on his place of birth—or, worse yet, in some cases, on the place of birth of his ancestors.

We have now rid ourselves of these distortions of our true principles and have returned to our early practice of viewing all men for admission to our land without regard to their origins, or the origins of their forebears. The act of Congress that the President signed before the "Grand Old Lady" on Liberty Island does the Nation proud.

COLLEGE ADMISSIONS

Mr. RIBICOFF. Mr. President, each spring thousands of high school seniors anxiously await admittance to the colleges and universities of their choice. Many are rewarded with success. Others meet disappointment. In fact, some 100,000 graduates who want to go on to college next year will find in April that they have not been accepted by an institution of higher learning.

In many cases the heartache and confusion that result could have been avoided by sensible advice and reasonable planning. A series of articles entitled "Getting Into College," by John C. Hoy, dean of admissions at Wesleyan University in my own great State of Connecticut, offers excellent counsel to prospective college students and their parents as well.

In these times, when a higher education is of the utmost importance and competition to get one becomes more intense each year, Dean Hoy's experience and concern with the problem of finding the right institution for the right student is of interest to us all.

Mr. President, I ask unanimous consent that this series of articles be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

GETTING INTO COLLEGE—COLLEGES EYE THE ARTFUL APPLICANT

(By John C. Hoy)

Unlike baseball, it's the spring batting average that means everything when applying to college. Most college admissions offices tell candidates if they have been accepted about mid-April, 5 months before the freshman year begins.

And each year at that time about 100,000 high school graduates learn that they have not found their college. Then a mad scramble for an opening—oftentimes anywhere—is started.

This is the first of a series of articles written with hope that you—or your son or daughter—will not be one of those 100,000. The series is intended to offer advice to anyone who may be thinking of college someday. It should be of particular interest to parents and their children who are freshmen and sophomores in high school. For families with members in the junior or senior years of high school each article should be of vital concern.

In many cases the scramble for an opening could have been avoided; the candidate, by planning, should be capable of insuring a good batting average for himself.

Colleges usually publish a cutoff date for applications. New Year's Day is a popular deadline. The best practice is for the student to file applications well before the deadline. And the arrangement for an interview at the college as early as possible in the student's senior year, certainly prior to January 1, is wise.

It is important to file more than one application. I would recommend that candidates file four applications, each to a college that offers an interesting challenge to the student. The following table offers an idea of the way to go about selecting colleges to which applications should be sent.

First application: A long shot. Reaching for the moon. But worth a try.

Second application: This is a tough one. But there is a 50–50 chance.

Third application: Pretty sure of acceptance and it fills the bill.

Fourth application: A clear shot.

One may ask, why four applications? After all there is a nonrefundable applications fee, usually $10 and increasing shortly to $20 for many institutions.

There are good reasons. Let's discuss "reaching for the moon."

All colleges take gambles and long shots each year. Admissions officers pride themselves on their judgment. They feel instincts about certain candidates who don't on paper seem to have all the qualifications. And, if the admissions officers are doing a good job, their instinctive judgment can pay off for the candidate as well as the college.

Therefore, it is worthwhile for the student to do a little "reaching" too. Students shouldn't overextend themselves but neither should they hesitate to stretch up on their tiptoes when filing an application.

Since the odds are not with a long shot, the second and third choices have to be much more realistic.

Actually, although the student may classify the second choice as "tough," it should be within reach. It should be a choice that can be obtained, say, if the breaks are with him. In this instance, a bad break would be for the second school to receive an unusually high percentage of candidates, all having exceptional qualifications. This happens every year.

This is the reason for the third and fourth applications. The school the student is "pretty sure" of, the third application, may have an unusual year, too.

Thus, the investment of some extra time and dollars in filing four instead of one or two applications, is worthwhile insurance for the young individual who wants to go to the right college.

GETTING INTO COLLEGE—WILL 4-YEAR INVESTMENT PAY?

(By John C. Hoy)

If anyone in your family plans to go to college, you should all take an honest look at the size of the human investment ahead.

In all likelihood parents will be investing between $10,000 and $16,000 for tuition, room, board, books, travel, and incidental expenses during the 4-year period.

And since college-age men and women have reached the productive age, it is estimated that any one of them would be capable of earning somewhere between $12,000 and $20,000 had they not gone to college for 4 years.

These material statistics are called to a family's attention to point out that the decision before any college candidate is no small one, even by one of its relatively minor yardsticks, the dollar. A college education is without question the largest single investment most people ever make in themselves.

But there are other factors of even greater weight.

Four years carved out of one's youth is a significant period of time. How these 4 years are invested can substantially alter the individual's approach to all the challenges to be faced in the 5 or 6 decades of life after college; colleges have the peculiar power of shaping the aspirations of their graduates.

If this investment of dollars, earning potential, and 4 formative years is made unwisely, the price of the mistake can be the costliest parents or their offspring ever will have to face.

At the extreme—and too often the extreme is realized—the child may never have the opportunity to fulfill his potential. Thus this person's capacity for making a satisfactory way in the world may seriously be damaged. The price for this is often spelled out in dissatisfaction throughout life and a probable loss of hundreds of thousands of dollars in earning potential.

Unfortunately, there are more wrong than right decisions made about college. During the last half century more than 50 percent of students who entered college in this country became dropouts. Add to this staggering percentage the number of students who merely "got by" or who finished although they ended up in the wrong school or majoring in the wrong course. One begins to realize how much thought and effort is required to turn the odds in the favor of any student.

But the odds can be turned in one's favor providing the student is willing to give enough careful thought to the selection of a college and to the reasons for deciding to attend a particular school in the first place.

The student should never be allowed to back into the choice of a college. Instead, the choice must be made with eyes wide open. The candidate must be very much aware of all the alternatives. Young men and women must think and plot a campaign designed to familiarize themselves with the possibilities open to them in higher education. They must clarify their own philosophy of higher education and what they want to accomplish during these last years of formal preparation for life.

To plan wisely it must be recognized that men and women of 17 or 18 are essentially the persons they will become after youth has passed. Therefore, if they do the right job of assessing their potentials, their strengths and weaknesses, they will have made a good start toward the right college decision.

And it is extremely important for parents to realize that this is the time to allow the young adult to make his own decision and live with it.

Unless young adults can make this decision on their own, they are not ready for college.

This reality—that their child, ready to enter college, is already a young adult—is difficult for many parents to accept.

Once this self-appraisal has been made, the students themselves must decide which college can do the best job of recognizing their potentials and helping them refine these potentials. The process of a college education, after all, is usually more a refinement of potentials than a process of acquiring new ones.

This refinement process can take place in a wide variety of settings. Clearly no particular institution has a priority on this kind of offering.

Getting Into College—Timing—When Is a Youth Ready?

(By John C. Hoy)

If the average shoe size in the United States is 9, this does not mean that every person has a size 9 foot.

Neither does the fact that the average age of a college freshman is 17 or 18 mean that every youngster is ready for college immediately following high school.

Actually a good number of young people who take a job for a year or so after high school do better beginning college later than they would have otherwise.

These usually are young people who need further experience with the "real world" before they can gain a better sense of why they are planning a college education.

Colleges and universities are very much interested in students who have the kind of foresight such a move demonstrates.

There should be no embarrassment to a parent whose son or daughter takes a working intermission between high school and college. More and more colleges are encouraging their enrolled students to take a year off for just this purpose—often without regard to academic difficulty.

There are students who attend college because they have "nothing better to do." Not surprisingly, students of this sort often bog down in the "sophomore slump"—and drop out of college altogether.

From our experience we believe that many youngsters have the right instinct about whether they are ready for college. All too often it is the parents who force them into mistakes.

Parents, understandably, have a tendency to believe that their child will do well in college if only given the chance. This, in spite of a record of poor performance in high school.

But logic, no matter how one tries to stretch it, does not indicate that the student who did not like high school and did not do well there will enjoy college and get what he should out of it.

An unusually high percentage of parents who push this kind of a child often discover the term "late bloomer." They claim that their child, one who has "not achieved" in high school, is really a species of genius who has not yet shown his bud. Colleges are constantly dealing with young people. They are particularly well adept at recognizing the wide variety of "late bloomers" who apply for admission.

Putting pressure on underachievers to go to college is merely increasing the chance that these youths will drop out. The majority of college dropouts in the United States are youngsters who have been under this pressure.

Occasionally an applicant appears who does not present all the proper credentials, but clearly shows a particular dimension of independence or creativity which caused him to buck the system in high school. As a result this student did not gain the particular rewards—namely grades—given by the secondary school.

Such a student may, on the other hand, be a voracious reader. This student may possess a curiosity and diligence which leads into worlds of learning that actually may be unmeasurable by the standards of traditional achievement.

Parents would do well to allow their son's or daughter's guidance counselor and admissions officer to determine how truly unusual the candidate's case may be. When a parent says, "I have a truly unusual son, but * * *" the college admissions officer feels it's time to duck. This kind of information is best presented by the candidate personally. He will have ample opportunity to do so on the application form or during the interview.

In general, colleges are quite suspicious of the candidate or parent who comes into the admissions office and uses the term "late bloomer" as an excuse for a poor high school record.

Actually, students who truly belong in this category are much too interested and involved in lively concerns to describe themselves in such a fashion.

In short, one of the real tests of whether a young man or young lady is ready to enter college is his or her ability to make an objective appraisal of themselves.

Getting Into College—Student—Not Parent—Is Candidate

(By John C. Hoy)

Applying to college is perhaps the first adult responsibility assumed by young people. It is certainly one of the most important tasks they will ever undertake.

I feel strongly that parents should recognize that the college application is the student's responsibility. Admissions officers far prefer to correspond directly with the students instead of their parents. Colleges admit students, not parents.

Too frequently, however, a father sends the initial letter on business stationery. It is almost as if he doubts his child's capacity to write a letter worthy of consideration. I recommend, instead, that routine correspondence from beginning to end should be between student and college.

A letter from parents is, of course, welcome when it describes a particular problem or some condition affecting their child's application. But generally I hold with the admissions officer's adage: "The thicker the folder, the thicker the kid."

Thus the overzealous parent can harm this offspring's chance of conducting an important "negotiation" and developing from that experience the qualities of independence that will contribute to eventual academic success. I am persuaded that the overly dependent youngster is far more likely to be a candidate for the 50-percent dropout group than the young individual with initiative.

This is not to say that high school students should willy-nilly go it alone in planning a college education. They can and should enlist all the help possible from their secondary school's guidance director or counselor.

The counselor has helped place hundreds of students in college. He truly qualifies as an expert in the entire college placement process. Parents can serve by subtly encouraging the student to make a sincere effort. But remember the line is thin between parental interest and parental pressure. Conflict with the parent is found to be at the root of the majority of academic and social difficulties suffered by most students.

Beyond being a source of information, the counselor also can assist the students invaluably by objectively appraising their qualifications for various colleges. Recommendations against trying one college or another should not be taken amiss. Parents too often misunderstand or feel offended when a counselor advises against a particular college.

The fact is, however, that the counselor's and student's interests are the same. The counselor wants to see students from his school enter colleges and universities where they will succeed.

Most counselors will suggest that students apply to three or four institutions. Most often the colleges recommended vary in terms of entrance requirements. It will be wise for students to apply to at least one institution where they can be relatively sure of admittance. It should, of course, be to a college well suited to the applicant's needs.

Failure to work out a careful program of college applications too often means failure in entering college. Those who have not chosen wisely in applying to colleges often find that in the warm days of spring, they are out in the cold. Then they desperately—and too often hopelessly—seek opportunities in institutions at which they would have easily qualified if they had only applied in time.

But regard for proper timing is not to be mistaken as advocacy of overly early college planning. As an admissions officer, I urge early planning; it pays off in most situations in life. But premature planning is of little advantage—and tends to be rather neurotic.

One college president cautions: "Some ruin high school worrying about getting into college." To be specific, the junior year in secondary school is soon enough for actual college planning—assuming, of course, that the student began a college preparatory course in his freshman year.

I am dead set against students seeking interviews in the freshman and sophomore years. This puts too much "college" pressure on people before it is sensible for them to worry. And their "worrying" is not practical for the colleges and universities, either. Before junior year the student just has not compiled the academic and personal evidence needed for an admissions officer to be able to take action.

"In" School Often Proves "Far Out"—Getting Into College

(By John C. Hoy)

Americans receive a great deal of training in buying on the basis of name and size. Whatever its value in everyday life, this procedure just does not make sense in selecting a college.

There are more than 2,200 accredited, 4-year colleges and universities in this country. An unparalleled dimension of choice is open to prospective students and their parents.

Nevertheless, the thinking of far too many students and parents is obscured by the feeling that perhaps 50 of those 2,200 institutions are the "in" places to go.

At Wesleyan University we face this problem to some degree. My advice to students who seem to be applying because of Wesleyan's prestige is to think again and decide what they really seek is a college education.

Basking in supposed prestige is no substitute for an education. Furthermore, in entirely practical terms, many who first go to a college or university for superficial reasons eventually wake up and become very unhappy. Some are so disillusioned that they drop out.

The naivete of this prestige business can easily be demonstrated. Consider the case of current and recent presidents of three renowned universities, Brown, Duke, and Harvard. All three were formerly presidents of Lawrence University in Appleton, Wis. The energy and leadership that these distinguished men have so impressively displayed for their name institutions was earlier matched by their services at one small Wisconsin college.

In fact, an extraordinary number of distinguished university presidents, professors, and researchers have attended and taught in comparatively unknown institutions. A Knapp-Goodrich study, "The Origins of American Scientists," reveals that on a scale of the production of scientists, 40 of America's top 50 institutions are small liberal arts colleges. Many of these are of limited reputation. Most are located in the Middle and Far West. Only three large, well-known institutions—Johns Hopkins, Chicago, and Wisconsin—were listed at all among the top 50.

Similar studies of the collegiate background of business and industrial leaders indicate that the better known institutions have no corner on the market when it comes to producing unusually successful men and women.

Size is another factor that often distorts the thinking of prospective students as they consider the colleges and universities to which they will apply.

The current bias seems to be against "bigness." Needless to say, we of Wesleyan have a well-developed awareness of the advantages offered by a relatively small campus and a high ratio of faculty to students.

But no one of us would agree with the exaggerated fears that an education at a large institution reduces the students to being "just another number."

In fact, because of their size many larger institutions are able to offer a great deal more individualized attention to students. Personnel services at many State universities have well-rounded professional staffs working in vocational guidance and planning, job placement, psychological testing and counseling, psychiatric clinics, complete medical and health services, as well as academic counseling.

The problem facing prospective students, their secondary school advisers, and their parents is to choose the school for which the student is best suited. Any student with initiative to seek out the multiplicity of services offered at large universities can enjoy a very complete education at such an institution.

Dad's "alma mater" can be a real problem. How many dads who went to Siwash feel their sons ought to go there, too? In such instances, Junior is forced, unwittingly, to support dad's enthusiasm although he has severe reservations about practically all of his father's old college buddies.

All that can be said here is that alumni sons, above all others, should be critical of dad's college. They should be permitted to measure the place as objectively as possible. The parent truly interested in his son—rather than his own reincarnation—will encourage the young man to recognize that the education he is seeking is for himself.

Besides, after 25 years, Siwash really isn't the same old place anyway.

Getting Into College—Beware Sales Pitch—Seek Facts

(By John C. Hoy)

Watch five television commercials extolling the merits of different razor blades or household detergents and decide which to buy. It's pretty hard. That is, if one wants to be certain of getting the best value for the dollar.

Unfortunately the average college catalog is of little more value in helping the college candidate make his choice.

College catalogs do differ from television commercials in some respects. Most of them are dreadfully dull and show an appalling lack of clarity.

It is no wonder young people feel confused and indifferent toward the process of selecting their school after exposure to a dozen college catalogs. Catalogs have become very standardized. They make it difficult for the candidates to tell the difference between the school that offers what they want and those they should avoid.

Still, the catalog does carry much essential information. There also usually is supplemental material which can be more helpful. If students are interested in a college they should get its alumni magazine, the college newspaper, other peripheral literature and political journals published by the student community.

Most admission offices will gladly honor requests for such information. By studying these college media, in addition to the catalog, a far greater insight into the college character can be attained.

Further, there are objective guides to American colleges. Excellent books to read are the "College Board Handbook" and "Manual of Freshman Class Profiles," both published by the College Entrance Examination Board, and "Cass and Birnbaum Comparative Guide to American Colleges," published by Harper and Row.

While these books are not always directly available to the student, the high school college counselor usually is willing to lend them and, if necessary, aid in their interpretation.

From these books the student can get an honest appraisal of what different colleges are, what they offer, their true aims and purposes, and their backgrounds.

In studying the college catalog the most valuable information is course content, the various academic programs, requirements for graduation, financial information, and the description of scholarships available.

Perhaps the biggest single mistake made by a candidate reading a college catalog is to fall into the trap of counting the number of Ph. D.'s on a school's faculty.

That an individual has a doctorate is certainly one measure of his academic preparation for teaching. But this does not mean it is possible to assess the academic power of an institution by a nose count of the men with doctorates teaching there.

The Ph. D. is no accurate indicator of whether a man is an eminently successful teacher; it means he is potentially a successful scholar.

If I were a young man seeking my college again, and I found one where several professors had written exciting books in the last year, this would interest me very much. If the school could list three or four recent titles, I'd be tempted to go there regardless of the Ph. D. percentage. One must dig below the surface to discover such things.

In other words, the advice is that it would be foolhardy to rely on the catalog alone. Photography can be a very deceptive art. So can words from an institution which may be "on the make." Candidates should do some real research if they want to see the true face of the college they are considering.

Getting Into College—Junior Year Time for Legwork

(By John C. Hoy)

When he becomes a junior, the secondary school student must really face up to the question of college—where to go and how to get there.

An immediate responsibility can be quite a strain—college boards. I believe it is generally wise for the junior to take a set of scholastic aptitude and achievement test examinations offered by the College Entrance Examinations Board (Box. 592, Princeton, N.J.).

Taking the examination while a junior does not mean that students are irrevocably "stuck" with their scores. They will have another chance, if they want it, as a senior.

But the early testing does have value. For one thing students can gain invaluable experience with college board testing. Once acquainted with the form, many students significantly improve their scores. Another plus is the evidence the tests will produce for the secondary school guidance counselor. A student's counselor can, by reviewing test results, suggest within broad limits the kind of college that should be most suitable for the applicant.

Some students also may want to take the American college testing program (330 East Washington Avenue, Iowa City, Iowa). There are many colleges and universities which prefer scores from this battery of tests.

But while college board testing as a junior has real value, it also involves some danger.

Even confined to senior year, college boards are greatly overemphasized. Too many secondary school students are bedeviled by the prospect—and then the results—of college boards.

In fact, college boards results are not of life-or-death significance in deciding whether a student will be admitted to college. Every year some of the most selective institutions take students with quite low college boards. And some of the least selective turn down students with very high college boards. Clearly, admissions officers base their decisions on something besides these tests.

My philosophy on college boards is that students should be encouraged to take them and to do as well as they can. When scores are received, I urge students to accept them maturely and with commonsense. They must not be discouraged if the scores tend to be lower than hoped.

Another job for the juniors preparing for college, and one that is less nerve wracking, is to visit a number of institutions in which they are interested.

If students have the time and energy, it would be ideal for them to visit from 6 to 12 colleges during the spring and summer of their junior year.

Beginning college visits in the late spring is opportune because admission officers are relatively free after May 1. They have just finished putting together their freshman class for the coming fall and are ready to begin thinking of the year following.

Nevertheless, the junior visiting campus should not necessarily expect a full interview. What the prospective college freshman should concentrate on is getting a sense of the school's atmosphere and human dimension.

It will be particularly worthwhile to attend classes—both large lectures and small discussion sections. And the applicant should take a hard look at the life of the campus. At a large university this would include fraternities, dormitories, the international house, the student center, off-campus rooming houses, etc. Frequently, it is the atmosphere in these facilities that will decide a student for or against a particular college.

After the first round of visits, prospective students should narrow their sights on three or four schools that interest them most. A return visit to these campuses is then in order. This time the student should anticipate a more complete interview with the admissions officer, and while on the campus, even more intensively, try to sample the life of the student body. Arrangements can be made through the admissions office to spend time in classrooms, eat with students, and live in the dormitories.

That a college is not considered among the most selective does not mean that it is not excellent. There are a great many institutions overrated because of their high entrance selectivity.

Many schools which do not make it quite as difficult to enter are exceedingly fine places at which to study. These "sleepers" are often moving ahead fast and are thoroughly sound and exciting places of which to be a part. In fact, I think it may be more stimulating educationally to help build a "B plus" college than to attend one long rated "A."

Facing the Inevitable Interview—Getting Into College

(By John C. Hoy)

The admissions interview will be one of the most important factors in determining whether your son or daughter goes to a particular college.

It is important in two ways:

The interviewer, whose job is to make a personal evaluation of the candidate, obviously is in a key position to influence the committee's final decision.

The candidate, while in the admissions office, is in an excellent position to have any questions about the situation clarified.

What is the admissions officer looking for in the candidate?

After having met thousands of young people in similar situations, the admissions officer realizes that no two are truly alike. He wants to know what makes this candidate tick.

If the candidate tries to create the impression that he or she is an absolute model, one who has done everything right, the admissions officer will think something is wrong. They have been around too long to expect or believe in this kind of performance. Besides, an admissions officer would consider such perfection indicative of a rather bland and uninteresting individual. One might wager that the admissions officer would conclude that his college is not good enough to contain such an individual.

The admissions officer is looking for candor. He will respect the applicant who knows his strengths and weaknesses and can discuss them objectively. This does not mean that candidates are expected to deprecate themselves. The young adult who overdoes this is often as uninteresting as the one who feigns perfection.

It is wise to remember that college admissions officers are trying to pick a "well-rounded" class, not a class full of "well-rounded" people.

The strengths, weaknesses, causes, concerns, bumps, and rough edges of the candidate all are of interest to a competent admissions officer. He is an imperfect human being, too.

The admissions man does not expect to do all the interviewing. Unless also put in the place of the interviewee by the applicant, he will feel that the meeting has been incomplete.

If, by the time the interview is arranged, the student is deeply engrossed in the process of picking a college, there will be many questions the student truly needs to ask.

The pitfall of merely asking questions to show off, however, should be avoided.

This means the student should have the good sense to be thoroughly familiar with the college before the interview.

In addition to the conventional material students have searched out about the institution, they should have talked with alumni and students in their home area in preparing for the interview.

The admissions office is there to help the candidate, but the "drop in" does not get the kind of attention reserved for the student who plans ahead. Make an appointment 10 days to 2 weeks in advance of the admissions interview.

And it never hurts to make the job of the admissions officer less difficult. Make certain he has received all the data required before the interview. Bring along, or send in advance, an unofficial transcript from high school so that time can be saved in reviewing the student's record.

If the parent accompanies the student, it is well to remember that the college is interested in the student, not dad or mom, for the freshman class. Don't, for anything, be the "old man" or "old lady" who sits in an interview and feels that he or she, not their child, is going to be graded on answers to questions.

(While there is no true substitute for visiting the campus, on occasion a candidate just cannot get there. In this case write and explain the situation to the admission office. Arrangements usually can be made to have a representative of the office or an alumnus interview the candidate in the home area.)

Time must be budgeted to allow 4 or 5 hours on the college campus. A half-hour interview and campus tour cannot provide all that must be understood in order to make the right decision.

Candidates should really try to plug themselves into the campus life during the visit. They should read the bulletin boards. Bulletin boards, often very directly, can tell them much about the political, social, religious, and literary life at the school.

Applicants can benefit by introducing themselves to students in the union, bookstore and campus walks. These random encounters often are more helpful than the official tour. But keep in mind that individual opinion may be colored at the moment by the loss of a steady girl or by a flunked examination.

Since at least half of a college education comes from outside of the classroom, the intellectual ferment revealed by the bulletin board and personal encounters is vitally important to the candidate. Finding criticism, debate and ferment during the visit is a healthy rather than negative sign. Trust evidence of a lively dialog on a wide variety of topics. This is what college is all about.

GETTING INTO COLLEGE—HOW TO PAY? CHECK SCHOLARSHIPS

(By John C. Hoy)

College is expensive. But one need not give up hope of a college education for lack of money.

Fortunately, where family resources do not measure up, scholarship assistance is available to the qualified student. But virtually all scholarships and other financial assistance are firmly anchored to the "need principle."

Parents of a child seeking a scholarship should file a confidential financial statement with the College Scholarship Service. The organization serves as clearinghouse for this sort of information for most American colleges and universities.

Thus, one application filed at the service's headquarters at Box 176, Princeton, N.J., will provide the personal financial information needed to back up a scholarship application for almost all institutions of higher learning in the country.

Applications are thoroughly processed by the service. Information received is computerized and "tested" on the basis of the service's long experience in appraising families in terms of the "need principle."

The resulting evaluation of financial need is forwarded to every institution in which the prospective student is interested. Each college admissions office has a financial aid specialist who will, if requested, review with parents the evaluation placed on their confidential financial statement.

The following table will provide a rule-of-thumb idea of how much parents are expected to contribute from their income toward a son's or daughter's education:

Normal expected yearly support for college expenses from family incomes of different levels

Family income	Number of dependent children				
	1	2	3	4	5
$4,000	$380	$270	$210	$170	$150
$6,000	760	570	450	390	330
$8,000	1,220	950	780	680	590
$10,000	1,770	1,420	1,200	1,050	950
$12,000	2,360	1,960	1,680	1,500	1,370
$14,000	3,030	2,560	2,230	2,020	1,870
$16,000	3,730	3,200	2,835	2,600	2,420

This means that a family with an income of $4,000 a year and one dependent child is only expected to pay $380 toward a year of that child's education. But the family whose income stands at $16,000 or higher is expected to contribute $3,730 a year.

Actually the computations of the College Scholarship Service are somewhat more complicated. Other family assets besides income are weighed. And consideration is given to such extenuating circumstances as other educational expenses, insurance and retirement needs, debts, unusual or continuing illness, and limitations upon the earning power of the parents. To repeat, a college education is expensive—scholarship help notwithstanding.

How much is the college tab? The following typical budgets for two different kinds of schools may help parents estimate costs more closely. Such information is always available in a college catalog.

Estimated annual expenses at an eastern college

Tuition	$1,700
Other fees	120
Room	400
Board	600
Books and supplies	100
Miscellaneous	320
Total	3,240

Expenses for a resident[1] *at a State university*

University fee	$150
Student union fee	10
Student government fee	10
Room	250–400
Meals	400–550
Books	100
Miscellaneous	250–400
Total	1,620

[1] Nonresidents will usually pay an additional $400 to $500 in tuition.

THE GROWING POWER STRUGGLE

Mr. JORDAN of Idaho. Mr. President, on September 1, 1965, my distinguished colleague, the senior Senator from Utah, spoke on "The Growing Power Struggle" before a meeting of the Washington Trade Association Executives. In his succinct and penetrating analysis of this struggle he states:

> By means of the Constitution, our Founding Fathers sought to preserve that power in the people against the inevitable challenge of an age-old tradition of power polarized in the hand of one—or a few. After nearly 200 years, the point of power focus has been shifting always more rapidly away from the people toward the single executive.

He then proceeds to point out the reasons for this shift, the dangers of a power seeking executive, how far it has progressed in this country and what might be done to counteract it. I commend this speech to the attention of all my colleagues and ask unanimous consent to insert it in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE GROWING POWER STRUGGLE

(Speech by Senator WALLACE F. BENNETT, Sept. 1, 1965, before Washington Trade Association executives)

I approach this assignment today with an unusual background of experience. Once I was one of you—having been in 1937 president of a tiny trade association with a two-person staff, and 12 years later president of the giant National Association of Manufacturers. Both of these organizations were vitally affected by activities of Congress.

Now I am in Congress—helping to create the problems which justify your employment—and giving you material for your bulletins to your members. My political enemies insist that this pattern creates for me an inescapable conflict of interest. I like to feel rather that it gives me two points of view from which to view the elemental forces that are contesting for power—and this is desirable, for the same reasons that the old stereopticon gave spatial depth to a picture and the modern stereo gives tonal depth and reality to sound.

Today, rather than to discuss certain bills before Congress—and thus disappoint those of my audience who may not be directly involved in the ones selected—I want to discuss the basic and growing power struggle in which we are all deeply involved, of which these bills are tools and ammunition.

Like other natural forces, power always tends to be polarized, and in government the two obvious and ultimate poles are the ultimate executive, whether king, dictator, or president—and the people. The flow of force toward these two poles, like the positive and negative currents of electricity, never ceases, and their struggle focuses the actual and practical balance of power somewhere between.

The real meaning of the American Revolution is that it was the climax of centuries of effort and sacrifice to break through the tyranny of self-perpetuating executive power, and repose the power in the people.

By means of the Constitution, our Founding Fathers sought to preserve that power in the people against the inevitable challenge of an age-old tradition of power polarized in the hands of one—or a few.

After nearly 200 years, the point of power focus has been shifting always more rapidly away from the people toward the single executive.

There are several reasons for this:

1. The executive is personal, identifiable, salable with our modern methods of mass exploitation, and capable of singleness of purpose. In addition, he has $100 billion to dole out almost at will. On the other hand, "the people" is an amorphous, inchoate mass, divided into antagonistic groups.

2. The very singleness of purpose of which the executive is capable—and the people as a mass concept are not—harnesses for the executive the driving force of ambition and tends to burden the people with apathy. Leaders are supposed to rise from the people and serve for a limited time. This is how they rise, but once they are on the way up, few, if any, are willing to sink back into the mass. Rather, they struggle to rise higher.

3. A society as complex as ours must always be ruled by representatives. Theoretically all elected officials represent the people who elected them, and specifically this is true of men who serve in legislative bodies, including the Congress.

But there is a growing permanent executive establishment, and men in it are appointed to represent and wield the executive power of the President. Not only are they not answerable to the people, but they build a mighty bulwark to protect the executive against the Congress and the people, even to the extent at times of ignoring or refusing to carry out the obvious will of Congress. For instance, base closings, merger of Reserves and National Guard, B–70 bomber, etc.

4. The flow of power from the people to the President is self-accelerating—as he uses that power to create more. It is also debilitating in its effects on the people.

James Madison, author of the Constitution, said, "We rest all our political experiments on the capacity of mankind for self-government." He might have added, "This rests on the moral and spiritual capacity of individuals for self-control."

Whether consciously or not (and certainly no ambitious politician will admit doing it consciously), the power-seeking executive, in order to be successful, must deliberately weaken that capacity for self-government and put in its place a feeling of helplessness and dependence sweetened with promises of a better life with little or no individual responsibility through Federal programs, and the greater distribution of Federal benefits and Federal money.

In other words, the spiritual power for sacrifice and service of the individual must be replaced by a clever appeal to mixed fear and selfishness, backed up by a promise of material benefits—or by force.

The antipoverty program represents the appealing face of the power drive. The repeal of 14(b) represents the other face, which displays the naked use of force.

In short, while the power in the people rests on the spiritual strength of the individual citizen, the power of the executive can only be exerted through carefully disguised materialism.

How far has this polarization of power in the Executive progressed? Further than you think, and in more areas, perhaps, than you have observed. The system of checks and balances conceived by the Founding Fathers has become largely impotent. The executive department has grown tremendously in size, and in its assertion of power. Today the executive department, not counting military in uniform, numbers 2,540,000 persons with an annual payroll of $17 billion. On the other hand, Congress—the intended focus of representation of the people—has lost most of its balancing force for several reasons. Among them are these:

1. Under the "strong President" concept, so popular with the liberals, Congress has lost its opportunity to initiate laws. Under the same concept, many of its Members now feel a greater allegiance to the Executive (for his political help and that of his labor allies) than to the State or district from which they are elected. Many Congressmen and Senators have become almost completely dependent for their campaign funds on national labor organizations. This dependence has been increased by the great weakening of the two-party system.

2. The State's governorships have also lost their usefulness as balancing power centers. The acceptance of Federal grants of funds, upon which they have become increasingly dependent, inevitably transfers more and more powers of decision to Washington, and makes our Governors little more like provincial satraps. Most recently, by the creation of a new Cabinet post of Urban Affairs, we have created a means by which the mayors of great cities can completely bypass the State governments. Moreover, under the cloak of civil rights, we have given Federal officials the power to move into all local units of government—down to the school boards—and exercise a veto over the decisions of local elected officials.

What does this increasing concentration of power in the Federal executive mean to you and those industries you represent? Certainly not greater freedom of economic or business decision or local economic autonomy. Actually, you not only are obvious targets, but literally sitting ducks, because you tend only to react when some new Federal proposal affects you directly. Like the American people, you have no single voice. You do not hang together—and face the risk of hanging separately. Do not breathe a sigh of relief if, when you read the Congressional Record, you find no new bill directly affecting you. Rather, remember the oft-quoted words of Donne:

"Never send to enquire for whom the bell tolls. It tolls for thee!"

What can you as trade association executives do about it here in Washington? Little—except try to put out fires. But unless the executives of your member companies do something in the elections back home to make sure their communities and their States send men to their State legislatures and to Congress who are both capable and free from domination by Federal executives or labor, power will continue to flow at increasing speed from the people to the Federal executive establishment, and for our children, the achievement of the American Revolution, an experiment based on the capacity of mankind for self-government, will again become only a dream—a wistful memory.

As George Burns says, "Do it!"

AMERICA BACKS PRESIDENT JOHNSON

Mr. BAYH. Mr. President, it is indeed rare when sage advice and sound reasoning on our foreign policy—or any aspect of it—can be offered in six short paragraphs.

Nonetheless, this was accomplished in a recent editorial by the Fort Wayne, Ind., Journal-Gazette. Under the headline, "America Backs President Johnson," the Journal-Gazette has summed up with clear perception what the majority of the people of this country have indicated again and again in polls and statements.

I ask unanimous consent that this example of clarity and logic be printed in the Record in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Fort Wayne (Ind.) Journal-Gazette, Sept. 5, 1965]

America Backs President Johnson

The President of the United States is charged by the Constitution with the conduct of foreign policy.

We can have only one President at a time and the President now is Lyndon B. Johnson.

It is not good to divide the country in time of war. It helps the enemy.

These statements are hard to dispute and not very many Americans are disputing them.

Most Americans realize that the war in Vietnam was not started by our country, but that we cannot afford to run out on our ally or upon our own interests in southeast Asia.

America wants peace in Vietnam, but the enemy does not—at least up to now.

REVISION OF RULES ON BANK MERGERS

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the Record at this point an editorial entitled "Mr. Katzenbach Clears the Air," published in the Wall Street Journal of October 5, 1965.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Oct. 5, 1965]

Mr. Katzenbach Clears the Air

One of the more adamant opponents of proposals to revise the rules on bank mergers has been Attorney General Katzenbach. Now, however, he appears to have retreated a bit.

The Attorney General, in a letter to Chairman Patman of the House Banking Committee, indicates the administration would be agreeable to legislation embodying a couple of principles which happen to be the prime aims of those who want to revise the merger rules. So Mr. Katzenbach's letter may help settle the matter.

For one thing, the Attorney General agrees that Federal policy toward mergers of banking institutions should be consistent. Though that's clearly a sensible rule for the Government in any area, consistency has been notably lacking in Washington's approach to banking mergers.

In a number of cases in recent years, bank mergers duly approved by a Federal banking agency have been challenged by the Justice Department as illegal. It's not that the Department and the agency were reading the law in different ways; they were simply reading different laws.

If the banking agencies and the Justice Department are all going to continue looking into banking mergers, as Mr. Katzenbach thinks they should, his suggestion is sound: They all should act on the same legal principle. Above all, he says in effect, the public interest is paramount.

That interest is recognized by the banking agencies which, under the Bank Merger Act of 1960, consider not only a merger's effect on competition but also whether it will benefit the community by improving service and promoting a sounder banking system. The Justice Department and the courts, on the other hand, may ponder only a merger's competitive impact.

Mr. Katzenbach proposes that his Department and the courts be required to take the banking agencies' broader view of all the elements involved in mergers. As he says, "all such factors should be taken into account in determining whether the merger * * * is in the public interest."

Those simple concepts—legal consistency and the public interest—have been largely obscured by the charges that the banks somehow are seeking special privilege. It's good to have the Attorney General clear the air.

THE LONG TIDAL RIVER

Mr. RIBICOFF. Mr. President, our Nation is today coming to grips with one of the most important problems facing us—the need to preserve our natural beauty, insure open space for recreation, and clean up our precious water resources.

In my own State of Connecticut, we are fortunate to have the magnificent Connecticut River—a river that still flows through wooded hills and quiet pastures—but a river that is sadly polluted and in the midst of a long decline.

I have proposed that the Connecticut River Valley be made into a national parkway and recreation area; and on September 13, 1965, Secretary Udall, Governor Dempsey, and Congressman St. Onge accompanied me on a trip up the Connecticut from Saybrook to Hartford. What we saw confirmed my belief that we must move quickly to preserve the heritage of the Connecticut River for future generations.

Mr. President, one of the best descriptions of the Connecticut River is contained in the narration of the film, "The Long Tidal River." The film was photographed and written by Ellsworth Grant, of West Hartford, and narrated by Katharine Hepburn, a Connecticut native and resident, a warm and wonderful actress, and one well qualified to tell of the history and the beauty of the Connecticut—as well as the shame of pollution and the real danger that we will lose our wonderful resource.

Secretary Udall, Governor Dempsey, Congressman St. Onge and I—along with the other members of the party that traveled the Connecticut River—viewed "The Long Tidal River" as guests of WTIC–TV in Hartford at the conclusion of our trip. I salute WTIC and all the talented people who made the film possible: Ellsworth Grant; Katherine Hepburn; WTIC–TV Production Manager Paul Albert, who edited the film; and Connecticut River Watershed Council, Inc., and the Children's Museum of Hartford, who are making this film available for public service showings.

Originally telecast by WTIC–TV on August 2, 1965, the film was shown again by popular demand on September 14. The response of the public has been overwhelming, and demonstrates again that an informed people will be deeply concerned with the preservation of their heritage. This is television at its best. Professional television producers could take a good lesson from this outstanding achievement.

I wish it were possible to show this film to the Senate—but I know that the narrative that accompanied the motion picture is illuminating in itself, and I therefore ask unanimous consent that the text of the narration be printed at this point in the Record.

There being no objection, the narration was ordered to be printed in the Record, as follows:

The Long Tidal River

Katherine Hepburn: Every river has a life, a character, a voice of his own.

Since the dawn of history rivers and fertile river valleys have spawned and nurtured vigorous civilizations.

The Algonkin Indians named their river "Quo-neh-ta-cutt." Long Tidal River, it meant, because the ocean tide rose and fell as far as the Enfield Rapids, 60 miles from Long Island Sound.

To Adraien Block, its discoverer in 1614 when he sailed upstream in the *Restless*, it was the "fresh water" river. To Timothy Dwight, native historian and Yale president, the "beautiful river, whose waters are everywhere pure." The poet John Brainard sang its praises in romantic couplets: "Fair, noble glorious river: in thy wave the sunniest slopes and sweetest pastures lave."

Benjamin Trumbull observed: "As its banks are generally low, it forms and fertilizes a vast tract of the finest meadow."

Such is the Connecticut River—the State's largest—and the only body of water that runs the full depth of New England * * * 360 miles from source to mouth.

For three centuries the Connecticut has been vital to the growth of the State—the fertile soil along its banks brought Thomas Hoker, the liberty-loving preacher, and his small band of followers from Massachusetts across the wilderness to settle in 1639 the three river towns—Hartford, Wethersfield, and Windsor—formed the first self-government in this hemisphere, based upon Hooker's principle that "authority is laid in the free consent of the people."

Later, a royal charter was obtained from the King of England; and once, when the security of the colony was threatened, the charter was saved by hiding it in the great oak that stood near the river. The river was also the highway for trade with other colonies and with the West Indies until the advent of the railroad. It was the stimulus for a prosperous shipbuilding industry. And a main source of water—for drinking, for food, and for power. Once extolled as one of the three loveliest rivers in the world, along with the Hudson and the Rhine, in our time the Connecticut has become a river in decline—defiled by man's progress, encroached upon, polluted, and unloved. Yet it remains our greatest natural resource in the valley, with countless creeks and coves to intrigue the modern explorer. Uniquely, it is a river with no city at its mouth. The main reason is the Saybrook bar—sand and silt collected over the centuries by the conflux of the river current and the ocean tide. From earliest times this bar has been a hazard to navigation and the despair of Yankee traders. Here's Jeremiah Wadsworth, the best known of them. Just before the Revolution, in the first real move to improve river commerce, the assembly voted to raise money, by lottery, for marking the bar. There are still numerous shoals and sandbars along the river, the narrowest part being the 600-foot width below Middletown.

Because of its strategic location near the mouth, Old Saybrook played an important part in the colony's early history. A stalwart English soldier and engineer, Lion Gardiner, was sent over in the 1630's, at a salary of 100 pounds per annum, to build a fort at Saybrook Point. He was employed by a group of Puritan lords and gentlemen who planned on making Saybrook their refuge from royal persecution. During the siege by the hostile Pequot Indians, Gardiner's son was born, the first recorded birth of a white child in Connecticut. For his Puritan employers, who never left England, the little fort proved a river's end of unfilled dreams.

Because of the bend in the river and the prevailing wind, Wethersfield, in the 17th century, was the head of navigation, a port that shipped to the West Indies, Europe, and China. Until 1700, when a spring flood changed its course almost overnight, the river here formed a double oxbow with a 180° turn, the bugaboo of river captains trying to reach Hartford. To sail from Saybrook required 2 weeks, as long as the voyage from the West Indies. One of the warehouses built to hold cargoes that could not be unloaded at Hartford still stands. The streets of this charming town are lined with homes of 18th-century sea captains and merchants. After the Revolution acres of Wethersfield were covered with red onions. Out of this industry developed pioneer seedgrowers like Comstock, Ferre & Co., part of whose building was formerly a West Indian warehouse. From the steeple of the Congregational Church, with its Christopher Wren spire, John Adams, in 1774, paused to gaze over the river valley, which he called "the most grand and beautiful prospect in the world."

For over a hundred years the river towns, from Saybrook to Windsor, bustled with shipyards. Middletown was once the largest port. From these yards came the famous river sloops and schooners for the coastal trade, and the brigs that plied the West Indian routes, making the Yankee name synonymous with barter. The colonists exported mostly fish, lumber, dairy products, corn, and livestock; they brought home sugar, molasses, and "kill devil," otherwise known as rum.

Shipbuilding was once the leading industry of Essex, now the loveliest and safest harbor for pleasure boaters who voyage up the Connecticut. The first ship of the U.S. Navy, the 24-gun *Oliver Cromwell*, slid off the ways here at the start of the Revolution. In the War of 1812, the British boldly invaded the river, set fire to the town and burned 23 ships. The Dauntless Club was originally the home of the Hayden family, who built the *Oliver Cromwell*. Later, it became a seaman's tavern, in which American soldiers hid during the British attack. Now, all manner of sea-going craft, except warships and privateers, anchor in these quiet waters.

A once famous Connecticut industry—sandstone—now lies abandoned just east of the river at Portland. As early as 1650 Portland brownstone was quarried for building purposes, and 200 years later 900 men worked here. The brownstone houses in New York owe their faces to Portland, the material being shipped in sloops and schooners that were locally built as stone carriers. An outstanding example of Portland brownstone is the Civil War monument in Hartford.

Although small scows and flatboats could pole past the rapids and falls at Enfield, they were too much of an obstacle for profitable river traffic above Hartford. Here the river attains its greatest breadth—2,100 feet. The falls did provide cheap power for the local textile and paper mills—like Dexter, one of our oldest industries.

Hartford's adventurous merchants formed the Connecticut River Co. to complete the river improvements—by constructing a canal and locks at Enfield, in order to permit vessels of 70 tons to circumvent the falls and continue upstream to Springfield and Holyoke. Finished in 1829 with the help of Irish immigrants, the canal is 5½ miles long and 70 feet wide, with four locks. The first river in this country to be so improved, yet the coming of the railroad and the opening of highways doomed the canal as a commercial venture. Still navigable and open to pleasure craft upon request, it is today owned by the Connecticut Light & Power Co.

For nearly 2 centuries there were at least 15 ferry crossings from Saybrook to the State line, the sole means of getting across the river. The Chester to Hadlyme ferry, *Selden III*, is one of two remaining. Originally known as *Warner's Ferry*, Warner presented it—then a sailboat—to his son as a wedding present, with the stipulation that if he earned more than $30 a year in tolls, the excess must be returned to his father. When a traveler wished to cross, he blew on a tin horn attached to a large maple tree near the landing. The ferry ran all year unless the ice became too thick. Today, it is a romantic way for tourists to approach Gillette's Castle, built in World War I by the Connecticut actor and writer, William Gillette, and now a State park.

The oldest ferry still in use in the United States, dating back more than three centuries, is the little tug and barge from Rocky Hill to South Glastonbury. Now operated by the State highway department, it chugs back and forth between April and December, charging 10 cents per passenger and 25 cents per car. An owner of a bygone ferry used to solicit riders with the jingle:

"For the usual fare of half a dime,
In thunder, or lightning, in storm or shine,
My boats will run on schedule time."

Today, these two ferries transport 70,000 passengers and cars every year.

In 1824, a new era of power began with the arrival of the steamboat. In its heyday as many as 2,500 vessels a year berthed at Hartford. Charles Dickens once took a river trip from Springfield to Hartford in a small steamboat, which he described as having "about half a pony power." Introduced to the city's leading ministers, lawyers, and merchants, Dickens wrote in his diary: "Too much of the old Puritan spirit exists in these parts to the present hour; but its influence has not tended * * * to make the people less hard in their bargains, or more equal in their dealings."

Most famous of the steamboats was the *City of Hartford*, a giant sidewheeler built in 1852—273 feet long with luxurious appointments, and in service 34 years. Near the Hartford docks the brash Sam Colt built his firearms factory, topped by the Islamic dome from a grateful Turkish sultan, to whom he sold his guns.

Another well-known landmark on the river is the recently restored Goodspeed Opera House at East Haddam, a popular summer resort in the 1870's. Merchant, banker, shipbuilder, hotelkeeper, William Goodspeed erected the hall across from his hotel to cater to the carriage trade arriving by steamer from New York.

The scene on the drop curtain, painted for the grand opening in 1877, depicts the famous sidewheeler *State of New York*, the last and most elegant of its kind. Ironically, she ran aground and sank 4 years later at almost the identical spot shown. On this occasion Goodspeed, a promoter at heart, offered a twin bill—"Uncle Tom's Cabin" in the opera house and a visit to the wrecked steamer.

His shipyard, the largest of any river town, was located just south of the opera house. Employing 400 men, during the Civil War it delivered to the Navy in only 90 days the steam gunboat *Kanawha*.

At the foot of State Street in Hartford, businessmen and their families used to board the steamboat, dine in style as she puffed downstream, and after a refreshing sleep arrive early the next morning in New York—all for $2.50 per person. But the railroad whistle had long since sounded the death-knell of the steamboat, and her last trip was made in 1931, bringing to a close three centuries of dependence upon the river as the main artery of trade and travel.

Today, there is nary a landing place for a single pleasure boat. A few old pilings and bulkheads, like ancient ruins, give mute testimony of what used to be, and the dikes shut out any river view. Behind them has risen a glorious new city skyline, and a maze of superhighways, but the river has been forgotten. On the east side the Hartford Yacht Club bravely faces the river, with no docks and few moorings. Past the Bulkeley Bridge there is no channel and scarcely enough water for a rowboat during the summer. The nearest that yachts can anchor is in Wethersfield Cove.

Worse, has been man's abuse of the river. It has earned the soiled reputation of being dirty, smelly, and unfit for man, fish, or bird. Being the downstream State, Connecticut inevitably receives the waste of its three neighboring States to the north. According to the State health commissioner, "the river hasn't been fit for swimming for 50 years." "Fair, noble, glorious river" has now became labeled "the world's most beautifully landscaped cesspool."

Our gravest natural problem, pollution, has reduced the available water supply and restricted recreational development. Almost too late, public agencies, prodded by private conservation groups like the Connecticut River Watershed Council, are taking corrective action that will require 10 years to complete and will cost millions of dollars. One important phase is the installation of adequate treatment plants. Like the new one serving Farmington, they must be designed to remove up to 90 percent of human waste before it reaches our streams.

Equally critical is the discharge of organic industrial wastes—now double the amount of human sewage. Other pollution hazards that must be controlled are synthetic chemicals and detergents, radioactive materials, dumps, heated water emptied by industry, pesticides, and even recreational activities.

Far more than most residents realize, the river is still vital to agriculture, industry, and power. For example, tobacco. Using river water to irrigate the narrow strip of unique sandy soil along its banks, Yankee farmers produce $30 million worth of the Indian weed annually. Tobacco has been raised in the Connecticut Valley on a commercial scale for 140 years. Shaped like an elephant's ear, green in the field but brown after harvest, growing 10 feet tall, most of it is used for binders and wrappers in cigars. Called Long Nines, they were first made in South Windsor.

Connecticut Shade tobacco is now generally accepted as the best cigar wrapper in the world. After many experiments growers in Poquonock discovered, at the turn of the century, that under the shade of cloth they could create the necessary tropical atmosphere found in the East Indies. Nine thousand acres are planted yearly under the white and yellow cheesecloth. Nearly 5,000 full-time workers are employed, as well as more than 16,000 summer helpers. In large barn or curing sheds begins the 8-week drying process.

Industry uses millions of gallons of river water daily for cooling and processing. United Aircraft's Willgoos Laboratory, the feldspar plant below Middletown, the Hartford Electric Light Co. power station nearby. This coal-fueled plant now generates six times more electricity than when it opened in 1953.

The need for power by Connecticut's people, who will soon number 3 million, is almost insatiable. In the next decade alone the demand will equal the total amount provided in the past 80 years. To satisfy this, several New England utilities have formed the Connecticut Yankee Atomic Power Co. At a cost of $100 million they are now building the State's first nuclear power facility at Haddam Neck. For cooling purposes 372,000 gallons of heated water will be discharged every minute into the river—a requirement that has caused conservationists to fear for the survival of the shad and other fish in water temperatures that may, during the summer, exceed 100° F.

Surprisingly, our river industry is still served by the New Haven Railroad. The Valley Line from Middletown to Essex operates twice weekly, and one clear fall day we bought a ticket at the Middletown depot, met the crew and climbed aboard. The little freight train weaved close to the river over a bed that has become so bumpy that the maximum speed limit has been reduced to 20 miles per hour. But from the diesel cab we saw a unique panorama. On through the straits the train rumbled along until it reached the white piles of feldspar. Then past the Helco power station, with its vast mound of coal brought in by 95-car trains. To Higganum where railroad ties are cut, and opposite Goodspeed's Landing to the East Haddam lumber and hardware store. Farther down, whistling by the private crossings, we glimpsed marinas with their canvas-covered hulls, drydocked for the winter. At Deep River the engine was reversed and all hands gathered in the dining car—a caboose—for a hot lunch. Then, the return journey home over the single track in the soft light of an autumn afternoon.

More essential to Connecticut River industry than the railroad is the river highway itself, and the tugboats, barges, and tankers that ply it daily the year around. Some 34,000 vessels annually bring 3 million tons of cargo upriver, an increase of 25 percent in the past decade. Fuel oil accounts for more than one-half of the products carried, followed by gas, coal, kerosene, jet fuel, and petroleum asphalt.

The U.S. Corps of Army Engineers is responsible for maintaining a 15-foot controlling depth from Saybrook to Hartford. Frequently the channel must be dredged of the silt that inexorably accumulates. Sometimes river silt is used for fill, as in the construction of this interstate highway near Middletown.

The Coast Guard sees that more than 100 navigation lights are kept in working order, including, since 1839, the sentinel guarding the mouth. In winter, it must also free the channel of ice, so that barges and tankers can get through with their precious cargoes of oil and coal for Connecticut homes. Several times icebreakers, like the *Mahoning*, must be dispatched from New York.

With the snow falling hard and storm signals flying from Eastport, Maine to New York City, we boarded the tug at East Haddam. Under the command of Captain Miller, *Mahoning* is 110 feet long. With her 8-foot stainless steel prop she can easily slice through 2 feet of ice. On this stormy morning ice 4 inches thick had formed in the river at various points, and we set a course upstream to clear a passage. She crunched along with an occasional shudder of her hull. Once or twice her 12-foot draft caused her to scrape bottom. Despite the weather we sighted several empty tankers on their return passage. The thickest ice is usually found between Goodspeed's Landing and Gildersleeve above the Middletown Bridge.

where the channel is especially narrow. In addition to keeping the channel open, *Mahoning* tries to prevent blocks of ice from building up at the sharp bends and to free vessels that become stuck.

A leading conservationist, William Whyte, says: "With the explosive growth in boating that is ahead, the river is going to become a great recreation highway." New roads and bridges are providing more access to the river. Already, our State has 100,000 pleasure craft. Boating is recognized as the No. 1 family sport. Along the river are 10 public launching sites, with more to come, 8 yacht clubs, 3 State parks, 25 marinas and shipyards, most of them below Middletown.

Army Engineers are embarking on a 2-year study of the need for dredging a small boat channel along the 32 miles from Hartford to Holyoke. At the same time they will make a 5-year probe of the entire Connecticut River Basin to determine its future potential for boating, fishing and even swimming. Someday it may be open to as many as 2 million summer vacationers.

Fishing the Connecticut and its tributaries for bass, perch, herring, shad, and other varieties, is happily on the increase, although no longer do salmon populate its depths. In colonial times they were so plentiful that bondservants could not be fed salmon more than thrice weekly; and shad, which sold for as little as a penny each, were good only for fertilizing the cornfields. Over 100,000 shad a year are now caught, a multimillion-dollar investment for commercial and sport fishermen.

There are encouraging new signs of the river being used for the sports and pleasures of yesteryear. Trinity College crews once again row and race between Bulkeley Bridge and the Canoe Club. Recalling steamboat days, the *Dolly Madison* cruises twice daily between Hartford and Middletown. The *Holly*, out of Essex, gives landlubbers, a look at the watery secrets of Selden's Creek and the bygone splendor of the Haddams, where river captains built their homes above the banks. And the River Ramble, started by the Watershed Council, is now in its sixth year.

Between the mouth and Essex the marshlands remain a naturalist's paradise, even though two-thirds of the area have disappeared before the onslaught of civilization. Here washed twice a day by salty tides, muskrats scamper through waist-high grasses and bulrushes. Wild ducks and a few heron and osprey are seasonal guests and sometimes hatch their young. At least 16 species of fish feed here, as well as wild swans.

For protection, the State has been acquiring key parcels of wetlands in the lower river. But man cannot cease his encroachment. The North Cove, for instance, is a shallow blind inlet almost surrounded by tidal marshes. With Federal funds, it has been dredged to provide an anchorage for 200 small boats.

An ancient writer held that the same man cannot step twice into the same river, because both change. So, too, have the Connecticut and man's use of it changed through 350 years. No longer is its water, in Timothy Dwight's phrase, "everywhere pure, potable, perfectly salubrious."

It has also been said that a river, like a woman, is all the things she has ever been. The Connecticut winds through land that is still two-thirds forested and one-quarter farmed. Despite abuse, despite neglect, its banks are relatively unspoiled. It is still a tremendous resource for power, industry, commerce, and recreation.

In our age beauty and progress often conflict. On the one hand, the desperate quest to conserve what little of nature remains unspoiled; on the other, the unquenchable demand to develop open areas. The challenge for Connecticut is to balance these needs, so as to preserve the "last beautiful river" for us who have despoiled it—for our children who must someday again drink from its life giving flow. Then we can say that ours is, in Biblical words, "a pure river of the water of life, clear as crystal."

SIGNING OF THE IMMIGRATION ACT BY PRESIDENT JOHNSON

Mr. PELL. Mr. President, under the upraised arm of the Statue of Liberty, President Johnson on Sunday, October 3, 1965, signed the Immigration Act and thereby reestablished the traditional American concept of justice in addition to serving our self-interest.

For four decades the standards of the national origins quota system have forced mothers to choose between their children and America, kept from this Nation the skills and talents we needed and set up the false criterion that men born in one place were somehow better than men born in another place.

Under the new immigration law there has been created a system of selecting immigrants based not on the accident of where they were born—or even where their forebears were born—but on the basis of reuniting families and on the basis of special talents and skills which the immigrant can contribute to our special needs.

The new law does not permit the immigration of those who would threaten the jobs or livelihood of Americans nor of those who would be likely prospects for the relief rolls. And the skills which would give them a preference must be in short supply, or of unusual benefit to this Nation.

The new law allows for the admission of up to 10,000 refugees a year from Communist or other forms of persecution and from natural disasters, continuing what has been the traditional humane policy of America to those afflicted.

In addition, the new law continues the safeguards we have used for many years to bar criminals, addicts, subversives, and other undesirables.

In its practical operation, the national origins quota system kept out of this country about 50,000 qualified immigrants a year who now would be permitted to enter the United States. That is, of course, an insignificant number for a country of our size and wealth. And it is virtually unnoticeable in comparison with our population growth of some 3 million each year.

Primarily, the act is designed not to generate increases but to wipe out injustices, of which there have been many.

Under the old law, some large-quota countries consistently failed to use all of their annual quota allotments, but at the same time the law would not permit these quota numbers to be used by countries which had waiting lists. Thus at least one-third of the total authorized quota numbers were wasted each year. Such was the result of an offensive theory that presumed that some people were inferior solely because of their birthplaces.

Consider an American with a mother in Greece. Under the old system, he would have had to wait at least 5 years—often longer—to obtain a visa which would permit her to join him here. Similarly the American citizen with a brother or sister or married child in Italy could not secure a visa without waiting for years.

Immigrants from favored countries, with no family ties and no particular skills to offer this country, could, in cruel contrast, enter without difficulty or delay.

The same American citizen whose mother would have to wait 5 years could bring in a domestic servant from the United Kingdom or Ireland in from 4 to 6 weeks. If he chose one from Sweden, Belgium, or Germany, the waiting peried was only a little longer—from 8 to 12 weeks.

This was the system endured by this Nation for four decades. It viewed men not as individuals but as part of a mass. The new law corrects that view.

The old system deprived this Nation of the persons whose skills would have been of inestimable value. Many cases existed like that of the American hospital which was urgently in need of the services of the young, brilliant surgeon engaged in important research in heart surgery in India. Despite his top preference, the tiny Indian quota of 100 was filled. It would have taken years before he could be admitted.

Finally, the national origins system created an image of hypocrisy easily exploited by those who would blacken our stated beliefs in democracy. For example, it required persons of Asian stock to be assigned to quota areas not by their place of birth but by their racial ancestry.

Thus a husband with a half-Chinese wife could come to this country but would have to leave her for 5 years until he could achieve citizenship.

These and other anomalies have been abolished. The new law sets up a simple standard. We will admit those who have relatives in this country or whose skills we need, and we will do so without regard to the country of their birth. We shall choose among these people on the basis of first come, first served.

Since we cannot admit all who want to come to our land, we must be true to our own ideals in deciding who may enter. The new law embodies those ideals. Fairness is the keynote. Discrimination is ended.

RECESS TO TOMORROW

Mr. LONG of Louisiana. Mr. President, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 54 minutes p.m.) the Senate took a recess, under the previous order, until tomorrow, Wednesday, October 6, 1965, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 5 (legislative day of October 1), 1965:

Office of Economic Opportunity

Bernard L. Boutin, of New Hampshire, to be Deputy Director of the Office of Economic Opportunity.

U.S. Marshal

Joseph F. Novak, of Delaware, to be U.S. marshal for the district of Delaware for the term of 4 years, vice Edward J. Hussey, deceased.

Emilio Naranjo, of New Mexico, to be U.S. marshal for the district of New Mexico for the term of 4 years, vice Dave Fresquez, retired.

George E. O'Brien, of California, to be U.S. marshal for the southern district of California for the term of 4 years. (Reappointment.)

Thomas W. Sorrell, of Vermont, to be U.S. marshal for the district of Vermont for the term of 4 years. (Reappointment.)

POSTMASTERS

The following named persons to be postmasters:

ARKANSAS

Vernon M. Livingston, Mansfield, Ark., in place of R. W. Barger, retired.

CALIFORNIA

Andrew Chemycz, Crockett, Calif., in place of L. T. Gray, retired.

Leon Kulekjian, Parlier, Calif., in place of J. E. Alfors, retired.

Raymond A. Brandt, Santa Rosa, Calif., in place of H. M. Schulze, retired.

COLORADO

Rallin R. Gibson, Collbran, Colo., in place of E. N. Adams, retired.

CONNECTICUT

Francis I. Welles, Washington Depot, Conn., in place of L. P. Gage, resigned.

Adolph J. Wojick, Willimantic, Conn., in place of J. J. Lee, retired.

GEORGIA

Charles C. Poindexter, Jr., Ellijay, Ga., in place of R. C. Stembridge, retired.

ILLINOIS

Matthew J. Viscum, Lockport, Ill., in place of J. S. West, retired.

Norman A. Rutter, Saint Libory, Ill., in place of C. S. Rutter, retired.

INDIANA

J. Maxwell Clouse, Nappanee, Ind., in place of L. M. Roose, retired.

Lloyd G. Schroeder, Wheeler, Ind., in place of F. A. Smith, retired.

KANSAS

Wayne A. Wray, Barnes, Kans., in place of J. T. Poland, retired.

KENTUCKY

Maxine D. Remley, Silver Grove, Ky., in place of E. G. Abbott, retired.

LOUISIANA

Marilyn B. Coco, Hamburg, La., in place of M. C. Beridon, retired.

MAINE

Orville B. Denison, Jr., Cornish, Maine, in place of G. B. Haley, retired.

MARYLAND

Irvington R. Davidson, California, Md., in place of R. K. Barefoot, deceased.

Thelma Wilburn, Gambrills, Md., in place of C. L. Miller, retired.

MASSACHUSETTS

Joseph L. Lemieux, North Brookfield, Mass., in place of J. H. Short, retired.

MICHIGAN

Paul H. Mominee, Dundee, Mich., in place of E. M. Potter, retired.

MISSOURI

Lawrence P. Cook, California, Mo., in place of A. P. Carr, retired.

Donald H. McConnell, Greenfield, Mo., in place of Hazel Ryals, retired.

MONTANA

Wallace W. Paterson, Livingston, Mont., in place of F. I. Adams, retired.

Roy C. Hogenson, Wilsall, Mont., in place of G. H. Gregg, resigned.

NEVADA

Catherine C. McKenna, Hawthorne, Nev., in place of W. L. Neal, retired.

NEW HAMPSHIRE

Parker A. Rolston, Greenland, N.H., in place of R. A. Rolston, removed.

NEW JERSEY

Alice E. Taylor, Malaga, N.J., in place of P. S. Richman, retired.

NEW MEXICO

Elena M. Sosa, Sunland Park, N. Mex. Office established November 1, 1960.

Hazel L. Engram, Texico, N. Mex., in place of L. O. Brown, deceased.

NORTH CAROLINA

William P. Jobe, Forest City, N.C., in place of R. E. Hollifield, retired.

George E. Harvey, Littleton, N.C., in place of R. B. Petterson, retired.

OHIO

Jean C. Ebinger, North Fairfield, Ohio, in place of M. R. Maerkisch, retired.

OKLAHOMA

Oscar C. Baker, Hominy, Okla., in place of V. L. Moreland, retired.

Charles G. LaReau, Wanette, Okla., in place of H. L. Neal, retired.

PENNSYLVANIA

Kenneth W. Nyswaner, Clarksville, Pa., in place of J. C. Yoders, retired.

Ray F. Kuhns, East Greenville, Pa., in place of W. G. Dimmig, retired.

Michael A. Hrehocik, Glassport, Pa., in place of W. J. Hlavats, retired.

Lyman A. Stambaugh, York, Pa., in place of E. S. Glatfelter, retired.

TEXAS

Ferman C. Martinez, Port Arthur, Tex., in place of H. C. Dubose, deceased.

WASHINGTON

Harvey G. Iltz, Odessa, Wash., in place of H. F. Ottestad, retired.

John H. D. Smith, Orondo, Wash., in place of R. T. Gaston, retired.

WISCONSIN

Harold A. Kuehl, Reeseville, Wis., in place of Merle Cain, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 5 (legislative day of October 1), 1965:

DEPARTMENT OF JUSTICE

B. Andrew Potter, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years. (He is now serving in this office under an appointment which expired May 15, 1965.)

Theodore L. Richling, of Nebraska, to be U.S. attorney for the district of Nebraska for the term of 4 years.

Bernard J. Brown, of Pennsylvania, to be U.S. attorney for the middle district of Pennsylvania for the term of 4 years.

Dale C. Stone, of Indiana, to be U.S. marshal for the southern district of Indiana for the term of 4 years.

Rex B. Hawks, of Oklahoma, to be U.S. marshal for the western district of Oklahoma for the term of 4 years.

IN THE DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Verne B. Lewis, Jr., to be a Foreign Service officer of class 1, consul general, and a secretary in the diplomatic service of the United States of America, and ending Robert C. Yore, to be a consul of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 24, 1965.

EXTENSIONS OF REMARKS

The Sisk Bill, Vigorously Implemented, Can Make Home Rule Possible

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1965

Mr. REUSS. Mr. Speaker, forces favoring home rule for the District of Columbia, after last week's House floor action, are naturally less than happy. But I believe that the Sisk bill, passed by the House by a large margin, offers a real opportunity of achieving home rule in this 89th Congress. I include my letter to District Commissioner Walter N. Tobriner, in which I set forth a proposed Sisk bill home rule timetable, which I believe possible to achieve:

OCTOBER 4, 1965.

Commissioner WALTER N. TOBRINER,
District Building, Pennsylvania Avenue and 14th Street, Washington, D.C.

DEAR MR. TOBRINER: As one who has long worked for home rule for the District of Columbia, I share the disappointment of many residents that the House of Representatives last week rejected the so-called Multer compromise home rule bill and instead substituted the Sisk bill. After the remarkable performance whereby 218 Members signed a home rule discharge petition, it was a setback to have the House work its will by substituting the Sisk bill, even though the Sisk bill is the first home rule bill to pass the House within historic memory.

I write because I believe that action on the Sisk bill is vitally necessary in these closing days of the first session of the 89th Congress, and that if such action is not taken we shall have lost our best opportunity for home rule for many years to come. This Congress, I believe, contains majorities in both Houses favorable to some sort of home rule. Future Congresses may not. If the Sisk bill becomes law, and its procedures are speedily carried through, I believe that both House and Senate could have before them by next June—the last possible date before final adjournment—a home rule proposition which, when subjected to a square yea-and-nea vote, I believe stands a good chance of adoption.

Accordingly, I would hope that you and the other two District Commissioners could shortly publicly support the passage of the House-approved Sisk bill, as is, by the Senate, so that it may go directly to the President for signature.

While there may be some temptation to improve the Sisk bill in the Senate, I do not believe that any Senate improvements would be very consequential. On the other hand, any change in the Sisk bill would require a conference with the House. While the House rules reform of last January deprived the Rules Committee of its power to veto a conference, it nevertheless lodged power to request a conference in the "committee with jurisdiction of the subject matter," in this case the House District of Columbia Committee. Because of the anti-home rule composition of that committee, it is too much to hope that it would request a conference in these closing days of the session. A Sisk bill amended by the Senate would therefore die, and the chance to get aboard the Sisk bill timetable would be lost forever.

I submit for your consideration the following timetable, designed to achieve home rule for the District of Columbia by Congress' target adjournment date of July 1, 1966:

1. A request by the District Commissioners to the Senate that the Senate pass the Sisk bill without amendment, and send it to the President for signature. Hopefully, such action could be completed by October 15, 1965.

2. The Sisk bill provides for a self-government referendum and charter board election not later than 100 days after enactment. Like other limitations in the Sisk bill, these are maximums and not minimums. The effective minimum date for the self-government referendum and charter board election would seem to be Tuesday, December 14, 1965, which would allow candidates to file with the District of Columbia Board of Elections by Friday, October 29 (the Sisk bill requires nomination papers to be filed 45 days prior to the election). According to the Sisk bill, 2 weeks before the proposed December 14 election and referendum the board of elections shall mail a voter information pamphlet containing, among other things, 500-word arguments for approval and disapproval of the referendum, on both sides, by two Members of the House and two Members of the Senate. The appointing officers—the Speaker of the House and President pro tempore of the Senate—could verify beforehand that the anti-home-rule Members writing the arguments would, in fact, comply with the timetable. My guess is that the voters of the District of Columbia would overwhelmingly support home rule, and elect a serious and dedicated charter board.

3. The charter board, under the Sisk bill, has no minimum time for action (there is a 210-day maximum). By adopting the amended Multer bill as its starting point (because this has been subjected to searching House debate and carries an excellent chance of House approval, if it is put squarely to the House), the charter board could hold prompt hearings and deliberations. The amended Multer bill, it will be remembered, is substantially like the Senate-passed home rule bill, except for: (a) the Federal payment, while authorized on a permanent basis, would be subject to annual congressional appropriations; (b) elections would be on a nonpartisan basis; (c) the Hatch Act would be technically operative (though, because of the nonpartisan elections, this would not substantially impede activity by Federal employees); and (d) political contributions by corporations and labor unions would be outlawed (as is done in Federal elections anyway). The $300,000 appropriation for charter board activities authorized in the Sisk bill could be the subject of a special appropriation at this session of Congress. There is no reason why, by deliberations as intensive as those of the College of Cardinals in selecting a pontiff, the charter board could not approve a District of Columbia charter within 30 days by, say, January 14, 1966, and transmit it to the District of Columbia Board of Elections.

4. The Sisk bill requires that the charter referendum be held no later than 45 days after transmittal. The charter referendum, therefore, might well be held on Tuesday, February 22, 1966, Washington's Birthday. Again, I believe that the District of Columbia electors would overwhelmingly approve such a charter, which could then be immediately delivered to House and Senate.

5. Under the Sisk bill, approval of the charter by Congress is automatic after the expiration of 90 days, unless either House of Congress has approved a disapproving resolution by that time. My belief is that neither House would pass a disapproving resolution of a charter along the lines described above. For the purpose of counting 90 days, the Sisk bill excludes days on which "either House is not in session because of an adjournment to a day certain or sine die." The House and Senate leadership would, I believe, be willing to exclude lengthier adjournments during the 90-day period. But if this should not be so, the Sisk bill also provides that Congress may, by concurrent resolution, within the 90-day period approve the charter. So one way or another, both Houses would have an opportunity to act (incidentally, if congressional action on the charter should be deemed legally insufficient to constitute a permanent authorization for the Federal payment—as opposed to appropriation—a separate authorizing bill could be passed next spring, using the already-tested discharge procedure in the House if necessary).

Admittedly, the above procedure, like a space shot, can work only if "all systems are go." But self-government and democracy never did come easy. In view of the absence of any other workable procedure, I would hope that you and your associates could take the lead in shepherding the Sisk bill along the route proposed. It will cost some money to have the elections, and in the end it may not succeed. In my judgment, however, it offers the last clear chance for home rule for the District for many years to come.

Sincerely,

HENRY S. REUSS,
Member of Congress.

Highway Beautification

EXTENSION OF REMARKS
OF
HON. JAMES J. HOWARD
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 5, 1965

Mr. HOWARD. Mr. Speaker, this Congress is being given the opportunity this week to vote in favor of a more beautiful America and against roadside ugliness.

On Thursday the Highway Beautification Act of 1965 will come to a vote on the floor. We must vote in favor of the American people and approve this important legislation.

Title III of this bill will provide for $230 million of new funds available to States in the next 2 years for beautification efforts. It is important to point out that this is new money, available to the States without matching funds and not a penny of this money comes from the highway trust fund.

Therefore, our efforts to give the American people a more beautiful Nation will not in any way utilize money which would normally be earmarked for even 1 foot of highway construction. We would not expect our States to sacrifice desperately needed highways as a substitute for beauty.

This money will enable the States to acquire and maintain scenic corridors along the highways. It also will allow acquisition and development of publicly owned rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public.

In order to point out the very beneficial financial impact this bill will have on each and every State in our Nation, I am happy to place the following chart in the RECORD:

Additional funds available for acquisition and improvement of scenic land strips and for roadside development pursuant to Highway Beautification Act of 1965, fiscal years 1966 and 1967

State	Additional amounts available equivalent to 3 percent of Federal-aid highway funds apportioned for fiscal years—	
	1966	1967
Alabama	$2,304,179	$2,495,113
Alaska	1,211,468	1,207,744
Arizona	1,551,791	1,742,506
Arkansas	1,270,862	1,093,562
California	9,781,295	10,437,680
Colorado	1,559,155	1,526,908
Connecticut	1,440,203	2,148,991
Delaware	440,247	287,600
Florida	2,405,936	2,595,429
Georgia	2,231,862	1,960,232
Hawaii	796,795	902,813
Idaho	665,073	794,496
Illinois	5,621,723	6,338,953
Indiana	2,750,590	2,624,324
Iowa	1,682,605	1,697,459
Kansas	1,235,232	1,250,358
Kentucky	2,198,665	2,341,256
Louisiana	2,890,063	2,723,924
Maine	595,217	596,288
Maryland	1,881,298	1,784,912
Massachusetts	2,283,578	2,420,602
Michigan	4,268,150	3,651,544
Minnesota	2,880,727	2,777,168
Mississippi	1,466,177	1,426,685
Missouri	2,930,934	2,943,740
Montana	1,214,501	1,338,242
Nebraska	949,005	951,054
Nevada	682,400	818,806
New Hampshire	506,746	559,717
New Jersey	2,747,086	2,905,679
New Mexico	1,215,304	1,440,553
New York	5,685,945	6,246,192
North Carolina	1,387,897	1,513,415
North Dakota	688,649	732,708
Ohio	6,870,423	6,638,081
Oklahoma	1,556,745	1,479,449
Oregon	1,868,917	1,974,999
Pennsylvania	5,017,585	5,560,152
Rhode Island	464,876	650,573
South Carolina	1,105,127	948,060
South Dakota	888,719	1,143,265
Tennessee	2,717,881	2,530,284
Texas	5,547,808	6,237,533
Utah	1,485,131	1,624,918
Vermont	697,309	753,580
Virginia	3,129,639	3,331,429
Washington	2,210,622	2,618,414
West Virginia	1,557,253	2,335,689
Wisconsin	1,409,347	1,418,234
Wyoming	1,065,004	1,136,602
District of Columbia	1,362,728	1,344,030
Puerto Rico	198,528	198,055
Total	112,575,000	118,200,000

Rabbi Reuven Siegel

EXTENSION OF REMARKS
OF
HON. JAMES H. SCHEUER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 5, 1965

Mr. SCHEUER. Mr. Speaker, on August 12, 1965, Rabbi Reuven Siegel of

Temple Adath Israel in the Bronx delivered the opening prayer in this Chamber. It was a most moving and well-delivered prayer.

Rabbi Siegel received his B.A. degree from Yeshiva University and his degree as rabbi and master of Hebrew literature from the Jewish Theological Seminary.

Before coming to the Temple Adath Israel he was rabbi at Temple Tifereth Israel in Duluth, Minn., Temple Bnai Abrahman in Newark, N.J., and Temple Beth Sholom, in Providence, R.I.

Rabbi Siegel also served his country as an assistant force chaplain in the U.S. Navy. He is on the executive board of the Branch of Military Chaplains Association of New York.

Mr. Speaker, I would like to thank you for inviting Rabbi Siegel to come before this body and I would like to thank Rabbi Siegel, on behalf of the House of Representatives, for his moving opening prayer of August 12.

The Immigration Act of 1965

EXTENSION OF REMARKS

OF

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1965

Mr. ST. ONGE. Mr. Speaker, one of the great moral victories of 1965—a victory as well for the strengthening of our Nation and the benefit of our people—was the enactment of a long overdue reform in our immigration laws, the abolition of the 40-year-old national origins quota system. This was the system of choosing immigrants chiefly according to where they had been born.

Four President had urged action to end this discriminatory system: Truman, Eisenhower, Kennedy, and Johnson. In January of this year, President Johnson sent Congress a bill to replace the national origins quota system with a system for choosing immigrants on the basis of their family relationships to people living in the United States, or those possessing special skills and talents of real benefit to our country.

In his message, President Johnson said:

> The national origins quota system does incalculable harm. The procedures imply that men and women from some countries are, just because of where they come from, more desirable citizens than others. We have no right to disparage the ancestors of millions of our fellow Americans in this way. Relationships with a number of countries, and hence the success of our foreign policy, is needlessly impeded by this proposition.
>
> The quota system has other grave defects. Too often it arbitrarily denies us immigrants who have outstanding and sorely needed talents and skills. I do not believe this is either good government or good sense.
>
> Thousands of our citizens are needlessly separated from their parents or other close relatives.

For more than 8 months, the Houses and committees of Congress held hearings on the bill, studied it, and debated it. It finally passed both Houses overwhelmingly. The bill passed by Congress, which President Johnson signed on October 3 at the Statue of Liberty, could be truly called a "statute of equality," because it brings back into our immigration laws the traditional American virtues of fair treatment and equal opportunity.

At the same time, it should be made plain that the new law does not "let down the bars" on immigration, either on quantity or quality. The new law will not alter the many legal safeguards which prevent an influx of undesirables and protect our people against excessive or unregulated immigration. Nothing in the new law relieves any immigrant of the necessity of satisfying all our security requirements, and the requirements designed to exclude persons likely to become public charges. The total number of immigrants will not be significantly increased. No immigrants will be admitted who would contribute to unemployment in the United States; in fact, the safeguards against this have been strengthened.

Thus, through a combination of good leadership, good legislative judgment, and good public understanding, we have purged our immigration laws of a longstanding source of discrimination and illwill, and in so doing we have benefited and strengthened our country and its traditions.

Washington Report

EXTENSION OF REMARKS

OF

HON. JAMES D. MARTIN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1965

Mr. MARTIN of Alabama. Mr. Speaker, under permission to extend my remarks in the RECORD I include my weekly report to the people of the Seventh District of Alabama for October 4, 1965:

WASHINGTON REPORT

(By Congressman JIM MARTIN)

JOHNSON-LIBERAL BLOC DEFEATED ON HOME RULE FOR WASHINGTON

The defeat of the President's home-rule-for-Washington bill was an indication that many Members of Congress have decided they have had enough of pressure tactics and unconstitutional raids on the power of Congress to legislate. After 3 days of bitter debate and under heavy pressure from the House leadership, the President went down to a smashing defeat when the amendment by Congressman SISK, of California, was adopted 227 to 114. Conscientious Democrat Congressmen joined with an overwhelming majority of Republicans to pass the Sisk bill which insured the defeat of the Johnson bill which would have turned the Capital City over to local politicians with no control by Congress. Under the Constitution the Congress has no right to turn the responsibility for operation of the Federal City over to local people.

The Sisk bill calls for a referendum by a majority of the registered voters of Washington on the question of home rule, the election of a charter commission and the submission of any charter drawn, to the people of the District and to Congress. Most observors agree that home rule is dead for this session and could be dead for some time.

While the defeat on home rule was the most spectacular defeat for Lyndon Johnson, there have been several votes lately which indicate that Congress may want to get rid of its rubberstamp reputation. With not a single Republican vote lost, enough Democrats joined in saving the Governors' veto over projects in the individual States in the recently passed antipoverty bill. A lineup of Republicans and Democrats defeated one of the President's pet projects, the Dickey Lincoln $300 million public power project in the public works bill. A conference of Senators and Members of the House has put some very important limitations on the number of immigrants from the Western Hemisphere in the President's immigration bill. It now appears that a determined Senate may be able to defeat repeal of section 14(b) of the Taft-Hartley Act for this year, thus preserving the rights of the States to legislate on right-to-work laws.

REPEAL OF SECTION 14 (B)

Repeal of section 14(b), which protects the rights of individual workers from being forced to join a union, is probably one of the most crucial bills before Congress. The President and northern big city labor bosses are determined to take this protection of individual rights out of the law. At the present time a number of Senators are committed to take part in extended debate (more popularly known as a filibuster) to prevent the repeal bill from passing. Both Alabama Senators have stated they are against repeal and I hope they will take an active part in the extended debate because it will take more than just saying they are against repeal or a "no" vote to prevent the repeal bill from passing.

SOME IMMIGRATION FACTS

Many of the facts about what the President's immigration bill will do have not been told to the public. Under present law, approximately 158,000 overseas immigrants may be admitted each year into the United States. Only about 100,000 of this number choose to come in. About 200,000 nonquota immigrants are admitted each year, making a total of about 300,000 who come in every year under present law.

The new bill increases the number of those who may be admitted from overseas from 158,000 to 170,000; 20,000 a year is allotted to each of the European, African and Asian countries—the latter two catagories are now limited to 100 annually. In addition to the 170,000, the new bill admits parents, wives, or husbands, and unmarried minor children of American citizens, plus additional numbers from the Jamaica and Trinidad-Tobago area. So instead of the 170,000, at least 200,000 will become admissible from these sources. When we add this 200,000 to the 200,000 now being admitted from nonquota countries, we will be bringing in an additional 400,000 people a year to compete with American workers for jobs. Many of those coming from Asian and African countries will be unskilled, thus creating added competition for jobs among those who are now finding employment opportunities most difficult. This bill is another example of the promise versus the reality of L.B.J.'s Great Society programs.

POLITICAL ACTIVITY BY TAX-EXEMPT GROUPS

In answer to many of those who have written to me asking about the political activities of the National Council of Churches and other religious groups, I am making a thorough study of such activities and hope that by early next year I will have a report and recommendations for consideration by Congress and the people. In the meantime, I believe the National Council of Churches and many other church groups are skating on very thin ice by engaging in lobbying and political activities. As religious groups they are tax-exempt, but as lobbying groups and groups engaging in partisan politics, they are subject to taxation under the law.

Many Members of Congress have been disturbed by the open activity of the National Council of Churches in support of the move to unseat the legally elected members of Congress from Mississippi, their activity for the voting rights bill to penalize six Southern States, their efforts in trying to get the Washington home rule bill through Congress. I think, too, many church members are deeply concerned about such activities where national religious organizations use the money of individual churches and church members to support causes with which the individuals are in disagreement. By such activities we are also putting into grave danger the doctrine of separation of church and state.

Speech by Secretary Freeman

EXTENSION OF REMARKS

OF

HON. HAROLD D. COOLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1965

Mr. COOLEY. Mr. Speaker, during the time I have served in Congress, I have served with five Presidents and six Secretaries of Agriculture. During all of this time, I have been a member of the House Committee on Agriculture and for a long number of years, I have been chairman of the House Committee on Agriculture. All the Presidents and Secretaries of Agriculture with whom I have served have been my close personal friends. This, of course, includes President Eisenhower and Secretary Ezra Taft Benson. Frankness requires me to say that our present Secretary of Agriculture, in my opinion, is the most dedicated and devoted Secretary of Agriculture with whom I have served. Secretary Freeman came to Washington from the Governor's office of the great State of Minnesota. He knew very little about farm programs, but after his appointment, he did his homework, and when he came before our committee for the first time, he was well prepared and today he is perhaps the best prepared man in America to discuss the farm programs of the Federal Government.

Secretary Freeman is related to North Carolina by affinity. He married a very lovely North Carolina girl. She, too, is charming and eloquent. I know of no one who has done more in the interests of the welfare of the farmers of America than Orville Freeman.

On Friday, October 1, in the city of Raleigh, N.C., Secretary Freeman delivered a splendid speech. He was fair, forthright, and forceful, and I take great pleasure in submitting for the Record his manuscript in the hope that every Member of this House and other people throughout the Nation will read and consider every part and parcel of his speech:

Although North Carolina is well into the football season, in my home State of Minnesota the name of the game is still baseball. For the first time in history, Minnesota has a representative in the world's series and a sharp single gets more attention than a 50-yard pass—a stolen base has more status than a first down.

I can very readily apply a baseball term to my participation in this program—the triple play. And I feel like I'm on all the bases simultaneously, because I have three good reasons for finding pleasure in your company.

First, I am with representatives of an important sector of the Nation's agriculture at a time when the most comprehensive food and farming legislation we've seen in more than a quarter of a century is coming out of the Congress.

Second, I am in the home district of Congressman Harold Cooley, chairman of the House Agriculture Committee, and in the home State of Senator Everett Jordan of the Senate Committee on Agriculture and Forestry—two of the architects and builders of the food and agriculture policies and programs of the sixties.

And, on the first day of the nationwide observance of Cooperative Month, I have the privilege of reunion with friends of the Farmers Cooperative Exchange and the North Carolina Cotton Growers Association—among the outstanding cooperatives in the Nation.

Four years ago, when I appeared at your annual meeting, I expressed my appreciation for cooperatives and my belief in their growing potential for service to the farm economy and the whole of the free enterprise system. I announced the reactivation of a cooperative advisory committee to bring better communication and greater unity of purpose to cooperatives and the Department of Agriculture.

Since then the Department of Agriculture has broadened and intensified its educational, research, and action programs related to cooperatives.

We have provided over the past year technical assistance and consultation to more than 50 cooperatives, and 18 have adopted USDA research-developed products and processes. We have sponsored and participated in study and training conferences for cooperative leaders and members. We are examining changes in the agricultural marketing structure that have occurred over the last decade. We are upgrading attention to cooperatives at the State and local levels of Department operations. And we are making cooperative principles and methods a significant part of community action in using the new resources available for rural area development and the war on poverty.

We have acted, and are acting, in these areas and others in response to the recommendations of the fine advisory committee provided by the Nation's cooperatives.

At this harvest season we find ourselves midway through the decade of the sixties.

Four years ago, as this decade opened and a new administration took over direction of your Government in Washington, I said to you here in Raleigh that agriculture had turned the corner from hopelessness and was on the street of hope—was moving from a state of frustration into an era of progress.

Since 1961 the street of hope has been paved with confidence and faith * * * the era of progress has been documented with a record of performance.

Let's take a quick look at the performance record:

We've improved farm income. Realized net farm income this year will be around $13.5 billion—the highest in more than a decade and nearly $2 billion better than the total for 1960. This means average realized net income per farm will be improved by around a thousand dollars over the 1960 average. Here in North Carolina realized net farm income was $69 million better in 1964 than in 1960, and in the same period average realized net income per farm rose from $2,698 to $3,289. You can anticipate adding on to those gains this year.

Costly grain surpluses have been virtually eliminated—the supply-demand balance is the best in many years.

Farm exports are up. Back in 1960 they were valued at $4.5 billion. Now we've had 2 years in a row of agricultural exports exceeding $6 billion, and we're going for $7 billion with a good chance of making it.

Our abundance is an ever better bargain for consumers. American families are spending a smaller percentage of their incomes for food now than in 1960. If they were investing the same percentage of incomes in food now as they were then, they would have $7 billion less to spend for the items other than food they need and want.

All this progress has enabled us to add—in a realistic and purposeful manner—the goal of parity of opportunity for all rural people to the goal of parity of income for our commercial family farmers. We are driving toward that goal.

Today we stand on a new plateau—prepared to build a new period of progress into the era of abundance.

Seven months ago President Johnson recommended a bold, dynamic and purposeful farm program to the Congress. It passed both Houses, and when I left Washington the final steps on reconciling the two versions were being taken by the Senate and House conferees.

When President Johnson signs this bill—the Food and Agriculture Act of 1965—his name will be on page 1 of the new chapter of the miraculous success story of American agriculture that will be written before the start of the 1970's.

This is the most significant food and farm legislation to come from the Congress since the Agriculture Act of 1938. It matches the quality of the broad range of congressional actions taken in this session.

In the short space of 9 months you and I have seen a dedicated, imaginative, tireless and purposeful President—with the cooperation of an able and hard-working Congress—open wide the avenues for improving the quality of American life.

In education and culture, in economic growth and development, in the elimination of poverty, in housing and transportation, in human rights and voting rights, in battling pollution of air and water, in conserving beauty, in expanding outdoor recreation, in protecting health, in caring for the aged and for the handicapped among our children—in all these areas we are doing better than we were, and are well-equipped to do more and more.

In few periods of our history have we known greater unity between President, Congress, and people, a greater sense of purpose, or had a better understanding of how to pool individual, community, and national resources.

In legislative achievements I would like to focus attention on two commodities—cotton and tobacco.

These commodities are key parts of the economy of North Carolina. They were, until recently, in serious trouble.

Remedial efforts seemed at times to generate more heat than light. The fear that the pulling and hauling might actually tear the programs apart and leave farmers abandoned cost me many sleepless nights, as I'm sure it did many of you.

But out of the tumult and the shouting came logic and reason and cooperation, and now we have the basic legislation essential in solving the most acute problems of tobacco and cotton and lifting them back to a sound foundation.

Early this year, when Congress was considering the acreage-poundage legislation for tobacco, there was some feeling it would prove too restrictive—that it would drive incomes down and shackle the already hard-pressed tobacco grower.

The primary concern of the administration and the farm leaders in the Congress like Chairman COOLEY and Senator JORDAN was with strengthening the position of growers. Doing this demanded action to restore crop quality, expand export sales opportunities, and reduce Government-owned tobacco stocks.

The acreage-poundage proposal was approved by the Congress, and by growers in a referendum, as the best approach to the quality, world market, surplus and farm income problems. The hard work and effective leadership of this cooperative, and of you here today, played a critical part in that hard-fought referendum.

Standing the test of theory is comparatively easy for farm policies and programs. Standing the test of practice is another matter—that's where we separate the deeds from the words, or prove they belong together.

What's happened in tobacco?

The markets have opened in North Carolina, and what happened the first week is good. Growers are getting better prices than a year ago, production is down somewhat, and less tobacco is moving into Government stocks.

Sales through September 21 on the South Carolina-North Carolina border belt markets totaled 286 million pounds, compared with 301 million a year earlier. Prices averaged 65.59 cents a pound, an improvement of about 7 cents over 1964 prices. Only 6.3 percent went into stabilization compared with 14.1 percent last year.

Sales in the North Carolina middle belt totaled 40 million pounds as compared with 39 million last year. Prices averaged 63.08 cents a pound compared with 55.43 cents last year. And 6.3 percent of the tobacco went into price-support stocks. Last year's figure was 22.6 percent.

In the eastern North Carolina market, 200 million pounds of tobacco was marketed. The comparable 1964 figure was 205 million. The grower price averaged 63.19 cents a pound as against 54.67 in 1964. The percentage moving into stabilization was 6.6 as compared with 30.6 in 1964.

Sales have been completed on the Georgia-Florida market and amount to $11 million—a gain of 10 percent over last year—while sales volume dropped 2 percent.

We are making progress. Acreage-poundage is working.

For the first time in 4 years, production is below domestic needs plus exports. This means we can take a slice from the surplus.

With about 60 percent of the crops marketed, prices have been averaging about 7 cents a pound over last year.

There has been impressive improvement in tobacco quality.

And it is well to remember we were late making this program effective. President Johnson signed the bill on April 16, and the referendum followed on May 4. Experience should make the program even more effective in the years ahead.

Yet, we can't sit back and expect the future to take care of itself. We not only want to produce high-quality tobacco—it is in the interest of farmers and the whole of the economy to move more of it into world markets. The goal of competing there more efficiently and effectively demands continuing attention from all of us.

Now, what about cotton—as a result of the Food and Agriculture Act of 1965, cottongrowers will be provided with a more effective tool for tackling the very difficult problems which have developed in this industry.

This action is most gratifying because cotton was one of the toughest—if not the toughest—of the farm questions facing the Congress in this session. The successful grain programs, beginning in 1961, had been effective in bringing the wheat and feed grain surpluses down almost to needed reserve levels. Meanwhile, the cotton oversupply had continued to rise—with the result that cotton had assumed the dubious distinction of being the fattest albatross of them all.

The worst of it was that this surplus—while serious in itself—was a symptom of a whole complex of problems which we had been unable to resolve. We had had new legislation in 1964, which had helped on some counts—especially in making U.S. cotton available to American mills at a competitive price. But the new program had failed on other counts, and we—along with the House committee and others in Congress—felt that we should recognize this failure, and take a new approach to the need to reduce production and expand markets.

To do this—we had to face up to these facts:

1. Cotton has been losing markets abroad. While total farm exports have risen to record levels the past 2 years, cotton has fallen back to little more than half of the record 7.6 million bales exported in 1956.

2. Here at home, cotton has continued to lose ground to the test tube fibers. The use of synthetics now exceeds the use of cotton, despite the fact that cotton consumption has been helped by the one-price program in effect this year.

3. The cotton carryover is about to rise to a record smashing 15.7 million bales. That's the estimate for next August 1, based on this year's big crop. That carryover would be 1.3 million bales above the all-time high in 1956—and it represents a rise of 3½ million bales in only 2 years.

4. Costs continue to rise. Cotton cost the Government almost $900 million in fiscal 1965—although $150 million of this can more fairly be charges to programs of other years. Without new legislation—cost would shoot over a billion dollars and continue to rise.

Those are the problems that the Congress has moved to correct. Without action, the situation could do nothing but get worse. Without action, cotton might well be on its way to extinction as a major farm industry in this land. Certainly, the cotton program would be headed toward total collapse.

The answer to these threats borrows from the experience of the feed grain and wheat programs. These programs since 1961 have taught us that direct payments to the farmer who voluntarily reduces his production can strengthen farm income, help eliminate surpluses, and maintain a working balance between production and use. This enables the marketplace at home and abroad to function effectively.

In general, the new cotton program—which is for 4 years—provides for Government loans at a level near the world price. This will permit cotton to move freely, and without Government participation, into international trade. A system of direct payments will maintain grower returns at the higher level necessary for the U.S. farmer to meet his costs and to maintain a decent income for himself and his family.

American cotton will move into export without subsidy and without the need for the Commodity Credit Corporation to take any special action to make it competitive. There will be no need for equalization payments to domestic users of cotton.

In addition to the commodity loan and the price support payment which would be available to growers who restrict their plantings, diversion payments would also be made to cooperators based on acreage shifted to conservation uses.

These actions will enable us to move meaningfully into a year-by-year drawdown on the cotton surplus.

The Carolina grower—along with handlers and mill operators and workers of your State—will share in the general strengthening of the cotton industry that is one of the goals of the Food and Agriculture Act of 1965.

Traditionally, the export market is an essential outlet for both cotton and tobacco. From colonial times, the world markets have looked to America for these commodities, and our Nation has looked to those exports as important items in its balance of trade.

Historically, America's cotton farmers have exported about one bale out of every three, and tobacco growers have exported about 1 pound out of every 4. When your economy is geared to that kind of export level, it is difficult and damaging to give up any part of it. Moreover, as one of the great trading nations of history, we shouldn't have to swallow that kind of indignity, either in tobacco or in cotton.

In the case of cotton, we have experienced an actual decline in exports—a substantial one. In tobacco, we have held our exports about steady, but we have not maintained our share of the growing world market.

The new programs for both cotton and tobacco are aimed at boosting our exports. In tobacco, the improvement of crop quality is a key part of this effort. In the case of cotton, the new program will help make U.S. cotton competitive in price by providing a loan level near the world market.

We know that most farm products will no longer move in world markets—any more than in domestic markets—at artificially high prices. They will be guided instead by conditions of supply and demand. The Food and Agriculture Act of 1965 is a major recognition of this fact—and as such is a declaration of our intention to sell aggressively in the markets of the world. At the same time, smaller nations around the world need not be alarmed. The United States will in the future, as in the past, be fairminded and considerate of the importance of trade to them. We will not dump either cotton or tobacco on world markets.

The new and extended commodity programs—together with the cropland adjustment program—will provide the flexibility needed to keep pace with a dynamic agriculture in a changing world. We will be able to produce what we need, in the quantities we need, when we need them, to satisfy both domestic and international purposes. And in the process I am confident we'll be able to continue making food and fiber available to consumers at a real cost that drops each year, and continue progress toward parity of income for the adequate family farm.

That is why I say the Food and Agriculture Act of 1965 is opening a new chapter in the success story of American agriculture—bringing an era of abundance that will be truly a blessing to those who produce it as well as to consumers of our own country and the world.

The U.S. Capitol Historical Society

EXTENSION OF REMARKS

OF

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1965

Mr. MATHIAS. Mr. Speaker, one of the most remarkable institutions of Capitol Hill is the U.S. Capitol Historical Society. Under the dynamic leadership of its president, the Honorable Fred Schwengel, the society in a few short years has brought the story of our Capitol, as a symbol and as the seat of government, to countless people throughout the Nation and around the world. The demand for the society's publications, "We, the People" and the new "United States Capitol Coloring Book," has exceeded all expectations. The society's fame and membership are fast increasing, and it promises to be the source of many imaginative and constructive programs in the years ahead.

On September 14, I was privileged to attend the third annual breakfast meeting of the society, held in conjunction with the White House Historical Association, the Washington National Monument Association, and the Foundation of the Federal Bar Association. We were addressed at that meeting by Mr. Schwengel; by the Honorable Marguerite Stitt Church, a vice president of the society; by Senator B. EVERETT JORDAN; and by Mr. Carl Haverlin, a vice president of the society. Mr. Haverlin's speech, evoking the American past as inspiration for the present and future, was extremely thoughtful and provocative. I would like to bring his remarks and a summary of the entire meeting to the attention of my colleagues:

EXCERPTS FROM THE PROGRAM OF THE THIRD ANNUAL BREAKFAST MEETING, U.S. CAPITOL HISTORICAL SOCIETY, SEPTEMBER 14, 1965

(The Honorable Fred Schwengel, president, presiding)

REMARKS BY THE HONORABLE FRED SCHWENGEL, FORMER CONGRESSMAN FROM IOWA AND PRESIDENT OF THE U.S. CAPITOL HISTORICAL SOCIETY

Permit me to read to you two letters, one received from the White House the other day, and the other just this moment delivered to me:

THE WHITE HOUSE,
Washington, September 8, 1965.

Hon. FRED SCHWENGEL,
U.S. Capitol Historical Society, U.S. House of Representatives, Washington, D.C.

DEAR MR. SCHWENGEL: The copies of "Our Nation's Capital Coloring Book" have arrived and I am so glad to have them. What a delightful approach to familiarization with the landmarks of the Nation's Capital. This should be a "must" on every child's bookshelf.

I do appreciate your kind invitation to the September 14 annual meeting of the U.S. Capitol Historical Society. However, my crowded schedule is such that regrettably, I just cannot accept.

My best wishes for a productive joint meeting of the societies.

Sincerely,
LADY BIRD JOHNSON
Mrs. Lyndon B. Johnson.

SEPTEMBER 13, 1965.

Hon. FRED SCHWENGEL,
President, U.S. Capitol Historical Society, Washington, D.C.

DEAR FRED: Please express to the officers, trustees, members, and friends of the U.S. Capitol Historical Society my good wishes as you assemble in your annual meeting. There is surely much to look back upon this year, for we have seen the society entering a variety of new and constructive areas of endeavor.

Through the leadership of the society's president, we have brought out a new edition of "We, the People," begun work on other publications, completed the "United States Capitol Coloring Book," and increased our membership dramatically. This good news testifies to the fine work of the officers and staff of the society and illustrates the important role which the society plays in bringing to the people of America and the world the message of freedom which is manifest in the labors of the U.S. Congress.

As vice president of the society, I look forward to another year of accomplishment and growth.

Best wishes.
Sincerely,
HUBERT H. HUMPHREY.

The great historian, Allen Nevins, has called our Capitol a place of resounding deed. We agree that nowhere else can one find the ideals, the patriotism, the sentiments, the purpose and the honored traditions of our country so nobly enshrined as in the Capitol in Washington. All of this makes it a majestic symbol of the majesty of a grand and great land. It is both the heart of the Nation and the fountainhead of our Government.

Our Capitol is the center from which radiates the people's authority. Here their power and their goodness is clearly evident—"We, the People" with the inspiration, the power and the promises of "our Holy of Holies," the Constitution, are here enabled to achieve goals that prompt the respect and admiration of the free world.

It is a place that holds out hope for the less fortunate, gives assurance to the successful and promise to the ambitious. It is the forum for representative government. It is the citidel of the basic freedoms. Within its historic walls the voice of freemen is still heard in this country and thankfully increasingly throughout the world.

The Capitol is the place that helps civilization be more civilized. Here more than anywhere (with the help of elected representatives) we stand for orderly procedure in the resolving of human problems. The recognition of the supremacy of rule of law and not of men is a major factor in making us eminent as a force for world order. It is the enduring, enobling shrine of our country. Every student ought to learn more about what happened here through reading stories, books, and publications. Indeed every American ought to visit our Capitol and catch something of the spirit found in its historic art. And to feel the desire again that burned in the hearts of the torchbearers of freedom who served here.

When we know more about our country's history and its heritage we become better citizens. There is nothing that our country or the world needs more today than more good American citizens who want to prosper by sharing our freedoms with others.

REMARKS BY THE HONORABLE MARGUERITE STITT CHURCH, FORMER CONGRESSWOMAN FROM ILLINOIS AND A VICE PRESIDENT OF THE U.S. CAPITOL HISTORICAL SOCIETY

Mr. President, Dr. (George R.) Davis (pastor, National City Christian Church), our good Senator (B. EVERETT) JORDAN, Democrat of North Carolina, whom I am always delighted to find here, and fellow members of this great society, this is not a speech. You will probably be relieved to hear that. But I am here and I want to bear witness to one subject. This is the only event that ever brings me back to Washington. And I'm delighted to come once a year. I'm delighted because there is nothing as good as to be reminded that this is the foundation of freedom and liberty. And it is equally as good to be living out in a world that does exist, you know, outside of Washington, although while you are here you sometimes doubt that. And to know that freedom and liberty are still hungered for and fought over.

Now, I will tell you a secret. I almost didn't come this year. Because the date happened to coincide with a birthday which a person of my years should never acknowledge, but which grandchildren had planned to celebrate. And in my trying to explain it to a granddaughter, she said, "What is the United States Capitol Historical Society?" And I said, "Well, you know, it's one of those associations which deal primarily with the strength which is built into this country through its history." And her quick rejoinder was, "You know, I don't wonder they want you down there. You're a part of history, aren't you?"

I thought as I sat here this morning—two brief statements, and I am not quoting the first one right, but you remember that old nursery rhyme saying, "Great oaks from little acorns grow." I am particularly glad to have been a part of the time when the acorn had not even been planted. One time Fred Schwengel, for whom I have such high admiration, came out to my district and told how many bills I had voted on while I was a Member of the Congress. I had forgotten the number and I was impressed that he had taken time to count, although, I don't think he ever misses a detail. But I thought as I sat here this morning and listened to that all too brief tribute given to the author and "setter-upper" of this book, "We, the People," that whereas I couldn't say I'd rather write the songs of a nation than make the laws, I think I'd rather have produced "We, the People" than voted on any bill in the Congress while I was here. And the other statement, which I hope I can quote correctly with Dr. Davis by my side—Paul, do you remember Paul of Tarsus who said, "I am a citizen of no mean country." Well, I have known that all my life. And I think perhaps the most important contribution any of us here connected with the society will ever make is to keep sure that we are citizens of "no mean country," and cultivate its roots. It was Mrs. (Myrtle) Murdock, who, I think, first told me that this Capitol had the history that it did. And I think to her goes the inspiration for all that's happened since. But there is one person who made hope come alive and who had produced, and that is Fred Schwengel. And I do not think I could pay sufficient tribute, not only to his insight into the inner meaning of what has gone on in these halls, but to the faith and enthusiasm and courage with which he decided to carry on as a real president of this society when he might have done what some of the lesser of us did—voluntary, it's true—go home and let other people carry on the load. I don't believe the society can ever say a sufficient "thank you" to Fred Schwengel. We're proud of him, we're glad we have him, and we just hope, for our sake, we can keep him always.

And just one brief word. I don't believe there's any limit to what we can hope to do in the future. I personally have a dream that we can extend the membership. I'd like to extend the membership with every book we sell. I think we can work on it. But I think in coming here once a year, early though it may be, though I'm always glad to be reminded the Senators are allowed to sleep until 9 o'clock in the morning (reference to the 9 a.m. buzzer which had sounded during the program)—I think by coming here once a year we revive our faith, and I certainly hope you'll let me be one who comes from the hinterland each year to tell you to carry on. Thank you.

REMARKS BY SENATOR B. EVERETT JORDAN, DEMOCRAT, OF NORTH CAROLINA, SPECIAL GUEST OF THE SOCIETY

Thank you very much, Fred. I didn't know I was going to speak this morning, but I can assure you there will be no filibuster from this Senator. I am delighted to be with you distinguished guests and members of this great society and to tell you that I am always honored to be with you and have an opportunity to say just a word. I would like to say to Mrs. Church that I join her in every word she said about Fred Schwengel. I see him nearly every day walking around through this Capitol doing the things for this great society which only Fred can do because he loves it.

I'm very fond of this book, "We, the People." I'm afraid it's going to break me because my generous wife can't pass without buying some of them. Because she thinks that everybody ought to have a copy of that book. And I agree with her. And if I can just hold out with my purse, we are going to see that a lot of people do get it. I don't know of any better publication. I don't think there is one as good that portrays our

Nation's Capitol as well as this does. I think it's some of the finest photography I've ever seen. These pictures around the wall here (referring to the Kiplinger Collection exhibit sponsored by the U.S. Capitol Historical Society), and more, I am told will be shown, are certainly things that would never be seen. People would not have an opportunity to see them had it not been for this Society and this publication.

Thank you, Fred, for letting me be with you and I want to assure you that bell that goes off at 9 o'clock is not to wake us up. We're already up and here when that goes off. Thank you very much.

MAIN ADDRESS OF THE PROGRAM "THE CHORUS OF THE UNION"

(By Carl Haverlin, vice president of the U.S. Capitol Historical Society)

Mr. President, Mrs. Church, Senator JORDAN, ladies and gentlemen, I welcome, truly, this opportunity to say publicly, what I have often said privately, and with agreement from all, that the country as a whole is profoundly obligated to Fred Schwengel, not only for sharing with us his abiding interest in the history of the Nation's Capitol but for dramatizing its importance to us as a people.

From the day I first met this young Congressman, I have been impressed by his vision and his enthusiasm. Others have these qualities too, but rarely in combination. And find them coupled with a tenacity as unyielding as his diplomacy is urbane, is unique.

All these virtues made him the guiding spirit in the creation of the commissions that commemorated the Lincoln Sesquicentennial and the Centenary of the Civil War. His were the joint bills that created those commissions, was the one, in 1960, that brought his great friend Carl Sandburg before the joint session in that never-to-be-forgotten address that moved all who heard it to tears. And the following years his joint bill for reenactment of Lincoln's two inaugural addresses brought Speaker Rayburn and McCORMACK, Carl Sandburg, Bruce Catton, and other notables to the east portico of this Capitol as major participants. These splendid ceremonies and that at the Lincoln Memorial marking the anniversary of the Emancipation Proclamation brought his program of events to a fitting climax.

However, he had long planned the formation of the United States Capitol Historical Society. Our first conversations of this society were in my room in 1959 in the month of April. It has already proved to be of greater importance than any previous efforts of his in regard to history for there others dealt with single events. This society is a crusade that is enduring—for the Capitol has lived, now lives and will live forever.

In Allen Nevins introduction to "We, the People," he asserts that the Capitol has heard eloquence equaling that of any parliament on earth; that it has written into law immortal charters of idealism; enacted the most generous measures known to history; and that no Capitol has done more to safeguard democratic debate, the privilege of minorities and the fundamental civil liberties of man. With him we can agree that the Capitol is history.

This meeting is all the more meaningful because it is held here in this splendor in stone, this consequent, this precedent, this majestic chalice inverted on this enchanted Hill.

It stands "in twice 5 miles of fertile ground, with walls and towers girdled round," an ideograph of freedom in granite by day; at night a hieroglyph of light the eternal sentinel of the Republic, glowing against the sky as though lit from within to repel the general darkness. Here liberty, our sacred river, rises from its well-spring and runs to every land, not "through caverns measureless to man," but open to the sun so that all may drink.

We are met in this place of so many august assemblies in common devotion to the power of the people of the United States as expressed in the three branches of the Government and in their outward attributes—the White House, the Capitol and the Court. Jointly we also honor the noble monument that soars above all else—as though it were the shining gnomon of our continental sundial.

You will find the direct purpose of your society's endeavors embedded, luminously, in the conclusion of Abraham Lincoln's first inaugural address:

"The mystic chords of memory, stretching from every battlefield and patriot grave, to every living heart and hearthstone, throughout this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature."

To stir the chords of memory and swell the chorus of the Union * * * this is the very work that you are about. There can be no higher use made of our history than to remind us of how priceless is the blessing of our heritage and how fortunate are the people.

I share Walt Whitman's opinion of the people as expressed in the preface to the first edition of "Leaves of Grass." Because it was printed only once in his lifetime, in 1855, and has rarely appeared since, it may be that some among you have not yet come upon it. May I share with you this brief and moving apostrophe from Whitman to his fellow countrymen and his country?

"The Americans of all nations at any time on earth have probably the most poetical nature. The United States are essentially the greatest poem. In the history of the earth hitherto the largest and most stirring appear tame and orderly to their ampler largeness and air. Here at last is something in the doings of man that corresponds with the broadcast doings of the day and night. Here is not merely a nation but a teeming nation of nations. Here is action untied from strings necessarily blind to particulars and details magnificently moving in vast masses."

That great preface opens with six words that will sing for you and all custodians of American history—"America does not repel the past." As a positive measure of our country's maturity and of the great accomplishment of historians, the phrase must now read—"America embraces the past."

In that embrace we look back not in casual nor antiquarian interest but for renewal, direction, and assurance, we reexamine the stark verities of our foundation. We confirm the port of our departure and check the bearing of our present course. For it is as true now as it was in 1858 that, "If we could first know where we are, and whither we are tending, we could then better know what to do, and how to do it."

It is man's paramount problem to establish and maintain his identity, in the midst of his complexities. So is it with a nation. The clearer the electorate sees our beginning, the more it knows of the road that we have traveled, the smaller is the chance of losing our way and the greater the certainty of attaining our goal. Great assurance of that attainment lies in the work that this society is doing.

A sculptor may say, with disarming simplicity, that the statue is in the stone and emerges when he has removed all that is unnecessary, but the creation of your books, so skillfully and painstakingly derived from uncounted sources, cannot be so simplified. Each of the books of the associations and societies meeting here this morning, is a rich mosaic whose sparkling text and brilliant pictures beat out its chapter of the American story with the vibrancy of the drums of 1776. All are complete and wholly satisfying but, read in sequence, their 700 pages give one another added dimension and together blend into a sweeping profile of our history.

The admirable unity of all of these works, conceived and drafted by four separate organizations is due to the genius of a fifth—the National Geographic Society—and to its material aid, patient counsel, and unerring guidance. The public, the ultimate beneficiary of that generosity will be grateful down the years, for these are not books for a season only. Because they are good history and contain more than mere pictorial satisfaction and arrays of pedestrian facts the people have already given them a success unparalleled in publishing history. I know that all of you will join with me in heartfelt appreciation to Dr. Grosvenor, Dr. Payne and their colleagues of the National Geographic magazine for bringing our books to life.

More than 3 million copies of all of the books have been sold according to the most recent data I have information on. With a readership of only 4 persons per copy, and I am sure I am low, 12 million people have had their memories stirred and are now more deeply involved than ever in the flowing story of our past. Their renewed interest will thread the majority of these readers into the tapestry of our current history that is woven here in the Capitol daily by the ceaseless shuttle of events ever moving between the warp of time and the weft of men. These people are now better equipped as voters and for the assumption of other civic duties. And finally, in the realization of the recentness of our founding they marvel at the miracle that has been wrought here. For compared to other great nations, our birth was but yesterday.

Only 172 years ago this week George Washington came here to place mortar with a silver trowel on the foundation stone of this Capitol. That year, less than six generations ago, was almost midway between now and the landing of the *Mayflower*. The land that for more than 100 years had strangely denied itself to the coasting adventurers and explorers whose hope was worldly treasure—now held out the curling cape of their landfall like a beckoning finger to those who came here seeking only a new life and freedom.

By circumstance of the calendar, then, the cornerstone of the Capitol is the pivot of a gate in time whose short swing of 345 years encompasses our entire history. Since 1620 we have expanded from those few grim acres on a narrow shore to an ocean-bounded continent; grown from 100 people to a population nearing 200 million; and paralleled that physical growth in the worlds of the mind and spirit while successfully withstanding the aggression of the greatest military powers in grievous and bloody wars. Small wonder that there are those who hold that on more than one occasion providence has intervened in our behalf.

When Lincoln first spoke here, the Capitol, then but 68 years old, was yet unfinished. Its upper levels festooned with booms, derricks and tackle; the forecourts cluttered with the debris of construction. The Union was rent by division and a world of monarchies awaited our certain collapse.

But they had not considered the fiber of the Executive, nor the courage of Congress. There is great significance for us in what was said by the troubled President in closing his tremendous effort to stay secession—great significance for us. The strongest emotional appeal that he and his advisers could summon up was to remind the dissatisfied of the battlefields where, but recently, our Independence had been won and defended, and of the patriots who had died there. Some four generations and many sad battles later—though we hold our patriot dead, in no less reverance—from Concord to Vietnam—it would not be they nor where they died that would stir us most deeply. It is rather, I think, this Capitol, forever unchanging, despite its structural growth, this enduring house of the people, that would be the soaring symbol of all our dead have died for.

The shift from battlefield to Capitol as a symbol came slowly. It accompanied a vast procession of the people, during many years and after long and careful deliberations by many Congresses.

In the time of Lincoln, we held aloof behind the barrier seas. Now our country has been abroad for nearly a half century in aid of our fellow men. In 1861, because we were so aware of how narrow had been the margin of our victories; how tenuous was our hold on freedom; how frail was the very fabric of our Union—it was the scenes and the means of our liberation that were Lincoln's tocsin. But now, secure in our sovereignty we know it was not achieved by military power alone, not only on battlefields and through the sad death of our men, but it was through all the processes of government in combination and all the people working together—in the chorus of the Union.

The thrust of the new problems that came with our emergence as a world power is upon all of us, but bears most cruelly on the Chief Executive and on the Congress. Both have enduring love for the people they serve and both know how fateful may be their decisions. All of us may help them in their trials and share their burdens through a greater understanding of the meaning and process of government and the awesome power behind our own biennial ballots.

The Congress is the great sounding board of the people and sensitively attuned to and resonant with our fears, our hopes, and our aspirations. The greater the confidence the Congress can have in our vision and our wisdom the greater Congress can be.

Its Members must be inspired by the growing interest in their labors as reflected in the sales of these books and to take heart in the knowledge that every day more of their constituents are able to link the problems of the past with those of the present.

Members of Congress merit the full appreciation of the society, as well as of all Americans, for the unanimous decision to help us in so many ways, in every way they were asked—including photographic rights never granted before.

There is an ennoblement that comes from serving in this exalted place. No matter what the stature of men or women they are the finer for having been here. They draw strength and wisdom not only from their colleagues but, in an apostolic sense, from all who have served here before. There is no greater evidence of the growth that takes place here in the Capitol than the fact that more than half of our Chief Executives served one or more terms in the Congress.

As an officer of this society and as a private citizen, Mr. President, I wish to hail the great accomplishments of all four organizations meeting today. To the White House Historical Association must go special praise for its initiative in showing the way to the rest of us with its superb book—"The White House." To the Washington National Monument Association and the foundation of the Federal Bar Association whose books followed ours in time, in paraphase of Emerson's famous letter to Whitman "I greet your splendid books, 'George Washington, Man and Monument' and 'Equal Justice Under the Law,' at the beginning of their great careers."

And now, I shall propose at the board meeting tonight that the President be authorized to ask these three great organizations meeting with us to consider the advisibility of setting up a permanent coordinating committee to join our common interests in such matters as the joint promotion and distribution of our books and the study of other possible ways and means of fulfilling the great objectives of our society.

Soil Conservation Society of America

EXTENSION OF REMARKS

OF

HON. ROBERT A. EVERETT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1965

Mr. EVERETT. Mr. Speaker, at its annual convention, held in Philadelphia August 22–25, the Soil Conservation Society of America bestowed its highest honor on a distinguished Tennessean when it awarded the degree of fellow to Joseph Ralph Sasser, of Tennessee. This degree was given in "recognition of his exceptionally outstanding achievement and leadership in the field of soil and water conservation." The Soil Conservation Society of America was founded by the late Dr. Hugh Hammond Bennett, who is known as the father of soil conservation in America.

This society's membership is made up of dedicated professional conservationists in America and throughout the free world. Within the ranks of this notable society are many of the world's recognized leaders in the conservation of our natural resources. We all owe a great debt of gratitude to this society for its noble work and its professional excellence in promoting the science and art of good land use.

To be singled out by one's peers for exceptional achievement, and publicly recognized by an award that is international in scope, is indeed a high honor. In Tennessee we are all proud of Ralph Sasser. This award did not come as a complete surprise to us for we have long known of his devotion to duty and the continuous excellent leadership he has given, over the years, to the soil conservation work in our State. He has served as State conservationist for the Soil Conservation Service in Tennessee since 1952. He rose from the lowest field rank in this agency to its highest position in the State.

He served valiantly in the U.S. Marine Corps in the famed 1st Marine Division in the Pacific during World War II. He returned after the war and moved up the professional ladder through energetic actions, diligence, and devotion to enlightened public service in the field of natural resources conservation and development. He is an exceedingly able public service career administrator and leads a highly competent, industrious corps of professional conservationists in the Soil Conservation Service in Tennessee.

Ralph Sasser is a native of Tipton County, Tenn., a county located in the Eighth Congressional District, which I have the honor to represent in Congress.

I first met Ralph Sasser in 1940 when he became the first SCS work unit conservationist in the Reelfoot Creek Soil Conservation District in my home county of Obion. I have followed his career in the public service with a great deal of interest and it is extremely pleasing to me, personally, that he has received this honor.

I am happy to list here the official citation of the Soil Conservation Society of America in supporting its decision to bestow upon Joseph Ralph Sasser the degree of fellow at its convention recently held in Philadelphia, Pa.:

> Joseph R. Sasser, Nashville, Tenn., State conservationist, Soil Conservation Service. A graduate of the University of Tennessee with a B.S. degree in agriculture, Sasser taught vocational agriculture briefly before joining the Soil Conservation Service in 1935. He received a Littauer Foundation Fellowship for graduate study at Harvard University and that institution conferred upon him a master's degree in public administration. He served as assistant State conservationist in Florida before accepting his present assignment in 1959. A leader in the rural development program in Tennessee, he served as a consultant to the Tennessee Legislative Committee in drafting the Tennessee Watershed Act and in creating the Tennessee Water Resources Division. In 1958, he received a President's citation for his service as chairman of the annual meeting program committee of the Soil Conservation Society of America. He is a member of the editorial board of the Journal of Soil and Water Conservation.

Hurricane Betsy

EXTENSION OF REMARKS

OF

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1965

Mr. HÉBERT Mr. Speaker, on September 8, 1965, Hurricane Betsy struck the Southeast and gulf coast of the United States with maniacal fury. This hurricane, which was the most vicious wind ever to sweep out of the Caribbean, left a toll of death and destruction that continues to mount day by day.

As I had previously advised the House, the primary target of Hurricane Betsy's rage was the great city of New Orleans which experienced the brunt of this frightful storm.

At the present time, the death toll has reached the 70 mark, and damages have passed the $1 billion mark.

The President, who personally visited this devastated area on the 10th of September, the day after the storm, therefore promptly and properly declared this a major disaster area and authorized Public Law 875 assistance.

The news media of our country have detailed harrowing accounts of this great storm and the devastating impact that it has had on the New Orleans area. However, with deference to our news media, I do not believe they have properly chronicled the great heroism and unparalled spirit of cooperation that was triggered by Hurricane Betsy's brief but disastrous visit.

I, therefore, feel it absolutely essential that I attempt to establish for the RECORD this magnificent demonstration of neighborliness and humanitarianism.

Every Federal and State agency, even remotely capable of assisting the residents of this stricken area, immediately volunteered to provide every possible assistance within their own resources and capabilities. Even before Hurricane Betsy struck the area, the Army Corps of Engineers, the U.S. Coast Guard, the U.S. Navy, civil defense authorities, and every other agency, both local and national, were preparing for the worst.

If it were not for this coordinated effort on the part of all concerned, including the often unsung hero—the ordinary citizen—the loss of life would undoubtedly have been much higher.

Having been warned of Betsy's impending arrival, the Coast Guard's Rescue Coordination Center in New Orleans braced itself for an around-the-clock ordeal. Every helicopter capable of getting off the ground was pressed into service to pick up the desperate men, women and children who suddenly found themselves marooned in a brown, swirling flood. Eleven Coast Guard helicopters evacuated 1,144 persons, transported 22 medicos, and flew 140 sorties. At the same time, 9 Navy helicopters evacuated 885 persons and flew 25 sorties.

The effective rescue efforts of the pilots who flew these helicopters cannot be overemphasized. They lifted hundreds of men, women, and children from flooded rooftops as the water overflowed the levees and surged over the tops of automobiles in the streets.

In surface operations, Coast Guard and Navy boats and vehicles in the New Orleans area evacuated more than 11,500 persons and transported many tons of food, water, and medical supplies. More than 11,000 homeless persons were sheltered at the naval station and the naval air station during Hurricane Betsy and during its aftermath.

Dispensaries at the two naval stations provided emergency treatment to over 1,400 civilian refugees during the first days of the disaster. Medical services were also made available to more than 9,000 additional persons who sought temporary shelter at the naval station.

The Army Corps of Engineers were magnificent during this disaster. Personnel of the New Orleans District, under the direction of Col. Thomas J. Bowen, district engineer, directed rescue work, flood damage assessment, location of wrecks and other obstructions to navigation, and restoration of navigation facilities.

Under the Office of Emergency Planning's direction, the Army Engineers rendered major assistance in restoring power and dewatering flooded areas in New Orleans and in the Venice area of Plaquemines Parish. These inundated areas in the Greater New Orleans area resulted from many breaks in the levees. The resulting power failures increased the problem manifold for the Corps of Engineers in their efforts to dewater more than 9 square miles of the city.

Other complicating factors confronting the Corps of Engineers was the fact that more than 300 vessels of all types and sizes were sunk during the hurricane within the Louisiana disaster area, including Barge *MTC 602*, carrying about 600 tons of liquid chlorine.

I am happy to add that after intensive search operations, which were coordinated by the Coast Guard under the command of Major General Reaves, commanding general of Fort Polk, La., the missing chlorine barge was found on the 16th of September, 1965. The barge was found at River Mile 226.8 and about 200 feet from the east bank of the river, and approximately 400 yards from the main navigational channel. The depth of water over the highest point of the barge is approximately 40 feet. As a consequence, the river was opened to navigation on the 17th of September.

The Army Corps of Engineers, the Navy, the Coast Guard, and the Coast and Geodetic Survey all actively participated in this search.

Patrol boats with chlorine detection equipment now check this area every half hour, and the U.S. Public Health Service also takes periodic samples of the water.

The news media have accurately and fully described other precautionary measures taken by Federal and local officials, including the availability of more than 117,000 gas masks.

I am happy to advise that the Corps of Engineers, the Office of Emergency Planning, and the Department of Justice, have jointly agreed that the barge should be removed under the provisions of Public Law 875—the Natural Disaster Act of 1950. I further understand that a contract for salvage of the barge has been let and the work is scheduled to begin on or about the 4th of October.

I have outlined in some detail the circumstances surrounding this single incident for the dual purpose of providing you the latest accurate information on this subject, and also for the purpose of illustrating the marvelous spirit of cooperation that imbued everyone in the disaster area.

For example, the Navy sent a destroyer, 2 tracker aircraft, and 23 Navy diving experts to aid in the search for the barge. The traditional inertia of Government bureaucracy and associated redtape simply did not exist. It is evident to me that old-fashioned American resourcefulness and initiative can still overcome redtape.

Our military Reserve components also contributed handsomely both during the actual hurricane and in the subsequent recovery effort. More than 4,000 National Guard personnel were committed to the disaster area to maintain law and order, prevent looting, and to assist disaster victims. The timely and effective role played by the National Guard in this disaster certainly fortified my determination to prevent any reduction in this tremendously important arm of our State Governors.

The Air Force Reserve again demonstrated its responsiveness by mounting a giant airlift to New Orleans. Air Force Reservists from troop carrier wings in 11 States airlifted vitally needed supplies and equipment into the New Orleans area.

Reservists flying C–119 "box cars," C–123 "providers," and four-engine C–124 "Globemasters" airlifted over 546 tons, and more than 500 passengers in 138 missions into the stricken area in the first few days after the disaster. These Air Force Reserve citizen-airmen flew a total of more than 430,000 ton-miles and 275,000 passenger-miles.

The citizens of the New Orleans area are indebted to these Air Force Reservists and to the Continental Air Command, commanded by Lt. Gen. Cecil Childre.

For the information of my colleagues, the following Air Force Reserve troop carrier wings took part in this domestic version of the Berlin airlift:

The 433d, from Kelly Air Force Base, Tex.;

The 446th, from Ellington Air Force Base, Tex.;

The 512th, from Carswell Air Force Base, Tex.;

The 302d, from Clinton County Air Force Base, Ohio;

The 445th, from Dobbins Air Force Base, Ga.;

The 434th, from Bakalar Air Force Base, Ind.;

The 442d, from Richards Gebaur Air Force Base, Mo.;

The 403d, from Selfridge Air Force Base, Mich.;

The 440th, from General Billy Mitchell Field, Wis.;

The 452d, from March Air Force Base, Calif.;

The 459th, from Andrews Air Force Base, Md.;

The 514th, from McGuire Air Force Base, N.J.; and

The 435th, from Homestead Air Force Base, Fla.

Air National Guard C–97's, C–121's, and C–54's flew numerous missions carrying relief supplies from various sections of the Nation to the New Orleans area.

The Civil Air Patrol demonstrated its capability in assisting in rescue and disaster relief operations during and after the onset of Hurricane Betsy. More than 700 CAP members participated in disaster relief under the direction of State and local parish civil defense agencies. The contribution made by these individual members, together with all their available equipment, did much to lighten the suffering of thousands of stranded victims of Hurricane Betsy.

The Red Cross, as always, anticipated the problems generated by this terrible disaster and established liaison with the Office of Civil Defense, the Office of Emergency Planning, and the military services through the 4th U.S. Army. Its resulting efforts and contributions will always be remembered by the citizens of Louisiana.

Our civil defense organization proved of immeasurable value during this disaster. In the initial stages of the hurricane, the specially engineered leased-wire voice and teletype communications systems provided the only communications link for command and control operations of civil government linking New Orleans, the State capital of Baton Rouge, OCD region 5 in Denton, Tex., and OCD in Washington. Thousands of cartons of emergency food and supplies were made available to refugees, together with more than 1,000 drums of water, which were taken from shelter stores, and supplied the emergency water requirements in the area.

More than 700 cartons of fallout shelter sanitation supplies and equipment, sufficient for 27,000 persons for 2 weeks, were distributed to hurricane victims.

The effectiveness and capabilities of the civil defense organization as reflected in its very active participation in this disaster should once and for all overcome the objections of even the most rabid civil defense skeptics.

Although I have confined my observations largely to the participation of government agencies, I do not wish to give the impression that private enterprise and the individual citizens of America had not similarly made available such assistance as was required. For example, thousands of pounds of clothing, medical supplies, and food were contributed by individual citizens from all over America. Some of the commercial airlines very generously offered and did in fact airlift a substantial portion of these contributions to the stricken area.

It would be impossible to identify every public official who contributed his talents and energies toward alleviating the suffering occasioned by Hurricane Betsy. However, in addition to the individuals I have specifically identified as having played a major role in this recovery effort, I can not overlook the tremendous contributions made by Capt. W. F. Chaires, commanding officer of the Naval Air Station, New Orleans; Rear Adm. Charles H. Lyman, commandant of the 8th Naval District; Rear Adm. James D. Craik, commandant of the 8th Coast Guard District; and Col. Edward Ketcham, Jr., commanding officer of the U.S. Army Terminal at New Orleans.

This disaster made crystal clear to me, and I am sure to every other American, that despite whatever differences we may have, when disaster strikes and the chips are down, we act as one with a common purpose and with a common goal. This American dream and hope was truly a living thing during Hurricane Betsy.

On behalf of the citizens of Louisiana, and more particulary the citizens of New Orleans and the Parishes of St. Bernard and Plaquemines, I thank you and every other American for your kind and generous help in this dark hour.

If I may be permitted to indulge in personalities for the moment I can give a specific example, which was in fact the rule instead of the exception for the military both Regular and Reserve.

One of my lifelong friends and close associates is Maj. Gen. Raymond F. Hufft, who is Louisiana's most decorated World War II hero. Following his return from the war General Hufft has served twice as the Adjutant General of Louisiana. At the present time he is the U.S. Collector of Customs for the Port of New Orleans.

Although now out of uniform General Hufft reflected the spirit of the "man in uniform" when he responded to the crisis as the citizen soldier, although officially the U.S. Collector of Customs. As Collector of Customs he immediately shut down the customs service when Betsy threatened and immediately made plans for the protection of all concerned. Following the devastation by the winds and water and during the early evacuation and rescue work Gov. John McKeithen summoned General Hufft into action to assist him in coordinating all governmental agencies in the lower Mississippi River devastated area including the Parishes of Plaquemines and St. Bernard.

There was established an immediate close liaison between the military, civil, and Government agencies.

I have paused to cite General Hufft in this instance because his name does not appear in any dispatches nor has there been any public acclaim of the role he played.

I have cited him because what he did was what many hundreds of others did within their own limitations. What he did was really not unusual or extraordinary as far as the military was concerned. It was the role to which each man responded and filled immediately. I cite the case of General Hufft not for himself as an individual but as a symbol of every man in uniform in this crisis. The Regulars plus the Reserves and the Louisiana National Guard, under the present adjutant general, Erbon W. Wise, did everything in their power to ease the effects of the cruel tragedy.

I firmly believe that the only manner in which I can effectively impress upon you what I have been trying to say and to dramatize the work done by the men of the Navy, the Army, the Air Force, the National Guard, and the Coast Guard in the areas struck by Hurricane Betsy is to salute them with the same salutation given to the men in uniform in time of war with these words: Each in his own way demonstrated an uncommon valor which was a common virtue.

"No Future for Dropouts," a Statement by Hon. John T. Connor, U.S. Secretary of Commerce, September 26, 1965

EXTENSION OF REMARKS

OF

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1965

Mr. BRADEMAS. Mr. Speaker, I would like to call to the attention of my colleagues the following open letter, dated September 26, 1965, from the Honorable John T. Conner, Secretary of Commerce.

Secretary Connor's letter concerns a problem not peculiar to any one district in the United States but common to most districts; it is the problem of the high school dropout.

Because October and November are the principal dropout months and because this problem affects every American community, I believe that Members of Congress will be interested in Secretary Connor's statement.

NO FUTURE FOR DROPOUTS

(By John T. Connor, U.S. Secretary of Commerce)

This is on the order of an open letter to the public.

We have a tremendous problem confronting our country, and I need to ask your help in doing something about it right away.

Only if you help, have we any hope of licking it.

Many of our wonderful young people are about to make a big decision in their lives that could be disastrous. Some of them don't understand that they are putting their futures in jeopardy. Some are lured by the idea of earning dollars of their own. Some, unfortunately, desperately need to put aside schoolbooks and take on the adult task of supporting themselves or their families.

The problem I am talking about is our school dropouts—the most disruptive development in our society since the war—and one that poses the severest challenge to all of us.

"HORSE-AND-BUGGY LEARNING"

Our youth is our most precious resource—the strength of our country's future. Yet, because they are young and inexperienced, some seem willing to face this future—and the nuclear age—with "horse-and-buggy learning," which is the way, I think, that President Lyndon B. Johnson phrases it.

If we let them, the results will be calamitous. Three-quarters of a million will leave school without a high school diploma in the coming year. Another million or so will quit next year; and in 10 years we will have 32 million adult Americans in the labor force who will not have finished high school at a time when a high school education will be a minimal requisite for most jobs.

I cannot emphasize enough the meaning of such an alarming exodus from school in these changing times of ours.

Once it was that a young man or woman could leave school with a limited amount of formal training and still have a reasonably rewarding life.

But, we live today in the midst of a knowledge explosion unlike any known to man since the golden age of Greece. Revolutionary new ideas are emerging around us all the time, and these affect not only the scientific and technological aspects of our lives but the social and cultural. I'm sure you will agree that when we land an American on the moon in a few years, it won't prove how smart we are but only how much more we need to learn.

Already, we have a greater demand for skilled workers than unskilled. This is one of the reasons why we have such a high rate of unemployment at a peak period of prosperity—even though 4 million unemployed is the lowest number we've had in 8 years. There are jobs, but the big growth in opportunities has been in the white-collar area where nearly half the labor force was employed last year. And the demand for professional and technical workers has grown even more.

Today, unless you know your " 'riting," you can't be a clerk. Unless you know your " 'rithmetic," you can't be a gas station attendant. And unless you have a high school diploma, it's virtually impossible to get even a factory job.

QUALITATIVE CHANGES IN THE LABOR SUPPLY

But it isn't only the job market that's changing. The character and quality of our labor supply is changing too, mainly because of the heavy influx of teenagers—and teenage dropouts—at rates running, as a result of the youth explosion, into the millions every year.

This year, for the first time, almost 4 million boys and girls—the first of our war babies—will turn 18. More than 2.5 million new young workers will enter the labor force, and a considerable number of them, without a high school diploma.

THE STATISTICS OF THE PROBLEM

Such an invasion of young, untrained, and inexperienced workers becomes an urgent concern for our country when one realizes that:

We already have some 14 million young people, aged 16 to 24, out of school—5.1 million of whom are dropouts;

Teenage unemployment is the highest of any group in the labor force; an estimated 2 million youths, aged 18 to 24, had job problems last year; and in July of this year, the unemployment rate for young people was 12.3 percent—the lowest in years, but still more than 2½ times that for all workers;

Six out of ten of our Nation's dropouts are only 16 and 17 years old, and the unemployment rate for dropouts, aged 16 to 21, is 16.6 percent or almost 4 times the national average.

Many Federal training programs have been set up under the Manpower Development and Training Act, and the Economic Opportunity Act, to help our young people prepare themselves for useful and productive lives, despite educational handicaps. Others have been set up in the private sector by farseeing civic, trade, religious, and business organizations, such as the Lions and the Chamber of Commerce of the United States.

However, a great deal more remains to be done to equip our youth for the future—and to impress upon them especially, the need to stay in school now and complete their education.

It is, of course, up to schools, and certainly up to parents, to do everything in their power to keep their children in school and to give them the best education they can afford. But it is too much to hope that schools or parents can combat this alone—without the help of every force in the community, including business interests and employers.

YOUTH OPPORTUNITY BACK-TO-SCHOOL DRIVE

This is now an economic problem, and for this reason President Johnson has launched a massive youth opportunity back-to-school drive, in which we believe every citizen, and especially every businessman and employer can play a part.

This summer American business responded with such spirit and enthusiasm to the President's appeal for summer jobs for youths 16 to 21—at last count industry had created over 1 million jobs, nearly double what the President had originally hoped for—we are convinced we can tackle this new assignment together with success.

THE SMALL ROLE OF THE BUSINESSMAN

There are two ways in which businessmen can help: first, by impressing upon young people everywhere the value of an education, and second, by creating part-time jobs for youths now in school who want to work.

Surprisingly enough, a part-time job can make the difference between getting and not getting an education for a vast number of our youths.

Dropouts are not below average in intelligence. But most do come from low income families and need to work. Over 40 percent, in fact, come from families in poverty income brackets of less than $3,000 annually. About half a million of our teenagers are primary earners in the family, and some 20,000 are heads of families whose average earnings are tragically less than $2,200 a year.

They need to work—desperately—and if they are to continue in school, they must be provided with jobs that can be combined with their study programs.

In the past weeks I have written to thousands of businessmen to invite their help with this problem, and they have responded with the same enthusiasm and dedication that they offered in creating summer jobs for youth.

Many have assured me that they now have or will soon get programs underway to employ students part time during the current school year. Many have said that they have found it good business to provide employment for cooperative and part-time students, or that working with young people has enabled them to get an insight into the thinking of our citizens of tomorrow.

And several have come up with novel ideas for working students into their companies on a part-time basis, which I think might be useful for other companies to know.

The Federal Reserve Bank of New York, for example, has worked out a cooperative program enabling high school students to work alternating weeks while attending school.

The Aetna Life Insurance Co., of Hartford, Conn., which has already given part-time work to some 100 high school pupils over the past decade in their own anti-drop-out program won't permit their student employees to continue to work if they drop out of school. Aetna has also developed a program with local school authorities to identify potential dropouts, and hired 38 of them on condition they remain in scohol.

Chicken Delight of California, Inc. which employs a great many college students who also need part-time jobs—has recommended that their store owners trim work schedules of students to about 20 hours a week so that they can maintain their college load. And in Chicago, the Demo-Sells Co., has worked out a program of splitting full-time shifts into several part-time jobs tailored to accommodate students' free hours.

There are many other courses of combating dropouts which businesses may follow, through company speakers' bureaus, the observance of "career days," individual counseling, and tuition aid programs.

THE KEY TO THE GREAT SOCIETY

Our President has said that "Education is the key to a Great Society." He knows that human enlightenment is the essential difference between a great power and a Great Society. And he proposes to see to it that our Nation stops wasting talent and that anyone who wants to go to school shall have "the best education our Nation can afford."

This is the birthright of all Americans.

Learning liberates minds, frees us from fear and poverty, and assures us not only of economic well-being but also of a rich social and cultural life. It made possible the success of the American experiment from the very beginning.

I think the President summed up the real meaning of his battle for educational opportunity for all Americans in his message to Congress last January, when he said:

"Nothing matters more to the future of our country, not our military preparedness—for armed might is worthless if we lack the brainpower to build a world of peace; not our productive economy—for we cannot sustain growth without trained manpower; not our democratic system of government—for our freedom is fragile if citizens are ignorant."

But one doesn't have to be in Government to serve our youth. We all have an obligation to them. October and November are the principal dropout months—I ask you to act now.

Dedication of West Thompson Dam in Connecticut

EXTENSION OF REMARKS

OF

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1965

Mr. ST. ONGE. Mr. Speaker, last Saturday, October 2, I was privileged to participate in the dedication ceremonies of the West Thompson Dam in northeastern Connecticut. Built by the U.S. Army Corps of Engineers, this dam has been under construction for the past 2½ years. Participating in the dedication were Gov. John N. Dempsey, of Connecticut, Col. Edward J. Ribbs, of the Corps of Engineers, Mr. Samuel T. Sheard, chairman of the Thames River Valley Flood Control Commission, and others.

In my address on the occasion I stressed the fact that the United States must learn to conserve its water supplies and to make more efficient use of its water resources, because of the shortages and the drought. Under leave to extend my remarks, I am pleased to insert the full text of the address into the RECORD:

ADDRESS BY CONGRESSMAN WILLIAM L. ST. ONGE, DEDICATION OF WEST THOMPSON DAM, SATURDAY, OCTOBER 2, 1965

Mr. Chairman, Governor Dempsey, Colonel Ribbs, ladies and gentlemen, to say that I am delighted to be here today would be an understatement. This is a great day, an historical day, for eastern Connecticut, particularly for this northeastern corner of the State. Today we dedicate the West Thompson Dam as part of the Quinebaug-French Rivers project which has special meaning for the people of this area.

All of us, I am sure, are very proud of this outstanding achievement and all of us are gratified that this project has now been completed. It is by no means as spectacular as some of the programs in which America is investing her resources of money and talent. It does not have the glamour of the great rockets or the power to focus national attention in its direction. Most Americans may never know the West Thompson Dam exists—nor will they ever hear its name.

Our joy, however, is tempered by the memory of that sudden and disastrous flood just about 10 years ago and the great destruction it brought in its wake. Those of us who experienced that tragedy will never forget it as long as we live. It seemed to us then and for a number of years later that we would never be able to recoup our losses, that we would never be able to rebuild the devastated areas, the towns, the villages, the farms.

Surely many of you must have asked yourselves—just as I have done—over this past decade: why did this tragedy occur? Why did we not take the necessary precautions? It is unfortunate that it required a tragedy to make this necessary urgent for us, but today all of us rejoice in the knowledge that such tragedies will not recur. This dam which we are dedicating here today should in the years ahead be a blessing to this entire area and also an assurance that 1955 will not be repeated.

The flood-control value of a project such as West Thompson Dam is inestimable. I believe all of us are well aware of that. Without the use of this dam and the four others to the north, successful flood fighting efforts would be almost an impossible task. But there is more than merely flood control to this project. Its importance reaches far beyond the reservoir behind this dam and the banks of this river. Beyond its usefulness to us—which is to control the river and prevent the heartache and devastation to life and property that has struck this valley in the form of rampaging flood waters, this project represents America's efforts to conserve its precious water resources.

We are faced today with a serious problem of water shortage and drought, which necessitates the efficient use and the conservation of our water supplies. Water has become a most precious resource, and we must therefore learn to preserve it, to make the best use of it for our needs, and to transfer it from areas where there is an abundance of water to areas where it is in short supply.

Let me cite to you a few facts. In the past 60 years the estimated daily use of water for all purposes has risen from 530 gallons to 1,600 gallons per person. Experts forecast this will rise to 2,200 gallons per person by 1975. Back in 1900, our total daily use of water for the entire Nation amounted to about 40 billion gallons. By 1958 this rose to 265 billion gallons, and it is estimated that by 1980 it will reach about 600 billion gallons. How much is 600 billion gallons? It is 60 times the average daily flow of the Hudson River at New York City.

In addition to flood control and water conservation, we must not overlook another very important factor—soil erosion. Rampaging rivers and swollen streams wash away thousands of tons of good topsoil from our farms, and this constitutes a type of destruction which is no less tragic. When all of this is taken together—the loss of soil, the loss of water resources so badly needed for urban and agricultural use, the destruction of property and often also of many lives—we can readily see what a staggering loss it constitutes for many sections of our country. Measured against the savings in property loss, and the benefits in recreational uses, fishing opportunities, and other benefits, the cost to the Government of projects such as the West Thompson Dam is indeed small.

I am glad that the people of this area have become aware of this problem and have had the vision and the foresight to take action to remedy this situation. All of us have a responsibility to cooperate in the effort to conserve our land and water resources. These resources constitute a basic heritage handed down to us, and it is our solemn obligation to preserve them for future generations.

In a recent statement on conservation and natural resources, President Johnson spoke of water, especially clear water, as being "a Nation's real treasure." He then added this observation:

"If future generations are to remember us more with gratitude than with sorrow, we must achieve more than just the miracles of technology. We must also leave them a glimpse of the world as God really made it, not just as it looked when we got through with it."

I feel sure that future generations will not only remember us with gratitude, but will bless us for having built this dam and preserving our resources. The West Thompson Dam is nearly a half mile long, 70 feet high, and is costing the Federal Government about $6.5 million. It has been under construction for the past two and a half years. Now that we have reached its completion, we know that we have also reached a significant milestone in the annals of northeastern Connecticut. The dangers of flooding have been substantially reduced. Our towns, villages, and farmlands are much safer today. Our land and water resources will be a blessing and will provide us with the bounty of our land, instead of being a source of devastation and destruction.

I rejoice in the fact that today we can all be proud of a job well done. This is a day in our lives when we can truly say to our people, especially to our younger generation: "Your heritage is secure. The bounty of our land is preserved." This dam that we have erected is not only a marvel of modern technology—it is a great bulwark for the safety of life and property.

And let me mention one other problem of water which has become quite serious in recent years. I refer, of course, to water pollution. There is no need for me to tell this audience about our urgent need for clean water and for control of pollution of our rivers, streams, ponds, wells, and other water resources. We are faced with a most difficult problem. On the one hand, our population is constantly expanding and as a result we have an increasing demand for fresh water supplies; on the other hand, our industries are growing and as a result the volume of waste is also increasing.

Our problem today is not a shortage of water in terms of total needs measured against total supplies. It is more a question of distribution, and of preserving and cleaning up sources which we have rendered useless through misuse. It is a crime the way in which we have permitted our streams and rivers to become almost open sewers. We should be appalled at the filth that is daily dumped into the beautiful streams that course through the woodlands, past our towns and cities and on toward the oceans. Most of our major streams are so saturated with pollution of industrial and municipal wastes that one has to have a strong stomach to even come near them—let alone to use them for any recreational activity.

We are well aware of the enormity of the problem of pollution. We all know the factors contributing to it. Unfortunately, we have not yet been able to completely solve the problem or to cope with it satisfactorily. It will still require a great deal of time, money, effort, research, and considerable patience before we can master this problem. Pollution has become a serious national problem, and may even increase in the years ahead before we are able to gain control over it.

We know that water is essential to all animal and plant life—but it is equally important to industrial and economic growth. Let me give you an idea of what water means to industry. In 1954 the principal water-consuming industries—steel, petroleum, and the like—used some 21 billion gallons per day. In 1959 it rose to 30 billion gallons, and by 1980 it will be over 50 billion gallons of water per day.

Several days ago I had a conference in my office with officials from the U.S. Department of the Interior regarding the Government's programs in water conservation and water desalinization. One high official—an Assistant Secretary of the Department—told me of a visit he made to Europe last year to study their rivers and water problems. He found that the waters of the Rhine River, which has been used for many years as a main navigational artery in Europe, run almust pure—so good, in fact, that people dip the waters from the river and use them as such without fear of becoming sick.

We must have a greater awareness in this Nation of the value of our water resources. We must reclaim the rivers and streams we have lost through pollution and return them to useable purposes. We owe this to our children and to future generations.

In conclusion, I want to express our deep appreciation to the Army Corps of Engineers and to the many fine men of the corps who worked hard to make this project—this dream of ours—a reality. We thank them for the many long hours they have put into it, their devotion, and the outstanding job for which they can feel justly proud. They have not only helped to preserve our resources, but also the beauty of our land and the safety of the inhabitants of this entire region and their dwelling places.

About 100 years ago the great New England philosopher Henry David Thoreau gazed upon the beauty of America, its bounty and its resources, and he wrote:

"It is a noble country where we dwell, fit for a stalwart race."

Let us keep it that way. Let us preserve its bounty and its resources so that those who come after us will remember us with gratitude.

SENATE

WEDNESDAY, OCTOBER 6, 1965

(Legislative day of Friday, October 1, 1965)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God of light and love—Thou who art the source and satisfaction of the deepest desires of our restless hearts—in this age obsessed with the exploration of outer space and what its secrets may hold, teach us that the true knowledge of Thee is hidden within us.

Thou hast not left thyself without witness in Thy world. Wherever truth speaks Thy voice is heard. In the lure of the lovely anywhere, everywhere, we touch the hem of Thy garment vast and white.

Even in the midst of traitorous denials which barter the highest with a betrayer's kiss, and the surrenders to the lowest which blight the deeds of men, we sense Thy eternal presence in the brave and generous attitudes of those who share with us the decisions to choose the blessing or the curse—life or death.

Thou givest us the divine option of taking the road that leads to blessing and life rich and abundant. As we survey the crying needs of our common humanity may we heed the supreme teaching of the Master of Life that strength stored for selfish ends evaporates, and that strength poured selflessly for others is multiplied as the giver gains the strength of 10 because his heart is pure.

We ask it in the name of the Holiest among the Holy who came not to be ministered unto but to minister. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, October 5, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am transmitting the Second Annual Report on Special International Exhibitions, for the fiscal year 1964, pursuant to section 108(b) of Public Law 87-256, the Mutual Educational and Cultural Exchange Act of 1961.

This program is designed to reveal to peoples abroad the true nature and broad extent of our economic, social, and cultural attainments. These exhibitions are also designed to advance mutually profitable trade relationships.

This American know-how is presented to show how it harmonizes with the host country's own aspirations and capabilities. This is done by presenting major U.S. exhibitions at selected international fairs and expositions, or as special events, in support of American foreign-policy objectives.

This program concentrates mainly in Eastern Europe and the developing countries. Hundreds of American business and industrial firms, private institutions, and individuals cooperated with Government agencies and contributed materials, time, and talent to help insure the success of these exhibitions.

For people who yearn to learn more about us, the American pavilion is like a large picture window through which they can look and see for themselves. The steady stream of young and old, from all walks of life, flocking to our exhibitions to improve their knowledge of what America is and means is a sight not easily forgotten.

These exhibitions are a vital adjunct to our country's unceasing pursuit of peace, freedom, and human dignity for men everywhere. I am gratified by the support the Congress has given this program since it began a decade ago.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 6, 1965*.

REPORT ON INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256), I am transmitting the annual report on the international educational and cultural exchange program for the fiscal year 1964.

This report suggests something of the experience of life in other lands which students, teachers, professors, lecturers, research scholars, performing artists, athletes and coaches, foreign leaders, writers, judges, doctors—indeed the whole company of the adventurous, the skilled, the searching—have shared with their counterparts abroad, since the exchange programs began two decades ago.

In those 20 years they have become an established part of our commitment to international understanding. That commitment is expressed through congressional action, through the voluntary efforts of thousands of individual citizens, through our universities and colleges, and through national and local community organizations all across the country.

I commend the report to the thoughtful scrutiny of the Congress.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 6, 1965*.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service be permitted to meet during the session of the Senate today.

Mr. KUCHEL. Mr. President, reserving the right to object, a request has been made that the minority oppose the request. I object.

The PRESIDENT pro tempore. Objection is heard.

ORDER FOR RECESS TO TOMORROW

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that when the Senate completes its business today, it stands in recess until 11 o'clock tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM THURSDAY TO FRIDAY—ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and this request has been cleared with the distinguished minority leader—that when the Senate completes its business tomorrow, it stand in recess until 11 o'clock Friday morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the motion to table, which I have announced I shall make on Friday, take place at 1 o'clock.

Mr. KUCHEL. Mr. President, reserving the right to object—and there will be no objection——

Mr. MANSFIELD. It has been cleared.

Mr. KUCHEL. It is implicit in the Senator's request that he will obtain the floor in order to make that motion?

Mr. MANSFIELD. The Senator is correct.

Mr. KUCHEL. I thank the Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have not cleared this request with the distinguished minority leader, but on my own responsibility, I ask unanimous consent that the time on Friday after the prayer and the disposition of the Journal, be equally divided between the minority leader, the Senator from Illinois [Mr. DIRKSEN] and the majority leader.

Mr. KUCHEL. Will the Senator include in his unanimous-consent request the further provision that the time under the control of both will not be affected by the rule against more than two speeches on the same day?

Mr. MANSFIELD. I shall be glad to include that in the request.

The PRESIDENT pro tempore. Is there objection?

Mr. HICKENLOOPER. Mr. President, reserving the right to object, I do not quite understand what is going on.

Mr. MANSFIELD. I announced yesterday that I would make a motion to table.

Mr. HICKENLOOPER. A motion to table is not debatable, as I understand.

Mr. MANSFIELD. That is correct. However, I wished to give each side an equal allotment of time before the motion was made on Friday, with the provision that the last 10 minutes before the motion was made be divided equally between the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and myself, at the expiration of which time I shall make the motion to table.

Mr. HICKENLOOPER. I have no objection to the Senator's making the motion, but as to the time involved, I hope the Senator will delay making his present request until we can discuss the matter with the minority leader. I believe we shall be able to clear it with the minority leader, if the Senator from Montana will delay making his request for a few minutes.

Mr. MANSFIELD. Very well.

Mr. HICKENLOOPER. I do not understand the implications of the situation at the moment.

Mr. MANSFIELD. There are no implications.

Mr. HICKENLOOPER. Of course, nothing insidious is involved. I understand that. However, I should like to clear the situation with the minority leader. I would appreciate it if the majority leader would make his request a little later.

Mr. MANSFIELD. That is a reasonable request. I withdraw that portion of the request which is now pending, until a later time.

Mr. HICKENLOOPER. As I understand, no time was set for the beginning of these remarks in the Senator's request.

Mr. MANSFIELD. Yes. The time was to begin at the conclusion of the prayer and the disposition of the Journal.

Mr. HICKENLOOPER. I am not disposed to take a position one way or another on the Senator's request. I request I should like to have it cleared with the minority leader and to have it cleared up in my own mind. I should like to fully understand the request. I thank the Senator.

Mr. MANSFIELD. That is perfectly all right. I shall clear it with the minority leader.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may transact routine morning business, and that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOSPITALIZATION OF PRESIDENT JOHNSON

Mr. MANSFIELD. Mr. President, President Johnson has done everything possible to spare the concern of the Nation and the world of his need for surgery. Nevertheless, the news that he will enter the hospital for a major operation on Friday still comes as a distinct shock to all of us.

It is most gratifying to learn that he will not be incapacitated for any great length of time and that there is every reason to expect a prompt and complete recovery. I spoke with him on the phone last night and again this morning and can advise the Senate that his attitude is excellent and most reassuring.

Every Member of the Senate, the people of the Nation, and millions throughout the world, however, will share with me the anxiety of the next few days. The President's condition will occupy our thoughts at all times. He has our prayers and good wishes. He can take comfort in knowing that in this period of his difficulty we are united in our concern for his personal welfare and we are united in our hope that he will have a rapid and thorough recovery. That is the foremost consideration in our hearts and minds at this time.

Mr. KUCHEL. Will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from California.

Mr. KUCHEL. The Senator expresses the profound feelings and prayers of the American people. Surely no words need be uttered here that his eloquent statement is reechoed in the hearts of all his fellow Senators.

Mr. MANSFIELD. I appreciate the statement of the Senator from California.

Mr. President, I yield the floor.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Plan for Works of Improvement in Wisconsin

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, a plan for works of improvement on Plain-Honey Creek, Wis. (with an accompanying document); to the Committee on Agriculture and Forestry.

Clarification of Reemployment Provisions of Universal Military Training and Service Act

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Report on Military Construction, Air National Guard

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on military construction, Air National Guard (with an accompanying report); to the Committee on Armed Services.

Federal Savings Bank Act

A letter from the Chairman, Federal Home Loan Bank Board, Washington, D.C., transmitting a draft of proposed legislation to authorize the establishment of Federal mutual savings banks (with accompanying papers); to the Committee on Banking and Currency.

Report of Foreign Claims Settlement Commission

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1964 (with an accompanying report); to the Committee on Foreign Relations.

Report on Contracts Negotiated for Experimental, Developmental, or Research Work

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated for experimental, developmental, or research work, for the 6-month period ended June 30, 1964 (with an accompanying report); to the Committee on Government Operations.

Reports of Acting Comptroller General

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on improvements to be made in administration of employee travel, Veterans' Administration, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on additional income possible by obtaining more equitable rates of interest on U.S.-owned foreign currencies, Treasury Department, Department of State, and Agency for International Development, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings through use of an oversupply of stabilator assemblies for F-4 aircraft, Department of the Navy, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on costs incurred in procuring Madrec electronic system components manufactured by Midwestern Instruments, Inc., from Lockheed Georgia Co., Department of the Air Force, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on need for improved administration of allowances paid for uniforms of cadets in the Reserve Officers' Training Corps, Departments of the Army and the Air Force, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

Report of Federal Prison Industries, Inc.

A letter from the Commissioner, Federal Prison Industries, Inc., Department of Justice, Washington, D.C., transmitting, pursuant to law, a report of that organization, for the fiscal year 1965 (with an accompanying report); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Adjustment of Status of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to adjustment of status of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Petitions To Accord First Preference Status to Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, petitions to accord first preference status to certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of National Council on the Arts

A letter from the Chairman, National Council on the Arts, Washington, D.C., transmitting, pursuant to law, a report of that Council, for 1964-65 (with an accompanying report); to the Committee on Labor and Public Welfare.

CONCURRENT RESOLUTION OF KENTUCKY LEGISLATURE

The PRESIDENT pro tempore laid before the Senate a concurrent resolution of the Legislature of the State of Kentucky; which was referred to the Committee on the Judiciary:

Senate Resolution 8

Concurrent resolution applying to the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States

Be it resolved by the Senate of the Commonwealth of Kentucky (the House of Representatives concurring therein), That the general assembly respectfully applies to the

Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States.

"ARTICLE —

"SECTION 1. Nothing in this Constitution shall prohibit any State which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State.

"SEC. 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress"; Be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State.

HARRY LEE WATERFIELD,
President of the Senate.
SHELBY MCCALLUM,
Speaker, House of Representatives.
Attest:
JOHN W. WILLIS,
Chief Clerk of Senate.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARTLETT (for himself and Mr. GRUENING):

S. 2603. A bill for the relief of James R. Kemp; to the Committee on the Judiciary.

By Mr. HART:

S. 2604. A bill for the relief of Marcelo Canlas; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2605. A bill for the relief of Herminia F. Tambaoan; to the Committee on the Judiciary.

By Mr. MOSS:

S. 2606. A bill for the relief of Box Elder County School District, Utah; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2607. A bill for the relief of Mrs. Machi Miyake; and

S. 2608. A bill for the relief of Mrs. Kameo Kaneshiro; to the Committee on the Judiciary.

By Mr. MORSE:

S. 2609. A bill to amend section 302 of the Labor Management Relations Act, 1947, to broaden the permissible uses of trust funds to which employers contribute, and for other purposes; to the Committee on Labor and Public Welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 322. An act for the relief of Choy-Sim Mah;

S. 611. An act for the relief of certain employees of the Mount Edgecumbe Boarding School, Alaska;

S. 779. An act for the relief of Henryka Lyska;

S. 903. An act to amend the Communications Act of 1934, as amended, with respect to painting, illumination, and dismantlement of radio towers;

S. 1012. An act for the relief of Dr. Otto F. Kernberg;

S. 1397. An act for the relief of Vasileos Koutsougeanopoulos;

S. 1775. An act for the relief of Erich Gansmuller;

S. 1873. An act for the relief of Mrs. Clara W. Dollar; and

S. 2273. An act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes.

The message also announced that the House had passed the bill (S. 2118) to amend sections 9 and 37 of the Shipping Act, 1916, and subsection O of the Ship Mortgage Act, 1920, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1516) to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the Administrator of General Services to enter into contracts for the inspection, maintenance, and repair of fixed equipment in federally owned buildings for periods not to exceed 5 years, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 9247. An act to provide for participation of the United States in the HemisFair 1968 Exposition to be held at San Antonio, Tex., in 1968, and for other purposes; and

H.R. 10238. An act to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7059) to amend the act of July 2, 1940 (54 Stat. 724; 20 U.S.C. 79–79(e)), to authorize such appropriations to the Smithsonian Institution as are necessary in carrying out its functions under said act, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 969. An act to authorize redetermination under the Civil Service Retirement Act of annuities of certain reemployed annuitants;

H.R. 1240. An act for the relief of Harry C. Engle;

H.R. 1317. An act to provide for the free entry of a mass spectrometer which was imported during May 1963 for the use of Stanford University, Stanford, Calif.;

H.R. 1386. An act to provide for the free entry of one mass spectrometer for the use of Pomona College;

H.R. 1582. An act to remove a restriction on certain real property heretofore conveyed to the State of California;

H.R. 1781. An act to amend section 113(a) of title 28, United States Code, to provide that Federal District Court for the Eastern District of North Carolina shall be held at Clinton;

H.R. 2627. An act for the relief of certain classes of civilian employees of naval installations erroneously in receipt of certain wages due to misinterpretation of certain personnel instructions;

H.R. 2565. An act to provide for the free entry of one mass spectrometer for the use of the University of Chicago;

H.R. 2653. An act to provide that the U.S. District Court for the District of Connecticut shall also be held at New London, Conn.;

H.R. 3126. An act to provide for the free entry of one mass spectrometer for the University of Washington;

H.R. 3689. An act for the relief of Juanita Cereguine de Burgh;

H.R. 3875. An act for the relief of Mrs. Panagiota Vastakis and Soteros Vastakis;

H.R. 3905. An act for the relief of Bibi Daljeet Kaur;

H.R. 4743. An act for the relief of Ralph Tigno Edquid;

H.R. 4832. An act to provide for the free entry of a mass spectrometer for the use of Saint Louis University;

H.R. 4911. An act for the relief of Lt. Col. Jack F. Orend;

H.R. 5213. An act for the relief of Winston Lloyd McKay;

H.R. 5217. An act to permit the vessel *Little Nancy* to be documented for use in the coastwise trade;

H.R. 5973. An act for the relief of Edwin F. Hower;

H.R. 6590. An act for the relief of Arthur Hill;

H.R. 6655. An act for the relief of Pieter Cornelis Metzelaar;

H.R. 6666. An act to provide for the free entry of a 90-centimeter split-pole magnetic spectrograph system with orange-peel internal conversion spectrometer attached for the use of the University of Pittsburgh;

H.R. 6720. An act for the relief of Ping-Kwan Fong;

H.R. 6906. An act to provide for the free entry of one mass spectrometer and one split pole spectrograph for the use of the University of Rochester, Rochester, N.Y.;

H.R. 7169. An act to amend the Securities Act of 1933 with respect to certain registration fees;

H.R. 7446. An act for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Norfolk Naval Shipyard, Portsmouth, Va.;

H.R. 7667. An act for the relief of Donald F. Farrell;

H.R. 7919. An act to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes;

H.R. 8135. An act for the relief of Jennifer Rebecca Siegel;

H.R. 8232. An act to provide for the free entry of one mass spectrometer-gas chromatograph for the use of Oklahoma State University, Stillwater, Okla.;

H.R. 8272. An act to provide for the free entry of an isotope separator for the use of Princeton University, Princeton, N.J.;

H.R. 8829. An act for the relief of S. Sgt. Robert E. Martin, U.S. Air Force (retired);

H.R. 9495. An act to increase the appropriation authorization for the Franklin Delano Roosevelt Memorial Commission, and for other purposes;

H.R. 9903. An act to provide for the free entry of one multigap magnetic spectrograph for the use of Yale University;

H.R. 10198. An act to amend the requirements relating to lumber under the Shipping Act, 1916;

H.R. 10327. An act to require operators of ocean cruises by water between the United States, its possessions and territories, and foreign countries to file evidence of financial security and other information;

H.R. 10338. An act for the relief of Joseph B. Stevens;

H.R. 10403. An act for the relief of Edward F. Murzyn and Edward J. O'Brien;

H.R. 10405. An act for the relief of Col. Donald J. M. Blakeslee and Lt. Col. Robert E. Wayne, U.S. Air Force;

H.R. 10612. An act for the relief of Capital Transit Lines, Inc., of Salem, Oreg.;

H.R. 10774. An act to amend section 302 of the Labor Management Relations Act, 1947, to broaden the permissible uses of trust funds to which employers contribute, and for other purposes;

H.R. 10779. An act to authorize the Pharr Municipal Bridge Corp. to construct, maintain, and operate a toll bridge across the Rio Grande near Pharr, Tex.;

H.R. 10878. An act for the relief of Anderson G. Matsler, senior master sergeant, U.S. Air Force, retired;

H.R. 11029. An act relating to the tariff treatment of certain woven fabrics;

H.R. 11096. An act to authorize the disposal of graphite, quartz crystals, and lump steatite talc from the national stockpile or the supplemental stockpile, or both; and

H.R. 11303. An act to amend section 18 of the Civil Service Retirement Act, as amended.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 306. An act to amend the Clean Air Act to require standards for controlling the emission of pollutants from certain motor vehicles, to authorize a research and development program with respect to solid-waste disposal, and for other purposes;

S. 322. An act for the relief of Choy-Sim Mah;

S. 611. An act for the relief of certain employees of the Mount Edgecumbe Boarding School, Alaska;

S. 779. An act for the relief of Henryka Lyska;

S. 903. An act to amend the Communications Act of 1934, as amended with respect to painting, illumination, and dismantlement of radio towers;

S. 1012. An act for the relief of Dr. Otto F. Kernberg;

S. 1397. An act for the relief of Vasileos Koutsougeanopoulos;

S. 1576. An act to amend the act of May 17, 1954 (68 Stat. 98), as amended, providing for the construction of the Jefferson National Expansion Memorial at the site of old St. Louis, Mo., and for other purposes;

S. 1689. An act to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931 (16 U.S.C. 502);

S. 1775. An act for the relief of Erich Gansmuller;

S. 1856. An act to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps;

S. 1873. An act for the relief of Mrs. Clara W. Dollar;

S. 2273. An act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes;

H.R. 724. An act to authorize the transfer of certain Canal Zone prisoners to the custody of the Attorney General;

H.R. 3045. An act to authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations;

H.R. 5665. An act to authorize disbursing officers of the Armed Forces to advance funds to members of an armed force of a friendly foreign nation, and for other purposes;

H.R. 6165. An act to repeal section 165 of the Revised Statutes relating to the appointment of women to clerkships in the executive departments;

H.R. 7329. An act to provide for the conveyance of certain real property of the United States to the city of San Diego, Calif.;

H.R. 9336. An act to amend title V of the International Claims Settlement Act of 1949 relating to certain claims against the Government of Cuba;

H.R. 9975. An act to authorize the shipment, at Government expense, to, from, and within the United States and between oversea areas of privately owned vehicles of deceased or missing personnel, and for other purposes;

H.R. 10234. An act to amend section 1085 of title 10, United States Code, to eliminate the reimbursement procedure required among the medical facilities of the Armed Forces under the jurisdiction of the military departments;

H.R. 10871. An act making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes; and

S.J. Res. 69. Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 969. An act to authorize redetermination under the Civil Service Retirement Act of annuities of certian reemployed annuitants; to the Committee on Post Office and Civil Service.

H.R. 1240. An act for the relief of Harry C. Engle;

H.R. 1781. An act to amend section 113(a) of title 28, United States Code, to provide that Federal District Court for the Eastern District of North Carolina shall be held at Clinton;

H.R. 2627. An act for the relief of certain classes of civilian employees of naval installations erroneously in receipt of certain wages due to misinterpretation of certain personnel instructions;

H.R. 2653. An act to provide that the U.S. District Court for the District of Connecticut shall also beheld at New London, Conn.;

H.R. 3689. An act for the relief of Juanita Cereguine de Burgh;

H.R. 3875. An act for the relief of Mrs. Panagiota Vastakis and Soteros Vastakis;

H.R. 3905. An act for the relief of Bibi Daljeet Kaur;

H.R. 4743. An act for the relief of Ralph Tigno Edquid;

H.R. 4911. An act for the relief of Lt. Col. Jack F. Orend;

H.R. 5213. An act for the relief of Winston Lloyd McKay;

H.R. 5973. An act for the relief of Edwin F. Hower;

H.R. 6590. An act for the relief of Arthur Hill;

H.R. 6655. An act for the relief of Pieter Cornelis Metzelaar;

H.R. 6720. An act for the relief of Ping-Kwan Fong;

H.R. 7446. An act for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Norfolk Naval Shipyard, Portsmouth, Va.;

H.R. 7667. An act for the relief of Donald F. Farrell;

H.R. 8135. An act for the relief of Jennifer Rebecca Siegel;

H.R. 8829. An act for the relief of S. Sgt. Robert E. Martin, U.S. Air Force (retired);

H.R. 10338. An act for the relief of Joseph B. Stevens;

H.R. 10403. An act for the relief of Edward F. Murzyn and Edward J. O'Brien;

H.R. 10405. An act for the relief of Col. Donald J. M. Blakeslee and Lt. Col. Robert E. Wayne, U.S. Air Force;

H.R. 10612. An act for the relief of Capital Transit Lines, Inc., of Salem, Oreg.; and

H.R. 10878. An act for the relief of Anderson G. Matsler, senior master sergeant, U.S. Air Force, retired; to the Committee on the Judiciary.

H.R. 1317. An act to provide for the free entry of a mass spectrometer which was imported during May 1963 for the use of Stanford University, Stanford, Calif.;

H.R. 1386. An act to provide for the free entry of one mass spectrometer for the use of Pomona College;

H.R. 2565. An act to provide for the free entry of one mass spectrometer for the use of the University of Chicago;

H.R. 3126. An act to provide for the free entry of one mass spectrometer for the University of Washington;

H.R. 4832. An act to provide for the free entry of a mass spectrometer for the use of St. Louis University;

H.R. 6666. An act to provide for the free entry of a 90-centimeter split-pole magnetic spectrograph system with orange-peel internal conversion spectrometer attached for the use of the University of Pittsburgh;

H.R. 6906. An act to provide for the free entry of one mass spectrometer and one split-pole spectrograph for the use of the University of Rochester, Rochester, N.Y.;

H.R. 8232. An act to provide for the free entry of one mass spectrometer-gas chromatograph for the use of Oklahoma State University, Stillwater, Okla.;

H.R. 8272. An act to provide for the free entry of an isotope separator for the use of Princeton University, Princeton, N.J.;

H.R. 9903. An act to provide for the free entry of one multigap magnetic spectrograph for the use of Yale University; and

H.R. 11029. An act relating to the tariff treatment of certain woven fabrics; to the Committee on Finance.

H.R. 1582. An act to remove a restriction on certain real property heretofore conveyed to the State of California;

H.R. 5217. An act to permit the vessel *Little Nancy* to be documented for use in the coastwise trade;

H.R. 10198. An act to amend the requirements relating to lumber under the Shipping Act, 1916; and

H.R. 10327. An act to require operators of ocean cruises by water between the United States, its possessions and territories, and foreign countries to file evidence of financial security and other information; to the Committee on Commerce.

H.R. 7919. An act to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9495. An act to increase the appropriation authorization for the Franklin Delano Roosevelt Memorial Commission, and for other purposes; to the Committee on Rules and Administration.

H.R. 10774. An act to amend section 302 of the Labor Management Relations Act, 1947, to broaden the permissible uses of trust funds to which employers contribute, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 10779. An act to authorize the Pharr Municipal Bridge Corp. to construct, maintain, and operate a toll bridge across the Rio Grande near Pharr, Tex.; to the Committee on Foreign Relations.

H.R. 11096. An act to authorize the disposal of graphite, quartz crystals, and lump steatite talc from the national stockpile or the supplemental stockpile, or both; to the Committee on Armed Services.

H.R. 11303. An act to amend section 18 of the Civil Service Retirement Act, as amended; placed on the calendar.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorial, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. RANDOLPH:

Statement relating to publication of the book entitled "What Now for Free China?" written by Dr. Diosdado M. Yap.

BIRTHDAY GREETINGS TO SENATOR McNAMARA

Mr. HART. Mr. President, because I was attending two long-scheduled hearings by the Parks Subcommittee of the House of Representatives, on Monday at the Sleeping Bear at Travers City in the Lower Peninsula of Michigan, and yesterday at Pictured Rocks, at Marquette the Upper Peninsula, I could not participate in the very delightful exchange which the Record of Monday reports. Many of my fellow Senators expressed birthday congratulations to the senior Senator from my State [Mr. McNamara]. I wish very much that I had been able to join, and I now echo all the good wishes and praise and affection then voiced.

In our relationships here in the Senate, I am sure that all Senators understand that no junior Senator is more fortunate than the junior Senator from Michigan, in having for his senior colleague, Pat McNamara.

All the good things that were spoken about him I would underline. I hope that that senior-junior relationship will continue for a long, long time. It will be to my very great personal pleasure and good fortune. In the nature of things many people confuse frequent speeches and flashy phrases for sound action and solid accomplishment.

Pat McNamara has not burdened the Senate with excess words. He has, however, bequeathed the Nation an impressive number of beneficial programs.

If he has not enjoyed his full share of credit, it is because in this business praise often fails to find those who do not actively seek it. And Pat McNamara seeks only results; he is completely indifferent to puffs that feed vanity.

But this fact remains clear: No one who takes the trouble to examine Pat McNamara's record can fail to be impressed with his thoughtfulness, his sencerity—and his effectiveness.

In my opinion, every citizen of America—certainly every citizen of Michigan—owes Pat McNamara a heartfelt "thank you."

I take this opportunity to submit mine.

CONGRESSIONAL DISTINGUISHED SERVICE AWARDS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Mr. KUCHEL. Mr. President, in an impressive ceremony, the American Political Science Association recently honored four of our colleagues—Senators John Sherman Cooper and John O. Pastore, and Representatives William McCulloch and Wilbur D. Mills—for outstanding public service. All Members join in applauding these choices for the 1965 Congressional Distinguished Service Awards. Others will want to join in expressing appreciation to the sponsors of an award that, in addition to recognizing individual excellence, dramatizes and reinforces the role of the Congress in our governmental system.

The association began making such awards, first proposed by a former colleague of ours, Senator William Benton, in 1959. They have been presented every 2 years since then on a bipartisan basis, to a Republican and a Democrat from each House of Congress, under terms of a grant from the William Benton Foundation. Because their basic purpose is to recognize individual service of distinction, which might otherwise go unnoticed, it is the practice to exclude the formal leadership of both Houses from consideration for the awards. In choosing winners, a selection committee composed of college presidents and political scientists weighs the following attributes of the legislator:

Devotion to the public welfare, combined with a fine grasp of legislative skills.

Competence and effectiveness, measured in terms of concrete accomplishment.

Constructive imagination, hardheaded acumen, and the ability to harmonize national and local interests.

Worth of the individual as indicated by the respect of his colleagues.

Mr. President, each of the 1965 recipients has measured up to these rigorous standards; each has been responsive to the needs of his State or congressional district; each has worked hard to acquire the knowledge regained for effective legislative service; each has demonstrated his dedication to the public welfare.

Senator Cooper was cited for inspiring and vigorously supporting a program of aid to the Appalachian region. The citation continues:

> In keeping with his own integrity and independence of mind, he was successful in his sponsorship of a select Senate committee on standards and conduct. Courtly and earnest, determined in pressing his views yet tolerant of the values of others, he is held in affectionate esteem by all with whom he has been associated—as a Senator, Ambassador to India, and Delegate to the United Nations.

Senator Pastore was recognized as an authority on the development and application of atomic energy, who was highly persuasive in his arguments for the nuclear test ban treaty. Further, the citation states:

> As a comanager of the civil rights bill in 1964, he contributed both the creative imagination and the painstaking detail work required to sustain a major legislative effort. Dynamic and unafraid, accessible and effective, he exemplifies the best traditions of elective public office.

Representative McCulloch was cited for his role in enactment of civil rights legislation, as follows:

> Meticulous in his attention to the finer points of law, he assumed a pivotal role in development and passage of the Civil Rights Act of 1964, exercising patient skill in harmonizing widely divergent viewpoints in committee and maintaining close consultation with the Senate and the executive branch. For his demonstrated integrity, for his resoluteness of purpose—and for his gentle wit—he has the admiration and affection of his colleagues in both parties.

Representative Mills was recognized as an authority on Government finance, as a legislative craftsman, and as a responsive committee chairman. His citation reads, in part, as follows:

> In 1963 and 1964, despite continuing controversy over national economic policy, he helped to formulate and to guide toward enactment one of the most important tax reduction bills in our history. Prudent and calm under pressure, he is recognized by proponent and opponent alike for his courteous consideration of the views of all who appear before his committee.

Mr. President, presentation of the awards was a highlight of the association's 61st annual meeting, which brought some 3,000 political scientists from throughout the Nation to Washington the week of September 6–11. As I mentioned earlier in my remarks, it was an impressive ceremony. All of the 1965 award winners and several from previous years were present, including Vice President Hubert H. Humphrey, a recipient of the award in 1959; former Senator Kenneth Keating, also recognized in 1959 when he was a Member of the other body; Senators George Aiken, Paul Douglas, and Leverett Saltonstall; and Representatives Richard Bolling and George Mahon.

Appropriately, the association invited Senator Everett Dirksen to represent congressional leadership, recognizing at the same time his own contributions to the quality of American life over a long and distinguished career.

While these awards go to the individual Members, it is clear that they have wider implications. They point up the fact that our free elective system produces in Congress public servants of great ability and varied talents. Similarly, they emphasize once again the fact that Congress offers a wider scope to the capacities of its Members than any other legislative body in the world. And perhaps most significantly, they call attention in a dramatic way to the vital importance of the legislative branch in our democracy.

That these educational goals are important to the Congressional Distinguished Service Award sponsors is apparent from the great dignity with which the ceremony was conducted, from the careful preparation of the citations, and from the introductory comments of Ralph K. Huitt, a noted scholar of Congress who made the formal presentation. I believe that my colleagues will be interested in Mr. Huitt's remarks as well as the complete texts of the citations. I ask unanimous consent to have this material printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS IN PERSPECTIVE

(Address by Ralph K. Huitt at the Distinguished Congressional Awards Presentation, American Political Science Association, September 10, 1965)

Tonight the American Political Science Association pays tribute to Congress. It is true that not all political scientists have praised Congress all the time. I think perhaps my own experience has been shared by other members of our discipline. When I finished graduate school, I believed profoundly that the surest way to solve the problems of the American people was for the States to surrender most of their powers to the National Government and for Congress to defer to the will of the Executive. In my years as a teacher I have turned 180 degrees: I now place great value on State and local governments and I am a champion of the diversity and dispersed power represented by Congress.

Of course my sentiments may change again. The other day when the President announced my appointment to an executive office he said that Secretary Gardner was going to "feed me to Congress." Perhaps it is just as well that I talk tonight while I still love Congress.

The Congress of the United States presents a paradox.

On the one hand, it probably is the most criticized public institution in America. When it is slow to act it is called do-nothing, obstructionist, and archaic. When it moves swiftly to pass a large program of legislation, as it has this year, it still is criticized.

But today I heard a variation on the old theme. A Member of Congress was explaining why he supported the President's veto on the military construction bill. He said, "This has been a productive and creative Congress. We have passed dozens of bills and sent them down to the White House. The President has signed every one of them. He's a rubberstamp President. Now that he has taken a little initiative I think we ought to encourage him."

The paradox is that while Congress is roundly criticized it is without question one of the most successful political institutions in the world. Today Congress exercises all the powers intended for it by the framers of the Constitution. It still is a powerful and respected partner in the grand triune.

Consider what has happened to other legislative bodies in the period of the life of Congress. The House of Commons in England has conquered the Crown, reduced the House of Lords to impotence, and in turn has fallen victim to its own creature, the Prime Minister. In the same time, the French legislature has had to adapt itself, if my count is right, to three kings, two emperors, five republics, and one Charles de Gaulle.

Meanwhile, Congress has held its own. It is today the most powerful and respected representative assembly in the world.

This is not to say that Congress has not been tested. On the contrary, it has met the great tests of American history. In its lifetime we have absorbed 40 million immigrants and made them Americans. We have expanded from a tiny cluster of States on the eastern seaboard to a great continentwide empire. From the day when the only Federal official most people ever saw was the postman, we have built a National Government which regulates and promotes the welfare of our people from the cradle to the grave. We have fought wars, survived depressions, and weathered the worst test a political system can sustain, a civil war.

Congress has met these trials with substantially the structure and procedures planned for it in the Constitution.

Those who would change the American Congress into a carbon copy of a parliamentary system ought to talk to foreign legislators. They are envious of the prestige and influence of the American Congressman. They would like to get that kind of respect for themselves at home. Last summer I sat in conference with some Canadian Members of Parliament who listened unbelieving while a minority party Member of Congress described how he had taken an idea of a constituent and in a year's time got it enacted into law.

But what has struck me about the books and articles and statements of members of parliamentary systems who want to increase respect for themselves is that they are not willing to face the facts of life. In politics, respect goes with power. Congress is powerful. Many individual Congressmen are powerful, and a few are powerful indeed.

The bases of congressional power rest, I think, on two basic principles in the American Constitution.

The first is the principle of separation of powers.

It is true that powers are not really separated in our system. Congress, the President, and the courts all share in legislation and administration in a way that defies explanation. The powers of the Federal Government are commingled among the three great branches.

What we have is not a separation of powers but a separation of institutions, of personnel. The Constitution clearly says that no Member of Congress may serve in the executive establishment and vice versa. This means that if Congress is to maintain its position as a coequal branch it must have a mechanism for independent consideration of legislation and its own sources of information. The British House of Commons can accept the statements of the bureaucracy because its own leaders are the heads of the principal departments. This is not and cannot be true of either House of Congress.

The result has been the standing committee with specialized jurisdiction. But the standing committees have come to be much more than agents for information gathering and independent consideration. They are bastions of power. They cannot be captured by the party leadership or anyone else.

Those persons who would transform Congress into a parliamentary body are correct when they assume that a centralized party leadership in Congress could only fall prey to the executive. Congress would go the way of other legislatures.

It is true that the results of a centralized power in Congress are somewhat erratic, but what is enormously important to the working of the American system is the strengthening of diversity and the provision of many points of access to people who want to try to influence their Government.

The second basic principle affecting the power of Congress is federalism.

Federalism provides a local base of power for the individual Congressman. No national party leadership can hurt him very much if his constituents are happy with him, nor help him if they are not.

The great experiment in responsible party government in our time was tried not by academic theorists but by Franklin Roosevelt, the most popular vote-getter of his time. Mr. Roosevelt presented to Democrats the reasonable proposition that if they wanted him to enact his program they should send him Democrats who would support it. He tried to purge eight Members of Congress. You remember the result: only one was defeated and there is no proof that Mr. Roosevelt caused that.

This is a lesson no practical politician in the country can fail to understand.

So it is that the Member courts his constituency. The baby books, the congratulatory letters, the favors go out in a steady stream.

Not many Congressmen will do what one friend of mine did. He got a letter at least once a week from a constituent who always found fault with him. One afternoon, at the end of a hot and frustrating day, the Congressman got a letter which ended this way: "I want you to know that if you were St. Peter I would not vote for you again." The Congressman scrawled across the bottom of the letter: "Don't worry, Buddy. If I were St. Peter you would not be in my district."

Many Members have felt that way but few would go that far. The source of the strength and independence of the individual Member is the tie he has with the people at home.

How good is Congress? The truth is no one can tell. It is not possible to extract Congress from the political system of which it is a part. It performs many of the same functions for the American people that the other branches do and these tasks are shared with political parties, interest groups, the press, and other American institutions

Moreover, we cannot devise tests to determine how effective a political institution is until we can say with confidence what services the institution performs for the whole political system. But there are political functions which Congress shares which it seems especially fitted to perform.

Like the other branches of government, it helps to resolve conflict. But sometimes it is at its best when it avoids conflict, when it postpones or evades an issue which the society is not yet ready to face. The legislature is particularly suited to give a half-loaf or to avoid action while seeming to take action.

Again, Congress furnishes catharsis for those members of society who are disaffected and cannot otherwise find relief. Individuals in the larger society whose causes cannot prevail identify with their heroes on the floors of Congress.

The "errand boy function," which has received so much criticism, actually provides a vital link between the great government in Washington and people in society. It is important for an individual to believe that he can have ready access to his government, and that he can get a speedy reply which he understands.

All this suggests, I think, that while Congress is known as a lawmaking body the actual enactment of legislation may be a relatively small function in comparison with others which it performs.

In any final casting up, it is well to remember that the representative assembly is one of the great creations of freemen and that its historic mission is not efficiency in government but the maintenance of freedom. Measured against the tests of American experience, Congress has performed this mission very well.

JOHN SHERMAN COOPER: 1965 CONGRESSIONAL DISTINGUISHED SERVICE AWARD CITATION

Unwavering in faith in his fellow man, compassionate and innovative, JOHN SHERMAN COOPER is both a perceptive statesman and a capable servant of his constituents.

Alert and responsive to the needs and interests of his State and section, his outlook is nonetheless essentially national and international. Consonant with his deep concern for the less fortunate, he inspired and vigorously supported a program of aid to the Appalachian region. In keeping with his own integrity and independence of mind, he was successful in his sponsorship of a select Senate committee on standards and conduct. Courtly and earnest, determined in pressing his views yet tolerant of the values of others, he is held in affectionate esteem by all with whom he has been associated—as a Senator, Ambassador to India, and delegate to the United Nations.

The American Political Science Association takes great pleasure in presenting this

Congressional Distinguished Service Award to JOHN SHERMAN COOPER, Republican, of Kentucky—a candid and friendly individualist, versatile intellectual, and distinguished statesman whose honesty and foresight reflect credit on our freely elected legislative institutions.

JOHN O. PASTORE: 1965 CONGRESSIONAL DISTINGUISHED SERVICE AWARD CITATION

With his flair for pungent and informed expression, JOHN O. PASTORE consistently enlivens—and enlightens—debate of public policy issues in the U.S. Senate.

One of the truly great orators in Congress, he substitutes frankness for cant and confronts illusion with fact, delineating alternative courses of action and pointing up their implications for future generations of Americans. An acknowledged authority on the development and application of atomic energy, he was highly persuasive in his arguments for the nuclear test ban treaty. As a comanager of the civil rights bill in 1964, he contributed both the creative imagination and the painstaking detail work required to sustain a major legislative effort. Dynamic and unafraid, accessible and effective, he exemplifies the best traditions of elective public office.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to JOHN O. PASTORE, Democrat, of Rhode Island—a constructive partisan, forceful advocate, and tenacious legislator whose diligence brings our Nation ever nearer to the realization of our democratic ideals.

WILLIAM M. MCCULLOCH: 1965 CONGRESSIONAL DISTINGUISHED SERVICE AWARD CITATION

Without fanfare and unmindful of the exigencies of narrow partisan advantage, WILLIAM M. MCCULLOCH works tirelessly and effectively to improve the quality of American life.

Consistent with his commitment to basic constitutional principles, he seeks to maintain the delicate balance between individual freedom, State responsibility, and Federal action. Meticulous in his attention to the finer points of law, he assumed a pivotal role in development and passage of the Civil Rights Act of 1964, exercising patient skill in harmonizing widely divergent viewpoints in committee and maintaining close consultation with the Senate and the executive branch. For his demonstrated integrity, for his resoluteness of purpose—and for his gentle wit—he has the admiration and affection of his colleagues in both parties.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to WILLIAM M. MCCULLOCH, Republican, of Ohio—an unassuming scholar of the law, master of technical detail, and champion of human rights who has given his State and Nation more than 30 years of honorable and constructive service.

WILBUR D. MILLS: 1965 CONGRESSIONAL DISTINGUISHED SERVICE AWARD CITATION

Scrupulously fair and superbly skillful in committee, articulate and informed on the House floor, WILBUR D. MILLS is universally respected as a legislative craftsman.

Unrelenting in his attention to the details of public policy, he has initiated and shaped programs affecting the welfare of all Americans—in the fields of taxation, tariff and trade policy, debt management, social security, and health care. In 1963 and 1964, despite continuing controversy over national economic policy, he helped to formulate and to guide toward enactment one of the most important tax reduction bills in our history. Prudent and calm under pressure, he is recognized by proponent and opponent alike for his courteous consideration of the views of all who appear before his committee.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to WILBUR D. MILLS, Democrat, of Arkansas—a conscientious legislator, authority on Government finance, and responsive committee chairman whose sense of dedication is of inestimable value to the Nation.

THE CALIFORNIA REPUBLICAN LEAGUE

Mr. KUCHEL. Mr. President, following the 1964 election, a group of concerned Republicans gathered together to create a new volunteer organization with which those Republicans who wish a forward-looking party could affiliate themselves. This organization, the California Republican League, has been working actively now for almost half a year. More than 50 chapters have been formed throughout the State. Several thousand Republicans have joined.

The California Republican League was not designed to back any particular candidate or candidates. Rather, it was established in order to provide a vehicle for discussion and for action for those Republicans who desire to rebuild their party—and thus revitalize the two-party system—so that it can meet effectively and realistically at the local, State, and National levels, the very real challenges which exist today.

On August 28, 1965, the President's Council of the CRL met and adopted various resolutions relating to issues which should be of concern to all Californians.

I ask unanimous consent to have a set of these resolutions printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

JOHN BIRCH SOCIETY

Whereas, the John Birch Society in structure and in practice is a monolithic society; and

Whereas such a structure is a violation of the basic political philosophy of the United States of America and a repugnant growth on the body politic; and

Whereas the president and founder of the John Birch Society has stated "the men and women who join the John Birch Society during the next few months or few years are going to do so primarily because they believe in me"; and

Whereas the president of the John Birch Society has attacked the Civil Rights Act of 1965 as being Communist inspired; and

Whereas the president and founder of the John Birch Society has declared "the two sides to every question bit is folly-nonsense" contravening the basic philosophy of our American system of debate and compromise: Be it hereby

Resolved, That the California Republican League reaffirms its premise that there is no compatibility in membership of the Republican Party and the stated philosophy of the John Birch Society and reaffirms its intention to exclude John Birch Society members from the California Republican League.

CIVIL RIGHTS

Whereas the Republican Party is the traditional champion of civil rights;

Whereas the seeds of racial hatred, discrimination and frustration, however inspired, are a continuing plague to all elements of society;

Whereas a solution, in contrast to prolonged and aggravated frustrations, requires a responsible combination of governmental and private efforts;

Whereas the disastrous consequences of recent racial disturbances attest to the compelling need for biracial rapprochement between the Caucasian and minority communities;

Whereas the ambitions of minority peoples to compete fairly and evenly for jobs and housing represent a political and social challenge to which the Republican Party dedicates its every energy;

Whereas the unity of social legislation and private citizen involvement is necessary for expansion of minority opportunity and elimination of racial discrimination:

Resolved, That the California Republican League unqualifiedly endorses the enactment of the Civil Rights Acts of 1964 and the Voting Rights Act of 1965 and urges that vigorous steps be taken by the Department of Justice to implement same, and that Senators KUCHEL and DIRKSEN be commended for their vigorous leadership in the passage of this legislation.

EXTREMISM

Whereas the Republican Party has always advocated the free exchange of ideology and philosophy within the total political spectrum; and

Whereas such free debate and compromise is the hallmark of responsible Americanism; and

Whereas the abuse of this basic tradition is becoming manifest by extremist political splinter groups of the left and right, utilizing the established party labels; and

Whereas such irresponsible acts, statements and attacks on American traditions, institutions, and loyal citizens is totally improper and reprehensible: Therefore, be it

Resolved, The President's Council of the California Republican League condemns such actions, and those who perpetrate them, without reservation, regardless of political label or position within the political spectrum.

DEMOCRATIC LEADERSHIP

The sorry spectacle of the 1965 legislative session under the Democratic leadership in Sacramento is a blight upon the greatest State in the Nation. The floundering indecision of Governor Brown and his administration cries out for new leadership in the statehouse. Juggling of public funds, budget manipulations, constantly rising taxes, a soaring crime rate, an utter lack of a constructive program in any field, and a bitter power feud between Democratic leadership in the legislature and the administration cripple California.

Republican legislative leadership has pointed the way to returning California to the road of progress. Republican legislators produced constructive programs to fight crime, trim the budget, and approach social welfare needs in an effective manner, and hold the line on taxes. We commend the Republicans in the assembly and senate who fought for fiscal sanity and public safety.

BRACEROS

The abolition of the bracero program places upon the Federal Government a solemn obligation to see to it that the promise is redeemed that there will be enough workers to harvest California's fruit and vegetables at prices which the consumers can afford to pay.

The California Republican League is dismayed at the mishandling of California's agricultural problems by the Democratic National and State administrations and commends Senator GEORGE MURPHY for his untiring efforts to protect California's vital agricultural industry.

Lt. Gov. Glen Anderson

We call upon Lt. Gov. Glen Anderson to explain the inordinately long delay before responding to a formal request to send the National Guard into the riot-torn Los Angeles area.

Poverty Program

We agree with the concept that poverty in America must be eliminated by a coordinated program; however, the administration's presently ill-defined and uncoordinated efforts are wide open to abuse as a patronage vehicle for Democratic officeholders. The spoils system abolished some 85 years ago by the establishment of the civil service by a Republican administration appears to have its revival under the guise of helping the poor. A true poverty program should be as nonpartisan as poverty itself.

State Central Committee Appointments

Whereas the California Republican League believes in recognizing Republican candidates who have been elected by the voters in their districts; and

Whereas the California Republican League believes in an even closer and more responsible relationship between the State central committee and county central committees:

The California Republican League calls upon the California State Legislature: (1) to retain the present provision in the election code which permits each incumbent legislator to appoint eight members to the State central committee, and (2), to amend the election code to permit each county chairman to appoint one member to the State central committee.

So-Called Liberty Amendment

The provisions of the proposed so-called liberty constitutional amendment are not in keeping with Republican principles of fiscal responsibility. This is a proposal to completely repeal the income tax. This is not to condone all present or proposed administration expenditures, but in addition to the recent tax reductions and repeals at the Federal level, we especially want reform of the present internal revenue code. (Submitted by the Beverly Hills Chapter.)

Vietnam

The involvement of the United States in the Vietnamese struggle for freedom is one of the most crucial issues facing the American people today. Its outcome will affect the fate of free people everywhere. As the leaders of the free world, the burden of its defense must necessarily rest with us.

The California Republican League joins with the leaders of the Republican Party in Congress in vigorously affirming its support of the President in his decision to remain in Vietnam until the Communist forces withdraw and permit the South Vietnamese to choose freely their own form of government.

We recognize the necessity for free debate of our Vietnam policy as of any other policy of our Government, but cannot condone the neo-isolationism echoed by a number of prominent Democrats who would rather accept a Far Eastern Munich than face America's obligations as a bulwark of the free world.

Immigration Reform Bill

Whereas it is well known that our present immigration laws discriminate in favor of northern Europe; and

Whereas this is done by means of a national origins quota system which caused about 70 percent of the U.S.-bound immigrants to come from northern Europe: Therefore, be it

Resolved, That the California Republican League go on record as opposing the national origins quota system and supporting the immigration reform bill which is now before the Congress. (Submitted by the Orange County Chapter.)

Annual Sessions of Legislature

Whereas the California Legislature is faced with an annual consideration of a complex budget in excess of $4 billion; and

Whereas the problem of California education, water, highways, urban transportation, taxes and the like are in need of continuous study; and

Whereas the continuation of a "half time" legislature, expecting to attract the highest quality of men to its service with a "half time" salary, is unworthy of the Nation's largest State: Now therefore, be it

Resolved, That the President's Council of the California Republican League meeting at the Madonna Inn in San Luis Obispo on August 28, 1965, support the concept of and encourage introduction of legislation designed to effect annual sessions of the California Legislature, together with adequate compensation for the members commensurate with the responsibilities imposed upon them. (Submitted by the San Fernando Valley Chapter.)

Conservation

Resolved, That the preservation of the natural beauty of California should be a primary goal of California's State government. The selection of highway routes, major utility transmission lines and new public construction projects deserve and require consideration of an independent State advisory commission, charged with the sole mission of preserving the beauty of California and the amenities of its natural environment and climate. The time is past when various State agencies charged with construction projects can be left with untrammeled discretion. With 600,000 new people coming into California each year, conservation has become one of the primary responsibilities of government. The Democratic leadership has talked, but not acted. We propose the establishment of a statewide conservation commission, made up of engineers, planners and conservationists. Such commission shall be given cognizance over all improvement projects, and shall sit as a board of mediation in disputes between State and local governments, thereafter submitting its recommendations to the Governor.

LABOR STATESMANSHIP HOLDS DOWN THE COST OF LIVING

Mr. PROXMIRE. Mr. President, as we discuss the repeal of section 14(b) of the Taft-Hartley Act, I am sure that there will be expressions on both sides of the question concerning the contribution which labor has made to price stability, or, on the other hand, to inflation.

In my judgment labor has made a constructive contribution to price stability, particularly in recent years.

I cite the evidence contained in the Monthly Labor Review for September 1965, published by the U.S. Department of Labor, Bureau of Labor Statistics, which states in part:

> Over the last 5 years, 1959–64, for example, compensation per man-hour rose at an annual rate of 3.5 percent, substantially lower than the almost 6-percent-per-year gain over the previous 12 years and the 5-percent rate for the period as a whole. Over the same 5-year period, output per man-hour rose at a substantially higher rate (3.2 percent) than the 2.4-percent rate for the previous 12 years of the postwar period and the rate for the period as a whole.
>
> The interplay of these patterns of growth has resulted in a rather distinct break in the direction of the postwar trend in unit labor costs. From a 3.2-percent annual rise in the first part of the period, the growth in unit labor costs changed to virtual stability in the latter part of the period—

In other words, the growth in unit labor costs has stopped. It has not contributed at all toward inflation over the past 5 or 6 years.

This is in part because of the wage-price guidelines which the administration has urged successfully upon labor and the administration deserves great credit for this success. But this positive contribution to price stability also is the result of labor's fine statesmanship, its remarkable recognition of how important unit labor costs are as a contribution toward price stability. After all this is a period of growing labor shortages among skilled workers that unions could have exploited to pressure up wages as sharply as they rose in the early part of the 1950's.

Let me also point out that the improvement in efficiency in this country is partly a result of depreciation guidelines and the other modernizing incentives which the administration has succeeded in getting through Congress—which this Congress and previous Congresses have enacted into law.

This unit labor cost stability is of great advantage to us in our balance of payments and in trade with the rest of the world.

And, Mr. President, an article published in the Monthly Labor Review which follows the one to which I have just referred, affirms and documents this labor contribution and I quote briefly from this Labor Review article:

> From the standpoint of labor cost per unit of output, American manufacturers are now in a significantly better competitive position vis-a-vis foreign producers than they were in the late 1950's. This conclusion emerges from the most recent Bureau of Labor Statistics unit labor cost study covering trends in nine industrialized nations, and it takes account of changes in exchange rates in four of the countries.
>
> Examining trends since 1950, the Bureau found that unit labor cost in manufacturing moved moderately upward over the entire period in six Western European countries, slowed considerably between 1957 and 1964 after early gains in the United States and Canada, and showed little net rise in Japan.

Mr. President, I ask unanimous consent to have these two articles, one entitled "Unit Labor Cost in Nine Countries," and the other "Cost Trends in Nine Industrial Nations," printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Unit Labor Cost in Nine Countries—Two Related Studies That Examine Recent Trends in the Ratio of Output to Labor Payments

I. RECENT UNIT COST TRENDS IN U.S. MANUFACTURING

(By Jerome A. Mark and Elizabeth Kahn, of the Office of Productivity and Technological Developments, Bureau of Labor Statistics)

An examination of productivity series prepared earlier this year by the Bureau of Labor

Statistics and related data on compensation of employees discloses that unit labor costs in U.S. manufacturing have remained almost completely stable during the latter part of the period since World War II. This stability has been especially marked during the past 5 years, contrasting with substantial increases that occurred during the first part of the period. The change in the direction of this trend has accompanied greater-than-average increases in productivity and less-than-average increases in hourly compensation for all employees. For production workers, the change has been the result of declines in the rate of increase in hourly compensation.[1]

This article describes the new data that support such conclusions and discusses unit labor cost trends.

The new BLS series of indexes of output per man-hour in U.S. manufacturing[2] forms part of a consistent set of indexes covering the total private economy and the major sectors—agriculture, nonagriculture, manufacturing, and nonmanufacturing. The manufacturing series had not been published for several years pending the development of new output data.[3]

In the productivity-employee payments relationship, compensation of employees can be considered from two viewpoints—as a cost of production and as income of labor.[4] As a cost of production, the trend in employee compensation per hour can be compared with the trend in output per man-hour to determine what has happened to unit labor costs. Wage and salary increases (including fringe benefits) represent increases in unit labor costs only to the extent they are not met by comparable increases in output per man-hour. As costs, they are one component of the price of manufactured output. As income to labor, the trend in employee compensation per hour adjusted to reflect real purchasing power can be compared with the trend in output per man-hour to determine whether increases in real earnings have kept pace with productivity gains. The data are examined here from both viewpoints.

Labor costs

All employees: Over the entire postwar period 1947–64, compensation per man-hour of all employees in manufacturing rose at a rate of 5 percent per year.[5] All employee output per man-hour, on the other hand, rose half that amount. Employee compensation per unit of output (unit labor costs), the ratio of these two elements, therefore, also rose at a rate of 2.5 percent per year (table 1).

The overall relationships, however, conceal diverse movements of hourly compensation, hourly output and, hence, unit labor costs within the period.

Over the last 5 years, 1959–64, for example, compensation per man-hour rose at an annual rate of 3.5 percent, substantially lower than the almost 6-percent-per-year gain over the previous 12 years and the 5-percent rate for the period as a whole. Over the same 5-year period, output per man-hour rose at a substantially higher rate (3.2 percent) than the 2.4-percent rate for the previous 12 years of the postwar period and the rate for the period as a whole.

TABLE 1.—*Average annual rates of change in output per man-hour, hourly compensation, and unit labor costs in manufacturing for selected years*[1]

Item	1947–64	1947–59	1959–64
Consumer Price Index	1.8	2.0	1.2
Output per man-hour—total private economy	3.0	3.1	3.3
MANUFACTURING			
Output per man-hour:			
All employees	2.5	2.4	3.2
Production workers	3.3	3.3	3.4
Nonproduction workers	−.4	−.0	2.5
Compensation per man-hour—current dollars:			
All employees	5.0	5.7	3.5
Production workers	4.7	5.5	3.2
Nonproduction workers	4.5	4.8	3.6
Real compensation per man-hour:			
All employees	3.2	3.6	2.2
Production workers	2.9	3.4	2.0
Nonproduction workers	2.7	2.8	2.3
Unit labor costs:			
All employees	2.5	3.2	.2
Production workers	1.4	2.1	−.2
Nonproduction workers	4.9	5.9	1.0

[1] All rates computed from the least squares trend of the logarithms of the index numbers.

The interplay of these patterns of growth has resulted in a rather distinct break in the direction of the postwar trend in unit labor costs. From a 3.2-percent annual rise in the first part of the period, the growth in unit labor costs changed to virtual stability in the latter part of the period—particularly over the last 5 years when the rate was 0.2 percent per year.[6]

If other groups of years were examined, the same general conclusions about a sharp decline in the rate of growth in unit labor costs in the latter part of the period as compared with the earlier years would appear. From 1957–64, for example, unit labor costs rose at a rate of 0.6 percent per year; from 1960–64, they declined at a rate of 0.3 percent.

Annual and cyclical variations in the movement of unit labor costs also seem to have undergone some change. The years 1947–60 were characterized by brief periods of rapid increases and decreases in unit labor costs. (See table 2.) Unit labor costs increased sharply every year, however, during the 4-year period 1950–54 (Korea and business downturn). In contrast, the 1960–64 period has been marked by relative cost stability, with very small increases in 2 of the years and decreases in the other 2 years.

Production workers and nonproduction workers: The trend in the measures for all employees results from differential movements for production workers and for nonproduction workers, the two major groups of employees for which data are available.[7]

There was a small rate of increase in the man-hours of all employees over the postwar period as a whole—0.6 percent per year. This small overall rate, however, obscures vastly different trends in production worker and nonproduction worker man-hours and employment. Over the period as a whole, the man-hours of production workers actually declined slightly—at an annual rate of 0.2 percent. The man-hours of nonproduction workers, on the other hand, increased 3.4 percent per year. In 1947, 4 out of every 5 employees in manufacturing (84 percent) were production workers; in 1964, the ratio had declined to 3 out of 4.

As an outcome of this change in the composition of the work force, the annual rate of growth of output per man-hour for production workers is substantially higher (3.3 percent) than that for all employees for the postwar period as a whole. Output per man-hour for nonproduction workers declined slightly—at a rate of 0.4 percent per year.[8]

In contrast to the divergent rates in productivity of the two groups of employees, compensation per man-hour of production workers and nonproduction workers experienced virtually the same rates of increase (4.7 and 4.5 percent, respectively) over the period 1947–64 as a whole.[9]

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[1] In recent years, much of the interest in productivity has been with regard to its relation to labor costs. Unit labor costs, which refer to all payments for labor including wages and salaries plus legally required and voluntary supplements per unit of output, reflect the relationship between hourly compensation to labor and hourly output (productivity).

[2] See "Indexes of Output Per Man-Hour for the Private Economy," 1947–64 (BLS release, Jan. 29, 1965).

[3] For these productivity indexes, output is defined as the constant dollar gross national product originating in the sector and the man-hours are primarily payroll hours based on establishment reports. For a detailed description on the methods used for deriving these measures, see "Trends in Output Per Man-Hour for the Private Economy, 1909–1958" (BLS Bulletin 1249).

[4] Compensation includes wages and salaries of employees plus contributions of employers to social security programs, private health, welfare, and pension funds, and additional minor items of labor income.

[5] This rate, and all others in this article, was computed on the basis of the least squares of the logarithms of the index numbers.

[6] This unit labor cost series is derived from a productivity measure based on constant dollar gross national product originating in manufacturing, which is consistent with measures of output per man-hour for the private economy and other major sectors. The compensation data were derived from the same source as the output data and, therefore, are consistent with the GNP measures of output. Unit labor cost measures based on the Federal Reserve Board index of manufacturing production show significant differences from the measures presented here both in particular years and over several years. In part, they reflect conceptual differences and in part statistical differences. Both series, however, show the same general pattern of growth with a sharp gain in unit labor costs in the early part of the period and either stability or a small decline over the last 5 years. The FRB-based measures show an average annual gain of 1.6 percent over the period as a whole and 2.4 percent from 1947–59 with a decline of 0.3 percent per year from 1959–64.

[7] Production workers include all nonsupervisory workers (including working foremen) engaged in fabricating, processing, assembling, inspecting, receiving, storing, handling, packing, warehousing, and shipping; also workers engaged in maintenance, repair, janitorial and watchmen services, product development, and auxiliary production for a plant's own use (e.g., powerplant), and recordkeeping and services immediately associated with these production operations. Nonproduction workers include persons engaged in executive, purchasing, finance, accounting, legal, personnel, cafeterial, medical, professional, and technical activities; sales, sales delivery, advertising, credit, collection, installation, and servicing of the firm's own products; routine office functions, factory supervision, and force-account construction.

[8] Since nonproduction workers are a smaller element of the work force, their output per man-hour movements are subject to more fluctuations and a wider margin of error of measurement.

The rate of gain in hourly compensation for all employees was higher than that for either of the two groups, as can be seen in table 2. This took place because changes in hourly compensation of all employees reflect both changes in hourly compensation of production workers and nonproduction workers as well as shifts in the relative importance of the two groups with different levels of hourly compensation. Since nonproduction workers, with a higher level of hourly compensation, increased as a proportion of total employment, the rate of change for all employees was higher than the two component rates. The effect was not important, however, because, over the whole period, the rate of increase in the hourly compensation of each of the two groups of workers accounted for 94 percent of the rate of increase in hourly compensation for all employees, and the shift in composition only 6 percent.[10]

Since output per man-hour for production workers rose more than for all employees and hourly compensation rose slightly less over the postwar period as a whole, unit labor costs for production workers increased at a much smaller rate than for all employees—a little under 1½ percent per year. Unit labor costs for nonproduction workers, on the other hand, showed an annual increase of almost 5 percent, reflecting the decline in productivity and rise in hourly compensation.

TABLE 2.—*Indexes of output per man-hour, compensation per man-hour, and unit labor costs in manufacturing, 1947–64*

[1957–59=100]

Item	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964
Output per man-hour:																		
All employees	75.2	78.3	82.0	85.3	87.2	88.3	89.5	91.0	96.8	95.1	97.7	99.1	103.3	103.8	106.7	112.6	115.3	119.5
Production workers	68.1	71.6	76.4	78.6	80.8	83.1	84.5	88.0	92.9	92.3	96.5	100.3	103.4	105.0	109.1	114.3	117.3	121.3
Nonproduction workers	111.0	109.8	105.7	116.5	115.6	110.0	109.8	102.1	111.7	105.2	101.6	95.4	102.8	100.1	99.9	107.5	109.2	114.5
Compensation per man-hour in current dollars:																		
All employees	53.2	58.4	60.9	63.9	70.4	74.8	79.1	82.2	85.3	90.7	96.1	99.9	104.0	108.1	111.5	115.7	119.5	123.3
Production workers	53.7	59.5	61.6	65.3	72.1	76.5	81.0	83.2	86.1	91.1	96.9	100.2	103.1	107.1	109.3	113.1	117.4	121.2
Nonproduction workers	60.2	62.9	65.0	67.8	73.4	76.6	80.1	83.4	88.1	93.3	96.1	98.0	105.7	108.9	113.3	118.8	121.2	125.5
Real compensation per man-hour:																		
All employees	68.4	69.7	73.4	76.3	77.8	80.9	84.9	87.8	91.4	95.8	98.1	99.2	102.5	104.8	107.0	109.8	112.0	114.1
Production workers	69.0	71.0	74.2	77.9	79.7	82.7	86.9	88.9	92.3	96.2	98.9	99.5	101.6	103.9	104.9	107.3	110.0	112.1
Nonproduction workers	77.4	75.1	78.3	80.9	81.1	82.8	85.9	89.1	94.4	98.5	98.1	97.3	104.1	105.6	108.7	112.7	113.6	116.1
Unit labor costs:																		
All employees	70.7	74.6	74.3	74.9	80.8	84.7	88.3	90.4	88.1	95.4	98.4	100.8	100.8	104.2	104.5	102.8	103.7	103.1
Production workers	78.9	83.1	80.5	83.0	89.3	92.1	95.8	94.6	92.7	98.7	100.4	99.9	99.7	102.0	100.2	99.0	100.1	99.9
Nonproduction workers	54.2	57.2	61.5	58.2	63.5	69.6	72.9	81.7	78.9	88.7	94.6	102.7	102.9	108.8	113.4	110.6	111.1	109.6

Sources: Output and compensation data 1947–63 from the Office of Business Economics, Department of Commerce. 1964 estimates derived by the Bureau of Labor Statistics. Compensation of production, workers and nonproduction workers estimated by the Bureau of Labor Statistics based on data from the Office of Business Economics, Bureau of the Census, and the Bureau of Labor Statistics.

Man-hours and Consumer Price Index data from the Bureau of Labor Statistics.

Although there was a shift in composition in the work force over the period as a whole, the bulk of that shift occurred in the first part of the period. Since 1959, the proportion of production workers has remained practically stable, fluctuating closely around the 75-percent level from year to year. As a result, the average annual rates of increase in output per man-hour for production workers and for all employees, over the last 5 years, have been very close—3.4 and 3.2 percent, respectively.

For production workers, the rate of gain in output per man-hour has been virtually the same measured over the last 5 years, over the previous 12 years, or the period as a whole. In contrast, the growth pattern for all employees, as mentioned earlier, rose faster over the later years.

Corresponding rates for nonproduction workers have been very unstable. During the last 5 years, output per man-hour for nonproduction workers gained 2½ percent per year in contrast to the decline of 1 percent per year over the previous 12 years.

The growth pattern of hourly compensation for production and nonproduction workers has also varied within the period. For production workers, hourly compensation rose about 3 percent per year from 1959–64—a little over half the rate for the previous 12 years. Similarly, later rates for nonproduction workers were substantially lower than for the earlier period.

Unit labor costs for production workers, therefore, actually fell slightly throughout the last 5 years, at a rate of 0.2 percent per year, as against the previous annual gains of over 2 percent. Since productivity maintained the same rate of increase, this change in direction was primarily a reflection of the decline in rate of increase in hourly compensation. For nonproduction workers, the rate of increase also was considerably less in the latter part of the period. In this case, however, the smaller rate of increase in unit labor costs resulted from both the relatively higher gains in productivity and the somewhat lower rate of increase in hourly compensation.

Real labor payments

Dividing the indexes of hourly compensation by the Consumer Price Index provides a measure of hourly compensation in constant 1957–59 purchasing power or real hourly compensation.[11] The concept of real compensation per man-hour is useful in ascertaining whether labor income is keeping pace with productivity growth. The question is often posed in terms of the total private economy. Hence, changes in the real income of all employees in the private economy are related to changes in productivity of the private economy. Over the long run, real compensation per man-hour and output per man-hour for the economy as a whole should have moved together. And, in fact, they have. It does not necessarily follow, however, that the real compensation per man-hour for individual components of the labor force should move precisely the same way as the productivity of the private economy. Some variation may be expected among different groups and sectors. The following sections examine the changes in real compensation per man-hour of manufacturing employees in relation to the movements of the productivity of the total private economy.

The productivity of the private economy is used as the basis of comparison because changes in real compensation per man-hour reflect changes in consumer prices as well as changes in hourly earnings and fringes. Gains in productivity for the whole economy, rather than manufacturing alone, affect the prices of consumer goods.

All employees: As can be see in table 2, the overall increase in income to labor in real terms very closely matched the overall gain in productivity for the postwar period as a whole.

Within the period, however, divergent movements again occurred. Real compensation per man-hour rose at an annual rate of a little over 2 percent for the last 5 years. The less-than-average increase in money compensation was further reduced by the 1-percent-per-year rise in consumer prices. Real hourly compensation did not keep pace with the greater-than-average advance in productivity for the private economy—3.3 percent per year. In contrast, during the earlier part of the period, real compensation per man-hour increased at a rate of over 3½ percent per year and productivity about 3 percent. Although the consumer price index rose almost twice as fast as it did later, hourly compensation still exceeded the gain in productivity.

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[9] Separate estimates of compensation of production workers and nonproduction workers 1947–58 were based on wages and salaries and supplements published in the May 1962 "Survey of Current Business." For the years 1959–63, wages and salaries were derived in 3 steps: (1) OBE full-time equivalent employees data were distributed between wage and salaried workers on the basis of BLS proportions of production-nonproduction workers; (2) average annual earnings of the 2 groups were derived from the Census Bureau data on payrolls and number of employees; (3) the difference between total payrolls derived from step (1) and (2) and the published total wages and salaries were allocated proportionately between wages and salaries. The 1964 estimates are extrapolations, based primarily on wages and salaries from the "Survey of Current Business" and production workers payrolls from BLS.

Compensation data were based on wages and salaries and supplements. The supplements were distributed proportionately between wages and salaries and added to wages and salaries. In this article, wages refer to earnings of production workers and salaries to earnings of nonproduction workers.

[10] In addition to the changes in movements of the component groups and the shift in composition, the total change also reflects the interaction of both changes. This effect was allocated equally to both elements.

[11] It may not be strictly appropriate to apply the CPI to the fringe benefits part of labor payments, because some fringes are not received by the employee at the time the payments are made by the employer (e.g., contribution to pension funds, insurance, etc.). However, in the absence of any suitable alternative, this is the only measure to apply. Moreover, since wages and salaries account for over 90 percent of total labor compensation for the postwar period, the use of the Consumer Price Index seems justified.

Production and nonproduction workers: The gain in real compensation per man-hour for production workers was very nearly the same as the gain in productivity over the entire postwar period. Real compensation per man-hour for production workers rose slightly less than 3 percent year from 1947 to 1964. In the latter part of the period, however, it rose at a rate of 2 percent per year. During the previous 12 years, however, despite the greater than average rise in the price index, production worker real compensation per man-hour had risen almost 3½ percent annually (close to the productivity gain of 3.3 percent), reflecting the very substantial rise in money wages and fringes.

Nonproduction workers experienced a gain in real compensation per man-hour of over 2½ percent per year over the period as a whole—less than the gain in productivity movement. In the latter part of the period, the rate was considerably lower than the rate of productivity growth.

Over the entire postwar period, real compensation per man-hour of all manufacturing employees and production workers kept pace with the gains in productivity for the economy. Over the last 5 years, however, the less-than-average increase in hourly compensation for all employees and production workers was reduced by the 1-percent-per-year rise in consumer prices so that real compensation per man-hour lagged behind the greater-than-average advance in productivity.

II. COST TRENDS IN NINE INDUSTRIAL NATIONS

(By John H. Chandler and Patrick C. Jackman, of the Division of Foreign Labor Conditions, Bureau of Labor Statistics)

From the standpoint of labor cost per unit of output, American manufacturers are now in a significantly better competitive position vis-a-vis foreign producers than they were in the late 1950's. This conclusion emerges from the most recent Bureau of Labor Statistics unit labor cost study covering trends in nine industrialized nations, and it takes account of changes in exchange rates in four of the countries.

Examining trends since 1950, the Bureau found that unit labor cost in manufacturing moved moderately upward over the entire period in six Western European countries, slowed considerably between 1957 and 1964 after early gains in the United States and Canada, and showed little net rise in Japan.

Within the past 2 years, many countries appear to have checked the rise in costs. From 1963 to 1964, only Italy and the Netherlands show significant rises.

Using the latest available expenditure and output information, the calculations on which this article is based update and, in some cases, revise previous estimates published by the Bureau.[1] Although several of the unit labor cost series have been altered as a result of these revisions, the major conclusions reached in the earlier work have not been affected. The Netherlands is included for the first time in the following discussion of unit labor cost trends.

THE LONG-TERM TRENDS

It is useful to divide the 14 years following 1950 into two contrasting periods of 7 years each. From 1950 to 1957, all nine countries underwent substantial inflationary pressures, varying in degree,[2] but generally sufficient to buoy unit labor costs markedly upward. During this early period, the Korean conflict interfered with the attempts being made in each country to overcome domestic shortages and regain pre-World War II markets. Although some progress was made in these years toward liberalizing trade and reducing tariffs, numerous trade restrictions and exchange controls remained in effect as late as 1957. These restrictions and controls were particularly important in transactions affecting the dollar zone.

Since 1957, many countries have intensified their efforts to achieve price and cost stability as the tempo of trade liberalization with the dollar zone increased and competition for foreign markets sharpened.

From 1950 to 1957, unit labor cost in the United States rose about the same as the average of the other countries.[3] As shown by the all-employee changes in chart 4 (not printed in the RECORD) at the end of the period this country occupied a middle position between Japan's decrease at the lower extreme and Sweden's 67-percent increase. France's doubling of all-employee cost far outstripped rises in the other nations.

Estimates of unit labor cost trends for production workers shown in the same chart display slightly less 1950–57 change than do the corresponding all-employee estimates. This discrepancy is attributable to a tendency in each country for manufacturing industries to increase the proportion of managerial, technical, and clerical personnel to product on workers.

Variations in the trends following 1957 resulted in a great improvement in the cost position of the United States relative to its trading partners. All of the countries with the fastest rates of increase in the earlier period managed to slow the growth of unit labor cost, while Italy, Japan, and Germany showed greater increases than in the initial 7 years. As these trends developed, the United States and Canada came close to achieving labor cost stability. The U.S. series B rose 5 percent while series A actually declined 1 percent.

For this recent period, too, the tendency for all-employee cost to increase at a faster pace than production worker cost can be observed in the trends shown in chart 5 (not printed in RECORD).

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[1] See John H. Chandler and Patrick C. Jackman, "Unit Labor Costs in Eight Countries Since 1950," Monthly Labor Review, April 1964, pp. 377–384. For discussion of the problems of definiing and measuring unit labor cost, see William C. Shelton and John H. Chandler, "The Role of Labor Cost in Foreign Trade," and "International Comparisons of the Unit Labor Cost: Concepts and Methods, in Monthly Labor Review, May 1963, pp. 485–490 and 538–547.

Unit labor cost refers to the ratio of total labor cost or expenditure (including direct compensation and expenditures for supplements) to total output.

[2] Inflationary pressures are associated both with wholesale and consumer price changes and in Italy from 1950 to 1957 the two diverged widely. The wholesale price index declined slightly while the cost-of-living index was rising at a rate of about 4 percent per year.

[3] As mentioned later in this article, series based on national accounts (series B for the United States) are preferred for international comparisons of unit labor cost trends for all manufacturing. These data are also preferred for the analysis of unit labor cost trends in manufacturing in the United States, as shown in the article on page 1056 of this Review. Four of the countries covered in this article, however (Canada, Japan, the Netherlands, and Sweden), do not now publish adequate, current data on deflated value of gross national product produced in manufacturing. For these countries, quantity indexes of industrial production have been used. For methodological comparability with these countries for which quantity indexes are used, a U.S. series based on the Federal Reserve index of industrial production (series A) was also included in this article. From 1950 to 1957, series B shows a 32-percent rise while series A shows a 26-percent rise.

TABLE 1.—*Indexes of unit labor cost in manufacturing for selected countries, 1950–64*

[1957=100]

Selected countries	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964[1]
NATIONAL CURRENCY BASIS															
All employees:															
United States:															
Series A[2]	80	87	91	93	95	92	96	100	103	101	101	101	101	100	99
Series B[3]	76	82	86	90	92	90	97	100	102	102	106	106	104	105	105
Canada	77	84	90	92	94	91	93	100	101	101	104	103	102	103	103
France	50	67	76	80	82	87	92	100	113	115	115	123	132	141	142
Germany (Federal Republic)	87	97	95	93	92	92	99	100	103	102	105	111	119	123	123
Japan	109	107	113	102	105	106	106	100	106	100	98	100	108	113	111
The Netherlands	72	78	81	78	81	85	92	100	103	98	100	108	111	119	126
Sweden	60	69	83	87	91	95	99	100	102	101	102	106	113	116	116
The United Kingdom	69	74	83	84	85	88	96	100	105	104	105	113	117	116	116
Production workers:															
United States:															
Series A[2]	87	95	97	98	97	95	98	100	100	98	98	95	95	95	94
Series B[3]	83	89	92	95	94	92	98	100	100	99	102	100	99	100	100
Germany (Federal Republic)	89	100	97	94	91	94	100	100	102	100	102	108	114	116	116
Italy	109	107	111	106	102	100	101	100	98	91	91	92	99	109	117
Sweden[4]	63	74	88	89	93	96	100	100	100	98	98	101	105	107	106
The United Kingdom	71	75	83	86	87	90	98	100	103	102	103	109	111	110	108

See footnotes at end of table.

TABLE 1.—*Indexes of unit labor cost in manufacturing for selected countries, 1950–64*—Continued

[1957=100]

Selected countries	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964[1]
U.S. DOLLAR BASIS[5]															
All employees:															
Canada	68	76	88	90	92	88	91	100	100	100	103	97	92	91	91
France	54	73	82	86	88	94	100	100	93	88	89	94	101	108	109
Germany (Federal Republic)	87	97	95	93	92	92	99	100	103	102	105	117	125	129	130
The Netherlands	72	78	81	78	81	85	92	100	103	98	100	114	118	126	133
Production workers:															
Germany (Federal Republic)	89	100	97	94	91	94	100	100	102	100	102	113	120	122	122

[1] Preliminary.

[2] Based on Federal Reserve Board index of manufacturing production.

[3] Based on estimates of gross national product originating in manufacturing, published by the U.S. Department of Commerce, Office of Business Economics.

[4] Manufacturing and mining.

[5] Adjusted for changes in the official or commercial exchange rate. Until 1961, the Canadian dollar had no par value and was allowed to fluctuate freely in international exchange markets. Adjustments for France are based upon changes that occurred in 1957 and 1958. Adjustments for Germany and the Netherlands are based upon changes in par value that occurred in March 1961.

Exchange revaluations

In relating changes in unit labor cost to international commercial competition, it is necessary to take account of changes in international exchange rates. France executed devaluations in 1957 and 1958, Germany and the Netherlands revalued their currencies upward by 5 percent in 1961, and Canada set an official exchange rate in 1961 which was significantly below the value that had prevailed under the fluctuating exchange system previously operating. Adjustments have been made in the table of unit labor cost calculations (table 1) for these four countries to reflect their changes in currency valuations, and the adjusted figures are shown separately in chart 6 (not printed in Record).

The effects of these adjustments on the estimates can be clearly seen in the Canadian experience. When Canadian 1964 unit labor cost is measured in terms of U.S. dollars—that is, is adjusted for the exchange devaluation—it is 9 percent below the 1957 level, whereas it runs 3 percent above the 1957 level when measured in terms of Canadian dollars. For France, after taking account of currency devaluations, unit labor cost shows just a 9-percent increase since 1957. In Germany and the Netherlands, on the other hand, the cost increases are augmented when the 1961 revaluations are applied.

The situation in France from 1950 to 1957 presents a special analytical problem. The legal exchange rate was held at 350 francs to the dollar, but the effective commercial rate often differed from this figure because of an elaborate system of import charges and export incentives.

This situation existed, with frequent changes in detail, from the early 1950's until the 1957 devaluation. In the indexes shown here, no attempt was made to adjust the official rate to a more realistic average effective commercial rate. Nor was an attempt made to adjust the rate for the British pound for the temporary import surtax that was introduced in October 1964.

Components of cost ratios

Since unit labor cost represents the ratio of labor expenditure to production, closer examination of the labor expenditure and production trends helps in the interpretation of unit labor cost trends. In general, the United States, with a less rapidly expanding economy, has shown more moderate increases than other countries, both in total labor expenditure in manufacturing and in total manufacturing production. As illustrated in table 2, the aggregate expenditure for U.S. wages and salaries and other labor benefits has increased by roughly 4 percent per year since 1957. In several of the other countries, aggregate expenditure has increased by over 10 percent per year, whereas production has increased at rates varying from 5 to 10 percent per year. In Japan, both labor expenditure and production have risen more than 10 percent per year.

Manufacturing production increases have occurred at higher rates in most of the countries than in the United States. The United States, Canada, and the United Kingdom show rather moderate rates of increase in production, averaging 3 to 4 percent per year since 1957. France, Sweden, and the Netherlands show a more rapid rate of about 6 percent. The remaining three countries—Italy, Japan, and Germany—show exceptionally rapid increases of 8 percent or more per year. The most remarkable growth has occurred in Japan, where manufacturing production has risen over 300 percent since 1953.

In the last 2 or 3 years, the rates of increase in production show less dispersion. Japan, for example, shows an increase of about 10 percent per year since 1961, compared to increases exceeding 20 percent in certain earlier years. The slower growing countries, on the other hand, have maintained or even accelerated their rates of growth slightly, as indicated by the showings for the United States, Canada, and the United Kingdom.

Although the unit labor cost trend estimates in this article have been prepared from data on aggregate annual output and annual labor compensation, they could also be calculated from data on output per manhour (labor productivity) and average hourly compensation per worker. In the United States, both labor productivity and average labor compensation have been rising gradually, by 2 to 4 percent per year in recent years, so that unit labor cost has shown little change. Japan has achieved a high rate of productivity increase, but wages have also been increasing rapidly. As a result, there has been little change in unit labor cost. In most of the countries, wage increases have outpaced productivity increases, so that unit labor cost has risen.

TABLE 2.—*Percentage increases in manufacturing production, aggregate labor expenditure, and unit labor cost, 9 countries, annual average, 1950–57 and 1957–64*

Country	1950–57			1957–64		
	Production	Labor expenditure	Unit labor cost	Production	Labor expenditure	Unit labor cost
All employees:						
United States:						
Series A	4.0	6.7	2.6	4.5	4.3	−0.2
Series B	3.1	6.7	3.5	3.7	4.3	.6
Canada	4.4	7.4	2.9	4.0	4.4	.3
France	5.3	14.2	8.5	5.9	11.1	4.9
Germany (Federal Republic)	11.8	13.1	1.2	8.3	12.0	3.5
Japan	17.2	16.1	−1.0	15.3	17.2	1.6
The Netherlands	6.3	10.5	4.0	6.4	10.0	3.4
Sweden	2.9	10.4	7.3	6.1	8.8	2.5
The United Kingdom	3.4	8.6	5.0	3.5	5.9	2.3
Production workers:						
United States:						
Series A	4.0	5.4	1.3	4.5	3.6	−.9
Series B	3.1	5.4	2.2	3.7	3.6	−.1
Germany (Federal Republic)	11.8	12.6	.7	8.3	11.1	2.6
Italy	8.5	6.9	−1.5	9.4	11.9	2.3
Sweden	2.9	9.3	6.2	6.1	7.3	1.1
The United Kingdom	3.4	8.4	4.9	3.5	4.9	1.4
Adjusted for currency revaluations:						
Canada, all employees	--------	--------	4.4	--------	--------	−1.7
France, all employees	--------	--------	7.8	--------	--------	2.2
Germany:						
All employees	--------	--------	1.2	--------	--------	4.4
Production workers	--------	--------	.7	--------	--------	3.6
The Netherlands, all employees	--------	--------	4.0	--------	--------	4.5

NOTE.—Rates are computed from the least squares trend of the logarithms of the index numbers.

Revisions and limitations

The indexes of unit labor cost published here contain several changes from the previously published estimates. Some of the changes arise from data revisions by the national statistical agencies.[4] In other cases, the BLS has selected different data to achieve a more uniform basis of measurement among the countries.

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[4] The Office of Business Economics in the U.S. Department of Commerce is presently engaged in the revision of the U.S. national accounts data covering the entire postwar period. These changes will affect both the series A and series B estimates shown in the present article, but the revisions are not expected to be very great.

Data used by the governments in preparing their national economic accounts have been used, at least in part, for all of the countries. Indexes of manufacturing production in constant value terms have been obtained for France, Germany (F.R.), Italy, and the United Kingdom, as well as the United States. Aggregate labor expenditure data used in preparing national accounts have been used for all the countries. These calculations offer a more uniform approach to the measurement of unit labor cost than can be achieved through the use of such measures as productivity indexes and hourly labor expenditure indexes, since many of the countries have moved toward standard methodology in preparing their national accounts.

Perhaps the greatest limitation in using the unit labor cost calculations shown here is that all manufacturing industries are combined and that the countries differ in their industrial composition. The BLS is undertaking an industry-by-industry analysis to evaluate the importance of this factor. Work done so far indicates substantial variations in cost movements in different industries, but the trends shown for all manufacturing in the present article are believed to be reliable.

There are, of course, many inadequacies in available data. Although the labor expenditure data should cover all expenditures by employers for labor, certain supplementary benefits such as subsidies and payments in kind may not be fully reflected in the basic national accounts. In addition, the measurement of manufacturing production has always been a difficult statistical task. Several countries, including the United States, have made substantial revisions in their production estimates, and uniform methods have not been achieved between countries. Other limitations of a technical nature have been described previously,[5] and will not be raised here. Although many of these technical problems are troublesome, it is believed that errors arising from them are small in aggregate.

TABLE 3.—*Indexes of wholesale or industrial prices, 9 countries. selected years*

[1957=100]

Country	1950	1953	1957	1960	1962	1964
United States:						
All commodities	87.7	93.6	100.0	101.7	101.6	101.5
Manufactured goods	84.4	91.6	100.0	102.1	101.8	102.1
Canada:						
All commodities	92.9	97.1	100.0	101.6	105.5	108.0
Manufactured goods	88.7	96.2	100.0	101.8	104.7	107.8
France:						
All commodities	72.4	92.4	100.0	119.9	125.7	132.4
Germany (Federal Republic):						
All commodities	81.8	96.7	100.0	100.0	102.6	104.8
Italy:						
All commodities	101.3	97.4	100.0	96.2	99.3	107.9
Japan:						
All commodities	66.9	95.3	100.0	95.5	94.8	96.3
Manufactured goods	-------	-------	100.0	93.5	91.6	91.6
The Netherlands:						
All commodities	81.3	93.1	100.0	96.1	96.2	105.1
Manufactured goods	82.2	93.5	100.0	98.1	99.1	-------
Sweden:						
All commodities	70.9	90.9	100.0	100.9	104.6	112.9
Manufactured goods	74.3	91.7	100.0	102.8	108.3	115.4
The United Kingdom:						
All commodities	77.1	90.3	100.0	102.3	107.5	112.5
Manufactured goods	76.6	90.1	100.0	101.8	107.2	110.7

Some related trends

Since labor cost is a substantial portion of total cost in manufacturing, changes in labor cost are frequently associated with changes in industrial prices. Therefore, it is pertinent to examine wholesale price trends to see how closely they conform with trends in unit labor cost.[6]

A serious difficulty in a comparing prices and labor cost trends is that most wholesale price indexes reflect the cost of many commodities other than manufactured goods. Fortunately, a separate series for manufactured goods is available for the United States, but this is not the case for some of the other countries. A further difficulty is that, even for prices of manufactured goods, the indexes do not differentiate between goods that are domestically produced and those that may be purchased from abroad.

Table 3 presents a summary of changes in industrial prices compiled from existing national series. Wholesale prices were very stable in the United States, while they declined in Japan between 1957 and 1964. Increases were moderate in Canada, Germany, Italy, and the Netherlands.

Relating trends in wholesale prices and in unit labor cost from 1957 to 1964, the United States shows little change in either series. In the other countries, wholesale price increases have generally been less than increases in unit labor cost. In Germany, for example, which has shown a 26-percent increase in unit labor cost, wholesale prices have risen by only 5 percent since 1957. In Sweden and the United Kingdom, wholesale prices have risen by 12 to 13 percent, which is slightly below the increases in unit labor cost since 1957. Canada is the sole exception, showing an 8-percent price rise since 1957 while unit labor cost rose only 3 percent.

In general, the data do not indicate a close relationship between wholesale price changes and unit labor cost changes. In most of the countries, wholesale price indexes held steady or advanced only moderately during the mid-1950's and early 1960's, but the increases have been more noticeable over the past 2 years. This contrasts with the developments in unit labor cost trends, which show increases in the 1950's and more stability within the past 2 years. Until further price data can be developed which pertain only to the manufacturing sectors in each country, it will not be possible to make conclusive findings as to the relationship between labor cost trends and prices.

RATIO OF LIQUIDITY TO RESERVES SHOWS URGENT NEED FOR MONETARY REFORM

Mr. PROXMIRE. Mr. President, there has been a great deal of controversy among bankers, business, and Government officials about the seriousness of the international liquidity crisis. Are we, or are we not, likely to run out of ready cash to finance world trade and world economic expansion as the United States corrects its adverse balance of payments?

Virtually all economists and other experts have contended that there is ample—many said too much liquidity today. Some have contended that there might be a shortage of the necessary gold and key currencies in a few years, if the United States succeeds in mastering its balance-of-payments difficulties, since U.S. dollar and gold outflows have been fueling the world's growing liquidity needs.

Now, for the first time to my knowledge, an economist has come forward with an analysis that takes the world liquidity needs out of the vague language of a theoretical relationship to trade and ties the actual liquidity to the actual imports of nations. What the analysis shows is startling.

The study is published in the September issue of the National Banking Review. It is written by Prof. Herbert G. Grubel, of the University of Chicago. The study shows and I quote:

> The ratio of reserves to imports has fallen for all countries covered, as well as for the subgroups of countries. Very few observers would be willing to assert that the ratio in 1960 was excessively high. Whatever inflationary pressures prevailed at that time existed in countries with deficient rather than excessive levels of international reserves. The substantial decline in the ratio over the period, therefore, strongly suggests that reserves in 1964 were scarcer than they were in 1960.
>
> The dramatic decline in the ratio for all 11 countries could be considered irrelevant if it had been accompanied by a redistribution of reserves away from countries with excessive stocks to countries with shortages * * *. On the basis of this evidence one is tempted to raise the question of how low the ratio of reserves to imports can be allowed to fall before it is inadequate. The trends over the past 5 years, since the first dollar crisis of the postwar era, do not give much support to the view that the "studies can be pursued without undue haste."

And Professor Grubel concludes:

> It appears that the reserves in the form of positions with the Fund are such a small proportion of total reserves that increases of many times that base would be required to bring about a significant improvement in the world's overall reserve position. Increases of such a magnitude may well require a fundamental reform of the present system.

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[5] Shelton and Chandler, op. cit.

[6] Technically, what is needed in studying the relationship to unit labor cost is price indexes by sector rather than by commodity group, and specifically 2 price indexes, 1 for goods and services sold by manufacturing to other sectors of the economy and the other for goods and services purchased by manufacturing from other sectors. Such indexes are not yet regularly published even for the United States. See Bennett R. Moss, "Industry and Sector Price Indexes," Monthly Labor Review, August 1965, pp. 974–982.

Mr. President, this is such a significant and refreshing analysis of the vital problem of how to keep international growth and prosperity moving along, that I ask unanimous consent that the article, "The Gold and Dollar Crisis," from the National Banking Review be printed in the RECORD, together with an editorial comment from this morning's Washington Post.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

REFORM OR ROULETTE?

Are the monetary reserves which nations hold in order to finance balance-of-payments deficits sufficiently large to insure the stability of the international financial system? The question is at the center of the controversy over the reform of the international monetary system. Proponents of reform argue that there is or soon will be a shortage of liquidity—the means by which deficits may be financed—and urge a new mechanism for creating additional reserves. Antagonists insist that there is now an oversupply of liquidity—especially of dollars held as official monetary reserves—and deny that a shortage will develop in the foreseeable future.

Some cold light on the adequacy of international liquidity is cast in the current issue of the National Banking Review, an excellent journal published by the Office of the Comptroller of the Currency. Herbert G. Grubel, a University of Chicago economist, approaches the problem by examining the ratios of reserves to imports for 11 of the world's leading industrial countries.

The picture that emerges for the period 1960–64 is disquieting. For the group of 11 the ratio has fallen from 79 percent in 1960 to 53.1 percent in 1964. And a continuation of the downtrend will doubtless push the ratio below 50 percent in 1965. Only 3 of the 11 countries, France, Canada, and Sweden, experienced increases in the reserves-to-import ratio since 1960. But the ratios for Canada and Sweden were extremely low in 1960 and remained far below the group average in 1964.

Professor Grubel, who views the development with alarm, asks "how low the ratio of reserves to imports can be allowed to fall before it is considered inadequate." The opponents of a meaningful monetary reform would permit the question to be answered by experience. And, indeed, experience would provide an answer of sorts, just as it reveals the location of the bullet in a game of Russian roulette. But why, in the name of sanity, should the world run such a terrible risk?

THE GOLD AND DOLLAR CRISIS 5 YEARS LATER

(By Herbert G. Grubel)

(Herbert G. Grubel is an assistant professor of economics at the University of Chicago. The author gratefully acknowledges the comments of Arthur I. Bloomfield and Robert Triffin on an earlier version of this paper. Needless to say, this current version is not to be interpreted as a reflection of their views.)

In the spring of 1960, a speculative attack on the U.S. dollar ushered in a new era in international monetary relations. For the first time since the end of the Second World War, confidence in the dollar was shaken and U.S. Government obligations ceased to be considered a reserve asset "at least as good as gold." A few months earlier, Robert Triffin, in a prophetic book,[1] had analyzed the fallacies and dangers of a world payments system built on key currencies. The speculative episode and Professor Triffin's book stimulated worldwide discussions, and academic economists soon produced an outpouring of plans for monetary reform.[2] More recently, in July 1965, a committee charged with presenting an official American plan for reform was formed under the direction of Henry H. Fowler, Secretary of the Treasury.

In this paper, I shall briefly review the recent pronouncements of international institutions concerning the problem of world monetary organization. I will then present a set of statistics designed to put the data on liquidity published by these organizations into meaningful relationship with other economic magnitudes, and to throw more light on the developments of the past 5 years.

I. THE FUND AND GROUP OF TEN STUDIES

The international institutions criticized in the worldwide discussions of the past 5 years, and the major industrial countries of the West dependent upon the functioning of these institutions, reacted very slowly to the challenges of the events in 1960 and the intellectual ferment that followed. Nearly 4 years elapsed before the International Monetary Fund and the industrial countries, organized as the Group of Ten, each commissioned a review of the international monetary system and the probable future needs for liquidity. The analytical approaches to the problem, and the positive recommendations produced by these reviews,[3] were not startling. This outcome could have been anticipated, for example, from the instructions given by the Ministers of the Group of Ten to their Ministerial Deputies explicitly ruling out any examination of alternatives to the system of fixed exchange rates and the established price of gold.

The Group-of-Ten study presented statistics on reserve assets, but in no way related the volume of these assets to any measure that could conceivably serve as an index of the demand for reserves. In the theoretical discussion of such a measure, the report concluded that it knew of "no satisfactory quantitative formula for the measurement of liquidity need."[4] Yet, at another point in their report, the experts inexplicably came to the conclusion that "the overall liquidity of the system seemed fully adequate in present circumstances."[5] If they had criteria upon which to base this judgment, these were not presented. The Group-of-Ten study conceded that "the need may in time be felt for some additional kind of reserve asset,"[6] and therefore recommended a study of the long-run need for international liquidity. However, it concluded that "in view of the adequacy of the supply of gold and reserve currencies in the present and in the near future, there is no immediate need to reach a decision as to the introduction of a new type of reserve asset. The studies can therefore be pursued without undue haste."[7] Aside from their recommendation for a new study of liquidity needs, the review gave "expression of support" to a general increase in the Fund's quotas.

The study by the International Monetary Fund also contained a discussion of the determinants of the demand for reserves. The widely known objections to the value of imports as a measure of demand were analyzed, but no substitute was proposed; in the end, imports were used.

Although the Fund study considered the current monetary system to be adequate and praised its flexibility and adaptability, the tone of its conclusions and recommendations conveyed a greater sense of urgency than did the Group-of-Ten study. It suggested that the Fund "enter upon a broad exploration of the possible ways to meet any inadequacies in the supply of international liquidity."[8] But in the next paragraph, the broadness of the proposed exploration was limited by the insistence that "It will be wise to supplement and improve the system where changes are indicated, rather than to look for a replacement of the system by a totally different one."[9]

Both studies emphasized the flexibility and adaptability of the current system to meet the problems of international monetary stability and growth, and concluded that the current system can be changed sufficiently—without altering its basic character—to meet future world demands.

II. APPRAISAL OF THE PRESENT INTERNATIONAL MONETARY SYSTEM

Let us examine the extent to which the present international monetary system has adapted to the challenges revealed by the events of 1960. The two basic problems of the time can most easily be shown in two simple diagrams which, while unrealistic in some respects, nevertheless allow certain interesting insights. Figure 1 [not shown in RECORD] assumes that at any moment in time the world demand and supply of gold is a function of its price, given such other factors as the level of international trade, the quality of key currencies available, their interest yield, and the strength of the general belief that their value in terms of gold will be maintained. Figure 2 [not shown in RECORD] shows the demand and supply schedules for key currencies under the assumption that the demand is an increasing function of the interest yield.

The problems of 1960 can be interpreted as having been an excess demand for gold, and an excess supply of key currencies at the existing price of gold and interest rates, conditions which could have been remedied by upward valuation of gold and a rise in interest rates. However, gold revaluation was ruled out for political and practical reasons, and interest rates in the United States were kept low to encourage full employment and economic growth. Instead, a series of institutional changes was introduced which, in essence, amounted to a once-and-for-all shift in the demand curve for key currencies, in turn causing a shift in the demand curve for gold.

The institutional changes were designed to increase confidence in the value of the key currencies. The Basle arrangements for the support of sterling in 1961 and 1963, the swap arrangements by the United States in 1962–63, the gold-pooling arrangements of 1961, and the General Arrangements to Borrow[10] enabled the key currency countries to meet sudden demands for conversion of their outstanding obligations into gold or other acceptable currencies. As is true of deposit insurance and the willingness and ability of the Federal Reserve System to provide individual banks with liquidity when needed, knowledge of the security of deposits alone was sufficient to reduce substantially the need to draw on these resources. Thus, the dangers of short-run crises in confidence were effectively reduced, and the willingness of major countries to help each other in case of short-run speculative attacks served to alleviate the fundamental difficulties that prevailed in 1960. The demand curve for key currencies shifted upward from D_0 D_0 to D_1 D_1, thus eliminating the excess supply situation. At the same time, the increased willingness to hold key currencies reduced the demand for gold, shifting downward the demand curve to D_1 D_1 and eliminating the excess demand.

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[1] "Gold and the Dollar Crisis," New Haven: Yale University Press, 1960.

[2] The most important of these proposals have been reprinted in H. G. Grubel, "World Monetary Reform: Plans and Issues," Stanford: Stanford University Press, 1963; the proposals were summarized in F. Machlup, "Plans for Reform of the International Monetary System," International Finance Section, Princeton, 1964, Special Papers in International Economics, No. 3.

[3] The IMF study appeared as part II of the 1964 "Annual Report of the International Monetary Fund." The Group-of-Ten study was first released on Aug. 10, 1964, and is most easily accessible in the "Federal Reserve Bulletin," August 1964, pp. 975–999.

[4] Op. cit., p. 983.

[5] Ibid.

[6] Op. cit., p. 984.

[7] Op. cit., p. 988.

[8] 1964 Annual Report, p. 32.

[9] Ibid.

In this manner, the world monetary system proved its adaptability. The Bretton Woods machinery as it existed in 1960 was inadequately equipped for dealing with the problem of confidence. Partly through the leadership of the International Monetary Fund, this situation was remedied. But it should be noted that the changes were of such a nature that they cannot be repeated; it will be very difficult to find additional institutional arrangements to deal with crises of confidence in key currencies.

The present system has not, however, been able to deal with what many economists consider to be the basic problem and ultimate cause of the disequilibria that existed in 1960. The basic problem is that the increase in the supply of gold; i.e., the rightward shift of the S curve in figure 1 [not shown in RECORD] has in recent years occurred at so slow a rate that the relatively rapid upward shift in the demand for gold caused by the higher levels of international trade created excess demand at the existing price of gold. During the past 5 years, the increased supply of key currencies, coupled with the institutional changes mentioned above, has slowed down the outward shift of the demand curve for gold. But, as both the report of the Group of Ten and IMF study acknowledge, there will most likely occur a slowdown in the growth of key currency obligations in the future, simply for the reason that the process of increasing U.S. obligations and decreasing the U.S. stock cannot go on forever. Chart 1 [not shown in RECORD] shows the development of these two magnitudes between 1958–64, and the reader is left to form his own impression as to how long this accumulation of U.S. short-term obligations is likely to continue into the future. Note should be taken of the significant crossing of the two lines in 1960, the year of the first dollar crisis. Thus, if the price of gold is to be kept down, a substitute for key currencies has to be found. This fact is acknowledged in the reports, as well as in the suggestion that further studies of the long-range liquidity problem be undertaken.

III. GROWTH OF INTERNATIONAL RESERVES, 1960–64

We turn now to an examination of the growth in international reserves between 1960 and 1964, in order to explore the extent to which the system has adapted to changes in the demand for reserves, and to determine whether judgments can be made about future needs. The statistics on reserve holdings supplied by the two reports are not very useful for this purpose. Although there are adequate data on the stock of reserves and their growth and distribution among countries, there are no comparable statistics on the demand for reserves. Yet, it is well known that scarcity or abundance are meaningful concepts only in the relationship of supply and demand.

The lack of statistics on demand stems from the fact that no conceptually unambiguous measures have been developed. Although the elements of demand may be readily enumerated, their measurement is much more difficult. The transactions demand for reserve assets may grow proportionally to trade, by the square root, or by some other factor. The need for funds to meet temporary requirements depends on a country's willingness to alter the pegged rate (at the extreme of complete flexibility of exchange rates, the need for official reserves is zero), the flexibility of domestic wages and prices, and the readiness to sacrifice real output and growth to restore external balance.[11] Further, the requirements of any one country depend on the preferences and behavior of other countries. Most difficult to account for is the fact that balance-of-payments decisions are rarely made solely on the basis of clear-cut economic criteria. Interest rates, budget deficits, and international trade restrictions are determined by a political process of bargaining among many vested interests in the economy, all of which are affected in some way by the levels at which these policy factors are maintained. Unless we are willing to engage in what many economists consider to be distasteful interpersonal comparisons of welfare, this fact practically rules out the possibility of devising maximization criteria from which optimum reserve holdings may be determined.[12]

Despite these difficulties of conceptualization and measurement, there does exist a demand for international reserves. An excess of demand over supply may lead to a worldwide liquidity crisis, as some observers fear, or it may lead more subtly to seemingly independent national restrictions on trade, temporary reductions in tourist allowances, voluntary curbs on private capital flows, and the like.

In view of the lack of a theoretically valid demand function for reserves and the clear-cut need to find some sort of measure for demand, I have used the quantity of imports.

The ratio of reserves to imports has fallen for all 11 countries covered, as well as for the subgroups of countries. Very few observers would be willing to assert that the ratio in 1960 was excessively high. Whatever inflationary pressures prevailed at that time existed in countries with deficient rather than excessive levels of international reserves. The substantial decline in the ratio over the period, therefore, strongly suggests that reserves in 1964 were scarcer than they were in 1960.

The dramatic decline in the ratio for all 11 countries could be considered irrelevant if it had been accompanied by a redistribution of reserves away from countries with excessive stocks to countries with shortages. However, this line of argument does not seem very convincing, since all of the relevant subgroups of countries actually experienced declines in their ratios. On the individual-country level, only the reserve ratios of Sweden, France, and Canada increased during the period. Of these countries, Sweden started the period with the excessively low level of 18, and Canada was on flexible exchange rates at the outset but had returned to the reserve-demanding regime of pegged rates by the end of the period.

On the basis of this evidence, one is tempted to raise the question of how low the ratio of reserves to imports can be allowed to fall before it is considered inadequate. The trends over the past 5 years, since the first dollar crisis of the postwar era, do not give much support to the view that "the studies can be pursued without undue haste."

The breakdown of reserves reveals some significant facts about the changes of the past 5 years. The impressive decline in the ratio of gold to imports of the reserve currency countries was in large part due to the gold withdrawals of some surplus countries. But it is interesting to note that the gains by the European Economic Community countries were insufficient to maintain the ratio of gold to imports they had achieved in 1960.

A second important fact is that the large increases in dollar holdings brought about by the U.S. deficits succeeded only in keeping the ratio of foreign exchange to imports constant for the 11 countries, and lowered it slightly for the European Economic Community. As noted before, this ratio can be expected to fall as soon as the United States brings her payments into balance.

Another remarkable feature brought out by the chart is the size of the Fund reserve positions of the 11 countries. The precise definition of this asset category is fairly involved (see the International Financial Statistics, Notes to tables), but basically it is that sum of resources that countries may draw upon without negotiation or conditions. In a sense, this asset is a perfect substitute for gold and foreign exchange. However, the Fund reserve position is a misleading indicator of the Fund's role in the supply of reserves, since it does not reflect the authority's actual credit extensions nor its changed willingness to make these credits available. Such conditional resources can, up to a point, serve as a substitute for freely available assets, and their use has increased in recent years. On the other hand, the relatively small size of this form of assets indicates that the Fund has not been able to adapt its institutional setup so that it could play anything more than a minor role in the provision of owned reserves. Given the imperfect substitutability between conditional credit and unconditionally owned assets, the reform of the international monetary system must have the adequate creation of the latter as its main goal.

IV. CONCLUSIONS

We conclude that the official response to the weaknesses of the present world monetary system, first exposed by the events of 1960 and Professor Triffin's analysis, has been successful in dealing with crises of confidence, but it has been unable to prevent a significant decline in the ratio of international reserves to imports. Moreover, it appears that the reserves in the form of positions with the Fund are such a small proportion of total reserves that increases of many times that base would be required to bring about a significant improvement in the world's overall reserve position. Increases of such a magnitude may well require a fundamental reform of the present system.

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[10] For an analysis of some of these arrangements, see R. Aliber, "The Management of the Dollar in International Finance," International Finance Section, Princeton University, 1964, Princeton Studies in International Finance, No. 13.

[11] See H. G. Grubel, "The Benefits and Cost of Being the World Banker," "The National Banking Review," December 2, 1964.

[12] For an interesting discussion of some of these issues, see F. Machlup, "International Payments, Debts, and Gold," New York: Scribner's Sons, 1964, chapters XII–XIII.

APPENDIX

TABLE 1.—*1964 reserves, imports, and the ratio of reserves to imports, as a percentage of 1960 figures*

	Reserves [1]	Imports	Reserves as a percentage of imports
I. Reserve countries	82.2	122.2	67.3
United States	86.1	122.6	70.2
United Kingdom	62.2	121.8	51.1
II. Europe in Economic Community	138.0	152.9	90.3
France	251.9	160.3	157.1
Germany	112.1	144.6	77.5
Italy	117.6	153.1	76.8
Netherlands	126.1	155.7	81.0
Belgium	145.5	158.9	91.6
III. Other Paris Club	132.4	145.5	91.0
Canada	130.9	122.9	106.5
Japan	103.6	177.0	58.5
Switzerland	134.4	169.9	83.5
Sweden	182.6	132.9	137.4
IV. 11-country total	109.1	139.2	78.4

[1] Reserves are yearend totals for gold and foreign exchange holdings plus Fund reserve positions.

Source: International Financial Statistics, various issues.

TABLE 2.—*International reserves, imports, and ratios of international reserves to imports, 1960–64*

[Dollars in millions]

Countries	1960			1961			1962			1963			1964		
	Reserves [1]	Imports	Reserves as a percentage of imports	Reserves [1]	Imports	Reserves as a percentage of imports	Reserves [1]	Imports	Reserves as a percentage of imports	Reserves [1]	Imports	Reserves as a percentage of imports	Reserves [1]	Imports	Reserves as a percentage of imports
I. Reserve countries	$23,078	$29,222	79.0	$22,071	$28,377	77.8	$20,528	$30,372	67.6	$19,990	$32,066	62.3	$18,988	$35,736	53.1
United States	19,359	16,508	117.3	18,753	16,069	116.7	17,220	17,764	96.9	16,843	18,590	90.6	16,672	20,251	82.3
United Kingdom	3,719	12,714	29.3	3,318	12,308	27.0	3,308	12,563	26.3	3,147	13,476	23.4	2,316	15,485	15.0
II. European Economic Community	15,924	29,340	54.3	18,089	32,162	56.2	18,552	35,797	51.7	20,006	40,417	49.5	21,970	44,847	49.0
France	2,272	6,281	36.2	3,365	6,679	50.4	4,049	7,517	53.9	4,908	8,727	56.2	5,724	10,070	56.8
Germany	7,032	10,107	69.6	7,163	10,948	65.4	6,956	12,289	56.6	7,650	13,022	58.7	7,882	14,618	53.9
Italy	3,251	4,725	68.8	3,799	5,223	72.7	3,818	6,075	62.8	3,406	7,590	44.9	3,823	7,232	52.9
Netherlands	1,863	4,531	41.1	1,958	5,089	38.5	1,946	5,347	36.4	2,102	5,966	35.2	2,349	7,055	33.3
Belgium	1,506	3,696	40.7	1,813	4,223	42.9	1,753	4,569	38.4	1,940	5,112	37.9	2,192	5,872	37.3
III. Other Paris Club	6,790	15,785	43.0	7,437	17,640	42.2	8,242	18,147	45.4	8,497	19,901	42.7	8,987	22,972	39.1
Canada	1,989	6,150	32.3	2,276	6,193	36.8	2,547	6,367	40.0	2,603	6,618	39.3	2,881	7,560	38.1
Japan	1,949	4,491	43.4	1,666	5,811	38.7	2,022	5,637	35.9	2,058	6,637	31.0	2,019	7,947	25.4
Switzerland	2,324	2,243	103.6	2,759	2,707	101.9	2,872	3,020	95.1	3,078	3,253	94.6	3,123	3,610	86.5
Sweden	528	2,901	18.2	736	2,929	25.1	801	3,123	25.6	758	3,393	22.3	984	3,855	25.5
IV. 11-country total	45,792	74,347	61.6	47,606	78,179	60.9	47,292	84,271	56.1	48,493	92,384	52.5	49,945	103,565	48.2

[1] Reserves are yearend totals for gold and foreign exchange holdings plus Fund reserve positions.

Source: International Financial Statistics, various issues.

TABLE 3.—*Reserve categories and ratios of reserves to imports*

[Millions of dollars]

A. GOLD [1]

Countries	1960	1961	1962	1963	1964
I. Reserve countries	20,605 (70.5)	19,214 (67.7)	18,638 (61.5)	18,080 (56.4)	17,607 (49.3)
United States	17,804 (107.8)	16,947 (105.4)	16,057 (90.4)	15,596 (83.9)	15,471 (76.4)
United Kingdom	2,801 (22.0)	2,267 (18.4)	2,581 (20.5)	2,484 (18.4)	2,136 (13.8)
II. European Economic Community	9,436 (32.2)	10,839 (33.7)	11,455 (32.0)	12,281 (30.4)	13,223 (29.5)
France	1,641 (26.1)	2,121 (31.8)	2,587 (34.4)	3,175 (36.4)	3,729 (37.0)
Germany	2,971 (29.4)	3,664 (33.5)	3,679 (29.9)	3,843 (29.5)	4,248 (29.1)
Italy	2,203 (46.6)	2,225 (42.6)	2,243 (36.9)	2,291 (30.2)	2,107 (29.1)
Netherlands	1,451 (32.0)	1,581 (31.1)	1,581 (29.6)	1,601 (26.8)	1,688 (23.9)
Belgium	1,170 (31.7)	1,248 (29.6)	1,365 (29.9)	1,371 (26.8)	1.451 (24.7)
III. Other Paris club	3,487 (22.1)	3,973 (22.5)	3,845 (21.2)	4,108 (20.6)	4,230 (18.4)
Canada	885 (14.4)	946 (15.3)	708 (11.1)	817 (12.3)	1,026 (13.6)
Japan	247 (5.5)	287 (4.9)	289 (5.1)	289 (4.4)	290 (4.0)
Switzerland	2,185 (97.4)	2,560 (94.6)	2,667 (88.3)	2,820 (86.7)	2,725 (75.5)
Sweden	170 (5.9)	180 (6.1)	181 (5.8)	182 (5.4)	189 (4.9)
IV. 11-country total	33,528 (45.1)	34,026 (43.5)	33,938 (40.2)	34,469 (37.3)	35,060 (33.9)

B. FOREIGN EXCHANGE [2]

Countries	1960	1961	1962	1963	1964
Reserve countries	430 (1.5)	1,167 (4.1)	324 (1.1)	385 (1.2)	611 (1.7)
United States	-------- --------	116 (.7)	99 (.6)	212 (1.1)	432 (2.1)
United Kingdom	430 (3.4)	1,051 (8.5)	225 (1.8)	173 (1.3)	179 (1.2)
II. European Economic Community	5,705 (19.4)	5,555 (17.3)	5,574 (15.6)	6,103 (15.1)	6,604 (14.7)
France	429 (6.8)	818 (12.2)	1,023 (13.6)	1,282 (14.7)	1,376 (13.7)
Germany	3,753 (37.1)	2,862 (26.1)	2,760 (22.5)	3,255 (25.0)	2,721 (18.6)
Italy	980 (20.7)	1,332 (25.5)	1,372 (22.6)	837 (11.0)	1,571 (21.7)
Netherlands	291 (6.4)	134 (2.6)	162 (3.0)	298 (5.0)	396 (5.6)
Belgium	252 (6.8)	409 (9.7)	257 (5.6)	431 (8.4)	540 (9.2)
III. Other Paris Club	2,987 (18.9)	3,008 (17.1)	4,168 (23.0)	4,157 (20.9)	4,213 (18.3)
Canada	951 (15.5)	1,118 (18.1)	1,838 (28.9)	1,786 (27.0)	1,658 (21.9)
Japan	1,577 (35.1)	1,199 (20.6)	1,553 (27.6)	1,589 (23.9)	1,469 (18.5)
Switzerland	139 (6.2)	199 (7.4)	204 (6.8)	258 (7.9)	398 (11.0)
Sweden	320 (11.0)	492 (16.8)	573 (18.3)	524 (15.4)	688 (17.8)
IV. 11-country total	9,122 (12.3)	9,730 (12.4)	10,066 (11.9)	10,645 (11.5)	11,428 (11.0)

See footnotes at end of table.

C. FUND RESERVE POSITION [3]

Countries	1960	1961	1962	1963	1964
I. Reserve countries	2,043 (7.0)	1,690 (6.0)	1,566 (5.2)	1,524 (4.8)	769 (2.2)
United States	1,555 (9.4)	1,690 (10.5)	1,064 (6.0)	1,035 (5.6)	769 (3.8)
United Kingdom	488 (3.8)	----------	502 (4.0)	489 (3.6)	----------
II. European Economic Community	784 (2.7)	1,705 (5.3)	1,492 (4.2)	1,570 (3.9)	2,144 (4.8)
France	202 (3.2)	426 (6.4)	438 (5.8)	451 (5.2)	619 (6.1)
Germany	309 (3.1)	637 (5.8)	517 (4.2)	552 (4.2)	913 (6.2)
Italy	68 (1.4)	243 (4.7)	203 (3.3)	226 (3.0)	146 (2.0)
Netherlands	121 (2.7)	243 (4.8)	203 (3.8)	203 (3.4)	265 (3.8)
Belgium	84 (2.3)	156 (3.7)	131 (2.9)	138 (2.7)	201 (3.4)
III. Other Paris Club	316 (2.0)	455 (2.6)	228 (1.3)	233 (1.2)	506 (2.2)
Canada	153 (2.5)	212 (3.4)	----------	----------	198 (2.6)
Japan	125 (2.8)	180 (3.1)	180 (3.2)	180 (2.7)	220 (2.8)
Switzerland	----------	----------	----------	----------	----------
Sweden	38 (1.3)	63 (2.2)	48 (1.5)	53 (1.6)	88 (2.3)
IV. 11-country total	3,143 (4.2)	3,850 (4.9)	3,286 (3.9)	3,327 (3.6)	3,419 (3.3)

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[1] The figures in parentheses represent gold as a percentage of imports.

[2] The figures in parentheses represent foreign exchange as a percentage of imports.

[3] The figures in parentheses represent Fund reserve position as a percentage of imports.

Source: See table 1.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum; and I assure the Senate that it will not be a live quorum.

The PRESIDING OFFICER (Mr. BASS in the chair). The Chair appreciates that information, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Without objection, it is so ordered.

INSURING ORDERLY PROCESSES OF GOVERNMENT DURING TEMPORARY INCAPACITY OF THE PRESIDENT

Mr. SMATHERS. Mr. President, all of us are deeply concerned over the announcement that President Johnson will enter Bethesda Naval Hospital to undergo gallbladder surgery on Friday. Fortunately, we have been assured by the top medical experts of the Nation that this is the least serious of major operations. There is minimal risk, although a convalescent period of from 10 to 14 days is normally expected. Similar operations have recently been successfully performed on some of our colleagues in the Senate.

In some respects, I believe this operation will be of double benefit to the health and well-being of our Chief Executive. The President is a restless, energetic man who has given of himself unsparingly to the most demanding office in the world. No President has worked harder and longer at this all-important post. But even the most dedicated and hard-working individual needs physical rest. The President will now get that rest—and knowing his restless, driving nature—this enforced rest is probably the only way it could be realized.

Meanwhile, the President has, with wisdom and foresight, briefed Vice President HUMPHREY and the Cabinet on the situation. While it is expected there will only be a few hours in which the President will not be able to conduct the business of his office, an agreement has been made for Vice President HUMPHREY to make any decisions that may be required during that period of incapacity.

It was with full knowledge that such moments might occur that President Johnson chose HUBERT HUMPHREY as his running mate in 1964. Those of us who have served with HUBERT HUMPHREY in the Senate know he is uniquely equipped to serve as Acting President, if that is necessary. President Johnson has seen to it that the Vice President has always been fully informed on all the diverse problems of the Presidency. As I said on August 26, 1964, on seconding the nomination of HUBERT HUMPHREY for Vice President:

> HUBERT HUMPHREY is ready for this great opportunity and this enormous challenge. He is progressive, yet prudent. He is compassionate, without weakness.
>
> He is experienced, yet enthusiastic. He is a man of vitality and judgment, character and wisdom.
>
> And above all, he is a team man, and I know that he will be of great comfort and assistance to the President of the United States.

The Vice President has more than fulfilled that description and now in a moment of temporary incapacity of the President, the Nation need have no qualms because we have a truly capable Vice President standing by.

Mr. President, the illness of the President dramatizes once again the extreme importance of the vice-presidency in these fast-moving and eventful times. Further it dramatizes the need for this session of the 89th Congress to provide the Vice President with an official residence before it adjourns. The Vice President will, for a time at least, have many more additional social, ceremonial, and administrative duties thrust upon him. He needs adequate quarters and an adequate home in which to meet these responsibilities.

I have sponsored legislation to accomplish this task immediately. Surely, it deserves our attention before we go home.

In that respect, the Washington Post of October 5, 1965, contained an editorial which commented directly on the need to complete action for an official vice-presidential home. I ask unanimous consent that the editorial from the October 5 Washington Post be inserted in the body of the CONGRESSIONAL RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOME FOR HUMPHREY

> As eager as is Congress to wrap up the legislative session, there is still ample time to provide a residence for the Vice President. The official responsibilities, and consequently the stature, of the Vice President have so increased that few will argue any more against the desirability of providing him with an official home. Choosing a site is another matter. Fortunately, Senator SMATHERS has come forth with a proposal so clearly filling the bill that the slightest nod from the administration should facilitate its speedy acceptance.
>
> The Senator wants the Vice President to take over the house on the Naval Observatory Grounds presently occupied by the Chief of Naval Operations. The location is ideal; it is already Federal property so only maintenance funds would be needed and the Vice President could occupy the mansion soon after the bill was approved. With the plenitude of military property in the area, there certainly would be no difficulty in finding an appropriate residence for the CNO in keeping with the residences of the other service chiefs.
>
> The alternative to Senator SMATHERS' plan, Senator MONRONEY's bill calling for creation of a Commission for the Acquisition of an Official Residence for the Vice President, probably would only result in further procrastination. Both proposals have been discussed at Senate hearings. Now let the Congress act.

EXPANSION OF AMERICAN BEEF EXPORTS

Mr. MONTOYA. Mr. President, as a member of the Small Business Committee for the past 9 months, it has been my great pleasure to join with the distinguished chairman of the committee, the Senator from Alabama, Senator SPARKMAN, in his tireless search for ways and means by which American beef producers can increase their exports to Western Europe.

Coming as I do from a State where beef production amounts to 398 million pounds annually, this question is of vital interest to me and to my State, and I have devoted many hours to a study of the complex factors involved.

There is still much to be done, including more hearings later on this year which will, I hope, focus further public attention on the very serious questions of discriminatory ocean freight rates, the lack of adequately equipped ships, docks, and facilities, and the need for aggressive development of our potential European markets.

However, we have already achieved remarkable export gains. Fresh and frozen beef exports in 1964 were 35,347,000 pounds, 4 times the 1963 total, and figures for the first quarter of 1965 indicate that we will do much better this year. Beef and veal exports increased by 101.2 percent in the first quarter of 1965, compared to the first quarter of 1964.

Shipment of live cattle has tripled in the first 9 months of 1965, compared to the full year last year. The figures are 4,469 for 1964 and 12,247 for 1965 through September 30.

Since World War I, we have not been an important factor in the world beef export trade. Discriminatory ocean freight rates, combined with rapidly increasing consumption at home, caused American producers and packers to concentrate on the domestic market.

There was little incentive to compete with producers in Australia or Argentina when shipping rates were as much as 294 percent higher to Americans.

But a rapidly rising standard of living in Europe and a reduction both in Europe's domestic beef production and in its normal import supply, made American producers aware about 18 months ago of a potential new marketing opportunity.

Mr. President, I ask unanimous consent that a table which demonstrates a major long-term gap between European production and European consumption, and consequently a fine export opportunity for this country, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONTOYA. I believe we have already moved well to develop this potential. The President sent a Presidential Beef Export Mission to Europe to assess the possibilities in May of last year, and both the industry and the Department of Agriculture followed through with a number of trade missions and market development programs.

It is now certain that American beef can compete successfully in the European market. Exports of fresh and frozen beef and veal from the United States to the United Kingdom increased from 264,000 pounds in 1963 to 1,168,000 in 1964; from 326,000 pounds to France in 1963 to 2,015,000 in 1964; from 3,000 to Germany in 1963 to 109,000 last year.

An unpublished study by the Economic Research Service of the Department of Agriculture estimates that the outlook is for continued market growth for American beef for at least the next 5 years.

There are a number of reasons for this. Most important is Europe's rapidly rising standard of living, which is producing a rapidly rising demand for beef.

Although per capita consumption of beef has increased 53 percent in the European Economic Community nations—France, West Germany, Belgium, Holland, Luxembourg, Greece, and Italy—between 1955 and 1963, it is still only half that of the United States.

EEC economists forecast a further per capita increase of 36 percent in the next 5 years.

At present, Americans consume 105 pounds of beef per person, while Europeans consume 55.1 pounds.

Obviously the potential is there, and I believe that American producers will be able to obtain their fair share of this market. They have already made significant progress, as the most recent export figures show.

Reductions in ocean freight rates of approximately 25 percent which were established as the result of the Small Business Committee's hearings earlier this year have been of great assistance to the export trade.

Similarly, the 25-percent reduction in air freight charges for live calf shipments has helped a segment of the export business which has great potential.

Last year, this country shipped nearly 8,000 calves to Italy and other Western European countries by air. Unfortunately, shipments have fallen off this year because of handling problems which have developed but Department of Agriculture livestock men are sure these can be worked out. The demand is there, and this market's growth should match that of ocean-shipped cattle next year.

As I pointed out earlier, cattle shipped by boat have tripled in volume this year. Mr. Jay Taylor of Amarillo, Tex., who was Chairman of the President's Beef Export Mission to Europe last year, gave the committee an interesting example of American business ingenuity when he testified at our hearings earlier this year.

Ordinarily, live cattle are fed hay, which is very bulky and wasteful of space, while being transported by ship. But Mr. Taylor showed the committee a feed he has developed which is all protein and grain. It occupies much less space, and the steer will gain up to 20 pounds during the trip, worth some 40 cents a pound, so the cattleman recovers part of his shipping costs.

But European tastes in beef are still atuned to the less expensive, leaner, range-fed beef of the type produced in Argentina and Australia.

The mass demand in Europe is still for grades which are similar to our cutter and canner grades. Therefore, I believe our great opportunity in the immediate future lies in the development of and an appreciation for Choice and Good grain-fed American beef in Europe.

We must aim for the American tourist and the more affluent European, while at the same time we push a continuing education program which will widen this market.

The promotional campaigns now being carried out in Europe by the American Meat Institute and the Department of Agriculture deserve our encouragement and support.

Both these agencies, working in close cooperation, have planned a number of educational and promotional events in Europe and the United Kingdom this fall and winter.

Concurrently, we must continue to work for further reductions in freight rates, both on the high seas and domestically, if we are to establish a permanent export trade in beef. It was heartening to learn last week that ocean shippers have agreed to continue their experimental rate reductions beyond September 30, the original cutoff date.

In addition, there is need for extensive modification and modernization of dockside storage and handling equipment, and extensive modernization to ships, to handle a growing beef export trade.

We must be vigilant against efforts to create new barriers to American beef in Europe through overly restrictive regulations and inspection requirements.

While bending every effort to develop the fresh and frozen beef market, we must not neglect one in which we are already well established, that of variety meats—tongue, kidney, liver, and so forth.

In 1964, this country exported 156 million pounds of variety meats to the EEC countries, with a value of $32.5 million.

Mr. President, I ask unanimous consent that a table showing the growth of our variety meat exports be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MONTOYA. In summary, Mr. President, the success of our efforts to develop a major beef export trade in Europe and the United Kingdom is dependent on a variety of complex factors.

But the potential value of this trade—estimates range upward of 200,000 tons and $170 million a year—makes it imperative that we do absolutely everything required to help it along.

To that end, I propose the establishment of a permanent U.S. Beef Commission to examine all aspects and all problems of the trade, and to recommend appropriate solutions.

Specifically, the Beef Commission should work toward the solution of the following problems, as well as others which come to its attention during its continuing studies:

First. A complete reappraisal and readjustment of inland freight rates—the rates from the point of production to the point of embarkation—is needed.

Second. It must work for elimination of the disparities which exist in ocean freight rates, and which damage American exporters. Our goal should be equal treatment in shipping costs.

Third. Encourage the American shipbuilding industry to make provision for modern refrigerated beef shipping space, both in new and existing vessels.

Fourth. Promote the availability of ocean transports for beef on the hoof.

Fifth. Remove the redtape which now entangles exporters when they grapple with the so-called health regulations of importing nations. We must develop uniform inspection and health regulations which will free the shipper of bureaucratic redtape.

Sixth. The Beef Commission must initiate an aggressive and comprehensive marketing program, including advertising, consumer education, trade fairs, personal contacts and development of detailed knowledge of trade sources in Europe.

Once established, the Beef Commission will be able to provide the help and the expert knowledge that American producers and shippers need to obtain and to retain their fair share of the world market.

EXHIBIT 1

European Economic Community actual and projected production and consumption of meat, 1960–70

[In millions of metric tons]

	Production	Consumption
1960	8.7	9.1
1961	9.2	9.6
1962	9.7	10.2
1963	9.7	10.3
1964	9.6	10.9
1965	10.1	11.3
1966	10.3	11.7
1967	10.8	12.2
1968	11.4	12.8
1969	11.8	13.2
1970	12.4	13.6

Source: Adapted from data supplied by International Monetary Branch, Development and Trade Analysis Division, Economic Research Service, USDA.

EXHIBIT 2

Variety meat exports to the European Economic Community and the United Kingdom, United States, and major foreign competitors, 1961–64

[In thousands of metric tons]

	1961	1962	1963	1964
United States	56	57	72	105
Australia	[1]	18	29	21
Argentina	22	26	43	[1]
Denmark	10	11	10	10

[1] Not available.

Source: Foreign Agricultural Service, USDA.

THE INTERNATIONAL MONETARY SYSTEM

Mr. MONRONEY. Mr. President, Washington was host last week to world financial leaders at the annual meeting of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, and the International Monetary Fund.

Such news stories as I saw on the sessions were chiefly centered on possible reform of the international monetary system—hardly a subject to get banner headlines or to prompt hot arguments on our main streets. Many Americans were unaware of the meeting.

Mr. George Woods, president of the World Bank, by his courageous and thought-provoking opening address to the delegates of this world body squarely posed the problem of the rich nations getting richer and the poor developing nations remaining static or even sliding backward. This was not scheduled to be the business of the World Bank meeting but with President Woods launching of the problem and its dire need toward doing something about it in his opening speech he stimulated much discussion in the financial world and even more in the Nation's press.

Mr. Walter Lippmann, a very wise man, tells us the session will be historically important because it opened up officially a problem crucial to world peace, and thus vital to each of us. In his syndicated column, he cites the "grim and dangerous contrast" between the advanced countries and the underdeveloped countries, and the financial arrangements which lead the rich to become richer and the poor to become poorer. He calls the growing inequality between them the paramount problem of mankind.

Mr. Lippmann's clear and logical outline of what the world's bankers faced thus becomes important to all of us who must face our own Nation's part of a global problem. I ask unanimous consent to insert his column in the RECORD with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 5, 1965]

THE RICHER AND THE POORER NATIONS

(By Walter Lippmann)

The bankers and monetary experts who met in Washington last week did not at the time seem to be doing very much. Yet, in the large perspective of time their meeting may well come to be thought of as historically important. For the report of the World Bank and the address of its president, Mr. George Woods, opened up, as officially it has never been opened up before, the problem which is crucial in the promotion of world peace—the problem of the relationship between the richer and the poorer nations of the globe.

This was not the advertised theme of the meeting. Generally speaking, attention was focused on how much progress could be made toward an agreement on the reform of the international monetary system. This would be an agreement essentially between the United States and Britain on the one hand and the continental European bankers on the other. There was no substantial progress toward such an agreement, and for that reason, the international meeting seemed rather uninteresting and unimportant.

But we can see in retrospect that there was no good reason to expect much progress on monetary reform. The question posed to the bankers was what kind of effective and adequate substitute they would agree to provide for the dollar deficits, now that, as President Johnson told them, "the long period of large U.S. deficits has come to an end." The bankers did not provide the substitute. The reason was, no doubt, that there is no immediate crisis due to a shortage of international money, that there are unresolved conflicts of interests among the rich nations as to who shall control the creation of new reserves, and last, but not least, that the European bankers are by no means convinced that the United States will in fact put a permanent end to its deficits.

Although there were some useful technical and procedural agreements for further study, nothing was settled because the bankers were asked to find a theoretical solution—which might not need to be applied for a long time—to a problem which was hypothetical, since our deficits are not yet permanently ended.

The other and largely neglected activity of the meeting has been to confront the governments and people of the world with the grim and dangerous contrast between the advanced nations in the northern hemisphere and the underdeveloped countries in the rest of the world. In the World Bank's masterly treatment of the subject, "the developed countries," which have market economies and are non-Communist, include the United States and Canada in North America, Japan in Asia, the industrialized countries of Western Europe. The developing countries include all of Asia except Japan and the Sino-Soviet bloc, all of Africa except South Africa, all of Latin America, and in southern Europe, Turkey, Yugoslavia, Greece, Spain, and Portugal. Leaving out Russia and China, these developing countries include 70 percent of the people of the world.

In varying degrees they are all in trouble. There is every reason to believe that, without a great change of feeling and policy in the developed nations, the underdeveloped nations face a dismal future. Insofar as they remain weak and disorderly, they will attract the rivalry for influence and power of the great powers.

Although there are many differences among the underdeveloped nations, the one weakness they have in common is that with only rare exceptions—those rich in oil and some minerals—they cannot earn enough by their exports to provide the capital they must have for their own development.

The developed nations buy about three-quarters of the exports of the developed nations. Since the Korean war, the main trend, with only a few years' exception, has been toward rising prices for manufactured goods and declining prices for raw materials. For many, if not for all, of the developing countries their earnings from exports are not sufficient to keep up with the growth of population. Relatively speaking, the rich are getting richer and the poor are getting poorer.

In secular terms, this growing disparity is the paramount problem of mankind, and it is in the context and environment of this disparity that the problems of war and peace will have to be worked out.

This disparity cannot be overcome by preaching and exhorting the developing countries to pull themselves up by their own bootstraps. They cannot and will not do that—certainly not unless they pass through the ordeal of some kind of Stalinist dictatorship. There is again no good prospect that the terms of trade can be reversed by commodity subsidies and stabilization agreements. The only solution is that the rich countries make available to the poor countries the foreign exchange which they can usefully employ to make themselves self-sufficient. This is estimated to be about $4 to $5 billion a year more than is now going out to these countries.

Considering that the gross national product of the developed countries, not including the Soviet Union, rose to over a trillion dollars ($1,100 billion) in 1964, this increased help is really a trifling amount. It would, of course, best be raised and transferred collectively, rather than by any one country such as the United States, and in this work the Soviet Union should, as the President suggested, participate.

Unless the richer countries can rouse themselves to such an indispensable action, they should cease to pretend that they really care about peace among men.

LOCATION OF INDUSTRY IN RURAL AREAS

Mr. RUSSELL of South Carolina. Mr. President, the very able president of the Campbell Soup Co., Mr. W. B. Murphy, made a speech recently in Detroit in which he discussed the location of industry in the rural areas of the Nation.

I was immensely pleased as Governor of South Carolina to assist the Campbell Soup Co. in locating a large, new food processing facility in my own State in the progressive community of Sumter, S.C.

Mr. Murphy refers to this plant, now under construction, in Sumter, one of the outstanding communities in my State. I want very much for the Senate and the Nation to know of the fine experience which Campbell has had in South Carolina and to know of the factors which went into the decision to locate a plant there.

I ask unanimous consent to have Mr. Murphy's remarks printed in the RECORD.

I also ask unanimous consent to have an editorial from the Capital City morning newspaper, the State of Columbia, S.C., printed in the RECORD. It is a fine commentary on Mr. Murphy's remarks.

There being no objection, the speech and editorial were ordered to be printed in the RECORD, as follows:

THE RURAL-URBAN BALANCE

(Remarks made at meeting of the Economic Club of Detroit, Sept. 20, 1965, by W. B. Murphy, president, Campbell Soup Co.)

Michigan is well known throughout the world for its metal working industries, of course. But to those of us in the food industry, it is equally renowned for its high-quality agricultural production and for its position as a leader in education relating to foods. The food industry leans heavily on Michigan farms for a wide variety of ingredients and on its great universities for teaching and research in agriculture, biology, and food distribution.

When one is in the food industry he is likely to find it advantageous and usually necessary to keep closely attuned to the people of our country if for no other reason than that there's a well-established custom of eating foods at least three times a day. Also, the food habits of population are pretty decisive in the success or failure of a food business.

There are two subjects relating to food and people that are much discussed these days and that are of concern to anyone who is thinking of the future. The first of these is the country's and the world's ability to provide the necessary food as population shoots upward; and second, the adequacy of water supplies.

A third subject is less discussed but just as vital—the continued shifting of population from the farms and small rural places to the mammoth metropolitan areas. To a food processor who deals with and is dependent on the farmers in the rural areas, this shifting of people and what it means is a matter of more than small importance.

Today I should like to discuss briefly the first two of these subjects; namely, food production potentials and adequacy of water supply and then deal with the question of where people are going to live and work.

Now, there are many predictions about the things to come. Undoubtedly one of the least unreliable has to do with the future population trend. It is estimated that the population of the United States will come close to doubling and that of the world about double over the next 35 years; that is, by the year 2,000. This sounds like the distant future, but actually it isn't so far off. A growth rate of 2 percent per year means doubling in 35 years.

Can this vastly greater population be fed? This is a complicated subject in itself. There is a different answer for North America than for Asia or South America. For North America, the answer is an unequivocal "yes." For some parts of the rest of the world, the answer hinges on economic, educational and political accomplishments more than on the technical question of the earth's food production potentials. Since food supplies are inadequate now in Asia, the future for food is that part of the globe is full of problems. For the rest of the world, the situation is less questionable.

I believe it is not too difficult to raise food production to a much higher level. The world's arable land is about 6.6 billion acres and only about 3 billion are used for agriculture. Furthermore, substantial progress is being made in reducing the huge crop losses caused by insects, viruses, predators, weeds, and nematodes and there are continued improvements in the techniques of crop production. A combination of reduced losses and better growing methods means that the yield per acre generally can climb to much higher levels. The agricultural productivity in large areas of our country and in many countries of the world is not near its practical limit and will rise as modern agricultural research and development is applied to meet local conditions.

For example, a careful program of agricultural research in Mexico, sponsored by the Rockefeller Foundation, boosted corn and rice crops and enabled that country to become self-supporting and, in fact, an exporting nation for wheat, sugar, and cotton. Mexico is now engaged in a well-rounded research program that is showing fine results for many other crops. In the United States and Canada, the yields per acre for a long list of grains and vegetables have more than doubled since World War II and can go much further with research work now underway. The productivity figures for cattle and poultry have also climbed rapidly. Genetics research can bring resistance to some of the crop debilitating factors. Crop-growing experiments result in improved growing methods. Chemical research is producing means for more effective disease and predator resistance and for weed controls.

The adequacy of water for a population that will nearly double over the next 35 years is vital to the food industry for the simple reason that 40 percent of the water used in the United States today is for irrigation. If a higher percentage of our arable land is to be planted, a primary concern is water supply. The subject of water is just coming into its own as a national problem. The 3-year below-normal rainfall in the Northeast States triggered this sudden general interest, although water as a subject of major national and regional concern would have come to the forefront in any event sooner or later.

There is plenty of water for a doubled population and much more if water supply and its distribution is given attention. It is a sure thing that we are going to have to pay a little more for water in the future. Unmetered homes, unlined irrigation ditches, undistributed surpluses, uncaptured rain and snow run-offs, and untreated waste water, of necessity, will be frowned upon, and as a result, water supplies will probably be adequate for the foreseeable future.

The third subject for discussion here, namely increased population, is more difficult to deal with than food production potentials and water supply. Where is this increased population going to live and work? If the present trend toward greater and greater population concentration continues, there will be rather drastic environmental effects on most of us having to do with the way we live—our taxes and our peace of mind, among other things. Incidentally, the entire September issue of Scientific American is devoted to the problems of the metropolitan areas viewed from the standpoint that big cities will get bigger and bigger.

Why would a businessman and a food processor worry much about population trends as long as they're going up? There are at least two good reasons.

1. As a food processor, he is vitally concerned with the need for continuing increases in crop yields per acre, not only to raise food production, but to help hold consumer food prices. This increasing productivity, involving as it does fewer and fewer farms producing larger and larger crops, carries with it the problem of surplus farm and small town population.

2. As a businessman and taxpayer, he must be interested in the massive problems and in the costs to convert the metropolitan centers into attractive, livable places.

Last March, President Johnson sent a message to Congress on housing and cities. He said:

"Over 70 percent of our population—135 million Americans—live in urban areas. A half century from now 320 million of our 400 million Americans will live in such areas. And our largest cities will receive the greatest impact of growth. In our time, two giant and dangerous forces are converging on our cities; the forces of growth and of decay. Between today and the year 2,000, more than 80 percent of our population increases will occur in urban areas. During the next 15 years, 30 million people will be added to our cities. Each year, in the coming generation, we will add the equivalent of 15 cities of 200,000 each."

Plans are already being considered for the huge metropolitan areas of Boston, New York, Philadelphia, and Baltimore-Washington; for the enormous metropolitan areas centered by the cities of Chicago, Detroit, Miami, San Francisco, and Los Angeles. These plans involve much needed programs for clean-up, rehabilitation, and upgrading. People are to be stacked on top of each other in innumerable large apartment projects—distances from suburbs to city centers will increase, breakfasts will be served earlier and dinners later, transportation needs will soak up vast areas of valuable urban and suburban property.

This picture of greater and greater population concentration is to me unpleasant and expensive, and I would hope, not inevitable. It makes for a more impersonal existence, higher taxes, more Government controls, and in most ways what can be considered a distorted existence, at least by the standards we know today.

Yet, we are on our way to this rather dismal prospect if we continue for the next 35 years the trend toward urban concentration that has characterized the past 35 years.

Thirty-five years ago, the farm population was approximately 30,500,000 people. In 1965, it is about 12,500,000. Farm population was almost one-fourth of our population 35 years ago, whereas today it is only 6½ percent. In contrast, the metropolitan areas with populations of over 1 million totaled 43 million people in 1930 and today about 80 million. The reduction in the farm population has come about through the tremendous productivity improvements in farming, the sharp reduction in numbers of small farms, plus the job opportunities offered in the big cities for people who had difficulty making a living in the rural areas.

An analysis of population figures by counties shows what has been happening. Counties with less than 25,000 population not contiguous to metropolitan areas represent 61 percent of all counties—they also have 61 percent of the land area but only 12 percent of the population. Counties with 25,000 to 100,000 population and not in metropolitan areas represent 26 percent of all counties and 20 percent of the population. Adding these together yields 32 percent of the population as against 42 percent 35 years ago, yet they represent 88 percent of all counties and a corresponding proportion of the land area.

Now, let's look at the metropolitan areas of 1 million or over. There are 164 counties in this category that represent less than 5 percent of the land area but have 41 percent of the population. This population has gone up in a disproportionate amount over the last 35 years. If we examine the record on distribution of employment in manufacturing establishments, the most recent count shows that the metropolitan areas have 48 percent of the total.

We know that the combination of metropolitan industrialization and scientific farm developments has caused many millions of rural people to go to the metropolitan areas. What problems we created for ourselves. Had industry expanded by decentralization to a far greater extent than now is the case, and had it gone into the thousands of small cities and towns, the rural citizens who could not make a living on their farms could have found jobs in local industry and the overcrowding of big city areas would be far less.

This isn't a phenomenon of North America. The vast slums of Caracas, Mexico City, and Lima, for example, are made up to a considerable degree of families from rural sections who are attracted to the possibility of jobs in the industry that clusters in metropolitan areas. One day the merit of industrial decentralization will be recognized throughout the world and those from the poor farms will find jobs in plants located near their homes.

I believe it is in order to suggest that in the United States of America the disproportionate industrial concentration in the metropolitan areas not go further and further and also to suggest that manufacturers can do themselves a favor and our country a service by allocating a fair share of their new plants to the rural areas.

We already have critical urban problems. Those problems will be compounded if the trend toward the metropolitan areas that characterized the past 35 years continues into the future.

In this city of Detroit, there is an aggressive urban renewal program led by Mayor Cavanagh that obviously is badly needed and which illustrates the kind of attack that must be carried on in all major cities. But Detroit doesn't need to have further migrations from the rural areas.

Philadelphia, where I live, is also making strenuous efforts to upgrade its character and also has a long struggle ahead. It too doesn't need further migrations from the rural counties. The conditions in New York, Chicago, and Los Angeles are too well known to need description here.

It is estimated, and I think it is a reasonable estimate, that over the next 35 years, while our population will double, the number of farms will decrease from today's 3,300,000 to about 1,500,000 and that farm population will drop from today's 12½ million to about 6 million. Since in 35 years the 12½ million will nearly double to approximately 24 million, and farms will then need only 6½ million, this means a surplus of about 18 million. These are conservative figures. Other estimates indicate that there will be only 1 million farms and a farm population of only 4 million. There is no estimate for the future reduction in numbers of people in rural towns serving the farm population. This reduction easily can match in numbers the surplus from the farms. The trend to fewer and fewer farms and lower farm and other rural population has been going on for many years and shows no sign of abating.

This does not mean that our crop production will be less—in fact, it will be far higher but it will be done by much larger farms and by further farm mechanization and other crop productivity gains. I am not suggesting that we are going to have farm factories. An overwhelming proportion of our farms undoubtedly will be family farms as they are today, but these will be family farms of much larger acreage, operated with more sophisticated machinery and with fewer work-hours per unit of crop production. In 1930, the average value of a farm was $10,900—today, the average value of a farm is $68,000. It is estimated that 35 years from now the average value of a farm will be $200,000 or more. This means that there will be fewer farms and millions of people from small farms and rural towns will be looking for jobs. If the trend of the last 35 years continues, they will go to the large cities and mostly to the metropolitan centers.

Farming is an exciting occupation when the farmer has good education and training and when the farm has the potential to be profitable. This means a sizable acreage, high production modern farm machinery, funds for fertilizing and spraying, and ample water supply.

But it's no fun being a break-even or loss farmer and so over the last several decades there has been an evolutionary change entailing large, year-after-year reductions in small farms. This will continue, in all probability, until there remains a hard core of well educated, high income farmers. Speaking as a taxpayer, this will be a good thing in more ways than one.

The fact that there is considerable unemployment in the poor sections of big cities would seem to argue for concentrating new plants in such areas. This seems to me to be a superficial conclusion. There are plenty of job opportunities now in the big cities for trained people.

The principal problem of the unemployed is lack of education. Educated people do not have trouble getting jobs and this applies to all nations and all races. Our unemployment is heavily concentrated in the ages of 16 to 25 and primarily among those without good education or training. Motivate these young people to want an education, to want to work and to want to be trained, and the vast employment opportunities now existing in big cities will be available to them.

If most of the new manufacturing plants are loaded into the metropolitan areas, this won't solve the unemployment problem of the uneducated, but it will cause millions more from the rural counties to drift to the big cities to look for jobs.

You might ask what will stop this greater and greater big-city concentration. People are going to move where they want to and the mobility of the American people is well established. If the jobs are available in the metropolitan areas, the people are going to those jobs. By the same token, if jobs are available in the thousands of small towns and cities away from the metropolitan areas, I think most of the people in these rural areas will not move. They will prefer to live in the circumstances in which they were raised. People everywhere can read. They see television and they read the papers. They know about urban crowding and the urban crimes. They also know that smaller places are friendly. They know that in the small town or city it takes only 5 to 15 minutes to travel between home and work. Generally, parking is not a problem. For those who golf, the golf course is near enough to their place of work to permit nine holes before dinner. If one likes to hunt and fish, the hunting and fishing frequently are quite handy also. If one runs into trouble, the neighbors will help and not look the other way.

Of course, those of us who travel a good deal find much of this industrial decentralization going on right now. Industrial plants are springing up in many places throughout the country, but they are also still springing up in the metropolitan areas as well and in greater proportion. At the present time, we have a continuation of the trend to greater and greater big city crowding.

For the most recent 10-year period for which figures are available, that is 1952–62, the number of business establishments of all kinds, manufacturing, and nonmanufacturing combined, that had over 100 employees, increased from 50,900 to 57,000. Over 48 percent of that increase took place in the already overcrowded 164 counties that represent metropolitan areas.

To place this in another perspective, by the latest figures available, the number of people employed in manufacturing plants in the rural counties is about 1.1 million and has gone up only 450,000 in 20 years. The number of people in manufacturing plants in metropolitan areas is 8.5 million and has gone up 3.4 million in 20 years, over seven times as much as in the rural counties; so 5 percent of the land and 5 percent of the counties have had seven times as many new jobs as the rural 60 percent land area. This is concentration and overcrowding with a vengeance.

If manufacturers were to schedule a fair share of their new plants to the small places distant from the metropolitan areas as suggested here, this could well bring down the wrath of the metropolitan chambers of commerce and metropolitan real estate promoters, but it shouldn't. Even if there were no more manufacturing plants built in the already overcrowded urban areas, there is still more cleaning up to do, more building expansion, more growth in the urban centers than probably can be handled well.

Most of our urban centers now have very difficult water and sewage problems. All of them need housing improvements. Their educational facilities, which should be first-rate to cope with big city problems, are, in general, far from that much-needed level. This applies to the situation today. Without a further disproportionate share of new manufacturing plants added to metropolitan centers, the load on transportation, on water and sewage systems, on housing and on education will be vastly greater in the future for the very simple reason that the metropolitan centers will have constantly rising populations and greater demands on contiguous business.

It happens that there is an enormous segment of the business complex that can't be disassociated from the great population of the metropolitan centers. I refer here to the services industry which includes retailing, wholesaling, utilities, transportation, construction, entertainment, banking, insurance, and all of the other types of services that are necessarily indigenous to the population. They must be located where they are needed. It also happens that the services part of our economy is our fastest growing portion and now exceeds in employment the manufacturing part.

The metropolitan areas will have their hands full adjusting to the growth in the services industries without further massive manufacturing plant loads.

I am not so naive as to think that in this area of industrial development and population growth that everything is cut and dried. In my company, for example, we now have five plants in metropolitan areas. We are in the process of some necessary expansion in three of these plants. We have rehabilitated all of them in order to raise their productivity.

I do not think for the future that it would possibly come about that all new manufacturing plants could be located in the counties of smaller population, but I would hope that a greater portion would be so located than has been the case in the past so that the work force made available by the reduction in numbers of farms would not have to move to the metropolitan areas to find work.

Assuming it to be desirable, how is this scattering of new manufacturing plants to be accomplished? In England and France, for example, it is done by government fiat. Belgium has a most effective voluntary program that stresses the logic of utilizing available rural labor, lower taxes, and low-cost real estate. I think in our country decentralization is now going on to some extent and will be done to a much greater degree as the relative merits of locating in small rural-type communities become more apparent to our manufacturing companies. Lower costs will be an important factor and here I do mean labor rates, except as they reflect lower living costs.

There are many places in our country where manufacturing can be located away from the metropolitan centers. Of the Nation's 28,800 manufacturing establishments with over 100 employees, only 2,062 are located in these rural counties. This is about one such plant per county. Now it is true, of course, that a part of this land is represented by mountainous or desert areas, but even if we allow for this, there are literally thousands of small places hungering for manufacturing industries. Also, most counties away from metropolitan areas, that have 25,000 to 100,000 population, are far from being overcrowded with manufacturing plants.

Using our company as an example, we recently completed construction of a million-square-foot plant that will ultimately require about 1,500 people in Paris, Tex., a community of about 21,000 people. This was a very close decision as we had dozens of opportunities to go into small places in Texas where conditions were adequate in all respects. We were in the happy position of being able to choose one out of at least a dozen excellent communities. We are now constructing a plant in Sumter, S.C., a town of 23,000. This plant could have gone into any one of fifty locations in the southeastern part of the country, all with adequate land, labor, water, utilities, etc.

I could give examples of other such plants in Ohio, Maryland, Indiana, Minnesota, Nebraska, Arkansas, and California. These plants are located in towns as small as 2,000 population. In these places, employees are sometimes drawn from a radius of 15 to 20 miles. In the past 15 years, our medium-size company has added roughly 14,000 employees in smaller communities as our business has expanded. This has meant that some 50,000 to 60,000 family members have been held in their home communities rather than forced to drift into larger places looking for jobs plus at least that number of people in the services industries dependent on money circulating from those families.

Of course, there are some obstacles to operating manufacturing plants in small cities and towns. The difficulties might be considered to be these: lack of management and executive personnel, reluctance of some company executives or their wives to take assignments in small communities, lack of trained mechanical workers, inadequate utilities, and lack of construction work forces. Of all of these, the most serious one is the possibility of inadequate utilities. It may be necessary to put in one's own water or sewage system. This is an extra cost, of course, but we have found it to be more than offset by the lower tax rates. The matter of the lack of trained people is a myth in my opinion. The men and women from farms and small towns tend to have good work habits because of their way of life and their early training. Our organization at Paris, Tex., for example, where we took a green force from scratch and trained it to handle some of the fastest metalworking machines, such as, can body makers and aluminum presses, and intricate electrical devices, such as electronic sorting machines, automatic controls and computers, developed the necessary skills in at least as short a time as is par for the course in urban centers.

Being the main industry in a town has many advantages but also I suppose has the disadvantage of being constantly in the spotlight. However, an industry that deals fairly with its neighbors and employees has lots of friends. This can be important during critical periods.

Small towns cannot compete with large centers for cultural activities—the theater, museums, concerts, lectures, etc.—but I don't think this is a critical matter. There are fast airplane services, national magazines, national newspapers, and national radio and television, but most of all, the fast and frequent means of travel permits those who live in small places to visit large cities with great ease and at low travel cost. And, I suppose, we might put forth the advantages of communing with nature as being a cultural advantage favoring the small town.

If someone should ask us whether rural places and small towns can equal the urban centers as the spawning ground for business, government, education, and scientific leaders, the record to date indicates that the answer is "Yes." For example, of the 100 presidents of the country's leading industrial firms, 23 were born in metropolitan areas, but 41 came from small towns or rural communities. Of the 100 U.S. Senators, only 13 came from metropolitan areas, while 59 came from the predominantly rural counties. For the President and his Cabinet composed of 12, only 3 came from metropolitan areas, and 5 came from rural places. Of the 20 heads of the Nation's leading colleges and universities, only 3 were born in metropolitan areas, while 12 came from small towns and farms. Of the 20 top men in the National Academy of Sciences, which includes 11 members of the Council and 9 division chairmen, 4 were born in metropolitan areas, while 9 were born in small places. This does not prove that the rural counties are better than the metropolitan areas for developing future leaders, but it does indicate pretty persuasively that there is no disadvantage to being born and brought up on a farm or in a small rural town.

I think I have certainly shown a leaning toward locating a fair share of manufacturing plants away from the big population centers at this stage in our country's development. My purpose has not been to disparage the big city, but rather to indicate the importance of avoiding further unnecessary overcrowding and additional distortions in our already mammoth centers that will result through failing to provide jobs in the rural counties for the coming millions from these rural counties who will need nonfarm jobs.

[From The State, Columbia, S.C., Sept. 24, 1965]

FARM AND FACTORY

Three cheers for W. B. Murphy and his refreshing view of rural America in an industrial age.

Mr. Murphy is president of Campbell Soup Co., one of South Carolina's latest bluechip corporate citizens. He also is a champion of a point of view which gives both credit and confidence to Americans who live on the farms in the small towns which dot the hinterland.

He harbors no hostility against big city folk. On the contrary, he probably casts a loving eye on the teeming millions who inhabit our metropolitan centers, since they constitute the greatest market for his products. But when it comes to the business of locating industrial plants, Mr. Murphy correctly sees that further industrialization of big cities will simply add to urban congestion, confusion, and complexity.

He advocates a decentralization of industry, with particular attention being paid to the placement of plants in less-populated areas. His company's decision to locate a Campbell's plant at Sumter is a case in point. His thinking and the corporation's policy serve the double-barreled purpose of reducing urbanization while stimulating economic progress in rural areas.

Just this week, Mr. Murphy voiced this concept before the Economic Club of Detroit in these words:

"If jobs are available in the metropolitan areas, the people are going to those jobs. By the same token, if jobs are available in the thousands of small towns and cities away from metropolitan areas, I think most of the people in these rural areas will not move. They will prefer to live in the circumstances in which they were raised."

That attitude is not new in South Carolina, for many textile and other firms already have built thriving factories far from the cities of our State. Their decision has been vindicated, for the productivity of these out-of-town plants has surpassed their fondest hopes in almost every instance.

Mr. Murphy himself pointed out to his Detroit listeners that the work habits of men and women from the farms and small towns make them productive employees in industry. Many a country boy (or girl) can testify that the 40-hour workweek of industry is a welcome relief from the dawn-to-dusk labor down on the farm.

Furthermore, industrial work hours make it possible for many an employee to do a little farming along with his factory work, at least to the extent of maintaining a garden and perhaps some livestock and poultry.

Mr. Murphy and Campbell's Soup are not blazing any novel trail in South Carolina, but their obvious dedication to the idea of rural industry adds stature and stability to a concept which can mean much to the entire Nation.

We naturally are interested in seeing the pattern followed in South Carolina and the South. But the larger view envisions a similar application all over America, with the inevitable result that the Nation as a whole will benefit from the strengthening of the agricultural economy and the stabilizing of the rural population.

Making good-paying jobs available within easy reach of rural folk is one answer—perhaps the best one yet—to the recurring question of slowing the rush from country into the city.

THE CHINA CLIPPER

Mr. INOUYE. Mr. President, today I wish to add my voice to those hailing the 30th anniversary of the historic flight of Pan American Airways over the Pacific Ocean to Hawaii and beyond to the Orient shores of that sea.

When the China Clipper rose from the waters of San Francisco Bay on November 22, 1935, its first destination was Hawaii—my land and now my State.

Such was the precise planning of the men who directed Pan American Airways and the men who flew those early flying boats, that the China Clipper settled on the water at Honolulu practically on the minute of her scheduled time.

Up until that flight, which was the first commercial scheduled flight to cross any of the earth's major oceans, the only airplanes that had flown the 2,400 miles that separate Hawaii from the mainland were daring stunt flights.

We all recall the Dole flights. We remember the remarkable feats of Sir Charles Kingsford-Smith, the valiant Australian. These flights were once-only, special flights with special preparations in the way of extra gas tanks and no mail or cargo.

In its way Pan American's first flight was a special flight. There were special preparations for it. Eight years of over-ocean flying experience lay behind it, from those first days in 1927 when the young Juan T. Trippe launched the first regular flights from Key West 90 miles to Havana.

In those 8 years Pan American had expanded down through Central and South America and into the Caribbean. They were years of the application of sound engineering to flying, of scientific building of aircraft capable of safe, long-range trips. They were years of developing new techniques in radio and navigation.

Ever since 1919 when the 20-year-old Juan Trippe was fresh out of the Navy air arm of World War I, this youth had thought of a day when flying would be a regular means of communication and not a thing of barnstorming pilots flying from cow pastures in Jenny biplanes.

He felt that with the American genius for planning and construction, and the American spirit for overcoming obstacles, there was no part of the world that could not in time be reached by regular and dependable air service.

This, then, is what he and his colleagues provided in the Pacific in 1935, by pioneering the air route between the mainland and Hawaii, thus starting a trend that today makes me proud of representing the 50th State of the Union.

That first flight of the China Clipper—an enormous flying machine in its day with four of the most powerful engines then developed—reached Hawaii in 20 hours. It was aptly named a "Clipper" for it carried on in the air the tradition of those Yankee clipper ships which in the days of sail were the fastest things afloat on the vast oceans of the world.

Sailing ships had yielded to steam in those days 30 years ago. Yet it took the fastest steamer almost 5 days to make the voyage from San Francisco to Honolulu. Here in one abrupt leap the time distance separating my islands and the mainland had been cut to one-sixth or less overnight.

Since that day this pioneering airline has continued to spur the design and production of yet faster airplanes. The China Clipper, which was a Martin M–130, gave way to the Boeing B–314 Clipper, larger and faster, bringing Hawaii still closer to the mainland.

During World War II this fast route to Hawaii became an aerial lifeline, with Pan American's great planes flying men and military supplies of the highest priority.

After the war, with the advent of suitable landing fields, Pan Am introduced faster land planes—the DC–4, the Constellation, and the Boeing Stratocruiser. The time was cut to 12, to 11, to 9 hours.

Then, with the 350-mile-an-hour DC–7's, to 7½ hours. In 1959 when Pan American was first to introduce jets on the run, the time was cut to the present 5 hours.

Five hours. Five hours against the 5 days of just 30 years ago. Days turned into hours. The 50th State brought next door. The meaning of this to Hawaii has been incalculable. It has brought us visitors, first in the thousands, then in the tens of thousands, and now in the hundreds of thousands per year.

Pan Am's leadership was not only in speed and safety. It has pioneered in reducing the costs of air travel. Another idea of Juan Trippe's was to help bring about the day when air travel could be brought within the range of the man of average purse. And now we are seeing that day in tourist travel to Hawaii. Secretaries can spend their vacations in the fragrance of ginger blossoms and Plumeria flowers—by the golden sands of Waikiki and in the neighbor islands of Hawaii, Maui, and Kauai.

New hotels have risen on the beaches of the neighbor islands and the jets of today bring over the visitors to fill them. Yet there are vast areas of open country, miles of vacant sandy beaches still open in our State. The potential has hardly been tapped, even with a tide of visitors now grown beyond the half million a year point.

The airplane did this, thanks to its ability to bring the cost of travel down to the level of the wage earner. In the early days of Pan Am's air service to Hawaii the one-way fare was $360 when the dollar was worth at least three times what it is today. In other words it was the equivalent of $1,000 in today's money.

Yet today the fare from the mainland to Hawaii has been brought down to just $100. The travel time reduced from 5 days to 5 hours, the fare reduced to a tenth of what it was—and all in just 30 years.

No wonder our land has burgeoned. No wonder it has joined the Union as the 50th State.

Such is the air age ushered in just 30 years ago by that historic flight of Pan American Airways.

POPE PAUL'S VISIT HAS LEFT ITS MARK

Mr. CHURCH. Mr. President, Mary McGrory, for the Washington Evening Star, writes:

> America's first papal visit began in uncertainty on both sides and ended in glowing satisfaction all around. It also helped to define the personality and purpose of Pope Paul VI better than any episode of the pontificate he assumed 3 years ago. His commitment is to the United Nations; his mission is world peace.

It was my great privilege, Mr. President, to have been present in the chamber of the General Assembly at the United Nations when Pope Paul delivered his historic message. I was struck by the fervor of his plea for peace, and by the strength of his endorsement of the United Nations. He not only called it "the last hope of concord and peace," but described it as a "bridge between peoples" helping "to hasten their economic and social progress."

Mr. President, I ask unanimous consent that the full text of Pope Paul's eloquent address at the United Nations be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TRANSLATION OF POPE'S ADDRESS AT U.N.

As we commence our address to this unique world audience, we wish to thank your Secretary General, U. Thant, for the invitation which he extended to us to visit the United Nations, on the occasion of the 20th anniversary of the foundation of this world institution for peace and for collaboration between the peoples of the entire earth.

Our thanks also to the President of the General Assembly, Mr. Amitore Fanfani, who used such kind language in our regard from the very day of his election.

We thank all of you here present for your kind welcome, and we present to each one of you our deferential and sincere salutation. In friendship you have invited us and admitted us to this meeting; and it is as a friend that we are here today.

We express to you our cordial personal homage, and we bring you that of the entire Second Vatican Ecumenical Council now meeting in Rome, and represented here by the eminent cardinals who accompany us for this purpose.

In their name and in our own, to each and every one of you, honor and greeting.

This encounter, as you all understand, marks a simple and at the same time a great moment. It is simple because you have before you a humble man; your brother; and among you all, representatives of sovereign states, the least invested, if you wish to think of him thus, with a minuscule, as it were symbolic, temporal sovereignty, only as much as is necessary to be free to exercise his spiritual mission, and to assure all those who deal with him that he is independent of every other sovereignty of this world.

But he, who now addresses you, has no temporal power, nor any ambition to compete with you. In fact, we have nothing to ask for, no question to raise; we have only a desire to express and a permission to request; namely, that of serving you insofar as we can, with disinterest, with humility and love.

FIRST DECLARATION

This is our first declaration. As you can see, it is so simple as to seem insignificant to this assembly, which always treats of most important and most difficult matters.

We said also, however, and all here today feel it, that this moment is also a great one. Great for us, great for you.

For us: you know well who we are. Whatever may be the opinion you have of the Pontiff of Rome, you know our mission.

We are the bearer of a message for all mankind. And this we are, not only in our own personal name and in the name of the great Catholic family; but also in that of those Christian brethren who share the same sentiments which we express here, particularly of those who so kindly charged us explicitly to be their spokesman here.

Like a messenger who, after a long journey, finally succeeds in delivering the letter which has been entrusted to him, so we appreciate the good fortune of this moment, however brief, which fulfills a desire nourished in the heart for nearly 20 centuries.

For, as you will remember, we are very ancient; we here represent a long history; we here celebrate the epilog of a wearying pilgrimage in search of a conversation with the entire world, ever since the command was given to us: Go and bring the good news to all peoples.

Now, you here represent all peoples, allow us to tell you that we have a message, a happy message, to deliver to each one of you and to all.

1. We might call our message a ratification, a solemn moral ratification of this lofty institution. This message comes from our historical experience.

As "an expert in humanity," we bring to this organization the suffrage of our recent predecessors, that of the entire Catholic episcopate and our own, convinced as we are that this organization represents the obligatory path of modern civilization and of world peace.

In saying this, we feel we are making our own the voice of the dead and of the living; of the dead who fell in the terrible wars of the past; of the living who survived those wars, bearing in their hearts a condemnation of those who would try to renew wars; and also of those living who rise up fresh and confident, the youth of the present generation, who legitimately dream of a better human race.

And we also make our own the voice of the poor, the disinherited, the suffering, of those who hunger and thirst for justice, for the dignity of life, for freedom, for well-being and progress. The peoples of the earth turn to the United Nations as the last hope of concord and peace; we presume to present here, with their tribute of honor and of hope, our own tribute also. That is why this moment is great for you, also.

2. We feel that you are already aware of this. Harken now to the continuation of our message. It becomes a message of good wishes for the future. The edifice which you have constructed must never fall; it must be perfected, and made equal to the needs which world history will present.

You mark a stage in the development of mankind from which retreat must never be admitted but from which it is necessary that advance be made.

To the pluralism of states, which can no longer ignore one another, you offer an extremely simple and fruitful formula of coexistence.

First of all, you recognize and distinguish the ones and the others. You do not confer existence upon states; but you qualify each single nation as fit to sit in the orderly congress of peoples.

That is, you grant recognition, of the highest ethical and juridical value, to each single sovereign national community, guaranteeing it an honored international citizenship.

A GREAT SERVICE

This in itself is a great service to the cause of humanity, namely to define clearly and to honor the national subjects of the world community, and to classify them in a juridical condition, worthy thereby of being recognized and respected by all, and from which there may derive an orderly and stable system of international life.

You give sanction to the great principle that the relations between peoples should be regulated by reason, by justice, by law, by negotiation; not by force, nor by violence, not by war, not by fear or by deceit.

Thus it must be. Allow us to congratulate you for having had the wisdom to open this hall to the younger peoples, to those states which have recently attained independence and national freedom. Their presence is the proof of the universality and magnanimity which inspire the principles of this institution.

Thus it must be. This is our praise and our good wish; and, as you can see, we do not attribute these as from outside; we derive them from inside, from the very genius of your institution.

3. Your charter goes further than this, and our message advances with it. You exist and operate to unite the nations, to bind states together.

Let us use this second formula: to bring the ones together with the others.

You are an association. You are a bridge between peoples. You are a network of relations between states. We would almost say that your chief characteristic is a reflection, as it were, in the temporal field, of what our Catholic Church aspires to be in the spiritual field: unique, and universal.

In the ideological construction of mankind, there is on the natural level nothing superior to this. Your vocation is to make brothers not only of some but of all peoples, a difficult undertaking, indeed; but this it is, your most noble undertaking. Is there anyone who does not see the necessity of coming thus progressively to the establishment of a world authority, able to act efficaciously on the juridical and political levels?

WISH REITERATED

Once more we reiterate our good wish: Advance always. We will go further, and say: strive to bring back among you any who have separated themselves, and study the right method of uniting to your pact of brotherhood, in honor and loyalty, those who do not yet share in it.

Act so that those still outside will desire and merit the confidence of all; and then be generous in granting such confidence. You have the good fortune and the honor of sitting in this assembly of peaceful community; hear us as we say: insure that the reciprocal trust which here unites you, and enables you to do good and great things, may never be undermined or betrayed.

4. The inherent logic of this wish, which might be considered to pertain to the very structure of your organization, leads us to complete it with other formulas. Thus, let no one, inasmuch as he is a member of your union, be superior to the others; never one above the other.

This is the formula of equality. We are well aware that it must be completed by the evaluation of other factors besides simple membership in this institution; but equality, too, belongs to its constitution.

You are not equal, but here you make yourselves equal.

For several among you, this may be an act of high virtue; allow us to say this to you, as the representative of a religion which accomplishes salvation through the humility of its Divine Founder. Men cannot be brothers if they are not humble.

It is pride, no matter how legitimate it may seem to be, which provokes tension and struggles for prestige, for predominance, colonialism, egoism; that is, pride disrupts brotherhood.

5. And now our message reaches its highest point, which is, at first, a negative point.

You are expecting us to utter this sentence, and we are well aware of its gravity and solemnity:

Not the ones against the others, never again, never more.

It was principally for this purpose that the organization of the United Nations arose: against war, in favor of peace.

Listen to the lucid words of the great departed John Kennedy, who proclaimed, 4 years ago: "Mankind must put an end to war, or war will put an end to mankind."

Many words are not needed to proclaim this loftiest aim of your institution. It suffices to remember that the blood of millions of men, that numberless and unheard of sufferings, useless slaughter, and frightful ruin, are the sanction of the pact which unites you, with an oath which must change the future history of the world:

WAR NEVER AGAIN

No more war, war never again. Peace, it is peace which must guide the destinies of peoples and of all mankind.

Gratitude to you, glory to you, who for 20 years have labored for peace. Gratitude and glory to you for the conflicts which you have prevented or have brought to an end. The results of your efforts in recent days in favor of peace, even if not yet proved decisive, are such as to deserve that we presuming to interpret the sentiments of the world, express to you both praise and thanks.

Gentlemen, you have performed and you continue to perform a great work: the education of mankind in the ways of peace. The U.N. is the great school where that education is imparted. And we are today in the assembly hall of that school.

Everyone taking his place here becomes a pupil and also a teacher in the art of building peace. When you leave this hall, the world looks upon you as the architects and constructors of peace.

Peace, as you know, is not built up only by means of politics, by the balance of forces and of interests. It is constructed with the mind, with ideas, with works of peace.

You labor in this great construction. But you are still at the beginnings.

Will the world ever succeed in changing that selfish and bellicose mentality which, up to now, has been interwoven into so much of its history?

It is hard to foresee; but it is easy to affirm that it is toward that new history—peaceful, truly human, history, as promised by God to men of good will, that we must resolutely march; the roads thereto are already well marked out for you; and the first is that of disarmament.

LET THE ARMS FALL

If you wish to be brothers, let the arms fall from your hands. One cannot love while holding offensive arms.

Those armaments, especially those terrible arms which modern science has given you, long before they produce victims and ruins, nourish bad feelings, create nightmares, distrust and somber resolutions; they demand enormous expenditures; they obstruct projects of union and useful collaboration; they falsify the psychology of peoples.

As long as man remains that weak, changeable and even wicked being that he often shows himself to be, defensive arms will, unfortunately, be necessary.

You, however, in your courage and valiance, are studying the ways of guaranteeing the security of international life, without having recourse to arms.

This is a most noble aim, this the peoples expect of you, this must be obtained.

Let unanimous trust in this institution grow, let its authority increase; and this aim, we believe, will be secured.

Gratitude will be expressed to you by all peoples, relieved as they will then be from the crushing expenses of armaments, and freed from the nightmare of an ever-imminent war.

We rejoice in the knowledge that many of you have considered favorably our invitation, addressed to all states in the cause of peace from Bombay, last December, to divert to the benefit of the developing countries at least a part of the savings, which could be realized by reducing armaments.

We here renew that invitation, trusting in your sentiments of humanity and generosity.

6. In so doing, we become aware that we are echoing another principle which is structural to the United Nations, which is its positive and affirmative high point; namely, that you work here not only to avert conflicts between states, but also to make them capable of working the ones for the others.

You are not satisfied with facilitating mere coexistence between nations; you take a much greater step forward, one deserving of our praise and our support—you organize the brotherly collaboration of peoples.

In this way a system of solidarity is set up, and its lofty civilized aims win the orderly and unanimous support of all the family of peoples for the common good and for the good of each individual.

This aspect of the organization of the United Nations is the most beautiful; it is its most truly human visage; it is the ideal of which mankind dreams on its pilgrimage through time; it is the world's greatest hope; it is, we presume to say, the reflection of the loving and transcendent design of God for the progress of the human family on earth—a reflection in which we see the message of the gospel which is heavenly become earthly.

Indeed, it seems to us that here we hear the echo of the voice of our predecessors, and particularly of that of Pope John XXIII, whose message of "Pacem in Terris" was so honorably and significantly received among you.

RIGHTS PROCLAIMED

You proclaim here the fundamental rights and duties of man, his dignity, his freedom—and above all his religious freedom. We feel that you thus interpret the highest sphere of human wisdom and, we might add, its sacred character. For you deal here above all with human life; and the life of man is sacred; no one may dare offend it. Respect for life, even with regard to the great problem of birth, must find here in your assembly its highest affirmation and its most reasoned defense.

You must strive to multiply bread so that it suffices for the tables of mankind, and not rather favor an artificial control of birth, which would be irrational, in order to diminish the number of guests at the banquet of life.

It does not suffice, however, to feed the hungry, it is necessary also to assure to each man a life conformed to his dignity. This too you strive to perform. We may consider this the fulfillment before our very eyes, and by your efforts, of that prophetical announcement so applicable to your institution: "They will melt down their swords into plowshares, their spears into pruning forks."

Are you not using the prodigious energies of the earth and the magnificent inventions of science, no longer as instruments of death but as tools of life for humanity's new era?

We know how intense and ever more efficacious are the efforts of the United Nations and its dependent world agencies to assist those governments who need help to hasten their economic and social progress.

We know how ardently you labor to overcome illiteracy and to spread good culture throughout the world; to give men adequate modern medical assistance; to employ in man's service the marvelous resources of science, of technique and of organization—all of this is magnificent, and merits the praise and support of all, including our own.

We, ourselves, wish to give the good example, even though the smallness of our means is inadequate to the practical and quantitative needs. We intend to intensify the development of our charitable institutions to combat world hunger and fulfill world needs. It is thus, and in no other way, that peace can be built up.

7. One more word, gentlemen, our final word: this edifice which you are constructing does not rest upon merely material and earthly foundations, for thus it would be a house built upon sand; and above all, it is based on our own consciences.

The hour has struck for our "conversion," for personal transformation, for interior renewal. We must get used to thinking of man in a new way; and in a new way also of men's life in common; with a new manner, too, of conceiving the paths of history and the destiny of the world, according to the words of St. Paul: "You must be clothed in the new self, which is created in God's image, justified and sanctified through the truth" (Ephesians iv: 23).

The hour has struck for a halt, a moment of recollection, of reflection, almost of prayer; a moment to think anew of our common origin, our history, our common destiny.

Today as never before, in our era so marked by human progress, there is need for an appeal to the moral conscience of man. For the danger comes not from progress nor from science; indeed, if properly utilized, these could rather resolve many of the grave problems which assail mankind.

No, the real danger comes from man himself, wielding evermore powerful arms, which can be employed equally well for destruction or for the loftiest conquests.

In a word, then, the edifice of modern civilization must be built upon spiritual principles which alone can not only support it but even illuminate and animate it.

We believe, as you know, that these indispensable principles of superior wisdom must be founded upon faith in God, that unknown God of whom St. Paul spoke to the Athenians in the Areopagus; unknown to them, although without realizing it, they sought Him and He was close to them, as happens also to many men of our times.

To us, in any case, and to all those who accept the ineffable revelation which Christ has given us of Him, He is the living God, the Father of all men.

REPEAL OF SO-CALLED RIGHT-TO-WORK LAWS

Mr. BASS. Mr. President, there was a considerable discussion on the floor of the Senate concerning editorials in Tennessee newspapers on the subject of repealing section 14(b). Along this same line a weekly newspaper in the oldest town in Tennessee, the Herald and Tribune of Jonesboro, printed an editorial recently which expressed in part some of the salient points I sought to make earlier on this floor.

This editorial rightly points out that the repeal of this provision would merely mark a return to the democratic principles of self-government and would relegate the advertising misnomer "right-to-work laws" to its rightful place in oblivion. I ask unanimous consent, not to read, but to insert this article in the Record and commend it to the Senate's attention.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Editorials for Right-To-Work Law Repeal

(Editor's Note.—Last week the Herald and Tribune published an editorial on the "Right-to-Work Law," which was this editor's view on this subject. However, my partner, Mr. Allen, does not agree with these views and we feel it only fair to give him the opportunity to express his opinion.)

The so-called "right-to-work" law now in force in Tennessee and possibly up for repeal in Congress is a great misnomer fostered upon the people by smooth-mouthed Madison Avenue ad men for wealthy management.

I am still old fashioned enough to believe that this country's basic freedom is the belief that the majority rules and the minority lives by these rules.

Without this fair concept, how can we govern ourselves?

If the minority has the right to work in a plant as a nonunion employee when the majority wants union representation, then why not let the minority of our Washington County farmers who did not want controlled allotments for tobacco, plant all the tobacco they want to in defiance of the wishes of the majority and still reap the benefits of the controlled higher prices on tobacco?

If the right to work is good for minorities in unions, why not let the minority of the people who do not like our civil laws, passed by the majority, go along running stop signs, killing, raping, and whatsoever they please just because they do not agree with the majority?

Since when do we think we, as civilized people, can set up two sets of standards as rules—one set for the majority and one set for the minority? Ridiculous, absurd, utter chaos.

If the majority of the workers in a plant, by supervised controlled voting, decide they want to join together in a union for collective bargaining to better their welfare and station in life, then I see no reason why the minority should not be forced to go along.

Let's repeal the Madison Avenue slogan "right-to-work laws" and allow our working people to enjoy the same rules of self-government and democracy which made our country the greatest in the world because of self-government by the majority.

PRESIDENT JOHNSON REINCARNATES ONE OF OUR OLDEST AND FINEST TRADITIONS

Mr. GRUENING. Mr. President, in his ceremony last Sunday at the Statue of Liberty, President Johnson, in signing into law the bill broadening and liberalizing our immigration and naturalization laws, reaffirmed the freedom-loving stance of the United States.

At the same time he issued a clear challenge to Castro in Cuba. Castro had made some vague utterances about permitting the many who were dissatisfied with his regime to leave.

President Johnson accepted the challenge and stated that the United States would accept those who wanted to flee the repressions of Cuba under Castro.

I commend President Johnson for the excellent manner in which he accepted Castro's challenge and join with President Johnson in reaffirming the fact that "the lesson of our times is sharp and clear in this movement of people from one land to another. Once again, it stamps the mark of failure on a regime when many of its citizens voluntarily choose to leave the land of their birth for a more hopeful home."

It was appropriate and significant that President Johnson made this announcement when he was signing the immigration bill. In thus opening the door to the victims of political persecution, he was reincarnating one of the finest and oldest of American traditions. It has been these refugees from tyranny abroad who have appreciated the meaning of America's freedom. Such as they have helped to make our country.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. Mansfield] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. Thurmond] is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent that I be allowed to speak from the desk of the able and distinguished senior Senator from Iowa [Mr. Hickenlooper].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able and distinguished senior Senator from New Hampshire [Mr. Cotton], with the understanding that I shall not lose my right to the floor, and that his remarks will appear elsewhere in the RECORD, and that upon my resumption, it will not be considered a second speech by me on this subject.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE LATE JONATHAN DANIELS, OF KEENE, N.H.

During the delivery of Mr. THURMOND's speech,

Mr. **COTTON.** Mr. President, due to the fact that it was necessary for me to be absent from the Senate last week, I was unable to speak upon a matter which to me is of pressing importance. Therefore, I ask unanimous consent that I be allowed to speak to a subject not germane to the motion pending before the Senate.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. **COTTON.** Mr. President, on the 20th day of August, Jonathan Daniels, a young man from the city of Keene, in the State of New Hampshire, was brutally murdered in Lowndes County, Ala. Comment has been made by many persons upon this incident. Comment has been made in the Senate upon this incident. Mr. President, I have purposely refrained from commenting upon it until the present time, for two reasons.

First—and this is not in criticism of any other Senator who may have commented upon it—I wanted to wait and give the courts in Lowndes County, Ala., an opportunity to act, and to find out if justice would be dispensed, before anticipating their action by making any observations on the case. My second reason for not commenting upon it was of even more importance, at least to me.

In the death of Jonathan Daniels, not only did I lose a close personal friend, one who had been associated with me in my office in the Senate; but because of my long and close association with his family, I felt as if I had lost one from my own family circle.

I did not choose, and I do not choose today, to make the remarks that I feel I must make on the floor of the Senate for political purposes or for public purposes. I feel impelled to make them because the memory of Jonathan Daniels has been blackened and assailed by perjured testimony.

As one who knew Jonathan as a boy, who knew him well and, I think I may say, intimately, I want to raise my voice to purge his memory of unjust accusations. Because of my association with him and because what I shall say is testimony from personal knowledge, it is appropriate that I should indicate to the Senate how it happened that I knew him so well.

Jonathan Daniels' grandfather, a country doctor, was the doctor in the little town of Warren, high up in the hills of New Hampshire, where I was born and spent my boyhood. Dr. George A. Weaver, one of the finest men who ever lived, was our family physician. He was the only citizen of our little village who had a college education. It was because of my admiration for Dr. Weaver that I was inspired to go to the school of which he was a graduate, and work my way through Philips Exeter Academy, at Exeter, N.H., the school about which he used to talk with me when I was a small boy.

Dr. Weaver's daughter, the mother of Jonathan Daniels, was a schoolmate of mine in the village schools at Warren, N.H. She was perhaps 3, 4, or 5 years younger than I and was in one of the lower grades when I was in the upper grades; but I knew her from the time she was a little girl in that small town. She married Dr. Philip Daniels, of the city of Keene, N.H., whom I also came to know well. Dr. Daniels was one of the highest type of selfless practicing physicians that I have ever known. He passed away a few years ago. He died as a result of wounds and injuries received in the service of his country in World War II. Such was the background of young Jonathan Daniels.

Jonathan was a shy, sensitive, refined, retiring, and extremely talented young man. He won honors in every school, college, and institution that he attended. When he was nearing his graduation from Virginia Military Institute, I had correspondence with him, having talked with him earlier, and under date of April 15, 1961, I received a letter from Jonathan. Rather than merely to insert the letter in the RECORD, I shall read it, because it gives a clear picture of the kind of boy and the kind of man Jonathan was.

The letter is dated April 15, 1961, and reads:

> VIRGINIA MILITARY INSTITUTE,
> *Lexington, Va., April 15, 1961.*
>
> Hon. NORRIS COTTON,
> *U.S. Senate, Committee on Interstate and Foreign Commerce, District of Columbia.*
>
> DEAR SENATOR COTTON: Much to my chagrin, several months have elapsed since your thoughtful letter of the 9th of February. So many thanks for your energetic and astonishing efforts in my behalf. To my own profound gratitude I add that of all the family—and what I know would have been the warm thanks of my father and my grandfather.
>
> Eventually my financial affairs for this last term of college were resolved far more simply and adequately than I could have imagined possible. The loan of the first semester, which I mentioned in my last letter, was duplicated this term, with an additional loan of $100. This completed my payments for the year. Thus it was not necessary to follow the advice of Mr. James W. Moore, whose letter you enclosed with your letter of the 9th of February. I am nevertheless grateful for his efforts, as I am for yours.
>
> I am delighted to be able to share with you more good news. Recently I learned of my appointment as a 1961 Danforth fellow. My fellowship, renewable for 3 years of graduate study leading to the doctorate, will cover tuition and living expenses at the university of my first choice—Harvard—where I was accepted for graduate work in English early in March. Among other things, it will be delightful to be in Cambridge for what has begun to seem the long-lost New England autumn. My program, at least for the time being, will include the English literature of the 17th and 19th centuries, comparative and contemporary literature, and classical and modern languages. If medicine does not ultimately claim my commitment—as well it may—I shall take a doctorate and go into college teaching, for which my fellowship is designed.
>
> Recently I talked with Wayne Miskelly, among my oldest friends in Keene, who told me of his experience last summer in Washington as a postal clerk in the Senate Building. Although it is late in the spring term, I am taking the liberty of requesting from you information on the possibility of securing a position with you for the summer. Although I recognize clearly the imposition which I submit for your consideration, I suspect that with my interests and qualifications I might be of some use to you.
>
> There is, after all, a fairly noble tradition in English history of quasi-political involvement by men of letters. Removing my tongue from my cheek, I should rejoice in an opportunity to observe organic government at work, even from a very humble point of view. I do have an ulterior motive—the need to be self-supporting while I do some course work, either day or night, in preparation for passing the language requirements of Harvard University—probably Greek, Latin, and German. If it is not possible for you, yourself, to employ me or secure my employment (I do not, of course, ask the impossible) perhaps you could suggest the agency with whom I should get in touch. In either case, I should be most thankful.
>
> In order that you may have some means of gaging my aptitudes, I submit my qualifications, scholastic honors, and principal extracurricular activities. The 11th of June I shall receive my bachelor's degree in English, I hope with honors. During my last 3 years of college I have achieved scholastic honors, consisting of an "A" average, academic stars, and regular appearance on the dean's honor list. I was fortunate this year, as you may remember, to have been selected for citation in the 1960–61 edition of "Who's Who Among Students in American Colleges and Universities." I am president of the Raymond E. Dixon English Society, editorial editor of the VMI Cadet, and a member of the Timmins Music Society, of which I was executive director last year. Until this year, when other activities forced me to resign with regret, I was an active member of the VMI Glee Club, in which I served a number of times as tenor soloist. Last summer I gained what I consider to have been invaluable experience in summer stock with the Yankee Players at the Keene Summer Theater. My sophomore year I was elected to the cadet vestry of the Robert E. Lee Memorial Church, Protestant Episcopal. To this list, for reference, may be added my appointment as a Danforth fellow and my acceptance for admission to Harvard.
>
> I hope that I am not too late in offering my services for the summer. Should it be ultimately impossible for you to assist me, I shall nevertheless be grateful for your consideration. From my point of view—I do not presume to speak for the folks at home—there will be few difficulties with respect to living in Washington. I have made tentative arrangements to take an apartment with a boy from VMI, and I shall have a car (Grandfather Daniel's 1946 Buick).
>
> Again and again, my heartiest thanks for your astonishing interest in my progress. With my thanks you have always my best wishes. I read with amusement, by the way, your comment on the principle of congressional intertia in Albrights' "Gallery Glimpses" in the Washington Post. I am sending the clipping home for family edification.
>
> Faithfully yours,
> JONATHAN MYRICK DANIELS.

Mr. President, I took the time to read that letter in full because, from that letter written to me back in 1961 emerges the clear picture that the boy who wrote it—he was only 26 when he was murdered last August—was talented, scholastic, ambitious, emotional, and idealistic, but also he was a clean, honorable, and extremely promising young man.

Shortly after receiving the letter, I noted in a New Hampshire paper that Jonathan Daniels had been chosen valedictorian of the 1962 graduating class at Virginia Military Institute. I recall that at that time I congratulated his mother on this additional accomplishment.

Mr. President, I was able to give Jonathan Daniels summer employment. He spent the summer of 1962 working in the Senate Office Building and in the Capitol Building and had a desk in my office. I came to know him in that capacity. He was all that I have stated—a brilliant and talented young man.

It is sad indeed that this boy was murdered. It was a sad day indeed for Lowndes County, Ala., and for the United States of America in the eyes of the world when the judge and the jury in an American county conducted a trial which was a mockery.

But that was not the most tragic feature. The most tragic feature was that to attempt to justify, to excuse, to completely exonerate a brutal, coldblooded murder, testimony was introduced reflecting on the character of Jonathan Daniels. The man who sat on the bench—Mr. President, I say this with cold deliberation, and no one in the Senate can accuse the senior Senator from New Hampshire of being a zealot or a fanatic on the question of civil rights—I say that the man who sat on that bench was unfit to sit as a member of the judiciary, and was a disgrace to American justice. When the prosecution requested a postponement of the trial, so that the priest, Father Morrisroe, who was severely wounded by buckshot in his side and back at the same time that Jonathan Daniels was mortally wounded, could have time to recover sufficiently and testify as an eyewitness to the incident, that judge refused the request. He stated that there already were eyewitnesses ready to testify, and forced the prosecution to trial.

The evidence was brought in—and I learned from a careful and apparently accurate account, which I shall later ask to have printed at the end of my remarks, from the National Observer, that it was a first cousin of the murderer who was brought in to testify—I do not recall whether his testimony included Father Morrisroe, that Jonathan Daniels was approaching the murderer, Coleman, with a knife in his hand.

I do not need to read the evidence. I do not need to have been in Alabama, or present at the trial. I do not need to have listened to the witnesses, to know that that was a deliberate lie, and that those were the words of a perjurer, because—and this is the reason that I am speaking today, and have dwelt at some length on my association with Jonathan Daniels—anyone who ever knew him would know that he was utterly incapable of carrying a deadly weapon, a gun or a knife, much less of threatening, approaching or attacking anybody with a weapon. From what I knew of Jonathan Daniels from my conversations with him—he was an emotional, idealistic, young man, and probably something of a pacifist—I know that the man who stood up in that Alabama court and swore before Almighty God that this boy made an attack on that older man, who incidentally was no redneck, but a special deputy, an officer of the law, and a regular employee of the highway department of the State of Alabama, was committing perjury.

Then there was some other rotten testimony. Witnesses testified, again in an attempt to justify and excuse this miscarriage of justice, that young Jonathan Daniels, just before he was shot, embraced and kissed a colored girl on the lips in front of a store, in a public place.

Mr. President, I knew Jonathan Daniels as a shy, sensitive, and retiring young man, a man of refinement, a perfect gentleman. I do not hesitate to say on the floor of the Senate today that he was utterly incapable of publicly kissing, caressing, and embracing any girl, black or white. It would be the last thing that he would do in a public place.

So I am completely convinced and sure that that, too, was prejudicial and perjured testimony designed to arouse the prejudice of the jury and to free and exonerate a coldblooded murderer.

I say frankly, Mr. President, the thing that grieves and, yes, enrages me today is not so much the murder of this young man—though that was bad enough, and should not have taken place anywhere in this land—and not so much the freeing of his murderer, shocking as it is, without any sentence whatsoever but complete exoneration. What infuriates me most is the rotten attacks, the slurs, the murk, the mud, the filth from the lips of lying witnesses against one of the cleanest, finest young men I have ever known.

Mr. President, I wish to say that I do not approve of Jonathan Daniels being in Lowndes County, Ala. I have had some bitter things to say about the man who murdered him, about the witnesses who perjured themselves, about the court, the so-called court of justice that abused its powers and its process. But I should be less than fair if I did not add that there are others who share a certain responsibility for the tragic death of this talented young man.

I do not know the attitude of the Episcopal Theological Seminary in Cambridge, Mass., or whether he was encouraged and incited to travel south on the crusade upon which he embarked. I do understand that he was excused from his classes there and allowed to take his examinations while he was in Alabama.

I know, Mr. President, that in many institutions of learning in this country, professors who are mature, middle-aged men of judgment, who stand in a certain sense in loco parentis in dealing with students, who, even though those students may be over 21 years of age, stand in a sense in the place of their parents, encourage and incite students in those institutions to go to the States in the South to demonstrate and to participate in demonstrations in the cause of civil rights and of the Negro.

Mr. President, since history began, young men and young women have had bright and shining ideals, and thank God it is so. They are emotional. They are rather easily incited to do things that appeal to them as fearless and heroic. Thinking on this point, I glanced into history for a moment and refreshed my memory about the famous Children's Crusade. I wish to read a paragraph taken from the Lincoln Library of Essential Information, a type of encyclopedia:

CHILDREN'S CRUSADE

> This tragic incident of the period of the Crusades has been the theme of sober history and of legend. The facts are established that thousands of children and youths—their numbers being estimated at from 50,000 to 90,000—inspired apparently by the crusading spirit of the times, left their homes in the year 1212 and marched in many bands toward the Mediterranean ports of embarkation for the Holy Land. The leaders in France and Germany were two peasant boys. Some of the bands were accompanied by a few older persons, who in most cases appear to have preyed upon the children rather than to have protected them. The fate of the young crusaders is obscure. Some returned sadly to their homes, but many lost their lives. Some are said to have been lost at sea; others, sold into slavery to Mohammedans.

Mr. President, I think of that Children's Crusade whenever I think of Jonathan Daniels. Sharing in a lesser degree—and I say this, though I know I shall be criticized for saying it—but sharing in a lesser degree the responsibility for the tragic and untimely death of this young man are those who are older, and should therefore be wiser and more restrained, who insist on inciting young people to leave their homes, their schools, and their colleges, and expose themselves to the bitterness and strife which is taking place in various parts of the Nation.

I wish that Jonathan Daniels had not been there. Four times, in 1957, 1960, 1964, and 1965, Congress has moved and enacted strong laws to guarantee to every American his political rights, his safety, and even to some extent his social and economic privileges.

The President of the United States—our President—has made it plain and has again and again demonstrated that he has every intention of enforcing and is dedicated to the enforcement of those laws.

The Federal courts are vested with authority to act in the enforcement of rights. Federal marshals and other Federal officers who go into places where rights are being denied, or where violence is taking place, are protected—protected by Federal statute and by the system of Federal courts, and Federal punishments, and are not subject to the injustice nor bared to the kind of assault and death that faced 26-year-old Jonathan Daniels.

I happen to believe that we do not bring good by resorting to wrong methods. I happen to believe that we do not contribute to equal rights by indulging in violence, by the breaking of laws, or by demonstrations. But that all is beside the issue today, Mr. President.

Jonathan Daniels may have been emotional. He may have been fanatical, but he had a right to live. He had a right to live anywhere in this Nation, in any

State, in any county, in any town or city in this Union. If he broke the law, he should, and was, I understand, subjected to proper rebuke and punishment; but he had a right not to be murdered. Having been murdered, it is a tragedy because it leaves a blot upon the history of our times and the glory of our country.

I wonder what the next step will be? Jonathan Daniels' murderer cannot be again tried, I assume, even though the prosecution has indicated it might attempt to indict him for murder instead of manslaughter. Jonathan Daniels' murderer can be prosecuted for the almost fatal wounding of Father Morrisroe, the young Catholic priest who was associated with Jonathan Daniels and who represented the same kind of youthful and idealistic manhood.

But, I do know that not only did Jonathan Daniels have the right to live, and not to be brutally murdered, but I also know that he had a right not to have his memory blackened and besmirched by false testimony, perjured testimony, adduced in the trial.

Mr. President, my sympathy goes out to his mother. I think of his family with whom I have been associated ever since I can remember as a small boy. I think of his character. I think of him as I knew him in my own office here in the Capitol.

What I have said today has not been said in a spirit of vindictiveness or to attack the courts of the State of Alabama, only as they have justified that attack; but my words have been mostly directed to the defense of the memory of a talented and brilliant young man; namely, Jonathan Daniels.

Mr. President, I ask unanimous consent to have printed in the RECORD, an article published in the National Observer on Monday, October 4, 1965, entitled "How Scales of Justice Balance in Hayneville."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW SCALES OF JUSTICE BALANCE IN HAYNEVILLE—THE CHARGE, MANSLAUGHTER; THE VERDICT, NOT GUILTY

(By Tom Johnson)

HAYNEVILLE, ALA.—"This is one of the strangest cases I've ever seen," Defense Attorney Vaughan Hill Robison told the jury. "The facts are not in contradiction." And most were not.

Thomas L. Coleman, 55—the man who sat at a small table in the Lowndes County courtroom here last week and listened as his lawyer spoke—was on trial for first-degree manslaughter.

Nine weeks ago, Mr. Coleman stood in the door of a country store as four civil rights demonstrators—two white clergymen and two Negro girls—approached down a narrow paved road. There were words—these are in dispute. Mr. Coleman fired once and the Reverend Jonathan Daniels, 26, an Episcopal seminarian from Keene, N.H., was mortally wounded. Mr. Coleman fired again and the Reverend Richard Morrisroe, 26, a Chicago priest, spun to the ground with a buckshot charge in his right side.

Now Mr. Coleman was on trial, and as drama the trial and acquittal were almost anticlimactic. In a sense, the trial itself had been "tried"—and condemned—by the chief legal officer of Alabama, Attorney General Richmond M. Flowers.

A CRITIC OF GOVERNOR WALLACE

Mr. Flowers took over prosecution of the case after the Lowndes County grand jury indicted Mr. Coleman on charges of first-degree manslaughter instead of first-degree murder. Since he took office—the same day Gov. George C. Wallace was sworn in—Mr. Flowers has been a persistent critic of Governor Wallace. In taking over the prosecution, Mr. Flowers said he would press for a new indictment on charges of murder.

To the court, Mr. Flowers argued for a continuance, saying the State could not proceed without the testimony of Father Morrisroe, who lay in a Chicago hospital "barely able to speak." Circuit Judge T. Werth Thagard, who holds court in Lowndes County twice a year, noted there were other eyewitnesses, and dismissed the argument.

Mr. Flowers' assistant, Joe Breck Gantt, thundered other objections—that a lack of cooperation by State officials had made it difficult to prepare a case; that the investigation of the shooting by Col. Al Lingo, head of the State troopers, was "heavily slanted" against the prosecution; that there was evidence that the State's witnesses intended to commit perjury. Mr. Gantt also said that his and Mr. Flowers' lives had been threatened.

Defense Attorney Robison challenged Mr. Gantt to name the witnesses who intended to lie. Mr. Gantt was silent. With sarcasm, Mr. Robison said his own life had been threatened, and he questioned the honesty of Mr. Flowers in asking a continuance on such "frivolous grounds."

THE EMOTIONAL CLIMATE

The next morning Mr. Gantt again requested a postponement. It was denied. Mr. Gantt now argued that the emotional climate in Lowndes County was such that a fair trial was impossible. He said the people of the county were prejudiced against his employer, Mr. Flowers, who publicly rebuked the county grand jury when it returned the manslaughter indictment.

Judge Thagard directed the trial to proceed. Mr. Gantt refused.

"Are you willing to surrender the case to the circuit solicitor?" the judge asked Mr. Gantt.

"No, sir," Mr. Gantt replied.

"You are trifling with this court," said Judge Thagard.

Ordinarily, the case would have been prosecuted by Arthur Gamble, the circuit solicitor, a post analagous to that of district attorney. But Mr. Gamble had been relieved by Mr. Flowers. Judge Thagard asked Mr. Gamble to resume the prosecution and ordered the attorney general's office out of the case. Mr. Gantt slammed his records on a table and stalked out.

With Mr. Flowers out of the case, the trial proceeded before a jury of 12 white men. The American Civil Liberties Union (ACLU) also tried to stop the trial on grounds that Negroes, who outnumber whites 4 to 1 in the county, are systematically excluded from jury service. The ACLU was turned down by both Judge Thagard and Federal Judge Richard T. Rives.

There was really but one issue at the trial: Was the shooting self-defense?

It was quickly established that on August 20 a group of civil rights workers, who had been arrested the week before for picketing at Lowndesboro, were let out of jail in Hayneville. Mr. Daniels and Father Morrisroe were in the group.

NOT SEARCHED WHEN FREED

When put in jail, Sheriff's Deputy Joe Jackson testified, the demonstrators were searched and nothing found that could not be permitted in the cells. But they were not searched, he said, when they were freed.

"Was there anything unusual that made you notice Daniels when he was let out?" a defense lawyer asked Mr. Jackson.

"Yes, he ran over and kissed that nigger girl."

"On the cheek?"

"No, on the mouth."

Many of the freed demonstrators congregated on a corner a block from the jail and a few yards from a country store known as the Cash Store.

MORE USEFUL TO THE DEFENSE

Tom Coleman, a highway department engineer and sometime special sheriff's deputy, was at the courthouse. Another law officer, Harvey Lancaster, heard him say that Leon Crocker "was down at the store and he was going too."

Mr. Crocker, retired from the U.S. Department of Agriculture, was a witness for the prosecution, but he proved to be more valuable to the defense. He was at the Cash Store, he said, when Mr. Coleman came with a 12-gage shotgun. A few moments later, Mr. Daniels, Father Morrisroe, and the two Negro girls—Miss Ruby Sales and Miss Joyce Bailey—approached.

Mr. Crocker's story: Mr. Daniels walked to the door where Mr. Coleman was standing. Mr. Coleman told him: "The store is closed for business. You can't come in." Mr. Daniels asked: "Are you threatening me?" He took a step forward and Mr. Coleman fired. Father Morrisroe moved toward the door and there was another shot.

Questioned by defense attorneys, Mr. Crocker said Mr. Daniels had a knife in his hand when he approached Mr. Coleman. Father Morrisroe was also armed, he said, with what appeared to be a chrome-plated pistol. Did he see where the weapons fell? No. Did he see anyone remove them? No, Mr. Crocker said, but several Negroes bent over Mr. Daniels and Father Morrisroe and they could have removed them.

SHE DENIED THERE WERE WEAPONS

This was the first direct mention of weapons. Miss Bailey, the next State's witness, denied there were arms. She said that as Mr. Daniels approached the door, an unknown man called out: "The store is closed. Get out. I'll blow your G-damn head off." Then he fired.

She heard someone shout: "Run, you niggers."

"Did either of the two clergymen have a weapon?" Solicitor Gamble asked her.

"No, they didn't have anything," said Miss Bailey.

Defense Attorney Robison took over. "At the time you got out, you kissed Jonathan Daniels, didn't you?"

"No, I didn't."

"Did Jonathan Daniels have anything in his hand?"

"No, he did not."

"Did Morrisroe have anything?"

"No, he didn't."

MISS SALES' VERSION OF SHOOTING

The other witnesses merely reenforced the State's contention that there were no weapons. Miss Ruby, field secretary for the Student Nonviolent Coordinating Committee, was the trial's angriest witness. "I was still on the ground when Morrisroe was running and he," she said, staring directly at Mr. Coleman, "shot him in the back."

Three witnesses for the defense told the jury just as emphatically that they saw weapons. Joe Bell Coker, a first cousin of Mr. Coleman, said Mr. Daniels had a knife and Father Morrisroe a pistol. Edward Mims, a county employee, saw two Negroes lean over the two men and put something in their pockets. Bill Bevis, a young stockyards worker, said he saw the same; Mr. Bevis added that he went over to the dazed Father Morrisroe and the clergyman said to him: "Where's the gun?"

That was the case. Joe Phelps, one of the defense attorneys, pointed to the clerical shirt worn by Mr. Daniels and told the jury: "Jonathan Daniels used this shirt to shield his sinister motives for being in Lowndes County. These were not men of God as we know them in Alabama or this community. Where can we draw the line? Where must we draw the line? We've got a right to protect ourselves."

If the jury believed there were weapons in the hands of Mr. Daniels and Father Morrisroe, or if it believed that Mr. Coleman thought they had weapons, the verdict was to be not guilty. Otherwise, the jury was to find Mr. Coleman guilty and fix his sentence at from 1 to 10 years. So Judge Thagard charged the jury.

The jury was out an hour and 30 minutes. It found Mr. Coleman not guilty.

In commenting on the outcome, Dr. Martin Luther King said the verdict made it obviously clear that Federal law against civil rights murder was needed. The ACLU asked U.S. Supreme Court Justice Hugo Black to suspend all court proceedings in Lowndes County. Of the verdict, U.S. Attorney General Nicholas Katzenbach said it's "the price you have to pay for the jury system."

Mr. COTTON. Mr. President, I thank the distinguished Senator from South Carolina [Mr. Thurmond] for yielding to me.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. Mansfield] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Illinois [Mr. Douglas], with the understanding that I shall not lose my right to the floor, that his remarks will appear elsewhere in the Record, and that my resumption will not be considered a second speech by me upon this subject.

The PRESIDING OFFICER (Mr. Proxmire in the chair). Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

The Chair recognizes the senior Senator from Illinois.

During the delivery of Mr. Thurmond's speech,

Mr. DOUGLAS. Mr. President, I thank the able Senator from South Carolina [Mr. Thurmond] for his courtesy in yielding to me, and wish to express my appreciation for his generosity.

SECTION 14(b) SHOULD BE REPEALED, AS A MAJORITY OF THE HOUSE OF REPRESENTATIVES HAS VOTED AND AS A MAJORITY OF THE SENATE BELIEVES

Undoubtedly those in the galleries are wondering why the Senator from South Carolina and I should address the Senate when virtually no one is on the floor, and when apparently we shall have no direct influence upon the nonexistent audience of Senators not present.

I should like first to assure them, however, that virtually all Senators read the Congressional Record the following morning with close attention, and that therefore the arguments which are made on the floor, though frequently almost no one listens to them, do have an effect upon the final vote. We never know how great an effect our arguments will have, but we think they have some effect.

What is more important is that the Congressional Record is widely read and widely noticed all over the country. In addition to the reporters who sit in the seats of the Sanhedrin over the Presiding Officer and who report the activities on the floor, which are thus relayed in some measure to the public at home, a large number of columnists and editors also read the Record, so that statements made on the floor are sometimes relayed to the country by other persons. It is also true that, scattered all over the country, there are some additional 40,000 readers of the Congressional Record who are, in a sense, makers of public opinion. Local editors, lawyers, citizens interested in public affairs, members of chambers of commerce, members of labor unions, educators, clergymen, and the like, read the Record, and it helps to form their opinions and their influence.

Since our country is a democracy, changes in public opinion ultimately affect the legislation which we pass here. Public opinion moves in an imperceptible and gradual fashion, but it moves, and so the discussions on the floor have an ultimate effect, even if at the moment they may not seem to do so.

Finally, there is a duty which we owe to history. The historians of the future, in studying legislation, go back to the Record and to the committee hearings, and upon the testimony in the committees and the debates and the votes on the floor they base their own record. Thus, future generations have a more vivid appreciation of history and a more accurate appreciation of the motives which influence it than they would otherwise have.

Mr. PASTORE. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. Harris in the chair). Does the Senator from Illinois yield to the Senator from Rhode Island?

Mr. DOUGLAS. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. I appreciate very much the explanation made by the Senator from Illinois. I believe it would be an excellent idea, not only for the people in the galleries at the present moment, but also for the country at large to understand what the background of this situation is. I would be grateful to the Senator, therefore, if he would kindly explain—so that it may also appear in the Record—the fact that the current debate is merely on the motion to take up House bill 77, which would repeal section 14(b) of the Taft-Hartley Act, and that this is the usual procedure adopted in the Senate by those who would prevent a vote on the bill itself. In all probability a majority of the Senate would vote to repeal section 14(b) of the Taft-Hartley Act, but dilatory tactics are being employed under the rules of the Senate to delay that vote.

A MAJORITY OF THE SENATE FAVORS REPEAL OF 14(b) BUT THE MINORITY IS ENGAGED IN PROLONGED DISCUSSION TO PREVENT A VOTE

Mr. DOUGLAS. I thank the Senator from Rhode Island. I do not wish to make an ex parte statement, but it is true that a majority of the Members of the Senate have openly declared themselves in favor of repeal of section 14(b). It is also true that some of the honest and convinced opponents of repeal feel that their best hope of defeating the measure is to prevent it from coming to a vote and that, therefore, they are taking advantage—as they have every legal right to do under the rules of the Senate—of delaying tactics, particularly at the end of this session, in order to prevent the vote from being taken.

They are trying to prolong matters on two separate and distinct questions or motions. The first is the motion to take up, or, more precisely, to take a bill from the calendar and proceed to the consideration of it. This motion, ordinarily, is granted by unanimous consent, given immediately upon the calling up of a measure by the majority leader; but, in this instance, debate is being indulged in merely on the motion to take up, so we have not yet passed the first hurdle.

The second question is on passage of the bill. Both questions are subject to separate filibusters and can be made to require separate cloture motions. So if, as, and when we pass the first hurdle, the discussion will be upon the bill itself.

Mr. President, I debated with myself for a day as to whether I should speak on this matter, since the issue before us is merely on the motion to take up. But I decided that it was important to dispel what I regard as some of the fog of misrepresentation and misunderstanding so that we might know precisely what the issue before us actually is.

Mr. President, in order to adumbrate some of my conclusions, I think that what we will see in the next few days will reenforce my long-held belief that we need to change rule XXII of Senate procedure. At present, it requires a two-thirds vote of Senators present and voting to limit debate to 1 hour thereafter per Senator. Many of us have felt for many, many years that this is an excessive requirement, and that after a long period of debate a majority of the members of the Senate should be able to limit debate thereafter to 1 hour per Senator. In other words, we believe that the majority should have the right to decide—because they are the representatives of the people—and not have their right to decide blocked by tactics intended to prevent a vote.

In the past, the so-called filibuster has been used primarily on civil rights questions, but it can be used by other minorities as well. Under the rules of the Senate, it is perfectly legal. I attach no blame to those who hold a different point of view and who are seeking to prevent a vote from occurring. But the history of the use of rule XXII indicates a weakness in the fundamental structure of the Senate. We should not forever delay acting upon the resolution which since March 9 has been the first listing on the Senate calendar and which, by the way, happens to bear my name as principal sponsor—that is, order No. 69, Senate Resolution 8, a resolution to amend rule XXII of the standing rules of the Senate relative to cloture.

Mr. President, if we do not wish to endorse the power of the majority to bring a measure to a vote after full and adequate discussion and debate, we could accept the proposal of the Senator from New Mexico [Mr. ANDERSON], which appears second on the calendar, that at least 60 percent instead of the present 67 percent should be able to bring a measure to a vote.

I thank the Senator from Rhode Island for bringing up this point.

"RIGHT TO WORK" IS A FALSE PROPAGANDA LABEL

I should like now to proceed to a discussion of section 14(b) itself and the question of its repeal.

As we all know, the bill before us would repeal section 14(b) of the Taft-Hartley Act which permits States to pass laws outlawing the union shop and, in effect, contract out of the national labor policy on labor representation and collective bargaining. At one time, no less than 24 States, or nearly half the total, had passed laws making the union shop illegal. By a stroke of public relations cleverness—almost of genius—they attached one of the most inaccurate misnomers of which I know to these laws; namely, that they were "right-to-work" acts. This is a most false label, for these laws do not give anyone the right to a job or to productive work.

In today's world, people shun using direct and clear language to describe reality. No longer do people die, they "pass away." An undertaker is a "mortician." A real estate salesman is a "realtor." Depressed areas become "redevelopment areas." Slum clearance is now called "urban renewal." Only last week, a proposed controversial bridge over the Potomac was referred to as an "automobile carrying facility." And so an antiunion law is dubbed the "right to work."

In the face of this type of propaganda, unions have had to fight hard campaigns to prevent such laws from being passed in my own State of Illinois, and in such other States as Ohio and Oklahoma.

The last State I just mentioned is the one represented in part by the distinguished Presiding Officer, the Senator from Oklahoma [Mr. HARRIS], who now graces this Chamber.

Fortunately, the State of Indiana has recently repealed its antiunion shop law as have several others. So the number is now down to 19, consisting, first of all, of 10 of the 11 Southern States of the Old Confederacy, with the exception of Louisiana; then Iowa and 4 States of the high plains west of the Missouri River, Nebraska, Kansas, South Dakota, and North Dakota; and then 4 Western and Mountain States, Arizona, Utah, Wyoming, and Nevada. I believe it should be noted that many of the so-called right-to-work acts really are antiunion shop acts, and were basically passed because of malapportioned State legislatures. This is the basic political cause why a number of States have passed and retained other antiunion laws.

REPEAL OF 14(b) DOES NOT AUTHORIZE CLOSED SHOP

And now let us try to clear the air a little and see just what is involved. Some strong proponents of repeal may say it is not necessary to argue the case and will declare that it is enough that, "We know these laws are bad. We are against them and the best way to do it is to repeal 14(b) instead of moving against them State by State. Why argue any further, let us act."

I agree that we should act and that we should do so now. I also know that it is relatively futile to argue with the hard-boiled opponents of unionism who seek at every turn to weaken and discredit the institution of unionism. It is true that these groups represent the main driving force behind the original enactment and the retention of 14(b) and of the State antiunion shop laws. Happily, I believe the number of those who are opponents has been diminishing, that in time we will come to a general consensus on the worthwhileness of unionism.

But we should also always remember that it is not only necessary for those of us who support repeal to be convinced of the righteousness of our own cause but that it is also necessary for us to convert the great body of humane yet neutral opinion in this country. These good people, while giving general approval to unionism are not fully informed about the issues and may be swept off their feet by high-powered propaganda—well-financed propaganda—which is coming from antiunion sources. To these people who may hold the balance of political and legislative power, we should also appeal, and that is what I am trying to do.

First, let us remember that a union may not enter into a collective bargaining arrangement at all against the will of an employer unless it represents a majority of the employees. If there is any real question about such representation, this can be settled by a fair and secret ballot election which is open to all employees in the unit and which is conducted by the National Labor Relations Board. Under these conditions, if an election is thus won by a union, collective bargaining is approved of as a matter of national labor policy.

Under collective bargaining it is not necessary for the employer to agree to the proposals of the union. It is only necessary that he should sit down with representatives of the union and seek, in good faith, to reach an agreement. But he is not, of course, compelled to accept the proposals of the union.

The constitutionality of such a policy and procedure has been upheld time and time again by the U.S. Supreme Court, and it has been judged to be fully constitutional.

The national law then goes on to outlaw the closed shop—about which my good friend from South Carolina [Mr. THURMOND] was speaking before he was gracious enough to yield the floor to me—under which a worker would have to be a member of a union before he can get a job. Furthermore, no hiring preference can legally be given to union members.

In other words, employers and unions are prohibited by national law from entering into agreements providing for the closed shop even though the employers might care to do so. It so happens that for 15 years, prior to World War II, I was a national chairman for the newspaper industry and arbitrated in that field and in other industries as well. I handed down several scores of decisions. I can testify, therefore, that at that time many employers in the newspaper business believed in the closed shop because it gave them a better supply of skilled and trained workmen.

I believe the support of employers in the newspaper industry for the closed shop is somewhat less today than it was at that time, but at that time many were strongly for it.

But no matter. Even if they want it, they now cannot agree to it. Nor is any State allowed to override the national act and by State action to make the closed shop legal.

Now I personally do not object to this prohibition because, as a matter of general principle, I do not believe in the closed shop, save in exceptional circumstances. For, as the Senator from South Carolina was saying, by high initiation fees, by excessive apprenticeship requirements, and by undue favoritism to friends and relations, unions could close—and some have closed—their own memberships. If the closed union then negotiated a closed shop agreement, this would be highly monopolistic and would shut the gates of employment opportunity upon outsiders and deny to them the right to an equal chance at a job. So I want to make it clear, at the very outset of this debate, that I do not want to reverse this feature of our national labor policy or give to the States the right to override this national policy.

So much for the closed shop. It is not an issue in this debate or before the country, because it is already illegal.

THE ISSUE IS: "SHALL THERE BE A RIGHT TO DECIDE?"

But where does this lead us on the union shop? First, let us all be crystal clear on the fact that under the union shop a man does not have to be a member of a union to get a job.

I submit this is very different from the closed shop. The employer is free to hire anyone he wishes, except that under the civil rights and FEPC statutes he is not supposed to discriminate on the grounds of race and color. No labor monopoly can therefore be built up or maintained. The employer controls the hiring. The only provision is that, if the employer agrees to a union shop clause in the contract, and only if he does, then workers thus hired must join a union within a stated period of time which is almost universally 60 to 30 days. But further protection is thrown around them by the law which states that union initiation fees and dues must not be "excessive," as determined by the National Labor Relations Board. Nor can they be required as a condition of continued employment to take part in any way in union activities. Finally, of course, if a majority of the employees represented by the union do not want to continue to work under such a union security agreement, they can reject it at any time in an election supervised by the NLRB. In other words, an agreement for the union shop is not perpetual; it can be revoked at any time if a majority of the workers become dissatisfied with it.

While section 8 of the Taft-Hartley Act prohibits, as a matter of national policy, a State from establishing a closed shop, section 14(b), like Pilate, washes its hands of any responsibility and permits a State to outlaw the union shop. It gives them, in effect, a hunting license to prohibit employers and employees from coming to a voluntary agreement to establish the union shop under free collective bargaining. The widest possible range of other topics can be agreed upon under such agreements without State interference, ranging from all the variety of fringe benefits, to the power of supervisors, to the amount of washroom time, coffee breaks, and even the spacing and duration of toilet time. But not union membership. If a State so decides, however malapportioned its legislature, that it wishes to take itself out of the stream of national labor policy on the union shop, it can do so. It is not too much to repeat once again that under 14(b) it is given a hunting license to weaken or break the unions if it is so decided.

Let me emphasize this point. The repeal of 14(b) would not require the establishment of compulsory unionism or a union shop by law. Let that be thoroughly understood. It would merely mean that, if a union representing a majority of the employees and an employer through a joint agreement should decide to institute a union shop, they would be allowed to do so. It would not mean that, if they do object to a union shop that they will be forced by law to establish one.

In fact, a large proportion of the existing collective bargaining agreements do not provide for the union shop.

Where the union shop is established, the minority may have to accept the judgment of the majority, fairly arrived at, but this is not a violation of the minority's civil rights. The minority will still be free to dissent and to organize opposition groups. If it can become a majority, it can then take itself out from the union shop proviso.

As Secretary Willard Wirtz, who is making an excellent record in the Department, has well stated:

> The issue underlying the question of whether 14(b) should be repealed is not, therefore, whether there is to be a right to work. It is rather whether there is to be a right to decide.

What section 8 and 14(b) do, in effect, when taken together, is to allow the antiunion forces to practice a "heads I win, tails you lose" game against labor. When unionism can be hurt by national law, section 8 does so by prohibiting the closed shop as a national policy. I repeat that I do not favor repeal of the prohibition of the closed shop. Recognizing that a national right-to-work act could not be passed even in 1947 at the time of Taft-Hartley and the postwar reaction, and that the union shop could not be prohibited as a matter of national policy, the framers of the Taft-Hartley Act proposed instead to chip away at this indirectly by giving the States free rein to outlaw them. This forced the friends of labor to fight on what were then 48, now 50, separate fronts and to do so before legislatures where the areas representing wage and salaried employees were, and, indeed, still are, grossly underrepresented.

If the closed shop is a matter for national policy, as I believe it is, so is the union shop. The Federal Government therefore should not waive jurisdiction and permit State legislatures to determine what should be national policy. I submit that this national policy should permit employers and employees to agree on a union shop, under the conditions I have outlined, if they so desire.

ANTIUNION LEGISLATION, SUCH AS PERMITTED BY 14(b), HURTS THE NATION

The first great advantage of the union shop is that it eliminates the so-called free rider; namely, the man who takes all the benefits the union can win for him in the form of wages, hours, fringe benefits, working conditions, job protection, and so forth, but who refuses to contribute to the support of the organization which does all this. Unfortunately, there are altogether too many who like to reap what they have not sown and to claim as a right what others have won for them without giving anything in return.

For let us clearly recognize that a union cannot confine the benefits it wins to its own members. The working conditions, wages and hours, which it helps establish, apply to all in the bargaining unit, nonmembers, as well as members.

Furthermore, the shop stewards must adjust grievances of the workmen, irrespective of whether those workmen are unionists or nonunionists.

So is it not only fair that all should pay for the expenses of collective bargaining from which all benefit? I believe the vast majority of Americans believe in this basic principle and that if the issue were fairly and fully presented to the people of the country, they would on this ground alone repeal the prohibitions imposed by 14(b). Of course, another vital point is the allied fact that hostile employers can use the absence of the union shop to undermine the unions and thus weaken and indeed ultimately eliminate collective bargaining. Controlling the hiring process as they do, they can concentrate on hiring workers known to be allergic to union membership and activities.

Here it should be remembered that there are frequent changes in the composition of even a constant level working force.

Some men die, others retire, still more leave and go elsewhere and new men will be continuously hired to replace those dying, retiring, and leaving the employ of the company for these reasons. The working force can then be increasingly infiltrated by antiunionists. These men will not join the union and the result, in a large percentage of cases, will be that the strength of the union will be steadily on the decrease while that of its opponents will be steadily rising.

When it comes time to renew the contract, the employer, if he is antiunion, will be in a much stronger position to break off relationships and run an antiunion shop without collective bargaining. Time, under an anti-union-shop law, will therefore not be neutral.

As a matter of fact time seldom is neutral. One of the great logical errors in the injunctive process is that it assumes time to be neutral, whereas time is on the side of the strongest battalions.

In this case it will tend to operate powerfully against the unions and the continuance of collective bargaining. Without wishing to impute bad motives to those who do not possess them, it can safely be suggested that this is the main reason why many antiunion employers and their supporters are strong advocates of State right-to-work laws and are fighting to head off the repeal of 14(b). The so-called right-to-work laws of the Southern States—and let us remember that 10 of the 11 States of the entire Confederacy have right-to-work laws—have certainly played a large part in making it extremely hard for labor to organize and bargain effectively there, and have therefore helped to keep wages and working conditions down in that area.

It is not an accident that in the 19 right-to-work States, only 13 percent of the nonagricultural workers were organized in the AFL–CIO unions in 1962 as compared with 28 percent in the other States and that the drop in membership between 1958 and 1962 was nearly twice as great in the right-to-work States as in the others. These laws are definitely an important part of the antiunion apparatus of these States and an important factor in preventing unions from gaining a strong foothold in the textile, furniture, lumbering, and chemical industries of the South while it has held back unionism in the States beyond the Mississippi and Missouri Rivers and in the Mountain States as well.

Of course, I am not maintaining that these right-to-work laws are the sole factors in holding back unionism in the South. The attitude of the local police, of the power structure of the communities and States, of the press, of the legal profession and, even of the churches has been an impeding factor to unionism in the South and to some degree, in the Mountain States as well.

But the right-to-work statutes are a part of the antiunion apparatus. They operate to hold back and help to prevent workers from joining unions of their own choice.

There have been interesting articles in the Washington Post in recent days about the struggle for unionism in the Stevens mills which I believe bear this out and deserve widespread attention.

As one who believes that unions have, on the whole, played and are playing a very constructive role, not only in labor-management relationships, but in the general life of our country, I believe that the State antiunion shop laws are bad public policy and, hence, that section 14(b) should be repealed and that such a repeal is a proper exercise of the provisions of the Federal Constitution.

Unions are not perfect institutions because they are composed of imperfect human beings, but on the whole they are useful and beneficial institutions, and I have been greatly pleased by the increasing tendency they have shown to defend the rights of all consumers and the general public, and not merely the interests of their members.

I think it is also obvious that the so-called right-to-work statutes also play a part in keeping wages lower than they would otherwise be. Testimony was introduced before the Senate Labor Committee and showed that hourly manufacturing wages in these States during the last 10 years have varied from 21 to 29 cents an hour below the national average, and that the five States with the lowest hourly earnings in the entire country are all right-to-work States; namely, North Carolina, South Carolina, Georgia, Mississippi, and Arkansas. I, of course, do not maintain that the right-to-work laws are the sole cause for these lower wages. I simply say they are contributing factors or contributing causes.

SENATE COMMITTEE BILL PROTECTS CONSCIENTIOUS OBJECTORS TO UNIONISM

There are two further objections which need to be considered. The first was very prominent at the time of House consideration of the original bill (H.R. 77); namely, the charge that it violated the moral rights of those who, on religious or ethical grounds, could not conscientiously be members of a union or contribute to its support. There are not many such genuine conscientious objectors, but there are some very sincere ones. These are notably members of religious sects, such as the Plymouth Brethren, Seventh-day Adventists, Mennonites, Amish, certain branches of the Brethren, and some other small sects. To meet the scruples of this group, language has now been inserted in the Senate version before us as follows:

> (c) Section 8(a)(3) of such act is further amended by striking the semicolon at the end thereof and adding the following: ", or (C) if he has reasonable grounds for believing (i) that such employee has been issued a certificate by the National Labor Relations Board either that he is a member of a religious sect or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, or that, even though he is not a member of such a religious sect or division thereof, he holds conscientious objections to membership in any labor organization based upon his religious training and beliefs in relation to a Supreme Being involving duties superior to those arising from any human relation, and (ii) either that such employee has timely paid, in lieu of periodic dues and initiation fees, sums equal to such dues and initiation fees to a nonreligious charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code, designated by the labor organization, or that the labor organization has failed upon request to designate such a fund or waives such payment, or (iii) that such employee has complied with alternative arrangements mutually agreed upon by such employee and such labor organization;".

This language was added so that they and others who hold such religious beliefs, even though not formally church members, are not to be compelled to join the union even if it were to win a union shop election in the manner I have indicated.

In order, however, to prevent religious grounds from being used merely to free the worker from financial payments, it is provided that in these cases the exempted worker shall have to pay the equivalent of the periodic dues and initiation fees either to a nonreligious charitable fund exempt from taxation which can either be designated by the union or jointly by the union and management or by his church, or the union can free the worker completely from payments. This seems a very happy solution, and I am very glad that it has been adjudged satisfactory by representatives of the churches involved. It should meet any legitimate criticism on this score.

I have interviewed a number of those good people, and they seem to be satisfied with this provision. It should meet any legitimate criticism on this score.

Mr. HART. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield to my good friend from Michigan.

Mr. HART. It is extremely helpful at this early stage in the debate that the able Senator from Illinois has discussed at some length this particular amendment. Many of us, long years ago, had made the determination that section 14(b) was an undesirable aspect of our law, and we had intended to support fully the effort to remove it. However, as the Senator from Illinois says, we were approached by not very many persons, but persons who voiced a concern which struck a highly responsive chord, I know, in the heart of the Senator from Illinois, and of the junior Senator from Michigan.

Mr. DOUGLAS. As a member of a small religious group which, while it does not oppose union membership, has sometimes had members who have been in dissent, let me say that this has been very close to my heart, too.

Mr. HART. This I know. I think it especially salutary that this discussion is now in the hands of the Senator from Illinois, who perhaps more than any of us can sense the concern which gave rise to visits to many of us by delegations from small groups of completely sincere Americans.

I, for one, was deeply troubled. I had made a solid commitment to support the repeal of section 14(b). I did it in the deep conviction that labor-management relations across the country would be advantaged by it, and the strength of the economy increased.

For a few days, I had reached the rather tentative conclusion that unless we could respond to the small, relatively weak persons whose moral convictions would make abhorrent the direct contributions to union dues, I might well have to back off from what I felt was a commitment of many years standing. Many of us who shared this concern owe a deep debt of gratitude to the committee for having developed the approach which the Senator from Illinois has so eloquently described. I know that he contributed materially to the development of that thought. He has been for it, and I believe the committee has, as well.

Mr. DOUGLAS. I deeply appreciate what the fine Senator from Michigan has said. I, too, believe that the committee did extremely well in adopting this provision.

It should also be recorded that in the negotiations leading to the inclusion of this clause, when we raised the matter with representatives of organized labor, I found no opposition. They were quick to recognize the importance of the point and were very willing to work out cooperative relationships.

One of the big problems in modern life is to reconcile the needs of the community for unified action and the desire to provide as much scope for individual conscience as is possible. Democratic institutions do this in the political process. It is not always possible to do it fully in military matters. But we should try to do so wherever it can be done. I am happy that this relationship has been worked out in this instance.

For the purpose of the RECORD, I should add that in certain industries which now provide for the union shop, unions and management have worked out a similar arrangement. This was true in Indiana prior to the repeal of the Indiana right-to-work statute. Perhaps that action may have furnished us with the textual model for this clause.

I thank the Senator from Michigan.

PROTECTIONS ARE RETAINED AGAINST FORCED POLITICAL CONTRIBUTIONS

A second technical objection to the union shop is the charge that some men do not want to have the dues they pay into a union used for political purposes. But this ignores the prohibitions and limitations which are already imposed by law governing such expenditures. By both the Taft-Hartley Act and the Labor-Management Relations Act of 1959, unions are prohibited from contributing to political parties or candidates for election purposes. Such money as is used for these purposes is raised instead by voluntary contributions through the Committee on Political Education—otherwise known as COPE and similar groups. If a union member does not want to give for such causes, all he needs to do is to refrain. No such contribution is compulsory and, as a matter of fact, a large majority of the members of the AFL-CIO do not contribute to COPE or to any similar group.

Unions and employers alike can spend money to register voters and to advocate or oppose specific pieces of legislation. I think it is only fair and proper that they both can do this, but I wish to stress that this right should be mutual. If it is an admitted right of employers and corporations, it should also be the right of labor and of unions. If denied to labor, it should be denied to capital.

THE INCONSISTENCIES CREATED BY THE INTEGRATED BAR LAWS

I have been somewhat amused by letters which I have received from many lawyers bitterly opposing the union ship, defending the existing section 14(b) and opposing its repeal. These men are generally—although probably not universally—in the same breath, advocates of the so-called acts to establish an "integrated bar."

What is an integrated bar? I suggest that people can get a good description of an integrated bar in a book recently published entitled "The Integrated Bar," written by David D. McKean, and published by Houghton-Mifflin.

I have been collecting information upon the integrated bar from the American Bar Association and from the Library of Congress.

State integrated-bar laws require membership in the bar association as a prerequisite to practicing before the courts of the State. The various bar associations are private institutions making their own rules and procedures. In the States which have an integrated bar, no matter how able and learned or virtuous a man may be, he cannot practice before the courts of the State unless he is a member of this private organization or guild. If expelled from the bar association, he loses his right to practice and is shut off from earning a living by the actions of a private body.

I have never heard a lawyer protest recently against these integrated bar statutes. On the contrary, it has been legal pressure which got these laws enacted in the first place and which furnishes the driving force to extend them.

Now let us call the roll of these integrated-bar States. The Library of Congress has furnished me with such a list. They are Alabama, Alaska, Arizona, Arkansas, California, Florida, Georgia, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. So counting Arkansas, which has a statewide disciplinary organization of which practicing attorneys must be contributing members—an integrated bar in effect—28 States have integrated bars—over half the States of the Nation.

(At this point, Mr. RUSSELL of South Carolina assumed the chair.)

Mr. DOUGLAS. I notice that South Carolina is well and ably represented in the Chamber at this time. The distinguished senior Senator from South Carolina yielded the floor to me so that I might make my speech. I now see in the chair the very able junior Senator, former Governor of that State, and former Assistant Secretary of State under James F. Byrnes.

I congratulate the Senators from that State, when I say that South Carolina apparently does not have an integrated bar. I therefore exempt South Carolina from my list. However, 28 States do have an integrated bar.

It is interesting that 15 of these States, namely, Alabama, Arizona, Arkansas, Florida, Georgia, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, South Dakota, Texas, Utah, Virginia, and Wyoming have integrated bars and also have so-called right-to-work statutes which prohibit unions and employers from agreeing that workers should join the recognized unions after they have been hired. Here we have the State using its powers to compel lawyers to join their professional association and, at the same time, prohibiting employers and employees from agreeing upon a similar procedure for workmen. The lawyers apparently take the position, "It's all right for me, but absolutely wrong for you."

The law is supposed to be a profession which requires logic in a high degree. But the logical and ethical inconsistencies in these situations pass human understanding.

I have heard lawyers attempt to defend these contradictions on the ground that the bar associations are alleged to be Simon pure professional bodies while unions are purely economic organizations. But this attempted definition misses the mark by a very wide margin. By its large degree of control over entrance and expulsion, the bar can largely control the number of practitioners and, hence, indirectly their incomes and their behavior. In their conversations with each other, it is possible for them to work out common policies on fees and their attitudes toward gratuitous legal services to the poor, such as we are now experiencing in the District of Columbia. We may well remember the remark of Adam Smith when he said that "gentlemen of the same trade meet together either for merriment or diversion but that the meeting results in some conspiracy to raise prices." Is human nature much different from what it was two centuries ago?

Are lawyers exempt from this? I do not believe that any fair-minded lawyer, if put on the stand under oath, and compelled to answer, could deny that these and other matters of an economic nature, are considered and formally or informally acted upon by members. The codes of conduct are moreover often of an economic as well as of an ethical character.

Unions, on the other hand, perform some of the functions of the old guilds and of the modern professional organizations. They set standards of competency and help enforce them. They often contribute money individually and organizationally for charitable purposes.

Notice, moreover, that the "integrated bar" statutes are compulsory membership laws imposed throughout a jurisdiction by the coercive powers of the State. The union shop agreements, on the other hand, are not imposed by the State upon industry but are voluntary agreements entered into by labor and management. Moreover, the integrated bar provides not only for a union shop but also, in effect, for a closed shop.

The repeal of 14(b) would therefore give only permissive power to the interested parties to agree on such an arrangement whereas the much touted proposals for an integrated bar, dear to the hearts of so many lawyers, are both mandatory and statewide in character.

THERE SHOULD BE A NATIONAL POLICY PERMITTING EMPLOYERS AND EMPLOYEES TO AGREE ON A UNION SHOP

Hitherto I have been arguing on the basis of principle as to why we should repeal 14(b). And this should be the primary consideration. But we also need to consider the effects of the so-called right-to-work laws upon wages and employment in the 31 States which do not have such laws—of which my State of Illinois is one—and in which the union shop is not illegal.

Frequently I have heard of plants in Illinois which have picked up and moved to some southern right-to-work State because wages are lower there than they are with us. The employer also feels protected against the unionization of his employees not only because of the opposition to unionism on the part of the police, the chambers of commerce, and the local power structures, but also because of the right-to-work laws. This factor also helps to swing new plants in certain industries away from the non-right-to-work States to those which have such laws.

Without wishing to make the South a whipping boy in any respect, this is particularly the case in the 10 Southern States, but I believe it is also one factor, for example, in the movement of meat packing west of the Mississippi and into the high plains.

Moreover, the products of the right to work States with their generally lower scales and less liberal social legislation—and this was fully documented in the Senate hearings—inevitably enter into competition with those from the other States and depress wages and working conditions there. The truth is that, in a national market, where products produced in a given place are sold over the country as a whole, and enter into competition with products from other States, a State cannot live by itself. If it permits and encourages antiunionism, the evil results are not confined within its borders but are spread elsewhere. Modern communications, the steamboat, the railroad, the airplane, the tractor-trailer and superhighways have largely eliminated State boundaries as economic factors. We have a national economic market, and we cannot adequately set minimum standards for that national market State by State, because in so doing, we will always put the advanced States at a competitive disadvantage compared with those States which have lower standards.

That is why we need a national labor policy, and not one which grants to a few States the power to pull down conditions elsewhere. That is why the Wagner Act was passed in 1935. That is why the Social Security Act was passed in that same year. That is why, in 1939, we abolished child labor and established the basic 40-hour week, and why we provided for a national minimum wage. Those facts were fully realized in the thirties, the men who then sat in our seats by overwhelming majorities approved them, and the country, under the stress of a great depression, understood what was involved and acted.

Thirty years have now passed. People give general support to the institution of unionism, but a large body of opinion would at the same time give to the States "hunting licenses" to make unionization difficult if not impossible, and by so doing, to create pockets of low wages and long hours which undermine labor standards for the whole of the Nation.

Therefore, Mr. President, I believe that we should not make an exception in the case of the union shop, and that we should repeal 14(b).

Mr. President, that concludes my formal speech. I leave the issue to my colleagues and to the country; and now I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, if it is within the allowable procedure at this time, could I have 1 minute to comment?

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senator from Illinois be permitted to yield to the Senator from West Virginia for a question, if that is his purpose.

Mr. RANDOLPH. I thank the Senator.

Mr. THURMOND. Without losing my right to the floor, and with the understanding that when I resume, it will not be considered a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. I thank both the Senator from South Carolina and the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am most interested in the pertinent comment of the Senator from Illinois. I refer to his discussion of the earlier acts which came in the thirties, which have meant much, not only to labor, but to business as well. This is true because there has come about a partnership between management and labor through acts like the fair labor standards legislation.

I remember very vell when the opponents of the Fair Labor Standards Act came before the Labor Committee of the House of Representatives, of which I was then a member. Those persons maintained, in effect, that if such legislation became law, it would ruin the business structure of America.

History shows that those fears have not been realized. Unfortunately, the same type of opposition confronted other measures which were enacted into law during the administration of Franklin D. Roosevelt. I compliment the senior Senator from Illinois not only for pointing out the basic issue with which we are now faced, but for his very proper references to the pioneering which has given to America a basis, not for misunderstanding, but for understanding. Business and industry, I repeat, profited by the enactment of the legislation which some segments of business and industry opposed in the thirties.

Mr. DOUGLAS. I thank the Senator from West Virginia very much, and I again express my appreciation to the Senator from South Carolina for yielding the floor. I hope I have given him a little rest, so that he may pursue his arguments with even greater strength than otherwise. I understand that my remarks will be printed before or at the conclusion of his.

Mr. THURMOND. Mr. President, I need no rest. I was happy to accommodate the senior Senator from Illinois, however. I am always glad to accommodate him, even though I frequently disagree with him.

Mr. DOUGLAS. Had the Senator needed the rest, I would gladly have given it to him. I deeply appreciate his kindness to me.

During the delivery of Mr. THURMOND's speech,

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the Senator from Michigan [Mr. HART] without losing my right to the floor, that his remarks will appear elsewhere in the RECORD, and that upon my resumption it will not be considered a second speech by me on the same legislative day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT OF SECURITIES ACT OF 1933

Mr. HART. Mr. President, I ask that the Chair lay before the Senate a bill coming over from the House, H.R. 7169.

The PRESIDING OFFICER laid before the Senate H.R. 7169, an act to amend the Securities Act of 1933 with respect to certain registration fees, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HART. Mr. President, H.R. 7169 is identical with S. 1707, a bill to amend 6(b) of the Securities Act of 1933, which passed the Senate yesterday.

I move the adoption of H.R. 7169.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to; and the bill (H.R. 7169) was ordered to a third reading, read the third time, and passed.

Mr. HART. Mr. President, I ask unanimous consent that the action of the Senate yesterday in passing S. 1707 be reconsidered and that S. 1707 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the vote by which the bill (S. 1707) passed will be reconsidered and S. 1707 will be indefinitely postponed.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

During the delivery of Mr. THURMOND's speech,

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield to me without losing any of his rights, with the understanding that on his resumption, his speech not be counted as a second speech, and without his rights being in any way considered abridged?

Mr. THURMOND. I yield to the majority leader with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the prayer and the disposition of the Journal on Friday, the time thereafter be equally divided between the minority and majority leaders prior to a vote at 1 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL of Georgia. Mr. President, I did not understand the unanimous-consent request. Is the Senator still proposing to vote by 1 o'clock on Friday?

Mr. MANSFIELD. Yes; and, furthermore, that the time consumed in that period is not to be considered as a second speech on the pending business, whatever the pending business really is.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That the Senate proceed to vote on the motion to lay on the table (to be made by the Senator from Montana [Mr. MANSFIELD]), the motion to proceed to the consideration of H.R. 77, an act to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended, at 1 o'clock p.m. on Friday, October 8, and that the time for debate on the motion following the prayer and approval of the Journal be equally divided and controlled respectively by the majority and minority leaders.

Ordered further, That speeches made before 1 o'clock p.m. on that day not be counted as a speech on the pending question.

During the delivery of Mr. THURMOND's speech,

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able, distinguished, and pretty Senator from Maine [Mrs. SMITH] without losing my right to the floor, with the understanding that her remarks will appear elsewhere in the RECORD; and that upon my resumption it will not be considered a second speech on this subject on the same legislative day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE DOMINICAN REPUBLIC CRISIS—RIGHT OF SENATORS TO EXPRESS THEIR OPINIONS

Mrs. SMITH. Mr. President, I want to thank the distinguished Senator, my good friend from South Carolina, for his eloquent words.

Mr. President, recently the distinguished chairman of the Committee on Foreign Relations, the able junior Senator from Arkansas, made some observations in this Chamber critical of the intervention of the United States in the Dominican Republic crisis. For making this criticism, he was, in turn, severely criticized by many others. That criticism was not limited to disagreement with him on the views he expressed. Instead it criticized him for even expressing his dissent.

I very decidedly disagree with his criticism of the action of President Johnson on the Dominican Republic crisis. I think the President acted courageously, wisely—and prudently. I think that for his action, we can thank Lyndon Johnson that there is not a second Castro in the Western Hemisphere and that the Dominican Republic is not today a sister Communist nation to Communist Cuba. I believe that Americans overwhelmingly feel this way and disagree with the junior Senator from Arkansas.

But I not only defend the right of the junior Senator from Arkansas to express his deeply felt views and his sharp dissent. I admire him for speaking his mind and his conscience. I admire him for the courage to run counter to conformity and the overwhelming majority. God forbid that the U.S. Senate ever become so shackled by conformity or so dominated by a tyranny of the majority that any Senator has to become a mental mute with his voice silenced for fear of being castigated for expressing convictions that do not conform with the overwhelming majority.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able and distinguished senior Senator from Mississippi [Mr. EASTLAND], with the understanding that I shall not lose my right to the floor, that his remarks will appear elsewhere in the RECORD, and upon my resumption, it will not be considered a second speech by me on this subject.

Mr. LONG of Louisiana. Mr. President, reserving the right to object, for how long a period of time does the Senator from Mississippi wish to speak?

Mr. EASTLAND. A few minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

During the delivery of Mr. THURMOND's speech,

Mr. EASTLAND. Mr. President, I am opposed to the repeal of section 14(b) of the National Labor Relations Act, as amended. Since 1947 this provision that was adopted in the Taft-Hartley Act has been a Magna Carta of freedom of choice on the part of the States and individuals in regard to union activities. It expresses a constitutional principle of rights that are reserved to the States and to the individual citizens. Even though only 19 States have now enacted right-to-work statutes or provisions in State constitutions, the repeal of section 14(b) would involve rights that are now inherent in all 50 States of the Union.

Compulsory unionism is wrong, not only from a moral standpoint, but also from a constitutional and legal standpoint. I believe the figures are correct that of some 70 million workers in the United States, only 17 or 18 million actually belong to labor unions. The 17 or 18 million who belong to the unions, for the most part, are compelled against their will to follow the direction and dictates of a handful of labor leaders, who are fast becoming potent and powerful political bosses, due to the fact that they hold the balance of economic life and death over the members of the union; and if the Federal Government makes it possible to compel every individual working for an employer that is unionized to join that union, this power over employment and the economic life of the individual workingman will become absolute.

What was said in the conference report adopting section 14(b) is just as true today as it was the day it was written. The report says:

> Under the House bill there was included a new section 13 of the National Labor Relations Act, to assure that nothing in the act was to be construed as authorizing any closed shop, union shop, maintenance of membership, or other form of compulsory unionism agreement in any State where the execution of such agreement would be contrary to State law. Many States have enacted laws or adopted constitutional provisions to make all forms of compulsory unionism in those States illegal. It was never the intention of the National Labor Relations Act, as is disclosed by the legislative history of that act, to preempt the field in this regard so as to deprive the States of their powers to prevent compulsory unionism. Neither the so-called closed shop proviso in section 8(3) of the existing act nor the union shop and maintenance of membership proviso in section 8(a)(3) of the conference agreement could be said to authorize arrangements of this sort in States where such arrangements were contrary to the State policy. To make certain that there should be no question about this, section 13 was included in the House bill. The conference agreement, in section 14(b), contains a provision having the same effect.

Mr. President, if the present Congress takes positive action by repeal of section 14(b), it will be a premeditated and deliberate attempt to preempt the field in this regard so as to deprive the States of their powers to prevent compulsory unionism. If this demand of union labor leaders is met, it will constitute a new variety of "yellow dog" contract, and the full circle will have been encompassed. From an original situation whereby an employer prohibited any member of a union from working in his business, now the employer is prohibited, in turn, from hiring any individual to work for him who does not belong to a union. From the standpoint of the individual, compulsory unionism is not more nor no less than another form of slavery—economic slavery of the worst kind, and one that has a profound effect not only upon the individual himself, but upon the welfare of his wife and family and those that are dependent upon him.

In considering legislation such as this which is now proposed, it is almost impossible to get an expression of opinion from those who are most closely involved in the issue. Who speaks for the 53-odd million workers in America who are not organized into and do not belong to unions? Who speaks for those in unions who believe in unions but are not satisfied with the manner in which their own union is operated, but who are helpless to raise their voices or to take action, due to the plenary power of the union leaders in punishing those who step out of line? Who speaks for those who are now in the unions and do not believe in unions, but cannot express themselves? If the united action of all the powers in organized labor have been able to achieve a membership of 17 or 18 million out of a total labor force of 70 million workers, it is obvious on its face that there are many in the working force who, for reasons of their own, do not care to belong to unions, and yet we all agree that voluntary union for the purpose of collective bargaining is an agency of good for both the workingman and the employer. The sound economic welfare of this country requires that the Federal Government keep it this way and leave it to the individual States to decide for themselves whether or not they desire to establish a union shop or closed shop within a given space.

Mr. President, the specious argument is made that requiring a worker to contribute dues and assessments to a union is not tantamount to requiring him to join the union itself. Literally millions of union members do nothing insofar as the union is concerned but pay the dues that are checked off. It is the money that makes the union powerful, and it is the money that is sought to be exacted by the union leaders through the abolition of right-to-work laws; and regardless of the decision in the Street case, until many more court decisions of a clarifying and complementary nature are rendered, the money is going to be used for political purposes and a wide variety of other purposes that could be inimical to the desires, wishes, principles, and beliefs of the individual who is forced to contribute this money to the union against his will. Compulsory collection of dues and assessments is absolutely equal to compulsory membership in a union, and whether he likes it or not, the person who contributes this money would be a fool not to exercise whatever prerogatives he might get in return for the money.

It was former Supreme Court Justice Cardozo who said:

> There is no freedom without choice. The mind is in chains when it is without the opportunity of choice.

In the origin and development of the labor movement itself, both Mr. Gompers and other labor leaders recognized that voluntarism was the glory of the union movement. Compulsory unionism as proposed by the repeal of section 14(b) is a form of class legislation of the grossest kind. It confers special privileges on the bosses of labor over the working man himself. Gompers' actual words in regard to compulsory unionism—and he was a great man and a great patriot—were:

> No lasting gain can come from compulsion. If we seek to force, we but tear apart that which united is invincible. * * * I want to say to you, men and women of the American labor movement, do not reject the cornerstone upon which labor structure has been built, but base your all upon voluntary principles.

George Harrison, president of the Railway Clerks and a chief spokesman for the railway unions, when they asked for repeal of the Railway Labor Act right-to-work provision, made clear in testimony he gave before a committee in the 81st Congress as to exactly how union leaders intended to use the power given to them by compulsory unionism:

> Many times you are forced to handle insignificant violations of your contract because a bunch of your members tell you they are going to quit paying dues if you do not.
>
> * * * * *
>
> Senator DONNELL. The union shop is one of the ultimate purposes of this bill, S. 3295. That is correct; is it not?
>
> Mr. HARRISON. Yes.
>
> Senator DONNELL. And in the absence of that—that is, in the absence of the disciplinary power which the union shop would give—you say the union is handicapped?
>
> Mr. HARRISON. Yes.
>
> Senator DONNELL. So, you want to have disciplinary power over these, at least 280,000 or 350,000 people, whatever that figure may be, who are not now members of the union. That is correct; is it not?
>
> Mr. HARRISON. Not only over those people, but over all of our members.
>
> Senator DONNELL. In other words, you want to have disciplinary power over your present membership which you already have?
>
> Mr. HARRISON. But not able to exercise because of the voluntary character of the membership.
>
> Senator DONNELL. You feel you should have disciplinary power over all of them?
>
> Mr. HARRISON. Yes.
>
> Senator DONNELL. Let me ask you this: Disciplinary power means the power to discipline, does it not?
>
> Mr. HARRISON. Yes.
>
> Senator DONNELL. You want it to be applicable not only to the present members but you want it applicable to that number that we will say roughly is 300,000 persons, in addition to the disciplinary power that you have now.
>
> Mr. HARRISON. That is right, but we want it over every person subject to the contract.

Congress did pass the repeal of the right-to-work provision in the Railway Labor Act, and it is interesting to note that after this repeal dues were increased, service to members fell off, and the wishes of the rank-and-file workers were ignored to a greater and greater degree.

The late U.S. Supreme Court Justice Louis D. Brandeis, who was as good a friend as unions and the laboring man ever had, on the question of voluntarism, had this to say:

> The union attains success when it reaches the ideal condition, and the ideal condition for a union is to be strong and stable and yet to have in the trade outside its own ranks an appreciable number of men who are nonunionist. Such a nucleus of unorganized labor will check oppression by the union as the union checks oppression by the employer.

And in 1962, our present Ambassador to the United Nations, former Supreme Court Justice, and most eminent labor lawyer, said this:

> In your own organization you have to win acceptance not by an automatic device which brings a new employee into your organization, but you have to win acceptance by your own conduct, your own action, your own wisdom, your own responsibility, and your own achievements. * * * from my experience representing the trade union movement this is not a handicap. * * * This is a great advantage * * * you have an opportunity to bring into your organization people who come in because they want to come.

Justice Black said, in an opinion rendered in 1961:

> There can be no doubt that the federally sanctioned union shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds so received in efforts to thwart the political, economic, and ideological hopes of those whose money has been forced from them under authority of law.

Justice Douglas said:

> If the dues are used, or assessments are made, to promote or oppose birth control, to repeal or increase the taxes on cosmetics, to promote or oppose the admission of Red China into the United Nations, and the like, then the group compels an individual to support with his money causes beyond what gave rise to the need for group action.
>
> I think the same must be said when union dues or assessments used to elect a Governor, a Congressman, a Senator, or a President. It may be said that the election of a Franklin D. Roosevelt rather than a Calvin Coolidge might be the best possible way to serve the cause of collective bargaining. But even such a selective use of union funds for political purposes subordinates the individual's first amendment rights to the views of the majority.
>
> I do not see how that can be done even though the objector regains his rights to campaign, to speak, to vote as he chooses. For when union funds are used for that purpose, the individual is required to finance political projects against which he may be in rebellion.

At a later point I am going to have much more to say about this matter of union dues being used for political purposes, but here a much wider area is being covered by these two justices in their discussion of the matter than in the narrow area of political contributions alone.

Expressions of the Nation's press are more or less uniform as being opposed to the repeal of section 14(b). Here are a few samples:

The New York Times, May 26, 1965:

> It is strange to find Mr. Wirtz treating this as a matter indistinguishable in essence from wages, hours, plant safety, or other staples of collective bargaining. * * *
>
> But it is a callous oversimplification to suggest that no element of individual liberty is at stake and that the paramount right in the equation is that of management and labor to make whatever disposition of the workers they "deem mutually satisfactory."

New York Herald Tribune, May 19, 1965:

> The chief losers if 14(b) is repealed are relatively few in number, and have little political muscle; they're the workers who want the right, if they don't like a particular union, or its leaders, or its policies, or if they simply cherish their independence, not to join. It's extraordinary that a nation so dedicated to liberty should want to take away that right; and that compulsory unionism should become a rallying cry of people calling themselves liberals.

Annapolis, Md., Capital, April 9, 1965:

> Compulsory unionism would be a paralyzing blow against the liberties we all hold so necessary to keep America strong.

Pontiac, Mich., Press, March 31, 1965:

> To make 14(b) seem, in any way, an antilabor measure requires some massive twisting of plain language. It simply says that each worker * * * will have the right to join or not to join a union as he chooses, and in either case he can keep his job * * * If that is not basic freedom, what is?

Detroit Free Press, January 23, 1965:

> Where the right-to-work law does not exist, there isn't even maintenance of the separate but equal fiction. Its absence is nothing more than legislative acquiescence to racial discrimination in union charters—for all that legislators may have to say about their hearts going out to the Negro and their desire to make him in every way a first-class citizen.

Trenton, N.J., Trentonian, May 25, 1965:

> Freedom of belief * * * is what the fight over 14(b) is all about. One simple, basic right that belongs to all Americans. And that's why be believe—with due apologies to Congressman THOMPSON, who violently disagrees with us—that 14(b) should not be repealed. * * *
>
> The basic issue that revolves around 14(b) is one of human rights. That's what makes it so surprising that dedicated liberals such as our own FRANK THOMPSON, who have fought so long and so valiantly for the rights of all people, should now be eager to junk one particular right.

Akron, Ohio, Beacon Journal, February 21, 1965:

> Union leaders have long assailed Taft-Hartley as a slave labor law. * * * actually, there is no experience which supports the slave labor claim, as anyone can determine by reading the strike news. The case against 14(b) is similarly exaggerated.

I have a more recent editorial from the Akron Beacon Journal from which I should like to quote. On May 19, the Akron Beacon Journal editorialized and concluded with this statement:

> We believe that States which see fit to enact such laws should have the privilege of doing so without being overruled by the Federal Government.

Port Huron, Mich., Times Herald, February 10, 1965:

> Why should the Federal Government tell any State whether it should or should not require workers to be members of unions?

Hagerstown, Md., Herald, January 27, 1965:

> Fourteen (b) injures no one. Its repeal would benefit only labor union officials. It is the only guarantee against captive union membership. It had best be kept.

Columbus, Ohio, Dispatch, January 10, 1965:

> In the balance hangs the workers' own survival and that of their own families. Human bondage has no place in the United States.

San Francisco Examiner, May 20, 1965:

> We have found ourselves in agreement with most things L.B.J. has done. We feel that in most matters we think as the President does. Our thinking usually being alike, we have often concurred with his views * * *.
>
> But we think he is wrong in urging abolition of laws which give a worker the right to belong or not to belong to a union, and urge him to reconsider his request to Congress.

This might be an appropriate point, Mr. President, to read into the RECORD a statement by our present President, made as late as 1960 when he was seeking reelection to the Senate, in support of the Texas right-to-work law. He said:

> We restate our belief in the free enterprise system which holds the true key to growth and prosperity, and support adequate financing of the Texas Industrial Commission and the tourist program of the State highway department. Necessary to this development are the preservation of good labor relations, the right-to-work law, improvements in industrial and occupational safety, and strict enforcement of our antitrust laws.

If it was good for Texas in 1960, why should it not be good for Texas and the other 49 States to have this freedom to choose or not to choose right-to-work laws in 1965?

The President also said, in his message to Congress on May 18, 1965:

> The last 30 years have been unprecedented economic development in this country and unparalleled improvement in the general standard of living of the workingmen and women of America.
>
> Most of this has been accomplished privately. These are the fruits of free enterprise.
>
> This process of economic and human growth has been helped by wise legislative enactment, much of it beginning in the decade of the 1930's.

It is difficult to justify that language with his recommendation to repeal section 14(b) of the Taft-Hartley Act, because the unparalleled and unprecedented economic development about which he spoke was, by and large, achieved in an atmosphere where there was freedom of choice on the part of the States to have or not to have a policy in regard to right-to-work laws; and when we stifle the freedom of choice, we stifle the potential for economic development. As one witness cogently put it:

> The fundamental question is whether the Federal Government is going to allow the States to protect individual freedom of choice in the labor field or not. Shall a State be permitted to say to its citizens "you cannot be forced to pay tribute to any private organization in order to hold a job"?

It is unthinkable that under our Bill of Rights the courts of this country would ever require, from a Federal standpoint, that this issue be resolved in favor of compelling an individual to pay tribute against his will and become a member of a private organization he does not choose to join in order to earn a living.

Only last year the Opinion Research Corp., of Princeton, N.J., conducted a poll in which 67 percent of those polled replied that they felt a man should be able to hold a job without regard to whether he does or does not belong to a union.

It is interesting to note that almost every nation in the free world proscribes compulsory unionism. In Europe those nations which do not permit compulsory unionism are Belgium, Denmark, France, Holland, Norway, Sweden, Switzerland, Austria, and Western Germany. These are the countries that are today the most highly industrialized of all in Europe and the ones which are annually increasing their gross national production to a point almost equal to or greater than that of the United States.

As a matter of conscience, it is incredible that this country would exempt a man from combat duty because of his religious convictions in time of war, when our Nation is in the greatest and gravest of peril, and yet require one to join a labor union in peacetime in order to work and support himself and his family, when he is absolutely opposed to joining a union on the basis of deep-seated religious convictions.

Much of the labor law that now appears on the statute books has been put there by legislators who believed that it was justified on the theory that unions are voluntary associations. Now American labor leaders, after winning the concessions on one basis, are trying to tell Congress that it must now turn around and preempt from all the States the power to say whether there shall or shall not be a union shop or a closed shop. The truth is that unions that are honestly run and serve the best interests of their members do not need compulsory unionism to keep them going. A union is neither worthy nor worthwhile when its existence depends upon forcing workers to join under threats of losing their jobs. One of the most incredible elements in the whole movement to repeal section 14(b) is the fact that the very liberals who talk the loudest and longest about civil rights are now bent on destroying the freedom of an individual to choose what organization or association he shall or shall not join and what conditions he must meet to earn the bread for himself and his family. Freedom rests on choice, and where choice is denied freedom is destroyed.

Mr. President, if the proponents of this bill require us to speak at great length and in detail, either this year or the next, it will be a privilege for me to participate to the fullest degree in this debate. In the remarks that I have made today, I have not alluded to the voluminous mass of material that appears in the hearings and files of the Senate Internal Security Subcommittee regarding communistic influences in unions. The past, present, and future attempts of the Communist conspiracy to infiltrate and control unions in this country is as strong an argument as can possibly be advanced against compulsory unionism. I intend to develop this subject to the fullest.

I thank my distinguished friend the senior Sentor from South Carolina [Mr. THURMOND] for his courtesies.

Mr. President, I ask unanimous consent that this be counted as one speech on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able and distinguished Senator from Iowa [Mr. MILLER], with the understanding that I shall not lose my right to the floor, that his remarks will appear elsewhere in the RECORD, and upon my resumption, it will not be considered a second speech by me on this subject.

STANDARDS FOR FOOD

During the delivery of Mr. THURMOND's speech,

Mr. MILLER. Mr. President, a little noticed but highly important organization is the Codex Alimentarius Commission, established in 1962 under the auspices of the United Nations Food and Agricultural Organization and the World Health Organization for the purpose of devising an international set of standards for food. There are now 45 of the some 100 eligible nations participating in drawing up this code.

The work of the Commission is highly important—not only as a means of improving the quality of food for consumers but also as a means of discouraging arbitrary standards as barriers against imports of food products, including imports of U.S. food products.

Although these standards will not, in the absence of bilateral or multilateral agreements, have legal status when they are adopted by the Commission, they will have considerable weight of much of the international scientific community behind them, and they can be expected to exercise a strong influence on the form of national food laws around the world and in discouraging their use as nontariff trade barriers.

In today's Wall Street Journal there is an excellent article by Mr. Ted Stanton entitled "Standards for Food," which discusses the work of the Commission. He points out that the Commission is directing its attention to all kinds of standards, not only those relating to the quality of types of food products, but to labeling, methods of analysis, food additives, food hygiene, sampling, and pesticide residues.

He also points out that because of the method followed by the United States in its financial participation in United Nations activities, additional money was not available to sponsor a U.S. delegation to the meetings of the Commission until next year, and that several private companies contributed some $75,000 to finance participation of a delegation during the last 3 years. I believe these companies, unnamed in the article, are due the highest of praise for their contributions; but I am surprised that our Federal Government has not somehow worked out the proper financing of this delegation heretofore. Surely it merits our own Government's strongest support.

I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STANDARDS FOR FOOD: A UNIFORM WORLD CODE IS NEARER DESPITE SOME DISPUTES

(By Ted Stanton)

French and United States delegates square off this week in Paris over an issue little publicized but with potentially broad significance to consumers around the world and the industries that feed them.

In dispute is the scope, and thus to some extent the future, of the Codex Alimentarius (rough translation: food code), the most wide ranging effort yet attempted to bring some uniformity to the tangled food regulations of the world. The French position is clear: Limit the work of the Codex primarily to food standards that do no more than protect consumers' health. The United States is equally firm. Besides insuring that food is wholesome, says Nathan Koenig, Agriculture Department official heading the U.S. delegation to the Codex Commission, "the Codex must also facilitate international trade and help establish a common language for buyers and sellers. We've got to try to give the world's consumers some recognized basis for judging value." And it is vital, he adds, to bring it all together in one accepted body of standards.

If the question of scope isn't resolved in this week's meeting of the committee on principles, the matter will go before the full Codex Alimentarius Commission, which will hold its third annual session October 19–29 in Rome. Even then, accord is far from assured.

However, with or without it, agreement is likely soon, after 3 years of effort, on the first provisional international food standards of the Codex. Though proposals covering sweeteners will be the only ones this year to reach the next-to-final step of provisional status—lacking only one final review by all member nations—lengthy negotiations in a variety of fields have cleared away many obstacles to agreement. And several potential hurdles—so-called nontariff barriers—to future U.S. exports have been deftly turned aside.

The Codex Alimentarius Commission was launched in 1962 under auspices of the United Nations Food and Agriculture Organization (FAO) and World Health Organization (WHO). Its aim was to draw up standards that would bring a measure of harmony to an area characterized by confusion. An FAO study at the time documented the need: At least 135 different agencies or organizations, not even counting governments, were working independently on food standards.

PARTICIPATION BROADENS

Committees were set up at the first annual session in 1963 to line out procedures and principles for the Codex, and to begin work on draft standards. The number of nations participating has increased each year, with 45 of the over 100 eligible countries represented at the session in Geneva last year. The Commission alternates its yearly meetings between Geneva and Rome; committees meet frequently during the year in many places.

U.S. officials are hopeful that establishment of the Codex ultimately will smooth greatly the flow of food products among nations, providing in the process a greater variety of goods of assured quality for housewives of many lands, often at more competitive prices. Declares Franklin M. Depew, president of the Food Law Institute: "U.S. industry has a major stake in the work of the Codex, because of the importance of making sure that other nations don't employ food standards as barriers against imports of U.S. food products."

For international manufacturers and exporters, who must meet multiple requirements of individual countries to move their goods, he notes that unification of legislation would simplify their operations. The Codex is important for those operating within the United States, too, he adds, because "legislation created outside the United States may, as time goes on, be adopted by or influence the United States."

The standards being worked out won't automatically become law for the nations of the Codex, "but that very fact makes it somewhat easier to get broad agreement on them," according to Harry Meisel, a Corn Products Co. executive who has served as one of the industry advisers to the U.S. delegation since the inception of the Codex. The standards, though without legal status, will have the considerable weight of much of the international scientific community behind them, Mr. Meisel notes. "And it is hoped they will have a strong influence in the long run on the form of national food laws around the world, and in discouraging the use of nontariff barriers," he says. "It is more difficult to defend a restrictive regulation if you stand alone when doing it."

Over the years, many food standards have been used to hamper international trade, often to protect a particular segment of a nation's economy. It is frequently done, says Mr. Koenig, "through incorporating into food standards limitations or prohibitions on the use of adidtives or other ingredients."

He notes that an effort was made to write one such restriction into the proposed standards for orange juice. "Out of the first meeting came a proposed requirement that only sucrose in dried form in a specified amount be permitted to be used as a sweetener in orange juice. This would, of course, close the door to the many other sweetening ingredients commonly used in the United States. And it would have set a precedent for standards for other foods that use nutritional sweeteners." Such a ban "would indeed be detrimental" to U.S. fruit juice exports, which run close to $50 million annually, he asserted.

As a result of U.S. opposition, the standard was revised to permit use of any dry sweetener in orange juice.

Corn sirup regulations illustrate vividly the problems faced by manufacturers. Such sirups are used widely in the United States, but in Europe, where beet sugar is big business, the story is quite different, and many sided. An industry survey of 11 European countries' regulations for 10 products, including candy, ice cream, canned fruits, and baked goods, outlined the labyrinth the seller must solve to move his goods.

A DIFFERENCE IN RESTRICTIONS

At that time, it showed, West Germany prohibited use of corn sirup in four products, restricted it in five others and allowed unrestricted use in candy. France barred or curbed it in all but candy and baked goods, Italy in all but ice cream and baked goods. Some items were admitted with declarations on the label, some with corn sirup allowed to account for only a specified maximum percentage of sweetening used. The United States, where nontariff barriers are not unknown, either, had percentage maximums for three of the products, and no restrictions on the others.

By contrast, Great Britain allowed unrestricted use in all 10 products. Remarks Robert G. Ruark, vice president for corporate research of Corn Products: "One would think the English stomach and the French stomach would perform identically, but I suppose the Frenchman would deny this to death."

Curbs appear in other industries, too. In West Germany, the most important restriction on meat, according to Dr. C. E. Murphy, of the Agriculture Department's Meat Inspection Division, is that all offal products, mainly liver and kidneys, "must be completely defrosted and inspected individually after entering the country. This adds considerably to the exporter's cost, for he foots the bill, and the thawing and freezing also detracts from the quality of the meat." The United States, he notes, also defrosts and inspects, but only with samples of each shipment. The whole shipment is rejected, of course, if the sample proves bad, he adds.

Labeling requirements pose other problems. A British quart, for example, contains about 8 fluid ounces more than a standard U.S. quart, and labels on U.S. goods destined for shipment there must conform to the British measure. Language problems alone frequently impose barriers, too.

Bringing some order to these and many other conflicting codes is at the heart of the U.S. position on the range of the Codex. Negotiations on the standards, U.S. officials hope, will ultimately help harmonize many of these and comparable restrictions. But the significance of the Commission's work may be substantially broader. In two areas it could be particularly helpful.

Developing nations frequently lack the resources to write and implement meaningful food laws. Thus Canada finds it necessary to restrict meat imports to products from only 20 specified nations. Less developed nations, many officials believe, will benefit considerably by being able to draw on the Codex. And highly industrialized nations, such as those in the Common Market, may find it decidedly easier to reach an accord on a set of codes that reflect such a broad consensus.

Significantly, notes Mr. Meisel, in the several years that the six-nation Common Market has been striving to write food standards into law, agreement has been reached on only a handful. Another participant in the Codex discussions adds somewhat ruefully, "The food standards business is a slow, slow affair."

An advantage the Codex has over many other agencies working on food standards lies in the broad expertise it can bring to bear through the staffs and resources of the FAO and WHO. The agenda for the Rome meeting of the entire Commission provides an indication of what has already been accomplished.

PROGRESS ON MANY ITEMS

It includes progress reports on standards for milk, fish, honey, poultry, chocolate, fats and oils, fruit juices, meat, labeling, methods of analysis, food additives, food hygiene, sampling, and pesticide residues. Others on fats and oils and on processed fruits and vegetables are about the farthest along toward standards status.

Most of these reports have been prepared by committees that were set up by the Commission during its initial annual meeting in 1963 and staffed with experts from many nations. These committees prepare draft standards and then circulate them among the member nations. After discussion, comment, and much revision within the committee, the proposals finally reach the provisional standard stage. "General assembly type of debate is avoided as much as possible," notes Leonard Lobrad, of the National Canners Association, "because as broad agreement as possible is needed to get them through."

When the drafts reach the provisional stage they are presented to the general meeting and all the member nations get one last chance for review. If the proposals survive, they become part of the Codex Alimentarius.

Over the short life of the Codex, not surprisingly, the troubles haven't been limited to the actual standards being written. A not insignificant question, from the U.S. standpoint, was financing during the first 3 years. Because of the method of U.S. Government financial participation in U.N. activities, additional money couldn't be voted to sponsor the U.S. delegation until 1966. But several companies pitched in a total of about $75,000, which permitted U.S. participation in the work of the Codex from the beginning.

The international aspects of the Codex spawned some difficulties, too. The agenda adopted for the second session last year indicated a difference over what was said as well as what should be said. One Commission report included a footnote pointing out "discrepancies between English and French and Spanish versions of the report of the first session."

Despite the occasional stops and starts, however, the building of an international set of food standards appears to be progressing.

RELIEF TO VICTIMS OF HURRICANE BETSY—PROPOSED AMENDMENTS TO S. 1861

During the delivery of Mr. Thurmond's speech,

Mr. LONG of Louisiana. Mr. President, will the Senator yield briefly to me, reserving his right to the floor, and with his right to continue his speech without it counting as a second speech?

Mr. THURMOND. Mr. President, I yield to the Senator from Louisiana with that understanding and the further understanding that the remarks of the able junior Senator from Louisiana appear elsewhere in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, some time ago I introduced a bill, (S. 2591) to provide additional assistance for areas suffering major disaster, to help people who had suffered disastrous losses as a result of hurricane Betsy in Louisiana and in some parts of Mississippi.

I have discussed this matter with the distinguished chairman of the Public Works Committee, to which the bill was referred. The chairman pointed out to me that his committee has acted favorably and forwarded to the House S. 1861, which measure is awaiting action by the House. The chairman suggested to me that the most expeditious way in which to get action on this measure would be for the House to amend the bill in order that the Senate conferees, who are the senior members of the Committee on Public Works, might have an opportunity to consider it in conference with the House.

In the event that such action cannot be had in the House of Representatives, I hope that the committee will hold hearings in order that we might proceed with the measure.

Mr. President, I ask unanimous consent to have printed at this point in the Record the suggested language which the chairman of the Committee on Public Works and I have discussed, and which I anticipate the chairman of the committee will support in the event that the House should see fit to send it to us.

There being no objection, the proposed amendments were ordered to be printed in the Record, as follows:

Proposed Amendments to S. 1861 Offered by Mr. Long of Louisiana

On page 4, line 1, after "(d)" insert "(1)".

On page 4, between lines 9 and 10, insert the following:

"(2) The Small Business Administration shall cancel up to $5,000 of the principal obligation of any borrower under a loan made pursuant to section 7(b)(1) of the Small Business Act, if (A) such loan was made for the repair or replacement of property damaged or lost as the result of a major disaster, and (B) such property was not insurable against the type of damage or loss sustained."

On page 11, beginning with line 16, strike out all down through line 22, and insert in lieu thereof the following:

"(b) The Secretary of Agriculture is also authorized to make grants to fish farmers and oyster planters whose fish farming or oyster planting facilities have been damaged as the result of a major disaster. Such grants shall be made for the purpose of assisting such farmers or planters in restoring their facilities to normal productive capacity, or, in the case of oyster planters, to prepare new seeding grounds.

"(c) The amount of the grant authorized under this section in the case of any farmer, or any fish farmer or oyster planter, shall not exceed an amount determined by the Secretary to be equal to two-thirds of the total cost of preparing the damaged farmlands for cultivating and restoring such farmlands to normal productive capacity, or in restoring fish farming or oyster planting facilities to normal productive capacity, or in preparing new oyster seeding grounds, as the case may be, and in no event shall the amount of any such grant in the case of any farmer, fish farmer, or oyster planter exceed $10,000."

On page 11, line 23, strike out "(c)" and insert in lieu thereof "(d)".

On page 12, line 3, strike out "(d)" and insert in lieu thereof "(e)".

Mr. LONG of Louisiana. Mr. President, I hope very much that the House of Representatives will consider this language because I have assurance from the chairman of the Senate committee that an approach of this sort would be favorably considered by the chairman, and that there is good reason to believe that the senior members of his committee would be inclined to go along with this language. It does, in my judgment, substantially what the measure that I had introduced would achieve.

I submit the proposed amendments to S. 1861, which has been passed by the Senate, in the hope that the House will take note of the proposed amendments.

CALL OF THE ROLL

During the delivery of Mr. Thurmond's speech,

Mr. THURMOND. Mr. President, I suggest the absence of a quorum, and request that this quorum call appear at the beginning of my address.

I also ask unanimous consent that upon my resuming after the quorum call, it not be considered a second speech upon this subject on this legislative day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

[No. 282 Leg.]

Bartlett
Bible
Burdick
Case
Church
Clark
Dodd
Douglas
Fong
Gruening
Harris
Hart
Hickenlooper
Holland
Hruska
Inouye
Jackson
Kuchel
Lausche
Magnuson
Mansfield
McGovern
McIntyre
McNamara
Miller
Morse
Moss
Murphy
Muskie
Pastore
Proxmire
Randolph
Russell, S.C.
Russell, Ga.
Smith
Sparkman
Thurmond
Tydings
Yarborough
Young, N. Dak.

Mr. LONG of Louisiana. I announce that the Senator from Maryland [Mr. Brewster], the Senator from Nevada [Mr. Cannon], the Senator from Mississippi [Mr. Eastland], the Senator from North Carolina [Mr. Ervin], the Senator from Arkansas [Mr. Fulbright], the Senator from North Carolina [Mr. Jordan], the Senator from Missouri [Mr. Long], the Senator from Arkansas [Mr. McClellan], the Senator from Oregon [Mrs. Neuberger], the Senator from Rhode Island [Mr. Pell], the Senator from Mississippi [Mr. Stennis], the Senator from Georgia [Mr. Talmadge], and the Senator from Ohio [Mr. Young] are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson], the Senator from Virginia [Mr. Byrd], the Senator from Tennessee [Mr. Gore], the Senator from Minnesota [Mr. McCarthy], the Senator from Montana [Mr. Metcalf], the Senator from Minnesota [Mr. Mondale], the Senator from New Mexico [Mr. Montoya], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers], and the Senator from Missouri [Mr. Symington] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken], the Senator from Pennsylvania [Mr. Scott], and the Senator from Delaware [Mr. Williams] are absent on official business.

The Senator from New York [Mr. Javits], the Senator from South Dakota [Mr. Mundt], and the Senator from Massachusetts [Mr. Saltonstall] are absent by leave of the Senate as delegates to attend the NATO Parliamentary Conference in New York City.

The Senator from Nebraska [Mr. Curtis], the Senator from Illinois [Mr. Dirksen], the Senator from Colorado [Mr. Dominick], the Senator from Kansas [Mr. Pearson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. HART. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay: Mr. Allott, Mr. Bass, Mr. Bayh, Mr. Bennett, Mr. Boggs, Mr. Byrd of West Virginia, Mr. Carlson, Mr. Cooper, Mr. Cotton, Mr. Ellender, Mr. Fannin, Mr. Hartke, Mr. Hayden, Mr. Hill, Mr. Jordan of Idaho, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Long of Louisiana, Mr. McGee, Mr. Monroney, Mr. Morton, Mr. Nelson, Mr. Prouty, Mr. Robertson, Mr. Simpson, and Mr. Williams of New Jersey, entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

LEAVE OF ABSENCE

During the delivery of Mr. THURMOND's speech,

Mr. MILLER. Mr. President, I ask unanimous consent that I may be excused from attendance on the Senate on October 7, October 11 through 14, and October 18 through 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from South Carolina has the floor.

Mr. THURMOND. Mr. President, the subject of this debate is of intense interest to me for several reasons. It involves a fundamental principle of individual freedom. I have always believed that each generation holds our liberties in trust for the next—that none of us has the right, for his own convenience or to ease the impact of some temporary crisis, to weaken or modify these liberties so that our descendants inherit less than their full share.

Aside from its inherent wrongness in a free country, I believe that the economic and social evils which flow from compulsory union membership are many and varied.

Mr. President, at the outset I intend to speak about three aspects of compulsory unionism which would result if section 14(b) of the Taft-Hartley Act were repealed.

First, how compulsory unionism affects the rights of workers, both union and nonunion.

Second, how compulsory unionism affects the economy and the interests of the general public.

And third, how compulsory unionism affects the union itself.

In all three aspects, the effect is bad. Compulsion in itself is bad. It inevitably corrupts the one who has the power to use it. It makes of the person who is being compelled less than a man. It has no place in a free land, except in the hands of governmental authority for specifically defined and carefully limited purposes.

We speak of "free labor" in this country. In fact, union spokesmen use the phrase constantly. In their minds the phrase has a special and peculiar connotation. But to most of us, the words "free labor" can have only one true meaning. It means freedom for the individual workingman—freedom for any man to work at any trade or calling for which he has the capability; freedom to join a union if he wants to; freedom not to join if he does not want to; freedom to get out of a union if he is opposed to its actions; freedom to do his best in his work and to progress to the full extent of his capacities; freedom to support the political party or candidate of his choice.

But union leadership believes that free labor means something else. They believe that it means freedom for the union, not for the people who belong to it. They believe it means freedom for them to deny jobs to those who will not join their organizations voluntarily; freedom for them to prevent people from working at various trades unless they sign up with the union; freedom for them to refuse union cards to people they do not like or whom they feel they do not have room for; freedom for them to block the entrance to an employer's premises, to damage or destroy his property, to use threats, boycotts, and physical violence to force the acceptance of a union contract. They believe it means freedom for them to use the dues money paid in by their members to elect political candidates favored by union leaders, even if many of the members who pay the dues may be opposed to these handpicked candidates.

They use the term "free labor" to oppose any effort to subject them to the reasonable laws and regulations under which all of the rest of our society must operate. They use it to deny any attempt to place reasonable controls over their exercise of arbitrary power. Anyone who suggests that the unbridled use of such arbitrary power is unfair and alien to our way of life is immediately labeled a "union buster" or "labor baiter."

Mr. President, let me make it clear that I am not against unions. I believe that every man has a right to join a union if he wants to, and that he has an equal right not to join. I believe this right should not be interfered with by either employers or union representatives. We believe that what unions have to sell should be sold on its merits, and not through coercion, intimidation, headcracking, or deals which employers and unions might make for their mutual convenience.

I believe that power in the union should rest with the membership, and not with the professional unionists who hold the top offices, usually for life, with some notable exceptions. Professionals are necessary, of course, to administer the affairs of the union. Collective bargaining is not a job for amateurs. But these professionals should be hired employees of the union who do the bidding of the rank-and-file membership, just as the staff officials of every other type of organization or association in the country. When they fail to carry out the wishes of the membership, they could then be fired and other people hired in their places.

With compulsory unionism, however, the professionals practically own the union. They have almost complete and autocratic power over the rank and file. Within the limits of the Landrum-Griffin Act, it is this power which enables them to perpetuate themselves in office. The professionals are able to appoint their own henchmen to key positions and to elective bodies which almost automatically assures their reelection so that they may continue to operate the union as their own private principality.

It is this power which is being used to force many people into unions against their will and once they are in, to push them around with no regard whatsoever for their rights or their feelings as human beings.

Mr. President, many unions, from the locals on up to the front office of the international, are run by tightly knit cliques, who hand down orders and require obedience to them. In these unions, the rank-and-file member has nothing—absolutely nothing—to say. He is shouted down and perhaps even subjected to some form of punishment if he tries to protest within the union. He may be brought up on charges of conduct "unbecoming a union member" if he protests outside the union, and he cannot resign from the union in protest without forfeiting his job and his livelihood.

Union leaders sometimes will admit that these things happen in some unions. And they accuse anyone who mentions them of trying to blacken the whole union movement because of the sins of the few. Of course, all unions are not dishonestly run. Neither are all men crooks. But because a few are, we have laws to protect honest people against their depredations.

In some unions the rights of the individual are respected and he is given an honest chance to participate in its affairs. But under compulsory unionism the evils I have cited are always a possibility. The leadership of an upright union may change—and there are always men trying to effect such changes for their own personal aggrandizement.

To make sure the rights and the dignity of the individual will be safe under all circumstances, the requirement of membership or nonmembership in a labor organization as a condition of employment should be illegal.

The second aspect I wish to cover deals with the effect of compulsory unionism on the economy and on the general public. The economy and the public are adversely affected because compulsion is the chief prop which sustains union monopoly power.

The dictionary defines the word monopoly as follows: "Exclusive control of the supply of any commodity or service in a given market."

Now, whether or not one believes a labor monopoly exists in this country depends upon how this definition is applied. If it is applied to the Nation as a whole, obviously the charge of labor monopoly cannot be sustained. More than 81.1 million people make up the labor force in this country; and of course a united labor movement with only about 16.8 million members cannot be said to control the labor supply on a national basis.

However, when one applies this definition to certain industries or trades the picture is different. In many industries, including most of the basic ones, the entire labor supply is under the control of a single nationwide union. And when the officials of this union say "don't work," nobody works. When the officials of this union say "this is the kind of wage and benefit package we want; take it or leave it," even the most powerful corporations in the country have to take it or undergo long, costly, and exhausting strikes.

Mr. President, as a result of this monopolistic power of unions to dictate labor costs in the basic industries, the country is faced with continuing inflation. Labor costs are the chief item in the overall costs of producing goods. When labor costs go up without a corresponding increase in the output per man-hour, a company must raise prices or it will go out of business.

Labor union monopolies, like all monopolies, result in gouging the public. All consumers suffer, particularly those on fixed incomes, such as the retired, the schoolteachers, clergymen, civic employees, white-collar workers, and others who are not able to adjust their own incomes upward as easily as wages are pushed upward in the industrial sectors of the economy. When the consuming public as a whole refuses to pay the higher prices forced by union monopoly power, or becomes unable to pay them, we are going to have recession and unemployment.

In most of our important industries today, there is no such thing as collective bargaining between employers and the representatives of their own employees. The inevitable demands for wage increases and fringe benefits are formulated and dictated in the far-off headquarters of the national or international union. They are presented to individual employers on a take-it-or-leave-it basis. There is not much chance to argue—to protest. It is sign on the dotted line or take a strike. It is collective bludgeoning—not collective bargaining.

Mr. President, it is a fact that a handful of men—and in some cases, one man—has the power to stop the wheels of our major industries; to bring the economy of the Nation to a dead halt. The Government of the United States does not have this power. The President does not have it. The Congress does not have this power. But the few men in control of the labor supply of basic industries do have it. When they do not get their way, they use it—and seemingly no power in the United States is able to stop them.

Now, we may well ask, how did these few men get such power? Did we, the Congress give it to them? Do they exercise such power under a charter from the American people, or even from the people that are supposed to represent? The answer is "no."

Our intent in enacting the labor-management legislation now on the books was to safeguard the rights of individual working people. It was not, and could not have been, the intention of Congress to set up union monopolies.

The intent of the courts in interpreting these statutes, again, was not to create union monopolies. It was to secure to the individual the right of self-organization and collective bargaining with his employer.

But the laws and the decisions of the courts, while not designed to create union monopolies, have provided very few prohibitions against them. Through these loopholes the union bosses have driven with all their energy and determination to create monopolies in fact in most of our basic industries.

As I said earlier, the cornerstone on which union monopoly power rests is compulsion—compulsion on the employer to sign a union shop agreement; and compulsion on the workingman to join the union if he wants to make a living. The basic reason for seeking monopoly power is to be able to use compulsion whenever it seems, to the holder of that power, necessary or desirable.

Union monopoly power is sustained financially by the compulsory collection of union dues—the checkoff. Members must agree in writing to have dues deducted from their pay, or they will find themselves out of a job. Whenever the union overlords decide they need extra money for some purpose, the members are assessed. If they do not pay the assessment, there are various direct and indirect ways to compel payment.

Union monopoly power and its exercise is permissible because unions are exempt from the legal liabilities under Federal law to which all other persons and organizations are subject. Because of the doctrine of Federal preemption promulgated by the Supreme Court which holds that the States have no power to act in a field over which the Federal Government has taken jurisdiction, there is little the several States can do to control or regulate the monopolistic operations of unions. The one exception of note is section 14(b) of the Taft-Hartley Act permitting State right-to-work laws; hence, the unremitting effort of the union leadership to effect its repeal. Moreover, I suspect that a major reason the union movement is so vigorously urging the repeal of section 14(b) in this session is that, as Lawrence Fertig said in his column of June 7, 1965:

> Total union membership has fallen off and any increase that has occurred in recent years has come because of Presidential Executive orders permitting unions to be formed by employees of the Federal Government.

Unions are in effect separate sovereignties. Their leaders are answerable to no one but themselves.

Mr. President, there are some in America who think this situation is perfectly all right—some people in high places in intellectual circles, in government, and even in business. The argument goes that the so-called union shop—which in actual practice becomes the closed shop—should be a matter of contract between an employer and a union; and that any prohibition of such agreements by law is a curtailment of the right of contract.

But what about the rights of the individual? Have we drifted so far from the principles of individual freedom on which America was founded that contract rights take precedence over the inherent rights of the individual?

If two parties—an employer and a union—bargaining in their own interests, can enter into a contract which violates the rights of the individual who works for that employer, personal freedom for the workingman is dead in America.

What happens to the human dignity and rights of the individual craftsman under these circumstances? His representation in the important matter of earning a living is all staked out for him. He must accept it no matter how arrogant or venal it might be; and he must maintain himself in the good graces of the union if he wants to earn a living at his trade. If he opposes the union boss, he will not be certified for a job. He must, in effect, surrender his dignity, his self-respect, and his birthright as a free American.

Many who support such forced surrender of individual rights justify it on the ground that it is "practical," that it will encourage labor-management "peace," a matter in which the public has an important stake. It may encourage peace, all right—the peace of surrender; the peace which prevails under a dictatorship when all opposition has been liquidated. That kind of peace is the kind that true Americans have never accepted and never will.

Let me move on to the third aspect of compulsory unionism that I mentioned—the effect of compulsion on the union itself. The effect is demoralizing and corrupting. There are numerous ways in which union leaders can discipline the union membership, but virtually no way in which the membership can discipline the leaders. This being the case, the way is wide open for almost every kind of chicanery imaginable. In fact, this situation attracts some of the worst elements of society into the labor movement. They know a good thing when they see it, and they muscle right in. And while they are muscling in, the rank-and-file members of the union cannot get out.

As the Senate hearings some years ago revealed, monopoly power and compulsion are being used to maintain crooks, racketeers, gangsters, and hoodlums—or their puppets and front men—in the top positions in some unions. With one hand they keep a tight grip on the workingman's throat, so that he can neither move nor cry out in protest; with the other they reach into his pay envelope and into his welfare fund in order to enrich themselves.

Mr. President, if compulsory unionism is outlawed, unions will have to devote more attention to service to their members and to the community, and less to extending their power and authority over both. Any supposedly voluntary association which needs compulsory membership in order to survive and thrive is obviously not operating in the bests interests of those whose money supports it. According to union leadership, the union shop is necessary for union security. In my opinion, the only kind of security they are entitled to is the security which comes voluntarily from a loyal and enthusiastic membership for whose true interest they are always working. The fact that union leaders say they need compulsion for security is positive evidence they are not doing this kind of job in many cases today. In this connection, Samuel Gompers once said:

> Men and women of our American trade union movement, I feel that I have earned the right to talk plainly with you. I want to urge devotion to the fundamentals of human liberty—the principles of voluntarism. No lasting gain has ever come from compulsion. If we seek to force, we but tear apart that which, united, is invincible.

If the prop of compulsion is taken away, we shall remove the basis of union monopoly power in America. Unions can then go about their rightful function, which is to represent their members in collective bargaining negotiations. Furthermore, they will do a much better job of it for all concerned, and mutual cooperation between employers and workers for the good of the Nation will become a reality.

Mr. President, as we begin the discussion of this proposal to repeal section 14(b) of the Taft-Hartley Act, I believe it desirable to reach an understanding as to the definition of the terms involved. This will, of necessity, require some rather academic definitions. This is, however, necessary so that both sides on this issue will be able to more fully understand the other's viewpoint.

WHAT ARE RIGHT-TO-WORK LAWS?

Briefly, right-to-work laws are statutes or constitutional provisions which forbid "compulsory unionism;" that is to say, any practice or procedure under which workers are forced into membership in a labor organization which they would not freely and voluntarily join or which they oppose. The compulsion in such cases is usually the threat that the worker will lose his job unless he joins the union or unless he maintains good standing in the union. In other words, compulsory unionism is exemplified by the union which, in its labor contract with management, makes membership in the union a prerequisite for employment. The most common forms of compulsory unionism result from the use of the "closed shop" provision or the "union shop" provision in a labor contract. A less common form is the "maintenance-of-membership" provision. Under a "closed shop" contract, an employee must be a member of a particular union in order to get a job. The employer can hire only those workers who are already members of the union. The source of employees for management in such cases is the union or the union hiring hall, not the open market. Where there is a "union shop" contract, the employee is required to join a particular union within a specified time and to maintain good standing in that union in order to keep his job.

In his book "The Closed Shop," Father Toner perceives difficulty in stating the "closed shop principle":

> A definition of the closed shop principle in the United States is difficult to formulate. The spirit of exclusion of nonmembers may take various forms. It may be embodied in the constitution or bylaws of a national or local union, prohibiting members from working side by side with nonunionists. It may be the rule or custom of a union, enforced by strikes, by understanding or by oral agreement with the employer. It may be incorporated into the written agreement with the employer; in such cases the employer agrees with the union that all employees covered by the agreement * * * shall be or become, and remain union members in good standing, or be discharged (p. 22).

Most of the courts and textbook writers on such subjects as labor relations or labor economics have experienced no such difficulty in formulating a definition of the closed shop. Father Toner himself proceeds to demonstrate this in the very effort to enlarge upon his strange difficulty with the definition:

> It is easier to describe the term "closed shop" than to define it. Dr. William M. Leiserson said: "A closed shop, as popularly understood in the United States, is a place where none but union members may work." The U.S. Department of Labor appears to agree: "In union agreements, a closed shop is established by a provision requiring union membership as a condition of employment in the plant or in the occupation covered by the agreement." But such a definition seems to emphasize place rather than principle (p. 28).

In "American Labor Unions," Florence Peterson defines "closed shop" as "an agreement between an employer and a union which specifies that no persons shall be employed who are not members of the union and that all employees must continue to be members in good standing throughout their period of employment."

And the same author defines "union shop" as "an agreement between an employer and a union which requires all employees immediately after hiring or after a specified probationary period, to become and remain members of the union."

Philip Taft, in his "Economics and Problems of Labor," has this to say on the subject:

> The right of a worker to belong or not to belong to a union while employed in a particular plant will be determined by the agreement between the union and the employer on this point. The basic types of relations are the closed and open shop, and a number of variations of each have been devised. A closed shop exists where none but union workers may be employed. Some closed union shop arrangements specify that only union men can be hired. This means that before a worker can be accepted for employment he must be a member of the union. In some cases it merely means that a worker must join the union before he goes on the job. On the other hand, some unions also follow the policy of insisting upon a closed shop and a closed union. In this case the union does not admit all workers in its trade or class at all times, but it closes its books when its officials or members are convinced that the present members of the union are adequate to supply the demand for labor. The closed shop and the closed union, as can be seen, constitute a method by which the union seeks to monopolize the employment opportunity for its own members and to exclude all others. A third type of closed union shop is one in which the employer is allowed to hire nonunion men, who, however, must affiliate themselves with the union within a specified time—usually between 15 and 30 days after employment.

Bulletin No. 908 of the U.S. Department of Labor, Bureau of Labor Statistics, published in 1947 devotes the following lines to the "closed shop":

> Under the "closed shop" form of union security, the company obligates itself to hire and retain in its employ union members only. "Closed shop" has been defined to include recruitment by or through the union or the requirement that all new members be members at the time of employment. The agreement may provide that the employer may reject a worker, referred to him by the union, who does not meet the specific standards set by the employer or the contract. When an agreement establishes the closed shop for the first time, employees are required to become members of the union within a short time after the signing of the agreement.

Under the heading "Union Shop," the same bulletin reads:

> The union shop differs from the closed shop in that the employer is free to hire nonunion workers and is the sole judge of the qualifications of the applicant. The union shop is identical with the closed shop in that membership in the union is a condition of continued employment, and suspension from the union may entail dismissal from the job. However, unlike the closed shop, union membership may not be acquired until immediately following employment, or within a stipulated period thereafter.

Mr. President, the leading case which in New York has legitimated the closed shop is *Williams* v. *Quill*, 277 N.Y. 1; certiorari denied 303 U.S. 621. The following excerpt from the decision in that case indicated a judicial concept of the closed shop:

> We find that a labor organization is permitted to combine and to strike in a particular industry for the purpose of obtaining employment for its own people, even to the extent of excluding others from the entire industry who are not union men. The one reservation in this law is that the attempt to accomplish the end shall be carried out in good faith and for the declared purposes, and not through malice or ill will or a desire to injure nonunion employees or simply and solely for the purpose of keeping them out of work.
>
> If all this be lawful, what is there unlawful in negotiating with an employer to accomplish through strike, which leads so frequently to disruption of business and violence? If the railroads in this instance, acting upon their own initiative, determine to dispense with the services of nonunion men, I know of nothing in the law which would prevent them from doing so; or, to put it in a different way, if the defendant employers should come to their decision that, for the good of their enterprises, they would thereafter employ only union men, I do not see how the law could prevent them from doing so, or from discharging the plaintiffs and their nonunion employees. It might be an unpleasant situation for all, but, nevertheless, one with which the law could not interfere.
>
> And * * * if there be an evil in the monopoly of the labor market in a particular industry by labor organizations, it is a matter to be considered by legislatures and not by the courts for the reason that there are two sides to the question—the other side being that the labor organizations, through this means of contracting and negotiating, are enabled to strengthen their representative bodies and to effectuate collective bargaining. Of course, demands on either side may be carried too far. These, however, are not matters for the courts to consider. Public opinion is soon reflected in legislation. We can simply approach the question and decide it according to principles of law. The wisdom of legislation or the reasonableness

of action under legislation are matters which must be put aside by us in considering these questions.

Mr. President, without laboring the point any further, the quotations given above provide authoritative definitions of the closed shop and the union shop.

The right-to-work laws are aimed at the elimination of such forms of compulsory unionism. They regard trade unions like other private organizations or groups, as based upon a philosophy of free association rather than coerced association. It would be absurd to propose a system or practice of forcing people to become members of the Roman Catholic Church, or members of the Elks, or members of some civic association merely because one was persuaded that such membership is, in and of itself, a good thing. Those who have proposed and passed right-to-work laws feel that free association is as much a part of the American tradition of civil liberties as free speech.

THE TEXT OF SOME ACTUAL RIGHT-TO-WORK LAWS

There is no substitute for a careful reading of the actual texts of some of the right-to-work laws which are now on the statute books. Let us begin with the Wyoming State law, which is the most recent enactment of a right-to-work law:

WYOMING STATUTES—TITLE 27

SECTION 245.1. Right to work—Definitions. (a) The term "labor organization" means any organization, or any agency or employee representation committee, plan or arrangement, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. (b) The term "person" shall include a corporation, association, company, firm or labor organization, as well as a natural person.

SECTION 245.2. Same—Membership in labor organization not required. No person is required to become or remain a member of any labor organization as a condition of employment or continuation of employment.

SECTION 245.3. Same—Abstention from membership in labor organization not required. No person is required to abstain or refrain from membership in any labor organization as a condition of employment or continuation of employment.

Section 245.4. Same—Payment or nonpayment of dues not required. No person is required to pay or refrain from paying any dues, fees, or other charges of any kind to any labor organization as a condition of employment or continuation of employment.

Section 245.5. Same—Connection with or approval by labor organization not required. No person is required to have any connection with or be recommended or approved by, or be cleared through, any labor organization as a condition of employment or continuation of employment.

(The foregoing section, section 245.5, was held unconstitutional in the case of *Local 415, International Brotherhood of Electrical Workers* v. *Hansen*, 400 P. 2d 531 [Wyoming 1965].)

Section 245.6. Same—Misdemeanor to impose or try to impose prohibited requirements; civil liability. Any person who directly or indirectly places upon any other person any requirement or compulsion prohibited by the act [§§ 27–245.1 to 27–245.8], or who makes any agreement written or oral, express or implied, to do so, or who engages in any lock-out, lay-off, strike, work stoppage, slow down, picketing, boycott or other action or conduct, a purpose or effect of which is to impose upon any person, directly or indirectly, any requirement or compulsion prohibited by this act, is guilty of a misdemeanor and shall also be liable in damages to any person injured thereby.

Section 245.7. Same—Injunction against prohibited conduct. Any person injured or threatened with injury by any action or conduct prohibited by this act [§§ 27–245.1 to 27–245.8] shall, notwithstanding any other law to the contrary, be entitled to injunctive relief therefrom.

Section 245.8. Same—Penalties for misdemeanor. Any person convicted of a misdemeanor, as defined in this act [§§ 27–245.1 to 27–245.8], shall be punished by a fine not to exceed one thousand dollars ($1,000), or imprisonment in the county jail for a term not to exceed six months, or both.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. THURMOND. I am delighted to yield to the able and distinguished Senator from Wyoming.

Mr. SIMPSON. Does the Senator know that in Wyoming, subsequent to the passage of the right-to-work law in 1963, there was, in 1965, an attempt to repeal the right-to-work law in Wyoming? The repeal was defeated by a narrow margin and the bill became law.

Mr. THURMOND. I have been told that was the case. I was pleased when I learned that the State of Wyoming passed the right-to-work law. I was also pleased when I learned that the effort to repeal the law this year was defeated.

Mr. SIMPSON. Does the Senator have a list of the number of labor unions prior to the right-to-work laws in the various States and subsequent to the passage of the bills?

Mr. THURMOND. I believe I have such information, but I do not have it with me at the moment.

Mr. SIMPSON. I call the attention of the Senator to the fact that in Wyoming the number of the labor force in 1961, prior to the passage of the Act was about 16,000. In 1963 it was about 17,000. After the right-to-work law came into existence in Wyoming the number of union members went from 16,000 to over 18,000, almost 19,000 laborers. We have the least number of unemployed now that we have had in the last 12 years.

Mr. THURMOND. In other words, since the passage of the right-to-work law in the State of Wyoming, as I understand, membership in labor organizations has increased.

Mr. SIMPSON. The Senator is correct.

Mr. THURMOND. Rather than decreased, as some opponents of the right-to-work law contended it would.

Mr. SIMPSON. The Senator is correct.

Instead of asking questions, if I may, I would prefer to make a brief statement.

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senator from Wyoming be permitted to propound any questions or make any statement on this subject during this colloquy; I shall be pleased to yield to him for that purpose, without losing my right to the floor, and with the understanding that upon his completion, when I resume, it will not be considered a second speech by me on this subject on this legislative day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. The observation I desire to make is that in 1963 a statewide educational program was carried on in Wyoming with respect to the passage or nonpassage of a right-to-work law. Significantly, the newspapers and various organizations were quite equally divided on the question. But the bill now being considered in Congress, which seeks to repeal section 14(b), has raised grave doubts in the minds of the people of Wyoming with respect to the usurpation of State authority and State jurisdiction. The result is that most of the important organizations in Wyoming are violently opposed to the repeal of section 14(b). Newspapers which had previously been against a right-to-work law in Wyoming are now taking up the cudgels, through editorials and otherwise, against the repeal of that law and are violently opposed to any attempt to do so. To me, that is a significant showing.

I compliment the Senator from South Carolina for the marvelous work he is doing and has done in the Senate with respect to the constitutional rights of citizens, and his refusal to bow to the attempt by the Federal Government to usurp the jurisdiction of State laws.

Mr. THURMOND. I thank the able Senator from Wyoming. There is no question that has come before the Senate since I became a Member 11 years ago that I consider of more paramount importance than the subject that is now before us. We hear much these days about so-called civil rights. I cannot imagine any civil right that is more important than the right of a man to make a living for himself and his family without being compelled, by force or coercion, to join a labor union or any other organization. I still believe in freedom. I believe the American people still believe in freedom. Certainly we are denying freedom to people when we tell them, "You have to join a labor union in order to get a job," or "You have to join a labor union so many days after you get a job in order to retain the job."

To my way of thinking, that is a matter that, as Samuel Gompers, the great labor leader, said many years ago, should be left to each individual to decide.

We do not compel people to attend church or to join a church.

Some persons say that people who do not join unions are free riders. But Samuel Gompers answered that argument clearly when he said that what one wants to do is a matter for one's own conscience.

If a person wishes to join a church, he has the right to do so. If he does not wish to join a church, he should not be forced to do so.

Samuel Gompers said that no one should be forced to join a labor union unless he wanted to do so. That is sound.

Numerous members of labor unions have told me that they would get more consideration, they felt, if there were no compulsory union membership law. They say that if there were a compulsory union membership law, they would all have to join a union. Then the union bosses could then kick the members around, could mistreat them, could ignore them, and could handle their business in such a way that it would be entirely unsatisfactory to them, and they would have little, if any, recourse. But so long as the unions know that they have to cater to the members and respond to their wishes, they must treat the members right. They must accord them courtesy; they must respect them and their rights in the union; otherwise, the unions know that they will lose members.

To my way of thinking, it is most important that we preserve the right of freedom to join or not to join a labor union. What the opponents of the repeal of section 14(b) advocate is merely to leave the decision to each State. I feel that the people of Wyoming, as expressed through the Legislature of Wyoming, know better what they need than does Congress sitting in Washington, 1,000 or 1,500 miles away.

Mr. SIMPSON. To repeal section 14(b) would be to repeal by the backdoor the right which States have to pass their own laws.

Mr. THURMOND. If section 14(b) were repealed, Wyoming could not have a right-to-work law. My State of South Carolina could not have a right-to-work law. None of the 19 States which have right-to-work laws could have such laws.

Why cannot the people of the States make their own intelligent decisions on this question, rather than to have the Federal Government in Washington tell then what they have to do; that they have to join a union in order to get a job? Why should Congress step in and tell the people of any State what they must do? Let the legislature of each State decide.

Mr. SIMPSON. I heartily agree with the statement of the Senator from South Carolina. I am glad to be associated with him in this fight for freedom, as I call it, and in this debate in depth.

I propose to speak at greater length on this subject during the debate that will ensue in the next few days.

I thank the Senator from South Carolina for yielding.

Mr. THURMOND. I recall the first day on which the debate opened. The able Senator from Wyoming was a member of team No. 1, of which I have the honor to be captain. The Senator from Wyoming was our lead-off speaker, the first speaker that day for our team. He delivered a masterful address. He made an outstanding contribution to the debate. I only hope that Members of the Senate and the American people as a whole will take occasion to read the outstanding address that the Senator from Wyoming made on Monday.

Mr. SIMPSON. The Senator from South Carolina is overgenerous; but I thank him nevertheless.

Mr. THURMOND. Mr. President, the text of the right-to-work law of the State of South Carolina is as follows:

CODE OF LAWS OF SOUTH CAROLINA, TITLE 40

SEC. 46. Denial of right to work for membership or nonmembership in labor organization against public policy. It is hereby declared to be the public policy of this State that the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization.

SEC. 46.1. Agreement between employer and labor organization denying nonmembers right to work, etc., unlawful. Any agreement or combination between any employer and any labor organizations whereby persons not members of such labor organizations shall be denied the right to work for such employer or whereby such membership is made a condition of employment, or of continuance of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy, unlawful and an illegal combination or conspiracy.

SEC. 46.2. Certain acts required of employee as condition of employment or continuance of employment made unlawful. It shall be unlawful for any employer:

1. To require any employee, as a condition of employment, to be or become or remain a member or affiliate of any labor organization or agency;

2. To require any employee, as a condition of employment, or of continuance of employment, to abstain from membership in any labor organization; or

3. To require any employee, as a condition of employment, or of continuance of employment, to pay any fees, dues, assessments or other charges or sums of money whatsoever to any person or organization.

SEC. 46.3. Deduction of labor organization membership dues from wages. Nothing in this chapter shall preclude any employer from deducting from the wages of the employees and paying over to any labor organization, or its authorized representative, membership dues in a labor organization: *Provided*, That the employer has received from each employee on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of any applicable collective agreement or assignment, whichever occurs sooner.

SEC. 46.4. Labor organization contract violating section 40–46.1 or 40–46.2. It shall be unlawful for any labor organization to enter into or seek to effect any agreement, or arrangement with any employer declared to be unlawful by section 40–46.1 or 40–46.2.

SEC. 46.5. Applicability of sections 40–46.1 to 40–46.3. The provisions of sections 40–46.1 to 40–46.3 shall not apply to any contract, otherwise lawful, in force and effect on March 19, 1954, but they shall apply to all contracts thereafter concluded and to any renewal or extension of existing contracts.

SEC. 46.6. Interference with right to work, compelling labor organization membership, picketing, etc., made unlawful. It shall be unlawful for any person, acting alone or in concert with one or more persons:

1. By force, intimidation, violence or threats thereof, or violent or insulting language, directed against the person or property, or any member of the family of any person (a) to interfere, or attempt to interfere, with such person in the exercise of his right to work, to pursue or engage in, any lawful vocation or business activity, to enter or leave any place of his employment, or to receive, ship or deliver materials, goods or services not prohibited by law or (b) to compel or attempt to compel any person to join, or support, or refrain from joining or supporting any labor organization; or

2. To engage in picketing by force or violence or in such number or manner as to obstruct or interfere, or constitute a threat to obstruct or interfere, with (a) free ingress to, and egress from, any place of employment or (b) free use of roads, streets, highways, sidewalks, railways or other public ways of travel, transportation or conveyance.

Nothing in this section shall be construed so as to prohibit peaceful picketing permissible under the National Labor-Management Relations Act of 1947 and the Constitution of the United States.

SEC. 46.7. Penalties. Any employer, labor organization, or other person whomsoever who shall violate any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by imprisonment for not less than 10 nor more than 30 days or by a fine of not less than $10 nor more than $1,000 or by both in the discretion of the court.

SEC. 46.8. Remedy for violation of rights; relief court may grant. Any person whose rights are adversely affected by any contract, agreement, assemblage or other act or thing done or threatened to be done and declared to be unlawful or prohibited by this chapter shall have the right to apply to any court having general equity jurisdiction for appropriate relief. The court, in any such proceeding, may grant and issue such restraining, and other, orders as may be appropriate, including an injunction restraining and enjoining the performance, continuance, maintenance or commission of any such contract, agreement, assemblage, act or thing, and may determine and award, as justice may require, any actual damages, costs and attorneys' fees which have been sustained or incurred by any party to the action, and, in the discretion of the court or jury, punitive damages in addition to the actual damages. The provisions of this section are cumulative and are in addition to all other remedies now or hereafter provided by law.

The right-to-work laws of those States which have such laws vary. While most are enactments by the State legislature, some have been adopted in statewide referendums by the direct vote of the people. In other cases, the law has been written into the constitution of the State. This is the case in the State of Arizona. Article 2, section 35 of the constitution of the State of Arizona reads as follows:

No person shall be denied the opportunity to obtain or retain employment because of nonmembership in a labor organization, nor shall the State or any subdivision thereof, or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of nonmembership in a labor organization.

In addition to the constitutional provision, Arizona also has sections of their code of laws which deal with this subject.

EXPERIENCE WITH RIGHT-TO-WORK LAWS—THE BASIC ISSUE

From what has been set forth above, it is clear that the issues, whether legal or moral, raised by the right-to-work law do not include the issue whether labor unions, in general or individually, are good or bad, legal or illegal. Nor is the issue the question whether voluntary labor organizations are less efficient than compulsory organizations. Still less is the issue concerned with speculation or prognosis on the benefits which workers can achieve under compulsory unionism as compared with free association. Least of all is the issue one of the motives behind particular persons or groups who favor right-to-work laws. Rogues can use or desire even good legislation for bad purposes; just as, from time immemorial, rascals have quoted the Bible to their own uses.

The only question is whether right-to-work laws, as exemplified above, are legally, politically, and morally good.

The issue can be put in another way. Should workers be coerced, under the threat of loss of their jobs and so of their livelihood, to join or support a particular private organization such as a labor union?

The basic principle involved would seem to be fully applicable to any type of laudable organization or group, whether it be a trade union, a civic society, a church or any other grouping to be found in our very pluralist society.

Right-to-work laws are based on the principle that a worker's preference not to belong to a particular union, or not to engage in particular union activity, should not be punished at the instance or on the agreement of private groups by the loss of his job. The type of legislation under consideration outlaws employer-union contracts which make union membership a condition of employment.

Some of this legislation prohibits or limits picketing or other mass action by unions where such picketing or action makes it dangerous, difficult, or embarrassing for nonunion workers to accept or to continue employment. Sponsors of right-to-work laws believe that it is just as much the duty of government to protect against economic reprisal the right of an individual to work as to quit work. Both of these are as sacred as the constitutional right of life, liberty and the pursuit of happiness.

BACKGROUND IN UNION HISTORY

Compulsory unionism, which is the subject of the ban of right-to-work laws, did not figure prominently or essentially in that part of the history of unionism which is significant for the United States of America today. Most of the big unions in the United States—like the steelworkers—and indeed in Europe have grown strong and reached maturity without extensive reliance on the union shop or the closed shop.

Norman J. Ware's "Labor in Modern Industrial Society" is basically a historical treatment of the subject. Copyrighted in 1935, it does not even have an entry in its index under the name "Closed shop," although both union shop and closed shop are briefly mentioned in the text, pages 355–356. Certain it is that, as he develops the history of trade unionism, neither the union shop nor the closed shop were common in the early period of the formation of our great unions. But as of the middle 30's, he finds that the union shop is "the commonest arrangement between organized employers and employees." After a paragraph devoted to "union shop" and another paragraph devoted to "nonunion shop," Ware continues:

> While the above two types of shops are common, there are other types which involve a large measure of coercion. The latter have grown out of special conditions and both employers and employees would argue in their cases that these conditions justify the element of coercion involved. If there is any culpability to be attached to coercion found here, it falls alike on the employers and the employees.
>
> The antiunion shop, commonly called the open shop, is a shop operating on the principle of nonunion recognition and enforcing that condition by coercion and discrimination. When it is called the American plan it adds to coercion an element of hypocrisy and jingoism. Trade unionism is as American as is free enterprise and grew up along with it shortly after the American Revolution.
>
> The union shop and closed union creates a monopoly of the labor supply under a union agreement by refusing to take new members into the union or by limiting the membership to the children of union members, and in modified form by restrictions on the membership through excessively high dues, apprenticeship regulations, etc. These practices may or may not be harmful (pp. 355–356).

At the turn of the century, however, and with the impetus given by the decision of the highest court of the State of New York in *National Protective Association of Steamfitters and Helpers* v. *Cumming* (170 N.Y. 315), decided in 1902, compulsory unionism made itself more and more felt. The reasoning of the court in the Cumming case was squarely based upon an amoral principle of utterly free and untrammeled competition. Some quotations from the decision will establish this:

> The court recognized "the right of one man to refuse to work for another on any ground that he may regard as sufficient, and the employer has no right to demand a reason for it. But there is * * * no legal objection to the employee's giving a reason, if he has one, and the fact that the reason given is that he refuses to work with another who is not a member of his organization, whether stated to his employer or not, does not affect his right to stop work nor does it give a cause of action to the workman to whom he objects because the employer sees fit to discharge the man objected to rather than lose the services of the objector."
>
> The same rule applies to a body of men who, having organized for purposes deemed beneficial to themselves, refuse to work. Their reasons may seem inadequate to others, but if it seems to be in their interest as members of an organization to refuse longer to work, it is their legal right to stop. The reason may no more be demanded, as a right, of the organization than of an individual.

It seems to me illogical and a little short of absurd to say that the everyday acts of the business world, apparently within the domain of competition, may be either lawful or unlawful according to the motive of the actor. If the motive be good, the act is lawful; if it be bad, the act is unlawful. Within all the authorities upholding the principle of competition, if the motive be to destroy another's business in order to secure business for yourself, the motive is good; but according to a few recent authorities, if you do not need the business, or do not wish it, then the motive is bad.

> Those principles concede the right of an association to strike in order to benefit its members; and one method of benefiting them is to secure them employment, a method conceded to be within the right of an organization to employ. There is no pretense that the defendant associations or their walking delegates had any other motive than one which the law justifies of attempting to benefit their members by securing their employment * * * the motive which always underlies competition is asserted to have been the animating one. It is beyond the right and power of this Court to import into that finding, in contradiction of another finding or otherwise, the further finding that the motive which prompted the conduct of the defendants was an unlawful one, prompted by malice and the desire to do injury to the plaintiffs without benefiting members of the defendant associations.
>
> The defendant associations * * * wanted to put their men in the place of certain men at work who were nonmembers working for smaller pay, and they set about doing it in a perfectly lawful way. They determined that if it were necessary they would bear the burden and expense of a strike to accomplish that result, and in so determining they were clearly within their rights * * *. They could have gone upon a strike without offering any explanation until the contractors should have come in distress to the officers of the associations asking for the reason for the strike.
>
> Having the right to insist that plaintiff's men be discharged and defendant's men put in their place if the services of the other members of the association were to be retained, they also had the right to threaten that none of their men would stay unless their members could have all the work there was to do.
>
> A man has the right under the law to start a store and to sell at such reduced prices that he is able in a short time to drive the other storekeepers in his vicinity out of business, when, having possession of the trade, he finds himself soon able to recover the loss sustained by ruining the others. Such has been the law for centuries. The reason, of course, is that the doctrine has generally been accepted that free competition is worth more to society than it costs and that, on this ground, the infliction of damages is privileged.
>
> A labor organization is endowed with precisely the same legal right as an individual to threaten to do that which it may lawfully do.

In 1939–40, closed shop agreements were much more prevalent in the United States than in England or Sweden. But even then, only about 3 million organized employees in the United States were working under closed shop conditions—Lester, "Economics of Labor," page 619.

In January 1944, closed shop agreements covered almost 30 percent of all American workers under labor agreements, and union shop agreements almost 20 percent; or, together, a total of 6.5 million workers out of 52.6 persons comprising the whole U.S. labor force—in October 1943. See "Yearbook of American Labor," volume I, page 114.

In 1945, there were 29 million workers in the United States who were eligible for membership in the then existing unions. Less than 50 percent of these were covered by labor agreements. About 15 percent were under closed shop agreements and about 7 or 8 percent under union shop agreements.

Only as late as January 10, 1951, were closed and union shops permitted under the Railway Labor Act. Prior to that time, union shop and closed shop agreements had been prohibited by that statute. Thus, it can be said that all of our railroads and our air carriers were unionized without the aid of any form of compulsory unionization. See "Report to the President by the Emergency Board" appointed by Executive Order 10306 dated November 15, 1951, pursuant to section 10 of the Railway Labor Act, as amended, passim.

In their formative days American unions lacked the leverage that came from any significant use of discharge of employees solely because of nonmembership in a labor organization. Rather generally and until very recently, unions lacked the help that would have come to them from any compulsion exercised upon workers to join or to contribute to the support of labor unions. In the main, they grew strong only by application of principles of free association.

LEGISLATIVE HISTORY

The first important statutory recognition of the right of employees under Federal law to organize and to bargain collectively through representatives of their own choosing came from the Railway Labor Act passed by Congress in 1926. As indicated above, this act specifically banned the closed and union shop.

Section 2, paragraph fourth, of the Railway Labor Act reads:

> Employees shall have the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this act. No carrier, its officers or agents shall deny or in any way question the right of its employees to join, organize, or assist in organizing the labor organization of their choice, and it shall be unlawful for any carrier to interfere in any way with the organization of its employees.

In this language was set forth the basic legal principles of labor relations pertaining to railway, airline, and interstate motor carrier industrial relations.

In 1932, Congress passed the Federal Anti-Injunction Act, otherwise known as the Norris-La Guardia Act. This act somewhat sterilely recognized the right now protected by the right-to-work laws as appears from the following quotation:

> In the interpretation of this act and in determining the jurisdiction and authority of the courts of the United States, as such jurisdiction and authority are herein defined and limited, the public policy of the United States is hereby declared as follows:
>
> "Whereas under prevailing economic conditions, developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment, wherefore, though he should be free to decline to associate with his fellow, it is necessary that he have full freedom of association, self-organization and designation of representatives of his own choosing."

It should be apparent from the foregoing quotation that this basic piece of labor legislation was built upon the assumption that American workers, as indeed all American citizens and all friendly aliens subject to the U.S. Constitution, enjoyed the right of free association—a right which underlies the whole American legal and moral theory and practice of unionism. Indeed, this right of free association is a natural-law right. It is not a gift of the Government or State. It is an endowment of that nature which men, as persons, receive from God. It is one of the unalienable rights under the Declaration of Independence. Up to this margin of our problem, and no further, the natural law lends the light of its basic principles. Beyond that are fallible applications or "determinations" as St. Thomas Aquinas called them—but not certain principles.

The national labor relations law of 1935, also frequently called the Wagner Act, was built around the following statutory principle:

> Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment.

This central principle of free choice given to workers was accompanied by an antimony which approved compulsory unionism. Thus, at the heart of the Wagner Act, there was inserted a basic contradiction between free choice and compulsory unionism.

This contradiction persisted without mitigation until the Taft-Hartley Act modified section 7 of the old National Labor Relations Act. To the central principle just quoted there was added the clause that employees "shall also have the right to refrain from any and all such activities." The closed shop was abolished by the Taft-Hartley Act. But in other respects the old contradiction remains. Although our national labor relations law as amended recognizes the right of employees to engage in union activity and to refrain from such activity, it does not protect that right wherever management and labor within the jurisdiction of the National Labor Relations Board include a union shop provision in their labor contract. The Taft-Hartley Act outlawed the closed shop by section 8(a)(3) of the Labor-Management Relations Act of 1947. While the Federal labor relations law forbids an employer from interfering with the exercise by his employees of the right of free association and bans employer contributions to or support of any labor organization and prohibits discrimination because of union affiliation; nevertheless, under a union shop agreement, the employer may lawfully discriminate against an AFL-CIO member where the collective bargaining agent is a Teamster union and vice versa. If, by agreement between the employer and the union enjoying majority status, a worker is required to join a labor organization against his will, it would seem obvious that his right of free association is actually interfered with or limited. It is hard to imagine a more influential support of a particular union than that which is afforded by a union shop agreement. It is the whole point and purpose of a union shop agreement to require an employer, under the penalty of contract violation, to discriminate on the basis of union activity or affiliation.

Nevertheless, the Taft-Hartley Act, by one provision, did specifically enable States to supply protection for the right of free association which the Federal labor relations law merely recognizes but does not enforce. Section 14(b) of the National Labor Relations Act reads as follows:

> Nothing in this act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or territorial law.

In other language, Congress left it up to the States to decide whether, as a matter of State policy under the American Constitution, union shops or closed shops were to be tolerated. Thus, Congress itself opened the door to right-to-work statutes as it had a clear right to do under the Constitution. Under section 14(b), nothing contained in the Federal law could contradict the right of the States not only to recognize free association but to protect and enforce it. Without violating the supremacy clause—article VI—of the U.S. Constitution, which prescribes that laws made pursuant to the Constitution shall be the supreme law of the land, States may guarantee to employees the right to decline to associate as well as to associate; and the States may implement that right effectively. In effect, therefore, Congress left it up to the States to correct in this respect the obvious inconsistency of the national labor relations law, as amended. Only when the correction applied by a right-to-work law is effective can it be said that employees are secured in their right freely to associate or freely to decline to associate. What Congress merely recognized as a right but did not enforce, the States are permitted to enforce.

This is not to say that all of the right-to-work laws came into existence after Congress had opened the door by enacting section 14(b) of the Federal Labor Relations Act. Some of the right-to-work laws antedated that act.

Florence Peterson in her "Survey of Labor Economics," copyrighted in 1947, criticized the right-to-work laws as follows:

> Such blanket restrictions for workers engaged in interstate industries are contrary to the National Labor Relations Act and the Anti-Injunction Act as they read in 1946.
>
> Opponents of such legislation also maintain that the restrictions are unconstitutional because they violate the guarantees of free speech and union property rights inherent in contracts with employees. Its proponents, while admitting that it nullifies certain provisions in existing Federal labor laws, hold that it conforms to the best traditions of our Constitution and Bill of Rights because it affords protection against union coercion and intimidation (pp. 635–636).

Of course, Miss Peterson could not at that time foresee that Congress itself, by the Taft-Hartley Act, would eliminate the very possibility of contradiction by expressly permitting State right-to-work laws. But she was in error even about the Wagner Act and congressional legislative intent under that act, as appears below.

WHY DID CONGRESS SPECIFICALLY AUTHORIZE THE STATE RIGHT-TO-WORK LAWS?

The best answer to this question is supplied by the House Conference Report

No. 510 on H.R. 3020 of the 80th Congress:

> Under the House bill there was included a new section 13 of the National Labor Relations Act to assure that nothing in the act was to be construed as authorizing any closed shop, union shop, maintenance of membership, or other form of compulsory unionism agreement in any State where the execution of such agreement would be contrary to State law. Many States have enacted laws or adopted constitutional provisions to make all forms of compulsory unionism in those States illegal. It was never the intention of the National Labor Relations Act, as is disclosed by the legislative history of that act, to preempt the field in this regard so as to deprive the States of their powers to prevent compulsory unionism. Neither the so-called closed shop proviso in section 8(3) of the existing act nor the union shop and the maintenance of membership proviso in section 8(a)(3) of the conference agreement could be said to authorize arrangements of this sort in States where such arrangements were contrary to the State policy. To make certain that there should be no question about this, section 13 was included in the House bill. The conference agreement, in section 14(b), contains a provision having the same effect (p. 60).

As of the time when the House Committee Report No. 245 on H.R. 3020 was filed, at least 12 States—Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Louisiana, Minnesota, Nebraska, North Dakota, South Dakota, and Tennessee—had laws forbidding compulsory unionism—see that report, page 34.

For this reason the House bill not only abolished the closed shop but declared:

> The subject of compulsory unionism, one that the States may regulate concurrently with the United States, notwithstanding that the agreements affect commerce and notwithstanding that the State laws limit compulsory unionism more drastically than does Federal law. The demand for legislation of this kind is widespread and pressing (p. 34).

The same House Report No. 245 contains a further explanation:

> Since by the Labor Act, Congress preempts the field that the act covers insofar as commerce within the meaning of the act is concerned, and since when this report is written the courts have not finally ruled upon the effect upon employees of employers engaged in commerce of State laws dealing with compulsory unionism, the committee has provided expressly in section 13 that laws and constitutional provisions of any State that restrict the right of employers to require employees to become or remain members of labor organizations are valid, notwithstanding any provision of the National Labor Relations Act. In reporting the bill that became the National Labor Relations Act, the Senate committee to which the bill had been referred declared that the act would not invalidate any State law or constitutional provision. The new section 13 is consistent with this view (p. 44).

The Senate committee in its report—No. 105 on S. 1126—was even more specific as to the reasons which motivated the Senators in permitting State right-to-work laws even though they could be construed as inconsistent with the Federal National Labor Relations Act:

> A controversial issue to which the committee has devoted the most mature deliberation has been the problem posed by compulsory union membership. It should be noted that when the railway workers were given the protection of the Railway Labor Act, Congress thought that the provisions which prevented discrimination against union membership and provided for the certification of bargaining representatives obviated the justification for closed shop or union shop arrangements. That statute specifically forbids any kind of compulsory unionism.
>
> The argument has often been advanced that Congress is inconsistent in not applying this same principle to the National Labor Relations Act. Under that statute a proviso to section 8(3) permits voluntary agreements for compulsory union membership provided they are made with an unassisted labor organization representing a majority of the employees at the time the contract is made. When the committee of the Congress in 1935 reported the bill which became the present National Labor Relations Act, they made clear that the proviso in section 8(3) was not intended to override State laws regulating the closed shop. The Senate committee stated that "the bill does nothing to facilitate closed shop agreements or to make them legal in any State where they may be illegal" * * * Until the beginning of the war only a relatively small minority of employees (less than 20 percent) were affected by contracts containing any compulsory features. According to the Secretary of Labor, however, within the last 5 years over 75 percent now contain some form of compulsion. But with this trend, abuses of compulsory membership have become so numerous there has been great public feeling against such arrangements. This has been reflected by the fact that in 12 States such agreements have been made illegal either by legislative act or constitutional amendment, and in 14 other States proposals for abolishing such contracts are now pending. Although these regulatory measures have not received authoritative interpretation by the Supreme Court (see *A.F. of L.* v. *Watson*, 327 U.S. 582), it is obvious that they pose important questions of accommodating Federal and State legislation touching labor relations in industries affecting commerce (*Hill* v. *Florida*, 325 U.S. 538; see also *Bethlehem Steel Co.* v. *Labor Board*, decided by the Supreme Court April 7, 1947). In testifying before this committee, however, leaders of organized labor have stressed the fact that in the absence of such provisions many employees sharing the benefits of what unions are able to accomplish by collective bargaining will refuse to pay their share of the cost.
>
> The committee has taken into consideration these arguments in reaching what it considers a solution of the problem which does justice to both points of view. We have felt that on the record before us the abuses of the system have become too serious and numerous to justify permitting present law to remain unchanged. It is clear that the closed shop which requires preexisting union membership as a condition of obtaining employment creates too great a barrier to free employment to be longer tolerated. In the maritime industry and to a large extent in the construction industry union hiring halls now provide the only method of securing employment. This not only permits unions holding such monopolies over jobs to exact excessive fees but it deprives management of any real choice of the men it hires. Extension of this principle to license deck and engine officers has created the greatest problems in connection with the safety of American vessels at sea (see testimony of Almore Roth * * * vol. 2, p. 612).
>
> Numerous examples were presented to the committee of the way union leaders have used closed shop devices as a method of depriving employees of their jobs, and in some cases a means of securing a livelihood in their trade or calling, for purely capricious reasons. In one instance a labor union member was subpenaed to appear in court, having witnessed an assault on his foreman by a fellow employee. Because he told the truth upon the witness stand, the union leadership brought about his expulsion with the consequent loss of his job since his employer was subject to a closed shop contract.
>
> Numerous examples of equally glaring disregard for the rights of minority members of unions are contained in the exhibits received in evidence by the committee (see testimony of Cecil B. de Mille). If trade unions were purely fraternal or social organizations, such instances would not be a matter of congressional concern, but since membership in such organizations in many trades or callings is essential to earning a living, Congress cannot ignore the existence of such power.
>
> Under the amendments which the committee recommends, employers would still be permitted to enter into agreements requiring all the employees in a given bargaining unit to become members 30 days after being hired if a majority of such employees have shown their intent by secret ballot to confer authority to negotiate such an agreement upon their representatives (pp. 4–7).

Mr. President, many instances of oppression and trade union abuse stemming directly from the dictatorial imposition of the closed shop or union shop could be cited.

A glaring example is the manner in which most of the Teamsters unions in New York City coerce workers into their membership and impose their printed and nonbargainable contracts upon employers. There is no such thing as collective bargaining. In most cases there is no such thing as an organizational campaign. The organizational campaign begins with a picket line. It is followed by the use of goon squads. The way to get rid of this annoyance is to sign the printed contract as it is. Obviously, to be required to sign a printed contract, prepared by the union, without being given an opportunity to negotiate any of the terms, is hardly an instance of collective bargaining in good faith. All of these Teamsters contracts contain what amounts to closed shop, or at least union shop provisions.

An example of union dictatorship of this type comes to mind. John McNamara, secretary-treasurer of local No. 808 of the Teamsters in New York City, boasted that in the 15 years during which he held office he had never made use of the services of the National Mediation Board, the National Labor Relations Board, the Federal Mediation and Conciliation Service, or any State labor relations board; had never made use of the services of State mediation boards; and had never gone to arbitration. Employers found it cheaper to sign than to bear the loss of business which picketing effected. And they signed exactly what the union had printed as its current labor agreement.

Under such circumstances, the control which is given to a dictatorily inclined labor leader by a union shop or closed shop is practically unlimited.

In his short but scholarly work entitled "Fundamentals of Labor Economics," Prof. Freidrich Baerwale of Fordham University writes:

> Under a closed shop agreement, the employer pledged himself to hire only workers who, prior to the date of being taken on, have been members in good standing of the

> union which has concluded the contract. A closed shop clause was usually stated somewhat as follows: "Throughout the term of this contract, the employer agrees to hire only members of the union in good standing." Just what "good standing" meant was defined in the constitution and bylaws of the union in question and was usually forfeited by nonpayment of union dues. Thus, in places where the closed shop clause was rigidly enforced, workers had to be members of the union before they could obtain employment. In such cases, therefore, the first problem before a worker was not to find a job but was to get into the union. In this regard, the matter of initiation fees and residence requirements must be considered.
>
> The levying of initiation fees is not in itself objectionable. Every organization, and particularly a union, must take the necessary measure to assure a constant flow of revenue to cover the expenses of its activities, and initiation fees can supply part of the needed funds. In times of chronic unemployment initiation fees were levied in many unions, not so much for obtaining revenue, as for discouraging new applications and keeping down the number of union members. The prohibitive amount of the initiation fee was interpreted as one way of keeping the supply of labor in balance with the demand. In many cases, however, the fee was used not merely to maintain such balance but to create an artificial scarcity of labor in specialized fields—a condition that was said to be in the interest of the union members who had invested in the union when they joined and were entitled to look forward to returns in the form of high wages brought about by the scarcity of labor.
>
> Experience has shown that the closed shop has a tendency to develop into a closed union; that is, it can easily assume a monopolistic character limiting employment opportunities to insiders while denying them to nonmembers. The actual strength of the tendency varies with business conditions. When unemployment is high, admission policies are more restrictive than in periods of great demand for workers. Under such conditions there is the danger that the labor force will become rigidly divided into those who are employed and those who are unemployed and unable to find work because they have lost their good standing in the union through lapse of dues payment or because they were never able to afford the initiation fee. This tends to keep people jobless if their occupational background limits them to fields covered by closed-shop clauses.
>
> In good times and especially in periods of full employment, the monopolistic character of the closed shop lessens; but this fact does not eliminate the fundamental issue of whether it is desirable to give a private organization—in this case the union—the right to determine who should and who should not be given an opportunity to work in a given field. The argument that such a practice is necessary so as to avoid overcrowding in certain occupations is not valid. That problem is not one to be solved by union procedures; it can be met only by an efficient guidance program, especially for young people, which should be linked to the operations of the public placement services.
>
> Residence requirements have also been used as a restrictive device in union policies. "Foreigners" from other States, or even from cities of the same States, often had to undergo a waiting period before they were allowed to work at their occupations in a new city. In such cases, the union card issued by the union of the former residence was readily transferred and dues payments were received, but still the ban on accepting employment was enforced; the newly arrived members were not considered for placement until after the expiration of the waiting period. These restrictive devices were defended by pointing to overcrowding of occupations; but again, it must be stated that the flow of workers should not be interfered with by union rules. It is the duty of the employment services to publicize unfavorable conditions in the various labor markets and to discourage such migrations of labor which can only lead to new disappointments for those in search of employment opportunities. If the indirect regulation of the labor market is left to unions, they are placed in the position to exercise a power over individuals which is not inherent in the purposes of labor organizations.
>
> * * * A sample study made by the National Industrial Conference Board in 1939 indicates that the closed shop can eliminate a certain amount of friction in industrial relations. It was pointed out that such an agreement "improves discipline" and "ends the frequent demands by the union for concessions for the sole purpose of holding membership."
>
> These advantages, however, cannot outweigh the disadvantages implied in the closed shop type of union agreement. Through a closed shop clause the union assumes the position whereby it can determine the hiring of workers to a very large extent. If additional workers are needed in a closed shop, the employer must turn to the union which will "present" some of its members for his consideration. It is true that the employer is not bound by the closed shop provision to hire anybody just because he is a member of the union and has been presented. He retains his right to reject obviously incompetent or unsuitable workers. On the other hand, the requirement that he hire only union members limits his selection just as it narrows the opportunity of employment in closed shop fields for workers who are not members of the union and who fail to obtain admission to it.
>
> The closed shop clause gave a maximum of security to the union but it had such far-reaching effects on the whole question of fair distribution of opportunities of employment that, in this writer's opinion, a reintroduction of such a pattern of union agreements would seriously impair the workers' liberty of choice and freedom of movement. The closed shop is typical of labor organizations in a totalitarian system; a wide acceptance of it in a democratic society would create grave inconsistencies. Besides, the legitimate ends of unionism can be served without recourse to such restrictive policies and clauses. * * * (pp. 394–397).

In the case of *Lauf* v. *E. G. Shinner & Co., Inc.*, 303 U.S. 323, the district court had found the following facts, according to the opinion of the Supreme Court of the United States: E. G. Shinner & Co., Inc. operated five meat markets in Milwaukee, Wis. It employed about 35 employees; none of them was a member of the union involved. That union demanded that the employer require its employees, as a condition of continued employment, to become members. The employer notified the 35 employees that they were free to do this; but they refused to join the union. I quote from the Supreme Court's decision:

> For the purpose of coercing the respondent (employer) to require its employees to join the union and to accept it as their bargaining agent and representative, as a condition of continued employment, and for the purpose of injuring and destroying the business if the respondent refused to yield to such coercion, the petitioners (the Union) conspired to do the following things and did them: They caused false and misleading signs to be placed before the respondent's markets; caused persons who were not respondent's employees to parade and picket before the market; falsely accused respondent of being unfair to organized labor in its dealings with employees and, by molestation, annoyance, threats, and intimidation, prevented patrons and prospective patrons of respondent from patronizing its markets; respondent suffered and will suffer irreparable injury from the continuance of the practices, and customers will be intimidated and restrained from patronizing the stores as a consequence of petitioners' acts. * * *

Upon the foregoing facts, the district court issued an injunction enjoining the union from seeking to coerce the employer to discharge its employees for refusal to join the union or to coerce the employer to compel the employees to become members of the union. Without considering the merits of the dispute, the Supreme Court found that the controversy between the union and the employer in this case constituted a "labor dispute" within the meaning of the Norris-La Guardia Act. For that nominalistic reason alone, the Supreme Court of the United States found that the district court has committed error in issuing an injunction against the union. For all practical purposes, the Norris-La Guardia Act prevents courts from issuing injunctions in "labor disputes." Thus, everything depends upon the definition of the term "labor dispute." The Court merely satisfies itself that there exists a "labor dispute," without going into the merits of the so-called dispute, and, having found that a "labor dispute" exists, it concludes that no injunction ought to issue. The test is not justice but nomenclature.

In a dissenting opinion, Mr. Justice Butler wrote:

> The decision just announced ignores the declared policy of Congress that the worker should be free to decline association with his fellows, and that he should have full freedom in that respect and in the designation of representatives, and especially that he should be free from the interference, restrains, or coercion of employers. To say that a "labor dispute" is created by the mere refusal of respondent to comply with the demand that it compel its employees to designate the union as their representative unmistakably subverts this policy and consequently puts a construction upon the words contrary to the manifest congressional intent * * *.
>
> In this case, there was no interchange or consideration of conflicting views in respect of the settlement of a controversial problem. There was simply an overbearing demand by the union that respondents do an unlawful thing and a natural refusal on its part to comply. If a demand by a labor union that an employer compel its employees to submit to the will of the union, and the employer's refusal, constitute a labor controversy, the highwayman's demand for the money of his victim and the latter's refusal to stand and deliver constitute a financial controversy.
>
> Clearly the union could not be authorized by statute to resort to coercive measures directly against the employees to compel submission to its wishes, for that would be to give one group of workmen autocratic power to control in respect of the liberties of another group, in contravention of the fifth amendment as well as of the policy of Congress expressly declared in this act. And that being true, the attempt to coerce submission through constrained interference of the employer was equally unlawful.
>
> There can be no dispute without disputants, between whom was there a dispute

> here? There was none between the union and respondent's employees; for the latter were considered by the union mere pawns to be moved according to the arbitrary will of the union. There was none between respondent and its employees; they were in full accord. And finally there was none between the union and respondent; for it would be utterly unreasonable to suppose Congress intended that the refusal of a conscientious employer to transgress the express policy of the law should constitute a "labor dispute" having the effect of bringing to nought not only the policy of the law, but the obligation of a court of equity to respect it and to restrain a continuing and destructive assault upon the property rights of the employer, as to which no adequate remedy at law existed * * *.

One could go on citing case after case similar to the instances already enumerated. All of them highlight reasons why State legislatures reasonably and with unimpeachable morality banned compulsory unionism and established right-to-work statutes.

Perhaps nowhere can a more succinct and accurate statement of union leader attitude in opposition to right-to-work laws be found than in the summary of the union briefs before the Supreme Court of the United States in two cases treated as one, *Lincoln Federal Labor Union* v. *Northwestern Iron & Metal Co.*, *Whitaker et al.* v. *State of North Carolina* (335 U.S. 525). What was involved in those cases was the constitutionality of the North Carolina right-to-work statute and the Nebraska constitutional amendment providing that no person shall be deprived of an opportunity to obtain or retain employment because he is or is not a member of a labor organization. This case was decided in 1949 and it constitutes the leading precedent from the highest Court in the land sustaining the constitutionality of right-to-work laws. The following quotations and comments will not only elucidate the rejected union philosophy, but the saneness and justice which bulwarks the constitutional defense of right-to-work laws:

> It is contended that these State laws abridge the freedom and speech and the opportunities of unions and their members "peacably to assemble and to petition the government for a redress of grievances."
>
> It is difficult to see how enforcement of this State policy could infringe the freedom of speech of anyone, or deny to anyone the right to assemble or to petition for a redress of grievances. The appellants (the unions) do not contend that the laws expressly forbid the full exercise of those rights by unions or union members. Their contention is that these State laws indirectly infringe their constitutional rights of speech, assembly, and petition. While the basis of this contention is not entirely clear, it seems to rest on this line of reasoning: The right of unions and union members to demand that no nonunion members work along with union members is "indispensable to the right of self-organization and the association of workers into unions"; without a right of union members to refuse to work with nonunion members, there are "no means of eliminating the competition of the nonunion worker"; since, the reasoning continues, a "closed shop is indispensable to achievement of sufficient union membership to put unions and employers on full equality for collective bargaining, a closed shop is consequently an indispensable concomitant" of the "right of employees to assemble into and associate together through labor organizations * * *."
>
> Justification for such an expensive construction of the right to speak, assemble, and petition is then vested in part on appellants' assertion "that the right of a nonunionist to work is in no way equivalent to or the parallel of the right to work as a union member; that there exists no constitutional right to work as a nonunionist on the one hand while the right to maintain employment free from discrimination because of union membership is constitutionally protected."
>
> There we have it. The union argument and brief actually went to the length of contending that "the right of a nonunionist to work is in no way equivalent to or the parallel of the right to work as a union member." According to this strange argument, the Constitution sets up two classes of citizenship. The full constitutional prerogatives and immunities go to union members. Lesser rights and prerogatives—how much less is left to conjecture—accrue to nonunion members. A nonunionist simply does not have "a constitutional right to work". Only the unionist is constitutionally guaranteed against discrimination. This self-contradictory philosophy attaches to the Constitution a gross and intolerable discrimination in an effort to fight antiunion discrimination. It brazenly contends, without the slightest warrant from the Constitution, the Supreme Court cases or constitutional history, that it is sound constitutional law to read into the Constitution a discrimination against nontrade unionists in favor of trade unionists.
>
> No more stupid or impertinent argument was ever presented to the Supreme Court of the United States. Trade unions in this way claim a preeminent position in the pluralism which characterizes the United States.

Every other private group depends for the purpose of soliciting its members upon a principle of freed and uncoerced association, its own appeal to reason, its basic constitution and by-laws and upon similar methods of persuasion. A parish, a church, a grange, a civic society, a social club, a benevolent order—all of these would spurn the idea that coercion for the purpose of forcing outsiders to join their grouping is "indispensable to the right of self-organization and the right of association" into their particular group. Pluralism is by its very nature competitive. But it would be a sad day for this country if the Knights of Columbus, for example, were persuaded to resort to coercive methods for forcing membership upon outsiders for no better reason than that competition between Knights and non-Knights is keen. Neither in reason nor in good politics nor in any defensible jurisprudence would it be proper to yield to any private group, whether union or nonunion, the type of preeminence actually claimed by labor unions before the Supreme Court of the United States. This bizarre primacy, which the unions seriously claimed in the Lincoln Federal Labor Union case, they continue to claim implicitly in most of their arguments again right-to-work laws. They claim special privilege which they would be the first to resent in other private, nongovernmental groups. After all, they did try to put their best foot forward when they conducted their appeals to the U.S. Supreme Court. They would have liked nothing better than to be able to strike down right-to-work laws as unconstitutional. Time and again they have sought to persuade courts to hold such laws as violative of basic law. The courts have rejected these union attempts at claiming special privilege. The Supreme Court has, in a well reasoned opinion, put to final rest a series of querulous constitutional objections.

WHAT THE SUPREME COURT HAS SAID IN DEFENSE OF RIGHT-TO-WORK LAWS

In the Lincoln Federal Labor Union case (supra), Mr. Justice Black wrote for a unanimous court:

> Under employment practices in the United States, employers have sometimes limited work opportunities to members of unions, sometimes to nonunion members, and at other times have employed and kept their workers without regard to whether they were or were not members of a union. Employers are commanded to follow this latter employment practice in the States of North Carolina and Nebraska. A North Carolina statute and a Nebraska constitutional amendment provide that no person in those States shall be denied an opportunity to obtain or retain employment because he is or is not a member of a labor organization. To enforce this policy North Carolina and Nebraska employers are also forbidden to enter into contracts or agreements obligating themselves to exclude persons from employment because they are or are not labor union members * * *.

Here is a simple and lucid statement of the issue as it was presented to the Supreme Court of the United States. Having thus formulated the question before it, the Court went on to state and often quote the basic union contentions to the effect that the Nebraska and North Carolina right-to-work statutes were constitutionally invalid. Then the Court wrote:

> We deem it unnecessary to elaborate the numerous reasons for our rejection of this contention of * * * (the unions). Nor need we appraise or analyze with particularity the rather startling ideas suggested to support some of the premises on which Appellants' (the unions') conclusions rest. There cannot be wrung from a constitutional right of workers to assemble to discuss improvement of their own working standards, a further constitutional right to drive from remunerative employment all other persons who will not or cannot participate in union assemblies. * * *

In the Oregon School case—*Pierce* v. *Society of Sisters* (268 U.S. 510), the Supreme Court of the United States refused to drive private or parochial schools from the American scene simply because a group of State legislators dislike the competition between public and private schools. But in the Oregon School case, it was not a private group which had decreed the extinction of parochial schools. It was a State legislature. But the Supreme Court vetoed the decree. In the Lincoln Federal Labor Union case, private groups—unions—were actually presenting the startling idea that they could drive from remunerative employment all other persons whom they regarded as competitors. It scarcely requires more than a rudimentary grip on sound political theory or on presentable moralizing to justify the conclusion that, even if the U.S. Constitution permitted private groups to drive from remunerative employment all other persons who will not or cannot participate in them, it would be intolerable and immoral to do so.

The great French philosopher, Jacques Maritain, has written:

> The lesson of * * * experience seems obvious: nothing is more vain than to seek to unite men by a philosophic minimum. However small, however modest, however tentative this may be, it will perpetually give rise to contests and divisions. And this quest of a common denominator in contrasting convictions can develop nothing but intellectual cowardice and mediocrity, a weakening of minds, and a betrayal of the rights of truth.
>
> Hence we must renounce the search for a common profession of faith, whether it be the medieval one of the Apostles' creed, or the natural religion of lightness, or the positive philosophy of Auguste Comte, or that minimum of Kantian morality invoked in France by the first theorists of laicism; we must give up seeking in a common profession of faith the source and principle of unity in the social body. ("True Humanism," pp. 167–168.)

Now, if we cannot by appeal to reason effectuate unity of philosophy or faith, we will be even less successful, by any coercive methods, to unify men in societies like unions. Moreover, if on such important matters as a basic public philosophy or a faith which is necessary for eternal salvation, men cannot be forced into unity by intimidation and threats, it is hardly likely that in the less important, temporal matters with which trade unions and their objectives are concerned, a sound or facile unification will result from compulsory unionism. Unionism is not an end in itself. It is a means to an end. Every means is, per se, subordinated to its end. The ends of trade unionism are morally and metaphysically subordinate to the larger ends of man himself. The union, like the state, is to serve the person. Reverse this formula and you have tyranny.

Now one of the ends of the human person is liberty and free association which exemplifies sound liberty.

> All exterior regulation is vain if its aim is not to develop the sense of a person's own creative responsibility, and his sense of communion. To feel responsible for one's brothers does not diminish our freedom but weights it with a deeper responsibility. (Maritain, ibid., p. 176.)

For man has two ultimate ends, and one is obviously subalternated to the other. Man has an absolute ultimate end which is the transcendent eternal common good, namely, God Himself. And man has a terrestrial common good which is also ultimate in its particular order. For neither of these two ends is trade unionism an indispensable means. Neither the Gospels nor the Epistles mentioned unions in a day when workers were enslaved and oppressed. Unions are indeed a useful means in the terrestrial order of our time. They may be "morally necessary" in many situations today. But there have been and are instances of just and fair treatment of employees by employers without the intervention of unions. Unions do not have a monopoly of justice, good will, or social charity.

It may also be true that unions have necessary ends. But we should never forget what St. Thomas Aquinas wrote in his discussion of truth in the 13th century:

> No matter how necessary the end is, unless the means has a necessary relationship to the end so that without it the end cannot exist, there will be no necessity arising from the end in the means; just as, even though the principles may be true, if the conclusion is false because of the lack of a necessary relationship, no necessity on the part of the conclusion follows from the necessity of the principles. ("Truth," question XXIII, art. 4, id. 11.)

Even if the closed shop were "indispensable to the right of self-organization and the association of workers into unions" (and it certainly is not indispensable in this sense as a matter of history or theory), the moral, legal, or political invalidity of the right-to-work laws would not thereby have been demonstrated. The unions themselves and their best objectives are not indispensable. The world had existed for many centuries before unionism came on the scene. The Bible never mentioned trade unionism. If unions were indispensable for terrestrial or spiritual salvation, they certainly would have been presaged or indicated. If trade unions themselves and their finest ends are not indispensable, history proves, with even less hesitation, that the closed shop, the union shop and other forms of compulsory unionism are not indispensable means to trade unionism. Trade unionism developed and grew strong without compulsory unionism. The great unions of France, Germany, Sweden, Italy, and England developed and grew strong without the help of compulsory unionism. Indeed, compulsory unionism came upon the European labor scene comparatively recently. Up to World War II, less than 20 percent of the unionized employees were covered by union security clauses exemplifying compulsory unionism.

Let me continue my discussion of the Lincoln Federal Labor Union case:

> The constitutional right of workers to assemble, to discuss and formulate plans for furthering their own self-interest in jobs cannot be construed as a constitutional guarantee that none shall agree to abide by the assembly's plans. For where conduct affects the interests of other individuals and the general public, the legality of that conduct must be measured by whether the conduct conforms to valid law, even though the conduct is engaged in pursuant to plans of an assembly.

After all, the very union workers who insist that others join their union under the duress of some form of closed shop or union shop themselves exemplify free choice in what they want to do. Presumably they have without compulsion joined the particular union they like. Now they deny a similar right to others. They say to others, in effect: "Either join my union or lose your job." Thus there is established a dual standard of privilege and freedom. It is bad enough to say: "I will not work with you because you are a Catholic or a Protestant, or a Jew." Such intolerance is rather universally condemned today. Indeed, it is actually forbidden by law in many cases. Yet in many States it is still permissible to say: "I will not work with you because you do not belong to my union. Therefore you cannot work here." Mind you, the person thus addressed might belong to a different union which he likes better. But by compulsory unionism we encourage and proliferate the very type of intolerance and provincialism which are, in all other cases, universally condemned.

The Supreme Court of the United States was not misled by the spurious arguments against the right-to-work laws. The right-to-work laws do not deny to workers the right to assemble or to discuss and to formulate plans for furthering their own self-interest in jobs. What is involved is the right of free assemby and the right of free discussion and formulation. To permit regimentation in these matters is to fertilize the seed-bed of totalitarianism and one-party systems.

In any case, the right-to-work laws, far from conflicting with the first amendment, recognize and protect rather obvious corollaries of the first amendment. The Constitution in this respect applies to all of us and not just to trade union members. All of us are free to join private groups; not just union members. Free association does not apply only to those who voluntarily join unions. It does not suddenly fail for those who join a lawful union which is not popular with the majority of a particular plant.

Yet, by compulsory unionism, the unions have tried to set up a "constitutional guarantee that none shall get and hold jobs except those who will join" unions or concertedly advance their plans. In effect, this puts trade unions in the position of State legislatures to decide whether work shall be available to particular persons. Only very rarely in the history of this country have State legislatures denied access to employment or have they regulated access to employment narrowly. Yet the advocates of compulsory unionism would permit trade unions, as private groups, to do what State legislatures have rarely done; and then only under the most drastic provocation. For example, the Waterfront Commission Compact of New York and New Jersey bans certain types of employment and strictly regulates other types. There is a serious question as to whether such regulation is wise or even constitutional—despite the Linehan case. It seems like a roundabout way to try to correct trade union graft and corruption and nefarious employer bribing by limiting access to waterfront employment. The politicians who engineered this type of law and fallen down for years on the job of enforcing obvious and long-neglected criminal statutes. Then, they created a vast bureaucracy—and saddled upon the steamship companies the expense of financing it—to cope with a problem they had not the courage to settle for years before.

In any case, the legality of union conduct, just as individual conduct, must be measured by whether that conduct conforms with valid law. The Supreme Court of the United States has held that right-to-work laws are valid. No convincing argument from partisan moralists or clerygmen unversed in constitutional law has been able to demonstrate that such laws are constitutionally invalid.

> It is contended that the North Carolina and Nebraska laws deny unions and their members equal protection of the laws and thus offend the equal protection clause of the 14th amendment. Because the outlawed contracts are a useful incentive to the growth of union membership, it is said that these laws weaken the bargaining power of unions and correspondingly strengthen the power of employers. This may be true. But there are other matters to be considered. The State laws also make it impossible for an employer to make contracts with company unions which obligate the employer to refuse jobs to union members. In this respect the State laws protect the employment opportunities of members of independent unions. * * * This circumstance alone, without regard to others that need not be mentioned, is sufficient to support the State laws against the charge that they deny equal protection to unions as against employer and nonunions.

It seems ironic that in attacking the right-to-work laws and in defending compulsory unionism the labor union attorneys should invoke the equal protection clause of the 14th amendment. Their whole case was a case for unequal protection. They wanted to make sure that only unionists of their persuasion were protected in the plants of this country. They actually and furiously argued that alongside of trade unionists nonunion members had fewer constitutional protections. It is hard to imagine a more shoddy argument.

> It is contended that these State laws deprive appellants of their liberty without due process of law in violation of the 14th amendment. Appellants argue that the laws are specifically designed to deprive all persons within the two States of "liberty" * * * to refuse to hire or retain any person in employment because he is or is not a union member * * *.
>
> There was a period in which labor union members who wanted to get and hold jobs were the victims of widespread employer discrimination practices. Contracts between employers and their employees were used by employers to accomplish this antiunion employment discrimination. Before hiring workers, employers required them to sign agreements stating that the workers were not and would not become labor union members. Such antiunion practices were so obnoxious to workers that they gave these required agreements the name of "yellow dog contracts." This hostility of workers also prompted passage of State and Federal laws to ban employer discrimination against union members and to outlaw yellow dog contracts.

In this respect, the unions have come full circle. They opposed yellow dog contracts on the ground that such contracts interfered with freedom of choice there can be no doubt that, on the average, yellow dog contracts did do just that. For that reason I think they constituted an average evil and were, therefore, properly banned by State statute. But why were they properly banned? Because they constituted practical and average violations of the basic principle of free association. This principle traces to one of the objectives of the human person, one of his actual personal ends as a being created by God and endowed with free will. This principle is one of the secondary principles of the natural law. Only in the light of this principle were yellow dog contracts, on an average, evil.

This is not to say that every yellow dog contract, any more than the closed shop, was per se a violation of the natural law. It was not. There were undoubtedly instances where all of the employees who signed yellow dog contracts signed them voluntarily because they were themselves quite unwilling to join a labor union. They were exercising their own free choice. Maybe they were not always exercising their free choice wisely. But if they exercised their free choice according to their rights and in pursuance of the dictates of their consciences, they did all that could be expected of them in the circumstances. Certainly it would be a bad theory of jurisprudence to suppose that every error or every exercise of bad judgment should be banned by law or by compulsive tactics. St. Thomas properly condemned the idea that it is the function of law to repress all vices.

I do not think it is possible to argue that the closed shop or the union shop is per se evil as a violation of the right of free association or of the natural law. It is conceivable and indeed likely that in some instances all of the workers in a given plant covered by a closed shop or union shop agreement are thoroughly in favor of the particular union and want no other. This, however, does not mean that Congress or State legislatures could not regard the closed shop or the union shop or any other form of compulsory unionism as average evils and as to close to abuses in all of the complex and myriad circumstances of the labor scene today.

Nor does it mean that when a legislature bans compulsory unionism it must do so only on the basis of a thorough refutation of every single argument against such a ban. No laws are passed on that basis. In many cases, such a thorough refutation is impossible. That is the precise meaning, function, and role of legislative authority. Legislative authority is rarely necessary for the purpose of persuading people that murder, for example, is wrong. Among right-minded people, that is to say excluding fools and rogues, one does not have to present the arguments against murder. We take them as self-evident.

All laws are means to ends. They are not ends in themselves. Human beings are by nature fallible in the selection of means, as St. Thomas Aquinas frequently stated in his tractate on prudence in the "Summa Theologica." No legislature pretends that it is infallible in prescribing its particular statute as a means to attain a particular end as to which all are virtually in agreement. No legislation would be sound if it were not dedicated to the establishment of some good end. Usually, our differences concern means, not ends. In a pluralist society like ours, we often need group action. We cannot hope to achieve unanimity in political action. For that very reason we need and inevitably have pluralism. We need the diversities that are created by arguments and counterarguments. Finally, we must make a decision based not on unanimity nor on the veto principle—such as we have in the United Nations—but on a free choice by persons who have a basically common public philosophy.

As Yves Simon states in his "Philosophy of Democratic Government":

> Even in the smallest and most closely united community, unity of action cannot be taken for granted; it has to be caused, and, if it is to be steady, it has to be assured by a steady cause * * *
>
> Now unity of action depends upon unity of judgment, and unity of judgment can be procured either by way of unanimity or by way of authority; no third possibility is conceivable. Either we all think that we should act in a certain way, or it is understood among us, no matter how diverse our preferences, we shall all assent to one judgment and follow the line of action that it prescribes. Whether this judgment is uttered by a leading person or by the majority or by a majority within a leading minority makes, at this point, little difference. But to submit myself to a judgment which does not, or at least may not, express my view of what should be done is to obey authority.

Now it should be clear that, in this sense, private organizations, like unions, do not have authority for those who are not its members and who freely decide against joining them. It should also be clear that no one in his right mind should expect all persons to agree with labor unions or their leadership. Indeed labor unions and labor leaders cannot be depended on to agree with one another. One leadership of the same union often differs from the next leadership.

This is not a case of science, where lack of unanimity on well-established scientific principles or applications is, in effect, a scandal and a sign of incompetence. No one occupying the chair of nuclear physics in one of our major universities would be tolerated if he insisted that uranium 235 does not exist or that it has properties of beryllium. Such are not matters about which difference of opinion can be tolerated.

But union affiliation is precisely a matter about which difference of opinion ought to be tolerated in the name of personal and political freedom. Indeed, there have been some unions so Communist dominated that affiliated with them could properly be regarded as a violation of conscience. There have been others so dominated by racketeers and gangsters that affiliation with them is a rather obvious dishonor.

The nature and role of authority in this connection is so important that it deserves further development. I say this because, behind the assumptions which labor union lawyers and others have marshaled against the right-to-work laws, there is the unsound postulate that private groups like unions should have authority to decide who shall work in a given plant and who shall not. Let me quote again some pertinent and thought-provoking passages from Simon's work "The Philosophy of Democratic Government":

> Consider a group of persons confronted with the duty of united action for the common good. We assume that they are all virtuous; by their virtues they are properly related to the common good as end. We assume also that they are all enlightened and that no

ignorance or allusion interferes with their ability to determine the proper means. Unanimity cannot be brought about (even in such idealistically postulated circumstances) by demonstration, for the proposition that such a course of action ought to be followed is not demonstrable (in the strictly necessary logical sense). Attempts at its rational establishment, no matter how sound and helpful, will fall short of necessitating the assent of the minds. Let an example be that of a nation threatened in its freedom and existence by an ambitious competitor. A time comes when survival demands war-readiness, and a time comes when fighting alone can preserve the common good. Yet it is never possible to demonstrate that whoever loves the common good must support a policy of war and that whoever opposes such a policy is wrong. Who knows? Decisive factors often are extremely unobvious. * * * The dialog goes on, though the situation imperatively demands that all should contribute full measure of devotion, with all their minds and hearts, to a uniquely determined policy. The question is whether such a disagreement can take place among citizens that are both good and enlightened.

One thing is plain: If unanimity can be achieved in nonfortuitous fashion, it is not by way of necessitating argumentation and rational communication. But the analysis of practical judgment, which rules out rational communication as a steady cause of unanimity in these matters, shows also that a steady cause of unanimity is found in the inclination of the appetite, whenever the means to the common good is uniquely determined. If, and only if, there is only one means to the common good is the proposition enunciating this means the only one that admits of practical truth. It is the only one that conforms to the requirements of a properly disposed appetite, and a properly disposed appetite cannot make any other proposition win assent. The community of the end and the unique determination of the means brings about a situation distinguished by happy simplicity (pp. 26–27).

Now obviously we do not have, with respect to the practical question of particular labor union affiliation, a question of such happy simplicity. The foregoing quotation reminds one of the earlier quotation from St. Thomas Aquinas' "Truth"—"De Veritate." It should be obvious without much reflection upon the real situation—as distinguished from reflection upon abstractions—that trade unions are not the one and only means to the common good. It should be even more apparent that, however necessary one regards trade unions, compulsory unionism is not the one and only means, the indispensable means, for the encouragement and growth of trade unions.

When the means to the common good is uniquely determined, effective community supplies an essential foundation for unanimous consent; unanimity is, then, the only normal situation and, if anything is normal, authority is needed to bring about unified action. Unity of action requires authority insofar as not everything is normal, insofar as wills are weak or perverse and intellects are ignorant or blinded. The function of authority remains substitutional.

But when, on the other hand, there is more than one means of procuring the common good, there is no foundation whatsoever for unanimity. Anyone may disagree without there being anything wrong either with his intentions or with his judgment * * * (in such cases) * * * the common good demands that a problem of united action which cannot be solved by way of unanimity should be solved by way of authority (Simon, pp. 29–30).

There are many ways to terrestrial happiness and satisfaction, to industrial peace and good labor relations. Trade unionism is only one of these ways. Even though it is a major way, it is not even an always sure way. In other words, there is more than one means for approaching the ever elusive common good in this connection. Therefore, people have a natural right to decide freely to join or not to join unions. There may be a body of positive principles and ends which no good citizen, no man of good will, can deny or ignore. Unions are not such. Unions, I repeat, are means.

Thus, under any rational view, the liberty which is protected by the 14th amendment inspirits the right-to-work law. If a man does not have the liberty to decide what private organization he shall join; if he can be deprived of that liberty by the compulsive tactics of trade unions alone or of trade unions and employers in combination; his freedom of conscience is in jeopardy. For if States or private groups can force affiliation with a trade union, they can force affiliation with any other type of organization. In this context, it is laughable to refer to a liberty to refuse to hire or retain any person in employment because he is or is not a union member.

In any case, the liberty of contract principle to which the unions referred in the Lincoln Federal Labor Union case had been rejected time and again by the Supreme Court of the United States before it was resorted to by the unions in that case. Had it not been used by employers to strike down laws fixing minimum wages, maximum hours of employment, as well as laws fixing prices and regulating business activities?

In construing due process—

The Supreme Court has—

returned closer and closer to the earlier constitutional principle that States have power to legislate against what are bound to be injurious practices in their internal commercial and business affairs, so long as their laws do not run afoul of some specific Federal constitutional provision, or of some valid Federal law. * * * Under this constitutional doctrine the due process clause is no longer to be so broadly construed that the Congress and State legislatures are put in a straitjacket when they attempt to suppress business and industrial conditions which they regard as offensive to the public welfare.

Appellants (the trade unions attacking the right-to-work laws) now ask us to return, at least in part, to the due process philosophy that has been deliberately discarded. Claiming that the Federal Constitution itself affords protection for union members against discrimination, they nevertheless assert that the same Constitution forbids the State from providing the same protection for nonunion members. Just as we have held that the due process clause erects no obstacle to block legislative protection of union members, we now hold that legislative protection can be afforded nonunion workers.

In this way, the Court demonstrated that, far from violating the equal protection of laws clause, the right-to-work laws recognize and assure the 14th amendment rights of nonunion and union workers. That discrimination against union members is wrong is well established by statute and judicial decisions. It is also settled by sound morals. By analogy, it is hard to conceive of reasons why discrimination against nonunion workers should deserve better judgment.

It also deserves emphasis that the right-to-work laws do not prevent an intolerant trade unionist from leaving his job simply because nonunion workers are employed in the plant. However narrow and prejudiced such conduct may be, it is not forbidden by any law. It is, nonetheless, a flagrant example of the kind of intolerance that conflicts with civic amity or that charity which is due not to friends only but even enemies. If it is encouraged, no reason remains to condemn religious, racial, or national intolerance. We cannot avoid this latter type of intolerance by fostering the former type.

In his concurring opinion in the Lincoln Federal Labor Union case, Mr. Justice Rutledge, while agreeing that the right-to-work laws are constitutional, introduced the following caution:

Strikes have been called throughout union history in defense of the right of union members not to work with nonunion men. If today's decision should be construed to permit a State to foreclose that right by making illegal the concerted refusal of union members to work with nonunion workers, and more especially if the decision should be taken as going so far as to permit a State to enjoin such a strike, I should want a complete and thorough reargument of these cases before deciding so momentous a question.

In 1953, Mr. Justice Rutledge was partly accommodated in what he wanted. The reargument of the right-to-work laws in a slightly different context occurred in a case called *Local No. 10, United Association of Journeymen, Plumbers and Steamfitters* v. *Graham* (345 U.S. 192). The basic question in that case was "whether the Commonwealth of Virginia, consistently with the Constitution of the United States, may enjoin peaceful picketing when it is carried on for purposes in conflict with the Virginia right-to-work statute." There was also the subsidiary question whether the record in that case justified the finding made below that the picketing was actually for such purposes. The Supreme Court of the United States answered both of these questions in the affirmative.

Here are the facts in the case as they were given in the Supreme Court decision:

It is understood that the picketing lasted from 8 a.m., September 25, until stopped by injunction the following noon. The picketing was peaceful in appearance. There was usually but one picket and there never were more than two pickets on duty at a time. There was no violence and no use of abusive language. Each picket walked up and down the sidewalk adjoining the project carrying a sign bearing substantially the language * * * "This is not a union job. Richmond Trades Council" * * *. The premises picketed were frequented by few except the construction workers. The project was in its earliest stages. Before the picketing began, there were not more than 14 men at work. Of these, three union carpenters

> worked about 1 hour on September 25. They left the project when the picketing began and returned a few days after the picketing stopped. Two union ironworkers or rodmen gave notice that picketing was to begin Monday, September 25, and that, therefore, they would not come to work. They never returned and the contractor was delayed several days while seeking to replace them. * * * The effect of the picketing was confirmatory of its purpose as found by the trial court. Petitioners here (the unions), engaged in more than the mere publication of the fact that the job was not 100-percent union. Their picketing was done at such a place and in such a manner that, coupled with established union policies and traditions, it caused the union men to stop work and thus slow the project to a general standstill.
>
> * * * * *
>
> The policy of Virginia which is expressed in its right-to-work statute is summarized as follows by its highest court: "It provides in substance that neither membership nor nonmembership in a labor union shall be made a condition of employment; that a contract limiting employment to union members is against public policy; and that a person denied employment because he is either a member of a union or not a member of a union shall have the right of action for damages." *Finney* v. *Hawkins*, 189 Va. 878, 880, 54 S.E. 2d 872, 874.
>
> Based upon the findings of the trial court, we have a case in which picketing was undertaken and carried on with at least one of its substantial purposes in conflict with the declared policy of Virginia.

Upon the basis of the foregoing facts, the unions contended that the injunction which was issued against the picketing was inconsistent with the 14th amendment of the U.S. Constitution because it amounted to a restriction on free speech—a deprivation of liberty without due process of law. The union argument was that the denial of the use of picket lines was the equivalent of a restriction of free speech. It is obvious to the merest neophyte, however, that picketing is not simply and purely free speech.

Numerous cases by the Supreme Court of the United States have stated this. For that reason the Court curtly dismissed the contentions of the union with the following statement:

> On the reasoning and authority of our recent decisions, we reaffirm our position to the contrary.

Then followed a long list of citations of those decisions. The Court sustained the Virginia injunction against a union which sought to use peaceful picketing in contravention of the Virginia right-to-work laws.

Mr. Justice Black dissented upon the basis of the tenuous contention:

> Picketing is a form of free speech—the workingman's method of giving publicity to the facts of industrial life. As such it is entitled to constitutional protection.

He cited a case decided in 1940 which, in effect, held this. That case has since been qualified again and again. Mr. Justice Black expressed difficulty in understanding the line of distinction between permissible and unlawful picketing. How a picket line which has for its objective to coerce an employer to do what a valid State law prohibits can be regarded as having a lawful purpose is quite beyond comprehension. What the Graham case decided within the area of Federal jurisdiction has been ruled by courts in a number of States. For example, in Michigan, picketing was threatened by a carpenters' union for the purpose of forcing an employer to discharge a nonunion carpenter. Under State law, the purpose of this picketing was unlawful. The discharged nonunion carpenter was held to be entitled to recover damages from the union in an action for malicious interference with his rights under an employment contract.

In New Jersey, a court held that it had jurisdiction of an action by an employee to recover damages from a union and employer because the union had forced the employer to discharge the employee for no better reason than that the employee refused to contribute a gift for a union officer.

Mr. President, occurrences of this nature are altogether too frequent at the present time. However, it is not out of reason to presume that the frequency with which they occur will accelerate many times over should section 14(b) of the Taft-Hartley Act be repealed as is here proposed.

I consider the matter now being debated one of the most important matters that has come before the Senate during the 11-years I have been a Member. The very question of freedom of the individual is concerned. Are we going to force a man, against his will, to join a labor union, or any organization, to hold a job?

If so, we will deny that citizen his freedom as guaranteed and preserved to him by the Constitution. Is this Congress going to deny to the legislatures of the respective States the right to pass or not to pass right to work laws? If the proposed legislation is enacted, 14(b) goes out the window, and a State will not be allowed to prevent compulsory unionism even if it wishes to do so.

It is my firm and conclusive judgment that the people of Louisiana, Wyoming, Montana, Ohio, New York, South Carolina, or any other State in this Nation are better acquainted with what they wish to do and what is desirable for their own people than is the Congress, sitting hundreds of miles away.

I feel that it is taking away a right of the States. It is another chipping away and a usurpation of the prerogatives reserved to the States under the Constitution.

It is my sincere hope that Congress will not repeal section 14(b) of the Taft-Hartley Act. It is also my sincere hope that Congress will preserve and retain and continue on the statute books of the Nation section 14(b) which permits a State to have a right to work law if such a State wishes to do so.

RECESS UNTIL 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 11 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Thursday, October 7, 1965, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate October 6 (legislative day of October 1), 1965:

COMMISSIONER ON AGING

William D. Bachill, of California, to be Commissioner on Aging. (New position.)

U.S. CUSTOMS COURT

James L. Watson, of New York, to be judge of the U.S. Customs Court.

Frederick Landis, of Indiana, to be judge of the U.S. Customs Court.

IN THE NAVY

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. Thomas F. Connolly, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

HOUSE OF REPRESENTATIVES

WEDNESDAY, OCTOBER 6, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture before his prayer: I John 5: 4: *This is the victory that overcometh the world, even our faith.*

O Thou God of all grace, inspire us with indomitable courage and invincible faith in the ultimate victory of moral and spiritual forces as we face arduous tasks and heavy responsibilities.

Show us how we may conquer our moods of discouragement and depression and cultivate a stronger and more dynamic confidence in Thy divine wisdom and power.

Grant that we may never become the victims of cynical attitudes or feel that these present-day situations and conditions are so hopelessly wrong that all efforts to change and put them right are useless and will end in failure.

May our President, our Speaker, and the Members of Congress give clear and convincing witness that they have a lofty vision, a fine insight, and a great hope, that a better world is emerging for we have not been created for failure but for victory.

Bless our President. Give him Thy needed grace. Share with the doctors and nurses Thy wisdom, enabling them to know what to do. We give Thee all the praise and the glory. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Jones, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5571. An act to amend title 37, United States Code, to authorize payment of incentive pay for submarine duty to personnel qualified in submarines attached to staffs of submarine operational commanders.

The message also announced that the Senate agrees to the amendments of the House to a bill and a joint resolution of the Senate of the following titles:

S. 1689. An act to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931 (16 U.S.C. 502); and

S.J. Res. 69. Joint resolution to authorize the Administrator of General Services to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the "Library of Congress James Madison Memorial Building" and to contain a Madison Memorial Hall, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9042) entitled "An act to provide for the implementation of the agreement concerning automotive products between the Government of the United States of America and the Government of Canada, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10871) entitled "An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes."

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate this afternoon.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. DOW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOW. Mr. Speaker, I want to enter into the body of the RECORD a statement regarding rollcall No. 343, which occurred on September 30 last. I was not present for the call but had I been present, I would have voted "yea" in favor of a Federal pay raise.

LABOR, SERVICE CONTRACT ACT OF 1965

Mr. O'HARA of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10238) to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 8, line 14, after "Island," insert "Eniwetok Atoll, Kwajalein Atoll, Johnston Island,".

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Michigan whether this is the bill about which he spoke to me a few moments ago.

Mr. O'HARA of Michigan. I would advise the gentleman that it is.

Mr. GERALD R. FORD. And it is the bill that I have checked out with the gentleman from Ohio [Mr. AYRES] as to the amendment that was included in the other body?

Mr. O'HARA of Michigan. I advise the gentleman that it is. It is a bill which had unanimous support of the committee at the time it was reported by our committee. It passed the House under suspension of the rules. The amendment has the agreement of the minority side of the committee.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. It is not possible to comprehend, on hearing the amendment read, whether it is germane to the bill. Is the amendment germane to the bill?

Mr. O'HARA of Michigan. I advise the gentleman that it is. It includes those three islands in the coverage, along with American Samoa, Guam, and Wake.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SECOND ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am transmitting the Second Annual Report on Special International Exhibitions, for the fiscal year 1964, pursuant to section 108(b) of Public Law 87-256, the Mutual Educational and Cultural Exchange Act of 1961.

This program is designed to reveal to peoples abroad the true nature and broad extent of our economic, social, and cultural attainments. These exhibitions are also designed to advance mutually profitable trade relationships.

This American know-how is presented to show how it harmonizes with the host country's own aspirations and capabilities. This is done by presenting major U.S. exhibitions at selected international fairs and expositions, or as special events, in support of American foreign policy objectives.

This program concentrates mainly in Eastern Europe and the developing countries. Hundreds of American business and industrial firms, private institutions, and individuals cooperated with Government agencies and contributed materials, time, and talent to help insure the success of these exhibitions.

For people who yearn to learn more about us, the American pavilion is like a large picture window through which they can look and see for themselves. The steady stream of young and old, from all walks of life, flocking to our exhibitions to improve their knowledge of what America is and means is a sight not easily forgotten.

These exhibitions are a vital adjunct to our country's unceasing pursuit of peace, freedom, and human dignity for men everywhere. I am gratified by the support the Congress has given this program since it began a decade ago.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 6, 1965.*

ANNUAL REPORT ON THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM FOR THE FISCAL YEAR 1964—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

Pursuant to the provisions of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256), I am transmitting the annual report on the International Educational and Cultural Exchange Program for the fiscal year 1964.

This report suggests something of the experience of life in other lands which students, teachers, professors, lecturers, research scholars, performing artists, athletes and coaches, foreign leaders, writers, judges, doctors—indeed the whole company of the adventurous, the skilled, the searching—have shared with their counterparts abroad, since the exchange programs began two decades ago.

In those 20 years they have become an established part of our commitment to international understanding. That commitment is expressed through congressional action, through the voluntary efforts of thousands of individual citizens, through our universities and colleges, and through national and local community organizations all across the country.

I commend the report to the thoughtful scrutiny of the Congress.

Lyndon B. Johnson.

The White House, *October 6, 1965.*

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 352]

Abbitt
Anderson, Ill.
Andrews, George W.
Arends
Ashbrook
Ashley
Aspinall
Bates
Bolling
Bow
Brademas
Brown, Calif.
Burton, Utah
Cahill
Carter
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Cleveland
Conte
Corman
Craley
Cramer
Culver
Curtis
Denton
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Edwards, Calif.
Evins, Tenn.
Farbstein
Findley
Flynt
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gilbert
Gilligan
Goodell
Grabowski
Hagan, Ga.
Halpern
Hamilton
Hardy
Harvey, Ind.
Hays
Hébert
Herlong
Holifield
Holland
Horton
Hosmer
Huot
Ichord
Irwin
Joelson
Keith
King, N.Y.
Lindsay
Long, La.
Long, Md.
McCulloch
McDade
McMillan
Macdonald
MacGregor
Mackay
Martin, Ala.
Martin, Mass.
Martin, Nebr.
May
Moeller
Moore
Multer
Murray
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Passman
Patman
Pepper
Philbin
Powell
Reinecke
Resnick
Rhodes, Ariz.
Rivers, S.C.
Rosenthal
Rostenkowski
St Germain
Scheuer
Schisler
Shipley
Sikes
Smith, Iowa
Stafford
Stephens
Sweeney
Tenzer
Thomas
Thompson, Tex.
Toll
Udall
Utt
Vanik
Watkins
Wolff
Wyatt
Yates

The SPEAKER. On this rollcall 313 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON AGRICULTURE

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a conference report on H.R. 9811, the Food and Agriculture Act of 1965.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPOINTMENT OF HOUSE CONFEREE ON H.R. 9567, THE HIGHER EDUCATION ACT OF 1965

The SPEAKER. The Chair appoints as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 9567, the Higher Education Act of 1965, the gentleman from Maryland, Mr. Sickles, to fill the existing vacancy thereon caused by the resignation from the House of the gentleman from California, Mr. Roosevelt.

The Clerk will notify the Senate of the action of the House.

AUTHORIZING A CONTRIBUTION TO CERTAIN INHABITANTS OF THE RYUKYU ISLANDS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 600 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 600

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 32) to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the United States Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. Smith], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 600 provides an open rule with 1 hour of general debate for consideration of Senate Joint Resolution 32, a joint resolution to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952.

During the 7-year occupation of the Ryukyu Islands by the U.S. Armed Forces approximately 80,000 Ryukyuans suffered various damages arising from acts or omissions of the Armed Forces and later submitted claims totaling over $53 million. The total claims of $53 million were reduced through review to $22 million proposed by Senate Joint Resolution 32. These are not war claims. They do not involve damages which occurred during the war nor for postwar rehabilitation of war-damaged areas. Basically the claims are for damages suffered during the occupation period and fall into two categories: First, claims for torts committed by U.S. military personnel, resulting in injury to or the death of Okinawans or damage to their private property. Second, claims for the requisitioning of their property—mostly agricultural land—for use by the military.

Subsequent to the occupation, such claims were waived in the Japanese Peace Treaty of 1952. Because of this claimants through no fault of their own have been left uncompensated for damages which occurred during the 7-year occupation. The Ryukyu Islands and its inhabitants have played a major role in our defense effort in the Far East and the prospects are that they will continue to do so for some time. The proposed payments should provide effective redress for an acknowledged inequity and promote the American image of fairplay throughout the area.

Mr. Speaker, I urge the adoption of House Resolution 600 in order that Senate Joint Resolution 32 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 600 will provide for an open rule, with 1 hour of general debate, for consideration of Senate Joint Resolution 32.

The purpose of this resolution is to authorize a contribution of not to exceed $22 million to the inhabitants of the Ryukyu Islands for settlement of injury and death claims arising from acts of the U.S. military forces on the islands from August 15, 1945, to April 28, 1952. This was the date of the signing of the peace treaty with Japan. During this time American forces occupied the islands. Damages were caused. These have been fixed at $22 million.

The U.S. Government does not have any legal obligation to pay as Japan waived all claims of her nationals by treaty. Japan has refused to pay these claims herself, as she has no administrative control over the islands during the period involved. Therefore, the United States wants to pay for damages done by its forces.

We have a number of major military installations there at Okinawa, of the Air Force, the Navy, the Marines, and so forth.

Those who may receive compensation are limited to individuals whose claims have not been satisfied by the Japanese Government. Cities may not make claims. This will save approximately $1 million and the committee, in my opinion, is to be credited for making that change.

The committee report recommends payment without any minority views. It pointed out that this resolution settles the matter fully and will terminate all

U.S. obligations for the period between Japan's surrender and the signing of the peace treaty.

Mr. Speaker, I know of no objection to the rule. At this time I yield 2 minutes to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, each Member of the House and Senate is distressed to learn about the need for the impending surgical operation of the President. That event brings into sharp focus the urgency and the utility of the Presidential Inability Constitutional Amendment recently proposed by the two House of Congress and submitted to the several States for their ratification. Specifically, Mr. Speaker, section 3 of that amendment was tailormade for precisely such a development. Section 3 permits the President voluntarily, when he foresees the need temporarily to vacate the discharge of the duties of his office, to transfer his powers and duties to the Vice President as acting President of the United States.

The current Executive agreement under which the President and the Vice President are operating, one which dates back to the Eisenhower administration, is perhaps as functional as any such agreement can be. However, Mr. Speaker, constitutional scholars are in dispute about the legality of such an Executive agreement. Many feel that it is impossible for the President, elected by all of the people of the United States, to delegate to some other person the powers and duties of the office to which he was elected, as those powers and duties are spelled out in the Constitution.

For that reason, Mr. Speaker, I earnestly hope that the legislatures of the States which convene next January will give priority to the consideration of what I confidently predict will be the 25th amendment to the Constitution.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SOUTHERN NEVADA WATER PROJECT, NEVADA

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules and on behalf of the gentleman from Florida [Mr. PEPPER], I call up House Resolution 597 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 597

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2020) to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California [Mr. SMITH], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 597 provides an open rule with 1 hour of general debate for consideration of H.R. 2020, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes.

H.R. 2020 authorizes construction by the Secretary of the Interior of the southern Nevada water project, which is essentially a municipal and industrial water supply project by which water stored in Lake Mead will be delivered for use at various locations in Clark County, Nev.

The works authorized to be constructed consist of intake facilities, pumping plants, aqueducts and laterals, storage and regulatory facilities, and electric facilities necessary to serve the water supply system. The plan of development calls for construction in three stages at a total cost of about $81 million. The first stage of development is designed to meet the water needs in the area until about 1990 and is estimated to cost about $49 million. The other two stages would be constructed as needed.

The project water supply will come from Lake Mead and from Nevada's entitlement to main stream Colorado River water. The delivery requirement for the first stage will be up to 132,000 acre-feet of water annually. The second stage would provide for annual delivery of an additional 86,000 acre-feet which is expected to occur by 2008. The estimated delivery requirement for ultimate development is 312,000 acre-feet occurring in about 2020. The estimated net depletion of main stream Colorado River water by all three stages of the project and existing systems is about 262,000 acre-feet annually.

The economic evaluation over a 100-year period of analysis indicates that the total annual benefits will exceed the average annual costs in a ratio of 1.5 to 1 for the first stage and 1.6 to 1 for the ultimate project. The entire project cost is assigned to the municipal and industrial water supply function.

Mr. Speaker, I urge the adoption of House Resolution 597 in order that H.R. 2020 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 597 does provide for an open rule within 1 hour of general debate for the consideration of H.R. 2020, entitled "The Southern Nevada Water Project."

The purpose of the bill is to authorize the construction of the southern Nevada water project, a municipal and industrial water supply program, using Lake Mead water to supply Clark County, Nev. Within the county are Las Vegas, North Las Vegas, and Boulder City, as well as Nellie Air Force Base, an Atomic Energy Commission installation, and the entire El Dorado valley.

The project includes pumping plants, aqueducts, and storage facilities. A three-stage program is eventually planned; only the first will be constructed at this time and will fill the needs of the area until 1990. The entire project cost is estimated at $81 million, the first stage at $49 million. The other two stages will be constructed as needed. Present estimates indicate the second will be needed in 2008, the third in 2020.

Presently the water supply for the area is pumped from an underground basin. At the current rate of use it is estimated that three times as much water is being pumped out as is being replaced by nature. There is no problem as to the Colorado River; the amount of water needed is well within Nevada's share.

Mr. Speaker, I know of no objection to the rule and I urge its adoption.

Mr. Speaker, I have no further requests for time.

Mr. SISK. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HEMISFAIR 1968 EXPOSITION

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9247) to provide for participation of the United States in the HemisFair 1968 Exposition to be held at San Antonio, Tex., in 1968, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 5, line 2, strike out "$250,000" and insert "$125,000".

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. GROSS. Mr. Speaker, reserving the right to object, it is most interesting to hear that the other body has cut this bill. Some of us on the House Foreign Affairs Committee thought it ought to be cut when it was before our committee, but we could make no impression upon any of the sponsors. Now the bill has gone to the other body and they lopped off—what was it——

Mr. FASCELL. If the gentleman will yield—$125,000.

Mr. GROSS. Exactly half of the $250,000 authorized by the House—$125,000.

Mr. FASCELL. Mr. Speaker, if the gentleman will yield, the gentleman from Iowa can take a great deal of satisfaction in his position on the matter. It has made the full circle now.

Now that both bodies have concurred in the position which the gentleman took, I am delighted he is satisfied; I hope they can get the job done. I have assured the sponsors if they need additional authorization we would be sympathetic toward it, because they may have a problem.

Mr. GROSS. My complaint is that we have to go to the other body to get economy in these things. I hope in the future the House Committee on Foreign Affairs and the members thereof will scrutinize more carefully some of these expenditures.

Mr. FASCELL. I can appreciate the gentleman's feeling. Sometimes it is annoying to rely on the other body.

Mr. GROSS. But it is the other body that has become the advocate of economy. I thank the gentleman for yielding.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING A CONTRIBUTION TO CERTAIN INHABITANTS OF THE RYUKYU ISLANDS

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of Senate Joint Resolution 32.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of Senate Joint Resolution 32, with Mr. Sisk in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ZABLOCKI. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, Senate Joint Resolution 32 is not a war claims bill, nor is it to rehabilitate property damaged during the war. The resolution authorizes payment of up to $22 million to certain inhabitants of the Ryukyu Islands to pay for damages caused by the U.S. Armed Forces over a period of 7 years of occupation.

The Ryukyu Islands which includes Okinawa is properly regarded as one of the key elements in the entire U.S. strategic position in the Far East and western Pacific. I need not elaborate on the vital roll which Okinawa played during the Korean war and its present strategic importance. We have well over $1 billion invested in military facilities in these islands and, for the most part on Okinawa. The U.S. Army has 65 sites, including such major installations as Naha military port and the district engineer. There are 24 Air Force sites including the Kadena Airbase where the 313th Air Division is located and Naha Airbase. The marines have 15 sites in these islands and the Navy has 13.

Our ability to continue to operate effectively this important Defense Establishment will depend upon the cooperation we receive from the Ryukyuan people. A very important element in obtaining cooperation in the future will be the payment by the United States of the claims covered by this bill.

These payments are clearly not a legal obligation of the United States because the Japanese peace treaty signed April 28, 1952, waived liability for claims on the part of the United States. However, the Japanese also deny any legal liability for payment of damages during this occupation period, August 15, 1945, through April 28, 1952, because they had no administrative control over the islands and article 3 of the peace treaty continues to deny the Japanese this control.

As a result, 80,000 Ryukyuans with a total of 180,000 claims are being left uncompensated for damage which were clearly caused by U.S. Armed Forces during this occupation period.

Mr. Chairman, on page 30 of the hearings, you will see detailed descriptions as to the nature of the damages and the amount of the claims arising therefrom.

For example, nearly $15 million will go for rental payments for lands used and occupied during the years 1947–50. Since July 1950, the U.S. forces have been paying the landowners for land use and the amount so paid through 1965 now totals $78 million. Two and one-half million dollars will pay for restoring land used for airfields, quarrys, and road surfaces which had been returned in an unusable condition.

Another item in excess of $831,000 is for uncompensated personal injury and death caused by U.S. personnel. As you can see, these injuries and deaths arose from various causes including ammunition explosions, physical attacks, accidental poisoning of water supply, rapes, and ship accidents. During this 7-year period, 346 Ryukyuans were killed by accidents, rapes, personal violence, and so forth, and another 382 injured.

These claims, Mr. Chairman, have been reviewed in detail by a joint Ryukyuan-American Committee. Out of $53 million in original claims presented to this joint committee for review, approximately $22 million were determined to be meritorious and are ready for payment when funds are appropriated, pursuant to this authorization.

The committee amended the Senate joint resolution in two respects. The first amendment eliminates municipalities from being eligible to receive payments for their claims which total approximately $960,000. The United States over the years has supplied economic aid including direct assistance such as water and sewer systems to the various municipalities and the committee felt that the United States had discharged any moral obligations to municipalities.

The second amendment was to restrict the payment for services to any one law firm that represents an association of claimants to not more than 1 percent of the claims paid.

In closing, Mr. Chairman, I want to reemphasize the dominant strategic importance of this area and the unique political status of its inhabitants. Okinawa and the other Ryukyu Islands are of the utmost importance to our own national security.

For this reason I urge that the resolution be overwhelmingly passed—I hope unanimously approved by the Committee.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Wisconsin [Mr. Zablocki] has very ably described this joint resolution.

I would like to say that our subcommittee and the full Commmittee on Foreign Affairs has gone over it very carefully. I am particularly pleased, of course, with the two amendments that the committee did write into the bill which in effect reduce the amount of remuneration that can be paid on these claims on account of services rendered on behalf of claimants from 5 percent down to 1 percent, and also providing for the elimination of any compensation to municipalities.

I think it might be of interest to the Members to know that the Ryukyu Islands have a population of about 930,000. This particular claims bill will actually affect nearly one-half of the population.

They are broken down in the following way:

Of claims over $10,000, there are only 31.

Of the claims between $5,000 and $10,000, there are 37.

Of the claims between $1,000 and $5,000, there are 665.

Of the claims under $1,000, there are 174,000.

So Members can readily see that the vast majority of the money that would be paid under this authorization bill would go to individuals with claims of less than $1,000.

Other legislative restrictions that have been written into the bill are as follows:

None of the funds can be used to pay claims which were paid by Japanese contributions. Any funds unobligated at the end of 2 years would revert back to the Treasury.

As the gentleman from Wisconsin [Mr. Zablocki] has so able pointed out, because of the importance of Okinawa, its strategic value to our Government, and the moral obligation that I believe is involved in this bill, I also urge its adoption.

Mr. ZABLOCKI. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, as introducer of House Joint Resolution

251, an identical bill, I rise in support of Senate Joint Resolution 32.

I wish at the outset to commend the chairman of the subcommittee, the distinguished gentleman from Wisconsin [Mr. Zablocki], for the thorough and fair manner in which he conducted hearings on the resolution now before us. He deserves high praise for the judicious handling of this matter, and I congratulate him. The members of his subcommittee too are to be congratulated for their part in reporting this bill out by unanimous approval.

Mr. Chairman, ever since I have been a Member of this august body it has been a source of extreme gratification to me to know that I have been in league with men possessed of the highest ideals, including a strong sense of justice. The fact that we are today considering this measure now, is a strong indication of this, for passage of this bill will not in any way benefit any of the congressional districts represented here or enhance the chances for reelection of any Member of this House. The bill only serves to provide long-delayed equity to 80,000 human beings in far-off Ryukyu Islands.

Mr. Chairman, I am also happy to note that the Secretary of the Army, the High Commissioner of the Ryukyus, the State Department, and the Department of Defense have all indicated their support of the legislation before us. The Senate, of course, has already adopted the resolution. There has been universal recognition of the equity of this measure.

Mr. Chairman, the claims of the Okinawan people, which the bill seeks to compensate, were reviewed fully by a Joint Ryukyuan-American Committee appointed by the High Commissioner of the Ryukyus. The result of this review was to scale down the claims from $53 million, as originally submitted, to approximately $22 million.

The adjusted claims are for personal injury and death, for land rentals for the years 1947–50, for restoration of lands released to their owners in damaged condition, for appropriation of water rights, and for damage to buildings and growing crops and trees. Land-use claims are not included for the year 1946 because this was a period of postwar adjustment in which owners had generally not yet returned to their lands and produced crops. No interest is included, although the claims have gone uncompensated for 13 years and more.

Although the Government of Japan has denied legal liability for pretreaty claims in the Ryukyu Islands, in 1957 it made solatia payments to Ryukyuan pretreaty claimants in the amount of 1 billion yen—approximately $2.8 million. I should like to call attention to the fact that the amount of these solatia payments has been deducted from the amount of the claims covered by the proposed legislation, and a specific stipulation has been included in the joint resolution to preclude disbursement of funds appropriated thereunder for claims already satisfied by the Government of Japan.

Mr. Chairman, this resolution will rectify a serious omission in the U.S. administration of the Ryukyu Islands and do justice to thousands of inhabitants whose relatives were killed, or who were injured, or who suffered deprivation of property through the acts of our Armed Forces during the period following the termination of hostilities and prior to the treaty of peace with Japan. The United States exercised direct and exclusive governmental authority at that time, and we had substantial forces in Okinawa in the strategic interest of the United States, not only as a consequence of the war against Japan.

As a matter of law, it is unquestioned that the people of Okinawa are entitled to be compensated for these various acts on the part of the U.S. forces. In the main islands of Japan, this was done by the Japanese Government under the supervision of the Supreme Commander for the Allied Powers. In the Ryukyu Islands, there was no financially responsible local government that was able to do this, and the Japanese Government was cut off from all participation. The people of Okinawa have repeatedly presented their claims to the U.S. Government as the administering authority. Since the United States exercised direct and exclusive control during the entire period, there can be no doubt of U.S. responsibility to assure that compensation is effected.

Action on the part of the U.S. Government was delayed by a question with respect to U.S. responsibility in international law to pay the claims, in view of the fact that in the Japanese peace treaty, Japan waived all claims of Japanese nationals against the United States arising from the war and the occupation of Japanese territory. The executive branch has recommended that without accepting legal responsibility compensation nevertheless be made by the United States in the recognition of the facts that the individual claimants were, through no fault of their own, left uncompensated during the 7 years of the occupation, contrary to the practice followed in other occupied areas; that the United States, as the administering authority for the Ryukyus is concerned with the well-being of the people; that such payment would promote the security interests of the United States; and that it would foster respect for the spirit of fairplay and equity of the U.S. Government.

Mr. Chairman, I completely concur with this view, but I would personally go further. I suggest that in view of our complete responsibility for what occurred in the Ryukyu Islands since 1945, we have an obligation to the Okinawan people to see that effective compensation was made for what was done during the pretreaty period. I stress this because there may be some misunderstanding of the fact that the resolution proposes ex gratia payments. The peculiar history of the Ryukyu Islands in international law makes it prudent that we not establish a precedent of accepting legal responsibility to the inhabitants of a land that we governed as an occupying military power. However, the fact that any international legal responsibility of the United States to the Japanese Government, regarded as sovereign over the Ryukyus, has been extinguished by the Japanese peace treaty, does not absolve us of the responsibility to deal justly with the people over whom we have exercised exclusive powers of sovereignty since 1945. In dealing with the petitions of the Okinawans for compensation, we are simply exercising our direct governmental responsibility, and the question of preexisting legal liability does not arise. The situation is essentially similar to domestic U.S. legislation providing help for people injured by Government servants. If we did not already have legislation to provide compensation in the United States for acts of our Armed Forces, it would be our responsibility as legislators of the United States to provide it. It is essentially the same kind of legislative responsibility that we are belatedly discharging here.

Mr. Chairman, there is a growing fear among responsible pro-American segments of the Okinawan people that the pretreaty claims issue must be resolved, and resolved quickly, if the United States is to continue its occupation of Okinawa without political upheavals. These same sources fear that the long delay in acting upon these claims on the part of the U.S. Government may be turned into a major political issue and become a source of disaffection among the population of this important U.S. base.

Mr. Chairman, these are some of the underlying considerations in the joint resolution now on the floor. They provide a sound basis, at law and in equity, for compensation to our Ryukyuan friends. I urge a favorable vote on the joint resolution.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Chairman, I am opposed to this resolution for the reason that this Government has no obligation whatever to these Okinawans. If any payment for damages is to be made to them it ought to be by the Japanese, not by the United States.

We are certainly supporting the economy of the Ryukyus today because the people are living upon the money we spend there for the maintenance of our huge military installations.

If there is an obligation, it is owed by the Japanese.

I am sure that in no other area of the Pacific did the United States expend more lives to take a given piece of territory than it did to conquer the Ryukyus in World War II.

Remember, this was Japanese territory. This was controlled by the Japanese. The Ryukyuans fought the United States. Thousands upon thousands of Americans were killed by Ryukyuans and Japanese.

Only about a month ago, several thousand Okinawans staged a demonstration demanding return to the Japanese rule and denouncing the United States.

Yet here we are asked today to spend $22 million more upon these people who show little evidence of being grateful for our past benevolence.

This is not a Philippine settlement. The Filipinos were our allies in World War II. These people were our enemies.

I again ask, What obligation do we have to them today? We are providing their economy, and a good economy by their standards, by virtue of millions upon millions of dollars spent each year on Okinawa providing direct employment and indirect income for these people. Why should we now spend another $22 million? For what reason?

No one who has spoken on this measure has given an adequate reason for the expenditure of $22 million more of our taxpayers' money. If there was any justification for the last Philippine claims settlement bill, there is certainly none for the expenditure of $22 million for this purpose.

I say again that these people were our enemies. Thousands upon thousands of American lives were lost on Okinawa itself in order to subjugate them and the Japanese. If there is any payment due to these people, it ought to have been made by the Japanese and not by the United States.

In view of the anti-United States demonstration that was staged recently by the Okinawans, I am surprised that this resolution is even being considered. Can it be that the demonstration was staged for the purpose of putting pressure on Congress to cough up $22 million? This seems to be the accepted formula used by altogether too many countries to dig deep into the pockets of American taxpayers.

How much longer will this Government yield and capitulate to these tactics?

Mr. Chairman, I cannot keep faith with the dead and living Americans who fought to take and hold this area and vote today to give away $22 million on the flimsy pretext of this resolution.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. Mink].

Mrs. MINK. Mr. Chairman, I am happy indeed to rise in support of Senate Joint Resolution 32, and to urge my colleagues here to join me in supporting it.

I would like especially at this time to commend my senior colleague from the State of Hawaii, the Honorable Spark M. Matsunaga, for the great leadership he has displayed in bringing this matter to the attention of this House. I want to also commend the gentleman from Wisconsin, the Honorable Clement J. Zablocki, chairman of the Subcommittee on the Far East and the Pacific, and the other members of his subcommittee, for their careful and diligent work on this most important matter affecting so many of the people of the Ryukyus.

Mr. Chairman, the measure before us, Senate Joint Resolution 32 would redress a great injustice done to the people of Okinawa and would fulfill a moral obligation on the part of the United States.

The resolution authorizes the appropriation of $22 million to compensate certain inhabitants for claims based on death or injury, or for the use of or damage to private property, arising from acts and omissions of members of the U.S. Armed Forces between August 15, 1945, and April 28, 1952, the period of occupation up to the signing of the treaty of peace with Japan.

Through no fault of their own, and by what might be termed a quirk of circumstance, these poor and humble people have been deprived due process in seeking compensation for their individual losses.

This unfortunate situation resulted because, for purposes of control and administration, the Ryukyus were severed from Japan and Japanese postwar legislation was not extended to the area.

During the period I cited earlier, the U.S. Armed Forces in the Ryukyus constituted a military occupation. Ordinarily, damages by occupying forces of the United States are provided, on behalf of the United States, by the existing local governments. This fair and just rule could not be applied to Okinawa, however, because there was no financially responsible local government there in the immediate postwar years.

In addition, U.S. liability for such claims was formally extinguished by the treaty of peace with Japan, which became effective on April 28, 1952.

However, the concern of the United States for the well-being of these people resulted in the establishment of a joint Ryukyuan-American survey of damages, and it is the results of that survey that we are considering today.

The Honorable Stephen Ailes, former Secretary of the Army, put it most succinctly on January 8 when he said:

> The fact that the individual claimants were, through no fault of their own, left uncompensated during the 7 years of the occupation, contrary to the practice followed in other occupied areas, does constitute a situation calling for equitable adjustment at this time.

This alone would be enough to merit passage of the measure before us.

However, there is ample reinforcement for the argument in favor of payment if we consider the nature of the meritorious claims themselves.

They include $800,000 for personal injury or death, $15 million for land rentals, $2,500,000 for restoration of released lands, $50,000 for water rights, and $3,650,000 for damage to property and growing crops and loss of fishing rights.

In terms of American expenditures and individual recompense the sum under discussion is a small one. It is estimated that the annual claim per family is $275. It is further estimated that the ultimate benefits authorized by this measure could spread to reach 400,000 persons, almost half the population of Okinawa.

And these benefits would be spread among the common people of a community whose average per capita income is $319 a year.

Therefore, it is clear, I believe, that the benefits to the people of Okinawa—and to the United States—will be far greater than the actual amounts expended, in terms of both monetary impact and moral obligation.

There is little doubt that this measure before us would fulfill a moral obligation our Nation cannot and does not wish to avoid. It corrects an injustice that resulted from no fault of anyone and conforms our treatment of Okinawa to accepted international law and practice, as well as our own general practice.

I therefore urge all my colleagues to join in supporting the passage of this joint resolution.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

S.J. Res. 32

Whereas certain persons of the Ryukyu Islands suffered damages incident to the activities of the Armed Forces of the United States, or members thereof after the surrender of Japanese forces in the Ryukyus on August 15, 1945, and before the effective date of the Treaty of Peace with Japan on April 28, 1952;

Whereas article 19 of the Treaty of Peace with Japan extinguished the legal liability of the United States for any claims of Japanese nationals, including Ryukyuans, with the result that the United States has made no compensation for the above-mentioned damages (except for use of and damage to land during the period from July 1, 1950, to April 28, 1952);

Whereas it is particularly consonant with the concern of the United States, as the sole administering authority in the Ryukyu Islands, for the welfare of the Ryukyuan people, that those Ryukyuans who suffered damages incident to the activities of the United States Armed Forces, or members thereof, should be compensated therefor;

Whereas payment of ex gratia compensation, by advancing the welfare of the Ryukyuan people, will promote the security interest, foreign policy, and foreign relations of the United States; and

Whereas the High Commissioner of the Ryukyu Islands has considered the evidence regarding these claims, and has determined, in an equitable manner, those claims which are meritorious, and the amounts thereof: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States should make an ex gratia contribution to the persons determined by the High Commissioner of the Ryukyu Islands to be meritorious claimants, in the amounts determined by him, and that the Secretary of the Army or his designee should, under regulations prescribed by the Secretary of Defense, pay such amounts to the claimants or their legal heirs, as a civil function of the Department of the Army; and be it further

Resolved, That no funds appropriated under this joint resolution shall be disbursed to satisfy claims, or portions thereof, which have been satisfied by contributions made by the Government of Japan.

Sec. 2. There is authorized to be appropriated not to exceed $22,000,000 to carry out the provisions of this joint resolution, which funds are authorized to remain available for two years from the effective date of their appropriation. Any funds unobligated by the end of that period shall be covered into the Treasury of the United States.

Sec. 3. No remuneration on account of services rendered on behalf of any claimant in connection with any claim shall exceed 5 per centum of the total amount paid, pursuant to the provisions of this joint resolution, on such claim. Fees already paid for such services shall be deducted from the amounts authorized under this joint resolution. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

Mr. **ZABLOCKI** (interrupting the reading of the joint resolution). Mr. Chairman, I ask unanimous consent that further reading of the joint resolution be dispensed with, that it be printed in the RECORD in full at this point, and be open to amendment at any point.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the committee amendments, as follows:

> Page 2, line 4, immediately after "persons" insert "(excluding municipalities)".
>
> Page 3, line 17, immediately after "claim" and before the period insert the following: "; except that no remuneration on account of such services rendered on behalf of any association of claimants by any agent or attorney (including organizations thereof) shall exceed 1 per centum of the aggregate amount so paid on the claims involved".

The committee amendments were agreed to.

Mr. **GROSS**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it has been stated that there are no war claims involved in this payoff. The effective date of the claims settlement begins August 15, 1945. If there is any way by which war claims can be segregated from peacetime claims that may have arisen for a substantial period since August 15, 1945, I would like someone to tell me how it is possible to do so. Had the effective date been August 15, 1946, it would be more possible to segregate war damage, but make no mistake about it—there will be war claims settled under the terms of this legislation.

Mr. **ZABLOCKI**. Mr. Chairman, will the gentleman yield?

Mr. **GROSS**. Yes, I am glad to yield to the gentleman from Wisconsin.

Mr. **ZABLOCKI**. I would like to point out that the hostilities had ceased on August 15, 1945. There were some skirmishes that were continuing, although the date of the cessation of hostilities was August 15. They are not war claims. I would like to point out to the gentleman from Iowa——

Mr. **GROSS**. How would the gentleman distinguish between them?

Mr. **ZABLOCKI**. The damages all occurred after August 15, 1945, which was after the cessation of hostilities. The committee reviewed these very carefully and the findings of the committee are listed in the report of the committee which begins on page 26 of the hearings. They have determined that these claims did not arise as a result of the war.

Mr. **GROSS**. Well, of course, that is a matter of the Commissioner's determination. I believe the only person that has had much of anything to do with this is the Commissioner, is that not true?

Mr. **ZABLOCKI**. Mr. Chairman, if the gentleman will yield further, there was a joint committee of Ryukyuans and Americans that reviewed these claims and reported to the High Commissioner.

Mr. **GROSS**. The High Commissioner was the chairman and apparently was the moving factor in all of this business.

Mr. Chairman, I say there is no way that war damage can be segregated from other damage that has occurred, if there has been peacetime damage, on the basis of the effective date of this resolution. In my opinion, we are going to be paying for war damages, damages that occurred when we were expending thousands of lives to take this territory. Moreover, there are 180,000 claims against $22 million provided in this bill. Just divide 180,000 claims into $22 million and you have about $122 per head.

Mr. Chairman, I do not know who we are trying to influence, who we are trying to buy, who we are trying to bribe with this kind of a deal.

I say again that this resolution ought to be defeated. It is not in the interest of the United States. It is a further waste that the taxpayers of this country can ill afford. It is not justified either morally or legally.

Mr. **JONES** of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time in order to ask a question of the chairman of the subcommittee which handled this legislation.

In reading this report it is difficult to follow some of the language contained therein. There are some matters contained in the report to which I would like to have a definition.

When we talk about, on page 15 of the report, paragraph 15, where it says, "Amount of daily funeral expenses exceeds $2.94, it shall be fixed at $2.94 cents"—what is a daily funeral expense?

Mr. **ZABLOCKI**. Mr. Chairman, if the gentleman will yield, that was the formula used by the committee in determining the amount to be paid for personal injury and death. It is very complex and, therefore, the committee placed in its report on the bill the report of the Joint Committee as to how it determined the payment of claims in the case of injury and death.

If the gentleman from Missouri will read the entire presentation, from page 26 to page 31 of the hearings, I am certain the gentleman would come to the conclusion that the Joint Committee has given considerable study and made a great effort to see that the claims have been properly reviewed. In the particular instance questioned by the gentleman from Missouri the amount was determined on the average daily wage during 1958.

Mr. **JONES** of Missouri. I thought perhaps someone on the committee would know what a "daily funeral expense" is. I do not know what a daily funeral expense is.

Mr. **FASCELL**. Mr. Chairman, will the gentleman yield?

Mr. **JONES** of Missouri. I yield to the gentleman from Florida.

Mr. **FASCELL**. I would suggest to the gentleman from Missouri that he read paragraph (b) on the same page and it will tell you.

Mr. **JONES** of Missouri. It says "fixed at 60 days standard wage or income of the deceased." That would be a funeral cost, but I cannot figure what a daily funeral expense is. I know what a funeral expense is, but I do not know what a daily funeral expense is.

Also, when you talk about the income of infants being set at $0.82 per day, schoolchildren at $0.98 per day, college students at $1.14 per day, a wife at $0.98 per day, and unemployed adults at $0.98 per day, I do not know what these figures mean.

If I recall at that time there were no such pay scales.

Mr. **ZABLOCKI**. If the gentleman will read the next sentence. If I may read it, referring to page 15 of our report, there is the following:

> These amounts represent the daily average wage during 1958, except for infants, housewives, unemployed. In the latter case the daily average was adopted.

The formula is very clearly spelled out there.

Mr. **JONES** of Missouri. I have read all that. When I take into consideration what the daily wage rate was in Japan at that time, and the wage rate in these islands at that time, it seems to me you have a highly inflated basis on which you are trying to justify these expenses.

Let me ask the gentleman: What is the largest payment that you have going to any one individual? I know it is limited by 1 percent of $22 million. That gets it up to $220,000.

Mr. **ZABLOCKI**. On page 24 of the hearings there is a list of the largest Ryukyuan claims. Under (B) the Okinawa Sugar Mill Co., Ltd., would receive for land rental $174,556.32. In my opening statement I pointed out that at the present time the United States pays land rentals to the Ryukyuans and since 1950 has paid over $78.6 million.

Mr. **JONES** of Missouri. Let me ask the gentleman another question: We are over in Vietnam now. When this thing finally gets over does the gentleman think we are going to go over there and have payments like that made to these people?

Mr. **ZABLOCKI**. Our presence in Vietnam at the present time is due to war. There would not be any claims of this kind.

Mr. **GROSS**. Mr. Chairman, will the gentleman yield?

Mr. **JONES** of Missouri. I yield to the gentleman from Iowa.

Mr. **GROSS**. Suppose we subjugate the North Vietnamese, are we then going to raid the treasury to pay them for having shot up their country? Will we be expected to go in there and spend millions to take care of these Communists who are also our enemies?

Mr. **ZABLOCKI**. It is very difficult to answer the question of the gentleman. Should such a situation develop after the hostilities in North Vietnam cease that will be a matter to be considered then. It is not related to this resolution.

Mr. **GROSS**. The $22 million provided by this resolution is supposed to cover 180,000 claims, and some of them go as high as $160,000. It seems to me that some of these claimants are not going to get paid.

Mr. **JONES** of Missouri. It seems to me the way this bill is written the people who really deserve to be paid are the ones who are not going to be paid. The people who have get more, and the people that do not have will get nothing.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Sisk, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the Senate joint resolution (S.J. Res. 32), to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952, pursuant to House Resolution 600, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the Senate joint resolution.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Pursuant to the order of the House of October 1, further proceedings on the Senate joint resolution will go over to Thursday, October 7.

GENERAL LEAVE TO EXTEND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members desiring to extend their remarks prior to the vote on the Senate joint resolution may have that privilege.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SOUTHERN NEVADA WATER PROJECT, NEVADA

Mr. ROGERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2020) to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 2020 with Mr. Sisk in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. Rogers] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. Saylor] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. Rogers].

Mr. ROGERS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in considering any project proposed for construction under the Federal reclamation laws the Committee on Interior and Insular Affairs always has a number of crucial questions that have to be answered. One is whether there is an urgent need for the project. Another is whether there is an adequate water supply to support the project—a question which is of particular importance when we deal with projects in the Colorado River Basin. A third is whether the project has a favorable benefit-cost ratio. And the fourth is whether it can pay for itself within a reasonable length of time.

I am glad to tell the House that all of these questions are answered affirmatively in the case of the southern Nevada water project which enactment of H.R. 2020 would authorize.

The principal purpose of the southern Nevada project is to provide a municipal and industrial water supply for an area of the country which has been growing very rapidly and which, as a consequence, has been exhausting its local water supplies at an alarming rate. The population of Clark County, Nev.—the area generally to be served by the project—was 45,500 in 1950 and 127,000, or nearly three times as great, in 1960. By 1962 it had increased to 193,600 and the projection for 1970 has it at 288,000 and for 1980 at 400,000 or nearly 10 times its 1950 population.

This increase in population has put a tremendous strain on the water supply of the area and makes it necessary for it to look to the Colorado River for a supplemental supply. Although the wells which have been in use produce water of a good quality, the quantity is decidedly limited and artesian pressure has been declining steadily. This is what always happens when water is mined as it is here. The estimate is that about 78,000 acre-feet a year are being taken out of the underground supply and that the recharge rate is between 25,000 and 35,000 acre-feet a year—an overdraft of more than 40,000 acre-feet each year. It is clear, therefore, that there is need for the supply which the southern Nevada project can make available in Clark County.

Let me add that this project supply is exclusively for municipal and industrial use. No irrigation water is included in it. The project, nevertheless, is proposed for construction under the Federal reclamation laws. Such a proposal is in accord with established policy since, for years, provision has been made for municipal and industrial water supply under these laws either in connection with irrigation projects or as separate units. Two instances of the latter that come to mind are the Canadian River project in Texas which was authorized in the 81st Congress and the Cheney Division of the Wichita project in Kansas authorized in the 86th Congress. We have, therefore, no problem of setting any new precedents in this legislation.

I pass now to my second subject—the question of water supply for the project. This is a question which is always prominent in any discussion of the feasibility of a project under the reclamation laws and particularly so, as I have already said, of projects in the Colorado River Basin.

Briefly the situation is this: It is proposed to construct the southern Nevada project in three stages. The first will involve a delivery of 132,000 acre-feet. The second, which will not be undertaken until some time in the future, will call for an additional 86,000 acre-feet. And the third will run the total up to 312,000 acre-feet by the year 2020. The project water supply will come from Lake Mead, the reservoir created by Hoover Dam.

Now let me emphasize that the figures that I have just given you are delivery figures. They are not depletion figures. Fortunately the amount by which the Colorado River will be depleted is about 16 percent less than these figures. When the project is in full operation, in other words, the net depletion of the Colorado River will be about 262,000 acre-feet a year. This is well within the 300,000 acre-feet called for by the contracts which the Secretary of the Interior entered into with the State of Nevada in 1942 and 1944 under the Boulder Canyon Project Act.

Of course, there is always some risk of shortages in the river, particularly as the upper basin States develop and begin using their full entitlement under the Colorado River compact. But the risk is minimized by the prospect that eventually there will be an importation of water into the Colorado River Basin from outside sources and by the fact that the southern Nevada project is to be undertaken in three distinct stages. If the importation does not materialize and a shortage develops before the last stage is undertaken, it will be possible to cut back on the southern Nevada project before we have gone too far. In short, the water supply situation appears satisfactory to the Committee on Interior and Insular Affairs.

Now as to repayment: The estimated construction cost of the entire project, at present-day prices, is $81 million and the first-stage cost is $49 million. I pointed out before that the project involves no irrigation, so it also involves no question of interest-free money. The entire project cost is allocated to municipal and industrial water supply at present. If, however, the River Mountains Reservoir is constructed and proves to be valuable for recreation and fish and wildlife, the bill provides for a modest nonreimbusable allocation to these purposes in accordance with established law. Part of the municipal water supply will go to Nellis Air Force Base. The bill provides that the part of the construction cost properly allocated to this—an amount which we presently estimate at $1 million—shall be nonreimbursable. We could have treated this $1 million as reimbursable, of course, but that would merely have increased the bookkeeping, since the Air Force would then have had to secure an appropriation which, after being paid to the Bureau of Reclamation, would have been redeposited in the Treasury. By making it nonreimbursable we avoided this much of an out-of-one-pocket-into-another procedure. The remainder of the cost of the project charged to municipal and industrial water will be paid under a contract between the United States and the Colorado River Commission of the State of Nevada or some other State agency. It will be repaid, under the terms of the bill, within 50 years from completion of the project and it will be repaid with interest. Our committee had no reason to doubt the ability of the people to pay under these terms since the charge will be about 15 cents per thousand gallons in the first years and 10 cents per thousand gallons in the later years of the initial stage.

We had quite a little discussion in the committee about the interest rate to be charged. The bill as introduced called for interest at the same rate as the average coupon rate on long-term U.S. bonds now outstanding. This is about 3⅛ percent. It was proposed by some that we make it a flat 4 percent rate and by others that it be the same as the average yield on outstanding long-term Federal bonds, which would be about 4⅛ percent at this time. Although we recognize that there may be some merit to these suggestions, we decided to stick with the coupon rate formula. To do otherwise would be to penalize the southern Nevada people since this is substantially the formula which was adopted in the Water Supply Act of 1958 for general use and which is in force throughout the upper basin of the Colorado River and, indeed, in most other places in the West.

Mr. Chairman, I said that a fourth point that our committee always looks at is the benefit-cost ratio of projects that come before it. In this case, it is good. It is estimated that annual net benefits over a 100-year period of analysis will be 1.5 to 1.0 for the first stage of the project and 1.6 to 1.0 for the entire project. This by itself recommends the project.

It is in the light of such factors as these, then, that I commend the southern Nevada water project to the House and recommend that H.R. 2020, as amended, be passed.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I am happy to yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Under section 6 of the proposed amendment it is provided that the Secretary shall recognize intrastate priority of water rights to the use of water existing on the date of enactment of this act.

Mr. ROGERS of Texas. Yes.

Mr. ROGERS of Colorado. That would actually include the 41,000 acre-feet the gentleman has been discussing, which belongs to the Basic Management, Inc., who acquired it from a Federal agency.

Mr. ROGERS of Texas. The gentleman is correct.

Mr. ROGERS of Colorado. Following through, on page 5 of the report it is stated:

> The Secretary of the Interior has entered into a contract with the State of Nevada for delivery of not to exceed 300,000 acre-feet of Colorado River water and the Supreme Court in *Arizona* v. *California* held that water should be released only to water users holding valid contracts with the Secretary of the Interior.

If Basic Management, Inc. has ownership of 41,000 acre-feet, will this be included within the 300,000 acre-feet which the Secretary will be authorized to enter into a contract for?

Mr. ROGERS of Texas. The answer to the gentleman's question is "yes." I would hope that the legislative history would not be obscured or cloudy on this point.

The subcommittee of which I am chairman, that heard the testimony on this bill, brought up this point, and it was very clearly stated and understood by all the members of the subcommittee, that the 41,000 acre-feet was an integral part of the 300,000 acre-feet referred to by the gentleman. It was also brought up and discussed in the full committee after the bill was reported by the subcommittee, and the same understanding was present there.

Mr. ROGERS of Colorado. If the gentleman will yield further, if the Secretary of the Interior, before he can enter into these contracts, must recognize intrastate priorities of water rights that have been established at the enactment of this act, what assurance can you give me or the other Members of Congress that he will recognize the State's rights in the State of Nevada and not issue a contract in this instance which would exceed the 300,000 acres as provided in the Boulder Canyon Project Act and under the Supreme Court decision? In other words, can you assure me that, first, it is the duty and responsibility of the Secretary of the Interior before he enters into a contract first to ascertain what the intrastate rights may be and if, as in this instance, these people are taking 41,000 acre-feet and are recognized under the law of the State of Nevada, that he could not then issue a contract in excess of the 300,000 acre-feet or, rather, you must take the 41,000 acre-feet away from the 300,000 acre-feet, which leaves 259,000 acre-feet that he could enter into a contract for here?

Mr. ROGERS of Texas. That is it exactly. There is no need for any assurance from me to the gentleman from Colorado. The law is very clear on the subject I think at the present time that the Secretary of the Interior does not have any power under the law to enter into a contract to allocate more water out of the Colorado River, insofar as Nevada is concerned, about 300,000 acre-feet, unless certain conditions are met where there is more water available. He does not have the right to allocate the 300,000 acre-feet unless there are 7.5 million acre-feet available for downstream.

Mr. ROGERS of Colorado. If the gentleman will yield further, that brings up the next question. Under the decree in Arizona against California, in section (b) (1) it says:

> If sufficient mainstream water is available for release as determined by the Secretary of the Interior to satisfy 7,500,000 acre-feet annually consumptive use in the aforesaid three States.

The three States referred to are Nevada, Arizona, and California. Now, if the Secretary of the Interior should fail to determine that there are 7.5 million acre-feet, then would there be a corresponding reduction of the water available for this project or to be placed into the contract?

Mr. ROGERS of Texas. Let me answer that for the gentleman now, because I think his language is not as clear as the RECORD ought to show. There would be no need for a reduction in the amount of water to be allocated to this project in its first stage because you are not using nearly the entitlement of the State of Nevada in the first stage of this project. Under no circumstances could the Secretary of the Interior ever allocate more water to Nevada than he has the right to allocate and contract under the law as it exists and under the Arizona-California case. The first stage of this project only involves 132,000 acre-feet. That is less than half of what Nevada will be entitled to under the compact and under the Arizona-California decree.

Mr. ROGERS of Colorado. Yes.

Mr. ROGERS of Texas. So this is a problem in which I think the gentleman understands it would not be a problem for some time unless the Colorado dried up almost altogether.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. ROGERS of Texas. Yes, I would be happy to yield further to the gentleman from Colorado.

Mr. ROGERS of Colorado. Now, it is true as the gentleman points out that in the initial stages it will only take a small amount of allocation to the State of Nevada. But on page 3 of the report you finally come up with the conclusion that estimated delivery requirements for ultimate development is 312,000 acre-feet, occurring in about the year 2020.

Of course, we know that that is a long way off. But my point is, the Secretary being limited——

Mr. ROGERS of Texas. Yes.

Mr. ROGERS of Colorado. First, to make any determination and then what assurance can we have that he will not enter into a contract that will cause delivery of water in excess of the limitation to the State of Nevada?

Mr. ROGERS of Texas. Let me say this to the gentleman from Colorado, and I believe we can clear this up.

The 312,000 acre-feet about which we are talking is delivery water where it is going to be needed. It is water, some of which will be returned to the stream and for which Nevada would be entitled. The determining factor is depletion of the river flow. Now, there is going to have to be supplemental water from some place else. At the present time their supplemental water or the main supply of supplemental water will be the underground supplies which can be fed into this project, plus the water out of the Colorado River.

Since the State of Nevada, assuming that 7.5 million acre-feet of water will be available for distribution, the State of Nevada would be entitled to 300,000 acre-feet of consumptive use water. They already have 41,000 acre-feet of that water. So they only have 259,000 acre-feet of water left. In other words, 41,000 acre-feet, plus 12,000 acre-feet, is 53,000 feet. If this entire project is worked out any number of acre-feet over and above the 300,000 acre-feet, entitlement of Nevada would have to come from supplies other than out of the Colorado River water, unless water were imported from some other basin and put into the Colorado River up above Lee's Ferry and be made available to the Colorado River. Now please understand that we are talking about consumptive use water. Some of the delivered water from the river may be returned. If so, Nevada would be entitled to credit.

Mr. ROGERS of Colorado. The decree in the case of Arizona versus California in (b) (3) provides——

Mr. ROGERS of Texas. Yes.

Mr. ROGERS of Colorado. If there is an insufficient mainstream water available for release, then there is a method whereby each State would reduce its amount.

Mr. ROGERS of Texas. That is right.

Mr. ROGERS of Colorado. If the Secretary finds that there is less than 7.5 million acre-feet, must he include in this contract with the State of Nevada or the base in connection therewith that they will take a reduction in the amount?

Mr. ROGERS of Texas. They would not have any rights, let me say to the gentleman from Colorado, to get more than 300,000 acre-feet or whatever they would be entitled to, and if they use this project, to its maximum the water has got to come from some place else other than the Colorado River, if more than 300,000 acre-feet is needed for this and the other allocation heretofore referred to.

Let me say this in finality, because I want to let someone else talk, there was nothing in the hearings, either in the subcommittee or the full committee, to indicate that there was any effort or attempt on the part of anyone to enlarge or to diminish any of the existing rights with regard to Colorado River water, and I would be willing to testify in any court test that it was not our intention in the subcommittee to do this, it was not our intention in the full committee to do this in any manner.

What we are simply trying to do is to make available to the State of Nevada an opportunity to use what they are entitled to, exactly as the State of Colorado has done in several instances with regard to this Upper Colorado water.

Mr. ROGERS of Colorado. I thank the gentleman from Texas for his explanation.

Mr. HALEY. Mr. Chairman, will the gentleman yield to me for a question?

Mr. ROGERS of Texas. I yield to the gentleman from Florida.

Mr. HALEY. Since we have the acre-feet of water settled and in good shape, as I understand this project the first stage is at a cost of $49 million.

Mr. ROGERS of Texas. That is right.

Mr. HALEY. All of that money is to be repaid to the Treasury of the United States in a 50-year period?

Mr. ROGERS of Texas. I thank the gentleman for bringing that up. I had hoped to get to that, but I used too much time on other matters.

The point is this: There is not one dime in this project that is not reimbursable with interest beginning with the time of construction. There is no subsidy of any kind in this project unless by building the subsequent reservoir there is a small item of fish and wildlife and recreation which is controlled by another law passed by the Congress. I want to say further there is about $1 million that goes into the Nellis Air Force Base which would be nonreimbursable. If we did not make that nonreimbursable we would force the Air Force to get an appropriation to pay to the Bureau of Reclamation, and then the Bureau of Reclamation would put it right back in the Treasury where it started out in the first place. We do away with a bookkeeping transaction.

Mr. HALEY. I thank the gentleman. This is one of the best projects that has come out of any of the western country. The Federal Government will receive every dollar that it put into this, plus interest, over a period of 50 years. The people were aboveboard, they did not try to put in here some fringe benefits that were not there, as was the case in some of these others I had some doubt about.

Mr. ROGERS of Texas. I thank the gentleman from Florida so much. This development was worked up through the astute questioning of the witnesses by the gentleman from Florida, and getting the information in the committee.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may require.

I will yield no further.

I have other requests from my side of the aisle for time.

I yield 5 minutes to the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Chairman, before commenting on the merits of this legislation, I wish to say that I have the highest regard for the author of this bill, our colleague from Nevada [Mr. BARING]. In my judgment he is one of the very able and conscientious legislators in this House. My normal instinct, frankly, seeing his name on a bill, would be to say, "This bill can be supported without going any further into the details."

I am sympathetic with the problem that he has and with his effort to assist his area in the solution of a very serious problem that it has. The water problem in this country is a problem that is growing in its intensity. We all know the problem that the West has had in obtaining water, but I would call attention to the fact that the problem of obtaining water for municipal and other uses is becoming a problem in many, many other areas of the country. It is a problem we must address ourselves to in a conscientious manner.

What makes me rise to question the advisability of the course of action that we are pursuing here today is the fact that the problem that we seek to solve by the proposed action is basically a problem to be solved by Clark County, Las Vegas, and the other Nevada communities involved. Their problem is no different than the problem that other communities have. I happen to be well acquainted with it. Not long ago, my home city, for example, which had been able to obtain its municipal and industrial water from underground sources, found that those sources were running out.

That city, Green Bay, Wis., had to seek another outlet, another source to be tapped, for water to serve its growing population. A few years ago, therefore, they determined that the only way that they could solve the problem satisfactorily was to go over 30 miles to Lake Michigan and tap that source. As a result, they had to put in pipelines buy easements, put in pumping stations and all the rest—the very same thing, really, which the U.S. Government will do for Clark County, Nev., in this particular instance.

As I understand it, at least from the discussion and reading the reports, this is not a matter of making available a source of water which could be tapped. This is a matter of transporting water to which Nevada is entitled from one point to another point, from Lake Mead to Clark County.

As I analyzed this, I wondered why that was any different from the situation my home community faced. We bonded ourselves for over $8 million in just one community to get this water from Lake Michigan to the city of Green Bay.

One can say, and I agree, that the bill provides that the money advanced for costs will be repaid by this area and repaid with an interest charge which is stipulated, over the apparent lifetime of the facility itself, 50 years.

In Green Bay, by financing this ourselves, by using our own ability to issue bonds, we have reduced the remainder of our bonding capacity so that we do not have that ability to borrow for other purposes we might find desirable and needed.

Furthermore, at the present time—this makes it even more necessary that I call attention to this situation—another community in my district, the city of Appleton, has the same problem Clark County has. It has the same problem Green Bay had a number of years ago before the pipeline was put in. Appleton must soon seek another source of water. Its present water supply will not take care of the city's needs. What are they doing? They are searching out means to meet this problem and are considering doing what Green Bay did;

namely, going 40 or 50 miles to Lake Michigan to tap that source, putting in pipelines and pumping stations, and so forth.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. I believe it should be pointed out, so that the record will be clear, the people in this area have bonded themselves for approximately $16 million in order to make this water project possible.

Mr. BYRNES of Wisconsin. I had a visit with some of the people from Las Vegas last week. I understand they do have a problem with respect to internal distribution of water within, let us say, the city of Las Vegas. They have to reverse the flow, which causes problems and costs in connection with their own municipal water system.

But they have not bonded themselves, nor will they finance the actual transportation by pipeline, with the pumping stations and all the other things, for this water from Lake Mead to that point. They have other costs. Our communities may have extra costs in other areas.

I am sympathetic. Do not misunderstand me at all.

Mr. ROGERS of Texas. If the gentleman will yield further, I think the people there have been very well pleased to have been able to do this. However, we are really talking about two different areas.

Mr. BYRNES of Wisconsin. But the problem is the same. That is the only thing that bothers me.

Mr. ROGERS of Texas. They are two different areas to this extent. We are dealing with water transportation in the West over mountainous areas as compared to transporting it over level areas east of the Mississippi River where the engineering costs and other costs are so much different. They are so much greater in the West. These people have gone about as far as they can go in their bonded indebtedness to meet this requirement.

Mr. BYRNES of Wisconsin. Then I come to this point: If the city of Appleton is in the situation where it has used up its borrowing authority and it has other expenses that it has to incur for schools and otherwise, are you saying then that is the excuse and we can come to this House and ask the Federal Government to build or finance for us the pipeline that we are probably going to have to build from Lake Michigan to Appleton probably at a cost of $10 or $12 million? I do not see where there is much difference as to the volume of water or the population to be served. Relatively the costs are the same as for the project we are talking about financing for Clark County, Nev.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentlewoman.

Mrs. GRIFFITHS. I think the gentleman has made a cogent argument, and I would like to associate myself with his remarks.

Mr. BYRNES of Wisconsin. I thank the gentlewoman for her statement. The reason why I rise here is not in jealousy that one city or one county is getting something that my city did not get. It seems to me we have really presented here in this bill a question that we should decide on a nationwide basis as a matter of policy. In other words, as this problem grows, are we going to say to these communities such as Appleton, Wis., and others—and I believe there are some in Michigan and around other parts of the Great Lakes where they will have to go to the Great Lakes to get their water supply for municipal and industrial purposes—are we going to say we will finance on the same basis as provided here the construction and delivery of enough water to supply you?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SAYLOR. Mr. Chairman, I yield 5 additional minutes to the gentleman. Mr. Chairman, will the gentleman yield to me?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. First I want to commend my colleague from Wisconsin for calling attention to this problem. I am delighted to have his support, because this problem of water is not confined, as people thought many years ago, to the arid and semiarid regions of the United States. When the Congress in 1902 in its wisdom passed the reclamation law, they applied it only to the 17 Western States, but we find today not only in the Midwest but in the East and the South that water is a nationwide problem. Therefore, the gentleman is pointing up what should be done. I only hope that our committee will take a nationwide look at this and change the basic reclamation law to make it apply nationwide and not just in the 17 Western States. The problems which you have pointed out in your State and the problems which exist in Michigan and the problems which exist in Philadelphia and New York can be attacked from a national viewpoint then and not from a provincial or local area viewpoint in the West.

Mr. BYRNES of Wisconsin. Let me just say this: Let it be understood that I am not pleading here necessarily for further extensions of Federal control and Federal involvement, but I do say this: If, as a matter of national policy, we are going to decide that the communities cannot finance water distribution or the transportation of water from its source to its place of need and that the Federal Government must step in, then it seems to me we should do it so that all communities and all the areas are treated on an equal basis and on the same basis.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield to me?

Mr. BYRNES of Wisconsin. Yes. I yield to the gentleman.

Mr. ROGERS of Texas. I think actually first that the passage of the Rural Water Act and the passage of the community facilities provisions will permit this, plus title I of the rivers and harbors bill, which I understand, and my memory may be a little faint on it now, authorizes the Corps of Engineers to go into the entire northeastern part of the United States to do this very same thing.

Mr. BYRNES of Wisconsin. That is in connection with the study looking toward a solution to the water problem in that area. That is a great deal like what we did when we first went into the Western States in the first instance and studied what could be done.

If the gentleman would let me proceed. The programs that are available under the municipal projects, the Housing and Home Finance Agency operations, and the Community Facilities Act, are available to this area, but this kind of a project does not qualify under the programs, whether it is in Clark County, Nev., or in Brown County, Wis., or Outagamie County, Wis., this is something new and I believe the gentleman from Texas has to admit that.

Mr. ROGERS of Texas. Oh, no, no, if the gentleman will yield. I do not admit it is something new, because I would have to plead guilty as probably being the one who helped to start a precedent for his sort of thing in connection with the Canadian River project in my own district, which carries water by pipeline clear down into the district of the gentleman from Lubbock, Tex. [Mr. MAHON].

Mr. BYRNES of Wisconsin. Then, if we are doing it—if we have been doing it—I am sorry that I did not catch it at that point. We have created some precedents, I guess. But my point is now that we know this is a problem that is going to exist nationwide and not just in one area, it is my suggestion that we focus our attention on establishing a national policy so that all communities in an equal situation, with an equal problem, can obtain equal help and assistance if it so desires from the Federal Government.

Mr. Chairman, my objection is to singling out one item here, one item there, one community here, and patterning the program based upon that particular community, with others receiving no consideration.

Mr. Chairman, that is a problem that I wanted to present to the gentleman from Texas and to present to the House itself, so that we know where we are going when we do this.

Mr. Chairman, I frankly suggest that I believe we are moving in the wrong way when we take out this one isolated project, and I would suggest further we would be better off to consider in this Congress legislation dealing with the overall problem and make it available to all communities.

Mr. SAYLOR. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Chairman, I appreciate the ranking minority member yielding me this time.

Mr. Chairman, I rise to make an observation and a query of the gentleman from Wisconsin.

Certainly I appreciate his stating the problem as clearly as he has stated it, and I agree that we must have some national policy in these days when we are not only doing this in the 17 Western States, but it is a national problem, as indeed the chairman of the subcommittee, the gentleman from Texas [Mr. Rogers], has agreed, and certainly the ranking minority member, the gentleman from Pennsylvania [Mr. Saylor].

In fact, only recently I read one of the most intriguing articles I believe I have ever read about a national combine with our sister sovereign nation of the north to perhaps impede the flow of the Laird or Peace Rivers which flow into Mackenzie Bay or the Arctic Ocean; so we would have more power and more water, not only in the breadbasket of Alberta and so forth, but in our own breadbasket farther north.

This is entirely within the feasibility and engineering know-how of this day, and we must do it sometime on an international scale.

Mr. Chairman, as a member of the Committee on Armed Services, generally I am sympathetic to this particular request, because of the great Air Force base—Nellis—that is located in one of these towns—I believe halfway between Las Vegas and North Las Vegas—the Nellis Air Force Base, which is a big consumer of water. Last year during the Desert-strike operations there, and as a part of our duty as members of the Committee on Armed Services, we saw the crying need for water in this particular area.

Mr. Chairman, I know that the Green Bay Packers put out a lot of water as they did against the Chicago Bears on last Sunday afternoon. I wonder if his city, the example in point, has any military installation.

Mr. BYRNES of Wisconsin. If the gentleman will yield, that was more than water the Packers put out.

Mr. HALL. But I wondered if there was a military installation involved in the situation which the gentleman from Wisconsin cites?

Mr. BYRNES of Wisconsin. No; there is no military installation or any other governmental installation involved. But I wonder whether we are going to say if you have a military installation in your area, then you can expect all kinds of favored treatment on the basis that you have a Federal facility.

Mr. HALL. I think it is a part of the additional evidence we must consider on balance, in making a decision like this, indeed, as we did in the question of the sometimes ill-taken "impacted aid" for some military installations, where there are schools, and so forth.

Mr. ROGERS of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada [Mr. Baring].

Mr. BARING. Mr. Chairman, I do appreciate the very fine personal remarks of the gentleman from Wisconsin, but I would like to point out that providing water for municipal and industrial purposes has long been an integral part of the reclamation program. These purposes were recognized, for example, in section 9(c) of the 1939 Reclamation Projects Act. On a national basis they have also been recognized as a legitimate purpose in projects of the Corps of Engineers, which serves those States not included within the reclamation program. To illustrate this, I need only to point to the Water Supply Act of 1958, approved during the Eisenhower administration.

In justification of Federal construction of the southern Nevada water supply project I should point out first that there is a critical Federal interest in the project area. The Members of this House no doubt recall that there are extensive Air Force and atomic energy activities in Las Vegas Valley. The atomic test site is a large factor in the local economy. The hearings on the bill reveal that Nellis Air Base is very short of water today. This base will be an important user of water under the proposed project plan.

Under the decision of the Supreme Court in the Arizona against California case, decided in 1963, the Secretary of the Interior clearly is the water-master on the Colorado River. Under that decision he will decide in the lower basin who goes short of water in years of drought. No one can use the water without a contract with him. The Secretary of the Interior built Hoover Dam under the Boulder Canyon Project Act of 1928, and the southern Nevada water supply project is essentially only an adjunct of the multiple purpose Boulder Canyon project.

In the Water Supply Act of 1958 the Congress declared that "the Federal Government should participate and cooperate" with local interests in developing water supplies in connection with multiple-purpose projects built by the Corps of Engineers or the Bureau of Reclamation.

Some Members seem to feel the local residents of the area are doing nothing to help themselves in meeting their water needs. Nothing could be further from the truth. Most of today's water supply comes from artesian wells. In order to use the water delivered under the southern Nevada project, major revisions will have to be made in the distribution and pumping system of the Las Vegas Water District. In anticipation of the Federal project the voters in the district area already have approved construction of facilities which will cost $17.1 million. Of this amount $15.7 million will be raised through municipal bonds.

The program of the Community Facilities Administration does not include projects of this magnitude. According to the 1963 report of the Community Facilities Administration 96 percent of their projects are located in towns of less than 2,500 population. Almost none of these projects have exceeded $1 million in cost. That program has no relevancy to the water requirements of southern Nevada.

You have heard an argument that the people in southern Nevada should be able to build this project since the people of Green Bay, Wis., have been able to build a pipeline and filtration project bringing water from Lake Michigan. According to the Office of the Water Superintendent in Green Bay, that project cost a total of $6½ million, of which only $3 million was invested in the pipeline system. The rest of the $6½ million went into a filtration plant.

The first stage of this project in southern Nevada will cost $49 million. There is no comparison in the engineering problems involved between Green Bay and the Las Vegas project. The Green Bay project involved a lift of only 390 feet whereas the lift in the case of the southern Nevada project will be 1,360 feet. Even with the Federal expenditure of $49 million for the first stage alone, the water users in southern Nevada will have to bear their own water treatment cost and, as indicated before, a very substantial investment in distribution facilities, amounting to more than $17 million. This local cost is over 5 times the cost of Green Bay's local facilities.

The Congressman from Wisconsin is trying to compare a $3 million, relatively level pipeline system with a complicated mountainous system and regulating reservoir that will cost $49 million. The city of Green Bay, Wis., has a population of 81,000 people. All of Clark County, Nev., has a population of about three times that of Green Bay. The southern Nevada project with all its complexities will cost 16 times that of the Green Bay project. It is obvious that Green Bay's solution to its water problem has simply nothing to do with the actions necessary to resolve the water problems existing in southern Nevada.

My colleague from Wisconsin also refers to a local pipeline system proposed to be built by the city of Appleton, Wis. Mr. Dimick of the Appleton City Water Department says that their project will cost about $2½ million. Appleton has a population of over 50,000 people. As I mentioned before the population of all of Clark County is about 250,000 or 5 times that of Appleton. The Las Vegas Valley Water District alone is spending almost 7 times as much as Appleton just to put the Federal project water to use in its service area. The Congressman from Wisconsin insists on comparing a peanut with an orange. It just cannot be done.

H.R. 3020 will not be setting a dangerous precedent. Other projects such as the Norman project in Oklahoma and the Canadian River project in Texas have involved the same principle. The interest rate formula is the one approved in the 1958 Water Supply Act. Local interests are doing their share, and this project is urgently needed.

Mr. Chairman, the bill before us this afternoon, H.R. 2020, is to authorize the construction of a municipal and industrial water supply project in populous and rapidly developing Clark County, Nev., containing more than half of the State of Nevada's population. The cities of Las Vegas, North Las Vegas, Henderson, and Boulder City will be served by the facility as will Nellis Air Force Base and the Atomic Energy Commission installation located in that area.

I earnestly solicit the support and help of my colleagues in solving one of my State of Nevada's most serious problems by supporting this bill. Upon water the entire future of southern Nevada depends.

The project before us today is not an irrigation-reclamation project, nor it is a public power project, it is essentially a single purpose municipal and industrial water supply development. This pumping and pipeline facility will tap Nevada's

300,000 acre-foot allotment of Colorado River water from Lake Mead and supply it to the increasing municipal and industrial needs of Clark County.

Over the past two decades the growth of Las Vegas, North Las Vegas, Henderson, Boulder City and all of Clark County has been tremendous, and it continues to be one of the fastest growing areas in America.

For many years now the demand for the ground water has far exceeded the safe yield causing serious and justifiable concern that the underground water supply will run entirely dry.

Our experts estimate our recharge to Las Vegas Valley's underground basin is only 25,000 to 30,000 acre-feet. In the year 1964 alone, we pumped 78,000 acre-feet from this underground basin, about three times the safe yield of that basin. Our water use is increasing every day, and it is estimated by our experts that the water needs in Las Vegas Valley in 1970 will be in the area of 160,000 acre-feet.

The estimated $81 million cost—$49 million for the first phase—is repayable by the users at interest. A bond issue has already been passed in the area to help provide the financing in the amount of $15.7 million, which will give you some indication of how strongly the people of our State feel about this particular problem.

You may wonder why action has not been taken to conquer this serious water situation until now, but activity on this issue had been delayed awaiting the U.S. Supreme Court decision in the Colorado River Water Co. of 1922. This decision was finally returned on March 9, 1964, and which decision among other things, allocated 300,000 acre-feet of waters of the Colorado River to the State of Nevada. These are the waters which will be utilized in this southern Nevada water supply project under discussion today.

At the present, the State is using only 25,000 acre-feet of this 300,000 acre-feet allocation from the Colorado River, primarily because of the inadequacy of facilities for transportation of water. The project before us today would enable the State to put part of its entitlement to beneficial use to sustain the present economy and provide for expansion. In other words, this project is merely the vehicle with which Nevada will be able to realize the full benefits of that entitlement.

I cannot overemphasize the critical need and great urgency to have this project approved. In the arid southern extremes of my State water is the magic difference between growth and decay, prosperity and hard times, strength and weakness. This is particularly the case in the Clark County region of Nevada because it is the fastest growing section of one of the fastest growing States. Clark County has already outstripped its underground water and there is imminent danger of exhausting this resource.

In short—without this legislation southern Nevada will have no water within a very short time. All costs are reimbursable by the beneficiaries. Financially and technically the southern Nevada water supply project has independence and feasibility. It is vital to the survival and prosperity of the people of southern Nevada, and I earnestly solicit your support in making this critically needed project a reality.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. BARING. I yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, I want to rise in support of this legislation. It is a matter that was thoroughly heard by the Subcommittee on Reclamation of the Interior and Insular Affairs Committee. The full Committee on Interior and Insular Affairs agreed to this unanimously. We had a complete hearing which proved to our satisfaction that there is nothing wrong with the bill. Our friend from Nevada has pointed out there is a precedent for this in several projects. For this we have only to refer to the Norman project in the State of Oklahoma which was approved by the 86th Congress and signed into law on June 12, 1960. And, even before that we had the Canadian River project in Texas, a project which received the approval of the 81st Congress and was signed into law December 29, 1950.

I know of no opposition to the bill. The people of the State of Nevada will pay back all of the costs of this with interest. It is the only way they can solve their water problem.

Mr. ROGERS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. Rivers].

Mr. RIVERS of Alaska. Mr. Chairman, I rise in support of this legislation and wish to associate myself with the constructive arguments that have been presented here by my colleagues in favor of this legislation.

I have heard of opposition to reclamation bills where irrigation was involved on the grounds that it would bring acreage into production which would only add to existing surpluses. But I have never heard of opposition to bringing more water into a city or cities to keep people drinking.

I recognize that the matter of water shortages is a national problem, but it is also one that comes under the reclamation policies that have been followed in the West. I am in favor of making it of national scope so that we can take care of water shortage problems in New England and other Eastern States and in other parts of our country.

Mr. ROGERS of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. Roncalio].

Mr. RONCALIO. Mr. Chairman, I thank the gentleman from Texas, the very able subcommittee chairman and my colleague on the full Interior and Insular Affairs Committee.

I have listened with attention to the debate on this bill and rise to associate myself with the gentleman from Pennsylvania [Mr. Saylor], with the floor manager of the bill, the gentleman from Texas [Mr. Rogers], and with my other colleagues of the House Interior and Insular Affairs Committee of both political parties who are unanimous in their support of this legislation.

I would not do so if there was one iota of possibility of damage to the water rights of the State of Wyoming or if there existed a possibility that the water appropriation would someday inure to the detriment of the Upper Colorado River States. I have listened to the argument of the gentleman from Colorado [Mr. Rogers] and I consider him and his colleague, the gentleman from Colorado, Chairman Aspinall, able defenders of the waters of the Upper Colorado, and am happy to have his assurances and his concurrence that there is no chance of water contracts between the Secretary of Interior and the Las Vegas interests which would damage upstream water rights, now or beyond 1990, or any other future date, with or without importations to the Green or Colorado River watersheds.

Mr. ROGERS of Texas. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, there is one further observation I want to make and I think it has been brought out very clearly during the debate here today. I think the people of the United States are realizing more now than ever before that there just is not room for everybody in this country to live on the banks of the creek. The only way in the world we are going to develop this country is to make water available to the areas where the people live and where people want to live. I think every time we build one of these projects, we are increasing the wealth of th United States of America. I think if you will analyze this and weigh it out, you will find that the reclamation program in the West has produced many, many times more than it has ever cost the people of this country and will continue to contribute to the wealth and welfare of the people of this country.

I would urge support of legislation of this type and, as the gentleman from Wisconsin [Mr. Byrnes] suggested, that this should be made available to the cities in other parts of the country so that they can have their water supplies which are dwindling. As the population explodes and the amount of water is not increased, we have to do something to meet these water needs.

I think this is a challenge that we can rise up to meet in this type of legislation and I would urge its adoption.

The CHAIRMAN. The time of the gentleman from Texas has expired.

All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct, operate, and maintain the southern Nevada water project, Nevada, in accordance with the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), except as those laws are inconsistent with this Act, for the principal purpose of delivering water for municipal, industrial, and incidental irrigation use. The principal features of the southern Nevada water project shall consist of intake facilities, pumping plants, aqueduct and laterals, transmission lines, substations, and storage and regulatory facilities required to provide water from Lake Mead on the Colorado River for distribution to municipalities and industrial centers within Clark County, Nevada.

SEC. 2. (a) The Secretary shall make appropriate allocations of project costs to municipal and industrial water supply and, if appropriate, to consideration: *Provided*, That all operation and maintenance costs for the southern Nevada water project shall be allocated to municipal and industrial water supply. Construction costs of said dam and reservoir allocated to conservation shall be nonreimbursable.

(b) Allocations of project costs made to municipal and industrial water supply shall be repayable to the United States under either the provisions of the Federal reclamation laws or under the provisions of Water Supply Act of 1958 (title III of Public Law 85-500, 72 Stat. 319 and Acts amendatory thereof or supplementary thereto): *Provided*, That, in either case, repayment of costs allocated to municipal and industrial water supply shall include interest on the unamortized balance of such allocations at a rate equal to the average rate (which rate shall be certified by the Secretary of the Treasury) paid by the United States on its marketable long-term securities outstanding on the date of this Act and adjusted to the nearest one-eighth of 1 per centum.

(c) If conditions permit irrigation use of project water, the Secretary is authorized to allocate to irrigation, under the provisions of the Federal reclamation laws, an appropriate portion of the project construction costs allocated to municipal and industrial water supply.

SEC. 3. (a) The Secretary is authorized to enter into the necessary contract, or contracts, with the Colorado River Commisson of Nevada, acting for the State of Nevada, for the delivery of water and for repayment of the reimbursable construction costs, notwithstanding provisions of section 5 of the Boulder Canyon Act (45 Stat. 1057).

(b) Construction of the project shall not be commenced until a suitable contract has been executed by the Secretary and the Colorado River Commission.

(c) Such contract may be entered into without regard to the last sentence of section 9, subsection (c), of the Reclamation Project Act of 1939, and may recognize the relative priorities of municipal, industrial, and irrigation uses.

(d) Upon execution of the contract referred to in section 3(a) above, and upon completion of construction of the project, the Secretary shall transfer to said Colorado River Commission of Nevada the care, operation, and maintenance of the intake, pumping plants, aqueducts, reservoirs, and related features of the southern Nevada water project upon the terms and conditions set out in the said contract.

(e) When all of the costs allocable to reimbursable purposes incurred by the United States on constructing, operating, and maintaining the project, together with appropriate interest charges, have been returned to the United States by the Colorado River Commission of Nevada, said commission shall have the permanent right to use the intake, pumping plants, aqueducts, reservoirs, and related features of the southern Nevada water supply project in accordance with said contract.

SEC. 4. Such amount of the costs of construction as are allocated to the furnishing of a water supply to Nellis Air Force Base or other defense installations shall be nonreimbursable.

SEC. 5. Expenditures for the southern Nevada water project may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act of 1954 (43 U.S.C. 390a).

SEC. 6. The use of all water diverted for this project from the Colorado River system shall be subject to and controlled by the Colorado River compact, the Boulder Canyon Project Act (45 Stat. 1057; U.S.C. 617t), and the Mexican Water Treaty (Treaty Series 994) (59 Stat. 1219).

SEC. 7. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this Act.

Mr. ROGERS of Texas (during the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and be open for amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ROGERS of Texas. Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, lines 9 and 10, strike out "municipal, industrial, and incidental irrigation use." and insert "municipal and industrial use."

Page 2, lines 8 through 14 strike out all of section 2(a) and insert the following in lieu thereof:

"SEC. 2. (a) The Secretary shall make appropriate allocations of project costs to municipal and industrial water supply and, if appropriate, to fish and wildlife and recreation: *Provided*, That all operation and maintenance costs for the southern Nevada water project shall be allocated to municipal and industrial water supply. Construction costs of the River Mountains dam and reservoir allocated to fish and wildlife and recreation shall be nonreimbursable in accordance with the Federal Water Project Recreation Act (79 Stat. 213)."

Page 3, line 2, after "States" insert "in not more than fifty years".

Page 3, lines 4 through 18, strike out all of subsection (c).

Page 3, line 19 through 24, strike out all of section 3(a) and insert in lieu thereof the following:

"SEC. 3. (a) The Secretary is authorized to enter into a contract with the State of Nevada, acting through the Colorado River Commission of Nevada or other duly authorized State agency, for the delivery of water and for repayment of the reimbursable construction costs."

Page 4, line 7, strike out "Commission." and insert "Commission or other duly authorized State agency."

Page 4, lines 11 and 12, after "1939" strike out ", and may recognize the relative priorities of municipal, industrial, and irrigation uses".

Page 4, line 16, after "Nevada" insert "or other duly authorized State agency".

Page 4, line 25 strike out "Colorado River Commission of Nevada, said commission" and insert "State of Nevada, said State".

Page 5, lines 9 through 12, strike out all of section 5.

Page 5, line 13, strike out the section designation "6." and insert "5."

Page 5, line 16, after "1057;" insert "43".

Page 5, after line 19, insert the following new section:

"SEC. 6. In all water supply contracts for the use of water in Nevada under this Act or section 5 of the Boulder Canyon Project Act (45 Stat. 1057) the Secretary shall recognize the intrastate priorities of water rights to the use of water existing on the date of enactment of this Act: *Provided, however*, That nothing in this Act shall be construed as validating any right diminished or lost because of abandonment, nonuse, or lack of due diligence, nor shall anything in this Act be construed as affecting the satisfaction of present perfected rights as defined by the decree of the United States Supreme Court in Arizona against California et al. (373 U.S. 340)."

Page 6, lines 6 through 9, strike out all of section 7 and insert the following in lieu thereof:

"SEC. 7. There is hereby authorized to be appropriated for construction of the southern Nevada water project, Nevada, the sum of $87,003,000 (September 1965 prices) plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein."

The committee amendments were agreed to.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike the requisite number of words.

I wish to try to clarify and make certain the provisions as outlined in section 6 of the bill with relation to the Boulder Canyon Project Act, and to point out that the Boulder Canyon Project Act does not authorize nor compel the upper basin States to deliver the 7,500,000 acre-feet of water at Lees Ferry. However, it does provide that over a 10-year period the upper basin States are obligated to deliver 75 million acre-feet of water at Lees Ferry.

The reason for calling this to the attention of the House is that I do not want the Secretary of the Interior to get any authority whatsoever in the interpretation and application of the Supreme Court decision of Arizona against California to assume when there is a deficit he has an obligation to demand water from the upper basin States.

The decree at section (B)(3) provides that when there is insufficient mainstream water available of 7,500,000 acre-feet then the Secretary without regard to State lines will allocate the water, in the lower basin States.

As I interpret it—and if there is any question about it among the members of the committee, it should be made clear—the Secretary would not have any authority to allocate the waters in the upper basin States at all. If, under this bill, they only have the right to establish their priorities as of the enactment of this law, then under no circumstances could the Secretary of the Interior require the upper basin States to deliver any water and no authority and no rights will be given to the State of Nevada to require anything, other than what is required under the provisions of the Boulder Canyon Project Act, for the delivery of the 75 million acre-feet over a 10-year period when the Secretary of the Interior enters into this contract, he should specify that he cannot demand of the upper basin States the delivery of any water.

I do not want him under this legislation, or any proposal by Congress, ever to have that authority, although the Supreme Court, in Arizona against California, said that "in order for you to get water out of Lake Mead or other projects you have to have a contract with the Secretary." I do not want the Secretary to have a right to issue any contract for any water north of Lee Ferry. I hope that the members of the committee will agree.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I am happy to yield to the gentleman from Texas.

Mr. ROGERS of Texas. Let me say, as chairman of the subcommittee, acting today in handling the bill, if the Secretary did not have that right under the case of Arizona against California, and the compact which was entered into, it was not the intention of the committee that he get that or any other additional right under the legislation pending before the House at this time.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words, and I am happy to yield to the gentleman from Colorado, who speaks with authority and experience in protecting the waters of Wyoming as well as those of Colorado.

Mr. ROGERS of Colorado. I thank the gentleman. I wish to emphasize what the gentleman from Texas has stated. It is clear, and I want it made clear, that if the Secretary is compelled, under the Arizona against California decision, to make an allocation because of insufficient water, that allocation will be made according to the decree and according to the priorities of rights which were in existence, which will be filed within 2 years from March 9, 1964. That does not affect this, nor will the contract or the authority given to the Secretary under this legislation authorize him to make any demands upon the upper basin States.

I appreciate what the gentleman from Texas has said. I am sure that the record is clear. The decree which says that the Secretary shall allocate in the States "according to priorities filed under this decree" will have no application to the upper basin States and applies only to the lower basin States.

Mr. RONCALIO. I thank the gentleman from Colorado.

Mr. Chairman, I desire the legislative history of this act to show that this House has been assured there is no danger whatever of a "fait accompli," ever permitting the Secretary of the Interior to make an appropriation over and above that set by law regarding upper States Colorado River water. With this understanding in the legislative history, I believe there is no question that this is proper and valid legislation and in the best interests of the Nation, not just Nevada water users. I am happy to support it.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. SISK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2020) to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes, pursuant to House Resolution 597, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mrs. GRIFFITHS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the order of October 1, further proceedings on this bill will go over to Thursday, October 7.

THE HIGHWAY BEAUTIFICATION ACT

Mr. FALLON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FALLON. Mr. Speaker, on tomorrow, Thursday, October 7, this body will begin to consider the Highway Beautification Act of 1965—S. 2084. As chairman of the Committee on Public Works, I can report to this House that this legislation comes before you after extensive hearings and a full executive session. It has been fully and extensively considered by the Committee on Public Works and it represents what I believe to be good legislation. It embodies at once both the proposals of this administration in its efforts to further beautification of the highways of our Nation, and, at the same time, it gives full consideration to the interests of all parties who will be affected by the legislation.

I urge all Members to be on the floor during the general debate on this legislation and I am sure that after the bill is fully explained to this body, it will receive the overwhelming support of the Members.

THE HIGHWAY BEAUTIFICATION ACT OF 1965

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KLUCZYNSKI. Mr. Speaker, as chairman of the Subcommittee on Roads of the Committee on Public Works, I am happy to report to this House that on tomorrow a most important piece of legislation—the Highway Beautification Act of 1965, S. 2084, will be brought up for consideration by this body.

I urge each and every Member to be present on the floor during debate on this legislation. This is a good bill. It is brought before you after having been fully considered in committee and after having been properly amended to carry out a much-needed beautification program for our highway system, while at the same time taking into consideration the interest of such legitimate businesses as advertisers, junkyarders, and auto wreckers. Listen to the debate on this legislation carefully and at its finish, I know you will understand what this bill means, what the committee intended when it reported this legislation and I am certain that then you will support S. 2084.

THE HIGHWAY BEAUTIFICATION ACT OF 1965

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, in connection with the bill about which you have just been hearing from the distinguished chairman and subcommittee chairman of the Committee on Public Works, I would like to state that tomorrow the House will begin consideration of the Highway Beautification Act of 1965, S. 2084. This bill, which is the product of the House Committee on Public Works, is a substantial and constructive response to President Lyndon Johnson's message of May 26, 1965. Under the provisions of the bill a partnership effort between the several States and the Federal Government would be authorized and funded, with the beautification and scenic development of the Nation's interstate and primary highways as its major targets.

It is our sincere hope that Members of this body will find it possible to attend and participate in the general debate of this bill, and will not be swayed by some of the misleading information which is being circulated concerning it. A careful reading of the bill and the committee report will establish beyond question that the bill is a well balanced and carefully constructed measure, designed for constructive action.

Contrary to some reports which you may have heard, this bill does not interfere in any way with on-premise advertising by restaurants, motels, service stations and other businesses, wherever those businesses are located. Contrary to some reports you may have heard, billboards and outdoor advertising devices are permissible in commercial and industrial zones under this bill. Contrary to some reports you may have heard, the States and the Secretary of Commerce must be in agreement as to the limitations and standards which will prevail in each State, and this bill assures a separate hearing on these important questions in every one of the 50 States.

When you have heard the facts concerning this bill, I believe you will want to join us in giving it your enthusiastic support.

THE HIGHWAY BEAUTIFICATION ACT OF 1965

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute; to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, I rise to join those from the Public Works Committee in commenting upon the highway beautification bill which will be presented to the House tomorrow.

All of the country is rightfully indebted to the very gracious First Lady of our land for her intense interest in preserving the scenic beauty of America for future generations.

Mr. Speaker, as this country has grown and has been transformed from a rural Nation into an urban one, as the suburban sprawl has spread with a carpet of concrete across more and more of our country, we lie in grave danger of leaving to future generations no more relic or remembrance of our time than the garish clutter symbolic of a crass commercialism.

This bill contains one particularly interesting feature. One section of the bill would permit the Federal Government, in concert with the several States, to acquire properties of land for scenic enhancement in those areas adjacent to our arterial highways where the grandeur of our natural beauty might be preserved for future generations of travelers, where scenic drives and overlooks might be located where people might stop for picnicking or breathing in the breathtaking beauty of America, where wild flowers indigenous to the area might be seen, and where the beauty of our land might be preserved.

HIGHWAY BEAUTIFICATION ACT OF 1965

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, this highway beautification bill is not a bill of condemnation, it is not a bill of prohibition against free enterprise or against the advertising industry. It is, rather, a recognition that there must be some regulation of a reasonable kind so that free enterprise, so that advertising, can work its will, and so that the rest of the folks can enjoy this country too.

As has been pointed out, we would provide in our Highway System Act that people may enjoy better this country and its natural beauty while not injuring in any way the advertising industry, but simply asking them, through hearings, as has been explained, hearings to be held in every State of the Union, to determine what is reasonable in the way of regulation of the great advertising industry, but at the same time demanding of them that there be some regulation and some system and agreements between the States and the Federal Government.

After all, those sponsoring the major part of this mileage regulation that will take care of signboards, that will take care of junkyards, that will take care of automobile wrecking yards, but at the same time provide enjoyment for all of the people of America who are traveling these wonderful highways we are constructing.

SAVE THE CHILDREN

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, on Wednesday of last week, my colleague, the gentleman from Florida, the Honorable SAM M. GIBBONS from the 10th District of Florida, introduced a bill which makes a lot of sense to me.

This bill, which he calls Operation Good Start provides for financial assistance for the training of child development specialists who will deal with children in the lower grades in grammar school who are emotionally disturbed. The ranks of the underworld are swelled yearly by children who grow up emotionally disturbed. If emotionally disturbed children are helped early enough in life, they may have a chance at decent, fruitful lives. The Warren Commission Report shows that if there had been sufficient help available to Lee Oswald when he was growing up in New York City, our beloved President Kennedy would be alive today.

Of course, this bill is not the whole answer and no one maintains that it is. The most successful police force in the United States considers itself lucky if it can contain crime, hold the line, while at the same time in other cities the crime rate soars. While we wage war on crime we must look for means to prevent crime as well. According to J. Edgar Hoover, crime is big business in this country and amounts to $26 billion a year. If we can be of help in our schools to children who are products of broken homes, who have boiling within them the seeds of their own destruction and the destruction of others, we will have taken a solid and a practical step.

I want to congratulate my friend, the gentleman from Florida, Congressman GIBBONS, for his thoughtfulness and courage in introducing this bill. I was the attorney general of Montana for a period of 8 years, and I have represented young people in criminal cases for many more years than that. My experience has taught me, as it has taught others, that the only way to effectively attack crime is to attack it at its roots. Congressman GIBBONS is a fine and able legislator, as we all know who have watched his work as the floor leader for the poverty bill. The work of this gentleman is of the first rank. His district and his State have the right to be proud of him.

HIGHWAY BEAUTIFICATION ACT OF 1965

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BLATNIK. Mr. Speaker, in this rather limited time I will briefly point out what I think is one of the major issues and sources of misunderstanding on the pending beautification bill. We will elaborate on it in general debate tomorrow for such time as may be necessary.

At the outset, may I call the attention of my colleagues to what I think is a gross—not deliberate—misconception that is being propagated among our Members that this highway bill will give the Secretary of Commerce some arbitrary, dictatorial powers to regulate and dictate where and under what conditions billboards and junkyards may be established and maintained. It is nothing of the kind. This bill merely requires that the Secretary for purposes of this legislation only, must enter into agreements with the States to do two things:

First. Where land is used for industrial or commercial purposes, but has not actually been zoned by the State, the Secretary and the State would come to agreement as to the designation of these areas, based on the criteria the State now uses in its normal zoning procedures. The Secretary would have no power to interfere in any way with any actual zoning a State or local subdivision decided to do.

Second. To agree on the criteria which would govern the size, spacing, and lighting of signs, except on premise signs, where they are allowed.

Before any of these agreements can be entered into, hearings must be held in every State in which all interested parties can be heard and present facts.

In addition, the Secretary must report back to the Congress on the criteria and other factors in the agreement a full year before control would go into effect. The Congress can then make any modifications it feels are necessary.

The power that is being given to the Secretary under S. 2084, the Highway Beautification Act of 1965 has precedent in already existing law. Title 23 of the United States Code encompasses the Federal-aid highway program and spells out quite clearly the relationship between the Secretary and the various States and the construction phase of the highway program.

May I cite for the benefit of the Members subsection E of section 103, title XXIII, United States Code, wherein the language says quite clearly:

> The Secretary shall have authority to approve in whole or in part the Federal aid primary system, the Federal aid secondary system and the Interstate System as therein such systems or portions thereof are designated or to require modifications or revisions thereof.

Let me cite another section of title XXIII, subsection B of 109. I read this language:

> The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments.

It is quite evident from the simple reading of these two sections that the Secretary, and properly so, has the full authority to determine the location of highways and construction of highways. This is carried out in cooperation with and in conjunction with the several States by the Secretary.

Under the new section of S. 2084 the same section exists. The agreements to control of billboards are to be worked out in agreement between the Secretary and the several States. I cannot understand the furor over this that this is something new when the record is quite to the contrary.

In S. 2084 before any agreement is reached as to the existing location and spacing of signs there must be public hearings held in all the 50 States. There must be a report back to the Congress by January 10, 1967, as to the type of standards the Secretary will adopt and finally there must be an agreement between the State and the Secretary.

Let me further add that if the State is not satisfied there will be a judicial review.

My experience in the highway program throughout the years indicates that there has been almost complete cooperation between the Secretary and the States. I see no reason for this to change under this legislation.

This is good legislation, it is needed legislation, it protects the interests of those affected by it and we must pass this bill.

HIGHWAY BEAUTIFICATION ACT OF 1965

Mr. **HOWARD**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **HOWARD**. Mr. Speaker, the first two lines of our wonderful patriotic song, "America, the Beautiful," read:

> Oh beautiful for spacious skies,
> For amber waves of grain.

But today across this great Nation of ours, we are quite often saddened by an America which is not as beautiful as it could be.

We Members of Congress have a serious obligation to the American people to preserve the beauty of our country. We will be given the opportunity to carry out this obligation by approving the Highway Beautification Act of 1965 which comes to the floor of the House tomorrow.

The American people are taxed so that we might build roads on which they can travel—for the necessities such as going and coming from work as well as the pleasures of going on a family drive in the countryside.

The people who are paying for these highways deserve to have these highways protected so when they drive along an artery they can enjoy beautiful scenery and not be subjected to roadside ugliness.

In the words of former Secretary of Health, Education, and Welfare Anthony Celebrezze:

> Beauty was here and man has destroyed it to a great extent. The question is how we can change man's behavior to restore beauty.

Mr. Speaker, we, the Members of this Congress, must begin the fight back against roadside ugliness by approving the highway beautification legislation.

NEW WAYS FOR NEW DAYS

Mr. **LANDRUM**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. **LANDRUM**. Mr. Speaker, down through the years our National Government has evidenced its interest and concern in education. This administration especially has in a variety of ways shown tremendous interest and concern about the problems of education, the problems that arise from ignorance and the poverty that results from a lack of education.

One of America's foremost educators, formerly at Tulane University and now president of Mercer University of Macon, Ga., Dr. Rufus Carrollton Harris—incidentally, one of America's most fearless speakers in behalf of what he believes to be right—recently addressed a convocation of the Woman's College of Georgia. In the course of that address, he alluded to some of the means by which this administration is attacking the disease of poverty and ignorance and he described in eloquent terms the effect that poverty and ignorance have on our society today.

In the course of his address he said:

> The greatest single hope for our Nation's certain and solid advancement rides on the success of this embarkation.

Mr. Speaker, Dr. Rufus Carrollton Harris' address is as follows:

New Ways for New Days

(By Rufus Carrollton Harris)

Ladies and gentlemen, I cannot embark upon my address this morning without some acknowledgements. First, I mention the honor done to you and to me by the presence of the Honorable Carl Vinson, a renowned leader of the American Congress for half a century and Mercer University's most distinguished living alumnus. Secondly, I acknowledge with deep appreciation all the evidences of welcome and esteem extended by a friend of many years, your president, Dr. Lee. I felicitate this community as well as the State for his leadership and your educational progress.

To all the students here I offer my warm felicitations—and my firm assurance. They deserve congratulations for choosing to begin this stage of their education in a college so fine as the Woman's College of Georgia, and they are entitled to assurance that I shall not attempt by this address to educate them. I am not guilty of speaking in excess of the prescribed and proverbial allotment of time beyond which souls are not saved, nor saints tempted to impatience.

An ancient Roman poet 2,000 years ago wrote that rolling time affects the status of all things, so that what once was held in high esteem "from honor falls and something new emerges out of scorn to become each day more desired." It is to this fact that I speak. It is obvious that many southern folkways "once held in high esteem" in the areas known to most of these students are giving way to something new as Lucretius wrote, emerging perhaps out of scorn. Desegregation in southern public life is becoming an accomplished fact. The winds of change are blowing aside outworn social patterns like withered leaves before the gale. The unwritten laws of color and caste are disappearing. Our region is beginning to comprehend that in order to become an organic, functioning part of the United States, unified in a new society of national greatness, some of its ways once "held in high esteem" must from honor fall.

But much of the South remains uncertain. This uncertainty frequently is apparent in leadership, and it is a factor in its search for leadership. Who will the South follow? What sources will afford unselfish and compassionate support? Instead of backward through the embers of love to hate, bitterness and empty revenge, where forward must leadership take us to find the inspiration and faith by which we southerners may live and prosper? What is the depth of our concern over the extended southern crisis in political morality and fully representative government? How deep is our concern for equal justice and fair economic and political practice? These are questions to concern all the college personnel in our region, whether we like the questions or not.

In some ways the South already is a conspicuous part of a new age. In these years, for instance, many foreign journalists and scholars visit the United States. They come to broaden their professional horizons, and to become better acquainted with us. Sometimes more readily than we, they have become aware of the strategic importance of southern higher education and its responsibility for human freedom and public leadership. They are forming and conveying their impressions to others, day by day. We are thus touching the lives and aspirations of men and women in remote parts of the world. In similar fashion, hundreds of students from many countries around the world are enrolled in Southern colleges. Here they are gaining their vivid, personal impressions of our life, favorable or not, to take back to their people. A number of them perhaps are enrolled in this college. We should be pleased when we are able to note the appreciation acquired by them of the new determination, valor and compassion of the modern South. Only this past month I was delighted to encounter a young German politician in Germany whose obvious admiration of American ways had been acquired by his good college experience in this country. Such admiration is a compliment to us.

Southern colleges and universities, by the hard way, are coming to comprehend their role of leadership in southern life, and its intimate identification with educational opportunity. But their hands have been so full of multiple race problems they could not cope with the problem of poverty, and its attendant poor elementary schooling. All of the colleges since World War II have been confronted with many problems, of which desegregation was only a part of the total. Not many of them have been able to obtain the necessary political, social, economic, and church support. There have been, moreover, not only the two known worlds of white and color within the South but also two other worlds—the world of the rich and the world of the poor. Since Appomattox the South has carried two major burdens, the complicated burden of racial disarrangements, and the uneven regional burdens of poverty and ignorance.

Thus without adequate preparation, the swelling of college enrollments and the shortage of competent scholars and adequate facilities, along with the specter of financial famine, have crippled the sources of strength needed by southern higher education.

Where is the South to find its strength? Oppressed by huge areas of poverty, addicted to a cultural enslavement of itself, harangued by some politicians who mislead the people, overly sensitive even to fair criticism, what are the sources of southern hope for advancement? Whatever else her old ways of life afforded, they assured stability and consistency of expectation. These, too, now are gone. It is doubtful if any group of students has encountered more pertinent questions. But they need not be downcast; the problems are not hopeless.

There are, I believe, several good answers: First, there is appearing a new enlightened self-interest in the region. This is observed, for instance, in the more positive assumptions of responsible leadership by many local communities, by many great business houses, and by industry, extending frequently beyond the sign of the dollar. Second, citizens in the non-South are learning at last that their own long-range interest depends in some measure upon helping us in a comradely, not a condescending, way. Happily, the South with all of America is developing a consciousness of kind, with no section feeling beset by the others. We now see that all of us are in the center of contemporary national, and even world life together. Third, while misunderstood by many thoughtful Americans and distrusted by others, there is a powerful new source of help in modern Federal assistance. This source is affirmed by the widespread support for Appalachia, the Economic Opportunity Act, legislation supporting education, and the magnificently increased Federal attack on poverty. The greatest single hope for our Nation's certain and solid advancement rides on the success of this embarkation.

The proposal by the Federal Government to attack poverty and ignorance is the logical response to the long years which brought the population explosion, the riotous spirits of nationalism in nations newly freed from colonialism, and the revolutionary advance in modern industry and technology. These facts detonated vast needs for change in the character of social action and welfare responsibilities required of government. These needs will not vanish. Attendant upon such circumstances, the challenge of the Great Society is both logical and timely. There are increasing needs for it. With new and more complex problems in urbanization, automation, the diffusion of skills, training, and health, if planning is neglected there may be no effective escape from the dangerous disarrangements which these conditions invoke. Eugene Patterson, the distinguished editor of the Atlanta Constitution, writes feelingly that from the second industrial revolution now upon us, the "uprooted migrants from our machine-tended fields should not be machined again to urban design, nor should they be compressed into gray blocks of cities—bales of faceless humanity without individual will or release."

The chief obstacle to any good society is ignorance. This abounds primarily from poverty. The children of poor families are difficult to educate, largely because their homes lack the required cultural advantages. There are severe gaps and lags in their unprivileged lives. Their schools are more neglected, and generally they have less apt teachers than do the schools of more fortunate children. These facts are not difficult to comprehend. Marvin Wall, writing for the Atlanta Constitution, has declared that there is a cycle of poverty. "Families living in deprivation are likely to pass their deprivation on to their children, and thence to subsequent generations." What so many are likely to adjudge as laziness and lack of ambition is often the pessimism and defeatism established by years of failure and self-pity. These conditions contribute actively to the school dropouts, the submarginal employment, the neighborhood delinquency, and even the ultimate acceptance of a life in slummy circumstance. Many southerners never have seen a real slum.

They do not understand that while they contain many undesirable types, yet such types are in the minority. Good, hardworking people constitute the great majority of the inhabitants. The problem, as Ralph McGill has shown repeatedly, is one of flesh and blood, with poverty and neglect being their chief causes. It is not a simple one lending itself to easy cures. The war on poverty and ignorance is a gigantic effort fought on many fronts, the ultimate success of which will be experienced chiefly by dispelling the dejection and doubt of these people.

As we enter upon more bewildering and explosive times, this poverty and ignorance will add seriously to the growing explosion potentials. This is dangerous to government and to order. We were slow to comprehend this peril because the population explosion, and the effects of the industrial and scientific revolutions, were slow in their manifestations. Such retarded developments concealed dangerous leadership and educational deficiencies. They now reveal the fact that the total forces of education in our area, public and private—including the church owned and related—are inadequate for the needs and stresses of our time. They are indeed in real distress, and they are in much need of local support. It is pertinent sometimes to show that the first need of education today is to educate the American public on how badly it needs it. And these indispensable and critically needed colleges themselves need and deserve community support as do the fine organizations included in the United Givers Fund. This does not seem to be adequately understood. Their plight reveals a deep chasm between what we are and what we wish to be. In these fat years all is not well with us if solicitude, compassion, modesty, competency, and responsibility are replaced by disregard, ruthlessness, immodesty, the quick dollar, and self-indulgence. Nevertheless our region is capable of recovery and adequacy. If the essential insight, stamina, and courage are found, its future is bright—not gloomy. This means that we must direct our concern for the future—not the past—and as good citizens accept the countless challenges and opportunities of the new day. Failure to meet its needs can lead only to stagnation.

I wish to invite the attention of these students to what I regard as the essential, personal product needed by the South from adequate educational resources. An important function of educational institutions is to encounter and to debate ideas. Such endeavor is normal to the quest for truth. This debate will sometimes arouse wide and active disagreement and dispute. Everyone should expect it. Learning advances that way. But we should not expect this process to place the colleges into protest and tension which degenerate into strife and fracas. We saw too much of that in California.

The strength of education which we have gained by slow and painful effort will be set back, as Logan Wilson, president of the American Council on Education stated: "If college campuses are allowed to become dissension centers and embroilment opportunities." In a period when so many strident voices are demanding that we follow them, and are seeking to confuse us, and when there is so much presented manifesting bad taste and poor breeding, our culture needs, now, an improved image of unselfish thought, gracious life, and dignified deportment. This image may be established by an educational experience from which should emerge the example of an unobtrusive dissimilation and manner to portray poise, calm, and relaxed assurance. In an informal sense that art has suffered from the neglect of the aristocratic temper which tailored it. It has been kept alive, however, by those concerned with equanimity and the fitness of things. Its relevance lies in the intangible area of inner qualities of character which bear accomplishment and attainment lightly. It scorns the notion that one must prove good birth, or make known great learning, or claim great virtue, or assert personal opulence, or proclaim superior accomplishments. If you find the moderate and the disciplined more to your liking than the boorish and the promiscuous; if you prefer discrimination and taste to vulgarity and crassness; if you insist that an important matter in life is the manner of living it, this portrayal which I urge of relaxed poised confidence is your cup of tea. It is ambition, desire, purpose, ability, and duty, integrated into a matchless composite of inner and outer harmony.

The attributes of cultivated ease which the Renaissance man called sprezzatura have been displayed, in one form or other, by great men in every age. It is a luxury which this generation can afford. In a period which finds many people disporting themselves in insensitive beatnik rags, it suggests the importance of the amenities and the civilities of life. In a society allowing so much personal liberty it suggests personal limitations prescribed by codes of personal conduct. In an era given to excessive informality, it suggests elevation of mind and manner that is neither too formal nor stuffy. In a period which applauds so many Madison Avenue ways to move people, it stresses dimension in personal character.

You have sensed by now the parallel between the quality and discipline implied in the ideal I have suggested and the quality and discipline involved in the heart of the liberal arts tradition. This tradition avows something more to education than accumulation and display of knowledge. It is education for the genuinely freemen. Humility is deeply lodged in it, and modesty is its essential. It is the ideal possession for the man who has everything. While it is neither bought nor sold in the markets of the world, yet you can readily find the ingredients for its cultivation. They are not vaunted, nor are they puffed up, but surely they are not hidden in the vapors of a mystic culture. May I express to these students my hope for God's blessings to help you find from your college experience here the bright promise of something new and better for our life, which each day is more desired. You have a role to play in the future of our region. That role can be a force for progress and freedom—not merely a voice in the wilderness.

ILLEGAL USE OF FIREARMS

Mr. CASEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASEY. Mr. Speaker, for many months I have been attempting to focus this Congress' attention on the illegal use of firearms.

The fantastic growth of our crime rate is a national disgrace, and I have cited statistics from the District of Columbia and from the FBI's national report showing that the repeat offender is the major source of our problem. This is borne out in a survey by the Philadelphia Police Department, as reported by the Philadelphia Inquirer of September 28, 1965.

Seven out of ten persons arrested for the major crimes of homicide, rape, robbery, burglary, aggravated assault, or carrying a deadly weapon had previous arrest records.

In fact, it was discovered that 281 persons arrested during the 6-month period studied had 10 or more arrests on their record.

I do not single out Philadelphia for any special criticism, for I am sure that a survey in Houston, Tex., or any other major metropolitan area will show similar results. But the conclusions to be drawn from such a survey are obvious: there is a complete breakdown in criminal prosecution and punishment, and the law-abiding citizens are not receiving the protection to which they are entitled.

As my colleagues know, there is before this Congress legislation to amend the Federal Firearms Acts. Several bills would impose a host of restrictions on honest and law-abiding hunters and sportsmen, as well as businessmen, in a vain attempt to curb illegal gun use.

Mr. Speaker, the solution in my judgment is to strike at the criminal, not the gun. I have a bill which in my opinion would go far toward curbing the use of firearms by the criminals, and it is still pending before the Judiciary Committee. It is H.R. 5642, and it would provide a 25-year mandatory Federal penal sentence for anyone who uses or carries a firearm which had moved in interstate commerce during the commission of the crime of murder, rape, robbery, aggravated assault, burglary, or kidnaping, on which the Judiciary Committee has not seen fit to hold hearings.

The distinguished Committee on Ways and Means has been holding hearings on bills before it designed to amend the Federal Firearms Act, and I had the privilege of appearing before this distinguished committee in this regard. I urged the Committee on Ways and Means to include in any firearms legislation it reports out to this House a provision striking at illegal use of guns by criminals.

I further pointed out in my appearance before the committee that since my introduction of H.R. 5642, I had found some opposition to the 25-year mandatory sentence, this opposition being that some feel it is too severe a penalty and opposition from some of the judiciary who feel that the courts should have complete discretion in the term of sentence.

I say to the Members of this House that in view of the alarming statistics of crimes committed with firearms, it is time that we reverse our thinking to some degree. In the past, we have been concerned about putting a limit as to the amount of time a person could be assessed for a crime. Practically all the statutes on the books state that upon conviction for any offense, the penalty shall not exceed a certain number of years. I believe that we should now, in view of the facts as have been disclosed in the Philadelphia survey and other surveys, see that a minimum sentence is imposed upon those criminals who would prey upon the honest businessman or the defenseless woman caught in the streets. It is time that we remove them from society for a sufficient period, not only for punishment but for rehabilitation if such is worthwhile.

To that end, I introduced H.R. 11427 yesterday to offer as a guideline for the distinguished Committee on Ways and Means, as well as for you, my colleagues in the House. It is similar in most respects to H.R. 5642, except that it provides that on a first offense, conviction would bring a mandatory sentence of not less than 10 years and that for any subsequent offense, the mandatory sentence would be not less than 25 years.

Mr. Speaker, if there is any doubt on the part of the Members of this House on the need for such a bill, I respectfully draw their attention to the article from the Philadelphia Inquirer of September 28, 1965, which I include for their information:

SEVEN IN TEN CRIMINALS HERE ARE REPEATERS, POLICE STATISTICS DISCLOSE

Seventy percent of the people arrested for the violent crimes of murder, rape, robbery, burglary, aggravated assault, or carrying deadly weapons in Philadelphia have had previous arrest records, Police Commissioner Howard R. Leary revealed Monday.

A study of city crime statistics released by the commissioner also showed that one of every four persons arrested for a major crime in the first half of this year was found to be free on bail, on probation, or on parole from another crime.

The police department studied the records of 2,327 adults arrested for violent crimes between February 1 and July 31.

OVER 10 ARRESTS

Of the repeaters, 61 percent had records of arrests for violent crimes and 40 percent for the same type of crime that brought about the new arrest.

The study toted up the statistics for all those with at least one previous arrest; but more often than not, there was more than one.

In fact, 281 persons had records of more than 10 previous arrests—the statisticians stopped counting at 10.

HOMICIDE FIGURES

Going down the list crime by crime, Leary revealed the following:

Homicide: There were 88 persons arrested on this charge in the 6-month period, 55 of them with previous records, 19 of them free on bail, on probation or on parole.

More than one-third of these suspects had previous arrests for violent crimes, such as those listed, and one standout had nine cases of violence on his record. There were even four arrested who had been arrested on a murder charge—and of those one had been arrested twice before.

Rape: There were 164 persons arrested for rape; 103 of those (more than 62 percent) had been arrested before, 66 for crimes of violence, 21 for the same charge of rape, 23 for a sex crime other than rape.

Of those arrested on this charge, 33 were on bail, probation or parole at the time.

Robbery: A total of 403 were arrested on robbery charges, more than half return customers. Of these, 72 were on bail, 24 on probation, 31 on parole.

About 25 percent of them had at least two violent crimes in their police files, at least 20 percent had been arrested for robbery before.

Burglary: 722 citizens were picked up on burglary charges, a whopping 598 with records of previous arrests; more than half were arrested for the same crime, and 251 were out on bail, probation or parole.

About 20 percent of the burglary suspects had been arrested for burglary more than once, 3 had 10 or more arrests to their name, 17 had a half-dozen or more.

Aggravated assault: There were 596 arrests on this count, 338 with previous arrests and 94 free on bail, probation or parole. Of all the arrests, 201 were for some crime of violence and 137 for the same crime.

Carrying deadly weapons: Commissioner Leary pointed out that while the carrying of a deadly weapon is not a violent act of itself, the possession of weapons precedes most violent crimes.

There were 454 arrests in the 6-month period, 320 of persons with prior records. Forty-seven of those arrested in this category had been arrested 10 or more times before. There were 84 persons free on bail, probation or parole.

REPEAT OFFENDERS

Here are police statistics on previous arrests—for the same or other crimes—of adults arrested in six categories of major crimes in Philadelphia for a 6-month period from February 1, 1965, to July 31, 1965:

Homicide: 9 arrested 10 or more times; 10 arrested 7 to 9 times; 12 arrested 4 to 6 times; 24 arrested 2 to 3 times.

Rape: 10 arrested 10 or more times; 9 arrested 7 or 9 times; 32 arrested 4 to 6 times; 52 arrested 1 to 3 times.

Robbery: 36 arrested 10 or more times; 50 arrested 7 to 9 times; 83 arrested 4 to 6 times; 117 arrested 1 to 3 times.

Burglary: 126 arrested 10 or more times; 81 arrested 7 to 9 times; 139 arrested 4 to 6 times; 252 arrested 1 to 3 times.

Aggravated assault: 53 arrested 10 or more times; 37 arrested 7 to 9 times; 81 arrested 4 to 6 times; 167 arrested 1 to 3 times.

Carrying deadly weapons: 47 arrested 10 or more times; 31 arrested 7 to 9 times; 85 arrested 4 to 6 times; 157 arrested 1 to 3 times.

MINIMUM WAGE BILL

Mr. GLENN ANDREWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GLENN ANDREWS. Mr. Speaker, the small farm, small business destruction bill commonly known as a minimum wage bill is being readied for unveiling next week for congressional consideration.

This is a bill to phase out all little businesses and the jobs that go with them and turn production over to the great corporations and their counterparts, the great unions.

The icing on this cake, the lure on this barbed fishhook, the blandishment behind this cynical seduction is a pay raise for the lowest paid employee.

While the administration dabbles in the great steel negotiations and takes public credit for keeping the pay raise within the bounds of its own criteria called productivity, it now proposes by law to require all small employers to forget productivity and pay or get out of business.

The final result of this governmental alchemy will be unemployment and inflation.

Is a Congress devoted to the elimination of human needs about to create the needs themselves?

APPRECIATION TO MEMBERS

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, I have asked for this moment that I might be able to thank the many Members who took time out during these past busy weeks to send me their very thoughtful and friendly get-well-soon wishes.

It has been many years since I was last really ill, and I must admit that it is not a pleasant occupation. It was one of these virulent vicious viruses. I hope the Members will notice the onomatopoeia. It really caught up with me and laid me low. Only in these very last days have my legs felt like anything except spaghetti, but I am here. I am hale and hearty. I am ready to work and go on indefinitely.

Thank you all.

RECOMMENDATIONS OF THE AMERICAN BAR ASSOCIATION FOR CHANGES IN THE INTERNAL REVENUE CODE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas [Mr. MILLS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MILLS. Mr. Speaker, today I have introduced a bill, H.R. 11450, at the request of the American Bar Association, representing the bar association's approved recommendations for changes in the Internal Revenue Code.

I am introducing this bill to make the recommendations of the American Bar Association more readily available to students of taxation. I have not had the opportunity to review, and the congressional staffs have not had the opportunity to review, all of these recommendations and, therefore, my introduction of this material is not intended as an endorsement of these proposals. However, I would like to commend the American Bar Association for its efforts to improve the Internal Revenue Code and to give assurances that these proposed changes will be carefully studied.

The American Bar Association has prepared an explanation of its proposed amendments to the code which has been printed up as a committee pamphlet and is available to interested parties at the offices of both the Committee on Ways and Means and the Joint Committee on Internal Revenue Taxation.

PRESIDENT JOHNSON'S NEW CONFLICT OF INTEREST REGULATIONS SHOULD APPLY TO WHITE HOUSE PERSONNEL AS WELL AS GS-1 CLERKS

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WIDNALL. Mr. Speaker, last Friday, responding to an order from President Johnson, the Civil Service Commission announced sweeping regulations intended to stamp out conflicts of interest resulting from the private investments and "moonlight" employment of Government workers. Under these new rules, a GS-1 clerk will have to justify the ethics of even such an activity as driving a cab on his day off to eke out his living.

However, the same requirements do not seem to apply to the U.S. cultural czar firmly entrenched inside the White House behind a conflict of interest as tall as the Empire State Building, which he once owned a piece of. Two weeks ago, during the debate on the makeshift Federal arts bill, I challenged the probable conflict of interest surrounding Roger L. Stevens, the Broadway producer and real estate operator, who rules the U.S. cultural roost as the President's Special Assistant on the Arts, as chairman of the widely criticized Cultural Center and soon, according to press reports, to be named as head of the $30-million Federal Arts Endowment.

Mr. Steven's reactions were prompt and revealing, but not revealing enough. He immediately resigned from the board of the National Symphony, one of the conflicting posts I listed. In his letter of resignation he admitted that my remarks led him to do so and acknowledged the probable conflict. Curiously, he has not resigned from the Metropolitan Opera board, and has told the New York press he has no intention of doing so.

Yet, here is where an apparent conflict can readily be demonstrated. Mr. Stevens has, according to press reports, handed out to the Met $300,000 of the interest earned on money donated to the Kennedy Cultural Center. The opera company is using these funds to finance traveling productions. Some of these productions will play Washington next spring at the National Theater, which Mr. Stevens' City Investing Co. controls through a holding corporation leasehold. Associated with Mr. Stevens in City Investing is Robert Dowling, who serves in Washington as chairman of the Advisory Board of the Kennedy Center.

The Stevens theatrical productions, which he counts in the hundreds, could be considerably enriched by playing the national circuit of shopping center playhouses that Mr. Stevens proposes to build with the new Federal arts handouts of money. Once again I urge that we require Senate confirmation of his appointment or we may be faced at every supermarket with such cultural contributions as "Mary, Mary," and "Cat on a Hot Tin Roof" with residual interest to the producer.

The Stevens biography, as turned out by his own press agents, makes a lively conflict-of-interest drama, far more intriguing than the commercially successful plays in which he owns an interest. I include it with my remarks and it speaks eloquently for itself. Also included is an article from Variety magazine dated September 29, 1965.

BIOGRAPHY OF ROGER L. STEVENS

Roger L. Stevens, appointed by President Kennedy on September 2, 1961, to the Chairman of the Board of Trustees of the National Cultural Center, is not only a leading businessman but is also one of America's most successful theatrical producers.

Among the more than 100 plays he has either produced or coproduced are "A Man for All Seasons," "Five Finger Exercise," "West Side Story," "The Caretaker," "A Far Country," "Mary, Mary," "The Visit," "Best Man," "Pleasure of His Company," "Time Remembered," "Major Barbara," "Cat on a Hot Tin Roof," "Bus Stop," "Bad Seed," "Sabrina Fair," "Tea and Sympathy," "The Fourposter," and many others which have consistently been among the 10 best plays of the year.

His business activities, largely in real estate, have included some of the Nation's most important projects. He was, for instance, head of the syndicate which purchased the Empire State Building in 1951. He is a director of the City Investing Co. and other corporations, as well as chairman of the board of University Properties in Seattle and of Davidson Bros. midwest department store chain. His business activities encompass numerous projects of similar magnitude.

Apart from being one of the country's top producers, his additional activities in the theater include being president of the Producers Theater, president of the Phoenix Theater, past president of the New Dramatists Committee. He is also a member of the executive committee of the American Shakespeare Festival and Academy, treasurer of ANTA, member of the Board of the Metropolitan Opera Co., etc.

He was born in Detroit, Mich., on March 12, 1910. After attending school in Ann Arbor, he was graduated from the Choate School in 1928 and attended the University of Michigan. His honorary degrees include doctor of humanities at Wayne State University and doctor of humane letters at Tulane University.

Mr. Stevens, as Chairman of the Board of Trustees of the National Cultural Center, expresses the philosophy that the Center is a national movement to encourage the performing arts throughout the Nation. The structures, which will cost $30 million, will be erected in Washington, D.C.—a symphony hall, a theater, and a hall for opera, ballet, and musical comedy—and will represent the cultural movement throughout the country.

To further this widespread plan there will be, in future years, regional facilities for the discovery and development of local talent in all the performing arts. Many of these new talents will thereafter enjoy the public platform afforded them by the National Cultural Center in the Capital.

[From Variety, Sept. 29, 1965]

Denies Conflict, but Stevens Resigns One U.S. Cultural Post

Washington, September 28.—Roger Stevens, President Johnson's man for all seasons in the arts field, has resigned his chair on the board of Washington's National Symphony Orchestra—but he denied his resignation has any special significance.

During House debate on the National Foundation on the Arts and Humanities bill, which has since passed, Representative Albert H. Quie, Republican, of Minnesota, raised the possibility of Stevens having a conflict of interest. Quie noted that Stevens was on the boards of the National Symphony and New York's Metropolitan Opera Co., as well as having financial interests in play productions.

Since Stevens already has plugged for building small playhouses in shopping centers around the country with the aid of Federal grants, Quie said, Stevens "if only inadvertently" could profit from having plays produced in the shopping centers and also could aid in dispensing money to the National Symphony and the Metropolitan. Among Stevens' jobs are heading the John F. Kennedy Center for the Performing Arts and the National Council on the Arts. In the latter capacity, he would become chairman of the National Endowment for the Arts under the new Federal aid to the arts bill.

Stevens told Variety Monday, Sept. 27, that talk of a conflict of interest was "1 of about 10 reasons" for dropping the National Symphony role. He completely discounted the conflict of interest intimations and said he would not withdraw from his other cultural activities. He intends to stay on the Metropolitan board, he said.

COUNTRIES SHOULD NOT HAVE TO PAY TO GET SUGAR QUOTAS

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Findley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FINDLEY. Mr. Speaker, Argentina officials have voiced criticism of the sugar quota arrangement which they interpret as requiring the hiring of the services of a lobbyist.

Mr. Walter Pincus, writing in the October 1, 1965, edition of the Washington Evening Star gives the following account of Argentina's reaction to the way the sugar bill has been handled in the past.

A Tale of Sugar Quotas With Lobbying, Without

The experiences of Venezuela and Argentina in seeking U.S. sugar quotas—one with the aid of a lobbyist and one without—illustrate the maneuvering around the complex sugar legislation.

Under the Johnson administration bill—which set quotas based on sugar shipments to the United States during 1963 and 1964—Argentina was to receive an annual quota of some 63,000 tons. When the House Agriculture Committee announced its quota determinations on September 16, Argentina was cut back to 21,500 tons.

Argentina has never employed a Washington sugar lobbyist, the only country out of 30 given a quota under the House committee bill that made no official representation before that group.

According to Argentina's agricultural counselor, Enrique Gaston Valente, his country "thinks it is entitled to claim a quota without the government having to pay anyone."

Venezuela, on the other hand, 3 months ago hired Washington attorney Charles Patrick Clark—at $50,000 a year for 2½ years—to represent its sugar industry in seeking a quota. Clark appeared before the House agriculture panel and asked for a quota of 40,000 tons.

Under the administration bill, Venezuela was allocated only 2,676 tons. Where Argentina had shipped some 250,000 tons of sugar into the United States during 1963 and 1964—the 2 key years—Venezuela's sugar exporting industry had sent just 3,500 tons.

However, when the House committee announced its quotas, the Venezuelan share was jumped to 30,809 tons, almost 10,000 tons more than Argentina.

According to Representative Paul Findley, Republican, of Illinois, who wants to amend the sugar bill to cut out lobbying on behalf of foreign sugar interests, the increase in sugar quota given Venezuela by the House committee will be worth over $9 million in quota premium alone during the 5-year term of the bill.

The quota premium represents the difference between the artificially maintained high price of U.S. sugar and the freely fluctuating world market price. At present, with world prices depressed below 2 cents a pound and the U.S. price at 6.5 cents a pound, the quota premium runs about $70 a ton, according to Findley.

The Argentines believe they lost out in the House committee because they did not hire a lobbyist. In 1962, when they were again the only country without a lobbyist, they were cut out from the bill altogether. They finally were given a special 20,000-ton quota in an amendment to another sugar bill after a flurry was raised in the Senate over lobbying.

This year, before the sugar hearings in the House were announced, Argentine Ambassador Norberto M. Barrenechea went to see Agriculture Committee Chairman Harold D. Cooley, Democrat, of North Carolina, to promote his country's quota. Visits had already been made by Argentine representatives to the State and Agriculture Departments—which determine the administration quota policy.

The Ambassador was told, according to Valente, that "any private American representative could address the House committee but not officials of governments."

Both before and after the visit to Cooley, the Argentines had been approached, Valente said, by "public relations officers and lawyers who said they were experienced in the problems of sugar."

In Clark, the Venezuelans found a lawyer with close political connections to the Democratic Party, particularly as a contributor of campaign funds.

The Venezuelans' first payment to Clark of $25,000 was made—according to Clark's foreign agent report on file with the Justice Department—on June 24. At least one other sugar lobbyist has pointed out that on the night of June 24, the Democrats held their $100-a-plate congressional fund-raising dinner.

Asked if there was a connection between his payment and the fund-raising dinner, Clark said yesterday it was "pure coincidence." He also said he gives no interviews. He would not discuss his representation of the Venezuelans or how he got them as clients.

Clark also refused to comment on another matter. His Justice report showed, under his agreement with the Venezuelans, he was to receive a second payment of $25,000 on January 5, 1966. According to his filing, however, the Venzuelans already have made three additional payments totaling another $22,500 since the initial $25,000 on June 24.

Clark's report shows receipts of $47,500 in a 3-month period but lists no expenses as being made on behalf of the Venezuelans.

In the 1960 presidential campaign, Clark is listed by Congressional Quarterly as having contributed $7,000 to the Democrats. In 1963 he is reported giving the Democratic National Committee $5,000 and last year his contributions ran at least $2,000.

A former staff member of the Truman Senate Investigating Committee, Clark's annual dinner to honor the former president is a well-publicized affair.

Clark has had little, if anything, to do with sugar. He and Franklin D. Roosevelt, Jr., briefly represented the late Dominican Republic dictator, Rafael Trujillo.

In discussing the situations of Argentina and Venezuela, House Agriculture Committee General Counsel John Heimburger said they proved that the administration's "slide-rule method (of allocating foreign quotas) doesn't work."

In considering Argentina—which Heimburger said had only a "temporary" 1962 quota—the committee placed its emphasis on "reliability" as a sugar producer. The Argentines had one good sugar crop, he maintained, and did not have enough to insure their ability to fill the administration's quota.

With Venezuela, however, the committee emphasis was on trade balances rather than reliability. "Venezuela is our best customer," Heimburger said, echoing one of Clark's points during the hearings.

SUGAR AMENDMENTS DO NOT JEOPARDIZE LONGSHOREMEN'S JOBS

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Findley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FINDLEY. Mr. Speaker, like myself, every Member of the House of Representatives probably received the following telegram dated October 1 from Mr. Thomas W. Gleason, president, International Longshoremen's Association, 17 Battery Place, New York, N.Y.:

New York, N.Y.

As president of the International Longshoremen's Association I urge you in behalf of all our members who have a vital interest in imports of raw sugar to support H.R. 11135 with committee amendments.

However, we urge that you oppose the Findley amendment reimposing import fees. The reimposition of import fees could adversely affect imports of sugar in ports served by our members and it would seriously jeopardize passage of essential sugar legislation.

Thomas W. Gleason,
President, International Longshoremen's Association.

Unable to reach Mr. Gleason by phone, I sent him a reply. I think the Members might like to see a copy of my answer:

Mr. THOMAS W. GLEASON,
President, International Longshoremen's Association, New York, N.Y.:

Your telegram of October 1, urging Members of Congress to oppose my amendment which would reimpose an import fee on sugar is based on erroneous information.

The sugar program is complicated and I can readily see how misunderstanding could occur. I am also aware that powerful forces which have special vested interests to serve are attempting to use the complexity of the program as a screen behind which to spread misleading information. It may well be that you have inadvertently accepted some of this self-serving propaganda as being accurate.

The truth is the legislation as presently written would permit profiteering in foreign sugar on an unconscionable scale, and it must be amended. For example, it would give Haiti's brutal dictator, Dr. Francois Duvalier, access to over $10 million in loot financed by the American people. All told, the bill gives countries with U.S. quotas about $280 million a year in pure profit.

My amendment would extract about $210 million of this profit annually and put it in the U.S. Treasury.

Obviously those who stand to be enriched by the profiteering will go to great lengths in attempting to kill my amendment, and I fear some of them have tried to use you to their advantage.

The import fee provided in my amendment would not adversely affect the volume of sugar brought to U.S. ports in any way, shape, or form. Jobs of longshoremen would therefore not be impaired in anyway. I challenge you to produce the statement of any reputable authority on sugar legislation expressing a contrary opinion.

Under my amendment, countries with U.S. quotas would still have a substantial price advantage over other markets. At present prices, for example, the advantage would be more than $17.50 per ton over the world price. When you realize that the world price is about $40 a ton, I am sure you will agree a premium of $17.50 is sufficiently attractive to assure that all countries will eagerly fill U.S. quotas to the limit. Speculation that the amendment would jeopardize passage of essential sugar legislation is therefore pure hokum. The only jeopardy would be to the growth-rate of sugar-baron bankrolls.

My amendment would benefit taxpayers to the tune of more than $1 billion during the 5 years the legislation would cover, and it would hurt nobody but the sugar barons.

I regret your sources of information have misled you so badly. I appeal to you, a successful American leader with wide influence, to urge support for my amendment.

PAUL FINDLEY,
Member of Congress.

POWERFUL FORCES OPPOSE FINDLEY AMENDMENTS

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FINDLEY. Mr. Speaker, at my suggestion, the Rules Committee has made in order two amendments to H.R. 11135, the proposed revision and 5-year extension of the Sugar Act. These amendments would improve tremendously an otherwise very bad bill. If they are accepted by the House, I will vote affirmative on final passage and will urge my colleagues to do the same.

As presently written, the foreign-quota provisions are wide open to profiteering. At present prices, the pure profit in them comes to $280 million a year, or $1.4 billion for the 5-year term. One of my amendments would return three-fourths of this loot to the U.S. Treasury. The other would put out of business the unsavory group of lobbyists who try to peddle legislative influence in Washington for foreign sugar interests.

Consequently, powerful heavily financed forces are attempting to defeat my amendments. This is my attempt to clarify the facts.

ANTISUGAR LOBBY AMENDMENT

Page 12, after line 14:

(h) Effective January 1, 1966, and notwithstanding any other provision of law, the quota of any country shall be reduced to zero for the balance of the period covered by this act if any authorized person appearing or working in the interest of such country in regard to sugar legislation is registered or required to be registered under the Foreign Agents Registration Act; except that the quota shall not be reduced below any treaty obligation.

In the proposed bill—as in the past—quotas are assigned to foreign governments, not to private firms. Therefore, the penalty of my amendment would operate against the government. It would reduce to zero the government's quota if it authorizes a private individual or firm to serve as its agent in regard to U.S. sugar legislation.

It would not impair rights—constitutional or otherwise—of U.S. citizens. No penalty would operate against individuals, foreign or United States. The only penalty in it—reduction of quota to zero—would operate only against the foreign government.

It would not handicap foreign governments in presenting facts to the U.S. Government. Operating through customary and proper diplomatic channels, they could have unlimited opportunity to present their case. Congress would have full access to this information, through the U.S. State Department, and through other agencies of our Government—such as the Department of Commerce, Department of Labor, Agency of International Development, to name a few.

It would not prevent foreign governments and foreign sugar interests from employing U.S. firms and individuals to deal with nonlegislative aspects of sugar problems—such as marketing, transportation and processing.

It would not permit unscrupulous parties to jeopardize quota entitlement. Quota cancellation would occur only if the party filing under the Foreign Agents Registration Act, or required to file, is specifically authorized by the foreign government to represent it in regard to sugar legislation.

It would not apply to lobbying in regard to U.S. sugar interests. It is clearly limited to lobbyists required to register as foreign agents.

It would put out of business the lobbyists—some of them with very unattractive records—who serve no legitimate purpose but who try—or pretend to try—to peddle influence in behalf of quotas for foreign governments. In several instances, these lobbyists have tried to mislead and deceive Congress and/or their clients. Three of them, until recently, got fees contingent on the size of quotas. Two of them were involved in using foreign government funds to contribute to congressional campaigns in 1960. None of them provide worthwhile information to Congress which is not readily available from official sources.

IMPORT FEE AMENDMENT

Page 21, strike out lines 8 and 9 and insert in lieu thereof:

SEC. 9. Section 213 of such Act is amended to read as follows:

"SEC. 213. (a) As a condition for importing sugar into the continental United States pursuant to sections 202(c) and 204 of this Act, an import fee shall be paid to the United States, which fee shall be 75 per centum of the amount which the Secretary determines from time to time will approximate the amount by which a domestic price for raw sugar at a level that will fulfill the domestic price objective set forth in section 201, exceeds the prevailing world market price for raw sugar (adjusted for freight to New York, and most-favored-nation tariff). The fees provided for in this paragraph shall be imposed on a per pound, raw value, basis and shall be applied uniformly except that the import fee imposed on any direct-consumption sugar shall be one-half of one cent per pound more than the import fee imposed on raw sugar under this paragraph. Such fees shall be paid by the person applying to the Secretary for entry and release of sugar. Such payment shall be made in accordance with regulations promulgated by the Secretary. The Secretary shall promulgate regulations permitting any importer of sugar to apply for a quota set-aside, furnishing such security as the Secretary may require, which will fix the import fee for any sugar under his control to be imported at any time during the calendar year at the rate then in effect for such calendar year. The Secretary shall determine, from time to time, the rate of import fee and the initial such determination shall be made by October 1 in each year for the succeeding calendar year, except for the calendar year 1966, in which case such determination shall be made at the earliest practicable date.

"(b) The funds collected as import fees by the Secretary pursuant to the provisions of this section shall be covered into the Treasury as miscellaneous receipts."

History: A similar import-fee was first imposed by President Eisenhower against sugar imported from the Dominican Republic in 1960. A 100-percent fee on all imports was urged by President Kennedy in 1962. Finally enacted was a compromise which imposed a 100-percent fee on Cuban quota temporary allocation, with a lesser fee on other foreign sugar. Although the present act runs until December 31, 1966, this import fee arrangement was in effect only for the balance of 1962, 1963, and 1964. Under administrative ruling the foreign quotas were extended through 1965 but the import fees were not—USDA general counsel claimed authority for the quotas but not the fees.

Consequently, foreign quotas this year are yielding about $200 million profit never anticipated by Congress. In October 1964 the administration announced that an import fee was the sine qua non of new sugar legislation. On March 29, the domestic sugar industry issued recommendations for new sugar legislation. Among them was a 50 percent import fee, or 1 cent a pound, whichever is lower. Except for the amount of fee, the language for my amendment was taken almost verbatim from the industry recommendation. Later, the administration changed its mind, dropping the demand for an import fee. Why? Chairman Cooley of the Agriculture Committee gives credit for this switch to a sugar lobbyist, Attorney Arthur L. Quinn—see page 182, hearings.

At 75 percent, my proposal is a compromise between the 100-percent import fee sought by the Kennedy administration and the 50 percent one originally embraced by the Johnson administration.

At present prices, it would place in the U.S. Treasury $210 million annually, or $1,050 million during the 5-year term of the legislation. Quota countries would retain 25 percent of the quota premium. At present prices, the 25 percent would be $17.50 a ton—a substantial advantage when one considers that the world price of sugar is about $40 a ton.

It would not change U.S. sugar prices. The benefit to the American people would be in the form of higher U.S. Treasury receipts—$210 million a year—instead of lower prices.

It would not change the volume of imports. The division of domestic-foreign quotas would be unchanged. Foreign countries would have ample incentive—$17.50-a-ton premium, at present prices—to fill U.S. quotas to the limit.

It would not force sugar prices up, if the world price increases. If world prices increase, the import fee would go down proportionately. And vice versa. If the world price would rise as high, or higher than the U.S. price, the import fee would be suspended automatically.

It would reduce to one-fourth the pure profit presently enjoyed by foreign sugar interests. At present prices, the $210 million annually it would put in the U.S. Treasury would be a 100-percent gain for our balance of payments.

It would reduce the tendency toward overproduction in foreign countries. The domestic sugar industry—representing the Domestic Beet Sugar Industry, Mainland Cane Sugar Industry, Hawaiian Sugar Industry, Puerto Rican Sugar Industry, and U.S. Cane Sugar Refiners' Association—made this point on March 29 of this year in arguing for an import fee similar to one I propose. Full text of Domestic Sugar Industry statement recommending an import fee appears in the Record of September 30, page 25713.

THE HUMAN INVESTMENT ACT OF 1965

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Quillen] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. QUILLEN. Mr. Speaker, on September 30, 1965, I introduced the Human Investment Act of 1965, a bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees.

To express some of my views in regard to this matter, I am inserting at this point in the Record a news release which I made to all news media in my district after introducing H.R. 11358:

Washington, October 1, 1965.—Congressman James H. (Jimmy) Quillen has introduced legislation to spur job training by the American free enterprise system.

This legislation, titled "The Human Investment Act," provides a 7-percent tax credit to employers for certain expenses incurred in training their employees in new job skills.

Quillen is the fourth ranking minority member of the House Rules Committee, and earlier this year introduced an income tax reduction bill which would increase the exemptions from $600 to $1,200 for a spouse and dependents.

"In conducting 11 open doors so far this year, I have found a resounding need for such legislation," Quillen said.

"Hundreds and hundreds of men and women have come to talk with me about employment and employment opportunities.

"I feel that by allowing this 7-percent tax credit that it will permit employers to open the doors to many of these people, and will be a healthy thing for not only the people in my district, but all over the United States as well," Quillen commented.

Quillen will take his open door to Johnson County this Saturday, October 9, for an all day session at the courthouse in Mountain City. Hours will be from 9 a.m. to 5 p.m., and the people will be seen on a first come, first served basis.

Congressman Quillen, as he did during his first term when he found a need for a revision of the Federal Highway Act and amended it to meet that need, has found a crying need for such legislation as a result of his open doors and contacts through his office.

"This legislation is to solve a pressing problem. It will provide the people with honest-to-goodness job opportunities and would eliminate poverty without political gimmicks," the first district Congressman emphasized.

"Three years ago the Congress enacted a 7-percent tax credit to spur investment in modern plant machinery and equipment," Quillen said. "What the Congress failed to realize at that time is the fact that the most important kind of capital a nation has is its human capital—the skills, experience, and intelligence of its working men and women."

The Human Investment Act specifically gives employers incentives to broaden and expand apprenticeship training, on the job training under the Manpower Development and Training Act, cooperative work-study programs, tuition refund programs, and expenses of organized group and classroom instruction.

"This bill would remove an impediment to an employer who wants to expand his training program and encourage him to initiate new programs for his employees. By participating in advanced training, an employee can improve his skills and thus improve his job security and earning ability," Congressman Quillen said.

"This approach places the responsibility for increased job training where it belongs—on the Nation's greatest job trainer, our private enterprise system. As those presently employed move up to better jobs through more training, those now unemployed because of insufficient skills can be hired to take their places. The Human Investment Act offers new hope, too, to workers whose jobs are threatened by automation or by shifting defense contracts," Congressman Quillen added.

The Human Investment Act's language is parallel to that of the investment credit provisions of the Revenue Act of 1962, amended in 1964. By requiring that a trainee be on the employer's payroll for at least 3 months after the completion of training (except in case of death, disability voluntary separation, or firing for cause), the bill helps to insure that trainees will be put on the payroll after being trained. This provision meets an often-heard objection to Government-run training programs: that the trainees may not be able to find work even after completing training. In addition, the tax credit approach makes the creation of new Government regulations, redtape, and bureaucracy unnecessary.

"The major premise of this bill," Quillen noted, "is that private business has, over the years, learned how to obtain the most results per training dollar, and should now be encouraged to expand its training programs to meet the serious national need for skilled labor.

"While it is undoubtedly possible to further improve this measure in the appropriate committees of the Congress," Quillen concluded, "the present bill is a sound and major step in the right direction. It will help to meet a serious and growing national need in the most efficient way, and in a way most compatible with the American tradition of private enterprise."

THE ELIMINATION OF ALL OUTDOOR ADVERTISING—ITS EFFECT ON THE TRAVELING PUBLIC AND THE ECONOMY OF THE NATION

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Cramer] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CRAMER. Mr. Speaker, I urge the Members of this body to seriously consider the effect the elimination of all outdoor advertising as provided in the highway beautification bill will have on both the traveling public and the economy of the Nation.

I believe that all will agree that there are many examples of ugly signboard clutter and that these offensive signs should be eliminated. Nevertheless, there are many miles of highways in the Nation where signs do not distract from scenic beauty but serve the very necessary function of providing information desired by the traveling public.

Any motorist traveling in unfamiliar territory needs information concerning facilities for camping, lodging, eating, or vehicle service or repairs, and his interests in the area through which he travels are promoted if he can readily obtain information concerning natural phenomena, historic sites, places of entertainment, areas of natural beauty, and the like. A motorist seeking a place to spend the night needs to know more than the name of a particular hotel or motel. He also wants to know whether a particular establishment provides such facilities as television sets, a swimming pool, a restaurant at a convenient location, and other things. A motorist whose automobile gas tank is nearly empty wants to know, not only that a filling station is available, but also what brand of gasoline is available, whether the filling station is open for business at the time the motorist needs service and how far the filling station is from the main traveled way. The complete elimination of outdoor signs, displays, and devices, except for "on premise" signs and signs within commercial and industrial areas, will deprive the motoring public of a source of information which, at times, it may desperately need.

On the other hand, the elimination of signs, displays, and devices, except "on premise" signs and signs within commercial and industrial areas will no doubt lead to the bankruptcy of thousands of small businesses which are dependent upon the patronage of highway users for their existence. No commercial enterprise which depends upon the travelers on a particular highway can survive if those travelers are not informed of the existence of the enterprise. I do not believe that the Congress of the United States should enact laws which would destroy the means of livelihood of thousands of persons under the guise of promoting highway beautification.

Nor do I believe that the authority of the Secretary to provide for signs within the right-of-way of highways on the Interstate System will solve this problem. Certainly it will not solve the problem for enterprises which rely for their patrons on travelers on the Federal-aid primary system. It will not solve the problem on the Interstate System either unless the billboard clutter is transferred to the highway right-of-way from areas adjacent to the system.

OTHER OBJECTIONS

Inadequate provision for payment of just compensation: The bill requires payment of just compensation for the removal of junkyards and outdoor advertising signs, displays, and devices which are in existence on various dates set forth in the bill. However, no provision at all is made for payment of just compensation for the deprivation of the right to operate junkyards or the right to erect and maintain outdoor advertising signs, displays, and devices in the future. Subject to State and local zoning ordinances, and other exercise of the States police power, the owners of real property adjacent to highways have a right to grant leases or to use their property for the operation of junkyards and the erection and maintenance of outdoor advertising signs, displays, and devices. This may be a valuable right. Many farmers and other persons throughout the country receive income from advertising leases.

No provision is made in the bill for payment of compensation for the deprivation of this right. If compensation is to be paid, it would have to be paid entirely by the States, with no Federal participation.

In some States, because of constitutional limitations, the law may be such that this right cannot be taken away from owners without payment of just compensation, at least in areas adjacent to existing highways. In other States, for political or economic considerations, the States may decide that just compensation should be paid even though the State constitution permits the regulation of such rights without compensation. In either case, Federal funds would not be available to pay any part of such compensation.

There is no way of knowing what the cost of eliminating these rights may be. It may be substantial. It is entirely possible that the cost of purchasing these rights, together with the other costs which would have to be borne by the States in carrying out the programs to be instituted by this act, could substantially exceed the amount of Federal-aid highway funds to be withheld from States who do not comply. In any State where this is the situation, commonsense may dictate that the State elect not to comply with the provisions of the act and to suffer the penalty of losing 10 percent of its Federal-aid highway funds rather than to sustain a larger expense of complying with the act.

Complete lack of information as to cost of the programs: The bill authorizes the appropriation of a total of $320 million for fiscal years 1966 and 1967 to carry out the programs which will be launched by this bill. However, no one knows what the ultimate cost of these programs may be and no detailed estimate of the cost of these programs to the States and to the Federal Government has been furnished to the Congress. As a matter of fact, it is quite clear that the administration has no idea of the ultimate cost since the bill requires the Secretary to make a detailed estimate of the cost of carrying out the provisions of this act and to submit such estimate to the Congress not later than January 10, 1967.

The United States is faced with ever-increasing financial burdens. Our commitments in Vietnam and other places, our defense and space exploration programs, and our massive domestic spending programs already impose a severe load upon the taxpayers. Under these circumstances, it seems absolutely absurd to undertake an additional program, the ultimate cost of which is unknown but certain to be massive. If this had been a fully thought out and well reasoned legislative proposal, the administration would have been able to furnish the Congress with a reliable estimate of cost.

Perhaps worst of all, no one knows what the economic impact of these programs will be on private commercial and industrial enterprises.

TREASURY SECRETARY FOWLER'S ACHIEVEMENT AT SEPTEMBER IMF MEETING

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. ELLSWORTH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, the best comment I have seen anywhere in the press on Treasury Secretary Fowler's achievement at the September IMF meeting is the editorial in the October 2 issue of Business Week. The Business Week editorial exactly catches the tone and spirit, as well as the concrete point, of what happened at the IMF meeting. I commend the editorial to my colleagues in the Congress, and to all who read the RECORD:

REALISM ABOUT WORLD MONEY PROBLEMS

> The United States won a significant victory at this week's meeting of the International Monetary Fund. As a result of the patient groundwork that had been done by Treasury Secretary Fowler, the 10 major trading nations of the free world agreed to set up a formal study of international monetary reform with orders to make a report by next spring.
>
> With this decision, the discussion of ways to strengthen the world's monetary system moves out of the area of academic brainstorming and into hard bargaining on negotiable issues. In that bargaining, Secretary Fowler and other U.S. officials will have their work cut out for them.
>
> On the whole, the mood of the delegates who convened in Washington this week was healthily realistic. There was none of the euphoria, none of the easy confidence that everything would work out happily in the end, that has marked some of the previous meetings. Yet neither was there calamity howling about the future of the dollar and its supposed fall from grace as the world's most wanted currency. More than at any time in the past, there was a willingness to face up to the world's monetary problems and to determine what realistically can be expected to be done about them in the future.
>
> At the moment, there is no immediate threat of a crisis in the international payments system. Nevertheless, the potential weaknesses are clearly recognizable. The strength of the dollar is not in doubt, but confidence in it would go to pieces rapidly if the U.S. balance of payments should swing back into a big deficit again. Sterling at present is in fairly good standing, but it is far from invulnerable, and the overhang of sterling balances held by foreign bankers still has to be dealt with. Stability in world finances seems to be attainable, but it is by no means assured.
>
> In this atmosphere, it makes eminently good sense for the major trading nations to proceed with a study of ways of strengthening the monetary system and to examine some of the proposed mechanisms that would ease the burden the dollar and the pound now are carrying in their role as reserve currencies.
>
> It is encouraging that most of the major financial powers seem ready to go ahead with such consultations. It would be a mistake, however, to conclude that agreement will come easily.
>
> Some of the European nations see no need to increase monetary reserves over the next few years. They contend that even if the United States runs a surplus in its international transactions, there will be no decline in the liquidity available to them and no pressure on their domestic economies.

In the face of this resistance, Secretary Fowler very rightly has tried to create a sense of urgency, and he has pushed hard for the establishment of a preparatory commission to study the creation of new monetary reserves on a contingent basis—if, as, and when needed. If he has not managed to enlist the enthusiastic support of everyone, he has at least forced the subject into the negotiating stage.

Unless studies and reports are translated into action, however, the threat of a crisis will continue to hang over world trade. And the time available for study may be a good deal shorter than some of our trading partners think.

WHERE U.S. INTERESTS LIE

The postwar mechanism for settling international balances—with the dollar as its hub—has worked remarkably well. To abandon it now and try to set up new machinery—or to attempt to return to the old-fashioned gold standard as General de Gaulle sometimes seems to be suggesting—would be sheerest folly. But to try to coast along indefinitely without revising the present machinery would be equal folly.

World trade in the postwar period has been financed by a continuing outflow of dollars from the United States. This deficit in our payments balance some time ago reached the point where it was eroding confidence in the dollar. Now, somewhat belatedly, the United States has undertaken to close the gap and keep it closed. With the end of the days of dollar outflow, the world will need a new mechanism for the orderly creation of reserves to support expanding trade.

Inevitably, the final decision on the creation of these new reserves must be made by the powerful trading nations—which include the so-called group of 10. They have both the economic power and the responsibility that comes with economic strength. But their decision will have to be made with an eye toward the needs of the world as a whole, particularly the developing countries, which have a legitimate stake in stability and expanding trade.

The United States, as it enters the negotiating sessions must be mindful of the needs of the rest of the world. It must be equally alert to its own interests. Under no circumstances should it consent to any arrangements that will downgrade the dollar or subject our domestic economy to arbitrary restrictions. We still are the strongest country in the world, and the dollar is the strongest currency. We must bargain from this strength. And to maintain our strength we must push ahead relentlessly to close the balance-of-payments gap and put the standing of the dollar beyond reproach.

WHAT DO YOU THINK? SHOULD A $500,000 PROFIT IN LESS THAN A YEAR'S TIME DESERVE FEDERAL SUPPORT?

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WIDNALL. Mr. Speaker, bill H.R. 7984 was supported by me. A number of provisions in the law, such as the no down payment Federal Housing Administration loans for veterans, the rent certificate plan for private accommodations for low-income tenants, the establishment of 3-percent loans for college and elderly housing loans and the continuation of these programs, the increase in the amount of authorization of 3-percent loans for rehabilitations of homes and small businesses in urban renewal areas, were personally sponsored by me in advance of proposals made by the administration. I am, and remain, most grateful for the support these provisions receive from both sides of the aisle and for their incorporation into the bill which became law.

I did not originate section 903 of H.R. 7984 which increases the grant level for preservation and development of open-space land to 50 percent of the acquisition cost. I did give the provision my support as a much-needed assistance to towns and cities in their attempts to preserve and develop their open-space needs.

Let me make it unmistakenly clear, however, that I believe the Members of Congress never intended that this provision should be used as a device for land speculators to reap unconscionable profits. Further, I am quite positive that the author of this provision never had any such intention.

Consequently, I was shocked to learn from a weekly newspaper, the Virginia Observer, that a piece of property listed on the tax rolls of Virginia Beach, Va., at $18,360 full value, and on which the owners paid the insignificant sum of $128.50 in real estate taxes when last assessed, had been approved for purchase, not in its entirety but 144 of 165 acres in the parcel, by the Virginia Beach Council for $522,000.

The city council has approved a price rise of over 3,200 percent, considering the present assessed value for tax purposes and the acreage the city council has now approved for public acquisition.

Mr. Speaker, land taxed at $112 an acre is being acquired for public use at $3,625 an acre. And after acquisition, this property, for which the Federal Government will be asked to pay 50 percent of the outrageous cost will be public property not paying 1 cent in taxes.

Mr. Speaker, I would like to know what the tax on the remaining 21 acres will be.

Mr. Speaker, in New Jersey we pay high real estate taxes. We are assessed at full value of our property. Still we have no quarrel with the State of Virginia assessing property at 40 percent. Virginia has a State income tax which we do not. We do object to our Federal tax dollars being used to create windfall profits. It is obvious that any property, on the tax rolls at only $18,360, with taxes of only $128.50, selling for $200,000 in February, on which an application for Federal assistance in the amount of $225,000 is based in August, and which is authorized by its city council for acquisition at a price of $522,000 in September, deserves a thorough investigation.

Mr. Speaker, I have brought these matters to the attention of Urban Renewal Commissioner William L. Slayton. I am placing in the RECORD my letter to Commissioner William L. Slayton and his prompt reply.

It has been brought to my attention that newspaper reports say the Commissioner plans no special investigation. I believe our correspondence speaks for itself and I have confidence that the Commissioner and his staff will give this particular application the most careful scrutiny and study. The Commissioner has written to say that he will keep me informed. I will do as much for the House.

In addition to my correspondence with Commissioner Slayton, I am also inserting in the RECORD copies of the stories appearing in the Virginia Observer through whose columns I first learned of the matter which I have detailed here.

Should a $500,000 profit in less than a year receive Federal support?

SEPTEMBER 20, 1965.

Commissioner WILLIAM L. SLAYTON,
Urban Renewal Administration,
Housing and Home Finance Agency,
Washington, D.C.

DEAR COMMISSIONER: Recently my attention has been called to two articles appearing in the weekly newspaper, the Virginia Observer, copies of which I am attaching. The articles appeared on August 27 and September 3, 1965, and detail a possible use of section 702(a) of the Housing Act of 1961 as amended by the Housing Act of 1965 which has to do with the preservation and development of open-space land.

This newly amended section of the national housing laws provides for 50-percent grants by the Federal Government for the acquisition and development of parks and other open space area by communities throughout the Nation. I supported this provision of the act, but at no time did I envision its use by land speculators seeking unjustified profits. I am certain that none of my colleagues, Republican or Democratic who supported the passage of the Housing Act of 1965, had any thought that the act would be put to such use.

The Virginia Observer reports that the piece of property in question, located in Virginia Beach, Va., was purchased for $200,000 in February and that the city's council has now authorized a portion of this same property to be acquired for $522,000. The Observer reports the total assessed value of the property as set by Virginia City to be only $18,360 and that the taxes paid as being only $128.50. These figures make fantastic the prices authorized for the sale of only 144 acres of the 165 acre tract. Further, not all of the 144 acres are reported as usable.

Inquiries of your office indicate that Virginia Beach has a request in for grants based on a $450,000 application. In view of the amount of Federal dollars involved and the sudden rise in the worth of the land, I think that an immediate investigation of the entire matter should be undertaken by your office.

I realize that the law being hardly a month old, your agency has probably yet to issue new and stricter regulations that will protect the public interest more than was thought necessary when the grants were for either 20 or 30 percent. This should not, however, keep you from investigating this particular case at once and making a report available to the Congress. I would be interested in hearing from you as soon as possible. Meanwhile, I am sending a copy of this letter and its attached articles to Congressman WILLIAM BARRETT, chairman of the Housing Subcommittee, as something the subcommittee itself should investigate.

Please advise me as to your course of action.

Very truly yours,
WILLIAM B. WIDNALL.

Enclosures.

HOUSING AND HOME FINANCE AGENCY,
URBAN RENEWAL ADMINISTRATION,
Washington, D.C., September 21, 1965.
Hon. WILLIAM B. WIDNALL,
House of Representatives,
Washington, D.C.

DEAR MR. WIDNALL: Thank you for your letter of September 20, 1965, calling my attention to the publicity regarding the proposed use of open-space land grant assistance for a 114-acre park in Virginia Beach, Va.

Your information and that contained in the clippings enclosed with your letter is in general agreement with a report we received on this matter last week. We are taking appropriate action now to determine the circumstances in this case, with particular reference to establishing the fair market value of the lands described in the application.

The status of the application is that it has not yet been approved, nor has any commitment been made to the city of Virginia Beach. Receipt of the application has been acknowledged, and a program number assigned to the project. The standard form of reply acknowledging receipt of open-space land applications includes consent to proceed with acquisition of any or all lands described in the applications, if such action is necessary to avoid loss of the land for open-space purposes. The letter states clearly, however, that such consent is not a commitment that the application will be approved, or that the land is eligible for Federal assistance, and that the sole consequence of the authorization is that the cost of acquiring such land will not be disallowed solely because it was acquired prior to the approval of the application.

Before any additional action is taken on the review of this application, we will require two professional, independent appraisals to be conducted on the property involved. In addition, our own real estate staff will review the appraisals and conduct such further inspection as may be necessary, including an examination of the property and real estate and other records relating to determining its value. Any grant that might be approved would be based upon a fair market value concurred in by us after this review and examination had been completed, regardless of the price the city had paid or was willing to pay for the land.

You will be interested to know that this general procedure for establishing value of open-space land has been made a part of the policies and requirements implementing the Housing and Urban Development Act of 1965, which are now in final draft form. Appraisals will be required in each instance, and the applicant informed of our determination of fair market value prior to payment of the grant. In no instance will the grant exceed 50 percent of the fair market value as determined by our real estate staff on the basis of professional appraisals included in the application.

I appreciate your providing me with your information and the newspaper clippings, which are returned herewith, and will be happy to inform you of the action taken in this matter.

Sincerely yours,
WILLIAM L. SLAYTON,
Urban Renewal Commissioner.

Enclosures.

[From the Virginia Observer, Aug. 27, 1965]

TAXPAYERS TO PAY $322,000 6 MONTH PROFIT—VIRGINIA BEACH COUNCIL BUYS $200,000 LAND FOR $522,000

(By Gordon Dillon)

VIRGINIA BEACH, VA.—If the information received and uncovered by this newspaper is correct, the people of Virginia Beach and the people of the United States are being subjected to the greatest land grab since Grant took the Dakota territories away from the Indians.

At this week's session of the Virginia Beach City Council the purchase of a 144 acre ocean front public park was approved. For its foresight the Virginia Beach Council has been commended.

City purchasing agent, Carroll G. Clough, told the city council that the land, located south of Sandbridge, could be bought for $522,000 from the American Land Corp.

However, according to records and information from deed books and the city treasurer's office, the same property was bought by American's subsidiary company—Washington's Forrest, Inc., in February of this year for only $200,000.

In other words, the land purchased by the company 6 months ago for $200,000 can now be sold to the taxpayers of Virginia Beach for only $522,000.

A net profit over the 180 day period of $322,000, even Bobby Baker was never able to swing a deal like that.

The $322,000 profit and the original $200,000 purchase price will be paid half by the people of Virginia Beach and half by the people of the United States. The city council has already applied for a 50 percent grant from the Federal Government.

The other 50 percent will be paid by the taxpayer of the resort city. Two hundred and sixty-one thousand dollars will come from the beach, the other $261,000 will come from the taxpayers of all 50 States.

After the council announced the pending deal with the American Land Co., the Virginia Observer checked the deed books of Virginia Beach. The check showed no listing of that company.

A check with the city treasurer's office showed that the land was registered in the name of Washington's Forrest, Inc. A check on deed book 889—page 271 showed that Washington's Forrest had purchased the property from Alexander E., and Eva Cymrot on February 23, 1965, exactly 6 months ago.

Attached to the deed was $220 of U.S. real estate stamps, $1.10 in stamps represents $1,000 of land value. According to this formula, the transaction was consummated for only $200,000.

According to the State corporation commission, the registered agent for Washington's Forrest, Inc., is C. T. S. Keep. He is also vice president and treasurer. The Virginia State Corporation Commission also lists his address as 3113 Pacific Avenue, Virginia Beach, Va.

According to the Virginia Beach city directory, 3113 Pacific Avenue, is also the business address of prominent Virginia Beach civic leader and undisputed political boss, Sidney S. Kellam.

According to reliable sources the Federal grant has already been approved by the Urban Renewal Authority in Washington. In effect, if the 50–50 formula is used (the Federal share may be more) $261,000 will be paid by the United States. The original price—plus $61,000.

In addition, the taxpayers of Virginia Beach will have to fork out another $261,000. With the already $61,000 profit the combined net equals $322,000.

Virginia Beach needs a virgin ocean front park, of this there can be no dispute. The residents of Tidewater need to have the recreational space, hence the Federal grant.

The only unanswered question is—was a $200,000 purchase made 180 days ago now worth $522,000? Should the taxpayers of Virginia Beach and the United States pay a 6-month's 220 percent profit?

Everyone realizes the need for additional recreation sites, and everybody wants a private investor to be amply compensated. Shouldn't the city of Virginia Beach have used its power of eminent domain and acquired the property at a reasonable rate of profit?

These are not questions to be answered by the Virginia Beach city council, for they have already blundered into an intolerable situation. The people of Virginia Beach, the one who through his taxes pays the bill, will have to answer this question.

Will the U.S. Government really be a party to a $322,000 6 months profit? This the American people will have to answer.

A prominent realtor said of the transaction, "It appears that an extremely high price was paid." This is the only clear answer now in the entire mess.

[From the Virginia Observer, Sept. 3, 1965]

DEVELOPER OFFERED $522,000 PARK 30 DAYS AGO

NORFOLK.—"I about fell out of my chair," said a Tidewater developer after learning of the pending $522,000 purchase by the city of Virginia Beach for a 144-acre oceanfront park. The developer, who wishes to remain unnamed at this time, claims he was offered the land about 30 days ago and felt he could have consummated the deal for $380,000.

The property is being offered to the resort city by the American Land Co. Half of the purchase price will be paid by the taxpayers of Virginia Beach and the other half will come in the form of a Federal grant from the Urban Renewal Authority.

In a copyrighted story last week, the Observer noted that American had purchased the land only last February for $200,000 from Alexander Cymrot. In defense of the transaction, the Norfolk Ledger-Star quoted an official of the company as saying, "We have actually owned the property for more than 5 years."

"We had the property in the name of our lawyer (Cymrot) for legal and technical reasons. But that doesn't alter the fact that we have had real ownership of the property since 1960."

American originally bought the land for $150,000 in the name of Sea-Bay Corp. In July of 1964 it sold the land to Cymrot for the same price—$150,000. Cymrot then sold the land back to Washington's Forest, Inc., for $200,000 in February of this year.

The value of the transactions was determined by the amount of Federal Revenue stamps affixed to the deeds, $1.10 in stamps for each $1,000 of consideration. Virginia Beach City Treasurer, V. A. "Jack" Etheridge said the stamps didn't mean anything because property could be sold and bought for tax purposes.

However, what Etheridge didn't realize was that American Land Co. is a public corporation, that is it is like a labor union. A union belongs to its members, a corporation belongs to its stockholders. The Federal Government regulates the activities of both.

It is debatable that Government regulations would allow the sale of either corporation or union property to a private individual for one price only to buy it back 6 months later at a higher price. The obvious reason for the 6-months transaction is probably to take advantage of the capital gains easy tax of only 25 cents on one-half of the net profit.

Meanwhile, the Tidewater developer said he and his other associates turned down the American deal because they "thought the price was too high" and were so advised by a member of a prominent political family in Virginia Beach.

American told the Ledger-Star "we're making a real sacrifice."

In addition, a large real estate firm in Norfolk had the land listed at $1,850 an acre. This totals $305,000. However, this price included all 165 acres. The developer said that approximately one-third of the land on the back bay could be inundated by water and would have required dredging.

In other words, out of 165 acres (about 40 could be inundated) only 144 acres are being considered by the city for the park. Twenty-one acres are being retained by the company. This would mean that the park would amount to only about 105 acres of usable land.

Of the 165 acres that the private developer thought he could have purchased about 30 days ago for $380,000, 144 acres probably will be sold to the taxpayer for $522,000.

WTAR-TV in Norfolk quoted city officials of the beach as saying the $200,000 transaction "in no way approximates the actual value of the property."

Under Virginia Beach's real estate tax formula, a homeowner that had an $18,000 home, would be taxed on $6,000.

The $522,000—144 acre land purchase is assessed by city hall at $6,000. The total assessed value the city places on the land is $18,360.

It pays $128.50 a year in taxes.

Odder still, than all these facts is the fact that while the city fathers of Virginia Beach said they would apply for a 50-percent grant from the Federal Government on the $522,000 purchase, it has been definitely learned from the Urban Renewal Authority that the city's application calls for a $450,000 total purchase.

Of course there is an escape clause in the application that could bring the price up to the $522,000 price. But why was the application made out for $72,000 less than the proposed purchase price?

This question the city officials of the world's largest resort city will have to answer. The answer, we predict, will be indeed interesting.

[From the Virginia Observer, Sept. 17, 1965]

ON $522,000 FEDERAL FINANCED PARK—LAWMAKER DEMANDS VIRGINIA BEACH PROBE

(By Gordon Dillon)

WASHINGTON.—A top leader of Congress has demanded a serious and immediate investigation into the $522,000 ocean park purchase voted by the Virginia Beach City Council. Fifty percent of the funds will come from the Federal Government.

Congressman WILLIAM B. WIDNALL, Republican, of New Jersey, said he was shocked by the disclosures brought to light by the Virginia Observer. "This is a matter," continued the ranking member of the House subcommittee, "that deserves a serious and immediate investigation by the Urban Renewal Authority and the Housing Subcommittee of the Congress."

The New Jersey Congressman has already written the URA Administrator requesting an immediate probe and will personally ask the subcommittee to initiate a congressional investigation.

The park was purchased by the beach council last Monday for $522,000 despite the fact that the ocean front property had been offered at around $380,000 to private developers about August 1.

At that time the deal was turned down because the price was too high by the private businessmen. However, the private $380,000 transaction included 165 acres, the beach purchase includes only 144 acres—a third of which is under water.

The present owners—the American Land Co. will retain 21 high acres thus bringing their total consideration to well over $650,000—for land offered a month ago for $380,000.

It may have been possible to have obtained the land at a lower price. A large Norfolk real estate firm had the full 165 acres listed at $305,000.

American Land Co. originally purchased the property for $150,000, it then sold it to its attorney for the same price. The attorney sold it back to American Land last February (6 months ago) for $200,000.

The Virginia Beach City Council voted to buy the 144 acres after a law was passed in Congress to provide Federal funds for the purchase of public parks. The law became effective August 10.

The Virginia Beach city manager has made an application to the Urban Renewal Authority in Washington for a 50-percent Government grant. This would mean the Government would have to pay a $262,000 share for land purchased last February for $200,000. The other $262,000 would have to be paid by the taxpayers of Virginia Beach.

Congressman WIDNALL's action will have far-reaching effects in this resort city and at the same time the New Jersey legislator may save the taxpayers of Virginia Beach and the United States a considerable amount of money.

ADJOURNMENT TO 11 A.M., THURSDAY, OCTOBER 7

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, will the distinguished majority leader advise us a little bit more about the program? We still have several hours to go this afternoon.

Mr. ALBERT. If the gentleman will yield, we have finished the business today under the previous agreement because this is a religious holiday. We are hoping to meet early tomorrow. We have several votes yet pending. We will probably have one and maybe two important conference reports tomorrow. Also we will take up the highway beautification bill. This bill has 4 hours of general debate and I would expect it to go on over into Friday.

Mr. HALL. Will the majority leader advise us whether we have put off the Ways and Means Committee bills, the unanimous-consent bills?

Mr. ALBERT. They will be brought up next week. In any case, they will take only a few minutes.

Mr. HALL. The sugar bill is not coming up this week?

Mr. ALBERT. If the gentleman will bear with me, we will have to reserve making final judgment on that.

Mr. HALL. Mr. Speaker, I am most anxious to cooperate. We have scheduled committee meetings in the Committee on Armed Services tomorrow morning with outside witnesses. I am keenly aware of the fact that the last two times we have cooperated on this matter, it dragged on and on and we accomplished very little that was scheduled. It went into the evening, and it is now getting to the point where it looks as though we can accomplish our business.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PULASKI DAY

The SPEAKER. Under previous order of the House the gentleman from New York [Mr. ROONEY] is recognized for 20 minutes.

Mr. ROONEY of New York. Mr. Speaker, on Sunday afternoon last in New York City we enjoyed the always colorful Pulaski Day parade which annually pays due honor to the memory of one of our greatest heroes in our War of Independence who died for us on the field of battle 186 years ago. To our Founding Fathers the death of Gen. Casimir Pulaski was a tragic loss indeed. To the subsequent generations of valiant defenders of our independence and our liberties the death of the young Polish patriot has given strength to bolster their determination and courage to fight on.

We as Americans can never forget the help which this young Polish noble gave to General Washington and our fledgling army. So brilliant was his military background and so thorough was his judgment that in spite of his youth the Continental Congress commissioned him a brigadier general.

Americans can never forget the manner in which he joined with "Mad" Anthony Wayne in scouting and foraging for the food and supplies so desperately needed by the shivering and starving American Army at Valley Forge.

We are even more forcefully reminded of his gallantry in action. In battle after battle Casimir Pulaski demonstrated his bravery and his superb leadership under fire.

We remember General Pulaski, too, because it was he who created our first American cavalry, a branch of our military service which was to achieve immortal fame through all the succeeding years wherever and whenever our independence and security have been threatened.

Mr. Speaker, even if Casimir Pulaski had not made the supreme sacrifice of giving up his life while leading the American-French cavalry charge at the battle of Savannah, America would have revered him and claimed him as an American hero. His intense zeal for freeing mankind from bondage of any kind and his fearless efforts to implement his convictions gave not only the heroic patriots who created our American Nation great encouragement when it was sorely needed, but these qualities have continued to be an inspiration to the freedom fighters of succeeding generations.

We are grateful that the fine patriotic Polish-American organizations of today have given a high priority to the observance of Pulaski Day. These organizations, made up of thousands of our most loyal and devoted citizens, should have the help of all Americans to assure that the memory of General Pulaski is forever held in reverence by all the citizens of this country. It is of particular importance that our young people realize the service which Pulaski rendered to us lest they lose sight of how heavy the cost of our independence was to those who gave it to us. As they and succeeding generations hear the name Pulaski used with reference to bridges, highways, and other memorials, may they be reminded of the deeds of this immortal patriot.

They should be reminded, too, of our heritage received from all who, like Pulaski, have come from foreign lands to live and die for this their adopted country. Of all the nationalities so represented in the making of America's greatness, none has made a greater contribution to our political, social, economic, and cultural development than Pulaski's Polish kinsmen. For that reason, Mr. Speaker, America can appropriately use the day commemorating the death of Casimir Pulaski to pay well deserved tribute to those of Polish birth or blood who, generation after generation, have done so much in behalf of all of us.

NEW IMMIGRATION ACT A STEP FORWARD IN ELIMINATING DISCRIMINATION FROM AMERICAN LIFE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Conyers] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONYERS. Mr. Speaker, after more than 40 years of discrimination and hardships, there has finally been erased from the statute books of the United States the notorious—and to some people, the infamous—national origins quota system. During all of that time, admissibility to the United States was determined not merely on a basis of personal quality and acceptability of the prospective immigrant, but, more important, upon the basis of the particular country where he was born. Because of the quota system, which made visas available subject to a numerical limitation according to the national origin of our 1920 population, three countries had more than two-thirds of the total number of visas, while all the other countries of the world, numbering more than 100, shared the balance.

Naturally, this led to hardship for many of our own citizens and resident aliens who were deprived of the privilege of bringing to this country their loved ones. Similarly, prospective employers in this country were deprived of the opportunity of bringing here specially skilled and trained persons whose services were urgently needed, but who were unable to obtain an immigrant visa because the quota of their native country was oversubscribed.

The national origins system produced ridiculous situations. For example, a person in the United States was able to bring to this country a domestic servant from Great Britain, but was unable to obtain the entry of his aged mother from Greece, because the Greek quota was oversubscribed while the British quota had ample visas available to all who sought them.

Under the new law which was enacted October 3, the present quota system will be totally abolished effective July 1, 1968. Until that time, and thereafter, there will be a worldwide limitation of 170,000 upon immigration from the Eastern Hemisphere. Until then, countries will continue to be entitled to the number of visas authorized under the existing quota system. But leftover visas, remaining unused because there is no demand in certain countries, are to be assigned to a pool to be distributed to immigrants from those countries whose quotas are oversubscribed.

On July 1, 1968, the new system of distribution of immigrant visas to persons from Eastern Hemisphere countries will be completely effective. Immigrant visas will be assigned strictly on a system of preferences based upon relationship to U.S. citizens and lawfully resident aliens, and upon the particular skills and abilities of prospective immigrant to perform needed services and labor in the United States. Within each preference category, the rule will be first-come, first-served. No country may be assigned more than 20,000 visas in any single year. All references to race or national origin are removed from the law. With the effective date of this law, the United States again demonstrates to the world its firm conviction that there shall be no discrimination or prejudice in this country, that persons shall be judged upon the basis of their individual merit, and that liberty, equality, and freedom can be enduring realities in this country.

For the first time in the history of the United States, there has been incorporated in the permanent immigration law a specific provision for assignment of a number of visas to refugees, on a preference basis. This again establishes our historic policy of granting refuge to those who have been forced to flee from their homelands because of persecution or natural calamity.

The new immigration law provides that commencing July 1, 1968, there shall be a ceiling of 120,000 annually on Western Hemisphere immigration. Of course, that number is exclusive of the immediate family members of U.S. citizens—meaning their spouses, parents, and children, who are not subject to the numerical limitation. As a precautionary measure, the law provides for a Commission to study the entire matter of immigration from the Western Hemisphere and to submit a report prior to the effective date of the ceiling so that Congress can take appropriate steps, if necessary, to revise the new system.

It should be borne in mind that even with this new numerical limitation, the United States is giving more favorable treatment to its traditional friends in the Western Hemisphere than immigrants coming from elsewhere in the world. The Western Hemisphere is receiving a total of 120,000 numbers as compared with 170,000 to the rest of the world. The numerical limitation of 20,000 per country does not apply to countries of the Western Hemisphere.

The new system of assignment of immigration visas to the Western Hemisphere nations is basically consistent with U.S. immigration policy in relation to other foreign countries, and is designed to meet the needs and interests of the United States.

Thus, the new immigration law, by abolishing discrimination, preserving our traditional friendship for the Western Hemisphere and our policy toward refugees, and continuing the many safeguards of present law against undesirable or excessive immigration, will strengthen our Nation.

Mr. Speaker, I include President Johnson's remarks when he signed the immigration bill at this point:

Remarks of the President at the Signing of the Immigration Bill

Mr. Vice President, Mr. Speaker, Mr. Ambassador Goldberg, distinguished members of the leadership of the Congress, distinguished Governors and mayors, my fellow countrymen, we have called the Congress here this afternoon not only to mark a very historic occasion, but to settle a very old issue that is in dispute. That issue is, to what congressional district does Liberty Island really belong—Congressman Farbstein or Congressman Gallagher? It will be settled by whomever of the two can walk first to the top of the Statue of Liberty.

This bill that we sign today is not a revolutionary bill. It does not affect the lives of millions. It will not reshape the structure of our daily lives, or really add importantly to either our wealth or our power.

Yet it is still one of the most important acts of this Congress and of this administration.

For it does repair a very deep and painful flaw in the fabric of American justice. It corrects a cruel and enduring wrong in the conduct of the American Nation.

Speaker McCormack and Congressman Celler more than almost 40 years ago first pointed that out in their maiden speeches in the Congress. And this measure that we will sign today will really make us truer to ourselves both as a country and as a people. It will strengthen us in a hundred unseen ways.

I have come here to thank personally each Member of the Congress who labored so long and so valiantly to make this occasion come true today, and to make this bill a reality. I cannot mention all their names for it would take much too long, but my gratitude and that of this Nation belongs to the 89th Congress.

We are indebted, too, to the vision of the late beloved President John Fitzgerald Kennedy, and to the support given to this measure by the then Attorney General, and now Senator, Robert F. Kennedy.

In the final days of consideration, this bill had no more able champion than the present Attorney General, Nicholas Katzenbach, who, with New York's Emanuel Celler, and Senator Ted Kennedy of Massachusetts, and Congressman Feighan of Ohio, and Senator Mansfield and Senator Dirksen constituting the leadership in the Senate, and Senator Javits helped to guide this bill to passage along with the help of the Members sitting in front of me today.

This bill says simply that from this day forth those wishing to immigrate to America shall be admitted on the basis of their skills and their close relationship to those already here.

This is a simple test, and it is a fair test. Those who can contribute most to this country—to its growth, to its strength, to its spirit—will be the first that are admitted to this land.

The fairness of this standard is so self evident that we may well wonder that it has not always been applied. Yet the fact is that for over four decades the immigration policy of the United States has been twisted and has been distorted by the harsh injustice of the national origins quota system.

Under that system the ability of new immigrants to come to America depended upon the country of their birth. Only three countries were allowed to supply 70 percent of all the immigrants.

Families were kept apart because a husband or a wife or a child had been born in the wrong place.

Men of needed skill and talent were denied entrance because they came from southern or eastern Europe or from one of the developing continents.

This system violated the basic principle of American democracy—the principle that values and rewards each man on the basis of his merit as a man.

It has been un-American in the highest sense because it has been untrue to the faith that brought thousands to these shores even before we were a country.

Today, with my signature, this system is abolished.

We can now believe that it will never again shadow the gate to the American Nation with the twin barriers of prejudice and privilege.

Our beautiful America was built by a nation of strangers. From a hundred different places or more, they have poured forth into an empty land—joining and blending in one mighty and irresistible tide.

The land flourished because it was fed from so many sources; because it was nourished by so many cultures and traditions and peoples.

And from this experience, almost unique in the history of nations, has come America's attitude toward the rest of the world. We, because of what we are, feel safer and stronger in a world as varied as the people who make it up—a world where no country rules another and all countries can deal with the basic problems of human dignity and deal with those problems in their own way.

Now, under the monument which has welcomed so many to our shores, the American Nation returns to the finest of its traditions today.

The days of unlimited immigration are past.

But those who do come will come because of what they are, and not because of the land from which they sprung.

When the earliest settlers poured into a wild continent there was no one to ask them where they came from. The only question was: Were they sturdy enough to make the journey, were they strong enough to clear the land, were they enduring enough to make a home for freedom, and were they brave enough to die for liberty if it became necessary to do so.

And so it has been through all the great and testing moments of American history. This year we see in Vietnam men dying—men named Fernandez and Zajac and Zelinko and Mariano and McCormick.

Neither the enemy who killed them nor the people whose independence they have fought to save ever asked them where they or their parents came from. They were all Americans. It was for freemen and for America that they gave their all, they gave their lives and selves.

By eliminating that same question as a test for immigration the Congress proves ourselves worthy of those men and worthy of our own traditions as a nation.

So it is in that spirit that I declare this afternoon to the people of Cuba that those who seek refuge here in America will find it. The dedication of America to our traditions as an asylum for the oppressed is going to be upheld.

I have directed the Departments of State and Justice and Health, Education, and Welfare to immediately make all the necessary arrangements to permit those in Cuba who seek freedom to make an orderly entry into the United States of America.

Our first concern will be with those Cubans who have been separated from their children and their parents and their husbands and their wives that are now in this country. Our next concern is with those who are imprisoned for political reasons.

And I will send to the Congress tomorrow a request for supplementary funds of $12,600,000 to carry forth the commitment that I am making today.

I am asking the Department of State to seek through the Swiss Government immediately the agreement of the Cuban Government in a request to the president of the International Red Cross Committee. The request is for the assistance of the Committee in processing the movement of refugees from Cuba to Miami. Miami will serve as a port of entry and temporary stopping place for refugees as they settle in other parts of this country.

And to all the voluntary agencies in the United States, I appeal for their continuation and expansion of their magnificent work. Their help is needed in the reception and settlement of those who choose to leave Cuba. The Federal Government will work closely with these agencies in their tasks of charity and brotherhood.

I want all the people of this great land of ours to know of the really enormous contribution which the compassionate citizens of Florida have made to humanity and to decency. And all States in this Union can join with Florida now in extending the hand of helpfulness and humanity to our Cuban brothers.

The lesson of our times is sharp and clear in this movement of people from one land to another. Once again, it stamps the mark of failure on a regime when many of its citizens voluntarily choose to leave the land of their birth for a more hopeful home in America. The future holds little hope for any government where the present holds no hope for the people.

And so we Americans will welcome these Cuban people. For the tides of history run strong, and in another day, they can return to their homeland to find it cleansed of terror and free from fear.

Over my shoulder here you can see Ellis Island, whose vacant corridors echo today the joyous sounds of long-ago voices.

And today we can all believe that the lamp of this grand old lady is brighter today—and the golden door that she guards gleams more brilliantly in the light of an increased liberty for the people from all the countries of the globe.

Thank you very much.

SPEECH BY REPRESENTATIVE FOGARTY BEFORE THE WORKSHOP AT TRINITY COLLEGE, WASHINGTON, D.C.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks, I would like to include a speech which I delivered before the workshop at Trinity College, Washington, D.C., on Wednesday, July 14, 1965:

PROPPING OPEN THE COLLEGE GATES

(By the Honorable JOHN E. FOGARTY)

I am delighted to be here this morning and I am honored to have been invited to participate in this workshop. The scope and breadth of the topics that you have set yourselves for discussion is certainly impressive. It is most encouraging to those of us who are called upon to consider what the Federal role in support of higher education should be—and how this role should properly be played—to see a group such as this giving serious and concentrated thought to the role of women's colleges in broadening the spiritual, intellectual, and civic life of the community.

Both these roles—that of the Federal Government and that of the smaller colleges—are in a period of change. The impact of politics on Catholic women's colleges is therefore not just an interesting topic for a series of discussion; it is a vital issue in which you, as educators, and I, as a legislator, must be equally concerned. I am, of course, speaking of politics not in its abstract sense as "the science and art of government," nor in its earthlier partisan sense, but in the sense of Webster's second definition: "the practice of managing affairs of public policy." Higher education has become a prime problem of public policy. The solution of this problem in the best interest of the Nation, of the educational institutions and, above all, in the interest of the young people to be educated, is a task demanding our thoughtful cooperation in a spirit of unselfish public service.

Much has been said and written about the extraordinarily rapid growth of college enrollment in this country. Of course this creates problems but it should neither frighten nor deter us. Rapid growth is one population, gross national product, health of the most characteristic aspects of American life—it is reflected in statistics on our services, research, and so forth. With this growth has come an increasing complexity in making our lives and in making our livings.

In one respect, this complexity simply means that a college education today has the sort of value that was attributed to a high school education a generation ago.

But in another, more important sense, which perhaps defines the Federal Government's interests and responsibilities in education, this complexity reflects the enormous and accelerating economic and social growth of this Nation in the past few decades.

College education, as a luxury of a privileged minority, is inappropriate when we are dealing, as we must deal, with the fundamental human rights and welfare of all our people. At no time in our history has this country required more of its people to understand the democratic process, to comprehend the issues on our national agenda, to help develop reasonable, compassionate laws and programs.

In his special message to Congress on education, in 1963, President Kennedy said:

"For the individual, the doors to the schoolhouse, to the library and to the college lead to the richest treasures of our open society: to the power of knowledge—to the training and skills necessary for productive employment—to the wisdom, the ideals, and the culture which enrich life—and to the creative, self-disciplined understanding of society needed for good citizenship in today's changing and challenging world.

"For the Nation, increasing the quality and availability of education is vital to both our national security and domestic wellbeing."

Education must be one of our primary national goals—perhaps I should say the primary national goal because nothing matters more to the future of our country.

Higher education has become a prerequisite to the fulfillment of the individual's potential in society, and to the continuing strength and leadership of this country. The magnitude of this was spelled out by the American Council on Education testifying in favor of the Higher Education Facilities Act of 1963. By 1980, the Council said, every existing college and university in this country will have to double its enrollment—and 1,000 new institutions will have to be created with an average enrollment of 2,500 each.

This assignment for education is enormous. In less than 15 years we shall have to more than double what it has taken more than

300 years to build. I, for one, do not doubt that we can do this. In fact, we can do what needs to be done in many ways—we can do it haphazardly, chaotically, frantically, or with a good deal of deliberate thought to planning and proper organization.

The expanding demand for college education generates a corresponding need for expanded facilities. Most of our educational institutions are working energetically to meet this need. Indeed, many of our smaller colleges welcome this task as a challenge and as an opportunity for growth. This is natural—and it is healthy, provided the growth is carefully geared to the pattern of emerging needs.

We hear a great deal these days about the need for more centers of excellence. Certainly, every educational institution must strive to be a center of excellence—but does this mean that all these institutions should strive to reach the same goal? Should each institution strive for excellence in all fields?

What this country needs is not just a total educational capacity, but a capacity to give students with wide ranges in capabilities, that which best suits their needs and best fits them for useful and satisfactory lives.

It will not serve our national purposes, or the best interests of the students, or the best interests of our educational institutions if we try to provide the same curriculum or make the same academic demands on all students.

No one institution can hope—or should try—to provide for all possible needs of all possible students.

Our politics are pluralistic; so must our institutions be.

We need excellent junior colleges, but this does not mean that every junior college should strive to be a 4-year college.

We need excellent liberal arts colleges, but this does not mean that they should strive to be universities.

We need universities that excel in the physical sciences. This does not mean that these same universities must necessarily also excel in the humanities or the social sciences.

It would be better, I suggest, for excellence to be the goal in all things attempted, but not to try to attempt all things.

Let each institution of higher learning clarify its objectives, realistically, and then do everything to achieve those objectives.

I think, however, that all these diverse institutional objectives have to be put together in some coherent way. You can design a fine living room, a fine dining room, good bedrooms, and so forth, and yet you still may not have a house, much less a home.

In California, they have taken a long step in this direction. They have developed a model structure—a so-called master plan—which those of us interested in education should watch closely. This structure has a broad base of junior colleges, each trying to fulfill its community objectives, but tightly woven into the fabric of the State's colleges and universities, again, each with its own standards, curricula and aims.

That's one type of planning. Another type of planning can be done—and should be done—among our smaller private colleges. This may mean only cooperation and goodwill rather than State, or other central, direction.

What I have in mind here are the difficulties many of the small colleges face in developing their potential—problems of facilities, faculties, and funds.

I have stressed our growing national need for diversity among our institutions of higher education but we must keep clearly in mind that diversity is not the same thing as multiplicity.

In many cases—in many places—there is, today, needless multiplicity which hinders, rather than helps, the orderly expansion of our educational system or the achievement of the excellence at many levels of postsecondary education which must be our aim. As a Nation we cherish competition but let us not forget that competition is the means to an end: better public service. The function of an educational institution, in our modern society, is to render an essential public service but the best means to this end are not necessarily those of commerce. May I suggest that our smaller colleges—and, particularly, our vast array of Catholic colleges—should strive to complement rather than compete with each other?

In fact, in some cases, a complete joining of forces—an amalgamation of several struggling institutions—may offer the best solution. The conclusions of Professor Conant's study of secondary schools, favoring a large high school to several small ones, points in this direction. The advantages of the larger institution are obvious. It can offer more varied courses; has greater flexibility in the use of facilities and in the development of a curriculum; attracts a more stimulating cross-section of students; and can afford, and hold, better faculty.

When a group of smaller colleges have banded together into a larger one, they can better concentrate their plans on the type of excellence they want to pursue. Separate, lacking flexibility, too many are now not able to concentrate on any type of excellence at all.

Given the right sort of planning, education will succeed in the monumental tasks before it. The groundswell of public support for education and the determination of educators to reexamine and improve old techniques and shape them to fit today's needs, combine to give education its greatest momentum in our history—perhaps in the history of the world.

This momentum was reflected in the record of the 88th Congress, which enacted legislation covering a broad spectrum of educational needs.

The Office of Education has been authorized to spend $1.2 billion in competitive grants and loans to help public and private colleges and universities build or remodel classrooms, laboratories, and libraries. Under title I of this program, all accredited or to be accredited institutions can compete for these funds, and one of the most important criteria in awarding a grant—which covers between 30 and 40 percent of costs—is that the funds will be used to expand existing facilities. The need is so great, so widespread, that schools which merely wish to maintain the status quo in enrollment must be accorded a low priority. There are many purposes to which this money can be put: to build up the school's physical and biological science curriculums, to expand its capabilities for educating potential engineers and mathematicians, to enlarge its modern language program, and to improve its libraries.

Private institutions, which contribute so much to our intellectual strength, have not been ruled out of the competition, I'm happy to say. A school like Trinity College—a liberal arts college open to all faiths—is eligible to compete for a grant or a loan.

Many private institutions have recognized the new opportunities open to them and have submitted applications through their State commissions for higher education facilities, appointed by their Governors. The Sacred Heart College in Wichita, for example, has applied for a grant to put up a new science building.

Georgetown University has obtained $1.2 million for a library.

The Sisters of Providence of Our Lady of the Lake in San Antonio have requested $118,000 for a new school of social service. And dozens of other Catholic institutions have submitted applications for grants to expand higher education facilities.

The 88th Congress also enlarged the student loan program, which is particularly helpful to private liberal arts colleges. It provided 1,500 additional graduate fellowships each year. It set up institutes where teachers in many liberal art fields can update their teaching techniques in history, geography, modern foreign languages, and in other fields.

A pilot program of counseling and guidance institutes will be conducted this summer at Stanford University, and the Universities of Minnesota, Missouri, Ohio, and Texas.

In addition, the 88th Congress set up a work-study program in the Economic Opportunity Act to serve two growing needs—the need of colleges for additional staff, and the need of students for more income so they can stay in school. Under the work-study program, the Federal Government shares the cost of part-time employment of graduate or undergraduate students from low-income families, and, in the process, assures colleges of ready hands to help with tutoring, bookkeeping, typing, and other services.

All these legislative achievements are steps on the long road of progress, and, of course, we must continue the forward movement in keeping with the high goals we have set ourselves in education.

Because of my own concern for the future of American education, I have introduced a bill which would create a Department of Education with Cabinet status. I will not go into all the details of the bill. But briefly, it provides that the Commissioner of Education would become the Secretary of Education, with four Assistant Secretaries to help administer the new Department. I consider this bill essential to the advancement of education because it is clear to me that the responsibility of the Federal Government for assisting and supporting education is increasingly being not merely accepted but demanded by our citizens.

There are few activities more important than assuring education for all our citizens, and it is important that the Commissioner of Education—the man given primary responsibility for education leadership at the Federal level—be assigned a Cabinet role commensurate with the significance of his work.

This, of course, is only one of many things that we can do to assure that education receives a first-priority consideration in all our planning for the future. There is much more that must be done.

The President has called upon the Congress—

To extend the opportunity for higher education to all;

To help the smaller, struggling colleges build stronger programs;

To build up the libraries of colleges and universities;

And to draw upon the spiritual and intellectual resources of our higher education institutions, our teachers, and scholars, for aid in the solution to national problems of poverty and community development.

These are goals worthy of a swiftly-developing nation—goals to match our education system to our dynamic growth, and to assure that all our citizens may share, to the fullness of their ability, in the labor and in the rewards of our collective endeavors. The fact is that too many do not now share fully in the benefits of our free society. We must use education as the lever that can lift all our people to a better quality of life.

The opportunity—and the responsibility—for frontline participation in the problems of our time lies squarely before those who serve in education.

One of our primary jobs is to make sure that cost of education does not close the door to advancement of the individual, or to our development as a Nation.

I mentioned before the projection by the American Council on Education of college enrollment in 1980. Let us reflect for a moment on the growth that we have experienced to date, and the rising costs which have accompanied it.

Since the end of World War II the percentage of 18–20 year-olds who enroll in college has risen from 22 to 40 percent. We now have nearly 5 million college students.

In 1946–47, that is, right after the war, the average cost of attending a public college or university was $960. For a private institution, it was $1,290. Let it be noted that the GI bill of rights, one of the truly great innovations in education in this country—although for only a selected number of our citizens—could just about cover these costs in public colleges, while falling somewhat below the costs in private colleges.

Right now it costs on the average of $1,560 for a student to attend a public college or university, and $2,370 to attend a private institution. By 1970, the cost is expected to rise to $1,840 a year in a public institution—nearly $300 a year more than today—and to $2,780 a year in private institutions—over $400 a year more.

This means that a 4-year college education is going to cost between $7,500 and $11,000, on the average, just 5 years from now.

Clearly, such costs can prevent many fine young men and women from getting a college education.

In 1960, there were 1,079,000 high school graduates who did not go on to college. Now, I don't mean to suggest that all of them should have gone on to college, but I do suggest that money should not decide the question—that cost alone should not be the bar that keeps them out of college. And yet, almost a quarter of a million students were excluded merely by the expense of higher education. Furthermore, thousands of those who did manage to start their first year of college dropped out only because they could not afford to continue.

This sort of thing has to stop. These young men and women need money now, and we, as a people, shall need their trained minds and wisdom later. I think it's a fair exchange to pay out a few millions today in order to get the best possible leadership and manpower for the trillion-dollar enterprise which the United States will be tomorrow.

Until this year, the public cannot be said to have been particularly interested in education as a national resource, demanding much national attention. This lack of widespread public concern was reflected in the size of the annual appropriations for the Office of Education. In 1953, when the Department of Health, Education, and Welfare was formed, the appropriation for the Office of Education amounted to $289 million. During the next decade the appropriation seemed merely to have crept along, barely staying ahead of the rising cost of living and increased overhead costs. Seven years later, in 1960, it was only $474 million, despite the rise in population and students of college age. In 1961, it was $539 million. In 1962, $603 million. In 1963, $662 million. In 1964, $702 million.

And then something happened. The national conscience awakened. The enormous potentialities, the great opportunities finally struck home. For the fiscal year 1965, which has just ended, the appropriation for the Office of Education doubled, reaching $1.5 billion. And for the current year, it has more than doubled again, standing at $3.2 billion.

It is heartening to me and to many of my friends in Congress that the American people are willing to reach out and grasp the opportunities before them, to see clearly the steps which must be taken now for the benefit of future generations. I hope—and believe—that we are on the way to eliminating economic discrimination in making higher education available to our young people.

There's another type of discrimination that must come to a stop in this country. I mean the waste of educated "womenpower." I do not belittle the need for educated mothers, or the need for educated women in the role of ordinary citizens, casting their votes, and taking part in the never-ending debate on local, State, and national issues.

But, surely, this country should be able to use wisely and well those women who have been educated and want—at least for a time—to concern themselves with something other than diaper pins, coffee klatches, and the dust mop.

You may have read in the newspapers that the President wanted to recruit 50 women for top jobs in the Federal Government. He got two, and both of them—Dr. Bunting and Dr. Baumgartner—have since resigned. The newspaper reports said that the women who were considered for the other 48 top jobs weren't as well qualified as the man who got them. I agree that if the women are not as well qualified, they should not get the jobs. I want to know why there are no women as well qualified. Is it because there are not sufficient opportunities for them in graduate schools? In medical schools? As engineers, physicists, mathematicians? As public administrators, economists, psychologists?

This Nation, in every community, in every State and region, has important work to be done and serious problems to resolve. We cannot afford to have any segment of our college-educated people relegated to positions in which they can contribute relatively little to major tasks or take no part in the solution of major problems. If young women graduating from our colleges and universities want to help, there should be as much opportunity for them as for any young man with the same credentials.

As a nation of responsible people we cannot afford the tragedy of lost capabilities, of wasted resources, of restricted intellectual growth, in any form.

But we can afford to help our young people go to college and to provide equal opportunities for them when they have graduated.

We can afford to help our colleges and universities to build and to expand to meet the enrollment emergency already upon us.

We can afford to help already good institutions to take the extra step forward which will make them new centers of excellence.

We can afford to have institutions of the highest quality to serve every level of educational need in every region, in every State, in this land.

These are my goals, and I will continue to work for them in Congress.

Today is Bastille Day in France—the day on which the French people, 176 years ago, tore down an almost empty fortress as a symbol of their flaming spirit of freedom and equality. It is a good day on which to dedicate ourselves to tearing down the barriers to a good education for all our bright young people.

You, who have dedicated your lives to helping young women achieve goals of learning, morality, and usefulness, must share with those of us who have some responsibility for public policy the task of giving our higher educational system the excellence, the breadth, the flexibility, and, above all, the accessibility that our advancing civilization demands.

It is a momentous task but with courage, cooperation, and faith its achievement is well within our reach.

Thank you.

PANAMA CANAL EMPLOYMENT OF ALIENS FOR CANAL ZONE POLICE ENDANGERS SECURITY

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FLOOD. Mr. Speaker, one of the most ill-advised features of the 1955 treaty with Panama was the giving away to that country without consideration the terminal yards and passenger stations of the Panama Railroad which our Government is under treaty obligations to Colombia to operate. While this move was being perpetrated the House of Representatives stepped into the situation, saved the main line tracks, and prevented the liquidation of the railroad.

Since that time other erosive changes in the canal setup have occurred. The most shocking of these were the formal display in 1960, and subsequently, of the Panama flag in the Canal Zone, and the employment in 1965 of alien Panamanians as members of the Canal Zone police force.

The first was done soon after adjournment of the Congress despite the overwhelming vote by the House of Representatives of 381 to 12 in opposition to such display and against the intent of an act of Congress prohibiting the use of Department of Commerce appropriations for that purpose; the second, in disregard of the stand of experienced members of the Canal Zone police force and the views of Members of this body.

On March 9, 1964, soon after learning about the scheme to employ alien Panamanians as members of the Canal Zone Police Department following the January 1964 Red-led Panamanian mob assaults on the Canal Zone, I vigorously opposed their employment in an address to the House, describing such hiring as being "tantamount to treason."

One of the points obvious at the time was that alien Panamanians would not be bound by oath to support the Constitution of the United States as is required of U.S. citizens serving as Canal Zone Police. Of course, Panamanians and other aliens holding nonsecurity employment in the zone by the thousands, and preponderantly, have never been required to make any such pledge.

A simple statement of these facts shows the enormity of the error involved. Every official and, indeed, every employee in the canal organization should be loyal to the United States in the effort to protect the canal; and, certainly, every employee holding a position in a Canal Zone protection agency should be required to indicate by written pledge of some character their loyalty. Such pledge is given by all U.S. citizens holding positions of security or other responsibility. If such oath or pledge of similar character is not, or cannot, be taken by aliens then they should not be appointed to such positions, especially those involving security.

Alien employees in nonsecurity positions are one thing, but aliens in security positions, such as the police force of the Canal Zone, are another. It is known that certain aliens of the canal enterprise holding positions of security character were disloyal to the United

States in January 1964, and gave active support to the bloody riots and the attempted mob invasion of the Canal Zone, for which they were never prosecuted. In the event of similar situations in the future would these Panamanians who are unwilling and do not take an oath of loyalty to the U.S. support proper authority in the Canal Zone or would they follow Red-led mobs in renewed attempts to destroy that authority and to sabotage the canal itself?

In the event of major war or other emergency what would be their attitude? Why should any person be intrusted with the responsibility of a security position or other responsible post in the Canal Zone who, for any reason, does not take the same oath of loyalty as required of U.S. citizens in like positions? To ask these questions is to answer them.

Sooner or later, Mr. Speaker, communistic revolutionaries will infiltrate the ranks of the alien contingent on the Canal Zone Police Force and attempt to do the work desired by Red revolutionary power. This will prove disastrously true in any condition of emergency.

I quote as part of these remarks the page of U.S. Civil Service Commission Standard Form No. 61 that gives the oaths and pledges in question. U.S. citizens in security positions are required to sign A through D. In contrast, Panamanians on the Canal Zone Police Force are not required to sign A.

The inference to be derived from these facts is that Panamanians employed in security positions are not required to give a pledge of loyalty to the United States or for the protection of the canal. Whether or not Panamanian law forbids its citizens appointed to Canal Zone security positions from making such loyalty pledges I do not know; but if there is such law in Panama, undoubtedly Panamanians should not be employed in these security posts until such law is repealed; and not before.

The Panama Canal is not a factory or a farm where sabotage would end without national and international consequences; but the canal is a great interoceanic public utility the protection of which affects the entire Western Hemisphere and, indeed, all the world. Therefore, some protection, or moderate protection, is wholly inadequate and no responsible government can ever afford to require anything less than the fullest measure of protection. If pledges of loyalty are exacted from U.S. citizens before they enter upon the discharge of responsible duties in the Canal Zone why should there not be required the same or a similar pledge from aliens holding like positions, especially those of security type? Can our State Department, which is evidently responsible for all these acts of appeasement, and policies of erosion answer the questions? My judgment is that our people would like to have the answer.

In order that full information on current practices in the Canal Zone in the premises may be known in the Congress, I quote as parts of my remarks my exchange of letters with the Secretary of the Panama Canal Company and the oaths as given in the employment affidavits:

SEPTEMBER 9, 1965.

Mr. W. M. WHITMAN,
Secretary, Panama Canal Company,
312 Pennsylvania Building,
Washington, D.C.

DEAR MR. WHITMAN: I have in my possession U.S. Civil Service Commission Standard Form No. 61, which I understand is applicable to U.S. citizens employed in the Canal Zone in positions of responsible character, especially those of security nature.

Also I understand that Panamanians employed in security positions as members of the Canal Zone police force are not required to take the constitutional oath set forth as item A on page 1 of the form nor to make the affidavit required by item G.

Kindly advise me of the facts thus involved and, if you know, whether or not there are any provisions in the Panamanian Constitution as statutes forbidding Panamanians employed in security positions to make the pledges in A and E.

An early reply is requested, with five copies of the form.

Thanking you, I am
Sincerely yours,
DANIEL J. FLOOD,
Member of Congress.

PANAMA CANAL COMPANY,
Washington, D.C., September 14, 1965.

DEAR MR. FLOOD: This is in response to your letter of September 9 in regard to the execution of U.S. Civil Service Standard Form No. 61 by employees of the Panama Canal Company and Canal Zone Government, with particular reference to citizens of Panama employed as policemen.

Items B through D of standard form No. 61 are executed by all employees, regardless of citizenship. Item E is not used for any employees, regardless of citizenship. The same information is obtained from the application and special information forms completed by all employees regardless of nationality.

Item A of SF-61, the oath to support and defend the Constitution of the United States and bear true faith and allegiance thereto, is executed by all U.S.-citizen employees. It is not executed by any employee who is not a citizen of the United States and hence is not executed by a Panamanian citizen employed as a policeman or in any other position. To the best of my knowledge, however, there is no provision in the constitution or laws of Panama specifically forbidding a Panamanian citizen to execute such an oath.

Although classification as a security position is not determinative as to whether or not execution of item A of SF-61 is required, police positions occupied by Panamanian citizens are not so classified. By definition, a security position is one which can be filled only by a U.S. citizen.

Five copies of SF-61 are enclosed in accordance with your request.

Sincerely yours,
W. M. WHITMAN,
Secretary.

STANDARD FORM NO. 61

APPOINTMENT AFFIDAVITS

(Important: Before swearing to these appointment affidavits, you should read and understand the attached information for appointee)

____
(Department or agency)

____
(Bureau or division)

____
(Place of employment)

I, __________, do solemnly swear (or affirm) that—

a. Oath of office

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

b. Affidavit as to subversive activity and affiliation

I am not a Communist or Fascist. I do not advocate nor am I knowingly a member of any organization that advocates the overthrow of the constitutional form of the Government of the United States, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States. I do further swear (or affirm) that I will not so advocate, nor will I knowingly become a member of such organization during the period that I am an employee of the Federal Government or any agency thereof.

c. Affidavit as to striking against the Federal Government

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof. I do not and will not assert the right to strike against the Government of the United States or any agency thereof while an employee of the Government of the United States or any agency thereof. I do further swear (or affirm) that I am not knowingly a member of an organization of Government employees that asserts the right to strike against the Government of the United States or any agency thereof and I will not, while an employee of the Government of the United States or any agency thereof, knowingly become a member of such an organization.

d. Affidavit as to purchase and sale of office

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing such appointment.

e. Affidavit as to declaration of appointee

The answers given in the declaration of appointee on the reverse of this form are true and correct.

____
(Date of entrance on duty)

____
(Signature of appointee)

Subscribed and sworn before me this _____ ______ day of ____________ A.D., 19______,

at ______________________________
(City)

____
(State)

[SEAL] ______________________________
(Signature of officer)

____
(Title)

(NOTE.—The oath of office must be administered by a person specified in 5 U.S.C. 16, or by a person designated to administer oaths under section 206, act of June 26, 1943, 5 U.S.C. 16a. If by a notary public, the date of expiration of his commission should be shown.)

VICE PRESIDENT HUMPHREY'S SPEECH TO NATO PARLIAMENTARIANS

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. KELLY] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, the future of the NATO alliance is one of the key issues of our day. The security of the free world, the advancement of the developing nations, and the maintenance of peace depend on our success in adapting the structure of the alliance and its policies to the realities and tasks which confront us at this crucial juncture of our history. This has been and continues to be one of the fundamental objectives of the foreign policy of the United States.

No one is more keenly aware of the need to break new ground in the partnership of the Atlantic community than Vice President HUBERT HUMPHREY. Few men have addressed themselves to this task with more insight, energy, and perseverance than he.

For this reason, I wish to place in the RECORD and commend to the attention of the membership of the Congress, an address delivered yesterday by Vice President HUMPHREY at the meeting of the NATO Parliamentarians in New York City.

Vice President HUMPHREY's speech warrants our close attention. It restates the fundamental principles on which NATO is based and goes ahead to offer specific suggestions as to the course which we sought to follow in order to realize the full promise of this great undertaking.

As chairman of the Subcommittee on Europe of the Committee on Foreign Affairs, I have been deeply concerned about the need to revitalize the great Atlantic community partnership. Vice President HUMPHREY's contribution to the dialog on this subject is realistic, refreshing, and most welcome. It deserves our full attention:

REMARKS OF VICE PRESIDENT HUBERT HUMPHREY, NATO PARLIAMENTARIANS, NEW YORK CITY, OCTOBER 5, 1965

I am happy to be able to welcome you here today to the United States on behalf of the President. I am particularly happy to do so as a fellow NATO parliamentarian who has attended your meetings in the past, has always followed your activities with the keenest interest, and is looking forward to conversations with a number of old friends in this distinguished group.

The tradition, in opening such international meetings, is for someone from the host country to greet the delegates with general and benign expressions of good will.

I would like to do more than that.

For you are leaders in developing political thinking in your countries. You are the men and women who provide legislation to back up needed policies. You are key figures in advancing the common interests of our Atlantic partnership.

I would like to share with you some thoughts about the future of that partnership.

Its object is to strengthen peace. This is surely the supreme task of our age. In the nuclear era, there can be no alternative.

Peace will not be secured merely by putting out fires, as they occur. We must build a world in which they will be less likely to break out in the first place.

This means trying to build the kind of world order envisaged in the U.N. Charter: one in which men everywhere can enjoy more of the good things of life, in which emerging countries can maintain and strengthen their freedom, in which aggression can be deterred and the root causes of tension and conflict can be effectively addressed.

The Atlantic countries have a unique responsibility in building such a world. Their resources and talents are essential to the task.

But even these resources and talents will only suffice if they are concerted. No one of us is strong enough to meet the needs of the day alone. That is the meaning of the Atlantic partnership.

An effective partnership must be based on the concept of equality: equality of effort, and equality of responsibility.

It is to such a partnership that my country is dedicated. As President Johnson said a few months ago, "none of us has sought, or will seek, domination over others."

To fulfill the promise of this partnership, we must be ready to break new ground, as did the statesmen who first constructed the alliance.

They met the essential need in building a better world: They prevented war. Since NATO was created, the territorial integrity of each of its members has been maintained. For almost a generation, aggression in Europe has been deterred. But NATO has been more than a shield of protection. It has been a wellspring of confidence and security giving impetus to prosperity and progress, to economic growth and political cooperation.

We must make sure that it stays this way. We must maintain and strengthen the NATO, in the face of a Soviet military presence which changes but does not wither. We must preserve the structure of joint defense on which NATO's success has rested. It is the close integration of effort that distinguishes NATO from all previous alliances. But we must adapt that structure to changing circumstances.

Other needs for common action also emerge as we move into the third decade of the postwar era.

It is to three of these great needs that I would speak today.

We must concert about our actions in the great continents to the south: Latin America, Africa, and Asia. We must help these peoples achieve the peace, the freedom, and the progress that they seek.

This calls for action to coordinate and increase the Atlantic nations' aid to developing countries. In this task we must take full advantage of the Development Assistance Committee of the OECD.

It calls for action to expand world trade. This means that we cannot afford to let the Kennedy round fail.

It calls for action to enlarge world monetary reserves to meet the most pressing requirements of both developing and industrialized areas.

Whether action is taken in each of these fields will depend, in good part, on how seriously your countries and mine address these tasks. For it is our resources and our skills that are in good part involved.

The needs of emerging countries continue to grow. As in Europe after World War II, their security as well as their growth must be assured, if they are not to become a focus of ever-widening conflict.

All of us have a stake in that security. The Atlantic nations cannot survive as an island of stability in a world of chaos.

The threats to this security may be subtle or indirect; that does not make them any less real.

A better world cannot be built by turning away from the difficult and dangerous business of meeting these threats.

This is common business, because all our interests are at stake.

Political consultation should be the means of discharging common business—the means of arriving at common action.

Such consultation, in its quiet way, is gradually becoming a habit in the alliance. There are now few subjects of international importance which are not discussed, day in and day out, by the North Atlantic Council.

More needs to be done. The practice of bringing together the senior officials who have responsibility in home governments has been successful in the OECD. It may prove increasingly rewarding in NATO.

Intimate and continuing concert of action is also fostered by parliamentary meetings such as this. The proposal for an Atlantic Assembly, which has been approved by this group, looks to the same end. I hope it can be fulfilled.

But let us be clear: Consultation will not be assured by effective mechanisms, alone.

The responsibilities and burdens of common effort go hand in hand. Consultation will be effective in the degree that it looks to action. Common decisions will come most readily to those countries willing to share in the effort that these decisions govern.

I turn now to a second area in which joint action is needed: Averting spread of nuclear weapons under national control.

There will be no security for any of our countries if the authority to let loose these weapons proliferates.

There are three ways in which the Atlantic nations can—and must—act together to avert this peril.

First, we must assure that Atlantic nuclear arrangements offer our European partners an effective alternative to national systems of deterrence.

It is natural that European countries, with new strength and confidence, should wish to play a larger role in their own defense.

My country is ready to join with them in effective action to this end.

There will be continuing discussion of such action among interested nations in the period ahead.

We must also consider how best to meet the concerns of key nonnuclear countries outside the Atlantic area—concerns which might otherwise move these countries to consider national deterrence.

Last October, President Johnson said, in speaking of the first Chinese Communist nuclear explosion: "The nations that do not seek nuclear weapons can be sure that if they need our sure support against some threat of nuclear blackmail, then they will have it."

I hope that interested Atlantic nations can work together—in the United Nations, in disarmament negotiations, and elsewhere—in seeking ways to fulfill this pledge.

We must also continue to seek a common approach to arms negotiations with the U.S.S.R.

In the recent Geneva Conference a large measure of Western agreement was reached on a proposed nonproliferation treaty. We hope that the Soviet Union will, over time, reconsider its abrupt rejection of this proposal.

At this same Conference, key nuclear capable countries made clear that reductions in existing nuclear armaments could play an important part in encouraging and insuring nonproliferation. Ambassador Goldberg has recently laid before the United Nations American proposals for freezing and reducing nuclear capabilities.

In seeking to reduce armaments, as in other areas of negotiation with the U.S.S.R., Western unity will be essential, if there is to be any chance of success. Atlantic nations that come together to share in nuclear defense should share, no less, in the search for prudent ways of limiting the burdens and dangers of that defense.

But defense of the status quo is not good enough as a purpose of Atlantic action. In trying to build a better world we must seek peacefully to erode the tragic and unnecessary division of Europe.

The nations of Eastern Europe are finding new paths. Closer contacts between these nations and the Atlantic world can best be sought on a basis of common understanding in the West.

The effort to develop such closer contacts is not directed against any nation, least of all the Soviet Union. We seek to end existing divisions in Europe, not to create new ones.

The most grievous of these existing divisions is the enforced partition of Germany. The German people, like any other, must be allowed to choose and shape its own future. The need is to afford the German people that choice, while meeting the security concerns of all with a stake in European peace.

I have spoken of fields in which action is required.

There is the need, as well, for our alliance to more greatly develop our cooperation in such fields as outer space. For we must together insure that space will be a source of man's peaceful progress and not a threat to that progress.

In each of these things, the key to success will be common effort.

Atlantic nations which mount such effort will have done much to carry forward the purpose of their partnership: creating a better world.

If we fail and fall apart, future generations may well look back on our time as we look back on the period between the wars: an interlude in which men forgot the harsh lessons of disaster, and thus lost the chance to build anew.

The need is clear.

It is for each of us here to help decide whether it will be met.

HIS HOLINESS, POPE PAUL VI—AN EMISSARY FOR PEACE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. KELLY] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, October 4 will long be remembered not only as a historic event for those of the Roman Catholic faith but also as a unique endeavor to secure a just peace for the world.

The visit of his holiness, Pope Paul VI to New York was one of the great moments of history because it marked the first visit of a reigning pontiff to the New World. Discovered as it was by a man of Italian origin, Christopher Columbus, and dedicated in its Constitution to spiritual, intellectual, and physical freedom for all its people, it was meaningful that another man of Italian origin should journey to the shores of the United States on a pilgrimage of peace to plead for the rights of all peoples.

The Pope's presence brought moral strength to the United Nations, faltering in this changing world, in its purpose to bind men together. His message of peace underscored the ultimate purpose of this world organization—its total commitment to peace.

In speaking of the worth and necessity of the United Nations Charter, his holiness reminded the nations of the world that the edifice of peace which they are constructing does not rest upon merely material foundations, for it would then be a house built upon sand; its base is in fact, the conscience of man. Scientific discoveries do not endanger the lives of men or threaten to end human progress, Pope Paul declared, for they can be utilized for the good of man. Instead, the danger is man himself, when he employs the tools devised by science for war instead of using them as a means to better the lot of his fellow men.

The Pope characterized his visit to the headquarters of the United Nations as an opportunity for a moment of reflection upon spiritual values—a moment to remember our common origin, our history and our common human destiny. Most importantly, by encouraging us to regard the rights of our fellow men as we do our own, His Holiness also gave us cause to reaffirm our goals and to strengthen our convictions in undertaking the betterment of all men.

It was indeed auspicious that October 4, the day of the Pope's pilgrimage for peace, was also a day dedicated by the Catholic Church to the Saint of Peace, St. Francis of Assisi. I would like to conclude my tribute with the prayer of St. Francis, from which Pope Paul quoted on several occasions during his trip to the United Nations and which will be remembered as an often quoted favorite of Eleanor Roosevelt:

> Lord, make me an instrument of Thy peace; where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.
>
> O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved, as to love; for it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life.

STATES COMMENT ON POWERS FOR HIGHWAY BEAUTIFICATION

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. EDMONDSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, a few days ago the distinguished gentleman from Florida [Mr. CRAMER] commented briefly on the proposed Highway Beautification Act of 1965, and gave us information—CONGRESSIONAL RECORD, October 1, 1965, page 25750—indicating that 18 States may have to amend their State constitutions in order to bring their laws in compliance with the provisions of the proposed Beautification Act.

This point was also set out in the statement of minority views accompanying the report of the House Public Works Committee on S. 2084.

It is very difficult for me to understand the suggestion that 18 States would have to amend their constitutions in order to enact statutes for the reasonable control of billboards and junkyards along Federal-aid highways. Information to this effect is at variance with information furnished to the Bureau of Public Roads, in response to a questionnaire sent to the legal counsel of all State highway departments last March. I call the attention of the House to the data set forth on pages 30 through 32 of the committee hearing record on the highway beautification bill.

Further, in an effort to clear up some of the confusion that has undoubtedly developed on this point, the General Counsel of the Bureau of Public Roads a few days ago sent an inquiry to the highway department legal advisers of the following 18 States: Alaska, Arizona, California, Colorado, Georgia, Idaho, Louisiana, Maryland, Mississippi, Missouri, Montana, New Hampshire, Oregon, South Carolina, South Dakota, Tennessee, Vermont, and Wyoming.

The text of the recent inquiry from the General Counsel of the Bureau of Public Roads to the legal counsel for the State highway departments of the 18 States in question is as follows:

TEXT OF INQUIRY OF THE DEPARTMENT OF COMMERCE, BUREAU OF PUBLIC ROADS, WASHINGTON, D.C.

S. 2084 which relates to billboard and junkyard control on interstate and primary systems was reported by House Committee on Public Works on September 22, House Report No. 1084. Under this proposed legislation, on-premise advertising, i.e., signs advertising activities on the property on which sign is located would not be subject to Federal standards. Signs would be authorized in commercial or industrial areas in accordance with criteria agreed to by State and Bureau of Public Roads. Otherwise, the proposal would prohibit signs within 660 feet of right-of-way on interstate and primary systems. With respect to signs in existence as of September 1, these would not have to be removed until July 1, 1970, and the Federal share of compensation for removal would be 75 percent. The legislation assumes the States will obtain effective control of future erection of signs under police power of State or otherwise as may be provided under State law.

Junkyards are to be controlled within 1,000 feet of the right-of-way except in industrial areas. With respect to junkyards in existence on date of enactment, junkyards are either to be screened so as not to be visible from highway or, if screening not practical, removed by July 1, 1970 The Federal share of compensation for screening or removal of junkyards in existence on date of enactment is 75 percent. With respect to junkyards established after date of enactment, the legislation assumes the States will obtain effective control under police power of State or otherwise as may be provided under State law.

States would be subject to 10 percent reduction in highway fund apportionments made on or after January 1, 1968, if control of billboards and junkyards not obtained as provided in bill.

Several months ago you responded to Bureau questionnaire of March 1 re police power control of junkyards under provisions of a proposal then under consideration. Please refer to your response to that questionnaire.

It will be greatly appreciated if you could give this matter your prompt attention and advise us whether in your opinion your State legislature would have legal authority under existing provisions of your State constitution to enact appropriate statutes obtaining control of billboards and junkyards as above described as condition to receiving Federal-aid highway funds. We will greatly appreciate your response by wire by next Tuesday, October 5.

Copy of bill and committee report have been mailed special delivery and should reach your office Monday morning.

DOWELL H. ANDERS,
General Counsel,
Bureau of Public Roads.

OCTOBER 3, 1965.

Understandably, the Counsel of the Bureau of Public Roads was not able in all instances to get a prompt response from each of the 18 States on extremely short notice, with specific comments from the legal counsel of the State highway departments on the bill, S. 2084, recently reported by the House Committee on Public Works.

The Bureau of Public Roads did receive replies from 14 of the 18 States previously mentioned.

It appears that 7 of these 14 States could enact appropriate State legislation on billboard and junkyard control without the necessity of amending their State constitutions. The other seven States gave qualified responses indicating, in various degrees, the possibility of some State constitutional question.

The substance of the responses which the Bureau received are as follows:

Arizona: The only State constitutional question applies to the use of highway funds outside the rights-of-way. No constitutional question about the use of general State funds or about other aspects of S. 2084. See text of telegram.

California: No categorical answer given. May be some legal questions. See text of telegram.

Colorado: No State constitutional problem. See text of telegram.

Georgia: No State constitutional problem. See text of telegram.

Idaho: There appears to be no State constitutional problem. See text of telegram.

Louisiana: "Possible constitutional amendment." See text of telegram.

Maryland: "Constitutional amendment not required." See text of telegram.

Montana: State constitution would not have to be amended. See text of telegram.

New Hampshire: State constitution would not have to be amended. See text of telegram.

Oregon: May be State constitutional question. See text of telegram.

South Carolina: Is some question but "some decisions this State indicate fair chance of sustention." See text of telegram.

Tennessee: May be State constitutional problem. See text of telegram.

Vermont: May be State constitutional problem. See text of telegram.

Wyoming: Should be no State constitutional problem. See text of telegram.

The texts of the telegrams received from these States are as follows:

ARIZONA

PHOENIX, ARIZ.,
October 5, 1965.

DOWELL H. ANDERS,
General Counsel,
Bureau of Public Roads,
Matomic Building, Washington, D.C.:

In response to your telegram of October 3, a qualified answer must be given with respect to both the billboard and the junkyard features of S. 2084.

Greatest impediment is article 9, section 14 of the constitution of Arizona which prohibits the use of moneys derived from fees, excises, or license taxes relating to regulations, operation, or use of vehicles on public highways, or to fuels used for the propulsion of such vehicles—for other than cost of administrating such laws, statutory refunds and adjustments provided therein, payment of highway obligations, cost of construction, reconstruction, maintenance and repair of public highways and bridges.

While above constitutional provision does not include all the moneys constituting the State highway fund, the legislature has historically imposed this same limitation upon other sources. Administratively, therefore, the highway department has never segregated the moneys it receives but has commingled all sources in the State highway fund.

Before the highway department could embark upon the S. 2084 program, certain fiscal statutes would have to be amended, and the highway department would have to enter upon a system of segregating its sources of revenues, which would be better if authorized by statute.

I would personally rather have article 4, section 14 of our constitution amended since in the final analysis our State courts would have to construe the legislation necessary to effectuate S. 2084.

The above conclusion is arrived at for a more practical reason. It is doubtful if the highway department's sources of revenue which are separate and apart from article 9, section 14 revenues are sufficiently large to accommodate the program contemplated in S. 2084.

JOHN T. AMEY,
Chief Counsel,
Arizona Highway Department.

CALIFORNIA

SACRAMENTO, CALIF.,
October 5, 1965.

Mr. DOWELL H. ANDERS,
General Counsel, Bureau of Public Roads,
Washington, D.C.:

Re your telegram of October 2, 1965, requesting legal opinion on S. 2084 as amended on September 22, 1965. Relative to billboard and junkyard control on interstate and primary systems. No categorical answers can be made to the questions of whether the California Legislature would have legal authority under our State constitution to enact statutes effectively controlling billboards or junkyards as provided for in S. 2084 as a condition to receiving full Federal aid highway funds.

Roadside advertising can be controlled under the police power, subject to reasonable limitations. Control of roadside junkyards by screening has been held to be an unconstitutional exercise of the police power (*Peo.* v. *Dickinson,* 171 Calif. App. 2d 872, 1343 P. 2d 809 cert. denied). Compensation for such screening will be required except where all, repeat all, abutter's rights have been acquired.

The acquisition of advertising signs and the payment for the removal or disposal of junkyards may be unconstitutional in view of article 1, section 14½ of the California constitution, which limits the authority of the State to acquire by purchase or condemnation property adjacent to a State highway to parcels lying wholly or in part within a distance of 150 feet from the closest boundary of the highway, except as to parcels which lie only partially within the limits of 150 feet only the part within the nearest 200 feet may be acquired. (*Peo.* v. *Garden Grove Farms,* 231 Calif. App. 2d 666; 42 Calif. Rptr. 118.) California constitution, article 1, section 14½, reads as follows:

"The State, or any of its cities or counties, may acquire by gift, purchase, or condemnation, lands for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways, and reservations in and about and along and leading to any or all of the same, providing land so acquired shall be limited to parcels lying wholly or in part within a distance not to exceed 150 feet from the closest boundary of such public works or improvements; *Provided,* That when parcels which lie only partially within said limit of 150 feet only such portions may be acquired which do not exceed 200 feet from said closest boundary, and after the establishment, laying out, and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate so as to protect such public works and improvements and their environs and to preserve the view, appearance, light, air, and usefulness of such public works.

The legislature may, by statute, prescribe procedure. This constitutional provision is restated and made specifically applicable to condemnations by the California Department of Public Works in streets and highways code section 104.3. Streets and highways code section 104.3 reads as follows:

"The department may condemn real property or any interest therein for reservations in and about and along and leading to any State highway or other public works or improvement constructed or to be constructed. But the department may, after the establishment, laying out and completion of such improvement, convey out any such real property or interest therein thus acquired and not necessary for such improvement with reservations concerning the future use and occupation of such real property or interest therein, so as to protect such public work and improvement and its environs and to preserve the view, appearance, light, air and usefulness of such public works: *Provided,* That land so condemned under authority of this section shall be limited to parcels being wholly or in part within a distance of not to exceed 150 feet from the closest boundary of such public work or improvement; *Provided,* That when parcels which lie only partially within such limit of 150 feet are taken, only such portions may be condemned which do not exceed 200 feet from said closest boundary."

It is our opinion that article 1, section 14½ of the California constitution and streets and highways code section 104.3 relating to preserving space along highways so as to protect the public work and its improvement may limit the authority of the department to effectively control billboards or junkyards by the power of eminent domain. In addition, there may be an unconstitutional diversion of highway funds (California const., art. XXVI). If the legislature authorizes the use of highway funds to pay the State's share of 25 percent as compensation for the acquisition of signs and as compensation for the removal of junkyards.

The above answers constitute the legal opinion of the department of public works in light of the present state of our law and with the understanding that California or Federal courts in a particular case could well reach a different conclusion in interpreting California law.

Harry S. Fenton,
Chief Counsel,
Department of Public Works.

COLORADO

Denver, Colo.,
October 6, 1965.

Dowell H. Anders,
General Counsel for the U.S. Department of Commerce, Bureau of Public Roads, Washington, D.C.:

In reply to your telegram of October 4, it is our opinion that our State legislature has sufficient legal authority under existing provisions of our constitution to enact appropriate statutes to control billboards and junkyards as contemplated in S. 2084 as a condition to receiving Federal aid highway funds. No constitutional amendments will be necessary and I have so advised Hon. Frank E. Evans, one of our Congressmen. New legislation on the State level would, however, be required.

John P. Holloway,
Chief Highway Counsel,
Assistant Attorney General.

GEORGIA

Atlanta, Ga.,
October 5, 1965.

Dowell H. Anders,
General Counsel, U.S. Department of Commerce, Bureau of Public Roads, Washington, D.C.:

Original message sent to Dowell H. Anders, General Counsel, U.S. Department of Commerce, Bureau of Public Roads, Washington, D.C., copy to Richard L. Chambers, New York City. Under Georgia constitution control of billboards and junkyards adjacent to Federal aid highways can be had under power of eminent domain. Do not believe additional legislation necessary as to billboards since we have outdoor advertising statute. May require legislation in regard to junkyards.

Richard L. Chambers.

IDAHO

Boise, Idaho, *October 5, 1965.*

Dowell H. Anders,
General Counsel, U.S. Bureau of Public Roads, Washington, D.C.:

Having considered your telegram and information submitted by special delivery letter, I am of the opinion that article I, section 14, Idaho constitution may possibly be construed to permit bringing of eminent domain proceedings to acquire billboard, junkyard, and beautification easements provided legislature amends section 7-701, Idaho Code, to provide that such uses are uses authorized by law. It is felt that use of police power would not be possible to eliminate billboards. County zoning may prevent establishments of future junkyards. Removal of existing junkyards could probably not be accomplished without power of eminent domain and payment of just compensation.

Article VII, section 17, Idaho constitution, has been narrowly interpreted by Idaho Supreme Court limiting highway user funds for exclusive use of construction, repair, maintenance, and traffic supervision of public roads and no other purposes whatsoever. Such constitutional provision might be interpreted by our court to prohibit use of user funds to purchase billboard and junkyard rights even if permitted by statutory amendment to eminent domain sections.

Idaho Code, title 40-107, 110, 304 probably would permit expenditure of highway user funds for roadside development and beautification providing eminent domain statutes were amended to permit acquisition of required land for same.

Faber F. Tway,
Chief Legal Counsel,
Idaho Department of Highways.

LOUISIANA

Baton Rouge, La.,
October 5, 1965.

Dowell H. Anders,
General Counsel, Bureau of Public Roads, Washington, D.C.:

It is the opinion of this office that the police power of the State, in accordance with present legislation, would not allow control as required in your wire. It is the further opinion of this office that full implication of the provisions as outlined in your wire could not be effected by the State under present State law without legislative enactment or possible constitutional amendment.

Norman L. Sisson,
Executive Assistant General Counsel.

MARYLAND

Baltimore, Md.,
October 5, 1965.

Dowell H. Anders,
General Counsel, Bureau of Public Works, Washington, D.C.:

State has authority to regulate billboards through police power. State has authority to regulate junkyards by eminant domain, additional legislation probably required. Doubt if junkyards can be regulated to meet proposed Federal requirements through police power. Constitutional amendment not required in either case.

Joseph D. Buscher,
Special Assistant Attorney General for the State Roads Commission.

MONTANA

Helena, Mont., *October 5, 1965.*

Dowell H. Anders,
General Counsel, Bureau Public Roads, Matonic Building, Washington D.C.:

Replying to your inquiries of October 4, relative to S. 2084, we can see no constitutional or other legal reasons why the Legislature of Montana could not enact a law prohibiting signs within 660 feet of our highway right-of-way on primary and interstate highways in order to conform with S. 2084. We would presume that such legislation, however, would be tested in our State courts. In all probability our State courts would consider a sign or billboard on private property as a personal right for which the landowner would receive just compensation. In answer to Bill Furnier's telephone inquiries of October 4, relative to the legality of expending Montana highway funds for billboard removal and junkyard control, we believe there is a serious constitutional question as to whether our State highway funds could be used for this purpose. We call your attention to article 12, section 1(B) of the Montana constitution which reads as follows:

"Section 1(B). No moneys paid into the State treasury which are derived from fees, excises, or license taxes relating to registration, operation, or use of vehicles on the public highways or to fuels used for the propulsion of such vehicles except fees and charges paid to the Board of Railroad Commissioners of the State of Montana and the public service commission of Montana or its successor or successors by motor carriers pursuant to law, shall be expended for other than cost of administering laws under which such moneys are derived, statutory refunds and adjustments provided therein, payment of highway obligations, cost of construction, reconstruction, maintenance and repair of public highways, roads, streets, and bridges, and expenses authorized by the State legislature for dissemination of public information relating to the public highways, roads, streets, and bridges of the State of Montana and the use thereof."

It would appear that we would of necessity have to amend the above-cited constitutional section by a referendum vote.

As reported before Montana has a new junkyard law passed in 1965; however, it would appear that the junkyard law would also need amendment to conform with S. 2084. I trust this answers your inquiries.

Donald D. MacPherson,
Chief Counsel,
Montana Highway Commission.

NEW HAMPSHIRE

Concord, N.H.,
October 4, 1965.

Dowell H. Anders,
General Counsel,
Bureau Public Roads,
Department of Commerce,
Washington, D.C.:

Am in receipt of your telegram to Assistant Attorney General Moran dated October 4, 1965, relative to S. 2084, report No. 1084. You specifically asked whether or not there is any impediment imposed by the New Hampshire constitution relative to New Hampshire State legislative action in enacting legislation to supplement at the State level S. 2084 as a general premise it would appear that no impediment is so imposed by the New Hampshire constitution however is to any specific piece of legislation to be adopted by the State legislature a more detailed analysis of the particular law would be required and I could decline to comment until such time as said proposed legislation was presented to this office for an opinion. I do not think there would be any constitutional difficulty in State implementation of S. 2084. Please note New Hampshire RSA 249-A also New Hampshire laws 1965, chapter 372 (New Hampshire RSA 267-A).

R. Peter Shapiro,
Assistant Attorney General,
State of New Hampshire.

OREGON

Salem, Oreg.,
October 4, 1965.

Dowell H. Anders,
General Counsel,
U.S. Department of Commerce,
Bureau of Public Roads,
Washington, D.C.:

In reply to your October 3 wire concerning S. 2084 there is serious doubt, in our opinion, without the legislature having enacted appropriate legislation, including the amendment of article 9, section 3 of the Oregon constitution, coupled with an Oregon Supreme Court decision, that the Oregon Highway Department can acquire for public use the existing signboard and junkyard rights as required by S. 2084.

This is our personal opinion and is not an expression by the attorney general of Oregon.

The next regular session of the Oregon Legislature will be in January 1967. Any amendment of the constitution requires a majority vote of the people at the next general election in November 1967, unless a special election is ordered by the legislature.

Frank C. McKinney,
Acting Assistant Counsel.

SOUTH CAROLINA

Columbia, S.C.,
October 4, 1965.

Dowell H. Anders,
General Counsel,
Bureau of Public Roads,
Washington, D.C.:

Re S. 2084, control of billboards and junkyards in manner proposed by bill is of doubtful constitutional validity. This conclusion should be received with reservation that some decisions this State indicate fair chance of sustention. The issue is similar to attempting to fathom how U.S. Supreme Court will act on habeas corpus.

Daniel R. McLeod,
Attorney General,
State of South Carolina.

TENNESSEE

NASHVILLE, TENN.,
October 4, 1965.

DOWELL H. ANDERS,
General Counsel,
U.S. Bureau of Public Roads,
Washington, D.C.:

Am of opinion controls required in said bill unenforcible through police power under Tennessee law. Enforcement through exercise of eminent domain doubtful. Please refer my letter to you dated June 16. Junkyard and billboard bills referred to in said letter passed but constitutional questions will probably not be raised for reasons set out in said letter. Am of opinion Tennessee Legislature has no authority under existing provisions of Tennessee constitution to enact legislation pursuant to requirements of S. 2084.

LURTON GOODPASTURE ROW,
Attorney, Tennessee Highway Department.

VERMONT

MONTPELIER, VT.
October 4, 1965.

DOWELL H. ANDERS,
General Counsel,
Bureau of Public Roads,
Washington, D.C.:

Re your October 4, 1965, telegram to L. P. Peck, chief counsel, State highway department re S. 2084. Peck advises State can control billboards, junkyards, as exercise of police power but not, repeat not, "where the exercise of such power would be warranted solely on esthetic considerations (*Vermont Salvage Corp.* v. *Johnsbury*, 113 Vermont 341–34 A 2d 188). Unconstitutional if such is sole consideration. Peck believes it may be difficult to demonstrate to courts—particularly in case of junkyards—that it is not based solely on esthetics.

JAMES P. SPRAGUE,
Division Right-of-Way Officer.

WYOMING

CHEYENNE, WYO.,
October 4, 1965.

DOWELL H. ANDERS,
General Counsel,
Bureau of Public Roads,
Washington, D.C.:

Our opinion legal authority exists under State constitution of our legislature to enact billboard and junkyard control statutes. Control measures should however be considered to be in the category of highway construction or maintenance in order to avoid antidiversion amendment to the State constitution. As litigation can reasonably be anticipated we believe Secretary of Commerce should have discretionary power to waive penalty provisions where State makes good faith effort to establish effective control.

GLENN A. WILLIAMS,
Assistant Deputy Attorney General,
Wyoming Highway Department.

ROAD OFFICIALS HEAR OUTSTANDING MESSAGE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. EDMONDSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, this week a distinguished colleague, Chairman JOHN C. KLUCZYNSKI, of the Subcommittee on Roads of the Committee on Public Works, made a speech before the 51st annual meeting of the American Association of Highway Officials which I believe contains some very important thoughts for consideration of all of us.

In this speech, Chairman KLUCZYNSKI has bypassed the traditional and historical approaches to the building of highways, and taken a clear look at the future, and the roles roads and highways will play in the growth and development of a nation which is increasingly conscious of the automobile.

Chairman KLUCZYNKI has outlined in his speech the ways road and highway design and policies contribute, for good or bad, to the shape of our cities, our suburbs, our countrysides. I recommend these thoughts to my colleagues, and I would like Chairman KLUCZYNSKI's remarks to be printed at this point in the RECORD:

ADDRESS BY THE HONORABLE JOHN C. KLUCZYNSKI, OF ILLINOIS, CHAIRMAN, SUBCOMMITTEE ON ROADS, BEFORE THE 51ST ANNUAL MEETING OF THE AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS, OCTOBER 4, 1965

Senator RANDOLPH, Chairman FALLON, Mr. McMorran, Mr. Shadburn, fellow guests, and members of the American Association of State Highway Officials, good morning, and my most sincere greetings to each of you. To say that I am honored to have this opportunity to meet and talk with you is to express my feelings in minimum words. As chairman of the Subcommittee on Roads, and as a private citizen who does a perhaps uncommon amount of driving on the highways, expressways, and byways of this great country of ours, I have developed an acute appreciation for the problems with which you deal and the remarkable store of ability and talent you bring to bear on those problems.

I have served on the Roads Subcommittee for some years, and I have not been unaware of its almost incredible responsibilities in terms of the national welfare and the expenditure of public funds, but I must confess that serving under the able chairmanship of GEORGE FALLON, who bore the major share of the responsibility for the subcommittee's actions, was one thing—having to carry that load as chairman is another matter. If anyone has ever stopped to wonder why all the ranking members of the Public Works Committee, on both sides of the aisle, serve on the Subcommittee on Roads, let me assure him now that it is because its range of responsibility is, in truth, the entire range of the full committee itself, and beyond.

That scope of responsibility is also yours, as the State officials who must give effect to the programs we enact, the requirements we establish, and the goals for the future that we set before you. The high regard in which we hold your association, and your individual State highway departments, has been stated many times. That esteem grows greater with every passing year, for with each year the challenges you must—and do—meet grow the greater.

It has been the custom, I think, and perhaps rightly so, for your guests to address themselves primarily to specific highway problems of immediate urgency. With your indulgence I should like, this morning, to range a broader field—for the challenges before us are broad indeed.

They are not entirely new ones, of course. Rather, they are vast new concepts welded to old and familiar ones. We have dealt for a long time with how to construct a safe, efficient, well-located, lasting highway, and then, having built it, with how to maintain it. I think we have come today to the place where we can look at that once overwhelming, but now grown narrow, interpretation of our professional field only with nostalgia.

Today, we are no longer just roadbuilders. We must be prepared, instead, to plan our highways so they will aid in local and regional industrial development, so we must become economists. We must devise technological means of constructing our highways, and plans for locating them, so as to minimize to the fullest, and eventually eliminate, the disastrous effects of nature gone rampant with onslaughts of wind and water. So we must become scientists, and geographers, and ultimately flood plain planners.

We must be prepared to recommend how best the planning of urban renewal, of school and hospital and industrial and public utility construction, of spreading residential development, and of increased recreational opportunity, can be aided by coordinated highway and transportation planning. So we must become sociologists and land-use consultants.

To accomplish this, we will have to keep not only abreast, but often ahead, of the work the capable professional men trained in these many fields will be doing. If the expertise that rests with your departments is to make its great potential contribution, you must be prepared to venture with both imagination and determination into the whole of social development.

The Federal Government has enacted, and I am convinced will continue to enact, the broad programs to achieve the society for which we strive. But even if endowed with the best will in the world, the Federal Government does not have either the intimate local knowledge or the capacity to solve problems which are, in essence, local or regional in nature. The Federal Government may create the programs, but it is you and your colleagues who must breathe life and force into them.

So we must take on more fully than ever before the task of applying our basic objective, the Nation's highways, to the Nation's development in many other directions. To do that, we will have to face up to the fact that new and radically different concepts will be demanded of us. Highways alone will no longer meet the need to transport the thousands upon thousands of people in our ever swelling and sprawling metropolitan areas. Traditional ideas of parking facilities will no longer contain the thousands of automobiles that daily descend upon our central cities and, in ever increasing instances, not even in the decentralized suburban areas. Highway fatalities and injuries can no longer be a hideousness with which we try to cope—the toll is too great—we must find the means to bring it to an end now. And certainly, however we ultimately accomplish it, our highways must not merely take us efficiently from one place to another, they must also do it pleasantly, with structural harmony and natural beauty.

The motor vehicle is a relatively recent addition to man's progress, but the passion with which we have embraced it, both for private pleasure and convenience and for national economic development, has been fantastic and is daily growing more so. Our absolute dependence on fast, efficient transportation of all forms leaves us no choice. We must enlarge our scope at all levels, to insure that transportation planning is done first, not last.

Some exceptionally effective public relations work, from the Congress all the way down to the village, is going to be called for. In coordinating transportation with economic and social development, we are going to encounter experts in other fields who do not understand our basic problems, and we will have to educate them. We are also going to encounter some very sound but unfamiliar concepts we may not like, and in turn take some educating ourselves. I am confident it will be all to the good.

Many of us will not live to see the full fruition of the programs we have put in hand in the last few years and the vast new programs we have enacted during this Congress, but our children will, and the children who come after them. They have already probably enjoyed a larger share of the Nation's prosperity than any generation in our history. They are, therefore, uninhibited by the recollection of depression so many of us know so well. Little by little we have accustomed the upcoming generation to the best, and they are therefore going to demand the best, whether it be education, or clean and sufficient water, or maximum transportation systems.

They have little knowledge of the backbreaking struggle it has taken to reach our present state of progress, and I think they tend to regard that struggle as little more than interesting history. They are not looking back. They look squarely into the future, and I believe they expect the future to measure up to the noble promise we hold out to them.

We will begin the task of turning the noble promise into reality. It will be up to them to complete the job. We have the tools, or lacking them, the imagination and resource to develop them. Our young people know this. Their faith in our technological potential is almost frightening.

But the most important thing we can give them is not technology. Our greatest challenge, in the Congress, in the State legislatures, in the State highway departments, and as private citizens in our own communities, is to demonstrate by our own example to the generation who will succeed us that what it really takes to do the job is dedication and determination—the will to make our efforts contribute to the total community—to work, if you will, beyond the call of duty.

If we can pass on to them that one essential value, we will not only have started them on the road to a greater society, we will have given them the resource of character with which to enjoy and perpetuate it.

QUESTIONS ARE ANSWERED ON HIGHWAY BEAUTIFICATION

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. EDMONDSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, many questions have been raised during the past few weeks on the subject of S. 2084, the Highway Beautification Act of 1965.

Most of them are the products of misinformation, or a simple lack of information, regarding the details of this measure and the plans of the Secretary of Commerce for administration of the program authorized by S. 2084.

Members of this body will find many answers to the questions being presented to them in the report of the Committee on Public Works which accompanies this bill. It is an excellent report, and its conclusions are fully supported by the committee's extensive hearings.

Some of the questions most frequently heard on S. 2084 were submitted to the able public official who will bear a major portion of the responsibility for the measure's administration, the Honorable Alan S. Boyd, Under Secretary of Commerce for Transportation.

The Under Secretary's letter in response to these questions, together with the actual questions and the answers thereto, are being made available at this time for the information of all who are interested:

THE UNDER SECRETARY OF
COMMERCE FOR TRANSPORTATION,
Washington, D.C., October 6, 1965.

Hon. ED EDMONDSON,
House of Representatives,
Washington, D.C.

DEAR MR. EDMONDSON: In connection with the development of the highway beauty legislation designated S. 2084, you have stated that a number of questions about the application and impact of the legislation have been raised. You would like answers to these questions.

I am pleased to submit the answers to these questions in an attachment to this letter. I trust you will find the answers responsive to the questions.

With my kindest regards, I am

Very truly yours,

ALAN S. BOYD.

QUESTIONS ON HIGHWAY BEAUTY

Question. Will this legislation put billboard companies out of business and thereby cause some unemployment?

Answer: It is not believed that this legislation will "drive billboard companies out of business." Undoubtedly, there are now existing billboards in some areas which will come under the control provisions of this bill and therefore the signs would be subject to removal in 5 years. In these cases, however, the adverse effects of such removal will certainly be mitigated by the provision for payment of compensation to the billboard owners.

Furtherfore, this legislation does not even regulate onpremise advertising and it does not prevent billboard signs from being erected and maintained in commercial and industrial areas whether these areas are zoned or unzoned.

With the continued growth of the Nation's economy, there will be an inevitable increase in the number of commercial and industrial areas adjacent to the Interstate and primary systems. Outdoor advertising signs could, of course, be maintained in these new commercial or industrial areas. Therefore, the opportunities for outdoor advertising will not remain static. Obviously, we can expect these opportunities to continue to grow and expand.

Furthermore, we can reason that, by providing for some degree of order in the number of signs that will be seen along our highways, the economic value of those signs that will be in existence and used will be enhanced. Therefore, a billboard company is very likely to find itself in the position of having a more valuable product, earning the company more revenue, than would be the case in the future if the same company had to compete along with an unbridled proliferation of countless other outdoor signs.

Question. Will this legislation drive roadside motels and restaurants out of business because the motorist will not be informed that they are available and open for business?

Answer. The answer to this question is "No."

Signs advertising motels and restaurants can, under this legislation, be erected in commercial and industrial areas.

Furthermore, on-premise signs can be erected under this legislation. This legislation does not regulate in any way on-premise advertising—that is, a sign which is advertising activities on the premises on which the sign is erected.

Furthermore, on the Interstate System, this legislation authorizes the erection of official signs within the right-of-way which gives the motorist information about the location of roadside facilities, such as restaurants or motels, and provision is made to have in a dignified and appropriate fashion references to specific names of restaurants or motels.

The experience of those States which have or which did sign agreements under the billboard bonus law for control of billboards along the Interstate System, and 25 States signed such an agreement, has shown that the control of billboard advertising along the highway does not drive the restaurants and motels out of business.

Question. Does this bill permit commercial signs to be erected within the right-of-way under the guise of official signs?

Answer. The answer to this question is "No." There is a provision in the bill to require the Secretary of Commerce to do a more complete job and do a better job for the convenience of the traveling public, in giving necessary information on official signs which are erected in the rights-of-way.

There is no reason in the world why this is not a good provision. Everybody knows that quite often the simple sign of "food, fuel, and lodging" at the next turnoff on an interstate route is not sufficient information for the motorist. There is no reason why the motorist cannot be informed, by a dignified and appropriate official sign, that at the next turnoff there are certain service stations which sell specified brands of gasoline, or that there are certain restaurants or motel facilities.

This bill does not attempt to spell out in detail what will be on these more complete informational signs but leave that to be worked out by the Secretary of Commerce, in consultation with the States and with the private business interests concerned.

This provision is in the public interest because it will be a better service for the traveling public.

This provision is in the business interest because it will provide more complete information concerning the food, fuel, or lodging facilities which are actually available along our Interstate System.

Question. Is the provision for payment of compensation for billboards or junkyards inadequate?

Answer. The answer to this question is "No." The language of the bill is for existing billboards or junkyards which have to be removed (or screened in the case of junkyards), "just compensation" shall be paid.

Of course, this bill does not provide for Federal funds to be paid to every landowner for every inch of ground adjoining the interstate and primary systems, on the premise that sometime in the future the landowner might want to put up a billboard sign or a junkyard.

To suggest that that sort of interest should be compensated runs contrary to every established concept of land use control in this country, established over a period of many, many years.

There is not a single State in the country which could seriously think about enactment of compensation laws to provide that the landowners of every bit of ground adjoining the Interstate and primary systems should be paid some sum of money on the theory that the landowner might conceivably think about having a billboard erected on his property at some indefinable date in some indefinable future. This sort of suggestion really would represent a raid upon the public treasury at both the State and Federal levels. There is no constitutional theory which requires this be done, and there is no basis in good judgment or public policy to give this sort of suggestion any serious consideration in this legislation.

This bill provides that the Federal Government would pay 75 percent of the compensation required in the case of billboard removals or junkyard removal or screening.

At the same time, the bill plainly states that such billboards or junkyards would not have to be removed, if presently existing, for 5 years, that is until 1970.

Question. Is it not unreasonable and a radical departure from previously established law to give the Secretary of Commerce authority to set national standards for directional and other official signs erected in the rights-of-way?

Answer. This is not a new provision in our law. The Secretary for many years has had authority to prescribe national standards for directional and other official signs and notices erected in the rights-of-way. This provision is continued in the present legislation as a matter of clarification and as a matter of good bill drafting, so that the relationship between the States and the Federal officials with respect to signs erected within the right-of-way is clearly set out.

Question. Doesn't this bill mean that there will be arbitrary Federal regulation of outdoor advertising signs which are erected in the commercial or industrial areas?

Answer. The answer to this question is "No." This bill provides that the commercial signs erected in the industrial or commercial areas shall be in accordance with criteria, as to sizes, spacing and lighting, which are agreed to by the States and the Secretary of Commerce. Obviously, there should be some thought of reasonable regulation on the number of signs, on the size, and on the type of lighting which adjoin our highways.

The principle of Federal participation in the promulgation of sign criteria is not a new one. That principle was firmly established and accepted by Congress under the billboard control law enacted in 1958. Under that law, the Secretary of Commerce was given authority to prescribe billboard standards which would be applied in the States which signed agreement and participated in the bonus payments under that law.

The action of the Bureau of Public Roads and the action of Secretaries of Commerce under that law have not been arbitrary or capricious.

The complaint about abuse of administrative authority is simply a figment of the imagination, which has no substance in fact.

Furthermore, this bill plainly provides that before the Secretary makes any decision about sign criteria or about unzoned areas, he will hold a hearing in each of the 50 States. He is required to work with the States in arriving at these decisions.

Furthermore, the actions of the Secretary of Commerce with respect to billboard control or junkyard control and whether or not he applies a penalty to any State are all subject to court review.

Question. Won't this bill mean that some small farmers will be deprived of some income which they have received from the lease of their land for billboards?

Answer. If the land in question is within 660 feet of an Interstate or primary road, and if the land is not in a commercial or industrial area, then under the provisions of this bill an existing billboard should be removed—by July 1, 1970.

This bill applies only to the Interstate and primary highways. This bill does not apply to the secondary or farm-to-market roads.

If a small farmer has land on an Interstate or primary highway, and he has a sign within 660 feet of the right-of-way, then he may very well lose some small amount of revenue after 1970.

But this is no reason for not passing legislation to obtain some effective and orderly control of billboards. The small farmer, or the large farmer, or the absentee landlord or any other kind of landowner, should not be regarded as having rights which override the public interest or the interest of American citizens who have spent literally billions of dollars to build the public highways.

The only interest in the land which we are talking about is a possible interest to have a billboard erected on it. The farmer's land, whether the farmer be big or little, would have absolutely no value as a site for a billboard if the people of America had not spent their tax money to build a highway through or adjacent to that land. There is nothing in the history of American law which says that the owner of a city block which is zoned residential, rather than commercial, should be paid a sum of money by the municipal government because he could not have his land zoned commercial. There is nothing in the history of American law which says that government should not provide, prospectively, for the reasonable regulation of land use.

If the landowner in question has land which is in a commercial or industrial area, zoned or unzoned, he will still be able to lease his land for billboard purposes. And because this legislation will undoubtedly effect some degree of orderly regulation on the number of signs in these areas, the result should be to make the signs which are erected more valuable and the amount of rent which the landowner can get should be more than he could get where any number of signs could be erected along a stretch of the highway.

Question. Isn't this bad legislation because it does not prohibit all billboards on the interstate and primary systems?

Answer. The answer is, "No."

While many people conscientiously believe that it would be better public policy to prohibit all commercial advertising along the interstate and primary systems, this philosophy is not accepted.

This legislation is not designed to prevent all outdoor advertising. It is designed to prevent a conglomeration and the unbridled proliferation of billboards along our major highways. This legislation is designed to protect the American public against the "billboard alleys."

This is not antibusiness nor antiadvertising legislation.

Outdoor advertising has a legitimate place as a legitimate business. Because of the failure to have in the past some reasonable and effective legislation on this subject, the outdoor advertising industry has found itself in the same position that countless other business activities have been in in the past. That is, the entire industry has suffered from the abuses of some but not all of the industry. However, in the nature of things, some Government action is required to bring a degree of order out of the chaos. This is no different from the situation where laws are required to prevent monopolistic practices or unfair trade practices. Those laws are not enacted in order to destroy business, but rather in order to protect business and to make the business activity serve a useful function within the framework of our free enterprise system.

That is the purpose of this legislation, with respect to the outdoor advertising industry and with respect to the operation or maintenance of junkyards. If effective steps are not taken now to obtain a reasonable degree of control, the situation will undoubtedly worsen to an extent so that at some time in the future an aroused public will demand drastic and even destructive legislation.

Question. Is this legislation grossly defective because it does not regulate on-premise advertising or on-premise signs?

Answer. The answer is, "No."

While some reasonable argument can be made that on-premise signs should be subject to criteria agreed to by the Secretary and the States, the fact of the matter is that the real problems which this legislation is designed to meet have nothing to do with on-premise advertising.

This legislation is aimed at preventing the continued proliferation of signs along vast stretches of our highways, signs which really do not often serve the convenience of the traveling public but rather are designed simply to remind the motorist about a particular drink, a food, or some other commodity.

Of course, there is nothing in this legislation which would prevent State or local authorities from regulating on-premise signs if that presents a particular problem in a State or locality. The legislation expressly states that nothing in it is intended to prevent the States from applying stricter limitations on billboards if the States wish to do that.

Question. Will this legislation which regulates billboards along interstate and primary systems result in having more billboards put up on the secondary roads?

Answer. The answer to this question is, "No."

Outdoor advertising is erected on those highways where there is the traffic.

Restrictions on outdoor advertising along the interstate and primary roads should have no appreciable effect, as such, on the amount of outdoor advertising which is placed on secondary roads. This is so because the restrictions on outdoor advertising along interstate and primary roads should have no effect on the volume of traffic which will use the secondary roads.

Therefore, there is no reason to assume that there will be any economic reason to encourage a large increase in billboards on the secondary roads.

Question. Should all incorporated cities or municipalities be exempt from billboard and junkyard regulation under this bill?

Answer. The answer to this question is "No."

There is no justification for making this arbitrary and discriminatory distinction against incorporated cities and municipalities.

Of course, there will be more commercial or industrial areas within incorporated municipalities than will be found outside the incorporated areas.

But this simply means that more outdoor signs will be permitted within cities and municipalities.

The national interest, the public interest, in the Federal-aid highways is no less—and in fact it is even more—in the incorporated municipalities. The same amount, and in fact more Federal dollars, are invested in the highways or roads located in the incorporated areas.

Experience has demonstrated that without some Federal leadership in the control of billboards and junkyards along the interstate and primary systems, it is extremely difficult for the States to act on their own. Experience has shown that it has been too easy to persuade one State that it should not take effective action in this area simply because other States are not doing the same. And experience has shown that where the lack of interest on the part of the Congress can be pointed to as an example, that is used as an example to the States to do nothing.

This legislation does not prevent advertising in incorporated municipalities. It provides for reasonable regulation, not prohibition.

Regulations or standards concerning billboards or junkyards cannot be unilaterally promulgated by the Secretary of Commerce or any other Federal official. The Secretary is required to consult with and reach agreements with the States. Before decisions are made, this legislation requires that there shall be a hearing in each of the 50 States.

Before the effective date of control in 1968, the Secretary is required to report to the Congress in 1967 concerning his proposed standards and regulations. This is a full year before the controls on junkyards and billboards are to go into effect.

This is reasonable legislation. This legislation will require reasonable administration. There is simply no reason to assume that the Bureau of Public Roads will be arbitrary or capricious in carrying out the provisions of this law any more than the Bureau is arbitrary or capricious in administering important provisions of the Federal-aid highway laws.

Question. Does this bill make the Secretary of Commerce a "zoning czar" with powers to dictate land use for all the States and local communities?

Answer. This is absolutely not the case. The Secretary is not given authority under this bill to be a zoning czar.

First, so far as billboard and junkyard control is concerned, the bill plainly and explicitly states that the determination of zoned commercial or industrial areas is entirely up to the States. There is a provision to provide that the Secretary and the States may agree as to what may be classified as unzoned commercial or industrial areas, solely for purposes of billboard or junkyard control. The plain purpose of this provision is fully explained in the record of the hearings before the House committee. That is, the purpose is to achieve an equality of treatment for those areas which are in fact used for commercial or industrial purposes but which may not be technically zoned commercial or industrial under State law.

Obviously, the bill should not be written in an open-end fashion so that a State could declare, without participation by the Secretary of Commerce, that every inch of land adjacent to the interstate and primary systems would automatically be classified as "unzoned commercial or industrial" for purposes of this act.

The Secretary of Commerce has made it crystal clear that it would be his purpose and his intent to look at what the States have actually zoned industrial or commercial and to treat on a par those areas which have commercial or industrial activities carried on in them but which are not technically zoned commercial or industrial under the State laws.

Question. Isn't this legislation bad because it prevents a State from having more strict and more effective regulations against billboards and junkyards than is provided in this bill?

Answer. The answer to this question is, "No."

This legislation explicitly states in section 131(k), that nothing in the legislation prohibits a State from establishing stricter limitations on outdoor advertising. It is expressly stated in section 136(l) that nothing in this bill is to prohibit a State from establishing stricter limitations for the control of outdoor junkyards than is established under this bill.

This legislation is not for the purpose of authorizing the States to control billboards or junkyards. The States already have the basic authority under their own laws to control billboards and junkyards, but because this is a national problem, it has been extremely difficult or impossible for the States to face up to the problem without some interest, concern, and leadership from the Federal level.

The Federal Government does have an interest, a definite interest, in the Federal-aid highways. By this legislation, the Federal Government will now be exhibiting a proper concern and a proper interest in the problems which have been brought about on the billboard and junkyard problems which have developed on these Federal-aid highways.

Question. Is this bill inadequate because it contains no prohibition against future junkyards?

Answer. The answer is, "No." This bill provides that the States will obtain effective control with respect to junkyards. Effective control is defined in the bill as meaning that, except in industrial areas, a junkyard which is located within 1,000 feet of the right-of-way must be screened, or if this is not practical, the junkyard must be removed.

As to junkyards in existence on the date of enactment of this legislation, they do not have to be removed until 1970. And, in any event, they do not have to be removed if it is practical to screen them.

Of course, the States will, as a follow-up to this legislation, make appropriate revisions to guard against the future establishment of junkyards in the areas which would be under control.

It is foolish to assume that the States will not make this provision as to future establishment of junkyards, because if they did not do so it would very clearly be subject to a reduction of 10 percent in its highway fund apportionment, as is expressly provided in the bill.

Of course, there is no provision in this bill that the Federal Government will pay compensation for the removal or screening of any or all junkyards that might be located somewhere along an interstate or primary highway at some time in the future. This, too, would be a foolish provision.

We can rest assured that the States will be able to take appropriate steps to adopt the laws and the regulations necessary to guard against the future location of junkyards, so that the States will not continually be in violation of the basic requirements of this bill.

Question. Does this legislation provide that a State can be penalized a total of 20 percent if it fails to have effective control for both billboards and junkyards?

Answer. The answer to this question is, "No."

It is not intended to have a maximum penalty of 20 percent. The only place in the legislative history where this is suggested is in the minority views of the House committee report.

The Secretary of Commerce has confirmed that it is his interpretation and intention that the maximum penalty which would be applied against a State would be 10 percent for any one apportionment, whether the State in question had failed to achieve control on billboards or junkyards or both.

This part can be clarified in the further legislative history on this bill.

Question. Is it correct that this legislation will cause a waste of money by spending huge amounts on landscaping or scenic enhancement?

Answer. The answer to this question is clearly, "No."

This legislation provides that within the right-of-way the cost of landscaping and putting the right-of-way in decent and attractive condition is a part of the cost of construction. This is not a new law or a radical innovation. This is simply a restatement of what has been long established law.

With respect to scenic strips adjacent to the right-of-way, this legislation provides that the States will be allotted an amount equivalent to 3 percent of their highway apportionment, to be used in preserving or enhancing the scenic values of land adjacent to the rights-of-way.

This amount is not required to be matched by the States.

It does us little good to spend literally billions of dollars constructing magnificent paved highways and even landscaping the narrow strip of right-of-way, if some attention is not given to the land area adjacent to the rights-of-way. Where there are special scenic attractions, such as a wooded tract or a stream or a particularly striking view, appropriate action should be taken to preserve the natural beauty and attraction of those areas. Furthermore, more attention and more emphasis is needed in providing rest or recreational areas along our highways, and the limited extent to which this can be done within a narrow right-of-way is often insufficient.

This represents an investment for the future. This represents an economic investment for every State during the present and immediate future. By providing funds to clean up areas adjacent to the highways and to put them in decent condition, we are providing some opportunities for employment. We are providing the means whereby countless local areas throughout the Nation will present themselves in a far better light and will improve their economic situation, their economic standing by being able to attract more tourists and more travelers to their areas.

Question. Is this legislation premature because the committee did not have sufficient information on which to base sound conclusions?

Answer. The answer to this question is clearly, "No."

The problem of billboard and junkyard control was called to the attention of the Congress in the President's message on natural beauty many months ago in February 1965.

The specific proposals for billboard and junkyard control were transmitted to the Congress for consideration last May.

Since then, the Subcommittee of the House Public Works Committee has held extensive hearings and has heard many witnesses representing all points of view.

The record of hearings before the Subcommittee on Roads consists of 500 printed pages.

When the full committee acted on the subcommittee's recommendation, the full committee had not only the benefit of the House hearings but had the benefit of hearings which had been completed before the Senate committee and had the benefit of the discussion and action by the Senate on similar legislation.

The basic principles embodied in this legislation are not any different from the basic principles which were considered in similar legislation in 1958.

Of course, it can be argued that nobody can tell at this time the exact impact this legislation will have in each and every State. This is no more than a trite truism with respect to any proposed legislation.

Of course, no one can say in advance exactly how many billboards may turn out to be in controlled areas and therefore have to be removed in 1970, just as no one can say in advance how many billboards will actually be maintained in commercial or industrial areas.

It would be foolish to try to take an inventory of every single billboard in the country located on the interstate and primary systems and try to make a guess as to whether those billboards would be located in a commercial or industrial area, next year, in 1970, or in 1980.

The full impact of this legislation is clear. It is clear that the legislation is designed to prevent an unbridled proliferation of billboards and junkyards along our interstate and primary systems.

It is clear that this legislation is designed to screen junkyards which are within 1,000 feet of the right-of-way unless they are located in industrial areas.

It is clear that this legislation is designed to provide a reasonable degree of control of outdoor advertising in commercial or industrial areas.

It is clear that the details of regulations and sign criteria cannot now be spelled out because this is a subject which requires extensive consultation with the States and the affected industries and businesses, and in fact the legislation requires that public hearings be held in each of the 50 States.

This legislation is not premature; it does not need further extended study or procrastination or delay.

To delay action on this kind of legislation is simply to make the problem increasingly difficult, analagous to the delay in doing something about a polluted river or stream. We know that surely at some point a halt must be called and action must be taken. To wait until the situation grows from bad to worse is simply to make final action more expensive for both the Federal and State Governments and for the private business interests involved.

Question. Why not let the States do the job? Is this unnecessary centralization of power in the Federal Government?

Answer. For 7 years, since 1958, we have had the voluntary billboard bonus law. Under that law, the States which would agree to control billboard advertising on the Interstate System would be entitled to one-half of 1 percent bonus on the amounts the States receive for the Interstate System.

It has been clearly demonstrated that this law has been completely ineffective in obtaining a reasonable degree of control of billboards on the Interstate System, and therefore it is obvious that this method should not be continued and there is absolutely no point in trying to apply it to the primary system.

During these 7 years, only 25 States have finally entered into agreements to control billboard advertising along the Interstate System.

Since 1958, only approximately $500,000 in bonus payments have been made for control of less than 200 miles of interstate highway. This is less than 1 percent of the interstate mileage already completed.

The highways of this Nation are public highways. They are public facilities. On a plain dollar and cents basis, the Federal Government has a very proper and legitimate interest in the Federal-aid interstate and primary systems.

With this great and substantial direct interest of the Federal Government, how can we expect 50 different State legislatures really to be concerned about this problem if the U.S. Congress is not concerned enough to enact adequate legislation.

This is not simply a job for the States. This is a job for both the Federal Government and the States following the partnership concept which has characterized our Federal-aid highway program from the beginning.

This is not a diabolical centralization of Federal authority, any more than such is the case with highway design standards, or the case with the Federal rules and regulations pertaining to rights-of-way, or the case with the Federal rules and regulations pertaining to the width of highways, or the required thickness of the concrete pavement.

IMMIGRATION ACT OF 1965

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. JACOBS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JACOBS. Mr. Speaker, I enjoyed a thrilling privilege last Sunday.

I stood near the President of the United States as he signed into law the Immigration Act recently passed by Congress.

Along with other Members of Congress and interested citizens, I watched this historic ceremony which fulfilled, beneath the shadow of the Statue of Liberty, an important part of the American dream.

The President's signature marked one of the finest accomplishments of the administration during this year.

It signaled the reform of our immigration laws by abolishing the discriminatory national origins systems in favor of a system of selection designed to reunite families and admit persons with special skills which will be of positive benefit to our country.

Under the national origins system, the admission of a person to this country as a quota immigrant depended far more on the accident of where he was born than on his ability to contribute to our society, or on his relationship to a family in this country.

As a result, persons with no special talents to offer, and no family connections here, were often favored for admission in preference to those with high attainments or close family ties.

For instance, an American citizen could import a housemaid from northern Europe more easily than he could bring his own mother here, if she had been born in southern or eastern Europe.

The same situation confronted an American hospital with an urgent need for a medical specialist who was born in a low-quota country.

Besides being discriminatory, morally wrong, and hurtful to our own people, the national origins system was harmful in our foreign relations and out of harmony with the best in American traditions.

Presidents Truman, Eisenhower, Kennedy, and Johnson had all urged that it be changed. This year, after thorough study and long hearings, Congress finally did so.

In place of the national origins system, the new law establishes a system of selection which will be fairer, more rational, more humane, and more in the national interest.

Under the new law, selection of qualified applicants will be based on six preference categories which reflect family ties and personal skills.

For immigrants within the same preference category, the rule will be first come, first served.

This system of selection will apply to all immigration that was formerly subject to national quotas. Such immigration will be fixed at 170,000 a year, with a further limit of 20,000 for any one country.

Immigration from Western Hemisphere countries will be subject to a separate limitation of 120,000 a year beginning in 1968.

The new law makes no basic changes in the safeguards of our immigration laws against subversive, criminal, illiterate, or other undesirable immigrants.

However, in line with the objective of reuniting families, certain close relatives who were absolutely excluded because of mental retardation or a past history of mental illness can be allowed to join their families if such afflicted persons are not dangerous and if proper guarantees are given for their future care.

The new law will not open the gates to unlimited or excessive immigration. It will not change the "public charge" test which excludes immigrants who are candidates for the welfare rolls.

And the safeguards against immigrants who might diminish the job opportunities of American workers have been considerably strengthened.

The conclusion is plain. The new immigration law is a long overdue reform that will reunite families. It will restore our reputation for judging people on personal merit and not by where they come from. And, it will generally strengthen us as a nation.

GERMAN AMERICAN DAY

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HANLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANLEY. Mr. Speaker, after 2½ months of traversing the Atlantic Ocean, the ship *Concord* arrived near Philadelphia, Pa., on October 6, 1683. Thirteen German-Quaker families wearily debarked and looked out over the land which offered them a new life of freedom. Under the leadership of Franz Daniel Pastorius, these first German families established the primary permanent settlement of an entirely German group in the New World. Thus, October 6, 1683, marked the beginning of an exciting German history in America.

Five years after the arrival of the *Concord*, the settlers of Germantown, Pa., drew up the first protest ever voiced against Negro slavery in America. This protest was authored by Franc Pastorius, a noted German scholar and linguist, and signed by three townsmen.

As we mark the 282d anniversary of the arrival of the German sector of our society, it is appropriate to elaborate on a few of the numerous contributions made to America by these first German families and subsequent German settlers and their progeny.

German contributions began long before the *Concord* reached Philadelphia. In 1507, Martin Waldseemuller suggested in his book "Cosmographiae Introductio," that the New World be called America. Over 100 years later, America was a word spoken in many countries by persons desirous of an opportunity to begin their lives in the atmosphere of freedom. These persons had a spirit of adventure—the adventure of liberty.

These contributions began when the first Germans debarked upon our shores and have continued to the present day. They have been made in every area of human endeavor.

Jacob Leisler, an early Governor of New York, called together the first Congress on American soil. He was convinced that New York and the colonies were threatened with an invasion by the French and Indians. Thus on May 1, 1690, he called the Congress consisting of the Governors of Massachusetts, Plymouth, East and West Jersey, Pennsylvania, Maryland, and Virginia. This gathering was the progenitor of the Continental Congress and later the Congress as it is known today.

While the colonists in the West were fighting Indians and the colonists in Pennsylvania were teaching the Indians the highest ideals of Christianity, Dr. Hans Kierstedt opened his practice of medicine in New York.

During the American Revolution, George Washington depended solely on a German-American regiment of bodyguards lead by Maj. Bartholomaeus von Heer. Behind the valiant German soldiers fighting for our freedom were their wives and sweethearts. Among the more famous were Molly Pitcher and Emily Guyer. These women carried valuable American dispatches through British lines. This type of valor contributed greatly toward our independence.

It was the Germans who helped preserve President Abraham Lincoln's ideas of unity. One of the more prominent figures was a Wisconsin lawyer, Carl Schurz, who attacked the Fugitive Slave Law. Mr. Schurz later was named the Secretary of the Interior—1877–1881. He was one of the first of the many to try to enact laws to protect our forests and woodlands. Among his other accomplishments was his application of Civil Service reforms in his department. Among his principles were: no removals except for cause; if force should be reduced, least competent would go first; no promotions were to made except for merit; if there were no vacancies, no recommendations for office would be entertained. He also established a board of inquiry.

Another lawyer, William Wirt, became the prosecuting attorney at the trial of Aaron Burr. Mr. Wirt's speech has important rank in American oratorical literature.

The political profile of the New York State Senator Otto G. Foelker occupies an important chapter of political history. Senator Foelker was a member of the New York State Senate at the time when the controversial question of racetrack gambling was being discussed. The legislature was equally divided on this issue. However, when it was finally brought to a vote, Senator Foelker, critically ill, demanded that he be carried to the senate floor to vote against racetrack gambling. He cast his vote and the bill prohibiting gambling was passed by a vote of 26–25.

Germans were the first nationality group to vote independently of party. Peter Zenger founded the first independent political newspaper in New York. Germans were active in the fields of personal liberty and temperance. They have also played an important role in our educational system. Two significant contributions are kindergarten and the introduction of the idea that subjects should be taught in such a way as to relate to other subjects the student is learning.

Names of German origin have been sprinkled throughout our history. In the field of science, names include Albert Einstein, Albert A. Michelson, David Rittenhouse, H. E. Muhlenberg, Werner Van Braun, and John A. Roebling. Familiar names in the arts include George Benjamin Luks, paintings include "Woman With a Black Cat," "Boy With the Guitar," "The Old Bus Driver"; Emanuel Leutz, paintings include "Washington Crossing the Delaware," and "Westward the Course of Empire Takes Its Way," which panels the staircase of our Nation's Capitol; Carl Marr, "The Adoration of Christ Child." Gottlieb Graupner is known as the "Father of the American Orchestra." He also founded a choral society, the Handel and Haydn Society. William Schultze was an early director of the music department at Syracuse University. Previously he had been a member of the famous "Germania" orchestra.

Joseph Pulitzer, Walter Lippmann, H. L. Mencken, Pearl Buck are familiar names in the journalistic world. The rolls of the business enterprises in the United States contain many German-Americans including Julius Rosenwald, one of the founders of Sears, Roebuck; George Anschutz and Charles M. Schwab, in the iron mines; John Jacob Astor, and the Vanderbilt and Rockefeller families. In the literary field outstanding men like Owen Wister and Joseph Hergesheimer are but a few.

The list will not stop here but shall continue to grow with our growing Nation. Today as we celebrate the arrival of the *Concord* let us commemorate those of German ancestry for their historic role in America's development.

HUNGARIAN NATIONAL DAY OF MOURNING

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HANLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANLEY. Mr. Speaker, today we solemnly observe the 116th anniversary of the Hungarian day of national mourning. On October 6, 1849, Austrian General Haynau, the notorious sanguine butcher, ordered that nine Hungarian generals be hanged and four shot. These orders were brutally executed. Even now, the recollection of these deaths is a painful knife in the heart of freedom and liberty. The free world sorrowfully recalls and deeply mourns the defeat of the Hungarian war for independence and the cruel repercussions which followed.

This war in 1848, one of Hungary's many fights against tyranny, was lead by Louis Kossuth. Kossuth, "Father of the Hungarian Revolution," was inspired by the American Revolution and the leadership and principles of George Washington. Europe was in a state of political fermentation and there were popular demands resultant from these revolutions that independence should be declared. The Hapsburg empire was shattered by uprisings in Hungary, Croatia, Italy. Hungary was the last stronghold of resistance. In April of 1848, Kossuth was elected responsible Governor-President by the Hungary Diet. However, in June of 1849, Emperor Francis Joseph accepted the offer of Czar Nicholas of Russia to aid in the suppression of the revolt. Russians attacked Hungary from the north and an Austrian army invaded from the west. Thus the Hungarians were defeated at the Battle of Remesvar. This Russian intervention prevented Hungarians from achieving independence for another three generations.

Kossuth's principles became realities years later. It will always be remembered that it was Kossuth who, following the examples of George Washington, believed in the emancipation of serfs, freedom of the press, abolishment of corporal punishment, economic, social and political reforms for his people, political home rule. It was Kossuth, the profound philosopher, eminent historian, humanitarian, orator, strict moralist, who crusaded for orphanages, hospitals, mass education, fiscal reforms, and economic growth.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PEPPER (at the request of Mr. GIBBONS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ROONEY of New York, for 20 minutes, today; and to revise and extend his remarks.

Mr. FEIGHAN, for 15 minutes, October 7, 1965; and to revise and extend his remarks and include extraneous matter.

Mr. PIRNIE (at the request of Mr. HALL), for 1 hour, on October 11; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. OLSEN of Montana.

Mr. ROYBAL.

(The following Members (at the request of Mr. BINGHAM) and to include extraneous matter:)

Mr. HANNA.

Mr. WAGGONNER.

Mr. ANNUNZIO.

Mr. HUNGATE.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 306. An act to amend the Clean Air Act to require standards for controlling the emission of pollutants from certain motor vehicles, to authorize a research and development program with respect to solid-waste disposal, and for other purposes;

S. 322. An act for the relief of Choy-Sim Mah;

S. 611. An act for the relief of certain employees of the Mount Edgecumbe Boarding School, Alaska;

S. 779. An act for the relief of Henryka Lyska;

S. 903. An act to amend the Communications Act of 1934, as amended, with respect to painting, illumination, and dismantlement of radio towers;

S. 1012. An act for the relief of Dr. Otto F. Kernberg;

S. 1397. An act for the relief of Vasileos Koutsougeanopoulos;

S. 1576. An act to amend the act of May 17, 1954 (68 Stat. 98), as amended, providing for the construction of the Jefferson National Expansion Memorial at the site of old St. Louis, Mo., and for other purposes;

S. 1689. An act to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931 (16 U.S.C. 502);

S. 1775. An act for the relief of Erich Gansmuller;

S. 1856. An act to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps;

S. 1873. An act for the relief of Mrs. Clara W. Dollar;

S. 2273. An act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes; and

S.J. Res. 69. Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 724. An act to authorize the transfer of certain Canal Zone prisoners to the custody of the Attorney General;

H.R. 3045. An act to authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations;

H.R. 5665. An act to authorize disbursing officers of the Armed Forces to advance funds to members of an armed force of a friendly foreign nation, and for other purposes;

H.R. 6165. An act to repeal section 165 of the Revised Statutes relating to the appointment of women to clerkships in the executive departments;

H.R. 7329. An act to provide for the conveyance of certain real property of the United States to the city of San Diego, Calif.;

H.R. 9336. An act to amend title V of the International Claims Settlement Act of 1949, relating to certain claims against the Government of Cuba;

H.R. 9975. An act to authorize the shipment, at Government expense, to, from, and within the United States and between oversea areas of privately owned vehicles of deceased or missing personnel, and for other purposes;

H.R. 10234. An act to amend section 1085 of title 10, United States Code, to eliminate the reimbursement procedure required among the medical facilities of the Armed Forces under the jurisdiction of the military departments; and

H.R. 10871. An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1966, and for other purposes.

ADJOURNMENT

Mr. BINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, October 7, 1965, at 11 o'clock a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of Missouri: Committee on House Administration. Senate Concurrent Resolution 46. Concurrent resolution to authorize placing temporarily in the rotunda of the Capitol the statue of the late Senator Dennis Chavez; without amendment (Rept. No. 1119). Referred to the House Calendar.

Mr. JONES of Missouri: Committee on House Administration. Senate Concurrent Resolution 47. Concurrent resolution to authorize the acceptance by Congress of the statue of the late Senator Dennis Chavez; without amendment (Rept. No. 1120). Referred to the House Calendar.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 48. Concurrent Resolution to print as a Senate document the proceedings of the presentation, dedication, and acceptance by Congress of the statue of the late Senator Dennis Chavez; without amendment (Rept. No. 1121). Referred to the House Calendar.

Mr. JONES of Missouri: Committee on House Administration. H.R. 11267. A bill to amend the joint resolution of March 25, 1953, relating to electrical and mechanical office equipment for the use of Members, officers, and committees of the House of Representatives, to remove certain limitations; without amendment (Rept. No. 1122). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee of Conference. H.R. 9811. An act to maintain farm income, to stabilize prices and assure adequate supplies of agricultural commodities, to reduce surpluses, lower Government costs, and promote foreign trade, to afford greater economic opportunity in rural areas, and for other purposes (Rept. No. 1123). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (by request):

H.R. 11450. A bill to amend certain provisions of the Internal Revenue Code of 1954, and certain provisions of title 28, United States Code, relating to taxation; to the Committee on Ways and Means.

By Mr. BETTS:

H.R. 11451. A bill to amend the Internal Revenue Code of 1954 to permit the amortization of reorganization expenditures of railroad corporations and for other purposes; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 11452. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLSWORTH:

H.R. 11453. A bill to provide that the fee increases prescribed by Public Law 89-83 shall not be effective in any case wherein the application was filed prior to the effective date of that act; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 11454. A bill to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the U.S. economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the U.S. market; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 11455. A bill to create a commission on the establishment of a Council of Free Nations; to the Committee on Foreign Affairs.

By Mr. GURNEY:

H.R. 11456. A bill to amend title 38, United States Code, so as to permit the waiver of certain retirement or annuity payments under programs administered by the Federal Government; and to waive certain overpayments of veterans' pensions resulting from enactment of the Social Security Amendments of 1965; to the Committee on Veterans' Affairs.

By Mr. McVICKER:

H.R. 11457. A bill to amend section 503 of title 33 of the United States Code so as to provide that certain social security benefits may be waived and not counted as income under that section; to the Committee on Veterans' Affairs.

By Mr. MATHIAS:

H.R. 11458. A bill to provide that the fee increases prescribed by Public Law 89-83 shall not be effective in any case wherein the application was filed prior to the effective date of that act; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 11459. A bill to place in trust status certain lands on the Wind River Indian Reservation in Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. SCHWEIKER:

H.R. 11460. A bill declaring October 12 to be a legal holiday; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 11461. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. KREBS:

H.J. Res. 679. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.J. Res. 680. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

371. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Kentucky, relative to calling a constitutional convention to deal with the problem of apportionment in State legislatures, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11462. A bill for the relief of Fiorenza Di Mauro Pellegrino; to the Committee on the Judiciary.

By Mr. ANDREWS of North Dakota:

H.R. 11463. A bill for the relief of Robert N. Russell; to the Committee on the Judiciary.

H.R. 11464. A bill for the relief of Sidney W. Douglas; to the Committee on the Judiciary.

By Mr. BERRY (by request):

H.R. 11465. A bill relating to certain Indian claims; to the Committee on the Judiciary.

By Mrs. BOLTON:

H.R. 11466. A bill for the relief of Dr. Ruben D. Bunag; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 11467. A bill for the relief of CWO Joseph J. McGavin; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11468. A bill for the relief of Ettore Favazzi; to the Committee on the Judiciary.

By Mr. GURNEY:

H.R. 11469. A bill for the relief of Dr. Manuel Jose Coto; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 11470. A bill for the relief of Lucilia DaSilva Afonso; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 11471. A bill for the relief of Mr. and Mrs. Joseph E. Begnoche; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

"What Now for Free China?"—An Excellent Book by Dr. Diosdado M. Yap—Tells of Unparalleled Prosperity in Nationalist China—Close Ally of the United States

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Wednesday, October 6, 1965

Mr. RANDOLPH. Mr. President, I have recently had the pleasure of reading "What Now for Free China?" by Dr. Diosdado M. Yap, a veteran Washington correspondent and my personal friend. This is a most comprehensive work depicting the Republic of China's substantial growth and industrial modernization.

Dr. Yap stated:

> After a decade of struggle and effort, the Republic of China has brought literacy to 90 percent of the people of Taiwan Province; achieved a favorable balance of foreign trade; manages to make its people the best fed in all Asia; sustains next to the highest prosperity of countries in this part of the world; steadily increased agricultural, industrial, coal, natural gas, and textile production with a mounting value and volume of export of goods and services worldwide.

Nationalist China's military force is closely integrated with the Pacific Fleet of the U.S. Navy. President Chiang Kai-shek commands 600,000 troops trained and equipped with the most modern arms and techniques in a cooperative Sino-American program.

Yap said:

> Faith of the Republic of China in the U.N. was evidenced in its payment to the U.N. of $4,990,550 early this year at a time when such countries as Soviet Russia and France were refusing to meet their financial obligations.

A U.S. firm, Allied Chemical Corp., will top the list of foreign investments in Taiwan with $28 million. This will place the 1965 foreign investment far ahead of last year's record total of $30 million.

Dr. Yap also discusses the allied roles of American Presidents with the Republic of China since 1945. Presidents Truman, Eisenhower, Kennedy, and Johnson all have been closely associated with the Republic of China, as evidenced by our continued support.

This book represents the proven progress of Nationalist China.

Barksdale AFB Aids Hurricane Victims

EXTENSION OF REMARKS
OF
HON. JOE D. WAGGONNER, JR.
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 6, 1965

Mr. WAGGONNER. Mr. Speaker, during the recent Hurricane Betsy devastation, the personnel of Barksdale Air Force Base, La., once again demonstrated the exemplary role they play as an integral part of the Louisiana community.

Before the hurricane had left the State, military families at Barksdale began donating clothing and food to victims of the disaster as part of Operation New Orleans which was set in motion by Lt. Gen. David Wade, commander of the 2d Air Force.

Similar donations from four other 2d Air Force bases in Arkansas, Texas, and Louisiana were flown to Barksdale and from there to New Orleans where they were turned over to Red Cross and Salvation Army units for distribution.

During the course of "Operation New Orleans," Barksdale personnel donated and collected 43,460 pounds of food and clothing. Four other 2d Air Force bases contributed together 54,100 pounds. The total of 97,560 pounds of vitally needed clothing and food was flown to New Orleans and vicinity in 12 separate flights of 76 hours air time and covering 12,905 miles.

The northwest section of Louisiana where Barksdale Air Force Base is located was spared the devastation suffered elsewhere in the State, but as you can see by this digest of what General Wade's program accomplished, the hearts and hands of Barksdale personnel went out unhesitatingly and lavishly to the unfortunate victims in the southern part of the State.

To the General and all the men and women who gave so unselfishly in this hour of trial go the thanks of all Louisianians.

It is fitting, I believe, that this splendid accomplishment be recorded here in the CONGRESSIONAL RECORD.

The Lewis and Clark Expedition of 1804–06

EXTENSION OF REMARKS
OF
HON. WILLIAM L. HUNGATE
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 6, 1965

Mr. HUNGATE. Mr. Speaker, the Lewis and Clark Expedition of 1804–06, beginning in St. Charles, Mo., was one of history's greatest overland expeditions. It opened the way for settlement of the Northern Plains, the Rocky Mountains, and the Pacific Northwest, and it has had a profound and lasting effect on the political, economic, and geographic development of the United States.

The St. Charles County Historical Society arranged to meet with the Lewis and Clark Trail Commission in St. Louis, Mo., on September 30 and October 1, 1965. As part of research carried on by citizens of St. Charles County, an exhibition marker has been erected on historic Main Street in St. Charles, the first capital of the State of Missouri.

Located in St. Charles are several points of interest for present-day travelers to visit. At the corner of Walnut and Main, Lewis participated in the Louisiana Purchase ceremony, whereby the United States took over 1,172,000 square miles of territory. After the expedition, Clark lived where the chamber of commerce building now stands and he is buried in the huge Bellefontaine Cemetery.

The present-day traveler can easily locate and visit the town of St. Charles—the only large town on the Missouri River in existence when the exporers went west. Many of the buildings were constructed about the time of the Louisiana Purchase; thus, these sites and others like them will be sought after by numerous Americans retracing the steps of Lewis and Clark.

I think it commendable that some of our citizens have made the effort necessary to preserve our great heritage and the history of the events in areas that have been so important to the growth of our Nation.

Mine Safety Legislation

EXTENSION OF REMARKS
OF

HON. ARNOLD OLSEN

OF MONTANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 6, 1965

Mr. OLSEN of Montana. Mr. Speaker, in 1961 the Congress adopted the Metal and Non-Metallic Mines Safety Study Act, directing the Secretary of the Interior to make a 2-year study of a Federal mine safety law that would give protection to the 230,000 men working in metal and nonmetallic mines, quarries, and sand and gravel pits. The Secretary was directed to investigate the causes of accidents, the hazards in the industry, the adequacy of State mine safety laws and their enforcement, and to make recommendations to the Congress for an effective safety program. Secretary Udall submitted his report to Congress in November of 1963.

The Secretary's report stated that in 1962 there were 10,189 injuries in the Nation's open pit and underground metallic and nonmetallic mines and quarries, 212 men were killed, 329 were permanently crippled. In 1963 there were 12,215 unnecessary injuries and 179 deaths in these pits and mines. These figures do not include coal and lignite mines. These accidents and fatalities will continue unless effective preventive Federal legislation is passed. The House has passed H.R. 8989. This bill does not contain all the safeguards for the protection of life of the miners; however, it is a start.

We must provide legislation for a more uniform Federal system of health and safety rules and regulations, for Federal inspection and investigation, and safety training and education in the thousands of mines and quarries in our States.

On the 18th of January 1965, I introduced H.R. 3008, which I feel would have provided for a good system of health and safety rules and regulations and proper enforcement for safety and health inspection of our metallic and nonmetallic mines and quarries.

Mr. Speaker, I would like to give this summary of the amendments to H.R. 8989 that were accepted on the floor of the House on September 2, 1965, after a careful study and analysis of this legislation as it passed the House.

SUMMARY OF THE AMENDMENTS TO H.R. 8989

(Accepted on the floor of the House of Representatives, Sept. 2, 1965.)

First. Section 3 of the bill was amended to stipulate that "mines," as defined in the bill, whose operations "substantially" affect commerce will be subject to the act. Before amendment, the bill extended coverage to all mines whose operations "affect commerce."

The practical effect of this amendment is difficult to assess. It may cause the exclusion from coverage of some small mines, quarries, sand and gravel pits, and mills, whose operations will be considered to "affect commerce," but not substantially.

Second. Section 13(a) was amended to stipulate that a State, "at any time," may submit to the Secretary of the Interior its plan for development and enforcement of mine safety standards.

Insertion of the phrase "at any time" makes it clear that a State does not forgo all later opportunity to establish its own mine safety plan in lieu of Federal enforcement, by failing to submit such a plan at an early date after this act becomes effective.

Third. Section 13(b) was amended to omit the phrase "in judgment of the Secretary," from the sentence which reads: "The Secretary shall approve the plan submitted by a State * * * if, in the judgment of the Secretary, such plan * * *".

It was necessary to eliminate this phrase in view of the next amendment described below.

Fourth. Section 13 was further amended by the incorporation of a new subsection, 13(d). This was the major amendment, of those accepted on the floor. This amendment takes away from the Secretary of the Interior the final authority to refuse approval to, or withdraw approval from, a State plan. It provides the State a right of appeal to the Federal courts from an adverse decision of the Secretary with respect to the adequacy of the State plan or the adequacy of the manner in which it is being carried out by the State.

Specifically, the State may file an appeal with the appropriate U.S. circuit court of appeals no later than 60 days after notice of the Secretary's final decision. However, the court must accept the Secretary's finding of fact as conclusive, if these findings are supported by "substantial evidence." Nevertheless, if "good cause" is shown, the court may remand the case to the Secretary, with the instructions that he take further evidence. Such remanding of the case may—or may not—lead the Secretary to make new or modified findings of fact. These findings by the Secretary must also be accepted by the court as conclusive, if supported by substantial evidence.

The circuit court, after hearing the appeal, is given the authority to affirm the decision of the Secretary, or to set it aside, in whole or in part. The practical effect of a decision by the circuit court to set aside, entirely, the Secretary's action in refusing approval of a State plan submitted to him would be to put that State plan into operation, and thereby exempt mines in that State from direct Federal mine safety enforcement authority.

Both parties—that is, the Secretary and the State—may file an appeal with the U.S. Supreme Court against the decision of the circuit court. If the Supreme Court, however, does not decide to review the case, the judgment of the circuit court will be final.

Fifth. Section 14 is amended to specify that the Secretary of the Interior has authority to appoint those who are to administer the act. However, such appointments must be made: First, "subject to the civil service laws," second, by the Secretary "acting through" that agency of the Department of the Interior" which has the major responsibility for carrying out the Federal Coal Mine Safety Act"—namely, the Bureau of Mines.

The effect of this amendment is to make clear that mine inspectors and other Federal employees selected to administer this act must be appointed under civil service and through the Bureau of Mines.

Sixth. Section 14 is also amended to require that those appointed as mine inspectors, of mines covered under this act, shall—"to the maximum extent feasible"—have had at least 5 years of "practical mining experience."

Seventh. Section 14 is further amended to direct the Secretary, in his assignment of a mine inspector to specific mines, to give "due consideration" to the inspector's "previous practical experience" in the State, district, or region whose mines he is assigned to inspect.

The obvious intention of this amendment is to assure, where reasonably feasible, that a mine will not be inspected by a Federal inspector who has had little or no previous familiarity with the mining operations of the particular area in which the mine is located.

Eighth. Section 17 is amended to change the effective dates of certain parts of the act.

The amendment postpones, until 1 year after the date of publication in the Federal Register of mandatory mine health and safety standards, the power of the Secretary to issue a notice to a mine operator requiring the abatement of a violation of such a standard or to issue an order of withdrawal and debarment of persons from a mine where the Secretary finds an imminent danger of death or serious physical harm exists. In addition, these powers of the Secretary cannot be exercised in any State within less than 90 days after the adjournment of the next regular session of the State legislature which convenes after the date of publication of the mandatory standards in the Federal Register.

Before this amendment, H.R. 8989 had simply provided that these powers of the Secretary were to become effective 1 year after the date of enactment of the act. This provision impliedly instructed the Secretary that it was his responsibility to assure that the mandatory standards were designated within 1 year after the date of enactment.

The extent to which this amendment will postpone the effective date of the Secretary's powers to issue abatement notices and orders of withdrawal and debatement will depend upon the time lag between the enactment of the act and the designation of mandatory standards, as well as upon the timing of legislative sessions in the individual States—particularly in those States whose legislatures meet only biennially. To illustrate what would be presumably an extreme possibility for postponement of Federal enforcement power: Assume an 18-month lag between the date of enactment of the act and the date of publication in the Federal Register of the mandatory health and safety standards which the Secretary must develop in consultation with advisory committees. Assume that the next regular session of the legislature of State *x*, a State whose legislature meets biennially, does not convene until 18 months after the Federal Register publication date, and that the legislative session lasts 4 months. In this hypothetical case, a total of 43 months, or 3 years and 7 months, would elapse between the date of enactment of the act and the date at which Federal mine inspectors would acquire the authority, in State *x*, to issue notices of abatement or orders to withdraw and debar persons from mines where an immediate or imminent danger of death or serious physical harm is found to exist.

The purpose of delaying the effective date until 90 days after the close of the next State legislative session is to give the State legislature the opportunity—if it decides to avail itself of the opportunity—to look at the mandatory standards designated by the Secretary, take action to pass any new legislation that may be required for establishment of a State inspection and enforcement plan to be presented for the Secretary's approval, and to appropriate the money that will be necessary in order to have the State plan carried out to the Secretary's satisfaction.

Since an approved plan, among other things, has to "provide for the development and enforcement of health and safety standards * * * which are or will be substantially as effective * * * as the mandatory standards" designated by the Secretary, it is not unreasonable to require that a substantial amount of time be given a State, after it has learned what these mandatory standards are to be, in which to decide whether it wishes to develop and finance a State plan embodying substantially as effective standards.

Mr. Speaker, I was born and raised in the mining community of Butte, Mont. I worked in and about the mines like my father before me. I have strong convictions about what must be done to guard the health and safety of the miners. I am proud to have played my bit in support of this legislation, and I want to salute the excellent record of the United Mine Workers, the International Union of Mine, Mill & Smelter Workers, the United Steelworkers of America, AFL–CIO, and the many individuals who through these many years have faithfully appeared before congressional committees to present firsthand information in support of this legislation.

Slovenian Day Festival

EXTENSION OF REMARKS

OF

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1965

Mr. ANNUNZIO. Mr. Speaker, on October 10, the Slovenes will hold a festival celebrating the 415th anniversary of the first printed Slovenian book and the 47th anniversary of Slovenian independence from the Hapsburg empire. I have long felt that not enough is known about the history and the accomplishments of this outstanding group of people. It is fitting, therefore, on this occasion and during this celebration to recall the highlights of their history and some of their fine contributions to the cultural and intellectual advancement of civilization.

The Slovenes constitute one of the Slavic peoples whose present homeland is now in southern Europe. They have managed to survive aggression and division to emerge as an enlightened, well-educated, gifted and virtuous people, and today represent one of the most advanced peoples of Yugoslavia.

The history of these courageous people dates back to the early Middle Ages. Much of this part of their history is lost in antiquity due to our sparce knowledge of that era, yet we do know that in the 6th century they settled in the northern part of Yugoslavia and were the first of the Slavic peoples to penetrate that part of Europe.

In their new homeland, they were invaded by foreign elements which sought to absorb the Slovenes into their own cultures, but the Slovenes were able to sustain themselves as an independent group. However, in the eighth century they were overcome by the huge forces of the Holy Roman Emperor Charlemagne, and soon their country became part of Charlemagne's sprawling empire. During the ninth century they were christianized by German and Italian missionaries and embraced the Roman Catholic faith. The strongest support for national survival of the Slovenes came from their priests who were instrumental in preserving the language because they were the sole educators of the people. Still later, in the 12th century, Slovenia became part of the Hapsburg Empire. For the next 10 centuries, the Slovenes were under the domination of German peoples until the birth of the Slovene, Croat, and Serb Kingdom of Yugoslavia in 1918.

Although subjected to alien rule in their homeland, the Slovenes were able to print the first book in their own language in the year 1550. The importance of this event is properly appreciated when one bears in mind that this first printed book in the Slovene language was also the first printed book in any Slavic language.

During these centuries of subjugation to alien overlords the Slovenes were registering startling advances on the spiritual, intellectual, commercial, and industrial fronts, but they could not make headway on the political front. All of their attempts to free themselves from Charlemagne's armies, from the clutches of Hapsburg rulers, and from their other oppressors were to no avail; all their revolts and uprisings ended in veritable bloodbaths. Toward the end of the 19th century the oppressive hand that held them in bondage had shown no signs of relaxing. The First World War and its sequel, however, ushered in a new era for these fearless Slovenes.

During World War I the Slovenes did all in their power to help the cause of democracy, and their hopes for national salvation were realized to some measure at the end of the war by the destruction of the dual monarchy of Austria-Hungary and the creation of a kingdom of Slovenes, Serbs, and Croats.

However, even during the first few months of its existence late in 1918, this newly constituted government showed signs of internal struggle, and the Serbs succeeded, much against Slovene protests, in adopting a strongly centralistic constitution. This meant absolute Serbian domination, in utter disregard of the rights of Slovenes and Croats. The Serbian rulers in Belgrade were quite authoritarian and dictatorial and at times the Slovene opposition to the government in Belgrade was as bitter as had been their opposition to the Austrian Government in Vienna. In 1929 the constitution was suspended and a royal dictatorship was established which remained in power until the outbreak of World War II.

World War II had truly tragic consequences for the Slovenes. Throughout the war they suffered deprivation of freedom under the Nazi rule and in the end, when the Nazis were evicted, their goal of national autonomy was once again denied to them, this time by the revolutionary forces in Yugoslavia. The newly emerging leader there, Tito, wanted to fashion the new state according to his Communist image. Thus late in 1945 the Federal People's Republic of Yugoslavia was born with Tito as its ruler. In Tito's Yugoslavia, Slovenia is one of the six People's Republics, with a territory a little less than 8,000 square miles and population about 1,500,000. On paper, at least, they have the right of self-government, and the least, as well as the most one can say, is that they seem to be reconciled, for the time being at any rate, to their present lot.

The story of Slovenes in the United States begins during the first half of the 18th century when a group of people from Yugoslavia sailed for America. A large number went to Georgia and settled on the right bank of the Savannah River. This group constituted the earliest Yugoslav settlement in the United States, so these Slovenes were the pioneers of their kinsmen in the New World. The next important settlement of Yugoslav immigrants took place in New Orleans, where they engaged in the oyster industry. In the late 1840's, during the gold rush, a Slovenian community was founded in California.

In the meantime Slovene clergymen were arriving here to carry on missionary work in the Northwest. Best known among these was Bishop Frederick Baraga, who soon after his arrival in 1830, devoted his life to missionary work among the Indians in northern Michigan, Wisconsin, and Minnesota. In recognition of his work, Michigan has named one of its counties after him.

Until 1890 the number of Slovenes arriving in the United States was relatively small, and the total probably was no more than 25,000. But after that year Slovenes came and settled in our growing metropolitan centers by the thousands each year, so that the latest estimates of these industrious and wonderful people among us places their total number at over 400,000.

Until the outbreak of the First World War, the Slovene people left their beloved homeland, which was then part of the Austro-Hungarian Empire, and came here to enjoy freedom and also have the opportunity to develop their rich and varied natural talents as artisans and artists, as laborers and tradesmen, as men of letters and of science, as politicians in public affairs and dedicated public servants in many professions, and above all as daring and dauntless fighters for the preservation of the American democratic way of life.

It is hardly possible to mention leading and prominent Americans of Slovenian descent in this brief address. In large metropolitan communities such as Chicago, Cleveland, Pittsburgh, Detroit, San Francisco, and a large number of other cities, where Slovene-Americans number in the tens of thousands, they have contributed more than their full share to civic and communal life. They are known for their robust character and for their readiness to undertake any important task, regardless of the difficulties and hazards involved. They are proud and loyal citizens of this great Republic; through loyalty and pure merit they have attained high and honored positions in public life. Among such honored individuals are Senator FRANK LAUSCHE of Ohio and Congressman JOHN A. BLATNIK of Minnesota, to mention only two well-known public servants.

These brief remarks can hardly do full justice to the history and the accomplishments of these wonderfully gifted and courageous people. But I hope I have conveyed some sense of my wholehearted appreciation of what they have done to enrich our way of life, an appreciation which I particularly wanted to express on this occasion when we are honoring my good friend Ludwig A. Leskovar's 15th year as a Slovene radio broadcaster on the 415th anniversary of the first printed Slovenian book, and on the 47th anniversary of Slovenian independence from the Hapsburg Empire.

It is my pleasure to insert into the CONGRESSIONAL RECORD a resolution introduced by Alderman Vito Marzullo of the 25th ward of Chicago and passed by the City Council of the City of Chicago.

Gov. Otto Kerner, Mayor Richard J. Daley, and Alderman Vito Marzullo are to be commended for their efforts and cooperation in proclaiming Sunday, October 10, 1965, as Slovenian Day in Chicago.

The resolution follows.

OCTOBER 10, 1965, SLOVENIAN DAY

Whereas thousands of Americans of Slovenian descent, living in this country for generations, have contributed greatly to its growth and development, and have formed and been active in hundreds of civic, fraternal, religious, and patriotic organizations; and

Whereas the Slovenians of Chicago have contributed to our American culture, notably in the field of polka music, and the Slovenian radio program of this great city, under the direction of Dr. Ludwig A. Leskovar, is celebrating 15 consecutive years of radio broadcasting; and

Whereas this year the Slovenians throughout the world observe the 415th anniversary of the first Slovenian book printed; and

Whereas this year also marks the 47th year since the Slovenian nation gained independence from the Hapsburg Empire: Now, therefore, be it

Resolved, That we, the members of the city council of the city of Chicago, hereby request Hon. Richard J. Daley, mayor, to proclaim Sunday, October 10, 1965, as "Slovenian Day in Chicago," and to urge all Chicagoans to join with their neighbors of Slovenian descent in the celebration of this day.

Unilateral Military Intervention in the Western Hemisphere

EXTENSION OF REMARKS

OF

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1965

Mr. ROYBAL. Mr. Speaker, on September 20, 1965, the House adopted, on a record vote of 312 to 52, House Resolution 560, expressing the sense of the House of Representatives relative to international communism in the Western Hemisphere.

This resolution declares:

> Any one or more of the (American Republics) may * * * resort to armed force * * * to forestall or combat * * * domination or threat of it * * * by the subversive forces known as international communism and its agencies in the Western Hemisphere.

With these words, the House has expressed its support for the principle of unilateral military intervention into the affairs of neighboring countries in the Western Hemisphere whenever, in the opinion of the intervening country or countries, there exists the mere threat of domination by what it considers to be the subversive forces of international communism.

Mr. Speaker, in my opinion, it is most regrettable and most unfortunate that this resolution was adopted. I consider it an unnecessary, ill-timed, and wholly ineffective resolution that is doing severe damage to the cause of better relations between the nations of North and South America.

Certainly, no one can predict with any real claim to accuracy what situations may develop in the Western Hemisphere, or for that matter, anywhere else in the world, in the future, or what actions, joint or unilateral, may become necessary.

These situations and our response to them will, in large part, have to be judged pragmatically at the time and in the light of the then prevailing circumstances.

But I believe it is highly detrimental to our own national interest in promoting the concept of hemispheric solidarity and the principle of collective security to publicly announce beforehand that we are assuming the unilateral right, and that we virtually invite each and every other American nation to assume the same right, to use military force to intervene in the internal affairs of any of our fellow American Republics whenever and wherever we feel there may be a threat of Communist subversion.

The almost universally negative reaction throughout Latin America, from every spectrum of political allegiance, to the adoption of House Resolution 560, is indication enough of the harm we have already done to our vital relationships with our neighbors to the south.

The resolution has been denounced as contrary to every precept of the good neighbor policy and of the Alliance for Progress. It is characterized as a return to the days of Yankee imperialism and gunboat diplomacy—the era when the feared and hated colossus of the north was pursuing its now repudiated 19th-century policy of manifest destiny.

Though some have asserted that House Resolution 560 merely attempts to bring the Monroe Doctrine up to date, we must remember that this doctrine was intended to combat the danger of external invasion, and, more to the point, that the Latin American countries have never fully accepted or recognized the validity of the Monroe Doctrine even in this limited frame of reference.

These nations have always suspected that the Monroe Doctrine was largely a unilateral declaration of a U.S. claim to its own "sphere of influence" in the Western Hemisphere which it wanted to keep as a special preserve for itself outside the area of contention of the other European colonial powers.

Clearly, House Resolution 560 is in line with the turn-of-the-century "big stick" policy, as well as the "send in the marines" philosophy we followed during the first three decades of the present century.

But it does not square with our current effort to live up to President Franklin Roosevelt's firm and unequivocal pledge to abide by the principle of nonintervention in the internal affairs of the independent nations of the Western Hemisphere.

We are now engaged in an effort to develop workable machinery for joint consideration of economic, political and military cooperation through the Organization of American States, based on the principles of national equality, mutual respect, and collective responsibility.

It seems to me that the House resolution is a step backward from this progressive effort, and that it will arouse continuing widespread Latin American fears that the United States is returning to some of its discredited policies of the past.

One of the avowed purposes of our support for the people of South Vietnam in their present struggle is to protect them from the threat of unilateral intervention and to guarantee to them the right of self-determination.

Moreover, in the recent India-Pakistan fighting over Kashmir, we recognized the imminent danger to world peace posed by any unilateral intervention in what started out as only a small scale so-called brushfire war, but what could easily have escalated into a world conflagration.

And, though House Resolution 560 is without any actual effect in law, and is merely a gratuitous expression of House sentiment, it will nevertheless be interpreted by every anti-U.S. and Communist group in the world as proof that we still support the idea of unilateral military intervention—contrary to any and all disavowals we may now make.

In effect, we have just given the Communists one of the best propaganda weapons they have ever received, and we can be sure they will use it on us with deadly effectiveness.

The passage of this resolution is, in my opinion, particularly unfortunate because under our constitutional form of government, the President, not the Congress, is charged with the primary day-to-day responsibility for the conduct of U.S. foreign policy.

But the House resolution threatens to reduce an essential element of the President's flexibility in this vital area.

In addition, the limited House committee consideration of House Resolution 560, and the unusual "suspension of the rules" procedure under which it was brought to the floor of the House—thus preventing any amendments from being offered to remedy its obvious defects—both contributed to the impression of undue haste and lack of appropriate study for a subject with such immediate and long-range implications.

We must also realize that Latin America is moving rapidly into a new era—lead by such progressive nations as Mexico, Chile, Venezuela, and Brazil—and they will not tolerate a return to the old dominant/subordinate relationship between the United States and the other countries of the Western Hemisphere.

Rather than take a negative attitude toward these innovative and forward-looking reform-minded regimes, we should encourage them and offer our assistance to help them direct their revolutions of rising expectations into constructive and peaceful channels.

This was the basic idea behind President Kennedy's Alliance for Progress. And it motivated President Johnson's recent announcement of agreed guidelines for a fair and just renegotiation of the long-out-of-date 1903 Panama Canal Treaty.

The contrast, between these examples of outstanding executive branch leadership in creating the close hemispheric relations we desire for the future, and the wholly negative congressional approach as expressed in House Resolution 560, could hardly be greater.

It is my earnest hope, Mr. Speaker, that we in the House of Representatives will have another opportunity during the present session of Congress to help repair the damage already done by this resolution to the inter-American system of collective security, and to reaffirm our faith and our adherence to the cooperative principles on which the Organization of American States was founded.

The Pacific Community

EXTENSION OF REMARKS
OF
HON. RICHARD T. HANNA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 6, 1965

Mr. HANNA. Mr. Speaker, as one voice, one sometimes feels a rather lonely voice, I shall repeatedly request to be heard for the advancement of the U.S. interest in the Pacific community. True, the focus of attention in this area presently is wrapped in the garb of conflict and clouded with concern. Nonetheless we can ill afford to neglect constructive attention to our long-term positive interests. Call it Pollyanna if you wish but I entertain an optimistic appraisal for the future of the Pacific.

The flood tide of history has an economic and moral wave which will engulf and ultimately overflow the temporary barriers of political conflict and the materialistic advantage seekers who are now chief motivators in many areas of the Pacific. Our destiny is for discovery of roads around the new existing barriers and onward toward greater markets; larger areas where the benefits of the scientific age can be spread and enjoyed; wider realization of the rising expectations of the peoples of southeast Asia and those others who enjoy with us the common rim of the Pacific.

I urge all Members in general, and my colleagues from the West in particular, to join me in forging our country's policies to include increasing interest in and commitment to the development and dynamics of the Pacific. We need to so direct ourselves for the continued expansive prosperity of our country as a whole and for the ultimate realization of the destiny of the Pacific States particularly.

The Pacific Community

(By Congressman Richard T. Hanna)

We heard much in the first half of the sixth decade of the 20th century about the Atlantic community.

Indisputably, the principal objective of our foreign policy in the 20 years since the end of World War II has been the building of a transoceanic community encompassing the nations of the North Atlantic—a community based on the shared values that are rooted in Western Civilization, united in the common defense of the West against the Soviet Communist threat, prospering through a great exchange of goods and services, and dedicated to the peace, freedom and betterment of all men both within and without the Atlantic community. With the goal of Atlantic unity in mind, American policy toward Europe has reflected brilliance, imagination, and step-by-step coherence—the Marshall plan, the North Atlantic Treaty Organization, American encouragement of European unity, and now the promotion in earnest of a grand new adventure in free trade characterized by the Trade Expansion Act of 1962 and the Kennedy round of talks to reduce tariffs currently being conducted in Geneva. The speeches of our statesmen have rung first with the promises and then with the achievements of the Atlantic community.

Clearly, our foreign policy has been first and foremost Atlantic oriented.

True, Atlantic unity has not been our only aim. We have actively sought to help further the growth of strong, independent, prosperous nations all around the globe. We have vigorously opposed aggression wherever we have found it—in Korea, in Lebanon, in Cuba, and now in Vietnam. Nevertheless, our primary concern has always been Europe and the building of an Atlantic community.

But the time has come for us to broaden our vision. Ours is a Nation whose shores are washed by not just one great ocean, but two. And to the west, in the free nations rimming the vast Pacific basin, firm foundations have been laid for another transoceanic community. In Japan and Korea, in Taiwan, the Philippines, and Hong Kong. In Thailand, Malaysia, Australia, and New Zealand. And, indeed, in the west coast and the Pacific Islands of our own United States of America. This, if you will, is the Pacific community. Conceived by geography, molded by history, it is a community newly wrought but well established.

The Atlantic provided a great highway to a new land for the adventurous, the destitute, the persecuted, the pernurious. They came from Europe seeking a new opportunity in America. Also across the Atlantic came the foundation stones of law and Western civilization upon which this Nation was built. Strong blood ties and a common culture have always bound us closely to Europe, and it is easy to see the natural affinity which we have with our Atlantic neighbors.

From the moment of the Pilgrims' landing, however, the American thrust has been westward—westward to the Oregon Territory, California, and the Pacific Ocean. In 1849, over a century ago, California joined the Union and this Nation became a potential member of a new community. The United States had reached the Pacific Ocean, and that ocean now linked our future to those of Asia, Australia, and New Zealand.

Across the Pacific we looked westward to an ancient people who boast a strange but very rich, very old culture and a proud heritage. Yet it was not our nature to shrink or withdraw from the strangeness of the oriental civilization nor to be unduly impressed by its age. Instead, we chose to go out and meet it, welcome it, join with it. In the war and the peace of modern times history has recorded that we have played a great and active role in the Pacific community. We have joined many times in efforts around the world with our western cousins in Australia and New Zealand. We opened Japan and Korea to trade and commerce. We called for the open door in China. We joined the Philippines in their break with Spain and intermingled our history with their own achievement of independence and democracy. Hawaii has joined our Union now, and we hold mandate power over many other island communities throughout the vast reaches of the Pacific.

History has bequeathed us a destiny in the Pacific community, and that destiny demands that we shall never relinquish our membership therein. For we learned long ago that the Pacific is not a barrier but a highway, a highway that can bring us the horror of war as it once did and as it may do again, or a highway that can bring us the treasures of trade and cultural exchange as it does today, and as we hope that it will always do. The Pacific does not separate us from Asia, Australia, and New Zealand; it binds us to them. Because of this, the troubles of Asia are our troubles, as the last quarter of a century of history has so tragically testified.

But the opportunities of our Pacific neighbors are also our opportunities. To this fact, also, both the past and the present provide abundant affirmation. Pacific nations last year purchased almost $4 billion worth of American exports.

A single Pacific nation, Japan, to whom we sold almost $2 billion worth of goods last year, has become this country's most important overseas trading partner, second only to our continental neighbor, Canada. A Pacific State, California, now leads the Nation in exports. And Pacific ports of the United States handle over 30 percent of this Nation's waterborne trade, yet the tremendous economic potential of the Pacific community has only begun to be realized.

Although its members represent divers phases of economic development from highly industrialized to less sophisticated developing societies, underlying that diversity of development is a common denominator of dynamic change and upward moving economic growth.

This is a community swept by a revolution of rising expectations. With that revolution have come high rates of economic growth, rising personal incomes and rapidly expanding trade. In all of the Pacific lands there is an atmosphere of progress, a feeling of forward motion and a burning desire to move up the ladder of economic development.

This is a community building at a furious pace—dams, roads, factories, skyscrapers, oil refineries, and schools. Construction is everywhere, and steel girders and bamboo scaffolding dominate the Pacific skyline from Sydney to Bangkok, from Hong Kong to Tokyo, from Taipei to Manila.

This is a community suddenly grown thirsty from knowledge, where illiteracy is fast becoming obsolete. Knowledge is power; knowledge is advancement, and the Pacific peoples know it.

This is a community of peoples working hard, working successfully to achieve a better life for themselves and their posterity.

Much has been said and written of Asian despair. We remain impressed by Asian improvement and Asian hope.

Within the Pacific community we are witnessing a truly exciting phenomenon—a chain of development is taking place, a chain of development that is providing the basic dynamics for the upward movement of the entire membership of the Pacific community including our own Nation. Already highly industrialized nations are reaching upward for even higher degrees of sophistication, higher outputs, higher standards of living. In turn, well-developed, prospering agricultural nations are moving vigorously and purposefully toward industrialization. Less developed nations are loosening the grip of a dead past, breaking the chains of tradition, and surging headlong into the 20th century. Throughout the Pacific community the thrilling idea is spreading and growing that there exists a better way to get things done, that there is a better life to be had.

Japan has already turned from light to heavy industry, from labor-intensive to capital-intensive methods of production. Taiwan and Hong Kong now successfully compete in markets for light industrial goods once reserved exclusively to Japan by technological default. Thailand and Malaysia are modernizing their agriculture, diversifying crop production, and building a light industrial base of their own. Korea is spiritedly striving to uplift both agriculture and industry. Australia is undertaking a thorough modernization of her economic complex at all levels, and New Zealand seeks to reduce dependence upon the grass economy that has made her the world's leading exporter of mutton and which has given her people one of the world's highest living standards.

The chain of development within the Pacific community offers vast opportunities to its members. A suggestion for a Pacific Common Market put forth this summer by Mitsui & Co. president, Tatsuzo Mizukami, indicates a recognition of that opportunity. "Is there any valid reason why we should not work to the end of oneness in our trading interest—a oneness of peace and better standards of living?" he asked at a meeting with representatives from Australia and New Zealand recently. He called for such a Common Market to include "other interested communities of the Pacific."

For America it means markets—expanding, profitable markets for our capital equipment, for our construction materials, for our mining equipment. It means markets for our hydraulic pumps, our irrigation equipment, and our farm machinery. It means markets for our foodstuffs, our heavy electric generators, our trucks, and jet airplanes, and on and on and on.

These markets exist not only in the future but the present as well. These nations are on the move, now. They hunger for the equipment and for the technical know-how that will get them where they want to go, now.

We can supply it to them. We need only summon the courage, imagination, and ingenuity that have been the traditional hallmarks of American entrepreneurship.

And this is only the beginning. As these nations develop, as high growth rates push them ever upward, as the personal incomes of their peoples rise, a potential market of 240 millions of people will open up for consumer goods, leisure goods, sporting goods, and tourism. This process has already begun, but this vast market for consumer goods remains yet to be effectively tapped.

The potential for Pacific commerce is great, the opportunities for America vast. But if the Pacific nations comprise a great community, thriving commerce is not that community's only promise. For the Pacific community is also a dynamic cultural entity wherein the best elements of two great civilizations meet and interact to enrich the cultural life of all Pacific peoples.

To the southwest, Australia and New Zealand carry on the best traditions of Western civilization.

To the west lies the rich diversity of east Asian civilization; for over a century its philosophy, art, architecture, and unique style of landscape gardening have profoundly and conspicuously influenced our tastes and enriched our own civilization.

Conversely, our civilization has had an impact upon east Asia so vast as to be inestimable.

As the Pacific community develops closer ties, increased contact will bring all of us greater understanding and a richer life. Strengthening the growing cultural bonds between the Pacific nations are 900,000 of our Nation's citizens who claim Asian ancestry and who have contributed enormously to their country and especially to my own State, California.

Plainly, the cultural, historical and commercial bonds of the Pacific community are strong and continually growing stronger: Japan, for instance, is moving to replace Great Britain as Australia's principal trading partner; New Zealand is looking more and more to Asia as a market for her food products and a source of her supplies; Korea and Japan are on the verge of ratifying a history-making series of treaties which will normalize their relations.

Underlying this solid, growing structure of a Pacific Community is the firm unity of purpose among its members to resist Communist subversion, the common desire to stabilize the dangerously delicate balance of power in the Far East, the fervent wish shared by all to establish and maintain peace.

The Pacific nations fully realize that a Communist threat to the peace and freedom of one of them threatens the peace and freedom of them all. They know that progress is the partner of peace and not of war. They know that you can't grow rice in a battlefield or feed hungry people with howitzers and bayonets.

Thus, although there is no Pacific NATO, the Pacific nations have fully recognized their common interest and regard to peace and security—that is why Australia and Korea have courageously contributed troops in Vietnam; that is why the Republic of China on Taiwan has offered to do the same; that is why the Philippines has sent engineers and medics to that country; that is why Japan and Thailand fully support our position there.

And we ourselves cannot forget, we must not forget, the lessons of 1941 and 1950, so painfully learned, that the security of the United States depends upon the security of the entire Pacific community, which in turn hinges upon the security of each of its members—the smallest as well as the greatest.

The Pacific community, then, exists as something far more than a mere fact of geography. For America today the Pacific community is vital strategically, important economically, enriching culturally. Yet, I firmly believe that in terms of its actual potential the surface has only been scratched. A great future lies in the Pacific, and to assure our part in its promise we must do our part.

We cannot begin too soon. The time has come for us to look to the Pacific, to focus our attention there, to encourage in every way the development of the Pacific community, to build in earnest and thereby to take our part in a great adventure.

I do not mean to detract in any way from the magnificent dream of the Atlantic community. Indeed our task there is unfinished and will demand our closest attention for some time to come. For although two decades of brilliant diplomatic and economic achievement have been wrought in the Atlantic, much remains yet to be done and we must not let up in our endeavor there.

But the task in the Pacific is equally urgent. Therefore, while we should not divert our attention from the Atlantic to concentrate only on the Pacific, we must expand our efforts to give equal time, equal effort, equal attention to the task of building, strengthening and bringing closer together the Pacific community. We must multiply the ties with our Pacific neighbors. We must strengthen the old bridges across the Pacific and build new ones—bridges of commerce, culture, and diplomacy; bridges of knowledge and understanding. Let us venture into the Pacific frontier with purpose and vision and without fear to search out the opportunities there both present and future.

Let us go forth to sell our goods in the markets of the Pacific not only for present profit but also to establish our claim to an expanding future. As I have already pointed out, the demand is heavy, the opportunities vast. American goods are sought after throughout the Pacific, highly prized for their excellent quality and advanced design.

But, in capturing Pacific markets we face two serious, closely related challenges: complacency on the one hand and competition on the other. The time once was when Pacific markets went to U.S. traders by default. The war left the American industrial complex unimpaired, while that of the rest of the world lay largely in ashes. Too, American businessmen received a healthy assist in selling to Asian markets from the U.S. AID program.

But this is all becoming less and less the case. Sharp competition has appeared on the Pacific scene, especially from West Germany and Japan. Their industries fully recovered from the war, these countries are vigorously seeking to establish markets for their industrial goods. They come armed with a variety of commercial weapons including highly sophisticated sales techniques, good service, and liberal credit. Meanwhile, the U.S. AID program in the Pacific is fast declining, and with it the advantage that it once gave to U.S. businessmen in establishing markets.

We should not decry the new competition.

Rather, we should welcome it and go out to meet it by sharpening, strengthening, and diversifying our competitive tools. We must become sophisticated in the business of international trade. We must keep our commercial fingers on the pulse of Pacific markets, know the needs of the present and anticipate those of the future. We must be prepared to adapt our products to local Pacific needs, vigorously promote their sales, set up lines of effective service on a transpacific basis, and provide sound, but liberal and imaginative credit terms to our Pacific customers. These are the methods that will sell our products. This is the way in which we can reap the harvest of opportunity in the Pacific and sow the seeds for future, richer harvests.

Furthermore, let us make a conscious effort to widen and deepen the flow of cultural exchange within our Pacific community. It is discouraging to note that our official cultural exchange program with Europe has been at least five times greater than that for the nations of the Pacific. Far fewer Americans visit Asia than Europe. Far fewer Asians come to this country than do Europeans.

Let us rectify that imbalance. Granted that the distances are greater, the languages more difficult, and the cultures strange and alien. But the importance of the Pacific community with its millions of people to this Nation and our consequent need for first-hand information about this area demand greater efforts to increase contacts on all levels with our Pacific neighbors.

Let us therefore take positive steps to encourage a greater cultural exchange of persons, art and literature, both officially and unofficially, among the Pacific nations.

Let us stimulate the interchange of ideas among Pacific scholars, businessmen, professional men and, indeed, men and women of all occupations and all walks of life.

Let us encourage Pacific-wide cooperation in scientific endeavors concerning problems that affect the entire community—such as oceanography, communications and space, to name only a few.

Let us develop a greater flow of tourism in both directions so that the citizens of the Pacific community can better get to know and understand each other.

Increased contact with our Pacific neighbors will widen tremendously our cultural horizons and richen our lives. A greater interchange of persons and ideas will help us make the unfamiliar familar so that we may build on the firm supports of mutual understanding rather than falter on the rocks of ignorance.

Moreover, we must strive to inject new energy into our Pacific diplomacy.

Let us make it clear to our neighbors that America does not seek hegemony in the Pacific. Rather, we seek the establishment of a working partnership with the free nations of Asia and the Pacific Southwest to secure jointly our liberty, to work for our mutual prosperity, and to participate together in a great adventure of cultural enrichment.

A stronger Pacific community must be based upon mutual respect as well as mutual interest. Let us therefore respect the national integrity of our Pacific neighbors, some of whom are only now emerging as modern nations with a proud sense of their own identity. Let us applaud their achievements, help them with their obstacles, and treat them as partners to be consulted and not ignored. Let us also intensify our efforts to dissolve the small barriers that stand between us and the achievement of our great common objectives.

Among our most important diplomatic objectives in the Pacific must be that of bringing those nations into the Pacific community who lie within its confines but who do not now share its bounty or spirit as they should—Laos and Vietnam because they are now engaged in a fight for their lives against Communist aggression; Cambodia and Indonesia because for the time being they have misinterpreted history and believe that the future of the Western Pacific does not include the United States. Instead, they believe that the future lies with Red China, and they have acted accordingly.

These troubled southeast Asian nations are potentially very rich: their soils are fertile, their growing seasons long. They are generously endowed with natural resources. Their combined populations aggregate over 100 million people—100 million people who could contribute much to, and receive much from, the Pacific community. Let us then work diligently to bring these nations into the Pacific community that we and they might all be the richer and the safer for it.

To the end that the people of Laos and Vietnam may be freed from war and from the threat of future aggression, and to the end that Cambodia and Indonesia may see that they need not fear Communist China, Communist aggression in southeast Asia must be stopped once and for all and the situation stabilized.

At the same time, we must join with our Pacific neighbors to do what we can to help these southeast Asian nations lift themselves from stagnation and war into the chain of dynamic, peaceful development that characterizes the rest of the Pacific community.

This we can do by continuing our vigorous diplomatic efforts, by encouraging regional, self-help projects such as the Mekong River Basin development and by remaining in the forefront of those who advocate the creation of an Asian Development Bank which will encourage Asian nations to help themselves in a responsible way by providing them with the means and the credit to do it on a sound, businesslike banking basis.

Japan, Korea, Thailand, Taiwan, Malaysia, the Philippines, Australia and New Zealand are ready now to join in an Asian Development Bank with us. This will prove to be an important beginning in the creation of institutions through which we can join our mutual efforts for a better future in the Pacific basin. Later, others will be in a position to join when trouble subsides in Laos, Vietnam, and Cambodia, when Indonesia sees the prosperity of peace and the gain in cooperation against the losses of belligerence. There will be room for all who come in friendship and good will, who are willing to pledge mutual respect and undertake mutual responsibilities.

For America the Pacific community is a complex and many-faceted challenge, but countless opportunities beckon. The promised returns for our toil are large with value, and the stakes are tremendous.

At stake is the growing trade which is fueling the vigorous growth of the Pacific nations.

At stake is the promise of a culturally richer world.

At stake is the very survival of the United States as a Pacific power and perhaps as a nation.

Clearly, the Pacific community is worthy of our efforts. We must meet the challenge in the Pacific in all of its aspects. We must claim our opportunities there.

The key to both challenge and opportunity ultimately lies in understanding and knowledge. We must therefore educate ourselves about the Pacific. We must learn about its nations and its peoples. We must extend the scope of our vision that we may see the Pacific as an integral whole, as a community of nations.

This we have long been able to do with Europe. When the term "Europe" is used, we have little trouble in grasping its meaning geographically, economically, politically, and militarily. We are able to visualize the broad developments now sweeping that continent. We are able to grasp the interrelationships between, say, military strategy, economic prosperity and political stability in Europe.

But in Asia, these interrelationships all too often elude us; there, we tend to compartmentalize our thinking, more often than not focusing on the bits and the pieces rather than on the whole. Compact and close, Europe is tangible and meaningful. Asia, however, is vast and mysterious. Unlike Europe, knowledge of its geography, its cluture, its peoples is not so familiar to most of us Americans.

Unfortunately, we tend usually to focus only on the crisis areas in Asia rather than on news of progress and development. In Europe, we are, of course, very much aware of Soviet and American confrontation, of the recurring crisis in Berlin, and of the deeper problem of German reunification which underlies it. But we are equally aware of the great progress that Europe has made in the past decade, whereas in Asia, as I have long pointed out, developments which are sweeping the rimlands of the Pacific, and which are equally as exciting and equally as significant for us as those in Europe, lie hidden behind news of war in Vietnam, confrontation in Malaysia, and tension in the Formosa Straits.

We have been unable to see the forest of Pacific progress for the trees of Pacific troubles.

Yet, as in Europe, so in Asia, and understanding of the stories of crisis on the one hand and those of dramatic progress on the other, are intimately related to one another. I think that in this regard many of those who protest our policy in Vietnam do so because they are unaware of the dramatic progress taking place in the rest of Asia, progress that has been achieved free from Communist interference, progress that depends very much for its continuance upon an Asia that is strong, peaceful, independent, and not subject to the uncertainties of Communist Chinese suzerainty.

Understanding of the whole Pacific is thus terribly important for the American people. It is the ground upon which our Pacific efforts and Pacific policies must be based. It is the foundation upon which the Pacific community must be built.

Let us, therefore, become Pacific minded as we have become Atlantic minded.

President Kennedy once asked us to think "intercontinentally" as Alexander Hamilton had once asked his contemporaries to think "continentally." We have long been able to think "Atlantically." Let us now learn to think "Pacifically."

SENATE

THURSDAY, OCTOBER 7, 1965

(Legislative day of Friday, October 1, 1965)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Father of our spirits, whose power is unsearchable and whose judgments are a great deep, at the beginning of today's deliberations we would quiet our hearts in Thy presence.

Give us to see that we will never find Thee in any mystery that may be disclosed beyond the frontiers of our present knowledge, but that we can find Thee in heavenly visions which are not denied, in truth that is not crucified, and in faith that does not falter though pressed by every foe.

O God, our lives are so swiftly lived; as the flower that fadeth and the grass that withereth, so are we, yet our dust can breathe Thy breath. Our relationships in the home, on the street, in the church, in the school, in the marts of trade, and in the halls of government can make us partners in Thy purpose and intent for ourselves, and for every child of Thine.

Help us to put into the fugitive fragments of every day such quality of devotion for the tasks of Thy universal kingdom of love that shall make us unashamed when the day is over and all the days are done.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, October 6, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on October 6, 1965, the President had approved and signed the act (S. 596) to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and related diseases.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. SICKLES of Maryland as a manager, on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill (H.R. 9567) to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education, to fill the existing vacancy thereon.

The message announced that the House had passed, without amendment, the bill (S. 2232) to amend the act entitled "An act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf," approved September 2, 1958, as amended, in order to further provide for a loan service of educational media for the deaf, and for other purposes.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

DEATH OF MOTHER OF JOHN KAMPS

Mr. MANSFIELD. Mr. President, it was with sadness that I received word this morning of the passing of John Kamps' mother. John Kamps, an Associated Press reporter, is, as was his mother, an old friend of many years' standing.

He, as many of the Senators know, covers certain States within the Rocky Mountain region. The passing of Mrs. Kamps, a real Montana pioneer, will be regretted by many people of our State, but she will be remembered with kind thoughts and respect, I am sure, because of the many contributions she made to the betterment of our State, our area, and the Nation as a whole.

May her soul rest in peace.

REPORT ON U.S. TRAVEL SERVICE

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Commerce, transmitting, pursuant to law, a report on activities of the U.S. Travel Service, for the 6-month period ended December 31, 1964, which, with the accompanying report, was referred to the Committee on Commerce.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRUENING (by request):

S. 2610. A bill to amend section 201(c) of the Federal Property and Administrative Services Act of 1949 to permit further Federal use and donation of exchange sale property; to the Committee on Government Operations.

(See the remarks of Mr. GRUENING when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT:

S. 2611. A bill to amend title II of Public Law 874, 81st Congress, to reduce the minimum requirement with respect to the number of children required to qualify a local educational agency for a basic grant under such title; to the Committee on Labor and Public Welfare.

By Mr. MONDALE:

S. 2612. A bill for the relief of Mr. and Mrs. David Long; and

S. 2613. A bill for the relief of Tetsuya Numata; to the Committee on the Judiciary.

By Mr. BARTLETT (for himself and Mr. GRUENING):

S. 2614. A bill to provide for U.S. participation in the statewide exposition to be held in Alaska during 1967; to the Committee on Commerce.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 2615. A bill to provide for the free entry of one Weissenberg rheogoniometer for the use of the Catholic University of America; and

S. 2616. A bill to remove the word "green" from the description of billiard cloth in the Tariff Schedules of the United States; to the Committee on Finance.

By Mr. DIRKSEN:

S.J. Res. 115. Joint resolution to require that reports on imports into the United States include the landed value of articles imported, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. DIRKSEN when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. JACKSON (by request):

S.J. Res. 116. Joint resolution to provide for the administration and development of Pennsylvania Avenue as a national historic site; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above joint resolution, which appear under a separate heading.)

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

Mr. GRUENING. Mr. President, I introduce, for appropriate reference, a bill to amend section 201(c) of the Federal Property and Administrative Services Act of 1949 to permit further use and donation of exchange sale property.

The Subcommittee on Foreign Aid Expenditures of the Committee on Government Operations, of which I am chairman, held extensive hearings during the past summer for the purpose of reviewing and evaluating the administration of the donable property program, as authorized, by the Federal Property and Administrative Services Act of 1949, as amended. During the hearings we received testimony from a large number of witnesses, representing the Federal, State, and local governments, who are directly involved in the inspection, screening, and allocation of surplus property. All of the witnesses agreed that the donation of property which is surplus to the needs of the Federal Government, to public schools and public health institutions, is one of the most effective uses and greatest benefits that could be made of such property.

As a general rule when personal property becomes obsolete, worn out, or for some other reason is not needed by a Federal bureau or office, it is reported to a central office within the same department to ascertain whether it is needed by another office within the agency. If further utilization is not indicated within the same agency, the property is then classified as "excess to its needs" and reported to the General Services Administration for Government-wide screening.

As the GSA receives the information of excess property from the reporting agencies, it prepares detailed listings for circulation to other departments or agencies within the Government to determine whether the property is, first, needed by another department; or second, becomes surplus to the needs of the Federal Government. After this screening is completed and no Federal use is indicated by any agency the property is then made available for donation for health, education, or civil defense purposes.

This procedure for screening surplus property has been in effect for almost 20 years during which time more than $4 billion—in acquisition cost—of surplus has been made available to 4,000 health and medical institutions and over 30,000 schools, colleges, and educational activities throughout the United States. Under this program a substantial amount of classroom equipment, furniture, fixtures, and many items of supply have been made available to many schools which would not have otherwise been able to purchase such material.

During the hearings before the subcommittee it was revealed that unneeded property is sold by the holding agency before it becomes excess or surplus thereby diverting much-needed property away from the State and local schools. Should this practice continue and should the Department of Defense change its regulations, no property will be available for donation to schools and the intent of Congress will be destroyed by departmental regulations.

The subcommittee has received many letters and communications from teachers, school officials, and educators throughout the country stating that the property received by their schools through the donation program had been invaluable to the health and education of school-age children and students. They have recommended that the Congress strengthen the program and make more surplus property available for educational use. They have also complained that a substantial amount of property which is usable and needed for educational purposes is now sold by Federal agencies before it becomes surplus. In some instances the schools have been compelled to bid against the surplus dealers in order to obtain the property for public use. We believe this property belongs to all of the taxpayers of this country and should therefore be made available for public use rather than sold. We believe greater benefit will accrue to more people through the donation program than by turning such property over to jobbers or speculators in Government surplus. For these reasons I have introduced this bill and believe that when our study of this program both here and at certain overseas installations is completed we will be in a better position to prove the need for this and possibly other amendments to the Property Act.

The amendment that I have introduced today is not intended to curtail or jeopardize Federal utilization of excess property but is designed to clarify the law, and establish for all time a procedure that will be clear to the people responsible for administering the law, that such property shall be disposed of in the following order: First, make available for Federal utilization under 202(a) of the act; second, made available for donation under section 203(j) of the act; and third, made available for exchange sale or sold to the public.

It is understood that the enactment of this bill will cause a slight reduction in the revenue received by the Treasury of the United States and reduce the augmentation of agency appropriations, but the overall effect will be negligible compared to the benefits which will accrue to health and education.

This amendment is long past due and I believe that it will be of great benefit to everyone concerned with the administration of the surplus property program. It will (a) clarify the purpose and intent of the law, (b) bring about uniformity in the disposal procedures, (c) make more property available for educational use and (d) increase efficiency and reduce paperwork.

Mr. President, I am firmly convinced that the donation of surplus property for use by schools and colleges in the training of the youth of this country will benefit our children, our community and our country for less money than anything we could do in our aid to education.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The bill will be received and appropriately referred.

The bill (S. 2610) to amend section 201(c) of the Federal Property and Administrative Services Act of 1949 to permit further Federal use and donation of exchange sale property, introduced by Mr. GRUENING, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

U.S. PARTICIPATION IN EXPOSITION TO BE HELD IN ALASKA DURING 1967

Mr. BARTLETT. Mr. President, I introduce, for appropriate reference, a bill to provide for U.S. participation in the statewide exposition to be held in Alaska during 1967 and I ask unanimous consent that it be referred to the Committee on Commerce.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be referred to the Committee on Commerce.

The bill (S. 2614) to provide for U.S. participation in the statewide exposition to be held in Alaska during 1967, introduced by Mr. BARTLETT (for himself and Mr. GRUENING), was received, read twice by its title, and by unanimous consent, referred to the Committee on Commerce.

REQUIREMENT THAT REPORTS ON IMPORTS INTO THE UNITED STATES INCLUDE THE LANDED VALUE OF ARTICLES IMPORTED

Mr. DIRKSEN. Mr. President, for some time I have been concerned with statements that have been made in respect to the size of the surplus in our balance of trade account. This of course is but one facet of our balance of payments, but the unusually high merchandise export surpluses that have been reported have been used as evidence of our competitive prowess in international trade as well as determining our position in respect to the balance of payments. Let me list at this point the surpluses that have been announced by the Department of Commerce for the preceding 17 years—value in millions of dollars:

Balance of merchandise trade:	
1948	5,509
1949	5,413
1950	1,119
1951	2,969
1952	2,451
1953	1,349
1954	2,563
1955	2,803
1956	4,564
1957	6,252
1958	3,118
1959	779
1960	4,592
1961	5,439
1962	4,556
1963	5,289
1964	6,939

They appear in table 1, page 3, Overseas Business Reports, August 1965, U.S. Department of Commerce.

Mr. President, these figures are imposing indeed, but the question is how truly do they reflect the actual situation in regard to our real balance of trade? In other words how do we actually calculate our balance, what factors are included? These questions must be answered before we can furnish a correct answer to two most important questions. One is of course important to our domestic industry and that question is, Are we really competitive in world trade, so much that we can risk another round of tariff reductions in the negotiations currently underway at Geneva? These surpluses would indicate that we are competitive, that is why we must examine them more closely. The second question relates to our balance of payments. If our trade surplus, representing a plus factor in determining our balance of payments, is not of the actual magnitude represented then of course our situation in respect to our balance of payments becomes somewhat more clouded. All the more reason then why the method of calculation we employ in arriving at our balance of trade should be more closely examined.

I discussed this matter at a recent hearing before the Finance Committee with Secretary Fowler when he testified at the hearings on H.R. 8147, an act to amend the Tariff Schedules of the United States with respect to the exemption from duty for returning residents. The discussion appears on pages 29 and 30 of the hearings.

Later, Mr. President, I examined a statement presented to the Subcommittee on International Finance of the Banking and Currency Committee, which statement was prepared by Mr. O. R. Strackbein of the Nationwide Committee on Import-Export Policy. I felt that the paper went directly to the two questions I have listed above, although not perhaps in as much detail as might have been possible. After discussing this matter with Mr. Strackbein he prepared a second paper that goes into much greater detail in this field than did the first. These two papers give an extremely clear analysis of this particular problem, and I ask unanimous consent that they be reproduced in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. DIRKSEN. Mr. President, it appears that our trade position is changing, at least the Secretary of Commerce indicated this in a recent speech in New York on September 23. In his prepared remarks he said:

> We especially need to boost exports in order to offset the substantial rise in imports. Our exports for the first 7 months of 1965 are running only 1½ percent above those for the same period in 1964. But our imports are running 12 percent higher. This is a perilous cut into our trade surplus. It must not continue.

I quite agree with that statement, Mr. President, but I question whether this trend will be stopped by further reductions in duty before our international competitive position becomes more favorable. In view of the wide range and importance of Secretary Connor's speech, I ask unanimous consent that it be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. DIRKSEN. Mr. President, in order to provide more information on our trade balance and to focus attention more closely on our international competitive position, I think it essential that our system of reporting trade statistics be expanded. To achieve this, Mr. President, I introduce for appropriate reference a joint resolution. This joint resolution would direct the Secretary of Commerce to report all imports into the United States at the ports of entry on the basis of c.i.f. values, representing the foreign value plus the insurance and shipping charges incident to landing the imported merchandise at the port of entry. It would not require the Secretary to discontinue the present system of reporting but would only have the effect of providing additional, and in my judgment, very pertinent information. In addition the joint resolution provides that subsidized exports be more clearly identified so as to give us a somewhat better picture of our trade position.

I would also hope, Mr. President, that the staff of the Committee on Finance could look into this matter and perhaps in January provide us with statistics on trade adjusted so as to reflect landed value of imports for at least 3 or 4 preceding years. This would be most helpful, I believe.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 115) to require that reports on imports into the United States include the landed value of articles imported, and for other purposes, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Finance.

EXHIBIT 1

BALANCE-OF-PAYMENTS PROBLEM

(Statement of O. R. Strackbein, chairman, the Nationwide Committee on Import-Export Policy, before the Senate Banking and Currency Committee, Subcommittee on International Finance, August 5, 1965)

In discussing the balance-of-payments problem the tendency is to treat it as if it were an independent entity, a disease, so to speak, to be treated by specific medication. This is an unfortunate tendency because the problem is not a thing in itself, but a reflection of the effects not only of basic policies but of independent developments. Some of the latter, such as rapid and uneven technological advancement in the world, different levels of wages and productivity, etc., lie outside of the field of conscious policy formation. Some aspects of the problem may therefore call for different treatment from that called for by other aspects.

There has been fairly general agreement among the witnesses on the elements of surpluses and deficiencies and on the magnitude of the overall American payments deficit. As usual there is some obscuration of the problem because of the intrusion of the mechanics of interest rates, flow of investment, financial liquidity, etc.; and complications arising from the effects of cross currents of policies. The general agreement on the magnitude of the deficit may itself, moreover, rest on a highly dubious base.

A considerable part of the discussion has been in the form of explanations of why the United States finds itself in the position that is troubling us today.

Some have concluded that we are very well off indeed, since our foreign assets seem to be in the magnitude of $85 billion while foreign claims against us are in the magnitude of some $50 billion. The American-owned foreign assets include not only plants and equipment but such real properties as are owned by our nationals abroad, including mine property, land, oil wells, etc. The trouble with such satisfaction as may be derived from contemplation of the two magnitudes is that it is not unlike the trouble of the real estate owner who finds himself land poor. In the present instance the nature of foreign claims against us are potentially so much faster on the draw than our claims against other countries that in a contest we would be full of holes before we had our six gun out of the holster. Short-term claims against us aggregated $28.69 billion at the end of January 1965.

Again, there are those who would be happy to get out from under the tyranny of gold as they call it—or the superstition of gold, as they may prefer, thus indicating that the magnitude of our gold hoard is irrelevant. The present level of $13.9 billion is then naturally neither inadequate nor a matter of concern. These sophisticates are so emancipated from the ties that bind people to customary practices that they cannot understand that the vanguard must not get too far out front. The value of the rear is often recognized only belatedly, as when the front gets cut off from it. Then it is sometimes too late to bring up the rear. Psychologically gold is still very important; and in the commercial and business world psychology is also important, sometimes supremely so. Such intangible elements as confidence, trust and credit are of psychological origin and cannot be disrupted without courting serious consequences.

If gold were of no importance, the present heavy drain on our supply, which is, as just remarked, now down to about $13.9 billion, or the lowest level since the late 1930's, we should not be worried. These hearings would not be necessary. Moreover, if economic theory were worth more than its weight in words, the international economic order should correct itself.

That self-correction does not occur is attributable to two facts. One is that controls interfere with the free play of economic laws; and the whole financial world is today operating under various controls. This fact does not discredit the theories as theories but makes them rather useless as points of reference. The other fact is that economic self-correction has nearly always been a harsh operation, causing more pain than people were willing to bear. Therefore, in our present-day softness we shrink from the prospect.

One example of the failure of self-correction has become very apparent in recent years. It was a favorite response by those who defended the heavy outflow of American dollars that the dollars would come back in the form of orders for our goods. Now the evidence is no longer rebuttable that this has not happened. Let me cite a few complaints.

Mr. G. Griffith Johnson, Assistant Secretary of State for Economic Affairs, testifying before this subcommittee on March 16, observed: "The question may be raised whether much quicker progress in our exports could be made if those countries which are complaining about excess dollars created by our deficits would spend them on imports from the United States."

The same witness had just said in the preceding paragraph: "Our postwar trade record—and our trade performance last year—has made clear that, overall, our industry and agriculture are able to compete. It is the opportunity to compete which we believe a successful Kennedy round will help to maintain and enhance."

As Abraham Lincoln might have said, these two statements just don't "scour." There is then a great mystery where none need be found. If these other countries have dollars burning their pockets and we have vast shiploads of competitive goods we would like to sell them, why do they turn away? The answer should not be far to find.

Elsewhere in the same statement the Assistant Secretary had said: "Our trade performance has, on the whole, been an encouraging demonstration of the fundamental competitiveness of American industry and agriculture."

Mr. Woodlief Thomas, chief economist, the Senate Banking and Currency Committee, in a commentary on these hearings during the first week, March 9–11, 1965, posed the question: "Why have recent large outflows of dollars not been matched by increased exports? Why do foreigners prefer to build up liquid dollar balances and eventually withdraw gold, rather than use dollars to buy more U.S. goods and services or make long-term investments in this country? What are the implications of this accumulation of dollar liquidity?"

Mr. Chairman, a few more questions like that and we may come on the trail of some truths that seem to be very elusive or mysterious or at least seem to be skirted by the official witnesses. They, the official witnesses, seem to cross and recross their trails rather than taking out after the real quarry. I say this in all due respect; for we should keep in mind that official witnesses have to foot the line of established policy. More on this later.

Economists, on their part, should not be surprised if classical economic laws fall by the wayside. Official interferences with laissez faire principles are indeed designed to disrupt the play of economic forces because it is thought and presumed that controls that obey certain lines of planning are superior to the free play of market forces. I do not say that this is right or wrong. It is simply a question of not being able to eat your cake and still have it. If market forces are set aside in deference to the exercise of conscious, thought-out interferences, it would be rash at the same time, to expect the benefits that might come from the free play of the market. It is not possible to abolish the free market and yet enjoy its benefits.

The contradictions that have been paraded before this subcommittee have been very impressive. Equally so has been the shying away from some unpalatable facts that have not been disclosed by the official witnesses, if they have indeed been discovered. The contradictions, to repeat, seem to me to come to rest on the fact that previously assumed positions must be defended—one such, for example, as the Kennedy round of tariff reductions. All sorts of odd arguments must be contrived in order to square available data with preconceived ends.

The burden thus placed on official witnesses borders on the superhuman. All data must support the existing trade policy. It was Procrustes who solved the problem of his iron bed by either cutting off or stretching the legs of his victims to make them fit the bed. Official witnesses learn to become experts at both surgery and traction. They must learn how to amputate and how to stretch the facts.

Having said this, several supporting examples are called for. Let me quote again from Assistant Secretary Johnson: "Since the formation of the European Common Market and the European Free Trade Association (EFTA) tariffs among the member countries have been reduced 70 percent. In a few years, member countries of these groupings will pay no tariffs at all on their exports to each other. By contrast * * * our exporters will face serious tariff barriers."

The upshot is that the Kennedy round is needed as a means of lowering those tariff barriers. This will have the further beneficial effect of reducing the incentive of our overseas investors to "get inside these barriers." This is to say our capital outflow would be slowed down; and that, of course, is very much in keeping with the present governmental improvisations.

Several comments are in order. One of these comments will be in the nature of a question, after this further quotation from the Assistant Secretary: "Dividing the world into two groups—Western Europe, Japan, and Canada on the one hand, and the rest of the world on the other—we find that in 1964 we ran a commercial surplus of between $3.9 billion and $4 billion with the advanced countries and a commercial deficit between $200 and $300 million with the rest of the world * * *. More than 75 percent of the commercial surplus was with the Common Market. Our increase in exports to the Common Market since 1960 has been almost double the increase in our imports from there—about $1 billion of exports as against something under $500 million of increased imports."

My question is, with such a record of exports to the Common Market since 1960, a time during which the inside tariff was being drastically reduced by the EEC, what is the worry? Why do we need the Kennedy round to open the market still wider? Evidently we have had rather liberal access if our exports have increased by a billion dollars to that area while our imports from there increased only half as much.

Mr. Chairman, now let me say that there is indeed something to worry about, but not in the premises pointed to by Mr. Johnson.

We have indeed increased our exports to the EEC at a lively pace; but this was not really the result of a competitive process. Our investment in the Common Market has been running at a high level, as we all know. This flow sucked in with it a great volume of U.S.-made machinery. Between 1959 and 1963 our machinery exports to the EEC countries (Common Market) increased from $336 million to $874 or over $500 million. This increase of itself was enough to account for the increase noted in our exports to that area by Mr. Johnson.

What does this mean for our future exports in all reasonable expectation? It will mean a falling off of such machinery exports if our investments trail off. It will also mean that from the investments we have already made in the Common Market will spring a high output of varied products to be sold within the customs union rather than shipping them in from this country. Also, we may expect considerable exportation from the EEC base of our investors to third countries rather than from the United States. In yet other cases sales will even be made in this country from the EEC bases, as is already being done in some instances.

To this extent Mr. Johnson has something to worry about; but it is not something the Kennedy round would correct. Rather, the Kennedy round would aggravate our problem; for we must keep in mind that we are pledged to slash our own tariff rates in half under that round with "a bare minimum of exceptions," according to the ground rules agreed to by the President's Special Representative for Trade Negotiations, Mr. Christian Herter.

Such tariff reduction would open this market to an onslaught not only from the EEC countries but from EFTA and Japan, such as we have not yet witnessed. We must not overlook the fact that these countries have been quite well absorbed at home but that they will soon catch up with the home market. When they turn around toward us, the lid may well blow off.

Let me quote a little more—still from Mr. Johnson. In the same paper he observed: "I would like to say a few words about tariffs. We have made remarkable progress in reducing tariffs among developed countries since the reciprocal trade agreements program was instituted in the early 1930's, and particularly through the negotiations held under GATT since shortly after World War II."

If we did indeed do so well in our bargaining down foreign tariffs why will we then still face serious tariff barriers going into the Common Market after the customs union is completed?

It may be appropriate here to quote from another source, to throw some needed light on the "remarkable progress" we have made in reducing tariffs "among the developed countries," as Mr. Johnson observed.

The EFTA Reporter, publication of the European Free Trade Association, for May 7, 1963, No. 72, had this to say about the postwar reduction of trade barriers: "the tariff reductions negotiated through GATT in the conference at Geneva in 1947, at Annecy in 1949, at Torquay in 1951 and at Geneva in 1956, were of limited value in freeing trade. Their principal achievement was to reduce the barriers to trade with the United States market, which made a contribution to European recovery."

The trade conferences cited in the quotation were the principal ones dedicated to world tariff reductions. Only the one of 1960 was omitted, and it was of minor consequence.

These words do not comport with the "remarkable progress in reducing tariffs among developed countries as expressed by Mr. Johnson. "Limited value in freeing trade," as the EFTA expressed it, does not harmonize with "remarkable progress," unless making any progress at all was regarded as "remarkable."

There is a further comment possible on this point that confirms the EFTA statement while contradicting Mr. Johnson's. It is a well-known fact that European tariffs were distinctly lower than our own in 1934 when the trade agreements program was inaugurated. We have cut our tariff one way or another by an average of about 80 percent since that time. If the EEC countries had done anything comparable, which they did not, despite all claims of State Department officials to the contrary, our exporters would not now be faced with "serious tariff barriers" going into the EEC.

The fact of the case comes much closer to the unilateral tariff dismantlement by this country, as indicated in the EFTA statement. Moreover, we have not had recourse to nontariff trade barriers to a degree comparable with that of Europe and other countries.

The upshot of these observations is that the official posture in this field is essentially false, just as it was previously false to argue that our expatriated dollars would surely come back to us. Now that the facts are overwhelmingly to the contrary other false arguments are seized upon.

The fact is that we did not make "remarkable progress in reducing tariffs among developed countries."

Also, it is not true that the further sharp tariff reductions under the Kennedy round are necessary to stanch the outflow of yet more investment capital, or that we would export more to the EEC countries if their outer tariffs were reduced. If our investment flow were retarded we would lose in machinery exports perhaps more than we could gain in exports of the products that our foreign installations were designed to produce. We are already over there in such force that we may as well forget the idea that an opening of the EEC market would lead the way to vast exports of consumer goods from here, such as washing machines, radios, TV sets, automobiles, refrigerators, etc. Our own investors within the market will supply these goods and then will themselves not be anxious to see the outer tariff come down.

The slashing of the outer EEC tariffs would place us in the position of having first encouraged vast investments by our industries in the Common Market and in the EFTA, and then rendering the investments less justified and less attractive. We did as much in the encouragement of raw cotton production all over the world. When our exports fell off seriously as foreign cotton production responded to our aid, we began competing heavily with the production of the countries we had helped, by subsidizing our exports. Moreover, to rectify things at home, we were forced into a series of measures designed to ward off the ill effects of previous measures on our own textile industry; and we are not yet through with the chain reactions.

The Common Market was not created as an outlet for the products of our mass producers of consumer goods. Any notion that it was would be naive. The operation was entered into for the benefit of the constituent countries, and in that sense it has to date been pleasingly successful, although it must be said that the progress of Japan has outstripped both the EEC and EFTA without benefit of a customs union or a common market.

Another aspect of our balance-of-payments difficulties revolves around our foreign aid outlays. There are those who maintain that elimination of foreign aid would go far toward bringing our international transactions into balance. Then there are those who say that our export surplus would fall by an amount almost equal to any reduction in foreign aid. Therefore elimination of foreign aid would not help. Our export surplus would shrink and leave us where we were. In fact the AID testimony is being pointed in the direction of seeking support of domestic manufacturers who have come to have a vested interest in vast exports attributable to foreign aid. According to Senator HART AID financed 45 percent of all U.S. exports of fertilizers, 37 percent of all exports of railway equipment and 30 percent of all U.S. exports of iron and steel mill products.

Mr. David Bell, Administrator of AID, in testimony before this subcommittee on March 9 was quite positive that there is "no direct relation between aid and an outflow of gold to AID recipients." He maintained that "the reverse is true." He said that "85 percent of new obligations are being committed for direct expenditure in the United States." He has no more occasions than one called attention of manufacturers and producers to their financial stake in the program to enlist their support against reduction of the outlays.

Let that be as it may. The fact that foreign aid has boosted our exports detracts materially from the brilliance of our $6 to $7 billion surplus in our merchandise export-import account. For example, in 1963 some 30 percent of our total farm exports moved out under foreign aid. Additional quantities moved under export subsidies, especially raw cotton, wheat and wheat flour. These latter shipments to Europe and Japan, although heavily subsidized, are reported in our official statistics as "commercial exports" and are counted as evidence that we are competitive in foreign markets.

In the official reports on our foreign trade there continues to be further confusion or coverup which adds to the obscuration of the vital facts. One example of this is the insistence on classifying subsidized exports of wheat and cotton as "commercial exports" so long as they are not a part of foreign aid. It will be helpful to quote Assistant Secretary Johnson once more: "our (agricultural) exports to these six countries (Common Market) increased from $1.2 billion to $1.4 billion from 1963 to 1964—all of them commercial."

Please note: "All of them commercial." The same thing is said about our exports of subsidized farm products to Japan and to the EFTA countries: all of them are classified as "commercial."

The error, or whatever it may be, lies in the citing of our "surplus" in "commercial" exports, which in 1964 was between $3.9 and $4 billion according to Mr. Johnson, as evidence of our competitive stature. This means that our exports of subsidized wheat, wheat flour, cotton, and dairy products to the EEC and EFTA countries and to Japan are included in the "surplus" that is said to reflect our competitive capability.

These subsidized exports do not belong in the "commercial" category if by "commercial" we mean "competitive" exports. The volume of these exports reached $1.38 billion in fiscal year 1963-64.

The fact is that our competitive capabilities melt away very rapidly if we delve a little further into the character of our official trade statistics and also into the makeup of the exports and their trend. What is left in a macabre finding that casts a pale light on our vaunted competitiveness.

It is only beginning to dawn upon us, and very slowly, it must be said, that there is a rather gross discrepancy between our official trade statistics and those of other countries. With few exceptions other countries record their imports on a CIF basis, meaning that marine insurance and freight charges are added to the invoice prices, while we record foreign invoice value, without adding shipping costs to this country. Should we follow the system in use in nearly all of the remainder of the world, our 1964 imports of $18.6 billion would have been expanded by perhaps 15 percent and this would have brought them to a level of about $21.4 billion. This would reduce our so-called commercial export surplus for 1964 from $3.9-$4 billion to a magnitude nearer $1 billion, and to a deficit if we subtract the $1.38 billion.

Add to this shrinkage a few more facts that should be before the American public, and the statement that "our trade performance has, on the whole, been an encouraging demonstration of the fundamental competitiveness of American industry and agriculture"—this statement previously quoted from Mr. Johnson, I say, becomes unintelligible.

From 1953 to 1962 the exports of the United States rose only 4.7 percent by volume, according to tables in the statistical yearbook of the United Nations for 1963, the latest edition (table 164, p. 488). Italy, by contrast, expanded her exports during the same period by 416 percent; Japan, by 369 percent; West Germany, by 202 percent; the Netherlands and France, by 125 percent and 118 percent respectively. The United Kingdom rose by 30 percent.

It will be said, and properly so, that the other countries were still at a low level in 1953. If we then take the measure from 1957, the results, while less sensational, nevertheless leave no doubt of the trend. The United States was again at the foot of the list, with an increase of a bare 1.8 percent by volume. Italy again took the lead with an export increase by volume of 152 percent. She was followed by Japan, as before, with 90 percent; France, with 66 percent; Holland, with 60 percent, and West Germany, with 47 percent. England again was next to this country in the meagerness of her export expansion by volume. Her increase was only 7.6 percent.

Once more there will be an explanation.

It will be said that in recent years; i.e., since 1958, the exports of the EEC countries was greatly stimulated by the effect of tariff reductions within the market. This explanation, however, does not account for Japanese export expansion.

Another measure of our competitive position may be taken from another table found in the United Nations Statistical Yearbook for 1963. This table relates to exports of manufactured products. This is the field that generates the most employment. Compared with farm products the production of manufactured goods represents many more man-hours of work.

Exports of manufactured goods, other than machinery and transport equipment (principally automobiles) from this country and Canada declined from 20 percent of the world's total in 1955 to 15.4 percent in 1962, a fall of 23 percent. Since Canada is not a heavy exporter of manufactured goods the decline fell almost wholly on the United States. (Separate statistics for the two countries were not provided.) (U.N. Statistical Yearbook, table 160, p. 468.)

With respect to the exports of machinery and transport equipment our exports dropped from 34 percent of the world's total exports in 1955 to 26 percent in 1962, a decline of 23.5 percent.

The share in chemical exports fell by 17 percent.

By contrast with these declines our share of the world's exports of food, beverages, and tobacco rose from 16 to 20 percent, a gain of 25 percent. However, these exports were less than 20 percent of our total exports. An increase was also registered in the share of total world exports of crude materials. This share (United States and Canada) rose from 18 to 21 percent in the same period, a rise of 16 percent. With respect to mineral fuels, and so forth, a sharp decline set in, dropping from 16 percent in 1955 to 8 percent in 1962; but these were less than 5 percent of our total exports.

The upshot is that this country has been losing ground heavily in that area of foreign trade in which we were previously at our best. We are importing a much heavier share of finished goods and manufactured foodstuffs while we are losing ground appallingly in those very pursuits that are most labor-intensive no less than capital-intensive. Capital-intensiveness, contrary to the widely expressed views of economists, does not mean less application of labor in the manufacture of the whole product. By the time automatically produced goods reach the consumer as much labor will have been expended, including the manufacture of all the machinery, the equipment and the research, parts, and so forth, as on labor-intensive goods. Eighty percent of corporate outlay goes for employee compensation in this country today, whether for assembly or parts production.

The upward lurch in our exports in 1964 was weighted heavily with agricultural products, where we have been scoring successive records in recent years. This is the field that depends most heavily on governmental assistance, and our gains there are hardly an index of competitiveness nor great breeders of employment.

So far as our employment problem is concerned our foreign trade gains are obviously in the wrong sector; or rather, we would be better served if our exports of manufactured products should outmatch or at least match the gains made by farm product exports. The gains we have experienced in exports of manufactured goods (mostly machinery) have been closely linked with the outflow of investment, and there is no reason to believe that this represents a permanent trend: quite the contrary if our investments are curtailed. Beside farm products and machinery our exports have fared very poorly.

Our firms are doing well overseas. Their sales abroad have had a trend very different from the sales trend in this country. Sales of our total manufacturing industry in the United States increased only 22 percent between 1957 and 1963 (Statistical Abstract of the United States, 1960, table 404; 1964, table 433). Sales made abroad by a number of selected American companies abroad rose from $12.4 billion in 1957 to $22 billion, representing an increase of 77 percent. This was more than three times the increase in domestic sales. (Survey of Current Business, U.S. Department of Commerce, October 1964, table 8, p. 12.)

It is also worth noting that during this period our private foreign investments in manufacturing rose 65 percent while investment in new plant and equipment at home rose only 16 percent. (Statistical Abstract of the United States, 1960, table 640; 1964, table 675; and Survey of Current Business, December 1964, table 1, p. 6.)

Further data on the trend toward foreign investment compared with the domestic is found in another survey. In 1960, a number of selected industries in this country that recorded a total investment of $8.7 billion sent $1.1 billion of the total abroad. This was 13 percent. In 1961 the proportion had risen to 17 percent and in 1964 to approximately 21 percent. These selected industries accounted for more than 60 percent of total American investment in new manufacturing plant and equipment. (Survey of Current Business, September 1962, table 4, p. 21; October 1964, table 4, p. 11.)

It should be noted again that our export of machinery was greatly stimulated by these foreign investments. They rose from $3.95 billion in 1957 to $6.53 billion in 1963. (Survey of Current Business, October 1964, table 8, p. 12.)

The simple implication of these trends is that the foreign scene is more attractive to our investment dollar than the domestic scene. That is why the dollars have winged their way overseas and to Canada.

Were we as competitive as official witnesses say, the story would be different. Foreign countries would use their high dollar reserve to buy our goods. We would not have to depend so heavily on subsidization and governmental assistance to promote our exports. Our balance-of-payments problem would soon disappear.

The burden of the United States, if we would change this highly unfavorable development, is to look to the causes rather than to interest rates and similar controls which, though necessary to treat the symptoms, do not reach the roots of the trouble.

The fact is that competitively we are badly out of joint. The foreign investment trend is the symptom, the sharp recent investment rise in this country to the contrary notwithstanding. Less than half of the expansion in domestic investment in new plant and equipment has gone into manufacturing; and of the part that did go into that channel over half went into modernization. This represents efforts to become more efficient and therefore more competitive.

Mr. William McChesney Martin, Chairman of the Board of Governors of the Federal Reserve System, on March 10 said before this subcommittee: "The better we succeed in keeping our industries competitive in international commerce and the better we succeed in reducing our Government payments abroad, the less we will need to be concerned about capital outflow, and the sooner we can return to a system that leaves balance in capital account to the forces of a free market."

Others have emphasized the need to export more. This calls for a higher degree of competitiveness, i.e., greater efficiency.

But this is only to state another problem. Dr. Raymond J. Saulnier, former member and Chairman of the Council on Economic Advisers, on February 25 spoke as follows to this subcommittee: "In other words, our penetration of world markets is actually less than it was in 1960. This is where the big push of policy should come. Partly, it is a matter of getting our businesses interested in exports * * * especially consumer products."

Dr. Saulnier was right about our loss in our share of world markets; and he advised keeping wages "well within the rate of productivity advances." By way of emphasis he added "and I mean well within." The obvious question here is who will bell the cat if it is assumed that it should be belled.

Unfortunately the demand for greater efficiency and greater competitiveness overlooks a fundamental fact that will bring most of these efforts to naught.

Forced efficiency as a means of meeting import competition is artificial and succeeds more in reducing employment than expanding the market for goods. Reduction of costs through technological advancement has indeed been the classical course of our economy in achieving ever expanding sales. It was highly effective in the field of consumer goods that enjoyed an elastic demand and were responsive to higher consumer income; but that is a far cry from the forced play precipitated by imports. The latter call for automation, etc., in domestic industries, not in good season but preemptorily as a means of holding their own. The conditions then are seldom conducive to the kind of market expansion that was the classical course after sharp cost-reductions on products that enjoyed an elastic demand.

Our principal economic malady today so far as the balance of payment problem is concerned is noncompetitiveness; but we should not make the mistake of turning our back on the very principles that are the underpinning of our system in frantic efforts to become competitive. If we do so we will strangle our economy.

It will not help our steel industry, our automobile, or our petroleum industry, our typewriter manufacturers or our makers of sewing machines or shoe manufacturers to reverse their present position of net importers if we sell more wheat or cotton or vegetable oil abroad.

Foreign markets may swim in dollars, but the owners of these dollars will not use them to buy our goods if they can get better prices or terms elsewhere. The fact is that they are buying more heavily elsewhere and it is not because they do not like our goods.

Yet we cannot willy-nilly reduce our costs without courting more unemployment and at the same time shrinking consumer purchasing power. We have indeed reduced costs in the past, and it was this pattern that led to mass consumption of our mass-produced goods; but we were not then faced, as we are today, by two retrofiring retarders. We were not surrounded by highly efficient technological sources of competitive goods bearing a low-cost labor advantage, while at the same time we had a defense in the tariff against confidence-discouragers embodied in imports of low-cost finished goods. Today such imports can quickly despoil the virtues of an elastic demand as a domestic market-expander, and leave the domestic manufacturer of such goods to his own devices of panicky automation as a means of survival.

In the years of a decade ago it was shouted that we must import more so that other countries could gather together enough dollars to pay for our exports.

Today that shouting is for more exports to get back some of the billions of dollars now embarrassing foreign countries, dollars that they will not use for more liberal purchases from us.

The upshot is that we have balance-of-payments difficulties. We are not unlike the kitten that knows how to climb a tree but, lacking reversible claws, does not know how to make the descent without risking a crash landing.

Let us at least halt our ascent to dizzy heights by calling off the Kennedy round and then doing what is necessary. Much of the out-rush of capital was prompted by anticipation of the Kennedy round. It will get worse if we go through with the tariff cutting. Moreover, we will aggravate our already overexposed condition, vis-a-vis imports of manufactured consumer goods; and that will invite a further calamity.

The time may not be far distant when repatriated returns on our foreign investments will exceed the additional annual outflow of investment capital. Such a reversal of the flow will help greatly in overcoming the present balance-of-payments trouble.

We should move away from use of our economy including foreign trade as an instrument of diplomacy. They do not mix well. What would appear to pull diplomacy's chestnuts out of the fire may be at direct odds with what would encourage business enterprise. The latter sometimes must be sacrificed for the common good; but to sacrifice it in behalf of a disputed and mangled doctrine is shortsighted. The free-trade doctrine has already exacted great sacrifices from the American system. It has saddled us with an insoluble puzzle: How to declimb from heights that make us dizzy and that we cannot endure forever, without slipping into an incalculable slide that we can neither arrest with all existing brakes nor render painless with a bed of cushions.

Our high wages assure our vulnerability, vis-a-vis the foreign technological leap. Yet our economy rests on the high level of wages and high consumer income to which they give rise. This plateau cannot be maintained against outside assault without defensive measures.

Even if the balance in our payments were restored little would be gained beyond a breathing spell, which, to be sure, is needed. It would not help us sell more steel, textiles or wheat abroad or more oil, shoes or fishery products. The balance of payments rotates principally on a political axis. Our economy takes the consequences. This may be inevitable, but let us not continue to allow a romantic doctrine to blind us to overwhelming realities. If we are to live on the heights, we must look to our foundations. Above all we need time to reexamine our direction which now clearly is wrong. We are asking in the Kennedy round more of the same that helped bring us to our present predicament. This policy more than the balance of payments needs examination.

EXHIBIT 2

CONCEALMENT OF U.S. GLOBAL COMPETITIVE LAG

(By O. R. Strackbein, chairman, the Nationwide Committee on Import-Export Policy, September 15, 1965)

The international competitive position of the United States has been the subject of controversy in recent years. The predominant theme has been that this country is indeed competitive as shown by the continuing high surplus in our merchandise export-import account. In 1964 this surplus was $6.9 billion, higher than in 1963 when it was nevertheless a very comfortable $5 billion and in 1962, when it stood at $4.3 billion. There was a healthy growth, it was said, from year to year; and, on the face of it, that was true. Hence the easy conclusion that all was well in our foreign trade merchandise account.

Only those who are familiar with the makeup of our balance-of-payments account were in a position to question the validity of the glib assumption that an export surplus in our merchandise account automatically was cause for exuberance.

The question is of concern because the status of the U.S. competitive capacity in international trade has a vital bearing on our trade policy, among other aspects of foreign economic policy, and on the employment problem of this country.

In order to test this status several aspects of our trade balance will be examined here:

1. The makeup of the export surplus;
2. The basis of import tabulation used by this country compared to that of other countries, and the distortion caused by it;
3. The balance in receipts and payments in export and import transportation (shipping);
4. The declining share of world exports enjoyed by this country in recent years;
5. The trend in our exports and imports of manufactured products.

These five headings will be examined in the order of their appearance.

1. THE MAKEUP OF OUR EXPORT SURPLUS

As mentioned above, our export surplusages of the past 3 years have ranged from $4.3 to $6.9 billion (the 1964 surplus). The year 1964 may therefore be selected for examination because that surplus was the highest of recent years.

While this surplus does not include military aid shipments, it does include AID and Public Law 480 shipments plus the so-called commercial exports of wheat, wheat flour, raw cotton, rice, dairy products, etc., that, although not a part of AID or Public Law 480 shipments, were nonetheless subsidized shipments, and cannot therefore be considered as evidence of the positive competitive capacity of either our industry or agriculture.

In 1964 (fiscal year ended June 30) exports of agricultural products "under Government-financed programs" amounted to $913 million. Those exported "with export payments" but recorded as "commercial sales for dollars" amounted to an additional $1,380 million: Wheat and wheat flour, $604 million; cotton, $530 million; milled rice, $132 million, and smaller amounts in dairy products, tobacco, oilseeds and products, and peanuts.

The two combined, i.e., exports under "Government-financed programs" and "commercial sales for dollars" "with export payments," were $2.293 billion. (See Foreign Agricultural Trade of the United States, May 1965, U.S. Department of Agriculture, p. 7.)

Turning now to our exports of nonagricultural products, the 1964 (calendar year) exports "financed by U.S. Government grants and capital" were $1.407 billion. (Foreign Agricultural Trade of the United States, July 1965, U.S. Department of Agriculture, p. 8.)

If the two are combined we find that $3.7 billion of our exports, agricultural and nonagricultural (the first category during the fiscal year 1963–64 and the second for the calendar year 1964), were not private commercial unsubsidized transactions, as they must be if they were to represent competitive sales. (The lack of dovetailing of the two sets of statistics, with an overlap of 6 months is not regarded as serious. If agricultural exports bulked larger in 1964 because of sales of wheat to Russia, so did total 1964 exports.)

If the $3.7 billion of exports are subtracted from the total surplus of $6.9 billion, the latter is reduced to $3.2 billion. No doubt our export surplus could be increased beyond the $6.9 billion if we elected to subsidize yet more exports.

2. THE BASIS OF IMPORT-TABULATION USED BY UNITED STATES COMPARED WITH OTHER COUNTRIES

The United States tabulates its imports on the basis of f.o.b. value, foreign port of shipment, or, in any case, without addition of insurance and shipping charges to U.S. port of entry. Nearly all other countries on the contrary, do compute their imports on the basis of cost, plus insurance and freight, or c.i.f.

The difference is appreciable. With the exception of Canada and Mexico, the costs of insurance and shipping charges range from some 15 to 25 percent. Of total imports some 20 percent come from these two countries. Therefore an average global percentage would need to be reduced by 20 percent in order to reflect the omission of these two countries.

Two other leading countries among our trading partners by which a test may be run are Japan and England. Each of these records its imports on a c.i.f. basis.

Our exports to Japan, of course, are the same as the Japanese imports from us. Therefore if we set down our exports to Japan over a 3-year period, such as 1962–64, and match these exports with the Japanese imports from us during the same years, the difference between the f.o.b., our port of export, and the c.i.f. value, Japanese port of entry, can be calculated. By covering 3 years, the distortion caused by goods in transit in either direction at year's end and year's beginning, will be minimized. The following table will show the value of U.S. exports to Japan as computed by the United States and the value of Japanese imports from this country, as tabulated by Japan:

Year	United States exports [1] to Japan	Japanese imports [2] from United States	Difference, plus or minus
			Percent
1962	$1,415,000,000	$1,809,000,000	+27.8
1963	1,714,000,000	2,077,000,000	+21.2
1964	1,908,000,000	2,336,000,000	+22.4
3-year total	5,037,000,000	6,222,000,000	+23.5

[1] U.S. official tabulation.

[2] As tabulated by Japan on c.i.f. basis.

From this table we see that our exports to Japan were enhanced in value an average of 23.5 percent during the 3-year period of 1962–64 as a result of Japanese tabulation of her imports on a c.i.f. basis rather than f.o.b. U.S. port of export.

According to this tabulation Japan imported $1.185 billion more from us during the 3-year period than our statistics show as U.S. exports to Japan during the 1962–64 period.

If we now examine our imports from Japan, first as reported by our official import statistics and then by adding to those figures a percentage equal to the Japanese addition to our exports to them, i.e., by adding constructed shipping insurance and shipping costs, we will arrive at a proper basis for striking a trade balance between the two countries. The next table will show U.S. imports from Japan, as tabulated by United States, together with what the values would be laid down at U.S. port of entry if the insurance and shipping charges westward were the same as eastward to Japan from the United States. The same percentages of increment or increase resulting from the calculation in the first table will be used. Thus will the cost of U.S. imports from Japan approximate the c.i.f. value, U.S. port of entry. This will place our imports on the same basis as Japanese imports from this country:

Year	United States imports from Japan [1]	Same import if enhanced to c.i.f.[2]	Amount of increase
			Percent
1962	$1,357,000,000	$1,734,000,000	27.8
1963	1,498,000,000	1,815,000,000	21.2
1964	1,769,000,000	2,165,000,000	22.4
3-year total	4,624,000,000	5,714,000,000	23.5

[1] As recorded by United States on f.o.b., foreign point of exportation.

[2] By same percent as Japanese imports exceeded our exports.

If next we show U.S. exports to Japan as computed by United States, as already shown in the first table, and match them with U.S. imports from Japan on the constructed c.i.f. basis as shown in the immediately preceding table, we may strike our trade balance with Japan in the same manner as Japan and most other countries strike their trade balances:

Year	United States exports to Japan	United States imports from Japan (c.i.f.)	U.S. deficit
1962	$1,415,000,000	$1,734,000,000	$319,000,000
1963	1,714,000,000	1,815,000,000	101,000,000
1964	1,908,000,000	2,165,000,000	257,000,000
3-year total	5,037,000,000	5,714,000,000	677,000,000

The next table will show the balance of trade between the United States and Japan as computed by the United States and disseminated as the official trade statistics by the U.S. Department of Commerce.

Year	United States exports to Japan	United States imports from Japan	Apparent U.S. surplus
1962	$1,415,000,000	$1,357,000,000	$58,000,000
1963	1,714,000,000	1.498.000,000	216,000,000
1964	1,908,000,000	1,769,000,000	139,000,000
3-year total	5,037,000,000	4,624,000,000	413,000,000

Our official 3-year export surplus in our trade with Japan in the amount of $413 million is thus converted into a deficit of $677 million. The 1962 surplus of $58 million becomes a deficit of $319 million; the surplus of $216 million in 1963 becomes a deficit of $101 million, and the 1964 surplus of $139 million is changed into a deficit of $257 million.

Yet, all this time our national policy has been based on the erroneous notion that Japan, struggling as she was, was somehow unable to overcome the deficit in her trade with us. We were evidently on the face of it more competitive in the Japanese market than Japan was in the U.S. market.

If we keep in mind, further, that Japanese imports of U.S. raw cotton was highly subsidized by this country as a means of selling abroad and that the same was true of our exports of wheat and wheat flour to Japan—not indeed as a matter of foreign aid, but as a matter of being competitive in world markets—the deficit in our trade with Japan assumes even greater proportions. In 1964, for example, we exported to Japan $130 million of cotton and $110 million of wheat. (See FT 410, 1964, U.S. Exports, Department of Commerce.) These exports are recorded as "commercial sales" by the Department of Agriculture, and no doubt correctly so, but they were not sales that demonstrated our economic competitiveness.

Added to our constructed deficit of $257 million in our merchandise trade with Japan in 1964, the total deficit rises to $497 millien so far as private commercial unsubsidized exports are concerned.

With respect to our merchandise trade with the United Kingdom the situation is quite similar. First we shall again show U.S. exports, as reported by the U.S. Department of Commerce and United Kingdom imports from us, as reported by official United Kingdom sources. We shall again use the 3-year period of 1962–64 so that the year-end and year-beginning distortions caused by goods in transit in both directions will be minimized:

Year	U.S. exports to the United Kingdom [1]	United Kingdom imports from United States [2]	Difference, plus or minus
			Percent
1962	$1,074,000,000	$1,333,000,000	+24.1
1963	1,161,000,000	1,395,000,000	+20.0
1964	1,468,000,000	1,790,000,000	+22.0
3-year total	$3,703,000,000	$4,518,000,000	+22.0

[1] U.S. official tabulation.

[2] As tabulated by the United Kingdom.

From this table we see that the value of the United Kingdom imports from the United States increased in value by an average of 22 percent during the 3-year period as a result of the c.i.f. tabulation base used by the United Kingdom. According to this tabulation the United Kingdom imported $815 million more from us during this period that we exported to her, f.o.b. U.S. port of export.

Next we shall examine our imports from the United Kingdom, first as reported by our official import statistics and then adding the percentages by which the United Kingdom imports exceeded our exports (representing the cost of insurance and shipping charges). This will give us an equal base for determining export surpluses or deficits in the two-way trade. The assumption is that the charges for shipping from the United Kingdom to the United States is virtually the same as in the reverse direction. We will add to our import figures from the United Kingdom, which are f.o.b. United Kingdom, the same charges the United Kingdom adds to our exports in order to arrive at the c.i.f. basis:

Year	U.S. imports from the United Kingdom [1]	Same imports raised to c.i.f.[2]	Amount of increase
			Percent
1962	$1,005,000,000	$1,247,000,000	24.1
1963	1,079,000,000	1,294,000,000	20.0
1964	1,141,000,000	1,396,000,000	22.0

[1] As reported by United States on f.o.b. basis, foreign point of exportation.

[2] Placed on c.i.f. basis, U.S. port of entry, by use of percentages shown in preceding table.

Next we set our exports to the United Kingdom, as computed by the United States for the same period against the calculated U.S. imports from the United Kingdom as shown in the immediately preceding table. It will then be possible to draw a balance in our trade on a roughly even basis with the United Kingdom method and that of nearly all other countries:

Year	U.S. exports to the United Kingdom [1]	U.S. imports from United Kingdom, c.i.f.[2]	U.S. deficits
1962	$1,074,000,000	$1,247,000,000	$173,000,000
1963	1,161,000,000	1,294,000,000	133,000,000
1964	1,468,000,000	1,396,000,000	[3] 72,000,000
Total	3,703,000,000	3,937,000,000	234,000,000

[1] According to U.S. tabulation.

[2] As constructed and previously explained.

[3] Surplus.

The final table shows the apparent surplus in merchandise exports enjoyed by the United States during the years 1962–64 according to official U.S. statistics as published to the world, to Congress, and the American people:

Year	U.S. exports to the United Kingdom [1]	U.S. imports from the United Kingdom [2]	Apparent surplus
1962	$1,074,000,000	$1,005,000,000	$69,000,000
1963	1,161,000,000	1,079,000,000	82,000,000
1964	1,468,000,000	1,141,000,000	327,000,000
Total	3,703,000,000	3,225,000,000	478,000,000

[1] Official U.S. exports (exclusive of "special categories" or military supplies).

[2] Official U.S. imports. (Statistical Abstract of the United States, 1964, table 1129; and Overseas Business, OBR 65-20, U.S. Department of Commerce, April 1965.)

Here we see an apparent 3-year surplus of $478 million converted into a deficit of $234 million. Yet, again, the world has been allowed to believe that we have been enjoying a comfortable surplus in our trade with the United Kingdom, thus demonstrating a competitive prowess we do not possess.

As in the case of Japan, among our exports to the United Kingdom are subsidized items such as cotton, wheat and rice, much lower, however, than our exports of these items to Japan. In 1964 the total for the three products was some $60 million, and these should not be counted as demonstrating our ability to compete commercially in the United Kingdom market.

It is difficult to obtain reliable import-export statistics for purposes of measuring U.S. trade with Western European countries other than the United Kingdom, because destinations are not always known. Shipments to internal countries with no seaports are often credited to the countries where the goods are landed. Goods may then be transshipped, thus maximating exports to some countries while understating those to other countries. Trade with Japan and the United Kingdom is not as subject to such aberrations.

The contiguity of the United States to Canada and Mexico also offers a problem in any endeavor to reach a global markup that would bring our import statistics onto a par with those of other countries. About 20 percent of our imports come from these two sources. While some shipping charges are incurred on shipments from Canada and Mexico to this country, they are small compared with those incurred from countries lying farther away. In arriving at a global factor or percentage of inflation to be applied to our total imports a reduction of 20 percent should be made to account for our imports from Canada and Mexico.

If we calculate an average of the two countries we have tabulated, i.e., a markup of 23.5 percent on our imports from Japan and 22 percent on those from the United Kingdom over the 1962–64 period, we arrive at 22.75 percent. If we subtract 20 percent from this 22.75 percent, to account for Canada and Mexico, we arrive at 18.20 percent.

It would seem safe to say then that a global percentage of 17½ percent should be a fair approximation to the actual difference between the U.S. import figures and what they would be if we converted to a c.i.f. basis.

It must be kept in mind that some European countries use a lower percentage when converting their own imports from f.o.b. to c.i.f. France is reported to use 10 percent. Such lower conversion factors are justified in those instances in which most of the trade comes from near rather than far countries. For example, in 1963 of Western Europe's $63.2 billion of total exports, $40.4 billion went to Western Europe, or very nearly two-thirds. In the EEC countries $25.8 billion in exports of a total of $37.5 billion also went to Western Europe. Therefore the conversion factors used by the European countries to convert from f.o.b. to c.i.f. do not apply to the United States. Our factor must be appreciably higher because, with the two exceptions mentioned, all other imports come from farther away. Some 80 percent of our imports come by ocean transportation, over half of it from Europe, Asia, and Africa, in 1963, thus incurring heavy shipping costs.

We may now with reasonable confidence apply a global conversion factor to our total imports.

In 1964 total imports by the United States, for consumption, were $18.6 billion. If the conversion factor of 17½ percent is used, this total will be increased by $3.25 billion, bringing the total to $21.85 billion.

Our total 1964 merchandise exports were $25.3 billion. (Survey of Current Business, U.S. Department of Commerce, July 1965, p. S–2.) Thus our export surplus would fall to $3.5 billion from $6.7 billion.

If we now bring forward the calculation that showed that of our total 1964 exports the $3.7 billion that moved under the various categories of governmental assistance, we are left with a global deficit of $200 million in our private unsubsidized commercial merchandise export account.

3. THE BALANCE IN RECEIPTS AND PAYMENTS FROM SHIPPING CHARGES

It might be thought that this deficit might be overcome by the earnings of our merchant marine in carrying our trade and that of other nations.

The day of such surpluses disappeared in 1958 when it shifted from a surplus of a bare $2 million to a growing deficit. This reached $113 million in 1959 and after some zigzaging rose to $300 million in 1963. In 1950 receipts exceeded payments by $215 million; in 1955, by $202 million. (Statistical Abstract of the United States, 1964, table 827.) This decline has occurred despite shipping subsidies that have grown from $133 million in 1959 to $226 million in 1963. (Ibid., table 524.)

These accumulations bring the trade deficit to some $725 million in 1963.

4. U.S. DECLINING SHARE IN WORLD EXPORT TRADE

The share of the United States in world exports has declined markedly in recent years. With two principal exceptions this shrinkage has been borne predominantly by manufactured products. Because of the high degree of subsidization in one form or another, the exports of agricultural products have expanded, thus demonstrating that our exports respond to the foreign aid and other methods by which this country pays for or helps pay for the exports; 1955 agricultural exports were $3.2 billion; in 1964 they had doubled to $6.3 billion. In the same period imports went only from $3.9 billion to $4 billion.

By volume total U.S. exports rose from an index of 100 in 1958 to 126 in 1963. World exports in the same period moved from 100 to 141. Our agricultural exports rose to 165 during the same period in value.

The following table shows the extent to which exports by volume have increased more (the United Kingdom among the leading trading nations excepted) from other countries than from the United States (Index: 1958=100):

Country:	*1963*
United States	126
United Kingdom	120
Netherlands	149
Sweden	151
West Germany	156
France	162
Belg-Lux	173
Japan	198
Italy	206
Canada	133

Statistical Yearbook, United Nations, 1964, p. 487 ff.

In the same period our imports went from 100 to 133 or 7 points higher than our exports.

From 1953 to 1963 the U.S. share of total world exports declined from 19 to 15 percent, or by 20 percent. From 1958 to 1963 it declined from 18.3 to 15 percent, or by 18.2 percent. This means that our lag began in the late 1950's.

5. TRENDS IN EXPORTS AND IMPORTS OF MANUFACTURED PRODUCTS

With respect to exports of manufactured goods the United States did less well even than with exports as a whole. The next table will show the trends in exports of manufactured goods from 1958 to 1963, where 1958=100:

Exports of manufactured goods

Country:	*1963*
United States	117
United Kingdom	117
Netherlands	162
Sweden	163
West Germany	155
France	165
Belgium-Luxembourg	161
Japan	209
Italy	235
Canada	134

Statistical Yearbook, United Nations, 1964, page 496.

Here again the United States lagged spectacularly behind all the other leading industrial countries (except the United Kingdom) in exports of manufactured products. Whereas our total exports had increased to 126, our exports of manufactured goods rose only to 117, and both lagged far behind Europe and Japan.

If we turn to exports of manufactured products other than machinery and transport equipment (mostly automobiles), we find that the U.S. share between 1958 and 1962 declined from 19.1 percent of the world's total to 15.4 percent. Total world exports of such manufactures increased 37 percent, that of the United States, only 10.7 percent. (See Statistical Yearbook of the U.N., 1963, p. 468. The 1964 yearbook dropped this table.) In these statistics Canada was combined with the United States, but this fact could be regarded as producing only a minuscule effect.

Even though U.S. exports of chemicals increased from $1.438 billion in the 1956–60 period to $1.922 billion in 1963, our share in world chemical exports dropped by 17 percent from 1955 to 1962. (Statistical Abstract of the United States, 1963 and 1964, and Statistical Yearbook of the U.N., 1963.)

With respect to machinery and transport equipment the decline was from 34 percent of the world's total exports in 1955 to 26 percent in 1962, a decline of 23.5 percent. This group includes automobiles. The U.S. share has fallen sharply in the exportation of automobiles in the past decade. However, our machinery exports have prospered in recent years in response to heavy direct foreign investments. (See below.)

If further evidence is needed to demonstrate the U.S. lag in international trade in manufactured goods by volume, it may be found in the trend of both our exports and imports compiled by the Bureau of International Commerce, U.S. Department of Commerce. By an index in which 1957–59=100, our exports of crude foodstuffs rose from 104 in the 1956–60 period to 158 in 1963 (prel.). This represented the upward swing of our exports of subsidized agricultural products and Public Law 480 shipments.

During the same period our exports of finished goods rose from 101 to only 113—a marked contrast. The one rose 58 percent; the other only 13 percent.

The opposite trend was visible in our imports. Crude foodstuffs rose from 98 to only 107. By contrast imports of finished goods rose from 100 to 152. (See Statistical Abstract of the United States, 1964, table 1230.) Imports of semimanufactures went from 100 to 132. Crude material imports virtually stood still, moving from 99 to only 101.

If these trends are translated into employment it will be appreciated that they are very adverse to this country. Trading of unprocessed goods for finished goods as represented by the recent trend, is not productive of employment, but quite the opposite.

There can be no doubt about the unenviable status of the competitive prowess of the United States in world markets. If we examine export trends a little more closely the deplorable position of most of our manufactured products, exclusive of machinery other than automobiles, will become apparent.

Machinery exports have boomed because of our heavy investments in foreign productive facilities. In 1964 we enjoyed a favorable export balance in machinery to the extent of $4.7 billion. Exports of machinery exclusive of automotive and aircraft rose by $2.34 billion from 1959 to 1963.

The only other item showing a large surplus was in chemicals, one of $1.6 billion, a large part of which consists of raw material or semimanufactures. If these two items, in which our export surplus was $4 billion, are removed from our calculation it follows that our trade in virtually all other nonagricultural items must have left us with a higher deficit and a much greater lag in relation to world exports than might be guessed from the total balance.

According to detailed export-import statistics for 1962 (U.S. Statistical Abstract, 1964, tables 1222 and 1223), our exports recorded a deficit over imports with respect to a long list of broad categories. The total of the deficit was $4.6 billion. The greater part of these deficits were recorded by petroleum ($1.3 billion), nonferrous metals (copper, lead, and zinc, etc.) ($560 million), and paper and manufactures ($516 million). If subtracted from the $4.6 billion deficit, this nevertheless left $2.1 billion in our trade deficit in exports of a long list of items including rubber and manufactures, cotton and wool manufactures, sawmill products, wood manufactures, steel mill products, beverages and related products, leather manufactures, meat and products, fish and products, silk and manufactures, toys, athletic and sporting goods, precious metals, jewelry, etc., leather, and stone, cement, and lime—all of which recorded export deficits in 1962, even by U.S. tabulation.

That the deficit has grown in recent years may be seen from a comparison with the 1956–60 period. At that time the deficit was $3.3 billion averaged over the 5-year period, compared with the $4.6 billion deficit of 1962.

If we again eliminate the three leading deficit items; i.e., petroleum, nonferrous metals, and paper, and manufactures, the 1956–60 deficit drops to $1.3 billion. It rose to $2.1 billion in 1962.

A change in statistical compilation by the Department of Commerce prevents comparison of the preceding statistics with those of 1963 and 1964. However, the excess of imports of "other manufactured goods" not including machinery, automobiles, petroleums, and chemicals, rose from a mere $57 million deficit in 1958 to $1.68 billion in 1964. This confirms the trend. Nevertheless we went into another tariff-cutting round in 1960.

CONCLUSION

The foregoing analysis must lead to drastic revision of several factors that are basic to policy formation of a national trade policy.

1. The United States has been running and continues to run a deficit instead of enjoying a massive export surplus, as generally believed, in its merchandise export-import account in terms of private commercial unsubsidized exports.

2. We are in a growing deficit position in the exportation of many of our broad product classifications, other than machinery and transport equipment, foods, crude materials, and minerals. In some of these we are also running a sharp deficit: Petroleum and nonferrous metals.

3. Our imports have been shifting from raw materials toward finished goods and semifinished goods to the detriment of industrial employment in this country.

4. Our exports have been shifting toward agricultural products and raw materials, plus machinery in the field of manufactured goods. Machinery exports have been stimulated by our heavy foreign investments, which in turn reflect the reaction of our industries to our noncompetitive status at home and abroad vis-a-vis foreign competition.

5. Our exports have become increasingly dependent on governmental assistance of one kind or another.

6. Further tariff reductions should be shelved until our industries regain their onetime competitive status at home and abroad.

EXHIBIT 3

ADDRESS BY SECRETARY OF COMMERCE JOHN T. CONNOR PREPARED FOR DELIVERY BEFORE THE SECOND ANNUAL BUSINESS OUTLOOK CONFERENCE OF THE NATIONAL INDUSTRIAL CONFERENCE BOARD, WALDORF-ASTORIA HOTEL, NEW YORK, N.Y., SEPTEMBER 23, 1965

It is a pleasure to participate in a conference of this famous organization with which I personally had so many associations when I was in private industry.

For almost half a century, the National Industrial Conference Board has been serving business, labor, and government through such gatherings as this and through its outstanding research into economic problems. On behalf of our Government, let me commend the board's dedicated and able staff on its work—and also thank all of you who support this organization. You are contributing to the progress of the American economy.

Never has economic knowledge—and its wise application—been of more critical importance. For nothing less than national survival depends upon the strength of our national economy. Its power underwrites the military might that is the shield of freedom around the world. And it is the instrument through which we can help provide a better life for our people and for those elsewhere who want to live in peace and freedom.

This means that the rapid economic growth we have enjoyed for the past 4½ years must be extended. It also means that the expansion must continue in an orderly fashion, without the serious imbalances that result in costly recessions.

Today I would like to focus on this latter requirement—keeping the economy in balance. I mean maintaining balance under conditions of a growing economy which is approaching full use of resources—balance in relationships of prices, wages, profits, investment, inventories, and in other areas.

I especially include the need for balance in our balance of payments. You and other business leaders have heard me speak many times on this subject since President Johnson's voluntary program for correcting the deficit was launched in February. In every instance I have described the problem in such terms as "serious," "urgent," and "critical," and I have called its solution absolutely vital to the national welfare.

Today, after 7 months of the program, I am still using those terms—and if I could think up a stronger one, I'd use that too.

This does not mean that the program is lagging. On the contrary, the participating firms have already made important contributions to the improvement we have seen in the first 6 months of this year.

They've accomplished it by several methods:

One has been through repatriation of short-term financial assets. In the first half of 1965, more than $400 million of short-term funds were repatriated by the nonfinancial firms in the program.

Another method has been through a more rapid repatriation of income earned abroad. For the 380 companies whose reports have been tabulated, the income they brought home during the second quarter amounted to $675 million, a 13-percent increase over the first quarter.

A third way has been through restraint on capital outflows for direct investment in the developed countries. The data from the participating companies show a decline of $224 million from the first to the second quarter, a decrease of about 30 percent from the extremely high levels in the first quarter.

Fourth, through financing overseas investments by raising funds abroad. Companies in the program have reported foreign financing totaling about $400 million. This includes expansion of bank loans as well as the flotation of securities in the public market.

On the subject of direct investment, let me say that we recognize that the benefits of restraint on long-term investments will not become fully apparent until later this year and early next year. This is due largely to the fact that many companies already had projects in such advanced stages of development that they could not be cut back.

At the same time, I must state frankly that the present estimate of a 20-percent increase in 1965 in capital expenditures abroad for plants and equipment has given us a slight chill. We fervently hope that U.S. corporations will succeed in financing that hefty expansion abroad, particularly in Western Europe, because otherwise the capital net outflow for direct investments again will be dangerously high.

I wish I could say that a substantial rise in exports was the fifth way business was increasing its contribution to the balance of payments. Unfortunately such is not the case, despite the fact that many firms in the program are relying heavily on increased exports to help improve their contribution.

Strikes were one adverse factor in the picture, and a slower pace in economic expansion in Western Europe was another. I very much regret both situations and recognize fully that they were beyond the control of business.

But they only make more urgent than ever our need to step up exports in the remaining months of this year and on into next year.

Let me say it just as forcefully as I can to every corporation executive in America involved in the export business:

We need your best effort to increase your exports substantially. We need your help desperately. And we need it right now.

We need your help today, this week, this month, in order to cut our deficit down to manageable proportions this year.

We especially need to boost exports in order to offset the substantial rise in imports. Our exports for the first 7 months of 1965 are running only 1½ percent above those for the same period in 1964. But our imports are running 12 percent higher. This is a perilous cut into our trade surplus. It must not continue.

On Monday of this week I met with members of the Regional Export Expansion Council in Baltimore to discuss ways of increasing exports. Yesterday I met with Fred Foy, Gov. Luther Hodges, and members of the executive board of the National Export Expansion Council for the same purpose. Next week I will be in Denver to do the same with members of the Regional Export Expansion Council there.

This is our No. 1 priority—and I hope it is close to the top of the list for every businessman in the Nation who is concerned with exports.

Further than the need for balance in our international transactions, I want to discuss with you today the need for balance in other areas in the economy. Not that I think the subject has been neglected recently in the Nation's economic forums; on the contrary, several very forceful statements have been made on it in the past few months, as we all know.

And not that I think other serious imbalances are becoming apparent today, or that there's imminent danger of their appearance in the near future.

Rather, I want to discuss the need for balance in the period ahead because I think that the current lengthy period of expansion has revealed to us a fundamental new fact of economic life.

It is this: That balance is very possibly, in and of itself, one of the greatest of all stimulants to sound economic growth.

There are many others, of course: the application of science and technology through research and development of new products and new processes; the development of new markets by business both at home and abroad; improving the skills and increasing the productivity of our workers; and the application of wise fiscal and monetary policies by Government.

But none, I think, is more important than balance, particularly as our economy moves toward its full potential. For balance is a prime requisite for confidence in the future—and only confidence can unleash the dynamic force of the free enterprise system.

Balance assures labor of gains that are real, not a mirage.

Balance provides the confidence that prompts business to make long-range investments in research and in new plants and equipment—which pay dividends in expanded sales and profits.

And balance makes possible the application of Government programs that have a chance of making a real contribution to the economic well being of our people.

Serious imbalance, on the other hand undermines confidence, hinders cooperation among business, labor, and Government, makes planning difficult, gives rise to fear and uncertainty, and forces prudent businessmen to say, "Let's wait. Let's wait until we see which way things are going."

The consequences of such actions are well known to us all: slow economic growth, rising unemployment, a declining rate of capital investment, increasing Federal deficits, and spiraling inflation that both increases production costs and saps the buying power of consumers.

But balance, I should emphasize, does not in any way imply a static condition; it is not a synonym for dead center.

Certainly it does not imply a necessity to maintain the status quo among various segments of the economy. In fact, such a mystique itself promotes serious imbalances in both industry and agriculture.

Nor does balance imply the need for a sheltered economy, one protected from the winds of change that blow from every section of the Nation and from every corner of the globe.

Nor does the kind of balance we are talking about imply perfect balance in every detail—rigid, inflexible and unyielding.

Rather we are talking about the kind of balance that goes with a living economy governed by the free play of forces in a pluralistic society, and not one dictated, as in the planned economies, by monolithic government. Those economies—as we know and as they are finding out—are more dead than alive.

The balance we are talking about means freedom and movement and challenge. It means the open marketplace in which competitive forces operate to produce an equitable distribution of our gross national product among all our groups. It means that our resources are channeled into the most effective and efficient avenues.

In fact, the balanced growth we are enjoying today makes possible the change and adjustments that go with progress without working severe hardship on those involved or the economy as a whole. The dislocations that accompany technological change, for instance, can be coped with much more readily today than during a period of sluggish growth.

In addition, this growth period—because of its balanced character—is helping to allay the ancient fear that the longer an expansion lasts, the more likelihood of a severe crash. We are learning that it isn't the length of the expansion that threatens us, but the imbalances that arise.

Now all of this is not to say that we must run for cover in fear and trepidation every time forces that might have unbalancing effects make their appearance on the economic scene. As I just mentioned, this free and unsheltered economy is never in perfect balance, but, in a manner of speaking, is forever regaining its balance. Like the tightrope walker carrying the long pole, we are constantly using many stabilizing forces to keep the economy on an even keel.

One example is the vast productive capacity built into the economy in recent years, part of which we will be employing to meet our commitments in Vietnam.

The interesting part about this is the fact that the stabilizing ability of this increased capacity is the direct result of the balanced growth we are enjoying. For it was the balance in the economy that gave you business leaders the confidence to increase capacity in the first place.

This highlights the fact that the Nation relies primarily on the private sector to maintain the balance in various relationships.

And I should like to review for a moment some of the areas involved that will call for the continued exercise of labor and management statesmanship in the months ahead. While I am confident that the economy can handle the needs of Vietnam now contemplated without any difficulty, it is true that we will begin to approach capacity levels of production. And we must be on our guard against the various pressures which may result.

First, of course, it is necessary that we continue to maintain relative wage and price stability. The responsible action of labor and management in the steel settlement of 3 weeks ago points the way in this vital area.

Your distinguished chairman today, my good friend Roger Blough, and all the other leaders in steel, both management and labor, deserve the Nation's gratitude for this settlement. As President Johnson pointed out, the negotiators achieved a victory for all Americans.

My own experience at the White House during these negotiations made me proud that our free American system enabled an agreement to be reached on these vital matters. True, the Government participated in the final innings. But this was not Government intervention in any objectionable sense. Both sides admitted freely that the Government presence was welcome and, indeed, helpful under all the circumstances involved. In those tough bargaining sessions, both sides reacted responsibly to President Johnson's reminder that in the final analysis the national interest had to be the paramount consideration, and that the national interest would not be well served by a costly and disruptive strike.

This settlement in the steel industry will help us continue the record of the past 4 years, in which prices have been relatively stable while wage increases have been roughly in line with productivity advances in the private economy. From the first quarter low of 1961 to the second quarter of this year gross national product has increased by one-third in current dollars and by one-fourth in constant dollars. Yet in the face of these large advances, wholesale prices increased by only 1.2 percent and consumer prices by 5.6 percent, over this entire period.

This has meant increased real purchasing power by all segments of the economy. In addition, this relative price stability has made the United States more competitive in world markets during a period when other industrialized nations were feeling the pressures of inflation.

Wtihin the domestic economy, inordinate price increases necessiated by unjustified wage increases would erode the buying power of both business earnings and consumer incomes.

Of course, the price structure must be flexible enough to prevent imbalances from occurring in the supply-demand picture. But both unions and business firms must exercise restraint in periods of rising demand such as we are now experiencing.

Particularly is this true in the case of many items in which price increases play a secondary or even minor role, when it comes to affecting sales volume. But to the extent that higher prices are paid for some items, it leaves less buying power to purchase other items. So the total units sold would be less unless there were counterbalancing price declines elsewhere.

We must strive for a relatively stable price level, but specific price movements within the total must reflect the effect of market forces, just as they often have to reflect rising or declining costs.

The complement of our objective on prices is that labor costs be held within the productivity gains of the economy. Often what appears on the surface to be a gain for labor through relatively high wage increases turns out in the long run to be a loss in markets and in real purchasing power.

I think that labor realizes that the sharp increases in employment over the past 4 years, the drop in the unemployment rate, and the rise in personal income, are all attributable in part to wage-price stability.

A second area requiring balance is in the supply and demand for workers' skills. We can progress no faster than labor is trained to operate our increasingly complex machines.

And nowhere is closer cooperation among business, labor, and government more urgently needed. I especially include local and State governments, which conduct the vocational schools where the technicians and craftsmen of tomorrow are prepared.

Business has special responsibilities to work with the local educational system in making known the skills it will need, and in helping to develop programs that provide faculty members who have had actual job experience. In addition, I hope companies can step up their own programs for training new workers and retraining older ones in the specialized techniques peculiar to their own situations. Many firms have long had such programs, and their foresightedness has paid handsome dividends—both to themselves and the entire Nation.

Labor unions also can play an increasing part in this area by extending their apprenticeship programs or even setting up training schools for those who have been unemployed for a long time. And both business and labor should work diligently to assure equal opportunity in job training for all Americans, regardless of color or creed.

In the area of employment, let me take just a moment to commend business for its magnificent cooperation in carrying out the President's youth opportunity program this past summer. We had expected a marked increase in the unemployment rate, since we knew that an unusually large number of young people would be looking for work. Thanks to the splendid response of employers, the rate of unemployment declined to 4.5 percent during July and August, seasonally adjusted. I had the privilege of working with business on this program, and the experience was indeed gratifying when thousands of letters answering our call came pouring in to the Department of Commerce.

A third area requiring balance involves Federal Government receipts and expenditures. The powerful influence of these factors on the economy has been clearly demonstrated in the past year or two, and we must take them fully into account during the coming months.

As the economy grows, Federal Government tax receipts expand at a very rapid rate, and we must make certain that Government does not create a fiscal drag on the economy by taking more out of the income stream than it puts in. But the current requirements of Vietnam and the new programs approved by the current session of Congress, such as education, housing, antipoverty, and regional development, are certain to call for increased expenditures.

Outlays under the new programs will be partially offset by savings in continuing Government activities and by discontinuing programs of lower priority. The budget formulation process now underway is extremely tight and exacting, and the President has put each agency under definite instructions to effect whatever savings are possible.

There are other areas requiring balance: in business inventories, in profit levels, in the fields of consumer and corporate credit, and others.

Together, I am confident that they will continue to be handled prudently and thus provide the confidence so necessary for a continued healthy expansion of the economy throughout 1966.

Of course, the Secretary of Commerce, like the Marketing Vice President, should always be an optimist, but this time I have good reason for being so. We are in the 55th month of expansion, the longest in our history, and the basic forces are favorable for further expansion. Confidence is high among both businessmen and consumers.

The recent Government survey on business plant and equipment expenditures indicates an increase this year of $6 billion, or 13½ percent, over such investment in 1964. Last February the estimated increase for the year was 11.7 percent. And early indications are that the capital investment program by private industry will continue at a high level in 1966.

The latest Census Bureau survey on consumer buying intentions indicates favorable levels for automobiles, houses, and durable goods.

In sum, the outlook for 1966 is favorable. I believe we will see a continuation of the cooperation among business, labor, and Government to achieve national goals in the public interest. And I am confident we will achieve an increasing standard of living for all our people, without the development of important excesses or imbalances in our national economy.

ADMINISTRATION AND DEVELOPMENT OF PENNSYLVANIA AVENUE AS A NATIONAL HISTORIC SITE

Mr. JACKSON. Mr. President, I introduce, by request, a joint resolution submitted by the President to provide for the administration and development of Pennsylvania Avenue as a national historic site.

The Secretary of the Interior, pursuant to the Historic Sites Act of 1935, has designated Pennsylvania Avenue between the Capitol and the White House as a national historic site. The joint resolution is necessary in order to provide funds for the administration and protection of this area.

I ask unanimous consent to include at this point in the RECORD a copy of the letter from President Johnson and the text of the legislation, together with the order of designation published by the Secretary of the Interior, and that the bill be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, the joint resolution will be received, the several requests for insertions in the RECORD are granted, and the joint resolution will be referred to the Committee on Interior and Insular Affairs, as requested.

The joint resolution (S.J. Res. 116) to provide for the administration and development of Pennsylvania Avenue as a national historic site, introduced by Mr. JACKSON, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, joint resolution, and designation presented by Mr. JACKSON are as follows:

THE WHITE HOUSE,
Washington, D.C., September 30, 1965.
Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting to the Congress herewith a proposed joint resolution to provide for the administration and developemnt of Pennsylvania Avenue as a national historic site.

Increasing concern with the shabby condition of Pennsylvania Avenue—the Nation's most distinguished and historic thoroughfare—led to the appointment by President Kennedy of the Council on Pennsylvania Avenue, which devoted almost 2 years to the preparation of plans for its rejuvenation. The work thus started has been carried forward by a Temporary Commission on Pennsylvania Avenue, created by Executive Order No. 11210 on March 25, 1965. The Temporary Commission recommended as the next appropriate steps the designation of the avenue as a national historic site and the proposed joint resolution.

The proposed joint resolution will provide for the administration and development of the avenue as a national historic site through a Commission on Pennsylvania Avenue. The Commission is to carry forward the work of the Temporary Commission and to coordinate activities along the avenue, including Federal or District projects in the area.

That Pennsylvania Avenue will be redeveloped is inevitable. We must be sure that this development will be of a character worthy of this historic axis, which has from the beginning linked the Capitol and the White House. The proposed joint resolution will be a substantial step toward this goal. I hope it will have favorable consideration from the Congress.

Sincerely,

LYNDON B. JOHNSON.

S.J. RES. —

Joint resolution to provide for the administration and development of Pennsylvania Avenue as a National Historic Site

Whereas in April 1964 a Presidential Advisory Council on Pennsylvania Avenue made certain recommendations concerning the proper development, use, and control of the section of Pennsylvania Avenue and the area adjacent to it between the Capitol and the White House; and

Whereas a Temporary Commission on Pennsylvania Avenue, established by Executive Order No. 11210 of March 25, 1965, has undertaken a review of the recommendations of the Advisory Council and has initiated plans and programs to implement certain of those recommendations; and

Whereas the Secretary of the Interior, with the concurrence of the President, has declared Pennsylvania Avenue between the Capitol and the White House, and certain areas adjacent to it, to be a historic site within the meaning and scope of the Historic Sites Act of August 21, 1935, 49 Stat. 666 (16 U.S.C. 461 et seq.): Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and determines:

(a) That it is in the national interest that Pennsylvania Avenue and the area adjacent to it between the Capitol and the White House be developed, used, and maintained in a manner suitable to its ceremonial, historical, and physical relationship to the executive and legislative branches of the Government;

(b) That the work of reviewing, programing, and implementing proposals for the proper development, use, and control of Pennsylvania Avenue and the area adjacent to it between the Capitol and the White House should be continued, with the maximum possible use of private enterprise in carrying out the development plan; and

(c) That a Federal agency created especially for the purpose is the most appropriate means by which to coordinate and implement all such actions.

SEC. 2. There is hereby established a Commission on Pennsylvania Avenue (hereinafter referred to as "the Commission"), which shall be composed of not more than 21 members to be appointed by the President from public and private life. One of the members shall be designated by the President as Chairman of the Commission.

SEC. 3. (a) The Commission shall review the development plan for Pennsylvania Avenue and, in consultation with other interested agencies of the Federal Government and the District of Columbia, shall from time to time make such modifications therein as may be necessary.

(b) The Commission shall coordinate the efforts of those agencies of the Federal Government and the District of Columbia which affect Pennsylvania Avenue and the area adjacent to it between the Capitol and the White House, and shall take such action as may be necessary to insure that plans, programs, and activities relating thereto are properly integrated with the comprehensive plan for the National Capital and any other related plans prepared or developed by the National Capital Planning Commission or other appropriate authority.

(c) In addition to consulting with agencies of the Federal Government and the District of Columbia, the Commission shall consider the views of other public, quasi-public, and private organizations having a proper interest in the Pennsylvania Avenue area. The Commission shall also consider the views of owners and occupants of private property whose interests may be affected by any plans, programs, or actions of the Commission or the agencies whose activities are coordinated by the Commission. The Commission shall make every effort to minimize any harmful effects of such plans, programs, or activities on owners or occupants of private property on or adjoining the area affected thereby.

(d) The Commission, in carrying out its functions, shall utilize the services and facilities of other agencies of the Federal Government and the District of Columbia to the maximum extent possible.

(e) The Commission shall report to the President annually, and shall make such other reports to the President as he shall direct or as the Commission shall deem desirable. Such reports shall include recommendations for such further legislation as the Commission may consider appropriate for the proper performance of its functions or for the development of the area in other respects.

SEC. 4. No agency of the Federal Government or of the District of Columbia shall conduct, on Pennsylvania Avenue or the area adjacent to it between the Capitol and the White House, any project or program (1) relating to urban renewal, land redevelopment, or public housing, or (2) involving permanent construction, improvements, or facilities of a type designed to change the character of the area, without the approval of the Commission: *Provided,* That this prohibition shall not be effective if the President, notwithstanding the views of the Commission, shall approve such program or project: *Provided further,* That this section shall not be applicable to areas under the jurisdiction of the Architect of the Capitol.

SEC. 5. (a) Members of the Commission who are officers and employees of the Federal Government or of the District of Columbia government shall receive no additional compensation by virtue of membership on the Commission. Other members of the Commission shall receive compensation at the rate of $100 per diem when engaged in the performance of duties for the Commission. Each member of the Commission shall be reimbursed, as authorized by law (5 U.S.C. 73b–2), for travel and subsistence and other necessary expenses incurred by him in the performance of his duties for the Commission.

(b) The Commission is authorized to employ such personnel as may be required for the performance of its functions, and may procure the services of experts and consultants by contract or otherwise, but at rates not in excess of $100 per diem for individuals.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the duties and responsibilities imposed on the Commission by this Act.

SEC. 7. The provisions of this Act shall apply to those parts of Pennsylvania Avenue and the areas adjacent thereto as are included within the area designated by the Secretary of the Interior as a historic site under the provisions of the Act of August 21, 1935, 49 Stat. 666 (16 U.S.C. 461 et seq.).

THE PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE, WASHINGTON, D.C.—ORDER OF DESIGNATION

Whereas the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. §§ 461 et seq.) declares it to be a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas I have determined that certain lands in the city of Washington, District of Columbia, possess exceptional value in commemorating or illustrating the history of the United States within the meaning of the act of August 21, 1935, since within the area are situate Pennsylvania Avenue and historically related environs and since the area achieves national historical significance in the following manner:

Over a span of a century and a half the segment of Pennsylvania Avenue between the White House and the Capitol has symbolized the majesty and power of the American Republic and the triumphs and tragedies of the American people. Along this truly national thoroughfare travel the Presidents of the United States in the ritual procession following inauguration that marks the assumption of Presidential powers and duties and gives the Nation its first glimpse of the new Chief of State. Along it in death have traveled six Presidents and numerous national leaders in state funeral processions that expressed the Nation's sense of loss. Along it have occurred victory celebrations signaling the close of four major wars. On it occurred public ceremonies celebrating great national achievements. On it the Nation receives foreign heads of state and visiting dignitaries. And on it the Nation accords its acclaim to military, civil, and scientific heroes.

The Nation's great men and women trod the ceremonial way not only in the pageantry of victory and defeat, but also in daily activities reflecting and shaping national life. Along Pennsylvania Avenue and its adjacent streets stood hotels, boarding houses, and restaurant where statesmen lodged, dined, debated the issues of the day, and perfected courses of action that guided the Nation's destiny. In the theaters and places of amusement of this district they sought release from the cares of office.

In its markets and shops they bought the necessities of life. In its hostelries they gathered for entertainments and celebrations highlighted by the quadrennial Presidential Inaugural Ball. In this area two Presidents, Lincoln and Garfield, were struck down by the assassin's bullet. And here, as time went on, the commercial center of the Capital receded before an eastward advance of the executive branch of the Government that ultimately produced the Federal Triangle and thereby introduced the monumental architectural scale characteristic of modern Washington.

The Pennsylvania Avenue district is anchored on each end by historic buildings of transcendent importance to the Nation. It contains structures of varying historical value and antiquity. It is associated with events and people of large consequence in the history of the Republic and its Capital.

An enduring and constantly enlarging symbolism dramatically clothes the district, composed of the avenue and its environs, with national historical significance; and

Whereas the establishment of the Pennsylvania Avenue National Historic Site will constitute a fitting memorial to the great personages of this Nation who have lived and worked in the area; and to the monumental events of national importance which have occurred therein; and

Whereas a plan has been developed for this great national thoroughfare by the Temporary Commission on Pennsylvania Avenue which presents an initial basis for enhancing these historical values in a fitting manner; and

Whereas the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, at its 53d meeting in Alaska, July 30–August 11, 1965, has considered the historical significance of Pennsylvania Avenue and its historically related environs in Washington, D.C., and found that this district possesses outstanding national historic significance: Now, therefore,

With the concurrence of Lyndon B. Johnson, President of the United States, I, Stewart L. Udall, Secretary of the Interior, by virtue of and pursuant to the authority vested in me under the act of Congress approved August 21, 1935, do hereby designate the following described lands to be a National Historic Site having the name "The Pennsylvania Avenue National Historic Site":

Beginning at a point on the southwest corner of the intersection of 15th Street and Constitution Avenue, NW., easterly along the south side of Constitution Avenue, to the southwest corner of the intersection of Constitution Avenue and Pennsylvania Avenue; then easterly along the south side of Pennsylvania Avenue to and including the outer circumference of First Street, NW., which forms an arc around Peace Monument; then westerly along the north side of Pennsylvania Avenue to the northeast corner of the intersection of 3d Street and Pennsylvania Avenue, NW.; then northerly along the east side of 3d Street to the northeast corner of the intersection of 3d Street and E Street, NW.; then westerly along the north side of E Street to the northeast corner of the intersection of E Street and 4th Street, NW.; then northerly along the east side of 4th Street to the northeast corner of the intersection of 4th Street and G Street, NW.; then westerly along the north side of G Street, NW., to the northwest corner of the intersection of G Street and 5th Street, NW.; then southerly along the west side of 5th Street to the northwest corner of the intersection of 5th Street and E Street, NW.; then westerly along the north side of E Street to the northeast corner of the intersection of E Street and 7th Street, NW.; then northerly along the east side of 7th Street to the point on 7th Street being the intersection of the north side of G Street with the east side of 7th Street, NW.; then westerly from that point along the north side of G Street to the point being the intersection of the north side of G Street with the west side of 9th Street, NW.; then southerly from that point along the west side of 9th Street, NW., to the northwest corner of the intersection of 9th Street and F Street, NW.; then westerly along the north side of F Street to the northeast corner of the intersection of F Street and 11th Street, NW.; then southerly along the east side of 11th Street to the northeast corner of the intersection of 11th Street and E Street, NW.; then westerly along the north side of E Street to a point approximating what would be the northeast corner of E Street and 13½ Street if the latter were extended north across Pennsylvania Avenue; then northerly from that point along a line forming a perpendicular to F Street, to the intersection of said line with the north side of F Street; then westerly along the north side of F Street to the northeast corner of the intersection of F Street and 15th Street, NW.; then northerly along the east side of 15th Street to the southeast corner of the intersection of 15th Street, New York Avenue, and Pennsylvania Avenue, NW.; then westerly along the south side of Pennsylvania Avenue to the southwest corner of Pennsylvania Avenue and East Executive Avenue; then southerly along the west side of East Executive Avenue to a point which would be the southwest corner of the intersection of East Executive Avenue and E Street; then easterly along the south side of E Street to the southwest corner of the intersection of E Street and 15th Street, NW.; then southerly along the west side of 15th Street to the point or place of beginning.

Subject to the limitation contained in the second sentence of this paragraph, the administration, protection and development of this national historic site shall be exercised in accordance with the provisions of the act of August 21, 1935. Unless provided otherwise by act of Congress, no funds appropriated to the Department of the Interior shall be expended for the administration, protection, and development of the Pennsylvania Avenue National Historic Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed in the city of Washington, District of Columbia, this 30th day of September 1965.

STEWART L. UDALL,
Secretary of the Interior.

I concur:

LYNDON B. JOHNSON,
President of the United States.

SEPTEMBER 30, 1965.

PRINTING OF INTERIM REPORT ON SUDBURY RIVER, SAXONVILLE LOCAL PROTECTION, FRAMINGHAM, MASS. (S. DOC. NO. 61)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated August 26, 1965, from the Acting Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on Sudbury River, Saxonville local protection, Framingham, Mass., requested by resolutions of the Committee on Public Works, U.S. Senate.

I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT AND EXTENSION OF THE SUGAR ACT OF 1948—AMENDMENT

AMENDMENT NO. 471

Mr. FULBRIGHT. Mr. President, the Senate will soon be asked to consider sugar legislation in the last few days of the session, as has happened so often in past years. The procedure is not unusual but the ramifications of this bill are far more significant than has been the case with previous sugar bills. This bill will freeze sugar import quotas in a set pattern for 6 years, with all of the equities and inequities the formula in the bill happens to create.

This time squeeze is symptomatic of the difficulties Congress has created for itself by trying to reconcile all of the conflicting interests involved in allocating foreign sugar quotas. The Congress is not qualified by temperament or expertise to set import quotas, but it has no choice under the present system. The system has been the cause of public embarrassment at home and violent reaction abroad. It carries both the seeds of scandal and revolution. When the public is confronted with a barrage of headlines about the activities of sugar lobbyists, as it has been for the last few weeks, there is little doubt about why the public has serious questions about this legislation. The sugar bill is the only major bill touching the lives of every American every day which is, in effect, written by the lobbyists. But who lobbies for the public interest? No one so far as I can see judging from the contents of the proposed legislation.

Perhaps the lobbyists have rendered a great public service this year. If the publicity given their activities results in some serious thinking in Congress about the inefficiencies and inequities of the way quotas are now allocated, the public, instead of their clients, could be the beneficiary. The only way to remove the stigma and the aroma created by Congress passing out sugar quotas to foreign countries is to put the responsibility for administering the system in the executive branch of the Government, where it belongs.

The Senate will be given the choice between approving a rigid sterile formula in the administration bill or revising in the patchwork allocations made by the House committee on the basis of unknown criteria. The members of the Senate Finance Committee are capable, intelligent men. But I doubt that many members feel particularly well qualified to decide on a country-by-country basis what such quotas should be from the standpoint of the Nation's foreign policy objectives and the interests of sugar consumers. Yet, members of the House Committee on Agriculture thought they were qualified to draw up a revised foreign economic policy for each of the producing nations. The results were predictable—with situations such as that of Argentina being cut by 42,200 tons, apparently because she failed to hire a lobbyist and relied on diplomatic channels to make her case.

This is not the way to protect consumer interests or advance our foreign policy objectives. Foreign quotas should either be set on the basis of criteria taking into account foreign policy considerations or we should buy sugar at world prices. Under the present system, we do neither.

I am submitting an amendment today which, if adopted, will lead to establishing an allocation system to rid the Congress of this legislative monstrosity and place the responsibility for fixing foreign quotas in the executive branch.

My amendment would accomplish these two things: First,, increase the domestic marketing quota by 580,000 tons, as requested by the domestic industry and as recommended by the administration and approved by the House committee; and second, request the President to submit to the Congress by April 30 of next year recommendations for legislation to establish within the executive branch a permanent system for periodic allocation of foreign quotas. The criteria for the system would be based on supplying consumers with adequate amounts of sugar at reasonable prices and effectuating the foreign policy objectives of the United States.

The Sugar Act does not expire until the end of 1966 and with the increase in the domestic marketing quota, there is no need for foreign quota legislation this year. The Secretary of Agriculture can continue to set quotas administratively next year, as he has for this year. The stipulation in the amendment that the President submit his recommendations for a permanent allocation system to the Congress by April 30 will insure that there is ample time for careful consideration of his proposals prior to what is expected to be an early adjournment next year.

I hope that Members of the Senate and especially the Finance Committee will give careful consideration to my amendment which I intend to offer in committee at an appropriate time, and I submit an amendment and ask to have it referred to the appropriate committee.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 471) was referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILL

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the names of Senator RUSSELL of South Carolina, Senator BIBLE, Senator HARTKE, and Senator MURPHY, be added as cosponsors to S. 2482.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, this is the bill which contemplates making it a Federal crime for any person to physically interfere with the movement of military men, equipment, or property. It provides that whoever purposely and willfully physically interferes with transportation systems which are carrying military men, property, or equipment shall be deemed guilty of violating the dignity and the law of the United States.

It is rather imperative, Mr. President, that a bill of this type be adopted.

At Berkeley College, in California, within the next few weeks, there will be held an assembly of students, and probably many visitors, in connection with which, the word has gone out, there will be a march on transportation systems which may be carrying personnel, equipment, and military property to the seacoast, to be loaded on ships.

I regretfully say to my colleagues on the floor of the Senate that I have been calling the Defense Department and officials of the Department of Justice to have them give their opinion on the bill to the judiciary department.

I have not received a response which I feel is compatible with the significance of the bill. It has now been pending about 2 months, but still no opinion has been expressed.

Mr. INOUYE. Mr. President, on behalf of the Senator from Florida [Mr. SMATHERS], I ask unanimous consent that our very able and distinguished colleague, Senator JENNINGS RANDOLPH, of West Virginia, be made a cosponsor of S. 1602, legislation which will permit voluntary retirement of traffic controllers after 20 years of service and having attained the age of 50.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF AMENDMENTS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the names of the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Mississippi [Mr. STENNIS], and the Senator from Florida [Mr. SMATHERS] be added as consponsors of the amendments I offered yesterday to S. 1861, to provide additional assistance for areas suffering a major disaster.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARINGS ON IMPROVEMENT IN JUDICIAL MACHINERY OF THE COMMITTEE ON THE JUDICIARY

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, I wish to announce that hearings will be held by the subcommittee on the U.S. commissioner system, with a view toward broadscale reform and overhaul of the system.

The hearings will deal with every aspect of the commissioner system, and, among other things, will focus specifically upon the qualifications of commissioners, method of appointment, compensation and tenure, the petty offense jurisdiction of the commissioners, pretrial proceedings, and the issuance of process.

The first hearing is scheduled for Wednesday, October 13, at 9:30 a.m., in room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement pertaining to this subject should communicate with the Subcommittee on Improvements in Judicial Machinery.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

H. Moody Brickett, of Montana, to be U.S. attorney, district of Montana, term of 4 years—reappointment.

Leonard T. Heckathorn, of South Dakota, to be U.S. marshal, district of South Dakota, term of 4 years—reappointment.

Emilio Naranjo, of New Mexico, to be U.S. marshal, district of New Mexico, term of 4 years, vice Dave Fresquez, retired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, October 14, 1965, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATIONS OF FREDERICK LANDIS, OF INDIANA, TO BE A JUDGE OF THE U.S. CUSTOMS COURT

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, October 14, 1965, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Frederick Landis, of Indiana, to be a judge of the U.S. Customs Court.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Carolina [Mr. Ervin], the Senator from Nebraska [Mr. Hruska], and myself, as chairman.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. CHURCH:

Address delivered by him entitled "The Education Decade in America."

IMMIGRATION ACT

Mr. ERVIN. Mr. President, now that the Immigration Act has been signed by the President and the furor surrounding it has subsided, I believe it is appropriate to attempt to place this historic legislation in its proper perspective.

In the course of the several months of hearings and floor debate during which time the bill was fashioned, many misconceptions and exaggerations of the probable consequences of enactment were disseminated by many of the proponents and opponents. This is true not only of the bill itself, but also of my amendment to it which would place a ceiling on immigration from the Western Hemisphere.

The following points should be emphasized:

First. The act does abolish the national origins quota system, a fact which I regret; but it also does not necessarily have the effect of changing our historic population pattern.

Second. The act does not open the floodgates. On the contrary, it restricts immigration to those who have families already in the United States and to those who can contribute to the culture and economy of our country.

Third. My amendment will not reduce immigration from the Western Hemisphere. Rather it will stabilize hemispheric immigration to a maximum of its present rate or slightly above.

Fourth. My amendment does not discriminate against our neighbors in this hemisphere. As a matter of fact, they will receive a maximum quota far out of proportion to their share of the world's population. However, it does have the effect of eliminating, to a large extent, our historic discrimination which favors the nations of the Western Hemisphere as against all the rest of the nations of the world.

Mr. President, in order to make these matters clear, I ask unanimous consent that the following articles and editorials be printed at this point in the Record:

"The End of Quotas," an editorial from the October 1, 1965, edition of the Washington Star; "Ervin Takes Lone Immigration Stand," an article by James K. Batten from the September 23, 1965, edition of the Charlotte Observer; "Immigration Bill Backed by Ervin," an article by the Washington bureau of the Winston-Salem Journal appearing in that newspaper on September 23, 1965; "Immigration Curbs Indicated," an article by Richard L. Strout from the Christian Science Monitor of September 20, 1965; "Ervin Makes Constructive Choice," an editorial from the Durham Morning Herald of September 27, 1965; and "An Historic Liberalization," an editorial from the Greensboro Daily News of September 26, 1965.

There being no objection, the articles and editorials were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star, Oct. 1, 1965]

The End of Quotas

There are several things that the new immigration bill is not. It is not a special kind of civil rights bill, as Senator Spessard Holland seems to believe. Nor is it the startling liberal innovation that Senator Robert Kennedy has made it appear.

Commonsense, nothing more or less, impels the Nation to set up an immigration law based on family relationships and personal skills rather than national origins. There is nothing radical about this. Indeed, the only radicalism attending Senate passage of the measure was the spectacle of Senators Holland and Kennedy reaffirming their personal views on racial equality—something neither man really had to do.

Aside from this exchange, however, some pertinent things were said about the bill itself—both by Senator Sam Ervin and the bill's manager, Senator Kennedy of Massachusetts—that give it the luster of practicality.

Immigrant preference would go first to close relatives of American citizens. Secondary preference would be given to skilled individuals whose talents are needed in the American labor market. Some unskilled laborers and refugees would be admitted under the new system. But the ceiling on all immigration practically guarantees that the United States will never become a depot for a flood of undesirables.

More controversial is the provision imposing a special ceiling on immigration from our own hemisphere. But, again, the provision is more equitable than it seems. The numerical restriction on Latin and Canadian immigrants is only 50,000 less per year than restrictions on the rest of the world. The bill actually favors New World immigrants, but not so much that Latin America's population explosion will bring great waves of immigrants to our shores.

This is not a flawless piece of legislation. Some provisions, particularly those dealing with the reuniting of families according to closeness of kin, are confusing. But, as Senator Ervin expressed it, the bill does not open the floodgates. The abolition of impersonal restrictions (as expressed in the quota system) is paired with the tightening of personal restrictions. And the result, which President Johnson plans to sign into law on Sunday, is about the best bill obtainable.

[From the Charlotte (N.C.) Observer, Sept. 23, 1965]

Ervin Takes Lone Immigration Stand

(By James K. Batten)

Washington.—Senator Sam J. Ervin, Jr., found himself stuck out in the cold with his principles Wednesday as the Senate approved a significant new immigration program that he had helped fashion.

The vote was 76 to 18, but 14 of the naysayers were southerners. His North Carolina colleague, B. Everett Jordan, was among them, as were the two South Carolinians, Donald S. Russell and Strom Thurmond.

Ervin, who has established himself in the Senate as something of an expert on immigration, admitted after Wednesday's vote that he felt a little lonely.

"But I was the only southerner who went to the subcommittee hearings and tried to do something about the bill while the battle was on," he said.

During those hearings and afterward, Ervin managed to win acceptance for a limitation of 120,000 immigrants a year from the Western Hemisphere—the first such limitation on immigration from the Americas in the Nation's history.

Like the southerners who voted against the bill, Ervin wanted to retain the old national origins quota system, which favored immigration from the countries of Western Europe that helped populate America in the first place.

But from the beginning, it was clear that the national origins system was doomed this year.

The bill would abolish the controversial national origins system but restrict for the first time immigration from Latin America and Canada. A fight is expected in a conference over the restriction, a move rejected in the House.

The Senate bill provides an annual quota of 170,000, an increase of 11,439, for non-Western Hemisphere immigrants, with no more than 20,000 from any single nation.

It sets a ceiling of 120,000 a year for Western Hemisphere nations, an overall total with no country-by-country limitation.

In last Friday's debate, Ervin explained to his colleagues that two possible courses of action had presented themselves:

"The first was that I might concentrate my efforts in a forlorn fight to preserve the national origins quota system and suffer defeat in such fight without rendering any service to my country, other than that of loyalty to an ideal which I cherished.

"The second possible course of action which confronted me was to join with other members of the subcommittee in an effort to present to the Senate the best possible obtainable immigration law, curing the defects of the present law, without the retention of the national origins quota system.

"I felt that I could serve my country best by adopting the second alternative."

In working for the "best possible obtainable" law, Ervin overcame efforts by the administration, particularly the State Department, to defeat his limitation on Western Hemisphere immigration.

The State Department argued that to impose such a ceiling would damage U.S. relations with Latin America. The Senate was urged to recognize the Nation's "special relationship" with its Western Hemisphere neighbors.

But Ervin's rebuttal helped convince the Senate to impose the ceiling anyway.

"I submit that there is no relationship," Ervin said, "which is closer or more 'special' than that which our country bears to England, our great ally that gave us our language, our law, and much of our literature.

"Yet under this bill my friends express no shock that Britain in the future can send us 10,000 fewer immigrants than she has sent on an annual average in the past.

"They are only shocked that British Guiana cannot send us every single citizen of that country who wishes to come."

As the debate wound to a close Wednesday, Ervin was showered with tributes from the supporters of immigration reform.

Senator Ted Kennedy, of Massachusetts, the bill's floor manager, extended his "great appreciation and admiration for the Senator from North Carolina * * * it is a better bill because of his contributions."

Ervin admitted that his vote Wednesday might not be popular in North Carolina. "They probably won't like it," he said, recalling that his mail had run strongly against the pending bill.

But critical citizens who responded to his letters of explanation, Ervin added, uniformly backed his stand.

[From the Winston-Salem (N.C.) Journal, Sept. 23, 1965]

Immigrant Bill Backed by Ervin

Washington.—Senator Sam Ervin came reluctantly to support of the immigration bill which the Senate passed yesterday, but in the end the Senator from North Carolina was one of the foremost supporters of the bill on the Senate floor.

The main purpose of the bill is to eliminate the national origins quota system which for many years has been the foundation of the Nation's immigration policy but which four Presidents have condemned as an embarrassment to the Nation before the world.

Senator Ervin called himself yesterday "a great believer in the wisdom of the national origins quota system."

He has favored continuing the system, he said, and "frankly, I would still oppose its abolition if I had any hope of success."

SUPPORTS BILL

But he nevertheless voted for the bill as it passed, 76 to 18. Only five southerners joined him—Senators Fulbright of Arkansas, Smathers of Florida, Long of Louisiana, and Gore and Bass, both of Tennessee. All are Democrats.

Fourteen other southerners voted against the bill. They included Senator Everett Jordan, Democrat, of North Carolina.

The Presidents who opposed the national origins quotas, and most of the Senators who voted to end the quotas system yesterday, object to the way the system has discriminated against immigrants from such areas as southern Europe and the Orient.

TWO COURSES

Ervin said he saw nothing unjust in the system, but that it had become outdated because of exceptions to it, including special refugee laws. Ervin said his realization that the quotas system would be eliminated by Congress left him a problem—and "two possible courses of action."

He explained:

"The first was that I might concentrate my efforts in a forlorn fight to preserve the national origins quota system and suffer defeat in such fight without rendering any service to my country other than that of loyalty to an ideal which I cherished.

"The second possible course of action * * * was to join in an effort to present to the Senate the best possible obtainable immigration law, curing the defects of present law without the retention of the national origins quota system."

HELPED REWRITING

"I felt that I could serve my country best by adopting the second alternative."

So several months ago Ervin began working, within the Senate Judiciary Committee, to help rewrite the immigration proposal offered by the administration.

The result, Ervin said yesterday, is "a good measure. * * * It is designed to restrict immigration to near relatives of those who are already in the United States * * * and to those persons who have something to contribute to the economic and cultural development of the United States."

Ervin's foremost victory in the drafting of the bill was the insertion of an amendment limiting the number of immigrants the United States will accept from other nations of this hemisphere.

OPPOSED PLAN

The State Department opposed such a provision, even though Secretary of State Dean Rusk did agree that at some point, given a continuation of Latin America's population explosion, a limitation would have to be set.

Several days ago, after many private meetings involving administration officials, Ervin, and other Senators, it was agreed that the Ervin amendment would be inserted in the bill and would stand without challenge by the administration on the Senate floor.

Senator Edward Kennedy, of Massachusetts, the floor manager of the bill, was among the last to give in to the agreement.

But yesterday, Kennedy praised Ervin for his cooperation, and so, too, did Senator Philip Hart, of Michigan, original sponsor of the bill. Ervin had been "magnificent" in his work on the bill, Hart said.

[From the Christian Science Monitor, Sept. 20, 1965]

Immigration Curbs Indicated

(By Richard L. Strout)

Washington.—Over the opposition of the Johnson administration, the Senate apparently is headed toward applying immigration restrictions to the Western Hemisphere, including Canada and Mexico.

The House approved such a provision by a teller vote, but later narrowly defeated it on a rollcall. The Senate now has the House bill.

Latin America has the fastest growing population on earth. It would be unfair, some Senators argue, to reduce immigration from the United Kingdom by one-third, as the proposed system requires, while continuing unlimited immigration from Latin America.

The proposed bill kills the 41-year-old national origins system and substitutes a new formula which its sponsors call nondiscriminatory.

RESULT IN DOUBT

As first written, however, it discriminated against the rest of the world to the advantage of the Western Hemisphere, for it was only here that no numerical limits applied.

The State Department opposes restrictions on Latin America, arguing that the latter has a special relationship. President Johnson supports the stand. The strength of House-Senate opposition to the big loophole apparently has surprised the administration. The result is still in doubt and could be decided in conference.

In any case, immediate restrictions on Canada would not be applied. There will be a 3-year waiting period while Western Hemisphere immigration is studied by a commission of demographers.

Ultimately, under the plan, a ceiling of 120,000 immigrants would be applied to the entire Western Hemisphere, exclusive of parents, spouses, and children, to take effect July 1, 1968. How this total would be divided among Canada, Mexico, and other western nations is undecided.

RESTRICTION DEMANDED

Restriction on the Western Hemisphere is the condition on which Senator Sam J. Ervin Jr., Democrat, of North Carolina, bases his support for the pending measure.

Senator Edward M. Kennedy, Democrat, of Massachusetts, sponsor of the compromise bill has reluctantly accepted it.

Mr. Ervin rejects the argument that Latin America requires a special relationship. "I submit that there is no relationship," he said, "which is closer or more 'special' than that which our country bears to England, our great ally that gave us our language, our law, and much of our literature.

"Yet under this bill my friends express no shock that Britain in the future can send us 10,000 fewer immigrants than she has sent on an annual average in the past. They are only shocked that British Guiana cannot send us every single citizen of that country who wishes to come."

The old national origins system of quotas has, in fact, broken down. Only about a third of present immigration enters under it. The big loopholes are immigration from the Western Hemisphere, refugees, and special "hardship" cases advanced in thousands by Congress.

INCREASE OF 60,000

The population of the United States increases annually, without immigration, about 3 million a year. Unemployment has averaged around 5 percent for some years. The new bill would ultimately allow an estimated 355,000 immigrants a year, though some place it much higher. This is about 60,000 more than the present immigration.

The new total would break down as follows: 170,000 given to the world exclusive of the Western Hemisphere. This would be allocated at no more than 20,000 to a country on a first come first served basis.

Thus England, which has been sending 30,000 immigrants a year, would be cut to 20,000.

Next, some 60,000 "immediate relatives" would be admitted to reunite immigrants with families left behind. Finally, a proposed ceiling of 120,000 would go to the Western Hemisphere, plus a category of "immediate relatives." Mr. Kennedy thinks this would add up to around 355,000.

BILLS ADMIT THOUSANDS

Such figures however are theoretical. Individual Congressmen are eager to aid constituents by passing special legislation for "hardship cases." These amount to thousands anually.

Senator Ervin stresses the need of controlling Latin American immigration which, he argues, threatens to "double" every year. It has increased 400 percent in the past 10 years, he says.

Canada is feeling the drain of highly trained professional people, he says. "For every professional person who migrates to Canada," he says, "two leave."

Asiatic exclusion was a red-hot issue in the 1870's and 1880's. Congress first barred Chinese laborers in 1882. Sponsors of the pending bill argue that they are dropping anti-Asiatic discrimination. Actually, it is likely to be carried forward administratively, rather than by the much-criticized quotas.

[From the Durham (N.C.) Morning Herald, Sept. 27, 1965]

Ervin Makes Constructive Choice

Senator Ervin made a choice on the immigration bill that southern Senators and Congressmen have traditionally resisted.

He saw two alternatives: All-out negative opposition to a measure he opposed or grudging support given in return for revisions reflecting his views and those of his constituents.

Southerners have faced these alternatives for years, especially in civil rights issues. Repeatedly they have chosen bitter end opposition. They have wasted their time and talents in a resistance for resistance's sake that has produced nothing except personal political advantages among their own electorates.

There are, of course, important issues that leave a Senator or Representative no choice except to go down to total defeat with all flags flying. But the number of such issues is small. And the leather lunged cries of "never" by bitter-enders in the Congress have more often than not simply made defeat for the views of their constituents total as well as inevitable.

Senator Ervin's objections to the immigration bill were undoubtedly shared by a majority of North Carolinians. Some of his technical objections eventually were shared by advocates of the bill from other States. It would have been easy for Senator Ervin to do as other southern opponents did, to shout his undying opposition to the bill and store up yet another issue to show the folks back home how he had carried on for them against unnamed forces of evil.

Instead, the Senator chose to try to modify what he felt was objectionable. And having won modification, he recognized his responsibility to show by his vote that the final Senate version of the bill reflected views he represents.

This approach can be hard to explain on the stump back home. It offers none of the stemwinding possibilities so long utilized by the professional veterans of lost causes.

But there is no question of whether Senator Ervin or the nay sayers served their States best in the case of the immigration bill. They added to their personal records. He added to a law.

[From the Greensboro (N.C.) Daily News, Sept. 26, 1965]

A Historic Liberalization

Reform of America's archaic immigration laws now appears certain. Both House and Senate have passed bills that would abolish the 41-year-old national origins quota system, replacing it with equitable standards for the admission of immigrants; the House-Senate conference will be under heavy pressure from President Johnson to draw up a compromise measure as quickly as possible.

The 1924 law is patently discriminatory. Though it places no restrictions on immigration from Canada and Latin America, it imposes a limit of 150,000 immigrants each year on the rest of the world. Each country is assigned a quota, now based on the ratio to 150,000 of the number of persons of that national origin in the 1920 census. Thus, for example, the United Kingdom has regularly been assigned a quota of about 65,000; it corresponds to the 1920 census, in which 45 million of the 105 million Americans had British origins.

That figure alone reveals the intent of the bill: in 1920 the population of the United States was predominantly northern European in origin, and Congress wanted to keep it that way. The purpose of the bill was to restrict immigration from southern Europe and Asia by basing the quotas for those areas on their relatively small representation in 1920 census.

Thus Italy has had an annual quota of approximately 5,600; Greece, 300; Hungary, 900. In each of these instances and others, thousands of potential immigrants have been turned away—many of them seeking to join their families in the United States, others possessing valuable skills and talents. At the same time Great Britain has never met its quota; the closest it came was in 1946, when 33,552 Britons immigrated to the United States.

The inequity of this law—and its implied insult to the low-quota nations—has long been apparent. President Kennedy, the grandson of Irish immigrants, recognized the problem and outlined it in a small, posthumous book, "A Nation of Immigrants." The bill now on the verge of final passage was proposed during his administration, then endorsed and introduced by President Johnson.

In its House version, the bill conforms closely to the Johnson proposal. It continues unrestricted immigration from Canada and Latin America, and sets a maximum of 170,000 a year from the rest of the world. No country would be allowed more than 20,000 immigrants a year; that is, the sole limitation on nationality. Instead of gaining entry on the basis of the happenstance of his birthplace, a potential immigrant would have to convince U.S. authorities that he would be a valuable citizen. Close relatives of American citizens would be admitted without numerical restriction.

The Senate bill includes all these provisions and one other; it restricts Western Hemisphere immigration to 120,000 a year. That restriction is the creation of Senator Sam Ervin, one of the few Southern Senators to vote for the bill; he argues that there is no "special relationship" between the United States and Latin America or Canada that surpasses the "special relationship" with Great Britain, and that therefore special privileges for Latin Americans or Canadians are unjustified.

Despite the justifiable concern of the State Department over the potential political impact of this provision, the arguments against it are not on balance convincing. If immigration should not be determined by national origins, why should it be determined by foreign policy or vague assertions of "special relationships"? Complete fairness demands that all be treated alike; whether 120,000 is too low or too high can be debated, but establishing a maximum does not seem unreasonable.

The Western Hemisphere restriction is far less important, however, than the broad and historic liberalization of American immigration law. Whatever compromise is finally approved, if it includes the basic elements of the Johnson proposal it will be welcome.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Small Business of the Banking and Currency Committee be permitted to meet during the session of the Senate today.

Mr. DIRKSEN. Mr. President, with great reluctance, I feel that I must object.

The PRESIDING OFFICER. Objection is heard.

DEACTIVATION OF SIX RESERVE DIVISIONS AND OTHER UNITS OF THE ARMY RESERVE

Mr. STENNIS. Mr. President, is the Senate still transacting routine morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, I have an extraneous matter, not on the subject pending, and if no other Senator has anything in the nature of morning business, I ask unanimous consent, when other Senators have completed their morning business, that I be allowed to proceed for 18 minutes to present this matter, and that it not count as one of my appearances on the motion to take up.

The PRESIDING OFFICER. It will not count as a speech.

Mr. STENNIS. Mr. President, I ask unanimous consent that it not count as one of my appearances and that I be allowed to proceed for 18 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Mississippi is recognized for 18 minutes.

Mr. STENNIS. Mr. President, I have received many inquiries from Senators, as well as Representatives, and many citizens in the country at large, for information and comment on the recent announcement of Secretary of Defense McNamara with reference to deactivating six Reserve divisions and other units of the Army Reserve.

As I was the one who acted as chairman of the Defense Appropriations Subcommittee and also presented the bill on the floor of the Senate, which bill then went on to conference, where I was a conferee, I have a special responsibility, I believe, to the Senate on that subject, and I propose at this time to give a factual statement with reference to the entire matter which has been before Congress for the entire calendar year.

In a news conference last Thursday, September 30, the Secretary of Defense, Mr. McNamara, announced the disbanding of 750 Army Reserve units. After stating that Deputy Secretary of Defense Vance had appeared before a House Armed Services Subcommittee that morning and discussed the plan—meaning the plan to reduce the Reserves—Mr. McNamara said:

> I think it is fair to say that they look with favor upon it.

Later in the same news conference, Mr. McNamara was asked questions and gave answers as follows:

> Question. Mr. Secretary, did you get as favorable a response in the Senate to this plan that you apparently got in the Hébert committee this morning?
>
> Secretary McNAMARA. Well, we haven't met with committees of the Senate in quite the same way as we did with the Hébert committee this morning, but those Members of the Senate with whom we have discussed it, I think, have responded as favorably as did Members of the House. Cy, is that a fair appraisal, do you think?
>
> Question. That presumably includes Senator STENNIS?
>
> Secretary McNAMARA. I don't want to speak for individual members of the committee. I would rather you talk to him directly. Let me simply say we have talked to Members of the Senate, leaders of the Senate, in the Armed Services and Appropriations Committees and they have received the plan favorably. But I don't want to speak for any particular one of them. I think each of them might put some particular interpretation on his own appraisal of it and you should get it from him.

I do not know just whom Secretary McNamara intended to include as "leaders of the Senate, in the Armed Services and Appropriations Committees," but I assume he refers to the Senate conferees on the Defense appropriations bill and the members of the Senate Armed Services Committee who held hearings on this Reserve-Guard merger question. This would include the following Senators: HAYDEN, RUSSELL, HILL, ELLENDER, McCLELLAN, STENNIS, SALTONSTALL, YOUNG of North Dakota, SMITH, BYRD of Virginia, SYMINGTON, JACKSON, and THURMOND.

To ascertain the correctness of the Secretary's statement that the "leaders of the Senate, in the Armed Services and Appropriations Committees have received the plan favorably," I have personally talked with each of these Senators about the matter.

As to Senators HAYDEN, HILL, ELLENDER, McCLELLAN, YOUNG of North Dakota, SMITH, BYRD of Virginia, SYMINGTON, JACKSON, and THURMOND, I find that neither Secretary McNamara nor Deputy Secretary Vance, nor anyone for them, has ever mentioned this plan announced on September 30 to any of them in any form; that these Senators have not approved the plan, nor received it with favor; and, in fact, that these Senators had not heard of the plan until Secretary McNamara announced it last Thursday.

The remaining Senators of the group are Senators RUSSELL, SALTONSTALL, and STENNIS.

I have learned from Senator RUSSELL that he was seen by Secretary Vance and this plan regarding the Army Reserves was discussed, along with other matters, but was not fully broken down or fully explained. Senator RUSSELL tells me he did not approve the plan, nor did he "receive the plan favorably" in any way. Senator RUSSELL has authorized me to repeat our conversation to this effect.

Senator SALTONSTALL was also visited by Mr. Vance, but he tells me that he neither approved the plan, nor "received the plan favorably." Instead, Senator SALTONSTALL advised Mr. Vance to seek legislation if Mr. McNamara were still pursuing the merger idea, and to "put the bill in at this session." Senator SALTONSTALL has authorized me to quote him to this effect.

I hope it will be understood that I was merely interrogating on the idea whether these Senators had received the plan favorably, as Mr. McNamara reported.

That leaves Senator STENNIS.

Mr. Vance came to my office and discussed this matter about a week before Secretary McNamara's announcement. Secretary Vance's primary emphasis was on the problem of training new men, but he discussed the plan to some degree. Mr. Vance had no written explanation of this plan, but he did have a single sheet of paper with a column of figures thereon which related altogether to training loads and did not describe this plan as to the Reserve; this paper is classified or I would print it in the RECORD. Mr. Vance mentioned the fact that they proposed to deactivate some of the low priority Reserve units. He made reference to several Reserve divisions. But certainly he did not at all make it clear in his discussion with me that they proposed to deactivate 55,000 men in the Army Reserve, or that six entire divisions were to be swept out. If he mentioned the figure "55,000," I thought it was related in some way to the overall training program for all new men, including the 240,000 new men for the Army. Had such a proposal to deactivate 55,000 spaces in present Army Reserve units, or to take out six divisions, been clearly made I would have vigorously challenged him instantly and on the spot as proposing something far out of line from what is permitted in good faith by the language of the appropriations bill and far beyond what the conference understood.

I did tell Mr. Vance that the Senate conferees had in mind that under the language used, they would have some discretion to cancel out some of the so-called low priority Army Reserve units because the language did not require the full number of 270,000 men for the Army Reserves at all times. However, in the same breath I told Mr. Vance, with emphasis, that the Senate conferees certainly expected Secretary McNamara to live up to the full spirit and letter of the language of the appropriations bill which called for a planned strength of 270,000 men in the Army Reserves and that this number should be there on June 30, 1966. I emphasized this requirement and Mr. Vance did not dissent.

Mr. Vance did not ask me to approve the plan. Nor did he suggest that I do so. Nor did he suggest that I "look with favor on it." Had he asked for my approval or suggested that I "look with favor on it," this would have sharply focused my attention and I would have immediately called for a full explanation in writing, of just what the proposal was, as I had done prior to the Senate-House conference on the appropriation bill in regard to the so-called 17-State plan then proposed before the conferees.

I have dealt with this matter. When there was talk a month ago about a 17-State plan when this matter was to come before the Senate-House conference, I declined to discuss that 17-State plan until a full outline had been put in writing by the Department of Defense. I wanted to know exactly what they would do and not do. One reason for that is that it is a very complicated matter. It is never easy for me to understand these complicated tables of organization. I got lost very readily, and still do, when they talk about a military personnel plan that involves many small, medium, and large military units. In any event, whenever there has been proposed what I understand is a real plan, I have required that it be put in writing, with numbers and figures, so we can all understand it.

Had this new plan or proposal thus been fully set forth, I would have seen immediately its full import and vigorously objected because it is not in keeping with the spirit of the appropriation bill and is a long step on the merger plan which was expressly rejected by the conferences on the Defense appropriations bill.

I refer now to a brief quotation on that point from the conference report itself, as filed with the House of Representatives on this very appropriation bill, with the express wording contained in that appropriation bill and with the comment on the Army Reserve.

Page 3 of the conference report refers to what was done and concludes as follows:

> It should be clear from this action that the realinement or reorganization of the Army Reserve components can be effected only through the enactment of appropriate law.

I wish to make clear that I am not suggesting that Mr. Vance acted in bad faith in any way. In our discussion at my office, I feel he acted in good faith. He did entirely fail, unintentionally, to make it clear that they planned a reduction in the Army Reserve units of anything like the proportions Mr. McNamara announced. My firm position that they, of course, would keep the strength up should have made my position fully clear to him.

Mr. McNamara has a responsibility, of course, regarding the Army Reserve program. He was fully within his rights and was discharging his responsibility in urging the Congress to merge the Army Reserve and the Army National Guard. The Congress heard and fully considered his testimony and refused to allow him to make the merger. This decision was the responsibility of the Congress. Now, it is clearly the Secretary's responsibility to take the law as enacted by the Congress to apply for fiscal year 1966, and to operate in good faith within the spirit and the letter of that law, the Defense appropriation bill.

Two sides can argue about the possibilities of the legal meaning of the word, but no one can deny the spirit and good faith of the entire matter all the way through.

This bill, recently enacted, absolutely forbids the Secretary from transferring funds from the Army National Guard to the Army Reserve account, or vice versa.

This law requires him to keep the Army National Guard up to a minimum of 380,000. This same law gives him a small measure of discretion as to the Army Reserve in that the language of the law does not require him to keep the total of the Reserves up to 270,000 all the time—but it does demand a planned end strength in good faith that will bring a total of 270,000 Reserves at the end of fiscal year 1966.

Instead of a reasonable, modest move that would live up to this requirement, the Secretary brings forth a plan that immediately scuttles 55,000 places of the approximately 260,000 now on hand. At the same time, the Secretary says that he doubts that he can bring the manned strength back up to 270,000 by June 30, 1966. His statement on this point is a contradiction on its face of the positive mandate the Congress has given him. It is his obligation, of course, to adopt a plan that he thinks he can bring up or keep up to the 270,000 men, or very close thereto.

After consulting with competent military men, I am satisfied that the Secretary does not have to deactivate these 55,000 men in the Army Reserve. The plan announced by the Secretary of Defense on September 30, 1965, is not the most efficient nor the quickest way to increase the readiness of the Reserve forces. I have understood that another plan was processed by the Army general staff and presented to the Secretary, one which would have taken existing high-priority units, regardless of whether they were Army Reserve or National Guard, and increased their state of readiness. This alternate plan would take advantage of the condition of readiness as it exists in the units now, and build on it instead of going through a major reorganization with the inevitable loss of readiness that will result. The alternative plan would save time, would reduce the number of people brought in from civilian life, and would not turn out many military veterans who are trying to serve their country.

Most of these men to be released have been trained for 6 months or more by the Army. Many are well trained in hard technical skills. The Secretary of Defense says they are low priority units. I have found that the words "low priority" have no stigma, and that the phrase does not mean what it seems to mean, and that the term merely represents some kind of arbitrary dividing line. To illustrate the false meaning of the term, under the Secretary's classification, every single unit in the Georgia National Guard is classified as "low priority," while at the same time these same Georgia units have been winning more than their share of the citations for excellence.

There is no reflection on the fine Georgia Guard units in placing them in this category of "low priority," or to place them in this classification. They are above average.

In my opinion, the major purpose of this plan, announced on September 30, is not for training or retraining, or for military readiness. The major purpose of it is to begin a major scuttling of the Army Reserve.

I respectfully recommend that he reconsider his position; and, in view of the importance of this matter, I hope he changes his conclusions. The official orders have not been issued. Another plan in keeping with the language and spirit of the appropriation bill could easily be adopted.

There is far more involved in this hope than the mere adjustment of these figures for the fiscal year 1966. The same Secretary of Defense—and I feel kindly toward him—will be back before the Appropriations Committees next year, not only on the Army Reserve and National Guard matter, but on many other important matters. I do not want him to set the precedent of virtually ignoring the mandate of the Congress.

I do not attack the integrity of Mr. McNamara. In many ways his work is outstanding. But, in this case, I think he has let his intense interest overrule his judgment.

Also, Mr. President, I point out that the legislative branch of the Government is already playing a lesser and lesser role in the affairs of the Nation. With these enormous sums of money to spend each year and with the growing number of programs and the increasing amounts of money at the annual disposal of the many executive agencies, the Congress will soon be relegated to a mere figurehead unless it insists that its direction in money spending is fully carried out. I feel a special responsibility to fellow Senators on matters they partly entrust to me. But I feel an even greater responsibility under the Constitution of the United States to demand recognition for the legislative branch of this Government which is gradually but certainly losing its power, by being dwarfed and partly ignored by other departments of the Government. I expect to discharge my obligation to this body the very best I can, come what may.

One further word. The Secretary of Defense has issued more than one blast at the Congress for failing to turn over to him, without any strings attached, this Army Reserve-Army National Guard money so that he could put the merger into effect at once.

As I have been one of those in the Senate who has worked on this matter for several months, I hope that I am entitled to say a few words of counsel on this situation. Not only have I worked on this subject, but I am a constitutional officer in the legislative branch of our Government. My counsel is this:

If there are further blasts and criticisms of the Congress to be made on the Army Reserve-Army National Guard question from the executive branch of the government, let them come from the Chief Executive. He is the one in the executive branch under our Constitution who has the responsibility to deliver messages to the Congress and to comment on their actions. This power also rests with the people. But I do not find where a lesser official in the executive department has this responsibility.

I refer to one illustration, with only kind personal feelings toward Mr. McNamara.

On September 16, at a press conference, he was asked this question:

> Mr. Secretary, as a result of the action yesterday of the House-Senate conferees, have you abandoned plans to merge the Army Reserve?
>
> Mr. McNamara. No.

When asked what he would propose, he started by saying this:

> I want to emphasize that the congressional action perpetuates unneeded, wasteful, useless units in our Reserve and Guard situation.

He goes on for three paragraphs of kindred criticism about the conference report on the appropriation bill.

Mr. President, there were men on the conference who signed the conference report, who were on the Appropriations Committee when Mr. McNamara was in high school.

I want everybody to know that there are Members—and I do not include myself; I am only a beginner—on the Appropriations Committee and the Armed Services Committee who have a vast practical knowledge of the operation of the Guard, Reserve, Army, Navy, Air Force, and all of the other questions of logic and commonsense that go with the operation of the Government.

I refer to the Senator from Massachusetts [Mr. Saltonstall], who is the senior Republican member of the Appropriations Committee and a member of the Armed Services Committee. I refer to the Senator from Maine [Mrs. Smith], who is a member of the Armed Services Committee and the Appropriations Committee.

They have a fine knowledge of this subject matter, and I do not propose to stand silent on this subject or any subject and have a conference report, that members such as those have signed, maligned and held up almost to abuse.

That is fine-looking language, coming from the Secretary of Defense, to go out into their home States.

I do not find authority for the Secretary of Defense to attack a member, group, or conference of the legislative branch. Let those criticisms come from the President of the United States, if the executive branch sees fit to do so. He has the responsibility to advise Congress. He can comment on anything that we say or do, and he does. That is his prerogative and responsibility. Our responsibility is here.

This is only one instance. There have been many.

There is one thing that can come out of the entire matter that would be wholesome and good, regardless of what finally happens to the Reserve.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. We, the Congress, must learn from these trends. We, the Congress, must firmly determine in our own hearts that we, the Congress, are going to strengthen our legislative decisions and the wording of legislation. We must determine that this is necessary to cope with the mass of unilateral decisions coming from the Pentagon and from other departments of the Government year after year. I refer particularly at this time to the proposed merger of the Army Reserve and the Army National Guard. I have no personal interest in it as such. I am primarily interested as a Member of this constitutional body with legislative responsibility.

Mr. McNamara did not come to Congress and ask Congress to let him merge those two great organizations. He told us he was going to do it. His position was that it did not require legislation. I asked him from the beginning where he was going to get the money. But no, they were going to merge those two units.

What I have said about the legislative branch asserting itself, of course, applies to the House of Representatives; and what I have said about the ability of those Members of the Senate and their long training, activity, and responsibility, applies with equal commendation to the House of Representatives.

Inasmuch as I have been one of those Senators who worked on this matter for several months, I hope that I am entitled to say a few additional words of counsel. My further observation is this:

I hope that we can let this matter settle down and let both the Army National Guard and the Army Reserve know where they are, and let them get busy, without the loss of further days, in actual preparedness for developments which may come in the year ahead and in years to come. Let us deliver both the Guard and the Reserve from the state of terror which has held things at a standstill for a full year and which continues to do so. No effective planning can be done. All construction programs have been stopped. From the officials in the Pentagon to the newest private in the smallest unit in the field—no one has known and no one knows now just where he is.

I call this to the attention of Senators to establish for the record what has happened, for a factual statement of the case, and with the special urging that the Secretary of Defense reconsider his position and follow a plan more in keeping with the full letter and intent and good faith of the appropriations bill.

My prayer is, further, that Congress assert itself with more vigor and that this proposal be allowed to rest while we plan for greater preparedness.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I am glad to yield to the Senator from Louisiana on his time.

Mr. LONG of Louisiana. I congratulate the Senator from Mississippi upon the fine statement he has made. I have not had an opportunity to study the problem, but the Senator from Mississippi makes a good point. In these days, when we have a strong President, it is even more important that the legislative branch measure up to its responsibility than would have been the case in the days when we did not have a strong President.

Under the separation of powers doctrine, it was always intended that each branch of the Government should discharge its responsibilities, and that one branch should not submerge another.

As the Senator has so well suggested, if the Executive wishes to override the legislative branch, it ought at least be the President who does so, not a Secretary.

Mr. STENNIS. The President's criticism of anything we do is constitutional and, I believe, is generally acceptable in this body, whether we agree with his conclusions or not. But I believe we must stand up and cut off all the other activity; otherwise we shall be engulfed, overruled, downgraded, and discounted before the public.

Mr. LONG of Louisiana. I thank the Senator from Mississippi.

"GRANDMA" BRENNAN—A PIONEER LADY

Mr. HRUSKA. Mr. President, in these days of increased longevity, perhaps a 90th birthday is not the rarity it once was. Yet, today, I want to call the Senate's attention to a very important 90th birthday that was observed by a gracious pioneer lady in Omaha a few weeks ago.

She is Mrs. James F. Brennan, Sr., and those of us who have been her neighbors know her as "Grandma Brennan."

I am indebted to Mr. William C. Fogarty, Jr., a former Omaha newsman now on the staff of the St. Louis Chamber of Commerce, for furnishing me some of the details of this remarkable lady's life.

Mrs. Brennan was a pioneer to the Nebraska territory at a time when the Indians were in close residency in our mutual neighborhood. An immigrant from Essen, Germany, where she was born in 1875, she came to Omaha with her parents, Phillip and Louise Schleuter with her sister Helen and brother William in 1881.

Two other children were born to the family which settled at 1921 South 18th Street in Omaha. They were John and Louise Schleuter who reside there at present. Mr. Schleuter and his wife were offered purchase of a tract of land which is now 16th and Dodge Streets in the heart of downtown Omaha, but preferred instead—being farmers—a more outlying tract at the present address.

Her childhood was marked by recurrent visits from a tribe of Indians of undetermined origin who occupied native land in a wooded section which is now 22d and Center and an area south of Center. With no definitive research I would mark the tribe as either Omaha, Mandan, or Pawnee.

Many times as a child she would enter the family garden to be confronted by a stalwart Indian brave or chief seeking tobacco or coffee. The family, poor though they were but bred with the feeling of neighborliness, aided their Indian neighbors as best they could—not through fear—Phillip Schleuter was a former German Army corporal of Prussian extraction, but through a genuine desire to be good citizens in a wild but promising land.

It is indicative that Phillip Schleuter took out his citizenship papers upon the first day that he became eligible for this honor. He treasured this gift throughout his life and broke all ties with his fatherland, refusing even to correspond with relatives in his native Germany. "We are Americans now. This is our country," he was known to say.

In 1896 Gertrude Schleuter married James F. Brennan at St. Joseph's Church. This German national congregation was formerly a part of St. Mary Magdalene's where Mrs. Brennan went to school as a girl. Mr. Brennan was a native New Yorker of Irish extraction who arrived in Omaha in 1888.

He established a plumbing company there and held card No. 1 in the Plumbers Union until his death in 1945.

Mrs. Brennan was instrumental in an incident which occurred in Omaha in the late teens. Two Negro laborers who worked for Mr. Brennan as diggers came to the back door of the home to receive their wages. There had been a race riot in the city in which a Negro had been lynched. The men were quite fearful but needed their wages badly for their families. Mr. Brennan paid them but Mrs. Brennan added three words: "Go with them."

Wearing a revolver nakedly in his belt, he accompanied each of them to their homes and their terrified families, giving comfort and assurance that no harm would befall them. Many men who encountered Mr. Brennan and his Negro employees on the Omaha streets that night recalled it in much the same manner: "I would not stand to Jim Brennan that night."

Mrs. Brennan has 9 living children, 25 grandchildren, and 35 great-grandchildren. Her mother lived to be 93 years old and died in 1942.

The family has, of course, intermarried into the vast conglomeration of nationalities to which Omaha owes its greatness. Family reunions, which now require rather large halls to pay tribute to Mrs. Brennan, include Czech, Polish, Irish, German, Hungarian, and English.

Mr. President, the Brennan family and the Hruska family were neighbors for some 20 years. We lived a scant 2 blocks from the Brennan place. It is with fondness and with real sentiment that we view the arrival of the 90th birthday.

Notwithstanding this close personal relationship, thoughts which are uppermost are along these lines: Here is a personality which has witnessed the growth of Nebraska for its entire history with the exception of the first decade and a half, and has made a mighty contribution in the building of the Cornhusker State.

It is to lives and dedication such as this that Nebraska and the entire Nation owe their strength, vigor, and richness.

MAN OF THE YEAR

Mr. BARTLETT. Mr. President, the sea is Alaska's lifeline. While truck freight is increasing, the sea remains the State's main artery for shipping out and receiving goods and materials needed to support a growing economy.

As president of the Puget Sound Tug & Barge Co., of Seattle, John H. Lee has helped develop ways to improve service between the lower 48 and Alaska. Specifically, he played important roles in promoting such innovations as hydrotrains and big tug and barge combinations.

Alaskans appreciate his efforts. So do the reporters who cover the waterfront in Seattle. They named him the Maritime Man of the Year.

I ask unanimous consent that an article from the Marine Digest reporting Mr. Lee's honor be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHN LEE NAMED MAN OF THE YEAR

SEATTLE.—John H. Lee, president of Puget Sound Tug & Barge Co., was named Maritime Man of the Year by the Maritime Press Association at the group's annual banquet Wednesday night in the Arctic Club.

Lee was the 15th winner of the coveted annual award, given for the man who has done the most for the maritime industry in this area during the past year. The banquet is part of the celebration of National Maritime Week.

INNOVATOR

Lee won the award for his many years of service to the waterfront and his leadership in promoting innovations in the transportation field, most notably the Hydro-Trains, big tug and barge combinations which transport railroad cars of freight from any place in the United States to Alaska.

In addition to his job as top man at Puget Sound Tug & Barge, Lee heads several affiliated towboat interests and is president of Puget Sound-Alaska Van Lines, operator of the Hydro-Trains.

CASTRO MUST GO

Mr. SMATHERS. Mr. President, I would like to bring to the attention of my colleagues a most perceptive speech given by my very able and distinguished friend, the senior Senator from Connecticut, Mr. DODD at a dinner in Miami, Fla., on October 4 attended by more than 35 Cuban refugee organizations.

In his speech, Senator DODD stressed the significance of the large number of people who have fled Cuba since the Castro takeover and pointed out that the free peoples of the world "have failed to comprehend the historic significance of the massive exodus of refugees from every country that has fallen under Communist control."

I ask unanimous consent that Senator DODD's talk be printed in the body of the RECORD at this point of my remarks, since this very enlightening and excellent speech entitled "Castro Must Go" will be of interest to all of us.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CASTRO MUST GO

(Remarks of Senator THOMAS J. DODD before dinner tendered by Cuban refugees in the United States, Miami, Fla., October 2, 1965)

Dr. Freyre, leaders of the many Cuban organizations who have honored me with your presence tonight, veterans of the unfinished business begun at the Bay of Pigs, fellow citizens of the Americas:

It is with gratitude and a sense of profound humility that I accept this award from you.

It is an award which has all the more significance for me because it comes from people who know the meaning of freedom.

Indeed, those who give me this award know the meaning of freedom far better than most of the citizens of our hemisphere because they have given up all they possess to escape from the tyranny that now reigns in their beloved country.

Moreover, the Cuban refugees in our country today did not escape for the simple purpose of finding a better or more comfortable life within our free society.

Your presence at this meeting constitutes still another proof of your dedication, and of the dedication of all Cuban refugees, to the ultimate liberation of their suffering country.

Recently I have read articles by correspondents of some reputation informing us that the Cuban people have made progress under communism, that Castro has conferred upon them a national dignity which they did not previously possess, and that intellectuals, workers, and peasants are all united in their attachment to the regime.

In addition, there has, as you know, been a number of television programs which have in a very similar manner hailed the fraudulent advances claimed by the Castro regime and ignored all the evidence of failure and tyranny and of massive popular discontent.

I find it difficult to understand how anyone who pretends to be an objective correspondent can write such drivel about Castro Cuba in the face of the fact that over the past 5 years almost half a million Cubans have fled from Castro's vaunted Communist paradise, very frequently at the risk of their lives.

THE FUNDAMENTAL SIGNIFICANCE OF THE REFUGEE PROBLEM

The many Cuban patriots who are present here tonight know what it means to be a refugee. But I am becoming increasingly convinced that the people of our own country and of other free countries have failed to comprehend the historic significance of the massive exodus of refugees from every country that has fallen under Communist control.

I am sure that if people had a true understanding of the refugee phenomenon, everything else would fall into place.

There would be no fuzzy talk suggesting that communism might be a legitimate expression of the revolutionary aspirations of the masses.

There would be far less of a tendency to stick our heads in the sand, like so many ostriches, and wish that Communist aggression and subversion would go away.

Communism would be accepted for what it is: the most total tyranny in the history of mankind, a tyranny impelled by the logic of its philosophy to practice aggression and subversion against all those nations that have not yet been subjugated.

And once we had accepted communism for what it is, we would, I am convinced, draw the necessary conclusions for the defense of freedom.

Why do the free peoples of the world still fail to understand the fundamental significance of the refugee problem for the survival of their own freedom?

They must be aware, because these facts have been printed many times in their newspapers and periodicals, that at the close of World War II, several million Europeans refused to return to their Communist-dominated homelands and that many hundreds of them committed suicide when the Western powers, in compliance with the Yalta agreement, sought to repatriate them forcibly.

They must be aware too, that since the close of World War II almost 4 million Germans have fled from the blessings of the so-called "people's democracy" imposed by the Soviets in the eastern portion of their country, and that, despite the Berlin Wall, hundreds of them risk their lives to escape every month.

They must be aware, as well—because this fact has been mentioned over and over again in the press—that when Vietnam was partitioned by the Geneva Convention in 1954, almost 1 million refugees took advantage of a very brief period of freedom of movement to flee from the Communist rule that was descending on North Vietnam. And they must know, too, that inside South Vietnam today there are another half million internal refugees who have fled from regions under Communist control.

They must know, too, of the million or more Chinese refugees who have fled to Hong Kong and Portuguese Macao; of the hundreds of thousands of Hungarians who fled into Austria and Yugoslavia before the Soviet Red Army sealed the frontier after the brutal suppression of the great Hungarian revolution of October 1956; of the several hundred thousand Tibetan refugees who fled across the difficult Himalaya Mountains after the suppression of their national uprising of 1957.

They may have forgotten, because these things happened many years ago, that during the Korean war 5 million out of the 14 million inhabitants of North Korea took advantage of the chaos engendered by the war to seek sanctuary from Communist tyranny in that portion of their country controlled by the United Nations forces.

They may also have forgotten, because of the lapse of years, that of the 25,000 Chinese and North Korean prisoners in our hands when the Korean war terminated, 20,000 refused to return to their homelands, despite the very strong family ties that prevail in the countries of the Far East.

Perhaps the people of the free world failed to comprehend the true significance of the refugee problem because the problem has now grown to such gigantic proportions that it has become a meaningless statistic.

I think this is unquestionably part of the explanation.

But there is more to it than this, because every once in a while the refugee problem is brought to life for us by dramatic stories involving the heroism and the suffering and the testimony of individual refugees who have escaped from Cuba or from other Communist countries.

All of you in this audience, for example, will recall the tragic story of Vicente Mayans, the sole survivor of a group of 18 Cubans who sought to escape from their country in a small boat in June of last year. One by one, Mayans' companions died from hunger and thirst and exposure in the 17 days they spent at sea. And Mayan's own wife died in his arms shortly before his boat beached in Jamaica and he staggered ashore and collapsed.

You will recall the story, too, of Louis Casas-Martinez, the first Governor of Camaguey Province under Castro, who escaped from a Castro prison and who arrived in Florida this last July 30, delirious and sunblistered after 12 days at sea.

And only last week there was a small item in our papers about 67 Cuban refugees, the majority of them women and children, who were picked up at sea by a Panamanian fishing vessel after spending 3 days without food or water.

These were some of the survivors of the perilous crossing from Cuba to Florida, through waters that have come to be known as "machinegun alley."

But there are far more who died in making the effort, than there are who succeed. Indeed, I have been told that there are three who perish for every one who makes it to safety.

A British skipper who makes frequent trips to Cuba told the United Press some months ago—and I quote him:

"Time and time again," he said "we come across small boats drifting helplessly. Inside, we find bodies riddled with bullets—men, women, and children.

"I have seen many bodies floating on the sea also.

"There is nothing we can do.

"We either try to sink the pathetic little boats, or just veer away.

"Often we see gunfire in the distance and when we get to the spot we find more murder. It is carnage."

Against this background, it is the height of hypocrisy when Fidel Castro now informs us that there is no need for refugees to risk their lives in small boats because his government does not place any obstacle in the way of those who wish to depart.

And it is the height of hypocrisy, too, when Castro pretends that the only thing that stands in the way of the peaceful departure of all those who wish to leave is our own hardhearted attitude.

Castro will deceive no one who knows the facts with this propaganda diversion.

It is a matter of record that the United States has, to date, opened its doors to 270,000 refugees from Communist Cuba, and that even in recent months the rate of entry has averaged 1,000 per month.

It is a matter of record, to, that when in the fall of 1961 the United States offered to send in planes to remove some 20,000 Cubans who were waiting to leave, it was Castro who refused this offer.

The record will also show that those who wish to leave Cuba with the permission of the regime have been obliged to leave behind all their worldly goods as a condition of their departure.

It will also show that, despite Castro's claim that his regime has placed no obstacles in the way of those who wish to depart, the process of granting permits has, in fact, been a highly selective one, so that some applicants have received their permits immediately while others have had to wait a year or more, or have been refused permits outright.

Castro now talks about permitting the close relatives of all Cuban refugees in the United States to depart voluntarily from a minor Cuban fishing port beginning October 10.

I think the State Department has hit the nail on the head in describing the language of his offer as "vague and ambiguous" and in stating that the terms of the offer "raise doubts about its seriousness."

The State Department has informed Castro that if he is really in earnest about reuniting Cuban families and saving Cubans from the perils of small boat crossings to Florida, there are channels through which the discussions can be arranged with a view to accomplishing this humanitarian objective.

I know there is much speculation about Castro's motives in making this offer.

Castro's embarrassment over the epidemic of small boat escapes and small boat disasters and his desire to score a propaganda point is unquestionably part of the reason. But there is reason to believe that he would also like to encourage the departure of parents and grandparents who have passed the age of productivity and have become a burden on his economy. In addition, Castro would probably like to get rid of some carefully selected disaffected elements—if only because his jails and his concentration camps are now filled to overflowing with anti-Castro Cubans.

But whatever his motives may be, I am pleased that the State Department has responded to Castro's challenge by throwing the challenge back to him.

I hope that, as part of his offer, Castro will now instruct his patrol vessels to cease the reckless machinegunning of refugee boats, which has turned the straits of Florida into the Berlin wall of this hemisphere.

If Castro's offer truly signifies a relaxation of his government policy toward would-be refugees, this is a development to be welcomed. But I remember that there have been repeated ups and downs in Castro's attitude toward those who wish to leave this country.

And I know that when Red China, under the pressure of a nationwide famine, dropped all restrictions on the movement of refugees into Hong Kong, the restrictions were reimposed with added severity as soon as China's internal situation had eased a bit.

While free citizens in our own country and other Western countries may marvel at the heroism and endurance displayed by the refugees from Communist tyranny, I still say that the full significance of the refugee problem escapes them.

They do not realize how difficult and painful it is to abandon your home and all that you possess, to leave behind your friends and loved ones, to tear up your roots, to forsake the land in which you have been born and which you love, for an uncertain future in an alien country.

Nor have our citizens given adequate thought to the fact that in modern times there have been only two types of tyranny—the Nazi tyranny and Communist tyranny—which have spawned refugee problems of massive proportions.

Among the countries of the Americas there have been many different kinds of autocracies and military dictatorships and personal dictatorships, the best of them half benevolent, the worst of them cruelly repressive. But apart from a relative handful of opposition leaders, these dictatorial regimes produced no mass outpouring of refugees.

Even the Trujillo dictatorship which, before the advent of Castro, was unquestionably the most tyrannical regime in the hemisphere, gave birth to nothing which remotely resembled the mass flight of anti-Castro Cubans.

Why is this?

The answer, I believe, lies in the fact that the traditional dictatorships of the past, as despotic and evil as some of them unquestionably were, nevertheless accorded their citizens a certain option.

The price of open political opposition under these regimes was frequently imprisonment or exile, and sometimes death. But the ordinary citizen was still able to live his life without personal harassment so long as he abstained from opposition to the regime. And so long as this was possible, the ordinary citizen, as the record of history will show, has almost without exception preferred to remain in his own country rather than becoming a refugee—no matter how much he might have disliked the regime in power.

But the Communist regime accords its subjects no such option. Under communism it is impossible to seek personal sanctuary in political neutrality. The Communist regime not merely denies the right of political opposition, but it demands the right to govern every aspect and every hour of the private lives of its subjects.

It demands of its subjects that they abandon their belief in God and substitute for it a belief in Stalin, or Mao Tse-tung, or Castro.

It takes away from parents the right to guide the education of their children.

It takes away from the farmers the right to till their own land and to sell their own produce.

It takes away from the workers the right to organize in unions of their choosing and to withhold their labor when they feel that they are being unjustly compensated or unjustly treated.

It takes away from the intellectual and the artist the basic right of self-expression, and converts them into cogs in the propaganda apparatus of the totalitarian Communist state. It utterly destroys their self-respect, demanding that they become instruments for their own abasement and for the enslavement of their people.

Everyone is told what to read and what to think and what to do. And the leisure time which people in other countries use to refresh themselves, mentally and physically, is superseded by compulsory brainwashing and indoctrination sessions.

No person, no matter how menial or how exalted his position, can escape from the merciless and relentless total dictatorship over personal life which is the unique hallmark of communism.

This is the significance of the refugee phenomenon. And this is the reason why millions of people have fled from Communist rule in every part of the world—and why the flight is always in the one direction and never in the other.

And this is the answer to all those irresponsible and fuzzy-headed correspondents who are taken on guided tours of Cuba and who then write tendentious accounts about the great progress achieved under the Castro regime and about the love of the Cuban people for the bearded monster who governs them.

ON MORAL NEUTRALISM

There are some who may concede that all that I have said here about the Castro regime is true, but they hold that this is none of our affair.

To these I reply that no man who considers himself a citizen of the free world can ignore the tyranny of Castroism, any more than he could ignore the tyranny of Adolf Hitler.

The possession of freedom is a blessing which imposes an unescapable moral duty on all those who partake of it. No man can be truly free who is not prepared, in the words of Thomas Jefferson, to swear "upon the altar of Almighty God, eternal hostility to all forms of tyranny over the minds of man."

Our society suffers from a rather widespread affliction which I have sometimes described as moral neutralism.

On the domestic plane, it manifests itself in the indifference of those citizens, who, in an appalling number of cases, have stood idly by while murder and rape were committed in their view.

On the plane of world affairs, it manifests itself in a parallel indifference to crimes perpetrated against entire peoples, not merely in far away Tibet or China, but right on our own doorstep, and almost within view of the United States.

Our moral neutralists may take comfort in the thought that he who does nothing is guilty of no crime. I do not think that history will judge them so lightly.

During World War II, a well known Lithuanian Jewish leader, by the name of Julius Margolin learned something about the reality of Soviet communism from the vantage point of a Siberian slave labor camp. When he was liberated, he wrote a book describing the incredible inhumanity to which he had been witness. And he concluded his report with these words: "And those who in reply only shrug their shoulders, I consider moral abettors and accomplices of banditry."

This, I believe, will be the verdict of history on the moral neutralists of our time.

THE DANGER OF A HEMISPHERIC VIETNAM

In my speech before the American Legion convention in Portland several weeks ago, I warned against the danger of a hemispheric Vietnam, with Dominican uprisings and Vietnam insurgencies occurring simultaneously in half a dozen or more Latin American countries.

I must confess that I was surprised by the reaction to my speech. Many people told me that I had pointed to a danger that they had not been aware of.

But it was not I who invented the concept of a hemispheric Vietnam. You will find this concept repeated over and over again in the recent literature of Castroism. Castro and his scribes openly liken the position of Cuba to that of North Vietnam. And they openly proclaim their intention of creating a condition of general insurgency throughout Central America and the South American Continent.

Every week brings additional evidence that Castro and his henchmen throughout the Americas are moving rapidly to put this plan into execution.

For example, the Latin American Times recently published a document put out by the Guatemalan Communist movement, which calls itself "the Revolutionary Movement of November 13," or "MR-13," for short.

More than any other document of the Latin American Communist movement which has yet been published, it spells out the aims of Castro communism and it underscores the immediacy of the dangers that confront the nations of the Western Hemisphere.

"The year 1965 will be of the greatest importance," says the document. "The Guatemalan Socialist movement will make an enormous leap forward * * * we must be prepared, arms in hands, with the revolutionary Marxist-Leninist policy and program which will enable the revoluntionary movement of November 13th to lead the masses to victory."

But the document does not confine itself to Guatemala. It calls for the establishment of a "federation of Socialist republics of Central America"; and it announces that invitations have been issued for a "guerrilla conference" embracing representatives of the guerrilla movement in Venezuela, Colombia, and Guatemala.

"This conference would have as its object," said the declaration, "the interchanging of experiences, forms of struggle and tactics, mutual support and the extension of guerrilla and revolutionary warfare to new countries of Central and South America."

When Castro was seeking power, he and his comrades were obliged to conceal their intention and pretend that they were simple nationalist revolutionaries or "agrarian reformers." But so brazen have the Latin American Communists become and so arrogant in the conviction that they are riding the wave of the future, that they no longer trouble to conceal their aggressive intentions.

It is the intention of MR-13, says the document "to implant in Guatemala, the power of the workers—the dictatorship of the proletariat—constructing a workers' state, oriented toward socialism * * *"

"No advance is possible," continues the declaration, "without arming the masses and without destroying the machinery of the capitalist state—that is, making a Socialist revolution as in Cuba."

The declaration scoffs at the inability of the United States to stem the tide of history. "The social impotence of North American imperialism," says the documents, "is completely apparent from its inability to overcome the socialist revolution in South Vietnam."

Such is the language of Castro communism today.

I recall that in the 1930's there were many people who were disposed to scoff at or to discount the remarkably detailed plans which Hitler spelled out in "Mein Kampf." They said that if Hitler really meant it, he would not have thus publicized his intentions in advance. How wrong they were.

"Mein Kampf" turned out to be a terrifyingly accurate blueprint for Hitler's actions through the 1930's and through World War II.

The declaration of the Guatemalan Communist movement constitutes a manifestation of Castro's intention as open and as brazen as the intentions that Hitler spelled out in "Mein Kampf."

Let us hope that we in the United States will not be foolhardy enough to ignore this manifesto of Castro communism as we ignored the manifesto which Hitler wrote into "Mein Kampf."

CASTRO MUST GO

In my speech before the American Legion convention, I said that there could be no real peace and no true social progress in the Americas unless Castro was eliminated.

I said that Castro must go and Cuba must be liberated.

And I further said that, given the assistance to which they are entitled, the Cuban people will prove to the world that they are capable of making their own Hungarian revolution.

But whereas the Hungarian revolution was put down, the coming Cuban revolution will not be put down.

For when the Cuban people rise up against the Castro tyranny, as the people of Hungary rose to a man against their own quisling Communist tyrants, Castro will not be able to count on the intervention of 5,000 Soviet tanks to save him from the retribution of history.

I realize only too well that a single speech cannot dispel all the public misinformation and confusion on the subject of Castro, or all the wishful thinking that still goes on in official circles.

If this confusion and wishful thinking is ever to be overcome, the facts about the Castro tyranny and about Castro subversion in the Americas will have to be restated again and again and constantly brought up to date; and those of us who are aware of the facts will have to shout hard enough and long enough and often enough to compel the attention of those who are not aware of the facts or who, knowing the facts, refuse to face up to all their implications.

Speaking as one Senator, I pledge to you that over the months that lie ahead, I will do everything in my power to bring the fact to the attention of the American people and the American Government, and to press for an affirmative policy designed to eliminate the cancer of Castroism and to restore freedom to our friends and allies, the brave people of Cuba.

I intend to address myself repeatedly to the theme that "Castro Must Go" on the floor of the Senate and in my public appearances, and as often as suitable occasions can be found.

I do not regard this as a personal crusade in any sense of the term.

I know that there are many Members of Congress who feel as I do about Fidel Castro and the menace of Castroism, who have already spoken up on the subject and who are prepared to speak up on it again.

It is my hope that these many Members of Congress, impelled by the growing urgency of the situation throughout the Americas, will now pool their talents and their energies in support of a positive program to expel Communist despotism from the hemisphere.

Let me conclude my statement to you with my closing words before the American Legion Convention: "Castro must go and Cuba must be liberated so that the countries of the Americas can together embark on that true democratic revolution which we in our country have pioneered, and which points the way to the future for all mankind."

A RESPONSIBLE APPROACH TO RESOURCE DEVELOPMENT

Mr. BARTLETT. Mr. President, the Conservation News, published by the National Wildlife Federation, carried an article this week entitled, "A New Dawn on Admiralty Island." This article, written by Will Johns, shows careful research and responsible reporting on a resource development proposal of the U.S. Forest Service which will mean a great deal to the people of Alaska.

The U.S. Forest Service announced last July an 8,750-million board feet, $25 million timber sale on Admiralty Island, Alaska. Admiralty Island lies within the Tongass National Forest which takes up most of southeastern Alaska, popularly known as the panhandle.

Mr. Johns' article discusses the criticisms to which the Forest Service has been subjected because of this announcement. More importantly, Mr. Johns points out the fallacy of these criticisms.

In his conclusion, Will Johns challenges the Forest Service to remain responsible in "applying multiple-use principles in not only the harvest of timber but also in the protection of other, equally important natural resources—soils, waters, fish, and wildlife."

Mr. President, I have supported the Forest Service down the line on the Admiralty Island timber sale proposal because of the careful preparation and incorporation of adequate safeguards they have written in each step of the way. I feel certain that the Forest Service will meet Will Johns' challenge and I, too, along with all the others concerned, will be watching carefully.

Mr. President, I ask unanimous consent that Will Johns' article, "A New Dawn on Admiralty Island" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Conservation News, Oct. 1, 1965]

A NEW DAWN ON ADMIRALTY ISLAND

(By Will Johns)

Mention Admiralty Island in conservation circles these days and you will immediately set off four distinct, but interrelated, controversies. As never before, conservationists are showing increasing concern over one of the largest islands in the southeast Alaska archipelago—100 miles long, 25 miles wide and containing 1,064,960 acres of land plus 11 lakes.

To some conservationists and sportsmen, Admiralty Island means only one thing—brown bears. Certainly these big game animals are Admiralty's most publicized resource. National outdoor magazines regularly feature hair-raising accounts of hunts for Alaska brown bears and to many hunters, bagging one of these trophies constitutes the thrill of a lifetime. Thus, any threat to the continued existence or welfare of these big bears, on Admiralty or anywhere else, arouses a great deal of interest and concern. But although Admiralty is a better-than-average spot for hunting the brown bear, there is a general misconception that the island is literally teeming with the big beasts. Actually, during 1963–64 a total of only 615 brown and grizzly bears were taken by hunters (most of them local residents) in all of Alaska and the average take from Admiralty Island is only 20–30 bears per year. The average cost of a bear hunt for a nonresident has been estimated at about $2,000, including transportation, guide services, licenses, food, lodging, etc.

Other conservationists view Admiralty Island almost entirely from a fish standpoint, either sport or commercial—and with good reason. The island contains 15 major salmon spawning streams, 11 of them producing 100,000 or more fish per year.

Still another group of conservationists view Admiralty Island as a prime site for outdoor recreation, much of it of the wilderness type. They look to Admiralty for the best in camping, hiking, nature study, and wild adventure. Some even recall talk down through the years of making the area a National park so that it could be preserved although 50 years ago such an idea was more prevalent than it is today. As conservation philosophy has matured, it has recognized that it is impossible to "preserve" nature and halt ecological progression.

Finally, Admiralty evokes an image of forests—of timber and pulpwood and other forest products. By far the greatest number of people, both within and outside of Alaska, recognize and concern themselves with Admiralty's vast forest resource. And since the island is part of the Tongass National Forest administered by the U.S. Forest Service, it should be obvious that the area is managed as much, if not more, for its timber resource than it is for bears or salmon. Alaska, of course, is famous for its forests and of its total of 21 million acres in national forests, some 16 million acres are included in the Tongass (of which Admiralty is but a part). Under the Forest Service's widely applied and generally accepted multiple-use concept, the Tongass and Admiralty have been, are now, and will continue to be managed so that all natural resources can be protected and perpetuated, at the same time, however, being put to the maximum possible use for benefit to man.

Some bear hunters, salmon fishermen and wilderness preservationists, nevertheless, view forest management and timber harvest plans with alarm. They view any woodsman who doesn't spare a tree as a destroyer of bear habitat, a prime cause of soil erosion which silts up salmon spawning beds, and a destroyer of natural beauty. For them, the sound of the axe, bulldozer, or chainsaw sounds as a death knell for the single resources in which they are interested, even as they read their newspapers or magazines (made from wood pulp) sitting in their easy chairs (made from hardwood bolts) before their fireplaces (burning logs) in warm homes (made from plywood or wood siding).

For those interested in Alaska and Admiralty Island, therefore, the news out of the Forest Service's region 10 headquarters in Juneau this summer came with the impact of a July thunderstorm. On July 30, indeed, the Forest Service of the U.S. Department of Agriculture announced plans to sell 8,750 million board-feet of timber on the North Tongass National Forest in southeastern Alaska. The offering will include merchantable timber stands on portions of the mainland south of Juneau, the west side of Admiralty Island, and two areas near Yakutat. It is the biggest timber sale in Forest Service history and perhaps the biggest ever offered anywhere in the world. The contract for the proposed sale calls for a 50-year cutting period and includes requirements for the installation of a wood pulp mill. Some foresters feel the sale, in addition, may also support a plywood mill, a sawmill, and perhaps a chipping mill operation, although these are not required in the initial bidding. The contract for the sale does provide that the plant, or plants, will be installed and placed in operation prior to July 1, 1971. Eventually, this single sale is expected to give the Federal Government a direct return of about $25 million and contribute a product value of over $750 million to the economy of Alaska.

"Plans for this sale have been long in the making," said Edward P. Cliff, Chief of the Forest Service, in announcing the sale. "It is a part of our long-range program to develop the use of national forests in Alaska. Previous 50-year timber sales have been made at Ketchikan, Wrangell, and Sitka during the last 14 years. These have resulted in substantial industries with major contributions to the economic base of the communities concerned." An amount equivalent to 25 percent of stumpage will be turned over annually to the State of Alaska for schools and roads. An additional 10 percent will be allotted to the Alaska region of the Forest Service for development or maintenance of national forest roads and trails. Cutting operations generally will be planned on a 5-year basis while detailed annual plans will specify timber to be removed, areas to be left uncut for enhancement of other resources, methods to be employed in timber removal for protection of soil and water values, and other provisions necessary for day-to-day logging operations. Specific contract clauses provide for the prevention and control of erosion on logged areas plus prevention of sedimentation and pollution of streams and lakes. Others provide for special care in logging or roadbuilding near areas used by wildfowl or brown bears as feeding areas; protection of esthetic values in areas of prime scenic beauty; prevention and control of forest fires; and the protection of trout and salmon streams.

How much of a threat will a timber-cutting operation of this size be to Admiralty's brown bears and salmon? Some conservationists, and particularly a few outdoor writers reaching a widespread audience through national sportsmen's magazines, have been highly critical of past logging on Admiralty and surely a timber harvest of this size makes past forest operations look like child's play. A favorite target of the vindictive in previous criticism has been clear-cutting (some call it block cutting). To the casual observer, clear-cut areas do look like natural invitations to disaster as far as bear and salmon are concerned. Hardly a tree is left standing and it is easy to jump to the conclusion that all food and cover has been wiped out for bears, while the exposed soil is poised for a mass runoff into nearby streams, loading them with silt and debris which would soon put an end to salmon runs. But those who have stayed with the land on Admiralty and elsewhere in Alaska report that looks can be deceptive. Forests regenerate fast in Alaska where topography, climate, and rainfall all combine to produce tremendous growth rates. Depending on the site, it takes only 3 to 5 years to have a uniform green brush type of new cover. Within 10 years vigorous seedlings will take over and within 30 to 40 years it takes an experienced eye to tell that the area has ever been logged. In one previously cut area at Twelve Mile Creek on Prince of Wales Island, logging over an 8-year period showed no measurable increase in water sedimentation. Annual survey counts show, in fact, that more salmon are using the stream now than before the area was cut. Forest Service regulations and timber sale requirements are strict and every sale (including the logging plans, roads, bridges, etc.) is conducted with the approval and advice of the Alaska Fish and Game Department, the State agency responsible for the protection and management of native fish and game species. In one instance where the timber operator violated provisions of his contract, an Alaska Fish and Game Department biologist on routine aerial patrol noted stream siltation, notified the Forest Service, and they shut down the logging operations for 10 days (at $1,000 per day in wages, equipment, etc.) until the contractor rebuilt the road and took corrective action. The effects of various aspects of logging upon the salmon producing potentials of Alaskan streams have been the subject of concentrated study at the Maybeso Experimental Forest near Ketchikan for the past 15 years. These studies—a cooperative effort by the Bureau of Commercial Fisheries of the Fish and Wildlife Service, the Fisheries Research Institute of the University of Washington, and the Forest Service—have shown that logging operations in Alaska, when conducted under reasonable controls, are not harmful to the spawning capabilities and production of adjacent streams.

As for the effect of timber harvest on brown bears, the Forest Service has been maintaining records since 1935 on brown bear populations in typical areas of coastal Alaska, including Admiralty, Baranof, and Chicagof Islands. During the same period there has been a constant series of timber harvesting operations throughout the sampled areas. Data recorded have shown that there has been no significant change in brown bear populations during this 30-year period. While brown bear may avoid an area where logging is going on, they will return as soon as the logging ceases. On Admiralty two special bear management areas (refuges) were established in the early 1930's where no hunting is permitted. These are known as Thayer Mountain (60 square miles) and Pack Creek (21 square miles). Both are closed to brown bear hunting by regulation of the Alaska Fish and Game Department. Over the past 30 years, there has been no significant difference in bear populations on the island.

As a new dawn of resource management and utilization breaks on Admiralty Island—on its vast forests, huge brown bears, and teeming salmon—Alaska's striving for economic growth will continue to be a center of conservation interest. But in opening the door for the greatest timber harvest in our 49th State's history, the U.S. Forest Service has taken upon itself a tremendous challenge and responsibility in applying multiple-use principles in not only the harvest of timber but also in the protection of other, equally important natural resources—soils, waters, fish, and wildlife. Thousands of Alaskans, American sportsmen, outdoor writers, and conservation organizations will be watching the results—and will be the first to sound the alarm if any resource is sacrificed at the expense of another.

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK

Mr. DODD. Mr. President, tremendous strides have been made in recent years, in the task of finding suitable employment for the physically handicapped.

Gov. John Dempsey, in a statement issued for "National Employ the Physically Handicapped Week, October 3–9," summed up this progress as follows:

> Indeed, handicapped employees, who have demonstrated outstanding capabilities in innumerable instances, constitute today an important part of the Nation's labor force and make a valuable contribution to economic progress.

The Governor correctly emphasized the need for an expansion of employment opportunities, not only for the physically handicapped but for the mentally retarded and for those who have recovered from mental illness.

To quote again from Governor Dempsey's excellent statement:

> Thanks to recent strides in medicine and rehabilitative processes, patients with a history of mental illness can enjoy again a normal life if they are not denied the prospect of gainful employment. Let us strive, therefore, to provide this opportunity.

I fully agree with his views on the hiring of the handicapped, and ask unanimous consent to have the Governor's statement reprinted in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

National Employ the Physically Handicapped Week, October 3–9, 1965

(Statement by His Excellency John Dempsey, Governor, State of Connecticut)

In the 20 years since the designation of the first National Employ the Physically Handicapped Week employers have found that persons with physical disabilities are satisfactory employees in every respect when they are placed in positions suited to their qualifications.

Indeed, handicapped employees, who have demonstrated outstanding capabilities in innumerable instances, constitute today an important part of the Nation's labor force and make a valuable contribution to economic progress.

This year National Employ the Physically Handicapped Week is observed from October 3 through 9. It is appropriate to point out in connection with this observance the need for expansion of employment opportunity, not only for those with physical impairment but also for the mentally retarded and those who have recovered from mental illness.

Thanks to recent strides in medicine and rehabilitative processes, patients with a history of mental illness can enjoy again a normal life if they are not denied the prospect of gainful employment. Let us strive, therefore, to provide this opportunity.

I am grateful to the many employers in business, industry, and government throughout Connecticut who have shown consideration for handicapped job applicants. The Governor's Committee on Employment of the Physically Handicapped has made noteworthy progress toward its goal of full and equal employment opportunity for all persons and I urge continued support of this worthy effort.

Dated at Hartford, September 3, 1965.

TRIBUTE TO DOROTHY TITCHENER, OF BINGHAMTON, N.Y.

Mrs. SMITH. Mr. President, the success of a woman in public service is a matter of very keen interest to me. There are far too few women in key spots in public service. Consequently, there is often an unrelenting glare of the spotlight on such a woman. Someone has very aptly put with the observation that if a man errs the observation is "what is the matter with that man" while if a woman errs the observation is "that's just like a woman."

It is in this context that I am extremely proud of a woman in public service who has so demeaned herself as to create greater respect for women in public service. She is Dorothy Titchener, of Binghamton, N.Y., who not only has performed a great public service in the field of housing but has never accepted a penny for her daily work.

Woodie Fitchette has captured in words her service far better than I could ever express. He has done it in his column of July 11, 1965, in the Binghamton (N.Y.) Sunday Press. I ask unanimous consent that his column of that date be placed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Column by Woodie Fitchette

It will be a long time before Binghamton sees another woman like Mrs. Dorothy Titchener.

For years she has ruled over the Binghamton Housing Authority with a firm but compassionate hand.

Now 66, she shows no sign of slackening the gruelling pace she has maintained for years. A new public housing project—Binghamton's third—will rise in the eighth ward as part of the city's downtown urban renewal program. Mrs. Titchener will be there to see that things are done right.

What she didn't know about building when she took over the chairmanship of the housing authority years ago was plenty. But she learned fast and well.

A grizzled old contractor once told us he would have a better chance of fooling a building inspector than Mrs. Titchener with sloppy work.

During most of her career on the housing authority, Mrs. Titchener has been putting in an 8-hour day, 5 days a week. She never has been paid a nickel for her efforts.

Her husband was Paul F. Titchener, a man of means and position. It would have been simple for Mrs. Titchener to have played the role of the grand dame and been a leading society belle.

But like her husband, she chose to immerse herself in the public life of her town. Few have done better in their chosen jobs.

She has worked quietly for the most part. There have been times when questions were raised about some phase of the city's public housing efforts. On occasion, Mrs. Titchener has gone before city council to answer critics. Her won-and-lost record is as good as any other in town.

There is an austerity about Mrs. Titchener. Some might even call her crusty. But her work in public housing has been marked with a rare sensitivity.

An editorialist wrote a few years ago:

"The Binghamton Housing Authority under the chairmanship of Mrs. Titchener has contributed greatly to the proper function of public housing. Mrs. Titchener especially has worked tirelessly to install in tenants a spirit of stewardship and neighborliness and good living.

"This special essence has been missing in public housing in some communities. It is to the credit of Mrs. Titchener and the tenants that Binghamton's experience has been conspicuously good."

A reporter who has covered the public housing field for some time may have put it even better when he said the other day:

"I've had my differences with her. But if I had to name the woman in this city that has made the biggest public contribution, it would be Dorothy Titchener without a doubt."

The planned public housing project that will go up near the north bank of the Susquehanna River will be among the most important undertakings in Project 1 of the urban renewal program.

It is reassuring to know that Mrs. Titchener will be around to keep an eye on things.

THE JAMES MADISON MEMORIAL ADDITION TO THE LIBRARY OF CONGRESS

Mr. BENNETT. Mr. President, I am sorry other commitments prevented my being on the floor at the time the Senate approved the conference report on the proposal to erect the third building for the Congressional Library and include in it a memorial to James Madison.

I have considered it an honor to have been appointed a member of the James Madison Memorial Commission, and I am very happy that Congress has finally approved what was essentially the final recommendation of that Commission. I hope work will proceed rapidly so that this memorial may be added to those for Washington, Lincoln, and Jefferson. While this, as a library for scholars, may not have the same public appeal as the other three, in the long run it may actually prove to be more productive in terms of its impact on the knowledge and thinking of the American people.

PRESIDENT SALUTES LIBERTY

Mr. MONDALE. Mr. President, I was deeply moved when I saw the immigration bill signed by the President at the base of the Statue of Liberty.

We all know what this symbol of liberty represents to us here in this country, and to the countless thousands overseas. It represents what is best about America: openhanded generosity, a faith in people—a light for a brighter tomorrow.

When the President signed the bill into law, he remarked:

> Now, under the monument which has welcomed so many, the American Nation returns to the finest of its traditions.

As he said, the days of unlimited immigration are past, "but those who come will come because of what they are—not because of the land from which they sprung."

As we know, "who are you?" can mean something different in terror-ridden lands or lands of despots than what it means here. No one in this land needs to be related to royalty. No one need to fear because of his religious beliefs, racial background, or cultural heritage.

The President said:

> When the earliest settlers poured into a wild continent there was no one to ask them where they came from. The only question was: Were they sturdy enough to make the journey, strong enough to clear the land,

enduring enough to make a home for freedom, and brave enough to die for liberty, if necessary. And so it has been through all the great and testing moments of our history.

The President noted that this bill will not add importantly to our wealth and power, and yet he also said that it represents one of the most important acts of this Congress and this administration.

A nation's strength, after all, is never in its "wealth and power" but in its spirit, in its justice for its people.

DEMOCRATS GET HELP IN REELECTION FIGHT

Mr. SIMPSON. Mr. President, the Wall Street Journal of September 9 carried an article by Alan L. Otten entitled "Democratic Freshmen in Congress Get Help for Reelection Fight." The article by Mr. Otten meets the high standards the Nation has come to expect from the Wall Street Journal. The author delves deeply into the gimmicks, mechanical, and political, which are employed by the administration to help retain the 48 freshmen Democratic Congressmen elected in 1964. As Mr. Otten quite correctly points out, "They have been the vital margin for the passage of Great Society bills." They are considered all important to the ambitious designs of the Great Society.

The article illustrates the myriad ways in which a politically minded administration can use the tax money of Republicans and Democrats alike to perpetuate in power a voting majority which guarantees passage of its proposals. It is a most illuminating piece of reporting.

I ask unanimous consent that the article by Mr. Otten from the September 9 Wall Street Journal be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Democratic Freshmen in Congress Get Help for Reelection Fight—Mindful of Their Support in Key Votes, the Administration Aids Them in Home Districts

(By Alan L. Otten)

Washington.—A few days ago, about 50 bankers, businessmen, farmers, school administrators, county officials, and other residents of Representative John Hansen's Iowa congressional district came to Washington at their own expense for 2 days of briefings on the multitude of Federal programs available to help their area.

They heard poverty-fighter Sargent Shriver, Agriculture Secretary Orville Freeman, Housing Administrator Robert Weaver, and more than a dozen other top spokesmen for the Great Society.

The session was organized by Representative Hansen, but the turnout of so many high officials was due less to his ingenuity or persuasiveness than to another attribute: Mr. Hansen is one of 48 freshmen Democratic Congressmen who last November unseated Republican incumbents.

President Johnson badly wants Mr. Hansen and his 47 colleagues reelected next year to provide, as they have this year, the vital margin for passage of crucial Great Society bills. The word has gone out through the administration to do everything possible to give these all-important freshmen a helping hand.

White House staffers, agency officials, the Democratic National Committee and House Democratic leaders are all joining in the most ambitious freshmen aid program ever.

FAVORS FOR FRESHMEN

Agency officials turn a specially attentive ear when freshmen call for help on a stymied project for the folks back home, and make sure the newcomers get the chance to put out the first announcements of defense contract awards, new housing or public works projects, and other Federal favors for their districts. House leaders arrange helpful committee assignments for the newcomers (all four freshmen from Washington State got their first committee choices) and try to insure at least a full hearing for bills that might particularly help them.

The White House includes freshmen at publicity-producing bill-signing ceremonies, and it's a rare freshman who doesn't now have two or three Presidential pens. Every month each of the 48 receives a notice of all Cabinet members and other top appointees who will be in his district the coming month on Government business and will be willing to stay to speak at a fundraising lunch or dinner.

The national committee arranges for each freshman to meet secretly, with a White House man sitting by to show the President's interest, with congressional liaison men from a dozen or more agencies; the lawmakers are told to be quite specific about the ways they need help from the agencies. The committee has assigned half a dozen special staffers to the freshman contingent—to write speeches and newsletters, help with special problems in administrative agencies, recruit staff (and even persuade one man that it would be poor politics to hire as his chief administrative aid the 27-year-old son of his biggest campaign contributor). The committee also has elaborate arrangements to teletype the lawmaker's press releases directly to city rooms of hometown papers and to transmit recorded or filmed statements swiftly to back-home radio and TV stations.

RESULTS BACK HOME

There's evidence that this special interest is yielding meaningful results where it counts back home. Representative Weston Vivian, of Michigan, feels his freshman status helped make the Small Business Administration sympathetic to a hometown insurance company whose reserves had fallen because of unusually large tornado damage claims. Representative Roy McVicker, of Colorado, found that a call to the White House helped a constituent get a hearing—previously refused—on a claim for disability benefits from the Federal agency he'd been working for.

Hearing the Senate might soon act on a Republican-sponsored bill to set up a Herbert Hoover National Historical Site in Iowa, House leaders tabbed for early action a similar measure sponsored by freshman Democrat Representative John Schmidhauser; it was his bill that became law.

For quick voter impact back home, Representative John Race, of Wisconsin, phones the Democratic National Committee a statement that the Giddings & Lewis Machine Tool Co., of Fond du Lac, has received a $16,000 contract to train 60 workers in electronics and machine assembly; Representative David King, of Utah, phones that the U.S. Information Agency has just informed him the Mormon Tabernacle Choir has been invited to represent the United States at the Toronto Fair of 1967. A recording machine at party headquarters takes down the Congressmen's statements and relays them to radio stations in their home districts.

What's more, the committee made special arrangements to air-express to TV stations in Representative William Hathaway's district in Maine, for showing that same night, his filmed announcement of administration approval for building the Dickey Dam on the St. John River.

"We still have to work to get things done," concludes Michigan's Mr. Vivian, "but the word is clearly out not to slam the doors in our face just because we're low on the committee lists."

Declares Representative Robert Sweeney, of Ohio: "My father was a Congressman and I used to be around his office and I worked on Capitol Hill part-time when I was going to college. I've never seen any freshman class paid so much attention. But," he adds, "it's bread cast on the waters for the administration."

The sessions legislative record makes vividly clear the reason for the administration's concern for the future of the freshman class. Again and again the 48 new House Democrats who replaced Republicans have provided the votes to attain Mr. Johnson's major goals.

From this group came no less than 46 House votes against the Republican alternative to the administration's medicare bill—a proposal rejected only by 45 votes. Forty-four of the newcomers voted for the new Department of Urban Affairs, approved only by 33 votes. Thirty-nine of them voted against the House Republican motion to kill the adminstration's rent subsidy plan, rejected by a mere six votes.

Says Majority Leader Carl Albert: "This is a very dedicated group. Without them, we couldn't have passed aid to education, medicare, rent subsidies, and a good many more. We want them back."

CONFIDENT OF COMEBACKS

Administration officials seem increasingly confident that most of the 48 will be coming back for a second term. "Many of these were flukes in the first place," says a White House strategist. "They were carried in by the Johnson landslide or the anti-Goldwater landslide, however you want to call it. But incumbency has some advantages, and most of them feel that being part of a Congress that has produced so much important legislation will help. And then there's all we're doing to help them. I'd say now that barring a real Republican tide next year, there's only a handful that won't come back."

To be sure, many ingredients of the Democrats' freshman aid program are not new or unique. Republicans try to do somewhat the same for their Congressmen; being in power, though, permits the Democrats to do far more for their incumbent lawmakers. Many aid techniques are available to all House Democrats, and have been so before, but it's the narrowly elected freshmen who need and use the help the most.

Not all the freshmen are enthusiastic about the aid program. Mr. Schmidhauser says, "There's a lot of talk about the advance information we get, but the fact is I still find out about a lot of new Federal programs in my district by reading about them in the papers." Another freshman complains, "There's a tendency among national committee officials to spend more time bragging about what they're doing than actually doing things."

AN AILING PROGRAM

Several freshmen share the view of Representative Floyd Hicks, of Washington, that "The most important thing they can do to help me get reelected is to get this session adjourned so I can get back home and start talking to voters." Colorado's Representative McVicker, vice president of an informal club of freshmen Democrats, maintains that "If they'd give us an air credit card, they could forget about everything else. We're killed by the cost of those weekend trips back to the district to keep up our contacts."

Some Democratic devices haven't worked out too well, either. This year national committee officials launched an effort that seemed like a natural: To get an unofficial campaign organization set up in each freshman's district that would staff his office there on a volunteer basis, carry on year-round voter registration campaigns and line up speaking invitations for him (with the round-trip fare home paid by the inviting group).

To advance this notion, three 2-man teams held over 40 meetings around the country. But, partly for fear of the wrong public reaction, very few of the freshmen have tried to follow up on this spadework, and a national committee official concedes: "It's not working as well as we'd like. A number of Congressmen were scared by the publicity the meetings received back in their districts."

FIRST INTERNATIONAL SCIENTIFIC MEETING ON THE POLAR BEAR

Mr. BARTLETT. Mr. President, a unique conference was held at the University of Alaska September 6–11, 1965.

The subject of the conference was the polar bear; the participants were scientists from the United States, Canada, Denmark, Norway, and Russia.

It was, to my knowledge, the first international conference held on the future of the polar bear, one of the mightiest of mammals.

When I first called for such a conference in February, I had no indication if the suggestion would strike receptive hands in this country or in the other nations which border the habitat of this stateless beast. I had no way of knowing whether governments caught in the conflicts of a cold war would have the time, energy or concern to take part in a conference dedicated to preserving an animal.

I did not know that if such concern did exist, it would be strong enough to overcome other roadblocks to international cooperation.

Mr. President, the speed with which invitations to the conference were accepted indicated the concern was there and that it was strong enough to attract representatives to a conference table.

Mr. President, I am happy to report that unifying concern for one of the great animals of the earth carried through the 5-day conference. I am pleased with the results of the talks, not only for what they portend about the future of the polar bear, but for what new avenues of international cooperation they might have opened.

Secretary of the Interior Stewart Udall and I announced the conference in July. President Johnson took an immediate interest in the meeting. The President, who gave me the honor of being his personal representative, felt that the conference could have a much broader implication than just an exchange of scientific data on the polar bear. The President was referring to the hope that the international meeting would be a new forum for international cooperation serving the cause of peace. I concurred in this hope.

The President's hope was not vain.

I feel that the Fairbanks conference is more than just a beginning on international cooperation with respect to the polar bear.

I believe that the success and atmosphere of the conference should be expanded into other areas of arctic research and development.

There is no reason why we should not now branch into other areas, hold technical meetings on other arctic problems confronting the circumpolar nations.

I am thinking now of such areas as economic development of the arctic north, arctic biology, arctic radiation, advancement of our anthropological knowledge of the arctic aboriginal peoples, arctic ice studies, and perhaps a study of the walrus similar to that on the polar bear.

Mr. President, I do not simply throw these out as suggestions, I intend to study and explore them with the State Department, as well as with educational and private institutions interested in the arctic.

I am hopeful that we can perpetuate the spirit of international cooperation demonstrated at Fairbanks last month through future conferences. We benefit not only from the exchange of scientific knowledge, but also from the contribution to world understanding resulting from such international experiences. The more we know about other countries, and the more we cooperate with them in solving mutual problems, the better are the chances that mankind will be around to worry about the future of the polar bear.

In looking at the broader results of the Fairbanks conference, we should not overlook significant steps made toward saving the polar bear from extinction.

My interest in the polar bear and the interest of my State in the polar bear comes from the fact that Alaska borders on the Arctic Ocean and counts the polar bear as one of her native creatures. My concern comes from the fact that we know so little about this magnificent animal. This lack of knowledge was the principal theme of my address to the conference where I pointed out that we do not even know whether there is one population or several populations of bears, moving from nation to nation on the slowly revolving ice pack. The meeting, I suggested, should be concerned with means of improving world information on polar bear movements, reproduction, longevity, and population structure.

Mr. President, the meeting was as good for polar bears as it was for people. Many points were agreed upon. The discussion of the delegates was intensive and held in a spirit of full cooperation.

The results of the meeting have been compiled in a series of 18 documents. I have selected several which I feel should be called to the attention of my colleagues and to readers of the RECORD and I ask unanimous consent that the Summaries of Country Reports, the resolutions, the Statement of Accord, the Conclusions and Recommendations, and the final list of participants be printed at this point.

I also ask that the President's letter naming me his representative at the conference be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARIES OF COUNTRY REPORTS

(NOTE.—Summaries contained herein were submitted by the respective participants and were not subject to approval of the delegates.)

CANADIAN WILDLIFE SERVICE BRIEF

1. Polar bears have evolved from a brown bear stock in the latter part of the Pleistocene. There is some evidence to indicate that Eurasia has been the dispersal center for the species.

2. Romans evidently knew of polar bears about A.D. 57. Other early references to the species occur in the Japanese imperial records and Norse sagas.

3. Adaptations of polar bears to cold are: Thick winter pelt and short furry ears. Their white coats help to hunt seals more efficiently on the pack ice. Their teeth indicate specialization from a formerly omnivorous back to a mainly carnivorous diet (seals).

4. At present the most appropriate scientific name for the polar bear seems to be Ursus maritimus, Phipps 1774. Until more detailed taxonomic studies are completed, it is suggested that polar bears be considered as belonging to a single circumpolar species.

5. Although polar bears of both sexes and various ages occupy dens, pregnant females seem to be most regular in this habit, usually denning from October to April. Common denning areas in Canada are: southern Banks Island, Simpson Peninsula, eastern Southampton Island, and eastern Baffin Island. Females bring forth their young, usually twins, in late November or early December. Mothers with cubs leave their dens in March or April and journey down to the sea ice to search for whitecoat seals. Mating usually occurs in mid-April. Gestation period in the polar bear lasts about 8 months. There is reason to believe that embryonic development begins about late September or early October. Sexual maturity occurs about the third or fourth year. Adult females can bring forth cubs the third winter after a previous birth. Limited evidence suggests that the sex ratio of polar bears in the Canadian Arctic is 50–50. Although lactation may continue for 21 months, polar bear cubs are generally weaned by July. Cubs usually become independent at 18 months of age. Molting, which begins as early as May, is completed by August. Polar bears can live to over 30 years of age.

6. During the last glaciation and within historic times, polar bears occurred south of their present range.

7. Canadian Wildlife Service polar bear investigations have included collections of pathological, reproductive and skeletal material, besides particular studies of den ecology, milk composition and taxonomy.

8. The Canadian kill has approached 600. In Canada most bears are taken by Eskimos with dog sleds, about 70 percent of the kill falling between March and May. Highest kills occur near Southhampton Island, Resolute Bay, Clyde River, and Sachs Harbor. Generally kills are divided equally between the sexes and about 20 percent of the entire kill is cubs (0 to 2 years).

9. Polar bears are hunted mainly for their skins. Revenue from pelts can greatly augment the income of Canadian Eskimos; it may be particularly valuable during poor trapping periods. Eskimos in the Northwest Territories retain about 20 percent of the pelts for personal use, selling the remainder.

10. In Canada only northern natives may legally hunt polar bears. Northwest Territories legislation prohibits killing of cubs under 1 year of age, or females accompanied by cubs under 1 year of age. Scientific licenses to take polar bears are issued with great care. Revisions to present legislation are being considered.

11. Some decreases experienced in regional polar bear stocks may not have been entirely due to overhunting, but may have been influenced by encroaching warm ocean currents which destroyed essential elements of polar bear habitat.

12. Future research should involve establishment of confident population estimates, and major patterns of population movement. A thorough study of polar bear reproductive biology and population limiting factors under natural conditions should be carried out, in addition to collection of other data necessary for a life equation of the polar bear. Reliable aging techniques for polar bears should be developed. The Canadian Wildlife Service plans to continue earlier research, while looking into some of the problems mentioned.

13. International cooperation might be exercised effectively in publication of an international polar bear data sheet each year. Basic information could include total kill, sex and age composition of kill, kill chronology, in addition to brief notes on general progress or critical problems in research and management.

14. International collaboration might involve exchange of personnel for polar bear marking projects.

15. Consideration should be given to an international agreement protecting mothers with cubs up to 2 years of age, and polar bears generally during the May-October period in international waters.

THE POLAR BEAR IN GREENLAND

In Greenland the polar bear has three important breeding places: East Greenland—especially northeast Greenland, Melville Bay and the Kane Basin. Lone bears may be found all over Greenland, although it is rare along the west coast between Frederikshäb and Diskobugt. The occurrence in northwest Greenland is closely related to the mass of Baffin Bay ice in the eastern part of Davis Strait, and occurrence in east and southwest Greenland is closely related to the mass of east Greenland ice east off Greenland and in the southern part of Davis Strait and to the number of ringed seals in these two ice concentrations.

Trading statistics for polar bear harvest in Greenland goes back to 1793.

The polar bear catch as a whole was on the increase in northwest Greenland until approximately 1865, while it was falling in southwest Greenland during the same period. Then the picture turned. After about 1865 the bag rose in southwest Greenland and dropped in northwest Greenland. After 1930 the bag was poor all over west Greenland but still high in east Greenland.

The number of polar bears killed in Greenland was highest around 1920 with approximately 200 animals. At present the figure is about 100. Occasionally one to four cubs have been taken by the Greenlanders at Scoresbysund and sent to the zoo in Copenhagen. The decrease is hardly due to exaggerated hunting, since after 1920 the drift ice has been more scarce and the ringed seals have gone north in both east and west Greenland. Hence the bears prefer to remain in the north, in the Spitsbergen area and in northern Canada, respectively. All through the extensive area of the east Greenland ice, the polar bear is closely related to the ringed seal and occurs in numbers when the ringed seals are plentiful.

We will rarely have many polar bears simultaneously at southwest Greenland and northwest Greenland because mass penetrations of east Greenland ice do not coincide with mass penetrations of Baffin Bay ice toward the coast of Greenland—and the polar bear depends on these two masses of ice for transportation.

The polar bear curve for southwest Greenland shows approximately 11-year maximums. A similar "rhythm" is found for the harp seal, the elder duck, Greenland whale and other animals dependent upon the drift ice.

The sun-spot curve hardly has a direct influence on the number of polar bears, but it may possibly have one on the drift ice which serves the polar bear as biotope and as transportation.

The climatic conditions of the present day on both sides of Greenland are too unstable for the country to hold any very great population of polar bear. Wintering and breeding in a den, the polar bear needs a constant arctic climate without periods of thaw and melting of snow in the winter. Such conditions often occurring with the periodical penetration of the Atlantic climate far to the north, alternately in east and west Greenland, the polar bear cannot have established breeding territories in the southern parts of the country.

The polar bear is of great importance for the Greenland population in Thule, Scoresbysund, and Angmagssalik, and Greenland will be very interested in any work concerning protection of this animal.

Preservation regulations

In the inhabited parts of Greenland no preservation regulations for polar bear are in force for the resident population. People who are not resident in the country may not carry on polar bear hunting. Motorboat hunting in Melville Bay is prohibited.

In the instructions of the Royal Greenland Trading Department to shipmasters, the following provisions are to be found: "The crew and passengers of the ship are forbidden the discharging of shots from the ship on polar bears."

In northeast Greenland, north of Scoresbysund, and in north Greenland, north of Petermanns Gletcher, the following preservation regulations were introduced in 1956 in regard to polar bears:

"1. Polar bear cubs as well as female polar bears accompanied by cubs are unconditionally protected.

"2. The hunting of other polar bears is permitted only from November 1 to May 31, inclusive.

"3. The hunting of polar bears is permitted only with rifles of a caliber not less than 6.5 mm. and with soft-nosed bullets. Only persons experienced in hunting and in the use of rifles are permitted to hunt.

"4. The use of poison, foot traps, or spring guns is prohibited.

"5. Along the coast between the trapper's cabin at Cape Borlase Warren and Cape Berlin, and on the neighboring islands, the use of spring guns is permitted as a protective measure at cabins which are temporarily abandoned, on the condition that the spring guns be distinctly marked and the nearest authorities informed. These spring guns must be removed at the close of the trapping season. (This point will be abolished as soon as possible.)

"6. Hunting from aircraft is prohibited."

NORWEGIAN HUNT AND MANAGEMENT

Hunting statistics show that the Norwegian take averaged 324 polar bears per year during the period 1946–65, making up a total of 6,608 bears for these 21 years.

Although the bears have been caught from Newfoundland-Labrador to Novaja Zemlja, the largest number have been harvested in the Svalbard area, either by wintering hunters and weather station crews or by sealing vessels operating there during summer. The total harvest shows a decreasing trend in this period due to smaller catches by sealing vessels. Hunt by wintering hunters and weather station crews shows increase during these years, and rough estimates of catch per unit of effort indicate that polar bears have been increasing in numbers in the Svalbard area during recent years. However, several factors affect the validity of this conclusion.

In the management of the polar bear in Svalbard, both the demand that it should be preserved as an outstanding element of the arctic fauna and the economic importance of the animal as an object of hunt and a predator of seals should be kept in mind. Current regulations render the species complete protection in Kong Karls Land in the eastern part of Svalbard where denning occurs, regulate the catch by trophy hunters and prohibit the catch of living cubs.

Proposed bag limits on harvest by trappers and weather station crews can make it possible to keep the total annual catch at a desired level.

Norwegian research on the polar bear has been occasional only. An expedition to study polar bear biology in Kong Karls Land during the winter of 1967–68 might contribute to an international effort in future polar bear studies.

THE POLAR BEAR: DISTRIBUTION AND STATUS OF STOCKS; PROBLEMS OF CONSERVATION AND RESEARCH (U.S.S.R.)

1. In view of the fact that the polar bear is found on the territory of several countries, and that its numbers have decreased throughout its range, necessitating effective measures for its conservation, it is desirable that all nations having possessions in the Arctic prohibit the harvesting of polar bears. As a minimum measure, the harvesting of this species should be prohibited for a period of 5 years, beginning January 1966, and subsequently limited.

2. The limitation of the world catch of polar bears, beginning in 1971, and the capture of live cubs for zoological parks, beginning in 1967, should be established by special agreements between the Governments of the U.S.S.R., United States, Canada, Denmark, and Norway, or by their designated organizations.

3. Each of the nations named in paragraph 2 should independently determine on its own territory the regular and mass breeding places (denning places of pregnant females) within the next 5 years and establish, at its own discretion, permanent sanctuaries and reserves in such areas.

4. National groups for the study of polar bears should be established as part of competent Government agencies of the U.S.S.R., United States, Canada, Denmark, and Norway, the objectives of such groups to include the preparation of information on measures taken by each country for the conservation of polar bears, and on the results of biological research. On our part, we wish to state that in the U.S.S.R. such a group exists as a part of the Main Administration of Conservation, Sanctuaries, and Game, Ministry of Agriculture of the U.S.S.R.

SUMMARY OF PAPER PRESENTED BY THE U.S. DELEGATION

Population size

The number of polar bears in areas adjacent to Alaska is unknown. Sows with newborn cubs occur less frequently than would be expected in a typical population. An overharvest of bears adjacent to Alaska is not indicated by studies of biological data from animals killed by hunters.

Distribution

During the winter, bears are found on the sea ice of the Chukchi Sea and Bering Straits south to St. Lawrence Island. As the ice moves northward in spring and summer, bears move with it. Bears do not regularly come ashore in Alaska, and regular denning and foraging places on shore are not known. Bears do not occur on St. Matthew Island as they did during the 1800's, possibly because of changes in ice conditions.

Value

The main economic value of polar bears has changed during the past 15 years as the harvest has changed. Formerly the main value was as a subsistence item for the Eskimos. Presently the main value is as a source of sport and trophies to hunters and a source of income to Eskimos, guides, and service organizations who supply supplies to hunters. The 1965 harvest of 292 bears contributed approximately $450,000 to the economy of Alaska.

Hunting methods

Small aircraft, working in pairs, fly out from shore bases, locate a bear, and land so that hunters may stalk it. Natives hunt on foot or with dog teams in the vicinity of villages. Regulations preclude hunting from boats in summer.

Distribution of harvest by area

The majority of polar bears are taken north of the Bering Straits in the Chukchi Sea from Diomede Islands to Point Hope, and adjacent to Point Barrow. Lesser number are taken in contiguous areas. Few are taken south of Bering Straits. Areas of sea abundance are favored by polar bears.

Distribution of harvest by time

Most bears are harvested in March and April. Hunting is not allowed between April 20 and October 15 except by residents (without the use of aircraft) who may kill bears for food. The harvest by Eskimos is small in winter.

The take averaged 117 per year during the 1925–53 period. It has risen since then because of increased hunting pressure and in 1965 the take was 292 bears.

Distribution of harvest by class of hunter

Harvest methods have changed during the past 15 to 20 years from one primarily by natives to one by sport hunters. This is the result of the development of more efficient hunting methods by trophy hunters and a lessening dependence of Eskimos on game for subsistence.

Harvest composition

Sex composition of the harvest for the past 5 years has averaged about 75 percent males. Native hunters are nonselective toward sex of bears hunted, resident white hunters are somewhat selective toward males, and nonresident hunters are highly selective toward males.

Hide and skull sizes over the past 5 years have remained fairly constant. Average yearly hide measurements (length plus width) have been between 16.4 and 17.4 feet; average skull measurements (length plus width) have been between 23.8 and 24.9 inches. The lack of a downward trend in size of hides and skulls indicates a large reservoir of adult males, that stocks are not presently being over exploited.

Population characteristics

Guide and hunter observations recorded during March and April since 1958 indicate an average litter size of 1.86 for cubs of the year (14 observations) and of 1.58 for cubs older than 1 year (363 observations).

Observations of more than 2,300 bears made by hunting guides since 1958 during March and April indicate the following population composition:

	Percent
Cubs of the year	1
Cubs 1 year plus	31
Sows with cubs of year	Tr.
Sows with cubs 1 year plus	20
Other bears	47

Most of the relatively few newborn cubs observed on the Alaskan icepack have been far enough away from shore that it is believed they were born on the icepack. The large number of cubs older than 1 year that remain with their mother, plus sightings of two sizes of cubs older than cubs-of-the-year, indicates that at least some offspring remain with their mothers for slightly more than 2 years.

Regulations

Regulations have become more restrictive over the years as hunting pressure has increased. Present regulations allow one bear per hunter per year to be taken between October 15 and April 20. Females with young and bears through their second year of life are protected. Since 1961 hunters have been required to show hides to the game department for examination and to provide harvest data.

Beginning in 1966, hunters will be required to bring skulls to game department biologists for examination. If harvest data and life history studies indicate that stocks are being overharvested, regulations will be enacted to limit the harvest within the annual recruitment.

Research

Present research includes the collection and analysis of harvest data and specimens and a systematic program of recording guide and hunter observations. A much more intensive and extensive research program is required if the polar bear is to be adequately managed in the future.

THE ARCTIC INSTITUTE'S PROPOSAL FOR RESEARCH ON THE ECOLOGY OF POLAR BEARS

The Arctic Institute of North America, a private scientific organization, has been concerned for the past 20 years with research in the Arctic and the dissemination of scientific information concerning the Arctic. For several years methods for international circumpolar studies of the polar bear have been under discussion and the proposal submitted is the result of these discussions. The purpose of presenting it is to provide a basis for discussion and to inform all delegates that the Arctic Institute is interested in accepting a role of international coordination, dissemination of information, and participation in certain circumpolar aspects of the research work.

The proposal suggests that teams of biologists be sent to the Arctic by each country to mark bears with ear tags or other appropriate permanent markings. Bears would also be marked with dye to permit local observation. It is hoped that about 500 bears could be marked over a period of 3 or 4 years. The data from these marked bears should be collected from reports of hunters and could be used to determine the polar bears' movements throughout the Arctic.

Recent developments in telemetry indicate that it might be possible to attach a radio transmitter to a number of bears in each country and to follow the movement by readouts from a polar orbiting satellite. This would give a continuous surveillance of up to 40 bears over the entire Arctic Basin.

Since this program would require the capture of a large number of bears on a circumpolar basis, every effort should be made to learn as much about the bears as possible. Complete information should be taken on each bear including blood samples. Each bear should be studied locally as long as it remains within range.

A study of the size and complexity of this one is beyond the capability of any one group. It is suggested that the Arctic Institute of North America be active in the overall coordination of the project. Dr. Vagn Flyger and Dr. Martin Schein are interested in engaging in the project. In addition to the coordination activities, they could develop capture and marking techniques which might be used by biologists from other countries.

It is hoped that this project would provide opportunities for many graduate students to work on advanced degrees. Frequent exchange of scientists would be desirable.

By using an extensive and multidisciplined approach such as this plan envisages, it will be possible to learn not only much worthwhile information about the physiology, pathology, and behavior of polar bears but to gain appreciable insight into their movement patterns and life cycle as well. On the basis of this latter information, it would then be possible to establish sound wildlife management procedures to insure a continuing healthy population of the animals.

RESOLUTIONS APPROVED BY THE FIRST INTERNATIONAL SCIENTIFIC MEETING ON THE POLAR BEAR UNDER ITEM 12 OF THE AGENDA

RESOLUTION I

Whereas the Governments of Canada, Denmark, Norway, the Union of Soviet Socialist Republics, and the United States of America, have shown their interest in the welfare and continued existence of the polar bear, a valuable circumpolar international resource; and

Whereas scientists and conservationists of these governments have met and contributed greatly to the knowledge of the polar bear; and

Whereas problems of mutual concern relating to this resource have been discussed; and

Whereas recommendations for the taking of additional measures to secure needed research and management data have been made: Now, therefore, be it

Resolved by the delegates thus assembled, That they do wish to express their appreciation and thanks to the Governments of Canada, Denmark, Norway, the Union of Soviet Socialist Republics, and the United States for having made possible the First International Scientific Meeting on the Polar Bear held at Fairbanks, Alaska, September 6–10, 1965; be it further

Resolved, That a copy of this resolution be sent to the governments of the nations concerned.

RESOLUTION II

Whereas Secretary of the Interior Stewart L. Udall and Senator E. L. BARTLETT have demonstrated their foresight concerning the future of the polar bear; and

Whereas Stewart L. Udall and Senator E. L. BARTLETT did jointly announce on July 8, 1965, that they were calling an international conference of Arctic Nations to pool scientific knowledge on the polar bear and to develop recommendations for future courses of action to benefit this resource of the Arctic region; and

Whereas such a conference was successfully concluded on September 10, 1965, at Fairbanks, Alaska: Now, therefore, be it

Resolved, That the delegates to this conference do wish to commend and to express their appreciation to Stewart L. Udall and Senator E. L. BARTLETT for this action.

RESOLUTION III

Whereas the Honorable William A. Egan, Governor of the State of Alaska, has shown keen personal initiative in the convening of the First International Scientific Meeting on the Polar Bear, at Fairbanks, Alaska, September 6–10, 1965; and

Whereas Governor Egan provided invaluable assistance, cooperation and support to the successful conclusion of this conference: Now, therefore, be it

Resolved, That the delegates to this conference do commend and thank Governor Egan for his invaluable assistance.

RESOLUTION IV

Whereas President William R. Wood, of the University of Alaska and Mrs. Wood and members of President Wood's staff, demonstrated their keen personal initiative in the calling of the First International Scientific Meeting on the Polar Bear; and

Whereas President and Mrs. Wood and staff members did render invaluable assistance, guidance, and cooperation; and

Whereas President and Mrs. Wood and staff members extended warm greetings and hospitality to the delegates to this conference held at Fairbanks, Alaska, September 6–10, 1965: Now, therefore, be it

Resolved, That the delegates to this conference do wish to express their sincere

thanks and appreciation to President and Mrs. Wood and staff members.

RESOLUTION V

Whereas Gen. Andy Lipscomb, commanding general, Fort Wainwright, Yukon Command, U.S. Army did show keen personal initiative in the success of the First International Scientific Meeting on the Polar Bear held at Fairbanks, Alaska, September 6-10, 1965, and

Whereas General Lipscomb did extend warm greetings and hospitality to the delegates and guests of the United States: Now, therefore, be it

Resolved, That the delegates to the First International Scientific Meeting on the Polar Bear do wish to express their appreciation and thanks to General Lipscomb.

RESOLUTION VI

Whereas the Alaska Department of Fish and Game demonstrated keen initiative in the convening of the First International Scientific Meeting on the Polar Bear; and

Whereas the Alaska Department of Fish and Game provided invaluable assistance and cooperation in making arrangements, providing secretarial assistance and otherwise assisted greatly in the successful conclusion of the conference held at Fairbanks, Alaska, September 6–10, 1965: Now, therefore, be it

Resolved, That the delegates do wish to express their thanks and appreciation to the Alaska Department of Fish and Game.

RESOLUTION VII

Whereas the persons involved, collectively and individually in preparing and handling documents, in translating and interpreting languages, in secretarial and stenographic work and otherwise providing necessary services to the successful conclusion of the First International Scientific Meeting on the Polar Bear held at Fairbanks, Alaska, September 6–10, 1965; and

Whereas these persons worked long, diligently, cheerfully and efficiently: Now, therefore be it

Resolved, That the delegates to the First International Scientific Meeting on the Polar Bear do wish to express their thanks and appreciation to these persons.

RESOLUTION VIII

Be it further resolved, That copies of the resolutions passed at the First International Scientific Meeting on the Polar Bear be sent to the governments, agencies and persons to whom they are directed.

Statement of Accord

A number of scientists and conservationists of northern nations who feel a responsibility for the preservation of arctic animals have been concerned about the adequacy of scientific knowledge for the effective management of polar bears. That concern led to the holding of the First International Scientific Meeting on the Polar Bear at Fairbanks, Alaska, September 6–10, 1965. The proceedings of this meeting have confirmed that scientific knowledge of the polar bear is far from being sufficient as a foundation for sound management policies.

1. It is the mutual opinion that as polar bears are found not only on lands and seas of nations around the Arctic Ocean but in international waters as well, and that as polar bears move over large areas beyond national waters, polar bears be considered as an international circumpolar resource.

2. It is mutually recognized that each nation, within whose territory polar bears are found, or whose citizens harvest the species in international waters, should take such steps as each country considers necessary to conserve the polar bear adequately until more precise management, based on research findings, can be applied.

3. It is agreed that all cubs and females accompanied by cubs, require protection throughout the year.

4. It is the mutual opinion that each nation should conduct to the best of its ability a research program on the polar bear within its territory or adjacent international waters to obtain adequate scientific information for effective management of the species. It is recognized that each nation will determine the character of its research.

5. Each of the nations participating in this meeting should give consideration to the prompt exchange of research and management information obtained on polar bears. It is suggested that the International Union for the Conservation of Nature and Natural Resources, or similar international organization, be invited to receive and distribute information on polar bears submitted to it. It is therefore desirable that each nation designate an agency or office responsible for receiving and distributing polar bear information both nationally and internationally.

6. It is desirable that future international scientific meetings be called on the polar bear when urgent problems or new scientific information warrants international consideration.

7. The requirements for the completion of matters arising from the First International Scientific Meeting on the Polar Bear suggest that the Office of the Secretary General be continued until final documents have been printed and distributed to participating delegations and until other business directly associated with the conference has been dealt with.

Conclusions and Recommendations

(The conclusions and recommendations contained herein were submitted by the respective delegations and were not subject to approval of the meeting.)

RECOMMENDATIONS (SUBMITTED BY THE DELEGATION OF CANADA)

Internal recommendations

Management:

1. That the hunting of polar bears with the aid of any motorized vehicle (e.g., snowmobiles, motor toboggans, aircraft) be forbidden.

2. That the number of polar bears taken by one hunter be limited to six per year, and that no hunter be allowed to fill the bag limit of any other hunter.

3. That a closed season on polar bears be enforced from May 15 to October 1.

4. That hunting of mothers with cubs up to 2 years of age, and cubs up to 2 years of age be forbidden.

Research:

1. That the Canadian Wildlife Service reinvestigate a cooperative effort with the Provinces of Manitoba, Ontario, and Quebec to ascertain a minimum polar bear population for the Hudson Bay region by simultaneous aerial survey work in autumn.

2. That efforts be made to investigate patterns of polar bear movement in the Hudson Bay region by using a wide spectrum of marking devices and techniques.

3. That the Bear Bay area of Devon Island be examined as a possibly common denning area for polar bears.

International recommendations

Management:

1. That each nation concerned take steps to conserve adequately the polar bear in its respective territories until such time as sound data is available on national bear stocks so that more precise management measures can be applied.

2. That the IUCN be approached with regard to organization and distribution of an international polar bear data sheet, as generally outlined in the IUCN submission to this conference.

3. That consideration be given to an international agreement protecting mothers with cubs up to 2 years of age, and polar bears generally during the May-October period in international waters.

4. That legislation forbidding the killing of denned mothers in order to capture live cubs for scientific or display purposes be considered, particularly if a method of taking the young from their mothers in the water proves widely feasible (see Khuzin, Priroda 10, 1960. Reference Doc/13, Techniques 3.

Research:

1. That each country should be responsible for research within its territorial limits and immediately adjacent international waters, through exchange of scientists on a visiting basis should be encouraged to promote liaison and standardization. Reference Doc/3, General Recommendations 2.

2. That research be emphasized on the effect of variations in climate, sea ice conditions, snow cover on land, coastal topography, degree of open water and ocean currents in relation to abundance of polar bears, Reference Doc/3, Specific Research Recommendations 5, and Doc/8.

3. That attempts be made to establish confident population estimates of polar bears on regional, national, and international levels.

4. That attempts be made to establish major patterns of polar bear population movement on regional, national, and international levels.

5. That thorough studies of polar bear reproductive biology and population limiting factors under natural conditions be carried out.

6. That an international polar bear meeting of this nature be held again in 1968.

CONCLUSIONS AND RECOMMENDATIONS (SUBMITTED BY THE DELEGATE OF DENMARK)

Under the impressions of the negotiations of the First International Scientific Meeting on the Polar Bear, the Danish delegate will propose to the Greenland Government that the aspects of research which have been laid out by Dr. Tener and Dr. Harington be considered in regard to the suport it can be given from Greenland particularly by collecting data, skulls, and other desirable parts of polar bears killed in Greenland, by collecting information on observed dens, by registration of all bears obtained in Greenland and surrounding sea area, and by supporting any tagging and marking experiment which might be desirable and practically possible, including returning of tags.

Concerning preservation regulations, the Danish delegate will propose to the Greenland Government that:

1. The protection of polar bear cubs in northeast Greenland be in force for cubs in their first and second year.

2. The prohibition of spring guns shall be extended to cover the whole of Greenland.

3. The prohibition of use of aircraft for hunting shall be extended to cover the whole of Greenland and the high seas around Greenland for aircraft starting from Greenland Territory.

4. Hunting by snowscooters and motorsledges be prohibited.

RESOLUTION

At the First International Scientific Meeting on the Polar Bear it was agreed:

1. That the polar bear belong to all nations and that the governments in the countries around the Polar Sea, Canada, Denmark, Norway, U.S.S.R., and the United States, are responsible for the preservation of this animal.

2. That each government is requested to encourage scientific investigations on the biology and environs of the polar bear to solve many still unknown questions concerning this animal.

3. That the harvest of the polar bear never must reach such a high that it brings the existence of this animal in danger.

4. That in any legislation on the conservation of the polar bear, particular regard will be taken to the right of the native populations in the countries concerned, their methods of hunting, and particular need for this valuable animal in their daily way of living. For other hunters the polar bear only means money, but for the native population, it means existence and the whole way of life.

CONCLUSIONS AND RECOMMENDATIONS (SUBMITTED BY THE DELEGATION OF NORWAY)

The proceedings of the First International Scientific Meeting on the Polar Bear have confirmed that our knowledge of polar bear abundance, population dynamics, and biology is far from being sufficient as a foundation for sound policies of management. However, data presented at the meeting indicate that the polar bear throughout a substantial part of its circumpolar range still may be abundant.

The Norwegian delegation to the meeting therefore recommends to its Government that:

1. Attention should be given to the question of promoting research on polar bears.

2. Future research should (a) be planned according to the requirements outlined by the elected technical secretary, Dr. John Tener, Canada, in Doc/13 of the proceedings of this meeting; and (b) as far as possible be coordinated with research performed in other countries.

3. Efforts should be made to make sure that, until further knowledge has been gained by national or international research, the annual Norwegian harvest of polar bear not exceed a reasonable level. Bag limits on harvest by wintering trappers and weather station crews should be considered as means to achieve this. Additional regulations should be imposed to render polar bear cubs and females accompanied by cubs a greatly increased degree of protection.

4. Information on research, management, and harvest should be exchanged on a regular basis with all interested nations, organizations such as IUCN, and research workers. An agency or office should be assigned the duty of receiving and distributing polar bear information both nationally and internationally.

CONCLUSIONS AND RECOMMENDATIONS (SUBMITTED BY THE DELEGATION OF THE U.S.S.R.)

We will inform our Government of the results of the meeting and of the fact that in evaluating our proposals on effecting a total prohibition of polar bear harvesting, the meeting did not support these proposals. However, the participants in the meeting gave them a high appraisal and will submit to their governments a number of proposals for intensifying conservation measures and further restricting the hunting of this species within the limits of their states.

As regards [proposals for] research on the polar bear, they will be carefully studied by the Coordinating Council on the Study of the Polar Bear of the Ministry of Agriculture of the U.S.S.R., and we feel confident that research on a whole series of problems will be carried out.

We will inform all participants in the meeting of the decisions taken.

CONCLUSIONS AND RECOMMENDATIONS (SUBMITTED BY THE DELEGATION OF THE UNITED STATES)

Conclusions

1. There is much concern throughout the world about the status of polar bear populations and about the methods used by hunters in taking this species.

2. Scientific data presented at the First International Scientific Meeting of the Polar Bear clearly indicate the need for an expanded and an accelerated research program on the polar bear to gather and analyze additional data on: (a) Population, size and structure; (b) mortality, natural and from hunting; (c) movements and distribution; (d) productivity; and (e) related data.

3. Data presented indicate that polar bears may have increased locally during the past several years in some parts of their range. Movements of pack ice influence polar bear distribution and abundance, making it difficult to interpret available data or arrive at population estimates. Since the polar bear feeds largely on seals, it can in some areas and under some conditions compete with man for this resource.

4. Scientific data presented in the papers at this conference have made a great contribution to the storehouse of knowledge on this highly valuable international circumpolar resource. Available data indicate a lack of information on populations, size and structure, annual increments, mortality rates, movements and distribution, as well as relationship of harvest to annual production.

Internal recommendations

1. The delegates of the United States will recommend to their Government that the necessary resources and manpower be made available to assist in gathering these data.

2. The U.S. delegates will recommend to their Government that present methods of harvest and annual take be studied to determine whether additional restrictive measures are necessary for its nationals in international waters. Adequate harvest regulations cannot be formulated without data on a worldwide basis. The need for investigations by circumpolar nations will be emphasized.

General recommendations

It is recommended by the delegates of the United States that:

1. An international scientific committee on the polar bear should be established with representatives of Canada, Denmark, Norway, Union of Soviet Socialist Republics, and the United States of America meeting regularly to discuss and analyze research and management data and to make further plans as necessary for the proper management of this valuable resource. The delegates of the United States will recommend to their Government the establishment of such a committee.

2. The nations of the Arctic conduct an expanded and an accelerated research program on the polar bear with emphasis on security data related to: (a) population status, (b) mortality factors, (c) distribution and movements, and (d) productivity. Such data should be compiled at least annually and exchanged promptly, through the IUCN or other organizations. Every effort should be made to work cooperatively and to develop new research techniques, procedures, and methods as may be necessary to secure needed data. Consideration should be given to an exchange of scientists, upon invitation, between Arctic nations in furtherance of gathering research and management data.

3. As an initial step toward a cooperative international effort, the delegates recommend the compilation of a comprehensive bibliography on the polar bear, the draft material supplied to the other nations by the United States and Norway to be used as the framework for this compilation. The U.S. delegation offers to publish and distribute this under joint sponsorship.

Comments on other papers

Canada: The U.S. delegates endorse the recommendations of the delegates of Canada with respect to future research plans and conservation measures.

Denmark: The delegates of the United States endorse the recommendation of the delegate from Denmark relating to the need for studies of all Arctic birds and mammals in relation to climatic factors.

Norway: The delegates of the United States endorse the recommendations of the delegates of Norway with respect to the need for research and management of this valuable resource.

U.S.S.R.: The delegates of the United States greatly appreciate the data presented by the delegates from the U.S.S.R. and would be happy to organize a national group within the United States for a cooperative study of the polar bear.

The delegates of the United States appreciate the recommendations of the U.S.S.R. that there be a 5-year worldwide closure on the harvest of the polar bear and that there also be a limit established on polar bear harvests each year from 1971 on—such limits to include the live catch. The delegates of the United States will be happy to refer this request to their Government for its consideration. On the basis of present scientific information it appears unnecessary to sustain a closure for a specified number of years. If data obtained through the recommended research program should indicate a need for such a closure, this matter would be brought to the attention of our Government at once and referred to the international committee. Until such time, the harvest should be conservative.

CONCLUSIONS AND RECOMMENDATIONS (SUBMITTED BY THE AMERICAN COMMITTEE FOR INTERNATIONAL WILDLIFE PROTECTION)

The First International Scientific Meeting on the Polar Bear has accomplished a highly important purpose in summarizing existing knowledge concerning the species. The delegates from all countries are agreed that among the most vital points in a program of research are data on populations and population trends. This information is, of course, essential for future management of the resource and for perpetuation of the species. The American Committee for International Wildlife Protection desires to suggest that, until we know the numerical status and trend and until we have assurance that adequate management practices can be applied, it would be wise and proper to proceed conservatively by reducing the only mortality factor within man's power to regulate—the hunting kill. The American Committee offers the suggestion that the delegates recommend a 50-percent voluntary reduction in the annual kill of polar bears within the various countries for a period of 5 years, or until agreement is reached on the basis of scientific research that a higher kill will not endanger the species. It would also seem proper to reduce to a minimum the kill of female bears accompanied by cubs. Furthermore, the American Committee hopes that the countries concerned will work toward the evolution of public sentiment against the use of aircraft in the sport hunting of the polar bear.

FINAL LIST OF PARTICIPANTS

OFFICERS OF THE MEETING

Chairman: C. Edward Carlson, United States.

Technical secretary: John S. Tener, Canada.

Secretary general: James A. Slater.

CANADA

Delegates:

John S. Tener, staff specialist (mammalogy), Canadian Wildlife Service, Department of Northern Affairs and National Resources, Ottawa.

C. R. Harington, wildlife biologist, Canadian Wildlife Service, Department of Northern Affairs and National Resources, Ottawa.

DENMARK

Delegate: Christian Vibe, Greenland research, University of Copenhagen, Copenhagen.

NORWAY

Delegates:

Torger Oritsland, member, Norwegian Institute of Marine Research, Norwegian Fisheries, Directorate, Bergen.

Magnar Norderhaug, member, Norwegian Polar Institute, Oslo.

UNION OF SOVIET SOCIALIST REPUBLICS

Delegates:

Ivan A. Maksimov, deputy chief, Central Board of Conservation, Reservations and Wildlife, Ministry of Agriculture, Moscow.

Vladimir L. Sokolov, Soviet Exhibition of Economic Achievement, Moscow.

UNITED STATES

Presidential representative: The Honorable E. L. BARTLETT, U.S. Senate, Washington, D.C.

Delegates:

C. Edward Carlson (chairman), Chief, Division of Wildlife Research, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C.

Samuel E. Jorgensen (vice chairman), Chief, Office of Foreign Activities, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C.

James W. Brooks, Director, Division of Game, Alaska Department of Fish and Game, Juneau, Alaska.

John J. Craighead, Montana Cooperative Wildlife Research Unit, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Missoula, Mont.

Vagn Flyger, Office of Naval Research, Department of the Navy, Washington, D.C.

Richard C. Hagan (secretary of delegation), Office of International Conferences, Department of State, Washington, D.C.

Karl W. Kenyon, wildlife research biologist, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Juneau, Alaska.

Jack W. Lentfer, wildlife research biologist, Alaska Department of Fish and Game, Anchorage, Alaska.

INTERNATIONAL ORGANIZATIONS: ARCTIC INSTITUTE OF NORTH AMERICA

Delegate: Robert C. Faylor, Director, Washington office, Arctic Institute of North America, Washington, D.C.

INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE AND NATURAL RESOURCES

Delegate: C. R. Harington, wildlife biologist, Canadian Wildlife Service, Department of Northern Affairs and National Resources, Ottawa.

Observers:

Neil Argy, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Fairbanks, Alaska.

Max C. Brewer, director, Arctic Research Laboratory, Barrow, Alaska.

M. E. Britton, Office of Naval Research, Department of the Navy, Washington, D.C.

Helmut K. Buechner, ecologist, Smithsonian Institution, Washington, D.C.

John J. Burns, Alaska Department of Fish and Game, Nome, Alaska.

Victor H. Cahalane, vice chairman, American Committee for International Wildlife Protection, New York, N.Y.

Robert Charles, office of Senator BARTLETT, Washington, D.C.

Frank Cook, Alaska Big Game Trophy Club, Anchorage, Alaska.

Richard A. Cooley, Alaska Research Center, Juneau, Alaska.

Frederick C. Dean, the Wildlife Society, College, Alaska.

Salvatore DeLeonardis, Wildlife Specialist, Bureau of Land Management, Department of the Interior, Anchorage, Alaska.

James D. Erskine, U.S.C.G., CGC Bittersweet, WLB-389, Ketchikan, Alaska.

Samuel J. Harbo, University of Alaska, College, Alaska.

Frank Jones, Regional Supervisor, Game Division, Alaska Department of Fish and Game, Fairbanks, Alaska.

Kathleen Kirkpatrick, office of Senator BARTLETT, Anchorage, Alaska.

Eugene V. Miller, Board of Fish and Game for Alaska, Fairbanks, Alaska.

William H. Mills, International Scientific and Technological Affairs, Department of State, Washington, D.C.

Richard G. Prasil, regional naturalist, National Park Service, Department of the Interior, San Francisco, Calif.

Robert A. Rausch, leader, big game projects, Alaska Department of Fish and Game, Fairbanks, Alaska.

Robert L. Rausch, Arctic Research Center, U.S. Public Health Service, Department of Health, Education, and Welfare, Anchorage, Alaska.

Robert C. Reeve, vice president, Conservation Committee, North American Big Game Records Commission, Boone and Crockett Club, Anchorage, Alaska.

Glenn E. Schweitzer, Department of State, Washington, D.C.

Richard Simmonds, research veterinarian, Arctic Aeromed Laboratory, Fort Wainwright, Alaska.

David L. Spencer, supervisor, wildlife refuges, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Kenai, Alaska.

Charles O. Stirling, project manager, Musk Ox Project, University of Alaska, Fairbanks, Alaska.

Robert B. Weeden, game biologist V., Alaska Department of Fish and Game, Fairbanks, Alaska.

Ross A. Youngblood, Bureau of Land Management, Department of the Interior, Fairbanks, Alaska.

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Technical secretary: John S. Tener.

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THE WHITE HOUSE,
Washington, August 24, 1965.

Hon. E. L. BARTLETT,
U.S. Senate.

DEAR BOB: I am delighted that you will be able to convey my greetings on the opening of the First International Scientific Meeting on the Polar Bear. I am happy that the United States is host for this meeting, and I am hopeful that in the years ahead it will be possible to have similar discussions in numerous subjects of common concern.

Cooperation on polar scientific problems will be of benefit in many ways. It will provide a means of exchanging important data and information and a framework for coordinated action leading to the proper management and conservation of Arctic natural resources.

International cooperation, now being fostered worldwide by International Cooperation Year, has a value over and above the immediate results of this conference. Peace and the avoidance of world destruction are paramount and the problems of man the world over are indivisible. Anything that furthers man's ability to cooperate with his neighbor serves the cause of peace.

Clearly, this conference is exemplary in serving this cause. May your discussions regarding the polar bear provide another path to continued international cooperation.

Sincerely,

LYNDON B. JOHNSON.

THE CHICAGO SCHOOL CRISIS

Mr. DIRKSEN. Mr. President, on September 30, 1965, Mr. Francis Keppel, U.S. Commissioner of Education, notified Mr. Ray Page, the superintendent of public instruction for the State of Illinois, that no further commitments of school funds for the Chicago schools could be made because of "probable noncompliance" with title VI of the Civil Rights Act of 1964 and the regulations thereunder.

Mr. Keppel's letter further stated:

> We are sending members of our staff to discuss the matter with you.

On October 2, just 3 days later, Superintendent Page wired Commissioner Keppel and in his wire set out a text of a telegram he had already sent to Mr. Raby, governor of the coordinating committee in Chicago. Mr. Page stated that he was prepared to meet at any time on this problem.

No investigators appeared to discuss the matter with Superintendent Page; no staff members appeared. By noon of October 5 there was still no reply to Superintendent Page's telegram. Repeated efforts to contact Commissioner Keppel by telephone were unsuccessful.

The proposed action by Mr. Keppel was taken under the provisions of title VI of the Civil Rights Act of 1964. An examination of that title sets forth certain requirements:

First. There must be an express finding on the record after an opportunity for a hearing that there was a failure to comply.

Second. There must be notice of noncompliance and that compliance cannot be voluntarily obtained.

Third. The Commissioner must file a report on the controversy with those committees of the Senate and House of Representatives which have jurisdiction over the matter, and it must be a full written report setting forth grounds for the action taken.

Fourth. No action can be made effective until 30 days after the report is filed with the appropriate congressional committees.

Insofar as I can determine, there has been no finding on the record; there has been no opportunity for a hearing; there was no notice of noncompliance or a chance to solve the problem by voluntary means; and there was no notice served on the House and Senate committees having jurisdiction.

The press reports that the controversy has been settled and the matter adjusted after a telephone call by Mayor Daley to the White House. This, however, does not settle the problem. If these requirements of the statute can be ignored once, they can be ignored a hundred times, and the basic question is whether the law clearly setting forth the intent of Congress and the procedure prescribed by the statute shall be so patently ignored.

The matter is of such moment that it merits immediate and careful investigation, and I had intended without delay to bring this to the attention of the chairmen of the Senate Labor Committee, the Senate Judiciary Committee, and the Senate Appropriations Committee.

Since my first efforts to get to the bottom of this problem, I received a telephone call from the U.S. Attorney General, Mr. deB. Katzenbach. He pointed out the complexities of the problem and that he was entrusted with the responsibility of working out procedures under the statute and that he would do so without delay. I am quite agreeable to this arrangement because I regard the Attorney General as a man of his word and as a man of diligence who will speedily attend to this problem and make a report as quickly as possible. I shall be awaiting this report, but on theory that the handling of the Chicago case, which I regard as rather outrageous, might become a precedent in future cases, I believe this matter must be vigorously pursued.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 283 Leg.]

Aiken
Bartlett
Boggs
Burdick
Clark
Dirksen
Douglas
Gruening
Harris
Hayden
Kuchel
Lausche
Long, La.
Mansfield
McClellan
McNamara
Morse
Murphy
Pastore
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Stennis
Talmadge

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Nevada [Mr. CANNON], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mrs. NEUBERGER], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. METCALF], the Senator from New Mexico [Mr. MONTOYA], the Senator from Utah [Mr. MOSS], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Delaware [Mr. WILLIAMS] are absent on official business.

The Senator from New Jersey [Mr. CASE], the Senator from New York [Mr. JAVITS], the Senator from South Dakota [Mr. MUNDT], and the Senator from Massachusetts [Mr. SALTONSTALL] are absent by leave of the Senate as delegates to attend the NATO Parliamentary Conference in New York City.

The Senator from Iowa [Mr. MILLER] is absent by leave of the Senate.

The Senator from Kansas [Mr. PEARSON] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. BASS, Mr. BENNETT, Mr. BIBLE, Mr. CARLSON, Mr. CHURCH, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DODD, Mr. DOMINICK, Mr. ELLENDER, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. FULBRIGHT, Mr. HART, Mr. HARTKE, Mr. HICKENLOOPER, Mr. HILL, Mr. HOLLAND, Mr. HRUSKA, Mr. INOUYE, Mr. JACKSON, Mr. JORDAN of Idaho, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. MAGNUSON, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MORTON, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROUTY, Mr. SIMPSON, Mrs. SMITH, Mr. THURMOND, Mr. TYDINGS, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. McCLELLAN. Mr. President, on July 28 the House of Representatives passed by a 221 to 203 rollcall vote, a very narrow majority, H.R. 77, a bill that would repeal section 14(b) of the Taft-Hartley Act of 1947.

It is highly gratifying and reassuring to me that all four of the Representatives of Arkansas voted against repeal of this provision of the existing law. It was also most gratifying when my colleague, the distinguished junior Senator from Arkansas [Mr. FULBRIGHT], on Tuesday of this week, took the floor and made a very illuminating, forceful, and persuasive argument against the enactment of this measure.

Today I am happy to join with all my colleagues from Arkansas and with a great number of other Members of this body in opposing this measure. I am glad to take this opportunity to make a formal protest by expressing my views for the record.

Mr. President, the sentiments that I shall express here are shared by a great majority of the people of my State, in my judgment; and I know that they are shared by a great number of union members who are among my constituents. I know that, because they have written and stated frankly that, while they are strong believers in unionism, they do not believe the acceptance of unionism should be compelled or should be forced on any man. They take the position that they should be able to join a union of their choice. That is the way it should be. Therefore, they would not subscribe to or support a measure or any action that would resort to compulsion as a substitute for freedom of choice.

Mr. President, the American labor movement has enjoyed tremendous success over the years and it has the potential to perform even greater service for its members and for the economy of this Nation. That movement grew out of a justifiable desire on the part of working people to improve their conditions of employment, to secure fair wages, and to provide deserved better living standards for their families. The pursuit of those goals is in the best tradition of unionism. If I were a wage-earner, I might well be inclined, and I think I would be inclined, to join a union. But, Mr. President, I would want to have the choice of joining a union. I would not want to be compelled to join, and that is precisely the issue which is presented by the pending bill to repeal section 14(b).

If we repeal that provision, we will be putting the Federal Government's stamp of approval on compulsory unionism. Of course, in the process we will also be saying that the Constitution and the Bill of Rights are meaningless scraps of paper. And we will also be saying that the individual right of choice—which is an inherent and imperative ingredient of freedom—is no longer valid or permitted; that it is of no consequence. In brief, Congress by such ill-advised action would be saying that it will bow to the demands of organized labor leaders and, in the process, disregard the oath to support and uphold the Constitution of the United States—the oath taken by each and every Member of this body.

This Nation has always prided itself—and rightly so—on the protection of individual liberties and on that rock was our greatness achieved. How then can we subvert that principle by enacting legislation that will result in telling more than 50 million nonunion working men and women of this country that they must forgo part of their precious heritage—the right of free choice—for the sake, not of some great pressing national interest, emergency, or urgency—but rather for the sake of compulsory unionism?

Have we lost all sense of reason—have we forgotten the dedication to fundamental rights—have we forgotten the 10th amendment to the Constitution? I have not and shall not. Moreover, I can say that no court in this land could uphold the validity of a national compulsory unionism law if it correctly construes the Constitution. The very idea is foreign to every institution we hold sacred in this country.

Since when has it become the American way to compel membership in a private organization? Since when has it become American to compel that a tribute be paid to an organization for the privilege of holding a job? What has happened to the inviolable right of association and the right of choice—indeed—the very right to work; to earn the bread of life?

I will yield to no man in support of the principles of honest unionism but neither will I yield in my dedication to a higher principle—the principle of individual freedom, and of voluntary association in private organizations. Unions have grown mightily without the benefit of compulsory membership and I think that it perverts the real value, the true worth and integrity of unionism, to say that it has reached that level of stagnation that it needs the bolstering support of compulsion by law from the National Government. And since when is it the function of the Federal Government to provide any private organization with a captive membership? The very idea of this is repugnant to the concept of decency, justice, and democracy. Are we to believe that the cause of unionism can no longer stand on its own merits? Must persuasion yield to force and dictation? I hope not.

One searches the record in vain for one simple, cogent reason why this proposed measure should be enacted. The President recommended enactment of this bill by saying simply:

> With the hope of reducing conflicts in our national labor policy that for several years have divided Americans in various States, I recommend the repeal of section 14(b) of the Taft-Hartley Act.

Reduced to its simplest terms this presumably means that in the name of uniformity we should repeal section 14(b). And we will have plenty of uniformity, all right, if we enact this bill—uniformity in the sense that we will deny the States the right or authority to act in this field—uniformity in the sense that we will be giving the power of conscription to the labor lords of the United States so that they can swell the size of their already vast armies and control them with dictatorial power.

Surely this is not what our President meant when he based his recommendations for this legislation on the grounds of uniformity. But one is at a real loss to know exactly what lay behind the quest of the mystical uniformity. Is mere uniformity so great—so sacrosanct—that we must fall in line to honor it? Or are we faced with a legislative proposal so bereft of any real national interest that we must seek its enactment through a quagmire of vague innuendos? Uniformity is achieved by dictatorship—not by democracy. Uniformity and subservience are the progeny of slavery and not fruits and blessings of freedom. Uniformity is inimical to independence, personal liberty, and the dignity of man.

Mr. President, I wonder how many Senators, indeed, how many people across this great Nation, are truly aware of the high stakes involved in the repeal of 14(b). By stakes I do not mean individual rights, precious as they are, or the rights of States, as vital as they are, but I mean stakes in the terms of money that will flow into union treasuries as a direct result of the enactment of the pending bill.

Mr. President, those stakes are big, and the jackpot that will be reaped by the unions by the repeal of 14(b) will run into hundreds of millions of dollars. How is this possible? By the simple enforcement of the many multi-State contracts which are currently used to a great extent by the unions. Under such contracts, provisions for the payment of initiation fees, dues, service charges, and special charges are already written into the contracts for all the States covered by such contracts. Only in those States having right-to-work laws are these initiation fees and dues presently uncollectible. However, provisions to levy and collect these tributes are written into many such contracts currently in force in the right-to-work States. Today those provisions are unenforceable. But just as soon as 14(b) is repealed, those provisions will be resurrected, and the unions will pull the lever on the biggest jackpot this Nation has ever seen.

Thousands—perhaps millions of working men and women—will suddenly find themselves faced with the payment of initiation fees to join unions running from several dollars to $100 or more, plus monthly fixed levies, to say nothing of the special fees and service charges.

With this bonanza at hand it is easy to see why some union officials are so militant in their drive to eliminate section 14(b).

In its zealous campaign for the enactment of this repealer, organized labor lays great stress on the argument that it is needed to conquer the free rider. A brief review of the situation that gave rise to the so-called free rider is sufficient to explode this myth and labor's dog-in-the-manger attitude about it.

The so-called free rider is the result of the unions' own doing, for it was the unions that insisted on the right of exclusive bargaining since the time of the enactment of the Wagner Act. Under this practice, the union becomes the exclusive representative of all employees in its collective bargaining unit, even though many employees in the group may have voted against such unit. The union fought for that power and has vehemently resisted any and all efforts to have it modified. Now it comes in whining that nonunion employees in a unionized plant are getting all the benefits of the collective bargaining negotiations without paying any dues or service charges to the union.

But the truth is that the unions have captured these so-called free riders and now seek to have them pay tribute for the privilege of being captive. So we are not dealing with free riders, Mr. President; rather, we are dealing with captive coworkers, who have already had their own freedom of contract diminished, and who are now being told that they must pay ransom for that privilege. How absurd.

Where is the evil in section 14(b)? Why is it that labor leaders clamor so for its repeal? I suggest, Mr. President, that there is no evil, that there are no bugaboos in section 14(b), and that the only reason why Congress is faced with the issue at all is simply because of the dilemma labor leaders have placed themselves in by making this hue and cry for the repeal of section 14(b) a symbolic issue for their own self-interest and perpetuation in office.

Section 14(b) merely reserves to the States the authority to enact right-to-work laws. And what is a right-to-work law? Its simplicity is simply overwhelming, for it merely makes it illegal to require membership in a union as a condition of employment. Is not that terrible, Mr. President? Is not that oppressive, Mr. President? Is it not awful and simply outrageous that here in America, the bastion of freedom, we have the audacity to have on our statute books a simple law that allows States to protect the working men and women within their borders by saying that they shall not be forced to join a union as a condition of employment?

Is it not a shame, Mr. President, that we have laws in 19 of our States which assure each working man and woman that he or she is free—not slave—and is entitled to decide freely whether to join or not to join a labor union? Is it not outlandish that those same State laws forbid both employers and labor unions from exerting compulsion upon workers in the making of their decisions and choice?

In truth, Mr. President, the wonder of it is that we should be asked to even review the protection to individual freedom and liberty accorded by 14(b) much less ever deign to revoke it.

We spend billions of dollars in defense of the freedom of this country and billions more in defense of freedom around the world. Countless thousands of Americans have sacrificed, and are even now sacrificing, their lives on far distant battlefields to preserve it. And yet we are forced here today to engage in an extended debate on whether we shall take away from millions of our own working men and women the simple right to work without paying tribute to the union bosses.

To paraphrase the oft-used adage in Washington of "come let us reason together," I say, "Come let us return to reason." You cannot reason together until you return to reason. The present arrangement permits the States the broadest latitude in dealing with this problem and the States have shown that they are more than capable of handling the problem in accord with their own needs.

Presently some 19 States have right-to-work laws on the books. These laws, in essence, merely establish the right to accept employment without the necessity of joining a union if the employer offers employment. The remaining 31 States do not currently have such laws but—and this is important—so long as section 14(b) remains the law, these States have the authority to change their laws. And in fact some States have from time to time sought to change their laws. For example, Delaware, Hawaii, Indiana, Maine, New Hampshire, and Louisiana had right-to-work laws for short periods and then repealed them. Obviously such action reflects the attitude of the people of those States on this issue. However, I would not want to take from those 31 States the right to review this action at some future time if they were so inclined. But repeal of section 14(b) would take away that right of the States and thereby usurp their sovereignty on an issue which vitally concerns the fundamental ability of their citizens.

The State of Arkansas has had a right-to-work law on the books since 1944 when an amendment to its constitution was adopted providing:

> SECTION 1. Discrimination for or against union labor prohibited: No person shall be denied employment because of membership in or affiliation with or resignation from a labor union, or because of refusal to join or affiliate with a labor union; nor shall any corporation or individual or association of any kind enter into any contract, written, or oral, to exclude from employment members of a labor union or persons who refuse to join a labor union, or because of resignation from a labor union, nor shall any person against his will be compelled to pay dues to any labor organization as a prerequisite to or condition of employment.

Pursuant to that amendment, the following statute (81-202) was enacted:

> No person shall be denied employment because of membership in, or affiliation with, a labor union; nor shall any person be denied employment because of failure or refusal to join or affiliate with a labor union; nor shall any person, unless he shall voluntarily consent in writing to do so, be compelled to pay dues, or any other monetary consideration to any labor organization as a prerequisite to, or condition of, or continuance of, employment.

This is an eminently fair and reasonable statute that treats both sides of the issue equally and fairly. It merely takes the middle ground; it simply disallows coercion one way or the other. It says to the union that it may operate freely and unfettered but without the power of the State or Federal Government to compel compulsory unionism. And it says to the worker, "You may follow your livelihood without fear of coercion or threat from the union—you may freely join or refuse to join." The choice is left to the individual.

I submit, Mr. President, that this is exactly as it should be. The weight of no sovereign power—State or Federal—should be thrown behind either side in this controversy.

The Members of Congress are now being asked to fly in the face of reasonable statutes such as we now have in Arkansas and some 18 other States, and vote to put the awesome power of the Federal Government behind a compulsive labor movement. Such a course of action would ignore all reason, logic, and the Constitution itself. A vote to repeal section 14(b) is a vote against the individual liberties guaranteed by the Bill of Rights and it is a vote against the express reservation of powers in the people and the respective States under the 10th amendment of the Constitution. And, of course, a vote to repeal is a vote to further solidify the already monopolistic and tremendous economic power that the labor movement has in this country.

The Arkansas right-to-work law, like the laws in sister States having similar laws, makes the worker a freeman—free to join a union if he desires, and free not to join or support a union if he is so inclined. The choice is his and his alone. Take away the right of choice—as is proposed by the repeal of section 14(b)—and you take away his freedom. For when choice is denied then so, too, is freedom.

But now, as a representative here of the people of that sovereign State, I am asked by labor leaders to disregard my obligation to them, to violate their trust in me and vote here to repeal or nullify that amendment to the State constitution which they adopted by the ballot—by majority vote—just a few years ago. Mr. President, I shall not betray their trust. I shall keep faith with them. If and when they, the people of my State, want to repeal the State's right-to-work constitutional amendment, they can do it with the same instrument with which they adopted it—the ballot. And it is not fair or right for the labor leaders of my State to ask me to do here what the people I represent refuse to do there, and I shall not do it.

Just this year the State Senate of Arkansas reaffirmed my State's position on the right-to-work issue by adopting a resolution stating that it is the consensus of the general assembly that the Arkansas delegation in the Congress of the United States should exert their full efforts to oppose the repeal of section 14(b) of the Taft-Hartley Act. And, Mr. President, I intend to do just that. To do less would be to flaunt the faith and trust of my constituents and their legislature.

Under present laws, the right to organize, the right to belong to a union, and the right to collective bargaining are well protected. So it is clear that if a worker chooses not to join a union, or participate in its affairs, then it is not because he cannot do so; rather it is because he will not, or does not, choose to do so.

Mr. President, it is significant that the great majority of the workers of this country favor the freedom of choice. The great majority of workers of this country have chosen not to join unions. Is that the reason for the clamor for repeal of section 14(b)? Because unionism, as it has been conducted in some instances, has lost its persuasion, its appeal?

Mr. President, unionism is good when it is operated well. But a majority of the workers of America today, with the choice open to them, in States that have right-to-work laws and in States that have not, have not yet chosen to join labor unions; and now Congress is asked to fly in the face of their will and vote compulsion. And we call this free America.

Could anyone on this floor seriously urge that we pass legislation to force businessmen to join chambers of commerce, or lawyers to join bar associations, or doctors to join medical associations, or hardware merchants to join hardware merchants' associations, or lumbermen to join lumbermen's associations, and on and on, Mr. President, on pain of losing the right to stay in business or to practice their professions? Of course not. And if that is the case, then how can we spend time talking about doing the very same thing by forcing workers to support unions whether they want to or not on pain of losing their jobs?

During the past decade this Nation has been embroiled in a long—and often bitter—struggle dedicated to the promotion of the interest of minority groups at any cost. Civil rights has been and is the rallying cry of many who are intent upon remaking our laws and reshaping our institutions. Unconstitutional laws have emanated from an emotionally charged and highly pressured Congress in the name of civil rights. And now that same Congress, under the same administration, is asked to run the gantlet again in behalf of another minority group, organized labor, even though that group seeks to capture millions of nonunion working men and women by the enactment of this pernicious legislation now pending before this body. Where is the sense, where is the rhyme or reason, in such action?

Less than one-fifth of American workers are members of unions. Yet that one-fifth—led by union sachems seeking absolute power—would have this Congress say to the other four-fifths, "You will be subjected to compulsory unionism whether you like it or not." I suggest that we pause and ask why this precipitous and far-reaching action? I suggest that we ask in the name of what national interest are we allegedly acting if we pass this ludicrous legislation?

Most assuredly, Mr. President, we are not acting for the benefit of the majority of our working force—for that majority chooses not to belong to a union. We are not acting in the best interest of the minority of our working force who belong to a union for we would be taking away from them the last vestiges of control that they might now enjoy. We are certainly not acting in the best interest of this country, for we would be creating a virtual monopolistic monster that already enjoys privileges far beyond any currently extended to any other private group in this country.

Therefore, Mr. President, I oppose, with all the vigor at my command, any effort to repeal section 14(b) of the Taft-Hartley Act. There are many compelling reasons for this position but foremost among them is my deep conviction that to repeal section 14(b) is to make a frontal assault on the individual liberties and freedom of America's working men and women.

And if that frontal assault is successful we will be sacrificing the freedom of association—sacrificing the freedom of contract—indeed, sacrificing the very freedom to work.

For what purpose will we make these sacrifices? Merely, Mr. President, for the sake of uniformity. It is strikingly peculiar that this idea could even be broached in this Congress, much less seriously considered.

Today, we are asked to force our working people to sacrifice freedom in the name of uniformity. Today, we are asked to tell the workers of America that they will be forced to pay tribute for the privilege of working, knowing that a measure of that tribute will be used to support political ideologies, candidates, or parties to which they may well be opposed. Before we take that fateful step we would do well to recall these cautious words of Thomas Jefferson:

> To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.

What will be the next step? Forced support of programs allied to the union efforts, no matter what their nature, at the mere whim of the labor leaders. What manner of beast are we asked to create by the repeal of the simple—but oh, so valuable—provision of section 14 (b). Uniformity more nearly belongs in the vocabulary of totalitarian states—certainly it is foreign to the ideals of Americanism.

Mr. President, we all know that power tends to corrupt and that absolute power corrupts absolutely, yet we are asked to forget that time-tested truism and go through this sacrificial performance in an effort to appease those who deign to strengthen their control over the workers of this country by the powerful weapon of the compulsory unionism.

The power of compulsory unionism is too awesome even for the best intentioned, honest, and loyal labor leaders who are fortunately in the vast majority in this country today. But to put that power within the reaches of the elements of corruption in the ranks of labor would be placing ourselves in a completely unwarranted and untenable position. It would be a betrayal of the rights and privileges of millions of honest and dedicated working people in this country.

Based on my experience as chairman of the Senate select committee which held extensive investigations into the problem of labor racketeering, I can tell the Senate without hesitation that there is still much corruption in some labor unions today and, moreover, that compulsory unionism and corruption go hand in hand.

The hearings of that committee, which began in February 1957, and continued for almost 3 years, are recorded in 58 volumes of testimony. The disclosures resulting from those hearings shocked and alarmed the committee, the Congress, and the American people. They were appalled as witness after witness testified about the evils and abuses which were being perpetrated against millions of working men and women in this country by ruthless persons who were masquerading as labor leaders and friends of the workingman.

The reprehensible tools used by these racketeers and mobsters against the members of those labor unions which they controlled took many forms, including the use of union funds to bribe public officials; the extortion of money from employers; the forcible imposition of union membership on workers, achieved by forcing employers to enter into union shop contracts and then delivering the employees against their will to the union; the appointment of known criminals and unreformed convicts to positions of authority and trust over rank-and-file union members; and the abrogation of all democratic processes within the union and the substitution of complete dictatorial power by union officials.

To maintain their tyrannical control over various unions, this unscrupulous element frequently resorted to brutal physical violence and threats of violence against union members and even their families. Bombed businesses and dynamited homes were the hallmark of the ruthless who sought to establish a reign of terror over the rank-and-file members, and to silence anyone who otherwise might have dared to raise his voice in protest.

No one knows how many thousands of workers have been the victims of such exploitation. For every case that the committee was able to investigate, there were hundreds of complaints that could not be looked into because of lack of time and resources. But the 40,000 persons who were interviewed and the 1,400 witnesses who testified at the committee hearings provided overwhelming proof that the scope of the invasion of the organized labor movement by the forces of crime and corruption was far more widespread and extensive than anyone had previously believed.

Six major labor organizations, with a combined membership in excess of 3 million, were clearly shown to be substantially under the control and influence of evil and unscrupulous leaders. One of those six unions is the largest and most powerful international labor union in this country. Its membership exceeds 1½ million, and its annual income probably exceeds $100 million. The account of corruption, gangsterism, embezzlement, looting, and outright theft of millions of dollars from the pension, welfare, and other funds of this union by corrupt leaders constitutes one of the most scandalous and shocking disclosures resulting from the Senate select committee investigation. Yet this very union—with many of those same leaders still in control of its affairs—is today possessed of such exorbitant power that it can, at any time its leaders choose, call a nationwide strike that could bring the operations of vast segments of American industry to an abrupt halt.

The sordid story of the corruption and crime in which the leadership of that and other major labor unions was involved was so shocking as to be almost unbelievable.

Witness after witness, coming from all sections of the country, related story after story of the scandalous corruption which permeated the leadership of some segments of the organized labor movement. It is sickening to think that these flagrant and vicious abuses of power were being perpetrated against decent American working men and women.

That the investigation of the Senate select committee had established to a shocking degree the extent to which the American labor movement had been infiltrated by those who were determined to use such power for their own nefarious purposes was attested to by no less an authority than Mr. George Meany, president of the AFL–CIO.

Referring to the Senate select committee's disclosures of corruption in the American labor movement, he said:

> We thought we knew a few things about trade union corruption, but we didn't know the half of it, one-tenth of it, or the one-hundredth part of it.
>
> We didn't know, for instance, that we had unions where a criminal record was almost a prerequisite to holding office under the national union.
>
> We didn't know that we had top trade union leaders who made it a practice to secretly borrow the funds of their unions.
>
> We didn't know that there were top trade union leaders who used the funds for phony real estate deals in which the victims of the fraud were their own members.
>
> And we didn't know that there were trade union leaders who charged to the union treasury such items as speedboats, perfume, silk stockings, brassieres, color TV, refrigerators, and everything else under the sun.

Mr. President, that is not my language. I do not think I have said one word which could possibly be charged as an exaggeration in describing the conditions we found prevailing.

And I regret to say that although some 5 or 6 years have elapsed since the Senate select committee concluded its hearings, most of the same labor unions, and many of the same union leaders who were involved in the corrupt and criminal practices which those hearings disclosed, are still functioning as collective bargaining representatives of millions of American working men and women.

Do we want to turn the power over to them to compel the other four-fifths of the working people of our Nation to join their unions?

They, like the labor unions and labor union leaders who were expelled from the AFL–CIO some 10 or 15 years ago because of their Communist affiliations and allegiances, are still in positions of power in such segments of organized labor. Several of those unions are possessed of such exorbitant and monopolistic power that they can exert a stranglehold on vital segments of the American economy.

More recently—just a few short weeks ago—the Senate Permanent Subcommittee on Investigations concluded hearings inquiring into the affairs of two labor unions in the New York area.

The record developed at those hearings established that the officials of those two unions looted pension and welfare funds belonging to thousands of rank-and-file union members of $4 million. A substantial portion of this loot was used to establish lavish lifetime pensions for themselves and to speculate in the stock market for their own personal enrichment.

When called as witnesses to testify at the subcommittee's hearings concerning their conduct of the affairs of these unions they refused to answer any and all questions directed to them by the members of the subcommittee on the ground that to do so might tend to incriminate them.

Yet at this very moment those same individuals continue as the officials of two labor unions which have collective bargaining contracts covering thousands of working men and women in the New York area.

Arkansas workers do not want to be compelled by force of law to join unions that have that character of leadership.

Equally shocking is the fact that the limitations and inadequacies of existing laws make it highly questionable whether these corrupt officials can be successfully prosecuted, or whether the millions of dollars stolen from funds belonging to the rank-and-file members can ever be recovered. You may ask why these members do not withdraw from these corrupt labor unions. The answer is that they cannot do so, if they want to retain their jobs. Because the collective bargaining agreements entered into with their employers by these corrupt union officials are union shop contracts which make it compulsory for all of the workers to join and pay dues to the union as a condition of employment. Any employee who dares to protest or challenge the actions of those corrupt union leaders would automatically imperil his own livelihood, and perhaps even his life.

Indeed, it is this very power to compel membership in and to make contributions to the labor unions which they control which has enabled corrupt union officials to entrench themselves in the organized labor movement and to exploit the workingman for their own purposes. It is this monopolistic and compulsory power over the individual's right to work for a living which has enabled them to impose a system of tyranny and virtual enslavement over hundreds of thousands of workers in this Nation.

The only legal obstacles which are encountered today by such corrupt unions and their evil leaders are those State laws which prohibit the imposition of compulsory membership in a labor union as a condition of employment and those laws would be nullified by the repeal of section 14(b) of the Taft-Hartley Act.

Those who are today advocating the repeal of that section of the Taft-Hartley Act would do well to reconsider the consequences which would inevitably result from their attempt of that objective. None of them, I am sure, wishes to do anything which would add to the power and the opportunity which corrupt elements are already utilizing to exploit decent American workers for their own nefarious purposes.

Let those Members of Congress who would vote to repeal section 14(b) of the Taft-Hartley Act and thereby nullify all legal barriers against compulsory unionism ask themselves: Can compulsory membership in a labor union dominated and controlled by racketeers and gangsters be justified?

Today the American labor movement is the most powerful economic and political force in our country. Its membership exceeds 17 million; its annual income adds up to hundreds of millions, and its accumulated wealth is measured in the billions of dollars. It has been estimated that those unions which are affiliated with the AFL-CIO have in their various funds a total of more than $42 billion. According to those same estimates some $2 billion of that amount is in strike funds and various general funds. The remainder, some $40 billion, is in welfare funds which ostensibly are intended for the benefit of the rank-and-file workers.

The ease with which some crafty, greedy, and unscrupulous labor officials have been able to gain control of such funds for their personal enrichment and self-aggrandizement constitutes an abominable situation which should no longer be tolerated.

Let me emphasize, Mr. President, that the only similarity between those few organizations and their corrupt leaders and decent labor unions and honest, loyal union officials, who are fortunately in the vast majority, is that both are treated alike under the law.

Both enjoy the same special benefits, privileges, immunities, and exemptions under our laws. And both have the same unrestrained and tremendous powers.

The power of compulsion is not given to the honest union leaders and denied to the corrupt union leaders. One says, "We do not want corrupt union leaders." Who does?

The national organization can expel them from the AFL-CIO, and they have done so. But there are still union leaders who are still dominant in power over their group. They would have the same power of compulsion to make workers join their union and to work under their leadership and domination as would the AFL-CIO or any leadership under it that is clean and honorable.

Mr. President, millions of Americans must be deeply shocked that we in Congress would even consider legislation which would inevitably add to the monopolistic power of unions.

I wonder if they would not agree with me that the Congress should instead be seriously considering the enactment of desperately needed legislation to insure that the racketeers could not use the powerful reins of unions to victimize and exploit union working men and women.

Instead of deleting 14(b) the Congress should be considering legislation to insure that the billions of dollars now accumulated in union treasuries and in the pension and welfare funds, and which rightfully belong to the rank-and-file union members, should never again become accessible to the mobsters who, in too many instances, have been able to get control of them.

Yes, Mr. President, instead of devoting our valuable time to the consideration of legislative proposals which would repeal section 14(b) and thereby add to the already exorbitant power which the ruthless labor leaders, as well as the honorable ones, wield over American working men and women, let us get busy at the task of providing legislation which is so desperately needed to protect all of our working people against those who would trample upon their right to work and live as free citizens.

I propose, before adjournment of this session, to introduce a bill to remedy some of these conditions.

I am happy to yield to the distinguished Senator from Ohio.

Mr. LAUSCHE. My question is directed toward the ruling that was made in the Tawas Tube Products case by the National Labor Relations Board. As a premise to the question, I wish to state the facts as I understand them to have been when the Board ruled.

In that case the USW expelled two members from its membership because they filed and actively supported a petition to decertify the union. The union ultimately won the election. The employer filed objections on the ground that expulsion had the effect of restraining, frightening, and coercing other employees, thereby interfering with the employees' free choice when they voted in the election.

It is my understanding further that the regional director of the National Labor Relations Board found that the expulsion was not justified. However, the National Labor Relations Board reversed the regional director, finding that the union's conduct was allowable under existing law as being within its rights to regulate internal discipline.

My question is: If those were the facts and the worker was prohibited from asserting his honest judgment as a free American about the decertification of this union as the representative of the workers, what happens to the freedoms of American workers?

Mr. McCLELLAN. The freedoms are destroyed by the rule of conformity. Once a worker gets in the union he has to conform; otherwise, he will be expelled. He will not be able to work. That is the power they have. They have the power of economic life and death.

Under that ruling they have the power of life and death over a man's earnings, whether he can work and earn a livelihood; if they once expel him from the union, the man is out of a job. Under that ruling, he must conform when he becomes a member; otherwise, he can be expelled. He could not object to the way his money was used; he could not object to the use of his contributions for the benefit of a political candidate he opposed. The union could take his money and do anything it pleased with it.

Under that ruling, if he protested, he could be disciplined to the extent of expulsion. The union could expel him, and he would not be able to obtain work.

Mr. LAUSCHE. Mr. President, will the Senator further yield, without losing his right to the floor?

Mr. McCLELLAN. I yield.

Mr. LAUSCHE. The next case is the Wisconsin Motors Corp. case. Local 283 of the United Auto Workers had a labor contract with the Wisconsin Motor Co. The union maintained a requirement that members would be fined or expelled for exceeding the production quotas established by the union. In other words, the union decided how much a worker would be allowed to produce; and if he produced more than the quota, he would be subject to fine or expulsion.

Several members who exceeded the quotas were fined up to $100 and were sued by the union for the payment of the fines. The members filed charges with the National Labor Relations Board, claiming that the fines restrained and coerced them in the exercise of their rights to engage in concerted activities.

The National Labor Relations Board dismissed the charges. It held that the union's conduct was permitted by a proviso, section 8(b)(1)(a), which allowed the union the right to prescribe its own rules with respect to the acquisition or retention of membership. The National Labor Relations Board reasoned that fines imposed for exceeding unit production quotas concerned matters affecting individuals as union members rather than as employees and were, therefore, lawful.

With that premise, my question is: What happens to the liberty of the American worker who believes that his productive capacity is far greater than the union allows him to exercise, and through which expanded production activity his income would be increased?

Mr. McCLELLAN. He is put in a straitjacket for the sake of uniformity; therefore, his potentials for success and advancement are restricted. Thus, again, his liberty is limited and his freedom restricted. For him to expand them may work adversely to his interests and welfare.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield for some questions along the line of the colloquy in which he has engaged with the Senator from Ohio?

Mr. McCLELLAN. I am glad to yield, provided I do not lose my right to the floor.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that on the 13th day of September, 1965—that is, last month—the U.S. Court of Appeals for the Seventh Circuit held in the Allis-Chalmers Co. case that, although a minority of the membership of the union covered by the compulsory unionism contract there involved disapproved of a strike which had been called by the union, and desired to continue to work at the plant in order to earn a livelihood for themselves and their families, that minority could be denied such right by the union and could be fined by the union for crossing the picket line and refusing to participate in the concerted activities of the union incidental to the strike?

Mr. McCLELLAN. That is the fruit of excessive or exorbitant power. In my judgment, too much power is given to the unions. By taking away the protections provided by the law as it exists today, the freedom the workers already have would be further diminished. Even when they are members of a union and work under union shop contracts, they may be in the union but not have their freedom. Their freedom and liberty are already diminished.

By the pending legislation it is proposed to compel them to be subjected to a further diminution of freedom and to a greater restriction of their activities. That is foreign to everything that America has always stood for and is foreign to the ideals and principles upon which our liberties rest.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that, when Congress passed the Taft-Hartley Act in 1947, it showed a clear intent, in section 7, to give to every person who has to earn his living by the sweat of his brow the choice either to join or refrain from joining a labor organization and the choice, in case he was a member of a labor organization, either to participate or to refrain from participating in the concerted activities of the union?

Mr. McCLELLAN. That is absolutely true, but it is not the way the law operates today. The decisions are contrary to the clear intent of the statute.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that, by enacting section 8 of the Taft-Hartley Act and providing therein that it would be an unfair labor practice for a union to restrain or coerce an employee in the exercise of his rights under section 7 of the Taft-Hartley, Congress thereby undertook to impose a sanction on union conduct which sought to deprive a person of his right either to participate or to refrain from participating in union activities?

Mr. McCLELLAN. That is absolutely correct.

Mr. ERVIN. Does not section 9 of the Taft-Hartley Act provide that employees, even though they are union members, shall have the right to file with the National Labor Relations Board a decertification petition or a deauthorization petition, and ask that the National Labor Relations Board hold an election to determine whether the majority of the employees in the collective bargaining unit still wish to recognize the union as their bargaining agent, or whether the majority of the employees wish the union to have the power to enter into a compulsory union agreement?

Mr. McCLELLAN. That is correct. Today, however, it is highly dangerous for employees to do that. Today, an employee places his job in peril if he undertakes to question the continuation of a union to which he objects.

In other words, we have a situation in which the union leadership becomes corrupt. The membership, or a large percentage of the union membership, reach the conclusion that they would like to deauthorize that union and perhaps join a good union. However, they are more or less imprisoned. They are unable to do it.

Mr. ERVIN. Mr. President, does not the Senator from Arkansas interpret the provisions of sections 8 and 9 of the Taft-Hartley Act as authorizing employees to file decertification petition or deauthorization petitions, without fear of any punishment whatsoever for so doing?

Mr. McCLELLAN. The Senator is correct.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that, on the 25th day of August 1965—approximately 6 weeks ago—the National Labor Relations Board, in a unanimous opinion in the Richard C. Price case, held that a union could penalize and punish employees if they exercised the legal right conferred upon them by section 9 of the Taft-Hartley Act, and filed a decertification or deauthorization petition?

Mr. McCLELLAN. I agree with the Senator. I would also say that, in my judgment, the National Labor Relations Board in its decisions has quite often failed to follow either the letter or spirit of the labor laws.

Mr. ERVIN. Mr. President, does the Senator from Arkansas agree with the Senator from North Carolina that it is a most astounding legal proposition to say that a union, by adopting a bylaw, can set aside and nullify an act of Congress and punish a man for exercising a right which an act of Congress vests in him?

Mr. McCLELLAN. I thank the Senator because he is pointing out some of the perils which exist and which we are asked to augment and implement by this legislation.

We would be making it most perilous for the individual. We would be destroying a great measure of his freedom. We would be strengthening, increasing, and augmenting the power of some union officials who are today unworthy of the power that they possess.

I am sure that there are many good labor leaders. However, as I tried to point out, the law which we are asked to pass would confer upon the dishonest and crooked labor leaders the same authority that would be conferred upon the labor leaders who possess integrity and principle.

Mr. ERVIN. Is it not true that the proposal to repeal section 14(b) of the Taft-Hartley Act is a proposal to authorize the establishment of compulsory unionism in the 19 States which do not favor compulsory unionism, and that it would not only result in giving to good unions the power to obtain members by compulsion but it would also result in vesting in bad labor unions the power to obtain members by compulsion?

Mr. McCLELLAN. That is exactly what I have been emphasizing. No Senator can deny that that would be a consequence of our action. We cannot deny it and say, "We just want to get them in the good unions. We will make them join if they want to work." The labor leaders of a bad union, who are crooked and dishonest and operate the union for their own selfish benefit—such as in the case which I illustrated here—can compel them to join their union. They have no choice. They must pay tribute to the crooked and to the wicked.

Mr. ERVIN. Mr. President, does not the Senator from Arkansas know that the very largest union in the United States today, the union with the largest financial resources and the most members—the Teamsters Union—now has as its president a man who has been convicted in two cases of violating the laws of his country, and that the repeal of section 14(b) of the Taft-Hartley Act could result in compelling men in 19 States who abhor the acts of the president of the Teamsters to make contributions of union dues to be used in paying his salary?

Mr. McCLELLAN. The Senator is correct. I have emphasized that and mentioned the fact that there are three million members in the union. We investigated and found the union to be under corrupt leadership. Some of those members still have the same corrupt leadership. The union leadership possesses the same control and authority that they had at the time of the investigation.

One might ask, "Why does labor not clean up the situation?" The AFL–CIO cannot clean it up. The leaders are still there. They have been expelled from the AFL–CIO, but they are still carrying on their various activities and still possess the same power and are still corrupt. They are still carrying on their activities against the union members and would carry on their activities against others who would be compelled to join the union if this law were enacted.

Mr. ERVIN. Mr. President, I ask the Senator from Arkansas if, during the course of the investigation conducted by the select committee of which he was chairman, and of which I was a member, it was not revealed that one of the larger unions of the Nation—namely, the operating engineers—had a constitution under which more than half their members were denied the right to vote in the election of union officials and in the conduct of union affairs?

Mr. McCLELLAN. The Senator is correct. Approximately 25 percent or less were permitted to vote. The other members had no authority or voice. They were denied the right to vote. Yet they had to pay dues to support the union or to obtain or hold a job.

Mr. ERVIN. Mr. President, I ask the Senator from Arkansas if, as a result of the revelations made by the select committee of which he was a chairman, Congress did not enact what is known as the Labor Management Reporting and Disclosure Act of 1959?

Mr. McCLELLAN. The Senator is correct. Congress did enact such a law. I never did think that the law was strong enough. I believe that has been demonstrated.

Mr. ERVIN. That act provided in one section that every union member should have certain rights, which rights were designated as the bill of rights; and among such rights was the right of a union member to vote in union elections and have his vote counted.

Mr. McCLELLAN. The Senator is correct. We placed in title I of that bill a provision which is known as the bill of rights of working people.

The only trouble was that the section which set forth the rights that workers should have was not as strong as I thought it should be. However, that was a compromise provision that was finally agreed to. We failed to set up the machinery for the enforcement of those rights.

Mr. President, I propose, if the motion to take up this bill prevails, to offer an amendment to put teeth into that law and give the working people the tools with which to protect themselves against the corruption and oppression to which some members are subjected, as revealed by our hearings.

Mr. ERVIN. I ask the Senator if one of the provisions of that 1959 act did not authorize the Department of Labor, in contested elections, to count the votes instead of accepting as final the count of the votes by union officials?

Mr. McCLELLAN. The Senator is correct.

Mr. ERVIN. I ask the Senator from Arkansas if there was not an election held last year in the electrical workers union, and if those who were given authority by the union officers or the union convention to count the votes did not report that the former president, James B. Carey, had been reelected by a majority of approximately 2,300 votes?

Mr. McCLELLAN. They reported that Jim Carey was elected by a majority.

Mr. ERVIN. I ask the Senator from Arkansas if, when the Department of Labor recounted the votes, it did not find that, instead of being elected by a majority of 2,300 votes, James B. Carey had been defeated by a majority of more than 23,000 votes?

Mr. McCLELLAN. I believe the Senator is correct. There was quite a difference between the two figures.

I am persuaded that this is not the first instance in which votes have been miscounted in order to keep in power the present union officials. This is only one instance in which they were caught. They would not have been caught in this instance if it had not been for the act to which the distinguished Senator has referred, which was passed as a result of the disclosures made in the course of our hearings.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that Congress should not, by repeal of section 14(b) of the Taft-Hartley Act or by any other legislative act, say to the American worker that he must join, or support by the payment of dues, any union which would miscount 25,000 votes in an effort to keep one group of officers in power, and thus thwart the will of the rank and file of the union membership as expressed in an election?

Mr. McCLELLAN. I do not think we should say that, and I do not think we should say they should be compelled to join a union whose officers steal $4 million of the welfare fund and divert it to their own enrichment.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that a good union—that is, a union which is operated for the benefit of its members—does not need compulsory unionism in order to obtain members, and that a bad union should not have compulsory unionism for that purpose?

Mr. McCLELLAN. Let me repeat, as I stated in my prepared remarks: Are we going to substitute force for persuasion? The issue is just that simple.

Unionism has been established in this country for many years. It has been given protection, support, and even privileges by the Congress and the laws of the land, privileges denied to other organizations, privileges far in excess of those accorded to others.

With the great resources the unions possess to disseminate information to workers throughout the country, they should be able to rely upon their powers of persuasion. They are at no disadvantage. They are not handicapped. They can show the cold facts, and if they are of benefit to workers, and can so convince the workers, the workers will want to join the union. If they are not, in those areas where they have not convinced them, they now come in and say, "We want to force them to join."

I do not believe persuasion should be dethroned. It should be maintained. It should be preserved as the force or the means by which people are induced to join organizations.

When we go so far as to force people to join organizations for the sake of conformity, we might as well—and it would be no more violation of a personal right or of a civil right than what is urged here—force a man to vote Democrat or vote Republican because he gets the benefit of government, as to force him to pay dues to a corrupt labor union for the privilege of earning the bread of life.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that many organizations such as churches and civic, fraternal, and political organizations confer great benefits upon society?

Mr. McCLELLAN. The Senator is correct.

Mr. ERVIN. And does not the Senator from Arkansas agree with the Senator from North Carolina that our customs and our laws require churches and civic, fraternal, and political organizations to obtain their members by voluntary persuasion?

Mr. McCLELLAN. They do. And that is right. When a labor union does not have the merit to make an appeal to a worker on the basis of that which is right and just and that which is fair to society, to the employer, and to the worker, and win support, it certainly should not devolve upon the Congress of the United States, upon Government, to step in and compel membership by law.

Mr. ERVIN. Does the Senator from Arkansas agree with the Senator from North Carolina that there is nothing unjust or antiunion in saying to a union that it shall obtain its members in exactly the same fashion in which churches and civic, fraternal, and political organizations obtain theirs?

Mr. McCLELLAN. Unions should have no more compulsory powers than any other voluntary organization. They should be voluntary. They should have all the privileges of a voluntary organization, but they should not be vested with powers that are foreign to the spirit and intent of voluntary action.

Mr. ERVIN. Is the Senator not aware of the fact that we have among us those who seek to justify compulsory unionism and the destruction of individual freedom which compulsory unionism occasions by saying that, in its absence, there will be free riders?

Mr. McCLELLAN. The Senator is correct. But as I have pointed out, they have the free riders because they asked for them. They asked for collective bargaining rights and bargaining powers over all workers in a collective bargaining unit. They sought the free riders. In fact, instead of being free riders, they are actually captives. That is what it amounts to.

Mr. ERVIN. Does not the "free rider" argument come down to saying to a man, "You must ride in this taxicab, even though you do not want to go to the destination to which the taxicab is carrying you, and even though you have no confidence in the ability of the driver of the taxicab to get you there safely"?

In any event, is there not as much justification for that kind of free ride as there is for saying to a man, "You must join this union, although you disapprove its political activities, its social propaganda, and its leadership; you must join this union, even though you do not want this country to go to the destination to which the particular union wants to carry it, and even though you have no confidence in the judgment of the persons operating the union"?

Is not that what the "free rider" argument amounts to?

Mr. McCLELLAN. Very much so, as I have tried to demonstrate over and over in my remarks today. We cannot associate compulsion with freedom. They do not mix. If people are compelled to do something in matters with respect to which they have an inherent right of choice, a God-given right of choice, if they are compelled by law to do something which invades their freedom, which destroys their freedom, limits it, or restrains it, it is a violation of the principles of liberty.

Mr. ERVIN. Is not the whole teaching of the Bible, from one end to the other, that man is a free agent who has a right to make his own choices for good or for evil?

Mr. McCLELLAN. That is inherent in the doctrine of religion in which the Senator and I believe.

Mr. ERVIN. Is it not inherent in that doctrine that a man can act wisely or foolishly, righteously or unrighteously, according to his own free choice?

Mr. McCLELLAN. As I recall the Scriptures, among the virgins some were wise and some were foolish. That was by reason of choice and not compulsion, I assume.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that, under the teachings of the Bible, a man should not even be made to go to heaven against his will?

Mr. McCLELLAN. I do not think anybody will be forced to go to heaven, and he should not be forced to go to the other place; and he will not, if he has made the right choices. If he does not make the right choices, he may.

Mr. ERVIN. But the good Lord gives him the liberty of making those choices.

Mr. McCLELLAN. He gives him the choice.

Mr. ERVIN. He puts men under no compulsion to enter the kingdom of heaven except by freedom of choice.

Mr. McCLELLAN. The Highest Authority of divine power did not use compulsion, and He has not prescribed compulsion, but has made man a free agent to choose the course of his destiny.

Mr. ERVIN. I thank the Senator.

Mr. LAUSCHE. Mr. President, will the Senator yield at this point?

Mr. McCLELLAN. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. I have in my hand a book written by the Reverend Edward A. Keller, entitled "The Case for Right To Work Laws." In his book he quotes from a letter written by Mr. Otten to be relieved of his membership in a union because of his religious beliefs. In his letter Mr. Otten quoted from II Corinthians, chapter vi, verse 14:

> Be not diversely yoked with unbelievers; for what participation is there between righteousness and lawlessness? or what fellowship of light with darkness?

Then he says:

> Therefore, according to the Scriptures one feels that he must do the will of God. As I stated before, one cannot link himself with unbelievers. In unions, or other organizations, there are many believers in the Lord Jesus, and many unbelievers, so if there are unbelievers we cannot link with them. So, therefore, we must separate ourselves from all organizations. I ask you, Mr. Doyle, if you can graciously exempt me from becoming a member of your trade union on these grounds? We are not opposed to paying any equivalent of dues to a charitable organization such as the American Red Cross or a local hospital, other than union purposes.

That quotation from the Scriptures establishes the principle that the right of association is sacred, and one of the natural rights of man. Man has the right to associate with whom he pleases, or to dissociate himself. He should not be compelled to accept associations which do not conform with his conscientious concept of life.

Now I wish to go a step further——

Mr. McCLELLAN. Let me interject that I wholeheartedly agree with what the distinguished Senator from Ohio has said.

Mr. LAUSCHE. A moment ago I discussed two cases that came before the National Labor Relations Board. I wish again to identify them. One was the Tawas Tube Products case, decided in 1965, which held that when the member of a labor union sought to get decertification at the National Labor Relations Board, contrary to the wishes of the union, he was committing a transgression against the union and subjecting himself to whatever fine or disciplinary action the union might take under its bylaws.

Mr. McCLELLAN. May I interject——

Mr. LAUSCHE. The second case involved the Wisconsin Motors Corp., decided in 1964 by the National Labor Relations Board. In that case the worker, a member of the union, was expelled because he produced more than the union said he was allowed to produce. There we have another example of the union dominating the free choice of a worker.

Mr. McCLELLAN. I thank the Senator, because he is giving concrete examples of the monopolistic powers to which I have referred in the course of my remarks.

Mr. LAUSCHE. That is what prompted me to intervene.

Now we come to a third case, which deals with the crossing of a picket line, such as was discussed by the Senator from North Carolina [Mr. ERVIN]. This is the Allis-Chalmers Manufacturing Co. case, which was also decided in 1964. The UAW fined several of its members for crossing the union's picket line during a strike, claiming that such crossing was in violation of the union's constitution and bylaws, relying upon the Wisconsin Motors case, which was the case in which the worker exceeded his production assignment. The National Labor Relations Board ruled that this was a matter of legitimate concern to the union, as it involved the loyalty of its members during a time of crisis.

Therefore, I point out, first, that, if we participate in a movement to decertify the union, we are a transgressor; second, if we exceed the production formula established by the union, we are a violator of its laws and, therefore, subject to fines and expulsion; third, if we cross a picket line, wishing to work in order to maintain ourselves and our families, we likewise become a transgressor and are subject to disciplinary action.

I summarize by asking the question: What becomes of the great freedom which is proclaimed by the goddess of liberty on our courthouses, and on our other public buildings, and the claim that the great economic and social progress made in the United States has been the consequence of each individual being allowed to exercise his mental capacity and his manual capacity?

Mr. McCLELLAN. His freedom has been subrogated to monopolistic power in each of the instances the Senator has described. He is compelled to become subservient and obedient to the will of an organization which chooses to deny him the freedoms which he would like to exercise.

Mr. LAUSCHE. Mr. President, for the moment now, I should like to pass on to another subject. I hold in my hand a newspaper article published in the Lima, Ohio, News, of May 5, 1963, reporting on a story from Milwaukee, Wis., where a court fined a woman for going to church, thereby failing to attend a union meeting. The meeting was held on a Sunday morning. She was a member of the union, but she decided to go to church in preference to going to the meeting. She had been fined by the union and the fine of the union was sustained by the court which also fined her.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COURT FINES WOMAN FOR GOING TO CHURCH, MISSING UNION MEETINGS

MILWAUKEE, WIS.—Mrs. Mary Ellen Benson said Friday she wanted to find someone who cares about her right to worship instead of attending union meetings on Sunday mornings.

"I thought the Constitution gave us the right of freedom of worship," she said. "I just wish I could find someone who cares, who is willing to stand up and be counted in this."

Mrs. Benson paid $10.40 in county court Thursday for going to church instead of union meetings.

In a pretrial hearing, Judge Robert Miech decreed she must pay a $5 fine to the union and $5.40 in court costs for admittedly not complying with union bylaws that provided any member that misses three of five meetings be fined. The union brought suit against Mrs. Benson when she balked at paying the fine.

"The union meetings come on Sunday morning exactly at my church time," she said. "I've told them (the union) over and over again that I will never go to their meetings as long as they are on Sunday," she said.

"And I still won't."

Judge Miech said her reason for missing the meetings was praiseworthy. But he said past court decisions made it clear that the United Papermakers, and Paperworkers Local 356, had the power to assess the fines.

Mr. LAUSCHE. Mr. President, let me ask the Senator from Arkansas what becomes of the first amendment of the Constitution?

Mr. McCLELLAN. In other words, what happened to her religious freedom?

Mr. LAUSCHE. The Senator is correct—what happened to her religious freedom? That is what I speak of.

So then, under this beneficence of the Government declaring that, "We will help you but we will help you only if you surrender your freedom and your liberties," is exactly such a situation we could be in.

Mr. McCLELLAN. That is exactly as I see it, too.

I thank the distinguished Senator from Ohio for his valuable contribution to this debate, and also the distinguished Senator from North Carolina [Mr. Ervin].

Mr President, I should like to emphasize what I have said with respect to the destruction of freedom by having printed in the Record excerpts from the decisions in two court cases; one is a statement made by Judge Carter of the Supreme Court of the State of Nebraska, in the case of Hanson against Union Pacific Railroad Co., decided July 1, 1955; and a later case, that of Looper against Georgia Southern & Florida Railway Co., decided by the Supreme Court of the State of Georgia in April 1957. I ask unanimous consent to have these two excerpts printed in the Record, in order to show the viewpoints and comments of these two distinguished courts with respect to freedom of the individual.

There being no objection, the two excerpts were ordered to be printed in the Record, as follows:

Hanson *v.* Union Pacific Railroad Co.

(Statement by Judge Carter of the Supreme Court of the State of Nebraska)

If an employee is compelled to join a union against his will in order to continue in his employment, he not only pays his share of the cost of the union's bargaining processes, but he is compelled to support many other principles, policies, programs, and activities to which he may not subscribe. Some unions support a form of life insurance which pays death benefits; some support a welfare fund for the benefit of needy members. Some unions maintain a strike fund to protect employees when on strike, some establish funds to be used in the furtherance of economic and political principles in which an employee may have no confidence. In some instances compulsory membership would compel support, financial and otherwise, of policies which an employee might deem objectionable from the standpoint of free government and the liberties of the individual under it. An employee may neither desire the benefits of such programs nor desire to contribute to their support. He may object to certain programs and activities of the union for reasons of his own and, consequently, not desire to contribute to their promulgation. To compel any employee to make involuntary contributions from his compensation for such purpose is a taking of his property without due process of law.

We have prided ourselves in this country in the rights of free speech and free thought, rights which have been guaranteed to us by constitutional provision. Compulsory unionism infringes upon these rights and often encroaches upon the right of an individual to be free from coercion by others. To compel him to contribute to the support of economic or political programs adopted by a union, which may be abhorrent to him, is as constitutionally wrong as if similar programs were compelled by the employer. The fifth amendment protects against the forced appropriation of one's property for the support of ideals which he may desire to oppose. The right to work and to be compensated therefor is a fundamental principle in our democratic thinking. To force contributions against one's will in the manner here employed is a violation of his fundamental rights and privileges. It is a violation of 'nor be deprived of life, liberty, or property, without due process of law,' contained in the fifth amendment of the Constitution of the United States. Constitutional guarantees exist in fair weather and in foul. They may be asserted by the minority against the majority, and by the individual even against the power of government. They may be asserted by an employee against his employer or a labor union, or both. An employee not only has a right to work, but he has the guaranteed right to have his earnings protected against confiscation against his will. Forcing an employee to join a union and to compel him to financially support principles, projects, policies, or programs in which he does not believe and does not want, is clearly a taking of his property without due process.

If this be true, the constitutional provision here questioned is declaratory of the rights guaranteed to plaintiffs under the Constitution of the United States and, consequently, is not subject to the attack made upon it by these defendants.

That moneys collected from employees covered by compulsory union membership contracts have indeed been used by the union officials to support ideological and political doctrines and candidates that the employees themselves were opposed to was clearly established in the case of *Looper* v. *Georgia Southern & Florida Railway Co.*, 19685 C.J. 4, decided April 1957.

The Supreme Court of the State of Georgia in its decision in that case held such expenditures to be in violation of the rights of the union members. In its decision, the court stated:

"We do not believe one can constitutionally be compelled to contribute money to support ideas, politics, and candidates which he opposes. We believe his right to immunity from such exactions is superior to any claim the union can make upon him."

Mr. McCLELLAN. Mr. President, I close with the observation that I shall speak again on the pending motion unless it is withdrawn or otherwise removed from the pending business.

Mr. STENNIS. Mr. President, will the Senator from Arkansas yield?

The PRESIDING OFFICER (Mr. Hart in the chair). Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. McCLELLAN. I yield.

Mr. STENNIS. I highly commend the Senator from Arkansas for a very fine and outstanding presentation of many of the major questions involved in the pending question. His logical analysis and presentation are in keeping with his custom. They have been quite helpful and a valuable contribution to this debate. I commend him and applaud him highly.

Mr. McCLELLAN. I thank the distinguished Senator from Mississippi.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 106) to allow the showing in the United States of the United States Information Agency film "John F. Kennedy—Years of Lightning, Day of Drums."

The message also announced that the House had passed the bill (S. 32) to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 1805) to amend section 5899 of title 10, United States Code, to provide permanent authority under which Naval Reserve officers in the grade of captain shall be eligible for consideration for promotion when their running mates are eligible for consideration for promotion.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 5571. An act to amend title 37, United States Code, to authorize payment of incentive pay for submarine duty to personnel qualified in submarines attached to staffs of submarine operational commanders; and

H.R. 7484. An act to amend title 10, United States Code, to provide for the rank of lieutenant general or vice admiral of officers of the Army, Navy, and Air Force while serving as Surgeons General.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8310) to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Powell, Mrs. Green of Oregon, Mr. Brademas, Mr. Sickles, Mr. Gibbons, Mr. Carey, Mr. Perkins, Mr. Dent, Mr. Ayres, Mr. Quie, Mr. Griffin, and Mr. Reid of New York were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 2303) for the relief of Ernest J. Carlin, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 2232) to amend the act entitled "An act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf," approved September 2, 1958, as amended, in order to further provide for a loan service of educational media for the deaf, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 2303) for the relief of Ernest J. Carlin, was read twice by its title and referred to the Committee on the Judiciary.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. ROBERTSON. Mr. President, before I take up my prepared remarks, I wish to give an answer to the distinguished Senator from Ohio [Mr. LAUSCHE], who just asked the distinguished Senator from Arkansas [Mr. MCCLELLAN] about a violation of the 1st amendment, the 5th amendment, and the 14th amendment, in compulsory union shop requirements.

That question, fortunately, was answered by our Supreme Court 4 years ago in the Street case, in which the Court held that every requirement by Federal law of the type mentioned by the distinguished Senator from Ohio is illegal.

I shall later quote extensively from that decision, and also from the decision of Mr. Justice Black in that case.

There was a 5-to-4 decision that upheld a narrow interpretation of one provision of the Railway Labor Act. Mr. Justice Black rendered a long opinion, which I shall read, in which he challenged the majority decision.

In the case of *International Association of Machinists* v. *Street*, 376 U.S. 740, the Supreme Court reiterated the interpretation of Hanson. This bill is based on the Hanson case, and I shall discuss it. That case was entirely different from what we have here, and I shall show beyond any reasonable doubt that while the Court held the Hanson case to be legal under the Railway Labor Act, it would, by the same reasoning, have to declare this bill to be illegal and unconstitutional.

Here is what the Supreme Court said in the Street case:

> All that was held in Hanson was that section 2, Eleventh, was constitutional in its bare authorization of union shop contracts requiring workers to give financial support to unions legally authorized to act as their collective-bargaining agents. We sustained this requirement, and only this requirement.

That is what the Court is saying. The Court says, "You can collect dues for a union that will bargain for your wages and working conditions, and that is all."

What does this bill provide? For example, if I am an educated man, I may be forced to join a union that is composed of roughnecks, when I do not want to associate with them. Under the first amendment, I do not have to associate with them. This bill says, "Yes, you do. It makes no difference what you want to do. We will force you to join or we will destroy you, we will take your job from you."

Again, here is a man who says, "Here is a union which puts out views that I do not like. I know what their views are. But if I get in there and express myself about them, they will throw me out or fine me."

This bill says, "It makes no difference that the first amendment says you will have freedom of speech. We are taking it away from you. We are going to force you into a union that says you cannot express your views contrary to theirs."

Again, suppose I am a Catholic and I say, "I do not want to join a union that will assess me and make a contribution to the local Methodist Church." This bill says, "It makes no difference whether you are a Catholic or what you are. You have got to do it."

Yet the fifth amendment provides that a citizen's property cannot be taken away except by due process of law and by payment of just compensation. But the bill says, "You have no rights of property under the fifth amendment. You will be forced into the union and we will take your dues from you and contribute to the Methodist Church."

Again, suppose I am a Republican and I say, "I do not want to get into a union that will use my dues to help the Democrats. I am against the Democrats." This bill says, "It makes no difference whether you are a Republican or whatever you are. We are going to force you in there, and the union can assess you dues and use the money to help the Democrats"—violating the fifth amendment.

Mr. LAUSCHE. Mr. President, will the Senator yield at that point?

Mr. ROBERTSON. I would rather finish my illustrations, and then I shall be glad to yield.

Mr. LAUSCHE. Very well.

Mr. ROBERTSON. Again, the union has issued an order, "You shall not cross a picket line for a wildcat strike." Someone says, "I think the strike was very vicious, unjust, and unfair, and I want to cross it." What does the union say? The union brings him before a kangaroo court and he is fined $100.

The 14th amendment provides that a citizen's rights cannot be taken away from him except by due process of law. So that person says, "I cannot be fined by your court except under proper process of law." This bill says, "Forget about the 14th amendment. We will force you into the union. You must abide by what the union says. If you violate what it says, the union can impose any fine on you it wishes, and you must pay it, or you will be expelled, and when you are expelled you die."

I merely wanted to assure my friend from Ohio that I have gone into these cases quite fully. If I can stand up long enough, I shall engage in a rather extended discussion of how unconstitutional this measure is.

I realize that some of my very fine and beloved brethren have made promises to labor leaders and others that they will vote for this bill. But I remind them of this fact: The first promise they made when they came into this body and stood on the left-hand side of our distinguished Presiding Officer was what? They held up their right hands, for one thing, looking out over the inscription "In God We Trust," and took a solemn oath to support and uphold the Constitution. Then what did they say? "So help me God."

Could a Senator make a more definite commitment than that? Must any labor leader or any pressure group insist on holding a Senator to a promise to support a bill which afterward that Senator learns is definitely and clearly unconstitutional, and would require him deliberately and in the presence of an all-seeing God to repudiate the first and most solemn oath he took when he became a Member of this body?

That is what I say is involved in this bill. It is clearly unconstitutional. Those who made this commitment apparently had not read what the Supreme Court had said in the Hanson case, that the Court would never go any further than merely to uphold a requirement that, if it was for bargaining for wages and working conditions, it would sustain the union shop; but it went no further.

The proposed bill goes a great deal further.

This morning I was handed a news item from the Chicago Daily News of October 4. I will read two paragraphs from that article:

> The 21-member executive board of the Illinois Labor Federation introduced a resolution which said Congress is doing a better job than State legislatures of meeting the people's needs. The State legislatures may fold up within 20 years.

Think of a labor organization, enjoying more privileges than labor enjoys anywhere else in the world, enjoying the opportunity to serve at the highest wages in the world, under the most favorable working conditions, with every kind of fringe benefit, hospitalization, paid vacations, and whatnot, wanting the States to fold up within 20 years and let the Federal Government take over.

I wish they would read the debates of the Constitutional Convention. I wish they would read the Federalist Papers, in which both Madison and Hamilton said we have deliberately framed a national Constitution of divided powers under which the Central Government shall have only limited and delegated powers, and that other powers are reserved to the States and the peoples thereof.

They also said that the best safeguard from a monarchy, on the one hand—which Hamilton really favored if George Washington was going to be the new king—or a dictatorship on the other, would be the preservation of the sovereign States.

The example on the extreme right was Hitler. The example on the extreme left are those operating behind the Iron Curtain. We know that if we abolish the States and put all the powers in the Federal Government, a revolution here, as in some Latin American countries, for instance, could overthrow the Government, and we would have a dictator. He would either be to the far right or to the far left. That is the present method of dictators. In any event, the labor movement will be destroyed because they will lose freedom, like all the rest of us.

They will not be able to say what wages they are going to demand. They will be told, "You will take what I give you." They will not be able to say where they will be employed. They will be told "You will work where you are assigned." That is a dictatorship.

And yet, I hold this resolution from Illinois, one of the great and powerful industrial States of the Nation, wherein it is stated in a prepared resolution:

> The State legislatures may fold up within 20 years.

That brings me to the commencement of my prepared speech, the theme of which is that this is only another step to fold up our State legislatures and to take from our States their sovereign right to preserve the rights of their people, as guaranteed in the 1st amendment, 5th amendment, 14th amendment, and the 9th amendment.

I yield to the distinguished Senator from Ohio [Mr. Lausche], who may wish to ask about the authorities upon which I rely.

Mr. LAUSCHE. The Senator from Virginia made mention of the propriety of using union dues to promote the election politically of parties that do not truly represent the thinking of the particular member who has paid into the union fund.

The Senator from Virginia has said that that is wrong; that it is wrong to require a worker to pay union dues, and then have the union use the dues to promote the election of a political party that does not truly represent the philosophy of the worker.

I wish to read for the information of the Senator a question-and-answer series that took place in the House committee that heard testimony on the repeal of section 14(b).

The witness was Mr. Zagri, the lawyer for the Teamsters Union. These are the questions and answers:

> Mr. Griffin. * * * I want to know whether you agree that the dues that are collected under a union shop contract should be spent only for the purposes of collective bargaining.
>
> Mr. Zagri. I think the dues collected by the union under the union shop should be spent for the purposes of that union. The purposes of that union are defined by the constitution and bylaws of that union.
>
> Mr. Griffin. * * * In fact, a few years ago, about 4 years ago, as I recall, there was a lot of publicity in Michigan about the fact that the Teamsters Union in Michigan had contributed dues money to a candidate for prosecuting attorney. I think his name was Mr. Olson.
>
> * * * Do you agree and concede that the Teamsters did contribute substantial sums of money to that candidate for prosecuting attorney in that election, and are they contributing funds to candidates for election in other State and local elections * * * and do you consider this consistent with your advocacy of the repeal of 14(b)?
>
> Mr. Zagri. I can't speak for the expenditures in any State because those expenditures would be more within the confines of special knowledge of the director of politics in that State.
>
> However, assuming for the sake of argument that this was done, that there was a contribution of union funds in a State election or in a local election, I will not concede that this is not a proper activity, because I believe that the welfare of a union, whether it is at the State, local or national level, is directly affected by decisions made by city councils, State legislatures, or this Congress.

Mr. President, if this is a sound proposal, that a worker's dues, paid to promote collective bargaining, can be used to elect Lausche in Ohio, Robertson in Virginia, or Bass in Tennessee, then let each one of us in the Senate lie down, face to the floor, and admit that those unions will elect us or defeat us with the moneys they expend after collecting them from their members in the unions.

Mr. BASS. Mr. President, will the Senator yield for a question at that point?

Mr. ROBERTSON. The Senator from Ohio has asked me a question.

Mr. LAUSCHE. I have not finished the statement. I suppose this will pinch, but let it pinch.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. LAUSCHE. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. LAUSCHE. I will take no more than a half minute.

Mr. Griffin, the Representative, continued:

> Mr. Griffin. As I understand your testimony, then, although you are not prepared to make statements on specific candidates, you acknowledge that in general the Teamsters Union funds are used to support candidates in elections at the State and local level, and you think that is a proper use?
>
> Mr. Zagri. I say we would be derelict in our duty to our membership if we didn't.

In a way, this controverts the position taken by the Senator from Virginia.

Mr. ROBERTSON. No; it confirms it 100 percent. I commend that union representative for being frank and honest about what the union was trying to do. They were going to compel everybody to go into a union shop; and when they got him in there, they were going to use his money to elect Democrats, perhaps, if the individual were a Republican; to support a Protestant church, if he were a Catholic; and to fine him if he crossed a picket line.

I say that that statement puts us on notice as to what the bill means and how it will be implemented. The union representatives have said so. They have said, "We are going to do all the things we have been doing." They have been doing them illegally, but we cannot get any help from the National Labor Relations Board. That Board should be described as an assistant or an agency of the AFL-CIO. At any rate, we are on notice as to what the bill means concerning what the unions will do.

In the Hanson case the court said that such practices are illegal, and did not pass on them. In the Street case, which was upheld by a majority of one, practices were held to be illegal.

I shall read a long opinion by Mr. Justice Black in which he enumerates all those practices, comments on their illegality, and states that the Court must strike them down if they ever come before the Court.

I appeal to Senators, in the knowledge of what the bill means, as explained by the Senator from Ohio——

Mr. LAUSCHE. Mr. President, will the Senator yield? I did not explain it; I quoted a statement by the lawyer for the Teamsters Union. Of course, in a measure, I did explain it.

Mr. ROBERTSON. The Senator from Ohio quoted a statement by a lawyer for the Teamsters Union as to what the union proposed to do with the money. We know what the intent of the bill is. I am saying that it is unconstitutional. I want to know how many Senators, knowing it is unconstitutional, will vote in accordance with their oath to uphold the Constitution.

I now yield to the Senator from Tennessee, to see if he can explain his vote.

Mr. BASS. It is not a question of explaining my vote. I wish to ask a question. I wish to get all the information I can. The Senator from Ohio is well versed in the law. He referred to political contributions made from the dues paid by union members. Am I correct or incorrect in stating that the so-called Landrum-Griffin Act prohibits the use of any portion of union dues for political contributions?

Mr. LAUSCHE. I should say that under a recent Supreme Court pronouncement——

Mr. BASS. Wait a minute.

Mr. LAUSCHE. Just one moment. The Senator from Tennessee will not admonish the Senator from Ohio.

Mr. BASS. I am asking a question.

Mr. ROBERTSON. I have the floor. I will answer the question.

Mr. LAUSCHE. Very well.

Mr. ROBERTSON. The Court will say that if one voluntarily joins a union that contributes funds to a political campaign, that is all right. But if one is forced into joining a union that follows such a practice, the practice is wrong.

Mr. BASS. Oh, no.

Mr. ROBERTSON. Do not argue with me. I have answered the question. That is the law. If one is voluntarily a member of the union, the union can take the member's money and use it for whatever it pleases; the member has agreed to that. If he is involuntarily a member of the union, and is a Catholic and does not want the union to contribute to a Protestant church, or if he is a Republican and does not want the contribution made to a Democrat, the Court said, "We will not support such a practice as that."

The Senator from Tennessee, when he took his oath as a Senator last January, swore to uphold the Constitution of the United States, "So help me God."

The Senator can argue this point, but on his own time. I am going to speak first.

Mr. BASS. In answer to the Senator's question, the Senator from Tennessee cannot anticipate what the Court may hold as to the constitutionality of an act; and the vote must precede the action of the Court.

Mr. ROBERTSON. The Senator does not have to anticipate. I can tell him what the Court has already said. The Senator can be the keeper of his own conscience.

Mr. BASS. I cannot anticipate what the Court will do, so I shall vote for the bill.

Mr. ROBERTSON. The Senator cannot anticipate what the Court will do because the Court has already made its decision.

Mr. BASS. On this particular subject?

Mr. ROBERTSON. Yes.

Mr. BASS. The repeal of section 14 (b)?

Mr. ROBERTSON. On the essence of what we are asked to do, the Court has said, "We will not approve it"; that is, the Court will not approve what some say the unions have a right to do.

Mr. BASS. I have never read an opinion expressing views on the constitutionality of the repeal of section 14(b).

Mr. ROBERTSON. Wait until I finish my speech; then let the Senator vote his own conscience. But let the Senator remember, before he votes, what he promised to do about upholding the Constitution.

Mr. BASS. I shall always do that.

Mr. ROBERTSON. With all due deference, other Senators may speak on their own time. I have not begun my speech yet.

Mr. BASS. The Senator from Virginia is making a great speech.

Mr. ROBERTSON. No; I am not making a great speech.

Mr. STENNIS. Mr. President, may we have the regular order?

Mr. ROBERTSON. I decline to yield further. I have been generous in yielding 45 minutes of my time to other Senators.

Mr. President, the manner in which repeal of State right-to-work laws was railroaded through the House makes it imperative that the Senate debate this bill thoroughly.

As a former Member of that body I realize that, with a membership of 435, it is not possible to permit the same freedom of action in that branch that prevails in the Senate.

But, Mr. President, there was no justification for the body at the other end of the Capitol to take up and pass a bill of this importance under a parliamentary procedure which prevented the House from voting on a number of amendments which were germane in committee but not on the floor.

Actually, the House passed this bill without dotting an "i" or crossing a "t", after only 5 hours of debate. Originally the leaders had proposed 2 hours of debate, and their only concession to the opposition was to add 3 more hours.

This measure was ran through the House like a toboggan sled zooming down a snow-covered mountain side.

In recent years it has become a popular pastime to denounce Senate rules which permit unrestricted debate and allow amendments to be offered to every line of a bill. If an object lesson ever was needed to justify the due deliberation which is possible under Senate rules, the House provided that lesson in its handling of this bill to repeal section 14(b).

Let me illustrate how inconsistent the House was in closing the door to all amendments to this bill.

The chairman of the House Committee on Education and Labor, Mr. POWELL, of New York, began his defense of the repeal measure by saying the sole purpose is "to establish a uniform Federal rule governing union security agreements."

Yet the House brushed aside as not germane an amendment to exempt workers who cannot join a union without violating their religious beliefs, despite the fact that the House had only recently adopted a similar exemption from social security taxes and benefits for those whose faith rejects such welfare programs.

What became of a "uniform Federal rule" to safeguard freedom of religion? Where is the logic in allowing one person to remain out of the social security program because of his faith, while saying to another man, "You must join a union regardless of your religious beliefs, or quit your job"?

And, bear in mind, the religious objectors who were turned down in the House were not trying merely to save the cost of union membership. The amendments which were ruled out of order would have required the exempt individuals to pay an amount equivalent to their dues into a separate union charity fund, or into the Federal Treasury.

Even some of the advocates of repeal of section 14(b) recognized the injustice of turning down the religious exemption amendments. Some said the unions would take care of the problem voluntarily. Others promised to support separate legislation along this line later.

But we all know that a separate bill brought out later never will command the attention of this major repeal measure, and could easily get lost in the adjournment rush. Mr. President, this method of getting rid of amendments by offering to take them up later, is as old as Congress itself.

It is something like the device used by a wily debater, who gets around an embarrassing question by saying, "I'm glad you asked me that, and I'll come to it later in my speech." Then he goes on to something else, and he never seems to get back to that question he was glad you asked him.

The House also was denied an opportunity to vote on a series of amendments which would have made it an unfair labor practice for a union to:

First. Restrict its membership on the basis of race or religion.

Second. Use union dues for political purposes, although permitting a union to raise a separate political fund made up of voluntary contributions.

Third. Fine, suspend, or expel any member for exercising or attempting to exercise any civil or constitutional right.

The House also avoided a vote on an amendment which would have sanctioned the so-called agency shop, under which workers could refrain from joining a union provided they paid an amount equivalent to their dues.

One amendment managed to escape the nongermane label, but it was promptly voted down. It would have postponed the effective date of repeal until December 31, to give management and labor in the 19 right-to-work States time to adjust to the changed conditions.

Mr. President, the entire membership of the House must share with the leaders the responsibility for having taken up this important measure under a gag rule. They could have ungagged themselves by defeating the previous question when Mr. POWELL first offered the resolution under which the bill was taken away from the Rules Committee.

If they had beaten the previous question, some other Member could have offered a substitute resolution leaving the bill open to amendments. And I have no doubt that if this bill had been brought to the floor by the Rules Committee it would have been under an open rule, permitting amendment.

But the leadership resorted for the first time to a new rule adopted in January, under which a committee chairman may take a bill directly to the floor if the Rules Committee has not cleared it within 21 days.

When this rule was adopted many House Members looked upon it as a sort of guarantee that the House would always have a chance to work its will. But, certainly, in this case the House had no chance to work its will, when amendment after amendment was ruled not germane even though they were related directly to the basic issue of union membership.

It is obvious, Mr. President, to anyone familiar with current events that there are a number of labor-management problems of far greater urgency and importance than section 14(b). But the leaders of this Congress seem intent on pushing through this limited change in the Taft-Hartley law without facing up to the more pressing issues in this field.

One such issue was created by the Supreme Court a few months ago, when it declared unconstitutional the provision in the Labor-Management Reporting and Disclosure Act of 1959, prohibiting members of the Communist Party from serving as officers of unions.

In a 5-to-4 decision on June 7, the highest Court in the land called that provision a bill of attainder.

Mr. President, Americans are dying today to protect South Vietnam from Communist control, but many workers at home no longer have a Federal law to protect their unions from such control. Only the workers in the 19 right-to-work States still have a free choice to protect themselves.

Instead of withdrawing their rights by repealing section 14(b), we should be doing something to offset that court decision in the 31 other States.

Perhaps no section of the Taft-Hartley law is in greater need of review at this time than the 80-day injunction procedure that was intended to provide a cooling off period to avert strikes in major industries which might endanger national health and safety.

Events of the past year have demonstrated that this 80-day injunction process was inadequate to cope with a longshoremens' strike, which seriously affected the Nation's foreign trade as well as domestic commerce.

Again, in recent weeks, eight of our steamship companies were tied up, with no remedy for unjustified losses being suffered by management and the shipping public.

The Wall Street Journal of August 3 called attention to some of the odd issues raised in that dispute, such as the demand of the Masters, Mates and Pilots Union that the captains of all companies' ships must be MMP members.

The captain of a ship is a representative of management, and, as the Wall Street Journal observes:

> To make him a union member is no more sensible than putting the managers of General Motors assembly plants into the United Auto Workers.

This is typical of issues that have little or no relation to wages and working conditions, but are being used by unions to intrude upon the functions of management.

Mr. President, there is but one remedy—to make unions subject to the antitrust laws—when they go beyond beyond wages and working conditions. The Supreme Court recently indicated a partial remedy along this line when it held that where unions and employers get together on agreements that would put small competitors out of business they could be found to have violated antitrust laws.

Fortunately, it will not be possible for Senate leaders to call up the repeal of section 14(b) under the kind of gag rule that applied in the House, and if it is taken up at all we should take whatever time is necessary to consider any phase of the Taft-Hartley law which may need revision.

The Senate Committee on Labor and Public Welfare already has made one amendment to the House bill to exempt persons whose religious beliefs would be violated if they were forced to join a union. The committee amendment, however, will require these individuals to contribute to some charitable fund the equivalent of the initiation fees and union dues from which they are being excused.

This is one of the amendments House leaders brushed aside in their desire to avoid any change in the repeal of section 14(b).

But, since the Senate committee has exercised its judgment by adding one amendment, it cannot logically argue that the Senate should avoid other changes in labor-management law which some of us think are far more urgent than the proposed repeal of section 14(b).

We should certainly look for some better remedy than the 80-day cooling off injunction for dealing with major strikes which could bring all, or a substantial part, of the Nation's economic wheels to a halt.

Mr. President, this controversy over right-to-work laws has demonstrated once again the wisdom of preserving in the Senate freedom of debate and freedom to offer amendments to any proposed legislation, if the States are to preserve any of the rights guaranteed them by the 10th amendment.

One of the few times in the last 20 years that Congress has given any recognition to the rights of the States to handle their own affairs was when it protected State right-to-work laws in passing the Taft-Hartley Act of 1947.

This action was such a pleasing departure from the trend toward concentration in Washington of control over all phases of our daily lives that I must speak out in opposition to the current drive to repeal this protective clause, known as section 14(b) of the law.

I am disappointed that President Johnson has taken the lead in this repeal movement, in view of the fact that his own State of Texas is one of the 19 that have right-to-work laws. It is to be noted, however, that in his labor message of May 18 the President failed to present any detailed or convincing arguments as to why section 14(b) should be repealed.

In fact, the only argument he advanced was a brief observation that he was recommending repeal "with the hope of reducing conflicts in our national labor policy that for several years have divided Americans in various States."

In the entire message only about six lines were devoted to section 14(b). The brief reference to "conflicts" was a repetition of what he had said in his state of the Union message in January. At that time he also noted that he would recommend repeal of section 14(b) as pledged in the 1960 and 1964 Democratic platforms.

Virginia, like Texas, is one of the 19 States having right-to-work laws, and I have heard no loud clamor for repeal, except from labor leaders, who, naturally, would prefer the latitude the Taft-Hartley law would give them to require a union shop without any restraint by State law.

While the Taft-Hartley Act bans the closed shop in all States, it permits several limited forms of union security, such as the union shop, the maintenance of membership rule and the so-called agency shop where State law does not prohibit them.

The much maligned section 14(b) merely says that nothing in the Taft-Hartley Act "shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or territorial law.

In short, section 14(b) merely protects State labor laws relating to union membership from the doctrine of preemption, which has established the principle that when Congress takes jurisdiction of any subject, the Federal law supersedes State laws on that subject.

A closed shop would be one in which only members of the bargaining union could be hired. By outlawing that type of contract, Congress merely preserved the right of the employer to pick his employees in the first instance.

But, by permitting the union shop or agency shop Congress enabled the unions to bargain for a contract under which all new employees not members of the union would be required to join the union within 30 days, or at least pay dues. Under the agency shop agreement, new employees are not required to join the union, but if they do not join they must pay the equivalent of the initiation fee and annual dues.

Section 14(b) preserves the right of any State to go beyond the Taft-Hartley law by banning any form of compulsory union membership.

All of the State laws ban the closed shop and the union shop. While only 11 States specifically outlaw the agency shop, the legal officers in the other 8 States have ruled that this type of agreement also is banned by State law.

A specialist in labor relations for the Legislative Reference Service, James R. Wason, recently completed, at the request of several Members of Congress, a detailed evaluation of section 14(b) and came to the conclusion that neither the Taft-Hartley law nor the State right-to-work laws have been very successful in doing away with the closed shop.

This expert reported:

> The practical effect of State right-to-work laws in abrogating the closed shop, in fact, has been as limited, if not more so, than has been the effect of the Federal law in this area. Where it formerly existed, the closed shop appears to generally have continued to exist, although not openly. It disappears from union contracts, but is observed in practice. Repealing section 14(b) would not affect this situation substantially in either direction.

Mr. Wason also reported that efforts to measure economic effects of right-to-work laws were inconclusive. He said no consistent effects were found, either immediately after passage or over a period of time.

> There was some suggestion that in some States an adverse effect on union membership has resulted.

He continued—

> There was also some suggestion that the existence of such laws has hindered the growth of union membership. Some indication of a possible attraction of right-to-work States for certain firms who wished to avoid union organization of their plants was also suggested by some of the data. No proof, however, of any of these has been found.

The Legislative Reference Service report concluded as follows:

> Whether State right-to-work laws can or should protect the rights of workers not to be forced to join a union are matters of controversy. That they do not protect any substantial proportion of American workers against being required to join a union is a fact. Thus, the direct effects of repealing section 14(b) would be slight, because the direct effects of 14(b) have been slight.

More recently, on June 8, the Christian Science Monitor published the results of a survey its reporters made in the 19 right-to-work States. Their conclusions were substantially the same as those in the Legislative Reference Service report. The Monitor summarized its findings as follows:

> Right-to-work laws have only incidentally blocked union efforts to organize in these States. Other factors—conservatism, anti-union sentiment, spotty economic growth—are far more important factors in slowing union organizing.
>
> Repeal of the laws would have little immediate effect in strengthening unions in these States; management dominates, and it is expected to continue for sometime, law or no law.
>
> Except for isolated instances, the laws have not of themselves attracted new industry, nor, on the other hand, have they driven away skilled labor. New industry has come generally for other reasons.
>
> Unions bargaining with management in these States are sometimes put at a disadvantage because of these laws, but unions have found ways of compensating for the disadvantages—and management generally wants to avoid controversy.

Further on in its story the Monitor said a general conclusion from its survey "is that the unions which are in large cities or in major industries are able to bargain effectively, regardless of the law."

We should consider also an impressive array of statistics gathered by the National Right To Work Committee, which show that during a 10-year period ending in 1963 the States with right-to-work laws fared better than the other States in rate of increase in job opportunities, in per capita personal income.

The National Right To Work Committee also found that in 1964 the rate of unemployment was lower in the 19 right-to-work States than in the 31 other States. The committee reported that the percentage of total work force unemployed last year was 4 percent in the right-to-work States, as against 5 percent in the other States, and as compared with a national average of 4.7 percent. For Virginia the percentage was 3.2 percent.

The statistics cited by the National Right To Work Committee for the decade ending in 1963 included the following:

Rate of increase in nonagricultural employees: Right-to-work States, 23.3 percent; other States, 9 percent.

Rate of increase in new manufacturing jobs: Right-to-work States, 12.8 percent; other States, minus 7.6 percent.

Rate of increase in hourly earnings by manufacturing workers: Right-to-work States, 46.7 percent; other States, 41.5 percent.

Rate of increase in per capita personal income: Right-to-work States, 43.7 percent; other States, 35.4 percent.

In bank deposits, the committee found that between 1953 and 1964, the rate of increase for right-to-work States was 69.4 percent, and for the other States, 63.5 percent.

The rate of increase in value of life insurance in force between 1953 and 1963 was, for right-to-work States, 167 percent, and other States, 132 percent.

I have not made an independent study, and so I am hardly in a position to question these conclusions from separate sources. But I find myself wondering why union leaders are so intent upon securing repeal of section 14(b) if State right-to-work laws have had so little effect on the overall position of organized labor.

Perhaps the answer is to be found in another part of the Legislative Reference Service report, in which it reviews an earlier study made by Fortune in 1957. The Legislative Reference Service quotes from an article in the Personnel Journal, which summarized the conclusions of the Fortune survey. One of those conclusions follows:

> What the AFL–CIO fears most is not the State right-to-work laws (which are largely ineffective), but a Federal right-to-work law or Federal amendment to Taft-Hartley. That is to say, union strength has not appreciably been changed in the right-to-work States, but unions do fear an enforcible national law which might weaken their position in many places.

If such fears exist they are not well founded because the entire trend is in the opposite direction.

All agencies in Virginia that receive a single dollar of Federal funds have been put on notice recently that the Davis-Bacon Act will be applied to every project to which the Federal Government contributes 1 red cent.

The Department of Labor construes that act to mean that the average local wage rate for construction work be applied, if the project is in a large city, or the average wage rate in the nearest large city shall apply to outlying projects, and that usually means the rates paid union workers.

But this regulation of wage rates is a mild form of Federal intervention, when compared to titles VI and VII of the 1964 civil rights law. Title VI prohibits racial discrimination in the operation of any program or activity receiving Federal funds, and title VII is intended to prevent discrimination in private employment.

Even if this Congress does not nullify State right-to-work laws, the operation of those laws could be affected to some extent by title VII of the civil rights law. Under that title if two men of different races applied for one job vacancy, and the unlucky one felt he had been turned down because of his race, Government machinery would be set in motion to find out what was in the employer's mind when he picked one applicant over the other.

If the dispute could not be settled under State law, or through the conciliation efforts of the Federal Equal Employment Opportunity Commission, a civil action could be filed by the aggrieved party in a Federal court, which could enjoin the alleged discriminatory employment practice.

But, while these new civil rights laws may have some effect on an employer's freedom of choice in hiring, they offer no reason why Congress should set aside State right-to-work laws.

The basic purpose of a right-to-work law is not to discourage or prevent workers from joining a union, but only to protect an individual from being compelled to join in order to hold his job. In fact, the typical right-to-work law provides that no person shall be denied employment either because of membership in a union or refusal to join.

Therefore, a showing that union membership has not been substantially affected by State right-to-work laws would not necessarily signify that the laws have failed of their purpose.

The main argument advanced by organized labor for repeal of right-to-work laws is that when a union wins an election to become the bargaining agent in a plant, it thereafter bargains for all of the employees. On the surface it sounds reasonable when union leaders argue that those who fail to join the union become free riders by sharing in any concessions the union wins in a contract.

The Taft-Hartley law recognized this argument by permitting bargaining agreements under which all workers pay union dues, unless prohibited by State law. Frequently these dues are withheld from pay envelopes for the union under what is called the checkoff system.

But there is an answer to the free rider argument, and it was forcefully presented a few years ago in a book written by Mr. Donald Richberg, a well-known lawyer, who at one time represented labor unions and was thoroughly familiar with the history of their growth during the past 40 years.

Mr. Richberg said in his book:

> The nonmember is not a free rider: he is a captive passenger.

The author pointed out that the unions sought by law the privilege of representing any minority of nonunion members, and that this took away by law the right of those individuals to bargain for themselves.

Mr. Richberg, who served in the administration of Franklin D. Roosevelt during the first 2 years of the New Deal, also answered the argument that majority rule requires the minority to support the majority. The author called this a fictitious argument because laws and customs already require a nonunion minority to accept the work terms in the majority contract, just as the minority in a community must accept the laws enacted by a majority.

> But, even in the case of public laws—

Mr. Richberg continued—

> a dissenting minority, a political party in opposition, is not required to stop its opposition nor is it required to contribute to the political support of the majority party. Even members of the majority are at liberty to withdraw from such an association.

Mr. Richberg recalled that all through our society there are voluntary organizations carrying on activities which benefit a great many who do not contribute financial or other support.

> How absurd it would be to suggest that whenever a voluntary organization benefits any group of people it should be empowered to compel them by law or by economic pressure to contribute support—

Mr. Richberg said.

Mr. ERVIN. Mr. President, will the Senator from Virginia yield for some questions on this point?

Mr. ROBERTSON. I am happy to yield to the Senator from North Carolina, with the understanding that in doing so I shall not lose my right to the floor.

Mr. ERVIN. As I construe the remarks of the Senator from Virginia, he is pointing out that the question involved here is not one of majority rule, because under compulsory unionism the minority are required to adhere to the views of the majority and are not permitted to urge their own views; is that not true?

Mr. ROBERTSON. That is absolutely true. They are captives of organizations.

Mr. ERVIN. Is not the conclusion compelled by the decision which the Seventh Circuit Court of Appeals handed down in the Allis-Chalmers case, September 13, 1965, where it was held that although a minority of the union members under a compulsory union agreement, might be opposed to a strike and might be in favor of continuing to work in order to support themselves and their families, that they can be punished by a fine by the union if they exercised the right of dissent from the majority?

Mr. ROBERTSON. That was the challenge in the Street case; and I am about to quote a long opinion in regard to that case. I predict that if we pass H.R. 77 and it comes before the court, the court will have to accept the dissenting views in that case. The decision was only 5 to 4.

Mr. ERVIN. I ask the Senator from Virginia to comment in regard to an opinion and a ruling of the National Labor Relations Board handed down on August 25, 1965, in the case of Richard C. Price, that a union may punish a union member for exercising his legal right to file a deauthorization petition under the provisions of the Taft-Hartley Act.

Mr. ROBERTSON. I have previously called attention to that, before the Senator came into the Chamber. The National Labor Relations Board is so prounion that it might as well be called an adjunct of the AFL-CIO. From my standpoint, that is how valuable it is. But, it did so rule, and very incorrectly, in my opinion.

Mr. ERVIN. Did not the National Labor Relations Board also rule, in the case of the Tawas Tube Products case of February 15, 1965, that a union member can be punished by the union if he files a decertification petition asking for an election by the National Labor Relations Board, even to ascertain whether the union represents a majority of the employees?

Mr. ROBERTSON. That is correct. My good friend the Senator from North Carolina is rendering a valuable service to the Senate in this respect by his questions. If we should pass H.R. 77 and if by some unexpected development the Supreme Court should not act as I feel sure it should, if it discharged its duties, to declare the law unconstitutional, all the situations that now exist in a State having compulsory unionism would be automatically put into effect in all the other 19 States. That is just how far it would go.

Mr. ERVIN. Did not the National Labor Relations Board hold, in the case of Local 283 of the United Automobile Workers of America, the decision in which was handed down on January 17, 1964, and which has heretofore been cited by the distinguished Senator from Ohio [Mr. LAUSCHE], that a union could set a production quota for those engaged in piecework in a factory, and that it could fine the workers and take away their money if they exceeded the union-set limit on the amount of work they could perform within the course of a day?

Mr. ROBERTSON. The National Labor Relations Board is supposed to hold the scales of justice evenly between labor and management. The unions can impose a stretch-down or a limitation upon production, and then fine anyone honest enough to put in a full day's work.

Mr. ERVIN. Is it not true, under the decisions which the Senator from Virginia and I have just discussed, that a minority in a factory covered by a compulsory unionism agreement cannot even exercise their own freedom of action in respect to carrying out their own thoughts but, on the contrary, are bound to subordinate their thoughts and their actions to the will of the majority?

Mr. ROBERTSON. That is absolutely true. They are absolute captives. They have lost their freedom of speech. They are bound by majority viewpoints. They have lost control over their property. This is a violation of the fifth amendment. They have also lost their right of due process under the 14th amendment.

Mr. ERVIN. Are not these decisions and the power which these decisions confer upon a union, acting under a compulsory unionism agreement, absolutely incompatible with the American tradition that a majority shall not have the power to deprive the minority of the freedom of action in violation of the majority rule?

Mr. ROBERTSON. Absolutely. It is contrary to our American concepts that the minority has rights and they shall not be taken away from them by a simple majority.

Mr. ERVIN. Does the Senator from Virginia know of any other rulings or any other laws that govern our way of life which assert that minorities have no rights which they can assert against the majority?

Mr. ROBERTSON. This is the only instance I can recall offhand. This is a blatant violation of our concept of the dignity of the individual and the inherent constitutional rights of American citizens.

Mr. ERVIN. Would it not be just as reasonable for Congress to enact a law saying that the Democratic Party is the majority party in this country and that the majority party has conferred great blessings on all the people of this country, Democrats and Republicans alike, and for this reason Republicans should not be allowed to earn their daily bread until they make contributions to the Democratic National Committee and other organizations which try to continue the Democratic Party in power?

Mr. ROBERTSON. The Congress could declare, "Whereas the Democratic Party is using unprecedented efforts; and, whereas, those efforts have resulted in creating a better society; and, whereas the Democratic Party is doing this for all its citizens; therefore, the Republican members must contribute to the Democratic Party or be fined for declining to recognize the benefits conferred on them by the Democratic Party."

Mr. ERVIN. There would be as much logic to that as there would be in compulsory unionism; would there not?

Mr. ROBERTSON. I cannot see any difference. Far be it from me to suggest that Congress enact such a law, and I am going to see to it that Congress does not enact any such law as is proposed, if I can help it.

Mr. ERVIN. Is it not true that we recognize that though the majority rule prevails in Congress, we still allow the Republicans to point out defects in our programs and allow them to do what they can to defeat our programs?

Mr. ROBERTSON. We still say to our Republican Members, "Under the first amendment, you still have freedom of speech, and we are not going to take it away from you. Under the fifth amendment, you still have rights over your property, and we are not going to take them away from you. Under the 14th amendment, you still have freedom. These things cannot be taken away from you except under due process of law. Therefore, we are not going to put you in jail if you say, 'We do not like this Great Society and we are not going to do anything to help you get it.' "

Mr. ERVIN. I thank the Senator from Virginia for his clear exposition of what in essence is involved in the attempt to repeal section 14(b) of the Taft-Hartley Act and the establishment of compulsory unionism throughout the country which such repeal would make possible.

Mr. ROBERTSON. I appreciate the contributions of the distinguished Senator from North Carolina, who has such a fine knowledge of our great traditions.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Virginia mentioned the Hanson case. Is that the case with the original title of Hanson against Union Pacific Railroad, decided by the Supreme Court of Nebraska?

Mr. ROBERTSON. That is correct. It is the case in which it was held that the right to work is embodied in the Constitution. This is an action by Congress saying that, notwithstanding any State law, all railway employees may belong to the railway unions. But the court in the Hanson case said it was a very narrow decision, and it was deciding this one point. In the first place, it said that transportation is involved under the interstate commerce clause, and Congress had a right to act. Second, it said it was permissive. It said, "We do not repeal any laws"; it merely said "We will preempt the field." In the third place, it said, "We will not go one little inch beyond this proposition—that a union can compel a man and a railroad to come in to bargain about working conditions, but nothing else." That was far different from what is being proposed in the Senate now; namely, "We will force you to come in. We will force you to join, whether interstate commerce is involved or not. The unions can then assess you for dues and take your money to use in political campaigns and everything else. You lose your freedom of speech."

Mr. LAUSCHE. The Hanson against Union Pacific case went to the Supreme Court.

Mr. ROBERTSON. It is the case relied upon in the report of the committee. It does support this proposition. It sustained the Railway Labor Act, but the court made it clear that it was on narrow ground. The case came from Nebraska.

Mr. LAUSCHE. Will the Senator let me read from the Nebraska case, if he has time?

Mr. ROBERTSON. I do not have enough time now, but the Senator can get unanimous consent to place it in the RECORD.

Mr. LAUSCHE. I will handle it later.

Mr. ROBERTSON. We must not forget that, while the Taft-Hartley law permits union security plans other than a closed shop, it does not compel employers to accept such contracts.

They must still be negotiated, unless forbidden by State law, in the collective bargaining process, and the basic reasoning behind State right-to-work laws is that the worker should not be under any more compulsion to join a union than the employer is to agree to a union or agency shop.

In Virginia the right-to-work law is not a one-sided statute. It protects a person's right to join a union just as much as it safeguards his or her right to refrain from joining. It simply states that the policy of Virginia shall be that the right to work shall not be denied or abridged by membership or nonmembership in a union. I understand that the laws of the other States are similar.

The Legislative Reference Service has prepared tables to show changes in union membership by States over a five-year period, from 1958 to 1962, but reached the conclusion that the figures did not prove much in relation to right-to-work laws. It said:

> We have not been able to isolate a trend in union membership in right-to-work States as opposed to States without such laws, said the LRS report. The supposed direct effects of right-to-work laws in causing members of unions to drop their membership does not appear. Neither do the effects of the supposed antiunion atmosphere of right-to-work States. The trends are mixed in both directions.

The Library of Congress study suggests that if the purpose of right-to-work laws is to afford an escape from involuntary union membership, one should expect to find a trend away from membership in right-to-work States.

However—

The report added—

> for the period 1958 to 1962 at least, the trend in membership in major union States without right-to-work laws is more unfavorable than in right-to-work States. The count by States is as follows:

Membership

	Up	*Down*	*Unchanged*
Right-to-work States	8	8	3
Non-right-to-work States	9	20	1
Total	17	28	4

> Union membership went up in 40 percent of the right-to-work States; it went up in non-right-to-work States in only 30 percent. Thus, if we accept this correlation as meaningful, it may be formulated: in right-to-work States union membership is less likely to be adversely affected than in States without such laws.
>
> This is contrary to popular belief about the effect of right-to-work laws. Both proponents and opponents consider that such laws slow union growth.
>
> Proponents, at least, believe such laws foster economic growth and some opponents believe they make the attraction of runaway shops easier. Thus, a somewhat more sophisticated analysis of the relatively adverse trend in union membership in States without such laws would be to consider that union shops left States without such laws in favor of open shop operations in States with such laws. Thus, the growth of union membership in the right-to-work States is the growth of voluntary unionism, and the decline in the States without such laws is the decline of involuntary unionism.

But, having advanced this thesis, the analyst for the Legislative Reference Service went on to report that the available data did not sustain this analysis either, because it showed that membership both rose and fell in both groups of States.

The report finally concludes that changes of union membership follow more closely the changes in industrial employment than any other factor.

At any rate, this survey lends no strength to the opposition argument that right-to-work laws have injured organized labor. The fact that these laws generally protect an individual's right to join or refrain from joining a union shows that their basic purpose is to insure freedom of choice.

The researchers in the Library also have tried to find out what effect right-to-work laws have had on economic growth and income in those States. Referring to Virginia, which passed its right-to-work law in 1947, the report said:

> Virginia has improved its share of the national income since 1948 from 1.72 to 1.94 percent in 1963. Like all of the States of the Southeast, it remains below the national level, but is gaining more rapidly than the Nation as a whole. However, this has been true since at least 1940, and the gain before 1948 is greater, at least in percentage terms, than that since 1948.
>
> Still, on a relative basis Virginia has done well since 1948. Total income rose 151 percent from 1948 to 1963, against 138 percent for the Southeast States as a whole, and against 122 percent nationally. Only Florida in this area did better. Virginia's per capita gain was not as impressive, but still was above the national average.

But, Mr. President, one does not have to look at any statistical tables to know that the overall strength and influence of organized labor has not been hurt by the Taft-Hartley law.

The 19 States which have exercised the option given them by section 14(b) to pass right-to-work laws are: Iowa, North Dakota, South Dakota, Nebraska, Kansas, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Texas, Wyoming, Arizona, Utah, and Nevada.

It will be seen that this list does not include such big industrial States as New York, Pennsylvania, Ohio, Illinois, Michigan, Wisconsin, and California.

Approximately 75 percent of the industrial employment of the Nation is in the 31 States which have elected not to pass right-to-work laws. The Library of Congress advises that 87 percent of the union membership is in those 31 States.

Why, then, should there be such a determined effort on the part of this majority of States to deprive the remaining 19 States of the right which Congress has given them to pass laws which give workers a freedom of choice to join or not join a union?

In deciding this question we in Congress must also bear in mind that the great majority of workers in this country are not in the unions.

Latest Government statistics show that in May of this year the total civilian work force numbered 75,741,000 and that the proportion in unions was 22 percent. Excluding farmworkers, the percentage belonging to unions was 30 percent.

Nationwide public opinion polls indicate that the people generally do not believe workers should be forced to join labor unions in order to hold their jobs.

As recently as June of this year the Gallup poll had its interviewers ask this question:

> Do you think a person should or should not be required to join a union if he works in a unionized factory or business?

The results showed 49 percent against compulsion to 43 percent for it, with 8 percent expressing no opinion. Even among union members interviewed, the Gallup poll found that 30 percent felt a person should not be required to join, while 66 percent favored compulsion and 4 percent had no opinion. Of the nonunion replies, 56 percent were against compulsion and 35 percent for requiring membership, with 9 percent voicing no opinion.

In July of 1964, the Harris Survey was trying to find out how many people agreed or diasgreed with Barry Goldwater on major issues. In that poll 64 percent of those questioned were reported as favoring Federal right-to-work laws, and 36 percent against.

The magazine Nation's Business for July reported that a new survey by Opinion Research Corp. revealed a record high of 70 percent of the adult population who have an opinion support the principle expressed in section 14(b). No subsequent poll has shown the majority of the Nation in favor of repeal.

What disturbs me most about the move to repeal section 14(b) is that it is just one more of the many steps this Congress has been taking in recent years to strip the States of their sovereignty and center all power in the Federal Government.

Although organized labor is centering all of its efforts now on securing repeal of section 14(b), I predict that once they win this fight they will be back, seeking other changes in existing laws. They do not want this bill amended because they do not want to risk losing it. But they have other cards to play one at a time.

In its August 9 issue, U.S. News & World Report says union officials were surprised by the size of their majority in the House on repeal of section 14(b), and have been encouraged to push for many other parts of their program in 1965 and the years ahead. The magazine continues as follows:

> High on the labor list—with enactment sought for this year—is legislation that would do these things:
>
> Give building-trades unions more leeway to picket subcontractors on a construction project. The courts have called such picketing a violation of secondary-boycott provisions of the labor laws.
>
> Force employers to pay double-time rates for work in excess of 48 hours a week, with the limit lowered to 45 hours in 3 years.
>
> Increase the present $1.25 minimum wage to $1.50 an hour, and expand coverage of the minimum wage law to millions of new workers.
>
> Raise pay of Federal employees.
>
> Compel the States to grant larger benefits for longer periods under the unemployment insurance program.
>
> Give enforcement powers to the Equal Employment Opportunity Commission in its drive to get more jobs for Negroes.
>
> Union leaders concede that some of those proposals probably will not be adopted this year, but they expect enactment in 1966. The unemployment insurance and the EEOC-enforcement measures are believed likely to go over to 1966.
>
> Aside from these proposals, labor officials have many other demands ready for congressional action. Among the demands are these:
>
> Reduction of the standard workweek from 40 hours to 35, with double time for overtime.
>
> Elimination of restrictions on picketing and secondary boycotts now contained in the Landrum-Griffin Act.
>
> Repeal of other curbs on unions found in the Taft-Hartley Act. The AFL-CIO no longer talks of outright repeal of the entire Taft-Hartley Act, but it would like to eliminate the tougher restrictions in the law.
>
> Appropriation of more billions to expand the public works program and create more jobs.

Mr. President, I express the earnest hope that those who claim they are now dedicated to the establishment of a Great Society will not make the tragic mistake of destroying a free society.

In their great wisdom our Founding Fathers, knowing that personal freedom had never been enjoyed under kings, potentates, or dictators, framed a new and unique form of government, which, incidentally, has never been duplicated and under which, in the brief span of two centuries, we have become the richest as well as the freest people in the world. The keystone of the arch of that Government was State sovereignty, under which all powers not delegated to the Federal Government, were reserved to the States or the people thereof.

Passage of a bill to repeal section 14(b) would be one more step to destroy our greatest bulwark against dictatorship; namely, the rights, powers, and prestige of sovereign States.

Mr. President, prior to the case of Railway Employees' Department, et cetera, against Hanson, and others, there was a long line of decisions which held that compulsory unionization violated the 1st, 5th, 9th, and 14th amendments of the Constitution.

And that case did not uphold the constitutionality of compulsory union membership as embodied in the full union shop. A helpful analysis of the Hanson case has been furnished to me by a Virginia lawyer well versed in all laws relating to the operation of railroads. He said:

> That case embodied challenge to section 2, 11th of Railway Labor Act which authorized modified and restricted union shop. Court upheld it on grounds that is required nothing more than payment of compensation to union for its services as collective bargaining agent saying, "We pass narrowly on section 2, 11th of the Railway Labor Act. We only hold that the requirement for financial support of the collective bargaining agency for all who receive benefits of its work is within power of Congress under the commerce clause and does not violate either the first or fifth amendments.
>
> "We express no opinion on the use of other conditions to secure or maintain membership in a labor organization under a union or closed shop agreement." The limited nature of this holding in Hanson was reiterated in *International Association of Machinists* v. *Street,* 367 U.S. 740. The so-called union shop under the National Labor Relations Act is substantially the same as the one under Railway Labor Act. Unions now seek to give greater effect to holding in Hanson case. They claim, for example, that under modified union shop worker has duty to go on strike when ordered and to refrain from crossing picket lines to return to work and may be fined for going back to work during strike. This contention recently upheld by Court of Appeals Seventh Circuit in Allis-Chalmers case where court upheld fines ranging from $20 to $100.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. I was under the impression that the Senator was talking about the Supreme Court. Is he talking about a decision of the court of appeals?

Mr. ROBERTSON. The Senator from Virginia was talking about the Supreme Court, and had then reached a case which had been decided by the court of appeals. Does the Senator from Louisiana have any objection to my mentioning it?

Mr. LONG of Louisiana. No; I have not. Has the Senator quoted from a court of appeals decision?

Mr. ROBERTSON. The Senator from Virginia has been speaking for almost 2 hours. The distinguished Senator from Louisiana came into the Chamber only a minute ago. Please do not ask me to repeat a 2-hour speech. Please read it in the RECORD.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. What confuses me is that I thought the Senator from Virginia had the law on his side. I thought that is why he did not want to try to change the law; the law is with the Senator.

Is the Senator from Virginia referring to a decision that was affirmed by the Supreme Court of the United States, or is he merely referring to a decision of the court of appeals which was not appealed and from which no writ of certiorari was requested?

Mr. ROBERTSON. The Senator from Louisiana came to the floor just as the Senator from Virginia made this statement: "The limited nature of this holding in Hanson." The Senator from Louisiana is relying on the Hanson case to repeal our law in Virginia. I am telling the Senator that he cannot rely on it. I am quoting from a Supreme Court decision in the Street case, which holds that the limited holding in that case is related to two things: The collection of dues is for two purposes, first, to bargain for wages; and second, to bargain for working conditions.

The Senator from Louisiana would force workers into unions for everything that is being done in the other States. He would impose a fine on workers for crossing picket lines. The Senator would allow a kangaroo court to deny workers their right of due process under the 14th amendment. The Senator from Louisiana would require workers to join unions where they could not cross a picket line in violation of the first amendment. The Senator would require them to join unions which would take his money and, if one were a Republican, to help elect a Democrat. All such activities would violate the worker's rights.

I mentioned the circuit court of appeals merely to show what would happen if the Supreme Court did not set such a decision aside in keeping with previous decisions. The Hanson case was limited to a specific situation in which, first, the question dealt with interstate commerce, since a railroad was involved; and, second, it dealt with bargaining for wages and working conditions. Third, the court said it was not repealing the interstate commerce laws; it was not forcing anyone to join a union; it was merely saying that the Federal Government is going to preempt the field.

But the Senator from Louisiana proposes to abolish the right-to-work laws of 19 States. The Senator wants to force everybody who works, whether in interstate or intrastate commerce, into a union.

As I said before the Senator came in, if one were a Catholic, his union dues could be used to contribute to a Protestant church. If he were a Republican, his dues could be used to contribute to the campaign of a Democrat. Or if he crossed a picket line, he could be held guilty. Some union official could say, "If you cross the picket line, you will be fined $100."

Mr. LONG of Louisiana. Mr. President, will the Senator further yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. I am trying to ascertain—and I ask the question—whether the Senator from Virginia is contending that an act to repeal section 14(b) would be unconstitutional, or would be unwise.

Mr. ROBERTSON. I contend both. It would be unconstitutional because it violates the 1st amendment, the 5th amendment, the 9th amendment, and the 14th amendment. It would be unwise because our great Nation has been built on the American system of private enterprise, within the framework of American constitutional liberty. Those principles will be wiped out if workers are turned over to the tender mercies of labor unions. On both scores, I say that section 14(b) should not be repealed.

Mr. LONG of Louisiana. I hope the Senator will permit me to say that I believe he is devoted, conscientious, and sincere about what he is saying. But I suggest to the Senator that this is a question that Congress can decide. It is not in the Constitution. It is a question that Congress can decide one way or the other. If Congress wants to take the action, it can do so.

Mr. ROBERTSON. I spoke about this with the distinguished junior Senator from Tennessee [Mr. BASS], whose State has a right-to-work law which the Senator from Tennessee wishes to have repealed.

I have not finished citing all the authorities. The Senator asked me to yield when I mentioned one court of appeals. When the Senator reads the authorities, he will be bound to admit, as a good lawyer, that Congress does not have the authority to do what the Senate proposes to do. Even if one has made a commitment to a labor leader, a pressure group, or anyone else, and in the end he finds, after careful study, that he is being called upon to violate his oath, he will say, "Please excuse me." Is not that correct?

Mr. LONG of Louisiana. No Senator should violate his oath.

Mr. ROBERTSON. The Senator is correct.

Mr. LONG of Louisiana. The Senator from Virginia seems to be sincere in what he is saying. If he really feels as he speaks, he ought to vote against the repeal of section 14(b).

While I do not necessarily agree with the Senator, I must admit that he makes a strong argument. Unless he can be persuaded to the contrary, he should prevail with his position. He should stay with it and fight for it. The Senator has made a strong fight and a fine argument.

Mr. ROBERTSON. Mr. President, I do not follow the position of the Senator from Louisiana. I am fighting as hard as I can against the repeal of section 14(b). What does the Senator want me to do?

Mr. LONG of Louisiana. Mr. President, the Senator makes a great argument. While I do not necessarily agree with it, I think that he is making a very courageous fight for his position.

Mr. ROBERTSON. Mr. President, I thank the Senator.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I shall yield for a brief question. I must hurry through because my time is about exhausted.

Mr. LAUSCHE. Mr. President, the Senator mentioned the 1st, 5th, 9th, and 14th amendments.

For the purpose of the RECORD, the first amendment reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Mr. ROBERTSON. Mr. President, that is the right of association, to select peacefully the group with which that one wishes to go.

Mr. LAUSCHE. That means that, if one has the right to choose the group that he will associate with, he also has the right to choose the group that he will not associate with.

Mr. ROBERTSON. That is correct. One cannot choose those with whom he wishes to go if he does not have the right to choose those with whom he does not want to be thrown into the lion's den.

Mr. LAUSCHE. Mr. President, as to the fifth amendment, I assume that the Senator from Virginia relies upon the provision that—

> No person shall be deprived of life, liberty, or property without due process of law.

Mr. ROBERTSON. Mr. President, if I had a few dollars in my pocket and I were forced to join the union and the union were to take my money and do something with it that I did not want it to do, that would be a violation of my rights under the fifth amendment.

Mr. LAUSCHE. What about denying a person the right to work unless he is a member of a labor union or denying a person of the right to work when the union refuses to accept him as a member?

Mr. ROBERTSON. I say that principle is undemocratic, unconstitutional, and bad.

I have very little time left.

Mr. LAUSCHE. Mr. President, the 14th amendment also deals with property rights. Is it on that same principle that the Senator contends that the 14th amendment is violated?

Mr. ROBERTSON. My distinguished friend has been in Congress for a long time. The Supreme Court interprets due process under the 14th amendment with regard to any State law as a denial of the right of due process. I am relying on that broad interpretation of the due process of the law.

If I were to be tried by a kangaroo court and fined $100 for crossing a picket line, I would be fined without due process of law, and the 14th amendment would have been violated.

Mr. LAUSCHE. Mr. President, I substantially concur in what the Senator has said. In my judgment, there is no greater right in life than the right to procure the means of sustaining life. When we take that right away from a person, we have taken from him the very basis of living.

Mr. ROBERTSON. The Senator is correct. As one philosopher said, "If you pull the support from under my house, you have destroyed my house. If you deny to me the right to earn a living, you have killed me." It boils down to that, in my opinion.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ROBERTSON. I shall yield for a brief question without losing the floor.

Mr. LONG of Louisiana. Mr. President, the Senator is making a magnificent argument. Why do we not let the bill come up and come to a vote on it, and get out of here?

Mr. ROBERTSON. The bill is not up. I am trying to keep the bill from coming up right now. The bill is not yet before the Senate.

Mr. LONG of Louisiana. Mr. President, why do we not bring the bill up so that the Senator can make his magnificent speech against the bill? The bill is not here. All we are doing is talking about whether we should consider the bill. Why does the Senator not permit us to bring the bill up so that we can proceed to consider the bill?

Mr. ROBERTSON. The Senator is like one of the country lawyers who has been possum hunting. He has a possum treed and is trying to shake the possum out of the tree. Every time he gets the possum loose, the possum wraps his tail around another limb.

I believe it is best to keep the bill from being brought up, and then after the bill is finally brought up, we should kill it.

Right-to-work laws ban both the closed shop and union shop and every other form of compulsory union membership. National Labor Relations Act and Railway Labor Act in theory outlaw both closed shop and full form of union shop. Actually such provisions have been extensively flouted by unions so that full union shop or its practical equivalent usually flourishes everywhere except in jurisdictions where right-to-work laws are enforced and even closed shop is prevalent to an extensive degree in many areas such as printing and entertainment industry. NLRB has been unable or unwilling to enforce law against full union shop and has made only feeble efforts to enforce ban on closed shop. Result has been that millions of workers have been herded into unions and induced to assume full obligations of membership under mistaken impression that this is required by law.

Full union shop under National Labor Relations Act requires worker as condition of employment to become member of the union on or after the 30th day following hiring or effective date of union shop agreement to subscribe to constitution bylaws and regulations of union and to assume full obligations of membership. This union shop is permitted only in modified form by National Labor Relations Act principally by second provision, section 8(A)(3) which provides that no employer shall discriminate against an employee for nonmembership in a union: First, if he has reasonable grounds for believing that such membership was not available to the employees on the same terms and conditions generally applicable to other members; or, second, if he has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues in the initiation fees uniformly required as a condition of acquiring or retaining membership. These conditions are substantially the same as those in section 2, 11th of Railway Labor Act, which were held in Hanson against Union Pacific to require nothing more than payment of compensation to the union for its services as collective bargaining agent and not to require fulfillment of other duties ordinarily attaching to union membership. In *International Association of Machinists* v. *Street*, 367 U.S. 740, Supreme Court reiterated this interpretation of Hanson, saying:

> Thus all that was held in Hanson was that section 2, 11th was constitutional in its bare authorization of union shop contracts requiring workers to give financial support to unions legally authorized to act as their collective bargaining agents. We sustained this requirement—and only this requirement—embodied in the statutory authorization of agreements under which all employees shall become members of the labor organization representing their craft or class. We clearly passed neither upon forced association in any other aspect nor upon the issue of the use of exacted money for political causes which were opposed by the employees.

Before the distinguished Senator from Louisiana entered the Chamber, it was developed that those who supported the repeal of section 14(b) in the House hearings definitely said, "We want to force them into the union and the union shall have complete control of all their funds. The union can assess them for anything that it pleases, and do anything it pleases with the money." The Court said that it did not authorize that.

Mr. LONG of Louisiana. Will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Mr. President, is it not correct that, in view of the Supreme Court decision, the repeal of section 14(b) becomes necessary, because otherwise it would not be necessary?

Mr. ROBERTSON. The Senator is quite mistaken. In the right-to-work States we do not have the same complaint. We are not responsible for what happens in States which have the union shop. In such States, the unions require the workers to do all sorts of things. That is up to those States, if the States are satisfied and the legislatures do not want to act in this respect. Our legislature did act. We do not force the people to join unions. If people want to join a union voluntarily, we will protect them. If people do not want to join voluntarily, we will also protect them. That is the essence of what I say now.

There are 19 States with right-to-work laws. We are being asked to repeal the laws in those 19 States. It is undesirable ethically, economically, and morally. It is unconstitutional. I am opposed to the repeal of section 14(b) on all grounds.

In Street, the Court held that—

> Section 2, 11th is to be construed to deny the unions over an employee's objection the power to use his exacted funds to support political causes which he opposes.
>
> State right-to-work laws should be retained because of failure of Federal Government to enforce fairly and impartially laws against compulsory union membership. They should be retained because they protect constitutional guarantee of right to work and freedom of association.

In 1954, the Supreme Court of the United States in the consolidated school cases, held, in effect, that it had both the power and the duty to amend the Constitution by consruction to promote what it deemed to be a desirable social program. That precedent was followed 2 years later in the Hanson case when the Court upheld a Federal law authorizing the union shop for railroad workers in all States in the Union regardless of State right-to-work laws.

However, that decision, as I have indicated, was a narrow one and was based primarily upon three considerations: First, railroads are engaged in interstate commerce and the Congress has express constitutional power to legislate on that subject; second, there was nothing in the pending case to indicate that the man forced into a railway union against his will should be assessed with dues or any other type of payment that went beyond the authorized function of a labor union to bargain collectively on the subject of wages and working conditions; and third, action under the Federal law was permissive and merely preempted the field on the right-to-work subject.

The pending bill, of course, goes much further, in that it applies to all employment regardless of interstate commerce, and it involves the power of the union to impose any assessments it pleases, plus penalties in the nature of a fine for alleged misconduct of a union member. It also would compel membership in a union which could vote to authorize a strike that was completely outside the fundamental and authorized negotiations on wages and working conditions. Last, but not least, it expressly repeals the right-to-work laws of 19 sovereign States, and thus forces compulsory union membership on all workers.

Mr. President, in order that the Members of the Senate may know what the law was prior to the Hanson decision, and what it should be if we ever have a Supreme Court that will feel obligated to construe the language of the Constitution in the sense intended by its framers, I ask unanimous consent to have printed in the RECORD at this point a brief on this subject prepared by a friend or mine, who is an able constitutional lawyer.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

CONSTITUTION PROTECTS RIGHT TO WORK

The opportunity to seek, secure, and retain employment, free from compulsory union membership as an arbitrary condition of continued employment, is a fundamental individual right protected against State and Federal action by the Constitution of the United States.

THE RIGHT TO WORK IS PROTECTED BY THE NINTH AMENDMENT

The ninth amendment reads that the "enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The Declaration of Independence proclaimed to the world the "self-evident" truths "that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

The Declaration of Independence, it should be noted, was careful to state that liberties and human rights were not man made. Their source was not governmental; rather they were endowed by the "Creator" of all men. John Adams, our second President, assured the people that "You have rights antecedent to all earthly governments; rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe." This basic concept of individual sovereignty and liberty was absolute in the theory of American Government from the very beginning and was not granted by the Constitution.

The ninth amendment is a basic statement of the inherent rights of the individual. (See Patterson, "The Forgotten Ninth Amendment," Bobbs-Merrill, 1955.) On its face it declares there are unenumerated rights that are retained by the people, as a group and individually. Individual freedom is the basis of our democracy and is the virtue which marks ours over other forms of Government. Liberty, or freedom, is the equivalent of the right to live, worship, work, and pursue happiness as an individual. Liberty and freedom includes the right of opportunity to seek, secure, and retain employment free of any form of compulsion to join or pay tribute to any private organization. This is one of the inalienable rights with which individuals "are endowed by their Creator." As such it is preserved by the ninth amendment and protected by it, at least against any denial or disparagement by a State or Congress.

In discussing the Bill of Rights before the First Congress, James Madison, the father of the Bill of Rights and author of the ninth amendment, warned the people: "The prescriptions in favor of liberty ought to be leveled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power. But this is not found in either the executive or legislative department of the Government, but in the body of the people, operating by the majority against the minority. But I confess that I do conceive that in a government modified like this of the United States, the great danger lies rather in the abuse of the community, than in the legislative body." (Gales and Seaton's "Annals of Congress.")

Fears of excesses in government led to the Bill of Rights. Fears of excesses by a majority of the community led to the ninth amendment. The highest duty the Supreme Court can perform is the protection of individual liberty and freedom. Conscience compels it and the ninth amendment demands it. As stated by Mr. Justice Douglas, dissenting in *Barsky* v. *Board of Regents*, 347 U.S. 442, 472 (1954): "The right to work, I had assumed was the most precious liberty that man possesses. Man has indeed as much right to work as he has to live, to be free, to own property. The American ideal was stated by Emerson in his essay on 'Politics': 'A man has a right to be employed, to be trusted, to be loved, to be revered.' It does many men little good to stay alive and free and propertied, if they cannot work. To work means to eat. It also means to live. For many it would be better to work in jail, than to sit idle on the curb. The great values of freedom are in the opportunities afforded man to press to new horizons, to pit his strength against the forces of nature, to match skills with his fellow man." It is difficult, if not impossible, better to state the principle which should control this issue.

THE FREEDOM OF ASSOCIATION IS PROTECTED BY THE FIRST AMENDMENT

Freedom of association is a composite of rights under the first amendment, particularly freedom of speech and of assembly. This right springs from the liberty of the individual to live his life as he sees fit, to choose where he will seek to work, and freely to choose what, if any, private organizations he will seek to join or refrain from joining.

Freedom of association is a fundamental right and was recognized as such by the Supreme Court in *NLRB* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 33 (1937). There the Court pointed out that the purpose of that statute was to "safeguard the right of employees to self-organization * * *." It then added: "That is a fundamental right. Employees have as clear a right to organize and select their representatives for lawful purposes as the respondent has to organize its business and select its own officers and agents."

In *Thomas* v. *Collins*, 323 U.S. 516 (1945), the Supreme Court considered a Texas statute requiring union organizers to register and obtain a card before soliciting members. The Court ruled that the Texas statute violated the 14th amendment's protections of freedom of speech and assembly. Said the Court: "As a matter of principle a requirement of registration in order to make a public speech would seem generally incompatible with an exercise of the rights of free speech and assembly. * * * And the right either of workmen or unions under these conditions to assemble and discuss their own affairs is as fully protected by the Constitution as the right of businessmen, farmers, educators, political party members or others to assemble and discuss their affairs and to enlist the support of others," 323 U.S. at 539. Finally, the Court stated: "There is some modicum of freedom of thought, speech and assembly which all citizens of the Republic may exercise throughout its length and breadth, which no State, nor all together, nor the Nation itself, can prohibit, restrain or impede," 323 U.S. at 543.

The right to join a labor organization is not in question here. The right to join has been established. What is in question here is the right not to join—the right not to be compelled to become a member of a labor organization as a condition of continued employment.

The right not to join is a necessary corollary of the "fundamental right" to join, for without the right to refrain from joining, there can be no true right to join. If this corollary right does not exist, then employees have no freedom of association. All that remains to them is the freedom to be coerced by the majority, whether of a labor organization or the community in which they live. Freedom not to associate is as much a part of freedom of assembly and association as the freedom to remain silent is a part of the freedom of speech, a right which becomes wholly inviolable when it is sought to compel one to utter that which he does not believe. This constitutional proposition is made clear in *West Virginia Board of Education* v. *Barnett*, 319 U.S. 624 (1943).

In that case the Supreme Court struck down as a violation of the first amendment the State board of education's requirement that school pupils salute the flag and recite the pledge of allegiance. The Court said there: "* * * To sustain the compulsory flag salute we are required to say that a Bill of Rights which guards the individual's right to speak his own mind, left it open to public authorities to compel him to utter what is not in his mind" (p. 634). Thus the Supreme Court found the idea of forcing the individual to speak contrary to his convictions to be a contravention of the first amendment. The analogy to the present question is apparent—to force an individual to become a member of a private organization against his will is to violate his first amendment freedom of assembly and association.

THE RIGHT TO WORK IS PROTECTED BY THE FIRST AMENDMENT

The Supreme Court has consistently recognized that the right to work for a living is a fundamental right possessed by all people. Most of the decisions have dealth with issues raised under the 14th amendment. The principles expressed are equally applicable to the 5th amendment, however, *Coolidge* v. *Long*, 282 U.S. 582 (1931); *Twining* v. *New Jersey*, 211 U.S. 78 (1908).

In *Truax* v. *Raich*, 239 U.S. 33, 41 (1915), Mr. Justice Hughes, speaking for the Court, put the basic proposition very simply when he said: "* * * It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity it was the purpose of the amendment to secure. * * *" In that case the Court held void an Arizona statute requiring employers of 5 or more persons to employ 80 percent U.S. citizens on the ground that such a law violated the 14th amendment.

In *Smith* v. *Texas*, 233 U.S. 630, 636 (1914), a Texas statute made it a misdemeanor for any person to act as a conductor on a railway train in that State without first having served for 2 years as a freight conductor or brakeman. The Court held this to be an infringement of the liberty of contract contrary to the 14th amendment. The Court said, in part: "Life, liberty, property, and the equal protection of the law, grouped together in the Constitution, are so related that the deprivation of any one of those separate and independent rights may lessen or extinguish the value of the other three. Insofar as a man is deprived of the right to labor, his liberty is restricted, his capacity to earn wages and acquire property is lessened, and he is denied the protection which the law affords those who are permitted to work. Liberty means more than freedom from servitude, and the constitutional guarantee is an assurance that the citizen shall be protected in the right to use his powers of mind and body in any lawful calling."

Meyer v. *Nebraska*, 262 U.S. 390, 399 (1923), involved a conviction under a Nebraska statute which made it a crime to teach a foreign language to a child who had not completed the eighth grade. Holding the statute abridged the 14th amendment, the Court said: "While this Court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by freemen."

Finally, in *Adams* v. *Tanner*, 244 U.S. 590, 593 (1917), the Supreme Court quoted Shylock in the "Merchant of Venice:" "You take my house when you do take the prop that doth sustain my house; You take my life when you do take the means whereby I live."

The worker, impaled on the horns of the dilemma whether to abide by his principles and forfeit his employment under a union shop contract or abandon his principles and submit to the unwanted obligations of union membership, might well exclaim, "You take my life when you do take the means whereby I live." I submit that the Constitution of the United States protects him in his right to work and that he need not submerge his principles, ideals, liberties, and freedoms to avoid economic suicide. The Nebraska Supreme Court summarized correctly and succinctly the principles established by the United States Supreme Court when it held in the *Hanson* case, 160 Neb. 669, 71 NW 2d 526: "We also think the right to work is one of the most precious liberties that man possesses. Man has as much right to work as he has to live, to be free, to own property, or to join a church of his own choice, for without freedom to work the others would soon disappear. It is a fundamental human right which the due process clause of the fifth amendment protects from improper infringement by the Federal Government. To work for a living in the occupations available in a community is the very essence of personal freedom and opportunity that it was one of the purposes of these amendments to make secure. Liberty means more than freedom from servitude. The constitutional guarantees are our assurance that the citizen will be protected in the right to use his powers of mind and body in any lawful calling."

The right to work is a liberty protected by the 1st, 5th, 9th, and 14th amendments of the Constitution. As such it can only be restricted to prevent grave and immediate danger to interests which Government is obligated to protect. *West Virginia State Board of Education* v. *Barnett*, *supra*; *Thomas* v. *Collins*, *supra*. Such circumstances are not present in regard to compulsory unionism.

That valuable personal and property rights are involved in compulsory union membership contracts and are protected by right-to-work laws is a matter of common knowledge and might well be judicially noticed. As stated by Judge Carter, concurring in the Nebraska Supreme Court's decision in the *Hanson* case, supra: "If an employee is compelled to join a union against his will in order to continue in his employment, he not only pays his share of the cost of the union's bargaining processes, but he is compelled to support many other principles, policies, programs, and activities to which he may not subscribe. Some unions support a form of life insurance which pays death benefits; some support a welfare fund for the benefit of needy members. Some unions maintain a strike fund to protect employees when on strike; some establish funds to be used in the furtherance of economic and political principles in which the employee may have no confidence. In some instances compulsory union membership would compel support, financial and otherwise, of policies which an employee might deem objectionable from the standpoint of free government and the liberties of the individual under it. An employee may neither desire the benefits of such programs nor desire to contribute to their support. He may object to certain programs and activities of the union for reasons of his own and, consequently, not desire to contribute to their promulgation. To compel an employee to make involuntary contributions from his compensation for such purposes is a taking of his property without due process of law. * * * To compel him to contribute to the support of economic or political programs adopted by a union, which may be abhorrent to him, is as constitutionally wrong as if similar programs were compelled by the employer. The fifth amendment protects against the forced appropriation of one's property for the support of ideals which he may desire to oppose. The right to work and to be compensated therefor is a fundamental principle in our democratic thinking. To force contributions against one's will in the manner here employed is a violation of his fundamental rights and privileges. * * * An employee not only has a right to work, but he has the guaranteed right to have his earnings protected against confiscation against his will. Forcing an employee to join a union and to compel him to financially support principles, projects, policies, or programs in which he does not believe and does not want, is clearly a taking of his property without due process."

In relation further to the issue of compulsory unionism under union-shop agreements, I call attention to the case of the *International Association of Machinists* v. *Street, et al.*, 367 U.S. 740, 6 L. Ed., 2d 1141 (1961). This case involved the issue in which labor unions, which had negotiated union-shop agreements pursuant to the union-shop authorization, stated in section 2, 11th of the Railway Labor Act (45 U.S.C. sec. 152, 11th), expended, over the objection of certain employees, union funds in support of political causes to which these employees were opposed. Suit was brought in the Superior Court of Bibb County, Ga., to enjoin enforcement of the union-shop agreement on constitutional grounds, and that court granted the injunction, viewing section 2, 11th, of the Railway Labor Act, as unconstitutional to the extent that it permitted such union use of funds exacted from employees. The Supreme Court of Georgia affirmed the judgment of the lower court. On appeal, the U.S. Supreme Court reversed the judgment in a 5-to-4 decision.

Mr. Justice Black, in a vigorous dissent, placed his appraisal of the unconstitutionality of compulsory unionism in a highly logical opinion, which is most illuminating to the subject matter that we are at hand debating today. I would like to quote certain excerpts from Justice Black's dissent. "The first amendment provides: 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.'

"Probably no one would suggest that Congress could, without violating this amendment, pass a law taxing workers, or any persons for that matter (even lawyers), to create a fund to be used in helping certain political parties or groups favored by the Government to elect their candidates or promote their controversial causes. Compelling a man by law to pay his money to elect candidates or advocate laws or doctrines he is against differs only in degree, if at all, from compelling him by law to speak for a candidate, a party, or a cause he is against. The very reason for the first amendment is to make the people of this country free to think, speak, write and worship as they wish, not as the Government commands.

"There is, of course, no constitutional reason why a union or other private group may not spend its funds for political or ideological causes if its members voluntarily join it and can voluntarily get out of it. Labor unions made up of voluntary members free to get in or out of the unions when they please have played important and useful roles in politics and economic affairs. How to spend its money is a question for each voluntary group to decide for itself in the absence of some valid law forbidding activities for which the money is spent. But a different situation arises when a Federal law steps in and authorizes such a group to carry on activities at the expense of persons who do not choose to be members of the group as well as those who do. Such a law, even though validly passed by Congress, cannot be used in a way that abridges the specifically defined freedoms of the first amendment. And whether there is such abridgment depends not only on how the law is written but also on how it works.

"There can be no doubt that the Federally sanctioned union-shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds so received in efforts to thwart the political, economic and ideological hopes of those whose money has been forced from them under authority of law. This injects Federal compulsion into the political and ideological processes, a result which I have supposed everyone would agree the first amendment was particularly intended to prevent. And it makes no difference if, as is urged, political and legislative activities are helpful adjuncts of collective bargaining. Doubtless employers could make the same arguments in favor of compulsory contributions to an association of employers for use in political and economic programs calculated to help collective bargaining on their side. But the argument is equally unappealing whoever makes it. The stark fact is that this act of Congress is being used as a means to exact money from these employees to help get votes to win elections for parties and candidates and to support doctrines they are against. If this is constitutional the first amendment is not the charter of political and religious liberty its sponsors believed it to be. James Madison, who wrote the amendment, said in arguing for religious liberty that 'the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever.' And Thomas Jefferson said that 'to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical.' These views of Madison and Jefferson authentically represent the philosophy embodied in the safeguards of the first amendment. That amendment leaves the Federal Government no power whatever to compel one man to expend his energy, his time or his money to advance the fortunes of candidates he would like to see defeated or to urge ideologies and causes he believes would be hurtful to the country.

"The Court holds that section 2, 11th, denies 'unions, over an employee's objection, the power to use his exacted funds to support political causes which he opposes.' While I do not so construe section 2, 11th, I want to make clear that I believe the first amendment bars use of dues extorted from an employee by law for the promotion of causes, doctrines and laws that generally favor to help the unions, as well as any other political purposes. I think workers have as much right to their own views about matters affecting unions as they have to views about other matters in the fields of politics and economics. Indeed, some of their most strongly held views are apt to be precisely on the subject of unions, just as questions of law reform, court procedure, selection of judges and other aspects of the 'administration of justice' give rise to some of the deepest and most irreconcilable differences among lawyers. In my view, section 2, 11th, can constitutionally authorize no more than to make a worker pay dues to a union for the sole purpose of defraying the cost of acting as his bargaining agent. Our Government has no more power to compel individuals to support union programs or union publications than it has to compel the support of political programs, employer programs or church programs. And the first amendment, fairly construed, deprives the Government of all power to make any person pay out one single penny against his will to be used in any way to advocate doctrines or views he is against, whether economic, scientific, political, religious, or any other.

"I would therefore hold that section 2, 11th, of the Railway Labor Act, in authorizing application of the union-shop contract to the named protesting employees who are appellees here, violates the freedom of speech guarantee of the first amendment.

"I cannot agree to treat so lightly the value of a man's constitutional right to be wholly free from any sort of governmental compulsion in the expression of opinions. It should not be forgotten that many men have left their native lands, languished in prison, and even lost their lives, rather than give support to ideas they were conscientiously against.

"Unions composed of a voluntary membership, like all other voluntary groups, should be free in this country to fight in the public forum to advance their own causes, to promote their choice of candidates and parties and to work for the doctrines or the laws they favor. But to the extent that Government steps in to force people to help espouse the particular causes of a group, that group—whether composed of railroad workers or lawyers—loses its status as a voluntary group. The reason our Constitution endowed individuals with freedom to think and speak and advocate was to free people from the blighting effect of either a partial or a complete governmental monopoly of ideas. Labor unions have been peculiar beneficiaries of that salutary constitutional principle, and lawyers, I think, are charged with a peculiar responsibility to preserve and protect this principle of constitutional freedom, even for themselves. A violation of it, however small, is, in my judgment, prohibited by the first amendment and should be stopped dead in its tracks on its first appearance."

I predict that the foregoing dissenting opinion of Mr. Justice Black in the International Association of Machinists case will eventually become a majority opinion of a future Court.

In the first place, the Georgia Supreme Court decision was overruled in a 5-to-4 decision and since then, two able and independent lawyers have been added to the Court. In the second place, the dissenting views of Mr. Justice Black reflect the political philosophy of our American system of private enterprise within the framework of American constitutional liberty and are in full accord with a long line of both State and Federal decisions prior to the U.S. Supreme Court decision in the Hanson case.

The views of Mr. Justice Black, in which three of his colleagues concurred, would undoubtedly become the views of the U.S. Supreme Court if called upon to pass on the constitutionality of so broad a union shop bill as the pending bill to repeal all right-to-work laws of sovereign States.

Mr. ROBERTSON. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Will the Senator withhold his request for a moment?

Mr. ROBERTSON. I withhold my request.

Mr. STENNIS. I congratulate the Senator from Virginia on his very fine speech. I was privileged to listen to a part of it. As always, he has made a very profound argument, both from a legal and a practical point of view. No one is more capable of speaking on the subject, and no Senator is more earnest and sincere. I commend him highly for his fair presentation, which will be helpful to all.

Mr. ROBERTSON. Mr. President, I thank the Senator from Mississippi. In my view, this is a fundamental issue, involving an inherent right of the people of my State, and I have endeavored to present it as such.

LOUIS SHERMAN, LABOR LAW EXPERT, DISCUSSES "THE CRUCIAL ISSUE IN THE 14(b) CONTROVERSY" AT WEST VIRGINIA BUILDING TRADES CONVENTION

Mr. RANDOLPH. Mr. President, the crucial issue—the central legal issue stripped of all exaggerations—in the controversy over whether to repeal or not to repeal section 14(b) of the Taft-Hartley law, has been well delineated at the biennial convention on September 30, 1965, of the West Virginia Building and Construction Trades Council in Princeton, W. Va.

I commend for careful study the address by labor law counselor Louis Sherman. He is general counsel for the International Brotherhood of Electrical Workers, AFL–CIO, and for the Building and Construction Trades Department, AFL–CIO.

So that the text of Mr. Sherman's speech may be available for reading, I ask, Mr. President, unanimous consent to have it printed in the RECORD. I commend for special attention the sentence wherein Mr. Sherman explained:

> If 14(b) is repealed, its only effect will be the extension of the existing Federal union security rule, as written by Senator Taft and Congressman Hartley, to all the States of this Nation on a uniform basis, and no State will have the right to depart from the Federal rule insofar as interstate commerce is concerned.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CRUCIAL ISSUE IN THE 14(b) CONTROVERSY

(An address to the biennial convention West Virginia Building and Construction Trades Council, by Louis Sherman, general counsel, International Brotherhood of Electrical Workers, AFL–CIO; general counsel, Building and Construction Trades Department, AFL–CIO; at Memorial Hall, Princeton, W. Va., September 30, 1965)

At the commencement of every debate or controversy, many different aspects of the matter are discussed. But as the debate continues, the irrelevancies and items of minor importance are put aside. Usually, the decision turns on the merits of one issue which may be described as the final, decisive, or conclusive question.

I think there is such a crucial issue in the 14(b) debate, and I should like to try to define it.

It is my view that, notwithstanding the many years of consideration of the question of repeal of section 14(b) of the Taft-Hartley Act, there is a certain amount of confusion over the real question raised by the proposal for repeal. You will hear the opponents of the repeal saying very strongly that they don't think it's right for a man to be forced to join a union. That is their principal argument. Now, the labor side may rejoin, in terms of the traditions of the past and its realistic understanding of the relationship between management and labor that it respectfully disagrees. Much of the discussion goes forward on that basis. But the question before the country is whether 14(b) should be repealed, and that requires an accurate understanding of the actual effect, the legal effect, of the repealer.

In reaching this understanding it must be realized, notwithstanding the nature of the debate that has taken place, the cold fact is that, if 14(b) is repealed, there will then go into effect in the right-to-work States the uniform Federal rule that was written by the late Senator Robert A. Taft and Congressman Fred Hartley. Under that rule the individual employee is required, if there is a valid union security agreement, only to tender dues and initiation fees. He is not (although perhaps he should be) required to join the union. And the real issue is whether an employee who gets all the benefits of representation by the union should be permitted to enjoy these benefits without being required to pay the standard charge therefor.

I would like to make it clear that, notwithstanding what the labor movement may like in terms of what the Federal rule should be, the only issue presented by the repeal of 14(b) is whether the present Federal rule on union security, as now written in the Taft-Hartley Act, should be made uniform. The question of what the present Federal rule means has been determined by the courts, and the determination of that question has been on the books since 1951. I refer to the case of *Union Starch and Refining Co.* (186 F. 2d 1008; cert. den. 342 U.S. 815) decided by the United States Court of Appeals for the seventh circuit, certiorari denied by the Supreme Court of the United States. The Court held that, under the present Federal law, an individual employee can refuse to apply for membership to the union, can refuse to attend meetings, can refuse to sign an oath of obligation, and, in fact, can refuse to accept any incident of membership other than tendering payment of money. The Court held that the National Labor Relations Board's interpretation, which was along these lines, "was in harmony with the purpose of Congress to prevent utilization of union security agreements except to compel payments of dues and initiation fees."

In the case of *NLRB* v. *General Motors* (1963) (373 U.S. 734), the Supreme Court of the United States said: "If an employee in a union shop unit refuses to respect any union-imposed obligations other than the duty to pay dues and fees, and membership in the union is, therefore, denied or terminated, the condition of membership for section 8(a)(3) purposes is nevertheless satisfied and the employee may not be discharged for nonmembership even though he is not a formal member." And in *Radio Officers Union* v. *Labor Board* (1954) (347 U.S. 17), the Supreme Court again made it clear that this was precisely the intent of Congress. The Court there said: "This legislative history clearly indicates that Congress intended to prevent utilization of union security agreements for any purpose other than to compel payment of union dues and fees. Thus Congress recognized the validity of unions' concern about free riders, i.e., employees who receive the benefits of union representation but are unwilling to contribute their fair share of financial support to such union, and gave the unions power to contract to meet that problem while withholding from unions the power to cause the discharge of employees for any other reason."

Let us contrast this Taft-Hartley union security provision with what we knew, first, as the closed shop and, second, as the union shop. Many people use those words and don't exactly know what they mean. So let's just define, simply, each type of these two agreements. I am talking about the old days before Taft-Hartley when these agreements were thoroughly legal. A closed shop meant that before a man could be hired he had to be a member of the union in good standing. It also meant that if he were to retain his employment he had to continue to be a member in good standing.

The traditional union shop, before Taft-Hartley, meant that the employer had the option of hiring an employee even though not a member of the union. Such employee was required to become a member of the union after his employment and then had to retain his membership in good standing to retain his job. We will assume that there was a strike, and this particular individual did not recognize his obligation to his fellow members and did not discharge his obligations as a member of the union. The union had the right, after appropriate disciplinary proceedings, to remove him from membership. Under the traditional union shop, he was thereby removed from his job. The same result obtained in the case of the closed shop.

Taft-Hartley came along, and let's remember the law was written by Senator Taft and Congressman Hartley; it was not written by labor leaders. The draftsmen of the Taft-Hartley Act wanted to cut down the scope of union security in all States whether they had right-to-work laws or not. They wrote section 8(a)(3) and section 8(b)(2) in such a way that from then on the only obligation a man had under the so-called Taft-Hartley union shop, the closed shop having been prohibited, was to tender his dues and initiation fees. Now, you and I could enter into a long, philosophical discussion on whether the old rules were right or whether Mr. Taft and Mr. Hartley's rule was right. But that is not the issue presented by the proposed repeal of 14(b). If 14(b) is repealed, its only effect will be the extension of the existing Federal union security rule, as written by Senator Taft and Congressman Hartley, to all the States of this Nation on a uniform basis and no State will have the right to depart from the Federal rule insofar as interstate commerce is concerned.

Now, I think you can see that when you analyze this issue it is quite different from the issue which the opponents of the repeal of 14(b) are seeking to place in public debate. We do not have to argue the issue or question of "compulsory unionism"—which is irrelevant. We have to argue the issue or a question which is actually raised by the repeal of 14(b). And that is the "free rider" question which is, in my judgment, the crucial issue involved in the proposal to repeal 14(b).

The opponents of repeal say, if the man doesn't want the service, why should he pay? Well, the answer is to be found in the actual structure of unionism and the actual structure of the law with respect thereto. A union which has a majority of the employees in the unit does not represent only its own members. It becomes the representative of each and every employee in the unit whether a member or not. The simplest illustration of this can be stated as follows: If the union bargains for a 25-cent-an-hour wage increase and finally succeeds in securing a 10-cent-an-hour increase, it cannot arrange with the employer that the 10-cent increase should only go to those who pay dues to the union. The 10-cent raise goes into effect for all employees in the unit. Furthermore, the nonmember is not only the beneficiary of improvements in general working conditions, he is also legally entitled to specific individual services by the union. There is a serious legal obligation on the union to provide service for the individual employee in the matter of grievances whether or not he is a member of the union. We had a case recently in the Supreme Court of Wyoming (*IBEW* v. *Hansen, et al.*, 400 P. 2d 531 (Wyoming Supreme Court, 1965)) which involved the question of whether an exclusive referral system could be prohibited by the law of the State. A particular section of the Wyoming right-to-work law purported to prohibit this type of arrangement. The supreme court of Wyoming ruled in April 1965 that this effort by Wyoming was in conflict with the supremacy clause of the U.S. Constitution. The basic ground of decision was the point I have made that there is no way under the National Labor Relations Act for the nonmember not to have a connection with the union. The Court quoted from an article by Professor Cox, the former Solicitor General of the United States, as follows: "The bargaining representative would be guilty of a breach of duty if it refused to press a justifiable grievance either because of laziness, prejudice, or unwillingness to expend money on behalf of employees who are not members of the union." I think Professor Cox is correct in his statement of the law that, if a local union refuses to process a grievance for a nonmember because it does not wish to spend the money to do so, it would be held liable for its failure to carry forward its obligation to the nonmember.

Is it not fair that an individual employee who has the legal right to receive all the general improvements in working conditions secured by the union and to be served by the union diligently in the processing of his individual grievances should be required to pay periodic dues and reasonable initiation fees?

That is the decisive question, in my judgment, as far as this proposal to repeal section 14(b) is concerned. Of course, we know the answer of the labor side. It is interesting to note that a prominent management figure is essentially in agreement with the free rider argument of the unions.

Mr. Philip Sporn, chairman, System Development Committee of American Electric Power Co., Inc., in his separate views on "Union Powers and Union Functions" issued by the Committee for Economic Development, March 1964, stated that:

"While each worker should have a clear right to decide freely whether or not to belong to a union, there should be no legal prohibition of collective bargaining agreements requiring financial payments in lieu of normal union dues by workers who choose not to be members of the union. Although the right of the majority of the workers to effective representation by a union is not abridged by the failure of one or more of the minority of the workers to join the union, a legally imposed absence of financial responsibility toward the union by the nonmembers in the face of the ineluctable performance of valuable services on their behalf by the union, apart from the inequities involved, tends to undermine the financial foundation of union survival."

It is apparent that Mr. Sporn was referring to a "support of the collective bargaining agency" clause which is not essentially different from a Taft-Hartley union shop clause. While I do not agree with Hr. Sporn's statement as to the effect of the failure of minority workers not to join the union, this is an academic difference because the repeal of 14(b) will leave in effect the Taft-Hartley union shop provisions, under which, as we have seen, the individual employee can avoid applying for union membership or accepting its obligations. Mr. Sporn's statement constitutes recognition by an important industrialist that, from a plain and simple dollar and cents point of view, if the union renders services to all employees in the unit, there should be a legal power for management and labor to make a contract under which all such employees are required to pay for the service. It also recognizes the relationship of this uncomplicated matter to union survival.

In conclusion on this point of 14(b), I would like to comment on an advertisement which has been published in a number of newspapers by the "Citizens Committee To Preserve Taft-Tartley." The honorary chairman of this committee is Fred A. Hartley, Jr., former Member of Congress, Milford, N.J., and coauthor of the Taft-Hartley Act. The theme of this advertisement is "Keep the Taft-Hartley Act intact and protect fundamental American rights."

The advertisement appears to overlook the fact that repeal of section 14(b) will not make legal the closed shop or even the traditional union shop. Their status is not put in issue by the proposal to repeal section 14(b). Such repeal will make legal only the Taft-Hartley union ship which was drafted by the late Senator Robert A. Taft and Congressman Hartley himself. I would suggest that the Taft-Hartley union shop which, as we have seen, only requires the tender of dues and fees cannot properly be characterized by the supporters of the Taft-Hartley Act as an invasion of fundamental American rights.

Mr. ROBERTSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTHERN NEVADA WATER PROJECT, NEVADA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 32) to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes, which was, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior is authorized to construct, operate, and maintain the southern Nevada water project, Nevada, in accordance with the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), except as those laws are inconsistent with this Act, for the principal purpose of delivering water for municipal and industrial use. The principal features of the southern Nevada water project shall consist of intake facilities, pumping plants, aqueduct and laterals, transmission lines, substations, and storage and regulatory facilities required to provide water from Lake Mead on the Colorado River for distribution to municipalities and industrial centers within Clark County, Nevada.

SEC. 2. (a) The Secretary shall make appropriate allocations of project costs to municipal and industrial water supply and, if appropriate, to fish and wildlife and recreation: *Provided*, That all operation and maintenance costs for the southern Nevada water project shall be allocated to municipal and industrial water supply. Construction costs of the River Mountains dam and reservoir allocated to fish and wildlife and recreation shall be nonreimbursable in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

(b) Allocations of project costs made to municipal and industrial water supply shall be repayable to the United States in not more than fifty years under either the provisions of the Federal reclamation laws or under the provisions of Water Supply Act of 1958 (title III of Public Law 85-500, 72 Stat. 319 and Acts amendatory thereof or supplementary thereto): *Provided*, That, in either case, repayment of costs allocated to municipal and industrial water supply shall include interest on the unamortized balance of such allocations at a rate equal to the average rate (which rate shall be certified by the Secretary of the Treasury) paid by the United States on its marketable long-term securities outstanding on the date of this Act and adjusted to the nearest one-eighth of 1 per centum.

SEC. 3. (a) The Secretary is authorized to enter into a contract with the State of Nevada, acting through the Colorado River Commission of Nevada or other duly authorized State agency, for the delivery of water and for repayment of the reimbursable construction costs.

(b) Construction of the project shall not be commenced until a suitable contract has been executed by the Secretary and the Colorado River Commission or other duly authorized State agency.

(c) Such contract may be entered into without regard to the last sentence of section 9, subsection (c), of the Reclamation Project Act of 1939.

(b) Upon execution of the contract referred to in section 3(a) above, and upon completion of construction of the project, the Secretary shall transfer to said Colorado River Commission of Nevada or other duly authorized State agency the care, operation, and maintenance of the intake, pumping plants, aqueducts, reservoirs, and related features of the southern Nevada water project upon the terms and conditions set out in the said contract.

(c) When all of the costs allocable to reimbursable purposes incurred by the United States on constructing, operating, and maintaining the project, together with appropriate interest charges, have been returned to the United States by the State of Nevada, said State shall have the permanent right to use the intake, pumping plants, aqueducts, reservoirs, and related features of the southern Nevada water supply project in accordance with said contract.

SEC. 4. Such amount of the costs of construction as are allocated to the furnishing of a water supply to Nellis Air Force Base or other defense installations shall be nonreimbursable.

SEC. 5. The use of all water diverted for this project from the Colorado River system shall be subject to and controlled by the Colorado River compact, the Boulder Canyon Project Act (45 Stat. 1057; 43 U.S.C. 617t), and the Mexican Water Treaty (Treaty Series 994) (59 Stat. 1219).

SEC. 6. In all water supply contracts for the use of water in Nevada under this act or section 5 of the Boulder Canyon Project Act (45 Stat. 1057) the Secretary shall recognize the intrastate priorities of water rights to the use of water existing on the date of enactment of this Act: *Provided, however*, That nothing in this Act shall be construed as validating any right diminished or lost because of abandonment, nonuse, or lack of due diligence, nor shall anything in this Act be construed as affecting the satisfaction of present perfected rights as defined by the decree of the United States Supreme Court in Arizona against California et al. (376 U.S. 340).

SEC. 7. There is hereby authorized to be appropriated for construction of the southern Nevada water project, Nevada, the sum of $81,003,000 (September 1965 prices) plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

Mr. BIBLE. Mr. President, I consider the House amendment to S. 32 to be constructive and beneficial. It is basically clarifying in nature.

The bill authorizes the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project which is designed to carry Colorado River water from Lake Mead to the Clark County municipal and industrial complex, the most populous and fast-growing area of Nevada. It is vital to the economy of southern Nevada where underground water resources now supplying the region are rapidly being exhausted. The estimated $81 million project is totally reimbursable through a 50-year contract with the State of Nevada. The first stage of development is designed to meet the water needs of the area until about 1990 and would cost about $49 million. The remaining two stages would be constructed as needed.

The House amended the bill to delete any reference to irrigation use of water from the project. There is no demonstrated need for irrigation water and it is doubtful that such a use could be justified.

Also amended was language regarding cost allocations to fish and wildlife and recreation. The revised language makes it clear that any such development in the project would be in accordance with the Federal Water Recreation Act.

The amendment provides greater latitude in identifying the contracting agency of the State of Nevada.

The House also deleted language in the bill regarding soil survey and land classification requirements because it was not applicable to the municipal and industrial water project.

A new section was added by the House requiring the Secretary of the Interior to recognize intrastate priorities of water rights existing at the date of this act.

The amendment, as I have said, is constructive and clarifying in nature and I urge the Senate to agree to it. I have cleared the amendment on both sides of the aisle.

Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. BIBLE. Mr. President, I move that the vote by which the amendment of the House was concurred in be reconsidered.

Mr. BARTLETT. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. BIBLE. I thank the Presiding Officer.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President——

Mr. STENNIS. Mr. President, will the Senator yield for a brief announcement?

Mr. DOMINICK. I yield for that purpose.

Mr. STENNIS. Mr. President, I have no intention of asking for a live quorum call this afternoon. I do not know of any other Senator who does.

I thank the Senator for yielding.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL OF SECTION 14(b) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 703(b) of the Labor-Management Reporting Act of 1959, and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended.

Mr. DOMINICK. Mr. President, the Senate has now been engaged for several days in a discussion of whether or not section 14(b) of the Taft-Hartley law should be repealed. I feel an obligation to join actively in this discussion and state my views on H.R. 77 as clearly and unequivocally as I am capable of doing. As I view it, my obligation to enter this discussion is based in a large part on my position as a member of the Senate Labor and Public Welfare Committee. Mr. President, I feel that when a Senate committee has been confronted over a period of many months by a major bill, the members of that committee have a unique opportunity and perhaps an obligation to enter into the floor debate concerning that legislation. This is especially true when the proposed legislation is as controversial as the legislation now under discussion. As a member of the Labor and Public Welfare Committee, we studied H.R. 77 for many months and participated in spirited and informative committee discussion of H.R. 77. After this study and discussion, I found that I could not in good faith support this legislation, voted against reporting it out of committee, and subsequently wrote my own individual views concerning H.R. 77, and had them included in the report.

Because I believe these views, as they appear in the report, summarize my position, I will set them forth here as a part of the CONGRESSIONAL RECORD. I said as follows in the report:

The question of whether a union shop is good or bad for an individual or for labor-management relations is not the key question, although that debate which has raged so continuously over the country will undoubtedly exert a strong influence on the conclusions of many people. The real issue with which we are faced in this legislation is whether Congress should by law abolish the right of a citizen of a State to reject authority for compulsory union shops in his State.

My own State by a vote of the majority of its citizens rejected the right-to-work law in our general election of 1958; and it seems to me that this action of our citizens, who had before them the provisions of Colorado's Labor Peace Act, was probably wise. Nevertheless, each State differs in its philosophy, its working conditions, and its labor climate, and to repeal the right of the citizens of those States to determine this issue for themselves is a preemption of power by the Federal Government so massive in nature that I cannot support it.

Currently, 19 States have right-to-work laws in effect. Right-to-work laws have been adopted by constitutional amendment in the following six States: Arizona, Arkansas, Florida, Kansas, Mississippi, and Nebraska. In addition, Nevada placed its right-to-work statute before the people in a general election, while North Dakota's right-to-work law was passed by the legislature, but did not become effective until approved in a general election.

The following States now have right-to-work laws enacted by the legislature without a popular election: Alabama, Georgia, Iowa, North Carolina, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming.

Republican members of the labor committee offered a number of substantive amendments to the proposed legislation—amendments designed to reinforce areas of weakness in union employees' existing bill of rights. Certainly if a person is to be required to join a union in order to work in a specific job, he should also have adequate legislation backing to insure that his rights within the union are protected. Each of these amendments was summarily rejected by the Democratic majority leading to the inevitable conclusion that power, and not individual rights, is the primary aim of this legislation. I cannot acquiesce in such procedures nor in any way accept this conclusion.

THE DEVASTATING EFFECTS OF 14(b) REPEAL

Section 14(b) of the Taft-Hartley Act is not itself a right-to-work law. It grants an entirely different right, the right of the voters of each State to enact the form of right-to-work laws they desire. The reservation of this right to the people of each State is in keeping with the principles of federalism set forth in our Constitution and proven by the passage of time. The Supreme Court has ruled that such a reservation of power is constitutional, and there are many examples in our law of similar reservations. One of the most important and most recent examples is the Civil Rights Act of 1964, which makes specific provisions for widely differing State civil rights statutes.

As noted earlier, six States have enacted constitutional amendments prohibiting union shops. Two States have adopted right-to-work laws by vote of their citizens. Eleven States have adopted right-to-work laws through their State legislatures. H.R. 77, however, would strike down automatically these provisions of the State constitutions in those 6 States, laws adopted by the vote of the people in 2 others, and laws adopted by the State legislatures in 11 States.

If we grant such wide ranging powers to the Federal Government, what portion of a State constitution can remain inviolate? What State laws may not be preempted by Congress? What safeguards can the citizen construct for his carefully nurtured freedoms and systems of local government?

I must also point out that enactment of H.R. 77 would annul one of the most vital provisions of the Colorado Labor Peace Act. This provision permits union shops in Colorado but requires three-fourths of the affected employees to vote in favor of a union-shop contract before it becomes legally operable. Efforts to change this ratio have been made on many occasions in our State legislature; but whether controlled by the Republican or Democratic Party, the provision has remained in effect. In other words, my State has refused to adopt a right-to-work law, but it has made provisions to insure that the majority of the employees in a unit favor a union shop.

I understand that the State of Wisconsin has adopted a similar statute which would be struck down by the passage of H.R. 77.

It is apparent that the Colorado Labor Peace Act has in no way retarded the growth of wages in Colorado. In 1964 Colorado had an average wage in manufacturing of $2.74 per hour, which ranked 12th among the 50 States. This represented an increase of 51 percent over the past 10 years as contrasted to a national average increase of 42 percent. The per capita income in my State also exceeds the national average. So it is clear that the Colorado law has in no way hindered a steady increase in income of Colorado workers. Furthermore, the years in which the Labor Peace Act has been in effect in Colorado have been years of labor peace. Congress should not so easily strike down a law which has worked so well to promote labor-management harmony and to protect the rights of all workers.

It has been argued that the citizens cannot understand complex legislative issues on a ballot and hence are not able to determine them by vote. But as we all know, voters in many cities and towns are asked to decide complex questions about the funding of public projects, technical amendments to constitutions, and other issues. There is no reason why voters and State legislatures cannot themselves decide the question of right to work, which requires only a simple decision as to whether or not to allow a union shop. Although many of my Democratic colleagues may disagree, I have enough confidence in the American people to believe that they are competent to decide this question. Repeal of 14(b) would only result in another right of the people being seized by the power hungry in Washington. Have we gone full circle in this Great Society so that now to be part of that philosophy one must give up his right to vote on his own working conditions and opportunities?

In addition to talking about the fundamental philosophy of the proposed bill, Republican Members, in the process of the discussion of the bill in committee, attempted to propose a number of amendments which would strengthen the right of the individual worker.

THE NEED FOR A NEW LABOR "BILL OF RIGHTS"

Since the enactment of the Taft-Hartley Act in 1947 and the enactment of the Landrum-Griffin Act in 1959, a number of inadequacies in these laws have appeared. Many successful schemes have been developed by which a minority of labor bosses who do not live up to their responsibilities can distort the law and use it in ways inimical to the interest of the workingman. For this reason members of the Republican minority of the Labor and Public Welfare Committee as well as other Senators have proposed amendments to protect the worker from the abuses of union power. I have proposed several amendments of this kind. All have been rejected by the Democratic majority on the committee.

First. Through decisions of the National Labor Relations Board it has become possible for a union to fine its members for the free exercise of rights intended to be protected by the existing "bill of rights" in the Taft-Hartley Act. Thus, a worker forced to join a union holding a union shop contract can be legally fined for exceeding a union-imposed production quota. This means that a man, against his will, is prevented from working to his full capacity by a union agreement which he may have opposed. This rings out as violation of a fundamental concept: freedom to work to the best of one's ability. The amendment to protect this exercise of an employee's rights was rejected by the committee.

Second. Over the years of operation of the Taft-Hartley Act there has come into being a system by which a union can be designated as representative of the workers in a plant or production unit even though an election by the workers has not been held. This is the notorious "card check" procedure. A union wishing to become the authorized representative of workers circulates cards to be signed by those workers to designate it as the representative. Some of these cards are couched in terms so highly misleading that the workers often sign them thinking that they will thereby get an election. In actuality the workers may lose the right to an election by signing the cards.

I may say parenthetically that we presented to the committee a couple of the cards which came directly from the records of a court case. Printed in large letters at the top was the statement:

> I want an NLRB election. I hereby authorize you as my representative to call one.

At the bottom of the card, in fine print, appeared the statement:

> You are my authorized representative—

To do such and such.

The union agent distributes the cards. The workers see the great block letters in print and sign them. Do they get an election? Certainly not. The union official merely takes the cards to the head of the company, presents them, and says, "The majority of the workers have signed the cards. They have authorized us to be their representatives for all bargaining purposes. You will have to let us be the bargaining agent."

Again and again we brought out in the course of the hearings flagrant violations regarding the cards. Ironically, the only defense the company has in such a situation is to commit an unfair labor practice. If the company commits an unfair labor practice, it is possible to have some kind of an election, so that the workers may have the right to determine who shall be their representative. But if the companies do not do so they do not have any right to an election.

When the companies have been able to get an election, the cases show over and over again that the union representative who had obtained the cards had done so under pretenses which were so anathema to the workers themselves that they voted against the union in the election.

What did the Republican members of the committee do about that? We proposed an amendment which would correct the situation in two ways.

First. It would make an election mandatory in the designation of a bargaining representative in all cases except where an employer had dissipated an existing union majority by means of threats, coercion, or other unfair labor practices.

Second. It would guarantee that a union could not prove the existence of such a preexisting majority by misleading or confusing cards. We prepared a standard form of card. I think all should agree that this is the least we can do to make sure that no union becomes a bargaining representative of workers who really don't want to be so represented. This amendment was also rejected by a majority of the committee.

Third. An amendment was also offered and rejected which would make union discrimination on the basis of race, color, religion, or national origin an unfair labor practice. This would bring the enforcement machinery of the National Labor Relations Board to bear on discriminatory practices in unions. Although the Civil Rights Act of 1964 makes such discrimination illegal, this amendment would bring into play a known and available enforcement procedure to prevent discrimination. Because of their role in training and apprenticeship programs, unions are able to prevent members of minority groups from getting the training they need to rise out of the conditions of abject poverty in which many of them are mired. I hope that all true friends of labor and civil rights can join with me in supporting this simple yet vitally important amendment.

Fourth. Direct use of union dues money for supporting presidential, senatorial, or congressional candidates in campaigns is now illegal, supposedly, under title 18, section 610, of the United States Code. However, labor leaders can and do use dues money in State and local elections; and as we all know, it is quite a simple matter to get around the provisions of this statute by setting up a separate committee to support political candidates and other political causes financed by union moneys. Under such circumstances, the only remedy available to a union member is to bring a lawsuit to get his dues back if he does not agree with the candidate or the cause being promoted. This remedy is costly, inadequate, and wholly impractical. Forcing union members to support a political candidate makes no more sense than taxing citizens to support one political party. If labor bosses can force a worker to join a union and then force him to pay for the support of a candidate or a cause chosen by those bosses, we have proceeded to a point nearing dictatorship. An amendment was proposed in committee to provide that the use of union dues for political purposes would be considered an unfair labor practice. A second part of this amendment would have provided that the Secretary of Labor could prosecute a suit on behalf of the aggrieved union member. Unfortunately, this amendment was also voted down by the Democratic majority in the committee.

A number of other badly needed amendments to our national labor law have been proposed by Republican Senators. All tend to close some of the loopholes in the existing labor law, and all are designed to reinforce the rights of union members to steer the course and policy of their own unions. All have been rejected and many union members are thus left bogged in the existing power structure.

The purpose and impact of these amendments should be made crystal clear. They are not intended to hinder legitimate labor goals in any way. They are merely intended to correct the abuses foisted on the American labor movement by the actions of a small minority of irresponsible labor leaders. The amendments will not affect the overwhelming majority of responsible labor organizations which, together with management, move forward toward a brighter tomorrow for all Americans. The amendments would actually make the job of American labor easier by curtailing the abuses of the few which have too often stained the reputation of the many.

No one should labor under the misapprehension that the controversy that has arisen over the repeal of section 14(b) is caused by Republicans.

Parenthetically, I hear all the time from the labor union representatives in my State that the Republicans are always the ones who most favor the right-to-work law. This being the heart of the controversy involved here, I think it is rather interesting to see what the actual situation is.

This controversy is simply another problem that has stemmed from intramural strife within the Democratic Party. One part of the Democratic Party is attempting to mobilize itself in order to bow with all due pomp and circumstance to the demands of some labor leaders so that an election debt can be repaid. Another part of the Democratic Party is in the meantime presiding over many of the States that have adopted the right-to-work laws so bitterly attacked by their comrades. Thirteen of the States having right-to-work laws are now presided over by the Democratic Governors and Democratic-controlled State legislatures. Only 2 of the 19 right-to-work States are run by all-Republican State governments. But a sizable proportion of congressional Democrats, rather than trying to convince their colleagues in their State governments, are trying by congressional edict to end the right of any State to pass a right-to-work law. A similar example of the intraparty warfare that has split the Democratic Party over the right-to-work issue lies in the fact that the Democratic President of the United States has given his endorsement to the repeal of section 14(b) while a vast majority of the Democrat Congressmen from his own State of Texas and its Democrat Governor opposed repeal in the House of Representatives. This is not a struggle between the Republican and Democratic Parties but a struggle within the Democratic Party itself. As has happened on many other occasions, the Republican Party is called on to act as a responsible mediator between the warring wings of the Democratic Party and to act as the responsible activist by protecting the rights of the citizens of this country to safeguard their freedoms.

Mr. President, I place that statement in the RECORD not because I feel that this is the only answer to the problem, but because I believe that the issue that we have facing us is clearly delineated in the report, and that the amendments which I shall discuss later have been laid out in rather succinct fashion. It therefore lays the groundwork for the other enlargements on these statements that I wish to make.

Mr. President, this debate will perform a vital function by focusing the attention of the Nation on this issue—not just the attention of the vested interest groups—but the attention of the Nation as a whole.

In my view, the important and real issue is this great debate has a tendency to be clouded over and diverted, ironically, and by an oversimplification of the issue. Unfortunately, the debate which has raged continuously over the country and which will undoubtedly exert a strong influence on the conclusions of many people has centered around the question of whether a union shop is good or bad for an individual or for labor-management relations. This issue is most certainly deeply felt and often emotionally handled. The emotional heritage derived from this argument will undoubtedly influence the result of this debate. However, the real issue with which we are faced in this legislation is whether Congress should by law abolish the right of a citizen of a State to reject compulsory union shops in his State.

Section 14(b) of the Taft-Hartley Act is not itself a right-to-work law. It grants an entirely different right, the right of the voter of each State to enact the form of right-to-work laws they desire.

A clear example of this is the Colorado Peace Act, to which I referred earlier. Under the National Labor Relations Act in the States without right-to-work laws if 51 percent of the employees vote on whether they are going to have a union shop, and if the 51 percent say affirmatively yes, they have a union shop. In our State, there can be a union shop, but 75-percent approval is required before the union shop provision can go into effect. This means that a clear majority—in fact, more than that—have evidenced their desire to have working conditions which will be run almost wholly by the union.

The result of this is that the vast majority of those who are vitally affected have determined this question, and it would seem to me to be a reasonable rule. But this would be void if we were to repeal section 14(b). The States would not be able to adopt the type of limitation that has been working so successfully in Colorado.

Certainly the reservation of that right to the people of each State is in keeping with the principles of federalism set forth in our Constitution and proven by the passage of time. Article I, section 1 of the Constitution of the United States states:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

One of the basic doctrines of constitutional law—that the Federal Government is one of enumerated powers—is derived in a large part from this section of the Constitution. The classical statement of this doctrine was set forth by Chief Justice Marshall in *McCulloch* v. *Maryland,* 4 Wheat. 316 (1819) at page 405 where he stated:

> This Government is acknowledged by all, to be one of enumerated powers. The principle that it can exercise only the powers granted to it would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was depending before the people, found it necessary to urge. That principle is now universally admitted.

Later Justice Marshall introduced a broader concept which has been described as resulting powers which were said to have arisen from the nature of the political society rather than from specific enumeration. Thus based on the concept of resulting powers, the Government was said, for example, to possess the right to acquire territory either by treaty or conquest and that it possessed the resulting power to govern the acquired territory.

Subsequently, the power of the Federal Government has been repeatedly broadened by the courts to exceed by far the express rights granted to the Federal Government by the Constitution. The most pronounced inroads on the doctrine of express or enumerated powers have taken place recently in the areas of the regulation of interstate commerce and in the expenditure of revenues.

We have reached the point where virtually every commodity can conceivably affect commerce in the Federal sense and thus be declared subject to Federal control. Now I am not criticizing any specific U.S. Supreme Court decision nor am I assailing the philosophy which has judicially placed the Federal Government within the jurisdiction of what, a few years ago, would have been solely the individual State's prerogative. I merely touch on this evolution of the rapidly expanding Federal influence as a springboard to illustrate that we have seen a gargantuan movement of the Federal Government into the local level.

In one sense the States have no one to blame but themselves. Those who subscribe to the philosophy of big government with centralization of power in the Federal Government and who have been in control of our Government during its most dramatic expansion have time and time again tempted the State governments such as Eve tempted Adam. However, in our sophisticated society, money has been substituted for the apple and the temptation has too often been too great for the States.

Mr. President, let me give a very recent example of Eve tempting Adam with the fruit of the Federal money tree and the effect that this temptation has had. The Federal Government has been giving assistance to the States on a matching funds basis for the building of primary and interstate highways.

This assistance seemed to many to be harmless—in fact, even helpful. The States readily accepted the money. In fact, they looked for it. But who would have guessed, when this act was passed, that in 1965 this money would have been used as a blackjack to enforce the recently passed highway beautification bill?

Under the latter law, the States must conform to the measure, or their highway funds will be slowly but surely cut out from under them. The States have become puppets, with the Federal Government controlling all the strings, wherever and whenever they have accepted Federal funds.

This year in particular we have seen that happen with one piece of legislation after another. It happened with medicare, as it is popularly known. That program, administered entirely by the National Government, replaces the State-and-Federal program administered and controlled by the States. It has gone so far that we have moved away from our established principle of getting the major share of Federal revenues from a progressive income tax. The medicare program is financed by a social security tax at a flat rate, without graduation, by what is generally called a regressive form of taxation, to the extent that many young workers who are just starting families will find, as they go through next year, that they will be paying more money to the Federal Government in the form of social security taxes than under the graduated Federal income tax. It is really quite surprising. An average worker with two children, earning between $7,000 and $10,000 a year, next year may well be paying more social security taxes than Federal income taxes.

Another example is the Manpower Act of 1965, where, again, we have encroached upon State training programs. We have established Federal financial control over vocational education, moving well beyond the Smith-Hughes Act and subsequent vocational education programs. States will be told what type of program can be financed by Federal grants, what type of teaching will be financed, and what students will be admissible.

I am glad my distinguished friend the Senator from California is on the floor, because this concerns his city. Los Angeles is desperately short of garage mechanics. When the city and State wanted to inaugurate a mechanics' course in the retraining program, unions objected, and the Federal officials suggested such courses might not be advisable. So the money is being used to teach low-level skills, nurses' aids, building maintenance or janitors, basic typing, but not the high pay skills needed.

The Elementary-Secondary Education Act of 1965: Mr. President, I remember standing on this floor for hour after hour during that debate, trying to make clear that if we put the Federal Government into the local elementary and secondary education field, we would be entering a field which had not been entered before. The original purpose had been to help people with low incomes. But the money was not being put there. Oh, no. We had this great plan initially outlined so that we were going to help all kinds of children in their educational needs, all over the country. But the money ended up going where money already existed, into the large States, the wealthy counties: into Westchester County, not into Dallas County, Ala.

We debated the matter over and over again, and I tried to change the formula. I brought it up as an amendment. There was a roll call vote on it. But did anybody on the other side of the aisle listen? Heavens, no.

Mr. LAUSCHE. Will the Senator yield?

Mr. DOMINICK. Some of them did. Fortunately my good friend from Ohio did. I want to make that explicit.

But by and large, we did not gain much support.

This is a great new program of the Great Society, by which it will spend the money and take over the courses of education at the elementary and secondary level in this country. So far as I am concerned, that seems to be a poor way for a nation with our form of government to progress.

By the Water Quality Act of 1965—and there is no one who has been working any harder, I believe, to do something about air and water pollution than have I during the course of my political career and before—we put great new powers into the hands of the Secretary of Health, Education, and Welfare, and into regional commissions, to try to do something about those problems.

I could go on through various programs, one after the other, but there is no point in cluttering the RECORD. Federal encroachment has been implicit in very titles of some of the bills themselves. The creation of the Department of Housing and Community Development, for example: Here apparently the Federal Government will work directly with the private citizen, bypassing city, county, and State governments entirely. The urban authorities set up thereunder will work directly with Washington.

I suppose the most graphic example, though, is in the poverty bill which the Senate recently passed, in which, for one of the first times in our history, we have given the Director of an executive agency the power to overrule a Governor's veto.

Time and again we have discussed on the floor of the Senate such misplacement of executive power. The Senator from Vermont [Mr. PROUTY] and I have debated it; the Senator from California [Mr. MURPHY] and I spoke on it, trying to point out what the problem was, that unless we let the Governors have some control over the activity of Federal agents within their States pretty soon there would not be any State government or any local government that was worthy of the name.

So we tried to keep the Governor's veto intact, particularly as to activities where the administration of the poverty program would directly involve local people not affiliated with the State government. We did not succeed. What we got instead was the House version, the version which says, "The Governor can go ahead and veto a program, but the Federal Director in Washington can overrule the Governor's veto."

In no other place in the history of our country has an executive agent in the Federal Government been given the power to overrule the veto of a State Governor, duly elected by the people. It is an incredible deviation, as far as I am concerned, from the system set up by our forefathers. But that system was totally disregarded in the poverty program.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. Does the bill that was finally delivered to the Senate provide that the officials of the Office of Economic Opportunity can override the veto of the Governor?

Mr. DOMINICK. It does.

Mr. LAUSCHE. That means that the Governor, in the end, will definitely be embarrassed by the officials of the Economic Opportunity administration. He will be required to come to Washington, to engage in an argument with the officials who wish to give away taxpayers' money.

Mr. DOMINICK. It seems to me, as the Senator has so aptly said, that the Governor is caught in a double vise. The Senator from Ohio, having been Governor of his State, can recognize that far more clearly than I.

It seems evident to me that the Governor is first faced by pressures from the citizens to get as much money out of the Federal pie as he can; and then, if he thinks the program is going to be a boondoggle of one sort or another, and that he will not be a party to it, and he decides to veto or threaten to veto a program proposed for his State, his veto means nothing, because it can be overruled by an official of the poverty program in Washington.

Mr. LAUSCHE. Mr. President, a Governor of a political complexion opposite to that of those who are administering the fund would be putting him in a dangerous position by allowing the ultimate authority to overrule him.

Mr. DOMINICK. There would seem to be little or no doubt about it. Regardless of what political party happens to be operating the program, or of what political party the Governor happens to be a member, the Governor of the State would be caught in a terrible political fix, so to speak.

Mr. LAUSCHE. The Senator from Colorado and the Senator from California will be interested in the fact that I have received a letter from a 76-year-old person who said:

> I have a home. I am getting along all right, but I should like to get a job with the Office of Economic Opportunity.

I was faced with the dilemma of determining what I should do. I am in a quandary as to what to do. I suppose that inasmuch as everyone else is getting in on this, I should recommend him, but I shall delay judgment for the time being.

Mr. **DOMINICK**. I appreciate the Senator's help in this connection. He and I talked over the horrors, literally, that come up one after another in the management of the poverty program. It does not give me any particular confidence to think that the decisions of the Director of the program will be more apt and more fair than a decision that the Governor of the State, who is faced with taking care of problems in his own local area.

Mr. **LAUSCHE**. I also received a letter from a doctor in Cleveland, whom I respect very highly. He urged that I intervene with the Office of Economic Opportunity to procure an increased allocation for the establishment of what might be called a day-care center.

In his letter, he said:

> I recognize that the cost of taking care of these precare infants is far greater than the cost of taking care of them in a nursery home.

In all instances, the cost is far greater than to send a student to college in Ohio, which costs on an average of $2,300 a year for all purposes, than to send a dropout to one of the OEO schools, which costs $4,500 a year. We pay the dropout, we pay the parents of the dropout, and we rent the buildings.

How can we justify spending $4,500 on dropouts when we are spending from $2,200 to $2,500 to take care of students in college?

Mr. **DOMINICK**. I share the philosophy of the Senator from Ohio. That is a question I brought up during the recent debate on the subject. I remember the incident of one young man who finished first in his class in high school and graduated, only to be drafted. He is now in Vietnam, receiving a salary of $78 a month. His brother went to high school, too, but he was a delinquent, he flunked out or dropped out. He was placed in the Job Corps, and he receives $200 a month. Thus, there is an incentive for dropouts—that is what it amounts to.

Mr. President, I have invited attention to these points, not because they have a direct bearing on H.R. 77, but as an example of the expansion of Federal power. Thus, the philosophy behind the difficulties in the other bills applies even more to the bill sought to be brought before the Senate because it too deals with the encroachment of Federal power into State government. There is an analogy between H.R. 77 and those bills because they show how the Federal Government can come into the States and literally force a program upon them, whether they need or wish the money. The States have got to comply or face the outrage of their citizens who see all their Federal tax funds going to other States in the division of the overall pie.

Mr. President, I wish to comment further on the conditions existing in my State.

I believe that Colorado is probably as outstanding in all the fields with which we have been dealing as any State in the Union. I say this with considerable pride, because I served in the State legislature while it was discussing and implementing some of the acts, and passing new ones.

In the field of civil rights, for example, there was a public facilities law in the State of Colorado which was enacted in 1897. I repeat, 1897. Yet we had this great debate in the Senate, as to whether such a law would be good, bad, or indifferent. Such a law was in effect in Colorado in 1897, that a person could not be refused either food or lodging in any public restaurant, rental housing unit, motel, or hotel. We have had no problem with that. Its constitutionality was challenged in 1926, I believe, and was ruled constitutional under the State constitution. The State has gone along with that decision, as have its citizens.

In 1957, we enacted a fair employment practices law. I was happy to participate in that debate in the State legislature and in the drafting of that law. It has worked reasonably well. It needs amending and adjusting, but it has worked pretty well.

In 1959, the State legislature voted a Fair Housing Act. We are finding out that, although there will always inevitably be problems created in some communities, it has worked out fairly well.

The point I am trying to make is that we have already done these things at the State level.

What has Colorado done on the so-called welfare level?

We have put in a pension program which earmarked liquor taxes and excise taxes, all except 15 percent, for the purpose of creating the pension fund for old-age pensioners who are unable to support themselves.

We have found that the pension fund is rapidly increasing in amount and is seriously cramping the Government. Revenues from excise taxes should legitimately be a part of the revenue source of local and State government. So we put a limit on it. We said that we would pay our pensioners $100 a month, and that we would establish a fund below $10 million, so that if the taxes dropped off, we would have a "well" from which we could use new money to keep the pensioners paid. The fund was $5 million, I believe. We also created a $10 million medical fund from the same source.

We put all of that into effect on our own initiative. It is now being seriously hurt at this point by the enactment of the medicare bill by Congress.

Mr. President, what I have been trying to say again and again is that in our State we have done many of these same things at the local level and, suddenly, our citizens, who have had to pay for these benefits out of their own State taxes, are now finding themselves having to pay Federal taxes in addition, with the Federal Government running into a deficit in order to duplicate the very things which the State has already done.

I would not blame State governors or State legislatures at this point for saying, "What is the point of doing anything? What is the point of trying to pass any legislation in our State areas in order to try and get some good laws through? The Federal Government is going to do it. We might as well sit back and let them do the whole thing. Why pay double taxation on them? We will have a Governor in our State capital who will be a figurehead. He can go out and cut ribbons to open highways which Federal Government money has paid for. He can break a bottle against the bow of a ship being launched somewhere. He can do things of that kind and be a fine, dignified-looking figurehead. But, do not give him any power or authority, because if we do, we shall be paying for more government than we actually need, because the Federal Government is going to do it all."

This could easily be the reaction of the average citizen, before he is through watching the events developing in Congress this year. I would not much blame anyone if he took that attitude.

Before I finish, I want to read a magazine article which bears directly on this particular matter. It clearly demonstrates how the Federal Government has been disseminating money throughout the Great Society. Make no mistake, when the States accept this money they pay the high and dangerous price of more Federal control.

The article which I now wish to read from is from the October 11 U.S. News & World Report. It is entitled "L.B.J.'s Revolution—The Big Changes."

The subtitle reads:

> When President Lyndon B. Johnson called a group of students "fellow revolutionaries" a few weeks ago, he wasn't joking.
>
> Under L.B.J. a revolution that began with the New Deal in the thirties is reaching full flower. Every State, town, individual in the Nation is affected. Few realize the scale of changes.
>
> President Johnson feels he has found a formula that will make New Deal dreams a reality—and starting point for still more changes.

The article reads as follows:

> New dealers dreamed and talked revolution when they took power in Washington 32 years ago.
>
> Lyndon B. Johnson, then a young new dealer on the staff of a Texas Congressman, shared that dream.
>
> In 1936, the Supreme Court shattered this dream with a series of decisions that struck down many key New Deal laws.

I might say parenthetically that the Supreme Court struck them down as being unconstitutional.

I continue to read:

> Then, when Franklin D. Roosevelt, as President, set out to break the Court, a Democratic Congress turned on the President and slowed the drive for a change in basic powers of the Government in Washington.
>
> It now is 32 years later, Lyndon B. Johnson, the young New Dealer of 1933, is President.
>
> As President, Mr. Johnson is pushing hard the revolution about which New Dealers dreamed a generation ago. Yet, the President sees this revolution as far from complete. Said Mr. Johnson on August 4, addressing students on the south lawn of the White House:
>
> "As it was 189 years ago, so today the cause of America is a revolutionary cause. And I

am proud to salute you as fellow revolutionaries.

"Neither you nor I are willing to accept the tyranny of poverty, nor the dictatorship of ignorance, nor the despotism of ill health, nor the oppression of bias and prejudice and bigotry.

"We want change. We want progress. We want it both at home and abroad—and we can aim to get it."

The 89th Congress, completing its 1st session in the 1st year of an elected Johnson administration, gave every sign of accommodating the President on most national issues.

White House aids describe the scope of actions by this Congress as without parallel in the Nation's history.

EVERY NOOK AND CRANNY

In the United States today, as a result of L.B.J.'s revolution, Government—

And I might say the word "Government" is spelled with a capital G—

reaches down into every home, every business, every farm, every neighborhood in the land. Out of Washington go Federal officials to perform a myriad of police functions.

They watch over registration of voters in local precincts. They keep an eye not only on wages and hours of work, but on evidence of discrimination in jobs. Government police see that motels and hotels and restaurants serve all citizens on an equal basis.

The revolution is bringing a broad expansion in a move toward state medicine.

Federal money and Federal power, on a broad basis, are reaching down for the first time into local school districts. Rules out of Washington follow the Federal dollars that go with Federal aid to local education.

Mr. President, continuing with this article from U.S. News & World Report—I am not going to read the whole article; I ask that my colleagues read it, because I think it is highly significant—it contains a little excerpt, on page 48 of this issue, which reads:

> The Johnson revolution, in fact, is giving the United States what amounts to a planned economy, with most of the planning centered in Washington and extending out from the Capital City. It is a revolution designed to assure permanent prosperity and growth and to make sure that all—or nearly all—citizens receive some of the benefits of this prosperity.
>
> At the center of all this planning are the Federal Government's taxing and spending policies—the mainsprings of the Johnson revolution. The idea has taken hold that the Government can so jiggle its taxing and spending that business can be assured of profits and most people assured of gainful employment.

Mr. President, I ask unanimous consent to place the entire article in the Record, because it is an excellent one, and a summary and review of what is going on in this Congress.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the U.S. News & World Report]

L.B.J.'s Revolution—The Big Changes

When President Lyndon B. Johnson called a group of students "fellow revolutionaries" a few weeks ago, he wasn't joking.

Under L.B.J., a revolution that began with the New Deal in the thirties is reaching full flower.

Every State, town, individual in the Nation is affected. Few realize the scale of changes.

President Johnson feels he has found a formula that will make New Deal dreams a reality—and starting point for still more changes.

New Dealers dreamed and talked "revolution" when they took power in Washington 32 years ago.

Lyndon B. Johnson, then a young New Dealer on the staff of a Texas Congressman, shared that dream.

In 1936, the Supreme Court shattered this dream with a series of decisions that struck down many key New Deal laws.

Then, when Franklin D. Roosevelt, as President, set out to "break" the Court, a Democratic Congress turned on the President and slowed the drive for a change in basic powers of the Government in Washington.

It now is 32 years later. Lyndon B. Johnson, the young New Dealer of 1933, is President.

As President, Mr. Johnson is pushing hard the revolution about which New Dealers dreamed a generation ago. Yet the President sees this revolution as far from complete. Said Mr. Johnson on August 4, addressing students on the south lawn of the White House:

"As it was 189 years ago, so today the cause of America is a revolutionary cause. And I am proud to salute you as fellow revolutionaries.

"Neither you nor I are willing to accept the tyranny of poverty, nor the dictatorship of ignorance, nor the despotism of ill health, nor the oppression of bias and prejudice and bigotry.

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EVERY NOOK AND CRANNY

In the United States today, as a result of L.B.J.'s revolution, Government reaches down into every home, every business, every farm, every neighborhood in the land. Out of Washington go Federal officials to perform a myriad of police functions.

They watch over registration of voters in local precincts. They keep an eye not only on wages and hours of work, but on evidence of discrimination in jobs. Government police see that motels and hotels and restaurants serve all citizens on an equal basis.

The revolution is bringing a broad expansion in a move toward state medicine.

Federal money and Federal power, on a broad basis, are reaching down for the first time into local school district. Rules out of Washington follow the Federal dollars that go with Federal aid to local education.

President Johnson, as part of his revolution, is committed to abolishing poverty. This commitment carries with it the promise of perpetual prosperity.

Cities are to be rebuilt, regions redeveloped, floods controlled, pollution of air and water checked and, if not ended, reduced. Washington is committed to beautify the countryside and to do something about rampant crime in big cities.

States seem likely to be reduced to administrative agencies, carrying out programs fashioned in Washington.

The President is for high profits for businessmen, high wages for workers, Government-supported income for farmers. Big strikes often are settled in the White House itself.

FIRST, THE UNITED STATES, AND THEN

It all is supposed to add up to a Great Society. This Great Society, Mr. Johnson is promising, will be expanded to include the world once its revolutionary changes are under way in the United States.

And at what cost in dollars?

An official study recently completed estimates that by 1970—just 5 years from now—the Government in Washington will be taxing under present laws at the rate of $165 billion a year. By election time in 1968, spending of cash by the Federal Government is expected to be at the rate of at least $150 billion.

Being raised is the question of how a party in power at the White House and in Congress, with $150 billion or more in cash to spend, could ever effectively be challenged. Too many voters, it is being said, will have too big a stake in checks from Washington.

Even now this power of the purse is being used actively to bring about a revolution in race relations in the South.

At the same time, some observers see signs of a national political machine being built around the structure of the Great Society—a machine far more powerful than any in States or major cities.

SOMETHING FOR EVERYONE

The revolution now under way is built around the concept of a government offering something for nearly everybody—from guaranteed rights for Negroes to scholarships for college students and subsidies for many of the great voting groups.

Look across the scene of the Great Society and you get a feeling of its scope and sweep.

Nobody is to be poor when this revolution is complete, if President Johnson reaches his goal. Even now there is public assistance, or relief, for the indigent. There is aid for dependent children. There are pensions for the blind and disabled. Then there are free food and subsidized housing, as well as medical, dental and maternal care.

For those temporarily out of a job, unemployment insurance is available, and President Johnson wants this program to be required to meet a national standard of benefits. The minimum wage for workers now is $1.25 an hour. There is a move underway to raise that minimum to $1.75 an hour, or $70 a week, and to include more people.

Now the Federal Government is moving to assist the poor in getting better jobs. There is a Job Corps for youths in poor families who drop out of school and there is a Neighborhood Youth Corps to provide work for poor youths in cities.

Job training is offered to give skills to those who lack them, adults and youths alike. Illiterate adults will be taught to read and write at Federal expense. There is the recent Manpower Development and Training Act to teach workers skills in other jobs if they lose the jobs they have.

Then there is low-cost housing. There will be rent subsidies to assure families of adequate living quarters outside of public projects. If people defined as poor live in substandard homes in urban-renewal areas, they can get Federal grants to repair and improve their homes.

The elderly poor now can get federally subsidized checks for working as foster parents to neglected children in institutions. Or they can serve as health aids for bedridden people. They also can get paid for caring for children now in broken homes.

In the talking stage, too, is a plan for income supplements or subsidies to make sure that nobody has an income lower than considered necessary for a decent standard of living.

For older people. The Great Society is counted on to work a revolution in the well-being of old people.

Most of them now are eligible for social security pensions. If these are inadequate, there is old-age assistance. There is to be hospital care at nominal cost for all persons over 65. Medical care will be provided for these same people at a cost of $3 a month. Then there is a subsidized program of medical care for those elderly people who cannot meet any medical expenses.

Nursing homes are being subsidized, and elderly people may live in apartments built for them under Federal public housing or the new rent-subsidy plan. Some apartments for the elderly have been built with Federal loans at low rates of interest.

Older people, too, when lacking resources, share in all of the programs open to the poor. By 1970, there will be nearly 20 million persons aged 65 or older, almost all eligible to vote—a potent force at election time and a factor of which all politicians are aware.

For young people and their schools. Great emphasis is being put on education by the Great Society. The theory is that through education people can be taught to rise out of poverty.

Aid from the Federal Treasury will flow to local schools, both public and church-supported. With money will go influence.

There is a new program to offer instruction for preschool-age children of the poor. Children in poor neighborhoods will be able to get textbooks bought with Federal funds. There are reports that Government officials are beginning to take an interest in the way these texts are written and the lessons they teach.

Federal aid is to be provided to help localities in paying salaries of teachers and in meeting other expenses, with subsidies based on the number of children from poor families. Money from Washington will be used to train teachers in teaching remedial reading and in other fields involving handicapped children.

Community centers will be set up, financed with Federal funds, to give students special instruction that they might not get from established public and private schools. Then a National Teachers Corps is to be organized, with salaries paid by the Federal Government, to provide instruction in low-income areas to pupils in elementary schools and high schools.

Teacher fellowships will be available to those who want to take advanced training. And colleges and universities for the first time are to receive grants from the Federal Government to train librarians.

There are to be Federal scholarships for the first time for youths from low-income families, and more liberal federally backed loans for other students. In addition, work-study programs are set up to help financially strapped students go to college.

Help will be given for construction of college classrooms, laboratories, and libraries. Educational research centers are to be established to explore new ideas for schooling.

FOR CITIES AND TOWNS

Huge sums from Government are probably to be available to assist large cities in solving their problems. A Department of Housing and Urban Development is about to be set up to deal with these problems.

Federal grants and Federal loans are, or soon will be, available to help cities with projects to control air pollution, to build waste treatment plants, to buy land for parks and recreation areas, to improve mass transportation, and to do nearly anything else that cities find they need.

Out of the Federal Treasury will continue to flow money for slum clearance, public housing, and urban renewal. Soon the Federal Government will make a study of urban housing and building codes and recommend changes to city governments—another example of the Federal Government's reach.

Federal grants also will be available to cities to build neighborhood health and recreation centers and to landscape parks. Smaller cities and towns are eligible for Federal aid for such projects as water, gas, and sewerage systems.

It has been predicted that the new Department of Housing and Urban Development will blossom into one of the largest Federal departments.

FOR THE FARMER

The Federal Government has long provided aids to the Nation's farmers. Prices are supported or supplemented for various crops. Farmers are paid for taking land out of production. Rural areas with chronic unemployment often are eligible for rural renewal loans.

There is the program for Appalachia—a region that has been chronically depressed. The Federal Government proposes to improve and rehabilitate this area as another aspect of President Johnson's war on poverty. It is expected that other areas of the country that are not enjoying the general prosperity will be objects of similar programs sponsored by the Government in Washington.

The Federal Government also is embarking on a program to subsidize high-speed transportation between the Nation's cities. A rail line between Washington and New York and eventually to Boston has been earmarked, as a start, for this subsidy. Then the Government is committed to provide funds for the development of a supersonic transport plane.

A PLANNED ECONOMY

The Johnson revolution, in fact, is giving the United States what amounts to a planned economy, with most of the planning centered in Washington and extending out from the Capital City. It is a revolution designed to assure permanent prosperity and growth and to make sure that all—or nearly all—citizens received some of the benefits of this prosperity.

At the center of all this planning are the Federal Government's taxing and spending policies the mainsprings of the Johnson revolution. The idea has taken hold that the Government can so jiggle its taxing and spending that business can be assured of profits and most people assured of gainful employment. The rise in Federal revenues that followed the cut in personal and corporate income taxes convinced the President and his top advisers that the Johnson policies are on the right track.

The New Deal of 32 years ago contended that taxing and spending could lift the country out of depression. That belief never was fully applied. Now the President appears sure he has found the formula to keep America expanding and improving for as long as anyone can foresee.

Mr. DOMINICK. On the same subject and the same philosophy, I refer to several articles which I feel raise legitimate questions regarding the enlargement of the Federal establishment.

The first article comes from the Christian Science Monitor. This is a newspaper I have always had a high regard for, because I believe it reports as accurately as any paper with which I am familiar. This article comes from the issue of August 12, 1965, and it is entitled "State of the States." It reads as follows:

State of the States

The next few years may decide whether the States of the United States are to become mere states of mind.

They will always mean something to the imagination. There will be niches of nostalgia for the Virginian, the man from Indiana, the Nebraska boy. The names of California, Mississippi, Maine will still bring up characteristic images.

But, unless the right actions are taken now, the States as vigorous governmental entities are on the way out. Already they are in a "desiccated" condition, as the Wall Street Journal says in an editorial containing this grim analysis:

"If the Central Government keeps right on grabbing areas that logically are the States' provinces, and the States keep on acquiescing, then men must eventually despair of preserving a reasonable balance in the Federal-State relationship—or even of preserving State governments in more than name."

The state of the States has not come about through a conspiracy to undermine the Constitution, though the Constitution is based on strong States in a strong union. Such a conspiracy would be relatively easy to identify and stop.

Rather the States have been caught—in too many cases, flatfooted—by the changes in American life. It is an intricate pattern of State and Federal steps and missteps that has led to the present result.

In certain issues—civil rights, for example—some States were ahead of Washington in passing, if not always enforcing, appropriate legislation. Because some State governments held out against the individual, Washington reached past them to safeguard the rights of American citizens.

Similarly, in the growth of city problems, Washington has moved in to help when States have failed to do enough.

Or suppose one reverses the chicken and the egg, and says the deficiencies of the States are due to oppressive or enervating Federal policies in the first place. In either interpretation—and we feel there is a mixture of both—the States are now losing some excuses for continued decline.

For example, reapportionment is attacking the argument that States have been disserved by legislatures not fully representative of the people. And new Federal assistance programs are permitting and demanding State and local management.

Ironically, the latter circumstance is criticized as a possibility for pork-barreling. But State and local officials at least have the opportunity to prove that they can use funds for the good of all their people.

At the same time, with Federal taxes reduced, States should take the fiscal steps to reduce dependence on Federal funds. State governments will grow stronger, rather than weaker, the more they take the responsibility for raising the money they need.

The alternative to States' seizing their present opportunities can hardly fail to be further Federal response to citizens' needs. America could become a land of big cities and central authority with States remaining as a kind of local color.

Color us hopeful that this need not be.

I believe this is a good editorial because it clearly presents the problem we have as legislators, the problems that the State and local governments have, and the problems that the average citizen has who has to supply all the revenue for the various local problems.

I have many other articles, one of which is from the Wall Street Journal of January 6, 1965. I am not going to read them into the Record tonight because I know that everyone is tired.

This is just the beginning of an explanation of the problem that I believe is crucial to this entire debate.

Summarizing once again, we are not here dealing with the question of whether the right-to-work is good or bad, in and of itself. I believe that reasonable people can differ and can come to different conclusions on this question.

The basic question with which we are dealing is the takeover of power by the Federal Government from the States and the local government.

We are dealing with the right of the individual to determine his own course of conduct by voting in his own State.

We are dealing with the right of the individual in his own union to retain power over his union.

Right-to-work laws and individual freedoms are of vast importance to the entire Nation. They constitute a subject that I believe Congress should consider and debate at great length in order to get across these points to the American people.

TRANSACTION OF ROUTINE BUSINESS

The following routine business was transacted by unanimous consent during the consideration of the pending motion to proceed to the consideration of H.R. 77:

DEACTIVATION OF SIX RESERVE DIVISIONS AND OTHER UNITS OF THE ARMY RESERVE

Mr. DOMINICK. Mr. President, earlier today the distinguished Senator from Mississippi [Mr. STENNIS] made an extremely important statement to the Senate on the question of the disbanding of the 750 Army Reserve units announced at a press conference by Secretary McNamara on September 30.

The reason why I felt it was so important is that it shows quite clearly to me that Congress is being ignored, to say the very least, by the Secretary of Defense. I would go further than that in this particular instance and say that the Secretary of Defense has misled Congress and the people of this country as to his relationship with Congress.

The Senator from Mississippi placed in the RECORD very specifically what was said in the questions and answers at the news conference on September 30. I should like to repeat them for emphasis. The first question put by a news reporter to the Secretary of Defense was:

> Mr. Secretary, did you get as favorable a response in the Senate to this plan that you apparently got in the Hébert committee this morning?

Referring to the plan to disband 750 Army Reserve units—

> Secretary MCNAMARA. Well, we haven't met with committees of the Senate in quite the same way as we did with the Hébert committee this morning, but those Members of the Senate with whom we have discussed it, I think, have responded as favorably as did Members of the House. Cy, is that a fair appraisal, do you think?
>
> Question. That presumably includes Senator STENNIS?
>
> Secretary MCNAMARA. I don't want to speak for individual members of the committee. I would rather you talk to him directly. Let me simply say we have talked to Members of the Senate, leaders of the Senate, in the Armed Services and Appropriations Committees and they have received the plan favorably.

Note that, Mr. President—"They have received the plan favorably."

I continue with the quotation:

> But I don't want to speak for any particular one of them. I think each of them might put some particular interpretation on his own appraisal of it and you should get it from him.

In his statement, the Senator from Mississippi [Mr. STENNIS] went into the names of the senior Members and leaders of the Senate in the Armed Services Committee and the Appropriations Committee and mentioned the names of Senators HAYDEN, RUSSELL of Georgia, HILL, ELLENDER, MCCLELLAN, STENNIS, SALTONSTALL, YOUNG OF North Dakota, SMITH, BYRD of Virginia, SYMINGTON, JACKSON, and THURMOND.

He said he had talked with each of them, and he found that neither Secretary McNamara nor Deputy Secretary Vance had ever mentioned the plan announced on September 30 in any form to Senators HAYDEN, HILL, ELLENDER, MCCLELLAN, YOUNG of North Dakota, SMITH, BYRD of Virginia, SYMINGTON, JACKSON, or THURMOND. He said he learned that the matter was discussed with the Senator from Georgia [Mr. RUSSELL]; that the Senator was not in favor of the plan; the same thing with respect to the Senator from Massachusetts [Mr. SALTONSTALL]; and the Senator from Mississippi himself.

It strikes me that when there is a deliberately called press conference at which the Secretary of Defense, at least by implication, if not by direct statement, says he has done something which he has not done, we have gone pretty far in the exercise of executive prerogative in dealing with Congress. I for one think it is a shameful exhibition.

I am delighted that the Senator from Mississippi [Mr. STENNIS] has spoken as plainly and as specifically as he has. It strikes me that this country and the people of this country should know of the deliberate efforts, made on one occasion after another, by those in the executive department to try to override the wishes of the Congress and to try to imply that they had the support of Congress when they had not even discussed it with Members of Congress.

I wanted to put that statement in the RECORD, because I think it is important, and I believe the Senator from Mississippi showed great courage in bringing it to the attention of the country. I am happy to support him.

Mr. STENNIS. I thank the Senator for his generous remarks.

OBJECTION TO MEETING OF COMMITTEE ON FOREIGN RELATIONS WHILE THE SENATE IS IN SESSION

Mr. LAUSCHE. Mr. President, if any request shall be made to give the Committee on Foreign Relations permission to meet while the Senate is in session, I wish that I may be notified, because I shall object to such a request.

FAMILY PLANNING AND BIRTH CONTROL

Mr. CLARK. Mr. President, on September 29, Dr. William H. Stewart, whose nomination to be Surgeon General, U.S. Public Health Service, has been sent down by the President, appeared before the Committee on Labor and Public Welfare. During the course of that hearing, I undertook to ask him to indicate what his general attitude and policy in the area of family planning and birth control would be.

I ask unanimous consent to have a copy of the colloquy between Dr. Stewart and me printed in the RECORD.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

> Senator CLARK. Dr. Stewart, I am going to make a few observations on the subject of family planning and birth control, and ask you to indicate to us what your general attitude and policy in the area would be.
>
> As you know, this matter is a somewhat controversial subject, and the winds of controversy blew around your predecessor for a good many years. But at the moment, in the Department of Health, Education, and Welfare, the National Institute for Child Health and Human Development is spending about $500,000 a year for basic research in reproductive biology. The Children's Bureau under the leadership of Mrs. Katherine B. Oettinger, is also doing a good deal of research. And she made what I thought was an excellent speech the other day. I would just like to quote you the last paragraph:
>
> "Many of us here are working together at a new rapid pace as dimensions of our problem become clearer in reaching the goals of providing better health for the mothers and children in this Nation. If family planning is a useful tool in achieving this goal, it should be available on a universal basis as a right to parents without coercion with a genuine and sympathetic attention to the needs of each human being."
>
> The American Medical Association's house of delegates, not too long ago, passed a resolution:
>
> "That the prescription of child spacing measures should be made available to all patients who require them, consistent with their creed and mores, whether they obtain their medical care through private physicians or tax or community-supported health services."
>
> Secretary of the Interior Udall is making contraceptive information available to Eskimoes, American Indians, and Polynesians who are under his general supervision.
>
> Senator GRUENING is holding some most interesting and provocative hearings in a subcommittee of the Government Operations Committee on a bill which would create assistant secretaries on population in both HEW and the State Department.
>
> Our foreign aid programs under the splendid leadership of Dr. Baumgartner and various others have for some years under the Fulbright amendment to a recent foreign aid bill made technical assistance and research facilities available to countries receiving foreign aid, particularly in Latin America and Africa and Asia.
>
> Your colleague, Dr. David E. Price, back in April made an address entitled "Action on the Home Front" to the Symposium on Population Growth and Birth Control at Boston University during the course of which he summed up the various governmental programs as follows—speaking, I guess, for the Surgeon General's office—"Our job is threefold, to continue to help States and localities make family planning available based on existing knowledge; to speed up research in all aspects of human reproduction and population dynamics so that knowledge may be improved; and to increase greatly our training of personnel so that the inevitably heavy demand for their services may be met."
>
> I have been somewhat critical of Mr. Sargent Shriver and the Office of Economic Opportunity because of what seemed to me to be his undue timidity in this area. It is true that he has made, under some local pressure, a few grants available in the poverty program. I made a speech on the floor of the Senate the other day indicating that.
>
> I would like to know whether you endorse these various Government programs, and

what would be your general policy with respect to family planning and birth control if you become Surgeon General.

Dr. Stewart. I might answer that in two parts. First, I would like to give you my personal and professional feelings about this. I think the world population problem is a great problem. And it is going to become greater. I include the United States in the world. I believe that family planning is a way of perhaps doing something about this. However, I think that family planning should be on the individual's initiative, that they are seeking it themselves as a person.

Senator Clark. Let me interrupt you to ask you whether you believe that every American family has the right to know the basic physiological facts and have the technical assistance available to them so that they can make their own decision about how large their family should be rather than being in the position where, because of ignorance, they may have a number of unwanted children, as they often do?

Dr. Stewart. Yes. You anticipated my next sentence, which is, I don't think people can make intelligent choices unless they know, and therefore, they need to know so they can make these choices.

Now, as far as the role of the Public Health Service in this is concerned, at the moment, I believe what Dr. Price summarized is probably our role, three parts: research, because I don't know that we have the ideal ways for family planning, there is a variety of ways, and on population dynamics itself, we need more information, and in training individuals for a variety of things, and in assisting the State and local communities as we do in many other kinds of programs for information and for development programs in family planning.

Senator Clark. This latter effort is primarily education, is it not?

Dr. Stewart. I think it would be primarily education, although some of our grant money to States is used for clinics, but principally that is in the Children's Bureau.

Senator Clark. But you would have no inclination to sweep this problem under the rug?

Dr. Stewart. Not at all.

Senator Clark. Thank you.

SUPPORT GROWING FOR SENATOR FULBRIGHT IN HIS VIEWS ON FOREIGN POLICY

Mr. CLARK. Mr. President, in my judgment, a consensus of informed opinion in this country is developing in support of the Senator from Arkansas [Mr. Fulbright], both in his view that debate on foreign policy is a necessary part of our democratic process and in his further view that our activities in the Dominican Republic have brought us an unnecessary amount of trouble with nations in Latin America which should be our best friends.

I also note with dismay a resolution adopted by the House of Representatives under the leadership of Representative Selden, which would seem to indicate that the United States believes it has a right to intervene unilaterally, with force, in any Latin American country where, in our opinion, there is a threat of a Communist takeover.

The resolution which was adopted, so far as I can tell, without any effective opposition from the State Department, has caused a furor in Latin America almost equal to that caused by our overreaction to the Dominican Republic crisis.

I would hope that in short order the State Department would undertake to issue a statement, which I am confident a number of members of the Foreign Relations Committee—possibly a majority—would approve, which would indicate a return to the sound basis of standing firmly behind our treaty commitments entered into with our fellow members of the Organization of American States.

Mr. President, I ask unanimous consent to have printed in the Record the following articles and editorials which confirm the point of view which I have endeavored to express briefly this afternoon:

First, an article entitled, "The Speechmaker," which was published in the October 2 issue of the New Republic under the byline of Andrew Kopkind, with a subtitle, "Senator Fulbright as the Arkansas de Tocqueville"; second, a column written by Joseph Kraft and published in the Washington Post of recent date entitled, "Fulbright and His Critics"; third, a column written by Walter Lippmann entitled, "Soviet-American Relations," which was published in the Washington Post on September 28, 1965; fourth, a column under the byline of Marquis Childs, entitled "Tyranny of the Majority in United States," which appeared in the Washington Post on September 27; and, finally, an editorial entitled "Defending Intervention," which appeared in the St. Louis Post-Dispatch during the week of September 20–26.

There being no objection, the articles and editorials were ordered to be printed in the Record, as follows:

The Speechmaker: Senator Fulbright as the Arkansas de Tocqueville

(By Andrew Kopkind)

For his troubles in detailing the errors of U.S. foreign policy, Senator J. William Fulbright has been rewarded with a congressional resolution compounding the error and doubling his troubles. A few days after Fulbright delivered a characteristically long, intelligent, and eloquent condemnation of American intervention in the Dominican Revolution, the House of Representatives passed (312 to 52) a sentimental endorsement of armed intervention anywhere in Latin America in the event of "subversive domination or the threat of it." The rebuke had the tacit approval of the State Department and bipartisan support of the House leadership.

It is not unusual for Fulbright to find himself on the short side of a 6-to-1 vote, and in his own way he derives a certain moral superiority from being a minority of one. "More than a hundred years ago, Alexis de Tocqueville warned us * * * of the dangers that might be expected from the 'tyranny of the majority.' This is the tyranny that presently is growing in our country," Fulbright said in a doom-laden speech on McCarthyism 11 years ago. Last week, privately, he repeated the same phrase, and predicted the same doom. He made his Senate speech not as a political leader but as an elder statesman-without-portfolio, an Arkansas de Tocqueville whose job it is not to make policy but to report it, and by reporting, influence in some small way its future course.

He has no taste for the heat of battle or the pitch of crisis. "At this time of relative calm," his speech began, "it is appropriate, desirable and, I think, necessary to review events in the Dominican Republic and the United States role in those events. The purpose of such a review—and its only purpose—is to develop guidelines for wise and effective policies in the future." Fulbright removed himself as much as he could from the onus of personal criticism: President Johnson's decision to send 20,000 troops to Santo Domingo was understandable under the circumstances. There were "No easy choices. Nonetheless, it is the task of diplomacy to make wise decisions when they need to be made and U.S. diplomacy failed to do so in the Dominican crisis."

The blame could not be placed on the President but was laid squarely to the sources of information: the CIA, State Department intelligence, and U.S. Embassy officials in Santo Domingo. The lack of reliable information—it was inadequate and inaccurate—gets congressional leaders off the hook, too. Fulbright and the usual collection of Senators and Representatives concerned with foreign policy were called to the White House during the crisis, told the President's plans, and, in effect, asked to ratify the decision to intervene. They offered no opposition, either because they agreed with the President, or (like Fulbright, perhaps uniquely) they had no independent source of information on which to base any instinctive doubts.

Fulbright got the opposite of help from the White House. "The whole affair * * *," Fulbright said, "has been characterized by a lack of candor." He was told at the White House that hundreds or thousands of American lives were in danger, and that the protection of these compatriots was the reason for intervention. Later, he said, he knew that it was not exactly the case: "The danger to American lives was more a pretext than a reason for the massive U.S. intervention," he said. "The United States intervened in the Dominican Republic for the purpose of preventing the victory of a revolutionary force which was judged to be Communist dominated."

There was no doubt about whose bad judgment it was. Fulbright conceived the Dominican episode as a "classic study" of policymaking with the "inevitability of a Greek tragedy." The antagonist was the American Ambassador in Santo Domingo, W. Tapley Bennett. It was he who refused to help the supporters of deposed President Bosch when they pleaded for a U.S. presence on April 25, the second day of the revolution, and it was he who refused U.S. mediation on April 27, when the rebels sought a negotiated settlement.

FULL SPEED AHEAD

Instead, Bennett seemed intent on helping the military junta stay in power. General Wessin y Wessin shot off a telegram to Washington accusing his opponents of being Communists. A quick check could only turn up three Communists, and Wessin was told that the reasons for intervention were not good enough. Only a threat to American lives would bring American troops. Several minutes later, thus prompted, Wessin discovered a threat to American lives. That was all that was needed; the troopships were already speeding toward Santo Domingo. It did not take long to see just how exaggerated the danger was; in fact, no American lives were lost until the marines landed. But by that time, someone found 55, or 58, or 77 verifiable Communists, some of them alive and some of them dead, some of them in the country and some of them out, some of them pro-Castro, some pro-Peiping, and some pro-Moscow, who could be associated with the revolution. Association soon became "control," and the United States had to put the country under military command.

Fulbright slowly amassed these facts in 6 weeks and 13 sessions of secret Foreign Relations Committee hearings this summer, to which almost every administration official concerned with the intervention was invited. A great many came. McGeorge Bundy politely refused. Ambassador Bennett testified and was asked about those telegrams from General Wessin y Wessin; Bennett did not remember the episode, offhand. Other witnesses had better memories. FULBRIGHT was well prepared; the committee staff is one of the best in Congress, and it organized surveys and chronologies of the crisis from a wide variety of sources. So much so, in fact, that opponents of FULBRIGHT thought they detected some kind of conspiracy. "Someone had prepared a sheaf of cards, I should say 1½ inches thick," Senator LAUSCHE reported darkly of the hearings. "When the witnesses appeared, the questions on the cards were systematically asked. One question was read, and the card was turned over. Then the second question was read, and the third." The giveaway was the systematizing. LAUSCHE was not alone in catching it.

One of the six "criteria" Senator DODD has for telling an out-and-out Communist revolution from the other kind is the systematic "pattern of the revolt itself." In his long speech opposing FULBRIGHT, DODD said, "Spontaneous revolutions, guided by indignant nationalists, are invariably characterized by a certain amount of bungling and amateurism. But the Dominican revolt was characterized, instead, by the highest degree of precision and professionalism."

The core of FULBRIGHT's case was that the revolution was not controlled by Communists, even if it attracted Communist supporters:

"The administration * * * assumed almost from the beginning that the revolution was Communist-dominated, or would certainly become so, and that nothing short of forcible opposition could prevent a Communist takeover. In their apprehension lest the Dominican Republic become another Cuba, some of our officials seem to have forgotten that virtually all reform movements attract some Communist support that there is an important difference between Communist support and Communist control of a political movement, that it is quite possible to compete with the Communists for influence in a reform movement rather than abandon it to them, and, most important of all, that economic development and social justice are themselves the primary and most reliable security against Communist subversion."

From the evidence gathered at the hearings—at which all witnesses, with the exception of former Gov. Luis Muñez-Marin, of Puerto Rico, were in the administration—FULBRIGHT concluded that the charge of Communist control of the revolution does not stick. The motive behind U.S. intervention was a new dedication to preserve the status quo in Latin America against all revolutionary forces about which there is any suspicion of political instability. What happened between the coup against President Bosch in September 1963, and the attempted return of Bosch's party, the PRD, in April 1965, was a shift to the right in American foreign policy notably toward Latin America. FULBRIGHT saw American policymakers increasingly preoccupied with the anti-Communist credentials to the exclusion of all other aspects of their roles.

The springs of the rightward surge were not clear. FULBRIGHT senses an unwillingness on the part of State Department officials to take chances with the Latin American left after the dreadful experience of William Wieland, who fought for 5 years to regain his security clearance as a U.S. Foreign Service officer after he had the misfortune to be on the Cuba desk during Castro's accession to power. No doubt FULBRIGHT believes Ambassador Bennett and a raft of lesser officials have Wieland's example before them.

More important, FULBRIGHT thinks, is the loss of genuine commitment to social change which inspired Kennedy's policy, haphazard as it was, toward the Latin countries. Now, policy planners seem to conceive America's interest more mechanistically, as a matter of who's with us and who's not. That sounds very toughminded, but it is often simpleminded: such a policy misses the long view of history as the politics of change. FULBRIGHT sees the national interest coinciding more than casually with the revolutionary forces at work in the hemisphere.

His world view is an ever-changing subtly shifting abstraction, a mixture of Realpolitik and idealism unbetrayed by the demands of crisis politics. He is not obsessed by a fear of communism; he is more worried at the moment about anticommunism. He detests sentimentalism in foreign policy, on the part of the left as well as the right. He harks back to the mythological basis of America's conduct of foreign affairs. In his first Senate speech, in March 1945, he began, "Myths are one of the greatest obstacles in the formulation of national policy." His famous speech last year concerned "old myths and new realities." He is convinced that America is captive of what he calls "the obsession with communism," and that is inevitably destructive.

"We are not, as we like to claim in Fourth of July speeches, the most truly revolutionary nation on earth," FULBRIGHT said in his Senate speech. "We are * * * much closer to being the most unrevolutionary nation on earth." Later he added, "If any group or any movement with which the Communists associate themselves is going to be automatically condemned in the eyes of the United States, then we have indeed given up all hope of guiding or influencing even to a marginal degree the revolutionary movements and the demands for social change which are sweeping Latin America."

PAPA KNOWS BEST

He is willing to go far in his analysis of U.S. policy, but he stops short of the most unthinkable thought of all. A real Communist revolution in Latin America would provide grounds for American intervention. He hopes that there are viable "democratic left" forces available to fulfill revolutionary missions, but if there are none, as there very well may not be in many countries, FULBRIGHT is not at all sure he could stomach one or two or four more Castroite regimes in the Western Hemisphere. And yet that seems to be a necessary corollary of his speech. He may be right about the "essential legitimacy" of the Dominican revolution, that is, its derivation from Bosch and the PRD. On the other hand, he may be wrong; the difference between his position and his opponents' on that central issue is one of method, not of philosophy. Dedication to social change and revolutionary reform means accepting nasty consequences along with beneficial ones. It requires an extremely narrow definition of "threat to the national interest." The relationship between nations must be one of equality, and intervention conceived only as a last resort when there is a clear threat and imminent danger. FULBRIGHT still clings, perhaps unconsciously, to a paternalistic approach to Latin America. In his view, what papa knows best is left-of-center social reform. That is much better than most American papas will admit, but it may not be enough.

FULBRIGHT's speech was the best on any subject made on the floor of the Senate during this session. It was clear, elegantly styled, and subtly intellectual. It was also received with towering hostility, by many of FULBRIGHT's Senate (and committee) colleagues, and in much of the press. The White House is said to have responded with predictable unhappiness. The best that was heard from the administration was the guarded comment of one aid—not at all in the inner circle—who ventured the opinion that he was "glad the speech was made."

But it is the measure of FULBRIGHT's role in the Senate that his friends, as much as his enemies, were critical. He is the archetypal loner, the most anticlub of all the Senators. He is stuck with an unwieldy (19 members) committee which he assumed is stacked against him. He may be right; it seems to be a question of how one counts the members. FULBRIGHT counts them very much against him, at least as they stand in their pristine ignorance. Other members think that with pressure and tutoring, a majority of the 13 Democrats, and perhaps the entire committee, could be welded into a cohesive opinion bloc with a consistent point of view. It would require only minor compromise on FULBRIGHT's part, but a great deal of effort and charm.

FULBRIGHT apparently wants to expend little of either. He begins with an idea of the futility, if not exactly the inappropriateness, of Senate participation in specific matters of foreign policy. Crises are for executives. He admits that a strong leader could galvanize a willing Foreign Relations Committee and perhaps influence policy decisions, but at the same time he knows that he is not that man.

Neither are his committee fellows. Immediately under FULBRIGHT is Senator SPARKMAN, then Senator MANSFIELD, then Senators MORSE, RUSSELL, LONG, GORE—and so on. The ranking Republican is Senator HICKENLOOPER. The truth is that there are no Borahs or Cabot Lodges (Senior, of course) available, and there is no one to lead the Senate in foreign affairs in a way which might even approach the authority of the Johnson administration.

ONE-MAN SHOW

Some wish that FULBRIGHT would try, but he will not. He did not attempt to get a report to the committee on the Dominican investigation. One of his friends on the committee asked him to see about a majority and minority report (he might have won more than half the Democrats to his side), and muttering something about "bipartisan" and "impossible," FULBRIGHT let the suggestion go by. Only the loyal Senator CLARK, among his committee friends, was on hand in the Senate to support his position. He is not worried by the dire predictions of his banishment from the White House. His influence there is already severely circumscribed, both because of the divergence of his and the President's views, and also because the President wants very much to run his own show; the executive department advisers are part of his show, but the legislators are definitely not. Even with President Kennedy, with whom FULBRIGHT was on quite good terms, his voice was small. FULBRIGHT's brilliant Cuban memorandum, submitted shortly before the Bay of Pigs invasion, was not heeded. Neither was his argument to the invasion planners on the eve of the crisis. Arthur Schlesinger says, in his memoirs, that he was the only one in the White House planning session who shared FULBRIGHT's doubts. Maybe the President did, too.

The more FULBRIGHT looks at the possibilities for effectively influencing policy decisions, the more he is overcome with that sense of futility. It is almost an existential anguish; he periodically wonders (sometimes in public, on the floor of the Senate) whether he ought not, after all, resign as chairman of the committee and be done with it. He is restrained by a sense of responsibility and a sense of history, which amount to the same thing. His speeches seem to be prepared for instant anthologizing; they are addressed to posterity as much as to the Chair.

His friends say that he is inclined to moments of petulance, which are sometimes visible. Last spring, he announced that he was through with foreign aid bills until they were put on a more rational basis. He favored authorization terms longer than 1 year (so that the President would not have the drain of a yearly appropriation fight) and moves toward institutionalizing aid in international funds. FULBRIGHT knows that the "ingratitude" of aid recipients, which shows up in the burnings of libraries and the stonings of embassies, grows out of the unbridgeable hostility between the giver and the getter. "Shakespeare said it," Fulbright says snappishly, "loan loses both itself and friend."

But by the end of the session, Fulbright was back at his post, managing the foreign aid bill in the Senate. He tried to get other committee members—Morse, Sparkman, Church—to take it over, and for their own good reasons they refused. Fulbright even caved in on the 2-year authorization clause in an extended conference with House Members. He did not have the power to pull it off.

Fulbright's constituency, of course, is far wider than the boundaries of Arkansas. It includes much of liberal intellectual America, and more than that, educated opinion in most of the non-Communist world. Most Latin Americans in Washington last week were overjoyed at Fulbright's speech. One of the most important political leaders in South America sent him a telegram of warm congratulations. Fulbright hopes that his consistent opposition to U.S. military adventure can keep American prestige alive in Latin America, something like Labour's opposition to Suez kept Britain's prestige viable, if barely so, in the Middle East, against the distant day when new policies could be formulated. Similarly, De Gaulle's repudiation of France's long-held Algerian policy made it seem as if it were never held at all.

America as a political monolith is a more dangerous image to project than a picture of America driven with dissent, Fulbright thinks. The White House, of course, is terrified that the world will overestimate the importance of the dissenting opinions, and doubt the administration resolve. Fulbright has no such nightmares.

It is all very simple for him. He went to some hearings, reviewed the record, wrote a speech with the help of his staff, and gave it one day to a near-empty Senate. Almost that simple: he did put it off for about 3 weeks while the provisional government of Hector Garcia Godoy was installed in Santo Domingo. Then, when there was absolutely no chance of having any effect on current events, he unwound.

He cannot understand what the fuss is all about. Journalists buzz around his office searching for hidden meanings and unrecorded connections. What is Fulbright up to? Did he really mean Vietnam when he was saying Dominican Republic? (He did make one oblique reference to Vietnam in his speech; he wondered why the United States is so eager to keep "more ambiguous and less formal promises" made to Saigon and yet willing to disregard formal commitments to the Organization of American States and the Rio Treaty.) Is he bitter because he was passed over for Secretary of State? Is he frustrated by the voting demands on a southern Senator (not only against voting rights this year, but also against such liberal measures as increased minimum wage and home rule for the District of Columbia)? His claim to represent a revolutionary spirit for social reform is seriously, if understandably, flawed. Perhaps an awareness of the inconsistency of his political behavior makes his outbursts more vivid.

Fulbright advises all doubters to apply Occam's razor. The simple explanation is the true. He only appears to be a riddle wrapped in a mystery inside an enigma. He is really an uncomplicated Rhodes scholar from Arkansas interested in the price of chickens and international relations.

His own theory to explain the extraordinary outcry which followed the Senate speech has to do with the constructions of consensus politics, as well as the sensitivity to criticism generated by the continuing foreign crisis. He is not alone in worrying about the anti-Communist hysteria which seems to be building up again in the United States, as it did during the Korean war. That, too, followed a period of mild liberal nonconformity, something like the early 1960's. Senator Fulbright's speeches were heard then in lofty condemnation of McCarthyism. As always, they were cool, sensible, and well-reasoned. This time, it may take more than speechmaking to set things right.

Fulbright and His Critics

(By Joseph Kraft)

The doubts raised by Senator Fulbright with respect to this country's policy in Latin America have been intensified by the cries of his critics.

Basically, the Senator was only posing a good question. He was asking whether this country had reverted to the policy of direct military intervention in South America.

With the Dominican case before him, he sensed a new disposition to identify all social protest with Communist subversion, and a connected tendency to shoot first and think later. He pointed out that there were important distinctions between protests backed by the Communists and protests under their control. He suggested that when trouble south of the border developed next, it might be appropriate for this country to think first and shoot next.

A reasonable, and I believe honest, response to Senator Fulbright's question was available to the administration. It would have emphasized that there was no basic change in American policy; that there were matters open for debate in the Dominican record; but that the Dominican case, because of the special impact of the Trujillo dictatorship, was a special one without general application to Latin America.

The actual reaction was not unlike the stoning reserved by the high priests of primitive communities for those who question the efficacy of blood sacrifice.

For a starter there was Senator Thomas Dodd, of Connecticut, with his usual tactic of crying soft on communism. Dodd charged that Fulbright "suffers from an indiscriminating infatuation with revolutions of all kinds, national, democratic, or Communist."

Short remarks in similar vein were made by Senators Frank Lausche and Russell Long—a Member of Senator Fulbright's Foreign Relations Committee who had not even bothered to attend the committee's recent hearings on the Dominican Republic. Then in defense of the American Ambassador in the Dominican Republic, Tapley Bennett, there boomed the big gun of the Senate, Richard Russell, of Georgia.

Russell had known Ambassador Bennett "as a small boy." He had known "his father and his mother." He had known "both of his grandfathers." Only last year he had had a meal "with Ambassador Bennett's father and mother on their Franklin County farm in the rolling red clay hills of northeast Georgia." With that pedigree, and that solid rural background, how could anyone even begin to have doubts?

A day earlier, the House had expressed its reaction to Senator Fulbright. It passed by an overwhelming vote a resolution that, in effect, endorsed direct military intervention by the United States in Latin America to prevent "subversive action or the threat of it."

By themselves, neither the House resolution nor the Senate statements have any practical force. But precisely because they are free of real content, they provide a good measure of the play of domestic and bureaucratic politics on foreign affairs.

At the base, plainly, there are politicos with self-interested motives for raising anew the issue of softness on communism. The original author of the House resolution, Armistead Selden, of Alabama, for instance, comes from a district that is being changed by reapportionment, by Federal registration of voters, and by possible action on the poll tax. With Negro voters due to figure in the Alabama primary next May, Selden can no longer fall back on the usual theme of protecting white supremacy. Instead, he is wrapping himself in the mantle of anticommunism.

Politicians with such an obvious interest in raising the Communist issue are, to be sure, limited in number. But their strength is as the strength of 10 because the administration is doing nothing to organize resistance against them.

On the contrary, the administration has promoted inside the State Department a group of regular Foreign Service officers, heading up in Under Secretary Thomas Mann and Assistant Secretary for Congressional Relations Douglas MacArthur II, who made their way in the era of unsophisticated, monolithic anticommunism. Their ideas, indeed their careers and reputations, are tied up with that era. Not surprisingly, they practically invited the Selden resolution.

Lastly, the White House itself seems to be holding anticommunism in reserve as a rod to discipline its congressional majority. Where there is a jingoist issue working, in other words, the President wants it working on his side. He has gone soft on Goldwaterism. And while he maintains that stance, it remains a question whether this country will be able to move in harmony with the vast social changes that are sweeping Latin America, and Africa and Asia, too.

[From the Washington (D.C.) Post, Sept. 28, 1965]

Soviet-American Relations

(By Walter Lippmann)

Last week the world had a fleeting but tantalizing glimpse of what might become possible if the cold war subsided. The U.S.S.R. and the United States acting on their parallel interests in averting a war between Pakistan and India, made it possible for the United Nations to order a cease-fire. This show of unanimity discouraged the Chinese from intervening in the quarrel.

Parallelism is a long way short of positive cooperation, and there is no assurance that a settlement of the quarrel is in sight or even that the underlying hostility will not smolder on for a very long time. Nevertheless, the events of last week were a spectacular demonstration of how all hope and prospect of a reasonably peaceable world is tied up with an improvement in Soviet-American relations.

Is an improvement possible? What is there between us that now sets us against each other? It is, quite plainly, the conflict of ideology and interest, of emotion and of prejudice, over the revolutionary condition of the so-called third world—the world of the underdeveloped and emerging nations of the Southern Hemisphere—in Asia, Africa, and Latin America. The revolutionary condition is an objective historical fact of this century, and it will continue to exist no matter what the Russians or we say or do about it.

The Soviet-American conflict is about this revolutionary condition. Thus, the conflict is no longer, as it was a generation ago, about what kind of social order is to exist in the highly developed countries of Europe and North America. As a matter of fact, in this whole area, which includes European Russia itself, the old argument between the Marxists and the laissez faire capitalists has been bypassed by events. For example, the economic philosophy of General Eisenhower and Senator Goldwater in America is as dead as the economic philosophy of Marx is among the European socialists. In the whole developed, progressive, industrial world, the prevailing economic order is a mixture in varying degrees of planning and the incentive of profit of fiscal management, and social regulation.

It is in regard to the turbulence of this third world—which was not foreseen a generation ago—that the Soviet Union and the United States find themselves locked into what has the appearance of an irreconcilable conflict.

In its official ideology, the Soviet Union is committed to the support of the revolutionaries, to the incitement and supplying of "wars of national liberation."

In the American ideology, we are not absolutely opposed to wars of national liberation, provided they are not inspired or supported by Communists. We are very much disposed to feel, however, that all revolutions will be captured by the Communists who invariably participate in them.

Thus, Russia and America find themselves in a vicious circle. The Russians are disposed to intervene wherever there is a rebellion, and the United States is inclined to intervene to oppose as aggression the Communist intervention. In the Soviet Union there exists a prejudice in favor of rebellion as such, of rebellion against any established order. The Soviet Union is the product of a fairly recent revolution. In the United States, where the revolution occurred nearly two centuries ago, there is now a prejudice against revolution. The result is a vicious circle in which dogmatic communism and dogmatic anticommunism incite and exasperate each other.

The improvement of Soviet-American relations, which is prerequisite to an accommodation between the West and China, requires the breakup of this vicious circle. How? Essentially, I believe, by fostering the ascendancy of national interests over global ideology, by the reassertion in both countries of prudence and calculation against semireligious fanaticism and frenzy.

We had a glimpse last week of how this can happen. The hostilities in Kashmir began with an infiltration of guerrilla troops (recruited as a matter of fact from the Pakistan army though they wore different uniforms). The purpose of the guerrillas was to arouse the population and to liberate Moslem Kashmir from Hindu rule. Here was a war of national liberation which the Soviet Union, according to its theoretical doctrine, was bound to support. However, the fact of the matter is that it did not suit the Soviet Union that Pakistan, in cahoots with Red China, should defeat India, which is a tacit ally of the Soviet Union. So the Soviet Union acted in favor of peace, which is its real interest, rather than on behalf of an ideological prejudice.

At the same time, the United States, having learned something in recent months, resisted the temptation to take a lofty position against aggression, and instead, reticently and prudently, choose to work quietly and behind the scenes.

This is the way that Soviet-American relations can be improved—by encouraging the prudent and the practical to predominate over the ideological and the hot. In this country, at least, the process will require the resumption of public debate—the kind of debate which Senator Fulbright has once again opened up.

For the issue which he has posed in his remarkable speech is the essential issue in our attitude and policy toward the revolutionary condition of our time. The question he posed is how to tolerate rebellion, which is often necessary and desirable, without surrendering the control of the rebellion to the Communists who will always be part of it.

There is no rule of thumb for answering this question. But there has to be some kind of accommodation, such as the Soviet Union made about the Kashmir freedom fighters and such as we made about the Chinese threat of military aggression. The discussion of this serious and difficult problem cannot be monopolized by the assorted hangers-on, often more Johnsonian than Johnson himself, who are presuming to lay down the rule that only those who conform with the current political improvisations are altogether respectable and quite loyal.

Tyranny of the Majority in United States

(By Marquis Childs)

The Johnson consensus is so powerful that large areas of policy—normally in past years a subject for debate—are now off limits. The zeal of a majority President, who by temperament and conviction draws the line against dissenters, underscores the fears of a time of troubles when revolutionary regimes threaten all order and stability.

Add to this an expanding Federal Government dispensing money in old ways—the House just passed a $1.7 billion porkbarrel rivers and harbors bill—and new ways such as huge defense and research contracts. The sum total in the view of pessimistic observers is a new America with little resemblance to the give-and-take democracy of the past.

A case in point is what happened to Chairman J. William Fulbright, of the Senate Foreign Relations Committee. Waiting until after a provisional government had been established in the Dominican Republic, Fulbright in a Senate speech delivered a carefully reasoned criticism of how the Dominican crisis had been handled. This was based on an inquiry before the Foreign Relations Committee with 13 sessions at which all the principals testified.

Immediately the full force of administration spokesmen, big and little, was leveled against him. The voices turned up high, did not so much seek to refute the criticism as to discredit the critic. At the lowest level, as represented by Senator Russell Long, of Louisiana, the majority whip, the suggestion was that if you didn't believe Communists were about to take over in the Dominican Republic then you must have more sympathy for communism than you knew.

On careful rereading of the Fulbright speech it is hard to discover why the reaction was as though it had been an offense against majesty. He was saying that aspects of America's policy in the Dominican Republic compounded these faults. The example of a Senator soundly birched for faulting the administration raises a troubling question: Is any dialog at all possible on the great issues of foreign policy?

To put it another way: Must the power of the Executive be so absolute in view of the threat to Americas' security that critics should keep silent? An American war in Vietnam is rapidly expanding with reports of 200,000 troops to be committed by the year's end and yet scarcely a doubt is expressed publicly over the authority of the Commander in Chief to direct an undeclared war.

Granted the stakes are awesome and the power of the Executive great in conducting policy with proper secrecy as in the India-Pakistan crisis. Granted, too, that nothing succeeds like the Johnson successes.

Nevertheless, the domination of the majority is so all-encompassing that a fundamental distortion of the American system seems for the time being at least to have resulted. More than a century ago Alexis de Tocqueville, one of the most searching and at the same time sympathetic foreign critics, wrote in his "Democracy in America" of the danger of the "tyranny of the majority." Of the tyranny this French aristocrat considered the main evil of democratic institutions he wrote:

"* * * The smallest reproach irritates its sensibility and the slightest joke that has any foundation in truth renders it indignant; from the forms of its language up to the solid virtues of its character, everything must be made the subject of encomium. No writer, whatever his eminence, can escape paying this tribute of adulation to his follow citizens."

De Tocqueville was writing of the majority itself but his words today might be applied to the master of the majority.

"'I know of no country," de Tocqueville wrote, "in which there is so little independence of mind and real freedom of discussion as in America. Profound changes have occurred since democracy in America first appeared and yet it may be asked whether recognition of the right of dissent has gained substantially in practice as well as in theory."

Senator Fulbright discovered in 1957 what it meant to go against the majority. He opposed the Eisenhower-Dulles doctrine embodied in a resolution giving the President power to use "the Armed Forces of the United States as he deems necessary" in the Middle East and to spend $200 million as he saw fit without congressional restrictions. The Senate majority leader then was Lyndon B. Johnson. He urged Fulbright to back Eisenhower as he himself had.

Johnson has triple-starred consensus in the political lexicon. But, defined as "tyranny of the majority," consensus has another look.

[From the St. Louis Post-Dispatch, Sept. 20–26]

Defending Intervention

The best thing that can be said of the new House resolution on intervention in Latin America is that it is ineffectual. It is not binding on anyone, and merely expresses a point of view. But what a point of view.

Subversive domination of a New World nation, or even the threat of it, the resolution says, violates the Monroe Doctrine. Therefore any Western Hemisphere nation may, in the exercise of individual or collective self-defense, which could go so far as resort to armed force * * * take steps to forestall or combat the subversion.

In sponsoring this proposal, Representative Selden, of Alabama, argued that a new type of collective security is needed to combat a new type of aggression—that of subversion inside a country. But the Selden resolution goes far beyond collective security. It suggests that one republic may intervene unilaterally in another. It is so worded.

Representative Bingham, of New York, asserts that a Latin nation could intervene in the United States if the Latin neighbor concluded that, for example, the civil rights movement were Communist-inspired.

The idea of a Latin republic intervening in the United States is so patently absurd that the Selden resolution must be read the other way around—to justify U.S. intervention among its neighbors. Indeed, the resolution seems to be an ex post facto vindication for the American intervention in the Dominican Republic.

Perhaps this explains why the State Department is so timid in its view of the resolution. The Department asked Mr. Selden to make clear in debate that the mere threat of subversion would not justify unilateral use of force, but the resolution does not say so. And when the House had voted by 312 to 52 for the measure, after only 40 minutes of debate, a press officer lamely explained that the State Department agreed with the sentiments expressed but questioned some of the language.

Opponents of the resolution have accused the State Department of lack of backbone. The accusation assumes that the Department still opposes unilateral intervention. Does it?

BICENTENNIAL OF THE CONVENING OF THE STAMP ACT CONGRESS

Mr. THURMOND. Mr. President, today marks the bicentennial of the convening of the Stamp Act Congress in New York on October 7, 1765. The Stamp Act Congress was the first united action of protest by the colonies in the preliminaries of the War for Independence. The Congress, assembled at the call of Massachusetts, was attended by delegates from 9 of the 13 colonies. Voting by colonies, each colony having one vote, the Stamp Act Congress drafted petitions to the King and to Parliament, and adopted an important declaration of rights, the first platform of American principles.

The acts of this first American Congress were instrumental in bringing about the repeal of the abusive stamp tax. One of the most persuasive of the delegates in the Stamp Act Congress was Christopher Gadsden of Charleston, S.C. Mr. Gadsden, as a delegate from South Carolina, distinguished himself by his arguments for colonial union and against recognition of authority of the English Parliament.

Mr. President, the Congress in which we now serve can truly trace its beginning to this important assemblage in New York in 1765. Our Nation owes much to the patriots who assembled there. As we conduct the legislative business of the Nation today, we would do well to remember that those who assembled in the Stamp Act Congress in 1765 met and took action for the sole purpose of protecting liberty against the tyranny of a despot. It is our patriotic duty and responsibility to carry on the precedents begun by the Stamp Act Congress.

Mr. President, down through history, assemblages, including Congresses, have earned and received names according to the actions for which they were noted. The Stamp Act Congress received its name because it met to oppose the tyrannical Stamp Act imposed on Americans by an English King and Parliament. The 89th Congress of the United States, in its 1st session, has earned and received, to a greater degree than any other Congress in history, the title "rubberstamp Congress."

On this bicentennial of the Stamp Act Congress, each member of the 89th Congress, and indeed each American, should ask himself the question: Will Americans feel the same sense of pride in the "rubberstamp Congress" of 1965 on its bicentennial that all freedom-loving Americans have cause to feel for the Stamp Act Congress of 1765 today?

WABASH VALLEY ASSOCIATION RESOLUTION

Mr. HARTKE. Mr. President, at a meeting held in New Harmony, Ind., on August 21, 1965, the members of the Wabash Valley Association adopted a resolution, a copy of which has been furnished to me. This association, comprised of members from both Indiana and Illinois who have devoted great effort to the development and conservation of water and natural resources in the valley, has been a great force through private assistance to public programs of various Federal agencies involving the region.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE MEMBERSHIP OF WABASH VALLEY ASSOCIATION, AT A MEETING AT NEW HARMONY, IND., AUGUST 21, 1965

Whereas the Wabash Valley Association is composed of common people of the States of Indiana and Illinois who are interested in the development and conservation of water and the natural resources of this great valley; and

Whereas the improvement and preservation of our natural resources requires long-range planning on local and national levels; and

Whereas the U.S. Corps of Engineers, the Interior Department, the Department of Agriculture, the Bureau of Public Health and Welfare, the four U.S. Senators, Members of Congress, the Governors of the two States, and all interested representatives of State government have given aid and support to projects proposed by the Wabash Valley Association; and

Whereas much more is to be done and required to complete projects now in the planning stages; and

Whereas the Wabash Valley Association is thankful and appreciative of the untiring efforts, services, and devotion to the principles of the Wabash Valley Association for the total and complete development of the water resources of the Wabash River Basin: Now, therefore, be it

Resolved by the Wabash Valley Association, That we extend to the Federal and State officials who have given of their untiring efforts the complete endorsement of this organization; and further be it

Resolved, That a copy of these resolutions be presented to State and Federal officials who have so ably participated in this program.

PERSONAL INCOME STILL CLIMBING

Mr. HARTKE. Mr. President, the October 2, issue of Business Week presents an interesting analysis, together with a table, of the continued growth in personal income during the month of July.

Farm receipts nationally were up $223 million in July over a year ago, and $845 million on the first 7 months as compared with a year earlier. Only one of the 50 States, Wyoming, was below the year-ago level in personal income, but for the 7 months Wyoming was also ahead; 28 States improved their July figure more than 8 percent over 1964, and 27 are more than 8 percent ahead for the 7 months.

With a gain of 9.6 percent for July over July 1964, my own State of Indiana is well above the average and its 7-month gain ranks 15th in the list. It is encouraging to see such evidence of the continuation of our prosperity as it affects the personal income of our people.

I ask unanimous consent that the Business Week table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Measure of personal income

[Dollar amounts in millions. Not adjusted for seasonal variations]

State	1957–59 average	July 1964	June 1965	July 1965	Percent change versus year ago	First 7 months		Percent change versus year ago
						1964	1965	
Alabama	$366.8	$477.7	$528.9	$535.6	+12.1	$3,293.2	$3,648.5	+10.8
Alaska	44.9	72.2	78.4	81.9	+13.4	432.0	478.8	+10.8
Arizona	184.4	283.7	319.8	310.4	+9.4	2,045.9	2,189.3	+7.0
Arkansas	182.3	254.9	282.7	279.4	+9.6	1,758.1	1,880.6	+7.0
California	3,160.6	4,642.5	4,981.4	4,994.7	+7.6	31,724.6	33,969.7	+7.1
Colorado	296.8	426.0	444.2	462.7	+8.6	2,925.8	3,085.7	+5.5
Connecticut	551.9	740.2	807.1	799.6	+8.0	5,166.4	5,521.4	+6.9
Delaware	103.8	144.9	153.3	154.9	+6.9	962.0	1,070.5	+11.3
District of Columbia	177.9	229.0	246.0	245.8	+7.3	1,586.5	1,679.8	+5.9
Florida	711.9	1,064.4	1,179.8	1,202.4	+13.0	7,729.7	8,527.3	+10.3
Georgia	477.4	692.4	752.1	765.9	+10.6	4,740.2	5,166.0	+9.0
Hawaii	98.5	152.3	169.5	174.9	+14.8	1,028.7	1,139.9	+10.8
Idaho	93.7	121.8	133.3	131.3	+7.8	809.6	894.8	+10.5
Illinois	2,048.2	2,644.3	2,864.3	2,853.7	+7.9	18,205.4	19,637.3	+7.9
Indiana	779.9	1,027.3	1,128.4	1,126.4	+9.6	7,043.2	7,673.7	+9.0
Iowa	438.0	547.3	613.4	619.4	+13.2	3,853.3	4,221.4	+9.6
Kansas	344.1	447.5	480.6	475.7	+6.3	3,042.5	3,179.1	+4.5
Kentucky	364.3	478.4	533.0	532.6	+11.3	3,322.6	3,662.4	+10.2
Louisiana	416.1	531.9	593.6	597.7	+12.4	3,677.0	4,063.1	+10.5
Maine	137.8	182.9	194.8	192.8	+5.4	1,196.4	1,332.0	+11.3
Maryland	559.9	813.0	885.4	888.5	+9.3	5,531.1	6,059.7	+9.6
Massachusetts	983.2	1,294.1	1,371.7	1,365.7	+5.5	8,955.7	9,383.8	+4.8
Michigan	1,414.7	1,853.7	2,079.6	2,053.2	+10.8	12,778.1	14,338.4	+12.2
Minnesota	537.9	699.9	782.9	778.7	+11.3	4,885.6	5,300.6	+8.5
Mississippi	191.3	264.9	286.9	290.7	+9.7	1,845.8	1,999.4	+8.3
Missouri	728.8	960.3	1,027.7	1,023.4	+6.6	6,545.5	6,951.4	+6.2
Montana	109.6	139.0	143.7	145.9	+5.0	897.3	966.7	+7.7
Nebraska	226.7	300.4	315.4	323.7	+7.8	2,026.7	2,177.2	+7.4
Nevada	58.1	116.6	118.7	120.3	+3.2	795.7	801.0	+0.7
New Hampshire	93.6	130.2	135.9	138.6	+6.5	872.9	908.7	+4.1
New Jersey	1,225.2	1,667.5	1,821.7	1,828.7	+9.7	11,410.8	12,392.2	+8.6

Measure of personal income—Continued

[Dollar amounts in millions. Not adjusted for seasonal variations

State	1957–59 average	July 1964	June 1965	July 1965	Percent change versus year ago	First 7 months		Percent change versus year ago
						1964	1965	
New Mexico	$129.1	$164.3	$180.3	$178.4	+8.6	$1,131.9	$1,202.4	+6.2
New York	3,568.0	4,659.8	4,942.9	4,926.0	+5.7	32,187.6	33,945.6	+5.5
North Carolina	527.6	732.1	806.3	801.5	+9.5	5,077.9	5,516.0	+8.6
North Dakota	82.6	103.1	107.0	115.2	+11.7	704.9	756.9	+7.4
Ohio	1,760.5	2,243.8	2,448.2	2,432.8	+8.4	15,334.9	16,719.2	+9.0
Oklahoma	326.5	435.6	478.2	480.5	+10.3	3,005.9	3,197.4	+6.4
Oregon	300.0	425.2	456.1	455.5	+7.1	2,832.1	3,076.4	+8.6
Pennsylvania	1,996.2	2,509.0	2,699.3	2,690.2	+7.2	17,001.4	18,458.0	+8.6
Rhode Island	146.2	184.6	199.2	199.5	+8.1	1,284.5	1,356.5	+5.6
South Carolina	247.0	343.4	387.1	395.1	+15.1	2,396.7	2,663.7	+11.1
South Dakota	90.1	119.5	122.7	128.5	+7.5	810.5	839.0	+3.5
Tennessee	422.9	538.0	632.9	641.4	+9.1	4,002.1	4,351.3	+8.7
Texas	1,440.4	1,900.1	2,007.1	2,010.3	+5.8	12,893.7	13,810.4	+7.1
Utah	127.8	180.8	192.2	198.1	+9.6	1,245.6	1,321.9	+6.1
Vermont	54.8	74.2	79.4	81.8	+10.2	500.1	538.5	+7.7
Virginia	557.5	806.5	863.4	862.0	+6.9	5,449.7	5,881.0	+7.9
Washington	505.0	675.3	723.1	720.6	+6.7	4,548.1	4,926.6	+8.3
West Virginia	253.2	297.2	320.7	317.7	+6.9	2,026.6	2,190.4	+8.1
Wisconsin	652.2	847.2	923.8	913.6	+7.8	5,847.3	6,327.9	+8.2
Wyoming	57.2	80.8	77.0	77.8	−3.7	495.3	513.1	+3.6
Nation	30,353.1	40,771.7	44,101.1	44,121.7	+8.2	279,865.1	301,892.6	+7.9

NOTE.—July 1965, preliminary; June 1965, revised.

VINSON HALL

Mr. HARTKE. Mr. President, I would like to give the Senators some information about a very worthy undertaking called Vinson Hall in honor of Carl Vinson, former chairman of the Armed Services Committee of the House. You will remember that Mr. Vinson was so dearly beloved in the Navy that he earned the nickname of "Admiral." This is a residence to be built near McLean, Va., by the Navy-Marine Residence Foundation for the widows of Navy, Marine Corps, and Coast Guard officers.

My old Indiana friend, Rear Adm. John Crumpacker, is the administrative director of the foundation. Admiral Crumpacker just completed his tour of duty as Chief of the Bureau of Supplies and Accounts in the Navy Department and was awarded the Legion of Merit for the excellence of his performance in this job. He has now undertaken this new assignment in which I wish him the greatest success. I believe this is an undertaking to which all of us should give our blessings.

Many widows of Navy, Marine, and Coast Guard officers who were national heroes have come upon reduced circumstances and need assistance in order to live decently and among their friends. About one-third of the approximately 300 women who will live at Vinson Hall will be dependent in some degree for their support upon the foundation.

I have told Admiral Crumpacker to call upon me for any assistance that is in my power to give him and I know that other Senators will feel the same about this most worthy undertaking. The foundation is not an official organization of the Navy and receives no appropriated moneys. It is entirely dependent upon gifts received mostly from the Navy wives' clubs and other friends of the Navy.

RECESS UNTIL 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order of Wednesday, October 6, 1965, that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 36 minutes p.m.) the Senate took a recess, under the order of Wednesday, October 6, 1965, until tomorrow, Friday, October 8, 1965, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate October 7 (legislative day of October 1) 1965:

IN THE NAVY

The following-named officers of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualifications therefor as provided by law:

Harvey P. Lanham
Lawrence G. Bernard
Harry C. Mason
Jamie Adair
Lester E. Hubbell
Eugene G. Fairfax
Means Johnston, Jr.
Alexander S. Goodfellow, Jr.
Horace H. Epes, Jr.
Thomas R. Weschler
Malcolm W. Cagle
Pierre N. Charbonnet, Jr.
Gene R. Larocque

HOUSE OF REPRESENTATIVES

THURSDAY, OCTOBER 7, 1965

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., prefaced his prayer with this verse of the Scripture: Matthew 5: 18: *Let your light so shine before men, that they may see your good works, and glorify your Father which is in Heaven.*

O Thou infinite and eternal God, whose will and wisdom are supremely great, we are daily seeking Thy divine guidance as we earnestly strive to build our beloved country on the foundations of righteousness and justice, of peace and good will.

We penitently confess that we frequently endeavor to find an answer to these problems, which we acknowledge are so very difficult, without first taking counsel with Thee, only to learn that without Thy leading, our human wisdom terminates in futility and failure.

Give us the glad assurance that nothing can eclipse or destroy the greatness and grandeur of our Republic if our citizens and leaders are determined to keep above reproach and steadfast in their devotion to Thy laws and Thy commandments.

Grant that our President and all the doctors and nurses, who are ministering unto him, during these critical days, may be blessed with an abundant measure of grace and have Thy wisdom and skill, Thy leading and love, for their grave and great responsibility.

In Christ's name we offer our prayers of supplication and intercession. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7169. An act to amend the Securities Act of 1933 with respect to certain registration fees.

CECIL GRAHAM—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 301)

The SPEAKER. The unfinished business is further consideration of the veto message from the President of October 4, 1965, on H.R. 5902, an act for the relief of Cecil Graham.

Without objection the bill and message will be referred to the Committee on the Judiciary and ordered printed.

There was no objection.

"JOHN F. KENNEDY—YEARS OF LIGHTNING, DAY OF DRUMS"

The **SPEAKER**. The further unfinished business is the question on suspending the rules and passing the joint resolution (S.J. Res. 106) to allow the showing of the U.S. Information Agency film "John F. Kennedy—Years of Lightning, Day of Drums."

The Clerk read the title of the Senate joint resolution.

The question is: Shall the House suspend the rules and pass Senate Joint Resolution 106?

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

AMENDING SECTION 4071 OF THE INTERNAL REVENUE CODE OF 1954

The **SPEAKER**. Further unfinished business is the question on suspending the rules and passing the bill (H.R. 318) to amend section 4071 of the Internal Revenue Code of 1954.

The Clerk read the title of the bill.

The **SPEAKER**. The question is: Shall the House suspend the rules and pass the bill H.R. 318?

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. **HALL**. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. The gentleman will state his parliamentary inquiry.

Mr. **HALL**. Mr. Speaker, if on a previous day where under the unanimous-consent agreement of October 1, 1965, of this House objection was made on the basis that a quorum was not present and the point of order was made that a quorum was not present and the Speaker thereafter did state that evidently a quorum was not present and that the bill would be put over per the prior agreement; should that rollcall come automatically today when we are back in session and released from that agreement?

The **SPEAKER**. In response to the parliamentary inquiry, the Chair will state that the vote comes up de novo and Members have the same rights that they had when the matter was being considered on the previous day.

Mr. **HALL**. Mr. Speaker, a further parliamentary inquiry.

If I understand the distinguished Speaker correctly, then being de novo, objection would still have to be made on the same basis and as to whether a quorum was then present, it would still be honored?

The **SPEAKER**. A Member could demand the yeas and nays and if a sufficient number of Members are in favor of taking the vote by the yeas and nays, there would be a rollcall vote of course. Or a Member could object to the vote on the ground that a quorum is not present and, of course, if a quorum is not present the rollcall would be automatic.

Mr. **HALL**. Mr. Speaker, a further parliamentary inquiry.

If there was then a quorum present, however, it would not revert to the previous fact and therefore an individual Member would have to have stood on his rights at the time the unanimous-consent request was given rather than make the point of order that a quorum was not present on the current day?

The **SPEAKER**. The Chair will state that further consideration of certain bills was passed over in accordance with the unanimous-consent request entered into by the House on October 1 and the question of final passage comes up before the House today.

As the Chair has previously stated, if any Member wants a rollcall vote, he can demand a rollcall vote or if he objects to the vote on the ground that a quorum is not present, he can make the point that he objects to the vote on the ground that a quorum is not present.

Mr. **HALL**. I thank the Speaker. I think it is crystal clear that Members lose the right to object that they had at the time the unanimous-consent request was made.

The **SPEAKER**. Every Member has the same rights today as they had on the day that the bill originally was being considered.

AUTHORIZING A CONTRIBUTION TO CERTAN INHABITANTS OF THE RYUKYU ISLANDS

The **SPEAKER**. Further unfinished business is the question on the passage of the Senate joint resolution (S.J. Res. 32) to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952.

The Clerk read the title of the joint resolution.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. **GROSS**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 312, nays 55, not voting 65, as follows:

[Roll No. 353]

YEAS—312

Adair
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, Glenn
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Baldwin
Bandstra
Baring
Barrett
Bates
Battin
Beckworth
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burke
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Callaway
Cameron
Carey
Carter
Cederberg
Clark
Cleveland
Clevenger
Collier
Colmer
Conte
Conyers
Cooley
Corbett
Corman
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Findley
Fino
Fisher
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gibbons
Gilbert
Gonzalez
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Halleck
Halpern
Hanley
Hanna
Hansen, Iowa
Harris
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Henderson
Herlong
Hicks
Holland
Horton
Howard
Hungate
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Laird
Landrum
Latta
Leggett
Lipscomb
Long, Md.
Love
McClory
McCulloch
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
Machen
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Mathias
Matsunaga
May
Meeds
Michel
Miller
Minish
Mink
Minshall
Mize
Monagan
Moorhead
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Natcher
Nelsen
Nix
O'Brien
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poff
Pool
Powell
Price
Pucinski
Quie
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Robison
Rogers, Colo.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shriver
Sickles
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Thompson, N.J.
Todd
Trimble
Tunney
Tupper
Tuten
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Watkins
Watson
Watts
Weltner
Whalley
White, Idaho
Whitener
Widnall
Willis
Wilson, Bob
Wolff
Wright
Wydler
Yates
Young
Younger
Zablocki

NAYS—55

Abbitt
Abernethy
Ashmore
Belcher
Buchanan
Burleson
Casey
Chamberlain
Chelf
Davis, Wis.
de la Garza
Derwinski
Dole
Dowdy
Everett
Fountain
Gathings
Gettys
Gross
Hagan, Ga.
Haley
Hall
Hansen, Idaho
Harsha

Hull
Hutchinson
Johnson, Pa.
Jones, Mo.
King, N.Y.
Kunkel
Langen
McMillan
Matthews
Mills
O'Konski
O'Neal, Ga.
Poage
Purcell
Quillen
Roberts
Rogers, Fla.
Rogers, Tex.
Satterfield
Saylor
Scott
Sikes
Stanton
Steed
Tuck
Waggonner
Walker, Miss.
Walker, N. Mex.
White, Tex.
Whitten
Williams

NOT VOTING—65

Anderson, Ill.
Andrews, George W.
Ashbrook
Ashley
Bolling
Bonner
Celler
Clancy
Clausen, Don H.
Clawson, Del
Cohelan
Conable
Craley
Curtis
Devine
Evans, Colo.
Flynt
Frelinghuysen
Giaimo
Gilligan
Goodell
Grabowski
Gray
Hamilton
Hansen, Wash.
Hardy
Hébert
Holifield
Hosmer
Huot
Lennon
Lindsay
Long, La.
McCarthy
McDade
MacGregor
Mackay
Mackie
Martin, Ala.
Martin, Mass.
Moeller
Moore
Morgan
Morton
Murphy, N.Y.
Murray
Nedzi
O'Hara, Ill.
Passman
Patman
Resnick
Rivers, S.C.
Rodino
Shipley
Teague, Tex.
Tenzer
Thomas
Thompson, Tex.
Thomson, Wis.
Toll
Udall
Utt
Wilson, Charles H.
Wyatt

So the joint resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Ashbrook.

Mr. Huot with Mr. Morton.

Mr. Celler with Mr. Del Clawson.

Mr. McCarthy with Mr. Goodell.

Mr. Morgan with Mr. Frelinghuysen.

Mr. Murphy of New York with Mr. Martin of Massachusetts.

Mr. Rivers of South Carolina with Mr. Anderson of Illinois.

Mr. Resnick with Mr. Thomson of Wisconsin.

Mr. Hardy with Mr. McDade.

Mr. Giaimo with Mr. Clancy.

Mr. Gilligan with Mr. Curtis.

Mr. Moeller with Mr. MacGregor.

Mr. Nedzi with Mr. Utt.

Mr. Toll with Mr. Moore.

Mr. Tenzer with Mr. Wyatt.

Mr. Holifield with Mr. Hosmer.

Mr. Teague of Texas with Mr. Devine.

Mr. Shipley with Mr. Conable.

Mr. Rodino with Mr. Don H. Clausen.

Mr. Thompson of Texas with Mr. Martin of Alabama.

Mr. Udall with Mr. Lindsay.

Mr. Thomas with Mr. Flynt.

Mr. Charles H. Wilson with Mr. Gray.

Mr. George W. Andrews with Mr. Ashley.

Mr. Bonner with Mr. Cohelan.

Mr. Grabowski with Mr. O'Hara of Illinois.

Mr. Patman with Mr. Hamilton.

Mrs. Hansen of Washington with Mr. Passman.

Mr. Evans with Mr. Mackay.

Mr. Lennon with Mr. Long of Louisiana.

Mr. Mackie with Mr. Craley.

Mr. McMILLAN and Mr. O'KONSKI changed their vote from "yea" to "nay."

Mr. GLENN ANDREWS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SOUTHERN NEVADA WATER PROJECT, NEVADA

The SPEAKER. Further unfinished business is the question on the passage of the bill (H.R. 2020) to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. The question is on the passage of the bill.

Mrs. GRIFFITHS. Mr. Speaker, on this vote I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 240, nays 134, answered "present" 1, not voting 57, as follows:

[Roll No. 354]

YEAS—240

Abbitt
Abernethy
Adair
Adams
Albert
Anderson, Tenn.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashmore
Aspinall
Ayres
Baldwin
Baring
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Boggs
Bolton
Bow
Bray
Brock
Broomfield
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Cabell
Cahill
Callan
Callaway
Carter
Casey
Cederberg
Chamberlain
Chelf
Clausen, Don H.
Clevenger
Collier
Colmer
Cooley
Corbett
Cramer
Cunningham
Curtin
Dague
Davis, Ga.
de la Garza
Derwinski
Dickinson
Dole
Dorn
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Ellsworth
Erlenborn
Everett
Evins, Tenn.
Farnsley
Fascell
Fino
Fisher
Foley
Ford, Gerald R.
Fountain
Friedel
Fuqua
Gathings
Gettys
Gibbons
Gonzalez
Gray
Griffin
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Harris
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hechler
Henderson
Herlong
Hicks
Horton
Hull
Hungate
Hutchinson
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Mo.
Kee
Keith
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kornegay
Laird
Landrum
Latta
Lipscomb
McClory
McCulloch
McEwen
McFall
McVicker
Machen
Mackay
Mahon
Mailliard
Marsh
Martin, Nebr.
Mathias
Matthews
May
Meeds
Michel
Mills
Minshall
Mize
Moeller
Morris
Morrison
Morse
Mosher
Moss
Natcher
Nelsen
O'Brien
O'Konski
Olsen, Mont.
O'Neal, Ga.
Passman
Pelly
Perkins
Pickle
Pirnie
Poage
Poff
Pool
Purcell
Quie
Quillen
Randall
Redlin
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rivers, Alaska
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Roncalio
Roudebush
Rumsfeld
Satterfield
Saylor
Schneebeli
Schweiker
Scott
Secrest
Selden
Senner
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Trimble
Tuck
Tunney
Tupper
Tuten
Ullman
Van Deerlin
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Williams
Willis
Wilson, Bob
Wright
Young
Younger

NAYS—134

Addabbo
Annunzio
Brademas
Brooks
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cameron
Carey
Clark
Cleveland
Conte
Conyers
Corman
Culver
Daddario
Daniels
Davis, Wis.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Edwards, Calif.
Fallon
Farbstein
Farnum
Feighan
Findley
Flood
Fogarty
Ford, William D.
Fraser
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gilbert
Green, Oreg.
Bandstra
Barrett
Green, Pa.
Greigg
Grider
Griffiths
Hanley
Hawkins
Hays
Helstoski
Howard
Huot
Irwin
Jennings
Joelson
Johnson, Okla.
Johnson, Pa.
Jonas
Karsten
Karth
Kastenmeier
Kelly
Keogh
Kluczynski
Krebs
Kunkel
Langen
Long, Md.
Love
McDowell
McGrath
Macdonald
Mackie
Madden
Matsunaga
Minish
Mink
Monagan
Moorhead
Morgan
Multer
Murphy, Ill.
Murphy, N.Y.
Nix
O'Hara, Mich.
Blatnik
Boland
Olson, Minn.
O'Neill, Mass.
Ottinger
Patten
Pepper
Philbin
Pike
Powell
Price
Pucinski
Race
Reid, N.Y.
Reuss
Rhodes, Pa.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Smith, Iowa
Stalbaum
Stratton
Sullivan
Sweeney
Tenzer
Thompson, N.J.
Todd
Vanik
Vigorito
Vivian
Weltner
Wolff
Wydler
Yates
Zablocki

ANSWERED "PRESENT"—1

Wilson, Charles H.

NOT VOTING—57

Anderson, Ill.
Andrews, George W.
Ashbrook
Ashley
Bolling
Bonner
Celler
Clancy
Clawson, Del
Cohelan
Conable
Craley
Curtis
Devine
Evans, Colo.
Flynt
Frelinghuysen
Gilligan
Goodell
Grabowski
Hamilton
Hardy
Hébert
Holifield
Holland
Hosmer
Ichord
Jacobs
Leggett
Lennon
Lindsay
Long, La.
McCarthy
McDade
McMillan
MacGregor
Martin, Ala.
Martin, Mass.
Miller
Moore
Morton
Murray
Nedzi
O'Hara, Ill.
Patman
Resnick
Rivers, S.C.
Rodino
Shipley
Thomas
Thompson, Tex.
Thomson, Wis.
Toll
Udall
Utt
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Toll against.

Mr. Long of Louisiana for, with Mr. Resnick against.

Mr. Lennon for, with Mr. Celler against.

Mr. Bonner for, with Mr. Shipley against.

Mr. George W. Andrews for, with Mr. Miller against.

Mr. Hosmer for, with Mr. Holifield against.

Mr. Hardy for, with Mr. Grabowski against.

Mr. Rivers of South Carolina for, with Mr. Nedzi against.

Mr. McMillan for, with Mr. O'Hara of Illinois against.

Mr. Murray for, with Mr. McCarthy against.

Mr. Del Clawson for, with Mr. Cohelan against.

Mr. Patman for, with Mr. Leggett against.

Mr. Flynt for, with Mr. Rodino against.

Until further notice:

Mr. Holland with Mr. Curtis.

Mr. Evans with Mr. Thomson of Wisconsin.

Mr. Hamilton with Mr. Moore.

Mr. Thomas with Mr. Martin of Massachusetts.

Mr. Thompson of Texas with Mr. Morton.

Mr. Ashley with Mr. Clancy.

Mr. Udall with Mr. McDade.
Mr. Gilligan with Mr. Devine.
Mr. Craley with Mr. Utt.
Mr. Ichord with Mr. Wyatt.
Mr. Jacobs with Mr. Conable.

Mr. **LONG** of Maryland changed his vote from "yea" to "nay."

Mr. **FARNSLEY** changed his vote from "present" to "yea."

Mr. **CHARLES H. WILSON** changed his vote from "nay" to "present."

Mr. **DICKINSON** changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. **ROGERS** of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 32) to authorize the Secretary of the Interior to construct, operate, and maintain the southern Nevada water project, Nevada, and for other purposes, a similar bill to the one the House has just passed.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the Senate bill, as follows:

S. 32

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct, operate, and maintain the southern Nevada water project, Nevada, in accordance with the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), except as those laws are inconsistent with this Act, for the principal purpose of delivering water for municipal, industrial, and incidental irrigation use. The principal features of the southern Nevada water project shall consist of intake facilities, pumping plants, aqueduct and laterals, transmission lines, substations, and storage and regulatory facilities required to provide water from Lake Mead on the Colorado River for distribution to municipalities and industrial centers within Clarke County, Nevada.

SEC. 2. (a) The Secretary shall make appropriate allocations of project costs to municipal and industrial water supply and, if appropriate, to conservation: *Provided,* That all operation and maintenance costs for the southern Nevada water project shall be allocated to municipal and industrial water supply. Construction costs of said dam and reservoir allocated to conservation shall be nonreimbursable.

(b) Allocations of project costs made to municipal and industrial water supply shall be repayable to the United States under either the provisions of the Federal reclamation laws or under the provisions of Water Supply Act of 1958 (title III of Public Law 85-500, 72 Stat. 319 and Acts amendatory thereof or supplementary thereto): *Provided,* That, in either case, repayment of costs allocated to municipal and industrial water supply shall include interest on the unamortized balance of such allocations at a rate equal to the average rate (which rate shall be certified by the Secretary of the Treasury) paid by the United States on its marketable long-term securities outstanding on the date of this Act and adjusted to the nearest one-eighth of 1 per centum.

(c) If conditions permit irrigation use of project water, the Secretary is authorized to allocate to irrigation, under the provisions of the Federal reclamation laws, an appropriate portion of the project construction costs allocated to municipal and industrial water supply.

SEC. 3. (a) The Secretary is authorized to enter into the necessary contract, or contracts, with the Colorado River Commission of Nevada, acting for the State of Nevada, for the delivery of water and for repayment of the reimbursable construction costs, notwithstanding provisions of section 5 of the Boulder Canyon Act (45 Stat. 1057).

(b) Construction of the project shall not be commenced until a suitable contract has been executed by the Secretary and the Colorado River Commission.

(c) Such contract may be entered into without regard to the last sentence of section 9, subsection (c), of the Reclamation Project Act of 1939, and may recognize the relative priorities of municipal, industrial, and irrigation uses.

(d) Upon execution of the contract referred to in section 3(a) above, and upon completion of construction of the project, the Secretary shall transfer to said Colorado River Commission of Nevada the care, operation, and maintenance of the intake, pumping plants, aqueducts, reservoirs, and related features of the southern Nevada water project upon the terms and conditions set out in the said contract.

(e) When all of the costs allocable to reimbursable purposes incurred by the United States on constructing, operating, and maintaining the project, together with appropriate interest charges, have been returned to the United States by the Colorado River Commission of Nevada, said commission shall have the permanent right to use the intake, pumping plants, aqueducts, reservoirs, and related features of the southern Nevada water supply project in accordance with said contract.

SEC. 4. Such amount of the costs of construction as are allocated to the furnishing of a water supply to Nellis Air Force Base or other defense installations shall be nonreimbursable.

SEC. 5. Expenditures for the southern Nevada water project may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act of 1954 (43 U.S.C. 390a).

SEC. 6. The use of all water diverted for this project from the Colorado River system shall be subject to and controlled by the Colorado River compact, the Boulder Canyon Project Act (45 Stat. 1057; U.S.C. 617t), and the Mexican Water Treaty (Treaty Series 994) (59 Stat. 1219).

SEC. 7. There is hereby authorized to be appropriated for construction of the southern Nevada water project, Nevada, the sum of $81,003,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

Mr. **ROGERS** of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Texas: Strike out all after the enacting clause of S. 32 and insert the provisions of H.R. 2020 as passed by the House.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 2020) was laid on the table.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. **ROGERS** of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUPPLEMENTAL APPROPRIATION BILL FOR 1966

Mr. **MAHON**. Mr. Speaker, the Committee on Appropriations expects to report to the House on Wednesday, October 13, the supplemental appropriation bill for 1966. I wish to ask unanimous consent that it be in order on Friday, October 15, to consider the supplemental appropriation bill for fiscal year 1966.

Mr. **BOW** reserved all points of order on the bill.

The **SPEAKER**. The gentleman from Ohio [Mr. Bow] reserves all points of order on the bill.

Is there objection to the request of the gentleman from Texas?

Mr. **GERALD R. FORD**. Mr. Speaker, reserving the right to object, would the gentleman from Texas outline the procedure timewise that he expects to follow in the consideration of this?

Mr. **MAHON**. In order to try to expedite adjournment, we propose to clear this bill through the Committee on Appropriations and report it to the House next Wednesday, the 13th; and on October 15, 2 days thereafter, we are asking unanimous consent to consider it in the House in order to move it on over to the other body.

Mr. **GERALD R. FORD**. Would the gentleman from Texas indicate whether he intends to bring up a continuing resolution, if at all?

Mr. **MAHON**. There are two regular appropriation bills, for agriculture and public works, that have cleared the House and Senate but have not been agreed to in conference. We hope prior to the 15th of October that both of these bills will be approved by the House and Senate and sent to the President for his signature. Of course, it is impossible to tell just what may develop, but if certain funds are needed to continue certain programs we might have to ask for a continuing resolution.

Mr. **GERALD R. FORD**. Is it the intention of the gentleman to ask for a continuing resolution and, if so, when?

Mr. **MAHON**. If that bridge has to be crossed, I would discuss the matter with the gentleman from Ohio [Mr. Bow], the ranking minority member of the Committee on Appropriations. But it depends somewhat on what happens to the public works appropriation bill and the agriculture appropriation bill which are in conference between this body and the other body. There has been controversy on the agriculture bill as the gentleman knows for several weeks.

Mr. **GERALD R. FORD**. Let me ask the distinguished chairman; is there any reason why this second supplemental bill could not be brought up and considered on Wednesday, the 13th of October?

Mr. MAHON. That is the day we expect to report it to the House. We can consider the possibility of presenting it to the House on that day but I have not conferred with the leadership as to that possibility. I thought that Members would want to have some time to familiarize themselves with the proposed measure.

Mr. GROSS. Mr. Speaker, further reserving the right to object, may I ask the gentleman if in the process of expediting the supplemental bill we may have the hearings as quickly as they can be printed and any other information as well? Some of us would like to know what is in this bill before it is brought to the House floor. Will the hearings be made available as promptly as possible?

Mr. MAHON. The hearings will be made available as promptly as possible. The bill that will be called up provides for several billions of dollars in appropriations. It is an important bill. The first volume of hearings and the more important one, I would say, will be available on Friday morning of this week.

Mr. GROSS. On some occasions as the gentleman well knows, hearings have not been released as they are printed. I would hope in this instance that the hearings will be released as promptly as they are printed as well as the report on the bill.

Mr. MAHON. They will be released at the earliest possible moment—just as soon as they are received from the Printing Office.

Mr. GROSS. This applies as well to the committee report?

Mr. MAHON. Yes.

Mr. GROSS. I thank the gentleman.

Mr. LAIRD. Mr. Speaker, further reserving the right to object, most of the funds to be included in this particular supplemental appropriation bill concern the so-called poverty program. Exhaustive hearings were held on this program and the other requests before the subcommittee on which I happen to serve. It is well known to the chairman and others that on October 15 I have another commitment requiring my absence from Washington. This bill will not even be considered by any subcommittee of the Senate until October 19 or 20. My subcommittee has been ready to report on this bill for 2 weeks. The hearing record has been ready for release for some period of time.

Mr. MAHON. The Bureau of the Budget was advised yesterday afternoon to send no further estimates to the House. Any further estimates that should be sent up by the Executive would be sent to the Senate. This morning we finished the final hearings in the committee upon which the gentleman from Ohio [Mr. Bow] and others serve. So while certain hearings have been completed, some hearings will be held this afternoon on some items. But we shall be ready to report the bill certainly by next Wednesday.

Mr. LAIRD. There is no reason that this bill could not have been scheduled for Monday or any other day next week. If an objection is made now, however, it will merely mean that the bill would be called up on Saturday, October 16, rather than on Friday, October 15. I will not object but I cannot help but point out that our full commitee could meet on Monday and consider this bill on either Wednesday or Thursday.

Mr. MAHON. I believe the gentleman is correct.

Mr. LAIRD. Although I could be here on Saturday, October 16, I realize that it would inconvenience a great many of the Members, and I will not object on this basis. It seems to me that this procedure could have been avoided and this bill considered at an earlier date. The major estimates still to be considered with the exception of the poverty money will now go directly to the Senate after we act on this bill here in the House late next week. Our subcommittee has been ready to report to the full committee at any time during the past few weeks. No additional major estimates have been presented in the past week. All hearings will be finished by this afternoon on all estimates presently before the House.

Mr. MAHON. It is true that we received some of the items on time, but some of the estimates have been presented to us only recently.

The SPEAKER. Is there objection to the request the gentleman from Texas?

There was no objection.

VOCATIONAL REHABILITATION ACT AMENDMENTS OF 1965

Mr. POWELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8310) to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York?

The Chair hears none, and appoints the following conferees: Mr. POWELL, Mrs. GREEN of Oregon, Messrs. BRADEMAS, SICKLES, GIBBONS, CAREY, PERKINS, DENT, AYRES, QUIE, GRIFFIN, and REID of New York.

AUTHORIZATION TO FILE REPORT ON THE SUPPLEMENTAL APPROPRIATION BILL OF 1966

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Wednesday, October 13, to file a pertinent report on the supplemental appropriation bill of 1966.

Mr. BOW reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROMOTIONS OF NAVAL RESERVE CAPTAINS AND MARINE CORPS RESERVE COLONELS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 1805) to amend section 5899 of title 10, United States Code, to provide permanent authority under which Naval Reserve officers in the grade of captain shall be eligible for consideration for promotion when their running mates are eligible for consideration for promotion, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That section 5899(a) of title 10, United States Code, is amended—

"(1) by striking out 'However, until July 1, 1961, an officer in the grade of captain is eligible for consideration from promotion when his running mate is eligible for consideration for promotion.'; and

"(2) by adding the following:

"'However, an officer in the grade of captain is eligible for consideration for promotion when his running mate is eligible for consideration for promotion. When more than one officer in the grade of captain is to be selected for promotion from among line officers or from among officers in any one staff corps, at least one-half of the officers selected in the category concerned must be officers who are in the promotion zone or senior to such officers.'

"SEC. 2. Section 5899(b) of title 10, United States Code, is amended by adding the following:

"'However, an officer in the grade of colonel is eligible for consideration for promotion when his running mate is eligible for consideration for promotion. When more than one officer in the grade of colonel is to be selected for promotion, at least one-half of the officers selected must be officers who are in the promotion zone or senior to such officers.'

"SEC. 3. The last sentence of section 5899(a) and the last sentence of section 5899(b) of title 10, United States Code, added by this Act become effective July 1, 1967."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. BATES. Mr. Speaker, reserving the right to object, I would appreciate it if the gentleman would give us a brief explanation of the bill.

Mr. PHILBIN. The bill would merely give the members of the Naval Reserve and the Marine Corps Reserve above the grade of captain the same opportunities for selection below the zone that are now enjoyed by the regular members of the Navy and Marine Corps.

The Senate amendment adopted the House language but qualified it in that after July 1, 1967, not more than one-half of the officers selected for promotion can be from below the zone.

Mr. BATES. I thank the gentleman. I understood the purposes of the bill. I wished to have that statement in the record. I withdraw my reservation.

Mr. WILLIAMS. Mr. Speaker, further reserving the right to object, will the gentleman yield?

Mr. PHILBIN. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. Did this bill come from the committee on a unanimous vote?

Mr. PHILBIN. Yes.

Mr. WILLIAMS. So far as the gentleman knows, there is no opposition?

Mr. PHILBIN. There was no opposition. It was by unanimous vote.

Mr. WILLIAMS. I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR THE RANK OF LIEUTENANT GENERAL OR VICE ADMIRAL OF OFFICERS OF THE ARMY, NAVY, AND AIR FORCE WHILE SERVING AS SURGEONS GENERAL

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7484) to amend title 10, United States Code, to provide for the rank of lieutenant general or vice admiral of officers of the Army, Navy, and Air Force while serving as Surgeons General, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 1, and 2, and insert "general."

Page 3, line 11, strike out all after "of" down to and including line 13 and insert "vice admiral."

Page 3, strike out all after line 15 down to and including the line following line 23 and insert:

"§ 8036. Surgeon General: appointment, grade

"There is a Surgeon General of the Air Force who is appointed by the President by and with the advice and consent of the Senate from officers of the Air Force who are designated as medical officers under section 8067(a) of this title. The Surgeon General, while so serving, has the grade of lieutenant general."

(b) The analysis of chapter 805 of title 10, United States Code, is amended by inserting the following item:

"8036. Surgeon General: appointment, grade."

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

Mr. BATES. Mr. Speaker, reserving the right to object, I would appreciate it if the gentleman would give us a brief explanation of the bill and the amendments.

Mr. PHILBIN. Mr. Speaker, the Surgeons General of the Army, Navy, and Air Force under this bill, will become three-star officers. They will be so designated while serving in these positions and become three-star officers.

The bill was reported, as the gentleman knows, unanimously by the committee. It was amended in the other body. The amendments of the other body are two.

The Senate amendments accomplish two purposes:

First. Under the Senate language, officers appointed in these grades will be chargeable against prescribed grade ceilings. The House language would not have charged these positions against existing grade ceilings.

The Senate action will not adversely affect any of the military services since the Army and Air Force are well below the number of three-star officers authorized by law. The Navy presently has an excess number of officers in three-star rank; however, the numerical limitations have been suspended by an Executive order.

Second. The Senate also provided language which will require officers appointed to the grade of Surgeon General of the Air Force to be confirmed by the Senate. This amendatory language therefore makes the Air Force provision comparable to that now in existing law for the Surgeon General of the Army and the Chief of the Bureau of Medicine and Surgery of the Navy.

Mr. BATES. I thank the gentleman for the explanation.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

INCENTIVE PAY FOR SUBMARINE DUTY TO PERSONNEL QUALIFIED ATTACHED TO STAFFS OF SUBMARINE OPERATIONAL COMMANDERS

Mr. FISHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5571) to amend title 37, United States Code, to authorize payment of incentive pay for submarine duty to personnel qualified in submarines attached to staffs of submarine operational commanders, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "staff," and insert "staff whose duties require serving on a submarine during underway operations—

"(a) During one calendar month: 48 hours

"(b) During any two consecutive calendar months when the requirements of clause (a) above have not been met: 96 hours

"(c) During any three consecutive calendar months when the requirements of clause (b) above have not been met: 144 hours,".

Page 1, strike out lines 7 and 8.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

Mr. BATES. Mr. Speaker, reserving the right to object, I would appreciate it if the gentleman would give us a brief explanation of the bill and the amendments.

Mr. FISHER. Mr. Speaker, in response to the gentleman's inquiry, the purpose of this legislation is to clarify the entitlement of certain personnel assigned to duty on the staffs of submarine operational commanders to incentive hazard pay for submarine duty.

The Senate amendment adopted the House language but included a minimum performance requirement for staff personnel to establish eligibility for this incentive pay. Briefly, the minimum performance requirement stipulates that command staff personnel must serve on a submarine during underway operations an average of 48 hours per month within each 3-month period. Over the 3-month period therefore it would be necessary to serve 144 hours on a submarine to qualify for this incentive pay.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. ICHORD. Mr. Speaker, when the bell sounded on rollcall No. 354 I was in my office engaged in a conference on committee business. I appeared in the well after my name had been called, but I was not able to qualify.

I wish to announce that if I had been able to qualify I would have voted "yea."

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be permitted to sit this afternoon during general debate.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from Arkansas has this been cleared with the ranking minority member of the committee?

Mr. HARRIS. On yesterday afternoon, I would say to the gentleman, we endeavored to complete hearings on what is referred to as the freight car shortage bills before the committee. I had an arrangement with the ranking member on the minority side during the course of the hearings and arranged for the witnesses to be heard this afternoon who are here from out of town and came here from long distances. We feel we owe them this obligation to be heard.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

HIGHWAY BEAUTIFICATION ACT OF 1965

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 599 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 599

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2084) to provide for scenic development and road beautification of the Federal-aid highway systems. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. It shall be in order to consider the substitute amendment recommended by the Committee on Public Works now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill, and read by titles instead of by sections. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California [Mr. SMITH] pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 599 provides for consideration of S. 2084, a bill to provide for scenic development and road beautification of the Federal-aid highway systems. The resolution provides an open rule with 4 hours of general debate, making the substitute in order to be considered as an original bill for the purpose of amendment, and the bill will be read for amendment by titles instead of by sections.

Title I of S. 2084 covers proposed controls of outdoor advertising signs, displays, and devices which are erected and maintained in areas adjacent to the Interstate System and the primary system. It sets forth the policy statement that these signs should be controlled to protect the public investment in our highways, to promote the vehicular safety and recreational value of public travel, and to preserve natural beauty.

Effective control as defined under title I limits outdoor advertising signs, displays, and devices within 660 feet of the right-of-way on the interstate and primary systems to directional and other official signs and notices which are required or authorized by law, and these must conform to national standards authorized to be promulgated by the Secretary of Commerce.

Signs, displays, and devices advertising the sale or lease of property upon which they are located, and signs, displays, and devices advertising activities conducted on the property on which they are located are specifically exempted from control.

The bill provides that, effective January 1, 1968, if a State has not acted, according to the determination of the Secretary, to effectively control the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays and devices within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, then that State's next annual apportionment of highway construction funds under title 23 of the United States Code will be reduced by an amount equal to 10 percent of the amounts which otherwise would be apportioned to that State. This includes the State's apportionment not only for the interstate and primary systems, but for the secondary system and the urban extensions thereon as well. Any amount which is withheld from apportionment to a State under this section must be reapportioned to the other State. Thus, from the date of the enactment of this legislation until January 1, 1968, the States will have slightly more than 2 years to enact whatever legislation is necessary to amend their laws to make it possible for them to conform to this act.

There are many other facets of the bill which will be brought out during debate, Mr. Speaker, and I urge the adoption of the resolution (H. Res. 599) so that the bill may be debated and considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 599 provides an open rule with 4 hours of general debate for the consideration of S. 2084, the Highway Beautification Act of 1965.

Title 1 covers proposed controls of outdoor advertising which is erected and maintained in areas adjacent to the right-of-way of the Interstate System and the primary system of highways. Under the bill such advertising is removed from within 660 feet of the right-of-way. Within 660 feet the only signs permitted are directional and other official signs and notices required or authorized by law; these must conform to national standards set by the Secretary of Commerce.

Exempt from removal within this area—660 feet—are signs advertising the sale or lease of the property on which they are located, and signs advertising activities conducted on the premises where they are located—on-premise advertising.

After January 1, 1968, if a State has not acted to control outdoor advertising along the interstate and primary systems, such State's next annual apportionment of highway construction funds will be reduced by 10 percent. This reduction covers moneys for all Federal highway assistance, interstate, primary, and secondary. The Secretary of Commerce has no discretion; noncompliance, for whatever reason, means a loss of funds. Funds withheld must be reapportioned among complying States.

Subsection (d) of title 1 allows the erection of signs within 660 feet of the edge of the right-of-way in areas adjacent to the interstate and primary systems which are zoned industrial or commercial. The size, lighting, and so forth, of such signs will be determined by agreements between the States and the Secretary of Commerce. Signs may also be erected in unzoned areas under criteria agreed on by the States and the Secretary.

Under subsection (e) no sign or display in existence along the interstate or primary systems on September 1, 1965, need be removed until July 1, 1970. The secondary system is not covered; if later parts or all of it are included, nonconforming signs could remain in place for 5 years.

Subsection (f) authorizes the Secretary of Commerce to consult with the States to provide, within the right-of-way, for areas where travel informational signs may be erected. Such signs must conform to standards set by the Secretary. Signs permitted under this subsection include advertising of motels and hotels, gas, and restaurants available at the next exit.

Compensation is provided for owners of billboards lawfully in place at the enactment of this legislation, or on such roads or systems hereafter covered by the act, or such billboards as may hereafter become unlawful due to a change in standards applicable to covered systems. The Federal share of such compensation shall be 75 percent.

Subsection (j) continues the bonus billboard sections of present law, whereby States receive cash bonuses with their Federal highway funds for providing control over the erection of billboards in areas adjacent to the Interstate System.

Judicial review is provided for both programs—control of billboards and control of junkyards. At least 60 days before making a final determination to withhold a State's funds, the Secretary of Commerce must give written notice of his intention to the State and cite his reasons. During this time the State is afforded a hearing before the Secretary who then issues his order. Within 45 days the State may appeal to the district court in the State; its judgment may be appealed. During court proceedings the Secretary is required to hold the State's entire highway fund allotment, and do so until a final determination is made—this could stop a highway program for several years.

For the fiscal year 1966 $20 million is authorized, and $20 million for 1967.

Title II aims at control of junkyards and auto graveyards in areas adjacent to the interstate and primary systems.

Subsection (b) again orders the withholding of 10 percent of the next annual apportionment of Federal highway funds by the Secretary from States who, on or after January 1, 1968, have not provided for control of junkyards within 1,000 feet of the nearest edge of the right-of-way and visible from the roadway.

Subsection (c) requires that by January 1, 1968, junkyards must be screened by natural objects, trees, shrubs, and so forth, so as not to be visible from the highway.

All junkyards within 1,000 feet need not be removed; there is an exception in subsection (e). It provides that junkyards may be operated within 1,000 feet of the right-of-way if the land is zoned industrial by State law, or, if not so zoned, is used for industrial purposes. This latter exemption must be approved by the Secretary.

Subsection (h) provides that any junkyard which cannot be screened need not be moved before July 1, 1970.

The Federal share for landscaping and screening of junkyards is 75 percent in all cases. Compensation is provided for owners who are forced to move under the same conditions applicable to billboard owners: First, the yard must be lawfully in existence on the date of enactment; second, or lawfully on a highway made part of the systems after enactment and before January 1, 1968, and; third, those lawfully erected after January 1, 1968, which are effected by a change in standards. Again the Federal share of such compensation is 75 percent.

Authorizations for fiscal 1966 and 1967 are $20 million each year.

Title III is concerned with landscaping and scenic enhancement. The title covers only right-of-way land development. Landscaping and facilities at rest and recreation areas are to be developed on rights-of-way. Such projects will be considered as part of the construction costs of the highway project.

Subsection (b) authorizes an amount equal to 3 percent of the funds apportioned to a State to be used for purchase and improvement of land necessary for the restoration of scenic beauty adjacent to such highways. Funds authorized for fiscal 1966 and 1967 are $120 million each year.

Title III also authorizes $500,000 for the Secretary of Commerce to carry out his duties under Public Law 89–139 calling on each State to have an approved highway safety program.

Before promulgation of all the standards and criteria called for by S. 2084 the Secretary of Commerce is required to hold hearings in each State. He is to report to Congress by January 10, 1967, all standards and criteria to be applied in carrying out the provisions of this act.

Title IV provides an authorization of $5 million for administration expenses.

Minority views are signed by seven Members. Their major objection may be summarized as follows:

First. The bill is poorly drafted, due not to the committee, but because it was forced rapidly through by White House pressure.

Second. It unfairly penalizes a State which attempts to control billboards and junkyards but is unable to do so by January 1, 1968, due to changes in its laws not completed in time.

Third. It will seriously affect many thousands of small businesses that depend on the traveling public for income.

Fourth. It has many unworkable and unwise provisions insisted on by the White House, which is unfamiliar with problems involved.

The minority stresses the following bad provisions:

First. Federal funds are mandatorily withheld from a State for noncompliance, even if the State makes a good-faith effort.

Second. The Secretary of Commerce has extremely broad powers to determine the size, and so forth of permissible signs. He is to reach agreements with States in most cases, but he has the ultimate power to hold up action by refusing to agree to anything but his position.

Third. He also has power to determine land usage in nonzoned areas, again holding the last word.

Fourth. He also controls the signs within the right-of-ways which give necessary travel information. How will he decide who may advertise?

Fifth. Landowners who depend for part of their income on billboard rentals are not compensated for their loss.

Sixth. Future junkyards within 1,000 feet of a highway are not prohibited. As rapidly as existing ones are screened or removed, new ones could be located along the highway, and Federal funds used to screen or remove them.

Seventh. The cost of the bill is unknown—$320 million is authorized for the next 2 years. The ultimate cost is likely to be unknown until January 1967 when the Secretary must report to the Congress.

Representative JAMES CLEVELAND agrees with the minority views and has a few of his own. He favors reasonable controls but fears the czar-like powers of the Secretary of Commerce.

Mr. Speaker, I suppose that a person who opposes this bill could be accused of being against motherhood and the like. But, Mr. Speaker, in my personal opinion, for what it may be worth, I am just as strongly for beautification as I know everyone else in this House of Representatives is for beautification. Mr. Speaker, I strongly support the preservation and the enhancement of scenic beauty.

However, this bill does nothing toward answering that great question. It is so loosely drawn that it is wide open to attacks in the courts. Some have described is as a lawyer's retirement bill.

Mr. Speaker, in the State of California I have not had an opportunity to check on this, but if we have to amend our constitution, and I have been told that is entirely possible, we usually do that every 2 years. The next time we vote on amendments will be in November 1966. Those amendments have to originate, first, by an initiative signed by the necessary number of voters, or else by the State legislature. Of course, there will be no initiative in this instance. It would have to come through the State legislature.

Mr. Speaker, I do not know that we could get such a question on the ballot in time to do this by next year, because next year is a budget session. The Governor would have to open it to a call and decide whether it could be done. My thought is that if we had some more time we could communicate with the attorney general and with the legislative counsel and find out when it will affect and how it will affect the State of California so that we will not lose some $69 million per year, if we are unable to comply with the provisions of this bill.

So, Mr. Speaker, I hope that the bill which has already been passed by the Senate will be defeated in the House of Representatives, with some sort of understanding that a new, a more effective, and less discriminatory highway beautification bill will receive careful and less hasty consideration by the Congress next year.

Mr. Speaker, I feel that the committee staff has a lot of work to do on this. I had the clear understanding from leading persons who appeared at the hearing that after the first hearing on this bill this year of several days it was determined that this was a tremendous problem and that final action would be delayed until early in the 2d session of the 89th Congress, next year; so that the economic impact on the people who run the motels, who place the signboards, the person who has a sign on his farm on a 5-year lease, who will not get paid anything until a later date, could be determined.

The committee did go into some of these matters, but some of us who are for beautification should have a little better opportunity of knowing what we are going to do, without pushing this bill through in the closing days of the session. I am satisfied that most of us are not really going to know what the effect of the bill will be until the Secretary of Commerce holds meetings with all of the States and reports back to Congress in January of next year.

Mr. Speaker, I believe those are some of the problems involved.

Mr. Speaker, I am for beautification. I believe everyone here is for beautification. I do not feel this is an appropriate measure to be passed in its present form at the present time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. KLUCZYNSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2084) to provide for scenic development and road beautification of the Federal-aid highway systems.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2084) with Mr. LANDRUM in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may desire to the gentleman from Maryland [Mr. FALLON], chairman of the House Committee on Public Works.

Mr. FALLON. Mr. Chairman, in report No. 1084, dated September 22, 1965, the Committee on Public Works reported to the House S. 2084, as amended, the Highway Beautification Act of 1965.

This proposal is now before us for consideration.

The House Committee on Public Works recommends the enactment of S. 2084.

This measure was given full and careful consideration, both in public hearings and in executive session of the committee.

The committee believes that the legislation it has recommended gives full consideration to the proper enhancement of our Nation's highways, while, at the same time, recognizing the proper interests of many legitimate businesses and industries conducting operations near or adjacent to the interstate and primary highways.

The committee believes that this legislation will do much in future years to help preserve the natural beauty of America's landscape which adjoins the many stretches of our Nation's highways.

This legislation, S. 2084, should speedily be enacted into law.

Several months ago the President of the United States transmitted to the Congress his recommendations for a program to improve and to protect the appearance of America's highways. It is proper for us to recognize that the President's recommendations came to the Congress after weeks and months of study in the executive branch. Further, the President's proposal were arrived at in the light of recommendations of a national conference of distinguished citizens which was held last May here in Washington.

The President stated the need and objective of his proposals in these words:

> But that economy, and the roads that serve it, are not ends in themselves. They are meant to serve the real needs of the people of this country. And those needs include the opportunity to touch nature and see beauty, as well as rising income and swifter travel.
>
> Therefore, we must make sure that the massive resources we now devote to roads also serve to improve and broaden the quality of American life.

The administration transmitted to the Congress four specific proposals, as follows:

First. To strengthen control of outdoor advertising along the interstate and primary highways.

Second. To provide proper control of junkyards located along the interstate and primary highways.

Third. To provide for the preservation and enhancement of scenic beauty adjacent to our highways.

Fourth. To provide that a portion of secondary road funds would be used for scenic purposes.

The Subcommittee on Roads of the Public Works Committee, under the able chairmanship of the gentleman from Illinois [Mr. KLUCZYNSKI] held extensive hearings on this proposed legislation. Opportunity was accorded to those interested groups who wished to be heard, including Federal, State, and local government representatives, industry representatives, and private citizens.

Quite understandably the hearings revealed a considerable difference of opinion concerning this proposed legislation. Some witnesses felt that the President's proposals were not strong enough, that they did not go far enough to achieve control of outdoor advertising and control with respect to junkyards located on our interstate and primary roads.

There were others who felt that the proposed legislation would go too far and provide too stringent a control, particularly of outdoor advertising and junkyards.

Other witnesses took the position that the President's proposal with respect to the use of secondary road funds should not be approved by the Congress because there is still much unfilled need in this category of roads throughout the country.

Notwithstanding the divergent views expressed before the subcommittee and in turn to the full committee, all witnesses went on record as favoring and supporting beauty. Furthermore, no one claimed or suggested that absolutely no legislation was needed to achieve some control in the area of outdoor advertising along our principal highways and on the matter of the location of junkyards within sight of these highways.

While no one could take issue with beauty, as such, it was also apparent from the testimony, as well as from the later discussion in the full committee, that there were some who held to the view that while beauty was nice and proper and desirable in principle, we really should not do anything about it specifically.

The legislation which has been recommended to this House by the Committee on Public Works does not reflect the complete, 100 percent, views, either of those who strongly support this type of legislation or those who equally oppose this type of legislation.

Rather, the committee has given careful consideration to all these points of view, including careful consideration to the administration recommendations, and has reported to the House what it considers to be adequate legislation which properly takes into account the private interests of those who will be affected by this legislation and which also will go far to achieve the laudable objectives stated for us by the President.

Quite obviously the majority members of the committee and the majority Members in this entire House will always give respectful consideration to the recommendations transmitted to the Congress by any President of the United States, be he a Democrat or a Republican. Also, just as obvious, the majority members of the committee and the majority Members of the House will reach their conclusions on the basis of their best judgment as to what will be good legislation. If we can agree with the recommendations transmitted by a President, we will do so. And furthermore, we do not think that we should look for excuses not to agree with proposed legislation, simply because it has been recommended to the Congress by a President of the United States.

It does seem to me that the minority members on our committee who signed their names to the statement of minority views must have found it difficult to deal with the merits of this proposed legislation. Otherwise this statement of minority views would not have dwelt so much and on such a strongly partisan basis on this item of so-called arm twisting from the executive branch.

Mr. Chairman, we are all keenly aware of the vastly important role of highways and highway transportation in the life of America, and its importance to our social and economic progress. The history of Federal aid legislation is a history of Congress awareness, through the years, of the developing and changing requirement in our highway program.

I think it can be said that the Federal aid highway program is one of the great achievements of Congress, and is an outstanding example of how we can respond to new challenges created by the remarkable growth of highway transportation. The Congress has not only increased the level of Federal aid available to the States, but it has enacted new programs which have made the highway construction activity more responsive to all the needs of the American people.

There was the Federal Air Highway Act of 1956, which was a milestone in this progress. That act provided for the accelerated completion of the National System of Interstate Highways and for an increased level of construction of other highways in the Federal aid system. There was the Federal Aid Highway Act of 1962, in which Congress encouraged the development of transportation systems that would serve the States and local communities efficiently and effectively, and the planning provisions of the 1962 act have made and will make a major contribution to our total network of highways.

In the legislation provided for apportionment of funds for the Interstate Highway System, passed by the Congress this year, we provided that "each State should have a highway safety program designed to reduce traffic accidents and deaths, injury and property damage resulting therefrom on highways on the Federal aid system." And we provided that such safety programs should be in accordance with uniform national standards.

Just as we have responded in the past to the changing needs which have developed in connection with our Federal aid highway systems, we will respond now and continue to respond in the future to these developing needs.

It is well known to all the Members of this House that the previous legislation on the books for the reasonable control of billboard advertising along our highways has simply not been effective to do what its supporters in 1958 thought it would do. Since 1958, when the billboard bonus law was enacted, only 25 States have entered into agreements to control billboard advertising along the Interstate System.

Further, with respect to those 25 States, action and results are yet to be seen. Since 1958, for example, only approximately $500,000 in bonus payments has been paid out, for control of less than 200 miles of interstate highway. This is less than 1 percent of the interstate mileage already completed, and this is the result obtained during 7 long years.

The highways of this Nation are public highways; they are public facilities; these facilities are owned by the public.

Surely there can be no question but what, on a plain dollar-and-cents basis, the Federal Government would have a proper and legitimate interest in the Federal-aid highway system, and specifically in the interstate and primary highway systems.

Concerning the vast use of billboard advertising along these highways that belong to the American people, it should be clear to all of us that these publicly financed facilities have made this particular medium of advertising possible. The point has been made before and I believe it should be repeated and emphasized, the American people—the traveling public—has a right through the Congress of the United States to see that a rule of reason prevails as to the extent to which private citizens, for private business purposes, use the public highways as a medium of advertising.

I do not suggest that we should do away with outdoor advertising along America's highways. I do not suggest that we should ignore the views or the legitimate private interests that are represented in this particular activity.

I do say and I do believe that the time has come, and has long since come, when we should take some reasonable action to assure that the public interest is not overwhelmed, ignored, and literally blotted out.

The same can be said with respect to the problem of junkyards adjacent to our main highways. What good does it do to spend literally billions of dollars on vast stretches of interstate highway and other major Federal-aid roads, spending vast sums of money on the rights-of-way, to see that they look decent and are kept in a decent condition, and then have within a few yards of the right-of-way and in plain sight a conglomeration, a mess if you please, of junk, whether junked automobiles or other similar material.

The pending bill before the House provides for reasonable regulation and control of outdoor advertising.

The bill (S. 2084) now pending before the House provides for reasonable regulation and control of junkyards located along our interstate and primary highway systems.

This pending bill makes proper and reasonable provision for attention to the selected areas adjacent to our highways, so that they may be protected and preserved for scenic purposes.

Mr. Chairman, I would like to say again what I said at the beginning of my remarks: The Committee on Public Works believes that this legislation which it is recommending gives full consideration to the proper enhancement of our Nation's highways while, at the same time, giving proper consideration to the legitimate interest of private businesses and industries which might be affected.

The committee believes that we should begin now a program for highway beautification, that to delay will only make the problem unnecessarily more difficult in the future. By permitting private commercial activities to continue unchecked, we simply encourage the creation or the establishment of further vested interests.

At some point, a stand must be taken. At some point, a halt must be called to the continued proliferation of billboard advertising and location and maintenance of junkyards adjacent to our Nation's highways.

Now is the time to give the responsible officials of the Federal Government the tools with which to work, in partnership with State highway department officials, to formulate and administer reasonable regulations in these areas. Now is the time for the Congress to demonstrate to the States the necessary leadership on this matter. If the Congress of the United States cannot act to assert the obvious Federal interest in these matters, how can we possibly hope or expect that 50 State legislatures will overall do any better.

Now is the time for the Congress to act, by the enactment of this proposed legislation. It is legislation in the interest of the highway industry, the highway user and, more important, it is in the total interest of the American people.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. TEAGUE].

Mr. TEAGUE of Texas. Mr. Chairman, I ask unanimous consent to proceed out of order and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Chairman, on yesterday, the President, in the close of his remarks on the occasion of the signing of the bill, S. 596, the so-called Heart Disease, Cancer, and Stroke Amendments of 1965, asked the group assembled for this ceremony to hear the eminent Dr. Howard Rusk, the famous rehabilitation expert who has done so much for the disabled around the world and particularly the veterans in this country, to learn of his experiences based on a recent trip to Vietnam.

Dr. Rusk had gone to Vietnam in September to enable him to report to the President about the needs of the people and what could be done under the people-to-people program. He indicated, among other things:

> That there are 35,000 amputees without any opportunity for limbs. They make 40 a month. We hope to start a program within the next 30 days to train 12 disabled veterans as limbmakers, and we hope that the production will be stepped up to 500 a month within 6 months and to a thousand a month within a year.

I want to commend the President for his dramatic and humanitarian action in authorizing the Veterans' Administration Department of Medicine and Surgery to care for some of these paraplegic Vietnamese veterans. Initially, it is planned that these veterans will be hospitalized in the Veterans' Administration hospital at Castle Point, N.Y.—a short distance from New York City.

It is my view, Mr. Chairman, that this action is in the best interest of all concerned. We have not done enough of this sort of thing. These people are obviously a part of the casualties of the tragic Vietnamese conflict. It is one of the burdens of the war which we must bear at this time. If we cannot only alleviate the suffering of these veterans of Vietnam, but also train doctors and nurses from that country in the techniques necessary to rehabilitate these amputees, paraplegics, and quadraplegics, it will be of great benefit not only to the individuals but to all of those in that part of the world.

Let me emphasize the importance of this program by quoting further from Dr. Rusk's report to the President:

> I saw on this trip the worst ward that I have ever seen in my life—60 paraplegics who were doomed literally to rot to death. No program, no nothing.

I have been assured by the Veterans' Affairs Administrator, Mr. William J. Driver, that the hospitalizing of these Vietnamese veterans will in no way interfere with the care and treatment of American veterans. This care for the Vietnamese will be on a reimbursable basis under the auspices of the Department of State. The Veterans' Administration, as a result of the various spinal cord treatment facilities located throughout the United States, is uniquely and particularly qualified to perform this service.

I again wish to commend the President for this forthright and positive step in the interest of not only alleviating suffering but increasing understanding among all the peoples of the world.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I will be glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I would like to associate myself with the remarks of the distinguished gentleman from Texas, the chairman of the Committee on Veterans' Affairs. This is a most humane thing to do for our South Vietnamese brothers in arms and allied personnel. Many people do not realize that we do not treat in our active military hospitals, nor have the facilities for treating—the Veterans' Administration hospitals have made a specialty of treating—people who are paralyzed, many of them from the waist and shoulders on down. The Veterans' Administration has the facilities for rehabilitating and training these people and doing it under immaculately sterile and clean circumstances. This is the only way this can be done.

I commend the Nation for tendering this "hands across the sea" service to our allies who have suffered this type of wound, so reminiscent of those our own men suffered in the hedgerows of Normandy, France, over 21 years ago, also in the pursuit of and defense of freedom.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota [Mr. BERRY].

Mr. BERRY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I find it very difficult to understand the reasoning which is put before us today by proponents of this legislation to restrict and in many areas completely eliminate highway advertising. Here we are, as a Congress, doing everything to build up industry, keep the economy moving ahead, and to reduce unemployment and yet we are here considering legislation which if passed would strike at the heart of all of our efforts to build up the economy because it actually sounds the deathknell for thousands of small businesses.

My district is an area very much dependent upon the tourist industry and therefore has a special interest in this legislation. One business is particularly illustrative of the effect that this bill would have upon my district, or any other district which is engaged in tourism.

One of the outstanding examples of business success from effective highway advertising is the Wall Drug Store, in Wall, S. Dak. In a town of fewer than 1,000 people, a drug store that would normally employ probably no more than 1 or 2 people has been developed into a thriving enterprise that today employs 122 people during tourist season, in addition to the management, solely because of highway advertising.

For 25 years, Wall Drug has had thousands of highway signs cleverly written, well displayed, causing no traffic hazard whatever, but doing a good, serviceable job of advertising the Wall Drug Store. The result has been that tourists have gone out of their way to go to Wall just to visit Wall Drug.

What are the potential effects of this legislation on a business such as Wall Drug? If this antisign legislation is passed, the business will be finished, and every business in the city of Wall will suffer. When this bill becomes law, it will be impossible for the owners of Wall Drug to advertise their business and for the town to attract the traveling public. But the welfare and employment of those directly concerned with Wall Drug is only part of the total effect of this legislation.

Eighty-seven percent of the business in Wall depends upon the traveling public. Last year alone Wall Drug put over $100,000 of improvements into their business providing winter construction jobs for 18 skilled personnel. Small towns of similar population enjoying business from the traveling public turn in at least twice as much revenue to the State as towns depending solely on farms and ranch revenue. Wall pays between $80,000 and $90,000 a year in sales tax to our State treasurer.

I think the effects of this legislation are quite obvious. It is my considered opinion that the Federal Government should not set up nationwide formula for regulating use of private property adjacent to main highways and call upon the States to conform through a program which either rewards for conformance or penalizes for nonconformance. Local agencies are far more competent to decide what is necessary in line with changes which occur in connection with economic development and growth in the area. Change occurs too rapidly for the Federal Government authorities to keep pace with those in each and every locale across the country.

Further, Federal control of advertising or any other industry or business in the various States and municipalities is completely contrary to the basic philosophy of our form of government. The States have the right to regulate themselves.

Outdoor advertising promotes commerce, creating business for both large and small communities. If it did not, advertising through this media would not account for $200 million spent annually.

The tragedy of the bill is that it runs counter to our every effort to support and aid new businesses. It means businesses will have to close if highway advertising even out in these great open expanses of the West, is curtailed.

This is the great difficulty of making one law to apply to the teeming cities and to the great outdoor expanses. Out on the prairie there is little that the tourist sees crossing the country. Does it do any harm to have a sign saying "598 miles to Wall Drug," and another 5 miles away saying "593 miles to Wall Drug"? Does it do any harm to tell that traveling public that they can get free ice water or other comforts at Wall Drug?

Mr. Chairman, this is only one example. There are many others in my district which face ruination under this blanket legislation, and thousands across the Nation who will be put out of business meaning many thousands of employees who will be thrown onto relief. How do you build up a Nation this way?

In conclusion, may I say that the purpose of the highway trust fund is to assist the States in building adequate highways, and no State should be deprived of this assistance so necessary to provide a complete nationwide system for commerce and defense needs, by reason of not being able to qualify as a member in good standing of an extraneous program. The highway users of all the States furnish the funds for the trust fund, and they should not be denied participation in any portion of the highway program because they are not able to support another program which is not concerned with highway construction.

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. HARSHA. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, there has been much said about the legislation before us, but much more can be said. It will not be my objective to try to state each and every aspect of this legislation that needs clarification or that is bad. It will be the objective of the minority—and I might as well set forth our objectives at this point now that there are 100 Members present on the floor; this would be the proper time, the propitious time, to announce what the objectives of the minority will be relating to this legislation.

I resent, and I say it with just as much strength of purpose as I can, those proponents of this bill, who want the bill passing without crossing a "t" or dotting an "i", and that is about the way they want us to swallow it. I resent those proponents trying to make it appear that those of us who are trying to plug some of the loopholes and who are trying to make a workable bill out of S. 2084 are opposed to "beautification."

I am for beauty. As a matter of fact, I married, I think, one of the most beautiful girls in the world. Nobody can say that I am not for beauty, and no one can say that I am not for beautification of our highways. I am, and my record is clear in support of beautification of our highways.

In 1958 I supported the billboard control section of the Federal-Aid Highway Act of 1958. I supported it wholeheartedly and with enthusiasm. That proposal provided one-half percent bonus for the States if they lived up to certain reasonable requirements and set certain reasonable standards relating to signs. This, incidentally, is fairly consistent with the position of the minority relating to this bill. Motorists need some signs advertising service establishments, establishments that serve the motoring public such as hotels, motels, garages, filling stations. When your car battery goes down where do you go and what do you do about it?—Certain service information should be made available on a reasonable basis to the motoring public. Who can argue with that?

That is the interest on the one hand. Incidentally, my State has a $2.6 billion tourist industry. The testimony and the record is that that industry composed of hotels, motels, restaurants, and other establishments serving the motoring public, are going to be substantially hurt by this. Perhaps this bill should be called the Depressed Small Business Act of 1965, because a lot of them are going to be put out of business. They rely on highway traffic for their business. If you want to depress the little businessman who cannot afford these big signs that are going to cost $600 a month—and that is the testimony—$600 a month for a sign 660 feet from the highway where they will be permitted—the little motel owner, the little hotel operator, the little restaurant owner, the small recreation area owner, will be hurt. So this should be called the Depressed Small Business Act of 1965.

Nobody seems to want to do anything to protect that little businessman. I wonder where all of these proponents of small business are that we hear so much about? Where are they today? I am trying to weigh their interest, and fairly weigh it with regard to beautification. A large number of people want to go all the way in helping beautification, knowing full well that it is going to hurt the little businessman, but they do not have much concern about him. They are willing to let him go under and into bankruptcy.

Mr. Chairman, you should see some of the letters and wires that I have received from service men who have spent their lives since their service trying to accumulate a little bit of money to put into a little motel or restaurant business and have managed to succeed because first they have served the traveling public, and second because they can put a sign on the highway advising the traveling public where to turn off. They are not going to have that right any more.

Let me make sure that I am clearly understood. I want to control unsightly billboards. I want to control unsightly junkyards. I want to clean up our highways as much as anybody else. My record proves it.

There are some others who are strong proponents today. In 1958, the Congress considered a measure—not nearly as drastic as the one which we have on the floor at this time—providing for a bonus of one-half of 1 percent to those States which saw fit to control outdoor advertising, but permitting a business to advertise within a certain distance, with a certain limited number of signs, at a certain distance apart. Some of the strong proponents of the present proposal opposed the milder 1958 proposal which was enacted into law.

Mr. Chairman, who was it in the other body who was one of the 41 Senators who voted to strike section 12 of the Federal-aid Highway Act of 1958, to strike the billboard control; even though it was not too harsh, and even though there was a bonus provided, instead of a penalty of 10 percent, as in the bill pending before us today?

Mr. Chairman, when those of us stood up and were counted and voted to control billboards back in 1958, where were those who now claim to be strong proponents of controlling billboards? Those who today claim to be the strongest proponents are accusing us of not wanting to control billboards on a reasonable basis. Where were they in 1958? I will tell you where.

Mr. Chairman, in 1958 a certain Senator from the great State of Texas, the then majority leader in the Senate, voted to strike section 12, the advertising control section, from the Federal-Aid Highway Act of 1958.

Mr. Chairman, I would be the last to suggest that perhaps some of his business interests in Texas might have caused him to vote that way. I would not make that suggestion, even though he has large advertising interests in that State. I would not make that suggestion, but I would say this: I do not appreciate and I do dislike being accused today of not being for adequate billboard control. Those persons accusing us are the ones who wanted no control just a few years ago.

Mr. Chairman, as far as I am concerned that just does not sound very convincing, coming from those sources.

Mr. Chairman, the position of the minority is going to be to try to help write a good bill. I am sorry we have got to come to the floor of the House to do so.

Mr. Chairman, there is no committee for which I have greater respect than the great Committee on Public Works. There are no members for whom I have greater respect than the members of the Committee on Public Works, and the members of that committee know it, I believe.

I will say to you that if we are given an opportunity that we can write good legislation. We can come to the House floor and get 100-percent support, as we did on the problem of the Federal water pollution control program.

Mr. Chairman, how many times has that happened, 100-percent support for any legislation? But it happened on the bill for water pollution control, not only in the first instance, but when it came from the conference. This was so because we were given an opportunity to work our will. We did work our will, and we came up with a workable, a sound and a consensus bill. It deserved the unanimous support of the House of Representatives.

Mr. Chairman, what do we have here? Our distinguished chairman of the Committee on Public Works, the gentleman from Maryland [Mr. FALLON], made the comment that he did not understand why the minority deliberated on this subject of "White House Arm Twisting."

Well, Mr. Chairman, my arm is real sore. I will tell the members of the committee that it is not the twisting that hurts, but rather the resistance. My right arm is real sore.

Why would we discuss arm-twisting? Well, we discuss it because we just happen to sit on the committee, and we saw what happened. That is why. The point I am making is that the committee was not given an opportunity to work its will and to work out a good bill. So, we are trying to do it on the floor of the House. That is the point I am trying to make.

Mr. Chairman, in good faith we are going to try to do exactly that, and I would hope that the majority, if it can unshackle itself and can stay unshackled, will support some of these good amendments that are going to be offered.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. Yes, I yield to the gentleman from Texas.

Mr. WRIGHT. I do not think the gentleman from Florida is trying to imply that the committee in its deliberations did not consider or take into account amendments that were offered by members of the committee, as the gentleman is implying?

Mr. CRAMER. I will make myself perfectly clear. I will use this bill in my hand as exhibit A, in answer to the gentleman's question. Here is exhibit A. Talk about arm twisting? This is the committee print of a proposed bill providing for scenic development and road beautification of the Federal-aid Highway System, which print is dated September 11, 1965. This is a committee print and a consensus proposal that came before our committee on Monday, September 13, and was worked out by endless hours of toil and consideration of the evidence before us. Yes, I will say to you that I have never heard a more forthright statement made by any member of the committee than that made by our distinguished friend from Illinois [Mr. KLUCZYNSKI] when he said this bill was going to be considered by the committee, and that we were going to do the job. This bill was before us for that purpose.

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Illinois.

Mr. KLUCZYNSKI. I hope that the gentleman from Florida will inform the House that we adopted five amendments that were introduced by the gentleman from Florida.

Mr. CRAMER. I thank the gentleman.

Mr. KLUCZYNSKI. That made the bill just perfect.

Mr. CRAMER. That was the starting point in the right direction, and I hope you go the rest of the way and make a real good bill out of S. 2084.

The proposed bill that the gentleman himself had produced as a committee print on that Monday, after hours of work by the majority and minority counsels and by the majority and minority members, after hearing the evidence, was produced because we knew the proposal before us, the administration bill, would not do the job and would cause great hardship on a number of innocent States, which could not comply with it.

I have read what you have put in the RECORD regarding State constitutional problems, and I will comment on that at the proper time. The answers the States gave in their wires clearly substantiated our position, and I will go through a few of these, showing those States which cannot conform to the January 1, 1968, deadline date because of the necessity of changing the constitution and the statutes. Our position is substantiated despite the pressure put on those States by the administration to try to get the States to send a wire saying they are not opposed to this bill and that they can conform to the bill. I intend to go through a few of these answers and you can judge whether they can conform or not.

Talk about arm twisting? This consensus proposal we had before us, the subcommittee print, on Monday, September 13, we deliberated in good faith and in sound fashion with the majority and minority together considering the evidence. That is what we are supposed to do. I think we are a separate, independent, and deliberative body. I do not think the Executive is all-knowing, all-seeing, all-capable, but that is the attitude you have to take to swallow this bill without amendments.

This was a consensus proposition on Monday, September 13. The bill we have before us is the bill, with amendments, offered by the gentleman from Illinois on Wednesday, September 15. I understand that certain people saw fit to advise him of their position in that interim period. So after all of the evidence was heard, and after all the work that went into this proposal that would have done a good job in controlling billboards but not penalizing innocent States, not putting out of business the small business people, providing the motoring public with adequate, needed information, and the cleaning up of the highways of these unsightly junkyards—the subcommittee print was abandoned. That speaks for itself. The consensus bill was thrown in the garbage can and we started all over again. The administration says this bill is not satisfactory in its present form.

And that is substantially the form they got it in. That is a fact.

I will tell you, as a Member of this legislative body, and I guess I am a little naive as a legislator, but when I came here I thought it was the greatest deliberative body in the world. When I was elected 11 years ago to the United States Congress, no man could have been prouder, because few men worked harder to get here.

I felt when I got here as a Member of this body that I would be expected to exercise my independent judgment to speak and to vote for what I thought was right and to oppose what I thought was wrong. I did so under President Eisenhower, and said so when I thought something was wrong, and I did so under President Kennedy and will continue to do so under President Johnson. I think if we ever lose our delegated and constitutional power that is given to us on a 2-year basis by the people of this Nation to voice ourselves and our opinions as Members of a separate, independent and co-equal branch of government, then our constitutional form of government is weakened every time we do it.

That is the issue before us. Do we want to stand up and do what we think is right—what we were elected to do—what we are sent here by our constituents to do? Or do we want to just rubberstamp what has been handed to us? That is the issue.

I say that we can do this job. We can do a good job. We can control unsightly signs and yet keep from putting the little businessmen out of business and making sure that the traveling public have the necessary information that they need in traveling on the highways and not penalize innocent States to the tune of 20 percent of their highway funds, which this bill will do and which has been fully documented, not by the minority but by the American Association of Highway Officials. This has been substantially substantiated by the wires that have been received on the part of the majority when they tried to make it appear that this record was not correct.

There are a number of States or State boards that unequivocally state they are going to have to amend their constitution or change their laws. They do not think that they can do that by January 1, 1968. There is no question about that. It was never questioned from the outset. As a matter of fact, the best evidence of this is the Senate report which specifically comments on that subject. Here is what the Senate report said. Here is the other body's unequivocal findings after hearings, and I quote from page 4 of the Senate report on S. 2084:

> Testimony submitted in the hearings by the American Association of State Highway Officials indicated wide variation in the degree of authority among the States to implement the section under their present statutory or constitutional limitations. In reply to a questionnaire, 30 States acknowledged varying degrees of difficulty in applying police power to the enforcement and advertising control, while 14 States stated they would require constitutional changes to purchase the rights of such control.

These are the findings of the other body after lengthy hearings. This is the testimony of the American Association of Highway Officials, which is in national convention now in New York City. I had the privilege of talking to many members of the association just the other day, and they confirmed that they are not going to be able to conform by January 1, 1968, which is the date of requirement for conforming, and that is why we listed in the minority views the number of States that are going to be affected by this. You will find in that list—and you had better look at it, I would suggest—the respective States that are involved and how they are going to be affected by this. I will be interested in what the gentlemen have to say relating to the telegrams published in yesterday's RECORD, because in many and in almost every instance they confirmed that they are going to have to change their constitution or their statutes. Those States are listed on page 54 of the minority views on S. 2084.

Withholding under this legislation of 20 percent of the total allocation of money could amount to $800 million a year, and that is construction money. Look at the dilemma that we as a House and as a committee are in. We are supposed to select between money for safety and construction on the one hand, and money for beautification on the other hand. I say we should be mighty reasonable, and we should give the Secretary adequate discretion. We should not force a cutoff of construction safety money in the name of beautification, when it is not justified. That is the choice that we are forced into making. If $800 million of construction money, which is supposed to save tens of thousands of lives a year when highways are constructed to proper standards, are cut off in the name of beautification, then that is the choice. I say that is the horns of a dilemma that we need not be on. We can write this bill with safeguards and prevent that, and I hope the House will give serious consideration to the amendments that will accomplish no cutoff on a State that in good faith attempts to conform. Why should it be penalized? As a matter of fact we as a Congress have refused in the past to use the "big stick" approach. We just got through with refusing to do so on a highway safety amendment that we enacted this year when the conferees said, "No, sir, we are not going to take away all your State's funds, if you do not conform to certain safety standards."

So we passed an intent-of-Congress statute just this year, did we not? Back in 1958, we refused to use a 5-percent "big stick" approach to control billboards, and instead used an incentive of one-half of 1 percent of project costs, did we not?

But now we have the "big stick" approach. Here is what will happen if the bill is not properly drafted and properly amended:

The States which may lose funds because of constitutional limitations are:

Alaska, which could lose $8.06 million;

Arizona, which could lose $11.62 million;

California, which could lose $69.58 million;

Colorado, $10.18 million;
Georgia, $13.06 million;
Idaho, $5.30 million;
Louisiana, $18.16 million;
Maryland, $11.96 million;
Mississippi, $9.52 million;
Missouri, $19.62 million;
Montana, $8.92 million;
New Hampshire, $3.74 million;
Oregon, $13.16 million;
South Carolina, $6.32 million;
South Dakota, $7.62 million;
Tennessee, $16.86 million;
Vermont, $5.02 million;
Wyoming, $7.58 million.

Do we not have any consideration for the States that are trying to meet the highway needs of their populace? Are we going to be so determined on the side of beautification as to completley junk 20 percent of the safety construction factors in our highways?

I do not think so. I honestly do not think so, even though the administration may be so demanding. I honestly do not believe that the Members of this body would take such action when the issue can be met properly in another fashion.

So much for the effect of the bill, as drafted, relating to the cutoff of funds. There are so many aspects of this bill which should be discussed that time does not permit me to go into them all. I shall try to cover some other related matters in the time allotted to me.

In addition to the points that I have mentioned, other things are wrong with the proposed legislation. We do not have to do the things proposed in order to get the job done adequately. The bill is full of inconsistencies. I would hate to try to administer it. I would not know what date to follow in administering the bill, in many instances.

For example; there is supposed to be a long-range study made. That study is supposed to be completed on January 10, 1967. I refer to page 27 of the bill, as reported. On January 10, 1967, they are supposed to have a full study completed as to what the program would cost and also what the total effect of the program would be.

In answer to some of the questions that were asked of the administration, and they have pat answers to everything that the minority has suggested which pat answers to the questions start on page 26162 of the RECORD for yesterday, I have a few comments.

The pat answer relating to this question is very interesting. As to the deadline date of January 1, 1968, the pat answer is that of January 10, 1967, they will have a study to find how effective the program will be, and then by 1968, they will be able to prepare to implement it.

Do you know what is wrong with that? They also point out that because the program would not be effective until January 1, 1968, they would have so little to study between now and January 10, 1967, they would not know what the effects would be until it goes into effect. How could they? There is no possible way of knowing how many signs will have to be condemned and what the costs would be. That is a question for the determination of the courts. Then there is the matter of the attorneys' fees that would be involved. This is an attorneys' retirement bill. Can you imagine every sign owner and every property owner who has a lease and who would have the right to go to an attorney doing so? The court would then have the right to award the fees. The money for those awards would come out of the construction money, so far as the States are concerned, because the States must come up with 25 percent of this beautification money, including attorneys' fees. That 25 percent would come out of construction, unless the State would impose new taxes—and that would come out of the taxpayers' pockets. So the money would largely come out of construction.

That point shows the inconsistency of the proposed legislation. The study of January 10, 1967, would determine what the effects would be and how much it would cost, and yet the program would not go into effect until January 1, 1968, and no one will know what the costs will be until that later date.

That does not make any sense at all.

Let me give another inconsistency relating to dates, relating to billboard requirements and when they will have to be taken off the highways. That is January 1, 1970. But listen to what is provided on page 16, where they use the date September 1, 1965:

> Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970.

Listen to what could happen under the dual dates. Nonconforming signs which are in existence along the Interstate or primary systems on September 1, 1965, shall not be required to be removed until July 1, 1970. Of course, we are told that this bill has to be enacted this month, because this is one of the "must" programs, yet the legislation itself states that the signs will not come down until 1970, while the legislation must be enacted before the study is completed as to what the cost will be and what the effects will be. The legislation itself states that the study shall not be completed until 1967.

The signs will not come down until 1970, yet we are expected to act on this legislation today or tomorrow. It is a "must" and it is "now."

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman have any idea as to what the bill will do to that big billboard on Route 290 near Austin, Tex., advertising the KTBC television and radio station owned by the Johnson family? Will that have to come down, or will that be left along the highway?

Mr. CRAMER. I could not tell the gentleman, partially because all I know is what I read in the newspapers about it. I understand according to the newspapers, it is on a primary highway. I do not know whether it is 660 feet off the highway.

I would say that television station is one which probably could afford to put up a big sign beyond 660 feet, which would remain. The little businessman is not. He is the man who will be hurt.

Mr. GROSS. I would hope that the bill in its present form will not be approved. If it is to pass, I wonder if the President can be expected to pull up a chair in the shade of his billboard along Route 290 and sign this bill.

Mr. Chairman, will the gentleman yield further?

Mr. CRAMER. After that very erudite observation, obviously I have to yield further to the gentleman.

Mr. GROSS. What will the bill do with respect to the strip mine operations and slag piles one sees along the Pennsylvania Turnpike and elsewhere? That is pretty devastating scenery, that which is left from the strip mining operations. Does this bill have anything in it to compel the State of Pennsylvania or the landowners to do something about the land which has been devastated by strip mining?

Mr. CRAMER. I say to the gentleman without any fear of successful contradiction, absolutely nothing. The definitions of "automobile graveyard" and "junkyard" do not include, definitely, the matter the gentleman is discussing.

As a matter of fact, it does not include other equally unsightly buildings, ramshackle buildings which should be removed, or other types of operation.

Incidentally, the gentleman may be interested in knowing that as the bill is drafted there could be a situation—in that the billboards must be beyond 660 feet and the junkyards must be 1,000 feet—in which, if it is necessary to screen the junkyards, one could screen them with billboards, and if one could do that he might get 75 percent Federal money to pay for the billboards.

Mr. GROSS. Of course, the city of New York was built on fill of one kind or another. It was built in a swamp. There are still swamplands around New York City, especially in New Jersey. They used all kinds of debris to fill those swamps which provide much of the land area for the City of New York.

I wonder how they are going to fill in the swampland in northern New Jersey adjacent to New York for the purpose of expansion of that particular area? How are they going to fill that in with old automobile carcasses and debris of one kind or another without being in violation of the provisions of this bill?

Would the gentleman have any answer to that question?

Mr. CRAMER. They will be specifically in violation, according to page 22, line 16, because it says there:

> The term "junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

So there is not any question of sanitary fills being included, if they are on the primary system or the Interstate System. If they are on the secondary system, they are not included. So I guess what they will do is put them onto the secondary system.

Mr. GROSS. Perhaps New Yorkers and New Jerseyites will be forced to go to the mountains of Pennsylvania and haul in rock to fill their swamps.

Mr. CRAMER. Interestingly enough, one of the big problems with respect to junkyards is what to do with the old automobile hulks. It frankly costs more, almost, to compress them and get rid of them than they are worth at present steel prices. So there is really a serious problem as to how to get rid of these auto hulks.

The other body wrote in a provision which should be encouraged here, to conduct a study in order to find out how to do this, but our committee did not want any part of that. Our committee wanted no part of finding how to solve the long-range problem.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. Yes. I yield to the gentleman.

Mr. SCHEUER. The comment was made that New York City is built on fill. I would like to clarify the RECORD. I can say as a former builder the reason why New York City comprises the bedrock of our arts, culture, entertainment, and business enterprise is because New York City is built on bedrock. It is almost pure granite.

There may be some very lovely and esthetically satisfying swamps out in New Jersey but, not representing that great and glorious State, I cannot testify to that. However, I can testify that New York is the bedrock of the national character and national genius because it is built on bedrock.

Mr. CRAMER. I will say to the gentleman that I understand the site of the United Nations was a place that was filled in by the use of sanitary fill. Of course, there are many other places in the swamps where that is being done.

Mr. SCHEUER. The United Nations site was to some extent built out into the East River on fill but Manhattan itself is one great large hunk of granite.

Mr. CRAMER. I would not suggest it was not. The gentleman did not attribute that to me, I am sure. I think the United Nations site is a good example of what the gentleman from Iowa is talking about, and unquestionably it would be included in this legislation.

I was just making the point relating to the conflicting dates of September 1, 1965, and July 1, 1970. Just listen to this. This is what can happen if the bill is drafted, and that is why it needs clarification. Signs which were in existence along the Interstate System and the primary system on September 1, 1965, shall not be required to be removed until July 1, 1970. That is what the language says. The mandatory language in this provision raises a question as to whether the States can require the removal of signs under existing State and local law and in accordance with existing agreements with the Secretary of Commerce. This question exists even though another provision of the bill permits the States to establish standards imposing stricter limitations on advertising than those imposed under the bill. Other lawfully erected signs shall not be required to be removed until the end of the 5th year after such signs become nonconforming.

Since enactment of the bill will not in itself make any sign unlawul, it would appear that a sign lawfully erected along the interstate system or the primary system after September 1, 1965, prior to its erection being made unlawful, would not have to be removed for at least 5 years after its erection or possibly not until 5 years after a State or local law making such sign unlawful. This would thus give a premium in the form of a longer life to signs erected after September 1, 1965. This shows some of the inconsistent provisions that are written into this legislation.

Mr. Chairman, I want to comment on one or two other things.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman.

Mr. GERALD R. FORD. Has the gentleman made any observations or comments concerning section 136(g) which relates to junkyards and auto graveyards and scrap metal processing facilities? Unfortunately I missed the earlier portion of the gentleman's comment, so I am not sure whether he did or did not refer to this particular section and what the intent and purpose of it is and whether there are any exceptions or meanings that are not clear and unequivocal in the language.

Mr. CRAMER. The gentleman has raised a very important point that I intended to get to as one of my remaining points as to what is being controlled. The language is nearly the same for the junkyards—except as to the distance—as the billboards. The junkyard and billboard provisions carry nearly the same language. But it is 1,000 feet for the junkyard and 660 feet for the billboards. The reason for that I do not know. But that is the way it is drafted.

Six hundred and sixty feet is the present limitation on billboards. Why it is 1,000 feet for junkyards I do not know. Also, for junkyards there is no control in areas zoned industrial under the section the gentleman mentioned, which is section 136(g).

As to the control of billboards—and this is one of the most questionable aspects of the legislation and it comes under section 101(d)—in that instance, in areas zoned commercial and industrial billboards are to be controlled under standards agreed to by the Secretary. So you have an anomalous situation that junkyards are not controlled in areas zoned industrial but billboards are. That does not make much sense. As a matter of fact, as it was proposed to the Congress initially by the administration and up until September 17 when the new bill came from the White House, nobody had ever suggested, no one had suggested, the administration had not suggested that the Federal Government get into the business of setting standards for billboards in areas zoned commerical and industrial. That got into the bill only when the administration asked for it, after no hearings; there were not any hearings held on this. I think that is one of the most reprehensive provisions, having the Federal Government go into areas that are zoned by your local municipalities and set standards relating to size and lighting, and so forth, for signs in those areas.

Mr. GERALD R. FORD. Mr. Chairman, may I ask this specific question? Scrap metal processors by definition here are different from junkyards and auto graveyards?

Mr. CRAMER. Yes.

Mr. GERALD R. FORD. Are they subject to the removal provision and are they, themselves, constituted industrial operations whether or not zoned?

Mr. CRAMER. The junkyard includes the junk processor. Your metal processor is included. They would be as restricted as junkyards that accumulate the junk. They would be equally covered. They would be subject to being removed or fenced within 1,000 feet of the right-of-way except in areas zoned industrial. They will not be controlled in any way in those areas on interstate and primary systems. But they can go anywhere they want on the Federal-aid system, in either rural or urban areas, which, incidentally, total some 626,000 miles. On that highway system there will be no restriction.

The only restrictions are on the 226,000 miles of the Federal-aid primary system and 41,000 miles of the interstate system.

Mr. GERALD R. FORD. I thank the gentleman.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am glad to yield to the gentleman.

Mr. GRAY. I appreciate the gentleman's yielding. I might say to the distinguished minority leader that the scrap metal people support this legislation. I received a wire this morning, and I should like to read it. It says:

> We support major details of title II S. 2084 affecting the scrap metal processing industry, and will be happy to work with the administration in the implementation of this important measure for the beautification of the Nation's highways.
>
> INSTITUTE OF SCRAP IRON & STEEL.
> HARRY MARLEY, *President*.
> WILLIAM STORY,
> *Executive Vice President*.

I would like to point out further that the act itself does separate scrap metal processors from junkyards. These are two separate acts.

Mr. CRAMER. Two separate sections. They are subject to the same control.

Mr. GRAY. The gentleman is correct.

Mr. CRAMER. I think that is what the gentleman asked. They are subject to the same control.

Mr. GRAY. The gentleman is right, but they are separate.

Mr. CRAMER. I can understand why the junkyard owners are not upset. They got what they wanted. They got industrial areas, in which the junkyards exist to a large extent, excluded from the bill. That was the deal. That is why your junkyard owners are not going to strongly object to this. They were excluded.

The same proposal was made by the administration itself relating to billboards; do not include area zoned industrial and commercial. But they went back on that proposal. They went back on their proposal. I ask you why? All of the junkyards and all of the ugly markings of the earth that you can have in existence in areas zoned industrial and commercial, except uncontrolled billboards. You can have junkyards all over the place and broken bottles and everything else, but no uncontrolled billboards.

Mr. Chairman, the deal was made concerning junkyards, and it was kept. The administration opposed a bill concerning the same restriction relating to billboards. That was withdrawn. Do not ask me why. I am not in the position of having close liaison with the ones who made the decision on this. But it does not make sense to me. If you are going to control them, you should control them all. If you are going to decontrol them, you ought to decontrol them all. What sense does it make not to have billboards but to have junkyards?

But, the crying shame is that this is the beginning of the Federal Government getting its finger into one of the most critical areas of local government, local zoning and planning. Heretofore they have properly kept out of that. That authority has been in the States. We have not tried to set Federal standards in the local communities and States, but we are undertaking to do it here.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Ohio.

Mr. SWEENEY. I remember the distinguished minority leader asking about the mileage that would be affected by this legislation. I quite agree with the gentleman in the well that the 41,000-mile figure is correct. He also quoted a figure of 226,000 miles on the primary highways and a figure of 625,000 miles on the Federal-aid system.

I would like to ask the gentleman in the well whether or not he will agree with the fact that, broken down in percentages, that amounts to about 46 percent of the American highway system, less than the majority of roads in the United States?

Mr. CRAMER. I would like the gentleman from Ohio to explain why you control advertising and junkyards on some highway systems and not on others. That is the point I was making.

Mr. SWEENEY. If the gentleman will yield further, the question I want to have clearly fixed in the minds of the Members is that more than two-thirds of the roads in the United States would be unaffected by this legislation. Would the gentleman from Florida agree with that?

Mr. CRAMER. That is the point I just made. For two-thirds of the roads you are going to have junkyards and billboards, and for the rest of the roads you are going to control junkyards and billboards and take $40 million each year from the general funds of the taxpayers to do it, and you are going to force the States to expend 25 percent of their construction money to pay for it.

Mr. SWEENEY. And, if the gentleman will yield further, two-thirds of the roads in the Nation may be unaffected by this legislation, would the gentleman agree?

Mr. CRAMER. I am really glad the gentleman reiterated his statements, because I wish the garden clubs of America and the other proponents of this legislation would acknowledge that this bill would not do the job. Two-thirds of the highways are not even covered. Your billboards are going to move off the Interstate and primary systems to your secondary system. You will have more billboards, on a more saturated basis, to every highway closely approaching the primary and Interstate System than you can imagine.

Look at what is going to happen in the State of Florida. I am glad the gentleman brought up the question. Look at the anomalous situation in Florida. Highway U.S. 301 is one of the main highways in the State of Florida. This bill is what they say is going to clear up billboards on the highways. Here is what will actually happen in the State of Florida. This map shows U.S. 301. It is part primary and part secondary. It has a link of primary road from the Georgia line to the town of Waldo, about 45 miles. Then it has a link of secondary that goes from the town of Waldo to Ocala, about 30 miles, and then it has a link that goes on from there to Silver Springs. Boy, do you not think there are going to be signs for the full 30 miles, because they are going to be there. They are not going to have them the first 45 miles. They say that is going to be cleaning up of the ugly billboards on the highway. Why, it is a joke. Forty-five miles will be miles which will have no billboards, 30 miles will have billboards of all kinds, 20 miles with no billboards, and 15 miles with billboards and junkyards all on the same highway. Do you call that cleaning up the highways of America?

I do not think we ought to kid the American people into thinking this is going to beautify all the highways in this country, because it is not going to do it.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield again?

Mr. CRAMER. I yield to the gentleman from Ohio.

Mr. SWEENEY. The gentleman made reference to the fact in 1958 as a Member of this body he supported the original bill. Is the gentleman aware of the fact the original bill in 1958 declared it to be a national policy to rid the highways of billboards and that is called for in today's legislation?

Mr. CRAMER. I agree with that policy, except that legislation related solely to the interstate system, solely to rights-of-way acquired after July 1, 1956, and solely to a bonus, not a penalty of 10 or 20 percent, and would not have resulted in the destruction of the highway program by withholding money. Yes, I am for doing the job and doing it right and our amendments will be consistent with the 1958 act. They are going to be consistent with the 1958 act. I can understand why we may have some trouble having the White House support it because they did not support it in 1958. Here is the record. They would not accept it at that time. There are some of us who have been for this for a long time. There are others who are coming along at a very late date.

Let me make one more point to show how inconsistent this legislation is. As we tried to do something about this in committee in getting a bill through, we have tried to write a good bill to beautify the highways, to do the job, but not penalize the States and innocent businesses.

I challenge anybody on the other side to contradict the following statements; if anyone wants to challenge them now is the time to do it: In this bill as drafted, the States can get 100-percent Federal-aid money under title III to beautify their highways beyond the right-of-way, not on the highway, but beyond the right-of-way. You can buy up a hillside, you can plant trees, you can buy that, you can buy all the right-of-way you want, you can buy the hillside, you can beautify it with 100-percent Federal money to the tune of $120 million a year out of the general fund. But if you want to plant flowers and trees within the highway, if you want to beautify the median strips, if you want to beautify the scars that appear on the sides of the hill that has been cut into and plant these, the States have to come up with 50 percent of that money on the Federal-aid primary system. Does that make any sense to anyone seated in this Chamber at this time? If you are going to beautify the highway itself the States have to come up on the primary system with 50 percent, but if you are going to buy property off the right-of-way and beautify it and plant trees, you can get 100-percent Federal money. You can end up with the State not having enough money to beautify along these slopes that have been stripped down, but beyond that you can plant trees and other things. There you can make it beautiful with 100-percent Federal money.

What you are going to do I will say is, you are going to permit these rest stations that are being built on or adjacent to the highway to be financed in two different ways. If States want them on the right-of-way they must pay 50-percent State money on primary highways and 10 percent on interstate highways. If States condemn land outside of the right-of-way and put up those rest stations out there you can get 100-percent Federal money to do so. We tried to do something about this and the gentleman from California offered an amendment that would have done something about it, making it 100 percent in either case. But the administration did not want that. They wanted to separate the off the right-of-way beautification from on the right-of-way beautification.

That shows you what is wrong with this legislation and why it was not carefully enough thought out and why we are going to propose what we think are some sound amendments.

Do you know what else this bill will do? For the first time in the history of highway legislation, it is going to let the Secretary provide facilities for information along the highways—not the States—the Secretary shall "after consultation with the States provide information centers where certain advertising will be permitted"—and who is going to decide who can advertise? The Secretary. And where? The Secretary. So if you have a little political pull and you can get your gasoline station listed, then you will be in these advertising areas that are provided "by the Secretary." But not otherwise. Does that make sense? No, it does not.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Missouri.

Mr. CURTIS. The gentleman has been making a very fine presentation in discussing the revenue aspects. He has referred to general funds. I am concerned about what moneys, if any, in this program will come out of the highway trust fund. As the gentleman knows, we on the Committee on Ways and Means have to be concerned about that and in listening to the gentleman I was not quite sure in his reference to the general fund whether he was referring to a trust fund. Would you explain briefly where the trust fund moneys might be affected by this?

Mr. CRAMER. I will say to the gentleman, this all comes out of the general fund.

Mr. CURTIS. The trust fund, do you mean?

Mr. CRAMER. The general fund, the taxpayers' general fund of the Treasury.

Mr. CURTIS. That is what I wanted to know.

Mr. CRAMER. No money comes out the Highway Trust Fund. This administration proposed that $100 million of the funds authorized out of the Highway Trust Fund for construction of the 600,000-mile secondary system be diverted for these beautification purposes. They got in trouble with it and abandoned it.

What burned me up was they did not have the intestinal fortitude, until after we had already considered this legislation, to propose the bill introduced by the gentleman from Arkansas [Mr. Mills], chairman of the Committee on Ways and Means, providing for certain funds to be set aside as a highway beautification trust fund. That did not come up until after we had already acted on this bill, and there was no choice but financing it out of the general fund—$325½ million. There is no question but that there is going to be further deficit spending. The other thing I do not understand is why we are going to be 3 years behind in finishing the Interstate System. Completion of that system is supposed to save 8,000 lives a year and supposed to save $11 billion a year when finished. That is why we are spending $35 to $45 billion on it. But that will not be completed now until 1975 instead of 1972 because the administration refused to provide any additional revenues that could get the job done on time, but we are going to dip into the general fund—but not for construction and safety—but for beautification.

Mr. CURTIS. I simply would say, as the gentleman knows, the highway trust fund is in some difficulty right now and the Committee on Ways and Means is going to have to meet early next year to figure out just where we are going to get additional money or where we are going to have to stretch it out further. So this must be kept in context with the explanations that the gentleman from Florida is making, and I thank him very much.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Iowa.

Mr. GROSS. I, too, want to commend the gentleman on the excellent statement he has made in respect to this bill. The gentleman has done his usual fine job in explaining legislation.

The gentleman a moment or two ago mentioned the authority of the Secretary, as I understand it, to permit certain advertising in certain places. Let us take the present Secretary. He may be there 4 years from now or 3 years from now or he may be gone. What about the situation if the next Secretary comes along and changes this formula, since it is discretionary with the Secretary? Who then has the vested interest in the beautification program, or whatever it is? Who then determines the vested interest of the person who has invested the money in this so-called beautification or advertising or whatever it is?

Mr. CRAMER. I will say to the gentleman that there is nothing which would prevent a State or the Secretary from coming up with proposed new standards at any time. The only requirement in the legislation is that he shall do so after consultation and hearings with the States. The answer will be that the State can then bring a suit if the standards are unreasonable, or if the money is going to be withheld.

Can you see the States suing the Federal Government when they must rely on the Secretary's decisions relating to 90 percent of the money and contestants relating to 10 percent?

Mr. GROSS. What about the individuals who may be interested in this sort of procedure?

Mr. CRAMER. The gentleman is correct. They would be at the mercy of the set of standards that the Secretary would decide to set.

Mr. GROSS. That is what the gentleman means, in part, when he says that the bill is a "lawyer's bonanza."

Mr. CRAMER. It is as it relates to condemnation suits that would be filed. I wish to make sure that what signs would be permitted is understood. On page 16 of the bill, paragraph (f), the following language appears:

> The Secretary shall, in consultation with the States—

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is a secondary road and would not be helped by this proposed legislation. It would not be covered by this legislation in any way, shape, or manner. But that constituent or citizen in New Hampshire did not realize that. I would like to know, and would be very interested to know, how many of my colleagues could take out a road map of their State and point out on the map which roads are primary roads and which are secondary roads. I am frank to say that I could not pass such a test until this last weekend, when I obtained such a map of New Hampshire. I was quite surprised, because some of the most famous roads of New Hampshire are secondary roads. For example, Route 10, which is known as the College Highway because it goes from Dartmouth College at Hanover down through Massachusetts to Smith College and thence to New Haven. That highway in parts of New Hampshire would not be covered by this legislation. That came as a surprise to me. I am sure that it might come as a surprise to some of the distinguished Members who have been associated with Dartmouth.

Mr. CRAMER. Is the gentleman then saying that the highway entering the great Dartmouth College could have these ugly signs on it, and that there would be no control of a bunch of junkyards around such a highway? That would not be controlled by this legislation?

Mr. CLEVELAND. The gentleman may have misconstrued my remarks. I want him to know that New Hampshire is the pacemaker in this whole matter of highway beautification.

Mr. CRAMER. If the State were not a pacemaker, that would be the case, as is true with respect to the University of Florida, as an example.

The CHAIRMAN. The gentleman from Florida has consumed 1 hour.

(By unanimous consent, Mr. CRAMER was allowed to proceed.)

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Let us assume that along the interstate or primary system a man has a farm, which abuts right up to the right-of-way, and that the barn on this farm comes close to the right-of-way, and that on this barn is a large advertising sign, painted on the side of the barn, perhaps asking people to chew Mail Pouch Tobacco. I have seen such signs.

How would this be affected? Could the farmer be paid for tearing down the barn or for moving the barn? What would be the situation? The barn probably was there many years before the highway.

Mr. CRAMER. That will be up to the court to decide, as to what "removal of the sign" would consist of, and therefore what the farmer would be entitled to by way of payment for the condemnation or the taking. He would be entitled to some payment.

There is no question that the sign would have to go unless the farmer happened to be in the business of selling Coca-Cola on the highway system. Then he could advertise Coca-Cola.

Mr. CEDERBERG. If he were advertising, let us say, Mail Pouch Tobacco, would that change it? Let us say he bought a little Mail Pouch Tobacco and had it for sale, along with apples and so forth. Then could he keep the sign?

Mr. CRAMER. That sign would have to go.

Mr. CEDERBERG. It would have to go?

Mr. CRAMER. The same thing would be true with respect to the farmer in the milk business, who lets a fellow distribute milk and advertise on his barn in order to sell more milk products. That sign would have to go, since he would be in the business of producing, not selling.

In my opinion that sign would have to go. The farmer's advertising on the barn would have to go. The court would have to decide the reimbursement to which he would be entitled.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Minnesota.

Mr. KARTH. Did I correctly understand the gentleman to say previously that the junkyards forced to move as a result of this bill could move at no cost to themselves?

Mr. CRAMER. That is correct. Under the House version it would be no cost to them. Under the Senate version the first $1,500 would have to be borne by the junk owner, but the House did not put in such a provision. Therefore, it would be totally at the taxpayers' expense, 75 percent Federal and 25 percent State.

However, they could fence the junkyard so that it would not be viewable from the highway. As I said before, if they did it beyond 660 feet they could fence it with billboards and get 75 percent Federal money.

Mr. KARTH. I quite understand, then, why they ought not be here opposing this piece of legislation.

That causes me to pose another question. What about the many thousands of other small business people? I am thinking primarily of those who are now located on the secondary road system who depend primarily upon the primary road system for advertising, to continue in business and to make a livelihood. Many of these people who are in the restaurant business, in the motel business, and in the resort business tell me that they will be forced out of business. Is there any money in this bill to take care of their problem? For example, is there money to pay them for relocating, in the event they are forced to relocate?

Mr. CRAMER. There is no money whatsoever, except for the owners of billboards, junkyards, and the land on which they are located.

Mr. KARTH. What about the cost of removal of signs along the primary system? I understand that is to be 75 to 25, and that if the States do not pay the 25 percent they will be subject to a loss of money.

Mr. CRAMER. A 20-percent cut off of their allocation.

Mr. KARTH. What if they cannot afford the 25 percent? I ask the gentleman what would happen?

Mr. CRAMER. I touched that subject a little earlier, briefly. The States will have to come up with money, with 25 percent of the cost of controlling billboards, or the States will lose 20 percent of their allocation for billboards and junkyards.

Mr. KARTH. That would stop the road system, would it not?

Mr. CRAMER. That could amount to as much as $800 million a year, nationwide, since it is 20 percent of a total $4 billion allocation for interstate and primary systems.

Mr. KARTH. Is there any money in this bill for a leasehold, to pay the cost of commercial use as a result of a sign located along the many miles of the primary system, to those people who own the property?

Mr. CRAMER. I believe that is one of the inconsistencies in the bill. It is said that if a sign is up, actually erected, the man is entitled to reimbursement through the courts, under condemnation procedures, plus legal fees.

However, if you have a lease but no sign up, but you have signed the lease with the sign company, you get no reimbursement whatsoever. I will challenge anybody to dispute that. That is what the bill says.

Then, one other point I want to make is this: There is no reimbursement for anybody who loses his right to put up such a sign at a future date. There is no reimbursement whatsoever, even though it is admitted that they lose that right. That is what causes your problem in many States. The answers that the majority got to the wires they sent to the 18 States in which they inquired of them as to their comments, State after State after State replied that if we are expected to condemn this property without reimbursement we will have to amend our constitution. State after State said that, and they could not do it by January 1, 1968. That is the point I am making here.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield, inasmuch as he made an assertion with respect to leaseholds?

Mr. CRAMER. I yield to the gentleman. I am speaking of leaseholds on which there is not a sign erected.

Mr. WRIGHT. Precisely. And then he challenged anyone to question the validity of his statement.

Mr. CRAMER. That is right.

Mr. WRIGHT. I think it is necessary that I point out the language in the bill itself. On page 17, where we prescribe those areas in which compensation will be paid.

Mr. CRAMER. Lines 11, 12, and 13.

Mr. WRIGHT. Subsection (A) which is defining those things for which compensation will be paid. It stipulates as follows:

> (A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and
>
> (B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

Therefore, it is my clear understanding that if a lease is in existence whereby the property holder has contracted with an outdoor advertising firm for the right and privilege to erect thereon a sign, whether or not that sign has been erected, that property holder would be entitled to compensation under the law.

Mr. CRAMER. All right. Now I will answer the gentleman by the wording of the bill itself. It is very easy to answer and very clear that my position is correct. It says:

> The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

In paragraph (A) it says:

> The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device.

Then when you come to page 16, line 25, regarding as to what the compensation shall be paid for, it says:

> Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays, and devices—
>
> "(1) those lawfully in existence on the date of enactment of this subsection—

So you have to have a sign up and you have to have a sign removed to be entitled to compensation. There is not any question about it. The gentleman may have intended something else, but he just did not write it that way.

Mr. WRIGHT. If the gentleman will yield further, I do disagree with his interpretation of the language. I would say to the gentleman if a person entered into no leasehold agreement and if a person simply had some rather obscure right to erect a billboard but had no leasehold agreement, he would not have a compensable right under the law.

Mr. CRAMER. The wording is very clear, even in the section the gentleman read. It says:

> "(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and
>
> "(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

That is the owner of the real property on which the sign or display is located. When this is further clarified by the clear wording that just compensation shall be paid upon the removal of the following outdoor advertising signs, displays, and devices, there is not any question about the compensation if there is a sign and that there is none if there is not.

Mr. WRIGHT. I think the gentleman is incorrect in stating that if a leasehold were in effect which is yielding revenue to the property owner, that that would be a compensable right under the bill. You just get into the theory of it and say a man has a right to put up a billboard, but he has entered into no contractual arrangement. Then, of course, he has no compensable right. But if he has a leasehold contract in existence where a billboard has been erected then I think——

Mr. CRAMER. I realize that the gentleman differs with me, but I am just reading what is in the bill. I am not suggesting an interpretation of it; I am reading what is in the bill.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield.

Mr. KARTH. Mr. Chairman, let us say for the moment that the gentleman from Texas is correct in his interpretation of what the bill provides. I understand that the State of Nebraska, for example, one of the few States that have bought up these leaseholds, found that it cost them $4,000 per mile. If the land value in Nebraska is the average across the Nation and we bought up all of these leaseholds on the 225,000 miles of highway, in round figures that would come to about $900 million. Are there sufficient funds in this bill to provide for that kind of purchase?

Mr. CRAMER. There is a total of $20 million for the purchase of those interests, all interests relating to billboards; that is, $20 million a year to 2 years, and then $20 million a year for 2 years for the junkyards. Obviously it is not going to do the job. As a matter of fact, the bill itself so indicates, because on page 27 it says that the Secretary of Commerce is supposed to report to Congress by January 10, 1967, how much it is going to cost. Nobody knows what it is going to cost.

Mr. KARTH. I thank the gentleman. I think it is well worth while for the House to write legislative history on this particular point.

Mr. CRAMER. I think the gentleman is correct. We tried to get an amendment adopted in connection with those States where the States have to recompense a property owner for the inchoate right to lease, that then the Federal Government would participate, and only in those instances. The farmer who has the right to lease gets nothing. The farmer who has a sign up gets paid. That is what I call real good constitutional law and equity relief for property rights. But that is the way the bill is written. We are going to try to do something about it if we get the opportunity.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield.

Mr. HARSHA. Mr. Chairman, I should like to make the observation that the recent colloquy between my friend from Texas [Mr. Wright] and my friend from Florida [Mr. Cramer] points up the ambiguities in this legislation and the great problems that it creates.

Here were two diametrically opposed interpretations of the language in that section. Certainly this should point out vividly to the House that this bill is a lawyer's bonanza and it is going to be subject to a great deal of judicial review before it is ever completed. Would the gentleman say that is an accurate observation?

Mr. CRAMER. The gentleman is correct. Of course, the cost of attorneys fees is going to be borne by the taxpayer of the State or the Federal Government, because that is part of the award in any condemnation suit. So every person who has an interest can hire a lawyer and his fees will be paid. This is the lawyers' retirement bill of 1965, in my opinion.

Mr. RUMSFELD. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield.

Mr. RUMSFELD. As I understand it the Interstate System was originally based on National defense factors and the desirability of having an Interstate System for defense purposes. The following question comes to my mind on reading this bill, whereby the Federal Government would withhold funds from our Defense Highway System in connection with billboard or junkyard activities. Is not this running directly contrary to the whole concept of the Defense System? Is it not conceivable that by withholding the funds we would be frustrating the actual goal of the Defense Highway System?

Mr. CRAMER. The gentleman has made, in my opinion, one of the most valid points in the debate to date, that we are putting 90-percent Federal money into the Interstate System—that is, the Federal Government is—for "defense purposes." They want an Interstate Defense Highway System.

Now they are willing to trade off defense 20 percent for beautification, and they are willing to trade off safety 20 percent for beautification. This is not necessary, and if our amendments are adopted, this will be avoided. The gentleman is absolutely correct.

Mr. MATHIAS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-six Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 355]

Abbitt
Anderson, Ill.
Andrews,
George W.
Aspinall
Bolling
Bonner
Brown, Calif.
Callaway
Celler
Clawson, Del
Conable
Daddario
Davis, Wis.
Duncan, Oreg.
Evans, Colo.
Fino
Frelinghuysen
Fulton, Pa.
Gilligan
Hanna
Hardy
Hébert
Holifield
Holland
Hosmer
Irwin
Jacobs
Lennon
Lindsay
Long, La.
McCarthy
MacGregor
Martin, Ala.
Martin, Mass.
Morgan
O'Hara, Ill.
Patman
Powell
Resnick
Rivers, S.C.
Shipley
Smith, Calif.
Springer
Thomas
Thompson, Tex.
Thomson, Wis.
Toll
Tuck
Utt
White, Idaho
Willis
Wilson, Bob
Younger

Accordingly, the Committee rose; and the Speaker pro tempore having assumed the chair, Mr. Landrum, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill S. 2084, and finding itself without a quorum, he had directed the roll to be called when 375 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Florida has consumed 1 hour and 15 minutes.

Mr. CRAMER. Mr. Chairman, I would like to yield the floor. At the time of the quorum call I had planned to yield the floor, because I have taken a considerable amount of time. However, there have been so many questions that I have taken this time in order to attempt to answer them. At the time of the quorum call I was yielding to the gentleman from Illinois [Mr. Rumsfeld], and I now yield to him.

Mr. RUMSFELD. Mr. Chairman, as I was saying when the quorum call began, the title of this program is the National System of Interstate and Defense Highways. When this bill was considered in April 1956 in the 84th Congress, there were many speeches made supporting the legislation. One of the speakers was Mr. Withrow, who said that the capacity of the Interstate System to evacuate urban populations was of the utmost importance. The gentleman from Maryland [Mr. Fallon] said this is a program which will provide substantial savings in human life and property and benefits to the national security, and so on. Mr. Dempsey said this has to do with the national defense and the protection of the people of this country and will result in the saving of literally millions of lives in the event of evacuation or national disaster.

Mr. Jones said the road act recognizes a new principle in road construction and a new philosophy and recognizes that we must have a network of highways that were adequate to be implemented with the continental defense program.

And so on through the debate; each speaker emphasizing national defense. And yet today we come to the floor with a piece of legislation that proposes to withhold funds from the national defense system. It strikes me that either this highway system is justified on the basis of defense, or it is not. But if it is, how can we take away the funds because a junkyard is too close to the road if, in fact, the purpose of this highway system is to save millions of lives? If the highway system is not justified on the basis of national defense, as its title suggests, then why do we not change the name back and just call it the Interstate Highway System?

It strikes me that we cannot have it both ways. I hold no brief for junkyards or billboards. But it seems to me that the justification for this legislation today runs directly contrary to the justification for the Interstate Defense Highway System, and if anyone can explain this to me I would certainly be delighted to have that explanation.

Mr. CRAMER. I think the gentleman's point is well taken. When the 1956 Highway Act was enacted, it was on the basis of serving the national defense. That is why for the first time there was an agreement that we authorize up to 90-percent Federal money for highway construction on the Interstate System.

Now we are willing to sacrifice 20 percent of that defense-related program for highway beautification. That is why I hope the minority amendments that we are going to offer will be given serious consideration. I do not want to see the National System of Interstate and Defense Highways crippled in the name of beautification or anything else. That is another reason why we have never used the "big stick" approach on our highway program, because of the Federal-State partnership relationship which has been excellent. We have always used the "carrot" approach which offers a bonus for doing these things. We do not want to cripple the program to accomplish these side objectives.

Our objective is to build highways and to provide for the national defense, to provide safety, to provide transportation, and to help the economy. Now we are going in the opposite direction with S. 2084 and cutting off 20 percent to accomplish a side objective of beautification. Incidentally, you are still going to have all kinds of monstrously large billboards more than 660 feet from the highway. The only difference is that you are going to have to cut down beautiful trees in order to see them that far off. That is the only difference.

Mr. KLUCZYNSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I want to subscribe fully to the remarks made by the distinguished chairman of the Committee on Public Works, the gentleman from Maryland, Congressman FALLON. Chairman FALLON has ably and correctly stated the background of this proposed legislation, and he has equally well described the careful attention it has been given by the Subcommittee on Roads, of which I am the chairman, as well as the careful consideration given by the full committee.

Last May the administration sent to the Congress four bills, recommended for the purpose of improving the appearance of our highways. The committee was not able to agree with all the recommendations transmitted to us by the administration. The proposals for control of outdoor advertising and for the control of junkyards along the interstate and primary highways have therefore been substantially revised.

The original proposal with respect to scenic preservation and enhancement was thoroughly studied by the committee, and we have reported language on this part of the program which we think is an improvement and which we think is needed.

Thus, while the committee gave thoughtful consideration to the administration proposals, we believe that the legislation the committee has reported to the House represents the most desirable and effective means to accomplish the beautification of the Nation's highways.

In extensive hearings before the subcommittee we considered testimony presented by spokesmen for the administration, representatives of States and local governments, of highway departments, of the highway construction industry, of highway users, of the billboard industry, the motel industry, the salvage and scrap processing industries, and conservation groups.

While the committee was working on draft legislation to cover this program, the Senate acted on similar legislation. Therefore, the committee's final action was to report on the bill passed by the Senate, with amendments made by our committee which we believe both strengthen and improve the bill.

This is the proposal now before us—the committee's recommendation based on full consideration of the views of all parties who would be affected by this legislation, the total public interest involved, and the views and conclusions embodied in the Senate bill.

The pending bill contains three principal titles. Title I deals with control of outdoor advertising on the interstate and primary highway systems. Title II deals with control of junkyards along these systems, and title III deals with landscaping and scenic enhancement of the areas adjacent to all Federal-aid highway systems.

All of us know that the previous legislation providing for control of advertising on the Interstate System, the so-called bonus law, has simply not been effective. Even though 25 States have entered into the necessary agreements, less than 200 miles of the Interstate System are actually under the prescribed control.

Title I of this bill will provide what I believe is reasonable and effective control of billboards along our interstate and primary systems. It does not regulate billboards on the secondary roads. The committee wishes to make it quite clear that the reference to "safety" contained in the policy statement refers to vehicular safety only and is not in any sense to be construed as a brief for the use of police power to bring about the elimination of signs or junkyards which under this law must be removed.

Under the bill we have recommended to the House, on-premise advertising is not subject to Federal regulation. This legislation does not regulate or have anything to do with that kind of advertising.

Billboard advertising is authorized along the two systems in commercial or industrial areas whether those areas are zoned or unzoned. With regard to signs located in those areas, the criteria as to size, spacing, and lighting will be established by agreement between the States and the Secretary of Commerce.

Other than on-premise advertising and the advertising in industrial or commercial zones, billboards would be excluded within 660 feet of the edge of the right-of-way along the interstate and primary systems.

Mr. Chairman, this legislation fully recognizes that outdoor advertising is a legitimate business that contributes to the convenience of the traveling public as well as to the business of the advertisers. This legislation will not prevent or prohibit outdoor advertising—rather, it will make for reasonable and effective advertising by controlling unchecked multiplication of billboards along the major highways of the Nation.

I want to emphasize that this legislation does not require the States to act immediately, nor next year, nor even the year after. The bill allows the States until January 1968 to achieve effective control as defined in the bill. Furthermore, those billboards already in existence in control areas which will have to be removed do not have to be taken down until July 1, 1970. That is almost 5 years away.

In addition to providing the very reasonable period of 5 years before noncomplying billboards have to be removed, this bill provides for full compensation to the billboard owners and to the owners of the land on which these billboards are erected where they have to be removed. The bill clearly states that they shall be paid just compensation, and that 75 percent of this compensation will be paid by the Federal Government, with the States paying the remaining 25 percent.

I do not see how we could write any legislation adequate to achieve a reasonable control of billboard advertising along our highways and be any fairer to the businesses and private citizens who will be affected by the legislation.

I also want to point out that under title I of this bill, those States which took advantage of the previous bonus law for control of outdoor advertising, and signed agreements thereunder, will continue to receive the bonus payment if they continue to maintain the required control.

There is another provision in this bill which I think is important and which illustrates the care the Public Works Committee exercised regarding the legitimate interests of the businesses located adjacent to our highways. That provision requires that the Secretary of Commerce, in consultation with the States, see to it that more complete information is made available to the traveling public on official signs located within the right-of-way concerning the services and facilities which are available near the interchanges on the Interstate System. The committee believes that the present food, fuel, and lodging signs simply do not give the motorist any really useful information. Therefore, the Secretary is required to give more specific information, such as the names or the brands of service stations, motels, and restaurants—the kind of information which is both important and convenient to the motorist.

Title II provides for reasonable control of junkyards along the interstate and primary systems. The control area would be 1,000 feet from the edge of the right-of-way, and again, the date for achieving effective control is January 1, 1968.

Under the bill, junkyards which are located in industrial areas, whether zoned or unzoned, are not even subject to control. They would not have to be screened nor would they have to be removed. In other areas, effective control could be obtained by screening the junkyards through the use of plantings, fences, or any other appropriate method. Junkyards which cannot be screened will have to be removed, but here again, they are not required to be removed until July 1, 1970.

Furthermore, the bill provides that the Federal Government will pay 75 percent of the cost of screening, and if screening is not practical, the Federal Government will pay 75 percent of the cost of removal. In both cases the remaining 25 percent of this compensation will be paid by the States.

Again, I do not believe we could have written more reasonable, adequate, and fair legislation for the control of junkyards.

In addition to setting up well-advanced control and removal dates, and requiring the payment of just compensation to those adversely affected, section 303(a) of this bill requires that the Secretary of Commerce hold public hearings in each of the 50 States to gather all relevant information on which to base his recommended standards, criteria, and rules and regulations relating to billboard and junkyard control. Section 303(b) requires the Secretary of Commerce to report to the Congress by January 10, 1967—a year before control must go into effect—concerning his recommendations on standards, criteria, rules, and regulations.

The committee is fully aware of the importance of this legislation, and we have taken great care to write into the bill provisions which will insure that the Federal officials who administer this program will be reasonable in what they are doing, and that they will act slowly and cautiously, and only after they have heard from all affected groups and reported to the Congress itself on exactly what the Secretary of Commerce has in mind to implement this legislation.

If there is anyone who thinks that the Secretary of Commerce is going to have dictatorial powers in administering this legislation, we have provided in this bill still another safeguard. I refer to the provision for judicial review of any action by the Secretary which would result in reducing the apportionment of highway construction funds to the States.

Under the plain language of the bill, the Secretary of Commerce cannot act to reduce the apportionment of highway construction funds without giving the State involved at least 60 days written notice, and he is required to give the State an opportunity to have a hearing within that period. If, following the hearing, the decision of the Secretary is adverse to the State because of failure to achieve effective control of billboards or junkyards, or both, the State may appeal the matter to any Federal district court within the State, for full judicial review of the Secretary's decision, and subject to further appeal all the way to the Supreme Court.

Mr. Chairman, the provisions of this bill are, in my opinion, fair and reasonable. I do not believe there is valid basis on which to attack this legislation. It does not place unrestricted authority in the Secretary of Commerce. It does not impose Federal control on all land use. There is adequate provision requiring the payment of just compensation. And this bill does not impose an unreasonable burden upon the States.

Title III of this bill is an important provision relating to the preservation and enhancement of scenic areas adjacent to the rights-of-way of all Federal-aid highway systems.

Under this title, the States would be given an amount each year equal to 3 percent of the amount of Federal-aid highway funds which they receive. This 3 percent will not come from the highway trust fund and it will not have to be matched by the States.

Under existing law, 3 percent of the Federal-aid highway funds apportioned to a State can be used for the acquisition of scenic lands along our highways, if the States want to use it. Understandably, the pressures for building more miles of better highways, as rapidly as possible, have prevailed over any desire to allot highway construction funds to this important value.

Through past years we have been concerned with putting concrete under the wheels of America's millions of automobiles. We have been concerned with movement, and the urgent need for adequate transportation. Now, I believe the time has come to use our resources to achieve more than utility in the creation of America's great highway systems. I think the time has come to give serious emphasis to this quality in our highway program.

Mr. Chairman, in concluding my remarks, I would like to emphasize these general points. First, the bill recommended to the House requires that all of the costs of this program come from the general fund, that none of them be taken from the highway trust fund. This should set at rest any concern that this program will divert needed funds from highway construction. And second, in this case as in countless cases of Federal legislation, we must give executive officials the means and the tools with which to do an effective job. If that authority is abused, the Congress always retains the power to take whatever corrective measures are called for.

I believe we should have confidence in the ability of the President of the United States to select officials who will administer their duties with reason and good judgment, that we should have equal confidence in the good faith of the States in meeting their responsibilities, and that we should have confidence that our courts will be able and willing to grant redress to any citizen, or any State, who may be aggrieved by the wrongful administration of Federal law.

For all these strong reasons, and because the proposals embodied in this bill are sound, I strongly support the enactment of S. 2084.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Chairman, I want to express my personal appreciation to the chairman of the full committee and to the chairman of the subcommittee for the manner in which they have handled this very complex piece of legislation and for the improvements which have been brought about in it through the action of the Committee on Public Works.

Now, Mr. Chairman, anyone who tells you that this bill is handwritten any place but in the Committee on Public Works is simply not being consistent with the facts.

Mr. Chairman, the bill contains in its present form 23 amendments which were added in the full Committee on Public Works. Five of those twenty-three amendments were authored by the gentleman from Florida [Mr. CRAMER] himself, and I am quite sure the gentleman's line of communication with the administration is not of the best.

Mr. Chairman, included among the amendments that have been added by the committee are such matters of substance as provision for judicial review, a complete judicial review, available to every State that should be confronted with a withholding order by the Secretary of Commerce. The district judge conducting that review is entitled to set aside the decision of the Secretary of Commerce. He is entitled to set aside in whole or in part, when he reviews that matter if there has been an abuse of administrative discretion in connection with this bill.

We wrote into this bill a provision for hearings in 50 States, the provision that in every State the Secretary of Commerce must cause hearings to be held to determine the requirements of that State, the practices of that State with reference to the billboard control problem, with reference to the problem of control of junkyards and unsightly conditions existing along the highway. Those hearings must be held before any conclusion is reached as to agreement between the State and the Secretary of Commerce, which is the bedrock on which this bill must rest and move forward.

The agreement on standards that are to be imposed must be a bilateral affair between the Secretary of Commerce and each individual State. That is written into the law.

There is provision in here for compensation, totally and completely different from the concept that was sent up to us in the first place, a concept of police power across the country to put this program into operation. There is a provision that limits withholding to 10 percent if there should be a total failure to reach agreement with reference to effective control standards.

The gentleman from Florida in his presentation here today I am quite certain has not intended to create a misleading impression on any point, but inadvertently or unintentionally there has been a presentation of some material that is not on all fours with the facts as the majority of the committee sees them and as the administration has gone on record concerning them.

We heard a minute ago, for example, the horrifying news this bill will provide for withholding of 20 percent of any State money, if it is necessary to do that, in connection with the administration of this bill. On page 26164 of the CONGRESSIONAL RECORD of yesterday you will find a statement of the Under Secretary of Commerce, Mr. Boyd, on the question of what could or would be withheld under this bill. You will find it at the top of page 26164, an answer to the question, Does this legislation provide that a State can be penalized a total of 20 percent if it fails to have effective control for billboards and junkyards? You will find the answer is "No." You will find it is not intended to have a maximum penalty of 20 percent. The only place where that is suggested is in the Minority Views in the House report.

The Secretary of Commerce has confirmed this with the interpretation that the maximum penalty which would be applied against a State would be 10 percent of any one apportionment, whether the State has achieved control of billboards or junkyards or both. That is the position of the Department of Commerce plainly stated in a letter dated October 6, 1965. So the 20-percent representation is based upon the theory of the gentlemen of the minority that the provision in title I and the provision in title II must be cumulative in effect, but there is nothing in the law to require that, there is nothing to prevent the opposite construction, that a total ceiling of 10 percent withholding is authorized under either titles I or II. The 10 percent is the maximum that would be withheld. That is the plain statement of the Secretary of Commerce on this subject.

The gentleman from Florida also started out telling us in the minority report that 18 States would have to amend their constitution. On the floor of the House he retreated to a second position that 14 States would have to amend their constitutions under this bill if it goes through as it presently stands.

It so happens in the CONGRESSIONAL RECORD of yesterday beginning on page 26158 we made a matter of record the telegraphic opinions of the highest legal authorities on highway matters that we could find in the States that were listed in the minority report as being under a constitutional obstruction which could not be resolved without action to amend the constitution.

Among the States that are listed by the gentleman from Florida in his minority report is the State of Georgia. With the cooperation of the Georgia delegation, we not only checked up on who the gentleman is who signed this telegram on page 26159 is; we discovered he is an assistant attorney general. We talked to the attorney general for the State of Georgia, Attorney General Bolton. The attorney general, Mr. Bolton, made it very emphatic that the opinion which was stated in the telegram appearing on page 26159 of the RECORD by Richard L. Chambers, assistant attorney general assigned to the Highway Department of Georgia, is correct. His statement is as follows:

> Under Georgia constitution control of billboards and junkyards adjacent to Federal-aid highways can be had under power of eminent domain. Do not believe additional legislation necessary as to billboards since we have outdoor advertising statute. May require legislation in regard to junkyards.

In other words, a constitutional amendment would not be required as the other side would have you believe. Now on that subject you can take the view of the attorney general of Georgia on the question or you can take the opinion of our colleague-attorney CRAMER, who is certainly an able attorney. But with me, and I hope with most of the Members of this body, I hope the opinion of the attorney general of Georgia will be a little bit more persuasive.

Mr. CRAMER. Mr. Chairman, will the gentleman yield at this point since he has mentioned my name?

Mr. EDMONDSON. I am glad to yield to the gentleman.

Mr. CRAMER. The testimony that we used in the minority views is the testimony of the American Association of Highway Officials testifying before our committee. A table prepared by the association is found on page 83 of the hearings. And I am reading from that page—about the States that would have to amend their constitution according to that tabulation of these authorities.

The gentleman has indicated there are 1 or 2 in there that should not be there, but there still remain, as I said in my remarks, and even by your own evidence, 14 States that would unquestionably have to do that.

Mr. EDMONDSON. My answer is not completed yet. Let me say with respect to that questionnaire that the questionnaire was based upon the question of whether police power would be adequate under their constitutions to carry out the provisions of this bill. A lot of the States have constitutional problems on police power that are not present under eminent domain where compensation is provided for in the law. A lot of States responded when they asked them about it, and said they had a constitutional problem, if you are talking about using police power. But if you are talking about eminent domain, and if you are talking about the process of paying them for it, it is an entirely different proposition.

May I say further with reference to that subject, the States that the gentleman lists in the minority report includes the State of Colorado. On page 26160 of the RECORD, we find the statement of the assistant attorney general of Colorado, John P. Holloway, as follows:

> In reply to your telegram of October 4, it is our opinion that our State legislature has sufficient legal authority under existing provisions of our constitution to enact appropriate statutes to control billboards and junkyards as contemplated in S. 2084 as a condition to receiving Federal aid highway funds. No constitutional amendments will be necessary.

There are similar telegrams from the assistant attorney general of the State of New Hampshire which is listed in the minority report as having to have a constitutional amendment. But we find the assistant attorney general of the State of New Hampshire stating in the statement that appears on page 26160 of the RECORD "it would appear that no impediment is so imposed by the New Hampshire constitution."

The minority views listed the State of Wyoming as a State that had a constitutional problem and could not take care of this without having a constitutional amendment. Mr. Glenn A. Williams, assistant deputy attorney general, Wyoming Highway Department, replied to the General Counsel of the Bureau of Public Roads:

> In our opinion legal authority exists under State constitution for our legislature to enact billboard and junkyard control statutes.

Granted that there are some States with problems. Granted that in the list that I placed in the RECORD there are some States that have reported constitutional problems. The problem is not nearly so serious as the minority would have us believe. It is certainly a condition that will be taken into full account by the Secretary of Commerce as he has spelled out in the letters which appear in the committee report in connection with the machinery of working out agreements for billboard control and for the control of junkyards.

Let me emphasize this final point in connection with this bill as the Committee on Public Works has reported it out. This bill is not designed to put any industry or business out of business. It is not intended to do it. The assurances of the Secretary of Commerce on that point, as contained in the letters in the report, are very strong. I believe he is bound to carry out the policy that he has declared to the committee is his policy with reference to the outdoor advertising industry and with reference to the other businesses that are affected by control measures in this bill.

When you get right down to it the bill is an endeavor to get a balanced and constructive measure to accomplish the worthwhile objectives on highway beautification that have been declared to us by President Johnson in his message of May 26 and that have been supported and championed across this country by literally thousands of civic groups, garden clubs, wildlife federations, and conservation groups, and at the same time to recognize the truth that there is an important role for the outdoor advertising industry in America's economy and there is an important role for the salvage yard and the junkyard.

So we have tried to write a bill that will make it possible to confine these commercial enterprises to commercial and industrial areas and to let them prosper, develop, and grow in those areas, but at the same time to make it possible on the highways of the country to have some enjoyment of the natural beauty of the countryside and to have the benefits of the industrial effort, and at the same time the benefits of our great out of doors available to all Americans.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Washington.

Mr. MEEDS. I wish to commend the gentleman and the committee for reporting out the bill that is now before the House.

I should like to ask a question about it. In my State, the State of Washington, our legislature has passed a very far-reaching and forward looking beautification bill. In many instances the provisions of that bill are much stricter for the purpose of attaining beautification than those contained in the bill that we are presently considering in the House.

The use of the word "standards" in section 101(f) gives me some problem. In paragraph (c) the word "standards" is defined in connection with "lighting, size, number, and spacing of signs" rather than the overall work of a highway committee in establishing beautification.

My problem is as follows: Under the law of our State, we have stricter regulations than are provided in the pending bill. It would be my feeling that certainly the drafters of the bill have no desire to override State law. In other words the proposed standard is a minimal standard. If a State wishes to enact stricter legislation in this regard, it would be entirely free to do so. Am I correct in that statement?

Mr. EDMONDSON. There is no question but what title I and title II specifically authorize stricter standards by a State if a State wishes to have them, both on billboard control and on the junkyard problem.

The section in title I is subsection (k) on page 18. The section in title II is subsection (1) on page 24.

Mr. MEEDS. There is no question in the gentleman's mind that this is minimal, and if a State wants to enact stricter legislation this would in no way override it?

Mr. EDMONDSON. I believe this recognizes that many States have already moved forward in this direction. We would not want to see anything in the statute construed to slow down that kind of legislation and that kind of effort, by the State of Washington or by any other State.

Mr. MEEDS. I thank the gentleman.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to the gentleman from Washington.

Mr. ADAMS. Again I commend the committee for its efforts in this area. I have a second position, again with respect to the State of Washington and a number of other States in the West, which have enacted, as my colleague from Washington pointed out, a series of rather comprehensive laws which in many areas are more strict. In particular, with respect to some they have used the police power.

In effect, in our State there has been a removal bill passed, with a 3-year period in which to amortize, and that period ran out in 1964.

I hope to avoid having to suggest amendments by clarifying this in the form of a legislative history.

I have a question with respect to subsection (g) which provides for compensation. If the States have gone ahead with their police power and have exercised it, are they going to be required both by subsection (g) and section 401 to now undo that and to pay compensation because of the provisions of this bill? This follows the question of my colleague as to the degree to which the Federal Government is preempting the States from stricter standards, who are trying to use or have already used the police power.

Mr. EDMONDSON. If the gentleman will turn to page 17 of the bill he will find the compensation feature of the bill is limited to:

> Outdoor advertising signs, displays and devices—
>
> (1) those lawfully in existence on the date of enactment of this subsection,
>
> (2) those lawfully on any highway made a part of the interstate or primary system on or after the date of enactment of this subsection and before January 1, 1968, and
>
> (3) those lawfully erected on or after January 1, 1968.

I would say as to those billboards which already are in the position of being unlawful under the police power statute there is no problem. We are not trying to make lawful a billboard which is unlawful under State law.

Mr. ADAMS. I would carry that a step further. A case has been filed in the Supreme Court of the State of Washington directly challenging the power of the State to remove by police power. A stay has been granted. This matter has not been heard in the trial court. I should like to be certain that this bill does not attempt to pass judgment on the statute that we have already passed, which is presently in litigation. In other words, it will not provide that the State cannot possibly use its police power, if it has already done so.

Mr. EDMONDSON. As I understand the matter, the determination has already been made by the State.

Mr. ADAMS. The statute has been passed, but the State supreme court has not finally passed on the statute. In other words, it relates to the use of police power.

Mr. EDMONDSON. Does not the statute carry with it an effective date?

Mr. ADAMS. Yes. The effective date of the statute is in effect. The 3-year period of waiting has passed. But the matter is still in litigation before the court.

My question relates to the fact that this will not say that the Federal power has now moved in and made the point moot and that the State could not have done what it did.

Mr. EDMONDSON. Two things would operate there to prevent the effect the gentleman is talking about. One would be the language on line 17. The other would be the language with reference to the State's ability to have a stricter program, if that is desired in the State.

I would like to say this further to the gentleman. It certainly is not intended by this legislation to make anything lawful that is now unlawful under the State law of any State.

Mr. ADAMS. Or to require retroactive payment for those, if they were decreed to be unlawful. In other words, not to go back and pick it up.

Mr. EDMONDSON. I think as long as your Supreme Court upholds the validity of your statute you have no problem. If the Supreme Court should say your statute was not a valid one, then you would not be covered by the language on page 17 of the bill.

Mr. ADAMS. That I understand. The other point is in those areas of commercial and industrial zoning where the State law, as my colleague pointed out, is more strict and the State will be removing where the Federal bill may not require it, then is it the committee's interpretation that compensation would be required to be paid or not paid under this?

Mr. EDMONDSON. The only provision for compensation in this bill, as I understand it, is the compensation provision that prevails upon the Interstate System and the primary system where there is a requirement for removal.

Mr. ADAMS. Under this bill.

Mr. EDMONDSON. Yes. Under this bill. Under the agreements to be concluded between the State and the Secretary of Commerce.

Mr. ADAMS. For example, in our State we sweep the Interstate System completely clear. This bill, of course, would sweep only up to commercial and industrial zoning. So if we take in commercial and industrial areas under the State law, what I am trying to determine is whether or not you or the committee believe that this would require compensation in our State under this section. I do not believe it would, but I want to be sure that that is correct.

Mr. EDMONDSON. If it would require compensation in the commercial and industrial zones?

Mr. ADAMS. That is right. Where our State law says in commercial and industrial zones no billboards.

Mr. EDMONDSON. I do not believe personally that this bill necessarily requires compensation in any commercial or industrial zones as to billboards.

Mr. CRAMER. Mr. Chairman, will the gentleman yield on that point for further clarification?

Mr. EDMONDSON. I doubt if it will be clarification.

Mr. CRAMER. I just want to read from the bill.

Mr. EDMONDSON. I yield to the gentleman from Florida.

Mr. CRAMER. I hope that will clarify it. The bill speaks for itself. It is mandatory. Page 16, line 25, relating to billboards, says, "Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays, and devices." It is mandatory. The report of the committee says on page 2, and I quote this from the majority report:

> The committee wishes to make it quite clear that the reference to "safety" contained in this policy statement refers to vehicular safety only and is not in any sense to be construed as a brief for the use of police power to bring about the elimination of signs which under this law must be removed.

So the correct answer to the gentleman is in the future the States are going to have to reimburse under the provisions of the bill.

Mr. EDMONDSON. The gentleman has his opinion on that score and the gentleman from Washington apparently has his and the gentleman from Oklahoma apparently has a contrary opinion, because in my judgment the Federal position will not be to require sweeping these commercial and industrial zones clear, as you have done under the State law.

Mr. ADAMS. That is my understanding.

Mr. EDMONDSON. So, in the absence of an agreement to make a partnership proposition out of that between the Federal Government and the State, I think any compensation responsibility arising in commercial and industrial zones at present will be solely that of the State and not of the Federal Government.

Mr. ADAMS. If the gentleman will yield for one further question, it would also be my understanding from the answers previously given to my colleague from Washington that with regard to stricter standards or exclusions that are contained, for example, on page 16 of the bill within subsection (d) which holds that if a State wanted to control interchanges that might be zoned commercial—in other words, we are talking now of a primary highway which might impinge upon a limited access highway—at that particular point the whole area would be decreed to be commercial, then if it is commercially zoned, the State would have the right to impose in that area within their police power the regulations they might want for traffic and safety control at the interchange even though the Federal law, because it is zoned commercial or industrial, might not apply.

Mr. EDMONDSON. This bill does not seek to reduce Federal police powers in that direction.

Mr. ADAMS. The gentleman means State——

Mr. EDMONDSON. I mean State police powers. But it does not seek to create any, either. I think you are left with your own police powers to determine what you can do in that situation. And if it is a situation where agreement is required between the Federal Government, the Secretary of Commerce, and the State, I think that agreement would have to be negotiated, if possible.

Mr. ADAMS. I thank the gentleman for his time.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield.

Mr. PELLY. Reference has been made to the State of Washington which, I am sure the gentleman knows, is one of four States which has a really strong beautification law at the moment. I have conferred with our State highway commission. They have studied this bill very carefully and they feel that the police power of our State could well be jeopardized by this program. I am hopeful that the committee will see fit to accept an amendment which might protect us and provide for some leeway as far as the Secretary of Commerce not making compensation mandatory; and likewise we must recognize that our present law is under court test right now. In fact, it comes up this fall.

We feel that this bill in its present form might well prejudice the outcome of that test.

Mr. EDMONDSON. Three other Members of the Washington delegation have spoken to me on this point and have urged on us consideration of an amendment along that line. We have talked to counsel on the committee and to counsel in the Department. It is not the view of majority counsel or departmental counsel that this jeopardy is actually present in this bill.

Mr. PELLY. But such an amendment clarifying that point certainly would settle the point and would not leave it to the opinion of a member of the staff. I am hopeful that the majority will reconsider and give some thought to accepting such an amendment.

Mr. EDMONDSON. I am sure the House will consider any amendments that are offered and will do what is wise.

Mr. PELLY. That is not what I have heard.

Mr. KING of Utah. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. KING of Utah. Mr. Chairman, I am troubled with one point, and perhaps the gentleman could clarify and build up a little legislative record on that point. I am concerned about the impact of the bill on the small communities. I am thinking of my own State, the State of Utah.

We have 10 counties out of 29 that are losing population. Another 10 are just barely maintaining themselves, even though the State as a whole is impressively gaining population. This gain, however, occurs exclusively in the urban communities. We have many rural communities with a great deal of local pride who are struggling valiantly to keep their heads above water. They are doing it by advertising their own particular unique tourist attractions. The State of Utah has encouraged them in so doing. So, as you drive south through the State of Utah you will see dozens of towns urging tourists to go a little out of their way to visit them. These small towns have had a hard time of it because, first of all, many of the interstate highways have bypassed them; and second, because there has been a general migration in the direction of the large communities.

So my question is, suppose the State of Utah as a matter of policy wants to continue to encourage small communities to advertise as much as possible in order to attract their share of the tourist business. If this is State policy, to what extent will these small communities be able to continue to advertise along the highways, and what will be the policy of the Secretary of Commerce on this matter? I might add that, speaking for myself, I shall insist that the bill give adequate assurance that the communities be given an opportunity to protect themselves before I support the bill.

Mr. EDMONDSON. I think the Secretary of Commerce in his letters to the committee has made it clear that it is the purpose of the Secretary of Commerce to bring to the traveling public as much information as is possible about tourist attractions along the road. It is intended to have a number of official signs, for one thing, along the highway to direct people to tourist attractions of all kinds. The roadside stops and rest areas that have been talked about here today will fulfill the additional mission of representing an information center at which tourists on the road could get detailed information about the many beautiful towns that are on down the road and things they have to offer to the traveling public.

So title III in particular should operate in a very constructive way to help tell the story of these towns.

Now, the right to continue to have billboards in the commercial and industrial areas and zones is not going to be taken away by this bill. The right to advertise will continue. That is not taken away in any way.

If the gentleman is really interested in a success story on tourist attractions the gentleman might consider the case of the State of Hawaii, which I think probably has the biggest tourist industry of any of the 50 States on a per capita basis. I understand there is not a billboard up over there.

Mr. KING of Utah. If the gentleman will yield further, that is true, and I appreciate the gentleman's contribution. But could I pursue this just a step further. It sounds very nice when we talk in generalities, but when we become specific, I am not quite so certain.

I would like to know specifically: Are these towns permitted to advertise at reasonable places, perhaps, every 25 or 30 miles? Will the Secretary perhaps set aside a 5-mile strip, and call it commercial and let all of the towns for 100 miles around come in and take advantage of it? Is this how the bill is going to work out in practice, or will it mean that community advertising will be driven off the highways altogether?

Mr. EDMONDSON. I believe if it is the desire of the State of Utah to have that kind of construction of this bill, and if there are commercial and industrial areas or activities of that type along the highway with that frequency in Utah, there certainly would be nothing in this bill to prevent the billboards with reference to tourists that you are talking about in those areas.

Mr. KING of Utah. If the gentleman will yield further so that I may pursue this a little. Let us assume hypothetically that there is a noncommercial area—and this is not entirely hypothetical, because in southern Utah we have vast stretches where there are no communities and no industry at all, but let us suppose that in approaching a town there is a 50-mile stretch with no industry and in fact no houses at all. Yet this town definitely wants to advertise itself, so that tourists approaching it can know what they are entitled to see.

Again, my question is this: If you are assuming that there is no commercial area within 50 miles, would that community be entitled to put up a sign in that area telling tourists of its attractions?

Mr. EDMONDSON. The State of Utah and the Secretary of Commerce could make agreements for official signs to be put up by the Secretary of Commerce along the highway to meet this problem about which the gentleman is speaking.

Mr. KING of Utah. Then they can arbitrarily designate an area as a commercial area; is that correct?

Mr. EDMONDSON. No; it would not require a designation of a commercial area at all. On the open highway official signs can be put up that tell the story of the tourist attractions and accommodations for tourists in the way of motels, gasoline service stations, restaurants, and tourist attractions of all kinds on down the highway and under the Secretary's letter they can include brand names and other instructions to be of assistance and information to the traveler.

Mr. KING of Utah. If the gentleman will yield further, if this community has some unique attraction by way of scenic items, of which there are a plentitude in southern Utah, does that city also have the right to have the story told by way of advertising?

Mr. EDMONDSON. It is certainly done and it is intended to be told and I am quite sure that the able gentleman from Utah who has been addressing these questions will see that his State presents the need for signs of this type to the Secretary of Commerce and gets them appropriately placed on the highway.

Mr. KING of Utah. I thank the gentleman.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I would be happy to yield to the gentleman from Virginia.

Mr. DOWNING. Further along this line of inquiry—and perhaps the gentleman from Oklahoma has already answered this question—but many of our States have great historical sites and natural scenic wonders.

I was wondering if it is permissible under the bill to have appropriate signs notifying the public as to the location of these historical sites.

Mr. EDMONDSON. I believe it is not only appropriate but it is included under the policy statement of the Secretary of Commerce which is carried in the committee report to get attractions of that type appropriately marked on the highways with notice to the traveler before he gets to that type of attraction, he is approaching an attraction of that sort.

Mr. DOWNING. The bill then does not make any provision for signs of that type?

Mr. EDMONDSON. What the bill has is a provision for official signs, which has very broad language. It has to be read in connection with the Secretary's letter. If you will turn to section (c) on page 15, you will find that these signs, displays, and devices which are permissible on the open highway include directional and other official signs and notices which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning the lighting, the size, number and spacing of signs, and such other requirements as may be appropriate to implement this section. Signs, displays, and devices advertising the sale or lease of property upon which they are located and the signs, displays, and devices advertising activities conducted on the property on which they are located.

Subsection (f) also has pertinence, appearing on page 16. I think that is the section to which I had particular reference a minute ago when I answered the gentleman from Utah:

> The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on interstate system, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained.

Then section (i) page 17, also pertains to this subject:

> In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable.

I think there are abundant opportunities under this for notices to the public of an attraction like the Luray Caverns to be brought to their attention as they drive down the highway.

Mr. DOWNING. It is my understanding that a State can authorize locations for sites by State law?

Mr. EDMONDSON. The provision on that pertains particularly to the areas in appropriate distances from interchanges.

Mr. DOWNING. I understand that on page 15, line 10.

Mr. EDMONDSON. I think any signs you would put up along that line would be a cooperative proposition in which the Secretary of Commerce and the States agree upon the size, the spacing, the number of signs that would be placed.

Mr. DOWNING. I thank the gentleman. I am still a little concerned about the fact we may not be able to advertise historical sections, but perhaps amendments will be offered.

Mr. EDMONDSON. If the gentleman has any honest reservation about this coverage and wishes to offer language that makes it specific that historic sites, monuments, and things of that type are to be appropriately brought to the public's attention, as they go down the highway, I would be pleased to support it.

Of course, I am not authorized to accept it for the committee, but I would certainly be personally inclined to support that type of amendment.

Mr. DOWNING. I thank the gentleman.

The CHAIRMAN. The gentleman from Oklahoma has consumed 42 minutes.

Mr. CRAMER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. HARSHA].

Mr. Chairman, will the gentleman yield to me?

Mr. HARSHA. I yield to the gentleman.

Mr. CRAMER. I think we ought to clarify the RECORD here on these questions that have been asked, because I am rather amazed as to the extent to which the impression is being given to the gentleman from Utah and to the gentleman from Virginia and others that the signs that they are interested in can be put on the highways under this bill. That just is not true. The whole purpose of it is to sweep the highways clean of all of these signs except for the signs that the Secretary says can be put off on turnoff areas pursuant to subsection (f) which the gentleman discussed and relating to certain things the Secretary shall select. Then as it relates to these directional and other official signs, relating to Luray Caverns, I will say to the gentleman from Virginia that we went over this very carefully with the chairman of the Committee on Rules the other day and what did we find but that the Luray Caverns are privately owned and, therefore, they do not come within the definition of directional and other official signs. There is no question about that on the part of anyone who wants to discuss honestly what is in the bill. So you cannot advertise Luray Caverns as an example under subsection (c) which relates to directional or official signs. You cannot advertise it unless the Secretary says so, and that is only in these little turnoff areas under subsection (f). You cannot advertise it otherwise, unless it is in an area zoned industrial or commercial and then only subject to standards set by the Secretary.

There are no towns near Luray Caverns unless you want to include Washington, D.C., which is about the closest town of any size to Luray Caverns. I have been there a half dozen times, and there are no towns where you have areas that are zoned industrial or commercial where you can put up a sign advertising Luray Caverns. So I am rather amazed at the misinformation that there is an effort to try to sell here.

If the gentleman will yield further, I would refer to the misinformation relating to the 20 percent. There is only one way you can read this bill. It is unfortunate that the Under Secretary did not bother to read it and I will say that advisedly, because he comes from my home State and I have a great deal of respect for him. But I do not think he knows enough about this bill to properly interpret it. I say that advisedly because anyone who reads the bill will clearly see that they are talking about apples and grapefruit and they are not talking about one kind of grapefruit and another kind of grapefruit. The apples are the billboards and the grapefruit, if you want to put it that way, are the junkyards—and maybe I should not say that coming from Florida. But you are talking about two different things. But they would have you believe that you can fail to restrict billboards under section 131(b) and lose 10 percent and then if you do not restrict junkyards, you do not lose another 10 percent.

What does the bill say? On page 21, section 136(b) it says:

> Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the establishment and maintenance along the Interstate System and the primary system * * *—

Of what?

> "* * * of outdoor junkyards, which are within one thousand feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, shall be reduced by amounts equal to 10 per centum."

The other section says:

> "* * * of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, shall be reduced by amounts equal to 10 percentum."

Now 10 and 10 makes 20 and the two titles taken separately which they have to be, equal 20 percent and nobody, including the distinguished gentleman who comes from Florida, the Under Secretary, could possibly interpret it in any other manner. They are actually separate titles in the bill.

Now if the gentleman will yield for just one more point on the question of constitutional revision. I have studied the wires that the gentleman inserted in yesterday's RECORD and he quoted the State of Georgia. Now listen to this.

The State of Georgia was quoted as having said that their laws and constitution would not have to be amended. Yet do Members know who it was that testified before our committee on behalf of AASHO, that gave us the table from which we took our statement? The president of AASHO, Mr. Shadburn, who is the engineer from the Highway Department of the State of Georgia. He testified that this was his table. This was his testimony. He presently—as of yesterday—was president of the American Association of State Highway Officials, and he so testified.

Of course, the gentleman did not mention the State of South Carolina. The attorney general of the State of South Carolina said:

> Re S. 2084, control of billboards and junkyards in manner proposed by bill is of doubtful constitutional validity.

The gentleman did not mention that State. He did not mention the State of Louisiana. I read from the telegram from the Louisiana attorney general to those who are present on the floor from Louisiana that—

> It is the opinion of this office, that the police power of the State, in accordance with present legislation, would not allow control as required in your wire. It is the further opinion of this office that full implication of the provisions as outlined in your wire could not be effected by the State under present State law without legislative enactment or possible constitutional amendment.

The gentleman did not mention those States. In reviewing what was put into the record, it is quite clear that four States did not answer. Seven States said, "Yes, we have to amend." Three States said, "We may." And four States said, "We do not think so as it relates to an amendment to the constitution."

So I stand on my statement that even their survey shows—and we rely on AASHO—14 out of the 18 States would or might require constitutional amendments in order to conform. Those are the facts and that is the record. It speaks for itself in the language of the bill and in the statements made in testimony on the subject.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield to me? The gentleman from Florida has said that I did not mention certain States.

Mr. HARSHA. I could not get the gentleman to yield to me. I shall yield to him when I complete my statement if I have time available.

Mr. Chairman, certainly one can find little objection to the concept of beautifying our highways and the areas adjacent thereto. Some of the eyesores along the roadways border on the disgraceful, but in this case, as in every case, there is a proper remedy for the situation as well as an improper method of achieving the desired result. Likewise, there is a timely approach as well as an untimely one.

In this legislation we have both an improper method and an untimely approach to alleviating the problem. I shall not deal at length with the improper methods represented by this legislation because the minority report, to which I subscribe, points out very vividly why I feel this legislation represents an improper way to handle the problem. Suffice it to say that this legislation was very successfully ramrodded through the committee, yet its ramifications are not fully comprehended by the proponents. Members of the committee were not afforded the usual opportunity of careful, independent deliberation. Logical debate and argument both for and against certain provisions and amendments were completely ignored, and members were put "in the harness" and "reined" into line to vote a bill out of committee. Now this Congress is being herded into passage of this legislation to satisfy a few personal whims and the people back home are beginning to wonder whether they sent 435 Members over here to exercise their own judgment and discretion, or whether they sent a group of puppets. This Congress had better stop playing follow the leader and begin to assert itself, if not in the interest of self-respect, at least in the interest of preserving the separation of powers and the integrity of the legislative function of Congress.

There is no question but that this legislation will have a very severe impact upon small businesses, such as motels, hotels, restaurants, service stations, tourist attractions and the like, which depend upon patronage by the traveling public for existence. Furthermore, it will have a most adverse effect upon the outdoor advertising industry. Jobs will be abolished for many thousands of designers, sign painters, material suppliers, construction workers, lighting technicians, advertising salesmen, and others involved in this industry.

No one really knows what the economic impact of these programs will be on private commercial and industrial enterprises. Some seem to feel that as many as 120,000 jobs in the advertising industry alone may be adversely affected, to say nothing of the hundreds of small businesses affected. What this will do to our relief rolls, our unemployment figures, our economy, is unknown. It seems a little incongruous to be spending almost $2 billion to fight the war on poverty on the one hand, and then turn around and enact legislation that will create poverty for untold numbers, on the other hand. Is this Congress willing to destroy the means of livelihood of thousands of persons for the sake of highway beauty?

In addition thereto many small farmers and landowners depend upon the revenue they receive from leasing their land to the sign industry to help meet their heavy expenses. This will be cut off. It is kind of like taking the butter and egg money away from the farmer's wife.

Now, Mr. Chairman, I want to talk for a moment about the forgotten man—the American taxpayer. This bill calls for a minimum expenditure of $320 million, yet no one is able to give you a reliable estimate of the ultimate cost of this program. As evidence of that fact the bill requires the Secretary of Commerce to make a detailed estimate of the cost of carrying out the provisions of the legislation, and to submit such estimate to the Congress not later than January 1967. This Nation is faced with ever-increasing financial burdens. Our massive domestic spending programs, our commitments in Vietnam and other places, our defense and space exploration programs, already impose a severe burden upon the taxpayer. I have heard of estimates as high as $10 billion that will be required for Vietnam next year. I have even seen estimates of the predicted deficit for this year or next as high as $6 or $7 billion.

Now, we have lived with billboards for a number of years. The elimination of them is not vital to the health and welfare of this Nation. Would it not be far more fiscally responsible to delay the expenditure of this vast sum of money until such time as our Vietnam commitments are not so high. Until such time as our domestic spending is more in line with our income. Is it not time we gave some consideration to the forgotten man—the taxpayer.

Is this, Mr. Chairman, really the time to assume this additional burden? Would it not be more timely if our financial burden was somewhat lightened?

Is it not time to win a war in Vietnam before we commit more of our resources to various wars at home. It is time for a pause, time to take stock, time to catch our breath, time to find out what works and what does not in the drive for the Great Society. Certainly more time is needed to determine the ramifications of this ill-conceived legislation. Now is not the time for additional vast monetary outlays on a program of such low priority.

One final point, Mr. Chairman. The administration has put aside the war on crime for the time being. In other words, faced with the choice of which was more important to Americans—highway beautification or highway robbery—the administration chose beautification. It was a choice of roses or rape. There is a tragic need to halt the growing crime wave—a need for legislation to protect the lives of decent, law-abiding citizens. It would be far better to wage a war on crime at this time than a war for beautification. FBI Director J. Edgar Hoover and Attorney General Nicholas Katzenbach recently stated that a crash program to combat crime and make U.S. cities safe was a "must." They cited the alarming increase in organized and random crime. Let me quote you some truly terrifying figures on America's growing crime rate. These figures are particularly tragic where our young people are concerned. In 5 years, arrests of persons under 18 years of age for assault are up 79 percent; for drunkenness, up 52 percent; for disorderly conduct, up 18 percent. The rate of serious crimes is increasing six times faster than our population growth. A murder, rape, robbery, aggravated assault, burglary, larceny, or auto theft occurs on the average of every 15 seconds in the United States. Our serious crime rate is up 11 percent over last year. Forcible rape is up 20 percent. And the dreadful part of all this is that 76 percent of all criminals apprehended are repeaters.

I cannot understand the administration's casual attitude toward what I can only call this deepening tide of crime. Every effort should be made—and at once—to combat it. Certainly, planting more shrubbery is not the answer, at a time in our history when we are spending more money than at any previous peacetime period on both defense and domestic affairs. At a time when inflation is again rearing its ugly head it would appear good judgment to withhold additional spending merely for beauty's sake. Most assuredly it would appear a much wiser investment to place the over $300 million in the beautifying bill into waging war on crime rather than to beautify our highways. Many Members of Congress cannot understand the reasoning that places highway beautification ahead of efforts to curb the growing crime rate and its devastating effect on the youth of our Nation and the general welfare and security of all our people. Surely the safety and welfare of our citizens have priority over the beautification of our highways.

Certainly, Mr. Chairman, the beautification of our highways and the removal of undesirable sights along our roadways is a most admirable ambition and I am in full accord with that purpose, but, Mr. Chairman, this bill does not prescribe proper methods to accomplish this goal nor is this the time to place an additional burden on the American taxpayer nor is this the time to jeopardize the safety and welfare of all our citizens by placing highway beautification above or ahead of a much needed war on crime.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 5 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Chairman, I am sincerely grateful to the chairman and members of this Committee on Public Works for this opportunity to add my voice in support of this bill which has been so long in the making and which has now come before this House after painstaking effort and deliberation by this committee. I want to express my deep admiration for the great leadership of our First Lady in insisting that the problem of preserving the natural beauty of our America is indeed a major program requiring legislation by this Congress. By her remarkable determination and efforts, she has exemplified the long hoped for dreams and aspirations of so many outstanding women organizations who are deeply concerned about the problem of beautification, and who altogether are asking that we make this bold frontal attack upon this growing threat on our scenic wonders of nature.

Mr. Chairman, by passing the Highway Beautification Act of 1965, we preserve something invaluable, not for a minority group or a special interest but for the millions, both in this generation and in those to come. It will be argued by opponents of this measure that we are legislating away another freedom by placing restrictions on the adjuncts of certain business concerns near Federal highways; but I must raise the question that goes to the heart of this issue—what about the freedom of the vast majority of us to be spared the ugliness and tawdriness that mars our scenery today from one end of the country to another?

Perhaps it is difficult to legislate in the area of beauty, Mr. Chairman, because no two of us will reach total agreement on what beauty is. But what we are attempting to provide for here is the right of all Americans to search in the varied landscapes of this country for the sort of beauty that appeals to them. This land is our birthright and the birthright of those to come after us, so it behooves us to act now while we may yet preserve some of that land for our descendants to see. In a memorable book published just last year entitled "God's Own Junkyard," the appalling clutter, not only in our cities but also along our roadways, was powerfully documented with pictures of growing mountains of scrap and debris, of garish billboards that offend the sight and the intellect, and of rubbish collected and deposited heedlessly where all could see. Many other fine writers and photographs in addition to Peter Blake have told similar tales of the gradual but unrelenting obliteration of the natural beauty that some of us think is a prerogative of the people and must not be denied them.

Who in this Chamber would raise a voice in favor of ugliness as the heritage of Americans yet unborn? Who would speak for the prohibition of the right of future citizens to view their country in its great natural beauty? The distance from shore to shore of this great country is 3,000 miles. And as most of us well know, that is 3,000 miles of marvelous landscape and natural sculpturing. There is something for everyone in the scenery of this country—whether he prefers the lush coastal forests of Oregon and Washington, the plains and picturesque deserts of the vast Southwest, the rolling miles of fertile wheat and cornland in the great countrysides of Nebraska and Kansas—for all there is something. But these spectacular beauties need to be enjoyed without interruption, and when a stream of billboards punctuates the viewing, one cannot retain his sense of wonder and awe. The scenery is for all; the billboards and junkyards are for but a few.

Mr. Chairman, I submit that a citizen whose tax money has been invested for him in the safe, swift Federal highways should have one more return on his investment, and that is the right not to be bombarded by this ugliness. The junkyards and scrap heaps are uniformly unsightly, and though some of our outdoor advertising is informative most of it is tasteless, unattractive, and blatantly repetitious. I along with many of my colleagues and vast numbers of the American people, believe it within the discretionary powers of government to legislate away unsightliness and to preserve the intrinsic beauty of our highways as they cut through virgin countryside.

For those of my colleagues who are advancing the difficulty of securing States' acquiescence in this type of legislation as an obstacle to passage, the committee report amply documents the number of States that have already enacted statutes regulating the intrusion of advertising along the highways. My own State of Hawaii has been a leader in the total prohibition of roadside advertising and the consequent gain in the beauty of the scenery is obvious to all who have been there. Business can flourish without depending on roadside signs, and Hawaii stands as an irrefutable example of that claim.

Let us then confine our junkyards, our vast unsightly rows of rusting automobiles, our scrap heaps, to the urban industrial areas where we are mentally prepared to tolerate these scraps of consumption. Let us remove advertising from the countryside where it detracts the travelers eye from the beauties of nature. And by these acts, let us thereby preserve for ourselves and for our posterity enough of the beauty granted as our birthright that our grandchildren will not have to wonder what the land looked like before it was blotted from sight. With the growth and spread of cities there is precious little of green hills and flowered meadows left unblemished for our inner nourishment. Let us, before it is too late, preserve some of this natural beauty along our highways at least, so as to retain the visual possession of an America the beautiful: "A thing of beauty is a joy forever; its loveliness increases." Mr. Chairman let us not be the ones to allow its decay by our failure to act at this crucial moment.

Mr. WATSON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and fourteen Members are present, a quorum.

Mr. CRAMER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I rise in support of S. 2084. I believe basically in the principle which this bill is endeavoring to achieve. This does not mean that this bill is necessarily the most perfectly worded bill. I think there are some sections of it that are probably loosely worded and could be improved. I hope that some amendments will be adopted on the House floor to do that.

But, basically, the principle of controlling billboards and junkyards on our major highway routes in my opinion is a desirable objective.

Mr. Chairman, this was recognized by President Eisenhower who was the first President to submit a specific recommendation to Congress for the enactment of legislation to control billboards on Federal interstate highways. And, I might say that the recommendation which was submitted by President Eisenhower to Congress in 1957 and 1958 was substantially stronger than the legislation that finally was enacted by Congress.

Therefore, Mr. Chairman, the position I take is consistent with the position of President Eisenhower on the need for the control of billboards on our major interstate highway routes.

Mr. Chairman, there is a provision in this bill that I believe is faulty and at the appropriate time I intend to offer an amendment in an effort to correct it. That provision is in title III of the bill which deals with the 3-percent highway beautification fund. Under section 301, under title III, the (b) subsection on page 25 only allows this 3-percent beautification fund to be used beyond the right-of-way and it cannot be used within the right-of-way.

Now, Mr. Chairman, I am sure that all the Members present are familiar with the procedures used by the normal State highway department in acquiring property for rights-of-way. When they come to a highway interchange they will acquire as much as 15 to 20 acres in order to make the loops in that interchange. Within those loops there are pieces of vacant land that are first denuded by the bulldozer and then start growing up in weeds and present a very unsightly appearance in most instances.

In addition to that, where the road goes through a big hill the department of highways will acquire a broader right-of-way so they can make a cut at an angle on both sides of that hill. In most cases that cut presents a denuded appearance first and then starts growing up in weeds.

Mr. Chairman, under this bill as now worded the 3-percent beautification fund could not be used on those highway interchanges, and could not be used on those cuts, but could only be used if you went out beyond the cuts and acquired some additional land. Then you could put up shrubbery on that additional land.

Mr. Chairman, my contention is that the first thing the people see is what is within the right-of-way and within the interchanges and on the cuts. If there is visible in the interchanges and on the cuts nothing but weeds, it is going to be a poor substitute to see some shrubbery out beyond the 15 acres in the interchange that looks rather pretty and pleasing. The first place where you need landscaping and beautifying shrubbery is in the interchanges and on these denuded cuts.

So, Mr. Chairman, I intend to offer an amendment at the appropriate time to subsection (b) on page 25 which will simply state that this 3-percent highway beautification fund may be used within the right-of-way as well as beyond the right-of-way. This will, therefore, make it possible for the fund to be used where the need is greatest. It will therefore make it possible for a portion of the fund to be used within the interchanges, within these denuded cuts, so they can be properly beautified.

If you have the same kind of constituents I have, I will wager that 90 percent of the correspondence you have had as to specific landscaping has been correspondence from people who say: There is a road that runs through our city and it presents a not too satisfactory sight. Please contact the Bureau of Public Roads or the State highway department and get them to do some landscaping so that it does not prevent such an unfortunate appearance. When they do this, they are almost always referring to the denuded cuts and fills and the unsightly interchanges on the existing right-of-way.

Mr. McEWEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee [Mr. Duncan].

Mr. DUNCAN of Tennessee. Mr. Chairman, may I at the outset say that I will and always have supported the enhancement of scenic beauty. To say that I am opposed to the pending bill S. 2084 does not mean that I would be opposed to a sound and sensible beautification program.

I think the present bill is not of such necessity that we must pass it in a hasty manner, without applying the principles of good government. It is our duty as elected Members of the Congress to see that sponsorship does not preclude us from exercising our own best judgment, regardless of who sponsors a bill—in this instance, Mrs. Johnson. Too often the Congress has substituted the judgment of the executive department for our own, and there is every indication now that these were not always wise decisions.

This bill is not the product of careful, independent congressional deliberation. It was ramrodded through the committee by spokesmen for the administration who wielded the full power and influence of the White House. As a result this bill is replete with unworkable, unwise, and unfair provisions. It will unjustly and unfairly impose financial penalties upon many States and cause financial loss to many businesses, without providing for effective control of outdoor advertising signs and junkyards.

The ultimate cost of the program is unknown, and will probably not be known until January 10, 1967, when the Secretary of Commerce is required to submit a detailed estimate to Congress. However, for openers, the bill does authorize $320 million for fiscal years 1966 and 1967.

I believe that great harm is being done to our country when Congress permits itself to be pressured into poorly drafted, hasty legislation.

There must be adequate legislative standards for the delegation of authority to the Secretary of Commerce and appropriate safeguards to protect the interests of the States and local governments, as well as the many businesses and landowners who will be vitally affected.

Many deplore the haste with which this bill was shoved through the committee and the slipshod, discriminatory, and ineffectual legislation that has resulted. This is a matter that should have the benefit of study, and the American people should have an opportunity to present their views on this very important legislation.

It is ironic that this has developed as a must bill for the administration. There are many other matters of greater importance.

Just recently a spokesman for the administration stated at a hearing on the GI bill for veterans of the Vietnam conflict, and other theaters of operation, that the administration was opposed to the GI bill because the President was concerned with the cost. This happens to be one of the few times that the President has shown such concern.

I do not know how we can explain to the boys fighting in Vietnam today that we do not have the time or money to provide benefits for them, when we hastily appropriate $320 million for a project that is certainly questionable. How can we tell them that we do not have funds for them when we are spending from $4,000 to $6,000 per man each year in the Job Corps camps, and we apparently have "barrels and barrels" of money for other doubtful welfare programs.

Yes, Mr. Chairman, there are a great number of bills that could be acted upon, where complete hearings have already been held. But sensible programs and bills are not the rule of the day.

No one loves beautiful scenery and clean highways more than I; however, I also love my country, and to oppose this bill, in its present form, is in the best interest of the people I represent and my country.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. Ichord].

Mr. ICHORD. Mr. Chairman, I thank the distinguished gentleman, for whom I have the greatest respect and admiration, for yielding me this time to explain an amendment which I will offer to the bill when it is being read under the 5-minute rule.

As I review S. 2084 it is essentially a bill which involves balancing of the public interest. I am in agreement with the broad objectives of the bill which are to preserve and maintain the beauty and the view along our Nation's highways. I think there is a legitimate public interest in seeing that this beauty is preserved and maintained.

We must then balance the interest of the public against the interest of the landowner, against the interest of the billboard owners, and against the interest of the businesses along the highway.

The committee bill has recognized the interest of the advertising industry by permitting billboards in zoned industrial and commercial areas and in unzoned industrial and commercial areas approved by the Secretary. The committee has recognized the interest of the landowner and the billboard owners to some extent by providing for compensation at least as to existing billboards by providing compensation to the billboard owner and the landowner. Of course, the bill does pose interesting constitutional questions as to the application of police powers to extinguish the right to erect billboards, signs, and displays in the future. The committee has recognized to some extent all of these interests, but the committee has not recognized the interest of the little businessman, the little restaurant owner, the little motel owner, or the little service station operator which I submit if this bill is adopted in its present form will be legislated out of business.

I submit that these people have to go out of business if an amendment which I shall submit is not adopted. This is what I do, and it is very simple: I say that outside of these unzoned commercial and industrial areas approved by the Secretary and outside of the zoned commercial and industrial areas, the State shall set up 25-mile control areas and shall assure the public that 75 percent of those controlled areas shall be free of billboard advertising.

That is essentially what my amendment does. And I submit to the Members of the House that that is a proper balancing of the public interest. The public will be assured of having 75 percent of these control areas free of billboards and it leaves the States to decide where signs, displays, and billboards shall be prohibited. But 75 percent of the control areas must be free.

I hope that when this amendment is submitted that the Members of the House will adopt the same.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from New York.

Mr. STRATTON. I think the gentleman's amendment is a sound one and I would like to support it. I would like to say to the gentleman that I have just checked with the Bureau of Public Roads. Until now I have been favorably disposed toward this bill because it is supposed to apply only to interstate and primary roads. I checked with the Bureau of Public Roads, and I am flabbergasted to find that when you are talking about primary roads, then practically every road on a conventional road map in my district is included as a part of the primary road system. Under these conditions this bill would have a profound affect on the people of my district, who do a tremendous tourist trade, especially in the beautiful Finger Lakes area, and without the gentleman's amendment we would be in real trouble. I think this bill goes too fast and too far. I am in favor of highway beauty, but at a more deliberate speed.

Mr. ICHORD. If this bill is adopted in its present form, I will say to the gentleman from New York that the little business people along the highways of our country should have the right to declare open season on all legislators who vote for this bill.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, we have had a very productive and interesting debate this afternoon. I think at this point it is very important that we do two or three things. First, let us see if we can jointly understand just why it is that at this juncture of American history we find it desirable to do something about highway beautification.

Why is the bill before us? Then let us ask exactly what the bill does, just how it will work, and precisely who, if anybody, would be hurt.

Why have we brought before the Congress at this time a bill aimed at beautifying the highways of the United States? I think all we have to do is take a fast glimpse across the continent of the United States and see how rapidly this country is growing in population and how enormously it is changing in complexion in order to have the answer.

This Nation was once a rural nation with vast expanses of unclaimed prairies and deserts and vast vistas of canyons and scenic mountains. There was land to spare. There was scenery beyond accounting.

What has happened. This land is no longer a rural nation. The westward migration has gobbled up every last iota of frontier. This is an urban nation with miles and miles of concrete carpet stretching out in all directions across the land. Unless we act, we stand today in danger of leaving future generations with no more recollection of our time than mounting piles of waste and an unsightly, garish clutter symbolic of a crass commercialism.

How important are the highways in this Nation? The Interstate Highway Act of 1956 is the biggest single public works undertaking ever attempted in the history of any nation.

How important is tourism? Tourism has become the world's biggest business. In the years ahead, as paid vacations of the average American worker become longer and as his economic affluence becomes greater, tourism will assume an ever and ever greater importance. What will be left for them to enjoy? Today travelers and tourists spend approximately $30 billion a year. Several States—the States of Florida, Nevada, New Jersey, and the District of Columbia among them—rate tourism as their No. 1 industry. At least half of the States count it as one of their top three industries.

If we can dramatize the natural beauty of America and make it more and more attractive for Americans to travel in their own country and for foreigners to come here to see it, and thus create a climate of beauty and of appreciation for the esthetic rather than, I think, an entirely wrong impression that lingers throughout the world of an immature giant who cares not and knows not how it looks, we can do a very great deal toward reversing the balance-of-payments position and conserving our dollar exchange.

What would the bill do? It would do three things. First, it would regulate outdoor advertising. By that I mean reasonable regulation. It would not abolish. It would not prohibit. It would not outlaw advertising, but it would regulate it.

Second, it would call for the screening of junkyards. Finally, it would create a new program of acquisition of lands for scenic enhancement.

I should like to ask Members to look at the pictures I have placed on the easel in the well of the Chamber. This first one is symptomatic of what is happening to many of our highways, and is what I believe to be an untasteful display, an unrestrained and cluttering proliferation. I do not believe we wish to say that that is what we want to do to promote outdoor advertising. Nor do I believe the legitimate outdoor advertising industry desires this.

As far back as one can see, as shown by the white dots on the photograph, there are signs and billboards of all types. There is hardly any space at all between them for a distance of perhaps a half mile.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I am delighted to yield to the gentleman from New Hampshire.

Mr. CLEVELAND. It will not take me long. I simply wish to ask the gentleman if he can tell me if what is shown is a primary or a secondary roadway?

Mr. WRIGHT. The answer is "No." I cannot tell the gentleman what kind of road it is. I am sorry, but I do not have that information. I am not concerned about what type of road it is. I am not trying to point a finger of scorn at any particular part of the country. All I am saying is that I do not believe that this is the kind of thing we want to continue.

In the interest of outdoor advertising itself, I should like to ask the Members if this proliferation that you see in this next photograph is not destructive of the value of the ad itself. When you have this kind of extreme clutter, this total lack of spacing, or of regulation and restraint that you see along so many of our highways, does that not degrade the business and the value of outdoor advertising itself?

I happen to believe that outdoor advertising is a legitimate and important American industry. I wish to protect it. I want to help preserve it. But is this the kind of thing, shown in this photograph, that helps to promote the scenic beauty that could otherwise be seen in this kind of area? Is this the kind of display that promotes the interest of the outdoor advertising industry? I believe not.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from New York.

Mr. STRATTON. The gentleman is a distinguished member of the committee. As I said a moment ago, I was disposed to support this bill. I understood the word "primary" to mean only those major roads, other than interstate highways, that are in my district, which includes the Finger Lakes region, for example. But when I asked the Bureau of Public Roads to tell me what are the primary roads, I find that virtually every road that appears on a road map is termed a primary road.

Mr. WRIGHT. I was present when the gentleman from New York made that point a moment ago. If I might address myself to it, I must say that I do not know what roads are so designated in the gentleman's district. I know that the gentleman comes from a very beautiful and splendid district in the United States. I cannot delineate every primary road throughout the United States. However, I can say that the secondary road structure of the United States is longer in miles than is the primary structure and the interstate structure combined. And, I am certain that there are, along the primary highways in the gentleman's district, many commercial areas where outdoor advertising will be permitted.

Mr. STRATTON. Virtually every road—it does not matter whether it is a U.S. highway or a State highway—according to the Bureau, will be designated as a primary road. The list occupies three pages. While I support the elimination of billboards, I am sure that if the people in my district knew that every single principal road, except the dirt roads in the counties, would be affected, they would be opposed to this measure. It is revolutionary.

Mr. WRIGHT. I think it is important at this point to indicate that the secondary highway system of the United States does not consist of dirt roads. The secondary road system of the United States receives 50-50 matching funds from the United States. It consists of a very long stretch of paved road throughout the United States. I would say to the gentleman that, generally speaking, every highway bearing a State highway number is in the secondary and not in the primary system.

Mr. STRATTON. Then there must be a very substantial difference of opinion between the members of the committee and the Bureau of Public Roads that is going to be implementing the program. I would like the gentleman or someone on the committee to clear it up. I would like to be able to support the bill, but I am not going back and tell every farmer in my district and every motel owner in this substantial district that he must take down his signs, and that he can only have a sign on his own building or 660 feet back. There would be chaos in my district.

Mr. WRIGHT. Quite obviously, it is necessary for the gentleman from New York to have some elucidation on the matter. Quite evidently someone has misinformed the gentleman as to what is and what is not a primary road.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Minnesota.

Mr. BLATNIK. I have some information which I hope will be informative to all Members.

The highway beautification bill as reported from the Committee on Public Works, S. 2084, provides the means as well as the requirement for a national program to beautify America as seen from its major highways. A major provision of the bill, title I, provides for the control of outdoor advertising along interstate and primary highways. I would emphasize the word "control" because this bill has too often been erroneously characterized and attacked as prohibiting outdoor advertising.

S. 2084 rather than prohibiting outdoor advertising recognizes it as a proper business and a business that can contribute to the convenience of the highway traveler as well as as an aid to those businesses that reach the public through this medium.

It recognizes that billboards can be erected and maintained along our highways in a manner and in areas that will not be offensive to the traveling public and that will not detract from the beauty of our Nation. The bill, rather than prohibiting advertising, merely provides for its control so that it can be conducted without offending the great majority of Americans.

I believe it will be worthwhile to review the provisions of title I of S. 2084 in terms of describing all those areas along highways in which advertising would continue to be conducted. The bill applies only to the Interstate Highway System, which will total 41,000 miles when completed, and the Federal-aid primary highway system, which now totals 224,000 miles. It does not apply to the over 625,000 miles on the Federal-aid secondary system or to any of the 2½ million miles of roads and streets not on any of the Federal-aid highway systems. In other words, the bill in no way provides for any type of billboard regulation on more than two-thirds of the roads and streets in the United States, which handle 54 percent of all highway travel.

Even along the interstate and primary highways, the bill, first, does not provide for any regulation of billboards advertising activities conducted on the premises where billboards might be located. In other words, all the motels, restaurants, service stations that line our highways will be completely unrestricted in their right to advertise the services they are offering to the public. This complete exemption would apply to the landowner advertising his land for sale, the farmer who wishes to sell his products directly to the public, or to any person who wishes to advertise on his own premises his products or services.

In addition to the complete exemption of on-premise advertising, title 1 of S. 2084 provides that billboards can be erected and maintained in commercial and industrial areas. Commercial and industrial areas are those that are so identified by State or local zoning actions, or those where there is no zoning that will be determined to be commercial or industrial areas on the basis of standards agreed to by the States and the Secretary of Commerce. Within areas zoned or unzoned but determined to be used for commercial or industrial purposes, outdoor advertising will be permitted subject only to reasonable regulations as to number, size, and lighting. Such regulations will be developed by agreements of the States with the Secretary of Commerce.

This bill, in summary, rather than prohibiting outdoor advertising provides only for its reasonable control so that it will not destroy the beauty of our Nation.

Rather than toll the doom of outdoor advertising, as some of its uninformed opponents have stated, it will increase the value of those many remaining signs, both as a service to the traveling public and as a valuable advertising medium to businesses.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I would prefer not to yield further until I conclude the statement I had intended to make. It is not pleasant to refrain from yielding, but there are some things which need saying, because they have been glossed over and there has been a certain amount of misunderstanding throughout the House as to what the bill will do.

The bill will regulate but will not prohibit outdoor advertising.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 5 additional minutes to the gentleman from Texas.

Mr. GLENN ANDREWS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and six Members are present, a quorum.

Mr. WRIGHT. Mr. Chairman, let us think together now on just precisely what the bill will or will not do.

In control and regulation of outdoor advertising the States are given until 1968 to come up with a plan. If there is a good-faith attempt on the part of the States, regardless of whatever constitutional inhibition they may have, to come up with a plan which will comply with the Federal statute, then the States will be permitted to continue to receive that portion of the highway funds earmarked for this.

For purposes of this act, effective control means, first, that on-premise advertising by any small or large business advertising goods or wares to be offered or services to be sold on that location is fully authorized without any control at any place in the United States.

Second, outdoor advertising in commercially or industrially zoned areas and in those areas which are actually used for commercial and industrial purposes and are not formally zoned, is authorized.

For the purposes of zoning let it be made quite clear, as it was made clear in a letter only yesterday by the Secretary of Commerce, that the States will be the final authorities and arbiters as to what areas they wish to zone industrially and commercially. I quote to you from the letter of October 6 of the Secretary of Commerce, John T. Connor, in which he states:

> The Secretary is not granted authority under this bill to tell the States what areas may be zoned commercial or industrial under authority of the State law. This determination is entirely up to the States and the States will be free to exercise their traditional authority under State law to zone areas commercial or industrial.

Under authority of the State it may zone an area industrial or commercial, and billboard or outdoor advertising, junkyard or salvage operations, will be fully authorized to be carried out in that area. Within those areas the Secretary and State share jointly the responsibility of determining what are the customary and accepted standards with regard to spacing, lighting, and size. For a guide as to what is meant precisely by size, lighting, and spacing, the Secretary of Commerce John T. Connor, in his earlier letter which appears on pages 4 and 5 of the committee report, stipulates regarding lighting that lighting arrangements which clearly pose a highway safety problem should be curtailed. Now, is there anything wrong with that?

Concerning spacing he says, "in regard to spacing, obviously some regulation is desirable to prevent a conglomeration of highway signs in the vicinity of an intersection or interchange which might involve a traffic hazard." Is there anything wrong with that?

Concerning size, he stipulates quite clearly that standards of size which may be adopted would be, "insofar as possible, consistent with standard size billboards in customary use." That, in essence, is what the story is. That is what the bill would do.

The Secretary of Commerce would be required before establishing these standards to have meetings in every one of the 50 States and call the representatives of industry and ask them just what the standard, customary procedures in those States are. The Secretary would be required then to come back to Congress before putting these into effect and tell the Congress precisely what standards he proposed to put into effect. So the Congress has that continuing review.

Ultimately if anybody is required to terminate an activity on any of these highways which is remunerative to him, whether it is a billboard that he owns or a junkyard that he must screen by putting up fences or shrubbery, or if it happens to be an individual farmer who owns the right to put the billboard on his property and has a lease or a billboard there, then just compensation will be paid.

In addition to that, full judicial review is guaranteed. It seems to me under these circumstances that we have a reasonable, an orderly, a constructive bill. I think it is the kind of approach we can follow and adopt. I urge you to support the committee, and the President of the United States in his great desire to beautify the Nation.

Mr. CRAMER. Mr. Chairman, I yield myself 1 minute, and then I will yield to the gentleman from Michigan [Mr. CEDERBERG]. I yield myself this time, because I think it is important to understand that there has been an effort again to mislead with regard to what is in the legislation. I am not accustomed to legislating according to executive letter, particularly where we try to write into the legislation what the letter says they intend to do and they refuse to accept our amendment to do exactly what the letter says they intend to do, but they would not write it into the legislation. That does not make any sense to me at all, and it clearly indicates to me that there is no intention to do what they say they will do in their letter. If they did, they would put it in the legislation. It is not in there, and it is clear they intend that the Secretary shall have the power to set standards in areas zoned industrial and commercial no matter what the States say, because if the Secretary disagrees with a State when he sets national standards, then the States which do not comply will be out 20 percent of their money, no matter what the State does. That is the record.

I yield 10 minutes to the gentleman from Michigan [Mr. CEDERBERG].

If the gentleman will yield to me for a minute to indicate what is on the primary and Interstate System, the gentleman may be interested because this relates to his own State. This is a map relating to the primary and Interstate System. There has been an effort to minimize the effect of this. Of course, I realize that if it is fully implemented it still covers only about one-third of the highways on the Federal-aid highway systems, and nobody can claim that more than one-third is affected. But these are the highways that are included.

I would invite everyone to take a look at this, which is the most recent map, and even that is 5 years old. So you are going to take a risk of the last 5 years as to what has been added to the primary system.

This is the map. The green coloring is the Interstate System, and the red coloring is the primary system. I invite everyone to take a look at it. There should not be any question about what highways will be affected.

Mr. CEDERBERG. Mr. Chairman, I take this time to indicate my concern regarding this legislation.

I think we can agree that the stated purposes of the legislation are desirable. We are all interested in being sure that our highways are as beautiful as they can possibly be. There are some sections of the bill in this area that I think can be helpful. However, when this bill was proposed, and after the committee had acted, I took the time to look at this bill to determine how it might affect my area in the State of Michigan and the State of Michigan.

We in the State of Michigan have had some problems and have some right now, especially in the resort areas, regarding the matter of signs. As a matter of fact, within the last month or 6 weeks, a committee of the legislature came here and visited with the Federal Bureau of Roads on this very subject. I can assure those of you who have resort operations and small business operations in your State that they are going to be very, very vitally affected.

I agree with the gentleman from Missouri [Mr. ICHORD] and the gentleman from New York [Mr. STRATTON] that you are going to have some really serious problems with this legislation if it is enacted as it is proposed here today. The people who are going to be affected are the small businessman, the resort operator who may have his business just off the primary or the Interstate System.

I took the time to call the State highway department in my State to find out what their thinking was in this regard. I talked to a Mr. Davis and he said:

> I think this is going to cause us some really serious problems. I doubt very much whether the legislature will be able to enact legislation to comply with the Federal regulations.

I asked him to send me a letter regarding this matter outlining it, and when we get back into the House I shall ask unanimous consent to include this letter as part of my remarks. But I want to make a few comments regarding it and quote from it at this time.

This letter is dated September 29 from Mr. Frederick E. Tripp, the deputy director of administration. He indicated to me that we have in the State of Michigan 790 miles of interstate highways open to traffic, some 290 miles proposed for a total of 1,082 miles. In addition we have 5,622 Federal-aid primary highways plus 342 primary roads proposed. That is a lot of primary highways and there are a lot of people who depend on their very existence for the opportunity to advise people going along these highways where their place of business is. Further on he says:

> Although we do agree with the intent of enhancing scenic beauty of our highways, the Michigan State Highway Department is concerned with several aspects of the bill as contained in House of Representatives Report No. 1084. Our concerns are summarized as follows:
>
> 1. As indicated in the minority views on page 51 of House of Representatives Report No. 1084, our greatest concern is the lack of Federal participation in payment of just compensation for the control of future junkyards and future outdoor advertising signs which are not in existence on the dates provided in the bill.
>
> Since the act does not provide for Federal participation in acquisition of such rights for future junkyards and billboards, and if we are not able to control through the police powers, Michigan would be forced to pay 100 percent of the cost of acquiring such rights.
>
> We believe that Federal participation should be provided to those States, such as Michigan, for the acquisition of property rights necessary for the control of future billboards and junkyards if they cannot be controlled through the police powers.
>
> 2. Since effective control of junkyards and billboards will have to be provided by act of the Michigan Legislature, we believe the "waiver" provisions of the Senate-passed version of S. 2084 should be inserted in the House version. This would authorize the Secretary of Commerce to waive the mandatory 10-percent reduction in Federal aid for a reasonable period of time beyond January 1, 1968 in order to allow additional time for necessary action by the Michigan Legislature without jeopardizing Michigan's Federal-aid apportionment.
>
> We believe this waiver is essential to preclude the possibility that Michigan would lose as much as 20 percent of its Federal-aid apportionment for 1970 and 1971 because the lack of necessary Michigan legislation. If we are to lose 10 percent of our apportionment for billboards and 10 percent for junkyards, the total loss in Michigan from these two apportionments would amount to some $48 million. This would be a very critical loss and would make it impossible for us to complete the Interstate System in the time schedule presently required by Congress for the expiration of the highway trust fund.
>
> 3. Although $20 million annually is authorized for the next 2 years for billboard control and a similar amount for junkyard control, we are concerned as to how the States would be reimbursed if the actual cost of such control during these 2 fiscal years exceeds the ceiling provided. No State can say for certain what the cost of acquiring existing billboards and junkyards may be, but the cost could well exceed the ceiling provided which means the States would have expended the funds to acquire such rights but reimbursement would not be forthcoming if the totals expended by all States exceeded the ceiling.

Because we do not know what actual costs would be involved it is possible that our comments 2 and 3 above could be resolved by amendment of the Act by Congress next year after States have gained some experience under the Act. However, we believe strongly that our comment No. 1 concerning Federal participation in the cost of acquiring future rights should be a part of the bill as enacted by Congress at this time.

Sincerely,

FREDERICK E. TRIPP,
Deputy Director, Administration.

STATE OF MICHIGAN,
HIGHWAY DEPARTMENT,
Lansing, Mich., September 29, 1965.

Re Highway Beautification Act of 1965.

Hon. ELFORD A. CEDERBERG,
U.S. Representative,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CEDERBERG: Pursuant to your request enclosed is our brief analysis of the Highway Beautification Act of 1965 as contained in House Report No. 1084. The essential difference between the Senate-passed version of S. 2084 and the House version as it affects Michigan is that the Senate version contains the "waiver" provision which authorizes the Secretary of Commerce to suspend the withholding of the 10 percent Federal-aid penalty for a reasonable period of time. We believe the waiver provision is highly desirable.

Michigan currently has 790 miles of interstate highways open to traffic and some 290 miles under construction or remaining to be built for a total of 1,082 miles of interstate. In addition we have some 5,622 miles of Federal-aid primary highways plus 342 miles of primary proposed. Altogether our present and proposed Interstate and primary Federal-aid highways total 8,046 miles. We have no knowledge of exactly how much of this total is through zoned and unzoned commercial and industrial areas.

Although we do agree with the intent of enhancing scenic beauty of our highways, the Michigan State Highway Department is concerned with several aspects of the bill as contained in House Report No. 1084. Our concerns are summarized as follows:

1. As indicated in the minority views on page 51 of House of Representatives Report No. 1084, our greatest concern is the lack of Federal participation in payment of just compensation for the control of future junkyards and future outdoor advertising signs which are not in existence on the dates provided in the bill. In view of recent Michigan Supreme Court decisions, there is serious question that we would be able to prevent the establishment of future billboards and junkyards through the police powers without paying just compensation for such rights along the entire 8,000 miles of Michigan's Interstate and Federal-aid primary highway system.

Since the act does not provide for Federal partiepation in acquisition of such rights for future junkyards and billboards, and if we are not able to control through the police powers, Michigan would be forced to pay 100 percent of the cost of acquiring such rights.

We believe that Federal participation should be provided to those States, such as Michigan, for the acquisition of property rights necessary for the control of future billboards and junkyards if they cannot be controlled through the police powers.

2. Since effective control of junkyards and billboards will have to be provided by act of the Michigan Legislature, we believe the waiver provisions of the Senate-passed version of S. 2084 should be inserted in the House version. This would authorize the Secretary of Commerce to waive the mandatory 10-percent reduction in Federal-aid for a reasonable period of time beyond January 1, 1968, in order to allow additional time for necessary action by the Michigan Legislature without jeopardizing Michigan's Federal-aid apportionment.

We believe this waiver is essential to preclude the possibility that Michigan would lose as much as 20 percent of its Federal-aid apportionment for 1970 and 1971 because the lack of necessary Michigan legislation. If we were to lose 10 percent of our apportionment for billboards and 10 percent for junkyards, the total loss in Michigan from these two apportionments would amount to some $48 million. This would be a very critical loss and would make it impossible for us to complete the Interstate System in the time schedule presently required by Congress for the expiration of the Highway Trust Fund.

3. Although $20 million annually is authorized for the next 2 years for billboard control and a similar amount for junkyard control, we are concerned as to how the States would be reimbursed if the actual cost of such control during these 2 fiscal years exceeds the ceiling provided. No State can say for certain what the cost of acquiring existing billboards and junkyards may be, but the cost could well exceed the ceiling provided which means the States would have expended the funds to acquire such rights but reimbursement would not be forthcoming if the totals expended by all States exceeded the ceiling.

Because we do not know what actual costs would be involved it is possible that our comments two and three above could be resolved by amendment of the act by Congress next year after States have gained some experience under the act. However, we believe strongly that our comment No. 1 concerning Federal participation in the cost of acquiring future rights should be a part of the bill as enacted by Congress at this time.

Sincerely,

FREDERICK E. TRIPP,
Deputy Director, Administration.

Mr. Chairman, I received a telegram today and there is obviously some arm twisting going on somewhere, somehow by someone. I received from the same Mr. Tripp the following telegram:

> We urge your full support for S. 2084, the Highway Beautification Act. Although we have some concern with certain aspects of the bill as pointed out in my letter to you, we believe the immediate enactment of the bill is highly desirable and necessary to protect and enhance the scenic beauty of Michigan's interstate and primary highways.
>
> FREDERICK E. TRIPP,
> *Deputy Director, Administration, Michigan State Highway Department.*

Mr. Chairman, I understand other members of the Michigan delegation have received this same kind of letter. So, evidently, this arm twisting does not only take place here but it has become an interstate activity.

Mr. Chairman, it seems to me if we want to pass sensible and decent legislation we should adopt some amendments that will be proposed to protect, No. 1, the States themselves and by all means to protect the small businessman, the small resort operator. In the State of Michigan, of course, automobiles represent probably our greatest commodity, but the tourist business is almost a billion dollar business in my State. Most of it is represented by the small businessman that has a motel, the small grocery operator, the small gasoline station owner. Unless he has an opportunity to let them know where he is along the way, he is going out of business and there is not just any question about it.

As a matter of fact, as I said before, we have had this sign problem and we have it now. Some of our small business operators and motel operators have had to remove their signs under the existing regulations, and they are hurting and do you not think they are not. They are letting me know and are letting other Members of Congress know and are letting the State legislators know.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. What is the date of the letter from Mr. Tripp of the Michigan Highway Department where he condemns the bill now before the House?

Mr. CEDERBERG. September 29, 1965.

Mr. GERALD R. FORD. If the gentleman will yield further, what is the date of the telegram which all of us received now indicating his support for the legislation?

Mr. CEDERBERG. October 7, 1965.

Mr. GERALD R. FORD. Does the gentleman have any information as to whether or not the letter you received from Mr. Tripp questioning the legislation somehow got down to the executive branch of the Government?

Mr. CEDERBERG. Well, obviously, something happened. The only thing that I can see is that someone evidently got in touch with the Michigan State Highway Department and said, "You had better get some telegrams down there to indicate your strong support for this legislation."

We have had a little experience in Michigan with signs and those who have some resort or small business areas better realize that you are going to have plenty of trouble.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WRIGHT. You are assuming they felt some heat. Maybe he has seen some light.

Mr. CEDERBERG. He did not take back anything he said. I am hoping you will see light. If we do not see light, there are a lot of us who are going to receive the heat. It is better to receive light now than to receive heat later on. There is nothing wrong with that. When we amend this bill we can amend it to make it a workable bill. Then you will not have to worry about heat.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Chairman, I would like to tell the gentleman there are signs our State officials might have received the heat, too. The Washington State delegation has received a telegram from our Director of Highways, the chairman of our Highway Commission, from our Washington State Arts Commission, all in opposition to this bill as written. I intend to put these in the RECORD at the proper time. But because there have been indications as late as today that these same gentlemen are having this heat put on them to change their positions, I would like to make it a part of the RECORD that the Governor of our State has sent a telegram that makes it very clear that the Washington State congressional delegation cannot support this bill as presently written unless they completely ignore the wishes and advice of the State of Washington experts on this subject. The following was received in my office this afternoon, and I will read parts of it:

> S. 2084 as amended by House Committee on Public Works seriously conflicts with present Washington Billboard Control Act. Am advised by Attorney General's office for Highway Department that proposed payment for signs to landowners and sign owners directly conflicts with Washington zoning concept which requires no payment. I believe this provision would open a Pandora's box of litigation and require unwarranted public expenditure. Furthermore, the exemption for signs in industrial areas is directly counter to the protection against such signs presently written into Washington law. If this bill passes and supersedes our State law, it would be a step backwards. The State of Washington neither needs nor wants this type of legislation.
>
> DANIEL J. EVANS,
> *Governor.*

Mr. CEDERBERG. I thank the gentlewoman from Washington.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. BLATNIK].

Mr. BLATNIK. Mr. Chairman, today we are debating a highway beautification bill; but beyond that we are deciding something very important about the kind of America we want for ourselves and for our children.

The quality of a civilization is measured not alone by might, or by scientific genius, or productive know-how, or even by the extent of social justice; it is measured as well by its sense of proportion, its capacity to rise above the merely commercial, its gift for combining utility with beauty, its insistence upon placing the important above the petty, and its reverence for its natural heritage of land and lake, stream and mountain.

All of these qualities are being tested today as we determine the fate of the Highway Beautification Act. I am tempted to say that the choice before us is between beauty and beer signs, but perhaps that would be unfair; and it would obscure the most important aspect of the bill—the Federal grants to States for scenic improvements which will transform our barren roadsides into places of charm and beauty.

Our real choice today lies between two opposite concepts of priority. One concept says that having spent tens of billions for mobility, speed, convenience, and safety, we now propose to spend an additional 3 percent each year to adorn and humanize the greatest public works project in human history so that our people may not only use it, but enjoy it and treasure it; the other concept says that pavement is enough and we have no money to waste on frills. One concept says that though no one's business should be closed down without just compensation, the larger public good embodied in highway beauty and highway safety must prevail over commercial exploitation; the other says that the tail is more sacred than the dog, that the marginal property rights of billboard users and junkyard operators are more important that the right of the whole public to protect its largest single property investment from defacement.

The bill before us preserves the larger interest, without violating the smaller.

It spells out an exciting, positive program of beautification, paid for entirely by Federal grants, and it places proper but fair controls on billboards and scrapheaps, since it would be senseless to spend large sums beautifying one stretch of road while the next stretch was being disfigured with signs and junk.

Other Members will discuss the control features in detail, so I will limit my remarks on them, but I do wish to comment briefly.

Almost 18,000 junkyards are now visible from our interstate and primary highways; this number is growing from day to day as old cars pile up and their salvage becomes less and less feasible. And we all have seen personally the billboard clutter that defaces the American countryside. We know, therefore, that we must either deal effectively with these roadside blights now or abandon forever our hopes of beautifying the Federal highway system. We cannot be for both beauty and junkyards and cluttered-up signs and billboards—in the same place, at least.

Fortunately, we can be fair to both the public and the operators of billboards and auto graveyards. This bill is fair, almost to a fault. Everything that can be done to accommodate those whose enterprises mar the roadsides has been done in this bill. They will be given 5 years to phase out; they will be compensated fairly for their losses; billboard people will benefit from regulations enhancing the value of individual signs in those zones where they are permitted; junkyard and scrap-processing people located in zones presently used for industrial or commercial purposes may carry on as before. What more can be done, unless we scrap the idea of controls altogether and abandon the roadsides to anyone with a product to push or some junk to discard?

The same spirit of accommodation is applied to the problems of the States, which have to carry out the controls in this act. Twenty-five States already have similar legislation on their books; distance ban on billboards was fixed at 660 feet in order to conform to these State statutes.

There is some moonshine going around to the effect that 18 States will have to amend their constitutions, and that some cannot do this within the time limit allowed and therefore will be arbitrarily deprived of 20 percent of their highway allotment. Exhaustive inquiries made of each State by the Bureau of Public Roads totally deflate these fanciful charges. Forty-nine States already have statutory authority for regulation of billboards. And there are only two or three States that might run into a constitutional problem in controlling junkyards. Thus, almost every State already has authority to control billboards and junkyards through their police powers. The present bill, which relies not on the use of police powers but on just compensation for loss, therefore offers even less of a constitutional problem.

Many States, of course, will have to take legislative action to meet the requirements of this act, but they have until January 1, 1968, to do so. From now until then, every State legislature will meet at least once and many of them twice. And there is an additional 7 or 8 months before funds would be apportioned and penalties imposed, during which the States could still act. Beyond this, the Secretary of Commerce has informed the committee that if some technicality or obstruction prevents a State from complying by that time, despite its intention to do so, the imposition of penalties will be waived further. Reasonable men cannot go further than this.

If any State proves so shortsighted as to actually reject the generous provisions of this act, if there is any State which prefers billboards and car cemeteries to large Federal grants for preserving and restoring nature, then, of course, the penalty must be imposed, and ought to be. But it will not be a 20 percent reduction in allotments, as alleged in some of the old wives tales I have heard, but only 10 percent, regardless of the number of titles not complied with. Some of our pessimistic friends on the other side are seeing double. They see two 10 percent penalties in the bill, but there is only one.

It would be hard to imagine a joint Federal-State venture which requires so little from the States as does this bill, or which shows more respect for their rights and their problems. The construction of highways, in the first place, is financed 90 percent with Federal money. And the new grants in this bill require no matching at all. The States are equal partners in the setting of regulations; they have almost three years to comply with their end of the deal. All that is required of them is reasonable assurance that they will not allow the roadsides to be disfigured faster than Federal money can beautify them. What could be less burdensome or more sensible?

Existing law has for years had provisions far more stringent; for instance a State can be penalized all of the Federal share for failing to meet Federal construction standards. No one disputes the justice of this; how can fault then be found with so mild a penalty as that contained in this bill?

It has been alleged that this bill bestows vast new dictatorial powers upon the Secretary of Commerce. This is not true. The bill does require the Secretary to enter into agreements with the States to do two things:

First. Where land is used for industrial or commercial purposes, but has not actually been zoned by the State, the Secretary and the State would come to agreement as to the designation of these areas, based on the criteria the State now uses in its normal zoning procedures. The Secretary would have no power to interfere in any way with any actual zoning a State or local subdivision decided to do.

Second. To agree on the criteria which would govern the size, spacing, and lighting of signs, except on premise signs where they are allowed. Before any of these agreements can be entered into, hearings must be held in every State in which all interested parties can be heard and present facts. In addition, the Secretary must report back to the Congress on the criteria and other factors in the agreements a full year before control would go into effect. The Congress can then make any modifications it feels are necessary.

Existing law confers upon the Secretary far more sweeping powers than those granted in this bill. Allow me to quote from the existing Federal-aid highways law:

> The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the Interstate System, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

Existing law also says that the geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments.

Now, if the Secretary already has the power to approve where and how roads shall be constructed, how can anyone object to entering into agreements with the States on lesser questions?

Those of us who have been primarily concerned for many years with the highway program regard it as the finest achievement in the realm of Federal-State relationships. There is nothing in the Beautification Act that deviates from that spirit. And remember, the bill provides for Federal court review of any action that States deem unfair.

Other objections, equally lacking in merit, have been made to titles I and II, and they will be properly refuted by other members who are particularly concerned with those sections of the bill. I turn now to title III, the new, positive program for transforming roadsides into scenic corridors.

Title III opens the door to the natural beautification of our highway system, once we have eliminated the manmade eyesores. This section is where the money is. Of the $160 million expense envisioned in this bill, three quarters, or $120 million, will be invested in the adornment of the areas through which the pavement passes. I ask my colleagues who have thus far been sidetracked over the billboard and junkyards disputes to look up and contemplate what this scenic beautification program can mean for our States and for our country.

Each participating State will receive each year an amount equal to 3 percent of its annual Federal highway allotment. This will be a 100-percent grant, without matching. The smallest State share, Delaware's, will be $440,000. The largest, California's, will be $10 million a year. I have here copies of tables showing each State's entitlement, and I will place this table in the RECORD at the end of my remarks.

How will this money be used? It will be used to preserve whatever areas of natural beauty still remain adjacent to the rights-of-way, and to develop sites that have a scenic potential.

It will be used for buying strips of land, on which there are handsome stands of timber, before the bulldozer and the saw levels them forever; or for buying areas now overrun with scrub growth and cleaning them up and planting trees and flowering bushes that are indigenous to the locale. It will be used for setting aside strips that overlook spectacular views of valleys and rivers and lakes, so that motorists can pull off the road to rest for a while and enjoy nature's bounty.

And it means fixing up suitable spots with picnic tables, fireplaces, sanitation facilities, so that our people will not just blindly pass through this incredible country, but will stop and see it, and feel it, and breathe it in, and rejoice in the beauty and wonder of this land.

And title III means even more than this. The work to be done in improving and maintaining these scenic strips will provide employment for retired railroad workers, the seasonally unemployed, and students on vacation who live in neighboring communities.

The planting of timber along barren stretches will mean a great saving to States in their winter road maintenance costs. In the northern half of this country, 50 percent of maintenance costs are for the removal of snow. It will not be necessary to erect snow fences where new timber provides natural barriers. And the timber will be valuable in its own right.

It will mean more tourist dollars to many a forgotten community. Tourism is now a $30 billion business each year, and growing. It is among the three most important sources of income for half of our States. What we do to make our highways more interesting and hospitable to the traveler will mean more tourist dollars.

It will enhance property values in areas adjacent to beautification projects.

And it has an important safety value. Beautiful scenery will not only delight the driver, it will keep him awake and tempt him to make those occasional rest stops that head off fatigue.

Let me cite some small examples of what the various States are proposing to do with this title III money, if we pass the bill.

Maine proposes to purchase three acres of woodland extending 1,300 feet along the John Fitzgerald Kennedy Memorial Drive at a cost of $2,500. New York plans to acquire 25 acres of land adjacent to a rest area and extending 1,800 feet along an Interstate Highway, at a cost of $7,200. My own State of Minnesota will invest $135,000 in the purchase of scenic easements along 47 miles of the Great River Road. And so it goes.

So many fruitful innovations can be made in the name of both beauty and practicality if we can only raise our sights above the soft drink signs and the scrapheaps.

And so much has already been lost to our people forever during these long years when we have been preoccupied with the billboard hassle, hypnotized by the mote and ignoring the beam. Some years ago, for example, a route through the 10 Mississippi River States was proposed that would carry motorists from its source to its mouth, past all the magnificent and varied scenery that has captured the imagination of the Americans since before the days of Mark Twain. Studies of the existing routes were made and all the outstanding scenic areas were identified. But year after year passed without action of any kind to protect this priceless scenic heritage along the Great River Road. By now, much of this heritage has disappeared. This is insanity. How much more will perish under the ax and the steam shovel before we take the modest steps that will save what is left of the beauty of this country?

We will help to answer that question today; and in so doing we will make another choice, as we have on so many other issues this year, as to the kind of society we want. Is our civilization wholly devoted to concrete and steel advertising and profits and the commercial rights of the few; or do we also value, and aim to preserve, the natural beauty of this country as it came to us from the Hand of God?

We know where the real majority is on this. So long as men labor away their spare hours on their lawn and garden, so long as they continue to plant trees and shrubs and flowers in their yards, and put up birdhouses to delight their children, there can be no doubt as to where the overwhelming majority of Americans stands on this issue. The true question is: Will Congress hear that voice, or will it be drowned out by the self-serving importunings of those who can make a small profit from disfiguring the highways and are not satisfied with the fair compensation that this bill offers them?

We are moving steadily toward the completion of our Interstate Highway System, a feat of engineering and construction that dwarfs all previous works of man. This is a national achievement that should lift our hearts.

Let us decide today that when the people go out upon these highways, when they take their families on journeys across this continent, they will not see the junk and the scrap and the refuse of a nation that does not know what to do with its good fortune; but rather will they see and cherish the waving fields, the fruited plains and the mountain majesties of America the beautiful, which we sang about as children and will preserve for all time.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, today we take up one of the most important pieces of legislation to come before this Congress, a Congress which has been hailed throughout the Nation for its passage of bills so important to the needs of the people.

Much has been heard about the highway beautification bill of 1965 from both its opponents and proponents. As a result, there has been a great deal of distortion, possibly much of it unintended.

But a lot of folks back home must be asking, "What's wrong? We thought this was a highway beautification bill."

Well, Mr. Chairman, I would like to say a few words of behalf of beautification which, after all, is what this bill is about in the first place.

Amid the clutter of debate over billboards and junkyards, I hope we can keep our eye on the principal purpose of this entire piece of legislation, which is the greater beautification of this land of ours.

Specifically, we should not lose sight of title III of this bill—the title which offers an important opportunity for every Member of this House to make a very visible and lasting contribution to the beauty of America with the vote he casts here.

I doubt if there is one among us here, or among our constituents back home, who has not driven along the highways of this wide land without keen feelings of frustration. On the one hand, it is possible for the American motorist to see from his window what is probably the widest panorama of natural beauty to be found in any one nation. At the same time, the practical opportunities for the same motorist to enjoy these natural splendors, other than for a fleeting moment as the car moves along, are limited indeed.

Basically, it is this frustration which title III seeks to alleviate.

A little background is needed here to understand this situation.

Actually, this is not a novel concern of the Congress. A quarter of a century ago, Congress wrote into law what its Members at that time conscientiously believed would prevent the very motorist frustration this new title III now seeks to relieve.

Since 1940, we have had on the statute books authority for the Federal Government to make substantial grants to States for the purpose of enhancing the beauty along our highways and making it possible for motorists to participate in as well as look at these scenic attractions. Under this existing formula, out of every dollar of Federal highway funds 3 cents can be used by the States, if they desire, for highway beautification.

The trouble has been that the States have felt such an urgent need to build highways that they have elected to use the full dollar on construction, and the beautification program suffered accordingly.

Under the bill we are now considering, an additional 3 percent—above and beyond the full dollar for highway construction—is to be given to the States as an outright grant and without any requirement for matching funds.

So, under the proposed arrangement, the States will be able to use their full dollar for highway construction and still have an additional 3 cents for highway beautification.

In effect, it will add as much as $120 million a year to the highway beautification abilities of the States.

What will this new title III mean to American motorists?

It will mean, as the States begin to make full use of these new funds, that we can pass some major milestones toward our goal of creating scenic corridors rather than gasoline alleys.

These funds will enable States not only to beautify highway rights-of-way but also to acquire adjacent lands as part of a beautification, conservation, and safety program.

This can include the following:

The acquisition and development of publicly owned rest and recreation areas.

The construction of comfort stations so that families do not have to drive mile after mile on roads their taxes paid for in search of a suitable place to stop.

An unusual stand of timber which otherwise may be lost and which can be converted into a shady park where travelers tarry to eat their lunch and children ramble down leafy pathways.

A meadow carpeted in native flowers and shrubs, not only to be seen from the car but to be enjoyed by motorists taking time out to stretch their legs and fill their lungs with fresh air.

A unique outcropping of rock, with inviting crannies for children and camerabugs to scramble upon.

A historic location, with room for the traveler to browse around and reflect upon the folkways of the Nation.

Think what an exciting prospect this bill holds for our local garden clubs, eager to cooperate with State officials in the planning and maintaining of scenic sites in every section of every State.

This program also can be coordinated with great success with existing Federal and State conservation programs.

By no means will these sites be limited to rural areas. There is no reason why the skyscrapers of a metropolis should not afford as intriguing a view for passing motorists as the chimney tops of the Great Smoky Mountains. Cities as well as the countryside contain historic spots well worth the traveler's time.

Also, if we are to have safer highways we must find means, such as this, for affording the motorist attractive and comfortable places to stop, rest and be refreshed. For, it is well-demonstrated that a major cause of auto accidents is driver-fatigue.

Previous emphasis upon roadside development concerned primarily rest areas. But title III makes it possible to include a much broader range of facilities. This means added impetus to businesses which manufacture and distribute camping, boating and picnicking supplies and equipment.

Think, for a moment, of the local incomes and revenues which will be enhanced by the stimulus this will provide tourism within America. It is the kind of attraction our friends abroad have been telling us for years we must develop if we expect to earn more of their tourist trade.

It also will mean new employment opportunities—not only for local laborers but also for those young people we are enlisting in the Nation's youth opportunity programs.

Is there a Member of this House who feels that his district has nothing to offer the traveling public of America in the way of scenic or historic attraction and would not benefit from the provisions of title III?

The Economic aspects are a welcome "plus," but the reason I want to be identified with supporting this measure is the fresh opportunity it affords for enhancing the beauty of this Nation.

After all of the man-made, material things in life are crumbled and forgotten, it is the enduring qualities of nature which linger in our memories, and so it is with men; those who take time out to preserve the beauty of the land have a way of enshrining themselves in the memory of their fellow men.

No better example of this could be found than in Edward Bok, who came to America many years ago as a little Dutch immigrant boy.

He built in his adopted country a mighty publishing business and otherwise left his mark on the commercial pages of American history.

But the works for which Edward Bok is best remembered are his activities in preserving natural beauty. Foremost of these, of course, is the magnificent mountain lake sanctuary, the site of the famous Singing Tower, in Florida.

Carved upon the base of the majestic Carillon Tower on those beautiful grounds, where travelers from all over the world come to rest their bodies and renew their thoughts, are these words, spoken to Edward Bok by his grandmother and which he never forgot:

> Make you the world a bit more beautiful and better because you have lived in it.

Here, in this legislation, is an opportunity for the Members of this House to make the world a bit more beautiful and better.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Chairman, the highway beautification bill as reported from the Committee on Public Works, S. 2084, provides the means as well as the requirement for a national program to beautify America as seen from its major highways. A major provision of the bill, title I, provides for the control of outdoor advertising along interstate and primary highways. I would emphasize the word control because this bill has too often been erroneously characterized and attacked as prohibiting outdoor advertising.

S. 2084 rather than prohibiting outdoor advertising recognizes it as a proper business and a business that can contribute to the convenience of the highway traveler as well as an aid to those businesses that reach the public through this medium.

It recognizes that billboards can be erected and maintained along our highways in a manner and in areas that will not be offensive to the traveling public and that will not detract from the beauty of our Nation. The bill, rather than prohibiting advertising, merely provides for its control so that it can be conducted without offending the great majority of Americans.

I believe it will be worthwhile to review the provisions of title I of S. 2084 in terms of describing all those areas along highways in which advertising would continue to be conducted. The bill applies only to the Interstate Highway System, which will total 41,000 miles when completed, and the Federal-aid primary highway system, which now totals 224,000 miles. It does not apply to the over 625,000 miles on the Federal-aid secondary system or to any of the 2½ million miles of roads and streets not on any of the Federal-aid highway systems. In other words, the bill in no way provides for any type of billboard regulation on more than two-thirds of the roads and streets in the United States, which handles 54 percent of all highway travel.

Even along the interstate and primary highways, the bill, first, does not provide for any regulation of billboards advertising activities conducted on the premises where billboards might be located. In other words, all the motels, restaurants, service stations that line our highways will be completely unrestricted in their right to advertise the services they are offering to the public. This complete exemption would apply to the landowner advertising his land for sale, the farmer who wishes to sell his products directly to the public, or to any person who wishes to advertise on his own premises his products or services.

In addition to the complete exemption of on-premise advertising, title 1 of S. 2084 provides that billboards can be erected and maintained in commercial and industrial areas. Commercial and industrial areas are those that are so identified by State or local zoning actions, or those where there is no zoning that will be determined to be commercial or industrial areas on the basis of standards agreed to by the States and the Secretary of Commerce. Within areas zoned or unzoned but determined to be used for commercial or industrial purposes, outdoor advertising will be permitted subject only to reasonable regulations as to number, size, and lighting. Such regulations will be developed by agreements of the States with the Secretary of Commerce.

This bill, in summary, rather than prohibiting outdoor advertising provides only for its reasonable control so that it will not destroy the beauty of our Nation.

Rather than toll the doom of outdoor advertising, as some of its uninformed opponents have stated, it will increase the value of those many remaining signs, both as a service to the traveling public and as a valuable advertising medium to businesses.

Mr. Chairman, the legislation before us has deservedly received great national support and I am both pleased and proud to vote this afternoon in favor of S. 2084, for I feel that this bill amounts to reasonable regulation of unsightliness throughout America.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Chairman, I rise in support of S. 2084, to provide for the beautification of the Federal-aid highway system.

The tremendous public investment in the highway system should not be impaired or destroyed by sign construction which detracts from highway purposes and adversely affects the public safety in the regular and proper use of such highways.

Property abutting the Federal-aid highway system has no property right in the limited-access public highway. Such abutting property is not taxed for the highway construction and deserves no special benefits. In many cases, the abutting property owner was already fully compensated for the portion of the original land appropriated for highway purposes. There is no legal or moral basis for further compensating the abutting owner by granting him unrestrained advertising rights along the highway.

If the Bureau of Public Roads had originally provided for easement restrictions on signs and advertising at the time the interstate system was first conceived, we would have been spared this legislation and its tremendous cost. Such easements would have been originally acquired at little additional expense. Until the highway was constructed the easements would have had little value.

What astounds me is the period of long and costly delay countenanced by the Bureau of Public Roads in coming around to a policy position taking back a sign restriction easement on the land abutting a highway improvement. The experts of the Bureau should have anticipated the sign-abuse problem.

The legislation we consider today is not a perfect solution but it appears to constitute a workable approach to a difficult problem.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. DYAL].

Mr. DYAL. Mr. Chairman, I want to speak in support of the highway beautification bill from the standpoint of the many different opportunities for recreation facilities provided along public roads. These are designed into the highway corridor so that reasonably safe and convenient access can be made to these recreation facilities from the highway. I refer to the systematic provision of roadside rests, camera stops, scenic overlooks, campgrounds, boat launching sites, hiking and bicycling trails, and the like which will add breadth, depth, and a personal meaning to recreational opportunities along the public highways of the Nation.

A wide variety of these facilities must be an essential part of any national program of highway beautification. S. 2084 will authorize and provide the funds for such facilities, in reasonable number and appropriately spaced. Today's motorist demands much more than the utilitarian transportation provided for his predecessor. In fact, from some points of view, the highway facility is not really "complete" without adequate facilities for the motorist to rest when he needs to do so, at specially designed facilities, or otherwise enjoy the environment and terrain traversed by a particular public road.

Such facilities would include a substantial increase in the number of picnic areas available to the American motorist. This would provide the opportunity, within reasonable driving time of the metropolitan areas of the Nation, for family groups to get out into open country for a Sunday picnic and enjoy the freedom and carefree out-of-doors. Children could romp in these areas with safety and abandon.

Accommodations for the many millions of Americans who delight in fishing could be provided under S. 2084. Over 30 million people fish in the United States, and this number is increasing yearly.

Boating is another active outdoor sport that would be catered to under the bill. In 1964, over 145,000 boat trailers were sold. Additionally, many hundreds of thousands of Americans use their own motorized vehicles to transport small boats, to boat-launching sites and water-oriented areas. Because public access to boating waters is limited, the national highway beautification program could include the development of a reasonable number of boat-launching sites.

Outdoor recreation activities such as these will enable many millions of families to leave the congested urban centers at least over weekends and on vacations, for the open road and the recreation opportunities which, hopefully, would be provided under the program we are considering here today.

Opportunities to stop the car and enjoy the scenery from strategically located vantage points can be provided effectively at low cost on public roads, under the provisions of S. 2084. These overlooks, which could permit picture-taking and more leisure examination of the landscape, enhance the windshield vistas of natural beauty that greet the traveler.

These and other types of recreational facilities are contemplated by the bill we are considering today.

I might mention too that in this area of recreation and beautification, private enterprise may find much stimulus. Many kinds of recreation facilities I have just described are privately owned or sponsored. Many more private facilities of this kind could be encouraged, with access appropriately designed and provided by public authority. In the private sector alone, this bill can open up a broad spectrum of activities which will aid the Nation's economy over a longer period of time.

In some form or another, private enterprise can supply almost any type of outdoor recreation facility. The private sector can add to the variety of services and recreational opportunities available to travelers within the scenic corridors. Vacation farms, dude ranches, and riding stables are examples. Shooting preserves and farm ponds may invite the sportsman to stop along the way. Only private enterprise can supply such accommodations.

Private enterprises operate motels, restaurants, swimming pools, golf courses, grocery stores, gasoline stations, antique and novelty shops, bait and tackle outlets, ice dispensers, and many other goods and services. Other facilities operated by private enterprise include campgrounds, picnic areas, ski resorts, trailer parks, and marinas.

I want to emphasize the opportunities provided in this bill for roadside recreational facilities because increasingly, this is what Americans seek, are willing to pay for, and enjoy. Congress will earn the gratitude of millions of Americans everywhere, old and young, by enactment of the bill now before us.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may desire to the gentleman from Alaska [Mr. RIVERS].

Mr. RIVERS of Alaska. Mr. Chairman, I rise in support of S. 2084, the Highway Beautification Act of 1965.

My support for S. 2084 derives, in part, from agreement with the objective it seeks to accomplish: to enhance the enjoyment of highway travelers in America by making the landscape near highways as beautiful as the whole landscape. And this improvement of scenes to be effected will be largely accomplished by removing hindrances to natural beauty, with special reference to billboards, junkyards and automobile graveyards.

In part, too, my support for the Highway Beautification Act of 1965 results from my membership on the Committee on Public Works where, under the skilled and able chairmanship of the gentleman from Illinois [Mr. KLUCZYNSKI], of the subcommittee and of the gentleman from Maryland [Mr. FALLON] as chairman of the full committee, the bill and its objectives were fully explored. There, as a member of the committee, I was satisfied that it was good legislation, it was fair legislation.

My support for this act is also, and importantly, derived from the experience of my State of Alaska through regulation of outdoor advertising in allowing the splendor and magnificance of Alaska to be seen and experienced by highway travelers.

More than a decade ago the Alaska Territorial Legislature adopted a law to regulate outdoor advertising along the State's highways. It is still the law of the State of Alaska. Its purpose is plainly stated: "To protect the public safety and welfare of persons using the highway of the State by having outdoor advertising along the highways removed, thereby eliminating a source of distraction to vehicle operators and persons on the highways."

All outdoor advertising on highways outside of cities is therefore prohibited, and, at the outset, existing signs were to be removed.

The exception made to the law in Alaska, something like that provided for in S. 2084, permits the erection of informative signs about 1 mile on each side from the place of business telling what type of establishment is ahead, what services it offers, and what the distance to it is—supplemented by an appropriate sign at the entrance of the situs of the establishment. In Alaska, the informational signs along the road are to be uniform, and to be of Alaskan motif.

We are pleased with our law in Alaska. And, we know our visitors are. In a survey of visitors to Alaska carried out last year, one person interviewed typified the comments of so many:

> It is the most beautiful State I have ever seen. The vast sweep of uncrowded spaces, the clean air, and pure water, the beautiful scenery unfolding endlessly through my windshield gave me a thrill I cannot describe.

Our quietly beautiful and spectacularly beautiful land is to be seen so well through one's windshield, because the landscape is free of those manmade obstructions to natural beauty with which this legislation is concerned.

Alaska is not alone in its efforts at permitting America to be America the beautiful. Some other States have also acted. It is time, however, to make national policy that will be effective. This is the role that the Highway Beautification Act of 1965 will play.

I urge my colleagues to join me in supporting S. 2084.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may desire to the gentleman from Hawaii [Mr. MATSUNAGA].

Mr. MATSUNAGA. Mr. Chairman, representing, as I do, a State which has no billboards, I rise in support of S. 2084, the Highway Beautification Act of 1965.

> Truth beauty, beauty truth—that is all ye know and all ye need to know.

So said the poet of beauty, John Keats, many years ago. And his observation holds true today, for if there has been any single common interest among the peoples of the world, it has been the love of beauty and an undeniable recognition of the beauty of truth.

In the humdrum of our business activities in our so-called civilized society we tend to forget this and it is heartening to find that the chief impetus toward preserving our natural heritage of beauty comes from the First Lady of the land.

Fortunately for mankind, women have taken a hand in the preservation not only of their own beauty, but also of their surroundings.

So it was in Hawaii that a group of women 52 years ago banded together to preserve the natural beauty of the city of Honolulu—they called themselves the Outdoor Circle.

An outstanding accomplishment of the Outdoor Circle in eliminating ugliness from the city of Honolulu is its highly successful campaign against billboards for over half a century. Because of the vigilance of this organization, it is difficult today to visualize the landscape of Honolulu of yesteryears disfigured by huge signs—billboards on Diamond Head urging the public to smoke Bull Durham or buy certain brands of whisky. An immense pickle sign put up on the road to Waikiki blotted out the lovely view of the mountains in the background. Even the scenic routes leading out of the city into the rural areas were marred by ugly billboards.

The ladies of the Outdoor Circle devoted many years of hard work before they were able to convince local and mainland merchants that billboards had no place in a city which chose to be beautiful rather than ugly. In 1913 there were some 43 local companies and many mainland firms using billboard advertising. The practice was well established, and it was necessary for the Outdoor Circle to arouse public indignation and recognition that billboards are detrimental to beauty in any locality, especially in Hawaii where the area is limited and scenic beauty is part of our stock in trade. The determined pioneers of the Outdoor Circle even went to the extent of buying out the last billboard operator's business and dissolving it immediately upon purchase. Today there are absolutely no billboards in the State of Hawaii.

The Outdoor Circle has continued through the years the simple, sincere purpose of its early leaders—to achieve a beautiful Hawaii, free of billboards and other disfiguring advertising signs and devices. Many things have been accomplished during these years and today people from all over the world as well as our own State of Hawaii are able to enjoy the fruits of what in 1913, to a handful of courageous ladies, was only a vision of a beautiful city.

I am proud to state that I was at one time counsel for the Outdoor Circle and in such capacity helped to draft the first beautification ordinance against unsightly outdoor signs in Honolulu.

Mr. Chairman, the experience of the Outdoor Circle of Honolulu clearly shows that S. 2084 would accomplish for all areas along our Nation's highways the same beautification which that organization was able to achieve with only a dream to start with in 1913.

The proposed legislation would not only help to beautify the areas adjoining our Nation's highways, but it would also make our highway system, in the words of our President, "more valuable in serving the needs of the American people." The pursuit of happiness is a promise of our system of government. This promise we can keep in part by seeking to beautify our surroundings, for, in the words of John Keats again, "a thing of beauty is a joy forever."

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may desire to the gentleman from Colorado [Mr. McVICKER].

Mr. McVICKER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include an article.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. McVICKER. Mr. Chairman, I should like to compliment my esteemed colleagues for their inspiring remarks about the beauties of our country, and to associate myself with them in support of S. 2084.

I have a strong personal interest in this measure for several reasons. One is that I have the honor to represent one of the most scenic districts in the scenic State of Colorado. At the risk of exciting the other Members of this body, I must say that Colorado has, perhaps, a greater stake than any other State in legislation designed to preserve and restore the scenic vistas of our Nation because we have more of them.

Because we have a relatively small population and a relatively large geographical area, our highways are not as cluttered with billboards as most other States. Still, I feel that "uglification" is a serious and growing problem in Colorado, and one that demands immediate and effective action.

As a member of the Colorado General Assembly I insisted that it was a problem that should be handled at the State level. I still feel that way. Unfortunately, most of the States, my own among them, have not met their responsibility in this area. It is a responsibility that can no longer be shirked. Therefore, I feel the Federal Government must take steps to protect our Nation's greatest heritage—its natural beauty.

I would like to make the point, however, that this bill does not usurp the inherent powers of the States. It only encourages them to exercise those powers. It sets up the machinery for a cooperative effort by the Federal Government and the individual States, and it provides for consultation and mutual agreement every step of the way. It merely clarifies and extends the Federal-State partnership which has proved so eminently successful in building our unsurpassed highway system.

Under title XXIII of the United States Code, the Secretary of Commerce is given authority to determine the location and oversee the construction of highways. I do not think any Member of this body will assert that he has misused that authority. On the contrary, the Bureau of Public Roads and the various State highway departments have teamed up to launch the most massive construction program in the history of the world. They have worked together most harmoniously and most effectively. I see no reason to fear that the Commerce Department and the several States cannot work together equally successfully in carrying out the provisions of S. 2084.

Not only does this bill provide for a continuation of the existing Federal-State relationship, it sets up additional safeguards as well. Public hearings must be held in each of the States before any final decisions are made regarding the location and spacing of signs. The Congress must approve the standards recommended by the Secretary of Commerce. The State and the Secretary must be in agreement before the program goes into effect. And finally, if the State is not satisfied, it can appeal to the courts.

Mr. Chairman, I do not think this bill is an infringement on the sovereign powers of the States and I do not think it can fulfill its purpose if it is further watered down. I urge the passage of S. 2084.

I am happy to say that many of the newspapers in my area have vigorously supported the cause of highway beautification. I include in the RECORD two editorials—one from the Rocky Mountain News, the other from the Denver Post. Both applaud the President's program and call upon the Congress to enact it:

[From the Rocky Mountain News,
May 28, 1965]

BILLBOARD ARGUMENT

President Johnson has taken up the fight on the billboard issue about where the Colorado Legislature left off.

After months of argument, backing and filling and false starts, the Colorado lawmakers came up with a mild measure which actually promises to do very little toward meeting the problem.

In fact, only a handful of States have defied the billboard lobby and gone along with the Federal proposals—backed up with a bonus offer—to impose strict controls on outdoor advertising along principal Federal highways.

Reporting the findings of the White House Conference on Natural Beauty to President Johnson, Fred Farr, California State senator, said:

"The average American spends about 2 months of his life each year behind the steering wheel between home and job, not to mention leisure-time driving. Overcrowded streets, the constant viewing of automobile junkyards and ugly billboards makes driving a nerve-wracking experience. It's time to give the American motorist a better break."

President Johnson has asked Congress to give the motorist that better break. He has sent up four bills to make the Nation's roads "highways to the enjoyment of nature and beauty."

Chief of these is the bill which provides that States, as a condition of receiving Federal-aid highway grants after January 1, 1963, exert control over the outdoor advertising along interstate or primary systems except where zoned or used predominantly for commercial or industrial purposes. The bill would ban billboards within 1,000 feet of the pavement and visible to the motorist. Existing signs would have to be removed by July 1, 1970.

The President points out that in 1958 Congress authorized a bonus payment to the States which agreed to regulate outdoor advertising along interstate roads. But only eight States actually have become eligible for the bonus.

Equally welcome are Mr. Johnson's other proposals on highways. One would require States, on condition of receiving Federal aid, to control junkyards.

Another would require, instead of merely permitting States to use 3 percent of their Federal-aid funds, without matching, to acquire land alongside highways and make that land a source of scenic beauty.

The fourth bill proposes that each State use one-third of the Federal aid it now receives for secondary roads to construct scenic roads, some of them leading to scenic and recreational areas, and to provide landscape and roadside developments.

L.B.J. commented:

"A highway is not just a ribbon of concrete. Its purpose is not just to get people from one place to another. It is to enrich the journey."

Right, Mr. President.

[From the Denver Post, May 27, 1965]

BILLBOARD FIGHT MOVES TO HIGHER COURT

When the public wants something which its local lawmakers are unable to provide, it has to be expected that the Federal Government will ultimately undertake the task. That is what is happening now in the fight for highway beautification.

President Johnson Wednesday asked Congress to ban billboards on interstate and Federal primary highways and to act against junkyards along busy highways.

Coloradans, who have just witnessed the tremendous pressure the billboard lobby can apply to a State legislature, should not be surprised that the issue has moved directly to the Federal level.

The billboard lobby killed a Colorado General Assembly bill amid charges one senator had been threatened with loss of contracts in his private business if he voted for the bill. Then the billboard forces got behind a weaker bill which sped easily through both houses.

If the President's proposed billboard controls become law, Colorado's fight for highway beautification will have been fulfilled, but it will have taken Federal action to do it. The President could have been thinking of Colorado when he said:

"And those needs (of the people) include the opportunity to touch nature and see beauty. Roads which are highways to pleasure will encourage travel. Increased travel in many areas will mean new opportunities for tourism and for investment."

The President's strong controls generally will prohibit advertising signs within 1,000 feet of the pavement, with existing signs to be removed by July 1, 1970. The bill seems better than the weak Colorado law in two regards:

It overrides the complicated regulatory formula set up by the 1965 Colorado billboard act. The State measure bans billboards completely on some interstate highways, allows one complex of billboards every mile on others, and permits billboards every 660 feet on still other highways. The State highway department has already complained about administration of this formula.

It extends full protection to primary highways. In Colorado, for example, U.S. Highway No. 50 in the picturesque Gunnison area may be as worthy of protection as the busiest section of interstate near, say, Fort Morgan. But under the new State law, U.S. 50 can have billboards every 660 feet—up to four of them on each side of the road if the sign companies want to use their full potential. The President's proposal would give U.S. 50 full protection.

We applaud, too, the President's concern with junkyards, but we are not sure he has come up with a full answer to the problem. Fencing auto graveyards in some areas will effectively hide them from the highway. In other areas, such as mountain country, they will be impossible to hide by fencing.

And if junkyards are purchased or condemned, the problem of how to get the scrap metal to steel mills at a price the mills will pay still has not been solved. Largely because of new steelmaking processes, the price of scrap is now very low.

In all, we think the President is facing a problem of great importance: keeping and making America beautiful. If we are—as we believe—a proud people, we must keep our Nation a place we can take pride in. Beauty of the countryside comes high on the list.

Mr. KLUCZYNSKI. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. SCHMIDHAUSER] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SCHMIDHAUSER. Mr. Chairman, a complete highway is much more than a strip of pavement. Rather, it is a surface travel channel which provides the means for safe and efficient transport from one point to another; but additionally, it should be so designed and built so as to provide roadside accommodations which today's traveler requires for his comfort and convenience Wherever possible, it should also incorporate outstanding scenic areas along the way, so that the trip by motorized vehicle is a pleasant and enjoyable one.

Congress recognized the wisdom of this concept a quarter century ago, by enacting section 319 of title 23. It provided that Federal-aid highway funds could be spent for roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas. It also authorized the acquisition of additional strips of land adjacent to the right-of-way, for the preservation of the natural beauty through which highways are constructed.

Though landscaping and roadside development has been provided along some of the Federal-aid highways, under the first portion of this authorization, no additional lands adjacent to the highway right-of-way had been purchased or controlled in the public interest, until recently.

Title III and section 319 involve what might be called the scenic corridor. In areas of outstanding natural beauty, it is the scenic corridor which is the foundation of the recreation opportunity provided along the way. Unless the amenities in the corridor are appropriately protected, rarely will they be preserved for present or future use. Two notable examples within the State of Iowa are the beautiful valleys and bluffs of the Mississippi and Missouri Rivers.

Title III of the bill is designed to protect these amenities, and at low cost. These may include a striking stand of timber, an unusual geological formation, an outstanding view into a water, wetland, or mountain area, cultural or historical features, and the like.

Since the President activated his national highway beautification program, proposals of a number of States—Maine, Minnesota, and New York—for use of section 319 3-percent funds on specific projects have been approved.

The Maine project provides for the purchase of 3.1 acres of woodland extending 1,300 feet along the John Fitzgerald Kennedy Memorial Drive at a cost of $2,500. Minnesota will use $135,000 for the outright purchase of scenic easements along some 47 miles of the Great River Road. New York will acquire 25 acres of land adjacent to a rest area and extending 1,800 feet along an interstate highway, at a cost of $7,200. These illustrate the uses to which the moneys authorized in title III could be put, if made available.

Perhaps there is good reason why section 319 funds have not been spent for these purposes prior to this time. The need to improve highways generally, from a safety and efficiency point of view, has been critical. Every dollar available from highway user funds has been needed to make reasonable progress on regular Federal-aid highway projects. It is because of this that this bill wisely authorizes funds to be appropriated out of moneys in the Treasury, for these purposes, rather than from highway trust funds.

A striking illustration of what has happened to some outstanding scenic resources of the Nation may be found along the Great River Road. A route through the 10 Mississippi River States was proposed some years ago, which would permit motorists to follow that mighty river from its source to its mouth, to enjoy the magnificent and varied scenery and to capture some of the feeling of life along the Mississippi as Mark Twain and others before him had known it. Studies of existing routes were made and the outstanding scenic areas were identified. One of the most beautiful sections of the Mississippi Valley spans eastern Iowa, including a substantial portion of the First District of Iowa.

Year followed years without action of any kind to protect the scenic values of the magnificent corridor of the Great River Road. During the period of time when the first studies were undertaken in 1954 until the present, selected routes have been replaced with others because the scenic and historic elements which were prized on these routes have been lost or greatly reduced in value.

We face more than merely a threat to the landscape values we prize along our highways. The choice stand of timber that yesterday enhanced a particular vista from the highway is falling before the saws and bulldozers today. To take steps now to remedy this situation surely cannot be considered the exercise of undue haste or an extravagance.

Title III is designed to expedite the preservation and enhancement of scenic values. Highway expenditures each year absorb billions. For but a small fraction of this cost, highways could perform the additional and necessary service of improving and broadening the quality of American life.

We expect much more than utility in our homes, and their furnishings. The plainly wrapped product stays on the shelf, while a competing item of the same quality in an attractive package sells. We look for beauty and style in our automobiles but seemingly, we ignore the view from the road.

But that view is important. Esthetics pay off in a number of ways. The highway which provides a varied and pleasant panorama to the driver makes a contribution to highway safety by reducing driver fatigue. Attractive rest and recreational facilities along the route are also a boon to the harried driver. The well-designed and properly landscaped highway is also a better and much less objectionable neighbor to other land uses, particularly in or near urban areas. Additional care and attention given to preservation and enhancement of the highway corridor will further the same ends that are sought in trying to maintain open space.

Finally, a comment about the economics of preserving and enhancing roadside amenities. It makes good dollars and sense. Tourism is the world's most important industry. Domestic tourism in the United States now generates about $30 billion annually. It is among the three most important sources of income in over half the States. Fostering amenities along public highways, and building into them more opportunities for recreation experiences by the highway traveler will mean more tourist dollars will be spent. Through the multiplier effect, this will increase employment and stimulate local economies. The increased expenditures will, in and of themselves, generate more local, State, and Federal tax revenues, which could many times repay the relatively modest expenditures involved in title III. Incidentally, by like token, a national program of the kind contemplated in this bill would also make travel in the United States more attractive for the European visitor and otherwise assist our balance-of-payments problem.

I strongly urge you to give favorable consideration to the enactment of S. 2084. It represents an appropriate and reasonable approach to the provision of roadside amenities and the preservation of natural beauty along the public highways of the Nation.

One final comment. The new language of section 319, in the second subsection, provides for 100-percent Federal financing of rest and recreation areas located beyond the right-of-way. This provision, as administered under the competent supervision of the Department of Commerce, need not be inconsistent with the provisions of the first subsection of section 319 which provides for joint Federal-State financing of facilities within the rights-of-way. If such accommodations can be provided within the right-of-way areas, safely and appropriately, I am confident that is where they will be provided. On the other hand, if in particular situations, it becomes necessary and desirable to make provisions for them in areas outside the right-of-way, it could be justifiably so placed. Appropriate standards will be devised for each situation. Conflicts between the two subsections of section 319 on this point should be at a minimum.

Mr. KLUCZYNSKI. Mr. Chairman, I yield to the gentleman from Illinois [Mr. Gray].

Mr. GRAY. Mr. Chairman, my colleagues on the Committee on Public Works have explained titles I, III, and IV, therefore I would like to confine my remarks at the present time to title II of the bill.

Mr. Chairman, title II of S. 2084 provides for control of junkyards. A survey conducted a few months ago by the State highway departments for the Bureau of Public Roads found 17,730 junkyards visible from the interstate and primary highway systems. The number of junkyards has grown rapidly in recent years, and undoubtedly will continue to grow in view of the rate at which automobiles are being retired and in view of technological changes which have made their salvage largely uneconomic.

Title II recognizes that the operation of junkyards, automobile graveyards, and scrap processing facilities are a necessary and useful economic activity, and it in no way hinders the operation of such facilities. It is concerned rather with their visibility from the Nation's major highways, since by their nature such facilities tend to create an unattractive, blighted appearance on the roadside.

Title II, therefore, provides for screening junkyards from view from the highway.

Under title II, each State must provide effective control by January 1, 1968, of junkyards on the interstate and Federal-aid primary systems which are within 1,000 feet of the nearest edge of the right-of-way and visible from the main traveled way of the system. Junkyards are defined to include all types of establishments for storing, keeping, buying or selling junk, automobile graveyards, garbage dumps and sanitary fills. Effective control means that such junkyards be screened from the view from the main traveled way, or be removed. Screening may be accomplished by any appropriate means, including fences, natural objects, or plantings, such as trees and shrubs.

Title II provides in subsection (g) an exemption from control in areas adjacent to the interstate and primary systems which are within 1,000 feet of the nearest edge of the right-of-way and which are zoned industrial under authority of State law and which are not zoned industrial under authority of State law but are used for industrial activities as determined by the several States, subject to the approval of the Secretary of Commerce.

Mr. Chairman, this means that no junkyards in a zoned or unzoned industrial area, as determined under this provision, would be required to be removed.

Recognizing the national interest in junkyard control, title II provides that the Federal Government reimburse the States for 75 percent of their costs for such landscaping and screening on both the interstate and primary systems.

Mr. Chairman, in the interests of fairness and equity, it also provides in subsection (j) for just compensation, as in the case of outdoor advertising, to owners whose facilities are required to be removed. It provides a grace period, in that any junkyard which is in existence on the date of enactment of this section and which the Secretary finds as a practical matter cannot be screened shall not be required to be removed until July 1, 1970. Again, the Federal share of removal costs in all cases is set at 75 percent.

Mr. Chairman, it is the intention of the committee, as stated in the committee report, that:

> The Secretary do all in his power to urge the several States to adopt a policy that would insure that junkyards which must be removed should be required to locate or be relocated either in an area where they will not be visible from the main traveled way of any Federal-aid system highway or in an area which is zoned or used for industrial activities. It is further intended that while a junkyard is to be removed when it cannot be screened, it should be removed to an industrial area where such activities normally are conducted and not to an area of scenic value or a residential area.

In the matter of just compensation, subsection (j) specifically provides for payments to the owner for the relocation, removal, or disposal of: First, junkyards lawfully in existence on the date of enactment of this subsection; second, junkyards lawfully along any highway made a part of the interstate or primary system on or after the enactment of this subsection and before the effective control date of January 1, 1968; and, third, those lawfully established on or after January 1, 1968.

The latter category would cover those establishments which might become included in a controlled area through subsequent highway improvements or relocations.

Since controls would be in effect after January 1, 1968, any lawful junkyard within the control area would necessarily be screened. Hence, title II permits the installation of new junkyards within the controlled areas, provided they are screened, or otherwise not visible from the highway. It would, therefore, effectively prohibit the creation of new eyesores in the view from the highway.

The basis for enforcement of title II, as set forth in subsection (b), is similar to that for outdoor advertising controls. If a State does not obtain effective control of junkyards, as defined in the act, its Federal-aid funds would be reduced by an amount equal to 10 percent of its apportionment.

The right of the States to establish more restrictive limitations on junkyards on Federal-aid highways is protected by subsection (l).

The authorization in subsection (m) would provide $20 million each in fiscal years 1966 and 1967, such moneys to be appropriated from the general fund of the Treasury.

Mr. Chairman, a journey of a thousand miles, starts with the first step, therefore I hope we will take the first step today and pass this important legislation to help eliminate the unsightly garbage dumps, junkyards, the ugly billboards and other undesirable sights from our interstate and primary highway systems. Thank you.

Mr. KLUCZYNSKI. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Florida has 7½ minutes remaining.

Mr. CRAMER. How much time does the gentleman from Illinois [Mr. KLUCZYNSKI] have, Mr. Chairman?

Mr. KLUCZYNSKI. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The gentleman from Illinois [Mr. KLUCZYNSKI] has 24 minutes remaining and has just stated that he has no further requests for time.

Mr. CRAMER. Mr. Chairman, I would respectfully suggest to the gentleman that the gentleman from New Hampshire [Mr. CLEVELAND] has been trying to get 5 minutes and we have had more requests for time than what we have. Will the gentleman yield 5 minutes to the gentleman who is a member of the committee?

Mr. KLUCZYNSKI. The gentleman has had so many Members speaking and we have only three or four, if I remember correctly.

Mr. Chairman, I have reserved the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I yield 6 minutes to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, not being a member of the House Committee on Public Works, I have been at some disadvantage in fully understanding the extensively amended version of the administration's highway beautification bill.

After the Committee on Public Works reported S. 2084, I communicated with the Washington State Highway Commission and found it was greatly concerned as to the effect of this proposed legislation on the highway program of the State of Washington.

Supporting, as I do, the concept of beautifying areas adjacent to highways and knowing that my State of Washington, under what is known as the Washington State Highway Control Act of 1961, is one of only four States with strong billboard control laws, I was disappointed to learn that my State highway commission strongly supported a delay of several months, so as to give the States an opportunity to study the impact of S. 2084 on their own programs.

The Washington State Highway Commission has a noncompensable program and looks to the police power of the State for its authority to control billboards and other unsightly conditions on our highways. This police power is presently being tested in the courts and it is feared that S. 2084 will jeopardize the zoning powers of the State.

In this regard, I am hopeful that an amendment I plan to offer to title I, section 131, subsection (b), will be accepted, to allow the Secretary of Commerce to suspend for such periods as he deems necessary the 10-percent penalty to States not considered to have made provision for effective control over signs on the interstate and primary highway systems.

But, Mr. Chairman, the Washington State Highway Commission believes there should be other changes and supports the complete elimination of subsection (f), which provides that the Secretary shall provide for appropriate places for local informational signs. The Commission feels this provision involves esthetic considerations and the safety of the traveling public, and therefore believes that it should be left out of the bill.

Mr. Chairman, I am especially worried at the objection of my State commission as to subsection (g), having to do with just compensation for removal of signs. It strongly feels that the matter of compensation should be left to the State. Otherwise, it is felt that S. 2084 could jeopardize my State's ability to retain its police power control in areas regulated by our State law. In other words, if areas regulated under S. 2084 are compensable, while those under the State act are not, Washington State's police power could be held unconstitutional. Thus, the compensation requirements of this bill in its present form could, in turn, result in our State act becoming compensable—which would place such a burden on the State that it might well induce repeal of the State-control act, since this law depends on police power control to force removal of nonconforming signs.

Incidentally, Mr. Chairman, this latter State act is now under challenge in our courts, with a trial set for this fall.

The adverse effect of S. 2084 is obvious and, therefore, I am hopeful my proposed amendment to permit a State to petition the Secretary of Commerce to delay action under title I will be accepted.

Mr. Chairman, the fight in the State of Washington for its progressive 1961 billboard control measure was led by the Washington Roadside Council, Inc., which was supported by numerous civic, political, conservation, and community organizations.

All these public-spirited groups recognized the problem of unsightly signs that came with the launching of the 41,000-mile Interstate System of freeways, in 1956, under President Eisenhower, who first asked Congress for legislation to encourage State regulation.

The Washington Roadside Council favors Federal legislation and finds many of the provisions of S. 2084 have great merit. But, Mr. Chairman, it has serious reservations regarding this measure in its present form. In this connection, it believes a few clarifying and strengthening amendments are needed.

I realize, of course, that offering amendments on the floor of the House without support from the managers of the bill can be a gesture in futility. Furthermore, the parliamentary situation is often such that a Member—especially one not a member of the committee bringing the legislation to the floor—finds himself unable to introduce proposals of this nature. However, I submit for committee consideration certain suggestions made by the Washington Roadside Council.

One such amendment would be:

> To establish a cutoff date for commercial and industrial zoning or determination of such land use; to clarify that the section does not apply to directional and other official signs and to clarify the intent of Congress that signs erected after the effective date of the act in commercial and industrial areas which did not comply with agreements between the States and the Secretary would not be entitled to compensation on removal.

Another suggested amendment would be to maintain controls under subsection (d) along the interstate and limited access portions of the primary system where they are needed most in commercial and industrial areas which are usually adjacent to interchanges and the most heavily traveled portions of such highways where minimum interference with reading of official signs is essential.

A most important amendment to our State—and one I hope to offer—would provide that compensation under subsection (g) would not be mandatory whenever a State would submit evidence satisfactory to the Secretary that it was unable to secure effective control under its police powers. This would eliminate the mandatory requirement of compensation for removal of all nonconforming signs.

Also, it is believed an amendment is desirable to allow Federal agencies such as the National Park Service and Forest Service to exercise stricter regulations than the Secretary of Commerce if they wish to do so.

Another roadside council suggestion has to do with subsection (j). It points out that, as presently worded, this subsection requires an interpretation as to whether the agreement with the State or the control required by this subsection is stricter. The wording is not clear.

An additional proposal of the council is to clarify subsection (k) so as to prevent signs from being erected which are prohibited under any State law.

Then, the council seeks to have Congress strike out all of section 305 and thereby eliminate this restriction on the condemnation of dwellings and related buildings. As I understand, this would not affect title I relating to outdoor advertising.

Finally, it should be pointed out, Mr. Chairman, that if subsection (g) in title I is amended, as I hope it will be, so as to utilize compensation only in the States which cannot operate under the police powers, then section 401 should be deleted.

Mr. Chairman, I hope this bill can be substantially improved by amendment when it is read for that purpose. Otherwise, I shall vote in the interest of my district and State to recommit the bill to the Public Works Committee for further study and improvement.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eight Members are present, a quorum.

Mr. CRAMER. Mr. Chairman, I yield whatever remaining time I have—I believe it is 2 minutes—to the gentleman from New Hampshire [Mr. Cleveland].

Mr. CLEVELAND. Mr. Chairman, I should like to ask the distinguished chairman of the subcommittee if he would yield me 5 minutes.

Mr. KLUCZYNSKI. I yield the gentleman from New Hampshire, who is a very good friend of mine, 3 minutes.

Mr. CLEVELAND. I thank the gentleman very much.

Mr. Chairman, some of the reasons for my opposition to the bill are set forth in some detail in my supplemental views. I shall not repeat them. I think all Members should realize that the proposed legislation does not necessarily ban signs. It would simply move them back farther. It would thus help the big sign painter and the big business that can pay for the big sign, but it would knock the devil out of the little guy; it would knock out the guy in small business. It would hurt the small sign painter.

This is another example of what happens under the big government-big business coalition to the little guy.

I congratulate the gentleman from Missouri [Mr. Ichord] for his amendment that he is going to offer and I hope that the House will support it.

The total cost of this legislation is totally unknown, we cannot even intelligently discuss it. There are loopholes in this legislation of a major and serious nature.

I ask the distinguished chairman of the subcommittee, if he will listen to my words, I also ask the distinguished Members on the other side of the aisle if it is not true that, under the legislation as drafted and under the record we have written, if a recalcitrant State wished it could pass legislation or otherwise arrange zoning for all or part of its interstate system and primary system as commercial or industrial, thus avoiding entirely the entire provisions of this act?

I do not hear the remark denied, and on the record as written, with the remarks of the Secretary of Commerce as written into the record, I do not believe that remark can be denied.

In conclusion I should like to say to the gentleman from Texas—I always seem to be arguing with the gentleman from Texas [Mr. Wright], for whom I have great respect, that his impassioned speech forgets the fact that since I have come to the Congress we have passed a wilderness bill, we have passed a land and water conservation bill, and we have passed numerous other conservation bills which have taken into our national forests and park system additional land and helped preserve and beautify our national heritage.

I disagree with the gentleman when he says that this beautiful country of ours is no longer beautiful. I believe it is far more beautiful than his remarks would suggest.

I wish the gentleman could come to New Hampshire, one of the leading States in billboard control, to see the matchless beauty of our granite hills, clothed as they now are in the rich colors of fall.

I wish the gentleman from Texas could see what has been already accomplished in the State of New Hampshire. In conclusion I would remind him that one-third of continental United States is owned by the Federal Government. If things are as bad as he says, they are it would seem that the Federal Government might well put its own house in order and set a better example.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. Karth].

Mr. KARTH. Mr. Chairman, I rise in opposition to the bill now under consideration in its present form.

It was in the year 1913 that the Federal Congress first started passing legislation to make grants to the States for highway construction. Traditionally from 1913 this was continued until the Interstate National Defense Highway Construction program for 41,000 miles of highway was undertaken in 1956. At this point and for the first time in the history of Federal grants to highway construction, States were given 90 percent of the total construction costs of the Defense Highway System and as stated before in the foregoing, the States of the Nation, at least 50 percent of the States, rejected by State legislative action the compliance with the advertising provisions of the Highway Act of 1958.

The financing of the Interstate System, as will be recalled, is done entirely from the Highway Trust Fund—a Federal tax levied upon the highway users; namely, trucks, cars, motor fuels, et cetera. The 2-percent additional grant that was offered to the States to comply and make agreements with the Secretary of Commerce came from the general funds of the Treasury Department and not from the trust fund. Now in the bill before us some $300 million is to come from the general funds of the Treasury Department rather than from the trust fund.

The provisions of the highway beautification bill of 1965 as presently written poses a widespread threat to the free enterprise system of the Nation. This bill will inflict irreparable injustice upon our free enterprise system which by now has become known to the Nation and to the world as the greatest and most valuable economic system ever practiced by any nation. This bill is fraught with unjustifiable and, in fact, unreasonable disadvantages for, not only the immediate group of enterprises, namely the outdoor advertising industry, but further the injustices that this bill seeks to inflict will have an immediate damaging effect upon an extensive amount of other free enterprise.

Advertising is now an intricate part of the development, expansion, and the operation of most all of our free enterprise system. It would appear that the bill does not provide for any damaging effects upon roadside junkyards. This segment of business effort will be actually unharmed. This, unfortunately, is not the case in outdoor advertising. It is regrettable that the authors of this legislation did not seek to regulate and modernize outdoor advertising. Rather the bill endeavors to, in reality, outlaw outdoor advertising on more than 250,000 miles of highways.

On the surface of the proposal, it would appear that the advertising will continue to be carried on in industrial and commercial areas. I have made a close scrutiny of the Senate Public Works report on the bill. It is noted that the Secretary of Commerce will be called upon to decide the size as well as the number of advertising exhibits which can be displayed in even commercial and industrial areas. Surely any rational American will agree that there does exist a real need to regulate and design outdoor advertising, but down through the years my experience has been that those who seek legislation in the matter of outdoor advertising have sought to prohibit or even outlaw, rather than regulate advertising. There is a happy medium available in this matter. It is high time that we who are charged with responsibility in this legislative activity realize that advertising exhibits and the information contained therein are to this Nation equally as important as are the directional hotel and roadside facilities' signs which the bill does permit. As we go about this task we must, I think, give consideration to the fact that our present day commercial and industrial zoned areas along the quarter of a million miles of highways are of necessity in need of extension and expansion as the population increases and people's enterprises move from area to area.

The highway beautification bill of 1965 is, in my judgment, incompatible with the Federal Interstate National Defense Highway authorized by the Congress in 1956. There is, in actuality, no basis to be observed as to adding on more than 200,000 miles of primary roads to the basic legislation of 1956. This act of 1956 authorized construction of 41,000 miles of National Defense Highway, and the Congress was informed at that time in 1956 that the Federal Interstate National Defense Highway was necessary principally for the defense of the Nation. The plans and actually the maps, as well as the designs of the 41,000 miles, were designed and prescribed by the Defense Department and with the expressed urging that the Defense Highway was needed so that the Armed Forces of the Nation would be completely mobile. The Department of Defense laid stress upon the fact that completion of the 41,000 miles would serve the national defense to the extent that our military would be mobile and that the Armed Forces could be moved from Portland, Me., to Portland, Oreg., without encountering a traffic light or a stop sign. And with this we can all agree since a large percentage of the highway has been constructed. The 1965 act provides that we would, if passage does take place, regulate out our systems of roadside advertising and this provision, gentlemen, the Commerce Department has failed in doing. In 1958 the Congress amended the 1956 construction act which provided that in a State it could take legislative or police action to acquire property rights and prohibit advertising. And, gentlemen, since 1958 to 1965 these amendments proved to be inadequate and unsuccessful, because by now only 25 States of the Union have entered into agreements with the Secretary of Commerce and this, mind you, in spite of the fact that the influence and resources of the Commerce Department have been vigorously exercised within the States of the Union.

Should anyone be inclined to disregard damage which would result to the overall free enterprise system, surely we would be moved to consider the national defense so loudly proclaimed as the justifying decision to build the 41,000 miles of National Defense Highway. The new bill contains a somewhat shocking provision. It originally provided, or at least the message to Congress provided, that the Federal Government would withhold and deny all highway grants to the States failing to comply with the 1965 act. At present the bill provides, however, that the Secretary of Commerce can withhold 10 percent of the construction allocations or grants. This would appear to be a completely unjustifiable basis for withholding, impeding and perhaps holding up construction and completion of the National Defense Highway System. We all can, however, agree and surely, the States and the industries of the Nation would doubtless voluntarily agree, that outdoor advertising could be effectively and appropriately regulated in such a manner as not to, in any way, damage the free enterprise system, and I, personally, am of the opinion that the esthetics would not be unreasonably interfered with. After having said the foregoing, I should like information also as to whether or not in the future the Secretary of Commerce will, among other things, decide that the present industrial and commercial areas could be expanded as the Nation's growth will doubtless require.

Because of this and other questions I have asked, most of which have not satisfied my appetite for this bill, causes me to rise in opposition to its passage unless favorable, workable, just, and understandable amendments are adopted.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may use to the gentleman from Indiana [Mr. ROUSH].

Mr. ROUSH. Mr. Chairman, I rise in opposition to the bill.

Mr. Chairman, it is not easy to oppose a program which bears a magnetic title and embraces a lofty purpose. Highway beautification is such a title. It symbolizes a goal which I believe has the approval of every Member. Yet on the particular program which is now before us, I cannot say "Yes."

I, too, am opposed to the seas of signs which mar the approaches to our urban centers and hide the natural beauty of our countryside. Applying the euphemistic title of "salvage operations" does not erase the mental nausea created by the sight of junkyards erupting in a cancerous manner on our landscape.

But I simply cannot see my way clear to vote for this approach to the solution of the problem. I would favor an approach which would be positive and rewarding, an approach which would provide an incentive to accomplish its end rather than to hold a club over the heads of the various States to enforce compliance.

It is my understanding that several States will have to change their constitutions and certainly many others will have to take legislative action if they are going to present a program of compliance as required by this legislation.

This particular legislative subject is controversial whether on the Federal or State level. In my State of Indiana, the general assembly turned down similar legislation in its session this year. There again there was no argument over the purpose of the legislation. There was argument over the methods to achieve that purpose. Hovering in the background was a time limitation. Indiana's Legislature meets once every 2 years in a session limited by its constitution to 60 days. The majority of its members did not feel this was sufficient time in which to adequately prepare and consider such a measure.

If Indiana should not comply with the proposal we have before us today it would mean the loss of millions in much-needed highway funds. If we assume Indiana would receive in later years the same amount of Federal highway funds allotted to it this year it would mean the loss of over $9 million just on the sign penalty provision alone. This penalty extends to funds which the State receives for interstate, primary, secondary, and urban roads and compliance also includes the removal of signs for which the State must pay 25 percent of the cost.

I do not consider the Federal Government a "big, bad wolf" which strikes fear into the hearts of local residents every time it appears. I do think the Federal Government has its place and the use of its power should be limited and in every case it should be warranted. This bill, in my mind, gives the Secretary unusual powers and encourages an unprecedented local interference. I can almost hear what Spike Fulton would say if he were told the Federal Government was going to stop him from erecting a sign proclaiming the best beef stew in northern Indiana could be obtained at his restaurant in my hometown. His mildest comment would be, "Are you kidding?"

I have said I consider the purposes of this legislation highly desirable but there comes a time when a legislator must be practical. I consider this legislation impractical. I oppose its punitive approach. I believe we might be placing the Federal Government in a position where it could and might stifle local industrial growth. I am convinced it could mean the loss of millions of dollars to my own State. I cannot vote for a bill which will give the Federal Government a club to hold over the heads of Indiana General Assembly members to force them to enact laws which they may not want. Unless this bill is changed drastically by amendment I shall vote against it.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. KING].

Mr. KING of Utah. Mr. Chairman, I have taken this time to ask the distinguished chairman of the subcommittee the same question that the gentleman from New Hampshire asked. I should like to have an answer.

The question was, is it not possible that a recalcitrant State might, under the authority of this bill, declare the entire State to be a commercial or industrial zone, and therefore exempt from the provisions of the bill? I should like to get the Chairman's comment on that.

Mr. KLUCZYNSKI. Mr. Chairman, I yield to the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Yes. Technically and theoretically it would be possible.

If a State desired to pass a statute declaring the entirety of that State to be a commercial and industrial zone it could do so. However, as a practical matter other events and effects would flow from this which would be most undesirable and even hurtful to the State, and I believe that no State would be so unthinking as to zone the entirety of its area as a commercial and industrial zone. I would say that this kind of an action would be prima facie evidence of an attempt to subvert and evade the bill.

A State can zone commercially and industrially, but it will not be permitted simply to zone for purposes of billboards commercially and industrially and therefore get out from under the effect of this bill.

Mr. KING of Utah. I thank the gentleman.

Mr. LINDSAY. Mr. Chairman, New York City is served by two of the most beautiful highways in America. One is the Palisades Parkway, which follows the western rim of the Hudson River. The other side is the Taconic Parkway, which winds through the hilly farmlands north of the city toward Vermont.

Washington is bisected by what may be the ugliest highway in the country—U.S. 1.

The difference has little to do with geography, engineering or scenery.

The parkways are handsome largely because they have no billboards or other unnatural encroachments.

U.S. 1 is hideous almost entirely because it is an alleyway of garish commercialism. Gas stations, billboards, truck stops, taverns, neon signs, garages, and junkyards flank the highway along much of its journey down the east coast.

Not every highway in America can or should meet the esthetic standards we have voluntarily set for many of our parkways. At the same time, the Congress should not appropriate millions of dollars annually to help States construct modern highways which nourish unsightliness and vitiate the countryside.

The objective of the bill before the House is to insure that this does not happen; that the Nation's highway network does not subsidize mindless hucksterism. It is a strong bill—much stronger than the toothless legislation we have timidly enacted in the past—and I vigorously support it.

The bill's two major positions concern outdoor advertising signs and junkyards.

Under the first section, States are required to restrict the erection of commercial signs and displays within 660 feet of the right-of-way of major federally assisted highways to areas zoned commercial or industrial. The States must adopt these controls before January 1, 1968, or their allotment of Federal highway assistance will be reduced by 10 percent.

Also, signs located in noncommercial and nonindustrial areas must be torn down before July 1, 1970. Signs advertising activities on the property the signs occupy are exempted.

The second section requires the States to adopt controls for automobile graveyards and other types of junkyards located within 1,000 feet of major Federal aid highways. The States are directed to require fences, plantings or other screenings to shield junkyards from the view of motorists using the highways. States refusing to comply will lose 10 percent of their Federal highway assistance after January 1, 1968.

I shall not attempt to cover all the detailed exemptions, qualifications and compensations provided in the bill. But I want to point out two deficiencies in the bill as reported by the Public Works Committee:

First, nothing in the bill prohibits the establishment of new junkyards near Federal highways. The omission does not make much sense. As the bill stands, it would allow junkyard operators to go into business in full view of the major highway and to receive reimbursement from the Federal Government for 75 percent of the costs they incur in screening their yards. Certainly future junkyards along major highways should be restricted or banned in the bill.

Second, the bill does not confine billboards and junkyards wholly to areas zoned commercial or industrial. It allows them to be constructed and maintained in areas which are unzoned but used for industrial and commercial purposes.

The provision, it seems to me, is much too fuzzy. Most of the land outside cities is not zoned. The determination of whether it is used for a business purpose is to be arrived at between the Commerce Department and the States. The process undoubtedly will lead to endless argumentation and entangle the Federal Government in judgments on land usage which it is not qualified to make.

The loopholes should be tightened.

S. 2084 will help New York City, but it will benefit the Nation more.

The bill represents, despite the reservations I have expressed, a great advance in the movement toward a more beautiful America. In many of the areas of the United States we have glimpsed our mountains, lakes, deserts, and rivers only fleetingly through a welter of signs advertising sun tan oil, high-octane gasoline, shave creams, automobiles, and beer.

We have been compelled to inspect the trademarks of our gross national products before we have been able to view the natural elements of our heritage.

Perhaps the passage of this bill will give new meaning to the slogan: "See America First."

Mr. SCHWEIKER. Mr. Chairman, I am quite disappointed that the House is not being given the opportunity today to consider H.R. 8850, which I have introduced, establishing a grant program to help the States erase the blight caused by automobile junk heaps. H.R. 8850, unlike the legislation before us today, provides a unique two-pronged action program, helping to eliminate the automobile junkyard problem as well as providing a solution to the problem of abandoned coal-mining pits.

Quite simply, I proposed that we compress rusted auto hulks and use the compressed scrap to fill these huge voids. With H.R. 8850, the Congress could effectively wage war on the ugliness of automobile graveyards and gaping manmade excavations such as strip mines. By combining these two necessary efforts—mining area restoration and the removal of auto junkpiles—the Congress can establish an effective and worthwhile program through which the Federal Government and the States, working as partners, can solve not one, but two, national problems.

Under H.R. 8850, the Federal Government would grant to the States the revenues produced by 1 percentage point of the new car excise tax for use in programs of State and local public agencies, individuals, corporations, or businesses, to end the blight caused by rotting and rusty auto carcasses. One such program which appears to have tremendous potential is the land reclamation made possible by burying the auto bodies in depleted coal mine pits.

Last month with two of our colleagues, gentlemen from Pennsylvania [Mr. RHODES and Mr. ROONEY], I inspected some of these huge abandoned coal pits as well as a strip mine backfill reclamation project in northeast Pennsylvania. My visit reinforces my enthusiasm for the program which would be made possible by enactment of H.R. 8850.

At the current level of new car sales, some $190 million would be divided among the States in direct proportion to the percentage of total new car sales for which each State's residents are responsible. For example, my own State of Pennsylvania would receive some $11 million under H.R. 8850 since its new car registrations account for about 5.8 percent of the Nation's total. In 1963, Pennsylvania had 473,917 new car registrations and was sixth in the Nation behind California with 734,936; New York, 641,953; Illinois, 497,934; Michigan, 483,827, and Ohio, 456,964.

The objective of this legislation is the ultimate elimination of the eyesores across our Nation caused by rusty auto corpses. Transferring one percentage point of the existing auto excise tax to an auto burial insurance fund would involve no additional tax of any kind. Congress recently provided for reduction of the 10-percent auto excise tax in stages to a 1-percent tax. The use of these auto tax funds for the purpose outlined in H.R. 8850 would be most appropriate.

To receive these grants a State would be required to submit to the Secretary of Commerce a plan of action which took into consideration the effect of its proposed program on the market for iron and steel scrap, the benefits of its program to the State's tourist and recreation industry, the improvements in the State's scenic beauty, and the use of its program to assist in mining area restoration.

The junked-car disposal problem is becoming increasingly critical. More cars are being scrapped today than ever before. Some 5.6 million were scrapped in 1964 compared with 3.6 million in 1958. Because of the continued growth in the number of new car owners, the number of scrapped cars is likely to increase still further. Furthermore, people are getting rid of their old cars at an increasingly rapid rate. The average age of an automobile 4 years ago was 14 years. Today the average life is 10 years.

In 1958 some 3.6 million cars were taken out of service. But last year, the number grew to 5.6 million cars. Although some were returned to the steel mills as scrap, the majority of the carcasses were tossed onto the growing junk heaps around the Nation.

To make matters worse, the steel mills are using about half as much auto scrap as they once did because of the industry's gradual changeover to the basic oxygen furnace process. What auto scrap they do use must be of higher quality than the bales of compressed cars which have long been a staple ingredient of the openhearth furnace's diet.

Mr. Chairman, the approach taken by H.R. 8850 is the logical one. It seeks to dispose of, not merely to disguise, the auto junkyard problem. It requires no new tax. It relies for its financing upon an existing tax upon the automobile purchaser. Furthermore, it sets up an equitable basis of distributing funds to the States in order that the States may exercise this problem-solving responsibility.

Mr. SCHEUER. Mr. Chairman, I strongly urge the passage of S. 2084, the highway beautification bill. In 1940, the Federal Government commenced allocating 3 percent of its highway allotment to the States for beautification purposes. However, the Bureau of Roads reports that until 2 years ago, not one State which drew this extra money used it for highway beautification. Instead, the money was used by the States to increase their ownership of land adjacent to the roads.

This misuse of beautification funds is symptomatic of the unplanned, uncontrolled and explosive growth—growth for its own sake—which has typified much of our development—residential, commercial, and industrial—and dispoiled countryscape and cityscape alike. The Federal Government has recognized the need for a qualitative control of this enormous growth. However, with respect to highway beautification, its directives have not been followed.

Under S. 2084, if a State does not use the 3 percent for beautification purposes, it will not be able to use the money at all. Thus, States will have a strong incentive to use the money for the enrichment and enhancement of the scenic countryside. By improving the quality of our vast highway network and preserving intact the primordial beauty of this country, we are preserving our natural heritage for our own and future generations.

The American people have now accepted the fact that the preservation of our Nation's great natural beauty and the enhancement of our artistic, intellectual, and cultural life are related priority items of great national concern.

We are determined to improve our natural and spiritual environment.

The conservation movement dates from the turn of the century and the administration of Theodore Roosevelt. Presidents Franklin Delano Roosevelt, John Fitzgerald Kennedy, and Lyndon Baines Johnson have continued this search for quality in our national life by stressing the need to preserve our natural beauty.

For the first time, President Johnson has led the Federal Government to the assistance of the artistic and cultural life of the Nation. At his behest, Congress this session passed the monumental Arts and Humanities Act of 1965.

Two other Government agencies, in addition to the Bureau of Roads, are already encouraging excellence of architectural design and artistic amenities to improve the urban environment. The Housing and Home Finance Agency allocates 1 percent of its construction budget for this purpose while the General Services Administration allocates one-half percent. This is a modest percentage, indeed, but a step in the right direction.

I hope that the precedent is soon established, that whenever the Federal Government contributes funds to States for construction purposes, whether it be for schools, hospitals, housing, or post offices, a high priority shall be placed on excellence of architecture and design, along with a modest budget, perhaps 1 percent of the development costs, for artistic and esthetic amenities.

Abroad, we often hear repeated the canard of the callowness and crassness of contemporary American culture. However, the creativity and vitality of our artistic, cultural, and intellectual community compares favorably with that of any other nation on earth. It is altogether fitting that we encourage this drive toward excellence by promoting the preservation of beauty in our natural environment as well as by supporting and stimulating the creativity of our artistic and cultural environment.

The passage of S. 2084 will halt the despoiling of our countryside and vastly improve the quality of both rural and urban America. It is in the best traditions of this Nation that we preserve and enhance our priceless natural beauty—our virginal open space.

Let the motorist view the spacious skies, the amber waves of grain, the purple mountain's majesty, but, Mr. Chairman, let the motorist view these glories above the fruited plain—not above the frenetic chaos and ugliness of relentless miles of junkyards and billboards. I urge passage of this bill.

Mr. WALKER of Mississippi. Mr. Chairman, in reviewing this proposed legislation to beautify the Nation's highways, I find that, even though the idea of beautification is commendable, I must oppose the bill on the basis that it usurps the rights of the individual.

To own property in the United States is a basic right of every individual, but, Mr. Chairman, ownership is of no value whatsoever without the right of control over this property.

In the Soviet Union and other Communist-dominated countries, there is no such thing as property ownership. All property is owned and controlled by the state.

Mr. Chairman, the point I wish to make is this: It matters not whether the ownership of property is in the hands of the state or in the hands of the individual if the property is under the control of the state. I ask my colleagues, if we pass this legislation will we not be placing into the hands of the Secretary of Commerce what amounts to control over the individual's property?

We are actually giving the Secretary the power to tell a man that he can lease his property for a nightclub, or a pigpen, or a used car lot, or a gas station, but that he cannot lease it to a person who wants to build a sign or run a scrap metal business. Then next year, or the year after, some well-intended person will decide that it was not the signs or the junkyards that cluttered up our highways, but all of those pigpens and those nightclubs and those used car lots and those gas stations. "Well," they will say, "the Secretary already has the power to regulate the land in two areas, so it will certainly be all right to go on and give him the power to regulate it further."

This, Mr. Chairman, is not American—on the contrary, whenever Congress decides to restrict a man's use of his property, by mere legislation, then we might as well tell the property owner to turn over his deed of ownership to the state, because, without control, what good is ownership?

I sincerely urge my colleagues—consider our Constitution, what it stands for, and defeat this legislation before the "cancer of Federal control" gets further out of hand.

Mr. DYAL. Mr. Chairman, there has been a great deal of discussion during the debate on this bill concerning the different States. I am pleased to insert in the RECORD this day the following wire which has just been received from the Governor of the great State of California, the Honorable Edmund G. "Pat" Brown:

> SACRAMENTO, CALIF.,
> *October 6, 1965.*
>
> Hon. KEN W. DYAL,
> *House Office Building,*
> *Washington D.C.:*
>
> I am convinced S. 2084, the highway beautification bill, will contribute greatly to nationwide efforts to conserve and enhance the natural beauty of America, including California. I believe the effects of the bill will go far beyond its immediate apparent objectives. With Congress and the President leading Thursday, I believe that local jurisdictions, civic organizations, and private citizens will—more energetically than ever—take up the cause of preserving and enhancing the beauty of our countryside, particularly our roadsides. I strongly urge passage of this important legislation.
>
> EDMUND G. BROWN,
> *Governor of California.*

Mr. Chairman, this is excellent partnership legislation and I recommend its passage.

Mr. MORRIS. Mr. Chairman, I have had correspondence with constituents in New Mexico as well as their employers expressing concern that the economic livelihood would be threatened by the passage of S. 2084. I wrote to the Secretary of Commerce raising these questions with him concerning the administration of this bill if it becomes law and received the following answer, which I include as part of the RECORD at this point. I also talked with Mr. Rex Whitton, who is the director of public roads and asked if he agreed with the contents of the Secretary's letter and he answered that he did.

The letter follows:

> THE UNDER SECRETARY OF COMMERCE
> FOR TRANSPORTATION
> *Washington D.C., October 5, 1965.*
>
> Hon. THOMAS G. MORRIS,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. MORRIS: You have raised the question whether or not the proposed highway beauty legislation would result in either the extinction or serious damage of the outdoor advertising industry. I am pleased to advise you need have no such fear.
>
> The Secretary of Commerce has responsibility for fostering and expanding commercial activity within the United States. It is not his responsibility to put people out of business. The bill provides for reasonable regulation of outdoor advertising along the rights-of-way of the interstate and primary systems in this country. It does not involve the elimination of advertising on these two highway ssytems. It does not involve the vast mileage of the secondary and State road systems and it does not involve on-premise advertising.
>
> The outdoor advertising industry has stated its position as being that outdoor advertising is a legitimate business and should be permitted where business is carried on. The highway beauty bill follows that philosophy. It will continue to permit outdoor advertising displays to be erected and maintained in all commercial and business areas along the interstate or primary systems. The bill further provides that there shall be reasonable regulation of the size and spacing of signs within these areas by the States in agreement with the Secretary. The practical effect of this is that standard sized signs will be permitted on spacings so that motorists can read them. This will give them more value than many now due to congestion.
>
> The bill is a good bill. It will permit outdoor advertising concerns to profit and will at the same time permit the travelling public to travel along highways with orderly development and balanced areas of natural beauty and good advertising.
>
> Sincerely,
>
> ALAN S. BOYD.

Mr. HELSTOSKI. Mr. Chairman, I would like to add my support to the bill now being debated, although there has has been much criticism directed against the bill that it will not provide the means to beautify our highway system.

The criticism against this legislation is not valid and this measure should be passed by this House after a full and adequate explanation of this measure.

I am in full agreement with the President that our highways, ribbons of concrete across our Nation, should be scenic as well as a means of getting from place to place by the ever-increasing number of people who will drive over these highways within the next few years.

In order to achieve this result, the President has proposed four principal methods of achieving highway beauty. He has presented his views through bills which would provide for the strict control of outdoor advertising along the expanding Interstate Highway System and most of the primary highways in the States; screening or removing junkyards that are near these interstate highways or primary State roads; the use of Federal-aid highway funds to restore, preserve, and enhance the natural beauty adjacent to the rights-of-way; and the use of a portion of the Federal-aid secondary road funds for scenic and recreational roads.

Nature, if left alone, probably would make most land beautiful in time. Man is largely responsible for making it ugly, and man can make the land beautiful again—whether it be a small yard, street, subdivision, or the boundaries of our national highways.

Safety, conservation, beauty, as well as happier motoring and recreation, enter into the proper development of our roadsides. Despite the great achievements of highway officials and others, a general public awakening is needed to prepare for and provide the most efficient use of these roadside facilities.

The plant America program, sponsored by the American Association of Nurserymen, was launched on January 5, 1950, and immediately took cognizance of the need of highway landscaping. Meetings were arranged with landscape authorities and highway engineers to find economical methods of functional landscaping. The outgrowth was a report which outlined 10 purposes of highway landscaping.

The 10 proposals were as follows: to screen out, where necessary, blinding headlight glare of cars in opposing lanes; stop fast moving fars with little or no damage to their occupants; relieve monotony and lessen fatigue; delineate curves and serve as directional traffic guides; restore natural beauty; reduce traffic roar and serve as buffers to adjacent areas; screen off unsightly, distracting views; serve as natural snow fencing; control erosion on slopes; and provide rest areas.

Our rapidly expanding highway system will carry more and more Americans in the very near future. It is estimated that by 1980, 120 million Americans will be driving automobiles, driving quickly and conveniently to parts of the country which they might not otherwise have visited, seeing new vistas of natural beauty which they might not have had the opportunity to enjoy.

Under the legislation we are discussing today, the junkyards, the dumps, and the billboards will be banned from the immediate vicinity of the highways and interstate freeways and from the vision of the traveling public. These ugly scenes will not be permitted to mar the esthetic quality of the passing scene.

Beautification of the highway vista is of prime importance because it is along these 20th century roads that most of our travel will be taken in an easy and effortless manner.

American ingenuity has found new methods of steelmaking processes, making obsolete the mass of steel contained in old auto bodies and scrapped automobiles that spread out along our highways. It is these ugly scrap heaps that must be obliterated. But out of sight should not be out of mind, for it does not mean that it is out of existence. The dirt swept under a rug does not show on the surface, but it does make up an ugly hump to continually remind you that it is there. Legislation to ban these junkyards from our view should not remain with us as unfinished business, and action to clean up the junkyard mess should be enacted without any delay.

Further, the voluntary approach to billboard control has not come up to expectations, in fact one can say it did not work at all. Ever since 1958, States have been eligible for a bonus of five-tenths of 1 percent of the cost of their interstate highways if they agreed to regulate outdoor advertising. Only 20 States have entered into the needed agreements. Only eight have actually qualified for the bonus.

Since these voluntary efforts have not succeeded, the Federal offer of funds to curtail and discourage billboards along our highways are steps to which the Congress and the States should give much thought.

The speed of the modern day vehicle on modern freeways and highways does not permit the driver to obtain more than just a passing glance at the outdoor advertising skirting the highway. The advertising along roads leading into a city may have a legitimate value and may even be necessary, but along the vast open stretches of these thoroughfares there is no place for them, and the blight and ugliness which they create should be removed once and for all.

The beauty of America should be the concern of all of our citizens for it belongs to all of them. Commercialization of the beauty areas should not be permitted. The President stated that "the automobile is the central feature of American life," and there is no better place to begin or search for natural beauty than along the highways.

In this beautification program of the President, I believe that trees should play an important role in screening the obnoxious junkyards and blatant billboards. State forest nurseries probably would cooperate with the landowners adjacent to the highways to obtain this natural beauty.

The recommendations made by the President to beautify our highways has the endorsement of a vast majority of our American citizens and we in Congress must pay heed to this favorable reaction of our constituents to put this program into effect. I support the President in his efforts to beautify our highways and urge this body to adopt the pending legislation to accomplish this effort.

Mr. RHODES of Arizona. Mr. Chairman, I would like to place in the RECORD at this point the statement of policy which was adopted by the House Republican policy committee regarding the Highway Beautification Act of 1965:

REPUBLICAN POLICY COMMITTEE STATEMENT ON HIGHWAY BEAUTIFICATION ACT OF 1965

We strongly support the preservation and enhancement of scenic beauty. Traditionally, the Republican Party has sponsored and supported legislation which would conserve the natural resources of this Nation. In 1958, the Eisenhower administration submitted to Congress the first legislation initiated by any administration for the control of outdoor advertising signs adjacent to highways. This proposal resulted in the enactment in 1958 of the first, and now existing, Federal law for the regulation of billboards.

We believe that the Federal role should be broadened to include areas adjacent to our highways. However, this must be a properly conceived and realistic program. Unfortunately, S. 2084 does not present this type of program.

This bill is not the produce of careful, independent Congressional deliberation. It was ramrodded through the committee by spokesmen for the administration, who wielded the full power and influence of the White House. As a result, S. 2084 is replete with unworkable, unwise, and unfair provisions. It will unjustly and unfairly impose financial penalties upon many States and cause financial loss to many businesses, without providing for effective control of outdoor advertising signs and junkyards.

The ultimate cost of the program will not be known until January 10, 1967, when the Secretary of Commerce is required to submit a detailed estimate to Congress. However, for openers, S. 2084 does authorize $320 million for fiscal years 1966 and 1967.

We believe that great harm is being done to our country when Congress permits itself to be pressured and panicked into poorly drafted legislation.

We want to make this a good bill. Properly drafted, it could play a vital role in the beautification of areas adjacent to our Nation's highways. However, there must be adequate legislative standards for the delegation of authority to the Secretary of Commerce and appropriate safeguards to protect the interests of the States and local governments, as well as the many businesses and landowners who will be vitally affected.

We deplore the haste with which this bill was shoved through the committee and the slipshod, discriminatory, and ineffectual legislation that has resulted. We hope that S. 2084 will be substantially amended on the floor of the House so that it may be made into a good and workable bill which will merit widespread support, not only in Congress but throughout the country.

Mrs. GREEN of Oregon. Mr. Chairman, following are two letters I have received from the State highway engineer of Oregon. I am confident that he also places great value on the beautification of our highways. This is unquestionably a worthy goal and one which I wholeheartedly support. Therefore, my reservations on the bill before us today are not in any way an indication of opposition to that central purpose, but rather a realization that the manner in which we are attempting this not only does not guarantee that the purpose will be achieved, but in fact that it may be harmed. It is my observation that this bill will actually undue much of the good work which has been done under the impetus of the bonus payment provision of the 1958 Federal Aid Highway Act, in spite of the shortcoming of this particular plan itself. In addition, I do not feel we have given sufficient consideration to the tremendous problems this legislation would create for the States. It has been reported that as many as 18 States, Oregon included, might have to amend their State constitutions within the next 2 years in order to avoid the penalties under this bill. To create such an emergency situation with knowledge that a majority of the State legislatures meet only every 2 years does not seem justified. I feel that the objections of the Oregon State highway engineer are reasonable and ones which, if met, could contribute to a sound and valuable program. I submit his letters at this point in the RECORD:

STATE OF OREGON,
STATE HIGHWAY DEPARTMENT,
Salem, Oreg., September 22, 1965.

Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.
Hon. MAURINE NEUBERGER,
U.S. Senator,
Senate Office Building,
Washington, D.C.
Hon. EDITH GREEN,
U.S. Representative,
House of Representatives,
Washington, D.C.
Hon. AL ULLMAN,
U.S. Representative,
House of Representatives,
Washington, D.C.
Hon. ROBERT B. DUNCAN,
U.S. Representative,
House of Representatives,
Washington, D.C.
Hon. WENDELL WYATT,
U.S. Representative,
House of Representatives,
Washington, D.C.

LADIES AND GENTLEMEN: It has come to our attention that Senate bill 2084, which refers to highway beautification, contains some features that would be extremely awkward for the State of Oregon.

We understand that this matter is now being debated in the House and that no final determination has been made; however, it appears that if the States do not conform to the provision of the bill they will, in effect, be fined 10 percent of their Federal-aid grants (total funds about $65 million). In Oregon, this amounts to about $6½ million annually, which, to say the least, is an extremely severe penalty. We understand that a provision is being debated that would allow the Secretary of Commerce to grant waivers of compliance for good cause, but that there is a strong possibility that this waiver feature will be removed from the bill. The time for compliance is presumed to be January 1, 1968.

In order to comply with the terms of the bill, it would be necessary for the States to buy or condemn signs, and possibly junkyards, and to also condemn the property rights on strips of land 660 feet wide lying on either side of the right-of-way on interstate and primary highways. It is the opinion of our attorneys that, in Oregon, our constitution would prevent us from doing this with motor vehicle trust funds. While general fund moneys could be used, I seriously doubt the practicability of this approach. We are told that this is true in other jurisdictions.

In order to change the constitution in Oregon, it requires a majority vote of both houses of the legislature and an affirmative vote of the people. The next regular session of the legislature is in 1967; therefore, the timing to meet the demands of the Federal Government would be extremely critical to say nothing of the fact that the Federal Government would be using extremely severe penalties to impose its will on the States. While many people favor the elimination of billboards, many do not; in fact, the voters of Oregon recently turned down a proposal eliminating billboards.

The cost of complying with the Federal regulations in both Federal and State funds would be very substantial and would undoubtedly have a serious effect on slowing down much-needed highway construction in order to find funds for this new departure. The proposal is that Federal funds could be used on a matching ratio with State funds on the basis of 75 percent Federal; 25 percent State.

As this radical change in Federal-State relationships can have such extremely drastic repercussions in Oregon, I felt that I should call this matter to your attention, so that our interests may be considered.

If the bill contained a waiver clause where State constitutions did not allow compliance and time was given to work out some less drastic procedure, it would be extremely desirable as the alternates that could occur under the bill would impose extremely serious sanctions on roadbuilding in Oregon.

Very truly yours,
Forrest Cooper,
State Highway Engineer.

State of Oregon,
State Highway Department,
Salem, Oreg., September 28, 1965.

Hon. Wayne Morse,
U.S. Senator,
Senate Office Building,
Washington, D.C.
Hon. Maurine Neuberger,
U.S. Senator,
Senate Office Building,
Washington, D.C.
Hon. Edith Green,
U.S. Representative,
House of Representatives,
Washington, D.C.
Hon. Al Ullman,
U.S. Representative,
House of Representatives,
Washington, D.C.
Hon. Robert B. Duncan,
U.S. Representative,
House of Representatives,
Washington, D.C.
Hon. Wendell Wyatt,
U.S. Representative,
House of Representatives,
Washington, D.C.

Ladies and Gentlemen: At its regular meeting, this date, the Oregon State Highway Commission reviewed the matter of Federal legislation re highway beautification (S. 2084), which was the subject of my letter to you dated September 22.

The commission asked that I inform you of its opposition to the features of the bill, making compliance mandatory or subjecting the State to a fine or reduction in Federal-aid grants in the amount of 10 percent under the advertising features and an additional 10 percent under the junkyard features.

The best information available at this time indicates that, in order to comply with the Federal legislation, a change in the statutes and in the constitution would be necessary. Also, it is completely impossible to acquire sign rights on the thousands of individual properties by the dates established in the bill.

Very truly yours,
Forrest Cooper,
State Highway Engineer.

Mr. DUNCAN of Oregon. Mr. Chairman, the beautification of our highways, and indeed, all of our lands, is an objective with which few can quarrel. However, the legislative vehicle before us today to accomplish this leaves me in somewhat the same dilemma as Emily Dickinson must have found herself when she wrote:

> I died for beauty, but was scarce
> Adjusted in the tomb,
> When one who died for truth was lain
> in an adjoining room.
>
> He questioned softly why I failed?
> "For beauty," I replied.
> "And I for truth—the two are one;
> We brethren are," he said.
>
> And so, as kinsmen met a-night,
> We talked between the rooms,
> Until the moss had reached our lips,
> and covered up our names.

While the illusiveness of our objective should not dissuade us from pursuit, our congressional mandate does not include tilting at windmills. The passage of this bill will create more problems than it attempts to solve. In effect, we are asked to provide authority for a scenic easement, 268,000 miles long, and from 1,320 to 2,000 feet wide, and at a cost that no one can reasonably estimate. With so many unmet needs in the areas of water pollution, education, and other human needs, with the demands of national defense soaring, I cannot support an open-end authorization for funds such as I deem this bill to be.

The outdoor advertising industry is an important one, employing thousands of people, and in many instances, filling an important function. The beautification of our highways is nevertheless a reasonable and desirable objective. It is possible to reconcile this objective and recognize the legitimate functions of the industry. This bill does not do it.

The State of Oregon several years ago adopted a program of highway advertising control, which provided for the establishment of certain scenic areas. Although there is probably room for additional improvement, it is a program that has worked reasonably well.

Oregon highways are constructed and maintained by a dedicated motor vehicle trust fund. It is the opinion of attorneys for the highway department that the Oregon constitution prohibits the use of these funds for the purposes of this bill. A change of the Oregon constitution requires approval of both houses, and an affirmative vote of the people. The Oregon legislature does not meet until January of 1967. If Oregon cannot comply with the time requirements of the bill, and it does not appear that it can, it will mean a loss of not less than $6.5 million and possibly $13 million in Federal highway funds to the State—a loss that Oregon, and those States in similar circumstances, can ill afford.

While Oregon could comply financially by an appropriation from its general fund, the pressures for education and other general governmental services, together with the usual constricted sources of the State general fund, make this impracticable.

We cannot move blindly in the pursuit of beauty. Additional information, thought, and debate is not only needed, but is mandatory if we are to arrive at a satisfactory result. An ill-conceived, poorly drafted bill is no substitute.

Mr. ROBISON. Mr. Chairman, this is a rather discouraging sort of debate we have been listening to—one in which no one really seems to be too interested, judging by the attendance, and one which has not really shed very much light on the true dimensions of the measure before us, S. 2084, better known as the Highway Beautification Act of 1965, and also better known, at least in Washington circles, as the "President's wife's bill."

I think Mrs. Johnson is a fine and gracious lady, and I would like to help her since I do not particularly like billboards any more than she evidently does.

In this respect, Ogden Nash probably put it better than either of us could when he penned these lines of verse:

> I think that I shall never see
> A billboard lovely as a tree,
> Perhaps, unless the billboards fall,
> I'll never see a tree at all.

I also agree with Mrs. Johnson that automobile junkyards are unsightly nuisances, and that—if we do not begin to plan on doing something about them—they threaten to engulf whatever remains of that portion of our roadside scenery we can glimpse between the billboards.

However, there is still a mighty big question in my mind as to whether or not this "forced draft" legislation—as the gentleman from New Hampshire [Mr. Cleveland], so aptly calls it—is the proper way to get at these two particular problems. I have concluded that S. 2084—in the form of which it is now before us—is not that proper way, although I had hoped perhaps it would be amended here, today, in enough respects so that I could vote for it. I hoped that would happen, because I support the basic goals we are aiming at, but the record of this Congress, so far, did not lead me to be optimistic about our ability to be objective, or our willingness to try to reach a reasonable consensus of our own right here in this Chamber rather than to accept whatever draft language may have been handed down to the Public Works Committee from some outside source no matter how powerful or persuasive.

I am also frankly worried about the cost of this legislation, Mr. Chairman, especially since no one has been able to tell us what its ultimate cost may possibly be after this and the succeeding fiscal year's $320 million is used up. Someone has to worry about this, Mr. Chairman, for as we move forward into the Great Society—which is now to also be a billboardless society—it is apparent that we are starting an awful lot of programs almost all of which have a substantial, built-in growth potential. Many, if not most, of those programs—some of which I have supported and some I have not—have, at least in my judgment, a far higher priority than that which can presently be assigned to this bill, no matter how lofty its purpose and how attractive its chief sponsor.

Somehow, I am reminded of a bit of doggerel, the lines of which I am uncertain of, but which went something like this:

> Bill had a billboard,
> Bill also had a board bill.
> Bill had to sell his billboard,
> In order to pay his board bill.
> Now Bill doesn't have any board bill,
> But neither does he have a billboard.

I probably haven't gotten that quite right, but my point is that I gravely doubt that we can conduct a war in Vietnam plus a whole series of wars on such things as poverty, ignorance, and disease, as well, along with a war on such as billboards for, if this antibillboard bill ever becomes law and its ultimate cost escalates as it seems likely to do, we may not have anywhere near as many billboards, but we are sure going to have a whopping big anti-billboard-bill bill—if you follow me.

As for me, right now, I would rather put my money, and that of the taxpaying citizens I endeavor to represent, behind the effort to win some of these other wars in which victory seems far more urgently needed now than here. If we should be foolish as to try to do everything and anything all at once; we might end up losing not just our billboards but our shirts as well.

Mr. BURTON of California. Mr. Chairman, the passage of S. 2084, the Highway Beautification Act of 1965, by this House this morning will be a victory for those who seek to preserve the natural beauty of our country.

It is a legislative triumph for the Congress and a reflection of our support of the "Keep America Beautiful" program to which our First Lady, Mrs. Johnson, has devoted her time and energies. She is to be commended for the leadership which she has displayed in this program to retain the natural beauties of our country. She has earned the gratitude of the entire Nation, for the passage of S. 2084 will be a triumph for the Nation.

Mr. DORN. Mr. Chairman, may I congratulate and commend Mr. KLUCZYNSKI, the illustrious and able gentleman from Illinois for his herculean efforts in bringing this bill before the House today. I wish to commend my great colleague, Mr. FALLON, chairman of the full committee. They have done a magnificent job to bring this bill so promptly before us.

Mr. Chairman, I wish to commend also the staff of the Committee on Public Works. They have worked day and night, 7 days a week, to bring major and important legislation before the Congress time and time again this year. I have never known a more dedicated, patriotic, and loyal group of men and women than the staff of our Committee on Public Works.

Mr. Chairman, I supported this bill in committee, and I support it today. I live on a highway where my neighbors and I for many years have made every effort to beautify the roadside. For too long rural America has been kicked around by thoughtless individuals who dump trash, beer cans, and whisky bottles into our shrubbery and grass along the highways we have nurtured and cared for in order to improve the looks of our communities.

We have laws against littering our highways. Now it is time to curb those who would depreciate rural property with junkyards and trashpiles. I believe in States rights, local community rights, and individual rights, but no individual, community, State, or even the Federal Government has the right to mar the beauty of our landscape or to depreciate the property of others. Democracy and individual freedom in order to survive must be disciplined and restrained. The time has come for America to discipline itself and eliminate eyesores and unsightly objects along the highways of our country. This bill will aid our people to improve their communities and make America a more beautiful and healthy place in which to live.

Mr. CALLAWAY. Mr. Chairman, I am concerned that the bill under consideration bears the misleading title "Highway Beautification." The impact that this bill is bound to have on travelers, motorists, State governments, private commercial and industrial enterprises is conveniently hidden behind these high-sounding words. The implication of the words would lead us to believe that anyone opposed to the bill is opposed to beauty. Nothing could be further from the truth. I do not think there is an American alive today who is actually opposed to enhancing beauty in any part of our Nation—including our highways.

For my own part, I have spent much of my life in an enterprise dedicated to the very idea of beauty. The founding of this enterprise was my own father's greatest achievement, and his sole purpose was to create a place where Georgians could enjoy the natural beauty of our State. Why would I or any of my colleagues now stand in opposition to beauty? Clearly I would not oppose any reasonable plan for highway beautification, but I do oppose a law saying remove the signs and junkyards at any cost to anyone—or else. I do oppose a bill that in the name of beauty, creates a wealth of problems, and takes no steps to solve them. I refer to mandatory withholding of funds even when a State cannot comply for complicated constitutional reasons. I refer to the removal of signs giving necessary and valuable information to the traveling public. And I refer to the elimination of signs, displays, and devices which will no doubt lead to the bankruptcy of thousands of small businesses which are dependent upon the patronage of highway users for their existence. These are only a few of the unsolved problems inherent in the bill. But these factors, coupled with the mandatory "or else" tenor of the bill, lead me to oppose it on the ground that there is very little that is beautiful in this legislation.

Mr. KLUCZYNSKI. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the substitute committee amendment now in the bill will be considered as an original bill, and read by titles instead of by sections for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. Section 131 of title 23, United States Code, is revised to read as follows:

"§ 131. Control of outdoor advertising

"(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

"(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States.

"(c) Effective control means that after January 1, 1968, such signs, displays, and devices shall, pursuant to this section, be limited to (1) directional and other official signs and notices which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning the lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located.

"(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.

"(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

"(f) The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

"(g) Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays, and devices—

"(1) those lawfully in existence on the date of enactment of this subsection,

"(2) those lawfully on any highway made a part of the interstate or primary system on or after the date of enactment of this subsection and before January 1, 1968, and

"(3) those lawfully erected on or after January 1, 1968.

The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

"(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

"(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

"(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

"(i) In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable.

"(j) Any State highway department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State highway department shall be entitled to such payments unless the State maintains the control required under such agreement or the control required by this section, whichever control is stricter. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

"(k) Nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

"(l) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full years after the date of such apportionment or reapportionment as the case may be.

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, and not to exceed $20,000,000 for the fiscal year ending June 30, 1967. No part of the Highway Trust Fund shall be available to carry out this section."

SEC. 102. The table of sections of chapter 1 of title 23 of the United States Code is amended by striking out "131. Areas adjacent to the Interstate System," and inserting in lieu thereof "131. Control of outdoor advertising."

Mr. KLUCZYNSKI (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that title I be considered as read and open for amendment at any point.

Mr. CRAMER. Mr. Chairman, I reserve the right to object. Mr. Chairman, I think this bill is sufficiently short and sufficiently important and it would not take too much time to read. I think it ought to be read, and therefore, I object to the request.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: On page 15, line 7, after the period insert the following sentence:

"Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State."

Mr. WRIGHT. Mr. Chairman, this is a simple waiver, offered in an attempt to be helpful to the States.

The language contained in my amendment appears precisely and verbatim in the bill passed by the other body. So that adoption of this amendment would bring our bill into conformity with the bill passed by the other body. Its purpose is to give to the Secretary of Commerce a discretionary right to waive the withholding of funds from any States that might have legal or constitutional difficulties in complying effectively with the provisions of this act. It gives to him that authority whenever he finds it to be in the public interest to give the State additional time.

I do not believe it would be objectionable to either side of the aisle and I believe it would remove some of the fears and concern that exist in the minds of some of the States with regard to their legal authority to comply with the act.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER as a substitute for the amendment offered by Mr. WRIGHT: On page 15, line 7, following the period insert: "If a State, for good cause shown, is unable to control outdoor advertising signs, displays, or devices consistent with this section, the Secretary may suspend the application of this subsection to such State for such periods as he finds necessary, if he determines that such suspension is in the public interest."

Mr. CRAMER. Now, Mr. Chairman, the difference between the amendment and the substitute—and I admit the amendment offered by the gentleman from Texas is of some substance—is that the substitute sets some kind of standards which the Secretary will have to acknowledge in exercising this discretion. Is he going to give the Secretary blanket discretion? If you want to do that, adopt the amendment which has been offered by the gentleman from Texas and vote against my substitute amendment.

But, if you want the decision to be made on the basis of whether the States "for good cause shown" have tried to make a good-faith effort to conform to all the requirements in the law, then adopt my substitute. Then, the Secretary will have some guidelines as to how he is going to exercise this discretion and therefore you will vote for the substitute.

Of course, Mr. Chairman, this is one of the crucial amendments. It is interesting to me that we offered this amendment in the committee. It was summarily turned down. However, the trouble with the amendment being proposed at the present time is the fact that the States do not have adequate safeguards as are defined in the substitute. This is one of the crucial amendments. This is one, obviously, that it was our intention to offer in the first instance, because it is important that the States not suffer a 20-percent complete cutoff by the decision of the Secretary if they have made a good faith attempt to comply.

Mr. Chairman, the issue is very clear. Do you want some tests and some guidelines to be written into the exercise of that discretion or not? If you do, you will vote for the substitute. And, what is this language?

If a State, for good cause shown, is unable to control outdoor advertising signs, displays or devices consistent with this section, the Secretary may suspend the application of this subsection to such State for such periods as he finds necessary, if he determines that such suspension is in the public interest.

The public interest, Mr. Chairman, is the same as the public interest involved in the amendment offered by the gentleman from Texas. But the purpose of the substitute is to set some kind of standards so that the Secretary cannot act arbitrarily and so that there will be guidelines which will be guidelines to the States if they for good cause attempt to control these practices, but because of their statutes or the necessity for constitutional amendment, or if the court has not made these condemnation decisions in time enough to get the boards off physically by 1970, then the Secretary can waive the withholding provisions.

The issue is very simple. If you want a standard written in, to guide the Secretary and to protect the States, you will vote for the substitute. If you want to give the Secretary broad blanket authority, then you will vote for the original amendment. I strongly urge you to vote for the substitute.

Mr. EDMONDSON. Mr. Chairman, I rise in opposition to the substitute and in favor of the amendment offered by the gentleman from Texas.

Mr. Chairman, to get right down to it, there is not 25 cents worth of difference between the amendment offered by the gentleman from Texas and the substitute offered by the gentleman from Florida. Both of them place in the Secretary discretion that is needed to suspend this withholding when he feels it is in the public interest to do it.

However, in that 25 cents worth of difference there might be a situation when it was in the Federal interest to withhold, even though the State was not seeking it. That is a conceivable situation that could arise in connection with the withholding situation.

There might be a case where there was a defense highway about which there was some discussion a minute ago and the operation of withholding would not permit the construction of a unit in the defense system.

In such a case the Secretary might want to act without any showing by the State. Aside from that there is not much difference.

The gentleman from Florida is trying to give us the impression the 20-percent cutoff can result when we have the plain language in the letter from the Under Secretary of Commerce that 10 percent is the ceiling, that no cutoff will be enforced under this provision.

I hope the substitute will be defeated and that the amendment which was adopted by the other body will be acceptable to this body and that we can thereby expedite final action of the Congress on this bill.

Mr. PELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to express my appreciation to the gentleman from Texas, also to the gentleman from Florida [Mr. CRAMER] for recognizing the need of giving the Secretary this discretionary power. I think this is a good and a necessary amendment and I intend to support the Cramer amendment. If that fails I shall support the amendment offered by the gentleman from Texas.

I appreciate very much this amendment having been offered and I do ask that the members of the Committee accept it.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Florida [Mr. CRAMER].

The question was taken; and on a division (demanded by Mr. CRAMER) there were—ayes 42, noes 105.

Mr. CRAMER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. CRAMER and Mr. WRIGHT as tellers.

The Committee again divided, and the tellers reported that there were—ayes 49, noes 121.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. WRIGHT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CRAMER: Page 15, strike out line 21 and all that follows through and including line 9 on page 16, and insert in lieu thereof the following:
>
> "(d) Notwithstanding any provisions of this section, signs, displays and devices may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or which are not zoned under authority of State law but are determined to be used, or are designated for use, for industrial or commercial activities, in accordance with provisions established by the legislature of the State, which provisions shall be consistent with the criteria and requirements generally applicable to the zoning of real property for industrial or commercial purposes within the State."

Mr. CRAMER. Mr. Chairman, I am glad to see that the majority has made one of the concessions which the minority felt was essential. There are a number of others. In order to try to write a good bill, I hope that the same attitude will prevail relating to the other constructive amendments as was demonstrated in relation to the amendment just adopted in principle.

As I said before, our objective on this side is to try to write a bill that will do the job without penalizing innocent States. An amendment has now been adopted which will, to some extent, help.

Second, we should make sure that the Federal Government does not inject itself into areas that properly belong to local authorities and areas in which the Federal Government itself never intended to get into, according to the bills introduced at the outset by the spokesman of the administration, never intended to be involved, as evidenced by the bill voted out by the Senate committee, and never intended to be involved until the last minute of consideration and deliberation of the pending bill.

This is one of the key amendments, and I hope that it will be understood. It appears obvious that we are going to ramrod this bill through tonight. That is, the leadership is going to try to ramrod it through and make it difficult to give serious consideration, under pressure of the visit to the White House, beginning supposedly an hour and 45 minutes from now, to the bill. I do not know how other Members are planning to go home, pick up their wives, take care of changing their clothes, and so forth. Obviously, it will be a problem. But I guess those are the orders. I would hope that at least the Members would understand that the amendment is a critical amendment. Those of you who do not care and who wish to rubberstamp what the administration says it wants will not have to listen.

But those who are concerned about the rights of the local communities to retain their zoning powers, those who wish to regulate signs on a reasonable basis and not a dictatorial Federal basis, and those who want to retain the rights of the small businessman—the motel owners, the hotel owner, and the restaurant operator who is not on the highway—to preserve his livelihood, will vote for the amendment.

For those of you who want to give the administration everything they ask for, up to these last demands, the bill as originally introduced would not have given the authority to the executive branch to determine standards and areas zoned industrial and commercial. This amendment would keep them out of it and let the States set the standards. That is what the administration said it wanted.

What did the other body have to say about this in its committee report? Let us take that for "bible," if Members do not wish to take my word.

I quote from page 6:

> It is the committee's opinion that this is primarily an issue of land use—

Do not mistake that. If you want the Federal Government to zone in your local cities for land use, then vote against my amendment—

> land use, which should not be left to an administrative decision. It is an extension of the concept of zoning and therefore more appropriately belongs to the same authority—

That is, the legislatures of the States—

> the committee believes that the State legislatures, because of their more detailed knowledge—

This is the reason for it. The Senate committee believes—

> that the State legislatures, because of their more detailed knowledge of the topography and land use patterns of the States are in a better position to define any industrial and commercial area for the respective States than is the Secretary of Commerce.

That is what the Senate committee had to say about the amendment which I am proposing. This is the language of the bill as asked to be introduced by the administration. This is the bill on which we held hearings. It is similar to the amendment I am offering.

I believe this is pretty serious business. Perhaps I am an old-fashioned constitutionalist who believes certain authorities ought to be retained under the States and local communities, and certainly the right to zone is one. That is why I am concerned about this.

The administration recognized that that authority ought to be retained in the local communities when initially the legislation was introduced. We at no time held hearings on the question of whether the Federal Government ought to set standards for areas zoned industrial or commercial, and this amendment would return to that language in principle.

Mr. EDMONDSON. Mr. Chairman, I rise in opposition to the amendment.

Let me begin by saying that I know there are others here who share the concern of the gentleman from Florida about the propriety of being late to an event at the White House, and I am quite sure, although I have not discussed the matter with the President or anybody at the White House, that this is a matter on which they might appreciate our staying on the job for awhile, and they might be willing to overlook our being a few minutes late if we are able to get this bill passed.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me assure the gentleman from Oklahoma that we are going to continue to offer these constructive amendments. We intend to demand a vote on all of them, so that the record will be clear.

We regret very much that this will unfortunately take some time. It may result in a number of people being late at the White House, but we believe our job is to see that the record is built, and we will be happy to help the gentleman build it.

Mr. EDMONDSON. I believe there is wholehearted agreement on that desire to do a workmanlike job on the bill.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Ohio.

Mr. HAYS. I believe it is fair to point out that the definition of "constructive" apparently belongs to the gentleman who used it. When he says we are going to have a vote on every amendment, it seems to me to shed some doubt on how constructive they want to be.

The House can work its will. If somebody gets up and moves to set a time limit—say, 7 o'clock, on all amendments to the bill—and the majority votes for it, I suppose the delaying tactic would then be slowed down.

Mr. HALLECK. Mr. Chairman, will the gentleman yield? You cannot limit time on the whole bill until it has all been read, and it has not been read.

Mr. EDMONDSON. Mr. Chairman, I certainly concur. There is no provision under this rule under which we could cut off debate on the later titles, and there is no desire on the part of the committee to do anything of that kind.

This is a very substantial amendment that has been offered by the gentleman from Florida. Mr. Chairman, I would like to ask unanimous consent to proceed for 2 additional minutes on that particular amendment because of the diversion that we had at the start.

Mr. CRAMER. Mr. Chairman, reserving the right to object, and I shall not object, I would hope our not objecting to this and the gentleman asking for the time would clearly indicate that we are not the ones who want the delay. The gentleman is the one who wants the extra time. I am not going to object to the request, but I just want the RECORD to be clear that we were not asking for the extra time, but the gentleman was.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma.

There was no objection.

Mr. EDMONDSON. Mr. Chairman, this amendment is as important an amendment as will be offered to this bill this evening. I think it should be understood very clearly that what is being sought here are two different things in this amendment. In the first place, they are seeking a definition of zoning powers that is not necessary insofar as the bill is concerned as to the actual zoning of areas for industrial and commercial use, because the Secretary of Commerce made it very clear that we are not seeking in any way to interfere with the State authorities rights actually to zone for industrial and commercial use. It is clearly spelled out in the existing bill and it does not seek to interfere with it in any way. However, they would also like to have the right to designate not by actual zoning, but by some other not very well defined method, industrial and commercial activity areas which are not zoned and to free them from any type of control under this bill. That is the first thing they are trying to do. Now, believe me, that gets right to the heart of one of the major objectives of this bill.

The second thing that they fail to do in their substitute language is to declare any kind of policy or any kind of guidelines for control as to size or lighting or spacing even by State authorities. They are not only trying to knock out the requirement in this bill for the Secretary of Commerce to come to an agreement with the States on standards with respect to lighting, spacing, and size, but they do not want even to declare a policy of having some limits on lighting, spacing, and size standards which the State authorities would impose. They want to have absolutely uncontrolled and unregulated, insofar as this bill is concerned, use of all commercial and industrial zones plus any other area that the State or any agency of the State might determine was an area of industrial and commercial activity. Under that any little vegetable stand out on the open highway could be a location, if a State wanted to do it unilaterally, for any number of billboards that wanted to go along that line. I say to you that if you adopt this amendment in this body, it cuts the heart out of this bill insofar as 75 percent of the people of the United States are concerned who live in the metropolitan areas and areas where you have commercial and industrial activity either zoned or not zoned. That is what it will do. Bear in mind that the Secretary of Commerce is not trying to end outdoor advertising, billboards, or commercial or industrial zones and is not trying to interfere with the rights of the States to zone for commercial and industrial purposes, but he does want to be in a position to negotiate an agreement in those areas with the States on reasonable regulations with respect to size, lighting, and space. That is what is sought.

In subsection (d) in its present form this is the language identical with the language passed in the other body. We believe keeping it in this bill will expedite the completion of the approval of this bill.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to make one point in connection with the substitute amendment offered by the gentleman from Florida to the amendment offered by the gentleman from Texas. The gentleman from Oklahoma stated in the discussion concerning the previous amendment and the substitute to it that they were as alike as two 25-cent pieces. That may be true and it may not be true. I think the amendment of the gentleman from Florida was better drafted. In addition, it had been offered to the committee and turned down as he stated.

The amendment had been mimeographed and ample copies were available; whereas the amendment of the gentleman from Texas arrived at the desk in a finely, well written hand; but the fact remains that it was "writ by hand" you might say and no copies were available.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield.

Mr. WRIGHT. Mr. Chairman, I should like to thank the gentleman for his comment on my handwriting.

Mr. CLEVELAND. It was fine handwriting, but it was sort of last-minute writing, if the gentleman does not mind my saying so.

This amendment that we are discussing now, for the information of the Members, we have 25 or 30 copies of it available at the pages' desk. I think it is important to make this point. There has been some criticism on the other side of the aisle to the effect that we are trying to delay. We are not trying to delay. These amendments were all carefully drafted days and even weeks ago before we even knew that there was any thought of running late tonight or that we would have to meet a social obligation. I think the remarks of the gentleman on the floor of this House that there is any attempt by the Republican Party here to delay are totally unfounded and totally unfair and in direct derogation of the legislative process.

These amendments were mimeographed. They were all offered in committee. The amendment just adopted by this Committee of the Whole had been suggested in our committee and turned down by the committee, and in anticipation of an enlightened debate such as we have had here today that amendment was mimeographed and ample copies were available for everybody. This is the legislative process. We are at work in the legislative process. I resent the implication or the inference that anything the Republican Party is trying to do today is not constructive. It is legislation. This is the legislative process.

We have copies of all these amendments. All of these amendments were prepared long days before we even knew the timing of this particular event. If there is an apology to be made to the Republican Party for the criticism that it is not being constructive under these circumstances I shall welcome such an apology. I think one is certainly forthcoming.

Mr. CRAMER. Mr. Chairman, will the gentleman yield for an observation?

Mr. CLEVELAND. I yield.

Mr. CRAMER. Mr. Chairman, I want to make sure that it is understood what this amendment does. There was never any suggestion by anyone until the last minute of the deliberations that the Federal Government should set standards in areas zoned industrial and commercial. They are not going to set standards relating to junkyards. They are going to permit them in industrial areas, without Federal standards.

If you are going to advertise anywhere on the highway without being restricted by the Federal Government the only place you will be able to advertise under this legislation is in areas zoned industrial or commercial without control of the Secretary, providing you adopt my amendment. If you want the Secretary to control each and every single area of advertising in America on the interstate and primary system, including those areas presently controlled by the zoning authorities in your local cities—and every one of them does it—and in those areas where the States have zoned industrial outside the cities—and there are a few counties that have such authority—then you will vote against my amendment. But if you want the States and local communities to retain that authority then you will vote for it. If you want all this authority to go to the Federal Government, then vote against my amendment.

I want it clearly understood that if you are going to have any advertising unfettered by Federal control in any areas in America, the only way you are going to have it is if my amendment is adopted. You can have it in areas zoned or used for industrial purposes as the States determine.

Mr. BLATNIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment which has been offered by the gentleman from Florida [Mr. CRAMER].

Mr. Chairman, I hope that it will not be necessary for me to use the entire 5 minutes allocated to me.

Now, Mr. Chairman, the gentleman from Florida brought out two points. In one of those points he intimated that there is some sort of arbitrary, dictatorial authority, and something new given to the Secretary of Commerce in this great joint effort in the highway program.

Second, he indicates that we are trying to establish standards for each and every piece of advertising.

I shall try to show how greatly exaggerated those two concepts are.

No. 1, Mr. Chairman, the Federal-aid highway system, and especially the Interstate System, is one of the finest achievements in the history of civilized mankind. In this program, Mr. Chairman, we have a Federal Government working together with 50 local State governments in a joint effort to come forth not only with a project of great magnitude, but with majesty which will serve for years to come.

Here, Mr. Chairman, is what has been done. They make a great big issue with reference to the difficulty in controlling advertising on our highways that have crisscrossed and recrossed the entire United States connnecting almost every major city of the country. They have determined route locations, the preparations of plans and specifications for complex engineering designs, the acquiring of rights-of-way which has meant that we have had to relocate thousands upon thousands of people, businesses, and industries, large and small; yes, and even schools, churches, hospitals, and cemeteries.

Mr. Chairman, there have been complex problems involved, including human emotions and human needs. When this project is completed as a result of this brilliant joint effort, respecting the rights of each other, and united and obtaining the maximum benefits of each, both on the State and Federal levels, we shall have an edifice which will last for years to come and which will take its place with any of the seven wonders of the world of ancient civilization.

At this point, Mr. Chairman, we say let us continue the same type of partnership operation, not to set standards, but to "promote the reasonable, orderly, and effective display of outdoor advertising, as determined by agreement between the States and the Federal Government." In short, this majestic and magnificent public undertaking by both the States and the Federal Government should further join together on an equal basis to protect our highways from encroachment by irresponsible interests which would tend to clutter up or to deface and abuse this great and important project.

So, Mr. Chairman, I strongly urge that today we have confidence in the operation that the record has clearly proven as to how beautifully the States and the Federal Government working in joint relationship has worked.

Mr. Chairman, I most strongly urge that this amendment would create great mischief and disrupt this beautiful working relationship between the States and the Federal Government.

The whole underlying concept under the Federal-aid highway legislation ever since the original Federal-Aid Road Act of 1916 is that the State highway departments initiate, recommend, and carry out the work, all subject to prior approval of the Secretary of Commerce. In other words, the State highway departments recommend routes to be placed on the Federal-aid systems, preparation of plans and specifications including design standards, engineering, acquire the rights-of-way, advertise for bids, let the contracts, and carry out the work. The Secretary of Commerce, under the law, approves each of these separate steps, and approves the work before any Federal reimbursement payments are made to the States.

Pertinent examples of the authority of the Secretary of Commerce under title 23, United States Code, are as follows:

Pursuant to section 103, the Secretary of Commerce approves the Federal-aid systems as recommended by the State highway departments.

Pursuant to section 104, the Secretary of Commerce apportions the Federal-aid highway funds.

Pursuant to section 105, the Secretary of Commerce approves programs or projects recommended by the State highway departments.

Pursuant to section 106, the Secretary of Commerce approves the plans, specifications, and estimates as recommended by the State highway departments for each project. Such approval by the Secretary, accompanied by a letter of authorization to the State to proceed, constitutes a contractual obligation of the Federal Government for the payment of its pro rata share of the cost of the project.

Section 109 provides that the Secretary of Commerce shall not approve plans and specifications for proposed projects unless they meet certain design and other standards. This section expressly provides that the geometric and construction standards for the Interstate System shall be those approved by the Secretary of Commerce in cooperation with the State highway departments. This section also provides that no Federal-aid funds shall be approved for expenditure unless certain safety standards have been met, as determined by the Secretary of Commerce.

Section 110 provides that the Secretary of Commerce and the State highway departments shall enter into an agreement for each project.

Section 112 provides for the approval of the Secretary of Commerce of each contract before it is awarded by the State highway department.

Section 114 provides that the State highway departments shall carry out the work under their direct supervision, subject to inspection and approval by the Secretary of Commerce.

Section 116 provides that the State shall maintain projects constructed, such maintenance to be to the satisfaction of the Secretary of Commerce.

Under section 121, the Secretary of Commerce makes reimbursement payments to the States when the work performed has been approved by him.

Section 131 provides for one-half of 1 percent bonus payment to States which control advertising along the Interstate System pursuant to "national standards to be prepared and promulgated by the Secretary."

Under section 133, the Secretary of Commerce approves relocation payments to persons who are required to move. Furthermore, the Secretary shall not approve a project until assurance satisfactory to him is given that relocation advisory assistance has been provided.

Section 315 authorizes the Secretary of Commerce "to prescribe and promulgate all needful rules and regulations for carrying out" the provisions of title 23.

Therefore, Mr. Chairman, I urge my colleagues to take note of the above cooperation between the States and the Federal Government and defeat this amendment.

Mr. KLUCZYNSKI. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, how many speakers are there who would like to speak on this amendment?

Mr. KLUCZYNSKI. Mr. Chairman, I amend my unanimous-consent request and ask that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. Glenn Andrews].

Mr. GLENN ANDREWS. Mr. Chairman, I am interested in the colloquy that took place earlier this afternoon about those States which have taken a restrictive view about outdoor advertising; namely, the State of Washington which was mentioned. The question was whether or not the State of Washington would be entitled under this bill to be stricter than the Secretary of Commerce indicated. Under this bill a State that is not interested in such strict controls will be under the thumb of the Secretary of Commerce especially without the amendment offered by the gentleman from Florida [Mr. Cramer].

It seems to me in reading this bill there is the possibility of two areas in which the language of this bill requires agreement; namely, that the Secretary of Commerce can with the State agree to standards of outdoor advertising within the zoned areas and the Secretary and the States can also have an agreement on extension of outdoor advertising outside the zoned areas.

My question is, What happens where the State does not agree?

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Chairman, I agree with the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. CRAMER. The answer to the gentleman's question is obvious. When the Secretary does not agree, the States would lose 20 percent of the money except on the basis of the discretion which was written into the section just a few minutes ago. But if the Secretary exercises that discretion as written in a minute ago to the effect there was no agreement and could be no agreement, the money would be lost.

I point out that the pending amendment is the amendment proposed in substance by the Senate committee before the pressure was put on and a new amendment was proposed on the floor. That is what the committee without pressure in the other body should have done, leaving discretion in the local communities for areas zoned industrial. If you want to have standards on all advertising, if you want the Government in all areas of advertising, then you will vote against my amendment. The Senate committee says it is an issue of land use which should not be left to administrative decision.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. Hall].

Mr. HALL. Mr. Chairman, I rise in support of the Cramer amendment. It simply conforms in the legislation we write here, in lieu of complete and appropriate committee action or that of the administration, to the stated and written word of the Secretary of Commerce. It protects the rural landowner who loses space for signs under control of county or State zoning laws, and at the same time those who provide directions to important sites, or farmers' signs concerning their own produce.

This would also protect the outdoor advertiser, the sign painter, and many others now properly employed and using private property.

I believe it an excellent amendment and suggest it be accepted by the managers on the part of the majority.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I will read further what the Senate committee said on page 6 of the Senate report in supporting an amendment practically the same as the one I proposed:

> It is the committee's opinion that this is primarily an issue of land use which should not be left to an administrative decision. It is an extension of the concept of zoning and therefore more appropriately belongs to the same authority—i.e., the legislatures of the States. The committee believes that the State legislatures, because of their more detailed knowledge of the topography and land use patterns of the States, are in a better position to define an industrial and commercial area for their respective States than is the Secretary of Commerce.

This is the amendment to the bill voted out by the Senate committee and before pressure was exercised, after evidence was heard and after that committee was given an opportunity, without being pressurized, of working its will.

This amendment has good, sound, practical background as being that proposed by the Senate committee itself when it was deliberating on this legislation and after it had heard all of the evidence.

I call your attention to page 10 of the bill as set forth in the Senate committee print of S. 2084 which contains that same language. This amendment has good parenthood.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. Don H. Clausen].

Mr. DON H. CLAUSEN. Mr. Chairman, today we have before us for consideration the highway beautification bill which is designed to enhance the scenic development and road beautification of our interstate and primary systems.

I strongly support the preservation and enhancement of scenic beauty. In too many instances, the highways of this Nation have become the recipients of junk, trash, and unsightly collection of scattered and uncontrolled debris.

I am proud to say that many of the counties of my district have taken the lead through the adoption of local zoning ordinances to adequately protect against destruction of the esthetic values of our countryside.

In 1958, President Eisenhower submitted to Congress the first legislation initiated by any administration for the control of outdoor advertising signs adjacent to highways. This proposal resulted in the enactment in 1958 of the first, and now existing, Federal law for the regulation of billboards. I believe the Federal role should be broadened to include areas adjacent to highways, particularly on the Interstate Highway System. Certainly we have a responsibility to take the lead in assuring unobstructed scenic areas contiguous to our highways, if we are to expect other political subdivisions to adopt similar beautification programs.

While I support the beautification program and the objectives of this bill, I will be supporting amendments that protect the small motel owners, resort owners, and small businessmen generally who are dependent on proper direction to their businesses. I shall also vote for amendments that protect the ability of State and local units of government to provide for their own zoning regulations.

Mr. Chairman, I ask unanimous consent that the remainder of my time be granted to the gentleman from New Hampshire [Mr. Cleveland].

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire [Mr. Cleveland].

Mr. CLEVELAND. Mr. Chairman, I think if the Members of this Committee will confine their discussions about the World Series and other social events that are taking place and will listen to this debate, they are going to find it instructive.

I want to pay a particular word of tribute to the distinguished gentleman from Minnesota [Mr. Blatnik]. Rarely if ever have I heard a finer and more eloquent discription of the greatness and grandeur of the Interstate and Defense Highway System. We are proud of it on our side of the aisle too of course, because that Interstate Highway System was started during the Eisenhower administration. But, gentlemen, he confined all of his remarks to the Interstate System. Mark you well that he confined his remarks to the Interstate System. But the legislation we are considering tonight concerns not only the Interstate System which already has some legislative protection from billboards in some States that have chosen to adopt it. We are also dealing here tonight with the primary system of highways. I just wonder how many Members of this House really know which highways in their districts are primary highways. A couple of gentlemen found out this afternoon and they came bolting out of their offices with amendments clutched in their hands and with speeches and with press releases hurriedly prepared. But there is going to be a day of reckoning for you people who think you may have been doing business with interstate highways only when you realize you have also included the primary system of your district. If you have any doubts about this, then—and mark this well—you will vote for the Cramer amendment because at least that will insure the primary system in your district will have the protection of the zoning laws and control adopted by your own State.

Before you vote on the Cramer amendment, either for or against it, ask yourself if you know in your own district which roads are covered by this legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CEDERBERG].

Mr. CEDERBERG. Mr. Chairman, I regret it is necessary to consider this legislation under the circumstances that we are tonight when it is obvious that Members had planned to go to the White House. Not only that, I think most of the Members were invited to meet Madame Chiang at the Chinese Embassy and now this will not be possible. I cannot see any reason why it is necessary that this legislation be completed tonight but I guess that is the decision that has been made.

Mr. Chairman, I rise in support of the Cramer amendment. I suppose the only thing we can say is as the majority leader of the other body indicated that it looks as if we are going to spend most of next year cleaning up the legislation that we passed this year anyway. So maybe next year we can come back and take a good hard look at this and maybe have a little more time to consider what this is going to do to the small motel operator and the small gas station man and the small businessman in resort areas who are right off the primary roads where they do not have an opportunity to tell their customers where they are located. In my State tourism is a very big business and unless the entrepreneur, whatever his business may be, can advise the people who are coming to our State to enjoy the attractions where he is located, then they are going out of business. Unless this legislation is substantially changed, it is going to give us some real problems so far as our State is concerned.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. KLUCZYNSKI].

Mr. KLUCZYNSKI. Mr. Chairman, this amendment offered by the gentleman from Florida hits the heart of the bill and just guts it. I am opposed to it and I hope it is defeated by a great majority vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The question was taken; and on a division (demanded by Mr. CRAMER) there were—ayes, 95, noes, 107.

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chairman appointed as tellers Mr. CRAMER, and Mr. KLUCZYNSKI.

The committee again divided, and the tellers reported that there were—ayes 113, noes 145.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. TUTEN

Mr. TUTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. TUTEN: On page 15, line 24, after the word "spacing" place a comma and add these words "consistent with customary use."
>
> And on page 16, line 7, after "Secretary" add this sentence: "The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes and the actions of the States in this regard will be accepted for the purposes of this Act."

Mr. CRAMER. Mr. Chairman, I ask unanimous consent that the amendment be reread. It was not possible to hear it. I also ask unanimous consent that the time of reading it not be taken out of the time of the gentleman from Georgia.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk reread the amendment.

Mr. TUTEN. Mr. Chairman and Members of the Committee, I rise as a member of the Public Works Committee, who has a real desire to support this bill. It is not my intention, Mr. Chairman, to consume time or to weaken the bill. It is my desire to cooperate with our great President and our lovely and gracious First Lady. Mrs. Johnson is rendering a wonderful service, and I know of nothing as pretty as a bird except a "Lady Bird."

The sign industries in my State, and yours, would like to support this bill subject to some modification of title I, section (d). They have great confidence in Secretary Connor, but they want some protection incorporated into the bill. I am using the Secretary's own language in my amendment.

As a result of questions raised in the committee, Secretary Connor wrote a letter to the Honorable JOHN C. KLUCZYNSKI, chairman of the Subcommittee on Roads. This letter appears on pages 4 and 5 of the committee report. On page 5 the letter states, and I quote:

> It is the intention of the administration that the regulations, insofar as they are consistent with the purpose of this act, shall be helpful to the advertising industry and that, for instance, standards of size which may be adopted would be insofar as possible, consistent with the standard size billboards in customary use.

My amendment makes the bill conform to the Secretary's intent in his own language. If we intend to conform to "customary use"—these are the Secretary's words—let us word the bill accordingly. The first part of my amendment—page 15, line 24, after the word "spacing" place a comma and add these words: "consistent with customary use."

On page 4 of the report in chapter 2 of Secretary Connor's letter, he says—and I quote:

> It should be kept in mind that, under the administration's bill, the States have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will, of course, be accepted for the purposes of this act.

If we contend that a State should be protected in the right to zone, let us word the bill accordingly. The second part of my amendment, page 16, line 7, after "Secretary." add this sentence:

> The States shall have full authority under their own zoning laws to zone for commercial or industrial purposes and the actions of the States in this regard will be accepted for the purposes of this act.

This does not take too much authority away from the Secretary. It makes it possible for most of us to support this bill without being unfair to the people back home.

Mr. Chairman, I urge you to support my amendment.

I urge you to vote for my amendment and join me in support of this bill.

Mr. EDMONDSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman who has just addressed the Committee is one of the ablest members of the Committee on Public Works and has made very constructive contributions to this bill on a number of matters. So it is with great reluctance that I rise in opposition to him on any matter. I am quite certain that in the major part of what he has offered there is nothing inconsistent with the position of the Department of Commerce as stated in the letter which appears in the report of the committee and as stated in a letter to the chairman of the full committee dated today, from Secretary of Commerce Connor, which makes it very clear:

> The Secretary is not granted authority under this bill to tell the States what areas may be zoned commercial or industrial under authority of the State law. This determination is entirely up to the States and the States will be free to exercise their traditional authority, under State law, to zone areas commercial or industrial.

So far as that particular part of the gentleman's amendment is concerned it conforms very precisely and exactly to what the Secretary's understanding of the bill is, and I see no particular harm in its adoption.

But the first part of his amendment would insert language in line 24 of page 15 "consistent with customary use" after the word "spacing" which is not on all fours with the Secretary's position.

The gentleman referred to the Secretary's letter as it appears on page 5 of the report. The Secretary in his letter stated that standards of size which may be adopted would be, insofar as possible, consistent with standard-sized billboards in customary use. I think it is his intention with reference to size to recognize that question and that difference in the different States and try to conform to the State practice.

But this amendment deals with questions of lighting and questions of spacing, absolutely vital, I think, to the proper implementation of this bill. Much more important than the question of size, when you get right down to it, is this question of spacing, because the matter of proliferation, of which the gentleman from Minnesota spoke so eloquently a little while ago, must be approached from the standpoint of spacing in these commercial and industrial zones.

The phrase which has been used by the gentleman from Georgia in his amendment would make customary use apply not only to size, but also to spacing and also to lighting, and it would greatly extend the intention of the Secretary of Commerce in connection with an orderly and effective administration of this bill.

Now, on that difference, I very definitely feel that this amendment should be rejected.

Mr. TUTEN. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. TUTEN. Mr. Chairman, I would like to say that I intended customary use to extend to other than the size.

Mr. EDMONDSON. I am quite certain that the gentleman said that. I am not attempting to say that he did something that he did not intend to do, but I do not think it is entirely fair, if the gentleman will forgive me, to say that this conforms exactly to the language of the Secretary as appears in his letter, when the Secretary's letter limits his commitment to standards of size and does not make a commitment with reference to customary use on spacing and on lighting. And these are vital questions in connection with the orderly development of this program.

Now, Mr. Chairman, the gentleman from Georgia has been completely straightforward with us throughout on this thing, and I am quite certain that he did not intend to mislead on this point. But I have personally read to him, as I have presented to you, this language and I feel that there should be an understanding on the part of the members of the Committee as it votes on this amendment, that this is not in accordance with the position of the Secretary of Commerce as it has been stated previously.

Mr. WRIGHT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as can be observed, there is disagreement on our side of the Committee with regard to this amendment. I do not believe there is disagreement really as to the intent or the purpose of the Congress in enacting this legislation, but primarily a disagreement as to whether this amendment which has been offered by our colleague, the gentleman from Georgia [Mr. TUTEN], a member of the Committee, is necessary.

If we are to accept the words contained in the letters of the Secretary of Commerce, the gentleman's amendment would not be necessary. But on the other hand, if we fully accept these words of the Secretary of Commerce as governing, then his amendment can do no harm. It might do some good. It might give some relief to the great concern and the fear that has been expressed here today that the Secretary of Commerce is getting broad, unrestrained, discretionary authority to determine sizing, spacing and lighting in an entirely new area of law.

Mr. Chairman, we asked the Secretary of Commerce and his representatives repeatedly in their appearances before our committee just what criteria they intended to use in exercising this discretionary authority, and their answer on every occasion was:

> That which is customary within the industry and which is in keeping with the standard and accepted practices in an area.

Therefore, Mr. Chairman, what harm does it do to write it into the law? This is what the Secretary says he intends to do. How can we harm the bill by writing it into the bill?

Mr. Chairman, I quote to you from the letter of the Secretary of Commerce in which he said:

> Standards which may be adopted would be insofar as possible consistent with standard billboards in customary use.

Now, Mr. Chairman, what is wrong with writing it into law? In regard to the other portion of the amendment, it is taken verbatim, word for word, from the Secretary's letter.

Let me quote again to you what the Secretary—no longer ago than yesterday—reiterated in this pledge. I quote from his letter:

> The Secretary is not granted authority under this bill to tell the States what areas may be zoned commercial or industrial under authority of the State law.

Mr. OLSEN of Montana. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Yes, I yield to the gentleman from Montana.

Mr. OLSEN of Montana. I just recall that a few moments ago the gentleman from Georgia asked the gentleman from Oklahoma to yield and said that he did not limit his amendment to customary use with respect to size. Well, what the gentleman has just read now from this letter of the Secretary of Commerce says, for instance:

> Standards of size which may be adopted would be insofar as possible consistent with standard-sized billboards in customary use.

The gentleman is in agreement with the gentleman from Georgia who offered the amendment?

Mr. WRIGHT. I do not understand what it is the gentleman is saying, but what I want to say is this: The Secretary of Commerce——

Mr. OLSEN of Montana. What I am saying, if the gentleman will yield further, is the gentleman from Georgia does not limit his amendment to standard size.

Mr. WRIGHT. Mr. Chairman, I yield no further. We have acknowledged that. The gentleman from Georgia has acknowledged that the Secretary of Commerce in regard to these other matters says he intends to comply with the standards, with the practice and customary use in these other areas too. There is no attempt to conceal or disguise that fact. What we are trying to do is to write the bill, as the gentleman from Florida said, not by letter but by legislation.

If it will remove any fear in the mind of any person that we are giving unduly broad, unrestrained authority to the Secretary to do something that is not even intended, if it will remove any fear concerning any future Secretary who might consider himself not to be guided or led by the present Secretary, let us adopt the amendment. Let us give him exactly what he says he wants and let us remove this unreasoning fear which I believe is unreasoning because I trust the Secretary of Commerce. The amendment itself does no harm, and it may do some good.

Mr. CRAMER. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, I wish to congratulate the gentleman from Texas. This, of course, goes a good way toward accomplishing what my amendment would have done. I was rather shocked at the reaction to my amendment which would have done a similar thing, only it would have gone further. Despite the fact that the letter from the Secretary said that is what he intended to do, that there would be no reluctance to writing it into the bill, if that is what he intends to do, let us say that is what he intends to do. A similar amendment was offered in committee and it was turned down summarily.

All this does is to state specifically in the proposed bill what the Secretary said he intends to do anyway. I cannot understand why the Secretary, the administration, or anybody else would be reluctant to accept language in the bill which they say they are going to accomplish by administrative action anyway. This will take a lot of the disturbing factors out of the legislation as it relates to areas zoned industrial or commercial. It does nothing with regard to areas used for industrial or commercial purposes.

I will have an amendment, if this is adopted, that would do the job the Secretary says he wants to do.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Missouri.

Mr. ICHORD. I want to know how far this amendment extends. Does this amendment apply only to the industrially and commercially zoned areas of the State? How about the rural areas? If this amendment is adopted would the State be able to establish zones where signboards may be permitted in rural areas?

Mr. CRAMER. It should be clearly understood that that is the point I am trying to make. This amendment only goes to what the Secretary said he wanted to do relating to areas zoned industrial or commercial. The amendment I shall offer to it will go the second step the Secretary said he wanted with regard to those areas outside of the areas zoned commercial. Here is what he says.

If we are going to do what he says he wants to do with regard to areas zoned commercial why not do what he says he wants to do with regard to areas not zoned? Why not give the farmer in America a break as well as those in the city areas?

Here is what he says he wants to do:

> The purpose of the administration language is to make sure that any zoned commercial or industrial areas along our interstate and primary highways will be designed on the same basis as those which are actually zoned.

They want the same standards, that is fine, but the way the bill is drafted, even with the pending amendment it will do nothing to give those rural areas an opportunity to have advertising based upon the same standards as those in the zoned areas.

He says further:

> The administration feels in order to avoid an obvious inequity those areas which are actually used for industrial or commercial purposes should be treated as if they were zoned for that purpose—

I am quoting the Secretary—

> which are actually used for industrial or commercial purposes should be treated as if they were zoned for such purposes.

My amendment will accomplish exactly that. Then we will not discriminate against rural areas but we will treat rural areas on the same standard that we treat the urban areas, as the Secretary says that he wants to do. Perhaps this is a lot more intelligent and explainable way to approach this than the way I was trying to use earlier. Let us take the Secretary's language. Let us take what he says he wants to do but let us write it into the bill and not leave it to his discretion. I will offer an amendment so that we do not discriminate against the farmers themselves in the rural areas if we are going to provide for the people in the urban areas.

Mr. HARSHA. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise at this time in support of this amendment. I would like to ask the distinguished minority member of the committee what occurs in the case that this language is not written into the bill and there would be a change of administration in the office of the Secretary of Commerce. Certainly under the language of the letter, this present Secretary of Commerce may be bound to a certain degree. This is also open to debate. But if there is a change in that office then a new Secretary of Commerce is under no restraint or binding obligation by a letter of the previous Secretary; is he?

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman.

Mr. CRAMER. The gentleman has raised a critical point in this discussion, and that is any time you put a letter in the report that only binds the person who writes the letter. This legislation will be on the books for years probably after this Secretary goes on to another job. We want to bind him. We want to instruct him. We want to legislate as to what his authority is and not put it in the form of a letter. If this is what the administration policy is then let us write it into the bill so that the future administrations will have the same instruction. You cannot do it otherwise.

Mr. HARSHA. If the letter of the Secretary's actually expresses the intent of the department it should be written into the law to bind not only the author of the letter but all future occupants of the office of Secretary of Commerce. The policy should be uniform and consistent and the only way tc assure that is spell it out in the law.

Mr. CLEVELAND. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, will the gentleman from Florida [Mr. CRAMER] inform me if his amendment will be to this amendment or will it be an additional amendment after this amendment is acted upon.

Mr. CRAMER. The only way that I know that this can be intelligently approached, I will say to the gentleman, is to take the amendment offered relating to rural areas. The gentleman's question is a good one and I think it should be understood as to what is going to be proposed. The gentleman's amendment which is a good one relates to areas zoned industrial or commercial and it is what the Secretary says he wants to do in the cities.

My amendment will do exactly what the Secretary says he wants to do in the rural areas. That is all that it will do. It will provide that you can have no less standards for areas in rural areas used for industrial purposes than you have in areas zoned industrial.

Mr. CLEVELAND. Will the gentleman specifically answer my question? When will you offer your amendment?

Mr. CRAMER. My amendment will be offered at the earliest opportunity before the amendment presently pending is voted on, as an amendment to the pending amendment.

Mr. CLEVELAND. I thank the gentleman from Florida.

Now the amendment to the amendment will be in order then shortly as I understand the parliamentary situation.

Mr. Chairman, I think the members of the committee and I hope they are following this situation closely, should fully realize what this amendment and what the amendment to it are going to do. It goes back to the debate this afternoon when I pointed out that one of the problems with this legislation, if you are an all-out believer of real tight legislation that would really beautify our highways and make it stick; one of the loopholes in this legislation is that on the record we have written a State could zone all or part of its interstate and primary road areas, if they chose to do so, as commercial or industrial. The Secretary said he could not stop that. Whether he would or not, I do not know.

I support this amendment because I have great confidence that no State will do just that. Based on my experience in New Hampshire I feel confident that many States will continue to follow the lead of those States already active in beautifying highways. I think it is very important, however, that we again make clear what is essentially the Republican position in this debate—and it has been a good debate and I think it has been a most constructive thing to find the distinguished gentleman from Oklahoma [Mr. EDMONDSON] disagreeing with the distinguished gentleman from Texas [Mr. WRIGHT]. It has been a good debate; it has been a constructive debate.

But I wish to go back to the original Republican position, which has consistently been that the proposed legislation is being considered in too hasty a fashion. Amendments are coming to the desk written by hand. I do not imply any insult to the writing of the writer. But it is not really the correct way to legislate. We are making the best of a bad situation. I am pleased to support the gentleman's amendment. He has been a distinguished member of our committee. I think this Member is making a very constructive contribution to our debate.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Massachusetts.

Mr. KEITH. I should like to ask a question. Generally speaking, in the State of Massachusetts, the cities and towns have been delegated the right to zone. My question arises as to whether or not they would have the authority under the bill to continue to do so.

Mr. CLEVELAND. My quick answer to that question is that the measure would not take away from them the power. Under Massachusetts law, they may still zone their lands industrial and commercial or otherwise as they wish. If some other Member wishes to contradict that statement, they might do so. I see some distinguished Massachusetts lawyers present.

Mr. KEITH. I should like to ask whether or not the authority in the different States where zoning has been delegated to the cities and towns would continue thus and whether they would have that same authority.

Mr. CRAMER. Perhaps the majority would concur in this opinion of the gentleman from Florida. Pursuant to the authority of State laws, not only would the State have the authority, but the authority could be delegated to municipalities to so zone. I think there is no question about it.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CRAMER: On the third line, after the word "purposes" insert the following: "and to determine what unzoned areas are used or designated for use on the same basis as those which are actually so zoned."

Mr. CRAMER. Mr. Chairman, perhaps I had better reread the amendment, together with the amendment offered by the gentleman from Georgia [Mr. TUTEN]. The language of my amendment is taken from the Secretary's letter. You can see it on page 4 of the report, the third paragraph of the Secretary's letter.

The amendment of the gentleman from Georgia, as amended by my amendment, would read as follows. I repeat that the amendment is intended to write the Secretary's recommendations into the law, first as they relate to zoned areas, and, second, as they relate to unzoned areas. Then we shall not have to rely on an Executive communication to say what the legislation intends to do. Everyone says that this is what he intends to do. I do not understand why they argue about it. It will read as follows:

> After the word "Secretary", on page 16, line 7, add this sentence:
>
> "The States shall have full authority under their zoning laws to zone areas for commercial or industrial purposes"—

That is the amendment offered by the gentleman from Georgia [Mr. TUTEN], and then I would add the words "and to determine what unzoned areas are used or designated for use on the same basis as those which are actually so zoned"—meaning industrial or commercial.

Going on with the gentleman's amendment:

> "and the actions of the States in this regard will be accepted for the purposes of this Act."

I hope that the gentleman from Georgia will accept this amendment. All this will do is to put the rural areas in the same position of the urban areas, so far as the recommendations of the Secretary are concerned.

It would be wholly unfair to write in the recommendations of the Secretary relating to the cities—and I believe we are going to do that, and rightly so—and to leave out the poor farmer in the rural area who is entitled to have at least the same minimal—I say again, minimal—standard requirements relating to signs, the same as provided for those areas actually zoned industrial and commercial.

This will do the job, consistent with exactly what the Secretary says he intends to do.

The gentleman's amendment, quoting the Secretary's letter, says:

> The States have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the action of the States in this regard will, of course, be accepted for the purposes of this act.

That is what the Secretary says. That is what the gentleman from Georgia [Mr. TUTEN] says. That is what I agree should be written into the bill, relating to the areas zoned industrial or commercial.

The Secretary goes on and also says:

> The purpose of the administration language is to make sure that "unzoned" commercial or industrial areas along our interstate and primary highways will be defined on the same basis as those which are actually zoned.

That is what my amendment provides, and it is exactly what the Secretary says he intends to do, in his letter.

If Members do not want to discriminate against the farmers, against the rural areas, and do not want to give discriminatory treatment to industrial and city areas, they will vote for my amendment and then will vote for the gentleman's amendment as amended by my amendment, and get on with consideration of the bill.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. If the gentleman's amendment is agreed to, would this not, in effect, encourage some local units of government to zone as is the objective of the legislation itself?

Mr. CRAMER. It would require that the local areas outside of the areas zoned commercial and industrial use standards relating to signs in those areas where there is actually a commercial usage in existence.

All my amendment will do is to treat the areas where there is actually a commercial use in existence, in a country area, in the same way, and let them have the same signs we would let the city area have, which is zoned industrial or commercial.

What is unfair about that?

Would the gentleman from Georgia answer me as to whether he will accept this amendment to his amendment?

Mr. TUTEN. I felt like the language in my amendment was adequate coverage.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. CRAMER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute, so that the gentleman can answer my question.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. OLSEN of Montana. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. CRAMER. If you do not want the answer, that is all right.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Florida to the amendment of the gentleman from Georgia [Mr. TUTEN].

Mr. Chairman, the gentleman from Georgia is not only distinguished but also a most respected member of the committee. Does the gentleman wish to answer the question? I shall be pleased to yield him time.

Mr. TUTEN. I have said all I need to.

Mr. BLATNIK. The gentleman made himself, as he always does, perfectly clear. He makes himself clear with integrity, with conviction, and with sincerity.

Mr. Chairman, this little demonstration indicates how very difficult it is to write legislation, when one starts to get too much into detail.

I am in agreement with the objectives of the gentleman from Georgia, and I believe that many—perhaps most—of our committee members are. But to every action there is a reaction. When one tries to clarify one problem, he creates other problems, and compounds the difficulty.

Now we come to this amendment, the Cramer amendment, which would "gut" the whole bill. It would mutilate the amendment of the gentleman from Georgia.

I wish to announce, Mr. Chairman, if I may have the attention of Members for 2 minutes, that if the Cramer amendment is defeated and then if the Tuten amendment is defeated, with an objective of trying to carry out the objectives of the Tuten proposal I propose to offer an amendment which I shall describe.

If Members will turn to page 14 of the bill, on line 18 is the language to which I refer.

First, on line 12 there is subsection (a), which says:

> The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

Then on line 18 it would add a further declaration of congressional intent. This declaration of intent would contain or incorporate the two salient points in the Secretary's letter, which is in the committee report. So if you will turn to pages 4 and 5 of the committee report, we have his letter. My language would do this and read as follows:

> The Congress further finds and declares that this objective can be achieved through assisting the orderly development of the legitimate purposes of outdoor advertising consistent with the purpose of this Act and without encroaching on the rights of the States to act under their full authority to zone areas within their boundaries.

It says "without encroaching on the rights of the States to act under their full authority to zone areas within their boundaries." That is important. This is in the Secretary's letter on page 4 in the second paragraph. Second, it will go further and say "or interfering with the reasonable and normal standards customary in the industry." That will accommodate the language you will find in the Secretary's letter on page 5 in the middle of that top paragraph starting out with the words "in any event".

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I will be pleased to yield to the gentleman.

Mr. BOGGS. The gentleman is saying, is he not, that the Secretary of Commerce and the administration oppose the Cramer amendment. Is that not correct?

Mr. BLATNIK. That is correct.

Mr. BOGGS. The gentleman is also asking that those of us who support this bill vote down the Cramer amendment and at the proper time support the amendment offered by the gentleman from Minnesota. Is that correct?

Mr. BLATNIK. That is correct. I shall ask for recognition and submit this amendment as soon as the vote is taken here on these amendments.

Mr. BOGGS. And this gentleman, who has spent so much time on this bill, classified both the Tuten amendment and the proposed Cramer amendment as weakening amendments. Is that correct?

Mr. BLATNIK. That is absolutely correct. There is no question on that at all.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield to me on that point?

Mr. BLATNIK. I yield to the gentleman from Texas.

Mr. WRIGHT. I do not want to belabor this matter, but our distinguished friend, the majority whip, I think oversimplified it. I do not really believe the gentleman from Minnesota intended to say that the Tuten amendment, un-amended or unaltered or unchanged, would materially weaken the bill, did he?

Mr. BLATNIK. Yes. I am sorry, but in essence I did. The Cramer amendment would gut the bill.

Mr. WRIGHT. But the Tuten amendment I mean.

Mr. BLATNIK. The Tuten amendment brings up complexities, as I said, which get us into too much detail. I hope we can overcome this by a general statement of objectives which I will submit.

Mr. FLYNT. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Georgia [Mr. TUTEN]. I have carefully read the contents of his amendment. I have related the amendment to the language of the bill. I have related the amendment to the letter of the Secretary of Commerce, which is clearly set forth on pages 4 and 5 of the committee report. I have the very highest regard for the gentleman from Minnesota who preceded me in the well of the House, but I do not think he meant to say what he did when he said that the amendment offered by our colleague from Georgia [Mr. TUTEN] would weaken or in any way materially adversely affect the bill as reported by the great Committee on Public Works.

Mr. BLATNIK. Perhaps the word "weaken" is not a good one. The gentleman raises a good point. However, it would bring about complications which would compound more difficulties, many of them unforeseen. So clearly stating the congressional intent, in order to make the objectives of these two salient points clear cut, I do think we have more than protected the interests of the States as intended by the gentleman from Georgia's amendment.

Mr. FLYNT. Mr. Chairman, I am grateful for the very courteous significant response made by the gentleman from Minnesota [Mr. BLATNIK] to the point I just raised. However, I think in his own language and in his own words he has made out a strong case for the amendment offered by the gentleman from Georgia. There is no doubt in the letter of the Secretary of Commerce and I do not think there is any doubt in the mind of the gentleman from Minnesota when he said what he just did.

If we want to avoid any complexities and any complications in the administration of this act consistent with the announced purposes as set forth in the committee report and especially as set forth in the letter from the Secretary of Commerce, for whom I have the very highest regard, I believe the best way to avoid those complications and the best way to avoid those complexities is for the committee to adopt the amendment offered by the gentleman from Georgia.

Mr. Chairman, it appears that every one—including the Secretary of Commerce, and many members of the Committee on Public Works approve the language and intent of the amendment. If such is the case we should properly legislate by amendment instead of attempting to amend by letter.

I urge the adoption of the pending amendment.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, if we defeat the Cramer amendment as an amendment to the Tuten amendment and then turn about and defeat the Tuten amendment in order to incorporate the proposed amendment of the gentleman from Minnesota, I think this Committee will appear most ridiculous. Let me tell you what we are doing if this happens.

In the first place, as I understand, the Committee on Public Works at the time the committee considered the bill refused to accept any such amendment as was proposed either by the gentleman from Georgia or the gentleman from Florida.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield for a correction?

Mr. GERALD R. FORD. I yield.

Mr. BLATNIK. We did not refuse to accept the amendment. I thought I made it clear that we agreed with the objectives. We thought then, and we do believe now, that the letter and the other language in the committee report covered it. Some felt that it ought to go further and that it ought to be written into the bill.

Mr. GERALD R. FORD. Mr. Chairman, as I understand in the Committee on Public Works amendments with a similar intent were offered and were defeated. The gentleman from Florida [Mr. CRAMER], the ranking member on our side, has assured me that this was done in the committee; am I incorrect?

Mr. BLATNIK. No; as I recall—and I stand corrected by my colleagues on either side of the aisle—I do not recall that the gentleman from Georgia's amendment came up in the committee.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield.

Mr. CRAMER. The substance of my amendment in committee was to carry out what the Secretary said was his intent. Apparently some did not like the language or the verbiage of my amendment. So now it is being proposed to take the exact language of the Secretary and write it into the law. Now, if the gentleman will yield further, to me it is totally inconceivable that it would be suggested that it is all right to write that exact language in the report as the sense of Congress without hurting the bill, when the Secretary says that he intends to do that, but you cannot write it into the bill because it will gut the bill. That is the most inconsistent argument I have ever heard.

If the Secretary means what he says and put it in his letter, then let us put it in the bill. It is not going to gut anything unless the Secretary intends to gut the program from the outset.

Mr. GERALD R. FORD. Mr. Chairman, when the bill came to the floor of the House and now before this Committee it had no such amendment provision on provisions. Speeches were made during the general debate indicating that there was no need for such amendments, and that any such amendment or amendments would, in effect, gut the bill. Then there was some fear and apprehension, I gather, on the other side of the aisle, that perhaps the proposal would be in trouble and in some difficulty unless there was some indication from the executive branch of the Government that certain limitations or restrictions would be agreed to by the executive branch of the Government.

So, a letter was obtained from the Secretary of Commerce. Then we were supposed to vote for the bill, relying on the views and arbitrary decisions of the Secretary of Commerce. We should take his word for it, whenever he and others in the executive branch of the Government decided would be sufficient.

Well, Mr. Chairman, some of our Members on both sides of the aisle thought that perhaps Congress ought to exercise its own will and not rely exclusively upon what the Secretary of Commerce said he would do.

So, the gentleman from Georgia [Mr. TUTEN] very properly decided that he as a Member of this body would offer an amendment, in effect proposing a portion of the letter from the Secretary of Commerce as part of the law.

The gentleman from Florida [Mr. CRAMER] took the rest of the comment, the rest of the words, from the letter of the Secretary of Commerce, thinking that this of course would be acceptable to the majority.

Now, Mr. Chairman, we have moved from legislating by letter, if we follow the recommendations of the gentleman from Minnesota, to legislating by intent. I do not understand why the gentleman from Minnesota [Mr. BLATNIK] is not willing to write into law what the Secretary of Commerce says he agrees to. I do not understand why the gentleman from Minnesota——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GERALD R. FORD. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. EDMONDSON. Mr. Chairman, reserving the right to object, I wonder if we could get unanimous consent and I ask unanimous consent that all debate on this amendment close at the end of the additional time for the minority leader on this amendment and all amendments thereto?

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan is recognized for 2 additional minutes, at the expiration of which all debate on this amendment and amendments thereto will close.

Mr. GERALD R. FORD. Mr. Chairman, I still do not understand why the gentleman from Minnesota—and I have great respect for his legislative wisdom—refuses to write in the law what he is willing to write in as the intent of the law. How ridiculous can we be? Why is he refusing to accept as an amendment in the law what the Secretary of Commerce says he will carry out? I just do not understand the paradox of the position in which the gentleman from Minnesota finds himself.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Florida.

Mr. CRAMER. If my amendment is not adopted and if the Tuten amendment is, you will be writing in half of what the Secretary of Commerce says he will do as a statement of intent relating to the urban areas and cities, but you will not be writing into the bill what he says the Secretary of Commerce intends to do relating to the rural farm areas. If you want to discriminate against the rural farm areas in favor of the urban areas, then you will not write in the balance of the letter.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield for an answer to his question which he has been asking the majority over here to answer for some time?

Mr. CEDERBERG. Mr. Chairman, will the gentleman from Michigan yield?

Mr. GERALD R. FORD. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, the only conclusion that I can come to is that the small resort operator, the gas station operator, and so forth in some areas of our country are going to be hurt very, very seriously unless this legislation is amended.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I would like to suggest to the gentleman from Michigan that the reason for the reluctance to accept this language is that it is not accurate to say that it is exactly what the Secretary said in his letter, and I pointed out in my own remarks the difference between what the Secretary said in his letter and what is contained in the amendment now under consideration.

Mr. GERALD R. FORD. I am afraid the gentleman from Oklahoma is in conflict with his colleague, the gentleman from Georgia [Mr. TUTEN], and, of course, my colleague from the State of Florida [Mr. CRAMER].

Mr. EDMONDSON. I am sorry, too; very sorry.

Mr. GERALD R. FORD. I cannot believe that the gentleman from Florida and the gentleman from Georgia would change the content or the intent of the language of the Secretary of Commerce.

Mr. CRAMER. It is precisely the same.

The CHAIRMAN. The time of the gentleman from Michigan has again expired and all time has expired on this amendment and amendments thereto.

The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER] to the amendment offered by the gentleman from Georgia [Mr. TUTEN].

The question was taken; and on a division (demanded by Mr. CRAMER) there were—ayes 99, noes 124.

Mr. BROYHILL of North Carolina. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. EDMONDSON and Mr. CRAMER.

The Committee again divided, and the tellers reported that there were—ayes 115, noes 157.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. TUTEN].

The question was taken; and on a division (demanded by Mr. GERALD R. FORD) there were—ayes 122, noes 112.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. DOWNING

Mr. DOWNING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWNING: On page 15 at line 11 after the word "notices" place a comma and insert the following: "which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions,".

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I believe this language is clearly within the intent of the Secretary of Commerce with reference to administration of this bill, and I should like to accept the amendment so far as the majority side of the committee is concerned.

Mr. DOWNING. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the minority leader.

Mr. GERALD R. FORD. Will the gentleman explain the purpose and intent of the amendment?

Mr. DOWNING. I shall be delighted to.

I have circulated the amendment on the minority side. I hope it will be acceptable to them.

All this will do is permit historical signs and signs pertaining to natural scenic wonders to be placed in the zoned area. All of our States have these natural scenic wonders and historic sites. There should be some designation of them for the tourists.

Mr. GERALD R. FORD. Would the gentleman's amendment limit the permission to signs erected by public authorities, or does he intend to permit private individuals to have signs that would conform to his definition?

Mr. DOWNING. It would be my opinion that they could be constructed by private concerns.

Mr. GERALD R. FORD. That is the intent of the gentleman's amendment?

Mr. DOWNING. That would be my intent, yes.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The gentleman, on that point, is referring to scenic and historic attractions and natural wonders and so on which are privately owned, but the gentleman is not talking about private signs, is he? This section relates to official signs and notices.

Mr. DOWNING. I withdraw my statement to the minority leader. The signs would have to be placed in an official capacity.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Michigan.

Mr. CEDERBERG. How would this apply to the Skyline Caverns, which I visited last Sunday? Is that not a private group?

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. We have had discussions with the gentleman from Virginia about this. He called to our attention the Luray Caverns, privately owned but regarded throughout Virginia as a natural wonder. The feeling on our side is that the recognition by the State of the attraction as being a scenic or historic attraction would suffice on the question of whether it was privately owned or publicly owned. The public would be entitled to know where it was located, and these official signs along the right-of-way should give them that kind of information.

Mr. DOWNING. I thank the gentleman.

Mr. MARSH. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Virginia.

Mr. MARSH. I commend the gentleman for his statement.

Mr. Chairman, I desire to associate myself in support of the amendment offered by my colleague, the gentleman from Virginia [Mr. DOWNING].

Our concern in this matter is not one of intransigent opposition to regulation of advertising along our highways. As a matter of fact there is substantial public support in Virginia for honoring the esthetic considerations which have given rise to the pending legislation, and this has been recognized through State enactments and local ordinances.

On the other hand, there is a sincere worry in Virginia, which boasts an array of historic attractions and natural wonders approached by few other States, that the changes in travel patterns inevitably produced by the Interstate Highway System, when compounded by new Federal limitations on roadside advertising, could preclude reasonable notification to the motoring public of the many major tourist attractions of the Commonwealth.

It is with a view to insuring that Virginia will continue to be able to tell its story to the traveler, therefore, that we ask favorable consideration of what is, essentially, a simple statement of legislative intent that such standards as may be established should give due recognition to the right of the motorist to receive, from roadside signing, adequate information as to the nature and location of historic, scenic, and natural wonder attractions within reach of his basic route.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from New York.

Mr. STRATTON. The gentleman made reference to the Skyline Caverns. In New York State we have Howe Caverns. There are extensive signs around the State concerning those. It is one of the major tourist attractions of New York State. These signs are put up by a private concern. It is a natural wonder.

Would the gentleman not feel that his amendment ought to include signs of this kind, rather than to require that these signs be replaced by signs put up by a public agency?

Mr. DOWNING. You gentlemen are going far afield. All I want is permission for the signs to be placed, to show the tourists where these historical sites and natural scenic wonders are. All of us have them in our States, and the tourists should be able to see them. Whether it is private or public is a different matter.

Mr. STRATTON. Without a reference to these private signs, of course we will have a tough job finding places like Howe Caverns. I am sorry the gentleman's amendment does not go further. I believe it should.

Mr. DOWNING. I thank the gentleman. I hope this will be acceptable.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

I believe the first answer given was the honest answer. Unquestionably this relates only to "directional and other official signs and notices."

Luray Caverns, as we stated in debate, are privately owned. Luray Caverns, being privately owned, would not come within the definition the gentleman is proposing. This comes in the section relating to official signs.

So it would read, I suggest, with his amendment, "directional and other official signs and notices, which signs or notices shall include but not be limited to signs or notices pertaining to natural wonders, scenic, or historic attractions." I say to the gentleman, and I am in wholehearted sympathy with what he is trying to do, that he does not do it unless it is an official State sign relating to a public facility. It does not include Luray Caverns, which is privately owned. I think the gentleman, if he intends to include those, should so state in his amendment, but he does not do it.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield for a question?

Mr. CRAMER. Certainly I yield to the gentleman.

Mr. EDMONDSON. Will the gentleman tell me where the directional and other official signs have to be to a public facility?

Mr. CRAMER. The gentleman fully recognizes official signs and notices will be those authorized by State legislative action, meaning signs relating to State-owned functions. I know of no instance where States authorize official signs under regulations or otherwise which involve other than publicly owned property. I think the gentleman's amendment is good if the State would designate such a scenic wonder or historic attraction as an official State attraction and subject to having an official site so designated. But without words to that effect the gentleman does not accomplish what he intends, and the gentleman from Oklahoma so stated it earlier.

Mr. EDMONDSON. I never stated that it was a requirement that official signs be limited to public facilities. As a matter of fact, I said you put them up to show where you have restaurants, motels, and service stations and anything useful to the public. It would certainly include a scenic attraction such as Luray Caverns.

Mr. CRAMER. I think the gentleman is confused. It relates to section (f) where the Secretary shall in consultation with the States provide rights-of-way for areas at appropriate distances and so forth, for signs needed for the traveling public, but it has nothing to do with "official signs." How is the Secretary going to determine what privately owned property, if the gentleman's position is correct, should be advertised on the right-of-way? Which ones will you permit and which will you not permit? As the gentleman drafted his amendment it is "official signs." There is no determination of what is meant by that.

Mr. EDMONDSON. Will the gentleman yield again?

Mr. CRAMER. Yes. I yield to the gentleman.

Mr. EDMONDSON. I think the language in the section very clearly makes it in order to set up directional and other official signs and notices which are required or authorized by law. As far as the State of Virginia is concerned, all they have to do is authorize putting up signs to all types of scenic attractions, and that could be authorized by law.

Mr. CRAMER. The gentleman is saying if the legislature authorized it.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment. Mr. Chairman, I can appreciate the wisdom and far-reaching value of this amendment, but like most Members I have a few questions to ask. Perhaps the gentleman from Florida could answer me or someone at the committee table on the majority side could answer my questions. For example, as to the term "historic shrine." Will that cover something like the baseball shrine at Cooperstown, N.Y.?

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. WRIGHT. I should think, if it was so designated by the State involved and the State wished it to be regarded as one of these historic shrines and noted on the signs, it surely would be covered.

Mr. DERWINSKI. In other words, the State would have to place the historic significance on it?

Mr. WRIGHT. That is correct.

Mr. DERWINSKI. So if the State of Nevada wished to designate Harold's Club in Reno as a historic site, they could do so?

Mr. WRIGHT. Provided the State or the National Government would initiate the suggestion, a given historic site could be designated. There would have to be some rule of reason and some agreement. It may be in future times that Harold's Club might become a historic shrine, but I rather doubt it would be regarded as such today. Things are still too lively there.

Mr. DERWINSKI. One more question. For example, the site in Chicago where Mrs. O'Leary's cow started the famous Chicago fire. That would be designated by all sorts of signs as a historic site.

Mr. WRIGHT. I think it could be under the terms of the amendment, if the State of Illinois and the Department of Commerce were to agree that it should be.

Mr. DERWINSKI. Or in the State of Texas the birthplace of President Johnson.

Mr. WRIGHT. Yes, we could, just as we could erect one for the birthplace of President Eisenhower.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield.

Mr. STRATTON. The gentleman referred to Cooperstown. I think the gentleman's question is a very good one. Cooperstown is in my district and I am very proud to represent the area that includes the Hall of Fame. But let us get back to reality. This is a very famous place, it is widely advertised, but it is not advertised on State-built signs. It is not advertised on those little square things you find on the Interstate System. It is advertised on big signs that are put up by the Hall of Fame people themselves.

If we say that the only advertising that the Hall of Fame can have is some sort of official sign, then as a practical matter it is just not going to have any advertising, and this major attraction is also going to go down the drain in my district.

Mr. DERWINSKI. Therefore, the entire bill should be defeated.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. GROSS. I wonder what effect the pending amendment would have on the roadside advertising of the historic Paul Bunyan and his bull in Minnesota?

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield.

Mr. EDMONDSON. I really feel that we ought to refer the gentleman to our distinguished minority for an answer for any opinions on that subject matter.

But I would like to point out, on the subject of Cooperstown, that there are over 350 miles of important State highways that are not on the Federal primary or Interstate System in the district of the gentleman from New York, [Mr. STRATTON]. So he has quite a bit of highways to put billboards up on even if he has taken them off the Interstate and the primary system in the noncommercial and industrial areas.

Mr. STRATTON. Mr. Chairman, if the gentleman will take a look at the map that was displayed in the well just a little while ago he would have seen hardly any white in my district, because there is so much red representing the primary highways in my district. Basically all of the highways that have numbers are included in the primary system and you are certainly not going to be able to attract too much tourist business with signs displayed along an unmarked country road leading up some hill or to some farm. As a practical matter the primary system embraces almost every road that the normal tourist would use. To ban advertising for these prime tourist attractions along these primary system roads would do serious damage to an important segment of the economy of New York State.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, just in case there are some who may be in doubt as to why they are here this evening, I would like to read a news item from the United Press wire. It says:

> House leaders drove toward passage of Lady Bird Johnson's highway beauty bill tonight in the hope of handing it to her as a present at a "Salute to Congress" party at the White House.
>
> The party, featuring professional entertainment from opera to the Bitter End Singers, was set for 7 p.m. and it appeared the honored guests would be mighty late if they got there at all.
>
> "The fun can wait," was the word from the White House as handlers of the antibillboard bill junked plans to delay until Friday crucial votes on amending and passing the measure.
>
> Their decision to press on into the night was molded in part by the outcome of early tests in which the Democratic majority mowed down Republican amendment attempts. Democrats believed they had the votes to win and they weren't risking overnight losses.

My only personal addition to this is the hope I expressed earlier this afternoon that if the unfortunate situation develops that this bill should pass, the President will pull up a chair and sign it in the shade of that big billboard down on Route 290 outside of Austin, Tex., advertising KTBC, the television and radio station owned and operated by the Johnson family.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment as a substitute amendment to the amendment offered by the gentleman from Virginia [Mr. DOWNING].

The Clerk read as follows:

> Amendment offered by Mr. STRATTON as a substitute for the amendment offered by Mr. DOWNING: On page 15, line 11, after the comma add the following words: "or any signs relating to natural wonders and historic sites."

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield for a unanimous consent request?

Mr. STRATTON. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto close in 5 minutes after the remarks of the gentleman from New York.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. EDMONDSON. Mr. Chairman, I move that all debate on this amendment and amendments thereto close in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Oklahoma.

The question was taken and the Chair announced that the "ayes" appeared to have it.

Mr. GERALD R. FORD. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. EDMONDSON and Mr. GERALD R. FORD.

The Committee divided, and the tellers reported that there were—ayes 157, noes 61.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I offer this substitute amendment simply to clarify the point that was raised earlier in the discussion on the amendment offered by the gentleman from Virginia [Mr. DOWNING] in my colloquy with the gentleman, and with the gentleman from Illinois [Mr. DERWINSKI].

I think it is clear that we have a lot of historic shrines and natural wonders around the country that as a practical matter are privately owned, like the Baseball Hall of Fame at Cooperstown and Howe Caverns in central New York. They are also privately advertised.

If we are going to accept an amendment relating to such historic shrines and natural wonders that is meaningful we have to make it clear that private as well as public signs will be permitted or else we will have no coverage for them. As a practical matter in New York State if we were to allow only those signs erected by the State, they would be those small square things that you find on the throughway. Ninety-five percent of our tourists, who travel these primary roads in New York State, would be unaware of these great areas, and they could therefore suffer irreparable damage.

Mr. Chairman, I am as much in favor of beautifying our highways as the next man. But the real question, I believe, is how we are going to carry out this objective. In my opinion this bill goes too far too fast. I don't think most of us have realized how extensive the primary system is. I believe we need to protect the little fellow. I believe we need to make a bigger effort to protect our major tourist attractions. This is what my amendment would do.

The alternative amendment I have offered will help to clarify the issue, and I believe frankly it reflects the intention of the author of the original amendment.

Mr. RESNICK. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. RESNICK. These signs are signs that are already standing, advertising these natural and scenic wonders. These places, and the Howe Caverns was mentioned in my district, depend for their livelihood on these signs and if they were to be taken down, it would do irreparable harm to the Howe Caverns, for example.

Mr. STRATTON. Exactly. The only point of this amendment is to enable us to get these signs out from under the word "official" which the gentleman from Oklahoma placed such stress on his colloquy with the gentleman from Virginia [Mr. DOWNING].

Mr. RESNICK. I commend the gentleman for his amendment and I will support it.

Mr. STRATTON. I thank the gentleman.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Under the gentleman's amendment would it be possible for instance for the Coca-Cola people or some automobile manufacturer to put up a huge sign calling attention to the location of some scenic wonder and merely put on there—compliments of so and so? Would that not be possible under this amendment?

Mr. STRATTON. No, I do not think it would be possible and that is certainly not the intention of my amendment. We are talking about a practical situation and I think if we want to give the protection that the gentleman from Virginia intended to give in his amendment, this is the best way to give it.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. WRIGHT. Under the gentleman's amendment, who would make a determination as to what is a scenic wonder? If it is owned by a private individual, are you just going to let the private individual in each case claim this exemption from billboard control on the claim that there is some scenic wonder at some tourist center?

Mr. STRATTON. I think we have certain recognized sites of this kind. Since reference was made to Howe Caverns in the district represented by the gentleman from New York [Mr. RESNICK] and the Baseball Hall of Fame in my own district, if we want to require that the State should so designate these sites, I would have no great objection to that. I think that was in fact the intention of the gentleman from Virginia.

Mr. WRIGHT. The gentleman is aware is he not that in his particular district, since mention was made of that as well as many other districts throughout the country, in any area that is either zoned or used for business purposes—in other words, driving down a highway when you come to a cluster of stores or a filling station or a tourist court or a motel or a cafe, that these may be used for business purposes, signs can go there—private signs—advertising these wonders, under the law as the bill is written.

Mr. STRATTON. I have the honor to represent one of the more rural districts in New York State. Most of our signs are located in the rural areas on farmland. You simply cannot put the signs on top of gas stations and you cannot put them on top of a motel. I think we must be realistic in this matter, and that is the purpose of my amendment.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, as we consider S. 2084, the Highway Beautification Act, I deem it advisable to call to the attention of my colleagues some legal precedent which affects such legislation.

The Supreme Court of North Carolina in *State* v. *Brown*, 250 N.C. 54, 108 S.E. 2d 74 (1959), in an opinion by Justice Denny (now chief justice) discussed the constitutionality of a statute dealing with junkyards. In that opinion many other State courts and the Federal courts were cited in support of the proposition that the North Carolina statute was not in keeping with constitutional requirements.

Since some of these principles of constitutional law seem to bear directly upon provisions in the legislation we are currently considering, I make the reported case a part of my remarks at this point.

STATE *v.* SAM T. BROWN; STATE *v.* WESLEY C. NARRON, No. 149

(Supreme Court of North Carolina, April 8, 1959)

Prosecution for violation of statute dealing with leaving of scrap automobiles, trucks and parts within 150 yards of a hard surfaced highway. The Superior Court, Cleveland County, W. K. McLean, J., sustained defendants' motion to quash the bills of indictment, and the State appealed. The Supreme Court, Denny, J., held that statute making it unlawful to place trash or scrap automobiles or trucks within 150 yards of a hard surfaced highway outside of an incorporated town unless such material is concealed from the view of persons on the highway, had no substantial relation to public health, safety, or morals, or the general welfare, but was based purely on esthetic grounds, and was unconstitutional.

Affirmed.

1. CONSTITUTIONAL LAW KEY 81

Municipal Corporations Keys 595, 597, 598: Neither the General Assembly nor a municipality may exercise the police power unless its exercise relates to the public health, safety, morals or general welfare.

2. CONSTITUTIONAL LAW KEY 87

In the absence of a zoning law or restriction imposed by deed, a purchaser of realty has the right to use it for any lawful purpose so long as he does not create a nuisance affecting health, safety, or morals.

3. CONSTITUTIONAL LAW KEY 81

Municipal Corporations Key 589: In the exercise of the police power by the State or by a municipal corporation, the thing required to be done must have a real and substantial relation to the object to be attained, otherwise it is an invalid exercise of the police power.

4. CONSTITUTIONAL LAW KEY 81

Municipal Corporations Keys 595, 597, 598: Courts do not have the power to uphold a statute or regulation based purely on esthetic grounds without any real or substantial relation to the public health, safety or morals, or the general welfare.

5. CONSTITUTIONAL LAW KEY 292

Highways Key 153: Statute making it unlawful to place trash or scrap automobiles or trucks within 150 yards of a hard surfaced highway outside of an incorporated town unless such material is concealed from the view of persons on the highway had no substantial relation to public health, safety, or morals, or the general welfare, but was based purely on esthetic grounds, and was violative of due process provisions of State and Federal constitutions. Const. art. 1, § § 1, 17; U.S.C.A. Const. Amend. 14; G.S. § 14–399.

These defendants were separately indicted in bills charging identical offenses and the cases were consolidated for trial.

The defendants, before entering a plea and before a jury was selected, moved to quash the bills of indictment on the ground that they were violative of article I, sections 1 and 17, of the constitution of North Carolina, and the 14th amendment to the Constitution of the United States.

The bills charge that the respective defendants "on the 18th day of October, 1958, and more than 12 months prior thereto, and since said date, with force and arms, at and in the county aforesaid, did unlawfully and willfully, before and since the date aforementioned, place and leave, and cause to be placed and left, temporarily and permanently, trash, refuse, scrap automobiles, trucks, and parts thereof, within 150 yards of a hard surface highway, the same not being concealed from the view of persons on the highway, to wit: Highway No. 74 bypass and No. 180, outside of an incorporated town, said condition having existed for more than 12 months and no justice of the peace or other court inferior to the superior court has taken official cognizance thereof, in violation of G.S. § 14–399 against the form of the statute in such case made and provided and against the peace and dignity of the State."

The court below, after hearing the arguments of counsel, held that section 14–399 of the general statutes of North Carolina is "unconstitutional, void, and unenforceable," and sustained the motion to quash the bills of indictment.

From this ruling the State appeals, assigning error.

Malcolm B. Seawell, attorney general, Claude L. Love, assistant attorney general, and Bernard A. Harrell, staff attorney, Raleigh, for the State.

J. R. Davis, Kings Mountain, A. A. Powell, Shelby, for defendant.

Denny, justice.

G.S. § 14–399, which the defendants are charged with violating provides:

"It is unlawful for any person, firm, organization, or private corporation, or for the governing body, agents, or employees of any municipal corporation, to place or leave or cause to be placed or left, temporarily or permanently, any trash, refuse, garbage, scrapped automobile, truck, or part thereof within 150 yards of a hard-surfaced highway where the highway is outside of an incorporated town, unless the trash, refuse, garbage, scrapped automobile, truck, or part thereof, is concealed from the view of persons on the highway.

"This section does not apply to domestic trash or garbage placed for removal, nor to junkyards which are the property of bona fide junk dealers and which are properly screened or fenced from the view of persons on the highway. * * *"

The remaining portions of the statute are not relevant here.

The defendants are junkyard operators, engaged in the business of buying scrapped or wrecked automobiles, salvaging the parts therefrom, and selling them to the general public.

The real question for determination is whether or not the provisions of G.S. § 14–399 are in conflict with and in violation of rights guaranteed to these defendants by article I, sections 1 and 17, of the constitution of North Carolina and the 14th amendment to the Constitution of the United States.

The precise question posed on this appeal has not been decided by this court. The State contends, however, that the cases of *Hinshaw* v. *McIver*, 244 N.C. 256, 93 S.E. 2d 90, and *Ornoff* v. *Durham*, 221 N.C. 457, 20 S.E. 2d 380, are determinative of the question.

In the Hinshaw case the plaintiff sought to obtain an order compelling the defendant, as tax collector of the city of Burlington, to issue him a license to engage in the business of a junk dealer within the city of Burlington. The city of Burlington was not made a party to the action. The plaintiff's license had been revoked because of his failure to comply with ordinances regulating the use and operation by junk dealers of junkyards, requiring, among other things, that the yard be enclosed by a solid fence not less than 8 feet high; that no junk or material be kept on the outside of the fence; that gates, when not in use, be kept closed; and that no placards be affixed or displayed on the fence. This court in its opinion said (244 N.C. 256, 93 S.E. 2d 92): "The power to regulate the operation of junk yards within its borders is within the police power of the city." This is true, but such regulation would have to be pursuant to a duly authorized and valid ordinance. All that the Hinshaw case decided was that "the court would not undertake to test the validity of ordinances and orders of the city of Burlington in an action to which the city was not a party."

In *Ornoff* v. *Durham*, supra (221 N.C. 457, 20 S.E. 2d 382), the plaintiff instituted an action against the city of Durham and its tax collector to obtain relief by mandamus wherein the plaintiff sought a decree directing the defendants to issue to him a license to conduct his junk business. His license had been withheld under a city zoning ordinance which prohibited the operation of a junkyard in certain areas of the city. This court said: "If the junk business of plaintiff existed at the place alleged at the time of the passage of the ordinance, it may, according to the plain provision of the ordinance continue; if, on the other hand, it did not so exist at the time of its passage it may be prohibited."

We do not construe either of the above cases to have adjudicated the question involved on this appeal.

1. The State raises this inquiry: If a municipality may regulate junkyards in the exercise of its police power, how can it be said that an act of the general assembly intended to accomplish the same purpose is unconstitutional? The answer to this inquiry is that neither the general assembly nor a municipality may exercise the police power unless its exercise relates to the public health, safety, morals, or general welfare. *State* v. *Harris*, 216 N.C. 746, 6 S.E. 2d 854, 128 A.L.R. 658; *State* v. *Lockey*, 198 N.C. 551, 152 S.E. 693; *State* v. *Whitlock*, 149 N.C. 542, 63 S.E. 123, 129 Am. St. Rep. 670; *Meyer* v. *State of Nebraska*, 262 U.S. 390, 43 S. Ct. 625, 67 L. Ed. 1042, 29 A.L.R. 1446; *Liggett Co.* v. *Baldridge*, 278 U.S. 105, 49 S. Ct. 57, 59, 73 L. Ed. 204; 11 Am. Jur., Constitutional Law, section 303, page 1075 et seq.

In the last cited case, the Supreme Court of the United States, speaking through Justice Sutherland, said: "The police power may be exerted in the form of State legislation where otherwise the effect may be to invade rights guaranteed by the 14th amendment only when such legislation bears a real and substantial relation to the public health, safety, morals, or some other phase of the general welfare."

The case of *Commonwealth* v. *Christopher*, 184 Pa. Super. 205, 132 A. 2d 714, 716, states: "The business of operating a junkyard is a legitimate enterprise which, while offending the esthetic taste, does not constitute a dangerous business or one known to be inherently injurious or harmful to the public. By itself, it does not adversely affect the public peace or safety, nor can it be designated as a fire or health hazard."

2. In the absence of a zoning law or restriction imposed by deed, a purchaser of real estate has the right to use it for any lawful purpose so long as he does not create a nuisance affecting health, safety, or morals. *Menger* v. *Pass*, 367 Pa. 432, 80 A. 2d 702, 24 A.L.R. 2d 562. We have found no authority to support the view that a junkyard is a nuisance per se. *Vermont Salvage Corp.* v. *Village of St. Johnsbury*, 113 Vt. 341, 34 A. 2d 188.

In *City of New Orleans* v. *Southern Auto Wreckers*, 193 La. 895, 192 So. 523, 527, the defendant was convicted of the violation of a city ordinance which required, among other things, that all junkyards should be enclosed with a substantial feather-edged board fence, not less than 7-feet high. The admitted purpose of the ordinance was to keep the sidewalks and streets free from obstructions that might make them unsafe. Defendant's junkyard was enclosed with a mesh wire fence, some 7-feet high, and it was conceded that such fence accomplished the purpose of the ordinance. The provision in the ordinance requiring a fence was not attacked, but the part requiring it to be a feather-edged board fence was attacked as being unconstitutional, and the Court so held. The Court said: "Dealing in junk is a legitimate and harmless business. Junkyards are not necessarily nuisances. They do not affect the public health, nor do they offend against public morals. Individuals have the constitutional right to use their private property for junkyards as long as such use does not offend public morals or jeopardize the health and safety of the public. In speaking of the right of individuals to use their private property as they see fit, as long as their use of it is not offensive or dangerous, it is stated in American Jurisprudence, Volume 11, Sec. 279, p. 1037: 'Nevertheless, the owner has the right to erect such structures or to use the property for such legitimate purpose as he may see fit, utilizing such portions of it as he pleases, as long as in so doing he in no manner injuriously affects the public health, safety, morals, and general welfare. Any law abridging rights to a use of property, which use does not infringe the right of others, or limiting the use of property beyond what is necessary to provide for the welfare and general security of the public is not a valid exercise of the police power.'" The decision in this case is in accord with the conclusion reached in *Vassallo* v. *Board of Com'rs. of City of Orange*, 125 N.J.L. 419, 15 A. 2d 603, and *Town of Vestal* v. *Bennett*, 199 Misc. 41, 104 N.Y.S. 2d 830. *See also Annotation 45 A.L.R.2d, Regulation of Junk Dealers*, page 1425 et seq.

In the case of *Town of Vestal* v. *Bennett*, supra [199 Misc. 41, 104 N.Y.S.2d 832], the Court, in considering the identical question before us, said: "It is difficult to imagine what danger to public health, morals or safety exists in connection with the operation of a junkyard on an unenclosed lot that could be removed or prevented by the erection of a solid board fence 6 feet high. Certainly there is nothing immoral about a junkyard. Neither does it constitute any menace to public health or if, by reason of unsanitary conditions being permitted, it should become a menace, putting a board fence around it would not be a reasonable solution of the problem. No danger to public safety is apparent except perhaps that materials from the yard might find their way onto the highway if piled too close, but to prevent this a solid board fence would not be required as was pointed out in the case of the *City of New Orleans* v. *Southern Auto Wreckers*, 193 La. 895, 192 So. 523."

The statute involved in this appeal is rather unusual. The preamble to the original act, Chapter 457, Public Laws of 1935, makes no reference to junkyards, but only to the dumping of trash, refuse, or garbage, adjacent to the highways, thereby destroying the scenic beauty of such highway and injuriously affecting the health and comfort of those using the same. Furthermore, its provisions apply only to junkyards located on hard-surfaced highways. If there were any substantial relationship between the requirements of the statute and the public health, safety, morals, or any other phase of the general welfare, other than esthetic, persons traveling on any public highway which has not been hard surfaced, would be entitled to the same consideration and protection which the act purports to give persons traveling on hard-surfaced highways.

In our opinion, the statute, as it relates to junkyards, was enacted solely for esthetic reasons—that is, to make our hard-surfaced highways, particularly those which carry heavy interstate traffic, more attractive. We think the provisions of the statute support this view. It states that it shall not apply "to junkyards which are the property of bona fide junk dealers, and which are properly screened or fenced from the view of persons on the highways."

There is no contention by the State that these defendants are not bona fide junk dealers. Therefore, the sole charge against them is their failure to build a fence of such character between their junkyard and the highway as may be necessary to conceal the junkyard from the view of persons on the highway.

3. If any conditions presently exist or have existed on the premises of the defendants during the period set out in the bills of indictment that would warrant the exercise of the police power by the State in order to correct them, it must be conceded that building a fence as required by the statute would not correct such conditions. In the exercise of the police power by the State or by a municipal corporation, the thing required to be done must have a real and substantial relation to the object to be obtained, otherwise it is an invalid exercise of the police power.

4. We are in sympathy with every legitimate effort to make our highways attractive and to keep them clean; even so, we know of no authority that vests our courts with the power to uphold a statute or regulation based purely on esthetic grounds without any real or substantial relation to the public health, safety, or morals, or the general welfare. *Turner* v. *City of New Bern*, 187 N.C. 541, 122 S.E. 469; 25 Am. Jur., Highways, section 616, page 902.

"It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled. Nevertheless, it is held that esthetic conditions alone are insufficient to support the invocation of the police power, although, if a regulation finds a reasonable justification in serving a generally recognized ground for the exercise of that power, the fact that esthetic considerations play a part in its adoption does not affect its validity." 16 C.J.S. Constitutional Law § 195, page 939 et seq.; *Gionfriddo* v. *Town of Windsor*, 137 Conn. 701, 81 A. 2d 266; *Federal Electric Co.* v. *Zoning Bd. of Appeals of Village of Mt. Prospect*, 398 Ill. 142, 75 N.E. 2d 359; *City of Watseka* v. *Blatt*, 320 Ill. App. 191, 50 N.E. 2d 589; *Merced Dredging Co.* v. *Merced County*, D.C. Cal., 67 F. Supp. 598.

5. In our opinion, the statute is unconstitutional and we so hold. Consequently, we shall not discuss the questions raised with respect to its invalidity because 35 counties have heretofore been exempted from the provisions of the statute.

The ruling of the trial court quashing the bills of indictment will be upheld.

Affirmed.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Chairman, I rise in support of the Downing amendment as modified.

Mr. Chairman, I support the concept of beautifying areas adjacent to highways, but I also believe any such program must be on a true partnership basis between the States of the Union, and the Federal Government. The present highway beautification bill, unless it can be properly amended, is a far cry from this objective, and, among other things, it threatens Missouri with a $19.6 million loss in highway construction funds, unless the people amend the State constitution; and do it with a 1968 deadline staring them in the face, which means it would have to be accomplished at the next—or a called—session of the State legislature.

The bill, as presently written, is not the product of careful, independent congressional deliberation. Instead, it is a poorly thought-out proposal, forced upon the Public Works Committee by "arm-twisting" on the part of both the male and distaff side of the White House.

The bill will unjustly penalize States of the Union, which, in good faith, may attempt to control outdoor advertising, but are unable to do so within the short time allowed. Because of constitutional limitations, Missouri appears to be one of those States. It also could have a destructive impact upon small business, such as motels, hotels, restaurants, service stations, and the like, which depend upon patronage by the motoring public for survival. And, it will deprive the motoring public of needed travel information.

This limitation could be particularly harmful to business in our Missouri Ozarks, which literally depends on tourism, as part of its basic economy.

I agree that there are many examples of ugly signboard clutter, and that certain specific controls are both necessary and desirable. But I also know that there are many many miles of highways in the Nation where signs do not distract from scenic beauty, but serve the very necessary function of providing information desired by the traveling public. The most repugnant features of the bill are the broad and inconsistent powers vested in the Secretary of Commerce. The Secretary, by refusing to enter into an agreement until the State bows to his will, would have full control over signs and displays. This provision was not in the original bill, and no public hearings were held concerning it. Wherein and whenceforth have we forsaken property rights of individuals, and the first amendment of our formerly vaunted Bill of Rights?

Subsection (f) of section 101 of the bill authorizes the Secretary to provide, within the rights-of-way, for areas on the Interstate System on which signs, displays, and devices may be erected and maintained. I do not support giving him such blank check authority, and thus opening the door to charges of favoritism, subject to his discretion. The State should have, at least, an equal voice.

If the White House, for once, will let the House work its will, we can still write a good bill on the floor. But, if we let the executive branch take over, completely, the role of the legislature, and dictate every section of this bill, as it has done thus far, we're going to get another hodgepodge bill, that will make the highway junkyards look beautiful by comparison.

Mr. Chairman, the State of Missouri will require a constitutional amendment in connection with the control needed on this bill. It will cost $19.6 million to our State highway system, in addition to the quarter year delay in allocations now current in the highway trust fund; and I note in the colloquy no mention of our State was made as to the doubt of this case. Inasmuch as our people plus out-of-State vacationers need directional signs and a choice from advertising along our highways and secondary byways, I support this amendment and the substitute, for all the above reasons, and particularly the rights of property owners even in Federal land "inholdings" to have ingress and access, plus the unfair damage to Missouri as a whole; I sincerely urge the committee to accept these amendments.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from New York.

Mr. McEWEN. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from New York. I do not presume to have the familiarity with his district that he does but I am familiar with the Howes Caverns and the Baseball Hall of Fame, and the old Farmers Museum, and I know that we cannot have official State signs advertising private enterprise unless we have this amendment.

Mr. Chairman, I say if people individually or collectively, in private enterprise have gone ahead and made these attractions available, the public should know about them. I hope this amendment prevails.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. RESNICK. Mr. Chairman, I rise in support of the amendment as amended by the gentleman from New York [Mr. STRATTON]. I, too, represent a rural area of New York State. If those in my area were deprived completely of their billboards setting forth the natural wonders and scenic spots, they would be driven virtually out of business. So this amendment is very important.

The CHAIRMAN. The chair recognizes the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, I yield the time available to me to the gentleman from Oklahoma [Mr. EDMONDSON].

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. I thank the gentleman from Texas.

Mr. Chairman, there is too much mischief in this amendment proposed by the gentleman from New York to make it acceptable. What the gentleman from Illinois a few minutes ago propounded in a question is exactly what will happen if we open the Pandora's box that is presented by this amendment. We would have billboards all over the country advertising beer companies or soft drink companies and other organizations which would plug the local historic enterprise incidentally, or the local historic attraction incidentally, and get their product through the door that is opened on this bill by this particular amendment to the amendment.

With the amendment offered by the gentleman from Virginia, we would have no difficulty. The States should have no difficulty in adopting authorizing laws to put official markers on the highways when the story cannot be told by billboards in the commercial and industrial areas. That is what would happen under the bill. There would be billboards in the commercial and industrial areas, and in the open spaces there would be the official signs to tell the story.

I hope we vote down the amendment of the gentleman from New York and adopt the amendment originally submitted by the gentleman from Virginia.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I yield to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. I thank the gentleman from Michigan.

Mr. Chairman, I should like to make two observations. First, the discussion of the gentleman relating to signs that would be erected in areas used commercially shows how little the bill is understood. Only on-premise signs relating to the business could be erected, not those relating to attractions.

Second, apparently the majority does not have confidence in the discretion of the Secretary on this matter, although they have confidence in everything else, in that the Secretary would have complete discretion under the measure to determine as to "requirements relating to size, spacing, and such other requirements."

So, if the Secretary should decide, as I am sure he would, that any such sign must relate only to natural wonders, they will be so limited.

The CHAIRMAN. The gentleman from California is recognized.

Mr. MOSS. Mr. Chairman, as one who travels the breadth of this country on many occasions, I can tell the Members that some of the most blatantly offensive abuses of advertising occur in the name of so-called natural wonders, undefined in this bill. I refer to the snake pits—and you have seen the signs clear across this country—and the two-headed horned toad. You have seen those clear across the country. Every conceivable type of fraud is perpetrated in the name of natural wonders. You can see it in almost any State of the Union. If you want to open this measure up to abuse—to the most blatant abuse—adopt the amendment of the gentleman from New York.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON].

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. It was my recollection that at the time the gentleman from New York offered his amendment he offered it as a substitute for the amendment offered by the gentleman from Virginia [Mr. DOWNING]. I should like to have a clarification of the situation.

The CHAIRMAN. The Chair will state to the gentleman that the amendment of the gentleman from New York was offered as a substitute amendment.

Mr. GERALD R. FORD. And we are to vote on it as a substitute amendment?

The CHAIRMAN. As a substitute amendment.

Mr. GERALD R. FORD. I thank the Chairman.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York [Mr. STRATTON].

The question was taken; and on a division (demanded by Mr. STRATTON) there were—ayes 71, noes 135.

Mr. CLEVELAND. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chairman appointed as tellers Mr. CLEVELAND and Mr. WRIGHT.

The Committee again divided, and the tellers reported that there were—ayes 84, noes 149.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. DOWNING].

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 161, noes 4.

So the amendment was agreed to.

Mr. KLUCZYNSKI. Mr. Chairman, I move that all debate on title I and all amendments thereto close at 8:20.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. How many amendments to title I are at the Clerk's desk?

The CHAIRMAN. The Chair is informed that there are three amendments to title I.

Mr. GERALD R. FORD. That means 8 minutes for the reading and consideration of three amendments.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. Gerald R. Ford) there were—ayes 121, noes 84.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. Cramer].

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cramer: On page 17, after line 19, insert the following new subsection:

"(h) Whenever a State shall acquire by purchase or condemnation the right to advertise or regulate advertising in an area adjacent to the Interstate System or the Federal-aid primary system for the purpose of implementing this section, Federal funds may be used to reimburse the State for 75 per centum of the cost of such acquisition."

And reletter succeeding subsections and references thereto accordingly.

Mr. CRAMER. Mr. Chairman, I withheld this amendment so that other Members could have an opportunity to offer an amendment and the committee members could not be accused of taking up all of the time. We do not have time even to discuss it. This merely permits reimbursement in all areas of the taking of property. That is all it does.

Mr. Chairman, this is a serious amendment and we should have had time during which to consider it properly and thoroughly.

Mr. Chairman, I agreed to the rule under which we are operating on the basis that debate would not be cut off.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. Cramer) there were—ayes 73, noes 127.

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Wright and Mr. Gerald R. Ford.

The Committee again divided, and the tellers reported that there were—ayes 83, noes 142.

So the amendment was rejected.

Mr. PELLY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. PELLY. Mr. Chairman, have I and those of us who are on our feet entitled to 10 seconds lost that time to explain our amendments?

The CHAIRMAN. No, the gentleman is not correct in stating that Members were entitled to 10 seconds. Before the first speaker in behalf of the amendment had concluded, all time had expired. So the gentleman is not entitled to 10 seconds.

Mr. ICHORD. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. EDMONSON. Does that apply to Members who have amendments at the desk and want to offer amendments?

The CHAIRMAN. Members can offer amendments. The amendment will be read by the Clerk and the amendment will be voted upon. But there will be no debate on the amendment.

Mr. HALLECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. HALLECK. I understood the limitation of time was for 10 minutes rather than for a fixed time.

The CHAIRMAN. The gentleman from Indiana is not correct in his understanding. The motion to close debate was that debate close at 8:20 p.m.

AMENDMENT OFFERED BY MR. ICHORD

Mr. ICHORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ichord: On page 14, line 24, add after the word "within" the following: "control areas designated by the several States and are within".

On page 15, line 10, add after the word "section" the following: "in control areas where such signs, displays, and devices are other wise prohibited".

On page 15, add a new section as follows after line 20:

"D. Control areas are defined as areas along the interstate system and primary system within which controls of outdoor advertising, signs, displays, and devices shall be established. Control areas shall be designated by the several States along at least 90 per centum of such systems outside the zoned and unzoned commercial or industrial areas provided for in paraghaph (E) of this section to promote public safety and the recreational value of public travel and to preserve national beauty and areas of historical significance. Signs, displays, and devices shall be prohibited except as provided in paragraph (C) of this section along not less than 75 per centum of each control area. Such control areas shall not exceed 25 miles in length."

MOTION OFFERED BY MR. PELLY

Mr. PELLY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Pelly moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. PELLY. Mr. Chairman, I intended to offer an amendment to title I, section 101, section 131, subsection (g), in the interest of my State of Washington, to eliminate the mandatory requirement of compensation for removal of all nonconforming signs by all States.

This amendment would have allowed States which may not be able to regulate under the police powers to receive compensation. I am told there are 14 such States. However, I am also informed that the other 36 States which can regulate under police powers may otherwise encounter more problems by the bill as reported by the committee than would be solved, through the weakening of their zoning powers. Many such States presently find it possible under zoning to terminate without compensation for structures, after allowing for amortization of costs, or, in the case of signs, after allowing for adjustment of the business whose sign would be removed.

This amendment would provide for just compensation, but only whenever a State is unable to secure effective control under its police powers.

Unfortunately, it appears majority committee members are unwilling to accept this amendment and, therefore, I have decided to refrain and hope the bill will be recommitted to the committee where I trust mandatory compensation will be eliminated.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. Would it be in order for me to request unanimous consent that the gentleman from Missouri [Mr. Ichord] be allowed to speak for 5 minutes in support of this very important amendment?

The CHAIRMAN. If the request was made, the Chair would put the request.

Mr. STRATTON. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. Ichord] who has been waiting for some time to offer his amendment, be allowed 5 minutes to explain his amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. OLSEN of Montana. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. Ichord].

The question was taken; and on a division (demanded by Mr. Ichord) there were—ayes 119, noes 111.

Mr. JONES of Alabama. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Ichord and Mr. Edmondson.

The Committee again divided, and the tellers reported that there were—ayes 140, noes 153.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DOLE

Mr. DOLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dole: Strike out the word "Secretary" wherever it appears in title I and insert in lieu thereof the words "Lady Bird".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. Dole].

The amendment was rejected.

AMENDMENT OFFERED BY MR. M'EWEN

Mr. McEWEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McEwen: Page 16, strike out line 18 and all that follows through and including line 24 and insert in lieu thereof the following:

"(f) In addition to the signs, displays, and devices otherwise authorized by this section, signs, displays, and devices designed to give information in the specific interest of the traveling public concerning only public places operated by Federal, State or local governments, natural phenomena, historic sites, areas of natural beauty or naturally suited for outdoor recreation, and facilities for camping, lodging, eating, entertainment, or vehicle service and repairs shall be permitted to be erected and maintained adjacent to the Interstate System and the Federal-aid primary system.

"(g) Signs, displays, and devices permitted under subsection (f) of this section shall conform to the following requirements:

"(1) No sign, display, or device shall be erected or maintained in a scenic area;

"(2) No sign, display, or device shall be erected or maintained more than fifty roadway miles from the place or facility with respect to which it gives information;

"(3) No sign, display, or device shall be erected or maintained within one thousand feet of any other such sign, display, or device, on the same side of the highway;

"(4) Not more than two signs, displays or devices giving information concerning the same facility, excluding signs, displays, and devices permitted under any other provision of this section, shall be erected or maintained in such a location as to be visible to traffic proceeding in the same direction on the same highway;

"(5) In areas adjacent to Interstate Highways, no such sign, display or device visible to highway traffic approaching or passing an interchange shall be permitted in the area from 2,500 feet in advance of such interchange to a point 500 feet beyond such interchange; and

"(6) In areas adjacent to Federal-aid primary highways, no such sign, display or device visible to highway traffic approaching or passing an interchange or, if there be no interchange, an intersection at grade with a publicly owned and maintained highway, shall be permitted in the area from 600 feet in advance of such interchange or intersection to a point 500 feet beyond such interchange or intersection.

"(h) As used in subsection (g) of this section, the term 'scenic area' means an area of a kind generally regarded as being of unusual natural or man-made beauty or historic significance which has been so designated pursuant to State law.

"(i) Signs, displays and devices permitted under clause (2) and (3) of subsection (c) and under subsection (f) of this section shall conform to the following requirements:

"(1) No sign, display, or device shall be erected or maintained which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates, or resembles any official traffic sign, signal, or device;

"(2) No sign, display, or device shall be erected or maintained which prevents the driver of a vehicle from having a clear and unobstructed view of official signs or traffic;

"(3) No sign, display, or device shall be erected or maintained upon trees or painted or drawn upon rocks or other natural features;

"(4) No sign, display, or device shall be erected or maintained in excess of three hundred square feet in area, including border and trim but excluding supports;

"(5) No lighting shall be permitted to be used in connection with any sign, display, or device unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the system, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle;

"(6) No sign, display, or device shall be erected or maintained which contains, includes, or is illuminated by any flashing, intermittent, or moving light or lights; and

"(7) No sign, display, or device shall be erected or maintained which moves or has any animated or moving parts."

And reletter succeeding subsections and references thereto accordingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken and on a division (demanded by Mr. McEWEN) there were—ayes 74, noes 134.

So the amendment was rejected.

Mr. YOUNGER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. YOUNGER and Mr. KLUCZYNSKI.

The Committee again divided and the tellers reported that there were—ayes 77, noes 145.

So the amendment was rejected.

Mr. LAIRD. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. LAIRD moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. LAIRD. Mr. Chairman, during the last few minutes we have seen a display where five important amendments to title I were considered, debated, and disposed of in a period of some 8 minutes. One of the amendments was discussed for less than 8 seconds. Two of the amendments were merely read and the House of Representatives was asked to work its will. I realize that those of us in the minority are not in a position where we should have the right to schedule legislation. We are not in that position of responsibility so far as establishing the program for this 89th Congress. Mr. Chairman, the minority party with only 141 Members, however, should have the right in this House of Representatives to offer amendments and to have them clearly understood and fully debated so that we can have a clear and open exchange of ideas. Full discussion of every issue that comes before this House of Representatives is important to America and its future.

Mr. Chairman, it seems to me at this particular time in the history of our country it is most important for us to do our work in an orderly fashion. We have only two conference reports scheduled for consideration tomorrow. Let us go ahead with our planned bipartisan evening at the White House tonight and come back and do the kind of job that needs to be done on this bill tomorrow.

Mr. Chairman, I believe it is dangerous for the Congress to ever work its will on any legislation or amendment without proper debate and without proper discussion and consideration. On the basis of the record in the past 2 hours any impartial observer will admit that this is not taking place tonight.

We hear a lot of talk about the rights of the minority in our society today. It seems to me every Member on that side of the aisle should be interested in protecting those rights. According to the UPI press service in the Speaker's lobby we must stay in session and pass this bill tonight so that it can be delievered to the lovely First Lady as a present or package at the White House party. It seems to me that we can present a much nicer package tomorrow. We perhaps will be outvoted on the position that we in the minority take on several of these amendments, but outvoted as we may be tomorrow, at least we will have had the opportunity to tell the people of this country from one end to the other that in the House of Representatives proper debate and discussion can take place.

The minority party must maintain its position of insisting upon proper consideration of all legislation. It seems to me only reasonable for us to finish action on this legislation tomorrow. I had intended to support legislation along the lines suggested by our First Lady but certainly can only do so after proper consideration.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. The gentleman did not remind the Members of the House that we have had over 4 hours of debate on this title, and the gentleman did not remind the House that no attempt to cut off the time was made until dilatory tactics were used over and over again by the minority.

May I say to the gentleman, when he refers to handing something to the First Lady as a package he is lowering himself almost as far as the gentleman from Kansas did when he moved to strike out the name of the Secretary of Commerce and insert Lady Bird.

Mr. LAIRD. I would like to say to the gentleman, I did not object to delivering this "package to the lovely First Lady." But I would just as soon deliver that package tomorrow, and I think it would be just as much appreciated tomorrow as it would be late tonight. I believe the President of the United States and the First Lady would want this bill properly considered and have every amendment considered on its merits and not have Members walking up and down the aisle without proper discussion and consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAIRD. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. BOGGS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BOGGS. Mr. Chairman, I rise in opposition.

Mr. Chairman and Members of the Committee, those of us in the majority have just been lectured by the gentleman from Wisconsin on our alleged failure to grant proper time for consideration. The gentleman failed to recount the fact that we have debated this one title of this legislation for 4 hours this afternoon and tonight. The gentleman, whether he laughs about it or not, must admit that the leadership on the other side has deliberately, time and time again here tonight, when they have known they had no chance whatsoever of changing the result, used dilatory tactics which consumed time which could have been used in orderly debate.

In my judgment, we have had a very fine session of Congress. Well, you gentlemen laugh. The people will make the decision, come next year. Clap, if you will. I suggest that the applause will not be quite so loud come November 1966. It just so happens that in the last 35 years in the history of this great Nation of ours the minority party has controlled this Congress, since 1930, for only 4 years or two Congresses. Why? Just because of the kind of tactics we have seen here tonight.

You talk about a responsible minority. I agree. We need one. We need one desperately. But we do not have one. We have a frustrated minority.

We have tried to be constructive in this Congress. Many of the measures we have passed, we have passed with the help and the cooperation of the Republican Party. I am sorry indeed to see this kind of spectacle here tonight. I really say with every bit of sincerity at my command that I am surprised and disappointed in the Republican leadership and the tactics they have pursued here this evening.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Louisiana yield?

Mr. BOGGS. I am happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I am disappointed in the remarks made by the gentleman from Louisiana. We on our side of the aisle were more than anxious to work conscientiously and adjourn this afternoon at a reasonable time in order that we could have bipartisan participation in the White House affair this evening. Earlier we agreed, in my discussions with my friend, the gentleman from Oklahoma, that we in the minority would be willing to come in early tomorrow in order to handle the business that had been anticipated, in addition to the conclusion of the business we are working on tonight.

The facts are that there were no dilatory tactics begun by the leadership on this side of the aisle until there was an arbitrary decision on that side of the aisle to close off debate, to ramrod this legislation through without ample debate and proper consideration. We have the right, the opportunity, and the responsibility to use the parliamentary procedures which this House adopted on January 4. Tonight we are doing just this in order to do exactly what the gentleman from Wisconsin indicated earlier was necessary—responsible discussion without the heavy hand of a time limitation on debate.

Everyone of these amendments—and more than half of them have been offered by Members on your side, not ours—we believe should be considered. We believe those amendments from that side of the aisle and the ones offered on this side ought to be fully debated. The Members of this Committee today ought to have an opportunity to vote on them by division, and by teller vote.

This is what we have tried to do—to protect the rights of the minority party. The long established rules of the House are designed for the protection of the minority. We have exercised our rights properly, and I might add somewhat effectively, to make our point. Perhaps this may account for those remarks that have been made by the gentleman from Louisiana [Mr. BOGGS]. Let me assure him we will continue to exercise our rights and such proper methods as are available to protect those rights of the minority.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin [Mr. LAIRD].

The motion was rejected.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 14, line 19, after "apportioned" insert "under paragraphs (1) and (5) of subsection (b) of section 104 of this title.".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The question was taken; and on a division (demanded by Mr. CRAMER) there were—ayes 64, noes 152.

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. GERALD R. FORD and Mr. WRIGHT.

The Committee again divided, and the tellers reported there were—ayes 71, noes 149.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PELLY

Mr. PELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PELLY: On page 17, line 19, after the word "thereon" add the following:

"Compensation shall be determined as of the date the sign, display or device becomes nonconforming and payment shall be reduced by its value during the period of maintenance before it is removed. The Federal share shall be paid also for removal of outdoor advertising signs, display and devices under State authority pursuant to subsection (k). In such cases the Federal share shall be 100 per centum."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken; and the Chair announced that the "noes" had it.

Mr. EDMONDSON. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PELLY and Mr. EDMONDSON.

The Committee divided, and the tellers reported that there were—ayes 52, noes 108.

So the amendment was rejected.

The CHAIRMAN. If there are no further amendments to title I, the Clerk will read.

The Clerk read as follows:

TITLE II

SEC. 201. Chapter 1 of title 23, United States Code, is amended to add at the end thereof the following new section:

"§ 136. Control of junkyards

"(a) The Congress hereby finds and declares that the establishment and use and maintenance of junkyards in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

"(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the establishment and maintenance along the Interstate System and the primary system of outdoor junkyards, which are within one thousand feet of the nearest edge of the right-of-way and visible from the main traveled way of the system, shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States.

"(c) Effective control means that by January 1, 1968, such junkyards shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the system, or shall be removed from sight.

"(d) The term 'junk' shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

"(e) The term 'automobile graveyard' shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

"(f) The term 'junkyard' shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

"(g) Notwithstanding any provision of this section, junkyards, auto graveyards, and scrap metal processing facilities may be operated within areas adjacent to the Interstate System and the primary system which are within one thousand feet of the nearest edge of the right-of-way and which are zoned industrial under authority of State law, or which are not zoned under authority of State law, but are used for industrial activities, as defined by the several States subject to approval by the Secretary.

"(h) Notwithstanding any provision of this section, any junkyard in existence on the date of enactment of this section which does not conform to the requirements of this section and which the Secretary finds as a practical matter cannot be screened, shall not be required to be removed until July 1, 1970.

"(i) The Federal share of landscaping and screening costs under this section shall be 75 per centum.

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of the following junkyards—

"(1) those lawfully in existence on the date of enactment of this subsection,

"(2) those lawfully along any highway made a part of the interstate or primary system on or after the enactment of this subsection and before January 1, 1968, and

"(3) those lawfully established on or after January 1, 1968.

The Federal share of such compensation shall be 75 per centum.

"(k) All public lands or reservations of the United States which are adjacent to any portion of the interstate and primary systems shall be effectively controlled in accordance with the provisions of this section.

"(l) Nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to outdoor junkyards on the Federal-aid highway systems than those established under this section.

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, and not to exceed $20,000,000 for the fiscal year ending June 30, 1967. No part of the Highway Trust Fund shall be available to carry out this section."

SEC. 202. The table of sections of chapter 1, title 23, United States Code, is amended by adding at the end thereof the following:

"136. Control of junkyards."

Mr. KLUCZYNSKI (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent to have title II considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. CURTIS. Mr. Chairman, I object.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: on page 21, line 25 following the period, add the following sentence: "Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State."

Mr. WRIGHT. Mr. Chairman, this amendment is identical to one we adopted to section 1. It is identical to the language which appeared both in section 1 and section 2 of the bill passed by the other body. It brings the bill into conformity with the language contained in the bill as adopted by the other body. It gives to the Secretary the authority to waive the withholding of funds from any State whenever he feels it is in the public interest that this should be done.

It will be of benefit to the States and particularly to any State that may have some constitutional problem in complying and conforming with this act rapidly. I believe there is no objection to it either on this side or on the other side.

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I am glad to yield to the gentleman from Illinois, our subcommittee chairman.

Mr. KLUCZYNSKI. I find there is no opposition to this and the committee is very happy to adopt the amendment.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER as a substitute for the amendment offered by Mr. WRIGHT. On page 21, line 25, following the period, insert the following:

"If a State, for good cause shown, is unable to control junkyards consistent with this section, the Secretary may suspend, for such periods as he determines necessary, the application of this subsection to such State, if he determines such suspension is in the public interest."

Mr. CRAMER. Mr. Chairman, the same issue is before the House as was before the House relating to title I. This amendment relates to junkyards. If this body wants to have some standards relating to the exercise of authority by the Secretary in determining whether or not to waive the provisions and adopt this language, reading "if a State for good cause shown is unable to control junkyards consistent with this section," which is language which is not contained in the gentleman's amendment, then they will vote for my substitute amendment.

Mr. Chairman, I will say to the Members on the majority side, so far as I am concerned in my activities I had announced at the outset it was going to be our intention constructively to try to help to write a good bill and have serious amendments considered seriously.

I call the attention of the House to the fact that, as of the time that debate was cut off, the gentleman from Florida and the minority in toto have had an opportunity to offer only this substitute to the gentleman's amendment, the gentleman from Texas [Mr. WRIGHT], who is offering the same amendment to this title, title II, and only a substitute for the language in paragraph (d), one of the critical issues, and no other amendments from this side were offered in deference to the amendments that other Members, not members of the committee on the other side, wanted to have considered.

Now I learned my lesson on that. I know now that in the future you are going to have to grab for whatever time you can get or else run the risk of being cut off. I tried to be a gentleman and let the Members on the other side offer their amendments in deference to their position.

The other reason I did that is that we had a gentleman's agreement and therefore agreed to the rule that this bill would be read by title and not by sections. That proves that those gentlemen on the minority side on the committee, and the minority, have no desire to delay in any way the deliberations on this bill. We did not insist on it being read section by section which is the customary rule. I made the same concession in behalf of the minority before the Committee on Rules relating to the omnibus rivers and harbors bill because we in the majority and the minority of this committee in the past have had good-faith understandings that generally have been kept.

I am very sorry to see in this instance that it was not. We agreed under the rules of the House to the reading of the bill by title only on the basis of a gentleman's agreement being entered into that the bill would be considered with an opportunity to offer amendments when it was read by title.

The gentlemen on the majority side full well know that we had a number of serious amendments yet pending when the request to cut off debate was demanded and voted. Those amendments were intended as serious amendments. I think they would have improved the bill. They deserved to be discussed. Those amendments are going to be offered to this title at the proper time and I think it is most unfortunate that that good faith agreement that was entered into in an effort to get proper consideration has been, in my opinion, violated. I know in the future what not to agree to as it relates to making sure that reasonable amendments from our side are given a chance to be offered and to be properly considered. I say to my distinguished colleagues on the committee, I am sorry to see this agreement violated on this bill when we did so well on the rivers and harbors bill and we did so well so far as the consideration of the bill was concerned on both sides and we wrote a good bill relating to water pollution control, a bill that was passed unanimously by this House. So all the fun you wish can be made about the procedures being used, but I say to you as far as this gentleman is concerned, he is serious about making such concessions and expecting one's word to be kept.

Mr. GRAY. Mr. Chairman, I rise in opposition to the substitute amendment offered by the gentleman from Florida.

There is an old song entitled "Second Verse, the Same as the First."

The amendment is exactly the same amendment which the gentleman from Florida offered to title 1 of the bill, and which was voted down by a vote of approximately 2 to 1.

Out of deference to Members of the Committee of the Whole, I shall be very brief. I ask that the substitute amendment of the gentleman from Florida be voted down, and that we vote for the amendment of the gentleman from Texas [Mr. WRIGHT].

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Florida [Mr. CRAMER].

Mr. KLUCZYNSKI. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chairman appointed as tellers Mr. CRAMER and Mr. KLUCZYNSKI.

The Committee divided and the tellers reported that there were—ayes 65, noes 118.

So the substitute amendment was rejected.

The CHAIRMAN pro tempore (Mr. KEOGH). The question is on the amendment offered by the gentleman from Texas [Mr. WRIGHT].

The amendment was agreed to.

Mr. KLUCZYNSKI. Mr. Chairman, I wonder if we could agree on a time limit for title II. Can the gentleman from Florida tell me how many amendments there are?

Mr. CRAMER. Mr. Chairman, if the gentleman will yield, I have four amendments at the desk, most of which were not considered through any discussion of any kind on the last title. I believe we should have enough time to discuss what the amendments purport to do on this title.

Mr. KLUCZYNSKI. Would 10:15 p.m. be all right?

Mr. CRAMER. I respectfully suggest to the gentleman that perhaps we can proceed and see how we get along with the amendments. Then the gentleman can do as he sees fit. We have been on this title only long enough to consider one amendment, and there were only 5 minutes on that.

Mr. KLUCZYNSKI. How about 10:20 p.m?

Mr. CRAMER. I would prefer it if the gentleman would not try to set a time at this time. If he wants to do that later, he can.

Mr. KLUCZYNSKI. How about 10:30 p.m.?

Mr. CRAMER. If there were some way of protecting our right to offer the amendments, I would have no objection to 10:30.

The CHAIRMAN pro tempore. Does the gentleman from Illinois make a request?

Mr. KLUCZYNSKI. Mr. Chairman, the gentleman from Florida has agreed that we can close off debate at 10:30.

Mr. CRAMER. I speak only with respect to the amendments we wish to offer. I do not know whether any other Member has indicated he has an amendment.

Mr. KLUCZYNSKI. Mr. Chairman, I move that all debate on title II and all amendments thereto close at 10:30 p.m.

The CHAIRMAN pro tempore. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 23, after line 24, insert the following new subsection:

"(k) Whenever a State shall acquire by purchase or condemnation the right to prevent or control junkyards, in an area adjacent to the Interstate System or the Federal-aid primary system for the purpose of implementing this section, Federal funds may be used to reimburse the State for 75 per centum of the cost of such acquisition."

And reletter succeeding subsections and references thereto accordingly.

Mr. CRAMER. Mr. Chairman, this is the amendment which we offered to the other title to the bill but which we were not able to get to in discussing what it will do, because of the cutting off of the time. I seriously feel that when it is debated briefly, which is all the time we have, it will be agreed that the amendment is justified and should be favorably voted upon. All the amendment does is to provide for the protection of the constitutional rights of all property owners, not just those who happen to have had a sign erected or, in this instance, have had a junkyard in existence. The basic principle here is the constitutional right of everybody to have just compensation when his property rights are taken, particularly if you are going to reimburse them in the instance where you have a junkyard in existence. As the bill is drafted you would not reimburse in those instances where the parties have the right to lease for junkyard purposes but where there is not one actually in existence. So what this amendment does is to provide, in those instances where the State constitution and law require a State to reimburse for taking or regulating the right to erect a junkyard on the land of a property owner, as well as for the removal of those in existence, that we do reimburse. Now, this is a matter of record. Many States have such requirement. Fourteen States have it. It is equally true relating to junkyards as it is to billboards. I ask you this question: Why should the State have to pay 100 percent of the cost if its constitution requires it to reimburse in those instances where you have a junkyard right but not one in existence? Very simply stated, what this amendment does is provide equity to everybody. It protects the constitutional rights of everybody. I want to emphasize that the amendment is drafted in such a way that it applies only in those instances where the States under their constitutions have to pay the bills.

If you do not adopt this amendment in all of those 14 States which have to pay for taking the right to establish a junkyard, even though no junkyard is actually in existence, then those States will have to pay 100 percent of the cost. There is nothing they can do about it except maybe amend their constitution. They probably cannot do that by January 1, 1968. What this amendment does is simply provide where the State has to reimburse, and has not had an opportunity to amend their constitution or if, in fact, the voters voted it down and they cannot in fact do so as a constitutional right, it permits them to condemn that property right under the power of eminent domain, and the State will be permitted to receive 75-percent Federal participation for the cost of that, as well as the 75 percent where you have a junkyard in existence.

Is that not fair and equitable? Does that not seem fair and equal treatment? Is that not a constitutional approach? If you are going to take a person's property rights and the State has to pay for it, why should not the State be reimbursed 75 percent, which they would if the junkyard were in existence? That is the issue. That is all it is. It is a matter of equity and fairness. I trust that the amendment will be adopted. I am glad to have had the opportunity to discuss it for a few minutes now, having had only 10 seconds to discuss it on title I.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are many reasons why this amendment should be voted down. In the interest of time I shall try to be very brief and make just three points. First of all, we rejected this amendment to title I and certainly it would be unfair to pay people for junkyards they do not now own when we have denied people who may later own billboards reimbursement under title I.

Second, it would be paying people for rights which do not now exist. It would be like the farmer who said he lost a million dollars because hogs went up and he did not have a head. The gentleman from Florida proposes to pay these people who do not have an inherent right now in a junkyard but who might at some future time.

The third reason is because it would be impossible to administer. Certainly we have no idea of the cost. All of us will be frank in stating that there may not be adequate funds in this bill now for what we know will be damages to these people. So why should we take on a lot of imponderables that we do not know about at the present time?

So I ask that the gentleman's amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The question was taken.

Mr. GRAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. GRAY and Mr. CRAMER.

The Committee divided, and the tellers reported that there were—ayes 49, noes 121.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 23, line 24, before the period insert ", except that Federal funds shall not participate in the cost of relocation, removal, or disposal of any junkyard unless the new location of such junkyard is within an area zoned or used for industrial purposes, or an area non-residential and non-scenic in character, and is either more than one thousand feet from the nearest right-of-way line or is not visible from the main traveled way of any highway then on any Federal-aid highway system."

Mr. CRAMER. Mr. Chairman, this is an amendment that was discussed in the committee and, as a matter of fact, reference to it was incorporated in the committee report on page 11. It brings to light an obvious inconsistency, a result which I do not think anyone wants to have happen.

Mr. Chairman, there is nothing in this legislation that requires that when a junkyard is removed that it not be placed in a far more reprehensible place, a far more burdensome place than near the highway.

Mr. Chairman, there is nothing that prevents 75-percent Federal money to be used for the purpose of removing a junkyard from the highway, but letting it be moved next to a housing development, or in an area where it is far more obnoxious to the people than it would be along the highway.

So, Mr. Chairman, all my amendment does is to require that if you are going to spend 75-percent Federal money, you are not going to create an equally obnoxious location for the junkyard as you try to do now by removing it from the highway.

Does that not make sense? The committee thought it did to the extent of writing it in the report. But they were not willing to write it into the legislation like so many other things in order to meet the Secretary's unlimited discretion and the sentiment was expressed to not put it in the legislation.

Mr. Chairman, this body is going to look rather silly, in my opinion, if we spend 75-percent Federal money and then let the junkyard be removed into an area that is even worse from the standpoint of esthetics and other things than if located on the highway.

Mr. Chairman, here is what the committee said in the report:

> It is further intended while a junkyard is to be removed when it cannot be screened it should be removed to an industrial area where such activities normally are conducted or not to an area of scenic value or a residential area.

Mr. Chairman, I say let us write this into the bill with the language that Federal funds shall not participate in the cost of the relocation, removal, or disposal of any junkyard unless the new location of such junkyard is within an area zoned or used for industrial purposes.

That is what the committee says it wants to do, for an area nonresidential and nonscenic in character. That is what the committee says it wants to do. And is either more than 1,000 feet from the nearest right-of-way line or is not visible from a main traveled highway. That is precisely what the committee says it wants to do. I will ask the gentlemen, will they not accept the amendment? Do you not think it is well to provide it in the legislation? Are you willing to accept this amendment which you admit you want?

Mr. GRAY. The answer to the gentleman's question is "No."

Mr. CRAMER. I thought so.

Mr. GRAY. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, first of all let me say I am surprised that the gentleman would offer this amendment because he is a champion of States rights and does a very effective job.

If he will read page 11 of the committee report he will find that we leave this matter up to the States to determine where they want to relocate their junkyards. In reading the gentleman's amendment it says "or disposal of any junkyard unless the new location of such junkyard is within an area zoned or used for industrial purposes."

I can think of many situations where a junkyard is now poorly located and should be moved but is not now in an industrial area, as an example, you could relocate a junkyard from a nonindustrial area in Fort Lauderdale, Fla. to an industrial area in Tampa, Fla. in order to comply with the gentleman's proposed amendment. I do not think the gentleman would want that. I do not think we should get into this kind of a trap and I think the gentleman's amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. Cramer].

The amendment was rejected.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Cramer: On page 21, line 13, after "apportioned" insert "under paragraphs (1) and (5) of subsection (b) of section 104 of this title,".

Mr. CRAMER. Mr. Chairman, if we are going to have any logic in this legislation at all, this amendment, in my opinion, contains logic, it makes sense. All it does is provide any withholding money, the 10 percent that is, shall apply only to those Federal-aid systems, meaning primary and interstate, where we have to control the junkyards. In other words you are not going to withhold the 10 percent from your secondary systems. How can you possibly justify withholding 10 percent of the secondary system funds when there is no obligation on the part of the States to provide that control on the secondary systems or the urban extensions. You are going to penalize 626,000 miles of secondary highways to the tune of 10 percent, when you have no duty on the part of the State to control junkyards on that 626,000 miles. That does not make sense at all. If you are going to withhold, withhold only in relation to the mileage where you have the duty to control. That is all the amendment does.

I would think in sound logic and reason such amendment would be wholeheartedly agreed to by even the stanchest proponents of control of junkyards, not wanting to penalize your farm-to-market roads and other roads on which there is no duty whatsoever to control junkyards. This will bring it in line with reason, equity, and fairness.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. Cramer].

Mr. GRAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Gerald R. Ford and Mr. Gray.

The Committee divided, and the tellers reported that there were—ayes 54, noes 111.

So the amendment was rejected.

Mr. CRAMER. Mr. Chairman, I move to strike out the requiste number of words and I shall not take up the entire amount of time.

I might say my wife is just as anxious to go to the White House as any of your wives. As a matter of fact you do not know my wife. The last time we went to the White House the President danced with her three times, and she has been so anxious to get back I am sure I am going to catch heck from her when I get home tonight.

I have a series of other amendments, some of which were voted on, on the previous title. Because of the obvious attitude of the House at this time and at this late hour, I am convinced that in this fashion of offering amendments we could not get adequate reasonable consideration of them. Therefore, I shall reserve the other amendments relating to this title as we think appropriate to the motion to recommit. It is quite obvious that at this late hour that is the only remedy available relating to the additional amendments to this title.

However, the gentleman from California [Mr. Baldwin], has an amendment which is quite serious in nature and I think definitely should be seriously considered and, I hope, adopted. That amendment will be offered to the next title. Other amendments might be offered as other Members wish. At least that amendment will be offered from this side at that time. I thought the Members might be interested in knowing what the prospects are relating to amendments to the balance of the bill from this side. I make that statement in our effort to act in good faith and to try to write a decent bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

Sec. 301. (a) Section 319 of title 23, United States Code, is revised to read as follows:

"§ 319. Landscaping and scenic enhancement

"(a) The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public.

"(b) An amount equivalent to 3 per centum of the funds apportioned to a State for Federal-aid highways for any fiscal year shall be allocated to that State out of funds appropriated under authority of this subsection, which shall be used for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, without being matched by the State. The Secretary may authorize exceptions from this requirement, upon application of a State and upon a showing that such amount is in excess of the needs of the State for these purposes. Any funds not used as required by this subsection shall lapse. There is authorized to be appropriated to carry out this subsection, out of any money in the Treasury not otherwise appropriated, not to exceed $120,000,000 for the fiscal year ending June 30, 1966, and not to exceed $120,000,000 for the fiscal year ending June 30, 1967. No part of the Highway Trust Fund shall be available to carry out this subsection."

(b) The table of sections of chapter 3 of title 23 of the United States Code is amended by striking out

"319. Landscaping."

and inserting in lieu thereof

"319. Landscaping and scenic enhancement."

Sec. 302. In order to provide the basis for evaluating the continuing programs authorized by this Act, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1967, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of carrying out the provisions of this Act, and a comprehensive study of the economic impact of such programs on affected individuals and commercial and industrial enterprises, the effectiveness of such programs and the public and private benefits realized thereby, and alternate or improved methods of accomplishing the objectives of this Act. The Secretary shall submit such detailed estimate and a report concerning such comprehensive study to the Congress not later than January 10, 1967.

Sec. 303. (a) Before the promulgation of standards, criteria, and rules and regulations, necessary to carry out sections 131 and 136 of title 23 of the United States Code, the Secretary of Commerce shall hold public hearings in each State for the purpose of gathering all relevant information on which to base such standards, criteria, and rules and regulations.

(b) The Secretary of Commerce shall report to Congress, not later than January 10, 1967, all standards, criteria, and rules and regulations to be applied in carrying out sections 131 and 136 of title 23 of the United States Code.

Sec. 304. There is authorized to be appropriated the sum of $500,000 to enable the Secretary of Commerce to carry out his functions under section 135 of title 23 of the United States Code relating to highway safety programs.

Sec. 305. Nothing in this Act or the amendments made by this Act shall be construed to authorize the use of eminent domain to acquire any dwelling (including related buildings).

AMENDMENT OFFERED BY MR. BALDWIN

Mr. BALDWIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Baldwin: On page 25, line 9, after "used" insert "for landscape and roadside development within the highway right-of-way and".

On page 25, line 14, after "facilities" insert "within or adjacent to the highway right-of-way".

Mr. BALDWIN. Mr. Chairman, as I mentioned during the period of general debate, this title, in the form in which it is now written, would bar the use of this 3-percent beautification fund within the right-of-way. That would mean that when a State division of highways acquires 15 or 20 acres for an interchange no part of this beautification fund could be used for landscaping or shrubbery or perhaps putting in water mains to water the landscape or shrubbery within that interchange.

Furthermore, if the highway went through a hill and made a substantial cut, the denuded cut could not be landscaped from this beautification fund because it would be within the right-of-way. Or, if it were a city through which there was an extensive highway fill which presented an unsightly appearance, that could not be landscaped, because the fill would be within the right-of-way.

It makes no sense to me to create a 3-percent beautification fund and then to bar the use of that fund for the very things which are the most unsightly, which one sees first when he is driving along the highway—that is, the interchanges, the cuts, and the fills.

Under this bill as it is now worded the only place were one could use the 3-percent beautification fund would be out beyond the interchange or the cuts or the fills. It would be possible to go out and acquire some more property and to plant some shrubbery and to beautify that, but between the road and the property which would be acquired for that purpose would be all of the weedy interchanges, and denuded cuts, and the weedy or denuded fills.

As I say, the place where it is needed the most is the place where most people see it—the interchanges, the cuts, and the fills.

I am sure that if Members have had the experience of seeing one of these roads go through a part of their district and have had letters from constituents about beautification, those constituents are urging beautification and landscaping of the property within the rights-of-way, within the interchanges, within the cuts, and within the fills.

The purpose of my amendment is to broaden title III and to say that this 3-percent beautification fund can be used within the right-of-way as well as beyond the right-of-way. This would make it possible for the State division of highways to use its best judgment as to where the need for beautification is the greatest, and then use the funds for that purpose.

It seems to me this is the only sensible approach to take. Certainly we should make these funds available for these interchanges, these cuts, and these fills.

The purpose of the amendment is a constructive purpose. I intend to vote for the bill whether the amendment is adopted or not, but I believe this bill would be a far more constructive bill if the amendment is adopted, and I hope that the amendment will be adopted. I believe its merits warrant it.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman from Virginia.

Mr. JENNINGS. I want to associate myself with the remarks of the gentleman and to say that I feel this is a very deserving amendment, one which I believe we should support, one which I feel will render a great deal of beauty to the highway system. As the gentleman pointed out, this is badly needed especially in areas where it is necessary to have cuts and fills in building the highways.

It might be argued by some that this is not necessary because they could be in the construction project, but we have many areas where the construction has already been completed and where we have these denuded areas which are very unsightly, and we very definitely need this money. I certainly associate myself with the gentleman's remarks and hope his amendment is adopted.

Mr. BALDWIN. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I am glad to yield to my colleague from California.

Mr. DON H. CLAUSEN. Do I understand from the gentleman's remarks—and we have had some comments from the State of California Division of Highways that this would be of great assistance in those areas where there is no immediate opportunity to provide for the landscaping because of the lack of water immediately available—do I understand from his remarks this would be of great assistance to the State of California?

Mr. BALDWIN. That is correct. It is my understanding and I have been informed by the executive director of the American Association of State Highway Officials that this amendment is supported by that organization.

Mr. DON H. CLAUSEN. I want to associate myself with the remarks of the gentleman and wholeheartedly support his amendment. He has done yeomen's work in restoring the amendment that was originally adopted unanimously by our committee and is deserving of our highest commendations.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, at the outset may I say I think this is the most important part of this bill.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 10 minutes.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Alabama?

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, this is the first amendment on title III, and as far as I know there are no other major amendments. This is an amendment that deserves, I believe and others believe, at least some reasonable discussion. I would hope that the gentleman from Alabama would let the discussion go on for 10 minutes or so and maybe that will be all that is required.

Mr. JONES of Alabama. I was speaking to this amendment and all amendments thereto and not to the entire title.

Mr. GERALD R. FORD. That is all I am talking about in response to the gentleman from Alabama. We have no desire on this amendment or on title III to offer any unnecessary amendments.

Mr. JONES of Alabama. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. BLATNIK. Mr. Chairman, in my opinion, this is the most important part of the entire bill. Of the total amount, about $320 million, roughly a third of a billion dollars, for all the purposes of the bill, 75 percent of this money authorization occurs in title III and for a very important purpose. I am, needless to say, a little relucant to have to disagree with my very dear friend [Mr. Baldwin], on the application to the on-the-right-of-way projects, because I am in complete agreement with him on the importance of the section and on the need for beautification on the right-of-way. Now, under existing law, any of this beautification that is contemplated under title III can be accomplished within the right-of-way on all Federal-aid highway programs whether on the interstate, the primary, the secondary, or the urban extensions. What is going to happen will be, I am afraid, that many of the States have been reluctant to use moneys now available on right-of-way on the Interstate System, which is a part of the project cost and does not detract one iota from the amount of money they are going to get eventually or the mileage they will eventually have on the Interstate System. What I am afraid of is too many States will divert too much of this money from the original purpose. Here is the purpose of this: Under existing law we have money for highway beautification particularly on the Interstate System. This title III money is an additional amount to improve and enhance scenic areas and to provide recreational facilities such as picnic tables, cooking and camping places, sanitation facilities adjacent to the right-of-way, et cetera.

More than that, we can improve adjacent strips of land along the right-of-way where you have good land. Where you have brush or scrub growth or weeds then you actually have a Youth Conservation Corps at home. Young men can work, living at home, and can be employed to cut the brush. Unemployed men in their off season, such as railroad men in the wintertime, agricultural workers and off-season work people can cut out this scrub growth, prepare it for planting and then in the spring and summer the youngsters can be used to plant a wide band of trees.

This corridor of trees will do two things. It will enhance the scenic and esthetic beauty of the road structure, but very important is this: In the entire northern half of the United States it can be used as a snowbreak or as a windbreak, in the wind-blown prairie areas. Mind you, snow removal is more than one-half of all maintenance costs, and all maintenance costs are carried 100 percent by the States.

Let me show you how a State would shortchange itself in the long run for what they think is an immediate advantage. Here you have an Interstate Highway System. You are going to buy a bush for $10, or it can be $100, or $1,000 or $10,000, whatever you use as a measure. You buy one bush for $10. If the State uses the existing law they pay $1 and the Federal Government pays $9. You have got a $10 bush on the right-of-way in addition to which the State can come in under the provisions of this bill in title III as now written and get a second bush for $10 adjacent to the right-of-way.

If you take the $10 that should go adjacent to the right-of-way and you put it on the right-of-way proper, here is what happens. Instead of the State paying $1 and the Federal Government $9 the Federal Government pays $10 and the State nothing. But you would only have the $10. You have lost the further planting or improvement of the lands adjacent to the right-of-way. Obviously the State would shortchange itself.

Let us go on to explain the benefits under title III.

A "complete" highway is much more than a strip of pavement. Rather, it is a surface travel channel which provides the means for safe and efficient transport from one point to another; but additionally, it should be so designed and built so as to provide roadside accommodations which today's traveler requires for his comfort and convenience. Wherever possible it should also incorporate outstanding scenic areas along the way, so that the trip by motorized vehicle is a pleasant and enjoyable one.

Congress recognized the wisdom of this concept a quarter century ago, by enacting section 319 of title 23. It provided that Federal-aid highway funds could be spent for roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas. It also authorized the acquisition of additional strips of land adjacent to the right-of-way, for the preservation of the natural beauty through which highways are constructed.

Though landscaping and roadside development has been provided along some of the Federal-aid highways, under the first portion of this authorization, no additional lands adjacent to the highway right-of-way had been purchased or controlled in the public interest, until recently.

Title III and section 319 involve what might be called the scenic corridor. In areas of outstanding natural beauty, it is the scenic corridor which is the foundation of the recreation opportunity provided along the way. Unless the amenities in the corridor are appropriately protected, rarely will they be preserved for present or future use.

Title III of the bill is designed to protect these amenities, and at low cost. These may include a striking stand of timber, an unusual geological formation, an outstanding view into a water, wetland or mountain area, cultural or historical features, and the like.

Since the President activated his national highway beautification program, proposals of a number of States—Maine, Minnesota, and New York—for use of section 319 3-percent funds on specific projects have been approved.

The Maine project provides for the purchase of 3.1 acres of woodland extending 1,300 feet along the John Fitzgerald Kennedy Memorial Drive at a cost of $2,500. Minnesota will use $135,000 for the outright purchase of scenic easements along some 47 miles of the Great River Road. New York will acquire 25 acres of land adjacent to a rest area and extending 1,800 feet along an interstate highway, at a cost of $7,200. These illustrate the uses to which the moneys authorized in title III could be put, if made available.

Perhaps there is good reason why section 319 funds have not been spent for these purposes prior to this time. The need to improve highways generally, from a safety and efficiency point of view, has been critical. Every dollar available from highway user funds has been needed to make reasonable progress on regular Federal-aid highway projects. It is because of this that the bill wisely authorizes funds to be appropriated out of any moneys in the Treasury, for these purposes, rather than from highway trust funds.

A striking illustration of what has happened to some outstanding scenic resources of the Nation may be found along the Great River Road. A route through the 10 Mississippi River States was proposed some years ago, which would permit motorists to follow that mighty river from its source to its mouth, to enjoy the magnificent and varied scenery and to capture some of the feeling of life along the Mississippi as Mark Twain and others before him had known it. Studies of existing routes were made and the outstanding scenic areas were identified.

Year followed year without action of any kind to protect the scenic values of the magnificent corridor of the Great River Road. During the period of time when the first studies were undertaken in 1954 until the present, selected routes have been replaced with others because the scenic and historic elements which were prized on these routes have been lost or greatly reduced in value.

We face more than merely a threat to the landscape values we prize along our highways. The choice stand of timber that yesterday enhanced a particular vista from the highway is falling before the saws and bulldozers today. To take steps now to remedy this situation surely cannot be considered the exercise of undue haste or an extravagance.

Title III is designed to expedite the preservation and enhancement of scenic values. Highway expenditures each year absorb billions. For but a small fraction of this cost, highways could perform the additional and necessary service of improving and broadening the quality of American life.

We expect much more than utility in our homes, and their furnishings. The plainly wrapped product stays on the shelf, while a competing item of the same quality in an attractive package sells. We look for beauty and style in our automobiles but seemingly, we ignore the view from the road.

But that view is important. Esthetics pay off in a number of ways. The highway which provides a varied and pleasant panorama to the driver makes a contribution to highway safety by reducing driver fatigue. Attractive rest and recreation facilities along the route are also a boon to the harried driver. The well designed and properly landscaped highway is also a better and much less objectionable neighbor to other land uses, particularly in or near urban areas. Additional care and attention given to preservation and enhancement of the highway corridor will further the same ends that are sought in trying to maintain open space.

Finally, a comment about the economics of preserving and enhancing roadside amenities. It makes good dollars and cents. Tourism is the world's most important industry. Domestic tourism in the United States now generates about $30 billion annually. It is among the three most important sources of income in over half the States. Fostering amenities along public highways, and building into them more opportunities for recreation experiences by the highway traveler will mean more tourist dollars will be spent. Through the multiplier effect, this will increase employment and stimulate local economies. The increased expenditures will, in and of themselves, generate more local, State, and Federal tax revenues, which could many times repay the relatively modest expenditures involved in title III. Incidentally, by like token, a national program of the kind contemplated in this bill would also make travel in the United States more attractive for the European visitor and otherwise assist our balance-of-payments problem.

So to conclude by way of quick summary of title III. It is the least talked about section and certainly one of the most meaningful sections of the bill before us today. This section gives to the State an amount equivalent to 3 percent of the funds apportioned to a State for Federal-aid highways for any fiscal year. Title III authorizes approximately $240 million for the next 2 fiscal years, which is 75 percent of the money for the entire bill. And this money does not have to be matched by the State nor does it come out of the highway trust fund. Rather it comes out of the General Treasury and it is earmarked for scenic strips adjacent to the right-of-way.

Why should not this vast network of roads that cross and crisscross our Nation be dressed up? Why should we leave this vast taxpayers investment and servant of overland transportation unattended? How can we as taxpayers take any pride of ownership in these powerful far-reaching avenues if their natural or potential beauty is hidden from us?

Using our own State as an example, we would receive over $5 million for the next 2 fiscal years for scenic preservation and enhancement of areas adjacent to the right-of-way. This means our seasonal workers, students, and others would have the opportunity to work and to develop these strips adjacent to the right-of-way. Let me reiterate that in our area, as in others, there are strips of scrub trees where the land has been once cleared but never replanted with beautiful trees that are native to the area. There is no reason why students, railroad employees, miners, and other workers temporarily out of work cannot be employed to beautify such areas. Certainly the cost as compared to the vast cost of the roads system would be negligible and the lasting benefit to the highway would be immeasurable. Such beautification would have great local support as workers could be drawn from the ranks of the unemployed locally thus saving relocation expenses.

Under this title we could capitalize on the natural, panoramic views that our highway channels provide. There is no reason why the traveling public should be denied the view of a nearby stream or historic marker. With very little effort and planning this vast highway engineering marvel could be made into a scenic corridor on which we will all be proud to travel.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, first of all I would like to ask someone to tell us of the history of this particular amendment in the committee.

Mr. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. BALDWIN. May I say that this amendment was offered in the roads subcommittee and was adopted in that subcommittee by a unanimous vote. Every member of both parties who was present at that meeting of the roads subcommittee voted for the amendment. When it came to the full committee the administration sent word that it was opposed to it and there were some reversals of votes and it was defeated by a very narrow margin.

Mr. Chairman, let me answer the two points made by the gentleman from Minnesota [Mr. BLATNIK]. In the first place, it is true that in a State's highway allocation per year for construction you have up to 3 percent for beautification. But that 3 percent is taken out of construction funds. Most State highway departments have been anxious to go ahead with their construction program as rapidly as possible, to build roads, to save lives because of accidents that occur on the other types of roads and therefore they have not used those funds to any great extent, for landscaping or beauty. They have used the funds for construction.

My point is, therefore, that the existing construction funds can only be used for landscaping by taking them away from the construction program.

My amendment would not interfere with the construction program. It would allow the States allocation for construction to be used on a full-scale basis of construction, and would leave this fund of 3 percent available for beautification and make it available for use in the discretion of the State division of highways for beautification wherever the need is greatest, whether that is on the right-of-way or off the right-of-way.

Now, Mr. Chairman, the second point that the gentleman made was that this would be a fine opportunity for the Youth Conservation Corps program and he implied that they could only be used outside the right-of-way. This is not the case. They can be used to plant shrubbery on the interchanges and they can be used to plant trees on the median strips and to plant shrubbery along the cuts and the fills. So they would be just as useful within the right-of-way as off the right-of-way and therefore we might as well write that argument off completely.

The most desirable thing is to allow this 3-percent beautification fund to be used for the things that the people see first and closest to them and the closest thing to them when driving along the highway is the interchange, and these denuded cuts and fills. That is where you get the biggest gripes. My amendment would make it possible to use this beautification fund to correct the unsightly deficiencies on or off the right-of-way, whichever is needed most.

Mr. GROSS. Could it be said, I will ask the gentleman from California, since his amendment was approved unanimously by the subcommittee, that it then fell a victim to arm twisting on the part of the White House and was tossed out by the full committee?

Mr. BALDWIN. This apparently was the case.

Mr. GROSS. I thank the gentleman.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. CRAMER. Very briefly, if this amendment is not adopted, is the result going to be not that you can spend 100-percent Federal money for landscaping, acquisition, and beautification of the rights-of-way, but that you can only spend 50-percent Federal money on the rights-of-way, if they are located on a primary system, or 10 percent if it is on the Interstate System? It does not make much sense.

Is that not the result, I will ask the gentleman from California offering the amendment?

Mr. BALDWIN. If the gentleman from Iowa will yield further, that is exactly correct.

Mr. JENNINGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened with great interest to the explanation of this bill and let me assure the gentleman who just occupied the floor that there has been no arm twisting as far as I am concerned on this particular issue. I do want to support the bill and I want to support it on its merits. I believe some of the amendments that have been offered have been good. Others, I believe, have not been good. But in my opinion this particular amendment is very meritorious.

Mr. Chairman, I agree with the gentleman from California, I believe we have overlooked one particular point and that is the point that on primary roads that have been built, we cannot use these funds on the rights-of-way. If it is a new construction project, then construction money can be used and beautification money may also be included in the project itself. But in the case of an interstate highway or primary road which has already been built, where there are cuts and fills, where there are interchanges and so forth, then no money can be used from this bill if the work is inside the rights-of-way.

Mr. Chairman, the facts are these: The States are hard pressed for money and they simply are not going to take their construction money for highway beautification. If they are not permitted to use a certain percentage of this money in highway beautification on roads already constructed, then there is no incentive to clear up those areas which the motorists will see first, and those are the rights-of-way areas.

Actually, Mr. Chairman, I believe that as far as the Youth Corps and the Job Corps is concerned, we are going to find more use and more utilization on the rights-of-way than we will outside the rights-of-way. I believe in a great many cases there is going to be reluctance to use these neighborhood and Job Corps and Youth Corps projects on private property. But there will be no reluctance and there will be very little criticism if they are used on the rights-of-way for beautification.

Mr. Chairman, I certainly hope that this amendment will be adopted. I am satisfied that it will help the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BALDWIN].

The question was taken; and on a division (demanded by Mr. BALDWIN) there were—ayes 111, noes 102.

Mr. BLATNIK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BLATNIK and Mr. BALDWIN.

The committee again divided, and the tellers reported that there were—ayes 140, noes 135.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: On page 27, line 6, strike out "1967" and insert "1968" and after the word "Code" on line 8 change the period to a comma and insert the words "and the same shall come into force and effect unless Congress disapproves within 45 days."

Mr. WAGGONNER. Mr. Chairman, I shall not take the 5 minutes to explain the purpose of this amendment.

Title 3 of the bill requires that the Secretary of Commerce shall report to the Congress not later than January 10, 1967, all standards, criteria, rules, and regulations to be applied in carrying out sections 131 and 136 of this proposed legislation.

I believe it goes without saying that neither the Secretary nor anyone else can conduct reasonable discussions with the several highway departments of the 50 States and develop these criteria and regulations and report in depth to the Congress by January 10, 1967. So I simply propose that this date be delayed if the Secretary deems necessary and that he be required to report no later—and earlier if he desires—than January 10, 1968.

I have the feeling, as I am sure a good many of the Members do, that Congress should have the final word in approving these regulations. We have the responsibility to assure rational regulations. A great deal of speculation has been made here today as to what these regulations the Secretary develops will finally lead to. I merely say with this amendment that the Congress will have 45 days after this report has been made, which is exactly the amount of time given to the States if they do not agree, to go into court, to set aside the promulgation, and the effective date of the regulations of the Secretary, and Congress will have a like 45 days to approve or disapprove of the regulations which shall be contained in the report that the Secretary will make to the Congress. This will assure there will be no slip between the cup and the lip and that congressional intent will prevail in affording due protection to those affected. I believe that the Members will wish to reserve unto themselves this final decision. That is the purpose of the amendment.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment. While I appreciate the desire, understandable as it is, of our colleague from Louisiana to give to the Congress a greater control over what is happening—and I am sure that is his intent—I believe it is important for us to understand that his amendment, if adopted, would have the reverse effect of giving the Congress less opportunity, rather than more, to review what the Secretary has decided should be the standards.

The bill proposes that the Secretary shall submit to the Congress his recommendations for standards in 1967, and there is a reason for this. It is because those standards will go into effect in 1968 under the terms of the bill, and the States will be compelled to comply by 1968 under pain of losing 10 percent of their highway money if they do not comply by 1968.

Therefore, it would not serve the best purposes of the States for the Secretary to delay until only a few days before it is necessary for them to comply in submitting his recommendations for standards to the Congress. Rather, Congress will be strengthened and the States will be protected if the Secretary is compelled to submit to the Congress by 1967, a full year earlier, the recommendations of the standards he wants to put into effect.

While what the gentleman from Louisiana intends to do is quite commendable, I submit that his amendment unintentionally would fail to achieve that objective and inadvertently would achieve the reverse objective, rather than the commendable one he desires.

Under the terms of the amendment there would be allowed 45 days for Congress to examine the criteria submitted by the Secretary of Commerce. But under the bill as it presently stands Congress would have a year, not 45 days but a solid year. I believe it important that the Secretary be required to come to the Congress a full year before it is contemplated that any funds would be withheld from any State, so that the Congress will have that full time to examine those criteria and, if it desires, time to prepare and submit additional legislation giving additional guidance for the Secretary of Commerce.

For these reasons, Mr. Chairman, as much as I sympathize with the understandable desire of our good friend and colleague from Louisiana, I do not believe his amendment will achieve that which he desires to achieve, and I respectfully urge the Members to vote against it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

The amendment was rejected.

Mr. KLUCZYNSKI. Mr. Chairman, I move that all debate on title III and all amendments thereto close at 11:05 p.m.

Mr. GERALD R. FORD. Mr. Chairman, we have no further amendments, but there is a desire on the part of the gentleman from Florida to explain the motion to recommit. So far as I know, that is the only time which will be required.

Mr. KLUCZYNSKI. There will be time for that.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: On page 27, between lines 16 and 17, insert a new title as follows:

"TITLE IV

"SEC. 401. Title 23 of the United States Code is amended by inserting at the end thereof a new section as follows: '§ 321. Conservation—

" '(a) For the purpose of protecting fish and wildlife and recreation resources, all surveys, plans, specifications, and estimates of any project constructed with or with the aid of Federal funds shall, prior to final approval either by the Secretary or the Secretary of any other Federal department. and to the extent necessary for the purpose of this section, be furnished to the Secretary of the Interior, and the Secretary or the Secretary of such other department shall consult with the Secretary of the Interior for the purpose of determining if such surveys, plans, specifications, and estimates are satisfactory in the interest of conserving fish and wildlife and recreation resources in the area of the project.

" '(b) In order to carry out his functions under this section the Secretary of the Interior (1) may conduct such investigations, surveys, and research projects as he deems necessary, and (2) shall, in the case of a project for a Federal-aid highway, consult with and give consideration to the recommendations of the appropriate agencies of the State submitting such project.'

"SEC. 402. The analysis of chapter 3 of title 23 of the United States Code is amended by inserting at the end thereof the following:

" '321. Conservation.' "

On pages 27 and 28 redesignate title IV as title V and sections 401, 402, and 403 as sections 501, 502, and 503, respectively.

Mr. EDMONDSON (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the amendment may be considered as read and printed in full at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SAYLOR. Mr. Chairman, from the very inception of my assuming the responsibilities of a Member of this body, I have been deeply concerned about the use and management of the natural resources of this country. On numerous occasions I have urged the protection of scenic beauty and the improvement of our environment in terms of esthetic values. I offer the amendment today to the highway beautification bill to enhance and extend the important goal of scenic beauty. I feel the amendment accomplishes this and in addition enables us to coordinate major governmental programs which due to the complexities of government often are in conflict.

No one is suggesting that we should or could stop building roads for the ever-increasing demands of a mobile people will require all of the best possible means of communication and transportation. To beautify our existing highways and those that will come into being in the near future is important and laudatory. Of tantamount importance, however, is the need to achieve a coordination of preserving areas of natural beauty as we extend our highway transportation system. As effective as the efforts to beautify this system have been and may become, the scenic environment could well be poorer because of the construction of a highway through a park, fish and wildlife habitat, or an area of natural beauty. Often these problems can be managed in such a fashion that the inconvenience of the traveler is only slightly increased but this minimal cost may preserve a rich and important legacy of existing natural beauty.

At the present time the Federal Government may extend funds up to 90 percent of the costs of constructing the Federal Aid Highway System. Concomitant to this activity, however, the Federal Government under the provisions of the Land and Water Conservation Fund extends to the States, on a 50-50 matching basis, the cost of planning, acquisition, or development projects that are undertaken by the State. We could therefore have a situation wherein the comprehensive State plan that is required to qualify for the matching Federal grants might well include several areas for recreation purposes, which would also be the same area planned for an interstate road. As Government responsibilities grow and agencies are endowed with greater and ramified responsibilities, the coordination of efforts among such agencies becomes mandatory if the aims of one are not completely frustrated by those of another.

This was recognized in the Land and Water Conservation Act which provides specifically for the coordination with other Federal agencies.

It seems abundantly clear to me, therefore, that a part of saving and enhancing our natural beauty must require careful coordinated planning, for it is only in this fashion that we will achieve the balanced reward of beauty and convenience.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am glad to yield to my colleague from Wisconsin.

Mr. REUSS. I want to commend the gentleman from Pennsylvania, a leading conservationist, for his amendment. I think it is a sound amendment and is entirely in accord with the principles of beauty to which this bill is dedicated. I hope that the amendment will be adopted and that we can thus save some trout streams and wildlife habitat through the Department of the Interior having a recommendatory power. I commend the gentleman for his amendment.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am glad to yield to the gentleman.

Mr. DINGELL. I would like to commend my good friend and ask him just one question. Does this give what might be termed a stranglehold to the Secretary of the Interior, or is it simply a responsibility to consult with him?

Mr. SAYLOR. It does not. All that the Secretary of the Interior will do is to consult. He is not given any stranglehold. This is to try and see to it that areas that have been set aside in local communities for recreation, State parks, local parks, and national wildlife habitats which have been approved by Congress—to see to it that they are saved and not ruined ruthlessly by the Bureau of Public Roads. That is why I have offered this amendment.

Mr. DINGELL. I would like to commend my friend for offering this amendment and point out a program similar to this has been established by the Bureau of Public Roads. It is working well in part, but there are large areas where the perfection of this program now imposed by administrative order is badly needed. This is a highly desirable amendment, and I urge my colleagues to support my good friend from Pennsylvania in it.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am glad to yield to my colleague from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to take this opportunity to commend the gentleman from Pennsylvania and associate myself with his remarks.

Mr. BLATNIK. Mr. Chairman, I am very reluctant to speak in opposition to the amendment.

While I am reluctant to come to friendly odds with my very dear friend and great conservationist, with whom I have shared many a battle and hope will share many more, it is not with reluctance that I oppose this amendment. I know that it is not the intent of the gentleman to encumber or impede this great program. The objectives are excellent to protect the fish and wildlife and recreation resources, but I want you to listen to this.

Here is the Federal-aid Highway System already in existence. The program is racing against time. Here we have another impediment offered to it in the way of having to submit plans and specifications and estimates of any project constructed with the aid of Federal funds to the Secretary of the Interior. That means 3 million miles of road, on all of which there would have to be consultations. You would have to have a battery of consultants to do nothing but consult, just to see whether they should go on with the project.

I say that there must be given full consideration first to the objective of protecting the wildlife, the fish and fowl and the conservation resources of this wonderful land of ours. In order to protect that interest, local municipalities, townships, counties and States, including State conservation departments, must be consulted and have a voice in it before the State can recommend a given route.

So, in view of this great handicap of 3 million miles of road I would strongly urge, for that reason alone, not for the objectives which the gentleman seeks which are most worthy ones, but the harm done here would be overwhelming and I therefore urge my colleagues to defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR].

The question was taken; and on a division (demanded by Mr. SAYLOR) there were—ayes 92, noes 141.

Mr. SAYLOR. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BLATNIK and Mr. SAYLOR.

The Committee again divided, and the tellers reported that there were—ayes 104, noes 147.

So the amendment was rejected.

The Clerk read as follows:

TITLE IV

SEC. 401. Nothing in this Act or the amendments made by this Act shall be construed to authorize private property to be taken or the reasonable and existing use restricted by such taking without just compensation as provided in this Act.

SEC. 402. In addition to any other amounts authorized by this Act and the amendments made by this Act, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of Commerce not to exceed $5,000,000 for administrative expenses in carrying out this Act (including amendments made by this Act).

SEC. 403. This Act may be cited as the "Highway Beautification Act of 1965".

Passed the Senate September 16 (legislative day, September 15), 1965.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the first place, this title contains $5 million for administrative expenses on which we held no hearings whatsoever. It is not substantiated by evidence before the committee. It can be spent at any time—the first year, the second year, or 10 years. There is no year of expenditure limitation.

I know better than to offer an amendment to this in the belief we could make any sense out of it at this late hour. But I just call this to your attention.

I do intend, however, to take 1 or 2 minutes to discuss a motion to recommit.

Mr. Chairman, the motion to recommit, depending on what might happen relating to rollcall votes, if anything, will, assuming that the Tuten amendment remains in the legislation, contain the Cramer amendment to the Tuten amendment which will have the effect of codifying in the law what the Secretary said he wanted to do in his letter, which is partially codified in the Tuten amendment as regards municipal areas, and the remainder of what the Secretary said concerning the rural areas will be contained in the motion to recommit.

If you want to be fair and act equitably relating to the rural areas the same as you did relating to the city areas, you will vote for the motion to recommit. It contains precisely the language contained in the Secretary's letter relating first to billboards and then to junkyards, the two titles, and will specifically provide as follows—and this was my amendment to the Tuten amendment—and will give the same treatment to the rural areas that you give to the city areas:

> The States shall have full authority under their own zoning laws to zone areas for commercial and industrial purposes and to determine—

And this is the added language and is exactly as the Secretary said he intended to carry it out—

> and to determine what unzoned areas are used, or are designated for use, for commercial or industrial purposes on the same basis as those which are actually so zoned.

This is precisely what they said they intended to do. I can see no justification for discriminating against rural areas. If you are going to do it, use the standards contained in the Secretary's letter. Put it in the legislation. If you do not do that, what is going to happen? It would be my opinion that the Congress having turned down my amendment, the record legislatively will be clear that there is no intent to give the same treatment to rural areas.

As a matter of fact, it was specifically voted down. I heard a lot of concern about this rural area situation and this is the opportunity to do exactly what the Secretary said he wanted to do. I was rather interested in the fact that the gentleman from Minnesota after telling this House in good faith if the Cramer amendment was voted down, he was then going to offer it in a motion relating to the statement of intent under that title, under section (a). He did not do it. He thus leaves only this avenue open for writing in the rural areas amendment.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. No; I do not yield at this point. I will yield in a moment when I have finished.

Mr. EDMONDSON. The gentleman made an attack on the integrity of a Member.

Mr. CRAMER. I am not questioning anybody's integrity.

Mr. EDMONDSON. Absolutely you have.

Mr. CRAMER. I said he did not give the Members an opportunity to vote on the amendment after he promised he would offer an amendment to include the Cramer amendment as a statement of intent to carry out the purposes of the Secretary's letter. He did not do so, so the only remedy we have available is to vote for the motion to recommit which will carry out the gentleman's commitment, as I understood it to be his commitment, to incorporate both aspects of the Secretary's letter. Having not done so, the only remedy available if you are going to give fair and equal treatment to rural areas is to vote for the motion to recommit.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I am glad to yield to the gentleman.

Mr. BLATNIK. I was distracted by three people talking at the same time but did the gentleman make some comment that I broke faith with my colleagues on both sides of the aisle?

Mr. CRAMER. I said I thought you had committed yourself when considering the motion of the gentleman, my motion, on an amendment to the Tuten amendment that if that were voted down you would offer your amendment to the statement of intent to include not only the Tuten amendment to the Cramer amendment, and that was not done when the Tuten amendment was accepted. Now if the gentleman meant what I thought he meant——

Mr. BLATNIK. Will the gentleman let me answer that?

Mr. CRAMER. When I finish I will yield, just let me finish.

Mr. BLATNIK. Would you let me answer?

Mr. CRAMER. If the gentleman means what he said relating to the statement of intent, this is the last opportunity to put it in, in the form of the motion to recommit, legislatively, and that is all the motion does.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLATNIK. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I am sorry that a long, tedious, and difficult day should have to end on this absolutely uncalled for and most disagreeable note of personal discord. I hope the gentleman from Florida will set the record straight, if his earlier mistatement was not done deliberately. I made it perfectly clear that we were in accord with the objectives of the Tuten amendment. I am not going to repeat or go any further into the substantive aspects of the matter, except to point out again that the Tuten amendment, while its objectives were good, would produce other complications by going into too much detail, would result in other complications and unintended ramifications.

Then the gentleman from Florida offered his amendment to the Tuten amendment, and that made the proposition impossible and unacceptable. I thought I made that clear at the time of debate and I hope the gentleman did not misinterpret my remarks on that score. I urged strongly that the Cramer amendment be defeated outright, and I said that to assist, as I tried to do, the gentleman from Georgia, who is one of the most beloved and respected men of conscience, integrity, and ability we have in the committee, if the Cramer amendment to the Tuten amendment were defeated, and then the Tuten amendment likewise was defeated, because of the problems it raised, and not because of its objectives at all, I would then have an amendment to an earlier part of that section which I felt would provide the safeguards sought by the gentleman from Georgia without creating additional difficulties. My proposed amendment would have declared it to be the intent of Congress in this bill to accomplish the purposes of this bill without encroaching on the rights of the States to act under their authority to zone areas within their boundaries, or to interfere with the reasonable and normal standards customary in the industry.

Mr. CRAMER. Relating to both amendments.

Mr. BLATNIK. I will not yield at this point. I hope the gentleman will try to be more accurate and more correct than the statement he has made on this matter. I do not say that it was deliberate but I hope he will show a great deal more responsibility and caution.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Louisiana.

Mr. BOGGS. I asked the gentleman from Minnesota the very question that he is now talking about. There was never any commitment to offer his amendment in the event the Tuten amendment, as originally offered, was adopted. There was never any commitment on the Cramer amendment which was voted down substantially by this House, and it should have been voted down because it was a gutting amendment to the bill.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I support entirely what the gentleman from Minnesota has said. The whole purpose of his offering to make this amendment available to the House was that if we defeated the Tuten amendment, we would provide this language in the form of a declaration of the intent of Congress.

Mr. BLATNIK. That is absolutely correct.

Mr. EDMONDSON. That was the sole purpose. It never related in any way to the amendment offered by the gentleman from Florida.

Mr. TUTEN. Mr. Chairman, I move to strike the last word.

I should like to state that the gentleman from Georgia had no intent to cripple this bill. I was just trying to offer an amendment that would make a reasonable application, in my opinion, and make it reasonably easy for the Members of this House to support the bill. I thought I was making a contribution to the passage of this bill. I am for the bill myself, and I am going to ask the Members of the House on this side of the aisle to defeat this amendment to my amendment, and to adopt my amendment and incorporate it in the bill.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 27, delete lines 18 through 22 and substitute the following:

"SEC. 401. Nothing in this Act or the amendments made by this Act shall be construed to authorize private property to be taken or the reasonable use restricted by such taking without just compensation. The Federal share of such compensation shall be 75 per centum."

Mr. SMITH of Iowa. Mr. Chairman, I think there is a real sleeper in this bill. Most of the Members think that the Federal Government is going to pay 75 percent of the cost of acquiring these easements, but that is not so. I can explain it best in this way.

Suppose there are three pieces of property side by side. A sign company came along several years ago and bought the sign rights on all three pieces of property. They put a sign on the middle piece of property. They are holding their rights to the other two properties without putting a sign on them because by doing so, the value of the sign on the middle property is enhanced. Each of the property owners receive $100 per year. Each of them has the same income. Each of them considered the sign rights and the income rental therefrom in the price paid for the property.

But under this bill the 75-percent contribution will be made to the State only to acquire the sign rights on the middle property where a sign is located. No contribution will be made to the State for acquiring rights on the other two properties. The State will have to pay for those rights, but no contribution will be made under the bill to do so.

All my amendment will do is to provide that the Federal Government will pay 75 percent toward the cost of these easements, whether there is an existing sign or not. The States are going to pay but would not be reimbursed.

Some people will say, "They can take those property rights without paying for it." If they could do that, then I ask why did the Secretary of the Interior in Washington, D.C., pay $750,000 for a scenic view of one property? Even if it were possible to take these property rights without paying, it would be politically untenable in almost every State of this land.

I believe this is a good amendment. These States need all of the money they can get to widen and improve the highways. If they have to pay 100 percent of the cost for some easements they will end up probably with no more than a 50-percent contribution, overall, under this bill. The States will be forced to use too much of this road fund money for these purposes.

This is similar to some amendments which were presented previously, and I hope the Members on both sides will support this amendment. I want to say that this is offered to help the bill, and I hope my friend from Illinois will not harpoon this amendment. This is a good amendment.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Does the gentleman have any figures as to how much the cost of compensation under the bill would be increased if we were required to compensate not only for property on which signs now are located but also for any property on which there might be signs located?

Mr. SMITH of Iowa. I have the same kind of figures the committee has for the amount required to compensate those who have existing signs. There is no figure.

Mr. EDMONDSON. The gentleman is not correct. If he will look at the hearings he will see we have detailed estimates from the Secretary of Commerce on that.

Mr. SMITH of Iowa. One can make estimates on this, but the point is that because there is not an estimate is no excuse for not paying somebody for a property right. The State will have to pay for the property right, and I believe there should be a Federal contribution.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Washington.

Mr. PELLY. I want to say there is one Member on this side of the aisle who supports the gentleman's amendment. I want to associate myself with the gentleman and to say that I am in full support of the amendment.

Mr. SMITH of Iowa. I thank the gentleman.

I hope the committee will accept this amendment. It is offered to help the bill.

Mr. EDMONDSON. Mr. Chairman, I rise in opposition to the amendment, and I do so reluctantly and with the greatest of respect for the gentleman from Iowa, because I know he has a problem in his home State on this particular point.

The cost calculations of the Department of Commerce and of the committee in connection with this bill are based upon an assumption of responsibility to compensate for the properties where signs are located. I will tell the Members why we reached that conclusion and why we did not set up a provision for compensation of a property owner where signs are not actually located.

It was because the property owner who does not have a sign on his property continues to enjoy other beneficial uses of that property. He continues to have it and to use it for income purposes. He can raise cattle on it. He can raise crops on it. He has no interference with his property use by reason of the existence of a sign.

A property owner who does have a sign in place does give up something to that sign company in terms of the use of his land and its use is thereafter affected. We felt that he had a right which actually was in a position to be compensated for uniformly across the country, when there is taken away from him the sign that is there, and taken away from him the income.

That has been the position we have taken with reference to this particular amendment. We do not feel it is wise to eliminate the words "and existing" that precede "use" in title IV, section 401. We feel that the provision about the Federal share shall be 75 percent, which would be added by the gentleman's amendment, is surplusage because of the provision for 75 percent contribution at other points in the bill.

We hope the amendment will be rejected.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman and ladies and gentlemen of the Committee, I would like to point this out about the legal position taken by the gentleman from Iowa and upon which the amendment is predicated. Any time any municipality or any county or State decides to adopt a zoning ordinance or a zoning statute, that political subdivision has restricted the number of uses to which the realty can be put. Does that mean that the political subdivision, the city or county or State, must run around to every property owner lying in that zone and hand out X quantity of dollar bills because that owner cannot use that property for the number of uses he could have before the zoning took place? That is simply not the case.

Mr. DINGELL. Mr. Chairman, will the gentleman yield to me?

Mr. DAVIS of Georgia. I will be glad to yield to the gentleman.

Mr. DINGELL. The real crux of the argument against this amendment is that you would not compensate a property owner for a house that he did not have on the land when you took it to build the highway. Is that not correct?

Mr. DAVIS of Georgia. Just a minute. Let me say this: If you went back to Blackstone, you might do it, but we have long accepted the principle of zoning, which is a necessary principle and part of our jurisprudence at this point in our history.

Mr. DINGELL. That is right. But if you would not compensate him for a house that he does not have on his property, then you should not compensate him for a sign that he does not have on his property.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman.

Mr. SMITH of Iowa. You are not compensating the man for the sign, but you are compensating him because he has the valuable right for the sign. When you compensate the man who has the sign on the property, you compensate him for the value of the sign and the location of the property.

Mr. DAVIS of Georgia. Will the gentleman answer this question: If you are in a city and zoning that area for residences only, do you think you should go to every property owner in that area and pay them because they cannot operate a business on their property?

Mr. SMITH of Iowa. It is not a comparable situation.

Mr. DAVIS of Georgia. That is it exactly.

Mr. SMITH of Iowa. It has nothing to do with this situation.

Mr. DAVIS of Georgia. It is it exactly. It is the point of your amendment, and it is antiquated.

Mr. SMITH of Iowa. You are accepting cities in this bill.

Mr. DAVIS of Georgia. The point is when you zone an area or any area, our jurisprudence has accepted the principle that you do not compensate for it.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield to me?

Mr. DAVIS of Georgia. I yield to the gentleman.

Mr. EDMONDSON. On that same thought, if you had an area you wanted to zone for residential purposes and had someone with a business there and you want to put zoning in for residential purposes, before you would prohibit that person with the business from operating the business, you should compensate him.

Mr. DAVIS of Georgia. You should because you are depriving him of property on the spot.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield to me?

Mr. DAVIS of Georgia. I yield to the gentleman.

Mr. WRIGHT. Does not the gentleman agree the adoption of the amendment offered by the gentleman from Iowa would result in a person who never even contemplated having a sign or billboard being able to come in and claim payment for some right that he has never used or contemplated using?

Mr. DAVIS of Georgia. That is my view.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. BLATNIK. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I have three questions and I will make them brief. They pertain to the scrapyards and auto junkyards and they are important questions. I think they are most proper to propound at this point. I do want to say these people, while they suffer great inconveniences and in some cases personal hardship, are the most cooperative in all aspects of this bill, and this statement should be made publicly and the RECORD should show it.

The questions briefly are these, and I would like to ask the gentleman from Illinois [Mr. GRAY], who has done considerable work on this, to answer these questions. No. 1 is on the point of screening junkyards. Let me say for the record that these people are perfectly willing to comply with regulations, but we do have some unique situations.

We have an elevated superhighway, or viaduct, or an embankment, or a built-up highway with a scrap iron yard or a junkyard below. You cannot screen that unless you build long poles covering acres, which, of course, would be impractical and far too expensive.

I am informed, after several queries that the position of the Department of Commerce is that the Government will attempt to screen the highway right-of-way with plantings rather than require the removal of the junkyard, since the cost of such highway screening is less than a payment of just compensation to the junkyard owner. Is this the intent of the legislation, I ask the gentleman from Illinois [Mr. GRAY]?

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman.

Mr. GRAY. I will say to the distinguished gentleman from Minnesota that he is exactly correct. Under the act, if you can screen cheaper than you can relocate, it will be the Department's view, after having discussed this with them, that they will ask the States to go ahead and do the screening instead of relocating; that is, if it can be done cheaper. The gentleman is correct.

Mr. BLATNIK. The second question is this: While the bill in sections 135(i) and (j) of the bill state that the Federal share of screening costs and just compensation shall be 75 percent, we assume that it is our clear intent—and I recall that it was my clear intent—that the remaining 25 percent shall be paid by the States. Does the gentleman from Illinois agree with my statement of the intent of the bill in this regard?

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman.

Mr. GRAY. The law is very clear in this regard. I am delighted to say to the gentleman from Minnesota that 75 percent will be paid by the Federal Government, the other 25 percent will be paid by the States. In no instance will the property owner be asked to contribute the 25 percent of non-Federal funds.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield for a clarification?

Mr. BLATNIK. I yield.

Mr. GERALD R. FORD. Is the answer to both questions applicable to all industries, not just junkyard industries?

Mr. BLATNIK. These are the only ones that ask for clarification.

Mr. GERALD R. FORD. But the answer was specific as to one industry. It seems to me that all industries ought to have the same application.

Mr. BLATNIK. No other industries are concerned here directly. I am sure billboards—they would not want to screen them, would they?

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield.

Mr. GRAY. The gentleman from Minnesota is correct. The gentleman is referring to screening. Billboards would be removed. Junkyards would be screened in order to get rid of the unsightliness. Therefore the gentleman's question applies only to title II which does concern screening or removal of junkyards.

Mr. GERALD R. FORD. There are other industries besides junkyards that might have to be screened, excluding, of course, billboards. Is the answer the same for all industries?

Mr. GRAY. Under title II. Junkyards are defined in various ways. It can be a garbage dump, or a land fill, or a pile of metal. We have various definitions of what a junkyard is. But I am using the broad term when I say junkyards, as we talk about screening. There will be no other types of industries affected, other than junkyards. This is the only industry we deal with in the bill under title II.

Title I, as the gentleman knows, refers to billboards.

Mr. GERALD R. FORD. But all industry—I mean all in a very literal sense—will get the same protection as junkyards?

Mr. BLATNIK. All industries enumerated in the bill. I thought earlier the gentleman was referring to all types of industries, other kinds of plants, and so forth.

Mr. GERALD R. FORD. I am referring to all those enumerated in the bill.

Mr. BLATNIK. They are listed in title II on page 22. The gentleman is correct, all of these enumerated in the bill are covered.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this Committee has labored over 12 hours on this legislation already. There is a great deal of misapprehension and confusion about it. I am sure there is some misunderstanding about what the gentleman from Minnesota [Mr. BLATNIK] intended in his remarks, as well as what the gentleman from Florida [Mr. CRAMER] intended in his remarks. In this connection, I would like to yield to the gentleman from Florida [Mr. CRAMER] to clarify his previous statement.

Mr. CRAMER. I thank the gentleman for yielding.

Mr. Chairman, will the gentleman from Minnesota give me his attention, please?

The gentleman from Minnesota and I, of course, have been friends for a number of years and he has never impugned my integrity and I have never intended to do the same relating to him.

I honestly feel that the gentleman had indicated a commitment to offer the two points in his statement of contention, both of which are contained in the Secretary's letter. I believe we agree on that; is that not correct?

Mr. BLATNIK. That is correct.

Mr. CRAMER. Where we disagree is the gentleman's recollection and the recollection of the gentleman from Florida, myself, as to what the gentleman indicated and what the conditions were on which he would offer that amendment of statement of intent.

It was my honest understanding that the gentleman intended to offer both points.

The only point I was trying to make in my statement relating to the motion to recommit was that now the only opportunity available to cover the second point, as the gentleman indicated he was going to cover in his motion, is in the motion to recommit relating to urban areas and that is why we already have adopted legislatively the matter, and the second point relating to urban areas and the cities, we should do the same thing relating to rural areas and bring the bill into conformity with the Secretary's statement of his intent No. 1; and No. 2, with the gentleman's statement of what he intended to offer in the form of a motion of intent, and this would do it legislatively.

If the gentleman from Minnesota feels that I overstated his position or in any way impugned his faith, I will say to the gentleman from Minnesota that I have no such intention and I will certainly strike any remarks that would so indicate in the RECORD. I did not so intend. I merely meant to say that we had covered one phase in the amendment, the urban areas, and the other is equally valid relating to rural areas. The gentleman stated he was going to offer it in his statement of intent. Not having done it, I thought it was necessary to do it and I say to the gentleman that I withdraw any remark which he feels impugns his good faith.

Mr. BLATNIK. I appreciate that and I accept the gentleman's explanation and his agreeing to withdraw it. The gentleman did either misunderstand me or certainly was in complete error when he questioned my good faith or my motives. I shall not again go into the substantive part of your proposal, which I felt was a bad one, but I do hope we can clarify the procedural situation of that time and clarify the gentleman's questioning my acting in good faith. I made it clear that only after the gentleman from Florida's amendment to the Tuten amendment was defeated, and then the Tuten amendment defeated, that then I had this other amendment which would cover the two points that dealt with the objective of the gentleman from Georgia [Mr. Tuten].

Mr. Chairman, I sincerely hope that the Record is now straightened out.

Mr. CRAMER. This amendment then will bring into keeping the two points which the gentleman said he intended to offer?

Mr. BLATNIK. No.

Mr. CRAMER. The gentleman stated that he included both points that I mentioned.

Mr. BLATNIK. As covered by the Tuten amendment. Again, I made it clear that I was not getting at this late hour into the substantive merits of your proposal.

Mr. CRAMER. I understand that.

Mr. BLATNIK. I merely referred to the point where you accused me of bad faith.

Mr. HARSHA. Mr. Chairman, I want to assure the gentleman from Minnesota that there was no intention on the part of the Members on this side of the aisle, which includes the gentleman from Florida [Mr. Cramer], to question his integrity and sincerity in offering his amendment, or to impugn his motives in any way. I sincerely believe there was a misunderstanding by the gentleman from Florida as to what the gentleman from Minnesota intended by his remarks. I am frank to say that I understood the gentleman from Minnesota to say that if both the Cramer amendment and the Tuten amendment were defeated he would then offer his declaration of congressional intent. However because of the confusion and misapprehension surrounding this legislation and the long hours we have been debating it, I feel the gentleman from Florida misunderstood what the gentleman from Minnesota intended to do. I am certain there was no intention on the part of anyone to question the integrity and motives of my friend from Minnesota. He is most honorable and held in high esteem by us all. I want to say in behalf of the able gentleman from Florida who had the tremendous burden of carrying the opposition to this bill that in the heat of battle he in all probability did not fully understand the position of the gentleman from Minnesota.

I certainly hope that this misunderstanding has been corrected.

Mr. WRIGHT. Mr. Chairman, I move to strike out the last word.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Why, of course, I yield to my distinguished colleague, the gentleman from Hawaii.

Mr. MATSUNAGA. I thank the gentleman for yielding.

Mr. Chairman, I am in full support of this measure, but just to establish legislative history, I would like to put one question to anyone of the committee, preferably the gentleman from Oklahoma [Mr. Edmondson].

The question is this: In Hawaii we have long had a practice of restricting the use of private property without compensation through the exercise of the police power on the part of the municipal government.

Am I correct in my interpretation that title IV, or for that matter any part of the bill, will in no way affect the continued exercise of this police power without compensation?

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Title IV and the other titles of this bill only create a compensation right for advertising signs, displays, and devices lawfully in existence on the date of the enactment of the act or thereafter lawfully in existence.

If you have police power statutes which forbid their lawful existence, I cannot conceive of a situation in which you would create a right to compensation in Hawaii.

Mr. MATSUNAGA. I thank the gentleman.

Mr. WRIGHT. Mr. Chairman, we come now to the end of a very long and busy day. The debate has been productive. All sides have been heard.

On behalf of our committee, and I am sure on behalf of the Members of the House, I know that I express the thought of every Member here when I say to the distinguished chairman of the subcommittee [Mr. Kluczynski] thanks for a job well done; your never failing, quiet humor, your mastery of the subject and your spirit of understanding have seen us through and we thank you for your leadership in this matter.

On behalf of the committee, I think I should express our gratitude to the Members of the House for having stayed so long and attended so diligently and patiently to the business before us. At the end of a long day like this, our nerves sometimes become frayed like a piece of electric wire with the insulation worn thin, tight, and taut like a cotton clothesline after a rain. Our insides feel jostled about like the insides of a washing machine. Sometimes in such an atmosphere words are said that are not really meant in the harsh vein in which they sound against the clatter and clamor of the moment.

On behalf of the committee, I should like to say also that there will be no disposition on the part of the majority to ask for a separate vote on any amendment that this House has adopted in the working of its will. Some of those amendments may have been at slight variance with the committee bill, but the House has worked its will and we accept gladly and in the spirit of democracy the will that the House has expressed. So we ask all of you to stand by what we have done, and to accept the will of the House, and vote down the motion to recommit, and present this bill tonight as a deserved present to a great President and a magnificent First Lady, and a present to the future generations of the United States.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Chairman, I know that I speak the feelings and the sentiments of every Member of the House, without regard to their position on this bill or on any amendments offered to the bill when I convey to President Johnson our feeling of respect and friendship and that every Member of the House sincerely prays and hopes that the operation which the President will undergo tomorrow will be most successful and that he will quickly enjoy a restored health.

Mr. GERALD R. FORD. Mr. Chairman, will the distinguished Speaker yield?

Mr. McCORMACK. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, you do speak for us on the minority side on such an occasion. We wish as you do, that the President have a completely successful operation and that his recovery be complete and speedy. We wish him well as you do.

Mr. McCORMACK. I appreciate very much the remarks of the distinguished minority leader.

The CHAIRMAN. The question is on the committee substitute, as amended, to the Senate bill.

The amendment was agreed to.

Mr. CRAMER. Mr. Chairman, a parliamentary inquiry. Was the amendment of the gentleman from Iowa [Mr. Smith] disposed of?

The CHAIRMAN. It was.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Landrum, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 2084) to provide for scenic development and road beautification of the Federal-aid highway systems, pursuant to House Resolution 599, he reported the bill back to the House with an amendment adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. CRAMER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CRAMER. I am, Mr. Speaker, in its present form.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cramer moves to recommit the bill, S. 2084, to the Committee on Public Works with instructions to report the same to the

House forthwith with the following amendments:

Page 16, line 5, strike out "as may" and all that follows down through and including the sentence which follows immediately after the word "Secretary." on line 7 and insert in lieu thereof a period and the following:

"The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes and to determine what unzoned areas are used, or are designated for use, for commercial or industrial purposes on the same basis as those which are actually so zoned, and the actions of the States in this regard will be accepted for the purposes of this Act."

Page 23, line 4, after the word "activities" strike out the comma and all that follows down through and including "Secretary." on line 5 and insert in lieu thereof a period and the following:

"The States shall have full authority under their own zoning laws to zone areas for industrial purposes and to determine what unzoned areas are used, or are designated for use, for industrial purposes on the same basis as those which are actually so zoned, and the actions of the States in this regard will be accepted for the purposes of this Act."

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 230, not voting 49, as follows:

[Roll No. 356]

YEAS—153

Abbitt
Abernethy
Adair
Anderson, Tenn.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Battin
Belcher
Bell
Berry
Betts
Bow
Bray
Broomfield
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Cahill
Callaway
Carter
Cederberg
Clancy
Cleveland
Collier
Colmer
Conable
Cooley
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Wis.
Derwinski
Devine
Dickinson
Dole
Dowdy
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Ellsworth
Erlenborn
Findley
Fisher
Ford, Gerald R.
Fountain
Fuqua
Goodell
Greigg
Griffin
Gross
Grover
Gubser
Haley
Hall
Halleck
Hamilton
Hansen, Idaho
Harsha
Harvey, Ind.
Harvey, Mich.
Henderson
Herlong
Horton
Hull
Hungate
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, Mo.
Keith
King, N.Y.
Kornegay
Laird
Langen
Latta
Lipscomb
McClory
McCulloch
McDade
McEwen
McMillan
Marsh
Martin, Nebr.
Matthews
May
Michel
Minshall
Mize
Monagan
Morse
Morton
Mosher
Nelsen
O'Konski
O'Neal, Ga.
Passman
Pelly
Pirnie
Poff
Pool
Quie
Quillen
Randall
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Robison
Roncalio
Roudebush
Roush
Rumsfeld
Satterfield
Saylor
Schneebeli
Scott
Secrest
Selden
Shipley
Shriver
Skubitz
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stanton
Stratton
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Ullman
Waggonner
Walker, Miss.
Watkins
Watson
Whalley
White, Idaho
Whitener
Whitten
Widnall
Williams
Wilson, Bob
Younger

NAYS—230

Adams
Addabbo
Albert
Annunzio
Ashley
Aspinall
Baldwin
Bandstra
Barrett
Beckworth
Bennett
Bingham
Blatnik
Boggs
Boland
Brademas
Brooks
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Callan
Cameron
Carey
Casey
Chelf
Clark
Clausen, Don H.
Clevenger
Cohelan
Conte
Conyers
Corbett
Corman
Craley
Culver
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Dwyer
Dyal
Edmondson
Edwards, Calif.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Flood
Flynt
Fogarty
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Grider
Griffiths
Hagan, Ga.
Hagen, Calif.
Halpern
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Harris
Hathaway
Hawkins
Hays
Hechler
Helstoski
Hicks
Howard
Huot
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Krebs
Landrum
Leggett
Long, Md.
Love
McDowell
McFall
McGrath
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Matsunaga
Meeds
Miller
Mills
Minish
Mink
Moeller
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Powell
Price
Pucinski
Purcell
Race
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Senner
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stalbaum
Steed
Stephens
Stubblefield
Sullivan
Sweeney
Tenzer
Thompson, N.J.
Todd
Trimble
Tunney
Tupper
Tuten
Van Deerlin
Vanik
Vigorito
Vivian
Walker, N. Mex.
Watts
Weltner
White, Tex.
Willis
Wilson, Charles H.
Wolff
Wright
Yates
Young
Zablocki

NOT VOTING—49

Anderson, Ill.
Andrews, George W.
Baring
Bates
Bolling
Bolton
Bonner
Brock
Byrnes, Wis.
Cabell
Celler
Chamberlain
Clawson, Del
Dulski
Evans, Colo.
Fino
Frelinghuysen
Gilligan
Gurney
Hardy
Hébert
Holifield
Holland
Hosmer
Kunkel
Lennon
Lindsay
Long, La.
McCarthy
MacGregor
Martin, Ala.
Martin, Mass.
Mathias
Moore
O'Hara, Ill.
Ottinger
Rivers, S.C.
Schweiker
Smith, Calif.
Thomas
Thompson, Tex.
Thomson, Wis.
Toll
Tuck
Udall
Utt
Wyatt
Wydler

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Lennon for, with Mr. Rivers of South Carolina against.

Mr. Martin of Alabama for, with Mr. Toll against.

Mr. Utt for, with Mr. Celler against.

Mr. Martin of Massachusetts for, with Mr. Gilligan against.

Mr. Hosmer for, with Mr. Holifield against.

Mr. Bonner for, with Mr. Holland against.

Mr. Tuck for, with Mr. Ottinger against.

Mr. Gurney for, with Mr. Lindsay against.

Mr. Del Clawson for, with Mr. Udall against.

Mr. Wyatt for, with Mr. Cabell against.

Mr. Smith of California for, with Mr. McCarthy against.

Mr. Mathias for, with Mr. O'Hara of Illinois against.

Mr. Chamberlain for, with Mr. Hardy against.

Until further notice:

Mr. George W. Andrews with Mr. Brock.

Mr. Hébert with Mr. Bates.

Mr. Long of Louisiana with Mr. Thomson of Wisconsin.

Mr. Baring with Mr. Moore.

Mr. Dulski with Mr. Fino.

Mr. Thomas with Mr. Byrnes of Wisconsin.

Mr. Thompson of Texas with Mrs. Bolton.

Mr. Evans with Mr. Schweiker.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 245, nays 138, not voting 49, as follows:

[Roll No. 357]

YEAS—245

Addabbo
Albert
Annunzio
Ashley
Aspinall
Ayres
Baldwin
Baring
Barrett
Beckworth
Bell
Bennett
Bingham
Blatnik
Boggs
Boland
Brademas
Brooks
Broomfield
Brown, Calif.
Broyhill, Va.
Burke
Burton, Calif.
Byrne, Pa.
Canill
Cameron
Carey
Casey
Chelf
Clark
Clausen, Don H.
Clevenger
Cohelan
Conte
Conyers
Corbett
Corman
Craley
Culver
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Dwyer
Dyal
Edmondson
Edwards, Calif.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Flood
Flynt
Fogarty
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Hagan, Ga.
Hagen, Calif.
Halpern
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Harris
Hathaway
Hawkins
Hays
Hechler
Helstoski
Hicks
Horton
Howard
Huot
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Landrum
Leggett
Long, Md.
Love
McDade
McDowell
McFall
McGrath
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Matsunaga
Meeds
Miller
Mills
Minish
Mink
Minshall
Moeller
Monagan
Moorhead
Morgan
Morris
Morrison
Morse
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Nedzi
Nix
O'Brien
O'Hara, Mich
Olsen, Mont.
Olson, Minn.
O'Neill, Mass
Patman

Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Pool
Powell
Price
Pucinski
Purcell
Race
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Scheuer
Schmidhauser
Scott
Secrest
Senner
Sickles
Sikes
Sisk
Slack
Springer
Stafford
Staggers
Stalbaum
Steed
Stephens
Sullivan
Sweeney
Taylor
Tenzer
Thompson, N.J.
Todd
Trimble
Tunney
Tupper
Tuten
Van Deerlin
Vanik
Vivian
Waggonner
Walker, N. Mex.
Watkins
Watts
Weltner
White, Tex.
Widnall
Willis
Wilson, Charles H.
Wolff
Wright
Yates
Young
Zablocki

NAYS—138

Abbitt
Abernethy
Adair
Adams
Anderson, Tenn.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Bandstra
Battin
Belcher
Berry
Betts
Bow
Bray
Broyhill, N.C.
Buchanan
Burleson
Burton, Utah
Callan
Callaway
Carter
Cederberg
Clancy
Cleveland
Collier
Colmer
Conable
Cooley
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Wis.
Derwinski
Devine
Dickinson
Dole
Dowdy
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Ellsworth
Erlenborn
Findley
Fisher
Foley
Ford, Gerald R.
Fountain
Fuqua
Goodell
Green, Oreg.
Gross
Grover
Gubser
Haley
Hall
Halleck
Hamilton
Hansen, Idaho
Harsha
Harvey, Ind.
Harvey, Mich.
Henderson
Herlong
Hull
Hungate
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, Mo.
King, N.Y.
Laird
Langen
Latta
Lipscomb
McClory
McCulloch
McEwen
McMillan
Marsh
Martin, Nebr.
Matthews
May
Michel
Mize
Morton
Mosher
Natcher
Nelsen
O'Konski
O'Neal, Ga.
Passman
Pelly
Pirnie
Poff
Quie
Quillen
Randall
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Robison
Roncalio
Roudebush
Roush
Satterfield
Saylor
Schisler
Schneebeli
Selden
Shipley
Shriver
Skubitz
Smith, Iowa
Smith, Va.
Stanton
Stratton
Stubblefield
Talcott
Teague, Calif.
Teague, Tex.
Ullman
Vigorito
Walker, Miss.
Watson
Whalley
White, Idaho
Whitener
Whitten
Williams
Wilson, Bob
Younger

NOT VOTING—49

Anderson, Ill.
Andrews, George W.
Bates
Bolling
Bolton
Bonner
Brock
Byrnes, Wis.
Cabell
Celler
Chamberlain
Clawson, Del
Dulski
Evans, Colo.
Fino
Frelinghuysen
Gilligan
Gurney
Hardy
Hébert
Holifield
Holland
Hosmer
Kunkel
Lennon
Lindsay
Long, La.
McCarthy
MacGregor
Martin, Ala.
Martin, Mass.
Mathias
Moore
O'Hara, Ill.
Ottinger
Rivers, S.C.
Schweiker
Smith, Calif.
Smith, N.Y.
Thomas
Thompson, Tex.
Thomson, Wis.
Toll
Tuck
Udall
Utt
Wyatt
Wydler

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rivers of South Carolina for, with Mr. Lennon against.

Mr. Toll for, with Mr. Bonner against.

Mr. Celler for, with Mr. Tuck against.

Mr. Lindsay for, with Mr. Utt against.

Mr. Gilligan for, with Mr. Del Clawson against.

Mr. Holifield for, with Mr. Hosmer against.

Mr. Mathias for, with Mr. Gurney against.

Mr. Schweiker for, with Mr. Martin of Alabama against.

Mr. Frelinghuysen for, with Mr. Martin of Massachusetts against.

Mr. Hardy for, with Mr. Smith of California against.

Mr. Udall for, with Mr. Wyatt against.

Mr. Cabell for, with Mr. George W. Andrews against.

Until further notice:

Mr. Hébert with Mr. Bates.

Mr. Long of Louisiana with Mr. Anderson of Illinois.

Mr. Thomas with Mr. Byrnes of Wisconsin.

Mr. Thompson of Texas with Mr. Thomson of Wisconsin.

Mr. Holland with Mrs. Bolton.

Mr. Dulski with Mr. Fino.

Mr. O'Hara of Illinois with Mr. Chamberlain.

Mr. Ottinger with Mr. Kunkel.

Mr. Evans with Mr. Moore.

Mr. McCarthy with Mr. Wydler.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. COHELAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Speaker, on rollcalls Nos. 353 and 354 on today I was unavoidably detained on official business. Had I been present, I would have voted "aye" on both rollcalls.

TRIBUTE AND WELL WISHES TO THE HONORABLE JAMES ROOSEVELT

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, as he leaves the House to take his place as a representative of the United States on the Economic and Social Council of the United Nations, we bid the distinguished and affable gentleman from California, the Honorable James Roosevelt, farewell and ask God's blessings upon him in his new responsibilities.

Since his election to the 84th Congress, he has been a power of progressive ideas and the sponsor of many constructive bills. The Speaker has called him "a people's Congressman." His record during his entire legislative career shows that his strongest motivation is the desire to serve people, to assuage their suffering by providing for their needs and guaranteeing their rights.

When he received the Air Freight Forwarders Association Award for Public Service in 1964, he was described accurately as follows:

> Eloquent champion of independent business, zealous proponent of the consumer interest, patron of reason in labor-management relations, bearer of a memorable name in American political life, he has brought further honor to this name with his vigorous devotion to the public weal in his 10 years of service in our Congress. The crisis world in which we live will continue to find in his leadership courage, wisdom, and dedication of the highest order.

He has been a dedicated and effective Member of this House. He sponsored the fair employment practices provision of the great Civil Rights Act of 1964. The bill which he sponsored in the 88th Congress for Federal fair employment practices became title VII of the Civil Rights Act of 1964. He led the floor fight for the adoption of this provision.

Long before this, he had been active in the area of civil rights. He sponsored bills for the establishment of a Commission on Civil Rights in the executive branch, for reorganizing the Justice Department for better protection of civil rights, for strengthening the laws relating to convict labor, peonage, slavery, and involuntary servitude, for protecting the right of political participation, and for preventing lynching. He introduced many bills designed to make redress for the losses and deprivations due to wartime hysteria suffered by American citizens of Japanese ancestry. Thus, it is clear that his legislative concern extended to all Americans, regardless of their race or background. In this, he followed the great tradition we have always associated with the family name which he bears so proudly and with such distinction.

There is no field of major Federal legislation in which he has not been active and outspoken. His interests have ranged from consumer protection to veterans' affairs, from education to small business problems, from conservation to immigration. He has been an all-around, all-purpose, hard-working Congressman, appreciated by his constituents and liked by his colleagues.

His responsibilities in his new post will be many, varied, and weighty in their importance to this country and to the world. I am confident that just as he has served his country well in the House of Representatives, he shall continue to serve with diligence, intelligence, and patriotic devotion in the United Nations. I join his many friends in wishing him every success, and in acknowledging that his deep understanding of problems which beset the Nation, his energy coupled with wisdom, his cheerfulness and his good will shall be sorely missed. We find some comfort in the fact, however, that the United States will be well served in the United Nations by one who is destined for greatness—James Roosevelt.

CONGRATULATIONS TO GUINEA ON ITS INDEPENDENCE DAY CELEBRATION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, on October 2 Guinea celebrated 7 years of independence. On this occasion I should like to congratulate this dynamic African nation.

The Republic of Guinea is located on the Atlantic coast of Africa. It covers some 95,000 square miles, an area approximately equal to that of the State of Oregon. It is a land of great rivers and varied landscapes.

Guinea's cultural and historical traditions are recalled with pride by her people. Historically, Guinea was a part of the great west African empires. Today Guinea has another kind of leading role on the world scene. She joined the United Nations shortly after independence. In May of 1963 she entered the Organization of African Unity and has played an effective part in this new organization.

Guinea has great potential mineral and hydroelectric resources as well as large amounts of good agricultural land. Given the success of the present government in improving the welfare of the people and attracting foreign investment, there is every reason to believe that Guinea will continue on her path of economic development, political stability and independence. I congratulate the people of Guinea on this the 7th anniversary of their independence.

PROVIDING A BRIDGE TO EAST POTOMAC PARK

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, today I introduced a bill to authorize and direct the Secretary of the Interior to improve visitor facilities in the park system of the Nation's Capital by providing a bridge to East Potomac Park, and for other purposes.

This enabling legislation with the prime purpose of permitting the Secretary of the Interior to have constructed across the Washington Channel a commercial-pedestrian bridge providing direct access to the National Fisheries Center and Aquarium scheduled to be built on East Potomac Park.

At the very outset, Mr. Speaker, I wish to stress that this bill is not a forerunner to an appropriations request. It is written expressly to avoid a Federal expenditure and to promote the general welfare of the National Capital through a cooperative public-private effort. It is designed to satisfy public need through private enterprise.

The public need in this instance takes many forms.

There is need to enhance and beautify the waterfront, to exploit one of the few natural recreational resources available in Washington, and to promote the overall development of the Washington Channel environment.

There is need for a diversity of tourist and visitors services in the general vicinity of the Smithsonian Institution and our national monuments, and to complement the attractiveness of Washington's redeveloping Southwest.

There is need to provide direct access to the Hains Point peninsula to accomodate the millions of persons expected to visit the aquarium each year as well as those wishing to take advantage of other attractions of East Potomac Park.

I believe my bill responds to these needs. It contemplates private construction and operation of a unique span extending from the mainland side of the channel in the vicinity of 10th Street to the peninsula side at the site of the proposed aquarium.

The bridge would be built, maintained and operated under the traditional contractual terms for concessions in national parks. The developer or concessioner would pay the usual franchise fee to the Department of Interior and, in turn, would be allowed to sublease portions of the bridges at rental rates that would permit amortization of his original financial obligation along with a reasonable return on the investment. Because of the nature of the development and the extent of the developer's initial commitment, consideration is given in this bill to the possible need for a leasing agreement that exceeds the customary 30 years.

Although privately financed and operated, the structure would remain in the public domain. The Secretary of the Interior would retain jurisdiction over it during the terms of the lease and would have authority to assume full possession of the property upon termination of the lease.

Additionally, this bill would provide still another safeguard of the public interest. It would establish an advisory committee to act in consultation with the Interior Secretary on matters of design, construction, and operation of the facility. The advisory committee would be composed of the Chairman of the National Capital Planning Commission, the Chairman of the Commission on Fine Arts, the President of the Board of Commissions of the District of Columbia, the chief of engineers of the U.S. Army, the Chairman of the District of Columbia Redevelopment Land Agency, and three members to be appointed by the Secretary from among the residents of the Metropolitan Washington area.

This committee represents a cross-section of interested public agencies with representation from the private sector of the community. I call attention to the high caliber of this committee, Mr. Speaker, because this is the group that would advise the Interior Secretary on those matters of judgment that either cannot or should not be legislated.

We cannot legislate beauty, for instance, and yet there is cause to believe that this structure would be an outstanding example of architectural and engineering excellence underscoring the natural esthetics of the waterfront environment. Likewise, with such a group of advisers at the Secretary's disposal, there is reason to anticipate expert determinations of other judgment factors such as the placement, size, and design of bridge improvements and proper selection and mix of tenants and uses.

As is the case with so many so-called new ideas, this one is based on an old concept that has already stood the test of time. What this bill proposes for Washington is an updated American version of a venerable structure located in Florence, Italy. It is called the Ponte Vecchio—or old bridge—and it remains a prime attraction today, drawing countless visitors to its rustic shops and specialty stores.

I respectfully submit that a modern-day version of the Ponte Vecchio connecting Washington's Maine Avenue with East Potomac Park has the potential to become one of the major tourist attractions of the world while adding a desirable blend of charm, excitement, and beauty to America's Capital City.

I commend this bill to the attention of my colleagues and respectfully solicit their consideration and support.

FREIGHT CAR SHORTAGE

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, I wish to express my support for the freight car shortage bills, H.R. 7165, H.R. 425, and similar bills.

As I have stated before, it is of utmost urgency that the Interstate and Foreign Commerce Committee report out and the Congress pass the bill which would alleviate the dangerous and economically depressing freight car shortage which exists in the country today.

I will not repeat at length the facts which the Interstate and Foreign Commerce Committee has heard over and over again by representatives of the farming, lumber, mining, and railroad industries. These, in brief, are the summation of complaints as they have been presented to me:

First. No matter what the productivity and output of the farming, lumber, and mining industries, no income is received if this output is not transported to markets and to the consumers. Over the years the number of boxcars in use has fallen such that this fact alone would make it more difficult to transport the greatly increased output of these industries to the markets.

Second. Compounding this shortage, existing legislation permits railroads to hold and use cars which they did not build and do not own for a minimal rent which makes it much cheaper to keep cars from other roads than it is to build new cars. Thus, a western railroad which has a drastic car shortage will not spend upward of $15,000 to build a new car when this car will become the rental property of some other railroad at a ridiculously low price of $2 per day.

Third. For these reasons, over the past 10 years the Nation has lost an average of 20,000 boxcars per year. The result is only too obviously disastrous for commerce. This shortage affects coalminers in Appalachia, grain producers in the Midwest, lumber mills on the Pacific Coast, and all these industries in Montana. Plywood mills say they must close in certain heavily affected areas. Wholesale and retail trade is seriously curtailed in all geographical areas which depend upon these industries. In Montana these are the major industries, and all are affected by this blight. The effect on wages, profits, and employment on all trades and businesses in the affected areas is evident. This legislation is clearly in the national interest.

This legislation would make the advantages of boxcar ownership more attractive in the interest of encouraging carriers to make a just and equitable contribution to the national car fleet. The Interstate Commerce Commission would be empowered to adjust per diem rates on boxcar rentals to give economic incentive to purchase cars to those railroads who now find it cheaper to keep cars from other railroads and pay a low per diem charge.

I wholeheartedly support this legislation and again urge the House to pass this bill this session.

VISIT OF HIS HOLINESS POPE PAUL VI

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Speaker, October 4, 1965, was a historical day in the annals of our Nation and one that we will never forget. While the visit of His Holiness Pope Paul VI was to all nations through the United Nations, the fact that he landed in my congressional district and the site of his visit was the city of New York is a source of great pride to me and all New Yorkers.

The pontiff brought to the United Nations a simple but eloquent plea for peace. There have been many who have criticized the United Nations and called it an ineffective instrument for keeping the peace—I believe that the message of Pope Paul VI has done much to bolster esteem for this Organization.

Under leave to extend my remarks, I include an unofficial translation of Pope Paul VI's address to the United Nations, the remarks made on his arrival at John F. Kennedy International Airport, and the text of his homily delivered at the papal mass for peace held at Yankee Stadium:

POPE'S MESSAGE ON ARRIVAL

(NOTE.—Following is the original English text of Pope Paul's remarks on his arrival at Kennedy Airport.)

We reply without delay to the greetings presented to us by the distinguished representatives of the United Nations, and we express our sincere thanks for the invitation to us to address that great assembly. We are thus given the honor and the good fortune of meeting that greatest of all international organizations. It gives us particular pleasure to mark in this way the 20th anniversary of the founding of the United Nations, and to express our best wishes for its permanency and its development.

Our encouragement and support have, we believe, a special meaning. This is because we come from Rome, that city which, first of all in the history of our civilization, promoted and represented the political union of peoples under the rule of law, and consequently in liberty, in culture and in peace. We come from Rome, where there is located the central seat of that religious society not founded on temporal power, which is the Catholic Church. We are happy to note that natural sympathy existing between these two universalities, and to bear to your terrestrial city of peace the greetings and good wishes of our spiritual city of peace. One is a peace which rises from the earth, the other a peace which descends from Heaven; and their meeting is most marvelous: Justice and peace have kissed one another. May God grant that this be for mankind's greater good.

We also wish to reply without delay to the greetings offered us by this great country in the person of the President's representative. A country so free, so strong, so industrious, so full of wonders, this country of America, the America of the States, where we have so very many brothers, sons and friends in the faith, and where a populous nation founds its very modern civilization upon the brotherhood of its citizens.

Greetings to you, America. The first Pope to set foot upon your land blesses you with all his heart. He renews, as it were, the gesture of your discoverer, Christopher Columbus, when he planted the cross of Christ in this blessed soil. May the cross of blessing which we now trace over your skies and your land preserve those gifts which Christ gave you and guarantee to you peace, concord, freedom, justice—and above all the vision of life in the hope of immortality. God bless this land of yours.

AT U.N., "MESSAGE FOR MANKIND"

(NOTE.—Following is an unofficial English translation of Pope Paul VI's address to the United Nations.)

As we commence our address to this unique world audience, we wish to thank your Secretary General, U Thant, for the invitation that he extended to us to visit the United Nations, on the occasion of the 20th anniversary of the foundation of this world institution for peace and for collaboration between the peoples of the entire earth.

Our thanks also to the President of the General Assembly, Mr. Amintore Fanfani, who used such kind language in our regard from the very day of his election.

We thank all of you here present for your kind welcome, and we present to each one of you our deferential and sincere salutation. In friendship you have invited us and admitted us to this meeting; and it is as a friend that we are here today.

We express to you our cordial personal homage, and we bring you that of the entire Second Vatican Ecumenical Council now meeting in Rome and represented here by the eminent Cardinals who accompany us for this purpose.

In their name and in our own, to each and every one of you, honor and greeting.

This encounter, as you all understand, marks a simple and at the same time a great moment. It is simple, because you have before you a humble man; your brother; and among you all, representatives of sovereign states, the least invested, if you wish to think of him thus, with a miniscule, as it were symbolic, temporal sovereignty, only as much as is necessary to be free to exercise his spiritual mission, and to assure all those who deal with him that he is independent of every other sovereignty of this world.

But he, who now addresses you, has no temporal power, nor any ambition to compete with you. In fact, we have nothing to ask for, no question to raise; we have only a desire to express and a permission to request: namely, that of serving you insofar as we can, with disinterest, with humility and love.

This is our first declaration. As you can see, it is so simple as to seem insignificant to this assembly, which always treats of most important and most difficult matters.

We said also, however, and all here today feel it, that this moment is also a great one. Great for us, great for you.

A MESSAGE FOR MANKIND

For us: you know well who we are. Whatever may be the opinion you have of the pontiff of Rome, you know our mission. We are the bearer of a message for all mankind. And this we are not only in our own personal name and in the name of the great Catholic family; but also in that of those Christian brethern who share the same sentiments that we express here, particularly of those who so kindly charged us explicitly to be their spokesman here. Like a messenger who, after a long journey, finally succeeds in delivering the letter that has been entrusted to him, we appreciate the good fortune of this moment, however brief, which fulfills a desire nourished in the heart for nearly 20 centuries.

For, as you will remember, we are very ancient; we here represent a long history; we here celebrate the epilog of a wearying pilgrimage in search of a conversation with the entire world, ever since the command was given to us; go and bring the good news to all peoples, now, you here represent all peoples. Allow us to tell you that we have a message, a happy message, to deliver to each one of you and to all.

1. We might call our message a ratification, a solemn moral ratification of this lofty institution. This message comes from our historical experience. As "an expert in humanity," we bring to this organization the suffrage of our recent predecessors, that of the entire Catholic Episcopate and our own, convinced as we are that this organization represents the obligatory path of modern civilization and of world peace. In saying this, we feel we are making our own the voice of the dead and of the living; of the dead, who fell in the terrible wars of the past; of the living who survived those wars, bearing in their hearts a condemnation of those who would try to renew wars; and also of those living who rise up fresh and confident, the youth of the present generation, who legitimately dream of a better human race.

And we also make our own the voice of the poor, the disinherited, the suffering, of those who hunger and thirst for justice, for the dignity of life, for freedom, for well-being and progress. The peoples of the earth turn to the United Nations as the last hope of concord and peace; we presume to present here, with their tribute of honor and of hope, our own tribute also.

That is why this moment is great for you, also.

GOOD WISHES

2. We feel that you are already aware of this. Harken now to the continuation of our message. It becomes a message of good wishes for the future. The edifice that you have constructed must never fall; it must be perfected, and made equal to the needs that world history will present. You mark a stage in the development of mankind, from which retreat must never be admitted, but from which it is necessary that advance be made.

To the pluralism of states, which can no longer ignore one another, you offer an extremely simple and fruitful formula of coexistence. First of all, you recognize and distinguish the ones and the others. You do not confer existence upon states; but you qualify each single nation as fit to sit in the orderly congress of peoples.

That is, you grant recognition, of the highest ethical and juridical value, to each single sovereign national community, guaranteeing it an honored international citizenship. This in itself is a great service to the cause of humanity, namely, to define clearly and to honor the national subjects of the world community, and to classify them in a juridical condition, worthy thereby of being recognized and respected by all, and from which there may derive an orderly and stable system of international life.

You give sanction to the great principle that the relations between peoples should be regulated by reason, by justice, by law, by negotiation; not by force, nor by violence, not by war, not by fear or by deceit. Thus it must be. Allow us to congratulate you for having had the wisdom to open this hall to the younger peoples, to those states that have recently attained independence and national freedom. This presence is the proof of the universality and magnanimity that inspire the principles of this institution.

Thus it must be. This is our praise and our good wish; and, as you can see, we do not attribute these as from outside; we derive them from inside, from the very genius of your institution.

3. Your charter goes further than this, and our message advances with it. You exist and operate to unite the nations, to bind states together. Let us use this second formula: to bring the ones together with the others. You are an association. You are a bridge between peoples. You are a network of relations between states. We would almost say that your chief characteristic is a reflection, as it were, in the temporal field, of what our Catholic Church aspires to be the spiritual field: unique and universal. In the ideological construction of mankind, there is on the natural level nothing superior to this. Your vocation is to make brothers not only of some, but of all peoples. A difficult undertaking, indeed; but this is your most noble undertaking. Is there anyone who does not see the necessity of coming thus progressively to the establishment of a world authority, able to act efficaciously on the juridical and political levels?

Once more we reiterate our good wish: advance always. We will go further, and say: strive to bring back among you any who have separated themselves, and study the right method of uniting to your pact of brotherhood, in honor and loyalty, those who do not yet share in it. Act so that those still outside will desire and merit the confidence of all; and then be generous in granting such confidence. You have the good fortune and the honor of sitting in this assembly of peaceful community; hear us as we say: insure that the reciprocal trust that here unites you, and enables you to do good and great things, may never be undermined or betrayed.

FORMULA OF EQUALITY

4. The inherent logic of this wish, which might be considered to pertain to the very structure of your organization, leads us to complete it with other formulas. Thus, let no one, inasmuch as he is a member of your union, be superior to the others: never one above the other. This is the formula of equality. We are well aware that it must be completed by the evaluation of other factors besides simple membership in this institution; but equality, too, belong to its constitution. You are not equal, but here you make yourselves equal. For several among you, this may be an act of high virtue; allow us to say this to you, as the representative of a religion that accomplishes salvation through the humility of its divine founder. Men cannot be brothers if they are not humble. It is pride, no matter how legitimate it may seem to be, that provokes tension and struggles for prestige, for predominance, colonialism, egoism; that is, pride disrupts brotherhood.

5. And now our message reaches it highest point, which is, at first, a negative point. You are expecting us to utter this sentence, and we are well aware of its gravity and solemnity; not the ones against the others, never again, never more. It was principally for this purpose that the organization of the United Nations arose: against war, in favor of peace. Listen to the lucid words of the great departed John Kennedy, who proclaimed, 4 years ago: "Mankind must put an end to war, or war will put an end to mankind." Many words are not needed to proclaim this loftiest aim of your institution. It suffices to remember that the blood of millions of men, that numberless and unheard of sufferings, useless slaughter and frightful ruin, are the sanction of the pact that unites you, with an oath that must change the future history of the world: no more war, war never again. Peace, it is peace that must guide the destinies of peoples and of all mankind.

Gratitude to you, glory to you, who for 20 years have labored for peace, gratitude and glory to you for the conflicts that you have prevented or have brought to an end. The results of your efforts in recent days in favor of peace even if not yet proved decisive, are such as to deserve that we, presuming to interpret the sentiments of the whole world, express to you both praise and thanks.

Gentlemen, you have performed and you continue to perform a great work: the education of mankind in the ways of peace. The U.N. is the great school where that education is imparted, and we are today in the assembly hall of that school. Everyone taking his place here becomes a pupil and also a teacher in the art of building peace. When you leave this hall, the world looks upon you as the architects and constructors of peace.

Peace, as you know, is not built up only by means of politics, by the balance of forces and of interests. It is constructed with the mind, with ideas, with works of peace. You labor in this great construction. But you are still at the beginnings. Will the world ever succeed in changing that selfish and bellicose mentality which, up to now, has been interwoven in so much of its history? It is hard to foresee; but it is easy to affirm that it is toward that new history, a peaceful, truly human, history, as promised by God to men of good will, that we must resolutely march. The roads thereto are already well marked out for you; and the first is that of disarmament.

If you wish to be brothers, let the arms fall from your hands. One cannot love while holding offensive arms. Those armaments, especially those terrible arms, which modern science has given you, long before they produce victims and ruins; nourish bad feelings, create nightmares, distrust and sombre resolutions; they demand enormous expenditures; they obstruct projects of union and useful collaboration; they falsify the psychology of peoples. As long as man remains that weak, changeable and even wicked being that he often shows himself to be, defensive arms will, unfortunately, be necessary.

You, however, in your courage and valiance, are studying the ways of guaranteeing the security of international life, without having recourse to arms. This is a most noble aim, this the peoples expect of you, this must be obtained. Let unanimous trust in this institution grow, let its authority increase; and this aim, we believe, will be secured. Gratitude will be expressed to you by all peoples, relieved as they will then be from the crushing expenses of armaments, and freed from the nightmare of an ever-imminent war.

We rejoice in the knowledge that many of you have considered favorably our invitation, addressed to all states in the cause of peace from Bombay, last December, to divert to the benefit of the developing countries at least a part of the savings that could be realized by reducing armaments. We here renew that invitation, trusting in your sentiments of humanity and generosity.

A GREATER STEP

6. In so doing, we become aware that we are echoing another principle that is structural to the United Nations, which is its positive and affirmative high point; namely, that you work here not only to avert conflicts between states, but also to make them capable of working the ones for the others. You are not satisfied with facilitating mere coexistence between nations; you take a much greater step forward, one deserving of our praise and our support—you organize the brotherly collaboration of peoples. In this way a system of solidarity is set up, and its lofty civilized aims win the orderly and unanimous support of all the family of peoples for the common good and for the good of each individual. This aspect of the organization of the United Nations is the most beautiful; it is its most truly human visage; it is the ideal of which mankind dreams on its pilgrimage through time; it is the world's greatest hope; it is, we presume to say, the reflection of the loving and transcendent design of God for the progress of the human family on earth—a reflection in which we see the message of the gospel that is heavenly become earthly. Indeed, it seems to us that here we hear the echo of the voice of our predecessors, and particularly of that of Pope John XXIII, whose message of "Pacem in Terris" was so honorably and significantly received among you.

You proclaim here the fundamental rights and duties of man, his dignity, his freedom—and above all his religious freedom. We feel that you thus interpret the highest sphere of human wisdom and, we might add, its sacred character. For you deal here above all with human life; and the life of man is sacred; no one may dare offend it. Respect for life, even with regard to the great problem of birth, must find here in your assembly its highest affirmation and its most reasoned defense. You must strive to multiply bread so that it suffices for the tables of mankind, and not rather favor an artificial control of birth, which would be irrational, in order to diminish the number of guests at the banquet of life.

It does not suffice, however, to feed the hungry; it is necessary also to assure to each man a life confirmed to this dignity. This, too, you strive to perform. We may consider this the fulfillment before our very eyes, and by your efforts, of that prophetical announcement so applicable to your institution: "They will melt down their swords into plowshares, their spears into pruning forks" (Isaiah II: 4). Are you not using the prodigious energies of the earth and the magnificent inventions of science, no longer as instruments of death but as tools of life for humanity's new era?

We know how intense and ever more efficacious are the efforts of the United Nations and its dependent world agencies to assist those governments who need help to hasten their economic and social progress.

We know how ardently you labor to overcome illiteracy and to spread good culture throughout the world; to give men adequate modern medical assistance; to employ in man's service the marvelous resources of science, of technique, and of organization—all of this is magnificent, and merits the praise and support of all, including our own.

GOOD EXAMPLE

We ourself wish to give the good example, even though the smallness of our means is inadequate to the practical and quantitative needs. We intend to intensify the development of our charitable institutions to combat world hunger and fulfill world needs. It is thus, and in no other way, that peace can be built up.

7. One more word, gentlemen, our final word: this edifice that you are constructing does not rest upon merely material and earthly foundations, for thus it would be a house built upon sand; above all, it is based on our own consciences. The hour has struck for our "conversion," for personal transformation, for interior renewal. We must get used to thinking of man in a new way; and in a new way also of man's life in common; with a new manner, too, of conceiving the paths of history and the destiny of the world, according to the words of Saint Paul: "You must be clothed in the new self, which is created in God's image, justified and sanctified through the truth" (Eph. iv: 23). The hour has struck for a halt, a moment of recollection, of reflection, almost prayer. A moment to think anew of our common origin, our history, our common destiny. Today as never before, in our era so marked by human progress, there is need for an appeal to the moral conscience of man. For the danger comes, not from progress, nor from science—indeed, if properly utilized, these could rather resolve many of the grave problems that assail mankind. No, real danger comes from man himself, wielding ever more powerful arms, which can be employed equally well for destruction or for the loftiest conquests.

In a word, then, the edifice of modern civilization must be built upon spiritual principles, which alone cannot only support it but even illuminate and animate it. To do this, such indispensable principles of superior wisdom cannot but be founded so, as you are aware, we believe upon faith in God. That unknown God of whom Saint Paul spoke to the Athenians in the Aeropagus. Unknown by them, although without realizing it they sought Him and He was close to them, as happens also to many men of our times. To us, in any case, and to all those who accept the ineffable revelation that Christ has given us of Him. He is the living God, the Father of all men.

THE STADIUM—"WE MUST LOVE PEACE"

(NOTE.—Following is the text of Pope Paul's homily delivered at Yankee Stadium last night:)

Brothers and sons of New York, brothers and sons of the United States and of all America, all of you who have assembled here from every part of the world, we greet you and we bless you.

This is the day which the Lord has made; let us rejoice and be glad today. This is the day which we have desired for centuries. The day which, for the first time, sees the Pope setting foot on this young and glorious continent. An historic day, for it recalls and crowns the long years of the evangelization of America, and the magnificent development of the church in the United States. All honor to you, brothers and sons. Peace and joy in Christ to you, whom we wish we could individually receive and embrace. A fraternal and brotherly greeting to you, bishops and pastors, to you, priests, men and women religious of America. To the shepherd of this most flourishing archdiocese, Francis Cardinal Spellman, archbishop of New York, who is here beside us, our greeting and blessing, as a token of our veneration and our affection, of our gratitude to him and our esteem; especially today, on the feast of St. Francis of Assisi, our best wishes on his name day; and together with him we greet and salute the entire Catholic community of New York and of all the United States of America. We know your pastoral work and your faithfulness; we know the splendid organization and spiritual vitality of your schools, of your hospitals, of your works of charity. We know too your love for Christ and His Church. We affirm of you what St. Paul wrote to the Romans: "Your faith is proclaimed all over the world."

And it is from Rome that we bring you that message of faith and love which unites us all in Christ; together with the blessing of Saints Peter and Paul.

We are most happy to greet at the same time, with all reverence and sincerity, those Christian brothers here present, separated from us, yet united with us by baptism and by belief in the Lord Jesus. We keep them all in our heart and in our prayers. We also greet those here present who follow other religious beliefs, and who in good conscience intend to seek and honor Almighty God, the Lord of heaven and earth; among whom the descendants of Abraham have our particular consideration.

"ENTIRE AMERICAN PEOPLE"

We feel, too, that the entire American people is here present, with its noblest and most characteristic traits: a people basing its conception of life on spiritual values, on a religious sense, on freedom, on loyalty, on work on the respect of duty, on family affection, on generosity, and courage. We pay honor to the human and civil virtues of this great people, and in these virtues we recognize valuable derivations from Christian values, which we hope will ever remain living and active, safeguarding the American spirit from those dangers which prosperity itself can entail, and which the materialism of our day can make even more menacing. From its brief but heroic history, this young and flourishing country can derive lofty and convincing examples to encourage it in its future progress.

So, too, we turn our thoughts cordially to all those who belong to other nations and are present at this great religious assembly; they show forth the hospitality of this country, and also the fact that men of different origins can live together, work together, and prosper together in freedom and in concord. To all of them and to their respective countries we send our greetings and good wishes.

What are we to say to you, that can correspond to the duties of our apostolic ministry and be adequate to the spirit of this unique occasion? Our words can only be the words of the Gospel, which has just been read to you; the words of the risen Jesus, which He repeated three times: Peace be to you.

Truly, verily, peace be to you.

How rich in meaning, how abundant in good things, is this divine and human greeting of peace. Repeated thousands of times, we all recognize it, we all desire it. And that is good. But allow us to exhort you to consider it once again, to preserve it as the Gospel message of the Pope as he lands on this soil and proclaims to all those he meets: Peace be to this house, to this continent, and to all those who inhabit it.

We have, then, three things to say to you.

WE MUST LOVE PEACE

First of all, you must love peace. Here we can use the words of Christ: "Blessed are the peacemakers, for they shall be called the sons of God" (Mt. v: 9). If we truly wish to be Christians, we must love peace, we must make our own the cause of peace, we must mediate on the real meaning of peace, we must conform our minds to the thought of peace. In the past, it was not always so in the education of minds and the training of citizens; but today it must be so; we must love peace, because its dwelling is first in men's hearts, and only afterward in the external condition of society. Peace must live and reign in men's consciences, as Holy Scripture teaches us: "May the peace of Christ reign in your hearts." Peace is order, in relation to God and in relation to men; it is wisdom, it is justice, it is civilization. Whoever loves peace loves mankind, without distinction of race or of color.

Second thought: You must serve the cause of peace. Serve it, and not make use of it for aims other than the true aims of peace. Serve it, and not use this noble standard as a cover for cowardice or selfishness, which refuses to make sacrifices for the common good; not debilitate and pervert the spirit, by evading the call of duty and seeking one's own interests and pleasures. Peace is not a state which can be acquired and made permanent. Peace must be built; it must be built up every day by works of peace. These works of peace are first of all, social order; then, aid to the poor, who still make up an immense multitude of the world population, aid to the needy, the weak, the sick, the ignorant. Peace must be like a garden, in which public and private beneficence cultivates the choicest flowers of friendship, of solidarity, of charity, and love.

BASED ON PRINCIPLES

Third thought. Peace must be based on moral and religious principles, which will make it sincere and stable. Politics do not suffice to sustain a durable peace. The absence of conflict does not suffice to make of peace a source of happiness and of true human progress. Peace must have its roots anchored in wisdom, and this wisdom must draw nourishment from the true concept of life, that is, the Christian concept. Remember the words of the Lord Jesus: "Peace I leave with you. My peace I give to you. Not as the world gives do I give to you." Jesus, the Prince of Peace, has His own original and characteristic peace, which can regulate every human relationship because, in the very first place, it regulates the relationship with God.

Coming among you at a moment, so beautiful, so brief but so important, as this, we have no better greeting, no better remembrance for you than to repeat that holy salutation of Christ: Peace, His peace.

Finally, one more word.

At the end of this mass, we shall bless a stone, which we had removed from Saint Peter's Basilica and which we ourself brought here from Rome. This blessed stone will be placed in the foundations of a great new edifice, the Seminary of the Archdiocese of New York. Cardinal Spellman, with that courage and farsightedness which are characteristic of him, is preparing to build this seminary for the new and future generations of students for the priesthood in the service of Holy Mother Church. This is indeed a monument worthy of perpetuating the memory of our visit to you. You can see in this cornerstone an eloquent symbol of the faith and love which unite the Catholics of New York to the Church of Rome. You can see in this ceremony the proof of our confidence in the seminarians of New York, those of today and those of tomorrow; the pledge of our good wishes that they may always be sustained by Christ, and always be the gloria Christi, the glory of Christ.

ELIMINATE OR CONTROL JELLYFISH AND OTHER SUCH PESTS IN THE COASTAL WATERS OF THE UNITED STATES

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GARMATZ. Mr. Speaker, I am today introducing legislation designed to control or eliminate jellyfish and other similar pests in the coastal waters of the United States.

In accomplishing this purpose, the bill would authorize the Secretary of the Interior to cooperate with the States and give financial and technical aid to them in the study and control of jellyfish—commonly referred to as "sea nettles"—and other such pests which adversely affect fish and shellfish, as well as water-based recreation. The Secretary would be authorized to conduct, either directly or by contract, or both, research into the sea nettle problem, to conduct studies on developing control measures, and, based on such studies, to control or eliminate such pests in our coastal waters and tributaries.

The cost of this legislation would be shared by the States on a 50–50 basis, with the Federal share of the program being limited to $10 million.

This past summer, coastal newspapers were replete with reports of these pests in our coastal bays and estuaries. On August 18, 1965, the New York Times carried an article, entitled "More Jellyfish Seen at Beaches." It stated that 12 more bathers were stung by jellyfish at Rockaway Beach, N.Y., some of which received hospital treatment, raising the 3-day total to nearly 100. In the Long Island area, it stated that this has been the worst invasion of sea lice since 1957. It quoted the health department in its warning to the public that "serious illness and even death could result from the stings of jellyfish." In the August 19 issue of the New York Times, an article appeared stating that jellyfish had stung 15 along Jones Beach, N.Y., and that 2 of the 13 sections of that beach had been closed to bathing.

Along the Chesapeake Bay in my own State of Maryland, it seems that the numbers of sea nettles, or jellyfish, are increasing every year. Ordinarily, these pests put in their annual appearance around Memorial Day and by July 4 they have taken over the entire area. It is not until after the Labor Day weekend that these pests make their exits.

The increased presence of these sea animals along our coastal waters are depriving thousands of summer vacationists of recreational opportunity and hundreds of businesses of untold revenues.

Mr. Speaker, what do we know about these sea animals? The fact is that we know very little. Sea nettles, men-of-war, or some form of jellyfish, are very common along the Atlantic and gulf coasts from New York to Texas. They are more abundant some years than others and are not always prevalent in all parts of the bays and estuaries at the same time. Parts of these sea animals can sting just as painfully as whole animals.

Various ways to control these pests have been tried unsuccessfully. Fences or nets to protect bathing beaches have proven too costly to maintain and can be used only in limited areas. Also, small jellyfish can easily squeeze through the mesh, while at the same time an accumulation of debris and sea grass often prevents water exchange and causes stagnation.

Were this simply a struggle of men against the jellyfish, a solution might be near at hand. Unfortunately, some experts suggest that the life cycle of the jellyfish is entwined with that of the oyster.

It is to be noted that jellyfish populations have substantially increased over a period of years, while oyster production has been on the decline. Thus, it might well be that jellyfish eat oyster larvae and are probably responsible for the plight of our oysters. These sea animals may also be predators on the foods of some of our commercially important fishes.

For years there has been much talk about the need to control or eradicate jellyfish and similar pests. However, few States have done anything toward solving the problems connected with these sea animals. Since the 1930's there has been practically no research. Just this past summer two biologists working out of the Chesapeake Biological Laboratory at Solomons, Md., made a study of sea nettles and more was learned in those 4 months about these pests than has been discovered in the past 30 years. I am most happy to report that the General Assembly of my State of Maryland has recognized the seriousness of this problem and has just provided $22,000 so that these studies can be continued. Mr. Speaker, we have only scratched the surface and we have been dilatory in our obligations to solve these problems long enough.

Unless efforts are undertaken on a coordinated and continuing basis, our problems with jellyfish will continue to worsen. My bill is designed to give the Secretary of the Interior the initiative to coordinate such a program with the affected States on a 50–50 cost-sharing basis in an effort to study and solve the problems not only connected with our commercial and sport fisheries and recreation, but all of the problems connected with jellyfish and other such pests.

It is my hope to begin hearings on this legislation early in the next session of Congress and I am hopeful that by next summer, when these pests are due to appear again, that this legislation will be well along its way to passage.

HORTON BILL TO CORRECT PATENT FEE INEQUITY

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I take great pleasure in joining my colleagues, the distinguished gentleman from Maryland [Mr. MATHIAS] and the distinguished gentleman from Kansas [Mr. ELLSWORTH], in the introduction of a bill to exempt from the patent fee increases prescribed by Public Law 89–83 applications filed prior to the effective date of that act. Public Law 89–83, which provides for a drastic increase in the Patent Office fee structure, was approved on July 24, 1965, and becomes effective on October 25, 1965.

The purpose of the legislation I am introducing today concerns section 7(c) of the new law. This section specifies that all pending patent applications for which notices of allowances are not sent by the Patent Office by October 25 shall be subject to the increased fee effected by the law. Upon allowance of a patent under Public Law 89–83, a final fee of $100 is required to be paid within 3 months of issue. An additional $10 is required for each page or portion thereof of printed specification and $2 for each sheet of drawing.

This initial final fee is considerably above the previously prescribed payment of $30. Although this increase is justifiable from the aspect of the needs of the U.S. Patent Office, it is not just from the aspect of applicants who filed patent requests assuming the cost of the process would be significantly lower. It is an injustice for this law to retroactively apply to these inventors, creating a financial burden they did not, or perhaps could not, voluntarily assume.

Mr. Speaker, my constituent Charles Shepard, an experienced and esteemed patent lawyer of Rochester, N.Y., has cited compelling reasons for the needed relief this proposed legislation would provide. I am pleased to share with my colleagues in the House of Representatives an excerpt from a letter from Mr. Shepard concerning the patent fee increase and the reasons he advances for the legislation I have the honor to recommend today:

> The very substantial rise in the issue fee, when a patent is issued, is most inequitable and unjust when applied to applications filed before the effective date of the new law. I believe the greatly increased issue fees should apply only to cases filed after the effective date of the law (Oct. 24, 1965) or perhaps to cases filed after the new law was signed by the President (July 24, 1965) but certainly should not apply to applications filed prior to July 24, 1965.
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> This would not be so bad if the change were only a minor one, such as the increase in the issue fee from $25 to $30, as occurred, I think, in 1930. But in this new legislation, the issue fee is raised from $30 to a minimum of $110 in the shortest possible patent (one printed page and no drawings) and to an average of about $134 in a typical patent of moderate size (three printed pages and 2 sheets of drawings).
>
> It must be remembered that in many cases, the attorney has given the client an estimate of the cost of securing a patent, and the client has relied upon this in deciding

> whether or not to go ahead with a patent application. The large increase in issue fees is most unfair to clients who have relied upon an advance estimate, and is likely to create friction between the client and the attorney in many cases. Even though an advance estimate in a situation of this kind is understood to be a rough estimate rather than an exact quotation, still the increase of approximately $100 or more is certainly a serious matter and not just a trifle.

Mr. Speaker, concerning the necessity for this measure, I would like to share an additional commentary from an equally competent and prominent patent attorney who likewise is my constituent, George W. Shaw, Esq.:

> Our clients have many pending applications that were filed on the basis of our estimates of prosecution costs based upon the previous $30 final fee. These applications were drafted without any foreknowledge of the penalty to be applied for each sheet of drawings and each page of specification. The new issue fees on our pending applications will probably average $150 which is a 500-percent increase over the expected issue fee at the time the applications were filed. Merely because of the new issue fee, our prosecution estimates will prove to be low by a substantial percentage, and many clients will have been misled as to the investment required for their patent prosecutions. Section 7(c) of the new fee bill is thus retroactive in a very real sense.

I want to take this opportunity to urge my colleagues in the House to consider the importance of this legislation closely and carefully. It is a timely issue; it dictates a distinct need for prompt and positive action.

HORTON OFFERS RESOLUTION AUTHORIZING MEMORIAL IN WASHINGTON TO FREEDOM FIGHTERS OF 1956 HUNGARIAN REVOLUTION

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I am honored and privileged today to introduce a joint resolution which would authorize the erection here in Washington of a memorial to the men and women of Hungary who fought so bravely against Soviet Communist domination 9 years ago.

October 1966 will mark the 10th anniversary of the uprising of the people of Hungary in pursuit of the basic human freedoms that we, in America, have enjoyed for nearly two centuries. The United States today has many interests in common with this inherently democratic people, not the least of which is the fact that over 50,000 Hungarian freedom fighters, who managed to escape from onrushing Soviet armor, are today living and working in our country. These refugees from totalitarian terror are a living reminder to Americans of the desperate plight of the captive peoples of Eastern Europe, which often seems lost in the day-to-day life of a free and democratic people.

It is indeed fitting that a memorial to those who fought and died in the Hungarian revolution be erected here in the Capital of our Nation, which has won and lived by the same freedoms that these men and women fought and died for. The memorial I propose will serve not only as a memorial to the more than 24,000 Hungarian dead, but as a monument to American faith in and commitment to the whole Hungarian nation, whose cries for self-government are now muffled behind a closely guarded barbed wire frontier.

The evidence available to us of continued Communist tyranny in Hungary is convincing and unending. Just this year, the Soviet Government demanded that the people of Hungary pay their Russian masters over $1\frac{1}{2}$ billion as reparation for what it cost the Soviet Union to engage Russian men and armor in overrunning the Hungarian revolt.

Within the past month, the Hungarian Communist regime announced that it had found a new, more effective means of preventing its people from escaping to the West. Since the revolution, a 200-yard strip of land studded with mines has surrounded Hungary behind guard towers and barbed wire fencing. Evidently the Communists have realized that it is undesirable propaganda to have this barbarous human trap displayed along Hungary's borders for all to see and photograph. It is believed that they are moving the human cage inland to get it out of sight of the eyes of freemen.

Little more is needed to illustrate the desperation of the Hungarian people. An American commitment to the hopes of these human beings, symbolized by a memorial here in Washington to Hungarian freedom fighters, is the least that we can do as men looking in from the free side of this totalitarian curtain.

Mr. Speaker, the monument I propose, which would be erected by the Hungarian Freedom-Fighters' Federation and maintained by the Department of the Interior, would be an addition of beauty and dignity to our Nation's Capital, as well as evidence of our commitment to the cause of Hungarian freedom. I urge speedy and bipartisan passage of this joint resolution.

LEGISLATION TO CLOSE OUR MAILS TO PROPAGANDA FROM COMMUNIST BLOC

Mr. GROVER. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. ELLSWORTH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, today I have introduced legislation to close our mails to propaganda from Communist bloc countries that now refuse to deliver American publications through their postal systems.

At the outset, I want to pay tribute to my distinguished colleague, the gentleman from Nebraska, the Honorable GLENN CUNNINGHAM, for his leadership in the development of legislation in this field. An earlier bill sponsored by Congressman CUNNINGHAM, which denied unsolicited Communist political propaganda the free use of U.S. mails, became the law of the land. This law was struck down by the Supreme Court as a violation of freedom of information guaranteed by the Constitution. While many eminent jurists and legislators disagree with the Supreme Court on that decision, we nevertheless accept its word as final. Communist nations are now dumping publications on our shores, and closing their borders to our publications. Our bulk mailing rates help underwrite the movement of this propaganda through our mails. It is time to bring such unfair practices to a halt.

My bill, previously introduced by Representative CUNNINGHAM, does not deny freedom of information. It does not discriminate against the types of information coming from any country. It simply establishes the principle of reciprocity. It will stop Communist countries from dumping their publications in our country, and closing their borders to our publications. If a foreign nation consents to carry our literature, we will carry theirs.

The bill pertains to U.S. mails, except first class and air mail. U.S. agencies, public libraries, colleges, universities, and other institutions of higher learning, scientific and professional institutions for advanced studies, and officials of the foregoing are excluded from provisions of the bill.

I hope the Congress will consider and pass this legislation at an early date. It is eminently just and in the national interest. Indeed, it will encourage the free flow of ideas at an international level on a fair and equal basis.

"THE MANY FACES OF COMMUNISM"

Mr. GROVER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. REINECKE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REINECKE. Mr. Speaker, our distinguished colleague, the gentleman from Missouri [Mr. ICHORD] recently traveled with me to North Hollywood, Calif., to address the San Fernando Valley Luncheon Club, many of whose members I am proud to number as constituents of California's 27th Congressional District.

At that meeting, Congressman DICK ICHORD delivered a challenging address, one which can be described only in terms such as "cogent" and "incisive." Mr. Speaker, I believe Congressman ICHORD's speech to be of such significance that all of our colleagues should have an opportunity to read it. Accordingly, I ask that the full text be published here.

ADDRESS OF CONGRESSMAN RICHARD H. ICHORD BEFORE THE SAN FERNANDO VALLEY LUNCHEON CLUB, INC., NORTH HOLLYWOOD, CALIF., SEPTEMBER 16, 1965

Mr. Chairman, the highly esteemed and capable chairman of the House Committee on Un-American Activities, the Honorable Edwin E. Willis, of Louisiana, has asked me to relay to you his most profound regrets for his inability to appear here this evening. The chairman mentioned just a few weeks ago how much he was looking forward to visiting California and speaking to your fine organization. When he explained what had transpired and that he would be unable to be here tonight, I was gratified at the prospect of being the substitute speaker. I am thoroughly delighted to be your guest on this very special occasion, to have the signal honor of being introduced by my good friend and outstanding Congressman, Ed Reinecke.

It is always a rare privilege to visit your beautiful State, which I believe is probably the second finest State in the Union, second to Missouri, of course. Actually, Missouri and California have a great deal in common. In fact, there are almost as many Missourians in California as there are in Missouri. I hope the Missouri Chamber of Commerce will forgive me for that observation.

The many faces of communism play quite a large role in my everyday life. I have the honor of serving on both the House Armed Services Committee and the House Committee on Un-American Activities.

The single greatest concern of both these committees is the challenge communism presents to freemen everywhere. My work with these committees affords me the opportunity to view both sides of the Communist threat—the military and the nonmilitary sides. Recently I served on a special Armed Services Subcommittee which traveled to South Vietnam for a firsthand look at that situation.

The war in South Vietnam, and it is a war, is a very complicated situation, but there is no doubt that it is the proximate result of successful Communist subversion and insurgency. Never before in the history of our Nation has there been so much misinformed discussion of such a critical problem. After an on-the-spot study and traveling 2,500 miles within that war-torn country from one end to the other, I have very little patience for the activities of the overpublicized opposition in this country, whether they be teach-in's by uninformed, misinformed and misguided pseudointellectuals, or sit-in's by long-haired, unwashed, and unshaven beatniks. I cannot condemn the right and privilege of any American to question the foreign policy of his Government, but teach-in's and demonstrations are directly aiding and abetting our enemies in a conflict where psychological and propaganda warfare play no small part. They create doubt in the minds of many that America will stay. They are detrimental to an eventual peaceful solution. They directly contribute to the prolongation of the war; and, yes, even to the death of your and my fellow Americans.

My experiences on the nonmilitary side of the threat have been equally as challenging. Last year I chaired an investigation of the House Committee on Un-American Activities into what has been called "unauthorized student travel to Cuba," but which could be more appropriately termed "Communist efforts to break the Cuban travel ban."

I was also active in the recent hearings conducted by the House Committee on Un-American Activities on a series of proposals which, if passed, would establish an independent governmental agency devoting full time to the research of communism and its methods of operation. It would be the responsibility of this independent agency to develop appropriate countermeasures that could be utilized by the United States in the nonmilitary conflict presently being waged by the Communists all over the world. During the course of these hearings, 51 of the most qualified experts on communism appeared before the committee, and all but 1 agreed that the proposals known as the Freedom Academy bills were very greatly needed by the United States in conducting the fight against Communist aggression. I am happy to say that my bill to create the Freedom Academy has been reported favorably and is presently awaiting action by the House of Representatives. So I speak to you this evening as one who is intensely concerned with the Communist threat and who spends the vast majority of his time dealing with the menace.

It is my understanding that your organization is presently interested in the question of whether or not to ban Communist speakers from college campuses. This is in keeping with the tradition of your great organization. Some years ago the American Legion recognized the failure of our educational institutions to provide instruction about communism, principally on the high school level. It then jointly formulated with the National Education Association a pamphlet entitled "Teaching About Communism: Guidelines for Junior and Senior High School Teachers." This pamphlet has played a most helpful and significant role in promoting intelligent instruction about communism in our schools. I commend your organization for your interest in this most important question. The American Legion, I am sure, recognizes that our universities must remain free to administer their own affairs. We believe in academic freedom, but we distinguish between academic freedom and academic license. It is important to differentiate between the two because we are dealing here with a problem that goes to the very basis of our continued existence as a nation.

The Communist Party USA does have an active program designed to get Communist speakers on our college campuses. The lecture and information bureau, the public relations department of the Communist Party, sends out memorandums to various student organizations hoping to stimulate interest in having Communist speakers appear on our campuses. This is in pursuit of one of the most important immediate goals of the Communist Party: To reestablish the party on campuses throughout the Nation. Party leaders from Gus Hall down have expressed their belief in the value of enlisting our youth in the party's drive to overthrow this Government and their programs have met with some degree of success. They have spoken to well over 100,000 students at various educational institutions over the last 3 years.

Many Americans hold the mistaken belief that Communist membership is declining and that the influence of the party is diminishing. This is dangerous thinking. Party members no longer carry identification cards, and it is exceedingly difficult to make a precise count; however, according to J. Edgar Hoover, Communist membership and Marxist influence are steadily rising. Communist progress has been so great in this country that the national party chairman, in a speech delivered at the 22d Congress of the Soviet Communist Party in October of 1961 at Moscow, predicted that the United States would be in the Communist orbit by 1980. One of the reasons why the chairman was so confident was because of the success of the Communist campus program.

The purpose of the Communist speaker program is two-fold. First, the party desires to increase its influence on the campus. Two events in the past month have shown that college campuses where our young people are concentrated are a fertile field for the commies to work. The first was the 4-day so-called Assembly of Unrepresented People in Washington. This was the group, most of them young people, who announced that they would invade the White House if the President did not meet with them and that they would storm the House of Representatives in order to "deny that Congress has the right to declare war in our names." This was the assembly that was endorsed by the Communist Party, the Progressive Labor Party, the Socialist Workers Party, and other Communist and fellow-traveling organizations. This was the group who met too many policemen to carry out its threat to invade the White House and the House of Representatives, but 36 did manage to get arrested at the White House and the following day about 300 more were arrested when they sat down on the Capitol Grounds.

The second event occurred here in California at Berkeley on August 12 when about 300 young people tried to halt a Vietnam troop train. At the same time in neighboring San Francisco there was another demonstration going on at pier 39, sponsored by the Students for a Democratic Society, Progressive Labor Party, May 2d Movement and Young Peoples Progressive Alliance of Napa Junior College, and others, operating under the name Alliance for Action. It is needless for me to say that something must be done to put an end to this alienation developing among the youth of our country. Educators had better stop "pussyfooting" around and accept their full responsibilities of instilling in our youth genuine American patriotism and a sense of pride in American traditions and heritage. Somewhere, there has been a failure in our system of education.

Most of the young people who have participated in the aforementioned demonstrations and others too numerous to relate have been college students and college graduates. They are not the poor. They are not the underprivileged. They are not the sons and daughters of the poverty-stricken toilers. For the most part, they have had what is often described as the best our system of education can offer. Lenin once said: "When it comes time to hang the capitalists, they, lusting for gold, will be competing for the contract to supply the rope." Let not our college campuses be the place of its fabrication.

The second goal is to change the public image of the party—to become respectable, so to speak. The Communists feel that if they can create a new image for themselves in this country—an image that depicts their party as just another political party—then they will be able to more easily take over our country. Public spirited leaders and citizens from city councilmen to the President must work vigorously to make certain that the Communists are not successful in accomplishing this goal. If they do change their image, it will be infinitely more difficult to stop their advances. We cannot afford to let this happen.

I experience added pleasure in being present this evening because I share the platform with a man for whom I have the utmost respect and admiration. I, of course, refer to your fellow member, the chief of police of the city of Los Angeles, William H. Parker, a man whose unswerving devotion to duty, his outstanding ability, his undaunted courage and unimpeachable integrity have earned him not only nationwide acclaim, but also favorable recognition throughout the world. This city has recently experienced a holocaust of pillage which shocked the entire Nation. Much has been said—much has been written about what happened here in Los Angeles. It is not for me as an outsider and without the benefit of a detailed investigation to comment about immediate causation factors. I would say, however, with no more or no less authority that the seed sown here which undoubtedly contributed to the disaster has been sown in every major city of the United States. The seed of which I speak is the spurious doctrine of civil disobedience, the seed of anarchy and chaos.

America today stands at the crossroads. It can follow the path of civil disobedience, or it can follow the path of civil responsibility. The former leads to violence, anarchy, and freedom's defeat. The latter leads to order, justice, and the preservation of individual freedom. We live under the greatest system of government ever devised by the human mind. Granted it is imperfect as all governments are, but it cannot be nourished and further improved in a climate where every man himself will judge whether or not he is to obey the law. Its flaws cannot be corrected in an atmosphere where the very basis of the system, respect for the laws, is being challenged at every turn. Damaging the foundation of a home leads to the decay of the entire structure. The Communist Party knows this well, and it has gone on record time and time again in favor of and encouraging more and more disobedience. The Communists know that when the people begin to lose their respect for the law and faith in their government, they are ripe for the Communist brand of revolution. Street violence is the prelude to disaster. Nearly every government that has fallen in the past from internal conflict had its trouble begin in the streets.

Freedom throughout the land today is being abused. This has always been true throughout our history, but never before has its abuse been so widespread and so greatly accepted. It is high time that our leaders and responsible citizens in all walks of life speak out in opposition to the doctrine of civil disobedience. Let us reject this insidious doctrine which in reality is a close relative of an equally nefarious principle "the end justifies the means." We have listened to the irresponsible voices of civil disobedience too long already. Let us turn our backs to these divisive voices and others of the same ilk until they ring out with a brave new civil doctrine, the doctrine of civil responsibility.

No man in history has expressed himself in a more articulate and passionate manner on this issue than the genuine champion of human dignity and individual freedom, Abraham Lincoln. If any doubt exists in any American mind as to the need for respect for law, let those doubts be dispelled by the exacting, but penetrating and magnificent words of Lincoln, and I quote:

"Let every American pledge his life, his property, and his sacred honor—let every man remember that to violate the law, is to trample on the blood of his father, and to tear the character of his own, and his children's liberty. Let reverence for the laws, be breathed by every American mother, to the lisping babe, that prattles on her lap—let it be taught in schools, in seminaries, and in colleges—let it be written in primmers, spelling books, and in almanacs—let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars.

"While ever a state of feeling, such as this, shall universally, or even, very generally prevail throughout the Nation, vain will be every effort, and fruitless every attempt, to subvert our national freedom."

ADAPTING OUR EDUCATION TO OUR COUNTRY'S NEEDS

Mr. GROVER. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Quillen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUILLEN. Mr. Speaker, I would like to insert in the Record for the information and consideration of my colleagues and the readers of the Record, an editorial which appeared in the October 1, 1965, issue of the Johnson City Press-Chronicle, Johnson City, Tenn. This article was written by one of the Nation's outstanding editorial writers, Mr. George W. Kelly, the editor of the Press-Chronicle. His recommendations for improving our educational system are worthy of note, and I commend his remarks to your attention:

[From the Johnson City (Tenn.) Press-Chronice, Oct. 1, 1965]

A Job for All of Us

One of our pressing national problems is how to raise the incomes of those in the below-average brackets.

A good many people, because of the vast amount of publicity give the administration's war on poverty (poverty being defined as a family income of under $3,000), probably think governmental action is all that is needed. But others, who have analyzed the needs in all of their many ramifications, find no such simple solution. The Federal Government will help—but all other segments of our society, including business and local governments, must make their contributions and on a big scale if the goal is to be reached.

A new and interesting discussion of the problem has come from the Committee for Economic Development under the title of "Raising Low Incomes Through Improved Education." Its premise is that improvement in education (by which its means "education better adapted to the capacities, interests, and needs of individuals in the changing world in which they live") is "an important thing that can and should be done to better the lot of those with lowest incomes. * * *" However, it goes on to say that it is not the only thing. For instance, "Obstacles to the employment of people in their most productive occupations need to be reduced—including those resulting from racial discrimination, from union barriers against entry, and from artificially maintained wage rates."

The need, it also finds, is not just to improve education. It is, as well, to keep pace with the forces in the economy that are constantly changing the character of the demand for labor—something we are not doing now. Furthermore, it stresses that the enlarged Federal role in education of the past several years does not relieve others of their responsibilities in this area. It then makes a series of recommendations, including these:

More and better early education, beginning before kindergarten, should be provided for children who suffer the disadvantages of being reared in homes and neighborhoods that generate little learning and motivation.

States and school districts should modernize vocational training in the schools to bring it into line with occupational requirements where they can be foreseen.

States that have not done so should establish adequate systems of conveniently available educational institutions beyond high school—junior colleges, community colleges, or technical institutes.

Programs to eliminate adult illiteracy should be launched by citizens at the community level.

More use should be made of the capacities of business for training workers and developing more effective methods of education and training.

This report, like other studies of the matter, recognizes that, in too many instances, our educational systems and institutions are not coping adequately with the problems of technological advance. They are not doing a sufficient job of preparing young people for the kind of work for which there is a swelling need. Some skills have become obsolete—in other instances the demand for people with currently wanted skills exceeds the supply. Education must be adapted to that fact.

"TRUTH IN LENDING"

Mr. GROVER. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. Berry] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BERRY. Mr. Speaker, I have taken the floor today to give the Banking and Currency Committee a real "truth in lending" program to work on.

The Banking and Currency Committee has been getting a great deal of publicity in investigating loan agencies some of whom are reported to be charging as high as 12 or 14 percent. Here is Federal money being reloaned through tribal organizations at a fantastic interest rate.

The Rosebud Tribe in South Dakota for instance, has been deducting an interest rate and a service charge in advance. On a $25 loan the borrower gets $18 which is an interest rate of 39 percent. On a $45 loan the borrower gets $36.40 which is 23.6 percent.

The interesting thing is that this is Federal money loaned to the tribe at some 2 to 4 percent interest and is supposed to be used for the benefit of the individual Indians in need. Of course I appreciate the loss ratio is high, but those who repay should hardly be held responsible for those who do not repay the tribe.

Inasmuch as the Banking and Currency Committee has apparently taken a keen interest in "truth in lending" they could well check lending programs charging as high as 39 percent interest.

COLUMBUS DAY

Mr. GROVER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Schweiker] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, yesterday I introduced a bill to establish Columbus Day as a national legal holiday. Columbus Day is observed as a public holiday by a large majority of our States. There is every reason why the Federal Government of the United States should act in conformity with this majority in recognition of the discovery of America by Christopher Columbus. There is, I believe, ample popular support for the move. It is inaction, rather than actual opposition, which has prevented the passage of one of the many bills on this subject that have been introduced in this and many past Congresses. October 12, as Columbus Day, Discovery Day, Landing Day, or under any other name, has become thoroughly at home in the national consciousness, and even where it is not observed as a public holiday, the occasion is usually commemorated by school festivities, community parades and speeches, or other observances. I believe that the few States which have not yet made Columbus Day an official holiday should and will do so in the near future, and I believe that the Congress of the United States, which should long ago have taken the lead in this patriotic matter, will at least soon follow the example of most of the States, and most of the citizens, in marking this great anniversary in a fitting manner.

The declaration of such a holiday would give recognition at once to one of the greatest events in history, the discovery of the New World; to one of the noblest characters in history, Christopher Columbus; and to the vast contributions made by the Latin community, and particularly the Italian, in the discovery, exploration, and development of America. Western civilization owes many of its chief glories to Italian poets, painters, philosophers, sculptors, scientists, inventors.

Americans, who a few years ago were standing in line to view the Mona Lisa of Leonardo da Vinci, are now being carried slowly past the Pieta of Michelangelo in the Vatican Pavilion at the World's Fair. This artistic culture, sprung out of Italy, colors our national life in America, just as the work of Italian painters and decorators colors the Capitol Building itself, the center of our national life. From the Verrazzano Bridge to the corner pizzeria, things Italian have entered into our American life and language, and have formed a glorious silken pattern through the American homespun weave. In honoring Columbus, we give recognition to the Spanish Kingdom for which he sailed, to the Portuguese who contributed to his knowledge of navigation, and to the Italians who shared his national heritage and who followed his example in helping to explore and develop our continent and our Nation. Cabot, Verrazzano, Vespucci, and Malaspina, are Italian names almost rivaling that of Columbus in the field of American discovery and exploration. Filippo Mazzei, friend of Jefferson, is ranked among the Founding Fathers of America. William Paca, who signed the Declaration of Independence as a delegate from Maryland, was almost certainly of Italian descent. Francesco Vigo and Enrico Tonti made vast contributions to the development of the Middle West and Great Lakes region of the United States.

Columbus Day, nationally observed as it should be, will remind us of these and other Italian contributors to the beginnings of our continent and Nation, and will remind us to take pride in the contributions to America that are still being made today by Americans of Italian birth or descent in the fields of motion pictures and the theater, government, law, education and scholarship, science and invention, and many others.

The glorious past, the rich and luxuriant present, and the promising future of the Italian contributions to America all ask for adequate recognition in the observance of Columbus Day as an American holiday ranking with Washington's Birthday, the Fourth of July, and other holidays established by Federal statute.

CONTROVERSY REMAINS ON FARM LABOR

Mr. GROVER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. HARVEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HARVEY of Michigan. Mr. Speaker, while the harvesting season for most major 1965 crops wholly dependent on farm labor is all but over, a serious and deep controversy remains. In Michigan, and particularly the Eighth Congressional District, this controversy is best described by a newspaper article headlined "Pickle Growers Add Up Losses, Rap Bracero Ban." The opening of the news story, which appeared in the September 27, 1965, edition of the Detroit Free Press, read as follows:

> It takes just three words to describe Michigan's pickle farmers: disillusioned, discouraged, disgusted.

This is not new. In other parts of the country and with other crops and produce affected, the same results. There is dissatisfaction with the new policy of providing domestic farm labor through the U.S. Employment Service or through the teenage A-teams.

The Department of Labor defends its record of providing domestic workers. They have placed the blame on the growers, the farmers, and the processors when and where complaints are aired. The Michigan Employment Security Commission just recently charged that 8 of 32 pickle growers rejected the services of 4,500 teenaged pickers for the pickle crop. This charge was quickly refuted by the Michigan Farm Bureau. Processors, said the Farm Bureau, were reluctant to hire the teenagers because they knew the youths would be returning to school at the peak of the season. Dan Reed, legislative counsel for the Bureau said:

> They were reluctant to invest in transportation, supervision, housing, and food, knowing the youngsters would disappear when they were needed the most.

Reed then charged in a newspaper article printed in the Saginaw News that Secretary of Labor W. Willard Wirtz' promise of adequate help did not materialize and the pickle crops did rot in the fields despite Wirtz' assurances to the contrary.

There have been charges and countercharges. For example, permit me at this point to place in the RECORD a telegram received from Mr. Fred Raznick, vice president of Vlasic Food Products Co., of Bridgeport, Mich., dated August 11:

> PINCONNING, MICH.,
> *August 11, 1965.*
>
> Congressman JIM HARVEY,
> *Capitol Building,*
> *Washington, D.C.:*
>
> In reference to our phone conversation this afternoon, I would like to be very emphatic that if the pickle growers here in Michigan do not get some sort of labor within the next 7 days the crops will be completely lost. The Labor Department knows our situation and are not doing a thing about it. Our company for instance invested $20,000 with a recruiting organization 3 months ago to have 2,000 workers. Up until now we have received 400, the reason for this was that everyone else was fighting for the same labor.
>
> We have had orders in with the Labor Department but to no avail. If something is not done we can kiss the pickle industry in Michigan goodby. It is a darn shame where farmers here have lost their beans and corn and still are fortunate enough to have a good crop of pickles, because of labor, will have to lose this also. It's sure hard for me to understand what is happening with our Government.
>
> Sincerely,
>
> FRED RAZNICK,
> *Vice President,*
> *Vlasic Food Products Co.*
> BRIDGEPORT, MICH.

A copy of this telegram was directed to Secretary Wirtz on August 12. I asked Mr. Wirtz for "positive action in this matter." Secretary Wirtz' reply dated August 20, 1965, is as follows:

> U.S. DEPARTMENT OF LABOR,
> OFFICE OF THE SECRETARY,
> *Washington, August 20, 1965.*
>
> Hon. JAMES HARVEY,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN HARVEY: Thank you for your letter of August 12, which was accompanied by a telegram from Vlasic Food Products.
>
> We know that Vlasic's subsidiary in Bridgeport, Crown Pickle Co., unlike many pickle producers in Michigan, is faced with a prospective shortgage of harvest labor. We are making strenuous efforts to assist the firm. Additional workers are being recruited in Louisiana and Kentucky, and among the crews leaving the cherry orchards of up-State Michigan.
>
> In the meantime, however, I think it would be useful to point out several additional facts.
>
> Crown Pickle refused to hire A-Teams, when they were available; Crown Pickle, instead of recruiting through the U.S. Employment Service, turned to a fee-charging private agency in Texas, with disappointing results; Crown Pickle, rather than seeking additional workers through the Employment Service, borrowed workers from another pickle packer; and finally, the day after you sent your letter, Crown Pickle refused (despite its plea for workers) to hire 75 constituents of yours, residents of Saginaw, who were seeking jobs in the pickle fields.
>
> As you know, this situation has had my almost constant attention. If there is anything further I can do, please do not hesitate to call on me.
>
> Sincerely,
>
> W. WILLARD WIRTZ,
> *Secretary of Labor.*

Now, in a letter dated September 30, 1965, Mr. Raznick replies to Secretary

Wirtz, disputing points raised by the Secretary and adding additional information. His letter follows:

CROWN FOODS, INC.,
September 30, 1965.

Congressman JAMES HARVEY,
Congressman of United States, House of Representatives, Longworth Office Building, Washington, D.C.

DEAR CONGRESSMAN HARVEY: Thank you for your letter of August 23 and a copy of the letter of August 20 from Secretary of Labor Willard Wirtz. Please forgive me for not answering sooner, but it took time to get all of my information properly documented. There are so many statements in Mr. Wirtz' letter that are untrue and/or misrepresented that I feel it necessary to answer line by line, as follows:

"We know that Vlasic subsidiary in Bridgeport, Crown Pickle Co., unlike many pickle processors in Michigan, is faced with a prospective shortage of harvest labor." The Department of Labor continually tried to make every pickle company in Michigan believe that they were the only company short of harvest labor. Representatives of the Department of Labor would come to my office and tell me that no one else in Michigan is having any labor problems. Then, they would visit the other pickle companies and tell them the same thing. I am constantly talking to all the other people in the pickle business in Michigan, and I have been unable to find any that didn't have substantial shortages of harvest labor. I would be most interested in a list from the Department of Labor of those pickle companies in Michigan that had sufficient harvest labor this year. I haven't been able to find any, but maybe Mr. Wirtz knows of some. Who are they?

"Crown Pickle refused to hire A Teams, when they were available." This is completely untrue as we did agree to hire three A Teams. Under the provisions established by the Labor Department we were not equipped to handle any more. However, after accepting three A Teams, the Department of Labor wanted us to take more. It was impossible for us to construct the proper facilities and train the necessary people to operate these facilities in the time we had available. Also, we knew that the A Teams would leave the fields at least 3 weeks before the crop was completely harvested. How could we complete the harvest on the farms after the A Teams left?

"Crown Pickle, instead of recruiting through the U.S. Employment Service, turned to a fee-charging private agency in Texas, with disappointing results." Only because we were not able to procure enough harvesting labor through U.S. Employment Service did we turn to every other possible method of recruiting. Enclosed are photostats of letters from different divisions of the Department of Labor throughout the country which, in their own handwriting, admitted that they would not have labor available for us. What were we to do? We thought it was commendable for us to look for help through an outside agency, but it appears by doing so we are criticised. We advanced $20,000 to this outside agency to help us get labor to pick our crops. Enclosed is evidence where we recruited 190 workers and advanced money to these workers through the Texas Employment Commission. I am also enclosing evidence of attempts to recruit labor through individuals who promised 105 workers. We advanced them considerable funds and we have yet to receive any workers * * * or the refund of our money. We tried every way humanly possible to recruit a labor force. Is this wrong? Without harvesting labor we would have to close our plants and lay off hundreds of production workers. Is it wrong to fight for survival?

"Crown Pickle refused (despite its plea for workers) to hire 75 constituents of yours, residents of Saginaw, who were seeking jobs in the pickle fields." It infuriated me to hear that the Secretary was so naive as to believe that we would leave 75 people looking for work stranded. Surely you should have investigated why this happened. Of course, this was a totally isolated incident. We had five buses shuttling teenagers to our pickle fields. We were constantly running ads in the newspapers and we never knew how many people would show up on a particular day. On the day in question there were 75 children we could not handle, but only for the one day. During the harvest we had approximately 250 children working for us. For these 250 children we were writing approximately 800 checks a week.

You can see the turnover that we had. Also, the cost of these children was phenomenal. They would go out into fields, take about an hour to get started, and 2 hours later they decided they didn't like the work and quit. It was the saddest experience of my life.

On one farm the boys decided to ride the farmer's cows. It nearly drove the farmer out of his mind trying to get his cows back and the boys off his farm. On another farm about 10 boys decided they didn't want to work any more. They went back to the buses and ate the lunches of all the other boys that were working. This completely ruined another crew. I don't entirely blame the children—because they are children and they will be playful—but this business of picking pickles is not a game.

"Additional workers are being recruited in Louisiana and Kentucky." The labor we received from Kentucky was completely inadequate. People simply were not physically fit for the difficult task of picking pickles. The few that stayed would only pick large size pickles when they did work. After they received their first pay check they didn't return to work for 3 days. When we questioned them they told us that they needed time to spend their earnings. We suggested that they might want to send some of their money home where it was probably needed rather than spending it on whisky. They told us that, "we drank before we came, we are going to drink while we are here, and we are going to drink after we leave."

The only satisfactory labor we had this year was the Mexican family groups. Because of the competition for this small pool of efficient labor, this type of worker was most scarce. If we are to get the pickle crop next year in Michigan and operate our plants at a profit, we certainly are going to have to have more adequate labor than we had this year.

Thank you very much for your patience and help. I am most interested in Secretary Wirtz' answer to this letter.

FRED RAZNICK,
Vice President, Crown Food Products Division, Vlasic Food Products Co.
BRIDGEPORT, MICH.

This exchange of correspondence dramatically illustrates in my mind the real need of a congressional investigation into 1965 farm labor policies and results. I do not speak for other sections of the country in urging that the House Committee on Education and Labor undertake this probe—only for Michigan.

Let us get all the facts; let us take steps now to avoid the same controversy and the same problems next year. I have written to Secretary Wirtz once again, seeking his support of a thorough study of this matter. In addition, I have formally requested consideration by the House Committee on Education and Labor of an investigation.

I understand that it has been suggested that the Michigan Farm Panel, established by Secretary of Labor Wirtz on May 7, 1965, conducted such an inquiry in Michigan. The reason given was that a congressional probe would only encourage politics. I would dispute that and I would add that this is a proper and responsible activity for a duly designated congressional committee. It was Congress that acted in 1964 to discontinue Public Law 78 and the use of foreign farm labor. I maintain that it is now the responsibility of Congress to determine the success and failure of the new domestic farm labor policies.

SITUATION IN DOMINICAN REPUBLIC

Mr. GROVER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, Tuesday I addressed the House calling attention to the confusing, erroneous information forthcoming from the State Department on the situation in the Dominican Republic. As I stated at that time, since attention has been diverted from the deteriorating situation there by other major world events, the public is not being effectively informed of the truth of the tragic administration handling of the Communist uprising in the Dominican Republic.

A journalist recognized as having thorough knowledge of complications in Latin America is Jules Dubois of the Chicago Tribune. I insert in the RECORD at this point as part of my remarks four articles from the Tribune of October 4 through 7, by Mr. Dubois, in which he interviewed Gen. Elias Wessin y Wessin:

GENERAL WESSIN TELLS STORY OF DOMINGO

[Gen. Elias Wessin y Wessin, anti-Communist hero of the Communist revolt in Santo Domingo last spring, has told his story of this exciting period to Jules Dubois, Latin American corrrespondent of the Chicago Tribune. General Wessin, now exiled in Miami, tells below the first installment of his memories of the Red revolt.]

(By Gen. Elias Wessin y Wessin as told to Jules Dubois)

MIAMI, October 3.—I am glad for this opportunity to tell my Dominican story to the people of the United States—and to those in other lands who might read it—from this city where I am living in involuntary exile.

I am now living in a country that is the bastion of democracy and the defender of human liberties, liberties for which your forefathers fought and for which your loved ones have died in war, and are dying today in far-off Vietnam just as some of them died, or were wounded, unfortunately, in my homeland.

I am able to tell my story here thanks to your Constitution, to your laws, to your division of powers which enables you to elect a Congress of dedicated men and women.

* * * * *

I am also going to give you my opinion about the landing of U.S. troops in Santo Domingo and comment, of course, on the pressure to which I was subjected and events that preceded my being booted out of my homeland by force by American troops, acting under orders from the OAS.

I note that I have been accused of being too anti-Communist. Is it a crime to be anti-Communist? If so, then why are American soldiers dying in Vietnam? I have read books about communism and have become convinced that it is intrinsically bad in all respects. I was raised a Christian and I believe in God.

THOUGHT INJUSTICE OVER

I don't like any regime that does not respect private property, private enterprise, and human rights. Neither do I believe in wanton disobedience and lawlessness by those who claim they are demonstrating to champion human rights.

When Juan Bosch was elected president in December 1962, we who had suffered under the Trujillo regime felt that we had a government which was a result of the popular will. I thought everything bad in our country had terminated.

But under Bosch the radio stations began to operate full blast and all the Communist parties bought time. At any hour what was heard was incitement to subversion, and dramatizations of biographies of Castro and Ernesto [Che] Guevara (Castro's right hand who has disappeared).

PROMOTED CLASS HATRED

Bosch tolerated everything that smelled of communism. Schools teaching Marxism-Leninism appeared, one even flying the Soviet flag. Bosch promoted class hatred. No person who lived well could travel the poor districts of the city well-dressed or in an automobile without being subjected to abuse. Congress was a rubberstamp.

It was impossible to support any longer a government so completely lacking in responsibility, so we proceeded to depose Bosch, by the will of the people. The disgust of the people was so great that the 600,000 citizens who had voted for Bosch 7 months earlier failed to protest his overthrow.

Now this man has landed back in our country as a punishment. A humble and good people like ours has been deceived and divided by this traitor full of hate and vengeance. The misfortune of my country at this moment was planned for a long time by the Communists helped by Fidel Castro in combination with Juan Bosch. Fidel Castro played a role. Parachutists were dropped to guerrillas supporting the return of Bosch. What country other than Cuba could they have come from?

KNEW OF PLOT

Officers began plotting a revolution against the government of President Reid (Donald J. Reid-Cabral) and I informed the president of the plot a few days before April 24. And at midnight of the 23d, an army corporal came to my house to tell me that the following day, officers would start the revolution by arresting Brig. Gen. Marco Rivera-Cuesta, Army Chief of Staff.

I telephoned General Rivera to inform him of what was to happen but he said it was not true and advised me to go back to sleep. Next day he was arrested; thus the movement that today has my country sunk in mourning, misery, and ruin, began.

The revolt of April 24 was a tripartite conspiracy in which Communists played the major role in alliance with ex-President Bosch and his agents. The Communists had a triple objective:

First, to seize the Government and restore the malleable Bosch as set forth in the Dominican Communist Party manifesto of March 16. Second, to create a diversion to the war in Vietnam. Third, to embarrass the United States and antagonize Latin Americans against Washington for any unilateral action that might have to be taken to prevent my country from becoming a second Cuba.

KEYED TO HARM UNITED STATES

I feel that my assessment is accurate because every act of the Communists is keyed to harm the United States, for they know this is the only country which, in the long run, will destroy communism.

On April 24, despite the reports I had received and passed on the night before, all the army personnel were given their weekend passes, except for the necessary guards and caretaker officers and men. We did that so as not to alarm anyone and to give the appearance that everything was normal in the capital. We also recognize it was a mistake to have done it, a most lamentable mistake.

While at home for luncheon, I was informed by telephone of General Rivera's arrest. I am sure the general was involved in the conspiracy because of his refusal to take any precautionary action and for other reasons.

RUSHES TO ASSEMBLE TROOPS

I left my home hurriedly and went to my headquarters where I assembled all the troops I could who were under my command—no more than 200 at the base. I awaited developments.

Mobs, incited by the official radio Santo Domingo TV network and other stations, began to sack the city. That afternoon, Brig. Gen. Juan de los Santos-Cespedes, chief of staff of the air force, accompanied by some of his high-ranking officers, came to my office and told me not to offer any resistance because a military coup d'etat had started to install a military junta and call elections in 90 days.

I told him I was opposed to a coup, to avoid a clash within the armed forces which would shatter our much-needed unity, but that my estimate of the situation differed from his. It appeared to me that what was on the march was a Communist coup because for some time I had had information about the conspiracy.

ONLY 200 MEN AT BASE

I also told the general that if he wanted to deliver himself to the revolt to go ahead but I would not and was going to defend myself. When all this was happening, I did not have more than 200 men in my base.

Due to his indecision and that of other chiefs of the national army, the Communists were able during the night of April 24 to seize an arsenal and distribute arms to the civilians and to place them at strategic points in the city. The confusion was so great that nobody knew who was his friend or his enemy.

The situation of our armed forces at the moment was this:

The chiefs of the army who were not in the conspiracy were on the run. General Rivera, being under arrest, could not issue any orders as chief of staff. President Reid was commander in chief as well as minister of defense.

The navy, with the exception of 9 of its more than 30 ships of all types, was almost totally on the other side. Indecision continued at air force headquarters.

POLICE ARE DEMORALIZED

The demoralization of the police had begun, for Col. Francisco A. Caamano-Deno, who was to emerge as military chief of the rebels, had been an important officer of police.

The only base determined to oppose the revolt was my armed forces training center and this we did the first night. I dispatched 50 infantrymen and 4 tanks to occupy the eastern head of the Duarte bridge over the Ozama River in order to deny it to the enemy. Had the rebels been able to cross it, they would have been in a position to seize the international airport and overrun the San Isidro airbase, as well as attack the training center.

President Reid issued an ultimatum to the army rebels to surrender by 8 p.m. the first day. It was ignored. Then he extended it to 6 a.m., April 25. His order was not obeyed due to the betrayal and the cowardice of a group of national army officers.

The rebels had more tanks than we did when Reid and the other civilian chief of the Government, Dr. Ramon Caceres, resigned next morning, after Reid's ultimatum had been ignored. And the police force, like the army, failed to rally to us for 3 or 4 days. The police force's chiefs were indecisive and vacillating.

WESSIN'S STORY: HOW THE REDS TOOK OVER—USED BOSCH MAN AS SCREEN, SAYS EXILED HERO

(By Gen. Elias Wessin y Wessin, as told to Jules Dubois)

MIAMI, October 4.—On the afternoon of April 25, following the resignations of Dr. Donald J. Reid-Cabral and Dr. Ramon Caceres-Troncoso as heads of the Dominican Republic's civilian Government, the Communists took over the national palace in Santo Domingo. They acted behind the screen of Jose Rafael Molina-Urena, Speaker of the Congress during the regime of President Juan Bosch. Molina was declared provisional President pending the return of Bosch [who Wessin feels is alined with Communists].

The Communists strutted through the palace carrying submachineguns and automatic rifles with the air of victors. Among them were well-known leaders of the party.

The radio and television psychological warfare phase of the revolt which was directed and broadcast from the palace created alarm and panic. Here are some of the slogans the Communists shouted into the TV cameras and microphones, inside the palace, mind you:

"Fatherland or death. We will win. Viva the new Socialist Republic. Viva Fidel Castro. Down with the reactionaries who sell out our fatherland."

INSTRUCT MOBS BY RADIO

The same men shouted instructions to the mobs over radio and TV. They gave the addresses of families of selected officers of the armed forces and the mobs rushed to the officers' homes, sacking them and in many cases killing the occupants.

The vacillation and indecision of Brig. Gen. Juan de los Santos-Cespedes, chief of staff of the air force, continued. But officers of the force, independent of him, decided it was time to act when the Communists began to haul their families to their barricade at the western end of the Duarte bridge (Wessin's troops held the eastern end) so that we would be reluctant to try to break through and clear the line of communications into the city.

The one air force man who did not voluntarily unite with us was General Santos. I forced him to support us under duress. I sent two officers with submachine guns to confront him in his office at the San Isidro air base and at gunpoint they convinced him to join us in our resistance.

ORDERS STRAFING ATTACK

They told him that I wanted the Communists out of the palace and that the most effective means of forcing them to flee was by a strafing attack. He gave that order to his operations officer.

I could not rationalize why de los Santos did not want to act other than to attribute his vacillation to irresponsibility, cowardice or failure to realize what was happening. Or because he might have been involved in the conspiracy. It did not take him long though, to realize that the revolt was Communist dominated. From that point on he cooperated with unchallenged loyalty during all our fighting.

The general dispatched his P-51 planes to strafe the palace and ordered his special troops of the air force to join my troops at the armed forces training center placing them under my operational command as we began to plan the capture of the Duarte bridge.

STRAFE INFANTRY BATTALION

Our operations were fully coordinated. The garrison of the 27th of February fort on the eastern bank of the Ozama River surrendered to our joint forces and P-51's strafed the sixth infantry battalion headquarters of the army chief of staff.

We still didn't have the navy on our side, except for 9 vessels of more than 30. The attitude of Commodore Francisco J. Rivera-Caminero, navy chief of staff, was most puzzling. I saw a message on the air force teletype announcing that he was supporting the (rebel) provisional government of Molina-Urena. This was on Sunday night, April 25.

Shortly afterward, a Latin American friend telephoned me from Washington to inquire about the situation. I told him it was very bad, that Commodore Rivera had just thrown the support of the navy behind the Communist movement. He told me he would call me right back, which he did and said that I no longer needed to worry about the posture of Rivera.

CAN'T EXPLAIN CHANGE

I don't know what happened and I can't furnish an explanation for it but the truth is that from then on Rivera supported me.

Air sorties over the palace, without the planes firing a single shot, induced the Communists to flee from it on April 26. By nightfall, Molina-Urena also fled and obtained asylum in the Colombian Embassy.

On Monday (April 26), the air force radio at San Isidro advised the civilian population to leave the Duarte bridge because it was considered a military objective. The Communist radio, on the other hand, urged the civilians to concentrate on the bridge. It also said that Juan Bosch was conferring in San Juan, P.R., about an immediate return to Santo Domingo.

Before we attacked the bridge, the air force was ordered to make a level pass over the bridge without firing. This was done and the "brave" Communists fled the scene as did the innocent civilians who had gathered there. An attack was immediately ordered with one objective: to destroy the artillery and automatic heavy weapons in that sector. Then we crossed the bridge with the small force we had and secured the western end.

CONFUSION OF TROOPS

Many persons have asked why our troops did not then capture the city that day, April 27. This is why: many innocent persons would have been killed. We didn't have sufficient troops, for the majority had not returned to their bases because they could not safely cross the city. The rebels would either arrest or kill them when they tried to reach their bases.

There was still confusion among the armed forces but we continued preparations for what was to be the final attack. Some of our troops began to trickle back to their bases through circuitous routes and the crews of tanks which the Communists seized when they took over the palace were able to steal some of them back and return them to us.

There was a tug of war between some of the military plotters of the revolt, but I didn't participate in any of their negotiations. The Communists wanted the return of Juan Bosch, while the loyalists wanted a military junta.

TALKS BROKEN OFF

On the morning of April 28, talks between the opposing military were broken off and it was decided to install a junta composed of two colonels and one navy captain. Col. Pedro Bartolome Benoit, a nonflying air force officer who had risen from the ranks, was named president.

That afternoon Benoit appointed Brig. Gen. Salvador Montas-Guerrero, a former army chief of staff, as "commander of all military operations with all the responsibilities entailed thereto." That automatically placed me under the command of Montas but he did nothing. There was no directive to regroup or reorganize for battle. He was involved in the original conspiracy and I have never been able to understand his appointment.

While we were continuing with plans for a clean-up operation on the afternoon of April 30, Msgr. Emanuelle Clarizio, the papal nuncio, brushed past the sentries at air force headquarters, where Benoit had his office, and insisted on negotiating a cease-fire agreement.

REDS IGNORED CEASE-FIRE

He obtained that agreement at a meeting in Benoit's office attended by John Bartlow Martin special American Ambassador, and Jose Antonio Mora, secretary general of the Organization of American States.

It appeared to me at that moment that the destiny of my country was sealed, and I say that because all subsequent developments confirm it. While the cease-fire was observed by our troops, the Communists never respected it during that earlier period.

It was only afterwards that I learned that Bosch, apparently acting on an urgent appeal from Col. Francisco A. Caamano-Deno, the rebel military chief, had implored Monsignor Clarizio, who happened to be in San Juan at the time, to fly back and negotiate for a cease-fire.

MARTIN IMPOSES SUBSTITUTE

Ambassador Martin decided to impose upon us another government to substitute for the military junta. Why he insisted upon that I cannot understand. His candidate was Brig. Gen. Antonio Imbert-Barrera.

General de los Santos and I were opposed to the selection of Imbert to replace Benoit as president and we told Martin that.

Notwithstanding our objections, Imbert was designated president of the government of national reconstruction at the urgent insistence of Martin and his political adviser, Harry Shlaudeman.

We immediately supported Imbert and talked to our troops and explained the situation to them.

Wessin Tells Pressure on Him To Quit Domingo and His Ouster—General Relates Another Chapter in Revolt Story

(By Gen. Elias Wessin Y Wessin as told to Jules Dubois)

Miami, October 5.—When the cease-fire was imposed on us last April 30, we were ready to clean up Ciudad Nueva (part of the capital city of Santo Domingo) that day. At least we would have occupied the greatest part of the city because we had the enemy demoralized and on the run despite its capture of the Ozama fortress that day.

The American troops had already landed. A detachment of marines had arrived 2 nights earlier and the paratroopers of the 82d Airborne Division landed at San Isidro Airbase early on the morning of April 30 and continued to land all day at 5-minute intervals.

I want to tell the American people as well as the people who are still free in the Americas that the day those troops arrived, all the men and women of the Dominican Republic who fight for freedom, said prayers for the welfare of this Nation and your President, Mr. Johnson. I personally ordered a mass celebrated at the chapel at my base for the health of the President and all the officers and men there at the time. About 600 attended.

WHAT A PITY

With this action by the United States, we thought that shedding of more blood had been averted and that the fall of another American republic into the Communist orbit had been prevented. What a pity that what had started out so well may have such a gloomy ending for my country.

Your Senator WILLIAM FULBRIGHT says that President Johnson sent the marines to the Dominican Republic because of exaggerated reports about the situation in my country. I want to tell this Senator that perhaps this has been the only time that the President has been so well informed about what was happening in the Dominican Republic.

If President Johnson had not made that decision, today Santo Domingo would be another Cuba. One had to be there, Mr. FULBRIGHT, to realize that.

Ex-President Juan Bosch (then in Puerto Rico) had used the papal nuncio to our country, Msgr. Emanuelle Clarizio, to obtain a cease-fire in behalf of the rebels to save them from annihilation by us. He knew that the nuncio, as personal representative of Pope Paul VI, would be able to influence the sincere Roman Catholic spirits of our military chiefs to accept the cease-fire.

READY TO CLEAN CITY

We were ready to clean up the city. The rebels insisted on obtaining a cease-fire because they were confident that they would be able to resolve their problems through negotiations. In reality, the cease-fire gave the Communists time to reorganize, reenforce themselves, and to train recruits in subversion and guerrilla warfare.

Proof that we were ready to clean up the city was that when we launched our offensive in the northern industrial sector we were able to rout the rebels there within a week with a minimum of casualties. As soon as we finished there, we requested permission from the U.S. commanders to cross the security corridor to clean up Cuidad Nueva but permission was denied. The Government made many such requests, formal and informal, to permit us to take the rest of the city held by the rebels. All these were turned down. Our hands were tied.

I reached the conclusion that the security corridor was established, under auspices of the Organization of American States, solely to protect the rebels. That section of the city was made a sanctuary for the Red rats while the will of the rest of the country was ignored.

DON'T BLAME U.S. OFFICERS

I cannot blame the American military commanders, for they were only obeying an OAS order, but I consider that order which prevented us from achieving a military victory a direct and unwarranted intervention in the affairs of the Dominican Republic.

Our relations with the American troops were excellent. We gave them every kind of cooperation and they set up headquarters in our military installations.

But now I shall tell you the story of the pressure to which I was subjected by American officials to leave my country. I would also like to give details of the attempts to bribe me so that I would gracefully depart.

VISIT BY AMBASSADOR

Two or three days after Gen. Antonio Imbert-Barrera assumed the Presidency, American Ambassador W. Tapley Bennett, Jr., accompanied by Lt. Gen. Bruce Palmer, came to see me at the military academy. The Ambassador said that with much regret he had a mission to fulfill. He told me that I had to leave the country and that I should not worry because I was not going to have any kind of problems.

I replied that I could not turn my back on my people or my soldiers who accompanied me in the most difficult moments. I asked what would the people and my troops think if I left. I said that I had three sons, and that I could not set a bad example for them by leaving.

The Ambassador said that my departure would settle the situation. That was the reason they always gave: That my departure would help in reaching a solution of the Dominican problem and that I should sacrifice myself. They called it an act of patriotism but I knew that my departure would only bring about a breakdown of morale within the armed forces and, consequently, throughout the country.

LIST OTHER OFFICERS

I asked the Ambassador why they did not eject other generals who had not done anything for the country other than to enrich themselves? He replied that they were going to do that. I wrote in my own hand a letter addressed to Mr. Bennett in which I included, among other things, a list of those officers.

In the same letter I said that when the situation returned to normal I would retire from the army. I did not mean immediately. The Ambassador left with the letter. I was disheartened.

One cannot possibly imagine how a general officer of a small country feels when he is unjustly pressured by the most powerful country in the world. Mind you, it was not the Dominican Government that made the precipitate announcement that I had resigned and was going to leave the country. It was the spokesman for the State Department in Santo Domingo.

VISIT BY U.S. COLONEL

The next night, Lt. Col. Joe Wyrick, the U.S. Army attaché, came to my house and asked me if I was ready to leave. He said Ambassador Bennett had kept his part of the bargain as the officers I had requested to go had already left the country.

This surprised me and I told Colonel Wyrick I had delivered a letter to the Ambassador in which I had explained everything relating to the matter. But he insisted I had to go. I wrote another letter to Ambassador Bennett in order to put an end to this pressure. I told him I could not leave the country without money because I had a family, and that I could sell my house for $40,000. The house is not worth that much but, as I have said, my purpose was to get them to stop pressuring me.

Approximately 3 months passed. Then one day—I think it was September 1—a man came to my house and identified himself as being from the American Embassay. He had an interpreter with him. They surprised me by mentioning the sale of my house.

MAKE $50,000 OFFER

The Embassy representative offered me $50,000 and told me he would give me $8,000 cash right then and the rest when I boarded the plane to leave the country. I replied that I would not sell my house to leave the country; that I would build another one on kilometer 9 of the San Pedro de Macoris Highway. He insisted that my departure would end the crisis in the country. I answered that I did not start the war. They left.

On Saturday night, September 4, David Phillips of the Central Intelligence Agency and Colonel Wyrick arrived at my house. Phillips did the talking. He offered me $50,000 for my house. It cost me $18,000 to build. He offered me trips as guest of honor to military installations of the United States and in the Panama Canal Zone. I was soon to be taken, precisely, to the Canal Zone but not as a guest of honor.

I told these men that I had fought in my country for the same cause for which I suppose they fight, and that I had served my country with honesty.

CALL FROM GARCIA-GODOY

Some days passed. Then President Garcia-Godoy called me to his office and told me I could have any post I wanted abroad. I asked if he thought my departure would terminate the crisis. He replied affirmatively. I told him it would not settle the crisis but would worsen it, and that I would answer his proposal the next day.

I did not do so because I was determined not to leave my country and turn my back on my people and my comrades in arms. But unfortunately, at 8 o'clock that night, I was booted out forcibly as if I was an epidemic. I had waited in my house for a visit from General Palmer. He arrived at 6 p.m. with his general staff. Also with him were Gen. Hugo Panasco Alvim, commander of the Inter-American peace force, other Dominican officers, and a large number of troops.

What I thought was a visit started out with the same pressure theme of 4 months before. I refused and told them I would not accept a post from a government (his) that used foreign officers to eject me from my country. I told them that if they did eject me, much blood would eventually be spilled.

FAREWELL TO TROOPS

General Alvim said that the "Constitucionalistas" (I would have used the word "Communists") would surrender their arms if I left the country.

Seeing that these people were disposed to boot me out anyway, I asked them to accompany me to my base to say farewell to my officers and men so they would know about my departure and also to calm them and avoid a clash between Dominican troops and those of the peace force. We left my house with my family in tears because they realized what was happening.

I addressed my men at the training center with tears in my eyes. More than 400 brave and democratic soldiers wept too. I had been a father to them.

Then General Alvim replaced me with Col. Elio Osiris Perdomo, one of the best officers in the Dominican army. Alvim told me I was consul general in Miami and asked if I accepted. I said yes but with mental reservations. I asked permission to go home and say goodbye to my family, to get my passport and some money, but the American lieutenant with me said: "I'm sorry but those are not my orders."

GRABBED MY ARM

Then he grabbed me by the arm and took me to a helicopter in which I was flown to the Punta Caucedo airport. There, a civilian came up and, almost on the double, took me to a U.S. Air Force transport.

Naturally I hold rancor for the manner in which American troops hustled me out of my country by force. Of course, as I have previously said, military men have to carry out their orders. The Americans were ordered to boot me out, an order that was issued by the famous OAS, which has served only to complicate everything in my country.

I am a general of the Dominican Army. I assumed responsibilities in my own country for what I consider the same ideal for which this country fights. And I consider the manner in which these men booted me out of my own country as humiliating.

Wessin Fears Takeover by Reds—Defends Refusal To Take Consul General Post

(By Gen. Elias Wessin Y Wessin, as told to Jules Dubois)

Miami, October 6.—If the non-Communists of the Dominican Republic do not arouse themselves to protest, the Republic will be delivered to the Communists by elections within 8 months.

For the first time in history this will be done under the direct vigilance of American troops in the Inter-American peace force (policing a cease-fire in Santo Domingo).

Juan Bosch (a deposed ex-president), or one of his men, will be the candidate of the Communists no matter under what party banner he may be nominated.

IT IS A DUCK

I do not think that Provisional President Hector Garcia-Godoy is a Communist. But there is a saying in my country that goes something like this: "If a cat swims like a duck, flies like a duck, walks like a duck, it is a duck."

It must be remembered that Garcia-Godoy served under Bosch as foreign minister in September 1963, but that does not necessarily mean they see eye to eye on everything. Perhaps the president feels that he owes the only opportunity he would have had to occupy the national palace to Bosch and Col. Francisco A. Caamano-Deno (the rebel chief).

Now Caamano is, in my opinion, an instrument of the Communists. It could very well be that at this moment he is a Communist. It could also be that Hector Aristy (a close associate of Caamano) at this moment is, too, a Communist.

TWO FOLLOW AMBITIONS

I believe that their actions and affiliations are predicated on ambitions, personal ambitions, ambitions for money and for power. I don't believe they are Communists because of any convictions they might have.

I warned foreign officials (Americans) who came to my house in Santo Domingo to tell me I had to go that my departure would complicate the crisis. (Wessin was taken by a U.S. Air Force plane to Panama, being told by American officials that his departure would settle the situation in the Dominican Republic.)

After being booted out of my homeland, my words are proving to be true and time will tell if I am right. I was determined not to accept the post as consul general in Miami (to which he was appointed as he unwillingly left the country).

FIGHTS SAME CAUSE

Do you think that I should serve a government that ordered me booted out in such a humiliating manner? That is what they did to a man whose only offense was to defend a cause (anticommunism) for which today the youth of the United States is shedding its blood in different parts of the world.

Commanders of the Organization of American States' Inter-American force insisted that when I left the country the Communists had assured them they would deliver up their arms.

As I finish this story, the Communists have delivered only a trickle of arms still in their possession. I estimate—and this is a conservative figure—that they have between 4,000 and 5,000 weapons.

MADE MANY MISTAKES

In my career I have made many mistakes. Who hasn't? But if I had to take an inventory, I would regard as the biggest error the type of government the Armed Forces of my country installed after the overthrow of Bosch.

If I had to do it again, I would recall an adage in my country which runs like this: "Stumbling makes one lift his feet."

When Juan Bosch fell I never thought the politicians were going to comport themselves as they did in the government of the civilian triumvirate that replaced him. If I had been clairvoyant, I would have insisted on another type of government—a civilian-military junta—and I am sure it would have maintained stability and would have led the country to free elections.

WAS GRAVE ERROR

It was a grave error not to have done that, but there prevailed in our minds at the time the best of intentions, for we had no ambitions for power as time has proved.

This ends my Dominican story, but I can assure you that the story of the Dominican Republic is far from ended.

Mr. Speaker, my purpose in addressing the House this afternoon and directing this information to the attention of the Members is the hope that it will arouse sufficient interest in the great danger facing the cause of freedom in the Dominican Republic.

I believe President Johnson was following a sound and necessary policy in sending troops to the Dominican Republic to help defeat the Communist-led revolt. However, due to State Department misdirection, our troops were in effect used to protect a Communist sanctuary and administration diplomats have now acquiesced in a Communist-infiltrated provisional government.

The Dominican Republic can either become another Cuba, with all the tragedies that would follow, or the stanch citizens of that island, given proper leadership, can crush the Communist menace and continue their progress under free enterprise and effective government operations.

THE 1965 CAPTIVE NATIONS WEEK AND A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

Mr. GROVER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, in a highly interesting and informative address on the 1965 Captive Nations Week observance several weeks ago our distinguished colleague, the gentleman from Ohio, the Honorable MICHAEL A. FEIGHAN, quoted the chief Soviet Russian ideologist, Wehail Suslov, concerning this annual event. This quotation is a most illuminating one for what it obviously indicates. For the benefit of those who still fail to comprehend the meaning and significance of Captive Nations Week—indeed, the whole captive nations movement—this eye-opening quotation should be repeated again and again. Here is how Suslov and the Russian imperio-colonialists view the week:

> Especially disgusting is the villainous demagogery of the imperialistic chieftains of the United States. Each year they organize the so-called Captive Nations Week, hypocritically pretending to be defenders of nations that have escaped from their yoke.

PRIME REASON FOR A SPECIAL COMMITTEE

This quotation is but one among scores of vehement denunciations that have come out of Moscow since the week was provided for by Congress in 1959. Khrushchev and many lesser lights in the apparatus of Soviet Russian imperio-colonialism have expressed themselves in the same spirit. It is conclusively evident from all this that Captive Nations Week is a profound thorn of truth in the side of the Soviet Russian totalitarians. It is equally evident that the annual observance and all it entails by way of popular discussion and enlightenment constitute a stubborn impediment to Moscow's deceptive policy of peaceful existence as applied to the United States and the free world.

For some time now it has been the paramount objective of Red psychopolitical warfare to bury the truth of the captive nations. Moscow and its totalitarian Red associates have steadily aimed at our acquiescence to the Red empire, at our apathy and indifference toward the captive nations throughout this empire, and even at the renunciation of our politico-moral obligations to them. In some areas of our Nation they have succeeded in this; fortunately in most they have not as yet made any substantial inroads.

Mr. Speaker, we can thwart and defeat this Red design by establishing now a Special Committee on the Captive Nations. The very existence of such a committee, albeit on a temporary basis, would symbolize our determination to prevent any Russian burial of truths regarding the captive nations. In fact, the work of this committee would unravel and circulate more factual truths about all the captive nations that millions of our people still are unaware of. Much precious time has been lost in not creating this committee earlier. We can ill afford to lose more time while the Red totalitarians intensify their campaign of lies and distortions about some mythical "American imperialists" in the underdeveloped areas of the free world.

THE INTERNATIONAL SCOPE OF CAPTIVE NATIONS WEEK

Our far-seeing initiative in this vital respect would be in accord with and would bolster the international character of Captive Nations Week. One of the outstanding aspects of the 1965 Captive Nations Week observance was the further notable expansion of the observance in other lands. Free China, the Philippines, the Republic of Korea, Turkey, West Germany, Malta, and other areas are places where the week was observed by patriotic groups and organizations. For the first time in the history of any foreign nation the Parliament of Turkey passed a Captive Nations Week resolution similar to Public Law 86–90, and the move is on for other free parliaments to do likewise. One of the salutary results of a Special Committee on the Captive Nations would be the propagation of information and truth about Sino-Soviet Russian imperio-colonialism in these and other areas of the free world.

I join with my colleagues in our praise of the National Captive Nations Committee for its splendid citizens' implementation of Public Law 86–90, and to give our Members a further inkling into the activities and scope of Captive Nations Week, which the Suslovs never tire to deprecate. I request that the following items be printed in the RECORD: First, editorials and articles in Maltese papers; second, the Dayton Daily News and the Catholic Telegraph reports and editorials; third, nation and worldwide summaries of the 1965 Week in the August–September Ukrainian Bulletin; fourth, the Bergen County, N.J., observance program; fifth, letters to the Pittsburgh Press and the America magazine; sixth, an article in the Cincinnati Enquirer of July 20; seventh, pertinent resolutions of the Asian Peoples' Anti-Communist League; and eighth, an editorial in the Free Front of the Philippines:

[From the Times of Malta, July 19, 1965]

NOBLE CAUSE

The Anti-Communist League is organizing, for the first time in Malta, the Captive Nations Week commencing from today. This is the practice throughout many countries in the free world.

In 1959 the United States passed a law authorizing and requesting the President to designate the third week in July as Captive Nations Week and inviting the people of the United States to observe such week with the appropriate ceremonies and activities. The same law further authorized and requested the President to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

The Anti-Communist League's manifesto published for the occasion appeals to the people of Malta to demonstrate, during this week, their awareness of the importance of the freedom of all nations. It calls upon them to pray to the Almighty for the cause of the peoples suffering under the atheist Soviet yoke.

Malta is fortunate in belonging to the free world. The Maltese people so cherish freedom and democracy that they ardently desire all the peoples of the world to have the same freedom enjoyed by them. Truly free men must inevitably love freedom not only for themselves but for all men because so long as there are nations languishing under the Communist yoke there is a constant threat to freedom.

But apart from the threat which tyranny poses to the free world, it is the duty of free nations to assure the peoples behind the Iron and Bamboo Curtains that their resistance is not in vain. It is up to them to show that these people's struggle has the same aim as that of all freedom-loving peoples throughout the world, who do not merely desire freedom and democracy within their territories but beyond their frontiers, too.

It is true that politically speaking Malta could not do much to help those suffering under Communist domination. This is not very surprising when one considers that much more powerful countries have not been able to free the world's enslaved millions. However, Malta's size has nothing to do with Malta's spirit which has always nobly risen to the occasion when called upon in the cause of freedom and justice.

As a Catholic people, the Maltese cannot be indifferent to the suppression of religion in Communist-dominated countries, and the religious persecution which has not abated in spite of propaganda to the contrary.

Just as the free world aims at winning freedom for the captive nations, so does international communism aim at conquering the free world. It would be naive to believe that Malta is not included in the Communist quest for world domination. This makes it imperative that the Maltese people should take much more than an academic interest in the activities of communism both within and outside the Soviet bloc.

Communist propaganda in the newly emergent countries is harping on the now-hackneyed theme that the emancipation of the former colonies of the Western powers is attributable to the U.S.S.R.'s efforts. This is the sort of propaganda which has reaped a rich harvest for communism in many African and Asian countries.

Malta must be on her guard if she is to preserve the ideas and ideals of freedom and democracy which have been bequeathed to her by Great Britain.

The Anti-Communist League's initiative should therefore receive the wholehearted support which it abundantly deserves. Unless all the Maltese are made fully aware of the tyranny and oppression in Communist countries, they cannot really appreciate the price at which freedom must be regained, once it is lost.

[From the Maltese Observer, July 18, 1965]

CAPTIVE NATIONS

The Communists are always the most ardent defenders of freedom, democracy, self-determination, independence—except where and when they themselves are most in a position, and in duty, bound to promote them.

For those who remember, the last war was declared in defense of the territorial integrity (the famous corridor) of Poland against Nazi aggression. It finished with the Communist domination of a string of nations, where Communist governments were imposed and are still maintained democratically and peacefully with Russian Communist tanks.

From the Baltic to the Balkans there stretches that Iron Curtain which cordons off the biggest and most brutal concentration camp in the history of humanity—a curtain which is symbolized by, and epitomized in, the barbaric wall of Berlin.

That wall not only goes through the heart of a city, it also goes through the heart of many families and many persons, with loved ones on different sides.

Within that concentration camp lie and languish millions of human beings whose only fault is to be on the wrong side of the line, who live a life of tense terror, and who are denied the most elementary human rights.

To the east, that concentration camp is now bounded by the Bamboo Curtain, no less cruel than the Iron Curtain on the west.

Out of this gigantic prison stream thousands upon thousands of refugees, bent desperately, at tremendous cost, even at the cost of their lives, upon reaching freedom and a human existence.

The Lega Anti-Komunista is this week organizing in Malta, as is done elsewhere in the free world, Captive Nations Week, to remind us of the thousand million human beings like ourselves who live, if that word can be used in this context, in the chains of slavery under a tyranny that is the enemy of both God and man.

We speak of the church of silence, but it is we who deserve that name if we remain silent before such a barbarous reality.

When Cardinal Stepinacz was imprisoned by the Communist regime of his country, and a certain outcry was raised in the free world, his jailers were told: "Let them shout: they will forget." We must not forget.

We must not forget not only out of our duty toward our fellow human beings and fellow Christians, but also lest we ourselves be swallowed up by the all-devouring monster that is international atheistic communism. Let us not say: "it cannot happen here." Where that was said, that did happen there. Eternal vigilance is the price of freedom.

We owe the captive nations the help of our thoughts, our prayers, and our moral and material support and solidarity.

Captive Nations Week, July 18 to 24, 1965. Spare a thought for the 1 billion human beings who were born free and are now enslaved in the grip of Communist dictatorship.

[From the Times of Malta, July 19, 1965]

CAPTIVE NATIONS WEEK STARTS TODAY

The Lega Anti Kommunista (Anti-Communist League) in its manifesto on Captive Nations Week, July 19–25, maintains that it is dedicated to the restoration of freedom in the Captive Nations, and calls the attention of the Maltese people to Captive Nations Week which is celebrated throughout the free world on the third week of July of each year.

The manifesto adds: "All the captive people behind the Iron and Bamboo Curtains, including the Russian and Chinese people themselves, have suffered Communist tyranny for long years. Tsarist Russia was a colonial empire based on the conquest of non-Russian people.

"A new colonial empire was seized by the Soviets after the last world war: the nations of Central and Eastern Europe have been deprived of their national independence, despite solemn Soviet treaties and agreements, while the non-Russian people, within the Soviet Union have been denied their promised right to national self-determination. All have lost the basic human freedom—freedom of speech, freedom of religion, freedom of assembly and, most important of all, freedom from fear.

"The captive people have never ceased to strive for freedom, actively when possible, passively when necessary; they have never abandoned hope; but the preservation of this hope and the resistance upon which it feeds depend on the support, moral and material, which these enslaved nations have a right to expect from the free world.

"The liberation of the captive people is in the interest of the whole world; there is no hope for a just and lasting peace until the basic cause of international tensions—the division of Europe into two parts, one slave, one free—has been removed.

"We, of the Lega Anti Kommunista, Malta, therefore, feel it incumbent upon us to give voice to the silent aspirations of the captive people.

"We accuse the Soviet Union of violating the solemn promises of independence and freedom of the captive nations, of forcibly depriving the captive non-Russian people within its borders of the right of self-determination, and of destroying the formerly independent states of Ukraine, Georgia, Armenia, Hungary, Bulgaria, Czechoslovakia, and others.

"We urge the governments of the free nations to liquidate all unsolved consequences of the war in Europe on the basis of the right of self-determination, and to insist that this right be exercised by means of free elections under effective international safeguards.

"Finally we appeal to the people of Malta to manifest during the Captive Nations Week, their awareness of the importance of the freedom of all nations, and to pray the Almighty for the cause of enchained humanity languishing under the atheist Soviet yoke," the manifesto concluded.

Captive Nations Week, July 18–24, 1965. Spare a thought for the 1 billion human beings who were born free and are now enslaved in the grip of Communist dictatorship. Who is next? Take care—stay free.

[From the Dayton (Ohio) Daily News, July 14, 1963]

CAPTIVE NATIONS

Now comes the annual observance—"celebration" is a dead-wrong word—of Captive Nations Week.

In the free world this is a solemn occasion. The bell tolls for the United States of America—and England, France, West Germany, Japan, and every other free country—when it tolls for Russia's string of satellites and for the nations Red China has overrun in Asia.

Call the roll. In Europe no light of freedom shines on Estonia, Latvia, Lithuania, Poland, East Germany, Czechoslovakia, Hungary, Rumania, Bulgaria, and Albania. In Asia no drums are beaten for freedom in Tibet, North Vietnam, or North Korea. The people are locked in bondage.

We mourn for them? How and when can we free them? That's a tougher question. We do them no good if we encourage them to revolt but lack the will and the power to support the uprising. We do them no good if, by pressing too hard, we drive Russia and China back into their old embrace. We do them no good if we bring a rain of nuclear bombs down on them. The best—and the least—we can do is to notice, to feel, to suffer. We can let our friends know that we work and scheme and sacrifice to bring a day when freedom's cause will be overpowering. When that day comes, all the prison doors will swing open.

People as brave as these can live for a long time on hope that is genuine, even if deferred. They will lose heart only if they are betrayed once too often by false promises.

[From the Dayton (Ohio) Daily News, July 15, 1964]

BEHIND THE CURTAIN

Across the breadth of America, Captive Nations Week is something special to those whose homelands have been inundated by the wave of Moscow-directed communism.

For them, there is comfort in the words of famed historian Arnold J. Toynbee: "I believe that Russia cannot digest the Eastern European peoples. These people feel, and probably rightly, that they are more civilized than the Russians. People who are more civilized will never, in the end, be reconciled to being ruled by less civilized people."

But how long until that end? How long will countries in Asia and Europe be mired in ideological mud that suppresses freedom of thought and action? When will liberty's drum beat for Estonia, Latvia, Poland, Lithuania, East Germany, Czechoslovakia, Hungary, Albania, Tibet, Rumania, North Korea, and Bulgaria?

There is no way to tell. America cannot forge freedom for captive nations through nuclear threats or war that would set the world on the ledge of annihilation. America cannot encourage revolution without making a firm commitment to support it.

America can only keep a finger on the pulse of activity within captive nations, knowing when to press Russia for concessions, feeling when to enter into agreements that can loosen Kremlin chains.

While Captive Nations Week may seem weak in the general scheme of things or near futile to those with designs on instant freedom, it nevertheless offers hope. It marks a renewal of dedication by America to work and sacrifice to make men free in Europe, Asia, or anywhere else on earth. It brings vital oil to lamps that must stay lit if people ever are to find their way out of the Communist darkness.

[From the Catholic-Telegraph, July 23, 1965]

SPEAKER SLATED FOR CAPTIVE NATIONS' WEEK

Brother Peter Lindenmann of the Chaminade High School faculty will be principal speaker Sunday, July 25, at a Captive Nations' Week observance at the Shrine of the Three Crosses, Dayton.

The shrine is located on the grounds of Holy Cross Church, 1922 Leo Street. Patriotic and national societies are being invited to participate in the event, scheduled for 11 a.m., according to Father Titas Narbutas, pastor. The event is being sponsored by the Federation of Lithuanian Roman Catholic Societies.

Participating organizations and societies are invited to bring their distinctive flags and, if they wish, flowers to be placed on the monument at the shrine paying tribute to all martyrs for faith and freedom in Lithuania and other captive nations.

Masses for those who have given their lives for the freedom of captive nations will be offered in Holy Cross Church at 10 a.m., with a Lithuanian sermon, and at noon, with an English sermon.

President Lyndon B. Johnson has issued the proclamation designating the week beginning July 18 as Captive Nations' Week. It will be the seventh observance of the week, established in accordance with a joint resolution of the U.S. House and Senate and the Presidential proclamation.

[From the Catholic-Telegraph, July 15, 1964]

Red Tide Rolls on, Swamping Free Nations

President Lyndon B. Johnson has proclaimed this week as Captive Nations Week, in accordance with Public Law 86–90 passed by Congress in 1959.

Observance of Captive Nations Week marks and reaffirms America's determination that the countries occupied by Communist Russia must have their freedom restored to them. As of now, the Red tide has not been rolled back or even stopped. Soviet communism has made enormous gains in its efforts to dominate the world.

When we work for the liberation of Lithuania and the other nations now behind the Iron Curtain, we are also working for the ultimate security of our own United States. All patriotic Americans should call upon the President and Congress to withhold any further concessions to Communist Russia until Russia releases the countries it now holds in slavery.

Frank Gudelis,
Secretary, Federation of Lithuanian-American RC Societies.
Dayton.

[From the Ukrainian Bulletin, August–September 1965]

Nationwide Observances of Captive Nations Week Held in Solemnity and Dedication to the Cause of Freedom

New York, N.Y.—Most Ukrainian communities throughout the United States took an active part in this year's observances of Captive Nations Week, joining millions of Americans of other ancestries in demonstrating solidarity with the captive nations behind the Iron Curtain in Europe and Asia. From July 18 to July 24, 1965, commemorative rallies, public meetings, and special masses in churches were held throughout the Nation, while in the U.S. Congress scores of U.S. Senators and Congressmen introduced appropriate statements into the Congressional Record, stressing the importance of the captive nations in the struggle of the free world for its own survival. Governors of States and mayors of cities followed President Lyndon B. Johnson in issuing proclamations on Captive Nations Week. The Most Reverend Ambrose Senyshyn, archbishop and metropolitan of the Ukrainian Catholic Church in the United States, issued a special pastoral letter on the occasion of the 1965 Captive Nations Week.

NEW YORK, N.Y.

New York, N.Y.—In New York City, Captive Nations Week was launched with solemn celebrations of divine liturgies in St. Patrick's Cathedral and St. John the Divine Cathedral. At the St. Patrick's mass, Francis Cardinal Spellman presided and the Right Reverend Monsignor John Balkunas, president of CACEED, celebrated the mass. After the mass a flag-raising ceremony was held at ACEN House, across the street from the United Nations. Among the national flags of the nine captive nations was also that of free Ukraine, and the Ukrainian national anthem was played along with the anthems of these other captive nations. Speakers at the ceremony were Congressman Frank Horton, Republican, of New York; Congressman Lester L. Wolff, Democrat, of New York; Vasili Germanji and Msgr. John Balkanus.

On Tuesday, July 20, 1965, Mayor Robert F. Wagner of New York held a reception at City Hall and proclaimed Captive Nations Week. Speakers at City Hall were Joseph Lesawyer, representing CACEED as chairman of its political committee, and Vasili Germanji, chairman of ACEN.

On Friday, July 23, 1965, the American Friends of the Anti-Bolshevik Bloc of Nations (AF–ABN) held a Captive Nations Week dinner, which was preceded by a press conference. Speakers at the dinner ceremony were Prof. Theodore Oberlaender, member of the Bundestag in Bonn (on a visit to this country), and Mr. Yaroslav Stetzko, president of the Anti-Bolshevik Bloc of Nations in Munich.

PHILADELPHIA, PA.

Philadelphia, Pa.—The Captive Nations Week observance was held in the form of a ceremonial signing of a declaration of resistance to all forms of tyranny and oppression, and a huge rally. The signing of the declaration took place aboard the cruiser *Olympia* in the Philadelphia Harbor. Copies of the declaration were sent to the United Nations, the Department of State, and the members of the diplomatic corps and U.N. representatives.

At the rally held at Independence Hall on Sunday, July 18, a number of prominent speakers took part: The Very Reverend V. Marusevich, representing the Most Reverend John Krol, archbishop of Philadelphia; Dr. Lev E. Dobriansky, president of the Ukrainian Congress Committee of America and the National Captive Nations Committee (NCNC); Dr. Austin J. App, of LaSalle College, Chairman of the Philadelphia Captive Nations Committee; Mrs. Arlene Adams, representing Gov. William W. Scranton, of Pennsylvania, and Commissioner Morris Osser.

CHICAGO, ILL.

Chicago, Ill.—On Saturday, July 17, 1965, 20 national groups under the leadership of the Honorable Richard J. Daley, mayor of Chicago, staged a colorful parade, including floats, bands, open cars, and many marchers dressed in beautiful and colorful national costumes and carrying American and national flags of the captive nations. According to police estimates, over 10,000 persons took part in the Captive Nations Week parade and rally.

Mayor Daley was the honorary parade marshal, while Col. Jack Reilly led the recitation of the Pledge of Allegiance and read the proclamation of the Captive Nations Week.

The principal speaker at the rally was Dr. Edward M. O'Connor, staff director of the Joint Committee on Immigration and Naturalization and former DP Commissioner.

"We Americans firmly believe," said Dr. O'Connor, "that the time will come when all enslaved nations under Soviet Russian and Chinese domination will be free and that the principle of self-determination will be applied to every nation, be it small or large, in order to determine their own future by their truly elected representatives."

Prof. Peter Lejins, of the University of Maryland, chairman of the Joint Baltic American Committee and president of the American Latvian Association, was another guest speaker at the impressive rally.

BUFFALO, N.Y.

Buffalo, N.Y.—The observance of Captive Nations Week was highlighted by a colorful parade of costumed groups representing the captive nations, and a public rally and solemn masses in both Catholic and Protestant Churches on Sunday, July 18.

In the afternoon an official program was held at city hall's Niagara Square, which was conducted by Mr. H. Duswell Roberts. The program consisted of an invocation by the Most Reverend James A. McNulty, bishop of the Roman Catholic Diocese of Buffalo; Dr. Nestro Procyk, chairman of the Buffalo Captive Nations Committee; Mayor Chester Kowal, and Congressman Henry P. Smith, III. A benediction was read by the Most Reverend Lauriston L. Scaife, bishop of the Episcopal Diocese of Buffalo.

On Wednesday, July 21, a civic luncheon was held at the Statler Hotel at which Congressman Thaddeus J. Dulski was the principal speaker.

Finally, on Sunday a Captive Nations Festival was held in Delaware Park at which music and songs of the captive nations were presented. The guest speaker at the program was Mrs. Edith Hyder-Jester of Washington, D.C.

Among the members of the committee which organized this impressive program were Dr. Nestor Procyk, Walter V. Chopyk, of the United Anti-Communist Committee of Western New York; Mrs. Myrtle Makohon of the Buffalo UCCA branch, and Mr. Marian Morozevych, representing the Ukrainian Liberation Front Organizations of Buffalo.

BOSTON, MASS.

Boston, Mass.—On Wednesday, July 21, 1965 an impressive demonstration was staged through the streets of Boston to highlight the observance of Captive Nations Week. Local police, impressed by the dignity and decorum of the massive turnout of nationality representatives, counted 54 vehicles in the motorcade. The motorcade disembarked at the George Washington Monument, where additional throngs awaited its arrival and where a ceremony dedicated to the captive nations was held. Television and radio reporters swung through the assembly area interviewing officials of the sponsoring Massachusetts Committee on Captive Nations.

Taking part in the motorcade were representatives of Armenian, Ukrainian, Hungarian, Polish, Lithuanian, Latvian, Estonian and Rumanian anti-Soviet organizations.

Among the speakers at the program were Orest Szczudluk, vice chairman of the Boston Branch of the Ukrainian Congress Committee of America, who served as marshal of the motorcade, Col. E. O'Connor, representing Gov. John Volpe of Massachusetts, and James H. Tashjian of the American Committee for the Independence of Armenia, and others.

ROCHESTER, N.Y.

Rochester, N.Y.—The 1965 Captive Nations Week was observed by the presentation of a special television program. Appearing in the broadcast were Mr. William Andrushyn, chairman of the Rochester Branch of the UCCA, Congressman Frank J. Horton, and the "Cheremosh" Ukrainian dance ensemble under the direction of Mr. J. Kuzil. Selections by a Lithuanian dance group were presented and several Estonian, Latvian and Hungarian artists also took part in the program.

[From the Ukrainian Bulletin, August–September 1965]

George Meany Becomes Honorary Chairman of National Captive Nations Committee

Washington, D.C., July 16.—George Meany, president of the AFL–CIO, has accepted the post of honorary chairman of the National Captive Nations Committee, Executive Director Donald L. Miller announced today.

"Mr. Meany is a distinguished American who has devoted great effort over many years to oppose Communist imperialism and to promote the independence, personal liberty, and human dignity of peoples around the world. All who support the cause of freedom for the captive nations are heartened by his acceptance of this post," Miller said.

[From the Ukrainian Bulletin, August–September 1965]

Kiev Paper Assails Captive Nations Week Observances in United States

Kiev, Ukraine.—The American Government and the "bourgeois nationalists" have once again been the objects of a vicious verbal attack of the Kremlin regime for the recent Captive Nations Week observances, held throughout the United States on July 18–24, 1965. Radyanska Ukraina, a Soviet newspaper which appears in Kiev, in its July 25 issue charged the U.S. Congress and the representatives of the Ukrainian ethnic group in the United States of using the Captive Nations Week as a propaganda campaign against Soviet Ukraine, "one of the most powerful nations in the world." The article, entitled "You Try in Vain" was signed by a "winner of the Shevchenko Award," Vasyl Kasian, who, in a barrage of the most vile name calling, accused the National Captive Nations Committee of "hypocritical speeches," and "propagandistic distortions" of the truth about life in the U.S.S.R. Kasian charged that the anti-Soviet speeches, repeated year after year, are filled with lies and burning hate.

[From the Ukrainian Bulletin, August–September 1965]

Nationwede Observances of Captive Nations Week

Captive Nations Week 1965 claimed the attention of millions throughout the United States. Americans and men and women of east-central European origin alike joined forces in a spontaneous demonstration of solidarity with the 100 million people suffering under Communist tyranny.

This year's observances ranged from the traditional Presidential proclamation to wide coverage by the information media. Many cities organized local rallies, featuring prominent speakers.

OFFICIAL PROCLAMATIONS BY GOVERNORS AND MAYORS

President Lyndon B. Johnson issued a proclamation on Captive Nations Week 1965 on July 2.

The following Governors also proclaimed July 18–24, 1965, Captive Nations Week:

Edmund G. Brown, California; John N. Dempsey, Connecticut; Otto Kerner, Illinois; Harold E. Hughes, Iowa; J. Millard Tawes, Maryland; George Romney, Michigan; Tim M. Babcock, Montana; Grant Sawyer, Nevada; John W. King, New Hampshire; Richard J. Hughes, New Jersey; Jack M. Campbell, New Mexico; Nelson A. Rockefeller, New York; William L. Guy, North Dakota; James A. Rhodes, Ohio; Mark O. Hatfield, Oregon; William W. Scranton, Pennsylvania; John H. Chafee, Rhode Island; Robert E. McNair, South Carolina; John Connally, Texas; Philip H. Hoff, Vermont. The proclamation was also issued by the President of the Board of Commissioners of the District of Columbia; John A. Love, Colorado; John J. McKeithen, Louisiana; Frank B. Morrison, Nebraska; John A. Volpe, Massachusetts; Frank G. Clement, Tennessee; Warren P. Knowles, Wisconsin.

The mayors of the following cities called for observances of this year's Captive Nations Week:

Ralph S. Locher, Cleveland, Ohio; Otto Festge, Madison, Wis.; Hugh J. Addonizia, Newark, N.J.; J. Bracken Lee, Salt Lake City, Utah; Paul V. Mullaney, Worcester, Mass.; Robert F. Wagner, New York, N.Y.; John E. Flynn, Yonkers; Raymond Hightower, Kalamazoo, Mich.; L. E. Timberlake, Van Nuys, Calif.; Frank R. Somers, Dayton, Ohio; George S. Smith, Easton, Pa.; Elmer Rasmuson, Anchorage, Alaska; Wendell E. Hulcher, Ann Arbor, Mich.; Theodore R. McKeldin, Baltimore, Md.; Harry Wilklow, Jr., Battle Creek, Mich.; John F. Collins, Boston, Mass.; Richard Daley, Chicago, Ill.; Thomas G. Currigan, Denver, Colo.; William E. Glynn, Hartford, Conn.; Daniel F. Dibble, Holyoke, Mass.; John J. Barton, Indianapolis, Ind.; John J. Buckley, Lawrence, Mass.; William B. Ingram, Memphis, Tenn.; Arthur Naftalin, Minneapolis, Minn.; M. E. Sensenbrenner, Columbus, Ohio; Dr. William K. McBride, Harrisburg, Pa.; Marian S. Erdmann, Great Falls, Mont.; Victor H. Schiro, New Orleans, La. Also John Karner, town president, Cicero, Ill.

LOCAL OBSERVANCES

Rallies or parades were held in many U.S. cities, including Chicago, New York, Philadelphia, Buffalo, Boston, Phoenix, St. Louis, Indianapolis, Syracuse, Pasadena, Calif., and Manchester, N.H.

AFL–CIO President Meany accepted the post of honorary chairman of the National Captive Nations Committee. The national chairman of the committee is Prof. Lev E. Dobriansky of Georgetown University, Washington, D.C.

Although one cannot gage the extent of the hundreds of letters to the editor written in all parts of the country on the occasion of Captive Nations Week, preliminary estimates indicate that they exceed those of last year.

MEDIA COVERAGE

Editorials on Captive Nations Week were carried by the following newspapers: Journal-American, New York; Daily News, New York; Globe Democrat, St. Louis; World, Monroe, La.; and the Courier-News, Plainfield, N.J.

Columns on the significance of the events were written by Pierre J. Huss, Hearst Headline Service; J. F. Saunders, in the Plain Dealer, Cleveland, Ohio; by Jack Ferris, editor of the Muncie Star, Indiana; and by syndicated columnist Edgar A. Mowrer.

Radio Coverage included an interview of ACEN's Secretary General Brutus Coste by former Congressman Walter H. Judd on "Washington Report," which reaches 200 stations.

Features and advance stories were filed by the North American Newspaper Alliance (NANA), AP, UPI, the New York Times, and other information media.

Photographs of a reception by Cardinal Spellman after the July 18 Mass in New York were published by the Daily News and the Journal-American.

Editorials on captive nations were carried by the following newspapers: Chicago Tribune; the Christian Science Monitor; Columbus, Ohio, Daily Dispatch; the Muncie Star, Indiana; the Miami News; the Boston Sunday Advertiser; Chicago Sun-Times; the Indianapolis Star; Catholic Review, Baltimore, Md.; Catholic Standard, Washington, D.C.; the Evening Bulletin, Philadelphia; and Sun-Bulletin, Binghamton, N.Y.

Columns were written by John Chamberlain of the New York Journal-American and Paul H. Hallet of the Register, Denver, Colo.

A special article came out in the New York Herald Tribune, with Patricia Smith reporting on religious observances during Captive Nations Week in the New York area and interviewing priests and ministers who had escaped from East-Central Europe. The Messenger, Covington, Ky., had a full-page spread on Captive Nations Week. An extensive account also appeared in the Catholic News, a New York weekly.

The New York Post, in an article on Vietnam, quoted from the speech of Representative Gerald R. Ford, Republican, of Michigan, delivered during the July 21 Captive Nations Week Dinner in Washington, D.C.

The Long Island Star-Journal, N.Y., ran a picture of Cardinal Spellman's reception, which followed the July 18 solemn Mass at St. Patrick's Cathedral in New York.

The Herald American, Syracuse, N.Y., printed an article on local observances of Captive Nations Week. It also carried a picture of East-Central Europeans in their national costumes.

[The Ukrainian Bulletin, August–September 1965]

U.S. Congress Observes Captive Nations Week

The impressive array of U.S. opinion leaders, rising to speak in Congress on the crucial problems of East-Central Europe, brought the significance of this year's Captive Nations Week into sharp focus.

Seventy-nine Members of the House of Representatives and 10 Senators gave a dramatic demonstration of the deep concern of both U.S. legislative bodies with the plight of the millions of East-Central Europeans suffering under Communist tyranny.

REPRESENTATIVE FLOOD INITIATES DEBATE

The high point of the Congressional Captive Nations Week observance was an extensive debate on July 21 on the problem of the captive nations in the House of Representatives. The debate was called at the initiative of Representative Daniel J. Flood, Democrat, of Pennsylvania, who said:

"Our concentrated support of all the captive nations is one of our most powerful nonmilitary deterrents against further overt Sino-Soviet Russian aggression and a prime, formidable force of peace with freedom and justice in the world."

A close link between today's international crisis and the forcible takeover of the countries of East-Central Europe was emphasized in the speeches of Joseph P. Addabbo, of New York; John H. Dent, of Pennsylvania; Billie S. Farnum, of Michigan; Henry Helstoski, of New Jersey (Democrats); and Edward J. Derwinski, of Illinois; Paul A. Fino, of New York; Ed Reinecke, of California; William Stanton, of Ohio; and William B. Widnall, of New Jersey (Republicans.)

Recent improvements in some of the captive nations were noted, but the consensus was that the changes have yet to affect the foundations of the Communist system and that a much more radical transformation was needed. As the house majority leader, Representative John W. McCormack, Democrat, of Massachusetts, put it:

"There have been recent indications of greater freedom being granted to the peoples of some of these captive nations, and for this we, no less than they, are thankful. Yet we cannot, and they most certainly will not, be satisfied until it is no longer a question of being granted this freedom, but one of exercising it naturally and unrestrictedly. Neither will we be content until all of these Nations are totally free, not just a few, not just to some degree."

Democratic Congressmen James A. Byrne, of Pennsylvania; Jacob H. Gilbert, of New York; and William S. Moorhead, of Pennsylvania, expressed a similar opinion.

Soviet colonialism was analized in the addresses of Democrats Michael A. Feighan, of Ohio; John S. Monagan, of Connecticut; and Abraham J. Multer, of New York; and of Republicans Barber B. Conable, of New York and William H. Harsha, of Ohio.

"Today unrest is the rule rather than the exception in the Soviet bloc," said Representative Samuel Friedel, Democrat, of Maryland. "The trend is clear, the only question is how long—how long before the Soviet reign of tyranny must fade from the heart of Europe. The end cannot come too soon."

Confidence in the emancipation of the captive peoples and insistence on their right to full self-determination was echoed in the speeches of Dominick V. Daniels, of New Jersey; James J. Delaney, of New York; Dante B. Fascell, of Florida; Cornelius E. Gallagher, of New Jersey; Edna F. Kelly, of New York; William T. Murphy, of Illinois; Lucien N. Nedzi, of Michigan; Melvin Price, of Illinois; James Roosevelt, of California; Carlton R. Sickles, of Maryland; Leonard Farbstein, of New York (Democrats); and Ross E. Adair, of Indiana; Howard H. Callaway, of Georgia; Glenn Cunningham, of Nebraska; Seymour Halpern, of New York; Howard W. Robison, of New York; and Herman T. Schneebeli, of Pennsylvania (Republicans).

Representative John V. Lindsay, (Republican of New York), singled out the "spirit of the people of East-Central Europe" as "the most important weapon in this struggle."

"We must encourage this free spirit. The United States must speak out. Our commitment to freedom compels us to dedicate ourselves to the cause of freedom wherever freedom is denied."

Continuance and strengthening of the United States commitment to a free East-Central Europe was the main theme of the speeches by Emilio Q. Daddario, of Connecticut; John D. Dingell, of Michigan; Eugene J. Keogh, of New York; Paul J. Krebs, of New Jersey; Roman C. Pucinski, of Illinois; Peter W. Rodino, Jr., of New Jersey; John J. Rooney, of New York; Gale Schisler, of Illinois; Lynn E. Stalbaum, of Wisconsin; and Clement J. Zablocki, of Wisconsin; (Democrats); and Frances P. Bolton of Ohio; James C. Cleveland, of New Hampshire; Paul B. Dague, of Pennsylvania; Gerald R. Ford, of Michigan; Robert McClory, of Illinois; Ancher Nelsen, of Minnesota; Thomas M. Pelly, of Washington; and Donald Rumsfeld, of Illinois; (Republicans).

COMMITTEE ON CAPTIVE NATIONS URGED

To carry out the United States commitment more effectively, the following Congressmen called for the establishment of a Congressional Committee on Captive Nations; Thaddeus J. Dulski, of New York; George H. Fallon, of Maryland; Richard D. McCarthy, of New York; Edward J. Patten, of New Jersey; Roman C. Pucinski, of Illinois; George M. Rhodes, of Pennsylvania; William L. St. Onge, of Connecticut: Samuel S. Stratton, of New York; (Democrats); and William G. Bray, of Indiana; John H. Buchanan, of Alabama; Silvio O. Conte, of Massachusetts; William C. Cramer, of Florida; Florence P. Dwyer, of New Jersey; Joseph M. McDade, of Pennsylvania; William E. Minshall, of Ohio; Bob Wilson, of California; and John W. Wydler, of New York; (Republicans).

SENATE DISCUSSION

The Senate discussion of the issue of East-Central Europe centered on global commitment to the cause of freedom as a cornerstone of the U.S. foreign policy. According to Senator Paul H. Douglas, Democrat of Illinois:

"The free nations of the world which look to the United States for leadership in the struggle against communism, should know that our country stands firmly behind all nations that cherish freedom. If we slacken our stand against the Communist usurpation of power or recognize the present Communist domination as either permanent or right, we really deny both our heritage and our ideals."

Similar views were expressed by Senators William Proxmire, of Wisconsin; Abraham A. Ribicoff, of Connecticut; (Democrats); and J. Caleb Boggs, of Delaware; Carl T. Curtis, of Nebraska; Peter H. Dominick, of Colorado; Roman L. Hruska, of Nebraska; Jacob K. Javits, of New York; Thomas H. Kuchel, of California; and Leverett Saltonstall, of Massachusetts; (Republicans).

Additional remarks on Captive Nations Week were introduced into the Congressional Record by Democrats James M. Hanley, of New York; John R. Schmidhauser, of Iowa; and Lynn E. Stalbaum, of Wisconsin; and Republicans William H. Bates, of Massachusetts; Edward P. Boland, of Massachusetts; and Robert McClory, of Illinois.

[From the Ukrainian Bulletin, August-September 1965]

Captive Nations Versus Red States

(By Dr. Lev E. Dobriansky)

"What about the freedom aspirations of 17 million captive North Vietnamese" "Will we subsidize the Red totalitarian economies of Eastern Europe so that they can more effectively support wars of national liberation in Asia, Africa, and Latin America?" "When will we begin to focus the spotlight of world attention and opinion on the total breadth of Sino-Soviet imperiocolonialism?" These and similar questions dealing with basic U.S. policy will be raised and discussed during the 1965 Captive Nations Week.

The week falls on July 18–24. As in previous years, this seventh observance will be held across the country and internationally. In the United States, Congress authorized the annual event through its 1959 Captive Nations Week Resolution. Signed into Public Law 86–90 by President Eisenhower, it calls upon the President to issue a proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

Successive Presidents have fittingly proclaimed the week and, in the growing movement, over half of our Governors have regularly issued inspiring proclamations. The mayors of most of the largest cities in America also have observed the week and several, as in Chicago, New York, and Buffalo, officially sponsor citizens' activities during the period. In Congress the event is annually observed with prayers, addresses, and concrete proposals aimed at the eventual freedom of the captive nations, with about one-third of the membership of both Houses actively associated with the National Captive Nations Committee in Washington, in guiding the yearly observance.

Internationally, the observance has taken root in the Republic of China, South Korea, and the Philippines. In fact, the most outstanding single observance occurs year after year in Free China, where the entire week is filled with a variety of activities dedicated to the freedom of all the captive nations. Similar observances are being proposed in Turkey, West Germany, Canada and in other countries where citizen groups have organized themselves to commemorate the week with us.

AN OBJECT OF CONSTANT RED ATTACK

These facts are necessarily mentioned because in large measure they explain the persistent and vehement opposition of Moscow, Peiping and their respective satraps to Captive Nations Week. It is not just a matter of their not liking the institution; they deeply fear it because of its enormous possibilities for psychopolitical implementation.

Each year since 1959 the Red totalitarians have sharply attacked the week, at times maligning it as "a propagandistic trick of the American enemies of the freedom and independence of nations" and on other occasions pleading behind their deceptive mask of peaceful coexistence: "Is it not high time to discontinue the 'Captive Nations Week' in the United States?" Last year, for example, the July 15 issue of Izvestia complained, "With every passing year Captive Nations Week becomes a nuisance." It failed to indicate specifically for whom.

While many of our own people still have not grasped the meaning and significance of the week, Communist leaders have, and by every available means they have sought its liquidation. Well aware of the strength of symbols and words, they see in the week a moral symbol which works against both their tactics and strategy. Highly skillful themselves in propaganda and cold war education, they view the week as a threat to their chief psychopolitical efforts.

In addition to being a moral symbol, the week unremittingly emphasizes the unlimited power of our "nuclear" spiritual weapons: personal liberty, political freedom, and national self-determination. As President Kennedy stated so well before his tragic assassination: "This country must never recognize the situation behind the Iron Curtain as a permanent one, but must, by all peaceful means, keep alive the hopes of freedom for the peoples of the captive nations." What better medium for such fixed nonrecognition exists in our country today than the week?—authorized by Congress, proclaimed by Presidents, Governors, and mayors, and conducted by free citizens. And not only for the captive peoples behind the European Iron Curtain but also for those behind the Asian Bamboo Curtain and Cuba's Sugar Curtain.

PERILOUS MYTHS ABOUT THE RED EMPIRE

In his timely 1965 Captive Nations Week proclamation, which was issued on the very eve of our own Independence Day, President Johnson urges all Americans "to give renewed devotion to the just aspirations of all people for national independence and human liberty." This obviously means all the captive nations. Such devotion, if it is to be sound and moving, must be based on an understanding of realities in the totalitarian Communist Empire rather than on the sands of wishful myths.

There are four outstanding myths circulating in this country that could have perilous long-run consequences for our position in the cold war. The first is the uncritical identification of the captive nations with the Red regimes. This mythical conception receives constant expression in such terms as "Communist nations," "nationalistic satellite governments," and "different Communist governments with peculiar national characters." Some writers and commentators have even gone so far as to portray the Red totalitarian Ho Chi Minh as a "Vietnamese George Washington," Gomulka as a "popular" leader of Poland, and the blood-stained Kadar as a "hero of the Hungarian people." The truth remains that, despite contrived appearances and gestures aimed at exacting more productive work and acquiescence from the captive populace, no Red state with its totalitarian Communist Party has attained any degree of legitimacy or popular representation through genuine democratic processes. Nor, in the very nature of things, could any even attempt this. To arbitrarily identify the captive nations—the peoples themselves—with the unrepresentative governments commits not only a grave injustice to these nations in their struggle against an imposed, oppressive regime but also a foolish error that can only produce a heavy handicap for our own psychopolitical efforts.

A derivative of this myth is the second which holds that the nationalism of the satellite regimes in Central Europe has provided grounds for the West to wean them away from Russian domination. This myth may well become the colossal illusion of our period. Those who disseminate it are invariably unfamiliar with Russian-non-Russian relations within the U.S.S.R. and Moscow's long experience in the exploitative manipulation of national symbols and forces. As two random examples: 20 years ago Stalin succeeded in ramming into the United Nations two puppets as original charter members on the basis of Ukrainian and Byelorussian "nationalism"; later, in response to subminimal Western interest in Soviet Russian imperio-colonialism within the U.S.S.R., Khrushchev spent many a moment mouthing the independence of Georgia, Armenia, Ukraine, Lithuania, and other captive non-Russian nations in this primary sphere of Moscow's empire.

Related to this second myth is that expressed by such terms as "polycentrism," "the disintegrative Titoist forces in the bloc," and "the crackup of the Soviet monolith in Central Europe." It may surprise some to learn that the Soviet Union itself has never been a monolith. If because positive external pressure has been absent, the chinks there have been tolerable for Moscow, the appearance of similar "nationalist" cracks in the secondary sphere of its empire are not only tolerated but put to effective use as open economic windows for strategic imports from the West. As to polycentrism, the superior might and gross imperial product of the U.S.S.R.—close to $300 billion—exceeds those of all other totalitarian economies combined. In terms of ultimate survival, each Communist regime depends on the Russian center, this despite the so-called Titoist deviation and the Red Chinese rift.

The fourth persistent myth, for which we Americans are notorious, is that the Soviet Union is Russia and with this "powerful nation" we must at all costs coexist. How ludicrous this myth is can be gleaned from reading this example pertinent to our topic: "The active participation of Ukraine and Byelorussia in international relations is proof of the strengthening of the Soviet Republics and a convincing rejection of the provocative 'Captive Nations Week' proclaimed annually by the American President * * *" (Ukrainsky Istorychny Zhurnal, February 1965).

REALITIES AND REALISTIC THEMES

Under the heat of realities in the Red Empire these myths melt away. No genuine freedoms have been or could be gained anywhere in the empire with its one party totalitarian regimes, state police control, and the virtual assurance of ineffectual Western interest in the captive nations. Gestures of liberalization and the introduction of "capitalist methods" are clearly designed to solve numerous economic problems and to strengthen further the individual Red state and thus the empire as a whole. Economic determinists in our midst might well prepare themselves for an even more intense cold war struggle resulting from these developments and changes in the Communist empire.

Realities call for realistic themes that underscore the interrelated nature of all these phenomena. Foremost among those in the 1965 Captive Nations Week observance are: (1) Peace with justice and freedom, emphasizing that strong support of all the captive nations is one of our most powerful deterrents against a hot global war; (2) complete support for U.S. actions in Vietnam and the Dominican Republic which have prevented an extension in the long list of captive nations; (3) full exposure, in the U.N. and elsewhere, of Sino-Soviet imperiocolonialism, concentrating especially on the captive non-Russian nations in the U.S.S.R.; and (4) a trade policy toward the Red Empire based on political concessions. To avoid a world holocaust and to severely curb the Red Empire's cold war operations in the free world, these goals necessitate the cessation of a psycho-political sanctuary for the Red totalitarians on their imperial terrain. During this Captive Nations Week we can begin to concentrate on the freedom aspirations of 17 million captive North Vietnamese, and, from there, on those of all other captive nations. Steadily growing insecurity in the Communist empire will insure the security and peace of the free world.

(Courtesy: Washington Report, the American Security Council, July 19, 1965).

[From the Ukrainian Bulletin, Aug.–Sept. 1965]

WHAT HOPE FOR FREEDOM OF MOSCOW-HELD CAPTIVE NATIONS?

It is paradoxical that with the increasing tempo of war moves and the progressive American involvement in Vietnam, the West should be letting up its guard regarding Russian communism in Europe. In fact the opinion now seems to prevail that the situation in eastern and central Europe has undergone such radical changes that the entire complex of our attitudes and approaches toward the peoples of the captive nations in Europe ought to be submitted to a sharp reappraisal and revision.

"Satellite No Longer" editorially wondered the New York Times (July 24, 1965) in discussing the recent meeting of the Communist Party of Rumania. It cited a number of developments in Rumania, Czechoslovakia, and Poland where significant changes had occurred indicating an ideological departure from the Communist line imposed by Moscow.

The Times editorial stated: "Two decades after Stalin's conquest of eastern Europe and his forcible imposition of Communist rule on that area, nationalism is proving stronger than Soviet imperialism, U.S. policy has gone part of the way toward recognizing this reality, but it needs to go even further in the direction of recognizing—and thus encouraging—the national self-assertion of the states that once were, but are now ceasing to be, mere slavish satellites."

That nationalism offers the counterpoise to imperialism is undeniably true. Nevertheless, the road to independence, as Ukraine can attest, is still a very long and arduous one.

The deepening Moscow-Peiping rift, the perennial instability of the collective leadership of the Soviet Russian Empire, the high total failure of Soviet agriculture and the overall economic inadequacy—all this has undeniably hampered the progress of Soviet Russian colonialism and imperialism. But these important features of the Soviet reality should not obscure the fact that the Communist aims and objectives are still very much the same.

While the outward trappings of repression and enslavement may now be less evident, the undeniable fact remains that the people of each captive nation—every nation in the satellite area as well as every one in the Soviet Union proper—continue to live under the heavy and oppressive totalitarian rule of Moscow. Soviet Russian military power remains deployed in Poland, East Germany, and Hungary, while the policies of rampant Russification and national and religious persecution rage unabated in Ukraine, Byelorussia, Lithuania, Latvia and Estonia, as well as in the Caucasus and Turkestan.

Recently extensive hearings were held by the Subcommittee on Europe of the House Committee on Foreign Affairs on conditions in the Baltic States and in other countries of eastern Europe. The findings, published by the U.S. Government Printing Office, are available to all. These findings are tantamount to an indictment of the Kremlin for its continuing crimes against the hapless populations of these countries.

In today's climate, however, no such indictment may be expected, despite the fact that we are engaged in a costly struggle with communism in Vietnam.

APOSTLES OF APPEASEMENT

U.S. policymakers, in fact, continue to be illogical and contradictory in their planning of policy regarding the U.S.S.R. and the Communist bloc as a whole. Consequently, in Vietnam and Santo Domingo the United States stands firm, but this bastion of freedom is unrecognizable for its meekness and wishful thinking as regards enslaved eastern and central Europe.

For some time American liberals have been touting a new theory to the effect that communism has ceased to be a danger to America. Such men as George F. Kennan, Walter Lippmann, and Prof. H. Morgenthau, of Chicago, have been advocating leniency toward Russian communism. Thanks to the influence of their "thinking" the once stanch anti-Communist policy of the United States has softened; officially, the U.S. aim is no longer a victory over communism, but "encouragement of positive and liberalizing developments within the Communist states," through disarmament, mutual trade and cultural exchange, and above all political accommodation—read, appeasement—of the Soviet Union.

Mr. Kennan has attained a sort of reputation for his unwavering faith in Russian goodheartedness. All Moscow moves are untiringly justified by him and his company as necessary ones made in the "national interest" of Russia. But what Russian national interest can explain massive intervention in Cuba, the Caribbean, Venezuela, and Colombia, where large-scale activities directed and financed from Moscow are ever gaining momentum?

How is one to define Russian interest in Indonesia, Algeria, Ghana, Zanzibar, or Burma? These apostles of appeasement are vocal in advocating our pullout from Vietnam, but become mute in the matter of condemnation of Moscow for its relentless global encroachment and penetration.

WESTERN ALLIES FOLLOW SUIT

It is regrettable that our dismaying timidity regarding the captive nations of Central and Eastern Europe should have adversely affected the attitude toward these nations on the part of our Western Allies. In such countries as West Germany, France, Italy, Spain, Portugal, and Belgium, the cause of the captive nations was once held in esteem. Although many of these countries had been devastated in World War II, they managed early in the postwar years to provide support for anti-Communist refugees, to finance centers of special studies and to maintain anti-Communist broadcasting stations manned by freedom fighters from the Eastern and Central European countries. This laudable and vital concern has all but disappeared.

No matter what their attitude to overall U.S. foreign policy might be in the main, the Western allies pattern their behavior toward the U.S.S.R. after that of the United States. With American psychological warfare instrumentalities—the "Voice of America," "Radio Free Europe" and "Radio Liberty"—fast becoming an insignificant "whisper of freedom," the Western governments have slumped in their posture to freedom.

Spain is a case in point. In the forties and fifties the Spanish Government displayed a special solicitousness and care for anti-Communist refugees. Isolated from the Communist countries and boycotted by many of the free nations, Spain instituted a series of political broadcasts beamed to Central and Eastern Europe in some 20 different languages, including Lithuanian, Estonian, Latvian, Polish, Ukrainian, Russian, Czech, and Slovak, Croatian, Rumanian, Albanian, Bulgarian, and Hungarian. These broadcasts emanating from Radio Nacional de Espana of Madrid proved to be the most effective inasmuch as the audience behind the Iron Curtain was concerned. Suffering no official censorship restraints and from no wishywashiness, the Spanish broadcasts consistently hit hard at the soft belly of the Soviet monolith.

Lately, however, Spanish officialdom, searching for new contacts and economic ties, has begun to regard these anti-Communist broadcasts as a barrier to establishment of a normal and, hopefully, more profitable relationship with the Soviet Union. For some months now the threat of suspension of these broadcasts has been hanging over the anti-Communist refugees in Madrid who man these radio instrumentalities. The argument one now hears in Spain is: Why should Spain support them, if the United States, the United Kingdom and other Western nations no longer deem such broadcasts worthwhile?

A LOGICAL PATH

Whether the conflict in Vietnam is instigated by Peiping or Moscow or both is immaterial. Our war is with communism, and it is expanding in scope and intensity. The free world will find it must revise its attitude toward the captive nations in the Soviet slave empire.

First of all, the West must realize that as long as the Communist goals and objectives are not altered, communism, no matter where it is to be found, is a menace. Obviously, the larger proponents, such as the Soviet Union and Red China, are most dangerous of all.

The capitive nations held in subjugation by Communist Russia and her subservient satellites are our trusted allies toward whom we have a moral responsibility. The Western nations should work relentlessly for the right of national self-determination to which all the captive nations are entitled. While Moscow and Peiping are pressing "wars of national liberation," the West should take the lead in achieving true and genuine liberation for all nations.

From a selfish point of view, these captive nations can prove invaluable in a showdown contest; at the least, their nationalistic vigor deters their Communist overlords from embarking on even more ambitious moves abroad.

We must do more than applaud temporary weakening of Russian tyranny; to maintain our own freedom we must actively aid and abet freedom fighters everywhere.

[From the Ukrainian Bulletin, August–September 1965]

RALLY IN MUNICH EXPRESSES SOLIDARITY WITH CAPTIVE NATIONS WEEK RESOLUTION

MUNICH, GERMANY (Special).—On Friday, July 23, 1965, a huge rally was held in the Schwabingerhaus in Munich which fully endorsed the Captive Nations Week resolution enacted by the U.S. Congress in 1959, and expressed full solidarity with the captive nations behind the Iron Curtain fighting for their freedom and national independence.

The rally, sponsored by the Anti-Bolshevik Bloc of Nations (ABN), attracted a number of anti-Communist leaders from the exiled groups as well as representatives of the German Parliament and the press.

The rally was opened by Dr. F. Durciansky, former minister of Slovakia, who dwelt on the significance of the Captive Nations Week resolution passed by the American Congress.

Prince Niko Nakashidze, general secretary of the ABN, spoke critically about the attempts of the West to deal with the Communist regimes. He said that it was political stupidity to believe in peaceful coexistence with the Soviet Union. "All efforts of the free world should be directed toward the destruction of the Russian totalitarian empire, a unique guarantee of a stable and constructive peace," concluded Prince Nakashidze.

Dr. Franz Gaksch, member of the German Parliament and head of the German refugee organization, said that the captive nations are the true allies of Germany and not their captors.

Another German parliamentarian, Dr. Heinz Lange, member of the FDP from the North Rhine and Westphalia, criticized those who fail to recognize the captive nations and their struggle for liberation. He said that the present conditions behind the Iron Curtain are characterized by the colonial exploitation by Moscow of the captive nations.

Still another German speaker, Winfried Martini, challenged the accepted notion that Russia, as a nation, was peaceful and never made any aggressions against its neighbors. He recalled Russian aggressions against Finland, Poland, and the suppression of the Hungarian uprising and the enslavement of all non-Russian nations.

Herr Herbert Schwarzer, Secretary of the Bund der Vertriebenen (Union of Expellees) in Bonn, called for political solidarity of freemen against the dark forces of communism.

At the end, Mrs. Slava Stetzko, editor of ABN Correspondence, reported on the present conditions in Ukraine and the persecution of the Ukrainian people by Communist Russia. She also read the Captive Nations Week resolution enacted by the U.S. Congress in 1959.

Extensive reports on the rally appeared in the largest German daily newspaper, Die Sueddeutsche Zeitung (July 26, 1965) and in Muenchner Merkur, Frankfurter Allegemeine, Volksbote, Sudeten Deutsche, Stimme der Freiheit, Die Deutsche Zeitung, and others. A special report on the rally was also broadcast over the Bavarian radio.

[From the Ukrainian Bulletin, August–September 1965]

WHAT ABOUT THE 17 MILLION CAPTIVE NORTH VIETNAMESE?

This question was raised recently, on the eve of Captive Nations Week by the National Captive Nations Committee. The chairman of the national organization, Dr. Lev E. Dobriansky of Georgetown University, declared, "It is both politically incredible and morally reflective that in all the public discussion on Vietnam no one has asked 'What about the freedom aspirations of 17 million captive North Vietnamese?' "

Pointing out that no psychopolitical sanctuary should be afforded the Communists anywhere in the totalitarian Red Empire, Dr. Dobriansky announced that Captive Nations Week observances next week will underscore full support for the President's actions in both Vietnam and the Dominican Republic. He added, "We will also urge that the free South Vietnamese be permitted to conduct an intense political warfare in the North, directed at the freedom and independence of their captive brethren. Myths about Hanoi being a popular government and the Ho Chi Minh a 'Vietnamese George Washington' have blinded many Americans to the fact that the plight of the North Vietnamese is no different from that of the East Germans, the North Koreans, and the mainland Chinese."

[From the Ukrainian Bulletin, August–September 1965]

PRESIDENT JOHNSON THANKED FOR ISSUANCE OF CAPTIVE NATIONS WEEK PROCLAMATION

(EDITOR'S NOTE.—The following letter, dated July 14, 1965, was sent to President Johnson by Dr. Lev E. Dobriansky, president of the UCCA and the National Captive Nations Committee in Washington.)

On the eve of the seventh observance of Captive Nations Week, I heartily express for this committee and myself our grateful thanks for the proclamation you issued on July 3, the very eve of our own Independence Day.

The basic concepts and principles enunciated in your proclamation of the 1965 Captive Nations Week, particularly those in paragraphs four and five, serve both as an adequate justification of your courageous actions in Vietnam and the Dominican Republic and a solid basis for a far-seeing program of action against the Sino-Soviet Russian imperiocolonialism. As the enclosed card shows (The Captive Nations—Who's Next?) we have been concerned with this long list of captive nations for some time. Without doubt, your firm actions in South Vietnam and the Dominican Republic have prevented this list of captive nations from being extended by further Communist takeovers.

As no one else has done yet, this committee wishes to be the first to congratulate you with infinite praise for your historic contribution in preventing the specific emergence of two more captive nations. Both in Santo Domingo and Hanoi the long arms of colonialist Moscow and Peiping have been present. To divorce these two situations from the full reality of all the captive nations is the apogee of historical myopia.

Based on the concepts and principles in your proclamation the coming observance of Captive Nations Week will be particularly oriented toward the freedom and independence of the 17 million captive North Vietnamese to be achieved through psycho-political means. It is plainly incredible that in all the discussion concerning Vietnam absolutely nothing has been said about the freedom aspirations of this captive Asian nation. Myths that have been widely circulated in our country—such as the Red totalitarian Ho Chi Minh being a "Vietnamese George Washington," Hanoi being "a representative and popular-based government," and the subversive Vietcong "a nationalist force" aiming at Vietnamese reunification—have blinded countless Americans to the reality and essence of the struggle there.

The goals of North Vietnamese freedom and the democratic reunification of the entire country are proper and natural objectives for the free Vietnamese. They are unquestionably in conformity with our own principles and traditions.

Mr. President, we strongly recommend an inspiring Presidential statement in behalf of the 17 million captive North Vietnamese and their yearnings for independence and freedom. Captive Nations Week is a most opportune time for this specific declaration of freedom based on your general Captive Nations Week proclamation. We cannot emphasize too often that our declared support for all the captive nations—in Central Europe, the U.S.S.R., Asia, and Cuba—is one of our most powerful paramilitary deterrents against Sino-Soviet Russian imperialist aggression and also a prime force for peace with freedom and justice.

[From the Ukrainian Bulletin, August–September 1965]

"WHY CAPTIVE NATIONS WEEK?"

Under the above title the July 1965 issue of the New Guard, the magazine of Young Americans for Freedom, carried a well-documented article by Dr. Lev E. Dobriansky, president of the Ukrainian Congress Committee of America and the National Captive Nations Committee. The author rightly observes that the celebration of Captive Nations Week by free Americans greatly perturbs the totalitarian Russian Communist rulers in the Kremlin for whom the captive nations were and continue to be a source of unrest and perennial weakness.

[From the Ukrainian Bulletin, August–September 1965]

CAPTIVE NATIONS PROBLEM IN BONN PARLIAMENT

On June 15, 1965, Dr. Theodore Oberlaender, Member of Parliament, suggested on the floor of the German Federal Parliament in Bonn that free Germany pass a law similar to the famed Captive Nations Week resolution of the United States.

"Does the Federal Government," he asked, "not deem it necessary to present a corresponding bill to the Federal Parliament in order to demonstrate the solidarity of the German people with the liberation struggle of all peoples subjugated by bolshevism, especially in the Soviet Union and the so-called 'satellites,' and thus to recognize the right to self-determination; that is, to national independence, in the same sense as this right is a national purpose of the German people for the Soviet-occupied zone?"

Dr. Oberlaender pointed out that one of the captive peoples are those Germans in the Soviet-occupied zone of Germany, and that the efforts of these people for reunification in freedom "are supported and laid down as a lawful object by the U.S. Congress."

Federal Minister of Foreign Affairs Dr. Schroeder replied: "The Federal Government does not consider it necessary to bring before Parliament a bill corresponding to the American Congress resolution. The German people are especially aware that freedom and self-determination are rights which cannot be traded in on account of the division which has been forced upon them and on account of the 17 million Germans who have to live under Soviet rule. They thus feel the closest connection with every people which is striving for national independence and for freedom. In the opinion of the Federal Government there is no need for a law or for a legally prescribed day of remembrance to keep awake and to declare this consciousness and this feeling of unity."

Dr. Oberlaender pressed the Foreign Minister, asking: "Sir, are you not of the opinion that if others demonstrate on the 17th of July, namely the Americans, we should do something more visible, that we, too, should do something for the oppressed nations?"

Dr. Schroeder demurred, saying: "The question is whether this requires any further lessons from the lawgivers, if I may put it this way, and to this question my answer is 'No.' As far as the Federal Government itself is concerned, it has declared often enough and proved again and again through its policies that it demands the right to freedom, self-determination and national independence not only for the German people but for all the peoples of the world and that it is seeking to realize this."

[From the Ukrainian Bulletin, August–September 1965]

KHRUSHCHEV ON "PEACEFUL COEXISTENCE" AND "CAPTIVE NATIONS"

(EDITOR'S NOTE.—It is recalled that in 1959 Nikita S. Khrushchev savagely attacked the U.S. Congress for enacting the Captive Nations Week resolution. Writing in Foreign Affairs (October 1959, cf. "On Peaceful Coexistence"), the former Kremlin dictator had this to say:)

Not too long ago the U.S. Senate and House of Representatives deemed it proper to pass a resolution calling for the liberation of the Socialist countries allegedly enslaved by communism and of a number of Union republics constituting part of the Soviet Union. The authors of the resolution call for the liberation of the Ukraine, Byelorussia, Lithuania, Latvia, Estonia, Armenia, Azerbaijan, Georgia, Kazakhstan, Turkmenistan, and even a certain Ural area. I would not be telling the truth if I did not say that the adoption of this ill-starred resolution was regarded by the Soviet people as an act of provocation. Personally I agree with this appraisal.

LEST WE FORGET?—CAPTIVE NATIONS WEEK, JULY 18–25, 1965

Over a billion people are now enslaved by communism.

GROWTH OF COMMUNISM

In 1917: Russia.
In 1920: Ukrania.
In 1921: Armenia, Azerbaijan, Georgia.
In 1922: Far Eastern Republic, Karelia, Siberia.
In 1924: Mongolia, Tannu Tuva.
In 1940: Estonia, Latvia, Lithuania.
In 1945: Albania, East Germany, Yugoslavia.
In 1946: Bulgaria, Hungary, Czechoslovakia, Poland, Rumania.
In 1949: China.
In 1953: North Korea.
In 1954: North Vietnam.
In 1959: Cuba.
In 1961: Tibet.

In 48 years, 26 nations have fallen under the Red yoke: Which countries will be next?

CAPTIVE NATIONS WEEK

Reasons which led Congress, by joint resolution adopted July 17, 1959, to designate the 3d week in July for annual observance of Captive Nations Week:

"Because the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations.

"Because the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others.

"Because these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence." (From Public Law 86–90, 86th Cong., S.J. Res. 111.)

"We are at war with the Communists, and the sooner every American realizes this, the safer we will be."—J. EDGAR HOOVER.

WHAT IS ARC?

The Association of Ridgewood Conservatives is an organization of concerned citizens adhering to the following principles:

1. That every citizen has the right to determine and pursue his goals with a minimum of governmental interference;
2. That our free enterprise system must be preserved and strengthened;
3. That fiscal responsibility is as important in government as in a business or a home;
4. That centralization of power in Washington weakens our State and local governments;
5. That constitutional principles, including the systems of checks and balances, must be maintained; and
6. That our foreign policy must be based on strength and moral principle.

[From the Bergen Republican, July 1965]

CONSERVATIVE FLOATS FOR THE JULY FOURTH PARADE STRIKE STRONG PATRIOTIC THEME

Responsible conservatism was amply and attractively on display at the annual Ridgewood Independence Day parade on Monday, July 5. In keeping with the parade theme of "Lest We Forget," the Association of Ridgewood Conservatives (ARC) entered a float reminding the citizenry of the many captive nations behind the Iron and Bamboo Curtains. Two 8-foot high tombstones topped with a Red hammer and sickle listed many of the countries and areas so enslaved, along with the year they fell under Communist domination. Also on the float were three attractive young ladies, garbed in native dress, each representing one of the three major areas under Communist rule—Asia, Eastern Europe, and Latin America. A long black chain (made of black paper loops) surrounded the girls, while a man dressed as a Russian soldier, guarded his enslaved subjects.

An earlier request to the village mayor and commissioners resulted in a mayor's proclamation setting aside the week of July 18–24 to be observed locally as "Captive Nation's Week," the authority of which was derived from a joint resolution of Congress passed on July 17, 1959.

To draw attention to this fact and gain publicity and increased membership for ARC, 12 walkers (6 boys and 6 girls) distributed 4,000 4-page brochures, describing the plight of captive nations and stating pertinent facts about ARC (along with a coupon to send the association for further information on its work and activities).

Some of the town chairmen participating in the celebration were Glenn Harris, of Garfield; John McCullough, of Glen Rock; Harry Ballard, of Wyckoff; and Mrs. Rita Lombardi, of Wyckoff, and Larry Clark, of Teaneck; and Lee Bergstrom, of Ridgewood. Cynthia deHaven, vice chairman of the Bergen County Republican Citizens Committee, also participated.

The cause of responsible conservatism is alive and growing in Ridgewood.

[From the Pittsburgh Press, July 23, 1965]

MANY SOVIET NATIONS INCLUDED IN CAPTIVE NATIONS WEEK PLAN

(EDITOR'S NOTE.—This column is for expression of readers' opinions on current issues. All letters must be signed with the name and address of the writer and, due to space limitations, should be as brief as possible. The Press reserves the right to condense or reject any letter and none will be returned.)

EDITOR, PITTSBURGH PRESS.

As established by a joint resolution approved July 17, 1959, the Congress authorized and requested the President of the United States to issue a proclamation designating the third week of July as Captive Nations Week.

The President was authorized to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

President Johnson, in complying with the wishes of Congress, has proclaimed the week of July 18–24, 1965, Captive Nations Week. This is the seventh consecutive Captive Nations Proclamation.

The significant feature of the Captive Nations Resolution, Public Law 86–90, is that it recognizes and specifically names not only the nations of Central Europe which are commonly regarded as captive—including East Germany, Hungary, Poland, and the like—but also recognizes and names approximately a dozen non-Russian nations in the Soviet Union, including Armenia, Georgia, Lithuania, Turkestan, Ukraine, and others.

Incidentally, all these nations were forcibly included in the Soviet Union after enjoying brief periods of independence between the two World Wars, fought for and secured at the time of the collapse of the czarist Russian empire.

The inclusion of these Soviet republics in the list of captive nations is the reason for the incessant, unrelenting ranting and raving of Soviet officials and the Soviet press on the subject of captive nations.

The reason is apparent. The captive nations resolutions strikes Moscow's Achilles heel—the disunity of the Soviet Union.

The desire of the people of the captive nations, both inside and outside the Soviet Union, to secure their independence from the hated Russian masters represents our greatest hope for avoiding a nuclear war and in securing peace with justice among all nations.

WALTER PRETKA.

WHITEHALL.

EDITOR,
American magazine,
920 Broadway, New York 10, N.Y.

EDITOR: I wish to bring to your attention an important historical error in a recent issue of America ("Rus in Russia," May 18) which states, "as every good Russian surely knows, the word "Rus" also happens to be the ancient name of Russia." Nothing could be further from the truth. This statement could only be true if it read, "every good Russian knows the ancient name of Russia is Muscovy" or, conversely, "every imperialistic Russian knows the ancient name of Russia is Muscovy but because of his chauvinistic and imperialistic traits attempts to, in typical Russian fashion, use a name, e.g. Rus, not historically the property of Russia but rather of Ukraine, to further confuse the typically uninformed American into concluding that Ukraine and Russia are one and the same nation because of the similarity of names of the early Ukrainian and present-day Russian nations."

For your edification, Czar Peter I changed the name of his empire from Muscovy to Russia in the year 1713. This followed the defeat of Ukrainian and Swedish forces by the Muscovites at Poltava in 1709. Peter I made this change for political reasons hoping he could destroy the individuality of the Ukrainian people. However, the self-preserving instinct of the Ukrainian people made them abandon their centuries old name, "Rus", and assume the name Ukraine which was also their historical property, having appeared in chronicles of the 12th and 13th centuries.

The diametrically opposed positions of these two "Rus'", e.g. Russia and Ukraine, was long ago explained by the genius of A. K. Tolstoy: "One Rus"—he wrote—"has its roots in universal, or at least in European culture. In this Rus the ideas of goodness, honor, and freedom are understood as in the West. But there is another Rus: the Rus of the dark forests, the Rus of the Taiga, the animal Russia, the fanatic Russia, the Mongol-Tartar Russia. This last Russia made despotism and fanaticism its ideal. Kiev Rus was a part of Europe, Moscow long remained the negation of Europe."

The erroneous statement which prompted the writing of this letter as well as others like it which appear from time to time in a variety of news media are a source of joy for the Russians but a source of consternation for the non-Russian nations of the U.S.S.R.

Hopefully, in the future, these erroneous statements concerning Russia and the non-Russian nations of the U.S.S.R. will become less frequent. Certain events have transpired in the Congress of the United States which could help bring this about. In July 1959 the captive nations resolution, Public Law 86–90, was signed by President Eisenhower. The significant feature of this resolution is that it includes the non-Russian nations of the Soviet Union such as Armenia, Georgia, Turkestan, Ukraine, etc. beside those nations commonly regarded as captive: East Germany, Czechoslovakia, Hungary, etc. Presently, the Flood resolution (H. Res. 14) which seeks establishment of a Special Committee on Captive Nations in the House of Representatives is in the Rules Committee headed by Congressman HOWARD W. SMITH. Establishment of this committee would result in a wealth of objective information being gathered on the captive nations. This type of information is badly needed especially concerning the non-Russian nations of the U.S.S.R. Gathering and publishing of this information would inform all Americans of the true and historic nature of Russian imperialism and effectively negate erroneous statements concerning Russia which all too often appear in various newspapers and magazines.

WALTER PRETKA.

PITTSBURGH, PA.

[From the Cincinnati (Ohio) Inquirer, July 20, 1965]

CAPTIVE NATIONS REFUGEES

(By Jo-Ann Albers, women's club editor)

"We are refugee women who escaped communism in World War II. We are immigrants and daughters of immigrants who know communism first hand," said Mrs. William Volker, of Detroit, Mich.

She is second vice president of the Ukrainian National Women's League of America, parent organization of the World Federation of Ukrainian Women's Clubs.

Her club and many others across the country will be taking part this week in public observance of Captive Nations Week.

In 1959, Congress set aside the third week in July as Captive Nations Week to reaffirm the determination of the American people that the peoples of the Soviet Empire should one day know the real meaning of self-determination, for which, we are apt to forget, World War II was fought.

Taking part in the week's activities will be these groups who belong to the General Federation of Women's Clubs—the Ukrainian National Women's League of America, Women for Freedom, the Baltic Women's Council, the Federation of Lithuanian Women's Clubs, and the Estonian Women's Club of New York.

"As women of a free world we cannot be silent," Mrs. Volker said when explaining the general purpose of her national organization which is 40 years old and has national headquarters in Philadelphia. "We are ambassadors in many ways. Among our purposes are making immigrant women good citizens of America and encouraging them to appreciate their cultural background and enrich America with it."

Among the many projects of their organization, which has clubs in Akron, Cleveland, Youngstown, and Canton, are four major ones:

Helping support people who are coming out of Siberia. "They are released with nothing," she said, "no clothes or money. We send packages to be smuggled to them. The duty is usually twice the value of the contents."

Maintaining the adopt grandmother program. "This is supported in 25 countries," Mrs. Volker explained. "Branches of our organization send monthly support to elderly women behind the Iron Curtain."

Helping bring people out of the captive countries. "Our journal is quite helpful in reuniting families. We print stories of people in America who are trying to locate relatives in the captive countries."

Maintaining preschool nurseries in this country to install in young children the culture of their mother lands. The schools, in addition to helping working mothers, teach religion in addition to simple A B C's. "The schools are supported by the 86 local organizations in 19 States of this country," she explained.

Mrs. Helga Osmond is president of the Baltic Women's Council, which was founded in Europe in 1947. The council works to restore freedom to the Baltic States, which were forcibly annexed by the Soviet Union 25 years ago last month.

"Communism is an enemy of all freedom-loving people," said Mrs. Osmond in an interview. "The motto of our council is 'Freedom Today, Peace Tomorrow.'"

Mrs. Ligia S. Bieliukas pleads for women everywhere to work "for freedom, service, and growth, seeking peace with justice for all." Her organization, the Federation of Lithuanian Women's Clubs, has clubs in the United States, Europe, and South America—places where Lithuanian refugees fled.

The Estonian Women's Club of New York, active in the Balkan Women's Council, works to preserve the culture and crafts of the Estonian refugees and restoring independence to the Baltic people.

Women for Freedom, Inc., seeks freedom for all behind the Iron Curtain of Europe, the Bamboo Curtain in Asia, and the Sugar Cane Curtain of this hemisphere.

Mrs. Walter Dushnyck, secretary of the Women for Freedom, said its membership is comprised of Bulgarian, Czech, Latvian, Lithuanian, Rumanian, Ukrainian, and Yugoslavian women.

"Not only do we keep our distinct cultural heritages alive, but we rededicate ourselves through participation in such annual events as national holidays and Captive Nations Week," she said.

She cited the erection of the Taras Shevchenko statue in Washington, D.C., as an outstanding accomplishment.

"Gen. Dwight D. Eisenhower dedicated the statute. Over 100,000 Ukrainians from all over the world attended the dedication," said Mrs. Dushnyck.

"Shevchenko, Ukraine's poet laureate, liberation fighter and Lincoln's contemporary, was born a serf and actually enjoyed only 9 years of freedom," she explained. "He was exiled for his rousing poetry for 10 years and returned, under police surveillance, a broken man, to die at 47. But he left a legacy of freedom not only for his downtrodden Ukrainian countrymen, but for all humanity suffering the evils of injustice."

Since all of these women's groups feel it imperative to disseminate information on the threat of communism, they will no doubt be doubling their efforts this week.

Mrs. Dushnyck pointed out that 27 nations have fallen victim to communism since 1920.

Local Captive Nations Committees can be formed by writing to the National Captive Nations Committee, 1028 Connecticut Avenue NW., Washington, D.C.

THE ASIAN PEOPLES' ANTI-COMMUNIST LEAGUE, 11TH CONFERENCE RESOLUTION ON EXPANSION OF THE CAPTIVE NATIONS WEEK MOVEMENT

Considering that the Captive Nations Week movement, endorsed by the U.S. Senate and House of Representatives and officially designated in 1959 by former U.S. President Eisenhower to be held in the third week of July every year, is a movement which truly represents the concern and support of the U.S. people and Government for all captive nations and peoples of the world;

Noting that ever since the day of its birth, the movement has greatly inspired all captive nations and peoples in their struggle for freedom and independence; and in view of the profound significance of its gradual expansion into a worldwide movement for supporting all captive nations and peoples, the conference stresses the need of enlarging the scope of the movement;

Considering the fact that the annual convocation of this significant movement has not been accompanied by substantial actions and concrete steps for helping the captive nations and peoples to truly regain their freedom and independence;

Resolves—

1. To call on the APACL member units to inspire the governments of their own countries to adopt a decision for the implementation of the Captive Nations Week movement in July every year, so that the movement will expand and become a worldwide movement of increasing significance;

2. To call on the APACL member units to organize the people of all sections in their countries to participate in the Captive Nations Week movement in July every year and thus support the enslaved peoples' struggle for freedom and independence;

3. To urge all APACL member and observer units to obtain through the parliaments of their respective countries the passage of a Captive Nations Week resolution similar to the one legislated in 1959 by the U.S. Congress;

4. To call on the APACL member units to carry out thoroughly and completely the 10th APACL general assembly's decision to assist the U.S. Committee for Captive Nations Week in convening worldwide meetings in support of the enslaved peoples' struggle for freedom and independence.

Resolution, Asian Peoples' Anti-Communist League, on the liberation of nations subjugated by Soviet Russian imperialism and communism.

In consideration of the following—

That all nations and people in the world are entitled to the same right to national independence, personal freedom, and human dignity, and that in the present epoch the idea of national independence through the dissolution of empires maintains its glorious advance and, on this side of the Iron Curtain, leads to the realization of the rights of men and of nations;

That, however, at the same time in the Soviet Russian colonial empire, which was extended by force of arms not only over foreign countries inside the U.S.S.R., but even in the same way over the so-called satellite states, men and nations are held captive by a brutal rule of violence, and Russian Communist colonialism openly aims at the creation of a world empire of total slavery and degration;

That in revolt against this worldwide enslavement of nations and individuals the idea of national liberation has remained alive inside the Russian sphere of power, and contains within it an enormous explosive force, by itself suited to cause the collapse not only of the Soviet Russian prison of nations, but also of world communism;

That the concentration of technical, economic, and military resources in the hands of the Russian Bolshevist world conspiracy enables them to manufacture weapons of mass annihilation, with aim of extending Communist tyranny over the whole world.

ON THE POLICY OF LIBERATION

The 11th APACL conference, held in Manila, in September 1965, has decided the following:

The conference calls upon the governments of the free world to give up the policy of peaceful coexistence which ultimately amounts to a recognition of the status quo, that is to say of the right to exist of the aggressive Bolshevist tyranny as a springboard for the advancement of world conquest; furthermore the severance of all relations with Communist governments and the employment of all available resources in an economic, political, moral and diplomatic offensive, if necessary even total blockades, and the introduction of a liberation policy by the free world through active support of national liberation movements, to popular uprising in the subjugated countries. In the present-day era a worldwide ideological conflict in the shadow of the thermonuclear threat makes insurgent warfare based on national revolutionary guerrillas a decisive factor in the liquidation of the Soviet Russian empire as well as the aggressive Communist system, and at the same time this world avoid an atomic war.

ON THE EVENTUAL DISSOLUTION OF THE SOVIET RUSSIAN EMPIRE

The conference advocates the dissolution of the so-called Union of Soviet Socialist Republics into independent, national, democratic states, based on the ethnographic boundaries of all the subjugated people therein; as well as the reestablishment of the sovereignty of the peoples in the so-called satellite countries, and also the dissolution of all artificial states created by coercion, such as Yugoslavia and Czechoslovakia.

It urges the destruction of aggressive communism in its headquarters which disregard both freedom and human dignity, challenge international peace, and despise world safety.

ON A COMMON FRONT AGAINST MOSCOW AND PEIPING

The 11th APACL conference warns the free world against the illusion that the Russian Communist tyranny could be included, through peaceful coexistence and economic cooperation, to adopt liberal and democratic policies, since this grossly contradicts its innermost nature. It also warns the free world against the deceptive hope of forming a common front which pits one Communist power against another, since even great differences between two tyrannical systems disappear before the contrast between freedom and despotism. The only prospect of success lies in a common front by the free world with the nations who have fallen victims to the tyranny of Moscow and Peiping.

The 11th APACL conference warns the free world against supporting so-called national Communist governments, since they will not leave the side of tyranny at the decisive moment, and thus every help afforded them is indirectly of benefit to the Communist world headquarters, whilst the national revolutionary forces of the peoples concerned are thus only weakened.

The 11th conference also warns the parliaments and governments of the free world against ill-considered disarment and against the exclusion of various democratic powers from control of thermonuclear weapons, since the Communists, according to experience, disregard international agreements, so that the limitation of atomic or conventional armaments, would ultimately only strengthen the Communist world position.

ON THE LANDING OF FREE CHINESE TROOPS ON THE MAINLAND AND THE LIBERATION OF VIETNAM

The 11th APACL conference states that the final victory over world communism can never be won through peripheral wars, but only through direct offensives against its world headquarters—Moscow and Peiping—and through all round, even military support of national revolutions and wars of liberation in the Soviet Russian and Communist spheres of power.

The 11th APACL conference calls upon the governments of the free world to help the national revolutions of liberation in the subjugated countries succeed, by recognition and support of their national political aims. In particular it calls upon the free world to make it possible for the Liberation Army of the Republic of China to land on the Chinese mainland, and to abandon the liberation policy bounded by the 17th parallel. Instead of this, the liberation of all Vietnam and the reunification in freedom of the divided countries of Asia and Europe should be adopted as a declared aim of Western policy. Concrete measures should include the harassment of the Chinese Reds in the Formosa Straits, encouragement of mass insurrection on mainland China, the formation of an All-Asian Alliance, no political or military sanctuaries for Hanoi in an applied liberation of North Vietnam, opening two new fronts in the dynamic liberation of North Korea, agreement of the United States for the attack of mainland China, and the dismantling of Chinese nuclear installations.

The 11th APACL conference appeals to the governments of the free world to afford economic and other support, above all to those countries in Africa, Asia, and Latin America which have taken up a firm anti-Communist position and foresworn any form of neutralism.

And finally, this year's conference reaffirms the resolution of the 10th APACL conference on Soviet Russian colonialism, renews its solidarity with the U.S. Congress resolution (Public Law 86–90, July 17, 1959) on the subjugated nations, appeals to the parliaments and governments of the free world to testify to their full solidarity with the struggle for independence of the nations forced into the Russian Empire and Communist sphere of power and to demonstrate readiness to give universal support for this struggle.

Sponsored by Senator Dr. Fethi Tevetoglu, chief delegate of Turkey; Mr. Kwan Soo Park, chief delegate of Korea.

Supported by Dr. Vibul Thamavit, chief delegate of Thailand; Mr. Juitsu Kitaoka, chief delegate of Japan; Mr. Rama Swarup, delegate of India chapter; Mr. Chang Kuosin, chief delegate of Hong Kong; Mr. Philibert Luyeye, observer, Congo (Léopoldville); Dr. Prof. Mamud Brelvi, delegate of Pakistan; Mr. Mahmud Essaid, delegate of Jordan; Mr. George Elias Okwanyo, observer, Kenya; Mr. Rakotoniaina, observer, Malagasy Republic.

Resolution, Asian People's Anti-Communist League, on Freedom Academy in the United States

Whereas nations of the free world hold superiority over the Communist bloc in economic strength, military power, and moral right; and

Whereas the most vital element now needed to complete the forces to reverse the advance of communism is the spread of understanding of practical struggle; and

Whereas legislation has been introduced in the U.S. Congress to create a public U.S. Freedom Academy to provide such training and to encourage and support other similar institutions in various areas of the free world; and

Whereas APACL in 1962 established a freedom center in Seoul, Korea, which is now beginning to train men and women in free Asia to outthink, outdedicate, and outfight Communists in political struggle in the spirit of the proposed Freedom Academy in the United States: Therefore, be it

Resolved, That the APACL shall express its full support for the establishment of a Freedom Academy by the U.S. Congress as a move which will strengthen the worldwide fight for freedom through its moral encouragement to others as well as through the training of political warfare experts, and communicate this expression of support to the President of the United States and to Members of the U.S. Senate and House of Representatives.

Final Declaration of the Asian Peoples' Anti-Communist League, 11th Conference Held in Manila, September 7–11, 1965

Meeting at a time when the war in Vietnam is raging ever more fiercely and the situation in southeast Asia is increasingly tense, we delegates, observers, and auditors from Asia, Africa, and other parts of the world who represent 18 units of the Asian Peoples' Anti-Communist League, in holding the APACL 11th conference at Manila from September 7 through 11, 1965, have exchanged views on the current situation and mapped out measures to cope with it to serve as our guidelines for future action against Communist aggression. We have done all this in our traditional spirit of upholding the cause of freedom and waging an unrelenting warfare against our common enemy, the international Communist conspiracy.

We regard Vietnam as the gateway to the Indochinese peninsula and a protective shield for southeast Asia. On the outcome of the war in Vietnam will depend not only the independence and freedom of Vietnam itself and the security of southeast Asia, but also the security of Asia as a whole and the peace of the world in general. Therefore, the war that is going on in Vietnam is an important aspect of the life-and-death struggle between democracy and freedom on the one hand and totalitarianism and slavery on the other. Its influence, for good or for evil, on the destiny of mankind is profound and incalculable.

We heartily applaud the policy established by President Lyndon B. Johnson and the American Government in giving all-out support to Vietnam as well as the actions they have taken to implement that policy. We have the greatest admiration for the Government and people of Vietnam who are locked in mortal combat with the Communist aggressors, and hereby reiterate our firm determination to render them all possible assistance and take positive actions in support of their war efforts.

We must point out that the real cause of the war in Vietnam is to be found in the so-called program for world revolution which the Chinese Communists worked out a dozen years ago. The war in Vietnam is only part of this comprehensive plan. To show how widespread the Chinese Communist intrigues and machinations are, let us just recall some of the facts of Chinese Communist expansionism and aggression in various parts of Asia. It is the Chinese Reds who have been instigating the Pathet Lao rebellion in Laos. It is they who have been working hand in glove with Cambodia to organize a Red axis in Asia. It is they who have been intensifying efforts to infiltrate and subvert by force of arms the kingdom of Thailand in an attempt to make of it a second Vietnam. It is they who have been egging on Indonesia to take energetic steps to crush Malaysia and Singapore and threaten the security of the Philippines, Australia, and New Zealand. It is they who have been fanning the fires of war between India and Pakistan. It is they who have been infiltrating Japan by offering trade as a bait in an effort to neutralize that country. At the same time, they are ever ready to take new military action against South Korea, to increase the tensions in the Taiwan straits, to infiltrate different parts of Africa, to create disturbances in Latin America notably in the Dominican Republic, and even to incite Negro riots in the United States. All these are parts of the blueprint for world revolution which are being carried out by the Chinese Communists just as they were laid down 12 years ago. Therefore, we must call upon the free nations and peoples of Asia and of other parts of the world to be on the alert and to consider with all seriousness Mao Tse-Tung's program for world revolution. We must call upon them to take countermeasures against the Communist intrigues and machinations in order to maintain the freedom and security of Asia and the world as a whole.

We firmly believe that developments in the current international situation are becoming more and more favorable to the free world. Particularly noteworthy are the split between the Chinese and Russian Communists who vie with each other for leadership in the Communist movement, the Communist intrigues on the part of most newly independent African countries and of certain neutralist countries in Asia, the firm position and actions taken by the United States to deter Communist expansionism and aggression, and the increasing unity of the anti-Communist countries in Asia. In addition to all these, the Asian peoples now have a better understanding of the real dangers in Asia and realize that, owing to geographical, racial, cultural, and historical factors, the main burden for preserving the freedom and security of Asia must be borne by the Asian peoples themselves, so that with strong American support, they can make the best use of their own latent powers. Given such favorable circumstances and conditions, the free world should be able to hasten the process of Communist disintegration and tear down the Iron Curtain without too much delay.

After reviewing the current international situation in Asia and throughout the world, we have arrived at certain conclusions and should like to call upon all freedom-loving nations and peoples of the world to make concerted efforts along the following lines:

1. We call upon the democratic countries of the free world to render military, economic, and technical assistance to the anti-Communist war in Vietnam, and upon the United States, in particular, to take still more positive actions to destroy once and for all the aggressive and subversive capabilities of the Communists and win the war in Vietnam. We are firmly opposed to any measures that are detrimental to the independence and freedom of Vietnam or the smack of appeasement and compromise with the Chinese Reds. We are in favor of giving the necessary assistance to the Republic of China to open a second front in Asia on the Chinese mainland in order to turn the tide of war in Vietnam and to remove its underlying cause. In addition to the establishment of an agency for rendering assistance to that country, this League will also plan to organize a volunteer army and a corps of volunteer workers to work in close cooperation with the anti-Communist forces in the various Asian countries for the common cause of preserving the independence and freedom of Vietnam and exterminating the Communist menace in Asia.

2. We will give unstinted and effective support to Thailand in her efforts to deter Chinese Communist infiltration and armed subversion. We call upon all democratic countries to give assistance to Malaysia, Singapore, India, and Pakistan to resist aggression. We are gratified with the signing of a treaty between Japan and Korea for the normalization of their relations, thus strengthening the cooperation of countries in northeast Asia.

We call upon all free nations not to enter into any trade relations with the Chinese Communists and to refuse to supply them with strategic materials and scientific equipment so as not to enhance their aggressive powers. We call upon the free nations of Asia and the western Pacific to increase their economic and technical cooperation, expand their trade relations, and raise the standard of living of their peoples in order to forestall all eventualities that may give the Communists added strength and facilitate their infiltration and subversion of neighboring countries and peoples.

We call upon all free nations to take note of Chinese Communist efforts to oppose and destroy the United Nations. We call upon them firmly to oppose the admission of the Chinese Communists into the U.N. and to recognize the Republic of China as the only lawful Government to represent the Chinese people in the world body. We call upon all free nations to support the reasonable demands of the Republic of Korea and the Republic of Vietnam for admission to the U.N.

We call upon the free nations which are participants in the Afro-Asian conference to take note of the Chinese Communist regime's attempts to manipulate and control that conference. We call upon them to expel the Chinese Communist regime and other Communist regimes from the Afro-Asian conference so that it may become a conference of all free nations in Asia and Africa, which will serve to strengthen their solidarity and enable them to deter the Communist infiltration and subversion of Asia and Africa. At the same time, such a bona fide conference of the free nations of Asia and Africa will contribute to their economic cooperation, help to improve their peoples' livelihood, and promote their welfare and security.

We call upon the free world to pay particular attention to the divergent views held by different people regarding the anti-Communist struggle, and to the inherent dangers of such divergence. We call upon them to iron out their differences among themselves and arrive at a consensus of views, to cultivate a firm and resolute anti-Communist fighting spirit, and to take advantage of the ideological confusion and theoretical bankruptcy of the Communist camp to deal it a fatal blow in order to win the anti-Communist struggle on the ideological front.

We strongly urge the various free nations of Asia to plan to organize, as soon as possible, as proposed by President Chiang Kai-shek of the Republic of China, an Asian anti-Communist alliance for mutual protection and hope, in particular, that Korea, Vietnam, the Republic of China, the Philippines, and Thailand will take the lead in this matter and take upon themselves the responsibility of giving all-out support to the anti-Communist struggle in Vietnam.

We wish to point out and expose the fact that the Chinese Communist nuclear testing is nothing but political blackmail, and urgently call upon all freedom-loving nations and peoples of the whole world to condemn the Chinese Reds for their continued testing of nuclear devices. We firmly maintain that before the Chinese Reds can perfect their nuclear weapons, their nuclear installations should be destroyed in order to insure that mankind would not be exposed to a nuclear holocaust.

In view of the internal contradictions and struggles within the Communist camp, we call upon the U.S. Congress and Government to proclaim a positive policy for the liberation of the enslaved nations and peoples. We hope the United States will take advantage of the weaknesses of the Communist regimes in Asia to give all-out support to the Republics of China, Korea, and Vietnam in their efforts to liberate their compatriots shut behind the Iron Curtain.

As the anti-Communist situation in Asia has developed favorably for those engaged in the struggle for freedom and against enslavement, we are convinced that if we intensify our efforts final victory will be ours. We earnestly hope that all freedom-loving peoples in Asia, Africa, Australia, and other parts of the world will work together more closely for the aims and purposes we have set forth in this declaration.

Delegates to this 11th conference of the Asian Peoples' Anti-Communist League are from: Australia, Ceylon, Republic of China, Hongkong, India, Iran, Japan, Jordan, Ryukyus, Kenya, Korea, Laos, Liberia, Macao, Pakistan, Philippines, Somalia, Thailand, Turkey, Vietnam, and observers from Continental Research Institute, Congo (Léopoldville), Italy, Lebanon, Malta, Spain, Sweden, All-American Conference to Combat Communism, American Afro-Asian Educational Exchange (USA), Anti-Bolshevik Bloc of Nations (ABN), Assembly of Captive European Nations, Committee of One Million Against the Admission of Communist China to the United Nations (U.N.), Free Pacific Assocation, International Conference on Political Warfare Activity (CIAS), International Conference on Political Warfare of the Soviets (CIGP), Union of Russian Solidarists (NTS), Malagasy Republic, United States, Saudi Arabia, Korean Freedom Board, Federacion Argentina De Entidades Democracias, National Captive Nation Committee, and Cuba.

Finally we wish to express our heartfelt thanks to the Philippine Government and people and the Philippine chapter of this league for their warm reception and hospitality. Also we wish to express our sincere admiration and respect to President Diosdado Macapagal for his leadership of the Philippine people in their struggle against communism and for the cause of democracy and freedom.

[From Free Front, July 7, 1965]

THE CRY OF THE CAPTIVE NATIONS

(By Dr. Jose Ma. Hernandez)

From behind the Iron and Bamboo Curtains cries and whimpers of millions of people bleeding beneath the iron heel of the Communist hordes come floating in the very air we breathe.

We enjoy the air of unsullied freedom and in the free society still untainted by Communist doctrine and practice. We are able to give impetus and encouragment to our institutions of learning and to the arts and sciences of civilized mankind.

Only in the free air of peace and justice may we hope to progress on the road to ultimate happiness.

But the enslaved under the hammer and sickle are completely denied the basic freedoms guaranteed by the Universal Declaration of Human Rights.

The captive peoples under communism do not have either freedom of movement or even freedom of choice.

They cannot have even a square meter of land which they may call their own.

They are not allowed to possess personal property, for the Communist overlords are allergic to the institution of private property.

Everything must be collectivized.

They cannot speak their minds for communism enforces thought control and complete suppression of speech, press, and freedom.

They cannot have a decent family life for the family and the human person are nothing; the State is everything.

They are oppressed and are complete victims of hunger and disease.

There are only relatively few dyed-in-the-wool, hardened Communists.

But they control one-third of the population of the world.

Wherever the Communists have established themselves with the instruments of violence and bloodshed to cow and bulldoze hapless and helpless millions of men, women, and children, the light of freedom, love, and happiness has been snuffed out.

Every man is entitled to the gifts of freedom.

Therefore, we who are still in the free world must usher our brethren who are captives of the minions of communism into our free society.

It is our duty to uplift the downtrodden and break the chains of communism.

We must meet fire with fire.

If the Communists claim that they are a dedicated group, let us show them that we also are dedicated men.

But we do not believe in Communist imperialism, and we do not subscribe to violence, tyranny, and bloodshed.

We do not believe in the corruption of the youth by means of narcotics, sex, and vice.

The youth who will take over the reins of government for us must fight to free the captive peoples.

There are not two ways about it.

Either you are a freeman or a slave.

Choose.

To our minds there is no logical choice except freedom.

Freedom is the essence of true civilization.

Communism is a return to savagery.

So all freemen must unite to liberate the captive peoples of communism.

ARMY GOING SOFT

Mr. GROVER. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. CALLAWAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CALLAWAY. Mr. Speaker, about a month ago, 15,000 troops of the newly formed 1st Air Cavalry Division left Fort Benning, Ga., to take up the fight against communism in Vietnam. These men left behind home, family, and friends and followed their orders to their difficult but necessary task—that is, all but one. Back in Fort Benning there remained one soldier who had gone on a self-imposed hunger strike protesting his assignment to Vietnam on the grounds that he disagreed with our policy there.

Now, Mr. Speaker, the troops have arrived in Vietnam, and perhaps by now have heard the whole story of what happened to the boy they left behind. They perhaps learned that their comrade began to eat again after they left, and that a court martial sentenced him to a 5-year prison term for evading Vietnam duty, yet the Army agreed to reduce his sentence to a suspended 1-year term.

Mr. Speaker, for their morale, for our country, and for the free world's cause, this is indeed one of the most regrettable incidents that I have ever encountered.

EXPLANATION IN QUESTION AND ANSWER FORM OF THE PROVISIONS OF THE IMMIGRATION ACT OF OCTOBER 3, 1965

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, as chairman of the House Subcommittee on Immigration and Nationality which formulated the basic provisions of the new immigration bill signed into law by President Johnson on October 3, 1965, I have prepared 25 questions couched in the nontechnical language of the man in the street who wishes to know more about this law. They are the questions which are being asked and will be asked particularly by those with relatives and friends abroad whom they wish to help come to the United States.

My 25 answers highlight the main provisions of the law and outline the general procedures to be followed in making its provisions operative. It is my hope that this simple guide may save considerable time and no little expense for the interested many who have a need for this information.

The questions and answers follow:

Question 1. Is the immigration bill which the President signed on October 3, 1965, a general overhaul of the immigration and citizenship laws of the United States?

Answer. No; as the reports of the committees of the House and Senate make clear, the new law is not intended to be a general overhaul of the immigration law. Its principal purpose is to change the basis for selection of immigrants.

Question 2. What has been the basis for selection prior to the new law?

Answer. Each country of the world outside the Western Hemisphere has been assigned a fixed ceiling on the number of immigrants born in that country who could migrate to the United States annually. This system, in effect since 1924, ranges from a high of 65,361 for natives of Great Britain to a minimum of 100 which are authorized for each of about 80 separate areas. The total number authorized under this "National Origins Quota System" is currently 158,561. The average annual immigration under this system in the past decade has been 96,221, the balance of the numbers not being used because of the comparatively low demand from countries with the highest quotas.

Question 3. How many immigrants are authorized annually under the new system?

Answer. Two new ceilings are established. A limit of 170,000 will be set on immigrants who are natives of countries outside the Western Hemisphere. A ceiling of 120,000 will be placed on natives of the Western Hemisphere.

Question 4. Will these numbers be allocated by country?

Answer. No. Within each of the respective ceilings, selection will be made without regard to an applicant's birthplace or nationality. Outside the Western Hemisphere, allocations will be based on a system of preferences established by the new law. To insure that no country receives a disproportionate share, a limitation of 20,000 has been placed on natives of any one country. Within the Western Hemisphere allocations will be made on a "first-come first-served" basis with no limitations on the number from any one country.

Question 5. Since more than 170,000 persons will be applying to come to the United States each year, how will they be selected?

Answer. The new law establishes a system of preferences: 74 percent (125,800) will be reserved for relatives of U.S. citizens and resident aliens, in varying degrees; 20 percent (34,000) will be assigned to persons with skills and talents needed in the United States; 6 percent (10,200) will be made available to refugees.

Question 6. What are the degrees of relationship and specific percentages authorized for each class of relatives?

Answer. The unmarried sons and daughters of citizens over 21 years of age are allocated 20 percent.

The spouses and unmarried sons and daughters of aliens already here as immigrants are allocated 20 percent.

Married sons and daughters of citizens are allocated the next 10 percent of the relative class.

Brothers and sisters of citizens are given a 24-percent allocation.

Question 7. How are the preferences for "skills and talents" defined in the new law.

Answer. A preference of 10 percent is given to prospective immigrants who are members of the professions or who possess exceptional ability in the sciences or the arts. An additional 10 percent is allocated to persons who are capable of performing skilled or unskilled labor of a type found by the Secretary of Labor to be in short supply in the United States.

Question 8. Will all immigration to the United States be within the ceilings mentioned or will there be certain immigrants who are not counted?

Answer. Husbands, wives, unmarried children under the age of 21, and parents of U.S. citizens, are exempted from the numerical ceilings. This provision is in line with the general philosophy of the act that no obstacles be placed in the way of the reunification of the immediate families of the U.S. citizens, who otherwise meet the qualitative tests of the law.

Question 9. What steps must an alien who seeks to migrate to the United States do to accomplish this purpose?

Answer. He must register his intention with a U.S. consulate in the foreign country in which he is located and will thereafter, when a visa becomes available to him, under the particular class to which he is entitled and in accordance with the first-come first-served principle of the law, be invited by the consul to make a formal application for a visa. At that time he will be given a complete medical examination and be required to establish his mental and moral qualifications for immigration.

Question 10. Is an alien automatically entitled to apply for a visa by establishing to an American consul abroad that he has the relationship or the skills described in the law?

Answer. No. A petition must be filed with the Immigration and Naturalization Service of the Department of Justice by the citizen or resident alien relative who is sponsoring the alien applicant or by his prospective employer. Only after this petition is approved by the Immigration and Naturalization Service is the consul empowered to consider a visa application under the preference status which has been authorized.

Question 11. What documents must the sponsoring citizen or resident alien submit with his petition?

Answer. If the petitioner is a native born citizen he must submit a certified copy of his civil birth record. If he is a naturalized citizen or is a resident alien, the Immigration and Naturalization Service will verify from its records his statements. Additionally the petitioner must submit the various birth, marriage, death or divorce certificates described in detail on the reverse of the petition form to establish the actual relationship between him and the alien applicant for preference classification.

Question 12. What documents must a prospective employer or other sponsor of skilled aliens submit with his petition?

Answer. The petition must describe in detail the work to be performed by the prospective immigrant, including the salary, wage or other remuneration to be received and must be supported by documents (as described on the reverse of the petition issued by the Department of Labor) attesting to the unavailability of unemployed persons capable of performing the tasks outlined in the petition.

Question 13. What are the refugee provisions of the law?

Answer. The law provides that 6 percent (10,200) of the 170,000 annual limitation shall be available for aliens defined as fugitives from communism or from the Middle East or persons displaced by natural calamities. Such persons will enter the United States conditionally for a period of 2 years at the end of which time, if their conduct and a review of their past history warrants, they will be given permanent residence rights.

Question 14. Since the refugees are a preference class in law must a petition be filed for their admission?

Answer. No. Refugees will be processed abroad by the Immigration and Naturalization Service in the countries where they have been granted temporary haven. Assurances for their housing, employment and followup services will be provided by American voluntary agencies, as in the past.

Question 15. Will aliens who cannot qualify for one of the preferences be eligible for admission as immigrants?

Answer. Yes. Such authorized immigrant visas as are not required to satisfy the demands of the preference classes can be made available to other applicants for admission, strictly in the order in which they are registered on the lists of qualified applicants maintained by the Department of State.

Question 16. Have the qualitative tests for admission been relaxed in any way? May subversives, criminals, drug peddlers and immoral persons against whom strict safeguards have been written into the law in the past, now be admitted?

Answer. No. None of the provisions of the law relating to the bars against the admission of these undesirables have been changed in any way.

Question 17. Have any new qualitative controls been added to the law?

Answer. Yes. New labor controls have been added to the law to protect American workers and their standards of employment.

Question 18. How will these new labor controls be applied?

Answer. The Secretary of Labor is required, in the case of all worker immigrant classes, to make an affirmative finding that there are no willing and able American workers to fill the particular employment opportunity the immigrant is scheduled to take upon his admission to the United States. The Secretary of Labor is also required to certify that the employment of such alien workers will not adversely affect the wages and working conditions of workers similarly employed in the United States.

Question 19. Who are regarded as worker immigrants under the law?

Answer. All aliens who apply for admission as immigrants from countries outside the Western Hemisphere and who do not qualify under one of the relative preferences or as a refugee are regarded as worker immigrants. Similarly, all aliens who apply for admission as immigrants from the independent republics of the Western Hemisphere except parents, spouses, and children of U.S. citizens and permanent resident aliens, are regarded as worker immigrants.

Question 20. Are there any provisions to take care of persons who are already in the United States but do not have the right to reside here permanently?

Answer. Yes, there are three such provisions in the law, they are called "Registry," "Adjustment of Status," and "Suspension of Deportation."

Question 21. What does "Registry" mean?

Answer. Registry authorizes the Immigration and Naturalization Service to create a record of an alien's lawful admission for permanent residence regardless of the manner of his actual entry or the place of his birth provided he has resided in the United States since June 30, 1948, is a person of good moral character and is not subject to deportation because of criminality or immorality.

Question 22. What is "Adjustment of Status?"

Answer. This provision permits aliens in the United States, other than natives of the Western Hemisphere or crewmen, to have their status adjusted to that of permanent resident alien. It benefits only those aliens, who, if abroad would be eligible for immediate issuance of an immigrant visa. The purpose of this provision is to save the very heavy expense which would be involved if such alien was obliged to return to his homeland to obtain the visa to which he is otherwise completely entitled.

Question 23. What is "Suspension of Deportation" and to whom does it apply?

Answer. Suspension of deportation is available to an alien who has been ordered deported from the United States but whose deportation would result in an extreme hardship to him or to his spouse or child. To be eligible the alien must have resided in the United States for at least 7 years (in some few cases 10 years). Natives of Canada, Mexico, and the Caribbean Islands generally are ineligible for this privilege as are aliens who entered the United States temporarily under the Mutual Educational and Cultural Exchange Act. As the term indicates, the deportation of an alien under this provision is suspended for a period of 2 years, during which time the Congress has an opportunity to review the case and if Congress does not object, the alien is permitted to become a permanent resident.

Question 24. Are the three benefits which are available to aliens temporarily in the United States granted as a matter of a right which they possess?

Answer. No. These three benefits are not granted as a "right" but are authorized only in the discretion of the Immigration and Naturalization Service acting for the Attorney General, to deserving persons. The law provides that, unless the alien is born in the Western Hemisphere, persons who acquire the status of aliens lawfully admitted for permanent residence are counted within the annual ceilings on immigrants to the same extent as though he had been issued an immigrant visa abroad by an American consul.

Question 25. Will the abolition of the national origins quota system take effect immediately?

Answer. No. The system provided under the new law will not become completely effective until July 1, 1968. However, during the interval, the new law permits the average of 50,000 quota visas which now go unused each year to be redistributed among countries which do not currently have enough quota numbers to satisfy the relative and skilled classes who were born in such countries. The purpose of this 3-year transition period is to reunite families as soon as possible and to start the new system with all countries on an equal footing.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. CHELF] may extend his remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHELF. Mr. Speaker, I commend the distinguished and hard working chairman of our subcommittee for his efforts to get the straight message of our subcommittee immigration bill to all the people. The answers he has prepared to a series of practical questions are the meat of the new immigration law. In down to earth language our chairman explains what the bill will do and what it will not do.

It really takes know-how to reduce a complicated and technical matter such as this to language that everyone can understand. The gentleman from Ohio [Mr. FEIGHAN] most certainly has the necessary know-how which he demonstrated as chairman of our subcommittee and as advocate of the immigration bill produced by our subcommittee. People want to know what the new law is all about and they have a right to know. I compliment our chairman for his efforts to keep the people informed about the new selective system of immigrant admissions and for explaining in simple, plain, understandable language how the system will work.

Our subcommittee held open hearings on this most important legislation for over 3½ years. This year our chairman [Mr. FEIGHAN] literally worked our subcommittee like he was old "Simon Legree." We met day after day—week after week, and month after month until we had completed our most difficult assignment. It is a fair bill, a reasonable one, and I salute our chairman for his magnificent contribution. This "question and answer" data is concrete proof of his knowledge of the subject matter.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RODINO. Mr. Speaker, it is a pleasure to have the opportunity to join in commending the distinguished chairman of our Immigration and Nationality Subcommittee, the gentleman from Ohio [Mr. FEIGHAN], for the fine presentation he has made in summarizing provisions of the newly enacted immigration reform bill. In this question and answer form, our colleague's summary will provide most useful information for the citizens who are immediately concerned about effects of the new law. The gentleman from Ohio certainly deserves our thanks for making available to us so expeditiously this practical and concise guide to our new immigration polices. I am sure many Members of Congress, as I, have already received urgent inquiries from citizens who have been waiting long years for reunion with relatives in countries with heavily oversubscribed quotas. This summary for the layman, together with the detailed analysis being prepared by the Judiciary Committee, will be invaluable to all Members in informing and assisting the many people throughout the Nation who can now look forward to having their families united in America.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Donohue] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DONOHUE. Mr. Speaker, the long-desired and imperatively urgent immigration bill recently approved by the Congress has now, by Presidential signature, become historic Public Law 236 of the 89th Congress.

Its principal features provide for the abolishment of the discriminatory 41-year-old national origins quota system of admission to the United States and preference classification to applicants with close family ties to U.S. citizens and those possessing skills essentially needed in this country.

This law will have, of course, a tremendous impact upon the lives of untold numbers of individuals and families, both here in this country and abroad. Although the language of the law may be clear, to those of us with legislative experience it will undoubtedly seem quite complex, and be subject to possible misinterpretation by a great many inexperienced but vitally interested and affected persons and organizations.

On this score, the dedicated and esteemed chairman, the distinguished gentleman from Ohio, of the House Judiciary Subcommittee on Immigration and Nationality, has most timely and thoughtfully prepared and presented, for the enlightenment of all these people and units, a very clear and comprehensive explanation, by a question and answer series, of the meaning and application of the provisions of the law. Undoubtedly, his presentation will be of immeasurable assistance to even Members of Congress in providing answers to questions about the bill that they will surely receive from constituents.

Mr. Speaker, for the great sacrifice of time and energy in preparing this document that was made by the distinguished chairman of the subcommittee, of which I am privileged to be a member, and for his characteristic thoughtfulness, both personal and official, I desire to join with my colleagues in congratulating him for this further and most significant contribution to the better understanding of one of the most important legislative actions of the Congress in modern history. For this particular achievement and his recognized patriotic dedication to legislative progress Congressman Michael A. Feighan eminently merits the sincere appreciation and gratitude of the Congress and the country.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Brooks] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROOKS. Mr. Speaker, as a member of the Immigration Subcommittee of the House Judiciary Committee, I want to congratulate our distinguished colleague from Ohio, Congressman Michael A. Feighan, who has rendered this body outstanding service as chairman of the subcommittee. He has worked long and hard to perfect the recently passed immigration bill, a monumental undertaking, signed into law by President Lyndon B. Johnson, in the shadow of the Statue of Liberty. With his leadership Congress was able to write into law new and meaningful legislation which enables our immigration policies to meet today's needs and those of the foreseeable future.

The explanation of the new immigration law that the distinguished gentleman has just introduced is an example of his thoughtfulness. It will enable all of the Members of this body to better understand the law and also enable us to explain it more completely to our constituencies. For this thoughtful service we are even further indebted to our respected colleague, Mike Feighan.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Gilbert] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILBERT. Mr. Speaker, I want to compliment Chairman Feighan of the Immigration Subcommittee. As a member of the subcommittee, I know how diligently he worked on the immigration bill. His vast knowledge in the field of immigration contributed immeasurably to the drafting of a just and fair bill—a bill which signifies to the world that we continue to stand for the great principles of human freedom and equality on which our Nation was founded.

I have read the 25 questions prepared by Chairman Feighan and his answers, which explain the provisions of the bill in layman's language. These are questions which would be asked by the man in the street, and his replies are in concise and nontechnical language.

Again, I want to commend the chairman of my subcommittee and thank him for his efforts in providing this information which will be of interest and value to anyone who wishes to be fully informed on the provisions of the new immigration bill.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. Moore] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MOORE. Mr. Speaker, I am pleased to join with the gentleman from Ohio [Mr. Feighan] in the construction of certain questions and answers with respect to immigration changes and commend him for inserting them into the Record. These are unique questions and answers concerning the new immigration reform bill. This information covers only the major aspects of Public Law 89–236; however, many of the public misunderstandings concerning the new law should be cleared up by this presentation.

Some rather wild, unfounded, and far-fetched statements have been made with respect to the probable consequences and effects of Public Law 89–236 upon our immigration policy. Careful examination of the legislation will reveal that it strengthens our immigration system and furnishes additional guarantees that the interests of the United States will have first and foremost consideration.

An analysis and simple explanation of the new law, providing more detail than the questions and answers provided by the gentleman from Ohio, is being prepared by the Judiciary Committee. Members may well want to obtain copies of this information.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the gentleman New Jersey [Mr. Cahill] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CAHILL. Mr. Speaker, the immigration bill has been signed by the President and is now the law of the land.

Because this recently passed legislation changes substantially our law on immigration, it will naturally pose many questions to those interested in matters pertaining to immigration and nationality. As always there will be some misunderstanding as to what the law does and does not do. As always, provisions of the bill will be susceptible of various interpretations. As always, citizens will want to know: How do I do it? Where do I do it? To whom do I write for information?

Many questions will be asked of all Members of this House by interested constituents. I am, therefore, pleased to commend the chairman of the Subcommittee on Immigration and Nationality for his thoughtfulness in preparing a series of questions, with accompanying answers, on matters of great importance which are covered by the recently passed legislation. I am sure the answers supplied to the questions propounded will be helpful to all of our citizens in understanding the important features of the immigration bill.

GROWING THREAT OF MAIL FRAUDS CHALLENGED BY ALERT POSTAL OFFICIALS

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. Ashbrook] is recognized for 10 minutes.

Mr. ASHBROOK. Mr. Speaker, the number of mail fraud cases in the United States in the last few years has risen approximately 43 percent, making this subject of interest to every American citizen.

To convey some idea of the magnitude to which this issue has grown, the Inspection Service of the U.S. Post Office Department has divided such frauds into 67 major categories. These include advance fees for the sale of small businesses, real estate, and obtaining of loans; knitting and sewing machine promotions; "work at home" operations promising victims profitable employment in the home, addressing envelopes, and so forth; correspondence schools and diploma mills; fraudulent interstate land subdivision sales; medical frauds; matrimonial schemes; savings and loan swindles, such as occurred in Maryland; and a host of other merchandising and confidence swindles. Although this is by no means a blanket indictment of all concerns within the above-mentioned categories, still the abuses of some of the unscrupulous make a word of warning advisable.

Fradulent promotions vary in scope and variety from the obvious quick-profit gimmicks to complex multi-million-dollar schemes not easily recognized by the average citizen. Because of the increasing adverse effects on the general public, a number of special investigative programs which bear directly on consumer interests have been instituted within the Postal Inspection Service. Typical of these are the investigations of the mortgage loan rackets which are preying upon persons in need of ready cash. Preliminary studies indicate the operation of a nationwide scheme fleecing consumers by charging exorbitant fees for loans to reduce their current monthly payments on outstanding indebtedness. In one instance such a loan in the sum of $3,000 left the victim with a second mortgage of $6,856.

The October issue of the Reader's Digest contains an instructive article on the scourge of mail frauds and the indispensable role played by the Inspection Service to counteract them. In addition, the Post Office Appropriations hearings in the House earlier this year provide useful information on this issue. In the hope that advance warning will dictate a prudent course of action regarding these vicious schemes, I ask that the Reader's Digest article, "Meet the Men Who Guard Your Mail," and excerpts from the Post Office Appropriations hearings for 1966 be included at this point:

[From the Reader's Digest, Oct. 1965]

MEET THE MEN WHO GUARD YOUR MAIL

(Invisible to the lawabiding, the fabulously efficient U.S. postal inspectors are anathema to crooks and racketeers.)

(By Frederic Sondern, Jr.)

Late every afternoon in Washington a small group of unusual law-enforcement officers gathers for a conference in the office of Chief Inspector Henry B. Montague, head of the Inspection Service of the U.S. Post Office Department. These men are the top executives of a select, almost anonymous police force of 1,028 men across the country—the postal inspectors—who in fiscal 1965 stood guard over more than 70 billion pieces of our mail and $20 billion of our money.

The scope and complexity of the inspectors' formidable job have increased rapidly during the last few years. Since 1961, pilfering of checks and other valuables from mailboxes has shot up 17 percent. Swindles promoted through the mails have burgeoned at the rate of 43 percent, and arrests for mail-order pornography have increased 91 percent.

"We do our best," says Chief Montague.

Their best is good, as was demonstrated last year by the speed with which the inspectors arrested 12,790 crooks (many of them prime movers in their rackets), convicted 11,129—99 percent of those brought to trial—suppressed 5,422 swindling operations and restored some $14 million to victims of thievery and fraud. "But then," the chief says, "we have a formidable combine to help us. Our thousands of postmasters and their people, who particularly in smaller places have extraordinary knowledge of their patrons, are a far flung G–2. Also we get complete cooperation from several thousand police forces, Federal, State, and local."

An important reason for the service's remarkable connections with the Nation's police is the strict rule that the credit for solving a case goes to the cooperating force or forces, regardless of how important a role the inspectors may have played. The inspectors are also unusually openhanded with information to other law-enforcement bodies, which respond in kind. "We don't want credit," a service official told me. "We want results."

FEARSOME REPUTATION

A dramatic case which broke last year vividly illustrates these results. The Criminal Intelligence Division of the New York City Police Department had learned through its underworld informers that a gang was planning to rob the post office of the Roman Catholic Mission at Maryknoll, 30 miles north of New York City. This large center and training school sends missionaries all over the world. Its small post office, run by nuns, handles substantial sums of money—contributions to the Catholic Foreign Mission Society of America. Postal inspectors joined New York City detectives to keep a watch on the gang—a vigil which lasted 2 months. The inspectors also coordinated plans with the Westchester County sheriff, the State police, and the mission.

The four armed bandits, dressed as seminarians, who arrived at the little post office on a Monday morning in March didn't stand a chance. The clerk behind the counter in a nun's habit was a policewoman. The man in clerical robes supervising a truck outside was the county sheriff. Ten laborers nearby were deputies with guns under their jackets. In a building nearby was a command post directing 40 State troopers and 8 New York City policemen hidden behind a strategic ring of bushes. All escape roads were blocked by police cruisers.

The robbers were allowed to proceed without interference. They ordered the pseudosister into a washroom, stuffed $60,000 worth of currency, stamps, and negotiable money orders into a mailbag, and went happily to their car. At that point a bullhorn roared, "Come out and surrender"—and the battle started. It didn't last long. The bandits' car, riddled with bullets, plunged over an embankment into a tree. The men are now in prison.

The inspectors have a fearsome reputation in the underworld for just such productions as the Maryknoll case. This respect was demonstrated recently when a gang of skillful professional burglars was plundering supermarkets through Virginia and neighboring States, using a big trailer-truck to transport the loot. They happened to raid a store which had a sub-post office in a corner. Realizing the danger they had encountered, they carefully chalked a circle around the postal enclosure and wrote in big letters: "Inspector, we did not pass this line."

MANY FACES

The professionals call the inspectors "the Spooks" because of their many faces and unconventional methods. Many of them can play a variety of parts convincingly: a drunken bum, a bus driver, a janitor, a clergyman.

Not long ago it was discovered that valuable parcel post was being stolen on the rail run between Chicago and St. Paul. The parcels arrived at their destination in locked mail pouches, but they were empty. Investigation pinpointed the car which was being pilfered, but not the pilferers. The inspectors were stymied. There was no place inside the car for a man to hide, yet the thieves had to be caught opening the bags. Then one inspector had an idea. "I'll go in a coffin," he said, "as a corpse." And so he did, in a specially built one with concealed vents. Placed aboard the suspect car, he lay in the casket listening. Finally he heard three men talking and opening bags. Raising the lid of his coffin, he emerged gun in hand. The three thieves were so appalled by the apparition that they offered no resistance. They were two brakemen and an express messenger who had managed to steal a mail-pouch key. They opened the bags, took anything of value from the parcels, rewrapped the empties, and put them back into the pouches.

THIEVES IN YOUR MAILBOX

The city pilfering gangs who raid mailboxes are a problem but they are usually quickly broken up. The inspectors are continually on the prowl in unmarked cars and on foot in various disguises. The innocent-looking man who follows the mail carrier into an apartment building and, acting like a tenant, watches him deposit the mail is likely to have another innocent-looking man, an inspector, right behind him. A bigger problem for the inspectors is the lone pilferer who has no set pattern, no underworld connections. Many of these are narcotics addicts who steal to support the habit.

What worries and taxes the Service most of all, however, is the appalling rise in mail frauds. Last year almost 10,000 cases were investigated, and more than 900 of the most dangerous culprits were arrested. Chief Montague estimates that the public was bilked of at least $100 million.

This abuse of the mails is now receiving concentrated attention from the inspectors. The Service has broken down the rackets into 67 major categories. Key inspectors specialize in the various fields. For example, inspectors with medical training hunt down quack "doctors" and salesmen of worthless medicines, therapeutic devices and do-it-yourself treatments.

Almost as vicious as the quacks who prey on physical worry are the peddlers of fake business opportunities who beam their sales pamphlets mainly at older people—retired, disabled, and with limited means—with promises of comfortable incomes from work-at-home schemes. Part-time occupations are offered in mail addressing, sewing, clipping newspapers, and in fraudulent "franchises" for vending machines, food operations, building services. The imagination of the swindlers seems to be limitless. One promoter made an estimated $3 million in a few years by first selling a method of applying a velvetlike finish to any material, then switching to miniature trees, tropical fish, molding machines for making plastic novelties and other fraudulent enterprises. When convicted, he had become one of the largest and most complained about promoters in the United States.

A group of promoters in California not long ago sold nearly $3 million of worthless building lots in the desert before one of the victims realized he could go to the postal inspectors. These promoters went to prison. Then there's the "song shark," who poses as a legitimate music publisher, gets advance fees from hopeful amateur songwriters for "rewrite and publication." One, recently jailed, collected at least a million dollars before the inspectors' combine closed in on him. Four bogus correspondence schools lured more than 4,000 victims into taking valueless courses which, it was implied, would lead to U.S. Civil Service positions.

ACCIDENT PRONE

But theft still presents the greatest challenge to the service's famous ingenuity. Recently valuable mail was disappearing from the basement of an eastern railroad station. The inspectors, in shifts, took position in a crate commanding a view of the entire floor and labeled: "Water cooler, type F, Item No. 358957." One night the thieves struck a mail shipment made purposely attractive by the inspectors, and they were so happy over their loot that one of them decided to swipe the water cooler, too. He aimed his flashlight beam through a slot in the crate and recoiled violently, screaming, "There's a murdered guy in there!" The pilferers were ashen-faced when they were arrested shortly after. "We didn't kill the guy" they chanted. They were much relieved to learn that only a grand larcency charge would be brought against them.

Sometimes an inspector's ingenuity backfires. One of them, in charge of a substantial pilferage case in a large post office, found that the 4-foot-wide conveyer belt near the ceiling was his best vantage for observing the suspects. He was getting them redhanded from his perch when the belt suddenly began to move, gathering speed. To shout for help would have ruined his case; so, to avoid being sent down a chute with the mail sacks, he began running the treadmill, leaping and dodging the sacks to remain in position. Some 30 minutes later, utterly exhausted, he had his case.

"I guess we're accident prone in a peculiar kind of way," laughed one supervisor. "We seem to get into some strange predicaments. But the boys don't complain." This is true: the personnel turnover in the inspection service is almost nil.

GOOD LISTENERS

The inspectors are good listeners. If you think that you might be the victim of a mail fraud, write or telephone you nearest postal inspector. Your postmaster will know how you can reach him.

Some tips from the Postal Inspection Service:

1. Have a mailbox with a formidable lock. Gather up your mail as soon as possible after it has been delivered.

2. Report immediately to your postmaster if you feel that anything has been stolen from your box.

3. Check on the validity of any business offer with your bank, your lawyer, your local chamber of commerce or Better Business Bureau before you sign any contract or make any payment.

4. If you receive in the mail an offer that smells the least bit of fraud, take the documents—with the envelopes—to your postmaster immediately. It may save you and many other from being victimized.

[Excerpts From the Post Office Appropriations Hearings for 1966]

SOME REPRESENTATIVE MAIL FRAUD PROMOTIONS

CHAIN REFERRAL RACKET

A rapidly expanding scheme involving highly organized sales campaigns in the sale of everything from automobiles to vacuum cleaners systems by persuading prospective customers that they can earn the cost of the item, as well as extra money in the form of "sales commissions," by referring salesmen to friends or relatives was found to be costing consumers millions of dollars annually. Our investigations during fiscal year 1964 led to the return of mail fraud indictments in 3 such cases against 14 persons, but we are only "scratching the surface."

SAVINGS AND LOAN ASSOCIATIONS

A. Gordon Boone, member of the Maryland House of Delegates and self-suspended speaker of that body, was found guilty of mail fraud at Baltimore, Md., on March 5, 1964, in the operation of Security Financial Insurance Corp. of Maryland. He was sentenced to 3 years imprisonment and fined $1,000. SFIC was organized in Maryland in 1959 to insure the accounts of savings and loan associations controlled by D. Spencer Grow, Provo, Utah, and C. Oran Mensik, Chicago, Ill., whose convictions were reported last year. Boone is the last of the major figures to be tried for mail fraud in the Maryland savings and loan investigations begun by postal inspectors in 1958.

REAL ESTATE PROMOTIONS

Our investigations of fraudulent land promotions are continuing. These promoters offer unsuitable, undeveloped land for sale in beautiful advertisements depicting very desirable locations. Among the 17 persons convicted for this offense during fiscal year 1964 was Calvin J. Van Stratum sentenced at Atlanta, Ga., to 5 years' imprisonment for operating land fraud schemes in Georgia and Vermont. He had obtained contracts in Georgia totaling $300,000 and was starting operations in Vermont when an alert inspector arrested him. Van Stratum indicated that in another 2 weeks he would have realized an additional $100,000.

WORK-AT-HOME PROMOTIONS

The conviction of Sidney Rosenblum, operator of National Plans Service, New York, N.Y., a "work at home" scheme is an example of such swindles. Rosenblum was sentenced to serve 18 months and fined $12,000 for mail fraud. He was given an additional 5-year consecutive sentence, which was suspended with the provision that he not engage in any mail-order business. This scheme involved primarily promised profits for clipping newspaper items for which $3 was charged for "instructions." It is estimated that Rosenblum realized more than $300,000 from this scheme. These are particularly vicious swindles since they appeal to persons who are ill or indigent or who for various reasons cannot obtain employment outside the home.

DANCE STUDIO

Possibly the most bizarre fraud cases currently under investigation are those relating to dance studios. These "studios" promise fame, fortune, and highly successful careers in the theater, television, and such media. Instances have been noted where victims, principally elderly widows, have paid in excess of $10,000 for lifetime dancing lessons. In this category is the case of Dale Dance Studios, St. Paul and Minneapolis, Minn., the promoters of which were convicted of mail fraud on January 31, 1964. They were charged with defrauding at least 12 women of up to $10,000 each, in some instances most of their life savings.

MEDICAL FRAUDS

Medical frauds which induce the sick and aging to forgo proper diagnosis and treatment while attempting self-medication continue to be a source of grave concern. Increased attention to these cases resulted in the indictment during the year of 21 persons, 8 of whom have been convicted to date.

MERCHANDISE SWINDLES

The operations of so-called claim adjusters who advertise nationally purporting to offer "distress merchandise" at bargain prices have long been the cause of numerous complaints from postal patrons.

PLANNED BANKRUPTCIES

An upsurge in fraudulent bankruptcies has been noted during the year, and there is evidence that gangster elements have entered this lucrative field. A number of such cases are currently under investigation. The usual procedure is to acquire control of a reputable business with a good credit rating and promptly deluge suppliers with orders for large quantities of merchandise of every description. This is immediately disposed of at whatever the market will bring. When the duped creditors demand payment resort is had to voluntary bankruptcy.

SUGAR LOBBYISTS DO NOT BENEFIT THE UNITED STATES

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. FINDLEY] is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, amendments I will offer to the proposed revision and 5-year extension of the Sugar Act, when it reaches the House floor, will transfer to the U.S. Treasury 75 percent of the excess profit in foreign quotas and, in effect, outlaw nondiplomatic representation of foreign governments in regard to sugar legislation.

Powerful forces are being brought to bear in opposition to my amendments. Almost every hour brings some new indication. Therefore, I seek by this means to help clarify the facts.

Some of my colleagues have asked why I propose to single out lobbyists who represent foreign sugar interests. The answer is simple. In my view, they perform no beneficial service to the United States while raising a cloud of doubt and suspicion over sugar quotas and how they are fixed.

These lobbyists receive pay which ranges as high as $50,000 a year. They have nothing to peddle but influence.

If they have influence and succeed in peddling it, to that degree, they harm our governmental system, compromise public officials and thus weaken our Nation.

If they have no influence, they take their client's money without rendering expected service in return. This carries the probability of disillusionment and bitterness on the part of the client toward the United States.

Either way the interests of the United States are impaired.

On the other side of the coin, it is evident they supply no information whatever to the Congress that is not readily available to the Congress from any of several official sources. Foreign countries have unlimited opportunity to present their case for sugar quotas through customary diplomatic channels.

Is there sound reason for the cloud of suspicion and doubt which hovers over sugar quotas? The question is of secondary importance. Whether the reasons for it are sound or not, the cloud exists. Inasmuch as the lobbyists for foreign sugar interests are in disrepute and do not serve our best interests, why put up with them? It is not a question of guilt or innocence. It is a question of what is best for the United States.

The activities of lobbyists who serve foreign countries naturally touch intimately upon foreign policy. This particularly is true of those dealing in sugar quotas, because in several smaller countries sugar is the prime industry and in a few cases it is so important and influential that sugar interests and governmental interests are one and the same thing.

It is therefore especially important that matters related to sugar quotas operate through diplomatic channels.

Several lobbyists have contributed heavily to the cloud of doubt and suspicion. This is particularly true of John A. O'Donnell whose work in behalf of Philippine sugar interests has been unattractive; Ernest Schein, who represents Colombia and was a former associate of O'Donnell, and the law firm of Surrey, Karasik and Gould, which represents several Latin American interests.

To illustrate O'Donnell's activities, I cite the record of hearings by the Senate Foreign Relations Committee in which he was quizzed in regard to his alleged relationship with the man who is now Vice President of the United States.

This is from page 237 of part 2 of hearings on activities of agents of foreign principals in the United States dated April 18, 1963, which report a colloquy between Chairman FULBRIGHT and O'Donnell regarding a memorandum O'Donnell sent to his sugar clients in the Philippines:

WITNESS' EFFORTS FOR SENATE ACTION WITH REGARD TO PHILIPPINE LEGISLATION

The CHAIRMAN. I notice in this other memorandum of August 4, 1961, you say, and I quote: "In order to speed up its consideration, I have had today in the Senate introduced a similar bill by Senator HUMPHREY, of Minnesota, Democratic whip and senior member of the Senate Foreign Relations Committee. Attached herewith is Mr. HUMPHREY's statement as it appeared in the CONGRESSIONAL RECORD."

What do you mean by "In order to speed up its consideration I have had this day introduced?"

Mr. O'DONNELL. Well, there were some Members of the House who felt the bill wasn't going anywhere because there was no bill in the Senate.

The CHAIRMAN. Well, the bill in the Senate, wasn't that the bill that the administration sent to me?

Mr. O'DONNELL. I think it was. But there wasn't a similar bill to the Zablocki bill.

The CHAIRMAN. There wasn't a similar one?

Mr. O'DONNELL. That is right.

The CHAIRMAN. Did you actually request Senator HUMPHREY to introduce it?

Mr. O'DONNELL. No, sir.

The CHAIRMAN. What do you mean when you say, "I had today in the Senate introduced a similar bill," which would indicate that you prevailed upon Mr. HUMPHREY to do it. That is what you say.

Mr. O'DONNELL. Well, I said that but I am here under oath and I want to tell the truth.

The CHAIRMAN. That is all we want, go ahead and tell us.

Senator HICKENLOOPER. Just a minute, are you telling the truth to this committee or are you telling the truth to your clients?

Mr. O'DONNELL. Well, frankly and honestly, I believe that my best information is that General Romulo spoke to Senator HUMPHREY.

Senator HICKENLOOPER. That isn't my question, Mr. O'Donnell. Do you tell the truth to your clients or tell the truth to the committee? Doesn't a lawyer have a duty to tell the truth to his clients, and he owes a duty to disclose the truth fully to his clients?

Mr. O'DONNELL. That is right, Mr. HICKENLOOPER.

Senator HICKENLOOPER. Did you present the truth to your client?

Mr. O'DONNELL. I took the bill to Senator HUMPHREY's office, and asked him to introduce it but arrangements had been previously made by General Romulo.

Senator HICKENLOOPER. With Senator HUMPHREY?

Mr. O'DONNELL. With Senator HUMPHREY.

Senator HICKENLOOPER. I just want to clear that up, is all.

Mr. O'DONNELL. Well, that is the truth of the matter.

Mr. Speaker, clearly, in the letter he was trying to convey to his client the notion—which was false—that Senator HUMPHREY did O'Donnell's bidding.

O'Donnell is the same person who received $18,000 from Philippine sugar interests and distributed most of it to individual U.S. Congressmen prior to the 1960 campaign. In 1963 he was charged by Senator FULBRIGHT with having received fees from Philippine war claims beneficiaries whose claims he himself had help to adjudicate as an official member of the War Damage Commission.

This kind of activity is not in the interest of our Nation, and yet O'Donnell is still at the same old stand, representing Philippine sugar interests before the Congress.

Part 4 of the same hearings quoted above is replete with evidence of misleading information written in 1956 to the Dominican Republic Government by the law firm of Surrey, Karasik & Gould. Writing for the firm, Karasik tried to convey the idea that he and his colleagues had lined up a Virginia law firm situated to bring pressure on Senator BYRD, chairman of the Senate Finance Committee. This extract from the hearings is especially illuminating:

The CHAIRMAN. You gave such a letter to Senor Troncoso?

Mr. KARASIK. I am sure I did.

QUESTION OF IDENTITY OF UNNAMED INDIVIDUALS IN MEMORANDUM OF JANUARY 28, 1956

The CHAIRMAN. Would you read the memorandum?

Mr. KARASIK. Yes, sir.

The CHAIRMAN. Please.

Mr. KARASIK. "To: Secretary Troncoso.

"From: Monroe Karasik.

"Through channels of personal obligation we have made contact with a powerful law firm in the Senator's home State."

The CHAIRMAN. Who was the Senator referred to?

Mr. KARASIK. I don't know, sir.

The CHAIRMAN. You wrote this letter.

Mr. KARASIK. Yes, sir; I did.

The CHAIRMAN. Why wouldn't you know?

Mr. KARASIK. Mr. Chairman——

The CHAIRMAN. We were relying on you to know.

Mr. KARASIK. Mr. Chairman, I have been trying to recollect who the Senator was or who the law firm was ever since a copy of this document was made available to me yesterday.

The CHAIRMAN. Who made a copy of it available to you?

Mr. KARASIK. The Department of Justice.

The CHAIRMAN. Who in the Department of Justice?

Mr. KARASIK. May we go off the record, sir?

The CHAIRMAN. No. Tell me who it was, who made it available?

Mr. KARASIK. A Special Agent Conrad of the Federal Bureau of Investigation.

The CHAIRMAN. At your request?

Mr. KARASIK. Yes, sir. He showed it to me first——

Senator SYMINGTON. Mr. Chairman, what Senator are we talking about?

The CHAIRMAN. That is what I am trying to find out.

Mr. Karasik wrote this letter. Who is the law firm in the Senator's home State?

Mr. KARASIK. Sir, I don't know.

Senator HICKENLOOPER. May I suggest he read the whole thing.

The CHAIRMAN. Read the whole letter then and see if that will refresh your memory.

Mr. KARASIK. Yes, sir. I will start again: "Through channels of personal obligation we have made contact with a powerful law firm in the Senator's home State.

"The senior member of the firm is the executive officer of the Senator's political machine. The second partner is the son of the Senator's first campaign manager; there are very close family connections between this man and the Senator. The third partner is the private confidential attorney of the Senator: he handles important confidential matters for the Senator's machine.

"All three purpose to call upon the Senator on Monday, January 30, to engage his sympathy for the position of the Dominican Republic with respect to sugar legislation. They will represent themselves as being interested purely because of their very close ties of friendship and business with my firm. Each of the three will adopt a different approach to arouse the Senator's sympathy.

"They ask for a retainer fee of $2,500. In addition to this they ask for a fee of $5,000 if the Dominican allocation under the legislation as finally enacted is no less than that under the present House version of H.R. 7030. If the Dominican allocation does turn out to be less than this, but is of a size which my firm in its sole judgment considers to be a satisfactory figure, the contingent fee to be paid would be only $2,500.

"We believe that these lawyers can be effective in advancing the interests of the Dominican Republic, and we accordingly recommend that the retainer fee be paid, and the contingent fee be agreed, all as outlined above."

It is signed by me. It is dated Ciudad Trujillo, D.S.D., January 28, 1956.

WITNESS' FAILURE TO RECOLLECT IDENTITY OF SENATOR

Senator SYMINGTON. You are saying under oath you don't know who this Senator is?

Mr. KARASIK. That is correct.

The CHAIRMAN. Senator Hickenlooper?

Senator HICKENLOOPER. Mr. Karasik, when did you start to practice law?

Mr. KARASIK. 1936.

Senator HICKENLOOPER. Where did you graduate?

Mr. KARASIK. Brooklyn Law School.

Senator HICKENLOOPER. How long were you in law school?

Mr. KARASIK. Approximately 3 years.

Senator HICKENLOOPER. After you got out of law school where did you work?

Mr. KARASIK. I practiced in New York City, sir.

Senator HICKENLOOPER. Then you were with the Government?

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. With the Attorney General's Office?

Mr. KARASIK. With the Department of Justice.

Senator HICKENLOOPER. Then you were in the Army?

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. Were you an officer?

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. Were you handling work as a lawyer in the Army, in the Judge Advocate General Department or some other department?

Mr. KARASIK. No, sir; some other department.

Senator HICKENLOOPER. Did you have occasion in the Army to or was it part of your requirement to carry out orders?

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. In connection with that operation did you have to carry many things in your mind?

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. You got out of the Army and then what was your occupation?

Mr. KARASIK. I was an officer in the Department of State.

Senator HICKENLOOPER. You were in the Department of State then?

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. And as such you had many duties?

Mr. KARASIK. Yes. sir.

Senator HICKENLOOPER. Do you have the same lapse of memory about your activities in the Department of Justice or in the State Department and the Army that you have now with regard to this identity of this Senator and this law firm and the other details of this rather detailed memorandum which you wrote just 6 years ago?

Mr. KARASIK. I am sure I do.

Senator HICKENLOOPER. So that you are saying now that you have a complete lapse of memory about things that went on in the State Department that you had something to do with as far as individuals and others?

Mr. KARASIK. I am sure that I have a complete lapse of memory as to particular items.

Senator HICKENLOOPER. Now this is a rather detailed memorandum——

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. (continuing) which you wrote here?

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. It is a matter in which a substantial amount of money was involved for your own personal revenue by way of pay?

Mr. KARASIK. No, sir.

Senator HICKENLOOPER. As a representative.

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. You were involved in the representation of the Dominican Republic?

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. I raise no question about the legality of your right to represent the Dominican Republic. That is not the matter involved here.

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. In connection with that, you write a memorandum which on its surface, I submit, is one which presumes considerable mutual knowledge between you and the recipient of this memorandum, Secretary Troncoso.

Mr. KARASIK. Troncoso.

Senator HICKENLOOPER. Do you mean to sit here under oath as a lawyer and tell this committee that you have a complete lapse of memory as to who the Senator is that you are referring to?

Mr. KARASIK. I do, sir, and I would like to explain that, if I might.

QUESTION OF IDENTITY OF LAW FIRM REFERRED TO

Senator HICKENLOOPER. Let me go ahead and you can expand all you want to afterward.

Who is the senior member or who is—what is the powerful law firm in the Senator's home State?

Mr. KARASIK. I don't know, sir.

Senator HICKENLOOPER. Who is the senior member of that powerful law firm in the Senator's home State which you referred to?

Mr. KARASIK. I don't know, sir.

Senator HICKENLOOPER. And you refer to him as the "executive officer of the Senator's political machine." You refer to the second partner, and I am quoting, "the second partner," referring to this powerful law firm, "the second partner is the son of the Senator's first campaign manager."

Mr. KARASIK. Yes, sir.

Senator HICKENLOOPER. Who is the second partner in that law firm?

Mr. KARASIK. I don't know, sir.

FURTHER ATTEMPTS TO IDENTIFY THE SENATOR

Senator HICKENLOOPER. Who is the Senator's first campaign manager that you referred to?

Mr. KARASIK. I don't know, sir.

Senator SYMINGTON. Will the Senator yield?

Senator HICKENLOOPER. Yes.

Senator SYMINGTON. Is there anybody you know of in the United States who can supply the knowledge in this letter that you wrote, that is before this committee?

Mr. KARASIK. I don't know, Senator.

Senator SYMINGTON. Thank you.

Mr. Speaker, then for more of this fascinating chapter in sugar lobbying, here are extracts from the same part 4 of the hearings, pages 467 through 474:

TESTIMONY OF BERNARD M. FAGELSON

READING OF AFFIDAVIT

Mr. FAGELSON. Yes, sir.

"I Bernard M. Fagelson, make this affidavit to a subcommittee of the Foreign Relations Committee of the U.S. Senate.

"I am a member of the bar of the Commonwealth of Virginia and a partner in the law firm of Bendheim, Fagelson, Bragg & Giammittorio, in the city of Alexandria, Va.

"The information given below is true to the best of my knowledge and belief.

"I have been a member of the bar since 1937, and was actively engaged in the practice of law as a member of my firm since 1956."

That was not quite true, I dictated this in a hurry. I meant I was a member of the firm in 1956. I was a member of the firm some years prior to that, 1947, the original firm.

"For sometime prior to that year, I have been socially very friendly with Samuel Efron, then engaged in private financing in Washington, D.C., and later a practicing attorney. I was not only fond of Mr. Efron, but I respected his competence and his knowledge in business and financing, which were of interest to me as an attorney, practicing in Metropolitan Washington, D.C. Early in 1956 during a conversation, Mr. Efron mentioned that he had to visit several administrative assistants of Senators on the Finance Committee on behalf of a client, and leave them a memorandum or presentation concerning the then pending sugar legislation.

"He said that he felt that it would be very difficult and probably useless to go in cold and hope they would read this presentation and possibly bring it to the attention of the Senators concerned. He wondered if I would mind introducing him to Mr. Menefee, Senator BYRD's administrative assistant, whom he believed I knew. I was more than willing to introduce him to Mr. Menefee and took him over one morning where we were received by Mr. Menefee with his usual courtesy and warmth. Mr. Menefee, though pleasant, was noncommittal.

"Approximately 4 or 5 days later, or it may have been even longer, Mr. Efron telephoned me to ask whether our firm would be interested in assisting his firm on the pending sugar legislation bill. He explained that his firm represented, among others, sugar interests in the Dominican Republic, and that his partner, Mr. Karasik, had telephoned from the Dominican Republic to suggest that his clients were anxious to secure additional assistance from another law firm to aid in presenting the case before the Senate.

"We discussed, briefly, what the issues were in the pending legislation, and we also discussed a possible fee arrangement. He suggested that Dominican Republic officials would be willing to pay a reasonable retainer and a contingent fee based on success. I do not actually remember the amount of the retainer fee, but I remember it as being an excellent fee by standards of our local practice, and one that I thought most reasonable. Having since discussed this matter, I have no reason to doubt that the fee arrangements included a retainer of $2,500. I discussed briefly with Mr. Efron the work and services that would be involved in this matter and he informed me that it would generally concern lobbying before members of the Senate Finance Committee, and principally before Senator BYRD, but would later include other members.

"While I was interested, I was also dubious because of my complete lack of background in this type of practice. Mr. Efron also advised me that it would also be necessary for me and my firm to register under the Foreign Agents Registration Act, with which I was completely unfamiliar. He also asked if he could advise Mr. Karasik that I was considering accepting this retainer since Mr. Karasik was waiting for an answer and I told him I had no objection and, at his suggestion, we also briefly reviewed the personnel of our firm. I did, however, say that I must discuss this with my partners, and give it a lot of thought myself, and therefore, I would talk to him again in a few days. After a few days, Mr. Efron called me again and I told him I still had not actually discussed this with any of my partners but I would do so as soon as I could. After several more days, during which time I discussed this with my partners individually, my partners and I were in general agreement that this was completely foreign to our general practice and that the trouble involved in registering with the Foreign Agents Registration Act for what would be a one-time thing, plus the necessity of spending many hours or even days of study to familiarize myself with the pending sugar legislation, would just be impractical from our standpoint. I called Mr. Efron and advised him of our decision, which he accepted courteously and without demur.

"I never gave the matter another thought until one evening in the spring of this year. Mr. Efron called me from Washington, D.C. and said he was in town, having just arrived from a trip overseas and would be leaving for his home in New York. He asked me if I could meet him at the airport as a convenience and courtesy to him, and he had with him Mr. Surrey and Mr. Karasik and Mr. Gould, none of whom I knew at the time.

"They informed me that they had just appeared before a subcommittee of the Foreign Relations Committee at the Senate and that none of the three remaining partners of the firm had even known the name of our firm, and this had been most embarrassing to them, but especially to Mr. Karasik. They stated that at a future time they would probably have to appear before the subcommittee again. They also stated that they would let me know if anything developed.

"Some months passed and on Sunday evening, June 16, 1963, Mr. Surrey called me and stated it would be necessary for them to appear before the subcommittee again and they were then going to discuss the possible employment of our firm in open hearings on June 20, 1963.

"I met with Mr. Surrey, Mr. Karasik, and Mr. Gould on the morning of June 17, 1963. For reasons involving the nonlegal activities of one of my partners, I felt it would be most unfortunate for any of our firm to be brought to public interest at the time, since even though there was certainly no question of the propriety of the behavior of myself or any member of this firm, the public might unfavorably misinterpret the facts.

"I therefore requested Mr. Surrey that I be permitted to testify, so I could set the record straight for myself and our firm, but in executive session.

"In conclusion, neither I nor my law firm, nor any member of my firm, have done any work for nor in association with Mr. Efron's firm, nor have we received any fee, directly or indirectly from the firm or any partners; nor have we even referred any case or matter to the firm or any of the partners, or had any professional contact with other than my taking Mr. Efron to see Mr. Menefee as described above."

REQUEST TO TESTIFY

The CHAIRMAN. Mr. Fagelson, as I stated in the beginning, you requested through Mr. Surrey to appear here, didn't you?

Mr. FAGELSON. Yes, sir.

The CHAIRMAN. You understand that executive meetings of this committee may be made public, don't you, by action of the committee?

Mr. FAGELSON. I understand that, sir. [Deleted.]

TIME OF OFFER FROM MR. EFRON

The CHAIRMAN. About what date did Mr. Efron offer this retainer to you and discuss this matter?

Mr. FAGELSON. I am not sure of the exact date, sir.

The CHAIRMAN. It was 1956.

Mr. FAGELSON. My best memory is that it was probably very early in 1956 after the Christmas season.

The CHAIRMAN. You state in your affidavit early 1956.

Mr. FAGELSON. Yes.

The CHAIRMAN. Did he tell you at that time the status of the sugar bill then under consideration in the Congress?

Mr. FAGELSON. We discussed it. I understood that the sugar bill was before the Senate and the Senate Finance Committee would hold hearings on it. I think, I understand that a bill had passed the House or was about to pass the House.

The CHAIRMAN. Well, did you not understand that the committee, the Senate Finance Committee, had held hearings on it and had reported it?

Didn't he discuss what you were to do about the bill?

Mr. FAGELSON. It is my memory, sir, that the Finance Committee was holding hearings.

The CHAIRMAN. You so understood it?

Mr. FAGELSON. But I cannot be sure.

The CHAIRMAN. Well, all right; is that all?

Mr. FAGELSON. I was going to say I am quite sure I was to discuss his idea; I would discuss this principally with Senator BYRD and other Members of the Senate.

MEMORANDUM OF JANUARY 28, 1956

The CHAIRMAN. Mr. Fagelson, I show you a copy of a memorandum dated January 28, 1956, addressed to Secretary Troncoso, and signed "Monroe Karasik" and ask if you have seen this document before?

Mr. FAGELSON. Yes, sir; I saw this once.

The CHAIRMAN. You have seen it?

Mr. FAGELSON. Yes, sir.

(A copy of the document referred to follows:)

SURREY, KARASIK, GOULD & EFRON,
Washington, D.C.

To: Secretary Troncoso.
From: Monroe Karasik.

Through channels of personal obligation we have made contact with a powerful law firm in the Senator's home State.

The senior member of the firm is the executive officer of the Senator's political machine. The second partner is the son of the Senator's first campaign manager; there are very close family connections between this man and the Senator. The third partner is the private confidential attorney of the Senator; he handles important confidential matters for the Senator's machine.

All three propose to call upon the Senator on Monday, January 30, to engage his sympathy for the position of the Dominican Republic with respect to sugar legislation. They will represent themselves as being interested purely because of their very close ties of friendship and business with my firm. Each of the three will adopt a different approach to arouse the Senator's sympathy.

They ask for a retainer fee of $2,500. In addition to this, they ask a fee of $5,000 if the Dominican allocation under the legislation as finally enacted is no less than that under the present House version of H.R. 7030. If the Dominican allocation does turn out to be less than this, but is of a size which my firm in its sole judgment considers to be a satisfactory figure, the contingent fee to be paid would be only $2,500.

We believe that these lawyers can be effective in advancing the interests of the Dominican Republic, and we accordingly recommend that the retainer fee be paid, and the contingent fee be agreed, all as outlined above.

MONROE KARASIK.

CIUDAD TRUJILLO, D.S.D., *January 28, 1956.*

WITNESS' FIRST SIGHT ON JANUARY 28, 1956

The CHAIRMAN. When did you first see it?

Mr. FAGELSON. I saw this early in the spring, the one time I met Mr. Surrey and Mr. Gould and Mr. Karasik.

The CHAIRMAN. What spring?

Mr. FAGELSON. This spring, sir.

The CHAIRMAN. This year?

Mr. FAGELSON. Yes, sir.

The CHAIRMAN. About when?

Mr. FAGELSON. I really can't tell you, sir. It was early in the spring.

The CHAIRMAN. Was it in March?

Mr. FAGELSON. It very possibly or probably was in March.

The CHAIRMAN. Was it after they appeared before the committee?

Mr. FAGELSON. It was my understanding it was right after they had appeared before this committee that was when Mr. Efron called me.

The CHAIRMAN. Was it the day after they appeared here?

Mr. FAGELSON. I don't know whether it was the day after but it was very shortly after they appeared because Mr. Efron called me that night and he was very much concerned.

The CHAIRMAN. He testified that he called you on March 14, is that correct?

Mr. FAGELSON. Well, he would probably remember the date, sir. I cannot remember. I just know it was early in the spring, sir. But it was right after they had appeared before this committee.

The CHAIRMAN. They appeared before this committee on March 13 and he testified just now——

Mr. FAGELSON. I would never question that, sir.

The CHAIRMAN. That he called you on March 14. I just wondered if that was in accord with your best recollection.

Mr. FAGELSON. My best memory is it was in the spring, sir, I am sorry. But he said they had just appeared before this committee. It was right after that.

The CHAIRMAN. You have the memorandum before you.

Mr. FAGELSON. Yes, sir.

ACCURACY OF DESCRIPTION

The CHAIRMAN. The first paragraph says—"Through channels of personal obligation we have made contact with a powerful law firm in the Senator's home State."

Is that a good description of your law firm?

Mr. FAGELSON. No, sir; it is not.

The CHAIRMAN. Why not?

Mr. FAGELSON. Well, we are a good Alexandria law firm but by no stretch of the imagination could we be considered a powerful law firm, sir.

The CHAIRMAN. Did you have any personal obligations to Mr. Efron?

Mr. FAGELSON. No, sir; I have no personal obligations to Mr. Efron.

The CHAIRMAN. Did you at that time?

Mr. FAGELSON. No, sir; I did not.

The CHAIRMAN. What was your relation to Mr. Efron?

Mr. FAGELSON. I had met him socially. [Deleted.] After meeting him at a party or maybe two, he invited me to his home to dinner. I reciprocated. We probably visited each other's homes several times. We met in Washington once or twice by accident, and stopped and talked and on one occasion I think we had lunch.

The CHAIRMAN. You had no business relations with him, only social?

Mr. FAGELSON. Never any business relations with him, sir.

IDENTITY OF SENIOR MEMBER OF FIRM

The CHAIRMAN. The next paragraph says, "The senior member of the firm is the executive officer of the Senator's political machine."

Who does that refer to?

Mr. FAGELSON. Well, the senior member of my firm, sir, is Leroy Bendheim.

The CHAIRMAN. Is he the executive officer of the Senator's political machine, was he at that time?

Mr. FAGELSON. I read this letter. Can I say, sir, this is the most absurd and ridiculous thing I can say. He has never been an executive in the Senator's organization.

Senator HICKENLOOPER. What organization?

Mr. FAGELSON. Well, in Virginia, sir, we call the group of which Senator BYRD is the titular and respected head, the organization, sir.

Senator HICKENLOOPER. I see.

The CHAIRMAN. He calls it the political machine here. That is the same thing?

Mr. FAGELSON. We don't consider the organization quite a political machine, sir. We think a political machine is something like they have in big cities in the East.

The CHAIRMAN. Then that first statement you say is incorrect?

Mr. FAGELSON. Well, it is absolutely ridiculous, sir.

The CHAIRMAN. Did you tell anything like this to Mr. Efron?

Mr. FAGELSON. I did not. I am absolutely certain I did not. I couldn't have.

ACCURACY OF REFERENCE TO WITNESS

The CHAIRMAN. "The second partner is the son of the Senator's first campaign manager."

Mr. FAGELSON. I am No. 2 on the list.

The CHAIRMAN. I mean the second partner.

Mr. FAGELSON. Yes, sir.

The CHAIRMAN. Are you the son of the Senator's first campaign manager?

Mr. FAGELSON. My father is one of the men in Virginia who thinks of Senator BYRD as a close personal friend and would do most anything for him. But he has never managed the Senator's campaign.

With all due deference to my father who is a wonderful man he has neither the background nor the experience to manage a campaign.

Senator HICKENLOOPER. May I ask if your father is in the same position as the mother they told the story about at the meeting I was at the other day that said the slogan in Virginia was "Love God and trust Harry Byrd."

Mr. FAGELSON. I think that my father might well fit that description.

Senator HICKENLOOPER. I don't say that facetiously.

Mr. Fagelson. I don't think it is considered so to a man of my father's generation.

Senator Morse. Mr. Chairman, could I ask on that point one quick question?

The Chairman. Yes.

Senator Morse. Mr. Fagelson, was your father at any time the campaign manager of Senator Byrd for Alexandria or for northern Virginia?

Mr. Fagelson. I can answer that, sir, by saying that when Senator Byrd ran for Governor in 1924 my father was one of a group who worked for him very hard, sir, and devoted a great deal of time. But he was not anywhere near the position of being the campaign manager. He is a fine person, sir. He just doesn't have the educational background to be a campaign manager.

IDENTITY OF THIRD PARTNER

The Chairman. "The third partner" it reads "is the private confidential attorney of the Senator."

Who is the third partner?

Mr. Fagelson. The third partner, sir, is Mr. Bragg. Mr. Bagg is a good title man. He and I specialize in the title part of the firm. But he doesn't do any trial work or handle any work and as far as I know has never had any contact with Senator Byrd.

The Chairman. Was he the third partner at that time?

Mr. Fagelson. Yes, sir. Actually we had four partners at that time. [Deleted.]

The Chairman. Giammittorio.

Mr. Fagelson. Giammittorio is the fourth partner and he is our trial man.

The Chairman. Was either one of them the private confidential attorney to the Senator?

Mr. Fagelson. I can truthfully say, sir, that he unquestionably could never have been Senator Byrd's private confidential attorney. [Deleted.]

QUESTION OF WITNESSES' DESCRIPTION OF HIS FIRM TO MR. EFRON

The Chairman. Did you tell, make statements similar to this to Mr. Efron?

Mr. Fagelson. No, sir.

The Chairman. At any time?

Mr. Fagelson. I can tell you truthfully, whatever I told Mr. Efron, I couldn't have told him anything like this because this is ridiculous. I unquestionably discussed with Mr. Efron and not in any great detail the members of my firm because he said they were interested. [Deleted.]

The Chairman. Is it proper to say this describes your law firm?

Mr. Fagelson. No, sir.

The Chairman. It does not?

Mr. Fagelson. Not by—I am trying—I am not trying to be funny. We are not even a poor man's description of this law firm, sir.

The Chairman. When you saw this letter, this memorandum, did you tell Mr. Karasik that this was not a description of your firm?

Mr. Fagelson. I couldn't believe at first that it could even refer to mine, but I specifically stated, I may have used the same word I have used here, absurd, or ridiculous or something like that and it is.

The Chairman. It was not descriptive of your law firm?

Mr. Fagelson. No, sir.

The Chairman. What did he say when you told him that? He wrote this memorandum.

Mr. Fagelson. Well, he was upset that evening, and he kept saying, "Are you sure that this is outrageous?" and I said it is, or words to that effect.

I think he felt, too, that it could not have been my law firm, I mean that this description could not have fit my law firm.

DENIAL BY WITNESS OF PROPOSED JANUARY 30 MEETING

The Chairman. The next paragraph reads, "All three" that is these three partners, "propose to call upon the Senator on Monday, January 30."

Is that correct? Was there such a proposal contemplated?

Mr. Fagelson. No, sir.

The Chairman. When you discussed this with Efron?

Mr. Fagelson. No, sir; I want to make it very plain that I never got beyond discussing the possibility of being retained by Mr. Efron's firm.

The Chairman. By Mr. Efron's firm?

Mr. Fagelson. Yes, sir.

The Chairman. Did they explain you were to be retained by the Dominican Sugar Association?

Mr. Fagelson. Yes, sir; I knew that. I phrased it badly. But in association with Mr. Efron's firm.

The Chairman. Yes.

Mr. Fagelson. And they explain it and Mr. Efron was, he was very frank about it. He said he wanted somebody that could prepare the case in such a way that Senator Byrd could be convinced, but one Senator Byrd would be willing to listen to. There was no question in his mind but some question in mine as to whether I had any kind of entree like that to Senator Byrd.

IMMIGRATION BILL SIGNED INTO LAW

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Gilbert] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GILBERT. Mr. Speaker, I was delighted to have been present to witness the signing of the new immigration bill by the President on last Sunday, October 3, 1965, at the historic site at the foot of the Statue of Liberty in New York Harbor.

Earlier this year, President Johnson had sent a special message to Congress urging it to pass the administration's immigration reform bill. I was one of the sponsors of this bill, and as a member of the Immigration Subcommittee, I took an active part in the hearings and worked hard for committee approval, and for passage in the House.

As the President stated, the new law "repairs a deep and painful flow in the fabric of American justice." It has brought to an end after 40 years a policy of immigration based on the country of birth of those desiring to come to the United States. This system of quotas based on national origins allowed a mere three countries to account for 70 percent of the total quotas. And, ironically, these countries fell short of their quotas by about 50,000 a year—a number that could not be used by the people of other countries with long waiting lists. The system was undemocratic in concept, indicating that we considered people from certain nations less desirable than others, and it was often cruel in operation, keeping families from uniting because a parent or a son or daughter had been born in the wrong country.

The new law uses a standard we can all respect and one that reflects the true spirit of America. It says that those who apply for immigration to the United States will be allowed to enter because of their skills or their relationship to persons who are already citizens or residents of the United States. Selection from the total of those qualified for admission will be on a first-come, first-served basis.

No longer will we ask, "Where were you born?" Today, the question is "What can you contribute?" or "Whom do you have in this land?"

The old days of large-scale immigration to this Nation are long past, and no one seriously suggests that they be brought back. The new law is not designed to do so and will enlarge the immigration into this country only by the amount of the unused quotas—that is, by about 50,000 a year. As I have said, the main purpose of the law is simply to establish a system for choosing among those who want to come here that is fair and in the best interests of the Nation.

This legislation is the end product of 20 years of effort. President Truman pointed out that the national origins quota system was opposed to the American tradition and harmful to our foreign policy. President Eisenhower asked for a change in the system in 1956, calling attention to its discriminatory nature. President Kennedy, in proposing the bill that was the forerunner of the one submitted by President Johnson, called the system arbitrary. The action of the Congress this year has thus met the call of four Presidents and has brought us back to an admissions systems that we can administer with a clear conscience.

There are always those who are afraid that any change in immigration law will lead to a loss of jobs for our workers or an increase in our welfare rolls. They need have no fear on this score. The bill strengthens the provisions of the law under which the Secretary of Labor has the authority to keep out immigrants who would take work from our citizens or depress wages or working conditions here. And every immigrant under the bill, just as under prior law, must of course show that he will not become a public charge before he can obtain a visa to enter the United States.

The new law makes no changes in the safeguards of our present laws which prohibit the admission of subversives, persons with criminal records, narcotic addicts, and other undesirables. The same strict standards that we have been enforcing in the past will continue as before.

All in all, the new act of Congress the President signed into law is one the whole Nation can be proud of. It will end unjust and sometimes cruel discrimination. It will insure that persons with the best reasons for coming to our shores will receive first consideration. And it will produce no disruptions or dislocations in our Nation.

OUR SURRENDER OVER THE PANAMA CANAL

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLOOD. Mr. Speaker, in the extensive writings by columnists on interoceanic canal problems since the Presidential announcement on September 24, 1965, concerning the status of three proposed treaties now being negotiated with the Republic of Panama, I read with much interest a syndicated column by James J. Kilpatrick published in the Sunday Star of October 3, 1965.

The indicated column follows:

[From the Washington (D.C.) Star, Oct. 3, 1965]

OUR SURRENDER OVER THE PANAMA CANAL

(By James J. Kilpatrick)

Lyndon Johnson, a master of political poker, is playing his cards like a ribbon clerk in the high-stakes game of Latin American affairs. He has just lost the pot in Panama—lost it to a bluffer with a pair of deuces—and he has wasted his hole cards in Santo Domingo. What began as a good evening at the table is steadily becoming a nightmare.

On the face of it, the Panama treaty baffles understanding. Eighteen months ago, when the negotiations began, the forces of international communism made three objectives clear. They wanted the 1903 treaty abrogated; they wanted a recognition of Panama's sovereignty in the Canal Zone; and they wanted a greater cut of the revenue. Last week the President announced that he would send to the Senate a new agreement. Astoundingly, this new agreement will (1) abrogate the 1903 treaty, (2) recognize Panama's sovereignty, and (3) give Panama more money.

What kind of bargaining is this? What have our negotiators been doing all this time? The Canal Zone, up to this moment, has been a territorial possession of the United States. By virtue of treaty rights granted in perpetuity, we have rightfully exercised sovereignty there. The defense and canal installations represent an investment of billions of dollars in American tax funds. The record of the U.S. Government in Panama is a record of order, accomplishment, humanitarianism.

None of these considerations seems to have mattered at all. Nothing suggests that the U.S. negotiators made any bargaining use of the possibility—a devastating possibility for Panama—that a new sea level canal could be dug somewhere else. It is not accurate to describe this treaty as a sell-out, for a sell-out implies some payment in return for principles yielded. This is surrender, abject surrender, to a gang of blackmailers whose bluff came down to this: Throw in your hand or we'll riot again.

Pennsylvania's DAN FLOOD, in an outraged speech last Monday in the House, gave this new treaty the ugly word: Appeasement. And he ventured a prophecy that has the bell-like ring of truth: "I predict," he said, "that the expressed willingness to surrender control over the Panama Canal will be taken as a signal for accelerated activity among Communistic revolutionaries all over Latin America and the Caribbean."

How could it be otherwise? The capitulation to the Panamanian demagog follows close upon the heels of an equally dismaying collapse of American policy in the Dominican Republic. What, now, does Mr. Johnson have to show for the 5 months that have elapsed since the insurrection of April 24?

In the spring, Mr. Johnson was hard and decisive. He acted partly from good intelligence, partly from sound instinct. What his eyes did not tell him, his nose did: The well organized revolt reeked of Communist direction. Everyone could smell it—everyone, that is, but Senator FULBRIGHT, the Times, the Trib, and the Washington Post.

What has become of that decisiveness now? The leading anti-Communist of the Dominican Republic, an honest soldier beloved by his troops, was General Elias Wessin y Wessin. We have deported him. One of the faint hopes for stability was that complex and gullible man, Juan Bosch. He has returned to Santo Domingo, breathing fire and arrogance, and demanding of the United States a billion-dollar reparation. In the heart of Santo Domingo, Communist training activities continue undiminished. In the hills, the armed guerrillas wait.

Elsewhere in Latin America, the picture is no brighter. The Senate Internal Security Subcommittee recently released a thin volume of testimony taken on August 4 in its investigation of Red Chinese infiltration of this hemisphere. Among the witnesses was Stanley Ross, editor of El Tiempo, a hard-nosed fellow who smelled out the Cuban missile sites ahead of everyone else. Without the slightest equivocation, he spoke of Red Chinese infiltration in Bolivia, Venezuela, Brazil, Guatemala, Colombia, and of course Cuba.

Few persons would suggest that Lyndon Johnson has an easy hand to play, at home or abroad, in coping with the Communist subversion of Latin America. Many of the Rightist leaders are no beauties; the President cannot conjure instant democracy out of the illiteracy of the canefields; as John Kennedy once remarked, the most striking lesson of the Presidency often is to be found in how little a President can do. Here at home, a President pathetically eager for a consensus bleeds inside from the savage blows of the liberal left.

But Mr. Johnson can do better than he has been doing lately. If he will only return to the hardness of April, and turn those riverboat eyes on the Reds, he can pull out of this mess. The draft treaty may yet be rejected, and the Dominican situation may yet be salvaged, but the game is running out of cards and not much time remains.

PANAMA CANAL: ABANDONMENT WOULD SOLVE NO PROBLEM

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLOOD. Mr. Speaker, the Presidential announcement on September 24, 1965, concerning the status of three proposed treaties now being negotiated with the Republic of Panama has evoked widespread comments in the press in many parts of the Nation on various aspects of the interoceanic canal problem.

Among the most ably prepared of such writings is one in the October 9, 1965, issue of Human Events by Dr. Donald M. Dozer, distinguished historian, now professor of history in the University of California at Santa Barbara. As a former key historian in the Department of State and distinguished student of Latin American problems, including the Monroe Doctrine, on which he is the author of a recent important book published by Alfred A. Knopf of New York, Dr. Dozer writes with the authority of well-digested knowledge.

In this general connection, I would invite attention to my documented addresses on the "Interoceanic Canal Problem: Inquiry or Cover Up?" in the CONGRESSIONAL RECORD of April 1 and July 29, 1965.

The indicated article by Dr. Dozer and an accompanying statement by my distinguished colleague from Ohio [Mr. HARSHA] follow:

ABANDONMENT OF PANAMA CANAL WOULD SOLVE NO PROBLEM

(By Donald Marquand Dozer, professor of history, University of California at Santa Barbara)

In a sensational betrayal of U.S. interests President Lyndon Johnson announced on September 24 his decision to surrender to Panama sovereignty over the Canal Zone and to allow Panama to share with the United States "responsibility in the administration, management, and operations of the canal." The United States is thus yielding to Panama's Communist-inspired, anti-Yankee demonstrations and is abandoning its treaty rights in this vital international waterway.

We in the United States ought to feel a thrilling sense of pride in the Panama Canal. It was conceived by U.S. vision, was built by U.S. money, and is operated by a U.S. company, the Panama Canal Company, in which the Secretary of the Army is the sole stockholder.

The Panama Canal is a national enterprise of the United States. It is a lifeline of national defense. It is a main channel of ocean commerce and one of the greatest transportation facilities in the world. The prime function of the canal is the safe and expeditious transport of vessels from one ocean to the other. Of all the vessels that went through the canal in 1962, over 60 percent were U.S. vessels.

The American people should nurse no sense of guilt about the canal. Panama emerged as an independent nation in 1903 only because of the U.S. interest in the construction of an Isthmian Canal.

The fact that the canal was constructed through Panama rather than through Nicaragua was due to the inducements which Panama offered in order to get the canal in her territory. As one of these inducements she agreed in the treaty of 1903 to give to the United States "in perpetuity" a zone of land 10 miles wide running through Panama from sea to sea and "all the rights, power and authority within the zone * * * which the United States would possess and exercise within the zone if it were the sovereign of the territory * * * to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

Among these sovereign rights was the right to fly the flag of the United States over the zone "to the entire exclusion of the exercise" of such a right by Panama.

For all these rights the United States paid $10 million immediately and began 9 years later to pay $250,000 annually to Panama. Subsequently we purchased all the lands in the zone from their private owners, spending almost $35 million for that purpose. We have paid more for the Canal Zone, both initially and subsequently, than for any other territory that we have ever acquired—the Louisiana Purchase, Florida, the Mexican Cession, the Gadsden Purchase, Alaska—in fact more than double what we paid for all those territorial acquisitions combined.

The total investment of the United States in the canal and the Canal Zone amounts to more than $2 billion. This investment the Johnson administration is now giving away.

From the canal Panama's economy has derived enormous tangible benefits. In 1963 it received directly from U.S. agencies in the zone $92 million in salaries, retirement, and disability payments, and purchases of goods and services besides many indirect benefits. As a result of the presence of the United States in the Canal Zone, Panama enjoys the highest per capita income in Latin America.

Beginning in the "Good Neighbor" era of the 1930's the United States has yielded concession after concession to Panama. By new treaties in 1936 and 1955 it abandoned its treaty right to maintain public order and to supervise sanitation in the terminal cities of Panama and Colon with the result that these cities have become beachheads of violence against the canal and cesspools of infection. The United States has given to Panama, without consideration, the terminal yards and passenger stations of the Panama Railroad in Panama City and Colon.

After the Communist-led rioting against the United States in the zone in 1959, a high State Department official on a visit to Panama recognized that "titular sovereignty over the Canal Zone remains in the Government of Panama." Soon afterward President Eisenhower by Executive order gave Panama the sovereign right to fly her flag in the zone.

Other concessions which U.S. policymakers have made to Panama, often under pressure from riots and other demonstrations, include abandonment of the zone commissaries, the increase in the annuity to $1,930,000, the construction of the $20 million Thatcher Bridge across the canal for the special use of Panama and the release of real estate in Panama City and Colon with a market value of $40 million.

But with each concession we have been confronted with new demands from Panama, including a demand for one-half the gross revenue from the canal and ultimately surrender of the canal and the zone to Panama.

After further bloody Communist-led rioting occurred in the zone in 1964, President Johnson agreed to negotiate a new treaty with Panama. At the same time he announced that the United States is prepared to scrap the present lock canal in favor of a new sea-level canal, which may be constructed elsewhere in Panama or in Nicaragua or in northwestern Colombia.

The pretext given for this announcement is that the present canal is becoming obsolete and will not be able to provide adequate accommodation for world commerce by the year 2000, possibly even by 1985.

But is a second canal constructed at sea level the only logical answer to this problem? A second canal, wherever located, will require the negotiation of a new treaty, possibly more than one, under extremely adverse negotiating conditions.

Such a treaty or treaties can be expected to involve huge indemnities by the United States to the other country, larger annuity payments by the United States than are now going to Panama, a limitation of the duration of United States control over the canal, and recognition of full sovereignty over the canal by the other signatory, making the canal built at U.S. expense a hostage to that country from the very outset. And at present the United States is prevented from carrying out the excavation of a new canal with atomic power by the terms of the nuclear test-ban treaty drafted by it, the Soviet Union, and Britain in 1963 and signed by more than 100 nations.

Of the routes proposed for a new canal, the Nicaragua-Costa Rica route, besides requiring the negotiation of treaties with two and possibly three Central American countries, is almost three times as long as the present Panama Canal. A survey of this route made under the auspices of a congressional committee in 1960 reported the cost of a Nicaraguan lock-canal at over $4 billion and a Nicaraguan sea-level canal completely impracticable.

The Atrato-Truando route in northwestern Colombia traverses perhaps the densest, most fetid jungle area in the Western Hemisphere and even for a high lock-canal would require the excavation of a vast gash in the formidable cordillera. A sea-level canal here would be unthinkable.

If another canal route in Panama is chosen—perhaps the San Blas Gulf route or the Caledonia Bay route—we can expect Panama to give us much less advantageous terms than in 1903. Then we were the wooed; now we are the suitor.

But have the possibilities of modernizing and enlarging the present Panama Canal been adequately considered? For this canal and all improvements in it within the present zone a full treaty basis exists or at least existed until President Johnson's announcement of September 24.

Many intelligent plans designed to modernize the present canal at minimal cost have been drawn up. The most feasible plan for enlarging the capacity of the canal within the present treaty arrangements provides for the continued maintenance of the lock principle. It would widen the single locks at the Caribbean end of the canal and the channel through the Culebra cut, would consolidate the dual system of locks at the Pacific end of the canal into a single set of locks, thus eliminating the awkward Pedro Miguel locks, and would provide an artificial terminal lake at the Pacific side of the isthmus comparable to the Gatun Lake at the Caribbean side.

This plan would speed up transit through the canal, would simplify maintenance, and would enlarge the service at much lower cost than under any of the alternative plans.

President Johnson's surrender of sovereignty over the present canal serves the Soviet objective of gaining control over the strategic waterways of the world, thus threatening the lifelines of the free nations, as illustrated, for example, in the experience of the Suez Canal, the Danube, the Dardanelles, and the straits of southeast Asia. Panama's attacks on the canal have significantly coincided with the challenges that Fidel Castro has hurled at the position of the United States in Guantanamo, guarding the eastward approach to the Panama Canal.

Issues of global importance are involved in the Panama conflict. It behooves the United States to understand these issues in their broadest and most sinister context and to take appropriate action.

Theodore Roosevelt proudly declared in 1910, speaking of the Panama Canal: "It is our canal; we built it; we fortified it, and we will protect it, and we will not permit our enemies to use it in war. In time of peace, all nations shall use it alike, but in time of war our interest at once becomes dominant." We are living now in such a time, and our own national interest in the Panama Canal should be the dominant consideration.

STATEMENT BY WILLIAM H. HARSHA

Representative WILLIAM HARSHA, Republican, of Ohio: "The U.S. Government has completely capitulated to the demands of Panama concerning the canal and we have come home from the so-called negotiations like a whipped pup with its tail between its legs. The country of Panama owes its entire existence to the United States and we have continually given friendship and economic support to it. * * * This Nation has paid Panama the full indemnity and annuities agreed upon by the two nations, has completely carried out the terms of the treaty and stands on firm moral and legal footing in this dispute, and under no circumstances should it have conceded to the Communist-inspired demands of Panama. How do we expect other nations to have any respect for the United States when we do not even have enough self-respect to stand firm when we are on solid, legal and moral footing?"

HEART DISEASE, CANCER, AND STROKE AMENDMENTS OF 1965, H.R. 3140

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FARBSTEIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, Congress has once again shown the leadership, of which it is so eminently capable, by passing into law the Heart Disease, Cancer, and Stroke Amendments of 1965. Congress has been a ground breaker in health care in the United States for many years and this bill confirms its foresighted outlook. I was glad to lend my personal support to the measure.

This bill goes a long way toward facilitating the modernization of that medical practice which is directed toward heart disease, stroke, cancer, and related diseases. For some time we have recognized that in many instances even when the facilities for the treatment of these diseases have been in existence, they have been so spread out, so disorganized, that best use of them was impossible. This measure makes it possible to establish programs of cooperation between medical schools, clinical research institutions, and hospitals. These arrangements, made by doctors and their institutions at the local level, will permit the interchange of personnel and patients and provide for a more effective flow of information about the latest advances in diagnosis and treatment. The experimental work that has proceeded this measure has proven beyond dispute the value of such cooperation, both to patients and to practitioners. Congress, I believe, is to be commended for taking such a progressive step to improve the treatment available to the victims of these dread diseases.

CLEAN AIR BILL, S. 306

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FARBSTEIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, I am pleased to note the overwhelming approval by the House of the Clean Air and Solid Waste Disposal Act, a measure of great importance to the Nation and of particular importance to my constituents in New York City. This bill, which is soon to become law, represents a giant step in the direction of full recognition by Congress that the problems of the city are the problems of every American. The quality of life in the United States has been advanced by Congress' decision to pass this significant legislation.

No New Yorker—and I include those who live in our city, those who work there and those who merely pay us a visit from time to time—will fail to appreciate the provision of this act which will reduce the noxious fumes that we inhale from automobile exhausts. I wish New York had taken the initiative on this matter many years ago, but our State government did not see fit to do so. I suspect there is not a single New Yorker who has not at some time emitted a harsh cough and wished that the air that circulates around our skyscrapers and through our streets more closely resembled what we breathed in our youth. Industry and automobiles have progressively polluted our air over the years. This bill, by authorizing the Secretary of Health, Education, and Welfare to require car manufacturers to install exhaust purification devices, will at least reverse that painful trend. Within a short period, we will have no new cars manufactured or imported which do not have cleansing devices on them. Ultimately, all cars traveling our streets will be so equipped. Although automobile exhaust is only one source of pollution, its elimination—or virtual elimination—will make urban living significantly more pleasant and more healthy. As a city man, I find it nice to look forward to the restoration of fresh air for me to breathe. My fellow New Yorkers, I am sure, share my appreciation.

This new law is, in other respects, a progressive law. It authorizes the expenditure of funds to accelerate research on new and cheaper ways to keep reducing air pollution, particularly from motor vehicles. It is a good neighbor act, in that it provides for reciprocal guarantees with foreign countries on air pollution. I anticipate further acknowledgment from Congress, in the form of increased appropriations and more farsighted legislation, that air pollution is a major American problem.

New York also appreciates the companion to the clear air provision in the bill, that which gives its attention to the disposal of waste matter. Our cities are currently producing a half-billion pounds of solid waste a day. Yet as our cities grow larger, they inevitably—and thankfully, I might add—have overrun the fetid, smoking, ugly dumps that used to be a feature of every city line. The consequence has been that it has become more and more difficult to find a means of disposing of the city's daily accumulation of trash, ranging from plain old house rubbish to abandoned automobiles and manufacturing wastes. New York, as much as any city, has had to face up to this problem, without yet finding a satisfactory solution. This measure will help in a significant way to reduce the pressures on New York and other cities that have been created by the goliath of waste they must cope with each day.

The bill authorizes the expenditure of $92.5 million over the course of the next 3 years for assistance to State and local authorities to modernize their waste disposal programs. Some of the money will be used for intensive research into improving methods for the disposal of waste. This money will, I am sure, prove to be a wise expenditure. I wish there were more of it but we will be able to reevaluate our action in the course of the next few years to determine whether large expenditures are justified. It seems almost a shame that we must spend money to destroy when we would so much prefer to spend it to build. But our civilization has become so complex that we must, whether or not we like it, and I am delighted that Congress has taken favorable action on the measure.

THE FEDERAL PAY RAISE BILL—H.R. 10281

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PEPPER. Mr. Speaker, on September 30, 1965, this House passed H.R. 10281 by a vote of 370 to 7. The name of the bill was Government Employees Salary Comparability Act of 1965. On the Senate side, hearings have been begun and it is hoped that the Senate version of this pay-raise bill will be passed and the conference bill signed into law by the President before this session of Congress adjourns.

It is my sincere hope that before we go home from this session we will see the enactment of the pay raise we have promised our Federal employees, and will have made a tangible start in achieving true comparability in pay scales of our own Federal workers and of those employees in private enterprise.

I am speaking today on this subject because I am proud of the fact that this House has shown its willingness to keep faith with its Federal employees. After all, our Federal Government is the biggest employer in the whole world and as such we should be in the forefront with the most enlightened labor policies. Our 1.7 million working force receives $13.4 billion in annual salaries, which is a very substantial percentage of our Federal budget of $100 billion. In other words, $1 out of every $8 we expend goes to a Federal worker dedicated to give efficient service in working out the multitudinous activities of our Government.

Inherent in this pay bill there is a fact which is very often overlooked, or not even mentioned, namely, everyone of our employees, low paid or high paid is a taxpayer. So that, we can expect to get back approximately $2 billion in taxes from this large army of Federal employees each year.

Furthermore, during the discussion as to whether we should give 4½ or 4 percent, the fact was brought out that the difference of one-half percent meant around $71 million. Again, may I remind you that no matter what raise we give our employees, a certain percentage will flow back in taxes. This means that no matter how large or how small a raise we give, you can automatically subtract 15 percent from that total as earmarked for Federal taxes.

As part of this future pay raise there is another concomitant which frightens me, namely, the automatic increase in prices, rents, and so forth to which our loyal employees are immediately subjected. It has been proved time and again that with an increase in Government salary there is also a percentage increase in prices, far beyond the increment given. Just what can be done to stop this practice of gouging a Federal employee I do not know.

Furthermore, it is also strange how even State governments seem to initiate legislation to increase their sales taxes or State income taxes as soon as a Federal pay increase is passed. Why, even here in our own backyard the State of Maryland is planning to ask its State legislature to enact a new graduated income tax ranging up to 6 percent. All this means is that any pay raise we give our Federal employees is often largely dissipated in higher prices, new sales taxes, and possible higher State income taxes. Let us not forget this when we are subjected to pressure from certain administration executives to cut the pay increase percentage granted.

Mr. Speaker, the bill we passed is called the Comparability Act. This comparability feature was enacted already in 1962 and we have at last arrived at the time when something tangible has been done about equalizing the salaries we pay with the salaries paid by private business. It would be invidious for me to draw attention to the cases each one of us could mention where responsible men in our agencies have been enticed away from their Government work into private enterprise at salaries far higher than we could possibly pay. Yet the skills possessed by so many of our able employees are prized and judged at a higher price than the Federal Government pays. The question is whether we should ask any person to devote his skills to Government, through loyalty and patriotism, at a price far lower than he could demand from private business. I do not think it fair to place the decision on the employee; rather it is the responsibility of Congress to be willing to give the same kind of emolument as given by private enterprise. Hitherto we have been unable to do this, in spite of the sacred pledge given by Presidents Kennedy and Johnson to do so.

The very fact that the President spoke in May 1965 of his unwillingness to allow two pay standards for governmental and private employees, shows that we in Congress should do something about it. After all, we initiate expenditure bills.

Even now, at best, we are only beginning to put the comparability feature into effect. The lower-paid levels of Government employees—who comprise by far the higher percentage—will at best get an initial increase that will give them an increase to bring their current salaries up to the Bureau of Labor index for February–March 1964. The 4-percent increase granted is still behind the 7 percent required to give them comparability today. Certainly the middle and higher groupings in Federal employment are not being granted an increase to make their pay comparable to that prevailing in private business.

Yet here, I think, we have accomplished something admirable. Our bill incorporates the automatic feature whereby for 1 year after the effective date of October 1, 1965, a continuous study by the Bureau of Labor Statistics will be made as to the percentage increase required to make all Federal salaries comparable to that of private enterprise. Actually, no one knows what that percentage increase will be, except that guesses are made of 3 to 8 percent increases. Whatever the figure, however, this House has said that it is fair, honest, and imperative that the Federal Government pay its employees a just wage. Regardless of some inequalities in the standard of living all over these United States, the Bureau of Labor Statistics will develop a national uniform cost-of-living index to be applied equally to all Federal employees, no matter in what State they work. Thus, an across-the-board increase will become operative 1 year later—to be applied to all Federal employees, low or high paid.

Naturally, this is the interest of this House. What the other House will do as a result of their hearings and possible pressure to reduce the 4 percent as well as to eliminate the automatic feature of equalizing the pay next year, is problematical. What is certain, is that our conferees should insist on the features we have passed. We passed them so overwhelmingly because the majority feels that not only is a workman worthy of his hire, in Government as well as out of Government, but, both the President and the Congress have made a solemn pledge to our employees and we cannot renege now.

As has been so ably said in this Chamber, we the Congress, are the board of directors, interested also in good personnel management. This means that we must have the proper number of workers to do the job, properly qualified workers, proper job allocation, proper supervision, and above all, properly competitive salaries to get and to keep the men and women able to do our work most efficiently. The Federal service is a career service. To build such a service, people have to be trained on the job, they have to grow in experience. This takes years. However, all too often an able, qualified, experienced employee finds that after so many years of labor, that his counterpart in private business gets more money for equal work. Who can blame him for leaving? This is where we have ironed out some of the inequities as regards the cost-of-living index, coverage, severance pay, overtime, uniform allowances, and other pay inequalities.

This is also the year in which we have enacted a law to make it easier for older employees to retire. At last estimate, over 55,000 have planned to do so before the end of this year. Most of these are highly qualified, experienced people. Others will have to take their places. To insure that work be carried on as efficiently as before our bill will at least entice many people to apply for Government service knowing that comparable pay scales obtain. The automatic cost-of-living increase next year is one of the most auspicious enticements we can offer to get new employees, retain others, and train lower ones for higher positions. I think we are well on the way toward insuring a career service, at least insofar as pay scales are concerned. I am proud to be one of those who have endorsed the comparable pay scales and voted affirmatively for them.

THE BALANCE OF MEDICAL SCIENCE AND MEDICAL SERVICE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks I would like to include a speech which I delivered at regional forum for the Northeastern States, National Conference on Community Health Services, Philadelphia, Pa., September 29, 1965:

THE BALANCE OF MEDICAL SCIENCE AND MEDICAL SERVICE

(By Hon. JOHN E. FOGARTY, House of Representatives, Washington, D.C.)

I was delighted to accept the invitation to appear here today because I always welcome an opportunity to participate in an activity whose aim is to improve the health of the American people. If that sounds like a safe enough statement for a politician to make, let me warn you, right at the beginning, that I have no intention of making a safe political speech. I think the kickoff session for this conference is too important an occasion for that.

The purpose of this conference is to discuss the major health issues confronting community leadership in the next two decades. I have been around long enough to know that a subject is not an issue unless it is controversial. Conferences such as this wouldn't be necessary if we were all agreed on what needed to be done—and, particularly, on how we should go about doing it. The history of every health problem from water fluoridation to medicare shows that people can be as contentious about health matters as about any other public problem.

A lot of preparatory work has been done for this conference and I understand that there are a number of specific recommendations which you will be asked to discuss and to which you will be asked to react. I have not had an opportunity to study the so-called master list of issues and recommendations. This is fortunate, I think, because it leaves me free to talk to you about some broad problems that concern me and which will, I hope, receive some of your attention during the next 3 days.

The common theme of the points I want to make is that one of the major tasks before us during the next two decades is to adjust the imbalances that have been created on the health scene during the past two decades. This is not meant to imply any criticism of the things that have been done to create this imbalance—in fact, I am proud to have played an active part in creating it. Making progress in any human endeavor is a little like walking: to move forward you have to throw your body off balance and put one foot ahead of the other. If you try to keep everything even, you stand still. We certainly have not stood still these past 20 years—and I am sure that we started on the right foot. But the time has come also to move the left foot and that is what I want to talk about.

The most dramatic and most significant postwar development on the health scene has been the expansion of the scientific effort related to health. I do not need to describe to this audience the great advances that have been made in the science and technology of medicine. The size and scope of this effort is usually measured in terms of our total national expenditure on medical research which has increased more than twentyfold during the past 20 years—from $87 million in 1947 to about $1.8 billion in 1965. As you know, the Federal Government was a major factor in making this growth possible. I am proud of the fact that, during my 18 years as chairman of the House Appropriations Subcommittee responsible for this part of the budget, the Congress has taken the lead in providing this country with the means for building up a unique national system for the support of the biomedical sciences. But the Federal Government cannot claim all the credit. During this same period, industry has increased its own expenditure about twelvefold and support for research from the voluntary health agencies and foundations has grown about sixfold.

These figures are impressive but they do not give us a very satisfactory measure of what has really been accomplished. To appreciate what has happened we should look not at the dollars we spend but at the tremendous increase in the number of competent men and women who are now dedicating themselves to medical research, at the impressive growth of the facilities for productive research, and—above all—at the effectiveness of the work being done. The science of medicine has changed drastically during the past 20 years. The pace at which progress is being made has also accelerated. I have heard it said that if a young physician makes no effort to keep abreast of new knowledge, he now starts to become obsolescent 5 years after he finishes his medical training. That alone presents a problem which should concern not only the medical profession but all who will sooner or later turn to it for help.

Ensuring and providing for the continuing education of physicians and other health personnel should—as a simple matter of self-interest—be a matter for community concern. We must develop a framework for dealing realistically with the present rate of obsolescence in health knowledge. I think we are going to have to consider ways for making it possible—and mandatory—for every physician to spend every fifth or sixth year of his career in formal continuing education as a means of keeping abreast of the advances in knowledge that will bear critically upon his future practice. This also means that in calculating our requirements for physicians in the future we may have to accept as one of the components of that calculation the fact that one-fifth of the physician resources of the country will be in training at any given time. Such a prospect drastically alters the calculation of our future need for physicians.

This is one of the ways in which we may have to bring the left foot forward.

I do not wish to overstate the accomplishments of medical research. Impressive as they are, the limitations of present knowledge are all too evident. It is all too easy to cite examples of what is not known. Despite much encouraging progress against cancer, there is as yet no real understanding of this disease—or should I say these diseases?—early diagnosis is often difficult, and there are pitifully few therapeutic tools for allaying or diminishing its ravages. Arthritis is still being treated with aspirin and neither cure nor prevention are yet in sight. Arteriosclerosis continues to take its toll. Even the common cold has yielded but little to research.

Nevertheless, medical science can do very much more for us today than it could 20 years ago. There have been major advances in the prevention, diagnosis, and treatment of a wide range of diseases.

I am speaking of medical science because I want to raise with you the serious question whether medical service is keeping pace with the progress in medical science.

This question has several aspects. First there is the obvious one: to what extent and how quickly are the results of research applied in the community? How soon does the ordinary citizen receive the benefit of new preventative, diagnostic and therapeutic measures for whose development he—as a taxpayer—may very well have paid? To what extent does his receiving this benefit depend on where he lives or on how much he is able to pay for medical service? What is the community doing to make the best that medical science has to offer available to him?

You who are present at this regional conference represent the relatively heavily populated northeastern part of the country and I imagine that most of you come from metropolitan areas within this region. Ten of the 14 States represented here have 31 of this country's eighty-three 4-year medical schools and a similar proportion of its great research hospitals. The best that medical science has to offer is available here—not in one place but in many. Almost half of the funds made available by the Federal Government through the National Institutes of Health last year for medical research projects was awarded to grantees in these 14 States (I am including the District of Columbia). It was 46.6 percent, to be exact, and amounted to more than $240 million.

But would you say that even in this favored region the best that medical science has to offer is generally available? Do the people who live just 100 miles from such bright stars in the medical constellation as Philadelphia, or Boston, or Baltimore really have access—in a practical and realistic way—to recently developed treatments and techniques which, in some cases, could speed their recovery, minimize a disability, or even save their life? And when I say "recently developed" I am not talking about something that finished its clinical trials last month. I am not even talking about something that was done 3 years ago but was only published last month—and that seems to be far too common a pattern. I am talking about diagnostic and therapeutic procedures in regular use in our large metropolitan centers.

I am not suggesting that every small hospital should have—or could effectively use—the facilities of a large metropolitan institution. I do suggest that there is too long a lag before improved techniques that do not depend on elaborate and expensive facilities are applied in smaller communities. I also suggest that we do not have adequate arrangements for insuring that a patient is brought to the facilities that he may need but which do not exist where he happens to live.

An important step toward remedying this situation will be made possible by a bill which has already been passed by both Houses of Congress and which will become law as soon as the differences in the two versions have been ironed out. This bill, which deals specifically with heart disease, cancer and stroke—the three major killers—and related diseases, grew out of the recommendations made by the President's Commission on Heart Disease, Cancer and Stroke of which Dr. Michael DeBakey was chairman.

The principal feature of this bill is that it provides funds—$340 million over the next 3 years—with which the Federal Government will encourage and assist the establishment of regional cooperative arrangements among medical schools, research institutions and hospitals designed to forge a closer link between the centers of scientific and academic medicine, on the one hand, and community health services, on the other.

The bill specifies that this forthright program must not interfere with present patterns of patient care and professional practice but it is nonetheless a revolutionary piece of legislation. It holds enormous promise for advancing the quality of medical service available to the people of this country. It marks, I believe, the beginning of a big new step forward in accelerating the pace of progress in medical service to match the pace of medical science.

The implementation of this dramatic piece of legislation demands your most imaginative and foresighted cooperation. Nowhere in the bill, or in the testimony in its support before the congressional committees, will you find a blueprint for this program—because there is no Federal blueprint and it is not intended that there should be one. The pattern of grants-in-aid already so well-established and so successful in the support of medical research will also be followed in this new program. Grants will be made in response to local initiative, to facilitate local planning, and to assist local execution of the plans. The bill makes this quite clear. Let me read you two extracts from its statement of purposes:

"To afford to the medical profession and the medical institutions of the Nation, through cooperative arrangements, the opportunity of making available to their patients the latest advances in the diagnosis and treatment of these diseases; and by these means, to improve generally the health manpower and facilities available to the Nation * * * in cooperation with practicing physicians, medical center officials, hospital administrators, and representatives from appropriate voluntary health agencies."

The emphasis of this program is clearly on bringing this country's proven research capability—as reflected in the medical schools and research hospitals—into a closer relationship with medical practice, as a resource for the practitioner, the local hospital and the community health services in a wide geographic area. The way in which this can be most effectively done is up to you. I expect to see a number of different plans emerge and I hope that they will compete fiercely in their efforts to out-do each other in bringing the best of medical service to the most distant and tiny community.

Another aspect of the question whether medical service is keeping pace with the progress of medical science relates to the facilities and organization of medical service. The Hill-Burton Act of 1946 gave tremendous impetus to the construction of hospitals and other medical facilities which has transformed the health-care scene during the past two decades. But in these 20 years our economy, society, technology, and the state of medicine itself have undergone radical changes to which medical service has been slow to adapt. For example, little has been done to adapt the architecture and operation of hospitals to exploit modern principles of design, to meet shortages of nurses and technicians, to halve the sharply rising cost of hospital care, to facilitate the research function of a hospital, to permit the expansion of outpatient services, and to provide for the higher proportion of patients who are chronically or mentally ill. These are opportunities for automating not only a great deal of the recordkeeping but many routine laboratory procedures, diagnostic tests, and patient monitoring. There is room for a great deal more research on the mechanics of hospital operation. The expansion of research on the problems of medicine has not been accompanied by a similar expansion of research on the problems of medical service as a separate activity. Innovations in this area might well become part of the plans developed for regional programs on heart disease, cancer, and stroke.

It is one thing to have improved medical service but quite another thing to pay for it. This brings us to another major issue confronting community leadership during the next two decades.

The rapid and dramatic increase in the costs of hospital care and health services generally is alarming. It is alarming because it means that despite our general prosperity we are still putting some forms of medical care beyond the reach of many of our citizens. This is not a tolerable situation. I am not contending that the charges made for medical service are excessive in relation to costs, or in relation to value, but merely that they are still too often excessive in relation to ability to pay. Fear of the doctor's or the hospital's bill should not be the factor that keeps members of any economic group from availing themselves of medical care—particularly the preventive medical care which many a hard-pressed person now finds the most difficult to justify.

We must approach this problem realistically. There is little prospect of any substantial reduction in the rate of increase in medical care costs. Health services are clearly an uneconomic activity. They are designed to do things that could not be done before—saving lives, diminishing suffering, curing disease, in circumstances that previously made this impossible. It is often an uneconomic activity because saving a life may mean months or years of further medical care. The sharp reduction in mortality from infectious diseases means that more people live to fall victim to chronic diseases which impose heavier burdens on our health care facilities. Is it feasible—or fair—to charge the resulting costs directly to each patient?

I believe it is not fair and I know it is not feasible without the callous denial of care to some of those who need it. We must therefore face up, as a community, to the financing of medical services. The passage of the legislation establishing the medicare program is the beginning of an effort directed toward a solution of this problem which will, I am sure, be extended and expanded.

Developments in the more equitable financing of medical services must, however, be accompanied by a concerted effort to slow down the rate of increase in the cost of delivering these services. A reduction in the quality of care or penny-pinching economies are certainly not the answer. What is needed are new ideas and new approaches. We must, for example, explore the potentials of automation and associated technology for introducing new efficiencies in the delivery of health services. This exploration and experimentation will be expensive but will, in the long run, prove to be a wise investment. I, for one, would be willing to argue in the Congress for money to support such ventures if communities throughout the country will generate ideas and take bold initiatives in this direction.

There is another aspect to this problem of costs which disturbs me. This is the attempt to extend to the field of health services and medical research the concepts of cost-benefit economics generated by our defense and space technology. These approaches start off with the assumption that every public act must be weighed in terms of its economic rate of return. This is a concept which we must reject out of hand. It involves a principle that cannot be applied to health. On this subject, I cannot do better than quote to you a thoughtful statement by Mr. Enoch Powell, a former Minister of Health in Great Britain:

"It seems virtually certain that the progress of medical science and the increase in outlay for medical services must render this outlay more and more uneconomic. On many fronts the progress of medical science consists not in doing things more cheaply and simply than before but in discovering complex and difficult things to do which previously could not be done at all. On these fronts medicine is buying life at an ever-increasing marginal cost. Thus, as the average expectation of life rises and the capabilities of medical science to maintain life under grave disabilities and handicaps increase, a growing part of the outlay on medical services is directed to procuring an extension in the length, or an improvement in the quality, of lives which yield no extra production at all, let alone extra production of greater value than the outlay.

"It is not the health services which produce wealth, but wealth which makes possible expenditure upon the health services, like all those other expenditures of which neither the purpose nor the outcome is economic benefit but which are the specific mark of a human society and in their elaboration and refinement distinguish a civilized nation from an uncivilized, and an advanced culture from a backward one."

I have not yet touched on one major problem that underlies all other problems of improving health services—that is manpower. Our progress during the next two decades will be determined by the availability of trained health manpower in numbers and quality equal to the tasks that lie before us. In this area there is good ground for optimism. A significant step was taken 2 years ago when the Congress passed the Health Professions Educational Assistance Act which provides matching grants for the construction of teaching facilities in the health professions. The amendments to this act now before the Congress will increase the effectiveness of this important program by providing a measure of operating support for the teaching institutions. The new bill will also set up a scholarship program to eliminate the economic barrier that has seriously limited the number and quality of students entering medical education. I have urged legislation of this kind for almost 15 years and I regard this bill as a major step forward.

But I do not think that it is enough to fully resolve the medical manpower problem. I believe that any program is inadequate if it does not enable us to draw a fairly constant proportion of the college-age population into medicine and the health professions. Despite the increases in new schools that this legislation will make possible, the total student capacity will still leave a declining proportion of the college-age population moving toward the critical health fields. A further major expansion of our medical teaching facilities must thus be undertaken.

I have made only passing reference to preventive medicine and have said nothing about the environmental problems which should be of major concern to this conference. This omission is deliberate because I am sure that these subjects figure prominently in the findings and recommendations which others will present for your consideration. The growth of technology in other fields, our increasing urbanization, and the steady rise in population are compounding the effects of our environment on our health and well-being. Not only air pollution and water pollution, but the possible toxicological effects of food preservatives, cosmetics, drugs, and other synthetic materials deserve the most serious study. It is virtually certain that some controls will have to be exercised and this will present extremely difficult economic, social and political problems most of which will have to be dealt with at the community level. Here, too, fresh ideas, imagination and boldness are required.

I am also sure that you will find time to grapple with some of the complex and difficult behavioral problems that fall squarely into the arena of community health services. One could make a speech on this subject alone—someone probably will before this conference is over.

Both in public health and private practice, we must pay increasing attention to the health needs of the chronically disabled, both children and adults—the mentally retarded, the cerebral palsied, and, of course, our older citizens.

Both the American Public Health Association and the State and territorial health officers have been passing resolutions stating that facilities which are going to be constructed for the mentally ill or mentally retarded should be planned with an eye to unifying and integrating health care for all people. But what has public health really done to show that it embraces, understands, and accepts a responsibility towards the health needs of the mentally retarded? In most States only a little, on a demonstration basis, here and there, or where the Federal Government offered aid on very favorable terms.

The State comprehensive planning in mental retardation (which will conclude its first federally aided round at the end of this year) will surely reveal both past deficiencies and future opportunities. Are you in public health and private practice ready to respond? Are your colleagues and staff oriented and trained to meet these now more clearly identified needs?

This year our Appropriations Committee almost tripled the amount first asked for the Mental Retardation Branch of the U.S. Public Health Service, so that communities and States and universities which are alert to these gaps might have immediate assistance in starting some new projects. I intend to see that this effort is followed up with continuing support, wherever States and local public and voluntary agencies show their good faith in putting up some of their own funds and in making appropriate special health services available to the retarded as an integral part of the mainstream of health practice.

By the same token, prevention of mental retardation should be as vital and ever present an objective in public health as is the prevention of communicable disease. It is not enough to test for PKU. Every one of the 100 or more known causes of retardation must be eradicated, and the search to find the causes now unknown must be pursued by the best talent we have.

The task before you is awesome but I deduce from your willingness to take the time and trouble to attend this conference that you all agree that its challenge is inspiring. The people of this country have much to gain from the effort you are making. I salute you and wish you every success.

ADDRESS BY HON. JOSEPH W. BARR BEFORE THE NATIONAL ASSOCIATION OF MANUFACTURERS ON SEPTEMBER 21, 1965

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, on September 21, 1965, the Honorable Joseph W. Barr, Under Secretary of the Treasury, addressed a meeting of the National Association of Manufacturers at Hot Springs, Va.

The Under Secretary discussed the terminology and concepts involved in the consideration of international finance. I commend his remarks to the attention of our colleagues. They follow:

Address by the Honorable Joseph W. Barr, Under Secretary of the Treasury

Time was when international finance was a subject confined for the most part to the officials of the larger banks, central banks, and the Treasury. Not many people outside this small group understood or cared much about it. Not so today. It is one of the hottest topics going. It seems as though every publication has something to say at one time or another about our balance of payments, gold losses, and international liquidity.

This is a mixed blessing to us in the Treasury. On the one hand, a widespread interest among the public in this important national problem is an encouraging sign of an alert citizenry and ultimately it will be those outside the Government who will be responsible for the solution to our balance-of-payments problem.

On the other hand, the Treasury Department, having the primary responsibility for this area, is the focusing point for this intense public spotlight and we are frequently taken to task and called upon to account for our actions or inactions—as the case may be.

This is fair enough—6 years in American politics has convinced me that criticism and debate can be especially helpful in formulating our national financial policies. But I am concerned that this debate sometimes gets off the rails because the subject matter is novel and complex.

I would suppose that nearly every man and woman in this room has had some academic background in economics. I would suppose that most of us can carry on a good reasonable argument on monetary policy and on fiscal policy. But I wonder how many are fully grounded in the concepts of the international financial mechanism that has largely developed since World War II?

I would venture that most of us could discourse reasonably on the old gold standard that we were taught in college. But how many understand the workings of the International Monetary Funds, the concepts of liquidity, and the role of the dollar in international finance? I would suggest to you that these subjects are not academic curiosities. They are on the contrary issues that have an intensely practical application to your businesses and to the role this Nation will play in the world.

Therefore, my address today can be considered more as a paper on fundamentals rather than a statement of policy. Specifically, I will discuss the role of the dollar in the world today, the problem of our balance of payments, its relationship to world liquidity, the administration's approach to these matters, and where we stand today.

As this address is designed more for information than for policy, I shall be delighted to answer any questions that may occur to you at the conclusion of my formal remarks.

THE ROLE OF THE DOLLAR

When we discuss the American dollar, I think it is important to bear in mind that the dollar serves three roles: As a national currency, as a key (sometimes referred to as a vehicle) currency, and as a reserve currency.

THE DOLLAR AS A NATIONAL CURRENCY

The first role, as a national currency, is, I think, obvious to everyone. The dollar in this historic role is our domestic medium of exchange, designed to meet the needs of our domestic financial transactions. Also, I think most people understand that our domestic money supply must grow over the years as our economy grows. There is some limit on how many times a year you can use a dollar for different transactions, and as the economy grows and transactions increase there is an obvious need for more dollars to keep things moving.

There is not such a clear understanding, however, of the second and third roles, and discussions of our balance of payments and world liquidity sometimes confuse the two.

THE DOLLAR AS A VEHICLE CURRENCY

When we speak of the dollar as a vehicle currency, we refer to its use in financing international trade and payments. The dollar in this capacity is held by private banks, businesses and individuals throughout the world as a medium of exchange for their international transactions; they use it just as they use their own currencies for their domestic transactions.

Dollars held for this purpose—what we will call private foreign dollar holdings—amount to over $11 billion.

How did it come about that the dollar should serve this role more than any other currency? Robert Roosa puts it succinctly in his new book:

"Because of the importance of the United States in world trade was itself very large, as seen from most other countries;

"Because there were ample and versatile credit facilities available from which supplemental supplies of dollars could be obtained at short term;

"Because accumulations held for transactions purposes could be readily invested in liquid form at reasonable rates of return;

"Because foreign transactions form so small a part of the vast U.S. markets that foreign holders have little reason to fear that their operations would become conspicuous or subject to interference;

"Because the dollar had an established tradition—honored through various periods of stress—of maintaining open markets free of the dictation and the intrusions characteristic of exchange control;

"And lastly a purely technical reason. There are 102 members of the IMF. If financial transactions were denominated in the currencies of every nation, a little simple arithmetic will show that you would raise the 102 currencies to the second power or a figure of 10,404 to arrive at the different methods in which a transaction could be accounted for. To avoid this chaotic situation, when a businessman in country A sells to a customer in country B the transaction usually will work like this: The customer in country B buys dollars; with the dollars he buys the national currency of country A and uses these funds to pay the seller.

This is why we sometimes refer to the role of the dollar as a vehicle currency. It is a crucial role and it acquired this role for the reasons I have listed above. Like its role as a domestic or national currency, the need for dollars as a vehicle currency increases as world trade and financial transactions increase.

To summarize, the dollar is available, it is safe, and it is enormously convenient to have one or (or if one includes the British pound and French franc) two or three currencies that many countries can use, in an infinite variety of bilateral trade transactions, as a kind of common denominator.

THE DOLLAR AS A RESERVE CURRENCY

The dollar's third role—that of a reserve currency—has developed for many of the same reasons that have made it a vehicle currency.

By a reserve currency we mean that dollars are held by governments and central banks as a highly liquid and dependable asset that they can use along with gold to carry them over times of temporary imbalance—precisely the way you, as businessmen, keep reserves for contingencies. But there is an important distinction between the role of the dollar as a vehicle currency and its role as a reserve currency. I have mentioned that probably the principal factor in the dollar's role as a vehicle currency is convenience. I believe that the principal factor in the dollar's role as a reserve currency is confidence—confidence in the ability to use it quickly and at an assured price. These are approximately the criteria most businessmen use in acquiring and holding assets as contingent reserves.

Those who hold the dollar as a reserve currency, central banks and treasuries, do so in the knowledge that these dollars are freely convertible into gold at the fixed price of $35 an ounce. The fact that we have not varied from this policy and this fixed price for over 30 years plus the fact that we are the only country which stands ready to exchange gold for holdings of its currency has made the dollar second only to gold as an international reserve asset.

Foreign monetary authorities hold about $14 billion in their reserves. These dollars are used to finance their balance-of-payments deficits and surpluses and as a cushion for the future.

While these two international roles of the dollar are interdependent—dollars flow back and forth between official and private hands—changes in the world's holdings of its vehicle currency dollars can have quite different implications than changes in the world's holdings of its reserve currency dollars.

To illustrate, the amount of dollars (or any other vehicle currency) held by banks and businesses for trade and finance will probably grow as world trade grows and develops. The dollars held for reserves can vary with the judgment of central banks and governments on (a) what amount of reserves they need and (b) their judgment as to the potential value and usefulness of the dollar.

One final note on our dollar liabilities. While the large amounts of dollars which foreigners now hold represent liquid liabilities and potential claims on our gold reserves, the fact that the world is willing to hold such large amounts of dollars is testimony to their confidence in the dollar.

The program to which I refer next is designed to make sure that the integrity of—and international confidence in—the dollar are maintained.

THE TWIN PROBLEMS OF BALANCE OF PAYMENTS AND WORLD LIQUIDITY

Most of the current discussions of international finance concerns twin problems: our balance-of-payments deficit and world liquidity.

I do not mean to insult your knowledge, but let's make certain of our definitions. First of all let's define the balance of payments. It is not as easy as it might seem because it is an accounting of our private and Government transactions with the rest of the world. In dangerously simplified terms the major transaction would be like this:

What funds go out

1. Money spent to buy imports (including shipping costs to foreign lines).
2. Money spent by tourists.
3. Money spent by the United States in maintaining troops overseas.
4. Money loaned by banks and the Government to foreign borrowers.
5. Money invested in industries in foreign nations.
6. Money given as untied grants under our foreign-aid program.
7. Money sent abroad as payment of interest and principal due by U.S. borrowers.
8. Money remitted as dividend payments to foreign holders of U.S. securities, or as branch income of foreign corporations.

What funds come in

1. Money spent by foreigners to buy our exports.
2. Money spent by foreign tourists in the United States.
3. Money loaned by foreign banks and governments to U.S. borrowers.
4. Money invested by foreigners in U.S. industries.
5. Remittances of interest and principal payments on debts foreigners owe to U.S. lenders.
6. Remittance of dividend income and income of U.S. oversea branches to U.S. investors and corporations.

I have warned you that this is highly oversimplified accounting, but it does include the major items.

When the outgoing items exceed the incoming, we say that we have a deficit; when the reverse is true we say that we have a surplus.

Now some one at this juncture will say, "It is nonsense to keep accounts like these. You have current items such as funds spent on imports or money spent by tourists lumped together with capital items such as long-term loans and investments."

This is very true indeed and that is where the question of liquidity enters the picture. Just what do we mean by liquidity? The corporate explanation of liquidity is the relation between short term liabilities and short term assets. It seems to me that the international economists are much less precise in their definition. When they speak of liquidity, they usually refer to the official (government and central bank) holdings of gold and convertible currencies and the credit available or a rather automatic basis in the IMF. The relation of these assets to short-term liabilities is usually meaningless to most countries because their currencies are not used as a vehicle in commercial transactions or held in reserves.

However, in the United States the corporate definition of liquidity that relates liquid assets to near-term liabilities is more appropriate. It is in fact crucial because as I have pointed out $11 billion are held by private foreigners for trade and finance and $14 billion by official foreigners as reserves.

Thus, the proper definition of liquidity would probably be in three parts. For most nations it could be defined as their holdings of convertible foreign currencies, gold and their IMF position. For the United States it is more precise to define liquidity as the relation between these assets and our short-term liabilities. For the world as a whole, you would probably define liquidity as the amounts of acceptable international resources (gold, convertible currencies and automatic credit at the IMF) available for trade, finance and reserves.

Now let's look at our balance of payments. In essence, the balance-of-payments problem is one of U.S. liquidity. Our overall financial position is good and improving but our international liquidity has been deteriorating. To illustrate, at the end of 1964 our private foreign investments alone exceeded the total of all foreign claims on us—official and private—by over $18 billion. The comparable figure in 1958, when our balance of payments first became a serious problem, was less than $7 billion. This is without taking any account of our gold stock at the end of 1964 amounted to over $15 billion and our Government claims on foreign countries which amounted to over $23 billion. Our overall position, therefore, is obviously immensely strong.

But in the process of building up these tremendous foreign assets, most of which are long-term assets, we have incurred large short-term liquid liabilities, which, while much smaller than our long-term assets, have been large in relation to our gold reserves.

At the beginning of 1958 our holdings of gold came to almost $23 billion. They now stand at less than $14 billion. Over the same period our dollar liabilities to foreign official institutions rose from less than $9 billion to over $14 billion.

It is obvious that this process of lending long and borrowing short cannot go on indefinitely, and I think that most responsible observers are agreed that our balance of payments must be brought into equilibrium to bring it to an end. But at this point the second of our twin problems comes into focus. If the dollar outflow from the United States is ended, how will the world's needs for a key currency and a reserve currency be met?

You will remember that I have earlier indicated that net outflows of dollars have not always been turned back to the United States. Some of these dollars have been retained by foreigners to increase working balances to finance an expanding level of trade and finance and some of these additional dollars have been held to build up official reserves.

On its face, it appears that we are faced with a dilemma. Actually, careful analysis leads us to believe that the ending of our deficit may not create a world liquidity problem for some time to come.

Over the past 4 years, while we have not changed the basic structure of the international payments mechanism, we have substantially fortified it. Just this year, the members of the International Monetary Fund agreed to support a general increase in IMF quotas of 25 percent or about $5 billion. In 1961, the 10 major industrial nations, known as the Group of Ten, negotiated with the International Monetary Fund a so-called general arrangements to borrow whereby the 10 nations agreed to lend to the IMF up to $6 billion should this be necessary "to forestall or cope with an impairment of the international monetary system."

Added to this multilateral source of funds are the various bilateral arrangements whereby the major countries stand ready to swap their currencies with one or more of the other countries in time of need. The substantial support which the IMF and the leading countries have extended to the pound sterling in recent months is testimony to the strength of the present system.

In noting these strengths of the present international payments system, I am not arguing that nothing further needs to be done. I note them only because in recent months some people have unjustifiably jumped to the conclusion that an ending of the U.S. balance-of-payments deficits will immediately bring about a shortage of world liquidity and a crisis.

In addition to overlooking the very real strength of the current system, those who make the oversimplified argument that we should continue our balance-of-payments deficit to maintain world liquidity overlook two other basic points. First, the dollar cannot continue to be a reserve currency if we continue a balance-of-payments deficit of the magnitudes that have prevailed in the past. Sooner or later our liabilities will become so large in relation to our gold reserves that foreign central bankers will no longer believe that the dollar is, in fact, as good as gold and they will not be willing to hold it.

Secondly, a deficit in our balance of payments does not necessarily and automatically increase world liquidity if the countries which are receiving the dollars cash them in for gold. Their reserves go up but ours go down, and the world total remains the same. To illustrate the point, in the first quarter of this year the deficit in our overall balance of payments, seasonally unadjusted, was $180 million. But these dollars did not become new additions to total world reserves. Rather, they came right back to the U.S. Treasury Department to be exchanged, along with dollars accumulated in past periods, for some $800 million worth of gold. A continuance of the dollar outflow would lead to more of the same, a transfer of gold from the United States to the European surplus countries with little or no gain for world liquidity as a whole but with continual decreases in our liquidity.

THE ADMINISTRATION'S APPROACH

The administration's approach to these twin problems is to move quickly and certainly to balance of payments equilibrium and at the same time to move forward in discussions on improving the world's monetary system.

I have pointed out why it is imperative for us to restore equilibrium in our balance of payments. But what, it is asked, do we mean by equilibirum? Is it an exact balance or does it allow for some deficit, say $500 million, $1 billion, or even more?

Our feeling in the Treasury is that equilibrium cannot be defined solely in terms of a figure; it is importantly a matter of confidence. Whether a given figure for the overall balance of our international transactions represents equilibrium depends on the particular circumstances at the particular time. But while we may not be able to define in precise numerical terms what equilibrium is, we can say that it does not exist when the United States is continually losing gold. Perhaps, then, the best indication of what equilibrium in the U.S. balance of payments is, is what the rest of the world thinks it is. The extent to which they cash in their dollars for gold is, in short, a very useful indicator.

We are seeking the long-run, basic solution to our balance of payments deficit through measures which are consistent with our domestic objectives and our foreign policy objectives, and consistent with a growing volume of world trade and capital movements. In brief, our long-run approach is to:

1. Continue to minimize the balance of payments impact of Government expenditures abroad.

2. Strive to increase our exports and receipts from foreign tourists.

3. Encourage other developed nations to take on more international financing to relieve us of a disproportionate share.

4. Take measures to encourage more foreign investment here.

To gain the necessary time for these longer run measures, we have undertaken shorter run measures which President Johnson outlined in his message last February 10. These consist of efforts to reduce foreign travel expenditures by U.S. citizens; the extension and broadening of the interest equalization tax; and, most importantly, the request that banks and corporations curtail or adjust their activities to lessen the balance-of-payments impact of capital outflows.

The key to success in this program, both in the short run and in the long run, is the business community. For the short run, we must have the effective cooperation of the business community to give us the time for our longer run measures to take effect. And in the long run, the competitive position of American business in relation to the other major trading countries will be critical.

First of all, we must maintain our good record of relative price stability. Second, American business must become more energetic and effective in finding and exploiting foreign markets for American exports.

Shortly after President Johnson announced his new balance-of-payments program on February 10, there was an encouraging swing to a surplus in our balance-of-payments. It is far too early, however, to conclude that this represents a permanent trend toward equilibrium. Some of the gains were due to special factors, some were one-time gains. We are by no means out of the woods yet. But we do feel that we have a program which is sound and can bring us to equilibrium if all of us follow through on it.

While the subject of world liquidity has only recently come into public prominence, the United States, several years ago, joined with other major countries in comprehensive studies of the international monetary system, its recent evolution, its present effectiveness, and its future. On June 1 of this year, this multilateral study group issued a report which exhaustively examines the possible ways to strengthen the system. In July, Secretary Fowler announced that the United States stood prepared to participate in an international monetary conference that would consider what steps we might jointly take to secure substantial improvements in international monetary arrangements.

On September 10, Secretary Fowler returned from a 10-day trip to Europe during which he exchanged views with officials of seven countries on how we might move ahead to improve the workings of the international monetary system. Secretary Fowler had earlier conferred in Washington with Canadian and Japanese officials.

He found agreement that present circumstances call for a reexamination of the free world's monetary arrangements; that we should begin contingency planning for the possible time ahead when new ways of providing for growth in monetary reserves will become necessary; and that active discussions on negotiations should begin in the near future at the level of policymaking officials.

The annual meeting of the International Monetary Fund beginning next week offers a logical opportunity to start putting the negotiating machinery in motion.

In both the case of the problem of the United States balance of payments and that of international monetary reform, therefore, there are signs of progress. I would rather close, however, on a note of caution. A basic change in the world's monetary system will not come about quickly or easily. To reach agreement among all the nations involved on anything so basic will require time and enormous effort.

A lasting improvement in our balance of payments—lasting enough to be meaningful in the context I have described—will also require time and effort.

The President's program is broad gaged, requiring some sacrifice of many elements of the population but no unreasonable sacrifice, in our judgment, of any one element. Of course, more tourists would like to bring back more goods duty free from abroad; of course, banks and other lenders would like to lend as freely as possible abroad; of course, businessmen would like to take advantage of every attractive overseas investment opportunity. Essentially, we are asking these groups to adjust—not halt—these practices, so that confidence in the dollar will be sustained.

If confidence in the dollar is sustained, if the international monetary system evolves in a sensible way, we will have created the best possible environment for the American economy—American businessmen—to demonstrate their formidable competitive strength in the world at large, in the years ahead.

THE WAR ON POVERTY

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GIBBONS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GIBBONS. Mr. Speaker, the Johnson administration's War on Poverty is a brand new program, a dramatically new concept, a striking innovation. As such, like anything new and virtually untested, it is receiving its share of comment, both vigorously for and against.

This fall, members of the House Education and Labor Committee, including myself, will conduct an in-depth study of the entire antipoverty program and its successes and failures to date. It will come under the closest of scrutiny. Our study will range from the administration of the OEO here in Washington to practical applications in the field.

In this connection, I would like to call the attention of my colleagues to a perceptive article by Mr. Joseph Kraft, which appeared in the Washington Post of Wednesday, October 6. It is thoughtful. It is timely, and it is fair. I think it hits the nail on the head. As Mr. Kraft points out, the true measure of the antipoverty program "does not lie in administration tidiness, still less in isolated performance. The true test lies in the impact the poverty program can make on the regular Federal, State, and local bureaucracy in the welfare field."

As Mr. Kraft so correctly points out, the antipoverty program "is breaking through." It is already serving as a valuable catalyst and a dramatic focal point for the new approach to helping eliminate the social blight and poverty which enslaves some 35 million Americans. It is aimed at the root causes of this poverty—ignorance and lack of job opportunities—rather than the perpetuation of the dole. It is positive, rather than negative. It seeks to put men and women to work, earning their own way, becoming full, useful citizens. It emphasizes the remedial, the "helping hand," rather than the timeworn "handout."

Under unanimous consent, I insert the article by Mr. Kraft in the RECORD at this point:

TESTING THE POVERTY PROGRAM

(By Joseph Kraft)

In Washington recently a former official of the Office of Economic Opportunity, or poverty program, was asked why he quit. "I had a look at the table of organization," he replied. "It was round."

In eastern Kentucky, there is a poor county that meets all the conditions for participation in the community action program of the war on poverty. But until 2 weeks ago at least, only one person in the county even had a guide to the community action program. And he was not an official, but a newspaper editor.

Those are just two of the stories about the poverty program that go the rounds in Washington every day. They reflect a prevailing impression that the program is poorly organized and badly coordinated. Indeed, many shrewd politicos believe that the poverty program will provide most of the ammunition for the next big assault on "the mess in Washington."

Perhaps so, for in politics anything is possible. But, in fact, none of the daily round of critical stories affords a fair measure of the poverty program. For the true measure does not lie in administrative tidiness, still less in isolated performance in the field. The true test lies in the impact the poverty program can make on the regular Federal, State and local bureaucracy in the welfare field.

To grasp this point, it is only necessary to make some budgetary comparisons. This coming year the poverty program will spend less than $2 billion. In the country at large, something like $35 billion will be spent on welfare programs—$20 billion by the Federal Government, and $15 billion by States, localities and private charities.

The essence of the poverty problem is that the regular welfare programs have long since been outmoded. Conceived either in the depression days or before, they provide help either for those who are jobless because of bad times, or to special cases such as the handicapped, the blind, the widows and orphans.

But the poverty community that has grown up in the midst of an affluent America is centered not in special cases but in large groups such as the Negroes and large areas such as Appalachia. It comprises not just people down on their luck, but people who tend to stay poor year after year and generation after generation. The modern poor, accordingly, are ill-served by the established welfare programs.

Under the regular welfare system, for example, the Federal Government supports direct assistance payments that do nothing to take families off the dole. It pours money into depressed regions that have almost no chance of becoming self-sustaining. Its school, housing and employment programs promote the interests of the white middle class and not the Negro dropouts from the slums. And this whole outmoded system is sustained by a huge welfare bureaucracy that is committed heart and soul to doing exactly what it used to do.

The function of the poverty program is to break new ground for the old bureaucracy. Project Head Start, for example, emphasizes preschool training so that slum children can enter school with a chance of staying abreast of their classmates. The community action program is designed to mobilize whole groups to climb out of the poverty rut. Rural programs feature payments that enable people to move from hopelessly depressed areas into towns that have a chance to grow.

The basic theory is that once these kinds of programs are in action, the welfare bureaucracy will adapt to them. Success, in other words, will be achieved when the new concepts enter the bloodstream of the regular bureaucracy.

Seen in that perspective, there are already some encouraging signs. The Office of Education in the Department of Health, Education, and Welfare is beginning to emphasize preschool training. The Department of Agriculture is shaping its programs to meet a class of rural poor that are sharply differentiated from commercial farmers. The Appalachia program, instead of scattering money in existing sites of settlement, is trying to concentrate expenditures in growth centers.

In these circumstances, it is premature to write off the poverty program as a failure. If it looks bad in some isolated cases, there is a broad front where the program is breaking through.

KAY SAGE EXHIBITION—MATTATUCK MUSEUM IN WATERBURY, CONN.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MONAGAN. Mr. Speaker, on November 5 an outstanding and unusually complete exhibition of the paintings of Kay Sage will open at the Mattatuck Museum in Waterbury, Conn. Miss Sage—who was Mrs. Yves Tanguy—was one of the outstanding artists of our time. In addition, she was the many cited and talented personality who wrote fluently in French and Italian, as well as in English. She not only worked in the traditional medium of oils, drawings, and gouaches, but she created a series of fascinating arrangements in wood, wire, and other materials.

Since she resided for many years in Woodbury, Conn., it is appropriate that her current showing should begin in a nearby city which she frequently visited. The Mattatuck Museum is now the repository of the major portion of the records and memorabilia related to the life and work of Kay Sage.

James Thrall Soby, the noted author and critic, has written a sympathetic and perceptive tribute to Kay Sage which will appear in the catalog of her show.

I believe that it should have wide circulation and I shall include it after my remarks in the form in which it appeared in the magazine "Art in America" in the October–November 1965, issue.

It is worthy of note that after the Mattatuck showing the Kay Sage exhibition will appear, in January at Lyman Allyn Museum, New London, Conn.; February, Williams College Museum of Art, Williamstown, Mass.; March, Albany Institute of History and Art; April, Vassar College Art Gallery, Poughkeepsie, N.Y.; May, the Katonah Library in Katonah, N.Y.

The tribute is as follows:

A TRIBUTE TO KAY SAGE—MATTATUCK MUSEUM, WATERBURY, CONN., NOVEMBER 5 THROUGH DECEMBER 26

Kay Sage was a painter in the romantic tradition. She loved far vistas, atmospheric ambiguities and enigma in the many guises which give it its name. Yet she also hated such excesses of the romantic spirit as its delight in sorrow and in the morbid, its obeisance to the picturesque. There was a strong discipline behind her tastes and preferences, both in personal and esthetic matters. Perhaps it was this underlying control which gave her art its conviction and force. In conversation she was fascinatingly direct and at the same time subtle, and one always sensed a curious and immensely appealing balance between extravagance and restraint in what she said. Her respect for the profession of painting was relentless and stern; she was contemptuous of the least compromise as to its truth and standards. She was proud, indeed even imperious, and yet she was affectionate, witty, and gay with those she liked and trusted.

The world of Kay Sage's imagination as an artist was deliberately veiled and she had a horror of intrusion by the demands of commerce, however insistent or flattering. Those of us who, through professional respect and friendship, were allowed to penetrate this world came away enlivened and refreshed. One misses her now as bitterly and constantly as on the day of her death 2 years ago.

I assume that almost everyone understands that nothing is so treacherous as absolute certainty of opinion on any subject whatever. But I among many feel that her place in the art of our time is assured, and that we shall not soon again see her like as a rare and unforgettable person.

JAMES THRALL SOBY,
Chairman of the Committee on the Museum Collection, Museum of Modern Art.
NEW YORK.

THE NATIONAL CULTURAL CENTER

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, in 1957, and again in 1958, I introduced legislation to create a National Cultural Center. I began my efforts to secure Federal recognition of the place of the arts and support for them in our national life my first day in this body, and my proposal for the Cultural Center was a part of these efforts. It was a proud and happy day for me when the National Cultural Center Act was passed with bipartisan support and signed by President Eisenhower. I was glad to accept the judgment of the National Capital Planning Commission that the Potomac River site which they proposed was the proper place to locate the Center, even though I had originally envisioned another site. I found that the Commission had already planned a use for the Mall site, and I was unwilling as a Member of Congress to press for a departure from the orderly planning processes established by law for the Nation's Capital. Like Senator FULBRIGHT, I have never regretted the choice that was made. I have served on the Board of Trustees of the Center from its formation and have never heard a word of objection to the river site from any of them. The Chairman of the Board, Mr. Roger L. Stevens, is deserving of high praise for the stage to which the Center has been brought.

Now, Mr. Speaker, a number of persons and organizations which originally supported the National Cultural Center bill and the Potomac River site have raised, not 11th-hour, but last-minute objections to the site, and have embarked upon a campaign to delay beginning of construction of what is now the Nation's memorial to the late President Kennedy. One of the proponents of delay has said that it is better to be right than rush. True, but it is also easier to be critical than to be correct. For example, it has been said that the Kennedy Center will dwarf the Lincoln Memorial. This is not correct. It is true that the Center will occupy a greater area than the Lincoln Memorial. At the specific request of President Kennedy, however, the Center will be lower than the Lincoln Memorial in height. As any Member can determine by driving along the Potomac Parkway to its beautiful site, the Kennedy Center will be over one-half mile from the Lincoln Memorial, will be around a bend in the river from it, and will be separated from it by the Theodore Roosevelt Bridge. Surely, Members and citizens are entitled to their opinions, and may be perfectly sincere in them, but is it too much to ask that they be based on information that is correct? Truly, it is better to be right and correct than to rush to criticize.

Mr. Speaker, Members are quite familiar with the technique of what is known as "starting a grass fire" to support a position. Members are aware that this technique is not infrequently used by lobbyists and results in a flood of mail, and even of petitions from constituents, many of whom are uninformed or at best informed only of the propagandist's side of the story. This technique has recently been used by opponents of the Center and of the Potomac site.

I am informed that the mailing plates of the National Symphony Orchestra Association, the Light Opera Co., the Washington Civic Opera Association, and the Washington Ballet Society have been made available in an attempt to start a grass fire of opinion against the Potomac site of the Kennedy Center. The incorrect views and misinformation of a Member have been mailed to these good citizens, along with a postcard for reply. Of course, any Member is privileged to express his views and to do so in a franked cover. And Members are privileged to seek guidance and enlightenment from constituents upon public questions. However, I conceive it an irresponsible act and an abuse of privilege to manufacture public opinion. Note the phraseology of the poll, on an issue stated only in terms favorable to the Member's position:

> I vote for prompt hearings at which qualified experts can help Congress reexamine the site for the Kennedy Center.

This loaded question implies that no qualified experts have been heard before. This is not correct; qualified experts have been heard. Qualified experts advised the Congress to locate the Center on the river site. Congress accepted these recommendations.

Mr. Speaker, I have for over 10 years helped various cultural institutions in the Nation, including some in the District of Columbia. I deplore the fact that some of the very organizations I have helped and which would be enormously aided by the construction of the Kennedy Center have lent themselves to being used to lobby against the Center. This is a disservice to the Center, to the community, and to the Nation. Most tragically of all, Mr. Speaker, it may well prove that these organizations have done themselves the greatest disservice of all. Section 501(c)(3) denies tax-exempt status to organizations which substantially attempt to influence legislation. And loss of tax exemption seriously endangers the sources of charitable contributions. In addition, the National Symphony, the Washington School of Ballet, and the Washington Civic Opera received from the District of Columbia Recreation Board over $49,000 of public funds appropriated by the Congress and a similar amount is provided in this year's budget. It is hardly appropriate for these funds to be used to support opposition to the Kennedy Center site when that site has been endorsed by the Board of Commissioners of the District of Columbia as well as the Recreation Board.

FEW OPPOSED TO SITE

The membership of these groups are being misused by a few of their leaders and are being misled by the propaganda that is being fed them. But the propaganda machine has really been productive of very little in the way of results, for about 10 percent of those polled responded. Less than 7 percent of those polled favored delay or a different site. This response is really remarkable, but not for the reasons advanced by the Member that conducted the poll. It is remarkable because it shows how few were misled and deceived by the specious arguments that accompanied the poll. The Member's statistics prove just the contrary of what he claims they proved.

I must say, Mr. Speaker, that being deceived is something that happens to all of us. If I had not been in a position to get at the facts regarding the Kennedy Center site, if I had not followed its development and practical realization, I might have been deceived as so many good citizens of the metropolitan area have been. I am told that a number of persons are writing to the Member to reverse their positions on the poll, after getting some facts from distinguished Senators. I hope that more will continue to do so, as propaganda is subjected to the clear light of truth.

SELECTION OF SITE

One of the major arguments of opponents of the river site is that it was "hastily selected by Congress" rather than by the appropriate agency, the National Capital Planning Commission. This is incorrect. Not only is the argument false, but by the inverted logic that characterizes many of the arguments of the opponents, they seek now to raise a hue and cry to have Congress set aside the recommendations of the National Capital Planning Commission and substitute its opinion for that of the Commission.

Mr. Speaker, I should like to explode once and for all the myth that the river site was selected by Congress rather than by NCPC, that NCPC was not consulted. I ask consent to introduce and have printed at this point a full chronological summary of the history of the river site prepared by the General Counsel of the Center, Ralph E. Becker, documented by excerpts from public records. These records were fully available to the opponents of the site and it is regrettable that they were not used to ascertain the facts of the issue. It is even more regrettable if the facts were ascertained and then suppressed.

I present herewith for the benefit of my colleagues and the public at large the complete chronology of the official actions which resulted in selection of the site for the John F. Kennedy Center:

CHRONOLOGY OF SITE LOCATION, JOHN F. KENNEDY CENTER

January 31, 1957: Potomac River site recommended for multipurpose auditorium by

District of Columbia Auditorium Commission.

March 8, 1957: Mall site approved for National Air Museum by National Capital Planning Commission.

February 24, 1958: Senator FULBRIGHT introduces S. 3335, 85th Congress, and Congressman THOMPSON introduces H.R. 13017, 85th Congress, to provide for creation of National Cultural Center. Both bills propose location on Mall site. Referred to respective Committees on Public Works.

Views of National Capital Planning Commission on Center, including site, requested and staff study begun by National Capital Planning Commission of locations.

April 22 and 23, 1958: Hearings, Senate Committee on Public Works on S. 3335 and S. 1985, a bill to authorize the Air Museum. Both bills propose use of Mall site. Mall site opposed for National Cultural Center, advocated for Air Museum by Bureau of the Budget, General Services Administration, NCPC, Smithsonian Institution, and the Commission of Fine Arts. The majority of the Board of Commissioners of the District of Columbia favored the Mall site for the National Cultural Center. Pension Building site suggested by FAC and NCPC as alternative for National Cultural Center location. River site proposal of District of Columbia Auditorium Commission revived by Washington Board of Trade for National Cultural Center.

May 1, 1958: NCPC approves Potomac River site and Pension Office site for National Cultural Center, recommending river site. Transmission of views to Senate Public Works Committee.

May 20, 1958: Letter, David E. Finley, Chairman, Commission of Fine Arts, to Senator FULBRIGHT, reporting that river site was favored for National Cultural Center by representatives of Commission of Fine Arts, NCPC, American Planning & Civic Association, Public Buildings Service of General Services Administration, Federal City Council, Bureau of the Budget, Smithsonian Institution, National Air Museum, Committee of 100 on the National Capital, Commissioners of the District of Columbia, Washington Board of Trade, Opera Society of Washington, National Symphony Orchestra, Institute of Contemporary Art, Hayes Concert Bureau, National Opera Guild of Washington, and the Advisory Panel for the Performing Arts of the Commission of Fine Arts.

June 5, 1958: NCPC authorized its Executive Committee to acquire portions of river site not in Government ownership, if Congress approves river site.

June 11, 1958: S. 3335 reported favorably in Senate Public Works Committee, incorporating as amendment the recommendation of NCPC for river site. (S. Rept. No. 1700, 85th Cong., 2d sess.)

June 13, 1958: S. 3335 as amended, providing for river site, passed Senate.

August 1 and 5, 1958: Hearings, Public Buildings and Grounds Subcommittee, House Public Works Committee, on H.R. 13017, amended to conform to S. 3335, and on S. 3335 as passed, providing for river site.

Site supported by NCPC, Commission of Fine Arts, the District of Columbia Recreation Board, American Planning and Civic Association, the Bureau of the Budget, the Commissioners of the District of Columbia, the Washington Star, the Washington Post, the American Institute of Architects, the Federal City Council, the Washington Board of Trade, and Mrs. Robert Low Bacon, member, District of Columbia Auditorium Commission.

In addition, H.R. 13017, including the river site, but without specific reference to the site was endorsed by President Eisenhower, AFL–CIO, American Educational Theater Association, the General Federation of Women's Clubs, the District of Columbia Federation of Women's Clubs, American National Theater and Academy, the Mount Pleasant Citizens Association, the Dupont Circle Citizens Association, the National Opera Guild of Washington, the National Symphony Orchestra Association, the Washington Ballet Guild, the Opera Society of Washington, and the National Federation of Women's Clubs.

Opposition to the site was expressed only by the president of the Wax Museum and the Andrews Air Force Base, Local 10, National Federation of Federal Employees.

August 14, 1958: House of Representatives Public Works Committee reports S. 3335 favorably, including river site. (H. Rept. No. 2623, 85th Cong., 2d sess.) Report includes approval of site by Department of Interior.

August 22, 1958: S. 3335 passed House of Representatives.

September 2, 1958: S. 3335 signed by President Eisenhower, effective as Public Law 85–874.

September 2, 1959: National Cultural Center Act amended. No opposition expressed to river site.

December 3, 1959: NCPC approved enlarging river site, and relocation of Rock Creek and Potomac Parkway.

January 16, 1961: Budget message of President Eisenhower recommends enlarging river site: "Last spring, legislation was introduced in the Congress to enlarge and change the boundaries of the site for the National Cultural Center in accordance with the design for the structure contemplated as a national center for the performing arts on the banks of the Potomac. It is important that such legislation be enacted as early as possible so that the fund-raising activities of the Center's board of trustees may be energetically continued."

January 30, 1961: Commission of Fine Arts, by letter, David E. Finley to Senator Chavez, recommends enlargement of site:

"The Commission of Fine Arts has carefully studied the design of the proposed National Cultural Center and, in the members' opinion, the success of the design with its river facade, is contingent on the acquisition of more land at the north and in order to reroute the existing Potomac Parkway to the east of the building. The important position this building will occupy in the cultural life of Washington and the Nation will justify the expenditures required. The Commission therefore urges favorable action on S. 516 to authorize the acquisition of land required for this purpose.

"The Bureau of the Budget has indicated that there is no objection to the submission of this report."

March 9, 1961: Letter, President Kennedy to Speaker Rayburn approves river site and urges enlarging it:

"Earlier this year President Eisenhower sent to the leadership of the House and Senate a message urging the enactment of legislation to enlarge the site of the proposed National Cultural Center in Washington. Under the National Cultural Center Act, the site for the Center is to be provided by the Federal Government. As the President pointed out on January 18, it is necessary that three parcels of land not now included within the description of the site be added in order to permit construction of the Center in accordance with the approved architectural plan.

"I want to renew this recommendation. The National Cultural Center is the most significant cultural undertaking in the history of this city and has enormous importance to the cultural life of the Nation as a whole. There is a real and promising opportunity to establish new horizons for the performing arts in this city. There have been many public-spirited citizens participating in the work and planning of the Cultural Center, and I believe that the Federal Government should take these small additional steps in order to provide a suitable setting and environment for the Center. Moreover, this is an enterprise which has earned the support of membership of both parties in the Congress.

"I urge the early enactment of this legislation so that the plans for the National Cultural Center may proceed promptly. This can be an important step in recognizing the vital role of culture in the vigorous development of our country."

August 19, 1963: National Cultural Center Act amended to extend life of Board. No opposition expressed to river site.

December 12, 16, 1963: Joint hearings, House and Senate Committees on Public Works, on House Joint Resolution 871 and other bills to amend the National Cultural Center Act to rename the Center, designate it as a memorial to John F. Kennedy, authorize $15.5 million in matching funds, and authorize borrowing of $15.4 million.

Only objection to river site raised by Sam J. Kaufman, local musician. Bill supported without raising objection to site by John Immer and others who since have opposed site.

December 17, 1963: House Joint Resolution 871, as amended, reported favorably by House Committee on Public Works (H. Rept. No. 1050, 88th Cong., 1st sess.). President Johnson by letter endorses House Joint Resolution 871 and site.

Minority report raises no objection as to site.

No opposition to site in Senate Report No. 765, 88th Congress, 1st session, on same subject.

December 18, 1963: Senate passes bill to amend National Cultural Center Act.

January 8, 1964: House passes bill to amend.

January 23, 1964: President Johnson signs bill into law.

February 20, 21, 1964: Hearings, Subcommittee on Department of the Interior and related agencies appropriations, House Committee on Appropriations.

River site endorsed, expansion requested by NCPC. Equivocation on site by William Walton, Chairman, Fine Arts Commission. Approval of site expansion by NCPC reported.

Objections to appropriation based on objections to site and other considerations by John Immer, as president of Dupont Circle Citizens Association, the Federation of Citizens Associations, and chairman of planning committee of Committee of 100 for the Nation's Capital. Also by counsel for Watergate Inn, Capitol Hill Restoration Society, and Capitol Hill Southeast Citizens Association. These are first organizational objections to site.

May 8, 1964: NCPC reaffirms approval of river site by 7-to-3 vote.

June 4, 1964: Presentation of site development plan to NCPC by Federal Planning and Projects Committee. Report based on study by coordinating subcommittee composed of representatives of NCPC, General Services Administration, the National Park Service, the District of Columbia Highway Department, and the architect for the Kennedy Center. Agreement by the subcommittee was reached on the site development plan, including the conclusion that the site provides a parklike setting and adequate vehicular and pedestrian accessibility. Report approved by NCPC, eight for, one abstaining.

July 23, 1964: Final approval of detailed site development in lieu of zoning. Details represent further adjustment of plans by Federal Planning and Projects Committee. Motion carried, two abstaining.

CONCLUSION

The Potomac River site for the John F. Kennedy Center for the Performing Arts was originally approved and recommended by the National Capital Planning Commission. The site, with the site development plan, has been before the Commission five times and has been approved on each occasion. Congress' original action in fixing a statutory site was upon the recommendation of the National Capital Planning Commission. Congressional action was necessary to allocate property of the United States to this purpose. Including the original action, the Potomac River site has been before Congress four times, and has been approved on each occasion. If the appropriation act pursuant to the John F. Kennedy Center Act is counted, the site has been before Congress five times. The site has been approved by three Presidents: Eisenhower, Kennedy, and Johnson. The site has been before the Fine Arts Commission twice at least and has been approved on both occasions.

APPEAL TO CONSCIENCE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCormack] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. McCORMACK. Mr. Speaker, "An Appeal to Conscience" is the title of an editorial-advertisement that appeared in the Washington Post on October 3, 1965, by Mr. A. N. Spanel, the founder of International Latex Corp.

Coming as it does from a businessman whose patriotism extends to the whole free world, this moving appeal for unity should be read by all free men in our threatened world.

I have had occasion to read Mr. Spanel's articles for 25 years and was always impressed by them and especially by those about the French people to whom he is passionately devoted not only for their great contributions to Western culture but for the historic role they played in our struggle for independence.

The following is the article as it appeared in the Washington Post on Sunday, October 3, 1965.

APPEAL TO CONSCIENCE

(By A. N. Spanel, founder-chairman, International Latex Corp.)

We live in a world under relentless assault by virulently aggressive communism that threatens our whole heritage of moral values. Yet the free world has failed, tragically, to muster the unity and the dedication to freedom without which Western civilization assuredly is doomed.

Our real interest in recent years has not been centered on a unified, continuous effort to prevent world war III.

It all amounts to a tragic retreat from basic truths and ideals. Only a revitalized faith in human freedom and the age-old ethical imperatives—truth, justice, the dignity of man—can generate a zeal for freedom capable of confronting and overcoming the Communist zeal for world conquest.

This poses a great challenge to our political and religious leaders, to our philosophers, poets, and opinionmakers.

INVENTORY SAMPLE

The Western world continues to be in disarray, with some of its statesmen and spokesmen not only willing but eager to barter principles for the mirage of trade and the hope (without the certainty) of physical survival.

Already a third of the human race is in the grip of the virulent Communist tyranny, and millions in the rest of the world are infected by it. A Communist fortress, Cuba, stands at the very doorstep of our own country and serves as the staging area for the spread of the new barbarism to the entire American hemisphere.

The African Continent, having largely become "independent," is racked by horrifying tribal warfare and many of the new countries are subjected to despotisms far worse than the worst exploitations of the colonial past. From Zanzibar to Ghana the agents of communism prowl for prey amidst the chaos. A Communist-armed and Communist-oriented Indonesia reaches out for empire in the South Pacific. India, as a reward for its naive neutralism yesterday, is menaced by Red China today; and Pakistan, once a stanch ally against communism, finds comfort fishing in Communist waters. Nasser brazenly works both sides of the street yet our dollars continue to feed his sinister war machine and power-mad ambitions.

REPEATING THE TRAGEDIES

The inventory of dissolution and defeat could be extended without end. The frontiers of freedom are shrinking and violence has the right of way. Yet the nations of the West are more disunited than ever, openly putting commercial profit above common purpose. Not only have our alliances been weakened but the objectives for which they were formed are fading from memory.

Indeed, the free world could be competing for its own destruction under banners of nationalism which in essence reiterate the corrosive pronouncement made a century ago by a European statesman: "We have no perpetual allies and we have no perpetual enemies, our interests are perpetual."

The very nations which thought they could do business as usual with Hitler are rushing to do business as usual with the Kosygins and Maos and Castros. The lessons of such recent history have been lost upon them. Those who thought they could buy peace by appeasing the Nazis—thereby making war inevitable—now unashamedly beg for the privilege of appeasing the Communists.

Today, when President Johnson faithfully champions freedom's cause by actively resisting aggression in southeast Asia (a boiling problem he inherited when he took office), he is subjected not only to clumped Russian-Chinese vilification, but to hostile criticism by some European political leaders—the very ones whose nations were freed from enslavement by America's total commitment to freedom, and the resoluteness of Presidents Roosevelt and Truman. How little it matters to these critics that Americans are again fighting and dying—and again for principle and not for possessions—so that what remains of freedom in southeast Asia may continue to live. By what reason is human freedom less worthy there than in Europe?

PREVENTING WORLD WAR III

The times call for a courageous spiritual campaign by those institutions and men who are most aware of eternal moral values. They can and must arrest the decay of religion, the erosion of ideals, the growing indifference to the sufferings of the victims of violence; in these bitter days, they can and must speak out fearlessly to give an exalted vision of the things worth living for that would give added strength to our political leadership and produce free world attitudes, self-respecting and purposeful, which, far from provoking a world war, would inspiringly operate to prevent it.

The propagation of a renewed faith in man's right to freedom and human dignity—not only for ourselves but for all humanity—is indispensable in order to help strengthen the positions of worldly leaders. Only then will they be psychologically equipped to head off the looming catastrophe of one Communist world. It is also the highest form of morality to strengthen the courses of political life with idealism.

All freemen, all religious faiths, have an inescapable duty to work together—in unity—for constructive action in freedom's cause. This would cut through the paralyzing apathy of our time and repeatedly persuade us to the truth that freedom is indivisible, never for sale yet always paid for with faith, ceaseless vigilance, and at times, sacrifice.

IN SUPPORT OF H.R. 10281

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Hansen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HANSEN of Iowa. Mr. Speaker, much has been said in support of H.R. 10281. I rise to add my voice to those of my colleagues who have spoken in favor of this bill.

All Federal employees whom I have known have been, figuratively speaking, the whipping boy in American politics for many years. Whenever a political bigot wanted to make people think he was for the taxpayer and against the politician he attacked the Federal payroll. How easy this is to do for the man who does not care too much about the truth, nor who has not had direct and personal day-to-day contact with fellow Federal workers. The Federal employee is, for the most part, one of the hardest working and most dedicated individuals in our labor force.

Without these men and women who do yeoman service for this country we would find our national effort grinding to a halt. And yet, for all their service, these people are woefully underpaid when compared with similar employment in private industry. The raise we are voting for is inadequate even at this late date and yet some will say we are too generous with the taxpayers money.

It is short sighted to underpay our Federal employees. I feel a pay raise is urgently needed and encourage my colleagues to give H.R. 10281 their full support as it passes through the remaining legislative process.

OUR MERCHANT MARINE—FOURTH ARM OF DEFENSE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. Downing] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DOWNING. Mr. Speaker, the Federal Government spends some $350 million yearly to subsidize our American-flag merchant fleet.

It is clear to me that the future of our Nation's defensive position in southeast Asia, and throughout the world, significantly depends on our ability to transport men and materiel on the high seas.

One of my distinguished constituents, L. Eldon James, has just been elected national commander of the American Legion at the Legion's national convention at Portland, Oreg. Commander James delivered his first major policy address a few days ago at a luncheon sponsored by the D.C. Propeller Club. I believe it is significant that Commander James, whose dedication to the maintenance of our Nation's defensive posture is widely known, chose as the topic for his first policy statement, "Our Merchant Marine—Fourth Arm of Defense." Mr. Speaker, I believe my colleagues should have an opportunity to read our new American Legion commander's remarks on our merchant marine policy. His address constitutes one of the finest justifications I have ever seen for the continuation of a U.S.-flag and U.S.-built merchant marine.

I hope all of my colleagues will have an opportunity to meet my prominent constituent but in the interim I ask permission to insert his outstanding maritime address in the Record.

Commander James' remarks follow:

An Address by L. Eldon James, National Commander, the American Legion, Before the Propeller Club, Washington, D.C., September 29, 1965

Summer 1965—in the annals of the American merchant marine—must go down as a "summer to remember." It represents a turning point. The public has become aware that our merchant marine—as the fourth arm of our defense—has become and must continue to be our country's man for all seasons—in peace—in war and during those grey seasons in between. This was the summer of public awareness that the United States has need of a merchant marine every day of every year, in peace as well as in war—of sudden public understanding of how much we rely on that merchant marine—of sudden public interest in whether or not we have enough merchant ships to deliver safely and quickly the men and material necessary to fulfill our defense commitments.

Make no mistake about it: There is a strong tide of public support running today for American shipping, stronger than at any time since the days of World War II. Two unrelated things that were thrust upon us together seemed to mobilize public opinion overnight behind the concept of a strong merchant marine. They were: First, Vietnam and our increased commitment to that cause; and, second, the unfortunate tie-up of Atlantic and gulf coast shipping.

Across the land, the events of the summer of 1965 have created great concern in the minds of the American people, concern about preparedness. The organs of opinion focused as never before on the complex problems of the companies that own the vessels, on the men who operate the ships and on a government looking to its shipping industry to function on a peacetime and a wartime footing at the same time.

This past summer ships were needed to haul military equipment for the war in Vietnam. At the same time, shipping was required to carry civilian goods across the seas; to carry American exports so vital in our drive to bring dollars back home and stop the flow of gold from our shores. Where there was once silent indifference, we now hear people talk about the need for modern ships—ships of our own ready and waiting to deal with emergency defense situations. Many people now have relatives or friends fighting in Vietnam. Their supply is a matter of growing public interest and concern. The American Legion pledges its best efforts to keep that interest alive.

Clear-cut indications of the inadequacy of our merchant fleet, and the fallacy of reliance upon foreign flags, were seen this summer in at least two instances in west coast ports where foreign-flag ships refused to transport vital cargoes bound for Vietnam.

After time-consuming and futile negotiations with foreign ship operators, both cargoes, one from Long Beach, Calif., and another from Tacoma, Wash., finally were shipped aboard new American merchant ships built as a part of a limited vessel replacement program.

Incidents such as these vividly illustrate the need for a strong U.S. merchant marine in readiness. The American Legion's 1965 National Convention in Portland, Oreg., put our organization on record in favor of strengthening American merchant marine seapower. We passed perhaps the strongest single resolution we have ever adopted with regard to the merchant marine.

We simply cannot send American fighting men overseas to cope with situations such as the one we now face in Vietnam, without a reliable transport system able to carry safely to their destination both the men, and their supplies.

Early this month, I asked the Department of Defense for their views on the status of the merchant marine, and I relay to you portions of the response from Assistant Secretary of Defense Arthur Sylvester. He said, in part:

"The ability of our merchant marine to respond to defense needs has been clearly demonstrated here. In August, we shipped over 500,000 measurement tons to the general area of southeast Asia. This is in marked contrast to our routine shipments of a little over 100,000 measurement tons per month in the first part of the year."

Mr. Sylvester went on to say: "At our request, the Maritime Administration is reactivating ships from the national defense reserve fleet. The first ships reactivated were loading cargoes within less than 2 weeks of our initial call."

This is encouraging news, but do we really possess the total reserve strength we need to perform any task that may be required?

Of the approximately 100 ships chartered by the Military Sea Transportation Service up to September 15, more than half were subsidized vessels which had been built by private U.S. liner companies under Government contract against just such a day—against just such an emergency. The ships were ready and waiting for rapid conversion from commercial duty to military functions. The Merchant Marine Act, passed in 1936 after bitter lessons from the past, had proven itself a partial, yet true lifesaver in the stormy season of emergency.

Our newer and speedier merchant vessels are even having a favorable effect on military training schedules. Because of the ability of these ships to zip across the Pacific, some of our greener troops have had a chance to keep their combat equipment for a full week longer for training in the States before it was shipped overseas. The extra time is the difference between the speed of the new ships and the older, slower merchant ships. The newer vessels can start a week later and still meet Vietnam arrival dates on time. The additional training time could mean the difference between life and death for some of our fighting men.

How we got around to a Merchant Marine Act in 1936 is a familiar story to this audience. It traces back to 1919 when the U.S. Government looked about in horror and discovered that we had no merchant fleet to cope with the problems of World War I. The Government promptly spent $2½ billion on shipbuilding. A shiny fleet was duly delivered—after the crisis, after the war. These same ships, 2,300 of them, had been built with little or no consideration of how to use them in peacetime. They were not suitable for economic commercial operation, yet they were put into commercial service by the Government in 1920. The results were disastrous. As you know, in 1928 the Government sold its streamship lines to private companies, established essential trade routes and began subsidy incentive programs by awarding ocean mail contracts. In the mid-thirties, a famous Senate investigation evaluated this system and its flaws and stressed the overriding importance of a "peace and war" concept for an American merchant marine—a servant for all seasons. This led directly to the 1936 act and the foundation for a modern cargoliner fleet.

When Pearl Harbor came, the U.S. merchant fleet was in an entirely different position than it was in World War I—for one thing, it existed. Thanks to the act of 1936, 95 vessels had been built by the subsidized lines and they all went to war right away. Another bonus of this preparedness was that the shipbuilding program over the 5-year period had developed the skills and oiled the machinery for the almost unbelievable expansion of ship production we needed to win the war.

Frankly, I have a deep personal interest in this subject, not only as the national commander of the American Legion, but as a resident of nearby Hampton, Va., next door neighbor of Newport News, one of America's great shipbuilding and repair centers. On an even more personal note, my service during World War II was with the U.S. Navy.

At Hampton Roads in Newport News we have witnessed the construction of the U.S.S. *Enterprise,* the great nuclear powered aircraft carrier which, incidentally, was just refueled at Newport News. I have a son-in-law who was engaged in this operation. It was a highly intricate operation demanding topnotch scientific and technical skills of the type which America must keep sharpened to the highest degree of efficiency. How can we hope to retain those skills and maintain that efficiency if we allow our seapower to lag?

The SS *United States,* the SS *America* and several submarines of the Polaris class also were built at Newport News on Hampton Roads, and I have more than a passing knowledge of the combined skills that were required to produce vessels of this type. You and I know that America can ill afford to dissipate such talent.

This, of course, is one of the basic considerations behind a separate American Legion resolution adopted by our 1965 national convention, in which we go on record in opposition to the purchase of vessels constructed in foreign shipyards.

When a crisis strikes a nation, no dollar and cents figures can be applied to the state of readiness. You're either ready, or you're not. The 1936 act justified itself, and, from the sounding of the first siren at Pearl Harbor, the American merchant marine established itself as the fourth arm of defense—standing and, serving beside the Army, Navy, Air Force, and Marine Corps.

No one should understand better than this assemblage that the principles of the 1936 act are just as sound and solid in the space age as they were 30 years ago. There is a $4 billion replacement program well underway—shared by private industry and the Government—to give the United States by 1975, 295 new, modern cargoliners. Even now, as far as the program has gone we can claim at least twice as many ships, with a capacity of 20 knots or greater, than the rest of the world put together.

But—this still doesn't answer the need. It is time we approached our maritime policy from the viewpoint that it must be ready in all seasons for the dual function that it must serve—modern, efficient, available—available when needed. There is no question about our need for the world's best Army, Navy, and Air Force. We proudly say we have them—and we do. We have them for a purpose—that purpose is national security—that purpose is national survival. Two hundred years of history—and history as current as yesterday—prove that an American merchant marine in readiness is also vital to our national security and to our international commitments. Yet, aside from the roughly 300 subsidized ships, our merchant marine is a conglomeration of vessels built during World War II—low speed, inefficient and overaged. These are backed up by a mothball fleet of about 1,500 ancient ships harbored in rivers and bays waiting for a callup to creak slowly to a shipyard for costly and time-consuming repairs. This is not the kind of tonnage that we should kid ourselves about when comparing our seapower with the Soviets, yet we are doing just that.

Between 1954–60 the U.S. merchant marine decreased 310,000 tons a year while the Soviet Union's fleet increased 450,000 tons annually. In 1961, 1962, and 1963 we dropped 500,000 tons. During the same time, Russia added 1 million tons of vessels of the latest design.

As of February 1, 1965, 612 merchant vessels totaling more than 4 million deadweight tons were on order, or under construction, for the U.S.S.R. As of the same date there were only 44 merchant ships totaling 650,000 deadweight tons on order, or under construction, in U.S. shipyards. As of September 1, this year, the number of merchant ships built in our yards had dropped to 39.

Let's look at it another way. The United States has just been bounced from 9th place into 10th place in world shipbuilding. We're right down there in 10th place, which, in the major leagues, is a cellar dweller. Would any of you care to guess which maritime country managed to ease us out? It was Poland. The Poles have 67 ships under construction at this minute. World shipbuilding is at a record level, but nothing is being done to replace our commercial leftovers of World War II—the tankers, tramps and bulk carriers. Some defense thinking is that we, the prime power in the world, will charter foreign vessels for this duty. For years a number of voices have been raised to caution our defense leaders that we cannot rely on foreign powers for help during wartime.

None of these voices can speak as eloquently as thousands of tons of material destined for Vietnam piled up on a Long Beach pier and another 10,000 tons partially loaded on a foreign-flag vessel in Tacoma while men of a different nationality, and with no allegiance or ties to our country, decide that they will not carry American goods to Vietnam. Here, my friends, is a picture for every American to etch vividly in his mind. It is a picture that Congress should not forget when it debates maritime matters.

Keeping defense costs down is one thing. It is fine, it is important. But keeping it down by planning foreign charter into our maritime defense is a dangerous and serious gamble. It is one that recent history has proved we can ill afford to take. Let us proceed to build the fleet we need, based on new maritime research and development. And let us appropriate adequate funds to explore the newest types of vessel propulsion, design and cargo handling techniques.

Our manned space research projects, our communications satellite programs, our lunar landing explorations, planning and research deserve our resources and our devoted support. Each holds out the promise for future improvement of man's opportunity to advance. The sea is here—now—it will be here tomorrow with all of its mysteries and opportunities. It is a reality and we must face realistically its problems and its challenges. Research and development necessary to enable our merchant marine to efficiently contribute to international commerce and national security, also deserve our resources and our devoted support.

Merchant marine research must not take a back seat to other research and development planning.

To be readily available, and to function properly during time of war, ships of the American merchant marine must be fully utilized during time of peace. This calls for cooperative and concentrated support of American cargoliners and passenger vessels by Government and business. We all know how passenger vessels became troop ships in war.

In World War II, because there were no suitable American-flag vessels available for duty, the United States spent more than $100 million to charter the *Queen Elizabeth* and *Queen Mary* as troop transports. We would hope that this will not become necessary today, or in the future, regardless of the scale of war. The 1936 act has made possible the construction of vessels like the superliner SS *United States*. It can convert quickly from a luxury ship to a 15,000 passenger troop ship. There are other American ships that can become transports, too, and which are currently carrying tourists and cargo to ports all around the world.

Incidentally, if in spite of our President's suggestion that we stay at home to help the balance of payments, you are planning to travel abroad, just remember that if you travel on an American ship at least the fare for your passage will remain in the United States.

American ships are vital in our National Export Expansion campaign to help cut the deficit in our balance of payments. President Johnson through public statement has recognized the key role played by the American Merchant Marine in our effort to stop the outflow of gold. Our American ships contribute a billion dollars a year toward a favorable balance of trade. Yet, even here, there is much work to be done.

The entire American Merchant Marine now carries only about 8.3 percent of U.S. waterborne commerce. The rest, 91.7 percent, is strengthening the position of foreign merchant fleets and cuts down enormously our trade balance.

The summer stoppage of U.S. freighters and passenger ships did nothing to improve the situation. It cost the economy dearly and the Legion sympathizes with all concerned—the employers, the employees, and the country at large. So vital a defense arm needs labor peace more than almost any other industry. The Legion, through its new mandates concerning the American merchant marine, will urge the Congress, the President, and appropriate executive agencies to: "Utilize all Government and public resources to achieve labor peace which is essential to the very survival of the American-flag fleet."

Strong support of the American merchant marine is not a new position with the American Legion—quite the contrary. Listen to this quotation from the report of our naval affairs committee to our 1921 national convention:

> "We believe * * * that the growth, maintenance, and prosperity of American shipping must be close to the heart of every patriotic American citizen. The American Legion heartily subscribes to the motto 'Keep the Stars and Stripes on the Seven Seas.' The Preamble to our Constitution pledges us to God and country, and an adequate merchant marine is a national asset in peace and a necessary weapon in war."

Thus, the position of the American Legion that we need a strong merchant marine is no "Johnny-come-lately" stand. The foresightedness of the American Legion was demonstrated by this action taken a full 15 years prior to the act of 1936. The merchant marine resolution adopted by our 1965 national convention is simply the latest expression of studied concern for our merchant marine strength—a concern which spans 4½ decades.

You have copies of the new 12-point Legion program at your tables. I have touched on most of these points. The Legion's primary concern is to assure the appropriation of adequate funds to enable the industry and Government to proceed with an accelerated vessel replacement program so that we may turn back the challenge of the Soviet Union for the supremacy and domination of seaborne commerce. In short, we want the assurance that our ships will be there in every season when they are needed, both for national security purposes and for our self-reliance—self-reliance as the world's greatest industrial nation, a nation with a mighty stake in world commerce.

A decade ago it was Korea that emphasized the need. Today it is Vietnam. Tomorrow—we would all hope for a just and lasting peace—but we must be prepared should we fail to find it. Men and material from our country have been transported overseas to fight brushfires over and over again. In times of emergency the merchant marine is the means by which the fire brigade gets where it needs to be. This Nation must have a strong American merchant marine. We must always have the capability to meet any challenge that may confront it, in the air, yes; on land, yes indeed, and on the sea with a merchant marine ready to go in all seasons in any emergency.

We who share concern for this vital fourth arm of our defense must work together to make it so, remembering the lessons of history and the teachings of the summer of 1965.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MICHEL (at the request of Mr. GROVER), for 30 minutes, on October 11; to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK (at the request of Mr. GROVER), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. FINDLEY (at the request of Mr. GROVER), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GROVER) and to include extraneous matter:)

Mr. TUPPER.
Mr. SAYLOR.

(The following Members (at the request of Mr. HOWARD) and to include extraneous matter:)

Mr. TENZER in two instances.
Mr. DYAL in two instances.
Mr. MURPHY of Illinois.
Mr. MORRISON.
Mrs. HANSEN of Washington.
Mr. PUCINSKI.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2232. An act to amend the act entitled "An act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf," approved September 2, 1958, as amended, in order to further provide for a loan service of educational media for the deaf, and for other purposes.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7059. An act to amend the act of July 2, 1940 (54 Stat. 724; 20 U.S.C. 79–79e), so as to increase the amount authorized to be appropriated to the Smithsonian Institution for use in carrying out its functions under said act, and for other purposes.

ADJOURNMENT

Mr. HOWARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 51 minutes a.m.), the House adjourned until Friday, October 8, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1656. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 2, 1965, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of Folly Beach, S.C., authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 302); to the Committee on Public Works and ordered to be printed with illustrations.

1657. A letter from the Assistant Secretary of the Interior, transmitting a report of certification as to adequacy of soil survey and land classification, Lewis Creek unit, Friant-Kern division, Central Valley project, California, pursuant to the 1954 appropriation act; to the Committee on Appropriations.

1658. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Post Office Department for "Operations," for the fiscal year 1966, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

1659. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the U.S. Coast Guard for "Reserve training," for the fiscal year 1966, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

1660. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the U.S. Coast Guard for "Operating expenses," for the fiscal year 1966, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

1661. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the U.S. Coast Guard for "Retired pay," for the fiscal year 1966, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

1662. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting a report showing recap of savings for augmentation of Air Force Reserve construction program construction authorization pursuant to Public Law 87–554; to the Committee on Armed Services.

1663. A letter from the Director, Executive Office of the President, Office of Emergency Planning, transmitting a report pursuant to section 304(b) of the Defense Production Act of 1950, as amended, on borrowing authority for the period ending June 30, 1965; to the Committee on Banking and Currency.

1664. A letter from the Secretary of Commerce, transmitting the seventh program report on activities of the U.S. Travel Service, pursuant to section 5 of the International Travel Act of 1961; to the Committee on Interstate and Foreign Commerce.

1665. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 13, 1965, submitting a report, together with accompanying papers and an illustration, on a letter report on Cape Channel, Pamlico Sound, N.C., requested by a resolution of the Committee on Public Works, House of Representatives, adopted March 15, 1949; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GALLAGHER: House of Representatives delegation to the Canada-United States Interparliamentary Group. Report of the eighth meeting of the Canada-United States Interparliamentary Group; without amendment (Rept. No. 1124). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 11472. A bill to amend the Internal Revenue Code of 1954 to increase the percentage depletion allowance for gold and silver produced in the United States; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 11473. A bill to amend section 203(a) of the National Aeronautics and Space Act of 1958 to provide for a program of research and development by the National Aeronautics and Space Administration to reduce or eliminate aircraft noise, and for other purposes; to the Committee on Science and Astronautics.

By Mr. ELLSWORTH:

H.R. 11474. A bill to amend title 39, United States Code, with respect to reciprocal mailing privileges of the United States and certain countries from which foreign assistance is withheld; to the Committee on Post Office and Civil Service.

By Mr. GARMATZ:

H.R. 11475. A bill to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 11476. A bill to amend the Merchant Marine Act, 1936, as amended, to permit payment in accordance with commercial practices for certain transportation services furnished for the account of the United States upon presentation of bills therefor; to the Committee on Merchant Marine and Fisheries.

By Mr. HORTON:

H.R. 11477. A bill to provide that the fee increases prescribed by Public Law 89–83 shall not be effective in any case wherein the application was filed prior to the effective date of that act; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 11478. A bill to amend the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. KING of Utah:

H.R. 11479. A bill for the relief of Box Elder County School District, Utah; to the Committee on the Judiciary.

By Mr. LAIRD:

H.R. 11480. A bill to provide for a survey of a segment of the Wolf River, Wis., to determine its suitability for designation as a national wild river; to the Committee on Interior and Insular Affairs.

By Mr. CORMAN:

H.R. 11481. A bill to amend section 302 of the Federal Aviation Act of 1958 to provide for the elimination of aircraft noise, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11482. A bill to amend section 203(a) of the National Aeronautics and Space Act of 1958 to provide for a program of research and development by the National Aeronautics and Space Administration to reduce or eliminate aircraft noise, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DINGELL:

H.R. 11483. A bill to amend the Internal Revenue Code of 1954 to impose a manufacturer's excise tax on component parts of ammunition and to make available half the additional revenues resulting therefrom, together with half the revenues from the excise tax on pistols and revolvers, to the States for target ranges and firearms safety training programs; to the Committee on Ways and Means.

H.R. 11484. A bill to amend the Internal Revenue Code of 1954 to impose a manufacturer's excise tax on component parts of ammunition; to the Committee on Ways and Means.

By Mr. DOWDY:

H.R. 11485. A bill to confer additional jurisdiction upon the Superintendent of Insurance for the District of Columbia to regulate domestic stock insurance companies and to exempt such companies from section 12(g)(1) of the Securities Exchange Act of 1934; to the Committee on the District of Columbia.

By Mr. McDADE:

H.R. 11486. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. McMILLAN (by request):

H.R. 11487. A bill to provide revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PHILBIN:

H.R. 11488. A bill to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes; to the Committee on Armed Services.

By Mr. ASHLEY:

H.R. 11489. A bill to amend section 18(c) of the Federal Deposit Insurance Act to clarify the law governing bank mergers, and for other purposes; to the Committee on Banking and Currency.

By Mr. HAGAN of Georgia:

H.R. 11490. A bill to provide for the establishment of the Savannah Revolutionary Battle Site National Monument; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California:

H.R. 11491. A bill to authorize and direct the Secretary of the Interior to improve visitor facilities in the park system of the Nation's Capital by providing a bridge to East Potomac Park, and for other purposes; to the Committee on Public Works.

By Mr. NELSEN:

H.R. 11502. A bill to amend the Packers and Stockyards Act of 1921, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. ADAIR:

H.J. Res. 681. Joint resolution to authorize the President to issue a proclamation designating the calendar year 1966 as "The Year of the Bible"; to the Committee on the Judiciary.

By Mr. RACE:

H.J. Res. 682. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BARING:

H.J. Res. 683. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HORTON:

H.J. Res. 684. Joint resolution authorizing the Hungarian Freedom Fighters' Federation to erect a memorial in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. SMITH of Virginia:

H.J. Res. 685. Joint resolution memorializing Dr. Mahlon Loomis; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11492. A bill for the relief of Salvatore Sardisco; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee:

H.R. 11493. A bill for the relief of Dr. Reynaldo C. Soriano; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11494. A bill for the relief of Antonio Sguera (also known as Tony Galante); to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 11495. A bill for the relief of Neese and Sender Grossman; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 11496. A bill for the relief of Leonie Marie Duncan; to the Committee on the Judiciary.

H.R. 11497. A bill for the relief of Severo Abel Gonzalez Perez; to the Committee on the Judiciary.

By Mr. GROVER:

H.R. 11498. A bill for the relief of Mrs. John (Annie) Davis; to the Committee on the Judiciary.

H.R. 11499. A bill for the relief of Anica Grose; to the Committee on the Judiciary.

H.R. 11500. A bill for the relief of Stefania Wtodarska; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 11501. A bill for the relief of Rocco Tomassetti; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

278. The SPEAKER presented a petition of the Westchester County Board of Supervisors, White Plains, N.Y., relating to the designation of Columbus Day, October 12, as a national legal holiday, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Traffic Safety

EXTENSION OF REMARKS
OF
HON. KEN W. DYAL
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 7, 1965

Mr. DYAL. Mr. Speaker, the 89th Congress has been involved in a continuing study affecting the course of traffic safety, and by introduction of resolutions concern has been expressed regarding this growing problem.

In my congressional district, I am pleased to note that under the auspices of the Apple Valley Lions Club of our Hi-Desert area in San Bernardino County, Calif., and the California Highway Patrol something specific has been done to create both an awareness of the problem and actual accomplishment of specific training to aid the driving public. I am referring to the Hi-Desert Safety Clinic.

This traffic safety clinic is the first of its kind anywhere in the United States and, in its operation, unique in the field of traffic safety. The clinic promoted awareness by all drivers of the need for safe driving, understanding of traffic laws, and a long overdue appreciation for the mechanically safe vehicle. Of particular interest to me was the rather large attendance of teenage drivers as participants in the clinic. In fact, the majority of those enrolled in the clinic who participated in the autogymkhana were under 20 years of age.

My purpose in mentioning this remarkable clinic is to invite the attention of the Lions International to the worthwhile efforts and success of their member club of my district, and since there are State highway patrols throughout our Nation I encourage others to copy the fine venture the Lions have made in the Apple Valley-Hi-Desert area. Traffic safety is a national problem and a traffic safety clinic like this one multiplied throughout the Nation could do much to prevent the mounting death and damage rates.

With Every Breath You Take

EXTENSION OF REMARKS
OF
HON. STANLEY R. TUPPER
OF MAINE
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 7, 1965

Mr. TUPPER. Mr. Speaker, I would like to call to the attention of my colleagues in the House a recent article appearing in the September 1965 issue of the Reader's Digest entitled "With Every Breath You Take," condensed from the book by Howard R. Lewis.

This article gives dramatic emphasis to the great hazards from air pollution to the health of our citizens and the ruinous damage to property.

The House on September 24 passed a bill, S. 306, introduced by Senator EDMUND S. MUSKIE, of Maine, providing for research programs relative to controlling air pollution and establishing a Federal Air Pollution Control Laboratory.

Senator MUSKIE, as chairman of the Senate Subcommittee on Air and Water Pollution, has led the fight against this insidious threat to the lives of millions and deserves considerable credit for bringing about a greater public awareness of this grave problem.

I call particular attention of Members to an allegation in the Reader's Digest article that Washington, D.C., has four times as many cars per square mile than Los Angeles County, producing smog conditions and heavy contamination of the air.

After reading this article, Congressmen may well insist on reducing air pollution at a faster pace, for the life they save may be their own.

Salute to a Sports Announcer

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 7, 1965

Mr. SAYLOR. Mr. Speaker, for a long time Ray Scott has been recognized as one of television's finest sports announcers. Baseball fans know him as the voice of the Minnesota Twins. In football, he has established a national reputation for his work with the Green Bay Packers and at scores of intercollegiate and bowl games.

Some sports broadcasters have been forced into early retirement after coming to believe that viewers and listeners were more interested in their voices and comments than in action at the arena. In contrast to the egoists, Ray Scott has always called the play without attempting to inject himself into it. This modest style has won him millions of fans far and wide.

Last season the television network covering Packer games decided on some program changes with which Ray Scott could not agree. For one, he objected to player interviews on the sidelines during the games, an innovation repelling to the athlete with his heart in the ball game and his mind on winning. Because he remained firm, Scott found himself on the bench during the 1964 professional season. As a result, Ray was a subject of Bill Gleason, noted sports columnist of Chicago's American, in his June 27, 1965, editorial, entitled "A Salute to Real Men Who Live Up to Their Beliefs." Here is Gleason's reference to Ray:

> The extremely capable Scott is a sportscaster who does the Minnesota Twins games. Ray also has done the Green Bay Packers games until CBS decided to present pro football differently last fall.
>
> The Yankees found CBS hard to resist, but Scott did not. He told the network that it could do football that way if it wished, but it would have to do it without him. He up and quit.
>
> What happened as a result of Scott's protest?
>
> This autumn Ray will be the Packers' telecaster again, and he also will be the only CBS pro football telecaster who will be permitted to work college football on Saturday.

Yes, Ray is back with the Packers, and fans and players alike are the better for it. The news is welcome in western Pennsylvania, for Ray Scott got his start as a sports announcer at WJAC in Johnstown, Pa. Later he moved to Pittsburgh for further outstanding service, finally taking over two major spots in Green Bay and Minneapolis.

Although their fans are disappointed that the Pirates did not come through with a pennant this year, everyone is enjoying this World Series a great deal more because Ray Scott, a man who lives up to his beliefs, is describing the game for us.

Third Anniversary of Uganda's Independence

EXTENSION OF REMARKS

OF

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1965

Mr. MURPHY of Illinois. Mr. Speaker, on October 9, 1965, Uganda celebrates the third anniversary of independence. This beautiful country in East Africa, whose southern boundary is the blue waters of Lake Victoria, whose territory includes the fabled Mountains of the Moon, and whose coffee we drink here in the United States, has been making steady and impressive progress in developing and building a national state and a strong economy.

I am pleased to enter into the RECORD my congratulations to President Sir Edward Mutesa, Vice President William Nadiope, Prime Minister Dr. A. Milton Obote, and especially to all the people of Uganda on this happy anniversary.

Some months ago I had the pleasure of entertaining the distinguished Ambassador of Uganda, Dr. Solomon B. Asea, at lunch here on Capitol Hill. We had an interesting talk reviewing past accomplishments and future hopes. It was particularly interesting for me to hear of the many new projects which have been started by the energetic and forward looking government. We discussed plans for moderate and reasonable industrial activity, we reviewed the great steps being taken in the field of education and agricultural expansion. It is gratifying to see this young country forging steadily ahead.

All over Africa there is an air of progress. The thirst for education in this great continent is certainly one of the most remarkable manifestations of the human desire for improvement that I have ever witnessed. The hard-working people of Uganda stand second to none in their desire for progress and stable democratic government.

Uganda is a beautiful country. The capital city of Kampala, situated like ancient Rome on seven hills, is a pleasant and bustling city of close to 200,000 citizens. The countryside is green and rich, dotted with small farms producing cotton, coffee and tea. Not far from Kampala, situated close to the shores of Lake Victoria where the Nile River starts its long trip to the Mediterranean, is the modern city of Jinja. There, thanks to the remarkable Owen Falls Dam, is a growing and modern industrial complex. Textile mills, a copper smelter and other establishments contribute to the prosperity of the country and the people. Farther away are the great national parks teeming with elephants, hippos, and the world-famous tree-climbing lions. Modern roads span the country from north to south, from east to west.

Under the leadership of the President, the Vice President and the Prime Minister, Uganda is moving rapidly ahead. She is a member of the United Nations and is represented on a number of the specialized agencies of that body. Her diplomats in increasing numbers are making the voice of Uganda heard around the world. And so it is with particular pleasure that I wish to record my sincere congratulations to this progressive, democratic nation on the third anniversary of independence.

Safety Aspects of Highway Beautification

EXTENSION OF REMARKS

OF

HON. KEN W. DYAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1965

Mr. DYAL. Mr. Speaker, traffic accidents and the high death toll on our highways constitute one of the Nation's most important problems. A serious deficiency in our highway transportation system is its inability to handle the immense traffic demands arising from a prospering national economy. The evidence is found in the congestion that clogs the streets and highways of our urban areas, and still more importantly in the extent and severity of the total traffic accident toll. During the past few years the problem has become especially acute. I have been reading in recent days that no less than 50,000 persons are expected to lose their lives in highway traffic accidents in 1965. More than 48,000 persons were killed in 1964. The monetary loss to the public and private sector of our economy is approaching $10 billion annually.

The national traffic accident situation will require the best efforts of many governmental agencies, even for its alleviation. Traffic accidents are most difficult of analysis for causal factors, but they must be attacked through improvements in all elements of highway transportation.

Highway users at all times need to have a roadway environment that is safe in its engineering design and in the functional features of its roadsides.

It has been established by authoritative research, notably a classic study conducted in Michigan several years ago, that roadside features are more closely interrelated with accident occurrence than are the basic design features of the highway itself. The billboard alleys through which many motorists travel today are not conducive to highway safety. The General Motors Corp. had directed additional study to roadside safety, and now prescribes strict requirements for completely clear roadsides on their proving grounds so as to minimize accidents as they test and evaluate new vehicles designs. A study of conditions on the New York State Thruway, conducted by the consulting firm of Madigan-Hyland, Inc., determined in 1963 that there was an important association even on this excellent facility between advertising devices and accident rates.

The accident reputation of our highway systems is likely to remain as shabby as the advertising signs that clutter their roadsides if steps are not taken to bring these distracting displays under proper control. A prime need for every one of our 96 million motoring Americans is for clear, conspicuous signs, route directions, and markings. These aids, installed by appropriate governmental authorities, enable him to make necessary decisions well in advance of route junctions and other critical points. If the driver has to search out a needed official sign message from amidst a welter of advertising copy he is likely to fail, and this failure too often may lead to a tragic end.

Psychological investigations have repeatedly proved that the vision capabilities of drivers are limited. Even those items of information that are actually seen and read cannot always be digested quickly enough to stimulate the proper responses. It is for these reasons that I call for control of those distracting roadside elements that interrupt and interfere with the effective official guidance signs and warnings so vital to the motorist's safety. The communications devices installed by official highway agencies must be the dominant features of our roadside displays. I am convinced that the present situation can be changed without offense to industrial or commercial interests. It is in the best interest of the Nation's welfare and safety to do so. The deserved efforts going forward on so many fronts to overcome the disgraceful traffic accident situation clearly call for effective control of commercial advertising at the roadside.

Mr. Speaker, I strongly support S. 2084 as the first step in not only aiding in national traffic safety but in a beautification program that will be a credit to our generation.

Great Tribute Paid to an Outstanding Postmaster—Hon. Charles Puskar

EXTENSION OF REMARKS

OF

HON. JAMES H. MORRISON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1965

Mr. MORRISON. Mr. Speaker, on Saturday, September 25, 1965, a testimonial dinner was held in Pittsburgh, Pa., for a most distinguished and able former postmaster and executive secretary-treasurer of the National Association of Postmasters, the Honorable Charles E. Puskar. This dinner was attended by approximately 1,000 persons from Pennsylvania, New Jersey, New York, Washington, D.C., and other States.

Because of pressing business in our Nation's Capitol, I was not able to attend this fine affair. However, I have heard from our colleagues, the gentlemen from Pennsylvania [Mr. CORBETT, Mr. FULTON, Mr. MORGAN, and Mr. CLARK], that the testimonial dinner was a huge success.

Mr. Puskar is well known to most Members of Congress. He was postmaster of Imperial, Pa., from 1933 to 1965, and for 14 years of that period he was the most effective executive secretary-treasurer of the National Association of Postmasters. In this capacity, he performed with great skill and he enjoyed the respect of every Member of Congress with whom he had dealings. He played an important part in the enactment of every law which has improved the prestige and the positions of 35,000 U.S. postmasters during the past 15 years. The first official recommendation for giving all postmasters a 5-day week was made by Charles E. "Chuck" Puskar and he laid the groundwork over the years which resulted in the enactment of this law in the 89th Congress.

While he was a top official in the National Association of Postmasters, he fought for the job rights and for the betterment of all postmasters in the United States. As a spokesman for the National Association of Postmasters when the administration changed in 1953, he insisted on postmasters receiving full protection under the career civil service system and he was most successful in his endeavors. This is one of the reasons the position of postmaster has become a career civil service job in every sense of the word.

When the present postal administration selected Chuck Puskar to be special assistant for employee relations in the Philadelphia regional office of the Post Office Department, this former postmaster brought to this position all of the skill, experience, and excellent judgment he has demonstrated over the years in his dealings with the U.S. Congress.

I am certain my colleagues on the House Post Office and Civil Service Committee are delighted with the recognition awarded Chuck Puskar. I am informed that postal management and labor both are equally pleased with the manner in which this public servant has conducted the duties of his present office and every segment of the postal service was represented at his testimonial dinner.

I know that Chuck's many friends in the Congress join with me in wishing our friend, his lovely wife Marguerite, and his fine family the best fortune in terms of health, happiness, and prosperity in the coming years.

The Immigration Act—A Milestone in International Relations

EXTENSION OF REMARKS

OF

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1965

Mr. TENZER. Mr. Speaker, this Nation passed an historic milestone in its international relations on October 3 when President Johnson signed the new immigration bill abolishing the national origins quota system.

For 40 years we have suffered a stain to remain on our statute books and on the beautiful lady on Liberty Island who watches over our New York gateway and in whose shadow the President signed this historic bill.

Beginning in 1924, we proclaimed to the world that a person's contribution to our national well-being, and his right to join our national community, was to be judged in large part by the place of his birth or the country of his ancestors. This theme, so repugnant to our ideas of the equality of man, has haunted us at home and abroad for four decades.

By the act of October 3 we shall no longer be concerned with a man's birthplace or ancestry but he will be judged on two factors only: His relationship to citizens or aliens already here and the skills and talents he may bring with him, the better to help us in forging our national society.

No one should fear these changes. More importantly, no fears should be entertained that we are substantially increasing our immigration; relaxing our standards of admission; or prejudicing the jobs we hold. The bill authorizes a purely nominal increase in total immigration. It does not change any of the grounds of inadmissibility or deportability.

The new law does not prohibit the entry of aliens who do not have the relationship or the skills which result in a preferential treatment. It does not permit such an immigrant to come here, but only after preference classes have been taken care of and only if the Secretary of Labor has determined that his admission to this country will not undermine the wages and working conditions of the employed American.

No longer, however, will the immigrant without family ties or outstanding talent be able to migrate here immediately because he was born in northern or western Europe, while a U.S. citizen waits for years before his aged parents from southern or eastern Europe can obtain a quota number.

No longer will the scientist from southern Asia be kept from joining the staff of an American university because only 100 persons may be allowed to enter this country annually from his native land.

No longer will the refugee from communism's tyranny and oppression be stigmatized by being "paroled" into the United States, a term too closely associated with the status of the released criminal. For the first time in our immigration experience, a specific authorization for the orderly entry of 10,700 such refugees annually has been incorporated into our basic law.

The new law is not a general revision of the patchwork quilt of sometimes obscure and sometimes contradictory legislation on immigration which occupies over 175 pages of our statute books. It is, however, a clear-cut repudiation of the fallacious and demeaning philosophy which constituted the national origins quota system. In the best sense of the term it is a selfish law. While its provisions give greater hope to those outside our gates, in the elimination of this 20th century shibboleth the greatest beneficiaries of the law are the American people.

I am proud to have been a sponsor of this legislation and to have been present at the historic ceremonies on Liberty Island when our President signed the immigration bill and reaffirmed our national policy.

Youth Corps Report From the Quinault Indian Tribe of Washington

EXTENSION OF REMARKS

OF

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1965

Mrs. HANSEN of Washington. Mr. Speaker, today there are many comments and discussion pertaining to the various phases of the poverty program. Usually only the critics speak. Therefore, I would like to take this opportunity today to tell the House of Representatives of a unique and interesting and successful program underway in our State.

For many years I have felt that the Federal Government was negligent beyond measure in its programs for the development of our Indian people. With the advent of President John F. Kennedy and Secretary of Interior Udall a new era began.

I have been privileged to be part of this new era as a member of the House Interior and Insular Affairs Committee and now as a member of the Interior Subcommittee of Appropriations. Therefore, I was overjoyed to receive this month a letter from Blanche Pennick, county superintendent of schools of Grays Harbor County, where the Quinault Indian Reservation is located.

She says, in commenting upon the Quinault Tribal Neighborhood Youth Corps program which has been in progress at Queets and Taholah since July 6, 1965:

> This is one of two NYC programs on Indian reservations in the State of Washington and I believe that the council members share my opinion that it has not only been eminently successful; it has made a most significant and worthwhile contribution to these communities.
>
> I have been most pleased with the attitudes of the boys and girls employed; they have worked well, and I have enjoyed the finest cooperation. In short, I have never worked with a finer group of young people.
>
> I can further assure you with pride that the money they have earned has been well spent; in a number of cases of which I have personal knowledge, the NYC checks have bought food for the family; almost all workers have provided themselves with school clothing and supplies, and in several cases these funds have made it possible to return to school.
>
> In addition, significant learning has been achieved because the activities chosen were related to the resources and life of the community. We have carried on a fisheries project under the direction of the Bureau of Fisheries and a forestry project under the supervision of the BIA Forestry Department. In developing the recreation area on the Quinault River (which will be a source of satisfaction and pride for these people in years to come) we have enjoyed the cooperation of the Olympic Park Service. Through these and other such well chosen projects it has been possible to nurture attitudes of civic pride, responsibility, cultural pride, and dependability.
>
> I feel that no program could have contributed more to these young people's welfare and development, and I believe that this is the assessment of all those who have worked with it. That it has been successful beyond our highest expectations is due to the fine people who have given it their time and energy; the tribal council and the fine group of supervisors. Given the same interest on the part of community leaders, these antipoverty programs will succeed in our areas.

Miss Pennick, who was a distinguished colleague of mine in the Legislature of Washington at one time, is considered one of Washington's leading educators. She was kind enough to send me also the Quinault Tribal Council Neighborhood Youth Corps preliminary report of major projects completed, which I insert in the RECORD at this time:

QUINAULT TRIBAL COUNCIL NEIGHBORHOOD YOUTH CORPS PRELIMINARY REPORT

Total number of days work to date, 30; total number of workers enrolled, 61 (some part time).

MAJOR PROJECTS COMPLETED

1. Road to garbage dump (88) brushed, bulldozed, garbage dump made, barrier in place—turnaround made and graveled. Cost of bulldozing, $96. Paid by Neighborhood Youth Corps.

2. Fish marking and planting: Total of 140,824 fish marked and planted as follows: 101,859 planted in Cook Creek and 38,965 planted in the Moclips River. All equipment used made by crew. No cost to project. Supervised by James L. Heckman, fishery biologist, Bureau of Sport Fisheries and Wildlife.

3. Complete gravel survey on the Moclips River, both forks. Gravel surveys on logged portions of Duck and Camp Creeks. (Purpose of the gravel surveys: Determine circulation of oxygen through gravel to determine survival potential for fish eggs. From survey the number of fish that will survive in an area can be calculated.

Survey of log jams on Red Creek, unlogged portion Crane Creek logging unit. (Also related to survival of fish.)

4. Long House cleaned and interior painted. Plumbing fixed. Windows replaced. Exterior and porches repaired. Cost of paint and glass charged to tribal council.

5. Eagle Lake campsite: Road cleared, brushed, and graded. (State grader—not cost to project). Clearing of campground well under way and continuing.

6. Work on tribal trailer park (top of hill) stoves and tables installed, signs made and installed, barrier fence in place, clearing and cleaning done.

7. Forestry practice project under Bishop Buckle, forester, Bureau of Indian Affairs, including thinning, pruning, forestry methods, etc., to be completed this week. Total of 4 acres thinned and pruned.

8. House for VISTA worker cleaned, painted, brush cut and removed, plumbing repaired.

9. General cleaning, painting, window washing and repairing done at the school. School shining.

10. General brushing, cleaning along powerline and in community.

11. Weekly garbage collection set up. Hope to continue through the winter.

12. Girls worked at the Taholah School as teachers' aids and assisted in the summer school program.

13. Library program: Girls assisted in library project: cataloging, repair, cleaning of books and general library work.

14. Clerical aids: Girls assisted in tribal office and project office.

15. Clerical: Girls set up record system, typed records and minutes, set up card file for Community Services Committee.

16. Work at Queets:

Community house completed this week. Roof repaired, walls covered with wall board, window frames made and installed, glass installed, plumbing fixed, doors repaired, general repair, and cleaning. Approximate cost to tribal council $150.

Church painted (as far as paint would go). Work done by girls.

Queets-Clearwater School cleaned and painted. Work done by girls. Good job and a big job.

Clearing, brushing of fire trails at Queets (according to directions given to Mr. Anderson by Mr. George Sevey, Bureau of Indian Affairs) still in progress.

Some work done on the water system.

17. Miscellaneous work projects:

Fish dock raised and repaired.

New floor in tribal office rest room.

Plumbing repaired in the tribal office.

Cars and trucks washed regularly.

All enrollees interviewed.

Janitor service set up for the tribal office.

Girls acted as chaperons for Bureau of Indian Affairs trips.

Work on ballfield, goalposts installed.

Flagpole obtained—to be installed at the tribal office.

Trailer connections—water and sewage—made for VISTA workers at Queets.

General cleanup in both villages.

18. Educational projects arranged:

One-day class in safety. Mr. Kneeland, instructor.

Two days: Classes held in first aid. Mr. Harvey, instructor.

RECREATION PROGRAM

1. Part of the time of the recreation director was occupied in supervising the Neighborhood Youth Corps enrollees who worked on the Long House.

2. Major recreational trips: Enchanted Valley Sol Duc Hot Springs.

3. Local recreational projects included movies, games, picnics, campouts, and girls' softball.

Indeed, this record of accomplishment in just a few short weeks will show that this program can work; it will work, and particularly may I urge that whenever possible this House continue to urge those in charge of directing the entire poverty program to place continued emphasis on those earliest Americans of us all.

On Sunday I was present at Liberty Island when the immigration bill was signed and I thought of the American Indian who stood on these shores as this invasion came in. I have wondered many times what they have thought as they have been pushed further and further from their lands and left with depleted resources, no jobs, poor schools and no opportunity to better themselves.

This was their land long before it was ours. It was their world, so let us not ever forget that we owe these people a deep feeling of gratitude and that we can emphasize this gratitude forcefully by making up our minds to abolish poverty, illiteracy, disease and lack of opportunity for the Indian peoples of America.

The Budget Bureau has been shortsighted in many instances. They have failed to provide funds for reforestation of the most beautiful wilderness lands of America at the same time the conservationists ask for more of this wilderness.

Administrations have come and gone. The problem of these people will not wait.

Thank you, Mr. Speaker.

Mobocracy

EXTENSION OF REMARKS
OF
HON. ROMAN C. PUCINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 7, 1965

Mr. PUCINSKI. Mr. Speaker, recently the Washington Evening Star carried an editorial about my address to the National Fraternal Congress of America which provided me considerable personal satisfaction.

While I am very grateful to the Star for its commendation of my remarks, I am even more inspired by the fact that the press is taking an ever-increasing voice in denouncing the rule of mob violence.

Since the Star editorial appeared, I have had a very large number of requests for the text of my address to the National Fraternal Congress. With the permission of the House, I am taking this opportunity to include both the Star editorial and the text of my remarks which I hope my colleagues will find of interest.

Mr. Speaker, the editorial and address follow:

[From the Washington (D.C.) Evening Star, Oct. 7, 1965]

RULE BY THE MOB

Representative Pucinski is an authentic liberal, a man whose credentials in this respect are not open to challenge. So it is of more than passing interest that he should speak out in such vigorous fashion against the mob in this country.

The Chicago Democrat's views were set forth in a talk to the National Fraternal Congress of America. And as one who has observed mob action in his own city, he is in a position to know what he is talking about.

Recalling Abraham Lincoln's warning that the real threat to our freedom will come not from abroad, but from within our own country, Pucinski said: "The alarming growth and tendency in our Nation today toward what many of us call 'mobocracy'—government by mob rule—should be of deep concern to all Americans. It is a growing tragedy that in our Nation governed by the most complicated system ever devised by man, there are those who turn to mob rule because they seek expediency based on impatience and a desire to resolve all matters hastily, without concern for the percent of gains."

Some 90 percent of the gains in the civil rights struggle during the past two decades, he said, have been made through the orderly processes of legislation and judicial review. And "we have a right to question whether the great harm done to America * * * justifies mob rule and violence for the remaining 10 percent of gains."

The Congressman said he was moved to speak out because of spreading violence, and especially after the riots in Los Angeles. But he was not aiming at any single riot. His comments were directed to mob action in the North, South, East, and West; to violence on college campuses as well as in the streets.

What is urgently required, in his opinion, is respect by all citizens for law and orderly procedures. And he suggested that if this is not forthcoming our own society will go the way of other great civilizations which have fallen to mob rule.

These are things that very much need saying, and especially by men whose records in both public and private life are such that their motives cannot be impugned.

MOBOCRACY—AMERICA'S MOST SERIOUS THREAT TO DEMOCRACY

Gentlemen, in the 355 years since we decided to settle this unbelievably abundant continent, we have found comfort and strength in the fraternal concept of individuals uniting for the greater stability and progress of the United States.

By channeling constructive individual efforts to achieve common goals—whether it be debating a school bond issue, helping a bewildered immigrant understand that he, personally, could enrich America's cultural heritage, or raising money for an urgently needed church or hospital—our fraternal organizations remain one of our greatest triumphs.

Our freedom has been expanded, protected, and preserved in large measure by the men and women who have recognized their responsibilities to their country.

In many communities throughout America today, however, this concept is undergoing a subtle change. Rather than the old principle of rolling up your sleeves and plunging into a project with all your heart, today we find increasing numbers of people who permit themselves to be led, to be manipulated, to be virtually enslaved by those who preach the ancient, uncompromising doctrine of mob rule to achieve the ends which they proclaim worthwhile.

In reviewing today how well we have protected democracy, let us pause to remember the words of Abraham Lincoln, spoken 127 years ago in Springfield, Ill., when he said that danger to America will never come from without and he warned that if our freedom is ever to be destroyed, the destruction will spring from among us. Lincoln said:

"At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never. All the armies in Europe, Asia, and Africa combined could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

"At what point then is the approach of danger to be expected? I answer that if it ever reaches it must spring from among us. It cannot come from abroad. If destruction be our lot, we ourselves must be the authors and the finishers.

"As a nation of freemen, we must live through all times or die by suicide.

"Let reverence for the law be breathed by every American mother to the lisping babe that prattles on her lap. Let it be taught in the schools, in the seminaries, and in the colleges. Let it be written in primers, in spelling books, and almanacs. Let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice; and, in short, let it become the political religion of the Nation, and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly at its altars."

These words are as alive today as they were in 1838 when this Nation was threatened with destruction from within.

The alarming growth and tendency in our Nation today toward what many of us call mobocracy—government by mob rule—should be of deep concern to all Americans. It is a growing tragedy that in our Nation, governed by the most complicated system ever devised by man, there are those who turn to mob rule because they seek expediency based on impatience and a desire to resolve all matters hastily, without concern for the rights of others.

We are living in an era that tests the very strength and courage of our Republic. We need from our people today a depth of understanding unparalleled in the history of this Nation. We have had too many examples in recent years of mobocracy—the most morbid enemy of constitutional government.

Too often we associate mob rule and demonstrations with race conflicts and disturbances. It should be of deep concern to all of us that the mania for taking the law into their own hands is spreading today into many areas which have nothing to do with racial disturbances. The increasing violence of demonstrations on college campuses is but one example of mob rule.

Nowadays, the prevailing principle appears to be action, not thought. If one doesn't pick up a sign, or obstruct a roadway or lead a march for peace, or for war, for a soft policy, for a hard-line policy, one is somehow un-American and uninvolved in the great issues of the day. To be law abiding is to be lackluster, by today's standards.

It can be clearly shown that even in the civil rights struggle, 90 percent of all the gains made in this country within the last two decades have been made through the orderly processes of legislation and judicial review. We have a right to question whether the great harm being done to America and its image abroad justifies mob rule and violence for the remaining 10 percent of gains.

It was the ancient Locrians who first gave meaning to freedom of speech, but at a price that most of us would not want to pay today.

Under their system, any citizen could speak out on any subject in the village square provided, however, that a noose was first placed around his neck and if the crowd did not agree with what he said, he was promptly hanged.

I hope the day will never come when the American people will be compelled to march in single cadence like the people behind the Iron Curtain or the Bamboo Curtain in Red China. I hope the day will never come when the people of this country will not be permitted to exercise their right to be different; to exercise their right to disagree.

But I also hope the day will never come when the impatience with the seemingly slow-moving pace of our democratic process will overwhelm the people, and they will try to find more expedient ways of giving meaning to their views by mob rule or other violent changes.

I have faith in our Constitution. I have faith in the democratic processes of this Nation. I have faith that the American people will take the trouble to learn the complex structure of the world situation today, and then with dignity and order manifest their views to their respective representatives. Great civilizations have fallen to mob rule. God grant that our land shall never meet this fate.

By individual and collective self-discipline and an acceptance of the responsibilities which are an intrinsic part of true liberty, we give living meaning to a social order which we hope ultimately will inspire the entire world.

When the day comes when we convince our neighbors on this small planet that we mean what we say and we practice what we preach, war will no longer be accepted as inevitable among men and nations.

We cannot, no matter how noble our declarations, expect men less blessed with the God-given resources we Americans have in such abundance, to resolve their problems without resorting to violence, if in our own Nation the principles of respect for the freedom and integrity of others is tested daily through unruly demonstrations and examples of mob violence and personal injustice.

Know it well—we Americans are being judged daily as a people and a Nation by every civilization on earth. There is no area of this world which is not keenly interested in our ability to make democracy work within our own borders. Our responsibility to one another and to the goal of universal peace is inescapable.

There will be no peace—be it in India, Pakistan, Africa, Asia, or Latin America—when we are observed flouting respect for the law and the rights of others. Indeed, it is time we renewed our pledge to be our brother's keeper.

No amount of social legislation, of concern with eradicating poverty as an inevitable condition of existence for certain of our countrymen, will blot out the effects of one example of violence and terror to achieve a stated goal, regardless of the goal.

The price for participating in the settling and civilizing of America is hard work—and the reward is self-respect and a free human soul.

By expanding the goals of human achievement, let us build in the United States a lasting monument to the collective spirit of man.

We have every tool, every resource available to us. The most important ingredient, the mortar with which to bind our ideals into a unified whole, is individual responsibility. As Jean Jacques Rousseau said almost two centuries ago: "Where is the man who owes nothing to the land in which he lives? Whatever the land may be, he owes to it the most precious thing possessed by man—the morality of his actions and the love of virtue."

"The Three Levels of Meeting Problems"

EXTENSION OF REMARKS

OF

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 1965

Mr. TENZER. Mr. Speaker, earlier this year, the Vice President of the United States, the Honorable HUBERT H. HUMPHREY, received the degree of doctor of laws, honoris causa, from the Jewish Theological Seminary of America. On that occasion the citation which accompanied the conferring of the degree read as follows:

> HUBERT HORATIO HUMPHREY, Vice President of the United States of America; graduate of the University of Minnesota and the University of Louisiana; in the early part of your life, pharmacist in South Dakota; instructor in the arts of politics and science of administration at the Universities of Louisiana and Minnesota and Macalester College; civil servant with the WPA and the War Manpower Commission; mayor of the city of Minneapolis; member of the U.S. Senate from 1948 to 1964, the story of your life is the story of a characteristically American kind of growth and rare effectiveness. A man of humble origins, you have preserved refreshing humility, and the wonderful gift to enjoy people and to laugh with them. Nor have you sought to build your career of public service through empty smiles but rather through meaningful and keenly intelligent action. You combine, therefore, the gifts of the heart with those of the mind, spirit, and race, and each in its measure has made you what you are. Wherever life has led you, there you have brought and exemplified the virtues of deep concern and passionate conviction. Your concern has been for justice among peoples, and your conviction that American life should embody the enduring truths of biblical prophecy concerning the pursuit of economic justice and social peace among men. Wherever you have served your country and your fellow man, there you have brought and exemplified also the willingness to sacrifice and the courage to hope and work for better days, which are the foundation of our democratic life. Many, therefore, have rejoiced in your happy progress through life, and many have received the benefits of your ministry through politics. Indeed, you have taught us all that politics can be ennobling and even sanctifying through dedication to prophetic ideals. And, indeed, you are one of the spiritual statesmen of our time.
>
> The faculties, board of directors, and board of overseers of the Jewish Theological Seminary of America, desiring to make public their admiration for the example of public service and private integrity you have given to your countrymen and to the world, have voted unanimously that you should receive this degree, and I am accordingly authorized to confer upon you the degree of doctor of laws, honoris causa.

Mr. Speaker, in his remarks on receiving the honorary degree our distinguished Vice President referred liberally to the prophets of ancient Israel and said:

> The prophets articulated the belief that, for an individual to "know" God, his own life must exemplify those qualities which God himself exemplifies—that as God is merciful, so must man be compassionate—that as God is just, so must man deal justly with his neighbors—that as God is slow to anger, so must man be tolerant of others.

At other points in his address, Vice President HUMPHREY, comparing the American and Hebraic traditions also said:

> But the American tradition and the Hebraic tradition have always agreed, not only on the possibility of building a society which men might call great, but also on the social and ethical foundations on which that society must rest. To a remarkable degree, that similarity—that common vision—can be traced to the teachings of the prophets.
>
> So we share much, your ancient faith and our young Nation. We share a belief in the fatherhood of God and the brotherhood of man—a dedication to the supremacy of law—a moral commitment to social justice and equality of opportunity—a belief that mankind's best hope lies in education, and a knowledge that God's most precious gift is the gift of peace.

The Jewish Theological Seminary of America in a full page High Holy Day message in newspapers throughout the Nation on Sunday, October 3, 1965, in the spirit of that common heritage outlined a way of life in the family, our work, our city, our Nation, in the world. I commend it to my colleagues:

THE THREE LEVELS OF MEETING PROBLEMS—IN OURSELVES, OUR FAMILY, OUR WORK, OUR CITY, OUR NATION, OUR WORLD

What happens when we are sick? We turn to a doctor to cure what is wrong: to stop an infection or to repair an injury. It's the most familiar way to treat an illness—after it has occurred. This is the curative level.

There is another level of medicine. We now use vaccines to prevent polio; and science continues to find new ways to protect us from disease after disease. This is the preventive level.

There remains a third level in the care of our bodies. Medical science seeks not only to cure and prevent illness but also to perfect our health; to bring new strength and zest into our daily life through fullness of health. This is the perfective level. And wherever we turn, we find the same three levels of meeting any problem.

IN OUR FAMILY

What can we do when communication breaks down with those closest to us—when we talk at cross-purposes, or retreat into silence, with members of our own family?

At the curative level

Someone must take the first step to reestablish communication, saying in effect: "Let us try again. Let the past be past. We can start anew."

At the preventive level

We try to listen more patiently. We do not build up walls within our family with harsh or unfeeling words. We discipline our ways of speech—and so keep communication flowing.

At the perfective level

We understand and enjoy those near to us for what they are—and can become. We then spontaneously find many things to do together, and to talk about. These, in turn, enlarge our family life, generating still more love and sharing within the home.

IN OUR WORK

What if we are frustrated or bored in our work?

At the curative level

What has gone wrong may be in us or in the job. We may be in the wrong place or even the wrong career. What is then required to fulfill our talents is the courage to change our place or our field of work.

At the preventive level

Our work can be necessary yet not absorbing; nor is it practical to change. But many wonderful people manage to achieve full lives, despite the commonplace demands of their daily tasks. For there are always meaningful opportunities for each of us to develop rich values and new interests outside the work.

At the perfective level

We find more in our work than just "making a living." Each day, we open doors to something new and better: in what we do, in our fellow workers, and in ourselves—exploring the endless paths of creativity wherever we are.

IN OUR CITY

When violence makes us fear to walk our streets and in our parks, what can we do?

At the curative level

Provide more policemen to guard our streets and parks.

At the preventive level

Be concerned, not only with the wrong, but the wrongdoer, seeking to help not merely to punish. Guide undirected young energies toward new horizons they cannot find alone.

At the perfective level

With our steadily increasing skills and resources, we can build a great city * * * where all our young can grow up in decent dwellings, schools and neighborhoods—so that young and old develop inner resources to enrich the community instead of attacking it.

IN OUR NATION

Democracy is an unfinished business in our land.

At the curative level

Pass laws to eliminate legal injustice and economic hopelessness, wherever these may remain in the United States.

At the preventive level

Recognize fully the interdependence of all groups in our society and all parts of our Nation; realizing that no one can be sure of his freedom, or of his livelihood, when others are restricted in theirs.

At the perfective level

Advance from adequacy to excellence in American life; setting still higher standards of achievement for ourselves, and in service to mankind.

IN OUR WORLD

The nations of the world continue to fear each other.

At the curative level

Deter force by force—in competing blocs of nations which divide the world.

At the preventive level

Create an enduring world order through world law, maintaining the peace through a world police.

At the perfective level

With the peoples of the world now living within sight and sound of each other, live as neighbors, everywhere on earth—working to increase together all that is good for the family of man.

Whoever we are—whether we find the problem in ourselves, in our family, in our work, in our city, in our Nation, or in our world—what we do about our problems is ultimately determined by our character.

And each of us is given the power: to shape his character, to train himself in good action, to choose between right and wrong, to raise himself and those around him to better levels of life, practicing the wisdom of Micah: "To do justice, to love mercy, and to walk humbly before your Lord." (Micah 6: 8.)

"Where there is no religion, there is no respect, where there is no respect, there is no religion." (Ethics of the Fathers, 3: 21.)

The above message of the Jewish Theological Seminary, now in its 80th year, was published through the generosity of 150 prominent Americans, who believe that is has so much meaning for all people, and accordingly were moved to sponsor its publication.

I salute Dr. Louis Findelstein, chancellor of the Jewish Theological Seminary; Vice Chancellors Max Arzt and Simon Greenberg; Dr. Bernard Mandelbaum, provost; and Ambassador Arthur J. Goldberg, chairman, board of overseers; and all the officers and directors, and through them congratulate all supporters for the outstanding contribution made by the seminary to the preservation of religious life in America.

The Education Decade in America

EXTENSION OF REMARKS

OF

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, October 7, 1965

Mr. CHURCH. Mr. President, on September 30, 1965, it was my privilege to deliver the keynote speech at the combined fifth, sixth, and seventh district convention of the Idaho Education Association. The meeting was held in Pocatello, Idaho, and was attended by more than 2,000 schoolteachers.

In my remarks, I attempted to trace the evolution of our public school system from its earliest days, and to underscore the present need for an adequate program of Federal aid.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the text of my address.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE EDUCATION DECADE IN AMERICA

(An address by Senator FRANK CHURCH, of Idaho)

It has been my good fortune to have served in the U.S. Senate during years that might well be described as the education decade in America.

These years—in the Nation generally and in Idaho as well—have been marked by an expansion in the dimensions of education, quite without parallel in the history of our country.

Whether we have done too much—or not enough depends upon the standard one applies. I recall the day, not long ago, when our youngest son, Chase, went off for his first day in school. Bethine and I could hardly wait for him to come home and report. "How was school?" I asked. He thought for a moment and then replied: "Compared to what?"

None of us can doubt that, as compared to the little red schoolhouse of yesteryears, public education has made enormous strides. But the proper test relates to how well our schools are equipping young people to cope with the spiraling requirements of today and tomorrow.

In our lifespan, we have witnessed an acceleration so vast that ordinary words are insufficient to describe it. We fall back upon a word of maximum impact, once confined to the narrow field of gunpowder, dynamite, and TNT: explosion.

How else can we capsule the sudden, staggering upsurge in the world's population? How else can we define the massive proliferation of technology and the immensity of its impact upon our lives? How else can we sum up the burgeoning industrialization and urbanization of America that has so transformed our culture? Never in history has a revolution, borne by bayonets, produced changes that even compare with those we have experienced peacefully in this age of the most fundamental explosion of all—the knowledge explosion.

Scientific knowledge grows so fast that the most advanced computers are pressed to keep pace. Ninety-five percent of all the scientists who ever lived are alive today. Little wonder, then, that I should discover my older boy passing me by in mathematics in his sophomore year in high school, or that entrance requirements to the best colleges have vaulted almost out of reach. What a load this places on our youngsters, and what a challenge it imposes upon our public schools.

Never was the need so great for capable teachers, adequately educated and fairly paid. Never were the requirements so demanding for up-dated texts, new lab equipment, special audio and visual aids, and modern school facilities.

The price tag for covering today's educational needs must necessarily come high, much higher than ever before. Raising the money lies at the root of the current debate over public education, as it has since the early days of our Republic.

When the Founding Fathers overthrew the rule of George III and established a radical new government based upon the principle of popular control, they set in motion a political system which logically called for universal education. Thomas Jefferson was among the first to observe that an uneducated people could not long expect to remain free.

Even so, the 18th century ended and the 19th century was well advanced, before a tax-supported system of compulsory public education was finally established in this country. It was immensely difficult for the progressive forces to overcome the traditionalists.

Though we have largely forgotten the old arguments against establishing public schools, it is useful to review them, for they bear a close resemblance, philosophically, to the present controversy over the trend in financing today's educational needs.

We should remember that public schools were once attacked as a dangerous socialist scheme. The conservatives of our early period argued that education of children was the proper responsibility of the parents, and that the training any child received ought to correspond with the family's place in the community. Thus, the landed gentry furnished its sons with the finest education money could buy, involving private tutors in the younger years and later placement at a suitable private university, while the daughters learned the social graces at exclusive finishing schools. The craftsmen of the community taught their own children to read and write, and then apprenticed their sons to a trade. The unskilled were left to forage for themselves, and most of them remained illiterate.

It was recognized that this custom imposed a gross inequality of educational opportunity upon the newly born, but this was justified as the natural consequence of the inequality in wealth. The few who were rich were inclined to oppose education for the many who were poor; they suspected it would lead to mischief, to unwanted changes in the social order, and quite possibly to a serious challenge of their own prerogatives. In any case, they recoiled from the radical notion that they—through taxation—should help to pay for the education of others.

It was not until the rise of the middle class in America that the battle for a universal system of tax-supported public schools was finally won. Victory came in the name of offering every child, regardless of station, an equal educational opportunity, even though the actual offering, in the beginning, was a meager one indeed.

Since then, the trend in public education has always been in the direction of achieving a broader measure of equal educational opportunity for every child. The key to ultimate success is the same today as it was a century ago: obtaining enough money in the places where it is needed to accomplish the goal.

At the turn of the present century, the majority of our people still live on the farm. The educational needs of our rural society for reading, writing, and arithmetic, were reasonably well met by public schools financed entirely from taxes imposed on local property owners. But with the rapid growth of our cities, and the concentration of wealth in urban areas, country schools began to fall far behind their city cousins. Inequality of wealth between rich and poor counties, instead of between the rich and poor citizens of earlier days, began to occasion marked disparity in the kind and quality of education furnished the youngsters of America. Once again, the battle for more equal treatment was renewed.

State governments, which had previously left the financing of public schools entirely to the localities, were now solicited for tax support. State revenues came largely from the richer counties, and were usually drawn from excise and income taxes borne by all the people, rather than from real property owners alone. The treasury of the State government was the obvious place to look, if the rising costs of advancing education were to be met, and the developing gaps between city and country schools were to be closed.

Yet this step in the evolving system of financing our public schools was long and bitterly contested. Representatives of the richer counties in State legislatures often resisted the appropriation of State funds, drawn largely from their constituents, to subsidize the schools of the poorer counties. Their battlecry, as usual, was directed toward the emotional wellsprings which are fed by fixed habits of mind and settled prejudice. In the name of protecting the little red schoolhouse, they tried to preserve the built-in inequalities favoring their particular localities.

Fortunately, the vitality of the principle that had originally given birth to our public school system proved too strong to overcome. State governments began to assist the public schools in accordance with statutory formulas which helped to further the equalization of educational opportunity.

I mention these events from the past because, without them, we lack mooring for the present or guideposts for the future. In our time, we have seen the familiar battlelines redrawn over the issue of Federal aid to education.

This is rather odd, in a way, because the Federal Government has traditionally given financial support to public education throughout our history; in fact, the Continental Congress initiated the first aid program before the Constitution was adopted.

It was 180 years ago that the Land Ordinance of 1785 set aside a portion of the public lands in the Northwest Territory for the endowment of schools. The ordinance was carried on the strength of the argument that special help was needed on the Great Lakes frontier if our pioneers were to catch up with the better established, the more developed and settled parts of the country.

Eighty years later, in 1862, Congress passed the Land Grant College Act, giving the new States of the growing Union a substantial subsidy, in the form of special grants of land, to further higher education in agriculture and the mechanical arts. Idaho is one of many States which owes its first university to the Morrill Act. The program continues to the present day, and many a land-grant college draws subsistence from it.

In 1917 Congress added a new dimension to Federal aid to education with the passage of the Vocational Training Act. This program also continues to the present day. Last year, Idaho schools received about $300,000 from the Federal Government in support of locally conducted vocational training classes. This year, the sum will approach half a million.

The third major addition to the Federal aid program was approved by Congress nearly 20 years ago, when the School Lunch Act of 1946 was passed. Last year, this lunch program brought $585,000 worth of Federal financing into Idaho schools; this year, the total will reach $636,000.

The next enactment of Federal financial assistance to our public schools, one with which you have long been familiar, related to impacted areas, that is, to communities affected by a heavy concentration of Federal activity. We have many such areas in Idaho—53 school districts to be exact. Thirteen of these derive more than 10 percent of their total operating revenues from the Federal Government. In the last biennial, this program alone accounted for more than $2 million in Federal aid to the public schools of Idaho.

Then, in 1958, following my own election to the Senate, came the passage of the National Defense Education Act, which embraced both colleges and secondary schools. Federal loans to needy college students were included under one title of the act; other titles provided Federal money for equipment and improved supervisory services in the secondary schools in the fields of science, mathematics, history, civics, geography, modern foreign languages, English, and reading. The maps in many of your classrooms today may well owe their existence to the National Defense Education Act. During this school year, more than $2 million worth of the National Defense Education Act allotments will come to Idaho.

The year 1963 saw the enactment of the Higher Education Facilities Act, providing Federal grants and loans to colleges for classroom buildings, science laboratories, and libraries.

But this year, 1965, is, by any standard of measurement, the greatest year for public education in the history of Congress. By happy coincidence, the same can be said for our own State legislature.

Here in Idaho, the year began on a warning note. The Idaho Education Association issued a forthright pronouncement: "Idaho has slipped behind neighboring States," the association reported. "The unmet educational needs of Idaho are urgent, the educational inequalities among its schools severe, and the State's effort to meet these needs and to adjust these inequalities is considerably less than it ought to be * * * the longer the delay in providing adequate public school support, the more disasterous will be the consequences for Idaho's present prosperity and future growth."

To its everlasting credit, Idaho's legislature rose responsibly to the challenge. State support for public education was increased by an impressive 42 percent, and a State sales tax was approved to raise the necessary money. After lingering neglect, Idaho responded to the urgent needs of her young people for better schools.

At the same time, acting on the national front, Congress responded to President Johnson's call for a greatly expanded Federal aid to education program. On April 11th of this year, the President signed the Elementary-Secondary Education Act of 1965 into law. Your own NEA special report heralded the bill in these words:

"It represents the greatest single commitment ever made by the Federal Government for the improvement of education in the elementary and secondary schools of this Nation."

Under this bill, some $2 million in Federal funds will be available annually to Idaho schools for the improvement of educational opportunities for less fortunate children. Another million will become available for library resources and librarian training, for the establishment of research, and for expansion and strengthening of our State Department of Education.

While this measure contains much aid for our secondary and elementary schools, it neglects one important item, matching money for construction of school buildings. Accordingly, I am cosponsoring a bill to provide Federal funds for elementary and secondary school construction. At present, such funds are limited to federally impacted school districts. I would broaden the assistance to provide Federal help where the need exists and where it cannot be adequately met at the local level.

I am also cosponsoring a bill to provide tax relief for teachers who are improving their professional education in summer courses at college, making the expenses incurred, beyond those required to retain your positions, tax deductible.

As I speak to you this afternoon, there is pending in Congress a companion bill to the Elementary-Secondary Education Act. This is the Higher Education Act of 1965 that will accomplish for our colleges and universities what the earlier act is to do for the elementary and secondary schools. It incorporates and improves upon the Higher Education Facilities Act of 1963. Included is Federal support for college-operated adult education programs; college library expansion and librarian training for developing colleges; college undergraduate scholarships for those with ability but without financial means to further their education; Federal insurance of reduced interest private loans to college students; fellowships for teachers studying for master's degrees; and a national teacher corps to work in underprivilegd areas.

During my years in the Senate, I have consistently supported this expanding program of Federal aid to education. I regard it as a natural extension of our historic effort to equalize educational opportunity for all our children. We live in one Nation all of us together. Each success in developing a child's full potential contributes to our general well-being; each failure subtracts from the whole.

If I had lived in the early part of the last century, I would have joined in the struggle to set up the public schools. If I had entered politics 30 years ago, I would have been one of those supporting the effort then in progress to secure contributions from State governments in support of local schools. So it is that today, in order to meet the rising costs of modern education, and to achieve a larger measure of equal educational opportunity for all our children, I naturally find myself in the ranks of those who work for an adequate Federal-aid program.

The argument that Federal aid merely entails sending Idaho tax dollars to Washington and then returning them again to Idaho, less handling charges, simply is not true. We shall receive back, on the average, between $2 and $3 for every dollar Idaho taxpayers contribute to the Federal aid to education programs. This is just like putting a dollar bill on the table, and getting $3 in exchange. The extra Federal money comes from the richer industrial States with dense populations, and higher per capita income. From these States, the bulk of the Federal income tax, both corporate and personal, is collected. New York alone contributes about one-fifth of all the money paid into the Federal Treasury.

Is it fair to use New York, Massachusetts, or Michigan dollars to help support public schools in Idaho? Of course it is. Every time one of us buys a new car in Pocatello, American Falls, or Montpelier, we are furnishing Idaho dollars to Michigan manufacturers; every time we buy a suit of clothes or a pair of shoes, Idaho money is being contributed to the profits of some clothing firm in New York, or some shoe factory in New England. Only the Federal Government can tax these profits in the developed, industrial States, and then redistribute the money among all the States, as the needs of the whole Nation may require.

Indeed, this is the very way we have built one great nation. What if Idaho, with fewer than 10 persons per square mile, had no help from the Federal Government on roads? Why we would still be motoring in the dirt. Because we have access to Federal matching funds, drawn mainly from the densely populated States, Idaho is building a modern highway system that will equal any in the country, even as it will serve the needs of the country. Over 60 percent of the cost of our primary roads, and over 90 percent of the cost of our interstate highways, is paid for with Federal money.

The country requires good roads, but it has even greater need for good schools. The boy who lives in Beverly Hills need not worry, but the boy who lives in the hills of Idaho is also entitled to a school that can help him develop his full capabilities. This is the best investment our country can make in its future. It is the reason I favor Federal aid to education.

In saying this, I take nothing away from the credit due Idaho teachers or our local school districts. I myself am a product of the public schools of Idaho, and I am very proud of it. I believe in maximum local control over our public schools, and every bill in aid of education for which I have voted in the Senate has contained copper-riveted prohibitions against Federal intrusion. The long history of Federal aid programs clearly demonstrates that national financial help can be secured without the sacrifice of local direction, management, or control of our public schools.

So, for all you have done to preserve the integrity of our public education, and to improve its scope and quality, I salute you. I know you take the same pleasure I do in seeing young graduates of Idaho schools climb eagerly up life's ladder, competing successfully with all comers.

A young man from Ashton is today in Washington for a year's study as a presidential fellow, 1 of 15 selected from among the Nation's outstanding scholars. Following him into my office, not long ago, came a young woman, a graduate of the College of Idaho, with a scholarship for advanced study at the London School of Economics.

On my own staff is a young lawyer from Idaho Falls who was student body president at Notre Dame, while another of my assistants, from Boise, was a Rhodes scholar.

My wife and I recently heard a group of novices of the Metropolitan Opera Company bring a blase Washington audience to its feet, cheering. The star performer was a young baritone from Sandpoint, Idaho.

Thank you for the help you have given these young comers, for the motivation you have supplied, for the desire you have nurtured in them to achieve such excellence.

Thank you for every child you have helped along the upward path which leads to the knowledge that sets men free.